CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

FORTY-SIXTH CONGRESS, FIRST SESSION.

VOLUME IX.

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CONGRESSIONAL RECORD AND APPENDIX,

FORTY-SIXTH CONGRESS, FIRST SESSION.

which relates to a matter of election. He has no right to go outside of that which is personal to himself. That is my construction of the rule. He may speak as to that which pertains to him personally, and the House grants him that permission, and no other.

The SPEAKER. The Chair sustains that construction of the rule, and the Chair's experience leads him to believe that it is very seldom when five minutes are not enough to enable a member to clear himself from reflections which may have been made upon his representative character, and the Chair will therefore admonish gentlemen who seek to make personal explanations that they must confine themselves literally to the subject-matter of the personal explanation.

Mr. STEVENSON. I make the further point that the gentleman must address the Chair from his seat.

The SPEAKER. The gentleman should speak from his seat.

[Mr. KITCHIN, who had been speaking in the center aisle, returned to his seat.]

Mr. KITCHIN. I wish that the gentleman who preceded me had been called to order, so that this discussion would not have taken the range it has. He is a judge in this case. He admits that he has prejudged the case, and he endeavors to sustain himself in doing it. I am not surprised; no, sir. One of the finest English lawers and jurists whose name has gone into history, says that a judge who judges without hearing the evidence and knowing the facts may arrive at a just judgment, but he is himself a wicked and unjust judge. That is what the gentleman has done.

He says that I lack about 2,000 votes of being elected. That charge is untrue. Any one who charges that enough votes were thrown out to give my competitor a majority of 2,000 states that which is utterly untrue, and my colleague must know it, for he resides near enough to the district. He says that votes of whole townships in Lenoir County were thrown out in consequence of a device on the tickets. One precinct was thrown out, and only one, and that by a board of republicans and democrats.

I assert that every vote cast in that county, so far as I could ascertain, for my competitor was counted, except in one precinct, and I have made inquiry of the poll-holders; and in his notice of contest James E. O'Hara only claims one precinct to have been thrown out. There was some throwing out in Edgecombe, but Judge Seymour, a northern man, a native of New York, a capable, honest, and able judge, although a carpet-bagger, (he is a man who has the respect of every gentleman in my district and in my State,) who administers the law impartially and with an even hand, before whom these cases were tried, said that no criminality could be charged against the boards. This judge is a republican of the straitest order, was born a republican, reared an abolitionist. An eminent attorney who appeared for my competitor also said that it was done by his direction and advice.

A majority of the returning board in my county were republicans. I want to ask my friend a question. He has taken occasion to assail me and to reflect upon my people. I want to ask that gentleman if he was not court-martialed and dismissed from the confederate service?

Mr. RUSSELL, of North Carolina. Do you ask whether I was court-martialed and dismissed from the confederate service?

Mr. KITCHIN. Yes.

Mr. RUSSELL, of North Carolina. How long are you going to give me to answer that question? I was court-martialed and dismissed from the confederate service for whipping a conscript officer, and I was afterward restored to the confederate service by the order of Jeff Davis. [Loud and continued laughter all over the Hall.]

Mr. KITCHIN. One word.

The SPEAKER. The Chair has permitted the question to be put and the answer to be made. The Chair now admonishes the gentleman from North Carolina [Mr. KITCHIN] that he must confine himself to the personal explanation.

Mr. GIBSON. I make the point of order that this discussion is not in the nature of a personal explanation.

The SPEAKER. It is not, and the Chair so rules. The gentleman will confine himself to the personal explanation.

Mr. KITCHIN. Am I not entitled to read from the decision of the supreme court of North Carolina to show the true answer to the question I asked?

The SPEAKER. The Chair thinks not. [Cries of "Go on!" "Go on!" and "Regular order!"]

Mr. KITCHIN. I will stop.

The SPEAKER. The regular order is demanded, and the Chair hopes it will be observed. [Laughter.]

Mr. DAVIDSON. I desire, Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Florida rise?

Mr. DAVIDSON. I rise to respond to a remark made by the gentleman from North Carolina, [Mr. RUSSELL.] I desire to make a personal explanation.

The SPEAKER. The gentleman from Florida [Mr. DAVIDSON] asks consent of the House to make a personal explanation.

Mr. HAZELTON. I object, unless the gentleman from Florida [Mr. DAVIDSON] has been attacked.

The SPEAKER. There is objection. The Chair has nothing to do with the qualification of the objection.

Mr. RUSSELL, of North Carolina. I appeal to the gentleman to withdraw his objection.

Mr. HAZELTON. I withdraw it.

The SPEAKER. The gentleman from Florida asks consent to make a personal explanation.

Mr. MILLS. I object.

Mr. DAVIDSON. I hope the gentleman will withdraw his objection. I assure him and I assure the House that I will indulge in no personalities.

Mr. MILLS. I withdraw the objection.

The SPEAKER. How much time does the gentleman want?

Mr. DAVIDSON. Five minutes.

The SPEAKER. Is there objection to length of time?

Mr. BROWNE. I object.

Mr. DAVIDSON. I say that is not fair. [Cries of "Go on!" "Go on!"]

The SPEAKER. The gentleman from Florida has not been recognized to make a personal explanation.

Mr. KENNA. I desire to ask a parliamentary question.

The SPEAKER. The gentleman will state it.

Mr. KENNA. When a member rises to a personal explanation and confines himself to the rule which has been read, is it not his right to make that explanation?

The SPEAKER. In this controversy the Chair proposes to submit the question to the House, as the Chair thinks those who have spoken thus far have gone beyond rule.

Mr. DAVIDSON. A statement which I made on this floor has been charged as being untrue. I simply ask the privilege of demonstrating to you, Mr. Speaker, and to the members of this House that the statement which I made is true and that the gentleman from North Carolina [Mr. RUSSELL] has made an untrue statement, whether purposely or not I do not know. If this House will hear me for five minutes I will demonstrate the fact.

Mr. BROWNE. I will withdraw the objection if the gentleman confines himself to five minutes.

Mr. DAVIDSON. I assure the Speaker and the House that I will indulge in no improper personalities of any kind.

It is not pleasure but duty which prompts me to speak at this time. Justice to my absent colleague, [Mr. HULL,] as I said before, justice to the members of the board of State canvassers of Florida, justice to the good people and the fair name of my State prompts me now to raise my voice in this House.

The gentleman from North Carolina, [Mr. RUSSELL,] in his speech printed in the RECORD of the 26th of April, stated that it was a well-known fact that two members on this floor, one from Florida and one from North Carolina, held their seats here not by the votes of the people but by the fraudulent mandates of returning boards. In noticing that statement a few days afterward I said that I presumed the words were intended to apply to my colleague [Mr. HULL] who represented the second district, and to the members of the State returning board of Florida. I ask gentlemen of this House if that is not the reasonable construction to be put on the statement made by the gentleman from North Carolina, [Mr. RUSSELL?] But to-day that gentleman says he did not mean to reflect upon the members of the State board of Florida, but upon the county canvassing board.

Now, I am able to demonstrate that the statement of the gentleman from North Carolina, [Mr. RUSSELL,] as made by him to-day, is not true. Why? Because in the very speech of the gentleman from Maine, [Mr. FRYE,] an extract from which the gentleman from North Carolina caused to be read, the gentleman from Maine states that my colleague [Mr. HULL] in his answer admitted that a member of the county board for Brevard County was in the penitentiary properly; and he further stated that the vote from the county of Brevard was counted in making up the returns. I can tell the gentleman from North Carolina that whether fraud was perpetrated or not in Brevard County, we have an honest democratic State returning board in Florida, and that vote was not counted. Therefore, the statement of the gentleman from North Carolina is still false—whether made so purposely or not, I do not pretend to say.

In regard to putting into office thieves and scoundrels in Florida, let me say to the gentleman from North Carolina that when guilt is proven upon an individual there he is punished, under democratic administration. For that reason I suppose there is one member of the county board of Brevard County now in the penitentiary. But, sir, a different rule has prevailed among the republicans in that State. When thieves and scoundrels were found out by them they were put into political position. Go to your Interior Department here, go to the different Departments of the Government in this city, and you will find men holding office who were active and prominent in the perpetration of the great republican frauds of 1876 in the State of Florida.

In the political trial which has recently taken place in Jacksonville before the United States court, in which the county judge of Madison County has been tried, (and Madison was the other county from which the vote was not counted,) the district attorney of the United States, before the case was gone through with, dismissed the proceedings; in other words, he broke down in the case; the testimony would not justify a conviction, therefore he dismissed the proceedings.

Sir, I state again that neither one of the members from the State of Florida on this floor holds his seat by the fraudulent mandates of a returning board. The statement, therefore, made by the gentleman from North Carolina, [Mr. RUSSELL,] I repeat, is untrue.

[Here the hammer fell.]

MILITARY INTERFERENCE AT ELECTIONS.

Mr. WARNER. I call for the regular order.

Mr. KNOTT. I call up House bill No. 1382, to prohibit military interference at elections, and move the bill be put on its passage, the objections of the President to the contrary notwithstanding. On that motion I demand the previous question.

The SPEAKER. The gentleman from Kentucky [Mr. KNOTT] moves to proceed to the consideration of the bill indicated by him, on which he demands the previous question.

The previous question was seconded and the main question ordered.

The SPEAKER. The question is, Will the House on reconsideration pass the bill? On this question the Constitution requires that the vote shall be taken by yeas and nays. The bill will be read.

The Clerk read as follows:

A bill to prohibit military interference at elections.

Whereas the presence of troops at the polls is contrary to the spirit of our institutions and the traditions of our people, and tends to destroy the freedom of elections: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall not be lawful to bring to, or employ at, any place where a general or special election is being held in a State any part of the Army or Navy of the United States, unless such force be necessary to repel the armed enemies of the United States or to enforce section 4, article 4, of the Constitution of the United States and the laws made in pursuance thereof, upon the application of the Legislature or the executive of the State where such force is to be used; and so much of all laws as is inconsistent herewith is hereby repealed.

The question was taken; and there were—yeas 128, nays 97, not voting 60; as follows:

YEAS—128.

Acklen,	Dickey,	Lewis,	Singleton, J. W.
Aiken,	Dunn,	Lounsbery,	Singleton, O. R.
Armfield,	Elam,	Lowe,	Slemons,
Atherton,	Evins,	Manning,	Smith, Hezekiah B.
Bachman,	Ewing,	Martin, Benj. F.	Smith, William E.
Beale,	Felton,	Martin, Edward L.	Sparks,
Bicknell,	Ford,	McKenzie,	Springer,
Blackburn,	Forney,	McLane,	Steele,
Bliss,	Geddes,	McMahon,	Stephens,
Bouck,	Gibson,	McMillin,	Stevenson,
Bright,	Gillette,	Mills,	Talbott,
Buckner,	Goode,	Morrison,	Taylor,
Cabell,	Gunter,	Muldrow,	Thompson,
Caldwell,	Harris, John T.	Muller,	Tillman,
Carlisle,	Hatch,	Murch,	Townshend, R. W.
Clardy,	Henkle,	Myers,	Turner, Oscar
Clark, John B., jr.	Herbert,	New,	Turner, Thomas
Clymer,	Herndon,	O'Connor,	Vance,
Cobb,	Hooker,	Persons,	Waddill,
Coffroth,	Hostetler,	Phelps,	Warner,
Converse,	House,	Phister,	Weaver,
Cook,	Hurd,	Poehler,	Wellborn,
Covert,	Johnston,	Reagan,	Wells,
Cox,	Jones,	Richardson, J. S.	Whiteaker,
Cravens,	Kenna,	Richmond,	Whitthorne,
Culberson,	Kimmel,	Robertson,	Williams, Thomas
Davidson,	King,	Ross,	Willis,
Davis, Joseph J.	Kitchin,	Rothwell,	Wilson,
Davis, Lowndes H.	Klotz,	Samford,	Wood, Fernando
De La Matyr,	Knott,	Sawyer,	Wright,
Deuster,	Ladd,	Scales,	Yocum,
Dibrell,	Le Fevre,	Shelley,	Young, Casey.

NAYS—97.

Aldrich, Nelson W.	Davis, George R.	Kelley,	Robeson,
Aldrich, William	Deering,	Ketcham,	Robinson,
Anderson,	Darnell,	Killinger,	Ryan, Thomas,
Bailey,	Einstein,	Lindsey,	Sapp,
Barber,	Errett,	Marsh,	Shallenberger,
Bayne,	Farr,	Mason,	Sherwin,
Belford,	Ferdon,	McCoid,	Smith, A. Herr
Blake,	Field,	McCook,	Starin,
Bowman,	Fort,	McGowan,	Stone,
Boyd,	Frye,	McKinley,	Thomas,
Brewer,	Garfield,	Miles,	Townsend, Amos
Briggs,	Hall,	Monroe,	Tyler,
Brigham,	Hammond, John	Morton,	Updegraff, J. T.
Browne,	Haskell,	Neal,	Updegraff, Thomas
Burrows,	Hawk,	Newberry,	Urner,
Camp,	Hawley,	Norcross,	Valentine,
Cannon,	Hayes,	O'Neill,	Wait,
Carpenter,	Hazelton,	Orth,	Ward,
Caswell,	Heilman,	Osmer,	Washburn,
Claflin,	Henderson,	Overton,	Williams, C. G.
Conger,	Horr,	Pound,	Willits,
Cowgill,	Houk,	Prescott,	Young, Thomas L.
Crapo,	Humphrey,	Price,	
Crowley,	Joyce,	Reed,	
Daggett,	Keifer,	Rice,	

NOT VOTING—60.

Atkins,	Dick,	Hull,	Pierce,
Baker,	Dwight,	Hunton,	Richardson, D. P.
Ballou,	Ellis,	James,	Russell, Daniel L.
Barlow,	Finley,	Jorgensen,	Russell, William A.
Beltzhoover,	Fisher,	Lapham,	Ryon, John W.
Bingham,	Forsythe,	Lay,	Simonton,
Bland,	Frost,	Loring,	Speer,
Blount,	Godshalk,	Martin, Joseph J.	Tucker,
Bragg,	Hammond, N. J.	Miller,	Van Aernam,
Butterworth,	Harmer,	Mitchell,	Van Voorhis,
Calkins,	Harris, Benj. W.	Money,	Voorhis,
Chalmers,	Henry,	Morse,	White,
Chittenden,	Hill,	Nicholls,	Wilber,
Clark, Alvah A.	Hiscock,	O'Brien,	Wise,
Colerick,	Hubbell,	O'Reilly,	Wood, Walter A.

So, on reconsideration, the bill was rejected, two-thirds not having voted in favor thereof.

During the roll-call the following announcements were made:

Mr. SMITH, of Georgia. Mr. Speaker, my colleague, Mr. NICHOLLS, who is absent from the House on account of sickness, if present, would vote in the affirmative.

Mr. YOUNG, of Tennessee. The gentleman from Mississippi, Mr. MONEY, is confined to his room by sickness.

Mr. TALBOTT. My colleague, Mr. HENRY, is paired with Mr. VAN AERNAM, of New York. If present, Mr. HENRY would vote in the affirmative.

Mr. WRIGHT. My colleagues, Mr. RYON and Mr. MITCHELL, are paired. If Mr. RYON were present, he would vote in the affirmative.

Mr. ATKINS. I am paired on this question with the gentleman from Indiana, Mr. BAKER. If he were present, I should vote in the affirmative.

Mr. COFFROTH. My colleagues, Mr. BELTZHOOVER and Mr. FISHER, are paired. If Mr. BELTZHOOVER were present, he would vote in the affirmative.

Mr. CONVERSE. My colleagues, Mr. HILL and Mr. BUTTERWORTH, are paired. This announcement ought to have been made yesterday. If Mr. HILL were here, he would vote in the affirmative on this bill and Mr. BUTTERWORTH would probably vote in the negative. Yesterday on the motion to suspend the rules and pass the Army appropriation bill, if present my colleague, Mr. HILL, would have voted "no" and Mr. BUTTERWORTH would have voted in the opposite direction.

Mr. CLARDY. My colleague, Mr. FROST, is paired with Mr. BINGHAM, of Pennsylvania. If Mr. FROST were present, he would vote in the affirmative.

Mr. CABELL. My colleague, Mr. HUNTON, is paired with Mr. HISCOCK, of New York. If present, Mr. HUNTON would vote in the affirmative and Mr. HISCOCK probably would vote in the negative. My colleague, Mr. TUCKER, is paired with Mr. LAPHAM, of New York. If Mr. TUCKER were present, he would vote in the affirmative.

Mr. DAVIDSON. My colleague, Mr. HULL, who is absent by leave of the House, is paired with Mr. RICHARDSON, of New York. If present, Mr. HULL would vote in the affirmative.

Mr. MORSE. I am paired with my colleague, Mr. HARRIS.

Mr. BOUCK. My colleague, Mr. BRAGG, is paired with Mr. JAMES, of New York. If present, Mr. BRAGG would vote in the affirmative and I presume Mr. JAMES would vote in the negative.

Mr. COBB. My colleague, Mr. COLERICK, is paired with Mr. BALLOU, of Rhode Island. My colleague was called home in answer to a dispatch stating that his mother was in a dying condition. If he were present, he would vote in the affirmative.

Mr. HENKLE. I believe it has already been announced that my colleague, Mr. HENRY, is paired with Mr. VAN AERNAM, of New York. If Mr. HENRY were present, he would vote in the affirmative.

Mr. CHALMERS. I am paired with Mr. WHITE, of Pennsylvania. If he were present, I should vote in the affirmative.

Mr. KING. My colleague, Mr. ELLIS, is absent on business and is paired with Mr. LORING. If present, he would vote in the affirmative.

Mr. BLOUNT. My colleague, Mr. SPEER, is paired with Mr. RUSSELL, of Massachusetts. My colleague, Mr. HAMMOND, is paired with Mr. VAN VOORHIS, of New York, and my colleague, Mr. NICHOLLS, is paired with Mr. VOORHIS, of New Jersey. I am myself paired with Mr. HUBBELL, of Michigan.

Mr. DE LA MATYR. I wish to announce that Mr. FORSYTHE is paired with Mr. WALTER A. WOOD, of New York. If present, Mr. FORSYTHE would vote in the affirmative.

Mr. HUMPHREY. Mr. WALTER A. WOOD is paired with Mr. FORSYTHE. If Mr. WOOD were present, he would vote "no."

Mr. ROBINSON. My colleague, Mr. RUSSELL, is paired with Mr. SPEER, of Georgia. If present, Mr. RUSSELL would vote "no" and Mr. SPEER would vote "ay."

Mr. LAPHAM. On all political questions I am paired with Mr. TUCKER. If he were present, I would vote in the negative. My colleague, Mr. VAN AERNAM, is paired with Mr. HENRY on all political questions, and my colleague, Mr. RICHARDSON, is paired with Mr. HULL, of Florida.

Mr. EINSTEIN. Mr. O'REILLY is paired with Mr. PIERCE, and Mr. O'BRIEN with Mr. DWIGHT. If present, Mr. O'REILLY and Mr. O'BRIEN would vote "ay" and Mr. PIERCE and Mr. DWIGHT would vote "no."

Mr. BURROWS. I have been requested to announce that Mr. CALKINS, of Indiana, is paired with Mr. FINLEY, of Ohio.

Mr. ORTH. My colleague, Mr. BAKER, is paired with Mr. ATKINS. If present, Mr. BAKER would vote in the negative.

Mr. MITCHELL. I am paired with my colleague, Mr. RYON. If he were here, I should vote "no."

Mr. SMITH, of Pennsylvania. My colleagues, Mr. HARMER and Mr. WISE, are paired. If present, Mr. HARMER would vote "no" and Mr. WISE, I presume, would vote in the affirmative.

Mr. DICK. I am paired with Mr. LAY, of Missouri. If he were present, he would vote in the affirmative and I would vote in the negative.

Mr. BINGHAM. I am paired with Mr. FROST, of Missouri. If he were present, I would vote "no."

The vote was announced as above recorded.

Mr. CONVERSE. I move that the message of the President accompanying the bill which has just been rejected be referred to the

Committee on the Judiciary, and if that motion is debatable I shall demand the previous question.

There was no objection, and the message was referred to the Committee on the Judiciary.

Mr. CONVERSE moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE PRESIDENT.

A message from the President, by Mr. PRUDEN, one of his secretaries, announced that he had approved and signed bills of the following titles:

An act (H. R. No. 1343) to provide for certain expenses of the present session of Congress, and for other purposes;

An act (H. R. No. 286) to amend sections 1417, 1418, 1419, 1420, and 1624 of the Revised Statutes of the United States, relating to the Navy;

An act (H. R. No. 67) providing for a new propeller for the United States ship Alarm; and

An act (H. R. No. 1376) making appropriations for constructing jetties and other works at South Pass, Mississippi River.

CORRECTION.

Mr. HARRIS, of Virginia. I find that according to the RECORD of yesterday's proceedings, in the heat of debate upon the question in regard to correcting the RECORD, I used this expression:

> The fault is with the gentleman who offered the paper in attempting to palm off upon the House a petition which he knew would be distasteful and disrespectful to the House. The fault is with him and no one else.

At the time I made use of that expression I only judged of the paper by its character as described, for I had not read it. After I had read it, I could well see how the gentleman from Iowa in good faith could have offered it. And having occupied the chair at the time as Speaker *pro tempore*, I know that he did use the proper mode of bringing it before the House. I have been here for ten years and have not in all that time reflected upon the motives of any member, nor has any gentleman reflected on mine. It is from this reflecting on the motives of each other that much of the trouble here arises. And when I find I have made a statement which does a gentleman injustice I feel that it does me as much injustice as it does him. I therefore ask to have stricken from the RECORD that one sentence.

There was no objection, and it was so ordered.

GREAT KANAWHA AND KENTUCKY RIVERS.

Mr. KENNA. I ask unanimous consent to report at this time from the Committee on Commerce a bill to amend an act entitled "An act making appropriations for the construction, repair, preservation, and completion of certain works on rivers and harbors, and for other purposes," approved March 4, 1879.

I will state that the last act making appropriations for the improvement of rivers and harbors omitted, in consequence of an oversight of the engineers, to make any provision for the purchase of sites necessary in executing the improvements of the Kentucky River and the Great Kanawha River. The engineering department now recommends that such part of the appropriation as is necessary for that purpose should be expended in that way. When the necessity of an appropriation for the sites is understood at the time, a provision is always made to that effect in the bill. The necessity was not understood on this occasion, and hence the provision was not included in the last bill. This bill is reported in pursuance of the recommendation of the Engineer department. It appropriates no money, and the committee is unanimous in asking that it pass.

The SPEAKER. The gentleman from West Virginia asks unanimous consent to report from the Committee on Commerce the bill whose object he has indicated. Is there objection?

Mr. SPARKS. I object.

VOTES ON THE INCOME TAX AND ARMY APPROPRIATION BILLS.

Mr. HAWLEY. I rise as a matter of privilege, not of personal explanation, to ask for a correct statement of the votes of yesterday on the income tax and Army appropriation bills. I should like to know how the vote now stands on those two measures.

Mr. GARFIELD. I would suggest that those two votes be reprinted in to-morrow's RECORD. I do not think it is a good thing to permit votes to be subsequently recorded; but as in this case so many additions have been made to the lists, I think we might consent to have the lists reprinted with all the new votes upon them.

The SPEAKER. The gentleman from Ohio will recollect the Chair has always said that to record a vote after the result has been announced can only be done by the vacation of a rule by unanimous consent, which rule the Chair thinks a proper one.

Mr. GARFIELD. I do not think the Chair is at all in fault in this matter. It is our own fault.

The SPEAKER. The gentleman from Ohio suggests that the votes of yesterday on the income-tax and Army appropriation bills shall again appear in the RECORD of to-morrow as they now stand. Is there objection?

Mr. MCKENZIE. I object.

Mr. HAWLEY. If the gentleman objects, I think I have a right as a question of privilege to ask for the present standing of the votes.

The SPEAKER. That should be the gentleman's privilege. The vote on the income-tax bill as announced yesterday was 104 in the affirmative and 94 in the negative. Subsequently some gentlemen who came in obtained permission to vote, and the same privilege has been extended to other gentlemen to-day. The vote now stands thus—yeas 111, nays 94. On the question of the passage of the Army appropriation bill under a suspension of the rules the vote as now recorded is 97 in the affirmative and 112 in the negative.

Mr. GARFIELD. I think that cannot be. The announced vote yesterday was 101 to 109.

The SPEAKER. The gentleman from Connecticut [Mr. WAIT] withdrew his vote. The Chair has given the numbers handed to him by the clerks. This proceeding serves to show the confusion which is created by permission being given to vote after the result has been announced.

Mr. HAWLEY. As it takes some time to make the correction, I renew the request of the gentleman from Ohio that the entire roll-calls on the two bills be repeated in the RECORD to-morrow.

Mr. MCKENZIE. I withdraw the objection.

There was no further objection, and it was ordered accordingly.

Mr. ERRETT. I ask unanimous consent to record my vote on the income-tax bill. I desire to have it recorded in the negative.

Mr. PHISTER. I object.

The following is the corrected vote on the motion to suspend the rules and pass the bill to restore the income tax:

YEAS—111.

Acklen,	Dunnell,	Le Fevre,	Sawyer,
Anderson,	Elam,	Lewis,	Scales,
Atherton,	Evins,	Lounsbery,	Shelley,
Atkins,	Ewing,	Lowe,	Singleton, O. R.
Bachman,	Felton,	Manning,	Slemons,
Beale,	Ford,	Marsh,	Smith, Hezekiah B.
Bicknell,	Forney,	Martin, Benj. F.	Smith, William E.
Blackburn,	Fort,	McKenzie,	Sparks,
Bouck,	Geddes,	McMillin,	Steele,
Bright,	Goode,	Mills,	Stevenson,
Buckner,	Gunter,	Money,	Taylor,
Cabell,	Harris, John T.	Morrison,	Thompson,
Caldwell,	Hatch,	Muldrow,	Tillman,
Clardy,	Henkle,	Murch,	Townshend, R. W.
Clark, John B., jr.,	Herbert,	Myers,	Turner, Oscar
Clymer,	Herndon,	New,	Turner, Thomas
Cobb,	Hooker,	O'Connor,	Vance,
Colerick,	Hostetler,	Persons,	Waddill,
Converse,	Houk,	Phister,	Warner,
Cook,	House,	Poehler,	Weaver,
Cravens,	Hurd,	Reagan,	Wellborn,
Culberson,	Johnston,	Richardson, J. S.	Whiteaker,
Davidson,	Jones,	Richmond,	Whitthorne,
Davis, Joseph J.	Kenna,	Robertson,	Williams, Thomas
De La Matyr,	King,	Rothwell,	Willis,
Dibrell,	Klotz,	Russell, Daniel L.	Wright,
Dickey,	Knott,	Ryan, Thomas	Young, Casey.
Dunn,	Ladd,	Samford,	

NAYS—94.

Aldrich, Nelson W.	Davis, George R.	Loring,	Rice,
Aldrich, William	Deering,	Martin, Edward L.	Robeson,
Bailey,	Dick,	Martin, Joseph J.	Robinson,
Barber,	Einstein,	Mason,	Sapp,
Bayne,	Farr,	McCoid,	Shallenberger,
Belford,	Ferdon,	McCook,	Sherwin,
Blake,	Field,	McGowan,	Smith, A. Herr
Bliss,	Frye,	McKinley,	Starin,
Bowman,	Garfield,	McLane,	Stone,
Boyd,	Hammond, John	Miles,	Thomas,
Brewer,	Hawk,	Monroe,	Townsend, Amos
Briggs,	Hawley,	Morse,	Tyler,
Brigham,	Hayes,	Muller,	Updegraff, J. T.
Burrows,	Hazelton,	Neal,	Updegraff, Thomas
Cannon,	Heilman,	Newberry,	Urner,
Carpenter,	Henderson,	Norcross,	Valentine,
Caswell,	Horr,	O'Neill,	Washburn,
Claflin,	Humphrey,	Osmer,	Wells,
Coffroth,	Joyce,	Overton,	Williams, C. G.
Conger,	Keifer,	Phelps,	Willits,
Covert,	Kelley,	Pound,	Wood, Fernando
Cowgill,	Ketcham,	Prescott,	Young, Thomas L.
Crapo,	Killinger,	Price,	
Daggett,	Lindsey,	Reed,	

NOT VOTING—80.

Aiken,	Davis, Lowndes H.	Hubbell,	Russell, William A.
Armfield,	Deuster,	Hull,	Ryon, John W.
Baker,	Dwight,	Hunton,	Simonton,
Ballou,	Ellis,	James,	Singleton, J. W.
Barlow,	Errett,	Jorgensen.	Speer,
Beltzhoover,	Finley,	Kimmel,	Springer,
Bingham,	Fisher,	Kitchin,	Stephens,
Bland,	Forsythe,	Lapham,	Talbott,
Blount,	Frost,	Lay,	Tucker,
Bragg,	Gibson,	McMahon,	Van Aernam,
Browne,	Gillette,	Miller,	Van Voorhis,
Butterworth,	Godshalk,	Mitchell,	Voorhis,
Calkins,	Hall,	Morton,	Wait,
Camp,	Hammond, N. J.	Nicholls,	Ward,
Carlisle,	Harmer,	O'Brien,	White,
Chalmers,	Harris, Benj. W.	O'Reilly,	Wilber,
Chittenden,	Haskell,	Orth,	Wilson,
Clark, Alvah A.	Henry,	Pierce,	Wise,
Cox,	Hill,	Richardson, D. P.	Wood, Walter A.
Crowley,	Hiscock,	Ross,	Yocum.

The following is the corrected vote on the motion to suspend the

rules and pass the bill making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes:

YEAS—101.

Aldrich, Nelson W.	Dick,	Kelley,	Rice,
Aldrich, William	Dunnell,	Ketcham,	Robeson,
Anderson,	Einstein,	Killinger,	Robinson,
Bailey,	Errett,	Lindsey,	Ryan, Thomas
Barber,	Farr,	Loring,	Sapp,
Bayne,	Ferdon,	Lowe,	Shallenberger,
Belford,	Field,	Marsh,	Sherwin,
Blake,	Ford,	Martin, Joseph J.	Smith, A. Herr
Bowman,	Fort,	Mason,	Starin,
Boyd,	Frye,	McCoid,	Stevenson,
Brewer,	Garfield,	McCook,	Stone,
Briggs,	Gillette,	McGowan,	Thomas,
Brigham,	Hall,	McKinley,	Townsend, Amos
Browne,	Hammond, John	Miles,	Tyler,
Burrows,	Hawk,	Monroe,	Updegraff, J. T.
Cannon,	Hawley,	Murch,	Updegraff, Thomas
Carpenter,	Hayes,	Neal,	Urner,
Caswell,	Hazelton,	Newberry,	Valentine,
Claflin,	Heilman,	Norcross,	Washburn,
Conger,	Henderson,	O'Neill,	Weaver,
Cowgill,	Horr,	Osmer,	Williams, C. G.
Crapo,	Houk,	Overton,	Willits,
Daggett,	Humphrey,	Pound,	Young, Thomas L.
Davis, George R.	Jones,	Prescott,	
Deering,	Joyce,	Price,	
De La Matyr,	Keifer,	Reed,	

NAYS—110.

Acklen,	Dickey,	Lewis,	Shelley,
Armfield,	Dunn,	Lounsbery,	Singleton, J. W.
Atherton,	Elam,	Manning,	Singleton, O. R.
Bachman,	Evins,	Martin, Benj. F.	Smith, Hezekiah B.
Beale,	Ewing,	Martin, Edward L.	Smith, William E.
Bicknell,	Felton,	McKenzie,	Sparks,
Blackburn,	Forney,	McLane,	Springer,
Bliss,	Geddes,	McMillin,	Steele,
Bouck,	Gibson,	Mills,	Stephens,
Bright,	Goode,	Money,	Talbott,
Buckner,	Gunter,	Morrison,	Thompson,
Cabell,	Harris, John T.	Muldrow,	Tillman,
Caldwell,	Hatch,	Muller,	Townshend, R. W.
Clardy,	Henkle,	Myers,	Turner, Oscar
Clark, John B., jr.	Herbert,	New,	Turner, Thomas
Clymer,	Herndon,	O'Connor,	Vance,
Cobb,	Hooker,	Persons,	Waddill,
Coffroth,	Hostetler,	Phelps,	Warner,
Colerick,	House,	Phister,	Wellborn,
Converse,	Hurd,	Poehler,	Whiteaker,
Cook,	Johnston,	Reagan,	Whitthorne,
Covert,	Kenna,	Richardson, J. S.	Williams, Thomas
Cravens,	Kimmel,	Richmond,	Willis,
Culberson,	King,	Robertson,	Wood, Fernando
Davidson,	Klotz,	Rothwell,	Wright,
Davis, Joseph J.	Knott,	Samford,	Young, Casey.
Deuster,	Ladd,	Sawyer,	
Dibrell,	Le Fevre,	Scales,	

NOT VOTING—74.

Aiken,	Davis, Lowndes H.	Jorgensen,	Simonton,
Atkins,	Dwight,	Kitchin,	Slemons,
Baker,	Ellis,	Lapham,	Speer,
Ballou,	Finley,	Lay,	Taylor,
Barlow,	Fisher,	McMahon,	Tucker,
Beltzhoover,	Forsythe,	Miller,	Van Aernam,
Bingham,	Frost,	Mitchell,	Van Voorhis,
Bland,	Godshalk,	Morse,	Voorhis,
Blount,	Hammond, N. J.	Morton,	Wait,
Bragg,	Harmer,	Nicholls,	Ward,
Butterworth,	Harris, Benj. W.	O'Brien,	Wells,
Calkins,	Haskell,	O'Reilly,	White,
Camp,	Henry,	Orth,	Wilber,
Carlisle,	Hill,	Pierce,	Wilson,
Chalmers,	Hiscock,	Richardson, D P.	Wise,
Chittenden,	Hubbell,	Ross,	Wood, Walter A.
Clark, Alvah A.	Hull,	Russell, Daniel L.	Yocum.
Cox,	Hunton	Russell, W. A.	
Crowley,	James,	Ryon, John W.	

ORDER OF BUSINESS.

Mr. ACKLEN. I call for the regular order.

The SPEAKER. The regular order is the business of the morning hour.

Mr. WARNER. I move to dispense with the morning hour.

Mr. CONGER. Can the gentleman make a motion which is equivalent to a motion to suspend the rules?

The SPEAKER. He can for the purpose stated; but it requires a two-thirds vote under a rule of the House recently adopted to carry the motion.

Mr. ACKLEN. I hope the motion will be voted down.

The question was taken; and on a division there were—ayes 87, noes 55.

So (two-thirds not having voted in the affirmative) the motion was not agreed to.

REMOVAL OF CAUSES TO UNITED STATES COURTS.

The SPEAKER. The morning hour begins at twenty minutes past two o'clock. The unfinished business is the further consideration of the bill (H. R. No. 1715) to repeal certain sections of the Revised Statutes and to amend certain sections of the Revised Statutes and of the Statutes at Large relating to the removal of causes from State courts, with amendments.

Mr. KNOTT. Was not there a motion made to refer this bill to the Committee on the Judiciary?

Mr. TOWNSHEND, of Illinois. No such motion was ever made upon this bill.

The SPEAKER. The Chair is unadvised, as the present occupant of the chair was absent at end of the morning hour on Saturday.

Mr. TOWNSHEND, of Illinois. I am certain that no such motion was made or is in order on this bill.

Mr. CONGER. I announced that I reserved all points of order upon the bill.

Mr. TOWNSHEND, of Illinois. Immediately upon the bill being reported it was ordered to be printed with the amendment, and the Speaker *pro tempore* then announced that I would be entitled to the floor.

The SPEAKER. The present occupant of the chair is informed that the motion was submitted to refer the bill to the Committee on the Judiciary, and the Chair is also advised that the gentleman from Michigan [Mr. CONGER] reserved all points of order, and in that case now is the time for him to make the points of order he desires to make.

Mr. TOWNSHEND, of Illinois. A point of order of the same nature was made upon the bill reported from the same committee by the gentleman from Alabama, [Mr. LOWE,] and the Speaker held that the bill having been referred by the act of the House to the Committee on the Revision of the Laws, the question of referring it to another committee could not arise until the motion for the previous question had been disposed of.

The SPEAKER. The Chair did not decide in manner as stated; the Chair decided that it was too late to raise a point of order after the reference and reporting back a bill from a committee, because the House had an opportunity to pass upon the reference of the bill and referred it.

Mr. CONGER. But if it was improperly referred?

Mr. TOWNSHEND, of Illinois. I have not made the motion for the previous question, and I still hold the floor.

The SPEAKER. The Chair is advised that the gentleman from Michigan [Mr. CONGER] reserved points of order, but he has not stated them, so that the Chair is not able to rule upon them.

Mr. CONGER. I reserved all points of order upon the bill when it was reported; after, it was announced by the then occupant of the chair that there was some other order of business and the matter passed over.

The SPEAKER. It appears in the RECORD that the gentleman reserved all points of order upon the bill.

Mr. CONGER. That is the statement I made.

The SPEAKER. The Chair then asks the gentleman to state what his point of order is, because if debate is entered upon it will be too late to make a point of order.

Mr. CONGER. I have not had time to examine the bill, but one point which I make is, that the bill was never referred to the committee. The subject-matter of this bill in the last Congress was referred to the Committee on the Judiciary, and was considered by that committee to some extent, I cannot say to what extent.

The SPEAKER. The Chair is advised differently; he is informed that this bill was reported from the Committee on the Revision of the Laws by the gentleman from Illinois, and ordered to be printed and recommitted.

Mr. KNOTT. I desire to suggest that this subject was considered at the last session of the last Congress by the Committee on the Judiciary, and that the report upon it was made to the House by the gentleman from Texas, [Mr. CULBERSON.]

Mr. CONGER. My point of order is that the House has never referred this bill to the Committee on the Revision of the Laws.

The SPEAKER. That is a question of fact.

Mr. TOWNSHEND, of Illinois. I can settle that question of fact now. This bill was introduced by myself in the last Congress, and referred to the Committee on the Judiciary. It did not report the bill back to the House at the beginning of this session. I introduced the same bill and had it referred to the Committee on the Revision of the Laws, and that committee ordered it to be reported with amendments, and placed it in my charge. Last Saturday I reported the bill, and announced I should in time put it on its passage. A like question of order, whether the bill was properly referred or not, was passed on by the Chair upon the bill reported by the gentleman from Alabama, [Mr. LOWE.] The Speaker decided, and I have the record now before me, that the point of order upon the reference could not now be raised.

The SPEAKER. And the Chair adheres to that ruling.

Mr. TOWNSHEND, of Illinois. Then that disposes of the point of order raised by the gentleman from Michigan, [Mr. CONGER.]

Mr. GARFIELD. I ask that the Chair cause to be read Rule 83, which prescribes the duties of the Committee on the Judiciary; and then I would like to have read whatever rule it is which prescribes the duty of the Committee on the Revision of the Laws.

The SPEAKER. The Chair will cause the rule to be read.

Mr. GARFIELD. And we will then see how perfectly the rule covers such a case as this.

The Clerk read Rule 83, as follows:

It shall be the duty of the Committee on the Judiciary to take into consideration such petitions and matters or things touching judicial proceedings as shall be presented, or may come in question, and be referred to them by the House; and to report their opinion thereon, together with such propositions relative thereto as to them shall seem expedient.—*June* 3, 1813.

Mr. TOWNSHEND, of Illinois. I want to meet this question, if it is to be raised now, and have it finally determined.

The SPEAKER. The question of order as stated is raised.

Mr. TOWNSHEND, of Illinois. The question having heretofore been raised and decided, I think it is not proper to raise it now. But whenever the question is raised I will show this House from the record of its past proceedings that the gentleman from Michigan [Mr. CONGER] is entirely mistaken when he charges that the Committee on Revision of the Laws was organized merely for the purpose of revising the statutes. I shall demonstrate to this House that the committee was organized in 1868 and clothed with all the powers possessed by the old standing committee on revisal and unfinished business. I will show further that while that gentleman occupied a seat on this floor, and while Mr. Poland, of Vermont, was chairman of the committee, bills were referred to that committee, reported by the committee back to the House and passed by the House, concerning many of the important features of the Statutes at Large.

There was a bill in regard to the bankrupt law introduced and rereferred to that committee, which was reported from the Committee on the Revision of the Laws by Mr. Poland and passed by the House. A bill was introduced and referred to that committee affecting the collection of the customs providing for punishing smugglers, which was reported back from the committee to the House and passed. A bill also was referred to that committee, and General Butler, of Massachusetts, reported it back from the committee, regulating the practice with regard to appeals, which after long debate was passed.

Now, if this question is raised I want an opportunity to present the record and authorities to sustain the right of the Committee on Revision of the Laws to hold jurisdiction of these subjects.

The SPEAKER. The Chair desires to say that in reference to this bill the facts are that its reference to the Committee on the Revision of the Laws was an act of this House; that subsequently the House received a report from that committee upon this bill, which report was ordered to be printed and recommitted.

Mr. CONGER. I wish to ask (not to interrupt the Chair) whether this bill came in through the petition-box?

Mr. TOWNSHEND, of Illinois. It was introduced by myself and referred to the Committee on the Revision of the Laws.

Mr. CONGER. That does not answer my question.

Mr. TOWNSHEND, of Illinois. I say emphatically that it did not go through the petition-box.

Mr. CONGER. That does answer my question. Now, sir, the rule says that matters relating to judicial proceedings when presented shall be referred to the Committee on the Judiciary; when presented by anybody in this House it is the duty of the Chair to have those matters referred to the Committee on the Judiciary, unless another motion is made.

Whenever this bill, revising as it does so many provisions of the law and so many provisions relating to the jurisdiction of the courts, both of the State and of the United States, is brought into this House, it seems to me that the committee specially designated to take charge of such judicial proceedings and judicial questions should have the investigation and the consideration of this question.

I say that the rule upon this subject is divisible. Such questions when "presented" are to be referred to that committee; and all questions ordered by the House are to be referred to that committee. Now, what is referred to the Committee on the Revision of the Laws? The rule upon that subject is a perfect blank. The rule assigns that committee no duty. It is an honorary committee, not expected to have duties to perform from day to day during the sessions of Congress, but intended to take charge of such revisions of law, such compilations of the law, mere technical and formal proceedings, as do not require changes in jurisprudence. That is the object and that has been the business of the Committee on the Revision of the Laws.

During the last few years they have had very important duties to perform. They had the revision of the great body of our statutes, of the comparison, of the examination of the statutes, and to report to the House whether the Revised Statutes in their entirety and in their several parts had been prepared according to the law which Congress had passed respecting that revision.

Now, I care but little what committee takes charge of this particular bill. I have not examined its provisions very thoroughly. I only assume that it is like a bill which was before the Committee on the Judiciary of the last Congress, which had examination and discussion in that committee, and which, as the chairman of the present Committee on the Judiciary and of the then committee says, was reported upon by that committee to this House and placed upon the public Calendar for action.

The SPEAKER. The Chair is willing to decide the point of order upon the statement made by the gentleman from Michigan.

Mr. TOWNSHEND, of Illinois. I hope the Chair will allow me to reply to one or two points made by the gentleman from Michigan [Mr. CONGER] relating directly to the point of order. Justice to the Committee on the Revision of the Laws demands that I should make this answer.

I must express my surprise, Mr. Speaker, that one who has held a seat on this floor so long as the gentleman from Michigan should be so far mistaken as to the history of this committee and the practice of the House in the past, even during his own continuance on this floor, as to the business referred to and emanating from this committee.

Mr. CONGER. I will say to the gentleman that I simply read from the Manual.

Mr. TOWNSHEND, of Illinois. I am aware of what the gentleman read. But I am not governed by the compilation of the rules as made by the Clerk. I am governed by the recorded proceedings of Congress; and if the record in any case has escaped the notice of the compiler of those rules, I apprehend the House will not be foreclosed from ascertaining from its record what is the actual jurisdiction of this committee.

Now, Mr. Speaker, I hold in my hand the Congressional Globe, showing the organization and jurisdiction of the Committee on the Revision of the Laws. It is the report of the proceedings of the House, July 25, 1868:

Mr. WASHBURNE, of Illinois. I ask unanimous consent to make at this time a privileged report from the Committee on the Rules, to which there will be no objection. That committee has instructed me to report a rule establishing, instead of the present Committee on Revisal and Unfinished Business, a committee on the revisal of the laws, to consist of nine members, their duties to be the same as those of the present Special Committee on the Revision of the Laws.

The SPEAKER. The gentleman from Vermont [Mr. Poland] is chairman of the Select Committee on the Revision of the Laws and also of the standing Committee on Revisal and Unfinished Business, the latter committee never having any business. If there be no objection, the rule proposed by the Committee on the Rules will be adopted.

There was no objection.

Mr. KNOTT. Now, if the gentleman will allow me a question, I I would like him to state what were the duties of the Select Committee on the Revision of the Laws?

The SPEAKER. That issue, the Chair thinks, is not raised in this case at all.

Mr. TOWNSHEND, of Illinois. I wish to settle this question now, if the Speaker will permit me. The Committee on the Revision of the Laws was substantially a new committee charged with the duties which had previously devolved upon the standing Committee on Revisal and Unfinished Business and the special Committee on the Revision of the Laws, Mr. Poland having been chairman of both committees; and, as I have read from the record, the House unanimously adopted the proposition.

Mr. KNOTT. I again ask the gentleman what were the duties of the Select Committee on the Revision of the Laws? He has read from the record, to show that the standing Committee on the Revision of the Laws was to have the same duties as had belonged to the Select Committee on the Revision of the Laws.

Mr. TOWNSHEND, of Illinois. I will read again for the benefit of my friend from Kentucky:

That committee has instructed me to report a rule establishing—

What?

instead of the present Committee on Revisal and Unfinished Business——

Mr. KNOTT. Read on.

Mr. TOWNSHEND, of Illinois, (reading:)

a Committee on the Revisal of Laws—

Another committee——

Mr. KNOTT. Read on.

Mr. TOWNSHEND, of Illinois, (reading:)

to consist of nine members—

The record here states explicitly, and no one can deny——

Mr. KNOTT. Will my friend read a little further?

Mr. TOWNSHEND, of Illinois. I will finish the paragraph.

The SPEAKER. The Chair thinks this is not material to the point raised in this case.

Mr. TOWNSHEND, of Illinois. But the controversy is raised, and I hope the Chair will allow me to settle it now so that discussion may be avoided in the future.

Their duties to be the same as those of the present Special Committee on the Revision of the Laws.

Mr. KNOTT. Now what were the duties of that special committee?

Mr. TOWNSHEND, of Illinois. I will state at once. The duties of one of these committees, the Committee on Revisal and Unfinished Business were fixed in 1795, when it was declared that this committee should have jurisdiction over every bill that had been introduced in and was unfinished at the last session. It was a committee on unfinished business. Now, then, this committee is also——

Mr. KNOTT. I would like to ask the gentleman another question.

Mr. TOWNSHEND, of Illinois. Let me get through with one question at a time. Now I answer the gentleman that this Committee on the Revision of the Laws by the words in the Globe was established "instead of the present Committee on Revisal and Unfinished Business," and succeeds to all unfinished business. This very bill was introduced in the last Congress and referred to the committee of which my distinguished friend from Kentucky [Mr. KNOTT] was chairman. It might as well have been referred to the tomb of the Capulets. That committee made no report on it, and, without any disrespect to that committee, I will say that I fear if the bill is now referred to the Judiciary Committee it might as well be buried in the crypt of the Capitol. I do not think that committee will ever report upon it.

Mr. KNOTT. We reported the bill back in the last Congress.

Mr. TOWNSHEND, of Illinois. My friend is mistaken. This bill was never reported back. I introduced the bill and felt great anxiety about it, and I watched its fate closely.

Mr. BLOUNT. Does my friend from Illinois mean to say that under

the rules the Committee on the Revision of the Laws takes jurisdiction of all bills introduced in the last Congress and unfinished?

Mr. TOWNSHEND, of Illinois. The resolution of 1795 organizing the Committee on Unfinished Business, of which this committee is a successor, explicitly declares that it shall have jurisdiction over all business undisposed of at the last session.

Mr. CONGER. But it does not say at the last Congress.

Mr. TOWNSHEND, of Illinois. At the last session. I used the words with care.

Mr. REED. Will the gentleman permit me——

Mr. TOWNSHEND, of Illinois. No, sir, I cannot yield at present. I knew that the question would be raised——

Mr. REED. I raise the point that the gentleman is not now speaking to the point of order.

Mr. TOWNSHEND, of Illinois. I am discussing the point of order.

Mr. REED. I raise my point for the decision of the Chair.

The SPEAKER. The gentleman from Illinois had better discuss the point of order.

Mr. TOWNSHEND, of Illinois. I am discussing it.

Mr. REED. Does the Chair rule that the gentleman is in order?

The SPEAKER. The Chair rules that the gentleman must discuss the point of order only.

Mr. TOWNSHEND, of Illinois. I am discussing it.

Mr. REED. I call the attention of the Chair to the question whether the gentleman is discussing the point of order.

The SPEAKER. The Chair has responded to that call, and has remarked to the gentleman from Illinois that he must discuss the point of order.

Mr. TOWNSHEND, of Illinois. Now, Mr. Speaker, the gentleman from Michigan has asked whether the rule referred to business coming from a previous Congress. Sir, the session of December, 1795, in which this rule was adopted, was the first session of a Congress; so that the rule referred explicitly to the unfinished business of a previous Congress; and in proof of this I can refer to the Annals of Congress, showing that the committee took charge of bills that had been referred to committees in the previous Congress and which had not been acted on.

I want to make one further observation, and then I will be through with this discussion. After that committee had been organized Mr. Poland was made chairman of it. I hold in my hand a list of some of the bills which were introduced and referred to the Committee on the Revision of the Laws, running through the sessions of 1870, 1871, and 1872. From the character of these bills gentlemen will discover that this committee was not a special committee simply for the purpose of revising the statutes, but that it had a broader jurisdiction under the rules and the practice than the Judiciary Committee. One bill which had been referred to the Committee on the Revision of the Laws was reported by Mr. Poland, authorizing the Departments to take testimony in claims pending before them. That was introduced, discussed and debated, and adopted by the House. Mr. Jenckes, of Rhode Island, reported an amendment to the bankrupt law, which had been referred to that committee. That was in 1871. It was discussed, debated, and adopted. Mr. Butler, of Massachusetts, who was also a member of that committee, reported a bill regulating the practice in appeals from the circuit courts, which was debated for several days and passed.

Mr. REED. Is this discussing the point of order?

The SPEAKER. The Chair thinks it is not. The gentleman should confine himself to the actual point of order made.

Mr. TOWNSHEND, of Illinois. I am only calling attention to precedents of the House which show the proper jurisdiction of this committee.

The SPEAKER. That is not discussing the point of order.

Mr. TOWNSHEND, of Illinois. If this bill does not come properly from the Committee on the Revision of the Laws, then the Judiciary Committee cannot except by usurpation take control of the subject for the reason that the rule establishing that committee does not confer such jurisdiction upon it; its jurisdiction is confined alone to matters of judicial procedure.

Mr. REED. I should like to know how many times we have to make the point of order. Here is the point of order I made on this discussion, and the Chair has ruled in my favor every time, and yet the gentleman continues to go on talking.

The SPEAKER. The Chair will continue to rule in the same direction. [Laughter.]

Mr. REED. It is time the matter was settled.

The SPEAKER. The gentleman is exhausting his time in the morning hour. [Laughter.]

Mr. TOWNSHEND, of Illinois. I do not understand that this is coming out of my hour.

The SPEAKER. It is coming out of the morning hour. [Laughter.]

Mr. TOWNSHEND, of Illinois. I am willing to have this question settled now, even if it consumes my whole hour.

Mr. REED. I withdraw the point of order.

Mr. TOWNSHEND, of Illinois. This committee has been greatly ignored during the past two years, perhaps because the Committee on the Judiciary has encroached upon its rightful jurisdiction without meeting resistance.

The SPEAKER. The point of order, as the Chair understands, raised by the gentleman from Michigan is this, that this bill properly belongs to the Judiciary Committee. The Chair does not undertake to express any opinion thereon, but he does decide that it is too late now to raise that question. A brief recital of the facts as to this bill will show to the House, the Chair thinks, that it is too late. This bill was introduced in the House by the gentleman from Illinois during the morning hour on Monday, in his place and in his representative capacity. It was referred to the Committee on the Revision of the Laws. That committee considered the subject and directed the gentleman from Illinois to report the bill back to the House. The House again recognized the fact that the bill was in the custody of that committee by ordering it to be printed and recommitted, not to be brought back by a motion to reconsider.

The Chair maintains that it is now too late to remedy the error, if there be any, in the way proposed. If the previous question has been demanded, then to reach the question the demand for the previous question must be voted down, and then the sense of the House can be tested as to whether this subject properly belongs to the Committee on the Revision of the Laws or should be referred to the Committee on the Judiciary. The point of order, for the reason stated, is overruled.

Mr. GARFIELD. I wish the gentleman would allow me a single moment.

Mr. TOWNSHEND, of Illinois. I do not wish it to come out of my time.

Mr. GARFIELD. I will make it brief.

Mr. TOWNSHEND, of Illinois. I cannot yield now.

Mr. GARFIELD. I wish to say for myself that I disclaim even the remotest desire to cast any reflection upon the Committee on the Revision of the Laws, and I trust they will not take the opposition I have made to two or three of their bills as arising in any way out of any opposition to that committee. I do think the House ought by their co-operation and consent to fix the status and scope of the business of that committee in the rules.

Mr. TOWNSHEND, of Illinois. Why did not you raise that objection before we brought in an important amendment to the law?

Mr. GARFIELD. Allow me to say that there is a rule that prescribes the duties of the committee.

Mr. HARRIS, of Virginia. I rise to a question of order. I object to all this discussion as to the merits of a rule of the House.

Mr. GARFIELD. It is vitally important to us to continue the codification of the laws, and we have a right to expect from this committee reports in that direction only.

Mr. TOWNSHEND, of Illinois. I decline to yield further.

Mr. ORTH. Before the gentleman proceeds to the discussion of the bill I desire to offer an amendment on behalf of the minority of the committee.

Mr. URNER. I also desire to offer an amendment.

Mr. TOWNSHEND, of Illinois. I will ask my friends to wait until I am through with the statement of the nature of this bill. Then I will allow the amendments to be offered.

Mr. Speaker, in presenting this bill I feel impressed that we should approach the discussion of any question affecting the judiciary free from partisan feeling or partisan motives. The bill I have reported here has no mere political ends in view. It is a question which affects the material welfare and convenience of those interested in legal affairs. Therefore I trust it will not be drawn into passionate political controversy. The bill provides for the repeal of certain sections of the Revised Statutes authorizing the removal of causes from State courts to Federal courts and for modifying other sections of the same nature. The first section we propose to repeal is 639, the first paragraph and clause of which is as follows:

SEC. 639. Any suit commenced in any State court wherein the amount in dispute, exclusive of costs, exceeds the sum or value of $500, to be made to appear to the satisfaction of said court, may be removed for trial into the circuit court for the district where such suit is pending next to be held after the filing of the petition for such removal hereinafter mentioned, in the cases and in the manner stated in this section.

First. When the suit is against an alien, or is by a citizen of a State wherein it is brought, and against a citizen of another State, it may be removed on the petition of such defendant, filed in said State court at the time of entering his appearance in said State court.

There are two other clauses that I shall read and refer to in a moment. This clause contains the law of removal as enacted in the twelfth section of the original judiciary act. From the organization of the Federal judiciary in 1789 down to 1866 the only grounds upon which causes could be removed from State courts to the Federal courts on account of citizenship were those stated in the first clause of this section. If gentlemen have studied the rulings of the courts in regard to this clause and have paid attention to its reading, they have found that, omitting the cases of aliens, the only instances in which causes could be removed under it from State courts to Federal courts are those where all the defendants are non-residents of the State where the suit is brought and where every one of the defendants concur in the petition for removal; further, that no suit could be removed from a State court if any of the plaintiffs were not residents of the State where the suit was brought, or if any of the defendants were citizens of the same State with the plaintiff, or if the defendant answered or submitted to the jurisdiction of the State court before applying for the removal.

Thus the law stood, unchanged, from 1789 to 1866, a period of seventy-seven years. During that period the Federal judiciary possessed

one excellent quality of a good system—permanency. Most of the legislation on this subject has been enacted since that period.

But little complaint was made prior to 1866 for the reason that few cases had been transferred from the State courts to the Federal courts, but in 1866 Congress enlarged the right of removal and made an enactment which is substantially embraced in the next clause of this section and reads as follows:

Second. When the suit is against an alien and a citizen of the State wherein it is brought, or is by a citizen of such State against a citizen of the same and a citizen of another State, it may be so removed, as against said alien or citizen of another State, upon the petition of such defendant, filed at any time before the trial or final hearing of the cause, if, so far as it relates to him, it is brought for the purpose of restraining or enjoining him, or is a suit in which there can be a final determination of the controversy, so far as concerns him, without the presence of the other defendants as parties in the cause. But such removal shall not take away or prejudice the right of the plaintiff to proceed at the same time with the suit in the State court, as against the other defendants.

This act is in my judgment unconstitutional and absurd.

Thereby Congress undertook to divide suits allowing that where there were two defendants, one a non-resident and one a resident, the case could be divided or split into two, and one-half be transferred to the Federal courts, leaving the other half in the State courts. If the causes carried up to the Federal court came on for trial upon the same day which the other portion of the cause was called for trial in the State courts it would be utterly impossible in many such cases for the plaintiff to properly protect his rights, for neither himself nor his witnesses could be present at both trials.

Judge Dillon, who has perhaps done more by judicial construction to enlarge the jurisdiction of the Federal courts than any other jurist, declared:

It may be inferred that Congress doubted the power under the Constitution to authorize the removal of the whole case since part of the case provided for would be between citizens of the same State.

I think, Mr. Speaker, that this act, as well as the act of 1875, to which I shall soon call your attention, is unconstitutional for the reason that the Constitution confines the Federal judicial power in regard to citizenship "between citizens of different States," (article 3, section 2,) whereas, as you will soon see, Congress by these acts extends the Federal judicial power to cases between parties of the same State. The act of 1866 was absurd by implying that State tribunals were only capable of trying one-half the case. By this act suitors were annoyed by great inconvenience and unnecessary expense. The next clause of this section to which I wish to call attention is as follows:

Third. When a suit is between a citizen of the State in which it is brought and a citizen of another State, it may be so removed on the petition of the latter, whether he be plaintiff or defendant, filed at any time before the trial or final hearing of the suit, if, before or at the time of filing said petition, he makes and files in said State court an affidavit, stating that he has reason to believe and does believe that, from prejudice or local influence, he will not be able to obtain justice in such State court.

In order to such removal the petitioner in the cases aforesaid must, at the time of filing his petition therefor, offer in said State court good and sufficient surety for his entering in such circuit court, on the first day of its session, copies of said process against him, and of all pleadings, depositions, testimony, and other proceedings in the cause, or, in said cases where a citizen of the State in which the suit is brought is a defendant, copies of all process, pleadings, depositions, testimony, and other proceedings in the cause concerning or affecting the petitioner, and also for his there appearing and entering special bail in the cause, if special bail was originally requisite therein. It shall thereupon be the duty of the State court to accept the surety and to proceed no further in the cause against the petitioner, and any bail that may have been originally taken shall be discharged.

When the said copies are entered as aforesaid in the circuit court, the cause shall there proceed in the same manner as if it had been brought there by original process, and the copies of pleadings shall have the same force and effect, in every respect and for every purpose, as the original pleadings would have had by the laws and practice of the courts of such State if the cause had remained in the State court.

This third clause embraces mainly the features of the act of 1867 and the act of 1875.

These acts added largely to the hardships of resident litigants. Prior to the act of 1867 it was necessary that the petition for removal should be filed "at the time of entering his appearance in the said State court," but the law of 1867 and 1875 provided that the petition might be "filed at any time before the trial or final hearing of the suit." This was the first instance in any country where the common-law system prevails that the plaintiff could turn his back upon the forum of his own selection and drag his antagonist into another court in the same suit.

Some very peculiar decisions were made in cases arising under these statutes.

In the case of Johnson *vs.* Monel the plaintiff was a citizen of Iowa; one of the defendants was a resident of Nebraska, the other was a citizen of New York. The case was tried in the State court of Iowa and a verdict rendered against the plaintiff. A motion was made for a new trial and the verdict was set aside. But the plaintiff in the suit, under the authority of this law, after his case had been submitted to a jury in a forum of his own choosing, carried the case by petition into the Federal court. And the Supreme Court of the United States sustained the plaintiff in the privilege of further harassing the defendants by dragging them from the jurisdiction where they were first assailed into one more expensive.

I will cite a case which arose in Ohio, which was perhaps a more grievous abuse. It was the case of Insurance Company *vs.* Dunn, (19 Wall., 214.) An insurance company was sued in the State court. The appearance of the defendant was entered by its counsel, and the case was tried. A verdict was rendered for the plaintiff. Under the laws of Ohio it seems that the filing of a bond vacates the judgment or verdict. The insurance company, after submitting to the jurisdiction of the Ohio State court, after a verdict had been rendered, filed its bond, turned its back upon the State jurisdiction, turned its face to its next friend, the Federal court, and before the order to set aside was made removed the case. The Supreme Court of the United States held that the application was in time, that the case was removable, and nullified the judgment of the State court.

That law still remains in force; it is unrepealed. Under this law a powerful corporation may submit itself to the jurisdiction of the State court, and if dissatisfied with its action it may afterward scorn its decision, defy its mandates, and put itself under the sheltering wing of the Federal judiciary.

In 1875 much larger latitude was given to the removal of causes from State courts than was given by any previous enactment. Prior to 1875 the right of removal was confined to the defendant. This act extended the right to either party, whether plaintiff or defendant, or to either one or more of the parties if non-resident.

Now, notice the effects of this law. If there are one hundred plaintiffs to a suit in a State court and one happens to be a non-resident, that one non-resident has it in his power to remove the case from the jurisdiction of the State court to the Federal court. Or if there are a hundred defendants and all save one residents of the State where suit is brought, the one defendant who is a non-resident has it in his power to transfer the case to the Federal court. The bill which I have reported here repeals that section and all the clauses which I have enumerated.

In order to quiet the apprehensions of gentlemen who may be jealous of the jurisdiction of the Federal courts, I wish to say that I have as much veneration and respect for the Federal judiciary as it deserves, possibly as much as any one on this floor, when it acts within its proper limits. When acting within the confines established for it by the Constitution I stand ready to concede and defend its rightful powers. I entertain the highest admiration for the great minds that have illuminated that bench, and share in the pride of any of my countrymen who are sensible of the glory it has reflected upon our country. But whenever the Federal judiciary steps beyond the boundary of its rightful powers and encroaches upon the jurisdiction of the State judiciary I would be unfaithful to my trust on this floor if I did not repel such invasion and seek to establish a protection for the independence and dignity of the State judiciary.

Before proceeding further, it will be well for me to indicate what this bill does not do.

It does not in any degree interfere with the original jurisdiction of the Federal courts. We do not seek to take away from those courts one single case which may now be instituted in them under the original judiciary act of 1789 or under any authority conferred upon them by subsequent acts of Congress. We do not by this bill seek to interfere with the right to remove any case from a State court which, as now provided in the statutes, arises under the Constitution and involves a constitutional question, or any question arising under treaties; nor do we seek to interfere with the right to remove from the State courts any case which affects foreign embassadors, ministers, or consuls.

We do not propose to disturb the right of removal of any case arising under maritime or admiralty laws. Nor do we interfere with any suit between States, nor any suit where a State is a plaintiff and a citizen of another State is the defendant; nor any civil suit against any officer of the revenue or any election officer; nor any civil suit arising under the civil-rights bill; nor in cases where corporations created by the Federal Government are parties. The bill which was originally introduced by myself did go further than it does now, as it has been amended by the committee. I believe that we should repeal some of the grounds for removal which we have left untouched and as already enumerated.

But I have yielded to the almost unanimous action of the committee in these amendments, and cordially advocate the bill as amended. In the time left to me I desire to draw attention to the reasons which impelled me to introduce this bill and which I trust may lead this House to pass it.

In the first place, with its overcrowded dockets and as the law is administered in the Federal courts, it is almost impossible to obtain the termination of suits without long delay and great expense. This is especially so in the Supreme Court. During the last term of that court there were upon its docket over eleven hundred cases. Less than four hundred of these cases have been disposed of.

I have been informed by the best authorities that the cases now in the Supreme Court cannot in due course of its business reach final adjudication within three years. If this is so, when will the new cases, ever flowing into that court, be terminated? It has been ascertained that in the circuit and district courts of the United States there were during the term ending on the 1st day of July, 1878, about fifty-four thousand cases on the dockets, and that only about one-third of that number of cases were disposed of in those courts. If that be true, when will the remainder go off the dockets?

In order to provide a remedy for this condition of these courts the Attorney-General of the United States makes these suggestions in his last report:

In the Supreme Court the business is usually at present from two years and a half to three years behind, and it is impossible that this accumulation can be dimin-

ished while so large an amount is annually added to it. The cases (apart from those taken thither for delay, which are sometimes found upon its docket as upon those of other appellate courts) are of the gravest character, involving necessarily elaborate discussion and laborious examination. It cannot be expected that more can be decided than are now disposed of in the annual session, or that any assiduity on the part of the distinguished magistrates who compose the court will enable them to accomplish more than that which they now do. The evils which the delay of justice occasions are too obvious to require discussion, and the consideration of Congress is respectfully called to some appropriate remedy. It is not to be found in any increase of the number of judges of the Supreme Court, and must be sought in some system by which a tribunal shall be created intermediate between the supreme and the circuit courts. While the principal portion of the duties of such an intermediate tribunal should be performed by the judges of the circuit court, the litigation in this as well as the Supreme Court has of late become so large that, before any more duties can be imposed upon its judges, an addition should be made to their number. For several years there has been a most pressing want of an additional judge in the second circuit, and it is now doubtful whether one such judge would enable that court, even if there is no increase in the duties to be performed by its judges, to transact its regular business. In some other circuits, but to a less degree, the business of this court has fallen behind, while in none is it kept up except by the greatest industry on the part of the judges. It is but just to say in each circuit all is done which can fairly be expected from its judicial force. If, therefore, an intermediate court of errors and appeals is to be created, which shall relieve the Supreme Court of a part of its jurisdiction, it can be done advantageously only by adding to the number of circuit judges; and by the same plan the business of the circuit courts can also be expedited.

While I do not insist that the question of economy fully furnishes a sufficient cause to control our course on this measure, yet in this period of financial distress it certainly should have consideration in connection with other reasons governing our action. We should avoid increasing the present heavy burden of taxation whenever we can properly do so. Now, the Attorney-General suggests that Congress make provision for the enlargement of the Federal bench, and for the establishment of an intermediate tribunal between the Supreme Court and the circuit courts. I believe this expensive method can be avoided by the passage of this bill. I am informed that nearly one-third of the causes that reach the Federal dockets are brought from State courts upon petitions for the removal of causes. What does this fact teach us? That if we want to avoid the increase of taxation by the establishment of a new court and the enlargement of the present Federal bench, some such remedy as this should be adopted. This bill will probably cut off one-third of the causes going into the Federal courts, and thereby may entirely save the necessity for enlarging the machinery of the Federal judiciary. A question so largely in the direction of economy is surely a proper subject to be taken into consideration in this connection.

The expenses of the Federal courts are growing very rapidly of late years. In order that we may know something of its rapid increase I will call your attention to the following figures, furnished to me by the bureau of statistics:

1850	$497,558 54
1860	936,477 61
1865	1,192,272 84
1870	2,162,109 82
1875	3,332,182 27

From this it will be seen that in less than ten years after Congress passed the act I have referred to, in 1866, or after Congress began to increase the grounds for removal of causes from State courts, the expenses of the Federal judiciary increased threefold, or from about $1,100,000 to $3,300,000.

Now, Mr. Speaker, I want to call the attention of the House to one reason which as much as anything else operated upon my mind in bringing this bill before Congress. In the State of Illinois—I presume it is so in other States—no case can be retained upon the State docket where a foreign corporation is a party. Generally when a suit is instituted against an insurance company—fire or life—or against a railroad company, it is discovered by some pretext or other that the company has the right to remove the cause into the Federal courts. I never could see the reasons for the decision of the Supreme Court where it declares that a corporation has the power of removing a case from a State court. It has, however, been so decided. The Constitution of the United States explicitly declares that only "citizens" have the right to remove causes from State to the Federal courts. The word "citizens" is explicitly used in the Constitution. The word "corporation" does not appear at all in the judicial clause. But the court has decided that a corporation may be considered for this purpose a citizen and therefore has a right to remove its causes into the Federal courts.

This decision of the Supreme Court of the United States has rendered it necessary for us to have a new definition of the word "citizen." As defined by Worcester and Webster, it is one who has the right of citizenship, a being of flesh and blood, a being possessed of a soul, one who can in this country exercise the right of suffrage. But a thing, which Sir Edward Coke said hath no soul—a thing without flesh or blood, a mere fiction of the law—has been clothed by the Supreme Court for this purpose with all the rights and privileges of citizenship; and the court has held that an insurance company organized in London may be considered as an alien; that a railroad company whose lines extend into another State may be considered as a citizen of another State; and under this clause of the Constitution, as construed by the Supreme Court, whenever the suit is brought against such a corporation it is allowed to remove that suit into the Federal courts.

What results from this? I can mention several cases now in my mind which are somewhat like this, where a widow whose husband was a man of toil and had insured his life in an eastern insurance company having a capital of millions. His widow brought suit upon the policy in the State courts of Illinois, over two hundred miles from where a Federal court is held. During his life the husband had denied himself and his family many of the comforts of life in order that he might be enabled to regularly pay his premiums upon the policy. When the suit was instituted in the State courts the attorney of the insurance company filed a petition and had the case removed to the Federal court at Springfield, two hundred miles away. It became necessary for her, as the case was litigated, to take her witnesses with her to Springfield to await the slow progress of business in the Federal court; and when the suit was finally disposed of in the United States circuit court the attorney of the insurance company appealed the case to the Supreme Court sitting here in Washington, a thousand miles away.

This is but an illustration of cases that are occurring at nearly every term of the State circuit courts in Illinois, and possibly in every State of the Northwest. The object of this bill is to remedy such abuses; to secure to every citizen that essential attribute of good government and the right derived from Magna Charta—the dispensation of justice freely, without delay, and that it shall be within the easy reach of all; that the right of trial by jury shall be inviolate; and that the trial shall be, as far as practicable, by jurors of his own vicinage.

I want to call the attention of the House to another question which in my judgment is important. It is the danger of conflict between the judicial powers of the States and those of the Federal Government. We are all aware that the Government under which we live is dual in its character. The State government is a miniature of the Federal Government. Each have governmental departments which are separate and which by the Constitution are intended to be independent of each other. So long as the Federal Government confines itself to its own proper limits there never will be any danger of conflict between the Federal and State authority. Whenever the governments of the States confine themselves within their legitimate domain there can be no danger of conflict with the Federal Government. But, sir, by insidious construction of judges upon the Federal bench, who assume to themselves the power to determine the extent of their jurisdiction, and who seem to go upon the theory that in order to be good judges it is necessary that they should always enlarge their jurisdiction whenever they have power to do so—by means of construction of Federal judges and acts of Congress the boundaries between the State and Federal judiciary, although clearly marked in the Constitution, have become so confused that they cannot be discovered. I am not alone, sir, in expressing the fear that the time may arrive, as we are now going on, when there will be imminent danger of a conflict between the judicial powers which may shake this Government to its foundation. Let me call attention to what was said by Judge Story in his great Commentaries on the Constitution:

> If State courts should deny the constitutionality of the authority to remove suits from their cognizance, in what manner would they be compelled to relinquish the jurisdiction? In respect to criminal cases there would be at once an end of all control, and the State decisions would be paramount to the Constitution; and though in civil suits the courts of the United States might act upon the parties, yet the State courts might act in the same way, and this conflict of jurisdiction would not only jeopard private rights but bring into imminent peril public interests.—2 *Story's Const.*, 1746.

A case arose in Wisconsin which might have resulted in a dangerous conflict of jurisdiction. The Legislature of that State enacted a law allowing insurance agents to do business there on condition that they would agree not to remove suits against them from the State into the Federal courts. An insurance company accepted the privilege on that condition, but after it had gone into business in that State, a suit arising against it, the company disregarded the agreement with the State of Wisconsin and disregarded the act of the Legislature, removed the suit from the State to the Federal court. The Supreme Court of the United States sustained the right of the company to the removal, and held that the act of the Legislature of the State of Wisconsin was null and void, thus giving to this insurance company the right not only to spurn the jurisdiction of the State court, but to defy the State law and nullify a contract which it had solemnly entered into.

Suppose the State courts of Wisconsin had refused to recognize the validity of the decision of the Supreme Court of the United States, what would have been the result? The State court would have gone on with the proceedings before it, and on final adjudication have armed with its process the sheriff, and the Supreme Court of the United States would, on its final adjudication, have armed the United States marshal with its process, and the two officers would have been left to decide the conflict of jurisdiction by physical force. There should be no trouble in this regard. In order that there may be no difficulty in the future the boundary line between the two jurisdictions should be settled beyond all controversy. This can be done best by preventing the removal of causes from one jurisdiction into the other.

All powers conferred upon the Federal Government are found in the express grants of the Constitution, while all the remaining powers not prohibited by the Constitution to the States remain with the States and the people. An examination of the Constitution will show that there is but one single Federal judicial tribunal which receives any power directly from the Constitution of the United States, and that is the Supreme Court. To be sure the Constitution says that Congress may

create inferior tribunals, but it does not anywhere directly confer any authority upon those inferior tribunals. It is held in Kent's Commentaries that the inferior Federal court possesses no powers save those which come to it by acts of Congress. I do not suppose any one doubts the accuracy of this declaration; and that in all criminal cases which rightly come under their jurisdiction there must be an act of Congress clearly defining the crime and fixing a punishment. Notwithstanding this we have a vexed case in the State of Virginia, arising under the law of removal, producing a conflict between the Federal judiciary and the State courts. Two men were indicted in the State court for murder, and although the cases were twice tried and one of the men sentenced to the State penitentiary for a term of years, yet a Federal judge has issued a writ of *habeas corpus* under which the marshal has seized the prisoners who were confined in the State prison, and they are held for trial in the Federal court.

Now, sir, this is a question which ought to interest the lawyers on this floor and induce them to find some way to avoid such dangerous conflicts between the two jurisdictions. If you examine the powers conferred upon the judiciary of the United States you will find that parties indicted for murder in the State court cannot be convicted and punished by a Federal court; not because the facts may not justify the conviction, but because the Federal judiciary has not, under the law, authority to try a case of murder committed in violation of the laws of a State. The jurisdiction of the United States over homicide is confined to cases arising upon the high seas, arising in forts and arsenals, arising in territory where the United States has exclusive jurisdiction. It has never been asserted by any judge on the Federal bench that the Federal judiciary has power to try a man for a crime committed against the law of a State.

Mr. WARNER. Has the morning hour expired?

The SPEAKER *pro tempore*, (Mr. COX.) It has.

Mr. TOWNSHEND, of Illinois. How much time have I left?

The SPEAKER *pro tempore*. The gentleman has five minutes of his hour remaining.

ORDER OF BUSINESS.

Mr. WARNER. I call for the regular order.

The SPEAKER *pro tempore*. The regular order is the consideration of the bill relating to coinage and coin certificates.

Mr. WARNER. I desire to give notice that at the termination of business this afternoon I will ask that the House take a recess for an evening session for debate only, and that to-morrow at three o'clock I will move to close general debate on the bill. I will then ask the House to proceed to take up the bill for consideration by sections as in Committee of the Whole.

Mr. FRYE. Has the gentleman from Ohio asked that the House should take a recess this afternoon?

The SPEAKER *pro tempore*. The gentleman gives notice that at the proper time he will ask that the House take a recess. He further gives notice that he proposes to move to close general debate on the bill at three o'clock to-morrow.

COINAGE CERTIFICATES, ETC.

The House resumed the consideration of the bill (H. R. No. 564) to amend certain sections of the Revised Statutes of the United States relating to coinage and coin and bullion certificates, and for other purposes.

Mr. SPRINGER. I ask unanimous consent to offer an amendment, that it may be printed.

There was no objection. Mr. SPRINGER'S amendment is as follows:

Substitute for section 3 of H. R. No. 564.

SEC. 3. That section 3520 of the Revised Statutes of the United States be amended so as to read as follows:

SEC. 3520. Any owner of silver bullion may deposit the same at any mint, to be formed into bars of fine silver or coined into standard dollars of the weight of 412½ grains troy, as herein provided, and no deposit of silver other than as herein provided shall be received. No deposit shall be of less value than $100, nor of bullion unsuitable for the operations of the mint. The Secretary of the Treasury shall cause the bullion so deposited to be coined into standard silver dollars to the capacity of the mints in connection with other coinage authorized by law. He shall ascertain the market value of all silver bullion at the time it is deposited, and he shall issue therefor certificates in denominations of not less than $5 corresponding with the denominations of the United States notes, each dollar indicated in such certificates to represent 412½ grains of standard silver; and said certificates to the amount of the market value of the bullion so deposited shall be paid to the person depositing the same, and the remaining certificates, representing the difference between the market value of the bullion and the nominal value of the certificates shall be placed in the Treasury of the United States, and shall be deemed a part of the current revenue. The certificates issued in pursuance of this section shall be received at par in payment of all dues to the United States, including duties on imports, and shall be a legal tender in payment of the ordinary and current expenses of the Government, and shall be redeemed by the United States on demand in standard silver dollars to the amount such coin may be in the Treasury, and if such coin be not in the Treasury, in silver bullion; and an amount of such bullion or dollars equal to the outstanding silver certificates herein authorized to be issued shall be retained in the Treasury for such redemption. The Secretary of the Treasury and the Director of the Mint shall make such regulations for carrying this section into effect as will best protect the interests of the United States.

Mr. BUCKNER. I ask unanimous consent to offer to be printed the amendments which I send to the desk.

There was no objection. The amendments proposed to be offered by Mr. BUCKNER are as follows:

Amend:

In line 9, section 8, by striking out "five" and inserting "twenty;" and in line 15, strike out beginning with the word "together" to word "Treasury" in the seventeenth line.

And in line 18 strike out the words "coin and." At the end of the section amend by adding "provided that all certificates for gold or silver bullion shall be rated at the market value of bullion at the city of New York at the time of the deposit."

Mr. URNER. I ask unanimous consent to present an amendment to be printed.

There was no objection. Mr. URNER'S amendment is as follows:

Amend section 1 of the bill (H. R. No. 1715) as follows: Strike out all of section 1 from line 3 to line 7, inclusive.

The SPEAKER *pro tempore*. The gentleman from Missouri [Mr. BUCKNER] is entitled to the floor.

Mr. BUCKNER. Mr. Speaker, the object of thisbill is to reinstate fully and effectually the coinage of silver, and to place gold and silver on the same footing of equality as to coinage. It restores the monetary status of the two metals as it existed before the clandestine passage of the act of March, 1873. It gives us two units of value instead of one, with the old relation between them. It opens the doors of the mints to both metals alike, and the mintage of each is only limited by the capacity of the mints, and this is to be supplemented by the issue of certificates on the deposits of silver bars, as now provided in relation to gold bars. The first sections of this bill apply the laws now applicable to the coinage of gold to that of silver. Section 8 is a departure from existing law as to gold in allowing certificates of silver to be issued as low as five dollars instead of twenty. I think this is an unwise and unnecessary departure, and ought not to be allowed. I am also equally opposed to authorizing the issue of certificates of either gold or silver beyond the actual amount of metal deposited, as provided for in this section, and doubt not that it will be wise to strike out the whole of the section rather than recognize a principle so dangerous and so vicious.

I am free to confess, Mr. Speaker, that I should have preferred a measure that consulted the present unnatural and abnormal condition of the silver market, growing out of admitted governmental interference, rather than correct abstract monetary principles without reference to the circumstances surrounding us. I should have preferred to cast my vote for a measure that looked to the free mintage of silver when coined and bullion silver should be at their normal parity, and until then that the seigniorage should belong to the whole people instead of the fortunate holders of bullion at the passage of the act. I would not only coin the silver dollar to the utmost capacity of the mints, but I would increase that capacity until this Government should force silver to the value which has been taken from it by its action and that of other governments hostile to it. Not that I believe the general purpose and objects of this bill are obnoxious to well-established monetary doctrines or the interests of the people, but because I have apprehensions from a want of proper appreciation of the great questions involved in it, the real friends of full remonetization of silver will be divided and the passage of this act jeopardized.

We have heard, and shall continue to hear, much of the "unjust profit" to be put into the pockets of the bonanza and bullion-holders by free mintage, and of the great wrong of making this country the "dumping-ground" for all the depreciated silver of France and Germany. It was for the purpose of putting a stop to this false clamor and specious clap-trap that I should have preferred to accomplish the same desired results by limiting for the present the silver coinage by the capacity of our mints and the production of our own mines. But, Mr. Speaker, such is the strength and depth of my conviction of the necessity of this Congress taking some decisive and significant action that will indicate the fixed and unalterable purpose of the American people to restore silver to its full equality with gold as a circulating medium that I shall provoke no controversy as to immaterial details, but give this bill my hearty support.

There is no question which has agitated the public mind for the last five years, about which there is so much unanimity among the people of this country. They may differ as to matters of comparative unimportance, but the demand is well-nigh universal that we shall respect the teachings of our fathers and the traditions of the past by holding fast to both gold and silver as the constituents and basis of our circulation. But the voice of America is not so heard and understood in Western Europe, where it is of the highest importance, as well to us as to the other nations of the world, that the sentiment of our people should not be misinterpreted. It will be recollected that the present Secretary of the Treasury, then chairman of the Senate Finance Committee, was in Paris in 1867, at the time of the session of the monetary conference of that year. He was the prompter and abettor of the delegate at that conference from the United States in his efforts to demonetize silver and to adopt the pernicious example of England in wiping out of existence nearly one-half of the monetary circulation of the world.

The monometallic policy of the Paris conference was in a short time carried out by Germany and in this country, the present Secretary of the Treasury being at that time chairman of the Senate Finance Committee and the real or putative father of nearly all the financial measures of the Government from 1867 to the incoming of the present Administration. Since his occupancy of his present high position, he has on all occasions manifested an implacable hostility to bimetalism in his opposition to the Bland bill of the last Congress, in the presidential veto of the Senate compromise bill, in his continuous neglect to coin more than the minimum amount of silver dollars provided by the act of February, 1878, in his complicity with

the New York and Boston bankers to nullify an act of Congress and diminish and degrade the lawful money of the country, and last, but not least, in his recommendation in the financial report of last December that the coinage of silver stop at $50,000,000.

It is this conduct on the part of the Secretary of the Treasury, avowedly in opposition to the sentiment of the great majority of the people of the United States, which demands rebuke at the hands of the representatives of the people, and makes it our imperative duty to repudiate this recommendation of the finance minister, and by a decisive and emphatic vote make known to the nations of the world that under no circumstances will we bow down in abject worship to the golden calf which he seeks to set up in this great silver country. He almost alone of the men who in 1867 favored an exclusive gold circulation seems to be insensible to the ruin which this iniquitous policy has produced in Germany, England, the East Indies, and in this country. He alone fails to perceive the marked change in the public sentiment of Western Europe within the last twelve years. That change is still going on, and we shall be recreant to our duty if we do not encourage it, and by our legislation proclaim to all whom it may concern that the greatest silver-producing country of the world will never consent that the world's metallic money shall be reduced one-half, and its great mineral product degraded to the level of copper and tin.

Mr. Speaker, the corner-stone on which the proposition of this bill rests is that the present depressed value of silver as measured by gold is not real but relative, and is due solely to hostile legislation and pernicious governmental interference with it. If this be true, and we have participated in this hostile legislation, our plain duty is to reverse our position. If it is not true, this bill should be defeated and we should continue to follow in the wake of England and Germany. Whatever doubts may have been entertained on this point at one time, it is now hardly susceptible of doubt or controversy. I beg to ask the attention of the House to the authority of one of the distinguished delegates of this Government to the Paris conference of last year, Mr. Francis A. Walker, contained in his book on Money, page 266. He says:

> That the changes in the comparative purchasing power of the two metals between 1873 and 1876 were wholly or mainly due to changes in supply or to changes in demand disconnected from the acts of governments dealing with the legal relations of gold and silver I really cannot conceive any intelligent and candid man as now maintaining. That it was so held in perfectly good faith for a year or two after the demonetization I do not doubt.

This statement is no less positive than the opinion of Mr. Bagehot, an eminent English financial writer, in the London Economist, September 2, 1876:

> The cardinal present novelty is that silver and gold are in relation to one another simply ordinary commodities. Until now they have not been so. A very great part of the world adhered to the bimetallic system, which made both gold and silver legal tender, which established a fixed relation between them. In consequence, whenever the values of the two metals altered, these countries acted as equalizing machines. They took the metal which fell; they sold the metal which rose, and thus the relation of the two was kept at its old point. But now this curious mechanism is broken up. There is no great country now really acting on this system. The Latin union, it is true, adhere to the name, but they have abandoned the thing. As they do not allow silver to be coined except in limited quantities, they have no longer an equalizing action. They no longer receive the depreciated and part with the appreciated metal, and the two metals are now exchanged for one another, just as other commodities. The gold price of silver is now like the gold price of tin, for the first time in history, without artificial regulation and free from the manipulations of government.

I might also quote the authority of Mr. Ernest Seyd, who, in his testimony before the English silver commission of 1876, stated with much positiveness that the sole cause of the depression of silver was its demonetization by Germany, and who predicted just such results as have since occurred in England and Germany as the inevitable fruits of the German policy. But let us examine this question in the light of reason and common sense, without reliance upon these high authorities. That both gold and silver receive additional value by their use as money beyond their worth as mere commodities is an admitted truth. Prior to 1873 the Empire of Germany was an exclusively silver-using country, creating a constant demand for it in order to maintain a silver circulation of about $300,000,000. Since 1873 she has been disposing of this silver coinage on the market of London, and proposes not to use silver except for fractional coinage. It is estimated that she has sold between two and three hundred millions of silver; and during the period when this operation began, up to the present time, Germany has been a purchaser of gold to supply the place of her discarded silver.

In servile imitation of everything English, the United States demonetized the silver dollar in 1873, when it was worth 3 per cent. premium over gold, and thus made gold the sole unit of value. And in 1875 we passed the resumption act, ordaining that the entire paper circulation of United States legal-tender notes should be paid in gold and these notes destroyed and canceled as they were presented at the Treasury. As a measure of self-protection, and to prevent her gold coins from being withdrawn by Germany, France, in conjunction with the other members of the Latin union, closed her mints against the further coinage of silver in 1876, and has ceased to be a purchaser of silver bullion. At the incoming of the present Administration the Secretary of the Treasury, under the authority of the gold resumption act, commenced the process of purchasing and hoarding gold for resumption purposes, and has had in the vaults of the Treasury from one hundred to one hundred and seventy-five millions of dollars for the last two years.

Thus we have had three of the great commercial nations of the world absolutely rejecting silver as one of the money metals, except for token or fractional currency, and the fourth, (France,) representing seventy millions of people, inhabiting the Latin union, out of the silver market entirely, and not permitting the coinage of a single franc. The United States alone has been a purchaser of silver bullion to the amount of $2,000,000 per month since the spring of 1878. This pittance is little in excess of the annual East India demand on London, which fell off last year to a most insignificant sum, on account of the terrible famine in that unfortunate dependency of Great Britain. With this state of facts as to the demands upon the silver market, does it require any additional argument to prove that it is the hostile action of the governments that has superinduced this decline? Need I insult the intelligence of this House, or of the country, by citing the authority of such distinguished political economists as Walowski, Seyd, Walker, Cernuchi, and a host of others, who ascribe the cheapness of silver, as measured by gold, to its demonetization, either in whole or in part, by the four great civilized nations of the earth.

But to make this proposition so plain that all lingering of doubt shall be dispelled, let it be supposed that these four governments should simultaneously ordain that of the two cereals, wheat and corn, but one of them—corn—should be used for food for man and beast, would it not excite great surprise with every one if the inferior grain should not be worth as much or more than the superior; that wheat would decline and corn advance largely in price? That the production of gold during these years has been declining is not denied, nor has the production of silver been on the increase. So that it is impossible to deny that the reason that the metal in the silver dollar is worth but eighty-five cents in gold or the metal in the gold dollar worth one hundred and eighteen cents in silver is due exclusively to governmental manipulation. And when it is borne in mind that when this manipulation began, in 1873, the silver dollar was worth one hundred and three cents in gold and that since that date instead of an increased there has been a diminished production of silver metal, this conclusion becomes absolutely irresistible.

The next inquiry is as to the effect the action of these governments has had upon gold. Has gold continued at a fixed value while silver has been declining from its normal price in gold—say sixty pence per ounce to fifty pence? In the case I have supposed as to the two cereals, corn and wheat, would wheat decline and corn remain at the same value? Would a day's labor purchase as much gold when silver has declined from the causes stated, or would a day's labor purchase as much corn after its value had been affected in the case supposed? Unquestionably not. Gold is not a fixed, unvarying standard of value as the yard-stick is of length, or the gallon measure of quantity. It is difficult to divest ourselves entirely of the impression that the standard of value, like the standards of weight and quantity, is fixed and unchangeable; and we are too apt to regard gold as unvarying as to value as the foot-rule is as to length. But it is most obvious, the quantity of gold being the same and it being a commodity and product of labor, in addition to being a recognized standard of value, that an increased demand for it will increase its price measured by other commodities. It will require more days' labor or more pounds of wheat, or more pounds of meat, or cotton, to buy the same amount of gold in the one case and of corn in the other.

By the action of Germany not only did silver necessarily decline (assuming the production to remain the same) but gold advanced at the same time, because of her entering the gold market against England and France for its purchase, and when the United States entered the lists in the scramble for gold with England, Germany, and France, in 1877 and 1878, the value of gold measured by commodities or labor necessarily submitted to a large advance. In the language of Wall street, the policy of these governments has been to bull gold and to bear silver. The purchasers of gold have had to pay more of the products of labor for the same number of ounces of gold, while less of the products of labor would buy a like number of ounces of silver. Is this reasoning corroborated by well-ascertained and authentic facts? Do the statistics of production and price since 1873, and since the United States became a competitor with the nations of Europe in the struggle for the world's gold, prove that these conclusions are justified? The New York Public, a financial journal devoted to the single standard, and the echo of Wall street opinions, has prepared tables and investigated the prices of the principal articles of trade from 1859 to 1878, and in case of the more important articles, as far back as 1825, embracing over four-fifths of all the articles entering into the commerce of this country during this period, and thus summarizes the results of its investigations:

> No reason is found to question the substantial correctness of previous comparisons based upon quotations of a much smaller number of the most important representative articles. So close, indeed, is the correspondence of results, that, while the representative articles show a relation of prices in 1860 and 1878 as 100 to 81.60, the comparison of many hundred articles indicates this far a relation of 100 to 81.77. The approximate correctness of the following ratios, reducing quotations to gold, may, therefore, be affirmed, namely, $100 in 1860 equals in purchasing power $126 in 1864, and $124 in 1873, and $81 67 November 1, 1878. The shrinkage in the average gold value of commodities (exclusive of all stocks or bonds and of all real estate) from January 1, 1873, to November 1, 1878, appears to have been about 34.1 per cent.

The London Banker's Magazine, October, 1878, gives a careful sum-

mary of facts regarding the diminished production and scarcity of gold, reaching this conclusion:

At the beginning of these remarks it was stated that the variation between the market prices of gold and silver since 1872 had been 17 per cent. If, instead of asserting this to be the fall in silver, we said that silver had fallen 2 per cent. and gold had risen 15 per cent., we believe we should be much nearer the reality.

The London Economist of December 28, 1878, has a long and carefully prepared article on "Fluctuations in the purchasing power of gold." The conclusions of the article are:

We have not touched upon the question of the circulation of bank or statute notes in substitution for gold, nor upon other increased banking facilities, nor yet upon the growth of population in the last ten years. But the fact remains that commodities are much cheaper than they were ten and twenty years ago in periods of great depression in trade, and the same amount of gold, not silver, will buy more of such necessaries of life. Probably gold has risen, while silver has fallen; as nations have competed for the one and discarded the other.

Senator JONES, of Nevada, in his speech on the bill to remonetize the silver dollar, after a very exhaustive discussion of tables of comparative prices, summed up his conclusions thus:

I hazard nothing in saying that under this crucial test it will be found that gold has very nearly doubled in value within the last five years.

In other words, assuming that gold has doubled in value from 1873 to 1879, property of all kinds, exclusive of lands, has fallen in price one-half, so that it requires double as much property to pay the same amount of indebtedness as it required five years ago; and the man that owed a thousand dollars in 1873, if he has to pay it now, practically owes $2,000, and the debt of my State of the nominal amount of seventeen millions is really thirty-five millions. It requires two bushels of wheat, when one would have sufficed in 1873, and two days' labor must be performed, when one would have paid the same debt five years ago. In fact, the debtor who has a debt contracted in 1873 or 1874 and would offer to pay in the silver dollar at its bullion price—eighty-five cents—would find that he had offered to discharge his debt at a ruinous sacrifice to himself, because his property has been depressed by the appreciation of gold in a much greater ratio than the difference between the market value of silver and gold.

This is the experience of every one who will compare the prices of farm products or manufactured articles when gold was the principal medium of circulation in this country, from 1850 to 1860, with the prices of the same articles now. I do not include lands or houses and lots, as their depression in price has been relatively much greater. And yet we are being congratulated that our exports are increasing month by month, that the balance of trade is largely in our favor, and that we are just entering upon a career of prosperity unprecedented in our history. How this can be, with the prices of labor and the products of labor depressed as they are and must continue on account of the highly appreciated value of the standard by which they are measured, passes my comprehension. With untold amounts of debt, individual, corporation, State, and national, to be discharged by the products of labor at gold prices, the future of the laborer and producer of this country is pregnant with gloom and alarm, for our vast exports are but the measure of their sacrifices and the monument of their privations and their suffering.

If, Mr. Speaker, as I have attempted to show, the decline in the relative value of silver is due solely to the absence of demand for it for money uses by the great nations of the world, is there any doubt that by increasing that demand its bullion value would appreciate at once and we should hear no more of the clipped dollars? Increased demand has that effect (the supply remaining the same) upon the price of every other production, and silver bullion cannot make the sole exception. The passage of this bill would be to make the Government in effect a bidder for every ounce of silver raised in the Rocky Mountains, and the certain result would follow that we should use for monetary purposes every year one-half to two-thirds of the silver crop of the world, and to that extent relieve the silver markets of Europe. Such legislation on the part of Congress might well be justified on the ground of protection of our own industries and giving profitable employment to the hardy pioneers who are flocking to the mineral regions of the continent. But it is demanded by the higher considerations of justice to the laboring classes everywhere and of fair dealing to the overburdened tax-payer and unfortunate debtor in every hamlet, town, and village of the Union; for let me remind this House, and especially the Representatives of the East on this floor, that you are deluding yourselves with the hope of prosperity as long as low prices rule and the heavy burdens of debt and taxation are extracting the life-blood of the people.

What are the objections to the full remonetization of silver by this Government and its equalization with gold in its money functions? They have each been the recognized units of value from the organization of the Government to the passage of the coinage act of 1873. Bimetalism and not monometalism was ingrafted on the Constitution, and for more than three-quarters of a century was the policy of all parties in America. Why should we not restore silver to its time-honored place in our monetary system? It is objected that the bill before the House would result in unloading upon us the silver of the world. It may in time give us a portion of the silver of Mexico and the South American States, but not of Europe or any part of it. Germany has about disposed of all her surplus stock, and not a five franc of any of the States of the Latin union or indeed of any other European State would be sent to us, for the reason that it would be shipped to us at a loss to its owner. The European mint valuation of silver is greater by 3 per cent. than ours, and the owner of the silver franc shipping it to New York must submit to the loss of 3 per cent., with freight, insurance, and commission charges added. On this point I beg to read the following, taken from the Banker's Magazine of this month:

Even if the coinage of silver was made free in both France and the United States that metal would flow not from France to the United States, but the other way, and for the plain reason that the mint valuation of silver in France is 3 per cent. higher than at the United States mint. Under the present monetary laws of the European countries no silver can come from Europe except the silver in Germany not disposed of, which is not a great quantity and is being constantly diminished.

But suppose silver from Europe and other countries should flow to us, and should be coined at our mints, or be exchanged for bullion certificates. Will the owners of this silver make us a present of it? Or will they not invest in our wheat, corn, or pork, or some other agricultural mineral, or manufactured product, and thus enhance the price of our productions, and swell the export account of the country? An advance in the prices of our productions is what is needed above all things to give new life to business interests, stimulate enterprise, and to cast aside the habiliments of gloom and depression. And while this process is going on and America is being made the "dumping-ground" of all the silver of the world, what, let me ask, will be the effect on the relative values of gold and silver? If the United States shall use the entire product of her mines, say $45,000,000, and the surplus stock of other peoples, will gold be rated as now at 18 per cent. over silver, or will they not stand upon an equality or nearly so? And will not the example of our country be followed, if not by Germany and England, at least may we not confidently expect that the Latin union will again enter the market for the purchase of silver and the mints of France and Italy be reopened to its coinage? In that event, almost certain to occur in the light of late events, no one can doubt but that the "clipped dollar" would be the equal in value of the gold dollar.

Another objection urged against the free and unlimited coinage of silver as money is that our gold will fly abroad, leaving us nothing but silver. In the published interview of the Secretary of the Treasury with the Coinage Committee, he admits that this will ultimately take place at the present rate of coinage of silver, and with the increase of bank-notes at the rate which is now going on, the escape of his gold from its prison-house may be nearer at hand than is generally anticipated. Low prices, depressed values, and hard times are the conditions on which the gold can be retained in the Treasury vaults, and a slight return of prosperity will assuredly give us bank-note inflation, which is as hostile to his hoards of gold as the coinage of the silver dollar. It is one of the recommendations of the bimetallic system that it recognizes no superiority of one metal over the other, and under the unrestrained operation of the double standard the dearer metal for the time being will flow out and the cheaper will take its place. It is not important to any interest that they should circulate at the same time in the same place. The idea that the dearer the metal the better it is, is entitled to no respect, for dear money necessarily means low prices and depressed business.

If gold becomes scarce and dear the cheaper metal will take its place, and thus the debtor can exercise his option in paying in that metal that is relatively cheaper. We have the present example of France, with six hundred millions of silver five-francs, circulating side by side with the gold twenty-franc. The same is true of Belgium, where the bulk of its metallic circulation is silver, and in neither country has the silver driven out the gold. This will not take place there or here until the channels of circulation are filled to overflowing with money or its representatives. Before the dearer metal can be displaced we must have a sufficiency of other metallic money to answer all the demand of coin. But let us suppose that when we have reached a coinage of $200,000,000 of silver—the capacity of our mints for four years—Secretary Sherman's strong box in New York should be unlocked and his hoard of gold should take to itself wings and fly away. What then? If it finds its home in England, France, or Germany, it would tend to raise the prices of our cotton, corn, wheat, and provisions in these markets and our producers be enriched. Better prices for the products of industry abroad, with moderate prices at home, would greatly enhance the value of our lands and secure the prosperity of the whole people. Silver and silver certificates would take the place of gold, and they would answer all its purposes.

The present condition of the Treasury hoards, both of silver and gold, prove conclusively that our people do not desire to handle either metal. Their preference for paper may yet prove a serious obstacle to a general diffusion of either gold or silver through the channels of circulation and among the masses of the people. Let me say that the Treasury gold is kept here now because of the low price of all merchantable commodities. That was the theory on which contraction of the paper circulation proceeded, and it is the real ground on which free coinage is assailed now. Whenever prices advance so that the products of labor reach a point at which gold can be shipped with more profit than commodities, gold will disappear, to find a resting place where it is relatively dearer and scarcer than it is here. It matters not whether this advance in price is brought about by inflation by bank-notes, United States notes, silver or gold, the fact is that an advance in prices here from any cause is fatal to the continued

existence of the hoards of gold in the Treasury. Low prices and hard times are the conditions on which the Secretary can maintain the present resumption sham in gold. Permanent equivalency (and this is all that resumption is) can only be maintained by and through silver.

The present equivalency between gold and paper is more liable to be disturbed in the near future by issues of bank paper than from any other cause. It is being increased now at the rate of from one to millions of dollars per month, and a slight revival of business will convert a large amount of the 4 per cents. into paper circulation. The Secretary of the Treasury has quite as much reason to fear the effects of increased bank circulation on his Treasury reserves as an increase of silver coinage under the provisions of this bill.

Mr. Speaker, so far in this debate there has been no attempt by either of the gentlemen who have participated in it to refute the controlling and central idea on which this bill is maintained. Neither the gentleman from Pennsylvania [Mr. FISHER] nor my esteemed and venerable friend from New York [Mr. CHITTENDEN] have deigned to give it a passing notice, nor do either of them assert, except by implication, that the present decline in silver metal is due in whole or in part to overproduction. But on no other theory could they insist upon the coinage of another dollar—of full weight, by putting into it fifty additional grains of silver. A largely increased permanent supply of silver might under other circumstances justify the adoption of such a policy or a diminished supply of gold metal might, in the opinion of those who desire scarce and dear money and consequent low prices, commend it to our consideration.

But if, as Professor Walker says, "no intelligent and candid man" can come to the conclusion that the present apparent decline in silver is the result of natural causes or overproduction, then the proposition to increase the weight of the silver dollar by one-sixth of its present weight amounts to little less than downright robbery of the producing classes. If the present relative values of the two metals must be equalized, justice and equity require that the gold dollar shall be clipped rather than the silver dollar shall be increased in weight. I assert that no well-authenticated statistics show that within the last five or six years there has been any overproduction of silver; but on the contrary there has been a diminished production of both metals, especially of silver. But if, as I think, I have shown that the present decline in silver is relative to gold alone and is due to artificial causes and chiefly if not wholly to improper and unwise governmental interference, the only road out of this artificial depression is full remonetization by the nations of the world.

The United States being the most interested in the production and value of silver, considered as a domestic industry, should take the initiative in this work of restoration and lead the van, and not follow in the wake of other nations. I should have supposed that the gentleman from Pennsylvania [Mr. FISHER] would have been among the last to repudiate the doctrine of protection to home industries, such a favorite in his State; but, Mr. Speaker, it makes all the difference in the world whether the protected article is the coal and iron of Pennsylvania or the silver of Colorado and Nevada.

My esteemed friend from New York [Mr. CHITTENDEN] says he is in favor of an honest dollar—that is, a dollar whose present value in silver bullion is equal to the gold dollar of 25.8 grains. But I should like for my friend to give any good reason, not inspired by the atmosphere he breathes, why as a matter of right and justice the gold dollar should not be clipped to the weight and dimensions of the silver dollar of the fathers. Is it "honest" to compel the people of this country to pay one-sixth more than their contract demands in liquidation of the 4 per cent. bonds, which have been issued with full knowledge to the holders that they were payable in the silver dollar of 412½ grains? Is it "honest" to take from the substance of the people more than they have agreed to pay, and make a donation of it without consideration to the holders of these bonds? Can he deny that the dollar of 412½ grains, at its present bullion value, eighty-five cents, will purchase more wheat, more corn, more meat, more cotton, and more of any of the products of labor than ever before in the history of the last twenty-five years? Will he deny that seventy-five cents of bullion silver can be exchanged for more lands and houses and lots than a gold dollar would buy twenty years ago? I assert this to be true, and I challenge contradiction.

But, strange to say, my respected friend, just and fair-minded as he is, deludes himself that it is just and right to add to the burdens of the tax-payer and the debtor one-sixth more by diminishing the prices of the products which must pay their taxes and debts. How can this be explained? Why, my venerable friend lives in the delusion that gold is an immutable standard of value, and as unchangeable as the yard-stick or the pound weight, and that increased demand, the supply remaining the same, will affect the value of everything else but gold. Rev. Jasper, of Richmond, enjoys a similar delusion as to the sun being a movable body. He insists that the sun "do move;" so all my friend's arguments presuppose that gold has a fixed, unvarying value, not only as to silver but as to all other things.

But my friend is laboring under another strange hallucination. He told us the other day that our silver dollars are now "locked up in dark vaults, useless and a burden and are outlawed as any other product of our soil would be if overvalued and only vendible by short weights and measures." But is not the "king of metals," for which my friend thinks mankind has an instinctive yearning, equally "in prison" and "locked up in dark vaults," "useless and a burden." In proportion to the amount of the two metals held by the Treasury I venture to assert that more silver dollars have left the prison-house of the Treasury than his darling yellow-boys. Be this as it may, it is an admitted fact that neither gold nor silver coins go into circulation; and the reason for this is the same as to both class of coins. There is no place for either in the channels of circulation, and the people want to handle neither for the same reason. The one and two dollar bills of the banks and the Government fill the place of the silver dollar, just as the higher denominations of paper money fill the place of the eagle and its subdivisions. There is no other reason for the non-circulation of our silver and gold coinage than that the people prefer the paper and have confidence in its security and genuineness. But for the law requiring the fractional currency to be destroyed as it is presented to the Treasury, the subsidiary silver coinage would now be in "prison," "useless and a burden," just as our gold and silver coins now are. If we want to hear the music of the silver dollar and the eagle in our pockets we must make a place for them by canceling and destroying the smaller notes; until that is done the dollar and the eagle will be "imprisoned" in the vaults of the Government and the banks.

In my opinion, Mr. Speaker, the effect of free coinage will be to advance the price of silver bullion in the hands of the holders at the passage of the act to the legal value of the silver dollar. That seems to me to be unavoidable, but after the stock on hand is exhausted it could give neither the owners of mines nor the dealers in bullion any advantage whatever. It would result in enhancing the price of the metal thereafter mined to the level of the silver dollar, or would raise prices generally to the extent of the coinage of the mints and the mineral raised and used for coinage and circulation. But that the single gold standard should be maintained, as argued by my friend from New York, [Mr. CHITTENDEN,] because it would be beneficial to the growers of cotton and other productions for foreign exportation, is utterly fallacious. It is the gold standard, highly appreciated now by vicious legislation, that has depressed prices of cotton, wheat, and corn to their present low level.

It is the London and Liverpool price of these articles in gold that determines their value here. Gold has been highly appreciated in value by the increased demand for it growing out of the scramble by the nations using gold. It has become scarce and dear. Gold has advanced more than silver has declined. Dear gold makes low prices for cotton, wheat, and whatever else is controlled in price by the European market. The increased demand for silver growing out of its coinage and use as money here, and to the extent that it shall be recoined and used as money, either in this country or elsewhere, would relieve the strain on the gold market, lessen the demand for the dearer metal, and diminish its value as compared with other articles. These would thus be enhanced in price, and the pound sterling that now only equals $4.87½ would be equal to $5.50, and thus the planter and farmer would obtain more dollars for their labor and be enabled to pay their obligations with less sacrifice.

The effect of this measure would be largely to increase the products of our mines and our hardy miners would be better compensated for their arduous labor. Silver in bullion would appreciate to the value of coined silver, not only here, but in the markets of the world, and we should hear no more of the "clipped dollar," or the "unjust profit" to the holder of bullion, and the toiling masses would rejoice over another victory over the money-lords of the East, who are clamoring for dear money and low prices.

Mr. Speaker, the advocates of silver remonetization occupy a much more favorable vantage-ground before the country than when we passed the compromise Senate bill over the veto of the President. Then it was doubted whether all Europe was not in antagonism to us. Subsequent events have demonstrated that many of the statesmen and economists of France and England sympathize with us, and must sooner or later co-operate with us in restoring silver to its normal status. Time has dissipated all the bugbears and foreboding of evil by which many good men were frightened from our ranks. It was predicted by these false prophets that remonetization would send the gold premium back to its old figures; that our credit would be sacrificed; that our bonds would depreciate; that the refunding process would be arrested, and many other similar fanciful creations were originated for the occasion.

What are the results? Not one of these predictions has been verified. The premium on gold has steadily declined, our bonds advanced here as well as in London, and the entire five-twenty and ten-forty debt has been refunded at 4 per cent., months if not years before any one anticipated such an event. We shall no doubt hear more of such prognostications of evil and ruin. We shall be denounced as lunatics and financial mountebanks by the hireling organs of idle capital and dishonest money-getting; but with truth and justice and reason on our side, and the great mass of the people in all sections sustaining and encouraging us, we need have no apprehension as to the final result. The great American mineral will, in spite of all opposition, soon be restored to its place as the money of the world, and then, and not until then, will our long-lost prosperity begin to return.

Mr. JONES. Mr. Speaker, the two theories as to money are the metallic and the fiat. The metallic asserts that "money consists of the material and that legislation cannot make or unmake it. The law may exalt or depress temporarily, but cannot destroy. Gold and

silver are money in virtue of their superiority and owe none of their rank to law. The extent to which legislation may be exercised with regard to money is to define, quantitatively, the names of coins, to guard against confusion, counterfeiting, &c., by manufacturing them in a public mint, and to save the transportation and abrasion of them by receiving them on deposit and issuing certificates therefor." Such is what is familiarly known as the hard-money theory. On the other hand, the legal-tender or fiat theory asserts that money is conventional, the creature of law, and depends for quantity and quality upon the wisdom and jurisdiction of the authority making it. The material serves only as instrumentality to receive, convey, and execute the fiat of government, whereby the supreme authority creates and regulates the functions of money; and that its superiority depends as in all other cases upon adaptability. Such is what is familiarly known as the greenback theory. According to this theory the credit resultant from the internal and external conditions and relations of a people is the essence of money; and that to waste or abuse by overissue or otherwise would be folly bordering insanity, not to say treason in its most hideous form. It is the inestimable wealth, the life blood of the nation—the whole people. To pervert it to class or corporations would be in morals, as in effect, to drain the national life-blood to make a dainty pudding for an epicure.

In the second section of the bill under consideration occurs the proviso:

> And silver dollars in the Treasury of the United States, when reduced in weight by natural abrasion more than 1 per cent. below the standard weight prescribed by law, shall be recoined.

Contraction! How jealously quantitative!

Again, in section 6:

> When reduced in weight below such standard and tolerance shall be a legal tender at valuation in proportion to their actual weight.

Could a fanatic be more devout?

Section 5 provides:

> It shall be lawful also to transmit parcels of the same from time to time to the assistant treasurers, depositaries, and other officers of the United States, for exchange, under general regulations proposed by the Director of the Mint and approved by the Secretary of the Treasury. And silver coins of less denominations than $1, when presented at the Treasury or any sub-treasury or depositories of the United States in sums not less than $20, shall be received in exchange for money of full legal tender.

As paper money of full legal tender is more convenient and worth 1 per cent. more than silver coin, the silver will, as a matter of course, flow into the Treasury, there to remain, and from abrasion be guarded by vestal fire, while paper trash shall be sent forth to perform the menial services of money.

Section 8 provides:

> The Secretary of the Treasury is authorized and required to receive deposits of gold or silver coin and bullion with the Treasurer or assistant treasurer of the United States, in sums not less than $20, and to issue certificates therefor. * * * And the certificates for coin and bullion in the Treasury shall be received at par in payment for all dues to the United States, including duties on imports.

Thus 412½ grains of silver, worth only eighty-four cents, the Government supplements with sixteen cents of taxes and duties on imports, so as to raise the quantity to par. Generous indeed to the bullionist, but the sons of toil must trudge and sweat beneath the burdens of taxes and impost duties which this munificence imposes. Why not utilize the credit of the Government to diminish rather than increase the load? No doubt silver from all quarters will rush into the Treasury, and the glittering heaps will pile. But the bullionists will monopolize our revenues and leave us without income to meet current expenses. True, we shall have the silver, but if our mints had adequate capacity, the ninth section of the bill provides:

> That from and after the passage of this act only coins of smaller denominations than $1 shall be fabricated on Government account; and in converting bullion into coin-bars or coin for depositors, precedence shall be given in the order in which deposits are made; but this provision shall not prohibit the delivery of coin or stamped bars in exchange for bullion as soon as its value is ascertained.

And section 3:

> Any owner of silver bullion may deposit the same at any mint to be formed into bars or into standard dollars of the weight of 412½ grains troy for his benefit.

So that not only our revenues, but our mints, shall be at the discretion of bullionists, domestic and foreign, our only compensation and felicity being the precious privilege of worshiping a silver calf. And that this deity may be still exalted, the tenth section faithfully provides:

> That after the passage of this act the President shall signify to such foreign governments as he may deem advisable that the United States is ready to co-operate with other nations in the establishment of a common ratio between gold and silver.

In support of this extraordinary measure it is earnestly insisted that the suffering and down-trodden people must have relief, and since the hard-money democrats and republicans will not permit anything better, we should unite with the "betwixts-and-betweens-willy-wonty-canny-canty-shally-shanty" patriots and transfer our revenues and finances to the tender mercies of bullion syndicates in the hope that they will prove less cruel than democrats and republicans.

"Come into my parlor,"
Said the spider to the fly.

Troy captured a Greek horse and a Sinon. Let the friends of labor, of honest money, money issued and regulated by and in the interest of the whole people, and so guarded in circulation against speculation and private interest as to be as costless as practicable in the exchange of commodities and services, "profit by the example."

Mr. BROWNE. Mr. Speaker, the people view with alarm the reopening of the currency agitation. With few exceptions they are content with existing law, accept the legislation of the last Congress, and demand that it remain undisturbed until a fair trial at least shall demonstrate the necessity for a change. The Forty-fifth Congress restored the silver dollar to its old place in the coinage of the nation. It forbade the further contraction of the legal-tender notes of the Government and saved to the people for the wants of labor and commerce over $670,000,000 in paper currency. That Congress had not adjourned until this large volume of paper money—greenbacks and national-bank notes, for the first time in fifteen years, were at par with coin. From that time until to-day our dollars—gold dollars, silver dollars, and paper dollars—have been practically equal in their debt-paying and purchasing power. To-day we have a currency of equal dollars. Silver and gold stand abreast, and the paper promise of the Government being readily convertible into coin is the peer of either.

The nation has made good its promises, and after long years of suspension has resumed payment. At last the dollar of the laborer in the field and the workshop is the equal of that of the capitalist and the bondholder. The laboring-man is no longer cheated by false money and delusive promises. Gold and silver float together and each is the equal of the other. Our paper, once so sadly depreciated, is now accepted at par in payment of all debts, duties, and taxes, and for United States bonds. It performs every function of local exchange and is accepted in all business transactions as an accurate standard of values. A depreciated and constantly fluctuating currency no longer disturbs all business and commerce by its uncertainties. Confidence in the stability of our circulating medium, so necessary to prosperity, has been restored after years of anxiety and doubt. I am not willing by any vote of mine at this time to disturb existing conditions. Any change in our monetary legislation will likely unsettle the equality now existing between our several kinds of dollars and bring upon us again a depreciated currency with the whole brood of evils that have plagued us in the past.

To establish uniformity in our silver coinage I will cheerfully support a proposition to take up and recoin the trade-dollar, for I am inflexibly opposed to dishonored dollars, will never knowingly vote to put one out, nor aid in keeping it out if one shall get into circulation. When the Government declares anything a dollar, whether the declaration be printed on paper or stamped on metal, it should be a full dollar in value, equal to any other dollar authorized by it and capable of performing every function of money. Except as to a reasonable issue of subsidiary or minor coins for convenience in small transactions, every dollar fabricated at our mints should be made a full legal tender. And certainly in ordinary times the Government should not force a currency upon its people that it is unwilling to accept itself. All money should be receivable for public dues and revenues to the same extent that it is made legal tender in the payment of private debts. Our legislation heretofore has given the people dollars that were legal tender for debts, dues, and taxes of every description, dollars that would pay some particular obligations and not others, and dollars that were legal tender for nothing whatever. To maintain an equality of value between these dollars would be about as difficult as to make a stick with but one end to it. We have reached correspondence at last, I hope, by ordaining coin dollars of equal value and making our paper convertible into them. Here let the matter rest. If we want expansion, let it be one of real money and such as is recognized by the commercial world. Of that a people is not likely to possess too much. But, sir, this is merely introductory.

I voted for the silver bill as it passed the Forty-fifth Congress, and I am resolved to stand by it until, tested by experience, it shall appear unwise. I am a bimetalist. I want the people to have the largest possible amount of both gold and silver and as much paper as can be surely and readily converted into either at the holder's option. I stand by gold and silver for reasons a thousand times repeated by economic writers:

1. They are convenient. They represent large values and occupy but a small space.

2. They are not subject to loss or deterioration by exposure to heat or cold, fire or water.

3. They are divisible, and may be coined and recoined and made to represent large or small values without loss.

4. The volume of their production is reasonably uniform. They are not subject to those sudden and violent fluctuations that attend the production of other commodities.

Finally, they possess a real value equal to that of the labor required to produce them. They, like corn and wheat and cotton, represent so much of human effort. I am for the double standard, because we produce gold and silver in the sum of $90,000,000 each year and in about equal proportions. During the fiscal year of 1878 our mints coined $47,226,107 in gold and $46,726,421 in silver. This metal product should be utilized and made the bed-rock of our currency system. We make, in my opinion, a grave mistake when we exclude either coin from our money of exchange. We should not exclude silver, for it is an important part of the resources of our people and performs no mean office in making resumption sure. To ignore its money use is to proclaim that we have outlawed a metal that is the sole cur-

rency of seven hundred and sixty-eight million people and which constitutes half the money of one hundred and thirty-seven million more. To adopt any legislation that would drive gold from our circulation would be equally unwise, for it is the only standard of values of ninety-two millions of people with whom we have large and intimate commercial relations.

As I favor the circulation of both metals side by side, I cannot approve this bill.

THE DOUBLE STANDARD.

To maintain the double standard, to secure the employment of both metals as money, a substantial correspondence in value between them must be maintained. The experience of all the past, the uncontradicted testimony of all writers of character upon economic science, proves that dollars of unequal value cannot be floated together. The cheaper currency always goes into use and the dearer is hoarded or exported. It is within our memory that for a short time after the first issue of the Treasury note it was at par with the coin dollar and circulated side by side with it, but when the note became the cheaper money gold and silver withdrew wholly from the circulation. But I need not argue a question so old as to lack interest and so easily demonstrated that it has passed for years unchallenged. Now we have reached the question, can we authorize the unlimited coinage of the silver dollar of 412½ grains of standard silver and maintain the double standard?

I have read with some interest, sir, the logic of many of the bimetalists of the day, and without an exception, that I can recall, they admit that to make the double standard possible such a ratio between the metals must be fixed as to make them and keep them of equal value. Most of them express the confident belief that that ratio is 15½ of silver to 1 of gold. The history of the production and the use of these metals for a long series of years seemed to justify that belief. What ratio should be fixed between the metals so as to keep them both with us? That was the absorbing question two years ago. Almost every commercial nation in Europe had demonetized silver and was seeking a market for its refuse metal. We had demonetized it for years, new mines had been recently opened, yielding a large product, and so we were left afloat on the broad, uncertain sea of conjecture. It was clear to us then, as the market quotations stood, that 15.98 parts of silver were not equal to 1 of gold, but it was claimed that by restoring to silver its money use its value would appreciate, and by providing for gold so formidable a competitor it would decline, and thus the two would reach a common level. I accepted this logic. To guard against possible mistake, to avoid writing another chapter in the "awful book of human folly," we limited the sum of silver coinage to $4,000,000 per month. We wisely refused to commit the nation to free coinage until the test of a trial had established the true ratio between the metals.

How stands the matter to-day? We can buy the metal in the silver dollar for eighty-three cents. Raise the flood-gates and let in the discarded silver of Europe, and how long can we hold the present silver dollar at par with our other money? We hold it there now solely because we can regulate its issue and keep the supply within our home demand. I look for the time, I believe it is coming, when several of the leading commercial nations of Europe will return to silver, and then we can with safety remove the restrictions now imposed upon its issue. Safety suggests that we stand where we are until experience establishes the true ratio between the metals. Our true policy is to keep both metals in circulation, and legislation that will exclude either is suicidal.

This bill gives

THE PROFITS OF THE SILVER COINAGE TO BROKERS, CAPITALISTS, AND BULLION-OWNERS.

It is legislation in their interest and at the expense of the people. At present we buy silver bullion at the market price, coin it into standard silver dollars, and the profits go to the credit of the people. The Director of the Mint a year or two ago, under the act of 1875, bought on Government account silver bullion, and in coining less than $40,000,000 of minor coins saved to the Treasury over $5,500,000. Had that law made the coinage free these millions would have gone into the pockets of the bullion-owners. As the law now stands the people get the benefit of the difference between the market price of the metal and one dollar, less the cost of coinage.

As I have said, most all Europe has demonetized silver. Germany has $75,000,000 of it to drop somewhere; France is preparing for the monometallic experiment, and this bill under the guise of putting silver on an equality with gold is but an invitation to these nations, their miners, bullion-owners, capitalists and speculators to dump their refuse metal upon us at a premium of seventeen cents on the dollar. If it was proposed that the Government should buy all the silver that might be brought to its mints at the market price and give legal-tender dollars or silver certificates for it, I would give the measure my support, the profits would then go to the Treasury; but I will never consent that the people shall be robbed in the interest of a few men in this country or Europe who may be able to monopolize the body of the silver product. I repeat, sir, that while silver is coined under the limitations of the present law we may be able to keep a dollar of 412½ grains of standard silver at par with gold; but if we depart from these restrictions the result must inevitably be to increase silver money at the expense of a loss of all other kinds. Then, again, there will be violent fluctuations in all values and uncertainty in all business.

It is well that we let the currency laws alone until we have given them a reasonable trial. For one, I shall neither vote for this bill nor the amendment that proposes to increase the metal in the legal-tender dollar. The people want rest on this question. The ever-recurring, never-ending disposition on the part of Congress to interfere with our monetary system, our tariffs and revenue laws, is the source of constant alarm and disquiet to every industrial and business interest of the country.

THE FINANCIAL SITUATION.

Again, Mr. Speaker, the economic situation of the country is becoming more and more hopeful, the indications of returning prosperity are unmistakable, and any legislation that tends to produce mistrust and arrest the forces that are quickening into a new life our industries and our commerce is supremest financial imbecility. The resumption act, whether wise or ill-advised, has done its work. We have reaped its harvests of hardships, and shall we sow another to be gathered by us or by posterity? The power of the resumption act to contract the currency and appreciate its value has ceased, and our whole currency has reached the coin level. Contracts of to-day and of the future, while present conditions are maintained, will not be subject to the fluctuations that either rob the creditor or bankrupt the unfortunate debtor.

But what is the extent of the real contraction that has been made in our currency during the past fourteen years? If money is a measure of values or a tool of exchange, its volume must be computed by its purchasing power. How stands the account to-day compared with our past condition? According to the statement of the Secretary of the Treasury, our paper circulation—and we had no other—reached its maximum on the 30th day of June, 1865. At that date the outstanding State-bank notes, national-bank notes, legal-tender Treasury notes, one and two year notes of 1873, compound-interest notes, and fractional currency amounted to the sum of $983,318,686. The gold value of these notes was $692,256,355. On June 30, 1878—and after the contraction of legal-tenders had ceased—the aggregate of these securities outstanding was $688,597,275, of the gold value of $684,465,691, showing a reduction of power in exchange of less than $8,000,000. True, I estimate paper money only, for fourteen years ago our currency had so depreciated that coin was banished from the channels of commerce and had gone abroad or taken refuge in bank-vaults or the gold-room. It was no longer a measure of values, but the tool of the coin-broker and the gold-gambler. To-day coin has its normal money use, and to show the true amount of currency on hand it should be added to the exhibit. Then the showing in round numbers on January 1, 1879, is as follows:

Greenbacks	$347,000,000
National-bank notes	324,000,000
Coin in the Treasury and in the country	358,400,000
Total	1,029,400,000

This is an increase of $46,000,000 over even the nominal value of the currency volume of 1865, and $337,000,000 above its coin value. I do not include certain bonds which are claimed to have gone into the circulation between 1864 and 1870, first, because there is evidence that they did not circulate to any considerable extent as money; and, secondly, if they did, the United States bonds of to-day are equal to them in amount and can be as conveniently put into circulation. This comparison, Mr. Speaker, between the amount of our currency to-day and that of its greatest expansion ought to satisfy the most incredulous that there need be no apprehension that our money supply will not be equal to the demands of legitimate enterprise. Sir, our currency is equal to that of Great Britain. The total specie and paper of that kingdom in circulation and in its banks in 1876 was £198,766,000, equivalent to $964,015,000. In the same year the paper money of France was but $472,400,000. To-day its paper and coin volume does not greatly exceed ours. It is true that its *per capita* is greater than ours, but to-day our *per capita* of paper money is 100 per cent. more than it was at any time between 1811 and 1861, a period of fifty years, save only in those years of collapse and disaster, 1837 and 1857.

Commercial panics in this country have always come to us when the paper volume was at flood-tide. From 1820 to 1834 the average *per capita* of this circulation was about $7, but in 1836 it went up to $10.74, 50 per cent., and then there was suspension and universal bankruptcy. In that year of prosperity, 1860, it was but $6.59, and the fearful panic of 1873 struck us when it was $17.75. I could multiply these coincidents but I need not do so. Their logic is that business prosperity depends much less upon the quantity of a people's money than upon its stability. The liability to fluctuate in purchasing power renders any volume of money unsafe. These brief comparisons satisfy me that we should not now adopt monetary measures of doubtful expediency, or seek to expand our currency by putting out either depreciated coin or paper. For one, at least, I am not willing to take the hazard.

THE FRENCH AND THEIR FINANCES.

The champions of irredeemable paper frequently call our attention to the financial policy of the French people during and subsequent to the Franco-Prussian war, and contrast it with ours to our discredit.

My distinguished colleague, Mr. DE LA MATYR, made eloquent allusion to it in his speech the other day. He said:

France, after her disastrous war with Germany, notwithstanding the smallness of her territory and poverty of natural resources, by the wisdom of her statesmanship inspired to intense activity her industrial forces, and kept every muscle, wheel, spindle, hammer, and plow in motion, and in less than three years fully repaired the wastes of the war and paid the enormous indemnity, and did not impoverish her people. The statesmen of France performed a far more difficult task than was committed to our statesmen at the close of our war.

After a patient search I confess, sir, I find nothing in the history of French finances but that rebuke the theories of the gentleman and his colaborers. His system—the fiat system—had neither germ nor growth in the present French Republic. The French nation never issued a dollar in paper money. It never authorized the making of a paper dollar without accompanying it with a promise that it should be redeemed in coin. When in the midst of war the Bank of France was empowered to issue its notes it was distinctly understood that these notes were to be paid in coin so soon as the nation could repay the bank what it had forced the bank to advance for war purposes. True there was a short period during which there was no legal obligation to redeem these notes in specie, but practically there never was a suspension of coin payments, for the certainty of ultimate redemption and the fact that they were a full legal tender kept them all the while at par. France may have been poor in "natural resources," doubtless was so, but in gold and silver her people were rich, for at all times—even during the war—the coin reserve in the bank and the country greatly exceeded the volume of outstanding notes. The whole paper issue was made by the Bank of France. Certainly my friend will not indorse a national banking system, and yet that was the French system.

And then that republic never had an excessive paper issue. The maximum of the notes of the Bank of France was reached on October 30, 1873, and amounted to but the sum of $614,200,000, or $370,000,000 less than our paper volume of 1865. Indeed, sir, when at flood-tide the whole volume of French paper was less by $57,000,000 than ours is to-day. But more than all this, as soon as the war was at an end the French inaugurated a forced contraction so violent that in less than two years the circulation of bank-notes was diminished $141,800,000, and bank discounts were reduced by $88,546,933 more, making a total contraction of over $230,000,000. No such cruel contraction in our greenback money ever occurred under even the most rigorous resumption policy. While the paper money was being withdrawn the coin reserve of the French was increased by $182,000,000, to make resumption sure. Resumption did occur, as previously promised, on the 1st day of January, 1878, and to attain it French economists and statesmen regarded the contraction of legal-tender paper and the accumulation of an increased coin reserve indispensable precedent conditions. Now, in what essential respect does the resumption policy of the United States differ from that adopted by France?

Wild and speculative monetary theories get no sympathy from French statesmen or financiers. Their people tried irredeemable paper—paper founded on confiscated estates and on all the wealth of the people—once, and they got enough of it. In 1790 Mirabeau "inspired to intense activity the industrial forces of the people" by issuing paper assignats to the sum of $9,115,600,000, or a sum equal to $344 *per capita*. It had *fiat* written on its front, rear, and flanks. It was a crime to refuse to take this money or to defame it. The wheels and hammers and plows would not go, the bubble burst, and this immense pile of irredeemable rubbish turned to dust in the hands of the people. It will doubtless be some time before France tries the inflation experiment again.

And France is no longer really bimetallic, for standing in the midst of the gold nations she found her gold coins and bullion steadily flowing out, and to counteract this and to keep it at home she has resolved to suspend silver coinage for seven years. In her anxiety to retain gold she restricts her coinage of silver. Shall we accept her teachings and experience and follow her example? If so, we will not pass this bill. But the grand achievement of the statesmen of France, if I understand my colleague, was in repairing the wastes of war and paying the enormous war indemnity without impoverishing the people. True the war indemnity of $1,000,000,000 was promptly paid Germany, and paid in coin. How this extraordinary financial feat was accomplished my colleague did not inform the House. The operation was a very simple one, and the explanation is easy. France put her interest-bearing bonds upon the market, sold them, took the proceeds, and discharged her obligations. That was all there was of it.

It will occur to many misguided people that the United States is engaged this very day in raising money for the payment of our debt by the same process. The difference is that France pays 5 per cent. interest and we pay but four. My colleague has unconsciously, I fear, pronounced a panegyric on John Sherman and the republican funding act. The French people have not been impoverished! Is it a difficult financial operation for a nation to sell bonds that remain unpaid without impoverishing its people? If it is impoverishing to issue bonds what will happen when they are to be paid? I have never thought that it taxed a people's resources to any alarming extent to leave a debt unpaid.

Mr. DE LA MATYR. Will my colleague yield to me for a question?

Mr. BROWNE. With pleasure.

Mr. DE LA MATYR. Did not the French people themselves pay the debt through the government? They did not borrow it of foreigners. The people paid it and did not impoverish themselves.

Mr. BROWNE. Yes, sir; the French people, with a patriotism almost without parallel, went to the rescue of the government and took its bonds and advanced their money. And had it not been for this persistent, constant attack upon the nation's credit, this eternal effort to demoralize our currency system, the people of the United States would have taken every dollar of the debt of the United States. [Applause.] I say to my colleague further that now the people of the United States are taking our bonds as rapidly as they can be put over the counter at 4 per cent., and that—if he will pardon me the expression—if he will leave his heresies out of our politics, the day is not far distant when we will owe our own debt to our own people.

Mr. SPRINGER. I would like to ask the gentleman from Indiana what party it is which has tinkered with the currency of the country; what party passed the act of March 18, 1869, to strengthen the public credit; what party passed the resumption act; what party passed every act which has taken effect on the subject of finance since the war?

Mr. REED. The republican party. We were not divided at all.

Mr. SPRINGER. Then the republican party has tinkered with the currency.

Mr. BROWNE. Another grievous mistake has been committed. France has not fully repaired the "waste of war." She has but added that waste to her national debt, and is engaged in repairing it at an annual interest rate exceeding ours.

The war between France and Germany was of about seven months' duration; the rebellion dragged through four weary, wasteful years, and yet, sir, the national debt of the French people is to-day two and one-quarter times greater than ours. They owe $4,695,600,000, while our debt is but a little more than $2,000,000,000. Ten years before our civil conflict the total value of the resources of our Government and people, as shown by the census, was but little more than $7,000,000,000; and although the rebellion cost us $4,000,000,000, in addition to the immense destruction of property it entailed, we owe to-day but $2,000,000,000, and our wealth has more than doubled since 1860. Since the war closed we have paid nearly $800,000,000 of our interest-bearing debt. We have been steadily repairing the waste of that stupendous desolation. I deny the superiority of French over American statesmanship. Our whole financial policy, with all its mistakes, will compare most favorably with that of any nation on the globe.

We have brought our paper money up from thirty-seven cents on the dollar to par without disastrously contracting its volume; we have so inspired confidence in the nation's ability to pay and its integrity of purpose that our credits have appreciated 100 per cent. While we have been reducing our debt France, England, Spain, Italy, Russia, Turkey, and in fact almost all the civilized nations in the world have been increasing theirs. We are rapidly refunding our interest-bearing obligations in securities at a lower rate, and have on this account alone made a saving equal to $11,000,000 per annum, in the last six months. We have so admirably adjusted our revenue system that the duties on spirits and tobacco alone discharge our whole annual interest. Our public securities bearing the low rate of 4 per cent. are being sold without a parallel at par. France, that model of governments, whose condition has commanded so much of rhetoric, pays 5 per cent. British consols bear but 3 per cent., it is true, but they have fallen as low as forty-seven and one-half cents in the money markets of the world, and have touched par in but four out of eighty-eight years. I have endeavored to answer rhetoric with logic, not with a sneer, and I pass the "French system" to address myself briefly to another subject.

RESUMPTION.

Mr. Speaker, both of the old parties—I do not charge it upon the nationals—have in the past been persistent in declaring it to be the duty of the Government to resume specie payments so soon as it could be done without detriment to the business interests of the country. Resumption has come. I do not seek to disguise the fact that I was an implacable foe to forced resumption and the resumption act. I followed my convictions in that opposition and I have no apology to offer. I believed then as I believe now, that resumption would come when by our increased resources we had replaced to a large extent the loss and destruction of the war. I saw with pride our currency and credits advancing with the steady swell of business and commerce and looked forward hopefully to the day when we could resume payments without panic or disaster to the people.

No word or vote of mine contributed to keeping that law in our statutes. Two years ago I would have repealed the resumption act because it proposed to convert the whole body of our indebtedness, public and private, into gold obligations in utter defiance of the law under which much of it was created giving the debtor the option of paying in silver. I would have repealed it because it contemplated a most serious and disastrous contraction of our currency, and for the reason that I regarded the fixing of an arbitrary day for resumption a blunder. But, sir, the Forty-fifth Congress, by providing for the recoinage of silver and stopping further contraction, eliminated from the resumption policy what I thought to be its dangerous features. Laws of trade, of industry, and economy—laws more potent than statutes of Congress—have done the rest, and resumption is here to stay, unless we commit some unpardonable folly.

How has resumption been reached? To what is it due? If it depended upon a mere statute I should doubt its certainty. Look at our trade balance during the last three years; examine the statistics of our coin increase, our largely increased exports, and our diminished imports. We have, in my opinion, actually grown up to resumption, not because of laws of Congress, but to some extent in defiance of them. We are selling much, buying but little, and have turned the tides and channels of wealth toward our shores. For ten years prior to 1873 we bought more from foreign countries than we sold them by from $39,000,000 to $182,000,000 a year. We have reversed these conditions, increased our exports of domestic products, and for years the trade balance has been largely in our favor. As the volume of our exports and our trade balance has been increased, in the same ratio have our credits and currency appreciated, and the day of real resumption brought near. To illustrate I will contrast two epochs—that when we were farthest from resumption with that hrough the processes of which it was reached. The first extends from 1861 to 1865, and the other from 1874 to 1878, inclusive.

The total value of our domestic exports from 1861 to 1865, inclusive, was as follows:

1861	$204, 899, 616
1862	179, 644, 624
1863	186, 003, 912
1864	143, 504, 027
1865	136, 940, 248
Total	850, 991, 827

From 1874 to 1878 the value of our domestic exports was:

1874	$569, 433, 421
1875	499, 284, 100
1876	525, 582, 247
1877	589, 670, 224
1878	680, 709, 268
Total	2, 864, 679, 260

This shows an increase of exports in the second period over the first of $2,013,687,533. This is without a parallel in all our past experience. To show you how extraordinary the increase of these exports was during the ten years ending in 1878, permit me to read from the report on foreign commerce:

Values of the principal commodities of domestic production, the exportation of which greatly increased from June 30, 1868, to June 30, 1878.

Commodities.	Value exported during the year ended June 30—		Increase over 1868.
	1868.	1878.	
Agricultural implements	$673, 381	$2, 575, 198	$1, 901, 817
Animals, living	733, 395	5, 844, 653	5, 111, 258
Bread and breadstuffs	69, 024, 059	181, 777, 841	112, 753, 782
Clocks and watches	536, 700	1, 076, 797	540, 097
Coal	1, 516, 220	2, 359, 467	843, 247
Copper, brass, and manufactures of	939, 250	3, 078, 372	2, 139, 122
Cotton, manufactures of	4, 871, 054	11, 438, 660	6, 567, 606
Fancy articles, combs, perfumery, and toilet soap	445, 240	1, 065, 914	620, 674
Fruit	406, 512	1, 378, 106	971, 594
Hemp, and manufactures of	594, 810	1, 220, 962	626, 152
Hops	264, 129	2, 152, 873	1, 888, 744
Iron, steel, and manufactures of	8, 258, 700	15, 882, 508	7, 623, 808
Leather, and manufactures of	1, 414, 372	8, 080, 030	6, 665, 658
Oil-cake	2, 913, 448	5, 095, 163	2, 181, 715
Ordnance and ordnance stores	794, 791	4, 833, 070	4, 038, 279
Petroleum and coal-oil	21, 810, 676	46, 574, 974	24, 764, 298
Provisions	30, 436, 642	123, 556, 323	93, 119, 681
Sugar and molasses	335, 678	4, 878, 407	4, 542, 729
Total	145, 969, 057	422, 869, 318	276, 900, 261

Our exports of breadstuffs in 1878 were of the value of $182,000,000 and of petroleum $46,500,000. While our exports were thus increasing our imports were diminishing. In 1873 we bought abroad $624,689,727, and in 1878 only $422,895,034, a falling off of over $201,000,000, or 33 per cent. But our trade balance in these eras show a still more gratifying improvement. From 1861 to 1865 it was against us, for we bought more than we sold by $269,696,840. Compare this with the last three and a half years, and how flattering the change! During the fiscal years of 1876, 1877, and up to December 30, 1878, we sold more than we bought by the sum of $638,505,424. The difference in these balances is nearly $1,000,000,000 in our favor.

Again, during the war years and for some time afterward, our exports of gold and silver coin and bullion exceeded our imports of these metals by many millions each year. In 1868 this excess reached nearly $80,000,000, but in 1878 it fell to less than $4,000,000. Now, sir, let us look at the effect of this increase of our commerce upon the currency. Just as our exports and trade balances have increased our currency advanced toward a coin par. Gold averaged in greenbacks during the year 1864 $2.03; in 1875 it went down to $1.15, in 1876 to $1.11, in 1877 to $1.04, and in 1878 to $1.01½, and finally, in December of that year, gold and greenbacks met on a common level. The facts I have given convince me that resumption has been reached on a sure basis, that it has been attained by an enlarged commerce and wise economies, and that it would be good statesmanship to let our financial legislation alone. [Applause.]

I now yield the residue of my time to the gentleman from New York, [Mr. MORTON.]

The SPEAKER. On a recent occasion the Chair decided upon an expressed opinion of the House that a member had no right to "farm out" to other members portions of his time. The Chair would state that such course is absolutely an injustice to those gentlemen whose names are on the list to allow one member to address the House a portion of the hour and then select members whose names are not upon the list and yield to them.

Mr. BROWNE. I did not intend to depart at all from the rules of the House, but I supposed that I had a right to yield the remainder of my time to the gentleman from New York.

The SPEAKER. In this case the gentleman from New York, to whom the gentleman from Indiana desired to yield, was on the list, but he was not here when his name was reached.

Mr. HARRIS, of Virginia. I desire to ask whether the ruling of the Chair would prevent one member of a committee from yielding to another member of the committee when discussing the same subject?

The SPEAKER. The members of a committee reporting a bill have a right to the preference. The Chair thinks that that preference, under the disposition manifested by the House, should be confined to the time occupied by the member himself, or they might otherwise take up the whole time allowed for the discussion of a bill, and exclude from participation in debate those who are perhaps as much interested in the subject as the members of the committee, and who may not have an opportunity of inducing a member of the committee to give them the time they desired.

Now, the Chair thinks that the practice is right, because the responsibility of the disposition of the floor should be in the Chair, and not in members on the floor of the House.

Mr. CLAFLIN. Suppose a gentleman on a committee does not desire to speak.

The SPEAKER. The Chair has refused that in this instance. The gentleman from New York [Mr. WALTER A. WOOD] desired to give his time to another member, and the Chair refused to allow such transfer under what he understood to be the instruction of the House.

Mr. CANNON, of Illinois. I do not believe that the House intended to instruct the Speaker to decide that the gentleman having an hour might not give five or ten minutes of his time to another member. I think it tends to encourage discussion and gives more members an opportunity to express their views, and, with all due deference to the Speaker, I should be glad if the Speaker would at some proper time submit that question to the House.

The SPEAKER. The Chair knows the rule works great discontent in the House to members here. A member entitled to the floor for one hour yields it to the exclusion of the member next on the list. The Chair thinks that if a gentleman wants ten minutes he should have a right to have it, but that a member ought not to have the right to give to another fifty minutes; that surely was not the purpose of the rule.

Mr. CANNON, of Illinois. As it is now, the discussion on every important bill is confined to fifteen, twenty, or twenty-five members; whereas if the gentleman from Indiana had the right to yield ten minutes to one member, and five minutes to another, gentlemen who do not desire to make long speeches will then get themselves on the record.

The SPEAKER. What is the difference whether the member gets that time from a member or from the Chair? The duty of assigning the floor properly belongs to the Chair. The Chair can give five minutes as well as any member can give it.

The gentleman from Indiana who has just spoken spoke forty minutes, and the gentleman who follows him may want only five minutes, and then the Chair passes to the next on the list.

Mr. REED. It is just to that point I want to speak. Under the rule the Chair encourages hour speeches, and the inflexible rule of having a list encourages the publication of essays and prevents debate on subjects like this, and makes it almost impossible to get a debate or for a gentleman to get a chance to speak when he feels like it. He goes up and he finds a list there at the Speaker's desk, and he may be put off two or three days and the points upon which he desired to speak may have passed from the attention of the House. I think it will conduce to freedom of debate if some different rule were adopted by the Chair.

The SPEAKER. The gentleman certainly has no hardship to complain of. He spoke on Saturday although he was not in that position on the list.

Mr. REED. I make no complaint against this rule of the House for it never gave me any more trouble than it does others. I got an opportunity on Saturday, unexpectedly to myself, on account of another member being in the chair who did not enforce the rule as the Speaker did, and for that I was very grateful.

The SPEAKER. The Chair thinks that the recognition of the right of members is in the Speaker.

Mr. CANNON, of Illinois. When a member does not wish to occupy his whole hour he might yield ten or twenty minutes to some other member.

The SPEAKER. The next member on the list is entitled to be rec-

ognized, and yielding practically takes away from the Chair the assignment of the floor.

Mr. BELFORD. I ask unanimous consent to offer an amendment which I send to the Clerk's desk, and that it may be printed in the RECORD.

The Clerk read the amendment, as follows:

After the word "bullion" in line 4, section 3, page 3, insert the following words: "produced from the mines of the United States;" so that the section will read: "Any owner of silver bullion produced from the mines in the United States may deposit the same at any mint," &c.

RECESS.

Mr. WARNER. I move that the House take a recess until half past seven o'clock this evening; the evening session to be for debate only.

Mr. HAWLEY. Pending the motion for a recess, I move that the House now adjourn.

Mr. WARNER. I hope there will be no objection to a recess.

Mr. FORT. I hope the gentleman from Ohio [Mr. WARNER] will not compel me to go on to-night.

APPROPRIATIONS FOR THE GENERAL LAND OFFICE.

Pending the motion to adjourn,

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Interior, transmitting estimates for deficiencies in the appropriations for the General Land Office; which was referred to the Committee on Appropriations.

DR. WILLIAM A. HAMMOND.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting draught of an act to amend an act for the relief of William A. Hammond; which was referred to the Committee on Military Affairs.

ILLICIT DISTILLATION.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a communication from the Commissioner of Internal Revenue, setting forth in detail the operations of that bureau in the suppression of illicit distillation; which was referred to the Committee of Ways and Means.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. FISHER, for ten days, on account of important business;

To Mr. KEIFER, indefinitely, on account of important business; and

To Mr. COLERICK, indefinitely, on account of the serious illness of his mother.

WITHDRAWAL OF PAPERS.

Unanimous consent was given for the withdrawal of papers as follows:

To Mr. HENKLE, in the case of Mrs. Julia Watkins; no adverse report.

COMMODORE J. W. A. NICHOLS.

Mr. WHITTHORNE, by unanimous consent, introduced a joint resolution (H. R. No. 70) authorizing Commodore J. W. A. Nichols, United States Navy, to accept from His Catholic Majesty, the King of Spain, the grand cross of naval merit; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

ORDER OF BUSINESS.

Mr. WARNER. I now insist upon my motion that the House take a recess until eight o'clock this evening, the session of to-night to be for debate only on the silver bill.

Mr. HAWLEY. I move that the House do now adjourn.

The question was taken; and upon a division there were—ayes 46, noes 48.

Mr. HAWLEY. No quorum has voted.

The SPEAKER. It does not require a quorum to determine a motion to adjourn; but the Chair will appoint tellers, and appoints the gentleman from Connecticut [Mr. HAWLEY] and the gentleman from Ohio, [Mr. WARNER.]

Mr. FORT. If there are any gentlemen who desire to speak to-night, I have no objection to a night session; but if there are not, then I think it is exceedingly unfair upon the part of the gentleman from Ohio [Mr. WARNER] to try to crowd me into the night session.

Mr. FRYE. There is no quorum here, and the gentleman cannot get a recess to-night.

Mr. WARNER. We can try it.

The House again divided upon the motion to adjourn.

Mr HAWLEY, (one of the tellers.) There is a difference in the count by the tellers in regard to the negative vote. We agree upon the affirmative vote that it is 52; I make the negative vote 52, and the gentleman from Ohio [Mr. WARNER] makes the negative vote 53.

The SPEAKER. The Chair will settle the question by voting in the negative, making the vote 52 to 53; and the motion to adjourn is not agreed to.

Mr. CONGER. No quorum has voted.

The SPEAKER. That is not necessary upon a motion to adjourn.

Mr. CONGER. I know that, but it will require a quorum to take a recess.

Mr. WARNER. I will withdraw the motion for a recess.

The SPEAKER. The motion for a recess being withdrawn, the Chair recognizes the gentleman from Illinois [Mr. FORT] as entitled to the floor, and he will now proceed.

Mr. HAWLEY. If the gentleman from Illinois [Mr. FORT] is not ready to proceed, there are plenty of other names on the list.

Mr. FORT. I see very plainly and with great regret that the gentleman who reported this bill [Mr. WARNER] is not willing that I should have an opportunity to speak upon it, because I have not pledged myself to vote for every single word and sentence in the bill. I see also, to my further regret, that some of those who have been coquetting with him have also joined in the effort to keep me from speaking on this subject.

Mr. CONGER. If the gentleman from Illinois [Mr. FORT] does not wish to speak at this time, I will move that the House now adjourn.

Mr. WARNER. I desire to say a word in this connection. I was not aware that the gentleman from Illinois [Mr. FORT] intended to speak to-night until he took the floor.

Mr. FORT. I was assigned the floor, and I objected to a recess and told the gentleman why I objected.

Mr. WARNER. I was certainly not aware that the gentleman was entitled to the floor.

Mr. KENNA. As I understand it, the request for a session to-night was not intended to affect the gentleman who now has the floor or to affect any other gentleman who may be entitled to the floor. The request was made by the gentleman in charge of this bill in order to give a number of us whose names are not on the list an opportunity to speak this evening, because it is probable we will have no other opportunity to speak upon this bill. I, for one, desire to be heard in favor of it.

Mr. FORT. I said that I had no objection to that.

Mr. KENNA. That was my motive, and I think it was the motive of others who favored a night session.

Mr. FORT. I requested the gentleman from Ohio [Mr. WARNER] not to force me to go on to-night.

Mr. WARNER. I beg to correct the gentleman.

Mr. CONGER. I insist upon my motion to adjourn.

Mr. WARNER. I give notice that to-morrow, at three o'clock, I shall move to close the debate.

The SPEAKER. The gentleman from Ohio [Mr. WARNER] having withdrawn the motion for a recess so that the House could proceed with the subject before it, that is, intervening business, the motion to adjourn is now in order.

Mr. KENNA. I renew the motion for a recess instead of adjourning, so as to have a night session.

The SPEAKER. The motion to adjourn takes precedence of the motion for a recess.

Mr. BELFORD. I would like to suggest, in order to solve this difficulty, that there be a session to-night, and any gentleman who desires to speak upon this bill can come here to-night and do so; and that unanimous consent be given that the gentleman from Illinois [Mr. FORT] be first recognized to-morrow morning as entitled to the floor upon this bill.

The SPEAKER. The Chair will submit to the House the suggestion that the gentleman from Colorado [Mr. BELFORD] has made, that a recess be now taken till this evening at eight o'clock, when gentlemen who may desire to do so shall speak, but that the gentleman from Illinois, [Mr. FORT,] who now has the floor, shall be recognized in his own right to-morrow morning.

Several MEMBERS. That is right.

Mr. HARRIS, of Virginia. This is not to affect the list of speakers as already arranged.

Mr. FRYE. But, Mr. Speaker, I objected with a purpose, a design. I prefer that the discussion on this bill shall go on for the next week or ten days. I think it safer to have the House occupied with this harmless discussion than with a great many other things that might come up. Therefore, I shall object to the proposition just stated by the Chair.

Mr. KENNA. I would like to say to the gentleman from Maine [Mr. FRYE] that a number of us desire to submit remarks on this bill, but in the same connection I say to him frankly that that number, so far as the democratic side of the House is concerned, do not propose by any means to be led into the postponement in any way of final action by the House on this bill. If the republican side are determined to protract this debate with a view to kill this bill, they shall have no help from me, for one at least.

Mr. FRYE. Then, Mr. Speaker, they cannot want to speak a great deal.

Mr. KENNA. We do not want to make speeches so much as we want action on this bill, and those of us who desired to speak to-night will do nothing to delay its passage for a moment.

The SPEAKER. The Chair feels it due to himself to say that he voted a moment ago against adjournment for the accommodation of members, certainly not for his own accommodation

The question being taken on the motion of Mr. CONGER, that the House adjourn, it was agreed to; there being—ayes 54, noes 42; and accordingly (at five o'clock and fifteen minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. ACKLEN: Resolution of the constitutional convention of

Louisiana, recommending a continuous and uniform levee system—to the Committee on Levees and Improvement of the Mississippi River.

By Mr. BRIGHT: The petition of John D. Tally and others, that the law in relation to the manufacture of stills be amended—to the Committee of Ways and Means.

By Mr. CARLISLE: The petition of citizens of Kentucky, for the creation of an additional judicial district in that State—to the Committee on the Judiciary.

By Mr. DIBRELL: The petition of Mary Byrd Dallas, for an increase of pension—to the Committee on Revolutionary Pensions.

By Mr. HORR: The petition of citizens of Saint Charles, Michigan, for the enforcement of the anti-polygamy law—to the Committee on the Judiciary.

By Mr. JONES: The petition of Alexander C. Crawford, (accompanied by draught of bill,) for pay for rent of property by the United States at Galveston, Texas, in 1865 and 1866—to the Committee of Claims.

By Mr. MARTIN, of Delaware: The petition of Benjamin Lippincott and others, stockholders in the Capitol, North O Street and South Washington Railway Company of Washington, District of Columbia, against a change of the original charter of said road as contemplated in the House bill No. 293—to the Committee for the District of Columbia.

By Mr. MURCH: The petitions of W. T. Wilder and 23 others, of Manchester, of 48 citizens of Wayne, of 64 citizens of Gardiner, of 37 citizens of Pittston, and of 75 citizens of Wiscasset, Maine, that Congress alone issue the circulating medium, and that the Secretary of the Treasury be instructed to pay off and cancel United States bonds with the same—to the Committee on Banking and Currency.

By Mr. PHELPS: The petition of Harriet B. Richardson, for a pension—to the Committee on Invalid Pensions.

By Mr. POEHLER: The petition of the heirs of Scott Campbell, for pay, by the terms of a treaty between the United States and the Sioux Indians, for services rendered and to be rendered as an interpreter for said tribe of Indians—to the Committee on Indian Affairs.

By Mr. PRICE: The petition of the New York committee for the prevention of State regulation of vice, that the pending quarantine legislation be so amended as to provide against grave abuse of the power conferred in the direction of legalizing social vice—to the Committee on the Origin, Introduction, and Prevention of Epidemic Diseases in the United States.

By Mr. YOUNG, of Tennessee: The petition of Frank J. Taylor, for compensation for services rendered as stenographer to the Committee on Epidemic Diseases in Memphis, Tennessee—to the Committee of Claims.

IN SENATE.

WEDNESDAY, *May* 14, 1879.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. INGALLS presented the petition of John M. Seppey and others, citizens of Logansport, Indiana, praying for the passage of a law allowing an increased rate of pension in certain permanent specific disabilities; which was referred to the Committee on Pensions.

Mr. MAXEY presented the petition of M. C. Spaulding, of Maine, praying that an inquiry be made touching the enforcement of the law prohibiting the transmission through the mails of lottery tickets and letters relating thereto; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Arthur P. Bagby, of Texas, praying the removal of his political disabilities; which was referred to the Committee on the Judiciary.

Mr. LOGAN presented the petition of H. E. Kickler, of Pekin, Illinois, praying for the passage of a law authorizing the refunding to him of $481.60, being the amount of tax-paid stamps destroyed by fire in the warehouse of the City Distilling Company of that city on the 28th of November, 1873; which was referred to the Committee on Finance.

He also presented the petition of James Preston, late private in Company I, Twenty-third Regiment Illinois Volunteers, praying for the passage of a law granting him a pension; which was referred to the Committee on Pensions.

Mr. HOAR. I present the petition of John C. Tilton and E. E. Stimpson, of Haverhill, Massachusetts, owners of the steamer City of Fredricton, praying for the passage of a law giving to them the use of their steamer which has been seized by the custom-house officers under the law of 1793. I desire to state that the petition is printed including the signature. I do not wish to commit myself or the Senate to the propriety of that proceeding. I present it and move its reference to the Committee on Commerce.

The motion was agreed to.

BILLS INTRODUCED.

Mr. LOGAN. I ask leave to introduce a bill to amend an act for the relief of Joseph B. Collins, approved March 3, 1879; and I ask that it lie on the table and be printed.

The bill (S. No. 595) to amend an act for the relief of Joseph B. Collins, approved March 3, 1879, was read the first time by its title.

The PRESIDENT *pro tempore*. The bill will be read the second time by its title and ordered to lie on the table.

Mr. EDMUNDS. I rise to inquire of the Chair in a parliamentary way whether, when a bill is read in this way, it is still in time to object to its being introduced without leave and without a day's notice. The ordinary method of doing the business of the Senate under the rules used to be that a Senator asked unanimous consent, as the rules now are, and the Chair stated it in that way, and we knew what the title of the bill was before the unanimous consent was granted. We have now run down into the practice, which saves time, of not going through with that form. I now rise to inquire whether I am in time to object to the present introduction of this bill?

The PRESIDENT *pro tempore*. The Chair has followed the practice, and does not remember that it has been departed from; but that it was adopted for the purpose of economizing time ought not to deprive the Senator, in the opinion of the Chair, of the right to object.

Mr. EDMUNDS. I had no doubt that was so; but I should like to have the title of the bill read again.

The bill was read the second time by its title.

Mr. EDMUNDS. I think I shall not object to that, Mr. President.

The PRESIDENT *pro tempore*. The bill will lie on the table.

Mr. LOGAN (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 596) providing for the permanent improvement of the navigation of the Mississippi River, and for the reclamation of the low lands of the States bordering thereon, and for hygienic purposes; which was read twice by its title, and referred to the Committee on Commerce.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 597) for the relief of Rev. Erastus Lathrop, of the State of Illinois; which was read twice by its title, and referred to the Committee on Military Affairs.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 598) for the relief of Edward L. Wilson; which was read twice by its title, and referred to the Committee on Patents.

Mr. VEST asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 599) for the judicial investigation and adjustment of private land claims in the States of Louisiana, Arkansas, Missouri, Florida, and the States of Alabama and Mississippi south of the thirty-first degree of north latitude; which was read twice by its title, and referred to the Committee on Private Land Claims.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 600) to provide for ascertaining and settling private land claims in certain States and Territories; which was read twice by its title, and referred to the Committee on Private Land Claims.

Mr. VOORHEES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 601) authorizing the allowance for loss by leakage or casualty of spirits withdrawn from distillery warehouses for exportation; which was read twice by its title, and referred to the Committee on Finance.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. HOAR, it was

Ordered, That the papers in the case of the bill and petition for relief of Francis S. Davidson be taken from the files and referred to the Committee on Military Affairs.

LANDS IN INDIAN TERRITORY.

The PRESIDENT *pro tempore*. If there are no resolutions to be offered, the Chair lays before the Senate a resolution offered yesterday by the Senator from Missouri, [Mr. VEST;] which will be reported.

The Secretary read the resolution, as follows:

Resolved, That, if not incompatible with the public interest, the President be requested to inform the Senate if any lands in the Indian Territory were purchased from Indian tribes in such Territory by the treaties of 1866, and, if so, how many acres; and whether the United States has parted with its title to any portion of such lands. And that the President be further requested to inform the Senate if any portion of such lands were purchased for the purpose of locating Indians and freedmen thereon; and whether any of such lands are at this date unoccupied by Indian tribes or freedmen, and, if so, whether it is the intention of the Government to use such unoccupied lands for the settlement of Indians and freedmen; and, if the Government has such intention, what Indians and freedmen are to be located on such lands.

Mr. VEST. Mr. President, I only wish to make a single remark in regard to the resolution. Recent events have demonstrated that in the very near future some legislation will be necessary in regard to the Indian Territory. At present that Territory stands like a huge rock in the middle of the current of civilization and emigration to the Southwest. I have no disposition to forestall what may be the judgment and action of Congress in regard to this very important matter. I simply wish to say now that, in obedience to the instructions of my State Legislature and in obedience to my own opinions, I propose at an early day to introduce a bill for the organization of that Territory into a State government and its admission into the Union; and in order that all the surroundings, all the facts, in regard to this matter may be well known to Congress and to the public, I have introduced this resolution.

If that Territory is to be made a Botany Bay by the United States

for the vicious and dangerous Indians of the plains, we ought to know it in the Southwestern States. If it is to become a portion of a great nation given to a future of glory and greatness, it is time now that preliminary steps should be taken in that direction.

I hope in any event, whatever may be the opinions of Senators, that this resolution at least may be adopted, in order that a full and complete knowledge and understanding may be had of all the surroundings of this question. I ask the adoption of the resolution.

The resolution was agreed to.

ADDITIONAL CLERKS IN THE POST-OFFICE DEPARTMENT.

Mr. MAXEY. I ask leave to present and have read and printed in the RECORD a communication from the Postmaster-General, addressed to me as chairman of the Committee on Post-Offices and Post-Roads, in respect to additional clerks in the Post-Office Department, and I give notice that after the letter is read I shall move to amend the legislative, executive, and judicial appropriation bill in regard to the points mentioned in the letter.

The PRESIDENT *pro tempore*. The Chair hears no objection, and the letter will be read.

The Secretary read as follows:

POST-OFFICE DEPARTMENT,
Washington, D. C., May 14, 1879.

Hon. S. B. MAXEY,
Chairman Committee on Post-Offices and Post-Roads:

I have the honor to recommend that the legislative, executive, and judicial appropriation bill be amended so as to allow to the office of the Second Assistant Postmaster-General eight clerks of class 4, twenty-eight clerks of class 3, and fourteen of class 2, instead of the numbers now provided for. This increase is very much needed, in consequence of the large increase of new mail-routes largely increasing the work of that office.

Very respectfully,

D. M. KEY,
Postmaster-General.

Mr. MAXEY submitted an amendment intended to be proposed by him to the bill (H. R. No. 2) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

JOHN S. SAUNDERS.

Mr. WHYTE. I ask unanimous consent to take from the Calendar Senate bill No. 141.

The PRESIDENT *pro tempore*. The Senator from Maryland moves to proceed to the consideration of Senate bill No. 141.

Mr. EDMUNDS. Let us hear it read for information.

The Secretary read the bill (S. No. 141) for the removal of the political disabilities of John S. Saunders, of Baltimore, Maryland.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of this bill?

Mr. EDMUNDS. My only objection, for this apparently is a correct case as I remember its consideration in the committee, is that it is one of the numerous steps that we are taking, every day it is true, in the course of general legislation at this session. I do not know that it is possible to call a halt anywhere, and certainly I am not disposed to call a halt against this particular person; but at the same time we have got to decide, probably about October, whether we are going on with the universality of general legislation or not. If that is once decided upon, I have myself a large number of very useful bills I shall be glad to introduce and have considered and passed; but I shall not ask any division of the Senate on this particular question.

Mr. WHYTE. I want to say to my friend from Vermont that this bill came in at the last session, but owing to some delay at the War Department it was not reported by the Judiciary Committee.

Mr. EDMUNDS. I will call it an exception, then.

The motion of Mr. WHYTE was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed; two-thirds of the Senators present voting in the affirmative.

CONSPIRACIES AGAINST THE UNITED STATES.

Mr. LAMAR. I ask that the bill (H. R. No. 1577) to amend section 5440 of the Revised Statutes may be put on its passage. I move that the Senate proceed to its consideration.

The PRESIDENT *pro tempore*. Will the Senate proceed to the consideration of this bill? The Chair hears no objection.

Mr. EDMUNDS. I wish the Chair would put the question.

Mr. SAULSBURY. I should like the Senator having charge of the bill to explain what it is.

Mr. LAMAR. The explanation is very brief and simple. The existing law, which is proposed to be amended, provides that if two or more persons conspire either to commit any offense against the United States or to defraud the United States in any manner or for any purpose, and one or more of the parties do any act to affect the object of the conspiracy, all the parties to such conspiracy shall be liable to a penalty of not less than $1,000 or more than $10,000. The object of this amendment is to strike out the minimum of $1,000, leaving the punishment to the discretion of the court, so that it shall not exceed $10,000. There is one other change. This amendment authorizes the court to impose a fine alone, or imprisonment without fine, or both, whereas the statute as it now stands makes it imperative upon the court in case of conviction to inflict both an imprisonment and a fine. There is no change in the description of the offense, nor as to the proceeding, or the evidence. Instead of making it obligatory upon the court to inflict both fine and imprisonment, (the former to be not less than $1,000 or more than $10,000,) the amendment makes it discretionary in the court to inflict either, or both, so that the one shall not exceed $10,000 or the other two years. The amendment is deemed to be needful in order to enable the court to adapt the punishment to the measure of the offense described in the statutes, many of which are small and trivial.

The PRESIDENT *pro tempore*. The question is, will the Senate proceed to the consideration of the bill?

Mr. EDMUNDS. I shall vote against proceeding to the consideration of the bill upon the ground that I suggested when the little disability bill was up, not that I do not think the bill is right (I believe on an investigation in the Judiciary Committee we all thought the bill was right) but upon the ground that it falls into the general class in respect of which no special exceptional features can be stated of going on with the universality of legislation at this time. For that reason I shall vote against taking it up, although it will not do any good I know.

The PRESIDENT *pro tempore*. The question is on the motion to proceed to the consideration of the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It amends section 5440 of the Revised Statutes of the United States of America so as to read:

If two or more persons conspire either to commit any offense against the United States or to defraud the United States in any manner or for any purpose, and one or more of such parties do any act to effect the object of the conspiracy, all the parties to such conspiracy shall be liable to a penalty of not more than $10,000, or to imprisonment for not more than two years, or to both fine and imprisonment, in the discretion of the court.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THE LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. BECK. If there is no further morning business, I ask that the Senate proceed with the consideration of the appropriation bill.

The PRESIDENT *pro tempore*. If there is no further morning business the Chair will declare the morning hour at an end; and the unfinished business of yesterday is before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 2) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes.

Mr. BECK. The last amendment acted upon was on page 76, line 1869, reducing the appropriation for pay of the chief of the division of inspection and equipment in the office of the Second Assistant Postmaster-General from $2,250 to $2,000; and the next amendment is, in line 1875, changing the total of the item.

The PRESIDENT *pro tempore*. The reading of the bill will proceed.

The Chief Clerk resumed the reading of the bill. The next amendment of the Committee on Appropriations was, in line 1875, to reduce the total amount of the appropriations for the office of the Second Assistant Postmaster-General from $101,790 to $101,540.

Mr. MAXEY. In line 1869, I move that the word "seven," before "clerks," be stricken out and "eight" inserted; in line 1871, that the word "twenty-seven," before "clerks," be stricken out and "twenty-eight" inserted; and in line 1872, that the word "thirteen," before "clerks," be stricken out and "fourteen" inserted. The reasons for this increase of clerks in the office of the Second Assistant Postmaster-General are so clearly set forth in the communication of the Postmaster-General that I think no one will object to it. I ask that the communication be read.

Mr. BECK. I hope the Senator from Texas will let us proceed as we have been doing until we get through with the amendments of the committee, and then we can go back to this item.

Mr. MAXEY. I thought it was in order to move an amendment to the amendments of the committee.

Mr. BECK. This is not in order at this time, according to the understanding.

Mr. MAXEY. Was not that the understanding?

Mr. BECK. No, but that the amendments of the committee should first be acted on.

Mr. MAXEY. I will let the committee proceed in their own way, but I thought it was exactly in accordance with the ruling of the Chair that an amendment could be offered to an amendment of the committee when it was reached.

The PRESIDENT *pro tempore*. Is there objection to the amendment of the committee? The Chair hears none, and it is adopted.

The reading of the bill was resumed. The next amendment of the Committee on Appropriations was, under the head of "Department of Agriculture," after the word "purchased," in line 2006, to strike out the words "and to whom distributed, and in what quantities; a reasonable and equal proportion of which seeds shall be supplied for distribution among their agricultural constituency to Members and Delegates of Congress when requested," and in lieu thereof to insert "a proper proportion of which seeds shall, if requested, be supplied to

Senators, Representatives, and Delegates of Congress, for distribution among their constituency;" so as to make the clause read:

For the purchase and propagation, as required by law, of seeds, trees, shrubs, vines, cuttings, and plants, $70,000; for parceling, packing, and distributing the same, $30,000: *Provided further*, That the Commissioner shall be required, and is hereby instructed, to accompany his next annual estimate of the expenses of the Department of Agriculture with an itemized report of the quantity of seeds and plants purchased during the fiscal year for which this appropriation is made, the date of said purchases, the prices paid, and from whom said seeds and plants were purchased, a proper proportion of which seeds shall, if requested, be supplied to Senators, Representatives, and Delegates of Congress, for distribution among their constituency: *Provided*, No part of said sum shall be paid to salaried employés in said Department.

Mr. ANTHONY. I have no objection to this amendment so far as it modifies the original bill, but I do object to the whole provision for giving seeds to members of Congress for distribution. It is an unmitigated nuisance. The distribution cannot be fair or equal. The amount that is necessarily supplied to each member is too limited to reach any considerable portion of his constituents, and it brings us innumerable letters applying for seeds which we have no power to give. I wish the committee would agree to strike out the whole provision.

Mr. BECK. We endeavored to modify the provision of the House and bring it down as much as we could. The Senator will observe that only a proper proportion of the seeds is to be supplied to members of Congress. We did not want to prevent any Senator who might differ with the Senator from Rhode Island and myself (for I agree with him about the nuisance of the system) from being entitled to have seeds sent to him at his request. We thought as the House provision was so broad that we ought to limit it and bring it down as much as possible without striking it out altogether. There has been complaint sometimes made by members of Congress that they have been refused seeds when they applied for them, and we thought perhaps it was reasonable to leave the provision in this limited form so that if members did see fit to apply for seeds the Commissioner would feel at liberty to comply with their request.

Mr. ANTHONY. The right to apply for the seeds implies the obligation to apply if we are requested to do so by our constituents. It seems to me that one of the best reforms which the present Commissioner of Agriculture has instituted has been the abandonment of the distribution of seeds by members of Congress. He always responds to a demand for seeds from practical farmers who will make a report of their cultivation, which will be of some use to the agriculture of the country. I wish the committee would agree to strike out the whole provision.

The PRESIDING OFFICER, (Mr. CAMERON, of Wisconsin, in the chair.) The question is on the amendment of the Committee on Appropriations.

Mr. ANTHONY. It would not be in order I suppose now to move to strike out the whole provision. If so, I should make that motion.

Mr. BECK. I really do not think the committee care much about it. We were endeavoring to approach what the Senator desires, and so modified the provision that perhaps in conference the two Houses together may either remove any objection to it or dispose of it altogether. Our object was to bring the system down to a very small matter and to prevent any annoyance that might exist. The House inserted the clause, and we so far changed it as to leave it open to conference.

Mr. ANTHONY. If the Senator from Kentucky who has charge of the bill will give me his assent to it, I will move to strike out the whole provision.

Mr. BECK. I can only say that I feel compelled to vote to sustain the action of the committee.

Mr. WILLIAMS. If we strike out the provision, how will the law then stand?

Mr. BECK. The result would be to leave the whole matter under the control of the Commissioner of Agriculture.

Mr. WILLIAMS. I will state that I receive a great many letters requesting seeds to be sent, and I always forward the letters to the Commissioner of Agriculture with the indorsement that the applicant is a farmer and a responsible and respectable man; and the Commissioner always sends the seeds; and that seems the most convenient possible method of distributing them.

Mr. BECK. I have no wish about the matter. It is for the Senate to determine.

Mr. DAVIS, of West Virginia. If the House had not made a different provision I should not have asked that a change take place, but the House made a provision on this subject, and one, as the Committee on Appropriations believed, that would act improperly, because the seeds would go as well to members of Congress from the cities where probably they would never be wanted. The amendment, Senators will observe, provides that a proper proportion of the seeds, if a Senator or Member so requests, shall be sent to the Senator or Member. That is, if a Senator requests it he gets his proper proportion, whatever that proper proportion may be; and if he does not make the request, then the seeds will not be sent to him; but the Commissioner under this provision can do just as he is doing now. When the Senator from Kentucky [Mr. WILLIAMS]—and I join with him in this as I have done so often—or any other Senator receives a letter requesting seeds he incloses it to the Commissioner and the Commissioner supplies them. This provision is intended to allow the Commissioner still to do so; it does not prohibit that as the Committee on Appropriations has amended it; but as it came from the House that probably could not have been done, because the Commissioner was required to distribute equally among all the members, whether they wanted the seeds or not, and he would have to keep an account of what he sent to each member of Congress. That would have been very troublesome, and it would cost probably more than the seeds to be sent are worth to have kept an account with each individual. The Senate committee believe that the provision as they recommend it is much the best.

Mr. FERRY. If the Senator will allow me, would it not be far better to have a fair distribution among Senators and members of the House instead of having to refer the letters which we receive applying for seeds to the Commissioner of Agriculture? I can state my experience to the Senator from West Virginia. I have had frequent applications of late, when the course pursued by the Commissioner has been to absorb this matter and distribute the seeds himself. My experience has been that of the letters I have thus sent only in the case of one in half a dozen or only semi-occasionally has the Commissioner responded favorably to the letters that have been referred to him asking for the distribution of seeds. Now, I think it would be far better to have these seeds lodged with the members of the House and Senate so that they can be distributed in their several districts and States more equitably and more satisfactorily than will be done if the distribution is left to the head of the Agricultural Bureau.

Mr. DAVIS, of West Virginia. If the Senator from Michigan reads the amendment of the Senate Committee on Appropriations, he will notice that it leaves the method of distribution discretionary with each individual member of Congress. If the Senator from Michigan at the beginning of a session wishes the proper proportion of the seeds to which he is entitled to be sent to him, he has a right to ask for them. If, on the other hand, he desires to let them remain in the Department, as the Senators from Kentucky and other Senators prefer, so as to have them distributed when requested by letter, he can do so. The provision of the committee is intended to leave it broad enough for the Member or Senator to request the seeds to be sent to himself or to have them sent to his constituents from the Department.

Mr. FERRY. Yes; but if the discretion is left to the Commissioner of Agriculture you will find, as that has been my experience, that when you want seeds some other part of the country has received so largely that there is none for your particular State or district. As I said, if it is left to the Commissioner that will be the result. At least that has been my experience, and I find that others have had similar experience. A great deal of complaint has been lodged at the door of the Commissioner of Agriculture. I do not know that he is directly to blame, but at any rate the administration of that Department has not been satisfactory in that respect. Such has been my experience, and therefore I am glad of the opportunity here on the floor of the Senate to state that my requests, for instance, for the last year have been very seldom granted as compared with preceding years. It had been the practice to send to the Senator or to the Representative a quantity of seeds, and certainly it is not very laborious to make the distribution in that way. A member or a Senator knows better who is entitled or who would be glad to receive seeds in his district or in his State, but if it is left to the Commissioner of Agriculture those who are more persistent and active and have greater demands will absorb the surplus, and when you apply your letters will not be responded to favorably.

Mr. DAVIS, of West Virginia. The remarks of the Senator from Michigan are more applicable to the present existing state of things than to the provisions of this amendment. I agree with him in a great deal that he has said, and if there were no provision in this bill on this subject it would be very much as he has described; but the Senator very well knows that there are Senators and Members from large cities who do not probably want to be bothered with seeds, and then they are distributed by the Commissioner. I think it is well to adopt this amendment as it is, and when the conference committees of the two Houses come together, if a change is needed to satisfy each, it can be made, because there is already an amendment which gives the conference control of the clause.

Mr. ANTHONY. This puts a most invidious responsibility on the Commissioner of Agriculture. "A proper proportion of which seeds shall, if requested, be supplied to Senators, Representatives, and Delegates of Congress." How is he to decide what is "a proper proportion," what is my proportion, and what is the proportion of the Senator from West Virginia?

Mr. DAVIS, of West Virginia. That is easy enough. There are in round numbers three hundred and fifty members of the Senate and House of Representatives. He divides the quantity he has by three hundred and fifty, and the quotient is the proper proportion of each.

Mr. ANTHONY. The distribution of seeds, like the distribution of books, is partial, invidious, and unsatisfactory, and they both ought to be abolished. As this is an amendment of the committee, I suppose it is in order (at least, it is in consonance with the understanding that the amendments of the committee should be gone through first) to amend the amendment of the committee. I move, therefore, to strike out all after the word "purchased," in line 2006, to the word "constituency," in line 2013. I move to concur with the committee in striking out, but not in inserting.

The PRESIDING OFFICER. The question is on the amendment to the amendment offered by the Senator from Rhode Island.

Mr. DAVIS, of West Virginia. The committee have no particular words they desire; they want to get the best they can. Now, if the amendment of the Senator from Rhode Island is adopted, it appears to me we shall have left the bill in an unsatisfactory condition, and left it almost precisely as it is now, of which all the Senators and especially the Senator from Michigan complain, and I think probably after this discussion on this amendment of the committee, which will give the conference control over the subject, probably some proper arrangement can be arrived at which will cover the whole ground.

Mr. ANTHONY. If we concur with the amendment of the committee in striking out and non-concur with the amendment inserting we shall still leave it in the power of the committee of conference to be settled there.

Mr. DAVIS, of West Virginia. It does not improve it any in our judgment. We think the amendment had better remain as it is.

Mr. FERRY. I hope the amendment of the Senator from Rhode Island will not prevail. It makes the matter worse, in my judgment. I am against lodging the power with the head of that Department, because my experience, as I stated before, has been rather an unfavorable one. If my recollection serves me I have had but four applications directly within six months, of which three were responded to favorably and the fourth rejected. Now think of the idea of a Senator receiving letters from a constituent four times asking for a few seeds to be sent, supplied in three instances but in the fourth not.

Mr. TELLER. Perhaps he was out of seed at the time.

Mr. FERRY. The Senator from Colorado says he may have been out of seeds, but I found that following that other parties received seeds.

Mr. DAVIS, of West Virginia. But my friend will see that the wording of the amendment of the Committee on Appropriations will remedy that to some extent.

Mr. FERRY. I see the force of that. I am speaking now more directly to the amendment proposed by the Senator from Rhode Island. I think if that prevails it will make the matter worse.

Mr. DAVIS, of West Virginia. I agree with the Senator.

Mr. FERRY. I have regretted the necessity of criticising the head of this Department, but I have felt it my duty, and I am glad of the occasion, for I think Senators, at least several within my knowledge, have not been treated as they ought to have been treated. I care nothing for myself, because it is very seldom that I apply; but when a constituent applies, and a response is made that there are no seeds here for distribution, it is strange to learn that very soon thereafter a member of Congress has been there for a neighbor of mine and has received seeds about the same time. When I see that fact I presume there is something wrong. I think the practice of having the head of this Department make the distribution, instead of giving it to the Members and Senators, who will more equitably distribute these seeds, is a vicious practice, and I am opposed to it.

Mr. TELLER. The Commissioner has plainly followed the statute as it now exists. I do not think there can be any doubt about that. If it has not worked right it is not his fault. I will say for the Commissioner that I have made personal application for seeds on two occasions and failed to get them when my constituents had written me for seeds, and in each case the Commissioner informed me he had no seeds. I thought that was a good reply. It seems to me the amendment of the committee is just exactly what it ought to be. If a Senator wants to be bothered with sending out seeds let him do it, or if he will take the chances of sending his letters to the Commissioner, let him do that.

Mr. BECK. I am not very familiar with this part of the bill; but the Senator from West Virginia, who has been connected with the Committee on Agriculture so long, is. We deferred very largely to him and we took his views in regard to it. I will only say to the Senate now that if they agree to the amendment of the committee we will endeavor—at least I will—to confer freely with the Committees on Agriculture of both Houses to see in what shape we can put the matter, believing that we have improved the House provision very greatly, and then I think when we go into conference we shall agree upon a provision satisfactory to all. We shall endeavor to do so at least if the Senate adopt the amendment of the committee.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Rhode Island.

Mr. DAVIS, of Illinois. What is the amendment of the Senator from Rhode Island?

The PRESIDING OFFICER. The Secretary will report the amendment of the Senator from Rhode Island.

The CHIEF CLERK. In line 2006, page 82, after the word "purchased," it is proposed to strike out all down to the word "requested" in line 2010, as follows:

And to whom distributed, and in what quantities; a reasonable and equal proportion of which seeds shall be supplied for distribution among their agricultural constituency to Members and Delegates of Congress when requested.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment of the committee.

Mr. BURNSIDE. I move to amend that amendment by adding "upon application of agricultural societies," so that there shall be some well-understood method of distributing these seeds, something that will insure an intelligent distribution.

The PRESIDING OFFICER. Where does the Senator from Rhode Island desire his amendment to come in.

Mr. BURNSIDE. At the end of the clause.

Mr. DAVIS, of West Virginia. I hope the committee's amendment will be allowed to remain as it is.

Mr. BURNSIDE. Every good farmer, if he desires, can get seeds for experiment in the neighborhood in which he lives. He can get them through the agricultural society of the neighborhood and the Agricultural Department here will get reports of the results.

Mr. DAVIS, of West Virginia. The agricultural societies are all supplied now when there are seeds to be had. If that provision is inserted, members may get none. I think it would be better to let the matter remain as the committee have proposed it. It will only complicate it further to amend it as now proposed.

Mr. BURNSIDE. The trouble is that some of the members get a great many seeds and others get none. If they are issued through agricultural societies there will be an intelligent distribution of them, and these agricultural societies will look to the matter and see that injustice is not done. The same amount of seeds distributed in that way will do a great deal more good than this indiscriminate distribution. Certainly no harm will arise from that distribution.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Rhode Island to the amendment of the committee.

Mr. DAVIS, of West Virginia. If the Senator's amendment prevails it will give an opportunity to the Commissioner, if he thinks proper, to distribute them all to agricultural societies. Now, it is well known that some States have a number, and other States or sections of the country have but few, and in the new States especially where seed is wanted the agricultural societies are not so abundant as they are in Rhode Island, where manufactures prevail probably to a great extent. I suppose the Senator has agricultural societies in his State, but not a great many, and Rhode Island would not fare any better than some of the other States.

Mr. BURNSIDE. The few seeds I have had from the Agricultural Department I have sent to agricultural societies, and I find I get good results from them. They distribute them in a proper way. I think in all communities where proper attention is paid to agriculture agricultural societies do exist, and where they do not exist it is simply a distribution of seed to men who will not cultivate the land properly, and you do not get good returns. In other words, it is giving seeds to farmers for use as seeds, saving them the money which they would have to expend for purchasing seeds, instead of giving out seeds for the purpose of getting good results.

Mr. ANTHONY. If this distribution of seeds and plants was confined to rare plants, exotics, plants that are not produced in this country, and that the Agricultural Department desire to promote the cultivation of by having them sent to practical agriculturists who would report upon the results of their cultivation, then there would be some public benefit in the distribution. But the distribution of lettuce seed, cabbage seed, and turnip seed, seeds that you can go and buy at the seed stores for less than the cost of wrapping them up in the Department, is a nuisance.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Rhode Island [Mr. BURNSIDE] to the amendment.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment of the Committee on Appropriations.

The amendment was agreed to.

The Chief Clerk resumed the reading of the bill. The next amendment of the Committee on Appropriations was, under the head of "Judicial," after line 2086, to insert:

For salary of the additional associate justice of the supreme court of the District of Columbia, created by the act of February 25, 1879, $1,122.22 for the fiscal year 1879, and $4,000 for the fiscal year 1880.

Mr. BECK. The exact amount embraced here is fixed by the Secretary of the Treasury. The act creating an additional judge approved February 25, 1879, fixes the salary, so that the sums are correct.

The amendment was agreed to.

The Chief Clerk resumed and continued the reading of the bill until he reached line 2153.

Mr. KERNAN. Mr. President——

Mr. BECK. The Senator from New York desires to debate this proposition. I would request him and request the Senate to assent that all that portion of the bill from line 2108 to line 2168, inclusive, being what is known as the political parts of the bill, be informally passed over for the present, and allow us to see if we cannot finish the rest of the bill. If, however, it is not through by half past one o'clock, I will yield to the Senator from New York.

Mr. KERNAN. That is entirely satisfactory to me.

The PRESIDING OFFICER. With that understanding the Senator from New York yields the floor.

The Chief Clerk resumed and continued the reading of the bill to line 2209.

Mr. BAILEY. I wish to give notice that at the proper time I will offer an amendment to strike out "four" and insert "five" in line 2209.

The Chief Clerk resumed the reading of the bill.

The next amendment of the Committee on Appropriations was, in section 3, after the word "each" in line 6, to strike out:

And the words "during the session," as used in the first section of this act, shall be held to mean seven months;

So that the section will read:

SEC. 3. That the pay of assistant messengers, firemen, watchmen, and laborers

appropriated for in this act, unless otherwise specially stated, shall be as follows: For assistant messengers, firemen, and watchmen, $720 per annum each; for laborers, $660 per annum each.

The amendment was agreed to.

The Chief Clerk resumed and concluded the reading of the bill.

Mr. BECK. The committee have only a few other amendments to offer, not more than two or three that we now know of, and we shall offer them as soon as the Senator from New York concludes his remarks.

Mr. KERNAN. Mr. President, this bill making provision, among other things, for the administration of the civil and criminal laws of the United States by the Federal courts proposes by one of the sections which has been read and passed over to repeal sections 820 and 821 of the Revised Statutes. I ask that they may be read. I will send the volumes to the desk, that the sections referred to may be read.

The PRESIDING OFFICER, (Mr. CAMERON, of Wisconsin, in the chair.) The sections indicated will be read by the Secretary.

The Chief Clerk read as follows:

SEC. 820. The following shall be causes of disqualification and challenge of grand and petit jurors in the courts of the United States, in addition to the causes existing by virtue of section 812, namely: Without duress and coercion to have taken up arms or to have joined any insurrection or rebellion against the United States; to have adhered to any insurrection or rebellion, giving it aid and comfort; to have given, directly or indirectly, any assistance in money, arms, horses, clothes, or anything whatever, to or for the use or benefit of any person whom the giver of such assistance knew to have joined, or to be about to join, any insurrection or rebellion, or to have resisted, or to be about to resist, with force of arms, the execution of the laws of the United States, or whom he had good ground to believe to have joined, or to be about to join, any insurrection or rebellion, or to have resisted, or to be about to resist, with force of arms, the execution of the laws of the United States; or to have counseled or advised any person to join any insurrection or rebellion, or to resist with force of arms the laws of the United States.

SEC. 821. At every term of any court of the United States the district attorney, or other person acting on behalf of the United States in said court, may move, and the court, in their discretion, may require the clerk to tender to every person summoned to serve as a grand or petit juror, or venireman or talesman, in said court, the following oath or affirmation, namely: "You do solemnly swear (or affirm) that you will support the Constitution of the United States of America; that you have not, without duress and constraint, taken up arms or joined any insurrection or rebellion against the United States; that you have not adhered to any insurrection or rebellion, giving it aid and comfort; that you have not, directly or indirectly, given any assistance in money, or any other thing, to any person or persons whom you knew, or had good ground to believe, to have joined, or to be about to join, said insurrection or rebellion, or to have resisted, or to be about to resist, with force of arms, the execution of the laws of the United States; and that you have not counseled or advised any person to join any insurrection or rebellion against, or to resist, with force of arms, the laws of the United States." Any person declining to take said oath shall be discharged by the court from serving on the grand or petit jury, or venire, to which he may have been summoned.

Mr. KERNAN. Mr. President, the law embodied in those sections was enacted by Congress in the early part of the civil war which raged from 1861 to 1865. In my judgment they ought to have been repealed before this, and therefore they ought to be repealed now. I believe that section 820 was repealed in 1871, but we find it re-enacted and standing as law in the last edition of the Revised Statutes; and even if that were out of the way, section 821 is even more detrimental to the procuring of a fair, impartial, and intelligent jury in all the States that were in the rebellion than was section 820. The Supreme Court has recently decided that you cannot require a juror to disclose that he was in or gave aid and comfort to the rebellion; but section 821 does not require him to disclose anything. That is a section which says that in the discretion of any judge, be he such a one as sat in Louisiana and who made midnight orders, or whether he be one of the best in the land, the public prosecutor or his representative may move that the court put to every man summoned as a grand or petit juror, and the court in its discretion may put a searching oath which requires him not only to swear that he never joined in the rebellion, or gave aid or comfort to it, but also that he has never given the slightest aid, even to the extent of a coat to cover a man whom he believed had been in rebellion or a man that he had reason to believe was about to go into it; and the statute declares that the judge shall discharge every grand or petit juror that cannot take that oath. When we think for a moment of what we all know, that in the Southern States the great masses of the intelligent people, the people of experience, the people of property, the educated people, did either actively participate or in some way give aid to those who were going into or had come from the rebellion, we know that this is a mode of purging the jury-box of all that is impartial, of all that is intelligent, of all that has had experience to enable men to judge in reference to evidence and tell where the truth is and where that which is false. It was a scheme to purge them all out and to leave a jury in those States, in criminal proceedings and in civil proceedings, utterly unfit to aid in the administration of justice, from their want of intelligence and experience and from the prejudices they would naturally have during these years on any question that would come before them between certain parties.

Sir, it has been said by a wise man that in countries where jury trials prevail, it was one of the great objects and offices of government to have laws by which to get first an impartial, intelligent, unprejudiced grand jury, and next to get for the petit jury men who are qualified to decide contests between their fellow-men and to stand between the power of the government and the citizen who is prosecuted by its officers, unprejudiced and impartial.

Should not these laws be repealed as a part of the judicial system of the United States Government? By your Constitution "no person shall be held to answer for a capital or otherwise infamous crime unless on presentment or indictment of a grand jury;" and yet you have on your statute-book here a provision that a judge, from weakness, from partiality to one side or another, from any other motive, may purge from your grand jury every man that is fit to say whether the citizen complained of should or should not, on the evidence, be tried for an infamous crime.

When you come to the petit jury in criminal cases you can hardly under these laws get a jury in those States except from a class that I always speak of kindly, but a class that are entirely destitute of the experience and intelligence that would give them good judgment, a class that in a very large number of the criminal prosecutions under these acts of Congress that bristle on the statute-book would be entirely prejudiced against one side and partial to the other, and would be likely to register the verdict which the prosecutors desired. Our Constitution says that "in all criminal prosecutions the accused shall enjoy the right of speedy and public trial by an impartial jury of the State or district where the alleged offense is alleged to have been committed;" yet here has stood during these thirteen or fourteen years of peace upon your statute-book, section 821, that put it in the power of the court, at the instance of the party prosecuting in criminal cases for the Government, not to challenge men for partiality, not to have the question tried whether they are fit and impartial according to the rules of the common law, but to say to each man summoned, "if you cannot swear that you never gave the slightest aid or comfort to a man who was going to engage in the rebellion or who had left it, you shall be excluded from the jury-box," and you are to take your jury from men who we know are utterly incompetent, if they were devoid of prejudice, to act fairly or justly between the parties.

Why, sir, there are men, I know some of them, living in those States who did everything they could at great risk to avert secession and to stand by the Union. Secession was accomplished against the will of many a man of that class. He never took part in the rebellion, but his son or nephew or neighbor was carried away by the excitement of the community in which he lived and went out with his State. If the son came back from the war naked and hungry and he gave him food to eat and clothes to cover his nakedness, or some stranger came back and he in charity gave him aid and comfort by clothing or food, he could not take this oath and would be driven from the jury-box.

I have alluded to this because it is in the bill and I call attention to it because in our presence on the other side of the Chamber it has been said that section 821 ought not to be repealed because it was only discretionary in the judge on the motion of the public prosecutor or his representative. Sir, wherever the veneration and the love of trial by jury and the rules that apply to it as taught us by the country from which we derived trial by jury, as taught us by our own experience, exist, there must be no discretion in any judge or any district attorney to exclude men arbitrarily from the jury-box.

Sir, this is one of the specimens of the legislation which has cursed every land where it has been put in force. Take the history of Scotland, where the minority trampled down the majority at one stage of its history by having all sorts of test oaths in reference to religious creeds in persecuting Presbyterians; but I do not know that they were ever applied there to jurors. But turn to the history of Ireland in the year 1792 and you will find a respectful memorial of representatives of all classes of the people of that country to the British government asking to be relieved from these test oaths as to their creed, which were used to exclude them from every jury, and it was a mode of getting rid of one political party and that the majority in that country, those of the ancient faith, were restive under the domination of England. They were justly dissatisfied, as every people are who are trodden down on account of creed or ostracised on account of their peculiar opinions; hence it was, as Curran said in those trials for treason at the close of the last century, that the minority of the people were dominating and using the courts to crush those who differed with them politically and were not legally guilty. He said he knew that he addressed in the jury-box deaf ears, because every man on the jury was purged out by their test-oath laws that would be impartially between the prisoners who had been charged with crime against the British government. It has left a rankling, as it would naturally, in the mind of the people of Ireland to this day.

Now, sir, I have said all I want to say about the test-oath question. I appeal to every American of every party in the North or in the South who is not blinded by partisan zeal and partisan prejudice, whether he would not at once relieve this large body of people in the Southern States from these test oaths. It is not merely in reference to grand and petit juries for criminal trials, but we are appropriating money to administer the law under the Constitution, the seventh article of the amendments of which declares:

In suits at common law, where the value in controversy shall exceed $20, the right of trial by jury shall be preserved.

And the man who would have such a purging oath as this applied to grand and petit jurors in reference to criminal matters and to all jurors where there are contests between men for property above the value of $20, the man who would keep this law on the statute-book, in view of what we know of the condition of the southern people, knowing whom it drives out of the jury-box and whom it keeps in, does not desire, in my judgment, to give that people justice even in the courts of the United States.

Take the class that would be brought into the jury-box by this law, (sections 820 and 821)—men who are zealous for one party and prejudiced against the other party. Their prejudices will make them give a verdict not according to the evidence but according to the prejudices which exist and excite their minds.

Mr. President, when I heard it said in the Senate that section 820 really ought to be out, as it was repealed in 1871, but that section 821 should not be repealed if it could be prevented by some of the gentlemen on the other side, I felt that they had allowed themselves to forget what they owed to themselves and to our Constitution, which says we shall have impartial juries that justice may be administered without fear or favor by honest, upright courts, which should be blind to anything but the law and evidence, and by fair, impartial, and intelligent juries, who will do right according to the evidence, and not be swayed by passion or prejudice.

Therefore, sir, I hope that this law will not remain another hour on our statute-book. It is a farce to be appropriating money to administer justice in those States with such a machinery as this to get jurors that must sit in every criminal case and in every case of importance arising between parties in an action at common law in reference to property.

Now, Mr. President, I shall ask the indulgence of the Senate to speak of the other clause of this bill proposing to repeal some sections of the statutes and amend others; and to speak also in reference to the use of the Army at the elections, which, it is claimed, should be authorized. First, allow me to ask men of every party here and elsewhere who love this Government of ours and desire that it shall be perpetuated, whether they really on reflection are in favor of allowing the executive officers of the Federal Government, who have the entire control of the Army, to have the Army at the polls with a view to keep the peace or act in any other way in reference to elections? This ought not to be a party question and ought not to be discussed in a partisan spirit. Every patriotic man in this country and every honest man in this country is interested in perpetuating our Government and our institutions, which have showered their blessings on us, and which will bless our children if we but preserve them from the dangers that from time to time environ them.

More than forty years ago, in the canvass of 1840, when I was quite a young man, I remember many able men spoke earnestly as to the danger which menaced this Government from the power, patronage, and influence of the Federal Executive and those appointed by him. It was said, I think by Mr. Webster, that it had largely increased, it was increasing, and ought to be checked. The patronage then was as nothing to what it is now; there were few offices and no pretension was made that the Army could be used in reference to elections. Now you have one hundred thousand office-holders, active, intelligent men, holding office all the time under and by favor of the Federal Government, and the claim is that in addition to supervisors and marshals and this army of office-holders of one hundred thousand in round numbers, the Executive should and shall have the right to order the Army to the places of elections, to be there under the orders and control of men who will be partisans there, the civil officers, the supervisors, and the marshals; and it is said here that men who stand up and insist that this use of the Army ought to be prohibited must be men who desire violence and who desire fraud at the elections. I heard that with some surprise. I judge not other men, but I should have felt that I did a great wrong if I had said it of any party of men in this Government who were seeking to prevent the use of the Army at the polls. If I understood the Senator from Minnesota, [Mr. WINDOM]—I have not had an opportunity to read his speech, and I may not quote him aright—but as I listened to him, he said "free mobs and free frauds are dear to democrats." Is that the spirit in which we should discuss this grave question? Does he believe there is any truth in it, speaking as a man? Is it not a great slander upon two hundred and fifty thousand majority of the voters of this Union as their votes were cast at the election of 1876? Sir, no good will come to our country, no chord that will benefit our country will be touched in the popular heart of honest men if we here in debating a question like this appeal to sectional passions or party prejudices, saying, "We are the party of honesty and patriotism, and the others are all men that want free mobs and free frauds at elections." It is not true. I thank my Maker that yet the great mass of the American people of both political parties in my judgment are honest and love this country, and want that done, not which will enable their party to win, but that done which shall preserve this Government as it came to us, restore it back to the ancient ways which were pursued in the best days of the Republic.

Why, sir, let our opponents in politics remember that if the Army is authorized to be used at the polls to influence or interfere with or sway elections, while they may be in power to-day another party may be in power to-morrow; and such is human nature, not in the mass of the people but in many of those who are active in party politics, that whichever party has this power by law it will often be greatly abused.

The citizens of the States managing their own affairs assemble at elections with more or less political (and I never object to that) warmth and zeal. If one party, be it democratic or republican, can have civil officers, supervisors, and deputy marshals there, and can have the United States Army to back them up in the orders they give, the party in power will have a dangerous advantage over the peaceable honest citizens who have no such accessories. If my own party friends were in power and there was a proposition to forbid any such use of the Army, I should feel ashamed of myself before my fellowmen if I would not urge and act as earnestly to take from my political friends such power as I now do to take it from my political opponents.

Let us not forget that this is a system of laws as to the elections which, if not repealed, is to exist and be used by one party or the other all the time. It is a system that if we do not change it will be used by the party men who are in power from time to time; and my apprehension is, my solicitude is, not that there will be a revolution to-day, but when I observe that from a claim which was made and exercised in the time of the war and which was rebuked and checked by the law of 1865, there has now grown up a claim even under a restraining law that there is a power in the Executive to have the Army at the polls, to be used there in reference to elections, I fear that unless this Congress (or if they will not do it the people will elect a Congress that will) shall by law forbid any such use, you will find this power used not to preserve the peace, although that may be the name given to the pretense, not to prevent fraud, for armies are not very good engines to prevent fraud, but it will be used to keep a party in power, and will be a potent factor in keeping in power the party, democrat or republican, which has the marshals and supervisors and the Army on election day to overawe quiet citizens and to enforce arbitrary powers, which may produce results very different from what the honest vote honestly counted of the people would have produced.

The question has been argued very elaborately. The Executive refuses to sign a bill forbidding the use of troops at elections, and he thinks there ought to be this power in the President to enforce on election day at the polls what the officers there who have the Army with them say is the law in reference to the electors and the officers of election.

Mr. President, let us think of this free from partisan feeling or passion or prejudice. For more than seventy-five years this Government existed, and no statesman, no politician, no citizen dared ever to avow the idea that he thought the Executive should have the Army at the polls under the pretense of keeping the peace. The laws of 1792 and 1795 and 1807 have been read in this debate; but was there ever a man prior to a very recent day who claimed that those laws did, or that any laws should, authorize the President to send the Army to the polls to aid either side or to interfere with elections.

We certainly had very fierce party contests during the war of 1812, high feeling at the polls and great struggles; but did either party claim that there was any right in the President under those laws to send the Army to the polls and interfere with the citizens who were there present to vote? When you read them, what are those laws aimed at? Were those laws passed to have the Army at the elections? No, sir. They are laws aimed at an entirely different state of things, as their language shows. When the laws of Congress are resisted by combinations, or by rebellion so strong that the civil officers executing judicial process cannot overcome them by the *posse comitatus*, then the President may call out the militia; but I put it to every man, is there anything more sophistical than to say that there was any pretense, or that there was any intent by the makers of those laws, or any thought by those who executed them for seventy-odd years, that the President might, at the solicitation of his political partisans, send an army of soldiers to the polls to interfere with elections? They were wise enough to know that if there was power to make any such law (a question that I will not trouble the Senate with discussing now) there was such danger of its abuse that it never ought to be enacted. Who can forget what the Senator from Alabama [Mr. MORGAN] read, the letter of a Senator in this body telling his friend that he had seen General Terry and that United States troops would be sent to Alabama with a view to the election, and to use them to run off white voters so they would not vote. Did he tell General Terry he wanted troops to run the white men out of the country under pretense that they were rebels? Oh, no; he probably told him what partisan politicians may say to get troops sent to the polls only: "There is a great danger of mobs and frauds, and I want soldiers to keep the peace;" and then he writes his political henchman, in the letter that was read, "send the troops to such a county and they will terrify the people with the idea that they are to be arrested by the military, and they will run away before election day and not vote." Any claim that there should be authority in the executive officers in advance to send United States troops to be on election day at the polls for any purpose is at war with all the traditions of the American people derived from those speaking the same language and from whom we took many of our institutions.

The English people are a more turbulent people than ours. We used to read constantly of the mobs and the violence at heated elections there, but for more than two hundred years there has been upon the statute-books of Great Britain a law forbidding soldiers to be stationed within a mile of the place of holding an election, and if they happen to be stationed there they must be kept within their barracks on election day. Yet, here in America, where the people are sovereign in reference to their ballots and by means of their ballots, where the people should be allowed to have free elections, unsurrounded by any emblems of military power under the control of one of the parties, in a country with such traditions and with such institutions, I

ask our friends on the other side of the Chamber whether they believe it would be wise or well for this Republic of ours to allow either party, whichever has control of the Federal Government, to use the Army on election day in connection with or in reference to the elections?

Why, sir, in the days of the war, when in many States there was a very abnormal condition even where the war was not raging, there was no law that authorized it, yet military commanders assumed to take charge of the elections and to decide the qualifications of voters. The law of 1865 was passed while the war still raged, in February of that year, and even then, with an overwhelming majority in both Houses of republicans, there were enough republicans who were true to the wise traditions of our country to enact a law forbidding military men to issue such orders and declaring that troops should not be at the polls except to resist armed rebellion and to preserve the peace. That exception was put in in the Senate against the wishes of the friends of the bill. The democrats voted for it in the House because they could not change the bill as they wanted it, and there was some excuse for saying that perchance in some of the border States it might be needed during the war to preserve the peace. But now, if I understand the argument on the other side and the clamor which is made against us, it is claimed that there ought to be this power to prevent democratic violence or democratic fraud! Mr. President, I have sometimes thought the gentlemen on that side were disposed to use the word "fraud" in reference to elections very unwisely. There are people who will think of other frauds in our elections than democratic frauds when they are using that word in connection with elections and the use of the Army around returning boards and canvassing boards.

But the war is over. The slightest pretense, it seems to me, for retaining an implied or express power that the President should have a right to send the Army to election places to be ordered around and to execute the orders of civilians who claim authority under the election laws has passed away. The time has come when all such pretense of power, whether the democrats wield the Federal power or whether the republican or any other party wield it, should be abandoned for the sake of our institutions, for the peace and good order of our people, for the benefit of all good men. We should take away all such claim of power, and I think it should be done now. But if we are not able to do it now—I am for doing all things properly and in order—if for any reason Congress cannot enact it now, I desire to appeal to the people of this country of both parties that they see to it that they express their sentiments and put in officers to execute the duties of their Government who will pass a law restraining everybody from using the Army on election day at the polls.

Look back to our former years of party conflict, years when there were mobs at elections, years when men who had a right to claim protection, if any citizen had, the naturalized citizens, were hunted by mobs from the polls, their dwellings mobbed, their churches mobbed, and when riot ran rough-shod over them on election day and other days; and yet although the democrats sympathized with them, the democrats never dreamed that the Army could be sent to the polls to see that those naturalized citizens were not hunted down because they happened to have been born in other lands or because they happened to profess a creed which for the time being there was prejudice against.

I appeal to the record of our own party with pride. Neither during the turmoils and troubles of the war of 1812, nor during the riots and outrages of the know-nothing party in politics, did any man ever claim or want to claim that the Federal power should interfere at elections to prevent mobs driving men away from the polls? The State authorities, it was understood, must preserve the peace; but if there was an insurrection or anything which they could not suppress, they could call, according to the Constitution, on the Federal Government for aid; but the notion that a file of soldiers was to be sent with a sergeant or a company with a captain to enforce the rights of Mr. KERNAN or anybody else to vote at the polls, is not my notion of American liberty guarded by law and protected against military power.

I fear, sir, if this power is recognized and its use not forbidden, it will soon come to pass that the party in power, whichever it is, heated, zealous, with many unscrupulous men as well as many patriotic men in it, will retain power by virtue of its patronage and marshals who are backed up on election day by troops at the polls. They will retain it against the will of majorities which would exist if the people could give free expression to their will. No, sir, I am not to be told when I urge as earnestly and as honestly as I ever felt on any public measure, as free from selfishness and party as I ever spoke on any occasion, that I am an enemy of free elections or a friend of fraud at the polls. Sir, I am for peaceable elections; I am for honest voting; and I am for an honest count of the votes of the citizens after they have been cast, and if either party violates or either party has violated this principle, I am in favor at all times of doing that which I believe will remedy these evils, and which cannot be used to destroy the rights of the citizens and which would enable a minority to prevail at elections and retain power by the influence and power of the Federal Government exercised at the polls through civilians backed up by armed troops.

Honest and peaceful elections will, in my judgment, best be secured by the people of the respective States. They will not be secured by the use of the Army of the United States, in my opinion. Whenever the time comes that the citizens of this country, the sovereigns as they stand to-day, with all power as to measures and men to administer them in their hands by their votes at the ballot-box—whenever the day comes that our people permit themselves to be policed by the soldiers of the Federal Government at elections, I fear the days will quickly follow when the party in power will retain power without regard to the will of the people. You will have more than a third term of some bold, strong man; he may not be a very bad man, but, backed up by a party deeply interested in favor of retaining power, he will perpetuate his own authority.

Sir, it was said by some of the early patriots of this country in reference to our own institutions that we must not forget that republics had often been overthrown by men who claimed that they were acting for the preservation of liberty and republican institutions, and we were warned that the people should keep all power in their own hands. The argument I would urge is, that we permit no man, whether he be a democrat or a republican, that we allow no man holding the executive power to have the right to bring to the elections the Army. If you do, you may have very peaceful elections, but you will have them as peaceful and as unanimous in favor of the man in power, whether he be called president or emperor, as was the election in France when a republic was overthrown by a popular election guarded and controlled by armed soldiers.

Sir, when our people have not the virtue, the courage, the loyalty to law and to liberty to see to it that every citizen at the polls has a right to be free from violence and deposit his ballot according to his judgment, then when the mass are not thus inclined there will speedily be an end to our Republic.

Sir, I heard with surprise, and with much mortification and pain, my colleague [Mr. CONKLING] speak of the State which we each in part have the honor to represent. The argument was that we required the Federal Army there to protect the citizens of a portion of our State from "the thugs and shoulder-hitters and repeaters, all the carriers of slung-shots, dirks, and bludgeons, all the fraternity of bucket-shops, the rat-pits," and the products of what he chose to call the "slums" of New York. I heard this with regret, because I think he will realize himself that while there may be in a great city, and doubtless is, ruffianism, while there are dishonest men, yet the great mass of the people of both political parties, thank God, in our State, are willing and are able through themselves and their State and municipal governments to keep the peace at the polls. The mass of the citizens of New York of both political parties understand that there comes a swift destruction of all the prosperity of their glorious State, of that republic within a republic, of this glorious Union of which she has ever stood in support, whenever mobs and violence prevail on election day to an extent seriously to interfere with the citizens expressing their sovereign will at the ballot-box. While I may have some party prejudice, and while I may have at times complained and may again complain of things done by political opponents in the State, yet I say it with pride that I believe the great mass of the citizens, men who are not office-holders nor office-seekers, the great mass of our industrious, intelligent, thrifty, and active population, love this country, and are intelligent enough to know that its institutions will be preserved only by seeing to it that riot or violence or fraud do not prevail at the elections.

When and where has there been a serious riot at elections in New York? I remember none. The riot my colleague alluded to, which occurred in July, 1863, had no origin in elections, nor in partisan feeling in reference to elections. We all deplored it. How did it happen? Not from the weakness of our State. What caused it? A certain law, and especially the way it was executed, a law which I hope never again to see enacted by this Republic in peace or in war. New York and the other States which adhered to the Union, in answer to the calls for troops in 1861 and 1862, sent out volunteer regiments of brave, honest, fearless men of both parties, until, you remember, the Secretary of War put a stop to volunteering, because he had all the troops he wanted. After that a law was passed. What was it? Not a law providing for a call for troops from the States, and if they did not send them to get men by draft, but it was a law that there should be an enrollment of all able-bodied citizens between certain ages, and there should be a draft, and every poor man who could not raise $300 must leave wife and children starving and go into the Army for $13 a month. The men who could pay $300 might stay at home. I know how it affected the city where I live. We had no mobs, but our citizens came together and quieted the feeling which arose out of the idea that this was a law and scheme to make the poor man go to the battlefield and leave all who could raise $300 at home. Doubtless, evil-minded men fanned this dissatisfaction to an unjustifiable extent in the city of New York.

Of my own personal knowledge I knew nothing of this matter. My home is a long distance from the city of New York, and I heard nothing of the riots except as stated in the newspapers. Laboring-men in that city were agitated. They said, "Here they let every rich man's son stay at home; every man of property can stay at home; and we men who have wife and children dependent on what we earn must march to the front and get $13 a month in money worth about thirty or forty cents on the dollar in the coin of the world." They were excited. What was the condition of the city of New York? It had a republican mayor, Mr. Opdyke. The State had a

democratic governor, Horatio Seymour. This trouble broke out at the time of all others when it could best get head, because Governor Seymour had just before that riot, in answer to the call of the President and Secretary of War on the State of New York, sent nearly all our national-guard regiments from the city of New York and along the Hudson River over to Pennsylvania to aid in repelling the armed raid which was made into that State. He was thanked by both the President and Secretary for his promptness and efficiency. Just at that time this riot broke out. It was not an election riot, but it was a riot of men wrought up and worked upon by designing men no doubt. The governor immediately came to the city. He ordered regiments from a distance; and the riot was quelled. While I deplore and regret that any destruction of property took place, especially that an orphan asylum was burned, I cannot forget that such things have happened in other cities. They ought never to happen, but they have happened in other cities where there was no such aggravating cause. Women and children were mobbed in the city of Boston and the buildings that sheltered them burned down and they driven into the bushes on their own grounds. I do not blame the city authorities of Boston. It was one of those outbreaks of passion that cannot always be prevented or controlled, although they are always to be deplored.

I repeat that we were able and willing then to keep the peace, and the riot would have been more promptly suppressed but for the fact that this body of citizen soldiers were away doing their duty, which certainly the governor of New York never failed to perform. You may attack him and traduce him, but he sent out more than the quota of the State, and could not get it credited for a long time. He never stood on the law and said "I will not send more." Finally, when they got a commission to examine it, Mr. Stanton had to admit that our quota had been more than filled.

Another thing as to New York about riots. I ask when at an election has there been any serious riot there? I know of none in the city, none in the country. We can and do keep the peace. In 1877, when under the stress of hard times on the laboring-men all over the country, designing men had wrought them up to a state of violence which broke out in Maryland, in West Virginia, in Pennsylvania, in Illinois, and in New Jersey, I believe New York kept peace all over the State. No violence was done to persons or property in our State. Our own militia were held in readiness and the population were warned, and the peace was kept without calling upon the Federal Government, which some of the other States were compelled to do; and I speak it not to their disparagement, but to remind Senators that the State of New York could and did preserve law and order.

I only want to say that we do take care in that great State of our people; we do take care that there shall be protection to property and protection to life under the law. I want to do justice to New Jersey; I thought there was some trouble there; but my friend from Connecticut [Mr. EATON] says to me that a single manly, good-tempered, right-minded deputy sheriff took the ground and put himself in the way to quell and did quell the riot in New Jersey. In our State we did it without ever using violence, but we did it by warning these people that we had a national guard of citizen soldiers that any people should be proud of. The clerks, business men, and mechanics of the cities, the best of our young men in the country, are armed and drilled, and without pay they were ready to march, and some of them did go, to scenes of threatened danger; but we preserved the peace.

Therefore, sir, I repeat with pride as one of her citizens that the State of New York is able and is willing on election days and all days to protect her citizens against mobs and violence without reference to their creed, without reference to their party, without reference to the country where they were born. The broad protecting shield of her laws and her authority is always invoked, and her citizens hail it with the greatest pleasure when it is invoked to defend those against whom prejudice and passion have been fanned, in all the rights of citizens of that State and of the United States. Sir, the State of New York has election laws that I invite gentlemen from any State to examine. Their object is to preserve the peace on election day and to preserve the purity of the ballot-box. I am not going to trouble you by reading them, but I chance to remember, and I will turn to one section in what we call our bill of rights re-enacted the last time, I think, in 1830:

> The free exercise and enjoyment of religious profession and worship, without discrimination or preference, is forever to be allowed in this State to all mankind.

Others of the same character were put in our constitution:

> All elections ought to be free; and no person, by force of arms, malice, menacing, or otherwise, shall presume to disturb or hinder any citizen of this State in the free exercise of the right of suffrage.

Some one may say "that is good if you will enforce it." We have the most stringent laws to protect the ballot-box. We have not yet quite got up to the notion that the governor shall send a file of soldiers on our side, if we happen to be in power, to declare the officers who shall hold it or who shall not. But if you will turn to our election laws you will find that we seek to do it as all laws are enforced in a country where liberty prevails and where liberty is to be preserved. They are laws forbidding wrong and punishing the wrongdoers, not by a file of soldiers at the polls, but by trial and indictment and incarceration and fine.

I am not going to stop to read them, but you will find in our Revised Statutes, volume 1, sixth edition, page 451, provisions in reference to elections generally. It is an old law. One of the sections shows that our people, not in a new-born zeal, not in a partisan spirit, long ago resolved to forbid any military officer to call out his company or regiment on election days under a severe penalty, unless it be on the call of the proper authorities to suppress insurrection or rebellion or mob violence. I believe that is incorporated into the laws of a good many of the States.

Mr. EATON. Will the Senator read it?

Mr. KERNAN. I will read it after reading one or two other provisions of our statute. One provision is:

> If any person shall by bribery—

I fear the corrupting influence of money in this Government and I want this law enforced:

> If any person shall by bribery, menace, or other corrupt means or device whatsoever, either directly or indirectly, attempt to influence any elector of this State in giving his vote or ballot, or deter him from giving the same, or disturb or hinder him in the free exercise of the right of suffrage, at any election within this State, held pursuant to this chapter, and shall thereof be convicted, such person so offending and convicted shall be adjudged guilty of a misdemeanor, and be fined or imprisoned, according to the discretion of the court before which such conviction shall be had; such fine in no case to exceed $500, nor such imprisonment one year.

Is there any other mode of protection known to the land? Can you send a soldiery there to say to the man "You are menacing this voter and we will arrest you and take you off." No, sir, we punish him. Laws are enforced in a land of liberty protected by law, not by bayonets, but by courts. Section 5 of the election laws of the State of New York (see page 451, first volume of the Revised Statutes of New York, sixth edition) is as follows:

> If any officer or other person shall call out or order any of the militia of this State to appear and exercise on any day during any election to be held by virtue of this chapter, or within five days previous thereto, except in cases of invasion or insurrection, he shall forfeit the sum of $500 for every such offense.

But I am taking too much time. I have referred to the statutes in our States relating to the inspectors of elections.

Mr. EATON. Will my friend permit me to ask him when that statute was passed?

Mr. KERNAN. It is an old statute.

Mr. EATON. I supposed so.

Mr. KERNAN. This volume refers to the first revised laws that were enacted in 1813, section 9.

Mr. EATON. My impression was that it was passed in 1801.

Mr. KERNAN. I think the Senator is right. I have lost the reference. It refers to the revised laws which were enacted as early as 1813, and they were revisions of prior laws.

Therefore I want to say to my friend from Minnesota [Mr. WINDOM] that there is no new-born zeal in this opposition to having soldiers, even our own State soldiers, about the polls on election days. Our inspectors are to be elected, and it is so arranged that there shall be in every precinct three inspectors, one of one party and two of the other, and they cannot be all of one party. They are not there to arrest every man who they think is not a voter; but if they challenge him he must swear on his oath that he is entitled to vote; and if he swears falsely he can be indicted and punished. The inspectors are to tell him their objections before the voter takes the oath. By another section, if disorder occurs our boards of inspectors may make out a warrant commanding the sheriff or deputy or a constable to arrest the man making the disturbance or who hinders or obstructs voting, and if there is no deputy sheriff or constable there, they may appoint a person who shall make the arrest and hand him over to the officers. But what says our Federal law? Is it like the laws that are enforced in the States? The very section of our State law which I have read declares that no man, though under arrest, shall be deprived of voting if he claims he has a right to vote and takes the oath.

That there are frauds now and then, and that there were great scandals in the city of New York for a short time I regret, but it was when a few men had intrenched themselves and were plundering that city, as it turned out, and sharing the plunder without reference to politics. But we have ample laws and we have good courts, and we have vigilant district attorneys, and each party will be active to see that the State election laws are carried out. I do not dispute that there are sometimes frauds and corruptions in the cities, and there may be in the country, but what I am saying for New York is that the mass of our citizens of both parties desire honest elections, and will see to it that election day does not become a day of riot.

New York City has a police of about two thousand men, an efficient police; and while there are, as in every great city, dishonest men, thieves, robbers, and ruffians, yet, looking at that city from one end of the year to the other, there is peace and protection within her borders. She was alluded to in order to point a different argument, when with a view which I cannot understand unless it was to arouse sectional prejudice it was said that of the $234,831,461.77 of revenue paid into the Treasury of this Government $13,627,193.19 was paid from the eleven States who were in rebellion, and the other twenty-seven States paid all the rest, $221,204,268.58. As New York has been maligned and as these twenty-seven States were so bepraised I looked up the statistics, and I found that out of the $221,204,268.58 paid by the twenty-seven States which were called those which adhered to the Union, the State of New York paid $103,002,471.50, nearly one-half of that amount. Of the $130,170,680.20 paid into the United

States Treasury for customs dues there was collected in New York $93,085,262.81, nearly three-fourths of the entire amount. Of the internal-revenue tax on our productions New York paid during the last fiscal year $14,917,208.69, more than four times as much as the entire six New England States paid. If we begin to talk here as to which of these States shall stand the highest and have the most weight, and decide these questions on the ground that the State in which the most revenue is collected shall have the highest position, it would be a very queer state of things. But as a fact or as an argument I thought it amounted to nothing. The $93,085,262.81 of customs dues collected in New York were paid into the Treasury by our enterprising merchants, but that tax was paid by the people of every State who consumed the goods on which duty was paid. The people of our State paid their share as others did. The internal-revenue tax paid upon domestic manufactures and products was paid by the people who consumed the products and manufactures. Therefore there is no reason to try to arouse prejudice between the people of the States by claiming that we paid more into the Treasury than others did.

Without detaining the Senate further I think it will be admitted that the way and the only way known to people loving liberty and meaning to preserve it is provided by the State of New York to protect citizens on election day from violence, and from fraud, and that this as a rule has been successfully put in force in our State.

There was something said about the election of 1870. It was said that in 1870 there was a state of alarm and excitement in the city of New York just before the election, and that they had there an honest election, because the President of the United States sent into the harbor armed vessels of the Navy and sent into the city soldiers. I will say a word about the election in 1870. There was excitement I am told, and I believe men who had no good design as to the election, and who were willing to carry it by force or in any other way they could, made the President believe that there was danger of a riot there. I know nothing of it personally. I am informed that after it was stated that troops would be sent to New York there was excitement not among the thugs and thieves but among the honest, manly citizens of all parties who were not hot partisans, because in our great city with its police and with eight or nine regiments of citizen soldiers who never fail to do their duty in keeping the peace it was claimed that Federal soldiers were to come into our streets and go to the polls to keep the peace and enforce the orders of Federal officers at our election.

Sir, as you have doubtless seen in the public prints, the governor of that State (Hoffman) took efficient means to preserve the peace and prevent any kind of collision in our city. He was ready and willing to protect everybody, as he did; and no Federal soldier during that day showed himself in the streets of New York. If they were there they came in a quiet way and kept out of sight. The governor was ready and prepared if there was the least danger of disorder and violence to preserve the peace through the civil authorities, through the *posse comitatus*, and if need be through the citizen soldiers, not the hirelings brought there but the reputable citizen soldiers of both parties forming regiments in the city of New York. There was no need then or at any time since of any Federal soldiers at all to keep the peace. While it may not have been intended by the President, it was a dangerous menace to our people, that might have led to disorder if firm and patriotic action had not been taken to prevent it.

But the argument is put forth that the President has the right, and ought to have, to send the United States Army to elections because the Constitution says "he shall take care that the laws be faithfully executed." What is the true meaning of this? What do Americans understand by this? Does it mean that the President is to have at elections United States troops to enforce the laws at the point of the bayonet, so that one man shall be allowed to vote and another shall not by the officers conducting the elections?

Sir, this is a new idea of power in the President to enforce the laws in this country. I understand that above all others ours is a government of law, and that laws are enforced through the courts by the civil officers, and that the military is only to be used when there are illegal combinations or rebellion against the civil power too strong to be overcome by the judicial and civil officers with the aid of the *posse comitatus*. Am I not right? We say a man shall have the right to do so and so, and another man is forbidden to do so and so, at elections, if you please. It is a new idea to me to say that any governor or President can send armed men to the polls to enforce the right of the one to vote and to prohibit the other. We secure the voter the right by punishing according to law those who prevent in any way the citizen from exercising the right of suffrage, and we punish the man through the courts who exercises it illegally. Whenever you come to any other system of enforcing the laws and say that the President has any right in that case to send armed men to the polls to enforce your election laws, then we have got into what would be Russian law, pasha law, the President or his officers determining what shall be done and determining what is the meaning of the law, who have the right to vote and who not, and sending his armed soldiers to enforce the decision of himself or his officers on these questions.

Sir, there is no such right vested in any executive officer in this country, be he Federal or State. It is true by our State law every man living so many days in the State and district and being a citizen has a right to vote. Suppose the inspector should say, "You cannot vote unless you take the oath prescribed by law," can the President or the governor or any other executive officer send soldiers there to say "You must let him vote?" Our laws provide that the illegal voter can be punished, and the rights of the people are preserved by punishing him.

It is argued, and argued in this Chamber, that soldiers should be at the polls to prevent fraud. That is not required, and the Army is not an instrument by which frauds will be prevented. When men are tempted to commit frauds, whether they are voters, inspectors, canvassers, or any other class of men, they are generally timid, and they are induced to do it usually by promises of protection from those in power. The tempted, corrupt man likes to have the Army about to protect him when he is perpetrating an outrage or a fraud just as the canvassing boards that perpetrated the gross frauds in Florida and Louisiana in 1876 had the Army standing all around them protecting them. I do not mean to say that it was knowingly done by the soldiers, but you will find that where there are dangerous and gross frauds perpetrated on the people by executive officers the danger comes from the protection of strong partisans having the power to bring the Army to protect them.

The argument that we need the Army to protect the people from frauds on the ballot-box attracted my attention, and I remembered what I had read in the report of the majority and minority of the Committee on Alleged Frauds in the late Presidential Election, that when the Army is brought in as a factor to prevent frauds it may be used by those who desire to commit frauds. I read what the majority of the committee—and I read this to illustrate, I do not want to argue the question—find as facts. They say:

> In Florida the board of State canvassers usurped discretionary powers and reversed the result of the votes cast. They did this in the presence of certain visiting statesmen sent there by the President of the United States and surrounded by Federal troops.

The same is found as to Louisiana. The canvassing or returning board were encouraged by powerful politicians of the dominant party; they were supported in the exercise of this power. I will now read as to how they did in Louisiana:

> On the other hand, the election in Louisiana was determined by a partisan returning board, exercising discretionary revisory power over the votes cast This power was unauthorized; but even if authorized the board flagrantly and outrageously abused it. They were supported in its exercise by visiting statesmen, sent also by the President to Louisiana. They were surrounded while engaged in it by Federal troops.

No, sir; when corruption undermines this Government it will be when partisan men have control of the Army and Navy and use them to protect the timid who, devoid of honor and of conscience, will for patronage or pay falsify the canvass or the count to defeat the will of the electors. Was there ever such a fraud as this perpetrated without there being power to protect those who did it? What does the minority of the committee say in their report at page 89? The Army was there:

> But it appears that two of the electors were absent and their names were signed by some other person.

A forgery of the very names of the electors! The Army was there surrounding the state-house. What does General Butler say about it? The Army was there protecting them all. General Butler, who made an independent report, says:

> That if any legal election was held in Louisiana, then the majority of the votes actually cast in the State were for the Tilden electors and for Governor Nicholls.

He expresses in his report the opinion that the votes of Louisiana should not have been counted for either party, but he says:

> That the counting in of Mr. Hayes was obtained by a series of gross and unjustifiable irregularities and frauds, which cannot be too strongly condemned and reprobated.

Yet there was no mob; there was no violence. These boards were surrounded by those who had control of the United States troops when these gross frauds and forgeries were perpetrated in reference to a presidential election, but for which the result of the election would have been the other way, according to this evidence and according to these reports of the majority and General Butler. I observe in this report that the majority of the committee say, in reference to the use of troops, what expresses my idea better than my own language. They say in their elaborate report, page 64:

> Nor can the danger of interfering in local elections by Federal troops, whether to protect officials in the exercise of discretion or to coerce citizens or to aid voters, be overrated. If an election cannot be conducted without foreign troops to protect the men who vote and the men who count, there should be no election. Military used to protect those who count and those who vote will prove to be military used to put down liberty under the guise of protecting it, and to be the more dangerous because of its disguise.

I concur in every word of this, and therefore I believe I am urging that which is best for my country, its people and political institutions, when I urge our friends on the other side, and citizens of their party as well as those of my own side, that we see to it that there shall be no interference by the Army at the polls controlled by civil officers of one party or the other.

I have heard it said, and I heard it with humiliation, that under the reign of Tweed and his clique there were peculations and frauds at the elections in the city of New York. I cannot deny it. I never understood that the fraud was in keeping men who had a right to vote from the polls, or in allowing illegal votes, but it consisted of a way they had of transferring the votes from one candidate to another, by corrupt practices in the canvass of the votes and making the re-

turns. You have probably all read what has been published in reference to the fraud perpetrated under Tweed in reference to the election of judges of the court of appeals, elected a few years since. Votes were transferred in the canvass from two of the democratic candidates to two of the five minority judges voted for, so as to elect these two over others, to accommodate, as is stated, some political friends of Tweed in the republican party. I do not believe the two judges thus elected had anything to do with or knew of this fraud. Mr. Tweed intrenched himself in power in the city of New York against the protests of leading democrats of that city by the aid, as I understood, of republican members of the Legislature.

But, sir, as to this virulent attack upon the democratic party of the State of New York and the great mass of the members of that party, I am not here to defend them. They need no defense from me. I am not here to say that there have not been corrupt men who at times have held power in the name of that party in the city of New York, but I point to the history of my State and that great city, and leave it to gentlemen to judge of the character of the great body of the democrats of that State and city when I name the men and the only men they have elected governors since 1830, nearly fifty years. We have elected a good many of them, and who were they? Were they such men as would be selected by thugs and thieves and knaves, men who wanted a dishonest administration, or were they among the best citizens of this Union? Who were they? They were Marcy, William L. Marcy was elected governor three times——

Mr. MORRILL. Will the Senator from New York inform me whether that is the same name that is frequently credited with the epigrammatic sentence, "To the victors belong the spoils?"

Mr. KERNAN. I have heard it said that Mr. Marcy used that language, but I believe it was not a doctrine that he had to preach to my friend's party, (the republican,) for I think they never failed to take advantage of the spoils and change everything from a doorkeeper, up and down, when they came into power in my State as well as in the Union. Everybody knows how it was here when they were in power. I have heard it stated that Mr. Marcy said that, and it was doubtless a joke, when some men were whining, who had put all their own political friends in power, because of a change, as was the case here recently when our friends on the other side began to mourn and look solemn when they lost some of the officers of this body. I have listened to these sermons here time and again. I suppose Mr. Marcy, in answer to such mournful complaining, said that to the victors belong the spoils, and that it was proper to put some of his own political friends in office. But the man who says to a republican or democrat in the State of New York that William L. Marcy was not patriotic and able and honest will get an answer that will rebuke him. Filling high offices all his life, it is true that he never amassed anything like wealth, although an economical man. He served the State and country from the time he was a young man. He was the comptroller of our State and its governor two or three times, holding office here as Secretay of War, and he always administered the trust confided to him in a way that might have been an example to other Secretaries of War who have administered the Department here. There were under him no briberies, no corruptions, no levying of blackmail out of post-traders. Nothing like that could be said of William L. Marcy, in war or in peace.

I will name the rest of the governors who were elected by "the thugs and the thieves and the bucket-men and the shoulder-hitters," as the democracy of New York City have been called, for no men were ever more popular in the State or the city of New York among the democrats than Marcy and the others that I will name. William C. Bouck was another, the old canal commissioner, who looked after the canals and promoted their best interests for years. Silas Wright, the synonym of honesty, ability, and patriotism. Horatio Seymour, elected time and again, who, notwithstanding all that has been said of him politically by his political opponents, cannot walk into any assemblage of the citizens of either party in our State that enthusiastic manifestations of respect and esteem do not go up spontaneously to the drowning of any man's voice who is talking, no matter who he may be. John T. Hoffman, Samuel J. Tilden, Lucius Robinson, who is our governor now. I point to these governors who have been elected for forty-odd years by our party, and every one of them was honest, zealous for good order, honest administration, the protection of the people against improper taxation, and against wrongs of every kind. Yet you are asked to believe that the party that always selected such men is a party that wants fraud and robbery and violence and the rule of ruffianism in our State.

Mr. MORRILL. I think that the Senator from New York mentioned some one by the name of Tilden. I should like to inquire whether he is the man who is under prosecution at the present time for not paying his income tax?

Mr. KERNAN. When I was last in New York I understood (I do not speak from personal knowledge, but I heard it) that the suit about the income tax was started when he was made a candidate for the Presidency, and that the Government had failed to make a case and themselves asked that the suit go over, and that whenever it is finished Tilden will be vindicated and the suit decided in his favor.

Mr. WINDOM. In order to identify him, is he the same one who sent the democratic dispatch of which Greeley spoke, that was to provide for keeping back the returns from the State until New York City got through voting?

Mr. KERNAN. My friend surely, if he read the papers, read Mr. Tilden's indignant denial, that although he was chairman of the State committee, he never sent the dispatch, and never knew that it was sent till long after, but that it was sent by the friends of Mr. Tweed.

Mr. EATON. Was he, permit me to ask, the gentleman who was elected President of the United States and defrauded out of it by this party of honest gentlemen over on the other side? [Laughter.]

Mr. KERNAN. I must assent to it that he is the same gentleman.

Mr. EATON. I thought he was.

Mr. KERNAN. With the suit alluded to pending, with all the vituperation and calumny that the press poured on him, a very large majority of the citizens of the United States voted for him, believing that he was the man who would clean out the Augean stables of fraud which had gathered in the administration of the affairs of the Union, as he had stopped the peculations which had grown up in regard to the canals in New York.

Mr. President, it is answer enough to every man who has passed through our State or dwelt in it to simply say that her people deserve no such descriptive phrases as have been applied to them here. The people of neither of the parties in that State deserve them. Her five million people mainly consist of intelligent, patriotic, virtuous, law-abiding, enterprising people, who devote themselves to business in all the walks of life. Although there have been in the democratic party in New York men who were corrupt, although there have been in the democratic party in the city of New York men who were corrupt, although Tweed and his associates were elected by the democratic party, and by virtue of the power held from that party he did plunder the people for a time and brought reproach upon that party, while I admit that this is true yet I say with pride the democratic party of New York overthrew Tweed and drove some of his associates into exile, put him and others in jail, and by suits recovered back all they could of what was wrongfully taken from the public. It was done by the democratic party of the State and of the city acting together. If we suffered by corruption there was virtue enough and patriotism enough among the mass of our democrats to purge out from their party Tweed and his associates and go to political defeat in 1871 rather than to have any aid from him and his corrupt confederates when we discovered what their conduct had been.

I did not intend to enter into a partisan debate. I do not believe there is much good to be derived in debating a great question like the one before us by one party charging on the other frauds or riots or some exceptional thing, and the other party retorting, "you did as bad." But, sir, the democratic party of New York, so much denounced and maligned, did purge themselves from corrupt members, did restore good government to the city, did triumph over all the combinations and wealth of Tweed and of the men who aided him for the share of the plunder that he gave them; may I not ask did the republican party act so? Tweed's frauds were discovered in 1871, and corrected and punished. What else happened in 1870, and 1871, and 1872? Doubtless against the will of a great majority of the republican party there grew up maladministration and corruption in Federal affairs, which I allude to not of my knowledge but on the testimony of Sumner, and Greeley, and Trumbull, and other leading men of the republican party, given to the public in the press and in addresses over their signatures that there had grown up in the administration of the Federal affairs so much of corruption and maladministration and so many men were engaged in it that they had lost hope that the republican party could reform it, and they made that the ground of an effort to create a third party. Tweed was guilty of fraud. Have not our republican friends some sins of omission if we democrats had? Sir, since I came into this Chamber I have heard facts and I have participated in proceedings showing what members of the republican party did and were permitted to do here in the District of Columbia, plundering the property-owners and the public Treasury, and doing things as corrupt surely as anything that was ever done by Tweed and his associates. We have had here in Washington rings, whisky rings reaching from Saint Louis, and connected, as it was said and believed, with men near those in place and power. We have had members of the Cabinet engaged in corrupt practices. Would it be just for me to say that because a Cabinet official only escaped conviction for corrupt practices in office or impeachment by flying from office when the fact was first discovered, would it be right or just in me, because he and other members of the republican party were corrupt, to assert and try to make people believe that the great mass of the republican party were dishonest or favor or defend such practices? I say it would not be. I will say no more about this, for these things have no business that I can see in this debate, and nothing would have provoked me to allude to it except that I heard things said in this debate of the democracy of New York that were entirely unwarranted and unjust. My colleague, after speaking of our effort to forbid by law the use of the Army at the polls and to get rid of supervisors and deputy marshals, said:

> But one truthful explanation can be made of this daring enterprise. It is a political, a partisan maneuver. It is a strike for party advantage. With a fair election and an honest count the democratic party cannot carry the country.

We think we did carry it at a fair election. We think we were beaten because there was not an honest count in certain States. He also says:

> These laws, if executed, insure some approach to a fair election. Therefore they—

That is the democrats—

stand in the way, and therefore they are to be broken down.

I reflect upon no man's motives, but I believe that the sentiment which finds expression in the transaction now proceeding in the two Houses of Congress has its origin in the idea I have stated.

That is that we democrats are striving to repeal certain laws because, and only because, apparently, we believe that honest elections and an honest count will not be giving us the advantage. I believe no such thing. I do not want anything but an honest election and an honest count and a peaceful election, no matter whether my party wins or loses by it. He says further:

I believe that the managers and charioteers of the democratic party think that with a fair election and a fair count they cannot carry the State of New York.

That is an entire mistake. We carried New York in 1870 and in 1874; we carried New York in 1875; we carried New York in 1876; we carried New York in 1877. Each of those years we had either the election of a governor, State officers, or a presidential election, and each time we carried New York and we carried it by fair elections. He says:

They know that with free course, such as existed in 1868, to the ballot-box and count, no matter what majority may be given in that State where the green grass grows, the great cities will overbalance and swamp it.

Sir, we carried the election in 1870. Hoffman was elected governor the second time in 1870. I say that there may have been frauds in 1868 in the city of New York. I cannot gainsay it, but all my information is that there was not any extraordinary fraudulent voting; but if there was fraud it was that wicked fraud by which the canvassing officers, the creatures of Tweed, changed the result from what it really was, as it has been done elsewhere, as many believe. But my colleague said further:

This is a struggle for power. It is a fight for empire. It is a contrivance to clutch the National Government. That we believe; that I believe.

A struggle for power to have dishonest elections? No, sir; we struggle to preserve to the people the right and the power to have free elections, free from Federal power and Federal troops. In the State of New York, and in the Union, on a fair, peaceable, and free election we believe that we can succeed, and if we cannot we do not want to succeed. We have not got to the pass that we would destroy the Government by corruption and by violence to triumph in an election. When Senators talk about democrats violating the law and being violators of the law, I can point to marked violations of constitutional law in the State of New York by leading members of the republican party. I said the democracy carried the election in New York in 1870, in 1874, in 1875, in 1876, and in 1877. In 1878 there was no State election beyond the election of a judge. But we did not have a majority of the Legislature in both houses in any one of those years, and since 1875 we have complained because a reapportionment of the members of the Legislature has not been made. Our constitution declares as to the thirty-two senate districts:

An enumeration of the inhabitants of the State shall be taken under the direction of the Legislature in the year 1855, and at the end of every ten years thereafter; and the said districts shall be so altered by the Legislature at the first session after the return of every enumeration that each senate district shall contain, as nearly as may be, an equal number of inhabitants.

By our constitution new senate districts are to be made the first session after every State census, which was taken in 1855, 1865, and 1875. The constitution commands that the Legislature shall change the senate districts at the first session after each census. Until recently when the constitution was amended it did not apply to the assembly; that was done in another way; but in 1874 this provision was adopted:

The assembly shall consist of one hundred and twenty-eight members, elected for one year. The members of assembly shall be apportioned among the several counties of the State, by the Legislature, as nearly as may be, according to the number of their respective inhabitants, excluding aliens, and shall be chosen by single districts. The assembly districts shall remain as at present organized, until after the enumeration of the inhabitants of the State in the year 1875.

This is the amendment of 1874:

The Legislature, at its first session after the return of every enumeration, shall apportion the members of assembly among the several counties of the State, in manner aforesaid.

There was an enumeration in 1875. The census was then taken. The constitution commanded the Legislature which next assembled to apportion the senators and the members in districts and to the counties according to population. The republican majority of the Legislature refused to do so. They refused in 1876, in 1877, and in 1878. Each year there was a republican Legislature in session. The democrats who were there were eager to have the State apportioned, because although we had the popular vote in the State largely during all these elections yet we had not a fair representation of the people in the Legislature because the State was not fairly apportioned. The republicans had not apportioned the members, and that we say is the reason, and the only reason, why we are not able to elect a democratic Legislature of the State of New York and have a majority in each house. But I do not mean to charge that because these leading republicans, these legislators, have done what I think is a gross violation of their constitutional duty, the mass of the republicans in that State are dishonest men and would violate the constitution. Partisan feeling and partisan prejudice I think have swayed them. I know that a portion of the republican press and many republicans have called upon the Legislature year after year to apportion the State fairly according to the constitution, and they have not done it, except that they have passed a bill at the present session which I understand has become a law, although our friends say it is unfair and the governor allowed it to become a law but would not approve it because it was unjust and unfair in his judgment. It was the fairest bill that the republicans would pass even at this day.

Mr. President, this is not a debate merely to charge what the one party or the other has done which was reprehensible. We all regret, I hope, instances where the one party or the other have failed in their duty, but to say that the mass of either party have sunk to such a condition that we require the Federal Government to send the Army to keep the peace or to keep the citizens in order at the polls is not in my judgment true. We will have peaceable elections and fair and honest elections, because the mass of the men of both parties desire it, and will see to it whenever gross abuses occur they are corrected.

Sir, I have taken more time than I should, and yet I want to say a few words about supervisors and deputy marshals. I do not believe as the provision is on the statute-book now and as it is proposed to be enforced, that it is a wise measure and will secure fair elections. Such is human nature that these deputy marshals will always be of the party in power. They will be warm partisans, and they will use their power to get votes for their side and to embarrass their opponents; and they will strive to carry elections even contrary to the will of the majority of the people. This machinery clothes the supervisors and marshals with arbitrary power to arrest citizens and without process. Of course they will arrest according to their judgment, and they will be a very poor tribunal to decide these questions. I want to read one or two sections as specimens of the arbitrary power of deputy marshals, that they may be before the country. Take section 2022, and see the power that the statute gives these men to be exercised over the citizens without due or any process of law:

The marshal and his general deputies, and such special deputies, shall keep the peace, and support and protect the supervisors of election in the discharge of their duties, preserve order at such places of registration and at such polls, prevent fraudulent registration and fraudulent voting thereat, or fraudulent conduct on the part of any officer of election, and immediately, either at the place of registration or polling place, or elsewhere, and either before or after registering or voting, to arrest and take into custody, with or without process, any person who commits or attempts or offers to commit, any of the acts or offenses prohibited herein, or who commits any offense against the laws of the United States.

There is authority to an executive officer, a deputy marshal, to arrest with or without process on election day any citizen that he judges is violating or about to violate or has violated the law. Section 2023 provides that:

Whenever any arrest is made under any provision of this title, the person so arrested shall forthwith be brought before a commissioner, judge, or court of the United States, for examination of the offenses alleged against him; and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in case of crimes against the United States.

I read that because I desire to call the attention in a moment briefly to the manner in which citizens were dealt with by the commissioners on election day. They are to arrest with or without process. I ask Senators to look at section 5522, which provides that:

Every person, whether with or without any authority, power, or process, or pretended authority, power, or process, of any State, Territory, or municipality, who obstructs, hinders, assaults, or by bribery, solicitation, or otherwise, interferes with or prevents the supervisors of election, or either of them, or the marshal or his general or special deputies, or either of them, in the performance of any duty required of them, or either of them, or which he or they, or either of them, may be authorized to perform by any law of the United States, in the execution of process or otherwise, or who by any of the means before mentioned hinders or prevents the free attendance and presence at such places of registration or at such polls of election, or full and free access and egress to and from any such place of registration or poll of election, or in going to and from any such place of registration or poll of election, or to and from any room, where any such registration or election or canvass of votes, or of making any returns or certificates thereof, may be had, or who molests, interferes with, removes, or ejects from any such place of registration or poll of election, or of canvassing votes cast thereat, or of making returns or certificates thereof, any supervisor of election, the marshal, or his general or special deputies, or either of them; or who threatens, or attempts, or offers so to do, or refuses or neglects to aid and assist any supervisor of election, or the marshal or his general or special deputies, or either of them, in the performance of his or their duties, when required by him or them, or either of them, to give such aid and assistance, shall be liable to instant arrest without process, and shall be punished by imprisonment not more than two years, or by a fine of not more than $3,000, or by both such fine and imprisonment, and shall pay the costs of the prosecution.

This section subjects the parties interfering with the supervisors, with or without authority, to instant arrest. Who is to decide when a man commits an offense on election day for which he ought to be arrested? These very supervisors, these very marshals. When that is the case and these partisan men are clothed with Federal power to arrest and imprison, and have the right, as our opponents claim, to have the Army there to enforce their power over the citizens to arrest with or without process, where is the liberty of the citizen, where his protection from arbitrary power? I say that these marshals and supervisors will be always, under these laws, men who are strongly in sympathy with the political party in power, whichever party that may be.

Mr. TELLER. May I ask the Senator a question?

Mr. KERNAN. Certainly.

Mr TELLER. I should like to ask the Senator if he is not aware that in some sections the democrats asked to have marshals appointed from their party, and they were appointed? For instance, in Charleston, South Carolina, out of forty-six marshals appointed, is the Sen-

ator aware that eighteen of them were designated by the democratic candidate for Congress?

Mr. KERNAN. I was not aware of that, but very likely it is true.

Mr. TELLER. That is a fact, sworn to.

Mr. KERNAN. Very likely they wanted some protection against the army down there, possibly I suppose——

Mr. TELLER. There was not any army down there.

Mr. KERNAN. I do not know what the reason was. All I want to say to my friends on the other side, and I say it to my own friends, is, deceive not yourself. If you can have these deputy marshals without limit at the polls, if you can have these marshals at the polls, half of the supervisors and all the marshals being partisans of the party in power, you will not have a fair and free election by the voters of the opposition party for a very long time, in my opinion. See what a political organization this is; and I am speaking of it in no offensive sense. In 1878 the number of deputy marshals appointed for New York City was 1,260; (I have the report of the Attorney-General showing this, which was handed in a few days ago;) for the city of Brooklyn, 561. There were nearly two thousand deputy marshals in those two cities, only separated by the East River—a body of men who I doubt not were all of the republican party, and active partisan politicians. They were all paid out of the United States Treasury. Section 2031 provides for this, and is as follows:

SEC. 2031. There shall be allowed and paid to the chief supervisor, for his services as such officer, the following compensation, apart from and in excess of all fees allowed by law for the performance of any duty as circuit-court commissioner: For filing and caring for every return, report, record, document, or other paper required to be filed by him under any of the preceding provisions, ten cents; for affixing a seal to any paper, record, report, or instrument, twenty cents; for entering and indexing the records of his office, fifteen cents per folio; and for arranging and transmitting to Congress, as provided for in section 2020, any report, statement, record, return, or examination, for each folio, fifteen cents; and for any copy thereof, or of any paper on file, a like sum. And there shall be allowed and paid to each supervisor of election, and each special deputy marshal who is appointed and performs his duty under the preceding provisions, compensation at the rate of $5 per day for each day he is actually on duty, not exceeding ten days; but no compensation shall be allowed, in any case, to supervisors of election, except to those appointed in cities or towns of twenty thousand or more inhabitants. And the fees of the chief supervisors shall be paid at the Treasury of the United States, such accounts to be made out, verified, examined, and certified as in the case of accounts of commissioners, save that the examination or certificate required may be made by either the circuit or district judge.

Mr. HOAR. Will the Senator state in that connection how many voting places there were in those two cities?

Mr. KERNAN. I cannot state the number.

Mr. HOAR. Was there more than one appointed to a voting place, as a rule?

Mr. KERNAN. I do not know; but I will tell the Senator what I do know. I sat upon a committee of this body during the present session that investigated this question in reference to the city of Philadelphia. The marshal testified before the committee, and he was asked how many deputy marshals he appointed for that city, and the number was some seven hundred and seventy or seven hundred and eighty.

Mr. HOAR. There were between five and six hundred voting places.

Mr. KERNAN. I was going on to say, though I am not well informed as to that, that they do not send only one of these men to each poll. They pick out certain polls, I am told, where they send more, according to the necessities of the party there or some other rule.

Mr. McDONALD. There are six hundred and twenty-odd voting places in Philadelphia, and seven hundred and seventy-three deputy marshals were appointed.

Mr. HOAR. As the Senator from New York is stating that fact from the committee of which he and I are members, I will ask him if it was not also testified by substantially every democratic witness that they did not know and had no reason to believe that a single democrat failed to vote who was entitled to or wanted to vote, or that a single republican had attempted to vote who was not entitled to vote?

Mr. McDONALD. In every instance?

Mr. HOAR. It was the case substantially. Out of perhaps fifty witnesses there were one or two who thought it was very disagreeable to gentlemen to be in danger of being arrested for fraud, and they thought men did not go who would otherwise have gone; but that was substantially the entire testimony.

Mr. McDONALD. The whole testimony, however, was to this effect, that their duties on that day consisted in attending strictly at the polls and peddling republican tickets.

Mr. HOAR. Mr. President——

Mr. KERNAN. The Senator will allow me to proceed. I was present when the marshal himself was sworn, and I was not present much else of the time. The marshal said he appointed that number of deputy marshals for Philadelphia, and he said they were all republicans. The question was put to him, Were they not what are called workers at the polls? He said he did not know that that was so, but he presumed a large portion of them were men who if they had not been deputy marshals would have been working republicans at the polls. I do not say that in any disrespect to the marshal; I am not fighting him; I am calling attention to what will always happen, that whichever political party has the Federal power it will under these laws appoint marshals and deputies of their own political side, and they will be men who will be a little more than ordinary workers at the polls, because they will have power to arrest Mr. KERNAN or any other man if he argues, as they think, a little too sharply against some voter's notions in reference to other men's right to vote. They will have too much power over the citizens.

Mr. HOAR. I dislike to interrupt the Senator, but——

Mr. KERNAN. I shall have to decline, because I am taking too much time. Please allow me to go on unless the Senator wishes to put a short question.

Mr. HOAR. It will be a very short question.

Mr. KERNAN. Well, if it is a short question I will hear it.

Mr. HOAR. I desire to inquire of the Senator whether that would not be also true if officers, whoever they were, were appointed by State or municipal authority? I ask the Senator whether there is any point in his argument, except as to whether the United States should have control of its elections or leave them to the States?

Mr. KERNAN. I have answered that question. My friend has not paid attention. I stated that by the laws of the State of New York the only men, the inspectors, who had authority at the polls must be, by the statute, two of one party and one of the other, and every voter in a voting district may on election day the year before vote for two men. Two will be elected by the dominant party; and the statute declares that the board of canvassers of that poll at that time shall name one voted for by the other party as the other man to make up the board of inspectors who receive votes and decide upon all questions and keep the peace at the polls.

Mr. HOAR. That relates to inspectors. The Senator was speaking of the police authority. Is that true of the police authority of New York?

Mr. KERNAN. I ask the Senator to allow me to go on. There is nothing in that question. Nobody is afraid of policemen in New York. The policeman is not clothed with power to arrest a man for making a face or shaking his fist at another, or anything of that kind. He is not authorized to arrest a man because he thinks he is casting a fraudulent vote. We enforce our laws not with the clubs of policemen or such subordinates but by indictments and punishments as a warning thereafter. I would no more allow our own police or State constables to have such power over the voters at the polls than I would allow the Federal officers, because they would be of the one party or the other, and they would be therefore dangerous to the rights of citizens of the other party. Do not mistake me. Believe me I will not ever assent to my own party having this arbitrary power through its officers over the electors at the polls, and give them the right to arrest citizens without process because they think the citizen is not a voter. Indictment and conviction is the remedy for fraudulent voting.

Mr. TELLER. I should like to ask just one question. How many convictions for illegal voting were there in 1868 in the city of New York? I suppose nobody denies but that there was quite a number of cases of illegal voting then.

Mr. KERNAN. I will come to that if the Senator will allow me to proceed. I ask why Davenport did not have them indicted for voting fraudulently in 1868? Why did he wait until 1878, and then arrest them all on election day and refuse to bail them unless they promised not to vote?

Mr. TELLER. Because we had no United States laws that were applicable at that time.

Mr. KERNAN. Men arrested swore that they had voted every year from 1868 down; that they had voted at the same place, and had registered at the same place. Mr. Davenport himself had the complaints sworn out months before the election of 1878 by his own clerk, to the amount of nine or ten thousand, but there never was a warrant issued or a man arrested until election day. While he arrested them and would not bail them unless they pledged themselves not to vote he never brought one of them to prosecution before the grand jury after the arrest on election day. Every man before the committee swore and said that he never heard of the matter after he pledged himself not to vote and gave his recognizance and went home and did not vote, although he had been voting ten years and believed he was entitled to vote; and they went home because they did not want to be kept twenty-four hours in prison as those were who would not make the pledge not to vote and to go home.

Mr. BUTLER. They were all democrats who were arrested.

Mr. KERNAN. I have an abstract here. Every one was a democrat who was arrested as far as I know, although one man I see swears according to the abstract that he was naturalized in 1868, and was a republican. His arrest was a mistake. But I do not want to go into that. I am trying to argue and not to charge harsh things, and not to arouse party feelings, but to appeal to all Americans who love liberty and wish to be protected by law and not be trodden down by arbitrary power, that we shall get rid of this scheme which with either party in power must give a power over the electors that is unjust, unwise, and ultimately will lead to the destruction of our form of government.

When I was interrupted I was saying that there were in New York twelve hundred and sixty deputy marshals. They got $5 a day, and I believe they could not be employed longer than ten days by law. Let our political opponents realize this; let us democrats be in power, let us be able to have a couple of thousand men in our employ in the cities of New York and Brooklyn on election day and for days before, paid out of the Treasury, all zealous democrats as yours are all zealous republicans. Is it not a mighty power to use to change the delib-

erate wishes and will of a majority of the electors, to change the result of the election?

Mr. TELLER. I should like to ask the Senator one question.

Mr. KERNAN. No; my clever friend from Colorado knows enough to answer himself. I decline to yield, but from no incivility to my friend.

All these were partisans, eager partisans, and yet you denounce us for insisting that neither political party should have this power, and above all we say neither party should have this power in reference to the use of the Army at the elections to encourage and aid marshals to make arbitrary arrests of the citizens.

Now I will take the very first witness called to show how this thing worked in 1878 in the city of New York. He was a Mr. Denning. But before I come to that let me say a word about what was read from the Cox report as to the election in New York City in 1876 by the Senator from Minnesota. I have that report here. In 1876 there was a fair election even under this Davenport law, and the report shows why; and yet in 1876, when Mr. Davenport said there was a fair election and when Mr. Cox reports there was, the democratic party carried the city of New York by fifty-two thousand majority. Yet they tell us here tauntingly that we want to get rid of supervisors and marshals, that we want to get rid of the Army, because the charioteers of the democratic party do not think they can carry New York with a fair election. Sir, with a fair election we can carry New York, not by fraud, not by force, but because a majority of the people of that State are opposed to some of the modern practices and principles of the republican party, and therefore we gain their votes by arguments, and they can only be taken from us by force or fraud, in my judgment. In 1876 Mr. Davenport himself allowed that the election was a fair one, as this report shows. He consulted gentlemen of the city of both parties and the city authorities and the police commissioners, and they asked him to unite with them in preventing fraudulent registration and fraudulent voting and in measures that should not annoy honest voters; and any gentleman who will get this report will find that the committee say that in that way, as Davenport acted in concert with the local authorities, it was an honest, fair election, and it was because there were no attempts to put in force the arbitrary and unjust practices that were resorted to by Davenport in New York City last year.

Gentlemen of each party formed a committee in 1876. They had officers all over the city, so that any man who attempted to violate the law, upon a sworn complaint there could be arrested on a warrant issued and brought right before the officer close by and bail required and given. If he gave bail and was a voter, he went and voted. They say that there were only three hundred arrests in 1876, and of those three hundred 90 per cent. were allowed to vote as legal voters after the examination. How was it in 1878? I want to give you specimens showing why the people complain of this law. Mr. Davenport in his testimony said that where the accused persons had not voted he required them to promise not to vote before he would discharge them. I will now read from the examination of Mr. Denning. (See page 3, Mis. Doc. No. 23, investigation of John I. Davenport:)

Question. What is your business?
Answer. Dry goods.
Q. Where do you do business?
A. With A. T. Stewart & Co.
Q. You are superintendent of the uptown store of A. T. Stewart & Co.?
A. Yes, sir; superintendent of the retail store.

He testifies he is superintendent of one of A. T. Stewart & Co.'s stores.

Q. How long have you been the superintendent of the store?
A. About ten years.
Q. How many men have you under your charge as superintendent of that store?
A. It ranges from five hundred to one thousand people.
Q. When did you come to America?
A. In 1860.
Q. How old were you at that time?
A. In the neighborhood of twenty or twenty-one years.
Q. When were you naturalized?
A. In November, 1868.

He then states who his witnesses were, that he had registered and voted every year since at the same place down to 1878.

Q. Tell the committee what happened when you went to register?
A. I registered in the same house that I always did, in Fourth avenue, near Tenth; I had been registered there all along. I have lived at No. 84 East Ninth street between six and seven years. The last week of October, I think about the 25th, I went to this same place that I had always been registered, and offered my name and address, &c., which was taken. As I was on the point of leaving the gentleman there said he would like to see my papers.

They made some question in regard to his papers.

Q. On election day you went to vote?
A. I went to vote. I walked out of the store without any overcoat on, the polling place being right next door. I went in and offered my vote. The gentleman there called to another person, who came up and told me that I was arrested.
Q. Did you have an opportunity to vote?
A. Oh, no. They would not let me vote. I had my ballot all ready, and presented it, but they would not allow it.
Q. Were you taken away?
A. Yes, sir; right off.

He was taken by an officer from up-town, miles from the post-office, down to Davenport's office, in the post-office building. He took with him Mr. Rice, the attorney of A. T. Stewart & Co., who offered to bail him. He was kept there for hours, and was finally allowed to go on bail only on condition that he pledged himself not to vote. I will take Mr. Davenport's own examination of him:

Q. You say that you were not allowed to go unless you promised not to vote. Did the question of bail arise at all?
A. Yes, sir.
Q. Did I refuse to take any bail?
A. The bail matter I believe was an after consideration.
Q. I ask you did I refuse to take any bail?
A. Yes, sir.
Q. If you had given bail you could have gone and voted, could you not?
A. No.
Q. Why not?
A. Because you said not; you further said that if I went and voted I would be liable to be rearrested.

He did not go and vote. He was not a friendless man, but a man who, if you read his evidence through, you will find was kept there, going from one to the other, with an attorney to look after him, for several hours, and went home then and did not vote, because he could not go unless he promised not to vote.

Now take another witness. I will not read all the testimony, but I have selected some of these as I have had time to look over the report. Here is a man, Adolph Zerrenner, who testified he would be thirty-seven years old on the 31st of the next July:

Question. When did you come to this country?
Answer. I came to this country in 1849.
Q. Then you were a boy when you came here?
A. Yes, sir.
Q. Were you a soldier?
A. Yes, sir.

Then he shows how, under our law, being discharged honorably from the Army, he was naturalized in 1868, and then says that he went to vote:

Q. Did you offer to vote on election day?
A. The moment I came in to vote the supervisor said that he had a marshal for me.
Q. You mean that he had a warrant for you?
A. Yes, sir; he had a warrant for me. The moment I went to put the ticket in they arrested me
Q. Then you did not vote?
A. No, sir.
Q. Where did they take you to?
A. To the station-house, first at One hundredth street.
Q. Then they took you to the station-house?
A. Yes, sir; and from there to Manhattanville, and from there over to Harlem, and then it was evening.
Q. What became of you finally?
A. They asked me where I lived, and what my business was, and I told them that I didn't intend to stay all day long, because I had celery to take out before it spoiled; so I tried to get out, but they did not let me go.
Q. About what time did you get off?
A. I cannot tell you exactly the hour, but it was dark.
Q. Did your celery beds spoil?
A. All of them. Some of my friends told me that my wife was looking for me, but there was nobody there that took care of the stuff.
Q. And you lost your crop?
A. Yes; what I would have got out that day.
Q. You are a poor man, I suppose?
A. Yes, sir; I have to make my living by the celery business.
Q. What time were you arrested?
A. Two o'clock.
Q. And you were kept until after dark?
A. Yes, sir.
Q. Was there an attempt made by you to vote after you were discharged?
A. No, sir; they had me all over town, and I didn't get off till after the voting was over.

Now take another man, a Mr. Green. I will read you a little more of his testimony to show you how the thing was done:

Question. How old are you?
Answer. Thirty-four years old.
Q. Where do you reside?
A. At No. 554 Second avenue.
Q. You are a roundsman in the police?
A. Yes, sir; I am a roundsman, attached to the nineteenth police precinct.

My friends on the other side will see that our policemen could be interfered with if they dared to vote.

Q. How long have you been a roundsman?
A. Three years the 30th of next August.

This is under a non-partisan police board.

Q. When did you come to this country?
A. In 1866.
Q. How old were you then?
A. I was sixteen years old.
Q. You were naturalized in October, 1868?
A. Yes, sir; on the 5th day of October, 1868, in the superior court.
Q. Did you go to court with your witness?
A. I did, sir.
Q. As far as you know, your proceedings were regular?
A. Yes, sir.
Q. Where did you offer to vote on election day?
A. In the sixth election district of the eighteenth assembly district.
Q. How long had you voted in that district?
A. Nearly eight years.
Q. No objection had ever been made to your voting, had there?
A. No, sir.
Q. Just state what took place when you went to the polls to vote?
A. I procured my tickets at the ballot-boxes.
Q. You don't mean the ballot-boxes, you mean the boxes?
A. I mean the boxes in my district. I went to the polling district, and I handed my tickets to the supervisor, and he took the tickets——
Q. [Interposing.] Which supervisor, the democratic or republican supervisor?
A. The republican supervisor.
Q. What was his name?
A. His name was Lansing. He took the tickets and put them on the box. I think the whole of the tickets consisted of five, and when he took them he seemed to be excited. He put two tickets on the congressional box. He put the assem-

bly and congressional tickets together, and he says, "There is a warrant for you. Mr. Green," and some one of the supervisors stepped down and handed a warrant for me to the marshal outside. I says, "Well, sir, do you object to my voting?" He says, "Yes." I says, "Fix your tickets properly on the boxes." He says, "They are fixed." I says, "No, sir; there is two tickets on the congressional box." He fixed the tickets right, and then I says, "You refuse to take my vote, do you?" He says, "Yes; there is a warrant for you, and I cannot take your vote." Then this fellow, the marshal, took hold of me and says he, "Mr. Green, I am sorry that I have to arrest you." I says, "You need not be."

By the CHAIRMAN:

Q. What time of day was this?
A. Between half past seven and twenty minutes to eight.

By Mr. WINGATE:

Q. Had you had your breakfast?
A. No, sir. The place where I intended to get my breakfast was a couple of blocks from the polling place, and I had intended, after depositing my vote, that I would go up and have breakfast.
Q. Were you in uniform?
A. I was; just as you see me now. I went up to republican headquarters between Thirtieth and Thirty-first streets on Fourth avenue.
Q. Was anything done on the way up?
A. Nothing more than that two or three of my friends came up and said that they would go my bail. Yes, sir, I remember now; when we got three or four blocks from the polls some fellows whom I had arrested and had caused to be sent to State's prison commenced hallooing and hooting after me.

By the CHAIRMAN:

Q. Were you in the custody of the marshal?
A. Yes, sir; when we got to republican headquarters I knew a great many gentlemen there, and they asked me what was the matter. One gentleman who knew me very well came up to me and spoke to me, and I told him; and he says, "Here is a quarter; you take the cars and go down to the post-office building." I says to the gentleman in charge, "Can't you take bail for my appearance? I am a legal voter." He says, "No." Then I took a Fourth-avenue car and came down to the post-office building. There were a whole lot of men here. I wanted to get away as quickly as possible, and of course crowded my way through. My time being limited, I made my way up to the bar and explained the case to one of the men at the bar, and he said he would speak to Mr. Davenport, so that I would have no unnecessary delay.
Q. What time was it when you got down here?
A. About half past nine o'clock. Then Mr. Davenport recognized me and beckoned to me, and I came right around and produced my duplicate of my naturalization papers. The marshal came up, and says he, "The man is under arrest, Mr. Davenport." Mr. Davenport says, "Did he vote?" He says, "No, sir." I went up then and I says, "Mr. Commissioner, I am a legal voter; I do not see what right I have to be arrested." "Well," he says, "you have got 1868 papers." I says, "Yes, sir." "Well," he says, "how long have you been in this country?" I told him. "Well," he says, "you can go, but keep away from the polls." I says, "Can't I vote, sir?" He says, "No, sir." "Well, sir," says I, "if you have any doubt of my papers not being legal, if you will only send one of your marshals over to the superior court where I procured my papers he will find my name there on the records, and my witness's name is Thomas Keefe." He says, "I have something else to do besides sending my marshals around with you." Says I, "I cannot vote, then?" He says, "No, sir." I says, "Then you can use your own discretion as to what you will do with me, but I have a right to vote and I will vote." He turned upon me and says he, "Two thousand dollars bail; marshal, take him up to the third floor." I was taken up to the third floor, and when I got up there to this pen there I saw that there were about two hundred persons in there.
Q. Describe the pen.
A. Well, there were a good many poor wretches in that pen. It was a dirty, filthy sort of a place, and the smell was terrible.
Q. The place was filthy?
A. Yes, sir; the smell was awful anyhow. At the time the outside door was opened, and I got in, the smell was terrible.
Q. Well, state what you did there.
A. I got partly into the room, and I says to this marshal there—knowing him very well, because his brother was a partner of mine on the police force—"There is no need of your locking me up here." "Well," says he, "I will speak to the gate-keeper." He says to the gate-keeper, "There is no need of your locking this man up; his appearance is enough, he won't go away." I says, "I will sit out here." He says, "No, you cannot." He says, "The regular man who is detailed here has gone to his breakfast, and he left strict orders that when any one came up who was sent by Mr. Davenport they should be locked in." Well, I got partly inside the pen, and he was just closing the gate on me, and I says, "I will get out of here." I stood just like this, [illustrating,] and I says to this marshal, "Mr. McBride, can you go across the street with me, I want to get a friend to go my bail." He says, "I do not know what to do with you; let's go and see Davenport again." However, after a little persuasion, I got the marshal, who was with me, out from there, and we went to Nassau street to see a party who was not in, and from there he took me down to the National House, and there I procured bail. I came back again with my bondsman, and got in. Through the courtesy of a man there I was allowed to get up next to Mr. Davenport, so that I would not be delayed. It was then about half past ten o'clock. Mr. Davenport says, "The bail-bond is filed, and the bail is fixed at $2,000." I says, "Mr. Commissioner, can't I vote?" and he says, "No." I says, "I will vote." He says, "I will instruct the marshal to arrest you again if you do." I says, "I can't help it. I am entitled to vote, and I will vote." He says, "You will stick to it, will you?" I says, "Yes, I will stick to it." So my bail was taken, and Patrick Kavenaugh became my bondsman.
Q. Did you see anything of men in the pen?
A. Yes, sir; they were standing with their hands holding to the bars, looking out.
Q. With their faces between the bars?
A. Yes, sir.
Q. How crowded was it?
A. There was hardly standing-room in it, it was so crowded. There was a board seat run around the wall, I should judge about ten inches wide; that is all I could see; I could see that from the end, where I was; there was no one sitting down because there was not room.

By the CHAIRMAN:

Q. Do I understand you that they were standing up in that pen?
A. They were all standing up; yes, sir.
Q. And the standing-room was full?
A. Yes, sir; so much so that when the gate was opened the crowd pushed against the gateman.
Q. What hour in the morning was that?
A. About ten o'clock.
Q. Did you vote on that day?
A. Yes, I did.
Q. Were you arrested for voting?
A. No, sir; when I went up to deposit my vote the marshal came up one way and I came up the other. I beat him there though, and had my tickets all right, and I got them in, and one of the supervisors says, "Well, what is the verdict from Mr. Davenport?" I says, "I don't know that that has anything to do with you." I says, "I am here to vote now." "Well," he says to two or three of the inspectors, "shall we take his vote?" I says, "Who is here to challenge my vote?" He says, "Well, what was done with you?" I says, "Two thousand dollars bail to answer." He says, "Well, we will have to take his vote." The vote was deposited. "Now," I says, "I reside two doors from here, and if I am not a legal voter, the marshal when he comes can come right up after me, and can arrest me for illegal voting."

By Mr. WINGATE:

Q. Have you ever heard anything more of the matter since?
A. No, sir. Just after I deposited my vote the marshal came up, but I was not arrested.

By the CHAIRMAN:

Q. Has there been any proceeding against you, under your recognizance?
A. No, sir; I never heard anything more of the case since.

Patrick Wheelan sworn and examined.

By Mr. WINGATE:

Question. Where do you reside?
Answer. I reside at 363 First avenue.
Q. When did you come to this country?
A. In 1860.
Q. How old were you then?
A. Twenty years of age.
Q. When were you naturalized?
A. I took out my first papers in 1866.
Q. When did you take out your second papers?
A. In 1868.
Q. Did you go to court with your witness?
A. I did.
Q. As far as you know, your naturalization was legal, then?
A. Yes, sir; it was legal.
Q. Were you arrested on election day?
A. Yes, sir.
Q. What time in the morning?
A. About eight o'clock.
Q. Just state what was done with you.
A. I was taken to the Third avenue headquarters.
Q. Whose headquarters?
A. I do not know; it was some place on Third avenue, between Nineteenth and Twentieth streets.
Q. Was it the headquarters of any party?
A. Yes; it was the headquarters of the republican party.
Q. How long were you kept there?
A. Fifteen minutes.
Q. What was done with you then?
A. I was brought down here.
Q. Brought before Commissioner Deuel, were you?
A. Yes, sir.
Q. What action was taken on your case?
A. He paroled me to go, in case I would not attempt to vote. He said he would have to lock me up if I did not say I would not vote, and I said I would not.
Q. You promised you would not vote?
A. Yes, sir.
Q. And he discharged you?
A. Yes, sir.
Q. What did you do?
A. I went up town and consulted a lawyer, and he said I had a right to vote, and I went and made an affidavit and voted, and then I was arrested and brought down here again.
Q. You were brought before Commissioner Deuel?
A. Yes, sir.
Q. At the time when you appeared before Commissioner Deuel some lawyers appeared for you, did they not?
A. Not before Commissioner Deuel. I was sent before Commissioner Davenport then.
Q. Do you recollect that when you were brought before Commissioner Deuel Mr. Anderson and myself appeared for you, asked that you be admitted to bail; and do you recollect any conversation then about bail?
A. I do not recollect any conversation, only that Mr. Foley offered bail.
Q. What did Commissioner Deuel do?
A. I do not know. I know that I was locked up for two days.
Q. Do you recollect your being sent upstairs?
A. Yes, sir.
Q. When you went up who went with you?
A. One of the marshals and a gentleman named Mr. Anderson, I think.
Q. And Mr. Foley?
A. Yes, sir.
Q. What took place when you went upstairs?
A. I recollect going upstairs with Mr. Foley, and he offered bail, and it would not be taken.
Q. Where were you, back in the crowd, or in the inside of the bar?
A. Inside of the bar.
Q. Did Commissioner Davenport state anything about any reason why he would not take bail, or anything of that kind?
A. I think he said he would have to take twenty-four hours to consider it.
Q. Did he tell you that you had broken your promise?
A. Yes, sir; he did.
Q. Did he say anything about making an example of you?
A. I don't recollect that he did.
Q. How much bail were you held for?
A. Five thousand dollars.
Q. What was done with you then; where were you taken?
A. I was taken in a carriage to the Ludlow-street jail.
Q. Right away, or were you taken upstairs?
A. Right away.
Q. Were you taken upstairs at all from here?
A. No.
Q. From Commissioner Davenport's room?
A. I do not think I was.
Q. You were not put in the pen?
A. No; I was not put in the pen in this building.
Q. But you were put in Ludlow-street jail?
A. Yes, sir.
Q. How long were you kept there?
A. From Tuesday afternoon till Thursday afternoon.
Q. Then your bail was accepted and you were discharged?
A. Yes, sir.
Q. Have you ever heard anything about the matter since?
A. No, sir.

Arnold Lustig sworn and examined.

By Mr. WINGATE:

Question. Where do you reside?
Answer. Five hundred and eleven Fifth avenue.
Q. What is your business?
A. Well, I have no business; I deal in real estate.
Q. When did you come to this country?
A. I came to this country on the 13th of July, 1863, I think it was.
Q. How old were you then?
A. Nineteen years old.
Q. When did you declare your intentions?
A. I declared my first intention the 5th of March, 1866, and I took out my citizen paper on the 1st of November, 1868.
Q. Did you go in any court with your witness?
A. Yes, sir.
Q. You were naturalized in the regular way, as far as you know?
A. Yes, sir. I wish it to be understood that I do not appear for any political party. I appear for my own grievances. I wish to make a statement.
Q. Make your statement.
A. I have registered in the same place for several years. When I came to register this last year a gentleman there wanted to take my papers. I told him that I would not give them to him. I was told then that if I would vote I would be arrested; and after I voted I was arrested.
Q. Who told you that?
A. This gentleman at the polls there. Before the election I came to Mr. Davenport and went before Judge Choate, and I saw Commissioner Deuel in this building. I own considerable property in New York, and I am dealing all the time in real estate, so I came to see Mr. Davenport. I had my tax bills in my pocket for $3,900 for the support of this city government. I told Mr. Davenport that, but he did not think that I was a citizen. I consulted a lawyer here and some gentlemen, and they all advised me that my papers were regular; that I had a perfect right to vote. But, nevertheless, I was arrested and taken before Commissioner Deuel, and he let me go on bail.
Q. What did Mr. Davenport tell you when you went to see him?
A. I asked him what I should do, and he would not give me any satisfaction. He says, "I have nothing to say on the subject," and he rushed out of the room.
Q. Did he tell you what was the matter with your papers?
A. No.
Q. He told you that they were void?
A. I do not know that he said that, but I understood him to say that if I was to attempt to vote on those papers I would be arrested.
Q. You say you went to a lawyer?
A. Yes; I went to a lawyer, and he said he thought my papers were regular and that some discrimination should be made between regular and fraudulent papers; but he said that Mr. Davenport thought differently, and cited the case of a gentleman who keeps a grocery store at the corner of Forty-second street and Third avenue, who was in the same position as myself and who took out new papers. The judge offered to naturalize me over again, but under the advice of my lawyers that I should not run any risk at all, I did not do it. I saw Judge Blatchford's decision and it coincided with what I was informed.

On page 328 you will find the following testimony of Matthew N. Cole:

Question. When you came to vote on election day what did you do?
Answer. I had no breakfast that morning; I thought I would be the first man at the polls and put in my ballot; but, however, the breakfast that I got was to be brought to an iron cage up here.
Q. When you went to vote just state what took place; what time was it in the morning?
A. It was between six and seven o'clock.
Q. What took place when you went to the polls?
A. I was more than surprised when they said they had a warrant against me to stop me from voting. I said I would swear in my vote; "I have taken an oath to tell the whole truth and nothing but the truth, and I will swear in my vote now. I think I have sworn so many times about it, it is well deserved, and I can cast my ballot," and then they struck me in the face and said I could not do it. An officer that was there, not a United States marshal, but some officer with brass buttons, a policeman—they said, "I want that man arrested." The policeman says, "I can't do it. The man is willing to swear in his vote and I can't lay a hand on him." With that the marshal went to work to coax me up, and said let me go down to John I. Davenport's and everything will be all right, when I would just state those words, the same as I had to them.
Q. Did you vote?
A. No, sir; I was not let vote.
Q. You were taken away; where were you taken to?
A. I was brought to Forty-seventh street before some kind of another committee, and they whispered something among themselves, and then they said I should be taken down to the post-office and go before Davenport, and there he would have it rectified.
Q. Where did you go from there?
A. Then I took the Third-avenue car, and they fetched me to this place. I was elevated up and elevated down. I was some time there suffering. I considered it a most mean and miserable act to keep me so long in an iron cage without any refreshment. I was hungry, without any breakfast.
Q. When you first came to the building where were you taken?
A. I was taken first to the court-room before Mr. Davenport. He was not there just exactly on the minute when I was fetched in as a prisoner. He was in a few minutes after that. I had to wait with his marshal, for he ordered that the uptown districts should be fetched before some other judge; I don't remember his name.
Q. Where did they take you?
A. They took me from this room that Mr. Davenport was in to another room before this judge.
Q. What did he do?
A. The judge asked me if I could find bonds and bail, and such like. I said yes; let me get out and I would find all the bail he wanted; and the reply was $2,500 bail. I was put under bonds of $2,500.
Q. You had not the bail there?
A. I had nobody there, and nobody in my district knew that I was even arrested.
Q. Where did they put you?
A. They took me to the iron cage. I had plenty of company there.
Q. How many persons were there in that cage at that time?
A. I should think there would be about forty-nine or close on to fifty.
Q. There was a crowd?
A. Yes, sir; we were so crowded that we could not put one foot past the other at that time.
Q. Was it dirty?
A. It was middling clean when we got into it, but it was very dirty when we left there.
Q. Were the men allowed to leave it to attend to the calls of nature?
A. No, sir; they had to take to the walls and the floor for it, just in the others' presence.
Q. How long were you kept in that place?
A. Some time in the afternoon I was taken out. They fetched me in a kind of hack or barouche, or some kind of a close carriage, to Ludlow-street jail.
Q. How long were you in that pen altogether?
A. I was there from that time in the morning; maybe it was about eight o'clock. Between going down town and all I should think it was getting close on to eight o'clock when I was locked up there, and I stayed there until some time in the afternoon; I could not exactly state what hour. I had no time before me.
Q. Did you have anything to eat or drink during that time?
A. Nothing.
Q. You were locked up all that night?
A. I was locked up in Ludlow-street jail for two nights and two days and a half.
Q. You were a laboring-man?
A. Yes, sir; I worked along shore.
Q. You have a wife and family?
A. I am the father of seven children.
Q. Did they know where you were?
A. They did not.
Q. What means did they have of support while you were in jail?
A. Very little support. Whatever I get, I get it very honestly.
Q. Did your wife and seven children suffer while you were in jail?
A. They did.
Q. They went without food?
A. Yes; they never have much. It is hard times for me on account of the family, for they are young and I have a great deal to do to get along in this world.
Q. Have you ever heard anything more of the charge made against you since election time?
A. Not since, sir.
Q. You have heard nothing of it since that time?
A. Of course I was brought out of Ludlow-street jail by the same marshal that brought me in there, and I was tried by some other parties here, and they let me go on condition that I would come back and give them up my citizen papers.
Q. You have not heard anything about it since?
A. I came here once and inquired. I believe, if they knew that they promised me that they would, as they say, make the old lamp good by giving me a good one for it, and that they would get my papers made all right for me from the year 1863. So he holds my papers. I have not got them yet.

But I will not weary the Senate with more evidence. The foregoing is a sample of a large amount of testimony taken before that committee. Warrants were sworn out by the thousand, the clerk of Mr. Davenport making the complaint. The parties complained of were never proceeded against until on that day at the polls they were arrested on warrants, not issued because they offered to vote that day, but warrants issued many weeks before because they had voted at prior elections, to be ready to stop their voting, as I say, and not to bring them to justice for having voted wrongfully. Each man swears that those who promised not to vote were allowed to go, and this one man who did vote was told if he did he would be arrested again, though he had given bail. None of them were proceeded against in the courts; no effort was made to punish them as an intimidation to men who might be disposed to violate the law.

Thus you see how this power can be abused, how it was abused; you see how it will wrong a great many men in a State of the Union the constitution of which says "unreasonable bail shall not be exacted." Here these laboring-men, for nearly all of them seem to have been industrious men of good character, the only allegation being that they were naturalized in 1868, though they had voted ever since, and yet for an offense of that kind $2,000 bail was exacted and of some more; but when they promised not to vote they were allowed to go on their own recognizance, and they never heard of the charge afterward. Shall these laws, this machinery to carry elections, be continued? Shall the Army be at the polls to aid in enforcing it? I hope for the sake of our country not.

Mr. President, I believe, and I submit it to my republican fellow-citizens, that we shall do a great wrong to ourselves, to our own Government, to our own fellow-citizens, we shall subject our own fellow-citizens to arbitrary power and to wrongful acts, if we allow any such system as this to be upon the statute-book and be put in force by those exercising Federal authority. I have no party feeling about it. I admit that such is human nature that we shall have abuses, no matter which party is in power. Each will select partisan men, and in their zeal they will try to carry elections by driving or trying to drive their opponents from the polls and by allowing their own men to vote, as was done in 1878. These men had voted for years. These laws had been in force for years. These warrants were sworn out long before election day. Why were not the men brought to trial in 1876, in 1877, in 1878 before the election, with a view to show that there was an earnestness in prosecuting men for illegal voting to deter them and others, and not a mere machine to drive eight or ten thousand men from the polls on election day, from the fear that they would be incarcerated, and from the fact that it would harass those who could not readily give large bail, and would put in jail those who could not for twenty-four hours at least. You will find in some of these cases where the men were incarcerated that the commissioner said he would consider the case twenty-four hours. I assume Mr. Davenport is no better and no worse than other men who will accept such positions. My objection is to the entire system of this unlimited number of deputies, to these supervisors with arbitrary power. So far as you have supervisors to watch and intimidate corrupt scoundrels by appearing there and saying, "We shall bear testimony against you if you vote illegally," I have no objection at all; but to clothe them with the authority to arrest on the instant with or without process, and to have marshals there to execute their bidding and to have the Army under the control of the Federal officers, active partisans, to bring the troops there to be under their orders on that day, in the name of American constitutional liberty protected and regulated by constitutional law, I protest against it. I am

opposed to that system, and I believe we can in the future as in the past appeal to the honest citizens of both parties to keep the peace, to have honest elections and honest counts, and then our Government will grow stronger and stronger every day in the affections of our people and in the respect of the world, and we shall not have the abuses which we have had in some of our States where military power came around the Legislature and said who should go in and who must stay out, and where military power was around canvassing and returning boards, by their presence encouraging them, if they were bad men, to do bad things; but we shall have the old simplicity, the old local government of the people at the polls, who will see to it that there is peace, and they will prevent frauds by enforcing the laws on those who violate them.

This elaborate scheme authorizing supervisors and marshals to be at our voting places, clothed with arbitrary power over citizens, and the United States Army to be there to enforce this authority, will be dangerous to the liberties of our country, and must ultimately destroy our free Government. These arbitrary laws should be repealed or greatly modified. Our duty is to pass bills for this purpose. If they fail to become laws now because the President vetoes them, the remedy is with the people acting in their sovereign capacity at the ballot-box. To that tribunal, in my judgment, we can confidently appeal. This Government belongs to the people, and they will preserve it.

Mr. THURMAN, (Mr. BURNSIDE in the chair.) Mr. President, I wish to say something on this subject, but it will be very inconvenient for me to proceed to-night.

Mr. BECK. There are a few amendments that the committee have yet to offer and some that Senators wish to offer. If the Senator from Ohio will give way until the morning we may close these amendments to the bill before we adjourn to-night.

Mr. THURMAN. I have no objection to that if it can be the understanding that I shall be entitled to the floor in the morning.

The PRESIDING OFFICER, (Mr. BURNSIDE in the chair.) That will be the understanding.

Mr. ANTHONY. I hope the Senator from Kentucky will yield to a motion to proceed to the consideration of executive business.

Mr. BECK. I hope we shall be allowed to go on with the bill for at least half an hour or an hour.

The Committee on Appropriations, after looking over the bill as it has been passed, have no further amendments to offer as a committee; but representing that committee I have on one branch of the bill an amendment to offer. On page 70 of the bill, line 1699, I move to strike out the word "immediately," and on the same page, lines 1700 and 1701, to strike out the words "the $10,000,000 in legal-tender currency now in the United States Treasury, kept," and insert in lieu thereof "that portion of the legal-tender currency now in the United States Treasury held;" so that it will read:

In order to provide for the speedy payment of the arrearages of pensions, the Secretary of the Treasury is hereby authorized and directed to issue in payment thereof as they may be adjusted, that portion of the legal-tender currency now in the United States Treasury held as a special fund for the redemption of fractional currency under section 1 of joint resolution No. 17 of the Congress of the United States, approved July 22, 1876. And fractional currency presented for redemption shall be redeemed in any moneys in the Treasury at the time the same is presented.

Then the suggestion is made by the Senator from Vermont, [Mr. MORRILL,] and I think a proper one, to strike out, after the word "Treasury," in line 1707, the words "at the time the same is presented," and insert in lieu thereof "not otherwise appropriated."

The PRESIDING OFFICER, (Mr. CAMERON, of Wisconsin, in the chair.) The amendment of the Senator from Kentucky will be reported by the Secretary.

The CHIEF CLERK. The amendment is to make the clause read:

In order to provide for the speedy payment of the arrearages of pensions, the Secretary of the Treasury is hereby authorized and directed to issue in payment thereof as they may be adjusted, that portion of the legal-tender currency now in the United States Treasury held as a special fund for the redemption of fractional currency under section 1 of joint resolution No. 17 of the Congress of the United States, approved July 22, 1876. And fractional currency presented for redemption shall be redeemed in any moneys in the Treasury not otherwise appropriated.

Mr. BECK. That is the amendment.

The amendment was agreed to.

Mr. BECK. Mr. President——

Mr. MORRILL. Before the Senator from Kentucky leaves that part of the bill, there is another amendment that I think is a pertinent one and one which ought to be adopted. He has stricken out on line 1699 the word "immediately." Now I move to amend by inserting after the word "issue" in the same line the words "if necessary." I do not think there can be any reasonable objection to that. If this money is not needed for this purpose, of course it ought not to be used. The language in the text now is very mandatory. I conceive that there can be no disposition on the part of any side of the Senate to issue this fund unless it is made necessary by the emergency for paying out these pension arrearages. I ask the Senator if he will not accept that? If not, I shall ask a vote of the Senate upon it.

Mr. BECK. I cannot accept that. It has been discussed a good deal, and after using the words "authorized and directed," on which I think the friends of this measure were very emphatic in their opinion, I think the insertion of the words "if necessary" would destroy the effect of the whole clause; at least it might destroy it; and therefore I hope the Senate will not agree to the amendment of the Senator from Vermont.

Mr. HOAR. May I ask to have the clause read once more as it now stands amended?

The PRESIDING OFFICER. The clause as amended will be reported by the Secretary.

The Chief Clerk read the clause of the bill from lines 1696 to 1708, as amended.

The PRESIDING OFFICER. The question now is on the amendment offered by the Senator from Vermont, [Mr. MORRILL.]

Mr. MORRILL. I hope that the Senate will understand this. I do not desire to evade the issue. After having been beaten on this subject, I expect that this fund is to be used; but I do not desire that it shall be made the duty imperatively of the Secretary of the Treasury to issue this money unless it is absolutely needed. If he can use silver dollars or anything else, I shall prefer to let him have the authority to do so. I know, as all Senators know, that a very large sum has been saved or will be the present year by the exchange of our bonds bearing a higher rate of interest for four percents. I understand that this saving will be to the amount of some ten or twelve million dollars this year. If there is a possibility of the Secretary getting along by using for this purpose silver or anything else there may be in the Treasury instead of using this fund, why not allow him to do it? I hope there will be no opposition to the proposition I make, which is barely to obviate the necessity of directing the Secretary to issue this money unless it shall be necessary.

Mr. WITHERS. I should like to ask the Senator from Vermont if the effect of the adoption of his amendment will not leave it entirely within the discretion of the Secretary of the Treasury whether he will use this money or not?

Mr. MORRILL. It will leave it in the discretion of the Secretary so that he can use silver or any other money in the Treasury, but he must use it for this purpose and not for any other purpose.

Mr. WITHERS. Judging of the future by the past, we know very well what his construction will be, and we wish to avoid it.

Mr. TELLER. I wish to ask the Senator if it will not leave it discretionary whether he uses it or postpones the payment of these pension arrears?

Mr. MORRILL. Oh, no.

Mr. TELLER. I am afraid it will be construed in that way at least.

Mr. BAYARD. It seems to me that the amendment of the Senator from Vermont is entirely reasonable. The only object of the provision that came to us in the House bill was that in case there was no other money there to pay this large sum for the arrearages of pensions, then and in that event this $10,000,000, or what is left of it, which was set apart for a different purpose, should be paid out in order to meet the demand. That was the only professed intent; and the amendment of the honorable Senator from Vermont preserves that. As the bill would read with his amendment it would stand thus, that this fund heretofore set apart for the redemption of fractional currency—and by the by this is the result of the sales of silver—shall be paid out to meet the arrears of pensions, if the same shall be necessary; that is to say, if there is no money from the ordinary revenues to meet it. It was that event and that only that the original proposition of the House intended to meet. Therefore, the amendment of the Senator from Vermont is directly in the line of the professed meaning of the original proposition.

Mr. BECK. We just come back to the old contest. The Secretary of the Treasury advised us in a letter which was read yesterday that there is a deficiency in the revenues of the Government of $27,000,000, and the Committee on Finance, at the head of which was the Senator from Vermont and now the Senator from Delaware, introduced and sought to pass in the closing hours of the last session a bill to issue $18,000,000 of 4 per cent. bonds. I will read the bill:

That in order to provide for the prompt payment of the arrears of pensions due to pensioners, or becoming due, under the provisions of the act approved January 25, A. D. 1879, granting and authorizing payment of arrears of pensions, the Secretary of the Treasury is hereby authorized to issue, sell, and dispose of, at not less than par, 4 per cent. bonds of the United States, not exceeding in the aggregate $18,000,000, of the character, descriptions, and denominations, and with like qualities, privileges, and exemptions, of the 4 per cent. bonds described in the act of Congress approved July 14, 1870, entitled "An act to authorize the refunding of the national debt," or, in lieu thereof, or any portion thereof, to issue certificates of deposit of the denominations and character provided for in the act entitled "An act to authorize the issue of certificates of deposit in aid of the refunding of the public debt," approved February 26, 1879; and the proceeds of the sale of such bonds, or so much thereof as may be necessary, shall be applied exclusively, and is hereby appropriated, to the payment of claims for arrears of pensions arising under said act of January 25, A. D. 1879.

The authority was absolute to issue the $18,000,000 bonds, and it was to apply such portion of it, after making the sale, as might be necessary to the payment of the arrears of pensions. After the Secretary showed us there was a deficit, after he has sought and the Committee on Finance have sought to urge us to issue $18,000,000 bonds, I for one at least do not propose to leave it to the Secretary whether it is necessary to keep the eight and a half millions of money now in the Treasury for which he has no other use, but propose to authorize and direct him as the House has done, and as the Senate I think yesterday by a clear majority of twelve intended, to use the money thus held for a purpose no longer needed, instead of issuing those bonds, and to help him get clear of the deficit which he claims to exist. In other words, Congress determines that this money shall be used, and does not leave it to the Secretary of the Treasury by any construc-

tion that he may put upon the law to determine whether he will continue to hold it or not. It is the same contest again.

Mr. PADDOCK. I should like to inquire of the Senator from Kentucky what the date of the letter is which he read?

Mr. BECK. The date of the letter is February 12, 1879.

Mr. PADDOCK. Three months ago.

Mr. BECK. But he had the receipts and expenditures before him. We have the fact staring us in the face and reported by the Secretary on the 1st day of April, that he had increased the bonded debt of the country $300,000,000 in the last three years, and is now paying $102,000,000 interest, 6 per cent. upon three hundred million dollars and odd as well as 4 per cent. in addition to that on the same sum, and that the emergency had required the sale of bonds and the double interest he has been paying——

Mr. ALLISON. Has he not saved $11,000,000 of interest?

Mr. BECK. I think ultimately he will save interest; I do not say $11,000,000 but a considerable amount. I will say, however, that in order to do that and for this immediate emergency he did increase the bonded debt from what it was three years ago $300,000,000 and when the people were seeking to take his 4 per cent. bonds at par he paid, in order to increase the public debt, a half per cent. commission to the syndicate, being a million and a half upon the $300,000,000 and three months' interest upon the 6 per cent. bonds, which was 1½ per cent. more—a million and a half of dollars of commissions to the favored syndicate and four and a half millions being the interest for three months upon the six percents which were bearing interest after the four percents substituted for them were issued.

Thus a few friends in New York and elsewhere pocketed $6,000,000 by the transaction, when all of these bonds in a very brief time would have been taken by the people of the country without either the double interest or the commission; and hence the grab to seize them by the thus favored bankers. That is the truth.

Mr. PADDOCK. I made the inquiry I did of the Senator because to-day I saw the Secretary of the Treasury here, and had a conversation with him on this subject; he expressed it as his opinion that this legislation which the Senator from Kentucky insists upon would not hasten the payment of the arrears of pensions by a single day; that he would be able, so fast as the accounts should be reported to him in the regular routine of business through the Pension Office, to pay them. Therefore the legislation is wholly unnecessary so far as the soldier is concerned; and if this plea is interposed on behalf of the soldier, it is a false plea; there is no sense in it, no propriety in it, no truth in it, as the Secretary expressed himself in regard to his ability and his intention; and these reflections upon the Secretary of the Treasury in regard to this particular matter are certainly not warranted by the facts, not warranted by his conduct heretofore in regard to it.

Mr. BECK. I am not making any particular charges against the Secretary.

Mr. PADDOCK. I do not understand what the Senator is doing if he is not making at every breath a statement derogatory to the character and action of the Secretary of the Treasury in regard to this particular matter and in regard to the general financial programme which he has sought honestly, as I believe, to carry out, and which he has carried through to this date with very great success, ay, sir, with wonderful, with most remarkable success. Indeed, I do not hesitate to say that the results already secured under the present administration of the Treasury form one of the brightest and grandest pages of our history.

Mr. BECK. It is very well for gentlemen on the floor to boast about their Secretary. He is a great man now, and may be a greater one.

Mr. PADDOCK. As far as I am concerned, I make no boasts about the Secretary of the Treasury. I only claim for him that he has done his duty and that he is entitled, as every man high or low is, to fair treatment. Whoever strives as he has striven to do his full duty faithfully and fearlessly and well is entitled to have it said of him that he has so done; he ought to receive the meed of praise that the fair and generous always accord to well-doing. I am no special champion of the Secretary of the Treasury. Perhaps if I should speak my own personal feelings I might indicate other preferences before him in some respects.

Mr. BECK. The Secretary of the Treasury, in the letter to which I referred, showed us that it required thirty-four millions to pay the arrearages of pensions then due and passed upon; that it would require $2,500,000 more to pay those to be passed upon during the current year; that it would require five million more to pay those that would be acted upon during the next fiscal year for which we are now providing; making $41,500,000 to be paid altogether; and we were induced by reason of the deficit which he said must exist in the Treasury of $41,500,000 to limit appropriations for the arrears of pensions from now on to the close of the next fiscal year to $25,000,000, as shown by the act approved March 3, 1879, which I hold in my hand.

Thus it appears, in view of his own statement of the amount required to pay these arrears of pensions, in view of the deficiency which he said would exist, in view of the action taken by the Finance Committee of the Senate seeking to get us to issue $18,000,000 of 4 per cent. bonds, that it is time for the Senate and the House to direct that Secretary to use the money now in the Treasury and belonging to the people to pay off the arrears of pensions peremptorily, instead of issuing the bonds he seeks to have issued, and thereby diminish the deficit which he says exists, and pay the men who are entitled to this money, for they are all entitled equally. If there are $41,000,000 owing, as the authorities all say there will be, then the twenty-five millions appropriated cannot be distributed *pro rata*, but some must be left out and some must be favored. We are seeking to put means into his hands to enable him, as nearly as he can, to pay them all, and we do not intend to leave it to his discretion unless we are voted down in the Senate. Those who agree with me propose to order him to use this money.

In all our communications with the Secretary we direct him; we do not request him. When we pass laws, they are not laws to be executed by him or not as he sees fit. He is doing that in a good many ways now; but if I should go into that it would involve a discussion over again. He is neither using the sinking fund according to law, nor is he using it for any purpose except to subserve his own convenience in purchasing a few legal-tenders and fractional currency. He is receiving greenbacks for customs dues, and does not want Congress to pass a law to authorize him to do it. He is increasing the bonded debt as he pleases, under a construction of his own that after resumption is accomplished he has a right to go on and do whatever he thinks is necessary to maintain resumption. He is doing a great many things in regard to which it is very well to let the Secretary understand that this is the body to pass laws, and that he as an executive officer must obey them, and that we do not submit to his discretion; he obeys our orders.

Mr. MORRILL. I had no idea that the amendment I proposed would meet with the slightest opposition. It was a plain proposition in relation to the action of the Secretary of the Treasury, differing now in opinion from the opinions he held three or four months ago. Of course, that is easily explained. The Commissioner of Pensions ascertains that he cannot adjust so large an amount as the entire arrears of pensions which are required in a single month, and therefore the sum which will be required for the arrears of pensions, while not diminished in the aggregate, will be spread over a longer period of time.

Now, when the Senator from Kentucky assails the action of the Secretary in his funding arrangements, let me say to him that the Secretary has proceeded exactly according to law. He has paid no more interest than the law of Congress authorizes and even directs that he shall pay. Whenever the Senator calls attention to the management of the Secretary of the Treasury in relation to the funding process, in my judgment he is doing the Secretary a great favor.

It appears that the Senator from Kentucky is in favor of authorizing the Secretary to use this fund when it is necessary and directing him to use it when it is not necessary. That is the only point I wish to remedy. I merely desire to place it in the power of the Secretary to use this if it is necessary, and not otherwise.

Mr. INGALLS. Mr. President, if the amendment offered by the Senator from Vermont prevails this eight and a half million dollars will continue locked up in the Treasury. When this subject was under discussion at the last session of Congress the Secretary of the Treasury submitted a communication directly to the Senate. I was then chairman of the Committee on Pensions and the matter was called particularly to my attention. In that communication he stated that unless there was a specific appropriation made for the purpose of paying the arrears of pensions the great additional burden imposed upon the Treasury by that bill would cause a deficiency of not less than $25,000,000 or $30,000,000. He also stated in that communication, what has not been referred to in this debate, that he felt himself called upon, under the provisions of the law of January 14, 1875, to hold in the Treasury as a specific fund for the purpose of maintaining resumption not less than 40 per cent. of the entire amount of legal-tender notes in circulation.

Now, sir, the last public-debt statement shows that there was in circulation of legal-tender currency on the 1st of May $346,742,631. Therefore under the statement that the Secretary made to the Senate he is holding to-day as a fund for the redemption of that amount under the law of 1875 the sum of $138,677,052, which, added to this amount unnecessarily held in the Treasury for the redemption of fractional currency, makes over $146,000,000, which is in excess of what is shown to be the available cash balance by that debt statement.

I believe that the declaration of the Secretary that he felt himself authorized to retain that 40 per cent. is arbitrary and without warrant of law, and that we ought to realize all that experience shows is not necessary for the purpose of maintaining resumption. I believe that the amount this bill provides for ought to be put into circulation; it ought to be earning something; it ought to be at work like all the other capital of the country; and therefore I hope the amendment offered by the Senator from Vermont will not prevail. I would make it mandatory upon the Secretary to use this amount so unnecessarily held.

Mr. TELLER. Senators say there will be no deficiency in the revenue, and that too in the face of the statement sent here by the Secretary of the Treasury on the 12th day of February, when all the facts here to-day in respect to the finances of the United States, or at least all the favorable facts, were just exactly as they are now. In the last communication we have had from the Secretary with reference to the pension bill, after it passed the House, he declared there

would be a deficiency in the revenue; he declared it by implication and declared it directly; and he asks now, would it not be better to sell bonds to meet it, instead of taking this money lying idle in the Treasury?

Senators say that if this money is not appropriated the pensioners will be paid, and that, too, in the face of the letter of the Secretary read by the honorable chairman of the Committee on Appropriations, in which he declared that a million and a quarter had been already paid and a million and a quarter more would be paid during this fiscal year, and hereafter it was supposed they could pay about two million dollars a month. Does any Senator think it is going to take fifteen months yet to determine who are entitled to these arrears of pensions?

Mr. PADDOCK. What does the Senator mean by "hereafter?"

Mr. TELLER. I say that the honorable chairman of the Committee on Appropriations read a letter from the Secretary of the Treasury yesterday, in which the Secretary stated that it would take eleven months beyond the end of this fiscal year to pay these pensioners. The excuse that I understand Senators to make for accepting that is that the office cannot pass sooner upon and determine the pension applications. Forty thousand men have sent here their claims for arrears of pensions that ought to be determined in the next thirty days, and those forty thousand men are waiting for their money, and the Government keeps it locked up; and yet we are told that we can meet these men, who deserve it if any men ever did, and justify the keeping of the money locked up under the supposition that it is barely possible—it is improbable, I say—that the revenues may so increase that they may be paid in thirteen or fifteen months from now.

I do not mean to meet any of my constituents who have fought in the war and entitled themselves to this money that we have voted to pay, an honest and honorable obligation on the part of the Government—I do not mean to meet any of my constituents with that kind of an answer to his claim. When I have the money, I pay my debts; and when the Government has the money, as far as my vote will go, it shall pay its debts.

Mr. PADDOCK. I would like to ask the Senator from Colorado if he is able to state that these accounts can be reported from the Pension Office so rapidly that $2,000,000 a month will not answer the demand of all the requisitions upon the Treasury therefor?

Mr. TELLER. I am not able to say as to the amount.

Mr. PADDOCK. Allow me a moment. I understood the Secretary to say that after the present month the Department will be able to respond from the general revenues in the sum of $2,000,000 a month for these payments. That is the reason I inquired of the Senator what he meant by the use of the word "hereafter," and if he did not himself think that that is as rapidly as the accounts can be reported to the Secretary of the Treasury from the Pension Office for payment by the Treasury?

Mr. TELLER. Having had some little knowledge of business for twenty-five years, I say it is the veriest bosh in the world to assert that they cannot pass upon these claims so as to pay more than $2,000,000 a month. I say in thirty days they ought to pass upon the claims of the forty thousand already filed. The law has fixed everything except the identity of the men. That does not require much examination; and the forty thousand who have sent in their applications (and it may be all that are coming, but probably not,) can have their claims soon disposed of, and that will require more than the money they propose to pay in the way they propose to pay it.

Mr. PENDLETON. I desire to ask the Senator from Nebraska whether I understood him aright to say that the Secretary of the Treasury had stated to-day that these claims cannot be adjusted at the rate of more than $2,000,000 a month.

Mr. PADDOCK. I understood him to express the opinion that the payments made at the rate of $2,000,000 a month would meet all demands from the Pension Office, the demands possible to be made under the regular routine of business with the clerical force they have or can advantageously employ in that office. That was the impression I got from what he said, and it is the impression I have had all the way through, and but for that impression I should have gone for this measure. I do not believe, I have not believed from the first, that this proposition would advance the payment a single day of a single pension so far as the arrears are concerned.

Mr. PENDLETON. May I ask the Senator from Nebraska also when he had that conversation with the Secretary, and that without meaning in the least degree to ask questions that are not entirely proper in this discussion?

Mr. PADDOCK. What is the question?

Mr. PENDLETON. The question was whether I might ask, without any offense whatever, (which I do not intend,) from the Senator from Nebraska when and where he had that conversation with the Secretary of the Treasury to-day.

Mr. PADDOCK. If that is pertinent and important to this general inquiry, I shall be very glad to answer it, and I do not hesitate to do it as it is. I met the Secretary of the Treasury here to-day. I met him in this Chamber, or perhaps in the cloak-room, and had some conversation with or rather I interrogated him on this subject. It saved me the necessity of going to his office to make the inquiry which I had proposed making, because I had gotten this impression before, and I was confirmed in the impression from what he said in answer to the questions I propounded.

Mr. PENDLETON. I desire to say that the last communication I know of—and I am not very well informed about the matter and possibly may be mistaken—from the Secretary of the Treasury, officially given to Congress, was on the 12th day of February last, in which he made the statement under his own signature that in order to pay these arrears of pensions there must be either additional taxation or an additional sale of bonds. If there has been any other official communication to Congress——

Mr. PADDOCK. Allowing that to be the case, is the Senator prepared to state that the financial conditions are exactly the same to-day as they were then?

Mr. PENDLETON. No, sir, I am not prepared to state that they are exactly the same; but this I am prepared to state, that if there has been any change whatever in the financial condition of the Treasury it ought to have been made known to this and the other House officially under the signature of the Secretary, and not by what I have heretofore complained of, private conversations upon the floor of the Senate or in the cloak-room.

I rose for the mere purpose, not of controverting anything that the Secretary said to the Senator or that the Senator may have received from the Secretary, but of showing that official communications from the Departments to this Senate upon which they are supposed to act, are not made so clearly, so authoritatively as they ought to be; and here is an illustration of the great benefit we should derive from the personal explanations of the Secretary as to the condition of the Treasury and the necessity of appropriations, as I have claimed.

Mr. PADDOCK. I am very glad to have given the Senator the opportunity to emphasize his theory in regard to communications from the Executive Departments.

Mr. PENDLETON. I am very much obliged to the Senator. I have no doubt he would always be gratified to do a kindly and proper thing of that sort in his senatorial action upon the floor. Now, I do not know, I do not profess to know as well as many other gentlemen here, whether or not it is necessary to pass this clause of the bill in order to accomplish the purpose we have of paying these pension arrears without increasing either the taxation or the sale of the bonds of the Government; but I do desire to call attention to the fact that the last official communication which has been had from the Treasury Department to Congress shows that it is necessary either to do the one or the other, to increase the taxation or increase the bonded debt. I am in favor of neither. I am in favor of using this hoarded fund in the Treasury for these purposes, but I have been content to leave that subject on the discussion of the Senator from Kentucky, [Mr. BECK,] and other gentlemen upon both sides of the Chamber, until I heard a statement made that, in contravention of the written report made to the Senate by the Secretary of the Treasury, we had other, unofficial, private communications made that seemed to override that official statement. It was not for the purpose of questioning anything that the Senator from Nebraska had said, but merely to call attention to the fact that on this very day in this Senate Chamber the head of a Department had seen fit personally, privately to come upon the floor of the Senate and communicate with Senators upon the matter now pending before them, in order that I might accomplish, if it is possible, what I think a great reform, which shall require that that information be given publicly to every member who sits here rather than to any member on either side of the Chamber (and in this instance it was given to persons on both sides) in derogation of his written and official report.

Mr. PADDOCK. The criticism of the Senator upon the Secretary of the Treasury, based upon what I have said, is certainly very extravagant——

Mr. PENDLETON. The Senator will see that I make no criticism.

Mr. PADDOCK. The inference from what the Senator says is that the Secretary came upon the floor and communicated these things himself voluntarily with the view of influencing legislation. That is not the truth at all, sir, so far as my knowledge goes. The truth is simply this, that the Secretary of the Treasury being here, as he had a right to be, and I, having had no other opportunity to make inquiry of him concerning this matter, propounded to him a question or two as a Senator of the United States, and it was proper and right that he should answer such questions as I put them to him, and it was proper and right that I should communicate to the Senate such views and impressions as I got myself from the answers to those interrogatories by the Secretary of the Treasury, the question of courtesy which my friend has raised to the contrary notwithstanding. The interview was of my own seeking; the Secretary was in no respect responsible for it; and in this discussion I gave my own views and impressions as simply fortified and strengthened by what he had said to me. In view of what had been so freely said here I felt that I was fully warranted in doing this in justice to all concerned.

Mr. PENDLETON. Certainly I was not questioning in any degree either the right of the Secretary of the Treasury to come here or the right of the Senator to have a conversation with him in relation to public affairs.

Mr. PADDOCK. The inference from the Senator's remarks is entirely that way.

Mr. PENDLETON. It is for gentlemen to draw inferences, and not myself.

Mr. EDMUNDS. I have a suggestion to make which I think will relieve us all of this difficulty. I suggest to the Senator from Ohio to put his bill for requiring the Secretaries to be here present and

subject to our inquiries, right on to this legislative appropriation bill, and tell the President of the United States and "all the rest of mankind" that the Government shall not go on until we get that great reform accomplished. [Laughter.]

Mr. PENDLETON. The Senator from Vermont is very kind in making that suggestion. Undoubtedly he does it in the interest of the public. Will he vote for it?

Mr. EDMUNDS. I will as soon as I will vote for the other methods. If I am with my honorable friend in the other methods, I am for that.

Mr. PENDLETON. If you will aid me in doing that, I will introduce the amendment immediately,

Mr. EDMUNDS. Then I understand my friend thinks it is a thing that ought to be done, and that it ought to be carried on to an appropriation bill, and that the operations of Government should stop until he can coerce the minority of the Senate and the House of Representatives and "the rest of mankind" (if I do not improperly allude to the President by that expression) into agreeing that this great reform must begin now before the Government goes any further.

Mr. PENDLETON. Surely I could not suppose that the Senator from Vermont meant to make a suggestion except that which he considered of great public importance.

Mr. EDMUNDS. I would make one of great public importance, but my honorable friends on the other side would carry out their own theories certainly.

Mr. PENDLETON. *Timeo Danaos.*

Mr. BECK. In addition to what the Senator from Kansas [Mr. INGALLS] said, I desire only to remark that the Congress of the United States not only desires that all these payments should be made very promptly, but on the 3d of March, 1879, in the same act by which we appropriated the money to pay the arrears of pension, we added:

For temporary clerks in the Pension Office, and for furniture, rent of additional rooms, and other contingencies, $52,200, in addition to the appropriations which have been or shall be made under other acts, the same to be available until June 30, 1880—

The close of the next fiscal year—

Provided, That no more than $3,500 shall be used for furniture, contingencies, and rent.

Leaving over $48,000 to be applied to aid in enabling the Commissioner of Pensions to have these arrearages paid promptly, and we allowed him for the current fiscal year forty more clerks than he ever had before. We have allowed him for the next fiscal year to retain twenty-six of the additional forty. In addition to the $50,000 we have given him we have increased the force in the office of the Secretary of the Interior, so as to hear appeals, ten additional clerks. Then, with $48,000 for clerical force to work on the arrears of pensions cases, with twenty-six more clerks than he ever had for the next year, with ten more in the office of the Secretary of the Interior, Congress has shown every disposition to have these moneys paid as promptly as possible.

Mr. HOAR. I desire to ask the Senator from Kentucky if he has any official or other authentic information which will enable him to inform the Senate of the amount of claims which can be now disposed of by the Pension Office per month with its present force?

Mr. BECK. I have no other information except what the Secretary furnished us, that by the close of the next fiscal year there will be $41,000,000 necessary to be paid, and we have furnished the Commissioner of Pensions with money enough, at a thousand dollars a year, to employ forty-eight clerks, and we have allowed him to retain for next year twenty-six more than he ever had before until this fiscal year, and we have given the Secretary of the Interior ten more than he had, for the very purpose of enabling all these cases to be worked up during the next fiscal year. We think we have given a force sufficient to enable it to be done.

Mr. VOORHEES. Mr. President, I do not propose to go into a discussion of the merits of the provision that has come here from the House, but I do not, so far as I am concerned, propose to see a proposition which was so well made as that of the Senator from Ohio disposed of in the manner which has been attempted on the other side of the Chamber. The Senator from Vermont proposes that it shall be attached to this appropriation bill which is before the Senate. The proposition of the Senator from Ohio is that members of the Cabinet when they desire to communicate with the Senate or House shall do it officially and under certain responsibilities. The Senator from Nebraska says that the Secretary of the Treasury happening to be here to-day he met him, perhaps in the cloak-room or some place on the floor of the Senate, and received this communication, which he happened likewise to give to the Senate, and thereby the authority of the Secretary of the Treasury happened to be brought to bear upon the Senate of the United States.

I saw—and I take the liberty which the Senator from Nebraska has taken—I happened to see the Secretary of the Treasury to-day canvassing on that side of the Chamber, and I happened to see Senators with whom he spoke come over here, and I happened to see the Secretary of the Treasury come over here and speak with leading members of the Committee on Appropriations; and, so far as circumstantial evidence can go, it is a proven fact that he was here electioneering in regard to this matter, because immediately after his conversation with prominent Senators, I know what their views were. I say here that if this back-door and cloak-room influence is to be constantly brought to bear upon us, the sooner the bill proposed a few days ago and so ably advocated by the Senator from Ohio becomes a law the better. This surreptitious sort of "happening in" to control legislation is beneath contempt. If a member of the Cabinet is not willing to take his share of responsibility for his views, let him keep away from here. We are surely his peers. We do not want to see Cabinet officers dart in at one door and out at the next and leave a trail behind for somebody to explain. I witnessed once in the House of Representatives a movement on the part of the Senator from Ohio, then a member of the House, chase from the floor a Secretary of the Treasury. I mean no pun by this use of words, for it was Mr. Fessenden, not Mr. Chase. The proposition was that he give the House in a responsible manner officially and in open day what he was peddling over the floor of his views. I say the same here.

The Senate of the United States should resent this attempt of the Secretary of the Treasury to come here with this back-stairs influence, this sort of royal whispering and whipping-in on the floor of Parliament, or as the Senator from Texas [Mr. MAXEY] aptly remarks, drumming up his recruits and converting people to his opinions.

I have witnessed nothing that has had such an influence to convert me, and I think every other fair-minded man, to the support of the bill offered some weeks ago by the Senator from Ohio, as the operations of this afternoon.

Yesterday afternoon we as the representatives of the people who are behind us voted that some eight or ten millions of an idle, inactive, and not useful currency lying in the Treasury should be liberated, put upon its travels to discharge its duty among the people, instead of increasing our interest-bearing debt; and to-day the soft, velvety step of the Secretary of the Treasury is all around these corridors electioneering and whispering. Let him say what he has got to say openly, or let him stay where he belongs. We do not want him here. That is what I was trying to say in response to the jeer of the Senator from Vermont that the Senator from Ohio had better tack his bill, a great bill of reform that he has introduced into this body, as a rider to this appropriation bill. I understand the meaning of that; but the matter cannot be disposed of in that way.

Mr. EDMUNDS. The honorable Senator from Indiana has, with his usual ingenuity, greatly misunderstood me. I was not jeering at the proposition of the Senator from Ohio, which certainly is entitled to grave consideration. There are many aspects in which what he has said appears to me to be perfectly demonstrable. There are countervailing considerations which make it doubtful whether under the Constitution and our structure of government, it could be done. The thing I was calling the attention of the Senate to was that if this measure of the Senator from Ohio was, as he thinks it to be, a measure of reform for the public interest, then on the principle the other side of this Chamber is proceeding upon in respect of other great measures of reform, as they think, respecting the public interest, the quickest way of accomplishing it would be to put it on this bill, and to tell the House of Representatives, if they do not happen to think that way, that there shall not be any appropriations to carry on this Government until they agree to it.

Mr. VOORHEES. Does the Senator think that is the quickest way?

Mr. EDMUNDS. On the the theory of my honorable friends.

Mr. VOORHEES. On your theory? I ask as to your theory, not mine.

Mr. EDMUNDS. I am not speaking of my theory.

Mr. VOORHEES. On your theory would it not be the slowest way?

Mr. EDMUNDS. I have not any theories, Mr. President; I am only trying to make my humble contribution to the rapidity of the revolutions of the revolutionary wheel that my honorable friend and his associates have set in motion; and I say the wheel will revolve faster if you put more weight on its outside edge by further reforms so as to get so many reforms gathered together that the House of Representatives and the President and "the rest of mankind" cannot fail to be swept into an agreement. That is the thing to do.

Mr. VOORHEES. There is not a single measure we have proposed as riders, so called, upon the legislation of the extra session of Congress but what calls for the appropriation of money to carry it out. Consequently we connect it with the appropriation bills. That is to say, we tell you if you want to use the Army for political purposes, to carry elections, we do not mean to pay money for that use. If you propose to surround the polls on election day with the Army and Navy to suppress the expression of the free choice of the people, I do not want to vote money for them to be used in that way.

Mr. EDMUNDS. Neither do we want it.

Mr. VOORHEES. I will not vote money for that purpose. Again, in the bill now pending, the legislative, executive, and judicial appropriation bill, we say to that side of the Chamber if you desire to employ supervisors to stand as spies and inspectors upon honest men while they are doing their voting, we do not want such persons paid by this appropriation of the money of the people whom we represent.

The proposition of the Senator from Ohio, however, comes here as an independent measure, having no connection with the subject-matter of the pending bill. I insist that the suggestion of the Senator from Vermont that it should be attached to an appropriation bill was in the nature of a jeer on its merits.

Mr. EDMUNDS. Mr. President, I am fully up with the Senator from Indiana against having soldiers go to any elections to prevent any honest man from voting, or to regulate the method of his voting

or to do any other thing of that character; but I do not appear to be with the Senator from Indiana in, whenever it cannot otherwise be done, having the citizen soldier of the United States go to the polls to protect honest men and honest officers against the thugs and assassins and mobs and red-shirted armed bands who in various places have hitherto, and probably will again, undertake to overthrow the liberties of the people by armed force.

Mr. VOORHEES. Who is the judge of who is an honest man?

Mr. EDMUNDS. I am the judge, so far as my vote goes, if the honorable Senator will allow me to go on.

Mr. VOORHEES. Certainly.

Mr. EDMUNDS. So far as my vote goes I am the judge.

Mr. VOORHEES. So am I.

Mr. EDMUNDS. So the Senator is; but he judges one way, that he would have riot and free ruin and I do not know but free rum at the elections on one side, while I whould have peace and order and fair play; and if it cannot be preserved in any other way, I would have the strength of the people by its arms preserve it.

Mr. VOORHEES. If the honorable Senator from Vermont means to state as a fact that I would be in favor of a free riot and disorder, he does himself gross injustice as a Senator on this floor. I am not at liberty to make a further response than that. I might say hard things in reply; that he was in favor of military usurpation and violence by the Army. I asked him a proper question in a legislative body, and that was who was to judge? He said that he was in favor of the use of the Army and the Navy to secure the rights of honest voters as against those who were dishonest. That was the substance of his remark. I asked him who was to judge. He said he judged. I said I did too, and he said yes, that I judged in favor of those who were for free riot, murder, and kindred crimes. I hope the Senator from Vermont will see that that was not a proper reply to make in this place.

Mr. EDMUNDS. Mr. President, I accept with due humility the rebuke of my honorable friend from Indiana; but what I said was not so strong by its implications in the direction that he indicates as what he had just said before was as it respected what myself and my associates on this side were for. He intimated that we were all in favor of interfering with the freedom of elections at the point of the bayonet to sustain spies and other disreputable people in exercising a coercive surveillance over the exercise by honest men of their freedom of voting. That was the substance of what the honorable Senator said. He had a right to say it in the sense that that would be the consequence of our maintaining the legislation that now exists. I suppose he thinks so; I am bound to suppose he does. Now, I say in return and in exactly the same spirit, because I was not offended at what he said; he only spoke of the consequences;—I say in exactly the same spirit and in the same way that the course he is pursuing, as its inevitable consequences, has the character of supporting, without defense of law, whatever of riot and armed interference with liberty mobs and organized ruffians may choose to set up on election day, and say to the executive officers of the law that they shall have no power to suppress it then. That is the consequence.

Now, we will come back to the question, Mr. President, as to what sort of rider this is, on an appropriation bill or on the Army bill. What sort of rider is it? The honorable Senator says that it only regulates the expenditure of money. Does the repeal of ten or fifteen or twenty sections of the Revised Statutes regulate the expenditure of money by wiping off from the statute-books what already stands there as independent legislation on an independent topic? You might just as well say, with more force you might say that these improvements, as the Senators think they are, in respect of administering the Department of the Treasury, shall be passed in spite of everything, for the reason that this legislative bill contains an appropriation to pay the salary of the Secretary of the Treasury. You may say, therefore, "We will not pay the salary of any Secretary of the Treasury until we get all the laws of finance regulated exactly to suit us, because the public interest requires it; and no Secretary of the Treasury shall receive a dollar of public money to pay himself until we shall have got the President of the United States and the other House to assent to such changes of the law respecting his duties, if he is to perform them, as are agreeable to us." That is the logic of it; and that is the kind of logic which I hope the Senators will stick to until they are satisfied either that the country, which ultimately will settle all these things, is going to sustain them, or that it is not.

No, Mr. President, it is impossible to escape from the statement that has been made, that if you can put with propriety on this appropriation bill the riders that are now there,—I do no not care whether they are of a political or any other character; they are legislative provisions,—and say that there shall be no money to pay the salaries due to officers of the Government until the three great departments of the Government agree to these changes, you may with equal propriety—and that was what led me to refer to it—put on the scheme of the honorable Senator from Ohio. I said it with no disrespect to that scheme at all. You may put on every other scheme that either House of Congress thinks to be desirable and say nothing shall go forward until our views are met. That is what you have said, and what you have boasted that you would stick to; and, for the purpose of your utter discomfiture hereafter when the final judgment of this people is taken upon it, I hope that you will stick to it. But I hope, nevertheless, discarding the prospect of party advantage and temporary triumph, that Senators and Members of Congress and everybody else will have the wisdom not to stick to it; because I think it to be wrong, and the sooner we have an abandonment of a wrong course, the better it will be for everybody, including those who have been misled into a step of this kind of saying that you will take the Government of this country by the throat, in whatever character the appropriations may rest, and declare it shall not go on until new laws are made, and old ones repealed to suit the particular notions of particular branches of the Government.

Mr. WHYTE. I move that the Senate proceed to the consideration of executive business.

Mr. BECK. I hope we shall have a vote on this amendment before that is done.

Mr. WHYTE. No; it will take all night.

Mr. BECK. The very moment we take a vote on this amendment the committee will not ask the Senate to go further with the bill today. If we do not dispose of this amendment now we shall have the same wrangle again to-morrow.

The PRESIDING OFFICER. Does the Senator from Maryland withdraw his motion?

Mr. WHYTE. No, sir.

The PRESIDING OFFICER. The question is on the motion of the Senator from Maryland, [Mr. WHYTE.]

The motion was not agreed to, there being on a division—ayes 18, noes 28.

Mr. BECK. Now let us have a vote on the amendment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont, [Mr. MORRILL.]

Mr. MORRILL. I desire that this question shall be decided on its merits and not on any political controversy that has occurred since I offered the amendment; and I therefore call for the yeas and nays upon it.

Mr. FERRY. Let the amendment be read.

The PRESIDING OFFICER. The amendment will be reported by the Secretary.

The CHIEF CLERK. In line 1699, after the word "issue," the amendment is to insert "if necessary."

The PRESIDING OFFICER. On this amendment the Senator from Vermont calls for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. McDONALD, (when his name was called.) I am paired with the Senator from Wisconsin, [Mr. CARPENTER.] If he were present, I should vote "nay."

The roll-call was concluded.

Mr. BECK. The Senator from Illinois [Mr. DAVIS] requested me to say that he had to leave the Senate, and was paired with the Senator from Wisconsin, [Mr. CARPENTER.] The Senator from Illinois would vote "nay" if here.

Mr. McDONALD. That is true. I was paired generally with the Senator from Wisconsin, but I was authorized to transfer the pair to another person who might be of opposite opinions to the Senator from Wisconsin and who could not be present. I did not think of that when the question came up, and simply announced my pair. I now vote "nay."

Mr. BUTLER. I desire to state that my colleague [Mr. HAMPTON] has been compelled to leave the Senate Chamber by reason of indisposition.

The result was announced—yeas 25, nays 35; as follows:

YEAS—25.

Allison,	Chandler,	Hoar,	Rollins,
Anthony,	Conkling,	Kernan,	Saunders,
Bayard,	Davis of W. Va.,	Logan,	Whyte,
Bell,	Eaton,	McMillan,	Windom.
Burnside,	Edmunds,	Morrill,	
Butler,	Ferry,	Paddock,	
Cameron of Wis.,	Groome,	Platt,	

NAYS—35.

Bailey,	Gordon,	McDonald,	Thurman,
Beck,	Harris,	Maxey,	Vance,
Booth,	Hereford,	Morgan,	Vest,
Call,	Hill of Colorado,	Pendleton,	Voorhees,
Cameron of Pa.,	Houston,	Plumb,	Walker,
Cockrell,	Ingalls,	Randolph,	Wallace,
Coke,	Jonas,	Ransom,	Williams,
Farley,	Jones of Florida,	Slater,	Withers.
Garland,	Kirkwood,	Teller,	

ABSENT—16.

Blaine,	Dawes,	Hill of Georgia,	Lamar,
Bruce,	Grover,	Johnston,	McPherson,
Carpenter,	Hamlin,	Jones of Nevada,	Saulsbury,
Davis of Illinois,	Hampton,	Kellogg,	Sharon.

So the amendment was rejected.

Mr. BECK. Has the amendment I offered been agreed to?

The PRESIDING OFFICER. It has been agreed to.

Mr. BAYARD. I move that the Senate proceed to the consideration of executive business.

Mr. RANDOLPH. I beg leave to make a statement.

Mr. BAYARD. I waive the motion for the present.

Mr. RANDOLPH. I came in unexpectedly and cast my vote just now under a misapprehension. I do not know that I can correct it; but

I want to make the statement. I should have voted "yea" on the amendment of the Senator from Vermont.

THE DIRECT TAX OF 1861.

Mr. GORDON submitted the following resolution:

Resolved, That the Secretary of the Treasury be, and he is hereby, requested to furnish the Senate with any decision of the Treasury Department, with accompanying papers, in relation to the liability of the States for the direct tax under the act of August 5, 1861, and acts amendatory thereof.

Mr. CONKLING. I suggest to the Senator from Georgia to put the resolution in the customary form, in place of requesting the Secretary to direct him.

Mr. GORDON. I am quite willing to make that modification. Now I ask for the present consideration of the resolution as modified, if there is no objection.

The resolution was considered by unanimous consent, and agreed to.

COMMITTEE ON REMOVAL OF NORTHERN CHEYENNES.

Mr. COKE. I offer the following resolution:

Resolved, That the Secretary of the Senate be and he is hereby, authorized and directed to pay out of the contingent fund of the Senate, appropriated for the miscellaneous items of the Senate, upon vouchers approved by the chairman, all the authorized and necessary expenses of the select Senate committee appointed to examine into the circumstances connected with the removal of the Northern Cheyennes from the Sioux reservation to the Indian Territory, authorized by Senate resolution of February 12, 1879, and continued by Senate resolution of May 13, 1879.

Mr. DAVIS, of West Virginia. Let that be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

The resolution was so referred.

WITHDRAWAL OF PAPERS.

On motion of Mr. ROLLINS, it was

Ordered, That J. L. Stevens have leave to withdraw his petition and papers from the files of the Senate, no adverse report having been made.

On motion of Mr. TELLER, it was

Ordered, That the papers of E. A. Sawyer, now in the office of the Secretary of the Senate, be referred to the Committee on Claims.

EXECUTIVE SESSION.

Mr. BAYARD. I renew my motion.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Delaware, that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-eight minutes spent in executive session the doors were reopened, and (at five o'clock and thirty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May* 14, 1879.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

GEORGE S. FISHER.

Mr. STEPHENS, by unanimous consent, introduced a bill (H. R. No. 1998) to reimburse George S. Fisher for "waiting instructions" and for "transit to post of duty" to Beirut, Turkey, in 1874, and for losses sustained by the burning of his law library in the consulate building of the United States at Kanagawa, Japan, November 26, 1866; which was read a first and second time, and, with the accompanying memorial, referred to the Committee on Foreign Affairs.

KANAWHA RIVER, ETC.

Mr. KENNA. I ask by unanimous consent to make a report from the Committee on Commerce. It is the same report which I endeavored to make yesterday and to which the gentleman from Illinois objected. That gentleman has intimated to me he has no further desire to object; and if the House will hear the report, which is exceedingly brief, I think there will be no further objection.

The SPEAKER. The Chair hears no objection, and the report will be read.

The Clerk read as follows:

The Committee on Commerce, to whom was referred a bill to amend an "act approved March 4, 1879, making appropriations for the construction, repair, preservation, and completion of certain works on rivers and harbors and for other purposes," respectfully submit the following report:

The river and harbor act of which this is amendatory made appropriations for the improvement of the Great Kanawha and Kentucky Rivers. At the time said act was passed attention was not called to the fact that specific authority was necessary to authorize the purchase of sites necessary in the prosecution of said improvements. Since the passage of said act a communication from the engineering department calls attention to the necessity for such authority and an act granting it is recommended. Such provision has been made in all cases where the necessity therefor was known at the time of such appropriations. In this case the works will be suspended unless the authority to purchase sites is granted and not only delay in the prosecution of works already undertaken but unnecessary expense and loss to the Government will result. The procurement of sites under the provisions of this bill is to be under the direction of the Secretary of War. The bill makes no additional appropriation of money. In view of the recommendation of the engineers and the immediate importance of such action your committee are unanimous in the recommendation that the bill do pass.

Mr. FRYE. I desire to ask a question. I see the report states it makes no additional appropriation. Does the original appropriation cover the amount which will be necessary for the purchase of the sites or would it hereafter require an additional appropriation?

Mr. KENNA. It much more than covers it.

The SPEAKER. Is there objection to the present consideration of this bill? The Chair hears none.

Mr. KENNA, by unanimous consent, from the Committee on Commerce, reported, as a substitute for House bill No. 1586, a bill (H. R. No. 1999) to amend an act entitled "An act making appropriations for the construction, repair, preservation, and completion of certain works on rivers and harbors, and for other purposes," approved March 4, 1899; which was read a first and second time.

The bill was read, as follows:

A bill to amend an act entitled "An act making appropriations for the construction, repair, preservation, and completion of certain works on rivers and harbors, and for other purposes," approved March 4, 1879.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That such parts of the moneys heretofore appropriated by the act of which this is amendatory for the improvement of the Great Kanawha River, in West Virginia, and the Kentucky River, in the State of Kentucky, as may be necessary in the prosecution of said improvements as undertaken may be expended in the purchase, voluntary or by condemnation, as the case may be, of such sites as are necessary in the prosecution of said improvements: *Provided*, That such expenditure shall be under the direction of the Secretary of War: *And provided further*, That if the owners of such lands or sites shall refuse to sell the same at reasonable prices, then the prices to be paid shall be determined and the title and jurisdiction procured in the manner prescribed by the laws of the State in which such lands or sites are situated.

Mr. DUNNELL. I ask the gentleman from West Virginia whether the manner of condemnation in the instances cited in this bill is unusual?

Mr. KENNA. It is precisely the same. The language is copied from the last river and harbor bill.

Mr. HAWLEY. I would like to ask a question. I have heard from a source which is entitled to some respect that there was no necessity originally for this appropriation; that it was not a wise matter in the beginning. Hence, I am very much inclined to vote against this bill, and am a little sorry that I did not enter my objection originally to its consideration.

Mr. KENNA. I am very glad the gentleman did not.

Mr. HAWLEY. But if the gentleman can show me that there is any wisdom or necessity or justice in appropriating this large sum of money for this improvement I will vote for the present measure. I would like to hear something about the original necessity for the appropriation.

Mr. KENNA. If this bill affected in any way the merits of the original undertaking, and if I had the time, it would be a pleasure to me to furnish to the gentleman such information as is at my command in regard to the commerce of one of these streams and the necessity for its improvement; I have no doubt the gentleman from Kentucky would furnish the information as to the other. But I will state that this bill does not in any way affect the merits of the original proposition. The money has been already appropriated; the improvement is now under way; that on the Great Kanawha has been in progress for several years. The only effect of the present bill is to prevent unnecessary delay in the prosecution of the work. So that really this bill does not affect in any way the real merits of the proposition. Hence the gentleman will excuse me from going into the merits of that question, which I would be very glad to do at any time hereafter when that question may really arise. If there be no further inquiry, I move the previous question.

The SPEAKER. If there be no objection, the bill will be considered as read a second time. The gentleman from West Virginia [Mr. KENNA] demands the previous question on the engrossment and third reading.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed for a third reading. Being engrossed, it was accordingly read the third time and passed, there being ayes 85, noes not counted.

Mr. KENNA moved to reconsider the vote by which the bill was passed, and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEASE OF BUILDING FOR WASHINGTON CITY POST-OFFICE.

Mr. COOK. I ask unanimous consent to submit for adoption a resolution which I am instructed to report from the Committee on Public Buildings and Grounds.

The SPEAKER. The resolution will be read, the right of objection being reserved.

The Clerk read as follows:

Resolved, That the Postmaster-General, the chairmen of the Senate and House Committees on Public Buildings and Grounds, are hereby constituted a commission with authority to lease such building in the city for the purpose of a city post-office as in their judgment the good of the public service may require: *Provided*, That said lease shall be for a term of not less than three nor exceeding five years, and at an annual rental not to exceed $5,000 per annum.

Mr. REAGAN. That seems to be a simple House resolution.

The SPEAKER. The Chair does not think the House has the power to act on this matter by a simple resolution. It will be again read so that the House may understand it.

The resolution was again read.

The SPEAKER. This ought to be a joint resolution. It is a proposition to involve the Government in an expenditure of the public money, and it can only be done by a law.

Mr. COOK. I will change it so as to make it a joint resolution.

The joint resolution (H. R. No. 71) authorizing a commission to lease a building for city post-office was received and read a first and second time.

The question was on the engrossment and third reading of the joint resolution.

Mr. BLOUNT. I would like to ask my colleague whether there is an absolute necessity at this time for this being done. We have no information on the subject.

Mr. COOK. I will ask the Clerk to read a communication from the Postmaster-General which I send to the desk. The matter was under consideration in the last Congress. It was found that an absolute necessity for this existed, and the committees of both the House and the Senate agreed that this resolution should be reported.

Mr. WARNER. I rise to make a parliamentary inquiry. Are we in the morning hour?

The SPEAKER. This is not in the morning hour. This joint resolution is before the House by consent.

Mr. WARNER. If I can do so, I object to its further consideration.

Mr. COOK. Unanimous consent was given for the consideration of the resolution.

The Clerk read as follows:

POST-OFFICE DEPARTMENT,
Washington, D. C., April 22, 1879.

SIR: On the 15th day of January of the present year I had the honor of addressing a communication to you directing the attention of Congress to the following extract from my report to the President for the year ended June 30, 1878:

"I also respectfully urge that some suitable building be provided for the Washington City office.

"It now occupies so large a portion of the departmental building as to leave insufficient room for the clerks of the Department and renders the space available for files and records entirely inadequate. For want of other suitable room many tons of valuable records are now stored in the attic of the building, adding greatly to the danger from fire, in the event of which their destruction would be inevitable."

The Forty-fifth Congress having adjourned without conferring any authority to act in this matter, while the daily increased necessity for such action is being realized by the Department, I desire to again call the attention of Congress to the subject.

The law authorizes the Postmaster-General to lease buildings for post-office purposes in cities where Government buildings have not been erected for that purpose; but in this instance the original design of the Post-Office Department building contemplated the use of a portion of it for the city post-office, and I doubt my authority to move the city office to another place without the sanction of Congress. In addition an act of Congress prohibits officers of the Government from leasing any buildings except where appropriations have first been made for the payment of rent.

It is absolutely necessary, and at this time, that some provision be made for a city post-office; and I respectfully suggest that immediate action be taken to either lease or purchase a suitable property.

Respectfully, &c.,

D. M. KEY,
Postmaster-General.

Hon. SAMUEL J. RANDALL,
Speaker House of Representatives.

Mr. SCALES. I wish to ask the gentleman from Georgia whether this is a report from his committee?

Mr. COOK. It is authorized by the joint committee of the Senate and the House. They met this morning.

Mr. SCALES. And they have acted upon this matter?

Mr. COOK. Yes, sir.

Mr. SCALES. And this is the result of that action?

Mr. COOK. Yes, sir; they have visited the Post-Office Department, and are satisfied that this measure is necessary.

Mr. SCALES. Is the action of the committee in leasing a building for this purpose to be final?

Mr. COOK. The joint resolution appoints a commission, and the commission is authorized to lease a building for a term of not less than three or exceeding five years.

Mr. SCALES. Will there be a report made to the House before final action?

Mr. COOK. This is a resolution authorizing the commission to lease the building.

Mr. BLOUNT. I wish to ask my colleague a further question. Had the committee the question before them whether they would purchase or erect a building, and did they come to any conclusion on that question?

Mr. COOK. There is no bill before this Congress for the purchase or erection of a building. Last year that question was considered for some months. It was found that it would take some years to complete a suitable building. This is a matter of absolute and urgent necessity.

Mr. SCALES. With all deference to the gentleman from Georgia, I think this is a resolution which should go to the Committee of the Whole or to the Committee on Appropriations. We have no time to consider it. It has been sprung suddenly upon us, and the House knows nothing about it.

Mr. COOK. If the gentleman from North Carolina has paid any attention to the proceedings of last Congress in regard to this matter he knows that it was then considered fully. The Postmaster-General believes there is a necessity for this measure, and so do the entire committees, both of the Senate and the House. Both committees visited the post-office and satisfied themselves that this was necessary.

Mr. SCALES. I make the point of order that the joint resolution should have its first consideration in the Committee of the Whole.

Mr. COOK. The point of order is made too late. There was unanimous consent given that the resolution should be reported.

The SPEAKER. The Chair suggests that instead of the word "city" the words "city of Washington" should be inserted.

Mr. COOK. I will make that modification.

Mr. HUMPHREY. I wish to ask the gentleman from Georgia if the premises to be leased are for department business or merely for the Post-Office.

Mr. COOK. The object is simply to lease premises for the city post-office.

Mr. SCALES. I make the point of order.

The SPEAKER. The Chair thinks the point of order comes too late. It should have been made before the discussion was entered upon.

Mr. COOK. I demand the previous question.

Mr. SINGLETON, of Illinois. I move that the joint resolution be referred to the Committee on the Post-Office and Post-Roads.

The SPEAKER. The question is on seconding the demand for the previous question, and the gentleman from Illinois gives notice that if the previous question is not seconded he will move to refer the joint resolution to the Committee on the Post-Office and Post-Roads.

The question was put; and there were—ayes 60, noes 30.

So (further count not being called for) the previous question was seconded.

The question recurred on ordering the main question.

The question was taken; and there were—ayes 63, noes 32.

Mr. SINGLETON, of Illinois. A quorum has not voted.

The SPEAKER. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from North Carolina, Mr. SCALES, and the gentleman from Georgia, Mr. COOK.

The House again divided; and the tellers reported ayes—101, noes 23.

So (further count not being insisted on) the main question was ordered.

The question was taken on ordering the joint resolution to be engrossed and read a third time; and there were—ayes 72, noes 22.

Mr. SCALES. A quorum has not voted.

The SPEAKER. The Chair will order tellers; and appoints the gentleman from Georgia, Mr. COOK, and the gentleman from North Carolina, Mr. SCALES.

Mr. SCALES. I withdraw the point that a quorum has not voted.

So the joint resolution was ordered to be engrossed and read a third time.

The question recurred on the passage of the joint resolution.

Mr. STEELE. I would like to hear the resolution again read.

The joint resolution was again read.

Mr. SINGLETON, of Illinois. I call for the yeas and nays on the passage of the joint resolution.

The question being put, there were—ayes 23, noes 110; the affirmative being less than one-fifth of the entire vote.

Mr. REAGAN. I call for tellers on the yeas and nays.

On the question of ordering tellers there were ayes 25; not one-fifth of a quorum.

So tellers were refused and the yeas and nays were not ordered.

Mr. SINGLETON, of Illinois. I make the point that a quorum has not voted.

The SPEAKER. A quorum is not necessary on the question of ordering the yeas and nays.

Mr. SINGLETON, of Illinois. I did not think we could do anything without a quorum.

Mr. STEELE. Was not the point made by the gentleman from North Carolina that a quorum had not voted.

The SPEAKER. That was on the question of the engrossment and third reading. The gentleman from North Carolina made the point that a quorum had not voted and then withdrew it.

The question was taken on the passage of the joint resolution, and there were—ayes 113, noes 28.

Mr. REAGAN. A quorum has not voted.

The SPEAKER. The Chair will order tellers, and appoints the gentleman from North Carolina, Mr. SCALES, and the gentleman from Georgia, Mr. COOK.

Mr. REAGAN. I hope gentlemen will give us the yeas and nays so that we may see who it is that wants to vote for this.

The House again divided; and the tellers reported—ayes 117, noes 2; no quorum voting.

Mr. COOK. I move that there be a call of the House.

The SPEAKER. The Chair would suggest to the gentleman that he allow a yea-and-nay vote.

Mr. COOK. I have no objection to a yea-and-nay vote.

The SPEAKER. It can be done by unanimous consent. The Chair, however, desires to have read, in order to show that his decision was correct as to the yea-and-nay vote, a paragraph from the decisions of Messrs. Winthrop, Orr, and Banks, while they were Speakers.

The Clerk read as follows:

["One-fifth of those present" has always been construed to mean one-fifth of those who vote on the question of ordering the yeas and nays, regardless of the fact as to whether or not a quorum is present.]

It is not in order to repeat a demand for the yeas and nays which has been once refused.—*Congressional Globe*, 1, 29, page 304; 2, 30, page 623; *Journal*, 1, 33, page 939.

The SPEAKER. By unanimous consent the yeas and nays can be taken, although they have been refused.

Mr. SCALES. I hope my friend from Georgia will grant us the yeas and nays.

There was no objection, and the yeas and nays were ordered.

The question was taken; and there were—yeas 137, nays 80, not voting 68; as follows:

YEAS—137.

Acklen,	Davis, Joseph J.	Kimmel,	Shallenberger,
Aldrich, Nelson W.	Deering,	King,	Sherwin,
Aldrich, William	De La Matyr,	Kitchin,	Singleton, O. R.
Anderson,	Dick,	Lapham,	Smith, A. Herr
Atherton,	Dunnell,	Le Fevre,	Smith, William E.
Atkins,	Dwight,	Lewis,	Starin,
Bayne,	Einstein,	Lindsey,	Stephens,
Belford,	Errett,	Lounsbery,	Stone,
Beltzhoover,	Evins,	Manning,	Talbott,
Bingham,	Ewing,	Martin, Joseph J.	Taylor,
Blake,	Farr,	Mason,	Thomas,
Blount,	Ferdon,	McCoid,	Tillman,
Boyd,	Fisher,	McCook,	Townsend, Amos
Brewer,	Forney,	McGowan,	Tyler,
Briggs,	Frye,	McKinley,	Updegraff, J. T.
Brigham,	Garfield,	McLane,	Urner,
Buckner,	Gibson,	Mitchell,	Valentine,
Calkins,	Goode,	Money,	Ward,
Camp,	Hall,	Monroe,	Warner,
Cannon,	Hammond, John	Morse,	Washburn,
Carpenter,	Harmer,	Morton,	Wellborn,
Caswell,	Harris, John T.	Murch,	Wells,
Claflin,	Haskell,	Newberry,	Whitthorne,
Clardy,	Hatch,	O'Connor,	Wilber,
Coffroth,	Hawley,	O'Neill,	Williams, C. G.
Conger,	Hayes,	Orth,	Williams, Thomas
Cook,	Heilman,	Osmer,	Willits,
Cowgill,	Henderson,	Overton,	Wilson,
Crapo,	Herbert,	Prescott,	Wise,
Cravens,	Herndon,	Price,	Yocum,
Crowley,	Horr,	Richardson, J. S.	Young, Casey
Culberson,	Houk,	Robeson,	Young, Thomas L.
Daggett,	Johnston,	Robinson,	
Davidson,	Jones,	Ryan, Thomas	
Davis, George R.	Kelley,	Sapp,	

NAYS—80.

Aiken,	Dibrell,	Martin, Edward L.	Samford,
Armfield,	Dickey,	McKenzie,	Sawyer,
Bachman,	Dunn,	McMahon,	Scales,
Barber,	Elam,	McMillin,	Singleton, J. W.
Beale,	Felton,	Morrison,	Slemons,
Bicknell,	Ford,	Muller,	Smith, Hezekiah B.
Blackburn,	Geddes,	Myers,	Sparks,
Bouck,	Gillette,	Neal,	Springer,
Bowman,	Gunter,	New,	Steele,
Bright,	Hawk,	Norcross,	Stevenson,
Browne,	Hooker,	Phelps,	Thompson,
Cabell,	Hostetler,	Phister,	Townshend, R. W.
Caldwell,	Humphrey,	Poehler,	Turner, Oscar
Clark, John B., jr.	Joyce,	Reagan,	Turner, Thomas
Clymer,	Kenna,	Reed,	Updegraff, Thomas
Cobb,	Killinger,	Rice,	Vance,
Converse,	Knott,	Richmond,	Waddill,
Covert,	Ladd,	Robertson,	Weaver,
Davis, Lowndes H.	Lowe,	Ross,	Whiteaker,
Deuster,	Martin, Benj. F.	Rothwell,	Wright.

NOT VOTING—68.

Bailey,	Finley,	James,	Pound,
Baker,	Forsythe,	Jorgensen,	Richardson, D. P.
Ballou,	Fort,	Keifer,	Russell, Daniel L.
Barlow,	Frost,	Ketcham,	Russell, William A.
Bland,	Godshalk,	Klotz,	Ryon, John W.
Bliss,	Hammond, N. J.	Lay.	Shelley,
Bragg,	Harris, Benj. W.	Loring,	Simonton,
Burrows,	Hazelton,	Marsh,	Speer,
Butterworth,	Henkle,	Miles,	Tucker,
Carlisle,	Henry,	Miller,	Van Aernam,
Chalmers,	Hill,	Mills,	Van Voorhis,
Chittenden,	Hiscock,	Muldrow,	Voorhis,
Clark, Alvah A.	House,	Nicholls,	Wait,
Colerick,	Hubbell,	O'Brien,	White,
Cox,	Hull,	O'Reilly,	Willis,
Ellis,	Hunton,	Persons,	Wood, Fernando
Field,	Hurd,	Pierce,	Wood, Walter A.

So the joint resolution was passed.

During the roll-call the following announcements were made:

Mr. SHELLEY. I am paired with Mr. KETCHAM, of New York. If he were present, I would vote "no."

Mr. COBB. My colleague, Mr. COLERICK, is absent, and paired with Mr. BALLOU, of Rhode Island.

Mr. WRIGHT. My colleagues, Mr. RYON and Mr. MITCHELL, are paired.

Mr. DAVIDSON. My colleague, Mr. HULL, is absent by leave of the House, and is paired with Mr. RICHARDSON, of New York.

Mr. BLOUNT. My colleague, Mr. HAMMOND, is paired with Mr. VAN VOORHIS, of New York; my colleague, Mr. SPEER, is paired with Mr. RUSSELL, of Massachusetts; and my colleague, Mr. NICHOLLS, is paired with Mr. VOORHIS, of New Jersey.

Mr. KING. My colleague, Mr. ELLIS, is absent by reason of illness, and is paired with Mr. WAIT, of Connecticut.

Mr. CHALMERS. I am paired with Mr. WHITE, of Pennsylvania. If he were present, I would vote "ay."

Mr. ROBINSON. My colleague, Mr. RUSSELL, of Massachusetts, is paired with Mr. SPEER, of Georgia. I do not know how either would vote, if here.

Mr. WAIT. I am paired with Mr. ELLIS, of Louisiana, who is detained from the House by illness.

Mr. CALKINS. I am paired with Mr. FINLEY, of Ohio, on all political questions. I do not regard this as a political question, and therefore I have voted in the affirmative.

Mr. TOWNSEND, of Ohio. My colleague, Mr. KEIFER, is absent, and paired with Mr. SIMONTON, of Tennessee. If present, Mr. KEIFER would vote "ay."

Mr. TALBOTT. My colleague, Mr. HENRY, of Maryland, is paired with Mr. VAN AERNAM, of New York.

Mr. CABELL. My colleague, Mr. HUNTON, is paired with Mr. HISCOCK, of New York.

Mr. McMILLIN. My colleague, Mr. SIMONTON, is paired with Mr. KEIFER, of Ohio.

Mr. LAPHAM. My colleague, Mr. VAN AERNAM, is paired with Mr. HENRY, of Maryland, and my colleague, Mr. RICHARDSON, is paired with Mr. HULL, of Florida.

The vote was then announced as above recorded.

Mr. COOK moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AMENDMENT OF RULES.

Mr. NEWBERRY, by unanimous consent, submitted the following; which was read, and referred to the Committee on Rules:

Resolved, That rule 71 be amended by adding thereto the following:

Every bill reported by a committee amending existing law shall contain in the body of the bill, or in a report accompanying the same, a full copy of the section or sections proposed to be amended, with the proposed additions thereto in italics, or words to be stricken out marked with a black line. Every such bill, repealing an act or any part of an act, shall recite in full the section repealed in whole or in part.

TESTIMONY IN CONTESTED-ELECTION CASES.

Mr. DUNN asked and obtained leave to have withdrawn from the files of the House the certificate of Isaac Murphy as governor of Arkansas, dated November 15, 1865, certifying the election of William Byers, of Arkansas, as a Representative in the Thirty-ninth Congress from the first district of the State of Arkansas; and the same was referred to the Committee of Elections.

The SPEAKER laid before the House testimony and papers received by the Clerk in the following contested-election cases:

Horatio Bisbee, jr., *vs.* Noble A. Hull, second congressional district of Florida;

Sebastian Duffy *vs.* Joseph Mason, twenty-fourth congressional district of New York;

John W. Bradley *vs.* William F. Slemons, second congressional district of Arkansas; and

E. W. M. Mackey *vs.* M. P. O'Connor, second congressional district of South Carolina.

Mr. SPRINGER. I move that the papers just laid before the House be referred to the Committee of Elections.

The motion was agreed to.

ORDER OF BUSINESS.

Mr. WARNER. I move to dispense with the morning hour.

Mr. CALKINS. I desire to offer an amendment.

Mr. WARNER. More than an hour has been consumed this morning by unanimous consent. I am anxious to get at the silver bill, and therefore I move to dispense with the morning hour.

Mr. CALKINS. I desire to move an amendment to the silver bill, so that it may be considered at the proper time.

Mr. CONGER. I desire to say something in reference to papers referred to the Committee of Elections.

Mr. CALKINS. I desire to move an amendment to section 3.

Mr. WARNER. Of what bill?

The SPEAKER. Of the silver bill.

Mr. WARNER. I do not know whether that will come up now or not.

The SPEAKER. The gentleman from Indiana [Mr. CALKINS] asks unanimous consent to offer an amendment at this time to the silver bill.

Mr. WARNER. I object.

Mr. CONGER. In regard to the reference to the Committee of Elections of testimony received by the Clerk, I opposed the reference of the certificates of the members from Iowa to the Committee of Elections when that matter was up.

Mr. WARNER. Am I not entitled to the floor?

Mr. CONGER. I objected to referring to the Committee of Elections the certificates of Iowa members when that matter was investigated. I understand (I may be misinformed) that those certificates, notwithstanding the objection made at the time, have been sent to the Committee of Elections and are now being acted upon by that committee.

The SPEAKER. That is not the subject under consideration. There is nothing about the Iowa certificates now before the House.

Mr. CONGER. I merely wanted to bring the matter up now, because if the proposition does involve sending papers to that committee that have been objected to in the House, I desire to reserve all points when the cases come up.

The SPEAKER. That has nothing to do with this matter.

Mr. WARNER. I move to dispense with the morning hour.

Mr. ACKLEN. Is it the understanding that the previous question will be called to-day on the silver bill?

Mr. WARNER. It is.

Mr. ACKLEN. At what hour?

Mr. WARNER. I desire to take the floor at three o'clock; I will not call the previous question before three, but will call it as soon as I can get the floor after three o'clock.

The question was taken upon dispensing with the morning hour; and upon a division there were—ayes 111, noes 62; not two-thirds.

Before the result of the vote was announced,

Mr. CLARK, of Missouri. I call for the yeas and nays.

Mr. SPRINGER. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will make it.

Mr. SPRINGER. I desire to inquire whether the new rule, which requires a two-thirds vote to dispense with the morning hour, changes the other rule of the House which provides that the first business in order after the reading of the Journal shall be the unfinished business of the previous day?

The SPEAKER. Unfinished business coming over from a preceding day holds, when resumed, the same relation to other business that it did on the previous day. This bill, so far as the Chair is advised, has always been considered after the morning hour.

Mr. SPRINGER. That is true; but the rule to which I refer has never received a construction from the Chair because the point has not been raised.

The SPEAKER. The question does not arise in connection with this bill. When it does arise the Chair will give his decision upon it. The gentleman will understand that this bill was reported after the morning hour, and has never been considered since except after the morning hour.

Mr. SPRINGER. Then, as I understand, this bill was made a special order, to be considered after the morning hour.

The SPEAKER. It came in after the morning hour upon a report from the Committee on Coinage, Weights, and Measures, and has been considered ever since after the morning hour, except, as the Chair recollects, in a single instance, when the morning hour was dispensed with by a two-thirds vote.

Mr. SPRINGER. Then this does not affect the question which may come up hereafter as to unfinished business occupying a different position?

The SPEAKER. That point, which may come up hereafter, the Chair does not decide now.

Mr. SPRINGER. I call for tellers on the motion of the gentleman from Ohio to dispense with the morning hour.

Mr. WARNER. I hope the gentleman will withdraw that call and let the business of the morning hour go on.

Mr. SPRINGER. I withdraw the demand for tellers.

The SPEAKER. The demand for tellers being withdrawn, the motion to dispense with the morning hour is not agreed to.

REMOVAL OF CAUSES TO UNITED STATES COURTS.

The SPEAKER. The morning hour now begins at twenty minutes after one o'clock; and the House resumes the consideration of the bill reported from the Committee on the Revision of the Laws, and pending when the morning hour expired yesterday, being the bill (H. R. No. 1715) to repeal certain sections of the Revised Statutes and to amend certain sections of the Revised Statutes and of the Statutes at Large relating to the removal of causes from State courts, with amendments. The gentleman from Illinois [Mr. TOWNSHEND] is entitled to the floor.

Mr. TOWNSHEND, of Illinois. Mr. Speaker, on yesterday I addressed my remarks mainly to the repeal of section 639 of the Revised Statutes. In the few moments left of my time I shall this morning very briefly call attention to other features of the bill on which I did not then comment.

This bill further provides for a modification of sections 641 and 642 of the Revised Statutes in this respect: it repeals all authority given in these sections for the removal of criminal prosecutions from the State courts. These sections relate to cases arising under the civil-rights bill. That act was passed at a period when the condition of affairs in some of the Southern States with reference to colored citizens was supposed to be different from the state of things now generally conceded to exist there. The dawn of the era of good-will and peace has rendered it unnecessary that this feature, at least, of the civil rights bill should remain in force. I may also mention that some of the best legal minds in this country doubt the constitutionality of that portion of the act authorizing the removal of a cause where a crime or a felony has been committed in violation of the State law. The committee, therefore, has considered it best to modify those sections by striking out criminal prosecutions where they occur; but it has left untouched the right to remove civil suits arising under the civil-rights bill.

The next section that we propose to modify is 643, which confers the right to remove a cause from the State court to a Federal court where revenue or election officers are prosecuted. For similar reasons the committee considered it proper to modify that section by eliminating the provision authorizing the removal of criminal prosecutions from the State courts. I shall not dwell this morning upon the constitutionality of those sections. Other gentlemen of the majority of the committee will, perhaps, fully set forth the reasons for the proposed modification.

The next change made by this bill is in regard to section 644, which authorizes the removal of causes where an officer of the Federal Government is sued. Under the section as it now stands a postmaster or any other officer of the Government is permitted, when sued by an alien, in a State of which he is a non-resident, to remove the case into the Federal court. Under this section a postmaster may remove a suit commenced against him for debt or an action upon a promissory note. The committee believe that civil officers of the Government should not enjoy any rights or privileges superior to those of other citizens similarly situated. Hence we have modified this section so as to confine the right of removal to cases growing out of acts committed under color of his office or in the line of his official duty.

This bill also provides for the repeal of section 647. It relates to controversies between citizens of the same State involving titles to land based upon grants of the State where the suit is pending and of another State. There are very few States in which cases of this kind can arise. In order to carry out the main purposes of the bill, avoid unnecessary removals, and prevent the drainage of the State courts by a flow of cases into the Federal court, we have provided for the repeal of the section, believing that the State courts possess the capacity and integrity to properly adjudicate all that may arise.

Now, Mr. Speaker, only a moment of my time is left, and in that I will say this bill has been thoroughly discussed and considered by the Committee on the Revision of the Laws. There is an almost unanimous opinion on the part of that committee that these statutes should be modified. With the exception of a difference of opinion in regard to some of the features of this bill, we come before the House with a united front.

One of these gentlemen, my friend from Indiana, [Mr. ORTH,] who will soon have the floor, differs with the committee as to the propriety of repealing the authority to remove criminal prosecutions as provided for in sections 641 and 643. He has an amendment which has been offered and printed, and is before the House. My limited time will not enable me to discuss that amendment. I leave its discussion to other gentlemen who will follow me. The gentleman from Maryland [Mr. URNER] has objections which go further than those of the gentleman from Indiana. He also has presented an amendment for your consideration. Having occupied so much of your time yesterday, I would not desire if I had the time to trespass further upon the attention of the House. I hope the House will give this bill careful consideration, for the reason that it involves very important questions affecting almost every community in this Union. The object of the bill is to promote the convenience of suitors, to protect the independence of State courts, preserve the constitutional balance of the Federal and State governments, avoid the danger of conflict between the judicial powers, avoid an increase of the burden of Federal taxation, and secure the due administration of justice.

Mr. ORTH obtained the floor.

Mr. KNOTT. I rise to ask the gentleman from Indiana whether he will yield for a motion to refer this bill to the Committee on the Judiciary, where it ought to go under the rules of the House?

Mr. ORTH. No, sir; and in that connection, before proceeding to the examination of the question now before the House, I think I am justified in saying that the Committee on the Revision of the Laws has beheld with some regret at least the attacks made upon it, not only in reference to this, but other measures reported by that committee. If the Committee on the Judiciary, for instance, were held to the jurisdiction which is conferred upon it by the rules of the House, the amount of business before it and coming from it would be exceedingly limited indeed. The rules of the House limit the jurisdiction of that committee simply to "judicial proceedings" and nothing else. But we have not sought any quarrel with that committee or any other. I take this position: that whenever this House refers any subject to any of its committees it clothes that committee with ample jurisdiction to investigate and report upon it. And it comes with ill grace, I may be permitted to add, from committees which are overburdened probably with business which they have managed in various ways to get into their net to interfere and find fault with the order of this House in any reference it is pleased to make.

I do not know, Mr. Speaker, whether we have done our duty in regard to this bill—I speak both for the majority and minority of the committee—whether we have done our duty as intelligently, as luminously, as ably as some other committees of the House, but to the extent of our humble ability we have endeavored to do the work this House has confided to us, and to that extent have tried to merit the confidence the House has reposed in us.

After these remarks I shall now proceed to the consideration of the bill and amendments before the House. I wish to say to members that the questions involved here are in my judgment as important as any which are likely to occupy the attention of this Congress during the present session, and so far as I am concerned I desire to present my views candidly, dispassionately, and not in any spirit of partisanship.

An important constitutional question is involved, arising under that clause, which gives to Congress the power to assess taxes to carry on the operations of the Government. That clause of the Constitution is familiar to the members of this House, but in order to present this

question fairly upon its merits, upon which alone it should be presented, I will call the attention of the House briefly to the two provisions which in my judgment are the foundation-stone upon which this legislation rests and has rested from the earliest judicial history of our Government to this hour.

"Congress shall have power to lay and collect taxes" is the language of section 8, article 1. Following that, in the same section, Congress is clothed with power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers," &c. This bill presents three classes of congressional legislation; first, that class arising under what is known as the civil-rights law; second, the revenue laws; and third, the laws relating to the elective franchise.

I propose to confine my remarks entirely to the second branch, relating to the revenue laws, leaving to my colleagues on the minority of the committee the presentation of their views upon the other two branches of this law. The present law upon the statute-book is found in sections 641 and 643 of the Revised Statutes, and provides that in all cases arising under the civil-rights law, the revenue laws, or the elective-franchise law, where a suit or prosecution is pending in a State court, the defendant may have the suit transferred to the Federal court to be tried there. The bill reported from the majority of the committee and advocated by my colleague from Illinois [Mr. TOWNSHEND] proposes to repeal so much of sections 641 and 643 as relates to the transfer of criminal prosecutions, leaving those sections to remain untouched so far as relates to civil causes which may arise under these three branches of congressional law. In my judgment, that change ought not to be made in the law. I regard it as more important that the right to transfer criminal causes should be preserved so far as the great interests of this Government are concerned than that of the mere transfer of cases in which persons are civilly liable, or seek civil redress. And I will give my reason.

I contend that under the clause of the Constitution which I have read the National Government has unlimited powers to pass laws for the collection of taxes; that it has the right to pass laws enforcing that constitutional provision; and having done so it follows as an imperative duty that the General Government must stand by, support, direct, and defend its officers acting under its authority. This is a power belonging to the superior sovereign, the National Government, and this superior sovereign cannot consent to transfer that attribute of sovereignty to an inferior or subordinate sovereign. To do so would place the superior sovereign at the mercy of the subordinate sovereign. To place the protection of the officials of the General Government solely under the supervision and control of State laws and State courts would be crippling, if not entirely destroying, the sovereign power of this nation. And that, Mr. Speaker, no more and no less, is the question that is now submitted to the consideration of this House.

I grant you right here that the law as it now stands in sections 641 and 643 is considered by some of the best lawyers of the land as defective in not furnishing to the Federal courts a proper machinery to carry on the trial and subsequent proceedings after the causes have been removed by transfer as contemplated under those two sections. I probably myself indulge to some extent in the belief of a defective machinery; and hence the members composing the minority of our committee have instructed me to present an amendment to the present law, not to the present bill but to the present law. And that amendment contains this provision which I shall read for the information of the House. After reciting sections 641 and 643 and the classes of cases that can be transferred from the State to the Federal tribunals, the amendment provides:

That in all subsequent proceedings in said prosecution, the said circuit court shall be governed in all respects, so far as applicable, in the trial, judgment, and punishment of the party (if on the trial the party shall be convicted) by the laws of the State where such criminal prosecution shall have been commenced; and in the execution of any judgment rendered by said circuit court in such cause, the United States marshal of the district in which said circuit court is being holden shall, in all respects, be governed by the laws of such State in the same manner as if said judgment had been rendered by the State court from which such criminal prosecution was transferred.

Mr. TOWNSHEND, of Illinois. Will the gentleman from Indiana yield for a question?

Mr. ORTH. With pleasure.

Mr. TOWNSHEND, of Illinois. I understand the gentleman from Indiana to admit that the Federal courts do not now possess the power, for instance, to determine and punish the crime of murder where it is committed in one of the States, and that the object of his amendment is to confer such power upon the Federal judiciary. Do I rightly understand that to be the gentleman's position?

Mr. ORTH. Let the gentleman complete his question.

Mr. TOWNSHEND, of Illinois. If I am correct I wish to call the gentleman's attention to the fact that his amendment does not go far enough. The doctrine is laid down by Kent in his commentaries, that in order that the Federal courts may exercise jurisdiction over a crime it is necessary that the power should be expressly conferred upon them by act of Congress; that is, the act of Congress shall expressly define the crime which they shall have power to try, and the act of Congress shall expressly declare what the punishment shall be and designate the courts where the crime may be tried. I will read an extract from Kent:

But to exercise criminal jurisdiction in common-law cases was not within their implied powers; and it was necessary for Congress to make the act a crime, to affix a punishment to it, and to declare the court which should have jurisdiction.

Now, the amendment offered by the gentleman from Indiana, in my judgment, does not cover the point which he seeks to make. The amendment simply recites this in general terms:

That in all subsequent proceedings in said prosecution the said circuit court shall be governed in all respects, so far as applicable in the trial, judgment, and punishment of the party, (if on the trial the party shall be convicted,) by the laws of the State where such criminal prosecution shall have been commenced.

Mr. ORTH. I will answer a part of the question of my colleague now. The residue of the question I shall answer in the course of my argument when I come to that branch of it. And in the first place, as to whether I had admitted there was a want of power in the Federal court to go on with a trial without further authorization on the part of Congress, I stated that it was doubted by some of the best legal minds in the country, doubted I recollect in some of the State courts where this matter had been adjudicated, and for the purpose of removing that doubt we have by our proposed amendment provided that the State laws should become a part of the machinery of the Federal courts in the trial of all cases that had been transferred. If we have failed to make ample provision to come within the text of Chancellor Kent I will suggest to my colleague, that while I have the floor he shall prepare an amendment to the bill to obviate the difficulty which he seems to think has been suggested by the Chancellor.

I might say here, Mr. Speaker, that on the other hand it is contended that whenever a transfer of a cause takes place from a State court to a Federal court the laws of the State follow the transfer as a necessary and inseparable incident. Such is the case in regard to the transfer of civil causes; such has been the case under the judiciary act for nearly one hundred years. It has never been questioned that where an act of Congress authorizes the transfer of a civil suit from the State to the Federal courts it carried with it the incidents of the civil law of the State to the Federal court, where it will be carried out in the trial, judgment, and execution, and if that be so, and it has never been questioned, why does not the same rule apply to the transfer of criminal causes?

Mr. BRIGHT. Will the gentleman permit me to ask him one question?

Mr. ORTH. Yes, sir.

Mr. BRIGHT. I am interested in the gentleman's argument, and I wish to understand if the gentleman is discussing the proposition whether the Federal Government and the State government have concurrent jurisdiction or in case of a conflict of jurisdiction. I understand the propositions to be entirely distinct and the practice of the courts to be distinct. That there may be a practical turn given to the argument of the gentleman from Indiana, I propose to ask him this question: suppose that a revenue officer in the exercise of his duties should commit murder and he should be indicted by a State court and he should insist that his right of trial should be transferred to a Federal court, now is there any law in existence of Federal authority which would give the Federal court jurisdiction to try and punish him for murder?

Mr. ORTH. The gentleman from Tennessee doubtless has in his mind the case of the State of Tennessee against Davis, now pending in the Supreme Court of the United States. It is a case where a revenue officer, as he claimed in the discharge of his duties under the revenue laws of the United States, committed a homicide, which the State of Tennessee alleged to be the crime of murder. Davis claimed a transfer to the circuit court of the United States for the district of Tennessee, and upon a difference of opinion between the district and circuit judges of the United States the case has been certified on the very point the gentleman makes, and is now before the Supreme Court of the United States for final adjudication. Now, if the gentleman wants my opinion as to that I will give it to him.

Mr. BRIGHT. I will hear your opinion.

Mr. ORTH. It is not in my judgment a question of concurrent jurisdiction at all. In this controversy one must be sovereign over the other, and hence it cannot be a question of concurrent jurisdiction. If the National Government desires to take the matter into its hands, it is because of the superior jurisdiction belonging exclusively to the General Government under the constitutional provision which I have just read to the House.

Mr. BRIGHT. Do I understand the gentleman to say that if a murder has been committed in Tennessee the case goes to the Federal courts?

Mr. ORTH. A homicide.

Mr. BRIGHT. I do not care in what form the gentleman puts it, but if a crime of that nature has been committed does the gentleman insist that the State is ousted of its criminal jurisdiction?

Mr. ORTH. I do so insist, unquestionably, and the power of the General Government to inquire into the acts of its officers and protect them when they are entitled to protection.

Mr. BRIGHT. You insist that the State is ousted of its jurisdiction. Permit me to ask the gentleman another question. Suppose that in the case given the State does not see proper to prosecute, is there any law in existence that will authorize a prosecution of that case in the Federal court, and is there any law to punish an individual when his case is taken into that court? That is the question which I wish him to answer.

Mr. ORTH. If the gentleman will be patient a little while he will

find that I propose to come to the discussion of that very question which he suggests.

Mr. BRIGHT. The gentleman will excuse me. I did not know it lay in his path. The gentleman will see that the proposition I submit is whether there is any authority in the Federal courts in such a case.

Mr. ORTH. Take the case in the gentleman's own State where Davis, in the exercise of his powers, as he claims, under the revenue laws, took the life of a man. I do not know his name nor is it important. He was indicted in the courts of Tennessee, the State of Tennessee bringing her indictment for the alleged crime against Davis in her own courts. He complains to his sovereign, to his superior, to his principal, and says, "While I was in the discharge of my duties I was arrested by the State of Tennessee for having disturbed the peace and dignity of the State;" and then the superior sovereign, the General Government, steps in and says that it will transfer the case from the courts of Tennessee to the courts of the United States for the purpose of inquiring into the alleged crime and having it adjudged in her own courts.

The State of Tennessee has notice of it. It is her suit. The General Government simply provides a different forum in which the State of Tennessee shall prosecute her suit against Davis, who is alleged to be a violator of her laws; and such transfer does not curtail or diminish in any respect the rights of the State of Tennessee in the premises.

The case of Tennessee is transferred from the State to the Federal tribunals; and if the State of Tennessee desires to abandon her prosecution she is the last person to complain. She is then in the attitude of any other suitor who voluntarily abandons his case.

Mr. BRIGHT. That brings the gentleman face to face with the question that I desire him to answer, and that is this: suppose after the transfer of the case to the Federal court, after the Federal court has assumed jurisdiction and has inquired into it, defending its own officer, as the gentleman styles it, that officer is found guilty. Is there any law in existence by which that individual can be executed if he has committed murder?

Mr. ORTH. The gentleman from Tennessee did not hear me when a few minutes ago I stated that it had been the practice of this Government ever since the first judiciary act authorizing the transfer of civil causes from the State to Federal courts, to hold that by that transfer the laws of the State passed from one forum to the other as a necessary and indispensable incident. I stated furthermore that if that be true as to civil causes, there could be no distinction, so far as the inherent right is concerned, of the Federal court being governed by the law of the State, between civil and criminal causes.

But I go further. If there is doubt upon the subject, I then say that this amendment which the minority of the committee propose removes all doubt, and enables the Federal Government, after having once obtained jurisdiction, to retain it for all purposes until complete justice is done between the State and the individual, or between the United States and the individual, or between the United States and the State.

Mr. BRIGHT. Will the gentleman permit me to ask him a further question?

Mr. ORTH. The gentleman will please be brief, for I have only an hour.

Mr. BRIGHT. I will be brief. It probably will not be unprofitable, because I understand this is the main point in the controversy. I understand there is a difference between cases in civil practice transferred from the State court to the Federal court and cases in criminal practice so transferred. What I understand from the gentleman's proposition and from his amendment is that informally and by relation the criminal laws of the State are to be adopted in this indirect way. I submit that it cannot be done according to authority.

Mr. ORTH. In further illustration of my position——

Mr. BRIGHT. And I will suggest this difficulty to the gentleman. The criminal laws of the State are subject to its own legislation and liable to be changed at any time. As a matter of course, then, State legislation would change congressional legislation.

Mr. ORTH. I am willing to yield for a question but not for an argument in support of that question.

Mr. BRIGHT. I ask pardon of the gentleman. I only desire to call his attention directly to the proposition.

Mr. ORTH. I will thank that gentleman or any other for any proper suggestion in the immediate line of my argument. Sections 641 and 643 of the Revised Statutes provide that when the cause has been transferred it shall thereupon be entered upon the docket of the circuit court and shall proceed as a cause originally commenced in that court. Now, if there be reasonable doubt as to what is now the power and duty of the court, add to that section the amendment suggested by the minority of the committee, and what have you? Complete authority on the part of the Federal court to take jurisdiction and keep it, to try and adjudicate the case, and to enter judgment and issue execution upon it.

But this is not new legislation in this Government. It does not fall within that class of legislation which the gentleman from Kentucky [Mr. BLACKBURN] characterized a few weeks ago as legislation which ought to be wiped out because "it was the outgrowth of the hatred engendered by civil strife." What is the origin of this legislation?

The first law passed upon the subject was passed as far back as 1815. I will send to the Clerk's desk to be read a portion of that law, premising before doing so that the law was temporary in its duration. It was a war measure, growing out of the war of 1812, and contained a provision that it should cease to exist upon the termination of that war between the United States and Great Britain; but the law itself and the principle enunciated as to the powers of the General Government over these questions go back to 1815. I ask the Clerk to read that portion of section 812 which I have marked.

The Clerk read as follows:

That if any suit or prosecution be commenced in any State court against any collector, naval officer, surveyor, inspector, or any other officer, civil or military, or any other person aiding or assisting, agreeably to the provisions of this act or under color thereof, for anything done or omitted to be done as an officer of the customs, or for anything done by virtue of this act or under color thereof, and the defendant shall at the time of entering his appearance in such court file a petition for the removal of the cause for trial to the next circuit court of the United States, to be holden in the district where the suit is pending, and offer good and sufficient surety for his entering in such court, on the first day of its session, copies of said process against him, and also for his appearing at the court and entering special bail in the cause, if special bail was originally required therein, it shall then be the duty of the State court to accept the surety and proceed no further in the cause, and the bail that shall have been originally taken shall be discharged.

Mr. TOWNSHEND, of Illinois. I will ask my friend what was the date of that act?

Mr. ORTH. Eighteen hundred and fifteen.

Mr. TOWNSHEND, of Illinois. Was it not enacted during a period of war?

Mr. ORTH. I have so stated.

Mr. TOWNSHEND, of Illinois. And when the war was over, was not the act repealed?

Mr. ORTH. The continuance of the act was limited by its last section to the duration of the war.

Mr. TOWNSHEND, of Illinois. It was a war measure, then?

Mr. ORTH. Yes, sir; it was a war measure, but it was nevertheless an exercise on the part of Congress, on the part of the National Government, of the authority for which I contend in favor of the present law.

I will now refer my colleague on the committee and other gentlemen to another law upon the statute-book which was not a war measure—at least not a "foreign war" measure. I refer to the celebrated "force act" passed during the administration and at the special request of President Jackson. The law of 1833, which I hold in my hand, known as the "force act" of Jackson's administration, is to-day the foundation of the law which is sought to be repealed by this bill. It is an act which has remained upon the statute-book and has been acted upon by the courts of this Government from 1833 down to this hour.

Mr. MCMILLIN. Did not the act of 1866 extend greatly the act of 1833? Is it not now much broader than when it was passed in 1833?

Mr. ORTH. The gentleman will see by a section to which I shall presently refer that there has been very little extension of the act of 1833. Of course as originally passed it applied only to offenses against the revenue laws. The law since has been extended to violations of the civil-rights act and offenses against the exercise of the elective franchise. But, as I stated at the commencement of my remarks, I propose to present simply the revenue phase or aspect of this legislation.

The act of 1833 (Statutes at Large, volume 6, pages 632–3) is entitled "An act to provide for the collection of duties on imports." This law passed the Senate of the United States, if I recollect aright, with but a single dissenting voice; and it passed the House of Representatives by a vote of more than three to one. At that time, as every gentleman will remember, the Senate and the House of Representatives had among their members some of the ablest jurists and statesmen this country has ever produced. This law which those men placed upon the statute-book stands to-day practically unrepealed or changed. I ask the Clerk to read a part of the third section, to which I call the attention of the gentleman from Tennessee, [Mr. MCMILLIN,] my colleague on the committee. He will see that it is almost *in hæc verba* the law which is now sought to be repealed.

The Clerk read as follows:

SEC. 3. *And be it further enacted*, That in any case where suit or prosecution shall be commenced in a court of any State, against any officer of the United States or other person, for or on account of any act done under the revenue laws of the United States, or under color thereof, or for or on account of any right, authority, or title set up or claimed by such officer, or other person under any such law of the United States, it shall be lawful for the defendant in such suit or prosecution, at any time before trial, upon a petition to the circuit court of the United States in and for the district in which the defendant shall have been served with process, setting forth the nature of said suit or prosecution, and verifying the said petition by affidavit, together with a certificate signed by any attorney or counselor at law of some court of record of the State in which such suit shall have been commenced, or of the United States, setting forth that, as counsel for the petitioner, he has examined the proceedings against him, and has carefully inquired into all the matters set forth in the petition, and that he believes the same to be true; which petition, affidavit, and certificate shall be presented to the said circuit court, if in session, and, if not, to the clerk thereof, at his office and shall be filed in said office, and the cause shall thereupon be entered on the docket of said court, and shall be thereafter proceeded in as a cause originally commenced in that court.

Mr. ORTH. Now, Mr. Speaker, the House will observe that this act of 1833 as just read provides for the transfer not only of civil causes but of criminal prosecutions arising under the revenue laws. As I said a few minutes since that law has been acted on continuously ever since its passage; it has received adjudications in the State as

well as the Federal courts, district, circuit, and Supreme. In no case during that long period of time from 1833 down to this day has the power of the General Government to pass that law been seriously doubted, much less denied. If, therefore, precedent is worth anything, if any weight is to be attached to the general concurrence of the courts of the land, State and Federal, in their construction of this act and the power of Congress to pass such an act, if any authority is due to the general concurrence of the profession for over a third of a century upon a principle so vital to the existence of the General Government as this, the inquiry naturally arises, is not the question *res adjudicata*? Is it not settled in favor of the power of the General Government?

I will refer gentlemen who desire to pursue this investigation to the celebrated case of Martin *vs.* Hunter's Lessees, 1 Wheaton, 335, a case familiar to the profession. This was the case in which it was first held that in "a civil cause possessing a Federal ingredient" (this is the language of Chief-Justice Marshall) there is no doubt as to the constitutional power of Congress to provide for a transfer of this class of cases. For instance, where a State and a citizen of another State are parties, where an alien is a party, where the matter in controversy has reference to some treaty or some patent law of the United States, in any of the innumerable cases possessing a Federal ingredient, the transfer can be made; and it was held by the Supreme Court unanimously, Chief-Justice Marshall delivering the opinion, that there was no doubt as to the validity and constitutionality of the law making that transfer.

Then, again, in the case of Cohens *vs.* Virginia, 6 Wheaton, 264, the identical question was brought up to the Supreme Court of the United States, so far as criminal prosecutions were concerned.

Mr. TOWNSHEND, of Illinois. Will my friend from Indiana let me ask a question right there?

Mr. ORTH. Yes, sir.

Mr. TOWNSHEND, of Illinois. I ask whether, in the case of Cohens *vs.* Virginia, this was not the main question involved: it was a question of jurisdiction between the District of Columbia, where the Federal Government has exclusive jurisdiction, and the State of Virginia; a question of jurisdiction, in other words, between the United States and the State of Virginia? I ask whether that was not the main question passed upon in that case by the Supreme Court, it being one of those questions which is expressly declared by the Constitution as being within its jurisdiction?

Mr. ORTH. That is very true, but it was held by the Supreme Court that the criminal part of the law of 1833 was as transferable as the civil part had been held to be transferable in the case of Hunter *vs.* Martin. This has been followed up in a recent case likewise originating in the State of Tennessee, reported in 6 Wallace, 252.

I allude to these decisions, Mr. Speaker, because in the examination and decision of this question we want to know, on both sides of the House—indeed, on this question there should be no partisan sides—whether the General Government has the right and the power to follow its officer into any State of this Union and lay on that officer the strong hand of its protecting power. That is the question at issue before us, whether the General Government has the power to enforce the laws which have been made in pursuance of the express grant of the Constitution, or whether the superior sovereign shall exercise its power at the mercy of the inferior sovereign or at the mercy of thirty-eight inferior sovereigns to give their own interpretation of the law, each pointing out its own way in which these officers shall discharge their duty. As a question merely of propriety, would it not be better that the Federal court should announce what is the law on this subject, and let that announcement go forth as the supreme law of the land?

Mr. TOWNSHEND, of Illinois. If it interrupts the gentleman I will not ask the question.

Mr. ORTH. No interruption at all.

Mr. TOWNSHEND, of Illinois. On that point I wish to ask this question: The only power conferred upon any Federal court by the Constitution is the power conferred upon the Supreme Court of the United States?

Mr. ORTH. This is not transferable to the Supreme Court, but to inferior courts in the first place.

Mr. TOWNSHEND, of Illinois. The Constitution does not confer any power on the inferior courts. The only clause referring to the jurisdiction of the Federal judiciary is that creating the Supreme Court of the United States. There is another clause which declares that Congress shall have power to constitute tribunals inferior to the Supreme Court, but no jurisdiction is specified in that clause. The question I wish to ask is this: As the Constitution only contemplates litigation as regards citizenship arising between citizens of the different States, I wish to ask the gentleman if a revenue officer, for instance, of Indiana, a citizen of that State, while acting as such revenue officer should step outside of his legitimate duty and commit murder, thus violating the law of the State, being a citizen of the State in violation of whose law he has committed a crime—I ask the gentleman under what provision of the Constitution that case can be removed into the Supreme Court, remembering that Congress does not clothe the officer with power, could not clothe him with power to commit a crime?

Mr. ORTH. Certainly.

Mr. TOWNSHEND, of Illinois. How could such a case be transferred from the State to the Federal court?

Mr. ORTH. That is just the question involved here. The gentleman takes it for granted that where a man is charged with murder he is guilty of murder. When a man is charged with homicide it depends upon the investigation of the question whether that homicide is excusable or not.

Mr. TOWNSHEND, of Illinois. But suppose on investigation it is found to be murder?

Mr. ORTH. Let me answer this question first. Simply because a man holds an office under the General Government and commits a crime, that does not authorize the transfer of the case. That man's crime must have been committed in the exercise of his official duty, and not otherwise, and it is not transferable unless it appears to a Federal court that the alleged crime was committed in the exercise of his official duty.

Mr. TOWNSHEND, of Illinois. His official duty does not authorize him to commit a crime.

Mr. ORTH. Clearly not. The very object of transferring it to the Federal court to have the trial there by the sovereign whose rights are supposed to be invaded is to ascertain whether what has been done, whether the facts charged against this man, amount to crime or not.

Mr. TOWNSHEND, of Illinois. Suppose after the case has been transferred on investigation it is found in the Federal court the man was guilty of murder. What then becomes of the case?

Mr. ORTH. Then the Federal court will proceed to find him guilty and hang him.

Mr. TOWNSHEND, of Illinois. Under what authority? Under what law?

Mr. ORTH. Under that "incident" which I have endeavored to impress upon the mind of the House all this afternoon, that when a case is transferred the law of the State follows as a necessary incident; if that be not true, then it can be done under the provision we have brought in here as an amendment to existing law.

Mr. TOWNSHEND, of Illinois. Coming back to the proposition I have already stated, that the Federal judiciary have no power to try a case of murder where the case arises in a State——

Mr. ORTH. But I do not admit that position.

Mr. TOWNSHEND, of Illinois. Let me get through with my question, if you please. Suppose that the case is transferred; suppose after investigation it is ascertained that an officer of the United States Government, a citizen of Indiana, has stepped outside of his duty as an officer of the United States Government and has committed murder. Now, the Constitution having conferred no power on the Federal courts to try a case of murder arising in a State, outside of Government property, fort, &c., Congress has no power to enact a law providing for the trial and punishment of murder in such a case.

Mr. ORTH. I submit that is hardly a question. It is an argument, and is in the line of what I have been discussing for the last half hour. As a matter of course, if the transfer from the State to the Federal court does not carry with it the State laws and Congress has no power to confer upon the Federal courts the provisions of the State laws, then you have a tribunal that is powerless and helpless.

But, Mr. Speaker, right at this point let me refer the gentleman and others who are interested in this discussion to numerous instances where acts of Congress have clothed Federal courts with authority to carry out the laws of the local jurisdiction, the States in which those courts have been held. I refer to sections 721, 722, 788, 858, 914, and 915, where Congress has exercised this power by authorizing the Federal judiciary to apply the law of the State to its trials, its judgments, its executions.

Mr. TOWNSHEND, of Illinois. They all refer to cases where the Constitution has conferred jurisdiction on the Federal judiciary.

Mr. ORTH. Now, Mr. Speaker, I think that the Supreme Court in this case of The Mayor, &c., *vs.* Cooper, from Tennessee, has answered fully the question of the gentleman from Illinois. I ask that the decision of the court be read, both for the purpose of showing the power of the General Government, the undisputed power of the General Government, and as an answer to the question which the gentleman put to me. The Clerk will read what I have marked.

The Clerk read as follows:

It is the right and the duty of the National Government to have its Constitution and laws interpreted and applied by its own judicial tribunals. In cases arising under them, properly brought before it, this court is the final arbiter. The decisions of the courts of the United States within their sphere of action are as conclusive as the laws of Congress made in pursuance of the Constitution.

Mr. TOWNSHEND, of Illinois. In pursuance of the Constitution.

The Clerk continued to read as follows:

This is essential to the peace of the nation and to the vigor and efficiency of the Government. A different principle would lead to the most mischievous consequences. The courts of the several States might determine the same questions in different ways. There would be no uniformity of decisions. For every act of an officer, civil or military, of the United States, including alike the highest and lowest, done under their authority, he would be liable to harassing litigations in the State courts. However regular his conduct, neither the Constitution nor laws could avail him if the views of those tribunals and of the juries which sit in them should be adverse. The authority which he had served and obeyed would be impotent to protect him. Such a government would be one of pitiable weakness, and would wholly fail to meet the ends which the framers of the Constitution had in view. They designed to make a government not only independent and self-sustained, but

supreme in every function within the scope of its authority. The judgments of this court have uniformly held that it is so.

MESSAGE FROM THE SENATE.

During the delivery of Mr. ORTH's remarks,

A message from the Senate was communicated by Mr. BURCH, its Secretary, informing the House that the Senate had passed without amendment the bill (H. R. No. 1377) to amend section 5440 of the Revised Statutes.

The message also announced that the Senate had passed a bill (S. No. 141) for the removal of the political disabilities of John S. Saunders, of Baltimore, Maryland; in which the concurrence of the House was requested.

Mr. McLANE. Will the gentleman from Indiana allow me to interrupt him a single moment to ask the House to put upon its passage the bill just received from the Senate for the removal of the political disabilities of John S. Saunders, of Baltimore, Maryland?

Mr. ORTH. That will do to-morrow. I cannot yield for any such purpose as that.

Mr. ORTH then resumed and continued his remarks.

ORDER OF BUSINESS.

Mr. WARNER. Has the morning hour expired?

The SPEAKER *pro tempore*, (Mr. CLYMER.) It has.

Mr. ORTH. How much time have I remaining?

The SPEAKER *pro tempore*. Twenty minutes.

Mr. WARNER. I call for the regular order.

JOHN S. SAUNDERS.

Mr. McLANE. I hope the gentleman who has charge of the coinage bill will permit me to ask the House to put on its passage a bill which has just come from the Senate.

Mr. WARNER. Only on the condition that it will give rise to no discussion.

Mr. McLANE. If there be any objection I will not press the bill. It is a bill to relieve from political disabilities Colonel Saunders, of Baltimore, Maryland, formerly an officer in the Federal service.

Mr. WARNER. Very well.

Mr. McLANE. I ask unanimous consent that the bill (S. No. 141) for the removal of the political disabilities of John S. Saunders, of Baltimore, Maryland, be taken from the Speaker's table for present consideration.

There was no objection; and the bill was taken from the Speaker's table, and read a first and second time.

The bill, which was read, removes from John S. Saunders, of Baltimore, Maryland, the political disabilities imposed by the fourteenth amendment to the Constitution of the United States.

Mr. CONGER. Let the petition be read.

Mr. McLANE. There is a petition which is on file in the Senate, but has failed to come over with the bill. It is in due form of law. I have seen the petition myself.

Mr. CONGER. Does it define the occasion of the disability being imposed?

Mr. McLANE. It states the fact that the disabilities were imposed by the fourteenth amendment to the Constitution of the United States.

The SPEAKER *pro tempore*. Does the gentleman from Michigan insist on the petition being read?

Mr. CONGER. I do not, upon the statement of the gentleman from Maryland.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed, two-thirds voting in favor thereof.

COINAGE CERTIFICATES, ETC.

The House resumed the consideration of the bill (H. R. No. 564) to amend certain sections of the Revised Statutes of the United States relating to coinage and coin and bullion certificates, and for other purposes.

Mr. CALKINS. With the consent of the gentleman from Ohio [Mr. WARNER] who has charge of this bill I desire to offer the amendment which I send to the desk, that it may be printed.

The Clerk read as follows:

Add to the end of the third section the following:

And provided further, That the Secretary of the Treasury in his discretion may purchase silver bullion for coinage at its market value, and all gains and profits therefrom shall inure to the United States. The Secretary of the Treasury is hereby authorized to use any surplus money in the Treasury not otherwise appropriated, for that purpose.

Mr. MILLS. I ask that the amendment I offer be printed in the RECORD.

There was no objection, and the amendment was ordered to be printed in the RECORD.

The amendment is as follows:

Strike out section 3 from the fourth to the fifteenth line, inclusive, and insert:

SEC. 3520. That the Secretary of the Treasury is hereby authorized and directed to purchase, without limit, all silver bullion, trade-dollars, and foreign silver coins that may be offered for sale at the market value of silver, and such purchases shall be continued as long as 412½ grains of standard silver can be purchased for one dollar of legal-tender Treasury notes. All such purchases shall be paid for with a new issue of legal-tender Treasury notes. And all holders of any of the silver coins of the United States may present the same in any sum not less than $20 and receive therefor legal-tender Treasury notes at par for the same. That all silver coins of the United States shall be receivable in payment of all Government dues and shall be a legal tender in payment of all debts, public or private, for any sum whatever. And the Secretary of the Treasury is hereby directed to have the silver bullion, trade-dollars, and foreign silver pieces coined as fast as possible into American silver coins and to apply all silver coins of the United States that may come into the Treasury to the payment of the interest and principal of the public debt, before using any of the gold or Treasury notes of the Government, for such purpose.

Mr. CANNON, of Illinois. I desire to ask the gentleman from Ohio [Mr. WARNER] if any amendment that may be received is to be voted upon?

Mr. WARNER. The previous question has not been called yet.

Mr. STEPHENS. I would suggest to the gentleman from Ohio that when the previous question is ordered it should be understood that it shall operate upon each section of the bill separately, and that any amendments pending within the parliamentary law shall be acted upon under the previous question, and that each section shall be considered separately.

Mr. RANDALL, (the Speaker.) That is the agreement under which the House is considering the bill—as in Committee of the Whole. That is its position now, and I understood that to be the wish of the gentleman from Ohio, [Mr. WARNER.]

Mr. RYAN, of Kansas. I desire to offer an amendment which I ask to have read.

Mr. WARNER. I have no objection to having amendments offered to be printed, but I object to consuming time in reading them. I have no objection to their being printed in the RECORD.

Mr. PRICE. If we have to vote upon these amendments we must know what they are.

Mr. RYAN, of Kansas. I hope the amendment will be read; it will take but a moment.

The SPEAKER *pro tempore*. The Chair would remind the gentleman from Kansas that the amendment can come in only by unanimous consent.

Mr. WARNER. The previous question has not been called yet. There are some gentlemen who desire to be heard.

The SPEAKER *pro tempore*. The amendment of the gentleman from Kansas will be received, and considered as pending.

The amendment of Mr. RYAN, of Kansas, is as follows:

Strike out all after the enacting clause and insert the following:

That there shall be coined at the several mints of the United States silver dollars of the weight of 412½ grains troy of standard silver, as provided by the act of January 18, 1837, on which shall be the devices and superscriptions provided by said act, which coins, together with all silver dollars heretofore coined by the United States of like weight and fineness, shall be a legal tender at their nominal value for all debts and dues, public and private, except where otherwise expressly stipulated in the contract; and the Secretary of the Treasury is authorized and directed to purchase, from time to time, silver bullion, at the market price thereof, sufficient to carry out the provisions of this act, but the amount of money at any one time invested in such silver bullion, exclusive of coin, shall not exceed $10,000,000.

And the Secretary of the Treasury is hereby authorized and directed to coin such silver bullion into such dollars as fast as the same can be done with the mintage capacity now existing or that may be hereafter provided, not, however, in any manner to interfere with the employment of such mints for the coinage of gold under existing laws—it being the intent and meaning of this act to employ the mints of the United States to their utmost capacity in the coinage of such silver dollars, subject to the necessary occupation of such mints for gold coinage as now provided for by law: *Provided*, That nothing in this act shall be construed to authorize the payment in silver of certificates of deposit issued under the provisions of section 254 of the Revised Statutes.

SEC. 2. When the price of standard silver bullion shall equal the nominal value of the standard silver dollar the owner of silver bullion may deposit the same at any mint to be formed into bars, or into standard dollars without charge therefor for his or her benefit, and the same shall be so formed into such bars or dollars in the order in which it shall be so deposited; but it shall be lawful to refuse at the mint any deposit of bullion of less value than $100 and any bullion so base as to be unsuitable for the operations of the mint.

SEC. 3. That any holder of the coin authorized by this act may deposit the same with the Treasurer or any assistant treasurer of the United States in sums not less than $10, and receive therefor certificates of not less than $10 each corresponding with the denominations of the United States notes. The coin deposited for or representing the certificates shall be retained in the Treasury for the payment of the same on demand; said certificates shall be receivable for customs, taxes, and all public dues, and when so received may be reissued.

SEC. 4. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Mr. LOUNSBERY submitted the following amendment; which was ordered to be printed in the RECORD:

Strike out the eighth section of the bill, which, with the amendments reported by the Committee on Coinage, Weights, and Measures, is as follows:

SEC. 8. That section 254 of the Revised Statutes of the United States be amended so as to read as follows:

"SEC. 254. The Secretary of the Treasury is authorized and required to receive deposits of gold or silver coin and gold or silver bullion, with the Treasurer or any assistant treasurer of the United States, in sums not less than $20, and to issue certificates therefor, in denominations of not less than $5 each, corresponding with the denominations of the United States notes. The coin and bullion deposited for or representing the certificates of deposit shall be retained in the Treasury for the payment of the same on demand. And certificates representing coin in the Treasury may be issued in payment of interest on the public debt, which certificates, together with those issued for coin and bullion deposited, shall not at any time exceed 20 per cent. beyond the amount of coin and bullion in the Treasury; and the certificates for coin and bullion in the Treasury shall be received at par in payment for all dues to the United States, including duties on imports, and may be computed as part of the lawful money-reserve of national banks."

Mr. FORT. Mr. Speaker, we are now considering one of the most important questions that will come before this Congress. For myself I am in favor of using silver as well as gold for money. It is doubtless unnecessary to avow myself as being in favor of a double standard. I do not believe that any person or any party can stand or ought to stand upon gold alone. We must use both metals; either one is not sufficient, and I favor the unlimited coinage of each. Many able addresses have been made to this House, and, in fact, made all over the

country for these two or three years past upon the use of these metals for money, and they have proven to my mind that it is for the interest of this people to lean upon the double standard. The people of this and most other countries seem to be with great unanimity returning to and holding on to both. I consider the question settled in the United States, and I will not attempt, if I could, to review this particular question upon which I believe the prosperity of this country rests, because the law and the imperial will of the sovereign people have re-enthroned silver to reign jointly with gold.

I take it for granted that ninety-nine out of every hundred of the people of the United States are in favor of silver as well as gold being used as money. They may and do differ about the quantity to be coined, about the weight of the dollar, about the proportion that one metal should bear to the other; but I think that if the people of this country have made up their minds about any one thing it is that silver shall never again be abandoned as money in this country. This is where I stand, and I believe this is where the party to which I belong stands, and where it will stand. I have said that we are considering a very important question, and we have before us a very important bill, and I will state that I expect to vote for the bill now before the House, but I expect that before I do vote for the bill it will be materially and radically amended, and so amended that it will be practically a new bill. And I have prepared and shall offer amendments which, if adopted, will strike out the very extraordinary and ruinous features of the bill. I desire to support any reasonable measure which is necessary to more firmly establish the double standard of gold and silver coin.

While much has been said here upon the question, yet but little has been said about this bill. I believe that, with the exception of the distinguished gentleman who reported the bill to the House, no one has taken up the bill to examine its provisions. If the House will bear with me, I propose humbly to state why I think the bill should not pass as it is, but should be amended and then passed, and I believe that the committee that reports this bill will themselves come to the conclusion that the bill is wrong and ought to be amended in very material particulars, and I have no doubt they have already come to that conclusion.

I do not wish to antagonize this committee, which enjoys my utmost respect, and I desire to act in harmony with the Committee on Coinage, Weights, and Measures, and what I may say about the bill will of course be understood as being with the utmost respect to the gentleman who reports the bill to the House and to the committee, with whom I hope to act in all useful measures.

Let us look for one moment at the first section of the bill and inquire why we should be called upon now to legislate about matters mentioned in it. The section provides or rather takes up and re-enacts what is now the law in regard to the coinage of gold. I have no time to read the section of the bill, or even read the statute, but any gentleman who does so will find that the bill as reported is almost identical with the statute upon the subject of gold coinage.

Now, sir, why is it that we should stop here when we are considering the most important and vital questions about silver and legislate upon gold? Who has complained of the law regulating gold coinage? It is all right, and needs no re-enacting and no tinkering.

Mr. WARNER. I do not wish to divert the line of the gentleman's argument, but I would ask if that provision of the Revised Statutes is changed in regard to gold alone would not that limit, or whether if that is allowed to remain any other provision would restore silver? I ask if it is not necessary to repeal that provision before silver can be established?

Mr. FORT. No, sir. I think it is not necessary to meddle with gold in this bill, but if the gentleman will excuse me I will promise to try before I get through to answer a part of his question, and a part I will proceed to try to answer now. When interrupted I was about asking who has made any complaint about the law in reference to our gold coinage? and I pause now for an answer. No one. We supposed that the law in reference to gold was already satisfactory. If it be possible (I know it is not) that the distinguished gentleman from Ohio [Mr. WARNER] desires to legislate so much that he cannot keep his hands off what is already right——

Mr. WARNER. I simply want to make bimetalism possible, and with that clause of the statute remaining it is impossible.

Mr. FORT. I know that it is not the gentleman's desire. Yet from a casual reading of the bill and a reading of the statute, almost any person would say, "Why, what in the world does the Committee on Coinage desire to legislate about gold coinage for, when it is already satisfactory; this portion of the bill as reported is almost identical with the law as it now is?" It is not, or at least ought not to be, the desire to tinker with the currency. God knows we have had enough of that.

Mr. PRICE. Amen!

Mr. FORT. I sometimes think that if we could only tinker back to where we were when the contraction of the legal-tenders commenced, and having tinkered back to where we were when silver was first demonetized, we should stop and now let well enough alone, we will be doing very well. There seems to be a devouring and maddening fever pervading in some quarters to legislate on the currency and constantly change the standard of value.

My friend says that he desires to legislate about gold because he wants to fix the unit of value. If gentlemen will look at the bill they will find that when the committee come to legislate about silver coinage, in section 2 they declare that the silver dollar shall be a unit of value. Is there any other reason why this first section should be in the bill, except to provide that a gold dollar shall be a unit of value? It is already made a unit of value by the Revised Statutes. I would be glad if the gentleman from Ohio, [Mr. WARNER,] or any other member of the committee, would point out to the House why it is that we must legislate upon gold. The gold dollar and the silver dollar are each now units of value.

If my learned friend, who knows more about finance than I do, who has studied it long and well, will only read a few pages further on in the Revised Statutes, to section 3563 I believe it is, he there will see that the statute now defines what a dollar shall be. He will there find that the money of account of the United States shall be expressed in dollars or units. Federal money is one dollar to be counted by multiplying above one and by dividing when below one dollar; the dollar is the unit of value. Any United States dollar is a unit of value.

Mr. STEPHENS. Will the gentleman yield to me a moment?

Mr. FORT. With great pleasure.

Mr. STEPHENS. I will give my reason as one of the committee for voting for that first section. One of the main objects of this bill is to restore the double standard. The law to which the gentleman has referred, and which fixes the gold dollar as the unit of value, was the first step ever taken in this country against the double standard.

Mr. FORT. Oh, yes, the gold dollar was made the unit of value.

Mr. STEPHENS. One moment more. According to the old law the gold dollar was a unit of value. Now the act which it is proposed to repeal by this bill declares that the gold dollar shall be the unit of value. The object of this bill is to restore it back just as the gentleman said, to go back where the tinkering commenced.

Mr. FORT. I have heard the distinguished gentleman with great pleasure. But he will bear in mind that this very section of the Revised Statutes which he proposes to amend, as it is now printed in the statute-book, declares that the gold dollar shall be the unit of value, and we have remonetized silver and provided for silver dollars, and any dollar is a unit under the law as it is.

Mr. WARNER. The unit.

Mr. FORT. The unit or a unit, it makes no difference which, a dollar is a unit of value. But, as I have already said, turn to section 3563 of the Revised Statutes and the gentleman will find that the statute there declares what the unit of value shall be. Now, when the law was passed creating legal-tender notes, was it necessary to say that the one-dollar bill shall be a unit of value? Not at all. I care not whether it is a dollar in gold or a dollar in silver or a dollar in paper, it is the unit of value in this country all the same, and it is not necessary to pass this section in order to establish the unit of value.

I have been drawn on to say much more about this section than I intended to say. I do not know if that makes any great difference whether it is retained in the bill or stricken out; but it has always occurred to me that it is better to let well enough alone. We do not know what knot we may sometimes cut in trying to better something that is already good enough. The man in the grave-yard is made to say on his tombstone: "I was well; I wanted to be better; I took medicine, and here I am." So it may be said sometimes about the currency. When a currency is all right, let it alone. Do not undertake to doctor it, to give it any unnecessary medicine. I am not very particular whether section 1 is stricken out of the bill or not. I think it is entirely unnecessary, and may be mischievous.

The second section of this bill relates to small silver coins; it declares what the coins of the United States shall be. If gentlemen will take the bill and the statutes and compare them with each other, they will find that they are just about the same thing, with the trade-dollar left out.

What is the use of legislating again about subsidiary silver coins when the law is all right as it is? I will apply to this section the same remarks I have applied to the other. If it is unnecessary, the best way in the world to do is to let the matter alone. Who has ever heard any complaint about the law as it now is, relating to any other coin than the standard dollar and the trade-dollar? This section re-enacts the law and drops out the trade-dollar; but why not simply provide that the trade-dollar shall no longer be coined, providing at the same time, as I have already proposed by a bill now under consideration by the committee, that the trade-dollars shall be redeemed with legal-tender silver dollars.

Why is it necessary to re-enact this whole section simply for the purpose of dropping out the trade-dollar? That was the way it happened that the legal-tender dollar lost its place—simply by re-enacting the law, and in doing so dropping out the dollar, an omission which members generally did not discover at the time. Something has been said in this House about that transaction. I presume there were some individuals in the United States who at the time that act was passed were aware of its effect. I do not think my distinguished friend from Pennsylvania [Mr. KELLEY] was aware of the demonetization of the dollar, because as he truly says, I carefully looked up the record, the bill when he introduced it did retain the dollar; and from his remarks as published in the Globe, which I have read, it is evident that he was considering the minor coins, and not the dollar. I suppose it is true that Mr. Potter, then a Representative

from New York, did know that silver was being demonetized; it could not have been otherwise from what he then said, which was as follows:

This bill provides for the making of changes in the legal-tender coin of the country, and for substituting as legal-tender coin of only one metal instead of as heretofore of two. I think myself this would be a wise provision, and that legal-tender coins, except subsidiary coin, should be of gold alone; but why should we legislate on this now, when we are not using either of those metals as a circulating medium?

The bill provides also for a change in respect of the weight and value of the silver dollar, which I think is a subject which, when we come to require legislation about it at all, will demand at our hands very serious consideration, and which, as we are not using such coins for circulation now, seems at this time to be an unnecessary subject about which to legislate.—*Congressional Globe*, volume 102, page 2310.

And judging from his remarks, I suppose that Mr. Hooper, then a Representative from Massachusetts, now deceased, also knew that silver was being demonetized. But the matter passed in general without observation, because a law was re-enacted, leaving out a part that should have been kept in.

Now, Mr. Speaker, some gentleman—I do not know who—stated the other day in debate that the trade-dollar had been fitly called "a trick-dollar." It is the language of a stump-speaker. I only notice it now in order to challenge that assertion.

Mr. WARNER. I made that remark. I took it from the Cincinnati Commercial.

Mr. FORT. It is a fitting remark for some newspaper or some stump-speech. I regret that my distinguished and esteemed friend dignified it by bringing it into this debate. I believe that when the legal-tender dollar was dropped out and the trade-dollar put in, it was the purpose of many gentlemen to put the trade-dollar in the place of the old dollar of 412½ grains. Indeed I do not know that it would have been very wrong if they had made it legal tender and made our old dollar a little heavier; because when we read history we learn that in 1792 Congress provided that the dollar should be equal to the Spanish milled-dollar, then in circulation. It so happened that Congress also provided that the dollar should contain 371¼ grains of pure silver. It is evident that there was a mistake made somewhere. It might have been done by the enrolling clerk. The dollar ought to have been described as containing 377¼ grains of pure silver, and then it would have been of the exact weight of the Spanish milled-dollar then in circulation. Dr. Rittenhouse, who, I believe, was the first Director of the Mint, made the first dollars equal to the Spanish milled-dollars—377¼ grains pure silver; but his immediate successor concluded that he must go by the letter of the law, and accordingly reduced the dollar to 371¼ grains of pure silver.

Thus there was evidently a mistake, which, in my judgment, has cost this people hundreds of thousands of dollars. Our dollar when first coined ought to have been 377¼ grains of pure silver, or almost 420 grains of standard silver. Then it would have become the dollar of account of many other countries and competed with the Spanish dollar. Our dollar was a little too light.

I tell you, my friends, you may talk as much as you please and pass all the laws that you please; sooner or later this country must come into conformity with the other governments of the earth and readjust this question of silver and gold. [Applause.] We cannot control the value of silver bullion in the United States, nor can we control the adjustment of the two metals.

I believe it was our mistake that our dollar was made too light, so that it could not flow in the commercial world alongside of the Spanish milled-dollar. It was the intention of the framers of the act of 1792 to make our dollar conform to the Spanish milled-dollar, but a clerical mistake was made and we have suffered the penalty ever since.

I now come to consider the trade-dollar. I hold that the establishment of the trade-dollar was well intended and a wise measure, and I will show my friend from Ohio [Mr. WARNER] directly where the "trick" comes in. We were purchasing commodities from China and Japan. Our merchants were compelled to purchase Spanish milled-dollars or Mexican dollars to pay for their purchases. They could not send our own dollars, because they were too light. Our mints at that time were idle; our miners were producing silver; it was not used here and must be exported. We were obliged to send to China several millions a year, and in doing so San Francisco merchants and others dealing with China were compelled to purchase Spanish dollars at a premium of 8 per cent. Who paid that premium? The people of the United States who bought the articles imported.

Our bullion had to go abroad as bullion. It could not go as dollars. Our merchants had to pay express charges and commissions in purchasing Spanish milled-dollars with which to pay for their purchases, and it was conceded it would be better for us to put our silver into a proper shape to pass current abroad and be taken by count in the markets of the world. I find in 1872, before silver was demonetized, that the Director of the Mint recommended we should make an ingot weighing 420 grains, so it would be a trifle better than the Spanish milled-dollar, which we could give our merchants in San Francisco at the cost of coinage, which was one cent and a half apiece; and the Director of the Mint made the following recommendation:

It is not proposed to make the new coin or disk a legal tender in payment of debt, but simply a stamped ingot with its weight and fineness indicated. Its manufacture can therefore in nowise give rise to any complication with our monetary system, and neither in theory nor principle differ in any respect from the manufacture of unparted or refined bars now authorized by law, except in being of uniform weight and fineness.

Now, Mr. Speaker, this is not a political question, although gentlemen on the other side are constantly so intimating and trying to throw some opprobrium on the republican party on account of the "trade-dollar," and in my judgment it was a wise measure on the part of the Government to coin the trade-dollar. There is not the slightest need of our getting into a passion about it, because I tell my friends there are a million of men in the United States peering into this Hall, each one of whom has as much sense as anybody here. [Applause.]

Mr. FRYE. More. [Laughter.]

Mr. FORT. These people are watching our proceedings. What is the use of our attempting to mislead them by crying "tricks?" We cannot do it. The day for such talk has gone by. You cannot control the crowd now by shouting "tricks" or "bondholder." Sir, as my friend from Ohio very well knows, in more than half of the States of this Union he could not go upon the stump and make a speech without addressing more than one bondholder in any assemblage of people which might be called together.

Mr. WARNER. I make no war upon the bondholder.

Mr. FORT. I do not either; I have no love for them, and I have no hate for them. But to return to the trade-dollar.

Mr. WARNER. I wish the gentleman would show how we got more for our silver.

Mr. FORT. If the gentleman will only let me alone I will try to do so. The Chinese have no mints. Silver bullion was at a discount in China, sometimes 7 per cent. below London, and below New York and San Francisco, so we could not ship silver bullion; if we shipped to China it had to go at a discount below the Spanish dollar. If we sent the Spanish dollar to China it cost us 8 per cent. premium to buy it and only went at par. We made the trade-dollar and put upon it the word "Trade," which ought to have been sufficient to notify the people of the world what it was. When we coined it the United States charged the cost of coinage to the bullion-holder, which was a cent and a half for each piece in San Francisco and a cent and a quarter in Philadelphia, which paid a profit on the work to the Government. And thus the United States was giving employment to its idle mints, and to the poor laboring-men who were in need of employment, and we were also retaining the price of coinage in the United States; just the same thing as when we manufacture rolled iron and steel in the United States instead of shipping pig-iron abroad to have it manufactured there; just the same as we do when we manufacture a barrel of flour in the United States instead of shipping the wheat; in short, it was sending a manufactured article abroad instead of the raw material. And the trade-dollar, thus shaped and manufactured, went abroad worth a hundred cents, when in the bullion it would have had to go at ninety or ninety-two cents only.

Mr. Speaker, I present here two carefully prepared tables, showing how the silver bullion put into trade-dollars is increased in value, showing how many have been coined, and how many exported:

Table of value of trade-dollar.

Period.	Average bullion value of trade-dollar in gold coin.	Average currency value of trade-dollar.	Average commercial value of trade-dollar.	Average gold value of one-dollar legal-tender note.	Amount of trade-dollars coined.
July, 1873	102.5	118.6	119.9	86.4	.....
January 1, 1874	101.3	113.3	114.5	89.4	1,225,000
July 1, 1874	100.7	113.0	113.8	89.2	2,331,900
January 1, 1875	99.6	109.9	109.8	90.6	2,546,100
July 1, 1875	98.4	113.1	113.8	86.9	3,183,400
January 1, 1876	96.4	110.8	110.9	87.1	2,928,400
July 1, 1876	92.2	104.2	104.6	88.4	3,203,650
January 1, 1877	91.1	100.1	100.5	90.9	3,188,300
July 1, 1877	95.3	100.8	101.9	94.4	5,974,600
January 1, 1878	93.9	97.2	99.5	96.4	7,118,110
July 1, 1878	92.9	94.0	100.2	98.8	4,259,900
January 1, 1879	88.5	88.8	98.7	99.6	.....
May 1, 1879	85.8	85.8	98.4	Par.	.....
Total	.....	.....	.....	.....	35,959,360

The amount of trade-dollars exported is 27,008,762.

Table of value of silver bullion.

Date.	Gold value of silver in London, in pence, 1 ounce, .925 fine.	Gold value of silver in China, in pence, 1 ounce, .925 fine.	Rate per cent. of value in China over London price.
1865	61.0625	62.866	2.94
1866	61.125	62.45	2.17

Table of value of silver bullion—Continued.

Date.	Gold value of silver in London, in pence, 1 ounce, .925 fine.	Gold value of silver in China, in pence, 1 ounce, .925 fine.	Rate per cent. of value in China over London price.
1867	60.562	62.039	2.44
1868	60.5	58.9375	(*)
1869	60.437	60.838	0.66
1870	60.562	59.873	(†)
1871	60.5	61.63	1.81
1872	60.31	61.23	1.49
1873	59.25	59.68	0.72
1874	58.31	60.06	2.91
1875	56.87	58.57	3.00
1876	52.75	56.47	7.00
Average	59.35	60.38	1.73

*2.64 below. †1.13 below.

The trade-dollar passed current by count at Hong-Kong, Canton, at Choo Fow, and at all the ports in China and Japan. It became current and soon became more popular even than the Spanish milled dollar. And why? Because it was a finer coin and accurate in weight and fineness.

Mr. WARNER. Did one hundred ounces of silver buy more silk or tea?

Mr. FORT. I will answer the gentleman. One hundred ounces of bullion carried over to China would buy about ninety dollars' worth of silk or tea, while one hundred ounces of silver bullion manufactured by our mints and handy workmen into trade-dollars would buy one hundred dollars' worth of silk or tea, and it was often at a premium; and there is where the gentleman finds the trick he has been unwittingly talking about. Before the trade-dollar was coined merchants had to send their silver bullion to Mexico or to Spain at great expense and sell it for Spanish or Mexican dollars and transport them back to San Francisco at further expense, amounting to 8 per cent. and often more, and then got a rough dollar, often varying several grains in weight.

One hundred ounces of silver bullion carried to the mint in San Francisco would turn out $100, and after paying the Government charges their dollar only cost 98½ on the dollar. We saved the balance; and when our silver bullion went to China it went at par instead of going at 8 per cent. discount.

Mr. WARNER. Any more silver?

Mr. FORT. I do not understand the distinguished gentleman. Any more silver? No; it took less silver to pay for our purchases. I hope my friend will not interrupt me. He knows he had two hours and a half, and he has already consumed a great deal of my short hour. I am willing to answer all his reasonable questions, and would yield to him for any interruption if I could have my time extended.

The gentleman from Ohio [Mr. WARNER] must know that the trade-dollar and the Spanish milled-dollar are nearly of the same weight, the trade-dollar being only a trifle heavier.

I will refer him to this table, sir, which he can study at his leisure and be informed. I supposed he had looked up these matters.

COMPARISON OF VALUES.

The Mexican dollar exceeds in value both the Japanese yen and the United States dollar, as will be seen by the following statement:

	Weight.	Fineness.	Pure silver.
	Grains troy.		*Grains troy.*
Mexican dollar	417½	902⅞	377¼
Japanese yen	416	900	374⅖
American dollar	412½	900	371¼
Proposed new coin	420	900	378

The value of these coins and the proposed commercial dollar may be stated as follows:

United States dollar	$1 00
Japanese yen	1 00.85
Mexican dollar	1 01.61
Proposed new coin	1 01.88

Or, say, about 2.7 mills more valuable than the Mexican dollar.

In the event of the issue of the proposed coin it will be well to give it a title, as for instance, "silver union," differing from the coins representing our subsidiary and dollar of account.

Intrinsic value of Mexican dollar as to gold is as	16.40 to 1
At 8 per cent. premium its market price is as	15.04 to 1
American dollar	15.98 to 1
Fine silver at 1½ per cent. premium, San Francisco market rate	15.79 to 1
In London, fine silver at 60*d.* per (present market rate) standard ounce is.	15.71 to 1
Yen of Japan	16.04 to 1
Proposed silver union	16.28 to 1
Five-franc, by law	15.50 to 1

This table was prepared before the trade-dollars were authorized, and it is here mentioned as a proposed coin of 420 grains troy standard silver. I will ask the gentleman from Ohio, [Mr. WARNER,] when he comes to close this discussion, to tell us why the trade-dollar to-day is ninety-eight cents in San Francisco, as will appear by the table I have read. Why is this? Because the merchant can send it abroad and pay his debts, and he cannot send pure silver for that purpose, nor can he send our legal-tender dollar. That is the reason?

Besides having saved the profit of manufacture to the American people, we have got our silk and tea at 8 per cent. less than it would have cost us without the trade-dollar. The merchant has saved a cent on each dollar. The United States has made a cent and a half for coinage, the miner has got a cent more for his bullion, and the people who wear the silk and drink the tea have saved five cents on every dollar, and better, this money, this wealth has been saved and retained in the United States, instead of going to Mexico or Spain. Now, sir, what about this trick-dollar? Where is the trick? Just putting that magic word "trade" on a piece of silver bullion by our mints it becomes worth ninety-eight cents in the market, and without that magic word it is only worth eighty-five. Let the gentleman show where the trick comes in when he next addresses the House.

Mr. WARNER. Will I answer it now?

Mr. FORT. I would rather the gentleman should do it in his own time. We are the best friends in the world. I am trying, however, to convince him that he ought not to be too extreme and illiberal in his views. But, sir, notwithstanding the trade-dollar was honestly and properly enough provided for and coined, yet it has become a cause of complaint, and gives trouble and dissatisfaction since silver dollars have come into use, so I would stop its coinage and redeem what few may be presented with a legal-tender silver dollar and recoin them. We can afford this, as the Government would lose nothing, but would make something in the transaction.

Now, sir, how about section 3? If you will read section 3 of this bill you will find it is provided that the whole world may come to the United States with their ships laden down with silver bullion, and unload it into the Treasury at par. I do not mean any disrespect to my friend because he knows that I think a great deal of him. But it does seem to me that if he had called upon the directors of the Bank of England, if he had called upon the Rothschilds, if he had called upon August Belmont to draw this third section of the bill they could not have pleased themselves better than he has done it for them.

Now, sir, why is it that we should permit the world to sell their bullion to us at par when it is only worth eighty-three cents in the market? There is no necessity for this. I am in favor of an unlimited coinage, but not free coinage to all the world, as this is; for it is not necessary. The United States is not so pressed for metal that she can afford to give 17 per cent. premium upon all the silver in the world. The great States of California, Colorado, and Nevada can almost supply what we can coin. But I would not put a tariff on silver and keep it out. I am not disposed to keep out foreign silver. But let it come and compete for the silver market in the United States just as we who pay taxes have to compete with other countries in whatever we have to sell.

I find that I am not going to have time to say what I proposed, but I take it that it will be entirely proper to amend that section, and instead of receiving this bullion at par receive it for what it is worth. And I propose this amendment:

The owner of any silver bullion may deposit the same in quantities of twenty ounces and over at any mint at its actual market value in the United States, not exceeding par, which value shall be ascertained by and under regulations to be prescribed by the Director of the Mint and approved by the Secretary of the Treasury. And such owner shall be entitled to receive standard silver dollars in payment therefor; and said bullion shall be coined into standard silver dollars for such purposes.

So that whenever the Rothschilds or their agent, August Belmont, in New York, want to dump their silver into the Mint for the purpose of having it coined into dollars they shall do it at whatever it is worth on that day in the market. Now, that is the free coinage I am in favor of. Certainly it is unlimited coinage. I have not time to treat further upon that section, but I think this amendment addresses itself to my excellent friend from Ohio himself, and he will approve it. Why is he so in love with the bullion-owners? If he is in love, it should be with something better than the bullion-owners. Why should he permit himself to bring in a bill compelling the United States to pay a premium of 17 per cent. on every ounce of silver in the world? If this bill becomes a law one of two things would certainly follow: the bullionists would make over 17 per cent. clear profit as soon as they could unload into the Treasury, or the legal-tender silver dollar would sink to about eighty-three cents on the dollar in a very short time.

There is another reason why we should take the silver only for what it is worth. Sooner or later the other nations of the world will come to the conclusion that the weight of the silver dollar and gold will have to be readjusted, suppose that to be one year hence or two years, more or less, the world will agree upon that—and, by the way, we cannot float long against the commercial currents of the world—we may pass statutes here as much as we please and commerce will pay no more attention to them than the clouds do which float over our heads. We cannot hold silver up to par by law in the United States unless other governments come to the rescue. We all remember that when silver was remonetized in 1878, silver not only did not

go up, but it actually went down, and went down faster than it ever had gone down before. We all remember that silver markets paid no sort of attention whatever to our act of remonetization, but fell faster afterward than it fell before. Now, if we do ever have to increase the weight of the dollar, as we may—and I will say I am not at present in favor of that proposition—then to increase the weight of the dollar, for reasons I will soon give, if we shall have coined a hundred millions of 412½-grain dollars and then raise them to 420 or 450 grains, or to any other weight, we will be in honor bound to redeem every one of our light dollars coined of the bullion received under this bill, and which cost us one hundred cents in gold; and then it will be seen we shall have lost by receiving this bullion at more than it is worth. But besides all that, as I have said, it is not necessary to pay any more for it than it is worth in the market. It can be had at its value; it is not worth while to pay more.

There are two or three other sections in this bill which I cannot see it is necessary to pass. The law as it now stands is good enough and ought to stand as it is. Section 5 of the bill relates to small change. If I remember rightly this House has already passed a bill fixing that. And why is it that the gentleman from Ohio will encumber this measure by bringing in the provisions of a bill we have already passed in this House? I cannot see; so section 5 ought to be stricken out.

Section 6 fixes the legal-tender quality of silver. What is the use of that? Sir, the standard silver dollar is now already a legal tender, an unlimited legal tender. The other day I asked my good friend from Ohio [Mr. WARNER] the question—"whether he did not believe that silver was remonetized?"—and I believe it was the only time I interrupted him, and I beg his pardon for that interruption—and here is what I said and his reply:

Mr. FORT. The gentleman will bear in mind that silver was remonetized two years ago.

Mr. WARNER. Oh, no; silver has not been remonetized, although we do make some money out of silver, and I say that the law which I have been discussing set up a new and different standard—a higher one.

Mr. WARNER. I stand by that still.

Mr. FORT. Is it not remonetized?

Mr. WARNER. No, sir.

Mr. FORT. So the gentleman says, and why? Is it because we have not coined dollars enough to remonetize it? Is it because the coinage of dollars is limited? We thought when we passed the bill of remonetization in 1878 that we had done a good thing. We thought we had remonetized silver. But according to my friend from Ohio, and according to his bill, we did no such thing. He says it was not remonetized.

Mr. WARNER. I adhere to that statement.

Mr. FORT. The gentleman did not tell us why silver is not remonetized, but I suppose he holds it is because there has not been a sufficient quantity of legal-tender silver dollars coined; that it is because the coinage is limited to from two to four millions per month. I suppose he must think it is because we have not opened the gates of the Treasury to the world and given 17 per cent. more for silver than any other nation or people in the wide world pay, as his bill proposes to do.

Now, let us see for a moment what the truth is about this silver question. This is no party question, and gentlemen can be cool. It is true my friend and colleague [Mr. SPRINGER] made some remarks claiming that it was a party question, and republicans were to blame for all that was wrong and entitled to no credit for what was right.

Mr. Speaker, the truth is that silver was demonetized in this country in 1853, and there was not a republican in Congress or in the Cabinet or in any office at that time—not one. Yes, sir, up to that time all our silver coins, large and small, were a full legal tender to an unlimited amount. We had the double standard. It was the Congress of 1853 that first struck down silver in this country.

Mr. SPRINGER. Subsidiary coins only.

Mr. FORT. Ah, the subsidiary coins only, my friend says. Let us see. If my excellent friend will look at history he will find that all small coins were demonetized as to payments above $5, and then they shut down the mints; for thirty-one years not a single silver dollar was coined in this country by the administration then in power, not one dollar; but I do not refer to it in a political sense. You cannot truthfully make the charge upon the republican party, as has been attempted in this debate, that it demonetized silver. The republican party did no such thing. If you will only read the history of the country you will then know that silver was demonetized before there was a republican in the United States. How many silver dollars were coined in the United States from 1792 down to 1860? I will tell the gentleman; just $3,658,670.

The gentleman has had something to say about political parties. In all the years the democratic party controlled this country, although claiming to be a hard-money party, it only coined a little over three millions in dollars and then went out of power; and between 1860 and 1873 there was coined by the republican party $4,387,168, or more in these thirteen years, four of which were in war, than had been coined for the sixty or seventy years before. I am giving facts. And, Mr. Speaker, there has been coined since March 13, 1878, up to May 1, 1879, $31,155,950; and in only a little over one year, under the act of remonetization, we have coined ten times as much as was coined by all the administrations before the republicans came into power. Now the gentleman says that silver has not been remonetized because we have not enough of the standard. If silver was ever monetized and then demonetized, we have certainly remonetized it.

And now, Mr. Speaker, if quantity has anything to do with the matter we certainly have remonetized silver. What does the gentleman say? I tell you silver is remonetized in this country and it will remain monetized. It will be a long day before it is ever stricken down again by any party. And it is too late for the gentleman to claim that silver is not remonetized and that in 1879 he will remonetize silver. Sir, it was done more than a year ago. It was made a full legal tender to any amount. He seems to want to do it over again, and I have no objection to it if he has nothing else to do and wants to be employed. But I will not allow him to say that silver has not been re-enthroned without calling attention to the fact that it has already been done and there is no use of doing it over again. My friend from Colorado, near me here, [Mr. BELFORD,] aptly suggests, "In God's name, how much must we coin in order to remonetize silver?"

Ah! Mr. Speaker, this veil is too thin; we can all see through it. He [Mr. WARNER] will never get credit for remonetizing silver; it was done before he began.

I preferred unlimited coinage when silver was remonetized, but I wanted to do it for the profit of the Government, and not for the profit of the bullion-owners of the world—mainly for the benefit of the Bank of England and the Rothschilds of Europe.

Mr. Speaker, section 3, in my judgment, ought to be stricken out and the amendment I offer adopted.

Sections 4, 5, 6, and 7 are unnecessary and ought to be stricken out the bill.

Section 8, I think, ought to be amended, and if the House will permit me, I will offer an amendment to come up and be voted upon in its regular order, which I will read.

Strike out section 8, and insert the following:

The owner of any silver bullion may deposit the same in quantities of twenty ounces or over, at the Treasury, or at any sub-treasury, at its actual market value in the United States, not above par, which value shall be ascertained as hereinbefore provided. And such owner shall be entitled to receive certificates therefor to the extent of its value in denomination of United States legal-tender notes, which certificates shall never exceed the coin and bullion in the Treasury, and shall be redeemable in standard silver dollars on demand or on call, and shall be receivable at par for duties on imports and all other dues to the United States, and may be computed as part of the lawful money reserve of the national banks, and said bullion shall be coined as required, and paid out as other money of the United States.

Section 8 provides that when the parties do not want to wait, when the Rothschilds come here with a big ship, or August Belmont, the representative of the bullion princes of the world, does not want to wait until his bullion can be coined into dollars may take it to the Treasury, unload it and take certificates at par value. I do not know why my excellent friend from Ohio [Mr. WARNER] reported the bill in this shape to the House. Is he so much in love with August Belmont that he wants him to make $10,000,000 in ten days, as he can do if he gets this bill passed?

I believe my friend from Pennsylvania [Mr. FISHER] is not in favor of that provision, but I suppose he was in the private counsels when it was considered. Can he tell us how this came to be done?

Mr. FISHER. I was outvoted.

Mr. FORT. When August Belmont asks to have his bullion received, and cannot wait to have his dollars coined, he takes out certificates, which are issued at par, and they are worth one hundred cents in gold, although they only cost him eighty-three cents. Now, if you will assure me that this bill will pass in ten days I will show you how to make $10,000,000 in those ten days. This bill provides that this bullion shall be received at par; that the certificates shall be issued at par, and shall be receivable for public dues. They therefore become currency, which will pass from hand to hand and be as good as any dollar. My amendment provides that the bullion shall be deposited only at its market value, and certificates issued thereon at that rate.

There is another reason why I think my amendment ought to prevail. The bill provides that certificates may be issued to the amount of 20 per cent. in excess of all the coin and bullion in the Treasury. My amendment would confine the certificates to the actual amount of coin and bullion in the Treasury. Why does the gentleman wish to inflate August Belmont with 20 per cent. more of certificates than the bullion which he puts in? Under this bill the Treasury can issue certificates to an amount nearly double the market value of the bullion put in. What is the use of that? I would like some one on the committee to explain that. Can my friend from Pennsylvania [Mr. FISHER] or my excellent friend from Massachusetts [Mr. CLAFLIN] explain this wonderful provision? They say they do not understand it and are opposed to it.

Mr. KELLEY. Will my friend permit me to ask him whether that section is not a re-enactment of the present law?

Mr. FORT. That is the law as to gold only, not as to silver; but I am opposed to re-enacting the present law as to gold, and it ought to be repealed. There is no reason in the world why this Government should now issue certificates of deposit in excess of the amount of bullion and coin on hand.

Mr. WARNER. I will not object to an amendment of that kind. I did not draft that section; it is the law.

Mr. FORT. I am glad the gentleman is now willing to disown his own child. [Laughter.]

Mr. WARNER. That is not my child; it is the law.

Mr. FORT. If it is the law, why did he want to re-enact it, especially if it is wrong? But I wish again to remind my friend that it is not the law now, and I now ask him to turn to any such law; there is none, and I yield to him to read it.

Mr. HASKELL. All the whole coin-certificate business contained in this bill is taken from the statutes.

Mr. FORT. That is as to gold. It is a provision which was passed during the war, when the Government was run for credit and seized hold of everything it could to enable it to obtain means to carry on its operations. If you want to inflate, I am in favor of the honest legal-tender paper dollar. That is good enough.

Mr. CLAFLIN. This bill provides for a certificate for a sum as low as $5. The old law fixes the limit at $10. The gentleman from Ohio [Mr. WARNER] says it is the same as the old law.

Mr. FORT. I would strike it all out; we do not need any of it now. The act remonetizing silver provides for certificates to be issued for silver dollars actually deposited.

I am opposed to section 9 of the bill because it repeals the law remonetizing silver, the act of February, 1878. Does not my friend know that? Of course he knows it. He knew when he brought in this bill that he came in deliberately with a bill to repeal the law passed but little over a year ago to re-enthrone silver as money. This section 9 repeals that law. I say you had better let it stand. I hope it will stand until the end of this Government, as notice to all comers that they had better let the tinkering of the currency alone.

Perhaps some may say that the silver dollar is too light. They do not remedy that difficulty in this bill. Why do they want to repeal the bill remonetizing silver? What is the use of that? Why cannot they let it alone? Can not they keep their hands off? Are they so anxious to legislate about something that they must attack that which is good, which the people of this country are satisfied with? There never was put on the statute-book a law that received more universal approval of the people of the United States than this very law which they propose to repeal before it is two years old, just for the gratification of re-enacting it again. Ah, gentlemen, there is no glory in that. If any, it is very cheap. The people understand this. You cannot make them believe that you remonetized silver.

But is the silver dollar too light? It may be too light. Amendments have been proposed to increase its weight. When the time comes, if ever it does, when the weight ought to be readjusted, I will then be willing to consider it. We have been told all along that we would ruin the credit of this country because we were making a silver dollar too light. What has been the effect? Right in the presence of this statute providing a silver dollar of 412½ grains, and in presence of thirty-one millions of such silver dollars piled up in the Treasury, the Secretary of the Treasury has been selling our bonds at a rate that no nation on earth ever witnessed before. The financial transactions of this country are a marvel to the world.

I tell you that we have sold our bonds and sold them upon the notice that the buyer may be expected to take silver dollars of 412½ grains for his bond. These bonds are going out to all the people of this country. They are going to the people of the State which I have the honor in part to represent, by the thousand. It will not be long before the people, yes, the laboring people of the United States, will be the universal and the only bondholders in this country; if our friends will only let the law alone and give them time to catch breath they will take the bonds, and it will not be long before we will not owe a dollar abroad.

It is quite as mischievous to tinker with the dollar and increase its value as it is to reduce its value. I say that silver has not depreciated. I have already said that the day may come when we will have to readjust the relations between gold and silver. But that day has not yet come in my judgment.

As I have already said, our bonds go out and silver is to-day, measured by everything else but gold, worth more than it ever was worth in the world before. The governor and the council of India notified their home government November, 1876, that silver has not depreciated in value there, but that gold had appreciated.

Gold has gone up, but silver as measured by anything but gold has not gone down, but has gone up also. It takes more days' work to-day, it takes more muscle, which is alone the real standard of value, for labor is the standard of value—it takes more labor to-day to buy a silver dollar than it ever did in the world before.

Mr. HAWK. A gold dollar.

Mr. FORT. Yes, it takes more to buy a gold dollar and it takes more to buy a silver dollar—it takes more labor than it formerly did. I tell you that silver has gone up. Gold has gone up more. You can buy more horses, more lands, more houses to-day for $1,000 of silver than ever before for many years.

Why is this? It is not because money is so scarce, is it? Money is scarce, too scarce. It was a mischievous man who first proposed to reduce the volume of our legal-tender currency. It ought to have been allowed to remain at $400,000,000. But our produce is low to-day, and we have stagnation mainly because they have financial reverses in Europe. If we had more money in the United States we would get no more for our products. The price is fixed abroad on what we export, and the price of what is exported rules the balance here.

Before the late war there was in the United States a little over $200,000,000 of paper money and a little over $250,000,000 of coin, making something more than $450,000,000 altogether. Counting all kinds of money, paper, gold, silver, and copper, we never had in this country before the war much over $450,000,000. To-day we have $346,000,000 in greenbacks, good, honest money, every one of them worth a dollar in gold or silver, a currency of which every good citizen is proud. We ought to have $400,000,000 of that currency; it was a great mistake to make any reduction in its amount. We have $324,000,000 of national-bank notes and over $300,000,000 in coin, making nearly $1,000,000,000 of money in this country. Now with this we must soon have prosperity. Let us adhere steadfastly to the double standard, and industry will soon reap a rich harvest of silver and gold.

[Here the hammer fell.]

Mr. EWING. Mr. Speaker, on the 22d of February last I discussed quite fully the present and prospective effect of gold resumption in a speech which included much of what I would deem it appropriate to say upon the bill now under consideration. Being disinclined to plow the same ground again, I shall limit myself to-day to a consideration of the purpose of this bill and some of the chief objections to it.

It proposes to reinstate silver in this country in its old place as the equal of gold as a money metal; to allow it to be coined into dollars free and without limit, as gold is coined; and to authorize the issue of certificates for silver bullion, as we authorize certificates for gold bullion, receivable for all public dues and redeemable in coin.

The first and perhaps the most serious objection is that the Government will no longer make a profit between the present bullion value and the coin value of silver. I understand that an amendment is being considered by the friends of the bill, which will meet the views of some who urge this objection by providing that certificates shall be issued only for the market price of bullion, leaving coinage, however, unlimited and free. I shall be quite satisfied with such an amendment, if it remove objection on the part of those who are otherwise friends of the bill.

THE PREDICTED DELUGE OF SILVER.

The next objection is, that if we have unlimited coinage of silver we shall be overflowed with it from hoards now existing or from the further product of our mines. The gentleman from Massachusetts [Mr. BOWMAN] seems especially fearful that we will have an inflation of silver coin and certificates surpassing any wild-cat inflation ever known. I was astonished to hear such direful woes predicted from an excess of metallic money by gentlemen who have been teaching for the last fifteen years that gold and silver were made from the foundation of the world for the money of man; that we can never have too much or too little of it; that if the production should become very large, so much the better, because a full currency promotes business, while intrinsic value gives self-redemption; that if the production be small, that is proof that the honest demand for money is small, and therefore business should check up, and not go on regardless of the divine regulation, or devise wicked expedients to dodge it by a substitute for metallic money.

A part of this theory of the bullionists is undoubtedly correct. There never has been a large increase of metallic money that did not result in enormous advantage to mankind, through the lessening of public burdens and the stimulus of enterprise and industry occasioned by the steady rise of prices incident to such increase. We cannot look back to any epoch of extraordinary prosperity and progress in the history of mankind without finding that it was characterized by an increase of metallic money.

J. R. McCulloch, in an article on the precious metals in the Encyclopedia Britannica, says:

> A fall in the value of the precious metals, caused by the greater facility of their production, or by the discovery of new sources of supply, like a fall of rain after a long course of dry weather, may be prejudicial to certain classes, but is beneficial to an incomparably greater number, including all who are engaged in industrial pursuits, and is, speaking generally, of great public or national advantage.

Ernest Seyd in 1868 said:

> Upon this one point all authorities on the subject are agreed, to wit, that the large increase in the supply of gold has given a universal impetus to trade, commerce, and industry, and to general social development and progress.

I could quote similar expressions from almost every writer, of every school of opinion, on the office and effect of money. Certainly, Mr. Speaker, no man who seeks only to promote the general prosperity and not the interests of a class, whether he be an extreme bullionist or a greenback man, need take alarm lest we should have too abundant a supply of this metallic money which has been the handmaid of progress since the dawn of civilization.

But where are the vast hoards which are to inundate us with silver? I venture to say there is not twenty millions of dollars' worth of silver bullion in the United States to-day, or forty millions' worth in all the world. And among all the *coin* hoards there is but one on earth from which we could draw any silver for coinage—the hoard of demonetized coin in Germany, which is now so reduced by sales that it is variously estimated at from fifty to eighty millions of dollars—a part of which only she will sell, using the remainder to increase her subsidiary coin.

Now as to the probable increase from future production. The out-

put of silver from all the mines of the world is now but about seventy millions a year, which is far below the annual demand. The United States monetary commission has shown that for twenty-six years past the average exports of silver to Egypt and Asia have been within a small fraction of $40,000,000 a year, exclusive of the exports from California. And for the three years ending with 1878 the Asiatic absorption of silver exceeded sixty-nine millions per annum. The consumption in the arts and in maintaining the supply of subsidiary coin is put by the monetary commission at fifty millions a year. Here are constant and imperative demands, exclusive of the demand for coinage in the United States, which far exceed the world's annual production of silver. The German hoard alone has kept the price for the time being below par with gold; but in spite of demonetization and of the German coin thrown on the market, the purchasing power of silver has steadily risen until it is now fully 30 per cent. greater than it was five years ago.

We have no reason to believe that the production of silver is to be largely increased. The gentleman from Massachusetts [Mr. BOWMAN] says that we produced in the United States alone seventy millions last year. He should read up a little before enlightening the benighted West and South on the money question. Our highest production has been less than forty-seven millions in any year, and this year the production not only of the United States but of the world, as estimated by the Director of the Mint, will fall off quite largely from the out-put of last year.

Ah, but, says the gentleman from Massachusetts, [Mr. BOWMAN,] it is not only a silver inflation, but an unlimited and illimitable paper inflation that we are threatened with under the certificate clause of this bill. The answer to that is that for the convenience of the people who do not want to carry gold, the Treasury has heretofore taken their gold coin or bullion and locked it up and given them for it certificates which are receivable for public dues. The gold is withdrawn when the certificate goes out. So it will be with silver. The certificates will only represent the coin or bullion locked in the Treasury. If this bill should draw to our mints all the surplus coin and bullion of the world the aggregate would probably not exceed one hundred millions, and the annual increase from silver hereafter produced will probably not exceed ten to twenty millions. I fear that those who expect very great relief to the people from a rise of prices resulting from the unlimited coinage of silver and the issue of certificates, will be equally disappointed with the gentleman from Massachusetts who is so distressed with apprehensions of a silver and paper deluge.

PROPOSITION TO INCREASE THE SILVER IN THE DOLLAR.

My friend from Maryland [Mr. KIMMEL] says he will support this bill if we will adopt his amendment to make the dollar contain 460 grains of standard silver instead of 412½ grains as now. I submit to him and to all other friends of bimetallism that this is not the time to change either of our dollars in order to bring them to equality of bullion value. The depreciation of silver as compared with gold has been the result, to a very large extent, of our own action in first stopping and then restricting its coinage. Restore it to unlimited coinage and it will approach nearer in bullion value to an equality with gold at the old ratio. Then, when we shall have seen the full effect of our act of remonetization, we can determine on the method of bringing our two metallic dollars together. It is best not to build the bridge till we know how wide its span must be.

The gentleman from New York [Mr. CHITTENDEN] denounces our dollar as an underweighted and therefore a false and fraudulent coin. He coolly ignores the whole history of the relative values of silver and gold. Our silver dollar has sixteen times as much pure silver as our gold dollar has of pure gold. That ratio of 16 to 1 is an undervaluation of silver, as is shown by the relative values of the two metals in the markets of Europe for the past three hundred and fifty years. Never since Shakspeare's day, since Elizabeth sat on the throne of England, down till the foolish demonetization by Germany and the fraudulent demonetization by the United States, has one ounce of pure gold been worth sixteen ounces of pure silver in the metal markets of the world. The true point of equilibrium between the two metals is that at which France, the wisest of all nations in the management of her finances, fixed it—15½ to 1. I have here reports of the bullion markets in Europe for two hundred years past, which show that the two metals have oscillated about that ratio—pointing tremblingly to it like the needle to the pole—the divergence at any time being almost imperceptible. Through all the changes in the relative productions of the precious metals the relative values of both have not been disturbed. The world's production of gold jumped from thirty millions in 1846 to one hundred and ninety-three millions in 1853, while the production of silver remained steady at about forty millions; yet during that period the relative values of gold and silver remained steady at the normal ratio of 15½ to 1.

Let us remonetize silver now at the old ratio of 16 to 1. That will go far toward re-establishing equality between the two dollars. Our action is most likely to be followed by the reopening to the coinage of silver of the mints of the Latin union—France, Switzerland, Italy, Belgium, and Greece. In fact, England herself is seriously considering the necessity of opening her mints, which have been closed against silver for over a half century. The immense shrinkage of values and consequent industrial distress which have followed demonetization have so alarmed the governments of Europe that remonetization is now becoming the foremost political question abroad as well as here. If silver shall be restored to its old place among nations as a money metal, there is no probability whatever that a higher ratio than 15½ to 1 will be established or could be maintained.

In this condition of things, what folly it is to stand halting over a proposition to open our mints to our great American product; or to talk about increasing the weight of our silver dollar, which has been the one unchanged standard of value, from the foundation of our Government down to 1873; or to renew conferences with other nations which only last year treated our proposition for remonetization with polite contempt? Let us act for ourselves, and coin our silver product into our own standard dollars, leaving other governments to restore silver when fear of their people shall overcome servility to their money-kings; and if, when the question is settled, we find there is still a difference between our standard dollars let us equalize them by such method as justice and sound policy may dictate.

If we shall hereafter find it necessary to equalize them by changing the amount of metal in either, it will then be a debatable question whether to bring the gold dollar down or put the silver dollar up. In 1792 the ratio was established of 15 to 1. That proved to be an undervaluation of gold, so that our gold coins were at a premium over our silver. Our fathers, in 1834, changed the ratio to 16 to 1, thereby erring as much on the other side. But in making the change they did not increase the metal in the silver dollar, but reduced the gold dollar from 27 to 25.8 grains. This was the right *method* of equalization. Where dollars are of unequal intrinsic value contracts are, as a rule, discharged in the cheaper coin. The debtor has that option under his contract. The reduction of the higher-priced dollar, therefore, does not wrong the creditor, but the increase of the lower-priced coin does wrong the debtor. I am utterly opposed to the exercise by the Government of its power to change the value of either of its standard dollars, unless it be clearly and imperatively demanded in the interest of the people—for it is a power liable to gross abuse. But if it shall hereafter become necessary to exercise it, I submit that justice to debtors and tax-payers demands that the desired equality shall be attained by reducing the higher-priced coin.

REMONETIZATION AND RESUMPTION.

The gentleman from New York, [Mr. CHITTENDEN,] and many others who have spoken on the subject, say that by an unlimited coinage of the old dollar we will drive all our gold away, because the cheaper dollar always drives out the dearer one. If that be true, how does it happen that France has $413,000,000 of full legal-tender silver money, according to the estimate of the British silver commission, floating at par with about an equal amount of gold, and at a ratio of 15½ to 1? Why does not her silver drive out her gold? I answer, because it is not true that the cheaper dollar drives out the dearer, if both be equally legal tender—unless there be an excess of currency, or unless an unfavorable balance of trade seizes and carries off part of the circulating medium.

Mr. WILBER. Has not France been compelled to stop coinage?

Mr. EWING. She has stopped additional coinage, but has left her whole $413,000,000 of unlimited legal-tender silver standing wholly untouched—more than half her metallic money.

Mr. MITCHELL. I desire to ask the gentleman whether France does not pay, to all persons bringing bills against the government, either gold or silver as desired by the holder of the bill, and whether the party he represents proposes to go as far as that in this country?

Mr. EWING. This bill does not touch the question as to what kind of money the Secretary of the Treasury shall pay to public creditors. If that question shall arise, I will then be happy to answer the gentleman's inquiry.

Mr. MITCHELL. Allow me another question?

Mr. EWING. I must decline. I want to follow my own line of argument for which the hour allowed me is altogether too short.

Mr. DWIGHT. I suppose the gentleman wants to state facts?

Mr. EWING. I do; and will yield to interruption if I err as to facts; but I do not want to fritter my hour away in mere disputation.

I think, Mr. Speaker, that the day will soon come when our balance of merchandise trade will not be enough to cover the very large amount we pay each year to Europe for interest on our public and corporate debts, and for travel, residence abroad, ship money, and insurance. When that day shall come we will have to ship our gold away whether we do or do not now restore silver. The danger of losing our gold is from this annual tribute we pay to Europe and not from an excess of currency through the unlimited coinage of silver. Our *per capita* circulation is far below that of any of the great nations, and the surplus of silver on hand in the world, and all probable additions to it through future production, cannot possibly give an excess of currency in view of our present small supply and our tremendously rapid growth. Therefore, if our object be to maintain and secure coin resumption, is it not wiser to reinforce our gold supply with an unlimited coinage of silver, so that if the gold be swept off by a change in our balance of trade we will have a large supply of silver dollars to fall back on, instead of the small amount now limited by law, and thus be saved from what the advocates of resumption regard as the greatest of all humiliations and disasters, a collapse of specie payments?

WHY WE COINED SO LITTLE SILVER BEFORE DEMONETIZATION.

I listened with surprise to my friend from Illinois [Mr. FORT] to-

day endeavoring to underrate the effect on our country of the demonetization of silver by talking about our having coined so few of the silver dollars prior to the act of demonetization. He certainly knows the reason. It is that from the establishment of our Government down to 1857, as we did not then produce one dollars' worth of silver in all the United States, we made the coins of other nations a full legal tender here, and thus drew into our circulation the dollars of Spain, Mexico, Bolivia, Peru, Chili—all the great silver-producing countries of the world.

Mr. KELLEY. And the five-franc piece of France, too, was made a legal tender at ninety-three cents.

Mr. EWING. Yes, sir; the countries I have named produced the world's supply of silver, and coined and sent it to us in the form of money fully up to our own standard, and we made it our money by adoption.

Mr. FISHER. I wish to call the attention of the gentleman to the fact that there was a number of years wherein we coined the silver dollar, and then for a period of thirty-one years afterward there was not a silver dollar coined by the mints of the United States. They were coined previously to that period.

Mr. EWING. The whole story is just this: from the beginning of our Government to 1834 we undervalued gold as compared with silver, and therefore drew but little foreign gold, and had only a small proportion of gold in our circulation; but we did have a large silver currency, chiefly in foreign coins made legal-tender here. After 1834 we undervalued silver, and that stopped foreign silver coins from coming here, though they were still legal-tender. We thereafter drew from abroad only gold coins and bullion, and had thenceforth chiefly a gold metallic currency. That is the whole of the story.

Mr. DWIGHT. Will the gentleman allow me to ask him a question?

Mr. EWING. Yes, sir.

Mr. DWIGHT. How much silver had been coined from 1792 to 1834, and what was the relative value of silver and gold?

Mr. EWING. I have not here the statistics of silver coinage up to 1834.

Mr. DWIGHT. Less than a million and a half.

Mr. EWING. What of that? We produced not a single ounce of silver, and the silver-producing countries sent their coinage to us, which we made legal tender and which thus supplied us with circulation.

Mr. DWIGHT. But there was free coinage. Silver was undervalued; it was worth less than gold. And then in 1834, when the new act was passed, it was worth more. As the gentleman stated, in the first instance the proportion was 15 to 1, and then our silver was worth less than our gold; afterwards it was put at 16 to 1, and then our silver became worth more than gold.

Mr. EWING. And the silver then ceased coming to our country. Before 1834 we had all the silver our commerce could command. We took the coins of the silver-producing countries and by making them legal tender adopted them as our own currency.

Mr. DWIGHT. We had then what the gentleman is contending for now—free coinage.

Mr. EWING. But we had not the bullion.

Mr. DWIGHT. Yes, sir; but——

Mr. EWING. I cannot yield further. I cannot have my time taken up in a mere colloquy.

We are now the great silver-producing country of this earth. We produce five-sevenths of all the silver of the world; and the advocates of this bill are now appealing to the representatives of the American people to let our great American product be money, instead of having it degraded and demonetized. [Applause.]

NO GOOD REASON FOR DEMONETIZATION.

But we are told, Mr. Speaker, that we are taking up here the rubbish of the world, a discarded and rejected money metal, one that we ought not, any more than any other high-toned nation, to make coin of for our people. We are thus in effect called on to accept the fact that silver *is* demonetized here and in Germany as proof that it *ought* to have been demonetized. That reasoning is not altogether satisfactory to my mind, though fully as sound as any of the arguments against remonetization. Now, why was silver rejected as a money metal by Germany; why did the United States follow suit; and why has France and the other states of the Latin union stopped its further coinage?

Is it because there was already too much metallic money for the use of the world; or because the production of the precious metals was increasing so rapidly as to threaten it with a future plethora of money? Not at all. The aggregate production of the precious metals was, on the contrary, decreasing. From 1853 to 1873, the year of demonetization, the combined production of the two metals fell off steadily from two hundred and thirty-three millions a year to one hundred and sixty-seven millions. This was not enough, after deducting the amount used in the arts, to supply the annual loss of coins from accident and abrasion. Meantime business was everywhere expanding and the vital energies of the world demanding more money.

Was it because the production of silver was so fluctuating as to make its value too unstable? No, sir. The amount of its production annually is, and has always been, far more regular than that of gold. Gold is the fluctuating money metal. The tables of production of the precious metals for the last fifty-five years show that the production of silver has risen gradually from forty to seventy millions a year, while gold has varied from ten to one hundred and ninety-three millions a year. The reason is plain. It is because gold is produced very largely from placers, where but little capital is required and where the yield is fluctuating and the effort to produce it fitful; while silver is produced everywhere from lasting fissure veins by the expenditure of a large amount of capital in fixed machinery. It is therefore the steadying element of the metallic volume of currency. It is the wheel-horse of the team, while gold is the fractious leader.

Was silver rejected because it had depreciated? No. Our silver dollar at the time it was demonetized was at 3½ per cent. premium over the gold dollar because the ratio of 16 to 1 was an undervaluation of silver. It did not depreciate. And until this raid on silver was accomplished, it stood just where it had stood for two hundred years, at par with gold in the ratio of 15½ to 1.

THE CONSPIRACY FOR DEMONETIZATION.

What, then, was the cause of this war on silver? Why was it that two great representative nations, Germany and the United States, struck down this ancient money metal? The movement was simply the result of a combination of usurers to so contract the currency as to shrink all values and thus double their wealth, and double the burdens of debts and taxes on the shoulders of the struggling masses of mankind. It was a gigantic and monstrous conspiracy of the idle few against the toiling millions. [Great applause.]

The aggregate public debts of all the nations of the earth is about twenty-three billions of dollars. Add to that the debts of political subdivisions and of private corporations, partnerships, and individuals, and the whole aggregate is probably far beyond fifty billions of dollars. A large part of this vast sum of debt is held by a very few men. The Rothschild brothers alone hold three thousand millions of dollars of public securities, and they and their allies conduct the finance legislation of the world. The borrowing nations are their customers, and plead at their counters like troubled farmers at our banks or spendthrifts at the pawnbrokers. They know the debts, revenues, crops, politics, and internal and external trade of every nation, as intimately as a curbstone broker knows the ways and resources of his customers. They dictate or resist all finance legislation which in any way touches their interests. When a nation goes to war its specie is drained off; it is forced to issue irredeemable paper and swell its public and private debts by inflated values; and when the war is over they raise the cry from pulpit, press, and rostrum for specie payments and honest money, and thus pocket two dollars for every one paid out.

In 1859, after gold had been so largely produced in California and Australia that it raised prices in the world generally about 15 per cent., they combined together to demonetize gold—this most worshipful and ever-to-be-revered metal, gold. *It* was dishonest money then. They made Germany demonetize it, but circumstances did not favor a general raid on gold, and the effort failed of any great result. But, ever watchful for an opportunity to make money scarcer and dearer, and to add to the value of their accumulated bonds, they seized the pliant hour when Germany received its indemnity of a thousand millions of dollars from France, and whispered into the ear of her statesmen that they should take this "best money of the world" as their only money; that they should stand with England aloof from the common herd of nations and take the best money metal, which they falsely claim gave to England her envied supremacy. Germany did it, and inflicted on her people a blow from which they may not for a generation recover. And soon afterward the United States did it—not openly, not with an understanding of what was being done, for it was not till two years after demonetization was accomplished that our people awoke to the fact that the deed was done. *Who* did it no one knows. You might as well search for the murderer of Nathan as to search for the man or men who did it.

Demonetization was accomplished by two acts of Congress. First the coinage act of 1873, which merely omitted the silver dollar from the coins authorized to be struck. At the session when that act was passed not one word was said by any man on either side as to leaving out the old dollar from the list of coins. It passed the House on the report of a conference committee without ever being read. It passed the Senate without one word of debate by any Senator to show that he knew of the villainy being practiced on the American people.

But when the coinage act of 1873 was passed there were several millions of silver dollars in the banks and in the hands and stockings of the people. They were not demonetized by that act, but remained legal tender. The existence of these old dollars was a cause of uneasiness to the gentlemen who secretly procured the passage of the coinage act. Accordingly the job was completed in 1874 by inserting a clause in the Revised Statutes demonetizing the silver dollars then in existence. The secrecy of this last movement was undisturbed by even a suspicion that it was intended. The codifiers had no right to do anything, and it was not suspected that they would do anything, but to simplify the law as it existed. Their code passed the House without a reading, and passed the Senate, as I have been informed by an eminent Senator, without the bundle even being untied as it lay upon the Vice-President's table—and there was that damnable fraud hid in it. [Applause.]

In 1876, two years after this work of demonetization was completed, Mr. CONKLING rose in his place in the United States Senate and asked his brother Senators whether there was any truth in the ugly rumor then just getting afloat that the dollar of the fathers had been stricken down? Nobody answered but Mr. Sherman——

Mr. DUNNELL. Is it in order for the gentleman to allude to proceedings in the Senate?

Mr. EWING. I am speaking of history—the history of an extinct Congress. Mr. Sherman, the only Senator who answered, merely said that the silver dollar had not in fact been in circulation in the United States since 1853. In 1875, President Grant, in a message approving the resumption law, urged on Congress the necessity of coining largely of the silver dollar as a preparation for resumption—showing that he, who had signed both acts of demonetization, and his Cabinet were unaware of the fact that silver had been demonetized.

Of course, nobody was to blame; of course, nobody intended to do it. It only added about five billions of dollars to the burdens of the American people. It only added about five billions to the wealth of the creditor class. Two and a half times our war debt was thus put on the shoulders of the people. Of course, it was a mistake; but men do not often make as much money as that by a mere inadvertence. [Laughter.] Now, I am quite as much disposed to be charitable in my judgments of men as most people are, but I believe that this was a well-devised, secretly-executed, gigantic fraud on the American people, [applause;] and the profound secrecy with which it was done illustrates anew the saying of Shakspeare that—

"*If money go before, all ways do lie open.*"

EFFECTS OF DEMONETIZATION.

By striking down silver in Germany; by forcing us to resumption in gold alone; by compelling the states of the Latin union to stop the further coinage of silver, there was created an increased, a *new*, demand for gold to the extent of many hundreds of millions of dollars. Superadded to that, and in part induced by it, was an increased hoarding of gold by the banks of Europe, which the London Economist for December last puts at over $400,000,000. This new demand and hoarding combined withdrew over a thousand millions of gold from its accustomed channels of business; that is, contracted the gold currency of Europe nearly one-third. The result was a fall of gold prices of labor and of all commodities throughout the nations having the gold standard, and a general distress unparalleled in modern times.

The New York Public, one of the most reliable of our statistical journals, and strongly on the side of the money power, in its issue of the 12th of December last, makes this statement:

> We have before us tables covering the prices of over eight hundred articles, over four-fifths in value of all articles entering into commerce or consumption in this country. The shrinkage in the average *gold value* of commodities (exclusive of all stocks or bonds and of all real estate) from January 1, 1873, to November 1, 1878, appears to have been about 34.1 per cent.

What is true of New York is true of Europe, because this writer speaks of the *gold* prices of commodities, which are on an average nearly the same in all commercial nations. Assuming that land and labor have fallen in the same proportion, the acts of demonetization have added 52 per cent. to the burden of all the debts and taxes of Germany, England, and America. This increase of debt and tax burdens followed an almost equal increase in the United States resulting from our being forced from the greenback prices of 1867–'68 to the gold and silver prices of 1873. Thus we had "Ossa on Pelion, Pelion on Ossa piled."

In my speech on the 22d of February last I showed that our public debts of all kinds amount to $3,308,000,000, and our railway and canal debts to $2,564,000,000, and our debts of other corporations and of individuals and partnerships, dating back as far as 1873, to about $4,000,000,000—making a grand aggregate of $9,872,000,000 of debts which have been increased over 50 per cent. in effective burden by the shrinkage of gold values caused by silver demonetization. In other words, the acts striking down silver have added about $5,000,000,000 to the burden of public and private debts and an equal sum to the effective wealth of the creditor class. It has added, too, 50 per cent. to the amount of labor and commodities necessary to pay our Federal, State, and local taxes, which were already grievously oppressive to the masses on whom the weight of the burden rests. Is it any wonder, Mr. Speaker, that Europe and the United States are shaken with popular commotion; that kings and ministries and parties are alarmed for their safety; and that the remonetization of silver is now the foremost question in the politics of the world? Relief must be given by those who rule, or it will be seized by those who suffer. A restoration of prices to the former bimetallic level; or the scaling of debts, salaries, and taxes to the gold level; or widespread bankruptcy and repudiation, are the only alternatives from which to choose.

But we are told that we must not be the first to remonetize silver, but wait until other nations have acted. That is the cry now of the most considerate of those who a year ago applauded demonetization. They admit the terrible effects of the act, but assure us that, if we will only stand still awhile, the sufferings of the people of England and Germany will force those nations to join us in restoring bimetallism; while if we now restore silver the strain for gold will slacken and the demand for remonetization abroad become less imperative. That suggestion would do very well, Mr. Speaker, if we were not meanwhile suffering intensely ourselves. I have heard of a man who lost all patience one winter night at the whining of his wife's lap-dog. Getting up in his night-shirt, he seized the dog and rushed out of doors, determined to hold it there until it froze to death. [Laughter.] Such is the plan proposed by these gentlemen to us, and we no doubt could freeze out Germany and England if we could stand the freezing ourselves. [Laughter.]

THE HONEST DOLLAR.

I very much wished, if my time had allowed, to have paid some little attention to the cry for "the honest dollar" which my distinguished friend from New York [Mr. CHITTENDEN] raised so lustily. The honest dollar! What is it? It is the dollar of the contract—unchanged in value by the act of the Government. All our newly funded public debt is payable by the terms of the bond in our standard coins as they existed when the refunding act was passed. On the 24th of July, 1876, within a month or two of the time when the secret and fraudulent acts of demonetization came to light, the House of Representatives, by a vote of 119 yeas to 68 nays, declared that the old silver dollar should be restored to unlimited coinage as full legal-tender. The Representatives of the people have repeatedly since proclaimed their purpose to restore it. Every public and private coin debt created since demonetization was made with the certain assurance that it would become payable in the American silver dollar. That dollar is worth to-day in wheat, corn, pork, land, labor, or property of any kind except gold, full 30 per cent. more than before it was demonetized. But that is not enough to satisfy the greed of the money power. It demands all the fruits of its own accomplished rascality. It demands not only the pound of flesh, but every drop of blood that will flow. It will not get it. [Applause.] Nor can my friend from New York impose that view of the ethics of this question on the common-sense people of America. [Renewed applause.]

CONCLUSION.

Mr. Speaker, however men may differ on the question as to who should make the money, how its volume should be regulated and its value kept stable, all men agree that it is indispensable to the prosperity of a growing people that its circulating medium be sufficient and increasing. If it be too little, elastic enterprise finds vent in private credits which rise expanding beyond the money base only to topple over when jarred, and spread distress and ruin on all around. If it be decreasing, values shrink, business becomes unprosperous, capital withdraws its helping hand, stagnation follows, and loss and suffering to all whose fortunes are embarked in industrial enterprise, and especially to that vast number who depend on each month's wages for that month's bread.

All admit, too, that great public debts and taxes are destructive of the prosperity of the masses, consuming the narrow margin between earnings and cost of living, and preventing accumulations, without which the great body of the people cannot rise in intelligence and independence.

All agree, too, that upon the prosperity of the masses depends the success of our republican system of government. [Applause.] Whatever tends to degrade and impoverish them, tends inevitably and swiftly to the establishment of a class-rule, which has always and everywhere cursed humanity. [Applause.]

Here we have a money metal which before Abraham was—before Troy or Tyre or Sidon—and down through all the ages has remained, pre-eminently the money of civilized man. It was the torch of civilization. It lighted Rome to her imperial grandeur; extinguished, it left Europe for a thousand years in night; relighted, it led to the civilization of two continents. We have in our mountain safes a supply of this great instrument of association, this motor of progress, ample for all the wants of our unbounded growth and destiny. Shall we use it? Shall we open our mints to its unlimited coinage? Shall we employ it to rid us of our intolerable bondage of public and private debt; to lighten the load of taxation which now oppresses the energies of the people; and to send through all the arteries of our industrial body the throb of renewed and vigorous life? Honesty, statesmanship, patriotism, all demand that we tear from our statute-books these acts of demonetization which the subtle hand of the money-power inscribed there in the dark; and, in the name of the people, and in the full light of day, reinstate silver where it stood from the foundation of our Government. [Applause and cries of "Good!"]

Mr. WARNER. I demand the previous question.

Mr. SPRINGER. As the previous question has been demanded, I wish to inquire of the Chair whether it will cover the amendments which have been offered and printed, and whether those amendments will be considered as pending?

The SPEAKER. The effect of the demand for the previous question, if sustained, will be to bring the House to a vote on the first section and the two amendments, if there be two, pending thereto. This bill is being considered in the House as in the Committee of the Whole, and in submitting the demand for the previous question the Chair will state that it only operates on the first section of the bill and the amendments pending thereto.

Mr. KELLEY. There would be no hour for debate afterward?

The SPEAKER. The seconding of the previous question practically cuts off general debate, and would cut off the five-minute debate on the first section. But when the next section comes up the Chair would consider that until the previous question is called on that

the five-minute rule would operate. There must be something upon which the previous question would operate, and this bill being considered in the House as in Committee of the Whole, in this instance it is upon the first section.

Mr. PRICE. Not upon the whole bill?

The SPEAKER. Not upon the whole bill.

Mr. CLYMER. Would the second section then be open to general debate?

The SPEAKER. In the opinion of the Chair it would only be open to the five-minute debate, for the reason that the House, by having seconded the demand for the previous question, has indicated practically a wish to go from the general debate on the bill to the five-minute debate on the remaining sections of the bill. The Chair thinks this is the common sense and practical construction which should be given to the motion if sustained.

Mr. STEVENSON. I desire to ask the unanimous consent of the House that the gentleman from Indiana [Mr. DE LA MATYR] may have an opportunity to speak upon this bill for a short time.

Several MEMBERS. Let us vote on the previous question.

Mr. CLAFLIN. It was stated to me by the gentleman who reported the bill that there was no disposition to force the debate to an early conclusion.

Mr. KENNA. And that has not been done.

Mr. CLAFLIN. The gentleman said the debate would run the whole week.

Mr. WARNER. It is about a week since it commenced.

Mr. FORT. I desire now to offer formally my amendment.

The SPEAKER. To what section?

Mr. FORT. To the whole bill.

The SPEAKER. The amendment will be read.

The Clerk read as follows:

Strike out section 1.
Strike out section 2
Strike out section 3, and insert the following:
The owner of any silver bullion may deposit the same in quantities of twenty ounces and over at any mint at its actual market value in the United States not exceeding par, which value shall be ascertained by and under regulations to be prescribed by the Director of the Mint and approved by the Secretary of the Treasury, and such owner shall be entitled to receive standard silver dollars in payment therefor, and said bullion so received shall be coined into standard dollars.
Strike out section 4.
Strike out section 5.
Strike out section 6.
Strike out section 7.
Strike out section 8, and insert the following:
The owner of any silver bullion may deposit the same in quantities of twenty ounces or over at the Treasury or at any sub-treasury at its actual market value in the United States not above par, which value shall be ascertained as hereinbefore provided. And such owner shall be entitled to receive certificates therefor to the extent of its value in denomination of United States legal-tender notes, which certificates shall never exceed the coin and bullion in the Treasury, and shall be redeemable in standard silver dollars on demand or on call, and shall be receivable at par for duties on imports and all other dues to the United States, and may be computed as part of the lawful money reserve of the national banks, and said bullion shall be coined as required and paid out as other money of the United States.
Strike out section 9.

The SPEAKER. Does the gentleman from Ohio, [Mr. WARNER,] pending the demand for the previous question, allow this amendment to come in?

Mr. WARNER. I do not.

Mr. FORT. Mr. Speaker, I understood the gentleman from Ohio——

The SPEAKER. The Chair cannot allow debate now while the demand for the previous question is pending.

Mr. KILLINGER. I move to lay the bill on the table.

Mr. FORT. The Chair I think will allow an understanding to be arrived at.

The SPEAKER. The gentleman from Ohio declines to yield for an amendment. The Chair cannot go beyond that.

Mr. CONGER. If the previous question runs upon the first section and a vote is taken upon it, then that section cannot be further amended.

The SPEAKER. This is a proposition to amend several sections; and if it was allowed to come in, the Chair is of opinion that what the gentleman offers could only be inserted after the sections indicated have been struck out.

Mr. CONGER. But after the previous question has operated upon the first section and that section has been adopted then this amendment could not come in.

Mr. CANNON, of Illinois. I desire to ask a parliamentary question. At what time would a substitute be in order?

The SPEAKER. At the end of the bill.

Mr. FORT. Mr. Speaker, it was well understood by this House——

The SPEAKER. The gentleman from Ohio does not yield to the gentleman from Illinois for debate.

Mr. FORT. I want to know why my amendment should be ruled out when the gentleman from Ohio has allowed every other amendment to come in?

The SPEAKER. There is now a demand for the previous question and until that is disposed of the Chair cannot admit any further amendment without the consent of the gentleman from Ohio by temporary withdrawal of his demand for the previous question.

Mr. CONGER. Would this amendment be in order if the demand for the previous question should be voted down?

The SPEAKER. General debate would then be in order.

Mr. CONGER. Would this amendment be in order?

The SPEAKER. The Chair, when that condition arises, will consider that point.

Mr. FORT. I do not understand why my amendment should be excluded when others have been admitted.

The SPEAKER. The Chair is simply enforcing the rules of the House.

Mr. FORT. I do not reflect on the Speaker at all.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania [Mr. KILLINGER] to lay the bill on the table.

Several members called for the yeas and nays.

The yeas and nays were ordered.

Mr. CONGER. I move that the House adjourn.

The question being taken on Mr. CONGER'S motion, there were—ayes 90, noes 98.

Mr. CONGER. I call for tellers.

Tellers were ordered; and Mr. WARNER and Mr. CONGER were appointed.

The House again divided; and the tellers reported—ayes 100, noes 97.

So the motion was agreed to.

ENROLLED BILL SIGNED.

Mr. KENNA, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 1377) to amend section 5440 of the Revised Statutes.

The result of the vote on the motion to adjourn was then announced; and accordingly (at four o'clock and fifty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By the SPEAKER: The petition of Honora Smith, for a pension—to the Committee on Invalid Pensions.

By Mr. ERRETT: The petition of Hester Yost, for a pension—to the Committee on Revolutionary Pensions.

By Mr. GARFIELD: The petition of Jonah Woodward, for a pension—to the Committee on Invalid Pensions.

By Mr. HOUSE: The petition of William Horner, for a pension—to the same committee.

By Mr. McMAHON: The petition of John A. McMahon, (acompanied by draughts of bills,) that pensions be granted to Frederick Albert, Nimrod Barr, James Blair, Albert Brinkman, John W. Brown, Carl Brutchie, William Buckley, William Bulwark, John Cassidy, Daniel Donelly, Charles Dougherty, John Downey, Christiana Ellermire, Jacob Farance, Charles Fertig, August Franke, James A. Frayne, George Fritz, John Gallaher, George Glardon, John Glass, John Gropper, Patrick Hardiman, William W. Hawkins, Harrison P. Hayes, Charles Hozier, William Hughes, Arthur W. Irving, E. G. Johnson, Freeman Johnson, William L. Johnson, William Johnson, George Karner, Michael L. Kennedy, Alexander Kincaid, Sarah H. Kline, Catharine Lee, Thomas Lee, Augustus Lempp, Philip Levassuer, William Linihan, Michael Loftus, Isaac H. Lynn, Michael Mack, Michael Mahers, Louis Mangum, Charles McCarthy, Thomas McDonough, Henry McFadden, Michael McGinty, John McGrath, James McGuire, Michael Meagher, Daniel Meenan, Adam Miller, William M. Morrow, Michael O'Brien, W. D. Philips, Levan Record, Francis Reichert, August Reinicke, Charles Ritchie, James Rounsfell, Thomas Russell, James Saunders, Barbara Schmaus, John Schmidt, Thomas J. Scott, John Sheiber, Henry Christian Smith, George W. Stiles, Amanda Stokes, John Thompson, Nancy Trownsell, Robert P. Walker, John G. Warburg, Edward Welsh, Samuel Wilson, Aaron Woods, Henry S. Woodward, and Jacob Zeager—to the same committee.

Also, the petition of John A. McMahon, accompanied by draughts of bills, that Michael Cable, Philip Dheim, Frederick Drought, James Martin, William Purcell, and Edward Welsh be relieved from the charge of desertion, and that the Adjutant-General of the Army be authorized and directed to grant them honorable discharges—to the Committee on Military Affairs.

Also, the petition of John Skinner, George O'Reilly, Patrick Callahan, and 21 others, inmates of the Soldiers' Home at Dayton, Ohio, for increase of general pension from $18 to $24 per month for all soldiers who have lost a limb—to the Committee on Invalid Pensions.

Also, the petition of Mrs. Catharine Bartholomew, for the removal of the charge of desertion from the record of Daniel Bartholomew, deceased—to the Committee on Military Affairs.

By Mr. MORSE: The petition of Uriel Crocker, that duplicate United States bonds be issued to him in lieu of certain lost bonds—to the Committee of Claims.

By Mr. MORTON: Papers relating to the petition of John H. Morris, to be refunded certain moneys alleged to have been improperly paid into the United States Treasury—to the same committee.

By Mr. PHELPS: The petition of David Averill, for a pension—to the Committee on Invalid Pensions.

By Mr. TOWNSEND, of Ohio: Papers relating to the claim of J. J. Lints, for pay for services as custodian of public property at Erie, Pennsylvania—to the Committee of Claims.

By Mr. UPDEGRAFF, of Ohio: The petition of Joseph Hill and

679 others, citizens of Mount Pleasant, Ohio, and vicinity, against any change of the revenue laws that will promote the interests of dealers in spirituous liquors—to the Committee of Ways and Means.

By Mr. URNER: Papers relating to the war claims of James W. Anderson, William F. Frasier, and Allen C. Hammond—to the Committee on War Claims.

IN SENATE.

THURSDAY, *May* 15, 1879.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented the petition of John C. Tilton and E. E. Stimpson, of Haverhill, Massachusetts, praying for the passage of a bill authorizing the issue of an American register to the steamboat City of Fredricton, and to change the name of the same; which was referred to the Committee on Commerce.

Mr. FARLEY presented the petition of John A. Sutter, of California, praying for the passage of a law granting him compensation for land taken by the United States in that State, and for services rendered the Government; which was referred to the Committee on Claims.

Mr. CAMERON, of Pennsylvania, presented the memorial of officers and members of the Woman's National Christian Temperance Union, protesting against the repeal of the amended internal-revenue act in relation to spirituous liquors, approved March 1, 1879; which was referred to the Committee on Finance.

Mr. CALL presented the petition of William Hammant, of Jacksonville, Florida, praying for an appropriation by Congress for the improvement of the mouth of the Saint John's River in that State; which was referred to the Committee on Commerce.

PUBLICATION OF AMERICAN ARCHIVES.

Mr. VOORHEES. Some time ago I introduced a resolution, which was adopted by the Senate, calling on the Librarian of Congress for information connected with the publication of what are known as the American Archives. This morning the Librarian laid before the Committee on the Library his report in response to that resolution, and I am instructed by the Joint Committee on the Library to lay that report before the Senate and ask that it be printed.

The PRESIDING OFFICER, (Mr. WHYTE in the chair.) If there be no objection that order will be made.

BILLS INTRODUCED.

Mr. HARRIS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 602) for the relief of Thomas W. McAffrey; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SLATER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 603) to amend section 1846 of the Revised Statutes, concerning Territories; which was read twice by its title, and referred to the Committee on Territories.

Mr. FARLEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 604) for the relief of John A. Sutter; which was read twice by its title, and referred to the Committee on Claims.

Mr. COCKRELL asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 29) providing for a treaty of reciprocity and commerce with the Republic of France; which was read the first time by its title.

Mr. COCKRELL. I ask that the joint resolution be read at length.

The joint resolution was read the second time at length, as follows:

Whereas the conditions of trade and commerce existing between the Republic of France and the United States of America demand the enlightened attention and consideration of both governments; and

Whereas it is the desire and the interest of the people of the United States to maintain the most friendly relations with the people of France and to establish and increase trade and commerce with them upon terms reciprocal and mutually beneficial; and

Whereas a treaty of reciprocity and commerce between the governments of the two republics, upon terms alike honorable and just, will strengthen the friendly ties and will contribute very largely to establishing and increasing the trade and commerce between the two countries and to giving and maintaining stability and security thereto: Therefore,

Be it resolved, &c, That the President of the United States of America be, and hereby is, authorized and requested to open correspondence with the government of the Republic of France, with the view and for the purpose of entering into and establishing a treaty of reciprocity and commerce with that government, upon terms and conditions alike honorable and just and reciprocally beneficial; and, if deemed necessary, to appoint, by and with the advice and consent of the Senate, three commissioners on behalf of the United States to conduct the negotiations preliminary to the making of such treaty, the compensation of said commissioners to be fixed by the Secretary of State.

Mr. COCKRELL. I ask that the joint resolution lie on the table for the present and that it be printed.

The PRESIDING OFFICER. That order will be made.

Mr. CAMERON, of Wisconsin, asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 30) for the relief of D. C. W. Brink, bearer of dispatches from the United States minister at Mexico in 1869; which was read twice by its title, and referred to the Committee on Foreign Relations.

COMMITTEE ON REMOVAL OF NORTHERN CHEYENNES.

Mr. DAVIS, of West Virginia. Yesterday there was referred to the Committee to Audit and Control the Contingent Expenses of the Senate a resolution offered by the Senator from Texas [Mr. COKE] to defray the expenses of the committee appointed to investigate the removal of the Northern Cheyennes. I am the only member of the Committee on Contingent Expenses now in the city and, of course, cannot report it favorably, but will report it back in so far as I am concerned with a favorable recommendation; and I ask that the Senate act upon it. I believe the resolution is correct and proper and that it should pass.

The PRESIDING OFFICER. The Senator from West Virginia moves to discharge the committee from the further consideration of the resolution.

Mr. DAVIS, of West Virginia. They will be discharged as a matter of course. I report it back for the action of the Senate, and I ask that the Senate now take it up.

The PRESIDING OFFICER. The Secretary will report the resolution.

The Secretary read the resolution, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay out of the contingent fund of the Senate, appropriated for the miscellaneous items of the Senate, upon vouchers approved by the chairman, all the authorized and necessary expenses of the select Senate committee appointed to examine into the circumstances connected with the removal of the Northern Cheyennes from the Sioux reservation to the Indian Territory, authorized by Senate resolution of February 12, 1879, and continued by Senate resolution of May 13, 1879.

Mr. COKE. I hope the resolution will be adopted. The appropriation has already been made and this resolution merely provides the means for utilizing it.

The resolution was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 14th instant approved and signed the act (S. No. 565) to authorize the employment of three additional assistants in the Library of Congress.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. No. 1999) to amend an act entitled "An act making appropriations for the construction, repair, preservation, and completion of certain works on rivers and harbors, and for other purposes," approved March 4, 1879; and

A joint resolution (H. R. No. 71) authorizing the appointment of a commission to lease a building for a city post-office in the city of Washington, District of Columbia.

The message also announced that the House had passed the bill (S. No. 141) for the removal of the political disabilities of John S. Saunders, of Baltimore, Maryland.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (S. No. 1377) to amend section 5440 of the Revised Statutes; and it was thereupon signed by the President *pro tempore*.

THE LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. BECK. If there is no further morning business, I move to proceed to the consideration of the legislative, executive, and judicial appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 2) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes.

Mr. MAXEY. I believe the Senator from Kentucky announced yesterday that the committee amendments were through with.

Mr. BECK. Yes, sir, all the amendments of the Committee on Appropriations have been acted upon.

Mr. MAXEY. In behalf of the Committee on Post-Offices and Post-Roads I offer an amendment. After the word "pensions," in line 58, page 3, I move to insert "clerk to the Committee on Post-Offices and Post-Roads."

In support of this application, I beg to say that in my judgment (and I think I am sustained in that view by every member of the Post-Office Committee who has served upon it for any length of time) there is not a committee in this body which has harder work to perform than that committee. More nominations go to that committee than to any other; and in addition to that, there is the preparation of the post-route bill, with the amendments to it equal in size to the bill itself. A great many difficult and complicated cases come before that committee requiring investigation in the various branches of the Post-Office Department, and a competent and efficient clerk would be an immense relief to the members of that committee in the discharge of their duties. If the Post-Office Committee had no other business than that to do we could get along; but each member of the committee has his duties on other committees to perform, and an efficient clerk, in my judgment, and I state it on behalf of the members

of the committee, is a necessity to the efficient working of that committee which is connected with that Department which is nearer to the people than any other Department of the Government, and whose ramifications extend into every neighborhood throughout the length and breadth of the country.

I would add that the Senate has already acted on the case of the clerk to the Committee on Military Affairs, and I think wisely and correctly, and the same reasons which induced the Senate to make that clerkship a permanent one apply with equal force to the Committee on Post-Offices and Post-Roads.

Mr. FERRY. I concur most fully with what has been said by the chairman of the Committee on Post-Offices and Post-Roads. The clerk of that committee should have been made permanent at an annual salary before. Perhaps I may have had less concern for my duty, or it may have been a little more modesty than my honorable successor in not pressing the matter; but I am very glad he has taken the responsibility of moving in the Senate this justice to the clerk of the Committee on Post-Offices and Post-Roads. I have long been aware of the necessity for it. The labor of that committee is very large; the duties of the clerk are onerous; he is constantly employed. As contrasted with other committees, I think the labor of the Committee on Post-Offices and Post-Roads will compare favorably in the light of demanding the services of an annual clerk. Therefore I hope the Senate will concur in the amendment proposed by my friend from Texas.

Mr. BECK. Notice has been given of quite a number of amendments that no doubt will be offered by Senators in their order, some of them perhaps meritorious, others we think of doubtful propriety. I desire the Senator from Texas to understand that I am not going to speak specially as to the amendment he has offered.

Mr. MAXEY. I offer it not on my own behalf, but on behalf of the Committee on Post-Offices and Post-Roads.

Mr. BECK. I know that it is offered on behalf of the Committee on Post-Offices and Post-Roads. As I did not care to take the time of the Senate when the bill was first laid before the Senate to make any explanation of it, and as the committee are now through with all their amendments, and as this is the first of the series of amendments that will be offered by others, I desire now, before the Senate acts upon any of the amendments offered by individual Senators or which come from other committees, to state as briefly as I can the action of the Senate Committee on Appropriations and the reasons for that action.

The bill as it came from the House appropriated $18,446,907.81. The bill as amended and recommended by the Senate Committee, and as agreed to up to this time, appropriates $18,541,416.03. The increase made by the Senate committee was $94,509. In a bill of eighteen million and a half dollars, with all the pressure that was brought to bear upon us, we think we have succeeded in keeping the appropriation down as low as we possibly could under all the circumstances. The details are shown by the following table:

Legislative bill.

Object.	Appropriated 1879.	Estimated 1880.	Recommended by House bill.	Recommended by Senate committee.	Increase as reported over 1879.	Reduction as reported from 1879.
Senate	$711,714 30	$744,090 50	$701,383 00	$744,219 00	$32,504 70	.....
Congressional Directory	1,200 00	1,200 00	1,200 00	1,200 00	.....	.....
Capitol police	33,800 00	33,700 00	33,800 00	33,800 00	.....	.....
House of Representatives	1,986,394 00	2,060,938 80	2,089,259 20	2,090,159 20	103,765 20	.....
Public Printer	20,400 00	16,100 00	15,600 00	15,600 00	.....	$4,800 00
Library and Botanic Garden	62,240 00	61,240 00	62,740 00	62,740 00	500 00	.....
Public buildings and grounds in District of Columbia	35,940 00	42,120 00	41,020 00	41,020 00	5,080 00	.....
Executive	96,564 00	97,564 00	96,464 00	96,464 00	.....	100 00
State Department	146,980 00	160,260 00	139,140 00	139,140 00	.....	7,840 00
Treasury Department	2,433,294 00	2,419,994 00	2,403,654 00	2,404,854 00	.....	28,440 00
Internal Revenue Bureau	4,003,330 00	4,163,330 00	4,028,330 00	4,028,330 00	25,000 00	.....
Independent Treasury	382,000 00	384,220 00	378,220 00	378,020 00	.....	3,980 00
Mints and assay offices	1,253,045 00	1,169,630 00	1,199,530 00	1,217,530 00	.....	35,515 00
Government in the Territories	164,400 00	158,520 63	178,721 40	178,721 40	14,321 40	.....
War Department	953,910 00	1,014,400 00	960,120 00	960,120 00	6,210 00	.....
Navy Department	132,010 00	132,010 00	133,910 00	133,910 00	1,900 00	.....
Interior Department	1,621,234 00	1,907,354 00	1,697,634 00	1,724,534 00	103,300 00	.....
Surveyors-general and clerks	103,850 00	177,950 00	104,350 00	104,350 00	500 00	.....
Post-Office Department	556,640 00	556,740 00	575,290 00	575,040 00	18,400 00	.....
Department of Agriculture	188,400 00	198,400 00	229,400 00	229,400 00	41,000 00	.....
Department of Justice	123,060 00	141,800 00	123,380 00	123,380 00	320 00	.....
United States judges, marshals, &c.	397,200 00	393,200 00	393,200 00	398,322 22	1,122 22	.....
Court of Claims	32,840 00	33,340 00	33,340 00	33,340 00	500 00	.....
Southern claims commission	46,500 00	32,499 98	27,222,21	27,222 21	.....	19,277 79
Expenses of United States courts	2,750,000 00	3,000,000 00	2,800,000 00	2,800,000 00	50,000 00	.....
Total	18,236,945 30	19,100,601 91	18,446,907 81	18,541,416 03	404,423 52	99,952 79

There were many reasons why we thought it was important not to increase salaries at this time nor to increase the number of officers beyond what had been agreed upon in the last Congress. The state of the Treasury among other things was urged upon us as a reason why this course should be pursued, and the change politically in the majority of this body, without the information that we might otherwise have had after longer experience, may have had something to do with it. The principal items making the $94,000 increase are $43,000 added to the expenses of the Senate more than was recommended by the House, $18,000 added to the service of the Mint, $27,000 in the Interior Department, principally in the offices of Pensions and Patents and the General Land Office, and about $6,000 for the salary of the judge of the district for the remainder of this and for the next fiscal year, that judge having been created by law at the last session of Congress. These items make up substantially the increases which we recommend.

Something was said to the effect, and it has become fashionable to say it, that the Senate is very extravagant in its appropriations, and that this large increase for the Senate expenses is only keeping up the old senatorial extravagance. I do not think that charge can fairly be made against this committee, and I will state my reasons in a moment.

For the current fiscal year the House and the Senate agreed, and the present law contains appropriations amounting to $711,000 for the expenses of the Senate. It contains an appropriation of $1,986,000 for the expenses of the House of Representatives. The estimates for the next fiscal year are for the Senate $744,000 in round numbers, and for the House of Representatives, $2,060,000.

Those increases were necessary because during the next fiscal year we have a long session of Congress, which usually continues seven months, whereas for the current fiscal year, as this extra session was not provided for in present law, the duration of the session of the Senate and House was necessarily limited to three months; all the per diem clerks, all the pages, all the employés of the Senate and House who are paid by the day, must for the next fiscal year be provided for for seven months instead of for three months, as now. Therefore the estimates, as I said, were increased $32,000 for the Senate and, say, $83,000 for the House.

The bill came from the House recommending that there should be appropriated for the Senate $701,000. Observe for the current fiscal year we have $711,000 and the estimates for the next fiscal year are $744,000. The House, having no Committee on Appropriations when the bill was laid before the House, went back to some old bill, to which one I do not know, and cut down the expenses for the Senate not only below the current fiscal year $10,000 but $43,000 below the estimates. The House, as I said, for the current fiscal year has an appropriation of $1,986,000. The estimates for the House for the next fiscal year are $2,060,000. The House in the bill which they sent to us not only did not cut their own expenses down to the current fiscal year, but they appropriated for themselves $2,090,000, coming up to the estimates for themselves and exceeding the estimates by $30,000, while they cut down the Senate $43,000 below the estimates and $10,000 for a seven months' session below what they allowed us for a three months' session.

Some criticism was made in the discussions on the bill about the extravagance of the Senate in restoring salaries to what they are now and in providing for the expenses of the Senate. I did not care to take the time then to state the reason for it, and I now give it, without comment, except to say that we have simply brought the Senate appropriations up to the estimates necessary for the actual expenses for a seven months' session. I believe that the House has not been extravagant in what it has done in regard to its expenditures for the next year, though it has increased the number of its committee clerks from twenty-one to thirty-five, which causes it to exceed the esti-

mates. My information is that they did right, that the clerks are actually needed; as to that I have nothing to say. We are making no complaint as to the fact that the House has increased its own appropriations $103,000 for the next fiscal year over what it is for the current fiscal year, but we do object to having the necessary appropriations for the Senate cut down forty-odd thousand dollars below the estimates and $10,000 for the seven months' session below what was allowed for a three months' session.

Therefore we simply restore the present condition of things. Of course the Senate may add to it. If the Committee on Post-Offices and Post-Roads are allowed a permanent clerk and other committees are allowed permanent clerks, that will be in addition to the amount the committee recommend. We did not go beyond what had been agreed upon in the conference last year upon that subject. So much for that.

Let it be distinctly understood that in what I have said I do not mean to intimate for a moment that the House can get along properly with a dollar less than they have appropriated. We did not see without going into a general revision, which we were not prepared to do, how we could do otherwise than to restore the salaries and expenses of the Senate to the estimate of the Departments which corresponds with existing law, and we thought it best to retain the existing condition of things for the present at least. Really I suppose when the House sent the bill to us they expected that we, knowing more about the appropriations necessary for the Senate than they, would substantially restore it, and I do not think we will have much difficulty in agreeing with them in regard to the Senate expenses when we get together in conference.

Of course the $18,000 for the mint has been explained. It was shown by the Director that it was necessary at New Orleans in order to carry on the operations of that mint. In the Interior Department the labor of the Land Office, the increased duties of the Pension Office and of the Patent Office were represented to us in such a way that we were compelled in justice to the men who were interested to add $27,000; and the law provided for the salary of the judge in this District. These are the principal amendments we have made.

I desire to say as a member of the committee, and I am speaking now only for myself, that perhaps there are very many changes that ought to be made to make the system of appropriations as perfect as it ought to be; the mere cutting down of the salaries of laborers is not, in my judgment, the best mode. I think the cutting off of supernumeraries is a very good way of doing it, but so long as we employ men in the different Departments, and in the Senate and the House they ought to be paid fair wages so that they may comfortably support their families and give proper and satisfactory attention to the duties imposed upon them. I have never been in favor of cutting off $10 here and $20 there from employés and calling it economy, starving good laborers, who are trying to make a comfortable living, but I would strike off all who are not really and necessarily employed and all who can properly be dispensed with and let them seek employment elsewhere; it would in most instances be better for them in the end.

But the great difficulty lies, in my opinion, outside of the mere payment of wages. I hope the two Houses will appoint a committee of some sort, not of investigation, I do not care to have any more investigating committees than we can help, but a committee of examination to look into the great leaks that I think are going on in the management of the finances of the Government. For example, in the internal-revenue department we have dozens, yes, hundreds of men who are called storekeepers and gaugers, who from the month of June until the month of November, generally until December, have nothing to do except to sit about and watch distilled spirits in warehouses and gauge a barrel or two now and then. For example, a man stays for five months at $4 a day to watch little log distillery warehouses when every one of those crops of liquors could be placed in a fire-proof bonded warehouse at some central point in the district convenient to the distiller and the Government, and safe for both, and one storekeeper could watch the whole just as well as twenty or thirty persons at $100 a month do now; and one gauger could do the gauging just as well as the twenty or thirty who are now getting their $5 and $6 a day merely to keep them employed, and pay them for being active political partisans subject to assessments for electioneering purposes.

These are points in the internal revenue, in my judgment, where great saving could be had, if the Commissioner was authorized to do as he now does with the liquor made from the grapes in California, to carry the spirits to warehouses where they would be fire-proof and where the insurance would be less. The Government now gets nothing if the liquor is destroyed by fire or otherwise before the tax is paid; and I believe a change could be made that would result in a saving to the Government of over a hundred thousand dollars annually, and in a saving to the man whose liquor could be more cheaply insured. The great saving, however, would be to the Government itself in the security of securing its tax instead of allowing it to run the risk and cost it is doing now.

So in the custom-houses. We make a permanent appropriation to collect the customs revenue, giving up all the fines and forfeitures and two or three million dollars besides. Congress has no annual control over it. We have four fleets, one known as the revenue marine, with thirty-seven or thirty-nine steamers, coasting all round the country. We have another known as the Life-Saving Service; another known as the Light-House Board; another known as the Coast Survey; and yet the smugglers can steal under the flag of the Coast Survey, they can go on board and dine with the officers, and they will not and cannot be arrested, because they have no authority to arrest them. The Light-House Board has no authority to protect the revenue against smugglers. We did give the Life-Saving Service some authority, and they are doing great good in that service. But why all those four fleets should not be made coast-guards, why each man in the service of the United States sailing along the coast should not aid in the protection of the revenue against smugglers, I have never been able to see. Why four separate little fleets, except to keep up a set of supernumerary officers who call themselves admirals to have independent command, why they should be run independently instead of working together under one head and working in aid of the revenue I have never been able to see. I believe in that regard hundreds of thousands of dollars a year could be saved and the protection of our coast be greatly strengthened.

Another thing. I hold in my hand a list of the custom-houses of the United States, and it will amaze any one who looks at the list to see how extravagant and expensive they are. A permanent appropriation is made out of the annual taxes for their support, and it is expended in ways that Congress knows nothing about. We get accounts of it from time to time in the reports of the Treasury Department that nobody ever reads, and no supervision of the subject is had here. That expenditure ought to be made by annual appropriations, just like every other appropriation. I will take only the first State on the list, and I do not wish to discriminate against or criticise one State more than another, because the whole list is full of absurdities from beginning to end. Here are one hundred and fifteen custom-houses. Maine is the first one. I asked the clerk of the committee to make a note of twelve of the thirteen custom-houses in Maine, which exhibit from $5,000 annually collected for customs down to $6. It appears that the aggregate collections in these twelve custom-houses, all but Portland, is $80,000, and the pay of employés alone is $88,000. That includes nothing of rents or any other expenses. When you add those things, the amount would be double; and so you will find, with the exception of a few custom-houses, the same anomalous condition of things all over the country. At a place where $6 of revenue is collected why should there be a collector, a deputy collector, an appraiser, and all the machinery of a custom-house, aided by the coast-guard, the revenue marine, the life-saving stations, the light-houses, and the coast service. Why would not a single police officer to guard that point be as good a protection against smuggling as all this machinery? Hundreds of thousands are spent, squandered is a better word, in that way. Look, for example, at the custom-house at New Orleans, which collects very little more than the custom-house at Saint Louis. We have all heard that a great many people constantly desire to get employment in the New Orleans custom-house. I know nothing about the details of its operations, but in order to collect the same revenue at New Orleans as at Saint Louis they are spending about four times as much money as they are spending at Saint Louis. They are spending nearly as much at New Orleans as they are spending at Philadelphia where they are collecting four times as much. The same is the case in a great many other places. This list was made up for me by the gentleman in charge of the customs at the last session of Congress; and there is so much in it that the Senate ought to see that, if there is no objection, I will hand it to the Reporter and ask him to put it in the RECORD. I think it is a valuable paper.

Mr. ALLISON. Let us have it all in.

Mr. BECK. I thought Senators would want to see it.

The list is as follows:

Statement of receipts and expenditures of the customs districts of the United States for the year ending June 30, 1877.

District or port.	Collections.						Expenditures.	Receipts above expenses.	Expenses above receipts.
	Customs.	Marine-hospital dues.	Steamboat inspection.	Fines, penalties, &c.	Miscellaneous.	Total.			
Aroostook, Maine	$5,949 47	(*)	(*)	$962 45	$358 71	$7,280 63	$6,875 78	$404 85	.....
Bangor, Maine	6,090 66	$1,274 79	$126 15	579 22	1,703 88	9,774 70	8,509 57	1,265 13	.....
Bath, Maine	16,926 92	1,605 85	421 30	(*)	2,480 35	21,434 42	7,296 45	14,137 97	.....
Belfast, Maine	7,629 83	1,195 99	100 15	10 00	1,283 73	10,209 70	6,724 96	3,484 74	.....
Castine, Maine	416 49	1,033 92	25 00	10 00	925 45	2,410 86	6,314 81	.....	$3,903 95

Statement of receipts and expenditures of the customs districts of the United States for the year ending June 30, 1877—Continued.

District or port.	Collections.						Expenditures.	Receipts above expenses.	Expenses above receipts.
	Customs.	Marine-hospital dues.	Steamboat inspection.	Fines, penalties, &c.	Miscellaneous.	Total.			
Frenchman's Bay, Maine	$6 78	$1,245 15	$50 00	(*)	$1,170 14	$2,472 07	$5,298 55		$2,826 48
Kennebunk, Maine	1,240 92	68 10	(*)	(*)	213 70	1,522 72	1,190 59	$332 13	
Machias, Maine	475 49	1,301 97	100 10	$49 42	1,537 56	3,464 54	5,236 44		1,771 90
Passamaquoddy, Maine	38,564 75	2,264 02	322 30	1,026 62	6,917 05	49,094 75	25,978 49	23,116 26	
Portland and Falmouth, Maine	303,842 33	4,435 56	2,946 55	175 01	22,774 84	334,174 29	89,563 35	244,610 94	
Saco, Maine	(*)	109 71	50 00	(*)	52 75	212 46	1,154 09		941 63
Waldoborough, Maine	468 67	3,052 08	462 50	(*)	1,549 13	5,532 08	8,699 59		3,167 51
Wiscasset, Maine	2,925 76	580 86	300 00	(*)	1,124 36	4,930 98	4,528 41	402 57	
York, Maine	(*)	29 00	(*)	(*)	8 00	37 00	317 93		280 93
Portsmouth, New Hampshire	17,499 51	351 75	125 00	10 00	638 95	18,625 21	5,433 51	13,191 70	
Vermont, Vermont	500,002 12	185 66	1,372 90	2,425 46	26,304 53	530,290 67	70,575 03	459,715 64	
Barnstable, Massachusetts	1,866 91	2,220 61	25 00	10 00	2,898 95	7,021 47	10,540 88		3,519 41
Boston and Charlestown, Massachusetts	12,817,170 46	16,190 53	6,454 00	32,030 19	98,060 52	12,969,905 70	627,593 06	12,342,312 64	
Edgartown, Massachusetts	1,694 02	968 61	25 00	(*)	634 52	3,322 15	3,884 39		562 24
Fall River, Massachusetts	5,293 41	2,616 50	1,021 45	25 00	676 95	9,633 31	5,477 14	4,156 17	
Gloucester, Massachusetts	6,425 20	981 45	100 00	117 36	13,141 39	20,765 40	15,633 36	5,132 04	
Marblehead, Massachusetts	1,074 77	112 24	(*)	985 65	299 20	2,471 86	1,469 37	1,002 49	
Nantucket, Massachusetts	(*)	144 50	118 10	(*)	17 15	279 75	1,470 29		1,190 54
New Bedford, Massachusetts	7,751 00	1,253 98	630 99	200 00	1,516 57	11,352 54	7,453 58	3,898 96	
Newburyport, Massachusetts	89,318 05	233 34	200 00	(*)	734 46	90,485 85	5,987 72	84,498 13	
Plymouth, Massachusetts	16,903 78	89 68	(*)	(*)	152 05	17,145 51	2,409 33	14,736 18	
Salem and Beverly, Massachusetts	8,106 28	219 46	25 00	(*)	1,460 77	9,811 51	8,941 13	870 38	
Bristol and Warren, Rhode Island	(*)	161 83	25 00	(*)	40 30	227 13	1,291 61		1,064 48
Newport, Rhode Island	127 71	926 24	395 60	95 00	684 84	2,229 39	4,431 65		2,202 26
Providence, Rhode Island	154,865 71	2,300 24	1,429 40	20 00	3,712 06	162,327 41	23,872 34	138,455 07	
Fairfield, Connecticut	1,331 94	1,642 29	401 60	(*)	883 29	4,259 12	3,489 92	769 20	
Middletown, Connecticut	7,613 56	1,822 35	924 65	20 00	941 00	11,321 56	3,629 25	7,692 31	
New Haven, Connecticut	368,063 95	2,217 98	548 60	27 50	3,597 10	374,455 13	17,987 27	356,467 86	
New London, Connecticut	56,546 09	1,908 65	3,896 10	25 00	1,547 40	63,923 24	7,397 24	56,526 00	
Stonington, Connecticut	371 18	468 64	173 55	(*)	439 60	1,452 97	1,978 21		525 24
Albany, New York	102,236 93	3,314 14	5,518 75	(*)	881 10	111,950 92	10,900 24	101,050 68	
Buffalo Creek, New York	296,347 72	4,141 14	8,112 40	1,372 56	21,385 79	331,359 61	49,431 62	281,927 99	
Cape Vincent, New York	21,610 79	462 56	379 10	14 20	1,811 13	24,277 78	16,004 61	8,273 17	
Champlain, New York	150,580 87	419 29	(*)	1,430 38	5,872 65	158,303 19	25,367 06	132,936 13	
Dunkirk, New York	175 87	29 94	25 00	(*)	90 60	321 41	1,965 67		1,644 26
Genesee, New York	62,748 71	194 20	175 00	10 00	1,271 40	64,399 31	21,402 55	42,996 76	
New York, New York	91,058,075 19	68,790 30	40,247 65	33,457 91	370,021 32	91,570,592 37	2,654,323 29	88,916,269 08	
Niagara, New York	223,150 98	159 80	62 65	2,621 68	14,357 35	240,352 46	38,852 38	201,500 08	
Oswegatchie, New York	88,654 55	472 10	503 85	123 16	3,129 60	92,883 26	19,853 44	73,029 82	
Oswego, New York	439,309 68	1,181 54	1,509 95	(*)	7,413 55	449,414 72	26,158 04	423,256 68	
Sag Harbor, New York	(*)	947 24	75 00	(*)	407 44	1,429 68	1,499 55		69 87
Patchogue, New York	(*)	1,013 32	(*)	(*)	367 25	1,380 57	367 25	1,013 32	
Bridgeton, New Jersey	(*)	3,065 52	170 90	(*)	348 40	3,584 82	734 15	2,850 67	
Burlington, New Jersey	(*)	512 08	176 45	(*)	63 80	752 33	267 84	484 49	
Great Egg Harbor, New Jersey	(*)	1,281 35	(*)	(*)	260 84	1,542 19	2,431 25		889 06
Little Egg Harbor, New Jersey	(*)	763 27	28 30	(*)	82 50	874 07	2,635 18		1,761 11
Newark, New Jersey	1,708 45	1,051 17	919 40	564 60	638 87	4,882 49	3,323 02	1,559 47	
Perth Amboy, New Jersey	79 80	2,887 44	1,071 10	25 00	882 30	4,945 64	6,609 47		1,663 83
Philadelphia, Pennsylvania	6,499,530 36	19,521 18	15,029 75	562 11	47,692 51	6,582,335 91	384,830 90	6,197,505 01	
Pittsburgh, Pennsylvania	60,250 46	4,153 28	10,708 95	650 00	1,719 30	77,481 99	14,075 67	63,406 32	
Erie, Pennsylvania	35,539 95	1,049 86	454 95	100 00	705 25	37,850 01	6,222 80	31,627 21	
Delaware, Delaware	7,042 05	2,353 47	619 55	115 00	767 93	10,898 00	8,742 24	2,155 76	
Annapolis, Maryland	2,409 90	913 02	(*)	5 65	298 55	3,627 12	2,578 44	1,048 68	
Baltimore, Maryland	3,620,162 69	20,709 84	9,827 80	661 56	50,123 62	3,701,485 51	340,920 22	3,360,565 29	
Easton, Maryland	(*)	6,601 37	(*)	(*)	867 50	7,468 87	3,972 75	3,496 12	
Georgetown, District of Columbia	4,770 89	1,909 01	801 45	15 00	740 69	8,237 04	5,181 65	3,055 39	
Alexandria, Virginia	653 85	1,027 57	334 90	(*)	542 14	2,558 46	2,805 79		247 33
Cherrystone, Virginia	166 00	2,623 97	(*)	(*)	495 25	3,285 22	3,176 47	108 75	
Norfolk and Portsmouth, Virginia	28,131 25	5,750 91	4,180 90	125 72	3,588 55	41,777 33	19,395 76	22,381 57	
Petersburgh, Virginia	510 78	132 64	75 00	(*)	501 70	1,220 12	4,682 97		3,462 85
Richmond, Virginia	20,397 03	397 05	339 60	(*)	1,344 92	22,478 60	7,427 00	15,051 60	
Tappahannock, Virginia	(*)	647 29	(*)	(*)	168 50	815 79	1,135 98		320 19
Yorktown, Virginia	(*)	971 15	(*)	(*)	367 15	1,338 30	1,003 46	334 84	
Wheeling, West Virginia	3,443 94	2,959 07	6,655 55	(*)	1,211 30	14,269 86	1,939 73	12,330 13	
Beaufort, North Carolina	(*)	572 82	(*)	(*)	221 45	794 27	2,151 17		1,356 90
Pamlico, North Carolina	3,463 08	976 72	126 00	5 00	478 45	5,049 25	5,383 38		334 13
Albemarle, North Carolina	280 04	555 79	130 50	(*)	172 25	1,138 58	2,721 97		1,583 39
Wilmington, North Carolina	54,616 01	1,638 78	442 00	10 00	2,084 54	58,791 33	14,488 52	44,302 81	
Beaufort, South Carolina	21,816 88	325 81	50 00	122 75	1,410 51	23,725 95	5,239 75	18,486 20	
Charleston, South Carolina	70,932 75	3,296 88	2,222 80	596 54	4,272 45	81,321 42	31,800 34	49,521 08	
Georgetown, South Carolina	105 67	586 74	225 00	100 00	132 12	1,149 53	1,819 68		670 15
Brunswick, Georgia	16,374 96	438 66	166 25	100 00	1,796 87	18,876 74	10,718 52	8,158 22	
Savannah, Georgia	57,260 57	3,689 23	3,038 27	119 60	3,993 93	68,101 60	34,057 48	34,044 12	
Saint Mary's, Georgia	3,048 53	228 95	75 10	(*)	594 58	3,947 16	2,748 73	1,198 43	
Mobile, Alabama	50,721 27	2,748 47	2,827 65	422 77	3,060 74	59,780 90	23,926 17	35,854 73	
Pearl River, Mississippi	7,073 69	1,455 75	(*)	53 00	1,370 08	9,952 52	5,186 87	4,765 65	
Natchez, Mississippi	(*)	5 30	25 00	(*)	70	31 00	213 24		182 24
Vicksburgh, Mississippi	(*)	679 65	332 56	(*)	29 20	1,041 41	711 12	330 29	
New Orleans, Louisiana	1,683,457 59	19,080 19	15,335 35	1,408 49	28,055 07	1,747,336 69	279,759 04	1,467,577 65	
Teche, Louisiana	517 45	1,266 67	546 26	95 00	514 40	2,939 78	6,414 63		3,474 85
Appalachicola, Florida	85 50	518 16	634 80	(*)	83 50	1,321 96	814 97	506 99	
Fernandina, Florida	4,825 99	487 33	54 15	(*)	1,091 14	6,458 61	5,649 46	809 15	
Key West, Florida	254,368 14	2,571 17	88 65	357 16	3,636 00	261,021 12	24,364 25	236,656 87	
Pensacola, Florida	52,702 37	2,496 33	228 06	69 62	4,395 47	59,891 85	21,202 37	38,689 48	
Saint Augustine, Florida	23 81	13 83	41 35	(*)	88 80	167 79	3,728 04		3,560 25
Saint John's, Florida	574 06	1,335 30	931 41	10 00	557 05	3,407 82	4,009 25		601 43
Saint Mark's, Florida	237 15	287 29	91 65	200 89	491 11	1,308 09	5,774 88		4,466 79
Brazos de Santiago, Texas	25,863 51	320 92	129 80	1,963 94	8,923 07	37,201 24	55,936 81		18,735 57
Corpus Christi, Texas	34,657 74	355 99	(*)	1,288 01	2,527 49	38,829 23	23,291 01	15,538 22	
Galveston, Texas	111,762 97	3,807 59	2,179 90	747 04	2,331 26	120,828 76	45,651 69	75,177 07	
Paso del Norte, Texas	14,052 80	175 40	(*)	173 07	430 10	14,831 37	13,750 70	1,080 67	
Saluria, Texas	13,368 87	535 00	(*)	602 33	869 02	15,375 22	12,240 30	3,134 92	
Louisville, Kentucky	52,667 01	2,345 12	4,348 85	(*)	973 85	60,334 83	11,519 08	48,815 75	
Nashville, Tennessee	2,154 57	983 12	2,377 95	(*)	140 05	5,655 69	930 10	4,725 59	
Memphis, Tennessee	19,822 45	2,512 80	4,914 45	150 00	1,804 85	29,204 55	9,843 73	19,360 82	
Saint Louis, Missouri	1,398,796 71	10,872 72	12,973 20	271 75	4,584 10	1,427,498 48	39,582 53	1,387,915 95	
Cuyahoga, Ohio	105,527 33	3,144 00	2,054 70	193 26	4,172 20	115,091 49	19,717 99	95,373 50	
Cincinnati, Ohio	246,163 84	6,099 10	7,518 65	193 00	2,769 51	262,744 10	24,355 12	238,388 98	
Miami, Ohio	24,022 89	544 46	573 55	25 00	1,824 50	26,990 40	9,980 00	17,010 40	
Sandusky, Ohio	740 92	941 78	637 25	(*)	2,501 11	4,821 06	7,875 95		3,054 89

Statement of receipts and expenditures of the customs districts of the United States for the year ending June 30, 1877—Continued.

District or port.	Collections.						Expenditures.	Receipts above expenses.	Expenses above receipts.
	Customs.	Marine-hospital dues.	Steamboat inspection.	Fines, penalties, &c.	Miscellaneous.	Total.			
Evansville, Indiana ‡	$746 42	$1,586 99	$3,249 55						
Detroit, Michigan	231,714 18	5,502 75	6,066 25	$116 60	$18,122 02	$261,521 80	$59,506 38	$202,015 42	
Huron, Michigan	151,665 01	2,991 53	4,466 15	129 45	23,044 04	182,296 18	44,231 57	138,064 61	
Michigan, Michigan	1,333 59	2,057 38	3,961 05	173 26	8,011 10	15,536 38	9,234 51	6,301 87	
Superior, Michigan	4,223 37	747 05	2,637 86	56 40	2,787 20	10,451 88	14,659 38		$4,207 50
Chicago, Illinois	1,372,781 06	7,112 92	7,604 91	542 07	18,587 15	1,406,628 11	99,604 68	1,307,023 43	
Galena, Illinois	7 99	826 70	4,946 22	100 00	150 60	6,031 51	1,022 57	5,008 94	
Cairo, Illinois	(*)	916 30	867 40	41 00	107 95	1,932 65	1,517 83	414 82	
Burlington, Iowa	212 45	135 40	307 05	10 50	52 45	717 85	536 52	181,33	
Dubuque, Iowa	303 25	339 52	752 80	(*)	127 90	1,523 47	493 70	1,029 77	
Milwaukee, Wisconsin	53,511 97	4,622 28	6,335 00	120 00	4,884 45	69,473 70	11,460 80	58,012 90	
La Crosse, Wisconsin	539 60	672 70	912 95	(*)	86 85	2,212 10	1,300 00	912 10	
Minnesota, Minnesota	8,811 75	1,207 68	1,149 99	671 23	2,092 68	13,933 33	16,022 05		2,088 72
Duluth, Minnesota	2,008 11	92 73	168 30	24 90	1,485 52	3,779 56	8,107 49		4,327 93
San Francisco, California	7,489,997 92	34,406 00	13,471 30	48,871 77	38,000 38	7,624,747 37	355,392 82	7,269,354 55	
San Diego, California	13,854 36	775 03	171 95	109 56	576 85	15,487 75	8,502 78	6,984 97	
Oregon, Oregon	24,212 22	1,160 74	302 85	25 00	1,189 29	26,890 10	9,159 57	17,730 53	
Willamette, Oregon	145,467 10	1,864 21	3,505 45	(*)	2,492 71	153,329 47	23,616 24	129,713 23	
Southern Oregon	(*)	211 58	250 25	(*)	46 75	508 58	1,138 26		629 68
Puget Sound, Washington	17,052 80	4,053 81	2,354 20	1,154 09	3,473 05	28,087 95	21,536 24	6,551 71	
Omaha, Nebraska	900 05	700 12	673 90	70 90	77 30	2,422 27	466 22	1,956 05	
Montana and Idaho	5,941 29	(*)	(*)	(*)	227 42	6,168 71	2,721 00	3,447 71	
Alaska	1,428 10	326 34	(*)	10 00	1,114 80	2,879 24	10,537 74		7,658 50
Aggregate	131,033,052 12	367,824 19	260,276 08	142,163 37	960,021 98	132,757,754 78	6,167,180 92	126,679,521 85	88,947 99

* No transactions. † From July 1, 1876, to February 14, 1877. ‡ Incomplete.

Number of ports or districts not paying expenses 36
Number of ports or districts paying expenses 92

Total number of ports or districts 128

Ports not paying expenses are: Castine, Frenchman's Bay, Machias, Saco, Waldoborough, York, Barnstable, Edgartown, Nantucket, Bristol and Warren, Newport, Stonington, Dunkirk, Sag Harbor, Great Egg Harbor, Little Egg Harbor, Perth Amboy, Alexandria, Petersburgh, Tappahannock, Beaufort, (North Carolina,) Pamlico, Albemarle, Georgetown, South Carolina, Natchez, Teche, Saint Augustine, Saint John's, Saint Mark's, Brazos de Santiago, Sandusky, Superior, Minnesota, Duluth, Southern district of Oregon, Alaska; total, 36.

Mr. BECK. I mention these facts for the purpose not of making any party capital out of it. I have no idea of that sort. I believe in the Committee on Appropriations we have never allowed politics to divide us, except when we act upon avowedly political amendments, or to interfere with our business views. I believe that we ought to readjust much of the present management of the internal revenue. I believe the Commissioner of Internal Revenue would be glad to aid us in doing so. I believe that our custom-houses ought to be remodeled; that our little fleets along the coast ought to be consolidated; that all the powers of the Government ought to be brought to bear to stop smuggling; that we ought to make annual appropriations for these purposes and keep them all under the control of Congress; that we ought not to follow in our appropriation bills as we have done heretofore merely the routine of former bills, by saying we gave so much last year and we will give so much the next year, and thus trail on in the old line, as we are only too apt to do. Let us break loose from that mere routine business and look at these great questions intelligently.

I hope we will do it in the future. The members of the Committee on Appropriations of the Senate have talked it over. We ought to confer with the committees of the House. I merely desire now to call the attention of the Senate to it. I hope that my friend from West Virginia [Mr. DAVIS] and others, of whom I will not be one, will consider these things carefully, for I do not care about working all summer looking into them, but I trust the chairmen of the Committee on Appropriations of both Houses and intelligent members of the House and Senate, composed of both political parties, will look into all these matters and see if there cannot be substantial improvements made in the collection of the revenues and in diminishing the expenditures of the Government, both in the internal revenue and in the custom service. They may not be able to do it; I think they will. I understand the Secretary of the Treasury is desirous that something should be done, and is, so far as he has power now, seeking to do it; but I suppose he has very little power without the aid of Congress to do very many things that would be very desirable. Perhaps it is a good time now to look into these questions. The democratic party has a majority in both Houses of Congress; the departments are under the control of the other party. It is an ungracious thing sometimes for gentlemen under whom this system has grown up, when mistakes or bad policy of any sort have occurred from time to time, to seek to correct them, but they would be very glad to aid those who are not so immediately responsible in making any corrections of errors that might be found.

Another thing. If we do come into power with the Presidency in our hands, as we hope to do very soon, we would like to have the corrections made beforehand so that we should not be tempted to abuse power ourselves.

Mr. ALLISON. I desire to call the attention of the Senator from Kentucky to the fact that the Coast Survey and the Light-House Board and the general system of revenue marine have prevailed for very many years; they are not a growth of the last few years, but were inherited from very many administrations.

Mr. BECK. The life-saving service is new.

Mr. DAVIS, of West Virginia. But they have been very largely increased over what they were.

Mr. ALLISON. Undoubtedly there has been a large increase, as the country itself has largely increased.

Mr. BECK. I am not complaining of anything from a political stand-point this morning; I am only looking at the matter in a business aspect, to see if we cannot improve it and have a more efficient service at less cost than we are subjected to now. As I am up, let me add something not strictly pertaining to this bill. There are a great many things which astonish me in matters connected with taxation and revenue; among others I refer to a very remarkable statement made by the Senator from New York [Mr. CONKLING] in the very able speech he made the other day, at which I confess I was somewhat astonished. He proceeded to show that all the money collected by taxes was paid by the twenty-seven adhering States with the exception of about $13,000,000, and that six millions and a half of that came from the tobacco of Virginia, and that the State of New York and other States paid immense sums of money in the taxes imposed by the Government for its support, while the eleven States of the South paid very little, and he intimated that they had therefore but little interest in the taxation of the country. I do not allude to the politics of his speech; but the only thing he said in connection with taxation, which is only too true, was that the democracy had not done as much as they had promised to do in changing existing revenue laws. That I have to admit. They have not done as much as I should like to have seen done in that regard; but the statement of the Senator makes a false impression on the country. I looked at the report of the Commissioner of Internal Revenue for the year 1877—I did not happen to have the one for the year just closed—and I find that in internal-revenue matters my State, Kentucky, paid $9,534,424.

Mr. CONKLING. On what?

Mr. BECK. Internal-revenue tax.

Mr. CONKLING. But tax on what?

Mr. BECK. I do not know the detail of it all; principally, I suppose, on whisky and tobacco, for they are the only things that are taxed, except it be beer and stamps.

Mr. CONKLING. Will the Senator allow me to interrupt him?

Mr. BECK. Yes, sir.

Mr. CONKLING. Mr. President, I am glad of an opportunity to propose a question, because I have now a Senator before me who has the courage and the ability, as well as the integrity, to say what he means without disguises. I wish to ask the Senator from Kentucky, does he think he has made a fair statement in saying that Kentucky pays nine million dollars of internal revenue? Does the Senator feel warranted now in making that statement?

Mr. BECK. Only to this extent: Kentucky did in fact pay into the Treasury, so it is reported, nine million and a half. Much of what she paid tax upon was consumed in other States, and the consumer paid a great deal of it. So far, it did not embarrass the manufacturer, which it did to a great extent because of the enormity of the taxation. It was in fact paid by the consumer, as everything else is. But I was seeking to show the Senator from New York wherein I complained of his statement, that the adhering States had paid so much and the other States so little.

Mr. CONKLING. Will my honorable friend, first of all having indulged me in a question, indulge me in an answer to it? Does he think he has made a fair statement when he says that of internal revenue the State he represents with so much distinction has paid nine million and a fraction?

Mr. BECK. I think I have made it fair, because——

Mr. CONKLING. I agree with the Senator entirely. I think he has too; and I only wanted to know his opinion on this subject in order that I might found an observation or an inquiry.

Mr. BECK. Allow me. I made it fair in this sense: it was paid into the Treasury of the United States by collections made in Kentucky, but (except so far as embarrassment occurs to the manufacturer by reason of his business being embarrassed by the enormous taxation) the consumer of the product ultimately pays, and I was endeavoring to show wherein the statement made by him the other day was not fair and I complained of his seeking to impress upon the country the fact that New York, for example, paid such an enormous amount of revenue simply because it was collected at her port in exchange for products such as the cotton of the South amounting to $190,000,000; and the wheat and provisions of the West, which run up to $190,000,000 more; $100,000,000 from the petroleum and other crude products of the country; and so on. In other words, the $600,000,000 of agricultural products that go abroad pay for supplies in return and bring them in British and other foreign ships that have to land in New York; other people living in other States than New York pay nearly all the duties imposed on these imports. Alabama, South Carolina, Louisiana, each pays according to its population and according to the products they send out. And yet according to the Senator from New York they only paid $13,000,000 when his great State paid such an immense sum. I was seeking to answer him by showing that upon such data my State pays more than double all the New England States pay, if there is anything in his argument or presentation of statistics.

Mr. CONKLING. If the Senator will allow me, I wish to compliment him on his power of condensed, concentrated answer. I asked him whether he thought he had made a fair statement, and he has traversed continents, vexed seas, visited islands in order to make response, and now whether he means yes or no I cannot tell.

Mr. BECK. Well, would it be fair to answer the Senator's question by asking him another? Does the Senator from New York think that the statement he made in the opening part of his speech the other day was a fair presentation of that question?

Mr. CONKLING. Shall I answer now?

Mr. BECK. Yes, if you please.

Mr. CONKLING. I answer yes—twice over, yes. I think it was fair, first because what I did was to take the finance report, and the report of the Bureau of Customs and read, without note or comment, certain official figures. But I am willing to assume as my own statement what I thus read; and not more true is it that the Senator from Kentucky owns the coat upon his back or the watch in his pocket than it is that the twenty-seven States do pay the revenue which the figures show, and that the other eleven States do pay only the revenue which the figures show. The honorable Senator says, and says truly, Kentucky paid of internal revenue nine million and a half. On what? On whisky mainly.

Mr. BECK. We make one-third of all the tobacco raised in the United States.

Mr. CONKLING. Very likely; but we will lay aside tobacco a moment as a matter of convenience to deal with one illustration at a time. Kentucky paid millions as tax on whisky. Was the whisky all drank in the State of Kentucky? We all know it was not; enormous as the democratic majority in that State is, no such consumption of whisky is possible. [Laughter.] The other States help to consume it. The manufacturer of whisky buys his stamps, puts them on the whisky, sends it to market and the consumer pays first the cost of producing the whisky and a profit on that, and second pays this internal-revenue duty, and these two elements of cost and increments of value make the market price of the whisky.

The same thing in substance is true in respect of importations. The merchant in New York imports silk from Lyons. He pays so much to the manufacturer; he pays so much for packing and freight and commissions in buying. He pays so much more in customs duties; and then the Senator from Kentucky, or the British subject in Canada, or the traveler from New Zealand goes into his ware-room to buy that silk; and when the importer sells he sells for a sum which will reimburse all the cost and pay a profit beside.

Just like the whisky producer in Kentucky the importer is the man who primarily pays the tax. He is the tax-dealer with the Treasury. He is the only man the Treasury knows in the transaction. He is the man who appears and truly appears in a statement of the rendition of the tax. To say, because Kentucky does not swallow all the high wines she produces, or because Manhattan Island does not wear all the silks she imports, that the Commissioner of Customs is false and the Commissioner of Revenue is false when they attribute to every State the tax there gathered, is in my humble opinion a lame and far-fetched evasion of an inconvenient fact. Were I not speaking during the time of the honorable Senator from Kentucky, I would make the truth much more clear for other reasons than this brief statement makes it; if he will forgive me for yet one other moment, I will add a single observation.

For some reason these tax figures have much disgruntled the democracy. The changes have been rung on the only answer we have heard. It is said that certain States and no others have entrepôts, ports of entry, to which lines of steamships ply, that thus the geography of the country and the courses of ocean transit determine the ports and the States in which custom duties are paid.

Even this is not true.

Were the Revised Statutes at hand I would read the refutation of all this. Had such a theory been advanced two decades ago, there would have been force in it; but more than ten years ago the representatives of the West, of the Northwest, of the Southwest, of the mid-continental States combined with much unanimity and secured the passage of a statute under which every city named, not only seaboard cities but interior cities, Cincinnati, Toledo, Cleveland, Evansville, Savannah, Mobile, Memphis, Milwaukee, Saint Louis, Chicago, Detroit, New Orleans, and others may import directly.

Thus Louisville, Kentucky, may import just as freely as the city of New York. Why? Because the provision is that a man in Louisville wishing to import anything by a line of steamships coming to New Orleans, to Baltimore, to Charleston, to Philadelphia, to New York, to Boston, where he will, may do so, and in place of duties being paid at the port of arrival and so appearing in the public ledgers no entry whatever appears, but the goods go on in bond to Louisville, and there the duties are paid and there the return of the revenue appears. So that under the present laws, laws which have existed for some years, even this criticism has no foundation.

For these reasons, and others with which I will not encroach upon my honorable friend at this moment, I answer his question yes. I believe he stated fairly when he said Kentucky paid nine and a half million dollars of internal revenue, and the Commissioner of Internal Revenue and the Commissioner of Customs and the Secretary of the Treasury stated fairly when they said as I read that in this great partnership of ours certain members of the firm pay two hundred and twenty-four millions annually of revenue, and other members contribute one-twentieth part of the capital: whether the influence, the rights, and the precedence accorded now to these contributors respectively, is in the same ratio, I leave to the arithmetic of the honorable Senator from Kentucky.

Mr. BECK. Mr. President, I said I was trying to avoid politics in the management of this bill, and I am determined to continue to do it. But the Senator from New York has answered his own argument made the other day to my satisfaction when he has said that the consumers paid the tax, and that although goods were landed in New York and paid duties there, either by the importer himself or by importers living in other parts of the country, when they were scattered over the country that tax was added to the price and was paid by the men who ultimately consume them just as the tax on the whisky and tobacco of Kentucky is paid in great part by the men who consume them. Those taxes are taxes on consumption except where they embarrass business, and the first statement made by him that the twenty-seven adhering States contributed it all and paid it all is only true in the sense that the collection primarily is at a particular given point; but the impression he sought to make in the speech he made the other day has been answered by himself to-day, showing that the tax is not paid by the men who primarily hand it over to the Government, but it is paid by the consumers, no matter where they live.

I was showing that, according to the Senator's argument, when I was interrupted, Kentucky paid $9,534,000 of internal revenue in 1877. The State of Massachusetts paid $2,668.76; Connecticut, $661,420.26; Maine, $79,620.89; New Hampshire, $234,998.99; Rhode Island, $233,164.87; Vermont, $50,093.11. Total of the New England States, $2,928,024.68. Kentucky paid $5,600,000 more than all the six New England States. The State of Virginia, one of the eleven seceded States that the Senator said paid so little, paid alone $7,932,220.78 for the fiscal year ending June 30, 1877, while all the States of New England paid only $3,928,024.68. Old Virginia, dismembered as she was by taking West Virginia from her, was paying $4,000,000 more than all the six States of New England combined, and she was one of the eleven that the Senator from New York was complaining had contributed nothing toward the partnership taxes. He has made further statement or illustration unnecessary.

Why, sir, I might show that every advantage has been given to the States lying in that corner of the Union, and it has all been taken

from the great agricultural producing regions of the South and West. The very customs that come in from the port of New York are what constitute our balance of trade or our return for the productions sent abroad. Who sends them? One hundred and ninety million dollars is the product of the cotton crop of the South alone; that goes abroad and furnishes cotton and exchanges to all the nations of continental Europe, principally, it is true, to Liverpool. The only balance of trade we have is by reason of the crude products of the West and South six hundred odd million of the seven hundred million, speaking in round numbers, that were sent abroad of purely agricultural products that go from west of the Alleghanies and south of Pennsylvania in great part. And yet we are told that these people who wear the articles imported, who consume them—and they help to consume our tobacco and whisky as well—pay nothing. Do they not wear the cloth and other things that are imported, as well as the men of New York? These eleven million people South furnish nearly one-half of all our exports, the money received for which brings back the articles that pay the customs duties, and those people consume in proportion to their population and ability just as much as the Senator from New York or any gentleman on this floor. Although the bulk of the customs duties is paid in New York the payment is really made by the consumer, whether he lives North, South, East, or West, and is a tax upon him. Our system of finance is so arranged that the coachman of Mr. Vanderbilt or Mr. Stewart pays as much as either Mr. Vanderbilt or Mr. Stewart to the revenues of this Government; the $50,000,000 or $60,000,000 they own contributes nothing. The bondholder can ride over roads that his coachman has to work to keep up for him, and send his children to a school he does not pay a dollar to maintain; he avoids taxation in every shape and form. The blanket that the poorest negro in the South wears pays double what the finest blanket Mr. Vanderbilt sleeps under pays. The whisky of the coachman pays 400 per cent., while the sherry and Madeira that the distinguished gentlemen on the other side drink pays only 10 per cent. Everything is so arranged as to tax poverty and labor; everything is done to exempt wealth; and for gentlemen to rise here and claim that they are paying all the taxes is ridiculous. There is not a negro in the South, I repeat, that has a family of five children who does not pay more to support this Government than Mr. Stewart did the day he died, as he had only himself and his wife to provide for, and all the taxes that any man pays come from what he eats and wears and drinks or uses; the poorest man pays as much as the richest. Yes, sir, 50 per cent. of what he earns is taken from the laborer in one form or another, while less than ½ of 1 per cent. of what many of the rich men of New York make is taken from them in the form of taxation. The Army and the Navy of the United States and all the police of the United States are kept up and maintained to protect and preserve their untaxed property; and yet they are complaining that the people living in the South and living in the agricultural regions are not contributing as much as they are to the support of the Government.

I did not desire to go into that subject at length; but there are numerous inequalities in other regards. We were told by the Senator from New York, too, that Congress had taken off ten or fifteen millions of revenue in order to give relief to the people who were raising tobacco in the South, and that was made a matter of complaint; the Treasury officials also sought to make us believe that that was true. Sir, I have the report of the revenue collected for the nine months ending the 30th of April, 1878, and the revenue collected for the nine months ending the 30th of April, 1879, and the record shows that so far from there being a falling off of eleven or twelve millions of revenue in the last nine months we collected $223,000,000, and in the nine months preceding $218,000,000, an increase of $5,000,000, and the internal revenue of the last nine months was $88,400,000, while for the nine months preceding that it was $88,700,000—less than $300,000 difference. I wrote on the 6th day of this month to the Commissioner and I learned from him that the amount collected from internal revenue from the 1st to the 6th of May, inclusive, was about four and a half millions, while for the nine months before it was less than three millions, or an increase of internal revenue of $1,323,788.28 in the first six days of this month over what it was for the corresponding days of the same months last year. And this being the 15th of May I will venture to assert now that the amount collected in the last fifteen days compared with the fifteen days of May, 1878, will reach an increase of $3,000,000. The statements just referred to are:

Comparative statement of receipts, (by daily statement,) July 1, 1877, to May 1, 1878, and July 1, 1878, to May 1, 1879.

	Customs.	Internal revenue.	Miscellaneous.	Total.
1877—July	$10,060,860 83	$8,764,574 36	$4,505,699 57	$23,331,134 76
August	13,823,729,87	9,715,944 98	2,431,552 06	25,971,226 91
September	12,599,656 99	10,048,211 87	1,420,106 61	24,067,975 47
October	11,960,400 92	9,742,978 36	1,605,786 33	23,309,165 61
November	9,433,916 48	8,997.562 51	1,634,903 09	20,066,382 08
December	8,383,192 43	9,326,228 67	1,598,093 90	19,307,515 00
1878—January	9,595,237 94	8,149,208 03	3,165,859 35	20,910,305 32
February	10,372,852 49	7,195,815 36	2,536,485 71	20,105,153 56
March	12,022,193 25	8,167,856 33	850,023 56	21,040,073 14
April	10,994,261 09	8,633,734 55	301,358 49	19,929,354 13

Comparative statement of receipts, &c.—Continued.

	Customs.	Internal revenue.	Miscellaneous.	Total.
1878—July	$11,198,270 08	$9,904,853 60	$4,002,826 75	$25,105,950 43
August	14,367,840 69	9,478,707 50	2,119,488 43	25,966,036 62
September	12,735,226 86	9,254,237 75	3,153,668 36	25,143,132 97
October	11,699,525 97	10,144,192 26	1,535,741 29	23,379,459 52
November	9,460,404 10	9,863,199 98	2,681,656 11	22,005,260 19
December	8,454,517 57	9,093,140 17	2,020,381 61	19,568,039 35
1879—January	10,269,933 86	8,283,858 97	2,859,970 54	21,413,763 37
February	10,843,383 29	7,061,733 85	1,591,982 29	19,497,099 43
March	13,281,520 70	7,468,559 25	32,753 88	20,782,833 83
April	11,940,051 52	7,846,513 34	315,153 22	20,101,718 08

TREASURY DEPARTMENT, WARRANT DIVISION, *May* 3, 1879.

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., May 6 1879.

SIR: In reply to your telegram of this date, I have to inform you that the receipts from customs—

From May 1st to 6th, inclusive, 1878, were	$1,591,173 23
For same period in 1879	1,562,051 22
Less	39,122 01
From internal revenue:	
From May 1st to 6th, inclusive, 1878	$2,922,228 43
For same period in 1879	4,246,016 71
Excess	1,323,788 28

Very respectfully,

J. T. POWER,
Chief of Warrant Division.

Hon. JAMES B. BECK,
United States Senate.

What is the cause of it? Because the reduction of the tobacco tax that we were told was going to lose so much and cripple the Government so greatly and require them to issue bonds if we took it off, has worked advantageously, the producer of tobacco is getting a living price now, instead of a starvation price as he did before; and my word for it the amount of tobacco that will be produced, the prosperity that will come to the man who is raising it because of the low tax imposed on it, the revenues of the Government even at sixteen cents a pound will in the next fiscal year be up to, if it does not exceed, what was received from it at twenty-four cents. In two years it certainly will; and so it is every time you reduce taxation you increase revenue. I could take the silk manufacture in America as an illustration, if I had time, and demonstrate what I say, but I will not. Indeed, I confess that I am speaking now on subjects not germane to this bill. I will only say we consume over $70,000,000 of silk and mixed-silk goods. With a tariff of 60 per cent. the tax on the consumer is $42,000,000 a year; the Treasury gets $13,000,000. For whose benefit is the tax imposed? A few artificial establishments in one corner.

The raw silk is free, and 60 per cent. is the duty on the product, making 120 per cent. in fact, and we get $13,000,000 of revenue; whereas if there was none produced in the United States—and we might as well protect the production of lemons and oranges in New Hampshire and Vermont in competition with Cuba and Florida as to undertake to protect the production of silk in this country in competition with France—$42,000,000 would be the revenue on the $70,000,000 of imports at 60 per cent. I repeat, we are getting $13,000,000. We could afford to-day to buy a farm and pay a thousand dollars apiece to the head of every family engaged in silk manufacturing; we should treble the revenue every year after you had bought them off with the tax that the people are now paying. So it is with a great many other things.

I will call attention to another fact, that is, the inequalities that exist as to the employés in all the Departments of the Government. I understand the Senator from Ohio desires to speak in a few minutes; therefore I will only refer to this one additional thing.

Mr. THURMAN. Go on.

Mr. BECK. One minute. I have gone through with what I desired to say about the bill and have got off on something else. There was a provision made a few years ago that the appointments in the Treasury should be so arranged as to be equally distributed among the several States of the United States, the Territories, and the District of Columbia, according to population. It so happened that one poor fellow from Kentucky, who had been once unfortunate enough to get a place in one of the auditors' offices, had been discharged, and he sought to be restored to his place. He was appointed on the recommendation of Mr. Crittenden, indorsed by Garrett Davis, Mr. Moorhead, and by all the men from Kentucky in the Senate and the House at that time. He had the credentials of all the officials in the Department as a competent and faithful officer. I looked over the Blue Book for 1876, and I saw there was no man from Kentucky there; there was hardly any in any Department of the Government. I saw we had one librarian somewhere by the name of Russell, from Massachusetts, charged to Kentucky; I never heard of him. About the only eighteen-hundred-dollar clerk we had in the Treasury was a man by the name of Charles P. Sumner, also from Massachusetts,

charged to Kentucky. Perhaps he was a Kentuckian, but I never heard of him either. There were one or two others. I thought under the law we ought to get this man back, but I was told there were no vacancies, and I so reported to him. The Second Auditor was the man I thought might take him, Mr. E. B. French, a very good man and a first-rate officer. The Kentucky delegation indorsed his petition. We called attention to the law, saying that we had nothing in his office, hardly any in the Interior Department, only one colored man in the War Department, not a single one in the Navy Department, hardly any anywhere; and when I looked over the Blue Book for 1876—I did not happen to have the last one with me—I found that we had about twelve or fourteen men and women, black and white, all told; but how was the State of Maine? I happened to look at that first. Mr. French coming from that State, Maine had ninety in the Treasury Department alone, although she had less than half our population. They were drawing out of the Treasury of the United States for the employment of persons in the Treasury Department, according to the Blue Book of 1876, $129,920, and in the other Departments there was at least a quarter of a million dollars paid to citizens of the State of Maine annually as salaries in these Departments, to say nothing of what she gets out of the custom-houses, having twelve out of thirteen where the salaries amount to more than the receipts. But in Mr. French's office the amount was $26,000; A. F. Wright at $2,100; Charles Lowell at $1,800; W. A. Moorhead, $1,600; T. P. Keene, $1,600; H. A. Higgins, $1,600, and so on, and so on, making in that single bureau of the Second Auditor's Office from the State of Maine $26,100 paid; yet the whole Kentucky delegation could not get a man from Kentucky a place who had been in the Department for twenty or thirty years, with a large family, who was about to be sold out to pay liens for city improvements on his house. He could get no employment, because it was said there was no room for him. What is the use of a law requiring the States to have an equal proportion, with ninety employés from the State of Maine, twenty-odd in the Second Auditor's Office, and Kentucky could not get one because there was no room for him. He was competent, proved to be so, certified to be so. These are things that perhaps ought to be looked into by the committees, if the law is to be obeyed.

But I beg pardon. I have somewhat delayed the Senator from Ohio, I fear. I now desire to call attention to the fact that there was an amendment pending to the bill offered by the Committee on Post-Offices and Post-Roads.

Mr. MAXEY. I hope it will be voted on.

Mr. BECK. Let it be considered pending, and let the Senator from Ohio go on.

Mr. MAXEY. I should like to have the vote taken.

The PRESIDING OFFICER, (Mr. WHYTE in the chair.) Is there objection to taking the vote now?

Mr. HOUSTON. I wish to be heard upon the amendment before the vote is taken.

Mr. THURMAN. Mr. President——

Mr. HAMPTON. I ask the Senator from Ohio to yield for a moment to a privileged question.

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from South Carolina?

Mr. THURMAN. Certainly.

Mr. HAMPTON. Mr. President, I did not hear, the other day, the remarks of the Senator from Minnesota [Mr. WINDOM] wherein he referred to me. In the RECORD to-day, I have read those remarks, and I simply wish to correct one error into which he has fallen. It is where he states that I had placed in the platform of the democratic party in 1868 the words declaring that the reconstruction acts were unconstitutional, revolutionary, and void. I have time and again denied that I said that; I have proved that I did not say that; and I am sure that the Senator did not wish to do me injustice. Had I put those words in the platform I should certainly have stood by them and acknowledged them; but I, simply as an historical fact, state that I did not put those words in the platform.

Mr. WINDOM. Mr. President, I certainly did not desire to do the Senator injustice, and I will state to him the authority on which I made the statement, and I never had seen his denial of it. During that campaign I cut from the public prints of the day the following, which purported to be a speech of the honorable Senator, in which the paper reporting him used this language:

> When the resolutions offered by the Senator from Maryland, which declared that the rights of suffrage belonged to the political powers of a State were being considered I begged to add a few simple words. They agreed, and I took the resolutions which you will find embodied in the platform, and added to them, "and we declare that the reconstruction acts of Congress are unconstitutional, revolutionary, and void." [Cheers.]
>
> That was my plank in the platform. I *wanted nothing else*, for when the great democratic party had pledged themselves to that, when they had declared that these acts were *unconstitutional, revolutionary, and void*, I was willing to wait in patience until that party would be triumphant and apply the remedy in their own good time.

I know not whether that was correct; but of course if the Senator says it was not, I accept the explanation. I saw him in his seat at the time I made the speech, and regret he did not correct it then so that his correction could go out in my speech.

Mr. HAMPTON. I did not hear the Senator's remark, or I should have corrected it at the time. As to the speech to which he refers I cannot say whether I used those words or not. I think it probable I did, but if I did use them, it was in the sense that this was a plank in the platform that I approved of, and in that sense my plank. I only state now the fact that I did not put those words in the platform. The Senator on the right of the Senator from Minnesota, the Senator from Wisconsin, [Mr. CAMERON,] heard my explanation, on one occasion, of all these facts and I showed him then documents in connection therewith, on an examination by a committee, the kuklux committee I think, when he was in South Carolina.

I only wished to make the disclaimer for the vindication of "the truth of history."

Mr. WINDOM. I do not understand, then, that the Senator now denies having made the speech from which I read; but if he does, that is all the authority I had on the point.

Mr. THURMAN addressed the Senate. [His speech will be published in the Appendix.]

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Texas, [Mr. MAXEY,] from the Committee on Post-Offices and Post-Roads.

Mr. DAVIS, of Illinois. I move that the Senate adjourn.

Mr. DAVIS, of West Virginia. I hope the Senator will withdraw that motion a moment. The Senator who has charge of the bill is not in the Senate, and it is hardly proper that the Senate should adjourn in his absence.

The PRESIDING OFFICER. Does the Senator from Illinois withdraw his motion to adjourn?

Mr. DAVIS, of Illinois. No, sir.

The PRESIDING OFFICER. The Senator from Illinois moves that the Senate do now adjourn.

The motion was agreed to; and (at four o'clock and eleven minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May* 15, 1879.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

OFFICERS AND SOLDIERS OF THE MEXICAN WAR.

Mr. GOODE, by unanimous consent, introduced a bill (H. R. No. 2000) declaratory of the meaning of the act approved February 19, 1879, entitled "An act for the payment of the officers and soldiers of the Mexican war of the three months' extra pay provided for by the act of July 19, 1848;" which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PETITION FROM CITIZENS OF PENNSYLVANIA.

Mr. CLYMER. I ask unanimous consent to present a petition of legislative and executive officers and citizens of Pennsylvania setting forth their views on the existing condition of public affairs and praying for the enactment of laws which will secure and maintain the peace and safety of the Government; and I ask that it be printed in the RECORD.

Mr. WHITE and Mr. KILLINGER objected.

Mr. CLYMER. If that right is denied me, of course I will have to present the petition in the ordinary way; but it comes from a body of senators and members of the Legislature of the State of Pennsylvania, and is a respectful paper, containing their views upon this subject.

Mr. WHITE. It comes from a minority of the Legislature of my State.

Mr. CLYMER. Suppose they are a minority?

Mr. WHITE. Very well, I object to it.

Mr. CLYMER. Then I withdraw the petition and will place it in the petition-box.

STEAMBOAT NEW ERA NO. 5.

Mr. THOMAS, by unanimous consent, introduced a bill (H. R. No. 2001) to authorize the payment of prize-money to the captors of the steamboat New Era No. 5 and cargo; which was read a first and second time, and referred to the Committee on Naval Affairs.

REMOVAL OF CAUSES TO UNITED STATES COURTS.

The SPEAKER. The morning hour begins at ten minutes past twelve o'clock. The unfinished business coming over from yesterday is the bill (H. R. No. 1715) to repeal certain sections of the Revised Statutes and to amend certain sections of the Revised Statutes and of the Statutes at Large relating to the removal of causes from State courts, with amendments. The gentleman from Indiana [Mr. ORTH] is entitled to the floor.

Mr. FERNANDO WOOD. I would make a suggestion to the chairman of the Committee on the Revision of the Laws, or the member of the committee who has the bill in charge, and that is, to take this bill out of the morning hour, so as to enable other committees to make their reports.

The SPEAKER. The gentleman from New York [Mr. FERNANDO WOOD] suggests that the bill, being unfinished in the morning hour, be allowed to take its place after the morning hour in the House.

Mr. TOWNSHEND, of Illinois. I wish to say that I have the bill

in charge and that I am opposed to that motion, for if the bill be taken out of the morning hour some other bill may antagonize it.

Mr. WARNER. I call for the regular order.

Mr. TOWNSHEND, of Illinois. If it be understood that no other business will interfere with it after the morning hour, I shall have no objection.

Mr. FRYE. I shall object to that.

The SPEAKER. The gentleman from Indiana [Mr. ORTH] has eight minutes of his time remaining.

Mr. TOWNSHEND, of Illinois. I think he has twenty minutes remaining; it was so announced yesterday.

Mr. CLYMER. I happened to occupy the chair at the expiration of the morning hour yesterday, and my recollection is that the gentleman from Indiana [Mr. ORTH] has twenty minutes remaining.

The SPEAKER. Then the gentleman will proceed for twenty minutes.

Mr. ORTH. I do not think I shall occupy the whole time, but inasmuch as my time is limited I shall be under the necessity of declining to yield to any interruption.

The SPEAKER. The Chair will so understand it.

Mr. ORTH. In my remarks yesterday in the morning hour and just before its expiration I had referred the House to sundry decisions of the Federal courts sustaining the position which I have taken, that this legislation, the right of the General Government to transfer its causes to the Federal courts, is entirely within the constitutional power of Congress. I shall this morning follow that line of argument by referring to decisions from State courts.

I hold in my hand the seventy-seventh volume of the reports of the supreme court of North Carolina, and I find two decisions in those reports made within the last two years, adjudicated cases upon the law now under consideration. The local courts of North Carolina indicted persons for offenses against the criminal laws of the State, and application was made by the defendants for the removal or transfer of their cases to the Federal courts, on the ground that the acts alleged in the indictments were committed by them in their position of United States officials and in the line of their duty. The application was granted in the inferior courts in both cases. The question, however, was taken by the attorney-general of North Carolina to the supreme court of the State, upon the ruling of the court below that the cases were transferable under the act of Congress. When the cases came to the supreme court, which consists of five judges—a chief-justice and four associates—the matter was fully and thoroughly argued. The whole question was considered, and I regard this decision as exceedingly valuable in the discussion and consideration of this question, not only because it was the adjudication of the State court yielding to the supreme authority of the General Government, but it was a State court in a section of the country where it would be natural, if anywhere, to look to a strict construction of the act of Congress, and probably a denial of the right of the General Government in the premises.

I will detain the House but a few moments by reading a portion of the decision of this court. I would remark here, that while the court was composed of five judges there was only one dissenting opinion—four judges concurring in the opinion that was delivered by one of the associate judges. The principal and leading case was decided at the June term of 1877, being the case of the State against Hoskins, and is to be found in volume 77, North Carolina Reports, page 532. The court use this language:

> We have seen that Congress has power "to lay and collect taxes" and "to pass all laws necessary and proper to execute the power," and a law has been passed and an officer appointed to execute it, and that officer says he has been resisted. Now, must not the United States protect its officer? What is the use of the power to lay the tax and to appoint the officer if he may not be protected? It is no answer to this to say he may be protected when he does right, but not when he does wrong; for how can the United States know whether he has done right or wrong unless she can try him, and how can she try him unless he be delivered up on demand? It would seem to be too plain for discussion that the right to protect the officer is indispensable to the service and inseparable from the power of the government which appoints him. Nor is it an answer to say that the State will protect him if he deserves protection; for no one ever heard that one government could trust the execution of its laws or the control of its officers to another government, however friendly. Governments could not remain friendly upon such relations.

And again:

> And the act in question, substantially in the same form as now, having been upon our statute-book for a half century, and repeatedly considered and never having been declared void by any court or text writer, it would have been a judicial adventure to make a conflict of jurisdiction between the State and the United States courts.
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> The United States is not a foreign government. It is our government, as much so as North Carolina is; we are represented in it, and we are its citizens. It can protect its citizens, it can punish its officers, and it can repeal bad laws. How puerile then it is to regard the United States as a "foreign" government, and to look to North Carolina or any other government to protect us against its oppression! As well might we appeal to Virginia to protect us against the aggressions of North Carolina.

That decision covers the entire ground assumed by those of us who say that there should be no change in the present law providing for the transfer of criminal causes from the State to the Federal courts, in which there is a Federal ingredient, or which arise under questions growing out of the execution of our revenue laws.

I wish now to summarize or formulate the propositions which I have brought to the attention of the House during this discussion. And as I understand the gentleman from Maryland [Mr. MCLANE] is to follow me, I respectfully call his attention to these propositions:

1. The right of the United States under the Constitution, to have all questions arising out of or affecting her laws decided by her own courts.

2. The exercise of this jurisdiction is not only proper but necessary in order to preserve her own independence and supremacy.

3. That the laws of Congress now and heretofore in force providing for the transfer of all causes, in which there is a "Federal ingredient," are in accordance with the Constitution and have been so recognized by the uniform decisions of the courts for a period of over sixty years.

4. That such transfer of both civil and criminal cases carries with it, as an inseparable incident, the laws of the State so far as applicable and necessary, from whose courts such transfer has been made.

5. If such "incident" does not accompany the transfer, then Congress has the right to attach it by appropriate legislation.

6. That Congress has on divers occasions exercised the right of such legislation.

7. That if these propositions are untenable, then the United States has no power to protect its officers in the discharge of duties imposed upon them by its legislation, and is at the mercy of any State government which may in its discretion enforce or disregard the laws of the United States.

8. The reverse of those propositions would effectually destroy the sovereignty of the United States and make the several States of the Union not only independent of, but supreme over, the General Government, thus practically endangering if not destroying its very existence.

A government which cannot enforce the collection of its revenues is thereby deprived of its chief attribute of sovereignty. If it must depend upon the comity of another government for the exercise or enjoyment of any of its rights, it ceases to have that vitality which is necessary to its existence.

The language of Chief-Justice Marshall in the case of Osborn *vs.* The Bank of the United States, 9 Wheaton, 847, is most appropriate to this occasion:

> If a State shall impose a fine or penalty on any person employed in the execution of any law of the United States, it may levy that fine or penalty by a ministerial officer without the sanction even of its own courts. * * * The carrier of the mail, the collector of the revenue, the marshal of a district, the recruiting officer, may all be inhibited under ruinous penalties from the performance of their respective duties.
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> * * * * * *
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> Each member of the Union is capable at its will of attacking the nation, of arresting its progress at every step, of acting rigorously and effectually in the execution of its designs, while the nation stands naked, stripped of its defensive armor, and incapable of shielding or executing its laws.

Now, I grant you that this legislation, casually considered, may be regarded as anomalous. The truth is that our whole system of government, national and State, is an anomaly; but it strikes me that each can perform its proper function, move in its own orbit, without overstepping the boundaries allotted to it by the Constitution and the laws of the land, and that a closer examination and study of our apparently complex system of government, State and national, will be seen to be entirely harmonious and consistent, one part with another; that there is no real conflict, and need be none, for the national and State governments move in separate orbits, and their respective spheres are clearly defined by organic law, and its exposition by competent authority.

While I am thus pleading for the rights of the General Government in this respect, I would not for one moment infringe upon the proper rights of any of the States of this Union. They can exist together, as they have existed together, without serious conflict or danger. Let it be understood, and let us so act, both in our public and private capacity, that we hold to the doctrine that this is an indestructible Union, and recognizing also that it is composed of indestructible States. Let it be known that this Government of ours is composed of *many* as the billows, but is nevertheless *one* as the sea. For one hundred years it has diffused its benefits and blessings, making us the happiest and most prosperous people upon God's green earth. Let us all join in the invocation that this good Government of ours, handed down as a rich heritage from our ancestors, may be transmitted by us unimpaired and untarnished to our children and our children's children to "the last syllable of recorded time." [Applause.]

Mr. MCLANE. Mr. Speaker, I very much regret that this question should have been in any way confounded or confused with the point of order made by the gentleman from Kentucky, [Mr. KNOTT.] In the few remarks I have to address to the House I hope that question will be understood to be entirely aside from the discussion. The question presented by this bill is now properly before the House. Whatever might have been the merits of the point of order if it had been originally made, the House, by its reference of the bill and by the subsequent reporting of the bill for consideration, has disposed of the point of order. We have now before us the proposition itself upon its merits; and certainly no gentleman who has listened to the remarks just closed or to the remarks of the gentleman from Illinois [Mr. TOWNSHEND] on yesterday and the day before can doubt that we have before us for consideration one of the most important ques-

tions in principle as well as in detail that could be possibly presented for our consideration.

Now I have no time to exchange with my friend who has just closed [Mr. ORTH] any professions of devotion either to the rights of the States or to the rights of the United States. Whatever those rights are they are well defined in the Constitution of the United States, and the professions of no man are entitled to any respect if he seeks to give either to the General Government or to the State governments powers not conferred by the Constitution. No matter how high may be the character of the individual, no matter how loud may be his professions of devotion to his country, he must be judged by the letter of the law; and if he seeks to give to the Federal Government any power which is not expressly granted or which by legitimate and just construction is not in the terms of the Constitution "necessary and proper" to execute some express power, or in the language of the Supreme Court of the United States, appropriate to that end, he ceases to have any right to stand upon this floor or before the people as the champion either of the rights of the United States or of the rights of the States.

The question we have now to consider is, in my judgment, as simple as the letter of the Constitution itself. The jurisdiction of the Supreme Court of the United States is expressly defined in the Constitution. Nothing beyond the provisions of that instrument can be assumed by the Congress of the United States. Tribunals inferior to the Supreme Court of the United States may be organized by Congress, but no powers can be conferred upon these inferior courts greater than those possessed by the superior court. No lawyer, no layman, can suppose that after the Constitution has defined the judicial power of the United States, Congress, because it has the power to create an inferior tribunal, can give to such a court greater power than the Supreme Court itself possesses by the letter of the Constitution. That is the issue, and the only issue, presented by this bill.

So far as the civil jurisdiction is concerned, we have it defined in the Constitution; and until after the year 1866 no attempt was made by any Congress to extend that power. Where an alien was concerned, or where the suit was between citizens of different States, the laws of Congress provided for the transfer of suits from the State courts; and that is the only power which the Constitution of the United States concedes to the judicial department of the United States.

In 1866 and in 1867 and in 1875 we went along, doubtless with a good intent and object, but influenced by the education and habits of the day. No gentleman on either side of this House need be told that during the years from 1865 to 1875 we legislated for this country according to the spirit of our own age, and not at all according to the spirit of our fathers. We dealt with a very different condition of affairs. We had been involved in five years of civil war. All the principles, all the theories of the Constitution were swept away by war, and no man, North or South, during those years of war or for years subsequent—I say it without any fear of reproach—escaped being influenced in his views of constitutional authority by that war. The habits of thought and action originating in the war have still their full force in this legislation to-day. There is not to be found a man in active life in this country who does not allow the lessons, the experience, the habits, and the legislation of the war to influence him still. But I shall not upon this occasion, or indeed upon any occasion, address to this House any sentimental appeal having reference to that war.

Mr. FRYE. I desire to ask the gentleman a question, if he will allow me.

Mr. MCLANE. Certainly.

Mr. FRYE. I agree with the gentleman entirely in the view that in the past we have gone too far in extending the jurisdiction of the Federal courts and allowing the transfer of cases from the State courts. I think that the time has now come when we can and ought to correct this matter. Now, I desire to ask the gentleman whether he has examined the bill reported to this House from the Judiciary Committee at the last session by the gentleman from Texas, [Mr. CULBERSON,] touching this matter?

Mr. MCLANE. I have not.

Mr. FRYE. I think that if the gentleman had examined that bill he would have been entirely satisfied that the Judiciary Committee, after an examination of nearly two months, did all that was necessary to be done in relation to this question.

Mr. TOWNSHEND, of Illinois. I will answer the gentleman from Maine, [Mr. FRYE.] I introduced in the last Congress, virtually, with some amendments, the same bill which is now pending, and it was referred to the Judiciary Committee. That bill did not in any manner whatever touch the original jurisdiction of the Federal courts. It related alone to the removal of causes from State courts into the Federal courts. The Judiciary Committee brought before the House during last Congress a bill alluded to by the gentleman from Maine, which limited the original jurisdiction of the Federal courts by raising the minimum of a certain class of cases to the amount of $2,000. The bill reported from the Committee on the Judiciary did not directly affect the law in regard to the removal of causes from the State into the Federal courts; it was different from the bill I had introduced and hardly of the same nature. The gentleman reporting the bill may have remarked that it was intended as a substitute for my own and other bills, but it did not make it so by calling it a substitute. If they had brought that bill in and said it was a substitute for a bill to repeal the election laws, that would not have made it a substitute for such a bill. The point I make is this, that the bill brought in by the Judiciary Committee in the last Congress was not of the same nature as the bill now under consideration, or of the bill I introduced into the last Congress.

Mr MCLANE. Now, Mr. Speaker, I might perhaps like the bill to which the gentleman from Maine has referred better than this, quite possibly so, but I have never seen it. But what is material to me, and I think to the House, is whether this bill we are now considering is perfectly satisfactory. I think it is. Certainly it has nothing in it to which any just exception has been taken. It may not go as far as it ought to go. I for one do not think it does. I have upon my table two other bills which have been introduced into the Senate at this session having the object this bill has, which I greatly prefer to this bill. They reach some cases that this bill does not reach, but in the main, both as to the civil cases which may now be transferred from the State to the Federal courts and the criminal cases which may be transferred, I am content with this bill, and I shall not occupy the attention of the House longer than to indicate its character as I understand it.

Now, the greatest interest affected by this in the civil cases which may be removed I suppose to be the insurance cases. They have occupied considerable attention in this debate and they certainly bring a greater influence into this discussion than any other class of cases, although the provisions of the bill equally affect all cases where the amount exceeds $500. I cannot conceive any insurance company going into a State which should not be subject to the laws of that State. In my own State we permit no insurance company to establish an agency there that does not permit a visitation from the State annually into the most minute transactions, and we never would allow any foreign insurance company—I mean by foreign any insurance company of another State or another country—to come into our State which does not subject itself to the police power of the State, and no State in this Union will permit an insurance company to establish an agency within its limits upon any other terms. Every other State has laws of the same tenor, differing only in the labor and intelligence which may have been applied in their enactment, and in all those laws the power and jurisdiction of the State are amply recognized.

Yet, Mr. Speaker, these cases, which excite now the major part of the interest involved in opposition to this bill, are cases which in a great degree oppress the people of the States where these insurance companies have their agencies. What can be more monstrous, sir, than for any company, whether it be a foreign company, properly so called, or a company of a sister State, to take the citizen of the State whose life or property has been insured from his own home or his own district, from the spot where the evidence is to be found, where the property itself is situated, where the life, while there was life, resided, to carry him first of all to the center of the State, to the circuit court, and then in the last degree from the circuit court to the Supreme Court of the United States in the city of Washington. The grievance of detail is more odious to me infinitely than the vicious principle involved in the bill, and I shall address myself to both those points as paramount in our consideration.

It is essential in the last degree, Mr. Speaker, that the experience we have had in war and in peace should not be lost. Every true patriot is ready to accept the Constitution, the last amendment as sacred and as obligatory as the first, amendments ingrafted upon it and sealed with the blood of the country, North and South, but one no more and no less sacred than the other. Just as before the war I would have insisted upon the obligation of every man to respect the whole Constitution so I do now. Whatever there has been of evil in this country, whatever there has been of corruption, results from indifference to constitutional restraints and limitations, and God knows this corruption has reached from the lowest to the highest seats of power; we have reached the point when there is no branch of our Government which has not been corrupted by the power and the wealth and the influence of the Federal Government. Now more than ever, more than before the war, is it our duty to defend the instrument itself and not seek to enlarge it either to the prejudice of the States or of the people.

In reference to the question of State rights, properly considered, they are defined in the Constitution of the United States, and it is in the Constitution of the United States that I look for the rights of the States as well as for the rights of the United States. If there ever was a case clear to me it is that that law of 1866, and still more the law of 1875, invaded the constitutional rights of the States. Now, Mr. Speaker, is it wise, is it reasonable, for us to exert ourselves in every conceivable way to degrade the States?

Why, sir, I sat here the other day and heard applause to the echo because honorable gentlemen said that this or that application of the principle elevated the power of the United States. Mr. Speaker, gentlemen need not concern themselves about the power of the United States. There is no greater power to-day known among men in government, and I thank God for it, than the power of the United States; power at home and power abroad. But do you think, sir, that that reconciles me to men on either side of this House who would abuse

that power, who would use the power which was given to protect and defend the States first, and then the people of the States. I say the States first, and I follow the words of the Constitution.

All power not granted to the United States is reserved to the States or to the people.

And I am indulging in no extravagance when I say that the whole course of our legislation from 1866 till now, till to-day, goes to increase, magnify, exaggerate even the power of the Federal Government as against the power of the States, and nowhere so insidiously, nowhere so dangerously, as in these very sections which it is now proposed to repeal.

Why, what would our fathers have thought of a citizen of the United States being indicted in a United States court for violation of the common law; not a State statute, not a United States statute, but a violation of the common law? And I need not say to any man that the United States has no common-law jurisdiction. My honorable friend from New Jersey [Mr. ROBESON] would not question that proposition. Whatever he might think about the power of the General Government to keep the peace he would admit that the Government of the United States has no common-law jurisdiction. And yet one of those sections of the Revised Statutes which this bill repeals permits the Federal court to take out of the jurisdiction of a State court a citizen of the State indicted for an offense at the common law, and then to try him in the United States court under the indictment found in the State court. Why, sir, a more monstrous proceeding, one more unconstitutional, more vicious, and more oppressive to the citizen, cannot be conceived of.

Now that case has occurred in my own State, a much worse case, an infinitely worse case has occurred in the sister Commonwealth of Virginia where not only her citizens, but her judges, her judicial officers have been carried to a Federal court for trial, under State law too, because in those cases in Virginia under the Federal statutes as well as the common law principle an offense was committed.

Now, as I understand this bill, it brings us back—and if I am not perfectly correct in my statement I ask the learned gentleman who has just concluded his argument to correct me—as I understand this bill it brings us back to where the law stood in 1866.

Mr. ORTH rose.

Mr. ROBESON. May I ask the gentleman from Maryland a question?

The SPEAKER. To whom does the gentleman from Maryland yield?

Mr. MCLANE. I have asked the gentleman from Indiana [Mr. ORTH] a question, and yield to him that he may answer it.

Mr. ORTH. The law now sought to be repealed by the bill introduced by the gentleman from Illinois, [Mr. TOWNSHEND,] and now under consideration, relates back to the statute of 1833, modified and changed in some respects by the law of 1865. But it goes further, and repeals all laws upon the subject of transferring criminal cases from State to Federal courts. That would be the effect of the law if passed.

Mr. MCLANE. All laws except those which relate to the alien, which are not repealed—all laws except those relating to suits against an alien and suits brought by the citizen of one State against citizens of another State. Those laws remain in force, as I understand this bill.

Mr. ORTH. Yes, sir.

Mr. MCLANE. And they ought to remain in force.

Mr. ORTH. That remains; and I will say if this bill which is now under consideration should pass it will deprive the General Government of the power of transferring any cause arising under the civil-rights law, the revenue law, or the elective-franchise law.

Mr. MCLANE. I have no doubt about that. Those laws were all passed after 1865.

Mr. ORTH. Except the revenue laws.

Mr. MCLANE. This does not interfere with the revenue law, as I understand it.

Now, I say to the gentleman from Indiana, and the point is very distinct, there is no interference whatever with the power to transfer a cause where an alien is sued or where the suit is between citizens of different States. And I support the bill cordially because it permits no other transfer at all. That is exactly its merit. I begin with that year 1865, I begin with those laws known as the civil-rights laws and known as the enforcement law. They are unconstitutional laws now by the decree of the Supreme Court of the United States. They were unconstitutional laws before in the judgment of every man who was not blinded by patriotism or partisanship. [Laughter.] Oh, I used the term without intending to give you more credit than you deserve; but I wish to avoid any offense to you. My honorable friend before me who smiles must not think I used the term inadvertently. From one end of the northern country to the other and throughout the South wherever there was found a Union man he felt it his duty to strengthen the power of the Federal Government. That is the sense in which I spoke and it is not offensive to any man. That was the spirit throughout the North and throughout the South wherever partisans in the South could be found in favor of the Union. Why, sir, I need not go further than my own State. The most extravagant and ultra demands that ever were made upon this Government were made by southern men. In my own State, if I may be permitted to refer to it, petitions were addressed to the President of the United States, or the Congress of the United States, to drive out of Maryland every man who sympathized with the war of the rebellion, regardless of home, of wife and children, and regardless of property.

Now, I suppose that men blinded by patriotism or blinded by passion, it is not for me to say which, tore to pieces and trampled upon the Constitution of the United States. I am not to follow their example now. We are not assembled here to try each other or to judge each other's motives or to stigmatize each other. I should be loath to stigmatize the North, and I assure you that I am not disposed to stigmatize the South, because then and now it had all my sympathies and all my affections that could be extended to it in view of my duty to the country and my fidelity to the Constitution of the United States. I never gave it any more and I never gave it any less.

This episode, Mr. Speaker, is intended for my friend before me, who seemed to think that my appeal to the patriotism of the House was not intended for him. It was as fully intended for him as any word I have said to him, and if I could make an appeal effectually to the other side of the House it would be to pass this bill, because it puts us back where we were before the war, where every want of the Federal Government was fully met. I cannot think of anything which could be desired on either side which was not fully provided for by the law as it stood prior to 1866. That law gave the fullest development to the Constitution of the United States. We lived under it successfully for seventy years.

I say with perfect confidence that you cannot perfect your Federal judiciary by adding to the number of judges or to their authority. You have a Supreme Court to-day which, however able it may be, in its results certainly does not compare to the disadvantage of its predecessors. You have a number of cases before the Supreme Court which defy all their industry. The only remedy suggested is that you shall increase the number of the court or create an entirely new court between the circuit court and the Supreme Court. There are thousands of cases—I dare not name the number—undisposed of in the United States courts to-day, and why is it? It is simply because these very statutes that we now propose to repeal send to the United States courts every conceivable case for their consideration.

Mr. ROBINSON. I desire to ask the gentleman from Maryland [Mr. MCLANE] a question.

Mr. MCLANE. I will yield to the gentleman.

Mr. ROBINSON. I do not desire to interrupt the gentleman until he has passed from his political discussion.

Mr. MCLANE. That is all through.

Mr. ROBINSON. I understood him to say that if this bill were passed it would place us back in the condition we were in prior to 1865. Perhaps I may have misunderstood him. I want to know, if he says that this bill will place us back in the condition of law prior to 1865, why does the gentleman wish to repeal section 639, which was the act of 1789, and has been the law of this country ever since?

Mr. MCLANE. Because it is in my judgment unconstitutional as now construed and modified by the acts of 1866 and 1875.

Mr. ROBINSON. I do not understand that section 639 is unconstitutional.

Mr. MCLANE. It is so, practically.

Mr. ROBINSON. The gentleman seems to be discussing the merits of the bill. When a cause has been commenced in a State court which now may be removed to a United States court why should it not be carried to the Supreme Court as well as in suits between citizens of different States?

Mr. MCLANE. I answer you, first, because one of the parties has accepted the jurisdiction of the State court.

Mr. ROBINSON. But the other has not accepted it.

Mr. MCLANE. The one has, and we are dealing with both.

Mr. ROBINSON. Why may not a cause which is pending in the State courts now be reviewed in the United States courts between citizens of different States as well as if it had been commenced in a United States court? Where is the difference in principle?

Mr. MCLANE. One has accepted the jurisdiction.

Mr. ROBINSON. But the other has not.

Mr. MCLANE. The one has and we are dealing with both. The section to which the gentleman refers simply prevents a party from transferring the suit when he has permitted the cause to go to trial in the State court.

Mr. ROBINSON. I beg the gentleman's pardon. If he will look at the first clause of section 639 he will see that it does not allow a party to go on to final trial and hearing.

Mr. MCLANE. In the discussion of the constitutionality of the act, I was not referring to section 639 as unconstitutional in itself. I was referring only to criminal prosecutions, and the gentleman so understood it.

Mr. ROBINSON. Not at all. May I ask another question?

Mr. MCLANE. Certainly.

Mr. ROBINSON. Why should section 639, the first clause of that section enacting the provisions of the law of 1789, be now repealed? And why not for the same reason repeal section 629, which gives power to go into the United States court as provided in the Constitution of the United States?

Mr. MCLANE. The section to which the gentleman refers relates to suits brought against an alien or by a citizen of the State in which suit is brought against a citizen of another State, and provides that

the suit may be removed on the petition of such defendant filed in the State court at the time of entering appearance in the State court. That was the original provision as it existed prior to 1866.

Mr. ROBINSON. And from 1789.

Mr. McLANE. This bill does not repeal that section. The gentleman will find upon examination that it only repeals so much of it as requires him to file his petition for the transfer at the time he files his appearance.

Mr. ROBINSON. The first section of this bill provides "that section 639 and 647 of chapter 7 of the Revised Statutes, in relation to the removal of causes from State courts into the circuit courts of the United States, be, and the same are hereby, repealed." I desire to call the attention of the gentleman from Maryland [Mr. McLANE] to that matter because I thought he was overlooking it in his argument.

Mr. TOWNSHEND, of Illinois. If the gentleman from Maryland [Mr. McLANE] will allow me, I will answer the question of the gentleman from Massachusetts, [Mr. ROBINSON.]

Mr. McLANE. I will do so.

Mr. TOWNSHEND, of Illinois. The bill does provide for the repeal of the whole of section 639, which embraces the twelfth section of the act of 1789, the acts of 1866, 1867, and 1875. In addressing the House the other day I gave the reasons that moved the majority of the committee to the repeal of the whole of section 639. The gentleman from Maryland [Mr. McLANE] has been discussing sections 641 and 643, which we in this bill propose to modify by eliminating from those sections the authority to remove criminal causes from the State courts to the Federal courts.

Mr. ROBINSON. In answering my question I desire the gentleman from Illinois [Mr. TOWNSHEND] to keep entirely to the matter of civil process. I am not asking now about criminal cases.

I say that the first section of this bill repeals absolutely section 639. It therefore not only carries down the legislation of 1865 and of subsequent years, about which I am not now speaking, but it also carries down the parent legislation of 1789, legislation almost as old as the Constitution itself. I suppose that my friend from Maryland [Mr. McLANE] does not want to see that ancient landmark cut down.

Mr. TOWNSHEND, of Illinois. If the gentleman from Maryland [Mr. McLANE] will allow me to answer further, I will say that the day before yesterday I devoted nearly an hour to assigning the reasons which moved the committee in desiring to repeal the whole of section 639.

I will very briefly summarize some of the points I then made. One of the reasons that moved the committee to ask the repeal of that section was this: the Federal courts to-day are overcrowded, and, as the Attorney-General of the United States informs us, are unable to transact the business that comes into the courts; and he has recommended the erection of an intermediate court, with all its expensive machinery, also the appointment of an additional number of judges on the circuit benches. Now, as a very large portion of the business which reaches the Federal courts is brought into them by the removal of causes from State courts, any one can see that the repeal of the authority to transfer causes from the State courts will very probably remedy the evil and save the enormously additional expense.

Mr. ROBINSON. If the gentleman from Illinois [Mr. TOWNSHEND] is answering my question only by the courtesy of the gentleman from Maryland [Mr. McLANE] who is entitled to the floor, I do not want to have him repeat his speech of the other day. It was undoubtedly a very good speech, but I do not think that many of our speeches here will bear repetition. I followed the gentleman from Illinois [Mr. TOWNSHEND] very closely, and I noticed that he dealt very little with the original act of 1789, but he magnified and intensified the desire to repeal the later laws. I am not talking about them. I say there is no difference of principle by which you can ask for the repeal of the first clause of section 639, enacted in 1789, that will not also require the repeal of section 629, that formed a part of that same old law. I think there is no gentleman here who will claim that there is any difference of principle.

Now, if you want to get at the legislation of 1865 and 1872, go at that alone and do not bring in something else with it. I believe the course of this debate will show that we are going here in a blind way. I claim to be just as fully a Union man as the gentleman from Maryland [Mr. McLANE] is now or ever has been, but I do not think that has anything to do with the question of repealing the law of 1789.

That old law has been upon the statute-book, and the gentleman says we lived under it for seventy years before there was any "unpleasantness." Now, somebody here in the current language of the debates of this House wants to "tear out" some of the leaves of the statute-book. "Tear out the leaves;" I hear that expression here every day.

Mr. TOWNSHEND, of Illinois. Allow me to reply——

Mr. ROBINSON. If the gentleman from Illinois is through with his reply.

Mr. TOWNSHEND, of Illinois. I am not; I had hardly commenced when you took me off the floor with your speech.

Mr. ROBINSON. I want a reply to my question; that is all.

Mr. TOWNSHEND, of Illinois. I will give it. This bill does provide for the repeal of the whole of section 639. The other day I devoted a large portion of my remarks to the discussion of the evils which have grown up under the first clause of section 639, and which embodies the twelfth section of the judiciary act of 1789. I will now restate some of those evils. The twelfth section of the judiciary act of 1789 confines the right of removal alone to non-defendants, where all the defendants concur. The law stood in that shape from 1789 down to 1866. There were not so many abuses growing up under that law as have since it was coupled with the acts of 1866 and others. The Federal courts had not so extensively resorted to that liberality of construction to which they have in the last few years. For this reason the people did not make very bitter or serious complaint. They seem to regard it best to suffer the evils than to engage in agitation for repeal. It is true that Mr. Jefferson as far back as 1820 predicted dangers arising from the power of the Federal judiciary to the very existence of the Government. At one time he wrote:

> The judiciary of the United States is the subtle corps of sappers and miners constantly working under the ground to undermine the foundations of our confederated fabric.

How? By means of construction and congressional action. It is rapidly destroying the constitutional balance of our Government. In shaping this bill I provided for the repeal of the whole of section 639. I was striking at a dangerous principle.

Mr. ROBINSON. Is not the same principle embraced in section 629?

Mr. TOWNSHEND, of Illinois. No, sir; section 629 relates to the original jurisdiction of the courts, and does not affect the principle found in section 639.

Mr. ROBINSON. Section 629 gives the circuit courts of the United States jurisdiction of civil causes between parties one of whom is an alien, and between parties who are citizens of different States.

Mr. TOWNSHEND, of Illinois. My friend from Massachusetts wholly misconceives the nature of this bill. It has nothing to do with section 629. That section relates to the original jurisdiction of the courts. This relates only to the removal of causes from State courts.

Mr. ROBINSON. I do not think I am wrong about this matter. As the gentleman says he is fighting a principle, I ask him why he does not fight the same principle as embraced in 629?

Mr. TOWNSHEND, of Illinois. Because it does not appear in section 629. The principle at which I strike has no reference to the original jurisdiction of the courts. It relates to the power of the Federal courts to go into the State courts and take from their docket cases which have been instituted there and over which they have acquired jurisdiction. This bill, in seeking to repeal section 639, strikes at that principle.

Mr. ROBINSON. Why should not a defendant have precisely the same rights that a plaintiff has?

Mr. GARFIELD and others. That is the point.

Mr. TOWNSHEND, of Illinois. Will the gentleman repeat his question?

Mr. ROBINSON. The Constitution of the United States provides that the Federal courts shall have jurisdiction of cases between citizens of different States. Now, why should not a defendant have the same rights under that constitutional provision and the laws in pursuance thereof that a plaintiff has? The gentleman says that it applies to insurance companies. I do not care anything about insurance companies; but if a company of that kind as plaintiff may go into the United States court in the State of Illinois and institute a proceeding against the gentleman himself, why should not the company have the right as a defendant, when a suit is brought against it by the gentleman, to go into the same United States court?

Mr. TOWNSHEND, of Illinois. I will answer the gentleman. Under the first clause of section 639, which was the twelfth section of the act of 1789, the Supreme Court of the United States, in my judgment, arrogated to itself power which was never contemplated by the framers of the Constitution. The Constitution of the United States provided that in the class of cases embraced in section 630 "citizens" and "aliens" might remove the cause into the Federal courts, but does not give corporations that right. The Supreme Court, in order to give them that privilege, has rendered it necessary to change the definition of the word "citizen." It has decided that a corporation, a mere fiction of law, for this purpose is clothed with the attributes of citizenship. In consequence of that decision, made under and by virtue of the first clause of section 639—the twelfth section of the judiciary act of 1789—it has become almost impossible to retain on the dockets of the State courts any case against railroad companies, insurance companies, or other corporations. Corporations by means of that law can drive their antagonists away from their homes, away from their State tribunals, and compel them at heavy expense and great inconvenience to litigate in the Federal courts. Again, that law gives the Federal judiciary a pretext for encroaching upon the jurisdiction of the State courts, and thereby endangers a conflict between the State and Federal judicial powers which may some day imperil the public peace, if not hazard the safety of the present form of our government. Again, the removal of causes from the State to the Federal courts greatly adds to the inconvenience and expense of litigants in the State courts. This is very unjust to the citizens of the State where the legal proceedings are pending.

Mr. WARNER. I rise to a point of order. The morning hour has expired.

The SPEAKER. The gentleman from Illinois [Mr. TOWNSHEND] will suspend. The gentleman from Ohio [Mr. WARNER] makes the

point of order that the morning hour has expired. The Chair sustains the point of order.

Mr. McLANE. I would like to have five minutes to answer the gentleman from Massachusetts, [Mr. ROBINSON.]

Mr. GARFIELD. The gentleman from Maryland [Mr. McLANE] has been interrupted a good deal; I think the House ought to grant him some extension of his time.

Mr. BLOUNT. The bill will come up again to-morrow.

Several MEMBERS. "Regular order!"

COINAGE CERTIFICATES, ETC.

The SPEAKER. The morning hour has expired; and the House resumes the consideration of the bill (H. R. No. 564) to amend certain sections of the Revised Statutes of the United States relating to coinage and coin and bullion certificates, and for other purposes. The pending question is on the motion of the gentleman from Pennsylvania [Mr. KILLINGER] that the bill and amendments be laid on the table, on which the yeas and nays have been ordered.

Mr. LOUNSBERY. I offered yesterday an amendment to this bill, which I find by the reading of the Journal was entered upon the Journal with the direction that it be printed in the RECORD.

The SPEAKER. It should have been so printed.

Mr. LOUNSBERY. The amendment does not appear in the RECORD, and I ask that the necessary correction be made.

The SPEAKER. The amendment will be inserted in the proceedings of yesterday as they will be published in the bound edition of the RECORD, and it will also appear in the daily RECORD of to-morrow. It has been omitted through neglect.

The amendment offered by Mr. LOUNSBERY was to strike out the eighth section of the bill, which, with the amendments reported by the Committee on Coinage, Weights, and Measures, is as follows:

SEC. 8. That section 254 of the Revised Statutes of the United States be amended so as to read as follows:

"SEC. 254. The Secretary of the Treasury is authorized and required to receive deposits of gold or silver coin and gold or silver bullion, with the Treasurer or any assistant treasurer of the United States, in sums not less than $20, and to issue certificates therefor, in denominations of not less than $5 each, corresponding with the denominations of the United States notes. The coin and bullion deposited for or representing the certificates of deposit shall be retained in the Treasury for the payment of the same on demand. And certificates representing coin in the Treasury may be issued in payment of interest on the public debt, which certificates, together with those issued for coin and bullion deposited, shall not at any time exceed 20 per cent. beyond the amount of coin and bullion in the Treasury; and the certificates for coin and bullion in the Treasury shall be received at par in payment for all dues to the United States, including duties on imports, and may be computed as part of the lawful money-reserve of national banks."

The vote was taken; and it was decided in the negative—yeas 109, nays 126, not voting 50; as follows:

YEAS—109.

Aldrich, Nelson W.	Dunnell,	Lounsbery,	Ross,
Aldrich, William	Dwight,	Martin, Edward L.	Sapp,
Bailey,	Einstein,	Mason,	Shallenberger,
Barber,	Errett,	McCoid,	Sherwin,
Bayne,	Farr,	McCook,	Smith, A. Herr
Beltzhoover,	Ferdon,	McGowan,	Starin,
Blake,	Field,	McKinley,	Stone,
Bliss,	Fisher,	McLane,	Talbott,
Boyd,	Frye,	Miles,	Thomas,
Brewer,	Garfield,	Mitchell,	Townsend, Amos
Briggs,	Gibson,	Monroe,	Tyler,
Brigham,	Gedshalk,	Morrison,	Updegraff, J. T.
Browne,	Hall,	Morse,	Updegraff, Thomas
Burrows,	Hammond, John	Morton,	Urner,
Camp,	Harmer,	Muller,	Valentine,
Carpenter,	Hawk,	Neal,	Van Aernam,
Caswell,	Hawley,	Newberry,	Voorhis,
Chittenden,	Hayes,	Norcross,	Wait,
Claflin,	Hazelton,	O'Neill,	Ward,
Conger,	Heilman,	Orth,	Washburn,
Covert,	Henderson,	Osmer,	Wilber,
Cowgill,	Horr,	Overton,	Williams, C. G.
Crapo,	Houk,	Pound,	Willits,
Crowley,	Humphrey,	Prescott,	Wood, Fernando
Davis, George R.	Hurd,	Price,	Young, Thomas L.
Deering,	Joyce,	Reed,	
Deuster,	Killinger,	Rice,	
Dick,	Lindsey,	Robinson,	

NAYS—126.

Acklen,	Cook,	Hatch,	McKenzie,
Aiken,	Cravens,	Henkle,	McMahon,
Anderson,	Culberson,	Henry,	McMillin,
Armfield,	Daggett,	Herbert,	Mills,
Atherton,	Davidson,	Herndon,	Money,
Atkins,	Davis, Joseph J.	Hooker,	Muldrow,
Bachman,	Davis, Lowndes H.	Hostetler,	Murch,
Beale,	De La Matyr,	House,	Myers,
Belford,	Dibrell,	Johnston,	New,
Bicknell,	Dickey,	Jones,	Nicholls,
Blackburn,	Dunn,	Kelley,	Persons,
Bouck,	Elam,	Kenna,	Phelps,
Bright,	Evins,	Kimmel,	Phister,
Buckner,	Ewing,	King,	Poehler,
Cabell,	Felton,	Kitchin,	Reagan,
Caldwell,	Ford,	Knott,	Richardson, John S.
Cannon,	Forney,	Ladd,	Richmond,
Chalmers,	Fort,	Le Fevre,	Robertson,
Clardy,	Geddes,	Lewis	Rothwell,
Clark, John B., jr.	Gillette,	Lowe,	Ryan, Thomas
Clymer,	Goode,	Manning,	Ryon, John W.
Cobb,	Gunter,	Marsh,	Samford,
Coffroth,	Harris, John T.	Martin, Benj. F.	Sawyer,
Converse,	Haskell,	Martin, Joseph J.	Scales,
Singleton, James W.	Stevenson,	Waddill,	Willis,
Singleton, O. R.	Taylor	Warner,	Wilson,
Slemons,	Thompson,	Weaver,	Wise,
Smith, Hezekiah B.	Tillman,	Wellborn,	Wright,
Smith, William E.	Townshend, R. W.	Wells,	Yocum,
Sparks,	Turner, Oscar	Whiteaker,	Young, Casey.
Springer,	Turner, Thomas	Whitthorne,	
Stephens,	Vance,	Williams, Thomas	

NOT VOTING—50.

Baker,	Cox,	Jorgensen,	Robeson,
Ballou,	Ellis,	Keifer,	Russell, Daniel L.
Barlow,	Finley,	Ketcham,	Russell, William A.
Bingham,	Forsythe,	Klotz,	Shelley,
Bland,	Frost,	Lapham,	Simonton,
Blount,	Hammond, N. J.	Lay,	Speer,
Bowman,	Harris, Benj. W.	Loring,	Steele,
Bragg,	Hill,	Miller,	Tucker,
Butterworth,	Hiscock,	O'Brien,	Van Voorhis,
Calkins,	Hubbell,	O'Connor,	White,
Carlisle,	Hull,	O'Reilly,	Wood, Walter A.
Clark, Alvah A.	Hunton,	Pierce,	
Colerick,	James,	Richardson, D. P.	

So the House refused to lay the bill on the table.

This announcement was received with applause on the democratic side of the House.

During the roll-call the following announcements were made:

Mr. LAPHAM. I am paired with Mr. TUCKER, of Virginia. My colleague, Mr. RICHARDSON, is paired with Mr. HULL, of Florida.

Mr. SHELLEY. I am paired with Mr. KETCHAM. If he were present, I should vote "no."

Mr. CONVERSE. My colleague, Mr. HILL, is paired with Mr. BUTTERWORTH. If Mr. HILL were present, he would vote "no."

Mr. HUNTON. I desire to announce that my colleague, Mr. TUCKER, is paired with Mr. LAPHAM, of New York; and that I am paired with Mr. HISCOCK, of New York. If Mr. HISCOCK were present, I should vote "no."

Mr. DAVIDSON. My colleague, Mr. HULL, is paired with Mr. RICHARDSON, of New York.

Mr. BOUCK. My colleague, Mr. BRAGG, is paired with Mr. JAMES, of New York. My colleague, if present, would vote "no."

Mr. KING. My colleague, Mr. ELLIS, who is absent by leave of the House, is paired with Mr. LORING, of Massachusetts. My colleague, if present, would vote "no."

Mr. BLOUNT. On this question I am paired with Mr. HUBBELL, of Michigan. My colleague, Mr. HAMMOND, is paired with Mr. VAN VOORHIS, of New York. My colleague, Mr. SPEER, is paired with Mr. RUSSELL, of Massachusetts.

Mr. McMILLIN. My colleague, Mr. SIMONTON, who is absent by leave of the House, is paired with Mr. KEIFER, of Ohio. If present, Mr. SIMONTON would vote "no" and Mr. KEIFER "ay."

Mr. COFFROTH. My colleague, Mr. KLOTZ, is paired with Mr. BAKER, of Indiana. If present, my colleague would vote "no."

Mr. WEAVER. Mr. FORSYTHE, of Illinois, is paired with Mr. WALTER A. WOOD, of New York. Mr. FORSYTHE, if present, would vote "no."

Mr. BINGHAM. I am paired with Mr. FROST, of Missouri. If he were present, I would vote "ay."

Mr. ALDRICH, of Rhode Island. My colleague, Mr. BALLOU, is paired with Mr. COLERICK, of Indiana.

Mr. PRESCOTT. On this vote Mr. O'CONNOR, of South Carolina, is paired with Mr. MILLER, of New York.

Mr. HUMPHREY. Mr. WALTER A. WOOD, of New York, is paired with Mr. FORSYTHE, of Illinois. Mr. WOOD, if present, would vote "ay."

Mr. CALKINS. I am paired with Mr. FINLEY, of Ohio. If he were here, I would vote "ay."

Mr. ROBINSON. My colleague, Mr. RUSSELL, is paired with Mr. SPEER, of Georgia. If present, Mr. RUSSELL would vote "ay" and Mr. SPEER would vote "no."

Mr. CLARK, of Missouri. My colleague, Mr. FROST, is paired with Mr. BINGHAM, of Pennsylvania.

Mr. ROBESON. I am paired with Mr. CARLISLE, of Kentucky.

The vote was then announced as above recorded.

The SPEAKER. The question recurs on seconding the demand for the previous question. As many as are in favor of seconding the demand for the previous question will say "ay."

Mr. CONGER. Mr. Speaker——

The SPEAKER. Those of a contrary opinion will say "no."

Mr. CONGER. When I address the Chair I would like to be recognized or to be refused recognition.

The SPEAKER. The House was dividing.

Mr. CONGER. That is the very reason why I addressed the Chair.

The SPEAKER. The gentleman was not entitled to be recognized, but the Chair will hear him.

Mr. CONGER. Very well, then I will not address the Chair. It is the first time such a decision has been made within my recollection.

The SPEAKER stated that the ayes appeared to have it.

Several members called for a division.

The House divided; and there were—ayes 99, noes 102.

Mr. WARNER and Mr. KENNA called for tellers.

Tellers were ordered; and Mr. CLAFLIN and Mr. WARNER were appointed.

The House again divided; and the tellers reported—ayes 119, noes 107.

So the previous question was seconded.

Mr. STEELE. I ask permission to record my vote on the motion of the gentleman from Pennsylvania [Mr. KILLINGER] to lay this bill on the table.

Mr. PHISTER. I object.

Mr. STEELE. Well, I will state I would have voted "no," if I had been here.

Mr. HASKELL. I desire to make a parliamentary inquiry. Under the operation of the previous question which has just been voted, I desire to know if any opportunity will be offered hereafter for the presentation of a certain amendment as a substitute for this bill and certain other amendments as substitutes for certain sections that have been proposed by the gentleman from Illinois [Mr. FORT] and by my colleague from Kansas, [Mr. RYAN.]

The SPEAKER. By an understanding reached yesterday the previous question if seconded would only prevail as against the first section of the bill and the two amendments, if there be amendments pending thereto under the rule.

Mr. KENNA. I desire to make a parliamentary inquiry.

The SPEAKER. The rest of the bill of course would be open to amendment and the five-minute debate, as provided for by the rules, unless the House should on the respective sections sustain the previous question and cut off amendments thereto and debate.

Mr. HASKELL. Then I am to understand that a substitute for the entire bill cannot be offered?

The SPEAKER. The Chair did not say so.

Mr. HASKELL. The Chair stated that the previous question ran only to the first section of the bill.

The SPEAKER. The Chair did not say a substitute for the entire bill would not be in order. The Chair will determine that when it is offered.

Mr. HASKELL. I desire to ask now if it would be in order.

The SPEAKER. The Chair never decides what is in order or is not in order in a hypothetical case. He requires to hear the amendment and the time of offering it before deciding whether it is in order.

Mr. KENNA. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KENNA. I understand the Chair to have alluded to an understanding yesterday as to the effect of seconding the demand for the previous question. Is not the Chair mistaken as to any such understanding having been arrived at? Was it not rather a statement of the Chair growing out of a misunderstanding on the part of the Chair, the Chair supposing that this bill was in the House as in Committee of the Whole, and not in the House in the ordinary way? I would refer the Chair to the resolution by which this bill was made a special order, and which provided that the bill should be considered in the House, and not that it should be considered in the House as in Committee of the Whole. My object in calling attention to this matter is to prevent the delay of further debate and to facilitate final action on the bill and amendments.

The SPEAKER. The understanding has been that this bill was to be considered in the House as in Committee of the Whole, and on yesterday such understanding was repeated. The subject was then introduced by the gentleman from Georgia, [Mr. STEPHENS,] who made the proposition, and it was acceded to on all sides without contradiction or query, that this bill should be considered in the House as in Committee of the Whole; and even if there had been another arrangement prior to that to the contrary the subsequent arrangement should be conclusive on the Chair.

Mr. KNOTT. I desire to state the understanding of myself and other gentlemen around me was that the bill was being considered in the House, not in the House as in Committee of the Whole, and that the previous question reached the entire bill. That was the effect of the resolution under which the bill was considered.

The SPEAKER. The record shows what the gentleman from Kentucky states to be correct, and yet the Chair thinks there was a subsequent understanding that the bill should be considered in the House as in Committee of the Whole.

Mr. KENNA. I desire, with the permission of the Chair, to add just one remark further. So far as I was concerned as a member of the House, and to my knowledge so far as other members were concerned, there was no understanding arrived at yesterday evening further than the statement from the Chair that the bill was in the House as in Committee of the Whole. That was a misapprehension of the fact on the part of the Chair; and I submit that no understanding could take this bill out of the operation of the resolution making it a special order, except an understanding on the part of the whole House; that a mere statement from the Chair growing out of a misapprehension could not do so.

The SPEAKER. The statement yesterday was not made from the chair at all, but on the floor by the present occupant of the chair.

Mr. HASKELL. It was the understanding that amendments should be offered to the bill which gentlemen desired to offer. I voted against laying the bill on the table because I have been in favor, just as rapidly as it can be done, of the full remonetization and unlimited coinage of silver. But I will not vote for the bill as it is before the House now; and I think many gentlemen who refused to lay the bill on the table did so because they supposed that in the consideration of a great financial measure like this, of interest to the entire country, they would have an opportunity of being heard on the provisions contained in the bill. We have had debate on every subsidiary and correlative question relating to finance, but have had little or no debate on the provisions of this bill, which I regard as a monstrosity, and other members regard as a monstrosity, which we will not vote for except it be amended.

Mr. STEPHENS. Several days ago, if I recollect rightly, when the gentleman from Ohio [Mr. WARNER] made some statement about the length of the debate, I stated that it was my desire, and he concurred with me if I recollect rightly, that the bill should be considered as in Committee of the Whole.

Mr. GARFIELD. We all understood that.

Mr. STEPHENS. And that when the previous question was demanded, the bill should then be taken up and considered by sections; that I believe was entered upon the RECORD. That was my understanding, and it never was my intention to cut off debate upon the details of the sections or to prevent amendments being offered according to the parliamentary law—I think those were the very words I used.

The SPEAKER. Any other construction would have prevented and made absolutely useless the offering of amendments and having them printed.

Mr. CLYMER. In the colloquy yesterday between the gentleman from Illinois [Mr. FORT] and the gentleman from Ohio [Mr. WARNER] having the bill in charge, the gentleman from Illinois suggested an amendment to the eighth section, and it was understood that the gentleman from Ohio gave his assent to the offering of this amendment, and this morning I have understood that the demand for the previous question was to apply only to the first section of the bill, and that when the other sections of the bill came up the previous question was to be demanded upon them. Now, sir, if any other course than that is pursued, I hold that it is a clear—I will not say an intentional—fraud upon the majority of this House.

Mr. GARFIELD. The remedy is to vote down the main question.

Mr. KENNA. I do not understand how the gentleman from Pennsylvania can insinuate that it is a fraud upon the House; that was the resolution adopted by the House, and it has never been altered. It is carrying out the express order of the House.

Mr. CLYMER. Will my friend permit me? Yesterday when the question was put by the gentleman from Georgia [Mr. STEPHENS] as to the course of proceeding, he stated that the previous question was only to apply to the first section, and then it might be moved upon the other sections as they came up for consideration. Surely the proposition of the gentleman from West Virginia [Mr. KENNA] is to cut off all debate and bring us to a vote on the bill itself. I appeal to the gentleman having the bill in charge to say whether I am not right in this statement.

Mr. KENNA. One word further. I have no desire to shut off debate, except in so far as it may be necessary to cut off debate in order to pass the bill during this session. I want this bill passed.

The SPEAKER. That is in the nature of an argument.

Mr. KENNA. I will confine myself to the question of order. I desire to call the attention of the Chair to what the Chair said on yesterday, and which bears out the statement I made:

That is the argument under which the House is considering the bill as in Committee of the Whole.

Now, that is the first intimation I can find on searching the RECORD that the bill was being considered in the House as in Committee of the Whole. It is not in accordance with the resolution which fixed the consideration of the bill, and I submit that a misapprehension of that kind on the part of the Chair cannot affect the House.

The SPEAKER. The Chair will cause to be read what was said yesterday by the gentleman from Georgia, and will be found on page 25 of the RECORD.

The Clerk read as follows:

Mr. STEPHENS. I would suggest to the gentleman from Ohio that when the previous question is ordered it should be understood that it shall operate upon each section of the bill separately, and that any amendments pending within the parliamentary law shall be acted upon under the previous question, and that each section shall be considered separately.

Mr. SPRINGER. I ask the Clerk to read further on; on page 30, that which follows Mr. EWING'S speech.

The Clerk read as follows:

Mr. WARNER. I demand the previous question.

Mr. SPRINGER. As the previous question has been demanded, I wish to inquire of the Chair whether it will cover the amendments which have been offered and printed, and whether those amendments will be considered as pending?

The SPEAKER. The effect of the demand for the previous question, if sustained, will be to bring the House to a vote on the first section and the two amendments, if there be two, pending thereto. This bill is being considered in the House as in the Committee of the Whole, and in submitting the demand for the previous question the Chair will state that it only operates on the first section of the bill and the amendments pending thereto.

Mr. KELLEY. There would be no hour for debate afterward?

The SPEAKER. The seconding of the previous question practically cuts off general debate, and would cut off the five-minute debate on the first section. But when the next section comes up the Chair would consider that until the previous question is called on that the five-minute rule would operate. There must be something upon which the previous question would operate, and this bill being considered in the House as in Committee of the Whole, in this instance it is upon the first section.

Mr. PRICE. Not upon the whole bill?

The SPEAKER. Not upon the whole bill.

Mr. CLYMER. Would the second section then be open to general debate?

The SPEAKER. In the opinion of the Chair it would only be open to the five-minute debate, for the reason that the House, by having seconded the demand for

the previous question, has indicated practically a wish to go from the general debate on the bill to the five-minute debate on the remaining sections of the bill. The Chair thinks this is the common-sense and practical construction which should be given to the motion if sustained.

Mr. KENNA. I now ask to have read the original resolution fixing the time for the consideration of this bill, to show that the statement of the Speaker that the bill was being considered as in Committee of the Whole was a misapprehension of the facts.

The SPEAKER. Nobody contradicted it; but, on the contrary, everybody assented to it when the Chair made the statement as suggested from the floor.

Mr. CLYMER. It went unchallenged.

Mr. STEPHENS. Several days ago I suggested to the House that we should take the vote upon the bill in this way.

Mr. KENNA. I desire to ask the gentleman if the House took any action on his suggestion.

The SPEAKER. It was a suggestion which was acquiesced in by the House, and became an agreement under which the House has since proceeded, and has governed the Chair.

Mr. STEPHENS. And was announced by the Speaker.

Mr. KENNA. I have never so understood it, and I have been in my seat all the time.

The SPEAKER. The gentleman certainly made no objection to the statement of the Chair yesterday.

Mr. KENNA. I am not aware that a suggestion to the Speaker by a member of the House can make or alter a rule or order of the House.

The SPEAKER. A suggestion acquiesced in (and the gentleman had better understand it in the future) as to the order of business on a bill is binding upon the Chair and the Chair thinks should be upon the House.

Mr. SPRINGER. I desire to state that I made the inquiry yesterday for the reason that I had offered an amendment to one section of the bill, which if the construction which the gentleman from West Virginia [Mr. KENNA] now desires to have made is placed on the rule, would deprive me of an opportunity to obtain a vote on my amendment. I voted for sustaining the previous question in this case because of the decision of the Chair in relation to the order of business, and other gentlemen so voted. But if a different rule of construction is to be given it would deprive members of the opportunity to vote upon amendments.

The SPEAKER. The Chair desires to state that he has had no understanding with the members of the committee different from that which has been given.

Mr. KENNA. Are there not several amendments pending besides the one referred to by the gentleman from Illinois, [Mr. SPRINGER?]

The SPEAKER. There are nine amendments pending, and if the construction which the gentleman wants to put upon this matter shall prevail at least six of those amendments would be kept from submission to a vote in the House.

Mr. KENNA. I understand that they have been accepted by consent to be voted on.

Mr. CALKINS. I ask that the original resolution providing for the order of considering this bill be now read.

Mr. WARNER. In giving consent to amendments that were proposed and requesting that consent be given to have them printed, I accepted the ruling of the Chair under the resolution by which or under which this bill has been brought before the House. I did not myself know or understand exactly what would be the effect of those amendments, but I acquiesced in the ruling of the Chair upon the resolution in relation to the order of business.

Mr. CLYMER. Certainly that was the understanding.

Mr. CALKINS. I ask that the resolution be read.

The SPEAKER. What resolution?

Mr. CALKINS. The original resolution by which this bill was brought before the House for consideration.

The SPEAKER. There is no controversy about that.

Mr. CALKINS. I ask that it be read for the information of the House.

The SPEAKER. The Clerk is in search of it, and it takes time. If the gentleman has it before him he will be kind enough to forward it to the Chair.

Mr. CALKINS. I do not have it before me.

Mr. RYAN, of Kansas. I desire to remind the Chair that I offered an amendment to strike out all of this bill after the enacting clause and to insert in lieu thereof other provisions. That amendment was introduced and pending before any demand was made for the previous question. I desire to have that amendment voted on at the proper time.

The SPEAKER. Any other construction than the one which the Chair places on this matter would prevent the consideration of the amendment of the gentleman from Kansas, [Mr. RYAN.] The resolution under which the committee reported this bill will now be read.

The Clerk read as follows:

Resolved, That House bill No. 564, and the amendments thereto, reported from the Committee on Coinage, Weights, and Measures, be made the special order for consideration in the House on Saturday next after the morning hour, and from day to day thereafter until disposed of.

Mr. CALKINS. One further inquiry. Has that resolution been modified or changed in any way by the action of the House?

The SPEAKER. There was a subsequent understanding reached at variance with that resolution, as the Chair maintains, which was, that this bill should be considered by sections and open to amendments.

Mr. CALKINS. That was contained, as I understand it, in the statement made yesterday, by the gentleman from Georgia, [Mr. STEPHENS.]

The SPEAKER. And the gentleman from Georgia also states that he made a similar statement several days ago.

Mr. CALKINS. Was the House called upon to act upon that suggestion?

The SPEAKER. It was assented to, and that consent should guide the House and does guide the Chair.

Mr. CALKINS. But the question I ask the Chair is, was the House *pro forma* called upon to act upon that suggestion?

The SPEAKER. There was no objection made to the agreement, either by the gentleman from Ohio [Mr. WARNER] in charge of this bill, or by any other gentleman on the floor.

Mr. CALKINS. The question I ask is, was the proposition stated to the House so that the House might act upon it?

The SPEAKER. Any one member could have objected to it.

Mr. CALKINS. But there could be no objection until the proposition was stated to the House by the Chair.

The SPEAKER. The gentleman makes a distinction without any difference.

Mr. CALKINS. It may be a distinction without any difference in the opinion of the Chair, but I think it is exceedingly important that we should not establish any dangerous precedent.

Mr. SPRINGER. I raised the question yesterday as to whether I could have a vote on my amendment if the previous question was seconded.

The SPEAKER. The issue was there joined.

Mr. SPRINGER. I raised the question in order to settle whether I could have a vote on my amendment. Understanding that I could, I have voted to second the demand for the previous question.

Mr. CONGER. Before the question was put yesterday, I desired to call the attention of the Chair to this matter as an incidental matter, and the Chair refused to hear me. I will read from the RECORD if I may be allowed to do so.

The SPEAKER. Does the gentleman wish to speak to a point of order?

Mr. CONGER. I do.

The SPEAKER. The gentleman will state it.

Mr. CONGER. After all that has been read and stated by the Chair, and another matter had intervened, I asked the Chair—

If the previous question runs on the first section, and a vote is taken upon it, then that section cannot be further amended.

The SPEAKER. This is a proposition to amend several sections; and if it was allowed to come in, the Chair is of opinion that what the gentleman offers could only be inserted after the sections indicated have been struck out.

Mr. CONGER. But after the previous question has operated upon the first section and that section has been adopted then this amendment could not come in.

That is the very matter upon which the Chair had given a partial statement when other business intervened.

The SPEAKER. If the gentleman will read on he will find that while the Chair expressed an opinion on the subject, he rendered no decision; for none was necessary, the gentleman from Ohio [Mr. WARNER] having objected to allowing the amendment to be offered.

Mr. WARNER. I think we should proceed under the rulings of the Chair. That is the understanding, I believe, of the House.

Mr. CONGER. Let me finish my statement.

Mr. KENNA. I wish to inquire whether if the theory suggested should prevail it would cut off a vote on the amendment of the gentleman from Missouri, [Mr. BUCKNER.]

Mr. CONGER. I have not finished my statement.

The SPEAKER. The gentleman will proceed.

Mr. CONGER. I read further:

The SPEAKER. There is now a demand for the previous question, and until that is disposed of the Chair cannot admit any further amendment without the consent of the gentleman from Ohio by temporary withdrawal of his demand for the previous question.

Mr. CONGER. Would this amendment be in order if the demand for the previous question should be voted down?

The SPEAKER. General debate would then be in order.

Mr. CONGER. Would this amendment be in order?

The SPEAKER. The Chair, when that condition arises, will consider that point.

Now, sir, up to that time members of this House, myself among the number, were endeavoring to find out what the effect of sustaining the previous question would be, and were unable to do so. This morning, before the previous question was put, I desired to renew these inquiries that I might know for my own satisfaction and for the benefit of other gentlemen who had expressed a desire to be informed what the effect of the previous question would be. The very fact that now when the previous question has been ordered members all over the House disagree about its effect shows that there was no proposition understood by all. I certainly could not understand it.

The SPEAKER. The gentleman voted against ordering the previous question.

Mr. CONGER. Yes, sir; I voted against ordering the previous question.

The SPEAKER. Then the Chair thinks the gentleman understood.

Mr. CONGER. I voted against the previous question because if it had failed it would have left the whole subject open; ordering the

previous question left it to the construction of individuals or of the Chair.

The SPEAKER. The Chair is not responsible for the want of knowledge of members on the floor.

Mr. CONGER. But the Chair has stated that his proposition was accepted by the House. I have read from the RECORD to show that it was not accepted by the House.

The SPEAKER. The amendment of the gentleman from Illinois was not allowed to come in because the gentleman from Ohio, who had demanded the previous question, refused to allow it to come in. That is the sole ground upon which the Chair held the amendment was prevented from coming in at that time.

Mr. CONGER. I do not find that in the RECORD.

The SPEAKER. Then the gentleman has not read the proceedings carefully.

Mr. CONGER. I do now find the refusal.

The SPEAKER. The Chair is glad the gentleman has found it, for it puts the Chair in a correct position.

Mr. KENNA. If this bill be considered now in the House as in Committee of the Whole, would that cut off the amendment offered by the gentleman from Missouri, [Mr. BUCKNER?] I understand not.

The SPEAKER. What is the number of that amendment?

Mr. BUCKNER. It is an amendment to the eighth section in regard to coin certificates.

Mr. CLYMER. But in the order of its presentation what is its number?

A MEMBER. No. 3.

Mr. CLYMER. Then it cannot come in under parliamentary law.

The SPEAKER. When the section is reached two amendments to it would be in order; also a substitute for the section and an amendment to the substitute.

Mr. KENNA. Does the amendment of the gentleman from Missouri come within that category?

Mr. WARNER. I hope the House will be permitted to proceed under the understanding which was agreed to yesterday.

Mr. CLYMER. Would it be in order to reconsider the vote by which the previous question was seconded?

The SPEAKER. The gentleman's object can be reached by voting down the main question.

Mr. CLYMER. There has been so manifestly an error that there ought to be some means of correcting it.

Mr. FORT. I wish to say that I understood this question exactly as the gentleman from Pennsylvania [Mr. CLYMER] and the gentleman from Georgia [Mr. STEPHENS] have stated it. It was a fair understanding; and I think that now the House ought to abide by it.

Mr. KENNA. If the effect of my inquiry is to delay action on the bill, I withdraw it.

The SPEAKER. The Chair is endeavoring to ascertain whether the amendment of the gentleman from Missouri is in the third degree. If so, it cannot technically be offered until the vote has been taken on one of the two prior amendments. The Chair is now advised by the Clerk that the amendment of the gentleman from Missouri is the second amendment to section 8. It would therefore be in order in any event.

Mr. KENNA. That was my understanding, and that is why I pressed my inquiry.

The SPEAKER. The question is on ordering the main question upon the first section of the bill.

The main question was ordered.

Mr. WARNER moved to reconsider the vote by which the main question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The first section of the bill will now be read.

The Clerk read as follows:

Be it enacted, &c., That section 3511 of the Revised Statutes of the United States be amended so as to read as follows:

"SEC. 3511. The gold coins of the United States shall be a one-dollar piece, or unit; a quarter eagle, or two-and-a-half-dollar piece; a three-dollar piece; a half eagle, or five-dollar piece; an eagle, or ten-dollar piece; and a double eagle, or twenty-dollar piece. And the standard weight of the gold dollar shall be 25.8 grains; of the quarter eagle, or two-and-a-half-dollar piece, 64.5 grains; of the three-dollar piece, 77.4 grains; of the half eagle, or five-dollar piece, 129 grains; of the eagle, or ten-dollar piece, 258 grains; of the double eagle, or twenty-dollar piece, 516 grains."

Mr. FORT. I would like to have read the section of the statutes which it is proposed to amend.

The SPEAKER. That is in the nature of debate; but the Chair will ask consent.

Mr. FORT. Certainly there can be no objection to reading that section of the statutes.

Mr. SPRINGER. It is not necessary to read it, because the section of the existing law as proposed to be amended is made a part of section 1.

Mr. MILLS. This is in the nature of argument, and not allowable while the previous question is operating.

The SPEAKER. The gentleman from Texas is correct.

Mr. CONGER. The Chair stated yesterday that two amendments were pending to the first section.

The SPEAKER. The Chair was misinformed; but, in any event, the condition of the question is not altered. The Chair thinks, however, that he said "If there be amendments," making his statement conditional. Is there objection to reading the statute mentioned?

Mr. WARNER and Mr. MILLS objected.

The SPEAKER. The question recurs on the adoption of the first section.

The House divided; and there were—ayes 105, noes 94.

So the section was adopted.

Mr. WARNER moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. Section 2 will now be read.

The Clerk read as follows:

SEC. 2. That section 3513 of the Revised Statutes of the United States be amended so as to read as follows:

"SEC. 3513. The silver coins of the United States shall be a dollar, or unit; a half dollar, or fifty-cent piece; a quarter dollar, or twenty-five cent piece; a dime, or ten-cent piece. And the weight of the dollar shall be 412½ grains troy; the weight of the half dollar shall be twelve grams and one-half of a gram; the quarter dollar and the dime shall be, respectively, one-half and one-fifth of the weight of said half dollar. And silver dollars in the Treasury of the United States, when reduced in weight by natural abrasion more than 1 per cent. below the standard weight prescribed by law, shall be recoined."

The SPEAKER. The Clerk will now read the pending amendment to this section moved by the gentleman from Maryland, [Mr. KIMMEL.]

The Clerk read as follows:

Section 2, line 8, strike out "12½" and insert "60;" so it will read:
And the weight of the dollar shall be 480 grains troy.

Mr. KIMMEL. I wish to offer a few remarks in reference to this amendment. Mr. Speaker, it is known to the older members of the House that at the last session I made an argument in favor of heavier weight for the silver dollar. The result has demonstrated I was right then. Since that period the value of the silver dollar has constantly descended. At that time I objected to the right of the Government to make charge for coinage as a tax upon silver, because it was simply taxing the holder of the dollar in the interest of every man who did not hold it.

There was then that condition of things and it is now proposed to make it still worse. It is proposed to tax every man in the interest of him who holds bullion, that is, that you shall take fifteen cents out of the pocket of every man who owns a silver dollar and put them into the pocket of the man who owns the bullion. That is the plain English of it, and there is no escape from it. The silver coinage will it is supposed reach from $50,000,000 to $60,000,000, and it is proposed that the laboring element of this country shall pay into the pockets of the owners of the mines 17 per cent., or the enormous sum of $10,000,000. That is the plain issue, and there is no use of disguising it under a cloud of words. Thus stands the fact: $15 in the hundred to the Government, or $15 in the hundred to the owner of the silver, or $15 in the hundred in the pockets of the people.

Every man on this floor must answer that question to his constituents.

Further than that, every man who hoards a gold dollar has the advantage of the man who hoards a silver dollar. If the time shall arrive, as we have been told it will, that suspension of specie payments will again occur, every man who has hoarded a silver dollar will lose fifteen cents on it. In other words, when bread shall be five cents a loaf every man who has hoarded a silver dollar will get three loaves less for his wife and children than the man who has hoarded the gold dollar. That is the issue plain and distinct. The simple question is whether or not the laborer who by the sweat of his brow earns that dollar shall pay fifteen cents of it to the man who owns the bonanza. It cannot be disguised.

Mr. BUCKNER arose.

Mr. KIMMEL. I cannot yield. Five minutes is a short time in which to explain my amendment.

In the next place, I hold the coinage of the light-weight dollar operates disadvantageously upon every producer in the country, because it raises the cost of production without raising the price of the material in the foreign market. We are now laboring under difficulty in that regard, and statesmen and manufacturers of Great Britain thoroughly understand the advantage they possess over us by low prices, for they are now lowering their labor seven and a half per cent., and every advance in value in this country is just that much disadvantage to the producing interests of the land. To him who has studied the commerce of the world this one fact is patent, that the country which gets into the markets of western Europe the lowest-price grain finds the readiest custom.

If by increasing the cost of production we again lose the foreign market for American production, labor will be unemployed, and we will have a recurrence of the want, misery and degradation from which we are just escaping. The laborer should not be sacrificed to the debtor class. The debtors are few as compared with the laborers. At death the trouble of the debtor ceases; at birth the trouble of the child of toil begins. Let us take care not to renew the debtor class by offering temptations to wild speculations.

[Here the hammer fell.]

Mr. SPRINGER. I rise to oppose the amendment. I do not agree with the gentleman from Maryland [Mr. KIMMEL] that we should increase the silver dollar so that it would contain 460 grains. We have a national debt now of about $2,000,000,000 in round numbers.

Every dollar of that debt, by the contract under which the bonds were issued, is payable in silver dollars of 412½ grains of standard silver. We may discharge that contract without repudiation, without dishonor, and in strict accordance with its letter and its spirit, in silver dollars of that weight. That is in accordance with the contract; but that is not all. Notice has been served upon the bondholders, by a solemn concurrent resolution, known as the Matthews resolution, passed by the last Congress, to the effect that the bonds of the United States were payable in such silver dollars. We may discharge that whole debt, according to the contract, in silver dollars of the weight of 412½ grains. And yet it is proposed by this amendment to tender a bonus to our creditors of 47½ grains to the dollar on all our debt more than we have contracted to pay. Will any gentleman say that the people of this country are bound in honor to give such a bonus to the creditors of the country? I do not believe it. It would be offering to the bondholders to-day, to the creditors of our people, 11½ per cent. more than is called for in the bonds, more than we contracted to pay. Under what obligation are we to our creditors that we should do this thing? Have we not kept faith with our creditors at all times? Are not the dollars we now owe, silver dollars of 412½ grains, worth twice as much as the paper dollars we received during the war? Have we not acceded already to one unjust demand of our creditors by passing the act of March 18, 1869, changing the contract from a currency to a coin basis?

Are we the servants of our creditors, that we should again accede to their demands and pay them 47½ grains on the dollar of standard silver more than we agreed to? I say not. No gentleman would discharge his private debts in that way. No gentleman who goes upon the stock boards in New York and buys grain to be delivered on a future day at a certain price would pay a different price from what he agreed to pay simply because the grain had fluctuated in the market one way or another. And no honest government that has agreed to pay its debts in a specific coin is required to change that obligation simply because the thing it agreed to pay in has depreciated in the market. Especially is this so when that depreciation is the sole result of unfriendly legislation, which could be removed and the coin restored to its former value by an act of remonetization.

Put the silver back where it was before it was stealthily, fraudulently, and criminally demonetized by the Congress of the United States, and then we will be willing to have the bondholders meet us for the purpose of determining whether we are discharging our contract or not. Let us go back to where we were. Let us pay our debts according to the contract, and if the creditors are not satisfied with that let them make the most of it. They had better stand by the letter of the law than deny the letter and go forth with a repudiated contract to end, they know not where.

Mr. Speaker, this amendment increasing the silver dollar to 460 grains will add 11½ per cent. to the burden of the national debt, or about $230,000,000. It will increase the ten billions of national, State, municipal, corporate, and individual indebtedness of the United States at least $1,150,000,000 to the people, who are obliged to pay. Will we, for the benefit of the creditor class, rob the debtors at such a ruinous rate?

The wicked creditor of the Scripture, in default of the payment of a hundred pence, only took his debtor by the throat, saying, "Pay me that thou owest!" But the creditors of the United States, having their hands upon the throats of the people, demand all we promised to pay and two hundred millions more. Will we pay it? I say no. I will never vote a dollar more than we have agreed to pay; than the sum nominated in the bond.

[Here the hammer fell.]

Mr. MORTON. Mr. Speaker, in behalf of the district I have the honor to represent on this floor, a district second to none in the United States in the magnitude of its business and property interests, I desire to protest against the passage of the bill now before the House, which provides for the unlimited and free coinage of silver and the unlimited issue of certificates against silver bullion.

I believe, sir, and my constituents believe, that this bill means to-day the repudiation—pure and simple—of one-sixth part of all indebtedness, public and private; what the measure of repudiation in the future may prove to be, will be determined alone by the future value of silver bullion.

Are the interests of the people to be advanced by adding to the colossal wealth of the owners of silver mines or discriminating in favor of this class of property-owners? Will the dollar stamp of the United States upon eighty-four cents' worth of silver belonging to private individuals add to the wealth of the nation or to the private individual, the owner of the bullion? Has the late coinage of silver in excess of the amount which has been used as a circulating medium, now stored in the vaults of the Treasury, added to the prosperity of the country? Every one will answer no!

If this bill is to become law it is inevitable that the country will be drained sooner or later of its gold coin and bullion, and that silver will become the sole unit of value, and that instead of a double standard we shall have a single standard, and that of silver.

If this bill is to become a law the German government and all who have silver bullion, the world over, will pour it into our mints to receive for every eighty-four cents a legal-tender silver dollar; they will make by this simple process nearly 20 per cent., and our own people, who will be obliged to receive the coins as legal tenders, will be the losers.

Coinage by the Government is properly only an official attestation of the weight and fineness of the metal stamped or coined. A silver dollar thus attested to-day should contain 484.45 grains as the equivalent of a gold dollar. The present value of silver bullion, in London, is about fifty pence per ounce; until it is worth fifty-nine or sixty pence the Government should have the profit, if the fraud of stamping eighty-four cents as worth a hundred is to continue.

If this bill is to become the law of the land its title should be changed to read "An act for the relief of the owners of silver mines," and an appropriation made for the purpose of erecting elevators and warehouses for the storage of silver coin and bullion. If the owners of silver bullion can have their property carried by the Government as this bill proposes, and can have certificates of its deposit made a legal tender for all dues to the United States, including custom-house duties, why not clothe bonded-warehouse receipts and all other representatives of property with the same functions of money?

My constituents are not the owners of silver mines, but they are largely interested in cotton, wheat, corn, flour, iron, and copper. Why should not the Government receive all these and other products of the earth on storage, issue certificates, and make them also a legal tender? And if the supply of money should be still insufficient to satisfy the honorable gentleman from Ohio, receive also titles of real estate, issue money certificates, and so continue until every species of property becomes a part of the currency of the country? Then we can issue for general distribution, pledging whatever may remain of the faith and honor of the nation, the billion of greenbacks asked for by the reverend and distinguished gentleman who occupies a seat on this floor.

No, Mr. Speaker, renewed and continued prosperity cannot be secured in this manner.

The only safe way, in my opinion, is to stop the coinage of silver altogether, and to say to the leading commercial nations of the world, "We will not attempt to help you out of your troubles until you agree with us to use silver as a measure of value. We are ready to enter into such a mutual compact with you as will have the effect of restoring silver to its old steadiness of value, so that it may again be a measure of other values.

Let us not attempt to force the issue of silver beyond the amount which can be used as a circulating medium until European nations will join with us in making a silver currency equivalent in value to gold. Let us rather maintain the honor and good faith of the nation at home and abroad; retain and maintain a gold standard, the commercial standard of value throughout the world, and in my opinion the day is not far distant when the city of New York will be the clearing-house for the commercial exchanges of the world.

Mr. BRIGHT. Mr. Speaker, I desire to submit several facts which I think are of very great importance to the American people. On the 15th August, 1865, the public debt of the United States of every description, exclusive of cash in the Treasury, amounted to $2,750,000,000. On the 1st of May, 1879, the public debt, including the bonds issued to the Pacific Railway Companies, exclusive of cash in the Treasury, amounted to $2,540,000,000 in round numbers. In fourteen years the debt has been reduced $209,789,000. Yet, with that reduction of the debt, the Government has collected from August 15, 1865, to May 1, 1879, $5,184,000,000. The expenditures during the same period were $5,226,000,000. At the rate at which the public debt has been reduced since August, 1865, it will take one hundred and thirty years to extinguish it. And at that rate of extinguishment it will take forty-eight billions of money to pay the public expenses and extinguish the debt, nearly twice the estimated value of all the property in the United States.

With these appalling facts before the American people, another fact presents itself, that you have now in round numbers two billions of interest-bearing debt. The next question that presents itself is, In what manner will this debt be discharged that we may be free from the enormous burdens that now and will hereafter press upon the American people? We first look to the terms of the debt. I find under the act of 1870, which bullionized this debt of the United States, that it is payable in coin at its then standard value, to wit, the standard coins of gold and silver. What, then, Mr. Speaker? Let me call the attention of the House to this fact. What is the meaning of the standard coin and the meaning of the contract? What interpretation will be put upon it one hundred years hence in the vicissitudes and changes of standards throughout the world? That you have promised to pay this, not in tale or by the denominational value, but you have promised to pay it in weight at the rate of 25.8 grains to the gold dollar; you have promised to pay it at the rate of 412½ grains of silver to the dollar; and it is a question of weight and not of denominational value. There it is. It is the question now of the mountains of your gold and silver against the mountains of your national debt, and you weigh the mountains of the one against the mountains of the other. And as long as that public debt exists let me assure you and the people of the United States that every revenue department of this Government will be deranged. It will produce discontent; it will produce oppression; it will produce bankruptcy; and it will require the expense of an Army to subjugate the American people, to make them submissive to unparalleled extortions and quiet under the load under which they swelter and stagger. I put it to any gentleman on either side of this House if he has promised to pay a debt in a particular coin of the weight of 412½ grains, if it were his own debt, before God would he pay it in coins of greater

weight than in coins of 412½ grains? No; never. Then let each Representative do as well by the people as he would by himself.

[Here the hammer fell.]

Mr. DEUSTER. Mr. Speaker, this bill is another effort to make money cheap, as it is called, by the simple process of legislating eighty-five cents' worth of silver into a dollar. It was done once before, when silver was higher in the market than now. When the Bland bill was passed it was contended that the remonetization of silver would raise the market value of this metal and we would gain by that speculation the difference in the value of the coin between what it was then and what it ought to have been. The bill passed, but instead of rising, silver went the other way. The fluctuation of values in the market, you see, is one of those things "no fellow can find out." [Laughter and applause.] And with this warning fresh before them the silver advocates, undaunted, ay, bolder than ever, now propose that we shall, under the deceptive cover of a bill establishing free coinage, allow anybody who owns eighty-five dollars' worth of silver to go to the nearest mint and obtain one hundred "standard" silver dollars for it.

If this bill intends to make everybody "better off" without taking anything from anybody it does not fill the bill. It does not make a dollar more easily earned, only cheaper in its composition as a coin. This "cheap dollar" does not bring a reduction of prices in other articles with it, but simply lowers itself in the scale of articles of exchange. It simply requires the Government to actually "coin" money in every sense of the word for the wealthy owner of silver mines or the speculator (who can buy silver in the London market at eighty cents) by stamping upon every eighty-five cents' worth of it the goddess of liberty upon one side and a thin-feathered spread eagle upon the other, and then enable the lucky owner of the metal to pay with such a "dollar," fictitiously valued at one hundred cents, their workmen, their laborers, their taxes and debts, and thus to deduct fifteen cents on every dollar's worth of merchandise or labor obtained, and to compel everybody to "trust in God" for this balance due.

If any necessity existed for increasing the amount of our "cheap" standard silver dollars now in circulation, if they were really demanded as an acceptable medium of exchange, the United States Treasury would not be compelled to hoard some twenty millions of them while 4 per cent. bonds and ten-dollar certificates and greenbacks worth, thanks to resumption, one hundred cents in gold, go off like hot cakes. But like chickens these "standard" dollars always come home to roost. Like poor relations they show a tendency to stick very close. Uncle Sam's cash-box at the other end of the Avenue is "chuck full" of them; they persistently refuse to move on although they are for sale. "Competition open to the world!" Nobody wants them or would even give his paper dollars in exchange for them, because, who cares to give one hundred cents, whether in gold, paper, or merchandise or labor for eighty-five cents' worth of silver even if dressed up like a real, genuine silver dollar of one hundred cents' value?

We cannot create values, while we can easily injure them. It is easier to destroy than to build up. We may legislate thirty-three inches to be a standard yard, but no merchant would be found willing to spread these thirty-three inches over the length of thirty-six inches, and thereby lose part of his merchandise without proper compensation. We may knock a leg from under a table, and it will be a "table" still, but who cares to pay the full value of the article for it in that condition? The finances of the country, like a virtuous woman's reputation, ought not to be tampered with. We cannot compel the great commercial world to lower the value of every merchantable article fifteen cents in order to bring them down to the level of our "standard" dollar; neither can we compel this great commercial world to accept as full for other values a dollar which we have reduced to the condition of the three-legged table. We can divide a unit into ten tenths but we can never change nine-tenths into a full unit. Neither can we legislate eighty-five cents into a dollar of one hundred cents.

With great profundity and display of knowledge, the advocates of the cheap dollar lecture us upon the necessity of a "bimetallic standard," a "double standard of values," and other scientific terms for what had always seemed to me a very simple thing. During the thirty years of business life that I have passed through I always found that if I owed anybody I was expected, as an honest man, to pay every cent of my indebtedness, whether upon a single or double "standard of values," and whether the circulating medium in which payment was made consisted in gold, silver, greenbacks, or commercial paper. And the only double standard which I tried to maintain was the equal value between my labor and the amount of money I had to earn, and if I found that they would not meet upon a common basis I had to double my efforts at work or run into debt. So it is with a nation. We cannot legislate eighty-five cents' worth of silver into a "dollar" and thereby raise the product of our labor. By cutting down the intrinsic value of the coin we simply place it lower down in the scale of values; that is all.

An acre of land, a bushel of wheat, a day's labor will not gain one cent in value by it. Of course we can raise or lower the "standard of values" either by increasing the intrinsic value of our metallic currency—which course, however, no one has as yet proposed—or by diminishing it, as has been done, fortunately to a degree not yet sufficient to affect our good name, in the case of the Bland dollar, and as it is proposed to do now on a larger scale by this so-called free-coinage bill. But whether we raise or lower that standard, which in reality is nothing but a means of comparison between different values, we would only accomplish the same disturbance, upon a general scale, as if we would change the present size of a yard-stick, the contents of a bushel, the weight of a pound, or the number required to make a dozen. The size, contents, or weight of merchandise would have to accommodate themselves to the changes decreed by us; that is all. But the market value of these articles will never be affected by such legislation. Merchandise and labor, real estate and farm products, the difference in values between consumption and production, will neither rise nor sink according to our mandates. There is but one law to which they bow in submission, a law which no Congress has enacted and which no Congress can ever repeal—the great commercial law of supply and demand.

It is claimed that the silver dollar when demonetized contained no greater amount of metal, and that it is fair and just to pay debts contracted when that amount of silver constituted a dollar of one hundred cents in a coin of the same intrinsic value now. At first sight this looks like a reasonable conclusion, and yet it is not an honest proposition. Had silver appreciated instead of depreciating in value no one would insist that we ought to pay now for every dollar received then in a coin containing one hundred and fifteen cents in silver; all that could be asked of us would be a payment of "dollar for dollar." And what is just in the one case must be just in the other. If it takes more silver to-day to make a dollar worth one hundred cents let us be honest about it and also pay "dollar for dollar." There can be no compromise about honesty. We cannot be half or three-fourths honest, or honest to the extent of eighty-five cents on the dollar, like a bankrupt. Whenever a man tells me that he can get rid of his debts more easily by paying in a "light-weight" silver dollar I always feel like giving him a bit of cheap advice. I would tell him that one of the best principles a man can follow in life is to do well whatever one does. If you want to be dishonest don't give your honesty away for a trifle. If you want to be rid of your debts don't quarrel with your creditor about fifteen cents; be manly and frank and tell him right up and down that you don't want to pay him and don't mean to. That's fair and square so far as it goes.

With touching piety this "dollar" has been styled the "dollar of the fathers." But there is no relationship between the two. This dollar is an altogether different one, and a fraud and a usurper if it takes the name of so honored an ancestor. The "dollar of the fathers" was an honest dollar, worth one hundred cents, inside and outside, and stood even at a premium in the market, because, unlike our "standard silver dollar," which promises more than it gives, it gave more than it promised. Silver then stood much higher in the scale of purchasable articles than now, and yet that dollar contained as much and, considering fineness, even more metallic value than its spurious modern relation. This "latter-day saint," if I may use the term in an inoffensive way, has only borrowed the gown of the true "dollar of the fathers," and one that is too large for it at that, because the honest owner enjoyed a more solid corporeity, so to speak; there was no deception about it, no padding, no sawdust, no prospective increase of future market-value about it; whoever paid a debt with it paid an honest dollar; whoever received it needed no market quotations to satisfy himself that he would lose nothing by taking it "in full for all demands." This honest "dollar of the fathers" was a dollar of one hundred cents, payable without rebate or discount. Its name, like the very name and honor of the fathers, should be preserved pure and unalloyed. But eighty-five cents' worth of silver will never constitute a dollar, though wearing its dress and palmed off for the genuine article.

No sane man would come here to propose a law reducing the price of everything which man has made an article of barter, whether it is the rich man's palace or the poor man's shanty; whether the solid farm or stock in the "Digdeep-and-Findnothing Mining Company;" whether "gilt-edged" commercial paper or a washerwoman's bill; whether silver in bullion or Yankee notions; whether doctor's fee or tailor's bill; whether newspaper advertising or undertaker's charges, because it requires no study of political economy or social science to understand that they will not be "legislated" worth a cent. But because that cannot be done, and because we cannot honestly refuse to pay our debts, it is seriously proposed to accomplish the reduction of values in general by reducing the value of the standard by which they are measured. Because the fox had lost his caudal appendage, his brethren were asked to voluntarily dispense with it also. I fear the fox in this case is also doomed to disappointment, like the one in the fable. But the latter was at least honest in one respect, he did not hide under an assumed dignity claiming undue veneration, while the disfigured, dishonest wretch of a dollar, whose value has been curtailed to the amount of fifteen cents, is donning the pure and honored garb of a noble ancestor—the "dollar of the fathers."

This ingenious process of scaling down the dollar to eighty-five cents' worth of silver is called making it "cheaper." Of course it is a cheaper dollar; too cheap, indeed, to be good. We are to go into the wholesale manufacture of these "light-weight" standard silver dollars, fondly expecting that silver may rise sufficiently in market value to make them ultimately worth one hundred cents, and thus we speculate in matters where our integrity is at stake. We are to fall down before this false prophet who comes here and exclaims, "Down with the simple rules of arithmetic! away with the foolish notion that honesty is the best policy! perish the thought that a

nation must be honest as well as the individual! come all and worship me, for I am the great prophet who shall deliver you from the bloated bondholder and the burdensome debts which you thoughtlessly contracted; who shall make you all rich and happy by keeping fifteen cents out of every dollar you pay or receive! I am the genuine article, the long-lost, dearly-beloved 'dollar of the fathers!'"

I, for one, will not worship this false prophet. The "dollar of the fathers" was a democratic dollar, honest, capable, and democratic—honest in weight, capable of doing what was expected of a full dollar, and democratic in its conservative character; no "money of the future" about it; no compulsory offering of a "tithe" of fifteen cents was asked by this true prophet of honest money; you could trust in him for the full value of your money, and were not asked to "trust in God" for the difference between eighty-five and one hundred cents. It was a dollar of the people, for the people, and by the people—coined upon the principle that if the Government asked a full dollar in taxes or customs, it should also pay its officers, its soldiers, its laborers, and creditors with a full dollar, and that the Government could not do legally what was reprehensible and punishable in the individual—to clip a coin and thereby reduce its value.

Then the Government was not "on the make." But now it is proposed to let not only the Government make such "cheap" dollars for its own benefit, but for everybody who has or can buy or possibly steal enough silver in bullion to carry it to any United States mint and get his hundred "standard silver dollars" for it. Of course the poor laborer will hasten to avail himself of this privilege of "free coinage" and borrow a mule-team and wagon to haul his superfluous silver bars to the nearest mint and have them coined into available cash; or imagine a couple of thieves consolidating their stock of stolen plunder, melting the stolen silver spoons, sugar-bowls, plates, and cups into "bullion" and realizing on the latter 15 per cent. by exchange for standard silver dollars at the nearest mint!

This is the "cheap" dollar, the bogus "dollar of the fathers." One of the first things which experience teaches us in life is that the best is in the end always the cheapest, while on the other hand the cheapest article is never or hardly ever the best. So it is with money. That which gives most satisfaction is in the end the cheapest. And no money or coin can give satisfaction which requires study or care how to avoid a loss between the amount for which it has been received and the amount it will bring when it is paid out whether in merchandise or labor.

Our paper dollar rose from a commercial value of forty cents in gold at one time to one hundred cents in gold at the present time, not because the gold dollar has been made "cheaper" by some such hocus-pocus as that to which the silver dollar has been subjected, but because our credit and the faith of the commercial world in our integrity and readiness to pay if called upon, bade this paper dollar "to rise" in the market and induced the great commercial world to receive it as a substitute for the intrinsic value of the gold dollar. But this so-called standard silver dollar rests upon an altogether different basis from that of the paper dollar. With the latter we have pledged our good name and credit as a nation, which are as good as gold to the commercial world.

But when we thrust this cheap standard silver dollar upon the money market we pledged neither our credit nor good faith, nor did we promise to redeem it at some future day in a better coin. Nothing of the kind. We simply said: "We want a double standard of value. Give us the double standard; business will revive, the country will prosper under a double standard. Our fathers had a double standard. Money will become plenty and labor will find employment if we return to the double standard. We don't know exactly how all this will be accomplished, but it's all right. By all means let us have the double standard. The gold dollar, worth one hundred cents or their equivalent all over the world, we cannot change in its intrinsic value, for the simple reason that we haven't got it and we have no gold to coin dollars of lesser value; but we can try our hand in making cheap silver dollars. We have the silver, have the mints and the good-will to make money in every sense of the word. We will practice economy in everything, and begin by making ninety cents' worth of silver do for a dollar. It will be a good speculation besides, because by putting silver in circulation as money we create a demand for it and it will rise in the market."

But instead of witnessing a rise in the value of this metal that silver dollar to-day is only worth eighty-five cents in the market. The commercial world turned its back upon this offspring of our financial folly, and refused to have anything to do with it. The commercial world said to us: we accepted your gold dollar for one hundred cents because it has an intrinsic value to that amount, and we accepted your paper dollar for one hundred cents because it is your sacred promise to pay that much to redeem it when asked to do so; but your standard silver dollar has neither the intrinsic value of the gold dollar, nor is it like the paper dollar a promise to pay, except that we are asked to "Trust in God" and a probable rise in the market price of silver for what it lacks in real value. It pretends to be the equal of your gold dollar in intrinsic and your paper dollar in commercial value, without rendering an equivalent for the intrinsic value of the former, or securing the full commercial value of the latter by any promise to make up the amount of silver deducted in coining save by the cheerful exhortation to "Trust in God" for the balance.

So it came that this bright, shining silver dollar, of which it had been said that even children cried for it, instead of gladdening by its merry ring and silvery tongue the hearts of those to whom the vicissitudes of ceaseless travel through the channels of commerce might have carried it, is left to pine away behind the strong walls of the Treasury vaults and to ask wonderingly:

> Since I so soon am done for,
> I wonder what I was begun for?

And notwithstanding this sad fate of the Bland silver dollar, it is now seriously proposed to repeat that folly on a much larger scale, by allowing all owners of silver to become copartners of the Government in making such money, and pocketing the profit of fifteen cents on every one of these "poor man's dollars!"

I am willing to vote for a bill authorizing the free coinage of silver, provided the dollar coined under its provisions is a dollar in deed and not in name only. It must be a good, sound, democratic dollar of one hundred cents value—the true heir and descendant of the "dollar of the fathers." It must require no treatise on the modern science of money-making or a chromo to be given with every coin issued in order to conciliate the unsuspecting, horny-handed son of toil to the fact that he does not get the full value of his wages, his labor, or product. And if there should be a rise in the future market value of this metal—a consummation devoutly to be wished for, because it is one of the greatest American products—there will then be ample time to clip the wool of our silvery sheep a little. But until then we have no more right to force a "dollar" worth only eighty-five cents into circulation than a merchant has to give his customer but eighty-five cents' worth of merchandise for a full dollar, expecting that this merchandise will some day rise in the market. Our credit and good name for fair dealing must not be stretched like a rubber band, lest they might snap some day and contract themselves to most uncomfortable proportions. It is a simple matter of honesty—nothing else—and no statesmanship, no sophistry, no blending rhetoric can make it anything else.

It has also at all times been good democratic doctrine that honesty is always the best policy; the assertion that a dollar contained one hundred cents required no reaffirmation in any national or State platform to be accepted by all good democrats, and the honest "dollar of the fathers" will again be demanded by our party when this epidemic of financial statesmanship has run its course.

Mr. Speaker, I hope this bill will not pass. [Applause.]

Mr. BUCKNER. I am very much surprised that my friend from Maryland [Mr. KIMMEL] should offer this proposition. I presume it is the "honest dollar" proposition. Let me say that the effect of this, if we were so blind to our own interest as to add fifty grains more to the silver dollar, would be that we should in the first place have two legal-tender dollars, one weighing 412½ grains and the other 460 grains. But that is not all. That is objection enough to it that it gives us two legal-tender dollars, one weighing 412½ and the other 460 grains. But, sir, it further proceeds upon a total misconception of the present cause of the decline of silver. This section, Mr. Speaker, is word for word a former act of Congress in reference to this matter of coinage passed prior to 1873, and then the silver dollar was worth more than gold.

Mr. KIMMEL. We admit all that.

Mr. BUCKNER. Now, my friend says he admits there is no sort of ground for this proposition unless silver has depreciated. If the government of this country has done it, if we have helped to do, if we have participated in this iniquity, I care not for what reason, that was the cause of the depreciation, and no man can deny it, then it is folly, madness, robbery, and iniquity to say that we shall furnish coin that is in the excess of value over the present coin and which would inevitably leave the country as merchandise. What is the matter with the silver dollar now? It is overvalued as compared with the European valuation, theirs being 15½ grains and ours 16 to 1, and to ask that all Europe, with its billions of silver, shall change its valuation is unreasonable, if not impossible of execution.

Now, if you put forty or fifty more grains in it you are depreciating one of your most valuable products and making it dog cheap, and you are saying to our friends in European countries who are for remonetizing silver and for bimetalism that we will not join with you, for fifteen and a half is the European standard; and to ask them to change their valuation to four hundred and sixty grains is expecting them to do that which is impossible.

Mr. ELAM. Will it not drive silver out of this country?

Mr. BUCKNER. Of course it will drive it out, and we will become the laughing-stock of the world in our attempt to depreciate our own great and valuable product of silver.

Mr. Speaker, this is said to be an honest dollar. Sir, it is a dishonest dollar. It is the dollar of the robber and the plunderer of the laborers of this country. That is what it is I undertake to say, and I challenge contradiction from any gentleman who favors adding to the weight of the present dollar, that eighty-five cents' worth of silver bullion will buy more of anything made or manufactured or raised in this country or in Europe than a gold dollar would buy in the last twenty-five years. Go into this city, and with eighty-five cents of silver bullion you can buy more houses and lots than a gold dollar would buy within the last twenty-five years. That shows that the value is relative when compared with gold, and there is no real depreciation of silver.

It is our action in connection with Germany that has depreciated silver measured by appreciated gold, and therefore as soon as we (and we ought to take the initiative) determine that we will stand by the standard ratio heretofore adopted, I believe that the nations of Europe will join us and by some international arrangement we shall come to some common ratio of value.

[Here the hammer fell.]

Mr. PRICE. Mr. Speaker, I deprecate this discussion, because I am satisfied that evil and not good will come from it. I want to call the attention of the House, and in doing so I may call the attention of the country to some of the—if it be not unparliamentary to say it—absurd statements made here in regard to the currency and finances of the country. I want to notice a remark made by the gentleman from Tennessee [Mr. BRIGHT] a few moments ago, the effect of which was to make the country believe that we have been retrograding financially instead of progressing.

He gave to the country and to the world the statement that since 1865—fourteen years—we have reduced the public debt about two hundred millions. As the basis of that he says that the public debt in 1865 was $2,750,000,000 and now it is about two billions five hundred and forty millions, showing a reduction of the public debt from 1865 to 1879 of only about two hundred and ten millions. Now, sir, the fact is that the public debt less cash in the Treasury in 1865 was, taking the gentleman's own figures, two billions seven hundred and fifty millions as stated, and to-day the public debt (and I have before me the statement made on the 30th day of April, only a few days ago) is two thousand and twenty-seven millions in round numbers, making a difference in the reduction of the public debt from 1865 to the present time of about $722,783,000; so that the figures from the Treasury Department make the reduction between seven and eight hundred millions, instead of $200,000,000 as stated by the gentleman from Tennessee. These are the facts and the figures.

The gentleman from Tennessee calculates the debt of the United States in 1865, less cash in the Treasury, and now he calculates the public debt with the cash in the Treasury, and in addition he adds now the bonds issued to the Pacific Railroads, which he did not include in the amount in 1865.

Now, let me notice a statement which was made by my colleague [Mr. WEAVER] when I was absent. I want to show that the whole tendency of this debate, by gentlemen who advocate this bill, is to create unrest, uneasiness, dissatisfaction, uncertainty in our monetary and commercial affairs. I am a silver-dollar man, and in favor of the silver dollar of 412½ grains. But this discussion does no good to the country or to the currency of the country.

My colleague stated the other day in substance—and if it be disputed I will quote his words, for I have his printed speech before me—that this administration was ruining the country because it was selling its bonds at 4 per cent. instead of 6 per cent., and he makes the declaration in so many words that a 4 per cent. bond with interest payable every three months is draining the money of the country faster than the 6 per cent. bonds, and that the man who buys 4 per cent. bonds and gets his interest every three months gets more interest than if he held a 6 per cent. bond, and consequently the Government was and is being injured and the bondholder benefited. This, Mr. Speaker, is the first instance of four being more than six.

Why, sir, he may compound that interest, and take it out at the start as bankers do their money when they discount notes, and it will not come within a thousand yards of it.

Mr. WEAVER Mr. Speaker——

Mr. PRICE. No, sir; you cannot interrupt me in a five-minute speech. You can take your own time and I will answer in your own time any speech you may make or question you may ask.

I refer to this because the whole tendency of such statements going to the country is calculated to unsettle the business of the country, to make the people uneasy and dissatisfied, and to do nobody any good. To-day a day's labor will buy more of anything that a man eats or wears than it ever would at any time in the last fifty years of the history of this country.

[Here the hammer fell.]

Mr. DAVIS, of North Carolina. Gold and silver were the measures of value in this country until the demonetization act. Until that act passed we had two units of value, a gold unit and a silver unit. The bondholders and gold men managed by that act to increase largely the value of all debts by demonetizing silver and making gold more valuable thereby. And now they propose to add still more to the debt of the country by increasing the quantity of metal in the silver dollar which we propose to remonetize and coin without limit, as gold is coined. As has been already said by gentlemen, all the bonds under the funding act are payable in gold or silver of the standard value at the date of the funding act—July, 1871; that is, 412½ grains of silver to the dollar, and 25.8 grains of gold to the dollar. Now, if the amendment offered by the gentleman from Maryland [Mr. KIMMEL] shall prevail, and silver be made a new measure of value according to the rate proposed by his amendment, it will add over $200,000,000 to the burdens of this country. It will add 11 per cent. to the value of the silver dollar, and that being the measure of value it will add 11 per cent. to every debt payable in silver dollars.

My friend says that if this bill shall pass without his amendment the silver bullionists will make ten to twelve million of dollars. Suppose that to be true, which it is not, I had rather they should make that amount by a legitimate act than by perpetrating and continuing the fraud of 1873 we should put $200,000,000 more of burdens on the tax-payers of the country, to say nothing of the immense addition that would be made to the private indebtedness of the country as well as corporate and State indebtedness.

I say, as my friend from Ohio [Mr. EWING] said yesterday, no one can be found now to father the demonetization act. I believe that act is now by common consent considered the grandest fraud which ever was perpetrated upon a suffering people in any country.

My friend from Maryland, [Mr. KIMMEL,] if his amendment prevails, will make the relative value of silver and gold 17¼ to 1. I will say to him that at no time and in no country do they bear that proportion. In France the proportion is 15½ to 1. By the policy of the French government gold and silver have been continued as currency at that rate.

Why cannot we follow the wise example of France? Why should we undertake to follow the course of Germany? France is flourishing and prosperous, while Germany is suffering.

My friend from Maryland also says that this is no party question. No, it is no party question. It is a question between the bondholder and capitalist on the one side, and the laboring masses and the country on the other. It is a question in which every man who labors has an interest. My friend says that if this bill shall pass the laboring-man may suffer. How will he suffer? He will regulate the price of his labor always by the currency in use at the time he makes the contract, and therefore he cannot suffer. But who will suffer? Why, the men and the States and the corporations that have debts to pay. And who will make by it? Those who have already made millions by bad and vicious legislation. Those who by the frauds of the act demonetizing silver made hundreds and hundreds of millions will make hundreds of millions more if this amendment becomes a law. They are the only class that will be benefited by it, and the tax-payers, debtors, and laborers of the country will suffer by it.

[Here the hammer fell.]

Mr. MONROE obtained the floor.

Mr. WARNER. I desire to give notice that after my colleague [Mr. MONROE] is through I will call the previous question on this section.

Mr. MONROE. I introduced into this House two or three weeks ago a proposition, upon which I asked for the yeas and nays, to the effect that, in the judgment of this House, the business interests of the country required that we should not enter upon any financial legislation at the present session of Congress. I offered that resolution in good faith, because it was the expression of my own convictions; and the convictions which I hold in regard to financial legislation generally at the present session I hold with special earnestness in regard to legislation on the silver question. I cannot vote for this bill, nor can I vote for any amended form of it that makes important changes in existing laws. In my judgment the Congress of the United States never was more unfavorably situated to legislate upon the question of the silver dollar than it is at this session. Why do I hold that opinion? Because the Old World, and especially England, is experiencing at this moment a revolution of opinion upon this whole subject of the double standard; a revolution which also affects France and the continent of Europe. There is good reason for believing that within the next year or two years all the elements of our knowledge and all the conditions for legislation upon this subject will have changed.

Now, how unfortunate it is for us to seize this moment, when public opinion abroad in the great commercial and civilized States is passing through a grave and fundamental transition, to undertake to legislate here to make coinage free or to change the number of grains in the silver dollar.

The Chamber of Commerce of the city of Liverpool the other day unanimously adopted an expression of opinion in favor of the double standard, and sent a deputation of their best men to London to lay their opinions before the ministry. These opinions were received favorably, and the Earl of Beaconsfield on two occasions has expressed himself as at least strongly inclined to the restoration in England of the double standard. Discussions like those in Liverpool have also sprung up in Manchester, Birmingham, and London, making it apparent that England's relations to India, China, and South America, pressed upon her attention by the arguments of her manufacturers and her merchants, will lead to the remonetization of silver throughout her empire.

Our own Cabinet here in Washington, within the past week, has had at least one meeting which was devoted to the discussion of this question and the reopening of diplomatic correspondence with England and France in reference to the restoration of the double standard and the fixing of the ratio between gold and silver. It is plain, then, to me that it is much better for us to await the result of these negotiations, to await the result of the revolution of opinion which is taking place in England and on the Continent, before we attempt to cast our legislation into that fixed and permanent form which the country needs upon such a subject. No one in this House can even guess to-day what will be the conditions of legislation for this great question twelve months hence. Why, sir, one of my friends wishes to-day to fix the dollar at 460 grains. Nobody can give this House any reason why 460 grains should be named. Why not 470 grains? Why not 450 grains? Why, sir, the bullion value of silver to-day would demand 487 or 488 grains. The gentleman has fixed the figure

far too low so far as the bullion value of silver is concerned, and, in my judgment, very much too high in view of the events which are fast transpiring in England and other foreign countries.

My own judgment is that within a year or two there will be such an understanding reached between England, France, and the United States as will fix our silver dollar as low as 412½ grains, and will probably establish the French ratio of 15½ to 1 as the permanent ratio for the civilized world. But, however this may be, it is evident that this is not a favorable time to undertake a revision of our legislation upon the silver coinage. Let the law remain as it is for the present, and let the country have rest.

[Here the hammer fell.]

Mr. TAYLOR. Mr. Speaker, I rise to oppose the amendment. This is not the first time that attempts have been made in the Congress of the United States to compel the laboring millions to contribute the proceeds of their toil and sweat to increase the wealth of the favored few, in violation of binding contracts and under the wicked pretense of giving to all an honest dollar. I remember that the people of this country rested for seven years in the consciousness of owing $1,500,000,000 in 5-20 bonds, payable in greenbacks. This was the contract, but in 1869 the Congress of the United States passed an act making these same bonds payable in coin. And when they did that they broke a solemn contract. I will not say what the intention was, but I do say that the result was millions of dollars wrung from the suffering and sweat of the common people and given to the bondholders. Then silver was demonetized and the double standard of our fathers struck by down stealth, and so silver has been twice humiliated; once by Judas Iscariot, who sold his God for thirty pieces, and once by a republican Congress. Thus the work has gone on—the work of ruin and reckless discrimination in favor of a bonded aristocracy.

Why is it that we have a democratic majority in both Houses of Congress to-day? If a party rules justly and with an even hand why take from it the power and give it to another? Why is it? It is because a confiding people have been betrayed by leaders who have held the sway for fourteen years; it is because right has been trampled under foot; it is because the most binding contracts have been repudiated and the dearest interests of the people disregarded; it is because by demonetization and contraction and taxation the great mass of the laboring and business men of the nation have been ruined. And now, I say to the democracy, you have the power, use it; the eyes of the people are upon you. Do not use it as the republicans have, in the interest of capital and against labor. If you do, take warning; the people will turn their backs on you forever; and they ought to do it.

The passage of this bill as reported by the committee will be a grand step in the right direction, because the free coinage of silver with 412½ grains to the dollar is the will and wish of the people and because it is just and honest, the amendment of the gentleman from Maryland to the contrary notwithstanding. I have no doubt the intention of the gentleman himself is good, but the effect of his amendment providing for 460 grains of silver to the dollar would be to compel the debtor class to pay to the creditor class 47½ grains in the dollar more than is due; the terms and conditions of all former contracts would be changed; the gold worshipers would gain another great victory, silver would be again humiliated, and the people, now overburdened with debt and taxation, would be robbed again of millions more.

Mr. Speaker, there is no danger of silver becoming too plentiful as long as we have four millions of laboring men and women among us without employment and without bread. Let us pass the bill, and the voice of the people will be, "Well done, ye good and faithful servants."

Mr. WARNER. I call for the previous question on the second section and pending amendments.

The previous question was seconded, there being—ayes 101, noes 85.

The main question was then ordered.

The SPEAKER. The first question is upon the amendment of the gentleman from Maryland, [Mr. KIMMEL,] which will be read.

The Clerk read as follows:

In line 8 of section 2 strike out the words "twelve and a half" and insert the word "sixty;" so as to read:

"And the weight of the dollar shall be 460 grains troy."

The question being taken on agreeing to the amendment, there were ayes 70, noes not counted.

Mr. EWING. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 52, nays 176, not voting 57; as follows:

YEAS—52.

Bayne,	Dunnell,	Hurd,	Poehler,
Blake,	Dwight,	Johnston,	Prescott,
Bliss,	Farr,	Kimmel,	Rice,
Bowman,	Ferdon,	Martin, Edward L.	Robinson,
Briggs,	Field,	McCoid,	Starin,
Brigham,	Fisher,	McGowan,	Talbott,
Carpenter,	Frye,	McLane,	Townsend, Amos
Chittenden,	Godshalk,	Miles,	Van Aernam,
Claflin,	Hall,	Morse,	Wait,
Covert,	Harmer,	Newberry,	Ward,
Cowgill,	Hawley,	Norcross,	Washburn,
Crapo,	Heilman,	Osmer,	White,
Deuster,	Horr,	Overton,	Wilber.

NAYS—176.

Acklen,	De La Matyr,	Ladd,	Sawyer,
Aiken,	Deering,	Le Fevre,	Scales,
Aldrich, Nelson W.	Dibrell,	Lewis,	Shallenberger,
Aldrich, William	Dick,	Lindsey,	Sherwin,
Anderson,	Dickey,	Lounsbery,	Singleton, J. W.
Armfield,	Dunn,	Lowe,	Singleton, O. R.
Atherton,	Einstein,	Manning,	Slemons,
Atkins,	Elam,	Marsh,	Smith, A. Herr
Bachman,	Evins,	Martin, Benj. F.	Smith, Hezekiah B.
Barber,	Ewing,	Martin, Joseph J.	Smith, William E.
Beale,	Felton,	McCook,	Sparks,
Belford,	Ford,	McKenzie,	Springer,
Beltzhoover,	Forney,	McKinley,	Steele,
Bicknell,	Fort,	McMahon,	Stephens,
Blackburn,	Garfield,	McMillin,	Stevenson,
Bouck,	Geddes,	Mills,	Stone,
Boyd,	Gillette,	Mitchell,	Taylor,
Brewer,	Goode,	Money,	Thomas,
Bright,	Gunter,	Monroe,	Thompson,
Browne,	Hammond, John	Morrison,	Tillman,
Buckner,	Harris, John T.	Muldrow,	Townshend, R. W.
Burrows,	Haskell,	Murch,	Turner, Oscar
Cabell,	Hatch,	Myers,	Turner, Thomas
Caldwell,	Hawk,	New,	Tyler,
Calkins,	Hayes,	Nicholls,	Updegraff, J. T.
Camp,	Hazelton,	O'Connor,	Updegraff, Thomas
Cannon,	Henderson,	O'Neill,	Valentine,
Caswell,	Henkle,	Orth,	Vance,
Chalmers,	Henry,	Persons,	Voorhis,
Clardy,	Herbert,	Phelps,	Waddill,
Clymer,	Herndon,	Phister,	Warner,
Cobb,	Hooker,	Pound,	Weaver,
Coffroth,	Hostetler,	Price,	Wellborn,
Conger,	Houk,	Reagan,	Wells,
Converse,	House,	Reed,	Whiteaker,
Cook,	Humphrey,	Richardson, John S.	Whitthorne,
Cox,	Jones,	Richmond,	Williams, Thomas
Cravens,	Joyce,	Robertson,	Willis,
Culberson,	Kelley,	Rothwell,	Willits,
Daggett,	Kenna,	Russell, Daniel L.	Wilson,
Davidson,	Killinger,	Ryan, Thomas	Wise,
Davis, George R.	King,	Ryon, John W.	Wright,
Davis, Joseph J.	Kitchin,	Samford,	Yocum,
Davis, Loundes H.	Knott,	Sapp,	Young, Casey.

NOT VOTING—57.

Bailey,	Errett,	Ketcham,	Ross,
Baker,	Finley,	Klotz,	Russell, William A.
Ballou,	Forsythe,	Lapham,	Shelley,
Barlow,	Frost,	Lay,	Simonton,
Bingham,	Gibson,	Loring,	Speer,
Bland,	Hammond, N. J.	Mason,	Tucker,
Blount,	Harris, Benj. W.	Miller,	Urner,
Bragg,	Hill,	Morton,	Van Voorhis,
Butterworth,	Hiscock,	Muller,	Williams, C. G.
Carlisle,	Hubbell,	Neal,	Wood, Fernando
Clark, Alvah A.	Hull,	O'Brien,	Wood, Walter A.
Clark, John B., jr.	Hunton,	O'Reilly,	Young, Thomas L.
Colerick,	James,	Pierce,	
Crowley,	Jorgensen,	Richardson, D. P.	
Ellis,	Keifer,	Robeson,	

So the amendment was rejected.

During the roll-call the following announcements were made:

Mr. CALKINS. I am paired with Mr. FINLEY, of Ohio, on all political questions, but not regarding this as a political question I have voted.

Mr. SHELLEY. I am paired with Mr. KETCHAM, of New York. If he were present, I should vote "no."

Mr. COFFROTH. My colleague, Mr. KLOTZ, is paired with Mr. BAKER, of Indiana. If Mr. KLOTZ were present, he would vote "no."

Mr. HURD. My colleague, Mr. HILL, is paired with my other colleague, Mr. BUTTERWORTH.

Mr. DAVIDSON. My colleague, Mr. HULL, is paired with Mr. RICHARDSON, of New York. My colleague if present, would vote in the negative.

Mr. McKENZIE. My colleague, Mr. CARLISLE, is paired with Mr. ROBESON, of New Jersey. If present, Mr. CARLISLE would vote "no."

Mr. COBB. My colleague, Mr. COLERICK, is paired with Mr. BALLOU, of Rhode Island. If present, Mr. COLERICK would vote "no."

Mr. BOUCK. My colleague, Mr. BRAGG, is paired with Mr. JAMES, of New York. If present, my colleague would vote "no."

Mr. KING. My colleague, Mr. ELLIS, is paired with Mr. LORING, of Massachusetts. If present, Mr. ELLIS would vote "no."

Mr. WEAVER. Mr. FORSYTHE, of Illinois, is paired with Mr. WALTER A. WOOD, of New York. If present, Mr. FORSYTHE would vote "no."

Mr. LAPHAM. I am paired with Mr. TUCKER, and my colleague, Mr. RICHARDSON, is paired with Mr. HULL, of Florida.

Mr. TOWNSEND, of Ohio. My colleague, Mr. KEIFER, is paired with Mr. SIMONTON, of Tennessee.

Mr. HARMER. My colleague, Mr. BINGHAM, is paired with Mr. FROST, of Missouri.

Mr. ROBINSON. My colleague, Mr. RUSSELL, is paired with Mr. SPEER, of Georgia.

Mr. CLARDY. My colleague, Mr. FROST, is paired with Mr. BINGHAM, of Pennsylvania. If present, Mr. FROST would vote "no."

Mr. UPDEGRAFF, of Ohio. My colleague, Mr. BUTTERWORTH, who is absent by leave of the House, is paired with my other colleague, Mr. HILL.

The vote was then announced as above recorded.

The SPEAKER. The question next recurs on the third section, which will be read.

The Clerk read as follows:

SEC. 3. That section 3520 of the Revised Statutes of the United States be amended so as to read as follows:

"SEC. 3520. Any owner of silver bullion may deposit the same at any mint to be formed into bars, or into standard dollars of the weight of 412½ grains troy, for his benefit, and no deposit of silver for other coinage shall be received; and silver bullion contained in gold deposits, and separated therefrom, may be paid for in silver coin: *Provided*, That it shall be lawful to refuse at the mint any deposit of less value than $100 and any bullion so base as to be unsuitable for the operations of the mint."

The SPEAKER. There are two amendments pending to that section reported from the Committee on Coinage, Weights, and Measures, which will be read.

Mr. MILLS. I also have an amendment pending to that section.

The SPEAKER. There are two amendments to that section recommended by the committee, and the Chair presumes that the gentleman in charge of the bill proposes to allow other amendments to be offered after the disposition of the committee's amendments.

Mr. WARNER. Let the amendments be read.

The SPEAKER. The Clerk will read the first amendment proposed by the committee.

The Clerk read as follows:

In line 6, strike out the word "silver," making it read:
To be formed into bars or standard dollars of the weight of 412½ grains troy.

Mr. SPRINGER. That is merely verbal.

Mr. WARNER. Yes, that is merely verbal.

The amendment was agreed to.

Mr. WARNER moved to reconsider the vote by which the amendment was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

The SPEAKER. The Clerk will read the next amendment offered by the committee.

The Clerk read as follows:

In line 11, after the word "of," insert the words "bullion of;" making it read: "It shall be lawful to refuse at the Mint any deposits of bullion of less value than $100," &c.

Mr. WARNER. That also is merely verbal.

The amendment was agreed to.

Mr. WARNER moved to reconsider the vote by which the amendment was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

The SPEAKER. The Chair will cause to be read the amendments offered by gentlemen in the order in which they were submitted.

The Clerk read the following amendment, offered by Mr. KIMMEL:

Section 3, lines 6 and 7, strike out "12½" and insert "60;" so it will read "dollars of the weight of 460 grains troy."

Mr. KIMMEL. I withdraw that amendment.

The question then recurred on the following amendment, moved by Mr. BELFORD:

After the word "bullion," in line 4, section 3, insert the following words: "produced from the mines of the United States;" so it will read: "any owner of silver bullion produced from the mines of the United States may deposit the same at any mint, to be formed into bars or into standard dollars," &c.

Mr. GARFIELD. Home industries!

Mr. WARNER. Home industries will not suffer under this bill as it is.

The House divided; and there were—ayes 83, noes 105.

Mr. CONGER. I demand the yeas and nays on that amendment.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 105, nays 130, not voting 50; as follows:

YEAS—105.

Aldrich, Nelson W.	Deering,	Joyce,	Robinson,
Aldrich, William	Deuster,	Killinger,	Sapp,
Anderson,	Dick,	Kimmel,	Shallenberger,
Bailey,	Dunnell,	Lindsey,	Sherwin,
Barber,	Dwight,	Martin, Edward L.	Smith, A. Herr
Bayne,	Einstein,	Martin, Joseph J.	Starin,
Belford,	Errett,	Mason,	Stone,
Beltzhoover,	Farr,	McCoid,	Talbott,
Blake,	Ferdon,	McCook,	Thomas,
Bliss,	Fisher,	McGowan,	Townsend, Amos
Bowman	Fort,	McKinley,	Tyler,
Boyd,	Frye,	Miles,	Updegraff, J. T.
Brewer,	Garfield,	Mitchell,	Updegraff, Thomas
Briggs,	Godshalk,	Monroe,	Urner,
Brigham,	Hall,	Morrison,	Valentine,
Burrows,	Hammond, John	Morton,	Van Aernam,
Camp,	Harmer,	Muller,	Voorhis,
Carpenter,	Hawk,	Newberry,	Wait,
Caswell,	Hawley,	Norcross,	Ward,
Chittenden,	Hayes,	O'Neill,	Washburn,
Claflin,	Hellman,	Orth,	White,
Conger,	Henderson,	Osmer,	Wilber,
Covert	Horr,	Overton,	Willits,
Cowgill,	Houk,	Pound,	Young, Thomas L.
Crowley,	Humphrey,	Prescott,	
Daggett,	Hurd,	Price,	
Davis, George R.	Jones,	Reed,	

NAYS—130.

Aiken,	Dunn,	Lowe,	Scales,
Armfield,	Elam,	Manning,	Singleton, J. W.
Atherton,	Evins,	Marsh,	Singleton, O. R.
Atkins,	Ewing,	Martin, Benj. F.	Slemons,
Bachman,	Felton,	McKenzie,	Smith, Hezekiah B.
Beale,	Field,	McLane,	Smith, William E.
Bicknell,	Ford,	McMahon,	Sparks,
Blackburn,	Forney,	McMillin,	Springer,
Bouck,	Geddes,	Mills,	Steele,
Bright,	Gillette,	Money,	Stephens,
Browne,	Goode,	Morse,	Stevenson,
Buckner,	Gunter,	Muldrow,	Taylor,
Cabell,	Harris, John T.	Murch,	Thompson,
Caldwell,	Haskell,	Myers,	Tillman,
Cannon,	Hatch,	New,	Townshend, R. W.
Chalmers,	Hazelton,	Nicholls,	Turner, Oscar
Clardy,	Henkle,	O'Connor,	Turner, Thomas
Clark, John B., jr.	Henry,	Persons,	Vance,
Clymer,	Herbert,	Phelps,	Waddill,
Cobb,	Herndon,	Phister,	Warner,
Coffroth,	Hooker,	Poehler,	Weaver,
Converse,	Hostetler,	Reagan,	Wellborn,
Cook,	House,	Rice,	Wells,
Cox,	Johnston,	Richardson, J. S.	Whitthorne,
Crapo,	Kelley,	Richmond,	Williams, Thomas
Cravens,	Kenna,	Robertson,	Willis,
Culberson,	King,	Ross,	Wilson,
Davidson,	Kitchin,	Rothwell,	Wise,
Davis, Joseph J.	Knott,	Russell, Daniel L.	Wright,
Davis, Loundes H.	Ladd,	Ryan, Thomas	Yocum,
De La Matyr,	Le Fevre,	Ryon, John W.	Young, Casey.
Dibrell,	Lewis,	Samford,	
Dickey,	Lounsbery,	Sawyer,	

NOT VOTING—50.

Acklen,	Ellis,	Jorgensen,	Robeson,
Baker,	Finley,	Keifer,	Russell, William A.
Ballou,	Forsythe,	Ketcham,	Shelley,
Barlow,	Frost,	Klotz,	Simonton,
Bingham,	Gibson,	Lapham,	Speer,
Bland,	Hammond, N. J.	Lay,	Tucker,
Blount,	Harris, Benj. W.	Loring,	Van Voorhis,
Bragg,	Hill,	Miller,	Whiteaker,
Butterworth,	Hiscock,	Neal,	Williams, C. G.
Calkins,	Hubbell,	O'Brien,	Wood, Fernando
Carlisle,	Hull,	O'Reilly,	Wood, Walter A.
Clark, Alvah A.	Hunton,	Pierce,	
Colerick,	James,	Richardson, D. P.	

So the amendment was not agreed to.

During the call of the roll the following announcements were made:

Mr. SHELLEY. I am paired with Mr. KETCHAM, of New York. If he were present, I should vote "no."

Mr. DAVIDSON. My colleague from Florida, Mr. HULL, is paired with Mr. RICHARDSON, of New York.

Mr. McKENZIE. My colleague from Kentucky, Mr. CARLISLE, is paired with Mr. ROBESON, of New Jersey. If Mr. CARLISLE were present, he would vote "no."

Mr. COBB. My colleague from Indiana, Mr. COLERICK, is paired with Mr. BALLOU, of Rhode Island. My colleague, if present, would vote "no."

Mr. BLOUNT. I am paired with Mr. HUBBELL, of Michigan. My colleague from Georgia, Mr. HAMMOND, is paired with Mr. VAN VOORHIS, of New York. My colleague, Mr. SPEER, is paired with Mr. RUSSELL, of Massachusetts.

Mr. WEAVER. Mr. FORSYTHE, of Illinois, is paired with Mr. WALTER A. WOOD, of New York. Mr. FORSYTHE, if present, would vote "no."

Mr. ROBINSON. My colleague from Massachusetts, Mr. RUSSELL, is paired with Mr. SPEER, of Georgia.

Mr. LAPHAM. I am paired with Mr. TUCKER, of Virginia. My colleague from New York, Mr. RICHARDSON, is paired with Mr. HULL, of Florida.

Mr. BROWNE. My colleague from Indiana, Mr. CALKINS, is paired with Mr. FINLEY, of Ohio. I do not know how either of them would vote on this question.

Mr. BAILEY. My colleague from New York, Mr. MILLER, is paired with Mr. ACKLEN, of Louisiana.

Mr. TOWNSEND, of Ohio. My colleague, Mr. KEIFER, is paired with Mr. SIMONTON, of Tennessee.

Mr. BINGHAM. I am paired with Mr. FROST, of Missouri. If he were present, he would vote "no" and I should vote "ay."

The result of the vote was then announced as above recorded.

The next question was upon the amendment offered by Mr. CALKINS; which was read as follows:

Add to the third section the following:

And provided further, That the Secretary of the Treasury in his discretion may purchase silver bullion for coinage at its market value, and all gains and profits arising therefrom shall inure to the United States, and the Secretary of the Treasury is hereby authorized to use any surplus money in the Treasury not otherwise appropriated for that purpose.

Mr. CALKINS. I desire to say a word upon the amendment.

The SPEAKER. The gentleman is entitled to five minutes.

Mr. CALKINS. This amendment places in the coffers of the United States about 17 per cent. of all the silver bullion which would otherwise under this bill go into the pockets of the holders of the bullion. It seems to me that that clear and bare statement of the question should carry conviction to every person's mind that the amendment ought to be adopted.

Mr. WARNER. The operation of the amendment would be to close all the mints against silver.

Mr. BROWNE. Do I understand the gentleman from Ohio to say that he is in favor of this amendment?

Mr. WARNER. I said that it would shut the mints against silver.

Mr. BROWNE. You have not answered my question.

Mr. WARNER. No, sir; I am not in favor of it.

The question was taken upon Mr. CALKINS'S amendment; and on a division there were—ayes 94, noes 104.

Mr. CALKINS, Mr. CONGER, and others called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 114, nays 115, not voting, 56; as follows:

YEAS—114.

Aldrich, Nelson W.	Deuster,	Joyce,	Robinson,
Aldrich, William,	Dick,	Killinger,	Ross,
Anderson,	Dunnell,	Kimmel,	Ryan, Thomas,
Bailey,	Dwight,	Lindsey,	Sapp,
Barber,	Einstein,	Martin, Edward L.	Shallenberger,
Bayne,	Errett,	Martin, Joseph J.	Sherwin,
Belford,	Farr,	Mason,	Smith, A. Herr
Beltzhoover,	Ferdon,	McCoid,	Starin,
Blake,	Field,	McCook,	Stone,
Bowman,	Fisher,	McGowan,	Talbott,
Boyd,	Fort,	McKinley,	Thomas,
Brewer,	Frye,	Miles,	Townsend, Amos
Briggs,	Garfield,	Mitchell,	Tyler,
Brigham,	Godshalk,	Monroe,	Updegraff, J. T.
Browne,	Hall,	Morrison,	Updegraff, Thomas
Burrows,	Hammond, John	Morse,	Urner,
Camp,	Harmer,	Morton,	Valentine,
Cannon,	Haskell,	Muller,	Van Aernam,
Carpenter,	Hawk,	Newberry,	Voorhis,
Caswell,	Hawley,	Norcross,	Wait,
Chittenden,	Hayes,	O'Neill,	Ward,
Claflin,	Hazelton,	Orth,	Washburn,
Clymer,	Heilman,	Osmer,	White,
Conger,	Henderson,	Overton,	Wilber,
Cowgill,	Horr,	Pound,	Williams, C. G.
Crapo,	Houk,	Prescott,	Willits,
Crowley,	Humphrey,	Price,	Young, Thomas L.
Davis, George R.	Hurd,	Reed,	
Deering,	Jones,	Rice,	

NAYS—115.

Aiken,	Dickey,	Lewis,	Scales,
Armfield,	Dunn,	Lounsbery,	Singleton, James W.
Atherton,	Elam,	Lowe,	Singleton, O. R.
Atkins,	Evins,	Manning,	Slemons,
Bachman,	Ewing,	Marsh,	Smith, Hezekiah B.
Beale,	Felton,	Martin, Benj. F.	Smith, William E.
Bicknell,	Ford,	McKenzie,	Sparks,
Blackburn,	Forney,	McMahon,	Springer,
Bouck,	Geddes,	McMillin,	Steele,
Bright,	Gillette,	Mills,	Stephens,
Buckner,	Goode,	Money,	Stevenson,
Cabell,	Gunter,	Muldrow,	Taylor,
Caldwell,	Harris, John T.	Murch,	Thompson,
Chalmers,	Hatch,	Myers,	Tillman,
Clardy,	Henkle,	New,	Turner, Oscar,
Clark, John B.	Henry,	Nichols,	Turner, Thomas,
Cobb,	Herbert,	O'Connor,	Vance,
Coffroth,	Herndon,	Persons,	Waddill,
Converse,	Hooker,	Phelps,	Warner,
Cook,	Hostetler,	Phister,	Weaver,
Cox,	House,	Reagan,	Wellborn,
Cravens,	Johnston,	Richardson, J. S.	Wells,
Culberson,	Kelley,	Richmond,	Whitthorne,
Daggett,	Kenna,	Robertson,	Williams, Thomas,
Davidson	King,	Rothwell,	Willis,
Davis, Joseph J.	Kitchin,	Russell, Daniel L.	Wilson,
Davis, H. Loundes	Knott,	Ryon, John W.	Wise,
De La Matyr,	Ladd,	Samford,	Wright.
Dibrell,	Le Fevre,	Sawyer,	

NOT VOTING—56.

Acklen,	Covert,	Jorgensen,	Richardson, D. P.
Baker,	Ellis,	Keifer,	Robeson,
Ballou,	Finley,	Ketcham,	Russell, William A.
Barlow,	Forsythe,	Klotz,	Shelley,
Bingham,	Frost,	Lapham,	Simonton,
Bland,	Gibson,	Lay,	Speer,
Bliss,	Hammond, N. J.	Loring,	Townshend, R. W.
Blount,	Harris, Benj. W.	McLane,	Tucker,
Bragg,	Hill,	Miller,	Van Voorhis,
Butterworth,	Hiscock,	Neal,	Whiteaker,
Calkins,	Hubbell,	O'Brien,	Wood, Fernando,
Carlisle,	Hull,	O'Reilly,	Wood, Walter A.
Clark, Alvah A.	Hunton,	Pierce,	Yocum,
Colerick,	James,	Poehler,	Young, Casey.

So the amendment was not agreed to.

During the roll-call the following announcements were made:

Mr. COVERT. I am paired with the gentleman from Tennessee, Mr. CASEY YOUNG. If he were here I should vote "ay" and he would vote "no."

Mr. SHELLEY. I am paired with the gentleman from New York, Mr. KETCHAM. He would, if here, vote "ay" and I should vote "no."

Mr. HUNTON. I am paired with Mr. HISCOCK.

Mr. DAVIDSON. My colleague, Mr. HULL, is paired with Mr. RICHARDSON, of New York.

Mr. WEAVER. The gentleman from Illinois, Mr. FORSYTHE, is paired with Mr. WALTER A. WOOD, of New York. Mr. FORSYTHE, if present, would vote "no."

Mr. BLOUNT. Upon this question I am paired with Mr. HUBBELL, of Michigan. My colleague, Mr. HAMMOND, is paired with Mr. VAN VOORHIS, of New York. My colleague, Mr. SPEER, is paired with Mr. RUSSELL, of Massachusetts.

Mr. LAPHAM. I am paired with Mr. TUCKER, of Virginia. My colleague, Mr. RICHARDSON, is paired with Mr. HULL, of Florida.

Mr. TOWNSEND, of Ohio. My colleague, Mr. KEIFER, is paired with Mr. SIMONTON, of Tennessee.

Mr. HARMER. My colleague, Mr. BINGHAM, is paired with Mr. FROST, of Missouri. If present, Mr. BINGHAM would vote "ay."

Mr. ROBESON. On this question I am paired with Mr. CARLISLE, of Kentucky. Were he present, I should vote "ay."

Mr. CALKINS. My colleague, Mr. BAKER, is absent by leave of the House. I will take the liberty to pair him with Mr. FINLEY, of Ohio, and vote myself upon this amendment.

Mr. CLYMER. I beg pardon of the gentleman; Mr. BAKER, of Indiana, is paired with Mr. KLOTZ, of Pennsylvania.

Mr. CALKINS. Then I will not vote, but will announce my pair with Mr. FINLEY, of Ohio.

Mr. ROBINSON. My colleague, Mr. RUSSELL, of Massachusetts, is paired with Mr. SPEER, of Georgia.

Mr. CONGER. I move to dispense with the reading of the names, if there is no objection.

The SPEAKER. There is objection by the Chair. The Chair desires that order shall be preserved, so that members may see how they are recorded when the list of names is read by the Clerk.

The list was read, and the vote was announced as above stated.

Mr. WARNER. I move to reconsider the vote by which this amendment was rejected; and also move to lay the motion to reconsider on the table.

Mr. GARFIELD. And on that motion I call for the yeas and nays.

Mr. WARNER. I withdraw the motion to reconsider; and will move that the House now adjourn.

LEAVE OF ABSENCE.

Pending the motion to adjourn, leave of absence was granted, by unanimous consent, as follows:

To Mr. KILLINGER, for ten days;
To Mr. PIERCE, for ten days;
To Mr. O'NEILL, until the 21st instant;
To Mr. PRESCOTT, for ten days, on account of important business;
To Mr. BRIGHAM, until Tuesday next; and
To Mr. CALKINS, for two weeks, on account of important business.

LEAVE TO PRINT.

Mr. MURCH asked unanimous consent to have printed in the RECORD as a portion of the debates of the House some remarks prepared by him on the bill to prohibit military interference at elections.

Mr. VALENTINE. I object.

ENROLLED BILL SIGNED.

Mr. COFFROTH, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (S. No. 141) for the removal of the political disabilities of John S. Saunders, of Baltimore, Maryland.

PAY OF RETIRED ARMY OFFICERS.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting the petition of Colonel Samuel Ross, United States Army, retired, praying for the passage of an amendment to the Army appropriation bill in regard to the pay of retired officers of the Army; which was referred to the Committee on Appropriations.

And then the motion of Mr. WARNER was agreed to; and accordingly (at four o'clock and forty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By the SPEAKER: Papers relating to the pension claim of Theodore Streck—to the Committee on Invalid Pensions.

By Mr. ACKLEN: The petition of Joseph H. Acklen, (accompanied by draught of joint resolution,) for the passage of a law authorizing a survey of the Charenton Canal, in the State of Louisiana—to the Committee on Commerce.

By Mr. CLYMER: The petition of members of the Legislature, executive officers, and citizens of Pennsylvania, setting forth their views of the existing condition of public affairs and praying for the enactment of laws which will secure and maintain the peace, integrity, and safety of the government—to the Committee on the Judiciary.

By Mr. EWING: The petition of Captain William H. Prescott, (accompanied by draught of resolution,) to be appointed messenger to the House of Representatives—to the Committee of Accounts.

By Mr. GARFIELD: The petition of H. H. Hine and 27 others, members of Grange No. 594, Lake County, Ohio, for the passage of the Reagan interstate-commerce bill—to the Committee on Commerce.

By Mr. JOYCE: The petition of Mary H. French, for a pension—to the Committee on Invalid Pensions.

By Mr. LAPHAM: The petition of citizens of New York, against the extension of the Birdsell clover-huller patent—to the Committee on Patents.

By Mr. McCOID: Papers relating to the claim of workmen at Des Moines Rapids, Mississippi River, for pay for work and labor done for the Government—to the Committee on Commerce.

By Mr. McMAHON: The petition of John A. McMahon, (accompanied by draught of bill,) that a pension be granted Catharine Winel—to the Committee on Invalid Pensions.

Also, the petition of Henry Anderson, for a pension—to the same committee.

By Mr. MORTON: The petition of David Jones and 58 others, malsters of New York, Albany, and Buffalo, for a specific duty of thirty-five cents per bushel of thirty-four pounds on malt—to the Committee of Ways and Means.

By Mr. MURCH: The petition of 89 citizens of Stark, Maine, that Congress alone issue the currency of the country and that the Secretary of the Treasury be directed to pay off and cancel the bonds of the United States with the same—to the Committee on Banking and Currency.

Also, the petition of 81 citizens of Richmond, Virginia, for the enforcement of the eight-hour law—to the Committee on Education and Labor.

By Mr. THOMPSON: Papers relating to the bill (H. R. No. 1564) for the relief of Robert Martin—to the Committee on the Post-Office and Post-Roads.

By Mr. WILLIAMS, of Wisconsin: The petition of Henry Vreeland and others, citizens of Wisconsin, against the extension of the Birdsell clover-huller patent—to the Committee on Patents.

By Mr. WILLIS: The petition of Will S. Hays and others, citizens of Louisville, Kentucky, for the establishment of a life-saving station at the falls of the Ohio River—to the Committee on Commerce.

By Mr. YOCUM: The petition of citizens of Union County, Pennsylvania, that no change be made in the revenue laws that will promote the interest of dealers in spirituous liquors—to the Committee of Ways and Means.

IN SENATE.

FRIDAY, *May* 16, 1879.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a message from the President of the United States, transmitting, in compliance with a resolution of the Senate of the 7th instant, a copy of his proclamation of the 26th of April, 1879, and copies of the correspondence and papers on file and of record in the Department of the Interior and the War Department, in reference to the alleged occupation of a portion of the Indian Territory by white settlers.

The PRESIDENT *pro tempore*. The Chair will call the attention of the Senator from Kansas [Mr. INGALLS] to this message, it being in answer to a resolution moved by him.

Mr. INGALLS. I ask that the message and accompanying papers lie on the table, and be printed.

The PRESIDENT *pro tempore*. If there is no objection, it is so ordered.

The Chair also lays before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of the General Land Office relative to the signing of land-patents by one of the clerks in his office to be designated by the President for that purpose.

This communication will be referred to the Committee on Public Lands, if there be no objection.

Mr. ALLISON. I think the communication had better lie on the table for the present. The subject-matter of it, I think, is now pending in the legislative, executive, and judicial appropriation bill.

Mr. BECK. I was about to make that suggestion. An amendment on that subject was offered by the Senator from Kansas, [Mr. PLUMB,] and it will come up in the consideration of that bill.

The PRESIDENT *pro tempore*. The communication will lie on the table for the present. The Chair will also lay before the Senate a bill and joint resolution from the House of Representatives for reference.

HOUSE BILLS REFERRED.

The joint resolution (H. R. No. 71) authorizing the appointment of a commission to lease a building for a city post-office in the city of Washington, District of Columbia, was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

The bill (H. R. No. 1999) to amend an act entitled "An act making appropriations for the construction, repair, preservation, and completion of certain works on rivers and harbors, and for other purposes," approved March 4, 1879, was read the first time by its title.

Mr. EDMUNDS. I should like to have the bill read at length. Let us know what it is. I see it amends an act so very recent that I should like to know what it is.

The bill was read the second time at length, as follows:

Be it enacted, &c., That such parts of the moneys heretofore appropriated by the act of which this is amendatory for the improvement of the Great Kanawha River, in West Virginia, and the Kentucky River, in the State of Kentucky, as may be necessary in the prosecution of said improvements as undertaken may be expended in the purchase, voluntary or by condemnation, as the case may be, of such sites as are necessary in the prosecution of said improvements: *Provided*, That such expenditure shall be under the direction of the Secretary of War: *And provided further*, That if the owners of such lands or sites shall refuse to sell the same at reasonable prices, then the prices to be paid shall be determined and the title and jurisdiction procured in the manner prescribed by the laws of the State in which such lands or sites are situated.

Mr. DAVIS, of West Virginia. Mr. President, in the absence of my colleague, [Mr. HEREFORD,] who would have immediate charge of the bill, he living in that section of the State and being also a member of the Committee on Commerce, I wish to say that it is important that the bill should be acted upon early, and I ask the Committee on Commerce at an early day to act upon it. I of course desire it to be referred, as bills are usually referred.

Mr. EDMUNDS. I also desire to implore the Committee on Commerce to examine with some care the question as to whether the provision for condemning property, as it is called, is one that will stand fire in the form in which it is now stated in this House bill. If they really want to condemn any land, it would be well enough to have the law of the United States so framed that it can be done and not prove a mere fiasco, as I am a little afraid it would as it reads now.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Commerce.

PETITIONS AND MEMORIALS.

Mr. CAMERON, of Wisconsin, presented the petition of John H. Brooks, pastor, and others, members of the Fifth Baptist church, colored, of Washington City, praying that the Select Committee on the Freedman's Savings and Trust Company request that company to furnish the Senate a full statement of the amount of the indebtedness to that church; which was referred to the Select Committee on the Freedman's Savings and Trust Company.

REPORTS OF COMMITTEES.

Mr. PENDLETON, from the Committee on Indian Affairs, reported a bill (S. No. 605) to authorize the Secretary of the Interior to deposit certain funds in the United States Treasury in lieu of investment; which was read twice by its title, and recommitted to the Committee on Indian Affairs.

BILLS INTRODUCED.

Mr. MAXEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 606) to authorize the purchase by the Secretary of War of sites for forts and posts in Texas; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. ALLISON. A friend handed me a bill this morning, which I have not had time to examine, relating to the purchase of a site for a city post-office here. By request I introduce it, and ask its reference to the Committee on Public Buildings and Grounds.

By unanimous consent, leave was granted to introduce a bill (S. No. 607) authorizing the Postmaster-General to purchase a site for a city post-office in the city of Washington, District of Columbia; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. GARLAND asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 608) for the relief of Drury Bynum; which was read twice by its title, and referred to the Committee on Public Lands.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 609) granting a pension to James E. Hargrove; which was read twice by its title, and referred to the Committee on Pensions.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. BURNSIDE, it was

Ordered, That the petition of C. J. E. Thompson be taken from the files of the Senate and referred to the Committee on Patents.

THE COIN RESERVE.

Mr. INGALLS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to report to the Senate what amount of the legal-tender notes of the United States have been presented and redeemed in coin since January 1, 1879; and also what amount of coin he considers himself authorized to retain in the Treasury for the purpose of maintaining resumption of specie payments under the provisions of the act of January 14, 1875.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. PLUMB. I offer an amendment which I intend to propose to the bill (H. R. No. 2) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes, and I ask that it be referred to the Committee on Appropriations.

Mr. BECK. Let it be read.

Mr. PLUMB. I ask to have the amendment which I offer read.

The SECRETARY. It is proposed to add after the words "seventy-six," in line 1705, the following proviso:

Provided, That the claims for arrears of pensions shall be settled and determined as rapidly as possible and as fast as determined, and as often as once in thirty days the Secretary of the Interior shall make requisition upon the Secretary of the Treasury for funds necessary to pay all claims then settled; and it shall be the duty of the Secretary of the Treasury to promptly meet such requisitions by placing to the credit of the Commissioner of Pensions the amount of the same out of any money which may be in the Treasury not necessary to meet payments of interest on the public debt.

The PRESIDENT *pro tempore*. The amendment will be referred to the Committee on Appropriations, and printed.

Mr. HARRIS. If there be no further morning business, I move that the Senate proceed to the consideration of Senate bill No. 108, during the remainder of the morning hour.

Mr. CONKLING. What is the bill?

Mr. HARRIS. It is the bill reported back from the Select Committee on Epidemic Diseases, perhaps better known as the quarantine bill.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Tennessee to proceed to the consideration of the bill familiarly known as the contagious diseases bill.

Mr. EDMUNDS. I hope we shall go on with the appropriation bill.

Mr. BECK. I hope the Senate will proceed now with the unfinished business, being the legislative, executive, and judicial appropriation bill.

The PRESIDENT *pro tempore*. The motion made by the Senator from Tennessee is in order, and the question is on agreeing to it.

Mr. HARRIS. I do not propose to antagonize the Committee on Appropriations. I supposed I had the acquiescence of the Committee on Appropriations to take up this bill during the morning hour. If I have not, I shall not undertake to antagonize that committee or to enter upon any struggle for the consideration of the bill at this time.

Mr. BECK. I desire to say that a morning or two ago I thought that the bill which the Senator from Tennessee seeks to bring before the Senate could be taken up in the morning hour, but so many Senators have offered amendments to the appropriation bill and are anxious to have them disposed of, that I fear to take this bill up would interfere with the consideration of the appropriation bill. As I am pressed all around to have the appropriation bill immediately considered, in order that we may get through with it and all the amendments proposed at the earliest possible time, I must insist on going on with the appropriation bill.

The PRESIDENT *pro tempore*. Does the Senator from Tennessee insist on his motion?

Mr. HARRIS. After hearing the statement of the Senator who has the appropriation bill in charge, I withdraw the motion.

The PRESIDENT *pro tempore*. If there is no other motion to proceed to the consideration of business, the Chair will declare the morning hour at an end, and the unfinished business is the legislative, executive, and judicial appropriation bill.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 2) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes.

Mr. PLUMB. I now move the amendment which I offered some days since in line 396 of the bill. I should like to have the attention of the Senator having the bill in charge to this amendment.

Mr. BECK. There is an amendment now pending.

The PRESIDING OFFICER, (Mr. EDMUNDS in the chair.) The question is on agreeing to the amendment proposed by the Senator from Texas, [Mr. MAXEY,] which will be reported.

The CHIEF CLERK. On line 58, page 3, after the word "pensions," it is proposed to insert "clerk to the Committee on Post-Offices and Post-Roads," so as to make the clause read:

> For clerk to the Committee on Finance, clerk to the Committee on Claims, clerk to the Committee on Commerce, clerk to the Committee on the Judiciary, clerk to the Committee on Private Land Claims, clerk to the Committee on Pensions, clerk to the Committee on Post-Offices and Post-Roads, and clerk to the Committee on Military Affairs, at $2,220 each.

Mr. MAXEY. I stated yesterday morning all that I care to state in support of the amendment which comes from the Committee on Post-Offices and Post-Roads. What I said yesterday appears this morning in the RECORD; and the statement made by the former chairman of that committee, the Senator from Michigan, [Mr. FERRY,] also appears. Those statements to my mind are so clear that I think there will be no doubt in the mind of the Senate, and unless somebody has something to say about the amendment I will ask for a vote upon it now.

Mr. HOUSTON. Mr. President, I expressed my opposition to this character of legislation some days ago in the Senate. I am opposed to the proposition to make permanent clerks to committees. This amendment is reported from the Committee on Post-Offices and Post-Roads, of which I am a member; and that I may not be put in a false position as far as my individual views are concerned, I propose to say that I am opposed to all such amendments. At the same time I say here what I said in committee, and what I think, that the Committee on Post-Offices and Post-Roads is as much, if not more, entitled to a permanent clerk than any of the committees named in the amendment of the Appropriation Committee; and I repeat that if the Senate agree to the amendment proposed by the Committee on Appropriations, then I believe the amendment proposed by the chairman of the Committee on Post-Offices and Post-Roads ought also to prevail. Yet it is proper for me to say that I believe both amendments ought to be voted down.

Mr. President, listening yesterday to the gentleman who has charge of the pending appropriation bill, [Mr. BECK,] I was reminded very strongly of the great necessity that in my opinion devolves upon that gentleman and upon the Committee on Appropriations that they shall take some steps with a view to remedy the outrages of which the Senator from Kentucky spoke in his remarks yesterday morning. He enumerated a large number of custom-houses where the customs received do not begin to pay the expenses of their collection, and yet in another branch of his remarks he said he did not think probably that the Secretary of the Treasury could remedy that evil. I do not believe it. I believe those abuses are growing up and will amplify and multiply. Unless the legislation of the country is such as it ought to be, in view of the necessities of the people of the country, in reducing the expenses of the Government, it seems to me that we shall be placed in a very awkward position very soon. The idea is absurd that thirty-six of the custom-houses in the United States should cost many thousands of dollars more than the amount of the revenue collected at them. The Treasury Department certainly has largely the control of that subject; and if it has not, it seems to me that it is the duty of the committee to provide by law, so that the evil can be remedied and so that it shall be remedied.

I do not propose to make a party question of this or anything else, unless it is forced upon me; but certainly the party recently in power is responsible for these abuses and for this vast expenditure and waste of money, and the democratic party now being in power assumes the responsibility of remedying abuses. I appeal to the gentlemen upon the Committee on Appropriations, who seem to have charge of this subject, to inaugurate a system by which we shall curtail these expenses and prevent these abuses. I know that we are now assembled in extra session, when it cannot, perhaps, well be done, but a reform might be inaugurated through the agency of proper committees. I do not expect to accomplish more than the beginning of it at this session, but a great reform like that, it seems to me, ought to be inaugurated and prosecuted until we accomplish the result desired. Certainly we can save a great deal of these unnecessary expenses. Certainly we can prevent the waste of which the Senator from Ohio [Mr. THURMAN] spoke yesterday of thousands and thousands of dollars that have been appropriated and never have been accounted for. Whose fault is that? There is a fault somewhere, there is an error somewhere, there is a great wrong and an outrage upon the taxpayers of the country.

Mr. President, I do not propose to go into this question now. I will do it at some time but not to-day. I have been led into these remarks in relation to these expenditures by what was said by the Senator from Kentucky yesterday, and I do appeal to him now to see to it that the Committee on Appropriations shall inaugurate some system by which we can remedy these evils.

Mr. FERRY. Mr. President, I take it for granted that the amendment reported by the Committee on Appropriations will be concurred in. That is a proposition adding the clerkships of the Committees on Private Land Claims, Pensions, and Military Affairs to the permanent clerkships of the Senate. We have now permanent clerks for the Committee on Appropriations, the Committee on Finance, the Committee on Claims, the Committee on the Judiciary, and the Committee on Printing. I desire to say that if any committee of the Senate, save perhaps the Judiciary Committee, is entitled to a permanent clerk, it is the Committee on Post-Offices and Post-Roads.

Mr. HOUSTON. I agree with the Senator in that.

Mr. FERRY. There are more nominations, more controversies, before the Committee on Post-Offices and Post-Roads than before any other committee of this body. It is simply necessary to state the fact for it to be appreciated by every Senator here. The appointments of postmasters are numerous, and these appointments are perhaps the most difficult to get along with, because the questions involved are brought nearer to the people and the postmasters have more direct and daily contact with the people than any other officers. In fact the friction between the people who have interests with the post-offices and the postmasters is hourly and daily; and there is more interest felt, more criticism, more controversy on the nominations of postmasters than on any other nominations that have come within my knowledge and experience. Therefore I think if any committee clerk is entitled to the salary proposed here it is certainly the clerk of the Committee on Post-Offices and Post-Roads. It requires not only a man competent to do the clerical work, but he must possess more ability than is required to discharge the ordinary duties of a committee clerk. He must possess some judicial qualities; he has access necessarily to the Post-Office Department; he is sent to the Department by the different Senators composing the committee to investigate the various cases that are brought before the committee; and so numerous are these cases that it is impossible for the Senators themselves to give all the attention to them that is necessary, so that much of the work and labor of the committee devolves upon the clerk, and for that reason it is necessary that we should have a competent clerk. I have been conscious of this want of a permanent clerk for some time; but I hesitated in presenting the subject to the Senate. My successor has done so; and I am very glad that he has called the attention of the Senate to the subject; and I hope if the other committees named are to have permanent clerks this committee will also have one.

Mr. MAXEY. Mr. President, I was placed by the Senate as chairman of the Committee on Post-Offices and Post-Roads, having been at the time a member of that committee for four years. I determined, as far as I had the power to do it, to make that committee efficient. In order to do efficient work an efficient clerk is a necessity; and I will say to those gentlemen on the democratic side who justly favor

economy that any good business man knows that in order to do good, efficient work you must have good, efficient men to do that work. The clerk of the Committee on Post-Offices and Post-Roads, as was so well stated by my predecessor in the chairmanship of that committee, [Mr. FERRY,] must have the capacity when a change in the law is proposed to know what the law is and what the defect complained of is, in short must know the law controlling the Post-Office Department. The committee should have before them an abstract of the old statutes, together with the facts which it may be claimed render a change necessary. A brief of the law pertinent and the facts in the examination of a case before the committee is of great service. It is perfectly well known that you cannot get a competent man to act as clerk of such a committee on a per diem pay, when one of the sessions of the Senate is but three months ordinarily, and the other covers a period of about seven months, for when he goes upon the committee he must give up all other work; and no man capable of being a clerk of the Committee on Post-Offices and Post-Roads can afford to give up his ordinary avocation and get pay for only three months during one year and six or seven months during the other year. An efficient clerk is of the greatest service to an efficient committee.

I beg to call the attention of the Senate to another point. If the members of the Committee on Post-Offices and Post-Roads had no other work to do than that which comes to them as members of that committee they might very well get along with a per diem clerk. It is a work necessarily demanding practical business men; and I will say for that committee that it is composed of practical business men, who have to deal with the people of this country more than any other committee of this body. Their duties extend into every portion of the United States as well as across the water. The chairman of this committee is also a member of the Committee on Military Affairs, a hard-worked committee, and he has his duties to perform on the Committee on Post-Offices and Post-Roads as well as on the Committee on Military Affairs. He is also a member of the Committee on Education and Labor. My colleague on the Post-Office Committee [Mr. SAULSBURY] is chairman of the Committee on Privileges and Elections, a committee having great work to do, and he is on the Committee on Public Buildings and Grounds. The Senator from Tennessee [Mr. BAILEY] is chairman of the Committee on Education and Labor, is on the sub-committee on Alleged Frauds in the Late Elections, is a member of the Committee on Privileges and Elections, and is also a member of the committee on the removal of the Northern Cheyennes. The Senator from Alabama [Mr. HOUSTON] is on the Committee on Claims and on the Committee on Privileges and Elections. The Senator from California [Mr. FARLEY] is on the Committee on Pensions, the Committee on Mines and Mining, and the Committee on Naval Affairs. The Senator from Michigan [Mr. FERRY] is on the Committee on Finance, a very important and hard-worked committee. The Senator from Maryland [Mr. GROOME] is on the Committee on Pensions and the Committee on Claims. The Senator from Maine [Mr. HAMLIN] is on the Committee on Foreign Relations, the Committee on Civil Service and Retrenchment, and the select committee in reference to claims against Nicaragua. The Senator from Iowa [Mr. KIRKWOOD] is on the Committee on Foreign Relations, the Committee on Alleged Frauds in the Late Elections, the select committee on the removal of the Northern Cheyennes, and the select committee in reference to claims against Nicaragua.

Now, take the list which I have just read and see the work which the members of the Post-Office Committee have to do outside of the Post-Office Committee; and to say that they can faithfully and efficiently discharge their duty here without having a competent clerk to aid them is to my mind a proposition that cannot be sustained.

If we expect to run this Government economically we must start the business right, for I say to the Senate that in my judgment this country has suffered more from crude, ill-digested legislation than from any other one cause. The Government of the United States and the tax-payers of this country would make money by having competent and efficient men everywhere connected with the Senate and House of Representatives. If good work comes up right from the committees, as it ought to come up from them, it will come up in the Senate intelligently and the Senate can act upon it intelligently.

Take the Committee on Appropriations. That committee has no more work to do, in my judgment, than the Committee on Post-Offices and Post-Roads. They have none but the appropriation bills referred to them; they have no nominations referred to them; they have no reports to make; yet they have a permanent clerk and a deputy clerk. Nobody objects to it, because I say that it is wise to have efficient force, but I do say for that committee that having their own nest so remarkably well feathered they ought at least to pay some attention to the wants of a committee having so much to do with the immediate business of the people of the United States as the Committee on Post-Offices and Post-Roads. This recommendation for a permanent clerk comes from that committee, and I say in all deference to the Committee on Appropriations that the Committee on Post-Offices and Post-Roads knows about as well what they need as any outside committee can know. I believe the amendment offered by the Committee on Post-Offices and Post-Roads is right, that it ought to be adopted; and I trust it will be adopted.

Mr. BECK. Mr. President, one word. I do not know why it is necessary to refer to the action of the Committee on Appropriations as feathering their own nest. I do not think any of us are feathering our nest specially by retaining and maintaining the law as it stands, or by retaining competent persons to do our work; nor do we desire that the Committee on Post-Offices and Post-Roads should be prevented from having whatever aid is necessary to enable them to do their work properly and well, but this is the state of fact: we have, as I said yesterday, determined not to change the existing relations of the clerks at this extra session except where it had been heretofore agreed on between the two Houses, either by law or in conference. The Senate appointed, by a resolution of the 26th day of March, the Committee to Audit and Control the Contingent Expenses of the Senate "to take into consideration, with the view to economy and the equalization of salaries upon the principles of justice, the question of the duties, number, and compensation of the employés of the Senate, and to report thereon by bill or otherwise; said committee to have leave to sit during the recess."

That committee assure us they are at work, endeavoring to ascertain what it is proper for them to recommend in that regard, embracing all the employés of the Senate, clerks and others. Until a report is made by them, the Committee on Appropriations did not feel authorized to select certain committees and ask to have assigned to them permanent clerks and leave other committees of equal importance without permanent clerks. Hence the committee did not engage in that business at all. The committee did not add now for the first time a permanent clerk to the Committee on Private Land Claims or to the Committee on Pensions. These are permanent clerkships now under the law for the current fiscal year and for previous years; and it was because the House saw fit to leave them out in making up this bill thus reducing the clerks of the Senate committees, and finding that those clerks were permanent now and not desiring to change the law in regard to them, we simply restored them. The Senate, by a vote at the last session of Congress, on motion of the Senator from Texas, [Mr. MAXEY,] instructed us to add a permanent clerk to the Committee on Military Affairs. Being so instructed by the yea-and-nay vote of the Senate, we retained it in this bill. That is all the Committee on Appropriations did.

Now, it is insisted that the Committee on Private Land Claims is a very small committee, and yet we have given it a permanent clerk. I do not know why it was originally done; it was done before I came to the Senate. But I understand that when republican gentlemen saw fit to give to the democrats one committee and make a democrat chairman of it they gave him a permanent clerk, so that the democrats could have a committee-room of their own and a clerk of their own where they could hold their consultations. I have understood that it was given on that ground and on that ground alone; and when the democratic party came into power in this body they appointed a republican chairman of the Committee on Private Land Claims and allowed him to have a permanent clerk, so that the republican minority could have a committee-room of their own and a clerk of their own, where they could hold their consultations. The Committee on Appropriations finding that was the law and that the law was passed for that purpose did not feel that they would be doing a very gracious thing, if as it was intimated by the Senator from Michigan they ought to have done, in striking off the clerk of that committee because he was not as hard-worked as some others are.

Mr. FERRY. I made no criticism on that; I was merely naming committees that had permanent clerks. In fact I supported that; and I think as it was fair in regard to the democracy it is equally fair in regard to the republicans. The democratic party have only done their part and just followed the example that was set them by the republican party. I have made no criticism as regards that. The only one I named with emphasis was the Committee on the Judiciary, that was doing perhaps more labor than any other committee, and second to that was the Committee on Post-Offices and Post-Roads; but I made no criticism as to the Committee on Private Land Claims.

Mr. BECK. As I said, in view of the resolution that was passed by the Senate, in view of the information we are to get by the next regular meeting of Congress, the Committee on Appropriations determined to make no changes, and have made none, the only addition to the existing law or agreement being, as I have said, the Committee on Military Affairs, because of a yea-and-nay vote of the Senate ordering us to do it. We obeyed that command given at the last session of Congress on the motion of the Senator from Texas.

Now it is asked to make the clerk of the Committee on Post-Offices and Post-Roads a permanent clerk. I have no doubt that committee ought to have a competent clerk; I have no doubt that it is a committee of very great importance. If it is proper to go into a revision of all the committee clerkships, it may be entitled to more than it has; but now how does the matter stand? There are twenty-six committees of this House that now have per-diem clerks; there are eight that have permanent clerks. The pay of the permanent clerks is $2,220 a year; the average pay of the per-diem clerks is about $1,100. It varies, of course, depending upon the length of the long session, and compensation is generally given for thirty days or sixty days after the session closes. So that the cost of the permanent clerk being $2,220 and the cost of the per diem clerk being about $1,100, and there being twenty-six committees now that have per-diem clerks, if we increase this one we shall have to increase the Committee on Naval Affairs and a great many others of the committees, because they can all properly insist that they ought to have

competent men to do their clerical work, and the increase of this bill by this change sought now to be made simply means to add $28,000 to the annual expenses of the Senate, and that is sought to be done in the face of an investigation now going on by a committee appointed by the Senate to look into the whole question and to see what it is proper to do.

It is for that reason that the Committee on Appropriations did not feel that they were authorized either to add any more permanent clerks or to change the per diem clerks to permanent clerks or to give their assent to any individual case unless the Senate should determine by an instruction (which we should regard this of course) that they are going to change from per diem to permanent clerks, and then I do not see how we can resist the application of any respectable committee for a permanent clerk.

I know that there are very many important matters to be considered by the Committee on Post-Offices and Post-Roads which make it a very important committee. All the gentlemen on it are doubtless on other committees. So it is with other committees. I could state what other committees the different members of the Committee on Appropriations are on, and doubtless the members of each committee could do the same. But there is one thing that I would suggest and have suggested for a year or more, that the Committee on Post-Offices and Post-Roads is, in my opinion, doing a great deal of very useless and very needless work. They are making up a long bill of one hundred or two hundred pages, and receiving one of a hundred or two hundred pages from the House, establishing post-routes all over the country, from Raccoon Fork to Confederate Cross Roads and everywhere else, though the committee do not know that the places even exist, and page after page of that sort of useless detail is brought before the Senate annually. Anything that any Senator offers goes to the clerk and is put on the bill. In the House they do not even take the pains to present the papers to the House; they take them to the committee clerk and they are added on.

In this way there is brought to us an apparently immense work, which keeps a clerk writing a month or two to make it up. Now, as every river in the United States is a post-route, and as every railroad in the United States is a post-route, all the committee, in my opinion, have to do is to introduce a bill in three lines saying that all the present public highways of the United States shall be and are declared to be post-routes, and the Postmaster-General is authorized to furnish such postal facilities thereon as the good of the service requires. That would end nine-tenths of their big work. It is nonsense to be doing it in any other way. Why should it not be so done if there is any great difficulty about making roads not yet established, that may become highways in the future, post-roads? Surely the present established highways in the United States can as well be made post-roads by a law of a single line as the rivers and railways and other highways are so made, and thus save all the nonsense we are year by year enacting.

Mr. FERRY. I desire to ask the Senator from Kentucky if he is a member of the Committee on Post-Offices and Post-Roads?

Mr. BECK. The gentleman ought to be familiar with the committees of the Senate. He knows I never was on that committee in this House or the other.

Mr. FERRY. Then I ask the Senator how he is competent to judge and say that removing the post-routes from the labors of that committee would take away nine-tenths of the labor of the committee?

Mr. BECK. I beg pardon if I said that.

Mr. FERRY. After my statement that there were more nominations and more controversies on nominations before that committee than any other committee of the Senate, and the Senator from Kentucky cannot gainsay that.

Mr. BECK. If I said nine-tenths of their actual labor, I made a mistake; but that is certainly nine-tenths of the bulk of the work that is presented here. I believe it is the only bill that committee is required to present.

Mr. FERRY. I call the Senator's attention to the fact that the reclassification of mail matter and changing the compensation for transportation, in a bill which passed at the last session, involved a great deal of labor during the session. The Senator must have lost sight of that. The Senator thinks the labor of that committee is entirely confined to post-routes, and they are of so little consequence. Let me say that the Senator from Kentucky and other Senators are very tenacious and very glad to go through all the routine to have their particular routes at the Confederate Cross Roads put upon the bill, and are very anxious to see it done. The Senator has plenty of opportunity to offer a bill which covers all the post-routes of the country in the way he now suggests; but he has not done it, or he has not pressed it. If he has failed to do that, he should be the last one to criticise the labors of the Committee on Post-Offices and Post-Roads.

Mr. BECK. Mr. President, at the last session of Congress I introduced exactly the bill I am speaking of, and had it referred to that committee. I will furnish the Senator a copy of it. He was chairman of the committee at that time. I spoke then of the absurdity of going through all that thing. Whether or not the committee have an immense amount of other work to do I have not said; but I know that the great labor of their clerk is the making up of this long useless detailed bill. If I spoke of its being nine-tenths of the committee's work I meant nine-tenths of the clerk's work was in making up that bill, which I think can be disposed of in three lines. Gentlemen of the committee have doubtless many questions to consider. The nominations submitted to them of course are numerous. I suppose there is one in a hundred of them that is contested. I do not know what the clerk has to do with them except to write down the list of names. One gentleman takes the cases in two or three States, another two or three States, another two or three States, and they ascertain whether there is any objection to the nominees or not. The postmasters' nominations, I think, go through the executive sessions with as much readiness as any other, except that once in a while there is a controversy about them; but the clerical labor is not very much increased by that. I suppose the labor of the Senators themselves is added to by the large number of nominations.

But I do not care about that. The present point is simply this: shall we begin now, even with this meritorious and hard-working committee, to change a per diem clerk to a permanent clerk and thereby enable, and perhaps make it proper, perhaps make it the duty of the gentlemen representing other committees to ask for the same privilege and thus add $28,000 at least to the annual expenses of the Senate, or shall we wait until the committee now appointed and who I am advised are performing their duty carefully, report to us just what ought to be done? That seems to me to be the only question.

Mr. MAXEY. The committee should not reject a meritorious claim because one not meritorious may be presented.

Mr. BECK. Not inserting it now would not be in any sense a rejection of the claim, in my opinion. The Committee on Appropriations have presented this bill, standing upon the law and conference reports, as it now is, and a claim is made to add to it. We see the difficulties it will lead to, and we ask gentlemen to wait until the committee make a report to show what is important and what is not important, and not add twenty-six more permanent clerks, or the larger proportion of them, so as to increase largely our already heavy expenses until we have the proper information from the committee we have appointed.

Something was said about the labor of the Committee on Appropriations. I know something about that. I never was upon the Committee on Post-Offices and Post-Roads, but I have been on the Appropriations Committees in both Houses. It was said by my distinguished friend from Alabama [Mr. HOUSTON] that he believed the clerk to the Committee on Appropriations to the Senate did not have more than one-tenth the work to do that was done by the clerk of the Committee on Appropriations of the House. I have served on both committees, and the clerk of the House committee when I was there is still clerk of that committee, and the clerk of the Committee on Appropriations of the Senate in the last Congress and the present Congress is the same. I know something of the labor of both, and I can only say from personal knowledge that the labor performed by the clerk to the Committee on Appropriations of the Senate is as much as any one man can possibly do, and is more important, more laborious than that of the clerk of the Committee on Appropriations of the House of Representatives, laborious as that is. And why is it so? The clerk to the Committee on Appropriations of the House can take the bills of the former year and lay them before the committee, and they make the changes and have ample time to do so. The clerk of the Committee on Appropriations of the Senate has not only to watch every change made in the House, every step that is had upon each item, collate it carefully for the use of his committee, preserve it, and have it laid in the most intelligent form before his committee, but he has to receive all the communications of every Department the moment they come and have them put in order and kept in order; to have the laws passed from time to time carefully collated, because when the bills come to the Senate, generally at the heel of the session, they come upon us with such a rush that we are forced to act so promptly and hastily that unless our clerk has spent his whole time in faithfully and carefully preparing everything in advance and have everything ready it could not be done. None of that sort of work falls on the clerk of the Committee on Appropriations of the House, faithful and competent as he is. I know from personal knowledge that the clerk of the Committee on Appropriations of this body at the close of the last long session of Congress never left the committee-room, even to go to his home, for nearly three weeks before the adjournment. He was certainly there night and day for the last nine days of the session. I know he worked until from one to three o'clock in the morning, and for the last five until the sun shone in the morning, and had to be with his committee again at nine o'clock to go on with the next day's work.

The amount of labor that has to be done by that committee under all the exigencies, driven as we are, depends on the efficiency, the activity, the intelligence, the formal and careful preparation of bills by the clerk taking in all that the House has done or said, all that the Departments desire, having everything in perfect order so that he can turn his hand to everything in a moment; without him I do not see how the Committee on Appropriations of the Senate would do its work at all. I am sure that there are bills I could not manage unless I had him by my side, standing by and aiding me with the information it has taken him months—yes, years—to acquire. I do not know what his politics are. We have not changed him; and so it has been with the clerk of Appropriations in the other House. Neither the House nor the Senate have thought of changing these particular clerks. I felt compelled to say that much for the clerk to

the Committee on Appropriations, and for that committee, Mr. President, we are not feathering our own nest in any improper sense, but we are endeavoring to secure the aid we must have, what the exigence of our situation requires, and we have retained a competent man without whom we can make no progress at all satisfactorily.

Mr. FERRY. Will the Senator allow me?

Mr. BECK. Yes, sir.

Mr. FERRY. I have made no allusion whatever to the Committee on Appropriations, much less to the clerk of the committee, for I have had occasion to go before that committee; I have been on conference committees connected with matters coming before the Committee on Appropriations, in the interest of the Post-Office Department, and I have been an observer of the industry and ability which have been exhibited by the clerk of that committee. I have made no criticism whatever, and I am here to indorse all that the Senator from Kentucky has said in behalf of the clerk of that committee, and I am very glad that he at this time is defending that clerk, and defending the labor that the Committee on Appropriations perform, but I trust that the Senator will have generosity enough to concede labor also to other committees who are associated with him in the work of this body, and not, because another committee which has a great deal to do asks that the clerk of that committee be placed on a permanent salary, criticise the work of that committee when he knows nothing by personal experience of its labors. It was for that reason that when the Senator made the statement that fixing the post-routes, establishing new post-routes, was nine-tenths of the labor of that committee, I inquired, for I had not seen him present nor had I seen his name on the list, whether he was a member of that committee, in order to know whether he was fitted to judge properly of the labor of that committee.

Mr. BECK. I have already said to the Senator from Michigan that if I stated the post-route bill and business was nine-tenths of the work of the committee, I made a mistake. I meant to say nine-tenths of the clerical labor was employed on a long detailed bill that could be dispensed with, and I endeavored to show how. I suppose there is no doubt about it. I intended to say that long and useless bill constituted nine-tenths of the clerical labor of the committee. But I do not propose to say more now than I have. If any other committee shall ask the same thing I should be compelled, as I am doing now, to state the reasons why the Committee on Appropriations did not give them permanent clerks. The Committee on Naval Affairs and many other committees have not got them, and I would beg them not to insist upon the Committee on Appropriations now giving them permanent clerks unless they come with a proposition to give all the leading committees permanent clerks and let the Senate overrule us as to all, at once. We do not think it a good time to increase the permanent committee clerks of the Senate; therefore we did not feel that we ought to increase this one and let the others stand as they are.

That is all I care about saying. I was instructed by the committee to make this presentation. I have done it perhaps in a bungling way; but these are substantially the reasons why we have taken the position we occupy. I am not sure but that every committee ought to have a permanent clerk. I have said that I thought every Senator ought to have a clerk paid by the Government, or by his State, while the Senate is in session. There is not a man on this floor that does not need the active, constant service of some one to do his clerical work, to go for him to the Departments, to acquire information and to attend to his correspondence, so that he may look after the wants of his constituents and at the same time do his duty in this Chamber. At the same time I do not want to break into the established system at present, either in this or any other case.

Mr. SAULSBURY. As a member of the Post-Office Committee, I perhaps ought to say that I have no doubt the labors of the clerk of that committee are perhaps as onerous as those of most annual committee clerks; and the chairman of the committee understands my view on the subject. As I believe, there is as much claim on the part of this committee for a permanent clerk as on the part of most other committees that have them, still I do not believe that we ought to increase the expenditures for running the Senate.

There is one committee that has an annual clerk, of which the Senator in the chair [Mr. EDMUNDS] is now chairman, the Committee on Private Land Claims, but I would not deprive it of an annual clerk, because, as has already been said, that is a committee which has been awarded to the minority on this floor, and I believe it is right and proper that they should not only have a committee-room, but have an annual clerk to attend to any duties the minority may wish performed, whether they belong to the committee or not. I therefore should be opposed to striking down that committee from the list of annual clerkships; but in reference to all the rest, the Pension Committee and the Post-Office Committee, I think we had better let them remain just where they are.

I do not believe we ought to have so many annual committee clerks at salaries of $2,200. Who fill these places generally? They are young men. There is scarcely a young man in my State I know but what would be glad to have a clerkship at a thousand dollars a year. I say here now that when I was twenty-five years of age I should have been glad to have employment at $1,000 a year myself; and to give these young men $2,200 for the service they perform to a committee here in my opinion is exorbitant, and I believe it is the duty of the Committee on Appropriations to cut down the pay of some of these clerks. It is too much. One-half the farmers in my State do not raise from their farms, where their capital is invested, produce that amounts to $2,200 a year. There are not one-half the citizens of my State who make annually that amount of money. In the town in which I live there is a cashier of a bank, with a capital of $600,000, whose salary is $1,200 and the house in which he lives, managing a large financial institution, and who has managed it for many years, and managed it well; and yet we talk about giving clerks to committees of this body $2,200 as if it was a very trifling sum. If the money came out of our own pockets we should have a perfect right to do it; but we represent here the tax payers of the country. We are appropriating the money of the people who have sent us here, not as they would appropriate it, but appropriating it according to our own views, according to our own wishes and desires. There are a good many increases by the Committee on Appropriations over the bill as it came from the House, and I say in the presence of the chairman of that committee that in my opinion it is very unwise as a general rule to make these increases.

Mr. DAVIS, of West Virginia. My friend from Delaware and I agree generally on the subject he is now talking of; but I will say for his information that the amendments made by the Appropriation Committee are putting the salaries just at what they are now by law, not an increase or a decrease; but the Committee on Appropriations endeavored to reinstate all the employés as they now exist. What may be the case when the committee appointed by the Senate to re-examine and re-adjust the salary and number of employés reports, I cannot tell; but all the amendments here now are putting the employés back just where the existing law places them.

Mr. SAULSBURY. That I am aware of; but I, as one member of the democratic party, and my friend, the chairman of this committee, as another member of the democratic party, have been crying out in bold, loud, sonorous tones against the extravagance of our republican friends. I was honest in the utterance of those opinions, and I am now willing to put in practice the doctrines which I preached, and I am not honest if I do not intend to do it. I charged upon the stump in my State and everywhere else that there had been extravagance in the expenditure of the public money by the republican party. Now we have come into power, and I hold that, as honest men, we are bound to practice the doctrines which we preached and to economize in the expenditure of this Government; and the people will not have confidence in us and ought not to have confidence in us if we do not do it. I say this, and I take pleasure in saying it in the presence of the chairman of the Committee on Appropriations and in the presence of my brethren of the democratic party, that we shall not be worthy of the confidence of the people of this country, after having stood up and proclaimed on every stump in the land the extravagance of the republican party while they had the management, if we do not put into practice the economy which we preached.

Sir, I am not only for economy so far as the expenses of the Senate are concerned, but for economy in reference to every Department of this Government. I utter to-day the honest sentiment of my mind when I say that the expenses of this Government can and ought to be reduced from thirty to fifty million dollars annually, and, if my voice can prevail in the democratic party while it is in the ascendency, such reduction shall be made. I would commence at the head of the Government and reduce the salary of the President to where it originally stood when as good men as the present Executive performed the duty of the executive office for $25,000 a year. I would commence if necessary with our own salaries and cut them down, and I would commence with curtailing the expenses of the Senate and House of Representatives; I would go through every Department and every bureau of this Government, and I would cut down the expenses of your Army and your Navy. In my judgment we do not need any such Army as twenty-five thousand men in this country. Why, sir, during the administration of President Grant we spent about $200,000,000 upon the Navy of the country, and yet when he went out of office it was in a worse condition than when he went in, and not in half as good a condition as it was in 1860 when the republican party took possession of this Government. Sir, I want to see the expenses of this Government reduced. They ought to be reduced, and I hope my brethren of the Appropriations Committee of the Senate, if bills come up extravagant from the House, will cut them down and stand by their reductions.

Now, Mr. President, I have uttered my sentiments honestly, and I mean by my votes to practice what I preach, and if I shall be impotent to have any influence with my brethren in the democratic party who have the control, for the present at least, of the expenses of this Government, then it will not be my fault, for I proclaim it openly and publicly we shall be untrue to the trust committed to us unless we reduce the expenses of this Government and relieve the tax-payers of this country from the onerous impositions and burdens which have been placed upon them.

Mr. CHANDLER. Mr. President, the clerks of committees of this body are a very important corps, I admit, and there are certain committees that ought to have permanent clerks, but I think all of those committees are already supplied with permanent clerks. The clerks of committees now receive $7 a day, including Sundays.

Mr. DAVIS, of West Virginia. Six dollars, I will say to my friend.

Mr. CHANDLER. Do they not usually get 20 per cent. added, making $7.20?

Mr. DAVIS, of West Virginia. No; $6 is a fixed rate in the bill.

Mr. CHANDLER. Well, $6 a day, including Sundays, while in session.

Mr. DAVIS, of West Virginia. Yes, sir.

Mr. CHANDLER. Then we usually extend the pay a short time after the close of the session, a month, in order that they may have time to wind up all the business of their committees before they leave the city.

Undoubtedly the Committee on Post-Offices and Post-Roads has a great many nominations; but what has the clerk to do with them? He simply records them in a book and states what is done with each particular case. The cases are given out to each member of the committee according to the locality, and he ascertains whether there is any objection to a nomination. I will guarantee that the clerk of that committee is not required to work two hours a day during the whole session on an average, leaving Sundays out; and yet he draws pay for the Sundays; and I think as the clerk of that committee has got along pretty well for a great many years, and as in all probability he will get along pretty well for a good many years to come, we had better leave his case pretty much as it is. I think there are at least six or eight other committees that are equally entitled to permanent clerks as the Committee on Post-Offices and Post-Roads. And I hope, as my honorable friend from Kentucky suggested, that we shall leave things as they are.

Mr. MAXEY. Mr. President, it seems to me that the statements which have been heretofore made ought to be conclusive with the Senate on this question. The Post-Office Committee know better what they have to do than anybody else. The junior Senator from Michigan says we have a great many nominations, and all the clerk has to do is simply to record them and hand them out. I think the Senator from Kentucky said there might probably be a contest over one nomination in a hundred. I venture to say that there is not a member of that committee but what knows that there are at least twenty contests out of every hundred that come up ordinarily, and some of these contests run over months. We have had contests over post-office nominees that have required an investigation not only in the Post-Office Department, but where the parties had been officers in some other Department we have had to go and look into their accounts there, and we have had to seek testimony where charges were made against their moral character in the places where the nominee was to serve; and these things require an immense amount of time.

Then we have applications in cases where post-offices have been robbed. The question comes up, Shall the Government pay the loss or put it on the officer? A claim is presented here and referred to the Post-Office Committee. We have to examine most critically in the proper bureaus of the Post-Office Department and get the testimony as to whether the facts corroborate what is alleged to have taken place. All these things require labor and require skill; and a mere ordinary clerk who can write a good hand is not the kind of man for that committee. It is a committee which deals with a great Department, and a committee which is nearer to the people in its duties than any other committee of this body.

It seems to me that the character of economy which we have heard preached here is simply saving at the spigot and wasting at the bunghole. The great charge which has been made against the Congress of the United States is hasty, inconsiderate legislation; and if the bills which we present were carefully considered before they came here, all the light thrown on them that can be thrown, it would certainly be of immense importance. I have already shown that the duties devolving on the members of the Post-Office Committee, in other committees as well as that, prevent them attending to all these details. They have not got the time; there are not enough hours in the day for them to go personally and examine into all these things. If you have a clerk who is competent, who understands the Post-Office laws, who is a business man, he can brief the facts and brief the law as it exists as well as that which is proposed, and present to the committee clearly the case, so that we can act upon it advisedly and intelligently, and then report to the Senate. All these things require time.

You cannot, in my judgment, get a man who will for the $6 a day for three months one year and, say, seven months another year devote his whole time to that kind of business, because if he comes here as a clerk he is thrown out of business elsewhere the rest of the year. Now, the clerk of the Post-Office Committee is a young man who is, for his age, quite a good lawyer. He also has had experience in a bank as assistant cashier. He has the qualifications and the character that our committee exactly need; and where you trust this committee with the important duties which it has, I say common justice demands that you should furnish that committee the means of discharging those duties; and they come and tell you that they need this service.

Now, in reference to what was said that the Senator from Kentucky saw so much to harp on, that the Committee on Appropriations feathered their own nest, I made that remark myself in a pleasant way, at the same time stating that the clerk of the Committee on Appropriations ought to be a permanent clerk. I do say that he has not got as much to do, in my judgment, as the clerk of the Post-Office Committee has; yet it would be folly to turn out as competent and efficient a man as he is and put in one inexperienced and inefficient; and the very statement made by the Senator from Kentucky proves the correctness of what I said. He properly defends the importance of having the Appropriations Committee clerk a permanent officer, and the exact reasons which he gives for that committee, which he knows all about, we come forward and give for the committee about whose workings we know everything necessary to be known. So then, as I say, if the Senate regards the Post-Office Committee's recommendations about their own business as worth anything, this ought to be done.

But the Senator from Kentucky says that he believes there ought to be more permanent clerks, and that even the Senators themselves should each have a clerk; and yet in the same breath he opposes this amendment because the Appropriations Committee has not acted upon it. Why, Mr. President, this matter has been discussed in the Senate, and the Senate of the United States is capable of determining these things. The chairman of the Committee on Appropriations says they have only restored the clerks to what they are entitled to by law. It is within the knowledge of the Senate that that committee did make the clerk of the Committee on Military Affairs a permanent clerk; and it was done at this session, and, therefore, not according to any previous law, and I say that he ought to be made a permanent clerk. I know the working of that committee; he ought to be a permanent clerk; and the very same reasons which justified and induced the committee in making the clerk of the Military Committee a permanent clerk should make the clerk of the Committee on Post-Offices and Post-Roads a permanent clerk also.

Mr. HOUSTON. Mr. President, I concur with my friend from Delaware [Mr. SAULSBURY] in the arguments he has submitted to the Senate, in the main. I think one of his arguments, however, was rather injudicious. The effort now is to establish some principle by which we can economize and prevent waste of the money that the people pay. My friend from Delaware says that he is in favor of reducing the salary of the President of the United States from $50,000 to $25,000 a year. I am apprehensive that he forgot the fact that in all likelihood he was touching the interests of a great many Senators on this floor, [laughter,] there may be a large interest here in the question of reducing the President's salary, because there is no telling how many expect to receive that salary the year after next. [Laughter.]

But I got up to say a word with regard to the speech of the Senator from Kentucky, [Mr. BECK.] He said, I think, a few days ago, that I had stated there was ten times as much labor devolved on the clerk of the House Appropriations Committee as there is on the clerk of that committee in the Senate. He made one mistake and acknowledged it to a gentleman across the way, the Senator from Michigan, [Mr. FERRY,] and he made another, almost in the same language, in relation to myself the other day. I did say that the clerk of the House committee did ten times as much work as the clerk of the Senate Committee on Appropriations; but in the very next breath, the very next sentence as reported in the RECORD and spoken in the hearing of my friend from Kentucky, I said that probably that was too large a statement of the disparity; but that the duties and labors of the one clerk were greatly more than those of the other. He ought to have done me the justice to have quoted me correctly, and not put me in a position that I do not think is correct.

Mr. BECK. I desire to say to the Senator from Alabama that I remembered generally that he said "ten times as much." I have not referred to his speech in the RECORD; but I am willing now to take back anything incorrect that I stated about anybody.

Mr. HOUSTON. I do not care about the Senator's taking it back; all I regret is that he did not hear the very next sentence immediately following that to which he referred. But let that pass.

I now repeat, notwithstanding the Senator's argument to the contrary, that the clerk of the Committee on Appropriations of the House must have largely more to do than the clerk of the same committee here. Why? The Senator said that the clerk there takes the old bills and lays them before the committee, and they make the changes needed. If they have adopted that rule of practice, it is a very extraordinary one, and I suppose that the gentleman must be mistaken. I take it for granted that the Committee on Appropriations of the House, as the Committee on Appropriations here ought to do, take the estimates of the Departments and base their action upon them, adopting some and rejecting others, according to their own judgment. But he says the committee here have all the old laws to look into. They have just as much occasion to refer to them in the committee of the House as here.

But, Mr. President, I understood that the Committee on Appropriations in the House and the committee here have not only one clerk at a large salary, of $2,500 probably, but I learn from a remark made by the chairman of the Post-Office Committee that they have also an assistant clerk to each committee at some $1,600 besides. Think of it! Two clerks to one committee! I never heard of the like of that until the last debate. I understand it is so in the House as well as in the Senate. I hope that that will be stopped. I have no idea whose fault it is. I have no idea my friend from Kentucky would have brought into existence that which it seems to me, and I presume must seem to him, to be certainly a pretty abundant supply of clerks. Now, if we propose to economize at all, if we propose to

do anything toward relieving the people from excessive taxation, it does look to me that we might commence, and if not upon a pretty large scale, on the largest we can get a chance at now. Wherever an excrescence is found, wherever an impropriety is discovered, there let us commence and let us continue it up and down and round about and in every direction until your economy shall place the administration of the Government upon a true principle.

I have no disposition to make an assault upon any organization. That is not what I am trying to do. I do not know but that the Appropriations Committees of the two Houses may each need two clerks; but I confess that I do not think they do; and as a Senator, if I had a chance to vote on the question, I would vote to put one of them out as certainly as I live. I intend economy in earnest, and wherever I think a thing is wrong I will vote against it if I get a chance to vote, believing these small beginnings lead to improper growth; these small things grow into large ones; moderate at first, they extend and extend until there is no telling how many clerks to committees we shall have here, and how many other things, much of which, in my judgment, ought to be prevented and suppressed.

Mr. DAVIS, of West Virginia. I submit to my friend from Connecticut [Mr. EATON] whether he wishes to go on now or not? If not, I have a few words to say on this amendment.

Mr. EATON. I shall be very glad to go on now.

Mr. DAVIS, of West Virginia. If it will not interfere with my friend, who is entitled to the floor, I should go on now; but I will yield to him.

Mr. EATON. Mr. President, before proceeding to the consideration of the great question now before the Senate and the country, I shall allude to certain matters personal to myself, remarking, however, that properly what I may say regarding those will apply as the opening words of my views upon the powers of the Government of the Federal Union and the governments of the States.

On the 16th of last month the honorable Senator from Massachusetts [Mr. DAWES] charged me—I use his words—with calling the United States a confederacy of States. His manner and his language implied, as it seemed to me, a charge against my political character, coupled as it was with unjust and violent and denunciatory language of other men. I ought to say in justice to myself that I should have alluded to this matter on the following day, but for the absence of my honorable friend from Maine, [Mr. BLAINE,] and also on a succeeding day but for his absence; and therefore, although it is a long while since and I have suffered, not from my friend from Maine but I have suffered not a little from unpleasant newspaper attacks because I had failed to do what I agreed to do to the honorable Senator from Maine, in justice to myself I ought to say that I should have made this *amende*, if it be an *amende*, at all events I should have attended to this matter on one or two days succeeding the speech of the Senator from Massachusetts but for the absence of my friend from Maine. Now, I will read from the RECORD of the 18th of April. The Senator from Massachusetts [Mr. DAWES] said:

> Little further is wanting to show what the purpose of this party is.
>
> Referring to the democratic party.
>
> I do not care to call attention to the fact that this Government is called, as the Senator from Connecticut [Mr. EATON] called it the other day, a confederacy of States.

Why he alluded to it if he did not wish to allude to it, is more than I can possibly conceive. Then this occurred:

> Mr. EATON. Will my friend pardon me one moment? Is not this a confederacy of States; and did not Daniel Webster, of Massachusetts, pronounce it to be a confederacy of States?
>
> Mr. DAWES. I do not know. I know that the Constitution makes it a nation and not a mere confederacy of States.
>
> Mr. EATON. It would be well to learn before the Senator charges me with something monstrous.
>
> Mr. DAWES. I do not know whether Daniel Webster called it a confederacy of States; I know the Senator from Connecticut did.
>
> Mr. EATON. I did; and I shall do so a great many times more if I live.
>
> Mr. DAWES. Very likely. I know that that is the language used by those who say they have come back here to accomplish under the forms of legislation what they tried but failed to accomplish on the battle-field, namely, to establish their right to leave this Government peaceably whenever they choose—the right to make the State sovereign over the United States Government. If anything was settled by the war, so settled that it will never be unsettled even by the temporary ascendency in these two Houses of those who sought to make another government of it, it was settled that a State could not peaceably secede from this Union, and that this is a nation, a union of States, not an association of them. It is still true that this is the Congress of the United States, not of the Confederate States, of America.
>
> Sir, I was about to say that the bill before the Senate is defended upon the open and avowed ground that there is no such thing as the peace of the United States; that there is no authority of the United States in any State in this Union over and above the authority of the State, the infraction of which is a disturbance of the peace of the United States.

I have read that much of the remarks of the Senator from Massachusetts [Mr. DAWES] because I desire to say in this connection that the war has not changed the Government of the United States in any particular. The late terrible civil conflict through which we have passed has not changed the Government of the United States and I thank God for it. In no sense, in no way, in no manner has the Government been changed. The Government of the United States is founded upon the Constitution of the United States. The Constitution has been changed, but not by war. How changed? Changed by the sovereign States of this Union, not by war. The proclamation of President Lincoln did not take the fetters from a single slave, not one. He characterized what the act would be by his reference to a pope's bull against the comet. He spoke of those things usually in a sharp manner. I say that of itself the proclamation of the President did not take the fetters from a single slave. The war did not; it was not done until the sovereign independent States of this Union changed the Constitution of the United States; and I regret to say that States which were sovereign enough States, which occupied a position solid and sound enough to amend the Constitution of our common country, were not permitted in other respects to be called sovereign. But yet that is a truism. If any gentleman desires to deny it, I shall be glad to give him my time right here. It took the action of the States of this Union to change the Constitution, to introduce the thirteenth, fourteenth, and fifteenth amendments to that instrument; and until it was so amended slavery was not abolished anywhere.

Let no reporter, no newspaper man either misunderstand or misrepresent my position. I expect to read to-morrow that I spoke a piece, that is the way they print it sometimes, in favor of slavery. That is not the question. The question is simply, what abolished it? The action of the States abolished it. It could not be abolished until then. Not even the great republican party that had been through this war as the confessed leaders in the war, not even that great party with all its power, not the oligarchy of fifteen under the lead of a celebrated statesman from Pennsylvania that governed the House of Representatives, and governed the Senate, and governed the President at the same time, could abolish slavery. It required the independent action of the independent, so called, States of this confederacy of States. I said I should call it so again if I lived. [Laughter.]

I do not care to dwell longer upon that point. Now, I say, and I want to say it in very good temper, that the denunciation which has fallen from the lips of some of my brother Senators, men for whom I entertain very great personal regard as they know, toward a section of the country that was lately at war with another section of the country—it was a war of sections. My friend from New York [Mr. CONKLING] shakes his head; I say it was a war of sections—this denunciation of southern men without stint and without limit is not wise, it is not friendly, it is not proper. Let us be done with it; let the dead past bury its own dead; and hereafter let us go on, if possible, a band of brothers, the Senator from Georgia [Mr. HILL] and the Senator from New York, [Mr. CONKLING,] the Senator from Illinois [Mr. LOGAN] and the Senator from South Carolia, [Mr. HAMPTON,] with equal rights upon this floor, representing equal sovereignties, and let them be here as friends, not enemies. No man ought to judge and no Senator ought to judge of the motives of men.

Now, Mr. President, it will be perceived that I asked, in this colloquy which I have read, the Senator from Massachusetts [Mr. DAWES] a question. I made no assertion. I asked the Senator from Massachusetts if Daniel Webster had not called this a confederacy of States. I did not assert that he had. The Senator from Maine, [Mr. BLAINE,] with scant courtesy I beg to say, thrust himself into a matter which, if of any consequence, was of consequence to the Senator from Massachusetts and myself, and in a somewhat violent manner he first asserted that I had used a certain expression with regard to Mr. Webster. He probably misunderstood me. I had not used any such expression. Now, suppose I read from another RECORD. I read from the RECORD of the 17th of April.

> Mr. BLAINE—
>
> Addressing the Senator from Alabama, [Mr. MORGAN.]
>
> Mr. BLAINE. Will the honorable Senator yield to me a moment, and only for a moment? I do not know that it is a matter of any importance whatever, but the honorable Senator from Connecticut [Mr. EATON,] in a little interruption of the honorable Senator from Massachusetts, [Mr. DAWES,] said that Mr. Webster had defined this Government as a "confederacy," if I understood him aright.
>
> Mr. EATON. I did not use any language of that sort.
>
> Mr. BLAINE. What did the honorable Senator say?
>
> Mr. EATON. The Senator from Massachusetts said that I called this a confederacy of States. I asked him if he knew that Daniel Webster, of Massachusetts, had used the same language.
>
> Mr. BLAINE. Not that we have heard.
>
> Mr. EATON. Of which I had heard. He probably had not heard of Mr. Webster's use of that language.
>
> Mr. BLAINE. Does the Senator say that Mr. Webster called this Government "a confederacy of States?"
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> Mr. EATON. I said that Mr. Webster called this "a confederacy of States." I say he called it not only a confederacy of States, but a confederation of States.

The Senator from Maine then proceeded to read from one of the volumes of Mr. Webster's speeches. Now, Mr. President, I believe I have some character on this floor for candor. I believe that nobody will charge me with egotism when I say that my brethren on both sides of this Chamber regard me as fair and honest in my political convictions, and that I would make no assertion knowingly that was not true. I desire to say, then, in all frankness—and I should have said it the day after the utterance had my friend from Maine been in his seat—that Mr. Webster did not call this a confederacy of States, in my judgment, at any time. Of course, I have not examined his writings carefully for this purpose; but for a couple of hours I have done so sufficiently to satisfy myself that at no time did Mr. Webster call this a confederacy of States. He said that we were united confederately in his celebrated Mark A. Cooper letter; but that was a letter, not a speech; and therefore upon that I lay no stress whatever. I am perfectly willing to admit, glad to admit, that in that particular I yield to the recollection—and I can hardly call it the

recollection, for my friend from Maine only stated that it was not likely he had said so, and my friend from Massachusetts did not venture to say that he had not said so, but on the contrary said very likely he had; but I am frank to say that, in my judgment, Mr. Webster never made use of that expression. So much for that. I also said——

Mr. HOAR. The Senator from Connecticut will pardon me. As my colleague is absent, perhaps he will permit me to say that I do not think my colleague said that very likely Mr. Webster said so. He said very likely the Senator from Connecticut said so.

Mr. EATON. Do you not think he did?

Mr. HOAR. I believe not; but I may be mistaken.

Mr. EATON. I am very glad, for I do not want to misrepresent either the dead Senator from Massachusetts or the living one, either Mr. Webster or Mr. DAWES.

Mr. HOAR. I say to the honorable Senator—I do not desire of course to interpose in his remarks, but my colleague is absent——

Mr. EATON. Oh, I am very happy to have my friend interpose. I will do no injustice to the absent Senator from Massachusetts.

Mr. HOAR. I have it here, Mr. President:

Mr. EATON. Will my friend pardon me one moment? Is not this a confederacy of States; and did not Daniel Webster, of Massachusetts, pronounce it to be a confederacy of States?

Of course when that question was put with so much confidence by the Senator from Connecticut my colleague could not undertake to contradict it absolutely. No man would be bold enough to do that.

My colleague said:

Mr. DAWES. I do not know. I know that the Constitution makes it a nation and not a mere confederacy of States.

Mr. EATON. It would be well to learn before the Senator charges me with something monstrous.

Mr. DAWES. I do not know whether Daniel Webster called it a confederacy of States; I know the Senator from Connecticut did.

Mr. EATON. I did; and I shall do so a great many times more if I live.

Mr. DAWES. Very likely.

That was the "very likely" of my colleague.

Mr. EATON. I stand corrected again. I hope my friend will keep a good look. I also said that Mr. Webster asserted the Constitution to be a compact, and that was denied. The fact of whether Mr. Webster called this a confederacy of States, a Federal Union, a Union, or a confederated Republic, is a matter of no earthly consequence; but when you come to principle, it is of consequence whether he called the Constitution a compact, for I assert here, and I think I shall prove it as I go on, that the terms "confederacy of States," "confederated Republic," "Union," and "Federal Union" were used indiscriminately by various men, patriotic men, honorable men, the peers of any men now living or who ever will live as long as God lets the earth remain.

But the question now is this: I asserted that Mr. Webster called the Constitution a compact; that was denied. Why, Mr. President, in the very book, in the very volume that my honorable friend from Maine had provided himself with to checkmate my remarks, in one of those very speeches from which he read, Mr. Webster called the Constitution a compact. He could not help it. I undertake to say that no man of the power of Mr. Webster, that no man with the thorough understanding of the Constitution of the United States and the difference between the States and the Federal Government can avoid calling it a compact when he argues from those stand-points.

Now, I want to go back a moment and I will come to this again by and by. I want to call the attention of this Senate to the address of the first Senate of the United States (let us go back to our fathers) and the response of the first President of the United States, George Washington, to that address. I read from the Senate Journal of May 7, 1789. In that day, unlike now, I will not say that they aped a little the manners of the monarchies of the other world, but they were more formal, not quite so republican as we are to-day, and I use that expression in a general sense, for I am a republican. Therefore the Senate addressed "His Excellency, the President of the United States." I will not read it all; it is not important; it is a long address, but it closes by saying:

We beg you to be assured that the Senate will at all times cheerfully co-operate in every measure which may strengthen the Union, conduce to the happiness, or secure and perpetuate the liberties—

Of what?

of this great confederated republic.

Oh, has it come to this that the very framers of the Constitution, in addressing the President of the United States in 1789, dared to call this a "confederated republic?" I have read from the twenty-third page of the Journal. I will now read from the twenty-seventh page of the same Journal the President's reply, and I will read but one sentence of that reply:

I now feel myself inexpressibly happy in a belief that Heaven, which has done so much for our infant nation, will not withdraw its providential influence before our political felicity shall have been completed, and in a conviction that the Senate will at all times co-operate in every measure which may tend to promote the welfare of this confederated republic.

Even the sage of Mount Vernon called this a "confederated republic." More than that, sir, in twelve times that I have read on this matter he calls it "a confederacy;" and grave Senators here on this floor arraign a peer, their equal, for calling this "a confederacy of States," and intimate that it is the language of those who desire to destroy the Union! Sir, I have no words of scorn strong enough for language of that character.

Mr. President, there was a man once who lived in this country that had the love of his party and the respect of his opponents perhaps to as large a degree as any man that has lived, unless it be Andrew Jackson. I speak of Henry Clay of Kentucky. If he were alive to-day, my impulsive friend from Maine would be very likely to accuse him of belonging to a class of men who desire to destroy the Union, because he did not quite square with his views of what political terms should be used with regard to this people. Let me read what the Great Commoner said in 1833:

Sir, I repeat that I think South Carolina has been rash, intemperate, and greatly in the wrong; but I do not want to disgrace her nor any other member of this Union. No, I do not desire to see the luster of one single star dimmed of that glorious confederacy which constitutes our political sun; still less do I wish to see it blotted out and its light obliterated forever. Has not the State of South Carolina been one of the members of this Union "in days that tried men's souls?" Have not her ancestors fought alongside our ancestors? Have we not conjointly won together many a glorious battle? She has been with us before, when her ancestors mingled in the throng of battle; and as I hope our posterity will mingle with hers for ages and centuries to come in the united defense of liberty and for the honor and glory of the Union, I do not wish to see her degraded or defaced as a member of this confederacy.

We have certainly struck different times. It was a confederacy with Mr. Clay again and again; with Mr. Van Buren; with the hero of Tennessee over and over and over again. Sir, I am bound to say, what every Senator will find if he chooses to examine this question, that the terms "nation," "Federal Union," "confederation," "confederacy of States," and "confederated Republic" have been used again and again and again by the leading men of the country as terms descriptive of this Union; and I ought to say that I have found—and it was not a little amusing—in one paragraph, and not as long as one of Mr. Choate's either, or of some other men that I might name—in one paragraph of a very distinguished gentleman I found the words "Union," "nation," "Federal Union," and "confederation" all used with regard to precisely the same matter, and yet if I venture to say on this floor that this is a confederacy of States I am to be assailed as advocating doctrines and belonging to a class of men that desire to destroy the Union. I do not think any man will charge at this late day that the Great Commoner was not a patriot. If anybody does he had better enter a *caveat*—I think they call it that; I am not much of a patent lawyer—but he had better enter a *caveat* at once for a new discovery. I am sure that what Mr. Clay could say I may say.

Now let me read from the inaugural address of President Harrison:

Our confederacy, fellow-citizens, can only be preserved by the same forbearance. Our citizens must be content with the exercise of the powers with which the Constitution clothes them. The attempt of those of one State to control the domestic institutions of another can only result in feelings of distrust and jealousy, and are certain harbingers of disunion, violence, civil war, and the ultimate destruction of our free institutions. Our confederacy is perfectly illustrated by the terms and principles governing a common copartnership. * * * It should be our constant and earnest endeavor mutually to cultivate a spirit of concord and harmony among the various parts of our confederacy.

I might quote to the same effect from the address of Mr. Tyler when taking his position as Vice-President and when assuming the office of President; but it is not necessary to read his words; they are to the same effect. I have not made any allusion to the use of this absolutely proper political term by Madison, Jefferson, Jackson, Van Buren, Calhoun, Wright, Benton, and other great lights of the democratic party. I desired when speaking of Clay and Harrison and Tyler to confine myself to gentlemen who did not belong to the same political party to which I was attached years ago.

Now, a word in regard to the "compact" question. In 1851, in his celebrated Capon Springs speech, the language of Mr. Webster admits of no dispute. Whatever he may have said on other occasions, whatever he said in his great discussion on the floor of the Senate with Mr. Hayne or with Mr. Calhoun, on the occasion of this speech, in the most unqualified manner, he asserted the fact for which I contend, that the Constitution is a compact between parties competent to enter into a compact, to wit, the States. I have at home, but not here, a pamphlet copy of that celebrated speech of Mr. Webster. It is not to be found in the Library here. I understand from the Librarian that there have been copies of it, but they are lost or gone. Therefore I read from Stephens's War between the States, pages 404 and 405, volume 1. The speech was made at Capon Springs, in Virginia, on the 28th of June, 1851, and Mr. Stephens says that this is taken from a pamphlet copy. He says:

The leading sentiment in the toast from the Chair is the Union of the States. THE UNION OF THE STATES!

Mr. CONKLING. Who says?

Mr. EATON. Mr. Webster.

What mind can comprehend the consequences of that Union, past, present, and to come? The Union of these States is the all-absorbing topic of the day; on it all men write, speak, think, and dilate, from the rising of the sun to the going down thereof. And yet, gentlemen, I fear its importance has been but insufficiently appreciated.

Further on he says:

How absurd it is to suppose that when different parties enter into a compact for certain purposes either can disregard any one provision and expect, nevertheless, the other to observe the rest! I intend, for one, to regard and maintain and carry out, to the fullest extent, the Constitution of the United States, which I have sworn to support in all its parts and all its provisions. It is written in the Constitution—

Then he quotes from the Constitution—

No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

He proceeds:

That is as much a part of the Constitution as any other and as equally binding and obligatory as any other on all men, public or private. And who denies this? None but the abolitionists of the North. And pray what is it they will not deny? They have but the one idea; and it would seem that these fanatics at the North and the secessionists at the South are putting their heads together to derive means to defeat the good designs of honest and patriotic men. They act to the same end and the same object; and the Constitution has to take the fire from both sides.

He proceeds:

I have not hesitated to say, and I repeat, that if the Northern States refuse, willfully and deliberately, to carry into effect that part of the Constitution which respects the restoration of fugitive slaves and Congress provide no remedy the South would no longer be bound to observe the compact. A bargain cannot be broken on one side and still bind the other side. I say to you, gentlemen, in Virginia, as I said on the shores of Lake Erie and in the city of Boston, as I may say again in that city or elsewhere in the North, that you of the South have as much right to receive your fugitive slaves as the North has to any of its rights and privileges of navigation and commerce.

Again:

I am as ready to fight and to fall for the constitutional rights of Virginia as I am for those of Massachusetts.

Therefore the weight of the great authority of Mr. Webster is added to those who hold the Constitution to be a compact between independent sovereignties. But, sir, the opinions of Mr. Webster, Mr. Calhoun, and all the great men who have gone before us are as naught when compared with that instrument. Had neither of these men ever lived and consequently had neither ever spoken, the Constitution would have been not the less a compact, and why? Because in itself it says that the powers granted are limited. Limited by whom and what? Who limited the powers granted to the Federal Government? The makers of the Federal Government, those that had the authority, the States?

Mr. BLAINE. Will the Senator allow me to interrupt him just there?

Mr. EATON. With great pleasure.

Mr. BLAINE. Will the Senator be good enough to show any authority for stating that Mr. Webster said that the States made the Constitution of the United States, as we are on Mr. Webster?

Mr. EATON. I am off Mr. Webster now.

Mr. BLAINE. The Senator now is giving us his own views, not those of Mr. Webster?

Mr. EATON. I am giving the Constitution of the United States; I have got through with Mr. Webster.

Mr. BLAINE. As the Senator from Connecticut understands it?

Mr. EATON. I do understand him.

Mr. BLAINE. The Senator is giving the Constitution of the United States as he understands it.

Mr. EATON. I will read it directly and then the Senator from Maine will understand it better than he does now.

Mr. BLAINE. If you read anywhere in that Constitution that it was made by the States, the Senator from Maine will be glad to hear it.

Mr. EATON. I think I will, and I will prove another thing to the Senator from Maine, that the little State of Delaware or the little State which I have the honor and my friend sitting over the way [Mr. PLATT] has the honor to represent has more power than all the other thirty-seven States combined. Perhaps my friend is not aware of that fact. I say the State of Delaware in one point has more power than all the other thirty-seven States in this Union. And why? Because she is the one party to a compact that cannot be broken until she says it may be.

I was mistaken once, and like myself, permit me to say, I have had the manliness to say so. I will not undertake to say that Mr. Webster ever said that this was a compact between States. I have read what he said in his Capon Springs speech. I draw my inference from that speech as to what he meant. If it was a compact, it was a compact between some parties. That is certain. I never heard of a compact that made itself. It has got legs; somebody has put them there; and if there is a compact, as Mr. Webster said, and the States did not make it, I should like to know who did.

Mr. President, I said that it did not require Daniel Webster, it did not require John C. Calhoun nor James Madison nor anybody else of those great dead men that have gone before us, to prove that this was a compact between the States. Sir, I am able to judge for myself on this subject, and so is my honorable friend from Maine. Let me read article 5 of the Constitution of the United States:

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: provided, that no amendment which may be made prior to the year 1808, shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

Is that a compact between parties able to form a compact? By the very terms of that instrument, I repeat what I said a moment ago, the little State of Connecticut is mightier than the thirty-seven other States of this Union. She can reduce to one, if she pleases, upon the floor of this Senate her membership; but the thirty-seven other States of this Union cannot compel it by law, by the Constitution. By force, I agree, it may be done; but it cannot be done, as my friend [Mr. KERNAN] suggests, according to the Constitution; it cannot be done without violating the most sacred compact ever made between a people or peoples. Our fathers knew what they were about. Oliver Ellsworth and Roger Sherman, names that will live as long as any names that are written in the history of the past, were two of the great men of my native State. Oliver Ellsworth and Roger Sherman well knew what they were about when they agreed to this compact.

Another thing: my friend from Massachusetts, [Mr. DAWES,] not now in his seat, said that this was a nation and that that is proved any how. That depends on what you mean by a nation. I know, and no gentleman will deny it, that in the convention that framed the Constitution they would not permit the word "national" to be written in the instrument. It was tried again and again, and on the votes of my own State it was defeated again and again; and the word "federal" was adopted. There are national powers in this Government; there ought to be; there must be; but they are not as full and complete and absolute and perfect as in the government of Great Britain. Every lawyer knows that. There are things that constitutionally this Government cannot touch. All the thousand things that go to make up the great sum of human happiness and human misery are taken care of by the individual States. With the foundation, the very base of all society that keeps us together as a people, the institution of marriage, what can the Federal Government do? Nothing. It is as powerless as a babe. It has no power there. That is a right of the State, not of the Federal Government. The Parliament of Great Britain has power over it, because England is in all senses a nation. Yorkshire has no legislature of its own, nor has Scotland, nor has Ireland. There is an imperial Parliament of an imperial power. We are the representatives of a delegated power.

Mr. President, there is another thing, if any other thing were necessary, in this Constitution to show the truth of my statement. How many States did it require to ratify this instrument?

ARTICLE 7. The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Not a compact? One of the very terms of the ratification was that eight States should not form it, nor seven, but that it should require nine.

Mr. HEREFORD. And that only bound the nine.

Mr. EATON. Of course, it only bound the nine. There were ten or eleven within a short space of time; but for more than a year the little, glorious republic of Rhode Island, so ably represented on this floor by my two friends, floated her flag all over the world as a free, sovereign, and independent State. No power in this Federal Union, as constituted by eleven States, could control her. She was free, sovereign, and independent. And so of the State of North Carolina; she refused to come in; and there I found my atgument at once. This is in itself a confederation of sovereign States. No man can to-day become a citizen of my State without doing what? Before my honorable friend who sits before me [Mr. JONES, of Florida] and before I can vote in the State of Connecticut, (and therefore my honorable friend from Maine must not go there,) in order to become a citizen, it is necessary to take the oath that is required; every man before he votes in the State of Connecticut holds up his hand and swears that he will support the constitution of Connecticut as a free and independent State, and the Constitution of the United States, so long as he remains a citizen thereof. He takes that oath to the State of Connecticut as a free and independent State. So she is free and independent in every power except those which she has delegated by this instrument. Can the Government of the United States, can this Congress, determine with regard to the descent of property within the State of Connecticut? Can you make any law here determining how any man there shall distribute his estate? No, sir; that is one of the great reserved rights of the State. That is a right over which this Congress has no power.

Mr. President, I have said all that I care to say on that subject, and I was led to think of it because of the assertion I made with regard to what Mr. Webster said and what his views were upon the question of a compact. I now ask to be permitted to say a very few words with regard to the grave matters under consideration here, under thought everywhere in our land. I may speak of past legislation, of past acts of the Executive in connection with the legislation which is now pending before this body. Sir, I am bound to say, to commence with, that the course of this legislation has never met the approval of my judgment. I yielded my judgment in this matter to the opinion of my friends. I yielded it because there was no principle involved at all, for had there been, in my judgment, then it would have been dishonorable to have yielded; but in my judgment we should have presented to the President of the United States these separate bills first. I believed that all this legislation which we seek to repeal was vicious legislation and ought to be stricken from the statute book, and therefore I would have presented to the Executive of the United States separately a bill to repeal each one of these sections of what I regard as vile legislation. If I deliberately examine the legislation of the past and say that in my own mind that legislation was wrong, that law ought never to have been enacted, I have no business to

suppose that the President of the United States will not take the same view of it that I do. At all events I should give him a chance to do what I regard as his duty. However, another course was adopted, and I yielded my judgment to the judgment of wiser men.

Now, sir, a word about the Army bill which has been vetoed twice. We are, to use a common expression, at logger-heads with the Executive of the United States. We say that we ought to legislate to strike off the statute-book a certain statute with regard to the Army. We say that it is contrary to the genius of our people, contrary to the traditions of our race, contrary to the opinion of all English-speaking men that there should be an army at the election poll. We say that because we believe it. We passed a bill to repeal certain legislation had some years ago. We saddled that bill on an appropriation bill. The gentleman at the other end of the Avenue put his foot upon it. He undertook to tell us in his veto message (which I have not time to read, and if I had perhaps I would not read it again) what we ought to do; that we ought to go back to the days of the fathers. I do not pretend to quote the language accurately. Is there anybody here who read it? He can correct me if he likes. But the Executive undertook to tell us to go back to the days of our fathers and legislate properly and not to tie riders of this character on appropriation bills. Well, I will not say like good boys, but like quiet men, we did that same thing, and then it was worse than the other, in the opinion of the Executive, and he has thrown down the gage of battle to Congress, and not in a knightly manner either.

In the days of old there were different ways of challenging to the combat. The glove was presented kindly or laid at the feet of the challenged party, or you struck with a blunted spear the shield of your adversary, but the Executive has thrust his gauntlet into our faces. My friend from Maine has been called with great propriety by an enthusiastic friend of his "the Rupert of debate." That had a meaning. Well, the Rupert of Charles I never challenged his adversary in this way. Mr. President, for one I accept the gage of battle. The President of the United States has said to the law-making power, and said it to the only power that can make laws, to the only power that has the right to legislate, that he will use the Army at the polls. I know certain wise gentlemen in this Chamber, and newspaper men as well as members of Congress, have ventured to figure up how much legislative power the Executive has. He has none. The legislative power by the Constitution is granted to the two Houses of Congress. The Executive has not a particle of legislative power. He has a qualified veto, but that is no more legislation than a horse-chestnut is a chestnut horse. [Laughter.]

I say, then, that this man has thrown down the gage of battle. He has said to the Congress of the United States, "I will, if I choose, use the Army at the polls." That is just what he says. I reply to him, and I have heard no other one utter a syllable of the reply; I have consulted with nobody, I have my own convictions and I shall stand on them and by them so long as I live. Whatever other men may do, I shall inscribe on the banner of the great democratic party in letters of living light: Free people, free elections, free ballot. The people can exist without an army, but free institutions have never existed, can never exist, when under the blighting control of a standing army. On that I stand, wherever others may place themselves. Not one man, not one dollar will I ever vote when the captain-general of the United States tells me that he will use the Army at the polls. Let the Army go. Texas can take care of itself, that State which is so ably represented here by my honorable friend before me, [Mr. COKE.] If we were in the habit of taking contracts as some of our old ring friends did in the past, I have no doubt my friend here would take a contract to keep the Rio Grande clear for 50 per cent. of what it costs us. At all events, it is the duty of the Congress of the United States to plant itself on square ground and tell the Executive that he can have no army to use against the liberties of the people.

My friend from Minnesota [Mr. WINDOM] the other day, in that sober, dignified manner for which he is certainly universally esteemed, played again and again upon the words using troops to keep the peace at the polls. Before I get through, if I do not forget it, I shall call the attention of my honorable friend, if he remains in the Chamber, to the sort of creatures that his party have placed to keep the peace at the polls. An army to keep the peace at the polls! That is all that Catharine wanted of old Suwarrow, nothing else; and when the old Tartar sent his messenger to her imperial highness, "Order reigns in Warsaw," he kept the peace. He kept the peace, and forty thousand men, women, and children were butchered. Keep the peace at the polls, says the Senator from Minnesota; that is all we require. That is all Louis Napoleon required. He kept the peace at the polls when he was elected president. He kept the peace at the polls when he was elected emperor. I believe there were about seven million and three hundred thousand votes polled, and about seven million and two hundred and ninety-nine thousand were for Louis Napoleon, because he was keeping the peace at the polls with an army. That is the entertainment to which we are invited. "None in mine." [Laughter.]

I believe I do not care to say anything more about the use of the Army at the polls. My friend from Maine figured up what part of a leg, or an arm, or which toe, of any soldier of the United States, there being twenty-odd thousand of them, could be distributed to all the voting places in the country. Mr. President, that is not senatorial. Sir, the little finger of the law is stronger than the loins of a giant. Wherever—and so may it be forever—the flag of the United States floats, its right is enforced legally, we all know. Wherever a corporal's guard of soldiers of the United States under that starry banner rightfully are, they represent the majesty of this great people. Ten men represent the strength and power of fifty million people. That is the reason why State Legislatures have been destroyed at the South. That is the reason why Senators have been placed here in this body who had no title to their seats. The power of the Army placed them here, and yet there were not soldiers enough there to have withstood a charge of three minutes from the men who surrounded them. Everybody knows it. Take, for instance, the city of New Orleans. There were a few troops there. What were they? Nothing on the face of the earth when compared with the fifteen or twenty thousand men who surrounded them; fighting men, men as true as any other man is true to his character as a fighting man. They did not interfere because this little body of United States troops represented the majesty of the United States.

I say that I will have none of this power at the polls in this country. No free nation can exist, no free people can live, if they submit to a power of this character. It is not so in my State, I do not know that it is so in either of the New England States; but so particular have many of the States been that they have prevented even a train-band of their own from appearing in uniform on election day at the polls. My friend from New York [Mr. KERNAN] read the other day the law which was passed by New York in 1801 on this subject; yet gentlemen claim that the great State of New York, which in 1801 said that her own train-bands should not appear in arms at the polls, is in favor of having the Army sent there at the polls. It is preposterous; it is absurd.

Now, Mr. President, a word or two with reference to the bill immediately before the Senate. As I said in regard to the other bill, it goes wrong end first, in my judgment. I should have asked the gentleman at the other end of the Avenue, "Do you want fair men on your juries? Are you willing that the intelligence of the country, of the vicinage should be represented in the jury-box?" I would have presented a bill to secure that to the Executive of the United States in full confidence that he would have signed it, because, in my judgment, he ought to sign it. I can judge in no other way than by reference to what I would do under similar circumstances. I hope he is a fair man; I have believed he was as honest as the general run of men; and I believe there is not one man on this floor but what would say with me, give us a fair and impartial jury everywhere. They ought to do it for two reasons: first, as men representing a stake in society they ought to do it; second, by their oaths they have sworn to do it. There is not a Senator on this floor, according to my conception of the Constitution, who has not sworn to strike those infamous, damnable jury laws from the statute-books of the United States. Men may differ; I give my opinion.

I have sworn to support the Constitution of the United States, all of it. There are parts of it that, if I had had the making of, I would have made differently. My friend from Maine is sworn to support the Constitution of the United States. Doubtless if he had had the making of that instrument, he would have changed it in some particulars. Well, it could not have been passed and become the very life of a people except for those amendments which were early attached to it. Every Senator knows that certain amendments had to be made, or Connecticut, Massachusetts, New York, New Jersey, and other States would not have joined this, I will not say confederacy, but this Federal Union.

What is it that I have sworn to support? I have sworn to make laws, if I make any, in accordance with this instrument:

> In all criminal prosecutions, the accused shall enjoy the right—

To what?—

> to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Now, then, I say that there is no such thing, if I may call it a thing, there are no such bodies, in certain States of this Union as impartial juries. They are not there. There are in New York and there are in Connecticut. The jurors that the Government draws in Connecticut are drawn from the State boxes, and I may be pardoned here for digressing to state how. What we call our civil authority, that is, the justices of the peace, grand jurors, constables, &c., meet as a board of civil authority, I think on the first Monday of every January. They proceed to place so many names of jurors in their respective boxes. In the town where I reside we have ninety jurors. Those men are selected by their fellow-citizens without regard to party. I want to say here, and my colleague will agree with me, that in nearly every town in Connecticut, no matter which party is in power, not in all towns but in most, a fair share of the jurors is given to the weaker party. It is so in my own town always. So it is with justices of the peace.

Mr. PLATT. Will my colleague permit me to interrupt him?

Mr. EATON. Certainly.

Mr. PLATT. That ought to be the case, but there are far too many towns in the State where it is not the case.

Mr. EATON. I know it is the case to a certain extent. My friend

may know better than I. I hope he is wrong and that I am right, and I know he hopes so too. My own impression is that the greater number of the towns divide this thing fairly. It is so with the justices of the peace. In my town there are forty-seven. Hartford is an exceedingly intelligent town and the democratic party has been in power there almost all the time for the last dozen years.

Mr. CONKLING. In spite of that?

Mr. EATON. In spite of that; and we always give to our republican friends of the forty-seven justices of the peace twenty, taking twenty-seven to ourselves. Last year the other side were successful, and, as I am informed, they gave us twenty and kept twenty-seven to themselves. Our jurors are drawn in this way: The marshal of the United States calls upon the various towns in the State for so many jurors. Their names are sent to him, and they become the panel, coming from Hartford, where I reside; from Meriden, where my colleague resides; from New Haven, Union, Willington, and the other towns in the State.

Mr. CONKLING. Is the Senator speaking of jurors in the Federal courts?

Mr. EATON. The petit jurors. In the Federal courts they are taken from the State boxes by the constables of the State upon the request of the marshal of the United States. These are the petit jurors, those who try cases. Whenever a grand jury is desired the marshal of the United States summons that grand jury from the body of the State, making his own selections, because each sheriff in Connecticut, in every county in the State, whenever a grand jury assembles calls that grand jury from the body of the county.

Mr. CONKLING. If it will not incommode the honorable Senator, will he be kind enough to tell us under what law this very orderly and proper proceeding, as he has been describing it, takes place?

Mr. EATON. I have not examined the Statutes of the United States to see whether there is any law for it.

Mr. CONKLING. Will the honorable Senator allow me to supply him with that fact?

Mr. EATON. With a great deal of pleasure.

Mr. CONKLING. Then I will remind the Senator that this is done under a statute of the United States this day as applicable to every other State as it is to the State of Connecticut.

Mr. EATON. I remember the statute now.

Mr. CONKLING. So that in every State, assimilating the process and the proceeding to that founded by the State laws, practiced by the State officers in the State courts, namely, the sheriff and others, the national officers are authorized and directed to go on and do the same thing. Now, will my honorable friend allow me to ask him a question?

Mr. EATON. Oh, certainly.

Mr. CONKLING. He has said that this sort of impartial jury which has received his encomium in Connecticut does not exist in many of the States. I suppose he means the Southern States.

Mr. EATON. I do.

Mr. CONKLING. May I inquire why it does not?

Mr. EATON. Beyond all question because of the infamous laws which Congress has passed to prevent the intelligence of the State from being put into the jury-box.

Mr. CONKLING. But, Mr. President, the honorable Senator will pardon me——

Mr. EATON. Certainly.

Mr. CONKLING. That is a very general and, if he will forgive me for saying so, a very vague answer to be addressed to a man of no more intelligence than mine. Will he be good enough to tell me the law or the laws, giving me the substance of them or a citation to them, which he says keep intelligence out of the jury-box?

Mr. EATON. As I cannot stop now to read those laws I will tell my distinguished friend from New York, so that he can proceed at once to read them, that they are the very laws that we intend to repeal.

Mr. CONKLING. Then, Mr. President, if I do not incommode the Senator, I beg to trespass again upon his time.

Mr. EATON. Certainly.

Mr. CONKLING. And I do so in order to express my surprise at the statement of the Senator, and to add that I differ with him, absolutely, because this bill proposes to repeal but two sections of the statutes, one a section which makes certain causes grounds of challenge. That statute ought not to be upon the books, because, regardless of its merits, it was repealed, and it came back into the revision by mistake. No point is made upon it, except that when we proceeded again to repeal it at the last session of Congress, there being no objection in the Senate, the bill went to a democratic House, and there lay neglected and disregarded for seventy-four days, during every of one of which the House might have concurred with the Senate in that repeal.

Coming now to the remaining, and the only remaining jury section at which this bill is aimed, it provides that in open court, on motion for reasons stated, the district attorney may propose a certain requirement of one juror or of more than one, and that the court, in its discretion, deciding that motion, may pass upon it.

Now, if the honorable Senator will give me his attention—I see how powerfully he is attracted in another way, but if he will undergo the infliction of giving me his attention for a moment—I beg to submit to him that that section deserves no such denunciation as he bestows upon it, none from a man so wise and so just as he, none from a lawyer who has as much right, as we all know he has, to speak as a lawyer; and it does not deserve that condemnation for these reasons, very briefly stated:

First, it simply addresses to the discretion of the court a fair question to be passed upon in each instance on its merits, and a question so harmless that when the presiding officer of the Senate descended yesterday from his seat there and came to his seat here to expound democratic doctrine he was compelled to confine the instances in which harm would be done to the case of a judge, if I understood him, who was both a knave and a fool. He said that a judge who was a knave and a fool under that section might do the injustice which he described, and I agree with him; it would take a judge who is both a knave and a fool; but inasmuch as judges are usually selected from a class of intelligent persons supposed to be learned in the law, and inasmuch as the presumption of law is that public officers do their duty, the presumption is not that a court would make a decision which could be made only by a knave and a fool. Therefore, I submit to my honorable friend that a statute addressed to judicial discretion carries with it the presumption that it will be affirmatively applied only for good cause; and when he denounces it as infamous and uses the other strong words which I believe he applied, I venture to submit to him that he lays a rather heavy hand upon it.

With one other observation, thanking the Senator for having allowed me this interruption, I will take my seat. This discretion is aimed at men who voluntarily fought or took part in the war which it pleased the honorable Senator, and he said I shook my head,—I shake it again,—to describe as a war fought by one section of this country against another section. I shake my head audibly and by articulation now at that proposition, because I say it was a war waged by one section against the nation, and the nation fought that section and put down its revolt. It was not section against section, but it was a party and a fragment of the country which struck at nationality, and failed.

But apart from that, the war ended in 1865. So the Supreme Court say, so history says. That was over thirteen years ago. The armies which fought that war were recruited a good while before the war ceased; so that, practically, the man who was old enough to have done the acts at which this section is aimed is now in the neighborhood of forty, he is at least thirty-five; and speaking of all the men in the South less than forty, or thirty-eight, or thirty-six, or thirty-five, wherever the honorable Senator may please to draw the line—speaking of all men of less age than that, this statute has no more application to them than it has to the hanging gardens of Babylon or the hundred gates of Thebes. Every man up to thirty-five, no matter how much of treason he had in his heart, no matter how much he longed to prostrate the nationality, to destroy our institutions, may sit on a jury. This section is applicable to none except those old enough to be the survivors of the war, and when applied to them it simply asks of the court, with the whole public looking on, to say whether as to one juror or one panel it is right or wrong that the jury should be purged.

I have only this to say, Mr. President, as a comment of my own: I am entirely opposed to any repeal or permission under which white-leaguers, night-riders, incendiaries, murderers, or violators of the law of any description, are to be tried before a jury composed of their own accomplices; and by as much as this section lodges in the discretion of the court power in instances of that sort to apply at least one test, I again submit to the Senator from Connecticut, who did not misdescribe himself when he said he had a right to claim candor as among his virtues, who will not misdescribe himself if he says he has a right to number courage and principle among his qualities—I submit to him, who is strong enough and brave enough to be candid, that all of this talk about the section to which I have referred is a new illustration of what he studied in school in some book of physics under the title of Indefinite Expansibility of Matter. It is a wonderful illustration of the capacity of human wit to fill a continent with noise over something so small that, if it be not nothing in reality, it is next to it in the scale in which it ought to be weighed.

Mr. EATON. Now, Mr. President, I beg to say that my friend, when asking to put a question to me or to make a brief statement, ought not to make a speech in the middle of mine. I can answer the gentleman's speech, but without the redundancy of his rhetoric, for that I do not possess.

Mr. CONKLING. Never mind the rhetoric.

Mr. EATON. We are taught in the different schools various styles of rhetoric; but I know, and I repeat it, that in the Southern States to-day juries are packed and honest men are kept from the jury-box.

Mr. CONKLING. Who packs them?

Mr. EATON. They are packed by the act of attorneys and judges who are not honest men; and before I get through I will satisfy my friend from New York that as honest judges as he has ever practiced before have appointed most infamous rascals as deputy marshals and jurors. I know this to be true not by personal vision; I have not been at a court, I do not know that my friend has, in any of the Southern States; but there are gentlemen on this floor to-day who know what is done in their court-houses, what has been done within the last six months; and it is no answer for the Senator from New York to say here that nobody under thirty-five years of age could be chal-

lenged in a jury-box. That will not do; it is too thin. A boy fourteen years of age in 1865 would not be thirty-five years of age to-day. It is the sons of men who were in the war; not only the men who were in it, but their sons, those who were mere boys and children when the war ought to have closed.

Mr. CONKLING. The Senator does not mean that boys who were only fourteen in 1865 were in the war?

Mr. EATON. I have not said they were, nor is it necessary that men should have been in the war in order to be kept out of the jury-box. It may be inferred from the question put by the Senator from New York that that is not so. I shall be obliged to my friend from Indiana if he will read that section which he has before him.

Mr. VOORHEES. Section 821 reads as follows:

At every term of any court of the United States the district attorney, or other person acting on behalf of the United States in said court, may move, and the court, in their discretion, may require the clerk to tender to every person summoned to serve as a grand or petit juror, or veniremen or talesman, in said court, the following oath or affirmation, namely: "You do solemnly swear (or affirm) that you will support the Constitution of the United States of America; that you have not, without duress and constraint, taken up arms or joined any insurrection or rebellion against the United States; that you have not adhered to any insurrection or rebellion, giving it aid and comfort; that you have not, directly or indirectly, given any assistance in money, or any other thing, to any person or persons whom you knew, or had good ground to believe, to have joined, or to be about to join, said insurrection or rebellion, or to have resisted, or to be about to resist, with force of arms, the execution of the laws of the United States; and that you have not counseled or advised any person to join any insurrection or rebellion against, or to resist with force of arms, the laws of the United States." Any person declining to take said oath shall be discharged by the court from serving on the grand or petit jury, or venire, to which he may have been summoned.

Mr. CONKLING. That does not say anything about boys thirteen years old.

Mr. EATON. Boys thirteen years old, as I am informed by men who know more about it than the Senator from New York or myself, are not infrequently tolerably well-developed boys.

Mr. CONKLING. And they do what?

Mr. EATON. They put themselves in a position where they cannot take this oath, and therefore as honest men they are put from juries.

Mr. BUTLER. My friend from Connecticut will pardon me for one moment. Something has been said about no judge but a knave or a fool ever permitting this test oath, as it is called, to be submitted to a juryman. I desire to state that I was present in court in Charleston on one occasion in 1877 at which the Chief-Justice of the United States was presiding, and that there I saw him authorize the administration of this oath.

Mr. CONKLING. I hope the Senator from Connecticut will yield to me now for one moment. I hope that the Senator from South Carolina is the only Senator, the only person in all this audience, who understood me to say that a judge must be a knave or a fool to apply this section. Unfortunate indeed must I have been if I said that. I said, I thought, at all events I will endeavor to say it now, that the leader of the democracy on this floor, when pointing to a case in which it would be improper affirmatively to apply this section, said that it might nevertheless in such a case be applied by a judge who was a knave and a fool, and I said I agreed with him. My recollection is he took the case of two boys interested as heirs in a piece of real estate lying in the South, and he talked about this section being applied in a case like that, and he said a knave and a fool might apply it. I said that I agreed with him, but that the presumption was, judges not as a rule being either knaves or fools but instructed in their duties, that they would confine its application to those instances for which it was intended, namely, instances of issues to be tried such in their nature as to appeal to the bias, the prejudice, the preconception, the political feeling supposed to survive from the struggle to which the oath refers. Certainly I did not intend to intimate that the Chief-Justice or any less judicial magistrate than the Chief-Justice would be blamable in any sense for applying this in a case for which it was intended. I remember the instance in which the Chief-Justice applied it, and the record will testify that had it been a more searching and effectual criterion, more justice would have followed than came from the panel in South Carolina at the time to which I refer.

Mr. EATON. Mr. President——

Mr. BUTLER. My friend will pardon me just a moment.

Mr. EATON. The speech of the Senator from New York was so long that perhaps the Senator from South Carolina ought to have an opportunity to answer it.

Mr. BUTLER. I merely desire to give the Senator from New York another piece of information with which perhaps he is not so familiar, which has come within my knowledge and under my observation within the last two months in Charleston, South Carolina, where the circuit judge and district judge were presiding. There I saw the test oath administered to every democrat who presented himself to the jury and not administered to a single republican, and among those republicans were certainly three confederate soldiers, one of them having been a lieutenant under my command, and to whom the test oath was not submitted. That is the kind of jury to which I presume my honorable friend from Connecticut refers when he speaks of packing juries to convict. That I witnessed myself.

Mr. CONKLING. That judge must have read that entry on a sacred record, "By their fruits ye shall know them."

Mr. BUTLER. Perhaps so, Mr. President.

Mr. CONKLING. I cannot account for it in any other way.

Mr. BLAINE. How did the judge know which were democrats and which republicans?

Mr. BUTLER. I know it just as I know the honorable Senator from Maine is a republican, because he acts with the republican party.

Mr. BLAINE. Does the judge who goes down there know the individual history of every man in the panel?

Mr. BUTLER. The district attorney knows it if the judge does not. The district attorney knows it. He administered the oath, and when a young man who had grown up since the war presented himself upon that jury, against whom not one syllable could be urged, he was rejected peremptorily because he was a democrat.

Mr. EATON. Well, Mr. President, I know this, and if it has not come to the knowledge of the Senator from New York it will probably when he gets to be as old as I, and that is that all judges, whether of the United States courts or of the State courts, are not infallible men by any means. There have been rascals upon the bench, and there will be hereafter. I would place no power unnecessarily in the hands of a court because that court is honest. That is not the way to do. Put as little power as possible in the hands of a court. There was a Jeffreys once, a learned man. He was not a knave and a fool—except that every man is foolish who is knavish—but he was a learned lawyer, a man of talent. He packed juries and convicted men; and the best blood of England flowed on the scaffold when Russell died, though not by Jeffreys—Pemberton was then the judge—but it was the same mode of packing juries in London; and this same mode of packing juries is adopted to-day in this country; they are packed to convict, absolutely packed to convict.

Mr. HEREFORD. We had a Durell.

Mr. EATON. I know we had a Durell. We had once a United States Attorney-General who said about jurors in the United States courts:

There is no uniform system of obtaining jurors to serve in the courts of the United States, and great abuses have sprung up and much favoritism and corruption are complained of. It is easy to provide a uniform mode of selecting jurors for the courts of the United States, and I respectfully suggest that an act be passed to accomplish this result.

We are trying to pass one. That is what was said by an Attorney-General of the United States in 1875 in his report.

Mr. CONKLING. The Senator does not mean that he is trying to establish a uniform system by this act?

Mr. EATON. If we get a little uniform honesty, we are going to have it. We have had uniform dishonesty long enough. We propose ourselves now to see if we cannot have a little democratic honesty if possible, not that which comes out of the slums of anywhere, but fair men and honest men, and men who will do their duty fearlessly. We need them, and we shall show them to you before we get through. Mr. President, I amuse my friends, especially my friend from Illinois, [Mr. LOGAN.] I am glad I can be the source of amusement to great men always. When I can be nothing else, I like to be able to be amusing to my friends.

Mr. LOGAN. Will the Senator allow me?

Mr. EATON. Certainly, I will allow anybody.

Mr. LOGAN. I do not see what right the Senator has to say that he amuses me.

Mr. EATON. I thought I did. I will try to do so, then. I will take it back.

Mr. LOGAN. Not at all.

Mr. EATON. I will proceed to do it then, if I can.

Mr. LOGAN. I was not amused at anything the gentleman was saying. The Senator from New York and myself were conversing about a matter that certainly did not interest the Senator, and it was that; but still if the gentleman desires it, I can be amused at many things he has said.

Mr. EATON. Doubtless; I hope the Senator has been.

Mr. President, I have said all I care to say on this subject of jurors. The right of a fair trial by jury is older than the law, so to speak, older than any well-considered dissertation upon the law, so to speak. It is older than the Saxon heptarchy, older than Alfred. The people of the vicinage, the people of the hundred, were got together for the purpose of trying their fellows. They were supposed to be honest men, fair men. We now propose to have juries of that character. I say further that it is a State right to furnish jurors for the Federal courts. I do not undertake to say that there is any absolute reserved clause to that effect, but I say that for eighty years the States have furnished to the Federal Government, in their own way, jurors always; and if the Federal Government had any right under the terms of the Constitution to provide the manner of constituting a jury, that right has been held in abeyance for more than three-quarters of a century.

Now, Mr. President, a few words in regard to the other section of the statutes we desire to repeal. I ask my friend to find me that section.

Mr. KERNAN. It is section 2022.

Mr. EATON. I desire to read this statute. Section 2022 provides that—

The marshal and his general deputies, and such special deputies, shall keep the peace, and support and protect the supervisors of election in the discharge of their duties, preserve order at such places of registration and at such polls, prevent fraudulent registration and fraudulent voting thereat, or fraudulent conduct on the part of any officer of election, and immediately, either at the place of registration or polling place, or elsewhere, and either before or after registering or voting, to arrest and take into custody, with or without process, any person who com-

mits, or attempts or offers to commit, any of the acts or offenses prohibited herein, or who commits any offense against the laws of the United States; but no person shall be arrested without process for any offense not committed in the presence of the marshal, or his general or special deputies, or either of them, or of the supervisors of election, or either of them, and, for the purposes of arrest or the preservation of the peace, the supervisors of election shall, in the absence of the marshal's deputies, or if required to assist such deputies, have the same duties and powers as deputy marshals; nor shall any person, on the day of such election, be arrested without process for any offense committed on the day of registration.

Mr. President, we seek to repeal laws of that character by which the United States has undertaken to control the machinery of State elections. Now I want to read a little with regard to this machinery, and I ask the attention of my friend from New York as well as my friend from Illinois; I shall probably amuse them. It is but a little while ago that the honorable Senator from New York attacked in his vigorous manner the democratic party of New York. He spoke of the vile places—I cannot give all the names any more than the honorable Senator from Georgia [Mr. HILL] could—bucket-men and rat-pitters and shoulder-hitters.

Mr. CONKLING. The Senator ought to be more familiar with the names of his clans.

Mr. EATON. I will show the names that I am familiar with before I get through.

Mr. CONKLING. It is said that a great Roman general knew the name of every soldier. My friend does not seem to understand the names of his legions.

Mr. EATON. My friend from New York understands, I believe, and will know the names of his *rum-an* (Roman) soldiers when I come to read them here, as I shall do directly. I say we desire to repeal a statute of that character which places in the hands of the Government of the United States through its judges the power to appoint men of most infamous character to public office; and they do it. My friend from New York said a little while ago that a man must be a knave or a fool who would undertake to tamper with an honest jury. Well might a man say that a judge would be a knave or a fool to appoint such rascals to office as distinguished republican judges have appointed in the city of New York. We propose to get rid of this law, because its effect has been bad upon New York City, bad even upon its Senator, bad upon all. I want to give a little history of about fifty of these gentlemen.

Mr. EDMUNDS. Would the Senator mind my reading to him on that point a report of a committee of the House of Representatives?

The PRESIDING OFFICER, (Mr. HOAR in the chair.) Does the Senator from Connecticut yield to the Senator from Vermont?

Mr. EATON. What does the Senator propose to do?

Mr. EDMUNDS. To read to the Senator a report of a recent committee of the House of Representatives upon that subject.

Mr. EATON. No, sir.

Mr. EDMUNDS. It is a very good one.

Mr. EATON. I presume it is if it was made by the present House of Representatives, but I do not care to hear it read just now.

Mr. EDMUNDS. It was the last democratic House.

Mr. EATON. I have some good reading here of my own which I commend to my friend from New York, to my friend from Maine, to my friend, above all others, from Minnesota. Judge Woodruff I knew very well. He was a Connecticut man, and certainly that helped him to be a good man, and a good judge. He was a Connecticut man who took his carpet-bag in hand and emigrated to New York; and he became there somewhat known as an able lawyer and judge. I think he was judge of some State court in the city of New York.

Mr. CONKLING. Two of them, including the highest court in the city.

Mr. EATON. He was afterward made a judge of the district or circuit court of the United States, I am not certain which.

Mr. CONKLING. Of the circuit court.

Mr. EATON. Very well; he had the reputation of being an honest man.

Mr. CONKLING. So he was.

Mr. EATON. An able judge he was, a fair magistrate, I doubt not; but now I want to show my friend how such judges are imposed on. Either the judge is infamous or those who stand behind him are worse than infamous. I desire to read. Here is the list of creatures that were appointed in 1870——

Mr. CONKLING. What does the Senator read?

Mr. EATON. I read from the Congressional Globe of February 24, 1871.

Mr. CONKLING. Whose speech?

Mr. EATON. I read from the speech of Mr. Vickers, of Maryland, delivered in this Senate.

Mr. CONKLING. I always liked his speeches. [Laughter.]

Mr. EATON. I thought you would. [Laughter.] Now, then, we seek to repeal the power that the United States has and uses in this way. Here is a list of the officers—God save the mark!—officers appointed at the instance of the republican party, on the recommendation of some of its leading men in New York, for the purpose of keeping the peace at the polls. The only argument I ever heard why the Army should be used to keep the peace at the polls is that the republican party appoints such marshals and supervisors. Why, these rascals would steal the very polls themselves [laughter] if an Army was not there to protect them. Let me read; I will only read a few names:

J. F. Baderhop, appointed by this estimable Judge Woodruff, at the instance of some of my friend's "bucket-men" in New York, some of those "shoulder-hitters" and "rat-pit heroes:"

Theodore, *alias* Mike Anthony, *alias* Snuffey, of 24 Cherry street, a laborer, thirty-five years of age, married, and cannot read or write. Anthony was arrested by Detective James Finn, of the fourth precinct, on July 24, 1870, for larceny from the person, and was held in $2,000 bail for trial by Justice Hogan. He was indicted by the grand jury on the charge on the 23d of August last.

There is one of the men appointed by as respectable a magistrate as Judge Woodruff to preserve the purity of the ballot-box that the honorable Senator from Vermont spoke of the other day; to preserve the purity of the ballot-box this panel-thief was appointed by a respectable magistrate. Oh, Mr. President——

Mr. EDMUNDS. Did he appoint him because he was a panel-thief, or did he appoint him because he was imposed upon?

Mr. EATON. I have no doubt he was imposed upon by the recommendation of a leading republican who wanted this man appointed because he was a thief. [Laughter.] We want to get you out of that business. You have been in it too long already; it soils your garments.

Mr. LOGAN. The Senator now amuses me.

Mr. EATON. I shall more.

Joseph Frazier—

Another of these blessed keepers of the purity of the ballot-box—

Joseph Frazier, of 279 Water street, is a thief and confederate of thieves.

That is, a union thief. [Laughter.]

James Miller is the keeper of a den of prostitution in the basement of 339 Water street.

James Tinnigan keeps a similar den in the basement of 337 Water street.

James Sullivan, alias Slocum, keeps a house of prostitution at 330 Water street, which is a resort for desperate thieves.

Frank Winkle keeps a house of prostitution at 337½ Water street. The police are frequently called in to quell fights in Winkle's place, and it bears a hard reputation.

Now I come to a good fellow, a great chap. Of course it could not be supposed that the present chief of the supervisors in New York could appoint now any character holding as high a position as this one evidently does in that fraternity:

The radical authorities have appointed one John, alias "Buckey," McCabe a supervisor of the eighth district, Fifteenth ward. He is now under indictment for shooting a man with intent to kill. This precious "supervisor" originated here, and was first known to the police for his dexterity in robbing emigrants. His picture is in the "rogues' gallery" at police headquarters in this city, No. 225. He was known as Pat. Maddon, alias "Old Sow," alias Honsey Nichols, alias Dennis McCabe. His real name is Andrew Andrews. His wife resides in North Pearl street, and the "supervisor" of the eighth district, Fifteenth ward, New York, is down in the directory as a citizen of Albany.

Mr. President, my friend from Minnesota, who is an honorable gentleman, stood in his place in the Senate the other day and said he desired that these laws should be kept in order that there should be a fair ballot and honest supervision of the elections, and he looked just as if he meant it. How does he like this kind of supervision?

Mr. WINDOM. I suppose, as the Senator asks me the question, these were thieves selected to watch the sixty thousand democratic thieves and keep them from voting.

Mr. EATON. My friend does not mean any such thing and cannot get off in any such way. They were hired with your money and mine, Mr. President, for the purpose, if possible, of prostituting a fair and free election in New York. But this is not very pleasant reading.

Joseph Hurtnett, supervisor eighteenth ward. Arrested June 3, 1869, as accessory to the murder of Richard Gerdes, a grocer, corner of First avenue and Twenty-fourth street.

Henry Rail, supervisor eighth ward. One of the principals in the Chatham-street saloon murder; went off West to escape punishment, and has only been back a few weeks.

James Moran, supervisor third district, eighth ward. Arrested on Sunday last for felonious assault.

William (alias Pomp) Harton, (colored,) marshal twenty-second ward. Arrested a few days since for vagrancy.

Theodore Allen—

It appears to me my colleague and myself have a sort of recollection of that name—

Theodore Allen, marshal eighth ward. Now in prison for perjury, and keeps a house, the resort of panel-thieves and pickpockets, on Mercer street.

He is in jail to-day for murder, or is out on bail being charged with murder. Now, who is this man The. Allen? He has been exported from New York into my State in order to interfere in the elections of Connecticut, not, I agree, by any Government action, not by action of the United States officers; far be it from me to make a charge of that character; but he is well known in our State. One of his brothers served a sentence of six or seven years in the State prison of Connecticut. Another one of them staid in the inside of our jail at Hartford on a charge of burglary longer than he cared to, and so one night he left, and they have not heard of him since in Connecticut. His name is not in this list, but the family are a rising family of honest republicans!

Mr. PLATT. If my colleague——

The PRESIDING OFFICER. Does the Senator from Connecticut yield to his colleague?

Mr. EATON. Yes.

Mr. PLATT. Mr. President, as I do not understand exactly to what my colleague alludes, I wish he would be a little more explicit as to what this The. Allen has done in Connecticut. I am ignorant on the subject.

Mr. EATON. My friend was so busily engaged in the practice of the law and had so little to do with politics a few years ago that he

has forgotten that one The. Allen, at the head of a gang, was brought into the State of Connecticut for the purpose of influencing the election in our State in certain localities; at any rate it was so charged.

Mr. PLATT. As I always understood the matter, the democratic party got very much frightened one day with the idea that The. Allen was coming there, but in fact he never——

Mr. CONKLING. He is said to be acting with the democratic party now, and has been for some time.

Mr. EATON. My friend does not intend, I suppose, to say that this man The. Allen was ever a member of the democratic party.

Mr. CONKLING. I intend to say, if the Senator will hear me, that the man he alludes to was one of the leaders of the greenback party, so called, in the last election. That certainly is not the republican party.

Mr. EATON. It is possible that there may be greenback men who were republicans. I happen to know in regard to the character of this man, and know that he was never a member of the democratic party. Now let us proceed:

Richard O'Connor, supervisor seventh district, First ward; has been for years receiver of smuggled cigars from Havana steamer.

L. H. Cargill, supervisor ninth district, Ninth ward; tried in United States court for robbing the mail.

John Van Buren, supervisor twelfth district, Eighth ward; was at one time in sheriff's office and discharged for carrying a load of seized goods from the establishment of Richard Walters in East Broadway.

Mart Allen, marshal Eighth ward; served a term of five years in the Connecticut State prison; sentenced to Sing Sing for five years by Judge Bedford. His case was appealed, and while waiting for decision he managed to get out on bail. His case has been decided against him, and he has fled to parts unknown to ply his vocation and help the radicals elsewhere.

John McChesney, supervisor fourth district, Ninth ward; associates with thieves; bears a bad character generally.

William Cassidy, supervisor twelfth district, Ninth ward; is a street bummer, without any visible means of support.

Thomas McIntire, marshal Eighth ward; has been frequently arrested for beating his aged mother; sent several times to Blackwell's Island.

Timothy Lynch, marshal sixth district, First ward; a Washington-market lounger.

Peter Mose, marshal Sixth ward; habitual drunkard.

John Conner, supervisor first district, First ward; keeps a disorderly gin-mill, resort of lowest characters.

Francis Jordan, supervisor sixth district, First ward; lives in New Jersey; was turned out of the post-office by Postmaster Jones for bad conduct.

Bernard Dugan, supervisor eight district, First ward; habitual drunkard. His wife left him on account of his drunkenness, and procured a divorce on that ground.

John Tobin, supervisor ninth district, First ward; arrested about six months ago for grand larceny.

Patrick Murphy, supervisor fourth district, Sixth ward; two years ago distributed fraudulent naturalization papers, and would furnish them to anybody that would promise to vote for Grant.

Edward Slevin, jr., supervisor second district, Fourth ward; has an indictment now pending against him in court of general sessions for cutting a boy named Kilkenny.

Michael Foley, supervisor fourth district, Fourth ward; well-known repeater, voting for anybody that will pay.

James F. Day, supervisor seventh district, Fourth ward; shot at a man in a fight between the Walsh association and a gang from Water street.]

John Conners, "alias Jockey," supervisor third district, Fourth ward; a well-known desperate character.

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Michael Costello, marshal Sixth ward; bounty-jumper during the war.

Harry Rice, supervisor thirteenth district, Sixth ward; was connected with the Chatham-street concert saloon murder, and fled to Nebraska to escape punishment.

Thomas Lane, supervisor seventeenth district, Sixth ward; formerly keeper of a notorious den at Five Points, headquarters of thieves and robbers.

John Lane, supervisor twenty-second district, same ward; was indicted for receiving stolen goods. Has served a term in Sing Sing.

Edward Foley, supervisor sixth district, Ninth ward; arrested last year for stealing a watch.

Humphrey Ayers, supervisor eighteenth district, Ninth ward; arrested six years ago for robbing the United States mail.

John Dowling, supervisor nineteenth district, Ninth ward; arrested August 20, 1869, for till-tapping.

James Fitzsimmons, supervisor twentieth district, Ninth ward; rrested August 1, 1868, for robbery.

John Martin, supervisor fifth district, Twelfth ward; rrested a few years ago under an indictment for arson.

Samuel Rich, supervisor fourth district, Thirteenth ward; served a term of two years at Sing Sing for felonious assault.

John, alias "Buckey," McCabe, supervisor eighth district, Fifteenth ward; charged with shooting a man with intent to kill about a year ago.

William P. Burke, supervisor twentieth district, Eighth ward; served his term in the State prison of Massachusetts for burglary; also two years in the New York State prison.

James McCabe, supervisor fourth district, Eighth ward; now confined in the Tombs under indictment for highway robbery.

William Irving, supervisor fourteenth district, Eighth ward; has served a term in Sing Sing prison for burglary committed in the Eighth ward, and has never been pardoned.

Patrick Henry Kily, alias Fred. Williams, supervisor twenty-second district, Eighth ward; keeper of a house of ill-fame; resort of the lowest and vilest characters.

Patrick Hefferman, supervisor of the tenth district, Sixth ward; arrested some time since for attempted murder.

Frederick Sterringer, supervisor Eighth ward; has been arrested several times for keeping disorderly house.

J. F. Baderhop, supervisor Tenth ward; arrested for murder a few years since.

Ed. Weaver, marshal in Eighth ward; has been but a short time out of State prison, where he has been serving out his sentence.

Walter Prince, (colored,) marshal Eighth ward; now in prison awaiting trial for highway robbery.

Andrew Andrews, alias Hans Nicols, marshal; panel-thief; been sentenced two or three times to State prison, and has just returned from Blackwell's Island.

I read this from page 1636 of the Congressional Globe, for the Forty-first Congress, third session, February 24, 1871.

Now, Mr. President, I ask, will honorable men, honorable Senators of the United States say here in their places on the floor of the Senate that a system that is carried and has to be carried out in this nefarious manner—for it is nefarious—is a proper system to be adopted in this country of ours? Sir, I say no, a thousand times no. These men, these thieves, these murderers, these highway robbers the men to supervise an election in the city of New York in the interest of a free ballot!

Mr. President, I have detained the Senate longer than I intended. There were other points that I desired to examine at some length; but I forbear—forbear for two reasons: first, I do not like to tire my friends; and, second, because I do not care to fatigue myself. I think that I have added a little to the literature that is now being gathered up in this country for public use. I think I have added a little—no matter how little—to that great mass of evidence which is being accumulated against this system of jurors, in the first place which has been inaugurated by the republican party of this country in other days, and this system of election marshals and supervisors. My own opinion is that a system that requires men of this character as its chiefs, its marshals, its supervisors, is a system that the free people of this country ought to be rid of. There can be no honest ballot supervised by men of this character; it is utterly impossible. Is it a free ballot that you want? Is it an honest ballot that you desire? If so, is this the class of men to supervise you and me when we go to the ballot-box to cast our votes?

We have nothing of this sort in my State. If there was a class of men of this character appointed as supervisors in the State of Connecticut to look after the ballot-box that my friend upon the other side of the Chamber and that I visit for the purpose of depositing our ballot, his voice would be joined to mine to prevent any such thing in the State of Connecticut. I have no doubt about it, not the slightest in the world. I cannot believe that any man, when he brings this case down to himself, would desire to have a supervisor of this character placed at his voting place; and no good can come of it, nothing but evil.

I do not desire to take up the time of the Senate by going into the constitutional question on this subject, which was very ably discussed yesterday by the honorable Senator from Ohio, [Mr. THURMAN.] I might go a step further than he did. I would say that if there was any doubt with regard to the constitutionality of the law there can be but one opinion with regard to its impropriety. For eighty years there was no such supervision known to the Government of the United States; no claim of that character was made, but the States furnished the supervisors for all elections. Therefore, under any circumstances, if it was a correlative power, a co-ordinate power, the United States suffered that power to lie in abeyance for eighty years; they suffered the States to go on for eighty years. Was there any complaint? Not the slightest. From 1789 up to 1861 was there ever any complaint made? None. Therefore I say if there is any doubt of its unconstitutionality—I entertain none; I believe it to be so—then upon the other great question there is no propriety in the Government of the United States undertaking to supervise State elections. But, say gentlemen on this floor, the Government has a right to do it. Gentlemen on the other floor, the newspaper press of the country, say that this ought to be a government of force: everything is force; it all comes down to force, says the honorable Senator from Vermont. Not that sort of force, not the force of arms, not the force of steel, but the force of honest law honestly enacted and honestly carried out. To talk about requiring these miserable scoundrels, a part of whose names I have read, to become the supervisors of the elections of fair men in the city of New York is not only an absurdity, but it is a crime. It is a crime against justice; it is a crime against our human nature; it is a crime against everything that is right and pure in manhood to put over the polls of a great people in a great city a class of men of this character.

Mr. President, while I live and have the honor of a seat on this floor I shall vote to repeal all laws of this character at all times and in all manners. Join that repeal with an appropriation bill and I shall then vote for it, though I regret to join the two together. I vote for it because in my judgment it is honest, because in my judgment it is right, because in my judgment as a Senator I should dishonor myself to vote in any other way. Again I say while I regret that these measures have been joined together in this way, it is not a matter of principle in any sense; it is a matter of propriety. While it is right in the first place to pass a proper appropriation bill after proper consideration, so it is right to pass a bill repealing a law that you believe to be an improper one; and the joining the two together I dislike; but both are right, and therefore, though joined, I shall vote for the passage of the bill; and sir, when this bill passes here, if it does pass, and it goes to the Executive at the other end of the Avenue, I hope that it will receive at his hands proper consideration, and I trust that he will see his way clear to giving his support and approval to this bill, although like myself—humble as I am I may compare myself with him—he may be opposed to the idea of joining together bills of this character.

Mr. CONKLING. Mr. President, were I about to answer the honorable Senator from Connecticut [Mr. EATON] or to attempt to do so, whih I am not, I should begin by complimenting him on his electioneering dexterity. He takes up a volume of the Congressional Globe, venerable in its color and ponderous in its size, and proceeds to read from it. He does not tell the Senate whether he reads from sworn testimony, from

the report of a committee, or from something yet more solemn. When pressed to disclose what it is he reads, it is he says a speech—a speech made years ago by one then a Senator from Maryland. The Senator from Connecticut did not state that in reality the statements he read were not made by the Senator from Maryland or vouched for by him but were taken bodily from a partisan newspaper. The page of the Globe before the Senator shows that all this extravagant tale about appointments made by Judge Woodruff was quoted from the New York World. The Senator from Connecticut quotes it all as the speech of the Senator from Maryland. When the next democrat has occasion to impose it upon the credulity of an audience, doubtless he will quote it as the speech of the honorable Senator from Connecticut; thus electioneering fables multiply and gather as they go. This so-called speech was made on the occasion referred to yesterday by the honorable Senator from Ohio, [Mr. THURMAN.] He said of that night and its scenes what I should hesitate to say. Referring to a night and a day of filibustering in the Senate, to a scene unusually boisterous, he said that six or a dozen Senators who were most demonstrative were inspired. Perhaps they were—it may be so. It was one of the worst all-night sessions I remember; how far, or how many of the actors were inspired, how often they were inspired, by what kind and quantity they were inspired, I will not venture to say; the Senator from Ohio was sufficiently explicit. Passionate and unwarranted utterances vied with each other, and in the course of a long partisan speech read by Mr. Vickers he quoted the sensational newspaper paragraphs to which the Senate has now again listened.

Some of the persons named and characterized may have been appointed supervisors—the democratic party named one-half of the supervisors, and whether any of these men were selected by one side or the other I have no means at hand to ascertain.

Much has been said in the Senate of late about the doings and sayings of Mr. Davenport in New York. Indeed much has been said so full of swollen phrase and emphasis as to well deserve the name of rant, respecting prosecutions and arrests of alleged fraudulent voters in the city of New York.

In reply to this flood of talk, I have two things to say. John I. Davenport is a resident and a citizen of the State of New York, and the State of New York is able and ready to administer her own laws. She has courts, grand juries, prosecuting officers, and all the apparatus and machinery of justice. All this has been true in the city of New York ever since the yoke of Tweed and Tammany was broken. If John I. Davenport has maliciously prosecuted any man, if he has falsely imprisoned any man, if he has overpassed the law in any regard, John I. Davenport, like every other culprit, is amenable every day to prosecution, and prosecution may be instituted by any citizen, be he high or low, democrat or republican. Every individual in all the State has every day his day in court to apply for a warrant for the arrest of Davenport; whenever the grand jury is sitting, to go and make his complaint; and then, unless John I. Davenport has observed and kept the law in every particular, he will stand as naked and as liable to punishment as any other trespasser, any other law-breaker, any other man who has falsely imprisoned a citizen or who has employed the process of the court or of the law for purposes of oppression.

Has Davenport been prosecuted? Have any of these innocents whose treatment so exasperated the Senator from Ohio yesterday when he thought of it, many hundreds of whom have since as I am told come forward and declared their intentions, taken the first step to become citizens, and thus conclusively admitted the fraud and want of validity of the papers on which it has been boasted here they have for years and years been swelling democratic majorities—has any one of them, or the counsel by whom they have been represented and instructed, made complaint against John I. Davenport? If complaint has been made, or when complaint shall be made, we shall witness a judicial investigation of these charges; and when that investigation results in a conviction or in proof of the guilt of Davenport without a conviction, Senators will be warranted, as they are not now warranted, in some part of the wild roar of vituperation with which they strive to deafen the public ear.

Meanwhile, and as my second observation, let me turn to a congressional investigation conducted by one never known to belong to the republican party. He did not belong to the republican party when term after term he graced a seat in Congress from the great Commonwealth of Ohio; and, later on, when the restless foot of American adventure and freedom carried him suddenly to New York and brought him swiftly back as a Representative from there, still he was not a republican, and therefore not subject to the epithet of carpet-bagger.

He has always been a democrat, a modern democrat, with all the modern additions and improvements. He served, if I remember aright, many a year ago, before the war, in the House of Representatives with my honorable friend who now represents the State of Ohio here, [Mr. PENDLETON,] and who will confirm me when I say that Mr. SAMUEL S. COX has always been a democrat, never suspected of belonging to, or sympathizing with, the republican party.

On the 3d of March, 1877, long after all of the dates and all the doings to which the honorable Senator from Connecticut has referred, "Mr. COX, from the Select Committee on Alleged Fraudulent Registration and Fraudulent Voting in the cities of New York, Philadelphia, Brooklyn, and Jersey City, submitted the following report." I beg to read two or three passages from it:

Whatever may be said about the United States law as to elections or their supervision by United States authority; whatever may be said as to the right of a State to regulate in all ways such elections, this must be said, that the administration of the law by Commissioners Davenport, Muirhead, and Allen, the United States functionaries, and their subordinates, was eminently just and wise and conducive to a fair public expression in a presidential year of unusual excitement and great temptation. The testimony of Mr. Davenport, the United States commissioner for the southern district of New York, is a remarkable statement, which the committee would adopt as the basis of their report as to the three cities.

I read again:

A PATTERN FOR IMITATION.

The committee would commend to other portions of the country and to other cities this remarkable system, developed through the agency of both local and Federal authorities acting in harmony for an honest purpose. In no portion of the world, and in no era of time, where there has been an honest expression of the popular will through the forms of law, has there ever been a more complete and thorough illustration of republican institutions. Whatever may have been the previous habit or conduct of elections in those cities, or howsoever they may conduct themselves in the future, this election of 1876 will stand as a monument of what good faith, honest endeavor, legal forms, and just authority may do for the protection of the elective franchise.

Now, if my honorable friend from Connecticut believes all that at second and third hand he has been repeating, how like a passage from the Arabian Nights' Entertainment this orthodox democratic authority must sound. Should I take up, as I might, in detail the rascalities by which men in hundreds and in thousands were by fraud, perjury, and forgery clothed with the semblance of American citizenship, by which they tramped from poll to poll and voted under assumed names to the number of six, eight, ten, each in a single day; should I set forth all the deviltry which made the elections in the city of New York for years a wretched, guilty farce, and then recount the efforts made under national law to protect popular right, this language of the report would seem to fall short rather than to overstep the line of truthful narrative.

Mr. President, this is not the hustings; this is not a rostrum from which to treat at large of the politics of the State of New York. Let me say to the honorable Senator from Connecticut and to all others, however, that whenever they wish to come into the State of New York to discuss in the presence of her people the modes by which elections were long carried in their chief city, and the modes by which efforts have been made to put an end to abuses, they will find hospitable audience and they will find also sons of New York who will see that the truth and the fact is not forgotten or misstated.

Mr. VOORHEES. If it will not interfere with and be disagreeable to the Senator from New York, I desire——

Mr. CONKLING. The Senator from Indiana would never be disagreeable to me.

Mr. VOORHEES. That is very kind in the Senator from New York. But the Senator from New York prefaced the remarks with which he just entertained the Senate by a statement, in which I certainly concur and I presume all other Senators do, that New York was quite able to take care of herself. The whole country recognizes that fact, that in the thirty-eight States of this Union New York stands at the head of the column; and yet before the Senator concluded he spoke of the miserable farces, the corrupt and degrading and disgraceful spectacles which elections in New York had presented to the world for years past. The Senator from New York is on this floor as the representative of a party in the majority in the State of New York. The Legislature which returned him to this body during the last winter had the power to make laws on this subject. The Legislature of the State of New York has had that power ever since she has been a State. Nobody will question, however we divide on other questions, that a State has the right to protect the purity of her ballot-box; and I desire to know why it is that the State of New York—I speak it with no disrespect to the Senator—is calumniated here by his statement that her elections have been a disgrace to the civilized world and dominated by thugs, assassins, murderers, and scoundrels of every degree? Why, has not the State of New York in her conceded legislative power passed laws to control the ballot-box and to put down the scoundrels that he says have dominated from the Park to the Battery? Why has not that been done? Is the State of New York so poor, so low in the scale of political Commonwealths that she has to come as an humble suppliant upon her knees to the Federal Government to endow John I. Davenport with the powers of an emperor over the rights and liberties of her people in order to get a pure election at her ballot-boxes? That is the question. It is the question that divides the two sides of this Chamber.

I insist upon pure elections; I insist upon fair elections; I denounce thugs and assassins; and the State from which I come can take care of that kind of people. The State from which the Senator from New York comes, however, comes as a suppliant to the throne of Federal power, asking us to protect them from their own bad citizens, when by their own constitution, by the structure of the Federal Government, by the power of the State of New York, and by its own conceded greatness they have all these questions in their own hands.

Mr. CONKLING. Mr. President, this outburst of rhetoric——

Mr. VOORHEES. No rhetoric.

Mr. CONKLING. From one of rhetoric's acknowledged masters, lacks but one quality essential to its merit, and that is originality. The honorable Senator from Indiana is gifted——

Mr. VOORHEES. I beg my friend's pardon.

Mr. CONKLING. I have heard the Senator, he will now hear me. His shower of fire-works has already so dazzled and dismayed me, that I will make answer before becoming blinded by still greater glare.

I was about to say that the honorable Senator from Indiana is endowed with so much vigor of imagination, his rhetorical pictures are usually so lurid, that he disparages and belittles himself when he takes up a faded piece of trumpery and produces it again as his own.

The Senator's suggestion is that I impugn the character and ability of the people of New York by referring to frauds practiced in elections, and by approving of national statutes to aid in preventing such frauds. Democratic newspapers had made this allegation stale before it was repeated the first time by a member of the Senate. Five Senators have in succession revamped it since, the last of the five being my colleague who, worn and soiled as it had become, and destitute of truth and sense as it was in the beginning, picked it up with avidity and brought it into the Senate again, apparently as much elated as if he had found something new or had originated something himself. This is not unnatural, but I confess my surprise that the Senator from Indiana should by appropriating so poor an expedient, used by so many before him, confess such poverty in controversy, such sterility in debate. Let me say to that honorable Senator that, responsible not to him but to the people who have honored and trusted me over much, whenever the State whose interests and honor are so dear to me shall be calumniated by word or deed of mine, I will bow in repentance and contrition before her offended majesty. Let me say to him further that the State of New York is not likely to need his services either to arraign the words or the votes of her Senator, or to vindicate her power, her authority, or her honor. I did not say that New York is able to take care of herself; I do say so now, however. I do say that she is able, as she has proved herself able, not only to take care of herself, but when need be to send more than five hundred thousand of her sons to take care of the whole Republic also. New York is able, were it her duty, to enforce within her borders the revenue and customs laws of the nation. Her citizens and her soldiers have might enough to enforce and execute all the national laws within her limits. But she does not feel affronted, she does not deem herself disparaged by the fact that this great volume of statutes of the nation [holding up the volume of Revised Statutes] has inscribed upon its pages the authority under which the national Army and the national *posse* may move within her borders to enforce the revenue laws. Loyal as she is, devoted as she is to a system of government under which has arisen a nationality incontestably the greatest and freest the world has ever seen, she is willing that its authority shall not only visit, but dwell, and be at home within her domain to exercise every right, and to wield every power expressed or implied by a Constitution which framed in wisdom, and preserved at vast cost, the people of New York hope to transmit as a beneficent and imperishable inheritance to their posterity.

Mr. VOORHEES. Mr. President——

Mr. CONKLING. The Senator from Indiana must allow me to proceed.

Mr. VOORHEES. I beg pardon; I thought the Senator was through.

Mr. CONKLING. The honorable Senator has ventured to say that which, notwithstanding a regard for him, uninterrupted during an acquaintance of twenty years, it required some forbearance patiently to hear—he has ventured to say that I have "calumniated" the State of New York; and thus summoned to my feet by such a charge I choose to dispose of it before pausing for other interruptions.

I say again that because of the true faith and allegiance which the State of New York bears to the Union, the Government and the Constitution of the United States, because of the understanding she has of her obligations and her interest as a member of the Union, she does not object to national authority abiding within her dominions to execute national laws.

National right in a State does not depend on the might or on the weakness of the particular State. The State of New York is strong enough to punish, she is no doubt able alone to punish all who utter, publish, or make false, forged, or counterfeit money in the similitude and likeness of the coin of the United States. She is strong enough, patriotic enough, wise enough to deal with counterfeiters, and she could do it without national aid; but she does not therefore object to the acts of Congress under which Federal courts take notice of such offenses, nor to the statutes under which the marshals of the United States summon the *posse*, armed or unarmed, in numbers more or less, to enforce the national authority. So in many other instances of national and of concurrent jurisdiction and right to which I might refer. The question in her estimation is not urgent whether New York is large enough and strong enough, to be uppish and pragmatic enough to cavil and bully and split hairs over the point whether one class or another class of resisters of the nation's laws could or could not be dealt with by State authority alone. Such questions are all set at rest the moment the test of the law is applied. Wherever the subject-matter is one to which the Constitution and laws of the United States extends, whether exclusively, or concurrently with the constitutions and laws of the several States, it is honest, patriotic and wise for every State to acknowledge and aid the national authority.

So, Mr. President, I did not by intention, nor by word, nor by appearance when seen by honest and intelligent eyes, even seem to calumniate the State of New York when I acknowledged my willingness as one of her citizens and my belief in her willingness to stand to and abide by the Constitution and its intendments. On the contrary it was encomium, it was eulogy, and only deserved eulogy of the State of New York and of her people to insist that they stand ready at all times to permit and assist the free workings of the National Constitution and laws.

It pleased the Senator from Indiana in his somewhat tangled question to ask how it came that in a State so powerful elections became for years a hissing and a by-word. The question is easy of answer, but it is unpleasant of answer. It is not agreeable needlessly to display on the national theater the wrongs, affronts and indignities inflicted year after year upon the people of a populous and powerful Commonwealth. Yet I will answer the Senator. It came because the party to which he belongs having gained possession of the political power and government of great cities, and at length of the State itself, having clutched the machinery by which elections are held, the managers and leaders so acted, so polluted and debauched every step in the elective process from naturalization and registration to the count and return of votes, that majorities were trodden under the heel of truculent usurped authority. It came because the democratic party, known in the eastern end of the State by the name of Tammany, was officered and engineered by a band of which Tweed was the bravest and Sweeny the craftiest—a band which wielding for years all the powers of the democratic party, and moulding the legislation of the State to assist their purposes, seized by the throat the greatest city in the western hemisphere and subjected it to the most colossal robbery of modern times. Twenty-three million dollars in a few months were stolen, and property and tax-payers were plundered and spoiled year after year, and the money divided in part among individuals to pile up huge private fortunes, and the residue used as a corruption fund in the presence of which the idea of a fair election and a fair count for a time vanished utterly. It happened because this junta made the judges of the courts on Manhattan Island, and the judges of the courts abused their powers on a scale and with a facile swiftness of industry which I might peril my reputation for veracity by reciting. What would Senators say should I state that for twenty consecutive days, on every day, in a single court, thirteen hundred and eleven persons were ostensibly naturalized? What would the Senate think were I to state that tens of thousands were turned out and turned loose as citizens at a rate which rendered it impossible to comply with one, even the briefest, of all the legal formalities required? Yet so it was. The judges did, and suffered and abetted all this, and more. The honorable Senator from Connecticut looked across the ages to find an example of a corrupt man who wore the ermine. Let me tell my honorable friend that examples, like charity, might well begin at home.

Mr. EATON. There are some of them here.

Mr. CONKLING. These officers were corrupt, and description would be beggared in attempting to recite the foul wrongs they did to stuff the ballot-box with fraudulent democratic votes, and to falsify the count with democratic results.

The same power made and corrupted the inspectors or judges of election, and when it was necessary in two counties to falsely add thirty thousand to the count, the thirty thousand was added between the going down of the sun and the rising of the same. When the occasion was critical, lightning carried over the wires to the corner men of the democratic party throughout the rural districts, directions the moment the polls closed to telegraph estimates "by captions," that is to guess by the color of the tickets, although pasters used upon them might vary definite results, to guess and estimate upon the color of the tickets, and telegraph instantly to headquarters in New York probable results, in the respective precincts; all to the end, as the world knows, that these party leaders in the city might see before certifying and publishing the result how many thousands and how many thousands more it was necessary to add in order that democracy might triumph.

I have heard it said that Mr. Tilden denied the authorship of such a dispatch sent in his name. Mr. President, there is no stress of occasion, I hope, which would lead me to do injustice to a man because he is a political opponent, and I gladly tarry a moment to bear witness that Mr. Tilden did, and did soon afterward deny, and, as I understand, has ever since denied that he sent or authorized the dispatch. So be it. It only speaks more loudly of the brazen audacity of men who, in an enterprise so foul, did not shrink from carrying it on by forging the name of the chairman of the democratic State committee. The telegraph did its work, forgery or no forgery, all the same. "The faithful" everywhere from the river to the lakes obeyed the mandate; they sent the probable results, and when those results were totalized, the managers of the democracy in New York and Brooklyn knew instantly the measure of the forgery they would commit.

In such ways, it happened that elections in the city of New York became the prey, the sport, and the spoil of corrupt scoundrels who managed the democratic party, and who continued to manage it till exposed and driven from power by the republican party, aided by individual democrats, and aided still more by the election law which the united democracy in both Houses is striving to break down.

Perhaps I have now been sufficiently explicit to gratify the curiosity of the Senator from Indiana as to how it was and how it could be that elections were so suffocated in fraud. Suffice it to add that all that false registration, false naturalization, repeating, ballot-box-stuffing, false counting, forgery, and perjury could do, as far as they were necessary, was done not one year, not two years, not three years, but in repeated years to belie and vitiate elections in the city of New

York. Very likely, more than likely, in a match of numbers and of power, the State of New York might, unaided by national law or authority, have achieved the task of putting an end to all this. There were, however, great difficulties in the way, because no matter what the majority was in portions of the State in which the elections were fairly held, that majority was swamped and borne down in the city of New York and the question was how to dislodge the men thus intrenched—how to get the election machinery out of their hands.

It so occurred—the honorable Senator from Ohio [Mr. THURMAN] thought yesterday because of some vigilance of the Union League Club—that a national election law was enacted and came to aid us in the time of need. When I listened to the eminent Senator as he wearied himself in trying to ascertain who suggested the election law he is working so hard to destroy, I was reminded of a like effort often seen in courts of justice. It constantly occurs that culprits caught and indicted wonder and labor to find out who set the prosecution on foot, and charge it upon some one who would seem to be interested.

It is not useful on the trial of an indictment to find out who started the accusation; the weightier matter is whether it be true. So I can hardly understand the value of an inquiry who first suggested the national election law. Whoever first thought of it, this national act came into being despite the most desperate democratic opposition, it has run the gauntlet of the courts, it has done great good, checked great harm, and in its administration received the democratic encomiums I have read from Mr. COX and his committee.

Legislation and administration in New York have of course adapted and adjusted themselves more or less to the national statute, and utilized it. What might have been accomplished without it is hardly worth speculating about, because we have had it and have not been driven to inquire what or how we could do or could have done without it.

Now, having turned aside upon an abrupt and unexpected summons, I will proceed with what I rose to say.

The honorable Senator from Connecticut reeled off his legal and historical dissertation touching juries until it seemed to me that he was somewhat lost in the mazes of metaphorical confusion. He began by denouncing the sections which this bill aims to repeal, and preserving great evenness of gait and a high rate of speed he soon reached the point at which it became pertinent to declare that juries are packed, and that he and those with him have in the pending bill a measure to establish a general uniform system of drawing juries, to prevent the packing of juries, and to secure that impartial trial by jury for which one might almost infer my honorable friend had fought, and bled, and died in at least three wars.

Now, I want to put on the record in the hope that it may go out and be read by the discerning people of the country a brief legislative history of juries and their selection in courts of the United States. I want to present the sections of the statutes as they stand, with their dates.

Let me premise by saying that at the very beginning of the Government a statute was enacted committing to the clerks of the courts the duty of drawing jurors. That was in 1789, and it was to be done in the modes practiced in the several States. In 1802 that duty was in respect of special juries transferred to the marshals. In 1840 it was provided that the drawing should be in each State according to the laws and usages of that State, and there the matter stands to this day, excepting only certain provisions asked for at particular times by particular States—provisions applicable only to them, and of which nobody complains.

Here is the act of 1789:

And jurors in all cases to serve in the courts of the United States shall be designated by lot or otherwise in each State respectively according to the mode of forming juries therein now practiced, so far as the laws of the same shall render such designation practicable by the courts or marshals of the United States; and the jurors shall have the same qualifications as are requisite for jurors by the laws of the State of which they are citizens, to serve in the highest courts of law of such State, and shall be returned as there shall be occasion for them, from such parts of the district from time to time as the court shall direct, so as shall be most favorable to an impartial trial, and so as not to incur an unnecessary expense, or unduly to burden the citizens of any part of the district with such services. And writs of *venire facias* when directed by the court shall issue from the clerk's office, and shall be served and returned by the marshal in his proper person, or by his deputy, or in case the marshal or his deputy is not an indifferent person, or is interested in the event of the cause, by such fit person as the court shall specially appoint for that purpose, to whom they shall administer an oath or affirmation that he will truly and impartially serve and return such writ. And when from challenges or otherwise there shall not be a jury to determine any civil or criminal cause, the marshal or his deputy shall, by order of the court where such defect of jurors shall happen, return jurymen *de talibus circumstantibus* sufficient to complete the panel; and when the marshal or his deputy are disqualified as aforesaid, jurors may be returned by such disinterested person as the court shall appoint.

The next act was in 1802:

That from and after the passing of this act, no special juries shall be returned by the clerks of any of the said circuit courts; but that in all cases in which it was the duty of the said clerks to return special juries before the passing of this act, it shall be the duty of the marshal for the district where such circuit court may be held, to return special juries, in the same manner and form, as, by the laws of the respective States, the said clerks were required to return the same.

Then came a long interval of legislation, and in 1840 Congress adopted this act; and I beg the honorable Senator from Connecticut to do me the favor to listen to it:

That jurors to serve in the courts of the United States, in each State respectively—

Not in Connecticut, but—

in each State respectively, shall have the like qualifications, and be entitled to the like exemptions, as jurors of the highest court of law of such State now have and are entitled to, and shall hereafter from time to time have and be entitled to, and shall be designated by ballot, lot, or otherwise, according to the mode of forming such juries now practiced and hereafter to be practiced therein, in so far as such mode may be practicable by the courts of the United States, or the officers thereof; and for this purpose the said courts shall have power to make all necessary rules and regulations for conforming the designation and impaneling of juries, in substance, to the laws and usages now in force in such State; and further, shall have power, by rule or order, from time to time, to conform the same to any change in these respects which may be hereafter adopted by the Legislatures of the respective States for the State courts.

That section, carried into the Revised Statutes stands as section 800. Now what does my honorable friend from Connecticut say? First he wants a uniform system. Does he? He a State-rights man with a statute which now requires that in every State jurors shall have the qualifications and be drawn according to the laws and usages of that State,—does he want a uniform system by national law? What has so suddenly become of the State-rights argument he spent the morning in building up and propping with the sayings of other men? Can it be that the State-rights man of State-rights men wants a jury system uniform in every State, a Procrustean, absolute, cast-iron system, to operate in every State from Maine to the Gulf and from the Gulf to Oregon!

"Tell it not in Gath, publish it not in the streets of Askalon" that the great apostle of State rights, he who like Saul among the Hebrews towers in shape and gesture proudly eminent among the advocates of the rights of the States, wants to obliterate State lines, with the great smoothing-iron of congressional power.

But, suppose he does want a national system, a uniform system, will he get it by striking down one section, and that the only section under which the Chief-Justice, with his fan in his hand, may now separate the wheat from the chaff in the jury-box of South Carolina? Can the repeal of that section make the jury system uniform? Not at all, because here still remains the act of 1840, the act that utters—the only act that now utters the voice of the National Legislature. So that the honorable Senator if he wants a uniform system and votes for this bill to get it, will be like the celebrated engineer, hoist by his own petard.

But he says marshals pack juries. Do they? Would the pending repeal remedy that? Who are these marshals who pack juries? When we had a marshal sent here for the State of Georgia, for example, championed by both the Senators from that State, he had certificates, relationship, and antecedents which seemed a bond of fate against his ever packing a jury in the interest of a republican. When a district attorney came here for South Carolina heralded in advance by the governor of South Carolina now a member of this body, telegraphing from Chattanooga or somewhere in the far West that Mr. Northrup was to be appointed district attorney, there seemed promise of a prosecuting officer not likely to rise in open court and move that oaths should be administered to democrats to exclude them. It is marvelous, to be sure, that the Chief-Justice, a citizen of Toledo in the State of Ohio, should have known the political preferences, as he must have done according to a statement made to us to-day, of the men in South Carolina who were drawn to serve as jurors. If he was instructed by the public prosecutor who under the statute must make the motion to require a juror to swear to his loyalty or stand aside, it was still more remarkable that this particular district attorney, anointed with the oil of democratic approval, brought forward under the auspices of the democratic governor, announced by telegraph across half a continent in advance as the successful man—it is remarkable overmuch that this prosecutor bent his bow and made democrats a mark for his arrow. I am inclined to think that there is some portion of that narrative which has not reached us.

But if a marshal packs a jury, he is indictable, he is impeachable, he is removable; and even if he were not, the section at which this repeal is aimed has no more to do with the power of the marshal to pack a jury and no more to do with preventing his packing a jury, than it has to do with the Westminster catechism or the five points of Calvin. Yet there is sent out with the weight of the name of the Senator from Connecticut behind it the announcement that in this appropriation bill are provisions really designed to prevent packing juries, and to secure fair and impartial trials. No such thing is true. The real purpose is wholly different. Should these repealing provisions become law the whole jury system will stand exactly as it does now save and except one thing only. What is that? When next the Chief-Justice goes to South Carolina to preside at the trial of night-riders, kuklux, incendiaries, murderers, assassins, he will miss from the statute-book a section, the only one under which he might inquire whether these alleged acts were political in their animus; if political, whether they came from the act or indictment of those still moved by the spirit and hatred of the rebellion and its belongings; the only statute under which in a case of which there are many he would have power to determine whether the prisoner at the bar should be tried before a jury of men actually or virtually *particips criminis*. Towering declamation about the sacred right of trial by jury, rodomontade about English-speaking men and Anglo-Saxon superiority may deceive those who do not take the trouble to look into these statutes. Such glamour can deceive nobody else, save only those who are willfully blind.

Show me, Mr. President, an instance of a religious war—and the wars of religion have been the most bitter which have stirred mankind—show me an instance of a religious war, particularly one waged by combatants residing before and afterwards in the same country,

and I will show you an instance in which without some special safeguards it was long impossible to secure fair and impartial juries in cases reviving the feeling or provocation of the war. That black drop locked up in the human heart, that drop which no human eye can see called motive—motive comes in and prejudice growing out of past occurrences and past grudges and tendencies gendered often long before; and unless you have some method of instituting such imperfect investigations as human faculties may conduct, the broad chance is that, instead of finding impartial and unbiased triers in the jury-box, you find those inspired by prejudice or passion.

It was Burke I believe who said that the great object of all government was to get twelve honest men into the jury-box. He never said, he never thought, no student of human nature, no philosopher ever concluded that the object could be attained without searching, discriminating, efficient modes of distinguishing between man and man in the composition of a jury.

Mr. VOORHEES. Mr. President——

Mr. KERNAN. Will the Senator allow me a few moments?

Mr. VOORHEES. I will say just one word, and then I will yield to the Senator from New York. In the face of very great temptation, and with a desire to say much in reply to this extraordinary speech of an hour's duration, and with a reservation of some other period upon this question, I feel it my duty to yield to the Senator from New York on this side of the Chamber.

Mr. KERNAN. Mr. President, I thank the Senator from Indiana for yielding the floor to me.

Mr. President, I wish to make a few observations in reference to the city of New York and the people who live there. The people of the city of New York constitute nearly a quarter of the five million people of that State. The character of the people of New York City is important to the State both as a matter of pride and as a matter of interest; and it is important to the commercial world who have so much of property there and so many of whom sojourn there from time to time and have to rely mainly for protection for life and property upon the municipal authorities and government of that city. From questions which have been put by some and remarks which have been made by others in this Chamber it would appear to a stranger that the people of that city—more than a million—are not able to govern themselves; that they are not able to protect life and property and the rights of their citizens; that life is not safe and good order is not preserved in that city.

Sir, I wish to say on behalf of the people of the city of New York that they are able to govern property in that great commercial city where property by the million belonging to those who live elsewhere is constantly sent to market or is in transit to market. All this must rely mainly for protection on the municipal government of the city; and this government is based upon and controlled by the electors, the citizens of that city. I assert that they are able and willing and do take care of that city. Look at that people and their conduct. Their character is known certainly all over the Union and throughout the civilized and commercial world. They are intelligent, virtuous, and energetic. It is a city studded with churches and with charitable and benevolent institutions supported by the people of that city themselves.

I need spend no time upon this point. I cannot believe that any Senator or that any one having general information about that city doubts that the city of New York is filled, not with ruffians and tramps as some inquiries which have been put would indicate, but by a people of courage, intelligence, manliness, and self-control, with all the capabilities and ability to control themselves and others which constitute a community who can take care of a great city in a free republic controlled by free men.

I admit what I believe to be true, that there can be thrown at that city by those who think it right to do so the fact that there were great abuses for a few years in its municipal government. I will not be tempted to make this a party discussion. Tammany Hall did not make Tweed and his associates. These men were in politics and got control of Tammany Hall, and they got laws through the Legislature—passed by republican legislators—by which they were enabled to dominate over their own party in that city for a time and to rob and wrong the people. This continued only for a short period. When the people of that city were aroused by the disclosures in 1871 of peculation and corruption they overthrew Tweed and his associates. Their rule was ended. Many a man said when he saw what was done that his faith was strengthened in republican government by what the people of the city of New York did in promptly overthrowing peaceably maladministration and restoring honest government. The democrats of the city and State promptly drove Tweed and his corrupt associates who were plundering that people from power and restored purity and honest government. It made every man within the State and city feel that whenever the people realized that their government was in danger from corrupt politicians the mass of that party to which such politicians belonged would rise up and shake them off. The democracy of the city of New York did this.

Our judiciary was not all corrupt in the city even at that time, thank God; but there were two or three judges only who had become the tools and creatures of designing men. What happened? The democrats overthrew Tweed. Honored and honest men were asked to and did become directors and trustees of that organization, namely, Tammany Hall. The democratic party not only turned Tweed out of power in the city but out of all power in the State, where he was acting, it was said, and as I believe truly, with men of the other party who had been too ready and willing to aid him in his corrupt schemes for several years in the Legislature. Although reproach was for a time brought by the conduct of Tweed and his clique upon the democracy of New York, yet no party ever enjoyed a day of more real respect and honor among the people who knew the facts than the democratic party of that city and State when they overthrew the men who were plundering its people under the pretense of governing them—when the democracy preferred to be beaten rather than to hold power with the aid of Tweed and his corrupt associates.

What happened to those corrupt judges of the city of New York? Proceedings were instituted. Mr. Tilden was sent to the Legislature himself, being one of the men who was active in the movement against Tweed, and they framed laws that were needed, and one judge resigned to escape impeachment and one was impeached and convicted, having the courage, if not the innocence, which made him stand a trial. Another judge was about to be removed under proceedings before the governor, and he resigned and avoided them. Thus the judiciary of the city was purified, a judiciary having at all times a great number of men in it of purity and learning, who were honest, just judges.

But there were these three judges I admit who were said to be used, and it was said truly, as it was disclosed that they were used under the forms of law to rob large corporations and do injustice as between man and man and perhaps to grant naturalizations illegally. A city that can purify itself, a party governing that city that will purify itself from such men, that people and that party may be safely trusted to manage properly the municipal affairs of the great city of New York—a city of which I am justly proud, a city from which I dwell far away, but whose people are well known. Who is there in these seats who does not respect them? Whether the cry of distress comes from the North or the South, from the East or the West, or from other countries, where some calamity has fallen upon the people and they are needy and suffering, when was it that the people of the city of New York did not gather in their churches and in their exchanges and in their marts of commerce and send out speedy and cheerful and generous relief? Are they a people who are not to be esteemed as honest and just? Are they or any large controlling body of them to be stigmatized justly as ruffians and law-breakers, or as unable or unwilling to carry on local self-government under the law and according to law?

I doubt not there were frauds in naturalization in New York City. I have no personal knowledge on the subject, and I need not and will not attempt to enter into any discussion of this. But this I assert, the mass of the democratic party of that great city which has governed it did not wish these frauds; they were opposed to them. Corrupt men had power there for a few years and they wanted the frauds; but when the frauds were disclosed those men were overthrown. At every honest, fair election which has been held in the city of New York, and when the democratic party has been united, New York City has been very largely democratic. While I admit that there have been peculations by those who governed for a time, who were overthrown in the way that I have referred to, and while I cannot deny that there were frauds in some elections, nevertheless what does the very report from which we have heard extracts read prove? It proves that on a fair, honest vote New York City is democratic. I have here the report of the Cox committee in reference to the election of 1876, when party feeling ran high; I mean in the sense of each party exerting itself. Mr. Davenport was examined. Although I have not read his evidence fully myself, yet the committee refer to it, and he and they all say that the election of 1876 was one of the most honest and fair and peaceable elections ever held in that city. What was the result?

Mr. WINDOM. Mr. President——

Mr. KERNAN. I cannot state it with accuracy.

Mr. WINDOM. Mr. President——

Mr. KERNAN. Just wait a moment. The result was that the city of New York gave a very large democratic majority at that honest, fair, and peaceable election in 1876. Some one I asked yesterday said the majority was fifty-odd thousand. I believe this is correct, although I have not the figures. It was largely democratic. This proves that the democracy of New York City do not require fraud or fraudulent votes to carry largely the city.

Mr. WINDOM. I ask the Senator if he will allow me to interrupt him——

Mr. KERNAN. Allow me to read a little from the report which I heard my friend from Minnesota read from the other day.

Mr. WINDOM. The Senator declines to yield for a question with reference to this point?

Mr. KERNAN. For a question I decline to yield at this moment; but when I get through with the short statement I am making, if gentlemen will be kind enough to sit here at this late hour and let me make it, I will answer the questions put, if I can.

New York is a democratic city, and you know at all strongly contested elections when the minority party is beaten they are very apt to make strong charges and complaints against their opponents. There may have been occasionally ground for them; but notwithstanding any charge that is made it cannot be denied that on a fair vote in 1874, 1875, 1876, and 1877, a large majority of the voters of

that city did vote the democratic ticket. We were beaten last fall because there were divisions in the party, and I have nothing to say about them. The democratic party does not need fraud or force or any illegitimate means to have a very large democratic majority in the city of New York. I wish to read from this same report read from by the Senator from Minnesota and my colleague, which I had never read until the Senator from Minnesota the other day called my attention to it on this floor. The committee say in other parts of the report that it was a fair, peaceable, and honest election, free from intimidation and obstruction of voters on the one side and free from fraud or from false voting on the other.

Mr. ALLISON. What becomes, then, of all these charges against Davenport?

Mr. KERNAN. I am going to tell my friend. Perhaps the Senator had better read this report. I allude to this report in reference to the election of 1876 to prove that there should not be, that it is not necessary that this arbitrary power given by these United States election laws should exist, but that the citizens will manage their elections and will give us honest elections in New York City and elsewhere. Why do I say so? First I will read what the committee find. They compliment Mr. Davenport for aiding, in 1876, the local authorities; but he would not do the same last year. I read from page 3 of the report of the committee as to the election of 1876:

The United States commissioner, along with the mayor of the city and the president of the board of police, General Smith, had a meeting to allay any excitement occasioned by rumors which always precede an election. The United States marshal, district attorney, and the counsel of the corporation of New York were called in. They were men of various politics. They came to an agreement, which was signed, so as to execute the law without straining it, and so as to adjudicate without irritation or impediment the questions which might arise during the day of election. Throughout the whole length of New York, sixteen and a quarter miles, arrangements were made to prevent bringing men any distance from their homes or the polling place. The commissioners were distributed over the city, and from early morning until after the polls closed cases were taken before them and information given by them as to voting. Four lawyers were selected, General Barlow, Mr. Alderman Billings, Mr. Marbury, and Mr. Olney. They, too, were equally divided as to politics, and the rule was adopted that whenever they found a reasonable and well-founded doubt as to a person being a legal voter, the voter should get the benefit of the doubt, so that he could take an oath under challenge, and have applied to him by the inspectors the test of the law. It was intended to provide not only against fraudulent votes, but that no person really entitled to a vote should be refused. The political organizations concurred with Mr. Davenport in this arrangement. It proved a decided success, and the result was, what all who have any knowledge of this New York election have concurred in confirming, that there was comparatively no fraud, and the attempts made to repress it were welcomed by both parties and carried out in good faith.

They had an honest, fair election in 1876. Mr. Davenport did not attempt to put in force the unfair practices which he put in force in 1878, outraging and wronging large numbers of citizens.

The mayor of the city of New York was a democrat and General Smith, the president of the board of police, was, I believe, a democrat, and that was a board made up of both parties. The rumors were to the effect that there was to be obstruction to voting and arbitrary arrests on election day. The counsel of the corporation of New York was a democrat who was called in by these citizens of both parties, who said that there were rumors that there would be arrests under the United States laws and there was alarm and excitement about the election. They were men of different politics, and they had a meeting. They made arrangements to watch and scrutinize and adjudicate upon every case without unnecessary impediment to or detention of the honest men who might be suspected and arrested, and whom, last year when they wished to give bail, they took from Harlem, or wherever it was, down to the post-office, and then would only let them give bail and be discharged on their promise not to vote. This report sets forth that in 1876 they did what I have always urged, whether there was a United States law or whether there was not, that fair, just electors on each side should be at the polls to allay excitement and counsel good order, and that they should warn a man by challenge and not arrest him without process, and if he was not entitled to vote and took the oath required after challenge, then they could present him to the grand jury and let him be punished if guilty. This is the proper way to prevent fraud in a land of liberty and law. That is what they did in New York at the election in 1876. All agree it was a peaceable, honest election, and the committee report that of the three hundred arrests made 90 per cent. of them were allowed to vote after examination. This was Mr. Davenport's own evidence. It was not so last year. He took a very different course then, which was apparently intended to obstruct and harass and intimidate voters.

Now, sir, from these facts it will be seen that New York City is a democratic city with an honest, peaceable election; that its government was got under the control of Tweed and his associates at one time, and many of the associates were of the other political party, and they all shared the plunder. They did plunder the city; but when the disclosures were made in 1871 the people of that city, the democrats of that city, rose up and in a day, I might almost say, overthrew fraud and peculation and restored good honest government to the city. The democrats themselves, with the approval and with the aid I dare say of many of their fellow-citizens, overthrew that man who had been plundering the city and the people who had intrusted to him power, intending he should govern the city honestly.

I do not feel called upon, I do not think it is fit or proper in this body when discussions arise upon important questions to occupy the time of the Senate in defending at any considerable length the democratic party of the city or the State of New York. I may say, as I believe it to be true as any word I could utter, that the great mass of that party in the city and in the State are honest, patriotic, intelligent American citizens, proud of their city and State, and desirous above all things to preserve a free government under which that city has grown up, and under which the people of that city have and can govern themselves wisely and well. There will be abuses, I admit there have been abuses in the past; I regret that they ever occurred, and I feel humiliation whenever they are alluded to, because the fact will be used to throw reproach upon the great city of our country, governed by its own people, by making it appear as though that people were not fit or competent to govern themselves. This charge is not true.

Sir, I repeat, I believe as to the people of either party, whenever the large controlling mass of either ceases to have virtue and integrity and courage to maintain their rights and maintain local self-government our system of free government must, will fail. All the governments we have got, of States, of cities, of villages, of counties, whereby the people control and regulate their own local affairs, are based upon the idea that the people are intelligent and honest and can and will manage their local matters better than the Federal Government can or will; therefore, while there are ruffians in both parties, while there are bad men in both parties, who through party politics seek to get control so as to wrong the industrious citizen through unfair and unjust taxation and plundering under the forms of law, yet I say it with pride, I say it with confidence—I leave it to the people of both parties in that great city whether I do not say truly—that while it is a democratic city, while there have been democratic rogues and scoundrels who wronged the people when in office, nevertheless the mass of each party are honest and patriotic, their interests are large in that city, and they will have honest voting and honest counting and peaceable elections for the sake of themselves, as well as for the sake of the institutions of this country. Any one who believes the contrary from the clamor that is sometimes made in the partisan press on the one side or the other, in heated political contests, is mistaken. The man who has the conviction or impression that the mass of the people of the city of New York have not the virtue, the courage, the intelligence, the religious principles that will secure them honest voting, honest counting, the protection of all men in life, liberty, and property, labors under a mistake, and I ask him to go to New York and become familiar with its people and judge for himself.

Mr. ALLISON. I move that the Senate do now adjourn until Monday, if I have the assent of the Senator from Kentucky in charge of the bill.

Mr. BECK. We are extremely anxious to proceed with this bill, and as there are several Senators who I understand still further desire to discuss these so-called political measures, I hope the Senate will not adjourn until Monday, and we shall perhaps be able to get through with the amendments to-morrow.

Mr. DAVIS, of Illinois. Cannot there be an understanding?

Mr. BECK. If I may be allowed to say one word further, while I do not propose to indicate a time when we shall endeavor to force a vote, we expect to be able to reach a vote on Monday afternoon, or on Tuesday at the farthest; and if we do not meet to-morrow that would be impossible, as several Senators desire to address the Senate at length.

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) The Chair understands the Senator from Iowa to move that the Senate adjourn until Monday.

Mr. KERNAN and others. Oh, let us meet to-morrow.

Mr. ALLISON. If any Senator desires to speak to-morrow I will modify my motion to a motion simply to adjourn.

Mr. DAVIS, of Illinois. Let me say a word. There are a great many amendments here apart from these political questions, ten or fifteen or twenty amendments, and they may occupy all the time to-morrow. Cannot there be an understanding that there will be no political discussion to-morrow?

Mr. BLAINE. I desire to occupy a very short time on the political bearings of the bill, and I should like to take the floor now if the Senate is going to adjourn over, although I shall not be prepared to go on to-morrow.

Mr. ALLISON. Then I will move to adjourn over until Monday, to test the sense of the Senate. Of course if Senators think otherwise they will vote down the motion.

Mr. BRUCE. I ask the Senator from Iowa to yield to me to offer a resolution.

Mr. ALLISON. Certainly.

FREEDMAN'S SAVINGS AND TRUST COMPANY.

Mr. BRUCE submitted the following resolutions; which were read:

Resolved, That the Select Committee on the Freedman's Savings and Trust Company appointed by resolution of the Senate of April 7, 1879, is authorized and directed to investigate the affairs of said savings and trust company and its several branches, to ascertain and report to the Senate all matters relating to the management of the same and the cause or causes of failure, with such other facts relating thereto as may be important to a full understanding of the management and present condition of the institution and to a more economical administration and speedy adjustment of its affairs.

Be it further resolved, That said committee, and any sub-committee thereof, shall be authorized to sit during the recess of the Senate, and be empowered to send for persons and papers, to summon witnesses, to administer oaths, and shall be an-

thorized to employ a stenographer and such other experts, accountants, and other assistants as may be necessary; and that the said committee be authorized to have printed, from time to time, for the use of the committee and the Senate all the testimony taken by them, together with the papers laid before it.

Mr. BRUCE. I ask for the present consideration of the resolution.

The PRESIDING OFFICER. Is there objection?

Mr. DAVIS, of West Virginia. I do not object, but I want information. As I understood the previous resolution it authorized the employment of such force as was necessary. I ask the Senator from Mississippi whether the original resolution did not authorize the employment of a stenographer, clerk, &c.? I do not want a double set of officers.

Mr. BRUCE. The original resolution authorized the committee to employ a clerk, and nothing more.

Mr. DAVIS, of West Virginia. Not a stenographer?

Mr. BRUCE. No, sir; nothing more than a clerk, nor did it authorize the committee to administer oaths or to sit during the recess, which I believe is very proper.

Mr. DAVIS, of West Virginia. I supposed the committee had authority to do that under the original resolution. If that is not so, I have no objection, however, to these resolutions.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolutions? The Chair hears none.

The resolutions were agreed to.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ALLISON. I renew my motion that the Senate adjourn until Monday at twelve o'clock.

Mr. BECK. I desire to say only this, that if the Senate will agree to meet to-morrow and have no political discussion, I believe we can pass upon every amendment to be offered to the bill, and Senators can speak to the political features, as they are called, on Monday morning, and perhaps by four or five o'clock on Monday we shall be able to pass the bill, or on Tuesday certainly.

Mr. ALLISON. I will modify my motion and move that the Senate do now adjourn.

Mr. BECK. The chairman of the Committee on Appropriations, I am just informed, is compelled to be absent to-morrow.

Mr. ALLISON. Very well; then I shall insist on my original motion.

The PRESIDING OFFICER. The question is on the motion of the Senator from Iowa that the Senate adjourn until Monday at twelve o'clock.

Mr. DAVIS, of West Virginia. I ask both my colleagues on the committee to hear me a minute after what has been said. I have no preference as to whether the Senate meets to-morrow or not, but I simply submitted to my colleagues on the committee the fact that I should like to be present when the amendments to be offered to the bill are considered, and that I could not be present to-morrow; but if the general discussion is to go on I hope we shall meet to-morrow. I submit to the Senate the whole question.

Mr. BECK. I desire to say only one other word after what the Senator from West Virginia has said. I have been advised by the Senator from Indiana, [Mr. VOORHEES,] the Senator from Maine, [Mr. BLAINE,] and advised as to the Senator from Kansas, [Mr. INGALLS,] that none of them wish to speak before Monday; and, therefore, if the Senator from West Virginia, who is chairman of the committee, objects to going on with the business part of the bill to-morrow, I am willing to adjourn over.

Mr. ALLISON. I think we had better adjourn until Monday.

Mr. DAVIS, of West Virginia. I do not object to sitting to-morrow, but I submitted to my colleagues on the committee that I should like to be present when the amendments to be proposed are acted on.

The PRESIDING OFFICER. The question is on the motion of the Senator from Iowa that the Senate adjourn until Monday at twelve o'clock.

The motion was not agreed to; there being on a division—ayes 15, noes 23.

Mr. EATON. I move that we adjourn.

Mr. CONKLING. Let us sit it out.

Mr. EATON. I have no objection.

Mr. CONKLING. That is the better way.

Mr. THURMAN. Mr. President——

Mr. EATON. I withdraw my motion.

The PRESIDING OFFICER. The question is on the amendment proposed by the Committee on Post-Offices and Post-Roads. Is the Senate ready for the question? ["No." "No."]

Mr. THURMAN. I think that no more reasonable or fair proposition could have been suggested than that of the Senator from Kentucky. We all know there is to be further debate on what are called, in my judgment very erroneously, the political provisions in this bill. As we know, that is all; those are the only parts of the bill that give rise to debate. The rest of the bill is mere matter of business. Let us meet to-morrow and let us dispose of the matters that do not touch these contested questions; let us postpone all these speeches on what are called the political provisions of the bill, as I said very erroneously so called, until Monday; let us meet to-morrow and go on like practical business men, as the Senator from Kentucky has suggested, with the other provisions of the bill. By unanimous consent, with the understanding among us all, we can postpone all speeches that have reference to the policy of the country until Monday, and we can go on to-morrow and decide those questions that have relation to the details of the bill. I hope, therefore, that a vote will be taken and we shall hold a session to-morrow.

Mr. ALLISON. I think the honorable Senator from Ohio did not hear the statement of the Senator from West Virginia, the chairman of the committee. He stated to us that he was compelled to be absent to-morrow and he desired to be present when some of these amendments were considered.

Mr. EATON. Then let the political speeches be made to-morrow.

Mr. ALLISON. It was also understood that the gentlemen who desired to make political speeches were not ready to go on to-morrow; and therefore it was that I moved to adjourn over until Monday.

Mr. BUTLER. I move that the Senate do now adjourn.

Mr. BURNSIDE. I hope the Senator from South Carolina will yield to me for a moment.

The PRESIDING OFFICER. Does the Senator from South Carolina withdraw the motion at the instance of the Senator from Rhode Island?

Mr. BUTLER. Let the honorable Senator indicate his object.

Mr. BURNSIDE. I desire to give notice that to-morrow, after the morning hour, I shall move for an executive session for the consideration of a question which Senators generally know ought to be considered.

Mr. BUTLER. I now renew my motion.

The PRESIDING OFFICER. It is moved by the Senator from South Carolina that the Senate do now adjourn.

The motion was agreed to; and (at six o'clock p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May* 16, 1879.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

ORDER OF BUSINESS.

The SPEAKER. The morning hour begins at ten minutes past twelve o'clock. This being Friday, the first business in order is the unfinished business coming over from Friday last, being the joint resolution (H. R. No. 62) reported from the Committee of Accounts, fixing the date on which the payment of the committee clerks and pages of the House of Representatives, who are paid during the session only, shall begin for this session. An amendment was moved by the gentleman from Tennessee [Mr. ATKINS] and accepted by the gentleman from Illinois, [Mr. BOYD,] and then the gentleman from Minnesota [Mr. DUNNELL] moved to recommit the whole subject to the Committee of Accounts. The question is on the motion to recommit.

Mr. STEPHENS. As the House is now quite thin, before the morning hour begins I ask leave to submit some reports from the Committee on Rules.

Mr. BLOUNT. I hope that will be done. The joint resolution referred to by the Chair is one in which members are much interested.

The SPEAKER. It is the duty of members to be present.

Mr. STEPHENS. I ask leave to submit these reports from the Committee on Rules.

The SPEAKER. If there is no objection the reports will be received, and the morning hour will not begin for the present.

There was no objection.

ADMISSIONS TO THE FLOOR.

Mr. STEPHENS, from the Committee on Rules, reported back, with the unanimous recommendation that the same be not agreed to, the following resolution:

Resolved, That Rule 134 be so amended as to allow clerks of House committees on the floor of the House during its sessions: *Provided, however*, That the Speaker shall, in his discretion, issue cards of admission to said clerks upon application from the chairmen of their respective committees.

The report of the committee was agreed to; and the resolution was accordingly laid upon the table.

Mr. STEPHENS moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

COMMITTEE ON MINES AND MINING.

Mr. STEPHENS, from the same committee, submitted the following unanimous report:

Resolved, That the Committee on Mines and Mining be increased from eleven to thirteen members.

The resolution was adopted.

Mr. STEPHENS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PRINTING OF RIVER AND HARBOR BILLS.

Mr. GARFIELD. I am directed by the Committee on Rules to move that the rules be so amended that bills for improvement of rivers and harbors be referred at the Clerk's desk the same as post-route bills are now under the amended rules. The committee are unanimous on that, and I will only make a single statement. Every bill which passes in relation to the improvement of rivers and harbors contains all the items which the House are willing to agree to on that subject. The day we introduced so many bills here, a few weeks ago, there were ninety bills introduced for the improvement of this, that, or the other river and harbor, and of course there were 1,500 copies of each of those bills printed, which would make 135,000 copies of bills printed not one of which would ever be reported back as a separate bill to the House, but would all be consolidated in one river and harbor bill.

Mr. SPARKS. That amendment to the rules is right.

Mr. GARFIELD. This change in the rules will save all that printing. The bills will go to the Committee on Commerce and be consolidated. I presume there is no objection to the amendment to the rules.

Mr. REAGAN. Practically there is no real advantage gained by the introduction of these separate bills at all, and I think, therefore, it is entirely proper this report should be adopted. I will state that when a river and harbor bill is made here it is always made up from the Engineer Bureau giving the surveys and estimates of expense which are acted on by the committee, and I presume the introduction of these bills is simply to give emphasis to the wish of members on particular subjects. The introduction of these separate bills serves no practical purpose.

Mr. KENNA. I wish to ascertain the force of the amendment of the rules before voting on it. I understand it affects merely the question of printing?

Mr. GARFIELD. That is the only object.

The SPEAKER. The gentleman from Ohio states that it would save the printing of one hundred and thirty-five thousand copies of bills in a single day.

The amendment to the rules was adopted.

Mr. GARFIELD moved to reconsider the vote by which the amendment was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ALCOHOLIC TRAFFIC, ETC.

Mr. FRYE. I have been directed by the Committee on Rules to submit the following report.

The Clerk read as follows:

Resolved, That a committee of nine members be appointed by the Speaker, to whom shall be referred all petitions, memorials, bills, and resolutions touching the "alcoholic traffic," a commission on the same, any amendments to the Constitution limiting or controlling the importation, manufacture, or sale of the same, whose duty it shall be to consider and report thereupon.

Mr. FERNANDO WOOD. I should like to have the gentleman from Maine give us some explanation of that resolution before we are called to vote upon it. Is it the design of this resolution to create a committee to whom shall be referred questions now regularly before any standing committee of the House. Let us know exactly what is the purpose of this amendment to the rules.

Mr. WARNER. I demand the regular order.

The SPEAKER. These reports from the Committee on Rules have come in by consent.

Mr. SPARKS. Is this a report from the Committee on Rules?

The SPEAKER. It is the report of a majority of the Committee on Rules.

Mr. ATKINS. I suggest that the report be again read.

The resolution was again read.

Mr. FERNANDO WOOD. It seems to me to be all wrong.

Mr. REAGAN. If the object be to look into the question of revenue derived by the Government from the sale of alcoholic liquors, then it should go to the Committee of Ways and Means. If the object is to go into an investigation as to the manufacture and sale of alcoholic liquors, although we might deprecate the extent to which that goes, I apprehend it would be a long way for this House to go in assuming jurisdiction over a subject in reference to which I understand by the Constitution we have no control. The Federal Government has control so far as the collection of revenue from the sale of liquor is concerned, but if it is claimed there is jurisdiction beyond that over this subject I should like to know where it comes from. I do not desire to see the House commit itself formally by raising a committee to do things which it is not authorized by the Constitution of the United States to do, and unless there can be some explanation made showing the authority of Congress over the subject I shall certainly wish to see that resolution defeated.

Mr. FRYE. Does the gentleman from New York desire to ask a question or make a remark?

Mr. FERNANDO WOOD. I should like to have an explanation as to what the resolution means. Nobody here can understand it.

Mr. FRYE. I will endeavor to explain it.

Mr. KENNA. Let the resolution be again read.

The resolution was again read.

Mr. FRYE. Now, Mr. Speaker, the House is perfectly well aware that for the last six years there have been at each session of Congress more than five hundred thousand petitioners presenting to the Congress of the United States a request for legislation in relation to the sale of alcoholic liquors and especially for the appointment of a commission to investigate that subject and report upon it. The House is also aware that the Senate has twice passed, after discussion, a bill touching this same subject, which bill has been referred by the House to the Judiciary Committee. It is also known to the House that at one session of Congress large numbers of these petitions were referred to the Committee of Ways and Means on the ground that they touched the question of taxation. The House is also aware that no report was ever made upon this subject by the Committee of Ways and Means; that no investigation was had by them, and that by general consent all petitions of this character presented subsequently to that reference, were referred to the Committee on the Judiciary, to which committee, as members well know, all these petitions have for three Congresses been referred. As a member of the Judiciary Committee it is within my knowledge that the subject has received no consideration whatever—to the extent even of one minute of time—by that committee.

I say, sir, that these petitioners have a right to be heard. They have a right to present their case to a committee of this House. They are entitled to receive consideration of their requests at the hands of Congress; and having failed in three Congresses to receive any fair degree of attention this House should not disregard their wishes.

Mr. KNOTT. Will the gentleman allow me to suggest that the Committee on the Judiciary did hear elaborate arguments on this subject, extending over two or three days, during the last Congress.

Mr. FRYE. I am well aware that some ladies appeared and made arguments before the Judiciary Committee in relation to this subject, which was brought to the attention of the committee by at least five hundred thousand petitioners. I am aware further, as is the honorable chairman of the committee, that this subject was never heard of afterward in the committee. The gentleman knows that again and again I tried to have the matter brought up and a decision arrived at, so that if the majority report should be against the prayer of the petitioners, there might be opportunity for a minority report, and thus both sides of the question be brought to the attention of the House. I was never able to succeed in getting any action in the committee on the subject. Now these people have become wearied with presenting petitions which receive no consideration. The people who believe in temperance represent certainly a respectable element in this country; and I do not believe any gentleman on this floor would be opposed to any movement which would have a tendency temperance-ward. The only difference of opinion is as to what will create that tendency.

Now these people are asking for a commission of investigation, the appointment of which will not be expensive and surely can do no harm. My impression is that the bill on this subject provided that the expense should be paid by the friends of the measure. All that they ask is that the subject of this traffic shall be thoroughly investigated in behalf of the nation, as you examine into the yellow fever, or the cattle disease, or anything that is tending to injure or destroy the people—a commission to investigate thoroughly and make report to the Congress of the United States, and in this way to the nation itself, so that we may have certain facts which shall be regarded as settled, certain statistics on which we may rely.

One class of men to-day claims, and honestly claims, that prohibition is the great healing and cure of this terrible disease that is afflicting the nation. Another class of men, equally honest—it may be from the same State—declares that prohibition is an utter failure, and that license alone should be resorted to. On the one side, statistics gathered by the friends of prohibition are quoted in favor of that policy; and on the other side are cited statistics gathered by the friends of license. Thus we are as much adrift as we were before any investigation had been made on the one side or the other.

The bill which the Senate sent here provided that the commission should not consist exclusively of those in favor of one policy or the other, but of men interested in the subject and representing both sides of the question, so that the investigation should be fair, thorough, and complete, so that we might have their report to go to for trustworthy statistics gathered by them. Now, it does seem to me that no gentleman on this floor ought to object to that; and really that is all this bill is intended to accomplish; for this is the proposition of the memorials, bills, and petitions almost universally.

I will add that in order to obviate the objection of the gentleman from New York [Mr. FERNANDO WOOD] touching the question of taxation, I propose to modify the report by striking out the words "any amendments to the Constitution limiting or controlling the importation, manufacture, or sale of the same."

Mr. SPARKS. Do I understand the gentleman to say that the Senate organized a commission for this purpose?

Mr. FRYE. I say that the Senate twice passed a bill, which was referred to the Judiciary Committee of the House, authorizing a commission to investigate this subject.

The SPEAKER. The resolution, as the gentleman from Maine now proposes to modify it, will be read.

The Clerk read as follows:

Resolved, That a committee of nine members be appointed by the Speaker, to

whom shall be referred all memorials, bills, and resolutions touching the alcoholic traffic, and a commission on the same, whose duty it shall be to consider and report thereupon.

Mr. FERNANDO WOOD. Mr. Speaker, I have a very profound respect for the gentleman from Maine, [Mr. FRYE,] and those whom he represents in a desire to suppress intoxication and the too frequent use of intoxicating liquors. I believe with him and them that temperance is a virtue, and so far as the Government of the United States has any power over moral questions that it might be right for us to interpose our authority. But I fail to find in the argument of the gentleman, in the statements of fact by the gentleman, in the reasons he has given to the House for the adoption of this proposition, anything that requires a standing committee of this House for the purposes he has indicated. If he desires to accomplish what he says he does, why should not the gentleman introduce a bill and let that bill have its proper reference and be duly considered by a committee which shall report back to this House so that the House may take action upon it?

Now, sir, we all know that one of the great difficulties we now labor under in this House is the difficulty of ascertaining what the prerogatives and privileges of the standing committees of this House are. We have continual conflicts. There is some doubt to which committee shall go a proposition affecting the coins of the country. There is some doubt as to which committee of the House shall have control of the subject of the legal-tender issue. There is grave doubt as to whether the Committee of Ways and Means or the Committee on Foreign Affairs shall have jurisdiction over the question of our commercial treaties abroad. We are constantly involved here in confusion and in delay and in doubt as to what are the peculiar duties and privileges of the existing committees. And now the gentleman from Maine proposes that which will increase this difficulty. He has a proposition that gives to a new committee the question of control over the traffic in spirituous liquors. Now, sir, that word "traffic" has an exceedingly indefinite meaning. If it is put within the power of that committee to deal with the traffic in spirituous liquors, that necessarily would affect the revenue which the Government now derives from the manufacture of spirituous liquors. That committee may report a bill here that may increase the burden on the manufacturer so as to suppress it entirely. They may do that from moral reasons, and carrying out this view of the moral government of the country they might recommend what would decrease the revenue to the extent of fifteen to twenty millions of dollars a year. That committee might report a bill here that would cut off the importation of all foreign liquors into this country, and thus deprive us of $10,000,000 a year derived from the duties on wines and spirituous liquors from abroad.

Therefore, sir, I am opposed to the proposition. I am willing to consider a bill introduced by the gentleman from Maine or any other gentleman to organize a commission to consider this question. I would look at that proposition when it comes here upon its merits; and I will go as far as any member of this House in any rightful constitutional way and mode to suppress the too frequent use of intoxicating liquors. But I do believe, sir, there is a limitation to the power of the Federal Government. I do believe there are some powers in the municipalities and in the States; and I doubt very much whether the Congress of the United States can arrogate jurisdiction to itself over questions of a moral, of a religious, or of a purely municipal or local character. No such powers were ever delegated to the National Government by the States originally; and hence those powers have been reserved by the States. I am opposed to the proposition to raise this committee and move to lay it upon the table.

Mr. FRYE. I have not yielded the floor for that purpose.

The SPEAKER. The gentleman from Maine has control of the floor.

Mr. FRYE. I yield to the gentleman from Georgia, [Mr. STEPHENS.]

Mr. STEPHENS. I concur in the main with all that the gentleman from New York [Mr. FERNANDO WOOD] has said, except in his conclusion. I am in favor of this resolution, not because of my advocacy of the legislation invoked, but because of my recognition of the great right of petition. The people of this country have a right to petition. This is secured by the Constitution. Petitions on this subject from great numbers, perhaps millions of the people of the United States, have been sent here. I might not grant a single one of them, but in my judgment these memorialists have a right to have a committee as an organ in this House, through which their views may be presented to the country. They have a right to be heard. This does not commit me to sanction anything they may ask. But I will hear them, and if they convince me that their ideas are right I will sanction them. But that is not the question now. That simply is this: shall these millions of memorialists have a right to a hearing under the Constitution of the United States? I say they shall so far as I am concerned.

Mr. BEALE. May I ask the gentleman a question?

Mr. STEPHENS. Yes, sir.

Mr. BEALE. Have not all those petitions been received and referred?

Mr. STEPHENS. They have been received but have been buried. They have never had a hearing. They have been sent to different committees who have never reported. I say, let these memorialists have a committee, an organ that will present their views to the country with whatever argument they can enforce them. Let them have a hearing. That is my view.

Mr. REAGAN. I desire to say a word or two more on this rule before it is acted upon. The object of investigation ought to be to lay the foundation for action. If no action can be taken, no investigation is justified. The right of petition does not at all depend on this rule. I would go as far as the gentleman from Georgia in vindicating and maintaining the right of petition on the part of the people of the United States on any subject on which they wish to be heard. But as I have said, the legitimate object of investigation is to lay the foundation for action; and suppose we create this committee and receive any number of petitions on the subject contemplated by the rule and refer them to the committee, and suppose the committee consider them and report back to the House, what are we going to do with the report? Are we going to take jurisdiction of the subject because we have created a rule, and because the people under that rule have sent in petitions, and those petitions have been referred, as all petitions that are respectful ought to be received and referred. We go through all this process, and when we have got through we answer the memorialists as we might answer them, "We have no constitutional authority to say what people shall make, what they shall sell, what they shall eat, or what they shall drink; we have no constitutional authority to control any one of these things." Yet, sir, the very adoption of this rule would be a formal act on the part of the House of Representatives undertaking to assume jurisdiction over these questions.

I wish to say right here that, while I would do as much as I could to aid in securing that temperance which is so necessary to the healthful morals of the country, I do not propose to undertake to do it by violating the Constitution of the United States, the great bulwark of the liberties of our country. The most crying evil of these times, and I do not doubt that the historian of the future will recognize it to be the most crying evil of these times, is the disposition of Congress to ignore the existence of the Constitution of the United States, and to take hold of and act upon every subject that comes up.

We have just as much authority to take jurisdiction over the administrators and executors of estates; just as much authority to prescribe rules in relation to the internal government of the States on other subjects, as we have to prescribe what they shall make, what they shall produce, what they shall buy and sell or eat and drink. Sir, we forget that Congress has its defined duties under the Constitution of the United States. It has its powers limited and controlled by that instrument, and we seem to forget that the very people who send us here are the people who create the Legislatures and who elect members to them and charge them with their duties of attending to all such questions as come within their several jurisdictions. These people, if they see proper to control this question, know that there is a proper jurisdiction under which they can act, and that they certainly have as much power or right to have such power as can be exercised over their State governments which may constitutionally control the subject, as they have or ought to have authority over Congress.

I would therefore remit a question of this kind to the local governments of a State, where the wishes of the people can be affirmed or expressed as well as here.

If it be said that this resolution gives Congress jurisdiction over the subject by limiting the importation of liquors, then I say that that part of the resolution of the gentleman from Maine has been stricken out, and that was the only feature in the whole rule in which there was a pretense of giving the jurisdiction to this House, and that has been stricken out on the motion of the gentleman who reported the resolution.

Mr. FRYE. I desire now to control the floor; gentlemen have been taking it without my recognition.

The SPEAKER. The Chair will recognize the gentleman in a moment. The Chair is under obligation to recognize the gentleman from Pennsylvania, [Mr. COFFROTH.]

Mr. COFFROTH. I rise to support the resolution presented by the gentleman from Maine, [Mr. FRYE.] I believe the time has come when the petitions of the people coming from all parts of the country against the great evil of intemperance should be heard, and a committee appointed to make a thorough investigation into the causes of intemperance, and if need be report how the alarming spread of drunkenness throughout the country can be prevented.

Gentlemen talk about it establishing the principle of legislating as to what we shall eat or drink in order to divert public attention from the real issue; but, sir, when we are faced with the startling figures of one hundred thousand persons annually being sent to drunkards' graves we should not hesitate for a moment. There has been legislation here time after time in regard to diseases, in regard to the prevention of that which curses mankind, and if there ever was a curse to the human family, it is the crime of intemperance. Therefore, sir, I repeat, I am in favor of appointing this committee, and that the investigation be made, and, if necessary, I am in favor of prudent legislation on this subject to prevent the cause of the evil we all have so keenly felt. At an early day Congress passed a law against the importation of slaves into this country, and they followed it with statute after statute, until they made it piracy, with the penalty of death, to import slaves into this country. In my opinion intemper-

ance is a far greater evil and more destructive to the prosperity of our country than ever human slavery was, and we should as soon as possible eradicate the cause of this great evil, and thereby insure happiness and prosperity to our people and honor and power to our great nation.

Mr. FRYE. I now yield to the gentleman from Ohio, [Mr. GARFIELD.]

Mr. GARFIELD. I have no trouble as to the constitutionality of this resolution. If gentlemen will remember that by the express provision of the Constitution itself Congress wields the only legislative power over this city of one hundred and sixty thousand inhabitants and over the District of Columbia, and have absolute control over Territories larger in the aggregate than the whole continent of Europe, I think they will see that we are not without jurisdiction over this subject, in at least a sufficient amount of territory to make it important to know whether we ought to legislate upon it.

Mr. FERNANDO WOOD. It is by expressed provision of the Constitution that we have such jurisdiction.

Mr. GARFIELD. Well, that provision alone is sufficient to authorize us to form a committee, even if they did nothing but to consider the demands of the District of Columbia upon this subject. When there are probably one thousand rum-shops under the shadow of this Capitol, and the citizens of the District have applied to us over and over again to legislate on this subject, we ought at least to give them a hearing.

Mr. CLYMER. I would like to know the gentleman's opinion, whether because we have jurisdiction over the District of Columbia and the Territories we can interfere in this matter in the States?

Mr. GARFIELD. No; but we have plenty of territory over which our jurisdiction is unquestioned; and if there were nothing but that, we would be amply authorized by the Constitution to raise such committee and to make such inquiries, if for no other reason; but there are other reasons which would enable us to carry this matter into the States, as I think the gentleman from Pennsylvania will see.

We are empowered to regulate commerce with foreign nations. If we find that some deleterious substance is being sent into this country, we can prohibit it by embargo if we choose, as everybody admits. Again, we fix our tariff duties on all imports, including foreign liquors.

Mr. REAGAN. Will the gentleman——

Mr. GARFIELD. Not now, if you please. Furthermore we are levying internal-revenue taxes on whisky in various forms, which are to-day producing a revenue of almost $100,000,000 a year. Surely it is not improper or unlawful for us to inquire how far, if at all, we shall consider the moral element in levying taxes. I do not assert that we have the general control of morals; but it may be our duty to inquire how far morals shall regulate our actions when we levy taxes, and how far we may fairly consider the relation of our taxes to the morals of the people.

For instance, when it is proposed to levy an income tax, I am always ready to say that theoretically the income tax is the fairest tax in the world. Practically, however, it is the most immoral tax that was ever levied on our people, for the reason that it creates more perjury, more fraud, more lying, more backbiting, more secret hunting into the private affairs of the people than all other taxes combined. I refer to this to show that the moral element should be considered when Congress is levying a public tax.

Now, when we are levying taxes on wines, beer, and spirituous liquors it is proper for us to inquire how the tax we are levying will affect the morals of our people, whether in the States or the Territories. And if we had a committee that would listen to all these petitions, that would collect facts and statistics from all quarters of the country, in a fair, economical, and reasonable way, it would not hurt any member of this House to have his intelligence illuminated and his conscience informed on the relation of the manufacture and sale of spirituous liquors to the public welfare.

Now, on this ground, and particularly on the ground so well stated by the gentleman from Georgia, [Mr. STEPHENS,] it is but right that this great body of American petitioners should have a fair hearing. I commit myself now to no theory, no doctrine of sumptuary laws; but only say that it is the business of this House to get information. "In all your gettings get wisdom" was a wise saying as early as Solomon; and it ought not to be despised in the House of Representatives.

Mr. FRYE. I now yield to the gentleman from Ohio [Mr. MONROE] for five minutes.

Mr. MONROE. I desire to express my gratification that the Committee on Rules has presented this report. I think the immense number of petitions which have reached the House of Representatives from all quarters of the land upon the different aspects of this great question deserves the appointment of a separate committee of this kind. I happen to be well acquainted with the facts to which the gentleman from Maine [Mr. FRYE] has alluded in regard to the passage of bills by the Senate for the commission upon alcoholic liquors which have been referred by this House to the Committee on the Judiciary, because a great number of petitions upon that question from the State of Ohio were intrusted to me. I do not rise to find fault with the Committee on the Judiciary, because I know the immense number of matters of the greatest importance which have been referred to that committee and which demanded their attention. But for the very reason that that committee has so much other responsible work to do, I am glad that the proposition for the appointment of a new committee has come before the House, and I shall vote for it with the greatest satisfaction. It has long seemed to me that the great number of people, the thousands of respectable people of this country, who were petitioning Congress that this great question might at least have consideration at the hands of this House, have not been treated with proper respect. Of course there was no intentional disrespect, but really they were not treated with proper respect in not having their petitions considered.

I wish to add one word upon another branch of the question to which my colleague [Mr. GARFIELD] has alluded. At the last session of Congress there was intrusted to me a petition signed by the accredited representatives of fifty-three temperance organizations, secular and religious, in the District of Columbia, representing more than six thousand members, and, I believe, really representing a majority of the substantial citizens of the District, asking that Congress should take up the question of legislation to provide against the evils of intemperance in the District of Columbia. I had these petitions referred to the Committee for the District of Columbia along with a very moderate bill which I had prepared, but that committee happened at the time to be intensely occupied with some question of local taxation, and the matter did not receive consideration at their hands. Here again we find reason for the appointment of a new committee.

While my bill and petition were pending before the committee in the last Congress, I received a letter from the excellent superintendent of police of this city, Major Morgan, who is known to many of you as a gentleman of the highest character. He wrote me a letter in which he expressed his good wishes for my success, and stated that there are more than five hundred licensed bar-rooms in the District and that it is estimated that there are three hundred additional places where liquor is sold contrary to law. He added that seven-tenths of all the arrests made here—all the crimes against good order—were due directly to the immoderate use of intoxicants. Certainly this District is entitled to have its petitions on this subject considered, and to have a committee appointed which shall have time enough to perform this duty.

[Here the hammer fell.]

The SPEAKER. The five minutes of the gentleman have expired.

Mr. FRYE. I yield to the gentleman from Georgia [Mr. BLOUNT] for five minutes.

Mr. BLOUNT. Mr. Speaker, there is much specious reasoning presented in support of the resolution before the House. The real object is indisputable as disclosed in the proposition as originally reported: first, a special committee to consider petitions on the subject of intemperance; second, a commission; and third, a constitutional amendment on the subject, with the view of correcting evils resulting from the excessive or intemperate use of intoxicating liquors. Now, I trust the House will see fit to lay this matter on the table, as suggested by the gentleman from New York, [Mr. FERNANDO WOOD.]

The gentleman from Ohio, [Mr. GARFIELD,] whose fertile mind is always ready with ideas and arguments in support of any purpose which he may have in view, apprehending difficulty in the minds of members of the House on the question of constitutional power, apprehending the feeling of the people of this country against interfering with them in their social habits or religious tastes, comes forward to show to us the power we have on this subject. In advocating the purposes set forth in the resolution, he seeks to have us close our eyes to the distinction between the power of this Government regarding the District of Columbia or the Territories and its power with regard to the States of the Union.

Now, sir, as to the District of Columbia, the people of this District have the right of petition; there is a committee of this House charged with the duty of considering especially the interests of the District. Is the gentleman able to say that this committee has refused to these petitioners a hearing?

Again, he says that in the matter of levying the internal-revenue tax we may have need to consider the moral aspects of the question. Has this House, has the gentleman from Ohio, any trouble about the moral aspects of intemperance? Why, sir, that is a mere pretense. Again, he says we may want to prevent the importation of poisonous liquors from abroad. Sir, is this all that these gentlemen are seeking? No, sir; it is more than that. There is a class of people in this country who are eternally wanting to regulate the conduct and habits of other people; and though they find they are obstructed in this endeavor by our Constitution and by the genius of our people, they persist in their efforts. Here they are at this time seeking to have us go before the country with a constitutional amendment on this subject.

Now, I am opposed to any interference with religion. I am opposed to interference with people in any of the avocations of life. I am in favor of submitting this matter to the States who may regulate it as they see fit, to the extent of their powers on this subject. I have as much abhorrence of intemperance as any one, but I do not like too much of the paternal spirit in the administration of government. I believe that the people of this country are able to think for themselves. The difficulty has been in the Government attempting to do too much thinking for them and too much regulating.

[Here the hammer fell.]

Mr. FRYE. I now yield five minutes to the gentleman from Kentucky, [Mr. KNOTT.]

Mr. KNOTT. Mr. Speaker, as particular reference has been made to the action of the Committee on the Judiciary touching this subject, I deem it incumbent on me to say it is true that during the last Congress and the Congress before the last, numerous petitions asking for the organization of a commission to inquire into the alcoholic liquor traffic were referred to that committee, and what the views of other members of that committee may have been I do not know; but for one I am free to say that I opposed a report by the committee upon those petitions; first, because I considered the project proposed as not only unnecessary but as setting a mischievous precedent in the Federal legislation in this country. It occurred to me that the establishment of such a commission would possibly be seized upon as a pretext for raising other commissions to inquire into other matters of a sumptuary or domestic character—a commission perhaps to ascertain whether it is not detrimental to public morals for a husband to kiss his wife on Sunday, and whether a barrel of beer should not be chastised for working upon the Lord's day! [Laughter.]

I opposed a report from that committee on another ground—that under the rules of this House the Committee on the Judiciary had no more jurisdiction over the subject proposed than they would have over a proposition to revise the Catholic missal or the Episcopal prayer-book. I believed then, as I believe now, that the Committee of Ways and Means have absolute jurisdiction of the question, and to that committee such propositions ought to be referred.

Now, the question of temperance is not the one before the House. The real question, I beg leave to submit, is whether this House will take from one of its standing committees a matter clearly and without dispute within its jurisdiction and raise a special committee to consider it. If this is to be done, there is no protection to any standing committee under our rules. The Committee of Ways and Means, as I have suggested, have ample jurisdiction of this subject; and happily for the country, happily for the cause of temperance, happily for the moral character of this House, both the distinguished gentleman from Maine [Mr. FRYE] and the no less distinguished gentleman from Ohio [Mr. GARFIELD] are members of that committee. I am sure that when petitions of this character are presented to that committee they will receive at the hands of those gentlemen all the consideration the importance of the subject may demand.

Mr. UPDEGRAFF, of Ohio. Will the gentleman from Kentucky yield for a question?

Mr. KNOTT. Certainly.

Mr. UPDEGRAFF, of Ohio. Did not the gentleman from Kentucky tell us a few moments ago that the Judiciary Committee had no more to do with this question than it had with the liturgy of the Episcopal Church, and that if this proposition was entertained we would soon have to raise a committee to inquire into other sumptuary matters? If that be the view of the committee, may we expect a report from them on this subject?

Mr. KNOTT. The gentleman did not understand me to say that; or rather he may have understood me so; but I did not say it.

[Here the hammer fell.]

Mr. FRYE. I yield one minute to the gentleman from Kentucky, [Mr. BLACKBURN.]

Mr. BLACKBURN. Mr. Speaker, I avail myself of the courtesy of the gentleman from Maine to say merely that though this resolution is reported from the Committee on Rules, I as a member of that committee do not agree with the majority as to the propriety of its adoption. I simply want to state my opposition to the resolution.

Mr. FRYE. I now yield three minutes to the gentleman from Michigan, [Mr. CONGER,] and then I will ask the previous question.

Mr. WARNER. Are we in the morning hour?

The SPEAKER. We are not.

Mr. CONGER. Mr. Speaker, I presume from the petitions that have been sent to this House during the last ten years that a majority of all the good men and women of these United States believe Congress has the right to make an investigation in regard to the use or the abuse of alcoholic liquors in this country. Sir, if all these petitions could be put together they would amount to hundreds of thousands of men and women in this country who believe, in their ignorance perhaps, that the great Legislature of this nation can act in regard to what they solemnly believe is the most serious, the most vital, the most dangerous subject of any in all our realm. Those petitions are sent here. Before the Committee on the Judiciary thousands and thousands of those petitions were received in the last Congress, and the Judiciary Committee by its majority refused to make any recommendation to this House whatever.

I see solemn reasons why the people of the United States should not be heard. [Laughter.] The chairman of the Judiciary Committee has given one. He says if we yield to these demands of the thousands and hundreds of thousands of men and women of the United States to investigate the abuse of alcoholic spirits the next year petitions will come up asking for an amendment of the Constitution that we may lawfully prevent the barrel of beer from working on Sunday. [Laughter.] Sublime idea, but not original—worthy of being made by the chairman of the Committee on the Judiciary as a reason given to these hundreds and thousands of good honest men and women why their petitions should be thrown aside and have no hearing anywhere.

Why should we not have a committee? If these people are mistaken about the duty and rights of Congress to investigate the subject, let that committee tell us and let it make it satisfactory to the people of the country why this body should not investigate one of the greatest and most crying evils in all our land.

I had hoped that the Judiciary Committee would report on this subject in the last Congress. They refused to do so. I am thankful the Committee on Rules has introduced this measure, and, sir, I do desire to have a record of the Representatives of the people here whether they are willing there shall be a committee to investigate these ten thousand petitions and complaints and report to the people some remedy for the evil, or to tell the people that we are powerless to provide a remedy.

Mr. FRYE. I now demand the previous question.

Mr. BLOUNT. When will it be in order to move to lay this whole subject upon the table?

The SPEAKER. It is in order either before or after seconding the demand for the previous question.

Mr. BLOUNT. Then I move to lay the subject upon the table.

Mr. BREWER. And on that motion I demand the yeas and nays.

The SPEAKER. The Chair will submit the question on the motion to lay upon the table before putting the question to the House on seconding the demand for the previous question.

Mr. CONVERSE. I ask for the reading of the proposition again.

The SPEAKER. Does the gentleman propose to have it read as originally reported or as it is proposed to be modified?

Mr. CONVERSE. In both ways.

The resolution was again read.

Mr. BLOUNT. Certain gentlemen seem to understand that the resolution as read is not the one now before the House, but that there was some amendment made.

The SPEAKER. The resolution reported by the gentleman from Maine from the Committee on Rules has just been read, but the gentleman from Maine has stated that he wanted to amend it (which the House only can do at this stage of proceeding) so as to omit that feature of the proposition looking to the constitutional question.

Mr. FRYE. Mr. Speaker, I ask to strike out that part of the resolution relating to the amendment of the Constitution.

The SPEAKER. The gentleman has not the right to modify a report of a committee, but he can move an amendment in his own individual right.

Mr. SPARKS. There is no objection to that.

The SPEAKER. The gentlemen could amend it if he had the consent of the Committee on Rules.

Mr. FRYE. Then I will ask consent.

The SPEAKER. The Chair does not know how the gentleman is now to get the consent of the Committee on Rules.

Mr. FRYE. I did not understand the Chair to refer to the Committee on Rules.

The SPEAKER. The gentleman desires to modify so as to get clear of the constitutional objection.

Mr. FRYE. Will not the unanimous consent of the House allow that to be done?

The SPEAKER. Is there unanimous consent to the proposition suggested by the gentleman from Maine?

Mr. KNOTT. Is this in order during the call of the roll?

The SPEAKER. Nothing is in order except by the unanimous consent. Does the gentleman object?

Mr. KNOTT. I do object.

Mr. BLOUNT. I ask, then, that the resolution may be again read.

The SPEAKER. The resolution has just been read.

Mr. BLOUNT. I know it has. I ask that it be read again.

Mr. BREWER. I object.

The question was taken; and it was decided in the negative—yeas 99, nays 128, not voting 58; as follows:

YEAS—99.

Acklen,	Deuster,	Le Fevre,	Sawyer,
Aiken,	Dibrell,	Lewis,	Scales,
Armfield,	Einstein,	Lounsbery,	Singleton, James W.
Atkins,	Elam,	Manning,	Singleton, O. R.
Beale,	Evins,	Martin, Benj. F.	Slemons,
Bicknell,	Felton,	McKenzie,	Smith, Hezekiah B.
Blackburn,	Field,	McLane,	Smith, William E.
Blount,	Finley,	McMahon,	Sparks,
Bouck,	Forney,	McMillan,	Springer,
Bright,	Goode,	Mills,	Steele,
Buckner,	Gunter,	Money,	Talbott,
Cabell,	Harris, John T.	Morrison,	Thompson,
Caldwell,	Heilman,	Morse,	Tillman,
Chalmers,	Henry,	Muller,	Turner, Oscar
Clardy,	Herbert,	New,	Turner, Thomas
Clark, John B., jr.	Hooker,	Nicholls,	Wellborn,
Clymer,	Hostetler,	O'Connor,	Whiteaker,
Cobb,	House,	Persons,	Whitthorne,
Converse,	Hunton,	Poehler,	Williams, Thomas
Cook,	Hurd,	Reagan,	Willis,
Cox,	Jones,	Richardson, J. S.	Wilson,
Cravens,	Kenna,	Robertson,	Wise,
Culberson,	Kimmel,	Ross,	Wood, Fernando
Davidson,	King,	Ryon, John W.	Young, Casey.
Davis, Joseph J.	Knott,	Samford,	

NAYS—123.

Aldrich, Nelson W.	De La Matyr,	Joyce,	Rice,
Aldrich, William	Dick,	Kelley,	Robeson,
Anderson,	Dickey,	Kitchin,	Robinson,
Atherton,	Dunn,	Ladd,	Ryan, Thomas
Bailey,	Dunnell,	Lapham,	Sapp,
Barber,	Dwight,	Lindsey,	Shallenberger,
Bayne,	Errett,	Lowe,	Sherwin,
Belford,	Farr,	Marsh,	Smith, A. Herr
Beltzhoover,	Ferdon,	Martin, Joseph J.	Stephens,
Bingham,	Fisher,	Mason,	Stone,
Bowman,	Ford,	McCoid,	Taylor,
Boyd,	Fort,	McGowan,	Thomas,
Brewer,	Frye,	McKinley,	Townsend, Amos
Briggs,	Garfield,	Miles,	Tyler,
Browne,	Geddes,	Mitchell,	Updegraff, J. T.
Burrows,	Gillette,	Monroe,	Updegraff, Thomas
Calkins,	Godshalk,	Morton,	Urner,
Camp,	Hall,	Muldrow,	Valentine,
Cannon,	Hammond, John	Murch,	Van Aernam,
Carpenter,	Harmer,	Myers,	Vance,
Caswell,	Haskell,	Neal,	Waddill,
Chittenden,	Hatch,	Newberry,	Wait,
Claflin,	Hawk,	Norcross,	Ward,
Coffroth,	Hawley,	O'Neill,	Warner,
Conger,	Hayes,	Orth,	Washburn,
Covert,	Hazelton,	Osmer,	Weaver,
Cowgill,	Henderson,	Overton,	White,
Crowley,	Hiscock,	Phelps,	Wilber,
Daggett,	Horr,	Phister,	Williams, Chas. G.
Davis, George R.	Houk,	Pound,	Willits,
Davis, Loundes H.	Hubbell,	Price,	Wright,
Deering,	Humphrey.	Reed,	Yocum.

NOT VOTING—58.

Bachman,	Ewing,	Killinger,	Russell, William A.
Baker,	Forsythe,	Klotz,	Shelley,
Ballou,	Frost,	Lay,	Simonton,
Barlow,	Gibson,	Loring,	Spear,
Blake,	Hammond, N. J.	Martin, Edward L.	Starin,
Bland,	Harris, Benj. W.	McCook,	Stevenson,
Bliss,	Henkle,	Miller,	Townshend, R. W.
Bragg,	Herndon,	O'Brien,	Tucker,
Brigham,	Hill,	O'Reilly,	Van Voorhis,
Butterworth,	Hull,	Pierce,	Voorhis,
Carlisle,	James,	Prescott,	Wells,
Clark, Alvah A.	Johnston,	Richardson, D. P.	Wood, Walter A.
Colerick,	Jorgensen,	Richmond,	Young, Thomas L.
Crapo,	Keifer,	Rothwell,	
Ellis,	Ketcham,	Russell, Daniel L.	

So the House refused to lay the resolution on the table.

During the roll-call the following announcements were made:

Mr. SHELLEY. I am paired with the gentleman from New York, Mr. KETCHAM. If he were present, I would vote "no."

Mr. HERNDON. I am paired with the gentleman from Massachusetts, Mr. CRAPO. If he were present, I should vote "ay."

Mr. DAVIDSON. My colleague, Mr. HULL, is paired with Mr. RICHARDSON, of New York.

Mr. DIBRELL. Upon political and financial questions I am paired with the gentleman from New York, Mr. MCCOOK; but as this is not either a political or a financial question, I vote "ay."

Mr. MCMILLIN. My colleague, Mr. SIMONTON, is paired with the gentleman from Ohio, Mr. KEIFER.

Mr. BLOUNT. My colleague, Mr. HAMMOND, of Georgia, is paired with Mr. VAN VOORHIS, of New York; and my other colleague, Mr. SPEER, is paired with Mr. RUSSELL, of Massachusetts.

Mr. HARRIS, of Virginia. My colleague, Mr. RICHMOND, is paired with the gentleman from New York, Mr. PRESCOTT; and my other colleague, Mr. JOHNSTON, is paired with the gentleman from New Jersey, Mr. BRIGHAM. I am not prepared to say how either of these gentlemen would vote if they were here, this not being a political question.

Mr. BOUCK. My colleague, Mr. BRAGG, is paired with the gentleman from New York, Mr. JAMES. If he were present, he would vote "ay."

Mr. ROBINSON, of Massachusetts. My colleague, Mr. RUSSELL, of Massachusetts, is paired with the gentleman from Georgia, Mr. SPEER.

Mr. LAPHAM. My colleague, Mr. RICHARDSON, of New York, is paired with the gentleman from Florida, Mr. HULL.

Mr. ALDRICH, of Rhode Island. My colleague, Mr. BALLOU, is paired with the gentleman from Indiana, Mr. COLERICK. If present, he would vote "no."

Mr. WEAVER. Mr. FORSYTHE, of Illinois, is paired with Mr. WALTER A. WOOD, of New York.

Mr. BROWNE. My colleague, Mr. BAKER, is detained at home by sickness. I do not know how he would vote.

Mr. HARMER. My colleague, Mr. KILLINGER, is paired with Mr. WELLS, of Missouri, and my other colleague, Mr. BINGHAM, is paired with the gentleman from Missouri, Mr. FROST. If Mr. BINGHAM were here, he would vote "no."

Mr. COFFROTH. My colleague, Mr. BACHMAN, is paired with Mr. STARIN, and my other colleague, Mr. KLOTZ, is paired with the gentleman from Tennessee, Mr. ATKINS.

Mr. BUCKNER. My colleague, Mr. ROTHWELL, is detained from the House by sickness, and, if here, would vote "ay."

Mr. STEVENSON. I am paired with the gentleman from Kentucky, Mr. CARLISLE.

The result of the vote was announced as above recorded.

The question recurred upon agreeing to the amendment; and being put, it was agreed to.

The resolution, as amended, was then agreed to.

Mr. FRYE moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ELECTION CONTEST—R. S. THAIN.

Mr. CALKINS. I desire to make a privileged report from the Committee of Elections. I desire to report back a memorial from the committee.

The SPEAKER. Is it touching the right of a member to his seat?

Mr. CALKINS. No, it is not; but I ask unanimous consent to make the following adverse report.

Mr. WARNER. Will it lead to debate?

Mr. CALKINS. Oh, no!

Mr. CALKINS then, by unanimous consent, reported back from the Committee of Elections the petition of R. S. Thain; which was laid on the table, and ordered to be printed

Mr. CALKINS moved to reconsider the vote by which the petition was laid on the table; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

APPROPRIATIONS FOR POST-OFFICE DEPARTMENT.

Mr. CANNON, of Illinois, from the Committee on Appropriations, by unanimous consent, reported a bill (H. R. No. 2002) making additional appropriations for the service of the Post-Office Department for the fiscal years ending June 30, 1879, and June 30, 1880, and for other purposes; which was read a first and second time, recommitted to the committee, and ordered to be printed, not to be brought back on a motion to reconsider.

ORDER OF BUSINESS.

Mr. WARNER. I move to dispense with the morning hour for the purpose of proceeding with the consideration of the coinage bill.

The question was put; and on a division there were—ayes 113, noes 62.

So (two-thirds not voting in favor thereof) the motion was not agreed to.

The SPEAKER. The morning hour begins at twenty-three minutes to two o'clock, and the business coming over from the morning hour of last Friday is a report from the Committee of Accounts in regard to salaries, being the joint resolution (H. R. No. 62) reported from the Committee of Accounts, fixing the day on which the payment of committee clerks and pages of the House of Representatives who are paid during the session only shall begin for this session.

The question was upon the amendment offered by the gentleman from Tennessee [Mr. ATKINS] and accepted by the gentleman from Pennsylvania [Mr. SMITH] and then the gentleman from Minnesota [Mr. DUNNELL] moved to recommit the whole subject to the Committee of Accounts, and the question now is upon the motion to recommit.

The motion to recommit was agreed to.

Mr. DUNNELL moved to reconsider the vote by which the resolution was recommitted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHANGES OF REFERENCE.

Mr. SMITH, of Pennsylvania, from the Committee of Accounts, reported back the following papers, and moved that the committee be discharged from the further consideration of the same, and that they be referred to the Committee of Claims:

Resolution for payment of La Fayette H. Fitzhugh, ex-Doorkeeper;

Bill (H. R. No. 714) for the relief of Alvah W. Hicks;

Petition for relief of C. R. Faulkner, late an employé of the House of Representatives;

Petition of Daniel Kernan, for relief; and

Petition for compensation for services rendered to the House Committee on War Claims during the third session of the Forty-fifth Congress by Shepard S. Everett.

Mr. CONGER. Let it be understood that these papers when referred to the Committee of Claims shall not come back on a motion to reconsider.

The SPEAKER. That order will be made.

Mr. FORT. I wish to inquire whether those accounts for the payment of officers of this House should go to the Committee of Claims?

The SPEAKER. That is the report of the Committee of Accounts.

Mr. FORT. They are claims against the Government, but they are also claims against the contingent fund of the House.

The SPEAKER. The Chair takes the report as a quasi negative on the part of the Committee of Accounts.

Mr. FORT. I do not object to the change of reference if it is understood that the Committee of Claims have jurisdiction of such matters.

The SPEAKER. The House has the right to give jurisdiction.

Mr. SMITH, of Pennsylvania. This is the conclusion come to by the Committee of Accounts, after having investigated the character of the claims.

The SPEAKER. It has been held that accounts of a former Congress should not be paid out of the contingent fund of a subsequent

House. The Chair thinks there has been a decision of the Treasury Department in accordance with that view.

Mr. FORT. I suppose the Committee of Accounts do not report against the merits.

Mr. SMITH, of Pennsylvania. We never inquired into the merits. The only question was as to our having jurisdiction of the claims, and we considered that they belonged to the Committee of Claims.

The SPEAKER. The Chair is advised that Comptroller Porter gave a decision that claims of this kind should not be paid out of the contingent fund of the House, but by appropriation duly made by law.

Mr. SMITH, of Pennsylvania. They should go to the Committee of Claims, to be examined by that committee in the first instance.

The SPEAKER. The Chair repeats that the view of the Comptroller is that they require an appropriation.

Mr. FORT. I think one or two of the matters reported are very meritorious.

Mr. SMITH, of Pennsylvania. We have not decided at all as to that; but we think these cases belong to the Committee of Claims.

DEPRESSION OF LABOR.

Mr. WRIGHT. I am directed by the Committee to inquire into the causes of the present Depression of Labor to report for consideration at this time the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the additional sum of $2,000 be, and hereby is, appropriated, out of the miscellaneous items of the contingent fund of the House of Representatives, for the use of the Select Committee to inquire into the causes of the present Depression of Labor, so as to enable them to carry out the order of the House heretofore made, and said sum shall be available at once.

Mr. CONGER. I make the point of order that that is public business, not private.

Mr. WRIGHT. The gentleman promised me not to make any objection.

The SPEAKER. If the gentleman from Michigan [Mr. CONGER] raises that point of order, the Chair will have to sustain it.

Mr. WRIGHT. What is the point of order?

The SPEAKER. That it is public business; and to-day being Friday, private business takes precedence.

Mr. WRIGHT. Does the Chair sustain the point of order?

The SPEAKER. The Chair is compelled to sustain it.

Mr. WRIGHT. I hope the point will be withdrawn.

The SPEAKER. The gentleman can report it when his committee is called upon another day.

Mr. WHITE. I would inquire if the object of this resolution is to provide means to take my colleague to California? [Laughter.]

Mr. WRIGHT. I do not stand here to be interrogated. I will say that it becomes necessary and important that the committee should have money enough to enable it to discharge its duties. There may not be during this session another call of the committee.

The SPEAKER. The Chair thinks there will be.

Mr. WRIGHT. I hope my friend from Michigan [Mr. CONGER] will withdraw his objection.

Mr. CONGER. What is the pressing public necessity for this thing?

Mr. WRIGHT. I am making a personal appeal to the gentleman. I know he has a kind heart in his body.

Mr. CONGER. What pressing necessity is there for acting upon this resolution to-day?

Mr. WRIGHT. We may not have another opportunity to get at it.

Mr. CONGER. Is this to pay the expenses of the committee in their investigation?

Mr. WRIGHT. It is.

Mr. CONGER. I am not so very sure but what I may have been mistaken. I begin to think that perhaps this is to provide for purely private expenses. [Laughter.] If the gentleman says that it is to provide the means for an excursion of his committee, I will withdraw the objection; if he says it is for the mere private expenses of the committee——

Mr. WRIGHT. The gentleman withdraws his objection.

The SPEAKER. The Chair understands that the objection is withdrawn.

Mr. WHITE. No, it is not.

Mr. WRIGHT. Why do you object?

Mr. WHITE. Because you would not answer my question.

The SPEAKER. Objection is made, and the resolution is not before the House.

NATIONAL BOARD OF HEALTH.

Mr. YOUNG, of Tennessee, from the Select Committee on Epidemic Diseases, reported favorably the bill (H. R. No. 1604) to increase the efficiency of the National Board of Health and to prevent the introduction into or spread within the United States of contagious and infectious diseases.

Mr. DUNNELL. I make the point of order that that is a public bill.

The SPEAKER. The Chair sustains the point of order.

Mr. GOODE. Would it be in order to ask now that some day be fixed for the consideration of this bill?

The SPEAKER. The gentleman from Minnesota [Mr. DUNNELL] objects to its being reported at all.

Mr. DUNNELL. I will not object to fixing some day for its consideration.

Mr. YOUNG, of Tennessee. I ask the House to give leave to me to report this bill for consideration on Tuesday next, after the morning hour. It is a very important measure, and the demand for some action is very urgent.

Mr. COX. Has this bill been reported to the House to-day?

The SPEAKER. It has not been, because there was objection to it. The gentleman from Tennessee [Mr. YOUNG] now asks leave to report this bill on Tuesday next, after the morning hour, for consideration.

Mr. COX. This bill is not now before the House?

The SPEAKER. It is not. The request is for leave to report this bill on Tuesday next for consideration after the morning hour. That requires unanimous consent.

Mr. SPRINGER. I would suggest to the gentleman to modify his request, so that the bill may be brought up for consideration immediately after the conclusion of the action of the House on the silver bill. In that way it may be reached before Tuesday. I would not like to have this bill interfere with the silver bill when perhaps it may be within a few votes of being disposed of.

Mr. YOUNG, of Tennessee. I will modify my request in accordance with that suggestion.

Mr. ALDRICH, of Rhode Island. Then I object.

The SPEAKER. Objection is made.

ORDER OF BUSINESS.

Mr. SINGLETON, of Mississippi. I ask unanimous consent of the House to report from the Committee on Printing for consideration at this time a Senate bill.

The SPEAKER. The Chair desires to suggest to members that they had better confine their reports to private bills to-day.

Mr. SINGLETON, of Mississippi. This is not a private bill.

Mr. O'NEILL. I object.

STEAMBOAT ALEXIS.

Mr. TOWNSEND, of Ohio, from the Committee on Commerce, reported back, with a favorable recommendation, the bill (H. R. No. 178) to provide for the change of name of the steamboat Alexis, accompanied by a report in writing.

The bill directs the Secretary of the Treasury to allow the owner of the American built and owned steamboat Alexis, of New York, to change her name to Riverdale.

The report was read, as follows:

Your committee, to whom was referred House bill No. 178, providing for the change of name of the steamboat Alexis to Riverdale, have had the same under consideration, and beg leave to report.

They find that the steamboat Alexis is employed on the Hudson River, and is owned by Alexander M. C. Smith, a gentleman of high character and responsibility, who has submitted to us a statement, under oath, in relation to said steamboat, giving his reasons for desiring the change of name, which is herewith submitted as a part of this report:

"*Statement in relation to bill now before the House of Representatives to change the name of steamboat Alexis to that of Riverdale.*

"The steamboat Alexis was built in Jersey City, in the State of New Jersey, in the year 1871. The original cost, according to the best of deponent's knowledge and belief, was about $60,000. The registered tonnage is 432 99 tons. She has been engaged in navigating the inland waters of the State of New York, viz: from New York City to Peekskill, stopping at intermediate points. I intend to place her on the same route.

"My reason for desiring a change of name is that said boat may be named after a town on her route, instead of a foreign prince. As I am also owner of the steamboats Idlewild, Rosedale, and Tappan Zee, the proposed name will be more in consonance with the others.

"The said steamboat Alexis is entirely free and clear of debt. She is registered in the port of New York. I am now refitting said boat with new engines, boilers, &c., at a cost of about $20,000. I became owner of said boat on October 26, 1878, by purchase from the receiver of the North River and New York Steamboat Company, said sale having been ordered by and approved of by the supreme court for the second judicial district of New York.

"ALEX. M. C. SMITH, 232 West street, New York.

"Personally came before me, this 30th day of April, 1879, the above-named Alexander M. C. Smith, to me known, and who, being duly sworn, says that the above statement is true and of his own personal knowledge, except as to those matters stated on information and belief, and as to those matters he believes them to be true.

"CARSON G. ARCHIBALD,
"*Commissioner of Deeds, City and County, New York.*"

We deem the reasons given in this statement for changing the name of the steamboat as good and sufficient, and see no reason why the request should not be granted, and therefore unanimously recommend the passage of the accompanying bill.

Mr. CONGER. I desire to say that I have uniformly opposed changing the name of passenger steamboats in all cases where the public might be misled by the change to think that they were traveling upon a new boat. The statement of facts in this case shows that this boat is not a very old one; that she is to run upon the same route where she has heretofore run, and where everybody will be presumed to know that she is the same boat with the name changed. The objections which generally apply to changing the name of a boat, and thereby misleading the public to endanger their lives by traveling upon an old boat which they suppose to be a new one, do not apply in this case. I make no objection, therefore, to this bill, but desire that its passage shall not be used as a precedent for returning to the old practice of giving new names to old boats indiscriminately, thereby running the risk of repeating the catastrophes which were so common a few years ago on this account.

Mr. TOWNSEND, of Ohio. Mr. Speaker, there is no good reason

why this change of name should not be made. The facts have been placed before the House in the report. I trust there will be no objection to the bill.

The bill was ordered to be engrossed for a third reading; was accordingly read the third time, and passed.

Mr. TOWNSEND, of Ohio, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

J. P. ZIMMERMAN AND H. P. SNOW.

Mr. SINGLETON, of Illinois, from the Committee on the Post-Office and Post-Roads, reported, with a favorable recommendation, a bill (H. R. No. 2003) for the relief of J. P. Zimmerman and H. P. Snow, of Clinton County, Kentucky; which was read a first and second time.

The bill directs the Secretary of the Treasury to pay to Zimmerman & Snow $100, the amount of a forfeited mail-route bond paid by them.

Mr. BLOUNT. I submit the point of order that this bill ought to go to the Committee of the Whole on the Private Calendar.

The SPEAKER. The Chair sustains the point of order. The bill will be so referred.

FRANKING PRIVILEGE.

Mr. JONES, from the Committee on the Post-Office and Post-Roads, reported back adversely a bill to amend section 7, chapter 103, of the act of March 3, 1877.

The bill was read. It provides that the section named in the title be amended by inserting after the words "through the mails" the word "free;" and by inserting after the words "by order of Congress" the words "and all letters written or received in their official capacity;" so that the section will read:

The Senators, Representatives, and Delegates in Congress, the Secretary of the Senate and Clerk of the House of Representatives, may send and receive through the mail, free, all public documents printed by order of Congress, and all letters written or received in their official capacity; and the name of each Senator, Representative, Delegate, Secretary of the Senate and Clerk of the House of Representatives shall be written thereon with the proper designation of the office he holds; and the provisions of this section shall apply to the persons named therein until the 1st day of December following the expiration of their respective terms of office.

Mr. BLOUNT. This bill is subject to a point of order upon two grounds: in the first place, it is a public bill; and in the next place, it makes an appropriation of money out of the Treasury.

Mr. COOK. It is an adverse report; it takes no money out of the Treasury.

Mr. BLOUNT. I understood that the bill was reported for the favorable action of the House.

Mr. COOK. It is an adverse report, restricting the franking privilege to what it is now.

The SPEAKER. The fact that the bill is reported adversely does not obviate the point of order.

Mr. BLOUNT. I make the point of order that it is a public bill and cannot be reported to-day.

The SPEAKER. The point being made that this is a public bill and not entitled to be reported under this call, it is immaterial whether the bill be reported favorably or adversely. The Chair sustains the point of order.

COMMITTEE ON APPROPRIATIONS.

Mr. ATKINS. I ask by unanimous consent, not being in when the Committee on Appropriations was called, to submit the following report from that committee for action at this time.

The Clerk read as follows:

Resolved, That the Speaker is hereby authorized to have the eastern lobby on the floor of the House furnished and fitted for the reception of visitors, and that the small room now occupied for that purpose be assigned to the use of the Committee on Appropriations, which by its increase in numbers requires additional accommodations; and that he be authorized to order and have made such alterations in the building as will conveniently connect said small room with the present Appropriation Committee room.

Mr. CONGER. I object if it is to shut off the corridor from the window of which we have the only air that comes from that direction.

Mr. HAWLEY. It does not cut off the air at all.

The SPEAKER. Does the gentleman object to the report being received?

Mr. CONGER. I do.

G. ALEXANDER RAMSEY.

Mr. GUNTER, from the Committee on Private Land Claims, moved that that committee be discharged from the further consideration of a bill (H. R. No. 487) for the relief of G. Alexander Ramsey, and that the same be referred to the Committee of Claims, not to be brought back by a motion to reconsider.

The motion was agreed to.

PIERRE JOSEPH MAES.

Mr. GUNTER, from the same committee, reported back a bill (H. R. No. 1916) for the relief of the heirs and legal representatives of Pierre Joseph Maes; and the same was ordered to be printed, and recommitted.

CHARLES OLIVIER DUCLOZEL.

Mr. MARTIN, of West Virginia, from the Committee on Private Land Claims, reported a bill (H. R. No. 2004) to confirm the title of Charles Olivier Duclozel to certain lands in the State of Louisiana; which was read a first and second time.

The bill, which was read, provides that a certain tract of land, of ten arpents front by forty arpents in depth, on the west side of Bayou Teche, situated in township 10 south, range 6 east, southwestern district, Louisiana, and known on the plat of the United States consolidated land office, district of Louisiana, as section 79, claim of Olivier Duclozel, be, and the title to the same under the provisions of the fourth section of the act of Congress approved June 22, 1860, and extended by the act of Congress approved June 10, 1872, is hereby, confirmed to the said Charles Olivier Duclozel, his heirs or assigns.

The accompanying report was read, as follows:

The Committee on Private Land Claims, to whom was referred H. R. bill, to confirm the title of Charles Olivier Duclozel to certain lands in the State of Louisiana, begs leave to submit the following report:

The parcel of land described in the bill is part of a tract of land alleged to have been granted by the Spanish government to Barnard Danterive in 1775. The said grant to Danterive has been recognized by the confirmation of claims to several portions thereof by several different claimants at different times. (See American State Papers, Duff Green's edition, volume 2, page 703, and volume 3, pages 136, 137, and 171.) Said Duclozel claims title through this grant. In his chain of title there are some defects, but such defects consist only in the fact of the loss of some title papers, and this prior to 1834. Valery Veillow conveyed said lands to Charles Olivier Duclozel June 14, 1836. Said Duclozel conveyed said lands by warranty deed to William B. Sproule in November, 1869. On the 5th day of February, 1873, the register and receiver of the United States land office in the district of Louisiana recommended that the title of said Duclozel to said land be confirmed. On the 3d day of June, 1874, the Commissioner of the General Land Office recommended that said title be not confirmed, because there was not a complete chain of title shown from said Danterive; but the Commissioner, in such recommendation, says: "Had the present claimant shown actual corporeal possession of the tract of land claimed from the date of his purchase in 1836, it would, in my opinion, in connection with the documents filed, have given him an equitable claim upon Congress for relief, notwithstanding he had failed to complete all the links in his chain of title." Proof has since said Commissioner's recommendation been furnished that said Duclozel entered into actual possession of said land at the time of his purchase, and has ever since continued in the actual possession thereof, and cultivated the same until he sold the same to said Sproule in 1869. Owing to the length of time which has elapsed since the alleged transfers were made of the said land which are necessary in the chain of paper title, and the further fact that said Duclozel and those claiming under him have been in actual possession of said land since 1836, and forasmuch as no other parties have made any claim to said land, the committee reach the conclusion that the said title to the parcel of land hereinafter more particularly described should be confirmed in the said Charles Olivier Duclozel, his heirs, assigns, or transferees, with the limitations and restrictions which the committee have hitherto adopted in similar cases.

Said Duclozel sold said Sproule, with some other lands, a parcel of twelve arpents front on the river Teche by forty arpents depth, being section 79 in township 10, south of range 6 east, in the southwest district of Louisiana. This is the parcel the title to which is desired to be confirmed. When said Duclozel sold said parcel of land to Sproule, he, by his contract, engaged that the title to said parcel of land should be perfected by act of Congress or otherwise. For said land Mr. Sproule executed his notes, which are unpaid. Said Sproule is dead. Said Duclozel is also dead. Legal proceedings are now pending to subject said lands for the benefit of the creditors of said Sproule. The widow of Duclozel is administratrix of the succession of her deceased husband's estate. She cannot collect the purchase-money due on said notes executed by Sproule, unless and until the title to said land is, in some manner, confirmed; and there seems to be no other means to obtain confirmation except by act of Congress. The Government of the United States is in no manner interested in this matter. It is simply a question whether the estate of Charles Olivier Duclozel shall have the money due from Sproule, to be collected by his widow and administratrix, Mrs. Olivier Duclozel, or whether the creditors of said Sproule shall have the benefit of the proceeds of the sale of said land to her exclusion. The committee are of the opinion that the purchase-money due from said Sproule should be first paid out of the proceeds of the sale of said land, and therefore recommend the passage of the accompanying bill.

Mr. BLOUNT. This ought to go to the Committee of the Whole House on the Private Calendar, as it involves an appropriation out of the Treasury.

The SPEAKER. That is a question of fact.

Mr. BLOUNT. It is shown by the papers themselves that it involves an appropriation under Rule 112.

The SPEAKER. Will the gentleman point out where?

Mr. BLOUNT. The purpose is to convey title from the United States.

The SPEAKER. The Chair closely attended to the reading of the bill and report, and the report contains this clause, which the Chair wrote down: "that the Government of the United States in no respect is interested in the matter."

Mr. MARTIN, of West Virginia. None whatever.

Mr. CONGER. Then I object to the United States having anything to do with the business.

The SPEAKER. That is a question of argument.

Mr. BLOUNT. That may be the opinion of the committee, but it must be determined by the House. The bill purports to take title from the United States, and it should go to the Committee of the Whole House on the Private Calendar.

Mr. MARTIN, of West Virginia. It is one thing to grant a title by the United States and quite a different thing where the Government proposes simply to confirm title. That is all this bill proposes to do. The printed record shows the Government has no interest in it whatever, but by reason of the loss of some title papers, under the acts of Congress referred to in the report, the receiver and register of lands in Louisiana could not confirm this title, or else the case would never have come to Congress.

The SPEAKER. Was the title ever in the United States?

Mr. MARTIN, of West Virginia. The title was never in the United States. It is a grant originally of the Spanish government to a man

by the name of Danterive. It becomes necessary, therefore, in the opinion of the Commissioner of the General Land Office, that Congress should interpose in order to enable this widow, the representative of the decedent, to collect purchase-money due the estate. It is a mere question between the estate on the one hand and the creditors of the vendee on the other hand as to who shall have the money.

I insist that the report is right; that the widow ought to have the benefit of this purchase-money according to contract, and ought to be permitted to collect it. It is a mere contest between the widow and heirs of Duclozel on the one hand, the party who sold, and the creditors of the vendee on the other hand, who want to subject the land to the payment of this sum. That is all there is in it.

Mr. CONGER rose.

The SPEAKER. The Chair will hear the gentleman from Michigan on the point of order.

Mr. CONGER. All the lands that could be embraced in this bill, by the Louisiana purchase belonged to the United States unless some title had been given by another government; and if that title had not been made complete it would have been confirmed by this Government. The release of this title confirms it to the claimants here; but if it is not released it belongs to the Government. The very sections referred to were in furtherance of ascertaining who is entitled to the lands.

Mr. MARTIN, of West Virginia. Will the gentleman excuse me for an interruption? I know he wants to be right and I want to be right. The Government of the United States never had any title. It is a grant of the Spanish government to a man of the name of Danterive, in 1775.

Mr. CONGER. That is what I am speaking to. I say all the lands under the Louisiana purchase belonged by treaty and by purchase to the United States, except what had been sold to individuals and except grants that were incomplete, which the United States by the treaty promised to carry out.

Now, either that title belongs to these parties and has been confirmed to them by the Spanish government or by our Government or else the question of title is open. That must be the position of it. It cannot be any other way under the treaty and from the nature of the title. And what is proposed here is worse than confirming a title to an individual in this respect? If this were merely to confirm a title as between the United States and the widow represented here, then it might be proper for us to act upon it now without sending it to the Committee of the Whole; but I say it is not for Congress with this incomplete light upon the subject to determine between two claimants, to step into court and decide which of two claimants is entitled to purchase-money.

Now, I submit that the title must be granted by the United States to this widow for this bill to avail her anything; and it avails for her title not only as against the United States, but as against litigants that are contesting the title with her.

The Speaker well knows the results at one time or another of hasty action in regard to these old Spanish and French claims. We have, within my recollection as a member of the House, been placed by our action, on two or three occasions, in a very false position as individuals by voting for such legislation, and in a false and wrong position as a House of Representatives by passing hastily and without due examination laws which seem all right upon their face, but which are found soon after to have worked great hardship and great wrong to others, and in some cases have been absolute swindles of the Government.

The SPEAKER. The point of order in this case, the Chair desires to say, is confined to the question of fact whether the Government of the United States is in any respect interested in the matter of the ownership of this land, and to discover for himself the fact he desires to ask the gentleman from West Virginia one or two questions: first, whether this grant was made prior to the cession of the Territory; and second, whether the cession of the Territory was made subject to prior grants?

Mr. BUCKNER. If the gentleman from West Virginia will allow me, I will say that nearly all these Mexican and Spanish titles were granted, as I understand, before the cession of the Territory. That is the case in nine out of ten of these claims, and the Government of the United States has not had a particle of interest in them since that time.

Mr. GUNTER. I will add in connection with what has been said by the gentleman from Missouri, [Mr. BUCKNER,] that these same grants embraced a large amount of land, and all of the lands except the small portion here specified given under the grant have been confirmed to the parties heretofore. This has not been confirmed from the fact that some of the papers were lost and there was some little defect, which defect has since been supplied. The Commissioner of the General Land Office states this is a valid grant, made before the Government acquired the Territory of Louisiana, and that the Government is bound to protect these parties in their rights.

The SPEAKER. Has the Government of the United States ever exercised any authority of ownership over this land?

Mr. GUNTER. None whatever, either direct or indirect; but the original purchaser and the grantees from the original purchaser have had the land in possession and occupied it from the time of the grant until the present day.

Mr. ACKLEN. I merely wish to confirm what has already been so clearly stated by the gentleman from West Virginia. I am myself personally cognizant of all the facts in this case, and I desire to state most distinctly that, after a thorough investigation, I am satisfied the United States has not a scintilla of right or of interest in this case at all, nor is there any claim that it has.

Mr. CONGER. I desire to ask the gentleman a question.

Mr. ACKLEN. I must decline to yield.

Mr. CONGER. Then if the gentleman does not desire to enlighten us, so be it.

Mr. ACKLEN. I have the floor.

The grant was a Spanish grant, made, as the gentleman from West Virginia said, to Danterive. The papers upon which the case was based were not found, and the commissioner of the general land office in New Orleans refused therefore to confirm the title. This defect was afterward partly supplied, but, owing to a contract entered into at the time of the sale, it was necessary that the widow of Charles Olivier Duclozel should obtain the confirmation by act of Congress.

The point of order cannot be sustained because the United States has no interest at stake.

Mr. WILBER. From that showing I cannot see what the United States has to do with the case. If they have no title to this land, of course they can give none. I insist upon it that the Government of the United States cannot grant any title to what they do not hold.

Mr. ACKLEN. I will answer the gentleman in the words of the gentleman from West Virginia [Mr. MARTIN] by simply saying that the distinction is very broad between making a title and confirming a title. The confirmation of a title is merely carrying out an act already performed. That act was performed by the Spanish government, and not by the United States Government. The United States Government accepted this territory with the distinct understanding that all these Spanish grants should be respected, and under these circumstances I cannot see why the case is not perfectly clear to every member of this House. This is the unanimous report of the Committee on Private Land Claims, and a similar unanimous report was made by the same committee in the Forty-fifth Congress. The members of the Committee on Private Land Claims have investigated the subject fully and thoroughly in both Congresses, and they united in making a unanimous report. The statement, the mere statement that the Government has no interest in this land should be sufficient to settle the matter in the mind of any member of the House.

Mr. BLOUNT. It seems to me from the fact stated by the gentleman from Louisiana that the bill is clearly subject to the point of order. If I understand the gentleman, he claims that this was a grant from the Spanish government, and that the evidence of that grant was all destroyed, and that then there was a transfer of this territory to the Government of the United States. The United States Government then stands in just the same relation to this party that the Spanish government did, to wit, that these gentlemen claim that there has been a grant of this property from the Government of the United States. They have no evidence of it. There is no evidence of any title given by the United States, and these men are here asking that their title shall be confirmed. It is just the same as if they claim that they held it under the United States, and they are here saying that they have lost their papers and asking that the error be corrected and the conveyance given to them.

Mr. WILBER. That is just my idea exactly.

Mr. MARTIN, of West Virginia. I am sure that if gentlemen understood this case perfectly there could be no possible objection to the bill.

The SPEAKER. The Chair does not desire to hear an argument on the merits of the bill, but wishes to hear discussion only upon the point of order.

Mr. MARTIN, of West Virginia. To do that I am bound to state the facts, and I will give you the facts if I understand them correctly. I have examined this case with great care, as I do all cases that are referred to me. This was a grant made by the Spanish government in 1775 to a man by the name of Danterive of a large parcel of land.

The titles of portions of the land lying all around this piece have been confirmed to the claimants by the courts, by the register and receiver of the land office in Louisiana, and by everybody.

It is now a naked question whether Danterive is the owner of this piece of land, a little over one hundred acres, or rather whether his estate shall receive the benefit of the purchase-money that he contracted for, or whether the creditors of this man Sproule, to whom he sold, shall consume it all and then rob the Berard estate. That is all there is in it.

Now, it is true that, upon the point of order, whatever title the Spanish government had to this land it transferred it to the United States, but it had no title in fact. The original grant seems to have been lost, and that was the only trouble in this case or the title would have been confirmed without coming to Congress.

The SPEAKER. The Chair would ask the gentleman whether there was ever any title to this land, in his judgment, in the United States?

Mr. MARTIN, of West Virginia. None whatever.

The SPEAKER. Was there any contingent interest of the Spanish government which was conveyed to the Government of the United States?

Mr. MARTIN, of West Virginia. None whatever that I am aware of. Spain could not grant to the United States, in her cession of territory, that which she did not herself possess.

The SPEAKER. The Chair did not quite understand the remark made by the gentleman a moment ago, that if there was any title resting in the Spanish government, that interest was transferred to the United States.

Mr. MARTIN, of West Virginia. The cession would have transferred to the United States whatever interest the Spanish government had in this land.

The SPEAKER. The Chair is endeavoring to find out, directly or indirectly, whether there was any interest in this land that passed from the Spanish government to the United States Government by which the United States acquired a title to this land.

Mr. MARTIN, of West Virginia. There could not be, except in this——

The SPEAKER. The Chair wants the exception.

Mr. MARTIN, of West Virginia. I will give the Chair the exception, as I understand it. If the loss of a title paper, the original grant from Spain, would rob the grantees of their right of property and give it to the United States, then it might be so in this case. But the loss of a title never robbed a man of his right to the property, either in Congress or in court, if it could be shown that such paper had existed. It is shown in this case that the grant was made, and has been recognized, and lands have been confirmed all around this parcel of land.

Mr. CONGER. Has the morning hour expired?

The SPEAKER. It has, and this bill will go over until the next morning hour when this class of business will be in order, which will be on Friday next.

CATTLE DISEASES.

Mr. HATCH. I am directed by the Committee on Agriculture to report back with a favorable recommendation the bill (H. R. No. 1378) to prevent the exportation of diseased cattle and the spread of infectious and contagious diseases among domestic animals.

Mr. BLOUNT. I hope the gentleman will ask that some day be fixed for the consideration of that bill. I desire to have some time to examine it.

The SPEAKER. What is the object of the gentleman in reporting the bill?

Mr. BLOUNT. I understood that the gentleman reported it for consideration at this time.

The SPEAKER. The gentleman has the right to report it at any time.

Mr. HATCH. I ask that the bill be set for consideration on Tuesday next after the morning hour.

Mr. WHITE. Is there any report accompanying the bill?

Mr. HATCH. There is not; the bill is the report.

The SPEAKER. Under the action of the House the Committee on Agriculture has the right to report this bill at any time. The gentleman from Missouri [Mr. HATCH] now reports the bill, and asks that it be set for consideration on Tuesday next after the morning hour.

Mr. CONGER. Not to interfere with appropriation bills.

Mr. KENNA. And not to interfere with the silver bill, should it go over until that time.

The SPEAKER. The Chair thinks the silver bill will be disposed of before that time.

Mr. KENNA. So do I, but it may not be.

The SPEAKER. Then the bill will be set for consideration on Tuesday next after the morning hour, if there be no objection, subject to appropriation bills and to the silver bill should that be pending at the time.

There was no objection, and it was so ordered.

TAX ON LEAF-TOBACCO.

Mr. HATCH. I also desire to report another bill and have it set for consideration on Tuesday next.

The SPEAKER. Does the committee have the right to report the bill at any time?

Mr. HATCH. It is from the same committee.

Mr. YOUNG, of Tennessee. I must object. I wanted some time ago to report a much more important bill and have it set for consideration on an early day next week, and it was objected to.

Mr. WARNER. I call for the regular order.

The SPEAKER. The call for the regular order excludes the bill, because the Committee on Agriculture is not authorized to report it at any time.

Mr. HATCH. I do not think there will be objection to it.

The SPEAKER. The title of the bill will be read, after which the Chair will ask for objection.

The title of the bill was "A bill (H.R. No. 933) to repeal so much of the sixth clause of section 3244 of the Revised Statutes as prohibits farmers and planters from selling leaf-tobacco at retail directly to consumers without the payment of a special tax, and to allow farmers and planters to sell leaf-tobacco of their own production to other persons than manufacturers of tobacco without special tax."

Mr. CONGER. I move that the bill be referred to the Committee of Ways and Means.

Mr. WARNER. I object to the bill being reported.

The SPEAKER. Objection is made to reporting the bill, and therefore the motion to refer is not in order.

WATER SERVICE.

Mr. HENKLE, by unanimous consent, introduced a bill (H. R. No. 2005) to confer upon the commissioners of the District of Columbia the powers, duties, and limitations contained in chapter 8, "water service," of the Revised Statutes of the United States relating to the District of Columbia, and for other purposes; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed, not to be brought back on a motion to reconsider.

JACOB D. HUTTON.

Mr. LOUNSBERY, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee of Accounts:

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to pay to Jacob D. Hutton out of the contingent fund of the House the amount of one month's salary as a messenger on the soldiers' roll, from the date of his discharge from said roll.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BACHMAN, until Wednesday next;

To Mr. JOHNSTON, until Monday; and

To Mr. PRICE, for ten days, on account of important business.

NATIONAL BOARD OF HEALTH.

Mr. YOUNG, of Tennessee. The gentleman from Ohio [Mr. WARNER] yields to me to again ask consent of the House to fix a day for the consideration of the quarantine bill.

The SPEAKER. The gentleman from Ohio has not control of the floor; the House has control of the business.

Mr. YOUNG, of Tennessee. I thought it but due to the gentleman from Ohio, who has charge of the bill which is the regular order, to obtain his consent for me to submit the request.

The SPEAKER. The Chair will hear the request of the gentleman and submit it to the House.

Mr. YOUNG, of Tennessee. I ask unanimous consent of the House that leave be given to report on Thursday next after the morning hour the bill (H. R. No. 1604) to increase the efficiency of the National Board of Health and to prevent the introduction into or spread within the United States of contagious or infectious diseases. That is a very important bill, and I think the House should fix some early day for its consideration.

Mr. WARNER. Not to interfere with the coinage bill should it go over until that time.

Mr. ALDRICH, of Rhode Island. I withdraw my objection if the bill is set down definitely for Tuesday next after the morning hour.

The SPEAKER. The proposition is to assign Thursday next after the morning hour for the consideration of the bill.

There was no objection, and it was so ordered.

IMPORTATION OF NEAT CATTLE.

Mr. COVERT, by unanimous consent, introduced a bill (H. R. No. 2006) to amend sections 2493 and 2494 of the Revised Statutes, relative to the importation of neat cattle into the United States for breeding purposes; which was read a first and second time, referred to the Committee on Agriculture, and ordered to be printed.

CLAIM OF CHOCTAW NATION.

Mr. HOOKER, by unanimous consent, presented a report of the Committee on Indian Affairs upon the bill (H. R. No. 440) for the ascertainment of the amount due the Choctaw Nation; which was ordered to be printed and recommitted, not to be brought back on a motion to reconsider.

MARY P. THOMPSON.

Mr. BAYNE, by unanimous consent, introduced a bill (H. R. No. 2007) granting a pension to Mary P. Thompson, widow of James B. Thompson, late captain Company F, One hundred and ninetieth Regiment Pennsylvania Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

PROPOSED ADJOURNMENT TILL MONDAY.

Mr. WHITE. I move that when the House adjourns to-day, it adjourn to meet on Monday next.

The question being taken, there were—ayes 82, noes 83.

Mr. WHITE. I call for tellers.

Mr. WARNER. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 97, nays 122, not voting 66; as follows:

YEAS—97.

Aldrich, N. W.	Briggs,	Deering,	Garfield,
Aldrich, William	Browne,	Deuster,	Godshalk,
Anderson,	Burrows,	Dick,	Hammond, John
Bailey,	Carpenter,	Dunnell,	Harmer,
Barber,	Chittenden,	Dwight,	Haskell,
Bayne,	Claflin,	Einstein,	Hawk,
Bicknell,	Covert,	Errett,	Hawley,
Bingham,	Cowgill,	Ferdon,	Hayes,
Bliss,	Crowley,	Field,	Hazelton,
Bowman,	Culberson,	Fisher,	Henderson,
Boyd,	Daggett,	Fort,	Hiscock,
Brewer,	Davis, George R.	Frye,	Horr,

Houk,	Miles,	Price,	Voorhis,
Hubbell,	Mitchell,	Rice,	Wait,
Humphrey,	Monroe,	Robeson,	Ward,
Hurd,	Morrison,	Robinson,	Washburn,
Joyce,	Morse,	Ryan, Thomas	White,
Lapham,	Morton,	Shallenberger,	Whiteaker,
Lindsey,	Myers,	Smith, A. Herr	Wilber,
Lounsbery,	Newberry,	Stone,	Williams, C. G.
Marsh,	Norcross,	Townsend, Amos	Willits,
Martin, Joseph J.	O'Neill,	Tyler,	Young, Thomas L.
Mason,	Orth,	Updegraff, J. T.	
McGowan,	Osmer,	Urner,	
McKinley,	Poehler,	Valentine,	

NAYS—122.

Acklen,	Dibrell,	Knott,	Singleton, O. R.
Aiken,	Dickey,	Ladd,	Slemons,
Armfield,	Dunn,	Le Fevre,	Smith, Hezekiah B.
Atherton,	Elam,	Lewis,	Smith, William E.
Atkins,	Evins,	Lowe,	Sparks,
Beale,	Ewing,	Manning,	Springer,
Beltzhoover,	Farr,	Martin, Benj. F.	Steele,
Blackburn,	Felton,	McCoid,	Stephens,
Blake,	Finley,	McKenzie,	Stevenson,
Blount,	Ford,	McMahon,	Talbott,
Bouck,	Forney,	McMillin,	Taylor,
Bright,	Geddes,	Money,	Thompson,
Buckner,	Gibson,	Muldrow,	Tillman,
Cabell,	Gillette,	Murch,	Townshend, R. W.
Caldwell,	Goode,	New,	Turner, Oscar
Cannon,	Gunter,	Nicholls,	Turner, Thomas
Caswell,	Hall,	Overton,	Updegraff, Thomas
Chalmers,	Harris, John T.	Persons,	Vance,
Clardy,	Hatch,	Phelps,	Waddill,
Clark, John B.	Henkle,	Phister,	Warner,
Clymer,	Henry,	Reagan,	Weaver,
Cobb,	Herbert,	Reed,	Wellborn,
Coffroth,	Hooker,	Richardson, J. S.	Whitthorne,
Conger,	Hostetler,	Robertson,	Williams, Thomas
Converse,	House,	Russell, Daniel L.	Willis,
Cook,	Hunton,	Ryon, John W.	Wilson,
Cox,	Jones,	Samford,	Wise,
Cravens,	Kelley,	Sawyer,	Wright,
Davis, Joseph J.	Kenna,	Scales,	Yocum.
Davis, Loundes H.	King,	Sherwin,	
De La Matyr,	Kitchin,	Singleton, J. W.	

NOT VOTING—66.

Bachman,	Forsythe,	Loring,	Rothwell,
Baker,	Frost,	Martin, Edward L.	Russell, William A.
Ballou,	Hammond, N. J.	McCook,	Sapp,
Barlow,	Harris, Benj. W.	McLane,	Shelley,
Beltord,	Heilman,	Miller,	Simonton,
Bland,	Herndon,	Mills,	Spear,
Bragg,	Hill,	Muller,	Starin,
Brigham,	Hull,	Neal,	Thomas,
Butterworth,	James,	O'Brien,	Tucker,
Calkins,	Johnston,	O'Connor,	Van Aernam,
Camp,	Jorgensen,	O'Reilly,	Van Voorhis,
Carlisle,	Keifer,	Pierce,	Wells,
Clark, Alvah A.	Ketcham,	Pound,	Wood, Fernando
Colerick,	Killinger,	Prescott,	Wood, Walter A.
Crapo,	Kimmel,	Richardson, D. P.	Young, Casey.
Davidson.	Klotz,	Richmond,	
Ellis,	Lay,	Ross,	

So the House refused to adjourn over.

During the roll-call the following announcements were made:

Mr. ROSS. I am paired with Mr. YOUNG, of Tennessee. If he were present, he would vote in the negative, while I should vote in the affirmative.

Mr. SHELLEY. I am paired with Mr. KETCHAM, of New York. If he were present, I would vote in the affirmative.

Mr. HERNDON. I am paired with Mr. CRAPO.

Mr. COBB. My colleague, Mr. COLERICK, is paired with Mr. BALLOU, of Rhode Island. If here, my colleague would vote in the negative.

Mr. AIKEN. I have been requested to announce that Mr. HULL, of Florida, is paired with Mr. RICHARDSON, of New York; and that Mr. DAVIDSON, who is absent on account of sickness in his family, is paired with Mr. SAPP.

Mr. BLOUNT. My colleague, Mr. HAMMOND, is paired with Mr. VAN VOORHIS, of New York, and my other colleague, Mr. SPEER, with Mr. RUSSELL, of Massachusetts.

Mr. KING. My colleague, Mr. ELLIS, who is absent by leave of the House, is paired with Mr. LORING, of Massachusetts.

Mr. NEWBERRY. I have been requested to announce that Mr. RICHMOND, of Virginia, is paired with Mr. PRESCOTT, of New York.

Mr. SAPP. I am paired on all questions with Mr. DAVIDSON, of Florida, who is detained from the House on account of sickness in his family.

Mr. TOWNSEND, of Ohio. I have been requested to announce that my colleague, Mr. KEIFER, is paired with Mr. SIMONTON, of Tennessee.

Mr. DICK. My colleague, Mr. KILLINGER, is paired with Mr. WELLS, of Missouri.

Mr. STONE. Mr. STARIN is paired with Mr. BACHMAN.

On motion of Mr. TOWNSEND, of Ohio, by unanimous consent, the reading of the names was dispensed with.

The vote was then announced as above recorded.

Mr. GARFIELD. Let us adjourn; we are all tired of this thing.

Mr. WARNER. I call for the regular order of business.

COINAGE CERTIFICATES, ETC.

The House resumed the consideration of the bill (H. R. No. 564) to amend certain sections of the Revised Statutes of the United States relating to coinage and coin and bullion certificates, and for other purposes.

The SPEAKER. The question recurs on the following amendment moved by the gentleman from Texas, [Mr. MILLS:]

Strike out section 3 from the fourth to the fifteenth line, inclusive, and insert:

SEC. 3520. That the Secretary of the Treasury is hereby authorized and directed to purchase, without limit, all silver bullion, trade-dollars, and foreign silver coins that may be offered for sale at the market value of silver, and such purchases shall be continued as long as 412½ grains of standard silver can be purchased for one dollar of legal-tender Treasury notes. All such purchases shall be paid for with a new issue of legal-tender Treasury notes. And all holders of any of the silver coins of the United States may present the same in any sum not less than $20 and receive therefor legal-tender Treasury notes at par for the same. That all silver coins of the United States shall be receivable in payment of all Government dues and shall be a legal tender in payment of all debts, public or private, for any sum whatever. And the Secretary of the Treasury is hereby directed to have the silver bullion, trade-dollars, and foreign silver pieces coined as fast as possible into American silver coins and to apply all silver coins of the United States that may come into the Treasury to the payment of the interest and principal of the public debt before using any of the gold or Treasury notes of the Government for such purpose.

Mr. MILLS. Mr. Speaker, there are two objects which may be obtained by the coining of silver, and I understand that it is the desire of the people to utilize silver for the attainment of these two objects. One of those objects is proposed to be reached by the bill, and one only, and that is to increase the volume of money, thereby depreciating the value of money and increasing the value of all property and labor, and lead to the employment of the idle labor of the country. The other object is to utilize all silver in the payment of all public and private indebtedness of the country, and that object this bill does not propose to reach. The amendment which I offer proposes to cover both grounds. Instead of free coinage of silver, permitting the mints to be run in the interest of the bullion-holders to their profit, and the coinage of silver to be made by the Government mints and thrown into circulation, I propose that the Government shall purchase all silver it can with Treasury notes or with gold, or with both. The gold dollar is at a premium of sixteen cents over the silver dollar. The Treasury-note dollar, being based upon the gold dollar, is of course just as valuable as a gold dollar. It is sixteen cents premium over the silver dollar.

Mr. ATKINS. The legal tender?

Mr. MILLS. No, the silver that may be made into a legal tender.

Mr. WARNER. Not its purchasing power.

Mr. MILLS. Yes, its purchasing power. If the legal-tender dollar is the same as the gold dollar its purchasing power is the same. And that it is the same is proved to-day by the Treasury having one hundred and forty or one hundred and fifty millions of dollars of gold in its vaults which can be called for in exchange for the Treasury notes of the Government. But the holders of the Treasury notes refuse to demand the gold; the Treasury note being equal in all power to the gold dollar.

Now what I propose is that the Government shall purchase silver in unlimited quantities and coin it; coin it all for the benefit of the people and give it all the debt-paying power of the legal-tender dollar; that the dollar, half dollar, quarter dollar, and dime—in a word, all the silver coins struck from your mints shall be invested with all the functions of money; that they shall measure value, exchange value, and pay value. Well, what will be the result of that when you give them all this debt-paying power.

Then the silver that comes into the Treasury can be used in payment of your public debt. You cannot pay it with Treasury notes, for the creditor holds you are bound to pay him in coin. But you can pay it with the cheaper metal, with silver when it is cheaper than gold. And it is the duty of the Government to pay the people's debts, just as you would pay your own debts, with the cheaper metal.

But you cannot pay the public debt with silver if you merely coin for the bullion-holder who owns the Nevada mines, because you simply coin his bullion for him, and he takes it back in the form of coin. But if you purchase the silver you help to bring the Treasury notes into circulation, and you coin the dollar as your own, and then you make use of that dollar in the payment of your indebtedness.

I further provide in my amendment that all persons having these silver coins may bring them to the Treasury in any quantity, $50,000 or $100,000 or any other amount, and exchange them at par for legal-tender notes. Now, the Treasury note is a much more convenient money than the silver money. It is not so heavy, of course. It is equally valuable with gold. And just as long as the Treasury note is worth ¼ per cent. more than the silver dollar all the silver would go into the Treasury to get the benefit of the ¼ per cent. premium. And when it goes to the Treasury, either by purchase or exchange, the Secretary is directed to pay it on the public debt before using the gold or Treasury notes. When a large amount of silver shall be coined and in circulation it will seek the Treasury to be exchanged for the more convenient and equally valuable Treasury-note money, which may be constantly applied in reduction of the public debt. We cannot pay the debt in gold. The creditor will not accept it in paper, and silver is our only hope for deliverance from its burden. I trust we shall not disappoint the reasonable expectations of our people by refusing to use it for that purpose.

[Here the hammer fell.]

Mr. CASWELL. The charge has so often been made in this House that the silver dollar was omitted from the coinage act of 1873 by a trick or fraud that I deem it proper to call the attention of the House to a little history which seems to me to dispel any such idea. Prior to the act of 1873 the silver dollar commanded for sixteen years a premium of 1 to 4 per cent. It will readily be seen that the United States Government could not afford to coin and continue in circulation in the United States a silver dollar that was worth three to four cents premium over gold. Such an act would have been in the interest of the creditor and bondholder instead of against him; for it would have been in his interest to continue the coinage and use of money which would command a premium in the United States and abroad. I, myself, believe it was a mistake to make such omission, but it is one of those mistakes which can better be seen after a few years' experience than before.

Mr. Washington Townsend, a distinguished member of this House in the Forty-fourth Congress, made a speech in reply to a charge of that character, and I cannot do better than send to the Clerk's desk and ask that there be read two paragraphs of that speech which I have marked in pencil.

The Clerk read as follows:

Mr. TOWNSEND, of Pennsylvania. Mr. Speaker, I do not want to detain the House at this late hour of the afternoon, but as the complaint appears to be that by legislation of Congress the silver dollar was demonetized, and as the charge has been made by the gentleman from Missouri [Mr. BLAND] that it was done surreptitiously and perpetrated an injustice and a fraud upon the people, I wish to say to the House that I have here in my hand the whole proceedings from the conception of the idea of the demonetization of the silver dollar down to the final consummation in the law of 1873.

In the report which was made by Mr. J. J. Knox, now the Comptroller of the Currency, in 1870, with regard to the reorganization of the Mint and the draught of a bill which accompanied it, the silver dollar of 412½ grains was left entirely out. In the correspondence which took place between the Treasury Department and the officers of the Mint and scientific men all over the country it was the almost unanimous conclusion of those learned men, who had bestowed attention on the subject, that the dollar of 412½ grains should be omitted. In the session of 1871, as has already been stated, my colleague from Pennsylvania [Mr. KELLEY] offered a bill in which that dollar was not mentioned at all. It is No. 5 of the first session of the Forty-second Congress. It was reported again by Mr. KELLEY on January 9, 1872, with his recommendation that it do pass, and was debated by him and Potter, GARFIELD, Holman, and others. On the next day the consideration of it was resumed, and my colleague explained the bill and it was recommitted. It was reported back by Mr. Hooper as bill No. 1427 on the 9th of February having in it a subsidiary dollar of 384 grains and divisions thereof, but omitting the old dollar of 412½ grains and providing that no coins of gold, silver, or minor coinage other than those of the denominations, standards, and weights therein set forth should be coined. Mr. Hooper explained it in ten columns of the Globe, and stated specifically that the reason the dollar was reduced to 384 grains was that the silver dollar was worth one hundred and three cents in gold and was exported and we could not keep it here. My colleague, [Mr. KELLEY,] then chairman of the Committee on Coinage, Weights, and Measures, gave most substantial reasons for the omission of the old dollar, the sound policy of which I most heartily indorse, especially his observations on the double standard.

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The debate occupied nearly forty columns of the Globe, so that there was no smuggling about it; but the attention was called to the change in the silver dollar and its reduction to a subsidiary coin. (See Globe, volume 89, pages 2304 to 2317.)

Later in the session (May 27) Mr. Hooper reported a substitute, (No. 2934,) which, so far as the silver dollar was concerned, was precisely similar to the preceding one, all of them ignoring the old dollar and restricting the legal tender of the subsidiary coins to $5. That bill was debated by Messrs. Hooper, Brooks, Holman, Farnsworth, Sargent, Kerr, and McNeely.

Mr. McNeely was a member of the Committee on Coinage, and said:

"As a member of the Committee on Coinage, Weights, and Measures, having carefully examined every section and line of this bill, and generally well understanding the subject before us, I am satisfied that the bill ought to pass. It was thoroughly investigated by everybody who felt an interest in it, and passed, as has been stated, by a vote of 110 to 13."

It was twenty-two times before the House and Senate, and occupied over thirty-nine columns of the Globe in its discussion.

Mr. CASWELL. Mr. Speaker, the bill under consideration proposes to convert 412½ grains of silver bullion into a currency dollar which shall be receivable for all public dues, including duties on imports, and made a part of the lawful money reserve which is held by national banks. This is the widest departure from a sound currency ever proposed in the Congress of the United States. Should the bill become a law, it would benefit no one, except the possessors of silver bullion. It would injure every other man, and every branch of business in the country.

It would be better known if it were entitled "A bill to increase the price of silver bullion." It can have no effect upon the other products, or the industries of the country, except as they may be embarrassed and injured by a complete destruction of the standard of values. All foreign silver, whether in coin or not, is but bullion in this country, and 412½ grains of it is worth in the market of the world only eighty-five cents; yet by this bill we propose to say to everybody in this or any other country, "Bring your silver here, coin or bullion, and we will issue you a dollar for every 412½ grains." What vein of prosperity have we encountered that enables us to be so liberal? Or what necessity exists there which would justify a step so radical? Are we so much in want of more money for a circulating medium that we can afford to issue paper and sell it at 15 per cent. discount?

Free coinage is also provided for in this bill. That is essential to the consummation of this gigantic swindle perpetrated in the interests of bullionists upon the people and business of the whole country. Free coinage of the silver dollar, now authorized by law, means to give to the owners of bullion the 15 per cent. profit now realized by the Government on every dollar coined at the mints. Not content with turning over and giving to them this profit on the amount actually coined, the bill goes further and proposes to give them a like advantage upon all the bullion they can bring and deposit in the United States Treasury. With this premium offered, all the silver at home and abroad would find its way to our Treasury for deposit; our Treasury and sub-treasury buildings would soon be converted into warehouses filled with merchandise in the form of silver bullion.

For all this we propose to issue certificates of deposit, at the rate of $1 for every eighty-five cents in value, and upon such paper, representing merchandise, we are to conduct the business of the country. If the full value of a dollar were thus deposited there would be some appearance of honest dealing in the transaction, as the bullion could be drawn and converted into money, but to issue a certificate of $1 for eighty-five cents in value and force it upon the people as a full dollar is a swindle of the grossest kind.

These certificates, if issued, would not be money. We might as well say our warehouse receipts for wheat in store at the West shall be used as money, and with much greater propriety, for there would be no pretense of using them for more than their real value.

I am not opposed to silver, or the double standard of money; I am in favor of it, and of the silver dollar as it now is; but I confess I would be better satisfied if it contained a dollar's worth of silver. If that were so, I would be in favor of free and unlimited coinage. I was on the committee in the Forty-fourth Congress, which reported the first bill restoring the silver dollar, and gave it my vote and consent, but not until I had made repeated efforts to increase its weight and value. I finally gave it my support, because the profit arising from coining 412½ grains of silver into a dollar would belong to the United States and be shared by all the people alike, but when it is proposed to turn that profit from the Government into the pockets of the bullionist, brokers, and men of capital, who can deal in silver, giving to them 15 per cent. profit on all the silver bullion and foreign coin they are able to gather up and deposit in the Treasury, I protest against it.

Since I have been here I have heard much from the democratic side of the Chamber against class legislation. Never was a more flagrant step in the interests of a class than is proposed by this bill. Bullion is a mere product, an article of merchandise—nothing more, nothing less. It has a market value like other products. In this respect it is not unlike iron, lead, copper, wheat, or other staple. Unless it has passed through the mint it has none of the characteristics of money. Why, then, should we give to the holders of silver bullion, foreign or domestic, 15 per cent. above the market value for all their products? Would not that be class legislation of the worst kind?

Is there any reason for enacting a law that $850 invested in silver shall be worth and computed as much in ordinary business transactions as $1,000 invested in any of the other products I have named? If it were proposed to add this profit to the productions of our own mines and no other, as provided for in the amendment of the gentleman from Colorado, [Mr. BELFORD,] it would be more tenable. But that could not be justified upon principle. The gratuity, however, is to extend to the productions of all countries.

The passage of this bill can add no material wealth to the country. Nothing will be created by it. It only gives to him who is so fortunate as to have a quantity of silver bullion the right to use it in the discharge of obligations due to the Government with 15 per cent. premium added, or such difference as there may be between the value of 412½ grains of silver and one dollar. Being receivable for public dues it will take the place of a circulating medium to a large extent among the people. The $240,000,000 revenue now collected annually into the Treasury would be paid in these certificates, which would cost the depositor only $204,000,000, a loss to the Treasury of $36,000,000 annually. These certificates could not be used, however, in the discharge of obligations against the Government. They could not be a legal tender to individuals. It is not in the power of Congress to make them such. The Government can receive no advantage by this law. The loss will be very great to the many, the advantage to the few. Whenever a law is enacted in the interests of a part, giving them a pecuniary advantage, we thereby levy that advantage upon all the others, and compel them to make it good. The gain to one is just so much loss to the others. If, then, we give these bullion dealers a profit we take just that amount from the products of others.

Mr. Speaker, what is the occasion for such a law? Why destroy the money standard of the country and substitute therefor an uncertain, fluctuating medium, based upon an article of merchandise, debased at that. Contrary to the predictions of these very men who are forcing upon the country this reckless scheme, resumption has become a success, and the entire volume of currency now in circulation is at par with gold coin, something which has never existed before in this country since we have used a paper medium. Confidence has to some extent been restored. Business is beginning to take shape and revive. Interest upon capital will grow less as the stability of investments are increased.

But what do we now see? The democratic party, controlling the Congress under the financial nanagement of the greenback element, are threatening the country with a policy which will destroy all hope of prosperity in business circles.

These constant efforts to obtain money without earning or giving an equivalent for it make honest men tremble, and capital is forced to seek investment with the Government at 4 per cent. interest rather than take chances in any of our industries. A long-time security is

preferred, with a view to bridge over the period of fanaticism. What is to be gained by this bill? Is free coinage so desirable that we can afford to discriminate so largely in favor of every one who will bring to the mint material for coinage when the Government can purchase, and does now purchase without the least difficulty, a supply to the fullest capacity of our mints, reserving to itself the profits? What is to be gained by the lodgment of bullion in the vaults of the Treasury? Do men suppose the people will sustain such a departure from every principle of sound financiering and from the standard of money fixed by our fathers in the Constitution? The Supreme Court have defined a dollar to be a certain weight and fineness of gold or silver coined in the mints with the stamp of the United States upon it. This is the only dollar which can be issued and upheld in the time of peace. Without these characteristics it cannot be recognized as money. A shower of bullion certificates upon the country in the manner provided in this bill can do no good. It could not be in the interests of the debtor class, for these certificates cannot be made available for the payment of debts except to the United States. It would not help the poor, for they have neither foreign coin nor bullion to convert into certificates. It would not reward labor by paying it eighty-five cents for a dollar.

No class of people would be so cheated and swindled as the laboring class by the use of these certificates in the place of money. The merchant can adjust his prices with those of other countries; so will the producer to a large extent. But he, too, will suffer. The prices of exportable products are fixed in foreign countries; even the price of the surplus which is shipped abroad establishes the price of that which is consumed at home. Purchases of produce are made from first hands in the debased currency wherever there is any, but the shipper receives from his consignee payment in coin or its equivalent. A depreciated currency is always kept in circulation among the common people and the laboring classes, while the capitalist transacts his business with exchange upon a gold basis. The prices fixed in coin are thus paid out to the producer and laborer in a debased currency and they sustain the loss.

The silver dollar which is now being coined is put into circulation with great difficulty. If paid out at the Treasury it is returned at once. Two-thirds of all that has been coined lies in the vaults of the Government. It is not worth a full dollar, and can pass as such only by force of law, which makes it a legal tender. Bullion certificates would be wanting in this: they would pass to a heavy discount and become the trading stock of bankers and brokers. Do we need more money for the transaction of business? Do the products of the West bring less because there is not sufficient money to move them to the seaboard with ease? Are the avenues of trade blocked and the merchant and shipper embarrassed by the want of money? If any one believes this let him look at facts and witness the large volume of money lying unemployed in the cities. We have a paper currency now in circulation amounting to $688,000,000, besides the gold and silver coin brought into use by resumption. France has a paper currency of $445,000,000, Great Britain only $231,000,000, and Germany $152,000,000. We have more than France and Great Britain together, more than double that of Great Britain and Germany together, and lack only $140,000,000 of having as much as all these countries. France has more coin than we, but it lies mostly in bank for the redemption of the currency, and must be drawn out for no other purpose, and the volume of money in circulation cannot be increased.

If the people of these countries can transact business with a medium so much less than ours with a success which has made them distinguished, cannot we transact our business with the money which we have? No better evidence is needed of the great volume of money unemployed in this country than the recent subscriptions to the 4 per loan, involving transactions of over $100,000,000 in a single day. It is idle to spend our time in trying to create more money, and it is worse than idle to attempt to manufacture a debased substitute. Let us rather turn our attention to the production of something which will add to our real wealth. Let us consume less time in trying to obtain money before it is earned and more time in producing something which can be exchanged for it. In this lies the great error of those constantly tinkering with the currency. Turn it over and change it as often as we may, these finance doctors will be met by the irresistible laws of trade, and they cannot get money honestly unless they earn or give an equivalent for it.

If we would serve our country best, we would leave undisturbed the question of finance. The people desire it; business of every kind demands it. The money which we already have is ample, and it is as good as the world produces. We have paper money in abundance and coin enough to make sure its redemption. No nation in the world has a safer, sounder, or more convenient monetary system than we have. Why not, then, let it rest? Instead of increasing the volume of idle money, we need continued confidence in that which we have. The road to prosperity is not one of more money, but it is the one which will give employ to the money which we now have.

If we would serve our country, let us open the avenues of trade, encourage manufacturing, emigration, and settlement and improvement of the public lands. Turn our attention to these and the labor and industries of the country, and we will find capital and money in large quantities coming to our aid for investment.

There is another feature of this bill which illustrates the reckless policy which is being pressed forward. If it were the work of a single member we might think it less characteristic, but it has the sanction of a committee and the usual prestige which attaches thereto.

The clause to which I invite attention provides that these bullion certificates "may be computed as part of the lawful money reserve of national banks."

What is this lawful money reserve? It is a fund held for the protection of bill-holders. The banks are required by law to keep it at all times for the redemption of their circulating notes. It must be a legal tender or it would not be available for that purpose. Every one knows, sir, that neither bullion nor these certificates can be made a legal tender. To present to a bank its bills, worth par in gold coin, and receive in exchange or in redemption of the bills presented a certificate of deposit representing eighty-five cents of merchandise, would be such a protection to bill-holders as would disgrace any system of banking in the world. It would be a mockery, a sham; and if this proposition should come from the banks it would condemn them forever.

Another inconsistency equally great but more destructive of the public interests is found in the bill. It is that which obliges the Government to receive these certificates for all public dues, taxes, or revenues, while not a single dollar can be used for the payment or discharge of liabilities against the Government. It would be unwise indeed to compel the Government to receive its taxes in a fund which it could not in turn use for its own purposes. Such certificates would cost the holder but little more than eighty-five cents on the dollar. The entire receipts of the Treasury would soon be of this kind of paper, and we should be compelled to purchase at large expense a fund for the liquidation of our current expenses, to meet our bonds and checks, as well as obligations to the Army and Navy. Nothing can be available for any of these purposes except a legal tender. A sound policy would require that the Government should collect its revenues in a fund that would be available for the liquidation of its own liabilities; something in which it could meet its current expenses and pay off its debts. But under this bill its receipts would be largely of a fund that could in no way be used for that purpose. Is this to be the financial policy of the party now assuming control of the Government? Is this the relief about which our friends on the other side of the Chamber talk so much?

This seems to have become the doctrine of the party, once so famous for its adherence to the constitutional dollar, degenerated from the policy of Jackson to the new light and dispensation of the greenback element. The compact between the democratic and national party is too apparent. The one is to dictate the political, the other the financial policy of the Government in the future. The one is to re-establish the authority of the States over the Federal Government. The other to overturn and destroy the whole system of finance, which has become settled and so successfully as to attract the admiration of the whole world. No doubt can be entertained but if this bill shall become a law it will be the most radical as well as the most useless change ever adopted in any country. But something must be done at this extra session to avert public attention and arrest the censure which is sure to fall upon those who are responsible for its continuance. But in this they will fail. In these efforts to appease the wrath of the people a discordant element is being injected into the business circles which will recoil upon the perpetrators with an effect never hitherto witnessed. Whoever undertakes to overthrow and depart from the standard of money established by the Constitution of our fathers, and substitute a plan so wild and visionary as the one under consideration will be swept into the whirlpool of oblivion.

Mr. Speaker, thus far I have discussed these questions upon the principle of maintaining a bi-standard of money. The bill under consideration, as well as the law as it now stands, is based upon that standard. I am in favor of retaining both gold and silver in circulation. Both metals are produced in large quantities in the mines of our own country, and it will promote our prosperity to continue their use.

During the fiscal year 1878, the gold production of the United States was $47,226,000; silver, $46,726,000. The coinage was $52,798,000 of gold and $28,290,000 of silver; a total of $81,098,000.

The most careful estimates place the amount of gold coin and bullion in the United States at the end of the last fiscal year as follows: gold, $244,000,000; silver, $88,000,000; total, $332,000,000—making an increase of gold and silver over the fiscal year preceding of $89,000,000. On the 1st of October last the Director of the Mint estimated the amount of gold and silver in the United States to have reached $358,000,000. With so much gold and silver we cannot afford to discard either as a standard, nor adopt any money system which will drive either from the country. Both should be retained and used in the ordinary channels of business, and care should be taken, too, that we do not depart from them; but as we have after eighteen years' wandering from the true standard of money successfully returned, we should now adhere to it.

The great difficulty, however, in preserving the bimetal standard arises from the fact that the real value of one is much greater than that of the other. The bill under consideration fixes the weight of the gold or unit dollar at 25.8 grains, the same as it is now and has been for many years, while that of silver is fixed at 412½ grains. The difference in their bullion value, as I have already stated, is about 15 per cent. With this difference it is not easy to see how both can be successfully retained in circulation with free and unlimited coin-

age. If the quantity of silver be very largely increased and forced into circulation, either the silver coin will pass to a discount and gold assert its superiority as the real standard, or silver will assume the unit and gold pass to a premium. If silver becomes the standard the gold coin will be sent abroad to be exchanged for foreign silver, and we shall soon find ourselves using silver, and nothing else, in these United States for a standard, and the bimetal system will be abandoned.

But it is said the people are involved in debt, and that the gold dollar is worth too much or has really increased in value since these debts were contracted, and that it is hard for us to discharge and pay our debts with the great depression in the prices of property. That a large portion of the debts of the people was contracted while prices were much greater than at the present time, no one can deny; but that gold is really higher is a much disputed question. While it is conceded that silver has sunk in value since it has been dropped as a standard in so many parts of the world—nor does its remonetization with us seem to increase its value—to relieve the debtor class we must lower the standard of money and make the unit dollar worthless. But this bill does not propose to do that. It retains the weight and standard of the gold dollar as it now is. If we would reduce and bring it down to the value of a silver dollar, gold should be recoined at a standard not exceeding 22.5 grains, instead of 25.8 grains as provided in the bill. If it be the object of free coinage to enhance the value of silver, if it be expected that unlimited coinage will create such a demand for silver bullion as to increase its value to that of gold, then the value of the standard dollar, whether it be gold or silver, will be retained, and the debtor class will in no way be benefited. Although those who favor the passage of this bill urge that it will bring relief to the people by lowering the real value of the dollar and thereby increase the nominal value of property, yet at the same time they advocate free coinage as tending to advance silver bullion to the value of gold. Hence, it will be seen, this legislation will not in the least redound to the benefit of the debtor class, neither to the laborer nor the producer; but, as I said in the beginning, it will help only those who are the possessors of silver bullion by advancing its price.

It cannot help the debtor class, for the object and effect of the bill is to enhance the value of silver. Instead of bringing it down, the standard of values is to be and is retained by the continuance of the gold dollar at its full weight, and all pretense that this proposed legislation is in the interest of the debtor class is without foundation.

If free coinage be adopted, and the volume of silver be largely increased, a struggle must follow between the gold and silver coin as to which shall become the standard. The difference in value between the two is irreconcilable unless we increase the weight of one or diminish that of the other. With the coinage of silver without limit and the profit realized by the bullionists instead of the Government a conflict will arise that will unsettle business, destroy confidence, and throw the entire currency, coin and bullion, into the hands of brokers and speculators. Discounts will be submitted to on the one hand and premiums enjoyed upon the other. The money-changers will find their occupation renewed, and they will grow rich again out of the labor and productions of the people.

What, then, is the remedy? How shall we avert the danger that threatens us? First of all, let the gold, silver, and currency alone; acknowledge that resumption is a fact. We cannot change the gold dollar, for it is in harmony with other nations. Let specie remain as a basis. Require that all the currency, or that which assumes to circulate as such, shall be convertible into coin. Let the coinage of the silver dollar remain limited to $4,000,000 a month, as it now is, so that we may find employment and use for that which is coined, and avoid a conflict between it and gold, which I fear will arise if overstocked with silver. The capacity of the mints and the coinage which is now carried on is equal to the production of the American mines, while all the profits are enjoyed by the General Government. It becomes our duty, then, to defeat the passage of this bill, and let the silver already coined find circulation, if it can. If more can be used, Congress can enlarge the amount of coinage or remove the restriction altogether. But while there exists a wide margin between bullion and coin, a large profit for the mintage, that profit should be reserved to the Treasury. In other words, while the stamp of the United States placed upon the silver dollar and the legal-tender quality provided for it by law add to the bullion a difference of 10 to 15 per cent., that difference or profit should inure to the benefit of the whole people, as it now does, instead of to the bullionists and brokers.

Mr. Speaker, if I am wrong in my views of coinage and the effect of it upon the people I shall regret it. My sympathies are all with the laboring and producing classes. Whatever will aid them, in my judgment, will redound to the prosperity of the whole country; whatever is to their disadvantage will recoil upon us all; and I do not believe we can serve them better than to preserve their money upon a sound basis.

If our friends on the other side of the Chamber are sincere, and desire for the benefit of the debtor class to reduce the standard of the dollar, why do they not propose the remedy at once by reducing the weight and value of the gold and make it correspond to the silver dollar? Free coinage would then find no opposition, but be favored by all. This they understand, however, would place our standard below that of other nations and our money at a discount with them; and as our currency is now equivalent to coin, it would also take largely from its purchasing power, and the loss to the holders of $688,000,000 of currency would be very great. They know, then, it is utterly impossible to make such reduction and preserve our consistency and standing at home and abroad. Under these false pretenses they here and elsewhere proclaim that they are relieving the masses of the people, the laborer, the poor man, and the debtor, without suggesting any step whatever to bring the debtor and the creditor nearer together or which will provide a better reward for labor or the fruits of industry. We conclude, then, as before, that the country will be best served by letting the money alone.

Mr. Speaker, while passing the Treasury building this morning, I witnessed a long file of the people, reaching out to the street, testifying to the credit and good financial management of this Government. Each one, as he passed along, was investing his savings in 4 per cent. certificates. I could not but mark the contrast between this and the close of the democratic administrations which were terminated by the reign of Mr. Buchanan. At that time in many instances the Government was obliged to pay 12 per cent. interest on its securities, while England is now sending us her gold coin, adding a premium to our 4 per cent. obligations. Yet, in the face of these facts, the charge is continuously made that the financial policy of the republican party has ruined the country. The difference between the two parties is this: the one asserts the authority of the National Government wherever permitted by the Constitution; this strengthens its credit and gives the people confidence; while the other strikes down the Federal arm wherever they can, vests the power in the States, which weakens the General Government.

Mr. OSCAR TURNER. Mr. Speaker, as we are discussing this bill under the five-minute rule, I will proceed directly to the merits of this amendment offered by the gentleman from Texas, [Mr. MILLS.] The misery that has been brought upon this country by the financial legislation of the last fifteen years, and which legislation has been entirely in the interest of the bondholder, has been so thoroughly discussed that I will not trespass upon the time of this House in referring to it. The masses demand relief, relief from the burdens of taxation and the unjust legislation which is making them poorer every day, while it is adding to the wealth of the bondholders. Silver has been demonetized by fraud, so well concealed that not even the members of the committee on this floor who reported the bill under which it was done can give any satisfactory account of it or fix the guilt upon the perpetrator, as appears from the speech of the distinguished gentleman from Pennsylvania, [Mr. KELLEY,] delivered in this House May 10, 1879, and which I refer to.

The currency has been contracted to such an extent as to more than double the purchasing power of money, thus causing a general shrinkage in value all over the country. It is well understood by the people. It has brought bankruptcy and ruin upon the country. The republican party have had the power in every branch of the Government, but instead of giving relief they have added to the burdens of the people, and by their votes at this session have shown that they intend to oppose every measure of financial relief. The people are looking to us to give them some relief, and it is the duty of the democrats upon this floor to make the attempt, and if it is not successful let the masses know where the responsibility rests. Let the President give us another veto if he means to disregard the right of the people to financial relief which is just and proper. Let the people know who is responsible. Let us do our duty as democrats on this floor.

Now, what is demanded? We want free and unrestricted coinage of silver and to make it a legal tender for all amounts and all debts; that is the grand object of this bill. But that is not all the people need. The great question is, to put a stop to the interest-bearing debt, to pay off the bonds, and to give to us an increase of currency. The amendment of the gentleman from Texas has for its object these ends. It not only enables us to pay off the debt to a large extent, by purchasing silver bullion, coining it into money, and paying for it in greenbacks, and appropriating that silver to the payment of the bonds that are payable in coin, but it puts the greenbacks in circulation which are paid for the silver bullion. Thus it increases the circulation very largely while at the same time it extinguishes the bonded indebtedness of the country and stops the interest to the amount of many millions of dollars. I regard this amendment as important as the bill itself, and the author of this amendment is entitled to the gratitude of the suffering masses. It is practicable, and meets and avoids the objection urged by some, that the bonds cannot be paid in greenbacks, and at the same time it gives to the country a large increase in the volume of greenback currency.

I hope this amendment will be adopted, and then let us substitute greenbacks for the national-bank currency, and pay off the bonds upon which they are founded or abolish the banks themselves, which are dangerous to civil liberty, wielding almost a controlling power over this Government already. Then let us tax the incomes of these bondholders, as we attempted the other day, if we cannot tax the bonds themselves, and make the bondholders bear their proportion of the enormous expenditures of this Government; make the taxes equal and uniform—"equal rights to all, exclusive privileges to none." Then we will have done something in the way of substantial relief for the people of the country. And why, Mr. Speaker, should we not do this?

The United States bonds were originally payable in currency. They were put upon the market and sold at from forty to sixty cents on the dollar. One would have supposed when they went up to par it would have satisfied the avarice of the bondholders; but it did not. In violation of the rights of the American people a republican Congress passed the act of March 18, 1869, making these very bonds payable in coin, and to add to this stupendous fraud they demonetized silver, increasing the burden of taxation millions of dollars and depreciating the value of labor and property all over the country by contracting the currency, all in the interest of the bondholders and to increase their wealth at the expense of the farmers, laborers, and all other producing classes—increasing the burden by taking away from the people one of the means of payment, silver coin.

And now, to-day, when we propose to pay these bonds off in silver coin, we are met by the opposition of that same party, voting on every proposition in the interest of the bondholding aristocracy of the country, here and in Europe, and against the interest of the toiling masses of the people, under the false cry that they want "honest money."

Why, Mr. Speaker, who first created the greenback currency and declared it a legal tender, with unjust exceptions in favor of the bondholders and the Government? It was the republican party. They not only did that, but forced democrats to take it, at the point of the bayonet and under threats of guard-houses, in Kentucky, and I suppose elsewhere. But they did not even stop there. They so organized the Supreme Court as to procure a decision that greenbacks were lawful and constitutional money and that Congress had a right to make them a legal tender. Now, if they are good enough for the laboring-man, if they are good enough for the farmer, they are good enough for the bondholder; and I would like to see every bond paid in greenbacks. But the representatives of these bondholders on this floor are not even willing to take silver coin; but, sir, the people will force them to take it, or fare worse. The American people will not stand this unjust discrimination in favor of the bondholder much longer. They will have a uniform currency, receivable for all dues, public and private, and uniform and equal taxation; and it is just as certain as that I stand upon this floor. It is the will of the people, and in a republican government, *vox populi vox Dei*.

Mr. MITCHELL. Mr. Speaker, I desired to express my views upon this bill when it was under discussion generally in Committee of the Whole, but I was unable to get the opportunity at that time to do so. I am now given but five minutes, and in that time I am, as a matter of course, unable to make any argument. I shall therefore satisfy myself with a statement of a few facts which I believe ought to control the action of every honest man on this bill.

Sir, I am an earnest, conscientious, uncompromising advocate of bimetallic money, and I believe in international free coinage on a common basis. I therefore speak as a friend of silver money, and I gave evidence of that friendship last year by voting for the bill which was passed by the Forty-fifth Congress over the veto of a republican President. I am still of the same opinion which led me then to vote as I did, and were I to be called upon again under like circumstances to vote upon that bill I should vote as I did then. I was, however, in that Congress opposed to the original Bland bill, and then denounced it as a cheat and fraud upon the people. I conclude that there is little difference between the effects likely to result from that bill and the one now before us. In some respects I consider this worse than that, and certainly since the resumption of specie payments and in view of present prospects for international action at no distant day, it is more untimely and less excusable.

I deny the possibility in the nature of things of the existence of a double metallic standard of money except it be based upon a ratio ascertained in the market overt of the world by the commercial value of the two metals as bullion. Gold and silver are commodities of universal and sempiternal value to man. They have a natural value as commodities which may be enhanced by their legalized use as money. If such artificial use as money be withheld or withdrawn their commercial value will be somewhat affected to their detriment; if having been withdrawn, this use be again restored to them, I therefore conclude that their commercial value would be somewhat enhanced. And so of either one of them. The law cannot create this value; it can, however, to some extent extend their use and increase the demand for both or either of them, and to that extent may affect their value as commodities. In the end the value as bullion must regulate their relative value as money.

This bill, Mr. Speaker, does not proceed upon that basis. It utterly ignores these principles and cannot stand the test of reason and common sense. It is absurd in this light, and must be condemned. It declares in favor of two money units, a gold and silver unit; and in the face of all experience, in the face of all intelligent opinion which may be ascertained from the history of nations, it refuses to recognize that law which will control this subject, whether we recognize it or not, that in order to circulate side by side as money two metallic units must be of equal commercial value. They must be interconvertible at par, exchangeable without loss, and this not only in one country but alike so in and between all nations. Otherwise the more valuable takes its flight from the country which attempts to depreciate it, and the less valuable reigns sole money-king therein. "Fiat" cannot avert this result; hue and cry cannot suspend this law; these come and reign in spite of all clamor of demagogues, all fine-spun theories of pamphleteers, all denunciation of the "money power" by ambitious political Dennis Kearneys, and it is well they do. If human law could wholly regulate this subject I should, in view of the signs of these times, despair of any possible stability of value either for labor or for capital.

Therefore the inevitable result of this bill enacted into law in this country would be to banish all the gold we have and reduce us to a depreciated and uncertain standard of silver alone. Instead of establishing bimetallism it defeats it absolutely, and this at a time when, if we have patience, the great commercial powers must soon unite with us in restoring silver to full use and free coinage as money. Believing this, Mr. Speaker, it is folly and financial suicide, in my judgment, for us to pass this bill at this time.

But, sir, what is the sophistry, called argument, by which gentlemen seek to induce us to enact this bill into law? The argument in substance is this: that the present depreciation of silver is caused by demonetization, by increased production, and by oversupply in the market of the commercial world. There is a difference between two classes in this respect. Some deny the operation of the latter causes and charge the whole effect to demonetization. I go with them to some extent in that direction. I have said that both metals have a natural as well as a legalized value, and that legislative action or non-action does have some effect upon their commercial or bullion value I will concede.

In 1867 the international conference at Paris to which twenty nations, including the greatest commercial countries of Europe and the United States, sent delegates, declared almost unanimously for a single gold standard. Since that time silver has been remitted to an inferior, subsidiary place as "the small change of trade," substantially in all of those countries; for example, say in fifteen nations. The price of silver, which was 3½ per cent. above par in gold before this war of demonetization began, has in the mean time fallen so fast and so far that it is now 15 per cent. below par, and a silver dollar is worth but eighty-five cents in gold. True the international conference of last year, in view of this astounding fact, declared almost as unanimously against the former decree and urged the continued use of silver as money of full value and admitted the desirability of full remonetization and free coinage.

But, sir, how stands the argument upon this bill. It is that by demonetization fifteen nations in this world, embracing the greatest commercial countries in Europe as well as our own, produced this fall in silver, and the reasoning urged to control our action here is that one of those nations may undo the work which the fifteen did and restore silver to its former value at once without the aid of any other; that fifteen nations have reduced the value of the silver dollar from one hundred cents to eighty-five, and that therefore one nation may restore it to its former standard of one hundred cents. This I consider the height of folly and of madness for this nation to undertake at this time. Whatever effect our sole action here might have upon the price of silver it is puerile and suicidal for us now to attempt to take the whole burden upon our shoulders at the cost of purchasing all the cast-off silver of the Old World, which is the greatest and most powerful ally we have in the endeavor to restore silver to full use and value as money.

Germany still has $75,000,000 of silver to sell. We produce nearly $40,000,000 a year ourselves. Our customs revenues the last year were rising $130,000,000. If this bill pass it is easy to see that more than enough silver would find its way to the Treasury within the next year to pay all the import duties fully. This is substantially a reduction of duties and the tariff 15 per cent. A merchant buying goods abroad, upon which, as the law now stands, a duty of $1,000 would be due in gold, could buy silver enough to pay it for $850. How this bill is to act as a further protective tariff, except for the bullionists, I am for the life of me unable to see. It will reduce the tariff, and necessarily force down wages of labor employed in manufacturing and mining, and thus oppress the very class in whose behalf it is urged as a measure of relief.

Under the bill of last year $31,000,000 have already been coined. About eight million are now in circulation—as many as were coined during the eighty years of the Republic prior to 1873. The rest are in the Treasury. This has been done on Government account, and the Government has the difference between the cost of the bullion and the amount coined—say $4,000,000—in hand for the benefit of all the people. Had this coinage been carried on under this bill, that difference would be in the coffers of bullion speculators, and not a cent of it in the pockets of laborers who own no bullion. If coinage of silver is to go on, in my judgment it should be on Government account so long as silver remains much below par.

Looking confidently to an early resumption of free coinage of silver by international agreement upon a common ratio, I do not greatly fear a continuance of coinage here on Government account. I am still firm in the belief that silver will ultimately rise enough to save the Government from any loss. I think it most probable that an international agreement for coinage upon the French ratio of 15½ to 1 will prevail in the near future, in which case we shall be largely gainers by continuing our coinage as at present. At all events we cannot suffer much by going on for another year when, if necessary, the coinage may be stopped.

Every sign in Europe gives evidence of rapid growth of public opinion in favor of full restoration of silver. Even in England, where

silver was demonetized in 1822, this is true. The Liverpool Chamber of Commerce recently presented an address to the Queen's ministry from which I make the following extract:

1. That a fixed ratio between gold and silver, in conjunction with national freedom of mintage, and the recognition of the two metals as full legal-tender money, would, if adopted by the majority of the leading monetary powers, including England and India, be adequate to restore silver to its former international value as money.

2. That it is desirable that our government should adopt measures for securing an international agreement by which silver may be restored to its legitimate share in providing metallic currency sufficient for the wants of the world.

The reply of Lord Beaconsfield was, that the subject was engaging the serious attention of the government. This was in April last. One year ago such an address would have been out of the question, and had it been made such a reply would not have been contemplated. India, the greatest commercial dependency of that country, has ceased to absorb the surplus silver in the London market, has greatly increased home manufactures, and the exports from England to that country have fallen off greatly within the past two years. The par of exchange between them has been broken and English commerce and industry are fast falling into decay as the consequence. Prices measured in gold have fallen so much that at last English merchants and manufacturers are looking, as we have done, to demonetization of silver as the cause and to its full restoration as money as the remedy for their troubles.

One year ago in my remarks upon the silver bill, concerning this change in prices, I said:

In considering the question of the restoration of silver to its former relative value and place as international money, I deem it important to inquire whether the present difference in the purchasing power of silver and gold is wholly due to the depreciation of silver or partly to that and partly to the appreciation of gold. After the most careful reflection and after the fullest examination which I have been able to give the subject, I state it as my opinion, without any hesitation in my mind, that the change in the market value of these two metals is quite as much due to an increase in the purchasing value of gold in the market of the world as to a decrease in the value of silver. The value of neither of these metals is constant and unvarying. As money both are valuable to man only as means of purchasing what he desires for use or paying for something already purchased. They are commodities having a universal and sempiternal market, desirable to all men as measures and masters of all things, needful to man at any time or place. So to speak, they are the storehouses of the exchangeable labor of the past, from which the wants of the present, for which men are able to pay in the fruits of the labor of the present, may be supplied at will. Unlike paper currency, they are value, they do not simply represent it. But their value depends, as we have seen, upon the extent and limits of their use, their natural uses as commodities, their legal use as money.

Recent statistics of prices confirm and strengthen this view. But it does not follow by any means that it would be safe or best for us now to enter upon free coinage of silver upon the legal ratio of 16 to 1, while the commercial ratio is about 19 to 1. In 1793 the ratio was fixed in this country at 15 to 1. France established her mint rate at 15½ to 1 in 1803, and there it remains to-day. Our act of 1793 overvalued silver, and our gold coin was exported or melted nearly as fast as coined. Jefferson stopped the coinage of silver dollars soon after the French rate was established, and not one of them was coined thenceforth till 1836. In 1834 we reduced the gold dollar to almost precisely 1 to 16 of silver in weight. The bullion price was then a little above the French rate—15.7 to 1. Hence silver was undervalued by the act of 1834 and was exported or melted down. Even silver change would not circulate in this unfriendly companionship with gold and change became scarce.

In 1853 the smaller coins were reduced from the standard of 412½ grains to 384, and thereafter remained with us because they were less valuable as bullion than the gold coins and the silver dollars. Hence also the silver dollars, thus made more valuable than the gold coins, were useless as money, and we were practically in accord with England, using gold as our sole standard metallic money of full value, and silver only as change and a legal tender for $5.

The act of 1873, therefore, which has been so often denounced as a "crime" here and elsewhere, did not demonetize silver; that was done by the act of 1834, supplemented by the act of 1853, both passed by democratic Congresses and approved by democratic Presidents. The coinage of silver, on the contrary, was largely increased under the republican acts of 1873 and 1875, and whereas only about $2,000,000 a year of silver were coined for the eighty years prior to 1873, over $8,000,000 a year were coined after 1873 and up to 1878, and in 1878 we coined them at the rate of $24,000,000, and are doing so now.

Wherefore, then, this false cry of demagogues that the republican party has stricken down silver money? It is utterly without foundation in fact or justification under any view of the situation.

If this act shall be passed its first effect will be to destroy the usefulness of gold as a circulating money for the reasons given. Gresham's law that the cheaper money unit alone can circulate must rule from the hour of its passage. What will be the result upon the state of our currency?

The Director of the Mint estimated the gold in this country at $244,000,000 on the 30th of June, 1878. It cannot now be much less than $300,000,000. All this gold came to the surface with resumption of specie payments on the 1st of January, 1879, and to-day it forms part of the current and useful money of the country as effectually as coin ever does or can when paper money is secure and convertible into it or its equivalent, as it is in our country to-day. Thus resumption brought a healthful and safe expansion of the currency as was intended and prophesied by the republican party.

If this law be passed silver alone of the two metallic moneys will circulate, and gold again sink out of sight and find a higher market. This must at first produce contraction and stringency in our currency. Our mints running to their full capacity cannot replace this gold with silver short of six years from this date. Oh, but the bullion certificates! Yes, the bullion certificates, if we are foolish enough to authorize their issue, will take the place of the gold, and the gold will go abroad to take the place of the silver bullion upon which they will be based.

We have to-day in this country fully this amount of money as good for every practical purpose as gold, namely:

Gold and silver	$400,000,000
Greenbacks and national-bank notes	675,000,000
Total	1,075,000,000
England had in 1875—	
Paper money	230,000,000
Coin and bullion	700,000,000
Total	930,000,000
France, in 1877—	
Paper	490,000,000
Coin	1,000,000,000
Total	1,490,000,000

In France commercial paper is almost unknown in business transactions. Nearly all payments are made in cash. Hence she must have a larger volume of money than is required in England and in this country, where all but about 5 per cent. of the business transactions among the people is done by checks, drafts, and bills of exchange. This measure is, in my judgment, fraught with great danger to the country, and I trust it will not become a law. Let us maintain for the present the *status quo*, and use every endeavor to secure international free coinage of silver as soon as possible.

Mr. Speaker, one thing the people of this country demand upon this question of excitement here in Congress as to what shall be the financial policy of this Government—they demand that we shall pass the appropriation bills, for the purpose of passing which we were called together, and let this law-ridden and tramp-ridden people be relieved from further excitement upon this question.

[Here the hammer fell.]

Mr. WILBER. Mr. Speaker, I have not taken up much of the time of this House in debate since I have been a member. I have met here day after day and listened to wild theories upon different subjects, and in my judgment as a business man this Congress has not done as much legislation that will benefit the country since the 18th day of March as any ten good business men could do in one-half a day. We have been making a complete waste of time, and the country knows it well. We were called together to pass the legislative and judicial and Army appropriation bills from money already raised and belonging to the people. It is our duty as agents for the people to pass those bills and go home and not linger here. No part of the country in my opinion desires any other legislation now. No petitioners have asked for any financial legislation this extra session.

I have been listening day after day to wild financial theories, much wilder than I expected. I have wondered many times if the inventors were in earnest. Some want to legislate to pay their own and everybody else's debts. They want hundreds of millions of money and short dollars at that.

Mr. Speaker, has it come to this, that in this glorious country where a young man with good habits and economy can start naked-handed and alone in life as he cannot in any other country on this globe, can pay his honest debts, if he lives within his means and exercises good judgment, can rise from his own energy to be one of the foremost men and best financiers in the community where he lives—that he is a fraud, especially if by honest industry he owns bonds? No, sir, that man will pay his debts, will pay his taxes, and not only educate his children but will pay the taxes to support and educate the children of others.

But on the contrary, if a young man starts in life, spends four dollars where he earns three, goes into wild and extravagant speculations, goes to capitalists to help him out, complains of high rates of interest, does not meet his engagements, disappoints every man he deals with, he at that juncture will find fault with every man that ever helped him, no matter if he has caused them heavy losses; he will want Congress or some one to legislate or help him out. You may legislate from now until doomsday for such business men and it will do them no good. There was a score of such stumping machines in my district last fall employed at $1 a day and expenses paid, and that was more than they were worth. This constant tinkering with the finances destroys the confidence of business men. It prevents them from embarking into business enterprises, deprives laborers of employment, and breaks up the industries of the country. I say again let us pass the appropriations and go home. Fixed principles of right, manliness, courage, energy, and grit are qualities where men are estimated for what they are actually worth. Sir, men go down or up according to their own will.

It is possible for those of the most humble birth to become the greatest in the land, and a large proportion of the leading minds in this country have achieved by honest merit the positions they occupy. The road to wealth in this country is plain. All summed up in a nut-

shell, if any man's expenses are more than his income, he is not making money. If his expenses are less than his income, he can lay up something. Those are the great principles we must adhere to for success; nothing else will do it, and what is true of an individual is as true with our Government. When we bought, as we were compelled to during the late war, more than we sold, we were running in debt; but, thank God, that day has passed. During ten months previous to November 30 last, the balance of trade in our favor from foreign nations was $287,000,000. The people of this country in that short time received the above amount or its equivalent, more than it paid out in gold. If we can continue in this we will not only be the richest, but the most powerful nation on the globe, and command the best credit. Give the country rest and peace that it may accomplish this desirable result.

Mr. KENNA. Mr. Speaker, I have no desire to discuss this particular amendment. I am and have always been in favor of every honest proposition to supply to the people of this vast country the currency which their business and welfare demand. I desire, however, to take advantage of this brief opportunity to state in a general way the reasons which actuate me in giving to the pending bill my hearty support. An epitome of the financial legislation enacted by the republican party in the last sixteen years presents a singular and a heartless chapter of financial wrong.

In 1862 the bond system was inaugurated. In 1863 the national-bank system was adopted. By the legislation of that period the greenbacks were issued. The public debt, under the burdens of war, grew to over two billions. Of this immense sum three-fourths were represented by 5-20 bonds, payable in currency. In 1869 and 1870 the acts were passed which changed the nature of this immense debt and declared every dollar of it payable in coin. In 1873 silver was demonetized, and thus this debt was made payable in gold alone. In 1875 the resumption act was passed, and the work of destruction has been going on with relentless vigor. Sir, it is due to the truth of history to say that these measures exempting the bonds from taxation, creating national banks, declaring currency bonds payable in coin, striking down silver and forcing the resumption of specie payments without regard to the consequent forced contraction of the currency, destruction of values, and suffering of the people, were republican measures, matured and adopted by the republican party in the face and in spite of the opposition of the democratic vote in Congress. Thus, in 1869, the country had gold, silver, and greenbacks, in which to pay its great debt, though the greenbacks themselves were eventually redeemable.

But the payment of the 5-20 bonds in greenbacks according to the contract would have saved to the tax-payers of this country the interest on fifteen hundred millions of their debt, which they are now paying on the bonds issued in funding the five-twenties, and this, sir, without any violation on their part of a contract as binding on the bondholder as on them. It cannot be objected that this would have been excessive inflation, for the process could have been regulated by the demands of business. To put at rest this righteous agitation by the people to pay these bonds in currency as agreed in the start, John Sherman, Secretary of the Treasury, has announced to the country that the last dollar of that class of bonds has been taken up and destroyed, and another bond, bearing interest, exempt from taxation, and payable in coin, issued in its stead! And all this has been done under pretense of lessening the burdens of the people!

The act of 1873 demonetizing silver was in further pursuance of that republican policy which in effect struck down the means of payment in the hands of the people and enhanced their obligations in the hands of their holders. I do not agree exactly with the gentleman from Ohio [Mr. EWING] in the statement that no man could be found who could be shown to be directly or indirectly the author of that act. The record of that period shows that while the act was pending and under consideration the question was asked by Mr. Merriam, of New York, whether it had been submitted to the then Secretary of the Treasury, and Mr. Hooper, of Massachusetts, a republican, having the bill in charge, answered that it had been submitted to that republican official, and he not only approved but strongly urged its passage. I believe, therefore, and avow here that the striking down of silver was a matured policy of the republican party to which—the evidences are abundant all around—they stoutly and persistently adhere.

No man can measure the damage to the business, the property, and the labor of this country which this mischievous system inflicted. Why, sir, it may be truly said that the resumption act of 1875 was at the bottom of the financial panic of 1873. Coming events cast their shadows before, and two years in advance is a short period of time for information to reach Wall street of the course of action to be adopted in Washington under the past republican financial rule. I have briefly run over these prime facts in the history of the financial legislation of the last sixteen years. The veto, which stands in the way of free elections, fair and impartial juries, and the inalienable right of a free people to vote untrammeled by bayonets and by bullets, stands ready to confront this bill. It was exercised to defeat the silver bill of the last Congress.

But these issues cannot die. When the democracy goes to the people demanding free elections, fair juries, the banishment of troops from the polls, and the restoration of an honest financial policy to the masses of this country, the rally will be great and the triumph grand. I am in favor of this bill because it represents one of these great issues; I am in favor of this bill because it restores to the people one of the means for the payment of their obligations, which was accepted as such by the holders of the obligations when they were created; I am in favor of this bill because it allows every holder of silver bullion to present it to the mints to have it coined free and returned to him in coin for general use. Our product of silver is from thirty to forty millions annually. This bill will therefore put that amount in circulation instead of hoarding it in the vaults. I am in favor of this bill because it will increase the currency of the country, contribute to the relief of its people, and vindicate, at least to some extent, the right of the masses to hold even the bondholder, in his assumed lordly estate, to the sacred obligation of his voluntary contract.

Mr. DWIGHT. I think there never was a measure (I charge no improper motives upon any man) so thoroughly and ingenuously misrepresented as this bill has been by those who advocate its passage in this House. The distinguished gentleman from Ohio [Mr. EWING] has ingenuously sought to make us believe that this demonetizing act, which has been so much talked about, had been stealthily and surreptitiously passed. Now, my friend from Wisconsin [Mr. CASWELL] has taken out of my mouth many things I had intended to say, and leaves but little for me to add. The truth is, as has been shown by him, and has often been shown here, that that act was passed after it had received full discussion for nearly three years in the public prints, in the two Houses of Congress, by the Secretary of the Treasury, the Director of the Mint, and by the whole country. No bill ever passed Congress but what might as properly be charged with having been surreptitiously passed.

Moreover, these gentlemen undertake to make us believe here, and I do not know but they have succeeded, some of them, in making themselves believe, that all the ills of this country have come from the passage of that act. Gentlemen talk about bonds. I want to tell them that they are the cause of those bonds. I can understand why gentlemen here and elsewhere may have serious objections to those bonds. Bonds, next to the Union soldiers, were the most troublesome things that certain men in this country during the entire period of the war had to encounter. But that those who were in favor of this Union should now stand up here and object to bonds is something that I cannot understand.

Mr. WARNER. We never were in favor of paying 412½ grains of silver for two hundred.

Mr. DWIGHT. I would be willing to discuss that question with the gentleman if I had time; but I have not in a five-minute speech. Now, I would be glad of the attention of my friend from Ohio [Mr. WARNER] to this: a great wrong, as they tell us, has been done the country. What is that wrong? From 1792, when the Mint was first put in operation, to 1835, while coinage was free and when everybody had the privilege of having coined all that he pleased, and when the bullion value of silver averaged during the entire period only about ninety-eight cents, there was coined 1,439,517 silver dollars. From 1835 to 1873, the time when this act was passed which has been so much misrepresented and complained of, there were coined 6,606,321 silver dollars. During the whole time from 1792 to 1873 there were coined 8,045,838 silver dollars. The act of 1834 changed the standard between gold and silver from 1 to 15 to 1 to 16. Experience had proved that it must be increased to make the silver dollar as valuable as the gold dollar. This readjustment kept the bullion value of the silver dollar constantly above the nominal value, from that period to 1873 the average value being 102.4. It will be observed that the average number yearly coined was less than $100,000 for a period of eighty-one years. From the passage of the act of February 12, 1873, to and including 1878, 35,959,360 trade-dollars were coined, which are nearly four and one-half times as many as all the standard dollars that had been coined in all the mints from the time the first dollar was coined to 1873.

There have also been coined of standard dollars since February 28, 1878, $31,248,700, of which there are still on hand $24,347,619. Although the Secretary of the Treasury has made a vigorous effort to get them into circulation, and paid express charges to any and everybody who would take them, he has only got $6,901,619 into circulation, which leaves all of those on hand as an unproductive investment.

Now, greenbackers and their democratic allies, which constitute the majorities in both Houses of Congress, advocates of inflation, irredeemable money, and repudiators, are all clamorously seeking to legislate for and control the vast business interests of this great country.

Mr. Speaker, before consenting to trust the interests of this Government and the people to a leadership that is the author of the pending bill and kindred measures which are being urged here, let us look briefly at some of the past financial record of the same leadership and its friends when it last had control of the affairs of the country.

On the 1st of July, 1857, the entire debt, after deducting the balance then in the Treasury, was	$11,350,272 63
On the 1st of July, 1858	38,512,461 56
On the 1st of July, 1859	58,415,423 79
On the 1st of July, 1860	61,140,497 00

From this exhibit it is apparent that under democratic management the public debt was increased in four years more than fivefold;

and it should be added that the Government was unable to borrow money on its bonds at a rate of interest less than 10 to 12 per cent. Not a fortunate exhibit for a party which asks to be intrusted with the financial management of public affairs!

But, Mr. Speaker, I have not now the time nor is this the occasion to say more, except to add a few more statistics and observations, which I hope will illustrate the result of republican management of the credit and finances of the country compared with what our friends upon the other side have done and what is likely to result from their present efforts if they are permitted to carry their purposes into effect.

On the 4th of April, instant, British consuls were worth in the London market 97.9; United States 6 per cent. bonds, 104; United States 5 per cent. bonds, 107; United States 4½ per cent. bonds, 107½; United States 4 per cent. bonds, 101½.

On the same day, in the New York market, Louisiana sixes, sevens, and eights were worth 37 cents to 49⅝ cents; North Carolina sixes, 22½ cents; Tennessee sixes, 39½; Virginia sixes, 33½ to 40½ cents; Alabama six percents, funded, 6; railroad bonds guaranteed by State, 1 per cent; South Carolina sixes, 25 cents.

The careful observer will not fail to conclude, from what has been shown, that southern statesmanship and its management of public affairs, State and national, from its attack upon the Missouri compromise line in 1854 to this hour, has been one series of blunders and crimes. And yet that element is now controlling, through its majority in Congress, the legislative machinery of the country.

I trust, however, that the people have become alarmed, and will command a halt to such democratic greenback management as we have seen and is now being foreshadowed.

Mr. HOUK. Mr. Speaker, as I understand the measure now before the House, or rather as I understand the facts connected with and surrounding that part of this so-called silver bill, which is not already the law, both the friends and enemies of the measure are agreed that eighty-five cents' worth of silver bullion is made equal by its provisions to a dollar of one hundred cents in value whenever it becomes the law. Now, this process of increasing the value of silver is all for the benefit of the bullion-holder—for the money-king! It does not benefit the people or the Government, but increases the wealth of the mine-owner and speculator in bullion. Eighty-five cents' worth of silver in its uncoined state is made by this bill worth one dollar to the bullionite; it is made worth as much as a gold or a "greenback" dollar; but the moment it passes from the hand of the bullionite this equality of value ceases and it becomes depreciated to eighty-five cents.

The effect of this bill, if it becomes a law, will be to make the people—the tax-payers—pay fifteen cents premium to the bullionite for every eighty-five cents' worth of bullion he may present at the Government mints. Its practical effect will be to tax the people fifteen cents on every dollar for the benefit of the bullion-kings. Or, rather, eighty-five cents' worth of silver in the hands of the speculator is made a dollar by adding fifteen cents of the people's money to it, while the same amount in the hands of the Government, or common non-speculating citizen, workingman, or tradesman, is left worth but eighty-five cents. Mark you, the Government is not allowed, under this bill, anything except the poor privilege of coining silver dollars for the benefit of the bullion-holders. The coinage of dollars in which there is a large profit must be at the beck and nod of the individual money-kings, while the Government is still permitted to coin small change in which there is no profit, but large expense. The Government, the people, are excluded from coining dollars except for the bullionists. The farmers, mechanics, business men, and laborers must accept eighty-five cents for their "so-called" dollar's worth of bullion, but the money-king, under this bill, gets one hundred cents for the same amount; thus increasing the debt of the people fifteen cents on every dollar thus put in circulation. And this is called by the friends of the measure "free coinage." "Free" for what? "Free" from what? "Free" to whom? Why, "free" to the speculator? "Free" to the bonanza king! "Free" to the money-shark! "Free" to the man of bloated wealth, but oppressive to the poor and moneyless!

And, strange to say, our greenback friends who are so opposed to national banks are the warm advocates of this measure, notwithstanding it divests the Government of its sovereignty over the subject of money. It will be seen, as already intimated, that under this bill the Government will have no power to say when or how much money shall be coined. The Government is made a machine to be put in motion at the will of the bullion-holder. It can coin when the bullion-speculator says for it to coin. But when the mining-kings and capitalists see proper to combine in order to advance the price of silver and make money dear, then the mints of the nation are to be forced to lie idle and the currency suffer contraction—yes, "merciless contraction"—while the money-sharks are empowered to thus control the quality and quantity of our money. They are given the exclusive privilege of exchanging eighty-five cents' worth of silver for a dollar in gold or its equivalent.

And by this monopoly they will be able to make a run on the Treasury with greenbacks to be redeemed in gold, and thus force all the gold out of the Treasury with which to buy foreign silver to force into the Treasury through the mints at the value of $1 for eighty-five cents. Thus it will be seen that, silver being 15 per cent. cheaper than either gold or greenbacks, the two latter will disappear from circulation, leaving the former our only currency. The greenbacks will go into the Treasury as fast as put into circulation, in order to get gold, and the gold will go into foreign markets to buy silver, and our currency will be reduced to the amount of our silver coin alone. What more "merciless system of contraction" could be devised? The idea of crying "more money" and then voting to place it in the power of the bullion-kings to rule the money market, as they will, seems to me to be about as absurd as anything possible in human action. It is so consistent in its inconsistency as to make it a superlative paradox in economic philosophy.

The strongest argument against the present national-banking system is that growing out of the "free" feature, giving it within the possible power of the banking corporations to control the amount of our circulating currency. This bill may cripple the national-banking system; but in doing so it will operate to transfer this dangerous power to the hands of more dangerous combinations. It weakens an alleged tyrant over the currency to create a monarch more powerful and "merciless" in ruling our financial policy. I am not committed to the continuance of national banks. I am here to vote on the subject of substituting Treasury notes for national-bank notes according to my best judgment when the question shall be presented for my action. I am here committed to maintain gold, silver, and "greenbacks" as nearly equal as legislation can under the laws of human commerce and national enterprise. But let me say that if this bill shall become the law our "greenback" friends had as well "hang their harps on the willows," and will "look toward Jerusalem" in vain, for it will utterly preclude the Government from ever being able to substitute "Treasury notes" for the national-bank currency.

The bullion-kings will be masters of the situation if this bill shall become a law. They will "bull and bear" the money market to the accomplishment of their own financial designs against the poor people of the country, and amass still greater fortunes at the public expense, at the expense of the tax-payers of the nation.

Another and one of the main objections to this bill, which would be sufficient in the absence of others to control my vote against it, consists in the fact that in my judgment the country is now gradually recovering its wonted prosperity under our present financial policy. In my opinion, the country needs repose and a cessation of financial agitation.

What the currency wants is to be "let alone," at least until our present system of resumption is fairly tested. If prosperity is to be reached by means of further legislation, and not through our present policy, next winter will be a much more appropriate time than at this extra session to reopen the question for deliberate and full consideration and action by Congress and the Executive. And while I shall vote against this bill for the reasons stated, I shall hold myself ready at all times to vote for any reasonable and just measure to make and maintain silver equal to any and all other kinds of money whenever it is presented under circumstances for calm discussion and deliberate consideration.

And still another reason why I cannot vote for the present bill is its manifest tendency to prevent European nations, which have demonetized silver, from remonetizing it, as they are on the eve of doing. There is certainly a reaction in favor of silver among foreign countries. Its demonetization by a majority of the European governments has not only struck a severe blow to our commerce, but also to the commerce of Europe, and if we permit our present laws to remain silver will be remonetized throughout all civilized countries, in order to revive their waning commerce. We have already placed ourselves right by restoring the "dollar of our daddies," but if we open up a market here for all the bullion of the Old World, to come into competition, through the manipulations of the bullion-brokers and money-kings, with our American silver, foreign silver will flow in and break down our own silver interests in the West, and at the same time, by the influences already explained, cause gold to "take the wings of the morning," as it were, "and fly to the uttermost parts of the earth;" at least pass beyond our commercial control.

As a friend of silver, and of the so-called "common people of this country," I am constrained to vote against this measure in the garb in which it has been presented. But if you will strike out the third section and insert a provision like the one of the gentleman from Indiana [Mr. CALKINS] voted on by the House yesterday, by which the Government and the people make the profit of fifteen cents on the dollar by the coinage instead of giving it to the bloated silver-king, and let the Government continue to control its own coinage operations, I will give the measure my support; otherwise I cannot; otherwise I will not. On this question in this shape I am willing to go before the country and my constituents, trusting in the good sense and patriotism of the people, the great body of whom are intelligent and honest, without regard to their party predilections.

Mr. WARNER. I rise now to call for the previous question upon the pending amendment.

The SPEAKER. The Chair does not understand that any other gentleman desires to be heard upon it.

Mr. WARNER. Before the vote is taken, then, I wish to say a single word. The purpose of this bill is simply to so amend the Revised Statutes as to replace silver exactly where it stood under the laws of the United States from 1792 down to 1873; nothing else is proposed in this bill, nothing else aimed at.

We claim that by the act of 1873 gold was increased in value and silver decreased in value; and that justice to the whole people of the country requires that that wrong be righted. That is the whole aim of this bill; not to issue legal-tender notes or to enter into questions that belong properly to other committees, and which some of us might be willing to vote for. The purpose of this bill is to remonetize silver. I hope, therefore, we will adhere strictly to that sound principle of our policy.

The question was upon the amendment of Mr. MILLS.

Mr. HAWK. I ask that that amendment be read.

The amendment was read, as follows:

Strike out section 3 from the fourth to the fifteenth line, inclusive, and insert:

SEC. 3520. That the Secretary of the Treasury is hereby authorized and directed to purchase, without limit, all silver bullion, trade-dollars, and foreign silver coins that may be offered for sale at the market value of silver, and such purchases shall be continued as long as 412½ grains of standard silver can be purchased for one dollar of legal-tender Treasury notes. All such purchases shall be paid for with a new issue of legal-tender Treasury notes. And all holders of any of the silver coins of the United States may present the same in any sum not less than $20 and receive therefor legal-tender Treasury notes at par for the same. That all silver coins of the United States shall be receivable in payment of all Government dues and shall be a legal tender in payment of all debts, public or private, for any sum whatever. And the Secretary of the Treasury is hereby directed to have the silver bullion, trade-dollars, and foreign silver pieces coined as fast as possible into American silver coins and to apply all silver coins of the United States that may come into the Treasury to the payment of the interest and principal of the public debt, before using any of the gold or Treasury notes of the Government, for such purposes.

Mr. MILLS. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

The question was taken; and there were—yeas 60, nays 155, not voting 70; as follows:

YEAS—60.

Aiken,	Gillette,	Muldrow,	Stevenson,
Atkins,	Harris, John T.	Murch,	Taylor,
Blackburn,	Hatch,	Myers,	Turner, Oscar
Cabell,	Hooker,	New,	Turner, Thomas
Chalmers,	House,	O'Connor,	Vance,
Clardy,	Hunton,	Persons,	Waddill,
Cobb,	Jones,	Reagan,	Weaver,
Coffroth,	Kenna,	Russell, Daniel L.	Wellborn,
Culberson,	Lowe,	Samford,	Whitthorne,
De La Matyr,	Manning,	Scales,	Williams, Thomas
Dunn,	Martin, Benj. F.	Singleton, J. W.	Wilson,
Elam,	McKenzie,	Singleton, O. R.	Wise,
Felton,	McMillin,	Slemons,	Wright,
Ford,	Mills,	Smith, Hezekiah B.	Yocum,
Forney,	Money,	Sparks,	Young, Casey.

NAYS—155.

Aldrich, N. W.	Crowley,	Hubbell,	Rice,
Aldrich, William	Daggett,	Humphrey,	Richardson, J. S.
Anderson,	Davis, George R.	Hurd,	Robertson,
Armfield,	Davis, Joseph J.	Joyce,	Robeson,
Atherton,	Davis, Loundes H.	Kelley,	Ross,
Bailey,	Deering,	King,	Ryan, Thomas
Barber,	Dick,	Knott,	Ryon, John W.
Bayne,	Dickey,	Ladd,	Sawyer,
Beale,	Dunnell,	Le Fevre,	Shallenberger,
Belford,	Dwight,	Lewis,	Sherwin,
Beltzhoover,	Einstein,	Lindsey,	Smith, A. Herr
Bicknell,	Errett,	Marsh,	Smith, William E.
Blake,	Evins,	Martin, Joseph J.	Springer,
Bliss,	Farr,	Mason,	Steele,
Bouck,	Ferdon,	McCoid,	Stone,
Bowman,	Field,	McGowan,	Talbott,
Boyd,	Fisher,	McKinley,	Thomas,
Brewer,	Fort,	McLane,	Thompson,
Briggs,	Frye,	McMahon,	Tillman,
Bright,	Geddes,	Miles,	Townsend, Amos
Browne,	Godshalk,	Mitchell,	Townshend, R. W.
Buckner,	Goode,	Monroe,	Tyler,
Burrows,	Hall,	Morrison,	Updegraff, J. T.
Caldwell,	Hammond, John	Morse,	Updegraff, Thomas
Camp,	Harmer,	Morton,	Urner,
Cannon,	Haskell,	Neal,	Valentine,
Carpenter,	Hawk,	Newberry,	Van Aernam,
Caswell,	Hawley,	Nicholls,	Voorhis,
Chittenden,	Hayes,	Norcross,	Wait,
Claflin,	Hazelton,	O'Neill,	Ward,
Clark, John B.	Heilman,	Orth,	Warner,
Clymer,	Henderson,	Osmer,	Washburn,
Conger,	Henkle,	Overton,	White,
Converse,	Henry,	Phelps,	Wilber,
Cook,	Herbert,	Phister,	Williams, C. G.
Covert,	Hiscock,	Poehler,	Willis,
Cowgill,	Horr,	Pound,	Willits,
Cox,	Hostetler,	Price,	Young, Thomas L.
Cravens,	Houk,	Reed,	

NOT VOTING—70.

Acklen,	Dibrell,	Ketcham,	Richmond,
Bachman,	Ellis,	Killinger,	Robinson,
Baker,	Ewing,	Kimmel,	Rothwell,
Ballou,	Finley,	Kitchin,	Russell, William A.
Barlow,	Forsythe,	Klotz,	Sapp,
Bingham,	Frost,	Lapham,	Shelley,
Bland,	Garfield,	Lay,	Simonton,
Blount,	Gibson,	Loring,	Speer,
Bragg,	Gunter,	Lounsbery,	Starin,
Brigham,	Hammond, N. J.	Martin, Edward L.	Stephens,
Butterworth,	Harris, Benj. W.	McCook,	Tucker,
Calkins,	Herndon,	Miller,	Van Voorhis,
Carlisle,	Hill,	Muller,	Wells,
Clark, Alvah A.	Hull,	O'Brien,	Whiteaker,
Colerick,	James,	O'Reilly,	Wood, Fernando
Crapo,	Johnston,	Pierce,	Wood, Walter A.
Davidson,	Jorgensen,	Prescott,	
Deuster,	Keifer,	Richardson, D. P.	

So the amendment was rejected.

During the roll-call the following announcements were made:

Mr. FINLEY. I am paired with Mr. CALKINS, of Indiana. If he were present, I would vote "no."

Mr. SHELLEY. I am paired with Mr. KETCHAM, of New York. If he were present, I would vote "ay."

Mr. HERNDON. I am paired with Mr. CRAPO.

Mr. EWING. I am paired with Mr. GARFIELD for to-day.

Mr. COFFROTH. My colleague, Mr. BACHMAN, is paired with Mr. STARIN, and my colleague, Mr. KLOTZ, with Mr. BAKER of Indiana.

Mr. ARMFIELD. My colleague, Mr. KITCHIN, is paired with Mr. ROBINSON, of Massachusetts.

Mr. HUNTON. My colleague, Mr. TUCKER, is paired with Mr. LAPHAM, of New York.

Mr. LOUNSBERY. I am paired with Mr. STEPHENS, who has left the House on account of indisposition.

Mr. BLOUNT. My colleague, Mr. HAMMOND, is paired with Mr. VAN VOORHIS, of New York, and my colleague, Mr. SPEER, with Mr. RUSSELL, of Massachusetts. If present, my colleagues would vote "no."

Mr. DIBRELL. I am paired with Mr. MCCOOK, of New York. If he were present, I should vote "ay."

Mr. HARRIS, of Virginia. My colleague, Mr. RICHMOND, is paired with Mr. PRESCOTT, of New York, and my other colleague, Mr. JOHNSTON, with Mr. BRIGHAM.

Mr. AIKEN. I have been requested to announce that Mr. HULL, of Florida, who is absent by leave of the House, is paired with Mr. RICHARDSON, of New York.

Mr. COBB. My colleague, Mr. COLERICK, is paired with Mr. BALLOU, of Rhode Island.

Mr. ROBINSON. I am paired with Mr. KITCHIN, of North Carolina. If he were present, I should vote "no." My colleague, Mr. RUSSELL, is paired with Mr. SPEER. If present, Mr. RUSSELL would vote "no."

Mr. NEWBERRY. I have been requested to announce that Mr. PRESCOTT, of New York, is paired with Mr. RICHMOND, of Virginia. If present, Mr. PRESCOTT would vote "no."

Mr. EINSTEIN. My colleague, Mr. MILLER, is paired with Mr. ACKLEN, of Louisiana.

Mr. TOWNSEND, of Ohio. My colleague, Mr. KEIFER, is paired with Mr. SIMONTON, of Tennessee.

Mr. SAPP. I am paired with Mr. DAVIDSON, of Florida, who is detained from the House on account of sickness in his family. If he were here, I should vote "no."

Mr. BLAKE. My colleague, Mr. BRIGHAM, of New Jersey, is paired with Mr. JOHNSTON, of Virginia.

Mr. BAYNE. My colleague, Mr. BINGHAM, is paired with Mr. FROST. If Mr. BINGHAM were present, he would vote "no."

Mr. DICK. Mr. KILLINGER is paired with Mr. WELLS, of Missouri.

Mr. UPDEGRAFF, of Ohio. Mr. BUTTERWORTH is paired with Mr. HILL.

Mr. CLAFLIN. My colleague, Mr. CRAPO, is paired with Mr. HERNDON. If present, Mr. CRAPO would vote "no."

The vote was then announced as above recorded.

Mr. WHITE. I move that the House do now adjourn.

PATRICK DORAN.

Mr. DICKEY, by unanimous consent, submitted the following resolution; which was referred to the Committee of Accounts:

Resolved, That the Clerk of the House be, and he hereby is, authorized and directed to pay out of the contingent fund to Patrick Doran $388.80 for services rendered as messenger to the Committee on Expenditures in the Treasury Department from December 2, 1878, to April 3, 1879, at $3.60 per day.

COINAGE CERTIFICATES, ETC.

Mr. SPRINGER. I ask by unanimous consent the substitute I have offered for the third section be printed in the RECORD with some verbal amendments, so it may be seen before the vote is taken upon it. The copies in the document-room are now exhausted.

Mr. WARNER. I object.

Mr. WHITE. Why should the gentleman object?

Mr. CANNON, of Illinois. Why should the gentleman object to the printing of the amendment as modified? What right has he to object in equity or fairness?

Mr. WARNER. If I have no right to object it has no force, but if I have a right to do so I stand on my objection.

Mr. WHITE. I withdraw my motion to adjourn so the gentleman from Illinois may send his amendment up to be read.

The SPEAKER. The gentleman from Pennsylvania who moved the House do now adjourn withdraws that motion, and the amendment to the third section as moved by the gentleman from Illinois [Mr. SPRINGER] will now be read as next in order.

The Clerk read as follows:

Substitute for section 3 the following:

SEC. 3. That section 3520 of the Revised Statutes of the United States be amended so as to read as follows:

"SEC. 3520. Any owner of silver bullion may deposit the same at any mint to be formed into bars of fine silver or coined into standard dollars of the weight of 412½ grains troy, as herein provided, and no deposit of silver, other than as herein provided, shall be received. No deposit shall be of less value than $100, nor of bullion unsuitable for the operations of the mint. The Secretary of the Treasury shall cause the bullion so deposited to be coined into standard silver dollars, to the capacity of the mints, in connection with other coinage authorized by law. He shall ascertain the market value of all silver bullion at the time it is deposited, and he shall issue therefor certificates, in denominations of not less than $5, corresponding with the denominations of the United States notes, each dollar indicated in such certificates to represent 412½ grains of standard silver; and said certificates to the

amount of the market value of the bullion so deposited shall be paid to the person depositing the same; and the remaining certificates, representing the difference between the market value of the bullion and the nominal value of the certificates, shall be placed in the Treasury of the United States, and shall be deemed a part of the current revenue. The certificates issued in pursuance of this section shall be received at par in payment of all dues to the United States, including duties on imports, and shall be a legal tender in payment of the ordinary and current expenses of the Government, and shall be redeemed by the United States on demand in standard silver dollars to the amount such coin may be in the Treasury, and if such coin be not in the Treasury, in silver bullion, and an amount of such bullion or dollars equal to the outstanding silver certificates herein authorized to be issued shall be retained in the Treasury for such redemption. The Secretary of the Treasury and the Director of the Mint shall make such regulations for carrying this section into effect as will best protect the interests of the United States."

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] now proposes to modify his amendment in the manner which will be stated.

The Clerk read as follows:

Make a period after the word "deposited" in line 15 of the amendment; after the word "deposited" in line 15 strike out, in lines 15 and 16, the words "and he shall issue therefor" and insert in lieu thereof the words "He is also authorized and required to issue to the full amount of the bullion so deposited;" making it read, as modified, as follows:

He shall ascertain the market value of all silver bullion at the time it is deposited. He is also authorized and required to issue to the full amount of the bullion so deposited certificates in denominations of not less than $5, &c.

Mr. SPRINGER. I yield to the gentleman from Ohio, [Mr. GEDDES,] who desires to offer an amendment to the amendment. I will accept it as a modification of my amendment.

The Clerk read as follows:

Add after the word "denominations," in the sixteenth line, the following words: "at the discretion of the depositor."

The SPEAKER. The amendment had better be read as modified first by the gentleman from Illinois, and then by the gentleman from Ohio; so that if it should go over till morning it may appear in the RECORD exactly as it is proposed by the gentleman from Illinois [Mr. SPRINGER] to have it voted on.

Mr. SPRINGER. The modifications do not change the substance of the original proposition, and are merely verbal, except that the amendment of the gentleman from Ohio permits the depositor to indicate the denominations of the certificates.

The SPEAKER. The amendment will be read as modified in the form in which it will be next voted on.

Mr. WHITE. Will it not appear so in the RECORD?

The SPEAKER. Should there be an immediate adjournment, then the Chair is desirous to have the amendment published in the RECORD as modified. If there is no objection the time of reading can be saved, and the amendment will be printed in the RECORD as modified.

There was no objection.

Mr. SPRINGER'S amendment, as modified, is as follows:

Substitute for section 3 the following:

SEC. 3. That section 3520 of the Revised Statutes of the United States be amended so as to read as follows:

"SEC. 3520. Any owner of silver bullion may deposit the same at any mint to be formed into bars of fine silver or coined into standard dollars of the weight of 412½ grains troy, as herein provided, and no deposit of silver, other than as herein provided, shall be received. No deposit shall be of less value than $100, nor of bullion unsuitable for the operations of the mint. The Secretary of the Treasury shall cause the bullion so deposited to be coined into standard silver dollars, to the capacity of the mints, in connection with other coinage authorized by law. He shall ascertain the market value of all silver bullion at the time it is deposited. He is also authorized and required to issue to the full amount of the bullion so deposited certificates, in denominations, at the discretion of the depositor, of not less than $5, corresponding with the denominations of the United States notes, each dollar indicated in such certificates to represent 412½ grains of standard silver; and said certificates to the amount of the market value of the bullion so deposited shall be paid to the person depositing the same; and the remaining certificates, representing the difference between the market value of the bullion and the nominal value of the certificates, shall be placed in the Treasury of the United States, and shall be deemed a part of the current revenue. The certificates issued in pursuance of this section shall be received at par in payment of all dues to the United States, including duties on imports, and shall be a legal tender in payment of the ordinary and current expenses of the Government, and shall be redeemed by the United States on demand in standard silver dollars to the amount such coin may be in the Treasury, and if such coin be not in the Treasury, in silver bullion, and an amount of such bullion or dollars equal to the outstanding silver certificates herein authorized to be issued shall be retained in the Treasury for such redemption. The Secretary of the Treasury and the Director of the Mint shall make such regulations for carrying this section into effect as will best protect the interests of the United States."

The SPEAKER. The question recurs on the amendment of the gentleman from Illinois as modified.

Mr. BELFORD. I desire to offer an amendment to the amendment of the gentleman from Illinois. I send it to the desk to be read.

The Clerk read as follows:

Insert after the word "bullion," in the fourth line of Mr. SPRINGER'S amendment, the words "mined and produced from the mines in the United States."

The SPEAKER. Does the gentleman from Illinois accept that as a modification of his amendment?

Mr. SPRINGER. No, sir.

The SPEAKER. The Chair supposes the gentleman from Colorado wants that to be pending in case of the adoption of the amendment of the gentleman from Illinois.

Mr. CONGER. The amendment offered by the gentleman from Colorado would have to be acted upon before the question was taken upon the amendment of the gentleman from Illinois; otherwise it could not get in.

The SPEAKER. As the Chair understands, if the amendment of the gentleman from Illinois, as now modified, should be adopted, then the amendment of the gentleman from Colorado could come in as an addition.

Mr. CONGER. The pending amendment is that of the gentleman from Illinois, [Mr. SPRINGER.] As it has now been modified, it is desired to amend that by the insertion of the words proposed by the gentleman from Colorado, [Mr. BELFORD.] This is an amendment only in the second degree.

The SPEAKER. As the Chair understands, there is another amendment pending.

Mr. CONGER. I understood that was accepted by the gentleman from Illinois.

Mr. DAVIS, of North Carolina. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DAVIS, of North Carolina. Is not the amendment of the gentleman from Colorado the same as was voted down yesterday?

The SPEAKER. The Chair is not able to answer that question. But if it is the same, the Chair thinks that would not prevent his again offering it at a different stage, if germane to another section.

Mr. WARNER. Is there not already an amendment to the amendment pending?

The SPEAKER. The Chair has ascertained that there is not.

Mr. FORT. I desire, if an amendment is in order, to submit one.

The SPEAKER. It is not in order except by consent.

Mr. WARNER. I object.

The SPEAKER. The Chair is willing to receive any amendments that may be offered, but the gentleman from Ohio [Mr. WARNER] objects, because there are already two amendments pending which are all that are allowed under the rule.

Mr. BUCKNER. I do not wish to add to or to change the amendment I have offered to section 8. I simply wish to change the references to the pages of the bill. The references in my amendment as now printed are to the first copy of the bill.

The SPEAKER. The amendment of the gentleman from Missouri [Mr. BUCKNER] will be read in the form in which he now desires it to stand.

The Clerk read as follows:

In line 9 strike out "five" and insert "twenty."

In line 14 strike out "which" and insert the word "and" at the end of the line.

In line 15 strike out "certificates."

In line 16 strike out all after the word "deposited" to "Treasury" in line 18 inclusive.

At the end of the section add: "*Provided*, That all certificates for gold or silver bullion shall be issued at the market value of such bullion at the city of New York, at the time of the deposit."

Mr. WARNER. I now call for the previous question on the entire bill and pending amendments.

Mr. WHITE. I only withdrew the motion to adjourn for the purpose of allowing the gentleman from Illinois to modify his amendment. I now renew it.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. ROBINSON, till Thursday next; and to Mr. KITCHIN, for twelve days, on account of the illness of his wife.

SILVER COINAGE.

The SPEAKER. The question is on the motion that the House do now adjourn; and the gentleman from Ohio [Mr. WARNER] states that he now asks the previous question on the pending section.

Mr. WARNER. I leave that to stand, pending the motion to adjourn.

Mr. WHITE. I do not agree to any condition of that kind.

The SPEAKER. The understanding was that the bill was open to amendment by sections.

The question was taken on Mr. WHITE'S motion, and it was agreed to.

And accordingly (at four o'clock and forty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. AIKEN: The petition of members of Hopewell Grange, Kosciusko County, Indiana, for the passage of the Reagan interstate-commerce bill—to the Committee on Commerce.

By Mr. BRIGGS: The petition of Bear Hill Grange No. 39, of New Hampshire, of similar import—to the same committee.

By Mr. COX: Communications and papers relating to the international exhibition at Sydney, Australia—to the Committee on Foreign Affairs.

By Mr. FERDON: The petition of R. G. Berry, N. S. Field, and 54 others, citizens of Orleans County, New York, against the extension of the Birdsell clover-huller patent—to the Committee on Patents.

By Mr. GILLETTE: The petition of William M. Whitney, for a pension—to the Committee on Revolutionary Pensions.

By Mr. HOUK: Papers relating to the petition of Crawford M. Hall, late district attorney for the eastern district of Tennessee, that he be allowed to retain certain fees of office—to the Committee on the Judiciary.

By Mr. MANNING: Papers relating to the petition of Mrs. Rebecca Nabors, postmaster at Holly Springs, Mississippi, to be relieved from accounting for postage-stamps, &c., stolen from the post-office at said

place during her illness with yellow fever during its prevalence as an epidemic—to the Committee of Claims.

By Mr. MARTIN, of West Virginia: Papers relating to the war claim of Thomas West—to the Committee on War Claims.

By Mr. MYERS: The petition of citizens of Sulphur Springs, Indiana, against the extension of the Birdsell clover-huller patent—to the Committee on Patents.

By Mr. OSMER: The petition of 35 citizens of Pennsylvania, of similar import—to the same committee.

By Mr. THOMAS: Papers relating to the war claim of Hugh Worthington—to the Committee on War Claims.

By Mr. WHITTHORNE: The petition of William F. Moore, that his war claim be referred to the southern claims commission—to the same committee.

By Mr. YOUNG, of Tennessee: The petition of Sarah Waters, administratrix of Robert Waters, deceased, for compensation for property taken by the United States Army—to the same committee.

IN SENATE.

SATURDAY, *May* 17, 1879.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

BILLS INTRODUCED.

Mr. EATON (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 610) regulating the registration of marriages in the District of Columbia; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 611) authorizing the employment of an inspector of plumbing in and for the District of Columbia, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 612) authorizing the commissioners of the District of Columbia to extend the area for the taking up and impounding of domestic animals into the county of Washington; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. MAXEY. I ask leave to introduce a bill without notice, for the relief of Jacob D. Jones. I introduce it by request, not knowing anything in respect to the merits of the case.

By unanimous consent, leave was granted to introduce a bill (S. No. 613) for the relief of Jacob D. Jones; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 31) for the relief of Hugh Worthington; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENT TO POST-ROUTE BILL.

Mr. BUTLER submitted an amendment intended to be proposed by him to the bill (S. No. 261) to establish post-routes; which was referred to the Committee on Post-Offices and Post-Roads.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The PRESIDENT *pro tempore*. There seems to be no further morning business. What is the pleasure of the Senate?

Mr. BURNSIDE. I move that the Senate now proceed to the consideration of executive business.

Mr. WALLACE. I hope not. Let us take up the appropriation bill.

Mr. LOGAN. I offer an amendment to the pending appropriation bill.

The PRESIDENT *pro tempore*. The amendment will be received and referred to the Committee on Appropriations, and printed.

Mr. BURNSIDE. The business I propose to lay before the Senate in executive session I am sure will not take over half an hour.

The PRESIDENT *pro tempore*. The Senator from Rhode Island moves that the Senate proceed to the consideration of executive business.

Mr. BECK. I hope that will not be done. Let us proceed with the pending business of the Senate, the legislative appropriation bill.

The PRESIDENT *pro tempore*. The motion is not debatable. The question is on the motion of the Senator from Rhode Island to proceed to the consideration of executive business.

The motion was not agreed to.

Mr. BECK. I move to proceed to the consideration of the unfinished business.

The PRESIDENT *pro tempore*. If there is no further morning-hour business the Chair will lay before the Senate the unfinished business of yesterday, which is the legislative, executive, and judicial appropriation bill.

Mr. BURNSIDE. May I be allowed to say, then, that at three o'clock to-day I shall move to go into executive session, unless the amendments to be proposed to the appropriation bill are acted upon before that time? The matter I ask the Senate to go into executive session upon is of a great deal of importance to many people.

Mr. BECK. I will say to the Senator that I will yield for an executive session at four o'clock, whether we get through with the amendments or not, if he will allow us to go on until that time.

Mr. ALLISON. Say five o'clock.

Mr. BURNSIDE. At five o'clock there would be no chance to have an executive session of any length.

The PRESIDENT *pro tempore*. The bill (H. R. No. 2) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes, is before the Senate as in Committee of the Whole; and the pending question is on the amendment reported by the Senator from Texas [Mr. MAXEY] from the Committee on Post-Offices and Post-Roads.

Mr. BECK. I call for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

Mr. INGALLS. I should like to hear the amendment reported.

The PRESIDENT *pro tempore*. The amendment will be reported.

The CHIEF CLERK. On line 58, page 3, after the word "pensions," it is proposed to insert "clerk to the Committee on Post-Offices and Post-Roads;" so as to make the clause read:

> For clerk to the Committee on Finance, clerk to the Committee on Claims, clerk to the Committee on Commerce, clerk to the Committee on the Judiciary, clerk to the Committee on Private Land Claims, clerk to the Committee on Pensions, clerk to the Committee on Post-Offices and Post-Roads, and clerk to the Committee on Military Affairs, at $2,220 each.

Mr. HOUSTON. I understand the amendment from the Committee on Post-Offices and Post-Roads to be proposed as an amendment to the amendment of the Committee on Appropriations, and that the amendment of the Committee on Appropriations has not been adopted.

The PRESIDENT *pro tempore*. The Chair will state to the Senator from Alabama that the amendment of the Committee on Appropriations was agreed to, and the question now is on the amendment offered by the Senator from Texas to the clause of the bill as amended.

Mr. HOUSTON. The amendment of the Committee on Appropriations was agreed to as in Committee of the Whole, but it has not been concurred in in the Senate.

The PRESIDENT *pro tempore*. We are still in Committee of the Whole.

Mr. HOUSTON. There is no necessity for calling the yeas and nays in Committee of the Whole, as the question will come up again in the Senate.

The PRESIDENT *pro tempore*. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. WINDOM, (when his name was called.) On this question I am paired with the Senator from West Virginia, [Mr. DAVIS.] If he were here, I should vote "yea."

The roll-call was concluded.

Mr. HEREFORD. I desire to state that my colleague [Mr. DAVIS, of West Virginia] is necessarily absent this morning and is paired. If he were here, he would vote "nay."

The result was announced—yeas 28, nays 14; as follows:

YEAS—28.

Anthony,	Cameron of Pa.,	Ingalls,	Plumb,
Bailey,	Coke,	Jonas,	Rollins,
Bell,	Ferry,	Jones of Florida,	Teller,
Booth,	Garland,	Kirkwood,	Vance,
Burnside,	Harris,	McDonald,	Vest,
Butler,	Hill of Colorado,	Maxey,	Voorhees,
Call,	Houston,	Morrill,	Walker.

NAYS—14.

Beck,	Eaton,	McMillan,	Wallace,
Cameron of Wis.,	Hereford,	Saulsbury,	Withers.
Chandler,	Kernan,	Slater,	
Davis of Illinois,	Logan,	Thurman,	

ABSENT—34.

Allison,	Edmunds,	Johnston,	Randolph,
Bayard,	Farley,	Jones of Nevada,	Ransom,
Blaine,	Gordon,	Kellogg,	Saunders,
Bruce,	Groome,	Lamar,	Sharon,
Carpenter,	Grover,	McPherson,	Whyte,
Cockrell,	Hamlin,	Morgan,	Williams,
Conkling,	Hampton,	Paddock,	Windom.
Davis of W. Va.,	Hill of Georgia,	Pendleton,	
Dawes,	Hoar,	Platt,	

So the amendment was agreed to.

Mr. VOORHEES. Some days ago, by the instruction of the Joint Committee on the Library, I submitted an amendment on page 16, at the close of line 365, to insert the following:

> To enable the Joint Committee on the Library to purchase works of art, $5,000.

This amendment was unanimously agreed to by the Committee on the Library, and it was referred to the Committee on Appropriations. I desire to call it up and take a vote upon it at this time. I presume there will no objection to it.

Mr. BECK. I only desire to say that in making examinations of the appropriations heretofore made for this purpose, we find that there was $15,000 appropriated to the Joint Committee on the Library to buy works of art for the current year, and $3,000 for a special purpose, making $18,000 for the current year. No provision is made for purchasing works of art for the next year, and this is the only application for that purpose, and we do not feel disposed to oppose this amendment, as there is no other appropriation made for this purpose for the coming year.

The PRESIDING OFFICER, (Mr. COKE in the chair.) The ques-

tion is on agreeing to the amendment offered by the Senator from Indiana, [Mr. VOORHEES.]

The amendment was agreed to.

Mr. CALL. On page 20, line 477, in the appropriations for the Treasury Department, I move to strike out the word "eight" and insert "nine," so as to read "nine assistant chiefs of division, at $2,000 each."

The purpose of the amendment is to add another assistant chief of division to the force in the Treasury Department. I understand that there is a clerk there who has been doing the service of an assistant chief of division for the past twelve months, without compensation, in addition to his other duties. The Secretary of the Treasury has recommended to the committee the addition of this assistant chief of division, and I understand from the chairman of the Committee on Appropriations that there was some error in its not having been reported by the committee at an earlier day. I believe that it will not meet with the opposition of the committee. At all events it is strongly recommended by the Secretary, who deems the additional assistant chief of division to be necessary.

Mr. BECK. I desire only to call attention to the condition of things in the Secretary's office. There are a number of divisions: the appointment division, with a chief and an assistant chief; the division of warrants, estimates, and appropriations, with a chief and an assistant chief; of public moneys, with a chief and an assistant chief; of customs, with a chief and an assistant; of revenue marine, with a chief and an assistant; of stationery, with a chief and an assistant; of internal revenue and navigation, a chief and no assistant; of records, and files, and mails, a chief and no assistant; of loans and currency, which is now consolidated in the Secretary's office, one chief and two assistants, making nine chiefs and eight assistant chiefs. As the Secretary had failed to estimate for this increase now asked, and as he has written a letter since that time asking to have it done, we did not feel at liberty to change the estimates or to increase the force, seeing that he had so many chiefs and so many assistant chiefs, although he writes a letter making out a pretty strong case for it. Has the letter been read?

Mr. CALL. No, sir.

Mr. BECK. I should like the letter of the Secretary of the Treasury to be read. The committee thought there ought to be no increase there; but the Senate can do as they please about it. We thought there were chiefs and assistants enough. Is the Secretary's letter at the desk?

The PRESIDING OFFICER. The letter has not been sent up with the amendment.

Mr. WALLACE. The committee then do not recommend this increase?

Mr. BECK. The committee make a recommendation not to make it, because it is not estimated for in the Book of Estimates, and we think that there are chiefs and assistant chiefs enough.

Mr. CALL. There is a letter from the Secretary of the Treasury which I submitted to the Committee on Appropriations. I had it here, but I cannot find it at this moment. It is well known, however, to the Senator in charge of the bill that the additional chief of division was strongly recommended by the Secretary.

Mr. BECK. I said that it was.

Mr. CALL. As I understand, this matter has come very recently to the notice of the committee, and if it received any examination at the hands of the committee I suppose it must have been a very hasty one. The fact I understand to be that there is a clerk in the Department who for the past twelve months has been performing, in addition to his ordinary duties, the duties of an assistant chief of division. I understand that he is a meritorious clerk, that he has rendered faithful and efficient service to the Government not only in his capacity as a clerk, but that he rendered meritorious military service during the war. However that may be, it is unquestionably true that the Senate have the statement of the Secretary of the Treasury, and there is no denial of the fact that this officer has been performing this service, and has performed it for a long time without compensation, and that he will be compelled to do so for the next twelve months unless this action is taken.

I apprehend that there is no purpose on the part of the committee, and no purpose on the part of the Senate, and no just purpose with anybody to require services to be performed without an adequate compensation, and this compensation is what would be required to be paid to a clerk doing the same duty. I do not know why, the facts having been submitted to the Senator in charge of the bill, the amendment should not be adopted.

Mr. GARLAND. Let the amendment be reported.

The Chief Clerk read the amendment.

Mr. BECK. The Senator from Florida has the letter now.

Mr. CALL. I send two letters to the desk and ask that they be read.

The PRESIDING OFFICER. The letters will be read.

The Chief Clerk read as follows:

TREASURY DEPARTMENT,
Washington, D. C., February 26, 1879.

SIR: I have the honor to call your attention to the appropriations made in the legislative, executive, and judicial appropriation bill as passed by the House of Representatives for the service of the Treasury Department for the next fiscal year.

When I assumed control of this Department the salaries and the number of employés had been materially reduced by a Congress composed of two Houses representing both political parties. I felt it my duty to accept the reduction in good faith and to reorganize the Department to carry out the intention of the appropriation act. No office was filled unless the service required it, and in all those branches of the service in which I had discretionary authority the number anp salaries of the employés were largely reduced, as instance the reorganization of the customs service and the Bureau of Engraving and Printing. The appropriation act fixing the number and salaries of the employés for the present fiscal year was taken as the basis of the next year's estimates.

It is proposed by this bill to further reduce the number and salaries and to change the classification of the clerical force of the Department. This policy of annual changes and adjustments is not in the interest of the service, and the very small savings become questionable economy in the light of efficient and effective discharge of public duties.

Since the first general reduction of August 15, 1876, there has been no reason for further reductions in either the salaries or clerical service of this Department by reason of decrease of duties to be performed. In some of the branches of the Department gradual increase may be expected, as the tendency of legislation is to place more details upon the accounting officers.

Unless the policy of the Government is greatly changed in the present manner of collecting and disbursing the revenue, no reduction in the clerical force of the accounting offices can be anticipated. When the clerical force of a department is insufficient to meet the demands upon it the work will not be done well if done at all. Officers who collect and disburse public moneys should know that their accounts will be promptly examined and every expenditure scrutinized by competent and faithful clerks. Any legislation tending to delay the settlement of fiscal accounts is unwise. Perhaps no one thing has induced me to address your committee at this time on this subject so much as the information which has reached me that many accounts of disbursing officers have been in the Department for six months without having been opened, owing to the gradual clerical reductions of the past few years. It would be much better policy to cut off certain branches of the public service than to cripple the functions of the Treasury Department in its duties of receiving and accounting for the revenues.

The funding operations are just now not only increasing that branch of the service, but increasing the duties incidentally in the other branches of the Department.

As to the salaries of employés, I think the amounts fixed in the appropriation act of 1877, in the light of salaries created by Congress since that time, under rather than above proper compensation. I have not so much to urge, however, against the reduction of salaries as against the policy of uncertainty adopted in the appropriation bills, though to continue the policy year after year of reducing the number of higher grade clerks and supplying their places with lower grade will in the end demoralize the service and dishearten faithful public servants.

In the reduction of three fourth and three third class clerks in this office, as proposed in the present bill, three fourth-class clerks must be reduced to third, six third to second, six second to first, and six first to $1,000, or dropped. In all twenty-one persons in the Secretary's office alone suffer a reduction of salary, and substantially the same rate pertains to every other office of the Department.

Heretofore a large sum has been given for temporary clerks of the Department. For this purpose there were appropriated last year $64,500, and for this year $25,000.

I have not estimated for any temporary clerks for the next year, and it is thought none will be required if Congress will preserve the present organization.

I inclose a copy of the bill as passed by the House of Representatives, with my amendments to conform to the suggestions herein made. I have added one to the number of assistant chiefs allowed for the Secretary's office, making one less than the number originally allowed by the act of March 3, 1875, and have increased the pay of the captain of the watch and his two lieutenants to what I consider no more than fair remuneration for their services.

The Second Comptroller urgently requests that additional amendments be made so as to allow for his office in place of three of the nine-hundred-dollar class, one clerk of the second class, one clerk of the third class, and one clerk of the fourth class.

Very respectfully,

JOHN SHERMAN, *Secretary.*

Hon. WILLIAM WINDOM,
Chairman Committee on Appropriations, United States Senate.

TREASURY DEPARTMENT,
Washington, D. C., March 28, 1879.

SIR: I have the honor to call your attention to an item in the estimates submitted for the office of the Secretary of the Treasury. When the office was reorganized under the act of March 3, 1875, (United States Statutes, volume 18, part 3, page 349,) provision was made for eight assistant chiefs of division at $2,400 each. This number was fixed upon after a careful examination of the needs of the office at that time. Notwithstanding the increase of its business, estimates were submitted to the last Congress for but six assistant chiefs of division at $2,000 each, and one assistant chief of division at $2,400, which estimates have also been submitted to the present Congress.

I beg leave to request that this number of assistant chiefs of divisions at $2,000 be increased by one, which will but put the force of assistant chiefs at that number which was considered necessary when the office was reorganized on what was expected to be a permanent basis in 1875, (and which number is still necessary to complete the present organization,) while the total reduction in salary from the sums estimated for in the reorganization at that time will be $2,800.

The item desired to be amended in estimates for the Treasury Department, office of the Secretary, now stands: six assistant chiefs of division at $2,000, $12,000; as amended it would read: seven assistant chiefs of division at $2,000, $14,000.

Very respectfully,

JOHN SHERMAN, *Secretary.*

Hon. SAMUEL J. RANDALL,
Speaker of the House of Representatives.

Mr. BECK. I have only to say that in estimating for the force necessary for the Treasury Department there is no estimate for this office. The Secretary of the Treasury has by this bill all the force that is allowed him by the existing law, as we understand it, nine chiefs and eight assistant chiefs. The Secretary complains very much of not having enough force, but I should like to read a letter from one officer of that Department at least who has not only told us that it could be done but has shown us how he could reduce the force in his office twenty-seven, fifteen in the division of national currency, and twelve in the division of loans, in the Treasurer's office proper. I have a letter from the Treasurer in which he shows there has been more force allowed than he wants, and with his consent we have reduced the force twenty-seven. While it does not exactly apply to this particular case, I should like to make this letter part of the RECORD.

Mr. DAVIS, of Illinois. To be printed without having it read?

Mr. BECK. Yes, sir.

Mr. ALLISON. The Senator from Kentucky has stated the substance of it.

Mr. BECK. I have stated the substance of the Treasurer's letter, and I will send it to the Reporter. The Senate can vote upon this amendment so far as I am concerned.

The letter is as follows:

TREASURY OF THE UNITED STATES,
Washington, February 22, 1879.

SIR: Referring to the legislative appropriation bill now pending before Congress, and especially to the appropriations made for the force employed in redeeming national currency in this office and in that of the Comptroller of the Currency, I desire to represent that there will probably be such a decrease in the receipts of national-bank notes for redemption as to warrant a reduction of the above force by reason of the effect of the following order issued by this office under date of September 24, 1878:

"On and after October 1, 1878, the charges for the transportation of national-bank notes to the Treasurer of the United States for redemption under the act approved June 20, 1874, (18 Statutes, 123,) must be paid by the party making the remittance."

After careful consideration, I think that in the office of the Treasurer of the United States the present state of the business will permit of a reduction of not more than seven clerks of class 1, and eight clerks of the $900 class, in all fifteen, which will be a total annual saving of $15,600 so far as this office is concerned.

The duty of this office, under the act of June 20, 1874, is to receive the national currency sent for redemption, to assort out the notes of each national bank into fit and unfit, to send the unfit, assorted by banks, to the Comptroller of the Currency, and the fit to the bank of issue; and at the end of the year to reimburse the United States from the 5 per cent. fund of the banks, which stands to the credit of the Treasurer of the United States for the charges of transportation and the cost of assorting such notes in both offices, and it is only on that account that I take the liberty of calling attention to certain facts in regard to the force required in the office of the Comptroller in handling the unfit notes sent to him.

The following table shows the amount of notes sent by this office under the present redemption system to the Comptroller from 1874 to 1878, together with the salaries paid and the cost of handling each $1,000 in such notes in that office:

Fiscal year.	Amount of unfit notes received from Treasurer.	Paid for salaries.	Cost per $1,000.
1874–'75	$115,109,445	$21,268 84	$0 18
1875–'76	78,643,155	33,601 56	43
1876–'77	62,518,600	25,457 22	41
1877–'78	51,585,400	22,297 88	43

By which it appears that while the amount of notes handled has decreased, the expenses of the redemption system in that office have increased from eighteen cents per $1,000 in 1874–'75, to forty-three cents in 1877–'78, arising from the fact that the decrease of unfit notes has been more rapid than the decrease of force employed thereon, and the present year will show a much larger decrease in the amount of notes.

The following table giving similar items for this office for the same period is also submitted:

Fiscal year.	Amount assorted.	Paid for salaries.	Cost per $1.000.
1874–'75	$130,322,945	$136,958 55	$1 05
1875–'76	176,121,855	154,417 38	88
1876–'77	213,588,900	125,238 46	59
1877–'78	204,022,700	114,282 75	56

From the above table it will appear that so far as the Treasurer's office is concerned while the receipts of national-bank notes for redemption have increased the expenses of handling them has diminished from $1.05 per $1,000 in notes in 1874–'75 to fifty-six cents in the last fiscal year.

I cannot, of course, make any recommendation for the office of the Comptroller of the Currency, but call the attention of your committee to the facts in the hope that such force may be authorized as shall not be in excess of that required for performing the duty devolved upon it under the present redemption system, and that the banks may not be subjected to the expense of paying any larger force than is required in the redemption of their notes under the above-mentioned act.

In fixing the reduction for this office I have acted with great care, and am firmly of the opinion that the business will not stand a greater reduction than I have recommended above.

Very respectfully,

JAS. GILFILLAN,
Treasurer of the United States.

Hon. WILLIAM WINDOM,
Chairman Committee on Appropriations, United States Senate.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Florida, [Mr. CALL.]

Mr. CALL. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 18, nays 27; as follows:

YEAS—18.

Anthony,	Call,	Hill of Colorado,	Saunders,
Bailey,	Cameron of Pa.,	Jones of Florida,	Teller,
Bell,	Ferry,	Maxey,	Voorhees.
Burnside,	Garland,	Morgan,	
Butler,	Gordon,	Plumb,	

NAYS—27.

Allison,	Edmunds,	Kernan,	Vest,
Beck,	Farley,	Logan,	Walker,
Booth,	Grover,	McMillan,	Wallace,
Cameron of Wis.,	Hereford,	Ransom,	Williams,
Chandler,	Houston,	Saulsbury,	Windom,
Coke,	Johnston,	Slater,	Withers.
Davis of Illinois,	Jonas,	Vance,	

ABSENT—31.

Bayard,	Bruce,	Cockrell,	Davis of W. Va.,
Blaine,	Carpenter,	Conkling,	Dawes,
Eaton,	Hoar,	McDonald,	Randolph,
Groome,	Ingalls,	McPherson,	Rollins,
Hamlin,	Jones of Nevada,	Morrill,	Sharon,
Hampton,	Kellogg.	Paddock,	Thurman,
Harris,	Kirkwood,	Pendleton,	Whyte.
Hill of Georgia,	Lamar,	Platt,	

So the amendment was rejected.

Mr. KERNAN. The Chairman of the Finance Committee, the Senator from Delaware, [Mr. BAYARD,] was called away unexpectedly yesterday and requested me to present an amendment to the bill, which is recommended, I believe unanimously, by the Committee on Finance. It was printed and sent to the Committee on Appropriations, and I now offer it to come in on page 20, after line 464:

For diplomatic and consular service, to be expended in the discretion of the President, $20,000.

There is nothing appropriated for contingent expenses for the Department of State. This is not asked except in case a contingency should arise, which it is thought may arise owing to what we see is going on in Europe, and there shall be a movement by certain governments there, they being the moving parties, with a view of trying to arrange for the coinage of silver at some uniform rate to be adhered to by all. The Finance Committee recommend this appropriation that it may be used to send a representative of this country to any such conference if one shall be called, there to represent the interests and views of the people of the United States.

Mr. BECK. I desire to say to the Senate that when this amendment came to it by a unanimous vote of the Committee on Finance, the Committee on Appropriations determined not to make any recommendation one way or the other about it, but to leave it to the Senate on such statements as the Committee on Finance might see fit to make.

Some members of the Committee on Appropriations were individually in favor of it and some perhaps not; but I am authorized to say that the action of the Senate upon this amendment must be taken independent of any recommendation of the Committee on Appropriations; and this is the reason that we were embarrassed about it. In the last consular and diplomatic bill passed during the current fiscal year the House of Representatives agreed, as the very last clause of the bill, to this provision:

For diplomatic and consular service, to be expended in the discretion of the President, $20,000.

The precise provision now proposed. The Senate also agreed to that; but after both Houses had agreed to it—I have the bill in my hand as it passed—it dropped out of the law.

Mr. ALLISON. How?

Mr. BECK. How, I do not know. I have the law, and I have the bill as it passed the committee of conference. It is marked "out" as if by the committee of conference. How and upon what terms the committee of conference struck it out, I am not prepared to say. I do not see by what authority they could strike it out because it had passed both Houses; but in the law as it passed, as Senators will see by examining it, the provision is omitted. Finding the case to be in this form, we determined to submit the facts to the Senate. I thought myself that it was an appropriation, under all the information laid before the Committee on Finance, very proper to be made, and I voted for it in the Committee on Finance before it went to the Committee on Appropriations. Finding this condition of things in the last bill, it occurred to me that there was some mistake about the matter or this would be the law now.

Mr. KERNAN. I hope, therefore, the amendment will be agreed to without opposition.

Mr. GARLAND. I desire to ask the Senator from New York a question. Does he move this amendment by direction of the Committee on Finance?

Mr. KERNAN. I stated that the Committee on Finance unanimously requested our chairman to propose it. He offered it and had it referred to the Committee on Appropriations. He was called away and asked me to present it.

Mr. GARLAND. And the Committee on Appropriations make no recommendation about it.

Mr. KERNAN. That is true; but they state the fact that both Houses did agree to the same thing at the last session, and they leave it to the Senate. I hope the Senate will adopt it.

Mr. SAULSBURY. I understand from the Senator from New York that this $20,000 is to enable the State Department to appoint a representative to a conference to consider the value of silver coin.

Mr. KERNAN. It does not say so in form; but the Committee on Finance recommend that the money be appropriated to be used for the purpose, preferring not to put in the law the specific use, inasmuch as it is understood other governments will move; and it is to show that we are ready to meet them.

Mr. SAULSBURY. I have no objection to the object or to any other object the State Department may desire to accomplish; but I am opposed to this general grant of contingent expenses to different Departments of the Government because I fear that, unless they are limited and fixed, these contingent funds will be used for other and sometimes illegitimate purposes.

Mr. ALLISON. I will state to the Senator from Delaware that no part of this fund can be used for what are ordinarily called contingent expenses. In other words, no part of it can be used to add to any expenses now authorized by law. It can only be used for some new and distinct purpose, and I think the Senator from New York

has very clearly stated the object for which it is proposed. I hope there will be no objection to it.

Mr. BECK. I should like to add a line to it. If the Senator from New York would accept this modification, it would make the amendment more satisfactory to some Senators:

And an account of the expenditure thereof shall be submitted to Congress in December, 1880.

Mr. KERNAN. That is very satisfactory and proper. Say "any expenditure." I think all the members of the committee will agree that it is proper to say that and it meets my approbation.

The PRESIDING OFFICER. It is proposed to amend the amendment by adding:

And an account of any expenditure thereof shall be submitted to the Congress that meets in December, 1880.

Mr. KERNAN. I hope that will be added.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. MAXEY. I offer an amendment. On pages 76 and 77, in line 1869, strike out "7" and insert "8;" in line 1871 to strike out "27" and insert "28," and in line 1872 to strike out "13" and insert "14."

In support of the amendment I send to the Clerk's desk to be read a letter from the Postmaster-General.

The PRESIDING OFFICER. The letter will be read.

The Chief Clerk read as follows:

POST-OFFICE DEPARTMENT,
Washington, D. C., May 14, 1879.

Hon. S. B. MAXEY,
Chairman Committee on Post-Offices and Post-Roads:

I have the honor to recommend that the legislative, executive, and judicial appropriation bill be amended so as to allow to the office of the Second Assistant Postmaster-General eight clerks of class 4, twenty-eight clerks of class 3, and fourteen of class 2, instead of the numbers now provided for. This increase is very much needed, in consequence of the large increase of new mail-routes, largely increasing the work of that office.

Very respectfully,

D. M. KEY,
Postmaster-General.

Mr. MAXEY. The number of clerks of class 4 in the office of the Second Assistant Postmaster-General is seven, which we propose to make 8; of class 3, twenty-seven, which we propose to change to twenty-eight; of class 2, thirteen, which we propose to change to fourteen.

This communication from the Postmaster-General says that this increase is very much needed in consequence of the large increase of new mail routes, largely increasing the work of that office. I assume that if it be true, as stated in this letter, that this increase is very much needed, it was the duty of the Postmaster-General to report that fact to Congress. I also assume as a proposition of law that an act or communication made by an officer within the purview of his duty and within the line of his duty is to be presumed to be correct until the contrary is shown. The Postmaster-General, who is intrusted by law with this duty, makes the statement that these three additional clerks are very much needed; the presumption of law is that that statement is true, and he who seeks to set it aside must do so by proof.

Now, I hold that if the Government of the United States is to be conducted faithfully, honorably, and efficiently, we must furnish the officers who are to conduct the Government with the means of accomplishing their duties; and when a solemn statement is made officially by an officer under his official oath and sanction that a thing is necessary to be done, we must assume that that is true unless the contrary is shown; and a mere conjecture is not evidence before anybody. Therefore I say that just as much as it was the duty of the Postmaster-General to make these reports, if the facts stated by him are true, (and they are presumed in law to be true,) it is just as much the duty of Congress to comply with his request as it was his duty to make the request. As we are responsible for the proper conduct and management of the Post-Office Department, and we therefore should furnish him with the means necessary to accomplish his duty, I hope the amendment will be adopted.

Mr. BECK. This is another opportunity for the Senate to show its liberality, as I presume it will, but I call for the yeas and nays on this also. We have added to the Post-Office Department, on an urgent letter of the Postmaster-General and the Third Assistant Postmaster-General, on careful examination by both committees, ten clerks for that branch; we have added one to the Second Assistant Postmaster-General's force; making an addition of eleven in the Post-Office Department. The bill came from the House almost three weeks ago, and was submitted to the Senate Committee on Appropriations. The Postmaster-General never appeared before that committee, nor has he sent any communications to the Appropriation Committee of either House asking for this additional increase.

He sees fit to keep away from the committee of the House and the committee of the Senate, and he writes a letter to the chairman of the Committee on Post-Offices and Post-Roads without coming before either of those committees who are charged with these appropriations and showing us why he ought to have the additional force, for what he needs them, what particular service he is going to employ them in, and the Senator from Texas is going very far when he says that this body ought, because an officer of the Government comes and asks for a particular number of clerks, to give them to him merely because on his responsibility he says he should like to have them. If that is the case, then no appropriation bill of this character can ever properly be brought below the estimates of the Departments. There has not been a bill for five years, in my judgment, that has come up to the estimates of the Departments of what they would like to have. All scrutiny, all examination into their wants must be taken away from us if we are to accept and to submit to what they ask. I repeat if we are to accept as absolutely true the statement of each head of a Department of what he wants or would like to have, we must abandon our control.

Mr. MAXEY. I should like to ask the Senator a question. I ask him if it is not true as a maxim of the law that all official acts solemnly done in the line of duty of an officer are presumed to be true until the contrary is shown?

Mr. BECK. Oh, but this is not an official act.

Mr. MAXEY. I think it is.

Mr. BECK. It is a recommendation to the Senate and House of Representatives who are the judges of what is necessary for the good of the service.

Mr. MAXEY. I make the point that it is an official act, for it is incumbent by law on him to discharge the duties of that Department, and if in the discharge of those duties it becomes apparent to him that additional force is necessary, it is his duty to make application to Congress, and that is presumed to be a correct application unless the contrary is shown.

Mr. BECK. He has made no application to either of the committees charged with the duty of determining the number of employés that ought to be in that Department, and he has carefully abstained from appearing before the Senate or House committee, so far as I know, either verbally or in writing, to say that these additional clerks are necessary.

Why was that? It was part of his official duty, if he desired any increase of clerks or to make any complaint that the committees of the House and Senate had not dealt fairly by him, either to send them an official communication or to come himself and see them. He has done neither. He having failed to do either and having been liberally treated as I think, by an addition of eleven clerks upon recommendations made to the different committees and carefully examined, especially by the House and again by the Senate committee, I say it is treating the regular committees of the two Houses badly for the Postmaster-General to write to the chairman of a committee not charged with this business instead of coming before the Committee on Appropriations that has charge of these things and trying to show them wherein the good of the service required an addition, wherein they had been wrong. For one I shall vote against it, and shall call for the yeas and nays upon this increase.

If the democratic party are going to start in this way and we are to take all the estimates of the heads of Departments as right because they are official and we are called on to disprove their correctness, when they even address them to committees not charged with the bills, and do not even appear before us to tell what they want, then we are at sea and we are at the mercy of the head of any Department who may want anything, without any means of knowing whether it is correct or not.

Mr. MCDONALD. I do not know, of course, what action the Postmaster-General has taken in regard to this matter; but this proposed increase is in the bureau of the Second Assistant Postmaster-General, and on the 30th of April, at the request of the Second Assistant Postmaster-General, I submitted to the Senate and had referred to the Committee on Appropriations these same amendments. I have here the original suggestion of amendments, the indorsements on it showing that it went to the committee April 30, 1879. The committee reported the bill back without taking any notice of these amendments, and I suppose they found themselves too much engaged to even advise me that they were considering them. They were acted upon in the committee, if acted on at all, without any information so far as I was concerned than the mere offering of the amendments. But the suggestion was not my own, as a matter of course. The suggestion was made because of the information which General Brady, the Second Assistant Postmaster-General, had communicated to me. As he is a citizen of my State I suppose he thought, not being himself the Postmaster-General, being a subordinate in that Department, that it would be as well for him to communicate with one of the representatives on this floor from his State.

In support of the amendment I send to the Secretary's desk a note which I have recently received from him since the report has been made by the committee, in which no notice was taken of these proposed amendments, setting forth the reasons why this is necessary. I think the reading of that letter will show very clearly that whatever may be the facts in regard to the force in other Departments, the Second Assistant Postmaster-General is not asking for any great increase in force, and certainly not commensurate with the increase of service that is thrown on that division of the Post-Office Department by the increases which have taken place recently under the action of Congress and that are constantly taking place under the general law. I ask that the letter be read.

The Chief Clerk read as follows:

POST-OFFICE DEPARTMENT,
OFFICE OF SECOND ASSISTANT POSTMASTER-GENERAL,
Washington, D. C., May 15, 1879.

DEAR SIR: In response to your personal request, I have the honor to state that my request that the legislative, executive, and judicial bill now pending in the

Senate be amended so as to allow this office eight clerks of class 4, twenty-eight clerks of class 3, and fourteen clerks of class 2, instead of the numbers now provided for, was made in consequence of recent legislation relative to subletting mail contracts, together with the great increase in the number of post-roads, (over nineteen hundred routes having been established under date of March 3, 1879,) rendering an increase in the clerical force of this office absolutely necessary.

Very respectfully,

THOS. J. BRADY.

Hon. JOSEPH E. MCDONALD,
United States Senate.

Mr. McDONALD. I will state that this is but an increase of three clerks in this division over what has been reported in the bill, an additional clerk in each one of the three classes there named.

Mr. FERRY. I desire to add to what has been stated by the Senator from Indiana, that this is confined to the Second Assistant Postmaster-General's division, confined to the mail service which is increasing all the time. I think the Senator has stated that. I desire in this connection to answer as far as I can what has been stated by the Senator from Kentucky, who has charge of the bill; there has been no intention here to pay any disrespect to the Committee on Appropriations. The Postmaster-General has adopted the usual method. There has been no irregularity whatever. This matter has been before the Committee on Post-Offices and Post-Roads, considered carefully by it; the chairman of that committee was directed to report it to the Senate and ask that it be referred to the Committee on Appropriations. On the 14th of this month the chairman, in obedience to the direction of the committee, reported it to the Senate, asked that the letter of the Postmaster-General be read, and I find it here in the RECORD; it was read; and the amendment was referred to the Committee on Appropriations; and that committee saw fit to dissent from the recommendation of the Committee on Post-Offices and Post-Roads. It was printed and laid upon the tables of Senators.

Now, I say that the most perfect regularity has been observed. The Committee on Post-Offices and Post-Roads is the organ through which the Postmaster-General usually communicates to the Senate, and that has been the usual practice. He has adopted that in this instance. His request followed the regular channels, and finally lodged in the Committee on Appropriations. That committee, as I have said, have seen fit to report adversely, and the only resort is to the Senate; and the chairman of the Committee on Post-Offices and Post-Roads has again followed out the direction of that committee, and now presses it upon the attention of the Senate.

What is it that is asked? An increase of three clerks in the mail service under the Second-Assistant Postmaster-General. We all know how that service is increasing, how the West is spreading out, what an increase of mail-routes is constantly taking place. The last post-route bill that we had was the largest that was passed by Congress, I think one hundred and seventeen pages of mere mail-routes, in addition to those already in existence, giving us the knowledge of the fact that the mail service is constantly increasing at the West and the South. Now, in order to provide for this service, in order that the clerical force may be adequate to discharge fully this duty, the Postmaster-General has asked three more clerks for this branch of his Department. I think the request is moderate, and I hope the chairman of the Committee on Appropriations will not press his objection to the amendment.

Mr. BECK. I desire first to say a word in reply to the Senator from Indiana, [Mr. MCDONALD.] He seems to think that because he had referred an amendment to us, which we did not agree to, therefore we had not had either time or inclination to consider it; and because, furthermore, he had a private letter in his pocket, which he now reads for the first time, but which he failed to send to us, it was our business to hunt him up and tell him that we were going to consider it.

Mr. McDONALD. No, Mr. President, I wish to correct my friend. I did not have that letter at that time; but if the committee had notified me they were considering this subject and asked me for the reasons why I desired to have these amendments made, I should certainly have told them all that I then knew, which was the substance of what is now contained in that letter; that had been communicated to me before that by the Second Assistant Postmaster-General, and upon which information I offered the amendments. The only trouble was that they did not have time to send for me and did not do it; and I made no communication to them further than to send the amendments, and they lost the information that I had in my possession, and I have communicated it to the Senate now.

Mr. BECK. When a Senator sends an amendment to the Committee on Appropriations bearing upon public affairs, the presumption is that the officer who asks him to move it is going to communicate to that committee the facts upon which he desires the amendment to be made, or that the Senator who offers the amendment will furnish to the committee some information upon that subject. Neither the Second Assistant Postmaster-General nor the Senator from Indiana ever furnished the committee any information upon this subject; and I desire to say to him now and to all other Senators that it has not been the habit, nor is it possible, during the sittings of the Committee on Appropriations for them to go to the various committee rooms and hunt up members and ask them to come and give us such information as they may privately have. The practice has been, and it is the only proper practice, for Senators who have amendments, to lay the information before the committee on which they expect the committee to act, and not for the committee to go and hunt them up individually to ask them upon what authority or upon what evidence they are doing it.

Mr. McDONALD. I ask the Senator if this information is not now submitted to the Senate? They know exactly the information in the possession of the Committee on Post-Offices and Post-Roads, and the information which I as a Senator had in regard to the matter. And I wish to ask him now if that would have been sufficient, if it had been submitted to the Committee on Appropriations, to have induced the committee to report in favor of these amendments?

Mr. BECK. I say this: if we had by thorough examination of the Postmaster-General and the Second Assistant Postmaster-General ascertained what the clerks they now have are doing, what labor they are performing, and the necessity there is for this increase, then, perhaps, we should have reported favorably; but their say-so alone is not necessarily conclusive upon us, especially when for the last fiscal year we gave the Second Assistant Postmaster-General sixty-seven clerks, and he and his chief, when making out an estimate for the service for the year 1880, the year for which we are now providing, estimated for sixty-seven and we gave them sixty-eight clerks, because they went before the House committee and showed that they wanted one more.

Now, when we have exceeded their own estimate of their own wants—for they only estimated sixty-seven for the current year for the Second Assistant Postmaster-General's office and we have allowed sixty-eight—and when they go to the House committee to ask for an addition of one and obtain that addition of one because of the wants of the service, then I say it is bad faith in the Postmaster-General and his assistant to go to any private Senator, withholding information from the proper committee and refusing to go before that committee and failing to lay any information before it, and then ask us to agree to amendments that either other committees or other members propose in excess of the estimates that they themselves sent to us as to their wants.

If the Postmaster-General or his assistant had come before me I would have taken the Book of Estimates and shown it to him and said, "Sir, you estimated for sixty-seven clerks; we have given you sixty-eight; why did you not estimate for what you needed?" And when he came to explain the facts, perhaps his explanation would have been such that he could have maintained himself before the Senate, or perhaps not. But if, as the Senator from Texas [Mr. MAXEY] says, we are to take whatever the heads of Departments say, I refer to the estimates in this case. Sixty-seven is the number of clerks the Post-Office Department asked for this office. We have in the bill given one more than they asked for. If they have changed their minds since then, it was their duty to send in additional estimates, but since this Congress met they have sent no estimates asking for additional clerks or showing any increase of service that was not fully known to them when these estimates were sent in.

Mr. McDONALD. I cannot admit that the Second Assistant Postmaster-General has been acting in bad faith in this matter. It does not seem to me very strange that he should go to a Senator from his own State to suggest, without going before the committee, what he wanted. When the amendment was placed in my charge, I said to him that upon the question being reached in the committee I apprehended I would have some information about it and then he could go with me before the committee and I would go with him; but as I never heard anything further from the amendments until the bill was reported back here, I did not know but that they had been acted on favorably.

Mr. WALLACE. It seems to me that we must have some control of this subject of the expenditure of the public money somewhere, and the question here is whether it is to be in the heads of the Departments or in the Appropriations Committees of the two bodies.

Mr. McDONALD. Or in the Senate.

Mr. WALLACE. In the Appropriations Committee originally and then in their report to the Senate, undoubtedly. I agree with the suggestion of the Senator from Indiana; but primarily the subject of criticising the estimates submitted by the heads of Departments is in the Appropriations Committees of the two bodies and they report their views to the respective Houses. Now, we have taken these estimates; we have reported in this bill what we conceive to be the proper amount of appropriation for clerks in the Post-Office Department. Without calling upon us specially in reference to this subject, a demand is made for an additional supply of money for clerks in that Department. It is the most natural thing in the world for the head of a Department to be pressing for more money for his Department, or more supplies and more clerks. In spite of themselves they are pressed forward. Party demands, the demands of the service as they see it—all of these press them forward. But the question of the amount of money that ought to be appropriated for that service is ultimately in the Senate and its organized committees, and here is the place at which we are to apply the knife, if any is to be applied.

The Appropriations Committee acting in this view, and not constrained and held as the Senator from Texas would have us believe by the mere statement of the head of a Department, has undertaken to say that certain appropriations should be made. If the Senate and the House see fit to overrule us of the committee in those recommendations, as a matter of course we must submit; but we shall never bring the appropriations of the Government within the legitimate revenues of the Government if we take the estimates of the

heads of Departments as our basis; and yet that is the doctrine of the Senator from Texas. We should not have reduced the expenditures of the Government as they have been reduced within the last four years, if we had taken the estimates of the heads of Departments. Compare the laws of the last four years with the estimates of the heads of the Departments, all of them, and see to what extent they have been cut by the action of the Senate and House under the recommendations of the Appropriations Committees; and it is the only rule. We cannot trust the heads of the Departments to make estimates that are to control and govern us exclusively.

I rose to say this simply because I thought it was due the Appropriations Committee and their action in regard to this subject.

Mr. KIRKWOOD. Mr. President, the question before the Senate is, as I understand it, whether some three or four additional clerks shall be allowed in one of the divisions of the Post-Office Department. If they are needed they ought to be there; if they are not needed there, of course they should not be provided and paid for. Perhaps the Committee on Appropriations knows better than the Post-Office Department and the Committee on Post-Offices and Post-Roads whether they are needed or not. According to the argument of the Senator from Kentucky, it ought to know better than both the Postmaster-General and the Post-Office Committee.

As a general thing all of us, whether belonging to the Post-Office Committee or the Appropriations Committee, know this, that the business of this division of the Post-Office Department is increasing steadily and rapidly. If I am not misinformed, during the last year there have been two hundred new post-offices established in the State of Nebraska; in the State of Texas I do not know how many, but a very large number are being established; and so throughout all our western Territories. The establishment of new post-offices and new post-routes throws additional labor upon this division of the Post-Office Department. The chief of the division and the Postmaster-General and the Post-Office Committee say that this additional labor thrown upon this division requires additional clerical force there. The Appropriations Committee say either that this additional clerical force is not needed or that they do not know whether it is needed or not, I do not know which they say——

Mr. WITHERS. They have no evidence from the Department that it is needed.

Mr. BECK. And no request.

Mr. WITHERS. And no request that it is needed.

Mr. KIRKWOOD. Then, in this conflict of authority, and looking to these sources of information, the Senate must say as best it can say whether these three or four additional clerks be needed or not. The Post-Office Department is a Department that is continually growing, continually increasing, and must for many years to come; and Senators from the older States that are fully settled do not know and do not appreciate the growth and the wants of the newer communities. I think the interests of this nation are not jeopardized when, in regard to the question of appointing three or four more additional clerks in the Post-Office Department, the Senate relies with confidence upon the information derived from the head of that Department and from the committee especially charged with the interests of that Department.

For myself, without feeling that I run any risk of doing any injury to our Treasury, I am perfectly sure that I am but doing that which the growth of the labors and work of this Department in the west require when I vote for the amendment recommended by the Committee on Post-Offices and Post-Roads.

Mr. WITHERS. I wish to say a word on the question. I appreciate very fully the force of the arguments which have been addressed to us, especially from the Senator from Iowa, who was last up. But the continuous growth of the postal service is no new thing. It has marked the progress of the country for years. I have no doubt that that growth was estimated for by the head of the Department when he sent in his estimate for the next fiscal year. Therefore the whole point made by the Senator from Iowa I conceive has been made in that particular by the official estimates of the Department, based upon the prospective increase.

Now, I am one of those Senators from an old State that my friend thinks do not take proper cognizance of the wants of the great West in this growing service; yet, sir, I can appeal to my record here to show that I have been one of the most liberal in my votes of money for the extension of the postal service. I know it requires increase constantly, but I dissent entirely from the doctrine laid down here to-day, that when we give the postal service all their estimates require, when we give them all the clerical service they ask and actually give them more than their estimates demand, we should be called upon to add additional force simply upon the statement of one of the subordinates of the Department in a letter addressed to an individual Senator, when neither the subordinate nor his principal has ever appeared before the Appropriations Committee for the purpose of vindicating the necessity of this increased force.

The position taken by my friend from Texas would simply amount to this, that the Congress of the United States is bound to vote every dollar asked for by the head of any Department when he makes his estimates. Being officers of the Government it is the official duty of the heads of Departments to make the wants of the service known, and it is our duty to give them all they ask for, says the Senator from Texas. If that be the proper construction of the law we might as well disband the Appropriations Committee entirely. What discretion is left to them? Are they not required to examine into the character of the estimates submitted to them and to decide from the best lights before them whether those estimates are required by the service of the particular Department or not? If they are not to be intrusted with this discretion they had just as well be abolished and let every question come up and be decided on the estimates submitted by the heads of the Departments, directly by the Senate or by the House of Representatives, as the case may be.

Mr. MAXEY. The Senator from Virginia states that this amendment is pressed, as I understood him, upon the ground that a letter had been addressed by a subordinate of the Post-Office Department to a Senator in his private capacity, and not to the Appropriations Committee.

Mr. WITHERS. I referred to the letter read by the Senator from Indiana.

Mr. MAXEY. I have already read or caused to be read that the Postmaster-General himself, in a letter addressed to the chairman of the Committee on Post-Offices and Post-Roads under date of May 14, said:

> This increase is very much needed in consequence of the large increase of new mail-routes largely increasing the work of that office.

And the RECORD shows that the amendment was submitted by myself. It is stated that I submitted one—

> Intended to be proposed by him to the bill (H. R. No. 2) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Now, upon the question of estimates, if there is anything wanting in etiquette I must confess, though I do not profess to be a judge of such matters, that I am not able to see it. The letter was addressed to the chairman of the Committee on Post-Offices and Post-Roads, which does deal directly with the Post-Office Department. It was laid before the Senate by the chairman of that committee. The chairman of that committee took the precaution to have that letter spread upon the record as the basis and foundation upon which he rested the amendment now before the Senate, and that was upon his motion printed and referred to the Committee on Appropriations. That was three or four days ago; so that the Committee on Appropriations, if they were not satisfied that the Postmaster-General was stating truly what he stated in that letter, have had the means of disproving it. After all it returns to this: Shall a great want presented to the Senate of the United States by the head of a Department in respect to his Department stand aside and go for naught on a mere question of etiquette? Many long years ago one gentleman would tender to his adversary the privilege of firing the first shot. That may have been very good French etiquette, but I do not think that in this practical common-sense age of ours there is any need for such etiquette as that.

The question is a question of practical fact: does the Department need this additional force? The Postmaster-General says yes, and he not only says yes, but he gives the reason for it, and that reason, although in a very few words, is conclusive to my mind that it is in consequence of the large increase of new mail-routes, largely increasing the work of that office. Now, the Senators from Kansas know perfectly well that in that State in the last six or eight months the immigration has been enormous. New post-routes and new post-offices of necessity have been established in that State. Out at Leadville, in Colorado, within a few months past a little office that paid only $12 a year when established has sprung up to be a post-office of a city of over twelve thousand inhabitants. The same was true of Deadwood some time ago. And in my State, as my colleague who now occupies the chair is aware, the frontier line has been moved out within the last year or two one hundred and twenty miles, and as it has moved out he and I have many applications to have additional post-routes and additional post-offices established.

It is a duty we owe our people to do it; and what is true of us is true of other gentlemen living in the West and in the Southwest and in the country between the Sierra and the Rocky Mountains. Gentlemen who live in the old States, where they have not had an additional post-office established for five or six years, cannot appreciate, as men who live in the Southwest and West and away out between the mountains, the enormous increase of population constantly going on which necessitates an increase of the work of these officers. The Second Assistant Postmaster-General is the one intrusted with the establishment of the additional post-routes and additional post-offices. Has the Appropriations Committee disproved or even cast a suspicion on the testimony—I call it testimony because the law does—of the Postmaster-General in respect to the needs of his office? If not, the Senate is bound to consider it and act upon it.

Mr. BECK. One word only. The Postmaster-General made all the estimates for his needs when he sent in his regular estimates for the next fiscal year, and we have given all that he said he needed, and he knew as well the increase of business going on then as he does now.

Mr. TELLER. When did he make those estimates?

Mr. BECK. The 1st day of December; and if he had any additional estimates his business was to send them to the extra session when called. He has made none. This bill was referred to the Senate committee on the 28th of April. It was reported back by the Committee on Appropriations to the Senate on the 6th of May. Neither

the Postmaster-General nor the Second Assistant Postmaster-General came before the committee from the 28th of April to the 6th of May to make one word of complaint, nor did either send any communication; but on the 14th day of May, the day before yesterday, when the bill would ordinarily have been passed but for some political complications, a letter was written giving no information except that he wanted this additional force to meet the needs of the service. We have given him everything he asked in his estimates; there is no evidence before us except his mere letter saying that he wants something more. I should like to have had that Postmaster-General come before the Committee on Appropriations and tell us why he wants now seventy-one clerks of the various classes, some at $1,800, some at $1,600, and some at $1,400, when he estimated in the regular estimates that he wanted but sixty-seven. I think he would have difficulty in telling us why he wanted more clerks of the high grades, instead of taking copyists at $900 or clerks of class 1 at $1,200. He did not choose to do that.

If the Senate is going to allow officers of this Government to submit their own estimates and then keep away from the Committee on Appropriations, with ample opportunity to come, and then come in at the last hour and ask additional force, I want the Senate to say so by a yea-and-nay vote. I call for the yeas and nays on this amendment.

Mr. FERRY. I ask the Senator if the Postmaster-General had any intimation from the committee that they desired his presence or further information from him on the subject?

Mr. BECK. We had given him all he asked for.

Mr. FERRY. But I speak in reference to the amendment suggested by the Committee on Post-Offices and Post-Roads and referred to the Committee on Appropriations, accompanied by a letter from the Postmaster-General urging the same thing.

Mr. BECK. The letter from the Postmaster-General to the chairman of the Committee on Post-Offices and Post-Roads came into the Senate the day before yesterday, the 14th day of May, as I understand. The bill had been reported back on the 6th.

Mr. McDONALD. I desire to say that these amendments were referred to the Committee on Appropriations on the 30th of April by a Senator of this body, myself.

Mr. BECK. And rejected by the committee, of course.

Mr. McDONALD. The committee therefore had from some authority—it may not have been the best authority—the facts before them, that there was a desire for an increase of service in this division of the Post-Office Department of these three clerks. Of course I had no particular desire on the subject; I was not running that establishment; they could not have imagined that I had made this suggestion without some reason for it, and I do not want the blame to rest on the Second Assistant Postmaster-General of not going before the Committee on Appropriations, because when he communicated these facts to me and requested that the amendment be sent to them, I said to him that when they reached that part of the bill I apprehended I should be informed of it and would let him know and go with him to the committee so that he might make his explanation to them as he had made it to me. But I got no intimation from the committee on that subject, and therefore I communicated none to him.

When the bill came back into the Senate there was nothing left, so far as I was concerned, but for me to offer my amendments here and obtain in writing from him a statement of the facts upon which I had offered them before. In the mean time the Postmaster-General had made his application to the proper committee of the Senate, the one in charge of the postal service, and the same amendments came forward from that direction, which was more regular, if regularity is to be observed, perhaps than for me to offer them. But I did not want it to be thought that the Second Assistant Postmaster-General was wanting in proper courtesy and respect to the Committee on Appropriations or that he failed in any duty that he thought rested upon him. If there was any one to blame about it, it was myself in not going before that committee without being notified that they were engaged upon the consideration of this branch of the bill.

I repeat again that if the facts now before the Senate, if the statement of the Postmaster-General, if the more particular statement of the Second Assistant Postmaster-General, who has the immediate direction and control of this branch of the service, furnish to the Senate sufficient information to satisfy the minds of Senators that this increase of force on account of the increase of the service ought to be made, then I apprehend that these amendments ought to be adopted notwithstanding a call is made for the yeas and nays. I am always just as ready to vote upon the yeas and nays as in any other way. I certainly should not advocate any measure here that I was not willing to record my vote in favor of.

Mr. BECK. I find that I made a statement which was not entirely correct as to when the estimates were made. I said to the Senator from Colorado that it was in December last. I had forgotten for the moment the fact that on the 19th day of March, 1879, the day after this Congress met, estimates were sent to us again from the heads of all the Departments; and for the office of the Second Assistant Postmaster-General seven clerks of class 4 were demanded for the next fiscal year, twenty-six of class 3—we have given twenty-seven—thirteen clerks of class 2; we have given them all they asked and one more. This was on the 19th of March. If the three additional clerks now clamored for so loudly were wanted, was it not the duty of those officers to say so then? Here are their estimates.

Mr. TELLER. Is not that simply a copy of what was sent in December?

Mr. BECK. Whether it was copied or not, if anything more was needed on that day it was their duty to have set it forth. They set forth their wants again, and set forth that they only wanted that many. We have given them all they said they wanted and one more, and we have never heard a word of complaint from them before the Committee on Appropriations of the House or Senate, and we have had copies of their communications to the committee of the House.

Mr. TELLER. Have we not now a call for these extra clerks?

Mr. SAULSBURY. As a member of the Committee on Post-Offices and Post-Roads I am in favor of voting everything by the way of force to that Department which I am satisfied is demanded by the public service; but in my opinion there is no such evidence before the Senate as justifies me in coming to a conclusion that this is demanded. It is true we have a letter from the Postmaster-General representing the necessities of the Department; but it has been shown by the Senator from Kentucky that this is a new want of the Department. I have been in the Senate long enough to know that there has always been since I have been here a demand on the part of the various Departments of the Government for liberal allowances in the shape of clerks and employés. A few years ago when the democrats came into possession of the House of Representatives they sent bills to the Senate cutting down the expenses of the Government some $38,000,000 per annum. A part of that reduction was in the clerical force in the Departments by some four or five hundred; and I remember how the Senator then in charge of the bills and at the head of the Committee on Appropriations in the Senate, the Senator from Minnesota, [Mr. WINDOM,] contended that it would embarrass the Government, embarrass the Departments, to reduce the force. Yet in a very short time in one of the bureaus, to wit, the Bureau of Engraving and Printing, when Mr. McPherson went there, he actually cut down the force far below what the House of Representatives had proposed to cut it down, notwithstanding it had been claimed by the Senator from Minnesota having charge of the appropriation bills of that year that the Government would be embarrassed by the reduction of the force that was proposed by the House.

It is not safe to rely exclusively upon the representations of the wants of a Department made by the gentleman having charge of the Department, because it is very natural to make strong representations. Perhaps if I were in charge of one of the bureaus of a Department, or at the head of one of the Departments, I should want clerical assistance enough to make everything easy and pleasant. But I apprehend if we rely implicitly and exclusively upon the desires and wishes of the heads of Departments we shall increase very largely the force in every Department of this Government. We are here to judge, and to judge by the facts before us, and we are not simply to take without question the wish of an Assistant Postmaster-General or the Postmaster-General himself. He ought to satisfy us by something beyond the mere expression of his wishes in reference to the matter.

I am aware there has been an increase constantly going on in the postal service, but at the same time there has been a large force employed in all the branches of the Post-Office Department, as well as in the other Departments. There is no question that but a few years ago every Department of this Government was filled to overflowing with employés, and that places were found for politicians to put favorites in as employés whom they desired to have provided for. But we have taken a retrograde movement on that score; we have commenced to cut down the force; and we ought not now at this extra session to go on and increase the force beyond what was estimated for at the commencement of the session by the Departments themselves. I will vote with the Committee on Appropriations in this respect.

Mr. PLUMB. There are one or two facts which, if known, will go far to account for the apparent dilatoriness on the part of the Postmaster-General in making this recommendation to the chairman of the Committee on Appropriations. A post-route bill providing very largely for the service of the Post-Office Department, as has been stated, was passed on the last day of the last session of Congress. I think when we came back here on the 18th of March it had not got into print. My recollection is that I tried to get a copy of the law at that time and it had not been printed. I think, at all events, it had not come seriously under the consideration of the Department. I remember distinctly that the Second Assistant Postmaster-General, when I proposed the question of routes in my State to him, expressed great surprise that so many had been established, that is to say, that the total number was so great, being I think about nineteen hundred.

After the act had been brought to the attention of the Department, it took several weeks to examine it and determine upon what portion of the routes it was necessary service should be put. I know that the list for that purpose required to be advertised in the papers of the different States where the routes had been established was not made up until about the 25th day of April, and until that time or about that time no one could know precisely the amount of labor that the adoption of these routes would require. The amount of force needed was,

therefore, one of those things that could not be determined until a very late period; and taking the ordinary routine that prevails in the Department, I presume the Postmaster-General himself was not advised until at or about the date of the letter which has been spoken of here, the 14th day of this month, of the necessities of the service for the next year.

In the first place, the necessity is one in the future. It will not take effect—that is to say, it will not have occasioned the full amount of labor—until about the 1st day of October, or at all events until after the beginning of the next fiscal year. Consequently it is a matter of such a nature that undoubtedly in the pressure of current business it may possibly have been overlooked.

There is another point. The Senator from Virginia has spoken of the fact that this progress has been constantly met, as though we had something which having been met would never again have to be met. It is something which will continue to have to be met, and will be one of those emergencies that will constantly be before Congress to be met, not merely this year but next year, and the year thereafter.

Mr. WITHERS. If the Senator will permit me, he has evidently misunderstood (and it was no doubt my own fault) the idea that I suggested, which was that this increase was no new thing at all. I admit that it is constant and progressive, and that each year it is to be expected; but the knowledge of this fact was in the possession of the Postmaster-General when he made his estimates, and I had a right to assume that those estimates were made upon this estimated increase of the service; especially when he renewed his estimates in March last without asking any additional increase it was to be understood by Congress that the amount asked for was all he expected to require during the year, it being made in full view and with a full knowledge of the increase.

Mr. PLUMB. In my own State there have been added in the last twelve months about four hundred new post-offices. A large portion of these are in a section of the country where before last year there was no population at all.

Mr. WITHERS. I have no doubt of it.

Mr. PLUMB. That increase has thrown upon the Department an enormous increase of business. I do not mean to say that that increase should all be represented by additional help, but a large portion of it undoubtedly should be.

My experience is that there is no other Department of the public service where the people are so careful about the manner in which it is conducted or so desirous that it may be conducted promptly and properly as the Post-Office Department. There is no Department of the Government that the people so much enjoy or to which they will pay money so readily and so cheerfully as for the postal service. I think the service ought not to be stinted; and I think that it cannot be made effective in the field unless it is properly taken care of in the bureaus here.

After all, it seems to me that the only question now is whether the Postmaster-General has done his duty or not. It does not seem to be seriously questioned that this extra service is needed; and ought we not to have it? Shall effect not be given to our legislation simply because the Postmaster-General has been dilatory? I do not care to say whether he has been so or not; I simply say that as the matter stands now there is no denial anywhere made that this service is actually necessary. If that be true, then why should the purpose and object of the increase of the service which Congress has ordered be practically defeated simply on account of the negligence of a bureau officer?

We have the letter of the Postmaster-General. It does not bear the date it should have done, according to the Committee on Appropriations. It ought to have been dated, according to their theory, about the 19th of March; it was not dated in fact until the 14th of May. I can say to Senators that if we stay here four weeks longer the Postmaster-General, if he does his duty, will send another letter wanting more clerks, because in that time he will begin to get some idea of the increase of this service made by Congress for which he is to provide.

Mr. WITHERS. Then we ought to vote it now.

Mr. PLUMB. I think we at least ought to vote now that which we now have the best of evidence is required; and I believe before the end of this fiscal year the Post-Office Department will have arrived at the conclusion that it will still be short of help. I do not know that the Postmaster-General has anticipated it in any particular. I have no doubt he speaks of that which is a duty upon the Department and in view of the exigency upon his Department; and I am satisfied that that exigency will increase every week and every month, and by the time we come back here in December we can get the full effect of the establishment of at least nineteen hundred post-routes, and of the average of more than three or five, perhaps a dozen, post-offices each day in the year, and he will say that he needs more help, and a practical deficiency will be created.

I think, as I said before, it is only a question now whether the Postmaster-General has been sufficiently rapid in making his communication to Congress. There is no question at all but that the service is needed in the Department in order to give effect to what we have heretofore done.

Mr. WINDOM. Mr. President, the Senator from Delaware [Mr. SAULSBURY] refers to the magnificent efforts of his party in the House of Representatives in 1876 in the line of economy. He says that they cut down the expenditures of the Government $38,000,000, and that the reduction of the clerical force in the Departments formed a considerable proportion of that reduction. I will not go into the question of that great reduction of $38,000,000. The country has laughed the gentleman and his party out of that a long time ago. The fraud has been exposed. The humbug was exposed at the time, and is fully understood by the country. Instead of a reduction of $38,000,000, it was demonstrated at the time that it was a reduction of but a very few million dollars, if at all; of not over five or six million dollars in fact. The reduction made at that time was not greater in fact than the reductions which had been made for several years before. I presented the figures myself to prove that, and did prove it at the time. That there was a large diminution in the appropriations for public buildings, in refusing appropriations for navy-yards, in refusing the money necessary to carry on the Government, there is not any doubt; but we have made it up at the rate of from ten to fifteen million dollars a year in deficiencies since that time, as has been frequently shown.

But I will not go into that matter. What I rose to say was this: the Senator from Delaware said that the chairman of the Committee on Appropriations at that time in the Senate protested that this reduction of clerical force in the Departments would cripple the business of the various Departments. I did say so. The House of Representatives sent to the Senate a bill reducing the clerical force in the various Departments about twelve hundred, and the question was contested in the Senate for six weeks. It finally resulted in a diminution of a little less than six hundred. It was when we were protesting against the proposition of the House to reduce the force twelve hundred that I said it would cripple the Government.

Mr. SAULSBURY. Will the Senator allow me to interrupt him there?

Mr. WINDOM. I will allow the Senator, certainly.

Mr. SAULSBURY. The Senator will allow me to ask him if after Mr. McPherson went to the head of the Bureau of Engraving and Printing he did not make a further reduction himself voluntarily, and cut down the force that had been allowed by the appropriation act to which reference is made?

Mr. WINDOM. It so happened that the reduction made by that economical House of Representatives did scarcely touch the Bureau of Engraving and Printing. It went into all the other Departments and bureaus. Neither they nor we knew of the reductions that could be made. The blow they struck at the various Departments scarcely reached the bureau to which the Senator refers at all. The twelve hundred that they proposed to reduce were from all the other branches; and, as I said, when we finally compromised upon a reduction of about six hundred, I stated that many of the Departments would be crippled in their operations. I say to the Senator that by reason of those reductions the Surgeon-General's Office and the Pension Office were so crippled in their operations that the pensioner was delayed two or three years in getting the settlement of his pension claim, and we have since come in and appropriated I do not know for how many, but I think I am safe in saying that in those two bureaus alone, the Surgeon-General's Office and the Pension Office, we have since that time added more than a hundred clerks.

Mr. WITHERS. My recollection is, if the Senator will permit me, that no reduction was made in the force of the Pension Office.

Mr. WINDOM. The Surgeon-General's Office was largely reduced, and there was some reduction in the Pension Office.

Mr. SAULSBURY. The increase in the Pension Bureau was made necessary because the Senator and some others voted for the arrears of pensions act, which increased the labors of that bureau very largely. If they had voted as I did against that increase, against an increase which I believe was opposed to the interest of the country and not demanded by any act of justice to the pensioners, there would have been no further increase, I apprehend, made necessary in the clerical force of the Pension Bureau.

Mr. WINDOM. I am speaking of the increase made subsequent to this wonderfully economical reduction of which the Senator boasted in 1876. Prior to the passage of the arrears of pensions act there was a very large increase of force made in the Pension Office. We made, too, a very large increase—I cannot state the number, but I am very confident it was between fifty and a hundred—in the Surgeon-General's Office. The Surgeon-General's Office by reason of the reduction, by reason of this economy of which the Senator to-day boasts, got behind in its pension business from a year and a half to two years. We were compelled in various other Departments to add to the clerical force. I do not know what has been done, but I believe I shall be safe in saying that of the six hundred reduction that was then made, of which so great a boast was heard throughout the country, at least 50 per cent. of it we have been compelled to put back since that time. I am confident that there will be found to have been between two and three hundred additional employés added since 1876. I may be mistaken in this, but in those two bureaus alone we added over a hundred.

Now, the Senator from Delaware says that I complained at the time that we were crippling the Government. We did cripple it in those various branches, and we have been doing so all over in every department of the Government since that time. I say to the honorable Senator from Delaware that unless his theory that the Government is to be stopped is carried out, he and his party will be compelled during

the next two years to add to the clerical force in the various bureaus of this Government, because they have been cut down too low. They will be compelled to do that or to cripple the various business interests of the country.

That boast of $38,000,000 reduction made in 1876 I thought the Senator would hardly repeat on this floor after all the facts had been demonstrated so often; and yet I am not surprised at his repeating it. When a Senator of his age and experience and ability can rise in his place on the Senate floor and tell us and tell the country, as he did yesterday, that he believed the expenses of this Government could be reduced from thirty to fifty million dollars a year and that he proposed to do it, he is quite competent I think to make the blunder he has made with reference to those reductions in 1876.

The Senator has been in his seat on this floor during the last three years. He believes that the expenses of this Government can be reduced an average of $40,000,000 a year. I appeal to the record for one single motion of his when these bills have been pending during the last three or four years to support the Government, to save the Government this $40,000,000 which he has sat quietly in his seat and seen thrown away. He either speaks with the utmost looseness on this subject when he says that from thirty to fifty million dollars a year can be saved, or he knows what he is talking about. If he does know what he is talking about when he says $40,000,000 can be saved, why has he sat quietly in his seat during the last three or four years and made no effort to save it? The rest of us have not been able to discover it, and the honorable Senator has been sitting here all this time with his eyes wide open, seeing $40,000,000 a year going out of the Treasury of the United States, recklessly squandered, and he never has given us that valuable information which he evidently possessed.

Mr. SAULSBURY. The Senator knows full well that when that bill from the House came here proposing to save $38,000,000 I did antagonize by my vote and by my voice the position of the Senator from Minnesota, who labored strenuously to undo and to defeat the reductions which that bill proposed; and he was enabled by the potent influence which he exerted in his party to cut down the savings made by the House from $38,000,000 to something over $29,000,000. He knows that on that very occasion I sought to hold the Senate by my vote to the economy which the House proposed, while his voice was loud and long in trying to deprive the country of the benefit of the economy which was proposed by the House.

So I have time and again repeated the assertion that there was no necessity of an army of twenty-five thousand men here; yet the Senator and his party have been keeping up the Army to that minimum. I would have reduced it, and I would reduce it now if I had the opportunity to reduce it, to not much over twelve or fifteen thousand men; I am not sure but that I would go down to the minimum of ten thousand men; and I would do more, I would retire many of the men who are now officers, on half pay. If they were over the age of fifty years I would retire them on half pay, and if they were under fifty years of age, I would discharge them from service and let them go to work as other people do who have to work for a living. I would economize; and I believe if economy is properly practiced we can save the amount that I stated yesterday could be saved, from $30,000,000 to $50,000,000; and I should be glad to have the co-operation of the Senator from Minnesota and of his party in an honest effort that ought to be made by the democrats to produce that reduction in the expenditures of the Government. The people of the country pay the taxes, every dollar of which we spend, and it is a very onerous matter to many of them to pay those taxes. Yet I say that for several years past there has been a lavish expenditure of money, reckless and regardless of the interests of the men who pay the taxes into the public Treasury.

I have repeatedly raised my voice in this Senate, and the Senator from Minnesota knows it, against the extravagance of his party; and I called upon my party yesterday, and I shall continue to call upon it while I think there is any hope to accomplish it, to carry into practice what we ourselves believe, that there has been an extravagant expenditure of money, and that there ought to be economy in the expenditures of the Government. But whenever we attempt that, the Senator from Minnesota (I doubt not anxious to have the expenditures of the Government under democratic rule as large and oppressive to the people as they were under his party's own administration of the Government) will seek every opportunity to increase the expenses of the Government so that the contrast between a democratic economical government and a republican extravagant government shall not be too apparent. I hope the Senator will join me, and if he does there will be at least two votes in favor of economy in the expenses of the Government.

Mr. WINDOM. Mr. President, the only proposition the Senator now suggests for a very large reduction of expenditures is to substantially wipe out the Army of the United States. We have already an Army that is not able to defend the frontiers against the savages, and our soldiers are cut to pieces, because they are in so small numbers, whenever they encounter the red enemies of the country. Now, for one, I do not propose to gratify the Senator's hatred of the Army of the United States by joining him in that sort of economy.

Mr. SAULSBURY. I beg the Senator's pardon; I have no enmity against the Army of the United States; but I say to him that the course which he and his party are pursuing in persisting to keep the Army in the control of elections at the polls will create a prejudice against the Army that will result to the disadvantage of the Army. I would maintain our Army in the respect and confidence and esteem of the country by confining it to its legitimate purposes. I would not degrade it to the mere office of performing police duties, and more especially to the degradation of having it interfere with the elections. I would keep it within the esteem and respect and confidence of the country; but the policy which the Senator is pursuing in insisting that there shall be an Army to keep control of the elections of this country is calling the attention of the people of the United States to the services which are demanded of that Army: and, mark my prediction, it will result, if it is persisted in, in bringing an odium upon the Army that ought not to be attached to it, and it will result in cutting down the Army, if not in its entire abolition. I would preserve an army sufficient to defend the frontiers, to do all the duty which it is necessary for the military arm of the Government to perform; but I would strip it of the power of interfering with the freemen of this country in casting their votes for whom they please either to make or to execute the laws under which they are to live. The object of the Senator, or at least of his party, I presume, is to have a sufficient army that they may not only defend the frontiers, but that they may defend the interior on the day of election. I am opposed to such service, and I shall go against it.

Mr. WINDOM. The Senator has been quite liberal in his interlineations in my speech. I should like to ask him a question. The Senator has spoken of the expenses of the Army in keeping the peace at the polls. Will he be good enough to tell the Senate about what proportion of the expenses of the Army has been incurred in keeping the peace at the polls during the last two years?

Mr. SAULSBURY. I am unable to state that; but I will tell the Senator of one little incident that I happen to know something about. I remember that in 1862 when General Wool was in command at Baltimore he received an order from Secretary Stanton to take his army into the State in which I live, and to distribute it at the polls in that State. I saw the troops there. I saw them charge upon the polls where I vote myself, and they scattered the people with fixed bayonets. Three or four steamboats were chartered at Baltimore and taken to Seaford, in Sussex County, in my State, and the troops were distributed through the State, and kept there on the day of election, and they left the next day. I know that that cost something. Now, how much all this interference with elections has cost I am unable to say; but there has been a very large per cent. of the cost, I have no doubt, in that service rendered by the Army, a degrading service, which the officers of the Army feel to be humiliating, and which I call upon the Senator from Minnesota not to impose upon brave officers of the Army. They do not want to do any such drudgery and such political work. They want to defend their country against enemies, not against American citizens and freemen. As I cannot answer the question of the Senator as to how much the Army has cost in this respect, can the Senator answer himself as to how much it has cost to have an army all through the Southern States and in active operation about the time of election?

Mr. WINDOM. Yes.

Mr. SAULSBURY. I should like to hear the answer.

Mr. WINDOM. Mr. President, to keep the peace against the efforts of the democratic party during the time to which the Senator refers cost about $5,000,000,000. That was what it cost the country to keep the peace down there at the time to which the Senator refers.

Mr. SAULSBURY. The Senator ought not to evade the question. He said he could tell how much it cost to keep the Army at the polls; that is the question, and he cannot evade it in that kind of style.

Mr. WINDOM. The Senator, in the first place, spoke about how much we were taxing the country to keep the peace at the polls. I asked him how much it had cost during the last two years, and he replied by telling me of an incident in 1862 in the State of Delaware where he thought it cost something. I believe the governor of the State of Delaware thanked the troops for that opportunity to keep the peace at the polls.

Mr. SAULSBURY. I beg pardon. That assertion was made by another Senator on this floor. Dr. William Burton was at that time governor and he testified under oath that he never asked for the Army, but on the contrary he did not believe there was any necessity for troops at the polls, that the civil officers of the State were ample to preserve the peace. No, sir, there was no necessity for troops there.

Mr. WINDOM. I do not like to have the Senator go away from the question I asked him. If he wants me to tell what it cost to keep the peace during the four years from 1861 to 1865, I have answered the question. That was not only to keep the peace at the polls in Delaware and in some other places, but to keep the peace which the democratic party were breaking in various localities in the United States, and it was a very expensive operation, extremely so. But I put the question to the Senator how much has it cost during the last two years for the Army to keep the peace at the polls. I think the Senator will be unable to find where a single soldier has been used for that purpose; and yet he gets up here in his place and talks to us about an expensive army because we want to use them to intimidate voters at the polls! That is about as transparent as the claim that $38,000,000 were saved in 1876!

Mr. SAULSBURY. The Senator from Minnesota will allow me to say that I have not charged that since Mr. Hayes came into power and withdrew the Army from certain State capitals there has been any military interference at the polls; but the Senator from Minnesota knows that under his honored predecessor the military power of this Government was used in sending troops into different States.

Mr. MAXEY. Will the Senator from Delaware permit me to interrupt him a moment? I believe it was the general understanding yesterday that this day should be devoted to the business parts of this bill. I respectfully suggest to both Senators, as the Frenchmen say, *revenons à nos moutons*—let us get to business, and not spend the time in this way.

Mr. WINDOM. If the Senator from Texas desires to shield the Senator from Delaware I am willing to forego further discussion.

Mr. SAULSBURY. I notice that when the Senator from Texas feels disposed to make any speeches in the Senate he generally does it without let or hinderance from anybody. I did not care to be drawn into this controversy. I made a statement which the Senator from Minnesota admitted was true, and then he chose to call my attention to certain other facts.

Now, I wish to say a word in reference to the interference to which the Senator alludes in the State of Delaware. I say there was no more necessity for the presence of any soldiers at the polls on that day than there has been since that time or than there was preceding that time. I was a citizen of the State then; I canvassed the State; I made speeches to the people of the State, and I know there was no disposition on the part of any man with whom I came in contact to have the military interfere; and the interference was sought by neighborhood politicians, and Mr. Stanton co-operated with them in order to try to secure the election for the republican party in that State.

Mr. WINDOM. Mr. President——

Mr. SAULSBURY. If the Senator will allow me, I will say that that interference did not accomplish its purpose; that the democracy of the State of Delaware are generally equal to the emergency, and when you put your Army under provost-marshals we knew what kind of animals they were; and although I had no personal knowledge of it at the time, I have since been informed that in order to secure the right to vote our people bought one of your provost-marshals for $100, so that he would not interfere with them, and thus secured the right to vote. The democracy of Delaware did not put the Army at the polls, they did not want the Army at the polls, and they bought one of your provost-marshals and carried the election, and the State has been democratic ever since.

Mr. WINDOM. I have often heard of the democratic party buying votes before, but I have never heard it openly confessed on the floor of the Senate that they did do it. There is another thing that has often given me a little trouble. I never knew why it was that the Secretary of War was compelled to send soldiers into Delaware in 1862 until the Senator informs us to-day that he stumped the State of Delaware. If he did stump the State at that time I can see why the Army was sent there to keep the peace at the polls. [Laughter.]

Mr. CONKLING. Mr. President, I heard a moment ago a remark from the Senator from Delaware which attracted my attention. The Senator from Minnesota said, rather by way of inquiry I think, that he believed the governor of Delaware on the occasion to which the Senator from Delaware takes exception had expressed some acknowledgment or thanks because of the presence of the national troops and the security which that presence gave. The Senator from Delaware, not contenting himself with denying that remark, if remark it was, or inquiry, if inquiry it was, of the Senator from Minnesota, declared that he had heard that statement made before and he wished to deny it. Having made some such statement before myself, I feel warranted in supposing that the remark of the Senator from Delaware was aimed at me; and as I mean to make no statement in the Senate the truth of which I do not believe, and as I mean also not to trust myself in a matter of contest without some evidence on which to base my statement, I beg to bring to the notice of the Senate a part of the evidence upon which I spoke. I have here a report made on the 12th of February, 1864, made by the Military Committee of the Senate, made not by the chairman of that committee, as I heard it once stated, but by a Senator not living now, then a Senator from the State of Michigan, Mr. Howard. Appended to this report are documents, then fresh in date, concerning topics then notorious and widely understood, official documents which it is not likely were garbled, misquoted, or forged. From this report first I will read a few words:

> The contrast of the conduct of the governor of Delaware and of the governor of Maryland will fitly close this report.
>
> The latter—
>
> That is, the governor of Maryland—
>
> treated the order * * * as an insult to the loyalty of Maryland, and an usurpation against her laws.
>
> The former—
>
> That is, the governor of Delaware—
>
> accepted the order as the best expression of the wishes of the loyal people, glad to receive aid in preserving the ballot-box from rebel votes; and added at its foot his exhortation to the good people and officers of Delaware to aid in its enforcement, and stamped his approbation by affixing the seal of the State.
>
> The Legislature of Delaware, at their session in March, 1863, under the control of a political party hostile to the principles on which the present administration came into power—
>
> That was the administration of Abraham Lincoln—
>
> and acting under the passions inspired by the report of a joint committee of the two houses to take proofs of the "interference"—

"Interference" is quoted. It was almost as stereotyped, as monotonous, as worn, and as soiled a word in the partisan vocabulary then as it has come to be again now—

> take proofs of the "interference" of the Federal military officers in the election in that State of the preceding year, passed a very stringent and penal act for the punishment of such interference. We append a copy of this act, marked H. The committee, in their voluminous report, seem blind to the fact that a state of things existed in Delaware not less deplorable than that which prevailed in Kentucky, and evince the same bitter hostility to the National Administration, its principles and policy—a hostility not surpassed in its style of denunciation even by the rebel journals published at Richmond. The following extract will be sufficient to characterize the whole document.
>
> The extract is quoted:
>
> Your committee might, perhaps, with propriety here close their report, submitting the facts elicited without further comment, to the General Assembly and people of the State, as conclusive of a deliberate design and purpose on the part of the leading republican politicians of the State, and an unscrupulous and despotic administration at Washington to invade the sovereignty of Delaware, and trample under foot the most sacred right of her citizens. The great indignity, however, offered to the State by the Federal authorities in the invasion of her soil by Federal soldiery for the purpose of influencing the result of an election, will justify the committee in expressing, in conclusion, their unqualified condemnation, both of the action of the Federal Administration and the traitorous conspirators among our own citizens, who, for partisan purposes alone, sought to defeat the fair expression of the popular will at the polls by the potent influence of Federal bayonets.
>
> The relations of State and Federal authority are too plainly defined by the written Constitution that gives to the General Government every power which it can rightfully exercise, and are too well understood by the people of the whole country to permit your committee, even in the exercise of the most liberal charity, to ascribe this great outrage to the ignorance and imbecility of the novices at Washington.

"The ignorance and imbecility of the novices at Washington!" That tempts me to pause and remember the names of that group of "novices" at which this heavy shot is fired. At their head stood Abraham Lincoln; next stood William H. Seward; then came Salmon P. Chase; then came Edwin M. Stanton; and then followed the others whose names are not forgotten. "The eyes of Delaware" were upon such men when a joint committee of the two houses of the Legislature of that sovereign State withered them by calling them "novices" and speaking of their "ignorance and imbecility!"

> Influenced by party considerations alone, the Federal Administration, disregarding the limitations upon Federal power plainly written in the Constitution of the country, has been guilty before the whole country of invading one of the smallest States of the Union, not at the instance and request of the constituted authorities of the State, but at the solicitation of corrupt and unscrupulous neighborhood politicians. If this administration had done no previous wrongful act; if its history had been marked by a strict regard for constitutional obligations; if it had not unnecessarily plunged the whole country in ruinous civil war; if it had built no bastiles; deprived no man of his liberty; suspended no writs of *habeas corpus*; muzzled no presses, nor invaded the right of free thought and free speech, this single act of invading one of the feeblest States of the Union, for no other purpose than to determine the result of her local election, is, and ought to be, sufficient to brand it with infamy and everlasting disgrace. Reprehensible, however, as has been the action of the powers at Washington, its criminality finds a parallel in the disgraceful, wicked, damning treachery of the ingrate conspirators in our own midst, who, with malign hearts and lying lips, assured the Administration of the necessity for its interference with the domestic concerns of Delaware, and by deception and falsehood gave the excuse to irresponsible power for the outrage and wrong of which your committee complain. No language could betray their baseness.

Judging from the elegance of this style I think the word "betray" is an error; it is intended for "portray," and I venture to interpolate that, as it somewhat finishes and rounds out the style of this patriotic document.

Mr. EDMUNDS. Probably the pen of the Senator from Delaware slipped.

Mr. CONKLING. My honorable friend on my right speaks of a pen too distinguished to be named and says that it probably slipped when it came to this focal point in a great climax:

> No language could betray their baseness. No time can efface their guilt or remove the stigma from their memory. Your committe will, therefore, turn from objects so loathing, and leave them to the judgment of their fellow-men, objects of contempt and scorn.

Mr. President, I must think that had it occurred to me some days ago to read this report as an assistance, an inspiration, to some of the Senators who have decorated with ornaments of discourse this debate, it would have been a kindly service.

Here follow exhibits, being a proclamation from the governor of Delaware and other official papers, which, I think, without reading them, and without adding them to so much as I have already read, may gain for me some extenuation at least, if not a critical justification, for having declared that when national authority entered the State of Delaware to see that men who adhered to the Union and believed in it were permitted to vote, the governor of that State affixing its great seal to the order and approving it, was in accord with the act.

Mr. SAULSBURY. Mr. President, I am sure the Senator from New York is laboring under a misapprehension as to who was governor at the time of this military invasion of our State. I am fully aware that the gentleman who was elected governor that fall by the aid of the military power was in harmony with the views of the Federal Administration; but at the time the invasion of the State was

made, in the fall of 1862, William Burton was the governor of the State, and William Cannon was the republican candidate for governor of the State. Now, it was William Cannon, a year after that, or more than a year after that, who is quoted there as the governor of the State. Dr. William Burton testified before that same committee that he was not notified of any application or any desire on the part of any person to have troops sent to the State; that he never asked the Federal authorities to send troops into the State, and that he did not desire them, and did not believe they were necessary. He was the governor at the time; so that I am sure the Senator from New York was mistaken if he intended to convey the idea that the governor at the time approved the act. It is true the governor who was afterward elected, and elected by means of this interference, approved it.

Mr. CONKLING. Will the Senator allow me a moment?

Mr. SAULSBURY. Yes, sir.

Mr. CONKLING. This is a matter of date, and certainly we ought to be able to fix it. Was not the Senator from Delaware speaking of what took place in his State in 1862?

Mr. SAULSBURY. Yes, sir.

Mr. CONKLING. Does not this report refer to what took place in 1862?

Mr. SAULSBURY. No, sir. I will tell the Senator that the record he quoted was the report made by an investigating committee, but he says the governor of the State approved this act. Now, it was not the governor of the State at the time that invasion took place, but the governor who was elected by the aid of this interference afterward gave it his indorsement, and that occurred after the election of 1863. In the fall of 1863 we had a special election for a Representative in Congress. Charles Brown, who once represented the city of Philadelphia in the lower House of Congress, and who is known to the country, was the democratic candidate, and he canvassed the State. Two days before the election Mr. Schenck, then in command in the military department of Maryland and Delaware, was sent for and came to Delaware, and there, in conclave with this same Governor Cannon and other leading republicans, formulated an oath, as regulating the right to vote, to be prescribed for every man whose right to vote the republicans should choose to question or whose loyalty they should choose to question. We had a clear majority of from five hundred to a thousand, and it was known. This military commander, bringing his military force, came there to prescribe the qualifications of the electors, the democratic electors of Delaware; and our people, with a unanimity of which I am proud, notwithstanding we had not forty-eight hours' notice that such a conspiracy had existed in order to deprive us of the right to vote, communicated with each other throughout the State and retired almost to a man from the polls. But thirteen democratic votes were cast; and why? Because the democracy of Delaware would never consent to acknowledge the right of a military commander to prescribe the qualifications of the electors of Delaware.

Mr. EDMUNDS. May I ask the Senator what were the qualifications that he prescribed?

Mr. SAULSBURY. I have not the oath before me. I can get it and present it. It makes no difference, however; the constitution of the State prescribes the qualifications of electors in Delaware.

Mr. EDMUNDS. That may be.

Mr. SAULSBURY. The constitution of that State, originally proclaimed two months and a half after the Declaration of Independence, on the 21st day of September, 1776, and afterward remodeled in 1792, and again in 1831, prescribes and fixes the qualifications of voters; and we claimed the right to vote under our constitution, not by the interposition of a military commander.

Mr. EDMUNDS. What I wanted to ask was, not whether General Schenck had any legal right to do what he did or not. The Senator said that he came there and prescribed certain qualifications. Now, I want to have the Senator tell us what it was that General Schenck prescribed. Was it not a requirement that the enemies of the United States should not vote, and that men should swear that they were not enemies in order to vote?

Mr. SAULSBURY. "Enemies of the United States!" The Senator from Vermont ought to be familiar enough with the history of his country to know that there were no enemies of the Government of the United States in the State of Delaware. Where is the law that we did not obey? Where is the requisition by the Government for men or money that we did not meet? Talk about the enemies of the Government! I beg the Senator's pardon. He is not an ignorant man; he is a learned man; he is familiar with the history of his country, and he knows that there was not a single obligation which the people of Delaware owed to the Government under which they lived that they did not perform. We met every draft that was made upon us; we paid every tax imposed upon us; and we performed every duty that we owed to the Government; but we took the liberty as democrats to criticise the arbitrary arrests which were made; we took the liberty to express our own sentiments as democrats and as men not in hostility to the Government, because our Legislature had declared, the very Legislature that made that report had declared, by solemn resolution in the spring of 1861 or 1862 that they would adhere to the Government. They condemned in most emphatic terms secession, and declared their purpose to remain in the Federal Union and to abide by it. I drew the resolutions myself, and I know what they uttered—resolutions that Hon. Henry Wilson afterward told me he had placed in his book as a part of the record of the history of Delaware in the rebellion.

Mr. EDMUNDS. What I wanted to know was, not what the Legislature of Delaware did, but what General Schenck did, and whether the qualification, as the Senator calls it, or oath, that he prescribed was not of the nature that I have spoken of. I am not speaking of its effect or its legality. I want to get at the fact.

Mr. SAULSBURY. I do not remember the precise language of the military order prescribing an oath, but I tell the Senator it was a conspiracy on the part of leading republicans—and only a few of the leading republicans, I am glad to say—with General Schenck to defeat the election of a democratic Congressman, because General Schenck knew, and the men with whom he conspired knew, that the sons of Delaware were—

> Men who their duties know,
> And know their rights, and, knowing, dare maintain,

and would never consent to let a military chieftain prescribe their qualifications to vote. Their constitution, the constitution adopted by their fathers, prescribed the qualifications to vote, and they did not claim any right to vote outside of the qualifications prescribed by their constitution, and they would never submit to have, and ought not to submit to have, their qualifications prescribed by a military chieftain.

Sir, General Schenck has met in the estimation of his countrymen and in the estimation of the world his just deserts. After having been honored by the republican party with one of the first missions of this country, he was dragged home on charges framed against him in having connected himself with sales of the Emma mine stock. Disgracing his country, he was called home to meet those charges. I do not mean that he was called home by the Government, but he came home to meet those charges, if he could, which were preferred against him before a committee of Congress. Sirs, that man's memory may be respected by politicians; but honest men in America and in Europe will condemn his conduct while abroad; and those who know of his nefarious conduct toward the people of the State of Delaware will mark it as one of the acts of the greatest criminality of which he or any other man could be guilty.

I rose, however, to correct the erroneous impression under which the Senator from New York seemed to be laboring, that the governor of the State at the time indorsed and approved this act. That is not true, and hereafter I may take occasion to bring that matter before the Senate, and to bring forward the testimony of Governor Burton to show that he disapproved the act and that he declared there was no necessity for it. I admit that the man who succeeded him, the man who was elected by the aid of Federal bayonets, did indorse and approve that act; but, sir, he was not the governor of the State of Delaware at the time, nor was he a governor of the State that would ever have filled the office but for the military invasion which he commended.

Mr. CONKLING. Mr. President, had I known that the Senator from Delaware intended to say that some governor of Delaware who had not been stated to have approved this act had approved it, I should have made no issue with him, because there would have been none. My statement originally, as far as I made one, was that the governor of Delaware, thereby of course meaning the governor at the time when the approval in question was given, gave such approval. If I understand the Senator from Delaware he wants to establish that some other governor at some other time did not give an approval. Of course no language that I used could have implied that he did. There can, I think, be no question of the date or of the persons who at that date took part in this proceeding. I have before me an act entitled, "An act to secure the freedom of elections in this State," passed at Dover, March 25, 1863. That date now is clearly fixed; it is the third month in 1863. The preceding general election had taken place in the autumn before. That was the autumn of 1862 indubitably. Now, let me read the preamble:

> Whereas the constitution of this State declares that "all elections shall be free and equal;" and whereas the freedom of elections and the free enjoyment of the right of suffrage according to the constitution and laws of the State are essential to the enjoyment of public liberty; and whereas evil-disposed persons did cause armed soldiers to be brought into this State and to be present at different voting places in the State on the day of the last general election.

That indubitably is the election of the fall of 1862. At that election troops were present in Delaware. They were present under the authority of an order which I hold in my hand; and speaking of that order and of its execution my statement was that the governor of Delaware approved of it. That is true, for here is the evidence that he gave his approval and solemnized that approval by affixing at the foot of the order the great seal of the State. Now what technicality is it with which the honorable Senator from Delaware arrests the Senate? It is that this approval was given by the governor who was governor when he gave it, and it was not given by some other man who was not governor at that time! Very well; I leave that issue in its length and breadth.

The Senator from Delaware had difficulty in remembering what the obnoxious tests were that were applied to the loyal people of Delaware who so loved what the Senator from Connecticut calls this confederated republic that they went forward with a bound and laid their offering upon the altar of the nation. He had difficulty in remembering the tests and criteria which did so betangle and perplex these law-loving people of Delaware.

Mr. EATON. Will my friend permit me?

Mr. CONKLING. Certainly.

Mr. EATON. I, so far as I remember, never called this a "confederated republic." A much greater man than I, one George Washington, in 1789, called it a great confederated republic.

Mr. CONKLING. Will my honorable friend out of his copious vocabulary now furnish me with a proper appellation for this system of government which the two sides of this Chamber are now vying with each other to perpetuate?

Mr. EATON. Does my friend want to know what I regard it?

Mr. CONKLING. I wish from the highest authority the real name.

Mr. EATON. I am glad you come to the proper authority. I call it, sir, a representative republic of sovereign States.

Mr. CONKLING. Mr. President, what were the tests which so perplexed men in Delaware longing to uphold "a representative republic of sovereign States?" That is what I want to read to the Senate.

Mr. EATON. I wish you would, sir. It is good reading, no doubt.

Mr. CONKLING. And I will read from an authority dear to the democratic party, a name enshrined in the recollection of my friend from Connecticut, which for aught I know is now one of the treasures of the democratic party; I mean Abraham Lincoln, the chief "novice" of that group whose "imbecility and ignorance" in the estimation of the Legislature of Delaware, colossal as it was, was not so great at to account for the preposterous blunders and violations of the Constitution of which they are guilty.

WAR DEPARTMENT,
Washington, November 2, 1863.

SIR:—

This is a letter written to the governor of Maryland; that is, to the man who was governor when this letter was written, not to some other man who was not governor then but became governor in future years or had been governor some time in the past; but to the man who was then governor of Maryland this letter appears to have been addressed:

Yours of the 31st ultimo was received yesterday about noon, and since then I have been giving most earnest attention to the subject-matter of it. At my call General Schenck has attended, and he assures me it is almost certain that violence will be used at some of the voting places on election day, unless prevented by his provost guards.

They are the "animals," if I understood the word aright, to which the honorable Senator from Delaware made so suitable an allusion.

He says that at some of those places the Union voters will not attend at all, or run a ticket, unless they have some assurance of protection. This makes the Missouri case of my action, in regard to which you express your approval.

It appears that this democratic governor of Maryland had expressed his approval of keeping the peace at the polls by troops, but that was in Missouri, in order that it might be fulfilled as was spoken by the spelling-book a great many years ago—"it makes so much difference whose ox is gored."

The remaining point of your letter is a protest against any person offering to vote being put to any test not found in the laws of Maryland. This brings us to a difference between Missouri and Maryland. With the same reason in both States, Missouri has, by law, provided a test for the voter with reference to the present rebellion, while Maryland has not. For example, General Trimble, captured fighting us at Getteysburgh, is, without recanting his treason, a legal voter by the laws of Maryland.

I stop to say that I hope no sensitive Senator on the other side will think that I am fanning the dying embers, rekindling the smoldering fires, or reviving the sectional strifes—I believe I have employed all the pet words to be found for that subject now in the democratic vocabulary—by reading what Mr. Lincoln says:

For example, General Trimble, captured fighting us at Gettysburgh, is, without recanting his treason, a legal voter by the laws of Maryland. Even General Schenck's order admits him to vote, if he recants upon oath. I think that is cheap enough. My order in Missouri, which you approve, and General Schenck's order here, reach precisely the same end. Each assures the right of voting to all loyal men, and whether a man is loyal, each allows that man to fix by his own oath. Your suggestion that nearly all the candidates are loyal—

There is great beauty in that when you stop to reflect upon it, Mr. President, that "nearly all the candidates are loyal." Only think of the touching tribute it was to this "representative republic" made up of "sovereign States," think what a touching tribute Maryland paid to this republic when in nominating candidates for Congress a majority of them were loyal! Only a minority of the candidates at that time were those giving aid and comfort to an attempt to overthrow the Government and prostrate this "representative republic!"

Your suggestion that nearly all the candidates are loyal, I do not think quite meets the case. In this struggle for the nation's life—

You see he fell into the blunder of thinking it was a nation; but that was before my honorable friend from Connecticut had formulated as he has done to-day:

In this struggle for the nation's life, I cannot so confidently rely on those whose election may have depended upon disloyal votes. Such men, when elected, may prove true, but such votes are given them in the expectation that they will prove false. Nor do I think that to keep the peace at the polls, and to prevent the persistently disloyal from voting, constitutes just cause of offense to Maryland. I think she has her own example for it. If I mistake not, it is precisely what General Dix did when your excellency was elected governor. I revoke the first of the three propositions in General Schenck's General Order No. 53, not that it is wrong in principle, but because the military being, of necessity, exclusive judges as to who shall be arrested, the provision is liable to abuse. For the revoked part I substitute the following:

That all provost-marshals and other military officers do prevent all disturbance and violence at or about the polls, whether offered by such persons as above described, or by any other person or persons whatsoever.

The other two propositions of the order I allow to stand. General Schenck is fully determined, and has my strict order besides, that all loyal men may vote, and vote for whom they please.

Your obedient servant,

A. LINCOLN,
President of the United States.

His Excellency A. W. BRADFORD,
Governor of Maryland.

Then the report says:

The governor thought fit to publish a proclamation assailing the order (No. 53) for illegality and usurpation, of which the following is a copy.

Such were the tests. I read this report merely as a memorandum to refresh the somewhat faded memory of the honorable Senator from Delaware; although not an original memorandum but a printed copy, I presume it is competent in this forum to refer to it to refresh the recollection of what is bygone.

Mr. SAULSBURY. Mr. President, the Senator from New York is an adroit debater, and he has manifested his skill on this occasion as much as is customary perhaps with him on other occasions. The point in issue was not whether there had been an order promulged by General Schenck in Maryland, or whether there was a modification of that order by President Lincoln. The point which I rose first to disabuse the minds of Senators, if they really labored under it, was that the governor of the State of Delaware at the time of the invasion of that State by armed force for the purpose of controlling our elections never did approve, as I understood to have been asserted, of that military invasion. I simply rose to correct what seemed to be a misapprehension on the part of the Senator to whom I replied, the Senator from Minnesota, and I alluded to what had been said by the Senator from New York simply to correct what I supposed to be an inadvertence into which both had fallen. After having made the statement which I did that Dr. William Burton was at that time the governor, and that at the election at which these bayonets were used about the polls William Cannon was declared elected and took his seat the January following, I supposed that settled the matter. The remarks of the Senator from New York were calculated to make an impression on the country that the governor of the State at the time approved the act. I did not want that impression to go out, and it was for that reason that I rose to correct what seemed to be a misapprehension on the part of the Senator from New York.

But the Senator has gone off with that adroitness for which he is remarkable. When I called attention to the fact that General Schenck, in the State of Delaware, which had performed all its duties to the Government, came there forty-eight hours before the special election for members of Congress in 1863, and that he prescribed an oath to be administered whenever a challenge was made by any politician of the opposite side, the Senator switches off from that issue to read us what took place in the State of Maryland. I have nothing to say about the State of Maryland. Her Senators here are able to take care of her.

Mr. CONKLING. The orders were the same.

Mr. SAULSBURY. I do not remember whether they were or not. I am under the impression, however, that Mr. Lincoln never saw the order as to Delaware——

Mr. CONKLING. It was all in one and the same military department, and the orders all came from the same headquarters.

Mr. SAULSBURY. I shall take occasion before the debate is through, if I can lay my hands on it anywhere in the city, to bring here the report of the Legislature of my State on that subject, and to bring also the order—I believe it was order No. 55. Will the Senator from New York be kind enough to give me the number of the order of General Schenck from the document before him.

Mr. CONKLING. The Maryland order was No. 53 and this, it is very likely, was 54 or 55.

Mr. SAULSBURY. My impression is that the order prescribing the oath in Delaware was No. 55.

Mr. CONKLING. No doubt it was. It was one of the same series of orders.

Mr. SAULSBURY. I do not think that order was ever seen by Mr. Lincoln; but I do not care whether it was seen by Mr. Lincoln or anybody else. The point I make is that a military commander has no power under this Government to prescribe the qualifications of electors and to keep from the polls men who do not comply with his military decrees. That is the point I make, and I am sure that the Senator from New York, as a lawyer, as a man familiar with the Constitution of his country, cannot rise in his place before this country and proclaim it as his opinion that a military chief is possessed of power, in a State where the laws are obeyed, in a State in harmony with the Federal Union, in a State where the Federal courts and the State courts are open, to prescribe, fix, and determine by military order the qualifications of electors. I am sure the Senator from New York will not say the action of that military chief is defensible. It cannot be justified by any facts existing in the State of Delaware at that time. I shall not be led into a discussion of what may have been the state of facts in Maryland, or in Kentucky, or in Missouri, or in any other State; but I say that there were no facts existing in the State of Delaware at that time which justified any interference by a military officer with the election in our State, whether by military order or by posting troops at the polls.

I said something about provost-marshals. I did not refer to the regular provost-marshals connected with the staff of General Schenck.

The provost-marshals I spoke of were men extemporized for the occasion—citizens of the State; some of them men of degraded character; a large number of them men without character, bankrupt in fortune and in reputation. They were the men who had charge of General Wool's forces after they were brought into my State, one of whom, as I before remarked, was by some of the citizens of our State, in the lower county of the State, as I have been informed, actually bought for $100 to give them permission to vote.

Mr. WINDOM. Was that a citizen of Delaware that the citizens of Delaware bought or an officer of the Army?

Mr. SAULSBURY. It was a provost-marshal, and all the provost-marshals were men who were citizens of the State, or claimed to be citizens of the State—not the regular provost-marshals; they were temporary appointees, selected for the purpose of controlling the election; men who were politicians and not military officers.

Mr. WINDOM. I ask the Senator whether they are all purchasable in his State?

Mr. SAULSBURY. The Senator ought to have too much good sense to ask such a question.

Mr. WINDOM. I only judge by those we have heard of as samples.

Mr. SAULSBURY. Does the Senator ask if all the people of my State are purchasable?

Mr. WINDOM. The samples the Senator gives were purchasable.

Mr. SAULSBURY. I will say to the Senator that there are men there who would scorn the offer of a bribe fully as much as the Senator from Minnesota.

Mr. WINDOM. I certainly did not mean to say that all the people of Delaware were purchasable or to ask that question. I only meant to ask whether all officers in charge were like that man to whom the Senator has referred.

Mr. SAULSBURY. I do not mean while I am in the Senate that the Senator from Minnesota shall cast an aspersion, either directly or by implication, against the people of my State without hurling back the imputation with that scorn and contempt which it deserves.

Mr. WINDOM. The Senator is entirely mistaken. I cast no aspersion. He had given us a sample brick, and I asked him if the other officers were of the same kind.

Mr. SAULSBURY. I understood the Senator—I may have misunderstood his remark—to apply his question to all the people of Delaware.

Mr. WINDOM. I can ask whether what the Senator has described as occurring there then was the usual tactics employed by the democratic party in Delaware?

Mr. SAULSBURY. So far as that is concerned I say this: the democratic party of the State of Delaware is generally equal to emergencies. [Laughter.] And when you send your military officers there and place them under the control of rapscallions, we will fight them in any way possible so that we secure the right to vote. We succeeded in that election and saved our State, and we have had the Legislature of our State from 1856 to the present time, and your illegal acts at our elections with military orders prescribing the qualifications of electors, your orders surrounding the polls with the military power of the Government, have greatly aided in keeping Delaware true in the line. While ever there is a man in Delaware who remembers the outrageous conduct of your party in surrounding our polls with military power, while ever the present generation remember that a military commander came into the State of Delaware and prescribed the qualifications of her electors to vote, they will enter their protest by voting largely the democratic ticket and keeping that State at least in honest hands.

Now, Mr. President, I want to say one other thing. When I referred to General Schenck, I was not aware that he was on a bed of sickness. If I had known that, I certainly should have said nothing that could have been considered unkind of a man who is on a sick-bed. I have since been informed that he is now confined to a bed of sickness, and perhaps to a bed of death. I regret, therefore, that I made any allusion whatever to General Schenck under these circumstances, and I feel it due to myself that I should make this public acknowledgment that I would not have made those remarks had I known he had not been a well man.

Mr. EDMUNDS. I think it might be added also as to General Schenck, that, acting as any honorable man would who heard that imputations on his official conduct were made before a committee of one of these bodies, he made haste to get leave of absence to come here and meet his accusers, and that he did meet them with success, and was vindicated in the eyes of all honorable men so far as any intention of wrong or participation in wrong was concerned. That also may be due to General Schenck, whether he be sick or well.

Mr. President, it appears from the statement of my friend from Delaware that in the election of 1862 or 1863 a governor was elected who appears to have approved of whatever use of military power was made in that State. If the democratic party carried the State at that election, they must have elected the man that approved of the act, for the honorable Senator says they have held the State ever since.

Mr. SAULSBURY. I say to the Senator that the gubernatorial candidate of the republican party was elected in 1862, but a majority of the Legislature was democratic and so was the member of Congress elected, and the county officers were democratic.

Mr. EDMUNDS. I should like to know who was the democratic candidate for governor at that election. Was it Dr. Burton for re-election?

Mr. SAULSBURY. No, sir; Dr. Burton was not. A gentleman by the name of Jefferson, one of the most honored citizens of the State, was the candidate, a man who had never taken any very active part in politics, living in the county of New Castle, with whose private character I am not so familiar as my colleague, but whom I know to have been a gentleman of the very highest personal character and a warm personal friend of my colleague.

Mr. EDMUNDS. Now I should like to know whether the republican candidate that was elected was not a man of good private character?

Mr. SAULSBURY. Well, I have nothing to say against Governor Cannon. He is now dead. Whatever may be my own judgment of his acts or my own judgment of his private life, I should not feel at liberty here to say a word against him, because he is in his grave. I have my own opinion, but I will not express it.

Mr. EDMUNDS. Very well. It seems he was elected, and it seems that a majority of the Legislature was elected by the democrats. I am told that they have a somewhat peculiar—perhaps not very peculiar—arrangement in Delaware by which its three counties each elect a certain arbitrary number, not based upon population, and that consequently the voice of the counties taken separately in choosing members of the Legislature would not necessarily represent the voice of the whole State voting on a general ticket for governor. Therefore under the laws of Delaware it is true the governor may have been honestly elected by one party, while the Legislature may have been honestly elected by another.

But that is not very material. The effort of the Senator from Delaware has been to condemn the present republican party and the present republican President in respect of not extending the act of 1865 about keeping the peace at the polls still further than it was extended in 1865 by lopping off one of its exceptions, on the ground that in 1862 the republican President of the United States and the generals of the United States and the republican party generally were guilty of a gross enormity by exerting power in the State of Delaware.

Now, sir, I should like to have the Senator from Delaware tell me, if he is willing, candidly, (as of course he will if he tells me at all,) what he would have wished to have done in that State, he being a loyal citizen, if it is not offensive to call a man loyal, being on the side of his Government, if on that occasion he had feared or believed that there were a sufficient number of his fellow-citizens of that State who were enemies of their country who wanted it broken up, who wished the confederacy to succeed, and who intended to elect members of Congress and State officers who would help break down the Government, would he have thought that those enemies of their country ought to vote?

Mr. SAULSBURY. I will say to the Senator that he is putting a case that did not exist. I lived then, as I do now, in the State of Delaware, and I know from personal knowledge that there was no treason there. There were not in the whole State, so far as I have any knowledge, one dozen men that went into the confederate service from Delaware. We were cut off by the bay and the ocean from the Southern States. We knew that our interest was to remain in the Union. We had no disposition to sever our connection with the Federal Union; and there never was any occasion whatever to send any troops into the State of Delaware except to control our elections.

Mr. EDMUNDS. My honorable friend has not answered the question because he says it does not apply. We could find out better if first we could establish the principle of what could be done in such an emergency, and then see whether there was any emergency to apply it to.

I infer that the honorable Senator, if he had had the sentiments that I have imputed to him and had felt the fear and had the belief that I have suggested that some citizens of the State of Delaware did have, and not a few of them, would have been glad to urge every power that could be exerted by the National Administration to preserve that State to its loyal citizens and in the hands of them; and in a time of that emergency I do not think the Senator—taking his own statement to-day about how he would manage the democratic party—would have hesitated much if an additional oath had been prescribed beyond what the constitution of that State, made in ancient times, prescribed for such an event. In other words, I think he would have united with all the loyal citizens of Delaware and have invited the President of the United States, then exerting the military power under martial law in all parts of the country that were at all affected by such questions, to strain the Constitution of the United States, if you please, to the point of keeping that State from destroying itself and going over to the enemy.

That Mr. Lincoln believed there was this danger, and that there was a large number of voters under the constitution of Delaware who were the enemies of their country and meant to break it down, nobody who believes Mr. Lincoln to have been an upright magistrate and an honest man can doubt after what the Senator from New York has read from him on exactly the same subject and at the same time. So, then, it comes right back to the old question of whether the United States in the emergency in which she was placed was justified in the eyes of the civilized world and in the eyes of Delaware—which is much the same thing I suppose—in resorting to the measure the Pres-

ident did. Suppose he was not justified in point of law, who would not excuse an act of that kind if it was necessary to the safety of that State?

The Senator from Delaware says that its people were all loyal. Then if its people were all loyal in that time of dire emergency which the Senator remembers, in 1862-'63 when it looked as if our gallant southern friends were going to be altogether too much for us—they were almost impregnable, we could not break in upon them, and everything seemed to be going to pieces—if that people were as loyal as the Senator thinks they were, if the democrats were as loyal as the republicans, it would not have hurt them much to have come up and taken the oath and voted, although it was an extra-constitutional oath, under such circumstances. It is very strange, indeed, among a mass of loyal men who were eager to maintain the honor and unity of their country, that all the voters of one party should be willing to take this extra test and all the voters of another party were so very notional on the subject of State rights that they could not do it. I should suspect, and I think a jury of twelve men obtained on the theory of the Senator from Ohio [Mr. THURMAN] by alternate drawings could be got, if we could have my friend from Delaware to sum up on that side, to say that the men who refused to take that oath—a great many of them, at any rate enough to overawe and influence the others—did not take it because they could not with absolute truth.

But that is of very little consequence to this present question. It is only of consequence as showing that when you wish now to make a new law and to say that on election day the troops shall not be used for any purpose connected with keeping the peace in the United States under any possible safeguards, the abuses which you desire to correct, the tyranny that you wish to resent, occurred in the midst of a tremendous struggle for national existence seventeen years ago.

There is another thing, Mr. President, that might be mentioned, which is a little characteristic, which the frankness of my honorable friend has set forth. The democratic party, it seems, on that occasion or the next one of the special elections—I have forgotten which—there being provost-marshals, &c., there who were to prevent disloyal citizens from voting the democratic ticket, proceeded to buy one of them in order to get the right to vote. Why was it necessary to buy a provost-marshal of the United States in order to allow citizens to vote, when he was only told to prevent disloyal citizens from voting? And the consequence of the purchase the Senator says was that they carried the State.

I must assume, therefore, that this particular purchased provost-marshal did not exclude the disloyal voters, and the democratic party, as usual whenever any bribery goes on, got the benefit of it, just as they did in Cincinnati last year at the election—I believe it was stated by the late Senator from Ohio (Mr. Matthews) in one of the last speeches he delivered in this body describing the operations that went on in Cincinnati at the last election;—just as it was under Tammany in the city of New York. Wherever "the devil" finds anything "for idle hands to do," in the way of bribing the officials of elections, certainly in Delaware it appears the democratic party gets the benefit of it, and on the ground that the Senator boldly avows that whatever is necessary to be done in order to preserve the ascendency of that party will be done, be it bribery or whatever. That is the case that is stated.

But fortunately, Mr. President, for the good name of the provost-marshals who were employed in that State, citizens of it, it appears that out of all the great number that the Senator speaks of only one could be found who would accept the bribe and let in the disloyal votes. That speaks well for Delaware, Mr. President. It will turn out so in my belief all over the United States. While you will find in some great cities and in some places of that sort supervisors of election under the existing laws who, like their fellow-men, are open to bribery, and who like their fellow-men when they are bribed are bribed by somebody else in the interest of some party that is to get the benefit of it, nevertheless you will find that the great majority of them, as it is with Senators, and judges, and jurors, and all the other people of this country, are honest men and intend to do their duty honestly and to do no more. That is what I believe will turn out; and I say that in reference to what the Senator from Connecticut stated yesterday in respect of the list that he read from some newspaper of a great number, a dozen or more, of vagabonds who in a city of a million inhabitants in some of its lower wards happened to be persons who were keepers of disreputable places of all sorts.

I venture two of those very persons and their associates in those same wards of that city were fair representatives of a large class of the very voters that they were called upon to supervise; and if you go upon the true theory of a democratic government they were the very men to employ. I do not state that, but that would seem to be the theory upon which we are to proceed; and in a certain sense there is a good deal of practical value in it. If in some one ward in a great city of a million inhabitants, one-quarter of whose houses are groggeries, gambling-houses, junk-shops, panel-houses and other houses with names too vile to be mentioned in this presence, that body of men are engaged at all times when elections come around in stuffing ballot-boxes, in cheating in the count, in getting up fights about the polls in order to keep quiet and peaceable citizens from coming to vote, there would be some sense if you could take the best of that class of people who know all these fellows to watch them, to challenge them, to spot them, and to stop them. Then you have only fulfilled the old adage of "setting a thief to catch a thief." They are the men who would know them best.

I am not defending such appointments; but I say that when in a great city it happens that in a class of population of that character you have some people connected with the administration of affairs who are just like the people whose affairs are to be administered, there is not any great cause of complaint about that. There is great cause of complaint that such people should be allowed to have any voice, either they or their fellows, in the administration of a government of honest and free men; and that is what these election laws are designed and destined to keep; and, that is, to take from the most reputable of the citizens of the respective localities people of independence and honesty, take them from both parties, and let the representative best men of both parties see to it that there is fair play and honest voting and honest counting on both sides. When you do that and carry it into effect all over this country, it is of very little consequence what names you call parties, whether democrats or republicans or what not. Each party will then, when it is in power, be the party of honest government, of true liberty. And yet our friends on the other side are determined to overthrow these safeguards, on the theory, I suppose, of State sovereignty, that Congress has no business to interfere in the election of members of the House of Representatives and that it is to be left to the local authorities composed in some of these great cities, as I have shown and as everybody knows as a matter of public history and notoriety, of the class of people I have described, to turn the scale one way or the other in all national elections. Well, you can try it provided you can pass your laws.

Mr. LOGAN. Mr. President——

Mr. BECK. Before the Senator from Illinois proceeds, I desire to give notice that after he is through—not, however, while he is speaking—the speeches hereafter made shall be made, if I can hold gentlemen to the point of order, on the question whether there shall be three additional clerks in the Post-Office Department. The bargain was made that we should sit until four o'clock to-day on business and on Monday for political discussion. After the Senator from Illinois is done I shall then insist that we go on with the business we agreed to go on with to-day.

Mr. LOGAN. Mr. President, I shall not detain the Senate very long; but I cannot withhold a word in response to the remarks that fell from the lips of the Senator from Delaware. It has become fashionable to make thrusts right and left at persons in this country who did that which they considered to be their duty in maintaining the supremacy of this great Government of ours. Officers and soldiers of the Army have frequently been sneered at in this Chamber. It has been thrust in our faces that the republicans have given to those who served in the Army a representation of but four in numbers in this Chamber; and the boast has been made that the opposition have given so many more to certain soldiers because they fought for a different cause.

I desire, in response to the Senator from Delaware, who said that General Schenck, "who had been placed where he should be on account of his nefarious conduct"—that was the precise language used by the Senator, as I understood him.

Mr. SAULSBURY. The Senator from Illinois will allow me to say that the remarks I made about General Schenck I made before I knew the man was on a bed of sickness.

Mr. LOGAN. I understand that. The Senator made them before he knew that the general was sick. That means if he had known that he was sick he would not have said what he did, but if he were well the Senator would still say what he did say. Now I desire on behalf General Schenck in this Chamber to say that no more honorable man lives. When treason stalked abroad in this land, when this mighty nation of ours was reeling and rocking to and fro like a distressed vessel upon the stormy seas, he came forward and with that strong arm of his he reached out that he might assist in steadying her as she rode the billows of treason. He was one of the band of patriots in this land who defied treason and faced the war made against the nation; willing to risk his life and his all for its preservation.

I do not claim that he is entitled to great credit for being a patriot. It was naught but that which was his duty. But the fact that he was a patriot is no reason why he should be maligned either here or elsewhere. What has he done that he for his "nefarious conduct" should receive the condemnation of the people of this country? What "nefarious conduct" has he been guilty of? He clutched the flag of his country in his hands when treason seized it in order that it might be trampled in the dust. Was that "nefarious conduct?" Sir, is it for that he is to be condemned?

Sir, I am free to say that the insinuations and the jeers that have been made in this Chamber from the other side toward men who fought for the Union have not come frequently from men who shed their own blood or were willing to do it, but from men who did not and were not willing to do it.

It is no mark of bravery that men sneer at others because they stood by their country. It is not the mark of gentility. It is no evidence of statesmanship. It is far from being proof of good breeding.

Now, sir, General Schenck is getting old; is with disease tottering on the road to the grave; he is to-day crippled, maimed, disabled; a pensioner on his Government on account of wounds that he received in its defense; he stands to-day before this land as a patriot; as an

honest man; as a brave man; and at all times the peer of the Senator from Delaware; one whom he could not sneer at were he entitled to a seat on this floor, as is the Senator from Delaware. For that old patriot I have but this to say: the heart of the man that can allow him to touch the untarnished reputation of a brave man and a patriot would go out against those much more near and dear to him than the one he seeks to strike. This man, General Schenck, is a true man and a patriot. For him I pray that peace may be all along his pathway until the time shall come when he shall be summoned to

> The undiscovered country, from whose bourn
> No traveler returns.

Now, Mr. President, pardon me for another word, and I shall have done. In the discussion of this question a few days ago the Senator from Kentucky [Mr. WILLIAMS] alluded to military orders in his State during the year 1865. I allude to it now inasmuch as a discussion has been dragged in here in some way or other, I know not how, having reference to military orders—General Schenck's and other military commanders'. In the State of Kentucky, in the month of July, 1865, a military order was issued by the commanding general of that department, and for the purpose of having it appear by the side of the order of General Schenck I ask the Secretary to read it from the desk. I send to the desk the paper containing the order.

The Secretary read as follows:

[General Orders, No. 51.]

HEADQUARTERS DEPARTMENT OF KENTUCKY,
Louisville, Kentucky, July 26, 1865.

The near approach of an important election, to be held in all the counties of the State and military department of Kentucky, renders it proper, in the judgment of the general commanding, to require all officers commanding troops to give to the officers of the State charged by law with the duty of conducting elections, and to the legal voters of the State, the most complete protection. Martial law prevails in the Department of Kentucky, and certain classes of persons are especially under military surveillance and control. These are:

1. All rebel soldiers, whether paroled or not, and without regard to the fact that they have or have not taken any of the oaths prescribed by law, or executive or military orders, or have registered under orders from the headquarters of the Department of Kentucky.

2. All guerrillas and others who, without belonging to regular rebel military organizations, have taken up arms against the Government, or have in any way operated against the government or people of Kentucky or any other State or Territory.

3. All persons who, by act or word, directly or indirectly, gave aid comfort, or encouragement to persons in rebellion. This applies to all persons who have voluntarily acted as scouts or spies for rebel or guerrilla forces; who have voluntarily furnished any rebel force or person with information, food, clothing, horses, arms, or money, or have harbored, concealed, or otherwise aided or encouraged them.

4. All deserters from the military or naval service of the United States who did not return to said service or report themselves to some provost-marshal within the sixty days limited in the proclamation of the President of the United States, dated the 11th day of March, 1865; and all persons who deserted from the military or naval service of the United States after the 3d day of March, 1865, and all persons duly enrolled who departed the jurisdiction of the district in which they were enrolled or went beyond the limits of the United States to avoid any draft.

All persons who were, or have been, directly or indirectly, engaged in the civil service of the late so-called confederate government or of the so-called provisional government of Kentucky, or who have in any way voluntarily submitted to either of said pretended governments—all agents of or contractors with or for such pretended governments—all such persons are disqualified from voting by the laws of the State of Kentucky, and the act of Congress of March 3, 1865.

All persons of the classes aforesaid are required to abstain from all interference with elections, and will, if they shall in any manner interfere therein, by voting or attempting to vote, or by persuading any other person to vote, or by appearing at the polls, be at once arrested and held for military trial.

Aid will be given to the civil authorities to enforce the laws and to preserve the peace. Any person who shall counsel, advise, or encourage any judge of any election, or any other person, to disregard or disobey the law as declared in the proclamation of the governor of the State, will be at once arrested.

The peace of the country can be secured only by obedience to the laws.

By command of Major-General John M. Palmer.

E. B. HARLAN,
Captain and Assistant Adjutant-General.

Official.

BEN. W. SULLIVAN,
Lieutenant and Acting Assistant Adjutant-General.

Mr. LOGAN. Now, if the Secretary will turn over to the paper of August 1, I think it is, and notice the speech made by the same party marked—I wish he would read the paragraph that is marked and give the date.

The CHIEF CLERK. It is under date of "Lexington, Kentucky, August 1, 1865:"

It is the fashion to abuse the military, but I discover that the apprehension of military interference is expressed most frequently by a class of men with whom the Federal Army has been interfering for more than four years past. They are the very men who thought the Federal Government had no right and no power to coerce the rebels into submission. Many of them thought, a great many very good men thought that Kentucky in the beginning of this controversy could be perfectly neutral, could hold the balance between the contending parties; that Kentucky could keep the peace; that her sacred soil should not be invaded. That was the delusion of a great many good men, and there were a great many men who were, perhaps, equally good, although much worse mistaken, that thought the Federal Government could not as a matter of right or as a matter of power coerce the rebels into submission. The same class of men manifest the same fears of the Federal authorities now as they did then. Your newspapers were filled then with these groanings that could not be uttered, these terrible apprehensions of Federal interference. I should like to know of him who desired the perpetuation of this Government which party—if the Federal Government must be antagonized to other interests—which party is most likely to regard the interests of the people of Kentucky, the Federal Government, represented in Kentucky by soldiers from Illinois, Indiana, and Ohio, and many of your own true sons of Kentucky—is the Federal Government more likely, I say, to invade the rights of the people of Kentucky than these men, whose voices have always been against the people of Kentucky? Which would you rather trust, a Federal regiment or a rebel mob? According to my way of thinking, I have still more confidence in the boys in blue jackets. [Applause.] But if the liberties of the people of Kentucky are to be subverted, my apprehensions do not lie in the direction of Union soldiers. I do not think the liberties of the people are in danger from either cause. In the first place, the representatives of the Federal Government have no desire to interfere, and, in the second place, these other men will not be allowed to do so, if they so desire it.

Mr. LOGAN. I have thus had read the order issued by General John M. Palmer, of the State of Illinois, when he was in command in the State of Kentucky, and a portion of a speech made on the date stated by the same person, General John M. Palmer. Now, I suppose some of my friends here may have a curiosity to know why I have had this order and this part of his speech read. I will state the reason. General John M. Palmer is a lawyer, a man of ability. He has been governor of my State, he was a major-general in the Union Army. He issued that order of his own motion in Kentucky, without being directed by the President or any one else, as I understand it, on what he considered the law. He made the speech that I have had read sustaining that order. Now, who is General John M. Palmer? He was one of the democratic visiting statesmen on behalf of Mr. Tilden to New Orleans. He is now at least trying to be a democratic candidate for President, and inasmuch as he and my colleague [Mr. DAVIS] will probably have a contest for the democratic nomination in the State of Illinois, I thought I would give my colleague the benefit of that speech and of that order.

Mr. BECK. Now I ask for a vote on the question of whether there shall be more clerks in the Post-Office Department, and I desire to say that I shall endeavor to confine the debate from this time on to the question before the Senate.

The PRESIDENT *pro tempore*. The question is on the amendment offered by the Senator from Texas, [Mr. MAXEY.]

Mr. BECK. On that I have called for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. BUTLER. My colleague [Mr. HAMPTON] is detained from the Senate by sickness.

The result was announced—yeas 27, nays 26; as follows:

YEAS—27.

Bell,	Ferry,	Lamar,	Platt,
Blaine,	Garland,	Logan,	Plumb,
Burnside,	Gordon,	McDonald,	Rollins,
Cameron of Pa.,	Hill of Colorado,	McMillan,	Saunders,
Cameron of Wis.,	Hoar,	Maxey,	Teller,
Chandler,	Ingalls,	Morrill,	Voorhees.
Coke,	Kirkwood,	Paddock,	

NAYS—26.

Allison,	Eaton,	Kernan,	Walker,
Beck,	Edmunds,	Morgan,	Wallace,
Booth,	Farley,	Saulsbury,	Williams,
Butler,	Harris,	Slater,	Windom,
Cockrell,	Hereford,	Thurman,	Withers.
Conkling,	Houston,	Vance,	
Davis of Illinois,	Jonas,	Vest,	

ABSENT—23

Anthony,	Davis of W. Va.,	Hill of Georgia,	Pendleton,
Bailey,	Dawes,	Johnston,	Randolph,
Bayard,	Groome,	Jones of Florida,	Ransom,
Bruce,	Grover,	Jones of Nevada,	Sharon,
Call,	Hamlin,	Kellogg,	Whyte.
Carpenter,	Hampton,	McPherson,	

So the amendment was agreed to.

Mr. BAILEY. I move, in line 2209, on page 90, to strike out "four" and insert "five;" so as to read:

One Assistant Attorney-General for the Post-Office Department, $5,000.

I send to the desk to be read a letter from the Attorney-General and also one from the Postmaster-General recommending this amendment. I will say that the bill as it stands reported by the committee provides that there shall be three Assistant Attorneys-General, at $5,000 each, and one Assistant Attorney-General for the Post-Office Department, at $4,000. The amendment proposes to give $5,000 to this Assistant Attorney-General for the Post-Office Department instead of $4,000, as the bill reported by the committee proposes.

Mr. BECK. I raise the point of order on that amendment. The law provides $4,000 salary. This is an increase in violation of law. The law creating the office of Assistant Attorney-General for the Post-Office Department was the act of June 2, 1872, (Statutes, volume 17, page 284,) "An act to revise, consolidate, and amend the statutes relating to the Post-Office Department," by which the salary was fixed at $4,000, and it has remained unchanged to this date. The other Assistant Attorneys-General were provided for as follows: two by the act of June 22, 1870, (volume 16, page 163,) and one additional by the act of February 25, 1871, (volume 16, page 432,) and their salaries were fixed at $5,000, and have so remained ever since. Therefore we have complied with the law, and I ask for the yeas and nays.

Mr. EDMUNDS. Let us have the point of order decided.

Mr. BECK. I simply mean to say I am satisfied the Committee on Appropriations have followed the law, and I will not see it changed unless by a deliberate expression of the Senate.

The PRESIDENT *pro tempore*. As the Chair understands the rule, this amendment is clearly out of order. It is not an amendment moved by any of the standing committees, nor is it for the execution of any law or treaty.

Mr. EDMUNDS. And then it is legislation; it changes a salary fixed by law.

Mr. BAILEY. The amendment is sustained by one of the Depart-

ments, indeed by two of the Departments of the Government, and I understand that it may be offered.

The PRESIDENT *pro tempore*. It was ruled some time ago, not by the present incumbent of the chair, but by the Vice-President, the Chair believes, that the estimates referred to in these rules are not a mere communication from a Secretary of one of the Departments to a member of the Senate or anybody else, but the regular Book of Estimates furnished to Congress in respect to the amounts necessary for carrying on the Government. That was the ruling made, and unless this is in one of those estimates it comes directly within the prohibition of Rule 27. That rule declares:

And no amendments shall be received to any general appropriation bill, the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the Departments.

In the opinion of the Chair this does not come within any of these categories, and is therefore out of order.

Mr. PLUMB. I now call the attention of the Senator in charge of the bill to an amendment which I proposed some days since to line 396, page 17, which I now offer. I move to strike out "executive" in line 396, and to add after the word "clerks" in the same line the words "in the General Land Office;" so as to read:

And the duties prescribed by section 450 of the Revised Statutes shall devolve upon, and be discharged by, one of the clerks in the General Land Office, to be designated by the President for that purpose.

Mr. BECK. On that I make the point of order. It is a change of the existing law.

Mr. PLUMB. Before that point is made I desire to state briefly that this is strongly recommended by the Interior Department. It has just this significance: Large numbers of entries by homestead and preemption and otherwise are being made of the public lands. The issuance of patents on these entries is behind from one to three years. By means of this simple amendment that work may be brought up very closely to the entries themselves without adding one single cent of expense. It is very strongly recommended by the Commissioner of the General Land Office and by the Secretary of the Interior, and is properly an administrative matter. It only changes the clerk upon whom shall be devolved this duty from the executive clerk in the mansion of the President to one of the clerks in the General Land Office.

Mr. BECK. The existing law, approved June 19, 1878, reads thus:

And the duties prescribed by section of the Revised Statutes numbered 450 shall devolve upon and be discharged by one of the executive clerks, to be designated by the President for that purpose.

That is the law now, and it is proposed to change that law by this amendment.

Mr. PLUMB. If the Senator will permit, I ask to have the letter of the Commissioner of the General Land Office read.

Mr. EDMUNDS. That will not affect the question of order.

Mr. HOAR. Is the point of order disposed of? If not, I object to debate upon it. I want to get along with the bill.

The PRESIDENT *pro tempore*. The Chair would like to have a reference to the law that is spoken of.

Mr. BECK. The law approved June 19, 1878, provides:

And the duties prescribed by section of the Revised Statutes numbered 450—

The one referred to—

shall devolve upon and be discharged by one of the executive clerks, to be designated by the President for that purpose.

The PRESIDENT *pro tempore*. The bill, then, is nothing but a restatement of the law.

Mr. BECK. The bill is merely a restatement of the law.

The PRESIDENT *pro tempore*. In the opinion of the Chair the amendment is necessarily out of order. It proposes to change the law.

Mr. EDMUNDS. It falls clearly within that rule.

Mr. PLUMB. Then what is the object of retaining this provision in the bill?

Mr. BECK. The House placed it there, and we saw no objection to it. That is all I know of it.

The PRESIDENT *pro tempore*. The amendment is out of order.

Mr. PADDOCK. On page 81, line 1992, I move to strike out after "for" the word "monthly," and after the word "dollars," in the following line, to insert:

Provided, That the Commissioner of Agriculture shall issue a report each month, which shall contain general information and statistics concerning the crops, the condition of live-stock, and other matters of interest and importance to the agriculturists of the country.

Mr. ALLISON. What do you do with the other proviso?

Mr. PADDOCK. Leave it as it stands, simply inserting the word "and."

Mr. EDMUNDS. What is the effect of this?

Mr. PADDOCK. The effect of this is to make more imperative the requirement for the issuing of monthly reports. Under this provision as it has stood always heretofore, the monthly reports have not been made regularly; latterly, during the past two or three years, they have rarely been made; and it is a matter of very great importance to the country that they should be made monthly.

Mr. EDMUNDS. They cannot do it for $10,000.

Mr. PADDOCK. I think they can.

Mr. DAVIS, of Illinois. Is this from the Committee on Agriculture?

Mr. PADDOCK. No, sir; it is not from any committee at all.

Mr. BECK. Then I make a point of order. I know nothing about it.

Mr. ALLISON. Has this the approval of the Commissioner of Agriculture?

Mr. PADDOCK. It has not. It has my approval.

Mr. EDMUNDS. It is legislation.

Mr. TELLER. Has it the approval of the chairman of the Committee on Agriculture?

Mr. PADDOCK. It has, I think. The former chairman, at any rate, approves it.

The PRESIDING OFFICER. The Chair does not see that the amendment offered by the Senator from Nebraska increases an appropriation or adds an additional item to it. If it changes any existing law, the Chair is not aware of it.

Mr. PADDOCK. The amendment does not increase the appropriation, nor is an increase of appropriation contemplated. It is believed to be entirely practicable to have these monthly reports with the appropriation as it is proposed to be made by the Committee on Appropriations. It is simply a change of the text of the bill so as to make this requirement for monthly reports more imperative. That is all there is of it. The monthly reports are even more important to the country than the annual reports, and if either is to be left out the annual report had better be left out and the monthly report remain.

Mr. BECK. We have in this bill repeated simply word for word the existing law.

Mr. PADDOCK. That is what I stated. That is what is the matter, that under this phraseology as it has heretofore been put into the appropriation bills the monthly report has not been made. It is because it is a matter of supreme importance that a monthly report should be made that I desire to emphasize in the text of the bill the requirement of the Commissioner that he shall so do.

The PRESIDENT *pro tempore*. Does the Chair understand the Senator from Kentucky to say that there is a permanent law that is altered by this amendment of the Senator from Nebraska?

Mr. PADDOCK. I think the Senator will hardly say that.

Mr. BECK. I am not sure whether there is or not. I send to the President the existing law. Whether that applies only to the current appropriation for the year I do not know, or whether it is a permanent law I do not know, because our attention was not called to it before.

Mr. PADDOCK. The existing law only calls for monthly reports.

Mr. EDMUNDS. If the standing law in the statutes is merely an authority for the Commissioner to issue monthly reports when necessary, and this change makes it mandatory, then it is general legislation as much so as anything can be.

Mr. PADDOCK. If the Senator having the bill in charge has the law, I shall be glad to have him read it or have it read.

Mr. BECK. I have sent it to the Chair.

Mr. PADDOCK. I do not think there need be any sensitiveness about additional legislation on this bill.

Mr. BECK. One of the great difficulties I have is perhaps defective hearing. I am wholly unable to hear what the Senator from Nebraska says. I know he has been saying something, but I cannot hear it, and I do not know what changes he desires to make.

Mr. BURNSIDE. By a general understanding I think we were to go into executive session at four o'clock. Inasmuch as it will take some time to settle this question, and it can be settled as well on Monday as now, I move that we proceed to executive business.

Mr. BECK. I think we can get through shortly. We lost two hours to-day by a political discussion.

Mr. BURNSIDE. I think the understanding was very distinct with the Senator from Kentucky representing the Committee on Appropriations.

Mr. BECK. It was. I agreed that at four o'clock I would not object to an executive session.

Mr. PADDOCK. I have an impression that I hold the floor.

The PRESIDENT *pro tempore*. The Senator from Rhode Island moves that the Senate proceed to the consideration of executive business.

Mr. BLAINE. The Senator will allow me to have an understanding that I shall have the floor on the pending bill for Monday.

Mr. PADDOCK. I will give way to the Senator for that purpose.

Mr. BLAINE. I shall be glad to have that understanding, if it will not interfere with the convenience of other Senators.

Mr. PADDOCK. I hold the floor myself, but I yield to the Senator from Maine.

Mr. BURNSIDE. It seems to me that there are four people on the floor at the present time.

Mr. PADDOCK. I have not sat down since I started.

Mr. BLAINE. If the Senator from Rhode Island will consent to that, I have no objection to his motion for an executive session.

Mr. PADDOCK. I desire to say to the Senator from Kentucky, who said he did not understand the object of my amendment, that the object of it is to emphasize the requirement on the Commissioner of Agriculture to publish monthly reports.

Mr. EDMUNDS. Let us have order.

The PRESIDENT *pro tempore*. The Senator from Rhode Island has

not withdrawn his motion, which is that the Senate proceed to the consideration of executive business.

Mr. BLAINE. One moment——

Mr. BURNSIDE. I yield to the Senator from Maine.

The PRESIDENT *pro tempore*. The Chair understands the Senator from Maine will be entitled to the floor on Monday upon the appropriation bill. The question is on the motion of the Senator from Rhode Island, that the Senate proceed to the consideration of executive business.

The motion was not agreed to; there being on a division—ayes 19, noes 21.

Mr. BURNSIDE. If I could possibly transfer my punishment to some Senators who voted against this motion, if I could transfer some of the importunities of men who are interested in the thing I desire to get before the Senate, if I could transfer some of the numerous letters I constantly receive, I should be vindictive enough to do so and put my annoyance on others.

Mr. WITHERS. I think in ten or fifteen minutes we can get through the bill, and then go into executive session and transact the business the Senator desires us to attend to.

Mr. BURNSIDE. I cannot speak publicly what the thing is, but all Senators know to what I refer. I have been trying for a long time to get it before the Senate, and the annoyance to me is very great indeed. There are three or four hundred people interested in it, and I am not only personally importuned but I am importuned by letters in every mail that comes to me. I desire to have the thing acted on one way or the other. I shall not complain if my view of the matter is not taken. However, I yield for the present.

The PRESIDENT *pro tempore*. The question submitted to the Chair is whether the amendment of the Senator from Nebraska [Mr. PADDOCK] is in order. Upon looking into the law (which has required some little time) it seems that under the existing law whether the Commissioner of Agriculture shall make monthly reports is discretionary; he may or may not make them monthly. The amendment proposes to render it imperative that he shall make them monthly, and is therefore a change of existing law. The amendment is therefore out of order.

Mr. EDMUNDS. Lest this little point should be overlooked in hurrying on with the bill, I wish to move to strike out from line 2108 to 2168 inclusive, if there is not any other amendment that any one wants to propose just now.

Mr. ALLISON. That will likely give rise to debate.

Mr. EDMUNDS. Very likely.

Mr. ALLISON. Now, can we not go into executive session? If there is no other amendment to be proposed, I move that the Senate proceed to the consideration of executive business.

Mr. PLUMB. Mr. President——

Mr. BECK. There are some other amendments which have been submitted to the Committee on Appropriations. Whether they are to be presented to the Senate I do not know. If there are no other amendments to be proposed here, I consent now to an executive session.

Mr. EDMUNDS. The Chair has entertained my motion. I should like to have the question stated on my motion.

The PRESIDENT *pro tempore*. The Chair was about to state it when the Senator from Kansas [Mr. PLUMB] rose.

Mr. PLUMB. There is an amendment I offered yesterday which I desire to present to the consideration of the Senate.

The PRESIDENT *pro tempore*. Will the Senator from Vermont withhold his amendment until this is acted on?

Mr. EDMUNDS. I should like to have my amendment pending because it is so small a matter that it may be forgotten; but it may be laid aside informally to take up any other little matter.

The PRESIDENT *pro tempore*. Then the Chair will hear the amendment of the Senator from Kansas.

Mr. PLUMB. I move, on page 70, line 1705, after the words "seventy-six," to insert:

Provided, That the claims for arrears of pensions shall be settled and determined as rapidly as possible; and as fast as determined, and as often as once in thirty days, the Secretary of the Interior shall make requisition upon the Secretary of the Treasury for funds necessary to pay all claims then settled; and it shall be the duty of the Secretary of the Treasury to promptly meet such requisitions by placing to the credit of the Commissioner of Pensions the amount of the same out of any money which may be in the Treasury not necessary to meet payments of interest on the public debt.

Mr. BECK. I make the point of order on that. It changes the existing law, and we have done everything on that subject we can.

The PRESIDENT *pro tempore*. Will the Senator from Kentucky state what law will be changed by this amendment?

Mr. BECK. I had before me just now the act making appropriations for the payment of arrears of pensions. I have not got it here at this moment, but I can state the substance. That act appropriates $25,000,000 for that purpose. There is no order given to the Secretary to pay in any given time any particular amount of money. We have released by an amendment already adopted, I think, some eight and a half millions to be added to that. But this amendment is not recommended by any estimate from the head of any Department, nor does it come from any committee. It orders the Secretary to pay certain sums at certain times, if I caught it correctly.

Mr. TELLER. Only so fast as the claims are allowed.

Mr. PLUMB. This amendment grew to some extent by the discussion had in this Chamber a couple of days since on the ten-million clause. At the last session of Congress, when the question of paying these arrears of pensions was under consideration, the Secretary of the Treasury was understood to say that the appropriation would produce a deficiency in the general revenue; and on the occasion of the debate a day or two ago on the question as to whether the money held in the Treasury for the purpose of redeeming fractional currency should be devoted to paying these arrears of pensions, it was stated here as by authority that there was no necessity for appropriating that money for the reason that there was abundance of money in the Treasury without it.

I confess that between these two statements, so directly opposed to each other, I became a little confused. It was further stated as coming from the Secretary of the Treasury, and stated I believe by the Senator from Nebraska, [Mr. PADDOCK,] that $2,000,000 a month was as much as would be required to meet these claims. It has been given out in one way and another through the public press in such manner as to affect the belief of the class of persons entitled to arrears of pensions that they are to be paid only so fast as the Treasury receives money which it does not need for other purposes.

Now, in order to satisfy myself on this point, I have made some inquiry, and I feel warranted in saying that not only is $2,000,000 a month much less than the amount of money that will be required to pay the arrears of pensions, but that the amount needed will be more than twice that sum; and in fact I think that it will be more than three times that sum, provided the force of the Pension Office applicable to that purpose is kept constantly at work, as it should be upon this class of claims.

As I said, the impression has gone out from something that was said or alleged to have been said by the Secretary of the Treasury, that these claims were only to be paid when he got the money, that is to say when he got money that he did not need for other purposes. I do not impute this opinion to the Secretary of the Treasury. I only speak of the existence of the belief that he has said it, and the effect of that belief is manifested in one way at any rate, by the letters that I receive from that class of persons anticipating great delay by reason of these alleged utterances on the part of the Secretary of the Treasury.

I do not know anything about the purpose of that official or of any other official of this Government. I would not venture to state where I got my authority for fear we should have another debate on the constitutional question of how information should get into this Chamber. But, as I said before, I feel perfectly sure that at least $6,000,000 a month of these claims will be adjusted if the money is provided promptly to pay them; and I desire further to say that if there is any class of people entitled to receive money from the Treasury of the United States it is this same class of people who are entitled to the arrears of pensions. Whatever controversy might have existed as to whether these people should be paid, whatever the opinion of any Senator may be as to the propriety or impropriety of that act, certainly there can be none now as to the propriety of giving what we do give without grudging, giving it freely, paying it as a debt that is due, to be paid as fast as the amounts can be ascertained.

I was going on to say in reference to the point of order that has been made, that for the purpose of expressing what I believe to be the fair intent of the law itself, to wit, that these claims should be adjusted as fast as possible and paid as fast as adjusted, I propose here to say that, whatever other demands there may be upon the public Treasury, except interest upon the public debt, these men shall first be paid. If there is any class of public creditors, high or low, rich or poor, who are entitled to preference, it is these men who have this amount now due them by reason of the action of the last Congress, and I propose to prefer them as creditors. I do not say that any purpose exists not to prefer them; but I do say that such an impression prevails among them and it is producing great discontent; and I believe, too, that under the operation of this provision which I seek to incorporate in this bill that money will all be disbursed prior to the 1st day of next December; and I very much fear that except under the operation of some such provision much of that which is due to these people will not be paid for a year or more.

Mr. BECK. The existing law I hold in my hand, and I send it to the Chair marked. This is clearly a change in it, in my opinion.

The PRESIDENT *pro tempore*. The amendment offered certainly has the effect to change the law approved March 3, 1879; at least to add to that law; it does not alter what is in the law, but it makes additional provisions which have the effect to change the law from what it now is. The Chair is inclined to think that the amendment is out of order, but prefers to submit the question to the Senate for another reason, because there is a question whether or not this amendment directly relates to the item of the bill to which it is offered as an amendment, and, under the twenty-ninth rule, whenever a question of relevancy is made, it must be submitted to the Senate; and both these questions can be decided at once by the Senate. It is not for the Chair to decide the question of relevancy; the rule is imperative that it shall be submitted to the Senate.

Mr. BURNSIDE. Now, I ask by common consent that this question go over till Monday to be decided then in the morning hour, and that we proceed to the consideration of executive business.

Mr. PLUMB. I shall be glad to have the point of order decided now. If the point of order is decided against the amendment, it ends it of course.

The PRESIDENT *pro tempore*. The Chair has stated that inasmuch as the question whether this amendment is in order involves the question whether it is relevant, and the rule is imperative that that question must be submitted to the Senate, the Chair thinks it is proper to submit the whole question to the Senate, both whether it is new legislation and also whether it is relevant. Is the Senate ready for the question?

Mr. ALLISON. I trust the Senator from Kentucky will now let us go into executive session. I think we can decide this point of order more intelligently after a little further examination as to the necessity of the case, because if his intimation be true that further provision is necessary to be made I think there will be no objection, even though a point of order might strictly apply.

Mr. BECK. On that suggestion I will assent, as far as I am concerned, to the motion of the Senator from Rhode Island.

Mr. BURNSIDE. I move that the Senate proceed to the consideration of executive business.

Mr. BRUCE. Will the Senator indulge me for a moment?

Mr. BURNSIDE. I withdraw the motion.

Mr. BRUCE. I offer an amendment to the legislative, executive, and judicial appropriation bill which I think will meet and remedy evils which have been complained of by a number of Senators within the last few days.

The PRESIDENT *pro tempore*. The amendment will be printed and referred to the Committee on Appropriations.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed a bill (H. R. No. 178) to provide for the change of name of the steamboat Alexis; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. No. 141) to remove the political disabilities of John S. Saunders, of Baltimore, Maryland; and it was thereupon signed by the President *pro tempore*.

HOUSE BILL REFERRED.

The bill (H. R. No. 178) to provide for the change of name of the steamboat Alexis was read twice by its title, and referred to the Committee on Commerce.

EXECUTIVE SESSION.

Mr. BURNSIDE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and thirty-five minutes spent in executive session the doors were reopened, and (at five o'clock and fifty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May* 17, 1879.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

PAY OF EMPLOYÉS OF THE HOUSE.

Mr. MYERS. I ask unanimous consent to submit the following resolution for reference to the Committee of Claims:

Resolved, That the Clerk of the House of Representatives be, and he is hereby, directed to pay the messengers who were discharged from the soldiers' roll of the House of Representatives after the second session of the Forty-fifth Congress two months' pay each.

The resolution was referred to the Committee of Claims.

Mr. MYERS also submitted the following resolution; which was read, and referred to the Committee of Claims:

Resolved, That the Clerk of the House of Representatives be, and he is hereby, directed to pay to D. L. Payne $400 for extra services as a messenger of the House of Representatives during and since the third session of the Forty-fifth Congress.

CHANGE OF VOTE.

Mr. KING. I ask unanimous consent to change my vote upon the adoption of the amendment of the gentleman from Texas [Mr. MILLS] to the coinage bill, from "no" to "ay."

The SPEAKER. The RECORD is correct.

Mr. KING. Yes, the RECORD is correct, and I ask unanimous consent to change my vote.

Mr. BREWER. I object.

REMOVAL OF CAUSES TO UNITED STATES COURTS.

The SPEAKER. The gentleman's object has been reached. The morning hour begins at eighteen minutes past twelve, and the House resumes the consideration of the unfinished business of the morning hour, which is the report from the Committee on the Revision of the laws of the bill (H. R. No. 1715) to repeal certain sections of the Revised Statutes and to amend certain sections of the Revised Statutes and of the Statutes at Large relating to the removal of causes from State courts, with amendments. The gentleman from Maryland [Mr. MCLANE] is entitled to the floor, and has twenty minutes remaining.

Mr. MCLANE. I had finished everything I had to say in reference to this bill day before yesterday, therefore I shall only detain the House while I reply to the inquiry made by the gentleman from Massachusetts, [Mr. ROBINSON.]

The objection I took to the first clause of section 639 had reference to the judicial construction of this first clause rather than to that clause itself. I have no objection at all to the clause, and shall be content with the amendment, which instead of striking out the first clause of the section only provides that where a foreign corporation is doing business in a State under the laws of that State it shall be subject to be sued in the courts of the State. Inasmuch as it is entirely within the power of Congress in these cases to transfer them or not, it is entirely discretionary with Congress whether it will give to inferior tribunals all the jurisdiction secured to United States courts as original jurisdiction. I would not give to these courts entire power; I would leave it where the Constitution leaves it. Only when the jurisdiction is original should such suits be brought in United States courts, and where the jurisdiction is not original, where it results from the power granted by Congress to transfer a case, then I would only give the power to transfer in the cases I have named, and I would thus remedy a great evil, which I believe results from the judicial construction of the first clause of section 639 of the Revised Statutes.

Section 639 itself, so far as the first clause of it is concerned, I understand to be precisely as the gentleman from Massachusetts [Mr. ROBINSON] states, a portion of the law of 1789. It was not to that clause that I intended to take any exception, but it was to the construction placed upon it. I dwelt upon the construction placed upon it and the evils which had resulted from it.

I believe the clause contained in the bill reported by the committee is perfectly satisfactory, in so far as it refers to section 639, and I believe that all three of these clauses ought to be repealed, or else so modified as to make it impossible for these cases, especially those of the insurance companies, which are under the control of the State laws and are only admitted into a State when controlled by the State laws. I venture to say that no State would permit them to do business within its limits if they were not subject to the laws of the State.

I do not myself seek to place any restriction on the companies more than is proper and reasonable. But, sir, I did not mean to consume as much time as I find that I am doing.

But for the interruption of the gentleman from Illinois [Mr. TOWNSHEND] I would in five minutes have disposed of the inquiry addressed to me by the gentleman from Massachusetts, [Mr. ROBINSON,] and would have then made to him the acknowledgment which I make to-day. I understand perfectly that this first clause of section 639 is in substance the twelfth section of the original judiciary act. We do repeal it by this bill, and I contend that we ought to repeal it, unless we can modify it so as to render the present judicial construction of it impossible.

But what interests me more in this bill, I say frankly to the House, is the repeal of section 643 of the Revised Statutes. It is to that section I desire to call the attention of the House before I close what I have to say upon this bill. An officer of the United States in the execution of a Federal law by the original judiciary act has a perfect and complete remedy. I need not say to this House that whenever a Federal officer is interfered with in the discharge of his duty, and is arrested and sued criminally or civilly in a State court, he has only to plead that a Federal statute or the Constitution is in question The moment he files that plea, if the court rules against him, he has a right to go to the Supreme Court of the United States to have it decided whether a Federal statute or the Constitution is in question, and if it is decided that it is in question, then the State court has no longer control over the matter. The remedy is perfect and complete under the original judiciary act and the acts of February 5, 1867, and February 18, 1875, codified in sections 709 and 710 of the Revised Statutes.

There never was the slightest necessity in truth for this section 643 of the Revised Statutes. Yet under that section a Federal officer who violates a State law or who violates the common law and is arrested and arraigned and indicted by a grand jury under the direction of a State court can now remove his case from the State court and go with his common-law or State-statute indictment, found by a State grand jury, and demand a trial upon that very indictment for an offense at the common law or under the State statute in the Federal court. A more unconstitutional proceeding, one more flagrant, bald, naked, has never been known in the history of this country. There is not a word to be said in its defense.

Mr. HOUSE. And the district attorney of the Federal court is instructed by the Attorney-General of the United States to defend all Federal officials indicted in a State court for a violation of State laws while engaged in the performance of Federal duties.

Mr. McLANE. So far as the right of a State is concerned in the defense of its own law, the case will perhaps be heard before a judge who never resided in that State, or might be heard before a judge who lives in the very extreme end of the Union. This renders it to me as offensive in its form as in its substance. It degrades the State institutions; it degrades the people of a State.

Is there any man on this floor on either side who is willing to-day that the State law—it is not now a question of a State citizen, but a question whether the State law—the State sovereignty, whether that sovereignty be much or little, whatever it may be, shall be trampled upon and superseded? The constitutional right of a State to enforce its own laws is by the operation of the law now proposed to be repealed utterly ignored and disregarded.

Let us, gentlemen on either side of this House, meet upon this question; and when it is defined, when we do understand what is the power and jurisdiction of a State, no matter what it may be, let it be respected and permitted to be exercised. Although the original judiciary act provided an ample remedy, although any Federal officer has in the Supreme Court a tribunal always ready to protect him, yet under this section he is taken from the judicial authority of the State, from the State court, from the sheriff, and carried into a Federal court with our own State indictment to be tried by a Federal jury, not a jury of the neighborhood, but of the whole State.

Mr. FIELD. Will the gentleman allow me to ask him a question?

Mr. McLANE. Certainly.

Mr. FIELD. Suppose the defense in a State court is that the accused was acting under the authority of a law of the United States: is there any general provision whereby that question or any question of law arising out of it can be brought before the Supreme Court of the United States, except there be a division of opinion in the two judges sitting in the circuit court, after a removal of the case?

Mr. McLANE. Certainly.

Mr. FIELD. What?

Mr. McLANE. By the judiciary act of 1789 and the acts of 1867 and 1875 as codified in section 709 of the Revised Statutes of the United States.

Mr. FIELD. That relates to civil causes, not criminal causes.

Mr. McLANE. The judiciary act of 1789, the acts of February 5, 1867, and February 18, 1875, which are codified in section 709 of the Revised Statutes, refer to criminal as well as civil suits.

Mr. FIELD. Precisely; that is the right of removal.

Mr. McLANE. I say to the honorable gentleman that all a marshal of the United States or a deputy marshal of the United States has to do under these three laws to which I have called his attention is to set forth in a proper plea the authority under which he acted, alleging that he acted under the authority of a United States law; and when he makes that plea the court to which he makes it, if it rules against his plea, will remove his cause to the Supreme Court of the United States to have that question passed upon.

Mr. FIELD. Under what law?

Mr. ATHERTON. Under the law I have referred to, to remove cases to the Supreme Court of the United States.

Mr. FIELD. That relates to civil suits.

Mr. ATHERTON. No; to all kinds of suits.

Mr. FIELD. In a case where it is ruled against an officer?

Mr. ATHERTON. Yes, sir.

Mr. McLANE. There is no doubt about it. And section 710 gives criminal suits precedence of civil suits. I shall not go on further with this question. I meant merely to call attention to the universal practice in this country, to the fact that from the foundation of the Government whenever a Federal officer has been interfered with and arrested and confined or restrained by the judicial authorities of a State, in civil as well as in criminal cases, if he makes that plea and it is ruled against him by the State court, then, being ruled against him, he has his right to transfer it to the Supreme Court of the United States; and that remedy has been sufficient until very recently.

I further appeal to the House to look at the recent legislation which, even if there were not in existence other remedies, is in itself a monstrous remedy—unconstitutional, I have no doubt. The decisions of the Supreme Court in regard to kindred acts clearly imply the unconstitutionality of this section to which I now refer; and I think this House ought to be delighted that it has an opportunity to pass on this question. This is why I have interested myself in this bill. I would have waited with pleasure and confidence for the action of the Judiciary Committee on the subject; there is no committee of this House upon which I would have waited with greater confidence. But the bill is now before us, and properly before us. The House has received it and entered upon its consideration. Whatever objection could have been rightfully taken in reference to the jurisdiction of the committee reporting it was not taken at the proper time, and no bill can possibly be before this House more legitimately than this bill is to-day. We ought not to lose the opportunity to pass upon it. If any exception can properly be taken to it, let it be amended. To-day, and if need be another day, will be amply sufficient for the presentation of all questions connected with it.

I for one am quite willing to vote for the amendment of my colleague, [Mr. URNER,] which strikes out the whole of the first section. That section refers to two clauses in the Constitution which I do not believe carry with them any great accumulation of business. The insurance cases once out of the way—and the business arising in that way will not, I believe, be open to the objection which I have taken in regard to this large class of insurance cases—I would vote also for any other amendment that did not touch the vital character of the bill.

But I urge that the House should avail itself of the present opportunity to get rid of features in the law which no man now defends, which no man now desires shall be retained upon the statute-book, whatever may have been the original motive or necessity for their adoption. As I said on the day before yesterday, these laws were passed at a time when many believed there was necessity for this extraordinary legislation. Most of them, the most obnoxious of them, were passed by overwhelming majorities, some of them when only one section of the country was represented in these halls. At all events they were passed amid the clamor and excitement attending the enactment of the reconstruction acts, the civil-rights bill, and the enforcement act; when men were casting about to see how widely the net could be stretched, how completely everything could be drawn into the control of Federal power.

Now, Mr. Speaker, I believe we have passed beyond the time for any such legislation. There is no such necessity pressing upon us. And I would say this if I was speaking from the stand-point of a man who once believed that there was such necessity.

I see before me my honorable friend from New Jersey, [Mr. ROBESON,] to whose speech on the Army appropriation bill and also on the legislative appropriation bill I listened with very great pleasure; yet at the same time his argument admonished me how fully alive, how active, how vigorous the disposition to magnify the power of the Federal Government still is in this country. Surely arguments of that kind coming from him were not calculated to excite my surprise; for no man more than he has had experience in developing these principles in the administration of the Government. Having held the helm, having been so long either at the foot-stool of power or holding the power itself in his hands, I am not surprised that he should have an earnest desire to maintain the power of the Federal Government in full latitude and without restraint. When I heard him say that a Federal law was to be executed by the President of the United States without any stipulation, definition, or restriction upon his discretion in executing it; when I heard him refer to the administration of that immortal man, Andrew Jackson, as giving authority and sanction to the high Federal doctrine which the gentleman himself promulgated, I looked at him in wonder and surprise, because in my youth I studied the school of politics of Andrew Jackson and I have adhered to it from that day to this. I remember well that when Andrew Jackson was called on to deal with an insurrection, threatened or in fact existing, he communicated to Congress that his obligation was to see the processes of the law executed, and he asked Congress to give him new powers and new processes, and he never claimed or sought to have conferred on him any other power than to enforce the judicial processes necessary to the execution of the laws of the United States.

[Here the hammer fell.]

The SPEAKER. The time of the gentleman from Maryland [Mr. McLANE] has expired. The Chair recognizes the gentleman from Maryland on the left, [Mr. URNER,] a member of the committee reporting the bill.

Mr. McLANE. I allowed my time to expire inadvertently. I was under an obligation to the committee to move the previous question, and I now make that motion. If the previous question be seconded there will still remain one hour for debate.

The SPEAKER. How much time does the gentleman from Maryland [Mr. URNER] desire?

Mr. URNER. I do not know. I shall be as brief as possible.

The SPEAKER. The Chair was advised that the gentleman from Maryland, a member of the committee, was next to speak.

Mr. HARRIS, of Virginia. The understanding was that the gentleman from Maryland [Mr. McLANE] should call the previous question, and if that was sustained, the advocates of the bill having occupied two hours and the opponents one hour, the whole of the remaining hour after the sustaining of the previous question was to be given to gentlemen on the other side, the gentleman from Maryland [Mr. URNER] being allowed to divide the hour with his friends as he might think proper.

Mr. URNER. I claim the hour to which I am entitled by the recognition of the Chair. I desire to say something on this bill because I have offered an amendment to it——

Mr. HARRIS, of Virginia. I insist that a vote be taken on the call for the previous question.

The SPEAKER. The gentleman cannot insist on what did not occur.

Mr. URNER. Mr. Speaker, in my judgment this is one of the most important questions that has been brought to the attention of this House at this session of Congress. The amendment I have proposed strikes out the whole of the first section; and I desire to call the attention of members to that very important provision of this bill. It will be seen the first section repeals entirely sections 639 and 647 of the Revised Statutes, in relation to the removal of causes from State

courts into the circuit court of the United States. I will read an extract from section 2, article 3 of the Constitution:

The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting embassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign states, citizens or subjects.

I hold under this provision of the Constitution it is the right of any citizen of any State, in any suit or controversy between him and the citizen of another State, to have a United States court pass upon the question in controversy.

Now, sir, it is very well known that the Constitution does not execute itself, but that it requires action on the part of Congress, and, therefore, congressional legislation was required to make that right contemplated by the Constitution effective and valuable to the citizen. When the first Congress met under the Constitution in 1789 one of its very first acts was to pass the act of 1789, section 12, which I will read, as that is the law which it is proposed to repeal by the bill now before the House when it provides for the repeal of section 639 of the Revised Statutes:

SEC. 12. *And be it further enacted*, That if a suit be commenced in any State court against an alien, or by a citizen of the State in which the suit is brought against a citizen of another State, and the matter in dispute exceeds the aforesaid sum or value of $500, exclusive of costs, to be made to appear to the satisfaction of the court; and the defendant shall, at the time of entering his appearance in such State court, file a petition for the removal of the cause for trial into the next circuit court, to be held in the district where the suit is pending, or if in the district of Maine to the district court next to be holden therein, or if in Kentucky district to the district court next to be holden therein, and offer good and sufficient surety for his entering in such court, on the first day of its session, copies of the said process against him, and also for his there appearing and entering special bail in the cause, if special bail was originally requisite therein, it shall then be the duty of the State court to accept the surety, and proceed no further in the cause, and any bail that may have been originally taken shall be discharged, and said copies being entered as aforesaid, in such court of the United States, the cause shall there proceed in the same manner as if it had been brought there by original process.

That has been the law of this country from 1789 down to the present time. It is true its provisions have been enlarged; it is true it is made to apply to certain causes to which it did not apply originally; but the law-makers of this country, not only in the original act but in the amendments thereto, have had in view all the time the provision of the Constitution which I have read giving the right to citizens of different States to go into the Federal courts for protection and adjudication of their suits.

As my time is limited I must, Mr. Speaker, be as brief as possible, and I will now call attention of the House to a decision of the Supreme Court of the United States on the very subject here involved. While perhaps it is not an authority before Congress, nevertheless it presents this question and the right and the reason of the law in so much more forcible a manner than I can present it, I am sure I will not be doing my cause injustice by reading from it. It is directly in the line of what I stated a moment ago, that the Constitution does not execute itself, but that legislation is required for that purpose. I read from the decision of the Supreme Court of the United States, Martin *vs.* Hunter's Lessee, 1 Wheat., 326 *et seq.:*

The Constitution unavoidably deals in general language. It did not suit the purposes of the people, in framing this great charter of our liberties, to provide for minute specifications of its powers, or to declare the means by which those powers should be carried into execution. It was foreseen that this would be a perilous and difficult, if not an impracticable, task. The instrument was not intended to provide merely for the exigencies of a few years, but was to endure through a long lapse of ages, the events of which were locked up in the inscrutable purposes of Providence. It could not be foreseen what new changes and modifications of power might be indispensable to effectuate the general objects of the charter; and restrictions and specifications, which at the present might seem salutary, might in the end prove the overthrow of the system itself. Hence, its powers are expressed in general terms, leaving to the Legislature, from time to time, to adopt its own means to effectuate legitimate objects, and to mold and model the exercise of its powers as its own wisdom and the public interests should require.

Further on the decision continues:

Let this article be carefully weighed and considered. The language of the article throughout is manifestly designed to be mandatory upon the Legislature. Its obligatory force is so imperative that Congress could not, without a violation of its duty, have refused to carry it into operation.

* * * * * * * *

If, then, it is a duty of Congress to vest the judicial power of the United States, it is a duty to vest the whole judicial power. The language, if imperative as to one part, is imperative as to all. If it were otherwise, this anomaly would exist, that Congress might successively refuse to vest the jurisdiction in any one class of cases enumerated in the Constitution, and thereby defeat the jurisdiction as to all; for the Constitution has not singled out any class on which Congress are bound to act in preference to others.

And further on I read:

This construction will be fortified by an attentive examination of the second section of the third article. The words are, "the judicial power shall extend," &c. Much minute and elaborate criticism has been employed upon these words. It has been argued that they are equivalent to the words "may extend," and that "extend" means to widen to new cases not before within the scope of the power. For the reasons which have been already stated, we are of opinion that the words are used in an imperative sense. They import an absolute grant of judicial power. They cannot have a relative signification applicable to powers already granted; for the American people had not made any previous grant.

This opinion was delivered by Justice Story. Now, Mr. Speaker, if it is true as contended for by Justice Story in this case, that it is mandatory upon the Legislature of the country to pass such laws as will make these provisions of the Constitution effective and valuable to the citizens, then I say we have no right, having in view a just regard to our duty as legislators, to repeal that act of 1789 and the other acts that have only extended the power but which have kept in view all the time the provision of the Constitution. I will refer briefly to what Mr. Hamilton has said upon this question in the Federalist:

The power of determining causes between two States, between one State and the citizens of another, and between the citizens of different States, is perhaps not less essential to the peace of the Union than that which has been just examined. History gives us a horrid picture of the dissensions and private wars which distracted and desolated Germany prior to the institution of the imperial chamber by Maximilian toward the close of the fifteenth century, and informs us at the same time of the vast influence of that institution in appeasing the disorders and establishing the tranquillity of the empire. This was a court invested with authority to decide finally all differences among the members of the Germanic body.

* * * * * * *

Whatever practices may have a tendency to disturb the harmony of the States are proper objects of Federal superintendence and control.

It may be esteemed the basis of the Union that "the citizens of each State shall be entitled to all the privileges and immunities of citizens of the several States." And if it be a just principle that every government ought to possess the means of executing its own provisions by its own authority it will follow that in order to the inviolable maintenance of that equality of privileges and immunities to which the citizens of the Union will be entitled the national judiciary ought to preside in all cases in which one State or its citizens are opposed to another State or its citizens.

And further on Mr. Hamilton says:

The reasonableness of the agency of the national courts in cases in which the State tribunals cannot be supposed to be impartial speaks for itself. No man ought certainly to be a judge in his own cause, or in any cause, in respect to which he has the least interest or bias. This principle has no inconsiderable weight in designating the Federal courts as the proper tribunals for the determination of controversies between different States and their citizens.

Now, it has been argued here that a continuation of this law will allow insurance companies, when they have been sued—because corporations have been held to be citizens in the contemplation of this law—when they are sued in States in which they have not a legal residence, if they can claim that their legal residence is in another State, to exercise the right of removing their cases to the United States court, and thus subject the plaintiff suitor to very great inconvenience and expense. I know, Mr. Speaker, that there is great hardship to private individuals in many cases by the exercise of this power; but, sir, that does not affect the underlying principle that is involved in this controversy. The right should exist. If the right is abused that is no argument against the principle that is involved. And I am not without authority upon that point. Judge Story in this decision says:

It is always a doubtful course to argue against the use or the existence of a power from the possibility of its abuse.

And Mr. Hamilton in the Federalist refers to the same thing:

The possibility of particular mischiefs can never be viewed by a well-informed mind as a solid objection to a principle which is calculated to avoid general mischiefs and to obtain general advantages.

Now, sir, it seems to me that the reasonableness of this thing would strike all our minds at once. We all know the effect of local prejudice. Ah, but they say this law has been stretched to such an extent that this right of removal is extended to the plaintiff as well as to the defendant. We are told that a plaintiff can bring his suit in a State court, and after he becomes satisfied he cannot get justice there he can file his petition and support it by affidavit and have the suit removed to the United States court. Well, at first blush it does seem a little hard that after a man has selected a forum in which he wants his case disposed of, he can afterward turn his back upon it and seek another. But, then, a case may occur in which a party may become satisfied, after he has instituted his suit in a court, that he cannot get justice by reason of local prejudice in that court. But even suppose we take away this right of removal of suit and repeal this law, the suit can still be brought in the United States court, as the plaintiff can *non pros.* his suit in the State court without prejudice and institute a new suit in the United States court. So that I see no valuable remedy to be obtained by the repeal of this law.

But they tell us that in the State of Ohio they have a very peculiar law; that a party can bring suit and have his case tried, and if not satisfied with the result he can give a bond and then have his case tried over again; and because the one trial is not a final determination he has the right under this law to go into the United States court. It seems to me that that is a most anomalous state of affairs which they have in Ohio. But I do not think we, legislating for this whole country, should repeal a just law having embodied in it sound principles in order to accommodate the eccentricities of an Ohio statute. The argument that has been used here had better be addressed to the Legislature of Ohio to induce them to repeal or modify their eccentric law.

So much now for my amendment, which is in favor of retaining these provisions of the Revised Statutes intact.

Mr. FRYE. If it will not interrupt the line of the gentleman's argument, I desire to call his attention to this fact: under the law

the plaintiff may elect his forum; he may go into a United States court or into a State court, and this Congress cannot take away from him that power, because the Constitution guarantees it to him, at least it allows him to go into a United States court at any rate. Now, under the existing law the defendant being a resident of another State may transfer the cause within a certain time to a United States court. But if this bill becomes a law the right remains in the plaintiff to elect his forum and it takes from the defendant the right the Constitution gives him.

Mr. URNER. That was certainly the object in the contemplation of the framers of the bill.

Mr. FRYE. But if you repeal section 639, which gives the right to the defendant to transfer his action to the United States court, he being a resident of another State from that in which the plaintiff resides, where in the statute do you find any other right?

Mr. URNER. Nowhere but in section 639.

Mr. FRYE. Now the bill under consideration repeals section 639, and if that is repealed it leaves the defendant in this condition: that in no way can he get into the United States courts if the plaintiff selects a State court.

Mr. URNER. I am very much obliged to the gentleman from Maine [Mr. FRYE] for the suggestion. That is a very strong argument why the bill should not become a law, because the argument for the bill is directed with great force to this provision which allows the plaintiff to remove his cause. Now attention is called to the fact that it does not deprive the plaintiff of the right of removal, but only takes it away from the defendant.

Mr. TOWNSHEND, of Illinois. Will my friend yield to me?

Mr. URNER. Certainly.

Mr. TOWNSHEND, of Illinois. The gentleman has stated that the object of his amendment is to preserve the law as it was enacted in 1789.

Mr. URNER. And as enlarged by subsequent laws.

Mr. TOWNSHEND, of Illinois. In 1866 a law was passed by which permission was given to divide a cause so that one-half could be tried in the State courts and the other in the Federal courts. It also retains the law of 1867 which allowed the right of removal before the final judgment; further it retains the law which was enacted in 1875 wherein it was provided that if one hundred plaintiffs were engaged in a suit and one of them was a non-resident of the State he might remove the whole case into the Federal courts. The gentleman's amendment retains the acts of 1866, 1867, and 1875, as well as the law of 1789.

Mr. URNER. My amendment, if adopted, will allow the law to stand as it is now.

As I was about to remark before I was interrupted, I do not see why this law should not be enforced in regard to the right of any defendant to remove the cause. The right of one defendant is just as precious to him as the right of any other party to the suit. The law only authorizes the removal of parts of a cause when it can be heard against one defendant without affecting the rights of any other party, and a complete and whole case could be made out against him. Now, we ought to have this right to remove the cause into the United States courts.

Mr. TOWNSHEND, of Illinois. My friend from Maine seemed to be in favor of the amendment.

Mr. FRYE. To save the gentleman trouble I will say that I do not know what the gentleman's amendment was, nor do I know what it is now; but I am not in favor of your bill.

Mr. TOWNSHEND, of Illinois. Let me ask the gentleman one question.

Mr. URNER. I must decline to yield.

I was about to say that it seems to be eminently proper in principle that we should give this right to go into the United States courts. The citizen of any particular State can look very appropriately to the courts of his own State for protection. It is the duty of the Government of every State to protect the rights of all its citizens. But when a suit is brought in a court of a State where the plaintiff is a resident against a citizen of another State there may be causes for prejudice so that the defendant cannot get justice there. He has no right to transfer his cause to the State courts of another State; but both parties have the right to look to the common parent, the General Government, that throws its protecting ægis over all the citizens of the whole country, for the protection of the rights of all parties to the suit, and there confidently expect justice to be dispensed with an impartial hand.

The Constitution has presumed, says Judge Story, whether rightly or not, that State attachments, State jealousies, and State interests might sometimes obstruct or control, or be supposed to obstruct or controvert, the regular administration of justice.

Hence in controversies between States, between citizens of different States, or between citizens and foreigners, it enables the parties, under the authority of the Constitution, to have the controversy heard and determined before the national tribunals.

Now, I want to say a word in support of the amendment offered by the gentleman from Indiana, [Mr. ORTH.] I stand rather alone in the committee, I think, upon my own amendment. But the minority of the committee stand together in indorsing the amendment offered by the distinguished gentleman from Indiana.

It is sought by this bill, in the amendment proposed to be made to sections 641 and 643 of the Revised Statutes, to take away the right of removal of criminal prosecutions that may be instituted in a State against persons acting under authority of the General Government. For instance, in all cases in which a revenue officer, acting under color of his office, acting under the authority of a United States law, shall commit what is considered an offense against a State law, it is proposed to amend the statute so that when he is indicted in the courts of a State he shall not have the right to go to the General Government that has given him his commission and sent him out to discharge duties for that General Government, and has told him——

Mr. MCMILLAN. With the gentleman's permission I wish to correct him.

Mr. URNER. I do not yield for that.

Mr. MCMILLAN. Then I wish to ask the gentleman a question which will correct him. Do not sections 1026 and 709 of the Revised Statutes, which are left intact, refute the statement that you make that we propose to deprive such officers of the right to a trial in the Federal court? If you will read the sections you will see that it is so—sections 709 and 1026.

Mr. URNER. I have not time to take up that law now.

Mr. MCMILLAN. Then I recommend the gentleman to take it into private consideration.

Mr. URNER. I know this: that when this matter was under consideration in the committee, in reference to sections 641 and 643, which allow civil suits and criminal suits to be removed to the United States courts from State courts, this bill was agreed to by the majority of the committee, the purpose of which was to so amend the law as to take away the right of removal of criminal causes from State courts to the United States courts. The sections referred to by gentlemen on the other side provide only for an appeal after a final judgment in the case. They do not provide that when the suit is instituted, or the prosecution begun in the State court, and before any final judgment, an officer who has been indicted shall have the right to go into the United States court for protection at the hands of the Government that sent him out to do its bidding. I say it is right that he should have that remedy; I say it would deprive the Government of the United States in certain cases of the power to execute its law if these sections of the statutes are repealed or amended as is proposed.

This is no new law; this is no war measure to be "wiped out" from the statute-book. This principle of law, applicable to criminal cases, was first inaugurated in 1815, and again in 1833 at the time of the passage of the nullification law under General Jackson's administration, when it was not safe for an officer of the United States Government, a revenue officer, to go into certain portions of this Union to discharge the duty that his Government had committed to him.

Mr. HARRIS, of Virginia. Will the gentleman allow me to call his attention to the act of 1815?

The SPEAKER. Does the gentleman yield?

Mr. URNER. I prefer not to.

Mr. HARRIS, of Virginia. I do not think the gentleman will decline to yield to a member of the committee.

Mr. URNER. I would rather not yield now.

Mr. HARRIS, of Virginia. Just one minute.

The SPEAKER. The gentleman says he prefers not to yield.

Mr. URNER. Very well; I will yield to the chairman of the committee for a moment.

Mr. HARRIS, of Virginia. I want to read the proviso of the act of 1815. The first part of the section is almost verbatim the present law. That act provides that in any suit or prosecution removal shall take place. Then comes this proviso:

Provided nevertheless, That this act shall not be construed to apply to any prosecution for an offense involving corporal punishment.

So that under the law of 1815 you could not remove what is called a criminal cause, involving corporal punishment; that is, imprisonment in the penitentiary, or, in the case of murder, capital punishment.

Mr. URNER. The gentleman has read from the law of 1815, I understand. The law of 1833 has the same provision to which I have referred, and without any qualification. But even suppose this were a new law, I claim it is just and right and should be defended upon principle. I claim that when this Government sends a man out under its law to do its bidding, to execute the duties that are enjoined upon him by a law of his Government, he should feel that he has behind him the protection of his great Government, saying to him, "Lo, I am with you always, even to the end of this broad land of ours, if your duty shall carry you there." [Applause on the republican side.]

I say that it would be unjust to an officer to send him out at the peril of his life in the discharge of delicate and responsible governmental duties and not give him full protection as long as he discharges those duties with fidelity and care. If, acting in the line of his duty and under color of his office, a civil suit should be brought against him; if he should be charged with infringing upon some private right; if in levying on property he has taken some he ought not to seize, and is charged with a trespass, and a civil suit is brought against him in which he may be subjected to a small amount of damages, in that case the majority of the committee say that he may have the right to remove his cause to the United States courts; but they proceed to say that if in the execution of the law of his Gov-

ernment he may be charged with having gone beyond a mere civil trespass, may be charged with an assault and battery, or with any crime against a State law, then, although he may have committed it in the execution of his duty as an officer of the United States Government, and in the prosecution therefor he may suffer not only pecuniary damage but loss of liberty and perchance loss of life, in that case the Government of the United States shall stand back and leave him to take care of himself in the community in which the alleged wrong may have been committed.

I say, Mr. Speaker, that it would be a great wrong if the Government of the United States did not thus protect its own officers; and without such protection it could not get trusty officers to execute the national law. I am astonished that my colleague [Mr. MCLANE] should be opposed to this principle. It is a principle that has been adopted by the party with which he acts in the State of Maryland and of which he is deservedly so distinguished a member. To show that this principle has been adopted by his party in our own State, I will read from an act passed by the Legislature of Maryland in 1874 to be found in chapter 61 of the laws of Maryland for that year:

Whereas it is represented to the General Assembly that indictments or presentments have been or will be found in the United States court for the district of Maryland against sundry persons who served as officers of registration and as judges of election for acts done in the performance of duties imposed by the constitution and laws of this State in alleged violation of the act of Congress entitled "An act to enforce the rights of the citizens of the United States to vote in the several States of this Union, and for other purposes," which act is supposed to be in violation of the rights of the States in regulating elections held under their constitution and laws; and whereas it is the duty of the States to protect their citizens in the performance of duties imposed by State authority: Therefore,

SECTION 1. *Be it enacted by the General Assembly of Maryland*, That the governor be, and he is hereby, requested to instruct the attorney-general to enter his appearance and defend the said presentments; and he is also hereby authorized, in his discretion, to employ additional counsel to assist the attorney-general in defending said prosecutions; and the counsel so to be employed shall be paid hereafter for his services such sum as the Legislature may deem sufficient for his compensation.

Thus the party with which my colleague acts in the State of Maryland has declared that it is the duty of the State government to stand by its officers and defend them in the exercise of their official functions. It appropriates $10,000 to pay the expense of defending the officers of registration and judges of election, and imposes on the attorney-general and his assistants the duty of conducting such defense. However fraudulent perchance may have been the action of those registration and election officers, that is a question which under the law is to be determined when the case is tried; and it is made the duty of the law officers of the State to go into the United States court and defend these men, because at the time when the wrongs complained of were alleged to have been committed they were State officers. If this be true, I say that *a fortiori* it is the duty of the Government of the United States to follow its officers with its protecting power at all times and under all circumstances. Whether the wrong alleged has been really committed, whether the action of the officers of the United States has been wrongful or rightful, can only be ascertained when the case is finally tried.

Mr. TOWNSHEND, of Illinois. I would like to ask the gentleman one question at this point. Suppose that upon examination in the Federal court it is ascertained that the offense charged was not committed while the officer was acting under color of his office, but that he had committed some crime in violation of State law—for instance murder; then what will be done with the case?

Mr. URNER. I am glad the gentleman has asked me that question. If such be the circumstance, then the official character of the man is no defense, but according to this amendment he will be prosecuted and tried, and if necessary will be hanged, according to the provisions of the State law, administered in his case by the United States court.

Mr. WARNER. I rise to a point of order. The morning hour has expired.

The SPEAKER. The Chair sustains the point of order. The morning hour has expired. This bill goes over until Tuesday next. The gentleman from Maryland [Mr. URNER] has twenty minutes of his hour remaining.

COINAGE CERTIFICATES, ETC.

The SPEAKER. The House resumes the consideration of the unfinished business coming over from yesterday, being the bill (H. R. No. 564) to amend certain sections of the Revised Statutes of the United States, relating to coinage and coin and bullion certificates, and for other purposes. The pending question is on the amendment offered by the gentleman from Colorado [Mr. BELFORD] to the amendment of the gentleman from Illinois [Mr. SPRINGER] to section 3.

Mr. BUCKNER. I desire to raise the question whether the amendment of the gentleman from Illinois is in order—whether it is germane to the section to which it purports to be an amendment.

The SPEAKER. It is too late now to make the point of order; it should have been made when the amendment was offered. The Chair need not therefore inquire whether the amendment is germane or not.

Mr. WARNER. I reserved all points of order.

The SPEAKER. When?

Mr. WARNER. Yesterday, at the time this amendment was under discussion.

The SPEAKER. The amendment offered by the gentleman from Illinois has been in the RECORD for several days.

Mr. BELFORD. I will ask the Clerk to read the amendment which I have offered.

The Clerk read as follows:

Insert after the word "bullion," in the fourth line of Mr. SPRINGER's amendment, the words "mined and produced from the mines of the United States;" so as to read:

Any owner of silver bullion mined and produced from the mines of the United States, may deposit the same at any mint, to be formed into bars of fine silver or coined into standard silver dollars of the weight of 412½ grains troy, &c.

Mr. BELFORD. Mr. Speaker, when a few days ago I offered an amendment similar to this, which I thought would protect American silver against foreign competition, I expected that the amendment would receive the vote of my friends from Pennsylvania who during the past twenty-five years have advocated without cessation the protection of pig-iron. I thought that if it is a good thing to protect pig-iron in Pennsylvania it is an equally good thing to protect silver in Colorado.

During the last eight years several causes have contributed to effect a depreciation in the value of silver. These causes are both foreign and domestic. Among the foreign causes I will mention the demonetization of silver in Germany and in the Scandinavian states, the cessation of coinage in the Latin states, the hostility to silver in Holland, the edict of the King of Spain by which private individuals were prohibited from depositing their silver bullion in the mints of that country for coinage. These are the causes originating in foreign countries which have operated to depreciate the value of silver. The causes arising in this country which have effected a depreciation in the value of silver may be classed as follows: first, the demonetizing act of 1873; secondly, the vastly increased production of silver in the States of Colorado and Nevada within the last few years. Over only a part of these causes has this Congress any control. We cannot control the action of Germany on this subject; we cannot control the action of the states forming the Latin union; we cannot control the action of Spain; yet, under the policy of this bill, all these nations may ship their silver to this country, deposit it in the mints for free coinage, and on every ounce of silver may make a profit of fifteen cents. I say, gentlemen, that is a fraud, and that is the only term which can be rightly applied to it.

Now, I wish to say another word in this connection. This House determined the other day, notwithstanding the owner of silver bullion reaps a profit of fifteen cents on every dollar coined, that that benefit should go alike to the owner of foreign bullion as well as to the American producer. I say if that profit is to be realized, and it will be realized when this bill becomes the law, let us confine the benefit of it to the producers in this country.

There is one reason why gold is coined free that does not obtain with reference to silver. All the commercial nations of the world hoard gold, and if we should make a charge for its coinage it would go to other nations whose anxiety to secure it has prompted them to coin it freely and without cost. Silver being demonetized in Germany, in the states of the Latin union, and its free coinage being no longer possible in Spain, there is no demand for it abroad. These facts have induced many able men in both Houses of Congress and men of all parties to resist the free coinage of silver. No man questions the statement that the metal that composes the silver dollar is worth but eighty-five cents. You take, then, but eighty-five cents' worth of metal to the mint; it is coined into a dollar; and by operation of the legal-tender act fifteen cents are added to its value. In other words, the man who owns the metal makes fifteen cents on every dollar that he has coined. Now, sir, shall this profit go into the pocket of every man who brings silver here from Germany and Holland and Spain? Shall we give this advantage and profit to the foreigner or to the citizens of this nation? I am in favor of protecting home industries. I am in favor, if we are going to give a profit to any one, to give it to our own mine-owners and bullion-producers. I am opposed to making this nation the dumping-ground for the whole world. If foreign nations will conspire to degrade the value of silver abroad we should not allow their citizens to reap a rich harvest by the institution of free coinage here. If they bring their silver here they should pay for having it coined. This is the just course. I have offered my amendment because I wished to strike out as far as possible any mischievous features contained in the bill. Many members declare that this bill is pregnant with mischief; if so, let us limit the mischief as far as possible. I want to see coinage unlimited. I want to see it free so far as concerns our own citizens; but I think it unwise to extend these privileges to those who bear no part of our national burdens and who bring their bullion here simply to derive a profit from the liberality of our laws.

I wish to call the attention of the House to another matter growing out of the amendment offered by the gentleman from Illinois, [Mr. SPRINGER.] If that amendment be adopted in its present shape, it practically rules out my constituents from having any benefit under the section. If I am the owner of silver bullion and desire to deposit it and obtain a certificate, this amendment requires me to take it to a coinage mint. I cannot take it to the branch mint at Denver, because we have no coinage there; hence, if the amendment be adopted, the bullion-producers of Colorado must ship their bullion to Philadelphia or New Orleans, or some other point in this country where they have a coinage mint. Under the amendment of the gentleman from Illinois, I take it that the Secretary of the Treasury can only issue certificates for the bullion that is deposited at coinage mints.

The SPEAKER. The gentleman's time has expired, and the Chair recognizes the gentleman from Connecticut, [Mr. HAWLEY.]

Mr. HAWLEY. Mr. Speaker, I oppose this amendment, but I will be glad to yield my time to have the gentleman from Colorado finish his remarks.

Mr. WARNER. I ask the gentleman to yield to me.

Mr. BELFORD. I cannot yield.

Mr. WARNER. Then I object. I only wish to ask a single question.

Mr. SAPP. Withdraw your objection; you have got in on everybody here. [Laughter.]

Mr. WARNER. I withdraw my objection.

The SPEAKER. The Chair hears no objection to the gentleman from Connecticut yielding his time to the gentleman from Colorado.

Mr. BELFORD. Mr. Speaker, I hope my friend from Illinois will give me his attention, because I wish to discuss his amendment.

Mr. SPRINGER. I am listening to the gentleman.

Mr. BELFORD. I think the gentleman from Illinois should amend his amendment in one respect. As it is now drawn that amendment applies purely and solely to coinage mints. If I am the owner of silver bullion I can take it to the coinage mint and there deposit it, and then this act provides it may be converted into silver dollars; that the Secretary of the Treasury may issue a certificate representing the amount of bullion deposited. Take the people of my State; this year we will produce sixteen to twenty millions of silver, and, under the amendment of the gentleman from Illinois as it is now drawn, we shall have to ship all to some coinage mint where the Secretary of the Treasury is authorized to issue his certificate. We shall not be able to deposit it at the branch mint of Denver, because the branch is not clothed with coinage powers. If that amendment is to become a law, I think the gentleman ought at least to extend its provisions to the people of my State, and not put an enactment upon the statute-book requiring them to ship their silver bullion to Philadelphia or New Orleans or some other place for the purpose of having it coined.

Mr. SPRINGER. I have no objection to an amendment of that kind.

Mr. WARNER. I object to any amendment going in if my objection will keep it out.

The SPEAKER. After the amendment to the amendment now pending has been disposed of, it will then be in order to move another amendment.

Mr. BELFORD. I understand the gentleman from Illinois accepts my amendment as a modification of his substitute.

Mr. SPRINGER. I have no objection to accepting that amendment as a modification of mine.

Mr. WARNER. Is it in order to object to that?

The SPEAKER. It is not. The gentleman has the control of his own amendment, the previous question not having been seconded.

Mr. SPRINGER. Will the gentleman state where his amendment will come in?

The SPEAKER. The gentleman from Colorado will put his suggestion in writing. The Chair will cause to be read a clause from the Manual.

The Clerk read as follows:

Motions may be modified before the previous question is seconded, and before a decision or amendment, but not after the previous question is seconded.

The SPEAKER. Analogous to that, the privilege has always been allowed in the House that a member offering an amendment could modify on suggestion or on his own volition the amendment he has offered prior to the operation of the previous question.

Mr. WARNER. Can that be done except by consent?

Mr. CONGER. There is nothing to prevent the gentleman from Ohio asking unanimous consent to object, is there?

Mr. WARNER. I hope I will not be obliged to ask the consent of my friend from Michigan if I choose to object. I desire to make an inquiry. Can amendments be offered in this way by one gentleman and accepted by another if there is objection?

The SPEAKER. The practice has been usual, the Chair thinks, to allow a gentleman who has offered an amendment to modify his own amendment on the suggestion of another member or on his own volition before the previous question has been seconded.

Mr. ATKINS. Suppose it is a change in the substance of the amendment, Mr. Speaker, then what has been the ruling?

The SPEAKER. That is for the House to determine. It is not a question of order for the Chair to decide. The House determines that by a vote.

Mr. ATKINS. It then becomes a matter for consent by the House, I suppose; and then one single objection would defeat it.

The SPEAKER. The Chair thinks not. The remedy is in the House. The Chair is simply administering the rule and the practice as laid down in the Manual which is adopted as part of the rules.

Mr. BELFORD. I send up the amendment which the gentleman from Illinois has accepted as part of his amendment.

The Clerk read as follows:

After the word "mint," in line 5 of Mr. SPRINGER's amendment, add the words "or branch mint or assay office;" so that it will read:

Any owner of silver bullion may deposit the same at any mint or branch mint or assay office to be formed, &c.

Mr. SPRINGER. Is the amendment heretofore offered by the gentleman from Colorado with respect to the products of American mines now pending?

The SPEAKER. It is pending as an amendment in the second degree.

Mr. SPRINGER. I think there is a misapprehension in the minds of some members as to the effect of the amendment I have proposed. I have drawn it very carefully and after very mature deliberation. The only difference between my amendment and the bill reported from the committee in reference to free coinage is this, that by my amendment the difference between the present bullion value of silver and the nominal value of the silver dollars will inure to the Government of the United States instead of to the bullion-owner. I am asked whether we can accomplish this by legislation. I say we can, and that this amendment does accomplish it. Gentlemen confront me with abstract principles of political economy and finance. I am willing to listen to all of them. I believe in the theory of a bimetallic system. I am opposed to the single gold standard. I believe in the double standard.

Mr. SINGLETON, of Illinois. Will my colleague permit me to ask him a question?

Mr. SPRINGER. Yes, sir.

Mr. SINGLETON, of Illinois. I understood my colleague to say he is opposed to the gold standard. I now ask him whether under the operation of this amendment gold is not made the only standard?

Mr. SPRINGER. I will answer my colleague.

Mr. SINGLETON, of Illinois. I ask you further, how do you determine the market value of silver except by comparison with gold?

Mr. SPRINGER. The standard of values under the existing law in the United States to-day is not gold, but gold and coined silver dollars. That is the standard of value and that is the standard which is recognized by my amendment and not the gold standard in the absence of any silver coinage.

We are now, Mr. Speaker, confronted with this condition of things: we desire to replace silver in the coinage of the country, and at the same time we have before us to be met as a fact the present depreciation of silver bullion amounting to more than 15 per cent. on the dollar. Now, when we consider these two facts our theories must to some extent give way and we must meet these two facts as they exist. I believe that the amendment which I have offered does meet that condition of things and in a way that will solve the whole question of the complete remonetization of silver notwithstanding the enormous depreciation of silver bullion at this time. It does it in this way: it authorizes the owner of the silver bullion to place it on deposit in the Treasury of the United States. It requires the Secretary of the Treasury to issue for every 412½ grains of standard silver so deposited a certificate. That certificate represents the number of grains deposited; but under this bill the certificate is made receivable for customs dues and all taxes to the Government, and therefore takes its place in the money of the country as worth one silver dollar of 412½ grains coined, or as worth a dollar or one hundred cents to the Government, being received for that in the shape of taxes.

Mr. ATKINS. Will the gentleman allow me to ask him a question?

Mr. SPRINGER. Yes, sir.

Mr. ATKINS. Who fixes the market value of the bullion?

Mr. SPRINGER. I will answer that question in a moment. Now, my amendment gives to the owner of the bullion what his bullion is worth in the market, namely, eighty-four cents and not one hundred cents, which his bullion is not worth. The gentleman from Tennessee [Mr. ATKINS] asks me who fixes the market value of the bullion. I ask him who fixes the market value of wheat or corn? Is it the Secretary of the Treasury? Why, sir, the Secretary of the Treasury fixes the market value of nothing. Market value is something beyond the reach of law-makers and law-executors. It is fixed by commerce and by the law of supply and demand. That is what establishes the market value of silver bullion. And the Secretary is to receive these deposits at that market value, which is just as easily ascertained as the market value of United States bonds. Commercial usage settles the question in all cases and leaves no room for dispute.

Mr. SINGLETON, of Illinois. I desire to ask my colleague one question. I understand that the object of this bill is to give relief to the country. Now, I ask my colleague whether, if we were devising measures for the relief of a famine by collecting all the grain in the country to be made into breadstuffs, he would feel it to be his Christian duty to toll that grain to keep the miller? That is what he proposes to do. The purport of his amendment I understand. The ostensible object is to pay into the Treasury the difference between the market and the par-value measure by gold. While that is the ostensible object, the real effect is to make gold the standard.

[Here the hammer fell.]

Mr. SPRINGER. I ask unanimous consent to occupy the floor for five minutes longer, as I have been interrupted, the gentleman from Colorado [Mr. BELFORD] having had the same privilege.

There was no objection, and leave was granted.

Mr. SPRINGER. My colleague has asked me a question, and has done me the kindness to answer it himself.

Mr. SINGLETON, of Illinois. I beg my colleague's pardon. I have not answered the question at all; I want him to answer it.

Mr. SPRINGER. I will answer it, then. We are not passing a law to-day to raise the price of wheat in the country twenty-five cents per bushel, but we are proposing to pass a law to raise the price of

silver bullion 15 per cent. on its present market value, and you are proposing to make the people of the United States pay this difference between the present price of bullion and the price that will be given to it by this legislation.

Mr. WARNER. Will the gentleman yield to me for a moment?

Mr. WHITE. We would like very much to hear the gentleman from Ohio [Mr. WARNER] on the silver question.

Mr. SPRINGER. I will yield to the gentleman.

Mr. WARNER. Does the gentleman from Illinois claim that the effect of this bill would be to raise silver up to the present level of gold and add 15 per cent. to its present value? Will the bill have that effect? If not, where is his 15 per cent.?

Mr. SPRINGER. The gentleman asks me whether the bill will have the effect of raising the price of silver bullion up to the present value of the coined silver dollar? I do not know whether it will or not.

Mr. WARNER. Then where is the 15 per cent.?

Mr. SPRINGER. I cannot tell.

Mr. WARNER. I think not.

Mr. SPRINGER. But if it does raise it to that extent, the people will have the benefit of the difference during the time the rise is taking place. That is what my amendment means.

One word further. I want those gentlemen of the House who are in favor of a double standard to have an opportunity of voting for it without having to carry this great load that is heaped upon us by gentlemen who are in favor of a single standard, and who have announced their opinion in speeches here—I refer to the gentleman from New York, [Mr. MORTON,] whom I see before me.

Mr. WARNER. They are all for your amendment.

Mr. SPRINGER. The gentleman says they are all for my amendment; I hope they are.

Mr. WARNER. They are all for it; every one of them.

Mr. SPRINGER. The gentleman from New York [Mr. MORTON] stated in his speech that if this bill were to become a law, the German government and all those countries who have silver bullion would pour it into our mints and receive for eighty-four cents a silver dollar and make nearly 20 per cent., and our own people would be the losers. A similar statement was made by the gentleman from Maryland, [Mr. KIMMEL,] by the gentleman from Wisconsin, [Mr. DEUSTER,] by the gentleman from New York, [Mr. CHITTENDEN,] and by my colleague, [Mr. FORT.]

Mr. BUCKNER. That proposition has been denied upon this side.

Mr. SPRINGER. I know that it has been denied; it is a disputed point. While on the other side of the House we are confronted with the statement that we are passing a bill in the interest of the bullion-jobbers of the country, on this side we have only to reply that we are not doing it. What is the practical effect of the pending bill without my amendment? This bill provides that for every 412½ grains of bullion in the country at this time or to be brought into the country thereafter, we will substitute a legal-tender silver dollar, and that amount of bullion is only worth eighty-four cents to-day.

Now, I am in favor of doing that thing, but I am in favor of giving the Government of the United States the benefit of that difference. We will put it in the Treasury and keep it there as a trust fund for the whole people of the United States. [Applause on the republican side of the House.]

I am very much gratified at the compliment which my friends on the other side have given me, and if they will go with me and pass a bill of this kind, we will put all the silver in the country in the process of becoming an instrument for carrying on the trade and commerce of the world, every dollar of 412½ grains representing a legal-tender dollar.

This amendment accomplishes that, and gives the whole benefit to the people instead of to the owners of the bullion.

[Here the hammer fell.]

Mr. LOUNSBERY. Mr. Speaker, I must necessarily oppose the amendment of the gentleman from Illinois, [Mr. SPRINGER.] Though less objectionable in degree, it contains the same element of evil as section 8 of the bill, as to which I have submitted an amendment to strike out the whole section. Section 8 authorizes the issuing by the Treasury of gold and silver certificates. The amendment pending also provides for like certificates. In that respect it is not germane to the question of coinage. It is part of a financial or credit scheme. It belongs to a class of measures adopted during the war period as expedients to raise money on credit.

We have passed the period for such expedients. An era of peace now lasting more than ten years should introduce us to a different class of laws. Doubtful expedients are at times prudential measures; but that applies to desperate situations. It does not apply to the present situation of our Government, which is now in such excellent credit at home and abroad that ordinary bonds are in very great demand. There is no reason now that the public debt should be so variegated in kind and color as the needs of the war required.

I have examined the pedigree of the eighth section. It is section 254 of the Revised Statutes with the word silver interpolated so as to put silver bullion and coin certificates in the same situation as gold. Section 254 of the Revised Statutes is section 5 of the act of March 3, 1863, entitled "An act to provide ways and means for the support of the Government." That act provided for an issue of bonds, Treasury notes, certificates of indebtedness, and for issuing one hundred and fifty millions in United States notes to pay the Army. It levied a duty on bank circulation and deposits. It was a war measure and can furnish no precedent for these times of peace. It is thought by some that the section referred to was modeled after a provision in the minting act which provides for a certificate for bullion deposits at the Mint. It is true that these certificates were transferable, and were in fact used as exchange in trade. But they were not Government certificates. They were only receipts for bullion to be paid in specific bullion or coin from the Mint. (See act February 12, 1873, section 4.)

I am informed that section 254, which provides for gold certificates, has not been in use since the war period, and the gold coinage has been carried on under the minting laws as they were revised in 1873.

The fifth section in the law of 1863 was adopted to get out more paper based on the gold that came into the Treasury. It was an expedient to raise money. It could have no other purpose. It is not needed now when the Government has a plethora of available funds without such expedient. At this time our national finances are not in embarrassment. The Government has resumed specie payments. A new suspension can only happen by incurring extraordinary expenses or by the creation of a demand indebtedness, which may be called unexpectedly and in large amounts. These certificates would constitute such a danger.

Our trade with foreign countries is now in healthy condition. We have a balance of trade from the most healthy possible source. Our agricultural productions form the source which may be naturally expected in this country to be large when in healthy operation.

Mr. Speaker, I do not belong to either party urging or antagonizing silver coinage. I do not believe that the prosperity of the people depends upon a bimetallic system, nor do I believe that the fabric of the public credit will fall into helpless collapse, unless we adhere to a monometallic standard. In considering the question of a circulating medium—

Medio tutissimus ibis,

or a position somewhere between the two extreme theories may be at this time the safest.

Altius egressus coelestia tecta cremabis
Inferius terras.

The people are not discontented, as has been said. There are cases of suffering from a temporarily deranged condition of manufactures. But there is no want among tillers of the soil except such as may result from ill-health, shiftlessness, or extravagance, or the incubus of the war debts. We cannot legislate away these ills. The people are naturally contented during democratic rule. Popular liberty is the great boon we are bound to keep secured to the people, and while that is guarded they may be trusted to work out the problems of bread-winning and property acquisition and business thrift.

There may be a lurking danger in the bill, as to which its friends have not been able to put my mind at rest. Silver is now very cheap. No one can safely say how the future price will be. It depends upon the amount of silver existing and being produced. Writers differ very largely in estimating both factors in the computation. While it is unknown, even to an approximate extent, how much gold and silver is stored in the commercial world, all action based upon such computation must be dangerous for its uncertainty.

We must not legislate against the interests of the Government. It belongs to the whole people, and if by our action the people suffer a loss, they will and should hold us responsible, because it must be borne by the people. It cannot be shifted off their shoulders upon the President or the Cabinet or the individual members of Congress. The blame may be placed there, but the burden of the loss must be borne by the people, who constitute the Government and create and own its resources. The Government is now buying cheap silver; perhaps it was never cheaper as a commodity. The coin resulting from these purchases is very likely to remain worth its cost under all the contingencies that may happen.

If the silver stored in this country and among foreign nations and the productions of the mines are to be dumped bodily into the Government vaults, at par of the Government standard, I am not prepared to say that the people will not suffer heavy loss by the depreciation on so large a stock. But I am not discussing that subject. I am deprecating the effect of the eighth section. It makes the Government Treasury a huge bank of issue upon the basis of its coin. This coin should be held religiously, honestly, as security for the redemption of the United States notes now in circulation. It is only so we can maintain resumption. It is unwise—I think it criminal—to destroy the coin reserve as a trust fund to the holders of the Government paper money by creating a new liability in the form of certificates for which it is pledged.

Rome from its founding by Romulus for five hundred years, if history is any guide, delivered no battle to its enemies and undertook no great matter of public administration unless the augurs were first consulted. The general did not engage his troops nor the statesman frame a declaration of war unless he was guided by the flight of birds or the viscera of the sacrifices. It is well to believe as we read such history, in the light of the continued growth of the nation, that the priests who examined the auspices were themselves the most learned of the patrician order. They must have known the facts existing and the situation of the hostile forces. It is necessary to believe that the wisdom of the priests did much to enlighten the interpreta-

tion of the manifestations of the gods in which the peoples put their faith. I would not have the ministers at this altar of the people act less wisely in the interpretation of the auguries. It may not be wise to embark in the experiment of this measure, unless we can first know the factors and strength of the forces upon which success or failure is to depend. It is certainly unwise to give, as we will by enacting the eighth section of this bill, a large addition to a power now held by the Treasury to do a banking business upon the coin reserve intended to be held as a deposit against the United States notes now outstanding.

Mr. BUCKNER. The proposition of the gentleman from Illinois [Mr. SPRINGER] is to my mind an exceedingly artful and insidious one, and utterly destructive of the whole principle and theory upon which the bill is based. The section which he proposes to amend gives to the owner of silver bullion the right to have it coined into silver dollars for his benefit. In that respect it puts silver upon the same footing with gold. That is what it means and nothing else. The whole theory of bimetalism is that the silver or the gold has a certain intrinsic value, and with the stamp of the Government upon it it becomes money. The object of this side of the House is to put both of these metals upon the same footing as to coinage.

The gentleman from Illinois says he wants to do the same thing. I say that his amendment is worse upon the silver dollar than the proposition of the Secretary of the Treasury, which is to stop coining silver dollars when the amount of fifty millions has been coined. We have now about thirty millions coined. I undertake to say that this proposed amendment would cut the throat of the silver dollar, and if it shall become law there can be no more coinage of silver dollars under it.

There is a great deal said in this amendment about coining a silver dollar of 412½ grains. How can it be coined except under the provisions of this bill, allowing parties to take it to the Treasury and receive certificates of deposit for it? If he is to receive the certificate at its market value, what advantage is there? The Secretary of the Treasury would then have the right to coin it, for he is giving certificates which for many purposes would pass as money, and the bullion deposited becomes the property of the Government, and under the amendment of the gentleman from Illinois would be subject to coinage.

Now, what inducement does my friend from Illinois [Mr. SPRINGER] offer to the bullion-holder to take his bullion to the Treasury which he does not now have? He can get the market value of his bullion anywhere, get it in gold or in greenbacks, and that is all the gentleman proposes to give him. What man holding silver bullion is such a simpleton that he would deposit it in the Treasury for the purpose of obtaining no more than the market price of his silver? Who would put bullion there at that rate? And if nobody would do it—and I undertake to say that nobody would do it—then not a single dollar would be coined under this amendment.

Let us look at this matter. A great deal is said in the proposed amendment about coining the silver dollar. It provides that the bullion may be deposited in the Treasury, and instructs the Secretary of the Treasury to ascertain the market value of the silver bullion at the time it is deposited, and to issue therefor certificates, &c. Silver bullion is now worth about eighty-four and one-half cents. Therefore the depositors would get for 412½ grains of bullion a certificate for eighty-four and one-half cents, for that is the market rate. Now he can get that market rate anywhere. Is that any inducement to him to deposit his silver? And yet that is every particle of the amendment which makes any provision for coining silver dollars. It is proposed that the silver bullion shall be deposited in the mint and paid for at the discount between the coined silver and bullion silver that now exists, and it is said that then the Government will coin it. The Government would have a right to coin it then, but that is just what is going on now.

Mr. ATKINS. If the Secretary of the Treasury is unfriendly, would not the bullion-holder be at a disadvantage?

Mr. BUCKNER. The Secretary of the Treasury would say that it should be coined to the capacity of the mint. We have now a mandatory provision upon the Secretary of the Treasury to coin $2,000,000 a month; that is a thousand times better than it would be to adopt this amendment. For one, if this amendment is put upon the bill, I shall vote against it, and every man who understands this question ought to vote against it, for it will be putting in the hands of the Secretary of the Treasury the very power which we do not want him to exercise, the power to prevent the coinage of the silver dollar.

Mr. NEWBERRY. Mr. Speaker, in the five minutes that is granted to any one to say anything on this bill it will be difficult to beat out much wheat from the great amount of straw which is presented here, or, if you please, to gather a few grains from the immense amount of chaff which has been thrown into this House concerning this bill.

I have listened to the various theories presented here. On the one side a gentleman says that this bill will advance the price of property everywhere. The next moment another gentleman says that if you pass this bill it will advance the price of silver bullion. Now, who shall decide? These are nothing but theories based upon a partial and one-sided view. They remind one of the story of the old knights who fought upon a dispute about a shield. As you approached the shield on one side it appeared to be of silver; as you approached it upon the other, it appeared to be of gold. These theories are not based at all upon facts, but upon opinions, sheer guessing of the wildest kind.

If I had the time I would like to examine this bill practically and demonstrate what it is. But I have time only to refer to one or two sections of it.

Section 3 of the bill provides in substance that any owner of silver bullion may deposit it in the Mint and have it coined. Section 8 of the bill provides that the Secretary of the Treasury for the bullion received may issue silver dollars, or in place thereof may issue certificates. For what? For the silver bullion, dollars to the amount of its value. And it then provides—and it is a most extraordinary provision—that the Secretary of the Treasury shall issue certificates for not more than 20 per cent. above the amount of coin and bullion so deposited in the Treasury. Now, what in the mischief does that mean? He is to issue certificates for the bullion, and then he is to issue certificates for 20 per cent. more. Now, what does that 20 per cent. represent? It is simply fiat money. A certified lie; that is, a certificate that there is silver in the Treasury representing this 20 per cent. when in fact it is not there.

And I want to say right here to the gentlemen on the other side, representing the great democratic party, which my friend from New York, [Mr. CHITTENDEN,] in his speech attached to the greenback party as a kind of gentle appendage that waves in the air, that the aforesaid democratic party, by this bill, are being attached to the greenbackers, as a fiat tail, and they do an immense amount of wagging at both extremities.

Just how this is done will be most clearly shown before I have finished.

A few moments ago a gentleman said on this question that the passage of this bill would advance the price of silver bullion in this country. What does that mean? If that is not legislation for the rich, for the silver men, for the holders of bullion, for banks and brokers, for the owners of the bonanza mines, then I cannot understand language. That is precisely what it means—it means nothing else.

Why are our streets here to-day filled with the very men who own the silver mines, who have piled up the bullion in New York City and in the Treasury of the United States, if it is not for the purpose of lobbying through this bill for their benefit?

Mr. WARNER rose.

Mr. NEWBERRY. I am sorry the House occasionally "sits down" on the gentleman from Ohio [Mr. WARNER] so hard; but if he would allow one gentleman to make a speech on this bill without interrupting him, I think he would receive a vote of thanks, and so far as I am concerned I propose there shall be one speech made in this House that shall not be so interrupted. [Great laughter.]

Mr. WARNER. The gentleman shall not be interrupted by me.

Mr. NEWBERRY. I hope not.

WHO OWNS THE SILVER?

The promoters of this bill propose to enact that eighty-five cents' worth of silver shall be a dollar to any and all unlimited amounts; that any man who has gold or legal-tender money may buy silver bullion or French silver coins or German or English, and for every eighty-five cents in gold he may buy 412½ grains of standard silver and deposit it in the Treasury and receive a legal-tender dollar of one hundred cents; and you voted down an amendment providing that it should apply only to United States bullion. You may explain and argue and throw dust, but that is the plain English of this bill, and the people so understand it. You may talk about the "dollar of your fathers," but the people know that you are trying to legislate that every bank and banker who has eighty-five cents' worth of silver shall have one hundred cents of silver dollar, made legal tender by this bill, from the Treasury of the United States whenever they deposit the silver.

Now, this being so, will you tell me why do you waste so much silver? Why do you put in eighty-five cents' worth of silver? Why put in more than forty-two and a half cents' worth of silver in the dollar? Why are you so mean, so dishonest, as to compel any of these poor holders of silver bullion, these ragged, destitute bonanza silver-kings to hand up to the Treasury eighty-five cents' worth of silver to be called a dollar?

Do you say, because the dollar of our fathers weighed 412½ grains and it requires eighty-five cents' worth of silver to make the proper weight?

If this is all, take forty-two and a half cents' worth of silver, and make up the balance of weight in copper or *fiat*. It is wrong, on your theory, to waste the silver. And so to carry out your theory to its logical conclusion, take one cents' worth of silver and copper enough to make the proper weight, about one cents' worth, and make that the standard and declare it to be a dollar, legal tender.

Then, one step further, and you see the logical conclusion of the theory on which this bill is passed. Enact the following as an additional section, copied exactly after section 3520 quoted in this bill:

"Any owner of bank or legal-tender paper or paper pulp of the proper characteristics as required by law may deposit the same at any mint or in the Treasury of the United States, to be formed into legal-tender notes of the same weight, and particularly of the same length, breadth, and thickness of the legal-tender note, for his benefit; and no deposit of bank or legal-tender paper or pulp for other manufacture into legal-tender notes shall be received." [Laughter.]

That it shall be lawful to refuse, at the Mint or Treasury, any deposit of paper of less value than $100 or any paper unsuitable for the operations of the Mint as herein provided.

Then add a section to provide for the expenses of printing, as is provided for coining silver. Then add a section that this legal-tender paper shall be coined or manufactured into the legal-tender notes, as the depositor may desire, or Treasury certificates of the amount of such notes, and make them receivable for all dues of the United States and exchangeable for blank paper or paper pulp, &c., &c., as in the present bill, and your system is complete. [Great laughter.]

You have now the "fiat dollar," pure and simple, redeemable in pulp. If you can "fiat" eighty-five cents to be worth one hundred cents, to an unlimited amount, you can "fiat" forty-two and a half cents of silver to be worth one hundred cents or one cent's worth of silver, or one cent's worth of paper. You can "fiat" a piece of bark or a wooden shingle, if of the required shape and size, worth half a cent, to the value of one hundred cents just as well. Gentlemen, in voting for this bill you see what a very small tail to the greenback kite you make yourselves.

A MONSTROUS WRONG ON THE PEOPLE.

I now want to point out a monstrous wrong that is attempted to be done by this bill. It is no wrong to the banks or bankers nor to the money-lenders nor to the rich. It is an inexcusable wrong to the people, to the working men and women of this land, the mechanic, laborer, and the farmer. It is a proposal to allow every person who has hired a man or woman in this land, and agreed to pay $1 a day, to discharge his obligation for eighty-five cents. Every workman who has been hired for $2 per day must receive two silver dollars that have cost only $1.70. Every man working hired for $60 a month must receive sixty silver dollars worth and costing only $51.

Your section 3585 provides that these dollars be a legal tender. What a reckoning you men will have for this wholesale attempt to swindle every workingman in the United States. What is your answer to this? Do you say wages will rise? How do you know they will? You are simply guessing at this. You are not prophets or sons of prophets. You have a priest among you, but he is no prophet or a son of a prophet.

ITS EFFECT ON THE WORKINGMAN.

There are about forty-six millions at least of people in this land. There are of laborers under wages at least one out of every six or seven persons. This includes laborers, servants, mechanics, clerks both male and female. This makes about seven million persons earning wages, and this estimate is much too low, whose pay is fixed by wages. The average of all would be about $1 per day. At $1 per day they will earn $7,000,000 per day; for the week, $42,000,000; for a month say $168,000,000; for the year, $2,016,000,000—a sum greater than the whole debt of the United States. Under this present bill, therefore, the man who hires and has $1,000 to pay his workman could, if this bill becomes a law, deposit $850 in value of silver—silver that he can buy in the market at that rate—in the Treasury of the United States and receive $1,000 in silver dollars, legal tender.

The wages of the workmen of this land are $7,000,000 per day and could be purchased for $5,800,000 in bullion silver. The rich manufacturer, railroad owners and all who pay labor, would save on labor in this country each day $1,200,000; each week, $7,200,000; each month, $30,000,000; each year, $360,000,000; and in five years the saving would be $1,800,000,000, or about the amount of the national debt. Thus it appears that the amount paid the laborers and workmen of this country each year exceeds the whole national debt, and the amount of money which would be unjustly taken from the laboring-men in five years, forced from them by this vile bill, is almost the total of the Government debt. A greenback document in my hands puts the amount of wages paid in this country per day at about $12,000,000, which would be per month $300,000,000; per year, $3,600,000,000. If this is so, the $12,000,000 of daily wages could be bought for about $10,000,000 in gold or paper money. So that the loss to laboring-men per day is $2,000,000; per month, $60,000,000; per year, $720,000,000, and in three years $2,160,000,000, or more than the whole debt of the nation.

You may say this is impossible, but such are the wrongs you, the democratic party, while trying to swallow the greenback, are seeking to perpetrate on the workingmen, the laborers, the mechanics of this country. This is equal to $45 per year for each of the seven million laborers of this land. The whole calculation is based on the same number; and whether you increase or diminish the number the ratio is the same. This is a confiscation at once of over one and one-half months' wages of each laborer in each year.

If the greenback statement of labor is correct, the loss to the laboring-men of the country is nearly double this per year. You may reply, but this matter will regulate itself. Wages will rise in the same proportion. Will it? How do you know? You are simply taking counsel of your hopes. You must say this to conform to your theory and to defend yourself. It is your only answer. But suppose you perchance are no better prophet than you are financier, and wages should not rise; or suppose, what is almost sure to be the case, all property rises, as always has been the case when you debase the unit or standard of value—suppose, I say, that property rises and labor does not; then you are doubly injuring and doing wrong to the laboring-man.

You are paying him, for what he made a contract for on a gold basis of money value at one hundred cents, in a debased silver coin worth only eighty-five cents, and at the same time you are reducing the purchasing power of that eighty-five cents' worth of silver by enhancing, under the inexorable laws of trade, the value of all property, bread and meat and clothing for the laborer to the same extent that you measure its value in a debased coin.

FIGURES TELL THE STORY.

The gentleman from Ohio, who has charge of the bill, in his opening speech, gave us the following figures as proving the necessity of this bill. He said the crop of wheat of 1869 was 300,000,000 bushels, was valued at $375,000,000. This would buy of pig-iron, average value $90 a ton in 1869, 4,167,000 tons. Crop of wheat of 1878, 422,000,000 bushels, value seventy-eight cents, $329,000,000. This would buy of pig-iron, average value $46 a ton, in 1878, 7,150,000 tons.

The wheat crop of 1878, therefore, would buy nearly 3,000,000 tons of iron more than the wheat crop of 1869. To make the comparison fair, however, we should take the same amount of wheat in 1878, thus: wheat, 1878, 300,000,000 bushels, same as in 1869, value, $234,000,000. This would buy of pig-iron, value $46 a ton, in 1878, 5,085,000 tons; a benefit to the farmer in the value of his wheat crop, measuring by its purchasing power, of 2,065,000 tons of pig-iron.

Crop of corn, 1869, 900,000,000 bushels, $450,000,000 in value. This amount would buy of pig-iron, at $90 per ton, average price 1869, 5,000,000 tons. Crop of corn, 1878, 1,371,000,000 bushels, $436,000,000 in value. This amount would buy of pig-iron, at $46 per ton, average price 1878, 9,480,000 tons, a difference of 4,480,000 tons; or the corn crop of 1878 would purchase almost double the amount of iron that the corn crop of 1869 would buy. And yet these figures are paraded with that extraordinary flourish which supposes the fact is established that the farmers were so much worse off than in 1869.

But to make this entirely fair to the gentleman, the same amount of corn should be taken, thus:

In 1878, 900,000,000 bushels corn were worth $288,000,000. This amount would buy of pig-iron at $46 per ton, (average price in 1878,) 6,260,000 tons—a benefit to the farmer in the value of his corn crop, measured by its purchasing power, of 1,260,000 tons of iron.

In 1869, the potato crop amounted to 150,000,000 bushels, which, at 60 cents per bushel, was worth $90,000,000. This would buy of pig-iron, at $90 a ton, 1,000,000 tons. In 1878, the potato crop amounted to 125,000,000 bushels, which, at 58½ cents per bushel, was worth $73,000,000. This would buy of pig-iron, at $46 a ton, 1,574,000 tons—an absolute benefit to the farmer, because a less crop by 25,000,000 bushels will buy 574,000 tons more of iron. The same amount of potato crop would buy nearly double the amount of iron.

I have thus taken the figures and articles referred to of the gentleman from Ohio and compared the several farm productions of the different years, as he did not, and on his own basis of figures, to find how they compared in purchasing power. This shows that from 1869 to 1878 the farmer's condition under the present financial laws has steadily and constantly improved. What is true of pig-iron is equally true of most articles that farmers buy.

The gentleman loses sight of the fact—that is, he appears to lose sight of it, but his intelligence is too great for him to plead ignorance of the fact that the purchasing power of the dollar has steadily and constantly increased, and to the benefit of the farmer and laborer. A bushel of wheat would buy more of the articles that the farmer or the laboring-man is obliged to purchase in 1878 than it would in 1869. And the figures given above directly from the speech of the gentleman who has charge of the bill show it conclusively. But it did not suit his argument to carry his results to their logical conclusion, and he imagined it would not be discovered. Be careful how you wrestle with figures; they sometimes throw you in the most unaccountable way. Again, he says common labor averaged in 1873 $1.60 in currency; common labor averaged in 1879 $1.05. In another place he says ninety cents; "a difference of more than 31 per cent."

The gentleman says the difference in purchasing power is now 30 per cent., that is that the dollar will purchase 30 per cent. more of necessary articles now than then. If this is true then the purchasing power of his wages has increased just as the price of articles has decreased, and the dollar purchases just the same.

But in another place he gives it quite differently. His figures and ratios depend on what use he desires to make of them. He makes one bushel of wheat in 1873 one and twenty one-hundredths of a silver ounce. He makes common labor in 1872 the same, one and twenty one-hundredths. So that a day's labor and a bushel of wheat are of the same value in 1873.

But, he says, in 1879 the bushel of wheat is eighty one-hundredths of an ounce of silver, and the day's labor ninety-one one-hundredths of an ounce of silver. Then, in 1873, the day's labor will buy one bushel of wheat, and in 1879 the day's labor will buy one and one-ninth bushels of wheat. The purchasing power of the laborer's day's labor has increased just one-ninth of a bushel of wheat.

These facts are too significant in this discussion to be passed over lightly. They are decisive, and establish that the laborer's condition to-day under present price of labor and commodities has steadily improved.

He gives these illustrations as samples and a fair average of other products, and if carried to their logical conclusion they prove exactly

the opposite of what he claims as proven. They prove that labor receives a greater reward now per diem than in 1873.

MAKES THE RICH RICHER, THE POOR POORER.

This bill, therefore, I contend increases the wealth of the rich by one act of legislation about 17½ per cent., and this was so argued in this House, that every bond, every railroad, every bank, all the property of the rich must be made of *more* value, and it was so designed. It was property against capital, and another said it would increase the price of silver and bullion. To-day the value of all property is measured by the unit of value, the *gold dollar*, worth one hundred cents. Suppose a man has $100,000 in gold or legal-tender notes to-day. To-morrow, knowing this law will be passed, he buys at market value, rating silver at eighty-five cents for 412½ grains standard coin silver, $117,710. He then deposits this with the Treasurer and receives in silver dollars or silver certificates $117,710—a clear profit by this one transaction of $17,710 if this law is passed. But suppose he has $10,000,000; he makes $1,171,000.

Now, what is true of gold being enhanced in value by this law applies equally to all property. If a man to-day has a block of buildings, or railroad stocks, or bank stock, or bonds, &c., &c., worth $100,000 in gold, you debase his unit or measure of value to eighty-five cents on the dollar, or 17½ per cent.; his property to-morrow, when this bill becomes a law, is worth by the new standard 17½ per cent. more or $117,100; ten million dollars' worth of property under gold value to-day becomes to-morrow $11,710,000, a profit of $1,710,000. This is one of the laws of trade, and is as inexorable as the laws of the Medes and Persians.

If a man has one hundred bushels of wheat measured by the present standard, and worth $1 per bushel, and you decrease the size of the measure 17½ per cent. and remeasure it, he will have one hundred and seventeen bushels; if he has one hundred cords of wood, one hundred and twenty-eight solid feet each cord, and you reduce it 17½ per cent., to one hundred and seven and a half solid feet, he will have one hundred and seventeen cords of wood; and if at the same time you reduce the unit of value so that $100 in gold will buy $117 in silver, then the wood in the market will be worth $117; and the wheat will be worth $117 in the debased coin.

Now, then, the laboring-man, or the hired man, or the man working by the year whose wages are to-day $1 per day, when he receives his wages one month after this bill is passed receives his $25 per month. And whereas now it would buy twenty-five bushels of wheat or twenty-five cords of wood, yet when this law is in force it will buy only twenty-one and one-third bushels of wheat or twenty-one and one-third cords of wood. You may say that the price of labor will advance, but, as I said before, this is a mere guess or expressed wish, for you well know that the price of labor is governed by the demand, and that will not be affected by this law.

I charge, then, the democratic party as having joined hands with the greenback party, and as legislating directly against the laborers and producing classes, and directly in favor of the rich and property-holders. They may be hoodwinked or misled, but it does not alter the fact.

WHY LEGISLATE FOR THE RICH?

Having shown that your pretenses are false, that you hypocritically say, that your action is for the laborers, while your acts are directly and substantially and only in favor of the moneyed classes, I ask, why do you legislate for the rich? Who will be injured if you do what is just and right and honest? We have no right to legislate to the injury of any one, rich or poor. If you wish to punish any one, first by law make it a crime to do the thing you object to and then fix the penalty.

Listening to the violent denunciations one might well imagine it was a high crime and misdemeanor for any one in this land to own houses and lands and railroads and banks and manufactories; that it was a State-prison offense for any one to have been guilty of loaning money to the Government to aid it in carrying on a war for the salvation of this Union; and, *now*, that the bondholder was a robber and a thief for holding the bonds or receiving interest thereon, and that the legislation of the country should be so guided and directed that all that hold property of any kind were to be punished; that any man who by industry and economy has dared to acquire any wealth for his old age, to bestow on his family, his children, or in charity, was an enemy to the laws and country, and the financial legislation of the country must be so directed that his wealth must be dissipated. You mean to do this, if you know enough, or can get bad men enough to help you. If you succeed you dig your own graves.

The legislation in this matter should be just. Property and labor have adjusted themselves to the relative values of gold and silver as they exist now. This relative value should be recognized now in our legislation; the weight of our coins should be adjusted to this ratio and it will injure no one. Who will be injured by putting one hundred cents' worth of silver instead of eighty-five cents' worth in the dollar? Who? It will not increase the value of all the silver held by banks, bankers, bonanza miners, and silver speculators. It will not enable the rich employer to buy a silver dollar for eighty-five cents in legal tender and pay his employés the silver dollar and thus make 17½ per cent. out of the poor. It will not add 17½ per cent. in value to all the money in hands of banks and bankers, to all the stock and bonds and mortgages, to all the railroads, land grants, and manufactures of the country. It will be an act of justice to all, rich and poor alike.

The people demand, trade requires, industry languishes for, a dollar of gold, paper, or silver worth one hundred cents under any and all circumstances, redeemable and interchangeable each with the other in the same unlimited manner, by the laws of equity and justice as well as by force of law.

1. To insure this the bimetallic standard is essential, and should be established and maintained.

2. The market ratio between the two as now existing should be recognized, established, and maintained.

3. Gold and silver certificates to a limited amount, based on coin in the Treasury not otherwise pledged, might possibly be issued, receivable for all public and private dues, without danger, but it is an untried experiment.

4. Paper money or certificates or greenbacks as legal-tender should be issued by the Government sufficient for the wants of trade, manufactures, and commerce, but never more than can be maintained at par, due consideration being given at all times to the pledges and covenants of the Government in that behalf given.

A BONANZA.

This bill is a *bonanza* to the *rich*. Do you ask how? Read section 3620 as amended and section 254 as amended. This is what can be done practically under these sections: any man, bank, or banker having $85 can buy one hundred dollars' worth of silver; having $8,500 can buy ten thousand dollars' worth of silver; and any banker or syndicate of banks in this country or in the Old World having $85,000,000 of silver—and that is not such a large amount after all, considering that the other day a few banks took $190,000,000 of four percents in a single bid—I say with $85,000,000 they can buy one hundred million dollars' worth of silver bullion, can deposit it with the Treasury and receive certificates or legal-tender money of the United States, and just exactly as good as the $85,000,000 of gold by which it is bought—a clean profit of $15,000,000 in one single transaction. This money can be paid out to every workingman for a dollar's full value of one hundred cents; to farmers for produce, for whatever grain, cattle, corn, they wish to sell, and as you have made it a legal-tender they *must* receive it. Your cotton, your tobacco, your sugar, men of the South, will be paid for in debased coin at eighty-five cents on the dollar.

The only commodity that is raised in this whole land that cannot be bought with this fraudulent, swindling, debased currency is the cussedness and h—l you raise in such abundance in the South, as my colleague from Michigan told you a few days ago. But, gentlemen, you will find *that* crop growing in much richer profusion *both North and South*, to your confusion, if you pass this ill-advised law.

SILVER KINGS ENRICHED.

There is another class of the rich who will be benefited by this law. That is the silver kings and princes, the bonanza lords and emperors of the far West. They mine silver worth eighty-five cents on the dollar, and they are here striving hard and bending all their efforts to have this bill passed. And so every owner of a silver mine or a share of stock is urging the passage of this bill. A more monstrous cheat and swindle of the people never was attempted, and if passed the time will come when its promoters must answer at the bar of a cheated people for the swindle.

Why should you give a man $1,000 in silver coin or legal-tender money which he can go into the market and buy for $850, thus giving the rich a glorious opportunity to grow richer? If this coining is to be done, why not let the Government make the 17½ per cent. profit, and thus it will inure to the profit and benefit of *all* the people, and will operate as a kind of forced tax and not go into the hands of brokers and bankers, bonanza kings and silver lords. If you are determined to do this great wrong, do it boldly; admit that you are doing it in the interest of the rich and to swindle the poor.

A POLITICAL CORNER.

You have attempted to get up a *political* corner on the republican party and the President by your riders on appropriation bills and have miserably failed.

A FINANCIAL CORNER.

You are now attempting a *financial* corner on the *people*, and if you should unhappily succeed it will be the most miserable failure in the long run of the two. It will but add one more to the failures and misadventures of the democratic party. Your attempt now, fail as you surely will, will be charged to you just the same as if you are successful.

REST.

What this country, this people, its trade, commerce, manufactures, its banks and bankers, the rich and poor alike, the workingman and mechanic, want and demand at our hands is *a gold dollar, a silver dollar, a paper dollar worth one hundred cents*, redeemable and interchangeable each with the other at all times, all places, and under all circumstances. And they want, more than all, rest from this constant tinkering of currency.

WHO OWNS THE GOLD?

The promoters of the present bill assert that by unjust legislation the value of the silver dollar, measured by gold, is too great; therefore by this bill they seek to *reduce* the value of the dollar measured by the same standard. That is, they will legislate that $85 in gold now shall possess the power to purchase $100 in silver. It will pur-

chase the same weight of silver now, but the owner of the gold can only get eighty-five silver dollars for it at the Treasury.

Pass this bill, and the owner of the gold, purchasing the silver, can then for his $85 in gold receive one hundred silver dollars. Now, this is an enormous benefit to somebody.

Who owns the gold now, becomes a pertinent question. The owner of $100,000 in gold will be able at once to turn this into $117,500 silver. Who then will make, if this bill passes, $17,500 on every $100,000 in gold? Answer: the man who owns the gold. It is certainly not the poor man, the laboring-man, or the farmer who own the gold; but the gold is in the hands of the rich—the broker, the banker, the banks, the moneyed corporations of the land—and it is nowhere else. Here and there a few dollars may be found among the poor or the middle classes; but out of every $1,000, $999 is held by the wealthy corporations and men.

If this was but a small amount, it would not matter much, but when it is large the amount of profit is enormous. Thus the total amount of gold in this country as estimated by the Treasury Department was on June 30, 1878, $244,353,390. The production averages about (to present time) $36,000,000 or $40,000,000, a total now in the country of $280,353,390. The importations and exportations for same time are about equal.

Two hundred and eighty million dollars of gold are worth at present relative prices of gold and silver $328,000,000 in silver, and will buy that amount of silver bullion, which under this law could be deposited at the bank and silver dollars or silver certificates demanded therefor to the amount of $328,000,000, every one of which is legal tender.

Here is a profit to somebody of $48,000,000. Of this vast amount perhaps $1,000,000 may go into the pockets of the laboring-man and mechanic and $47,000,000 into the pockets of the rich, the banks, the bankers.

I ask again the promoters of this bill, the democrats, the greenbackers, hypocritical friends of the poor, how dare you face your constituents, with this huge swindle on your conscience, if you have any such thing about you?

I come back to the question, therefore,

WHO OWNS THE SILVER?

By this legislation every holder or owner of eighty-five cents' worth of silver bullion now in this country, or that will be produced while this law stands, is to be given one hundred cents for it in legal-tender coins or silver certificates on presentation at the Treasury.

Whosoever, therefore, owns the silver bullion, or produces it, by this legislation is to be benefited as before shown just 17½ per cent. The bullion is not in the hands of the common people, the laboring-men, the mechanics, or farmers. No; they may have silver coins to a small extent, as they all do more or less, but you are very careful not to legislate for their benefit. But the bullion-holders, the bullion-producers, the silver-mine owners—not the mine-workers; how careful you are not to benefit them to the amount of one cent—their silver is to be increased in value; for every eighty-five cents' worth of silver they are to receive one hundred cents in legal-tender coin. The total production of silver bullion is estimated by the Treasury Department at about $49,000,000 per year. This would be, for the last ten years ending June 30, 1878, $490,000,000, and for last nine months, estimated, $36,000,000—total, $526,000,000. Probably one-half of this amount is still in this country—say $200,000,000.

This amount, then, deposited in the Treasury would entitle the depositor to two hundred and thirty-seven millions in silver dollars, or a profit of $37,000,000 on the present stock of silver, as made by this bill; and on a production of $49,000,000 of silver bullion each year in this country, a profit of $8,570,000 per year to the—shall I say poor—the laborers, the mechanics, the farmers? No; most emphatically, *no;* but to the silver bankers, holders, and silver-mine owners.

Again, I ask you how will you face your swindled laboring constituents after voting for this law? I imagine my friends on the other side on the hustings, when seeking a re-election, asked: "Who voted for the silver bill that gave $48,000,000 of profit on gold to the rich bankers and brokers of the country, and nothing for the laborers and mechanics?" "Who voted for the silver bill that gave $37,000,000 profit to the holders of silver bullion and silver-mine owners, and nothing to the workingmen and farmers?" "Who voted for the silver bill that compelled every workingman and laborer who was hired for $1 per day in gold to take eighty-five cents' worth of silver?" "Who voted for the silver bill that compelled every mechanic and artisan who was hired for $2 per day to accept $1.70 per day as full payment?" "Who voted for the silver bill by which every man with a salary of $60 a month in gold is compelled by that bill to receive in full payment fifty-one dollars' worth of silver, or every man hired on a salary of $1,000 a year to receive in full payment eight hundred and fifty dollars' worth of silver?" "Who voted for the silver bill that compelled the farmer who had contracted to sell his wool for forty cents a pound in gold to take thirty-four cents' worth of silver for it, or his wheat at $1 a bushel in gold, to take eighty-five cents' worth of silver a bushel?" And when you have answered "I did," how many of their votes will you get? They will issue *their fiat* that you can hereafter stay at home.

Mr. BRIGHT. Mr. Speaker, the object, as I understand, of the establishment of a mint by the United States is to coin money. It was not contemplated that the Government should enter the bullion market, monopolize the trade, and speculate in the profits as a source of income to the Government. Its object was rather to fix the value of the standard coins and then to make the mint charges so light that it would stimulate mining industry and invite the bullion to the mint. The coinage is not for the individual but the public benefit. As soon as the coin is put in circulation the public derives the benefit of it. The Government has already fixed the quantity and the value of the silver dollar, and the question now is whether it shall demand a seigniorage or charge for coinage, or whether we shall have what is called free coinage.

Now, Mr. Speaker, I undertake to say that it is perfectly demonstrable that neither the Government nor the people can lose one solitary cent by the free coinage of gold and silver bullion. Upon receiving this bullion at the mints the Government issues its certificates receivable for all customs dues, and when these certificates are taken up by the Government the coin made from the bullion then belongs to the Government. It is equal with the gold dollar. It pays the public debt dollar for dollar. It enters into circulation and furnishes to the people the means of paying their taxes and to the Government the means of discharging its debts and stopping interest upon them. In addition to that, it gives a currency to the people. It encourages labor. It stimulates every productive industry in this broad land. So the country is a great gainer and not a loser by free coinage.

But there is another proposition equally sound, that whenever you impose a seigniorage upon coinage the tendency is to drive bullion from the mints. The principle of this amendment, if applied to gold, would close up the mints of the United States. It amounts to nothing less than a tax of 16 per cent. upon the coinage of silver bullion. Here is what Mr. Ernest Seyd says upon this subject of the tax of ½ per cent. on gold before the Government removed it:

> The reason is perfectly obvious: the high mintage charged in the United States is tantamount to a tax on gold bullion, which effectually prevents its importation; and therein lies the whole secret of the paradox. The country which imposes a seigniorage on coin becomes a market unfavorable and closed to the importation of bullion; it cannot hold the bullion in store, and it is forced, *nolens volens*, to part with its coinage for what it is worth as gold bullion.

Thus it is clear that the amendment would close the mints of the United States against the coinage of silver. If the Government absorbs all the profits of mining silver it oppresses and discourages the industry and drives it from the mint. In this way the country would be a great loser. It would cut off one of its financial arms. The Government cannot pay off its enormous bullion debt in gold alone without selling more bonds and imposing a new burden of interest on the people. The duty of the Government is to take care of its standard coins in which its coin debts are payable, and let the bullion market, which is fluctuating from day to day, take care of itself.

Mr. Speaker, this discrimination in the coinage of gold and silver is only a war of the gold bullionist to drive silver from the country. The country has spoken with emphasis, and it means that the two standard coins shall march abreast. The country has taken its stand in the face of European machinations and contrivances to defeat its financial policy, and it does not intend to be deterred from pursuing that policy.

Some gentlemen pretend to be frightfully alarmed that there might be an Atlantic flood of silver bullion upon us if we coined it free except mint charges. If the amendment prevails no bullion-holder in Europe would be foolish enough to send it here to be coined to pay $16 to the Government for coining $84 for him. If the coinage should be free and foreign bullion should be brought home by our merchants in exchange for our productions and coined into standard silver dollars the country would be a great gainer, as I have already shown. We could use it in the payment of our national debt, and perhaps the most of it would return to Europe. In the last ten years we have exported gold and silver bullion and specie about $432,000,000 more than we have imported. By the time we get through paying our foreign debt the fear is that it will impoverish our mines——

[Here the hammer fell.]

Mr. EINSTEIN. Mr. Speaker, I have been a patient and attentive listener to the remarks of the advocates in this House of unlimited silver coinage, and I have as yet been unable to discover from what they have said the manner or means by which the poor and laboring classes of our country are to be benefited by their bill. On the contrary, every word that has been uttered by them, every idea that has been advanced, only serves to confirm me in the opinion that the benefits of this bill would accrue solely for the profit of the large silver-mining proprietors in the country and to the bankers and brokers who, by dealing in the metal, would profit by its fluctuations.

As to the question of bimetalism which has been so cogently and fluently discoursed about in this House, and which the silver advocates have apparently settled to their entire satisfaction, my time will not permit me to discuss this branch of the question, but I do think that a subject that has so sorely puzzled and is still puzzling the wisest and ablest political economists of the world should not be as summarily settled as has been done by the champions of this bill.

The proposition to me seems to be a clear and open one. Given 412½ grains of silver, which are worth but eighty-five cents, the advocates of this wonderful bill wish to take these 412½ grains of silver and to coin, stamp, and certify them as worth $1, while in no other way would they be accepted for more than eighty-five cents; and to cap the climax of this absurdity, the profit of the transaction is not to go to the Government, in whose service they are and whose wages

they receive, but they offer the 15 perany cent. gain to one, whoever he may be or wherever he may live, who is able and willing to profit by it. Why, Mr. Speaker, one familiar with the position of European governments on the silver question would almost be led to believe that this bill has been introduced into this House in the interests of those governments. Germany alone has nearly eighty millions of silver on hand which she wishes to sell. It is impossible for her to do so without greatly depressing the price. Now let this bill become a law, and what will be the consequence? This silver will all come to us, and much more besides, and we will pay a foreign government 15 per cent. premium for the privilege of affording it the opportunity of converting so much unavailable property into good American gold.

Now, Mr. Speaker, to come to the gist of the whole matter, I agree fully and entirely with my distinguished friend and colleague from New York [Mr. CHITTENDEN] that if we are to have free coinage let us have honest weight and honest money; let every dollar be worth one hundred cents; and the justice of this is so plain and apparent to me that I have often asked myself why is it that we have this constant agitation of the silver question? Why should men stultify themselves, as do the movers of this bill? If they are honest in their convictions that it will benefit the poorer classes, why do they not demonstrate it to us? There can be but one answer to this question: it is done for political clap-trap and for no other reason, and nobody knows it better than themselves.

Mr. Speaker, the depression in business through which our country has passed is almost at an end; all signs point toward the early return of prosperity; our exports increasing immensely every year and turning the balance of trade in our favor by the hundred millions; the clank of the wheel, the sound of the forge, and the whirl of the engine are again heard throughout the land; the trials and tribulations of the past eighteen years are almost at an end. What our country needs is rest; we are giving it nothing but the direst commotion. Let us change all this. Let us give the people laws founded in truth, honesty, and fair-dealing, and then with the blessing of Providence upon us we can go forth serenely upon our mission, making our land a land of happiness for those who dwell therein and a haven of rest for the afflicted and oppressed of all nations.

Mr. REAGAN obtained the floor.

Mr. WARNER. I give notice that when the gentleman from Texas [Mr. REAGAN] has spoken I shall call the previous question on this amendment.

Mr. REAGAN. Mr. Speaker, I desire merely to call attention for one moment to the theory and effect of the amendment offered by the gentleman from Illinois. The theory of the bill presented from the Committee on Coinage, Weights, and Measures is that by the free coinage of silver and by making silver coin receivable for all public dues and for all private indebtedness we shall make it equal in value to gold and legal-tender notes. Will not this be the effect? On the very day that we authorize the free coinage of silver as provided for in this bill and make silver coin receivable for every purpose for which gold coin and legal-tender notes are now receivable, do we not make all these three forms of currency equal in value? That is the theory of the bill.

Now, the amendment of the gentleman from Illinois contemplates that the Government shall purchase silver bullion at its bullion price and coin it into money—in his speech he said at its present bullion price, but certainly he did not mean that, because he did not contemplate, I presume, that silver was always to remain 15 per cent. below par as compared with gold. But, sir, if the theory of the bill is correct, if this measure will have the effect, as its friends believe, of equalizing the silver coin of the country with its gold coin and its legal-tender notes, where is the utility of the amendment of the gentleman from Illinois? What office can it perform? Its practical effect has been pointed out by the gentleman from Missouri, [Mr. BUCKNER.] It would be an insidious mode of defeating the very object of this bill and preventing relief to the people of this country from a part of the burdens which are imposed upon them because of the want of sufficient circulating medium. No more insidious or dangerous blow could be struck at this bill than this by the gentleman from Illinois, who professes to be a friend of the bill. I do not doubt his profession is sincere, and my only desire is to call his attention to the fact that he proceeds on the theory that, when we have made silver receivable like gold and legal-tender notes for all public and private indebtedness and all public dues, it will still remain 15 per cent. below par with gold and give the Government that margin of profit in purchasing it. I suggest that it is illogical; that it cannot be true such would be the condition of things; and that there is no place in the policy of this bill for the office of that amendment.

If it be said that the present bullion would be enhanced in price by the passage of the act, who is hurt by it? Is any one? If it benefit any it will at the same time benefit all; and as it was by the legislation of Congress silver was degraded, I desire it brought back to its monetary system in this country over the same track, that it shall be made good by law as it was formerly degraded by law. [Applause.]

Mr. WARNER. I now demand the previous question on the amendment submitted by the gentleman from Colorado.

Mr. CANNON, of Illinois. I believe I have the floor, Mr. Speaker, and I desire to be heard on the pending question.

Mr. BAYNE. I hope the gentleman from Ohio will not demand the previous question, and for this reason, that the amendment of the gentleman from Illinois [Mr. SPRINGER] has been under discussion for some time.

The SPEAKER. After the disposition of the amendment of the gentleman from Illinois it will be again under discussion.

Mr. BAYNE. But it will interrupt the course of the discussion and interrupt perhaps some remarks which might be made pertinent to those which have been made heretofore.

The SPEAKER. The effect will be only to clear out of the way, by its rejection or adoption, the amendment of the gentleman from Colorado. The demand for the previous question only applies to that amendment.

Mr. CONGER. It will open the way then for another amendment?

The SPEAKER. Certainly.

Mr. CONGER. Then I do not see what the gentleman gains.

The SPEAKER. It is not for the Chair to consider what the gentleman loses or gains, but he supposes his object is to get that amendment out of the way at this time.

Mr. WARNER. I only desire a vote on that amendment, as the Chair suggests. It does not cut off further debate or amendment.

Mr. BAYNE. It will not preclude the introduction of another amendment.

The SPEAKER. That is so.

Mr. BAYNE. I hope the gentleman will not insist upon his demand, as I suppose his object is to get action upon the bill.

The SPEAKER. The Chair will recognize the gentleman from Illinois next.

Mr. GARFIELD. This demand for the previous question covers only the amendment of the gentleman from Colorado?

The SPEAKER. That is all.

The previous question was seconded and the main question ordered.

Mr. WARNER moved to reconsider the vote by which the main question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The question recurred on Mr. BELFORD'S amendment.

The House divided; and there were—ayes 69, noes 90.

Mr. CONGER. I demand the yeas and nays.

Mr. WARNER. Why we had the yeas and nays on this very question yesterday.

Mr. CONGER. I desire to know who favors American industry.

Mr. SPRINGER. I hope the yeas and nays will not be ordered as we have already had them on this question.

The yeas and nays were ordered.

The question was taken; and there were—yeas 88, nays 120, not voting 77; as follows:

YEAS—88.

Aldrich, N. W.	Crowley,	Henderson,	Prescott,
Aldrich, William	Daggett,	Horr,	Reed,
Anderson,	Davis, George R.	Houk,	Sapp,
Bailey,	Deering,	Humphrey,	Shallenberger,
Barber,	Dick,	Jones,	Sherwin,
Bayne,	Dunnell,	Joyce,	Smith, A. Herr
Belford,	Dwight,	Lindsey,	Stone,
Beltzhoover,	Einstein,	Martin, Joseph J.	Talbott,
Blake,	Errett,	Mason,	Thomas,
Bliss,	Farr,	McCold,	Townsend, Amos
Bowman,	Ferdon,	McGowan,	Updegraff, J. T.
Boyd,	Fort,	McKinley,	Updegraff, Thomas
Brewer,	Frye,	Miles,	Urner,
Briggs,	Garfield,	Mitchell,	Valentine,
Burrows,	Godshalk,	Monroe,	Van Aernam,
Camp,	Hall,	Morrison,	Voorhis,
Carpenter,	Hammond, John	Morton,	Wait,
Caswell,	Harmer,	Newberry,	Washburn,
Chittenden,	Hawk,	Norcross,	White,
Claflin,	Hawley,	Orth,	Wilber,
Conger,	Hayes,	Osmer,	Willits,
Covert,	Hellman,	Pound,	Young, Thomas L.

NAYS—120.

Acklen,	Dunn,	Manning,	Scales,
Armfield,	Evins,	Marsh,	Singleton, Jas. W.
Atherton,	Ewing,	Martin, Benj. F.	Singleton, Otho R.
Atkins,	Felton,	McKenzie,	Slemons,
Beale,	Field,	McLane,	Smith, Hezekiah B.
Bicknell,	Ford,	McMahon,	Smith, William E.
Blackburn,	Forney,	McMillin,	Sparks,
Bouck,	Geddes,	Mills,	Springer,
Bright,	Gibson,	Money,	Steele,
Browne,	Gillette,	Morse,	Stephens,
Cabell,	Goode,	Muldrow,	Stevenson,
Caldwell,	Gunter,	Murch,	Taylor,
Cannon,	Harris, John T.	Myers,	Thompson,
Chalmers,	Haskell,	New,	Tillman,
Clardy,	Hatch,	Nicholls,	Townshend, R. W.
Clarke, John B.	Hazelton,	O'Connor,	Turner, Oscar
Clymer,	Henry,	Persons,	Turner, Thomas
Cobb,	Herbert,	Phelps,	Vance,
Coffroth,	Hooker,	Phister,	Waddill,
Converse,	Hostetler,	Poehler,	Warner,
Cook,	House,	Reagan,	Weaver,
Cox,	Hurd,	Rice,	Wellborn,
Cravens,	Kelley,	Richardson, J. S.	Whiteaker,
Culberson,	Kenna,	Richmond,	Whitthorne,
Davidson,	King,	Rothwell,	Williams, Thomas
Davis, Joseph J.	Knott,	Russell, Daniel L.	Willis,
Davis, Loundes H.	Ladd,	Ryan, Thomas	Wilson,
De La Matyr,	Lewis,	Ryon, John W.	Wise,
Denster,	Lounsbery,	Samford,	Wright,
Dickey,	Lowe,	Sawyer,	Yocum.

NOT VOTING—77.

Aiken,	Ellis,	Kimmel,	Robeson,
Bachman,	Finley,	Kitchin,	Robinson,
Baker,	Fisher,	Klotz,	Ross,
Ballou,	Forsythe,	Lapham,	Russell, William A.
Barlow,	Frost,	Lay,	Shelley,
Bingham.	Hammond, N. J.	Le Fevre,	Simonton,
Bland,	Harris, Benj. W.	Loring,	Speer,
Blount,	Henkle,	Martin, Edward L.	Starin,
Bragg,	Herndon,	McCook,	Tucker,
Brigham,	Hill,	Miller,	Tyler,
Buckner,	Hiscock,	Muller,	Van Voorhis,
Butterworth,	Hubbell,	Neal,	Ward,
Calkins,	Hull,	O'Brien,	Wells,
Carlisle,	Hunton,	O'Neill,	Williams, Chas. G.
Clark, Alvah A.	James,	O'Reilly,	Wood, Fernando
Colerick,	Johnston,	Overton,	Wood, Walter A.
Cowgill,	Jorgensen,	Pierce,	Young, Casey.
Crapo,	Keifer,	Price,	
Dibrell,	Ketcham,	Richardson, D. P.	
Elam,	Killinger,	Robertson,	

So the amendment of Mr. BELFORD was not agreed to.

During the roll-call the following announcements were made:

Mr. BUCKNER. I am paired with the gentleman from Iowa, Mr. PRICE. If he were present, I should vote "ay."

Mr. ROBERTSON. I am paired with Mr. ROBINSON, of Massachusetts.

Mr. HERNDON. I am paired with the gentleman from Massachusetts, Mr. CRAPO.

Mr. FINLEY. I am paired with the gentleman from Indiana, Mr. CALKINS.

Mr. FORNEY. My colleague, Mr. SHELLEY, is paired with the gentleman from New York, Mr. KETCHAM.

Mr. ARMFIELD. My colleague, Mr. KITCHIN, is paired with the gentleman from Pennsylvania, Mr. FISHER.

Mr. COFFROTH. My colleague, Mr. BACHMAN, is paired with the gentleman from New York, Mr. STARIN; and my other colleague, Mr. KLOTZ, is paired with Mr. BAKER, of Indiana.

Mr. TAYLOR. My colleague, Mr. YOUNG, is paired with the gentleman from Pennsylvania, Mr. OVERTON.

Mr. ELAM. I am paired on this bill and amendments with the gentleman from New Jersey, Mr. ROSS.

Mr. McMILLAN. My colleague, Mr SIMONTON, is paired with Mr. KEIFER, of Ohio.

Mr. HENKLE. I am paired with Mr. O'NEILL. If he were here, I should vote "no."

Mr. AIKEN. Mr. HULL, of Florida, is paired with Mr. RICHARDSON, of New York.

Mr. COBB. My colleague, Mr. COLERICK, is paired with the gentleman from Rhode Island, Mr. BALLOU.

Mr. KING. My colleague, Mr. ELLIS, is paired with Mr. LORING, of Massachusetts.

Mr. HUBBELL. On this question I am paired with the gentleman from Georgia, Mr. BLOUNT. If he were here, I would vote "ay."

Mr. ROBESON. I am paired with the gentleman from Kentucky, Mr. CARLISLE.

Mr. DIBRELL. I am paired with the gentleman from New York, Mr. MCCOOK.

Mr. LAPHAM. My colleague, Mr. HISCOCK, is paired with Mr. HUNTON.

Mr. WEAVER. Mr. FORSYTHE, of Illinois, is paired with Mr. WALTER A. WOOD, of New York.

Mr. CLAFLIN. Mr. CRAPO is paired with Mr. HERNDON.

Mr. TOWNSEND, of Ohio. My colleague, Mr. KEIFER, is paired with Mr. SIMONTON, of Tennessee.

Mr. SAPP. My colleague, Mr. PRICE, is paired with Mr. BUCKNER. Mr. PRICE, if here, would vote "ay."

Mr. SHALLENBERGER. My colleague, Mr. O'NEILL, is paired with Mr. HENKLE, of Maryland.

Mr. WHITE. My colleague, Mr. OVERTON, is paired with Mr. YOUNG, of Tennessee.

Mr. BAYNE. My colleague, Mr. BINGHAM, is paired with Mr. FROST, of Missouri. My colleague, if present, would vote "ay."

Mr. RUSSELL, of Massachusetts. I am paired with the gentleman from Georgia, Mr. SPEER. If he were present, I should vote "ay."

Mr. DICK. My colleague, Mr. KILLINGER, is paired with Mr. WELLS, of Missouri, and my other colleague, Mr. FISHER, is paired with Mr. KITCHIN, of North Carolina.

Mr. AIKEN. I am paired with Mr. WARD, of Pennsylvania. If he were present, I would vote "no" and he would vote "ay."

The result of the vote was announced as above recorded.

Mr. EWING. I offer what I send to the Clerk's desk as an amendment to the amendment of the gentleman from Illinois, [Mr. SPRINGER.]

The Clerk read as follows;

Strike out all after the word "law" in line 14 and insert the following:

"He shall issue and deliver to the depositor of such bullion certificates in denominations, at the option of the depositor, corresponding with the denominations of the United States legal-tender notes, to an amount equal to the value of such bullion, which amount shall be determined by the average market price of silver bullion in the cities of New York and San Francisco during the week preceding such deposit. The standard dollars coined from such bullion shall, to the extent of 40 per cent. of the aggregate amount of the certificates so issued, be held for the redemption thereof, and the remainder of such dollars shall be applied to the payment of the interest and principal of the public debt. The certificates so issued shall be received at par for all dues to the United States and in payment of the current expenses of the Government, and shall be redeemable in standard silver dollars. Any silver dollars now or hereafter in the Treasury may be used in redemption of such certificates."

Mr. CANNON, of Illinois. I ask the attention of the House for the purpose of observing what this bill provides in its present shape as proposed to be amended by the gentleman from Missouri [Mr. BUCKNER] and by my colleague, [Mr. SPRINGER.]

Now, Mr. Speaker, all men admit when they get down to talking sense that whenever you get enough silver to answer the purposes of metal money in this country—the disproportion in value of silver to gold at the present ratio remaining—that silver would drive gold out. I want to say here and now, for one, that while I would gladly see both circulate, and I hope the time will come when they will equal each other in value at the present ratio of 16 to 1, yet I can conceive of greater disasters happening to the country than to see gold go out of circulation and silver come in its place; but I say here that until an amount of silver is coined necessary for a metal money by itself, although intrinsically the silver dollar is less valuable than the gold dollar, it will continue to circulate at par with gold, and that whenever there is enough to answer the purposes of money then gold will go out of circulation. But from this time up to the time when silver drives gold out, either the Government or the holder of the silver bullion is going to make the profit on the coinage of silver.

Now, I say that this bill as proposed to be amended by the gentleman from Missouri [Mr. BUCKNER] will not give us silver money more rapidly without my colleague's [Mr. SPRINGER'S] amendment than with it. My colleague's amendment proposes that when bullion is deposited in the Mint and silver certificates shall be issued therefor they shall be issued for the market value of the bullion and shall be redeemed in standard silver dollars. To illustrate: under my colleague's amendment, at the present price of silver as compared with gold, a man takes 460 grains of silver to the Mint, which is worth $1 in the market before it is coined, and the Government takes it and coins 412½ grains of it into a dollar and gives it in exchange for the 460 grains, and the balance goes into the Treasury of the United States for the benefit of everybody. Under the bill without my colleague's amendment the same man would depost his 460 grains of silver at the Mint, the Government would coin 412½ grains of it into a dollar, give it to him, and return the balance of the 460 grains or its equivalent to him. In each case a dollar is made for circulation, and in the one case the Government gets the overplus, called seigniorage, and in the other case the depositor gets it.

I think the Government should have it and not the depositor, therefore I am for my colleague's amendment. Coinage would be no more rapid in one case than the other. If gentlemen fear that bullion would not be deposited, we can in that event let the present law be executed, which directs the Secretary of the Treasury to buy not less than $2,000,000 nor more than $4,000,000 monthly of silver bullion and coin it into dollars. The amendment of the gentleman from Missouri [Mr. BUCKNER] is to another section not now under consideration. It provides for the deposit of bullion in the Treasury at the market price, and the issuing of certificates therefor. In that transaction the profit goes to the Government. Why not let the same provision apply when the bullion is deposited at the Mint, as my colleague's amendment provides?

We have capacity at the mints to coin about four million silver dollars per month, and it will take from two to four years to coin sufficient, added to the $30,000,000 now coined, if you run the mints to their full capacity, to get sufficient silver money to answer the purpose of a metallic currency, to the exclusion of the gold; and during all this time I am in favor of the Government taking the profit upon the coinage rather than the bullion-owner.

Mr. BUCKNER. Will the gentleman yield to me for a remark?

Mr. CANNON, of Illinois. I will if my time can be extended another minute.

Mr. BUCKNER. My amendment applies only to the issue of certificates. The coinage goes on. But the amendment of the gentleman from Illinois [Mr. SPRINGER] stops the coinage.

Mr. CANNON, of Illinois. The gentleman proposes by his amendment that if I have got an ounce of silver I can take it and get a silver certificate, and my certificate is given at the market price for the silver. In other words, the 15 per cent. goes to the Government. But he insists the law shall be that if I take it to the mint at Philadelphia then I shall have 15 per cent. more for it than I would if I deposit in the Treasury.

Mr. BUCKNER. My amendment does not give any encouragement to the issue of certificates at all.

Mr. CANNON, of Illinois. But why do you want to give this profit to the man who deposits the bullion at the mint, when the capacity of the mint is limited and the Government might as well buy it for what it is worth?

Is the silver dollar in the hands of the man who toils for his daily bread any better when the bullion-holder has made the profit of ten or fifteen cents on it than it would be if the Government had made that profit? The dollar is the same to him.

As I was interrupted, I ask to be indulged for a minute or two longer.

The SPEAKER. The Chair will not stop the gentleman unless some member objects.

Mr. CANNON, of Illinois. I will only delay the House a minute.

I have heard during the discussion upon this bill much said about making money cheaper and about dishonest money. Now, I have no sympathy with the proposition that we should make money out of nothing and make lots of it; nor have I any sympathy with the proposition that we should make money dear either by contracting its amount or adopting the single standard. The truth is, every dollar we owe is payable under the contract in standard silver dollars or gold, at our option; and we have a perfect right, both legal and moral, to use the cheapest.

So when the gentleman from New York, [Mr. CHITTENDEN,] and others who agree with him on both sides of the House, talk about the 412½-grain silver dollar being dishonest, or that its weight should be increased, they forsake the broad highway marked out by the contract, in which both debtor and creditor have a right to travel, and go off into the by-paths that lead to oppression and disaster, furnishing a precedent for fiatists, who believe that dollars can be paid in mere pieces of paper that either contain no promise or will never know a redeemer, to journey in the by-paths that lead in an opposite direction, to repudiation and dishonor. The best way is to travel upon the highway marked out by the contract.

Begging pardon for this digression, I want to say in conclusion again that I trust my colleague's amendment will be adopted, for it is drawn with care, and is just and equitable in its provisions.

[Here the hammer fell.]

Mr. BAYNE. Without intending to impugn the motives of any gentleman who favors this measure, I must characterize the bill as presented from the Committee on Coinage, Weights, and Measures as a sheer, unmitigated fraud upon the people of the United States, intended not to serve the best interests of any class of the people of this country, unless it be the holders and producers of bullion.

The bill has two principal objects in view. One is to remove all restrictions upon the coinage of silver. The other is to issue certificates upon silver bullion deposited in the mint in order to inflate the currency of the country. The second proposition by confession admits the fact that silver does not circulate as a currency, and it therefore resorts to this method of creating a circulating medium, intended to take the place of that medium which will not circulate.

The other proposition will have but one effect. If silver dollars are coined to an unlimited amount it will have the simple effect of driving out of this country all the gold coin that is now in it. That is an axiom of political economy. That is the law announced by Sir Thomas Gresham three hundred years ago, when he stated as a proposition of political economy that bad money would always drive out good money, and that good money would never drive out bad money. The effect of this bill, if this inferior currency is coined, worth now sixteen cents less on the dollar than is a gold dollar, will be to drive out of the country honest gold currency and substitute what? Not silver, because by the admission of the bill itself silver will not circulate; but silver certificates to be issued by the Government and to take the place of the present circulating medium of the country. Now, is that good policy? Is it wisdom? This bill will be improved very considerably by the amendment of the gentleman from Illinois, [Mr. SPRINGER,] because it proposes to give to the Government the profit to be made on this silver coinage. But free coinage of silver can never be successfully inaugurated in this country, unless the civilized nations of the world will come in and participate in a system of free coinage of silver.

I care not if you put 480 grains of silver into a silver dollar; I venture the prediction that unless England, Germany, and the Latin union, and the other nations which have either wholly or partially demonetized silver, will join with us in making it a circulating medium, the ratio of difference between the two metals will constantly increase. I make the prediction that unless these nations be joined with us in making silver a currency, instead of the ratio between silver and gold being 15 or 16 to 1, it will soon be 20 to 1. Why, sir, the object of the bill was stated to be to elevate the silver dollar to an equality with gold. What has been the effect thus far? Thirty million dollars of silver have been coined. When we began coining it there was only five cents difference in value between the gold dollar and the silver dollar. Now the difference is sixteen cents. Thus it is a matter of actual experience that the coinage of silver into dollars will not enhance the value of the bullion; on the contrary, in the face of such coinage, the value of bullion has constantly diminished.

[Here the hammer fell.]

Mr. MARSH. Mr. Speaker, in the short time allowed me I shall not attempt to go over the whole subject. To make by arbitrary law a change in the standard of value, that which measures the products of labor, is a dangerous thing to do. In 1792 this Government authorized the coinage of the silver dollar containing 371¼ grains of pure silver. That is the amount of pure silver in the silver dollar to-day. This silver dollar was not only made a legal tender, but it was made the standard and unit of value, to which the amount of bullion in the gold coin has been adjusted from time to time. Now, the great mass of indebtedness in this country, national, State, municipal, and private, was contracted prior to 1873, at a time when the dollar containing 371¼ grains of pure silver was the standard and unit of value and a legal tender. The proposition made by the gentleman from Maryland [Mr. KIMMEL] to increase this silver dollar to 460 grains was, in my opinion, a proposition to rob the debtor classes of this country. It was as unjustifiable and unjust as it would be to increase the yard-stick from three feet to four feet in length and require that contracts made prior to the increase should be fulfilled according to this new standard of measurement.

Mr. Speaker, it seems to me that this silver dollar having been created as the standard and unit of value, there is no propriety, there is manifest injustice in adopting another which is either more or less valuable. It is no more just to increase the standard of value than it is to decrease it. I stand to-day by the silver dollar as the unit and standard of value. If I could have my way in this House I would adjust the unit of bullion in the gold coin in the future as we have done in the past to that standard of value.

Mr. Speaker, when we depart from this standard of value we set ourselves afloat upon a great sea and our ultimate destination no man can tell. If you adopt the principle that you have the right to increase the standard of value and thereby affect past contracts, you might as well assert the right to increase the measure of weights or to increase the length of the yard-stick and apply this increased standard to contracts already made.

But some gentlemen say that the silver dollar is not a dollar of full value, that it is only worth eighty-four cents, while the gold dollar is worth one hundred cents. Now I reply that the silver dollar is the unit or standard of value and that if this difference in the value of the two coins exists, then the gold dollar is worth one hundred and fifteen cents and the silver dollar one hundred cents. [Laughter and applause.]

But gentlemen say that if we re-enact the law making the silver dollar the standard, we thereby destroy the credit of this country. Where is the foundation for any such assertion? Upon the back of your national bonds is printed the distinct declaration that the bond is payable in coin of the standard weight and measure as existing in 1870. In addition to this, during the Forty-fifth Congress both Houses adopted by overwhelming majorities a resolution (and I am afraid some of my friends on this side of the House are forgetting how they voted upon that resolution) declaring that this Government has the right to pay its indebtedness in standard silver dollars or the equivalent thereof. In the face of the law providing that the bonds of the Government should be paid in coin of the standard weight and fineness as existing in 1870, and in the face of the resolution to which I have just referred adopted by the Forty-fifth Congress, the credit of this Government has never been better. For the last six months men with large means and men with small means have been flocking to the depositaries of the Government to invest their means in 4 per cent. securities.

[Here the hammer fell.]

Mr. MARSH. I would like to have at least two minutes more.

The SPEAKER. The Chair will ask consent of the House. Is there objection to the gentleman continuing his remarks for two minutes?

There was no objection.

Mr. MARSH. I shall now address myself to the third section of this bill as reported from the Committee on Coinage, Weights, and Measures. Mr. Speaker, the demonetization of the silver dollar was in my opinion a crime, a fraud upon the people of this country. I do not propose to reflect upon gentlemen who took part in that action; I speak of the thing itself. Now, is it possible that we cannot legislate upon the subject of silver without committing another fraud? Yet I say that the third section of this bill as reported by the committee would, if enacted by us, be a fraud upon the people of this country, [applause,] because it gives to the bullion-holder the opportunity to make 17 per cent. off of the people of this country by this coinage. [Renewed applause.] Sir, if party considerations were paramount with me on this floor, I would like to see the democratic party go before the people in 1880 in advocacy of the principle contained in the third section; for the people of this country by their votes would bury them so deep that the horn of Gabriel would not resurrect them. [Laughter and applause.]

Now, the amendment of my colleague [Mr. SPRINGER] removes the objection to this third section. It gives to the Treasury of this country the difference between the value of the bullion and the par value of the dollar. In giving this difference to the Treasury, it gives it to the people of this country. It is in their interest.

[Here the hammer fell.]

Mr. GARFIELD. Mr. Speaker, we have probably never legislated on any question the influence of which reaches further, both territorially and in time, and touches more interests, more vital interests, than are touched by this and similar bills. No man can doubt that within recent years, and notably within recent months, the leading thinkers of the civilized world have become alarmed at the attitude of the two precious metals in relation to each other, and many leading thinkers are becoming clearly of the opinion that by some wise, broad, judicious arrangement both the precious metals must be kept in service for the currency of the world. And this opinion has been very rapidly gaining ground within the last six months, even to the extent that England, which for more than half a century has stoutly adhered to the single gold standard, is now seriously meditating how she may harness both these metals to the monetary car of the world. And yet, outside of this Capitol, I do not this day know of a single great and recognized advocate of bimetallic money who regards it prudent or safe for any nation largely to increase the coinage standard of silver coin at the present time beyond the limits fixed by

existing laws. France and the states of the Latin union, that have long believed in bimetallism, maintained it against all comers and have done all in their power to advocate it throughout the world, dare not coin a single silver coin and have not done so since 1874. The most strenuous advocates of bimetallism in those countries say it would be ruinous to bimetalism for France or the Latin union to coin any more silver at present. The remaining stock of German silver now for sale, amounting to from forty to seventy-five millions of dollars, is a standing menace to the exchanges and silver coinage of Europe. One month ago the leading financial journal of London proposed that the Bank of England buy one-half of the German surplus and hold it five years on condition that the German Government shall hold the other half off the market. The time is ripe for some wise and prudent arrangement among the nations to save silver from a disastrous break-down.

Yet we, who during the past two years have coined far more silver dollars than we ever before coined since the foundation of the Government—ten times as much as we coined during half a century of our national life—are to-day ignoring and defying the enlightened, universal opinion of bimetallists, and saying that the United States singlehanded and alone can enter the field and settle the mighty issue alone. We are justifying the old proverb that "Fools rush in where angels fear to tread."

It is sheer madness, Mr. Speaker. I once saw a dog on a great stack of hay that had been floated out into the wild, overflowed stream of a river, with its stack-pen and foundation still holding together, but ready to be wrecked. For a little while the animal appeared to be perfectly happy. His haystack was there and the pen around it, and he seemed to think the world was bright and his happiness secure while the sunshine fell softly on his head and his hay. But by and by he began to discover that the house and the barn and their surroundings were not all there as they were when he went to sleep the night before, and he began to see that he could not command all the prospect and peacefully dominate the scene as he had done before. So with this House. We assume to manage this mighty question which has been launched on the wild current that sweeps over the whole world, and we bark from our legislative hay-stacks as though we commanded the whole world. [Applause.] In the name of common sense and sanity, let us take some account of the flood; let us understand that a deluge means something, and try, if we can, to get our bearings before we undertake to settle the affairs of all mankind by a vote in this House of Representatives.

To-day we are coining one-third of all the silver of all kinds that is being coined in the round world, China is coining another third, and all other nations are using the other one-third for subsidiary coin. And if we want to take rank with China and part company with all of the civilized nations of the western world, we can by passing this bill, and bay the moon as we float down the whirling channel to take our place among the Asiatic silver monometalists.

Now, what this country needs above all other things is that this Congress shall pass the appropriation bills, adjourn, and go home, [applause on the republican side,] and let the forces of business and good order and brotherhood, working in their natural and orderly way, bring us into light and stability and peace. And we want time to adjust this great international question. Now, while I am speaking, the Administration is opening a negotiation with all the western nations to see if there cannot be some international arrangement whereby this question of bimetalism may be wisely settled. We tried it by international monetary conference. It was a preliminary reconnaissance.

The SPEAKER. The gentleman's time has expired.

Mr. GARFIELD. If the House would allow me a few minutes longer—— [Cries of "Go on!"]

Mr. COFFROTH. How much time?

The SPEAKER. Five minutes under the rule. The Chair hears no objection.

Mr. GARFIELD. We tried an international monetary conference and made a beginning——

Mr. COFFROTH. I have objected.

Mr. MILLS. Did the gentleman make the objection in time?

Mr. COFFROTH. I did.

The SPEAKER. The Chair always takes the statement of a gentleman.

Mr. COBB. He did make it in time.

Mr. WARNER. Mr. Speaker, I am glad, indeed, that the present Administration has been induced by the action taken in this House to consider this great question and to open correspondence with other countries on the subject, and I hope the Administration will be induced by the vote of this House on this bill to continue the consideration of the subject. I have in my hand, Mr. Speaker, a letter from Hon. Mr. Groesbeck, who represented the United States as one of its commissioners at the late monetary conference at Paris. I do not know that I am quite authorized to make it public, but I will venture to read a paragraph from it.

My distinguished colleague [Mr. GARFIELD] who has just taken his seat thinks there is no bimetallist outside of this House who favors independent action by the United States. But I think he could point to no one who has more thoroughly and ably treated this subject or who better understands it than the distinguished representative of the United States at the late Paris conference whose words I quote. He says:

> I agree in what you say of the importance of the United States in determining the status of silver, and I regret that our power in this problem is not more fully appreciated.
>
> It is not a pleasant idea that we must look to other nations to fix for us our monetary system, or that we must change it from time to time at their dictation, and as they see fit to change theirs. If it be possible we should move to a position of independence, if not of control.

But I rose, Mr. Speaker, to speak to another point, and not to answer now my friend from Ohio, [Mr. GARFIELD.] The opinion seems to prevail very generally in this House that if this bill passes it will give to the owner of silver bullion a profit of 15 per cent. on all the bullion he takes to the mint. Now, the absurdity of that proposition is so plain that I wonder how so many have fallen into the fallacy and have become bewildered upon the simple question of coinage. Take for illustration gold. The metal gold is set apart from all other things, and by the common consent of mankind, and by the laws of different countries, is constituted, so to speak, a money substance. The metal itself is endowed with the money quality. The money function is in the metal as well before coining as after. Coining is the mere certification of weight and fineness, and does not alter its value. A hundred onces of gold in the form of bullion have the same value exactly when coinage is free as a hundred ounces of gold coin.

This does not conflict with the fact that the value of gold is due largely to its monetary use. Now, what is true of gold was true of silver before the law of 1873. Silver was a money metal set apart the same as gold. The money function belonged to and inhered in the metal; silver coins had no more value than the same weight of silver bullion had. A hundred ounces of silver bullion possessed precisely the same value in the market, would exchange for just as much of anything as a hundred ounces of silver coins would. In short, if it costs nothing to change the form of silver from bullion to coins, and there is no limitation to the appropriation of silver to coinage purposes, then it is impossible that there should be any difference in value between the same weight of silver bullion and silver coins. That was the status of silver in the United States from the foundation of the Government down to 1873, and if this bill becomes a law that will be exactly its status again. Then, whatever value a given weight of metal may have, that value the same weight of coins will have, and no more. How, then, I ask, will the coining of silver bullion give the owner a profit of 15 per cent. unless, by the full remonetization of silver, the value of all silver metal is raised 15 per cent., which all gentlemen who have spoken on the other side have argued would not be the case? Where is the 15 per cent. to come from then?

[Here the hammer fell.]

Mr. WARNER. I would like to explain this point a little further.

The SPEAKER. Is there objection to the gentleman's time being extended.

Objection was made.

Mr. GARFIELD. I hope the gentlemen on this side will not insist on the objection.

Mr. WARNER. If objection is made to proceeding now I shall occupy a portion of the time allowed me for closing the debate in clearing up this mystery.

Mr. HASKELL. It is not necessary for me to announce to this House, when so large a number of its members were members of the Forty-fifth Congress, that I have ever been an enthusiastic bimetalist and in favor of reaching just as soon as possible a free and unlimited coinage of gold and silver upon precisely the same terms. I hold the same opinion now that I held then, and I have seen reasons to strengthen the position rather than any cause for departing from the position I occupied one year ago. I am opposed, however, to this bill reported from the committee at this time, and I am opposed also to the amendment of the gentleman from Illinois, [Mr. SPRINGER.] I am opposed to this amendment, because I believe it repeals the present law and gives us one in lieu of it under which not a million dollars a year of coin could be issued, or of certificates either. But the features of this bill as introduced from the committee, pure and simple, are worse even than that. It assumes, by the statement of the gentleman who brought it upon this floor, that the United States, in and of its own power, can accomplish that or can restore that which it took five or six nations to bring down, with an increase of the bullion product of the world beside. Demonetization by Germany, demonetization by Scandinavia, the restriction by the Latin union, the increase of the world's product, and the demonetization by the United States, all this was what put silver down to eighty-three cents. Now it is proposed that we shall step in and say we will restore it to par by our own unaided action. Absolutely impossible! If we do not restore it to par what is the result? Why, just as soon as the certificates can be issued the gold in this country must leave, in obedience to that inexorable law which has never been contradicted in the known world; never. If gold leaves this country under an unlimited issue of silver certificates and of silver coin combined, we shall have then in this country a contraction of legal-tender debt-paying coin of over $200,000,000. And here we stand to-day facing these great problems, facing the certainty of a two-hundred-million legal-tender coin contraction, facing the absolute certainty of a withdrawal of coin deposits in the Treasury of the United States, and we risk the

whole scheme upon our judgment that this bill will bring back the bullion price of silver from eighty-three cents to one hundred cents. For myself, I dare not risk it. For myself, I prefer that the law should remain as it is.

Now take this bullion-certificate feature—if the Chair will allow me a moment—take this bullion-certificate feature and follow it out to its logical conclusion. What do you do? You offer 15 per cent. premium to the bullion-holders of the world to come in and get certificates. You can probably secure a deposit of two or three hundred millions of bullion in a year. You cannot coin more than fifty millions of this bullion into legal-tender coins; but you provide that shall be received by the Government in payment of dues. It goes into the Treasury of the United States. It is not there subject to the appropriations of Congress.

[Here the hammer fell.]

Mr. HASKELL. I would like a little time to complete my sentence.

Mr. RYAN, of Kansas. If the Chair recognizes me I will yield my time to my colleague.

Mr. WARNER. I object.

Mr. EWING. Mr. Speaker, the great apparent object of the amendment offered by the gentleman from Illinois [Mr. SPRINGER] is to save to the Government the difference between the coin value and the bullion value of silver, which difference the gentleman assumes will continue to exist after this bill is passed. But the effect of his amendment, if adopted, will be that while repealing, as it will repeal, the existing law, making peremptory the coinage of two millions of dollars' worth of silver bullion per month, his amendment will commit to the Secretary of the Treasury the entire power, at his discretion and subject to his will alone, of entirely stopping the coinage of silver. It says that he shall buy bullion at "the market price." The market price where? In London? In San Francisco? In New York? In Virginia City? In Denver? The amendment does not say where. He has the right to fix where, and he, being thoroughly and intensely inimical to the coinage of one silver dollar, would no doubt so construe the law and exercise his power that hardly any holders of silver bullion will sell at the market price as declared by him.

How will he ascertain the market price? Most likely by calling for bids. He may take the lowest bid he gets and fix that as the price, and that will very likely be so low that only the lowest out of a hundred bidders would be willing to sell, and the other ninety-nine would send their bullion to a market where they can get a better price for export to Europe or Asia. Hence I fear the amendment of the gentleman from Illinois will result, if adopted, not only in defeating the whole purpose of this bill but also in depriving us of the coinage of silver now secured by existing law.

The amendment which I propose to the amendment of the gentleman from Illinois meets the object which he seems to have in view, by providing that the Secretary of the Treasury shall pay for all bullion offered at the mints the average market price at New York and San Francisco for the week preceding the day when the bullion is offered. Under my amendment, when bullion is offered, the Secretary will be bound to pay for it in certificates at a price not fixed by himself, not the minimum price in the whole world, but the average market value in the two great American cities where silver bullion is daily bought and sold.

Another object of my amendment. It is assumed, and experience has so far sustained the assumption, that 40 per cent. of gold coin in the Treasury is sufficient to secure the redemption of the greenbacks; and I provide in my amendment, therefore, that 40 per cent. of the silver dollars coined from bullion purchased with silver certificates shall be held in the Treasury for the redemption of such certificates. My amendment provides further, that the other 60 per cent. of the silver dollars coined from the bullion bought shall be expended in extinguishment of the national debt.

The Secretary of the Treasury has said over and over again that he will not buy more gold coin, because 40 per cent. in gold of the amount of the greenback circulation is an ample fund for its redemption and any further purchase of gold for that purpose would be a useless burden on the people. Now, if that per cent. in gold dollars, which are peculiarly subject to the danger of withdrawal either for hoarding at home or shipment abroad, is ample to secure the redemption of greenbacks in gold, why is not an equal per cent. in silver dollars, which are not at all likely to be called for, an ample redemption fund for silver certificates? And if it is ample what is the use or sense of keeping silver coin in the Treasury to the whole amount of certificates outstanding, as provided for in the amendment of the gentleman from Illinois? Why not take 60 per cent. of the silver coin for which there is and can be no possible use in the Treasury and expend it in paying off bonds and lightening the burden of annual interest? I therefore appeal to the gentleman from Illinois and the republican side of this House who are so zealous for the interests of the people to support my amendment, which goes so much further in securing the interests of the people than his amendment goes.

[Here the hammer fell.]

Mr. WARNER. I demand the previous question upon this section and the pending amendments.

Mr. SPRINGER. I think I should have the right to close the debate on my amendment.

The SPEAKER. The previous question is demanded upon the section and the pending amendments.

Mr. CONGER. There are other amendments which gentlemen desire to offer.

Mr. FORT. Did not the gentleman agree to yield to me to offer another amendment?

Mr. CONGER. The previous question can be called on the pending amendment.

Mr. WARNER. I insist upon the previous question. We have debated this bill until we are all getting tired; at least so I am told by gentlemen on the republican side of the House.

Mr. SPRINGER. I desire to accept as a part of my amendment that portion of the amendment suggested by the gentleman from Ohio [Mr. EWING] with regard to the determination of the market price of silver.

Mr. WARNER. I must object.

The SPEAKER. But the gentleman has a right to modify his amendment.

Mr. SPRINGER. I desire to harmonize as far as possible the objections which have been made to my amendment, and therefore I will insert after the word "deposited," in the fifteenth line, the words:

And the market value of bullion shall be determined by the average market price of silver bullion in the cities of New York and San Francisco during the week preceding such deposit.

Mr. WARNER. I raise the point of order on that amendment that it is an amendment to an amendment to an amendment.

The SPEAKER. It is a modification of an amendment made by the gentleman who offered it; and the Chair allows it to be offered.

Mr. FORT. I wish to submit to the gentleman whether he will permit another amendment to be offered, as he agreed to do?

Mr. WARNER. When was that?

Mr. FORT. I desire to submit an amendment.

The SPEAKER. The remedy of the gentleman is to join with those who desire to vote down the previous question; that is his only remedy.

Mr. FORT. Several amendments have been offered to-day.

The SPEAKER. And accepted as modifications.

Mr. FORT. I wish to submit to the gentleman from Ohio [Mr. WARNER] whether he will withdraw his agreement with me to let my amendment come in?

Mr. WARNER. When was that?

The SPEAKER. The question is on seconding the demand for the previous question upon the third section of the bill and the two amendments pending thereto.

The question was taken; and upon a division there were—ayes 94, noes 69.

So the previous question was seconded.

The main question was then ordered.

Mr. WARNER moved to reconsider the vote by which the main question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The first question was upon the amendment of Mr. EWING to the amendment of Mr. SPRINGER, to strike out of the amendment of Mr. SPRINGER all after the word "law," in line 14, and insert the following:

He shall issue and deliver to the depositor of such bullion certificates, in denominations at the option of the depositor, corresponding with the denominations of United States legal-tender notes, to an amount equal to the value of such bullion, which amount shall be determined by the average market price of silver bullion in the cities of New York and San Francisco during the week preceding such deposit. The standard dollars coined from such bullion shall, to the extent of 40 per cent. of the aggregate amount of the certificate so issued, be held for the redemption thereof; and the remainder of such dollars shall be applied to the payment of the interest and principal of the public debt. The certificates so issued shall be received at par for all dues to the United States and in payment of the current expenses of the Government, and shall be redeemable in standard silver dollars. Any silver dollars now or hereafter in the Treasury may be used in redemption of such certificates.

Mr. CONGER. Is that amendment divisible?

The CHAIR. Will the gentleman indicate in what way it is divisible?

Mr. CONGER. I would like to have a separate vote on that portion of the amendment which provides that all over 40 per cent. of the silver dollars coined under this bill shall be used in paying the interest and principal of the public debt.

The SPEAKER. The Chair will examine the amendment.

Mr. GARFIELD. While the Chair is examining the amendment and determining the question of divisibility I move that the House now adjourn. I know that my colleague [Mr. WARNER] needs rest. [Laughter.]

Mr. WARNER. I can stand it for some time yet.

The motion to adjourn was not agreed to; upon a division—ayes 80, noes 96.

The SPEAKER. The Chair will have read a paragragh from the Manual upon the divisibility of propositions.

Mr. CONGER. I will withdraw my request for a division of the amendment.

The SPEAKER. Then the question will be upon the amendment of the gentleman from Ohio [Mr. EWING] to the amendment of the gentleman from Illinois, [Mr. SPRINGER.]

Mr. EWING. I call for the yeas and nays on the amendment to the amendment.

The yeas and nays were ordered.

The question was taken; and there were—yeas 105, nays 105, not voting 75; as follows:

YEAS—105.

Acklen,	Dickey,	Martin, Benj. F.	Smith, William E.
Armfield,	Dunn,	McKenzie,	Sparks,
Atherton,	Evins,	McMahon,	Steele,
Atkins,	Ewing,	McMillin,	Stephens,
Beale,	Felton,	Mills,	Stevenson,
Blackburn,	Ford,	Money,	Taylor,
Blount,	Forney,	Muldrow,	Thompson,
Bouck,	Geddes,	Murch,	Tillman,
Bright,	Gillette,	Myers,	Townshend, R. W.
Cabell,	Goode,	New,	Turner, Oscar
Caldwell,	Gunter,	Nicholls,	Turner, Thomas
Chalmers,	Harris, John T.	O'Connor,	Vance,
Clardy,	Hatch,	Persons,	Waddill,
Clark, John B.	Herbert,	Phelps,	Warner,
Clymer,	Hooker,	Phister,	Weaver,
Cobb,	Hostetler,	Reagan,	Wellborn,
Coffroth,	House,	Richardson, J. S.	Whiteaker,
Converse,	Jones,	Richmond,	Whitthorne,
Cook,	Kelley,	Rothwell,	Williams, Thomas
Cox,	Kenna,	Russell, Daniel L.	Willis,
Cravens,	King,	Ryon, John W.	Wilson,
Culberson,	Knott,	Samford,	Wise,
Daggett,	Ladd,	Sawyer,	Wright,
Davidson,	Le Fevre,	Scales,	Yocum.
Davis, Joseph J.	Lewis,	Singleton, Jas. W.	
Davis, Loundes H.	Lowe,	Singleton, Otho R.	
De La Matyr,	Manning,	Smith, Hezekiah B.	

NAYS—105.

Aldrich, Nelson W.	Deering,	Humphrey,	Rice,
Aldrich, William	Deuster,	Hurd,	Ryan, Thomas,
Anderson,	Dick,	Joyce,	Sapp,
Bailey,	Dunnell,	Lindsey,	Shallenberger,
Barber,	Dwight,	Lounsbery,	Sherwin,
Bayne,	Einstein,	Marsh,	Smith, A. Herr
Beltzhoover,	Errett,	Martin, Joseph J.	Springer,
Bicknell,	Farr,	Mason,	Stone,
Blake,	Ferdon,	McCoid,	Thomas,
Bliss,	Field,	McGowan,	Townsend, Amos
Bowman,	Fort,	McKinley,	Tyler,
Boyd,	Frye,	McLane,	Updegraff, J. T.
Brewer,	Garfield,	Miles,	Updegraff, Thomas
Briggs,	Godshalk,	Mitchell,	Urner,
Browne,	Hall,	Monroe,	Valentine,
Burrows,	Harmer,	Morrison,	Van Aernam,
Camp,	Haskell,	Morse,	Voorhis,
Cannon,	Hawk,	Morton,	Wait,
Carpenter,	Hawley,	Neal,	Washburn,
Caswell,	Hayes,	Newberry,	White,
Chittenden,	Hazelton,	Norcross,	Wilber,
Claflin,	Heilman,	Orth,	Williams, Chas. G.
Conger,	Henderson,	Osmer,	Willits,
Covert,	Henry,	Poehler,	Young, Thomas L.
Cowgill,	Horr,	Pound,	
Crowley,	Houk,	Prescott,	
Davis, George R.	Hubbell,	Reed,	

NOT VOTING—75.

Aiken,	Ellis,	Ketcham,	Robertson,
Bachman,	Finley,	Killinger,	Robeson,
Baker,	Fisher,	Kimmel,	Robinson,
Ballou,	Forsythe,	Kitchin,	Ross,
Barlow,	Frost,	Klotz,	Russell, William A.
Belford,	Gibson,	Lapham,	Shelley,
Bingham,	Hammond, John	Lay,	Simonton,
Bland,	Hammond, N. J.	Loring,	Slemons,
Bragg,	Harris, Benj. W.	Martin, Edward L.	Speer,
Brigham,	Henkle,	McCook,	Starin,
Buckner,	Herndon,	Miller,	Talbott,
Butterworth,	Hill,	Muller,	Tucker,
Calkins,	Hiscock,	O'Brien,	Van Voorhis,
Carlisle,	Hull,	O'Neill,	Ward,
Clark, Alvah A.	Hunton,	O'Reilly,	Wells,
Colerick,	James,	Overton,	Wood, Fernando
Crapo,	Johnston,	Pierce,	Wood, Walter A.
Dibrell,	Jorgensen,	Price,	Young, Casey.
Elam,	Keifer,	Richardson, D. P.	

During the roll-call the following announcements were made:

Mr. SLEMONS. I am paired with the gentleman from Maryland, Mr. TALBOTT. If he were present, I should vote in the affirmative.

Mr. BUCKNER. I am paired with the gentleman from Iowa, Mr. PRICE. If he were here, I should vote "ay."

Mr. ROBERTSON. I am paired with the gentleman from Massachusetts, Mr. ROBINSON. If he were present, I should vote in the affirmative.

Mr. HERNDON. I am paired with the gentleman from Massachusetts, Mr. CRAPO. If he were here, I should vote "ay."

Mr. FORNEY. My colleague, Mr. SHELLEY, is paired with the gentleman from New York, Mr. KETCHAM. Mr. SHELLEY, if present, would vote "ay."

Mr. ARMFIELD. My colleague, Mr KITCHIN, is paired with the gentleman from Pennsylvania, Mr. FISHER.

Mr. TAYLOR. My colleague from Tennessee, Mr. YOUNG, is paired with the gentleman from Pennsylvania, Mr. OVERTON.

Mr. COFFROTH. My colleague, Mr. BACHMAN, is paired with the gentleman from New York, Mr. STARIN; and my colleague, Mr. KLOTZ, with the gentleman from Indiana, Mr. BAKER.

Mr. FINLEY. I am paired with the gentleman from Indiana, Mr. CALKINS.

Mr. DAVIDSON. My colleague, Mr. HULL, is paired with the gentleman from New York, Mr. RICHARDSON. Mr. HULL, if present, would vote "ay."

Mr. DIBRELL. I am paired with the gentleman from New York, Mr. MCCOOK. If he were present, I should vote "ay."

Mr. COBB. My colleague, Mr. COLERICK, who is paired with the gentleman from Rhode Island, Mr. BALLOU, would, if present, vote "ay."

Mr. BLOUNT. My colleague from Georgia, Mr. HAMMOND, is paired with the gentleman from New York, Mr. VAN VOORHIS; and my colleague, Mr. SPEER, with the gentleman from Massachusetts, Mr. RUSSELL.

Mr. WAIT. The gentleman from Massachusetts, Mr. ROBINSON, is paired on all political questions with the gentleman from Louisiana, Mr. ROBERTSON.

Mr. HISCOCK. I am paired with the gentleman from Virginia, Mr. HUNTON.

Mr. LAPHAM. I am paired with the gentleman from Virginia, Mr. TUCKER.

Mr. WEAVER. The gentleman from Illinois, Mr. FORSYTHE, is paired with the gentleman from New York, Mr. WALTER A. WOOD. Mr. FORSYTHE, if present, would vote "ay."

Mr. CLAFLIN. My colleague, Mr. CRAPO, is paired with the gentleman from Alabama, Mr. HERNDON. My colleague, if present, would vote "no."

Mr. BAYNE. My colleague, Mr. BINGHAM, is paired with the gentleman from Missouri, Mr. FROST. My colleague would vote "no."

Mr. SAPP. My colleague, Mr. PRICE, who is paired with the gentleman from Missouri, Mr. BUCKNER, would, if present, vote "no."

Mr. SHALLENBERGER. My colleague, Mr. O'NEILL, is paired with the gentleman from Maryland, [Mr. HENKLE.]

Mr. BLAKE. My colleague, Mr. BRIGHAM, is paired with the gentleman from Virginia, Mr. JOHNSTON.

Mr. RUSSELL, of Massachusetts. I am paired with the gentleman from Georgia, Mr. SPEER. If he were present, I should vote "no."

Mr. ROBESON. I am paired with the gentleman from Kentucky, Mr. CARLISLE.

Mr. DICK. My colleague, Mr. KILLINGER, is paired with the gentleman from Missouri, Mr. WELLS, and my colleague, Mr. FISHER, with the gentleman from North Carolina, Mr. KITCHIN. Both my colleagues, if present, would vote "no."

Mr. NORCROSS. My colleague, Mr. ROBINSON, is paired with the gentleman from Louisiana, Mr. ROBERTSON.

Mr. AIKEN. I am paired with the gentleman from Pennsylvania, Mr. WARD. If he were present, he would vote in the negative and I in the affirmative.

Mr. HENKLE. I am paired with the gentleman from Pennsylvania, Mr. O'NEILL.

Mr. CONGER. Before the vote is announced I rise to make a privileged motion that the House do now adjourn.

Mr. WARNER. The gentleman cannot do it.

Mr. CONGER. Why?

Mr. EWING. Because the House is dividing.

The SPEAKER. What point does the gentleman from Michigan rise to?

Mr. CONGER. To move that the House do now adjourn.

The SPEAKER. The Chair will first announce the vote.

Mr. CONGER. But before that is done I wish to move that the House adjourn.

The SPEAKER. It will make no difference, as the announcement would have to be made in the morning.

Mr. CONGER. Very well.

The SPEAKER. On agreeing to the amendment offered by the gentleman from Ohio [Mr. EWING] to the amendment, the yeas are 105 and the nays are 105. The Chair votes in the affirmative; and the amendment is adopted. [Applause.]

The question next recurred on Mr. SPRINGER's amendment as amended.

Mr. CONGER. I desire to change my vote.

The SPEAKER. Is there objection?

Mr. EWING and Mr. WARNER objected.

Mr. SPRINGER's amendment, as amended, was then read.

Mr. SPRINGER. I demand the yeas and nays on the amendment as amended. I wish to know whether the amendment to the amendment was put on with friendly or unfriendly intent.

Mr. REAGAN. It was put on with friendly intent. [Laughter.]

Mr. SPRINGER. I shall vote for the bill whether it is put on or not.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 39, nays 170, not voting 76; as follows:

YEAS—39.

Armfield,	Gillette,	McMillan,	Springer,
Atherton,	Harris, John T.	Mills,	Stevenson,
Chalmers,	Herbert,	Muldrow,	Townshend, R. W.
Converse,	Hooker,	Murch,	Turner, Oscar
Culberson,	Jones,	O'Connor,	Weaver,
De La Matyr,	Kenna,	Poehler,	Wellborn,
Deuster,	Le Fevre,	Russell, Daniel L.	Williams, Thomas
Ewing,	Lewis,	Ryon, John W.	Wilson,
Felton,	Lowe,	Samford,	Wright.
Ford,	Manning,	Singleton, Otho R.	

NAYS—170.

Acklen,	Aldrich, William	Atkins,	Barber,
Aldrich, N. W.	Anderson,	Bailey,	Bayne,

Beale,	Dick,	Ladd,	Sapp,
Beltzhoover,	Dickey,	Lapham,	Sawyer,
Bicknell,	Dunn,	Lindsey,	Scales,
Blackburn,	Dunnell,	Lounsbery,	Shallenberger,
Blake,	Dwight,	Marsh,	Sherwin,
Bliss,	Einstein,	Martin, Benj. F.	Singleton, Jas. W.
Blount,	Errett,	Martin, Joseph J.	Smith, A. Herr
Bouck,	Evins,	Mason,	Smith, Hezekiah B.
Bowman,	Farr,	McCoid,	Smith, William E.
Boyd,	Ferdon,	McGowan,	Sparks,
Brewer,	Field,	McKenzie,	Steele,
Briggs,	Forney,	McKinley,	Stephens,
Bright,	Fort,	McLane,	Stone,
Browne,	Frye,	McMahon,	Taylor,
Burrows,	Garfield,	Miles,	Thomas,
Cabell,	Geddes,	Mitchell,	Thompson,
Caldwell,	Godshalk,	Money,	Tillman,
Camp,	Goode,	Monroe,	Townsend, Amos
Cannon,	Gunter,	Morrison,	Turner, Thomas
Carpenter,	Hall,	Morse,	Tyler,
Caswell,	Harmer,	Morton,	Updegraff, J. T.
Chittenden,	Haskell,	Myers,	Updegraff, Thomas
Claflin,	Hatch,	Neal,	Urner,
Clardy,	Hawk,	New,	Valentine,
Clark, John B.	Hawley,	Newberry,	Van Aernam,
Clymer,	Hayes,	Nicholls,	Vance,
Cobb,	Hazelton,	Norcross,	Voorhis,
Coffroth,	Heilman,	Orth,	Waddill,
Conger,	Henderson,	Osmer,	Wait,
Cook,	Henry,	Persons,	Warner,
Covert,	Horr,	Phelps,	Washburn,
Cowgill,	Hostetler,	Phister,	White,
Cox,	Houk,	Pound,	Whitthorne,
Cravens,	House,	Prescott,	Wilber,
Crowley,	Hubbell,	Reagan,	Williams, Chas. G.
Daggett,	Humphrey,	Reed,	Willis,
Davidson,	Hurd,	Rice,	Willits,
Davis, George R.	Joyce,	Richardson, J. S.	Wise,
Davis, Joseph J.	Kelley,	Richmond,	Young, Thomas L.
Davis, Lowndes H.	King,	Rothwell,	
Deering,	Knott,	Ryan, Thomas	

NOT VOTING—76.

Aiken,	Ellis,	Ketcham,	Robeson,
Bachman,	Finley,	Killinger,	Robinson,
Baker,	Fisher,	Kimmel,	Ross,
Ballou,	Forsythe,	Kitchin,	Russell, William A.
Barlow,	Frost,	Klotz,	Shelley,
Belford,	Gibson,	Lay,	Simonton,
Bingham,	Hammond, John	Loring,	Slemons,
Bland,	Hammond, N. J.	Martin, Edward L.	Speer,
Bragg,	Harris, Benj. W.	McCook,	Starin,
Brigham,	Henkle,	Miller,	Talbott,
Buckner,	Herndon,	Muller,	Tucker,
Butterworth,	Hill,	O'Brien,	Van Voorhis,
Calkins,	Hiscock,	O'Neill,	Ward,
Carlisle,	Hull,	O'Reilly,	Wells,
Clark, Alvah A.	Hunton,	Overton,	Whiteaker,
Colerick,	James,	Pierce,	Wood, Fernando
Crapo,	Johnston,	Price,	Wood, Walter A.
Dibrell,	Jorgensen,	Richardson, D. P.	Yocum,
Elam,	Keifer,	Robertson,	Young, Casey.

So the amendment, as amended, was rejected.

During the roll-call the following announcements were made:

Mr. SLEMONS. I am paired with Mr. TALBOTT. If he were here, I would vote "no."

Mr. ROBERTSON. I am paired with Mr. ROBINSON, of Massachusetts.

Mr. MYERS. Mr. FINLEY is paired with Mr. CALKINS.

Mr. HERNDON. I am paired with Mr. CRAPO.

Mr. FORNEY. Mr. SHELLEY is paired with Mr. KETCHAM.

Mr. ARMFIELD. Mr. KITCHIN is paired with Mr. FISHER.

Mr. DAVIDSON. My colleague, Mr. HULL, is paired with Mr. RICHARDSON, of New York.

Mr. AIKEN. I am paired with Mr. WARD, of Pennsylvania, If he were here, I would vote "ay" and he would vote "no."

Mr. COBB. Mr. COLERICK is paired with Mr. BALLOU.

Mr. DIBRELL. I am paired with Mr. MCCOOK. If he were here, I should vote "no."

Mr. ROBESON. I am paired with Mr. CARLISLE.

Mr. LE FEVRE. My colleague, Mr. FINLEY, is paired with Mr. CALKINS.

Mr. WAIT. Mr. ROBINSON, of Massachusetts, is paired with Mr. ROBERTSON, of Louisiana.

Mr. HISCOCK. I am paired with Mr. HUNTON, of Virginia.

Mr. BAYNE. Mr. BINGHAM is paired with Mr. FROST.

Mr. BLAKE. Mr. BRIGHAM is paired with Mr. JOHNSTON.

Mr. RUSSELL, of Massachusetts. I am paired with Mr. SPEER.

Mr. DICKEY. Mr. KILLINGER is paired with Mr. WELLS, of Missouri, and Mr. FISHER is paired with Mr. KITCHIN.

Mr. WHITE. Mr. OVERTON is paired with Mr. YOUNG, of Tennessee.

Mr. COFFROTH. Mr. KLOTZ is paired with Mr. BAKER, of Indiana, and Mr. BACHMAN is paired with Mr. STARIN.

Mr. SHALLENBERGER. Mr. O'NEILL is paired with Mr. HENKLE.

Mr. TOWNSEND, of Ohio. Mr. KEIFER is paired with Mr. SIMONTON. Mr. KEIFER, if present, would vote "no."

Mr. CLAFLIN. Mr. CRAPO is paired with Mr. HERNDON. If present, Mr. CRAPO would vote "no."

Mr. TAYLOR. My colleague, Mr. YOUNG, is paired with Mr. OVERTON, of Pennsylvania.

The vote was then announced as above recorded.

Mr. CLYMER moved that when the House adjourns to-day it adjourn to meet on Tuesday next.

Mr. HOOKER demanded a division.

The House divided; and there were—ayes 142, noes 23.

Mr. HOOKER. I demand tellers.

Mr. MARTIN, of West Virginia. I demand the yeas and nays.

The yeas and nays were refused.

So the motion was agreed to.

Mr. CLYMER moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. DICK. I move the House do now adjourn.

The SPEAKER. The question recurs on the section of the bill as originally reported from the committee; pending which the gentleman from Pennsylvania [Mr. DICK] moves that the House adjourn.

LEAVE OF ABSENCE.

Pending the motion to adjourn, by unanimous consent leave of absence was granted as follows:

To Mr. WELLS, for two weeks, on account of important business;

To Mr. CLAFLIN, for one week, on account of important business;

To Mr. COWGILL, for two weeks from Monday next, on account of important business;

To Mr. CAMP, indefinitely, on account of important business; and

To Mr. LOUNSBERY, for seven days from Monday next, on account of important business.

Mr. SAMFORD. I desire to say that next Monday is the day for the consideration of reports from the Committee for the District of Columbia—— [Cries of "Regular order!"]

The SPEAKER. The regular order being demanded the Chair has no volition but to submit the motion to adjourn.

The question being put, there were—ayes 121, noes 59.

Mr. STEVENSON. I call for the yeas and nays.

The question being taken on ordering the yeas and nays, there were ayes 21; not one-fifth of the last vote.

Mr. HOOKER. Let the other side be counted.

The negative vote was then counted, and there were noes 151.

So (the affirmative not being one-fifth of the last vote) the yeas and nays were refused and the motion was agreed to.

And accordingly (at four o'clock and fifty-five minutes p. m.) the House adjourned until Tuesday.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. AINSLIE: Papers relating to the perfection of certain land titles in Idaho Territory—to the Committee on Public Lands.

By Mr. BLACKBURN: The petition of Samuel F. Bradley, for a pension—to the Committee on Revolutionary Pensions.

Also, the petition of citizens of Kentucky, for the establishment of a post-route from Shelbyville to Taylorsville, Kentucky—to the Committee on the Post-Office and Post-Roads.

By Mr. COX: Papers relating to the pension claim of William Wells—to the Committee on Revolutionary Pensions.

By Mr. DAVIS, of North Carolina: Papers relating to the claim of the State of North Carolina for the proceeds of certain cotton seized by the United States authorities after June 30, 1865—to the Committee of Claims.

By Mr. DIBRELL: A paper relating to the establishment of a post-route from River Hill, via Dodson, Big Bottom, and Seals, to Pikeville, Tennessee—to the Committee on the Post-Office and Post-Roads.

By Mr. MURCH: Papers relating to the claim of Robert C. Murphy, late United States consul at Shanghai, China, for amount due him on final settlement of his accounts with the United States—to the Committee of Claims.

Also, the petition of T. C. Purington and 510 others, workingmen of the third congressional district of California, for the passage of the bill providing for the enforcement of the eight-hour law—to the Committee on Education and Labor.

By Mr. SPEER: Papers relating to the claim of Joel A. Billups, for compensation for property taken by United States authorities in May or June, 1865—to the Committee of Claims.

By Mr. WEAVER: The petition of Mattie Cloud and 108 others, citizens of Lynnville, Iowa, against any change in the internal-revenue laws that will promote the interest of dealers in spirituous liquors—to the Committee of Ways and Means.

By Mr. YOCUM: The petition of D. M. and C. P. Dull and Charles McCafferty, for the passage of the bill (H. R. No. 211) to refer a certain claim for damages on account of the change of specifications in a contract with the United States to the Secretary of War—to the Committee on Commerce.

IN SENATE.

MONDAY, *May* 19, 1879.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of the proceedings of Saturday last was read and approved.

COLLECTION OF DIRECT TAXES.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a communication from the Secretary of the Treasury, with a report from the Commissioner of Internal Revenue. The communication of the Secretary will be read.

The communication was read, as follows:

TREASURY DEPARTMENT, *May* 16, 1879.

SIR: I have the honor to acknowledge the receipt of a resolution of the Senate, adopted May 1, 1879, in the words following:

"*Resolved*, That the Secretary of the Treasury be directed to inform the Senate of the amounts due and uncollected, if any, under section 8, act of August 5, 1861, entitled 'An act to provide increased revenue from imports, to pay interest on the public debt, and for other purposes,' and to state the reasons, if any exist, why the same have not been collected or should not now be collected agreeably to the provisions of said act."

In reference thereto I beg to submit a copy of a report under date of the 14th instant from the Commissioner of Internal Revenue, in which detailed statements in regard to the collection of direct taxes under section 8 of the act of August 5, 1861, will be found, as well as suggestions in regard to their further collection.

There can be no doubt that the Secretary of the Treasury is charged with the duty of collecting this direct tax under the provisions of existing laws. To leave them uncollected will be an unconstitutional and inequitable discrimination against those States which have paid their respective quotas of the tax under the statute of 1861 and other acts.

The last legal suspension of the collection expired January 1, 1879. It remains for Congress to decide whether the collection shall proceed under the methods provided by existing statutes, or whether additional legislation is necessary. The protracted suspension only renders the final collection of the tax more difficult and uncertain, and if further legislation be necessary, it should be immediate.

Very respectfully,

JOHN SHERMAN,
Secretary.

Hon. WILLAM A. WHEELER,
President of the Senate.

Mr. BELL. Mr. President, as this communication is in response to a resolution which I had the honor to present to the Senate, it may be proper that I should explain briefly the purposes which I had in view in offering it.

It will be recollected probably by all that the original tax, which was laid upon all the States and the Territories of the United States in 1861, was to the amount of $20,000,000, and that there remains—although I believe the figures have not been read to the Senate—at the present time the sum of more than $3,000,000 still uncollected and due to the United States from a portion of the States and Territories.

It appears also that a small portion of that sum—I think about one-sixth part—has been due for a period of some seventeen or eighteen years, while the remaining five-sixths have been due and unpaid for more than ten years.

It is very clear that it is quite time to take some steps in regard to the collection, if it may be collected, of the remainder which is still unsatisfied of this tax. It is neither just to the United States nor to the States which are delinquent that it should stand longer in the way it does. In some manner the books of the United States should be balanced. If there is any ground upon which or any reason why any portion of this tax should be remitted, that disposition should be made of it without further delay; but I presume there is no pretense of that sort. Indeed I suppose there is no one of the States which would ask to have the balance outstanding against it remitted.

The first consideration which I suppose would address itself to the committee to which this subject shall be referred is that which is suggested in the report itself,—the adoption of such legislative provisions as will enable the balances due to be certainly and speedily recovered. But there is another consideration also which should engage the attention of the committee, as I think. Pending the collection of the balances due, it is very likely that there may be found claims and there may be appropriations upon those claims in favor of some of the States which are in default with their proportion of this tax. If that should occur, it certainly would be reasonable that, if the law justifies it, there should be a set-off of such claims. I understand that one or two such instances have arisen already, that appropriations have been made in favor of one or more of the delinquent States, and the question has been raised in those cases whether the amount should be paid to the State without considering the counter claim of the United States, and the decision of the Treasury Department has been in favor of that course. But it was against the opinion of some very eminent lawyers, as I am informed, and the language of the statute, I understand, would justify a different view of that subject. It seems very proper at least that the committee should consider this subject so that if, in the future, any claim should arise from any of these States against the United States, the set-off of those mutual demands should be effected if possible.

The sum involved here, Mr. President, is really a very considerable one, although we have been in the habit of dealing in large figures of late years. Three million was, if I recollect aright, very nearly the amount of the total expenditures of this Government in the early years of the Republic. If it may be done, and I see no reason why it may not be done, I think it should be provided that a speedy and effectual method of recovering the claim should be devised by the committee and adopted, in order that this sum shall be gathered into the Treasury and applied to the purposes for which it was originally designed. It will go so far toward relieving the country from the burdens of taxation of which we have so often heard on this floor.

I move that the communication be referred to the Committee on Finance, and that it be printed.

The motion was agreed to.

THE COIN RESERVE.

The PRESIDENT *pro tempore* laid before the Senate the following letter from the Secretary of the Treasury; which was read:

TREASURY DEPARTMENT, *May* 17, 1879.

SIR: I have the honor to acknowledge the receipt of the resolution of the Senate of the 16th instant in words as follows, namely:

"*Resolved*, That the Secretary of the Treasury be directed to report to the Senate what amount of the legal-tender notes of the United States have been presented and redeemed in coin since January 1, 1879; and, also, what amount of coin he considers himself authorized to retain in the Treasury for the purpose of maintaining resumption of specie payments under the provisions of the act of January 14, 1875."

In reply I have to state that there has been redeemed in coin since January 1, 1879, of legal-tender notes an amount of $4,133,513. As to the amount of coin authorized to be retained in the Treasury for the purpose of maintaining resumption of specie payments, I have to state that under the provisions of the resumption act authorizing the Secretary of the Treasury, in order to prepare and provide for the redemption of United States notes, to use any surplus revenue in the Treasury not otherwise appropriated, and to issue certain bonds of the United States, the coin reserve of the Treasury has been increased to $138,000,000, that being about 40 per cent. of the notes outstanding to be redeemed, and believed to be the smallest reserve upon which resumption could be prudently commenced and successfully maintained, as fully set forth in my last annual report. This reserve arose from the sale of $95,500,000 bonds and from surplus revenues as authorized by law, and it must under existing law be maintained unimpaired for the purpose for which it was created.

Very respectfully,

JOHN SHERMAN, *Secretary.*

Hon. WILLIAM A. WHEELER,
President of the Senate.

The PRESIDENT *pro tempore*. The communication will be referred to the Committee on Finance if there be no objection.

Mr. INGALLS. The communication is in response to a resolution that I offered. I move that it lie upon the table and be printed.

The motion was agreed to.

AUTOMATIC SIGNAL TELEGRAPH SYSTEM.

The PRESIDENT *pro tempore* laid before the Senate the report of the commission appointed under the provisions of the act of Congress approved December 13, 1878, to examine such automatic signal telegraph systems as may be submitted to them by the owners and agents thereof, and to ascertain which of the same is best adapted for the purpose of the earliest and most certain transmission by signal of the occurrence of fire, &c.; which was referred to the Committee on Public Buildings and Grounds.

PETITIONS AND MEMORIALS.

Mr. KERNAN presented the petition of John Wilhelm, late a private in Company E, Eighth Regiment New York Volunteers, praying for the passage of a law authorizing the correction of his military record; which was referred to the Committee on Military Affairs.

Mr. VOORHEES. I present the petition of A. Y. P. Garnett and Philip McAleer, and ask that it may be read for information and referred to the Committee on Finance.

The PRESIDENT *pro tempore*. It will be read if there be no objection.

The petition was read, and referred to the Committee on Finance, as follows:

To the honorable the Senate and House of Representatives of the United States of America in Congress assembled:

Your memorialists respectfully represent that they have discovered a method by which the frauds annually perpetrated upon the revenues of the Government by the improper use of the revenue-stamps upon cigar-boxes can be effectually prevented.

Wherefore your memorialists pray that the appropriate committee of the Senate be directed to inquire into and report upon the merits of said invention.

Mr. DAWES presented resolutions of the Board of Trade of Boston against the extension of the McKay & Mathies patent for an improvement in the sewing-machine; which were referred to the Committee on Patents.

WASHINGTON CITY POST-OFFICE BUILDING.

Mr. JONES, of Florida. I am directed by the Committee on Public Buildings and Grounds to report back the joint resolution (H. R. No. 71) authorizing the appointment of a commission to lease a building for a city post-office in the city of Washington, District of Columbia, and I ask for its present consideration in view of the emergency which seems to exist according to the statement of the Postmaster-General.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution, which proposes to constitute the Postmaster-General and the chairmen of the Senate and House Committees on Public Buildings and Grounds a commission with authority to lease such building in the city of Washington, District of Columbia, for the purpose of a city post-office as in their judgment the good of the public service may require. The lease is to be for a term of not less than three nor exceeding five years, and at an annual rental not to exceed $5,000 per annum.

Mr. DAVIS, of West Virginia. I do not rise to object to the joint resolution, but to ask the chairman of the committee a question. I notice that the joint resolution authorizes the rental of a building but makes no appropriation for the payment of the rent. I ask the chairman how he expects the rental to be paid, in what way, and whether that ought not to be provided for in this same joint resolution?

Mr. JONES, of Florida. The joint resolution came from the House, having passed that body in its present shape. I imagine that the payment of the rental will be a matter for subsequent consideration.

I think myself it would be well to provide by an appropriation for the payment of the rent, but merely the authority is asked to lease a suitable building. I do not know whether the Postmaster-General has any authority to expend money for this purpose. In his letter of April 22 he says:

On the 15th day of January of the present year I had the honor of addressing a communication to you directing the attention of Congress to the following extract from my report to the President for the year ended June 30, 1878:

* * * * * * *

"I also respectfully urge that some suitable building be provided for the Washington City office.

"It now occupies so large a portion of the departmental building as to leave insufficient room for the clerks of the Department, and renders the space available for files and records entirely inadequate. For want of other suitable room, many tons of valuable records are now stored in the attic of the building, adding greatly to the danger from fire, in the event of which their destruction would be inevitable."

The Forty-fifth Congress having adjourned without conferring any authority to act in this matter, while the daily increased necessity for such action is being realized by the Department, I desire again to call the attention of Congress to the subject.

The law authorizes the Postmaster-General to lease buildings for post-office purposes in cities where the Government buildings have not been erected for that purpose, but in this instance the original design of the Post-Office Department building contemplated the use of a portion of it for the city post-office, and I doubt my authority to move the city office to another place without the sanction of Congress. In addition an act of Congress prohibits officers of the Government from leasing any buildings except where appropriations have first been made for the payment of rent.

It is absolutely necessary, and at this time, that some provision be made for a city post-office, and I respectfully suggest that immediate action be taken to either lease or purchase a suitable property.

I will say to the Senator from West Virginia that we supposed this matter had been considered in the House of Representatives. At any rate, that is the body which usually sends us appropriations, and therefore we have a right to suppose that the form of the joint resolution is satisfactory. I ask that the joint resolution be passed in its present shape, and if an appropriation is necessary that can be made hereafter.

Mr. EDMUNDS. I should like to know why this matter cannot wait until the regular session. We have got along with the post-office as it is for a considerable period of time. This session was not called on account of any great emergency in respect of a city post-office in this town, but for a supposed other emergency; and I think that a matter of this kind ought to wait until the regular session, just as much as all the other objects of legislation which I believe the Senate has been generally disposed to have wait until the regular time.

There is another thing I should like to say,—I do not suppose it will do any good—and that is, that the experience of this Government in leasing buildings in this town for public uses has not been a fortunate one; and I think, speaking for myself, that the Post-Office Department and every other Department ought to get on with what it has until on the vacant land that the United States has in this town proper public buildings can be built, or some land bought if there is not any that we now own in the proper place for a post-office, if it be necessary. When we begin to lease, it has been found by previous experience, (that we had to correct by very sharp legislation,) we begin to go astray through the inevitable tendency of leasing operations in this town.

I should hope for the reasons that I have named that this matter might be postponed until December, so that it can be seen if something better cannot be done; and in order to clear my skirts for the future I move to postpone the joint resolution until the first Monday in December.

Mr. JONES, of Florida. I will say to the Senator from Vermont that I have no special desire to have this joint resolution carried through, but the matter has been repeatedly brought to the attention of the committee of which I am chairman and to the attention of Congress at the present session by the Postmaster-General. Both committees visited the Department some time ago in order to confer with the Department in regard to the necessity for a new building for city post-office purposes. The Postmaster-General represents in his communication and he represented to us that there was a pressing necessity for leasing a building, and that they could not get along with the public business unless they had more room. He, I suppose, is the best judge of that. I knew very little about it; I know very little about it now beyond what has come from him. Anxious, therefore, to serve the public interest in the matter, I moved in it, but I have no special desire to champion this measure at all. If the Senator from Vermont thinks that it would be wise to let it lie over I am very willing; but if any regard is to be paid to the recommendation of the Postmaster-General in the matter, and there is a necessity for it according to his recommendation, this is a proper subject for the consideration of the Senate. That is all I have to say.

Mr. MORRILL. Mr. President, this question was up before the Senate Committee on Public Buildings and Grounds at the last session; and the proposition that has come to us from the House is precisely what was agreed upon by the committee of the Senate at the last session. It is true that the Post-Office Department at the present time is greatly overcrowded. There is at least double the amount of business to be done in the Post-Office Department that was required to be done at the time of its original construction. I only know from the statements of the Postmaster-General and the postmaster of the city that it is almost impossible to creditably discharge the duties of the city post-office as it now is, and it greatly incommodes the business of the General Post-Office Department.

This proposition is gotten up in order to bridge over the time that may be required to investigate as to the proper site and location of a permanent building for the city post-office. I suppose that it is as necessary that there should be a city post-office here as in a great many other portions of the Union. I think that this measure is in the interest of economy, and I therefore hope that the motion of my colleague will not be adopted, but that we shall allow the Department to lease temporarily some suitable quarters for the accommodation of the business of the Department.

Mr. DAWES. Mr. President, I was not present in the committee when this matter was considered, but I desire to second the suggestion of the Senator from Vermont who has just taken his seat, [Mr. MORRILL.] During the last Congress and during the present session my attention, as one of that committee, has been called repeatedly to the absolute necessity of further accommodation to the Post-Office Department. The business of both the Post-Office Department and the city post-office is increasing every day and requiring more room, the employment of more men to carry it on, and the two together are crowding the business in that building so that it is practically impossible to get along without its being crowded out into some other building.

The proposition to rent a building temporarily relieves Congress from the great pressure there is made on all sides by parties interested in real estate to induce Congress to make a purchase right off at this moment. I do not think that is wise, but there should be a temporary renting at so moderate a sum as is limited by this joint resolution; although I do not know what evidence there was before the committee to show that a suitable building could be obtained for that sum, I assume that the committee have ascertained that such a sum as that would secure proper and convenient accommodations for three years. In that time, if Congress shall deem it wise, as I think they ought, to erect a suitable building upon some property owned by themselves in this city, or even if they should be induced, as I hope they will not be, to make a purchase of ground here, they will have time enough to do it; and in the mean time the city post-office and the Government will be relieved of what is a pressing necessity upon them.

I do not blame the chairman of the committee for suggesting that if the Senator from Vermont [Mr. EDMUNDS] desires to crowd out the Postmaster-General he will not trouble himself very much about it; but it seems to me if the Senator from Vermont would go over the Post-Office Department and from personal examination see the condition of things there he would agree with the Senator from Florida that the joint resolution ought to pass.

The PRESIDENT *pro tempore*. The question is, shall the consideration of the joint resolution be postponed until the first Monday in December next?

The motion was agreed to; there being on a division—ayes 29, noes 13.

CHANGE OF REFERENCE.

Mr. WITHERS. On behalf of the Committee on Pensions, I report back the petition referred to them of Frederic Oechsle. The object of the petition is to correct a military record, and it was referred to the Committee on Pensions. I report it back, and ask that it be referred to the Committee on Military Affairs.

The PRESIDENT *pro tempore*. The change will be made.

BILLS INTRODUCED.

Mr. McDONALD (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 614) for the relief of Alexander Swift & Co., partners, and Alexander Swift & Co. and the Niles Works; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. WILLIAMS (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 615) for the relief of Mrs. Martha Vaughn and Mrs. Louisa Jackman; which was read twice by its title, and referred to the Committee on Claims.

Mr. ANTHONY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 616) to promote the efficiency of the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. VOORHEES asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 32) authorizing the Secretary of the Treasury to issue an American register to the brig Katie; which was read the first time by its title.

Mr. VOORHEES. I ask for the present consideration of the joint resolution.

The PRESIDENT *pro tempore*. The joint resolution will be read at length.

The joint resolution was read the second time at length.

Mr. EDMUNDS. That ought to go over, and go to a committee.

Mr. VOORHEES. I hope it may not go to a committee.

The PRESIDENT *pro tempore*. It requires unanimous consent to consider the joint resolution at this time.

Mr. VOORHEES. It is a very simple thing, and I think I can get unanimous consent. This is a bark that was built at Calais, in Maine, and was sold to foreign owners, and while abroad attained a register as a Costa Rican vessel under her present name. Since that time it has been bought by two citizens of the State of New York, and they ask that she shall simply have an American register. There is nothing else in it.

Mr. EDMUNDS. I do not see that that helps it any.

The PRESIDENT *pro tempore*. If the Senator from Vermont objects, the joint resolution cannot be considered at this time.

Mr. EDMUNDS. Yes, sir, I do object; and as the case is stated I do not think she ought to have it; it is not fair play.

The PRESIDENT *pro tempore*. The joint resolution will be referred to the Committee on Commerce.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. WILLIAMS, it was

Ordered, That the petition and papers in the claim of Martha G. Vaughn and Louisa Jackman, on the file of the Senate, be referred to the Committee on Claims.

On motion of Mr. WHYTE, it was

Ordered, That the petition of Perry E. Brocchus, administrator of the estate of Augustin Maurin, deceased, be taken from the files of the Senate and referred to the Committee on Military Affairs.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. BECK. If there is no further morning business I move that the Senate proceed with the unfinished business, being the legislative, executive, and judicial appropriation bill.

The PRESIDENT *pro tempore*. Nothing else being moved, the Chair will declare the morning hour at an end and the unfinished business is before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 2) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes.

The PRESIDENT *pro tempore*. The pending question is, is the amendment offered by the Senator from Kansas [Mr. PLUMB] in order. That amendment will be reported again for the information of the Senate.

The CHIEF CLERK. The amendment is, on page 70, line 1705, after the words "seventy-six," to insert:

Provided, That the claims for arrears of pensions shall be settled and determined as rapidly as possible, and as fast as determined, and as often as once in thirty days, the Secretary of the Interior shall make requisition upon the Secretary of the Treasury for funds necessary to pay all claims then settled; and it shall be the duty of the Secretary of the Treasury to promptly meet such requisitions by placing to the credit of the Commissioner of Pensions the amount of the same out of any money which may be in the Treasury not necessary to meet payments of interest on the public debt.

Mr. BECK. I made the point of order against that amendment on the ground that it changed existing law. If the Chair will allow, I will send to the Chair the law to which I referred. This amendment provides that this shall be paid out of any moneys in the Treasury not necessary to meet the payments of interest on the public debt. By turning to the Revised Statutes, page 724, sections 3687 and so on, the Chair will observe a large number of permanent appropriations to pay the customs service and to pay dozens of other things that by this change are postponed to the payment of the arrears of pensions. It is a change of existing law, and I make the point of order.

The PRESIDENT *pro tempore*. To what rule of the Senate does the Senator from Kentucky refer?

Mr. BECK. I think it is Rule 27. That rule provides:

All general appropriation bills shall be referred to the Committee on Appropriations, except bills making appropriations for rivers and harbors, which shall be referred to the Committee on Commerce; and no amendment shall be received to any general appropriation bill, the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law.

That is what I referred to. This was not estimated for; it does not come from any committee; it has none of the elements necessary to bring it within any other exception; and it does change the existing law by postponing all other payments.

I also refer to Rule 29:

No amendment which proposes general legislation shall be received to any general appropriation bill; nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto.

I stand on Rule 27, that this changes the existing law.

Mr. DAVIS, of West Virginia. Then, added to what my colleague on the committee has so well said as to what money this takes from the Treasury, on the reading of the amendment it strikes me it would take all the money in the Treasury, even that necessary for the payment of the salaries of clerks, and would interfere with the whole machinery of the Government.

The PRESIDENT *pro tempore*. The Chair stated at the last sitting of the Senate that this question would be submitted to the Senate. The Chair would not rule this amendment out of order under Rule 27, for it might be understood as a provision to carry out an existing law, the law for the payment of arrears of pensions; but it is a serious question whether it is not general legislation within the meaning of the twenty-ninth rule, and also whether it is relevant to the subject-matter of this bill or that portion of it to which it is moved as an amendment. Now, the question of relevancy this rule requires shall be submitted to the Senate. The Chair therefore thinks it is proper to submit the question, which embraces whether it is general legislation, and also whether it is relevant, to the Senate at the same time. Therefore, Senators, you who are of the opinion that the amendment offered by the Senator from Kansas is in order will say "ay;" those of contrary opinion will say "no," [putting the question.]

The question was determined in the negative.

The PRESIDENT *pro tempore*. The amendment is ruled to be out of order.

Mr. TELLER. I offer the following amendment, to come in at the same place as the amendment just held to be out of order:

Provided, That the claims for arrears of pensions shall be settled and determined as rapidly as possible, and as often as once in thirty days the Secretary of the Interior shall make requisitions upon the Secretary of the Treasury for funds necessary to pay all claims then settled, and it shall be the duty of the Secretary of the Treasury to promptly meet such requisitions by placing to the credit of the Commissioner of Pensions the amount of the same out of any money which may be in the Treasury not otherwise appropriated.

Mr. BECK. I believe I will make the point of order on that so that the Chair can examine it. I did not hear the amendment very fully, but it changes an existing law by directing requisitions on the Secretary not imposed by any law.

Mr. TELLER. It seems to me that it cannot be said to change an existing law. It is to carry out a law already in force.

Mr. DAVIS, of West Virginia. I ask the Senator from what committee does that come?

The PRESIDENT *pro tempore*. It is not debatable. Under the ruling just made by the Senate this is obviously out of order.

Mr. PADDOCK. I offer the following:

On page 69, in line 1696, strike out all after the word "surgeon" down to and including the word "presented," in line 1708, and insert the following:

And provided further, That claims for arrears of pensions shall be adjusted as rapidly as the Commissioner of Pensions with the clerical force at his command can settle and determine the same; and all requisitions by the Secretary of the Interior for the payment of said claims shall have precedence in the Treasury and be promptly paid out of any money not specially held for redemption purposes, except as hereinafter provided, and which may not be necessary for payments of interest on the public debt; and full requisitions shall be made by the Secretary of the Interior, and the same shall be paid by the Treasury, as often as once in each month to cover all pension-arrears claims then settled and determined: *And provided further*, That a part or all of the special fund for the redemption of fractional currency under section 1 of joint resolution No. 17, approved July 22, 1876, may be returned on the order of the Secretary of the Treasury to the general fund, if necessary, to meet the requisitions hereinbefore required to be paid, and thereafter the fractional currency presented for redemption shall in proportion to such diversion and use of said special fund be redeemed, if necessary, in any moneys in the Treasury at the time the same shall be presented.

Mr. BECK. I make the same question of order there. That is certainly out of order if the first was.

The PRESIDENT *pro tempore*. Under the ruling made by the Senate, there can be no doubt that this is out of order. Are there further amendments to the bill?

Mr. BECK. The committee have no further amendments to the bill, and we hope all amendments now have been acted on that other Senators have. The Senator from Maine [Mr. BLAINE] desired the floor at one o'clock. There is nothing now in his way. I do not know whether it is proper now to ask that the bill be reported to the Senate.

Mr. LOGAN. I offered some days ago an amendment, and it was referred to the committee. I would ask if that amendment has been acted on by the committee? It was an amendment to come in as a section at the end of the bill.

Mr. BECK. I found that amendment for the first time this morning on our tables; it was offered on Saturday, headed, "May 17, 1879, referred to the Committee on Appropriations, and ordered to be printed." I never saw it until this morning. The committee have not examined it.

Mr. LOGAN. I wish to offer that amendment at the proper time if the committee does not report it.

Mr. BECK. There will be some discussion to-day I understand. One or two gentlemen desire to speak. It may be that the committee will have an opportunity, either this afternoon or early to-morrow morning, to look over this and some other amendments. Probably it would be well for the Senator from Maine to go on now.

Mr. LOGAN. Very well.

Mr. BECK. I only desire to say to the Senate that I wish they would fix some time when we can take the vote on this bill. I think that perhaps to-morrow at four o'clock it may be done.

Mr. LOGAN. I only called attention to this because a remark was made that all amendments had been offered.

Mr. BECK. I ask the Senate to consent to vote on this bill and all the amendments to-morrow at four o'clock. Let us see what the sense of the Senate is.

Several SENATORS. What is that?

Mr. BECK. I ask general consent that all debate on this bill and amendments shall cease to-morrow at four o'clock, and that we then vote on the bill and amendments.

The PRESIDENT *pro tempore*. The Senator from Kentucky asks unanimous consent that all debate on this bill shall cease to-morrow at four o'clock. Is there objection? [A pause.] The Chair hears none. The question is on the motion made by the Senator from Vermont, [Mr. EDMUNDS,] and which he withdrew temporarily in order to allow other motions to be made, to strike out all from the bill beginning with line 2108 down to and including line 2168. Upon this question the Senator from Maine [Mr. BLAINE] is entitled to the floor.

Mr. BLAINE. Mr. President, whether the honorable Senator from Connecticut [Mr. EATON] or myself should the more correctly remember a quotation from Mr. Webster's speeches is a matter of very small personal consequence, and of no public importance whatever. It is not, therefore, with any intention of vindicating a better mem-

ory or a more accurate quotation that I refer to this subject; but it is because there has been a labored and a persistent attempt, in which I am sorry the Senator from Connecticut has taken part, to misrepresent Mr. Webster and declare that near the close of his life and at the end of his political career he changed his views, and that he had somewhere to some public assemblage practically retracted the great arguments he had made against the State-rights heresies and in behalf of the Constitution and the Union. The honorable Senator from Connecticut on the occasion to which he has himself made reference spoke thus:

I said that Mr. Webster called this "a confederacy of States." I say he called it not only a confederacy of States, but a confederation of States.

Further down, during a little colloquy between the Senator and myself, he said:

When he reads a few words from a certain speech of Mr. Webster does the honorable Senator from Maine undertake to assert on this floor that Mr. Webster did not again and again call this Government not only a confederation of States but a compact between States? I say he did.

Further on the Senator said:

When the proper time arrives—I have not the library of Mr. Webster in my pocket, I do not carry it around with me [laughter]—when the proper time arrives I will show that Mr. Webster called this a confederacy and the Constitution a compact.

The honorable Senator came into the Senate on Friday last and very fully and magnanimously admitted that he had not been able to find, anywhere in Mr. Webster's speeches, that he had called this Government a "confederacy of States," but he was very sure he had called it a compact and "a compact between the States." Let me read what the honorable Senator said:

In 1851, in his celebrated Capon Springs speech, the language of Mr. Webster admits of no dispute. Whatever he may have said on other occasions, whatever he said in his great discussion on the floor of the Senate with Mr. Hayne or with Mr. Calhoun, on the occasion of this speech, in the most unqualified manner, he asserted the fact for which I contend, that the Constitution is a compact between parties competent to enter into a compact, to wit, the States.

The honorable Senator held in his hand at that time a very mischievous book, and I may say he derived his facts, if not his inspiration, from that book, which I have now before me. It is a book written by a gentleman of great influence in the southern country, of acknowledged ability, of long and eminent service in the public councils, Mr. ALEXANDER H. STEPHENS, of Georgia. It is, as I have said, a mischievous book. It is mischievous in its title, it is mischievous in its preface, it is mischievous in every word from the opening to the closing chapter; and it is mischievous because, although a sincere man himself, I believe it is an elaborate tissue of absolute misrepresentations, and misrepresentations from a sincere man are much more mischievous than misrepresentations from one who designs to misrepresent.

In this book, which the honorable Senator from Connecticut then held in his hand, Mr. STEPHENS takes the ground that Mr. Webster had recanted and changed his views in regard to the nature of our Government. On the four hundred and third page of the first volume he says:

But besides all this, as a further proof of Mr. Webster's change of views as to the Constitution being a compact between the States, I cite you to a later speech made by him at Capon Springs, in Virginia, on the 28th June, 1851.

And he quotes then what the Senator from Connecticut quoted. Then Mr. STEPHENS says:

In this speech Mr. Webster distinctly held that the Union was a union of States. That the Union was founded upon compact.

Further on Mr. STEPHENS says:

I did not agree with him [Mr. Webster] in his exposition of the Constitution in 1833, but I did fully and cordially agree with him in his exposition in 1839 and 1851. According to that the Constitution was and is a compact between the States.

And in this ingenious attempt to justify the secession that took place in 1861, handing it down to posterity in a history entitled the War Between the States, instead of a rebellion against the Government, Mr. STEPHENS endeavors to enlist Mr. Webster as one of the witnesses that justified that line of proceeding.

Mr. President, mere definition is not a matter on which time can be profitably spent, much less on the rhetorical use of a word. When a man speaks of a "compact" rhetorically, when he speaks of a "continental empire" rhetorically, when he speaks of an "imperial republic" rhetorically, or when, like the Senator from Connecticut, he speaks of a "representative republic of sovereign States," I do not expect to hold him very closely to the line of the definition; and if it were a mere matter of words as to how this man or that man happened in a piece of public declamation to define the nature of the Government, it would not be worth while here to spend the time of the Senate upon it. But the honorable Senator from Connecticut knows, and all with whom he is associated in the political revolution now attempted in this country know, that upon the line of division involved in these words is waged the contest between the two great parties that are contending for mastery in this country; that here is involved the true construction under which this Government is to be administered—whether the Government of the United States shall have the power to uphold itself, or whether it shall be the mere creature of the States, living and breathing and moving at their will and pleasure. On that line the two parties in this country divide; and I have never known a more extraordinary attempt—I will not say disingenuous, for that would imply motive—I have never known a more extraordinary attempt to twist or turn or confound distinctions than the attempt to make Mr. Webster's speech at Capon Springs the basis on which this revelation of his change of view should be established. Both Mr. STEPHENS in his history and the honorable Senator from Connecticut in his speech quoted from a pamphlet copy of Mr. Webster's Capon Springs address. I thought I discovered when the honorable Senator was speaking, that he was not specially familiar with the writings of Mr. Webster; I hope he will not think me scant in courtesy if I say that I have discovered still less familiarity now, because he need not have gone to Mr. STEPHENS's history to get these extracts, nor need he have referred to lost pamphlets containing the whole speech, for here in the authentic life of Mr. Webster, the biography to which Mr. Webster's friends are willing to trust his fame, his life by George T. Curtis, the speech is given in full. And just after that speech was delivered this same delusion which the Senator from Connecticut indicates went all over the South. It was everywhere heralded in the South that Mr. Webster had defined the Union as "a compact," and here is what his eminent biographer says in regard to the report:

What Mr. Webster had said at Capon Springs, in speaking of one of the compacts or compromises between the northern and southern sections of the Union, on which the Constitution was founded, was at once misrepresented, especially in North Carolina—

There was an important election pending in that State at the time, I believe—

as a confirmation by him of the doctrine that the Constitution itself is a compact between sovereign States, and as drawing after it, as a resulting right, the right of State secession from the Union. A citizen of North Carolina accordingly wrote to Mr. Webster on this subject, and received from him the following answer, which was immediately made public.

I will not read the whole of it, but Mr. Webster says, speaking of the Government:

It is not a limited confederation, but a government; and it proceeds upon the idea that it is to be perpetual, like other forms of government, subject only to be dissolved by revolution.

* * * * * * *

What I said at Capon Springs was an argument addressed to the North, and intended to convince the North that if by its superiority of numbers it should defeat the operation of a plain, undoubted, and undeniable injunction of the Constitution, intended for the especial protection of the South, such a proceeding must necessarily end in the breaking up of the Government; that is to say, in a revolution.

Here is what Mr. Webster in the speech itself said in reviewing the condition of public sentiment then threatening, as it afterwards broke out in revolution; and here is what Mr. STEPHENS is careful not to quote, and what therefore my honorable friend in his speech could not have been expected to quote. Mr. Webster in referring to the disunion movement found in the South, the State-rights movement then running all over the South, said:

I make no argument against resolutions, conventions, secession speeches, or proclamations. Let these things go on. The whole matter, it is to be hoped, will blow over, and men will return to a sounder mode of thinking. *But one thing*—

And this is put in italics here as it was in the National Intelligencer, which was Mr. Webster's immediate organ in those days—

But one thing, gentlemen, be assured of, the first step taken in the programme of secession, which shall be an actual infringement of the Constitution or the laws, will be promptly met. [Great applause.]

And I would not remain an hour in any administration that should not immediately meet any such violation of the Constitution and the law effectually and at once. [Prolonged applause.]

Mr. STEPHENS does not quote that. But, Mr. President, how absurd, how unjust is the idea of going around and catching up a chance speech at a watering-place in order to convince a certain section of this country which drifted into war in support of a bad theory and which is drifting back into that theory as fast as it can! How absurd, how unjust is the idea of picking up a chance speech delivered in answer to a serenade as the conclusive constitutional opinions of Mr. Webster, when Mr. Webster himself had left in the very last year of his life, and after that speech was delivered, six volumes of his works on which he desired to go down to posterity, on which he rested his fame, and on which he inscribed formal introductions, from which I quote the following:

The principles and opinions expressed in these productions are such as I believe to be essential to the preservation of the Union, the maintenance of the Constitution, and the advancement of the country to still higher stages of prosperity and renown. These objects have constituted my polar star during the whole of my political life, which has now extended through more than half the period of the existence of the Government.

On these speeches, delivered by Mr. Webster in the Senate and in the House and on great public occasions, revised by himself, published under his auspices, he committed himself to history; and from these neither Mr. STEPHENS in his mischievous history nor the honorable Senator from Connecticut affects to quote anything at all. You can hardly open a solitary page in the whole six volumes that does not contain a startling refutation of all the theories that they now pretend Mr. Webster had admitted in the closing days of his life. Let me pick out one instance at random.

In some very brief remarks that I made the other afternoon when the bill was about to be voted upon which the President vetoed, I stated that the democratic party of to-day as represented in this Chamber were the followers of the State-rights school of democracy represented by Mr. Calhoun and Mr. Breckinridge. I believe I was correct in stating that; I believe I was quite within the facts. I read now from Mr. Calhoun's own definition in his celebrated discus-

sion with Mr. Webster, and I think the resolution exactly fits and fills the idea of the Senator from Connecticut as to the true theory of this Government if I understood him aright. Mr. Calhoun submitted the following:

Resolved, That the people of the several States composing these United States are united as parties to a constitutional compact, to which the people of each State acceded as a separate sovereign community, each binding itself by its own particular ratification; and that the Union, of which the said compact is the bond, is a Union *between the States* ratifying the same.

That is the democratic theory to-day. I doubt if there is a Senator on the other side of the Chamber who will controvert these words of Mr. Calhoun; the Senator from Connecticut asserts the same doctrine in terms. Mr. Calhoun then goes on in a long series of resolutions controverting the idea that we constitute a nation. In answer, Mr. Webster after an elaborate speech sums up and says:

And now, sir, against all these theories and opinions, I maintain—
1. That the Constitution of the United States is not a league, confederacy, or compact between the people of the several States in their sovereign capacities, but a government proper, founded on the adoption of the people, and creating direct relations between itself and individuals.

The honorable Senator from Connecticut expended considerable time the other day to show that the constitutional convention in 1787 expressly excluded the idea that they were founding a nation. Mr. Webster further on in the same speech says:

But, sir, let us go to the actual formation of the Constitution; let us open the journal of the convention itself, and we shall see—

And I beg the honorable Senator's attention to this:

We shall see that the very first resolution which the convention adopted was, "*that a national government ought to be established, consisting of a supreme legislature, judiciary, and executive.*"
This itself completely negatives all idea of league, and compact, and confederation. Terms could not be chosen more fit to express an intention to establish a national government, and to banish forever all notion of a compact between sovereign States.

And yet the Senator broadly asserted that Mr. Webster had made the declaration that this Union was "a compact of States." Mr. Webster does recognize the use of the word "compact," and I will read that, in the same speech.

Mr. EATON. If my friend will permit me, was not that very resolution which he has just read voted down, and voted down on motion of Mr. Ellsworth, of Connecticut?

Mr. BLAINE. No, sir; instead of being voted down it was voted up.

Mr. EATON. I think not.

Mr. BLAINE. I will read it again.

The very first resolution which the convention adopted was—

That is what Mr. Webster says—

that a national government ought to be established consisting of a supreme legislature, judiciary, and executive.

* * * * * * *

This resolution was adopted on the 30th of May, 1787. Afterward the style was altered, and instead of being called a national government it was called the Government of the United States; but the substance of this resolution was retained, and was at the head of that list of resolutions which was afterward sent to the committee who were to frame the instrument.

Mr. Webster goes on:

It is true, there were gentlemen in the convention, who were for retaining the confederation, and amending its articles; but the majority was against this, and was for a *national* government.

Continuing, Mr. Webster says:

If, sir, any historical fact in the world be plain and undeniable, it is that the convention deliberated on the expediency of continuing the confederation, with some amendments, and rejected that scheme, and adopted the plan of a *national* government, with a legislature, an executive, and a judiciary of its own. They were asked to preserve the league, they rejected the proposition. They were asked to continue the existing compact between States, they rejected it. They rejected compact, league, and confederation, and set themselves about framing the constitution of a national government; and they accomplished what they undertook.

In view of these declarations, I do not think the Senator from Connecticut or the honorable author of that book will wish to quote Mr. Webster as saying that the Union was "a compact between States." The sense in which Mr. Webster did use "compact" was this:

Among all the other ratifications—

Speaking of the action of the States after the Constitution was submitted—

Among all the other ratifications, there is not one which speaks of the Constitution as a compact between States. Those of Massachusetts and New Hampshire express the transaction, in my opinion, with sufficient accuracy. They recognize the Divine goodness "in affording THE PEOPLE OF THE UNITED STATES an opportunity of entering into an explicit and solemn compact *with each other*," by "*assenting to and ratifying a new Constitution.*" You will observe, sir, that it is the people, and not the States, who have entered into this compact, and it is the people of all the United States.

I know you will not get tired hearing Mr. Webster. I am making a very good speech out of his works, far better than anything I could say myself. The honorable Senator dwelt at length, and dwelt with that modest form of affirmation which sometimes distinguishes his utterances, upon the idea that no man could deny that it was the States that formed the Constitution, and he quoted as conclusive on that point the provision that it should go into effect upon the ratification of nine States. Mr. Webster, in his second speech on Foote's resolution, spoke thus:

Sir, the opinion which the honorable gentleman [Mr. Calhoun] maintains is a notion founded in a total misapprehension, in my judgment, of the origin of this Government, and of the foundation on which it stands. I hold it to be a popular Government, erected by the people; those who administer it, responsible to the people; and itself capable of being amended and modified, just as the people may choose it should be. It is as popular, just as truly emanating from the people, as the State governments. It is created for one purpose; the State governments for another. It has its own powers; they have theirs.

And then Mr. Webster adds:

We are here to administer a Constitution emanating immediately from the people, and trusted by them to our administration. It is not the creature of the State governments. It is of no moment to the argument, that certain acts of the State Legislatures are necessary to fill our seats in this body. That is not one of their original State powers, a part of the sovereignty of the State. It is a duty which the people, by the Constitution itself, have imposed on the State Legislatures; and which they might have left to be performed elsewhere, if they had seen fit.

He says in another speech:

So much, sir, for the argument, even if the premises of the gentleman were granted or could be proved. But, sir, the gentleman has failed to maintain his leading proposition. He has not shown, it cannot be shown, that the Constitution is "a compact between State governments." The Constitution itself, in its very front, refutes that idea. It declares that it is ordained and established *by the people of the United States.*

And yet Mr. STEPHENS solemnly represents and asserts that Mr. Webster recanted that opinion.

The Constitution itself, in its very front, refutes that idea. It declares that it is ordained and established *by the people of the United States.* So far from saying that it is established by the governments of the several States, it does not even say that it is established by the people of the several States; but it pronounces that it is established by the people of the United States in the aggregate. The gentleman says it must mean no more than the people of the several States. Doubtless the people of the several States, taken collectively, constitute the people of the United States; but it is in this their collective capacity, it is as all the people of the United States, that they establish the Constitution. So they declare, and words cannot be plainer than the words used.
When the gentleman says the Constitution is a compact between the States he uses language exactly applicable to the old confederation. He speaks as if he were in Congress before 1789. He describes fully that old state of things then existing. The confederation was in strictness a compact; the States, as States, were parties to it. We had no other general government.

Without continuing and prolonging these extracts, Mr. President, I desire to call the attention of the Senate—I hope I do not overrate its importance—to the only occasions on which, besides this Capon Springs speech, which Mr. Webster himself hastened to correct by letter, Mr. STEPHENS rests his extraordinary charge. They are first a letter which Mr. Webster addressed when he was in London in 1839 to Baring Brothers & Co., a most respectable and eminent firm of British merchants and financial agents.

At that time there were agents of several States of the Union in London trying to negotiate loans for internal improvements in this country. A doubt was suggested as to whether under the constitutional inhibition that no State could emit bills of credit a State had a right to negotiate a loan; and Mr. Webster at the request of the merchants to whom I have referred wrote an explanatory letter, and because he said in dividing the different powers of the States and the United States Government that it had been left to the States to regulate their own credit—I need not read the whole letter, it is several pages in length—Mr. STEPHENS says it was an acknowledgment of the sovereignty of the States. It was a business letter wholly, and it concludes with a word which I think entirely negatives every presumption of the mischievous kind which Mr. STEPHENS endeavored to attribute to it. Mr. Webster says, in the closing paragraph:

I hope I may be justified by existing circumstances in closing this letter with the expression of an opinion of a more general nature. It is, that I believe the citizens of the United States, like all honest men, regard debts, whether public or private, and whether existing at home or abroad, to be of moral as well as legal obligation; and I trust I may appeal to their history, from the moment when *those States took their rank among the nations of the earth* to the present time, for proof that this belief is well founded.

Mr. Calhoun had an elaborate resolution saying the States had never taken any rank among the nations of the earth, and I believe the honorable Senator follows in the wake of that argument.

Mr. EATON. Produce what I say when you assert that I have said that.

Mr. BLAINE. I have read a great deal from the Senator this morning, and I will read more before I get through.

Mr. EATON. Perhaps that will be the best part of your speech except what you read from Webster. [Laughter.]

Mr. BLAINE. I am obliged to the Senator for the exception. It is equal to Dogberry's injunction, "Put God first." [Laughter.]

The other allegation of Mr. STEPHENS was that Mr. Webster, in 1838, five years after his speeches of 1833, had refused to vote against certain resolutions of Mr. Calhoun, and that this refusal was a very pregnant suggestion that he had then changed his mind. He makes a very solemn presentation of the fact that in a series of five resolutions which Mr. Calhoun introduced in 1838, involving all the heretical doctrines of the State-rights, pro-slavery democracy, Mr. Webster had not voted. He does not say that Mr. Webster voted for them, but that he had not voted against them. Those resolutions of Mr. Calhoun were introduced in December, 1837. They went on, as such resolutions will, being a foot-ball for political debate, for some months. On the 22d of March, 1838, after they had been passed upon by the Senate, Mr. Webster referred to them as follows, in regard to the slavery question:

Sir, this is a very grave matter; it is a subject very exciting and inflammable. I take, of course, all the responsibility belonging to my opinions; but I desire these opinions to be understood, and fairly stated. If I am to be regarded as an enemy to the South because I could not support the gentleman's resolutions, be it so. I cannot purchase favors from any quarter by the sacrifice of clear and conscientious

convictions. The principal resolution declared that Congress had plighted its faith not to interfere either with slavery or the slave trade in the District of Columbia. Now, sir, this is quite a new idea. I never heard it advanced until this session.

Mr. Webster then proceeds to argue still further:

On such a question, sir, when I am asked what the Constitution is, or whether any power granted by it has been compromised away, or, indeed, could be compromised away, I must express my honest opinion, and always shall express it, if I say anything, notwithstanding it may not meet concurrence either in the South, or the North, or the East, or the West. I cannot express by my vote what I do not believe. The gentleman has chosen to bring that subject into this debate, with which it has no concern, but he may make the most of it, if he thinks he can produce unfavorable impressions against me at the South from my negative to his fifth resolution. As to the rest of them, they were commonplaces generally or abstractions, in regard to which one may well feel himself not called on to vote at all.

And with that record right before him Mr. STEPHENS writes that Mr. Webster's ominous refusal to vote on the resolutions indicated a change of mind, when here was his defiant review of the whole subject of Mr. Calhoun's heresies. And then Mr. Webster proceeded with some remarks which I am disposed to think might now be addressed to the other side of the Chamber, *mutatis mutandis*, and we should hardly realize that forty years had gone by. Let me read a single paragraph—I wish it were original with me, addressed as Mr. Webster then addressed it—to the opposite side of the Chamber.

The honorable member from Carolina himself habitually indulges in charges of usurpation and oppression against the Government of his country. He daily denounces its important measures, in the language in which our revolutionary fathers spoke of the oppressions of the mother country. Not merely against executive usurpation, either real or supposed, does he utter these sentiments, but against laws of Congress, laws passed by large majorities, laws sanctioned for a course of years by the people. These laws he proclaims, every hour, to be but a series of acts of oppression. He speaks of them as if it were an admitted fact that such is their true character. This is the language he utters, these are the sentiments he expresses, to the rising generation around him. Are they sentiments and language which are likely to inspire our children with the love of union, to enlarge their patriotism, or to teach them, and to make them feel, that their destiny has made them common citizens of one great and glorious Republic? A principal object in his late political movements, the gentleman himself tells us, was to *unite the entire South*; and against whom or against what does he wish to unite the entire South? Is not this the very essence of local feeling and local regard? Is it not the acknowledgment of a wish and object to create political strength by uniting political opinions geographically?

* * * * * * *

Finally, the honorable member declares that he shall now march off under the banner of State rights. March off from whom? March off from what? We have been contending for great principles. We have been struggling to maintain the liberty and to restore the prosperity of the country. We have made these struggles here, in the national councils, with the old flag—the true American flag, the eagle and the stars and stripes—waving over the Chamber in which we sit. He now tells us, however, that he marches off under the State-rights banner.

Let him go. I remain. I am where I have ever been, and ever mean to be.

The lineal successors of Mr. Webster's great constitutional views can utter those same words to-day and direct them to the same side of the Chamber at which he aimed them then.

I ought not to omit one small point, because there is just one left on which this charge of change of opinion is based. I think the Senator from Connecticut intimated that he would not read the Mark A. Cooper letter, although he gave a strong sideway assurance that if he did it would contain all that he had alluded to about Mr. Webster speaking of compact, of confederation.

Mr. EATON. My friend does not mean to misrepresent me?

Mr. BLAINE. Certainly not.

Mr. EATON. I said, on the contrary, that I paid no stress to it whatever.

Mr. BLAINE. Because it was a letter.

Mr. EATON. I paid no stress to it whatever. That one remark I made about it.

Mr. BLAINE. I will read the remark. It was referred to by a Senator not now in his seat. The Mark A. Cooper letter was a letter of courtesy in answer to a gentleman of that name at Macon, Georgia, inviting Mr. Webster to attend a State fair. Mr. Webster wrote with his own felicity of language in regard to agricultural topics, and toward the close of the letter occurs the following:

Let me take the occasion to add, my dear sir, that, as the forms and products of your agriculture are quite different from ours, as your soil and climate are different, and as your social and domestic institutions are also different, it was never intended by the Constitution under which we live that so foolish and impracticable a thing as amalgamation, in these respects, or any of them, should be attempted between Northern and Southern States. The States are united, confederated;—

"Not, chaos-like, together crushed and bruised,
But, like the world, harmoniously confused;
Where order in variety we see,
And where, though all things differ, all agree."

Could there be a more felicitous illustration of the Union sentiment that he represented? I think it was the honorable Senator from Georgia [Mr. HILL] who made that reference; and inasmuch as I have had to call his name up in that connection, I will say something in regard to his speech the other day, which I would much rather say if he were in his seat.

Mr. EATON. My friend will pardon me. After having asserted——

Mr. BLAINE. I am not through with that; wait a moment.

Mr. EATON. After having asserted what you did in regard to what I said on this subject, you should now put into your remarks precisely what I did say with regard to the letter to Mark A. Cooper.

Mr. BLAINE. I will refer to that in due season.

Mr. EATON. I wish you would do so. I do not suppose you desire to misrepresent me.

Mr. BLAINE. Not in the slightest degree. Nor do I desire to misrepresent the honorable Senator from Georgia, who I regret is not in his seat. But the honorable Senator from Georgia the other day made a speech that was somewhat remarkable. Among other things, he depicted the overwhelming grief he had at the secession of the Southern States; and when he was called upon by the independent voters of the county of Troup to represent them in the secession convention he wrote this letter to them, as he says:

I will consent to the dissolution of the Union as I would consent to the death of my father, never from choice, only from necessity, and then in sorrow and sadness of heart.

Well, he was elected on that platform, and he went to the convention, and the convention, as we all know, passed the ordinance of secession. And in the evening of January 19, 1861, he writes to a friend a letter which he quotes himself:

DEAR SIR: The deed is done. Georgia this day left the Union. Cannon have been firing and bells tolling. At this moment people are filling the streets shouting vociferously. A large torchlight procession is moving from house to house and calling out speakers. The resolution declaratory passed on yesterday, and similar scenes were enacted last night. The crowd called loudly for me, but my room was dark, my heart was sad, and my tongue was silent. Whoever may be in fault is not now the question. Whether by the North or by the South or by both, the fact remains; our Union has fallen. The most favored sons of freedom have written a page in history which despots will read to listening subjects for centuries to come to prove that the people are not capable of self-government. How can I think thus and feel otherwise than badly?

These are very just sentiments; and now I want to read the wonderful declaration of the ordinance of Georgia which the Senator from Georgia would consent to have enacted as he would consent to the death of his father, and that so pierced his heart with sadness when it was accomplished. I want to read it, and my friend from Connecticut will observe its language, as he boasted the other day that Connecticut was "a free and independent State."

Mr. EATON. I did not boast. I said that was the oath that Connecticut voters had to take.

Mr. BLAINE. Here is the "ordinance to dissolve the union between the State of Georgia and other States united with her under a compact of government entitled the Constitution of the United States." This is the original journal of the Georgia convention; it is a rare book. The literature of that section from some cause is very hard to procure:

We, the people of the State of Georgia, in convention assembled, do declare and ordain, and it is hereby declared and ordained,

That the ordinance adopted by the people of the State of Georgia in convention on the 2d day of January, in the year of our Lord 1788, whereby the Constitution of the United States of America was assented to, ratified, and adopted; and also all acts and parts of acts by the General Assembly of this State, ratifying and adopting amendments of the said Constitution, are hereby repealed, rescinded, and abrogated.

We do further declare and ordain, That the union now subsisting between the State of Georgia and other States, under the name of the "United States of America," is hereby dissolved, and that the State of Georgia is in the full possession and exercise of all those rights of sovereignty which belong and appertain to a *free and independent State.*

That was the ordinance which the Senator from Georgia said to the people of Troup he would consent to as he would to the death of his father, and the ordinance which the evening after it was passed so filled his heart with sadness that he put out the lights in his room and would not make a speech to a crowd outside serenading him. I have read the yeas and nays on that and what is my unbounded surprise to find that the Senator from Georgia himself voted for the ordinance. Here he is, "Hill of Troup." I believe I am right in saying that he is the man. There were two or three Hills, all voting for it, but "Hill of Troup" voted for it, and he cannot say in defense of that vote that he did it because there was one of those tempestuous and tumultuous rushes of public opinion which bear everything before it and which no man could resist. We know what that is. It sometimes assumes such positive and portentous force as to have mob-like violence. That was not so in this convention. On the call of the yeas and nays there were 208 in favor of the ordinance of secession and 89 against it, and in the 89 were ALEXANDER H. STEPHENS and Herschel V. Johnson, who had that very year run for Vice-President on the Douglas ticket. The Senator from Georgia, [Mr. HILL,] who would consent to it just as he would to the death of his father, made up his mind that if two hundred and eight men wanted to murder the old man he would join with them. [Great laughter and applause.] Rather than be in a minority he would join the murderous crowd [laughter] and be a parricide.

Nobody would possibly infer from the speech the honorable Senator made the other day that he had voted for the ordinance; and I do not say this with any feeling, because I have none. It is now indeed a most extraordinary thing to find a gentleman from the South who was originally for secession. I do not know who was. I see very pleasant and complimentary biographies of the various Senators on that side, and they were all dragged into secession. They were dragged into it because their States went, and the honorable Senator from Kentucky [Mr. WILLIAMS] was dragged into it because his State did not go.

Mr. WILLIAMS. I did not hire a substitute.

Mr. BLAINE. He says he did not hire a substitute. That is a piece of wit which I am glad to notice. The Senators from Kentucky have twice, both of them, taken a turn when I was on the floor to say they did not hire a substitute, as if that was something very pungent. In the conscription law passed by a Congress of which I was a member, for the first time in the history of the Government there was no exemption of Senators or Representatives from the draft.

I was a younger man then than I am now, and among the very first men drafted in my district I was one. I did not resign my seat in Congress. I did send a substitute. What would the honorable Senator have done?

Mr. WILLIAMS. I should have gone.

Mr. BLAINE. You would have gone!

Mr. WILLIAMS. I would have gone to the fight.

Mr. BLAINE. I am glad you would have gone in any way on the Union side. But the Senator was not drafted, and he went and fought against the Government, even when his State did not secede. I consider this reference to a substitute as a first-class sarcasm; and as the Senators from Kentucky have each tried their hands on it only twice, I hope they will repeat it again.

Mr. WILLIAMS. When my country calls for my services in the Army, I am ready.

Mr. BLAINE. I am not disputing it. I only say the honorable Senator went into the rebellion because his State did not go.

Mr. WILLIAMS. I should like to ask the Senator did his substitute fight?

Mr. BLAINE. No. I found out afterward that he was a democrat. [Laughter.] I was inveigled into hiring him without knowing who he was.

Mr. EATON. Did he sell himself for half price?

Mr. BLAINE. I do not know. I paid full price for him, more than an average democrat was worth in the war. [Great laughter.] And that leads me to remark that the honorable Senator from Georgia took occasion to felicitate his northern democratic associates that they were the men—I regret that the honorable Senator from Connecticut is not in his seat; I dislike to lose the sight of his pleasant countenance, as I am going to refer to him—the honorable Senator from Georgia made the astonishing assurance that this Union had been saved by the northern democrats; they were the men that did it! It was the northern democrats! Why, in Connecticut it was not William A. Buckingham or JOSEPH R. HAWLEY that helped save the Union. The honorable Senator from Connecticut did it. I was just referring to the honorable Senator; I see he has come back. It was not in New York William H. Seward that did anything for the Union; it was Governor Seymour. Out in Ohio it was not Salmon P. Chase that helped along the Union cause, but it was Clement L. Vallandigham! Of course; and what a prodigious delusion Mr. Lincoln was laboring under during the whole of that time! What a great loss Mr. Lincoln met with when he did not have the advice and counsel and aid of the honorable Senator from Georgia, because I have here a very remarkable document of Mr. Lincoln's, from which the casual reader of history would infer that somehow Mr. Lincoln did not think the democrats were helping him along as rapidly as the Senator from Georgia says they were. I do not think the honorable Senator from Connecticut himself would say that he helped along the war for the Union very much.

Mr. EATON. If the Senator from Maine has any desire to make a personal attack upon me with regard to any position that I have ever occupied upon this or any other question, let him proceed to make it.

Mr. BLAINE. Not the slightest. I do not consider a gentleman's public position to be the slightest matter of personal attack.

Mr. EATON. Then do not infer anything. Make any charge you please.

Mr. BLAINE. I was referring to the fact that the honorable Senator from Georgia—at the time he rested his eye directly on the Senator from Connecticut whose pleasant face I love to look into—gave us the assurance on this side that we were tremendously mistaken in supposing the republicans had done anything toward saving the Union; it was the democrats that had saved it, the northern democrats. Well, I said, if that be so, Mr. Lincoln was the victim of a prodigious delusion. Mr. Lincoln did not think so. It happened under the authority of a military officer who now graces this body with his presence, the Senator from Rhode Island, [Mr. BURNSIDE,] that Mr. Vallandigham was arrested. His release was sought by a committee of a great convention of the democrats of Ohio. They had a very notable interview and a very notable correspondence with Mr. Lincoln, and I beg after the lapse of fifteen or sixteen years to refer to that correspondence. I will read an extract the moral of which will explain itself:

At the same time—

Says Mr. Lincoln—

your nominee for governor, in whose behalf you appeal, is known to you and to the world to declare against the use of an army to suppress the rebellion. Your own attitude, therefore, encourages desertion, resistance to the draft, and the like, because it teaches those who incline to desert and to escape the draft to believe it is your purpose to protect them, and to hope that you will become strong enough to do so.

After a short personal intercourse with you, gentlemen of the committee, I cannot say I think you desire this effect to follow your attitude; but I assure you that both friends and enemies of the Union look upon it in this light.

Mr. Lincoln distinctly understood how the South regarded it—

both friends and enemies of the Union look upon it in this light. It is a substantial hope, and by consequence a real strength to the enemy. It is a false hope, and one which you would willingly dispel. I will make the way exceedingly easy. I send you duplicates of this letter, in order that you, or a majority, may, if you choose, indorse your names upon one of them, and return it thus indorsed to me, with the understanding that those signing are thereby committed to the following propositions, and to nothing else.

Now, mark you, he was addressing a committee that represented the democratic party of Ohio, speaking for the whole party. Mr. Lincoln says I want you to commit yourselves just to this, gentlemen, nothing else:

1. That there is now a rebellion in the United States, the object and tendency of which is to destroy the National Union; and that, in your opinion, an army and navy are constitutional means for suppressing that rebellion;

2. That no one of you will do anything which, in his own judgment, will tend to hinder the increase or favor the decrease or lessen the efficiency of the Army and Navy, while engaged in the effort to suppress that rebellion; and

3. That each of you will, in his sphere, do all he can to have the officers, soldiers, and seamen of the Army and Navy, while engaged in the effort to suppress the rebellion, paid, fed, clad, and otherwise well provided for and supported.

And with the further understanding that, upon receiving the letter and names thus indorsed, I will cause them to be published, which publication shall be, within itself, a revocation of the order in relation to Mr. Vallandigham.

And this party, this northern democratic party that fought out the rebellion and restored the Union, would not put their names to these propositions. These representatives of a State convention that spoke for the entire party would not acknowledge that there was a rebellion, would not acknowledge that an army and navy could be used to suppress it, would not acknowledge that they would do anything whatever to aid in paying or feeding or clothing or supporting that army. So Mr. Lincoln gave them in another letter on the same subject, a letter addressed to Mr. Corning, of New York, a little advice, applicable to both—advice which I think will live for its patriotism and eloquence almost as long as his Gettysburgh speech. He wrote to Mr. Corning:

Long experience has shown that armies cannot be maintained unless desertion shall be punished by the severe penalty of death. The case requires, and the law and the Constitution sanction, this punishment. Must I shoot a simple-minded soldier boy who deserts, while I must not touch a hair of a wily agitator who induces him to desert? This is none the less injurious when effected by getting a father, or brother, or friend, into a public meeting, and there working upon his feelings until he is persuaded to write the soldier boy that he is fighting in a bad cause, for a wicked administration of a contemptible Government, too weak to arrest and punish him if he shall desert. I think that in such a case, to silence the agitator and to save the boy, is not only constitutional, but withal a great mercy.

That was what he did. He sent a good many of the democratic agitators to Fort Lafayette and saved the boys.

On Saturday last there was quite a prolonged debate in reference to the State of Delaware. When I had the honor to address the Senate some weeks ago the honorable Senator from Delaware, not in his seat on Saturday, whom I see now in his seat, [Mr. BAYARD,] brought up as a case of special grievance to the patriotic heart of that State that he had had to march, I believe himself, to the polls between files of soldiers, and that it was a great outrage. I intimated at the time—I did not have the book in my hand—that I did not think the record of Delaware for loyalty to the Union was what the Senator represented it. I do not think so now, because the Legislature of that State, at the very time to which the honorable Senator referred, passed this act:

And be it further enacted as aforesaid, That if any inspector, presiding officer, or judge of any election in this State, or any other person, shall administer or cause to be administered to any legal voter in this State any oath or affirmation not authorized by the constitution and laws of this State for that purpose as a prerequisite or condition of voting at any election in this State, except when such oath or affirmation shall be administered in order to satisfy such inspector, presiding officer, or judge that such vote is a legal vote according to the constitution and laws of this State, such inspector, presiding officer, judge, or other person so offending shall be guilty of a misdemeanor, and, upon conviction thereof by indictment, shall, for every such offense, forfeit and pay to the State a fine not less than $500 and not more than $1,000, and shall be imprisoned for a term of ten days.

That law was aimed at the effort of the United States Government to prevent disloyal men voting in Delaware, and only at that because under the directions of Mr. Lincoln the order had been issued that to any suspected persons the following oath should be administered as a prerequisite to their voting:

I do solemnly swear that I will support, protect, and defend the Constitution and Government of the United States against all enemies, whether domestic or foreign; that I hereby pledge my allegiance, faith, and loyalty to the same, any ordinance, resolution, or law of any State convention or State Legislature to the contrary notwithstanding; that I will at all times yield a hearty and willing obedience to the said Constitution and Government, and will not, directly or indirectly, do any act in hostility to the same, either by taking up arms against them, or aiding, abetting, or countenancing those in arms against them; that, without permission from the lawful authority, I will have no communication, direct or indirect, with the States in insurrection against the United States, or with either of them, or with any person or persons within said insurrectionary States; and that I will in all things deport myself as a good and loyal citizen of the United States. This I do in good faith, with a full determination, pledge, and purpose to keep this, my sworn obligation, and without any mental reservation or evasion whatsoever.

That was all that was exacted. All that was exacted of any man in Delaware was to do what the honorable Senator himself has had to do at the bar of the Senate, and every other Senator on this floor who did not take part in the rebellion.

Mr. BAYARD. Would it be agreeable to the Senator for me to make a remark?

Mr. BLAINE. Of course.

Mr. BAYARD. Mr. President, it is not for me to gauge the motives or describe the intent of the honorable Senator from Maine——

Mr. BLAINE. Nor would it be parliamentary.

Mr. BAYARD. In thus referring to the events that transpired within the State of Delaware during the years of the war. I think this was in 1863.

Mr. BLAINE. I am replying to the Senator's colleague and to himself.

Mr. BAYARD. The Senator spoke of "the Senator from Delaware who was in his seat," and evidently directed his remarks to me.

Mr. BLAINE. I referred to the honorable Senator who is now on the floor in what he said some weeks ago.

Mr. BAYARD. I do not know what I said some weeks ago; the honorable Senator has not quoted my language; but I merely wish to say a few words now.

The State of Delaware is one of the original thirteen States of this Union. Her sons gave their life-blood to build up this Government, to achieve the independence of that colony and her sisters from the rule of Great Britain. When that independence had been achieved,—and her children marked the soil of this country with their blood from Long Island to the Carolinas, and their names and their valor are connected with every stricken field of that great struggle,—when that independence had been achieved and this Government came to be builded up, Delaware sent to the councils that framed the Constitution good men and true who loved the country in peace as well as they had served and loved her in war; and from that day to this no State in this Union, no set of men in any State in this Union, have a better claim to established fidelity to every principle of law, to every principle of the Union, to every principle of civil and constitutional liberty, than the men who have carried on the government of that State.

The Senator cannot lay his finger upon one act of that State collectively, I am speaking of it as a State, nay, he cannot read the history of the State from the beginning to the end but that he will find it marked all over by patriotic devotion, devotion to the Union, devotion to the Constitution, devotion to everything for which that Union and Constitution were ordained. And, so, when this war came upon us, throughout the war, from the beginning to the end, there never was a thought nor an act unfaithful to the cause of the Union, to the cause of constitutional and civil liberty to which the people of that State ever gave anything but adherence. They were faithful from the first to the last, and it needed no prompting.

I have felt the insult of the imputation that there was in me, in my most secret heart, in any drop of blood that warmed it, a suggestion of infidelity to the Government of my fathers. I have resented it; I never have permitted it to be expressed where my personal resentment would check it. I have denounced those who would impugn my fidelity, and on this very floor have made prompt and fitting answer to those whom I thought did impugn it.

Sir, the oath which the gentleman has read was an oath proposed to be put by a military authority without color of law, or warrant to citizens of Delaware. What did Delaware need to urge her to stand by this Government, its Constitution, and its laws? They were hers; she had helped to make them; she had never disobeyed them. It was a foul slander then as it is now to suggest that there was infidelity in any part of that State or of her laws. Our Constitution gave us the right to vote in that State, our laws and Constitution prescribed our qualifications as voters, and we denounced then as I denounce now the power of any outside military influence to add to those qualifications or to change those laws in our behalf.

What, then, sir, is the object of reading this resolution? We did not believe it was in the power of any military officer of the United States, nay, of any civil officer of the United States, to impose new conditions upon us or put us to the test and purgation of oaths. If that be the order that General Schenck issued, I remember well that every man in that State felt it to be an imputation.

Mr. BAYARD. At least every member of the democratic party in that State felt it to be an imputation that there should be offered to them an oath over and above the oath prescribed by the constitution and laws of the State, which they had always taken. If there ever had been infidelity, there might have been some excuse; but no man can say then, and no man can say to-day with truth, with common honesty, that that State or her people ever were unfaithful to the Government, to the Constitution, and to the laws of the Union.

Therefore, I say that this imputation is unfit for this place; it is unmerited and unworthy. The State needs no defense from me. I am only too proud and happy to know that I was born upon her soil and that I share the reputation of so honored, so honorable and law-abiding a community.

I object, sir, to the Senator reading resolutions for the purpose of casting imputations upon one of this family of States. The reputation of that State is dear to her children; it is dear to those who represent her on this floor. It is part of the honorable history of this country, and no man can sneer that reputation away without having his acts and his words recoil upon himself. [Applause in the galleries.]

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) Order must be preserved in the galleries.

Mr. BLAINE. The honorable Senator shows undue sensibility or sensitiveness. He himself made the reference originally in the debate, and what I quoted was simply the act of his own Legislature.

Mr. President, if there was any one thing that might have been called the ruling passion in the policy of Mr. Lincoln it was to deal tenderly with the border States. He took every coercive step relating to those States with reluctance and with hesitation. General Schenck, on consultation and by direction of Mr. Lincoln, issued an order reciting that—

> It is known that there are many evil-disposed persons now at large in the State of Delaware who have been engaged in rebellion against the lawful Government, or have given aid or comfort or encouragement to others so engaged, or who do not recognize their allegiance to the United States, and who may avail themselves of the indulgence of the authority which tolerates their presence to attempt to take part in or embarrass the approaching special election in that State.

Mr. SAULSBURY. Will the Senator allow me to ask him the date of that order?

Mr. BLAINE. That order was issued in 1863.

Mr. SAULSBURY. I wished to know——

Mr. BLAINE. Wait one moment, one Senator from Delaware at a time. Now I am quoting the acts of Mr. Lincoln. The honorable Senator from Delaware [Mr. BAYARD] need not attempt to pass this off with some indignation about an attack upon his State. I am quoting the acts of his own Legislature; I am quoting the official acts of Mr. Lincoln. More than that, while I do not at all desire to say anything personally offensive to the honorable Senator, at the same time I shall not attempt to steer clear of palpable, historic facts. The Senator has spoken with great eulogy of the patriotic devotion of Delaware to the Union. I find a resolution by the venerable father of the present Senator:

> Senator James A. Bayard was a member of the committee on platform, and claims to have urged the declaration that the reconstruction acts are "unconstitutional, revolutionary, and void." He left his seat in the Senate rather than take the test oath. On the 30th of March, 1861, Mr. Bayard offered the following:
>
> "*Resolved by the Senate of the United States*, That the President, by and with the advice and consent of the Senate, has full power and authority to accept the declaration of the seceding States that they constitute hereafter an alien people, and to negotiate and conclude a treaty with the Confederate States of America, acknowledging their independence as a separate nation."

I am treating of public facts. The fact that the honorable Senator who offered that resolution chances to be the father of the honorable Senator here present shall not prevent my referring to it as a historic fact, and the Senator cannot prove by that record of his father that Delaware was so devoted in her attachment to the Union that Mr. Lincoln need not take care to look out for that State.

Mr. BAYARD. The Senator threw in just then in respect to the gentleman of whom he spoke, and of whom I have the honor to be the son, that he had resigned his seat rather than take the test oath.

Mr. BLAINE. I read that from the text. The resolution was what I was after. I did not really intend to read that.

Mr. BAYARD. Yes, sir; but the Senator should have been more careful of his facts. He said that designedly, I apprehend.

Mr. BLAINE. I read it from the text here. What I was after was the resolution, and if the Senator desires to see what I intended reading I will read it again.

Mr. BAYARD. The Senator may read it of course, for I have no control over what he shall read or what he shall not read, but I have something to say in regard to the statement that Mr. James A. Bayard resigned his seat in this body rather than take the test oath. If the Senator had been acquainted with the truth of history he would have found that Mr. James A. Bayard did take the test oath protesting that it was wrong to administer extra oaths beyond the constitutional requirements. He did take the test oath, he took it conscientiously and truly. He then resigned his seat in this body and was reappointed to his place here after an interval of two years. If the Senator will examine the debate which took place at that time he will find that there were many distinguished gentlemen of the republican party, the peers of any in that party for intellect or character, who agreed with Mr. Bayard at that time that such an oath was unconstitutional and was not competent to be put to members of this body. Therefore, let not the statement go forth that he resigned his seat in this body rather than take this test oath. He took it with a clear conscience.

In regard to the other resolution affirming the powers of Congress speculatively to put an end to the terrible struggle that then was going on in this country, I have nothing to say. It was a question in many men's minds—those who loved this Union quite as well as the Senator ever loved it, or those with whom he now acts, and they did believe that a time might come when it would be a matter of necessity that there should be a separation. I could name gentlemen of great distinction, leading names in the republican party, who doubted whether the war at one time could have been brought to successful issue. Were they to be punished for that opinion? It was but an opinion and given as one. Does that imply that such opinions were held to be infidelity to this Government or its laws or the Union of the States under it? I apprehend not.

I have no design to go back, for I deprecate this reopening of old causes of difference, but still when it comes, and a Senator as a Senator has it in his power to bring it forward, any man can raise an issue, it cannot be prevented,—but when it does come, and I and the community which I represent, or individuals connected with me by blood are to be arraigned for an unpatriotic course in respect of our country, then it is time and it is proper for me to answer; and I have done so as I thought right.

Mr. BLAINE. The arraignment for unpatriotic conduct was on the part of the Senators from Delaware, both I believe, in the case of Mr. Lincoln, first by the Senator who has just spoken, and more elaborately by his colleague, [Mr. SAULSBURY,] who occupied the floor on Saturday last. Take the whole of this narrative together, if the Senator will give me his attention:

> Senator James A. Bayard was a member of the Committee on Platform, and claims to have urged the declaration that the reconstruction acts are "unconstitutional, revolutionary, and void." He left his seat in the Senate rather than take the test oath. On the 30th of March, 1861, Mr. Bayard offered the following:

The honorable Senator has said that on some extreme point that was never reached in the minds of men who supported the war, there might have come a necessity for conceding a separation. I suppose if everybody had been beaten and the last man, as Henry Winter Davis said, had fallen, the Union would have been dissolved. But this resolution was offered on the 30th of March 1861, within less than four weeks after Mr. Lincoln was inaugurated. I will read it again. Mr. Bayard offered this:

That the President, by and with the advice and consent of the Senate, has full power and authority to accept the declaration of the seceding States that they constitute hereafter an alien people, and to negotiate and conclude a treaty with the Confederate States of America acknowledging their independence as a separate nation.

If the Senator will follow me I think he will probably find that this whole narrative is correct:

Before that, on the 16th of January, 1861, Mr. Bayard voted against a resolution declaring that any hopes of constructing a new government were "dangerous, illusory, and destructive," and that "to the maintenance of the existing Union and Constitution should be directed all the energies of all the departments of the Government and the efforts of all good citizens." To prove that he was not such a one he voted no. On the 17th of July, 1862, he voted against an important war measure, and continued in the same spirit while he remained in the Senate. He has returned to the Senate, having taken the test oath.

This refers to the first time the test oath was submitted, and the other to the second. Whether that is historically correct I do not know, but the resolution was the main point. That was historically correct, and that resolution was the special fact. With the large influence of the Senator and his family in the State Mr. Lincoln did not regard Delaware as standing strongly or firmly at all in the support of war measures.

Mr. BAYARD. Mr. President——

Mr. BLAINE. This resolution, the Senate will observe, was moved before Virginia had seceded; it was before Sumter had been fired on; it was in the spring of 1861, at the very initial point of the rebellion.

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Delaware?

Mr. BLAINE. Certainly.

Mr. BAYARD. I may remark that having stated the fact attending the taking of this test oath I had supposed the Senator from Maine would accept it as I stated it, but if necessary I can procure the record and exhibit it to the Senate here. The Senator seems to be in doubt as to whether this test oath was taken in the manner I mentioned. The record will speak for itself.

Mr. BLAINE. The Senator does himself injustice.

Mr. BAYARD. Again I say that the test oath was taken by Mr. Bayard previous to his resignation. He was reappointed two years subsequently, and of course took the oath the second time.

Mr. BLAINE. Of course I will accept any statement the Senator makes of his personal knowledge. Let that go. But I am vindicating not only the act of Mr. Lincoln toward the State of Delaware, but I am vindicating, if further vindication were necessary after the words of the honorable Senator from Illinois [Mr. LOGAN] on Saturday, the name and the fame of General Robert C. Schenck against the aspersions of the junior Senator from Delaware, [Mr. SAULSBURY.] He does not need any defense; and certainly he does not need defense in a great patriotic act which he was performing in accordance with the wishes and under the express directions of Mr. Lincoln.

Mr. President, I pass to another subject. The allusion made by the honorable Senator from Connecticut [Mr. EATON] to the Mark A. Cooper letter was this:

He—

Mr. Webster—

said that we were united confederately, in his celebrated Mark A. Cooper letter; but that was a letter, not a speech, and therefore upon that I lay no stress whatever.

That is all I said.

Mr. EATON. My friend will find when he comes to look at his speech in the RECORD that he said very much more than that.

Mr. BLAINE. If I did I will correct it.

Mr. EATON. I hope so.

Mr. BLAINE. I desire now the attention of the honorable Senator from Connecticut to another point. The honorable Senator, I do not say without justice, claims for himself, as we are glad to admit, that he possesses great frankness. I think he is a courageous man; I have not the slightest doubt about it; I hold the proof of it in my hands. No man will ever doubt the courage of the Senator after hearing this portion of his speech. Referring to the President's veto he said:

Mr. President, for one I accept the gage of battle.

That sounds at the beginning like a proclamation of war. That was an intimation to us all that we had better stand around.

For one I accept the gage of battle. The President of the United States has said to the law-making power, and said it to the only power that can make laws, to the only power that has the right to legislate, that he will use the Army at the polls.

It took an immense deal of courage to make that assertion. But the Senator's courage did not give out there. He said further:

I know certain wise gentlemen in this Chamber, and newspaper men as well as members of Congress, have ventured to figure up how much legislative power the Executive has. He has none. The legislative power by the Constitution is granted to the two Houses of Congress. The Executive has not a particle of legislative power. He has a qualified veto, but that is no more legislation than a horse-chestnut is a chestnut horse.

Then the Senator goes on:

I say, then, that this man—

That is the way gentlemen who believe Mr. Tilden is *de jure* President, I believe, refer to the President of the United States:

I say, then, that this man has thrown down the gage of battle. He has said to the Congress of the United States, "I will, if I choose, use the Army at the polls."

And that appears in the Senator's speech in quotation marks. Further along he said:

Not one man, not one dollar will I ever vote when the captain-general of the United States tells me that he will use the Army at the polls. Let the Army go.

When the followers of the Senator in Connecticut read that speech and do not see the veto (and probably he will send them the speech and they will not get the veto) they will absolutely believe that the President of the United States did directly say, "I will, if I choose, use the Army at the polls." That appears in quotation marks in the Senator's speech.

Mr. EATON. It should not if it does. I do not revise my speeches.

Mr. BLAINE. It should not appear at all. If the Senator attempts to correct his speech I advise him not to stop with striking out the quotation marks but to strike it all out, because the Senator being a frank and a candid man wants to state exactly what is the truth.

Mr. EATON. That statement is true.

Mr. BLAINE. The Senator says now that the President of the United States, or this "man," as he calls him, or this "captain-general," as he refers to him—anything but President—says "I will, if I choose, use the Army at the polls." Now, I hold the two veto messages of the President in my hand. In the first message the President says:

From this brief review of the subject it sufficiently appears that, under existing laws, there can be no military interference with the election. No case of such interference has in fact occurred since the passage of the act last referred to. No soldier of the United States has appeared under orders at any place of election in any State. No complaint even of the presence of United States troops has been made in any quarter. It may therefore be confidently stated that there is no necessity for the enactment of section 6 of the bill before me to prevent military interference with the elections. The laws already in force are all that is required for that end.

I suppose it was in the other veto message that the Senator thinks the words that he attributes to the President, or the sentiment that he attributes to the President, may be found. They are not in the first message, surely? Then I take up the other veto message, and in answer to the Senator's assurance to the hosts who stand behind him in Connecticut that the President says he will use the Army just wheir he chooses at the polls, quotation marks or no quotation marks, let me read what the President actually says:

Holding as I do the opinion that any military interference whatever at the polls is contrary to the spirit of our institutions, and would tend to destroy the freedom of elections, and sincerely desiring to concur with Congress in all of its measures, it is with very great regret that I am forced to the conclusion that the bill before me is not only unnecessary to prevent any such interference, but is a dangerous departure from long-settled and important constitutional principles.

I say that proves the Senator from Connecticut to be a very courageous man. It proves him to be a man of lively imagination as well. It proves him to be able to read an important State document and to assert things as positively contained in it when absolutely the reverse is stated; and there is not one shadow of foundation for what the Senator stated. Why, he dreamed it. He got that speech ready for some bill or some veto that did not come. The Senator evidently framed that for an emergency that did not arise; and whether the President said so or not, he himself shot that speech off for the democracy of Connecticut. Mr. President, it is trifling with a great subject for a Senator to make such a statement in view of those two veto messages. It is denying absolute, plain, palpable facts stated with great precision of language.

I observe further in the Senator's speech a quotation which I find in other speeches on that side of the Chamber, to the effect that the President of the United States does not possess a particle of legislative power, but possesses a qualified veto; and at that point the Senator advises us of a fact which he thought at least myself, if not other Senators, had never heard before, namely, that the equality of representation in the Senate could not be destroyed except with the consent of all the States, or——

Mr. EATON. I did not say that; I did not say any such thing.

Mr. BLAINE. Or, I was going to say, as the Senator chose to put it, that Connecticut is stronger than the other thirty-seven States.

Mr. EATON. In that regard.

Mr. BLAINE. In that regard; in regard to the equality of the representation in the Senate. Was not that what that Senator spoke of?

Mr. EATON. What I said was this, and it will not be denied——

Mr. BLAINE. I will wait until I hear it before I admit it.

Mr. EATON. I assume common honesty in the Senator from Maine, and therefore it will not be denied. I say that the thirty-seven other States of the Union cannot deprive the State of Maine of its two representatives on this floor. It can only be done by the act of Maine alone.

Mr. BLAINE. We knew that in Maine a long time ago; that is not at all new to us.

Mr. EATON. I am glad you know that in Maine.

Mr. BLAINE. And we have known some other things in Maine which do not seem to have reached the Senator from Connecticut

with the same distinctness. If the Senator as long as he is not averse to taking the floor will explain to me not only for himself but for the sundry gentlemen who have used the same phrase what he means by the President possessing "a qualified veto," I would be glad to hear him.

Mr. EATON. Does my friend desire to hear me now on that point?

Mr. BLAINE. Yes, I always like to hear the Senator.

Mr. EATON. I will state what I meant when I used the term "a qualified veto." I do not answer for any other Senator; each Senator will answer for himself. I mean that the fathers who framed the Constitution, in giving the veto power to the President, did not give him, it was not their intention to give him, an absolute denial over all legislation. Any gentleman who reads the debates called Elliot's Debates and the writings of Madison will come precisely to the same conclusion. I call it a qualified veto. That is, if hasty legislation, if unconstitutional legislation is offered to the President of the United States he undoubtedly ought to use this qualified power which he possesses, but it is not a general absolute power to destroy the legislation of Congress.

Mr. BLAINE. I thought the honorable Senator had got his notions of his "qualified veto" from some writings outside of the Constitution itself. There was a Scotch peasant once found by the wayside reading the notes of Dr. Adam Clarke's Family Bible, and his minister being pleased with it, asked him how he got on. He said he could get along very well with the text, and after awhile he thought he would come to understand the notes. I think if the honorable Senator from Connecticut had begun with the text of the Constitution and read that, he need not have gone to the notes, and he would have learned that the veto power of the President is put under the legislative head, in the legislative article. I am inferring that the honorable Senator never read this part of the Constitution at all. Let me read it to him:

> Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections to that House in which it shall have originated, who shall enter the objections at large on their Journal, and proceed to reconsider it. If after such reconsideration two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law.

If the Senator will figure that up by arithmetic he will find that if the bill which he reported in this branch should upon reconsideration in the House receive every vote of the two hundred and ninety-two members and should come here and receive fifty of the seventy-six Senators, the other twenty-six being against it, the power of the President of the United States with those twenty-six Senators is enough to stop the bill from becoming a law. I think the Senator would admit that. The only qualification of the veto power in the whole Constitution is simply upon the conscience and the oath of the President as to whether he "approves" a bill. If he approves it he shall sign it; if he does not approve it he shall return it with his objections, and then if two-thirds of Congress are not ready to pass it over his veto it is remanded to the people for further consideration. That is the whole of it and all there is of it, and all attempt to revise it and qualify it and get around it and talk about abusing the power is mere nonsense, if I may use the term with proper respect. It is merely flying in the teeth of a plain, palpable section of the Constitution.

There has been a great deal of reference made here to the republican party at the time Andrew Johnson vetoed measures. Well, when we had two-thirds we passed them over his veto, and when we did not have two-thirds we did what the honorable Senator from Connecticut says he will not do, we submitted. The Senator tells us that he will not submit, and that he intends so far as his vote is concerned to break up the right arm of national defense rather than submit. Why just think of it? Here is a proposed law that we have gone from 1789 up to this hour without having on the statute books, an entirely new measure. A democratic House and a democratic Senate pass it, and the republican President sends it back with his objections. The Senator from Connecticut, the very man who reported the bill, the organ of the democratic party *pro hæc vice*, rises in the Senate and says that unless the President consents to that bill, not one dollar shall ever be voted for the Army as far as he can help it.

Mr. EATON. I reiterate it.

Mr. BLAINE. The Senator reiterates it. There is where the Senator shows courage again.

Mr. EATON. I have one word to say, with my friend's consent.

Mr. BLAINE. I yield with great pleasure.

Mr. EATON. I say, notwithstanding the sophistry that is to be found in this veto message, the Executive tells the people of this country that he will use the Army at the polls at his pleasure whenever in his judgment it may become necessary. It means at his pleasure and at his discretion. The President says:

> Under the sweeping terms of the bill the National Government is effectually shut out—

From what?—

> from the exercise of the right and from the discharge of the imperative duty to use its whole executive power whenever and wherever required for the enforcement of its laws at the places and times when and where its elections are held.

Mr. President, that covers the entire ground of my remarks. In the veto message the President says that if in his judgment it becomes necessary to use the forces of the United States at the election polls he will use that power.

Mr. BLAINE. At the election polls, or at the places where elections are held?

Mr. EATON. Oh, well, my friend is captious.

Mr. BLAINE. Oh, well, there is a great difference.

Mr. EATON. The President sticks in a very small piece of bark when he uses an expression of that character. He says in this message that he will use the Army whenever he pleases if in his judgment it becomes necessary.

Mr. BLAINE. Oh, no.

Mr. EATON. Oh, yes, I say; and therefore I say, whatever other men may do, that I never will vote one dollar to be paid, one man to be used, for so nefarious a purpose as this.

While I am up, as my friend read a little constitutional law for Connecticut, suppose I should read him a little for Maine, and when he gets back there he had better have it printed in the paper that he used to edit:

> All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives,

There is no figuring up to see how much of the power belongs to the President.

Mr. BLAINE. In regard to the point of the President using the troops, the bill which the honorable Senator reported gave two cases in which he is willing they should be used. The honorable Senator himself, in the very bill he is now defending, gave two cases in which he said troops might be used; one if an armed enemy of the United States appeared, and the other if the governor of the State where the election was held made a demand upon the Executive for troops. Apply that to the city of New York. If there was an armed enemy, or if the governor asked for troops, the Senator would have the troops sent there, but if a mob was breaking into the custom-house or into the sub-treasury, or doing any damage to the public property of the United States, then nobody whatever should have the authority to use any troops. The Senator, in other words, is ready to define the cases in which he is willing to have troops used, but he will not leave the President of the United States the slightest possible discretion.

Mr. EATON. The honorable Senator from Maine does not mean to misrepresent me——

Mr. BLAINE. Of course I mean to represent the Senator with absolute accuracy.

Mr. EATON. The Constitution of the United States determines absolutely the two cases to which the honorable Senator alludes and in which he is kind enough to say that I am willing that troops should be used. The great law of the land says that they may be used under those circumstances. Not I, not the President of the United States, but the life of the country provides for the use of troops in those cases.

Mr. BLAINE. If the Senator will stop long enough there, let me remind him that the same Constitution of the United States says that the President of the United States shall execute the laws.

Mr. EATON. And that is the reason why I do not intend to give him any infamous law of this character to execute.

Mr. BLAINE. And that is the very reason why the Senator does not intend to give him any power to execute the laws.

Mr. EATON. Not such laws.

Mr. BLAINE. Oh, no. I am glad that this scene has shifted a little.

Mr. EATON. So am I.

Mr. BLAINE. The Senator from Kentucky, [Mr. BECK,] representing the southern wing of the democratic party, was put forward first, or put himself forward, to threaten that there should not be any money appropriated if these laws were not repealed; but by some sort of graceful maneuver the Senator from Kentucky has extricated himself from that embarrassment, and now the scene has shifted, the curtain rises again, and there is a different play on the stage. It is not the South at all that wants to repeal these laws; it is the North that is under such abuse, and therefore the honorable Senator from Connecticut from the North is put forward to do the threatening. He is threatening the Federal Government on behalf of the State of Connecticut. He tells us that unless we pass the measure reported by him and unless that becomes a permanent part of the statutes of this country, and the President yields his constitutional convictions against it, there shall not be a soldier in this country.

Mr. EATON. I do not think the President has any constitutional convictions on the subject.

Mr. BLAINE. The President has a right to have a constitutional opinion, with the Senator's permission. The Senator threatens that there shall not be a frontiersman's cabin defended, that there shall not be a fort in the United States manned or armed, that there shall not be a soldier maintained unless the President yields his convictions and his judgment. I am glad that the scene of the threatening has changed and we have got it down to peaceful New England. It is about time, I think, for one of the Senators from the South to get up and twit my friend from Connecticut on the Hartford convention. That is where secession began, that is where resistance to the Federal Government was organized, as they have all said. It has got back to its old place, they can say, and is advocated by the *Senator from Hartford*, not simply from Connecticut, certainly not from New England. I have denied that he represented New England; he represents Connecticut "officially" and he represents Hartford in his political sentiments, the Hartford that was misrepresented when a

convention assembled there; the Hartford denounced by democrats as nullifying the laws of the United States and resisting up to the point of denying its authority either to move its own militia or to use the troops of the United States. I said the Senator was a man of courage. He is no doubt so.

Mr. EATON. I ought to say to my friend that I never took a great deal of stock in that Hartford convention business. It belongs to the fathers of that side of the Chamber and not of this side.

Mr. BLAINE. Yes; but I am sorry that the Senator having lived his life in denouncing the Hartford convention is returning now to illustrate the very principles for which that assemblage was denounced.

I need not have confined the reading with which I began the opening part of my remarks to what was said by Mr. Webster. I stated a few days ago that the democracy of to-day were the followers of Calhoun and Breckinridge and not the followers of Jackson and Douglas. I have here some language of Andrew Jackson applicable to the point to which I referred in the earlier part of my remarks:

The defects of the confederation need not be detailed. Under its operation we could scarcely be called a nation. We had neither prosperity at home nor consideration abroad. This state of things could not be endured, and our present happy Constitution was formed, but formed in vain if this fatal doctrine prevails. It was formed for important objects that are announced in the preamble made in the name and by the authority of the people of the United States, whose delegates framed, and whose conventions approved it.

One of the greatest speeches of Mr. Webster was made in support of that proclamation of Andrew Jackson.

Mr. President, I have spoken longer than I intended. This Congress has come to a stand-still apparently unless we are to assume that the Senator from Connecticut spoke authoritatively, unless we assume that the honorable Senator spoke for his party when he said no money was to be voted for the Army.

Mr. EATON. I did not.

Mr. BLAINE. Unless the honorable Senator spoke for his party we are not advised as yet of what we are to expect.

Mr. EATON. I was giving my judgment, my own conviction.

Mr. BLAINE. We are then in the fog still.

Mr. EATON. Well, you may be there.

Mr. BLAINE. The Senator cannot give us any assurance of what we may expect.

Mr. EATON. I should like to get my friend out of the fog; but he is hopelessly in the fog.

Mr. BLAINE. I wish the honorable Senator would get the country out of the fog.

Mr. EATON. We are trying to get it out.

Mr. BLAINE. Mr. President, I do not think that the evil that has been done to this country by publications like the one I referred to from Mr. ALEXANDER H. STEPHENS has yet been measured. I do not think the evil that has been done to the southern country by the school-books in the hands of their children has been measured. Many of the books put into the hands of the rising generation of the South are tinctured all through with prejudice and misrepresentation and with a spirit of hatred.

We are accused by our friends on the opposite side of the Chamber of stirring up strife and generating hatred. I do not believe it would be possible to find in all the literature of the North for the schools and for the young a solitary paragraph intended or calculated to arouse hatred or suggest unpatriotic feelings toward any portion of the Union. A large portion of the South has been furnished with special school-books calculated for the meridian, with the facts appended to suit that particular locality. It was said that for two generations a large portion of the English people believed that the American colonies had never achieved their independence but had been kicked off as a useless appendage to the British Empire, and that they were glad to be rid of us. There is a large number of the school children in the South who are educated with radically wrong notions and radically erroneous facts. I saw an arithmetic that was filled with examples—think of putting politics into an arithmetic—such as this: If ten cowardly Yankees had so many miles the start, and five brave confederates were following them, the first going at so many miles an hour, and the others following at so many miles an hour, how long before the Yankees would be overtaken? Now think of putting that deliberately in a school-book and having school histories made up on that basis for children. I have here from a gentleman who, I believe, is a man of high position, an extract which is so pertinent that I desire to read it. It is from an address before the literary societies of the Virginia University, by Mr. John S. Preston, a gentleman of distinction, I believe, in the State of South Carolina. I want to read this merely to put it on record to show the pabulum on which the southern mind feeds:

The Mayflower freight under the laws of England was heresy and crime. The Jamestown emigrant was an English freeman, loyal to his country and his God, with England's honor in his heart and English piety in his soul, and carrying in his right hand the charters, usages, and the laws which were achieving the regeneration of England. * * * These two people spoke the same language, and nominally read the same Bible; but like the offspring of the Syrian princes, they were two manner of people, and they could not coalesce or commune. Their feud began beyond the broad Atlantic, and has never ceased on its western shores. Not space, or time, or the convenience of any human law, or the power of any human arm, can reconcile institutions for the turbulent fanatic of Plymouth Rock and the God-fearing Christian of Jamestown. You may assign them to the closest territorial proximity, with all the forms, modes, and shows of civilization; but you can never cement them into the bonds of brotherhood. Great nature, in her supremest law, forbids it. Territorial localization drove them to a hollow and unnatural armistice in effecting their segregation from England—the one for the lucre of traffic, the other to obtain a more perfect law of liberty; the one to destroy foreign tea, the other to drive out foreign tyrants; the one to offer thanksgiving for the fruit of the earth, the other to celebrate the gift of grace by the birth of Christ.

I know the piety of New England has sometimes been criticised, but I never before heard of such fervent zeal among the Jamestown emigrants.

Mr. BUTLER. What is the date of that?

Mr. BLAINE. I think in 1875 or 1876. Does the Senator from South Carolina think that is enough to establish a statute of limitations?

Mr. BUTLER. I say nothing about it.

Mr. MORGAN. May I be allowed a word?

Mr. BLAINE. Certainly.

Mr. MORGAN. I have not seen all these arithmetics or school histories either to which the Senator from Maine refers. I doubt very much their existence, unless the Senator has them present to prove the fact. I refer now to those published since the war.

Mr. BLAINE. I refer only to those published since the war.

Mr. MORGAN. There is some other literature, however, in the Southern States which I will call the attention of the Senator from Maine to, that perhaps would indicate that there was some necessity for counter proceedings for the purpose of infusing the minds of the people down there with correct ideas on political questions. I hold in my hand the "minutes of the twelfth session of the Alabama conference of the African Methodist Episcopal Church, held at Mobile, Alabama, in Emanual church, December 18, 19, 20, 21, and 22, 1878, Right Reverend Bishop J. P. Campbell, D. D., LL. D., president." He is a colored man, and a very learned man I am told. On page 13 of the minutes of that conference I find the following entry:

Committee on letters and petitions:

First. Complaint against Z. Taylor, of Birmingham, for voting democratic ticket, signed by United States marshal.

The decision was:

His case out of jurisdiction of this conference; belongs to North Alabama conference. [Laughter.]

I have no comment to make upon that.

Mr. BLAINE. That begins to show me that the claim for piety in the South that Mr. Preston makes has some foundation. [Laughter.] If they begin to bring up men before church conferences for voting the democratic, State-rights, secession ticket, I think it is good evidence of reform. [Laughter.] It gives some ground of patriotic hope for the future.

I have here also a speech delivered by the honorable Senator from South Carolina, the junior Senator from that State, [Mr. HAMPTON,] before the Historical Society, I believe, of the South, and this has arrested my attention. Of course I read it in no spirit of captious or personal criticism, but as a great public document; and if what I read means anything, it means a great deal:

LESSONS FROM HISTORY.

These are the lessons our children should learn from their mothers. Nor are these the only ones which should be inculcated, for the pages of history furnish many which should not be overlooked. These teach in the clearest and most emphatic manner, that there is always hope for a people who cherish the spirit of freedom, who will not tamely give up their rights, and who, amid all the changes of time, the trials of adversity, remain steadfast to their convictions that liberty is their birthright.

* * * * * * *

THE SOUTH COMPARED TO PRUSSIA AND THE NORTH TO FRANCE.

When Napoleon in that wonderful campaign of Jena, struck down in a few weeks the whole military strength of Prussia, destroyed that army with which the great Frederick had held at bay the combined forces of Europe, and crushed out, apparently forever, the liberties, seemingly the very existence of that great state, but one hope of her disenthrallment and regeneration was left her—the unconquered and unconquerable patriotism of her sons. As far as human foresight could penetrate the future, this hope appeared but a vain and delusive one; yet only a few years passed before her troops turned the scale of victory of Waterloo, and the treaty of Paris atoned in part for the mortification of that of Tilsit.

* * * * * * *

She educated her children by a system which made them good citizens in peace and formidable soldiers in war; she kindled and kept alive the sacred fire of patriotism; she woke the slumbering spirit of the Fatherland; and what has been the result of this self-devotion of a whole people for half a century? Single-handed she has just met her old antagonist. The shame of her defeats of yore has been wiped out by glorious victories; the contributions extorted from her have been more than repaid; her insults have been avenged, and her victorious eagles, sweeping over the broken lilies of her enemy, waved in triumph from the walls of conquered Paris, while she dictated peace to prostrate and humbled France. Is not the moral to be drawn from this noble dedication of a people to the interests and honor of their country worth remembering?

Hungary in her recent struggle to throw off the yoke of Austria was crushed to the earth, and yet to-day the Hungarians as citizens of Austria exercise a controlling power in that great empire.

I say, if that means anything, it means a great deal. If that means anything at all, it means the education of the rising generation of the South for another conflict; it means that or else it is vapid and idle rhetoric. And I say again, Mr. President, that throughout the length and breadth of the South the one evil omen of to-day is the literature that is given to the children and the intellectual food that is offered to all the young and the rising men in the institutions of learning, in their academies, their colleges, their universities——

Mr. HAMPTON. May I ask the Senator from Maine to yield to me for a moment?

Mr. BLAINE. With great pleasure.

Mr. HAMPTON. The words which he has done me the honor to quote do not mean what he is pleased to call another rebellion. If it is "idle and vapid rhetoric," I admit that it is not such rhetoric as

he pours out; but if it is vapid and idle rhetoric I have only to plead guilty to the charge when made by him.

Mr. BLAINE. If the Senator speaks of a revival of a power that was once conquered, to be victorious at another Waterloo, with a crowning peace in Paris to atone for the humiliation of Tilsit—if that means anything by analogy at all, it has a deep and far-reaching significance.

Mr. HAMPTON.

Peace hath her victories
No less renown'd than war.

Mr. BLAINE. But peace does not celebrate her victories on the plains of Waterloo. That is where war celebrates its triumphs. Peace does not celebrate itself by great armed hosts that are employed and marshaled for avenging insult, to which the honorable Senator called attention. That is not the language of peace, and without the slightest intention to say anything discourteous, I say it is mere rhetoric—I leave out the adjective—it is mere rhetoric, or it is a prodigious menace. It is the one or the other.

As to the pending bill, I need only to say that the laws proposed to be repealed are precisely the kind which Mr. Webster alluded to when he addressed Mr. Calhoun; laws that have received the sanction of Congress and been for years on the statute-book. They are there properly. They have secured justice; they have assured fair and equal elections; they ought to be upheld; and to this hour not one solitary reason has been shown for their repeal, with the single exception of a desire to grasp partisan power. It all moves in one direction. Every step has been taken since the democratic party got into power in the House and in the Senate in one direction, and that direction has been to the striking down of the Federal power and the exaltation of the State power. This measure is but one. Others have gone before it; others are to follow it. What may be their fate I do not know. We on this side will resist by every constitutional means, and you on that side, despite the threats of the Senator from Connecticut, will be obliged to submit in the end, and the power of this Government will not be put down by a threat; it will not be put down by a combination; it will not be put down by a political party. It was not put down by a rebellion. It can meet another, either in the form of organized resistance in withholding supplies or in the more serious form which the language of the Senator from South Carolina seemed to foreshadow. [Applause in the galleries.]

The PRESIDING OFFICER. Order in the galleries.

Mr. VANCE. Mr. President, before entering upon the remarks which I propose to make I am requested to say, and that request accords with my own inclination in the matter, that the school literature referred to by the Senator from Maine [Mr. BLAINE] is non-existent in the Southern States. During the war there was some literature of that kind prevalent, but even then it met with little favor, and I am assured that since the war no child, white or black, in the Southern States has ever seen any such literature.

And now, Mr. President, it seems to be the peculiar misfortune of the section from which I come, and I believe it to be also the misfortune of the whole country, that no question in any way pertaining to the South or originating with any representative from the South has been able to obtain a fair hearing in these Halls upon its merits. Indeed it would seem as if the day for that kind of discussion had passed away forever. I had been taught to believe that the object of all discussion was to elicit truth, and not only was it useless but such discussion was mischievous if that was not the object to be attained. If this indeed be so, I might appeal with confidence to every fair-minded man in the United States who hears or reads our debates here and ask if the discussion of the questions now before the Senate has been fairly or logically handled with the view to ascertain the truth. It is proposed—

First. By the legislation which is now in part before us and which has been, to repeal the laws under which authority is assumed to interfere with the elections of the country by the use of the military.

Second. To repeal the laws by which the United States marshals and supervisors were authorized to control the elections of the country.

Third. To repeal the law requiring jurors in the Federal courts to take the test oath.

Now, these are the questions, plain and simple, which have engaged the attention of the American Congress and the people for the last three months. Common sense and a decent regard for the public interest require that they should receive at our hands the calmest and most dispassionate consideration which it is in our power to bestow upon them; that they should be abstracted and dissociated from every local passion or prejudice and viewed solely with regard to their effect upon the public welfare. Has this been done? The record of our proceedings is evidence that it has not. The staple of the arguments in opposition has been as wide of this object as it is possible for human imagination to conceive. One Senator, as his argument, cries out *rebellion;* another cries out *secession;* another exclaims, with alarm, that *rebel soldiers* are here in these Halls; another claims that the North pays the larger part of the direct taxes, and nearly all of the taxes collected on imports; another sees a goblin in the shape of a democratic caucus; another holds up his hands in holy horror in contemplating the fact that there is absolutely a democratic majority in both branches of Congress; and yet another sees ruin in a solid South; and last, but not least, one Senator exclaims in the famine of argument, "Jefferson Davis;" and that is the contribution that he furnishes to the literature of the country.

These various and logical appeals have not even the merit that the old negro groom attributed to John Minor Bott's race-horses; for when taunted with the fact that his horses could not beat anything, he congratulated himself that at all events they could beat each other! These apologies for arguments cannot even beat each other in absurdity. An honest judge will be compelled to decide that the race is a drawn one and all bets are off.

If our proceedings, Mr. President, were in the nature of a complaint and answer there is not a court in the land but would be compelled to order that the answers put in here by the republican defendants to these bills be stricken out as frivolous, and that a judgment be rendered in favor of the plaintiffs. I will not recapitulate the arguments in favor of these bills. They are before the country, and will be properly judged of in due season. I desire only to make a few observations in reply to these sectional appeals.

Mr. President, who made the South solid? The answer is as plain and unmistakable as it is possible to make anything to the human intellect: the republican party is responsible for this thing. At the beginning of the late war almost the entire whig party of the South, with a large and influential portion of the democratic, were in favor of the Union and deprecated with their whole souls the attempt at its destruction, but through love of their native States and sympathy with their kindred and neighbors they were drawn into the support of the war. What became of them after the war? Their wisdom in opposing it was justified by the ruinous results; their patriotism and courage were highly appreciated, and when peace came this class were in high favor at the South, while the secessionists as the original advocates of a disastrous policy were down in public estimation.

If you gentlemen of the North had then come forward with liberal terms and taken these men by the hand, you would have established a party in the South that would have perpetuated your power in this Government for a generation, provided you had listened to the views of those men and respected their policy on questions touching their section. But you pursued the very opposite course; a course which compelled almost every decent, intelligent man of Anglo-Saxon prejudices and traditions to take a firm and determined stand against you; a course which consolidated all shades of political opinion into one resolute mass to defend what they conceived to be their ancient forms of government, laws, liberties, and civilization itself. By confiscation and the destruction of war, you had already stripped us of property to the extent of at least $3,000,000,000, and left our land desolate, rent, and torn, our homes consumed with fire and our pleasant places a wasted wilderness.

Peace then came—no, not peace, but the end of war came—no, not the end of war, but the end of legitimate, civilized war; and for three years you dallied with us. One day we were treated as though we were in the Union and as though we had legitimate State governments in operation; another day we were treated as though we were out of the Union and our State governments were rebellious usurpations. It was the regular game of "Now you see it, and now you don't." We were in the Union for all purposes of oppression, we were out of it for all purposes of protection. Finally, seeing that we still remained democratic, the Union was dissolved by act of Congress and we were formally legislated outside in order that you might bring us into the Union again in such a way as to guarantee us a republican form of government; that is, that we should vote the republican ticket; and you cited article 4, section 4, of the Constitution as your authority to do this. You deposed our State governments and ejected from office every official from governor to township constable, and remitted us to a state of chaos in which the only light of human authority for the regulation of human affairs and the control of human passions was that which gleamed from the polished point of the soldier's bayonet. Under this simple and easily comprehended system of jurisprudence so consonant to the great assertion of the great Declaration, that "governments derive their just powers from the consent of the governed," you began and completed the task of guaranteeing to us a "republican" form of government. You disfranchised at least 10 per cent. of our citizens, embracing the wisest, best, and most experienced. You enfranchised our slaves, the lowest and most ignorant; and you placed over them as leaders a class of men who have attained to the highest positions of infamy known to modern ages.

In order to preserve the semblance of consent, conventions were called to form new constitutions, the delegates to which were chosen by this new and unheard-of constituency. The military counted the votes, often at the headquarters in distant States, the general in command determining the election and qualifications of the delegates. Many of these delegates were negroes, on whom the right to vote and hold office had not yet been bestowed. They framed constitutions in which they gave themselves this right, and it was submitted for ratification to the same constituency who chose the delegates, and none other—that is to say, they propounded the question whether they should vote and hold office to themselves, and decided this question by their own votes, while white men were not permitted to vote. Perhaps the annals of the race from which we spring, with all its various branches spread throughout the world, cannot furnish such a parody upon the principles of free government based upon the consent of the governed.

These constitutions were declared adopted by the general in command. Perhaps they were adopted. And at the same election, so

called, were also chosen State officers for a long term of years, and chosen by the same constituency. The new governments went to work, and in the short space of four years they plundered those eleven Southern States to the extent of $262,000,000; that is to say, they took all that we had that was amenable to larceny, and they would have taken more doubtless, but for the same reason that the weather could not get any colder in Minnesota, as described by a returned emigrant from that State, "because the thermometer was too short." [Laughter.] And now recalling these facts and a hundred more which I cannot now name, can any candid man wonder that we became solid? Can he wonder that old whigs and democrats, Union men and secessionists, should unite in a desperate effort to throw off the dominion of a party which had inflicted these things upon them? And your military interference, your abuse, and your denunciation continue unto this day.

Can you wonder that your following in that country has dwindled into insignificance? The negro alone is your friend there and a very few whites, and his eyes, blinded as they have been, are steadily opening to the great truth which you ought to have taught him, that his prosperity and welfare are inseparably connected with that of his white neighbors. One by one the northern adventurers who led them have packed their carpet-bags and silently stolen back to the slums of northern society whence they originated, and the lonely native republican makes his solitary lair in some custom-house or post-office or revenue headquarters. The broad, free, bright world outside of these retreats in all the South is democratic, thanks to you the republican party of the North. It would be well enough for republican leaders to remember that the inflexible law of compensation exists in politics as well as in all things else. If we violate the laws of health we suffer bodily pains or early dissolution; if we violate the laws of society we suffer in public esteem; if we violate the laws of man we are subject to its pains and penalties; if we violate the laws of God we will suffer the penalties of sin; if we violate the laws of nature we can reap none of the benefits which our knowledge of them now enables us to derive therefrom. So it is in politics. You outraged all of our sensibilities in your treatment of us and we naturally became your political enemies. There is no impunity for transgression.

You now affect to treat the presence of representative southern men in these Halls as both an intrusion and a calamity, and the tone of your speeches will induce an intelligent stranger sitting in these galleries for the last three months to believe that you were sorry you had spent so much blood and treasure to force the South back into the Union. Is this really true? Do you regret that the proper sentiment of society in the South is represented here? And rather than this should be, would you prefer that the South had staid where she tried to go? I hope not. For the sake of your patriotism I hope not. Had you rather that the Union had been lost than that you should lose power? Was it the Union you fought for or was it political supremacy? Notwithstanding the wild blasts of alarm which you are sounding throughout the length and breadth of this vast country, you well know that the only danger which our presence here indicates is the danger of your being ousted from political power. In what way can the democracy injure this country? What motive have we to injure it? Having surrendered the doctrine of secession and abandoned any intention whatsoever to divide this Union, how could we expect that the democracy to which we belong could obtain and hold the control of the Government except by showing the people by our acts that we are patriotically desirous of promoting its welfare and its glory. But you say you distrust these expressions. My friends, in your hearts you do not. On the contrary, a man who has offered his blood once for his plighted faith you believe when he plights his faith again. There is not a southern rebel, no matter how bitter and rampant he may have been, that you have not received with arms wide spread and rewarded with offices of honor and trust, who came to you with craven repentance on his tongue, ready to vote the republican ticket and eating dirt with the same gluttonous appetite with which he once ate fire. You profess to believe him, but you despise him in your hearts. You are not alarmed to receive him and you cast no suspicions upon his professions of sincerity, though, as has more than once happened, he asks you to believe he tells the truth to-day because he told a lie yesterday.

Mr. President, it has seemed to me not a little hard and inhospitable that southern Senators whose States were forced back into the Union should be so often twitted with their presence on this floor. We are here in obedience to the Constitution and the Union, and if I recollect aright some of the Senators on this floor came to the South to invite us back into these Halls. And I have a distinct recollection that the Senator from Illinois [Mr. LOGAN] and the Senator from Rhode Island [Mr. BURNSIDE] came all the way down to North Carolina to invite that State to send Senators here, and they came attended with such a numerous retinue and were so urgent in their solicitation that I, for one, found it impossible to resist so weighty an invitation. [Laughter.]

Mr. LOGAN. When I got here I did not find you. [Laughter.]

Mr. VANCE. But I came as soon as I could. [Laughter.] The honorable Senator found me, and he would not open the door for me after he had invited me. [Laughter.]

Now that we are here the Senator from Illinois complains of our presence, and the Senator from New York accuses us of wishing to "dominate" at the feast to which we have been invited, and says that we are like McGregor, who claimed that the head of the table was wherever he sat. For one I disclaim all desire to dominate at the feast, unless, indeed, voting for democratic measures be domination. I do desire, however, to be equally honored with the other guests. And I desire, in vindication also of the good name and rude hospitality of McGregor, to say that in my opinion he would have been the last man in all Scotland, riever and cattle-lifter as he was, to invite a man into his house and up to his board and then denounce him for being there.

Mr. President, would there be any real danger to the best interests of this country if it were again under the complete control of the democratic party? Surely not. It is history that this country owes its chief glory and development in the past to that grand historic party. But for its sagacity and patriotism it is safe to say that we would still be a feeble and inconsiderable people. The democratic party have extended the boundaries of this Republic from the Mississippi to the Pacific Ocean. Its policy acquired the territory of Louisiana, which extended from the Gulf of Mexico up the Father of Waters to the British Dominion, embracing Iowa, Minnesota, Dakota, Kansas, and all that vast region west to the Rocky Mountains. It acquired Florida, Texas, New Mexico, California, including their grand extent of country, plains, rivers, and mountains, with all their wealth of gold and silver and precious metals, embracing more than a million of square miles. As I now remember, not a single foot of land has been added to the empire by the republican party except Alaska—a broad stretch of icy waste, a land where frozen earth contends with frozen water, inhabited by seals and savages, in a climate which I have heard described as nine months of winter and three months of damnation cold weather. [Laughter.]

In addition to this territorial wealth and power which democracy has given to the Republic, its great lawyers and magnificent statesmen have in all generations of our existence been the special champions and expounders of the Constitution—the bond of our Union and the very ark of the covenant of our liberties. They have striven to have its principles understood, its provisions maintained in their purity, and its blessings extended to all; and great as their services have been in enlarging our boundaries, spreading our commerce, and elevating our diplomacy abroad, their services to our people and to mankind in the exaltation of constitutional principles more entitle them to the confidence of American citizens than all things else put together. In addition to their services in maintaining the Constitution they have in the main been the chief promoters of public economy and the enemies of corruption. Under democratic rule there has been in this country no Credit Mobilier, there has been no Black Friday, no Sanborn contracts, no robbery of freedmen's savings banks, no Belknap, no returning boards and no electoral commission; no military interference at the polls, no test oath for jurors in the United States courts, no Federal spies and overseers when the people were choosing their rulers. And now that we are seeking to restore this state of things and to bring back the Government to the paths in which our fathers trod the attempt is denounced as revolutionary and the trumpet is blown to warn the country that the end of all things is about to come, when, as we trust, nothing is about to come to an end except the domination of the republican party.

Coming briefly to the real questions, I ask why should the law authorizing the military to be used at the polls not be repealed and why should the law authorizing Federal supervision also be not repealed? I take it to be indisputably established without further argument, that the whole subject relating to the elective franchise is placed by the Constitution under the control of the States, and all that the Federal Government can do is to see that the States, as such, do not discriminate against any on account of race, color, or previous condition of servitude. This is the whole duty and power of Congress as declared by the Supreme Court. When any republican Senator has ventured for one moment to abandon the line of inflamatory appeal to the sectional feeling of the country, the excuses given for the retention of this law upon the statute-book are illogical almost to puerility.

One Senator gravely urges that it should not be repealed because the great bulk of the Army is in the distant West, only some few hundreds being east of the Rocky Mountains. He tells us in the course of his enumeration that there are only about thirty in the State of North Carolina, and asks the Senators from that State if they are afraid of that number of soldiers. Passing over the obvious fact that within thirty days ten thousand could be sent there if desired, I answer that we *do* fear them, because they represent the power of the United States Government and the enmity of the republican party which wields that power; we fear them as the Hollander fears the first small leak in the dikes which bear back the waves of the ocean from deluging the meadows of his homestead; we fear them as the physician fears the first speck of gangrene in the system of his patient; we fear them as the sailor fears the piling up of the storm clouds upon the horizon, knowing that their deceptive beauty covers the fierce desolation of the tempest; we fear them as the shepherd of the mountain fears for his lambs at even the flitting of a shadow athwart his path, for he knows it to be the shadow of the eagle, the remorseless tyrant of the air; we fear them as Charlemagne feared the rude wooden ships of the Norse Vikings on their first appearance in the seas of his empire; we fear them as all patriotic Romans feared the crossing of the Rubicon by Cæsar, the passage of which with arms in his hand marked him as the enemy of Roman liberty.

Even so we fear and believe that when an American Executive crosses the Rubicon of his constitutional powers and appears at the place of choosing our rulers, armed either with the sword or with ille-

gal powers of arrest, he thereby proclaims himself the enemy of the liberties of our people. A flagrant illustration of the justice of this fear is to be found in the various orders of the War Department directing the concentration of troops in the States of South Carolina, Florida, and Louisiana on the occasion of the election of 1876. The excuse that these soldiers were not intended to interfere with elections or to be placed at the polls, but only to be sufficiently near to keep the peace, is not sustained by the facts of that reign of military violence, nor will it be if tried again. I quote from an order dated headquarters Department of the South, Columbia, South Carolina, October 8, 1876, issued by General Ruger:

Should the barracks or camp in any case be so far from the place of voting that prompt assistance could not on occasion arising be rendered the civil officers, the commanding officer will so place his command or a sufficient part thereof that such assistance if required may be promptly given. No troops, however, will be placed *actually at any poll* of election except upon *requirement to that effect by the marshal or his deputy.*

So it seems that the discretion as to whether the law should be violated or not was vested in a deputy marshal! In fact they were so illegally disposed and used, in a hundred instances. The President, as appears by the order of General Townsend to General Emory, dated October 27, 1874, seemed anxious to have the troops placed at the polls without the appearance of doing so. In that order he propounds a physical problem or conundrum to General Emory which that officer had to give up. He says:

Cannot points be selected near polls where attempts to overawe voters, likely to result in riots, may be made, and troops stationed there a day or two beforehand? It would not be desirable to have soldiers *at* or *too near* the polls, *as all appearance of military interference, except to secure voters their right to vote, should be avoided.*

Not to "keep the peace," mind you, but to secure voters their right to vote! Now, this was a hard problem: to place troops so far from the polls as to avoid all appearance of interference with the elections, and yet so near as to actually interfere by securing all men in their right to vote. *Quod est demonstrandum.* It was too much for General Emory—in fact, it was too much for common sense and common honesty. All these orders show a palpable and shameless determination on the part of the Executive to control both the elections and the counting of the votes of presidential electors, as well as the organization of State governments. The manner in which the troops were shifted about from one to the other of these three States, on which the presidential election depended, exhibits the animus of this infamous transaction in a manner so plain that the wayfaring man, though a republican, need not err therein.

But the President tells us in his veto message that there has been no interference during his administration, and promises that there shall be none. So we are to take his royal promise to respect the people's liberties and not to have them secured by law? Here is the promise of one President of the United States, and one who stands exceedingly high in republican estimation, dated November 10, 1876, to General W. T. Sherman, Washington, District of Columbia:

Instruct General Auger, in Louisiana, and General Ruger, in Florida, to be vigilant with the force at their command to preserve peace and good order, and to see that the proper and legal boards of canvassers are unmolested in the performance of their duties. Should there be any grounds of suspicion of fraudulent counting on either side it should be reported and denounced at once. No man worthy of the office of President would be willing to hold the office if counted in, placed there by fraud. Either party can afford to be disappointed in the result, but the country cannot afford to have the result tainted by the suspicion of illegal or false returns.

U. S. GRANT.

On the same day the following telegram is also forwarded to General Sherman:

The President thinks, and I agree with him, that it will be well for you to give to the Associated Press his telegram and mine to you, referring to affairs now in the South.

J. D. CAMERON,
Secretary of War.

Of the vast, open-jawed, and cavernous-bellied nature of this promise I have not the heart or the time to discourse. I shall content myself with imitating the discretion of Mr. Rodman, who, returning home one night full of tax-paid, and fearing that his speech would betray him, to the many questions of his wife for a long while maintained an obstinate silence, until at length to end the matter he solemnly remarked, "Mrs. Rodman, you know I am a man of few words, and now I am plumb done talking." That subject immediately became *res adjudicata*. I am done talking on this subject so well calculated to make an American citizen blush.

The arguments made by the opponents of these bills, especially those of the veto messages, strike me with a good deal of amazement. To illustrate their absurdity let us frame them into the semblance of mathematical propositions, thus:

Proposition first: Theorem.—The troops of the United States are two thousand miles away on the frontier and could not be used to control elections if they were wanted.—Senator from Maine.

The troops could not be so used if they were here, as the law forbids it. I promise not to use them.—The President.

Hence it is revolutionary and dangerous to liberty and the purity of elections to pass this bill forbidding such use of troops.—Q. E. D.

Corollary first.—The necessity for troops at the polls to secure fair elections is in proportion to the squares of the distance of their present location, *i. e.*, the greater the distance, the greater the necessity.

Corollary second.—The necessity for the presence of troops at the polls is also in proportion to the legal inability to use them if they were present, and if the President is determined not to use them at all to control elections, then the necessity becomes absolute.

Corollary third.—The revolutionary and dangerous character of a law consists in the fact that it is useless, there being already in existence laws sufficient to effect the purpose.

Scholium.—In the above it is assumed axiomatically that the terms "liberty" and "purity of elections" are synonymous with the term "republican party." [Prolonged laughter.]

Proposition second: Theorem.—The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.—The fifteenth amendment quoted by the President.

The Supreme Court in the United States against Cruikshank, and in Myers *vs.* Happersett, have declared that the only right guaranteed by this amendment is the right that citizens shall not be discriminated against on account of race, color, or previous condition of servitude. Hence "national legislation to provide safeguards for free and honest elections is necessary, as experience has shown, not only to secure the right to vote to the enfranchised race at the South, but also to prevent fraudulent voting in the large cities of the North."—The President.

Corollary first.—It follows that if John Smith gets drunk at an election in North Carolina and punches a negro's head he immediately, by presidential logic, becomes the State of North Carolina embodied in the flesh, and he, or it, *discriminates* against the said negro within the meaning of the Constitution and the guarantee is called for at once.

Corollary second.—If it be a white man whose head is punched by the embodied State-of-John-Smith-North-Carolina it is a discrimination all the same, provided the said white man was about to vote or had voted the republican ticket, that being the true meaning and interpretation of the words "race, color, and previous condition of servitude."

Corollary third.—It follows necessarily, that if a New York repeater vote the democratic ticket five times in one day, he becomes likewise the great State of New York (including the Senator) or, *e converso*, the great State of New York becomes the repeater, and by so voting he discriminates (the Lord knows how) against the right of somebody (the Lord knows who) to vote on account of race, color, or previous condition of servitude; and the only avenue opened up by which this guarantee can be enforced is to send in the Army and Johnny Davenport. [Laughter.]

Scholium.—The "previous condition" referred to in the foregoing is that of republicanism, and implies also present condition; that is, being a republican.

Scholium second.—Enforcing the right to vote by soldiers is not an "interference with elections."

Scholium third.—This doctrine of "discrimination" does not apply to the State of Rhode Island, where a white man's right to vote may be freely abridged on account of his present condition of impecuniosity.

Proposition third: Theorem—"The practice of tacking to appropriation bills measures not pertinent to such bills did not prevail until more than forty years after the adoption of the Constitution. It has become a common practice. All parties when in power have adopted it. The public welfare will be promoted in many ways by a return to the early practice of the Government and the true principles of legislation."—The President.

Hence the practice of tacking legislation to appropriation bills having been practiced by all parties for more than fifty years, it should be immediately abandoned when disagreeable to the President or inconvenient to the party, its antiquity not being sufficient to justify it, though greater than the period of its non-use.

Corollary first.—It follows, therefore, that the practice of using troops at the polls, which did not prevail for more than seventy-five years after the adoption of the Constitution, should now become of general and indispensable use; fourteen years being amply sufficient time to legalize it, and it being now absolutely necessary for the preservation of the republican party.

Scholium.—For the purposes of the next presidential election fourteen years of military interference are equal to seventy-five years of free and unrestrained elections, on the well-established principle "that circumstances alter cases." (The Lawyer's Bull *vs.* the Farmer's Ox, 1 Webster's El. Spell.)

N. B.—It is said on high authority that the Secretary of War and the Secretary of State once held this problem unsound, but were coerced into assenting to it by party necessity. But *quien sabe!* [Laughter.]

So much for the absurd deductions which may be logically drawn from the premises contained in the veto messages and the arguments of Senators.

Now, Mr. President, why should not the peace at the polls and the purity of elections be intrusted to the authority, the virtue, and the patriotism of the States, where alone our fathers placed it? Is it because the States are unable with their civil machinery to preserve the peace? They have invariably proven able in the past except in cases of such unusual violence as is contemplated in the Constitution, article 4, section 4. Are they unwilling? Surely they are willing to preserve their autonomy and perpetuate their own existence. Are

they corrupt? Surely if their inhabitants as citizens of the States are too corrupt for self-government, it is not possible that their virtue should be improved and their corruptions cease the moment they are invested with authority by the United States. On the contrary there is always found less of responsibility and more of corruption in aggregated than in separate communities. How can a corrupt State officer become an incorruptible Federal officer?

To suppose that the States are either unable, unwilling, or too corrupt to hold peaceful and honest elections is to declare unmistakably that the people thereof are incapable of self-government. "Let each Senator have written on his brow what he thinks of the Republic," said the Senator from New York, quoting the old Roman. So say I. Let each Senator say for himself what he thinks of his State; are its people incapable of self-government, of choosing their rulers peaceably and honestly? For one I can say with unspeakable pride and with absolute truth that the people of the State of North Carolina who sent me here are able, willing, and virtuous enough to fulfill these and all the other high functions of free government; that they have ever done so since the keels of Raleigh's ships first grated upon the white sands of her shores; and God helping them, they and their children will continue to do so, if not destroyed by centralization, until chaos shall come again. It is with extreme sadness that I hear any other Senator intimate that it is not so with his people.

Mr. President, did you ever consider for a moment the manifold and extraordinary uses to which we are subjecting the soldiers? And did you ever think that all this means in fact the failure of the civil authority, that our liberties are declining more and more as we employ force? Sir, in the uses to which we put the soldiers I am reminded of what I read about the bamboo in Asiatic countries. It is said the natives do almost everything with that wonderful arborescent grass. When young and tender it is eaten and preserved; it is made into houses and boats, astronomical instruments, ornamental work, yards of vessels, aqueducts, rain-cloaks, water-wheels, fence-ropes, chairs, tables, hats, and umbrellas, fans, pipes, cups, shields, tool-handles, lamp-wicks, paper, knives, and a hundred other things. In this way it seems to me that we are forsaking the civil functions of our institutions and utilizing the soldier.

In addition to their legitimate business as defenders of the country, we have made of them governors of States, legislators, organizers of Legislatures and judges of the election and qualifications of the members thereof, judges of law and equity and of the criminal courts, policemen, sheriffs, marshals and deputy marshals, revenue officers and still-house hunters, managers of railroads, controllers of churches and of schools, justices of the peace, supervisors of election, mathematicians to see a fair count, protectors of witnesses, foster-fathers of returning boards, and, above all, as republican propagandists. In the language of the sewing-machine companies, "no family should be without one," [laughter;] this republican political bamboo. Is there not great danger? Does it not indicate the decay and the disuse of the civil arm of the law, which is the natural and only safe protector of our liberties? Let us, sir, discard this miserable bamboo policy and cease to make the soldier our political maid of all work.

Mr. President, it seems to me that the position of the republican party in reference to the use of soldiers and supervisors at the polls, on the pretense of preserving the peace and securing free elections, is the most remarkable one that reasonable men ever assumed. It may be formulated thus: the elections shall be free if we have to surround the polls with bayonets; the elections shall be according to the laws of the States if we have to overawe the civil magistrates and State officials by an exhibition of power; the elections shall be pure if it takes Davenport and all the convicted criminals and occupants of all the dens of infamy in our great cities to manage them; the election shall be unforced and without the appearance of violence if a battery of artillery has to be trained on every ballot-box in the land; and lastly, the election shall be fair if we have to arrest without warrant and imprison without bail, until the elections are over, every man who offers to vote the democratic ticket.

The speeches of republican Senators mean this, the vetoes of the President mean this, and they mean more than this, Mr. President—in effect they say that unless we can use the Army at the polls we will let that Army dissolve, we will leave our forts and arsenals ungarrisoned, we will strip the frontiers of all protection and let the men, women, and children of that border country be slaughtered and scalped, and the unchecked savage extend his barbarous sway over all that land of promise, once more remitted to its ancient wildness. We will not only do this but we will denounce the democratic members of Congress who offered us the money to support this Army as the authors of this disaster. All these things will we do rather than lose our chances to count in the next President, and we will cover the facts and obscure the logic of the case by reinflaming the bitter prejudices of the war in the hearts of our constituents! Can it be possible to do this? Is there to be no end to passion, no restoration of reason? We shall see.

I confess that I do not believe these absurd methods of dealing with the American mind can much longer prevail. I regard them as the desperate efforts of a sinking party, and I believe the people will so regard them. I have been much touched by the affectionate warnings given us by the other side that we were ruining ourselves in trying to repeal these laws. The kind-hearted Senator from Michigan notified us frankly that if we persisted we would go down into the waters of oblivion to rise no more forever. He did not even give us a chance at the general resurrection. [Laughter.] It seemed to distress him, and if I thought it was true prophecy I would freely mingle my tears with his at the contemplation of so dire a calamity. Candor compels me, however, to acknowledge that I cannot reciprocate his charity. If I thought the republican party were standing upon the brink of a precipice, beneath which seethed those cold waters of oblivion, instead of warning them I pledge you my word I would try to induce them to step over the edge—in fact, I might lend them a push. [Laughter.] At least I should feel as indifferent about it as the lodger at an inn did, who was awakened in the night when the meteors were falling, and told that the day of judgment had come. "Well, well," said he, testily, "tell the landlord about it; I am only a boarder." [Laughter.]

And now, Mr. President, if the breath was about to leave my body and I was permitted to say but one word as to what my country most needed, that word should be, *Rest!* Rest from strife, rest from sectional conflict, rest from sectional bitterness, rest from inflammatory appeals, rest from this constant, most unwise, and unprofitable agitation. Rest in all lands and in all literature is used as the symbol of the most perfect state of felicity which mankind can attain in this world and the next. "And the land had *rest*," said the old Hebrew chroniclers in describing the reign of their good kings; "and his *rest* shall be glorious," says the prophet Isaiah in foretelling the coming of our Lord, when Ephraim should have ceased to envy Judah and Judah should have ceased to vex Ephraim.

Heaven itself is described as *rest*—a place "where the weary are at rest." "There remaineth therefore a *rest* for the people of God," saith the apostle. Can we not give this rest to our people? I know, Mr. President, that those from whom I come desire it above their chief joy. The excitement through which they have passed for the last twenty years, the suffering and the sorrow, the calamity, public and private, which they have undergone have filled their hearts with indescribable yearnings for national peace, for a complete moral as well as physical restoration of the Union. There is one policy, and but one, to effect this object, and that is the policy of conciliation, of restoration, so steadily pursued by the democratic statesmen and people of the North. It is the only true statesmanship for our condition, the only genuine remedy for the hard times with which we are afflicted. Nature everywhere teaches it, and her thousand agencies, silent and mysterious, constantly inculcate it, even as day unto day uttereth speech and night unto night showeth knowledge. Cross this noble river which flows by our capital and search for the battle-fields of blood-watered Virginia. You scarce can find them. Dense forests of young saplings cover all the hills and plains that were so lately swept bare by marching and encamping armies. "For there is hope of a tree if it be cut down that it will sprout again, and the tender branch thereof will not cease." Waving seas of wheat cover the open fields so lately plowed by the bursting shells while charging battalions met in deadly shock; and green grass has so covered the lines of intrenchment as to give them all the seeming of the cunning farmer ditches. Restoration is nature's law. Let us imitate her. God of all mercy and grace, may not these gaping wounds of civil war be permitted to heal, if they will?

Mr. ANTHONY and Mr. LOGAN addressed the Chair.

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) Does the Senator from Rhode Island yield to the Senator from Illinois?

Mr. ANTHONY. I yield to the Senator from Illinois.

Mr. LOGAN. I do not desire to make a speech or to detain the Senate more than a moment. We have been highly entertained by the Senator from North Carolina, [Mr. VANCE,] and I will not, of course, attempt at this late hour to inflict a speech on the Senate, but I desire, in answer to the general declaration that has been made on the other side of the Chamber at various times that the democratic party had never resorted to the use of the Army at elections, to read a paragraph or two from a speech made in the House of Representatives, March 17, 1858:

I say, then, that the President of the United States has power to use the Army in certain specified cases; and I am not prepared to say that such a case has not arisen in the Territory of Kansas. I know the President, in his discretion, thought it had arisen. I know the governor whom he sent there thought it had arisen. I know the result of their use there has been good. Not one drop of blood has been shed. No man has been interfered with in the enjoyment of his civil rights; and for the first time in the history of that Territory the two political parties have met at an election upon an issue joined, and have conducted it peacefully.

Another gentleman tells us that he objects to the use of an army because he is dissatisfied with the condition of affairs in Utah. Sir, I make no question with him upon that point. I have not read the voluminous papers which have been sent us on that subject; but I am prepared to say from the examination which I have been able to make, that, in my opinion, much of the difficulty in that Territory has arisen from the character and conduct of the officers who have been sent there; that, if other men, pursuing a different line of conduct, had been sent as Federal officers, the position of the Mormons toward the Government would have been different.

Then, following that, the same gentleman said:

Sir, if there is one sentiment more deeply engraven upon the hearts of the American people than any other, it is this: that they will obey law, and will require obedience in others. The public sentiment of this country will never justify the American Legislature in withholding from the Executive a sufficient power to enable him to assert its dignity, and to execute the law.

He proceeded:

We are told that a standing army is dangerous to the liberties of the people. I will not quarrel with that maxim. I know that its truth is sustained by history. I know that in ancient Rome the people and government were the sport of the

cohorts of the pretorian camp; but before that time arrived the imperial purple had been stained with the blood of its victims, and liberty had disappeared forever from the seven-hilled city. I know that in modern times a usurper, in one night, by the power of his army, seated himself upon a throne which seems firm; but before that night the liberties of the people had been crushed out under forms of a free government, and the Presidency was as great a despotism as the empire now is. But, sir, was it ever heard that an army of twenty thousand men, scattered over three millions of square miles, coming from the people, returning to the people, supported by taxes raised from the people, and voted by their Representatives, was dangerous to the liberties of twenty-five million of freemen? It is the suggestion of a weak imagination, and not the sober apprehension of a manly judgment.

I have read this in answer to the declarations that have been so frequently made that the Army had never been used under democratic administrations, and I am sorry that the Senator who made this declaration in 1858 is not in his seat. He is one who stands high in the estimation of the democratic party, one who has been honored much; it is the Senator from Ohio, GEORGE H. PENDLETON.

Mr. ANTHONY. I move that the Senate proceed to the consideration of executive business.

Mr. BECK. There are some other important amendments. The Senator from Illinois [Mr. LOGAN] has an amendment and the Senator from Mississippi [Mr. BRUCE] an amendment. Perhaps we can dispose of them now.

The PRESIDING OFFICER. The Senator from Rhode Island moves that the Senate proceed to the consideration of executive business.

Mr. DAVIS, of West Virginia. I hope the Senator will withdraw that motion for the present.

Mr. ANTHONY. I withdraw it for the present.

Mr. BECK. About twenty minutes more I think will dispose of all the amendments. The Senator from Illinois has one, and I only know of one or two others.

The PRESIDING OFFICER. The pending question is on the motion of the Senator from Vermont [Mr. EDMUNDS] to strike out certain lines.

Mr. EDMUNDS. It was understood that that should be laid aside informally and not acted upon until the other amendments were disposed of. When that comes up for action, I shall be glad to say a few words, not detaining the Senate long.

Mr. BECK. The amendment of the Senator from Illinois has not been considered carefully by the committee, but by such of us as could get together I am instructed to make the point of order against it.

The PRESIDING OFFICER. The amendment will be read.

Mr. BECK. It sets aside existing law.

The CHIEF CLERK. The amendment of the Senator from Illinois [Mr. LOGAN] is to add at the end of the bill:

SEC. —. That persons honorably discharged from the military or naval service by reason of disability resulting from wounds or disease incurred in the line of duty shall be preferred for appointments to civil offices and positions in all the departments of the Government, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such offices and positions.

Mr. BECK. The change of law that I refer to is that it limits the power of the President and the appointing officers to a particular class of persons instead of allowing them to exercise their discretion among all persons who are eligible as the law now stands.

Mr. LOGAN. I will, without discussing the point of order, read a section of the statutes, to be found on page 169 of volume 19.

That whenever, in the judgment of the head of any Department, the duties assigned to a clerk of one class can be as well performed by a clerk of a lower class or by a female clerk, it shall be lawful for him to diminish the number of clerks of the higher grade and increase the number of the clerks of the lower grade within the limit of the total appropriation for such clerical service: *Provided*, That in making any reduction of force in any of the Executive Departments, the head of such Department shall retain those persons who may be equally qualified who have been honorably discharged from the military or naval service of the United States, and the widows and orphans of deceased soldiers and sailors.

My amendment is only continuing a law that exists on the statute-book and enlarging it; it is not changing the law but only enlarging its scope.

The PRESIDING OFFICER. The Chair rules that the amendment is out of order, the Chair believing that to enlarge its scope is to change the law.

Mr. BECK. The only other amendment I know of is one offered by the Senator from Mississippi, [Mr. BRUCE,] who is not in his seat. Perhaps it had better lie over until he comes in. The same point of order will be made against that.

Mr. TELLER. I desire to offer an amendment.

The PRESIDING OFFICER. Is the amendment of the Senator from Mississippi offered?

Mr. BECK. It was left with the committee, and we thought it best to call attention to it, making the same point of order against it, unless it is desirable to let it remain until the Senator from Mississippi comes in.

Mr. ALLISON. I think the amendment had better be passed over until he comes in.

Mr. BECK. Very well; let it go until the Senator from Mississippi comes in. It is a clear change of the law.

Mr. TELLER. A few days since the Senate refused to adopt the amendment of the committee by which they struck out a portion of the bill reported from the House, the House having made certain money in the Treasury available for the purpose of paying the arrears of pensions. The Senator from Kansas [Mr. PLUMB] offered an amendment which was ruled out of order, and I offered an amendment which also was ruled out of order on the ground that it changed existing law. If the object of the provision on page 70 of the bill as it came from the House for the releasing from the Treasury of eight and a half millions, concerning which considerable discussion took place the other day, is to enable the pensioners to be paid promptly, there is a necessity for some further words in the statute. If the only object was to enable the eight and a half million to be paid out and thus increase the money in circulation eight and a half million without any reference to the pensioners, then perhaps it is right as it stands. The Senator from Kansas then, having in view the efficiency of the bill with reference to the payment of the pensioners, offered an amendment which was declared out of order. I thought I had obviated the objection by the amendment I offered, but that was then also declared out of order.

Now, Mr. President, I have another amendment, and I submit it just simply for the purpose of seeing whether anybody who was friendly to the proposition for the paying out of this money is disposed now to object to its being paid out in the way in which the general discussion of those who voted for it would lead the pensioners to suppose they were in favor of.

The PRESIDING OFFICER. The Senator from Colorado [Mr. TELLER] offers an amendment, which will be read.

The CHIEF CLERK. On page 70, line 1705, after the words "eighteen hundred and seventy-six," it is moved to insert:

Provided, That as the claims for arrears of pensions shall be settled and determined, and as often as once in thirty days, the Secretary of the Interior shall make requisition upon the Secretary of the Treasury for the funds necessary to pay all claims then settled.

Mr. TELLER. That simply renders it impossible by delay or by negligence to have the money lying in the Treasury after the claims are adjudicated. I do not ask that the Treasury officials shall make any undue haste, but I say simply that when the claims are adjudicated and settled, then they shall be paid. Now, if there is anybody on this floor who wants to vote against that, I wish to see who it is.

Mr. BECK. I only desire to say that I am instructed by the Committee on Appropriations to make every question of order where any new legislation is proposed, and believing that the order requiring a requisition is new legislation, I make the point of order against the amendment.

Mr. DAVIS, of West Virginia. In addition to what my colleague on the committee has said——

The PRESIDING OFFICER. The point of order is not debatable. The Chair does not hesitate to sustain the point of order made by the Senator from Kentucky.

Mr. DAVIS, of West Virginia. Very well. But I only wanted to state another ground.

Mr. BECK. Now I know of no other amendment that will be offered in Committee of the Whole; and if the Senator from Vermont will not object I would propose that the bill be now reported to the Senate, reserving the political questions and such others as gentlemen may see fit to reserve, so as to get it out of committee. I suppose those matters can be acted on as well in the Senate.

Mr. EDMUNDS. I do not see any objection to that. It is just as well to take a vote once on the political legislation as twice. I make no objection to the bill being reported to the Senate.

Mr. BECK. A number of gentlemen think we ought to vote at four o'clock to-morrow, and one or two others yet desire to be heard in the morning. Therefore I simply ask that the bill be reported to the Senate. I have only one point to reserve; I shall ask a vote of the Senate on the amendment increasing the clerical force of the Post-Office Department, and the change of one or two totals so as to make them agree with the amendments already adopted. Those are the only points the committee care about.

The PRESIDING OFFICER. If there be no further amendments proposed, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

Mr. BECK. I desire now to say to the Senator from Rhode Island that if he wishes to submit a motion for an executive session——

Mr. EDMUNDS. The first question is on concurring in the amendments made as in Committee of the Whole. Perhaps they might be disposed of, and then the amendment I offered in committee and which is still pending striking out a portion of the bill might be taken up.

Mr. BECK. With the one that I reserved.

The PRESIDING OFFICER. Is it the pleasure of the Senate to take the vote on the amendments adopted in Committee of the Whole *en masse*?

Mr. BECK. Except those that are reserved, one as to the clerks in the Post-Office Department, with a change of totals depending upon the result, and the other upon the one suggested by the Senator from Vermont.

Mr. EDMUNDS. I had the impression that the amendment as to clerks in the Post-Office Department was rejected.

Mr. DAVIS, of West Virginia. The Senator thought it ought to be rejected. I think with him.

The PRESIDING OFFICER. The question is on the adoption of the amendments made as in Committee of the Whole, with the exception of the two amendments suggested by the Senator from Kentucky.

The amendments were concurred in.

Mr. EDMUNDS. Now, let us have the reserved amendments.

The PRESIDING OFFICER. The first reserved amendment will be reported.

Mr. BECK. We do not care about any further vote now. If the Senator from Rhode Island desires an executive session now, I will yield to him for that purpose.

Mr. EDMUNDS. We had better dispose of these amendments now, if we can.

Mr. BECK. There are one or two gentlemen who advocated them yesterday who are not here now.

Mr. EDMUNDS. An understanding has been had, I am informed, that this bill shall be disposed of, without further debate, at four o'clock to-morrow. I was not present when that understanding was made, and had I been present, I should not have agreed to it, because I do not think it is a good plan; but as that agreement has been made we had better go on and finish the bill to-night if we can or to-morrow when we can. I have an important amendment to strike out a part of this bill, that I wish to address myself to briefly when the question really arises on striking out, not talking for the purpose of political effect, but endeavoring to show why it ought to be stricken out upon sound principles. That being the case, I want to have the chance at some time to say my brief say upon that subject, and I want to give notice now that at some time, as I was not present (being out for a few moments) when the understanding was come to that I shall claim that right and shall exercise it unless the rules of the Senate are changed.

Mr. ALLISON. There is no difficulty about that. The only two amendments now reserved are the amendment proposed by the Senator from Vermont, and this other one about the Post-office Department.

Mr. EDMUNDS. There is not any amendment reserved that I proposed, for the reason that it was not acted on in the committee either way. It is simply a motion to strike out.

Mr. ALLISON. Then let it be understood that the amendment of the Senator from Vermont is now the pending proposition, and he will be entitled to the floor to-morrow morning.

Mr. EDMUNDS. But I understood some other gentlemen have given notice of an intention to deliver formal speeches, and I do not wish to cut them out. I cannot, and it would not be right that I should, if they have given that notice. I therefore should not wish to take the floor now to the exclusion of anybody who has expected to deliver a formal address to the Senate; but I intend to speak to the amendment I have offered to some purpose, if I can, and for a short time when I get a fair opportunity that will not crowd anybody else.

Mr. THURMAN. I hope the Senate will go on with the bill this afternoon. It seems to me it must be done if we are to vote, as it was agreed unanimously we shall do, at four o'clock to-morrow. I know several Senators who have expressed a desire to speak on the bill, and they will be cut off unless we have some more speeches to-night as we go on. I hope, therefore, that we shall sit on with this bill for an hour or two more, so that Senators can be heard. There are some who desire to speak—I am not one of them—who will otherwise be cut off.

The PRESIDING OFFICER. The question is on the adoption of the first of the reserved amendments, which the Secretary will report.

The SECRETARY. On page 76, line 1869, the Senate as in Committee of the Whole struck out "seven" and inserted "eight;" on page 77, line 1871, struck out "seven" and inserted "eight;" and in line 1872, struck out "thirteen" and inserted "fourteen;" so as to make the clause read:

For Second Assistant Postmaster-General, $3,500; chief clerk, $2,000; chief of division of inspection and equipment, $2,000; eight clerks of class 4, one of whom shall have $200 additional as superintendent of railway adjustment; twenty-eight clerks of class 3; fourteen clerks of class 2; twelve clerks of class 1; four clerks, at $1,000 each; two assistant messengers; in all, $101,540.

Mr. HOUSTON. What has become of the amendments that preceded that?

The PRESIDING OFFICER. The amendments adopted in Committee of the Whole, with the exception of two which were reserved by the Senator from Kentucky, have all been concurred in by the Senate.

Mr. HOUSTON. No one here heard what was being done. There were amendments adopted in committee that I wanted to vote against in the early part of the bill. I understood from the gentlemen in charge of the bill that they had not been agreed to.

The PRESIDING OFFICER. The question is on concurring in the amendment just read by the Secretary.

Mr. EDMUNDS. I suggest to the Senator from Alabama that if by accident any amendment has been agreed to by the vote in gross that he wishes a separate vote on, I have no doubt he can get unanimous consent to consider that amendment as still reserved. I am sure he can.

The PRESIDING OFFICER. Does the Senator from Alabama want unanimous consent of the Senate to consider the amendment referred to by him reserved?

Mr. HOUSTON. I should like to vote against that amendment. I want to vote against it.

The PRESIDING OFFICER. Will the Senator indicate the amendment?

Mr. HOUSTON. It is the amendment in relation to the employés of the Senate and the additional permanent clerks made for committees.

The PRESIDING OFFICER. The Senator from Alabama asks unanimous consent of the Senate to reserve the question upon the amendment indicated by him. Is there objection?

Mr. MAXEY. Is the vote now upon concurring in the amendment offered as in Committee of the Whole relative to the additional permanent clerks for committees?

The PRESIDING OFFICER. That is the question indicated by the Senator from Alabama. The Senator from Alabama asks unanimous consent to have that amendment considered as reserved for a separate vote. The Chair hears no objection and the amendment will be considered as reserved for a separate vote. The question now is on concurring in the amendment read by the Secretary a few moments since.

Mr. MAXEY. What is the amendment?

Mr. ALLISON. Increasing the number of clerks in the Post-Office Department. It is not necessary to report it again.

Mr. DAVIS, of West Virginia. I was unavoidably detained from the Senate on Saturday when a vote on the pending amendment was taken. I regret that the Senate by a yea-and-nay vote added to the bill three clerks in the office of the Second Assistant Postmaster-General. Economy in governments, as well as in all business transactions, is requisite to success; and depend upon it, Senators, extravagance, come where it may, in family, in business, or in government, tells in the end against those who cause it.

Now, what are the facts here? Three additional clerks have been added by the Senate over and above the estimates of the Department. Four have been added to the bill, the committee having added one because it was estimated for and asked by the Department, but the other three clerks, so far as the Committee on Appropriations know, no Department has asked for, certainly they were not asked for or talked of by the representative of the Post-Office Department that was before the Committee on Appropriations.

About $3,000,000 in addition to the amount expended last year, over and above the revenue of the Department, is the increase in the Post-Office Department for the fiscal year. Senators, are you ready to continue voting a deficit or an additional amount of money in the Post-Office Department merely because it is asked? How is it that my republican friends are so much more willing to vote now than they were a year or two ago an increase of these clerks? In looking over the list, without calling any names, I find that, with the exception of the republican members of the committee, almost every man on the other side now votes for increase of this clerical force. Last year they voted for a decrease or to have the number remain where it was. How is it that there is so much more liberality on that side of the House now than a year ago? And I ask my friends on this side why is it that any of them want further extravagance in the Post-Office Department. I have just stated that $3,000,000 is the estimate of its cost this year over and above the income, more than it cost a year or two ago. If there is a Department of the Government, in my judgment, that ought to be curtailed, it is the Post-Office Department. I believe I am correct in saying that it is the only Department that has increased its expenditures within the last few years, and it has increased its expenditures over and above its revenue $3,000,000 in round numbers the present year beyond last year.

I think we ought to go slowly; we ought to think before we vote additional compensation or additional clerks to any of the Departments at present. The estimates, coming as they do from and through the Treasury Department, having been inspected by the President, as I presume, do not ask for this increase; and yet we here in the Senate have voted it. Who asks it? I understand the Second Assistant Postmaster-General has asked it. It is true we have had a recommendation in a very moderate way from the Postmaster-General, who indorses what is asked for—three additional clerks in the office of the Second Assistant Postmaster-General. We have already given in the same Department ten additional clerks in the Third Assistant Postmaster-General's office. That the committee believed was ample.

I hope Senators will take into consideration and think of this matter, and not go outside of and above the estimates, and as I believe, after inquiry and hearing all the Post-Office Department had to say, over and above what is actually necessary for the Department, especially as this is an extra expenditure over and above their estimates or over and above what it is for the present year, and for the present year it is nearly three million more than it was last year.

Mr. MAXEY. Mr. President, I do not desire, nor do I intend, to make any additional argument more than I made when I presented this amendment on behalf of the Committee on Post-Offices and Post-Roads.

The remarks made by the chairman of the Committee on Appropriations suggest that he believes this is extravagant, and that it is simply proposed on the application of the Second Assistant Postmaster-General, backed by a very modest letter on the part of the Postmaster-General. The Postmaster-General states in that letter that this is needed, and he states that the reason why it is needed is on account of the increase in the business in that branch of his Department, owing to the nineteen hundred additional mail-routes established at the last session of Congress.

Now, I desire to say to the Senator from Kentucky [Mr. BECK] and to the Senator from Pennsylvania [Mr. WALLACE] that they used my

argument in a manner which was not at all justified and ought not to be made by them as lawyers. I did quote a maxim of the law which I believed to be applicable, *omnia præsumuntur rité et solemniter esse acta*, and from that I deduced that this, being an official act of the head of a Department, was presumed to be correct, and yet both of those gentlemen saw proper to assert in the presence of the Senate that I said because he recommended it therefore it should go down whether or no; that that was sufficient.

I never said anything of the kind, never argued it; but I did say that *prima facie* the statement of the Postmaster-General being official and made to Congress, for the time being stands good until suspicion is cast upon it, which has not been done; and those gentlemen who are lawyers, ought to draw that distinction upon an argument made by me from a maxin which they ought to know, and what I stated about it. I stated that it was presumed to be good until set aside, and I further stated that no suspicion had been cast on that statement, nor has there been any. I hope the Senate will concur in the amendment made as in Committee of the Whole.

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole.

Mr. DAVIS, of West Virginia. I think we had better have the yeas and nays. The question should be settled definitely.

The yeas and nays were ordered.

Mr. KIRKWOOD. What is the precise question?

The PRESIDING OFFICER. The question is on concurring in the amendment made as in Committee of the Whole, which was reported a few minutes since. Does the Senator desire that it shall be reported again?

Mr. McMILLAN. I should like to hear it reported.

The PRESIDING OFFICER. It will be reported.

The CHIEF CLERK. The amendment is, in line 1869, to strike out "seven" and insert "eight;" in line 1871 to strike out "twenty-seven" and insert "twenty-eight," and in line 1872 to strike out "thirteen" and insert "fourteen."

Mr. DAVIS, of West Virginia. The amendment simply adds three clerks in the office of the Second Assistant Postmaster-General, who has already had one added by the bill. It is to add three over and above the estimates.

The yeas and nays were taken.

Mr. ANTHONY. I am paired on political questions with the Senator from Maryland, [Mr. WHYTE.] I notice that most of his friends have voted in the negative, and I refrain from voting. I should vote "yea" if he were present.

Mr. CAMERON, of Wisconsin. I am paired for this afternoon on political questions with the Senator from Missouri, [Mr. COCKRELL,] who is necessarily absent from the Chamber, but this I do not regard as a political question. I do not know how the Senator from Missouri would vote. I vote "yea."

The result was announced—yeas 25, nays 26; as follows:

YEAS—25.

Bell,	Coke,	Logan,	Rollins,
Blaine,	Ferry,	McDonald,	Saunders,
Bruce,	Garland,	McMillan,	Teller,
Burnside,	Hill of Colorado,	Maxey,	Voorhees.
Cameron of Pa.,	Hoar,	Morrill,	
Cameron of Wis.,	Ingalls,	Paddock,	
Chandler,	Kirkwood,	Platt,	

NAYS—26.

Bailey,	Edmunds,	Lamar,	Walker,
Beck,	Hampton,	Morgan,	Wallace,
Booth,	Harris,	Ransom,	Williams,
Butler,	Hereford,	Saulsbury,	Windom,
Call,	Houston,	Slater,	Withers.
Davis of W. Va.,	Jones of Florida,	Thurman,	
Eaton,	Kernan,	Vance,	

ABSENT—25.

Allison,	Dawes,	Johnston,	Randolph,
Anthony,	Farley,	Jonas,	Sharon,
Bayard,	Gordon,	Jones of Nevada,	Vest,
Carpenter,	Groome,	Kellogg,	Whyte.
Cockrell,	Grover,	McPherson,	
Conkling,	Hamlin,	Pendleton,	
Davis of Illinois,	Hill of Georgia,	Plumb,	

So the amendment was not concurred in.

The PRESIDING OFFICER. The question is on the amendment reserved by the Senator from Alabama, [Mr. HOUSTON.] Does the Senator from Alabama desire the vote taken in gross upon the amendments reserved by him, there being various items or heads, or does he wish a separate vote upon each of the amendments?

Mr. HOUSTON. I will take the question by one vote.

The PRESIDING OFFICER. The Secretary will report the amendments.

The SECRETARY. The Senate, as in Committee of the Whole, made the following amendments:

In line 19, after the word "thousand," strike out "five hundred" and insert "eight hundred and ninety-six;" in line 22, strike out "six" before "hundred" and insert "twelve;" in line 22, after "Chief Clerk," strike out "two thousand five hundred" and insert "three thousand;" in line 24, strike out "and" before "minute;" in the same line, after "journal clerk," insert "financial clerk, and enrolling clerk, at;" in line 25, after "hundred," insert "and ninety-two;" in line 26, after "each," strike out "financial clerk and three clerks, at $2,250 each;" in line 28, before "clerks," strike out "five" and insert "six;" in line 29, after "thousand," insert "two hundred and twenty;" in line 30, after "each," strike out "one clerk at $1,800" and insert "five clerks in the office of the Secretary of the Senate, at $2,100 each;" in line 33, after "stationery," strike out "$1,800" and insert "$2,102.40;" in line 36, after "thousand," strike out "four" and insert "eight;" in line 37, after "hundred," insert "and ninety-six;" in line 38, after "Senate," strike out "six hundred" and insert "seven hundred and twenty;" and in line 40, after "hundred," insert "and ninety-six;" in line 42, strike out "$1,800" and insert "$2,102.40;" in line 52, strike out "$2,000" and insert "$2,220."

The amendments were concurred in.

Mr. BECK. On page 2, line 16, I move to strike out, before "dollars," the words "eighty-seven thousand four hundred and twenty-two" and insert "eighty-nine thousand six hundred and forty-two."

Mr. HOAR. I desire to inquire if it is not the uniform custom of the Senate to allow those additions of the amounts appropriated to be made by the Clerk?

Mr. EDMUNDS. Oh, no, not that exactly.

Mr. BECK. This is simply a change of the total so as to provide for the permanent clerk that the Senate voted to the Committee on Post-Offices and Post-Roads.

Mr. DAVIS, of West Virginia. I understand that the amendment of the Senator from Kentucky is only a change in a footing made necessary by the addition of a permanent clerkship, and nothing else.

Mr. BECK. It is only a change in footing made necessary as I have stated.

Mr. HOAR. The Clerk is always directed to make those corrections.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Kentucky.

The amendment was agreed to.

Mr. BECK. That is all I believe, now, except the political amendment so called.

Mr. BUTLER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and thirty-seven minutes spent in executive session the doors were reopened, and (at six o'clock and twenty-seven minutes p. m.) the Senate adjourned.

IN SENATE.

TUESDAY, *May* 20, 1879.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of the Treasury, transmitting, in compliance with a resolution of the Senate of the 2d instant, a report of the Third Auditor of the Treasury relating to the account of Colonel Thomas Worthington for Army supplies in 1861; which was ordered to lie on the table.

BILLS INTRODUCED.

Mr. VOORHEES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 617) granting an increase of pension to William H. Hale; which was read twice by its title, and referred to the Committee on Pensions.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 618) for the relief of Herman Holman and Crawford Fairbanks; which was read twice by its title, and referred to the Committee on Finance.

Mr. McDONALD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 619) for the relief of certain actual settlers on the Kansas trust and diminished-reserve lands in the State of Kansas; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Public Lands.

Mr. WINDOM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 620) granting a pension to Jacob Nix; which was read twice by its title, and referred to the Committee on Pensions.

USE OF TROOPS.

Mr. McDONALD. I ask leave to introduce a bill authorizing the employment of the militia and the land and naval forces of the United States in certain cases, and for other purposes. I ask that it be read at length.

The PRESIDENT *pro tempore*. The bill will be read the first time by its title and the second time at length.

Mr. EDMUNDS. Has there been notice given of an intention to ask leave to introduce the bill?

The PRESIDENT *pro tempore* The Chair is not aware that there has been notice given.

Mr. EDMUNDS. Then I object.

The PRESIDENT *pro tempore*. Does the Senator object to the reading of the bill?

Mr. EDMUNDS. I do not object to its being read for information of what the Senator from Indiana gives notice that he will introduce.

Mr. McDONALD. I ask the unanimous consent of the Senate to introduce the bill without previous notice.

Mr. EDMUNDS. I will hear it read for information.

The PRESIDENT *pro tempore*. The bill will be reported.

The Secretary read the proposed bill, as follows:

Be it enacted, &c., That whenever the United States shall be invaded or be in imminent danger of invasion, or whenever the laws of the United States shall be opposed or the execution thereof obstructed in any State by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the power invested in the marshals by this act, and official information shall be furnished thereof by a judge of the Supreme Court, or judge of any circuit or district court of the United States sitting or exercising judicial authority within the limits of any such State; or in case of any insurrection or domestic violence in any State against the government thereof, and the Legislature of such State or the executive (when the Legislature cannot be convened) has made application therefor, it shall be lawful for the President of the United States to call forth such number of the militia of the State, or States most convenient to the place of danger or scene of action, as he may deem necessary to repel such invasion, or to suppress such combination and to cause the laws to be duly executed, or to suppress such insurrection, or put down domestic violence in such State; and the use of the militia so called forth may be continued if necessary until the expiration of thirty days after the commencement of the next session of Congress.

SEC. 2. In all cases of invasion, insurrection or domestic violence, or obstruction to the laws, either of the United States or of any individual State or Territory where it is lawful for the President of the United States to call forth the militia for the purpose of repelling such invasion, or suppressing such insurrection or domestic violence, or of causing the laws to be duly executed, it shall be lawful for him to employ for the same purpose such part of the land or naval forces of the United States as he shall judge necessary, having first observed all the prerequisites of the law in that respect, but it shall not be lawful to employ any part of the Army of the United States as a *posse comitatus* or otherwise for the purpose of executing the laws, except in such cases and under such circumstances as such employment of said force may be expressly authorized by the Constitution or by act of Congress.

SEC. 3. The marshals of the United States in their respective districts shall have power to execute all lawful process and precepts to them directed and issued under the authority of the United States, and in the execution thereof shall have the power to command all necessary assistance.

SEC. 4. All laws and parts of laws heretofore enacted which are in conflict with any of the provisions of this act are hereby repealed.

SEC. 5. All laws and parts of laws heretofore passed by the Congress of the United States regulating the manner of holding elections for Representatives in Congress are hereby repealed.

Mr. McDONALD. If the Senator from Vermont will permit the bill to be received, it is my purpose to ask that it lie on the table, and to-morrow or next day I shall call it up for a second reading with a view of having it referred to the Committee on the Judiciary.

Mr. EDMUNDS. I shall want to reflect before I can vote to have the bill brought in; and therefore my friend will have to give notice of his intention to bring it in at some future day.

Mr. McDONALD. That is very unusual, Mr. President. Of course, it is the right of the Senator to make that objection. It will simply delay the introduction of the bill one day. If he thinks a delay of one day will give him time to inquire whether a bill of this kind should go to the Judiciary Committee, of course it is his right to do so.

Mr. BAYARD. Let it be printed.

Mr. McDONALD. I desire that it shall be printed, and on to-morrow or next day—I am not particular as to the time—I propose to submit some remarks upon the bill.

Mr. EDMUNDS. Mr. President, I only disagree with my honorable friend, the Senator from Indiana, as to this course of mine being very unusual. In those glorious better days that my honorable friend thinks he is so hungry for, that existed in the time of the better men of the Republic, it was always the custom on important measures to ask leave or to give notice of the intention to bring in a bill, and the principal discussion on the general merits of the bill was always had on a motion for leave to bring it in. Therefore, wishing to be like my honorable friend in some respects, as to admiration for those who have gone before us, I think I am not trespassing either upon the rules or the courtesy of the Senate, when I wish that course to be taken in respect of this bill.

Mr. McDONALD. The Senator is undoubtedly exercising the right he has. I ask that the bill be printed, and I now give notice that to-morrow morning I shall introduce it.

Mr. EDMUNDS. That is, the Senator will ask leave to introduce it.

Mr. McDONALD. I will ask leave to introduce it.

The PRESIDENT *pro tempore*. The Senator from Indiana gives notice that he will ask leave to introduce the bill that has been read.

Mr. DAVIS, of West Virginia, (to Mr. McDONALD.) Ask leave now to introduce it.

Mr. McDONALD. I ask leave now to introduce the bill to-morrow morning.

Mr. EDMUNDS. That I object to. That is not within the rules. The Senator can give notice that he will ask for leave to-morrow morning.

The PRESIDENT *pro tempore*. The Chair thinks that is the rule.

Mr. McDONALD. I will put it in any form that will suit the Senator from Vermont.

The PRESIDENT *pro tempore*. The twenty-second rule provides that—

One day's notice at least shall be given of an intended motion for leave to bring in a bill or joint resolution, but in the introduction of bills or joint resolutions on leave such notice may be dispensed with by unanimous consent.

The notice that the Senator gives must be a notice that he will ask for leave to bring in the bill.

Mr. McDONALD. I ask that the bill be returned to me, and under the rule just read I now give notice that to-morrow morning I shall ask leave to bring in the bill.

Mr. EDMUNDS. That is right.

The PRESIDENT *pro tempore*. The notice will be noted on the Journal.

EVANS'S COMPILATION OF IMPORTS.

Mr. BECK submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Committee on Finance be instructed to inquire into and report as to the propriety of procuring for the use of Congress a compilation of the imports into the United States and the rate of duties thereon, which has been prepared by Charles H. Evans, in the Bureau of Statistics.

WILBUR F. M'DANIEL.

Mr. WHYTE. Mr. President, I desire to offer a resolution. Before doing so, however, I wish to say to the Senate that the young man whose name is mentioned in the resolution is a young man who acted as page of the Senate for several years, and in the discharge of his duties as page some time ago, in coming down the marble steps on the east side of the building, fell over the banisters and struck his head, seriously injuring himself and almost incapacitating him for any other work than that of a page or messenger. He has reached the period of life when he can no longer act upon the floor as a page, and I hope the Senate will authorize his employment in the capacity designated in the resolution.

The Senate, by unanimous consent, proceeded to consider the resolution, as follows:

Resolved, That Wilbur F. McDaniel be, and he is hereby, appointed messenger to the superintendent of the document-room, at a salary not exceeding $720 a year.

Mr. CHANDLER. I should like to inquire of the Senator from Maryland whether the resolution provides an additional officer of the body.

Mr. WHYTE. I do not know whether or not hereafter the young man may be worked in as one of the present officers, but temporarily it is an additional office. There is no place for him at the present time without turning somebody else out; and he is a young man whose condition appeals to the sympathies of the Senate. Cutler, who was injured by the explosion of gas down-stairs, is permanently employed, and this young man is the only person I have known to be injured in the service of the Senate who is not employed at this time.

The resolution was agreed to.

PREVENTION OF EPIDEMIC DISEASES.

Mr. HARRIS. I wish to give notice that immediately upon the conclusion of the consideration of the legislative appropriation bill, I shall ask the body to proceed to the consideration of Senate bill No. 108, known as the quarantine or epidemic diseases bill.

LEGISLATIVE, ETC., APPROPRIATION BILL.

The PRESIDENT *pro tempore*. If there be no further morning business, what is the pleasure of the Senate? [A pause.] Nothing being moved the Chair will declare the morning hour at an end, and the unfinished business is the legislative, executive, and judicial appropriation bill.

The Senate resumed the consideration of the bill (H. R. No. 2) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes.

Mr. SAUNDERS. Mr. President, if it is agreeable to the Senate, I should like to occupy a few moments of its time on the pending bill unless the Senator who has it in charge has something special to present at present.

Mr. BECK. I supposed the Senator from Vermont [Mr. EDMUNDS] had the floor.

The PRESIDENT *pro tempore*. The Chair has not stated the question. The pending question is the amendment moved by the Senator from Vermont, to strike out a portion of the bill, to wit, beginning with line 2108 to line 2168, inclusive.

Mr. SAUNDERS. Mr. President, I should not presume to occupy the time of the Senate with any remarks upon the subject now under consideration if it were not for the persistent manner in which the friends of this bill and those lately vetoed by the President urge this unnecessary if not unusual legislation. Three appropriation bills have now been before this extra session, each loaded down with proposed legislation entirely irrelevant to an appropriation bill.

It is disclaimed on the part of the majority that there is any intention to carry this legislation so far as to be chargeable with revolutionary designs, and so far we have given them credit for candor; but how far, I ask, can this course be pursued without subjecting it to such a charge? The fact that bills pass both Houses and are not approved by the President is not an unusual one, and should not of itself suffice to fasten a stigma upon the friends of such bills, nor subject the Executive to the unmeasured abuse which has been heaped upon him for exercising his constitutional power. The Constitution provided for such emergencies, and they arise and are disposed of as matters of course; but if Congress should refuse to provide the means with which to carry on the Government, refuse to furnish the "sinews of war," because the President will not allow safeguards adopted almost in the very hour of our birth as a nation and thrown around the rights of electors to be repealed and stricken from our statutes,

then if this is not revolution, or an attempt to destroy the Government, what else can it be called?

Why, Mr. President, is all this clamor for a repeal of these laws at this time? Has any body or set of men, anywhere, asked for it? Has the Senate had a single petition asking that this thing be done? Has any damage been inflicted upon any one, anywhere, to call for such legislation? Has the President at any time used the Army, or have United States marshals by his order used their authority, in any way that should call forth such persistent efforts to make these changes at this time? I answer, nothing of the kind. What, then, does all this mean to which we have listened so patiently and so long, and which is, in fact, exciting the suspicion and disgust of the intelligent masses of the North? Do gentlemen on the other side know that they are suspected of wishing to remove the possibility of having a Federal officer at the polls, in order that a free use might be made of the shot-gun and revolver to deter one class of citizens, and those in many instances in the majority, from exercising their rights at the polls? These unfortunates, though outnumbering their opponents in some of the Southern States, are poor, timid, and unarmed. Free they are, so far as being able to call body and soul their own, but I aver they are not free to enjoy their political rights under the Constitution and the laws. The right which, under a republican form of government, does most to make a man feel that he is a man is partly taken from them now, and I fear will be denied them absolutely if the policy under consideration prevails.

A few years ago in the other end of the Capitol might be seen on the left of the Speaker's stand quite a respectable number of the dusky sons of the South who were there to represent, among others, their own race. But where are they now? Gone! Why? Is it because the colored majorities in the States referred to do not want their wishes represented in the Congress of the United States? Certainly not. The reason of their absence is too well known to us and to the country to need a statement from me. Elections as they are now conducted in the South may be fair and free, but it will be hard to make the people of the North believe it while the South is solid in the support of the democratic party, when it is well known that in several of the States the colored voters are in the majority and strongly in favor of the republican party as the one that struck off their shackles and let them go free.

Now, how are these majorities treated? How stands the representation in this Congress? Are numbers properly respected? Let us see. The colored people constitute about one-tenth of the population of this Union. If, then, they had their just representation in the House of Representatives they would have between twenty-five and thirty members, but to-day they have not one to tell the story of their wrongs, or to defend or advocate their rights. In this Chamber they would be entitled, according to numbers, to seven or eight Senators, but only one is permitted here, and notwithstanding his abilities and the satisfactory manner in which he discharges his duties and his attention to the wants of his constituents, he could not, I presume, be re-elected by any Legislature which could possibly be chosen in his State. What does this mean, but that the democratic party, under pretense of maintaining freedom of elections, proposes to virtually disfranchise one-tenth of the voting population of the country? So well is the sinister character of this policy understood by those persons most deeply interested, that they are flying panic-stricken at the momentary return to political power of their former task-masters and oppressors.

In a republican form of government the safety and perpetuity of the entire fabric are dependent upon the privilege, the right of having and enjoying an honest and free ballot. I ask if this can be secured to the people unless the Executive shall have the power left with him to see that all laws protecting this right are enforced? To do this effectually both the civil and military power of the Government should remain in his hands; not to be abused, but to be used if necessary to support and sustain the freedom of the ballot. This view of the subject is clearly expressed by the President in the able message he last addressed to Congress. I quote his language:

> Holding, as I do, the opinion that any military interference whatever at the polls is contrary to the spirit of our institutions, and would tend to destroy the freedom of elections, and sincerely desiring to concur with Congress in all of its measures, it is with very great regret that I am forced to the conclusion that the bill before me is not only unnecessary to prevent such interference, but is a dangerous departure from long-settled and important constitutional principles.
>
> The true rule as to the employment of military force at the elections is not doubtful. No intimidation or coercion should be allowed to control or influence citizens in the exercise of their right to vote, whether it appears in the shape of combinations of evil-disposed persons or of armed bodies of the militia of the State, or the military force of the United States.
>
> The elections should be free from all forcible interference, and, as far as practicable, from all apprehensions of such interference. No soldier, either of the Union or of the State militia, should be present at the polls to take the place or to perform the duties of the ordinary civil police force.

To this doctrine, sir, I freely and heartily subscribe, but at the same time I must insist on retaining in the hands of the Government all the power, both military and civil, necessary to uphold and perpetuate itself. By the Constitution the President is Commander-in-Chief of the Army and Navy of the United States, and not of these only, but of the militia of the several States when called into the actual service of the United States. I am in favor of the President retaining this power and maintaining the dignity of his office, not parting with any part of it under any plea whatever, that the securities we boast might remain to us, and that we might rest ourselves with the assurance that vigilance, not only sleepless but armed, watches over our liberties. The proposition made by the other side of the House is that for three hundred and sixty-four days out of the year the Executive should have and enjoy the control of the Army and Navy, but that for the other day of the three hundred and sixty-five he should abandon his rights, sleep upon his post, spurn the insignia of his high office, in fact abdicate and for that day abandon liberty to suffer violation at the pleasure of every political rough or scamp.

I believe in a government with power to sustain itself! I believe the Constitution gives this Government that power! I believe the people of this country intend that this Government, the creation of their own wisdom, enriched by their own sacrifices and cemented by their own blood, should have in itself power, not only to compel the respect of foreign enemies, but of domestic traitors. In other words, I believe in leaving with the Government to-day and for the future as much power as it had when it crushed rebellion and received its final surrender at Appomattox. I believe it to be the hope and desire of every true American citizen that armed troops or any other body of armed men may never be seen at the polls; but at the same time I do not believe that any true and loyal citizen of the country desires to see the power lessened whereby the Government is enabled to uphold and sustain itself.

For my part, I hope never to see any occasion for calling upon the military arm to protect the ballot-box. Nevertheless, if its rights were invaded to such an extent as to require it, then I would say bring every power to bear to sustain these rights, for upon them our national existence depends. The laws now in force and which are sought to be repealed seem to me essential to the enjoyment of our privileges as citizens of the Republic. They are harmless to the law-abiding, and go no further than any law demands for its own existence. Behind every enjoyment of right and every prohibition of wrong there must stand the force without which either would be unavailing. In this connection I desire to quote from a speech recently delivered on this subject, so nobly conceived and so nobly expressed that I use his language in preference to my own. He says:

> I have neither the time nor the disposition to enter into a general discussion of those laws sought to be repealed. Their nature and purpose are well known to the House and to the country; but I cannot refrain from observing that if gentlemen on the other side of the Chamber are really anxious to preserve the peace and purity of the ballot-box, why attempt to tear down the only remaining national fortress reared for the defense of either? Do you desire, gentlemen, an honest registration? These laws provide for it. Do you want a pure ballot? They promote it. Do you want a fair count? They insure it. Do you desire a true return? They enjoin it. Do you want order and peace at the polls? They command it. Do you want repeaters and ballot-box stuffers, thugs and red-shirts punished? They secure it. And there is nothing in these laws that is a terror to any man except him who has already committed or is now meditating some outrage upon the ballot-box of his country.

In the foregoing, Mr. President, is expressed in a few words much that is calculated to attract the attention of the people of our country. "Let well enough alone" is a common but very expressive saying, and one that this Congress might with great propriety and good effect adopt at this time. Let us wait till we are asked by somebody to change the laws which have had such peaceful and, as I believe, beneficial effects, before we strike them from our statutes.

But, Mr. President, this subject has been so ably and so fully discussed by Senators who have had longer experience in this body than I have, that I deem it unnecessary for me to do more than to enter my protest against the repeal of that part of our election laws which throws around the honest voter about the only safeguards he has, and which secures to him the right due to every man to cast one free and fair vote at each election.

No, sir, I have no hope of changing any Senator's vote on this question, for I have no doubt but the number of those who will support or oppose this bill is perhaps as fully defined now as ever the old-school doctrine of election and reprobation defined the numbers of those to be saved or lost. In this case, however, we must leave it to the voters, who are the party most deeply interested in the subject, to decide who shall be the saved and who the lost, and to that tribunal I am perfectly willing to appeal or refer this case.

Mr. WHYTE. Mr. President, it is never agreeable to trespass upon the patience of a deliberative body at the close of a long and exhaustive debate; and I could hardly find excuse now for vexing the ear of the Senate by further discussion, were it not for the extraordinary character of the speeches made upon the other side of the Chamber, calculated, if not intended, to place the conduct of those upon this side of it before the country in an unenviable light unless the antidote shall go out with the poison. I am tempted, therefore, to make brief reply to some of the statements and arguments presented by Senators who belong to the republican party.

Last February I expressed my opinion in the Senate in regard to the constitutionality of the election laws which the disputed sections of this bill are intended to repeal; and my objection now to the political legislation herein contained is that it is not expansive enough for me. In my opinion, the supervisors as well as the deputy marshals ought to go. I am opposed, on principle, to all kinds of Federal interference, civil or military, with the exercise of suffrage at any election, State or congressional. I find no warrant for it in the recent amendments to the Constitution, or in section 4 of article 1 of the original instrument.

I tried to show in my remarks in February, from contemporaneous

exposition of that instrument, that section 4 in article 1 was inserted merely as a reserve power, to be used in the case of neglect or refusal upon the part of the States to make regulations for such elections, and to preserve the life of the "United States." I supported my views by the report of the Committee of Elections, of which Judge Douglas was chairman, in the House of Representatives in the Twenty-eighth Congress, in reference to the act of 1842, June 25, which required members of the House to be elected by districts, and not by general ticket—by the action of the House in repudiating such congressional interference and seating the members elected in defiance of that act.

I endeavored to show that, even admitting the power contained in section 4 of article 1, as construed, it had been exhausted in providing for the times, by fixing the day of election, the places, in setting the districts, and the manner, by determining the vote to be by ballot, and not *viva voce*. I then objected to further interference on the part of Congress in the elections, even for members of the House, and maintained there was no power under the Constitution whereby Congress could compel the judiciary to appoint officers, like supervisors, for political duties. These were my views then, and they have been confirmed by the discussions which have been had upon the bills before the present Congress. There are no such elections, in my judgment, as national elections. All elections are State or municipal elections.

There are no elections of United States officers and no voters of the United States. The voters are voters of the States, they are the people of the States, and their members of the House of Representatives are chosen by the electors of the States to represent the people of the States, whose agents they are. The Senator from Georgia truly said: "Our fathers found no model of our form of government in ancient or modern history." It had no prototype in form, it had no parallel in its perfection of wisdom. It differed from all other republics in that representative system which it established, and this was in conformity with the great law in which the Revolution had its origin, that representation and taxation should go hand in hand together. A written constitution and representation of the State governments in the Senate and of the people of the several States in the House of Representatives, this was the cardinal distinction which contrasted ours with all other republican forms of government. It was this sublime evidence of political sagacity and discrimination in our fathers which has excited the wonder of the civilized world. Writers on federal governments have pointed to this new feature in a republican system as a grand step in political science.

Referring to his text, speaking of the Achaian confederation and subsequently as to the Lykian confederation, Mr. Freeman, in his Historical Essays, says in a note:

I am not sure that when I wrote this, or even when I wrote what I said upon the same matter in the History of Federal Government, 1, 273 and 274, I fully understood that in a perfect federal constitution it was needful to have two houses, one of which represents the sovereignty of the united nation, and in which the vote to be taken is that of the majority of the whole people or their representatives, while the other house represents the separate sovereignty of the several cantons, and must give an equal voice to each canton, great or small. This object is gained in the United States by the Senate and House of Representatives as distinct and equal branches of the Federal Legislature. In Switzerland it is gained not only by the same constitution of the federal legislature the Staerderath and Nationalrath answering to the Senate and House of Representatives, but also by the distinct votes of the cantons and of the people, which are taken in the case of a constitutional amendment. No arrangement of votes in a single assembly, whether primary or representative, can in the same way give them due weight to each of the two elements of that divided sovereignty which is the essence of a federal state. But there is no need to blame either the Achaian or the Lykian confederation for not at once reaching to the latest refinements of modern political science. We must always remember that in all these commonwealths representation was unknown, though especially in the case of the Lykian league, they often trembled on the very verge of it. And in Greece, at least, the co-ordinate power of two legislative chambers was altogether unknown, though something like it may be seen in the relations between the senate and the popular assembly in the best days of Rome.

Representation thus was the distinguishing feature of our Republic. Now, who are represented in the House of Representatives? Is it the people of the United States? Not at all. Article 1, section 2, of the Constitution shows us that it is the people of the several States. As these are to be represented, they are the competent authorities to select; and are they not able and competent to protect the selection?

The Senator from Vermont may say, but where do the people of the States get the power to elect Representatives? and he will answer, from the Constitution; but I say, where did you get the Constitution? and the answer comes, from the people of the several States. The people first, the Constitution afterward. The people are the constituents; they reserved the right to choose their agents in the Federal Legislature. In that "bond of union" they provided for their own representation to carry out those clearly defined powers which they had delegated to the Government of the United States, and they reserved to themselves or to the States all powers not delegated to the Government so created. And these rights, so reserved, are those State rights so roundly denounced in this Chamber, and so unjustly held up to reprobation, as if those who maintain them were supporting doctrines hostile to the peace of the Union, and rights which were destroyed by the victory of the Union arms in the civil war. How can Senators sworn to support the Constitution, with article 10 of the amendments before their eyes, denounce their brethren for standing loyal to the doctrine of the reserved rights of the States?

Never faithless in my devotion to the Union of the States, I am not willing to rest silently under a denunciation which accuses us on this side of the Chamber with maintaining some "damnable heresy" of which we ought to be ashamed.

Now, what is the issue which has sprung up in the discussion of the political clauses in this appropriation bill? A gentleman high in the republican party, speaking in another place, which I am not at liberty to name, thus states the doctrine on which his party stands. Let it go to the country, and let those who have studied our form of government understand the theories of the republican party, or let those republicans who do not believe it deny that these sentiments truly represent the doctrines of that party:

We are a nation. That is the first doctrine of the republican party; to establish it we fought the war.

Why, I thought we were a nation in the family of nations long before the war was ever dreamed of.

There can be no nation without law and the administration of law. The enactment and administration of law constitute government. Laws must be made, construed, and enforced. This is so because God has thus ordained it. It is the nature of things.

* * * * * * *

Now, our nation is a nation, and the form of our Government is republican not primarily because of anything contained in the written Constitution.

We are a nation, therefore, without a constitution; the Constitution is all a myth; we are a nation of ourselves; we are a nation created, ordained of God! Is that the doctrine of the republican party?

We are a nation because we are human beings inhabiting a given territory, united by relations and laws and interests created by God and inflexible as nature and fate. Our form of government is republican—

Why? Not because our fathers entered into a form of government republican in its character; not because under the Constitution we have ordained that every State shall have guaranteed to it a republican form of government, but our form of government is republican—

because no other is possible over just such a people as we now are, for we will consent to no other; and the written Constitution is a consequence, and in no sense a cause.

"The nation would exist without it!" Can that be the doctrine of the republican party in regard to this great galaxy of States, drawn together in a bond of union, cemented by the strongest ties that can bind man and man together, living under a written constitution, governed by laws ordained by virtue of that constitution and passed by Congress under it, and under it only? Does the republican party maintain such a doctrine as this?

The nation would exist without it; the Government would be republican without it. The written Constitution performs an invaluable function as a compendious statement of principles and laws; but the principles would exist, and the Constitution as such be applied by the people, if there were no written law.

Well, if that is the doctrine of the republicans, enunciated by a leading republican as the doctrine of his party, it certainly is a doctrine that I have never known maintained in this country before to-day.

Mr. HOAR. Will the Senator from Maryland allow me to ask him a question?

The PRESIDING OFFICER, (Mr. WALLACE in the chair.) Will the Senator from Maryland permit himself to be interrupted?

Mr. WHYTE. Certainly, for an inquiry.

Mr. HOAR. I desire to ask the Senator whether the representatives of the State of Maryland, Samuel Chase, William Paca, Thomas Stone, and Charles Carroll, did not in behalf of that State declare in 1776 that the people of the American colonies were one people?

Mr. WHYTE. Probably they did. So they are one people, and I will show the Senator from Massachusetts that before they so declared the united colonies by resolution declared that they were free, sovereign, and independent States. We are one people. Let any foreign nation cross swords with us and it will find that we are one people.

Mr. HOAR. If it would not disturb the honorable Senator from Maryland, his reply does not touch the inquiry which I made. I understood him to arraign the republican party because some person in its name had declared that prior to the American Constitution we were a nation, and he wanted to know whether that utterance had ever been made before. I called his attention to the fact that the representatives of his own State and of all the others declared eleven years before the Constitution was framed that we were one people, to which he replies to me, "Oh, yes, certainly we are one people now." Was it not declared in substance by all the colonies that they were a nation eleven years before the Constitution was framed?

Mr. WHYTE. No, Mr. President, it never was declared that we were a nation.

Mr. HOAR. Then the Senator says we were one people but not a nation.

Mr. WHYTE. So we were one people, one people in sentiment, one people by the bond which bound us in resisting the tyranny across the ocean, one people by ties which made us stronger than "an army with banners" that had ever been mustered in any field before; one people that made us by a common sympathy answer in Maryland to the wrongs committed upon the people of Massachusetts. We were one people in sentiment then; we are one people in sentiment now; but not in the governmental understanding of the words "one people." We never were one people in that view of the case anterior to

the adoption of the Constitution, and then only in a limited sense, as I propose to show.

Now, Mr. President, the remarks to which I referred do not speak of us as being a nation before the adoption of the Constitution. They speak of us as a nation now, and a nation without a constitution, a nation not bound by a constitution. The Constitution is treated as a mere programme or a compendious statement of principles by which we are governed, and that we would be governed without a constitution at all. This is the modern theory of some New England orators on the subject of our form of government. Now let us see what a Senator from the Northwest, from Minnesota, [Mr. WINDOM,] says of our Government:

THE NEW REBELLION AGAINST NATIONALITY.

That purpose was—

Speaking of the action of the House and of the democrats in the Senate in regard to the appropriation bills—

That purpose was, and is, to denationalize this nation, to convert it into a mere confederacy of States, and, under the new name of "Home Rule," to crown the old secession doctrine of "State sovereignty" with supreme power over the destinies of the Republic.

State sovereignty and secession! They have as little to do with each other, and are as far apart as the north and south poles. He continues:

In other words, it is an attempt to do by legislation what four years of bloody rebellion failed to do by the sword, namely: to destroy our nationality. Or, to state it still more concisely, it is an effort to recover the "lost cause."

And those of us on this floor who never raised a hand against the Union, who never participated in any way in the late war against the United States, are denounced as if we were striving to revive a "lost cause" in which we had no part nor lot. Again:

Upon all other questions the democratic church tolerates the widest latitude of opinion. The incendiary communist and the aristocratic conservative, the wildest inflationist and the very prince of bloated bondholders, all find a home in her ample folds; but on this essential tenet of party faith, he "who doubts is damned." North and South, East and West, in peace and in war, in victory and in defeat, the faithful democratic believer worships at the shrine of "State sovereignty."

I thank God he does; at that shrine I was taught to worship; and it will not do for any of these latter-day patriots to teach me that my adoration of that doctrine has been faithless in its character toward the form of government under which I live.

Facts and arguments are powerless to convince him of his error. Treason and rebellion against his country have failed to shake his adhesion to this supreme article of his creed. The only exception he ever tolerates is when the National Government "enters a State," as he calls it, with an appropriation, but without the old flag.

That is the mode in which our arguments are met; that is the way our arguments, based on reason, though it may be feebly expressed, are treated by our colleagues across the Chamber. We are to be held up before the country as rebels, as traitors, as faithless, as false to our Constitution and our country, because we do not subscribe to their doctrine of our form of government and their view of its administration.

Ah! Mr. President, that may do here. It will not do before the intelligent people of the United States. They will need arguments rather than denunciation; they will need the scintillations of intellect to carry them captive to the doctrines of the republican party rather than the bitter philippics hurled against men as true and faithful to the Constitution as any on that side of the Chamber can boast that they have been.

Mr. WINDOM. Will the Senator allow me to ask him whether he does not agree with the honorable Senator from Connecticut [Mr. EATON] on the subject of State rights.

Mr. WHYTE. After I have said what I have to say, the Senator from Minnesota will understand my views upon that subject. I pin my faith to no man's sleeve.

Mr. WINDOM. I will listen with great pleasure.

Mr. WHYTE. "A confederacy of States," "secession," and "State sovereignty" are so intimately blended in the speech of the Senator from Minnesota as to defy even a Philadelphia lawyer in his effort to understand what idea the Senator has of his own form of government. The presumption will hardly be violent if we say he thinks this is a nation composed of the people of the United States as an entirety; that the States are mere corporations, and but tributary to the National Government, and have no rights except those which the nation permits them to enjoy. I hold our splendid scheme of government in higher esteem than that. I affirm that it was created and endowed with all its powers in this form and none other, namely: That the people of the several States, acting in their highest sovereign capacity as free and independent States, adopted the Federal Constitution and established a form of government in the nature of a confederated republic; and, for the purpose of carrying into effect the objects for which it was formed, delegated to that Government certain rights, enumerated in said Constitution, but reserved to the States respectively, or to the people thereof, all the residuary powers not delegated to the United States by the Constitution, nor prohibited by it to the States.

That is my doctrine of our form of government, prepared by my own hand with care to express my ideas, so that no man should put into my mouth any other view of our form of government than the one I entertain.

On this doctrine I stand to-day as I have stood all my life since I have been able to appreciate anything of a form of government at all, and I am not ashamed to uphold it as the true theory of our Government to be honored and respected by us, and to be transmitted as a precious legacy to our children's children. Now, to be brief, for I do not wish to occupy too much of the time of the Senate, a brief review of the history of the events preceding the formation of the Constitution and of its contemporaneous and later construction by the philosophical minds of the past will not leave much doubt of the real design of our fathers in framing that instrument.

To the first continental congress, which met in Philadelphia on the 5th of September, 1774, all the colonies except Georgia sent delegates.

The second continental congress, which assembled in Philadelphia on the 10th of May, 1775, and which chose George Washington to be Commander-in-Chief of the continental army, was composed of delegates from all the States. In that congress—and this is the point to which I wish to call the attention of the Senator from Massachusetts—in that congress, upon the motion of the delegates from Virginia, on the 2d of July, 1776, all the colonies resolved that the "united colonies are, and of right ought to be, free and independent States." As States, not as one people. They were there representing the States, not representing a united people at all. Then and there they laid the foundation of that sovereign right which we now claim reserved in the State as an integral part and constituent of this our great country. Actuated by the same spirit for united action, eleven of the States adopted the articles of confederation in 1778, another did so in 1779, and the last of the thirteen in 1781, by which the States were joined in a bond of union.

The inefficiency of the government set up by these articles of confederation caused the people of the several States to enter into a new agreement for the purpose of forming a "more perfect Union;" and this agreement, ratified by conventions of the people in the respective States, became the Constitution, or organic law of the United States. When the Constitution had been framed and was sent to the Congress it was accompanied with resolutions by the convention and with a letter signed by George Washington to the president of Congress. Those resolutions suggested that the Constitution should be submitted to conventions in the several States chosen "by the people thereof, under the recommendation of the Legislature, for their assent and ratification." The assent and ratification, not of the Legislature, but of the people; and why? For the reason that the Constitution impinged upon the powers already given by the people to the Legislatures of their States.

That is why it was sent to be ratified by them, the people, the sovereign people in the several States, who had already given certain powers to their Legislatures. The governments of the States had been imbued with certain sovereign powers by the people; and as this Constitution of the United States impinged upon those powers antecedently granted to the Legislatures of the States it was necessary that the same people should be appealed to that they might withdraw those legislative powers already granted to their State Legislatures and confer them upon the General Government, as created by the Constitution of the United States.

In the formation and adoption of the Constitution the States were the factors. The delegates to the convention were chosen by the State Legislatures. They voted by States, a majority of the delegates from each State determining the votes of the State, but the conventions to which was submitted the Constitution for ratification or rejection were chosen by the "people of their respective States." The parties to the Constitution were thus the people of each of the several States, now mark you, that is, the political society known as the State, which became under that instrument "United States." And right here let me call the attention of the Senate to this distinction which is so confusing to men's minds who do not take the trouble to study our Constitution in its origin, in its inception, and the various phases through which it passed before it became a complete instrument.

In the language of Mr. Madison, in that famous letter written to Edward Everett and published in 1830 in the North American Review, "We must keep in view the distinction between the governments of the States and the States, in the sense in which they were parties to the Constitution."

The governments of the States is what we represent in the Senate; that is, what we call the State of Maryland that my colleague and I represent is the government of the State of Maryland; but the people of Maryland in convention ratified this Constitution as a political society. That society was made up of the people and was known as the State, and our fathers so understood it, and our fathers made the distinction and appreciated it. The State, as known in its government and the State as a political society are perfectly distinct and separate.

It was the majority of the people in each of the States which ratified the Constitution, not a majority of the people of the whole United States acting collectively. Article 7 says:

The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

"Between the States;" not a confederacy of States, but between political societies known as the people of the States, and more clearly understood by the framers of the Constitution as the State itself, contradistinguished from the government of the State.

Now in that famous letter of Mr. Madison which at that time was hailed with loud acclaim by the Jackson democrats and by the whigs of that day, he lays down too clearly for any man to doubt the form of government as he understood it, and it will bear reading here in the Senate again. It would be well if it were read in every schoolhouse in the land; it would be well for the children now being educated throughout this broad land that they should learn something of the true principles of their own Government. They should be reared in the teachings of the fathers, that when they come to man's estate they can enjoy properly, as they should, this magnificent fabric of government which has descended to us from the revolutionary patriots. Let me read Mr. Madison's words:

In order to understand the true character of the Constitution of the United States, the error, not uncommon, must be avoided, of viewing it through the medium, either of a consolidated government or of a confederated government, while it is neither the one nor the other, but a mixture of both.

It was formed, not by the governments of the component States, as the Federal Government for which it was substituted, was formed. Nor was it formed by a majority of the people of the United States, as a single community in the manner of a consolidated government. * * * It was formed by the States, that is, by the people in each of the States, acting in their highest sovereign capacity, and formed consequently by the same authority which formed the State constitutions. * * * And that it divides the supreme powers of Government between the Government of the United States and the government of the individual States, is stamped on the face of the instrument.

He was but enunciating his earlier declarations, for when the Constitution was before the people for ratification, Mr. Madison maintained that this assent and ratification was to be given "by the people, not as individuals composing one entire nation, but as composing the distinct and independent States to which they respectively belong."

It is to be the assent and ratification of the several States, derived from the supreme authority in each State—the authority of the people themselves.

The act, therefore, establishing the Constitution will not be a national but a federal act; and thus he defines the true relations between the Federal and State governments.

In the forty-fifth number of The Federalist, he says:

The powers delegated to the Federal Government are few and defined. Those which are to remain to the State government are numerous and indefinite.

In the letter of Roger Sherman and Oliver Ellsworth, 26th September, 1787, reporting to the governor of Connecticut the action of the convention, they say:

Some additional powers are vested in Congress, which was a principal object that the States had in view in appointing the convention. These powers extend only to matters respecting the common interests of the Union, and are specially defined, so that the particular States retain their sovereignty in all other matters.—*Elliott's Debates*, vol. 1, page 491.

So it was regarded in the conventions of ratification. In the convention of Virginia which ratified the Constitution of the United States Patrick Henry objected to the words "we, the people of the United States," lest it might be supposed that it meant the inhabitants of all the States as one homogeneous mass or aggregate. But Mr. Madison replied, "The parties to it are to be the people, but not the people as composing one great society, but the people as composing thirteen sovereignties."

The same spirit pervaded that good old State which my friend the honorable Senator in my eye [Mr. HOAR] now represents so honorably upon this floor. The constitution of Massachusetts as early as 1780 laid down a doctrine which I am sorry to see some of her sons would now seem to repudiate, a doctrine which all on this side of the Chamber I am sure will bow before with reverence and respect. That constitution declares:

The people of this Commonwealth have the sole and exclusive right of governing themselves, as a free, sovereign and independent State, and do and forever hereafter shall exercise and enjoy every power, jurisdiction and right which is not or may not hereafter be by them expressly delegated to the United States.

And this declaration has stood unchallenged for a century. Massachusetts has a right to govern itself; Massachusetts is free, sovereign, and independent; it has all the reserved rights of a State, and the United States has no more rights than those expressly delegated to it by Massachusetts; no man must lay his hand upon the old Bay State—*Noli me tangere;* every other State may be trodden under foot in their reserved rights, but "I am holier than thou," and Massachusetts must remain a free, sovereign, and independent State, and if any other State talks about sovereign rights and maintains that it is a sovereign State, its advocates and its representatives, on this floor and elsewhere, are to be denounced as raising the flag of secession and of disunion against the Government of this glorious country!

Mr. HOAR. Will the Senator from Maryland state by what authority he says that that doctrine is repudiated by the sons of Massachusetts this day, or by any of them?

Mr. WHYTE. By the way they argue, or else a man must be very dull who does not so understand it.

Mr. HOAR. Will the Senator be kind enough to point out those against whom he makes the charge, or the utterance of any representative of Massachusetts on this floor whom he has in mind?

Mr. WHYTE. Has not the Senator risen to rebuke me and call me to order for speaking of the sovereignty of the State?

Mr. HOAR. No.

Mr. WHYTE. And maintained that it was one people and cited from a declaration of Charles Carroll and others that Maryland had declared that this was one people?

Mr. HOAR. Is that inconsistent with the doctrine which the Senator just read from the constitution of Massachusetts, in his judgment?

Mr. WHYTE. Why, perfectly inconsistent. If there are no sovereign rights of States and we are one nation and all our rights are merged into that one nation, what is the use of talking about States when they are called by the Senator from Minnesota mere corporations, or as Mr. Lincoln said, "as counties were to the State so the States were to the General Government?"

Mr. HOAR. Mr. President, I desire to ask the Senator from Maryland the question which I asked him just now, if he understands that the passage from the Declaration of Independence signed by Charles Carroll and others of which I reminded him is inconsistent with the declaration he has just read from the constitution of Massachusetts? If he does not deem it inconsistent, by what authority does he affirm that in reminding him of it I have said anything inconsistent with the enactments of the constitution of Massachusetts?

Mr. WHYTE. I did not say that the declaration in the constitution of Massachusetts was inconsistent with what was stated by Charles Carroll, of Maryland, but I was speaking of those who deny the sovereign rights of the State——

Mr. HOAR. Not by me.

Mr. WHYTE. The Senator from Massachusetts, as I understood him, has been maintaining all along that our maintaining the rights of the States here was a raid upon the General Government; that it was revolutionary, and put us all in the position of raising our hands against the Government because we maintain these doctrines as perfectly consistent with the general form of government which was created for the common good of all.

Mr. HOAR. Mr. President, if the honorable Senator will yield to me for a moment.

Mr. WHYTE. Certainly I will. I want to be courteous to the Senator from Massachusetts. He will understand me as not meaning to be discourteous in any way.

Mr. HOAR. Certainly. What I have arraigned the gentlemen on that side of the Chamber for in this debate is for an utterance from which I understood the Senator from Maryland to express his own personal dissent at the time it was made, to wit, a threat that if the President of the United States did not yield his opinion in regard to the propriety of certain laws, and sign his name testifying his approval of measures that he did not approve, the Government should be stopped. I have not discussed at any time the extent of the claim of State sovereignty. Now, when the Senator from Maryland a little while ago reproached the republican party because some person whom he supposed to represent its opinions had said in a pamphlet from which he read that we were a nation before the Constitution, I asked him whether that statement was not in substance the statement of the Declaration of Independence that we were one people—if it was not in substance, if the Senator will permit me to read one sentence from the proclamation of General Jackson—

Under the royal government we had no separate character. Our opposition and its operations began as united colonies. We were the United States under the confederation, and the name was perpetuated, the Union rendered more perfect, by the Federal Constitution. In none of these stages—

Revolution, confederacy, or constitutional life—

In none of these stages did we consider ourselves in any other light than as forming one nation.

Now, the Senator from Maryland when he attacks this utterance of the Senator from Minnesota, if it was his speech from which he read, is attacking the proclamation of Andrew Jackson, written under the inspiration of Roger B. Taney. I repeat the only contribution I have made to this debate is to denounce this act of taking the Government by the throat and declaring that the will of a simple majority in one or both Houses of Congress shall pass into law over the objections of the President, or the Government stop; and will the Senator from Maryland express his dissent from a single word I uttered on that occasion—from one word?

Mr. WHYTE. Mr. President, I did not intend to take up so much time because I know there are other Senators who desire to speak; nor am I going to undertake to answer the Senator from Massachusetts in the speech that he delivered some time ago in the Senate.

Mr. HOAR. But the Senator will pardon me. The Senator has made of his own accord a personal charge upon me that, as a Senator from Massachusetts, I had repudiated the doctrine laid down in the constitution of my State which fifty times I have sworn to support, and I asked him for his authority for making that very serious personal charge against me, and he replies that his authority is a speech that I made early in this debate; and then having stated what I said in that speech and all I said, I asked him if he dissents from one word of it. He now replies that he is not going to answer the speech of the Senator from Massachusetts to which he refers.

Mr. WHYTE. Mr. President, I made no personal attack upon the Senator from Massachusetts and did not intend any discourtesy to him, but they are getting wonderfully sensitive on that side of the Chamber. Gentlemen who sit in the seats over here can be held up to public scorn, as if we were a set of conspirators, preparing with red hands and "bloody shirts" to tear down the fabric of our common Government. We are told that we are secessionists because we

speak of the reserved rights of the States. We are rebuked for our very presence upon this floor, as if we were committing some outrage upon public decency because we represent our States in this Chamber. Everything that can be uttered calculated to degrade us in the eyes of the people of the North is said against us, and whenever we say one word that touches the tender skin of some gentleman on the other side it is charged as being a personal attack.

Mr. WINDOM. Mr. President——

The PRESIDING OFFICER, (Mr. WALLACE in the chair.) Does the Senator from Maryland yield?

Mr. WHYTE. I prefer to make my own speech now.

Mr. WINDOM. I want to say to the Senator that he has unintentionally misrepresented me, and I wish to know if he wants to continue it.

Mr. WHYTE. Then I certainly give way.

Mr. WINDOM. If the Senator can find any place in my speech where I charge him or any other gentleman on the other side with being a secessionist, I should like him to find it. I said this, that the effort was to reinstate "the old secession doctrine of State sovereignty." Then I stated further by quoting from the Senator from Georgia [Mr. HILL] that the issue which brought on the rebellion was State rights and nationality; I admitted, as he stated, that secession was dead, but I said that the two antagonists still lived and that this effort was to re-enforce the old State-rights doctrine, but I never said they were secessionists.

Further, while on my feet, if the Senator will allow me to correct both, I wish to remark that I did not say the States were mere corporations. Does not the Senator admit that a State is a political corporation? I merely described the States as corporations. I think the Senator agrees with me that they are political corporations.

Mr. WHYTE. "At the mercy of corporations known as sovereign States." I do not believe that sovereign States are corporations in any such sense as claimed by the Senator.

Mr. WINDOM. I have not said they are mere corporations.

Mr. WHYTE. They are not corporations in my apprehension of the word.

The PRESIDING OFFICER. The Senator from Maryland is entitled to the floor.

Mr. WHYTE. Now, my friend must be very keen. The salubrious air of Minnesota, I know, sharpens one's wits, and that is a brilliant distinction, "a distinction without a difference," which charges a man who maintains the doctrine of State sovereignty as being one who revives secession doctrine, and yet not charging him with being a secessionist.

Mr. WINDOM. Let me ask the Senator if that was not a secession doctrine?

Mr. WHYTE. No, sir.

Mr. WINDOM. State sovereignty was not?

Mr. WHYTE. No, sir.

Mr. WINDOM. What was?

Mr. WHYTE. The right of a State to secede. That was the doctrine of the secessionist. That is all.

Mr. WINDOM. Was not secession used as the instrument for carrying out that very doctrine?

Mr. WHYTE. Secession was the act. The doctrine of secession was that the States had the right to secede.

Mr. WINDOM. But was it not based on the idea of State sovereignty or State rights?

Mr. WHYTE. Of course it was based upon the theory of a confederacy of States, which I have never maintained to be correct here or elsewhere. I repudiated the doctrine of secession, and I am not one of those "brigadiers" who have changed and now deny that they were secessionists to whom the Senator from Maine [Mr. BLAINE] referred when he tauntingly said that no man was a secessionist nowadays. I never was a secessionist, never believed in that doctrine, never took part in any movement looking to it, but never faltered in my belief of that State sovereignty which maintained that the rights of the States were reserved in every respect except where they were delegated by the written Constitution to the United States—a doctrine I shall teach to my children as long as my life lasts.

Mr. EDMUNDS. So shall I.

Mr. DAWES. I should like to ask the Senator who differs with him?

Mr. WHYTE. Now, Mr. President——

The PRESIDING OFFICER. The Senator from Maryland declines to yield.

Mr. WHYTE. I think the old Bay State has had its day in court. Let me get through.

Mr. DAWES. I wanted to know of the Senator who he supposed differed with him in that form of statement?

Mr. WHYTE. I cannot, Mr. President, tell who differs with me. All I can tell is that I read the speeches of gentlemen proclaiming that this is a nation and the States are mere corporations inside the nation, and that that is the doctrine of the republican party; and I called upon Senators of the republican party to deny if it is not so, because if we are all State-rights people, then we are quarreling about nothing.

Mr. DAWES. Will the Senator permit me to ask him a question?

The PRESIDING OFFICER. Does the Senator from Maryland yield?

Mr. WHYTE. Yes, I will yield. What is the use of being churlish. I yield to the Senator from Massachusetts.

Mr. DAWES. The Senator says he reads from speeches of republicans that they say this is a nation and the States are mere corporations inside of the nation. I should like to ask him what speech of any republican on this side of the Chamber does he read from?

Mr. WHYTE. I cited the speech of the Senator from Minnesota. Here it is right before my eye.

Mr. DAWES. Will the Senator be kind enough to repeat that statement?

Mr. WHYTE. Oh, no. I have read it once. I will not repeat it. I will only say to the Senator from Massachusetts that it is very pleasant reading, and I will send it to him.

Mr. DAWES. Has the Senator not heard the Senator from Minnesota, not five minutes ago, declare that he had said no such thing?

Mr. WHYTE. I heard him say it now; certainly I did; but I read it in his speech. He has corrected it. I read it here in the speech.

Mr. HOAR. Did not the Senator put in the word "mere?"

Mr. WHYTE. So I did. It does not make it a bit stronger calling a State "a mere corporation."

Mr. EDMUNDS. Then leave out the "mere."

Mr. WHYTE. I will leave it out.

Mr. DAWES. It is quite as good a way to state it as it was stated and printed. That is quite as good a way as any other.

Mr. WHYTE. Certainly, I do not want to drive my friends into a corner. I will give them the privilege of striking the "mere" out and leaving the statement that the States are corporations contributing to the great nation of the United States without a constitution. "The machine runs of itself without having anybody to guide it! The nation runs itself without a constitution! It is just as good with or without a constitution," according to the doctrines of the republicans whose speeches I have read! These are their views of our constitutional Government.

In the Massachusetts convention Mr. Samuel Adams thus spoke of the tenth article of amendments in regard to the reserved rights of the States, those State rights which we claim still belong to the States:

> It is consonant with the second article in the present confederation that each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right which is not by this confederation—

That is what Mr. Samuel Adams called the constitution or the Union of the States—

> by this confederation expressly delegated to the United States in Congress assembled.

And Henry Clay, when he voted for four of Mr. Calhoun's abstract resolutions in 1838 in regard to our form of government, expressly stated "that the historical fact was that the Constitution was adopted by the people of the several States acting within their respective limits." All of these great men of the past deemed the Union under the Constitution as composed of a number of political societies, that is, the people of the several States, and not of the whole mass of the people of the United States, territorially considered as one nation. We are not a nation in that light.

Let me add another to the worthies who deemed it no disgrace to maintain this theory of our Government. Edward Everett, in his famous oration on the "History of Liberty," delivered at Charlestown, July 4, 1828, thus speaks of our form of government:

> The framers of the Constitution devised a scheme of confederate and representative sovereign republics, united in a happy distribution of powers, which, reserving to the separate States all the political functions essential to local administration and private justice, bestowed upon the General Government those, and those only, required for the service of the whole.

And again, in his oration on American Constitutions, at Cambridge, July 4, 1826, he thus describes the Union:

> In framing a government for the Union consisting of sovereign States independent of each other a happy compromise was resorted to. An equal representation in the Senate was given to each State. The other House of Congress was established on the principle of proportionate numbers. On the same principle it was provided that the Executive should be chosen according to a plan in which regard is had both to the equality of the States and to numerical majority; and the powers and functions of each branch of the Government are defined by a written Constitution. There is our form of government as I understand it. "Thus was organized," said Mr. Everett, "a family of States associated in a confederate union which, if anything human is entitled to that name, may be called a perfect form of government."

"A family of States associated in a confederate union." Mark the words. And whatever may be said of Mr. Webster's great speech in reply to Mr. Calhoun, in which he maintained that the Union was not a mere league of States, he never consented to the idea of a consolidated national government. So far from it, speaking of the union of the colonies against Great Britain, Mr. Webster, in a speech at Annapolis, March, 1851, said:

> Why, it never entered into their conceptions that they were to consolidate themselves into one integral government; that they would cease to be Virginia, Maryland, Massachusetts, and Carolina. Not at all.

And referring again to their later confederation he said:

> Did they seek to merge and confound and consolidate all these States into one great community? No such thing. * * * Their association was political. It was founded on general policy and union; a sort of confederacy at that time to resist the common enemy and to do what was necessary for the common good. Gentlemen, I hope for one never to see this original idea departed from.

A nation indeed, instead of a union of political societies known as States; and as I read the history of the past, I can draw no other conclusion but that this is a confederated republic, in which the

constituent parts are made up of the people within the limits of the several States, as contradistinguished from a national consolidated republic, in which the constituent parts were the aggregate mass of the American people taken collectively. To repeat, the facts in brief are these: the Constitution was framed by a convention, the delegates to which were chosen by the Legislatures of the several States; it was then submitted to Congress, and by it submitted to the several States to be voted on, not by the Legislatures of the States, but by conventions of the people of the several States, each acting separately and by itself, and being ratified by a sufficient number of such State conventions it became the Constitution of the people of the United States. Thus the people of the several States, the political societies known as States, exercising all the powers of sovereignty, entered into this "more perfect Union" under which we live.

Mr. WINDOM. Will the Senator allow me to ask him what is the difference between a political society known as a State and a corporation known as a State?

Mr. WHYTE. Yes, sir, there is a very great difference. The political society is composed of the sovereign people. There is no such thing as a corporation of the State. It is the government of the State which is represented by what the Senator from Minnesota pleases to call a corporation.

What is that Union?

said Mr. Pinkney, of Maryland, in his speech in this body on the Missouri compromise:

A confederation of States, equal in sovereignty, capable of everything which the Constitution does not forbid or authorize Congress to forbid. It is an equal union between parties equally sovereign.

With these lights to guide us, let none of these latter-day patriots and doctors of constitutional law tell us it is treason to speak of State sovereignty and the reserved rights of the States. Sovereignty is lodged with the States, where it had its home long before the Constitution was created. The Constitution is the creature of that sovereignty. The Federal Government has no inherent sovereignty. All its sovereign powers are drawn from the States, and as it has been well said, like the bridge spanning a mighty river, it rests upon the pillars of the States. Destroy these fundamental supports, and the superstructure crumbles into dust.

Thus I have endeavored to make my conception of this Constitution clear to myself, if not clear to others. I have tried to say nothing to irritate any gentleman who holds contrary opinions on this important question. If I have done so, it has been through a slip of my tongue unintentionally, because I do not think this question ought to be discussed with temper and in passion, but it ought to be considered as our constituents expect us to debate such questions, leaving it for reason to overcome error when it is maintained on this floor.

I would not have spoken at all if the debate had not drifted from the peculiar measures contained in this bill into the doctrine of State sovereignty and State rights. I believe the doctrine of the reserved rights of the States and the sovereignty of the States in all that is not delegated to Congress to be the surest guarantee for the future prosperity of the Union. I deem it the duty of every member of the Federal Legislature, thinking as I do, to keep constantly in view of the people the reserved rights of the States, and especially whenever the attempt is made to advance the centralizing tendencies to which some republican Senators cling with ardent devotion it is incumbent on all who believe in the doctrine that the Government is the creature of the States, to which certain powers only have been granted to resist all encroachments upon the legitimate sphere of State sovereignty.

Now, Mr. President, in conclusion, the issue is a square one between the two great parties, and if any revolution is going on at all it is the same kind of revolution in public sentiment which swept from power John Adams and the Federal party with their alien and sedition laws and established in their places Thomas Jefferson and his followers.

The war did not change our form of government. It settled the question of secession and slavery, but it did not disturb the harmony of our political system. It was fought for the Union, and its triumph was achieved in the name of the Union, and in spite of all legal impediments to restoration inside and outside of the Constitution it has been restored in all its integrity in every corner of this broad land, where now and forever it shall represent to the civilized world "liberty protected by law." Peace has resumed her sway, and the day for the soldier has passed. Therefore I voted to repeal the law which allows the use of the soldier at the polls. In time of peace his movements are watched with jealousy by a free people. They remember that armies which had been raised in other lands to protect the people in the enjoyment of freedom have been used as an engine of despotism to build empires upon the ruins of liberty. As early as 1793 the House of Representatives had its attention called to this question of military at the polls in the Trigg and Preston case, and in 1800 the House took this action in the premises:

In the House of Representatives, 13th February, 1800, on motion,

Resolved, That a committee be appointed to prepare and report a bill containing such legislative provisions as may be judged expedient, either for removing any military force of the United States from the places of holding elections, or for preventing the interference of any such force with said elections; and that Mr. Marshall, Mr. Leib, and Mr. Otis do prepare and bring in the same.

What would our fathers have thought when they prepared a resolution like that if they had been told that they were getting up a scheme to strike at the freedom of elections?

Mr. EATON. Destroying the right arm of the Government.

Mr. WHYTE. And destroying our institutions because we wanted the soldiers kept away from the polls.

February 18.—Mr. Marshall, from the committee appointed, presented, according to order, a bill for removing any military force of the United States from the places of holding elections—

Our fathers did not make a point on "place." No Senator, no member of the House, John Marshall himself, never rose in his place and made the astute point as made by the President that "place" was a very large word and might mean a whole city or anywhere else; but the language of the bill reported by John Marshall was to remove the military force of the United States "from the places of holding elections"—

which was received and read the first time.

On motion, the said bill was read a second time, and ordered to be committed to a Committee of the Whole House on Thursday next.

March 13.—The bill, with some amendments, was ordered to be engrossed, and on the 14th it was passed and sent to the Senate. On the 4th of April the Senate reported their disagreement to it, and there were no further proceedings on the bill.

Now, there was a bill reported by John Marshall on this subject. Nobody thought that was treason.

Mr. EDMUNDS. Has the Senator got a copy of the bill reported by Marshall?

Mr. WHYTE. I have not.

Mr. EDMUNDS. I wish the Senator would send to the files and get it. I should like to see it compared with the performance we have had a little while ago.

Mr. WHYTE. I have not seen any performance.

Mr. EDMUNDS. You felt it, certainly, participated in it.

Mr. WHYTE. On the contrary I am afraid my friend must have felt it if he observed it, for I did not.

Mr. EDMUNDS. I hope the Senator does not understand me as referring to anything that occurred in his speech.

Mr. WHYTE. I thought the Senator did.

Mr. EDMUNDS. Oh, no!

Mr. WHYTE. I beg the Senator's pardon.

Mr. EDMUNDS. Perhaps I used the word "performance" improperly. I referred to the events of the present so-called Army bill.

Mr. WHYTE. I beg pardon; I misunderstood the remark.

Now, then, Mr. President, I say that following the example set by the distinguished John Marshall we have only asked to keep the military away from the polls. There is no crime in that. According to my apprehension, we are only following in footprints that it would be wise for others to walk in.

But, Mr. President, the soldier's day has gone. He has done his work bravely. The sword has been sheathed. The civil authority comes upon the stage now; the military goes into the fortifications and on the frontiers and wherever else it may be necessary to protect our land from foreign invasion, and to be ready at the call under the Constitution and the provisions of law to suppress domestic violence and insurrection in the States.

Let me commend to the leaders of the republican party to-day the language of one in his last utterances to the people of that city who honored him as rarely man was honored before, and toward whom at least Faneuil Hall's doors never grated on their hinges; for he was looked upon as the apostle of liberty and the great friend of the black man, who thought and labored and struggled for his freedom. Let us hear what he said about the day of the soldier being past. I refer to the last address of Charles Sumner to the people of Boston:

Reconstruction is now complete. Every State is represented in the Senate, and every district is represented in the House of Representatives. Every Senator and every Representative is in his place. There are no vacant seats in either Chamber, and among the members are fellow-citizens of the African race. And amnesty nearly universal has been adopted. In this condition of things I find new reason for change. The present incumbent knows little of our frame of government. By military education and military genius he represents the idea of force; nor is he any exception to the rule of his profession, which appreciates only slightly a government that is not arbitrary. The time for the soldier has passed, especially when his renewed power would once more remind fellow-citizens of their defeat.

Think how tenderly he spoke of those whom he considered his vanquished southern brethren:

Victory over fellow-citizens should be known only in the rights it assures; nor should it be flaunted in the face of the vanquished. It should not be inscribed on regimental colors or portrayed in pictures at the national capital. But the present incumbent is a regimental color with the forbidden inscription; he is a picture at the national capital recalling victories over fellow-citizens. It is doubtful if such a presence can promote true reconciliation. Friendship does not grow where former differences are thrust in sight. There are wounds of the mind as of the body; these too must be healed. Instead of irritation and pressure let there be gentleness and generosity. Men in this world get only what they give—prejudice for prejudice; animosity for animosity; hate for hate. Likewise confidence is returned for confidence; good-will is returned for good-will; friendship is returned for friendship. On this rule, which is the same for the nation as for the individual, I would now act. So will the Republic be elevated to new heights of moral grandeur, and our people will manifest that virtue "greatest of all" which is found in charity. Above the conquest of others will be the conquest of ourselves. Nor will any fellow-citizen suffer in rights; but all will find new safeguard in the comprehensive fellowship.

I commend this to my friends upon the other side of the Chamber.

Mr. EDMUNDS obtained the floor.

Mr. WINDOM. Mr. President——

The PRESIDING OFFICER. The Senator from Vermont [Mr. EDMUNDS] is entitled to the floor.

Mr. WINDOM. Will the Senator from Vermont yield for just one minute?

Mr. EDMUNDS. In the first place I want to ask unanimous consent that the understanding of yesterday for four o'clock be abandoned. I was called out of the Senate Chamber yesterday for less than five minutes I think; and came back and found that such an understanding had been made, which I always oppose. I understand that some of our friends on the other side who have not had an opportunity to speak desire to do so. I should like to occupy a little while myself, not very long; but nobody can tell, when he begins with a speech that is not written, how long it will take, and I feel an embarrassment in going on at all when I know that gentlemen who have not trespassed upon the patience of the Senate, as I have, desire to speak. Therefore, inasmuch as nobody is talking against time, but is wishing to say something to contribute to the propriety of our action, I hope that there may be an understanding that the debate shall go on until we take a vote, without regard to four o'clock.

The PRESIDING OFFICER. The Senator from Vermont asks that the understanding had yesterday that debate close at four o'clock to-day may be abandoned. Does the Chair hear any objection?

Mr. BECK. If the Senator chooses to fix any other hour I do not care particularly about four o'clock; but I hope we shall come to a vote to-day.

Mr. EDMUNDS. Oh, so do I, to-day. I will vote against all adjournments until this matter is ended. I would have done the same yesterday.

Mr. BECK. Five o'clock would be probably satisfactory to the Senator. Suppose we try it till four o'clock, and then if Senators wish to speak further there will be no objection to going on with the debate an hour longer.

Mr. EDMUNDS. My objection to a specific hour is that I do not think it right on either side of the Chamber to cut off arbitrarily by an understanding gentlemen who desire to say something. But the public business ought to go on, and I am ready to stay here until it is done. I make this suggestion, having the floor, and, therefore, having the power to say what I wish to say; but I do not think it right and fair to cut off gentlemen who have not spoken at all in these debates. That is why I make the suggestion.

Mr. BECK. Yesterday morning I did not make the proposition with a view to cut off debate. I asked the Senate whether they would give unanimous consent to vote at four o'clock to-day, and after a little delay everybody agreed to it.

Mr. EDMUNDS. I happened to be out for the moment, or I should not have consented. I am sure there can be an understanding that we will stay here until the bill is done; but I do not think it courteous to gentlemen who have not had an opportunity to speak at all to close the debate at four o'clock to-day.

Mr. BECK. If that course is agreeable to Senators, it is perfectly agreeable to me. All I desire is to close the debate and reach a vote to-day.

Mr. BLAINE. What is the need of our rushing ourselves into a night session? I do not want the bill to occupy more time than to-day or to-morrow, but why should we needlessly involve that which is very uncomfortable to everybody; and why should the debate close to-day rather than to-morrow?

Mr. EDMUNDS. No, sir; let us finish it.

Mr. BECK. The agreement was arrived at yesterday, apparently to the satisfaction of everybody.

Mr. BLAINE. If the suggestion of the Senator from Vermont is agreed to, it means that we are going to be here all night to-night.

Mr. EDMUNDS. No, it does not mean any such thing.

The PRESIDING OFFICER. Is there any objection to abandoning the understanding? Senators have control of the subject.

Mr. BECK. With the understanding that the debate shall close to-day before we adjourn, I shall not object.

Mr. EDMUNDS. I will stand by the Senator in that.

Mr. DAVIS, of West Virginia. I rise to suggest that we finish the bill to-day.

Mr. CONKLING. I think that is a very unwise thing to do.

Mr. HOAR. I do not desire to interpose in anything that the Senator from Vermont knows better than I do what is expedient, but I should be sorry indeed to have an understanding that we must at any rate close the debate to-day, because that makes a night session certain. I should very much prefer to have a fixed hour to-morrow or a fixed hour to-night for taking the vote.

Mr. EDMUNDS. I will never agree to any fixed hour, when I am here.

Mr. BECK. I am willing to fix five, six, or seven o'clock—any hour on which gentlemen may agree.

Mr. CONKLING. May I be allowed to make a suggestion? Like the Senator from Vermont I happened to be absent from the Chamber at the moment when consent was given, as I hear it was, that at four o'clock to-day the vote should be taken. I was sorry for it, for although it had been my purpose to make a few observations about the pending measure, I can readily forego that, and I shall do so with great pleasure. The Senator from Vermont wants to say something and the Senate wants to hear him. More than that, I think when no disposition is evinced to debate for the sake of consuming time, the Senate in theory and in practice is willing to hear any Senator who wishes to make observations pertinent to a matter upon which a vote is to be taken. But I hope that we shall not be driven into a night session in order that any Senator may be allowed to express himself. If we go on until the customary hour to-day and the debate shall not have closed, let it go over until to-morrow, and if there be a Senator then who has not concluded let him conclude to-morrow, and let us vote as expeditiously as we may; but I concur with other Senators who have said that it is hardly worth while to incommode ourselves for nothing. This bill has been amended already; it is to go back to the House in any event; and nobody can say that by voting to-night rather than to-morrow one moment's time will be gained in the final disposition of the bill.

Therefore I hope the Senator from Kentucky will allow Senators to proceed to-day who wish to do so, and if the debate is not concluded let it go over until to-morrow, whether we vote an hour sooner or an hour later when to-morrow comes. I say again that I am as anxious to have the bill disposed of as I think anybody can be, but I hope we shall not be driven into a night session in order that the customary opportunities of debate may be afforded.

Mr. BECK. I have only this to say: I have no idea that we shall be driven to a very late session. Unless some other gentlemen want to speak than those I have heard of, I think the debate can be closed to-day to a certainty.

The PRESIDING OFFICER. The Senate has agreed to rescind the arrangement by which debate closes at four o'clock.

Mr. DAVIS, of West Virginia. With an additional understanding that we sit it out this evening, as I understand the Senator from Kentucky.

Mr. CONKLING. I do not understand it so.

The PRESIDING OFFICER. Unanimous consent has been given to the rescinding of the hour fixed.

Mr. EDMUNDS. Do I understand that four o'clock is fixed?

The PRESIDING OFFICER. No; that has been dispensed with.

Mr. DAVIS, of West Virginia. I submit that there is now one unanimous consent and understanding. If Senators want it to go over for another day, I submit to the Senator from Kentucky, who has charge of the bill, to say what he expects the Senate to do.

Mr. BECK. I have said that I desire as full debate as possible; but I desire a vote before the Senate adjourns to-day, and I will give no consent that does not bring about that result. The Senate may vote me down if they desire.

Mr. EDMUNDS. What do I understand to be the understanding now?

The PRESIDING OFFICER. The four o'clock to-day understanding has been dispensed with.

Mr. BLAINE. Not at all. That was not submitted to the Senate.

The PRESIDING OFFICER. The understanding that debate was to close at four o'clock to-day has been dispensed with.

Mr. BLAINE. That was not submitted to the Senate, surely.

Mr. CONKLING. There was general consent to it, however, including the Senator from Kentucky, as I understood ——

Mr. HOAR. The last thing I understood the Senator from Kentucky to say was that he would give no consent.

Mr. BLAINE. The Senator from Kentucky now says he only waives four o'clock on condition that we sit the bill out. I never consented to that.

The PRESIDING OFFICER. The Chair did not include that statement that the understanding was that the bill should be sat out; but the Senator from Kentucky so consented to dispensing with the arrangement for closing the debate at four o'clock.

Mr. BLAINE. But the other Senators had the same right of assenting that the Senator from Kentucky had.

Mr. BECK. If the other condition is assented to, I agree to that; otherwise not.

The PRESIDING OFFICER. The Chair did not so understand.

Mr. HOAR. I should like to inquire if the last utterance of the Senator from Kentucky was not that he would give no consent which did not involve the taking of the vote on the bill to-night?

Mr. BLAINE. Certainly he said that.

Mr. BECK. I repeat that.

The PRESIDING OFFICER. The Chair so understands him now.

Mr. HOAR. Nobody has consented to that condition.

Mr. EDMUNDS. Then I understand that the four o'clock understanding is not dispensed with?

The PRESIDING OFFICER. The Chair so understands it now.

Mr. EDMUNDS. Then, Mr. President, I certainly shall not take the floor because I know Senators on the other side of the Chamber who are new Senators here, who have not trespassed upon the time of the Senate at all, wish to speak, and I do not think it fair that I should take the time necessary for what I wish to say to their exclusion.

Mr. CONKLING. Mr. President, nor do I think it fair that I should occupy any time with observations of my own; but I will venture, at the cost of only a very few moments, to read a passage or two from the volume cited by the honorable Senator from Maryland who so recently took his seat, [Mr. WHYTE,] the volume of contested elections from 1789 to 1834.

The contested-election case to which he referred arose at the first session of the Third Congress in 1793. The honorable Senator was pleased to read, and he read with great propriety of course, a very brief note in small type at the foot of one of these pages; and a

question put by the Senator from Vermont [Mr. EDMUNDS,] to which I will refer again for a moment before I sit down, drew or was intended to draw attention to the vague and inconclusive statement contained in this note. My purpose is to apprise the Senate and those who may read our proceedings, of the occasion, the exigency with which Congress was in truth then dealing.

A petition had been presented by one of the contestants, and the statement of the case opens with a *résumé* of that petition. Now I read from the report of the committee:

That Captain William Preston, brother and agent at the election of the sitting member, was quartered near Montgomery court-house with about sixty or seventy Federal troops, of which he had the command. That, on the day of election, the said troops were marched, in a body, twice or three times around the court-house, and paraded in front of and close to the door thereof. That, toward the close of the election, the said troops were polled generally in favor of the sitting member; but their votes were put down on a separate paper, and, after the election, at the comparison of the polls of the respective counties, were rejected by the returning officers. That some of them—

That is, the troops—

threatened to beat any person who should vote in favor of the petitioner. That one of the soldiers struck and knocked down a magistrate who was attending at the said election. That three soldiers stood at the door of the court-house, and refused to admit a voter because he declared he would vote for the petitioner. That many of the country people were dissatisfied with the conduct of the soldiers, which produced altercations at the election between the soldiers and the country people, the former being generally for the sitting member, and the latter for the petitioner, and terminated in a violent affray between them after the poll was closed. That some of the soldiers being afterward interrogated why they said they would beat any man who voted for Trigg, replied, "they who are bound must obey."

That is in quotation marks, purporting to be the very language in which the troops made apology for what they had done. "They who are bound must obey."

That, though it is doubtful whether any of the soldiers were armed at the court-house, yet it appears that at the time of the affray, after the election, Captain Preston had a sword and dagger; and that when the soldiers, being overpowered by the country people, retreated to their barracks, some guns were fired by the soldiers toward the country people.

The committee, on full consideration of all the evidence in relation to Montgomery County, from which the foregoing facts result, are of opinion that, notwithstanding the soldiers were not disfranchised of the right of voting, merely as such, yet their conduct as well as that of their commander was inconsistent with that freedom and fairness which ought to prevail at elections.

I venture to ask the astute Senator from Maryland to mark—

Are of opinion that, notwithstanding the soldiers were not disfranchised of the right of voting, merely as such, yet their conduct as well as that of their commander—

Not the fact or circumstance that they happened to be there or near there, but their conduct as well as that of their commander—

was inconsistent with that freedom and fairness which ought to prevail at elections; and that although it does not appear, from any other than hearsay testimony, that any voter was actually prevented from voting, yet there is every reasonable ground to believe that some were, and that the election was unduly and unfairly biased by the turbulent and menacing conduct of the military; and that the petitioner, who only lost his election by a majority of 10 votes, has not had that fair opportunity of obtaining the suffrages of the people of that district to which every candidate is entitled. The committee, therefore, viewing the precedent as a dangerous one, and considering the inestimable privilege of free suffrage ought never to be violated by any military interposition; that the sitting member may have obtained a majority by improper influence, and that the petitioner ought to have a chance of obtaining a seat on equal terms, are of opinion that Francis Preston is not duly elected a member of this House.

Without recapitulating, the Senate will see that there was a case where the brother of the candidate and his agent, wearing a sword and dagger and commanding a military force, brought that force actually to the court-house, paraded them at different hours of the day thrice around the court-house, and they in his presence declared that they would maltreat and beat any man who voted for his competitor. They blocked the way and refused to allow men to go to the polls because they thought they would vote for the competitor, and so on. In commenting on that the committee say that the conduct of these men was improper, and at the end of the statement appears that which the honorable Senator has read, and which, as it is brief, I will venture to read again as a part of this history:

House of Representatives, 13th February, 1800——

Mr. WHYTE. If I do not interrupt the Senator, he will observe that these proceedings took place seven years afterward.

Mr. CONKLING. I was going to observe that it was afterward, as the date shows, this having become matter of record in the House, being quite notorious in the country, having occurred in the State of Virginia, the State from which Marshall came, and, as this collator thought, being an event cognate to this transaction, because he puts it as a note in the midst of the statement of the case:

In the House of Representatives, 13th February, 1800, on motion,

Resolved, That a committee be appointed to prepare and report a bill containing such legislative provisions as may be judged expedient, either for removing any military force of the United States from the places of holding elections, or for preventing the interference of any such force with said elections; and that Mr. Marshall, Mr. Leib, and Mr. Otis, do prepare and bring in the same.

February 18.—Mr. Marshall, from the committee appointed, presented, according to order, a bill for removing any military force of the United States from the places of holding elections; which was received, and read the first time.

On motion, the said bill was read a second time, and ordered to be committed to a Committee of the Whole House on Thursday next. (See Journal, vol. 3, pp. 591, 593.)

March 13.—The bill, with some amendments, was ordered to be engrossed, and on the 14th it was passed and sent to the Senate. On the 4th of April the Senate reported their disagreement to it, and there were no further proceedings on the bill.

Because the Senate did refuse to agree to that bill, I remark first that it is the only instance which any Senator has been able to find of an attempt by either House to do that which we are told now is and always was of such supreme urgent importance; second, that when a wrong so flagrant, so monstrous as this, not consisting at all in the presence of soldiers near by a building in which a poll was being held, but consisting in the actual forcible presence and interference by violence, lawless, shameful violence with an election, proceeding so far as an assault, the striking down of one of the magistrates at the election,—when all that had occurred, the men in the two houses, in whose presence, officially and legally speaking, all this took place, men belonging to the same generation which had been shocked by such an enormity, in this branch of Congress refused even on that inducement to vote for a bill which, containing amendments not here set out, seems to have provided for removing troops or preventing their lawless interference with elections. Even that bill, on such an emergency, moved by such an occasion, received the disapprobation of the Senate. I will not say that I think it should have received the disapprobation of the Senate; my opinion in that regard is of very little value. I will say, however, that whenever any military commander, wear he a sword and dagger or not, have he troops with him or not, shall do one-tenth part of the wrong there recorded, if I am here and the honorable Senator from Maryland is here, I will join with him and I will follow wherever he will lead in voting for a bill to punish, to chastise when it occurs, and to prevent the occurrence of so shameful and abominable a wrong. And my friend from Vermont [Mr. EDMUNDS] reminds me—I am glad he does, for it might have escaped me—that such a provision as I have pledged myself to vote for with the Senator from Maryland is already on the statute-book, more than once on the statute-book, but sufficiently on the statute-book in the very act of 1865 which a united majority in each House has struggled so hard to break down. Under that very statute of 1865, had it been in existence, Mr. Preston and the men with him, jointly or severally could have been indicted and punished with imprisonment as long as five years. Yet we are asked to strike down a statute under which this act could have been punished, and the proceeding punishable under it is cited as a reason why it should fall.

Mr. WINDOM. Mr. President, I shall occupy the floor but a minute, and I would not take it under the circumstances but that I want to read three short sentences for the information of my honorable friend from Maryland. He criticised quite vigorously in his speech this sentence from a speech I had the honor to deliver the other day when, speaking of the American people, I said:

They believe that the great lesson taught by the rebellion was, that ours is a *nation* existing not at the mercy of corporations known as sovereign States, but by the imperial will and pleasure of the *sovereign people* of the United States, who ordained and established its Constitution.

The part of that sentence which my friend criticises is that in which I designate the sovereign States as corporations, and he asserts very vehemently and earnestly that the States are not corporations. I want to read him three sentences from Bouvier's Law Dictionary, page 347:

Nations or states are denominated by publicists, bodies-politic, and are said to have their affairs and interests and to deliberate and resolve in common. They thus become as moral persons, having an understanding and will peculiar to themselves, and are susceptible of obligations and laws. (Vattel, 49.) In this extensive sense the United States may be termed a corporation; and so may each State singly. (Per Iredell, J., 3 Dall., 447.)

Thus it appears that the Supreme Court have decided that the States are corporations, and the Senator cannot very severely criticise me for describing them in that way, and I call attention to the fact that the judge deciding it was a North Carolina judge. So I think I am justified in describing the States as corporations. I did not say, as quoted by the Senator, "mere corporations," but used that merely to describe what I meant by the States.

Mr. JONAS. Mr. President, the pending questions have been so fully discussed in all their legal and constitutional bearings, both in this Chamber and at the other end of the Capitol, that I should prefer to content myself with casting a silent vote, had it not been that the State and people I represent have been frequently alluded to and, as I consider, frequently misrepresented during the course of the debate.

I consider, Mr. President, that with the exception of the repeal of the test oath for jurors, the people of the Northern and Western States are far more interested in the pending questions than the people of the South, except that the people of the South have an interest in common with the people of the whole country in the preservation of its free government and institutions, and the liberties of its people.

Mr. President, so far as elections are concerned the peril has passed from the South and been transferred to the North. In the South we no longer have returning boards, we no longer have election machinery by which the will of the people can be subverted, and we can no longer be controlled even by the bayonet policy, should it be restored to the country, because our people, white and colored, are nearly solid, as has been charged, in their support of the democratic party, and they will continue to be as long as the democratic party is antagonized merely by the issues of the war; so long as it is antagonized by issues of hate; so long as it is antagonized by mere sectionalism; so long as it is antagonized by the issues which form the pabulum and political capital of the republican party. Should these issues be varied or withdrawn from the canvass; should the dead past be consigned to its grave; should we be permitted to consider

the country once again united, and, waiving these subjects which are perpetually revived as causes of dissension and bitter memories, be permitted once more to indulge in the discussion of questions of purely domestic policy, I see very easily that the South might cease to be solid and might be divided into parties again, as it used to be in the days when there were two good old constitutional parties in this country, the whig and the democratic parties; when father and son and brothers were divided in politics, and when, after the contest was over and the electoral battle had been fought and won, each felt, whichever party succeeded, that the country was safe in the hands of those who had been intrusted with the administration of its Government.

Mr. President, the republican party having failed to control and solidify the South seeks now to control and solidify the North. It seeks to use the bayonet policy, Federal machinery, and Federal supervisors to control those great and evenly balanced States of the North and the West upon whose decision hangs the result of the election for President and for Representatives in the lower branch of Congress, hereafter; and for the purpose of warning the people of the North and West of the danger which threatens them in the use and abuse of the laws which we now seek to repeal, I wish to give them a few chapters from the history of bayonet rule in my State; and in doing so I do not intend to go back to the war. What was done during the war I am not here to discuss. I was away from my State during most of its duration, and I have never yet heard a sensible man complain of any act of war committed while the Federal Army was in the occupation of its territory. When men go to war they do not do so as children; and the people of the South, when they accepted that arbitrament, did it with a knowledge of all its responsibilities; and therefore what was done under martial law and military orders, when armies were in possession of the soil of the State and when the power was wielded by military commanders, if done according to the rules and usages of war, forms no subject of complaint either here or elsewhere.

I find no man in the South to complain of the loss of property, no man to complain of the manumission of his slaves, no man to complain of the misfortunes which war brought upon him, no man to complain of the ruin which was inflicted by the war or by the act of hostile armies. Those things were acts of war. Our people accepted its responsibilities and they met its losses, and from the moment they were realized and peace was restored they started as brave men to build anew the fortunes which had been destroyed, without weeping over a past which they sought to bury.

Nor do I intend to refer to the reconstruction elections, although they were notoriously carried on under the influence and authority of the bayonet; although in every Southern State the will of the people was subverted; although a large mass of voters was excluded from the polls, and although the final result was not satisfactory nor according to the will of the people who were to live under those governments.

I propose to take simply the history of my State from the day when she was reorganized and reconstructed as it is called, and from the day when representatives or so-called representatives from her people sat upon the floor of this House and of the other Chamber. I propose first to speak of the election of 1868 for President and Vice-President and Congressmen, as a contrast to those which afterward followed. Although the State was at the time full of troops, yet on that single occasion they were not used for the purpose of controlling the elections. Under the policy of Mr. Johnson and of the military commanders then in that section, the troops were held to the performance of their proper duties and the polls were unmolested and undisturbed by their presence; and the republican party which had carried the election for the convention, the State ticket, and the Legislature, in the June previous, by the aid of the military authorities, seeing that it was impossible to carry the election in the fall without them, adopted a different policy, called off their voters from the polls, and in the midst of perfect peace and quiet, they alleged that there was intimidation and force employed against them; that they could not go to the polls and cast a free ballot, and therefore they abstained in a large degree from voting; and instead of our carrying the State by twelve or fifteen thousand majority, we carried it by forty thousand because of republican abstention. Yet the Representatives to Congress defeated by the people were seated on the floor of the other House, and those who were elected were excluded.

I pass by the election of 1870 which was a mere farce, an election in which the then governor of the State confessed to have carried the State and to have counted in whom he pleased, by the use of his newly discovered election machinery, and I come to the election of 1872 when Mr. Greeley and General Grant were candidates for the Presidency, and when the liberal ticket and the republican ticket confronted each other in the State of Louisiana, and when John McEnery, the nominee of the liberal party, was elected governor of the State by a majority of over seven thousand and by a free, fair, and undisputed ballot where no man was disturbed, where no man was kept away from the polls, where not a single incident of disorder or disturbance occurred throughout the length and breadth of the State. He was elected, and was elected with a conservative Legislature. That Legislature came to the capital. The governor was ready to be inaugurated when, under the authority of an order obtained from a drunken Federal judge, granted at midnight and outside of his court, ordering the United States marshal to take possession of the capitol of the State and to inaugurate or, as a learned jurist calls it, to "impanel a Legislature and to inaugurate a governor," the United States bayonets were called to the aid of that marshal, and the people awoke to find their government wrested from them and in the hands of the judicial and military power of the United States Government. I was at that election chosen a State senator. I was returned elected both by the proper returning officers of the State who declared the McEnery ticket elected, and by the bogus returning board who professed to count in the other ticket. My election was undisputed, and on the day for the Legislature to assemble I proceeded to the State-house to take my seat in the Legislature. When I arrived at the door, accompanied by another senator who was not returned by the republican side, I found the door occupied by a United States lieutenant with his uniform and shoulder-straps on, his sword by his side, and a guard of two men with bayonets. When I asked for admission to the state-house this subaltern officer demanded my name, and when I told him my name and that I was a member of the State senate he examined the paper which he held in his hand, (which was Judge Durell's order enjoining certain parties from entering or taking their seats in the State Legislature and permitting others to do so) and informed me that I was not enjoined, and that the door was open for me to enter and take my seat, but that the gentleman by my side, a senator also returned by the proper returning officers with equal right to take his seat and sit beside me, was among those who were enjoined; and he was forbidden by this Federal officer protected by Federal bayonets from entering the state-house. Of course I never entered the door or took my seat by the grace of military permission.

Mr. President, it has been stated upon this floor that no Senator sitting on this side of the Chamber has ever seen a military force at the polls. I was not present when the assertion was made or I should have risen in my place to contradict it. I should have said that from the date of reconstruction till the spring of 1877 there had not been an election in Louisiana, there had not been a count of the vote, there had not been a return of a vote, there had not been an installation of an officer or an installation of a government, that had not been with the presence and under the overawing influence of Federal troops, and that had not been connived at and guaranteed by Federal and military authority; and the sight of troops at the polls during all that period was a familiar one to the people of New Orleans and to most of the other cities in Louisiana.

Mr. KELLOGG. Will my colleague allow me?

Mr. JONAS. Yes, sir.

Mr. KELLOGG. Will my colleague tell at what polls and at what elections troops were ever used in New Orleans?

Mr. JONAS. I do not designate the polls. I say that they were present, and present in the manner described.

Mr. KELLOGG. Does my colleague mean to say that they were in the city, or at the barracks below the city, or at the polls?

Mr. JONAS. I will say exactly what I mean, and the Senate will judge whether the gentleman's quibble of being "at the polls" will amount to anything. I say they were constructively at the polls and ready to be at the polls at a moment's notice. I say those elections were held with Federal troops quartered in the city of New Orleans with their guns unlimbered, with their men armed, with the horses harnessed to their batteries and ready at convenient distance to be placed at any poll in the city at a moment's notice, and I say these troops were constructively present in the view of all the people of New Orleans. I call them troops at the polls, for I say that if a hand was raised against what was done by "the powers that be," if a hand was raised against the returning board, if an effort was made to correct the count or require it to be a fair one, these troops were ready to support "the powers that be" with all their force, and the gentleman knows it.

Mr. KELLOGG. My colleague says "constructively." Then I understand him to say according to his construction the troops were at the polls. I undertake to say that the troops never were within squares of any poll in the city of New Orleans.

Mr. JONAS. Within a square! I accept the gentleman's explanation. They may not have been nearer than a square.

Mr. KELLOGG. Within squares. They were at all times, at every election, to the best of my recollection, at their barracks or at their headquarters, and I have never known an instance where they came into the streets even or came out of their barracks or their regular appointed garrisons and headquarters on an election day.

Mr. JONAS. I will remind the gentleman of instances before I get through, and I say now that they were always either in the public square or in public places or at their barracks or quarters, within the city of New Orleans, ever ready to respond to military call, and military call was every ready to respond to the bidding of the gentleman. Those were the circumstances under which these elections were held.

Mr. President, the legal members of the legislature were refused admittance to the state-house, refused by a military officer supported by military bayonets; and here I take occasion to say that during all this time it made no difference how many bayonets there were or how many officers there were. The honorable Senator from Maine [Mr. BLAINE] said there were but two hundred and thirty-seven troops in the State of Louisiana. I care not if there was but one, if there was but a single lieutenant with straps on his shoulders, provided

he bore a commission, and provided he had orders to execute from the President. It was the military authority of the United States that we recognized. There was no disposition to oppose it. As long as a symbol of authority was there the people felt compelled to obey it; and a single soldier there to-day might in the course of a week become a thousand, five thousand, ten thousand, the United States Army.

In January, 1873, as I said, the Legislature was organized by military force; the governor was installed by military force. The President of the United States telegraphed to the military authorities to support and maintain this government; and the government elected by the people was overthrown and kept from office solely through the military power of the Government as wielded by its Commander-in-Chief.

We pass on, Mr. President. We endured military rule for two years longer. We were made to recognize a governor and State officers never chosen by the people; we were forced to acquiesce in legislation enacted by a Legislature which was not elected by the people, and whom even this body refused to recognize when that Legislature sent a Senator here and asked that he should have a seat on this floor. It will be remembered that this body refused to recognize the Kellogg legislature in the report made by its Committee on Privileges and Elections in the case of Mr. Pinchback and refused that gentleman a seat. In the House of Representatives, then largely republican, Mr. Sheridan, who was elected to Congress from the State at large, on the same ticket and by the same vote as Governor McEnery, was seated over Mr. Pinchback. Thus while both Houses of Congress refused to recognize the Kellogg government, it was yet upheld and maintained by the President with his bayonets.

We were compelled to obey the laws passed by this legislature and to live under a government never recognized by Congress, whose representatives were never seated in Congress, under officers who were not elected but counted in by fraud. I charge that the Kellogg officers and legislature were counted in without any returns at all, simply upon affidavits made by commissioners of election in different parts of the State. They were counted in by fraud and maintained in office by the President, with the aid of the military arm of the Government.

We pass on until 1874, when there was another election, when we had to elect a legislature and a State treasurer. In the summer of that year the acting State government grew strong in its own opinion; the troops had been removed; it considered itself so thoroughly planted in the hearts and affections of the people, or at least so firm in office, that it notified the President and notified the world that it no longer required military protection. It organized the police of the city of New Orleans, paid by the taxes of the people of that city, into a pretorian guard, into a battalion armed and officered and ready for war, by virtue of an act passed of that legislature; and this army was held at the convenience and orders of the governor to be sent to any portion of the State where he might desire to quell the people or to be used for the purpose of controlling the people at the polls; and confiding in the power and strength of this army, the acting governor thought fit to prevent the people of New Orleans from bearing arms, and issued an edict that no man should even exercise the right the Constitution gives him to bear and maintain arms and keep them in his own house, and an attempt was made through this armed police to disarm the citizens, to invade their houses and search for arms and to seize those arms which they had ordered from abroad for their own use, as they were authorized by the laws and Constitution of their country to do. The people of New Orleans, unable to bear this crowning outrage, determined to resist it. On the 14th of September, 1874, they arose, and in a single night this government, established by the bayonet and maintained by the bayonet alone, which had no hold in the hearts or affections of the people, vanished from existence. There was no governor, no legislature, no State officer, no vestige of the Kellogg government in the land. A single night had passed over it and it had vanished like an ugly dream. And, Mr. President, there was gratulation among the citizens of Louisiana. Those good citizens that my colleague says are so much attached to him and who support him in all his measures, those good citizens upon whom he relies at home for support and protection, those good citizens rejoiced at last that the dark shadow of usurpation and misrule had been removed from their State. The people arose in their majesty and installed in office for at least one brief day, the governor and State officers they had chosen nearly two years before by so large a majority.

That day was a day of happiness, a day of pride, a day when the people anticipated prosperity, when they anticipated some future for their State, for themselves, and their children; and when they fondly hoped that the legitimate government, now that it had demonstrated that it was the government of the people, would be permitted to remain in the exercise of its legitimate authority. But here came again the inevitable soldier. As soon as the wires could flash the message to Washington the soldier was ordered to go and demand the surrender of the government; and a single officer, in advance of the Army, entered the state-house and told Governor McEnery, "I am ordered by the United States Government to demand that you restore the possession of this capitol to Governor Kellogg." One single soldier was enough; the insignia of office was enough. All that the people had gained they gave up; all that the people had attained they surrendered. Once more by the power of the Federal Army, wielded by its Commander-in-Chief, the government of Kellogg, which has been proved to be a usurpation, a bubble, and a fraud, was placed in power; and then came the soldiers, then the battalions hurried and clattered down to New Orleans, though there was not one shadow of armed resistance; the people retired even before the approach of the soldiers; citizens who had risen and installed their government disbanded the moment that government was called upon to surrender. They could have been called together again, but there was no thought of resisting the United States Army.

They but wished to demonstrate to the people of this country that the Kellogg government was not founded in the hearts of the people, and that the Kellogg government alone could not last an hour unless it was supported and propped up by the bayonets of the United States Government. They had demonstrated this and were quite satisfied. The battalions came down and the ships of war were sent to New Orleans and anchored in front of that city with their batteries turned upon its streets, and for days there was all the grand panoply of war leveled against a people who had never dreamed of contesting the power of the bayonets and troops of the United States. That army remained there in great part until the election in November. That army at the election in November was quartered in the streets of the city, in its public squares, and in its public places. On the Sunday before the election in November both the troops and marines were brought out on dress parade on the great thoroughfare in New Orleans and exhibited to the people just before the people would be called upon to assemble at the polls; but, in despite of all this display, the democracy of Louisiana, as they always have done, carried the election and elected their State ticket and their Legislature by a large majority; and when they had done so here came the bayonets again. They elected their treasurer; he was counted out by the returning board. They elected their Legislature; the returning board got together and threw out enough of them to defeat the will of the people. Yet the Legislature assembled in the state-house and elected a democratic speaker and perfected a democratic organization, and they were proceeding to attend to the business of the State, when another spectacle was presented to the American people: While the speaker was in the chair and while the members were in the performance of legislative duties, a colonel of the United States Army, clad in full uniform, with epaulets, and with a sword belted to his side, accompanied by his staff and his orderly, entered that hall and told the speaker to leave the chair, told members of that legislature to quit the floor, and proceeded to organize the Legislature himself by seating a speaker never elected by the Legislature in the chair and by seating members never elected by the people in the place of those whom he drove from the hall.

Mr. KELLOGG. Will my colleague yield to me for a moment?

Mr. JONAS. For a question.

Mr. KELLOGG. It will be satisfactory to my colleague, I think. It is simply to vindicate history as he passes along. I should like to have my colleague state what the cause of the soldiers coming there was; in other words, at whose bidding and invitation did they come?

Mr. JONAS. The cause of the soldiers coming there, as I say——

Mr. KELLOGG. Did not the democratic speaker ask for them?

Mr. JONAS. It was under an order from the Commander-in-Chief of the Army, the President of the United States, that directed him to install the defeated speaker, directing him to install members who were not elected by the people, and directing him to put the Legislature into power under the Kellogg government. And I say, Mr. President, that "no continent beyond the sea rose" to honor General Grant as the people of this country rose to condemn that act of atrocious usurpation of January, 1875; and among those who were loudest in the denunciation of his acts at that time were two members of the present Cabinet who now advise Mr. Hayes to perpetuate until the incoming of Grant again that arbitrary power by virtue of which he perpetrated this outrage upon the Constitution of the United States and upon the liberties of the people.

Mr. KELLOGG. Mr. President——

The PRESIDING OFFICER, (Mr. WHYTE in the chair.) Does the Senator from Louisiana yield to his colleague?

Mr. JONAS. For a question.

Mr. KELLOGG. I was about to inquire again of my colleague if there was really any order given by any Cabinet minister, by the President of the United States, or by the commanding officer, that any soldiers enter the state-house? On the contrary is it not a fact that the soldiers entered the state-house and the hall of the house of representatives by the request and at the behest of the democratic speaker? Did he not send for them?

Mr. CONKLING. A committee having been sent to ask him.

Mr. KELLOGG. A committee waiting upon Colonel (now General) De Trobriand asking him to detail a file of soldiers to go into the state-house and occupy the hall of the house of representatives at the request of the democratic speaker, or at least the gentleman who claimed to be the democratic speaker, in order to protect him and to preserve order as he claimed?

Mr. JONAS. He detailed some troops for the protection of the Legislature, as I have heard. The speaker thought he had a right to call for them when the Legislature were unable to protect themselves against disorder. They needed troops to protect themselves against the army commanded by the acting governor of the State of Louisiana.

Mr. KELLOGG. I thought the Senator said the troops were to support me and my local authority. I understood that was what the gentleman charged, that the officer interfered with the legislative functions by calling upon the Federal Government to support me and aid the local authorities under my command.

Mr. JONAS. I am giving the history of the outrages perpetrated by the Commander-in-Chief of the Army and the bayonets under his command. If Speaker Wiltz asked for troops to come within the capitol for any purpose whatever, I think he made a mistake; but I am speaking of the time when General De Trobriand came in and ordered the speaker from his chair and ordered members from their seats, and I say that was done by orders from Washington; that was done by orders of the Commander-in-Chief of the Army.

Mr. HOAR. Will the Senator from Louisiana state——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Massachusetts?

Mr. JONAS. For a question.

Mr. HOAR. Will the Senator state whether the coming in of those soldiers into that hall was not at the request of the democratic members claiming to be a majority, who sent a committee to General De Trobriand to request him to do so?

Mr. JONAS. To request him to oust their speaker and to oust the members chosen to that body?

Mr. HOAR. I ask whether they did not so come. If it will not disturb the Senator, I should like to ask him another question in regard to the general transaction, which will take about half a minute. Was not the whole transaction exactly this, that the persons who by the constitution and laws of the State of Louisiana were authorized to organize that house assembled at the time and place fixed, there being a republican majority in the room; did not a gentleman then get up, one of the democratic members, and move that Mr. So-and-so, a democrat, take the chair, and somebody else say that it was carried when it was not carried and a majority of five or six had voted the other way? Then this gentleman took the chair——

Mr. JONAS. I only yielded for a question.

Mr. HOAR. I am asking if this was not the transaction. Then this gentleman took the chair and proposed somebody for clerk and he was declared chosen when he was not elected, but five or six majority had voted against him, just as if the republicans should do the same thing when the Senate assembled this morning; somebody should move that Mr. EDMUNDS take the chair, and then declare it carried although six or eight majority of democrats had voted against it. That being the condition of things, the democrats being alarmed, themselves sent a committee to General De Trobriand asking him to restore order in that chamber, and General De Trobriand said, "Very well, I will do so, and I will restore order by having all persons except those entitled to organize this house expelled?"

Mr. JONAS. If the gentleman asks a question I will answer it.

Mr. HOAR. Will you answer that question?

Mr. JONAS. I answer the question by denying *in toto* that the republicans ever had a majority in that Legislature elected by the people or according to the constitution and laws of the State. I deny *in toto* that they ever organized that Legislature, and I assert that the democratic speaker of the Legislature and the democratic officers were elected by a majority of properly elected members upon the floor.

Mr. HOAR. But who had the majority of the certificates?

Mr. JONAS. Whether they asked General De Trobriand to come in or not, whether they invited in a Trojan horse or not, whether they asked General De Trobriand's assistance for the purpose of simply preserving order and peace, he did come on that occasion bearing the authority of the Government of the United States to subvert the organization of the Legislature and to drive the speaker from the chair and the members from their seats.

Mr. HOAR. Will the gentleman state who had a majority of the certificates?

Mr. JONAS. I decline to be interrupted any more or to be questioned. The honorable gentleman will find his side of the question presented in the report of a committee of the House of which he was a member——

The PRESIDING OFFICER. The Senator from Louisiana will proceed.

Mr. JONAS. And that never has had any effect upon the country. I say, Mr. President, that this was the way in which the government was subverted in 1875, and it was done by the inevitable soldier; and the soldiers that the gentleman says the speaker of the house invited in, those soldiers had been quartered in the vicinity of the state-house, they had been aligned in front of the state-house for several hours, perhaps days, previous to the meeting of the Legislature. There was a committee of the House sent down to New Orleans to investigate the matter, and the honorable member from Massachusetts was a member, and the honorable President of this body, the Vice-President of the United States, was a member of that committee, and that committee, though republican, reported by a majority condemning this interruption of the proceedings of the Legislature, condemning the mode in which General De Trobriand ousted the speaker and ousted members of the Legislature, and reported also that the returning board had not made a fair count and declaration of the result of the election.

Mr. HOAR. Will the Senator permit me about four words?

The PRESIDING OFFICER. Does the Senator from Louisiana yield?

Mr. JONAS. For a question.

Mr. HOAR. I desire simply to correct a misstatement of fact in regard to myself and Mr. Wheeler. The committee of which we were members approved emphatically every act of the soldiers on that occasion in our report.

Mr. JONAS. Not the committee. The gentleman may have done so, but the majority of the committee disapproved of the act which had been done. The best proof that the Vice-President did not approve of what had been done is that he concocted the celebrated compromise which bears his name; that he came to the city of New Orleans with other members of the committee and organized a new legislature by taking a slate and pencil or a sheet of paper and entering into a calculation as to what members should be permitted to sit and what members should be excluded from their seats, and the legislature thus made up assembled thereafter and maintained its authority; but it was not a legislature elected by the people; but a legislature created and counted in by the Wheeler committee and known as the Wheeler compromise legislature.

Mr. KELLOGG. Does my colleague mean to say that that legislature was not elected by the people?

The PRESIDING OFFICER. Does the Senator from Louisiana yield to his colleague?

Mr. JONAS. What for?

Mr. KELLOGG. Do I understand my colleague to say that the legislature formed under what was called the Wheeler adjustment was not chosen by the people?

Mr. JONAS. Some of them were not elected by the people. The members from Caddo were defeated by the people by over five hundred majority, and the true representatives from Caddo were ejected from their seats.

Mr. KELLOGG. You mean the democratic members?

Mr. JONAS. They were ejected from their seats, though elected by the people.

Mr. KELLOGG. I ask my colleague what is the relative strength of the colored and white registration, respectively, in Caddo Parish?

Mr. JONAS. That is the old argument of color. I contend that a majority of the colored people of Louisiana and throughout the South are democrats and vote with the democratic party, and I contend that a large number have always done so in the State of Louisiana.

Mr. KELLOGG. My colleague spoke a moment ago of the election of 1868. In Caddo Parish at that election there was but one republican vote cast.

Mr. JONAS. I cannot be interrupted.

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) The Senator from Louisiana declines to be further interrupted, and the Chair suggests to Senators to address themselves to the Chair in order that it may be understood whether the Senator on the floor is willing to yield or not.

Mr. JONAS. The next election, Mr. President, was the election of 1876, the election for electors of President and for State officers. Still troops were scattered throughout the State, still troops were quartered in the cities, still troops were quartered in the barracks, and we had a new form of outrage protected by troops. Finding that the democratic majority was so large that it could not be overcome, the other side devised a system by which they sought to disfranchise a large portion of the citizens of New Orleans. Some eight thousand or ten thousand sewing-machine circulars were scattered throughout the city, sent to various addresses where people formerly had lived and were supposed not then to live, and these circulars not being received and being returned "not found," as intended, from the post-office, some eight thousand affidavits were issued by a United States commissioner for the arrest of citizens of New Orleans immediately preceding the election, and these citizens were all arrested on a charge of false registration, of registering from houses and districts and dwellings where they did not reside, the only evidence of such false registration being that a certain circular had been sent to John Smith at such a street and was returned "not found," John Smith having moved since the last registration. John Smith was immediately arrested under an affidavit in the United States court for a violation of the election laws and for false registration, and in that way some seven or eight thousand people were arrested, and it was proposed to strike some seven or eight thousand of names from the voting list. Among them were many of the best citizens of New Orleans; among them were men who had lived and voted in that city for twenty or thirty years. One of them was a gentleman now sitting in the House of Representatives, a native of the State of Louisiana and a resident of the city for many years. The object was, as I said, to strike these names from the registration list, the registration being completely in the control of the republican party, and thus reduce the democratic majority in New Orleans so largely as to insure the defeat of the party in the State, and all this was done, like every other act of outrage, under the protection of United States marshals backed by United States bayonets.

The officer then in command at New Orleans, of whom I do not wish to speak except with the most extreme respect, because I know he was disposed to do everything that he could for the protection and benefit of the people, and desired to enforce upon them no order unjust, unnecessary, or arbitrary, was under orders during the whole of that period to use his military force to preserve order not merely at the polls but throughout the city and the State, and the preservation of order meant the subversion of the party antagonistic to the re-

publican party should they attempt to oppose any law, any regulation, or any act of those having control of the State government of Louisiana or having control of the election. The sewing-machine dodge had its desired effect, and deprived the democratic party of several thousand votes.

In spite of this we carried the State of Louisiana again by some seven or eight thousand majority. We elected our governor and we elected the democratic electoral ticket, but the returning board appeared again, and our people were compelled by the presence of bayonets and the knowledge that bayonets were present for the purpose of protecting that returning board, to stand still and see fraud perpetrated again, with the difference this time that in addition to seeking to deprive the people of Louisiana of the lawfully constituted officers whom they had chosen, it deprived the people of the United States of the President they had elected. This time the prize was not simply the paltry State of Louisiana; the prize was the presidential chair; and the electoral votes of Louisiana were necessary to be stolen from the democratic candidate in order to elect the Chief Magistrate who now sits in the White House; and this was perpetrated with the aid of the Army.

.The State passed into the hands of its people after a long interregnum—passed into the hands of its people because its people had determined that if the government which they had elected was to be again subverted it must be subverted by Federal bayonets; and because the bitter experience of 1874 and 1875 had been such that President Grant and President Hayes, his successor, both declined to again install a government by the use of Federal bayonets. The Nicholls government was inaugurated, and when its supreme court was appointed, and when that supreme court was installed in lawful authority——

Mr. MCMILLAN. Will the Senator allow me to ask him a question? Does the Senator allude to the judges who now constitute the supreme court of Louisiana?

Mr. JONAS. Yes, sir.

Mr. MCMILLAN. How were they inaugurated?

Mr. JONAS. I was about to state. I will state——

Mr. MCMILLAN. I should like to hear it.

Mr. JONAS. The Senator was present as a spectator. The present judges of the supreme court were installed in this way: they were appointed by the governor and confirmed by the Senate, as the constitution of the State provides; they were installed by the people of the city of New Orleans, rising *en masse*, going down and accompanying them to the door of the court-house where it was their duty to sit. The people of New Orleans in performing this delicate duty of installing the supreme court were obliged to cross as narrow a bridge as that upon which the true Mohammedan believer expects to enter paradise; the deviation of a single line, a single accident, a single disturbance, would have authorized the United States troops to appear upon the scene and ended all possibility of the accomplishment of that purpose.

Mr. MCMILLAN rose.

Mr. JONAS. Senators will pardon me. I cannot be interrupted now. I will state the facts exactly as they occurred. Those citizens were armed, and armed for the purpose of meeting the metropolitan police and the cohorts of the existing government. The military orders were that if a gun was fired, if there was a single fight, if there was any disturbance of the public peace, they must interfere and take military control. And knowing and appreciating the fact that if a gun was fired, that if there was any conflict, the Federal power would intervene and the Federal soldiers be put in possession, the people went down and installed their supreme court; and as they passed down to the court-house the soldiers of the United States Army were gathered in their quarters at the custom-house; the building was full of soldiers, who stood at the windows as the people passed; and below, in another chamber, sat the honorable Senator from Minnesota [Mr. MCMILLAN] and his colleagues on his committee, among whom were my friends the Senator from Indiana [Mr. MCDONALD] and the Senator from Delaware, [Mr. SAULSBURY;] and as the citizens passed on this errand of peace to install their legally elected government, the gallant boys in blue of the United States Army stood at the windows and cheered them until the echoes rang again. Does the Senator remember that?

Mr. MCMILLAN. I remember no echoes or cheers from the boys in blue.

Mr. JONAS. The Senator's memory is shorter than that of his colleagues.

Mr. MCMILLAN. I can state to the Senator that I do remember that there were judges of the supreme court whose titles were undisputed and indisputable, and that an armed mob of more than fifteen hundred men, with two pieces of artillery, in procession, marched past the soldiers of the United States, who withheld their force, to the supreme-court room and took possession of it and installed men as judges of the supreme court of Louisiana who had not a shadow of title to the office and who are now the judges of the supreme court; and the general commanding that department——

Mr. JONAS. I object.

The PRESIDING OFFICER. The Senator from Louisiana declines to yield further.

Mr. MCMILLAN. Further——

Mr. JONAS. I decline to be interrupted any further for a speech.

Mr. MCMILLAN. I am sorry the Senator does not like to hear the truth.

Mr. JONAS. If the Senator will give me some of his speeches I will frank them to my constituents, but I do not want his speeches to be interpolated in mine. The supreme judges who were installed were lawfully elected; they were installed in place of men whose terms of office had expired. They have been recognized——

Mr. KELLOGG. The supreme court lawfully elected, does my colleague say?

The PRESIDING OFFICER. Does the Senator yield to his colleague?

Mr. JONAS. I decline to yield.

Mr. KELLOGG. They are appointed.

Mr. JONAS. Lawfully appointed.

Mr. KELLOGG. My colleague said "lawfully elected."

Mr. JONAS. If so, I made a mistake in a word. That court since and now is recognized by the highest authorities in this land and by the Supreme Court of the United States as the lawful and legal supreme court of the State of Louisiana, as it is.

Mr. President, after the installation of the supreme court, and after the installation of Mr. Hayes, and after he had sent his visiting statesmen to spy out the land, and after he had become satisfied that there was nothing more to be wrung from the people of Louisiana, and after he had become satisfied that either he must recognize the government chosen by our people or subvert that government by the bayonet, which he could not afford to do, he withdrew the troops from the State of Louisiana. He has received great credit for doing this. The withdrawal of the troops by Mr. Hayes, if right, was a condemnation of the policy of his predecessor who kept them there in possession of the government of Louisiana for the preceding eight years. The withdrawal of the troops by the present President if right, is a condemnation of the doctrine of his message vetoing a measure by which Congress proposed to take away the power from the President which his predecessor misused and the use of which he himself condemned.

Now, Mr. President, we come to 1878, and there were no troops in the State, and there was scarcely any party contest in the State. There was no republican ticket in the field except in some few parishes. They had no State ticket; as a general thing they were supporting the ticket of the national party. They had no organization; there was scarcely a contest, and then a new form of political persecution was devised. Instead of bayonets, we were introduced to political courts. We have tried them both and we prefer the bayonets. After the election, for some cause, I do not know what, unless it was thought desirable to empty the seats of two or three members of Congress elected by the people of Louisiana in order to decrease the small democratic majority and secure the organization of the House of Representatives in the interest of the republican party, a political committee was sent by this honorable body to the State of Louisiana to examine into the conduct of the election in that State and the events which preceded the election. The Teller committee was the advance guard in the political persecutions designed to be leveled against the people of Louisiana through the instrumentality of the United States courts. I have been very much amused, Mr. President, by witnessing the admiration that the honorable chairman of that committee has for his work. For the first few weeks of the session it was constantly upon his lap and constantly under examination, and the speakers who spoke upon this question were furnished with the pabulum they desired from that valuable contribution to modern literature, the report of the Teller committee. For the last few days we have heard less of it; still it is used as a basis for all the charges that are made against the people of Louisiana and the people of South Carolina. Following the Teller committee, which cut out the path, the United States courts went to work.

Mr. KELLOGG. If my friend will allow——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to his colleague?

Mr. JONAS. For a question simply.

Mr. KELLOGG. For a question only. Before my friend passes from the topic he dealt with a moment ago regarding the Teller committee and the election of 1878, I should like to inquire of my friend if the result of that election is known yet in Louisiana?

Mr. JONAS. The election of 1878?

Mr. KELLOGG. Yes, sir.

Mr. JONAS. The result was announced within a week or ten days after it was over.

Mr. KELLOGG. Will the Senator then tell the Senate what has become of the constitutional amendments, ten or twenty of which were voted on?

Mr. JONAS. They were all defeated?

Mr. KELLOGG. Were they so returned?

Mr. JONAS. They were so returned.

Mr. KELLOGG. Has not the secretary of state declared that it was impossible to state the result?

Mr. JONAS. That it was impossible to state the result all the way through, simply because of the obscurity of the vote.

Mr. KELLOGG. Was not the election in such a jumble, resulting from the manipulation of the returning officers, that it was impossible to tell whether the amendments had been carried or not?

Mr. JONAS. Not at all, except as to certain amendments, which were a matter of very small importance.

Mr. KELLOGG. Now, I ask my colleague if it is not a fact that it was twenty days before the result was known as to the election of some of the candidates who ran on the ticket, owing to the manipulation of the returning board?

Mr. JONAS. No, sir; I repudiate the charge and I deny that a returning board exists in the State of Louisiana. Mr. President, act No. 1 of the acts of 1877, when the Nicholls legislature organized, was an act which repealed the returning board forever. The people of Louisiana felt when they came into power that they would stay in power because they had a large majority on a fair vote of the people, and they felt that they needed no returning board even if they would have condescended to use any such machinery. The people of Louisiana felt like the genie in the Arabian Nights, whose first act, when released from the casket where he had existed for thousands of years, was to kick the vessel into the sea so that it could never again imprison him; and the first act of the people of Louisiana was to abolish the returning board. And I say as to the election in the State of Louisiana in 1878, the result, with the names of all persons elected, was known in the city of New Orleans within ten days after the election, and in the face of the fact that a portion of that State——

Mr. KELLOGG. Mr. President——

The PRESIDING OFFICER. Does the Senator from Louisiana yield?

Mr. JONAS. I do not yield.

Mr. KELLOGG. I ask simply——

The PRESIDING OFFICER. The Senator is out of order.

Mr. JONAS. I do not yield. In face of the fact that a large portion of the State at that time was yet devastated by yellow fever; in face of the fact that we have few railroads and slow mail-routes, the news was received early and the votes were counted by officers at home, at the polls where they were cast, and returned to the secretary of state without the intervention of any returning board and without the intervention of any new-fangled and newly discovered election machinery.

Mr. President, after the Teller committee had left New Orleans and returned to their homes, their work became evident in the fact that the grand jury of the Federal court (a grand jury from whom all were excluded who could not take the test oath, and which was composed almost exclusively of republicans) proceeded to find indictments against a large number of the best citizens of three or four parishes in the State. They indicted in the parish of Natchitoches some forty-five citizens and they were all brought from their homes to stand their trial in the city of New Orleans. They were indicted for a conspiracy to prevent voters from casting their votes for J. Madison Wells for Congress in the fourth congressional district of Louisiana. J. Madison Wells is well known throughout the length and breadth of the land as the president of the celebrated returning board. He is the man who counted the votes in 1874, he is the man who counted the votes in 1876, he is the man who made the President who sits in the White House to-day, and he holds a Federal office in the city of New Orleans. This conspiracy was for preventing citizens from voting for J. Madison Wells, and the acts complained of were alleged to have occurred in September when the election took place in November. As I say, forty-five citizens were brought to New Orleans for trial, necessitating their absence from home for weeks, necessitating their being held to heavy bail, necessitating their bringing down hundreds of witnesses to defend their characters and prove the falsity of the charge. What was the class of the parties accused? They were the best citizens of that parish. They included the district judge, the parish judge, the district attorney, the sheriff; they included every parish officer, the leading tax-payers, the oldest citizens, every member of the bar, an ex-member of the Forty-fourth Congress, and almost every man of respectability in the parish, so that not to be indicted was almost a mark of dishonor and disgrace in that parish. Will it be considered as probable that all the citizens and all the men of character in a parish would be so unmindful of their obligations and duties as to engage in a conspiracy to break the laws? It frequently happens that one, two, or three men who have been law-abiding during the course of a long life depart from the path of rectitude and justice, but that all of the best citizens of a parish should have thus disregarded the laws which many of them were sworn to obey (as public officers) is incredible; indeed, it would have seemed ridiculous had not the comedy been so nearly merged in tragedy.

They were indicted and they were prosecuted by a confederate district attorney, now in high favor with the powers that be, and the text-book of the trial was the report of the Teller committee, an advance copy of which was in his possession, and the witnesses were allowed to refresh their memories from that text-book; the witnesses for the prosecution were the same witnesses who had appeared before the Teller committee. A jury was empaneled, and every man was excluded from that jury who could not take the test oath, the judge presiding sustaining the constitutionality of the test oath. It was said the other day in this Chamber that the administration of the test oath in the South now is a matter of but little consequence, as the most of the population have grown up since the war and a majority of the people are able to take the test oath, not having been engaged in the war.

I say, Mr. President, that two-thirds of that panel of jurymen who were called up to be sworn were rejected because they testified on oath that they had either been in the confederate army or had aided, or abetted, or sympathized with the confederate cause. There was one man brought up to be empaneled on that jury who testified that he was but "twenty-seven years old." He was asked if he had served in the confederate army or aided, abetted, or sympathized with the confederate cause. He answered that he was but nine years old when the war began. "Did you," said the district attorney, "aid, abet, or sympathize with the confederate cause?" And he answered, "Well, I believe I gave my pocket-money out of my money-box to the confederate soldiers." "How much money was in it?" "About a dollar and a half." "Well," said the district attorney, "may it please your honor, I challenge the juror for cause." We mildly submitted to his honor that this young man could hardly be held responsible for the heinous crime committed in his youth in giving his money to the confederate cause, and pleaded infancy. The judge gravely told the district attorney, "This seems to be carrying the thing most too far; I overrule the objection."

Mr. CONKLING. Will the Senator allow me a moment?

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from New York?

Mr. CONKLING. I wish merely to understand the Senator.

Mr. JONAS. Yes.

Mr. CONKLING. His statement confuses me.

Mr. JONAS. I will try to make it plain.

Mr. CONKLING. Shall I understand the Senator to say that a challenge for cause was interposed?

Mr. JONAS. Yes, sir.

Mr. CONKLING. Then the Senator will observe that the section of the statute of which complaint is made now, section 821, had nothing to do with the case, because under that section the only proceeding would have been to require of this juror, then an infant, the oath prescribed in the statute; and when a challenge for cause was interposed it was a proceeding radically different from that indicated or tolerated by this statute. My confusion grew out of that. I cannot comprehend how a challenge for cause had anything to do with this section 821.

Mr. JONAS. The judge decided that a man could not sit on that jury unless he could take the test oath, and he ruled that the district attorney was entitled to ask jurors whether they had aided or abetted or sympathized with the confederate cause during the late war, and if they answered "yes" that was sufficient cause for challenge. This young man answered that he had when he was nine years old, and we objected that he was an infant, and the judge said——

Mr. CONKLING. Now will the Senator pardon me there? Surely the Senator does not suppose that that proceeding took place under the section——

Mr. JONAS. I do not suppose it. I saw it. I was one of the counsel.

Mr. CONKLING. If the Senator will listen to the suggestion, he will understand the suggestion as well as if he interposes now. I say that in aid of the Senator's statement, because I submit to him that it cannot be that this proceeding took place under section 821 of the statutes. I say to him that this seems to have been a case of a challenge of a juror in a case in which the test oath of which he is talking was administered. Had it been, no question need to have been put to the juror, no challenge interposed but simply the court moved to require him to take it.

Mr. JONAS. I cannot yield further. I am not talking about what ought to be done or could be done. I am saying that the judge of that court ruled that no man could sit on the jury unless he could take the test oath, and he ruled that the district attorney had a right to ask every juror, as he was called up, whether he had aided, abetted, or sympathized with the confederate cause, and that if he did aid, abet, or sympathize with the confederate cause it was good ground for challenge, and generally the judge performed the duty himself by telling the juror to stand aside——

Mr. KELLOGG rose.

The PRESIDING OFFICER. Does the Senator from Louisiana yield to his colleague?

Mr. JONAS. I do not. I decline to yield. This juror was admitted by the judge, who said it was drawing the thing too fine, and he thought he could take the oath, then the district attorney challenged him peremptorily, and we selected a jury as well as we could out of men none of whom were of the vicinage of the accused. The accused were brought from Natchitoches Parish, three hundred miles from the city of New Orleans, but the jurymen were all drawn from that city. This jury was selected from a few men who could take the test oath because they had served in the Federal Army, or from men who were old and had taken no part in the late war, or from young men who had grown up to maturity since the war, and had not in their infancy given their pocket-money to the confederate cause. We succeeded in getting such a jury.

Now, as to this test oath. Mr. President, the honorable Senator from New York seems to think its repeal is a matter more sentimental than practical, as applicable in the Southern States. Why, sir, let me tell you what was said to me by the district judge of that court, Judge Billings, just before my departure for Washington. He did not try this case. It was tried by Judge Woods of the circuit court. He told me that he had gone to the Attorney-General, and that he had seen the distinguished chairman of the Judiciary Committee at that time of this body, the Senator from Vermont, [Mr. EDMUNDS,] and had told both of them that unless the test oath was repealed it was impossible

for him to conduct his court and do justice toward litigants or justice toward criminals. He told them that the test oath excluded from duty in the jury-box nearly all of the best citizens, and nearly all the intelligent property-holders, and most of the tax-paying people of the city of New Orleans, and forced him to draw his juries from ignorance and barbarism or from people who had little or no stake or interest in the community.

In this instance three out of five men who were called to serve on that jury were unable to serve because they could not take the test oath; and the result was that this case, political in its character, had to be tried before a jury packed. I use the expression "packed" because it was impaneled in disregard of law, in violation of the Constitution, and in violation of the rights of the accused. The case was tried before that jury, and it was prosecuted not only ably, but vindictively. It occupied two weeks. All the witnesses who were heard before the Teller committee were heard again, and numerous witnesses who were not heard before that committee, and the evidence was plain that there was nothing political in the affair at all; that it had occurred two months before the election; that the difficulty, in which not one drop of blood was spilled nor a man injured, occurred in September, and was simply an organization of the citizens of that parish to protect their homes from incendiarism and their women from violence. Why, Mr. President, in old times, in the settlement of New England, and in the settlement of the West at a more recent date, when the citizens went to church or assembled at the hustings or the court-house, they carried their arms with them and prepared themselves for battle in case the whoop of the savage should be heard and in case their women and children should be threatened and molested; and the people of Natchitoches, the white population much smaller than the colored population, knowing that incendiaries were in their midst, knowing that men were urging an organization of the colored people for the purpose of burning the town of Natchitoches and murdering its citizens and violating its women, organized themselves for the purpose of self-protection, and all they did was to send, under proper safeguard, three or four of the ringleaders threatening disturbance and inciting the colored people to violence, out of the city of Natchitoches. This was "the head and front of their offending." I fear those parties would have fared much worse in Nebraska, in Kansas, in Iowa, or in any of our Western States, where the rule of Judge Lynch is much more prevalent and much more terrible than it ever has been in Louisiana.

Mr. TELLER. I desire to——

The PRESIDING OFFICER. Does the Senator from Louisiana yield to the Senator from Colorado?

Mr. JONAS. For a question simply.

Mr. TELLER. That is all. I understand the honorable Senator to say that the jury was packed. I desire to ask him if he knows the political complexion of the jury; and if so, to state it.

Mr. JONAS. A large majority of them were republicans; some, though, were democrats.

Mr. TELLER. I am informed that ten of them were democrats.

Mr. JONAS. The gentleman is mistaken. The majority of them were republicans, and several of them had served in the Federal Army during the late war. These facts were apparent; these facts were proven; and these people were all acquitted, the jury only being in deliberation a very short time.

The witnesses upon whose evidence these accusations were made were witnesses who, like most of the witnesses that have been brought before committees of investigation in the South, were people who would not be believed on oath by their own neighbors at home. It was shown that the leading witnesses for the prosecution belonged to a ring who for years had ruled the parish of Natchitoches to its destruction. It was shown that they had stolen the funds of the parish; that they had stolen the taxes of the people; that they had stolen the school funds from the colored schools; that they had increased the taxes upon the people of that single parish until their tax was seventy-nine and a half mills per annum, 8 per cent. per annum of tax the people of Natchitoches were paying, inflicted upon them mainly by the leading prosecuting witnesses in this case.

The next cases were the Caddo cases. The honorable Senator from Colorado has much to say in his report about the outrages in Caddo. There were some disturbances there. Some people were killed. The republicans of the committee charged the democrats with it. The democrats charged the republicans with it. At any rate the matter was thoroughly investigated by this packed grand jury, and the grand jury failed to find an indictment against any citizen of Caddo for any of these affairs in which there were fights and blood-shed. But they did find indictments against some seventy-five citizens of the parish of Caddo. Those citizens were the election commissioners. It was a labor of love with the district attorney, because the district attorney came from the parish of Caddo, and being at war politically with his people, and having lost his parish at the general election, he wished to revenge himself upon them. These people were brought down charged with what? With having had three boxes for election purposes in the parish of Caddo on election day, when according to the construction of the law made by the United States district attorney they were only entitled to have two boxes. And this was said to be a conspiracy to defraud J. Madison Wells of votes. It was shown that every vote cast for Congress was carefully counted. It was shown that every vote cast for J. Madison Wells was put in the box for him and counted for him; and it was shown that a question arose as to whether the votes for the parish ticket and the congressional ticket should be put upon the same pieces of paper and in the same box; and the commissioners sought the best legal advice to be obtained in the parish of Caddo, where there is the best bar outside of the city of New Orleans in the whole State, and a large majority of the lawyers advised them to have three boxes, and they had three boxes.

These cases were tried, tried before a jury also required to take the test oath, and a jury composed of eight colored men and four white men; and to the best of my belief not a single democrat was upon the jury. When these cases were tried the charge was so absolutely ridiculous that the judge instructed the jury that they must discharge two of the prisoners, as there was no case against them; and as to the others, he charged them that if they believed that these commissioners in good faith asked for legal advice and followed it they were bound also to acquit them; and yet this wise jury, selected from the body of the people, composed of eight colored men and four white men, in a city where four-fifths of the population are white and a large majority of the population is democratic, were unable to agree even to discharge the prisoners whom the judge had told them they were bound to discharge, and the cases went over until next fall.

Then, Mr. President, there is the parish of Tensas. In the Tensas case, also, some one hundred prisoners were indicted, and two or three hundred witnesses were brought from the parish of Tensas to attend the trial; and the prosecution of this case was pressed by the Government, and it came on for trial since the meeting of this extra session. The defendants sought for delay; they were unable to produce their witnesses in court, and the court accorded them but a brief delay to procure such testimony as was absolutely necessary. The district attorney and the court refused to grant the delay the defendants asked, prosecuted the case with bitterness, if not with malevolence; yet when the case came on for trial on the 10th of last month the district attorney, probably actuated by some dispatch received from the city of Washington, rose and moved to adjourn and continue the case until next fall. The Government abandoned the prosecution for the time being. They were unwilling to meet the case.

I say here to-day, whatever may be in the report of the Teller committee, that I appeal from the Teller committee, when that case shall be called, to a test-oath jury, no test-oath jury in the city of New Orleans or in the country will convict the people of Tensas. Their trouble was not political, and the people prosecuted are innocent of any offense against the election laws whatsoever, if guilty of any offense at all, which I deny.

My colleague the other day alluded to the parish of Tensas, and made a point of the fact that the parish of Tensas which sent democratic members to the last Legislature had sent two republicans to the constitutional convention just assembled. Why, Mr. President, the parish of Tensas has a very small white population, and a very large colored population. It is not pretended that the white people control the colored vote in the State of Louisiana or elsewhere except by their moral influence over them, and the parish of Tensas voted fairly for the democratic ticket at the preceding election, but at this election for the constitutional convention, there were one hundred and sixty of the leading men of Tensas, every leading man in that parish, down in the parish of Orleans where they had been dragged to await the trial in the Federal court either as accused or witnesses, and it was impossible to carry the parish for the democratic party, and it was not likely that the colored people who, seeing that voting the democratic ticket only led to prosecution and persecution in the Federal court, would be induced to pursue further the experiment which they tried the year before.

Mr. President, there was much said by the distinguished Senator from New York [Mr. CONKLING] of kuklux, white leagues, and night-riders. All of them, so far as Louisiana is concerned, are hobgoblins of his own imagination. There are no kuklux, there are no white leagues, there are no night-riders in the State of Louisiana. There are no secret political organizations there. There is no attempt to control either the white or the colored vote in that State except in the modes and manners which are used by civilized people everywhere in the prosecution of political canvasses. There was a white league in Louisiana in 1874. It was born in that year and it died in that year, but it was no such organization as the Senator would have you infer. It was no secret organization, it was no oath-bound organization; it was open to the day. It was organized for the purpose of insuring a fair election and a fair count in the State of Louisiana; for the purpose of protecting the people of that State from the rule of barbarism and corruption. It never resorted to violence, it never resorted to secrecy, it never rode at night, it never interfered with voters. It was organized for the express purpose of protecting the purity of the ballot-box and not of aiding to destroy it.

Mr. President, I wish to say a few words about the exodus from the South before I close. The Senator from Illinois [Mr. LOGAN] in his speech made a few weeks ago lamented the future decadence of the South, owing to the fact that they were about to lose this population so valuable to them. Every Senator almost who has spoken since on that side has referred to this exodus from the South as of a people fleeing from persecution, from violence, from death, in the pursuit of liberty and happiness. The only two parishes in the State of Louisiana from which there has been any exodus are the parishes

of Madison and Carroll. I saw the statements which were published in the Saint Louis papers, which have been copied here, giving the evidence of some of those people who had fled from their homes, and an account of the persecutions to which they had been subjected in times past; that they were deprived of their political privileges, and were seeking a new country, where they could have equality and the right to vote freely and undisturbed. Mr. President, I will give the vote cast in those two parishes at the last election. In the parish of Madison there were 332 democratic and 2,528 republican votes; in the parish of Carroll, 592 democratic and 2,410 republican votes. Ever since reconstruction those two parishes have been under the full control and the full sway of the republican party by majorities of about 2,000 apiece. No democrat has ever been elected to office there. Not a man has ever been killed, there has never been a fight, there has never been a disturbance there on account of political differences. Those parishes are ruled and controlled by the people who have been fleeing from them.

One of those who had the most piteous tale to tell was a man named Curtis Pollard. Curtis Pollard was a representative from the parish of Madison. He was a senator from that district. He was elected again and again until his own people became tired of him and elected a more honest, a more reputable, a more intelligent man of his own class, his own color, and his own party to succeed him, and that man, Senator Gla, is outspoken in his condemnation of the exodus. These men, who had complete political power, were not seduced away and did not leave their homes because of political causes. They were led away by seductive pictures of paradise (because a colored man's idea of paradise is that of a country where he can live without labor) which were spread out before him in an attractive, seductive manner. Beautiful chromos and lithographs were distributed in their cabins in which life in Kansas was represented by a picture of a home with three or four apartments, where the negro was sitting in front of his door, his day's work done, a beautiful crop growing around him, with fat cattle and hogs turned loose in his yard; his wife, dressed in white, sitting on the gallery, and his children, well dressed, coming home from school. The sugar-cane and every tropical plant flourished spontaneously in that climate; and immediately back of his door the buffalo, the elk, and the deer gamboled, so that it was only necessary for him to step to the back window in order to kill his game.

All those pictures were circulated through my State. The colored people were induced to go to Kansas because they were told they could make a fortune, and they were not making a fortune at home. Who was making a fortune at home? Have the last few years been years of such unexampled prosperity that there is not complaint from the laboring-men of the North and the West? The planters who employ this labor were feeling the effects of the hard times. There is scarcely a cotton planter in the South who has made any money for the last two or three years, and they have been fortunate if they made a living; most of them are embarrassed by debt; and yet these colored men all made at least a living; they were all able to provide homes for themselves and families. None of them felt the pangs of hunger, none of them were without homes, while a great many white men in the North are devoid of the comforts of house and home. We have in the South none of the homeless tramps, none of those men who are wandering in want from State to State and from county to county, having no living and begging for work. There was employment for every one; and after the colored people who sought new homes in Kansas and found the fallacy of their dreams, the men whom they have abandoned have written them to return back, and, realizing how baseless was the inducement which led them away, in many instances they have returned to their home, and the return is now equal to the exodus.

The leading colored men in Louisiana have all opposed this exodus and condemn it. My colleague knows Mr. Allain, who has been a member of the Legislature ever since reconstruction and is now a senator and a member of the constitutional convention.

Mr. KELLOGG. He was a member of the returning board, was he not?

Mr. JONAS. I did not know that. I thought much better of him.

Mr. KELLOGG. Allain was a member of the Nicholls returning board, appointed just after the inauguration of Nicholls in January, 1877.

Mr. JONAS. This is what he said:

T. T. Allain desired to have the question discussed dispassionately, and not with an idea to secure political capital. He declared the time had passed in Louisiana when the colored people could be led step by step as they had been in the past. In his district the white and colored people were working harmoniously together. As a proof of this he cited the fact that at the last election there was only one ticket in the field, which was supported by both the whites and blacks, and was called the people's ticket. • He denounced the few self-constituted leaders of the colored race who have been endeavoring to persuade the negroes to emigrate. He wished his race to tell these self-constituted leaders to return to their homes in Ohio, where they belong, and leave the colored people in this State to live in peace. [Applause.] He wanted his people to remain in this State, and if they could not stay in the cotton-growing section, let them remove to the sugar belt, and better times would soon come.

To the same effect spoke Mr. Pinchback. To the same effect spoke Mr. David Young, who, as my colleague knows, is a leading man among the colored race in the State of Louisiana. But the most impressive speech I have read was delivered in a convention of colored people by a gentleman well known to Senators upon this floor, a young man named James D. Kennedy, who for several years past has been, I am told, a messenger in this Hall, and he is known to every Senator on the other side. Mr. Kennedy opposed the exodus very bitterly:

In speaking of capitalists, he wanted to know if those present were aware of the fact that in Georgia, the first State to pass from republican to democratic rule, the colored men owned twenty-five million dollars' worth of property, and should they be called upon to go and leave all that they had acquired? He was not opposed to any man leaving the State and going to any other State he might select, but he did object to this body undertaking to speak for the mass of the colored people of the State. If the merchant, if the capitalist, if the men who own the cotton-gins and the cotton-presses would only say to the colored man, you stay and we will protect you with our lives, why where would be the necessity of leaving the South? This talk of the Windom resolutions and of the donation of a tract of land for a Territory was all moonshine. The politicians were using the people and appealing to their passions for their own uses. They had already deserted the people who had sacrificed so much for them. He could tell things that he had seen and heard while in Washington which would make their ears tingle. He had heard leading republican statesmen say in the cloak-room, about the persecution of the negro, "Well, it's what you have got to look for; you can't expect that mass of ignorance to rule the intelligence." And these same men have gone out and on the floor of the Senate or House they have talked long and eloquently about the wrongs of the poor colored man. They were then talking to the country and for a purpose.

I trust the gentlemen on the other side will be more careful hereafter in keeping the secrets of their cloak-room.

Mr. President, the desire of Louisiana is for peace. The anxiety of her people is for immigration. Send us a million of white people, we care not from where they come. We will take them all from New England; they all may be republicans, and we will welcome them with open arms. Not only will their emigration give some chance to the honest democracy of the States from which they come to redeem their States, but the benign and softening influence of our climate, soil, and institutions will soften the asperities born of contact with Plymouth Rock and the granite hills of New England and render them moderate, conservative, and tolerant in their political views. But little care we what may be the political views of emigrants coming to Louisiana provided they bring that energy, that intelligence, and that labor and that capital which is needed to develop the magnificent natural resources of our State and cause her, in the fulfillment of her destiny, to become the garden-spot of the world.

Several Senators addressed the Chair.

Mr. KELLOGG. I am admonished, Mr. President, that four o'clock has arrived, or very nearly so, and I rise for the purpose of an inquiry.

The PRESIDING OFFICER, (Mr. EATON in the chair.) The Chair will announce to the Senator from Louisiana that by the agreement made yesterday debate closes at four o'clock.

Mr. CONKLING. I do not wish to interrupt the Senator who wants the few remaining moments, the Senator from Louisiana.

Mr. CALL. Mr. President——

Mr. CONKLING. Who is recognized?

The PRESIDING OFFICER. The Senator from Louisiana, [Mr. KELLOGG.]

Mr. CONKLING. Then I submit he may be allowed to proceed as he has only a moment.

Mr. KELLOGG. As I was absent from the Chamber when the arrangement was made for the time to take the vote, I was about to inquire for information if it is understood that the vote is to be taken at four o'clock.

The PRESIDING OFFICER. It is. The colleague of the Senator has occupied nearly to that time.

Mr. KELLOGG. Then I suppose it is impossible for me, as I have but one or two minutes at most, to answer any of the remarks made by my colleague. If I could have five minutes by any ruling of the Senate, on an amendment or anything of that kind or by any motion made by me, I should like to occupy the attention of the Senate for that time.

The PRESIDING OFFICER. The Chair will state that had the Senator from Louisiana continued with his remarks the Chair would have called him to order at four o'clock and announced to him that there was an understanding that the vote was to be taken at four o'clock.

Mr. EDMUNDS. I must beg to ask the Chair not to call anybody to order for speaking after four o'clock, for there never has been an order of the Senate of that kind in the history of it, and never will be.

The PRESIDING OFFICER. The Chair would have taken the responsibility of suggesting that the hour had arrived.

Mr. EDMUNDS. Ah, that is another thing.

The PRESIDENT *pro tempore*. It was agreed yesterday to take the vote to-day at four o'clock. That was an agreement that cannot be enforced by the Chair, as has been repeatedly decided. Every Senator must act upon his own consciousness of what is proper.

Mr. EDMUNDS. That states the case.

The PRESIDENT *pro tempore*. The Senator from Louisiana.

Mr. KELLOGG. Mr. President, I believe I have one minute. In that one minute I will simply say that had I time as I would wish, I think I could show that a great many of the statements made by my colleague are incorrect. I could show, I think, that so far as the elections of 1868 and 1872 and 1874 and 1876 and 1878 are concerned, there are few material allegations made by my colleague founded in fact or that can be corroborated by history.

If I had time I should like to refer to the election of 1868, and show that half the State was overrun by violence at that election.

In the city of New Orleans, with over 30,000 votes on the then existing registration, nearly 15,000 of them colored, in the spring of that year at a peaceable election nearly 14,000 votes were polled for the republican candidates for State offices, while in the presidential election in the fall of the same year, after weeks of riot, General Grant received barely 1,100 votes in the whole city of New Orleans; and I myself saw but a few days before the election, so great was the terror and so rampant was the violence, colored men shot down and dragged along the pavements, leaving the marks of their blood, thrown into carts, and carted off to the cemeteries. If my colleague desires the details I will give them to him "line upon line and precept upon precept," and in such manner that neither he nor any other man can controvert successfully. My colleague says there was a fair and peaceable election in 1868. Fair and peaceable when the people were by violence deprived of their rights and throughout the whole State the republican vote was nearly entirely suppressed!

Mr. CONKLING. The time is out.

Mr. CALL. I hope that the vote on this bill will not be pressed at this time. I should like very much to address the Senate.

Mr. GARLAND. If the Senator will yield a moment, I wish to make a suggestion or a motion, so that no Senator may be deprived of the privilege or the right of addressing himself to the Senate if he desires to do so upon this question. I will move, if it is in order, that the time be fixed instead of four o'clock, which we have now passed, at half past six to take the vote.

Mr. CONKLING. No such motion is in order.

Mr. EDMUNDS. No motion of that kind is in order because it is against the rules. As I am up, while I do not interfere with this arrangement, which was made while I was out for three minutes yesterday, I wish to give notice that I shall not regard myself hereafter as bound by any arrangement of this character to which I am not personally a party, and I do not think any Senator ought to be, because it is a mere understanding among those who are present. If they do not want to speak, very well, but Senators who happen for a moment to be necessarily absent ought not to be concluded by such an understanding, and hereafter I shall not feel myself bound to be so.

Mr. BLAINE. Then, of course, that breaks up the possibility of ever having an understanding.

Mr. EDMUNDS. Very well, break it up.

Mr. GARLAND. There might be a very considerable question raised upon that point, if I were disposed to do so, as to whether it is the duty of a Senator to be here; but I am trying to get out of this difficulty for the accommodation of all the Senators. There was an understanding that the vote should be taken at four o'clock. It is immaterial to me whether it is taken between now and the Fourth of July, so far as I am individually concerned; but I want every Senator who desires to speak to have an opportunity to do so. Although it was the understanding that we should vote at four o'clock, can we not now agree upon some hour two or three hours ahead, so that when a Senator speaks he will not speak under restraint but will have full opportunity to address the Senate; and if that is insufficient the time can be extended an hour longer. I made the suggestion in good faith for the accomodation of Senators.

Mr. EDMUNDS. Certainly; I did not understand the Senator otherwise.

Mr. BECK. One word, if I may be allowed. Yesterday morning, after the debate had run for some two weeks, from the 6th of May when I believe we reported the bill back, I rose and asked the Senate to agree upon some time when the vote should be taken without further debate, and I suggested four o'clock to-day as the time. The Senate was pretty full and the President *pro tempore* may remember that he took very considerable time before he put the question, I think perhaps repeating it twice and waiting to see if any objection was made. None was made; the agreement seemed to be satisfactory to everybody. It was not made with a view of cutting off any debate, but, on the contrary, of giving the fullest latitude to debate, and if any suggestion had been made of a later hour I of course would have assented to it.

I have said to-day, and I repeat now, that if the Senate will agree to any hour, six, seven, eight, nine, ten, or twelve o'clock to-night, let the agreement be extended to suit the views of everybody. If the time is not going to be extended, then I hope after two weeks of debate that we shall have a vote. I hope that gentlemen who have agreed to take the vote to-day will vote before they adjourn, after the agreement they made, which was not coerced but voluntarily entered into.

Mr. EDMUNDS. I shall not agree to any extension that fixes an hour, but I will vote with the Senator from Kentucky not to adjourn until the debate is closed, because I think it ought to be. However, I think every gentleman ought to have a chance to speak his mind, no matter how long it takes; but as for fixing any hour on this or on any other occasion that I can now think of, I shall never agree to do it.

Mr. CALL. When the agreement was entered into yesterday morning, there were a number of Senators who had indicated a purpose to speak upon this bill. It was understood, I understood myself from the Senator from Kentucky who has charge of the bill, that there was enough time for all the gentlemen who wished to express their opinions upon the subject to the Senate to be heard. There have been one or two additional speeches to-day, to which I am sure no one should object, but which have occupied the time of the Senate. I do not see that there is any reason why a conclusion should be reached so harshly when Senators desire to be heard upon the bill. When the understanding was taken, it was taken unexpectedly. I myself was not aware of what was being done until it was done. I think it is only a proper thing to ask that we shall have the opportunity of being heard both on this and the other side of the Chamber. I am perfectly willing if it is the pleasure of the Senate that we should remain here to-night, or to extend the time, so far as I am concerned.

The PRESIDENT *pro tempore*. As the Chair has stated, there is no mode of enforcing this agreement. It rests entirely with every Senator to decide for himself whether he will observe it, even if he were a party to it. That has been the uniform decision of the Senate. Nor is there any mode of fixing an hour by the order of the Senate, at which a vote shall be taken, for that would be to introduce the previous question into the Senate in effect, or at least to a great extent, a thing that has never been done in the Senate. If any Senator therefore takes the floor, the Chair will be compelled to allow him to speak.

Mr. ALLISON. I ask unanimous consent that the agreement made yesterday may be considered as rescinded. The Senator from Florida [Mr. CALL] states that although he was present at the time, he did not understand the full import of the agreement. He desires to address the Senate. I think the safest way out of this difficulty is to rescind unanimously the agreement made yesterday.

Mr. CHANDLER. If this debate is to be continued, I suppose it will be admitted at once that the honorable Senator from Louisiana [Mr. KELLOGG] is entitled to the floor. He was taken off the floor by the arrival of the hour at which the vote was to be taken. I trust, if there is to be any extension of time, that the honorable Senator from Louisiana will be heard in answer to his colleague. But if the vote is not taken now I trust that no hour will again be fixed for taking it. I have never during the eighteen or nineteen years that I have been in this body known an extension of a time for taking a vote which had been once fixed by unanimous consent.

The PRESIDENT *pro tempore*. Is the Senate ready for the question?

Mr. CALL. Mr. President, I propose, if I have the right, to address the Senate upon the subject.

The PRESIDENT *pro tempore*. The Senator will proceed.

Mr. CONKLING. I rise to ask a question of the Chair.

Mr. CALL. I do not know how far I may be trespassing. If I am trespassing upon the custom of the Senate, I shall not insist upon going on. I would ask, however, unanimous consent of the Senate that I may be allowed to proceed.

Mr. CONKLING. Mr. President, when the hour had arrived at which the Senate, by unanimous consent, had agreed to vote, (because for one I wish to disclaim and discard all distinction if one is thought to exist between the obligation of a Senator who was here and another Senator like myself who was not here, as I should have been, when the understanding was given) the Senator from Louisiana [Mr. KELLOGG] occupied the floor. I ventured to remind him that the time had come, he sitting at a point from which the clock is not very squarely visible, because I knew, or at least I thought I knew, he would not like to overstep the boundary. Yielding to that suggestion, he surrendered the floor. I wish to inquire of the Chair whether, if it should be held, in consequence of any Senator refusing to regard the understanding or otherwise, that the understanding is not to be enforced, the Senator from Louisiana having been interrupted by my observation is not entitled to the floor. In other words, I wish to inquire whether it can be that a Senator yielding to the understanding loses the floor because some other Senator chooses to say, "I refuse to observe the understanding?" It seems to me that would be rather a harsh application of the willingness of a Senator to observe an obligation.

Mr. CALL. I will withdraw my request for unanimous consent and let the agreement stand, so far as I am concerned.

Mr. ANTHONY. Mr. President, I think the Senate will bear testimony to the fact that no Senator is more impatient of a long discussion than myself, but in this debate there have been no speeches against time. There is an honest desire on the part of Senators on both sides of the Chamber to be heard upon the question. The arrangement was made yesterday in the absence of several Senators, two certainly, I think three, who desire to address the Senate. I appeal, therefore, to my friend from Kentucky if it is not better to abandon the arrangement which we made and to let this discussion run until it expires by its natural limitation. I will pledge myself to stand by him in voting against an adjournment to-night until a vote is reached.

Mr. BLAINE. I will not stand by such an agreement.

Mr. ANTHONY. I think it is better that we should allow every Senator to speak who desires to be heard, for the disposition of the Senate is not to keep off the vote.

Mr. BECK. I have said time and again that if the Senate agreed to take the final vote to-night before we adjourn, I do not care what hour we fix or whether any hour is fixed. If the Senate will now agree that the vote shall be taken before adjournment to-night I have no objection to the debate going on; and I desire it to be arranged that way so as to give each gentleman who wishes to address the Senate an opportunity to be heard. Whether we adjourn at eight o'clock or twelve o'clock to-night or four o'clock in the morning,

makes no difference to me so that the vote is taken before the Senate adjourns to-night.

Mr. HOAR. I do not rise to object to any gentleman proceeding who wishes to address the Senate or to object to a rescission of the arrangement; but when five o'clock comes, if I get an opportunity, I shall move to adjourn, if nobody else does, and I shall vote for the motion.

The PRESIDENT *pro tempore*. In answer to the question addressed to the Chair by the Senator from New York the Chair will state that while the Senator from Louisiana [Mr. KELLOGG] was on his feet, and before he had concluded his remarks, the Chair announced that this agreement was one that was not binding in such sense that it could be enforced by the Chair. The Senator from Louisiana was therefore at liberty to proceed with his remarks if he saw fit to do so. He, however, saw fit to remain bound by the agreement, and took his seat. After that the Chair can only recognize the Senator who rises first. If the Senator from Louisiana should rise the Chair would certainly recognize him. The Senator who rises first must be recognized.

Mr. CONKLING, Mr. BLAINE, and others called for the regular order.

The PRESIDENT *pro tempore*. Is the Senate ready for the question?

Mr. EDMUNDS. I ask for the yeas and nays on the question.

Mr. BAILEY. Let the question be stated.

The PRESIDENT *pro tempore*. The pending question is on the motion of the Senator from Vermont [Mr. EDMUNDS] to strike out of the bill the portion that will now be read, from line 2108 to line 2168, inclusive.

The Chief Clerk read as follows:

Provided, That the per diem pay of each juror, grand or petit, in any court of the United States, shall be $2, and that the last clause of section 800 of the Revised Statutes of the United States, which refers to the State of Pennsylvania, and sections 801, 820, and 821 of the Revised Statutes of the United States, are hereby repealed; and that all such jurors, grand and petit, including those summoned during the session of the court, shall be publicly drawn from a box containing the names of not less than three hundred persons, possessing the qualifications prescribed in section 800 of the Revised Statutes, which names shall have been placed therein by the clerk of such court and a commissioner, to be appointed by the judge thereof, which commissioner shall be a citizen residing in the district in which such court is held, of good standing and a well-known member of the principal political party opposing that to which the clerk may belong, the clerk and said commissioner each to place one name in said box alternately until the whole number required shall be placed therein. But nothing herein contained shall be construed to prevent any judge in a district in which such is now the practice from ordering the names of jurors to be drawn from the boxes used by the State authorities in selecting jurors in the highest courts of the State; and no person shall serve as a petit juror more than one term in any one year, and all juries to serve in courts after the passage of this act shall be drawn in conformity herewith. All general and special laws in conflict herewith are hereby repealed: *And provided further*, That the following sections of the Revised Statutes of the United States, namely, sections 2016, 2018, and 2020, and all of the succeeding sections of said statutes down to and including section 2027, and also section 5522, be, and the same are hereby, repealed; and that section 2017 be amended by striking out of the first line thereof as printed in the Revised Statutes the words "and required;" and that section 2019 be amended by striking out of said section in lines 11 and 12 as printed in the Revised Statutes the words "for the purpose of engaging in the work of canvassing the ballots," and by striking out from line 13 of said section as printed in said statutes the words "in respect to such canvass."

That section 2028 be amended by striking out in lines 1 and 2 of said section as printed in the Revised Statutes the words "or a deputy marshal," and by striking out in line 3 of said section as printed in said statutes the words "city, town, county, parish." That all of section 2031 of said statutes, except so much thereof as relates to the pay of supervisors of elections, and that all other sections of the Revised Statutes and all laws and parts of laws authorizing the appointment of chief supervisors of elections, special deputy marshals of elections, or general deputy marshals having any duties to perform in respect to any election and prescribing their duties and powers and allowing them compensation, be, and the same are hereby, repealed.

Mr. EDMUNDS. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. McDONALD, (when his name was called.) I am paired on this question with the Senator from Wisconsin, [Mr. CARPENTER.] If he were present, I should vote "nay" and he would vote "yea."

The roll-call was concluded.

Mr. COCKRELL. I desire to state that my colleague [Mr. VEST] is paired with the Senator from Wisconsin, [Mr. CARPENTER.]

Mr. McDONALD. I have just announced my pair with the Senator from Wisconsin.

Mr. BLAINE. I desire to announce that my colleague [Mr. HAMLIN] is paired with the Senator from Ohio, [Mr. PENDLETON.] If my colleague were present, he would vote "yea."

Mr. DAWES. Upon this question I am paired with the Senator from Georgia, [Mr. HILL.] If he were present, I should vote "yea."

Mr. McDONALD. I announced a pair between myself and the Senator from Wisconsin, [Mr. CARPENTER;] but it passed out of my mind that by an arrangement made afterward the Senator from Wisconsin became paired with the Senator from Missouri, [Mr. VEST;] and therefore I vote "nay."

Mr. INGALLS. My colleague [Mr. PLUMB] is absent from the city. Before he left he announced to me that he was paired with the Senator from South Carolina, [Mr. BUTLER,] who I see is also absent. If my colleague were here, he would vote "yea."

The result was announced—yeas 26, nays 37; as follows:

YEAS—26.

Allison,	Blaine,	Cameron of Pa.,	Conkling,
Anthony,	Booth,	Cameron of Wis.,	Edmunds,
Bell,	Burnside,	Chandler,	Ferry,
Hill of Colorado,	Kirkwood,	Paddock,	Teller,
Hoar,	Logan,	Platt,	Windom.
Ingalls,	McMillan,	Rollins,	
Kellogg,	Morrill,	Saunders,	

NAYS—37.

Bailey,	Groome,	Lamar,	Vance,
Bayard,	Grover,	McDonald,	Voorhees,
Beck,	Hampton,	McPherson,	Walker,
Call,	Harris,	Maxey,	Wallace,
Cockrell,	Hereford,	Morgan,	Whyte,
Coke,	Houston,	Randolph,	Williams,
Davis of W. Va.,	Johnston,	Ransom,	Withers.
Eaton,	Jonas,	Saulsbury,	
Garland,	Jones of Florida,	Slater,	
Gordon,	Kernan,	Thurman,	

ABSENT—13.

Bruce,	Dawes,	Jones of Nevada,	Vest.
Butler,	Farley,	Pendleton,	
Carpenter,	Hamlin,	Plumb,	
Davis of Illinois,	Hill of Georgia,	Sharon,	

So the amendment was rejected.

Mr. EDMUNDS. I move to amend the bill by striking out all in line 2113 after the word "twenty," to and including the word "herewith," in line 2136 where it last occurs, at the end of the line.

The PRESIDENT *pro tempore*. The words of the bill proposed to be stricken out will be reported.

The Chief Clerk read as follows:

And 821 of the Revised Statutes of the United States are hereby repealed; and that all such jurors, grand and petit, including those summoned during the session of the court, shall be publicly drawn from a box containing the names of not less thar three hundred persons, possessing the qualifications prescribed in section 800 of the Revised Statutes, which names shall have been placed therein by the clerk of such court and a commissioner, to be appointed by the judge thereof, which commissioner shall be a citizen residing in the district in which such court is held, of good standing and a well-known member of the principal political party opposing that to which the clerk may belong, the clerk and said commissioner each to place one name in said box alternately until the whole number required shall be placed therein. But nothing herein contained shall be construed to prevent any judge in a district in which such is now the practice from ordering the names of jurors to be drawn from the boxes used by the State authorities in selecting jurors in the highest courts of the State; and no person shall serve as a petit juror more than one term in any one year, and all juries to serve in courts after the passage of this act shall be drawn in conformity herewith. All general and special laws in conflict herewith.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont.

Mr. EDMUNDS. I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DAWES, (when his name was called.) I make the same announcement as before of the pair between myself and the Senator from Georgia, [Mr. HILL.] I should vote "yea," were I not paired with him.

The roll-call was concluded.

Mr. WALLACE. The Senator from Ohio [Mr. PENDLETON] is paired with the Senator from Maine, [Mr. HAMLIN.] If the Senator from Ohio were here, he would vote "nay."

Mr. COCKRELL. As I have already announced heretofore, my colleague [Mr. VEST] is paired with the Senator from Wisconsin, [Mr. CARPENTER.] Were my colleague here, he would vote "nay."

Mr. LOGAN. I desire to inquire of the Senator from Missouri who states that his colleague is paired with the Senator from Wisconsin, if the other day it was not announced that the Senator from Wisconsin was paired with my colleague, [Mr. DAVIS?] Has the pair been changed by the consent of my colleague?

Mr. COCKRELL. The Senator from Indiana [Mr. McDONALD] can explain the pair. My understanding is that my colleague was paired with the Senator from Kansas [Mr. PLUMB] as was his usual way of asking a pair. That was the pair he announced to me, but the Senator from Indiana can explain how the pair was changed.

Mr. LOGAN. I noticed that the other day it was announced my colleague was paired with the Senator from Wisconsin, [Mr. CARPENTER.] I know nothing about it, but I merely make the inquiry.

Mr. McDONALD. The Senator from Wisconsin had occasion to be absent from the city for a week or ten days, and requested me to pair with him during his absence, authorizing me to change the pair off to another Senator if it was convenient to do so. In order to accommodate the Senator from Kansas [Mr. PLUMB] who had agreed to pair with the Senator from Missouri, [Mr. VEST,] the pairs were exchanged so as to pair the Senator from Wisconsin [Mr. CARPENTER] with the Senator from Missouri, [Mr. VEST.] That is the whole explanation.

Mr. LOGAN. I made the inquiry because it was announced that my colleague was paired with the Senator from Wisconsin, and I desired to know whether the pair was changed by the consent of my colleague.

Mr. McDONALD. The colleague of the Senator from Illinois was paired upon a particular vote with the Senator from Wisconsin.

Mr. LOGAN. I merely desired to know the fact, and my colleague not being here I thought I would inquire.

Mr. INGALLS. My colleague, [Mr. PLUMB,] I will repeat, is paired with the Senator from South Carolina, [Mr. BUTLER.]

The result was announced—yeas 27, nays 37; as follows:

YEAS—27.

Allison,	Bell,	Booth,	Burnside,
Anthony,	Blaine,	Bruce,	Cameron of Pa.,

Cameron of Wis.,	Hill of Colorado,	Logan,	Rollins,
Chandler,	Hoar,	McMillan,	Saunders,
Conkling,	Ingalls,	Morrill,	Teller,
Edmunds,	Kellogg,	Paddock,	Windom.
Ferry,	Kirkwood,	Platt,	

NAYS—37.

Bailey,	Groome,	Lamar,	Vance,
Bayard,	Grover,	McDonald,	Voorhees,
Beck,	Hampton,	McPherson,	Walker,
Call,	Harris,	Maxey,	Wallace,
Cockrell,	Hereford,	Morgan,	Whyte,
Coke,	Houston,	Randolph,	Williams,
Davis of W. Va.,	Johnston,	Ransom,	Withers.
Eaton,	Jonas,	Saulsbury,	
Garland,	Jones of Florida,	Slater,	
Gordon,	Kernan,	Thurman,	

ABSENT—12.

Butler,	Dawes,	Hill of Georgia,	Plumb,
Carpenter,	Farley,	Jones of Nevada,	Sharon,
Davis of Illinois,	Hamlin,	Pendleton,	Vest.

So the amendment was rejected.

Mr. EDMUNDS. I now move an amendment that, if I were at liberty to speak, I should hope would meet with everybody's approval. I move to strike out in line 2137, all after the word "repealed" in that line to and including the word "repealed" in line 2168.

The PRESIDENT *pro tempore*. The Senator from Vermont moves to strike out from the bill the passage that will now be read.

The Chief Clerk read as follows:

And provided further, That the following sections of the Revised Statutes of the United States, namely, sections 2016, 2018, and 2020, and all of the succeeding sections of said statutes down to and including section 2027, and also section 5522, be, and the same are hereby, repealed; and that section 2017 be amended by striking out of the first line thereof as printed in the Revised Statutes the words "and required;" and that section 2019 be amended by striking out of said section in lines 11 and 12, as printed in the Revised Statutes the words "for the purpose of engaging in the work of canvassing the ballots," and by striking out from line 13 of said section as printed in said statutes the words "in respect to such canvass."

That section 2023 be amended by striking out in lines 1 and 2 of said section as printed in the Revised Statutes the words "or a deputy marshal," and by striking out in line 3 of said section as printed in said statutes the words "city, town, county, parish." That all of section 2031 of said statutes, except so much thereof as relates to the pay of supervisors of elections, and that all other sections of the Revised Statutes and all laws and parts of laws authorizing the appointment of chief supervisors of elections, special deputy marshals of elections, or general deputy marshals having any duties to perform in respect to any election and prescribing their duties and powers and allowing them compensation, be, and the same are hereby, repealed.

Mr. EDMUNDS. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CONKLING. I believe I shall not be out of order when I inquire whether the motion is to strike out all the provisions in the bill touching the election laws.

Mr. EDMUNDS. That is it.

The question being taken by yeas and nays, resulted—yeas 27, nays 37; as follows:

YEAS—27.

Allison,	Cameron of Pa.,	Hoar,	Paddock,
Anthony,	Cameron of Wis.,	Ingalls,	Platt,
Bell,	Chandler,	Kellogg,	Rollins,
Blaine,	Conkling,	Kirkwood,	Saunders,
Booth,	Edmunds,	Logan,	Teller,
Bruce,	Ferry,	McMillan,	Windom.
Burnside,	Hill of Colorado,	Morrill,	

NAYS—37.

Bailey,	Groome,	Lamar,	Vance,
Bayard,	Grover,	McDonald,	Voorhees,
Beck,	Hampton,	McPherson,	Walker,
Call,	Harris,	Maxey,	Wallace,
Cockrell,	Hereford,	Morgan,	Whyte,
Coke,	Houston,	Randolph,	Williams,
Davis of W. Va.,	Johnston,	Ransom,	Withers.
Eaton,	Jonas,	Saulsbury,	
Garland,	Jones of Florida,	Slater,	
Gordon,	Kernan,	Thurman,	

ABSENT—12.

Butler,	Dawes,	Hill of Georgia,	Plumb,
Carpenter,	Farley,	Jones of Nevada,	Sharon,
Davis of Illinois,	Hamlin,	Pendleton,	Vest.

So the amendment was rejected.

Mr. EDMUNDS. I move to amend the bill by striking out in line 2142 all after the word "twenty-seven" to and including the word "twenty-two" in line 2143, that is to say these words:

And also section 5522.

The bill provides for repealing section 5522 of the Revised Statutes. I move to strike out the clause that repeals that section.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont.

Mr. EDMUNDS. Mr. President, if I do not violate anybody's understanding that I was not present to understand, I should like to have section 5522 read for the information of the Senate. Does anybody understand that that violates the understanding?

The PRESIDENT *pro tempore*. The Chair supposes that that would be in the nature of argument, but the Senator can have it read if he desires.

Mr. WITHERS. Every Senator can judge for himself as to what is a violation of the agreement.

Mr. EDMUNDS. I understand the Chair to say that to have it read would be debate, and therefore I shall not ask that the section be read.

Mr. McMILLAN. I should like to hear the section read for information, that I may understand the amendment.

The PRESIDENT *pro tempore*. Is there objection to the reading of the section? The Chair hears none, and it will be read.

The Secretary read as follows:

SEC. 5522. Every person, whether with or without any authority, power, or process, or pretended authority, power, or process, of any State, Territory, or municipality, who obstructs, hinders, assaults, or by bribery, solicitation, or otherwise, interferes with or prevents the supervisors of election, or either of them, or the marshal or his general or special deputies, or either of them, in the performance of any duty required of them, or either of them, or which he or they, or either of them, may be authorized to perform by any law of the United States, in the execution of process or otherwise, or who by any of the means before mentioned hinders or perverts the free attendance and presence at such places of registration or at such polls of election, or full and free access and egress to and from any such place of registration or poll of election, or in going to and from any such place of registration or poll of election, or to and from any room, where any such registration or election or canvass of votes, or of making any returns or certificates thereof, may be had, or who molests, interferes with, removes, or ejects from any such place of registration or poll of election, or of canvassing votes cast thereat, or of making returns or certificates thereof, any supervisor of election, the marshal, or his general or special deputies, or either of them; or who threatens, or attempts, or offers so to do, or refuses or neglects to aid and assist any supervisor of election, or the marshal or his general or special deputies, or either of them, in the performance of his or their duties, when required by him or them, or either of them, to give such aid and assistance, shall be liable to instant arrest without process, and shall be punished by imprisonment not more than two years, or by a fine of not more than $3,000, or by both such fine and imprisonment, and shall pay the cost of the prosecution.

Mr. EDMUNDS. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 27, nays 37; as follows:

YEAS—27.

Allison,	Cameron of Pa.,	Hoar,	Paddock,
Anthony,	Cameron of Wis.,	Ingalls,	Platt,
Bell,	Chandler,	Kellogg,	Rollins,
Blaine,	Conkling,	Kirkwood,	Saunders,
Booth,	Edmunds,	Logan,	Teller,
Bruce,	Ferry,	McMillan,	Windom.
Burnside,	Hill of Colorado,	Morrill,	

NAYS—37.

Bailey,	Groome,	Lamar,	Vance,
Bayard,	Grover,	McDonald,	Voorhees,
Beck,	Hampton,	McPherson,	Walker,
Call,	Harris,	Maxey,	Wallace,
Cockrell,	Hereford,	Morgan,	Whyte,
Coke,	Houston,	Randolph,	Williams,
Davis of W. Va.,	Johnston,	Ransom,	Withers.
Eaton,	Jonas,	Saulsbury,	
Garland,	Jones of Florida,	Slater,	
Gordon,	Kernan,	Thurman,	

ABSENT—12.

Butler,	Dawes,	Hill of Georgia,	Plumb,
Carpenter,	Farley,	Jones of Nevada,	Sharon,
Davis of Illinois,	Hamlin,	Pendleton,	Vest.

So the amendment was rejected.

The PRESIDENT *pro tempore*. The bill is still open to amendment. If there are no further amendments the question is, Shall the bill be read the third time?

Mr. HOAR. I ask for the yeas and nays.

Mr. CHANDLER and others. Let us take the yeas and nays on the passage of the bill.

The PRESIDENT *pro tempore*. Is there a second to the call?

Mr. HOAR. I withdraw the call.

Mr. CONKLING. On the passage of the bill I demand the yeas and nays.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDENT *pro tempore*. The question now is, Shall the bill pass? on which question the yeas and nays are demanded.

The yeas and nays were ordered.

Mr. EDMUNDS. Is it in order to move to amend the title of the bill now?

The PRESIDENT *pro tempore*. The Chair thinks not.

Mr. EDMUNDS. I should like to move to strike out all except the words "other purposes."

The PRESIDENT *pro tempore*. The question is on the passage of the bill, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. DAWES, (when his name was called.) Upon this vote I am paired with the Senator from Georgia, [Mr. HILL.] I should otherwise vote "nay."

Mr. BOOTH, (when Mr. FARLEY'S name was called.) My colleague, [Mr. FARLEY,] who is absent, is paired with the Senator from Nevada, [Mr. JONES.] I presume, if present, my colleague would vote for the bill, and the Senator from Nevada would vote against it.

The roll-call having been concluded, the result was announced—yeas 37, nays 27; as follows:

YEAS—37.

Bailey,	Groome,	Lamar,	Vance,
Bayard,	Grover,	McDonald,	Voorhees,
Beck,	Hampton,	McPherson,	Walker,
Call,	Harris,	Maxey,	Wallace,
Cockrell,	Hereford,	Morgan,	Whyte,
Coke,	Houston,	Randolph,	Williams,
Davis of W. Va.,	Johnston,	Ransom,	Withers.
Eaton,	Jonas,	Saulsbury,	
Garland,	Jones of Florida,	Slater,	
Gordon,	Kernan,	Thurman,	

NAYS—27.

Allison,	Cameron of Pa.,	Hoar,	Paddock,
Anthony,	Cameron of Wis.,	Ingalls,	Platt,
Bell,	Chandler,	Kellogg,	Rollins,
Blaine,	Conkling,	Kirkwood,	Saunders,
Booth,	Edmunds,	Logan,	Teller,
Bruce,	Ferry,	McMillan,	Windom.
Burnside,	Hill of Colorado,	Morrill,	

ABSENT—12.

Butler,	Dawes,	Hill of Georgia,	Plumb,
Carpenter,	Farley,	Jones of Nevada,	Sharon,
Davis of Illinois,	Hamlin,	Pendleton,	Vest.

So the bill was passed.

Mr. BLAINE. I ought to have announced, to go on the record with the last vote, that my colleague [Mr. HAMLIN] is paired with the Senator from Ohio, [Mr. PENDLETON.]

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. LOGAN, it was

Ordered, That the papers in the case of the steamer Erie, No. 5, and cargo, be withdrawn from the files of the Senate and referred to the Committee on Naval Affairs.

ADJOURNMENT TO THURSDAY.

Mr. CAMERON, of Pennsylvania. I move that when the Senate adjourns to-day it adjourn to meet on Thursday at twelve o'clock. I do this, Mr. President, because we have been in consecutive session for three weeks, without any opportunity whatever to have a single day to attend to departmental duties. I think a day ought to be given for that purpose, and therefore I make the motion.

The motion was agreed to; there being on a division—ayes 40, noes 16.

PREVENTION OF EPIDEMIC DISEASES.

Mr. HARRIS. I move that the Senate proceed to the consideration of the bill (S. No. 108) to prevent the introduction of contagious or infectious diseases into the United States. I will state that I simply desire to call the bill up that it may be the unfinished business, and we may proceed with its consideration on Thursday.

The motion was agreed to.

The PRESIDENT *pro tempore*. The bill is before the Senate as in Committee of the Whole.

WASHINGTON CITY POST-OFFICE BUILDING.

Mr. FERRY. I move that the Senate do now adjourn.

Mr. BURNSIDE. I hope the Senator will yield for a motion to go into executive session.

Mr. DAVIS, of West Virginia. I ask the Senator from Michigan to withdraw the motion in order that I may enter a motion to reconsider.

Mr. FERRY. I yield for that purpose.

Mr. DAVIS, of West Virginia. Yesterday the joint resolution (H. R. No. 71) authorizing the appointment of a commission to lease a building for a city post-office in the city of Washington, District of Columbia, was postponed until December next. I wish to enter a motion to reconsider the vote by which it was postponed.

The PRESIDENT *pro tempore*. The motion will be entered. It is moved that the Senate do now adjourn.

Mr. FERRY. I withdraw my motion. The Senator from Rhode Island desires that the Senate proceed to the consideration of executive business. For that purpose I yield to him.

Mr. BURNSIDE. I move that the Senate proceed to the consideration of executive business.

The motion was not agreed to.

Mr. FERRY. I renew my motion that the Senate adjourn.

The motion was agreed to; and (at five o'clock and seven minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May* 20, 1879.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of Saturday was read.

CORRECTION.

Mr. LOWE. On the amendment offered by the gentleman from Illinois [Mr. SPRINGER] to the silver coinage bill, I am recorded as voting "no." I desire to be recorded as voting in the affirmative.

The SPEAKER. The correction will be made.

The Journal was then approved.

H. HULMAN AND C. FAIRBANKS.

Mr. ORTH, by unanimous consent, introduced a bill (H. R. No. 2008) for the relief of Herman Hulman and Crawford Fairbanks, of the city of Terre Haute, Indiana; which was read a first and second time, and referred to the Committee of Ways and Means.

DISEASES OF DOMESTICATED ANIMALS.

Mr. DIBRELL, by unanimous consent, submitted the following concurrent resolution; which was read, and referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring therein,) That there be printed 100,000 copies of Special Report No. 12 of the Commissioner of Agriculture, containing the reports of the examiners appointed to investigate the diseases of swine and contagious and infectious diseases incident to other classes of domesticated animals, of which 70,000 copies shall be printed for the use of members of the House, 25,000 for the use of members of the Senate, and 5,000 copies for the use of the Commissioner of Agriculture.

REMOVAL OF CAUSES TO UNITED STATES COURTS.

Mr. WARNER. I call for the regular order.

The SPEAKER. The regular order being called for, the morning hour begins at ten minutes past twelve, and the House resumes the consideration of the unfinished business of the morning hour, which is the report from the Committee on the Revision of the Laws of the bill (H. R. No. 1715) to repeal certain sections of the Revised Statutes and to amend certain sections of the Revised Statutes and of the Statutes at Large relating to the removal of causes from State courts, with amendments. The gentleman from Maryland [Mr. URNER] is entitled to the floor, and has twenty minutes remaining.

Mr. URNER. When I was interrupted on Saturday last by the expiration of the morning hour I was about saying it was not the purpose of these statutes of the United States to shield and defend guilty parties, the only object being that when the Government of the United States sends out its officers to execute its law if any State authority should arrest him and attempt to try him for what it considered a violation of State law he should have the right to move his case into the United States court, to be dealt with there according to the State law as meted out by the United States court. Now, sir, it seems to me that the law as it now exists is sufficient for that purpose, and I desire to call the attention of the House to section 722 of the Revised Statutes of the United States:

SEC. 722. The jurisdiction in civil and criminal matters conferred on the district and circuit courts by the provisions of this title, and of title "Civil Rights," and of title "Crimes," for the protection of all persons in the United States in their civil rights, and for their vindication, shall be exercised and enforced in conformity with the laws of the United States, so far as such laws are suitable to carry the same into effect; but in all cases where they are not adapted to the object, or are deficient in the provisions necessary to furnish suitable remedies and punish offenses against law, the common law, as modified and changed by the constitution and statutes of the State wherein the court having jurisdiction of such civil or criminal cause is held, so far as the same is not inconsistent with the Constitution and laws of the United States, shall be extended to and govern the said courts in the trial and disposition of the cause, and, if it is of a criminal nature, in the infliction of punishment on the party found guilty.

Now, that provision of the Revised Statutes covers at least one branch of the cases contemplated by this bill. But in order to make the law apply to all, beyond all controversy and dispute, the distinguished gentleman from Indiana, [Mr. ORTH,] in the amendment that he has offered, provides this:

That in all subsequent proceedings in said prosecution, the said circuit court shall be governed in all respects, so far as applicable, in the trial, judgment, and punishment of the party (if on the trial the party shall be convicted) by the laws of the State where such criminal prosecution shall have been commenced; and in the execution of any judgment rendered by said circuit court in such cause, the United States marshal of the district in which said circuit court is being holden shall, in all respects, be governed by the laws of such State in the same manner as if said judgment had been rendered by the State court from which such criminal prosecution was transferred.

Now, sir, there can be no doubt as to the right of Congress to regulate the jurisdiction of the circuit courts of the United States so as to make them apply to all cases that may be tried before them, and in support of that view I refer to the opinion of the Supreme Court of the United States in the case of the Mayor *vs.* Cooper, reported in 6 Wallace:

As regards all courts of the United States inferior to this tribunal, two things are necessary to create jurisdiction, whether original or appellate. The Constitution must have given to the court the capacity to take it, and an act of Congress must have supplied it. Their concurrence is necessary to vest it. It is the duty of Congress to act for that purpose up to the limits of the granted power. They may fall short of it, but cannot exceed it. To the extent that such action is not taken the power lies dormant. It can be brought into activity in no other way. Jurisdiction, original or appellate, alike comprehensive in either case, may be given. The constitutional boundary-line of both is the same. Every variety and form of appellate jurisdiction within the sphere of the powers, extending as well to the courts of the States as to those of the nation, is permitted. There is no distinction in this respect between civil and criminal causes. Both are within its scope. Nor is it any objection that questions are involved which are not all of a Federal character. If one of the latter exist, if there be a single such impediment in the mass, it is sufficient. That element is decisive upon the subject of jurisdiction. A case in law or equity consists of the right of the one party as well as the other, and may be truly said to arise under the Constitution or a law of the United States whenever its correct decision depends upon the right construction of either.

The rule applies with equal force where the plaintiff claims a right, and where the defendant claims protection, by virtue of one or the other.

It is the right and the duty of the National Government to have its Constitution and laws interpreted and applied by its own judicial tribunals. In cases arising under them, properly brought before it, this court is the final arbiter. The decisions of the courts of the United States, within their sphere of action, are as conclusive as the laws of Congress made in pursuance of the Constitution. This is essential to the peace of the nation, and to the vigor and efficiency of the Government. A different principle would lead to the most mischievous consequences. The courts of the several States might determine the same question in different ways. There would be no uniformity of decisions. For every act of an officer, civil or military, of the United States, including alike the highest and the lowest, done under their authority, he would be liable to harassing litigation in the State courts. However regular his conduct, neither the Constitution nor laws of the United States could avail him if the views of those tribunals and of the juries which sit in them should be adverse. The authority which he had served and obeyed would be impotent to protect him. Such a Government would be one of pitiable weakness, and would wholly fail to meet the ends which the framers of the Constitution had in view. They designed to make a Government not only independent and self-sustained, but supreme in every function within the scope of its authority. The judgments of this court have uniformly held that it is so.

Now, the authorities are certainly clear upon this subject; but we are told that we ought to repeal this law in the interest of economy; that there are so many cases brought before the United States courts that it costs too much to the Government to exercise this jurisdiction and give protection to its own officials.

Now, I yield to no man in an earnest desire to secure an economical administration of the Government; but I am opposed to economy being secured at the expense of the rights of the citizen.

Mr. FRYE. This is one of the most important measures under discussion before the House; but the confusion is so great that even I, though sitting immediately in front of the speaker, am unable to hear him.

The SPEAKER. The House will be in order; the Chair will endeavor to preserve order.

Mr. Speaker, I was about to observe, and I will repeat, that so far as a desire to secure an economical administration of the Government is concerned I yield to no man; but when that economy is to be secured at the sacrifice of the rights of the citizen, I care not whether it be the humblest citizen in all this land, we should not allow considerations of economy to make us fail to provide for the protection of the rights of the people.

I say there is a constitutional right involved in this law and therefore something more than a question of economy should govern our judgments when we come to pass upon it.

I refer gentlemen who raise this question of economy to an incident that occurred recently in my own county. Why, sir, we have there as moral, as intelligent, and as law-abiding a people as can anywhere be found, yet, sir, since this Congress has been in session, the people of that county, or a portion of them, in broad daylight, without disguise entered a railroad car and took a human being therefrom, hung him to a tree, because of a sense of wrong they experienced. As a matter of economy it was a grand success, but it cannot be pretended that that is the best way to secure the legal rights of the citizen. I refer to this for two reasons; not only to show that economy may be secured without the protection of law, but for the purpose of showing that there are times in which men's judgment, even in communities like that, are liable to be swayed by passion. We should give this right of removal to United States courts, that whenever the law comes to be executed in a community in which it may be unpopular, in which the passions of the people may be aroused against the enforcement of the law, that we shall not leave our officers, sent out as the agents of the Government, to be dealt with according to the passions and prejudices of the people in that community.

Why, Mr. Speaker, when the fugitive-slave law was in operation, when a United States marshal was sent to Boston, for instance, to execute the law, suppose in the execution of the law he had committed a homicide, would you have left that officer there to the tender mercies of a Massachusetts jury? Or, when, years ago, in the days of the nullification laws, when it was unpopular to execute the revenue laws in South Carolina, would it have been right to have left the officers of the Government to the tender mercies of South Carolina juries? It may again occur in the future of this Government that laws enacted by Congress may be exceedingly unpopular in certain localities and the prejudices of the people may be aroused against their enforcement, and we should not remove the right of officers of the Government to be protected by the Government.

We are told that there is a conflict here with State sovereignty, but that question has been referred to by the Supreme Court. Judge Story says:

> It has been argued that such an appellate jurisdiction over State courts is inconsistent with the genius of our governments and the spirit of the Constitution; that the latter was never designed to act upon State sovereignties, but only upon the people, and that if the power exists it will materially impair the sovereignty of the States and the independence of their courts. We cannot yield to the force of this reasoning; it assumes principles which we cannot admit and draws conclusions to which we do not yield our assent.
>
> It is a mistake that the Constitution was not designed to operate upon States in their corporate capacities. It is crowded with provisions which restrain or annul the sovereignty of the States in some of the highest branches of their prerogatives. The tenth section of the first article contains a long list of disabilities and prohibitions imposed upon the States. Surely when such essential portions of State sovereignty are taken away or prohibited to be exercised, it cannot be correctly asserted that the Constitution does not act upon the States.
>
> The language of the Constitution is also imperative upon the States as to the performance of many duties. It is imperative upon the State Legislatures to make laws prescribing the times, places, and manner of holding elections for Senators and Representatives, and for electors of President and Vice-President. And in these, as well as some other cases, Congress have a right to revise, amend, or supersede the laws which may be passed by State Legislatures.

Mr. McMILLIN. Will the gentleman allow me to ask him a question?

Mr. URNER. I would like very much to do so, but my time is so limited that I must decline.

I say, Mr. Speaker, that the reason of the law applies with more force in the case of States than it does in cases between citizens. Why, sir, in the paragraph that I read on Saturday last from the Federalist, the language of Hamilton applies with great force. Take the case between the State and the citizen, where the party is indicted. He is indicted for something that is charged to be against the peace, government, and dignity of the State. What constitutes the State? Why, all three of its branches—the executive, legislative, and judicial. The judicial power of a State is a part of the government of a State, and the criminal suit is between the party charged and the government of a State. The courts of a State are a part of the *government* of the State. Mr. Hamilton says:

> No man ought certainly to be a judge in his own cause, or in any cause in respect to which he has the least interest or bias. This principle has no inconsiderable weight in designating the Federal courts as the proper tribunals for the determination of controversies between different States and their citizens.

It is true that when citizens of a State are indicted in the courts of their own States they cannot complain; they are a part of the people of that State; they go voluntarily into the State and become members of its body-politic, and are of course subject to its laws.

But when the Government sends its officer into a particular State and a contest arises as between that officer and the State, he finds himself within the territorial jurisdiction of the State court, not by his own volition but by direction of his Government, and then the courts of the United States ought to pass upon the question in controversy.

Why, sir, is this question of State rights never to be settled? We had supposed that it was settled by the war. We know it was a vexed question that gave rise to bitter controversy in the past. But it was finally submitted to the arbitrament of the sword, and after four long years of sanguinary contest the verdict was rendered, we thought, in unmistakable terms. That verdict was, that the United States is a nation, sovereign and supreme, and that its powers, exercised within the sphere of its Constitution, are the only powers that are sovereign and supreme in all this broad land of ours. We ask for judgment upon the verdict, and we ask that that judgment shall be irreversibly recorded not only in the legislation of the country but in the hearts and consciences of the people, so that all the people in all this land shall yield a willing obedience to the provisions of the Constitution and the laws that are passed in accordance therewith, feeling and realizing, as they ought and must, that in this land there is but one power that is sovereign and supreme and that is the power of the Government of the United States.

I am instructed by the committee of which I am a member before taking my seat to demand the previous question on this bill, which I now do.

Mr. FRYE. And pending that demand I move to lay the bill on the table.

The question was taken upon the motion to lay on the table; and upon a division there were—ayes 70, noes 89.

Before the result of the vote was announced,

Mr. FRYE called for tellers.

Tellers were ordered.

Mr. HARRIS, of Virginia. If gentlemen want to use up the morning hour we might as well have the yeas and nays at once. I call for the yeas and nays on the motion to lay the bill on the table.

The yeas and nays were ordered.

The question was taken; and there were—yeas 98, nays 112, not voting 75, as follows:

YEAS—98.

Aldrich, William	Einstein,	Kelley,	Robeson,
Anderson,	Errett,	Ketcham,	Russell, William A.
Barber,	Farr,	Ladd,	Ryan, Thomas
Bayne,	Ferdon,	Lindsey,	Sapp,
Belford,	Field,	Loring,	Shallenberger,
Blake,	Ford,	Marsh,	Sherwin,
Boyd,	Fort,	Martin, Joseph J.	Smith, A. Herr
Brewer,	Garfield,	Mason,	Stone,
Briggs,	Godshalk,	McCoid,	Thomas,
Brigham,	Hall,	McCook,	Townsend, Amos
Browne	Hammond, John	McGowan.	Tyler,
Burrows,	Harmer,	McKinley,	Updegraff, J. T.
Cannon,	Harris, Benj. W.	Miles,	Updegraff, Thomas
Carpenter,	Haskell,	Mitchell,	Urner,
Caswell,	Hawk,	Monroe,	Valentine,
Chittenden,	Hawley,	Morton,	Van Aernam,
Claflin,	Hayes,	Neal,	Van Voorhis,
Crapo,	Hazelton,	Newberry,	Ward,
Crowley,	Heilman	Norcross,	Washburn,
Daggett,	Henderson,	Orth,	White,
Davis, George R.	Horr,	Osmer,	Williams, Chas. G.
Deering	Houk,	Pound,	Willits,
Dick,	Humphrey,	Reed,	Young, Thomas L.
Dunnell,	Jones,	Rice,	
Dwight,	Joyce,	Richardson, D. P.	

NAYS—112.

Acklen,	Culberson,	Hooker,	Nicholls,
Aiken,	Davidson,	Hostetler,	O'Connor,
Armfield,	Davis, Joseph J.	House,	Persons,
Atherton,	Davis, Lourdes H.	Johnston,	Phelps,
Atkins,	De La Matyr,	Kenna,	Phister,
Beltzhoover,	Deuster,	King,	Poehler,
Bicknell,	Dibrell,	Le Fevre,	Reagan,
Blackburn,	Dickey,	Lewis,	Ross,
Blount,	Dunn,	Lowe,	Ryon, John W.
Bouck,	Elam,	Manning,	Samford,
Bright,	Ellis,	Martin, Benj. F.	Sawyer,
Cabell,	Evins,	Martin, Edward L.	Scales,
Caldwell,	Felton,	McKenzie,	Shelley,
Carlisle,	Forney,	McLane,	Singleton, Jas. W.
Clardy,	Geddes,	McMahon,	Singleton, O. R.
Clark, John B.	Gibson,	McMillin,	Siemons,
Clymer,	Gillette,	Mills,	Smith, Hezekiah B.
Cobb,	Goode,	Money,	Sparks,
Coffroth,	Gunter,	Morrison,	Speer,
Conger,	Harris, John T.	Morse,	Springer,
Converse,	Hatch,	Muldrow,	Steele,
Cook,	Henry,	Murch,	Stephens,
Cravens,	Herbert,	New,	Stevenson,

Talbott	Turner, Oscar	Weaver,	Wilson,
Taylor,	Turner, Thomas	Wellborn,	Wise,
Thompson,	Vance,	Whiteaker,	Wood, Fernando
Tillman,	Waddill,	Whitthorne,	Wright,
Townshend, R. W.	Warner,	Williams, Thomas	Young, Casey.

NOT VOTING—75.

Aldrich, N. W.	Covert,	Jorgensen,	Price,
Bachman,	Cowgill,	Keifer,	Richardson, John S.
Bailey,	Cox,	Killinger,	Richmond,
Baker,	Ewing,	Kimmel,	Robertson,
Ballou,	Finley,	Kitchin,	Robinson,
Barlow,	Fisher,	Klotz,	Rothwell,
Beale,	Forsythe,	Knott,	Russell, Daniel L.
Bingham,	Frost,	Lapham,	Simonton,
Bland,	Frye,	Lay,	Smith, William E.
Bliss,	Hammond, N. J.	Lounsbery,	Starin,
Bowman,	Henkle,	Miller,	Tucker,
Bragg,	Herndon,	Muller,	Voorhis,
Buckner,	Hill,	Myers,	Wait,
Butterworth,	Hiscock,	O'Brien,	Wells,
Calkins,	Hubbell,	O'Neill,	Wilber,
Camp,	Hull,	O'Reilly,	Willis,
Chalmers,	Hunton,	Overton,	Wood, Walter A.
Clark, Alvah A.	Hurd,	Pierce,	Yocum.
Colerick,	James,	Prescott,	

So the motion to lay on the table was not agreed to.

During the roll-call the following announcements were made:

Mr. BEALE. I am paired with my colleague, Mr. JORGENSEN. Were he present, he would vote "ay" and I should vote "no."

Mr. ROSS. My colleague from New Jersey, Mr. CLARK, is paired with the gentleman from Pennsylvania, Mr. OVERTON.

Mr. ROBERTSON. I am paired with the gentleman from Massachusetts, Mr. ROBINSON. If he were here, I should vote "no."

Mr. BUCKNER. I am paired with the gentleman from Iowa, Mr. PRICE.

Mr. MYERS. I am paired with my colleague, Mr. COWGILL. He would vote "ay" and I should vote "no."

Mr. FINLEY. I am paired with the gentleman from Indiana, Mr. CALKINS. If he were present, I should vote "no."

Mr. HERNDON. I am paired with the gentleman from Rhode Island, Mr. ALDRICH. If at liberty to vote, I should vote "no."

Mr. COFFROTH. My colleague, Mr. BACHMAN, is paired with the gentleman from New York, Mr. STARIN; and my colleague Mr. KLOTZ, with the gentleman from Indiana, Mr. BAKER.

Mr. ARMFIELD. My colleague, Mr. KITCHIN, is paired with the gentleman from Pennsylvania, Mr. FISHER.

Mr. RICHARDSON, of South Carolina. I am paired with the gentleman from New York, Mr. CAMP. If he were here, I should vote "no;" I presume he would vote "ay."

Mr. COBB. My colleague, Mr. COLERICK, is paired with the gentleman from Rhode Island, Mr. BALLOU. If my colleague were here, he would vote "no."

Mr. HENKLE. I am paired with the gentleman from Pennsylvania, Mr. O'NEILL.

Mr. CHALMERS. I am paired with the gentleman from Connecticut, Mr. WAIT.

Mr. RICHMOND. I am paired with the gentleman from New York, Mr. PRESCOTT. If he were here, I should vote "no."

Mr. ROBESON. My colleague, Mr. VOORHIS, is paired with the gentleman from Florida, Mr. HULL.

Mr. BLOUNT. My colleague from Georgia, Mr. HAMMOND, is paired with the gentleman from New York, Mr. MILLER.

Mr. WEAVER. The gentleman from Illinois, Mr. FORSYTHE, is paired with the gentleman from New York, Mr. WALTER A. WOOD.

Mr. UPDEGRAFF, of Ohio. My colleague, Mr. BUTTERWORTH, is paired with my colleague, Mr. HILL.

Mr. NEWBERRY. The gentleman from New York, Mr. PRESCOTT, who is paired with the gentleman from Virginia, Mr. RICHMOND, would, if present, vote "ay."

Mr. BAILEY. I am paired with my colleague, Mr. LOUNSBERY. If he were present, I should vote in the affirmative.

Mr. SAPP. My colleague, Mr. PRICE, is paired with the gentleman from Missouri, Mr. BUCKNER. Mr. PRICE, if present, would vote "ay."

Mr. SHALLENBERGER. My colleague, Mr. O'NEILL, is paired with the gentleman from Maryland, Mr. HENKLE.

Mr. WHITE. As this vote seems to have taken a political turn, I desire to announce that my colleague, Mr. OVERTON, is paired on all political questions with the gentleman from New Jersey, Mr. CLARK. My colleague, if present, would vote "ay."

Mr. TOWNSEND, of Ohio. My colleague, Mr. KEIFER, is paired with the gentleman from Tennessee, Mr. SIMONTON. Mr. KEIFER, if present, would vote "ay."

Mr. VAN AERNAM. My colleague, Mr. LAPHAM, has been called home by severe illness in his family. He is paired on all political questions with the gentleman from Virginia, Mr. TUCKER.

Mr. ORTH. My colleague, Mr. COWGILL, is paired on all political questions with my colleague, Mr. MYERS.

Mr. FRYE. I am paired with the gentleman from Kentucky, Mr. KNOTT.

Mr. DAVIDSON. My colleague, Mr. HULL, is paired with the gentleman from New Jersey, Mr. VOORHIS.

Mr. SIMONTON. I voted on this question with the understanding that my pair with the gentleman from Ohio, Mr. KEIFER, had expired. But as it has been announced on the other side that I am still paired with that gentleman, I withdraw my vote.

Mr. HUNTON. I am paired with the gentleman from New York, Mr. HISCOCK. If he were here, I should vote "no."

Mr. HARMER. My colleague, Mr. BINGHAM, is paired with the gentleman from Missouri, Mr. FROST. Mr. BINGHAM, if present, would vote "ay."

Mr. YOUNG, of Tennessee. I was announced on last Saturday as being paired with the gentleman from Pennsylvania, Mr. OVERTON. I desire to say that my pair applies only to the coinage bill.

The result of the vote was announced as above stated.

Mr. CONGER. I rise to a privileged motion.

Mr. TOWNSHEND, of Illinois. I move to reconsider the vote just taken; and also move that the motion to reconsider be laid on the table.

The SPEAKER. In the absence of objection, the motion to reconsider will be laid on the table.

Mr. CONGER. I object. I call for a vote.

The SPEAKER. On the motion to lay on the table, or on the motion to reconsider?

Mr. CONGER. On the motion to reconsider.

The SPEAKER. Did the gentleman from Michigan rise to move a reconsideration?

Mr. CONGER. Yes, sir.

Mr. CLYMER. Has the gentleman that right? How did he vote?

Mr. CONGER. I voted in the negative, on purpose to have the right to make the motion.

The SPEAKER. The negative is the prevailing side; and the gentleman has the right to make the motion.

Mr. TOWNSHEND, of Illinois. I desire to withdraw that motion, and to demand the previous question on the third reading and engrossment of the bill.

The SPEAKER. The gentleman from Illinois withdraws the motion to reconsider.

Mr. CONGER. But I rise to a privileged question, and I move to reconsider the vote just taken.

Mr. TOWNSHEND, of Illinois. How can the gentleman do that when I am upon the floor?

The SPEAKER. The motion to reconsider is a privileged question.

Mr. TOWNSHEND, of Illinois. Then I do not withdraw it.

The SPEAKER. The Chair recognizes the gentleman from Michigan, who has moved to reconsider the vote by which the House refused to lay the bill on the table, as he has right to recognition.

Mr. TOWNSHEND, of Illinois. I move to lay on the table the motion to reconsider; and on that motion I demand the yeas and nays.

Mr. HARRIS, of Virginia. I hope the gentleman will withdraw his demand for the yeas and nays for the present.

Mr. TOWNSHEND, of Illinois. I will withdraw the demand for the yeas and nays.

The House divided; and there were—ayes 102, noes 92.

Mr. CONGER demanded tellers.

Tellers were ordered.

Mr. STEVENSON. I demand the yeas and nays.

The SPEAKER. In the judgment of the Chair, more than one-fifth have voted for the yeas and nays.

Mr. CONGER. The Chair might think so, but others might not. I call for tellers.

The SPEAKER. Sixty is more than one-fifth of a full House.

Mr. CONGER. Let us have tellers on the yeas and nays.

The SPEAKER. The Chair will conform to the rule.

Tellers were ordered; and Mr. CONGER, and Mr. HARRIS of Virginia, were appointed.

The House divided; and the tellers reported ayes 69, more than one-fifth of those present.

So the yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 117, nays 96, not voting 72; as follows:

YEAS—117.

Acklen,	De La Matyr,	Manning,	Smith, William E.
Aiken,	Deuster,	Martin, Benj. F.	Sparks,
Armfield,	Dibrell,	Martin, Edward L.	Speer,
Atherton,	Dickey,	McKenzie,	Springer,
Atkins,	Dunn,	McLane,	Steele,
Beltzhoover,	Elam,	McMahon,	Stephens,
Bicknell,	Evins,	McMillan,	Stevenson,
Blackburn,	Ewing,	Mills,	Talbott,
Bliss,	Felton,	Money,	Taylor,
Blount,	Forney,	Morrison,	Thompson,
Bouck,	Frost,	Muldrow,	Tillman,
Bright,	Geddes,	Murch,	Townshend, R. W.
Buckner,	Gibson,	New,	Turner, Oscar
Cabell,	Gillette,	Nicholls,	Turner, Thomas
Caldwell,	Goode,	O'Connor,	Vance,
Carlisle,	Gunter,	Persons,	Waddill,
Chalmers,	Harris, John T.	Phelps,	Warner,
Clardy,	Hatch,	Phister,	Weaver,
Clark, John B.	Henry,	Poehler,	Wellborn,
Clymer,	Herbert,	Reagan,	Whiteaker,
Cobb,	Hooker,	Ross,	Whitthorne,
Coffroth,	Hostetler,	Ryon, John W.	Williams, Thomas
Converse,	House,	Samford,	Wilson,
Cook,	Johnston,	Sawyer,	Wise,
Cox,	Kenna,	Scales,	Wood, Fernando
Cravens,	King,	Shelley,	Wright,
Culberson,	Ladd,	Singleton, Jas. W.	Young, Casey.
Davidson,	Le Fevre,	Singleton, O. R.	
Davis, Joseph J.	Lewis,	Slemons,	
Davis, Loundes H.	Lowe,	Smith, Hezekiah B.	

NAYS—96.

Aldrich, William	Dunnell,	Humphrey,	Robeson,
Anderson,	Dwight,	Joyce,	Russell, William A.
Barber,	Einstein,	Kelley,	Ryan, Thomas
Bayne,	Errett,	Ketcham,	Sapp,
Belford,	Farr,	Lindsey,	Shallenberger,
Blake,	Ferdon,	Loring,	Sherwin,
Boyd,	Field,	Marsh,	Smith, A. Herr
Brewer,	Ford,	Martin, Joseph J.	Stone,
Briggs,	Fort,	Mason,	Thomas,
Brigham,	Godshalk,	McCoid,	Tyler,
Browne,	Hall,	McGowan,	Updegraff, J. T.
Burrows,	Hammond, John	Miles,	Updegraff, Thomas
Cannon,	Harmer,	Mitchell,	Urner,
Carpenter,	Harris, Benj. W.	Monroe,	Valentine,
Caswell,	Haskell,	Morton,	Van Aernam,
Chittenden,	Hawk,	Neal,	Van Voorhis,
Claflin,	Hawley,	Newberry,	Wait,
Conger,	Hayes,	Norcross,	Ward,
Crapo,	Hazelton,	Orth,	Washburn,
Crowley,	Heilman,	Osmer,	White,
Daggett,	Henderson,	Pound,	Wilber,
Davis, George R.	Horr,	Reed,	Williams, Chas. G.
Deering,	Houk,	Rice,	Willits,
Dick,	Hubbell,	Richardson, D. P.	Young, Thomas L.

NOT VOTING—72.

Aldrich, N. W.	Ellis,	Killinger,	Pierce,
Bachman,	Finley,	Kimmel,	Prescott,
Bailey,	Fisher,	Kitchin,	Price,
Baker,	Forsythe,	Klotz,	Richardson, John S.
Ballou,	Frye,	Knott,	Richmond,
Barlow,	Garfield,	Lapham,	Robertson,
Beale,	Hammond, N. J.	Lay,	Robinson,
Bingham,	Henkle,	Lounsbery,	Rothwell,
Bland,	Herndon,	McCook,	Russell, Daniel L.
Bowman,	Hill,	McKinley,	Simonton,
Bragg,	Hiscock,	Miller,	Starin,
Butterworth,	Hull,	Morse,	Townsend, Amos
Calkins,	Hunton,	Muller,	Tucker,
Camp,	Hurd,	Myers,	Voorhis,
Clark, Alvah A.	James,	O'Brien,	Wells,
Colerick,	Jones,	O'Neill,	Willis,
Covert,	Jorgensen,	O'Reilly,	Wood, Walter A.
Cowgill,	Keifer,	Overton,	Yocum.

So the motion to reconsider was laid upon the table.

During the roll-call the following announcements were made:

Mr. ROBERTSON. I am paired with Mr. ROBINSON, of Massachusetts. If he were present, I should vote "ay."

Mr. FINLEY. I am paired with Mr. CALKINS, of Indiana. If he were present, I should vote "ay."

Mr. HERNDON. I am paired with Mr. ALDRICH, of Rhode Island. If he were present, I should vote "ay."

Mr. NEW. My colleague from Indiana, Mr. MYERS, is paired with my colleague, Mr. COWGILL. If present, Mr. MYERS would vote "ay."

Mr. ARMFIELD. My colleague from North Carolina, Mr. KITCHIN, is paired with Mr. FISHER, of Pennsylvania.

Mr. COFFROTH. My colleague from Pennsylvania, Mr. BACHMAN, is paired with Mr. STARIN, of New York. My colleague, Mr. KLOTZ, is paired with Mr. BAKER, of Indiana. My colleagues, if present, would vote "ay."

Mr. DAVIDSON. My colleague from Florida, Mr. HULL, is paired with Mr. VOORHIS, of New Jersey.

Mr. SIMONTON. I am paired with Mr. KEIFER, of Ohio. If he were present, I should vote "ay."

Mr. BEALE. I am paired with my colleague from Virginia, Mr. JORGENSEN.

Mr. RICHMOND. I am paired with Mr. PRESCOTT, of New York. If he were present, I should vote "ay."

Mr. RICHARDSON, of South Carolina. I am paired with Mr. CAMP, of New York. If he were present, he would vote "no" and I should vote "ay."

Mr. COBB. My colleague from Indiana, Mr. COLERICK, is paired with Mr. BALLOU, of Rhode Island. If present, Mr. COLERICK would vote "ay."

Mr. NEWBERRY. Mr. PRESCOTT, of New York, is paired with Mr. RICHMOND, of Virginia. If present, Mr. PRESCOTT would vote "no."

Mr. ROBESON. My colleague from New Jersey, Mr. VOORHIS, is paired with Mr. HULL, of Florida.

Mr. BAILEY. I am paired with my colleague from New York, Mr. LOUNSBERY.

Mr. CLAFLIN. Mr. JORGENSEN, of Virginia, is paired with Mr. BEALE, of Virginia.

Mr. SAPP. My colleague from Iowa, Mr. PRICE, is paired with Mr. BUCKNER, of Missouri. If present, Mr. PRICE would vote "no."

Mr. WHITE. My colleague from Pennsylvania, Mr. OVERTON, was paired with Mr. ROSS, of New Jersey, but I understand his pair has been transferred to Mr. CLARK, of New Jersey.

Mr. VAN AERNAM. My colleague from New York, Mr. LAPHAM, is absent and is paired with Mr. TUCKER, of Virginia. If present, Mr. LAPHAM would vote "no."

Mr. FRYE. I am paired with Mr. KNOTT, of Kentucky.

Mr. BLOUNT. My colleague from Georgia, Mr. HAMMOND, is paired with Mr. MILLER, of New York.

Mr. HUNTON. I am paired with Mr. HISCOCK, of New York.

Mr. HARMER. My colleague from Pennsylvania, Mr. BINGHAM, is paired with Mr. FROST, of Missouri.

Mr. O'NEILL. I am paired with Mr. HENKLE, of Maryland.

Mr. CONGER. I make the point of order that the morning hour has expired.

The SPEAKER. Does the gentleman from Michigan desire to interrupt the announcement of the result?

Mr. CONGER. I desire the list to be read, but as that will take up so much time from the silver bill I think the reading might be postponed till the next morning hour.

The SPEAKER. The House has directed the yeas and nays to be taken and the Chair thinks that the order of the House should be executed.

Mr. CONGER. I do not desire to interfere with the calling of the roll. I did not make the point while the roll was being called that the morning hour had expired. But I think the reading of the list may be dispensed with until the next morning hour.

Mr. HARRIS, of Virginia. I submit that the roll-call must be completed and the result of the vote declared.

The SPEAKER. This is a privileged motion, the motion to reconsider the vote by which the House refused to lay the bill upon the table.

Mr. CONGER. It seems hard to postpone the consideration of the silver bill by reading the names when they might as well be read in the morning hour. I merely wished to have a ruling from the Chair on the point.

The result of the vote was then announced as above recorded.

COINAGE CERTIFICATES, ETC.

Mr. WARNER. I call for the regular order.

The SPEAKER. The morning hour has expired, and the House resumes the consideration of the unfinished business coming over from Saturday, being the bill (H. R. No. 564) to amend certain sections of the Revised Statutes of the United States, relating to coinage and coin and bullion certificates, and for other purposes. The pending question is on agreeing to the third section as amended.

Mr. CONGER. Let it be read.

The Clerk read as follows:

SEC. 3. That section 3520 of the Revised Statutes of the United States be amended so as to read as follows:

"SEC. 3520. Any owner of silver bullion may deposit the same at any mint, to be formed into bars, or into standard dollars of the weight of 412½ grains troy, for his benefit, and no deposit of silver for other coinage shall be received; and silver bullion contained in gold deposits, and separated therefrom, may be paid for in silver coin: *Provided*, That it shall be lawful to refuse at the mint any deposit of bullion of less value than $100 and any bullion so base as to be unsuitable for the operations of the mint."

Mr. WHITE. Does the previous question operate on that?

Mr. BELFORD. I understood there was an amendment pending, which was offered by the gentleman from Kansas, [Mr. RYAN.]

The SPEAKER. The previous question cut of all amendments except two, and those two have been voted on.

Mr. RYAN, of Kansas. The amendment I offer is to strike out all after the enacting clause, and to insert a substitute. I understand that will be in order after all the sections have been considered and adopted separately. Am I correct?

The SPEAKER. It would then be in order to move to strike out all after the enacting clause, and substitute whatever the gentleman might see fit to offer.

Mr. WARNER. I reserve all points of order.

Mr. MILLS. Would it be in order now to move to recommit the bill?

The SPEAKER. Not while the previous question is operating.

Mr. CONGER. As there are amendments which it has been refused to admit, contrary, as I believe, to the understanding that was come to, I move to lay this section on the table.

The SPEAKER. The Chair thinks that would not be in order. The remedy of the gentleman from Michigan would be to vote against the section.

Mr. CONGER. Well; but is not the motion to lay on the table always in order, even after the previous question has been seconded?

The SPEAKER. The Chair will reflect and see whether the motion to lay on the table has ever been applied to a section of a bill.

Mr. CONGER. The proposition to lay upon the table applies to whatever the previous question is operating upon, whether to the bill, section, or amendment. The consequence would be that it carried the bill with it.

The SPEAKER. The Chair thinks it would be a duplication, but the Chair will entertain the motion.

Mr. CONGER. My object is to force the gentleman to stand by the agreement as to the admission of amendments.

The SPEAKER. The gentleman from Ohio [Mr. WARNER] had better understand the effect of the motion. The motion would kill the bill.

Mr. WARNER. I object and call for the previous question.

Mr. CONGER. The agreement was that the amendment of Mr. FORT should be voted upon.

The SPEAKER. The duty of the Chair is to execute the rule.

Mr. CONGER. I know that; but it is for that reason that I desire to make the motion.

Mr. FORT. The gentleman from Ohio [Mr. WARNER] will not deny that he agreed that my amendment should come in and be voted upon.

Mr. CONGER. He did it right here on this side, and we all heard it

Mr. WARNER. I know of no other arrangement but that which has been carried out.

The SPEAKER. The Chair will entertain the motion to lay the section on the table.

Mr. COX. Would that carry the bill with it?

The SPEAKER. It would. The Chair gives such construction to the motion.

Mr. COX. Is not that an unusual motion?

The SPEAKER. The Chair does not remember such motion to have ever been made under such condition, but it is, however, in order under the rules.

Mr. COX. Then a bill of fifty sections might have fifty motions made to lay the sections on the table.

The SPEAKER. The Chair does not see how he can refuse to recognize the motion. The effect of it would be to lay the bill on the table.

Mr. WARNER. Would this motion be in order on every section?

The SPEAKER. The Chair entertains the motion.

Mr. COX. Is the House now acting as in Committee of the Whole?

The SPEAKER. It is.

Mr. COX. If the House were acting in Committee of the Whole could a motion be made to lay on the table a single section? Would not the motion be to strike out the enacting clause?

The SPEAKER. The motion usually made in Committee of the Whole is to strike out the enacting clause of the bill, an equivalent motion.

Mr. COX. But can you move to lay on the table separate sections?

Mr. MILLS. It is equivalent to striking out the enacting clause.

The SPEAKER. If the gentleman will be kind enough to read the rule he will find that a motion to lay on the table is always in order.

Mr. COX. Not in Committee of the Whole, and the House is now proceeding as in Committee of the Whole. In the committee the proper motion would be to strike out the enacting clause of the bill.

Mr. CLYMER. This is an equivalent motion.

Mr. CONGER. The Manual tells us that "in general whatever adheres to the subject of this motion goes on the table with it, as for example where a motion to amend is ordered to lie on the table the subject which it proposes to amend goes there with it." That is from Cushing's Manual.

The SPEAKER. That is the general parliamentary law. The Chair thought fit to admonish the gentleman who had charge of the bill what the effect of the motion was.

Mr. WARNER. I understand that the effect of the motion would be to lay the bill upon the table.

The SPEAKER. That is the effect.

Mr. WARNER. Does the Chair rule that to be in order?

Mr. COX. Will the Chair have the rule read?

The SPEAKER. The Clerk will read Rule 42.

The Clerk read as follows:

When a question is under debate no motion shall be received but to adjourn, to lie on the table, for the previous question, to postpone to a day certain, to commit or amend, to postpone indefinitely; which several motions shall have precedence in the order in which they are arranged; and no motion to postpone to a day certain, to commit, or to postpone indefinitely, being decided, shall be again allowed on the same day and at the same stage of the bill or proposition.

Mr. COX. That still does not say how you can lay a bill upon the table when acting in Committee of the Whole.

The SPEAKER. The Chair will cause to be read the Manual on that point.

The Clerk read as follows:

A motion to lay on the table takes precedence of every other motion but a motion to adjourn.

Mr. COX. Still that does not answer the question, which is, that you can take a section out of the bill, and by passing upon that lay the whole bill upon the table.

The SPEAKER. The Chair assumes that the effect of the motion to lay the section on the table, if carried, would be to lay on the table the whole bill, and thus to kill the bill.

Mr. COX. It is an indirect way of getting at the vote.

Mr. GARFIELD. It would be sad, but still I think we could bear it.

The SPEAKER. If the judgment of the House is against killing the bill it would naturally vote against this motion.

Mr. CANNON, of Illinois. Is there any motion that would lay this section on the table and leave the balance of the bill for consideration? Is there any motion by which this section can be laid on the table without carrying the whole bill to the table?

The SPEAKER. The Chair thinks not.

Mr. McMAHON. I think this is a very good point to vote upon. A great many gentlemen on the other side pretend to be in favor of a silver bill of some kind or other. We want to see where they stand.

Mr. FORT. The gentleman need not trouble himself about this side of the House. This side of the House know what they are about just as well as do the other side.

Mr. McMAHON. Then vote upon this proposition, and we will see where you are.

Mr. FORT. This side of the House want to vote fairly and squarely upon a proposition which will determine whether we are to have silver at what it is really worth or at its coin value.

The SPEAKER. Debate is not in order. The question is on the motion of the gentleman from Michigan [Mr. CONGER] to lay this third section upon the table.

Mr. STEPHENS and Mr. WARNER called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 112, nays 116, not voting 57; as follows:

YEAS—112.

Aldrich, William	Dunnell,	Joyce,	Robeson,
Anderson,	Dwight,	Ketcham,	Ross,
Bailey,	Einstein,	Lindsey,	Russell, William A.
Barber,	Errett,	Loring,	Ryan, Thomas
Bayne,	Farr,	Martin, Edward L.	Sapp,
Beltzhoover,	Ferdon,	Martin, Joseph J.	Shallenberger,
Bingham,	Field,	Mason,	Sherwin,
Blake,	Fort,	McCoid,	Smith, A. Herr
Bliss,	Garfield,	McCook,	Stone,
Bowman,	Gibson,	McGowan,	Talbott,
Boyd,	Godshalk,	McKinley,	Thomas,
Brewer,	Hall,	Miles,	Townsend, Amos
Briggs,	Hammond, John	Mitchell,	Tyler,
Brigham,	Harmer,	Monroe,	Updegraff, J. T.
Browne,	Harris, Benj. W.	Morrison,	Updegraff, Thomas
Burrows,	Hawk,	Morse,	Urner,
Carpenter,	Hawley,	Morton,	Valentine,
Caswell,	Hayes,	Newberry,	Van Aernam,
Chittenden,	Hazelton,	Norcross,	Van Voorhis,
Claflin,	Heilman,	O'Neill,	Wait,
Conger,	Henderson,	O'Reilly,	Ward.
Covert,	Hiscock,	Orth,	Washburn,
Crapo,	Horr,	Osmer,	White,
Crowley,	Houk,	Poehler,	Wilber,
Davis, George R.	Hubbell,	Pound,	Williams, Chas. G.
Deering,	Humphrey,	Reed,	Willits,
Deuster,	Hurd,	Rice,	Wood, Fernando
Dick,	Jones,	Richardson, D. P.	Young, Thomas L.

NAYS—116.

Aiken,	De La Matyr,	Ladd,	Singleton, O. R.
Armfield,	Dibrell,	Le Fevre,	Slemons,
Atherton,	Dunn,	Lewis,	Smith, Hezekiah B.
Atkins,	Elam,	Lowe,	Smith, William E.
Belford,	Ellis,	Manning,	Sparks,
Bicknell,	Evins,	Marsh,	Speer,
Blackburn,	Ewing,	Martin, Benj. F.	Springer,
Blount,	Felton,	McKenzie,	Steele,
Bouck,	Ford,	McMahon,	Stephens,
Bright,	Forney,	McMillin,	Stevenson,
Cabell,	Frost,	Mills,	Taylor,
Caldwell,	Geddes,	Money,	Thompson,
Cannon,	Gillette,	Muldrow,	Tillman,
Carlisle,	Goode,	Murch,	Townshend, R.W.
Chalmers,	Gunter,	New,	Turner, Oscar
Clardy,	Harris, John T.	Nicholls,	Turner, Thomas
Clark, John B.	Haskell,	O'Connor,	Vance.
Clymer,	Hatch,	Persons,	Waddill,
Cobb,	Henkle,	Phelps,	Warner,
Coffroth,	Henry,	Phister,	Weaver,
Converse,	Herbert,	Reagan,	Wellborn,
Cook,	Hooker,	Russell, Daniel L.	Whiteaker,
Cox,	Hostetler,	Ryon, John W.	Whitthorne,
Cravens,	House,	Samford,	Williams, Thomas
Culberson,	Hunton,	Sawyer,	Willis,
Daggett,	Johnston,	Scales,	Wilson,
Davidson,	Kelley,	Shelley,	Wise,
Davis, Joseph J.	Kenna,	Simonton,	Wright,
Davis, Loundes H.	King,	Singleton. Jas. W.	Yocum.

NOT VOTING—57.

Acklen,	Cowgill,	Kitchin,	Price,
Aldrich, N. W.	Dickey,	Klotz,	Richardson, J. S.
Bachman,	Finley,	Knott,	Richmond,
Baker,	Fisher,	Lapham,	Robertson,
Ballou,	Forsythe,	Lay,	Robinson,
Barlow,	Frye,	Lounsbery,	Rothwell,
Beale,	Hammond, N. J.	McLane,	Starin,
Bland,	Herndon,	Miller,	Tucker,
Bragg,	Hill,	Muller,	Voorhis,
Buckner,	Hull,	Myers,	Wells,
Butterworth,	James,	Neal,	Wood, Walter A.
Calkins,	Jorgensen,	O'Brien,	Young, Casey.
Camp,	Keifer,	Overton,	
Clark, Alvah A.	Killinger,	Pierce,	
Colerick,	Kimmel,	Prescott,	

So the motion to lay on the table the third section was not agreed to.

During the roll-call the following announcements were made:

Mr. McLANE. I am paired on this bill with the gentleman from Missouri, Mr. BLAND.

Mr. BEALE. I am paired with my colleague, Mr. JORGENSEN. Were he present, he would vote "ay" and I should vote "no."

Mr. YOUNG, of Tennessee. On this question I am paired with the gentleman from Pennsylvania, Mr. OVERTON. If at liberty to vote, I should vote "no."

Mr. ROBERTSON. I am paired with the gentleman from Massachusetts, Mr. ROBINSON.

Mr. HERNDON. I am paired with the gentleman from Rhode Island, Mr. ALDRICH. If he were here, I should vote "no."

Mr. BUCKNER. I am paired with the gentleman from Iowa, Mr. PRICE. I do not know how he would vote; if at liberty to vote, I should vote "no."

Mr. NEW. My colleague, Mr. MYERS, is paired with my colleague, Mr. COWGILL. Mr. MYERS would vote "no."

Mr. COFFROTH. My colleague, Mr. BACHMAN, is paired with the gentleman from New York, Mr. STARIN; and my colleague, Mr. KLOTZ, with the gentleman from Indiana, Mr. BAKER. My colleagues, on this question, would vote "no."

Mr. ARMFIELD. My colleague, Mr. KITCHIN, is paired with the gentleman from Pennsylvania, Mr. FISHER. Mr. KITCHIN, if here, would vote "no."

Mr. DAVIDSON. My colleague, Mr. HULL, is paired with the gentleman from New Jersey, Mr. VOORHIS. Mr. HULL would vote "no."

Mr. RICHARDSON, of South Carolina. I am paired with the gen-

tleman from New York, Mr. CAMP. On this question I should vote "no;" he, I presume, would vote "ay."

Mr. BLOUNT. My colleague from Georgia, Mr. HAMMOND, is paired with the gentleman from New York, Mr. MILLER.

Mr. DICKEY. On this question I am paired with my colleague, Mr. NEAL.

Mr. RICHMOND. I am paired with the gentleman from New York, Mr. PRESCOTT. If he were present, I should vote "no."

Mr. COBB. My colleague, Mr. COLERICK, is paired with the gentleman from Rhode Island, Mr. BALLOU.

Mr. BOUCK. My colleague, Mr. BRAGG, is paired with the gentleman from New York, Mr. JAMES. My colleague, if present, would vote "no."

Mr. STEPHENS. On the final passage of this bill I am paired with the gentleman from New York, Mr. LOUNSBERY, but upon all intermediate questions looking to the perfection of the bill I am at liberty to vote. On this question I vote "no."

Mr. ACKLEN. I am paired with the gentleman from New York, Mr. O'BRIEN. If at liberty to vote, I should vote "no."

Mr. FINLEY. I am paired with the gentleman from Indiana, Mr. CALKINS. If he were present, I should vote "no."

Mr. WEAVER. The gentleman from Illinois, Mr. FORSYTHE, is paired with the gentleman from New York, Mr. WALTER A. WOOD. Mr. FORSYTHE, if present, would vote "no."

Mr. NEWBERRY. The gentleman from New York, Mr. PRESCOTT, is paired with the gentleman from Virginia, Mr. RICHMOND. Mr. PRESCOTT, if present, would vote "ay."

Mr. CLAFLIN. The gentleman from Virginia, Mr. JORGENSEN, is paired with his colleague, Mr. BEALE.

Mr. SAPP. My colleague, Mr. PRICE, is paired with the gentleman from Missouri, Mr. BUCKNER. Mr. PRICE, if present, would vote "ay."

Mr. VAN AERNAM. My colleague, Mr. LAPHAM, has been called home on account of severe illness in his family. He is paired on all political questions with the gentleman from Virginia, Mr. TUCKER. If present, he would vote "ay."

Mr. TOWNSEND, of Ohio. My colleague, Mr. KEIFER, is paired on this question with the gentleman from Missouri, Mr. ROTHWELL. My colleague, if present, would vote "ay."

Mr. DICK. My colleague, Mr. KILLINGER, is paired with the gentleman from Missouri, Mr. WELLS, and my colleague, Mr. FISHER, with the gentleman from North Carolina, Mr. KITCHIN. My colleagues, if present, would both vote "ay."

Mr. FRYE. I am paired with the gentleman from Kentucky, Mr. KNOTT.

The result of the vote was announced as above stated.

The SPEAKER. The Chair desires to state that in admitting the motion to lay on the table the third section he was governed first by the consideration that a motion to lay on the table is in order at any time or "at any stage of the proceedings between the demand for the previous question and the final action by the House under it." In general the motion to lay on the table carries with it the subject-matter. The exceptions to this rule were settled during the Twenty-ninth Congress, and are amendments to the Journal, appeals, motions for the previous question, motions to postpone to a specified day, and motions to postpone indefinitely; and there is, however, another exception, as the Chair thinks, and that is a motion to reconsider.

The Chair has been induced to make this statement to show to the House that he was governed by the practice in past Congresses in ruling as he did that a motion to lay upon the table the third section of this bill carried the entire bill with it.

Mr. CONGER rose.

Mr. WARNER. Regular order! I object to everything that is not absolutely in order.

Mr. CONGER. Will the gentleman hear me a moment?

Mr. WARNER. On what point?

Mr. CONGER. That I was about to state. [Laughter.]

The SPEAKER. Does the gentleman rise to a point of order?

Mr. WARNER. Vote! Regular order!

Mr. CONGER. I rise to make a request in behalf of those who feel aggrieved by the previous question cutting off the amendment of the gentleman from Illinois, [Mr. FORT,] to ask the gentleman to admit that amendment to be voted on.

Mr. GARFIELD. Is not that one of those understandings the Chair feels himself bound to carry out? It was the understanding—it was the promise that that amendment should be allowed to be voted on.

The SPEAKER. That is a matter for the House to determine.

Mr. TOWNSHEND, of Illinois. Regular order!

The SPEAKER. The regular order is on the motion to agree to the third section as amended.

Mr. CONGER. If the gentleman refuses that, I desire to say that those of us who wished to vote on that question will not vote on the section at all.

The SPEAKER. The question is on the third section as amended.

Mr. CONGER. I demand a division.

The House divided; and there were—ayes 92, noes 3.

Mr. CONGER. No quorum has voted.

The SPEAKER ordered tellers, and appointed Mr. CONGER and Mr. WARNER.

The House again divided; and the tellers reported—ayes 96, noes 7.

Mr. CONGER. No quorum has voted.

Mr. COX. I move there be a call of the House.

Mr. FORT. I hope opportunity will be afforded to offer my amendment.

Mr. TOWNSHEND, of Illinois. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TOWNSHEND, of Illinois. Is there any remedy for this revolutionary proceeding on the other side of the House? [Laughter on the republican side.]

The SPEAKER. A partial remedy is in a call of the House.

Mr. GARFIELD. The remedy, in my judgment, would be to allow a vote on the amendment of the gentleman from Illinois.

Mr. CLYMER. I appeal to the gentleman from Ohio to relieve this House of its present difficulty by permitting the amendment of the gentleman from Illinois to be voted on. I will say here that, while I may not vote for that amendment, I chanced to occupy the chair at the time the gentleman from Ohio and the gentleman from Illinois had their discussion with reference to that proposed amendment, and it was clearly my understanding that at the proper time and in the proper place opportunity would be afforded to have it offered and voted on.

I must say this in justice to the facts as they occurred while I occupied the chair temporarily. That, certainly, was the understanding, and I appeal to the gentleman from Ohio to permit a vote to be taken on the amendment of the gentleman from Illinois.

Mr. GARFIELD. And I wish to add it was the universal understanding of this side of the House.

Mr. WARNER. Whatever may have been the understanding, I wish to say in regard to that that I have entered into no agreement and no arrangement by which amendments to the sections in other order than under the rules should be permitted to come in and be voted on, and when I called the previous question upon pending amendments it was on amendments admitted and pending under the rule. I had no understanding that any other amendments were to be offered. But I will decide in a moment about this.

Mr. CLYMER. I know, Mr. Speaker, [cries of "Regular order!"] I am not in order and that I am proceeding by general consent, but I have made the suggestion in the interest of harmony and the business of the House. While I know the gentleman from Ohio cannot consent to admit any amendment beyond a certain degree when the previous question is pending, yet I do say that in common fairness opportunity should be permitted for a vote on the amendment of the gentleman from Illinois under the understanding which I have stated. I make this statement although I will not support the amendment myself.

Mr. FORT. One word. When my amendment was read and offered no previous question was pending, none had been called for, and none was called for until one or two days afterward. The previous question was not in order on the bill until after the five-minute debate had been entered upon. I offered my amendments on the 14th of the month, and they are published in the RECORD of the 15th. Now, how in the world did they get into the RECORD unless the understanding was that I should be allowed to offer them? And I will say further, as I understand it, the gentlemen on this side of the House rested upon the understanding that amendments might be offered until the previous question was called, to be voted on in their proper order.

Mr. WARNER. While I had no such understanding——

The SPEAKER. In reference to the amendment going into the RECORD, the Chair will state that it was submitted for the purpose of being read for the information of the House, and in that way, of course, it went into the RECORD, but it did not thereby acquire a parliamentary position to be voted on.

Mr. FORT. Was not that just exactly the case with every other amendment that was read up to that time?

The SPEAKER. When members demand the enforcement of the rules the Chair cannot recognize amendments beyond the second degree.

Mr. FORT. But I wish to remind the Chair that the gentleman from Ohio did not demand that the rule should be enforced until two days afterward.

The SPEAKER. The gentleman from Illinois has a remedy. When the question comes to be on the engrossment the gentleman can move a substitute for the entire bill.

Mr. GARFIELD. Not if the previous question is pending.

The SPEAKER. If the previous question is seconded the House will intimate thereby that it will not admit a substitute. The remedy is nevertheless in the House.

Mr. GARFIELD. It is to the House we appeal to rectify the wrong done to this side.

Mr. WARNER. I wish to say to the House that while I have had no understanding on my part that any amendments that might be offered for the purpose of going into the RECORD should be voted on, still if on that side there was an understanding and expectation that this amendment should be voted on, I hope that a vote will be allowed; but not under the threat of the gentleman from Michigan, [Mr. CONGER,] and not under a proposition to bulldoze us if we do not consent to it. Therefore, I will withdraw the previous question simply to admit a vote on this amendment.

Mr. REAGAN. Instead of the previous question being withdrawn, let this be done by unanimous consent.

Mr. WARNER. Very well; let it be done by common consent without withdrawing the previous question.

The SPEAKER. The gentleman from Ohio asks unanimous consent that the amendment of the gentleman from Illinois [Mr. FORT] may be allowed to be pending and voted upon.

There was no objection.

Mr. COX. I now withdraw my motion for a call of the House.

Mr. WARNER. This is practically the same proposition as we have already voted upon.

Mr. FORT. Unanimous consent having been given, I now submit as a substitute for the third section what I send to the desk.

The Clerk read as follows:

Strike out section 3, and insert the following:

The owner of any silver bullion may deposit the same in quantities of twenty ounces and over at any mint at its actual market value in the United States not exceeding par, which value shall be ascertained by and under regulations to be prescribed by the Director of the Mint and approved by the Secretary of the Treasury, and such owner shall be entitled to receive standard silver dollars in payment therefor, and said bullion so received shall be coined into standard dollars.

The question being put on agreeing to Mr. FORT's substitute for the third section, the Speaker stated that the "ayes" appeared to have it.

Mr. WARNER. I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 104, nays 118, not voting 63; as follows:

YEAS—104.

Aldrich, William	Dick,	Hurd,	Richardson, D. P.
Anderson,	Dunnell,	Johnston,	Robeson,
Barber,	Errett,	Jones,	Russell, W. A.
Bayne,	Farr,	Ketcham,	Ryan, Thomas,
Belford,	Ferdon,	Lindsey,	Sapp,
Beltzhoover,	Field,	Loring,	Shallenberger,
Bingham,	Fort,	Marsh,	Sherwin,
Blake,	Garfield,	Martin, Edward L.	Springer,
Bliss,	Gibson,	Martin, Joseph J.	Stone,
Bowman,	Godshalk,	Mason,	Talbott,
Boyd,	Hall,	McCoid,	Thomas,
Brewer,	Hammond, John	McGowan,	Townsend, Amos
Briggs,	Harmer,	McKinley,	Tyler,
Brigham,	Harris, Benj. W.	Mitchell,	Updegraff, J. T.
Browne,	Haskell,	Monroe,	Updegraff, Thomas
Cannon,	Hawk,	Morrison,	Valentine,
Carpenter,	Hayes,	Morse,	Van Aernam,
Caswell,	Hazelton,	Newberry,	Van Voorhis,
Claflin,	Heilman,	Norcross,	Wait,
Conger,	Henderson,	O'Reilly,	Ward,
Covert,	Henkle,	Orth,	Washburn,
Crapo,	Hiscock,	Osmer,	White,
Crowley,	Horr,	Poehler,	Wilber,
Davis, George R.	Houk,	Pound,	Williams, C. G.
Deering,	Hubbell,	Reed,	Willits.
Deuster,	Humphrey,	Rice,	Young, Thomas L.

NAYS—118.

Aiken,	Dwight,	Lowe,	Slemons,
Armfield,	Einstein,	Manning,	Smith, A. Herr
Atherton,	Elam,	Martin, Benj. F.	Smith, Hezekiah B.
Atkins,	Ellis,	McCook,	Smith, William E.
Bicknell,	Evins,	McKenzie,	Sparks,
Blackburn,	Ewing,	McMahon,	Speer,
Blount,	Felton,	McMillin,	Steele,
Bouck,	Ford,	Miles,	Stephens,
Bright,	Forney,	Mills,	Stevenson,
Cabell,	Frost,	Money,	Taylor,
Caldwell,	Geddes,	Morton,	Thompson,
Carlisle,	Gillette,	Muldrow,	Tillman,
Chalmers,	Goode,	Murch,	Townshend, R. W.
Chittenden,	Gunter,	New,	Turner, Oscar
Clardy,	Harris, John T.	Nicholls,	Turner, Thomas
Clark, John B.	Hatch,	O'Connor,	Vance,
Cobb,	Hawley,	O'Neill,	Waddell,
Coffroth,	Henry,	Persons,	Warner,
Converse,	Herbert,	Phelps,	Weaver,
Cook,	Hooker,	Phister,	Wellborn,
Cox,	Hostetler,	Reagan,	Whiteaker,
Cravens,	House,	Russell, Daniel L.	Whitthorne,
Culberson,	Hunton,	Ryon, John W.	Williams, Thomas
Daggett,	Joyce,	Samford,	Willis,
Davidson,	Kelley,	Sawyer,	Wilson,
Davis, Joseph J.	Kenna,	Scales,	Wise,
Davis, Loundes H.	King,	Shelley,	Wright,
De La Matyr,	Ladd,	Simonton,	Yocum.
Dibrell,	Le Fevre,	Singleton, J. W.	
Dunn,	Lewis,	Singleton, O. R.	

NOT VOTING—63.

Acklen,	Clymer,	Kimmel,	Price,
Aldrich, N. W.	Colerick,	Kitchin,	Richardson, J. S.
Bachman,	Cowgill,	Klotz,	Richmond,
Bailey,	Dickey,	Knott,	Robertson,
Baker,	Finley,	Lapham,	Robinson,
Ballou,	Fisher,	Lay,	Ross,
Barlow,	Forsythe,	Lounsbery,	Rothwell,
Beale,	Frye,	McLane,	Starin,
Bland,	Hammond, N. J.	Miller,	Tucker,
Bragg,	Herndon,	Muller,	Urner,
Buckner,	Hill,	Myers,	Voorhis,
Burrows,	Hull,	Neal,	Wells,
Butterworth,	James,	O'Brien,	Wood, Fernando
Calkins,	Jorgensen,	Overton,	Wood, Walter A.
Camp,	Keifer,	Pierce,	Young, Casey.
Clark, Alvah A.	Killinger,	Prescott,	

So the amendment was not agreed to.

During the roll-call the following announcements were made:

Mr. BUCKNER. I am paired with Mr. PRICE, of Iowa; if he were here, I should vote "no."

Mr. BLOUNT. My colleague, Mr. HAMMOND, is paired with Mr. MILLER, of New York. If Mr. HAMMOND were here, he would vote "no."

Mr. ROBERTSON. I am paired with Mr. ROBINSON, of Massachusetts; if he were here, I should vote "no."

Mr. FINLEY. I am paired with the gentleman from Indiana, Mr. CALKINS; if he were here, I should vote "no."

Mr. MYERS. I am paired with Mr. COWGILL; if he were present, I should vote "ay."

Mr. HERNDON. I am paired with Mr. ALDRICH, of Rhode Island.

Mr. ARMFIELD. My colleague, Mr. KITCHIN, is paired with Mr. FISHER, of Pennsylvania.

Mr. COFFROTH. My colleague, Mr. BACHMAN, is paired with Mr. STARIN, of New York. My colleague, Mr. KLOTZ, is paired with Mr. BAKER, of Indiana.

Mr. YOUNG, of Tennessee. I am paired with Mr. OVERTON, of Pennsylvania; if he were here, I should vote "no."

Mr. RICHMOND. I desire to announce that I am paired with Mr. PRESCOTT, of New York.

Mr. COBB. My colleague, Mr. COLERICK, is paired with Mr. BALLOU, of Rhode Island. If present, Mr. COLERICK would vote "no."

Mr. RICHARDSON, of South Carolina. I am paired with Mr. CAMP, of New York.

Mr. DICKEY. I am paired with my colleague, Mr. NEAL.

Mr. CLAFLIN. Mr. JORGENSEN is paired with Mr. BEALE, of Virginia.

Mr. WEAVER. Mr. FORSYTHE, of Illinois, is paired with Mr. WALTER A. WOOD, of New York. If present, Mr. FORSYTHE would vote "no."

Mr. FRYE. I am paired with Mr. KNOTT, of Kentucky.

Mr. TOWNSEND, of Ohio. My colleague, Mr. KEIFER, is paired with Mr. ROTHWELL, of Missouri.

Mr. SAPP. My colleague, Mr. PRICE, is paired with Mr. BUCKNER, of Missouri. If present, Mr. PRICE would vote "ay."

Mr. DICK. My colleague, Mr. KILLINGER, is paired with Mr. WELLS, of Missouri. My colleague, Mr. FISHER, is paired with Mr. KITCHIN, of North Carolina.

Mr. NEWBERRY. Mr. PRESCOTT is paired with Mr. RICHMOND, of Virginia. If present, Mr. PRESCOTT would vote "ay."

Mr. ROBESON. My colleague, Mr. VOORHIS, is paired with Mr. HULL, of Florida.

Mr. HUNTON. My colleague, Mr. TUCKER, is paired with Mr. LAPHAM, of New York.

Mr. ACKLEN. I am paired with the gentleman from New York, Mr. O'BRIEN.

Mr. DAVIDSON. My colleague, Mr. HULL, is paired with Mr. VOORHIS, of New Jersey.

The result of the vote was then announced as above stated.

The question then recurred upon agreeing to the section as amended; and on a division there were—ayes 86, noes 92.

Mr. WARNER. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. WHITE. I rise to a parliamentary inquiry. I understood the Chair to submit the question to the House upon agreeing to the section as amended. I do not understand that any amendments have been sustained.

The SPEAKER. Two amendments to this section were adopted by the House.

Mr. WHITE. Those were mere formal amendments.

The SPEAKER. Still they are of record as amendments.

The question was taken; and there were—yeas 113, nays 111, not voting 61; as follows:

YEAS—113.

Aiken,	Dibrell,	Lewis,	Smith, William E.
Armfield,	Dunn,	Lowe,	Sparks,
Atherton,	Elam,	Manning,	Speer,
Atkins,	Ellis,	Martin, Benj. F.	Springer,
Belford,	Evins,	McKenzie,	Steele,
Bicknell,	Ewing,	McMahon,	Stephens,
Blackburn,	Felton,	McMillin,	Stevenson,
Blount,	Ford,	Mills,	Taylor,
Bouck,	Forney,	Money,	Thompson,
Bright,	Frost,	Muldrow,	Tillman,
Cabell,	Geddes,	Murch,	Townshend, R. W.
Caldwell,	Gillette,	New,	Turner, Oscar
Carlisle,	Goode,	Nicholls,	Turner, Thomas
Chalmers,	Gunter,	O'Connor,	Vance,
Clardy,	Harris, John T.	Persons,	Waddill,
Clark, John B.	Hatch,	Phelps,	Warner,
Clymer,	Henkle,	Phister,	Weaver,
Cobb,	Henry,	Reagan,	Wellborn,
Coffroth,	Herbert,	Russell, Daniel L.	Whiteaker,
Converse,	Hooker,	Ryon, John W.	Whitthorne,
Cook,	Hostetler,	Samford,	Williams, Thomas
Cox,	House,	Sawyer,	Willis,
Cravens,	Hunton,	Scales,	Wilson,
Culberson,	Johnston,	Shelley,	Wise,
Daggett,	Kelley,	Simonton,	Wright,
Davidson,	Kenna,	Singleton, Jas. W.	Yocum.
Davis, Joseph J.	King,	Singleton, O. R.	
Davis, Loundes H.	Ladd,	Slemons,	
De La Matyr,	Le Fevre,	Smith, Hezekiah B.	

NAYS—111.

Aldrich, William	Bayne,	Bliss,	Briggs,
Anderson,	Beltzhoover,	Bowman,	Brigham,
Bailey,	Bingham,	Boyd,	Browne,
Barber,	Blake,	Brewer,	Burrows,

Cannon,	Harmer,	McCoid,	Shallenberger,
Carpenter,	Harris, Benj. W.	McCook,	Sherwin,
Caswell,	Haskell,	McGowan,	Smith, A. Herr
Chittenden,	Hawk,	McKinley,	Stone,
Claflin,	Hawley,	Miles,	Talbott,
Conger,	Hayes,	Mitchell,	Thomas,
Covert,	Hazelton,	Monroe,	Townsend, Amos
Crapo,	Heilman,	Morse,	Tyler,
Crowley,	Henderson,	Morton,	Updegraff, J. T.
Davis, George R.	Hiscock,	Newberry,	Updegraff, Thomas,
Deering,	Horr,	Norcross,	Urner,
Dick,	Houk,	O'Neill,	Valentine,
Dunnell,	Hubbell,	O'Reilly,	Van Aernam,
Dwight,	Humphrey,	Orth,	Van Voorhis,
Einstein,	Hurd,	Osmer,	Wait,
Errett,	Jones,	Poehler,	Ward,
Farr,	Joyce,	Pound,	Washburn,
Ferdon,	Ketcham,	Reed,	Waite,
Field,	Lindsey,	Rice,	White,
Fort,	Loring,	Richardson, D.P.	Wilber,
Garfield,	Marsh,	Robeson,	Williams, C. G.
Godshalk,	Martin, Edward L.	Russell, W. A.	Willits,
Hall,	Martin, Joseph J.	Ryan, Thomas	Wood, Fernando
Hammond, John	Mason,	Sapp,	Young, Thomas L.

NOT VOTING—61.

Acklen,	Deuster,	Kitchin,	Price,
Aldrich, N. W.	Dickey,	Klotz,	Richardson, J. S.
Bachman,	Finley,	Knott,	Richmond,
Baker,	Fisher,	Lapham,	Robertson,
Ballou,	Forsythe,	Lay,	Robinson,
Barlow,	Frye,	Lounsbery,	Ross,
Beale,	Gibson,	McLane,	Rothwell,
Bland,	Hammond, N. J.	Miller,	Starin,
Bragg,	Herndon,	Morrison,	Tucker,
Buckner,	Hill,	Muller,	Voorhis,
Butterworth,	Hull,	Myers,	Wells,
Calkins,	James,	Neal,	Wood, Walter A.
Camp,	Jorgensen,	O'Brien,	Young, Casey.
Clark, Alvah A.	Keifer,	Overton,	
Colerick,	Killinger,	Pierce,	
Cowgill,	Kimmel,	Prescott,	

So the third section, as amended, was agreed to.

During the call of the roll the following announcements were made:

Mr. ROBERTSON. I am paired with Mr. ROBINSON, of Massachusetts. If he were present, I would vote "ay."

Mr. BEALE. I am paired with my colleague, Mr. JORGENSEN. If he were present, I would vote "ay."

Mr. YOUNG, of Tennessee. I am paired with Mr. OVERTON, of Pennsylvania.

Mr. BUCKNER. I am paired with Mr. PRICE, of Iowa. If he were here, I would vote "ay."

Mr. HERNDON. I am paired with Mr. ALDRICH, of Rhode Island. If he were present, I would vote "ay."

Mr. ATHERTON. Mr. MYERS, of Indiana, is paired with Mr. COWGILL, of Indiana. If present, Mr. MYERS would vote "ay."

Mr. DICKEY. I am paired with my colleague, Mr. NEAL. If he were present, I would vote "ay."

Mr. FINLEY. I am paired with Mr. CALKINS, of Indiana. I would vote "ay," if he were present.

Mr. COFFROTH. My colleague, Mr. BACHMAN, is paired with Mr. STARIN, of New York; and my colleague, Mr. KLOTZ, is paired with Mr. BAKER, of Indiana. If my colleagues were present, they would both vote "ay."

Mr. HUNTON. My colleague, Mr. TUCKER, is paired with Mr. LAPHAM, of New York.

Mr. ARMFIELD. My colleague, Mr. KITCHIN, is paired with Mr. FISHER, of Pennsylvania. If my colleague were present, he would vote "ay."

Mr. DAVIDSON. My colleague, Mr. HULL, is paired with Mr. VOORHIS, of New Jersey.

Mr. RICHARDSON, of South Carolina. I am paired with Mr. CAMP, of New York. If he were here, I would vote "ay."

Mr. BLOUNT. My colleague, Mr. HAMMOND, is paired with Mr. MILLER, of New York.

Mr. RICHMOND. I am paired with Mr. PRESCOTT, of New York. If he were present, I would vote "ay."

Mr. COBB. My colleague, Mr. COLERICK, is paired with Mr. BALLOU, of Rhode Island. If present, my colleague would vote "ay."

Mr. BOUCK. My colleague, Mr. BRAGG, is paired with Mr. JAMES, of New York.

Mr. WEAVER. Mr. FORSYTHE, of Illinois, is paired with Mr. WALTER A. WOOD, of New York. If present, Mr. FORSYTHE would vote "ay."

Mr. NEWBERRY. I desire to state that Mr. PRESCOTT, of New York, is paired with Mr. RICHMOND, of Virginia. If present, Mr. PRESCOTT would vote "no."

Mr. CLAFLIN. Mr. JORGENSEN, of Virginia, is paired with his colleague, Mr. BEALE.

Mr. SAPP. My colleague, Mr. PRICE, is paired with Mr. BUCKNER, of Missouri. If present, Mr. PRICE would vote "no."

Mr. TOWNSEND, of Ohio. My colleague, Mr. KEIFER, is paired with Mr. ROTHWELL, of Missouri. If present, Mr. KEIFER would vote "no."

Mr. MORTON. My colleague, Mr. JAMES, is paired with Mr. BRAGG, of Wisconsin. If present, Mr. JAMES would vote "no."

Mr. WHITE. My colleague, Mr. OVERTON, is paired with Mr. YOUNG, of Tennessee.

Mr. ROBESON. My colleague, Mr. VOORHIS, is paired with Mr. HULL, of Florida.

Mr. VAN AERNAM. My colleague, Mr. LAPHAM, is absent on account of sickness in his family, and is paired with Mr. TUCKER, of Virginia. If present, Mr. LAPHAM would vote "no."

Mr. FRYE. I am paired with Mr. KNOTT, of Kentucky. If he were present, I would vote "no."

Mr. HARMER. My colleague, Mr. KILLINGER, is paired with Mr. WELLS, of Missouri; and my colleague, Mr. FISHER, is paired with Mr. KITCHIN, of North Carolina. If present, my colleagues would vote "no."

The result of the vote was then announced as above stated.

Mr. STEPHENS moved to reconsider the vote by which the section as amended was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Section 4 of the bill was then read, as follows:

SEC. 4. That section 3524 of the Revised Statutes of the United States be amended so as to read as follows:

"SEC. 3524. The charges for melting and refining when bullion is below standard, for toughening when metals are contained in it which render it unfit for coinage, for copper used for alloy when the bullion is above standard, for separating the gold and silver when these metals exist together in the bullion, and for the preparation of bars, shall be fixed from time to time by the Director, with the concurrence of the Secretary of the Treasury, so as to equal, but not exceed, in their judgment, the actual average cost to each mint and assay office of the material, labor, wastage, and use of machinery employed in each of the cases aforementioned."

Mr. MARSH. I move to amend the section just read by inserting, at the beginning of the section and before the words "the charges for melting and refining when bullion is below standard," &c., that which I send to the Clerk's desk.

The Clerk read as follows:

The charges for converting gold and silver bullion into coin shall be the difference between the market value in New York City of the bullion and the legal-tender value of the coin.

Mr. WARNER. I call the previous question upon the section and pending amendment.

The previous question was seconded and the main question ordered.

The first question was upon the amendment moved by Mr. MARSH.

Mr. MARSH. Upon that amendment I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 118, nays 106, not voting 61; as follows:

YEAS—118.

Aldrich, William	Dick,	Joyce,	Ross,
Anderson,	Dunnell	Ketcham,	Russell, Daniel L.
Bailey,	Dwight,	Lindsey,	Russell, William A.
Barber,	Einstein,	Loring,	Ryan, Thomas
Bayne,	Errett,	Marsh,	Sapp,
Belford,	Farr,	Martin, Edward L.	Shallenberger,
Beltzhoover,	Ferdon,	Martin, Joseph J.	Sherwin,
Bingham,	Field,	Mason,	Smith, A. Herr
Blake,	Fort,	McCoid,	Springer,
Bliss,	Garfield,	McCook,	Stone,
Bowman,	Gibson,	McGowan,	Talbott,
Boyd,	Godshalk,	McKinley,	Thomas,
Brewer,	Hall,	Miles,	Townsend, Amos
Briggs,	Hammond, John	Mitchell,	Tyler,
Brigham,	Harmer,	Monroe,	Updegraff, J. T.
Browne,	Harris, Benj. W.	Morrison,	Updegraff, Thomas
Burrows,	Haskell,	Morse,	Urner,
Cannon,	Hawk,	Morton,	Valentine,
Carpenter,	Hawley,	Newberry,	Van Aernam,
Caswell,	Hayes,	Norcross,	Van Voorhis,
Chittenden,	Hazelton,	O'Neill,	Ward,
Claflin,	Heilman,	O'Reilly,	Washburn,
Conger,	Henderson,	Orth,	White,
Covert,	Hiscock,	Osmer,	Wilber,
Crapo,	Horr,	Poehler,	Williams, C. G.
Crowley,	Houk,	Pound,	Willits,
Davis, George R.	Hubbell,	Reed,	Wood, Fernando
Deering,	Humphrey,	Rice,	Young, Thomas L.
De La Matyr,	Hurd,	Richardson, D. P.	
Deuster,	Jones,	Robeson,	

NAYS—106.

Aiken,	Elam,	Lewis,	Smith, William E.
Armfield,	Ellis,	Lowe,	Sparks,
Atherton,	Evins,	Manning,	Speer,
Atkins,	Ewing,	Martin, Benj. F.	Steele,
Bicknell,	Felton,	McKenzie,	Stephens,
Blackburn,	Ford,	McMahon,	Stevenson,
Blount,	Forney,	McMillan,	Taylor,
Bouck,	Frost,	Money,	Thompson,
Bright,	Geddes,	Muldrow,	Tillman,
Cabell,	Gillette,	Murch,	Townshend, R. W.
Caldwell,	Goode,	New,	Turner, Oscar
Clardy,	Gunter,	Nicholls,	Turner, Thomas
Clark, John B.	Harris, John T.	O'Connor,	Vance,
Clymer,	Hatch,	Persons,	Waddill,
Cobb,	Henkle,	Phelps,	Warner,
Coffroth,	Henry,	Phister,	Weaver,
Converse,	Herbert,	Reagan,	Wellborn,
Cook,	Hooker,	Ryon, John W.	Whiteaker,
Cox,	Hostetler,	Samford,	Whitthorne,
Cravens,	House,	Sawyer,	Williams, Thomas
Culberson,	Hunton,	Scales,	Willis,
Daggett,	Johnston,	Shelley,	Wilson,
Davidson,	Kelley,	Simonton,	Wise,
Davis, Joseph J.	Kenna,	Singleton, J. W.	Wright,
Davis, Lowndes H.	King,	Singleton, O. R.	Yocum.
Dibrell,	Ladd,	Slemons,	
Dunn,	Le Fevre,	Smith, Hezekiah B.	

NOT VOTING—61.

Acklen,	Colerick,	Kitchin,	Price,
Aldrich, N. W.	Cowgill,	Klotz,	Richardson, J. S.
Bachman,	Dickey,	Knott,	Richmond,
Baker,	Finley,	Lapham,	Robertson,
Ballou,	Fisher,	Lay,	Robinson,
Barlow,	Forsythe,	Lounsbery,	Rothwell,
Beale,	Frye,	McLane,	Starin,
Bland,	Hammond, N. J.	Miller,	Tucker,
Bragg,	Herndon,	Mills,	Voorhis,
Buckner,	Hill,	Muller,	Wait,
Butterworth,	Hull,	Myers,	Wells,
Calkins,	James,	Neal,	Wood, Walter A.
Camp,	Jorgensen,	O'Brien,	Young, Casey.
Carlisle,	Keifer,	Overton,	
Chalmers,	Killinger,	Pierce,	
Clark, Alvah A.	Kimmel,	Prescott,	

So the amendment of Mr. MARSH to the fourth section was agreed to.

During the roll-call the following announcements were made:

Mr. ROBERTSON. I am paired with the gentleman from Massachusetts, Mr. ROBINSON. If he were here, I should vote "no."

Mr. HERNDON. I am paired with the gentleman from Rhode Island, Mr. ALDRICH.

Mr. DAVIDSON. My colleague, Mr. HULL, is paired with the gentleman from New Jersey, Mr. VOORHIS.

Mr. RICHARDSON, of South Carolina. I am paired with the gentleman from New York, Mr. CAMP. If at liberty to vote, I should vote "no."

Mr. RICHMOND. I am paired with the gentleman from New York, Mr. PRESCOTT. Were he present, I should vote "no."

Mr. COBB. My colleague, Mr. COLERICK, is paired with the gentleman from Rhode Island, Mr. BALLOU.

Mr. BLOUNT. My colleague from Georgia, Mr. HAMMOND, is paired with the gentleman from New York, Mr. MILLER.

Mr. ACKLEN. I am paired with the gentleman from New York, Mr. O'BRIEN. If he were present, I should vote "no."

Mr. WAIT. I am paired with the gentleman from Mississippi, Mr. CHALMERS.

Mr. WEAVER. The gentleman from Illinois, Mr. FORSYTHE, is paired with the gentleman from New York, Mr. WALTER A. WOOD. Mr. FORSYTHE, if present, would vote "no."

Mr. SAPP. My colleague, Mr. PRICE, is paired with the gentleman from Missouri, Mr. BUCKNER. Mr. PRICE, if present, would vote "ay."

Mr. TOWNSEND, of Ohio. My colleague, Mr. KEIFER, is paired with the gentleman from Missouri, Mr. ROTHWELL. Mr. KEIFER, if present, would vote "ay."

Mr. HARMER. My colleague, Mr. KILLINGER, is paired with the gentleman from Missouri, Mr. WELLS, and my colleague, Mr. FISHER, with the gentleman from North Carolina, Mr. KITCHIN. My colleagues, if present, would both vote "ay."

Mr. DICKEY. I am paired with my colleague, Mr. NEAL.

Mr. TOWNSHEND, of Illinois. The gentleman from Missouri, Mr. ROTHWELL, is paired with the gentleman from Ohio, Mr. KEIFER.

Mr. FINLEY. I am paired with the gentleman from Indiana, Mr. CALKINS. If permitted to vote, I should vote "no."

The result of the vote was announced as above stated, the announcement being followed by applause.

Mr. MARSH. I move to reconsider the vote just taken; and also move that the motion to reconsider be laid on the table.

Mr. EWING. Upon laying on the table the motion to reconsider I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 117, nays 105, not voting 63; as follows:

YEAS—117.

Aldrich, William	Dunnell,	Ketcham,	Russell, Daniel L.
Anderson,	Dwight,	Lindsey,	Russell, William A.
Bailey,	Einstein,	Loring,	Ryan, Thomas.
Barber,	Errett,	Marsh,	Sapp,
Bayne,	Farr,	Martin, Edward L.	Shallenberger,
Belford,	Ferdon,	Martin, Joseph J.	Sherwin,
Beltzhoover,	Field,	Mason,	Smith, A. Herr
Bingham,	Fort,	McCoid,	Springer,
Blake,	Garfield,	McCook,	Stone,
Bliss	Gibson,	McGowan,	Talbott,
Bowman,	Godshalk,	McKinley,	Thomas,
Boyd,	Hall,	Miles,	Townsend, Amos
Brewer,	Hammond, John	Mitchell,	Tyler,
Briggs,	Harmer,	Monroe,	Updegraff, J. T.
Brigham,	Harris, Benj. W.	Morrison,	Updegraff, Thomas
Browne,	Haskell,	Morse,	Urner,
Burrows,	Hawk,	Morton,	Valentine,
Cannon,	Hawley,	Newberry,	Van Aernam,
Carpenter,	Hayes,	Norcross,	Van Voorhis,
Caswell,	Hazelton,	O'Neill,	Ward,
Chittenden,	Heilman,	O'Reilly,	Washburn,
Claflin,	Henderson,	Orth,	White,
Conger,	Hiscock,	Osmer,	Wilber,
Covert,	Horr,	Poehler,	Williams, C. G.
Crapo,	Houk,	Pound,	Willits,
Crowley,	Hubbell,	Reed,	Wood, Fernando
Davis, George R.	Humphrey,	Rice,	Young, Thomas L.
Deering,	Hurd,	Richardson, D. P.	
Deuster,	Jones.	Robeson,	
Dick,	Joyce,	Ross,	

NAYS—105.

Aiken,	Atherton,	Bicknell,	Blount,
Armfield,	Atkins,	Blackburn,	Bouck,
Bright,	Forney,	McMahon,	Steele,
Cabell,	Frost,	McMillin,	Stephens,
Caldwell,	Geddes,	Money,	Stevenson,
Carlisle,	Gillette,	Muldrow,	Taylor,
Clardy,	Goode,	Murch,	Thompson,
Clark, John B.	Gunter,	New,	Tillman,
Clymer,	Harris, John T.	Nicholls,	Townshend, R. W.
Cobb,	Hatch,	O'Connor,	Turner, Oscar
Coffroth,	Henkle,	Persons,	Turner, Thomas
Converse,	Henry,	Phelps,	Vance,
Cook,	Herbert,	Phister,	Waddill,
Cox,	Hooker,	Reagan,	Warner,
Cravens,	Hostetler,	Ryon, John W.	Weaver,
Culberson,	House,	Samford,	Wellborn,
Daggett,	Hunton,	Sawyer,	Whiteaker,
Davidson,	Johnston,	Scales,	Whitthorne,
Davis, Joseph J.	Kelley,	Shelley,	Williams, Thomas
Davis, Loundes H.	King,	Simonton,	Willis,
Dibrell,	Ladd,	Singleton, J. W.	Wilson,
Dunn,	Le Fevre,	Singleton, O. R.	Wise,
Elam,	Lewis,	Slemons,	Wright,
Ellis,	Lowe,	Smith, Hezekiah B.	Yocum.
Evins,	Manning,	Smith, William E.	
Ewing,	Martin, Benj. F.	Sparks,	
Felton,	McKenzie,	Speer,	

NOT VOTING—63.

Acklen,	Cowgill,	Killinger,	Pierce,
Aldrich, N. W.	De La Matyr,	Kimmel,	Prescott,
Bachman,	Dickey,	Kitchin,	Price,
Baker,	Finley,	Klotz,	Richardson, J. S.
Ballou,	Fisher,	Knott,	Richmond,
Barlow,	Ford,	Lapham,	Robertson,
Beale,	Forsythe,	Lay,	Robinson,
Bland,	Frye,	Lounsbery,	Rothwell,
Bragg,	Hammond, N. J.	McLane,	Starin,
Buckner,	Herndon,	Miller,	Tucker,
Butterworth,	Hill,	Mills,	Voorhis,
Calkins,	Hull,	Muller,	Wait,
Camp,	James,	Myers,	Wells,
Chalmers,	Jorgensen,	Neal,	Wood, Walter A.
Clark, Alvah A.	Keifer,	O'Brien,	Young, Casey.
Colerick,	Kenna,	Overton,	

So the motion to reconsider was laid upon the table.

During the roll-call the following announcements were made:

Mr. ROBERTSON. I am paired with Mr. ROBINSON, of Massachusetts.

Mr. HUNTON. My colleague, Mr. TUCKER, is paired with Mr. LAPHAM.

Mr. FINLEY. I am paired with Mr. CALKINS. If he were here, I should vote "no."

Mr. HERNDON. I am paired with Mr. ALDRICH, of Rhode Island.

Mr. AIKEN. My colleague, Mr. RICHARDSON, who is absent, is paired with Mr. CAMP, of New York. If present, my colleague would vote "no" and Mr. CAMP would vote "ay."

Mr. RICHMOND. I am paired with Mr. PRESCOTT, of New York. If he were present, I should vote "no."

Mr. DAVIDSON. My colleague, Mr. HULL, is paired with Mr. VOORHIS, of New Jersey.

Mr. ACKLEN. I am paired with Mr. O'BRIEN. If he were present, I should vote "no."

Mr. COBB. My colleague, Mr. COLERICK, is paired with Mr. BALLOU, of Rhode Island.

Mr. WAIT. I am paired with Mr. CHALMERS, of Mississippi. He would vote "ay" and I should vote "no." I wish to state further that Mr. ROBINSON, of Massachusetts, is paired with Mr. ROBERTSON, of Louisiana.

Mr. UPDEGRAFF, of Ohio. My colleague, Mr. BUTTERWORTH, is paired with Mr. HILL.

Mr. CLAFLIN. Mr. JORGENSEN is paired with Mr. BEALE.

Mr. ROBESON. My colleague, Mr. VOORHIS, is paired with Mr. HULL, of Florida.

Mr. DICK. My colleague, Mr. KILLINGER, is paired with Mr. WELLS, of Missouri, and my colleague, Mr. FISHER, with Mr. KITCHIN, of North Carolina.

Mr. FRYE. I am paired with Mr. KNOTT.

Mr. DICKEY. I am paired with my colleague, Mr. NEAL.

Mr. WHITE. My colleague, Mr. OVERTON, is paired with Mr. YOUNG, of Tennessee.

Mr. SAPP. My colleague, Mr. PRICE, is paired with Mr. BUCKNER, of Missouri. Mr. PRICE would vote "ay."

Mr. TOWNSEND, of Ohio. Mr. KEIFER is paired with Mr. ROTHWELL, of Missouri. If present, Mr. KEIFER would vote "ay."

Mr. GARFIELD moved by unanimous consent to dispense with the reading of the names.

Mr. TOWNSHEND, of Illinois, objected.

The SPEAKER. The motion to reconsider is laid upon the table.

[Applause on the republican side.]

Mr. WARNER. I move the House do now adjourn. [Laughter on the republican side.]

The House divided; and there were—ayes 76, noes 103.

Mr. WARNER demanded the yeas and nays.

Mr. CONGER. The gentleman is obstructing the public business. [Laughter.]

The yeas and nays were ordered.

Mr. CONGER. Is there no remedy for these revolutionary proceedings? [Laughter.]

The question was taken; and it was decided in the affirmative—yeas 117, nays 110, not voting 58; as follows:

YEAS—117.

Acklen,	Dibrell,	Le Fevre,	Smith, Hezekiah B.
Aiken,	Dickey,	Lewis,	Smith William E.
Armfield,	Dunn,	Lowe,	Sparks,
Atherton,	Elam,	Manning,	Speer,
Atkins,	Ellis,	Martin, Benj. F.	Springer,
Beale,	Evins,	McKenzie,	Steele,
Bicknell,	Ewing,	McMahon,	Stephens,
Blackburn,	Felton,	McMillan,	Stevenson,
Blount,	Finley,	Money,	Taylor,
Bouck,	Ford,	Morrison,	Thompson,
Bright,	Forney,	Muldrow,	Tillman,
Buckner,	Frost,	Murch,	Townshend, R. W.
Cabell,	Geddes,	New,	Turner, Oscar
Caldwell,	Gillette,	Nicholls,	Turner, Thomas
Carlisle,	Goode,	O'Connor,	Vance,
Chalmers,	Gunter,	O'Reilly,	Waddill,
Clardy,	Harris, John T.	Persons,	Warner,
Clark, John B.	Hatch,	Phelps,	Weaver,
Clymer,	Henkle,	Phister,	Wellborn,
Cobb,	Henry,	Poehler,	Whiteaker,
Coffroth,	Herbert,	Reagan,	Whitthorne,
Converse,	Hooker,	Ryon, John W.	Williams, Thomas
Cook,	Hostetler,	Samford,	Willis,
Cox,	House,	Sawyer,	Wilson,
Cravens,	Hunton,	Scales,	Wise,
Culberson,	Johnston,	Shelley,	Wright,
Daggett,	Kelley,	Simonton,	Yocum.
Davidson,	Kenna,	Singleton, J. W.	
Davis, Joseph J.	King,	Singleton, O. R.	
Davis, Lowndes H.	Ladd,	Slemons,	

NAYS—110.

Aldrich, William	Deuster,	Hurd,	Russell, Daniel L.
Anderson,	Dick,	Jones,	Russell, William A.
Bailey,	Dunnell,	Joyce,	Ryan, Thomas
Barber,	Dwight,	Ketcham,	Sapp,
Bayne,	Einstein,	Lindsey,	Shallenberger,
Belford,	Errett,	Loring,	Sherwin,
Beltzhoover,	Farr,	Marsh,	Smith, A. Herr
Bingham,	Ferdon,	Martin, Joseph J.	Stone,
Blake,	Field,	Mason,	Talbott,
Bliss,	Fort,	McCook,	Thomas,
Bowman,	Garfield,	McGowan,	Townsend, Amos
Boyd,	Godshalk,	McKinley,	Tyler,
Brewer,	Hall,	Miles,	Updegraff, J. T.
Briggs,	Hammond, John	Mitchell,	Updegraff, Thomas
Brigham,	Harmer,	Monroe,	Urner,
Browne,	Harris, Benj. W.	Morse,	Valentine,
Burrows,	Haskell,	Morton,	Van Aernam,
Cannon,	Hawk,	Newberry,	Van Voorhis,
Carpenter,	Hawley,	Norcross,	Wait,
Caswell,	Hayes,	O'Neill,	Ward,
Chittenden,	Hazelton,	Orth,	Washburn,
Claflin,	Heilman,	Osmer,	White,
Conger,	Henderson,	Pound,	Wilber,
Covert,	Hiscock,	Reed,	Williams, C. G.
Crapo,	Horr,	Rice,	Willits,
Crowley,	Houk,	Richardson, D. P.	Young, Thomas L.
Davis, George R.	Hubbell,	Robeson,	
Deering,	Humphrey,	Ross,	

NOT VOTING—58.

Aldrich, N. W.	Forsythe,	Lapham,	Price,
Bachman,	Frye,	Lay,	Richardson, John S.
Baker,	Gibson,	Lounsbery,	Richmond,
Ballou,	Hammond, N. J.	Martin, Edward L.	Robertson,
Barlow,	Herndon,	McCoid,	Robinson,
Bland,	Hill,	McLane,	Rothwell,
Bragg,	Hull,	Miller,	Starin,
Butterworth,	James,	Mills,	Tucker,
Calkins,	Jorgensen,	Muller,	Voorhis,
Camp,	Keifer,	Myers,	Wells,
Clark, Alvah A.	Killinger,	Neal,	Wood, Fernando
Colerick,	Kimmel,	O'Brien,	Wood, Walter A.
Cowgill,	Kitchin,	Overton,	Young, Casey.
De La Matyr,	Klotz,	Pierce,	
Fisher,	Knott,	Prescott,	

So the motion was agreed to.

During the call of the roll the following announcements were made:

Mr. HERNDON. I am paired with Mr. ALDRICH, of Rhode Island. If he were here, I should vote "ay."

Mr. DAVIDSON. My colleague from Florida, Mr. HULL, is paired with Mr. VOORHIS, of New Jersey.

Mr. AIKEN. My colleague from South Carolina, Mr. RICHARDSON, is paired with Mr. CAMP, of New York. If he were present, Mr. RICHARDSON would vote "ay."

Mr. VAN AERNAM. My colleague from New York, Mr. LAPHAM, is absent on account of illness in his family. He is paired on all political questions with Mr. TUCKER, of Virginia. If present, he would vote "no."

Mr. WAIT. Mr. ROBINSON, of Massachusetts, is paired with Mr. ROBERTSON, of Louisiana.

Mr. BROWNE. My colleague from Indiana, Mr. COWGILL, is paired with my colleague, Mr. MYERS. My colleague, Mr. BAKER, is absent, and I believe is paired.

LABOR IN EUROPE.

Pending the announcement of the vote,

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of State, transmitting consular reports on the state of labor in Europe; which was referred to the Committee on Education and Labor, and ordered to be printed.

KANSAS TRUST RESERVE LANDS.

The SPEAKER also, by unanimous consent, laid before the House a letter from the Secretary of the Interior, recommending the passage of a bill for the relief of certain actual settlers upon the Kansas trust reserve lands in Kansas; which was referred to the Committee on Indian Affairs.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. SHELLEY indefinitely, on account of important business; and to Mr. HAMMOND, of Georgia, indefinitely.

DISTRICT BUSINESS.

Mr. HUNTON. I ask that Thursday of this week, at two o'clock, be assigned for reports from the Committee for the District of Columbia.

Mr. ATKINS. I object. Let the gentleman name any other day than Thursday.

Mr. HUNTON. As the gentleman objects to that day, I will say——

Mr. CONGER. I call for the regular order.

The result of the vote was then announced; and accordingly (at four o'clock and thirty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BICKNELL: The petition of John C. Blunk, for a pension—to the Committee on Invalid Pensions.

By Mr. BLISS: The petition of the New York and Cuba Mail Steamship Company; of W. P. Clyde & Co.; of the New York and Havana, New York and Charleston, New York and Wilmington, New York, Hayti and San Domingo steamship lines, J. B. Alexander & Sons' steamship lines to Havana and Mexico, and other steamship lines, for the removal of the sand-bank in East River, between Governor's Island and Brooklyn, New York—to the Committee on Commerce.

Also, the petition of the Maritime Association of the Port of New York, of similar import—to the same committee.

Also, resolutions of the Board of Commissioners of Pilots, asking for the removal of the Sand Spit, a shoal in East River between Governor's Island and Brooklyn, New York—to the same committee.

By Mr. BOUCK: The petition of J. B. Holloway, for compensation for services rendered to the Committee on Reform in the Civil Service—to the Committee of Accounts.

By Mr. CANNON, of Illinois: The petition of Charles C. Harden, for a pension—to the Committee on Invalid Pensions.

By Mr. CARLISLE: The petition of citizens of Kentucky, for the establishment of an additional judicial district in that State—to the Committee on the Judiciary.

By Mr. CHALMERS: The petition of J. Burnet and others, for an appropriation for the protection of the harbor at Grand Gulf, Mississippi—to the Committee on Commerce.

By Mr. COX: Papers relating to the war claim of Joseph A. Richardson, of New York—to the Committee on War Claims.

By Mr. DE LA MATYR: The petition of Thomas D. Phillips and others, citizens of Ohio, for the passage of a law to protect citizens from arrest by executive officers without warrant—to the Committee on the Judiciary.

Also, the petition of Daniel D. Ricketts, for a pension—to the Committee on Invalid Pensions.

By Mr. ELLIS: The petition of George A. R. Baum, for an increase of pension—to the same committee.

Also, the petition of Mrs. Bettie F. Gibson, to be allowed an amount equal to one year's salary which her husband, an employé of the Treasury Department, was receiving at the time of his death—to the Committee of Claims.

By Mr. GUNTER: The petition of Joseph W. Estep, for removal of the charge of desertion—to the Committee on Military Affairs.

Also, papers relating to the claim of William A. Britton, for reimbursement of moneys expended by him while marshal of the western district of Arkansas, in 1872—to the Committee of Claims.

By Mr. HENRY: The petition of John W. Dougherty, James M. Roberts, and James T. Taylor, owners of the schooner Chesapeake Trader, for compensation for said schooner, lost while in the service of the Government—to the Committee on War Claims.

By Mr. HERNDON: The petition of citizens of Choctaw County, Alabama, for the establishment of a post-route from Butler to Cooper's Mill, in said county—to the Committee on the Post-Office and Post-Roads.

By Mr. HOUSE: Papers relating to the war claim of J. W. Lawless—to the Committee on War Claims.

By Mr. KING: Two petitions from citizens of Caldwell and Jackson Parishes, Louisiana, for the passage of the Reagan interstate-commerce bill—to the Committee on Commerce.

By Mr. LAPHAM: The petition of citizens of New York, against any change in the revenue laws that will promote the interest of dealers in spirituous liquors—to the Committee of Ways and Means.

By Mr. McMAHON: The petition of Henry Trauernicht, for increase of pension—to the Committee on Invalid Pensions.

Also, papers relating to the pension claims of Robert Bell, Henry Clay Peter Jordan, Mrs. John Joyce, and Valentine Rapp—to the same committee.

Also, papers relating to the bounty claims of Andrew Dunn, Horace C. Hatch, and John Whitcombe—to the Committee on Military Affairs.

Also, papers relating to the claim of Thomas J. Williams, for the difference in the pay of a first sergeant and of a second lieutenant of cavalry from April 19, 1864, to November 29, 1864—to the same committee.

Also, papers relating to the war claim of Peter March, Frederick Kimmerly, David Vaughan, Barney Schooley, Eliza Scott, Phebe C. Clement, Frederick Smith, Owen McNabb, and Thomas Miller—to the Committee on War Claims.

By Mr. MORRISON: Papers relating to the war claims of William E. Gere, of Adolph Muller, and of Charles Valier—to the same committee.

Also, papers relating to the pension claim of Caroline Stief—to the Committee on Invalid Pensions.

Also, papers relating to the petition of the heirs of Colonel Stephen H. Long, that the Secretary of War be directed to examine and consider their claim for compensation for use of Long's patent scraper—to the Committee on Military Affairs.

Also, a paper relating to the claim of John Hobson for compensation for medical services rendered the Government in 1862, in the small-pox hospital at Mound City, Illinois—to the same committee.

By Mr. MURCH: The petition of 73 citizens of Boston, Massachusetts, for the enforcement of the eight-hour law—to the Committee on Education and Labor.

Also, the petitions of William J. Bradford and 22 others, of Cushing; of William A. Oakes and 96 others, of Greenbush; of 100 citizens of Washington; of 147 citizens of Old Town; of James Blood and 33 others, of Camden; of E. D. Merriam and 97 others, of Rockport; of Warren Weston and 35 others, of Brewer; and of Peter H. Gordon and 183 others, of Portland, Maine, for the enactment of a law authorizing a new issue of legal-tender paper money, and directing the Secretary of the Treasury to buy and cancel bonds with the same—to the Committee on Banking and Currency.

By Mr. PRESCOTT: The petition of citizens of Vernon, New York, against the extension of the Birdsell clover-huller patent—to the Committee on Patents.

By Mr. SHELLEY: Papers relating to the pension claim of Edward Brown Boutwell—to the Committee on Invalid Pensions.

Also, the petition of Charles W. Cunningham, for an investigation of the manner in which the contract was let for the sweeping of the streets of the city of Washington, District of Columbia—to the Committee for the District of Columbia.

By Mr. TAYLOR: The petition of Enoch Seal, for bounty and back pay—to the Committee on Military Affairs.

By Mr. WILBER: The petition of citizens of New York, against the extension of the Birdsell clover-huller patent—to the Committee on Patents.

By Mr. YOUNG, of Tennessee: Papers relating to the war claims of Andrew J. Ballard, and of William H. Wood, administrator of George Wood, deceased—to the Committee on War Claims.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May* 21, 1879.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read.

CORRECTION.

Mr. NEWBERRY. I am recorded as not voting yesterday on the motion to lay upon the table the motion to reconsider the vote by which the amendment of the gentleman from Illinois [Mr. MARSH] to the fourth section of the silver bill was agreed to. I voted "ay."

The SPEAKER. The correction will be made.

The Journal was then approved.

JURORS IN UNITED STATES COURTS.

Mr. COX. I ask unanimous consent to submit the resolution which I send to the desk. It is merely a resolution asking for information.

The Clerk read as follows:

Resolved, That the Attorney-General be directed to report to this House any correspondence which he has had with the district attorneys of the several Federal judicial districts of the United States as to the impaneling of jurors in the United States courts.

Mr. FRYE. Was there not a rule adopted a few days since requiring that resolutions of this character should be referred to committees?

The SPEAKER. A rule has been adopted that resolutions of this character may be presented during the morning hour of Monday for reference to the appropriate committees. But the gentleman from New York asks unanimous consent that this resolution shall be adopted now.

Mr. COX. I have no sinister purpose in it, I assure the gentleman. It is merely a resolution asking for information.

Mr. FRYE. I must object.

Mr. COX. If it will satisfy the gentleman from Maine, I will insert the words "if not incompatible with the public service." It will thus be left discretionary with the Attorney-General to furnish the information.

Mr. CONGER. I think it can stand till Monday.

The SPEAKER. Objection is made.

REPRESENTATIVES OF SOLOMON COHEN.

Mr. NICHOLLS, by unanimous consent, introduced a bill (H. R. No. 2009) for the relief of the legal representatives of Solomon Cohen, late postmaster at Savannah, Georgia; which was read a first and second time, and referred to the Committee of Claims.

REPRESENTATIVES OF CYRUS K. OSGOOD.

Mr. NICHOLLS also, by unanimous consent, introduced a bill (H. R. No. 2010) for the relief of the legal representatives and sureties of Cyrus K. Osgood, deceased; which was read a first and second time, and referred to the Committee of Claims.

JURIES.

Mr. SHELLEY, by unanimous consent, introduced a bill (H. R. No. 2011) to prohibit officers of the United States and of the States from serving on juries in the courts of the United States and Territories; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

REMOVAL OF CAUSES TO UNITED STATES COURTS.

Mr. TOWNSHEND, of Illinois. I call for the regular order.

The SPEAKER. The regular order being called for, the morning hour begins at fourteen minutes past twelve, and the House resumes the consideration of the unfinished business of the morning hour, which is the report from the Committee on the Revision of the Laws of the bill (H. R. No. 1715) to repeal certain sections of the Revised Statutes and to amend certain sections of the Revised Statutes and of the Statutes at Large relating to the removal of causes from State courts, with amendments. The pending question is on seconding the demand for the previous question.

Mr. TOWNSHEND, of Illinois. I demand a vote on that.

Mr. FRYE. I desire to ask the gentleman from Illinois a question. This is a very important matter, far-reaching in its consequences; and the mind of the House, I think, is not in a condition to discuss it or understand it now. I ask the gentleman from Illinois whether he will not consent to have the bill referred to the Judiciary Committee or recommitted to his own committee, with the understanding that it will not be brought back at this extra session.

Mr. TOWNSHEND, of Illinois. I think the mind of the House, with perhaps the exception of the gentleman from Maine, is in a proper condition to consider and dispose of this bill; and for that reason I shall decline to withdraw the demand for the previous question.

Mr. CONGER. I ask the gentleman, then, to allow further discussion upon this question; there are several gentlemen here who have prepared remarks which they wish to submit to the House.

Mr. TOWNSHEND, of Illinois. I will state that as soon as the demand for the previous question is sustained, I shall be willing to yield to gentlemen.

Mr. ATKINS. I object to further discussion in the morning hour. I would ask if it be not admissible to take a subject out of the morning hour, under the amended rule, and refer it to the House?

The SPEAKER. It is not.

Mr. ATKINS. Then I shall object to further discussion under the rule.

The SPEAKER. The previous question would take it out of the morning hour, if it were sustained.

Mr. CONGER. I call for a division on seconding the previous question.

Mr. TOWNSHEND, of Illinois. The gentleman did not rise from his seat when he demanded that call.

Mr. CONGER. If the gentleman will come over here, he will learn whether or not I asked for a division.

Mr. TOWNSHEND, of Illinois. You did not rise from your seat; you only said "divide" while you were sitting in your seat.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed the bill (H. R. No. 2) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes, with amendments in which he was directed to ask the concurrence of the House.

REMOVAL OF CAUSES TO UNITED STATES COURTS.

The question was put upon seconding the demand for the previous question; and on a division there were ayes 85, noes none.

The SPEAKER. No quorum having voted, the Chair will order tellers.

The gentleman from Michigan, Mr. CONGER, and the gentleman from Illinois, Mr. TOWNSHEND, will act as tellers.

The House again divided; and the tellers reported ayes 82, noes none.

Mr. CONGER. I make the point of order that no quorum has voted.

Mr. TOWNSHEND, of Illinois. I move that there be a call of the House.

Mr. CONGER. I make the point of order that there cannot be a call of the House without a count by the Chair first, to ascertain if there be a quorum present.

The SPEAKER. A quorum has not voted; but the gentleman from Illinois [Mr. TOWNSHEND] has a right to move that there be a call of the House.

Mr. CONGER. On seconding the demand for the previous question?

The SPEAKER. Certainly; that is a vote of the House, and there must be a quorum upon it.

The question was put upon the motion of Mr. TOWNSHEND, of Illinois; and it was agreed to.

The roll was accordingly called; and the following members failed to answer to their names:

Aldrich, N. W.	Colerick,	Hull,	Muller,
Bachman,	Cowgill,	James,	Myers,
Baker,	Crapo,	Jorgensen,	O'Brien,
Ballou,	Daggett,	Keifer,	Overton,
Barlow,	Dick,	Ketcham,	Pierce,
Belford,	Dwight,	Killinger,	Poehler,
Bland,	Elam,	Kimmel,	Prescott,
Bliss,	Ewing,	Kitchin,	Price,
Bowman,	Finley,	Klotz,	Robinson,
Bragg,	Fisher,	Lapham,	Rothwell,
Bright,	Forsythe,	Lay,	Russell, Daniel L.
Browne,	Fort,	Lowe,	Starin,
Butterworth,	Gibson,	Martin, Benj. F.	Tucker,
Cabell,	Gillette,	Mason,	Voorhis,
Calkins,	Godshalk,	McLane,	Weaver,
Camp,	Hammond, N. J.	Miller,	Wells,
Carlisle,	Hazelton,	Mitchell,	Wood, Walter A.
Clark, Alvah A.	Hill,	Morrison,	Young, Thomas L.

Mr. TOWNSHEND, of Illinois. I move to dispense with further proceedings under the call.

Mr. CONGER. Upon that question I ask for a division.

The question was put; and on a division there were—ayes 91, noes 22.

Mr. CONGER. I ask for the yeas and nays upon that motion.

Mr. TOWNSHEND, of Illinois. I would ask if it is necessary to have a quorum voting upon a motion to dispense with further proceedings under the call?

Mr. CONGER. I demand the yeas and nays.

The SPEAKER. The gentleman has a right to demand the yeas and nays upon a motion to dispense with further proceedings under the call.

The yeas and nays were ordered.

Mr. TOWNSHEND, of Illinois. I wish to appeal to gentlemen on the other side of the House. [Loud cries of "Regular order" from the republican side of the House.] I call their attention to the fact that by filibustering on the other side they are obstructing the introduction of the appropriation bills and of other legislation. [Loud cries of "Regular order!"]

The question was taken upon the motion of Mr. TOWNSHEND, of Illinois; and there were—yeas 196, nays 6, not voting 83; as follows:

YEAS—196.

Acklen,	Davis, Joseph J.	Kenna,	Sherwin,
Aiken,	Davis, Loundes H.	King,	Simonton,
Aldrich, William	De La Matyr,	Knott,	Singleton, J. W.
Anderson,	Deering,	Ladd,	Singleton, O. R.
Armfield,	Deuster,	Le Fevre,	Slemons,
Atherton,	Dibrell,	Lewis,	Smith, A. Herr
Atkins,	Dickey,	Lindsey,	Smith, Hezekiah B.
Barber,	Dunn,	Loring,	Smith, William E.
Bayne,	Dunnell,	Lowe,	Sparks,
Beale,	Dwight,	Manning,	Speer,
Belford,	Einstein,	Martin, Edward L.	Springer,
Beltzhoover,	Evins,	Martin, Joseph J.	Steele,
Bicknell,	Farr,	Mason,	Stephens,
Bingham,	Felton,	McCook,	Stevenson,
Blackburn,	Field,	McKenzie,	Stone,
Blake,	Forney,	McKinley,	Talbott,
Bliss,	Fort,	McMahon,	Taylor,
Blount,	Frost,	McMillin,	Thomas,
Bouck,	Frye,	Miles,	Thompson,
Bowman,	Garfield,	Mitchell,	Tillman,
Boyd,	Geddes,	Money,	Townsend, Amos
Brewer,	Gillette,	Monroe,	Townshend, R. W.
Briggs,	Godshalk,	Morrison,	Turner, Oscar
Brigham,	Goode,	Morse,	Tyler,
Bright,	Gunter,	Morton,	Updegraff, J. T.
Browne,	Hall,	Muldrow,	Updegraff, Thomas
Buckner,	Hammond, John	Murch,	Valentine,
Burrows,	Harmer,	Newberry,	Vance,
Caldwell,	Harris, Benj. W.	Nicholls,	Van Voorhis,
Cannon,	Harris, John T.	Norcross,	Waddill,
Carpenter,	Hatch,	O'Connor,	Wait,
Chalmers,	Hawk,	O'Neill,	Ward,
Chittenden,	Hawley,	O'Reilly,	Warner,
Claflin,	Hayes,	Osmer,	Washburn,
Clardy,	Heilman,	Persons,	Weaver,
Clark, John B.	Henkle,	Phelps,	Wellborn,
Clymer,	Henry,	Phister,	Whiteaker,
Cobb,	Herbert,	Reagan,	Whitthorne,
Coffroth,	Hooker,	Rice,	Wilber,
Conger,	Horr,	Richardson, D. P.	Williams, C. G.
Converse,	Hostetler,	Richmond,	Williams, Thomas
Cook,	Houk,	Robeson,	Willis,
Covert,	House,	Russell, William A.	Willits,
Cox,	Hubbell,	Ryan, Thomas	Wilson,
Cravens,	Humphrey,	Ryon, John W.	Wise,
Crowley,	Hunton,	Samford,	Wood, Fernando
Culberson,	Johnston,	Sawyer,	Wright,
Davidson,	Joyce,	Scales,	Yocum,
Davis George R.	Kelley,	Shallenberger,	Young, Casey.

NAYS—6.

Errett,	Neal,	Sapp,	Turner, Thomas.
Hiscock,	Reed,		

NOT VOTING—83.

Aldrich, N. W.	Ellis,	Killinger,	Poehler,
Bachman,	Ewing,	Kimmel,	Pound,
Bailey,	Ferdon,	Kitchin,	Prescott,
Baker,	Finley,	Klotz,	Price,
Ballou,	Fisher,	Lapham,	Richardson, J. S.
Barlow,	Ford,	Lay,	Robertson,
Bland,	Forsythe,	Lounsbery,	Robinson,
Bragg,	Gibson,	Marsh,	Ross,
Butterworth,	Hammond, N. J.	Martin, Benj. F.	Rothwell,
Cabell,	Haskell,	McCoid,	Russell, Daniel L.
Calkins,	Hazelton,	McGowan,	Shelley,
Camp,	Henderson,	McLane,	Starin,
Carlisle,	Herndon,	Miller,	Tucker,
Caswell,	Hill,	Mills,	Urner,
Clark, Alvah A.	Hull,	Muller,	Van Aernam,
Colerick,	Hurd,	Myers,	Voorhis,
Cowgill,	James,	New,	Wells,
Crapo,	Jones,	O'Brien,	White,
Daggett,	Jorgensen,	Orth,	Wood, Walter A.
Dick,	Keifer,	Overton,	Young, Thomas L.
Elam,	Ketcham,	Pierce,	

So the motion to dispense with further proceedings under the call was agreed to.

During the call of the roll the following announcements were made:

Mr. DAVIDSON. My colleague, Mr. HULL, is paired with Mr. VOORHIS, of New Jersey.

Mr. ELLIS. I am paired on all questions with Mr. CRAPO, of Massachusetts.

Mr. RICHARDSON, of South Carolina. I am paired with Mr. CAMP, of New York. If he were here, I would vote "ay."

Mr. COBB. My colleague, Mr. COLERICK, is paired with Mr. BALLOU, of Rhode Island.

Mr. BAKER. I am paired on all political questions with Mr. KLOTZ, of Pennsylvania.

Mr. BAILEY. I am paired with my colleague, Mr. LOUNSBERY.

Mr. HARRIS, of Massachusetts. My colleague, Mr. CRAPO, is paired with Mr. ELLIS, of Louisiana.

Mr. SAPP. My colleague, Mr. PRICE, is paired with Mr. BUCKNER, of Missouri.

Mr. SHELLEY. I am paired with Mr. KETCHAM, of New York.

Mr. WHITE. My colleague, Mr. OVERTON, is paired with Mr. CLARK, of New Jersey.

Mr. VAN AERNAM. My colleague, Mr. LAPHAM, is absent on account of serious illness in his family, and is paired with Mr. TUCKER, of Virginia.

Mr. URNER. I am paired with my colleague, Mr. MCLANE.

Mr. HARMER. My colleague, Mr. DICK, is paired with Mr. LAY, of Missouri; my colleague, Mr. KILLINGER, is paired with Mr. WELLS, of Missouri; and my colleague, Mr. FISHER, is paired with Mr. KITCHIN, of North Carolina.

Mr. FINLEY. I am paired with Mr. CALKINS, of Indiana.

Mr. ROBERTSON. I am paired with Mr. ROBINSON, of Massachusetts.

Mr. ARMFIELD. My colleague, Mr. KITCHIN, is paired with Mr. FISHER, of Pennsylvania.

Mr. COFFROTH. My colleague, Mr. BACHMAN, is paired with Mr. STARIN, of New York; and my colleague, Mr. KLOTZ, is paired with Mr. BAKER, of Indiana.

Mr. BICKNELL. Mr. MYERS, of Indiana, is paired with Mr. COWGILL, of Indiana.

Mr. TOWNSEND, of Ohio. My colleague, Mr. KEIFER, is paired with Mr. ROTHWELL, of Missouri.

Mr. WHITE, (having voted in the negative.) I am informed that the gentleman from Louisiana, Mr. ELAM, understands that he is paired with me. I therefore withdraw my vote.

Mr. BRIGHT. I ask that the reading of the names be dispensed with.

Mr. CONGER. I object; this is too important a vote to omit the reading of the names.

The names were then read, and the result of the vote announced as above stated.

Mr. CONGER. I move to reconsider the vote by which the House dispensed with further proceedings under the call.

The question was taken; and upon a division there were—ayes 71, noes 83.

Before the result of this vote was announced,

Mr. CONGER called for the yeas and nays.

Mr. WARNER. Has the morning hour expired?

The SPEAKER. It has not.

Mr. STEPHENS. How many minutes of the morning hour remain?

The SPEAKER. The morning hour will expire at fourteen minutes past one; in about ten minutes.

Mr. WARNER. Let us have tellers, then.

Mr. CONGER. I think tellers will not consume the remainder of the morning hour; let us have the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 36, nays 168, not voting 81; as follows:

YEAS—36.

Belford,	Daggett,	Deering,	Dunnell,
Carpenter,	Davis, Joseph J.	Deuster,	Dwight,

Fort,	Kelley,	Neal,	Updegraff, J. T.
Hall,	Lindsey,	Norcross,	Updegraff, Thomas
Hammond, John	Loring,	O'Neill,	Van Aernam,
Harris, Benj. W.	Mason,	Rice,	Wait,
Houk,	McCoid,	Russell, W. A.	Warner,
Hubbell,	Miles,	Ryan, Thomas	Washburn,
Jones,	Morse,	Sapp,	Williams, C. G.

NAYS—168.

Acklen,	Dibrell,	Ladd,	Singleton, J. W.
Aiken,	Dickey,	Le Fevre,	Singleton, O. R.
Aldrich, William	Dunn,	Lewis,	Slemons,
Anderson,	Einstein	Lowe,	Smith, A. Herr
Armfield,	Elam,	Manning,	Smith, Hezekiah B.
Atkins,	Errett,	Martin, Benj. F.	Smith, William E.
Barber,	Evins,	Martin, Edward L.	Sparks,
Bayne,	Ewing,	Martin, Joseph J.	Speer,
Beltzhoover,	Farr,	McCook,	Springer,
Bicknell,	Felton,	McGowan,	Steele,
Bingham,	Ferdon,	McKenzie,	Stephens,
Blackburn,	Field,	McMillin,	Stevenson,
Blake,	Ford,	Mitchell,	Stone,
Bliss,	Forney,	Money,	Talbott,
Blount,	Frost,	Monroe,	Taylor,
Bouck,	Frye,	Morrison,	Thomas,
Boyd,	Garfield,	Morton,	Thompson,
Brewer,	Geddes,	Muldrow,	Tillman,
Briggs,	Gillette,	Murch,	Townsend, Amos
Brigham,	Godshalk,	New,	Townshend, R. W.
Bright,	Goode,	Newberry,	Turner, Oscar
Browne,	Gunter,	Nicholls,	Turner, Thomas
Buckner,	Harmer,	O'Connor,	Valentine,
Burrows,	Harris, John T.	O'Reilly,	Vance,
Caldwell,	Haskell,	Orth,	Van Voorhis,
Cannon,	Hatch,	Osmer,	Waddill,
Carlisle,	Hawk,	Persons,	Ward,
Caswell,	Hawley,	Phelps,	Weaver,
Claflin,	Hayes,	Phister,	Wellborn,
Clardy,	Hellman,	Poehler,	White,
Clymer,	Henry,	Reagan,	Whiteaker,
Cobb,	Herbert,	Richardson, D. P.	Whitthorne,
Coffroth,	Hooker,	Richmond,	Wilber,
Conger,	Horr,	Robeson,	Williams, Thomas
Cook,	Hostetler,	Ross,	Willis,
Covert,	House,	Ryon, John W.	Willits,
Cox,	Humphrey,	Samford,	Wilson,
Cravens,	Hunton,	Sawyer,	Wise,
Culberson,	Joyce,	Scales,	Wood, Fernando
Davidson,	Kenna,	Shallenberger,	Yocum,
Davis, George R.	King,	Sherwin,	Young, Casey
Davis, Loundes H.	Knott,	Simonton,	Young, Thomas L.

NOT VOTING—81.

Aldrich, N. W.	Cowgill,	Jorgensen,	Pound,
Atherton,	Crapo,	Keifer,	Prescott,
Bachman,	Crowley,	Ketcham,	Price,
Bailey,	De La Matyr,	Killinger,	Reed,
Baker,	Dick,	Kimmel,	Richardson, J. S.
Ballou,	Ellis,	Kitchin,	Robertson,
Barlow,	Finley,	Klotz,	Robinson,
Beale,	Fisher,	Lapham,	Rothwell,
Bland,	Forsythe,	Lay,	Russell, Daniel L.
Bowman,	Gibson,	Lounsbery,	Shelley,
Bragg,	Hammond, N. J.	Marsh,	Starin,
Butterworth,	Hazelton,	McKinley,	Tucker,
Cabell,	Henderson,	McLane,	Tyler,
Calkins,	Henkle,	McMahon,	Urner,
Camp,	Herndon,	Miller,	Voorhis,
Chalmers,	Hill,	Mills,	Wells,
Chittenden,	Hiscock,	Muller,	Wood, Walter A.
Clark, Alvah A.	Hull,	Myers,	Wright.
Clark, John B.	Hurd,	O'Brien,	
Colerick,	James,	Overton,	
Converse,	Johnston,	Pierce,	

So the motion to reconsider was not agreed to.

During the roll-call the following announcements were made:

Mr. HUNTON. My colleague, Mr. TUCKER, is paired with the gentleman from New York, Mr. LAPHAM.

Mr. RORERTSON. I am paired with the gentleman from Massachusetts, Mr. ROBINSON.

Mr. FINLEY. I am paired with the gentleman from Indiana, Mr. CALKINS. If at liberty to vote, I should vote "no."

Mr. SHELLEY. I am paired with the gentleman from New York, Mr. KETCHAM.

Mr. HERNDON. I am paired with the gentleman from Rhode Island, Mr. ALDRICH.

Mr. BICKNELL. My colleague, Mr. MYERS, is paired with my colleague, Mr. COWGILL.

Mr. DAVIDSON. My colleague, Mr. HULL, who is absent from the House, is paired with the gentleman from New Jersey, Mr. VOORHIS.

Mr. RICHARDSON, of South Carolina. I am paired with the gentleman from New York, Mr. CAMP. Were I at liberty to vote, I should vote "no."

Mr. COBB. My colleague, Mr. COLERICK, is paired with the gentleman from Rhode Island, Mr. BALLOU.

Mr. BLOUNT. My colleague from Georgia, Mr. HAMMOND, is paired with the gentleman from New York, Mr. MILLER.

Mr. BAILEY. I am paired with my colleague, Mr. LOUNSBERY.

Mr. WHITE. My colleague, Mr. OVERTON, is paired with the gentleman from New Jersey, Mr. CLARK.

Mr. BAKER. On all political questions I am paired with the gentleman from Pennsylvania, Mr. KLOTZ.

Mr. URNER. I am paired with my colleague, Mr. MCLANE.

Mr. BINGHAM. My colleague, Mr. DICK, is paired with the gentleman from Missouri, Mr. LAY; my colleague, Mr. KILLINGER, with the gentleman from Missouri, Mr. WELLS; and my colleague, Mr. FISHER, with the gentleman from North Carolina, Mr. KITCHIN.

The result of the vote was announced as above stated.

The SPEAKER. The morning hour has expired.

CORRECTION.

Mr. NEW. I desire to correct the RECORD. I have just discovered that I am recorded as not voting yesterday upon the amendment offered by the gentleman from Illinois [Mr. MARSH] to the fourth section of the silver bill. I was in my seat, and voted "no."

The SPEAKER. The gentleman's vote is not recorded either on the Journal or in the RECORD.

Mr. NEW. I ask that my vote be recorded.

The SPEAKER. Is there objection to allowing the gentleman to record his vote on the adoption of the amendment offered by the gentleman from Illinois [Mr. MARSH] to the fourth section of the silver bill? This additional vote will not change the result.

Mr. CONGER. That was a pretty close vote, and I think we had better not make any change in it.

Mr. STEPHENS. The gentleman from Indiana [Mr. NEW] says that he did vote.

Mr. NEW. My statement is that I did vote, and I ask that the record may be corrected.

The SPEAKER. The Chair always accepts the statement of a member on a matter of this kind.

Mr. NEW. Gentlemen on either side of me remember distinctly that I voted.

The SPEAKER. The statement of the gentleman is sufficient.

Mr. NEW'S vote was then recorded in the negative.

Some time subsequently,

Mr. CONGER said: I understand that the reporters have me down in their notes as having objected to the gentleman from Indiana [Mr. NEW] recording his vote when he stated that he did vote. I understood that the request was to have some vote recorded when the member had not voted. I withdraw my objection.

The SPEAKER. The vote of the gentleman from Indiana [Mr. NEW] has been recorded. The Chair always takes the statement of the gentleman upon that point.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ATKINS. I ask unanimous consent that the amendments of the Senate to the bill (H. R. No. 2) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes, be taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

There being no objection, it was ordered accordingly.

KANSAS TRUST RESERVE LANDS.

Mr. RYAN, of Kansas. Mr. Speaker, I observe by this morning's RECORD that the Chair yesterday just before the adjournment referred to the Committee on Indian Affairs a communication from the Secretary of the Interior recommending the passage of a bill for the relief of certain actual settlers upon the Kansas trust reserve lands in Kansas. That properly should go to the Committee on Public Lands, and I ask that it be so referred.

The SPEAKER. The Chair hears no objection to the change of reference, and it is made accordingly.

INTERNATIONAL EXHIBITION.

Mr. COX, by unanimous consent, introduced a bill (H. R. No. 2012) to provide for holding an international exhibition of arts, manufactures, and products of the soil and mine in the city of New York and State of New York; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

BRIG KATIE.

Mr. LADD. I ask unanimous consent to introduce for reference to the Committee on Commerce a joint resolution authorizing the Secretary of the Treasury to issue an American register to the brig Katie.

Mr. KELLEY. I object to the introduction of the bill at this time.

DISTRICT BUSINESS.

Mr. HUNTON. I rise, Mr. Speaker, for the purpose of asking unanimous consent to fix another day for the consideration of the business of the Committee for the District of Columbia, that committee having been cut out of it last Monday. I ask by unanimous consent that Tuesday next at two o'clock be set apart for the consideration of that business with like privileges for the Committee for the District of Columbia which it has under the rules on the third Monday of each month.

Mr. CONGER. Not to interfere with the appropriation bills.

The SPEAKER. The committee have the absolute right to the time after two o'clock on the third Monday of each month.

Mr. FRYE. Why not Monday next?

Mr. HUNTON. The House may adjourn over Monday next and probably cut us out again.

Mr. FRYE. Probably they will not adjourn over. I object.

Mr. WHITE. Why not to-morrow?

Mr. HUNTON. Because we think it better to have Tuesday next.

Mr. FRYE. I will object unless the gentleman will ask for Monday next.

Mr. HUNTON. No; we may be cut out again by an adjournment over.

Mr. CONGER. I will object to any special order in reference to which appropriation bills are not excepted. If the gentleman will make that exception I will not object.

Mr. HUNTON. Very well; I will make that exception.

The SPEAKER. That varies the rule, but it can be done by unanimous consent. Is there objection to the Committee for the District of Columbia having Tuesday next after two o'clock for the consideration of that business, not to interfere with appropriation bills?

Mr. WHITE. Yes; I object.

Mr. WARNER. Regular order.

The SPEAKER. The regular order is the unfinished business coming over from yesterday.

Mr. SINGLETON, of Mississippi. I rise, Mr. Speaker, for the purpose of making a privileged report from the Committee on Printing.

The SPEAKER. This is the special order, and the gentleman cannot interrupt it except by unanimous consent. The gentleman from Ohio demands the regular order of business.

Mr. SINGLETON, of Mississippi. I ask unanimous consent, then, to be allowed to submit a report from the Committee on Printing.

Mr. FRYE. I object.

Mr. HUNTON. Mr. Speaker, I am informed there will be no objection if I ask for to-morrow after two o'clock for the District of Columbia business.

Mr. WARNER. Provided it shall not interfere with the coinage bill if that should go over. [Laughter.]

The SPEAKER. Does the gentleman object?

Mr. WARNER. I object unless on that condition.

COINAGE CERTIFICATES, ETC.

Mr. WARNER. I call for the regular order.

The SPEAKER. The morning hour has expired, and the House resumes the consideration of the unfinished business coming over from Saturday, being the bill (H. R. No. 564) to amend certain sections of the Revised Statutes of the United States, relating to coinage and coin and bullion certificates, and for other purposes. The pending question is on agreeing to the fourth section as amended.

Mr. CONGER. Let it be read.

The Clerk read as follows:

SEC. 4. That section 3524 of the Revised Statutes of the United States be amended so as to read as follows:

"SEC. 3524. The charges for converting gold and silver bullion into coin shall be the difference between the market value in New York City of the bullion and the legal-tender value of the coin. The charges for melting and refining when bullion is below standard, for toughening when metals are contained in it which render it unfit for coinage, for copper used for alloy when the bullion is above standard, for separating the gold and silver when these metals exist together in the bullion, and for the preparation of bars, shall be fixed from time to time by the Director, with the concurrence of the Secretary of the Treasury, so as to equal, but not exceed, in their judgment, the actual average cost to each mint and assay office of the material, labor, wastage, and use of machinery employed in each of the cases aforementioned."

Mr. KNOTT. I rise to a parliamentary inquiry.

The SPEAKER. State it.

Mr. KNOTT. I desire to know what will be the effect of the bill if the present question is decided in the negative?

The SPEAKER. If the section, as amended, is voted down, it will be stricken from the bill.

Mr. KNOTT. It will be "dropped out" of the bill?

The SPEAKER. It will.

Mr. WARNER. But, Mr. Speaker, I have been directed by the Committee on Coinage, Weights, and Measures, if this section is voted down—— [Cries of "Regular order!"]

Mr. SPRINGER. I object to debate.

Mr. WARNER. I have been directed by that committee to move a substitute for section 9.

Mr. REED. That is in the nature of debate. [Cries of "Vote!"]

Mr. BELFORD. I rise to a parliamentary inquiry. I desire to know whether a motion to recommit this bill to the Committee on Coinage, Weights, and Measures is in order?

The SPEAKER. Not at this time, because the previous question is not yet exhausted. After the previous question has been exhausted the motion to recommit will be in order.

Mr. BELFORD. I give notice, then, when it is in order I will move to recommit the bill.

Mr. SPRINGER. "Sufficient unto the day is the evil thereof."

The SPEAKER. It will be time to decide that question when it arises. [Laughter.]

Mr. CONGER. I demand the yeas and nays on the fourth section as amended.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 113, nays 109, not voting 63; as follows:

YEAS—113.

Aldrich, William	Bliss,	Carpenter,	Deuster,
Anderson,	Bowman,	Caswell,	Dunnell,
Bailey,	Boyd,	Chittenden,	Dwight,
Barber,	Brewer,	Claflin,	Einstein,
Bayne,	Briggs,	Conger,	Errett,
Belford,	Brigham,	Covert,	Farr,
Beltzhoover,	Browne,	Crowley,	Ferdon,
Bingham,	Burrows,	Davis, George R.	Field,
Blake,	Cannon,	Deering,	Fort,
Frye,	Joyce,	O'Neill,	Townsend, Amos
Garfield,	Lindsey,	O'Reilly,	Tyler,
Godshalk,	Loring,	Orth,	Updegraff, J. T.
Hall,	Marsh,	Osmer,	Updegraff, Thomas
Hammond, John	Martin, Edward L.	Poehler,	Urner,
Harmer,	Martin, Joseph J.	Pound,	Valentine,
Harris, Benj. W.	Mason,	Reed,	Van Aernam,
Haskell,	McCoid,	Rice,	Van Voorhis,
Hawk,	McCook,	Richardson, D. P.	Wait,
Hawley,	McGowan,	Robeson,	Ward,
Hayes,	McKinley,	Ross,	Washburn,
Hellman,	Miles,	Russell, William A.	White,
Henderson,	Mitchell,	Ryan, Thomas	Wilber,
Hiscock,	Monroe,	Shallenberger,	Williams, C. G.
Horr,	Morrison,	Sherwin,	Willits,
Houk,	Morse,	Smith, A. Herr	Wood, Fernando
Hubbell,	Morton,	Springer,	Young, Thomas L.
Humphrey,	Neal,	Stone,	
Hurd,	Newberry,	Talbott,	
Jones,	Norcross,	Thomas,	

NAYS—109.

Aiken,	Dickey,	Le Fevre,	Smith, William E.
Armfield,	Dunn,	Lewis,	Sparks,
Atherton,	Elam,	Lowe,	Speer,
Atkins,	Evins,	Manning,	Steele,
Bicknell,	Ewing,	Martin, Benj. F.	Stephens,
Blackburn,	Felton,	McKenzie,	Stevenson,
Blount,	Ford,	McMahon,	Taylor,
Bouck,	Forney,	McMillin,	Thompson,
Bright,	Frost,	Mills,	Tillman,
Cabell,	Geddes,	Money,	Townshend, R. W.
Caldwell,	Gillette,	Muldrow,	Turner, Oscar
Carlisle,	Goode,	Murch,	Turner, Thomas
Chalmers,	Gunter,	New,	Vance,
Clardy,	Harris, John T.	Nicholls,	Waddill,
Clark, John B.	Hatch,	O'Connor,	Warner,
Clymer,	Henkle,	Persons,	Weaver,
Cobb,	Henry,	Phelps,	Wellborn,
Coffroth,	Herbert,	Phister,	Whiteaker,
Converse,	Hooker,	Reagan,	Whitthorne,
Cook,	Hostetler,	Ryon, John W.	Williams, Thomas
Cox,	House,	Samford,	Willis,
Cravens,	Hunton,	Sawyer,	Wilson,
Culberson,	Johnston,	Scales,	Wise,
Daggett.	Kelley,	Simonton,	Wright,
Davis, Joseph J.	Kenna,	Singleton, J. W.	Yocum.
Davis, Loundes H.	King,	Singleton, O. R.	
De La Matyr,	Knott,	Slemons,	
Dibrell,	Ladd,	Smith, Hezekiah B.	

NOT VOTING—63.

Acklen,	Crapo,	Ketcham,	Price,
Aldrich, N. W.	Davidson,	Killinger,	Richardson, John S.
Bachman,	Dick,	Kimmel,	Richmond,
Baker,	Ellis,	Kitchin,	Robertson,
Ballou,	Finley,	Klotz,	Robinson,
Barlow,	Fisher,	Lapham,	Rothwell,
Beale,	Forsythe,	Lay,	Russell, Daniel L.
Bland,	Gibson,	Lounsbery,	Sapp,
Bragg,	Hammond, N. J.	McLane,	Shelley,
Buckner,	Hazelton,	Miller,	Starin,
Butterworth,	Herndon,	Muller,	Tucker,
Calkins,	Hill,	Myers,	Voorhis,
Camp,	Hull,	O'Brien,	Wells,
Clark, Alvah A.	James,	Overton,	Wood, Walter A.
Colerick,	Jorgensen,	Pierce,	Young, Casey.
Cowgill,	Keifer,	Prescott,	

So section 4, as amended, was agreed to.

During the roll-call the following announcements were made:

Mr. BEALE. I am paired with my colleague, Mr. JORGENSEN. If he were here, I would vote "no" and he would vote "ay."

Mr. ROBERTSON. I am paired with Mr. ROBINSON, of Massachusetts. If he were here, I would vote "no."

Mr. BUCKNER. I am paired with Mr. PRICE, of Iowa.

Mr. HERNDON. I am paired with the gentleman from Rhode Island, Mr. BALLOU.

Mr. FINLEY. I am paired with the gentleman from Indiana, Mr. CALKINS. If he were present, I should vote "no."

Mr. FORNEY. My colleague, Mr. SHELLEY, is paired with the gentleman from New York, Mr. KETCHAM.

Mr. COFFROTH. My colleague, Mr. BACHMAN, is paired with Mr. STARIN, of New York, and my colleague, Mr. KLOTZ, is paired with Mr. BAKER, of Indiana.

Mr. ARMFIELD. My colleague, Mr. KITCHIN, is paired with Mr. FISHER, of Pennsylvania. If Mr. KITCHIN were here, he would vote "no."

Mr. YOUNG, of Tennessee. I am paired with the gentleman from Pennsylvania, Mr. OVERTON. If he were present, I should vote "ay."

Mr. BLOUNT. My colleague, Mr. HAMMOND, of Georgia, is paired with the gentleman from New York, Mr. MILLER.

Mr. RICHMOND. I am paired with Mr. PRESCOTT, of New York. If he were present, I should vote "no."

Mr. RICHARDSON, of South Carolina. I am paired with the gentleman from New York, Mr. CAMP. If he were present, I should vote "no."

Mr. EVINS. I am requested to announce that Mr. HULL, of Florida, is paired with the gentleman from New Jersey, Mr. VOORHIS.

Mr. WEAVER. Mr. FORSYTHE, of Illinois, is paired with the gentleman from New York, Mr. WALTER A. WOOD. If Mr. FORSYTHE were here, he would vote "no."

Mr. NEWBERRY. Mr. PRESCOTT, of New York, is paired with Mr. RICHMOND, of Virginia.

Mr. HARRIS, of Massachusetts. I desire to announce that my colleague, Mr. CRAPO, is paired with Mr. ELLIS, of Louisiana.

Mr. ACKLEN. I am paired with Mr. O'BRIEN, of New York. If he were here, I should vote "no."

Mr. BAKER. On this question I am paired with Mr. KLOTZ, of Pennsylvania. If he were present, I should vote "ay."

Mr. SAPP. I am paired with the gentleman from Florida, Mr. DAVIDSON. If he were present, I should vote "ay." I desire to say further that my colleague, Mr. PRICE, is paired with Mr. BUCKNER, of Missouri. If he were here, he would vote "ay."

Mr. TOWNSEND, of Ohio. My colleague, Mr. KEIFER, is paired with the gentleman from Missouri, Mr. ROTHWELL.

Mr. CLARK, of Missouri. My colleague, Mr. BLAND, is paired with the gentleman from Maryland, Mr. MCLANE.

Mr. VAN AERNAM. My colleague, Mr. LAPHAM, is called home by severe illness in his family, and is paired with the gentleman from Virginia, Mr. TUCKER. If present, he would vote "ay."

Mr. BINGHAM. My colleague, Mr. KILLINGER, is paired with the gentleman from Missouri, Mr. WELLS; if present, he would vote "ay." Mr. FISHER, of Pennsylvania, is paired with Mr. KITCHIN, of North Carolina; Mr. FISHER, if present, would vote "ay."

Mr. HARMER. My colleague, Mr. DICK, is paired with the gentleman from Missouri, Mr. LAY. If he were here, he would vote "ay."

Mr. ELLIS. Upon all questions I am paired with Mr. CRAPO, of Massachusetts.

Mr. BICKNELL. My colleague, Mr. MYERS, is paired with my other colleague, Mr. COWGILL.

Mr. UPDEGRAFF, of Ohio. My colleague, Mr. BUTTERWORTH, is paired with my other colleague, Mr. HILL.

Mr. HEILMAN. My colleague, Mr. COWGILL, is paired with Mr. MYERS.

The result of the vote was then announced as above stated.

Mr. MARSH. I move to reconsider the vote by which the fourth section, as amended, was adopted; and also move that the motion to reconsider be laid on the table.

Many members called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 110, nays 109, not voting 66; as follows:

YEAS—110.

Aldrich, William	Dwight,	Lindsey,	Ross,
Anderson,	Einstein,	Loring,	Russell, William A.
Bailey,	Errett,	Marsh,	Ryan, Thomas
Barber,	Farr,	Martin, Edward L.	Shallenberger,
Bayne,	Ferdon,	Martin, Joseph J.	Sherwin,
Beltzhoover,	Field,	Mason,	Smith, A. Herr
Bingham,	Fort,	McCoid,	Stone,
Blake,	Frye,	McCook,	Talbott,
Bliss,	Garfield,	McGowan,	Thomas,
Bowman,	Godshalk,	McKinley,	Townsend, Amos
Boyd,	Hall,	Miles,	Tyler,
Brewer,	Hammond, John	Mitchell,	Updegraff, J. T.
Briggs,	Harmer,	Monroe,	Updegraff, Thomas
Brigham,	Harris, Benj. W.	Morse,	Urner,
Browne,	Haskell,	Morton,	Valentine,
Burrows,	Hawk,	Neal,	Van Aernam,
Cannon,	Hawley,	Newberry,	Van Voorhis,
Carpenter,	Hayes,	Norcross,	Wait,
Caswell,	Heilman,	O'Neill,	Ward,
Chittenden,	Henderson,	O'Reilly,	Washburn,
Claflin,	Hiscock,	Orth,	White,
Conger,	Horr,	Osmer,	Wilber,
Covert,	Houk,	Poehler,	Williams, C. G.
Crowley,	Hubbell,	Pound,	Willits,
Davis, George R.	Humphrey,	Reed,	Wood, Fernando
Deering,	Hurd,	Rice,	Young, Thomas L.
Deuster,	Jones,	Richardson, D. P.	
Dunnell,	Joyce,	Robeson,	

NAYS—109.

Aiken,	Dickey,	Le Fevre,	Sparks,
Armfield,	Dunn,	Lewis,	Speer,
Atherton,	Elam,	Lowe,	Springer,
Atkins,	Evins,	Manning,	Steele,
Bicknell,	Ewing,	Martin, Benj. F.	Stephens,
Blackburn,	Felton,	McKenzie,	Stevenson,
Blount,	Ford,	McMahon,	Taylor,
Bouck,	Forney,	McMillin,	Thompson,
Bright,	Frost,	Mills,	Tillman,
Cabell,	Geddes,	Money,	Townshend, R. W.
Caldwell,	Gillette,	Muldrow,	Turner, Oscar
Carlisle,	Goode,	Murch,	Turner, Thomas
Chalmers,	Gunter,	New,	Vance,
Clardy,	Harris, John T.	Nicholls,	Waddill,
Clark, John B.	Hatch,	O'Connor,	Warner,
Clymer,	Henkle,	Persons,	Weaver,
Cobb,	Henry,	Phelps,	Wellborn,
Coffroth,	Herbert,	Phister,	Whiteaker,
Converse,	Hooker,	Reagan,	Whitthorne,
Cook,	Hostetler,	Ryon, John W.	Williams, Thomas
Cox,	House,	Samford,	Willis,
Cravens,	Hunton,	Sawyer,	Wilson,
Culberson,	Johnston,	Scales,	Wise,
Daggett,	Kelley,	Simonton,	Wright,
Davis, Joseph J.	Kenna,	Singleton, J. W.	Yocum.
Davis, Loundes H.	King,	Slemons,	
De La Matyr,	Knott,	Smith, Hezekiah B.	
Dibrell,	Ladd,	Smith, William E.	

NOT VOTING—66.

Acklen,	Bachman,	Ballou,	Beale,
Aldrich, Nelson W.	Baker,	Barlow,	Belford,
Bland,	Forsythe,	Lapham,	Robertson,
Bragg,	Gibson,	Lay,	Robinson,
Buckner,	Hammond, N. J.	Lounsbery,	Rothwell,
Butterworth,	Hazelton,	McLane,	Russell, Daniel L.
Calkins,	Herndon,	Miller,	Sapp,
Camp,	Hill,	Morrison,	Shelley,
Clark, Alvah A.	Hull,	Muller,	Singleton, O. R.
Colerick,	James,	Myers,	Starin,
Cowgill,	Jorgensen,	O'Brien,	Tucker,
Crapo,	Keifer,	Overton,	Voorhis,
Davidson,	Ketcham,	Pierce,	Wells,
Dick,	Killinger,	Prescott,	Wood, Walter A.
Ellis,	Kimmel,	Price,	Young, Casey.
Finley,	Kitchin,	Richardson, J. S.	
Fisher,	Klotz,	Richmond,	

So the motion to reconsider was laid on the table.

During the roll-call the following announcements were made:

Mr. ROBERTSON. I am paired with the gentleman from Massachusetts, Mr. ROBINSON.

Mr. FINLEY. I am paired with Mr. CALKINS, of Indiana.

Mr. HERNDON. I am paired with Mr. ALDRICH, of Rhode Island.

Mr. FORNEY. My colleague, Mr. SHELLEY, is paired with Mr. KETCHAM, of New York.

Mr. BEALE. I am paired with my colleague, Mr. JORGENSEN. If he were present, I should vote "no."

Mr. EVINS. I desire to state that Mr. HULL, of Florida, is paired with Mr. VOORHIS, of New Jersey.

Mr. ACKLEN. I am paired with the gentleman from New York, Mr. O'BRIEN.

Mr. AIKEN. My colleague, Mr. RICHARDSON, of South Carolina, is paired with Mr. CAMP, of New York. If present, he would vote "no."

Mr. RICHMOND. I am paired upon this question with Mr. PRESCOTT, of New York.

Mr. COBB. My colleague, Mr. COLERICK, is paired with Mr. BALLOU, of Rhode Island.

Mr. HARRIS, of Massachusetts. My colleague, Mr. CRAPO, is paired with Mr. ELLIS, of Louisiana. If present, he would vote "ay."

Mr. TOWNSEND, of Ohio. My colleague, Mr. KEIFER, is paired with Mr. ROTHWELL, of Missouri. If he were present, he would vote "ay."

Mr. SAPP. I am paired with the gentleman from Florida, Mr. DAVIDSON. If he were present, I should vote "ay." My colleague, Mr. PRICE, is paired with Mr. BUCKNER, of Missouri. If Mr. PRICE were here, he would vote "ay."

Mr. ROBESON. I desire to announce that Mr. LAPHAM is absent on account of sickness in his family, and is paired with Mr. TUCKER, of Virginia.

Mr. HARMER. My colleague, Mr. DICK, of Pennsylvania, is paired with Mr. LAY, of Missouri. If Mr. DICK were present, he would vote "ay."

Mr. BINGHAM. My colleague, Mr. KILLINGER, is paired with the gentleman from Missouri, Mr. WELLS; and my colleague, Mr. FISHER, is paired with the gentleman from North Carolina, Mr. KITCHIN. Both of my colleagues, if present, would vote "ay."

Mr. HUNTON. My colleague, Mr. TUCKER, is absent, and is paired with the gentleman from New York, Mr. LAPHAM.

The result of the vote was announced as above stated.

Mr. WARNER. I now call the previous question on section 5 of the bill.

Mr. GARFIELD. Not until the section is read.

The SPEAKER. The section will be read.

The section was read as follows:

SEC. 5. That section 3527 of the Revised Statutes of the United States be amended so as to read as follows:

"SEC. 3527. Silver coins of less denominations than $1 shall be paid out at the several mints, and at the assay-office in New York City, to the extent they may be required in exchange for gold coins or the standard silver dollars, or United States notes, at par, in sums not less than $50. It shall be lawful also to transmit parcels of the same, from time to time, to the assistant treasurers, depositaries, and other officers of the United States, for exchange, under general regulations proposed by the Director of the Mint, and approved by the Secretary of the Treasury. And silver coins of less denominations than $1, when presented at the Treasury or any sub-treasury or depository of the United States, in sums not less than $50, shall be received in exchange for money of full legal tender."

The amendments reported from the Committee on Coinage, Weights, and Measures were to strike out the word "the" before the words "standard silver dollars" in the first part of the section, and toward the end of the section to strike out the word "fifty" and insert the word "twenty" before the word "dollars."

Mr. WARNER. I call the previous question on the section and pending amendments.

The previous question was seconded and the main question ordered.

The amendments reported from the committee were agreed to; and the section, as amended, was then adopted.

Section 6 of the bill was then read, as follows:

SEC. 6. That section 3585 of the Revised Statutes of the United States be amended so as to read as follows:

"SEC. 3585. The gold coins of the United States and the standard silver dollar shall be a legal tender in all payments at their nominal value, when not below the standard weight and limit of tolerance provided by law for the single piece, and, when reduced in weight below such standard and tolerance, shall be a legal tender at valuation in proportion to their actual weight."

The amendments reported from the committee were to strike out the word "the" before the words "standard silver," and strike out

the word "dollar" and insert the word "dollars" after the words "standard silver;" so that it will read "the gold coins of the United States and standard silver dollars shall be a legal tender," &c.

Mr. WARNER. I call the previous question on the section and pending amendment.

Mr. WEAVER. I desire to offer an amendment.

Mr. WARNER. Let me see it.

Mr. WEAVER. I ask that it be read.

Mr. WARNER. I will hear it read.

The amendment was read, as follows:

Add to section 6 the following:
The Secretary of the Treasury is hereby directed and required to cause to be paid out without discrimination standard silver coin belonging to the Government that may at any time be in the Treasury the same as gold coin in liquidation of all kinds of coin obligations against the Government.

Mr. WARNER. I am willing to let that amendment be voted upon.

The SPEAKER. There are two amendments already pending to the section; and that would be an amendment in the third degree.

Mr. GARFIELD. I object to any amendment in the third degree.

Mr. WEAVER. I gave notice that I would introduce this amendment, and it was the understanding all the time that it was pending.

Mr. GARFIELD. It could not have been pending.

The SPEAKER. The question will be taken upon the first amendment recommended by the committee.

Mr. REED. Does the gentleman from Ohio [Mr. WARNER] withdraw his call for the previous question?

The SPEAKER. The Chair understands that he does.

Mr. GARFIELD. Then let us have some debate on this section.

Mr. REED. If the call for the previous question is withdrawn, then this section is open for debate and further amendment.

Mr. CONGER. If the previous question is not pending, I desire to be heard.

Mr. WARNER. I call the previous question on the amendments.

Mr. WHITE. On what amendments?

Mr. WARNER. On the two amendments recommended by the committee.

The SPEAKER. The Chair understands the gentleman now to call the previous question on the amendments reported from the Committee on Coinage, Weights, and Measures.

Mr. WARNER. I do; they are merely verbal amendments.

The question was taken upon seconding the previous question; and upon a division there were—ayes 88, noes 91.

Before the result of this vote was announced,

Mr. WARNER called for tellers.

Tellers were ordered; and Mr. WARNER and Mr. CONGER were appointed.

The House again divided; and the tellers reported that there were—ayes 99, noes 97.

So the previous question was seconded.

The main question was then ordered; and under the operation thereof the two amendments reported from the Committee on Coinage, Weights, and Measures were agreed to.

Mr. WEAVER. I now offer the amendment which I send up.

Mr. WARNER. And I call the previous question on the section and the amendment.

Mr. CONGER. Is there any amendment pending?

The SPEAKER. The gentleman from Iowa [Mr. WEAVER] submits an amendment.

Mr. CONGER. Was not the call for the previous question made before the amendment was submitted?

The SPEAKER. The previous question was ordered on the two amendments recommended by the committee, and those amendments have been disposed of. Now, the gentleman from Ohio [Mr. WARNER] demands the previous question with the understanding that the amendment of the gentleman from Iowa [Mr. WEAVER] comes in.

Mr. WHITE. Was not the previous question called on the section and amendments?

The SPEAKER. It was not; on the amendments only.

Mr. CONGER. If the previous question is demanded, I object to the amendment being read.

The SPEAKER. The gentleman from Ohio [Mr. WARNER] states that he allowed the amendment to be offered before he made the demand for the previous question.

Mr. CONGER. Then the demand for the previous question is not pending?

Mr. McMILLIN. The demand for the previous question is pending on the section and amendment.

Mr. CONGER. The Chair understands the question. The amendment certainly cannot be offered and considered pending if the demand for the previous question is pending.

The SPEAKER. The gentleman from Ohio distinctly stated long ago that he would call the previous question on the two amendments which were recommended by the committee so that he would have the opportunity of yielding for this amendment.

Mr. CONGER. If he does so before demanding the previous question it is all right; but if he has demanded the previous question——

The SPEAKER. Why, the amendment was on the desk, in the hands of the Clerk——

Mr. CONGER. But it has not been before the House.

The SPEAKER. The Chair recognizes the gentleman from Iowa [Mr. WEAVER] as entitled to offer the amendment, and it will be read.

The Clerk read as follows:

Add to section 6 the following:
The Secretary of the Treasury is hereby directed and required to cause to be paid out without discrimination standard silver coin belonging to the Government that may at any time be in the Treasury, the same as gold coin, in liquidation of all kinds of coin obligations against the Government.

Mr. CONGER. Now, Mr. Speaker——

Mr. WARNER. I demand the previous question on the section and the amendment. I have done so already.

Mr. CONGER. I addressed the Chair before the gentleman.

Mr. WARNER. But I had already demanded the previous question.

The SPEAKER. The gentleman from Ohio, in charge of the bill, surely has the right, under all parliamentary practice, to test the sense of the House on ordering the previous question.

Mr. CONGER. But he was conversing, and I first addressed the Chair.

The SPEAKER. The Chair recognizes the gentleman from Ohio [Mr. WARNER] as in charge of the bill.

Mr. CONGER. How long does the gentleman have this right?

The SPEAKER. The gentleman from Ohio is recognized by the Chair as having control of the bill, so as to be entitled to the floor for the purpose of calling the previous question, until the House votes down the demand. If that should be done, the control of the floor would revert to the other side.

The question being taken on seconding the demand for the previous question on the section and the amendment of Mr. WEAVER, it was agreed to; there being—ayes 97, noes 93.

The main question was then ordered.

The SPEAKER. The first question is upon the amendment offered by the gentleman from Iowa, [Mr. WEAVER.]

Mr. SPRINGER. I call for the yeas and nays on agreeing to the amendment.

The yeas and nays were ordered.

The question was taken; and there were—yeas 143, nays 75, not voting 67; as follows:

YEAS—143.

Aiken,	Dibrell,	Ladd,	Singleton, J. W.
Anderson,	Dickey,	Le Fevre,	Singleton, O. R.
Armfield,	Dunn,	Lewis,	Slemons,
Atherton,	Dunnell,	Lowe,	Smith, Hezekiah B.
Atkins,	Elam,	Manning,	Smith, William E.
Belford,	Evins,	Marsh,	Sparks,
Beltzhoover,	Ewing,	Martin, Benj. F.	Speer,
Bicknell.	Felton,	Martin, Edward L.	Springer,
Blackburn,	Ford,	Martin, Joseph J.	Steele,
Blount,	Forney,	McCoid,	Stephens,
Bouck,	Fort,	McKenzie,	Stevenson,
Boyd,	Frost,	McMahon,	Talbott,
Bright,	Geddes,	McMillin,	Taylor,
Browne,	Gillette,	Mills,	Thompson,
Cabell,	Goode,	Money,	Tillman,
Caldwell,	Gunter,	Morrison,	Townshend, R. W.
Cannon,	Harris, John T.	Muldrow,	Turner, Oscar
Carlisle,	Haskell,	Murch,	Turner, Thomas
Caswell,	Hatch,	Neal,	Updegraff, Thomas
Chalmers,	Hawk,	New,	Valentine,
Clardy,	Henderson,	Nicholls,	Van Aernam,
Clark, John B.	Henkle,	O'Connor,	Vance,
Clymer,	Henry,	Orth,	Waddill,
Cobb,	Herbert,	Persons,	Warner,
Coffroth,	Hooker,	Phelps,	Weaver,
Converse,	Hostetler,	Phister,	Wellborn,
Cook,	Houk,	Poehler,	White,
Cox,	House,	Reagan,	Whiteaker,
Cravens,	Hunton,	Ross,	Whitthorne,
Culberson,	Hurd,	Russell, Daniel L.	Williams, Thomas
Daggett,	Johnston,	Ryan, Thomas	Willis,
Davis, Joseph J.	Jones,	Ryon, John W.	Wilson,
Davis, Loundes H.	Kelley,	Samford,	Wise,
De La Matyr,	Kenna,	Sawyer,	Wright,
Deering,	King,	Scales,	Yocum.
Deuster,	Knott,	Simonton,	

NAYS—75.

Aldrich, William	Dwight,	Joyce,	Robeson,
Bailey,	Einstein,	Loring,	Russell, William A.
Barber,	Farr,	Mason,	Shallenberger,
Bayne,	Ferdon,	McCook,	Sherwin,
Bingham,	Field,	McGowan,	Smith, A. Herr
Blake,	Frye,	McKinley,	Stone,
Bliss,	Garfield,	Miles,	Thomas,
Bowman,	Godshalk,	Mitchell,	Townsend, Amos
Brewer,	Hall,	Monroe,	Tyler,
Briggs,	Hammond, John	Morse,	Updegraff, J. T.
Brigham,	Harmer,	Morton,	Urner.
Burrows,	Harris, Benj. W.	Newberry,	Van Voorhis,
Carpenter,	Hawley,	Norcross,	Wait,
Chittenden,	Hayes,	O'Neill,	Ward,
Claflin,	Heilman,	O'Reilly,	Washburn,
Conger,	Hiscock,	Osmer,	Wilber,
Covert,	Horr,	Reed,	Willits,
Crowley,	Hubbell,	Rice,	Young, Thomas L.
Davis, George R.	Humphrey,	Richardson, D. P.	

NOT VOTING—67.

Acklen,	Beale,	Camp,	Dick,
Aldrich, Nelson W.	Bland,	Clark, Alvah A.	Ellis,
Bachman,	Bragg,	Colerick,	Errett,
Baker,	Buckner,	Cowgill,	Finley,
Ballou,	Butterworth,	Crapo,	Fisher,
Barlow,	Calkins,	Davidson,	Forsythe,

Gibson,	Kimmel,	O'Brien,	Sapp,
Hammond, N. J.	Kitchin,	Overton,	Shelley,
Hazelton,	Klotz,	Pierce,	Starin,
Herndon,	Lapham,	Pound,	Tucker,
Hill,	Lay,	Prescott,	Voorhis,
Hull,	Lindsey,	Price,	Wells,
James,	Lounsbery,	Richardson, J. S.	Williams, C. G.
Jorgensen,	McLane,	Richmond,	Wood, Fernando
Keifer,	Miller,	Robertson,	Wood, Walter A.
Ketcham,	Muller,	Robinson,	Young, Casey.
Killinger,	Myers,	Rothwell,	

So Mr. WEAVER'S amendment was agreed to.

During the roll-call the following announcements were made:

Mr. BEALE. I am paired with my colleague, Mr. JORGENSEN. If he were present, I should vote in the affirmative and he would vote in the negative.

Mr. ROBERTSON. I am paired with Mr. ROBINSON, of Massachusetts.

Mr. HERNDON. I am paired with Mr. ALDRICH, of Rhode Island. If he were present, I would vote "ay."

Mr. HUNTON. My colleague, Mr. TUCKER, is paired with Mr. LAPHAM, of New York.

Mr. BUCKNER. I am paired with Mr. PRICE, of Iowa. If he were present, I should vote "ay."

Mr. CLARK, of Missouri. My colleague, Mr. BLAND, is paired with Mr. MCLANE, of Maryland.

Mr. FINLEY. I am paired with Mr. CALKINS, of Indiana.

Mr. SAMFORD. My colleague, Mr. SHELLEY, is paired with Mr. KETCHAM.

Mr. COFFROTH. My colleague, Mr. BACHMAN, is paired with Mr. STARIN, and my colleague, Mr. KLOTZ, with Mr. BAKER, of Indiana. If my colleagues were present, they would vote in the affirmative.

Mr. ARMFIELD. My colleague, Mr. KITCHIN, is paired with Mr. FISHER, of Pennsylvania.

Mr. BICKNELL. My colleague, Mr. MYERS, is paired with Mr. COWGILL. If present, Mr. MYERS would vote in the affirmative.

Mr. COBB. My colleague, Mr. COLERICK, is paired with Mr. BALLOU. If present, Mr. COLERICK would vote "ay."

Mr. RICHMOND. I am paired with Mr. PRESCOTT. If he were present, I should vote "ay."

Mr. RICHARDSON, of South Carolina. I am paired with Mr. CAMP. I should vote "ay," and I presume he would vote "no."

Mr. BOUCK. My colleague, Mr. BRAGG, is paired with Mr. JAMES, of New York. If Mr. BRAGG were present, he would vote "ay."

Mr. NEWBERRY. Mr. PRESCOTT is paired with Mr. RICHMOND. If present, Mr. PRESCOTT would vote "no."

Mr. SAPP. I am paired with Mr. DAVIDSON, of Florida. If he were here, I should vote "ay." My colleague, Mr. PRICE, is paired with Mr. BUCKNER. I do not know how he would vote.

Mr. TOWNSHEND, of Ohio. My colleague, Mr. KEIFER, is paired with Mr. ROTHWELL, of Missouri.

Mr. VAN AERNAM. My colleague, Mr. LAPHAM, who has been called home by sickness in his family, is paired on all questions with Mr. TUCKER, of Virginia. If present, I presume he would vote "no."

Mr. BINGHAM. My colleague, Mr. KILLINGER, is paired with Mr. WELLS, of Missouri, and my other colleague, Mr. FISHER, with Mr. KITCHIN, of North Carolina.

Mr. HARMER. My colleague, Mr. DICK, is paired with Mr. LAY.

The vote was then announced, as above recorded.

Mr. WEAVER moved to reconsider the vote by which the amendment was adopted; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

Mr. GARFIELD. I wish to offer an amendment to this section if in order.

Mr. WARNER. It is not in order, as the previous question is still operating.

Mr. GARFIELD. The previous question operated only on the amendment.

The SPEAKER. The previous question was called on the section and amendments.

Mr. GARFIELD. On the eighth section?

The SPEAKER. We have not reached the eighth section yet. The vote is now on the sixth section as amended.

The sixth section, as amended, was agreed to.

Mr. WARNER moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The Clerk will read the next section.

The Clerk read as follows:

SEC. 7. That section 3586 of the Revised Statutes of the United States be amended so as to read as follows:

"SEC. 3586. The silver coins of the United States, of smaller denominations than $1, shall be a legal tender at their nominal value for any amount not exceeding $20 in any one payment."

Mr. WARNER. I demand the previous question on the section and pending amendment if there be any.

The SPEAKER. There are none pending.

The previous question was seconded and the main question ordered; and under the operation thereof the section was agreed to.

Mr. WARNER moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The SPEAKER. The Clerk will read the next section.

The Clerk read as follows:

SEC. 8. That section 254 of the Revised Statutes of the United States be amended so as to read as follows:

"SEC. 254. The Secretary of the Treasury is authorized and required to receive deposits of gold or silver coin and gold or silver bullion, with the Treasurer or any assistant treasurer of the United States, in sums not less than $20, and to issue certificates therefor, in denominations of not less than $5 each, corresponding with the denominations of the United States notes. The coin and bullion deposited for, or representing the certificates of deposit, shall be retained in the Treasury for the payment of the same on demand. And certificates representing coin in the Treasury may be issued in payment of interest on the public debt, which certificates, together with those issued for coin and bullion deposited, shall not at any time exceed 20 per cent. beyond the amount of coin and bullion in the Treasury; and the certificates for coin and bullion in the Treasury shall be received at par in payment for all dues to the United States, including duties on imports."

Mr. WARNER. I demand the previous question on the section and pending amendments.

Mr. GARFIELD. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. GARFIELD. I make the point of order that the words in this section from line 13, beginning after the word "demand" and running down to the end of the section, are not in order, and that no rule of this House can make them in order.

For the reason that a higher rule than any of our rules prevails, namely, a clause in the Constitution of the United States which I ask the liberty to read. Section 4 of article 14 of the Constitution is in these words:

The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned.

This questions the validity of every item of the public debt payable in coin—of all the interest of the public debt which is payable in coin.

Mr. MCMAHON. Is it a question of order that a law is unconstitutional?

The SPEAKER. The Chair will answer the point in a moment.

Mr. GARFIELD. I am stating the question of order.

Mr. WARNER. That is the law now. This bill does not change the law in that respect.

The SPEAKER. The Chair will hear the gentleman from Ohio on the point of order.

Mr. GARFIELD. I desire to be permitted to state it without interruption. This debate has been pustuled all over with interruptions. I call attention to this fact, that here is a clause of the Constitution forbidding the only power that could question it and thereby forbidding this House to question the validity of the public debt, and of course the validity of the contract for its payment. Now, it is palpably known, and the Chair is bound to take historical and judicial notice of it, that our public debt is payable, principal and interest, in coin.

Mr. WARNER. Does this change it?

Mr. GARFIELD. My colleague must not interrupt me. Now here is a proposition declaring that the interest on the public debt shall be paid in pieces of paper which are not money.

Mr. WARNER. That is the law now on the statute-book. [Cries of "Order!"]

Mr. GARFIELD. I doubt if all the power of this House can restrain my colleague.

Mr. FORT. No power can stop him. [Laughter.]

Mr. GARFIELD. Here are certificates which are themselves evidences of debt and are not money, and are not here provided to be called money; and these pieces of paper it is provided shall be used to pay the interest of the public debt. Now, that is not only naked repudiation but it is a flat violation of a provision of the Constitution which commands the House as well as the whole Congress, and the Speaker as well as every member of this House, that we shall not question the validity of the public debt.

The SPEAKER. The Chair rules that it is not the duty of the Chair to rule upon the construction of a law. That belongs to the House, and the Chair therefore overrules the point of order.

Mr. GARFIELD. This is not the question of the construction of a law, Mr. Speaker. [Cries of "Regular order!"]

Mr. BELFORD. I desire to offer an amendment to this section.

Mr. FORT. I desire also to offer an amendment.

The SPEAKER. There are several amendments already pending.

Mr. BELFORD. The gentleman in charge of the bill has agreed that my amendment should be admitted.

Mr. WARNER. I am willing that the amendment of the gentlemen from Colorado shall come in.

The SPEAKER. There are several amendments recommended by the committee. The Chair suggests that they be voted upon first.

Mr. HASKELL. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. HASKELL. I claim that this section which we are about to act upon is not germane to the bill. It is a bill to regulate the coinage of the United States, and in the eighth section of this bill is a provision having nothing whatever to do with the coinage of the United States. It specifies not only that the public debt may be paid in paper, but that it may be paid in paper which, when redeemed, may be redeemed in silver bullion. It is no more germane than would be a provision providing that the public debt might be paid in paper redeemable in pig-iron.

The SPEAKER. The Chair overrules the point of order. If the point had been made in time the Chair would have considered it, but it comes too late.

Mr. GARFIELD. We have just reached the section, and it was agreed that the bill should be considered by sections. This section has never been under consideration, and we reserved all points of order.

The SPEAKER. The Chair thinks the point of order comes too late.

Mr. CONGER. All points of order were reserved.

Mr. WARNER. Here is the law now:

And certificates representing coin in the Treasury may be issued in payment of interest on the public debt, which certificates, together with those issued for coin and bullion deposited, shall not at any time exceed 20 per cent. beyond the amount of coin and bullion in the Treasury.

That is precisely the language of this section. This bill does not change the law. That is the law now; passed, too, by a republican Congress.

Mr. HASKELL. This section says——

Mr. SPARKS. I rise to a question of order. Has the point of order not been decided?

The SPEAKER. The Chair has decided it.

Mr. SPARKS. There is but one other thing to be done if a decision of the Chair is not accepted, and that is to appeal from it.

The SPEAKER. This may be in the nature of debate.

Mr. HASKELL. I wish to say on the point of order——

The SPEAKER. The point of order has been decided.

Mr. HASKELL. This says:

Certificates representing coin in the Treasury may be issued in payment of interest on the public debt——

[Cries of "Regular order!"]

The SPEAKER. The Chair will state the Journal does not show that there were any points of order reserved.

Mr. WARNER. I move the previous question on the committee's amendments to this section.

Mr. REED. The gentleman from Massachusetts [Mr. CLAFLIN] states that he himself reserved points of order. I submit the word of a member should be taken when he makes such a statement.

The SPEAKER. The Chair consulted with the journal clerk, and is advised by him that no reservation of points of order was made.

Mr. CLAFLIN. When the bill was reported I reserved all points of order.

Mr. McMAHON. I think it is too late now to go back to correct the Journal.

Mr. HASKELL. On that question I desire to say a word. This same point was raised by the gentleman from New York, [Mr. COX,] and after a lengthy debate the word of that gentleman was taken. Now, here the gentleman from Massachusetts [Mr. CLAFLIN] says he did reserve points of order. His word should also be taken.

The SPEAKER. The Chair is going to find out whether all points of order were reserved, and he will find it out from both the Journal and the RECORD. There is no occasion for any excitement about this matter.

Mr. CLAFLIN. The gentleman from New York, [Mr. CHITTENDEN,] who was standing near me, heard me say that I reserved all points of order.

Mr. WARNER. Unless the RECORD shows that points of order were reserved, they cannot now be made.

Mr. GARFIELD. If repudiation is to go on in the currency, we ought to have it go on here.

Mr. WARNER. This law was passed by a republican Congress.

The SPEAKER. The Clerk will read from the Journal.

The Clerk read as follows:

COIN AND BULLION CERTIFICATES.

The SPEAKER. The unfinished business coming over from yesterday is the resolution of the gentleman from Ohio [Mr. WARNER] that on Saturday next the House will proceed to consider the bill (H. R. No. 564) to amend certain sections of the Revised Statutes of the United States, relating to coinage and coin and bullion certificates, and for other purposes.

Mr. COX. I ask unanimous consent——

The SPEAKER. The Chair thinks that consent ought not to be asked in reference to matters extraneous to the business now before the House. The question had been put on ordering the main question, and the gentleman from Ohio [Mr. GARFIELD] demanded the yeas and nays, and the yeas and nays were ordered.

Mr. TOWNSEND, of Ohio. I would like to have the resolution read.

The Clerk read as follows:

"*Resolved*, That House bill No. 564, and the amendments thereto, reported from the Committee on Coinage, Weights, and Measures, be made the special order for consideration in the House on Saturday next after the morning hour, and from day to day thereafter until disposed of."

The question was taken; and there were—yeas 116, nays 108.

So the main question was ordered.

The SPEAKER. The Chair will now cause the RECORD to be read, of the proceedings at the time the bill was reported.

The Clerk read as follows:

COIN AND BULLION CERTIFICATES.

Mr. WARNER also, from the same committee, reported back, with amendments, a bill (H. R. No. 564) to amend certain sections of the Revised Statutes of the United States relating to coinage and coin and bullion certificates, and for other purposes; which were ordered to be printed and recommitted.

Mr. WARNER. I now report from the Committee on Coinage, Weights, and Measures, under the privilege granted to that committee, the following resolution, on which I demand the previous question.

The Clerk read as follows:

"*Resolved*, That House bill No. 564 and the amendments thereto, reported from the Committee on Coinage, Weights, and Measures, be made the special order for consideration in the House on Saturday next after the morning hour and from day to day thereafter until disposed of."

Mr. GARFIELD. I suggest to my colleague to add to that resolution the proviso "not to interfere with appropriation bills." That has always been done in such cases, and is only a fair proposition.

Mr. WARNER. I do not yield for any amendment, but insist on my demand for the previous question.

Mr. GARFIELD. I wish to move, as an amendment, that this bill shall not interfere with appropriation bills.

The SPEAKER. The previous question has been demanded.

Mr. CONGER. I ask for the reading of the bill and amendments.

The SPEAKER. The bill and amendments will be read.

Mr. YOUNG, of Tennessee. The bill is not pending, but only a resolution on which the gentleman from Ohio has demanded the previous question.

The SPEAKER. Under the rules any gentleman has a right to have read a bill on which action is demanded, such as is proposed by the pending resolution.

Mr. COX. Has not the morning hour expired?

The SPEAKER. This is not in the morning hour, but is under the right given to the Committee on Coinage, Weights, and Measures by the new rule, which the Clerk will read.

Mr. COX. I thought it was in the morning hour.

The Clerk read as follows:

"That the Committees of Ways and Means, Banking and Currency, and Coinage, Weights, and Measures shall have leave to report at any time; and on motion of any member a majority of the House may fix a day for the consideration of any public bill reported by either of said committees, and the House may continue the consideration of such bill from day to day until disposed of."

The SPEAKER. From this it is right that the House should know what is contained in the bill before they are asked to consider it.

Mr. YOUNG, of Tennessee. The only point I wished settled is this, whether or not it is proper to call for the reading of a bill when the bill is not under consideration, but merely a resolution fixing the time for its consideration.

The SPEAKER. The Chair thinks it might control the vote of a member to know the provisions of the bill the consideration of which was proposed to be fixed for a certain day.

The bill and amendments were read.

Mr. FORT. Is it proposed to open the bill to discussion and amendment when it comes up for consideration?

Mr. WARNER. The bill will be open to debate and amendment.

Mr. STEPHENS. Such is the intention of the committee.

The SPEAKER. The whole subject will be under the control of a majority of the House at the time it comes up for consideration. The pending question is on seconding the demand for the previous question.

The House divided; and there were—ayes 97, noes 92.

Mr. GARFIELD demanded tellers.

Tellers were ordered; and Mr. GARFIELD and Mr. WARNER were appointed.

The House again divided; and the tellers reported—ayes 102, noes 102.

The SPEAKER. The tellers report ayes 102, noes 102. The Chair votes in the affirmative and the previous question is seconded. [Applause.]

Mr. GARFIELD. I demand the yeas and nays on ordering the main question to be now put.

The yeas and nays were ordered.

Mr. ATKINS. Has the morning hour expired?

The SPEAKER. This is not being considered in the morning hour.

Mr. ATKINS. Is a motion to adjourn in order?

The SPEAKER. It is.

Mr. HOUSE. I move the House do now adjourn.

The motion was agreed to.

The SPEAKER. Neither the Journal nor the RECORD show that there was any reservation of the points of order, but the Chair proposes to take the word of the gentleman from Massachusetts, [Mr. CLAFLIN.]

Mr. TOWNSHEND, of Illinois. I object.

The SPEAKER. The Chair wants now to hear the point of order which the gentleman from Kansas desires to make, when he says that this section is not germane to the bill.

Mr. McMAHON. If the Journal was read the next morning and approved, it seems to me that after a lapse of three weeks it is too late to amend it.

The SPEAKER. The Chair is prepared to rule upon the question whether this section is germane to the bill or not.

Mr. HASKELL. The proposition that I make is, that this is a bill relating to the coinage of the United States, providing how and in what way the coins of the United States shall be struck off and how they shall be issued.

Mr. EWING. It relates also to the silver certificates.

Mr. HASKELL. Here is a provision which compels the United States to receive for customs duties bullion certificates, not coin, not money in any sense, and it might be that under the operations of this bill the Treasury of the United States would be flooded from its revenue with bullion merely.

Mr. REAGAN. I make the point of order that the gentleman is not discussing this point of order.

Mr. HASKELL. My point of order is, that this section changes the entire tariff laws of the Government and interferes materially with its operations.

The SPEAKER. If Congress desires to do that, it is generally considered that they have the right to do it.

Mr. HASKELL. I say that the section is not germane to this bill.

The SPEAKER. The Chair finds that this is a bill reported from the Committee on Coinage, Weights, and Measures, entitled "A bill (H. R. No. 564) to amend certain sections of the Revised Statutes of the United States relating to coinage and coin and bullion certificates, and for other purposes;" and the section which the gentleman declares is not, in his judgment, germane to this bill, reads as follows:

SEC. 254. The Secretary of the Treasury is authorized and required to receive deposits of gold or silver coin and bullion, with the Treasurer or any assistant treasurer of the United States, in sums not less than $20, and to issue certificates therefor, &c.

The language is almost identical between the title of the bill and

this section. The Chair thinks the section is germane to the bill, and therefore overrules the point of order.

Mr. WARNER. I demand the previous question upon the two amendments.

Mr. GARFIELD. I hope that we will be allowed to have debate, for the provision is too important to be voted upon without consideration.

The SPEAKER. The remedy is in the House; they may vote down the previous question.

Mr. GARFIELD. Then I hope they will take that remedy.

Mr. CONGER. I desire to make a parliamentary inquiry. [Loud cries of "Regular order!" from the democratic side of the House.]

The SPEAKER. The Chair desires to hear the gentleman's inquiry.

Mr. CONGER. I know very well that the Chair will hear me, but those unruly members do not want to hear me.

The SPEAKER. The gentleman will please state the question he desires to ask.

Mr. CONGER. I will do it when I have an opportunity.

The House was asked to consider this bill as in Committee of the Whole. In Committee of the Whole we have the right to offer amendments, as there is no previous question. We have the right to debate under the five-minute rule, and the bill was placed in the House as under the five-minute rule. There has been no debate as yet on this section under the five-minute rule.

The SPEAKER. There are not less than five amendments pending to this section.

Mr. CONGER. There has been no debate upon it.

The SPEAKER. The House has its remedy. It can refuse debate by sustaining the demand for the previous question. If the House wants debate it can vote down the demand for the previous question. Of course, the majority will control the matter.

Mr. CONGER. I know this House could order debate to be closed, but there has been no such order made.

The SPEAKER. That is a matter for the House to determine.

Mr. CONGER. That is not the previous question.

The SPEAKER. If the previous question is sustained, of course that cuts off debate.

Mr. TOWNSHEND, of Illinois. I call for the regular order.

The SPEAKER. The gentleman from Ohio [Mr. WARNER] will again indicate his motion.

Mr. WARNER. I demand the previous question on the amendments reported from the committee.

Mr. GARFIELD. That cannot be done.

The SPEAKER. The gentleman can call the previous question on the first two amendments.

Mr. WARNER. I make that motion.

The question was taken upon seconding the demand for the previous question; and upon a division there were—ayes 98, noes 2.

Mr. CONGER. No quorum has voted.

Mr. GARFIELD. There never will on this.

Mr. MILLS. I hope the gentleman who has charge of this bill [Mr. WARNER] will permit this section to be discussed.

Mr. TOWNSHEND, of Illinois. I hope not.

Mr. MILLS. It is utterly useless to try to drive the minority when we have not a quorum on our side here. I have been in the minority myself and helped to do what the minority on the other side is now doing, and we in the minority have always compelled the majority to yield. There is no use for the majority to attempt to drive the minority when they have not a quorum here on their side.

Mr. TOWNSHEND, of Illinois. Let us try it, anyhow.

Mr. MILLS. Well, go on and try it; but you will have to give up.

Mr. COX. I give notice now that when it is in order I will offer a resolution to amend the rules so as to compel the minority to vote. [Laughter on the republican side.] Oh, you may laugh now, but if we deduct your per diem I think you will vote. [Renewed laughter.]

Mr. CONGER. I ask the Sergeant-at-Arms to bring that gentleman over here. [Laughter.]

Mr. MILLS. You cannot change the rules without a quorum.

The SPEAKER. No quorum having voted upon seconding the demand for the previous question, the Chair will appoint Mr. WARNER, of Ohio, and Mr. CONGER, of Michigan, to act as tellers.

The House again divided; and the tellers reported that there were ayes 92, noes none.

Mr. CONGER. No quorum has voted.

Mr. WARNER. I move that there be a call of the House.

The motion was agreed to.

The Clerk proceeded to call the roll; and the following members failed to answer to their names:

Aldrich, N. W.	Ellis,	Killinger,	Pound,
Bachman,	Fisher,	Kimmel,	Prescott,
Ballou,	Forsythe,	Kitchin,	Price,
Barlow,	Gibson,	Klotz,	Robeson,
Bland,	Hammond, N. J.	Lapham,	Robinson,
Bragg,	Hazelton,	Lay,	Rothwell,
Butterworth,	Herndon,	Lounsbery,	Shelley,
Calkins,	Hill,	McLane,	Starin,
Camp,	Hull,	Miller,	Tucker,
Clark, Alvah A.	Hurd,	Muller,	Voorhis,
Colerick,	James,	Myers,	Wells,
Cowgill,	Jorgensen,	O'Brien,	Wood, Fernando
Crapo,	Keifer,	Overton,	Wood, Walter A.
Dick,	Ketcham,	Pierce,	Young, Casey.

The SPEAKER. Two hundred and twenty-nine members have answered to their names—more than a quorum. If there be no objection, further proceedings under the call will be dispensed with.

There was no objection, and all further proceedings under the call were dispensed with.

The SPEAKER. The question again recurs upon seconding the demand for the previous question on the first two amendments reported by the committee to the pending section.

Mr. CLAFLIN. I move that the House now adjourn.

The question was taken; and upon a division there were—ayes 96, noes 96.

The SPEAKER. The Chair votes in the negative.

Mr. CONGER. I call for the yeas and nays on the motion to adjourn.

The yeas and nays were ordered.

The question was taken; and there were—yeas 105, nays 114, not voting 66; as follows:

YEAS—105.

Aldrich, William	Dunnell,	Joyce,	Ryan, Thomas
Anderson,	Dwight,	Lindsey,	Sapp,
Barber,	Einstein,	Loring,	Shallenberger,
Bayne,	Errett,	Marsh,	Sherwin,
Beale,	Farr,	Martin, Joseph J.	Smith, A. Herr
Bingham,	Ferdon,	Mason,	Stephens,
Blake,	Field,	McCoid,	Stone,
Bowman,	Fort,	McCook,	Thomas,
Boyd,	Garfield,	McGowan,	Townsend, Amos
Brewer,	Godshalk,	McKinley,	Tyler,
Briggs,	Hall,	Miles,	Updegraff, J. T.
Brigham,	Hammond, John	Mitchell,	Updegraff, Thomas
Browne,	Harmer,	Monroe,	Urner,
Burrows,	Harris, Benj. W.	Morse,	Valentine,
Cannon,	Haskell,	Morton,	Van Aernam,
Carpenter,	Hawk,	Neal,	Van Voorhis,
Caswell,	Hawley,	Newberry,	Wait,
Chittenden,	Hayes,	Norcross,	Ward,
Claflin,	Heilman,	O'Neill,	Washburn,
Conger,	Henderson,	O'Reilly,	White,
Covert,	Hiscock,	Orth,	Wilber,
Crowley,	Horr,	Osmer,	Williams, C. G.
Daggett,	Houk,	Reed,	Willits,
Davis, George R.	Hubbell,	Rice,	Young, Thomas L.
Deering,	Humphrey,	Richardson, D. P.	
Deuster,	Hurd,	Robeson,	
Dunn,	Johnston,	Russell, William A.	

NAYS—114.

Acklen,	Davis, Joseph J.	Lewis,	Singleton, O. R.
Aiken,	Davis, Loundes H.	Lowe,	Slemons,
Armfield,	De La Matyr,	Martin, Benj. F.	Smith, Hezekiah B.
Atherton,	Dibrell,	Martin, Edward L.	Smith, William E.
Atkins,	Dickey,	McMahon,	Sparks,
Belford,	Elam,	McMillin,	Speer,
Beltzhoover,	Evins,	Mills,	Springer,
Bicknell,	Ewing,	Money,	Steele,
Blackburn,	Felton,	Morrison,	Stevenson,
Bliss,	Ford,	Muldrow,	Taylor,
Blount,	Forney,	Murch,	Thompson,
Bouck,	Frost,	New,	Tillman,
Bright,	Geddes,	Nicholls,	Turner, Oscar
Buckner,	Gillette,	O'Connor,	Turner, Thomas
Cabell,	Goode,	Persons,	Vance,
Caldwell,	Gunter,	Phelps,	Waddill,
Carlisle,	Harris, John T.	Phister,	Warner,
Chalmers,	Hatch,	Poehler,	Weaver,
Clardy,	Henry,	Reagan,	Wellborn,
Clark, John B.	Herbert,	Richmond,	Whiteaker,
Clymer,	Hooker,	Robertson,	Whitthorne,
Cobb,	Hostetler,	Ross,	Williams, Thomas
Coffroth,	House,	Russell, Daniel L.	Willis,
Converse,	Hunton,	Ryon, John W.	Wilson,
Cook,	Jones,	Samford,	Wise,
Cox,	Kenna,	Sawyer,	Yocum,
Cravens,	King,	Scales,	Young, Casey.
Culberson,	Ladd,	Simonton,	
Davidson,	Le Fevre,	Singleton, J. W.	

NOT VOTING—66.

Aldrich, N. W.	Finley,	Kimmel,	Prescott,
Bachman,	Fisher,	Kitchin,	Price,
Bailey,	Forsythe,	Klotz,	Richardson, J. S.
Baker,	Frye,	Knott,	Robinson,
Ballou,	Gibson,	Lapham,	Rothwell,
Barlow,	Hammond, N. J.	Lay,	Shelley,
Bland,	Hazelton,	Lounsbery,	Starin,
Bragg,	Henkle,	Manning,	Talbott,
Butterworth,	Herndon,	McKenzie,	Townshend, R. W.
Calkins,	Hill,	McLane,	Tucker,
Camp,	Hull,	Miller,	Voorhis,
Clark, Alvah A.	James,	Muller,	Wells,
Colerick,	Jorgensen,	Myers,	Wood, Fernando
Cowgill,	Keifer,	O'Brien,	Wood, Walter A.
Crapo,	Kelley,	Overton,	Wright.
Dick,	Ketcham,	Pierce,	
Ellis,	Killinger,	Pound,	

So the House refused to adjourn.

Mr. YOUNG, of Tennessee. I am paired with the gentleman from Pennsylvania, Mr. OVERTON, on the coinage bill and amendments to it, but am at liberty to vote on all other questions and upon this one I vote "no."

Mr. TALBOTT. My colleague, Mr. MCLANE, is paired with Mr. BLAND, of Missouri.

Mr. COVERT. I am paired with Mr. MANNING. If he were present, I would vote "ay" and he would vote "no."

Mr. HERNDON. I am paired with Mr. ALDRICH, of Rhode Island. If he were present, I should vote "no."

Mr. BAILEY. I am paired with Mr. LOUNSBERY.

Mr. AIKEN. My colleague, Mr. RICHARDSON, who is absent, is paired with Mr. CAMP. If my colleague were present, he would vote "no."

Mr. FRYE. I am paired with Mr. KNOTT.

Mr. HUNTON. Mr. TUCKER is paired with Mr. LAPHAM.

Mr. DAVIDSON. My colleague, Mr. HULL, who is absent by leave of the House, is paired with Mr. VOORHIS, of New Jersey.

On motion of Mr. RICHMOND, by unanimous consent, the reading of the names was dispensed with.

The vote was then announced as above recorded.

Mr. WARNER. Regular order!

Mr. YOUNG, of Ohio. I move to lay the eighth section on the table, and on that I demand the yeas and nays.

The SPEAKER. That will take the bill with it.

Mr. BREWER. That is just what we want.

Mr. WARNER. Is that motion in order?

The SPEAKER. The Chair thinks it is. The effect is to lay the bill on the table, and the motion is in order either before or after the previous question.

Mr. BRIGHT. I rise to make a parliamentary inquiry, whether it would be in order for those who have the control of the bill to accept an amendment by striking out, in the fourteenth line, the words "may be used in payment of interest on the public debt," so as to obviate, if possible, the objection to the clause?

Mr. WARNER. If the meaning of that is that silver shall not be used in the payment of the public debt, I propose to meet that question here and now. [Cries of "Regular order!"]

Mr. REED. I hope the gentleman will be allowed to go on, as he does not seem to have had any opportunity at any time to be heard. [Laughter.]

Mr. BRIGHT. If the remark was made to me, I will state I am not behind the gentleman from Ohio in relation to the silver proposition.

Mr. WARNER. I had no reference to the gentleman from Tennessee at all.

Mr. BRIGHT. I claim to have been the first man in Congress to dig it up and advocate it.

Mr. SPRINGER. I hope the motion to lay on the table will not be made, as that will take the bill with it.

Mr. EWING. I understand this takes the whole bill on the table with it.

The SPEAKER. It does.

Mr. EWING. Then a vote to lay on the table is a vote against the whole bill.

The House divided; and there were—ayes 82, noes 102.

Mr. VAN VOORHIS demanded the yeas and nays.

The yeas and nays were not ordered.

So the House refused to lay the eighth section on the table.

Mr. BREWER. It is evident we cannot pass the bill to-night, and I therefore move the House adjourn.

Mr. EWING. I demand the yeas and nays.

The House divided; and there were ayes 30.

The SPEAKER. Not one-fifth.

Mr. EWING. I withdraw the demand for the yeas and nays.

The House divided; and there were—ayes 92, noes 100.

Mr. WHITE demanded tellers.

Tellers were ordered; and Mr. BREWER and Mr. EWING were appointed.

The House again divided; and the tellers reported—ayes 95, noes 93.

LEAVE OF ABSENCE.

The SPEAKER. Before announcing the vote on the motion to adjourn the Chair wishes to ask unanimous consent.

By unanimous consent, leave of absence was granted in the following cases:

To Mr. EINSTEIN, indefinitely, on account of important business;

To Mr. LAPHAM, indefinitely, on account of the sickness of relatives.

To Mr. MILES, for the remainder of the session;

To Mr. SINGLETON, of Illinois, for the remainder of the session; and

To Mr. POUND, until Saturday next.

GEORGE W. BALLOU.

On motion of Mr. RUSSELL, of Massachusetts, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of George W. Ballou, no adverse report having been made.

COINAGE CERTIFICATES, ETC.

Mr. EWING. I demand the yeas and nays on the motion to adjourn.

The SPEAKER. The House refused to order the yeas and nays.

Mr. EWING. No, I withdrew the demand for the yeas and nays.

The SPEAKER. The gentleman from Ohio [Mr. EWING] states that he withdrew the demand for the yeas and nays, and the Chair will submit the request again.

The question being taken, there were ayes 50, more than one-fifth of the last vote.

Mr. VAN VOORHIS. I make the point of order that the yeas and nays have been once refused.

The SPEAKER. The Chair thought so, but the gentleman from Ohio states that he withdrew the demand for the yeas and nays, and that being the case the Chair is doing his duty in submitting the question again.

Mr. WHITE. I submit the Chair stated that a sufficient number had not risen to order the yeas and nays, and many gentlemen have left the House under the impression that the yeas and nays would not be taken.

The SPEAKER. Even then, those asking for the yeas and nays had a right to a further count. The Chair thinks he could not arbitrarily rule that the question had been decided.

Mr. WHITE. The Chair announced that the yeas and nays were refused.

The SPEAKER. The Chair was under that impression.

Mr. REED. And a large number of gentlemen left the Hall in consequence.

The SPEAKER. The yeas and nays have been ordered, and the Clerk will call the roll.

The question was taken; and there were—yeas 93, nays 109, not voting 83; as follows:

YEAS—93.

Aldrich, William	Einstein,	Loring,	Shallenberger,
Anderson,	Errett,	Marsh,	Sherwin,
Barber,	Farr,	Martin, Joseph J.	Smith, A. Herr
Bayne,	Felton,	Mason,	Stephens,
Bingham,	Ferdon,	McCoid,	Stone,
Blake,	Field,	McCook,	Thomas,
Bliss,	Fort,	McGowan,	Townsend, Amos
Bowman,	Godshalk,	McKinley,	Tyler,
Brewer,	Hall,	Miles,	Updegraff, J. T.
Briggs,	Harmer,	Mitchell,	Updegraff, Thomas
Brigham,	Harris, Benj. W.	Monroe,	Urner,
Browne,	Haskell,	Morse,	Valentine,
Burrows,	Hawk,	Morton,	Van Aernam,
Cannon,	Hawley,	Newberry,	Van Voorhis,
Carpenter,	Hayes,	O'Neill,	Ward,
Caswell,	Heilman,	Orth,	Washburn,
Chittenden,	Henderson,	Osmer,	White,
Claflin,	Hiscock,	Reed,	Wilber,
Conger,	Horr,	Rice,	Williams, C. G.
Crowley,	Houk,	Richardson, D. P.	Willits,
Davis, George R.	Humphrey,	Robeson,	Young, Thomas L.
Deering,	Hurd,	Ross,	
Dunnell,	Jones,	Russell, W. A.	
Dwight,	Joyce,	Ryan, Thomas	

NAYS—109.

Aiken,	Dunn,	Martin, Edward L.	Smith, William E.
Armfield,	Elam,	McKenzie,	Sparks,
Atherton,	Evins,	McMahon,	Speer,
Atkins,	Ewing,	McMillin,	Springer,
Bedford,	Ford,	Mills,	Stevenson,
Beltzhoover,	Forney,	Morrison,	Talbott,
Blackburn,	Frost,	Muldrow,	Taylor,
Blount,	Geddes,	Murch,	Thompson,
Bouck,	Gillette,	New,	Tillman,
Bright,	Goode,	Nicholls,	Townshend, R. W.
Cabell,	Gunter,	O'Connor,	Turner, Oscar,
Caldwell,	Harris, John T.	Persons,	Turner, Thomas
Carlisle,	Hatch,	Phelps,	Vance,
Clardy,	Henkle,	Phister,	Waddill,
Clark, John B.	Henry,	Poehler,	Warner,
Clymer,	Herbert,	Reagan,	Weaver,
Cobb,	Hooker,	Richmond,	Wellborn,
Coffroth,	Hostetler,	Robertson,	Whiteaker,
Converse,	House,	Russell, Daniel L.	Whitthorne,
Cook,	Hunton,	Ryon, John W.	Williams, Thomas
Cox,	Johnston,	Samford,	Willis,
Cravens,	Kenna,	Sawyer,	Wise,
Culberson,	King,	Scales,	Wright,
Davis, Joseph J.	Ladd,	Simonton,	Yocum,
Davis, Loundes H.	Le Fevre,	Singleton, J. W.	Young, Casey.
De La Matyr,	Lewis,	Singleton, O. R.	
Dibrell,	Lowe,	Slemons,	
Dickey,	Martin, Benj. F.	Smith, Hezekiah B.	

NOT VOTING—83.

Acklen,	Crapo,	Keifer,	O'Reilly,
Aldrich, N. W.	Daggett,	Kelley,	Overton,
Bachman,	Davidson,	Ketcham,	Pierce,
Bailey,	Deuster,	Killinger,	Pound,
Baker,	Dick,	Kimmel,	Prescott,
Ballou,	Ellis,	Kitchin,	Price,
Barlow,	Finley,	Klotz,	Richardson, J. S.
Beale,	Fisher,	Knott,	Robinson,
Bicknell,	Forsythe,	Lapham,	Rothwell,
Bland,	Frye,	Lay,	Sapp,
Boyd,	Garfield,	Lindsey,	Shelley,
Bragg,	Gibson,	Lounsbery,	Starin,
Buckner,	Hammond, John	Manning,	Steele,
Butterworth,	Hammond, N. J.	McLane,	Tucker
Calkins,	Hazelton,	Miller,	Voorhis
Camp,	Herndon,	Money,	Wait,
Chalmers,	Hill,	Muller,	Wells,
Clark, Alvah A.	Hubbell,	Myers,	Wilson,
Colerick,	Hull,	Neal,	Wood, Fernando
Covert,	James,	Norcross,	Wood Walter A.
Cowgill,	Jorgensen,	O'Brien,	

So the House refused to adjourn.

During the roll-call the following announcements were made:

Mr. KENNA. My colleague from West Virginia, Mr. WILSON, is paired with Mr. GARFIELD.

Mr. HUNTON. My colleague from Virginia, Mr. TUCKER, is paired with Mr. LAPHAM, of New York.

Mr. CHALMERS. I am paired with Mr. WAIT, of Connecticut. If he were present, I should vote "no."

Mr. COVERT. I am paired with Mr. MANNING, of Mississippi. If he were present, I should vote "ay" and he would vote "no."

Mr. FIELD. My colleague from Massachusetts, Mr. NORCROSS, is paired with Mr. STEELE, of North Carolina.

Mr. TALBOTT. My colleague from Maryland, Mr. MCLANE, is paired on this question with Mr. BLAND, of Missouri.

Mr. DAVIDSON. I am paired with Mr. SAPP, of Iowa. My colleague from Florida, Mr. HULL, is paired with Mr. VOORHIS, of New Jersey.

Mr. HARRIS, of Massachusetts. My colleague, Mr. CRAPO, is paired with Mr. ELLIS, of Louisiana. If present, Mr. CRAPO would vote "ay."

Mr. EINSTEIN. My colleagues, Mr. BAILEY and Mr. LOUNSBERY, are paired.

Mr. BURROWS. Mr. BAKER, of Indiana, is paired with Mr. KLOTZ, of Pennsylvania.

Mr. UPDEGRAFF, of Iowa. My colleague, Mr. SAPP, is paired with Mr. DAVIDSON. If Mr. SAPP were here, he would vote "ay."

Mr. SAMFORD. My colleague, Mr. SHELLEY, is paired with Mr. KETCHAM.

The result of the vote was then announced as above stated.

REPORT OF CAPTAIN M. R. BROWN.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting Captain M. R. Brown's eleventh report showing the condition of the South Pass of the Mississippi River; which was referred to the Committee on Commerce, and ordered to be printed.

Mr. WARNER. There having been intervening business, I move that the House do now adjourn. [Laughter upon the republican side of the House.]

Mr. WHITE. Upon that motion I call for the yeas and nays.

The yeas and nays were not ordered, only seven members voting therefor.

The motion to adjourn was then agreed to; and accordingly (at five o'clock and ten minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BINGHAM: Papers relating to the claim of James J. Cooper to be reimbursed for gas saved by the use of a machine of his invention by the New York post-office—to the Committee of Claims.

Also, papers relating to the claim of Captain Frederick Zarracher for damages sustained and services rendered in the Christiana, Pennsylvania, slave-riot case—to the same committee.

By Mr. CHALMERS: Papers relating to the war claim of Michael Mulholland—to the Committee on War Claims.

By Mr. CLAFLIN: Papers relating to the pension claim of Mary S. Webster—to the Committee on Invalid Pensions.

Also, papers relating to the claim of Rufus M. Hodgkins, postmaster at Cambridgeport, Massachusetts, to be reimbursed moneys stolen from the post-office at said place—to the Committee on the Post-Office and Post-Roads.

By Mr. HUBBELL: Resolutions of the Marquette (Michigan) Iron Ore Association, opposing the bridging of Detroit River—to the Committee on Commerce.

By Mr. LADD: The petition of George W. Snow, a soldier of the war of 1812, for bounty land—to the Committee on Revolutionary Pensions.

By Mr. MAGINNIS: The petition of citizens of Montana Territory, for the increase of witness fees and traveling expenses in the United States courts for the Territories—to the Committee on the Territories.

By Mr. MORSE: The petition of the Boston Board of Trade, against the extension of the McKay sewing-machine patents—to the Committee on Patents.

By Mr. MURCH: The petitions of W. W. Perry and 50 others, citizens of Camden; of S. G. Webster and 56 others, citizens of Vinalhaven; and of John P. Allen and 37 others, citizens of South Thomas, Maine, for a new issue of legal-tender paper money, and that the Secretary of the Treasury be directed to buy and cancel bonds with the same—to the Committee on Banking and Currency.

Also, the petition of John G. Mills and 15 others, citizens of Orange County, New York, for the repeal of certain statutes which were enacted ostensibly for the purpose of suppressing the publication and circulation of obscene literature, but which in fact abridge the freedom of the press and speech—to the Committee on the Judiciary.

By Mr. SAPP: The petition of citizens of Iowa, against the extension of the Birdsell clover-huller patent—to the Committee on Patents.

By Mr. TALBOTT: Papers relating to the claim of Calhoun Benham, for compensation for professional services relative to the marine hospital at San Francisco, California—to the Committee of Claims.

By Mr. VANCE: The petition of S. F. Dougherty and others, for a post-route from Chimney Rock, via Lakey's Gap, to head of North Fork of Swannanoa, North Carolina—to the Committee on the Post-Office and Post-Roads.

By Mr. WILBER: The petition of citizens of New York, against the extension of the Birdsell clover-huller patent—to the Committee on Patents.

By Mr. WILLIS: Resolutions of the common council of Louisville, Kentucky, asking for the establishment of a life-saving station at that point—to the Committee on Commerce.

By Mr. WISE: The petition of the heirs of Captain Nehemiah Stokely, for commutation pay—to the Committee on War Claims.

By Mr. YOUNG, of Ohio: Papers relating to the claim of Enterprise Fire and Marine Insurance Company, of Cincinnati, Ohio, to be refunded an internal-revenue tax—to the Committee of Ways and Means.

IN SENATE.

THURSDAY, *May* 22, 1879.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of the proceedings of Tuesday last was read and approved.

PETITIONS AND MEMORIALS.

Mr. ROLLINS presented the petition of David Wingate, of Rochester, New Hampshire, representing that he was impressed into the service of the British navy on the 31st of December, 1811, and served until November 1, 1812, and was retained thereafter as a prisoner until April 26, 1815, and praying for the passage of a law by Congress granting him compensation for the period during which he was in that service and a prisoner; which was referred to the Committee on Naval Affairs.

Mr. MCMILLAN presented the petition of members of the Star-in-the-West Grange, No. 6, of Minnesota, praying for the passage of the bill "to regulate interstate commerce and to prohibit unjust discriminations by common carriers;" which was ordered to lie on the table.

USE OF TROOPS.

Mr. MCDONALD. I now move for leave to bring in the bill of which I gave notice at the last meeting of the Senate, authorizing the employment of the militia and the land and naval forces of the United States in certain cases, and for other purposes.

The PRESIDENT *pro tempore*. The Senator from Indiana moves for leave to bring in a bill of which he gave notice on Tuesday last. Is there objection?

Mr. EDMUNDS. Let us hear it read, Mr. President.

The Secretary read the proposed bill.

Mr. EDMUNDS. I should like to inquire of the honorable Senator from Indiana whether the bill which he asks leave to bring in is intended to enlarge or to diminish the existing lawful and constitutional powers of the President of the United States in the respects to which the bill refers?

Mr. MCDONALD. I apprehend the Senator from Vermont will be able to determine that question when he comes to examine the bill. According to my judgment, it puts the exercise of the power under proper constitutional restraints. Whether it enlarges or diminishes the authority of the President, is a question which will have to be determined by an examination of the bill itself.

In moving for leave this morning to introduce the bill, I desire simply that it shall be read this morning the first time, and lie on the table until Monday morning when I shall call it up for the purpose of referring it or acting upon it; and I shall have something to say in regard to it.

Mr. EDMUNDS. I am sorry that the Senator from Indiana is not able to give me the information as to the scope of his own bill which I asked for, and that is whether it enlarges or diminishes the present powers of the President, whether it is a diminution of existing powers or an increase of them.

While I am up I should like to know of the honorable Senator who must have thought of the subject, whether in his opinion the effect of the bill is to repeal the present existing statutes upon the subject, or whether it is merely an additional provision that leaves the pre-existing laws in force; and then I should like to know what is the present necessity in his judgment for any legislation upon this subject other than such as now exists upon the statute-book?

Mr. MCDONALD. As to the force and effect of the bill in repealing the existing laws, the declaration of the repealing section is that all laws or parts of laws in conflict with the provisions of the bill shall be repealed. The particular statutes that were in my mind in framing the bill and in framing the repealing clause of the bill were the first three sections of the statutes under the title, "Insurrection," as they appear in the Revised Statutes.

As to the necessity of introducing a measure of this kind, I shall undertake to dwell on that considerably more at length when I come to submit such views as I may have upon the bill, which I did not propose to do this morning, because I do not desire to interfere with the special order taken up at the last session of the Senate in reference to the provisions that ought to be passed to prevent the introduction of yellow fever into this country. I prefer that the special order shall be proceeded with to its close without being interrupted by any consideration of this measure.

The PRESIDENT *pro tempore*. Is there objection to the motion of the Senator from Indiana?

Mr. EDMUNDS. I hope the President will put the question instead

of calling for objections. I am quite unable to see that there is any necessity for present legislation upon the topics covered by the bill. It is quite different, perhaps, from the extremely dangerous condition of the country about the use of the military power on election days that we have been so unfortunate as not to redress and secure. I was looking with some interest and expectation to the presentation of a bill which should guard the inalienable rights of citizens of the United States against any assistance in the exertion of their rights on election days; but that has not seemed to have been forthcoming, and now we have gone back to the question of the general use of the Army in the execution of the laws and in the repelling of invasions, &c., upon which I had not heard until now that there was supposed to be any defect or unconstitutional quality in the existing statutes. But as my honorable friend wishes to deliver a more formal address upon this subject to explain his bill more fully than now, as he does not appear to be ready, I shall not ask a division on the question of his having leave to bring it in. If I understand him, he wishes to address the Senate on Monday next upon the subject?

Mr. McDONALD. Yes, sir.

Mr. EDMUNDS. And then to have the bill referred to a committee or put on its passage?

Mr. McDONALD. My motion then will be to refer the bill to the Committee on the Judiciary, of which the Senator from Vermont and myself are both members, when we shall have full opportunity to sit down together and consider its terms and its importance and necessity.

The PRESIDENT *pro tempore*. The Senator from Indiana moves for leave to bring in the bill that has been read. The question is on that motion.

The motion was agreed to; and the bill (S. No. 621) authorizing the employment of the militia and the land and naval forces of the United States in certain cases, and for other purposes, was read the first time by its title.

Mr. McDONALD. Now I move that the bill lie on the table for the present, and I give notice that I shall call it up on Monday at the close of morning business, and have it read the second time.

The PRESIDENT *pro tempore*. If there is no objection, it is so ordered.

Mr. WALLACE. I desire to give notice that I shall ask to speak to the bill following the Senator from Indiana.

Mr. EDMUNDS. What does that imply? Well, I give notice that I wish to speak upon it when I can get the floor under the rules.

REPORTS OF COMMITTEES.

Mr. PENDLETON, from the Committee on Indian Affairs, to whom was referred the bill (S. No. 605) to authorize the Secretary of the Interior to deposit certain funds in the United States Treasury in lieu of investment, reported it with amendments.

Mr. GORDON, from the Committee on Commerce, to whom was referred the bill (S. No. 206) relating to the transportation of animals, reported it without amendment.

Mr. HEREFORD, from the Committee on Commerce, to whom was referred the bill (H. R. No. 1999) to amend an act entitled "An act making appropriations for the construction, repair, preservation, and completion of certain works on rivers and harbors, and for other purposes," approved March 4, 1879, reported it without amendment.

LOUISIANA ELECTION INVESTIGATION.

Mr. BAILEY reported the following resolution from the Committee on Privileges and Elections:

Resolved, That the expenses of the investigation directed by the resolution of the Senate of May 7, 1879, to be made by the Committee on Privileges and Elections, be paid out of the "miscellaneous items" of the contingent fund of the Senate, upon vouchers approved by the chairman of the committee.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. EDMUNDS. I should like to ask the Senator from Tennessee whether a resolution of this kind is necessary? I do not know that there is the slightest objection to it; but when a committee is authorized to send for persons and papers, &c., does it require a separate resolution of the Senate to provide for the payment of its expenses?

Mr. BAILEY. I do not know what may have been the course of the Senate or of its committees heretofore, but the Committee on Privileges and Elections directed the resolution to be reported to the Senate for the reason that it considered it proper, at all events, if not necessary to have the authority to expend the money as stated.

Mr. EDMUNDS. I have the impression that the practice has always been, there being a contingent fund of the Senate provided by law, that when the Senate authorizes a committee to incur expenses they are chargeable upon that fund as a matter of course. The only possible objection to the resolution would be that it would seem to establish a precedent that might embarrass the accounting officers of the Treasury in respect of other committees now incurring expenses in one little way and another of the same sort, occasionally. For instance, the Judiciary Committee has been directed to make a particular inquiry, and it is going to have a witness or two, upon a certain matter. If the vouchers from one committee go to the Treasury fortified by an additional resolution of the Senate and not from another committee, it may possibly produce difficulty; I do not know that it will. I had the impression that it was clear that accounts were always passed against the contingent fund where it appeared from a resolution of the Senate that the committee which had incurred the expense had authority to incur it and that it did not require an additional resolution.

Mr. MORRILL. The rules provide for it.

Mr. EDMUNDS. Yes, the rules provide as to what committee shall audit and control the expenses. It may be that in one aspect, if that is what the design of the committee is, this resolution is necessary. It provides, I think, that the vouchers shall be passed on the certificate of the chairman of the Committee on Privileges and Elections, and I think the rules provide in regard to all charges on the contingent fund that the vouchers shall be passed on the approval of the Committee to Audit and Control the Contingent Expenses of the Senate. If the object of the resolution is to take the approval of the vouchers out from under that rule and to leave the approval to the chairman of the Committee on Privileges and Elections, then undoubtedly it is necessary. If that is the object of it, I do not know that I have the slightest objection to it.

Mr. SAULSBURY. I think it has always been the custom in the investigations of committees, as the committee generally make their investigations away from the city, that the allowances have been approved by the chairman. I think that was the course pursued by the late Senator Morton in the investigation in Oregon. I will say further that in order to have no difficulty in paying the accounts allowed the cashier of the Senate was consulted in reference to this matter, and the resolution was prepared in accordance with his suggestion.

Mr. EDMUNDS. My attention was called to a similar case the other day, and on an examination of the statutes and of the former proceedings of the Senate in several cases—of course I did not look them all through—I thought it was clear, and it appeared to be clear, in practice, because accounts had been passed at the Treasury in that way, that there was no necessity for resolutions of this character, as whatever the Committee on Contingent Expenses passed, no matter what the expense was, passed through the Treasury as against the contingent fund. But if it is more convenient that the chairman of a particular committee alone, and not the committee provided by the rules for that purpose to audit the contingent expenses, shall audit these expenses, and the majority of the Chamber think that is the best way, I have not anything in the world to say on that point.

Mr. BAILEY. I will suggest to the Senator from Vermont that at the last session of Congress the Teller committee, which was appointed by the Senate to make an investigation, audited the expenses through its chairman, and my information is that that has been the usual course. I know that it was so in the case of the Teller committee. The course recommended by the Committee on Privileges and Elections is so obviously right and so obviously convenient that it seems to me the resolution ought to be adopted. Instead of referring the expenses of that committee to another committee to audit it can be better done by the chairman of the committee, who himself is acquainted with what has been done and knows what vouchers may properly be certified.

Mr. CAMERON, of Wisconsin. If the resolution be adopted it will place the necessary funds practically in the hands of the chairman of the Committee on Privileges and Elections, and the expenditures can be made under his direction. If the resolution be not adopted the funds will remain in the hands of the Secretary of the Senate, and the expenditures must be made under his direction. There was no similar resolution adopted by the Senate with regard to the expenditures made by the Teller committee, and in consequence of that the Secretary of the Senate had to send a clerk from his office with the committee; and as the expenditures were incurred they were paid by the clerk sent from the office of the Secretary of the Senate, and they were afterward, of course, passed upon by the Committee to Audit and Control the Contingent Expenses of the Senate. It is much more convenient to have the necessary funds placed subject to the control of the chairman of the committee, and that usually has been done.

Mr. SAULSBURY. My understanding of matters of this kind, and that was the case in the Oregon investigation, is that the chairman of the committee drew his order at different times upon the Secretary, who honored his draft. The chairman of the committee approved the bills for witness fees and other things, and had them paid out of the funds which he drew upon this order on the Secretary, and when he came back he settled his accounts with the Secretary, as I understand. That is the usual course pursued, I believe.

Mr. McMILLAN. Is the question before the Senate whether the resolution shall be considered at present?

The PRESIDENT *pro tempore*. That is the question.

Mr. McMILLAN. I think this investigation is not one of the usual character of investigations by the committees of the Senate. I think this proceeding inaugurates what will result in an unusual precedent, and a very dangerous precedent. I think it threatens the existence of the Senate, really; and, for that reason, every resolution offered relating to the matter should take the usual course. I object to the present consideration of the resolution.

Mr. DAWES. Before the Senator objects, will he allow me to read a section of the Revised Statutes which I think controls the whole thing?

Mr. McMILLAN. Yes, sir.

Mr. DAWES. The seventy-sixth section of the Revised Statutes is in these words:

No payment shall be made from the contingent fund of either House of Congress,

unless sanctioned by the Committee to Audit and Control the Contingent Expenses of the Senate, or the Committee on Accounts of the House of Representatives, respectively.

Therefore no resolution of the Senate would take this matter out of the hands of the regular committee to audit the contingent expenses; and whatever may be the form, every account would have to go through that committee, or else it would not pass at the Treasury Department.

Mr. SAULSBURY. That is true; but without a resolution of this kind how would the Secretary know anything about it, unless the orders were indorsed and approved by the chairman of the committee? For instance, the chairman of the committee might be in New Orleans. How would the Secretary know anything about the character of the vouchers, unless they were approved by the chairman of the committee?

Mr. DAWES. The resolution is very proper indeed, viewed in that way, but I understand the resolution to require the payment to be made upon the voucher of the chairman without the examination of the Committee on Contingent Expenses. That cannot be done. That would seem to supersede the necessity of the Committee on Contingent Expenses. It is very proper that the Committee on Contingent Expenses should have just what this resolution suggests, or they would not know what to allow; but the Secretary cannot pay the money upon such an indorsement, as the Senator will see. After all that is done it has to pass the Committee on Contingent Expenses.

Mr. SAULSBURY. I suppose that to be a matter of mere form, as all our accounts are rendered by the chairmen of the committees.

Mr. DAWES. I suggest to the Senator that he conform the resolution to the phraseology of the section which I have read from the Revised Statutes.

Mr. SAULSBURY. I will say that the cashier of the Secretary was consulted in reference to the form of this resolution, and the resolution was put in its present form by his approbation.

Mr. DAWES. I am not interfering. I having been upon that committee once, found myself somewhat embarrassed by these informal resolutions not conforming to section 76 of the Revised Statutes.

Mr. DAVIS, of West Virginia. Will the Senator allow me a moment? I think the only practical difference that exists between the modes of paying expenses is that if the account is payable upon the order or voucher of the chairman the money can be drawn in advance, so as to have it on hand to pay the expenses as they are incurred; while if it is left as the rule and the law leave it, to the Committee on Contingent Expenses, then it cannot be paid until after the expenditures are made and the voucher goes to the committee. That is the only practical difference, I think.

Mr. McMILLAN. I renew the objection I made.

The PRESIDENT *pro tempore*. The Senator from Minnesota objects to the present consideration of the resolution, and, therefore, it will go over until to-morrow.

BILLS INTRODUCED.

Mr. SLATER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 622) regulating intercourse with the subjects of the Chinese Empire visiting or residing in the United States, and for other purposes; which was read twice by its title, and ordered to lie on the table.

Mr. COCKRELL. Without previous notice I desire to introduce a bill at the request of one of my constituents, an honorable and reputable gentleman. I have not read the bill and do not desire to commit myself to its provisions or against them.

By unanimous consent, leave was granted to introduce a bill (S. No. 623) to provide for the construction and completion of certain transcontinental lines of railway, and for other purposes; which was read twice by its title, and referred to the Committee on Railroads.

SURVEYS OF THE ROCKY MOUNTAIN REGION.

Mr. HEREFORD (by request) submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring,) That there be printed at the Government Printing Office 3,000 copies of volume 2 of the geological series of the reports of the geographical and geological survey of the Rocky Mountain region, entitled, The Geology of the Henry Mountains, with the necessary illustrations and charts; 1,000 copies of which shall be for the use of the House of Representatives, 500 for the use of the Senate, 1,000 for the use of the Department of the Interior, and 500 for the use of the survey; the illustrations and charts to be made by the Public Printer under the direction of the Joint Committee on Public Printing.

Mr. HEREFORD (by request) submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate, (the House of Representatives concurring,) That there be printed at the Government Printing Office 2,000 copies of volume 4 of the geological series of the reports of the geographical and geological survey of the Rocky Mountain region, entitled, Geology of the Black Hills of Dakota, with the necessary illustrations and charts; 1,000 copies of which shall be for the use of the House of Representatives, 500 for the use of the Senate, and 500 for the use of the Department of the Interior; the illustrations and charts to be made by the Public Printer under the direction of the Joint Committee on Public Printing.

CHANGE OF NAME OF A VESSEL.

Mr. CONKLING. Mr. President, the Committee on Commerce, to which was referred House bill No. 178, direct me to report the same back without amendment favorably. I am going to ask to have this bill considered now unless some Senator sees objection to it; and as part of the request I will state what it is.

There is a boat plying on the Hudson River between New York and Peekskill. She is owned by a gentleman very well known to members of this body and otherwise. She is not an old boat, but a new and good one. She is named after a foreign prince. He wants to change her name to the name of one of the cities to which she plies, he being the owner of several other boats and they being all similar in name, this being the sole exception; he wants to uniform the names of the boats which constitute his line.

This bill simply permits the Secretary of the Treasury to allow the name of this vessel to be changed to Riverdale. I have in hand the proof that she is seaworthy, that there are no mechanics' liens, and that all other things which the Committee on Commerce is accustomed to require have been complied with. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 20th instant, approved and signed the act (S. No. 141) for the removal of the political disabilities of John S. Saunders, of Baltimore, Maryland.

PREVENTION OF EPIDEMIC DISEASES.

The PRESIDENT *pro tempore*. If there is no further morning business and nothing is moved, the Chair will declare the morning hour at an end and lay before the Senate the unfinished business, which is Senate bill No. 108.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 108) to prevent the introduction of contagious or infectious diseases into the United States.

Mr. HARRIS. I ask that the substitute reported on the 9th of May by the select committee be taken up and considered as the original bill without reference to the original bill, and that the substitute be now reported.

The PRESIDENT *pro tempore*. The Chair hears no objection, and the substitute will be considered for purposes of amendment as the original bill. The substitute will now be reported to the Senate.

The substitute was read.

Mr. HARRIS. I find a number of clerical and typographical errors in the print of this bill, and before proceeding to consider it I desire to correct by amendments the various errors of that character without changing the substance or sense of the bill at all.

In line 20 of section 1, I move to strike out the word "internal."

The PRESIDENT *pro tempore*. The amendment will be made if there be no objection.

Mr. HARRIS. In section 2, line 5, I move to strike out the word "for" and insert "forth."

The PRESIDENT *pro tempore*. If there be no objection the amendment will be made.

Mr. HARRIS. In line 31, section 2, I move to strike out the word "internal," the last word in the line.

The PRESIDENT *pro tempore*. The amendment will be made if there be no objection.

Mr. HARRIS. In line 14, section 3, I move to strike out the capital "A" and insert a small "a," and to change the semicolon before it to a comma; and then, in line 18 of the same section, after the word "another," a comma should be inserted instead of a period, and the capital "T" in the word "The" should be stricken out and a small "t" inserted.

The PRESIDENT *pro tempore*. If there be no objection these amendments will be made.

Mr. HARRIS. In line 26 of the same section, after the word "promulgated," I move to insert the words "by the National Board of Health."

The PRESIDENT *pro tempore*. If there be no objection the amendment will be made.

Mr. HARRIS. In line 3 of section 5 I move to strike out the word "part" and insert "port."

The PRESIDENT *pro tempore*. This amendment will be made if there be no objection.

Mr. HARRIS. In line 13 of section 9, after the word "reports," the period should be stricken out and a comma inserted, and the capital "A" in the next word "And," immediately after that, should be changed to a small "a."

The PRESIDENT *pro tempore*. That amendment will be made.

Mr. INGALLS. While the Senator from Tennessee is on that branch of the bill I would suggest that in line 9 of section 3, the word "and" should be stricken out and the word "where" substituted, so as to read:

And at such ports and places within the United States as have no quarantine regulations under State authority, where such regulations are, in the opinion of the National Board of Health, necessary.

Mr. HARRIS. I adopt the suggestion of the Senator from Kansas to strike out "and" and insert "where."

The PRESIDENT *pro tempore*. If there be no objection it will be so ordered.

The substitute, as amended, is as follows:

That it shall be unlawful for any vessel engaged in the transportation of goods

or persons from any foreign port where any contagious or infectious disease exists, to enter any port of the United States except in accordance with the provisions of this act, and all rules and regulations of State boards of health or sanitary associations recognized by this act or made in pursuance thereof; and any such vessel which shall enter, or attempt to enter, a port of the United States, in violation thereof, shall forfeit to the United States a sum, to be awarded in the discretion of the court, not exceeding $5,000, which shall be a lien upon said vessel, to be recovered by proceedings in the proper district court of the United States. And in all such proceedings the United States district attorney for such district shall appear on behalf of the United States, and all such proceedings shall be conducted in accordance with the rules and laws governing cases of seizure of vessels for violation of the revenue laws of the United States.

SEC. 2. All such vessels shall be required to obtain from the consul, vice-consul, or other consular officer of the United States at the port of departure, or from the medical officer, where such officer has been detailed by the President for that purpose, a certificate in duplicate setting forth the sanitary history of said vessel, and that it has in all respects complied with the rules and regulations in such cases prescribed for securing the best sanitary condition of the said vessel, its cargo, passengers, and crew; and said consular or medical officer is required, before granting such certificate, to be satisfied the matters and things therein stated are true; and for his services in that behalf he shall be entitled to demand and receive such fees as shall by lawful regulation be allowed, to be accounted for as is required in other cases.

That upon the request of the National Board of Health the President is authorized to detail a medical officer to serve in the office of the consul at any foreign port for the purpose of making the inspection and giving the certificates hereinbefore mentioned: *Provided*, That the number of officers so detailed shall not exceed at any one time six: *Provided further*, That any vessel sailing from any such port without such certificate of said medical officer, entering any port of the United States, shall forfeit to the United States the sum of $500, which shall be a lien on the same, to be recovered by proceedings in the proper district court of the United States. And in all such proceedings the United States district attorney for such district shall appear on behalf of the United States, and all such proceedings shall be conducted in accordance with the rules and laws governing cases of seizure of vessels for violation of the revenue laws of the United States.

SEC. 3. That the National Board of Health shall co-operate with and, so far as it lawfully may, aid State and municipal boards of health and sanitary associations in the execution and enforcement of the rules and regulations of such boards and associations to prevent the introduction of contagious or infectious diseases into the United States from foreign countries, and into one State from another.

And at such ports and places within the United States as have no quarantine regulations under State authority, where such regulations are, in the opinion of the National Board of Health, necessary to prevent the introduction of contagious or infectious diseases into the United States from foreign countries, or into one State from another, and at such ports and places within the United States where quarantine regulations exist under the authority of the State, which, in the opinion of the National Board of Health, are not sufficient to prevent the introduction of such diseases into the United States, or into one State from another, the National Board of Health shall report the facts to the President of the United States, who shall, if, in his judgment, it is necessary and proper, order said Board of Health to make such rules and regulations as are necessary to prevent the introduction of such diseases into the United States from foreign countries, or into one State from another, which, when so made and approved by the President, shall be promulgated by the National Board of Health and enforced by the sanitary authorities of the States, where the State authorities will undertake to execute and enforce them; but if the State authorities shall fail or refuse to enforce said rules and regulations, the President may detail an officer or appoint a proper person for that purpose.

The Board of Health shall make such rules and regulations as are authorized by the laws of the United States and necessary to be observed by vessels at the port of departure and on the voyage where such vessels sail from any foreign port or place at which contagious or infectious disease exists, to any port or place in the United States, to secure the best sanitary condition of such vessel, her cargo, passengers, and crew, and when said rules and regulations have been approved by the President they shall be published and communicated to, and enforced by, the consular officers of the United States.

SEC. 4. It shall be the duty of the National Board of Health to obtain information of the sanitary condition of foreign ports and places from which contagious and infectious diseases are or may be imported into the United States, and to this end the consular officers of the United States at such ports and places as shall be designated by the National Board of Health shall make to said Board of Health weekly reports of the sanitary condition of the ports and places at which they are respectively stationed, according to such forms as said Board of Health may prescribe; and the Board of Health shall also obtain, through all sources accessible, including State and municipal sanitary authorities throughout the United States, weekly reports of the sanitary condition of ports and places within the United States; and shall prepare, publish, and transmit to the medical officers of the Marine Hospital Service, to collectors of customs, and to State and municipal health officers and authorities, weekly abstracts of the consular sanitary reports and other pertinent information received by said board; and shall also, as far as it may be able, by means of the voluntary co-operation of State and municipal authorities, of public associations and private persons, procure information relating to the climatic and other conditions affecting the public health; and shall make to the Secretary of the Treasury an annual report of its operations, for transmission to Congress, with such recommendations as it may deem important to the public interests; and said report, if ordered to be printed by Congress, shall be done under the direction of the board.

SEC. 5. That the National Board of Health shall from time to time issue to the consular officers of the United States and to the medical officers serving at any foreign port, and otherwise make publicly known, the rules and regulations made by it and approved by the President, to be used and complied with by vessels in foreign ports for securing the best sanitary condition of such vessels, their cargoes, passengers, and crews, before their departure for any port in the United States, and in the course of the voyage; and all such other rules and regulations as shall be observed in the inspection of the same on the arrival thereof at any quarantine station at the port of destination, and for the disinfection and isolation of the same, and the treatment of cargo and persons on board, so as to prevent the introduction of cholera, yellow fever, or other contagious or infectious diseases; and it shall not be lawful for any vessel to enter said port to discharge its cargo or land its passengers except upon a certificate of the health officer at such quarantine station, certifying that said rules and regulations have in all respects been observed and complied with, as well on his part as on the part of the said vessel and its master, in respect to the same and to its cargo, passengers, and crew; and the master of every such vessel shall produce and deliver to the collector of customs at said port of entry, together with the other papers of the vessel, the said certificates required to be obtained at the port of departure, and the certificate herein required to be obtained from the health officer at the port of entry.

SEC. 6. That to pay the necessary expenses of placing vessels in proper sanitary condition, to be incurred under the provisions of this act, the Secretary of the Treasury be, and he hereby is, authorized and required to make the necessary rules and regulations fixing the amount of fees to be paid by vessels for such service, and the manner of collecting the same.

SEC. 7. That the President is authorized, when requested by the National Board of Health, and when the same can be done without prejudice to the public service, to detail officers from the several Departments of the Government for temporary duty, to act under the direction of said board, to carry out the provisions of this act; and such officers shall receive no additional compensation except for actual and necessary expenses incurred in the performance of such duties.

SEC. 8. That to meet the expenses to be incurred in carrying out the provisions of this act, the sum of $500,000, or so much thereof as may be necessary, is hereby appropriated, to be disbursed under the direction of the National Board of Health, which shall make to the Secretary of the Treasury a full and accurate report of its operations under this act and of all expenditures connected therewith, to be by him reported to Congress.

SEC. 9. That so much of the act entitled "An act to prevent the introduction of contagious or infectious diseases into the United States," approved April 29, 1878, as requires consular officers or other representatives of the United States at foreign ports to report the sanitary condition of and the departure of vessels from such ports to the Supervising Surgeon-General of the Marine Hospital Service; and so much of said act as requires the Surgeon-General of the Marine Hospital Service to frame rules and regulations and to execute said act, and to give notice to Federal and State officers of the approach of infected vessels, and furnish said officers with weekly abstracts of consular sanitary reports, and all other acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

Mr. HARRIS. These are all the amendments I am inclined to suggest, and now I propose to state briefly that in deference to what appeared to be the judgment of a majority of the Senate when this bill was under consideration some weeks ago——

Mr. HOAR. I desire, at some convenient time, to call the attention of the Senator from Tennessee to one very serious question of principle which seems to be involved in this bill. I do not know whether it would be more convenient to him to allow me to put my question now, that he may make the answer to it as a part of his speech if he sees fit, or to have me put it after he gets through.

Mr. HARRIS. It will be quite as convenient now as at any time.

Mr. HOAR. I understand that the first section of this bill provides that any vessel which shall enter or attempt to enter a port of the United States in violation of any present or future regulation of a State board of health, shall incur a penalty which is to be enforced by criminal or penal process in the United States courts; so that when this bill becomes a law every regulation made by a State board of health is to be enforced, if the bill goes into full effect, by the courts of the United States, and their process. On the other hand, in section 3 there is a contrary provision that the laws and regulations made by the National Board of Health shall be promulgated and enforced by the sanitary authorities of the States where the State authorities will undertake to execute and enforce them.

Now, the question that I wish to put is a two-fold one: as to the constitutional power, and as to the sound public policy. Does the Senator think it is constitutional to enact that any vessel, whether owned by an American citizen or a foreigner, violating any State local arrangement, shall be punishable by a process to be enforced by the courts of the United States; in other words, delegating to that extent to the States the power to make laws as United States laws which the United States undertakes and is bound to execute? On the other hand, if it were constitutional, what does the Senator say to the sound policy of such a provision?

Mr. HARRIS. I was in the act of stating when interrupted by the honorable Senator from Massachusetts that, in deference to what the committee believed to be the judgment of a majority of the Senate, as indicated by the amendments proposed and the line of argument adopted when this bill was under consideration two or three weeks since, the committee has materially modified the bill, not in accordance with its own judgment, because the bill for which this is a substitute is very much more satisfactory to and in accordance with the views of the committee than the substitute now under consideration, though the committee believe that this bill, if it shall be enacted, will accomplish the main object intended by the original, not so directly, not perhaps altogether so certainly, because of the very question now raised by the Senator from Massachusetts. Instead of exercising the power delegated to Congress to "regulate commerce with foreign nations and among the several States," and so regulating it as to strip it of contagious diseases, the evil of which I complain, in deference to what I understood to be the sentiment of a majority of the Senate, the present bill recognizes such regulations as State and municipal boards of health throughout the country may have adopted for that purpose, and makes it the duty of the National Board of Health to co-operate with and aid those associations in the enforcement of their rules and regulations so far as their rules and regulations tend to prevent the importation of contagious diseases from abroad or from one State into another.

The bill does provide, as stated by the Senator from Massachusetts, in its first section that all vessels sailing from foreign ports where contagious diseases exist to any port in the United States in violation of the provisions of this bill shall incur such penalties as the court may in its discretion impose, not to exceed $5,000. In the opinion of the committee it would have been better for the authority of the United States to have made its own rules and regulations, and through its own agencies to have enforced them; but, as I said before, the committee felt bound to respect what seemed to be the judgment of a majority of the Senate, as shown by its vote and by the amendments offered and the arguments made upon the occasion referred to, and therefore by this bill the quarantine regulations of every State are not only recognized but it is made the duty of the National Board of Health to aid in their enforcement so far as they tend to prevent the importation of contagion from foreign countries or from one State into another.

I do not think there is any difficulty upon the constitutional view of the question. Where the Federal Government has not exercised the power and the States have exercised it and have formed for themselves quarantine regulations which prevent the introduction of contagious diseases into the United States or into one State from another, Congress having failed to exercise its power, there can be, in my opinion, no doubt as to the power of the States to exercise such powers.

Mr. HOAR. That was not the precise point. As I understand, a violation of a State regulation of health, made by a State board of health, is by this proposed statute made an offense against the United States, indictable and punishable in the courts of the United States. Let me make an illustration. It is well settled, I suppose, that the States may pass laws punishing the counterfeiting of the coin or notes of the United States, or the passing thereof, by one citizen of a State upon another. Would it be constitutional for us to enact that any person who should counterfeit United States notes or pass counterfeit notes, in violation of any State law, should be indictable and punishable in the courts of the United States? That is my question.

Mr. HARRIS. Mr. President——

Mr. CONKLING. Will the Senator from Tennessee allow me to interpose at this point? The bill provides that any violation of such State regulations as now exist or as may at any time hereafter be imposed, shall entail a penalty which may be $5,000 in money "which shall be a lien upon said vessel to be recovered by proceedings," &c. I wish to inquire of the Senator whether his notice has fallen on the point that this provision would change rights of stockholders in companies who own vessels. Here is to be inflicted not upon the person who violates a State regulation, but upon the property itself, a very large sum, to be recovered in a *qui tam* action it might be, because I observe that the subsequent lines of the bill say it is to be done as recoveries may now be had. It would give therefore a *qui tam* action to such persons as might give information, which action is virtually an action *in rem*, taking the property of innocent persons, and that under national authority because of an infraction by somebody else of a State regulation not existent when the rights of the parties became vested, not existing now at the time of the legislation, but to come into being at any time afterward under the encouragement of this legislation. If it be agreeable to the honorable Senator, in the exposition of the bill I desire very much to hear him consider that point in connection with the others.

Mr. HARRIS. Mr. President, in regard to the questions both of the Senator from Massachusetts and of the Senator from New York, I will say that the first and second sections of this bill have been very slightly modified to conform to the modifications made in the third section, in which is to be found the chief modification of the principles of the bill. I confess that my attention has not been particularly directed to the remedy for violations of the provisions of the bill as it now stands modified by the third section.

The bill for which this is a substitute provided for the making of all necessary rules and regulations by the National Board of Health under the authority of the Government of the United States, and for their enforcement by that authority. The principle of the bill is changed by this substitute to the extent of recognizing and aiding in the enforcement of such rules and regulations of State boards as tend to prevent the introduction of contagion from foreign countries or from one State into another, leaving the first and second sections with their penalties and the remedies that they provided for under the former draught of the bill that looked only to the exercise of Federal power in the formation and enforcement of rules and regulations.

I am not prepared to assert that the provisions referred to are entirely free from difficulties in applying the remedies prescribed by the first and second sections of the bill in case of violations. I shall be very ready to hear from the honorable Senator from New York or the honorable Senator from Massachusetts any suggestion practical in its character as to the proper remedy if these provisions do not furnish it; a remedy which in the opinion of the Senator from Massachusetts shall be constitutional and legitimate, and if unnecessary hardships and evils are to be inflicted by the provisions of these sections, as suggested by the honorable Senator from New York, I shall be glad to hear suggestions from him as to the proper remedy in case of violations, and shall be quite ready to adopt any such suggestion which does not destroy the principle and efficacy of the bill.

To proceed with the explanation of the changes made in the bill, the third section provides:

> That the National Board of Health shall co-operate with and, so far as it lawfully may, aid State and municipal boards of health and sanitary associations in the execution and enforcement of the rules and regulations of such boards and associations.

It further provides that at such ports and places within the United States as have no regulations for the prevention of the introduction of contagious diseases, where in the opinion of the National Board of Health such regulations are necessary, and at such ports and places within the United States as have regulations of this character which in the opinion of the National Board of Health are not sufficient to prevent the introduction of such diseases from foreign countries or from one State into another, in each of these cases the Board of Health shall report the facts to the President of the United States, and if in his judgment quarantine regulations are necessary in the first case, and existing quarantine regulations are insufficient in the second, and more effective regulations are necessary, he is required to order the Board of Health to make such rules and regulations in each case as are necessary, and when so made and approved by the President they are to be promulgated by the National Board of Health and enforced by the State authorities if the State authorities will undertake to execute and enforce them; but where the State authorities shall fail or refuse to execute and enforce them, then it becomes the duty of the President to either detail an officer or appoint a suitable person for that purpose so that they shall be enforced.

These are the principal changes which are made in the bill. I understood the chief objection urged by the Senators from Massachusetts and from New York to the bill for which this is a substitute was that the former bill would conflict with and displace the quarantine and sanitary regulations of the various States; that it would be dangerous to so displace and uproot them for an untried system, the rules and regulations of which were yet to be made—regulations which were not before the Senate so that we could judge of their necessity and propriety; therefore they could not afford to change rules and regulations now existing, which in some localities I grant are quite perfect, for a system that was not before them and of the merits of which they could not judge.

Now, I confess that I am somewhat surprised to find that the objection comes from the honorable Senator from Massachusetts that we have gone too far in the direction of recognizing and respecting the rules and regulations of State boards and State sanitary authorities. I had hoped that by this modification, which deferred to and proposed to aid in the execution of those regulations where they existed in the States, the bill would be entirely satisfactory to that class of objectors. Under the provisions of this bill the committee believe that the main object and purpose which the committee had in view will be accomplished, not so speedily, not so certainly perhaps, but still will be accomplished and accomplished at every point in the United States where such regulations are necessary to be observed for the prevention of the importation of contagion from foreign countries into the United States or into one State from another.

The other sections of the bill that I have not referred to stand very much as they did in the original, being modified only so far as was necessary to conform to the changes made in the third section. The appropriation that the original bill provided for of $650,000 is reduced in this bill to $500,000, because of the fact that the original bill required the National Board of Health to make such investigations as might be necessary as to diseases in cattle, and to report thereon. Being charged with that duty the National Board of Health thought it unsafe to ask for a less appropriation than $150,000 on that account, $500,000 being the estimate of the Board of Health independent of the investigation of and report upon the diseases of cattle. In the substitute we have stricken from the bill the two sections that required the Board of Health to investigate and report upon that question; and having stricken these sections from the bill, the appropriation has been reduced from $650,000 to $500,000.

I believe there are no other material changes made in any section of the bill. Some other sections have been stricken out because under the provisions of section three they were deemed wholly unnecessary.

This, I believe, is the only explanation that I care to take up the time of the Senate to make.

Mr. INGALLS. Mr. President, the prohibitory and punitive provisions of this bill, so far as I can ascertain from a somewhat cursory reading, appear to become immediately operative, so that any vessel which should enter a port of the United States from foreign ports in violation of the provisions of this act, in case it should become a law, would be immediately subject to prosecution and to the imposition of a fine in case it should be shown to have been guilty of violating the provisions. Now, I ask the Senator from Tennessee whether there should not be some period after the passage of this bill, in case it should become a law, within which the information of its terms should become disseminated and promulgated. Of course it is understood that ignorance of the law does not excuse any one; but it would be obviously unjust to pass a bill imposing such restrictions as these upon foreign commerce and make it immediately operative, so that before any time had been allowed for the promulgation of its provisions and penalties vessels from foreign ports entering ports of the United States should become immediately subject to the imposition of heavy fines for the violation of rules of which they could not by any possibility have notice, being, it might be, upon the high seas, where information could not reach them even by telegraph, much less by the promulgation of the necessary rules and regulations through the consular authorities at the different ports from which they might sail. I would suggest to the Senator from Tennessee that there should be some period prescribed by the bill within which its terms would become operative, say a period of thirty or sixty days after its approval, or at least a provision that the penalties should not be imposed until proof was afforded that the regulations had been promulgated officially in the ports from which the vessels might sail.

Mr. HARRIS. If the Senator will prepare an amendment upon his latter suggestion I see no objection to it; that is, requiring proof of the fact that the regulations had been promulgated in the port from which the vessel sailed. I see no objection to that.

Mr. INGALLS. The Senator understands that I have nothing but the most friendly sentiments toward his bill, and I wish to offer no

amendment that would not be agreeable to him. I merely make the suggestion as it occurred to me from a very hasty reading of the bill that a provision obviously just had been omitted; and perhaps of the two methods that might be pursued, the better one would be to say that these vessels should not be subject to the penalties imposed by the section unless there was proof that the regulations and rules had been duly promulgated by the officers at the ports from which they had departed.

Mr. CALL. The bill now before the Senate, Mr. President, is one in which the people of my State have very great interest. The sea-coast of Florida, I believe, is very little less than fifteen hundred miles in extent. The island of Cuba, where the yellow fever, which is the great pest and enemy of the Southern States, originates, and which threatens every year to come further and further northward, is almost in sight of the extreme southern point of Florida. With a sea-coast of fifteen hundred miles in length, and the limited means and small population of the State, it is almost impossible for the means derived from the State revenues to guard the coast and furnish the necessary protection against the introduction of disease from abroad, if there be any disease brought in by importation. We have, therefore, a very great interest in having some law on this subject; and the United States and the people of the United States have quite as great an interest as we in having the points of contact in Florida properly guarded against the introduction of the yellow fever.

I find in the Constitution and the rules established for its interpretation a very complete answer to the objections which have been made to the adoption by Congress for the United States of the regulations of the health boards and the quarantine laws of the different States upon this subject. Mr. Justice Story, in his Commentaries upon the Constitution, in the four hundred and forty-seventh section, on page 431, says:

(1.) Wherever the power given to the General Government requires that, to be efficacious and adequate to its end, it should be exclusive there arises a just implication for deeming it exclusive. Whether exercised or not in such a case makes no difference. (2.) Whenever the power in its own nature is not incompatible with a concurrent power in the States, either in its nature or exercise, there the power belongs to the States. (3.) But in such a case the concurrency of the power may admit of restrictions or qualifications in its nature or exercise. In its nature, when it is capable from its general character of being applied to objects or purposes which would control, defeat, or destroy the powers of the General Government. In its exercise, when there arises a conflict in the actual laws and regulations made in pursuance of the power by the General and State governments. In the former case there is a qualification ingrafted upon the generality of the power excluding its application to such objects and purposes. In the latter, there is (at least generally) a qualification, not upon the power itself, but only upon its exercise, to the extent of the actual conflict in the operations of each.

He goes on to say:

In fact, it is obvious that the same means may often be applied to carry into operation different powers. And a State may use the same means to effectuate an acknowledged power in itself which Congress may apply for another purpose in the acknowledged exercise of a very different power. Congress may make that a regulation of commerce which a State may employ as a guard for its internal policy, or to preserve the public health or peace, or to promote its own peculiar interests. These rules seem clearly deducible from the nature of the instrument; and they are confirmed by the positive injunctions of the tenth amendment of the Constitution.

Mr. Justice Story has found, then, in the construction of the Constitution in the cases which have been alluded to during the discussion of the former bill, especially the case of Gibbon *vs.* Ogden, in 9 Wheaton, the very authority which is exercised by the bill now before the Senate, the authority which the bill undertakes to enact, of adopting and enforcing by act of Congress the quarantine laws and the health regulations of the different States.

So far as the objection made by the Senator from New York [Mr. CONKLING] is concerned there may be some force in the suggestion as to the expediency of imposing a lien upon the property of foreign shareholders or domestic shareholders in vessels which may by improper conduct of their masters be subjected to the law. I think there is no doubt, however, as to the authority of Congress and as to the customary course of law in imposing a lien of that kind on a vessel engaged in commerce. I believe the whole remedy which is within the power of the United States, or of any other government, of regulating the entry of vessels engaged in commerce on the high seas into the ports of the country is enforced by lien upon the vessel. There is no other system that is practicable. It might, perhaps, be expedient, possibly wise, in this case—I do not undertake to say that it would be—to make this a personal penalty rather than one attached to the property of the vessel. However, I am anxious, and the interests of my people demand, that some such law as this shall be passed. I think it would be far more efficacious, as I have suggested to the honorable chairman who has the bill in charge, if provision were made for compensation to the local officers who may be appointed under the authority of this act to carry into effect its provisions or the State regulations. I am sure that with the immense seaboard of my own State, and the comparatively small revenue of the State and its small population, and the large expenditure necessary to guard so extensive a coast, it would be advisable that there should be some specific provision of the bill providing for compensation to those who may be employed to carry its provisions into effect.

I hope that the bill will receive the favorable consideration of the Senate and that it will pass, and that amendments may be made in the respect I have indicated looking to the immense seaboard of my State and the other States South which need to be protected, as we have understood. We have a great deal of experience in my own State, at least in its southernmost extremity, for while the yellow fever has scarcely ever made its appearance, with but one or two exceptions, upon the part of the coast of Florida above Key West, it has almost every year been imported into Key West and extended from there for some short distance up and down the mainland. We have found—it is the experience of a century under the Spanish occupation of that country and since—that an efficient quarantine is an effective guard against the introduction of the fever. We have found in cases where, as two years ago, the yellow fever made its appearance in the Southern States and at some places was exceedingly fatal, that in the town in which I live, separated only twenty-five or thirty miles from the town of Fernandina, an efficient system of quarantine prevented the introduction of fever at all into the town of Jacksonville, while it raged with terrible fatality in the town of Fernandina.

That is in keeping with the experience of our people, and we have had some further and very remarkable instances. As the subject was under discussion here some time ago, I will mention a single fact that is well known to the medical profession in my own town and which has received universal credence there. Some twenty years ago the yellow fever made its appearance in Jacksonville and Saint Augustine, the only time when it has ever been known to appear there to any great extent. Four years afterward, when the physicians were entirely familiar from their experience in that pestilence with the disease, two cases of yellow fever occurred in the town without any in the surrounding country, without any appearance of it upon the coast, without any in the United States elsewhere—two cases of clearly defined yellow fever. They were the only cases that appeared, and they both terminated fatally. Upon inquiry, the symptoms having all been perfectly marked and unmistakable, it was ascertained that a young man had come from Havana a short time before these attacks came on, and just as he had left Havana, on the day of leaving, he had gone with a friend to visit a sick friend in the yellow-fever ward of the hospital in Havana. He had come directly to his home in Jacksonville, and there, having some presents for some children, relatives of his, he had carried them into his room and opened his trunk; and the two children who were present when the articles of clothing were taken out were seized with the yellow fever within a very short period of time and died. That was the only instance, either before or after, for a term of some ten or twelve years of the appearance of yellow fever in any portion of that country. It has not been there since, with the exception of its appearance in the epidemic at Fernandina two years ago. This fact is regarded in our town and among our medical profession there as conclusive evidence that the yellow fever is imported in some way in the clothing and through the presence of those who have been in immediate contact with it.

I submit this for your consideration. I hope the bill will pass. I consider it to be one of great importance to our country and of very great importance to all the people of the United States. I think the coast of Florida should be effectually and carefully guarded in all points of contact between it and the island of Cuba.

Mr. INGALLS. In pursuance of the suggestion that I made before the Senator from Florida [Mr. CALL] addressed the Senate, I now offer an amendment, to come in at the close of section 4, after line 41, in the following words:

Provided, That none of the penalties herein imposed shall attach to any vessel, or any owner or officer thereof, till this act and the rules and regulations made in pursuance thereof shall have been officially promulgated for at least ten days in the port from which said vessel sailed.

The interim of ten days or some period appears to be necessary from the fact that an inspection and a certificate are necessary before the vessel can depart. I propose this at the end of section 4, inasmuch as the three preceding sections all refer to the rules and regulations and the penalties to be imposed for violation thereof.

Mr. PADDOCK. There can be no objection to that.

Mr. HARRIS. It should be at the close of section 3 instead of section 4.

Mr. INGALLS. The Senator is correct; it should be at the close of section 3.

Mr. HARRIS. I see no objection to the amendment, and hope it will be adopted.

The PRESIDING OFFICER, (Mr. BAILEY in the chair.) The question is on the amendment of the Senator from Kansas, [Mr. INGALLS.]

The amendment was agreed to.

Mr. HOAR. Mr. President, the amendment just adopted, if the bill stands, will make the law inoperative as a penal law unless every regulation of a State board of health in this country has been promulgated in the port from which the vessel sails. Of course, if the chairman of the committee does not object to that it is not for me to object. I now move to amend the first section of the bill by striking out all down to and including the word "thereof," in the ninth line, and substituting what I send to the Chair. If this be adopted it will require some further amendment later in the bill to conform to the general purpose.

The PRESIDING OFFICER. The words proposed to be inserted will be read.

The Chief Clerk read as follows:

That whenever, in the opinion of the President of the United States, there is danger that cholera or yellow fever may be introduced from abroad into any port

or place within the United States, or spread from State to State within the same, and in his judgment the existing quarantine or health regulations at such exposed places are insufficient, he may authorize the Board of Health to make further rules and regulations in the premises; which, being submitted to and approved by him, shall be valid and in force.

Mr. HARRIS. Where does the Senator propose to insert that amendment?

Mr. HOAR. I propose to strike out all down to the word "thereof," in the ninth line of the first section, and insert what has been read.

Mr. HARRIS. I do not think there is any necessity for the amendment of the Senator from Massachusetts, and it will defeat that degree of promptitude of action which, in my judgment, is absolutely necessary. If these rules and regulations are not to be enforced except when the President shall be satisfied of the existence of disease, in all probability their enforcement would come too late to prevent its introduction or spread. The adoption of the amendment is the practical defeat of the purpose and policy of the bill. And as to the apprehension of the Senator from Massachusetts with regard to the enforcement of these quarantine laws of the States, I find that the act of last year, while it does not in terms impose penalties to be enforced in the courts of the United States for a violation of the act, does make it unlawful for any vessel engaged in the commerce of this country to enter any port of the United States contrary to the quarantine laws of such State. The same provisions are found in the act of 1799 and in every act of Congress upon the subject.

Mr. HOAR. Will the Senator read the act of last year, or so much of it as he refers to?

Mr. HARRIS. The act of 1878 and the act of 1799 declare that it is unlawful for any vessel engaged in the commerce of the country to enter any port in violation of the quarantine laws of the State. The act of 1878 I will read the first section of:

That no vessel or vehicle coming from any foreign port or country where any contagious or infectious disease may exist, and no vessel or vehicle conveying any person or persons, merchandise or animals, affected with any infectious or contagious disease, shall enter any port of the United States or pass the boundary line between the United States and any foreign country, contrary to the quarantine laws of any one of said United States, into or through the jurisdiction of which said vessel or vehicle may pass, or to which it is destined, or except in the manner and subject to the regulations to be prescribed as hereinafter provided.

It makes it unlawful, as does the act of 1799, for any vessel to enter any port except in conformity to the quarantine regulations of the State. This act does no more except that after declaring it unlawful it distinctly provides the remedy and the jurisdiction in which that remedy is to be enforced. So if this bill be an error I think the act of 1799 and the act of 1878 are equally erroneous in that respect. We have the precedents at least of all the legislation Congress has ever adopted upon the subject, this bill following exactly in the line of the precedents in that respect.

Mr. HOAR. Mr. President, the chief distinction between the amendment which I have proposed and the bill of the committee is that the amendment points out the two distinct and positive dangers, to wit, cholera and yellow fever, and does not put in this Board of Health a general superintendence over the commerce of the world whenever it grows out of trade with any port where any infectious disease whatever exists. That, of course, includes substantially the whole world; and a board disposed to extend and amplify their jurisdiction will extend it to the commerce of the whole world and to the internal commerce between the States, because there is no prevalent disease, however comparatively innocuous it may be, which may not be said to be contagious to some extent.

It seems to me that the Senators who desire this legislation get all the protection that they or their section require by aiming at the two principal dangers, to wit, yellow fever and cholera, and that the provision that the Board of Health may make additional rules and regulations to be submitted to the President, with machinery to be added later in the bill for penal proceedings for a violation of this, is all that the present necessity requires.

Mr. HARRIS. I think the restriction to the two diseases named by the Senator from Massachusetts is quite as objectionable as the inevitable delay which his amendment will produce. That it produces delay in the enforcement of necessary rules and regulations is certain, and that delay, I fear, would be fatal; but why confine these regulations to two diseases named? Is it not just as important—the danger perhaps is not so imminent, but is it not equally important to quarantine against the plague, small-pox, and that class of diseases, as yellow fever and cholera? The danger to be apprehended from yellow fever is more threatening at this time than that from any other disease; but is it not equally important, when providing for security against epidemic and contagious diseases, that we provide against these other diseases quite as fatal, quite as dangerous as the two diseases named? I see no necessity for the amendment of the Senator from Massachusetts, and hope that it may not be adopted.

Mr. CONKLING. Mr. President, may I inquire of the Senator from Tennessee for his understanding or that of the committee in respect of the number of disorders embraced or which may be embraced by the term "contagious or infectious diseases?"

Mr. HARRIS. Does the Senator desire an answer now?

Mr. CONKLING. Yes, sir, if the Senator pleases.

Mr. HARRIS. I find in a report of a sanitary congress that assembled in Paris some years ago, which I believe is recognized among sanitarians as authority, that the diseases of plague, cholera, yellow fever, small-pox, and typhoid fever are the only diseases known to the profession that it is deemed necessary and proper to quarantine against; but these are all specified, if my memory is not at fault, as diseases that it is proper to quarantine against. They are the only ones that I am prepared to specify, and while to limit the operation of the quarantine rules and regulations to yellow fever, cholera, small-pox, and plague may answer all practical purposes, I think it better to leave the bill as it is without such limitation.

Mr. CONKLING. The honorable Senator from Tennessee anticipates, by agreeing with me, the suggestion I was about to make. He has named but five diseases to be quarantined against—fevers, two kinds, yellow and typhoid; small-pox; plague; and cholera. Those are five well-known diseases, each described by a simple popular name. If he means no others, it seems to me it would be well to recite, as the recitation is so short, the diseases he does mean. As I understand—and I speak of course with diffidence by the aid of that imperfect information touching such topics common among men—a great variety of diseases for aught that we know and for aught that medical science has ever established, may be truly and would be inevitably classified as "contagious or infectious diseases." In respect of many of the most common maladies to which flesh is heir, it is I believe to this day a moot question among the physiologists and pathologists of all countries whether they be indeed infectious or contagious or not, whether they can be communicated by contact or communicated by the air which receives its quality from the presence of a person diseased. So the language of the bill as it stands now would violate that instruction which comes to us from one of the maxims of the law so familiar to the Senator from Tennessee, which declares that that is certain which can be rendered certain. I see no way in which we or those who administer the law could ever render certain the inquiry whether by infectious or contagious disorders we intended to embrace more or less. Of course, it would be clear that many diseases admitted to be infectious and contagious were embraced, but as to the others, uncertainty must remain.

Mr. KERNAN. On this point I will read a section of the New York statute defining what are infectious or contagious, and it will be seen that there is considerable discretion left to the officers. In the statute as to quarantine regulation in New York it is provided:

The only diseases against which quarantine shall apply are yellow fever, cholera, typhus or ship-fever, and small-pox, and any new disease not now known of a contagious, infectious, or pestilential nature, at the discretion of the quarantine commissioners and health officer.

Mr. HARRIS. I think we may very safely leave this matter as it stands in the bill to the sound judgment and discretion of the National Board of Health with the approval of the President. The diseases that I deem it absolutely necessary, however, to provide against are those named, and I shall not seriously object to inserting the restriction suggested by the Senator from New York [Mr. CONKLING] confining the operation of these rules and regulations to those four diseases; but that would involve the necessity of changing almost every section of the bill, or various sections at any rate; and I deem it quite unnecessary to incorporate the restriction in the bill, though I do not regard it as a matter of serious consequence.

Mr. LOGAN. I desire to make one or two inquiries of the Senator. I confess that I have not given this bill a critical examination so as to understand it entirely; but I desire to know what there is in the act of April 29, 1878, which is repealed by the last section of this act that is not in itself sufficient to carry out all that is necessary in reference to ascertaining that which is desired pertaining to the diseases mentioned in this bill. By the act of April 29, 1878, it is provided:

That whenever any infectious or contagious disease shall appear in any foreign port or country, and whenever any vessel shall leave any infected foreign port, or, having on board goods or passengers coming from any place or district infected with cholera or yellow fever, shall leave any foreign port, bound for any port in the United States, the consular officer, or other representative of the United States at or nearest such foreign port, shall immediately give information thereof to the Supervising Surgeon-General of the Marine Hospital Service, and shall report to him the name, the date of departure, and the port of destination of such vessel; and shall also make the same report to the health officer of the port of destination in the United States, and the consular officers of the United States shall make weekly reports to him of the sanitary condition of the ports at which they are respectively stationed: and the said Surgeon-General of the Marine Hospital Service shall, under the direction of the Secretary of the Treasury, be charged with the execution of the provisions of this act, and shall frame all needful rules and regulations for that purpose, which rules and regulations shall be subject to the approval of the President, but such rules and regulations shall not conflict with or impair any sanitary or quarantine laws or regulations of any State or municipal authorities now existing or which may hereafter be enacted.

Taking that section with the additional act that was passed authorizing the organization of the National Board of Health in connection with this Marine Hospital Service to act together, what is there wanting in this section requiring and authorizing the information to be obtained that is better provided for in this bill that is now before us? I should like to know what it is. Except some change of officers, of organization, is there anything in addition to this that is necessary except merely providing that other diseases may be included that are not included in section 2 of the act of 1878?

Mr. HARRIS. I would suggest to the Senator from Illinois that the third section of the bill under consideration authorizes the making of rules and regulations and their enforcement at all points in the United States where in the opinion of the National Board of Health and the President they may be necessary to prevent the importation of disease into the country or from one State to another.

The act of 1878 gives no such authority, but only provides for the enforcement of such rules and regulations as exist or may hereafter exist in the several States; and the Senator is aware of the fact that more than half the States in the Union have no quarantine regulations at all. Therefore it is very important that the power should be lodged somewhere to make and enforce regulations where they do not exist, and where regulations exist which are not sufficient for the accomplishment of the object it is important that the power should be given to some tribunal to make such rules and regulations as will be sufficient to accomplish the object.

Mr. LOGAN. I understand the object in reference to this section, and that causes me to make a further inquiry. If the object be a mere enlargement of this particular section of the law of 1878 with a view of lodging the authority for the purpose of enforcing the act somewhere, the authority in the law of 1878 being lodged somewhere already, could not the same object be attained by an amendment to this section authorizing the enforcement by the authority in which the enforcement is already lodged? Could not the same thing be accomplished by including the States that the Senator mentions with those already included in this section of the act of 1878? Why create a new board? Why lodge the authority somewhere else than where it is now lodged in the law, unless the authority is not properly employed or unless it is improperly lodged in some one not competent or not proper to execute the law? Why, I ask, is this change necessitated? Why go further than a mere amendment of this section of the act of 1878 which would include a district or portions of our country not already included in the law and places outside of the ports of the United States?

Mr. HARRIS. That the object might be accomplished in the manner suggested by the honorable Senator I have no doubt; but if to be accomplished in that way he should introduce a bill to repeal the act creating the National Board of Health. At the last session of Congress a national board of health was created by act of Congress, and I think wisely created. In my judgment it is the best tribunal for the consideration of the questions submitted to it and the performance of the duties imposed upon it. The members of the board are selected with an eye single to their peculiar qualifications for the duties which the board is expected to perform. The board is confined to the performance of these specific duties, while the officers of the Marine Hospital Service have their various duties to perform. The duties imposed upon the Marine Hospital Service by the act of 1878 were in addition to the ordinary duties of that service. They are not so well qualified, in my judgment, however well qualified they may be, for the consideration and disposition of the various questions with which the National Board of Health must deal, as the Board of Health, selected, as it is, for the express purpose and because of the peculiar fitness of its members for the performance of the duties assigned to it.

For that reason I think the National Board of Health should be charged with the performance of this class of duties and the Marine Hospital Service relieved from the additional duties which the act of 1878 imposed upon it. It is not necessary for the Marine Hospital Service to receive weekly sanitary reports from the consular officers of the United States serving at foreign ports and to make and distribute weekly abstracts of such reports to all the boards of health, sanitary associations, and officers of the customs in the United States while the National Board of Health exists and is charged with precisely the same duty. Therefore, the last section of the bill proposes to repeal so much of the act of 1878 as imposes the duty upon the officers of the Marine Hospital Service.

Mr. LOGAN. I am making these inquiries for the purpose of being advised in regard to the bill. It does seem to me, however, without objecting to the Board of Health, for I make no objection to it, that at the time this Board of Health was provided for by the law of the last Congress the intention was to make it a kind of an advisory board in connection with the Marine Hospital Service. But this bill eliminates all power in the law heretofore belonging to the Marine Hospital Service, and transfers it to the newly organized board. They are made not only a board for the purpose of examining these questions, but they are made a board for the purpose of executing the law. Further than that, they are made a disbursing board for the purpose of disbursing the $500,000 appropriated in the bill.

The service has heretofore been performed under the act of 1878, and in fact under the laws prior to that; for we find a law on our statute-books as early, I believe, as 1799, providing for the execution of the quarantine laws, placing the authority in the hands of certain officers of the Government. If it is intended by this bill that there shall be a board of eminent physicians for the purpose of ascertaining the cause of certain diseases and ascertaining when those diseases originate and where, and giving notice and providing as well as possible against them, would it not be well that that board should be a board receiving their salaries for the purpose of giving this information, for the purpose of advising the proper officers of the Government, for the purpose of giving information to the Marine Hospital Service and the Army wherever it may be required or wherever it may be desired, and let the rules and regulations that may be established be enforced? By whom? By the officers who are duly and properly authorized to enforce the laws of the country.

I do not believe that all this power should at once be transferred to a new board, because it is a well-known fact, as history proves to us, that no bureau has ever been established in this country, that no officers of this kind have been organized, but what usually, instead of being wiped out or abolished as time rolls on, their jurisdiction is increased and enlarged instead of being diminished. So it will be with this board. Therefore, so far as I am individually concerned, without being opposed to the organization of the board, for I am not, I would rather not see the powers that are herein granted given to that board. I would rather see them made a board advisory to some Department of the Government for the purpose of ascertaining the things which are desirable to be ascertained and to have the laws enforced by other officers of the Government.

In the repealing clause of the bill that is before us everything is repealed that pertains to the duty of the Marine Hospital Service so far as that duty is applicable to this particular service. The duty of making reports, the duty of publishing bulletins, the duty of issuing instructions, of making rules and regulations, the duty of enforcing those rules and regulations, is all repealed by this proposed act and lodged elsewhere. If the rules and regulations that have been made are not sufficient, we ought to know it. If the rules and regulations that have been made are inadequate, that would be a good reason for having different rules made. If the rules and regulations have not been published as required, that might be a reason to show the incompetency of a certain officer. If the bulletins of health are incorrect, that might be a good reason; if they are not published promptly, that might be a good reason; if the facts to be ascertained have not been sought after properly, that would be a good reason for a change; but unless some of these causes do exist under the present law showing the incompetency or the want of time or some reason why the law has not been complied with by the authority upon whom the duty is placed under it, I do not see any reason for a transfer to some other board for the purpose of expending more money.

I have before me the bulletins of health published by the Department under the law already existing on our statute-book. No fault is found with them. No fault, as I understand, is found with the reports or the examinations that have been made. I wish to call the attention of the Senator from Tennessee to the fact that the very work that he now is attempting to take from the Marine Hospital Service was originated so far as this plan is concerned in that service and by the aid of that service. The very bills that were passed into laws originated in that service, and the service complete as it is, though wanting perhaps in some particulars, came from that bureau of this Government. The activity with which that bureau or division, or whatever it may be termed, has exhibited its energy for the last few years since its organization in developing this very system, ought at least to have some consideration at the hands of the Congress of the United States. But so soon as some great plan has been developed by the genius and knowledge and experience of some of the men connected with that bureau, then the whole subject is to be taken from their hands and placed in other hands, with a large amount of money, to be used properly no doubt—I do not say it will be improperly used—but certainly an amount of money that has never been thought of for this purpose before.

I do not know the fact to be as I state it, that it will not require this amount of money, but I have been told by persons in whom I have the greatest confidence, persons who have been connected with the development of this very system itself, that $50,000 would be ample for everything that is required in the ascertainment of all the facts necessary and in the execution of all the rules and laws that are necessary on this subject; and I believe it. Why is it that when this system was developed before by men of science and experience, they did not desire so large an appropriation as this for the purpose of preparing these rules, for the purpose of publishing these bulletins and notifying the world as to the condition of health in all countries, for the purpose of notifying consuls and receiving notice from consuls? For all these things provided for in the law, why is it that this amount was never required or asked for before? It was because no such amount was necessary. Five thousand dollars is all the money that has ever been asked, as I understand it, for the purpose of publishing everything necessary to notify the whole country as to the locality of certain diseases, as to the condition of health in all parts of this country. Of course that is only one part of this work; but when you take that part of the work it forms a great deal of it. Five thousand dollars is all, at least as I understand it, that it was thought would be required under the system provided for in 1878 for the publication and preparation of all of the things necessary to advise the whole country.

Then for what purpose is an appropriation of $500,000 now proposed? What use is to be made of it? I should like the Senator to explain; at least I should like to know. I cannot see for what purpose this $500,000 is to be used. We all know that if we appropriate $5,000,000 for any bureau of the Government or any Department of the Government some way will be found to expend the last dollar. If it is even by hiring extra sweepers or something extra the last dollar must be expended. There are but few exceptions to this general rule so far as appropriations are concerned.

I say, then, that so far as this bill is concerned in its general features I do not see the necessity for it. I can see the necessity for having boards of health, and I agree to that. I would prefer this to be an advisory board, however; one to advise the President, the Secretary of the Treasury, the Marine Hospital Service, the Medical De-

partment of the Army and of the Navy if necessary, and then to have a law requiring the Secretary of the Treasury to enforce the regulations or rules that might be laid down and agreed upon. Thus you would require no expenditure of money except to pay these men their salaries. Let them provide the rules if they desire; but let the Secretary of the Treasury enforce them, and then let the general appropriations for the purpose of enforcing laws apply to this law as well as to the enforcement of all other laws. Then you will not put the power in the hands of a few men to distribute, disburse, and expend money when it is unnecessary.

Mr. HARRIS. Upon the question of expenditure I have only to say that in the event of an epidemic such as we had last year the sum of $500,000 is perhaps too small an amount, certainly as small as it would be safe for Congress to appropriate to the objects and purposes of this bill. If there is no epidemic then I can assure the Senator from Illinois that the $500,000 will not be expended. Why should this Board of Health expend more money in the performance of its duties than the officers of the Marine Hospital Service would expend, if the Board of Health is composed of competent and honest men, as it certainly is?

Mr. LOGAN. I have no question of that whatever.

Mr. HARRIS. I cannot see how it is possible for their expenditures to be greater than would be expended by the officers of the Marine Hospital Service in the performance of the same duties, with the single exception of the small pay allowed seven members of the board.

Mr. LOGAN. Will the Senator allow me to interrupt him?

Mr. HARRIS. Certainly.

Mr. LOGAN. I wish to call his attention to one fact. He speaks of the honesty of these men. Of course I have nothing to say about it; doubtless they are all honorable gentlemen. There is no doubt of that. Some of them I know myself, and I speak of them as gentlemen and men whom I believe to be honest. The presumption is that all officers are honest. Does the Senator not know that in the Post-Office Department, in the War Department, in the Treasury Department, in the State Department, and in every Department of this Government, the appropriations are expended, and generally a deficit occurs in most of them? Why? Because wherever you appropriate a large sum of money, the idea is not that they must economize, but if they have a portion of it left they will say, "I have so much of an unexpended balance, and why should I not provide for this thing?" That is the rule, and we all know it. It is not a question of honesty, because if you appropriate the money these men will expend it; it is not dishonest, so that they do not expend it improperly for their own purposes. If they expend what they think is right, it is not dishonest, but there is always some way found that brings about a necessity for the expenditure of whatever appropriations may be made by Congress.

Mr. HARRIS. While it is true that the appropriations made to any Department of the Government are usually expended, and sometimes there is a deficit, the Senator from Illinois very well knows that the appropriations to the various Departments of the Government are based upon estimates, which estimates are drawn from the absolute experience of the Department for long years in the past and the experience of the last fiscal year; and the appropriations are not only confined to those estimates, but their estimates, as the Senator very well knows, are not infrequently cut down by the two Houses of Congress. It is not so in this case. This appropriation is not upon an estimate based upon experience. It is necessarily speculative to some extent in its character. It is impossible to foresee the extent of the necessity; but of one thing I am confident: in the event of an epidemic every dollar of the $500,000 will be absolutely necessary. In the event there is no epidemic, then I am equally confident that no such sum as $500,000 will be necessary or will be expended by the Board of Health.

As to another suggestion of the Senator from Illinois when last up, the fact that the act of 1878 was drafted by the surgeon-general of the Marine Hospital Service and the whole plan was conceived by him, and the act passed partly if not wholly at his suggestion—I grant all that, not knowing whether it be true or not, but I take for granted that it is true as the Senator states it—allow me to state to the honorable Senator that I chance to know that a bill which I had the honor to report to the Senate at the last session of the Forty-fifth Congress, which transferred all of these duties and powers from the officers of the Marine Hospital Service to a national board of health, just as this bill does, met the full approval and had the warmest support of the late surgeon-general of the Marine Hospital Service, Dr. Woodworth. That fact I chance personally to know; and so far as the opinions of that gentleman are to be weighed in determining the propriety of continuing these powers and these duties with the Marine Hospital Service, his later convictions were that the National Board of Health was the proper tribunal to exercise them.

Mr. LOGAN. As far as that is concerned, I did not call the attention of the Senate to that fact to show the necessity of retaining the power with the Marine Hospital Service at all, but merely to show from whence this whole plan emanated. No matter what the desire of any individual might be to rid himself of labor, that is not the point. Dr. Woodworth is dead and gone. He is a man for whom I have the kindest remembrance, and for whom I had the greatest regard during his life-time, and whom I had known well and long. The question is not whether Dr. Woodworth or Dr. Hamilton or any other head of the Marine Hospital Service might desire to get rid of labor, but whether the power residing there is well placed or not. I suppose that any of us would be glad to get rid of labor. The point with me was only to show that there was no necessity for extending the jurisdiction and power of this board until it was tested. Let the bill be so amended that the power of executing the law shall remain where that power now resides, and let this board be an advisory board for the purpose of getting up rules, or aiding and assisting in getting up rules, whatever may be necessary, in conjunction with these other men; and when rules are gotten up satisfactory to them and the medical department of the Government, then leave the execution of the rules under the law with the executive authority of the Government, and let the expenditures in reference to it be like other appropriations to be expended by the Department. That is the point, and there can be no objection to that in my judgment. To my mind there ought to be no objection to such a provision, either on the part of this Board of Health or anybody else, because they have all the power necessary for an examination into contagious diseases, from whence they emanate, and the preparation of the rules necessary to regulate vessels of any kind, or cars, or whatever may be included in this bill. That power would still exist so far as making rules and regulations; but as to the expenditure of money and the execution of the law, let that rest where it now rests in reference to other laws of the Government.

The PRESIDING OFFICER, (Mr. WHYTE in the chair.) The question is on the amendment proposed by the Senator from Massachusetts, [Mr. HOAR,] which the Secretary will again report.

The Secretary read the amendment.

Mr. HOAR. If the gentleman having the bill in charge shall consent, as he has suggested he will, to amend the first section of the bill by enumerating distinct diseases——

Mr. HARRIS. The Senator perhaps misunderstood me. I said I would be glad to have him suggest such amendment as in his judgment was necessary. When I see the amendment, I will say whether I consent to it or not.

Mr. HOAR. The Senator did not exercise his usual wisdom in waiting to hear the statement I was about to make before he answered it, which he almost always does.

Mr. HARRIS. I beg pardon of the Senator for having interposed.

Mr. HOAR. I repeat what I was saying. I said if the Senator would consent to amend the first section of the bill as he said he would, by enumerating the five or six specific diseases aimed at instead of letting the bill extend to everything which the Board of Health may fancy to be a contagious disease, I would withdraw my amendment for the present. Am I mistaken in understanding the Senator to say that he had no objection to that?

Mr. HARRIS. I stated that I did not deem such an amendment or modification at all necessary, but I saw no serious objection to it and should not seriously oppose such an amendment.

Mr. HOAR. That is what I understood the Senator to say.

The PRESIDING OFFICER. Does the Senator from Massachusetts propose any other amendment than the one pending?

Mr. HOAR. I will move, then, to substitute for the words "any contagious or infectious disease" the words "cholera, yellow fever, plague, small-pox, and typhoid fever."

Mr. CONKLING. I suggest that "ship-fever" (possibly it is typhoid) ought to be included.

Mr. HOAR. I will insert "ship-fever" instead of "typhoid fever," leaving that out. I do not think the introduction of typhoid fever from abroad is a matter that the nation can concern itself with.

Mr. HARRIS. May I ask the Senator from Massachusetts what he apprehends if the bill is left as it is in that regard?

Mr. HOAR. I apprehend an expansion. It is not always agreeable to narrate publicly local experiences with boards of this class, for obvious reasons. Nobody wants to be criticising the action of State boards. It is unnecessary, if not out of place, to be talking about such a thing; but I think a board constituted as this National Board of Health is will be found to be expanding its jurisdiction in every direction, and there is danger of very serious infringement of sound constitutional principles, of sound legal principles, and of the commercial interests of the country. I desire to have at least the authority given them defined.

Mr. HARRIS. Does the Senator from Massachusetts know of any board of health that has undertaken to make rules and regulations quarantining against any other diseases than those he has named? Does the Senator know of an instance, I ask, where any board of health has undertaken to make rules and regulations quarantining against any other diseases than those named?

Mr. HOAR. If there is not any instance of that kind, then certainly it can be no harm to not give them power to do it.

Mr. HARRIS. So I think. I do not think there is any serious evil in naming the diseases.

Mr. HOAR. Then we agree.

Mr. HARRIS. But I do not see any necessity for the limitation. If there be a necessity for the clause as it stands in the bill it would be found in the possibility of some new contagious disease developing itself that would not fall into any of these classes named, and that the Board of Health should have power immediately to make such rules and regulations with regard to it as it deemed necessary.

Mr. HOAR. I think that the danger human experience shows is the danger of the expansion of power rather than of the sudden coming of a new disease so suddenly that no legislation can be had to prevent it. At any rate I will make the motion to amend, substituting, at the suggestion of the Senator from New York, the word "ship-fever" for "typhoid fever."

The PRESIDING OFFICER. Does the Senator from Massachusetts withdraw his previously offered amendment and propose this one?

Mr. HOAR. This one would come in first as an amendment.

The PRESIDING OFFICER. Then temporarily the first amendment is laid aside. The Secretary will report the amendment now proposed by the Senator from Massachusetts to see that it is correctly taken down.

The SECRETARY. On line 4 of section 1, after the word "where," it is proposed to strike out the words "any contagious or infectious disease" and insert "cholera, yellow fever, plague, small-pox, or ship-fever;" so as to read:

That it shall be unlawful for any vessel engaged in the transportation of goods or persons from any foreign port where cholera, yellow fever, plague, small-pox, or ship-fever exists to enter any port of the United States except in accordance with the provisions of this act.

Mr. CALL. Mr. President, it seems to me that there might perhaps be some doubt about the propriety of the amendment. I remember some years ago that New Orleans was desolated by a terrible visitation of fever, and for some time it was a question of doubt what kind of disease it was. It was a fever supposed to have originated upon the coast of Africa and to have been communicated to the island of Cuba. I think it was in the year 1854. It was one of the most desolating and terrible plagues that ever visited the United States, and it was for a long time a question of discussion whether it was or was not the yellow fever. It seems to me that by making this amendment to the bill and specifying particular diseases you might open a question upon which doctors would disagree. I doubt very much whether it would not be better, better for the country, better for the objects sought to be attained by the bill, that it should be left general in its terms. Perhaps it might be better that the words of the bill should be changed so as to include any case where there was danger of an infectious disease, and to provide in case of abuse of a discretionary authority or a difference of opinion by the board that there should be some revisory power, some judicial power, which might be invoked. I make this suggestion because I feel a very deep interest in the passage of such a bill as will answer the ends sought to be attained. I think it perhaps may not be wise to undertake to define in the bill a disease by a particular name, which might be a matter of question.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Massachusetts, [Mr. HOAR.]

The question being put, there were on a division—ayes 15, noes 23; no quorum voting.

Mr. HARRIS. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 20, nays 30; as follows:

YEAS—20.

Allison,	Chandler,	Hill of Colorado,	McMillan,
Bell,	Conkling,	Hoar,	Morrill,
Burnside,	Dawes,	Ingalls,	Rollins,
Cameron of Pa.,	Eaton,	Kernan,	Teller,
Cameron of Wis.,	Ferry,	Logan,	Windom.

NAYS—30.

Bailey,	Garland,	Jones of Florida,	Slater,
Bayard,	Gordon,	Kellogg,	Vance,
Beck,	Groome,	Lamar,	Walker,
Blaine,	Hampton,	McDonald,	Whyte,
Call,	Harris,	Maxey,	Williams,
Cockrell,	Hereford,	Paddock,	Withers.
Coke,	Houston,	Platt,	
Davis of W. Va.,	Jonas,	Ransom,	

ABSENT—26.

Anthony,	Farley,	McPherson,	Sharon,
Booth,	Grover,	Morgan,	Thurman,
Bruce,	Hamlin,	Pendleton,	Vest,
Butler,	Hill of Georgia,	Plumb,	Voorhees.
Carpenter,	Johnston,	Randolph,	Wallace.
Davis of Illinois,	Jones of Nevada,	Saulsbury,	
Edmunds,	Kirkwood,	Saunders,	

So the amendment was rejected.

The PRESIDING OFFICER. Does the Senator from Massachusetts renew his former amendment?

Mr. HOAR. Yes, sir; that amendment is the one now pending.

The PRESIDING OFFICER. The question now is upon the amendment proposed by the Senator from Massachusetts, which the Secretary will report.

The SECRETARY. In section 1 it is proposed to strike out all after the enacting clause down to and including the word "thereof," in line 9, in the following words:

That it shall be unlawful for any vessel engaged in the transportation of goods or persons from any foreign port where any contagious or infectious disease exists, to enter any port of the United States except in accordance with the provisions of this act, and all rules and regulations of State boards of health or sanitary associations recognized by this act or made in pursuance thereof.

And in lieu thereof to insert:

That whenever, in the opinion of the President of the United States, there is danger that cholera or yellow fever may be introduced from abroad into any port or place within the United States, or spread from State to State within the same, and in his judgment the existing quarantine or health regulations at such exposed places are insufficient, he may authorize the Board of Health to make further rules and regulations in the premises; which, being submitted to and approved by him, shall be valid and in force.

The PRESIDING OFFICER. The question is on the adoption of this amendment.

Mr. HOAR. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 17, nays 29; as follows:

YEAS—17.

Bell,	Dawes,	Ingalls,	Teller,
Burnside,	Eaton,	Kernan,	Windom.
Cameron of Wis.,	Ferry,	Logan,	
Chandler,	Hill of Colorado,	McMillan,	
Conkling,	Hoar,	Morrill,	

NAYS—29.

Bailey,	Garland,	Kellogg,	Vance,
Bayard,	Groome,	Lamar,	Walker,
Beck,	Hampton,	McDonald,	Whyte,
Booth,	Harris,	McPherson,	Williams,
Call,	Hereford,	Maxey,	Withers.
Cockrell,	Houston,	Paddock,	
Coke,	Jonas,	Platt,	
Davis of W. Va.,	Jones of Florida,	Slater,	

ABSENT—30.

Allison,	Edmunds,	Kirkwood,	Saunders,
Anthony,	Farley,	Morgan,	Sharon,
Blaine,	Gordon,	Pendleton,	Thurman.
Bruce,	Grover,	Plumb,	Vest,
Butler,	Hamlin,	Randolph,	Voorhees,
Cameron of Pa.,	Hill of Georgia,	Ransom,	Wallace.
Carpenter,	Johnston,	Rollins,	
Davis of Illinois,	Jones of Nevada,	Saulsbury,	

So the amendment was rejected.

Mr. EATON. Section 8 of the bill provides:

That to meet the expenses to be incurred in carrying out the provisions of this act, the sum of $500,000, or so much thereof as may be necessary, is hereby appropriated, to be disbursed under the direction of the National Board of Health.

I have heard no Senator, not even the chairman of the committee who has the bill in charge, say a word in favor of the appropriation of this very large sum. Upon looking over the bill with great care, I cannot conceive that there is any necessity to expend $100,000. I have learned, and I presume most of my brother Senators have learned, that when you appropriate "$500,000, or as much thereof as may be necessary," it will all go, the whole of it. Every dollar will be "necessary" in some way; the money which is taken from the pockets of the people will be expended in some way. Now, unless the committee can show a necessity for the appropriation of this vast sum, I, for one, cannot vote for the bill. I propose to vote for the bill if I can. We appropriated the other day $250,000, $200,000 of which was absolutely unnecessary, in my judgment, if it was $250,000.

Mr. HARRIS. No, it was $200,000.

Mr. EATON. Very well, then; $150,000 was entirely unnecessary, a mere job, in my judgment. I cannot vote for the appropriation of this vast sum of money. I have looked the bill through with care. I cannot see where there is necessity to expend $100,000. If my friend from Tennessee will show me where he supposes there can be any such expenditure of money, then very well; I shall vote for it perhaps; but until he or somebody else does so, I must be permitted to exercise my own judgment in this matter and not vote at all for the bill. I shall move to amend the bill, unless good reason is shown me, by striking out "five" and inserting "one," making it $100,000, which, in my judgment, is $50,000 more than is necessary.

Mr. HARRIS. I endeavored some time since to explain, but the Senator from Connecticut happened not to be in his seat, the reasons why the appropriation of $500,000 was asked for in this bill. In the event of an epidemic such as occurred last year the Board of Health is satisfied, and I am perfectly satisfied, that $500,000 will be the least amount that it is safe to appropriate to meet the necessities of the board. In the event there is no such epidemic or no epidemic at all, then I think I can assure my honorable friend from Connecticut that no such sum as $500,000 will be expended by the Board of Health. I quite concur with him that there is no reason why such a sum should be expended, and I am confident that no such sum will be expended unless there is that imperative necessity which such an epidemic would produce. If such necessity shall exist I ask that the board shall not be crippled and paralyzed for the want of the means necessary to check and stay the progress and spread of the disease. I shall insist upon the appropriation remaining as it stands in the bill: "$500,000, or so much thereof as may be necessary."

Mr. EATON. What section of the bill does the Senator from Tennessee found his opinion upon that even in case of an epidemic there would be any necessity for the expenditure of this money? Will he be kind enough to tell me?

Mr. HARRIS. I will inform the Senator from Connecticut that the third section provides that where there are no quarantine regulations, and in the opinion of the National Board of Health quarantine regulations are necessary to prevent the importation of diseases, or where there are quarantine regulations in existence, and in the opinion of the National Board of Health they are not sufficient to prevent the importation of diseases into the country, or from one State to another, if the President is satisfied when the facts are reported to him by the board that such necessity exists, he shall order the Board of Health to make such rules and regulations as are necessary for that purpose.

If the State authorities do not enforce them, then it is the duty of the President to detail or appoint an officer to enforce them. In the event of such an epidemic as we had last year I can assure my honorable friend that $500,000 would be a very small estimate for the various duties that will devolve upon the Board of Health in the execution and enforcement of the rules and regulations and the construction of such buildings and such other appliances as will be found absolutely necessary to prevent the spread of disease from one State to another. Five hundred thousand dollars is a very small estimate, in my opinion, if it is found necessary in the coming year to exercise the powers in the manner and to the extent I have suggested.

Mr. WINDOM. Mr. President, the Senator from Connecticut [Mr. EATON] when on the floor last made the speech that I wanted to make, or rather disliked to make, though I thought I ought to make it; and he expressed it a good deal better than I could myself. I dislike extremely to vote against this bill, but I cannot vote for $500,000 to be placed at the command of this Board of Health upon the conditions named by the Senator from Tennessee.

We passed, I think at the last session of Congress, a bill organizing this National Board of Health, and appropriated $50,000 for its expenditures. They were in session in this city a few days; and in looking over the broad expanse of the United States and then extending their observations over the whole earth, they came here with a recommendation for $650,000, the very first estimate submitted. I have never seen an institution organized in this country grow as rapidly as this Board of Health has done. I have great faith in the medical fraternity in this country. I have great respect for them. I am willing to place any reasonable amount of money at their disposal; but I am not willing to place half a million dollars at their absolute disposal unless we have some better reason than that assigned by the Senator from Tennessee, in my judgment, for appropriating it.

It has already been said by the Senator from Connecticut, and I think truly, that whatever amount of money is appropriated under such circumstances will be used, and I have no doubt used conscientiously, by those gentlemen. They believe that the Government has no special use for money except to advance the interests of science and medical knowledge and to make such investigations as they may deem advisable within the jurisdiction of this board. At least, if they do not believe there is no other use, I have no doubt they are of the opinion that most professional gentlemen are, that this is the most important use that can be made of public money, and therefore, having it at their disposal, there is no sort of doubt in my judgment that their investigations will be extended all over the face of the earth; and whether they will be of any value or not, I do not know.

I am willing to vote any amount of money that is necessary. If some condition could be provided whereby upon the certificate or otherwise of the President of the United States that the conditions mentioned by the Senator from Tennessee have occurred, that yellow fever or some other contagious disease is threatening the country or a portion of it, a larger amount of money might be used, I should have no objection to it. I would be willing to vote conditionally for a large amount; but when it is proposed to place $500,000 absolutely at the command of this board to do as they please with it, under a bill of this character, I am sorry to say I shall have to vote against the bill. Unless the amount should be reduced I cannot vote for it. I would vote for rather more than the Senator from Connecticut has stated; I would be willing to give $200,000; but that is the farthest I am willing to vote, unless some condition can be made that shall authorize the use of a larger sum in case an epidemic does prevail in the country.

Mr. WITHERS. Would the object of the Senator be attained by adding a provision to that effect, restricting the amount to be expended to a small sum in the event that no epidemic or contagious disease shall visit this country during the next year?

Mr. WINDOM. That would meet my view if some proper amendment could be provided to cover it, but the difficulty would be in drawing such an amendment, in proper form.

Mr. CONKLING. Is there any year in which there is no epidemic in this country?

Mr. LOGAN. I desire to offer an amendment if there is no other amendment to be offered now. After the word "the," in the fifth line of section 8, I move to strike out the words:

National Board of Health, which shall make to the Secretary of the Treasury a full and accurate report of its operations under this act, and of all expenditures connected therewith, to be by him reported to Congress.

And to insert:

Secretary of the Treasury, on estimates to be made by the National Board of Health, and to be approved by him. Said National Board of Health shall as often as quarterly make a full statement of its operations and expenditures under this act to the Secretary of the Treasury, who shall report the same to Congress.

So as to make the section read:

That to meet the expenses to be incurred in carrying out the provisions of this act, the sum of $500,000, or so much thereof as may be necessary, is hereby appropriated, to be disbursed under the direction of the Secretary of the Treasury, on estimates to be made by the National Board of Health, &c.

Mr. HARRIS. I hope the amendment will not be adopted.

Mr. PADDOCK. I am a member of the select committee; but, unfortunately for myself, when the bill was under consideration in committee I was not in the city, and had not an opportunity to investigate the subject. It strikes me that such an amendment as is now proposed would be a very proper one, and I desire myself to vote for the amendment. I think such a check as this in the hands of the Secretary of the Treasury is a very proper one. It seems to me that the objection which has been raised by some Senators in reference to the laxity of the provision as to the discretion of the board in regard to its expenditures is a very good one. I desire, as a member of the committee, to say, so far as I am concerned, that I think it would be well for the committee to accept the amendment.

Mr. LOGAN. I understood from the Senator who has charge of the bill and other Senators favoring it that if there was to be no epidemic prevailing the next year the expenditures would be small. To meet that very suggestion this amendment has been drafted. It provides that the Board of Health shall make estimates upon which this money is to be paid out by the Secretary of the Treasury, the payments to be approved by him, so that if there should be no epidemic the Secretary of the Treasury will be a check on the board in the expenditure of this $500,000; and if such a thing should occur, then the Secretary of the Treasury, like everybody else, would be willing, as a matter of course, to agree to the largest expenditure necessary for the purpose of interposing such barriers as might be thought proper by the Board of Health. I cannot see wherein there can be any objection to the amendment.

Mr. HARRIS. I do not see any serious objection to the amendment. I shall not oppose it.

Mr. LOGAN. Very well.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Illinois, [Mr. LOGAN.]

The amendment was agreed to.

Mr. EATON. The amendment of the Senator from Illinois to section 8 has now become a part of the bill. At the suggestion of several friends, I desire to vote for this bill, and I am very anxious to do so. It is ungracious and thankless to oppose a bill of this character. I am aware of that fact, and I feel it as much as any man can feel it, and yet I think there should be reasonable bounds to the appropriation. I move to strike out "$500,000," in line 2 of section 8, and to insert "$250,000." I have no idea myself that $250,000 can be used if there should be an epidemic under the bill as it is described by section 3. I have no such idea at all, but I desire to vote for it, and therefore I want to make the amount so large that it will meet with general approbation.

Mr. DAWES. Mr. President, I do not think there is any disposition in the Senate to deprive this board of all necessary funds to carry out proper regulations and do all that may be in their power to effect the object for which they have been created; but I think, notwithstanding that, we should throw every safeguard around this matter within our power and we should take notice that this is a new subject of legislation and administration on the part of this Government. We have had no experience in this effort that we are now engaged in carrying out by legislation. We do not know what is to be the purpose and plan of this board from anything in the past. Not only is this a new step, but these are new men in the administration of public affairs. It was only when the bill first introduced at the present session was up that they were so carried away with the idea of a single individual in reference to a refrigerating ship that they were disposed to ask Congress to enact that they should make a contract with that particular individual at an expense of $200,000 to construct a steel ship for a particular purpose, and that was adhered to with as much tenacity and honest conviction on their part as any feature of this bill. It was, however, after a good deal of struggle, opened to a general provision to procure the best possible vessel, constructed in the most economical manner and of such material as experience, as study, and as investigation should demonstrate was the best. It is now perfectly apparent, from what has been developed since the passage of that bill, that for $15,000 there can be constructed a refrigerating vessel that will maintain a temperature in every part of it just as long as you please at eight or ten degrees below zero, and so far has the necessity of doing something in this line stimulated invention that nobody would now think for a moment of doing what this board insisted upon in the beginning was absolutely necessary.

Mr. PADDOCK. May I inquire of the Senator if the cheaper plan of which he speaks as the plan that has been found to be practicable has been adopted?

Mr. DAWES. I do not speak of the adoption by this board of anything of the kind. I speak of what is being done in the inventive world, what is being accomplished, and what can be done.

Mr. PADDOCK. I understood the Senator to say in regard to this particular matter, the construction of a refrigerating ship, that it had been ascertained that $15,000 could do exactly the thing that it had been proposed by legislation to do. Is it the fact that that is being done, does he know?

Mr. DAWES. I did not mean to say that it has been demonstrated to the minds of these men.

Mr. PADDOCK. Then I think I and the Senate inferred too much from the statement of the Senator.

Mr. DAWES. I meant to say that it had been demonstrated to practical men, to all practical men who have looked into it. How can these learned doctors, professional men, skilled and celebrated in a profession in which no man can become celebrated who does not devote his whole life exclusively to its study, be as well prepared to understand what can be done in mechanics as those who devote their lives to mechanics? And it is because I want these men to profit by

such experiences as this, that I wish them to have proper safeguards thrown around what they do, and not put all the Treasury at their command. I never before heard of putting half a million dollars in the hands of an inexperienced, new commission, created for a new work, in which they had had no experience, to be expended without limit, without direction, simply empowered to expend so much of it as in their judgment would be best in any kind of experiment, in any kind of theoretical investigation, in any kind of preparation for the future into which they may launch honestly; everybody understands that. I do not impute anything but an honest and earnest desire on the part of these *doctrinaires* to accomplish whatever they think is most desirable in this new field. I shall go for the amendment of the Senator from Connecticut.

Mr. PADDOCK. Does not the Senator understand, after the amendment of the Senator from Illinois, that the whole matter, after all, is placed entirely within the control and under the direction of the Secretary of the Treasury in respect of the disbursements, the estimates, and all that shall be done in connection with it.

Mr. DAWES. I do not understand it to be entirely so.

Mr. PADDOCK. I do.

Mr. BLAINE. I have not paid as much attention as I ought to have done to the details of this bill; but I feel very reluctant to higgle over the amount that shall be placed at the control of a board who are empowered to take measures for the prevention of the introduction of yellow fever. When it was here last year millions, yea tens of millions, even in the material point of view, to say nothing of the far higher considerations involved, would have been poured out to prevent its spread. If we are entering upon an experiment of this kind—and to a large extent we all know it must be experimental—do not let us do it grudgingly. It is a great calamity that impends not only over the southern portion of the country but possibly over the whole of it, and I do not want to go away from here voting that we will restrict this board down to a certain sum when a certain other sum might become imperatively necessary. What is a million or two million, or five million dollars even, as against the possibilities of the repetition of the terrible scenes and the terrible suffering of last summer?

Mr. PADDOCK. Or in comparison with the devastation resulting from the epidemic last year?

Mr. BLAINE. Merely in a material point of view what is it? A thing of this kind ought to be done generously, of course with proper guards; but if we are to institute a board of health, let us give them ample power and ample funds to prosecute any experiment at all that promises in the judgment of scientific men to raise any bar against the ingress of this terrible fatality again. I shall vote against reducing the amount.

Mr. DAWES. I do not quite understand what the Senator from Maine means by "doing this grudgingly."

Mr. BLAINE. Reducing the amount proposed by the board and the committee.

Mr. DAWES. I do not know of any Senator who would grudge any money that might be properly expended toward alleviating the distress or preventing the ravages of the yellow fever. It is not that. The Senator from Maine seems to speak as if the whole thing was to be measured by the amount of money to be expended, and that if we only poured out money enough upon the region devastated by this terrible calamity it would be all that would be required of us; that that was sufficient. If that was so we should turn the Treasury over upon it. There is not a Senator who would not be willing, to the extent and the limit of the Treasury itself, to put a stop to the yellow fever; but the yellow fever is not to be stopped by the mere amount of money expended. It is the mode of its expenditure, the judicious mode of expenditure of the money which is to be effective. Put it in the hands of inexperienced men who measure their work only by the amount of money they expend, and my distinguished friend from Maine thinks we have done our duty, thinks we have generously put a stop to the yellow fever. I do not understand that it is to be coped with in that way. I understand it is a great study, and any benefit is only accomplished by a judicious expenditure of the money.

Mr. BLAINE. I thought when my friend from Massachusetts began to talk that I must have mistaken the amendment I was speaking to, but I certified the matter by going to the Clerk's desk. The amendment pending is the motion of the honorable Senator from Connecticut to reduce the amount to $250,000. Why, suppose in midsummer, when Congress is dissolved, as we hope it may be, and as it certainly will be if the yellow fever comes around this part of the world very speedily, [laughter,] when Congress is gone and we no longer can make the appropriation—suppose yellow fever should come upon us, and then $250,000 extra should be very greatly needed, when in the judgment of scientific men the use of it at the right moment might be of overwhelming importance, I certainly for one would not feel very comfortable if I was in a safe and remote place away from the ravages of the disease and knew that by a vote of that kind I had kept away some possibility of relief from those who were more immediately exposed. That was what I intended to intimate. I did not of course mean that the mere pouring out of money would be of service in suppressing the disease; but all the people of the country, North, South, East, and West, last year were called upon to contribute money and contribute everything else that could stay the ravages of the scourge. Material aid was of great value. Now we have an opportunity, by a proper contribution from the National Treasury, to adopt preventive means, and for one I want those to be as thorough as the magnitude of the danger may inspire the need of; and that is the reason why I will vote against reducing this amount.

Mr. DAWES. Why does the Senator fix the sum to be voted at $500,000?

Mr. BLAINE. Because it happens to be in the bill; and if it happened to be more in the judgment of those who had examined the subject, I would vote for that. I would vote for whatever judgment the committee had reported. If it had been more I would have been against reducing it. I find that amount there.

Mr. INGALLS. And this sum is also recommended by the Board of Health as being the least they can possibly get along with in the case of an invasion of disease.

Mr. TELLER. I should like to inquire of the Senator in charge of the bill what disposition is to be made of this money, how it is to be expended? I have not heard anybody state. Are we to clean the cities in the country that is liable to be devastated? Are we to furnish supplies to those who may be afflicted? How is it to be expended? Nobody on the floor of the Senate has stated that I am aware of.

Mr. HARRIS. If the Senator from Colorado had examined the bill, I imagine he would not have asked the question.

Mr. TELLER. I have carefully examined it.

Mr. HARRIS. The Senator will find upon re-examination that the third section of the bill makes it the duty of this National Board of Health not only to co-operate with, but to aid State and municipal boards of health in the execution and enforcement of their rules and regulations to the extent and so far as they may tend to prevent the importation of contagious diseases into the country from abroad or from one State into another. It makes it the duty of the National Board of Health to make rules and regulations where none exist and they are deemed necessary; and where rules and regulations do exist, if thought insufficient it is the duty of the National Board of Health to make such as will be sufficient, and to enforce them.

Now in the event of an epidemic, as I have endeavored to explain on two other occasions since this bill has been under consideration, the Board of Health will find it necessary to make rules and regulations in many localities where none exist; it will find it necessary perhaps to supplement rules and regulations that do exist, and in these new localities it will find it necessary to construct temporary or other buildings for quarantine purposes, the cost of which it is difficult to estimate; but, certainly, $500,000 is a very small estimate if we have an epidemic such as we had in 1878. There will be abundant and legitimate necessity for the expenditure of every dollar of the $500,000 if such an epidemic should scourge the country as did a year ago. If we have no epidemic, then I am prepared to believe and do believe that nothing like that amount will be expended. But why paralyze the board by this economy that would fail to put it in the power of the board to perform the important duties that you propose to charge it with?

Mr. TELLER. The honorable Senator has only partially answered my question. I supposed from the statement made by the Senator from Kansas [Mr. INGALLS] that this Board of Health had submitted to this committee an estimate of the amount of money that they required It would be most singular and astonishing if with that estimate they should not have submitted the method of expenditure and for what purposes. That is what I think we ought to have had from the committee. The honorable Senator answers in part by saying that if there is an epidemic they will build buildings; but if there is no epidemic they will still have the $500,000. Is it to be used as a preventive? Are you to clean the cities or are they to use it only after the epidemic comes?

Mr. HARRIS. The operations of the Board of Health under this bill are confined to a single object, to aid in the enforcement of or to enforce such rules and regulations as tend to prevent the importation of contagious disease from foreign countries into the United States and from one State into another.

Mr. TELLER. I understand that pretty well; the bill so states.

Mr. HARRIS. Very clearly.

Mr. TELLER. That is not my trouble.

Mr. HARRIS. Now, whatever expenditure may be necessary to aid that purpose will be a legitimate expenditure for the Board of Health to make; and in addition to the aid that it may give to those local associations or boards it may find it necessary, as I endeavored to explain a moment since, to construct in the interior, for the purpose of preventing the spread of disease from one State into another, quarantine buildings. It is difficult to estimate to what extent, it is difficult to determine what they are to cost, but in the opinion of the Board of Health, who have maturely considered the subject, and in my opinion and in the opinion of the committee, $500,000 is the very least amount that ought to be appropriated and subjected to their uses in the event an epidemic shall prevail and the necessity shall arise for the construction of buildings in the interior or on the seaboard where buildings do not exist and are necessary to the enforcement of the rules and regulations that are prescribed by this bill.

Mr. TELLER. We are just as much in the dark after the honorable Senator gets through as we were when he began. I defy anybody to say, after hearing the honorable Senator now and on any other occasion—for I have listened to him every time—whether this

board are to commence now a preventive effort to clean cities with this $500,000, or whether they are to retain it for the purpose——

Mr. HARRIS. I hope the Senator from Colorado is the only one that is left in the dark as to what is the object and purpose.

Mr. TELLER. What I want to know is this: is the United States expected to do the duty of cleaning the cities? If so, then $500,000 is not enough. It is not quarter enough, it is not a tenth part enough if that is the object and purpose. If we ought to commit ourselves to that, then when we agree to do that, when we assume that that is our duty, we want to vote very much more money than this. If it is not our duty, then I say that there is too much money voted here unless it is our duty to support the destitute and the suffering when the fever comes, and then we have not enough. If we are to furnish food and clothing and medical attendance, as the charity of the people did last year, if the Government is to take the place of that great charity of last season, then there is not enough; but if it is for the simple purpose of making rules and regulations, which has been the thing the honorable Senator has seemed to rest upon until within the last few moments——

Mr. HARRIS. And enforcing the rules and regulations.

Mr. TELLER. And enforcing these regulations, then it seems to me that $500,000 is too much. But the trouble is that we are left here by the committee without any idea of what they intend to do except in a sort of general way that they are to fight the yellow fever and any other contagious disease that gets into the country.

Mr. HARRIS. Either I or the Senator from Colorado must have been very unfortunate——

Mr. TELLER. Undoubtedly it was the Senator from Colorado.

Mr. HARRIS. I in my mode of expression or he in his failure to understand.

The Senator states that he is still as much in the dark as when he asked the question, and reiterates the question as to whether or not the money appropriated is to be expended in cleaning cities, or in what manner it is to be expended. I had distinctly twice answered the Senator. I had first answered him by telling him the only purpose for which this appropriation could be applied, that of enforcing rules and regulations to prevent the introduction of disease into the country or into one State from another. I had distinctly answered that not one copper could be applied to the cleaning of cities or to the general sanitary work of cities.

Mr. TELLER. Why not? You do not restrict it.

Mr. HARRIS. If the language that the board is to aid in enforcing the rules and regulations for the purpose of preventing the introduction of disease into the country from abroad or into one State from another is a restriction, and it was intended to be such, and I apprehend the Senator from Colorado is the only Senator upon this floor who does not so construe it, appropriating it to this specific purpose and to no other is a restriction. Here it is so restricted. I hope the Senator now understands, as does the Senate, the objects and purposes for which this appropriation is asked.

Mr. LOGAN. I do not wish to detain the Senate, but I have one word to say in reply to the honorable Senator from Maine, [Mr. BLAINE.] Listening to his remarks one would naturally infer that the opposition to this bill came from niggardly feelings on the part of Senators opposed to it in reference to appropriations. I think if he had listened to the debate on this bill he would have perhaps come to a little different conclusion. I oppose the general provisions of this bill not on account of the appropriation, but because of the manner in which the appropriation is to be used, for I believe that the law already on the statute-book sufficiently empowers this committee of physicians to examine the question and ascertain the facts that they are authorized by the law to ascertain, and that the expenditure of money in the execution of the regulations prescribed should be made by those in the Government charged with that power and authority under existing laws. On this was the objection to this bill based, and I also opposed the expenditure of large sums of money without any declaration whatever in the statute with regard to why or for what they should be expended.

Now let me make a suggestion to the honorable Senator from Maine or any other Senator who thinks this is higgling over a mere matter of amount when a great scourge may perhaps prevail in this country like the yellow fever. Suppose this provision in reference to $500,000 should read in this way, that when the rules and regulations are made by this National Board of Health for the purpose of preventing these different diseases from coming into the country as well as can be, then the Secretary of the Treasury shall be authorized to execute these regulations; and to appropriating such amount as should be necessary for that purpose, I would not object if an epidemic prevailed in this country; neither would any one. It is not the amount of money, but it is the part of the Government that shall expend the money appropriated, which is the main point now involved.

Then, again, suppose there is no appropriation bill for the Army of the United States and a great massacre should occur in the State of Nebraska or Kansas or some of our border States or Territories, where then is the expenditure to meet the emergency to come from? Why would it not be well, if the gentleman thinks there is higgling about this appropriation, to let the bill go giving the power to make rules, wherever they may be applicable, to this board, and let the appropriation be in some appropriation bill for the Secretary of the Treasury to expend it? Why is it that money must be appropriated for one particular thing to prevent plagues in the country, and at the same time none shall be appropriated for the purpose of preventing massacres or disasters that might occur of a different kind?

It is not higgling about the money; it is not higgling about the appropriation; it is in reference to the manner in which the money shall be applied that the objection has been made to this bill. I said when first up, and I say now, $500,000 is appropriated without any line showing for what purpose it shall be used. That is the objection to it. I would be in favor of allowing the appropriation to apply according to the necessity of the case, not that persons should be permitted to squander the money of the Government irrespective of whether there shall be an epidemic in the country or not. That is the objection to it.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Connecticut [Mr. EATON] to strike out "$500,000" and insert "$250,000."

Mr. BLAINE. I think the honorable Senator from Illinois himself suggested an amendment, which was agreed to by the Senate, I believe without objection, covering all the points of the kind he has suggested and sufficiently covering the outlay of this appropriation.

Mr. LOGAN. The amendment I suggested was for the purpose of requiring the Secretary of the Treasury to have the power to approve the estimates made by this board, so as to restrict them somewhat, and to that the Senate agreed.

Mr. BLAINE. Let me read it; it is a very judicious amendment.

Mr. LOGAN. The Senator will allow me. I was speaking in the line of objection to the general provision of the bill that I had opposed, and so had others.

Mr. BLAINE. The amendment offered by the honorable Senator from Illinois, which the Senate I believe without objection agreed to, was that the money should be disbursed "under the direction of the Secretary of the Treasury, on estimates to be made by the National Board of Health and to be approved by him;" and "said National Board of Health shall as often as quarterly make a full statement," &c.

It seems to me that covers the expenditure with sufficient care; and with regard to the intimation my friend from Illinois makes, that somebody else may be opposed to giving proper money for the support of the Army of the United States to suppress dangers in other directions, that is no argument why we should not be perfectly just and fair in other respects. While we are for suppressing dangers in other directions in regard to which both the Senator from Illinois and myself agree, we ought, at all events, to do all in our power here. I did not use the word "higgling" in any offensive way. We ought to do, under this well-guarded restriction, all that is asked by the Board of Health and the committee, it seems to me, as in some degree a contribution to this great object.

Mr. LOGAN. I am as ready as the Senator from Maine to do all that is required and that is proper to be done to accomplish the purpose professed to be in view here. I will not say that the Senator dodges, but he does not perhaps see the point that has been made in opposition to this bill. It was not an objection to the amount of money appropriated, but the objection was to the manner of its expenditure. The objection was that power is taken away from where it has been lodged by the law prior to this bill that is now before the Senate, in other Departments of the Government, and lodged in this particular board. That was the argument made; and my objection, as I said, was to the amount to be expended without its being restricted in any way whatever. I did object and object yet so far as that is concerned. The remark that I made about a massacre that might occur on the border had no application whatever to an objection that might be raised to appropriating money in this particular instance on that account. I had no such intention. My reference was to the fact that great damage might be done in cases where no money at all was appropriated, and that this part of the bill might as well go with the other appropriations to be put on the appropriation bills; and so I say now it might just as well be there as anywhere.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Connecticut [Mr. EATON] to strike out "five hundred" and insert "two hundred and fifty."

Mr. CONKLING called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 19, nays 33; as follows:

YEAS—19.

Allison,	Chandler,	Hoar,	Rollins,
Bell,	Conkling,	Kernan,	Saulsbury,
Booth,	Dawes,	Logan,	Teller,
Burnside,	Eaton,	McMillan,	Windom.
Cameron of Wis.,	Edmunds,	Morrill,	

NAYS—33.

Bailey,	Gordon,	Kirkwood,	Vance,
Bayard,	Hampton,	Lamar,	Walker,
Beck,	Harris,	McDonald,	Wallace,
Blaine,	Hereford,	McPherson,	Whyte,
Call,	Houston,	Maxey,	Williams,
Cockrell,	Ingalls,	Morgan,	Withers.
Coke,	Jonas,	Paddock,	
Ferry,	Jones of Florida,	Platt,	
Garland,	Kellogg,	Slater,	

ABSENT—24.

Anthony,	Carpenter,	Groome,	Hill of Georgia,
Bruce,	Davis of Illinois,	Grover,	Johnston,
Butler,	Davis of W. Va.,	Hamlin,	Jones of Nevada,
Cameron of Pa.,	Farley,	Hill of Colorado,	Pendleton,

Plumb,	Ransom,	Sharon,	Vest,
Randolph,	Saunders,	Thurman,	Voorhees.

So the amendment was rejected.

Mr. CONKLING. I should like to make an inquiry of the honorable Senator from Tennessee. Some time ago another bill on this subject was before the Senate and it passed, appropriating $200,000 for a disinfecting ship. The bill came from the committee naming a particular person as the contractor. The name was stricken out, I believe, and the bill in some degree provided for competition. Will the Senator from Tennessee tell me, if he knows, what has become thus far of that disinfecting-ship experiment, and especially whether the plan of the person originally named which the bill at first proposed to adopt absolutely, is still under consideration; or whether it has been dismissed and rejected practically as altogether futile? I ask this question because I have information, not so direct as the Senator from Tennessee has probably, which, if it be correct, is rather instructive on this general subject.

Mr. HARRIS. While I am perfectly willing to give to the honorable Senator from New York the fullest measure of information I have on that subject, and will do so with great pleasure, exactly how far it is pertinent to the passage of this bill I am at a loss to perceive; but no matter.

The bill as it became a law provided that the Secretary of the Treasury is authorized to contract for the construction or purchase of such vessel and refrigerating machines as may be recommended by the National Board of Health for the purpose of disinfecting vessels engaged in commerce. The Board of Health has had the matter under consideration, I was some week or ten days since advised, and that they had referred certain plans that the Board of Health had agreed upon to a board of naval engineers and naval constructors for their inspection and estimates. I have no information as to how they have progressed.

As to whether the precise plan of John Gamgee, who was named in the bill as it was originally introduced, or a plan differing from that in some respects is being considered, I am not advised and cannot inform the honorable Senator. My impression is that no contract for the construction or purchase of a vessel has been entered into, but that impression is based on the fact that I have heard nothing of such contract, and think it probable I should have been informed of it if such a contract had been made. The matter was under consideration when I last heard of it.

Mr. CONKLING. Mr. President, if I may do so without reflecting upon anybody (and in sincerity I can and do disclaim all intention to reflect upon anybody,) I will inform the Senator from Tennessee why I asked this question and what it has to do in my estimation with the matter which proceeds to-day.

Under the influence of the feeling which everybody must have, apart from all material, pecuniary, or commercial considerations, the feeling of solicitude about the danger of such a scourge as visited a part of the country last year, a committee of this body reported a bill requiring that $250,000 be applied——

Mr. HARRIS. The Senator will allow me to say that he labors under a mistake as to the amount. It was $200,000, and not $250,000.

Mr. CONKLING. I beg pardon then. I thought it was originally $250,000 and had fallen down to $200,000 under subsequent action of the committee or of the Senate; but the Senator no doubt is right and I am wrong. Two hundred thousand dollars was the amount. Such a bill was reported by the committee. It came here and was about to pass this body under circumstances very similar to those which to-day carry forward the pending bill. I believe I ventured myself originally to challenge the propriety of that legislation, to query whether in addition to everything else a particular individual should be named and, off-hand, forthwith, peremptorily, we should proceed to devote $200,000 to his plan, and to be paid to him. We were told if I remember aright—I have not looked at the RECORD to see,—and told in sincerity no doubt, that here was this inventor, this man of science, as he is for aught I know, (because I do not intend to impeach him in any remarks I make) who was ready, whose plans were ready, the demonstration of whose capacity to do this thing was all ready and had been submitted to the scrutiny of those who had adjudged it, and we were urged at once to devote this money to that purpose. Upon its being suggested and pressed with some perseverance that that was an unusual mode of making provision even where provision should be made, that competition was usually tolerated if not invited, consent was given in qualified form under which the particular inventor there named need not be the only one whose apparatus or device might be employed. Now I am told—I cannot vouch for the accuracy of it although I received my information to-day from a very intelligent informant who seemed to know whereof he spoke—that, although up to this time, as the Senator from Tennessee states or conjectures, no particular plan has been hit upon, no contract has been made, no assurance has been arrived at that the experiment intended can be made or that the persons or machines to make it can be found, those who have been investigating and adjudging the matter have gone so far as practically to dispense altogether and give over hope altogether in respect of the one inventor, the one process and apparatus which was brought here so plausibly and so convincingly as to satisfy the committee and lead them to come in and invite the Senate to pass a bill under which nobody but this inventor and no process and apparatus but his could have been invoked for this purpose.

If this be true, Mr. President, it seems to me that it not only has to do with the matter now before us, but that it is full of instruction touching the danger, the unwisdom, if I may so say, of going on, under spur of this feeling which we all share, to attempt by legislation hazardous and more than uncertain remedies.

Before leaving altogether this matter of a disinfecting ship, I will make one frank avowal, not presumptuous I hope, because when called upon to vote each of us is compelled to vote upon the lights, feeble and limited as they may be, which each one has. Now, without professing to know a great deal on this topic, but it having been once my duty professionally to bestow some time upon the processes known in this country and also known in France for producing ice by chemical methods, that is producing by the use of volatile gases a temperature lower than 32° in an atmosphere of much higher temperature, I did not believe it possible that machinery could be put afloat in any vessel or any vehicles to be carried on water, to oscillate and rock and move, as every floating thing must do, with which this process could be successfully carried on. On the contrary I believed it was not possible; and yet I satisfied my conscience, as far as I did satisfy it in abstaining from such opposition as I might have made in that case, because there was some chance, and more especially because the honorable Senator from Tennessee, whose intelligence we well know and rely upon, and other Senators, and persons beyond the Senate, believed the experiment worth trying. And although my own information on the subject would have led me to the opposite belief, and did lead me there, still, as I say, I felt authorized, excused, if not justified, in yielding at least a tacit assent to that experiment.

I think the same disposition under which I acted then, in no degree diminished, actuates me to-day; but with all that good disposition I certainly cannot vote for this bill. I will not ask Senators to hear all my reasons; I shall venture, however, to occupy a few moments in stating some of them, and at the threshold I inquire, and I address the inquiry to every Senator individually, who has heard in any of these discussions the reason assigned why the States in question do not take the measures proposed in this bill or said to be made necessary by the approach of yellow fever? Who has heard that reason given? Who has given it? Who will give it now? I heard the honorable Senator from Arkansas [Mr. GARLAND,] well qualified for such a task, review certain decisions made by the Supreme Court, his apparent object being to show that the court had criticised, if it had not abridged, the power of the States touching certain regulations of commerce. Did that honorable Senator find a decision, does a decision exist, made by any court of record—I will not confine my question to the Supreme Court of the United States—denying the power of the States to pass health laws, pilot laws, quarantine laws, laws in the nature of police regulations touching their harbors, their ports, their waters and the shores adjacent to them? I would gladly yield to any Senator who can inform me of such a decision, and I would give him my thanks as well for such a piece of information. I know that the Supreme Court in the passenger cases said various things; I know that the court in the head-money cases said various things; I know that when one of the States of this Union insisted for long years that every person who crossed her soil by rail should pay a tax or a fine or a tribute of a dollar or a dollar and a half, queries sprang up in the minds of lawyers everywhere as to the authority of a State by its legislation to do such a thing. But again I inquire for an instance in which the Supreme Court or any court of record has undertaken to impeach the right of the States to exercise all those powers which Marshall in Gibbons *vs.* Ogden enumerated and described as powers left to the States, and not taken from the States by the commercial clause of the Constitution.

We are not left to theorize upon this subject; we are not left to depend upon the absence of judicial authority denying this power. I am able to resort to the convenient and conclusive argument, for such the fact becomes, that my own State for example, unchallenged by any court, unquestioned by any national authority, long years ago established and has ever since maintained, bringing to greater and greater perfection by large expenditures, a health office and quarantine ground so thorough, so sufficient in the office it does that not one case of yellow fever has ever broken through this corral. Although yellow fever at every season of every year when it could prevail floats in the bay of New York, although the ships of all nationalities enter that bay and lie there at anchor, although eighty-four languages and dialects are spoken in the city of New York and her streets are trodden by visitors from every clime and every nationality, so perfect is the barrier erected at her gates that yellow fever never once has entered, nor has plague, nor has other imported pestilence.

I show you a case, therefore, legally and actually existing, in which a State has always asserted and to the satisfaction of all persons concerned, the power intended to be conveyed to somebody else by this bill. I have spoken of one State simply because I know the fact in respect of that State, and also because of the greater number of ships which come to the port to which I have referred. The same thing is true elsewhere.

Why is it that in Arkansas in which we are told a shot-gun quarantine was maintained last year, and no other, why is it that in Arkansas standing as she does in midsummer in the very jaws of death with pestilence at her threshold, laws are not enacted, quarantine laws, health laws, such as Connecticut has, such as Massachusetts has, such as Maine I believe has, such as New Jersey has, and, as my hon-

orable friend from Connecticut [Mr. EATON] suggests, such as Maryland has. No doubt she has them; I do not speak by the book as probably the Senator does. Why is it, these States, exemplifying, illustrating the power and its adequacy to shut the doors against foreign pestilence, that States nearer danger, more immediately threatened, do not close the doors?

Mr. GARLAND. The Senator will permit me to say that there are only seventeen States that pretend to have what are called quarantine laws.

Mr. CONKLING. Only seventeen States. Then, Mr. President, that enables me to specify exactly the number of States as to which I inquire, why do they not have quarantine laws? Is anxiety, diligence, enterprise on this subject in the ratio of the distance, or in the ratio of the absence of danger and occasion? Is the rule of common sense reversed? Does Maine build barriers against the yellow fever, and Arkansas and Mississippi and Louisiana leave the doors open? Why is that?

Mr. President, I do not ask the question without knowing the answer. I ask it, though I know the answer. Nobody has chosen to give it. I do not choose to give it. The truth is an inestimable thing. It is not always agreeable. It is by no means pleasant or even incumbent upon any man at all times to speak the whole truth. Whatever he says should be true, but there are a great many unwelcome truths that he is not bound to obtrude; sometimes because his motives would be misunderstood, and he may excuse himself; and so I do not choose to subject myself to misconstruction. We all know why this is. But if there be a reason for it which will bear publicity and defense, I should like to hear it stated.

There is no doubt that in all the Gulf States from the northernmost of the Carolinas, represented by my friend near me, [Mr. RANSOM,] around to the mouth of the Mississippi and as far up the Mississippi as latitude and temperature give special sign of danger of pestilence, there is special occasion for quarantine and health laws, and for the regulations and the establishments which experience has proved valuable to shut out disease. Why are they not established? My honorable friend [Mr. RANSOM] says they exist in North Carolina.

Mr. RANSOM. I have the North Carolina act here now.

Mr. CONKLING. The Senator says he has the act of his State in hand, the act by which she exerts this power, never challenged to my knowledge, and which nothing in the world forbids every State from exerting. For a reason, I repeat, which has not been stated, whether understood or not, it is proposed by national authority to supply this want.

Ordinarily he who rises in the Senate to criticise a measure should be able to propose something adequate in its stead; but there is one limitation to this rule. It applies only to a case in which national legislation is proper and to which national legislation is adequate. That case is not this case; and therefore I hold myself amenable to no just criticism when I go no further than to show the objections to the pending measure, without attempting to produce, as I freely admit my inability to do, a substitute for it adequate to the purpose and which would still avoid the objections. And I beg the honorable Senator from Tennessee and those with him on the committee who have bestowed so much time on this subject to understand that I fully appreciate their embarrassments and their difficulties; and the very fact that out of all their considerations has come a measure no more defensible than this, so open to flagrant objections of law and of expediency as this, is confirmation almost as strong as proof from Holy Writ of the inapplicability of the provisions of the Constitution which they have been driven to invoke.

They have proceeded under the commercial clause of the Constitution which authorizes Congress to regulate commerce with foreign nations and among the several States, and which has annexed to it as a condition—practically a condition in this case—a provision declaring that no regulation of commerce shall give preference to one port over another. Taking the two provisions together, here is a committee compelled to rely upon a power which power forbids it to make discriminations between ports, between latitudes, between zones, when dealing with a region having five thousand miles of coast, dealing with thirty-eight States covering all the varied conditions of temperature and circumstances to be found between the mouth of the Bay of Fundy and the mediterranean sea of Mexico.

Thus the committee has been compelled to make all ports and places share and share alike virtually in the distribution of these national favors and the distillation of this national dew. We need go no further to comprehend the perplexity, vexation, and I think I may say insurmountable difficulty, which its members found in their way. These provisions of the Constitution were designed for no such purpose. They are awkward in the extreme when used as an implement for such an occasion. Skillful, adequate, appropriate to the purposes for which they were designed, when you come to wrench them from their place, dislocate them in their connection, and apply them to something entirely different, the very fact that they were apt and well directed looking at their end was enough of itself to create almost a certainty that they would be ill-adapted and inconvenient when applied to something different.

Let us look a moment, confining our observation to only a few lines of this bill, and see the product of the effort of a number of intelligent gentlemen to invent, thus hampered, provisions for the purpose they had in hand. I read some of the opening lines of the bill:

That it shall be unlawful for any vessel engaged in the transportation of goods or persons from any foreign port where any contagious or infectious disease exists to enter any port of the United States, except in accordance with the provisions of this act, and all rules and regulations of State boards of health or sanitary associations recognized by this act or made in pursuance thereof; and any such vessel which shall enter, or attempt to enter, a port of the United States, in violation thereof, shall forfeit to the United States a sum, to be awarded in the discretion of the court, not exceeding $5,000, which shall be a lien upon said vessel, to be recovered by proceedings in the proper district court of the United States. And in all such proceedings the United States district attorney for such district shall appear on behalf of the United States, and all such proceedings shall be conducted in accordance with the rules and laws governing cases of seizure of vessels for violation of the revenue laws of the United States.

Mr. President, can a lawyer discover in any kaleidoscope through which he can look, a more remarkable jumble of discordant fragments than are here found? Think of two or three things which it involves. Did anybody ever hear before of an act of Congress punishing as a crime assault and battery, for example, committed in the State of Ohio in violation of a statute of Ohio, punishing that as an offense against national authority? This section undertakes to do it. If I shall be answered that assault and battery does not relate to quarantine regulations or to health laws, I say respectfully that is no answer at all. I am dealing with this as a legal proposition. The State of New York has health laws and quarantine laws. They are State statutes. They are competent statutes or they are void; they are statutes passed under that great residuum of sovereignty and legislative power left to the individual States, or they are utterly null and void, because they are passed in respect of powers parted with and made over by the State of New York, when she ratified the Constitution, to the Government of the United States. Which are they? Are they competent, lawful statutes, or are they, in the language of Lord Coke, enactments to be held utterly for naught? In applying the test to this section, I do not care in which light they shall be regarded. If they are incompetent, and therefore void enactments, all the more monstrous is it to undertake by national statute to punish their breach as an offense of national authority. If they are competent, valid State statutes, then they are just like the statutes punishing forcible entry and detainer, punishing forgery, punishing assault and battery, punishing the obtaining of goods or money by false pretenses or false tokens, are they not? Legally and constitutionally speaking, are they not State statutes in each of the instances I have quoted, of equal authority, and of identical legal nature each with the other? Is it possible that by national statute you can punish a citizen of the State of New York for committing forgery in violation of a statute of New York, for engaging in riot in violation of a statute of New York, for doing any other harm to the statutes of the State of New York? Yet this section undertakes to do that.

But that is not all. It is not the most extraordinary of three things to which I want to draw attention in this connection. The section goes further and proposes double punishment by criminal prosecution. English-speaking people, of whom we have heard so much, and Anglo-Saxon jurisprudence has held for a great while that no man is to be twice put in peril of life or limb; that no man is to be twice incarcerated, twice convicted, twice punished for one and the same offense. If I understand this language, it contemplates that he who violates the statutes of the State of New York shall remain triable, of course, as he is, in the courts of New York for violating the laws of New York, and shall suffer the penalties denounced by New York for that violation; and then, in addition to that, separate and apart from that, he may be prosecuted under national authority, prosecuted for what? For the same offense, namely, having violated the statutes of the State of New York; and he cannot plead a former acquittal or a former conviction; on the contrary, the whole theory embraced in this branch of the law is given to the winds by this provision.

But again, and if possible more strangely still, a citizen of the State of New York or one domiciled in New York who does an act violative of the health laws or the quarantine laws of that Commonwealth, he may be prosecuted, as I have said, in the State courts and punished, prosecuted in the national courts and punished. But what more? The penalty, the fine which may be inflicted upon him, which may be $5,000, becomes a lien on what? On his property? Oh, no; that is not the provision. It is not to become a lien on the property of the culprit, the violator of the law, but it becomes a lien on the property of we know not whom. What property? On the entire ship of which this individual may be on the day in charge as an officer of some grade, a *locum tenens*, a temporary person authorized to turn the prow into a harbor within three marine miles of the shore; and for the act of that person a lien ensues by operation of law upon the entire vessel. Who owns the vessel? Absentees, a corporation; the State of my honorable friend from Ohio is full of them—steamboat corporations; associations perhaps they are under the laws of Ohio——

Mr. PENDLETON. Partnerships.

Mr. CONKLING. Partnerships, my honorable friend says. There being a line of boats three or ten in number and thirty or three hundred persons owning the stock or owning each his aliquot part as a partner in this property, a lien ensues against the property of all these stockholders. See where it will lead! Here is a vessel plying between State and State on the Mississippi River if you please. She is worth $15,000; three men own her; they are equal partners; each has an interest of $5,000. Some officer of this boat in violation of a State statute somewhere between Minnesota and Louisiana ties her up at a wharf or a snub-post, and a State statute is violated. There descends upon her instantly a lien to the amount of $5,000. She goes

on and she is tied up at another wharf in some other State in violation of some State regulation. Another lien of $5,000 follows. And when she has been tied up a third time the lien would exhaust the entire property, and the three partners who the day before she was tied up had $15,000 of property together, the day after she was thus three times tied up would not have fifteen sous-marquees.

Is not that a very extraordinary proceeding? And it is to be enforced "by any of the provisions known to the revenue laws." Among those provisions are *qui tam* actions. An informer hears that somebody has violated the sovereignty of the State of Connecticut by tying a boat up at one of her piers in violation of some statute, and thereupon he goes to the United States district attorney, who this bill says shall appear—it is very mandatory upon him—gives information to the district attorney, and the informant has his right to moiety or advantage, and a prosecution must go on, and that although no owner of the vessel has himself been guilty of the slightest infraction of the law or the slightest impropriety; although he is away where he lives, hundreds of miles off; he has employed proper agents, discreet and competent men to manage his vessel, or he has chartered his vessel to some one who is running her on his own account, the owner of the vessel having no interest in her except the money he receives for her charter and the ultimate ownership of the boat; and yet because one, not even his agent, violates the statute of a State, under national authority for that violation his property is confiscated!

Mr. President, there are other provisions in this bill which, if it were worth while, might be pointed out, showing, some of them, as I respectfully suggest, its incongruity, and others showing the inherent, the insurmountable difficulty of attempting to do by one cast-iron regulation stretching from sea to sea over our whole jurisdiction, that which should be done in spots and places by the local authority understanding the need and adapting the remedy to the case to be cured. I shall not proceed, however, to do it. I rose chiefly for the purpose of assigning very briefly some of the reasons which will constrain me to vote against this last endeavor, made intelligibly and in good faith, I have no doubt, to adapt provisions of the Constitution never designed for such a purpose to the exigency in question.

Could I reach the ears of those who have control in this regard, I would certainly counsel earnestly that they should bethink themselves and bestir themselves, and do that which has been deemed necessary in regions comparatively distant from these threatened visitations—that they should appeal to the powers adequate and appropriate to the purpose, and that they should not sit down either in discouragement or in indifference and trust to the golden promise of some shadowy by-and-by, to some plan to be discovered by somebody under which national authority may go into every neighborhood, on every river, at every seaport, and there wash and cleanse and police and deal with the local circumstances there found.

But I have no idea that anything that I have said or anything that I could say would answer any purpose valuable beyond making such excuse as I may need for the vote I shall feel compelled to give, glad and ready as I should be to vote for any measure which seemed to me at once admissible under the Constitution and well directed at the object.

Mr. HARRIS. Mr. President, a single word. Relying upon State quarantine regulations, without the power to supplement them, where insufficient, without the power to establish them where they did not exist, within the history of this country, not a very extended one, we have had eighty-eight epidemics of a single disease—yellow fever—which have scourged the country as few countries have been scourged in the history of the world by disease. The philosophy of the argument of the honorable Senator from New York is that we shall still rely upon that system which has been in operation from the beginning of our Government down to this day, notwithstanding the fearful consequences which have resulted from that system heretofore. It is believed that a well-regulated quarantine established at such ports and places as may be found necessary, while it may not give positive and absolute security, is capable of preventing the importation of disease and preventing the spread of disease from one State to another to a very large extent.

The question between the honorable Senator from New York and myself is, shall we, as he insists, still rely upon a system that we have tried throughout the whole history of our country when we are conscious of the great evils that have resulted, or rather that have not been presented by that system, when there is a possibility by our action of preventing these scourges with which the country has suffered so seriously and so frequently? I say adopt every possible means to arrest so great an evil. As to that other evil to which the honorable Senator devoted the greater part of his argument, the evil consequences that are to result to the owners of vessels, and the grave blunder that this committee has committed in making it unlawful for a vessel from any port to enter a port of the United States in violation of the quarantine laws of a State, if it be a blunder in us to have incorporated such provision into this bill, the Congress of 1799 and the Congress of 1878 made the same blunder, for the acts of these dates upon the subject of quarantine recognize, as this bill does, the State quarantine laws; each of them in express terms makes it unlawful for a vessel to enter any port of the United States in violation of the regulations of said State. They do not prescribe the precise remedy by which this violation of law is to be punished; they do not prescribe the precise jurisdiction in which it is to be punished; but they do declare it unlawful for the vessel to perform the act.

Mr. CONKLING. Would it be offensive to the Senator for me to interrupt him for a moment?

Mr. HARRIS. By no means.

Mr. CONKLING. I heard the Senator make that observation earlier in the day, and I wish it had occurred to me while on my feet. As he indulges me, I wish to make two observations upon it. In the first place, as the Senator well says, neither the act of 1799 nor any act of which I ever heard (unless this bill is for that purpose to be deemed an act) undertook to visit national punishment upon the violation of a State statute. I will come in one moment, and I will occupy but a moment, to the reason which I suppose led to the enactment; but first, no punishment is inflicted. The distinction between the two cases is this: take a statute of Connecticut which visits with a fine of $20 the doing of a certain act in violation of her health laws. It is not made a lien upon any property; the whole of it is a fine of $20. Here comes this statute of the United States and makes the fine $5,000 and makes it a lien upon the property of others. Therefore the distinction is very broad.

But to the immediate point of the Senator. The Senator is well aware that every vessel licensed in the coastwise trade or licensed under the navigation laws has a right to enter the waters of every State. As long ago as the case of Wilson against the Black Bird Creek, a very early case in the Supreme Court, a little sloop of five tons burden undertook to go up the Black Bird Creek. She encountered a dam; she broke the dam; and the question arose between the owner of that sloop and the State of Delaware, because the State of Delaware had authorized the damming of that stream. This little sloop was enrolled as a coastwise vessel, and insisted that she had a right to traverse the stream. As the Senator knows, the bills which have been filed to prostrate bridges, including the bill filed to prostrate the Wheeling bridge, have been filed by the owners of vessels, some of them only canal boats, licensed or enrolled in the coasting trade. Now, in order to put a bridle upon the rights of navigators, the navigation laws under which these bills have been maintained provide that it shall not be lawful for any vessel to enter the waters of a State in contravention of the laws of that State. Why? Because otherwise a trespasser, the owner of a vessel going in violation of the police regulations of a river or harbor, might turn around and file a bill praying an injunction against the bridging of a stream, or praying for an injunction against the maintenance of a dam, or the maintenance of a ferry, or any other thing which had been authorized by the State authority.

So that not for penal purposes, not to punish transgressions of the law, but simply to qualify the right given to every owner of a vessel licensed in the coasting trade, the statute enacted that for a vessel to go upon the Erie Canal, for example, upon the Hudson River, upon the Passaic River, upon the Schuylkill River, in violation of the laws of New York, New Jersey, and Pennsylvania, respectively, should be unlawful. That is all there is of it. Is it not right, nor does it hinge at all upon the power or the want of power to which I have been attempting to draw the attention of the honorable Senator? I submit to him not at all. If he will find a statute, an act of Congress, which punishes the infraction of a State statute with fine and imprisonment and which punishes it a second time by a different measure from that inflicted by the State, and then makes the fine a lien upon the property of anybody, and particularly the property of somebody other than the culprit, I will admit that he finds a precedent which travels on all-fours with this.

Mr. EDMUNDS. I wish to move that the Senate adjourn. There is nothing else before the Senate, and I think this matter is so important in respect of the good object that there is in view and the difficulties which surround it that it might be well to reflect upon it a little further.

Mr. HARRIS. I suggest to the honorable Senator from Vermont that if there be no further amendments to be offered I should be very glad that we take the vote this evening on the passage of the bill before adjourning.

Mr. EDMUNDS. The reason why I move an adjournment is that I wish to look into the bill a little more myself, because I sympathize with the object of it altogether, but I am impressed with the difficulties that have been stated by several Senators, and I thought other Senators might be in the same condition with myself. That was my motive for moving to adjourn, knowing that the bill would not be crowded out to-morrow by anything else as it is the unfinished business and nothing else is pressing. That was why I wished to make the motion; but if the honorable Senator will ask his friends to vote against it of course I cannot venture to make the motion with any hope of success.

The PRESIDING OFFICER. Does the Senator from Vermont insist on his motion to adjourn?

Mr. EDMUNDS. I think I will make the motion and try the experiment.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont that the Senate do now adjourn.

The motion was agreed to, there being on a division—ayes 24, noes 20; and (at four o'clock and fifty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May* 22, 1879.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read.

CORRECTIONS.

Mr. LEWIS. On page 10 of the RECORD I am recorded as not voting on the motion of Mr. CONGER to reconsider the vote by which the House dispensed with further proceedings under the call. I voted "no." My colleague, Mr. WILLIAMS, is also recorded as not voting. He voted "no."

The SPEAKER. The Chair has exercised every caution in reference to the roll-calls. There are three checking copies now kept.

Mr. LEWIS. I know that I voted upon these questions and I am incorrectly reported in the RECORD.

The SPEAKER. If the gentleman states that he voted that is conclusive on the Chair.

The SPEAKER. What correction does the gentleman desire to have made in behalf of his colleague, Mr. WILLIAMS?

Mr. LEWIS. Mr. WILLIAMS requested me to make the statement that he voted "no" on Mr. CONGER'S motion to reconsider.

The SPEAKER. The gentleman from Alabama, Mr. WILLIAMS, if present, had better make the statement.

Mr. WILLIAMS, of Alabama. I voted "no" upon that motion.

The Journal of yesterday as corrected was then approved.

POST-ROUTE BILL.

Mr. MONEY. I ask unanimous consent to report from the Committee on the Post-Office and Post-Roads the post-route bill.

Mr. DUNNELL. I would inquire if there is any general legislation in the bill?

Mr. MONEY. None whatever; it simply establishes post-routes.

Mr. WHITE. Let it be read.

The SPEAKER. The practice has been to omit the reading of like bills upon the assurance of the gentleman who introduces it from the Committee on the Post-Office and Post-Roads that there is absolutely no general nor private legislation whatever in the bill.

Mr. KENNA. Is the proposition to pass the bill?

The SPEAKER. It is.

Mr. MONEY. I want to pass it to-day.

Mr. GARFIELD. I happen to know two or three gentlemen who wish to have additional routes put in the bill.

The SPEAKER. Those gentlemen had better go to the Senate with their amendments.

Mr. GARFIELD. I was going to suggest to the gentleman from Mississippi that he give notice that at the next meeting for general business he will report the bill so that gentlemen may send such additional routes as they wish to have included in the bill. He will save us from the necessity of going to the Senate.

Mr. MONEY. I would prefer that the bill lie over.

The SPEAKER. The bill had better not be amended in the House, as it is usual to pass it without reading. All amendments should have the approval of the Committee on the Post-Office and Post-Roads.

Mr. GARFIELD. Then, I suggest to the gentleman from Mississippi that he withhold the bill for a day or two, for I happen to know of several gentlemen, who are not now here, who desire to have it amended. Let him give notice now upon what day he will present the bill.

Mr. MONEY. I withdraw the bill.

Mr. GARFIELD. Will the gentleman please give notice now when he will report it?

Mr. MONEY. I will report it to-morrow.

Mr. GARFIELD. The gentleman had better allow a longer time.

Mr. MONEY Then I will say Saturday.

Mr. WHITE. Will the bill be printed in the mean time?

Mr. MILLS. Bills of this character have never been printed.

The SPEAKER. The gentleman from Mississippi withdraws the bill, and gives notice that he will introduce it on Saturday next, if there is a session, or on the next regular business day; and gentlemen had better understand that if they want post-routes inserted in the bill they should send them immediately to the chairman of the Committee on the Post-Office and Post-Roads.

ORDER OF BUSINESS.

Mr. TOWNSHEND, of Illinois. I ask consent to submit a resolution for consideration at this time.

Mr. WHITE. I object.

Mr. TOWNSHEND, of Illinois. I ask that it be read for information.

Mr. WHITE. I object to its being read.

Mr. TOWNSHEND, of Illinois. What objection can there be to allowing members to know what they are asked to vote for?

Mr. WHITE. I do not want it to go into the RECORD.

Mr. TOWNSHEND, of Illinois. Let it be read.

Mr. WHITE. No; I do not want it read.

The SPEAKER. There is objection, and the resolution is not before the House.

VESSELS FOR QUARANTINE PURPOSES.

Mr. GOODE, by unanimous consent, introduced a joint resolution (H. R. No. 72) authorizing the Secretary of the Navy to place vessels and hulks at the disposal of the commissioners of quarantine or other proper persons at the ports of the United States; which was read a first and second time, ordered to be printed, and referred to the Committee on Naval Affairs, not to be brought back on a motion to reconsider.

ORDER OF BUSINESS.

Mr. TOWNSHEND, of Illinois. I call for the regular order.

Mr. WARNER. I move to dispense with the regular order, with the morning hour.

LEAVE OF ABSENCE.

The SPEAKER. Pending the motion to dispense with the morning hour, the Chair will submit sundry requests for leave of absence.

By unanimous consent, leave of absence was granted as follows:

To Mr. ROBESON, after the 1st of June, on account of important business; and

To Mr. MASON, indefinitely, on account of the dangerous illness of his brother.

Mr. DUNNELL. I give notice that after to-day I shall object to granting leave of absence except in case of sickness.

Mr. STONE. And I give notice that from this time on I shall object to granting any leave of absence.

SECOND-CLASS MAIL MATTER.

Mr. SPRINGER, by unanimous consent, introduced a bill (H. R. No. 2013) to amend section 14 of "An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes," approved March 3, 1879; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

ORDER OF BUSINESS.

Mr. SCALES. I ask unanimous consent to introduce a bill to amend sections 3227 and 3228 of the Revised Statutes of the United States.

Mr. CONGER. I object to the introduction and reference of any bill for the amendment or repeal of any section of the Revised Statutes without the object of the bill being stated.

The SPEAKER. The title of the bill has been given; the Chair is not advised what is contained in the body of the bill.

Mr. CONGER. The Chair has called attention to the matter heretofore, and several members have given notice that they will require the title of the bill to state the subject-matter to which it relates.

Mr. SCALES. The bill relates to a section containing only three or four lines.

Mr. CONGER. But we do not know what it is about.

Mr. SCALES. Let the bill be read.

Mr. CONGER. I object.

The SPEAKER. Objection is made to the introduction of the bill.

Mr. HOUSE. I ask leave to introduce a bill for reference.

The SPEAKER. The title of the bill will be read.

The title was read as follows: "A bill for the relief of distillers of spirits by the repayment of money expended or deposited by them for the Tice meter with the United States internal-revenue officers."

Mr. WHITE. I object.

Mr. GARFIELD. I call for the regular order.

Mr. WARNER. I move to dispense with the morning hour of to-day.

Mr. CONGER. Is that debatable?

The SPEAKER. It is not, relating as it does to priority of business; but it requires a two-thirds vote, under the rule, to be decided in the affirmative.

Mr. CONGER. I did not understand the gentleman from Ohio [Mr. WARNER] to move to suspend the rules.

The SPEAKER. It is a question relating to the order of business. The new rule requires a two-thirds vote to dispense with the morning hour.

Mr. CONGER. I cannot see how we can afford to neglect to go on with the judiciary bill. [Laughter.]

The question was taken upon the motion of Mr. WARNER; and upon a division there were—ayes 105, noes 27.

Mr. CONGER. Is there a quorum voting?

The SPEAKER. No quorum has voted, and the Chair will appoint Mr. WARNER, of Ohio, and Mr. YOUNG, of Tennessee, to act as tellers.

Mr. WARNER. If it is not too late, I withdraw the motion to dispense with the morning hour and call for the regular order.

Mr. HARRIS, of Virginia. Why do you do that? You have carried the motion, and now you withdraw it.

REMOVAL OF CAUSES TO UNITED STATES COURTS.

Mr. WARNER. I call for the regular order.

The SPEAKER. The regular order being called for, the morning hour begins at twenty-eight minutes past twelve, and the House resumes the consideration of the unfinished business of the morning hour of yesterday, which is the report from the Committee on the Revision of the Laws of the bill (H. R. No. 1715) to repeal certain sections of the Revised Statutes and to amend certain sections of the Revised Statutes and of the Statutes at Large relating to the removal of causes from State courts, with amendments. The pending question is on seconding the demand for the previous question.

Mr. TOWNSHEND, of Illinois. I call for the regular order.

Mr. HARRIS, of Virginia. If it is not too late, I renew the motion to suspend the rules so as to dispense with the morning hour.

The SPEAKER. The morning hour has begun. The Chair has stated the pending business. The question is on seconding the demand of the gentleman from Maryland [Mr. URNER] for the previous question on the bill and the amendments.

Mr. GARFIELD. Before any action is taken on this subject I want to suggest to the gentleman in charge of the bill that there is no factious desire to prevent action on the bill. There is, however, a very strong desire to debate it. I have no doubt that the bill could be debated for several days with great advantage in the way of enlightening the House. The bill cannot go forward without debate. There are several gentlemen, good lawyers, who have views and convictions on this subject which they wish to express.

Mr. HARRIS, of Virginia. We have no objection to allowing debate on the bill; but I ask gentlemen to consent to take it out of the morning hour, where we can have debate.

Mr. GARFIELD. But the proposition to order the previous question is in the teeth of all chance for debate.

Mr. HARRIS, of Virginia. We will agree to take the bill out of the morning hour and allow full debate upon it.

The SPEAKER. The gentleman from Virginia, as the Chair understands, suggests to the gentleman from Ohio that the bill by consent be taken out of the morning hour so as to allow larger opportunity for debate upon it. [Cries of "No!" "No!" on the republican side.]

Mr. CONGER. We can debate the bill just as well in the morning hour. Those who are familiar with the rules know that debate can be had in the morning hour.

The SPEAKER. But in the morning hour the debate can proceed only one hour each day, while if the bill be taken out of the morning hour it can be discussed for several hours daily.

Mr. CONGER. But then we look forward with pleasure from the morning hour of one day to another morning hour on the next day. [Laughter.]

Mr. TOWNSHEND, of Illinois. Do I understand the opposition to submit any proposition whatever? If so, I would like to hear it.

The SPEAKER. The gentleman from Michigan has objected to the suggestion of the gentleman from Virginia, [Mr. HARRIS,] as stated by the Chair.

Mr. TOWNSHEND, of Illinois. Does the gentleman from Ohio [Mr. GARFIELD] submit any proposition?

Mr. FRYE. The gentleman from Maine will submit one, the gentleman from Ohio being occupied at this moment.

Mr. TOWNSHEND, of Illinois. Let us hear the proposition. What is it?

Mr. FRYE. My proposition is that this bill be referred to the Judiciary Committee where it properly belongs.

Mr. HARRIS, of Virginia. For the purpose of killing it.

Mr. TOWNSHEND, of Illinois. Mr. Speaker, there are two ways in which a bill can be defeated; one by direct action, the other by such a method as that proposed by the gentleman from Maine.

Mr. REED. I do not believe that any such reflection ought to be made on the Judiciary Committee by the gentleman from Illinois.

Mr. TOWNSHEND, of Illinois. I submit that I have the floor.

Mr. REED. The gentleman has a very wide field for his eloquence; he need not occupy that.

Mr. TOWNSHEND, of Illinois. I desire to be heard as well as the gentleman from Maine, [Mr. REED.]

The SPEAKER. The Chair will allow a fair opportunity to every gentleman, so as to reach an understanding.

Mr. REED. I think the gentleman from Illinois ought to have a chance.

The SPEAKER. The Chair would like to understand the proposition of the gentleman from Maine, [Mr. FRYE.] Is it to submit to a vote of the House the question whether the bill shall be referred to the Judiciary Committee?

Mr. FRYE. That is the proposition I make.

Mr. FERNANDO WOOD. I hope that will be done.

Mr. HARRIS, of Virginia. If that question be put and the reference be voted down, so that the bill remains in the morning hour, will gentlemen on the other side cease filibustering?

Mr. CONGER. Then we remain as we are, with the bill in the morning hour. [Laughter.]

Mr. GARFIELD. All we ask is debate.

Mr. HARRIS, of Virginia. Gentlemen on the other side can have debate without limit if they consent to take the bill out of the morning hour; but if they are to continue filibustering if the motion for reference be voted down, then we will not consent to that motion being put.

Mr. CONGER. Mr. Speaker, the gentleman uses offensive terms. I call for the regular order if such language is to be indulged in. [Laughter.]

The SPEAKER. The Chair desires to submit the proposition of the gentleman from Maine, [Mr. FRYE,] to which the Chair has not yet heard, distinctly, any objection.

Mr. TOWNSHEND, of Illinois. I object, and call for the regular order.

The SPEAKER. The question is on seconding the demand for the previous question on the bill and amendments.

The question being taken, there were—ayes 87, noes 2.

Mr. CONGER. No quorum.

The SPEAKER. The gentleman from Michigan raises the question that no quorum has voted.

Mr. HARRIS, of Virginia. I desire to reply to a remark of my friend from Ohio——

Mr. CONGER. I object.

Mr. HARRIS, of Virginia. I want to submit a proposition.

Mr. CONGER. The gentleman has used offensive language, and I object to his speaking further.

The SPEAKER. The Chair thinks that the House might listen to the statement of the gentleman from Virginia.

Mr. HARRIS, of Virginia. The gentleman from Ohio [Mr. GARFIELD] says——

Mr. CONGER. The gentleman from Virginia has used epithets about this side of the House. [Laughter.]

Mr. HARRIS, of Virginia. I did not mean to use any. I know that my friend from Michigan is always courteous.

Mr. CONGER. Let the gentleman apologize, and I have no objection to his proceeding.

The SPEAKER. If the gentleman from Virginia used offensive words, they should have been taken down, under the provisions of the rule.

Mr. CONGER. Ah, but I have the right to object to his speaking.

Mr. HARRIS, of Virginia. I do not recollect using any offensive language. Now, the proposition I have to make is this——

Mr. CONGER. Does the gentleman take back the offensive language? [Laughter.] If not, I object.

Mr. HARRIS, of Virginia. I did not use any offensive language, and I take back nothing if the gentleman is serious.

Mr. CONGER. I object, unless the gentleman takes back the offensive words. [Laughter.]

Mr. HARRIS, of Virginia. I have the floor, Mr. Speaker, and I think it is time this badinage should stop.

Mr. CONGER. Then I call for the regular order.

The SPEAKER. The gentleman from Virginia desires to make a proposition to the House.

Mr. CONGER. Ah, let him take back the offensive epithets. [Laughter.]

Mr. HARRIS, of Virginia. The gentleman from Ohio [Mr. GARFIELD] thought this should be debated longer in the morning hour, and I desire his attention. We proposed for the purpose of debate to take it out of the morning hour. That is declined. Now I propose it be open in the morning hour to debate, and I ask the gentleman how many days they desire on the other side for debate; on the condition, however, that after that time they shall allow us to take a vote and not resume dilatory motions and filibustering.

Mr. CONGER. There are those epithets, offensive epithets, Mr. Speaker, [laughter,] and I demand the regular order. I do not blame the gentleman; he cannot help it, perhaps; but I demand the regular order.

Mr. GARFIELD. I say to the gentleman from Virginia that persistence in stopping a quorum on this side is for the purpose of securing debate, which the pending motion for the previous question cuts off absolutely.

Mr. SPRINGER. Will it not afford a larger field for debate to take the bill out of the morning hour and allow the debate to go on in the House?

Mr. FERNANDO WOOD. The gentleman from Ohio should know that there are other committees which desire to report in the morning hour, and it is impossible for them to get the opportunity to do so unless we dispose in some way of this bill. Now, if he desires discussion of this bill, and I for one am willing to accord that privilege to that side of the House——

Mr. GARFIELD. That is all that is asked for.

Mr. FERNANDO WOOD. The only way to do that is to take it out of the morning hour, as is proposed by the gentleman from Virginia.

Mr. GARFIELD. I think the gentleman should allow a vote on the reference to the Committee on the Judiciary to test the sense of the House.

Mr. FERNANDO WOOD. I am in favor of that.

Mr. GARFIELD. Then let us take a vote on it.

Mr. TOWNSHEND, of Illinois. Let the gentleman make some definite proposition.

Mr. GARFIELD. We do not, however, wish to come to a vote which will cut off debate absolutely.

The SPEAKER. The Chair thinks that the first step to reach harmony would be to allow the vote to be taken on the motion to refer to the Judiciary Committee, and if that should be voted down then a further arrangement might be made in regard to the debate.

Mr. HARRIS, of Virginia. I cannot consent to that unless gentlemen on the other side consent if the motion to refer is voted down that then we shall proceed to the discussion of the bill on its merits without resorting to any dilatory motions; otherwise, if the motion to refer should be voted down we would be left precisely in the same condition we are in now.

The SPEAKER. If the motion to refer is allowed to be voted on, and it should fail, then by consent some arrangement could be entered into to take this bill out of the morning hour and afford such debate as might be considered reasonable.

Mr. HARRIS, of Virginia. I have wished to make such arrangement. I have proposed it, but on the other side they will not con-

sent to it; and I cannot consent to anything which will lead to the defeat of the bill.

Mr. GARFIELD. I cannot say now how much time we shall want for debate.

Mr. HARRIS, of Virginia. Name your time and you shall have it, but with the condition that at the end of that time you shall cease all dilatory motions.

Mr. GARFIELD. I cannot say how many gentlemen wish to debate this bill. For one I want to make a speech upon it, and I know others do, but I do not know how many. It would be unjust on my part to fix the number of hours for debate without knowing how many members desire to speak on the proposition.

Mr. HARRIS, of Virginia. Name the days then. We will go by days, and not by hours.

Mr. CONGER. The third Tuesday in January we are willing to agree to. [Laughter.]

Mr. HARRIS, of Virginia. Regular order!

Mr. TOWNSHEND, of Illinois. It will thus be seen by the House that the opposition to this bill is factious.

The SPEAKER. The Chair has exhausted every effort to reach a compromise.

Mr. FRYE. Let me make a proposition.

The SPEAKER. The Chair will hear it.

Mr. FRYE. I think the principal opposition which is evinced here on this side just now comes from the attempt at this time, at this extra session, to pass upon so important a bill, so far-reaching a bill, as this which touches and affects every corporation——

Mr. TOWNSHEND, of Illinois. I object to debate.

Mr. FRYE. Allow me to say a word.

Mr. TOWNSHEND, of Illinois. I object to debate. If the gentleman has a proposition to make, let him make it.

Mr. FRYE. I am going to make what I regard as a fair and honest proposition; and as introductory to the proposition I want to say——

Mr. TOWNSHEND, of Illinois. I do not want to hear the introduction.

Mr. SAPP. Some others may.

Mr. HUMPHREY. If the gentleman from Illinois thinks he can run this thing, let him run it.

Mr. FRYE. This bill touches every contract, every corporation, every business man in this whole country. It comes from a committee to whom ordinarily such business has not been sent.

Mr. TOWNSHEND, of Illinois. I object to the gentleman debating the question instead of submitting his proposition.

Mr. HARRIS, of Virginia. Is that the objection of the gentleman from Maine to the bill?

Mr. TOWNSHEND, of Illinois. I object to any further debate. If the proposition is to be submitted, let it be submitted.

The SPEAKER. The Chair thinks his duty as presiding officer is to endeavor to bring order out of disorder in the conducting of the business of the House, and as auxiliary to that to bring about good feeling instead of bad humor. That was the reason why the Chair has endeavored to allow these statements to be made to see whether the House could not reach harmonious action. The gentleman from Illinois [Mr. TOWNSHEND] now objects.

Mr. GARFIELD. My proposition was in the direct line of what the Chair has been endeavoring to bring about. If the House wants to refer the bill to the Judiciary Committee a vote to that effect settles this whole controversy. If the vote shows that the House does not want to do that, then we are not only no worse off than we are now, but we are nearer an understanding. One element of misunderstanding is out of the way. That is to say, it will be settled that the Committee on the Revision of the Laws and not the Judiciary Committee has charge of the bill. Until that is settled we have an element of uncertainty in our minds all the while.

Mr. TOWNSHEND, of Illinois. I desire to be heard now for a few moments.

Mr. ALDRICH, of Illinois. I object.

Mr. CONGER. I also object until the gentleman from Maine has been heard.

Mr. TOWNSHEND, of Illinois. I wish to say, Mr. Speaker——

The SPEAKER. There is objection.

Mr. TOWNSHEND, of Illinois. It is unfair and ungentlemanly, when there has been a speech on the other side, not to allow an answer to be made.

The SPEAKER. The Chair thinks the gentleman from Maine, having been allowed to make a statement——

Mr. CONGER. I submit to the Chair that the gentleman from Maine was not allowed to make a statement; he was cut off.

The SPEAKER. Then the Chair cuts off further discussion on these propositions and will submit the question. The question is on seconding the demand for the previous question.

Mr. FRYE. I will make my proposition without any remark whatever.

The SPEAKER. The gentleman from Maine [Mr. FRYE] desires to make a proposition which he states he will make without any introductory remarks.

Mr. TOWNSHEND, of Illinois. I object to any proposition or any debate.

The SPEAKER. The Chair appoints as tellers the gentleman from Illinois, Mr. TOWNSHEND, and the gentleman from Michigan, Mr. CONGER.

Mr. COX. Before the House divides allow me to make a suggestion. [Cries of "Regular order!"]

The SPEAKER. Is there objection to the gentleman from New York making a proposition?

Several members objected.

Mr. COX. I think this matter can be settled.

The SPEAKER. Objection is made. The Chair will hear the gentleman from New York hereafter.

The House divided; and the tellers reported—ayes 87, no 1.

Mr. CONGER. A quorum has not voted.

The SPEAKER. The gentleman from Michigan makes the point that a quorum has not voted. The gentleman from New York [Mr. COX] desired to make some statement to the House.

Mr. COX. I cannot get the gentlemen on our side to agree. I was about, however, to suggest, Mr. Speaker, if I can get the serious attention of gentlemen who are opposed to wasting time, that we take a vote on the reference of this bill to the Judiciary Committee, and then, since the only opposition in the morning hour has been for the purpose of obtaining debate, that the bill be taken out of the morning hour with the view of letting other matters in, as my colleague [Mr. FERNANDO WOOD] stated. Gentlemen can then take their own time for debate, and the debate can be limited hereafter as the House may choose. Why should not a proposition of that kind be accepted if we are in earnest about transacting our business here and desire to go home? My proposition is that we take a vote on the reference of this bill to the Judiciary Committee; and then if the House refuses to refer the bill to that committee that it be taken out of the morning hour and that the debate on it shall proceed at the pleasure of gentlemen on the other side.

Mr. NEWBERRY. Will the gentleman yield for a question?

Mr. COX. Yes, sir.

Mr. NEWBERRY. What will you do with the silver bill in charge of the gentleman from Ohio, [Mr. WARNER?] That bill is the regular order immediately after the morning hour.

Mr. COX. I presume that the silver bill being the unfinished business will come up for action by the House.

Mr. NEWBERRY. Let us take one step at a time.

Mr. COX. I will say to my young friend from Chicago, [laughter,]——

Mr. NEWBERRY. I will state to my friend, so called from New York, that I am not from Chicago. [Laughter.]

Mr. COX. I have been "so called" from two States. But that does not matter. I want, so long as I am here, to do business seriously. I think if gentlemen on the other side will only give a little attention to this matter they will see how the whole difficulty can be satisfactorily untied. My friend from Ohio and myself have been in many of these troubles, and have unloosed matters properly and harmoniously. Now let us vote upon this motion to refer the bill to the Committee on the Judiciary, and then agree in advance——[Loud cries of "No!" "No!" on the republican side of the House.] We cannot trust you then. [Laughter.]

Mr. HUMPHREY. You can as much as we can you.

Mr. HARRIS, of Virginia. I would like to hear the proposition of the gentleman from Maine, unaccompanied by a speech or reasons why he has been behaving so badly? We want to hear his proposition naked that we may see whether we can accept it or not.

Mr. GARFIELD. You lose nothing by having the bill referred.

Mr. FRYE. My proposition is this, that the gentleman from Virginia ask that the bill be committed to his own committee, with the understanding that it shall not be brought back at this extra session.

Mr. HARRIS, of Virginia. Oh, there is the cat in the meal-tub. The gentleman wants to kill the bill, and I do not propose to consent to that.

Mr. TOWNSHEND, of Illinois. I call for the regular order.

The SPEAKER. The Chair understands a proposition to be submitted by the gentleman from Maine.

Mr. HARRIS, of Virginia. I decline that proposition.

The SPEAKER. The Chair did not suppose that that proposition would be agreed to; but the Chair desires to know whether the proposition, without further qualification or entanglement, will be allowed; that is, that a vote be taken on the motion to commit to the Committee on the Judiciary?

Mr. TOWNSHEND, of Illinois. I object to any further propositions.

The SPEAKER. The Chair would suggest to the gentleman that if he has a majority in favor of the passage of the bill he would lose nothing by this proposition, for the same majority would refuse, if consistent, to commit.

Mr. HARRIS, of Virginia. The Speaker would see at what a disadvantage that would place the bill, because every gentleman who had business coming up in the morning hour would have to vote against their judgment, and therefore we cannot consent to that proposition.

Mr. GARFIELD. My friend does not think that any one would be influenced against his judgment?

The SPEAKER. The Chair understands that the proposition of the gentleman from Maine is declined.

Mr. TOWNSHEND, of Illinois. I move that there be a call of the House.

The question was taken; and on a division there were—ayes 75, noes 78.

Mr. TOWNSHEND of Illinois. I call for the yeas and nays.

Mr. NEWBERRY. I object to this filibustering on the other side of the House.

The yeas and nays were ordered.

The question was taken; and there were—yeas 121, nays 93, not voting 71; as follows:

YEAS—121.

Acklen,	Dickey,	Le Fevre,	Simonton,
Aiken,	Dunn,	Lewis,	Singleton, O. R.
Armfield,	Einstein,	Lowe,	Slemons,
Atherton,	Elam,	Manning,	Smith, Hezekiah B.
Bailey,	Ellis,	Martin, Benj. F.	Smith, William E.
Belford,	Evins,	Martin, Edward L.	Sparks,
Beltzhoover,	Ewing,	McKenzie,	Speer,
Bicknell,	Felton,	McMahon,	Springer,
Blackburn,	Finley,	McMillin,	Steele,
Blount,	Ford,	Mills,	Stevenson,
Bouck,	Forney,	Mitchell,	Talbott,
Bright,	Frost,	Money,	Taylor,
Buckner,	Frye,	Morrison,	Thompson,
Cabell,	Geddes,	Muldrow,	Tillman,
Caldwell,	Gillette,	Muller,	Townshend, R. W.
Chalmers,	Goode,	New,	Turner, Oscar
Clardy,	Gunter,	Nicholls,	Turner, Thomas
Clark, John B.	Harris, John T.	O'Connor,	Vance,
Clymer,	Hatch,	O'Reilly,	Waddill,
Cobb,	Henkle,	Persons,	Wellborn,
Coffroth,	Henry,	Phelps,	Whitthorne,
Converse,	Hooker,	Phister,	Williams, Thomas
Cook,	Hostetler,	Reagan,	Willis,
Covert,	House,	Rice,	Wilson,
Cox,	Hunton,	Robertson,	Wise,
Cravens,	Hurd,	Robeson,	Wood, Fernando
Culberson,	Johnston,	Russell, Daniel L.	Yocum,
Davidson,	Kenna,	Ryon, John W.	Young, Casey.
Davis, Joseph J.	King,	Samford,	
Davis, Loundes H.	Klotz,	Sawyer,	
Dibrell,	Ladd,	Scales,	

NAYS—93.

Aldrich, William	De La Matyr,	Houk,	Ryan, Thomas
Anderson,	Deering,	Hubbell,	Sapp,
Barber,	Dick,	Humphrey,	Shallenberger,
Bayne,	Dunnell,	Jones,	Sherwin,
Bingham,	Dwight,	Joyce,	Smith, A. Herr
Blake,	Errett,	Kelley,	Stone,
Bliss,	Farr,	Lindsey,	Thomas,
Bowman,	Ferdon,	Loring,	Tyler,
Boyd,	Field,	Marsh,	Updegraff, J. T.
Brewer,	Fisher,	Martin, Joseph J.	Updegraff, Thomas
Briggs,	Fort,	McCoid,	Valentine,
Brigham,	Garfield,	McGowan,	Van Aernam,
Browne,	Hall,	Monroe,	Van Voorhis,
Burrows,	Hammond, John	Morton,	Ward,
Cannon,	Harmer,	Neal,	Washburn,
Carpenter,	Harris, Benj. W.	Newberry,	White,
Caswell,	Haskell,	Norcross,	Whiteaker,
Chittenden,	Hawk,	O'Neill,	Wilber,
Claflin,	Hawley,	Orth,	Williams, C. G.
Conger,	Hayes,	Osmer,	Willits,
Crapo,	Hazelton,	Reed,	Young, Thomas L.
Crowley,	Heilman,	Richardson, D. P.	
Daggett,	Henderson,	Robinson,	
Davis, George R.	Horr,	Russell, W. A.	

NOT VOTING—71.

Aldrich, N. W.	Gibson,	Lounsbery,	Richmond,
Atkins,	Godshalk,	Mason,	Ross,
Bachman,	Hammond, N. J.	McCook,	Rothwell,
Baker,	Herbert,	McKinley,	Shelley,
Ballou,	Herndon,	McLane,	Singleton, J. W.
Barlow,	Hill,	Miles,	Starin,
Beale,	Hiscock,	Miller,	Stephens,
Bland,	Hull,	Morse,	Townsend, Amos
Bragg,	James,	Murch,	Tucker,
Butterworth,	Jorgensen,	Myers,	Urner,
Calkins,	Keifer,	O'Brien,	Voorhis,
Camp,	Ketcham,	Overton,	Wait,
Carlisle,	Killinger,	Pierce,	Warner,
Clark, Alvah A.	Kimmel,	Poehler,	Weaver,
Colerick,	Kitchin,	Pound,	Wells,
Cowgill,	Knott,	Prescott,	Wood, Walter A.
Deuster,	Lapham,	Price,	Wright.
Forsythe,	Lay,	Richardson, J. S.	

So the motion for a call of the House was agreed to.

During the call of the roll the following announcements were made:

Mr. TALBOTT. My colleague, Mr. MCLANE, is paired with my colleague, Mr. URNER.

Mr. MYERS. I am paired with my colleague, Mr. COWGILL. If he were present, I should vote "ay."

Mr. POEHLER. I am paired with my colleague, Mr. POUND.

Mr. SAMFORD. My colleague, Mr. HERNDON, is paired with Mr. ALDRICH, of Rhode Island.

Mr. FORNEY. My colleague, Mr. SHELLEY, is paired with Mr. KETCHAM, of New York.

Mr. DAVIDSON. My colleague, Mr. HULL, is paired with Mr. VOORHIS, of New Jersey.

Mr. RICHMOND. I am paired with Mr. PRESCOTT, of New York. If he were present, I should vote "ay."

Mr. COBB. My colleague, Mr. COLERICK, is paired with Mr. BALLOU, of Rhode Island.

Mr. WAIT. I am paired with Mr. HERBERT, of Alabama.

Mr. CLAFLIN. I desire to state that Mr. JORGENSEN, of Virginia, paired with his colleague, Mr. BEALE.

Mr. VAN AERNAM. My colleague, Mr. LAPHAM, is absent on account of sickness in his family, and is paired with Mr. TUCKER, of Virginia. I presume that, if present, he would vote "no."

Mr. BINGHAM. My colleague, Mr. KILLINGER, is paired with Mr. WELLS, of Missouri.

Mr. RICHARDSON, of South Carolina. I am paired with Mr. CAMP, of New York. If he were here, I would vote "ay."

Mr. TOWNSHEND, of Illinois. My colleague, Mr. SINGLETON, is paired for the remainder of the session with Mr. MILES, of Indiana.

The result of the vote was then announced as above stated.

The Clerk proceeded to call the roll under the order just made; but before the call of the House was completed,

Mr. TALBOTT moved to dispense with all further proceedings under the call.

The motion was agreed to.

Mr. WARNER. Has the morning hour expired?

The SPEAKER. It has.

Mr. COX. When will this bill again come up?

The SPEAKER. In the morning hour of Saturday next, if the House shall then be in session.

Mr. WARNER. I call for the regular order.

The SPEAKER. The regular order being called for, the House will resume the consideration of the unfinished business coming over from yesterday, being the bill in relation to coinage certificates, &c.

Mr. YOUNG, of Tennessee. On Friday last the quarantine bill was made a special order after the morning hour of to-day.

The SPEAKER. The Chair will examine the Journal upon that point.

Mr. WARNER. I hope the gentleman from Tennessee [Mr. YOUNG] will not insist upon that bill now.

The SPEAKER. The Clerk will read Rule 56.

The Clerk read the rule, as follows:

The consideration of the unfinished business in which the House may be engaged at an adjournment shall be resumed as soon as the Journal of the next day is read, and at the same time each day thereafter until disposed of; and if, from any cause, other business shall intervene, it shall be resumed as soon as such other business is disposed of. And the consideration of all other unfinished business shall be resumed whenever the class of business to which it belongs shall be in order under the rules.

Mr. CONGER. The special order of the gentleman from Tennessee [Mr. YOUNG] was not assigned from day to day, but was made for one day only.

The SPEAKER. The special order for the health bill was for to-day only.

Mr. YOUNG, of Tennessee. Then I would like to ask the House to make it the special order immediately after the conclusion of the silver bill, and let it be taken up then, and from day to day until disposed of.

Mr. CONGER. I think the gentleman had better insist upon his special order now, if he wishes to have it considered.

The SPEAKER. The gentleman has no power to insist upon it.

Mr. CONGER. He can raise the question of consideration.

The SPEAKER. The Chair thinks the bill coming over from yesterday as unfinished business is entitled to preference.

Mr. CONGER. The unfinished business of yesterday properly comes up immediately after the reading of the Journal.

The SPEAKER. The Chair has ruled that the regular order at this time is the unfinished business of yesterday, being the silver-certificate bill as it is termed, and that its consideration cannot now be interrupted.

Mr. CONGER. The rule which the Chair had read stated that the unfinished business of yesterday should come up immediately after the reading of the Journal.

The SPEAKER. The unfinished business of yesterday and the special order are both after the morning hour.

Mr. CONGER. The rule which has been read says that the unfinished business shall come up immediately after the reading of the Journal.

The SPEAKER. That is a rule which was adopted prior to the rule adopted at this session, which provides that the morning hour shall not be dispensed with except by a two-thirds vote. The Chair is prepared to rule upon that question.

Mr. WARNER. Upon what question?

The SPEAKER. The gentleman from Michigan [Mr. CONGER] makes the point of order that according to Rule 56 the unfinished business of yesterday should come up immediately after the reading of the Journal to-day; and the Chair desires to say thereon that on the 9th of April last an amendment was adopted to Rule 51, which was intended to vacate all prior rules conflicting with the terms of the said amendment. This amendment was as follows, to add to Rule 51 the following words:

And the morning hour shall not be dispensed with upon any day for any purpose except by a vote of two-thirds of the members present.

Prior to that time unfinished business coming over was allowed to come up under the provisions of Rule 56, which reads as follows:

The consideration of the unfinished business in which the House may be engaged at an adjournment shall be resumed as soon as the Journal of the next day is read and at the same time each day thereafter until disposed of; and if from any cause other business shall intervene, it shall be resumed as soon as such other business is disposed of.

This was adopted March 18, 1860. The effect of this rule had been to bring up the unfinished business contemplated by the rule immediately after the reading of the Journal.

It was clearly the purpose of the House, in the adoption of the amendment to Rule 51, to prevent the cutting off of the morning

hour for reports from committees unless by a two-thirds vote the House should assent to such vacation of the morning hour. The words "upon any day for any purpose" are positive and unequivocal terms. The Chair thinks, therefore, that to allow a majority to evade this rule would be contrary to the purpose of the House in the adoption of the amendment cited. Thus to prevent a morning hour for reports from committees at an interlocutory point in the consideration of a bill or at a point of decision on an interlocutory motion would violate the said action of the House. Had the main question been ordered instead of there being a pending demand for the previous question, then the Chair would decide under Rule 132 that the main question must execute itself before entering on the morning hour; but as soon as executed, the morning hour should be at once entered upon, unless, as heretofore, two-thirds should determine to dispense therewith.

In addition to this construction—the proper one in the mind of the present occupant of the Chair—it is also practical in its execution, promotes the public business, and has the merit of a common-sense interpretation of the amendment to Rule 51 alluded to. This construction could under no circumstances involve a longer delay than one hour in resuming the consideration of the unfinished business, while even this delay can be avoided if the House so desire by a two-thirds vote on the motion to dispense with the morning hour.

For the reasons stated the Chair decides that the unfinished business of yesterday comes over and takes its place to-day after the morning hour, and will so continue unless by a vote of two-thirds of the members present the morning hour of any day shall be dispensed with, in which case the unfinished business of the preceding day will come up immediately after the reading of the Journal and the dispensing with the morning hour.

Mr. CONGER. I am very glad the Chair has made so clear a ruling upon that point. I think it is a correct one and I acquiesce in it entirely. But the point in addition to that, to which I wish to call the attention of the Speaker, was that the House having made a special order for a given day and not from day to day, the only chance to execute that order was on the day for which it was made.

The SPEAKER. That is correct construction.

Mr. CONGER. The gentleman from Tennessee [Mr. YOUNG] had better raise the question of consideration now.

The SPEAKER. The gentleman from Tennessee [Mr. YOUNG] now asks that the quarantine bill reported from the Committee on Epidemic Diseases be made a special order to come up immediately after the bill now under consideration shall be disposed of. The Chair hears no objection to that proposition.

COINAGE CERTIFICATES, ETC.

The SPEAKER. The question now recurs on the demand for the previous question upon the first two amendments recommended by the Committee on Coniage, Weights, and Measures, to section 8.

Mr. GARFIELD. This proposition does not cover the section or shut off other amendments?

The SPEAKER. The present demand for the previous question applies only to these two amendments reported by the committee. The Chair will explain. Under the rules there cannot be more than two amendments pending at the same time; but as the Chair is advised there are five amendments pending to this section besides a substitute for the whole section, which would make six propositions in the nature of amendments. The gentleman from Ohio [Mr. WARNER] calls the previous question only on these two amendments, because otherwise the four other amendments would have no opportunity of being voted upon, but would be cut off.

Mr. CONGER. Our objection, as we have already stated, is that there has been no discussion allowed upon these amendments. That was the reason we objected yesterday; it is the reason we object to-day.

The SPEAKER. The Chair thinks that discussion was asked, not upon these two amendments but upon subsequent amendments, which will be reached by disposing of these two. The point where the gentleman can make the issue will come later.

The previous question was seconded and the main question ordered.

The first amendment reported by the Committee on Coinage, Weights, and Measures to the eighth section was read as follows:

Before the word "bullion," in line 6, insert the words "gold or silver;" so as to read: "The Secretary of the Treasury is authorized and required to receive deposits of gold or silver coin and gold or silver bullion, &c."

The amendment was agreed to.

Mr. WARNER moved to reconsider the vote by which the amendment was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The next amendment reported by the Committee on Coinage, Weights, and Measures was read as follows:

In line 9 of section 8, strike out the word "ten" and insert the word "five;" so as to read "issue certificates therefor in denominations of not less than $5 each," &c.

Mr. BUCKNER. I desire to suggest to the House that this amendment is incongruous——

Mr. MILLS. Debate is not in order.

The SPEAKER. No debate is in order; the previous question is operating.

The question being taken on agreeing to the amendment, there were—ayes 81, noes 75.

Mr. CLAFLIN. I call for the yeas and nays.

Mr. WARNER. I wish to explain in this connection that there is another amendment pending which covers the same question——

The SPEAKER. Debate is not in order.

The yeas and nays were ordered.

The question was taken; and there were—yeas 118, nays 100, not voting 67; as follows:

YEAS—118.

Aiken,	Dunn,	Lewis,	Slemons,
Armfield,	Elam,	Lowe,	Smith, Hezekiah B.
Atherton,	Ellis,	Manning,	Smith, William E.
Atkins,	Evins,	Marsh,	Sparks,
Belford,	Ewing,	Martin, Benj. F.	Speer,
Bicknell,	Felton,	McKenzie,	Springer,
Blackburn,	Ford,	McMahon,	Steele,
Blount,	Forney,	McMillin,	Stephens,
Bouck,	Fort,	Mills,	Stevenson,
Bright,	Geddes,	Money,	Taylor,
Cabell,	Gillette,	Muldrow,	Thompson,
Caldwell,	Goode,	Murch,	Tillman,
Carlisle,	Gunter,	New,	Townshend, R. W.
Chalmers,	Harris, John T.	Nicholls,	Turner, Oscar
Clardy,	Hatch,	O'Connor,	Turner, Thomas
Clark, John B.	Henkle,	Orth,	Vance,
Clymer,	Henry,	Persons,	Waddill,
Cobb,	Herbert,	Phelps,	Warner,
Coffroth,	Hostetler,	Phister,	Weaver,
Converse,	House,	Reagan,	Wellborn,
Cox,	Hunton,	Robertson,	Whiteaker,
Cravens,	Johnston,	Russell, Daniel L.	Whitthorne,
Culberson,	Jones,	Ryan, Thomas,	Williams, Thomas
Daggett,	Kenna,	Ryon, John W.	Willis,
Davidson,	Kimmel,	Samford,	Wilson,
Davis, Joseph J.	King,	Sapp,	Wise,
Davis, Loundes H.	Klotz,	Sawyer,	Wright,
De La Matyr,	Knott,	Scales,	Yocum.
Dibrell,	Ladd,	Simonton,	
Dickey,	Le Fevre,	Singleton, O. R.	

NAYS—100.

Aldrich, William	Crowley,	Hubbell,	Rice,
Anderson,	Deering,	Humphrey,	Richardson, D. P.
Bailey,	Dick,	Hurd,	Robeson,
Baker,	Dunnell,	Joyce,	Robinson,
Barber,	Dwight,	Kelley,	Russell, William A.
Bayne,	Einstein,	Lindsey,	Shallenberger,
Beltzhoover,	Errett,	Martin, Edward L.	Sherwin,
Bingham,	Farr,	Martin, Joseph J.	Smith, A. Herr
Blake,	Ferdon,	McCoid,	Talbott,
Bliss,	Field,	McCook,	Thomas,
Bowman,	Frye,	McGowan,	Townsend, Amos
Boyd,	Garfield,	McKinley,	Tyler,
Brewer,	Hall,	Mitchell,	Updegraff, J. T.
Briggs,	Hammond, John	Monroe,	Updegraff, Thomas
Brigham,	Harmer,	Morse,	Valentine,
Browne,	Harris, Benj. W.	Morton,	Van Aernam,
Burrows,	Haskell,	Muller,	Van Voorhis,
Cannon,	Hawk,	Neal,	Wait,
Carpenter,	Hawley,	Newberry,	Ward,
Caswell.	Hayes,	Norcross,	Washburn,
Chittenden,	Hazelton,	O'Neill,	White,
Claflin,	Heilman,	O'Reilly,	Wilber,
Conger,	Henderson,	Osmer,	Williams, C. G.
Covert,	Hiscock,	Poehler,	Willits,
Crapo,	Houk,	Reed,	Young, Thomas L.

NOT VOTING—67.

Acklen,	Deuster,	Killinger,	Price,
Aldrich, N. W.	Finley,	Kitchin,	Richardson, J. S.
Bachman,	Fisher.	Lapham,	Richmond,
Ballou,	Forsythe,	Lay,	Ross,
Barlow,	Frost,	Loring,	Rothwell,
Beale,	Gibson,	Lounsbery,	Shelley,
Bland,	Godshalk,	Mason,	Singleton, J. W.
Bragg,	Hammond, N. J.	McLane,	Starin,
Buckner,	Herndon,	Miles,	Stone,
Butterworth,	Hill,	Miller,	Tucker,
Calkins,	Hooker,	Morrison,	Urner,
Camp,	Horr,	Myers,	Voorhis,
Clark, Alvah A.	Hull.	O'Brien,	Wells,
Colerick,	James,	Overton,	Wood, Fernando
Cook,	Jorgensen,	Pierce,	Wood, Walter A.
Cowgill,	Keifer,	Pound,	Young, Casey.
Davis, George R.	Ketcham,	Prescott,	

So the amendment was agreed to.

During the roll-call the following announcements were made:

Mr. BEALE. I wish to state that I am paired with Mr. JORGENSEN. If he were present, I should vote "ay" and he would "no."

Mr. BUCKNER. I am paired with Mr. PRICE. If he were here, I should vote "no."

Mr. SAWYER. My colleague, Mr. FROST, is paired with Mr. DAVIS, of Illinois.

Mr. FORNEY. My colleague, Mr. HERNDON, is paired with Mr. ALDRICH, of Rhode Island, and my other colleague, Mr. SHELLEY, is paired with Mr. KETCHAM, of New York.

Mr. FINLEY. I am paired with Mr. CALKINS, of Indiana. If he were present, I should vote "ay."

Mr. ARMFIELD. My colleague, Mr. KITCHIN, is paired with Mr. FISHER, of Pennsylvania. If present, my colleague would vote "ay."

Mr. COFFROTH. My colleague, Mr. BACHMAN, is paired with Mr. STARIN. If present, my colleague would vote "ay."

Mr. HUNTON. Mr. TUCKER is paired with Mr. LAPHAM.

Mr. RICHARDSON, of South Carolina. I am paired with Mr. CAMP, of New York. If he were present, I should vote "ay."

Mr. RICHMOND. I am paired with Mr. PRESCOTT, of New York. If he were here, I should vote "ay."

Mr. COOK. I am paired with Mr. POUND, of Wisconsin. If he were present, I should vote "ay."

Mr. FORSYTHE. I am paired with Mr. WALTER A. WOOD, of New York. If he were present, I should vote "ay."

Mr. HUMPHREY. My colleague, Mr. POUND, is paired with Mr. COOK, of Georgia. If present, my colleague would vote "no."

Mr. DAVIS, of Illinois. I am paired with Mr. FROST. If he were present, I should vote "no."

Mr. TOWNSEND, of Ohio. My colleague, Mr. KEIFER, is paired with Mr. ROTHWELL, of Missouri.

Mr. HEILMAN. My colleague, Mr. COWGILL, is paired with Mr. MYERS.

Mr. SAPP. My colleague, Mr. PRICE, is paired with Mr. BUCKNER.

Mr. WHITE. My colleague, Mr. OVERTON, is paired with Mr. WELLS, of Missouri.

Mr. UPDEGRAFF, of Ohio. Mr. BUTTERWORTH is paired with Mr. HILL. Mr. BUTTERWORTH, if present, would vote "no."

Mr. BLOUNT. My colleague, Mr. HAMMOND, is paired with Mr. MILLER, of New York.

Mr. LE FEVRE. I have been requested to announce that Mr. MYERS is paired with Mr. COWGILL.

Mr. ACKLEN. I am paired with the gentleman from New York, Mr. O'BRIEN.

Mr. ELLIS. I have been requested to announce that Mr. HOOKER is paired with Mr. LORING, of Massachusetts.

Mr. STEVENSON. I move that by unanimous consent the reading of the names be dispensed with.

Mr. COOK. I object.

The vote was then announced as above recorded.

Mr. WARNER moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced the passage by that body of a bill (H. R. No. 178) providing for the change of name of the steamboat Alexis.

COINAGE CERTIFICATES, ETC.

Mr. GARFIELD. There is another amendment of the committee.

The SPEAKER. Yes; there is another amendment of the Committee on Coinage, Weights, and Measures.

Mr. WARNER. There is one amendment remaining recommended by the committee, and also an amendment which I have moved, and I do not think any issue will be raised on either of them.

Mr. CLAFLIN. I wish to offer an amendment to be voted on at the proper time.

Mr. WARNER. I call the previous question on the amendment of the committee and the one I have offered.

The SPEAKER. The Chair will cause to be read the amendment of the committee and then the amendment of the gentleman from Ohio, on which, as the Chair understands, the gentleman demands the previous question.

Mr. WARNER. Yes, I demand the previous question on those two amendments.

The SPEAKER. Those two amendments, however, had better be read and voted on.

Mr. CONGER. It has been said that the committee amendments should take precedence, and after those amendments have been voted on the section should be opened to further amendment.

The SPEAKER. This would leave it so open to further amendment.

Mr. CONGER. I object to the gentleman's amendment.

The SPEAKER. The gentleman cannot object. The amendment is already in and pending.

Mr. CONGER. But gentlemen on this side of the House wish to discuss the last amendment of the committee to this pending section.

The SPEAKER. In reference to that matter the gentleman had better speak to the gentleman from Ohio.

Mr. CONGER. I spoke so because the Chair said there had better be a vote on this amendment.

The SPEAKER. The question recurs first on the amendment of the committee and next on the amendment of the gentleman from Ohio. Those two amendments are pending and the previous question has been called upon them. The previous question, of course, when seconded, would exclude any further amendment for the present. After those amendments are disposed of, further amendments of course would be in order, and the question of debate would also arise at that time.

Mr. CONGER. The last amendment of the committee is deemed by some on this side important, and we desire to discuss it. It is the last amendment recommended by the committee to this section in reference to these certificates being computed as a part of the lawful reserve of the national banks.

Mr. GARFIELD. Let the amendment be read.

The Clerk read as follows:

Add to the eighth section the following words: "And may be computed as part of the lawful money-reserve of national banks;" so that it will read:

The certificates for coin and bullion in the Treasury shall be received at par in payment for all dues to the United States, including duties on imports, and may be computed as part of the lawful money-reserve of national banks.

Mr. CLAFLIN. I wish to indicate the amendment I propose, which is to strike out all of the section after the word "demand" in line 13.

The SPEAKER. That could come in as a further amendment prior to the section itself being voted on.

Mr. GARFIELD. If the words recommended by the committee are put in, then an amendment to strike them out would not be in order.

The SPEAKER. They might be stricken out in connection with the other words which the gentleman from Massachusetts proposes to strike out.

Mr. GARFIELD. After having had words inserted, would it be in order to strike them out?

The SPEAKER. The Chair thinks it would be in order to strike out the words inserted and more. For instance, the House might want to amend the clause from the word "demand," in the thirteenth line, to the end of the section; and therefore this amendment would be in order. But the House might, after so amending the clause, want to vote it all down, and the Chair thinks it would be competent to do so.

Mr. WARNER. I call for the reading of the other amendment—that which I offered.

The Clerk read as follows:

In line 21, page 6, after the word "banks," insert the following:

Provided, That gold or silver bullion which shall become the property of the Government by the return of certificates to the Treasury in payment of dues thereto shall be coined and paid out the same as other money.

Mr. WARNER. I call the previous question on those two amendments.

Mr. GARFIELD. Why not vote on what the previous question is now resting upon?

Mr. WARNER. What I ask is that these two amendments shall be put under the operation of the previous question.

The SPEAKER. The effect of the procedure of the gentleman from Ohio [Mr. WARNER] is to have a vote on every pending amendment.

Mr. GARFIELD. As I understand, there is an amendment pending on which the previous question has been ordered.

The SPEAKER. The previous question is exhausted. The previous question was pending on the first two amendments reported by the committee. Those two have been voted on and disposed of, and the previous question is exhausted.

Mr. GARFIELD. I thought the last amendment at the end of the section was under the operation of the previous question.

The SPEAKER. That is the third amendment of the committee, and the gentleman from Ohio desires to call the previous question on that third amendment of the committee and the one he himself offers.

Mr. CLAFLIN. And that is the very one on which I do not wish the previous question to be called, because we wish to debate that. That is a very important amendment.

The SPEAKER. The Chair suggests to the gentleman from Ohio to let the amendment recommended by the committee first be disposed of, and then he can test the sense of the House on the other.

Mr. WARNER. I apprehend there will hardly be debate on the other proposition.

Mr. CONGER. The gentleman might try whether there would be debate.

Mr. WARNER. I understand my colleague from Ohio [Mr. GARFIELD] to suggest that a vote be taken on these two amendments.

Mr. GARFIELD. Oh, no. My suggestion was that we should vote first on the amendment of the committee, and not put the two together.

Mr. WARNER. Very well.

Mr. CONGER. I have stated two or three times that gentlemen wished to debate the last amendment printed at the end of this section.

The SPEAKER. The remedy is to vote down the demand for the previous question. Assent is given to the previous question being called only on the amendment of the committee.

Mr. CONGER. There is no assent given.

The SPEAKER. The gentleman from Ohio [Mr. WARNER] assents to the previous question being demanded only on the third amendment offered by the committee, as suggested by the gentleman from Ohio, [Mr. GARFIELD.] That is what the Chair stated was assented to by the gentleman from Ohio, not by the gentleman from Michigan.

Mr. CONGER. I ask the gentleman from Ohio to allow debate on the committee's amendment. [Cries of "Regular order!"]

The SPEAKER. How much time does the gentleman from Michigan want?

Mr. CONGER. I know we cannot have more than five minutes.

The SPEAKER. Only five minutes can be occupied by one member, but there may be many speeches of five minutes each.

Mr. CONGER. I do not propose to be limited to any five minutes. I propose we shall have whatever time for debate the rules give us. The House can at any time control the debate.

The SPEAKER. If the debate is opened it would run under the five-minute rule.

Mr. WARNER. I call the previous question on the amendment of the committee.

The SPEAKER. The gentleman from Ohio [Mr. WARNER] declines, then, to allow debate?

Mr. WARNER. I do if it is to run on indefinitely.

The SPEAKER. The gentleman has his remedy. When the debate has run for a while he can move the previous question.

Mr. CLAFLIN. It was understood we should have debate.

Mr. WARNER. Let it go on, then.

The SPEAKER. The gentleman from Michigan [Mr. CONGER] is recognized. He is entitled to five minutes.

Mr. CONGER. I call the attention of the House to these words in the eighth section, commencing in line 13:

> And certificates representing coin in the Treasury may be issued in payment of interest on the public debt, which certificates, together with those issued for coin and bullion deposited, shall not at any time exceed 20 per cent. beyond the amount of coin and bullion in the Treasury.

The amendment upon which we are asked to vote says that those certificates, which may be 20 per cent. more than the amount of coin or bullion in the Treasury, that those certificates, a part of which have behind them no coin and no bullion in the Treasury to represent them, may be held by the banks as a part of their reserve.

Now, sir, we are providing by this amendment that there may be taken by the national banks these certificates, issued to 20 per cent. beyond the amount of any coin or of any bullion in the Treasury to meet them, and that the national banks may take these as a part of their reservation.

Mr. BUCKNER. Suppose we strike the 20 per cent. out of the bill.

Mr. CONGER. Ah, if we had an opportunity to amend the section, and the House would amend it, that would remove the objection.

Mr. BUCKNER. We propose to do that.

Mr. CONGER. The gentleman from Ohio [Mr. WARNER] is calling the attention of the House, and especially of those gentlemen who are the guardians of the depositors, of those who are opposed to national banks even with the present securities—that I call attention to the fact that we are authorizing the national banks to receive certificates of deposit which are mere fiat certificates, with no money or bullion behind them to make them good.

Mr. SPRINGER. That is the existing law as to certificates, is it not?

Many MEMBERS. Oh, no.

Mr. CONGER. Oh, no; that is on the gold certificates.

Mr. CLAFLIN. Not on bullion.

A MEMBER. Gold bullion, that is.

Mr. CONGER. This bill provides that silver-coin certificates may be issued to an extent of 20 per cent. beyond any such coin or bullion in the Treasury; and, as if that were not enough, the committee recommend to this House to pass a bill that these fiat certificates, with nothing behind them in the Treasury, either of coin or of bullion, these worthless certificates, may be placed in the national banks and held as a portion of their reserve.

Mr. WARNER. If the gentleman will allow me, I will say that if he or any other gentleman will offer an amendment to strike out that provision of the present law in respect to 20 per cent. on the gold certificates, I will accept it.

Mr. CONGER. I am glad to see some returning sense of justice in the gentleman who has charge of this bill, otherwise we would have been compelled to vote that fiat certificates should be placed in the banks as a part of their reserves.

Mr. WARNER. That is the law now.

Mr. CONGER. It is not the law now.

Mr. GARFIELD. It never was.

Mr. SPRINGER. The faith of the Government is behind the certificates as the faith of the Government is behind the bonds, and the faith of the Government will protect them.

Mr. CONGER. Does the gentleman advocate the issuing and allowing the banks to use as a part of their reserve worthless fiat certificates of bullion?

Mr. SPRINGER. I am not talking of that. I say that the certificates have the pledge of the Government just as much as the United States bonds have, and are as good paper as the Government ever issued.

Mr. CONGER. I do not wish to enlarge upon this matter. I know that I speak with some assurance about it. I am one of those who from the beginning voted in favor of coining silver dollars and issuing them to the people and making them a legal tender. Among the first votes ever given in Congress upon that subject I voted with gentlemen who favored that policy, and I have done so ever since, and if this bill be in that direction, if it be free from danger, if there be not provisions inserted in the bill to give the banks the right to make their reserve, not the substantial value which the present law gives, but fiat certificates which may be issued beyond 20 per cent. of the bullion and coin in the Treasury, I am still in favor of preserving the principle of a bimetallic currency, of having silver issued for the wants of the people.

I am still in favor of having the bonds of the Government which are payable in coin payable in either or both coins which were authorized at the time the bonds were issued; but I find that I am antagonized by gentlemen who drive me from all safe moorings on these questions, who insert into the bill here provisions dangerous to the interests of all the people of the United States.

Mr. WARNER. If the gentleman will allow me, I will simply say that there is an amendment pending which strikes out this provision and which I have agreed to.

Mr. LEWIS. I desire simply to state that it is very unwise to allow part of the reserves required to be kept in the national banks to be in these silver certificates. It is of the utmost importance to those who hold the bills of the banks and to those who deposit in the banks that the reserve of the banks shall consist of legal-tender money. This is a proposition against the interests of the people, not one against the national banks. For this reason I think the amendment proposed by the committee is exceedingly unwise.

Mr. CLAFLIN. I propose to submit a motion to strike out all of this section which permits the issue of certificates for the coin which is retained in the Treasury for the protection of the legal-tender currency. We cannot have resumption permanent if we go to work and issue certificates for the amount of coin in the Treasury and 20 per cent. in addition. If $200,000,000 of certificates are issued, how can we have anything in the Treasury for the protection and redemption of the legal-tender notes? It seems to me such a proposition is very dangerous.

The House, I suppose, understands very well that the old law in regard to issuing certificates and placing them on the market was passed in 1863, when the whole country was in a state of suspension of specie payments, when there were no banks paying out gold and silver, and the Treasury desired very much to retain what little gold it had. Congress therefore permitted the issue of certificates in order to retain in the Treasury the gold that was there, so far as they could, and authorized those certificates to be received in payment of public dues. That was a law made in time of war, under pressing necessity, at a time when there was great danger that the interest on the public debt would not be paid.

Now, to apply such a principle to a time of peace, when we wish to have a sound currency redeemable on demand, it seems to me is wrong in principle and will be vicious in practice. To be sure it may be said that the Secretary of the Treasury will not issue any such certificates. If so, then why place on the statute-book a temptation to issue them? It seems to me that the only sound principle for us to adopt is to take from the statute-book any such provision.

If the public should put silver into the Treasury, and we should issue certificates for that silver, there might be some justice in providing that such certificates should be receivable for public dues. But to issue certificates on coin retained in the Treasury to redeem legal-tender notes, which notes are already issued, is like issuing two sets of certificates for the same coin. It seems to me it must be clear to any man that such a proceeding would be a double issue of certificates, if you call the legal-tender notes certificates, which they are. I therefore propose to strike out all that part of the section which provides for such certificates.

Mr. SPRINGER. I am opposed to the amendment of the committee providing that these certificates shall constitute a part of the bank reserves, although my opposition is not for the reasons stated by the gentleman from Michigan, [Mr. CONGER.] He stated that these certificates were fiat certificates, that there would be nothing behind them. I want to know what there is behind $200,000,000 of the legal-tender paper which is now outstanding? We have only about $140,000,000 in coin in the Treasury available for the payment of legal-tender notes. The difference between that $140,000,000 of coin and the $346,000,000 of legal-tender notes now outstanding is fiat money, with nothing behind it to protect it, according to the opinion of the gentleman from Michigan.

Mr. CONGER. I would ask the gentleman if the Treasury notes pretend to state on their face that there is coin or bullion in the Treasury to meet them.

Mr. SPRINGER. The law says they shall be paid on demand in coin.

Mr. CONGER. These certificates state that the bullion or the coin is in the hands of the Treasurer to redeem them, but the legal-tender notes do not state any such thing.

Mr. SPRINGER. I know that, but the law provides that the Government will pay the legal-tender notes on demand in coin.

Mr. CONGER. Oh, no.

Mr. SPRINGER. "Will pay the bearer five dollars." That is what is printed on one of the notes, and the resumption act provides that the Government will pay on the 1st day of January, 1879, in coin.

Mr. GARFIELD. Is due now.

Mr. SPRINGER. Yes, is due now; and the Government promise is out for every dollar of the legal-tender notes. These certificates will be just as good obligations of the Government as are the legal-tender notes of the Government to-day.

Mr. WILBER. Yes, but you propose to put out a double amount.

Mr. SPRINGER. Gentlemen have said that silver is inconvenient to handle, and that therefore it is not fit money to circulate among the people. I want to know where gold has appeared in the circulation of the country since resumption has taken place? Has any gentleman here gold coin in his possession now?

Mr. CONGER. Yes, I have.

Mr. SPRINGER. Has my friend from New York, [Mr. CHITTENDEN,] who last year held up a ten-dollar note and demanded gold for it, gone to the Treasury and got his gold now that he can have it? I think not. Since he has discovered that he can get his gold, he does not want it, but prefers the "fiat money," the legal-tender notes, which had only 40 per cent. of coin behind them when resumption took place, the other 60 per cent. depending upon the faith of the Government.

Mr. TOWNSEND, of Ohio. Mr. Speaker, the bill under consideration affects the business interests of the country so directly and disastrously that I feel unwilling to have a vote taken on it without placing on record my protest against its passage. The debate has taken a wide range, and the discussion has been so able and exhaustive that little remains to be said, and in the brief time allotted me I cannot attempt to examine the bill in detail, or do more than call the attention of the House to what seems to me some of its most objectionable features.

I have always been an advocate of bimetallic money, and believe now that the two metals, gold and silver, must and will be so adjusted in their relative value as to become not only the acknowledged money of the United States but of the world, and form the basis of all paper money in whatever shape it may be issued. The value of all such paper money will be and ought to be measured and determined by its coin basis, and its convertibility at the pleasure of the holder into gold and silver. The United States, being the greatest silver-producing nation in the world, is deeply interested in this movement, and has very properly taken the initiatory steps to accomplish this result. But in dealing with and adjusting this question we cannot ignore the market value of gold and silver in foreign nations, and the coin standards employed by those with whom we are in constant business communication.

The growing demand for the double standard has attracted the attention of the thoughtful men throughout the civilized world, and, as it has been eloquently said on this floor, the older nations are beginning to realize this fact, and the students of political economy, statesmen, and the ablest financiers everywhere are seriously considering how "they may harness both these metals to the monetary car of the world." Time and experience will alone solve this great problem, and wise statesmanship admonishes us as a nation not to move too fast in determining a question of such grave importance.

In the Forty-fifth Congress, when silver was remonetized, the first step was taken in the right direction; but in my judgment we made the mistake of not making the silver dollar equal in value to the gold dollar. This might have been done without loss to the Government, and would probably, so far as this country is concerned, have settled the question. I voted for the bill as the best that could be passed at the time. A sufficient period has not yet elapsed, however, to deters mine with any degree of certainty what change, if any, should be now made, and I believe it unwise to agitate the subject or to pas any new bill at the present session. We are striking in the dark, without reliable information to guide us. I am therefore opposed to any legislation on the question, and particularly opposed to this bill, which I regard as a financial monstrosity the passage of which would unsettle the business of the country, alarm prudent men who have either money or property, and chill the hopes of every honest man who has little or none of either and who relies on his industry, ability, and skill for future success.

Mr. Speaker, what are the reasons, I would ask, that are given by the friends of this measure for pressing its passage at this time? The only one I have heard stated that is even plausible is based on the assumption that the country is in a deplorable condition, that we have not money enough, (although money is begging investment at 4 per cent. interest,) and that this bill increases the volume of money; in other words, inflates the currency and necessarily inflates the price of all kinds of property, and as a result increases the wages of the laboring-man.

This scheme is absurd in theory as it would be ruinous in practice, and if adopted will afford but a temporary relief at best. The reaction that is sure and soon to follow would leave the country in a net times worse condition than a somewhat similar state of things left it in 1872, and from which it has been slowly but surely recovering ever since.

Assuming, for the sake of argument, that the terrible condition of the country described with so much tender pathos by gentlemen on this floor and elsewhere is true—which I deny—the remedy proposed in behalf of these starving men would be but temporary in its action if at all helpful to them, and their last state would be worse than their first.

The truth is, Mr. Speaker, the country has not been in a better condition than now, in all that is real and genuine prosperity, for twenty years, the groans and tears of these self-appointed guardians of the laboring-men to the contrary notwithstanding. I undertake to say that, outside of a few special industries which have been overdone, the whole country is in a healthy condition, and gives promise of growing prosperity, such as will invite capitalists to engage in manufacturing and other branches of industry, greatly enlarge the acreage now under cultivation, utilize the rich soil now lying idle, increase the agricultural production of the country, and afford ample employment for laboring-men everywhere who desire to engage in honest industry.

With a large balance of trade in our favor with foreign nations, with the abundant agricultural productions of the country—the true source of national wealth—the success of our varied manufacturing interests under a wise system of protection, and the sound financial policy of the Government now established, our country is in a prosperous condition and growing better every day, and if it can be relieved from the itinerant financial tinkers that are abroad in the land any man desiring employment would soon be able to find it at fair wages.

The financial policy of the Government is fixed on sound theories, and is now well understood by every man of ordinary intelligence. Resumption has been accomplished without shock to business or serious loss to any one, and the system is so stable and satisfactory that prudent men of all parties will hesitate long before advocating any radical change; certainly not until the subject has been fully considered in all its bearings, and good reasons brought forward for such change. We now have good money, gold, silver, and paper of equal value, and all that the business wants of the country require. The business of the country and the value of property has gradually and almost imperceptibly adjusted itself to the present condition of affairs. Trade, manufactures, and business of all kinds everywhere are improving, and confidence has taken the place of distrust and uncertainty, and a natural and a healthy prosperity pervades the country.

It is true that we have now, have had, and always will have, a few men who overtrade, speculate, run in debt, buy property at too high prices, and fail to find a buyer to take it off their hands—in a word, men who cannot successfully prosecute a private business. These are the men who are not satisfied with the present condition of the finances, and they never will be, and they want to inflate the currency in order that the price of property may be advanced, thus enabling them to shift the load from their own shoulders to that of others, or, with another motive, that of getting money without earning it. Aside from this class of people, who are not numerous, but very noisy, the country is in a state of business health such as we have not enjoyed for many years.

It is now proposed by one set of gentlemen to flood the country with billions of irredeemable greenbacks, and by another set of statesmen it is proposed to add to this flood of greenbacks an unlimited and unascertainable amount of silver dollars, which will benefit no one but speculators, and owners of silver mines and silver bullion. I regard the two schemes taken together as the wildest system of finance that was ever attempted by intelligent men to foist on this or any other country, and if adopted will inaugurate a reckless system of speculation which will practically destroy all legitimate business and weaken the confidence of conservative men everywhere in the substantial prosperity of the country for many years to come.

But, Mr. Speaker, we must meet and dispose of these different schemes as they arise. What we now have to deal with is the silver bill. The pending bill makes such sweeping changes in the present law in allowing the unlimited coinage of silver and issue of silver certificates for bullion as must soon unsettle the present relative relations of gold, silver, and paper. Should it become a law it will drive gold out of circulation, and ultimately out of the country, and will have, I think, a disastrous influence over every branch of business in the nation. I believe it not wise to pass this bill, or to take any definite action upon the subject at this session. Time will show what additional legislation, if any, is needed. The passage of this law would certainly not improve the present condition of things, but would launch us upon a sea of uncertainty, and most assuredly drift us in the wrong direction.

Since the organization of the Government the financial condition of the country has never been so sound and stable as to-day and so universally satisfactory. This silver question will require additional legislation at some future time; but what we now need most is rest from agitation, that the capital of the country may be employed in the various branches of manufacturing industries, developing the resources of the country, and affording work to laboring-men at fair and remunerative wages. What the whole country demands at our hands is, in the language of the gentleman from Michigan, "a gold dollar, a silver dollar, a paper dollar worth one hundred cents, redeemable and interchangeable each with the other at all times, all places, and under all circumstances. And they want, more than all, rest from this constant tinkering of currency;" and he might well have added that the country over all this demands that Congress shall pass the appropriation bills, so necessary to the maintenance of the Government, promptly within the next week, stop doctoring the finances, leave business and trade to adjust themselves, come home and help harvest the rich productions of the soil with which Providence in His wonderful goodness has so bountifully blessed the nation.

Mr. BUCKNER. I do not approve at all of this eighth section as it stands, and I shall be loth to be compelled to vote for it. As to the authorization of certificates for gold coin or gold bullion deposited in the Treasury, that was a war measure and adopted no doubt to aid the Secretary of the Treasury in carrying on the operations of the Government in time of war. But as a principle to be incorporated into the legislation of the country at this time in my opinion it is exceedingly vicious and improper. I have an amendment, which will no doubt receive the assent of the House, striking out that provision. But, Mr. Speaker, I doubt whether it is good policy, if we have a law in reference to the deposit of gold or silver bullion, to make such a change in the law as the provisions of this section contemplate. My own opinion is that if we authorize bullion to be deposited in the Treasury and certificates to be issued therefor for circulation (that is the object of this provision and I think it good policy under proper restrictions) the bullion ought to be deposited and the certificates issued at the branch mints. The owner of bullion in Colorado or

Nevada should be allowed to deposit the bullion at the nearest mint and there get his certificate; he should not be required to send the bullion to New York or Philadelphia to be deposited. I am therefore not at all inclined to favor the provisions of the section as they now stand. Certainly I would not authorize the banks to use these certificates as a reserve to secure their circulation. I have an amendment which, if the House should agree to it, would obviate my objection; but as the gentleman from Massachusetts proposes to move to strike out all that part of the section to which there could be objection by anybody, and as that amendment will come up first, I hope the House will agree to it.

Mr. CANNON, of Illinois. Will the gentleman allow me to ask him a question?

Mr. BUCKNER. Certainly.

Mr. CANNON, of Illinois. I would like to ask the gentleman what he thinks of a bill which allows a currency which is to be received for customs duties and is to be payable for interest on the public debt, but which still is not good enough to answer as the reserve of a national bank?

Mr. BUCKNER. Well, sir, I am not at all in favor of this provision as to the payment of interest on the public debt in these certificates. As the provision now stands it is only permissive; it is not obligatory on the Government at all. The Secretary of the Treasury is not required to use these certificates in that way; but for fear of any trouble on that score, in order to avoid any pretense of repudiation, I would, so far as I am concerned, agree to strike out that provision, so that interest on the public debt could only be paid in gold or silver coin if the holder of the bond demands it.

Mr. HAWLEY. Mr. Speaker, it is quite impossible to say anything with satisfaction on a bill like this in five minutes; and I can do very little more than express my profound dislike of the whole measure. It seems to be full of crudities and inconsistencies, full of attacks on the national credit. I regretted exceedingly to see the House adopt yesterday the amendment of the gentleman from Iowa [Mr. WEAVER] directing the Secretary of the Treasury to pay out without discrimination the standard silver coin belonging to the Government, that may be in the Treasury, the same as gold coin, in liquidation of all kinds of coin obligations of the Government. Now, sir, gold certificates in large quantities are outstanding. The gentleman may perhaps say—I do not know whether he does or not—that his amendment was not intended to include those. But I do not care what the gentleman says; the terms of the amendment which he succeeded in getting the House to adopt require the Secretary of the Treasury to pay out "standard silver coin" without discrimination in liquidation of all kinds of coin obligations. The certificate may by its very terms be payable in gold; but no matter, the Secretary of the Treasury is directed to violate the terms of the certificate; otherwise the language of the amendment means nothing. It seems to me that the proposition contemplates a direct violation of the engagements of the Government. I enter my protest, though too late perhaps, against that amendment.

Then comes this section 8, which directs the issue of five-dollar certificates based upon silver bullion alone. It is not stated whether these certificates shall be based upon the market value of the bullion or upon its nominal coin value. Nothing on that point is specified in the section. For all that appears, a man depositing his silver bullion and obtaining five-dollar certificates may come back the next day and demand payment of those certificates in gold. There is nothing here requiring that the certificate shall be expressly payable in one species of coin or bullion or in the other. The bill undertakes to make them interchangeable, of equal value. Under this bill we are opening our mints to the deposit of all the spare silver of the world; and any man who holds a five-dollar certificate issued upon a deposit of silver bullion may come forward and demand that it be paid in gold. However ridiculous this may be, you command the Secretary of the Treasury to do it; he has no recourse under this bill.

Then again you require that he shall pay the interest on the public debt in these certificates, which represent indifferently gold or silver bullion. The bullion which they represent may be worth eighty-five cents on the dollar or one hundred cents. Now this seems to my limited comprehension a direct and shameless attack upon the national credit.

But that is not all. There are in existence some bonds which are clearly and undeniably payable in gold, bonds which were issued between February 12, 1873, and February 28, 1878, during which period the gold standard was the only one known to the country. The Secretary of the Treasury, in accordance with the statutes, made known to the world that these were gold bonds. Five hundred and eighty-four million dollars of these bonds were negotiated distinctly as gold bonds when there was no other than the gold standard recognized.

Mr. SPRINGER rose.

Mr. HAWLEY. Not a word, begging your pardon, for having but five minutes I must be abrupt.

And yet we absolutely call on the Secretary of the Treasury here to pay out, without discrimination, gold and silver in payment of it. And he may pay not only gold or silver on that interest, but he may pay out these shinplaster certificates, which are based not even on silver bullion, for they may be issued 20 per cent. in excess of the silver bullion in the Treasury. Then we say in effect that gold interest may be discharged by certificates of silver not in the Treasury! Those are the inconsistencies and the direct repudiation that you are driving at here. [Applause.]

I have been waiting and waiting in vain here to see something of the old-fashioned Thomas-Benton-Andrew-Jackson-hard-money democracy. We are driving on to what is practical repudiation, and that is all there is of it. We are proposing to establish a gigantic national bank in the Treasury, for that is what it is equivalent to, and I should like to know what has become of all of the traditions of the democratic party against a national bank! You propose an issue from the Treasury of five or six or seven hundred millions or more of paper money; some based on coin, some on bullion, some on neither—how much of the latter who shall say? And out of this grand national bank in the Treasury we are to pay coin obligations with paper.

The SPEAKER. The gentleman's time has expired.

Mr. HAWLEY. It is quite useless, Mr. Speaker, to talk in five minutes on this subject, but I wish to record my hatred and denunciation of the whole scheme. [Applause and cries of "Good!"]

Mr. SPRINGER. I desire to say one word in regard to the remark of the gentleman from Connecticut [Mr. HAWLEY] who declined to yield to me.

Mr. HAWLEY. I could not in five minutes.

Mr. SPRINGER. I did not complain. I wish to say, Mr. Speaker, that the law under which the bonds which the gentleman mentioned were issued, the act of July 14, 1870, provides, in terms, that the bonds issued in pursuance of that act shall be payable in coin of the standard value then in existence—in coin of the same weight and fineness as then provided by law—and I challenge him or any other member of this House, or any holder of any of those bonds, to point to a single act or joint resolution of Congress that has ever provided a different contract for the issuing of those bonds.

Mr. CASWELL. Now, will the gentleman allow me?

Mr. SPRINGER. I will.

Mr. CASWELL. Was it not true that the Government sold nearly all those bonds for a premium in greenbacks, and pocketed the difference between the greenbacks and the gold?

Mr. SPRINGER. That may be true, but the law stands on the statute-book, and there can be no contract for the sale of those bonds except the contract in pursuance of which they were authorized to be issued.

Mr. CASWELL. Would it be honorable for the Government to sell a security on a gold basis, enjoy the premium, put it into the Treasury, and then turn around and pay that off in a debased or depreciated currency?

Mr. TOWNSHEND, of Illinois. We had a silver basis then, as well as a gold basis.

Mr. SPRINGER. I will answer the gentleman. It is honorable for the Government to carry out its contract, and it is illegal and dishonorable for any officer of the Government to make a different contract from that which the law authorized. [Applause.]

Mr. CASWELL. That silver was any part of the contract is a mere deduction of reasoning, and it is well known we had then only a gold standard.

Mr. SPRINGER. I have the floor, I believe.

The SPEAKER. The gentleman from Illinois declines to yield.

Mr. SPRINGER. The Secretary of the Treasury had no authority under the law to issue any bond, except the authority that he got out of this statute. I refer to the act of July 14, 1870, the first section of which is as follows:

That the Secretary of the Treasury is hereby authorized to issue, in a sum or sums not exceeding in the aggregate $200,000,000, coupon or registered bonds of the United States in such form as he may prescribe, and of denominations of $50, or some multiple of that sum, redeemable in coin of the present [July 14, 1870] standard value, at the pleasure of the United States, after ten years from the date of their issue, and bearing interest, payable semi-annually in such coin, at the rate of 5 per cent. per annum; also a sum or sums not exceeding in the aggregate $300,000,000 of like bonds, the same in all respects, but payable at the pleasure of the United States after fifteen years from the date of their issue, and bearing interest at the rate of 4½ per cent. per annum; also a sum or sums not exceeding in the aggregate $1,000,000,000 of like bonds, the same in all respects, but payable at the pleasure of the United States after thirty years from the date of their issue, and bearing interest at the rate of 4 per cent. per annum; all of which said several classes of bonds and the interest thereon shall be exempt from the payment of all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority; and the said bonds shall have set forth and expressed upon their face the above-specified conditions, and shall, with their coupons, be made payable at the Treasury of the United States. But nothing in this act, or in any other law now in force, shall be construed to authorize any increase whatever of the bonded debt of the United States.

When the Secretary goes beyond that statute for issuing bonds he has no more warrant of law for his action than the gentleman from Connecticut [Mr. HAWLEY] or the gentleman from Maine [Mr. REED] would have.

Mr. GARFIELD. Allow me to ask a single question, and that is this: has the Secretary of the Treasury any right to make a contract under a repealed law?

Mr. SPRINGER. No, sir; he has not, because a repealed law is not a law at all, and the Secretary of the Treasury has no right to make a contract unless there is a law authorizing him to make that contract. And the law which authorized the sale of these bonds is the only authority there is under the Government for issuing them, and the holder of the bond takes the statute with him and takes nothing else. The statute is not repealed. If it be repealed, the bonds are illegal

and void. The statute provides that the bonds shall be paid in coin of the standard of value then established by law, and that weight and fineness were 25.8 grains of gold to the dollar and 412½ grains troy of silver. There is no other statute, there is no other law for the issue of bonds since 1870, and the holders of the bonds know it well, because at the last session of Congress a concurrent resolution introduced by Stanley Matthews was passed, I believe by two-thirds majority of both Houses, which served a notice on all the holders of those bonds that they were payable in silver of 412½ grains troy to the dollar. But the bondholders did not need that notice. If they will read the face of their bonds they will find that they are payable in coin of the standard value which it had in 1870.

But after that notice was served by the last Congress that there might be no doubt of the intention of the Government a greater amount of bonds have been taken than ever before in the history of this country in the same length of time. The demonetization of silver in 1873 did not affect the act of July 14, 1870, under which the sales of bonds have taken place since the funding act passed. As a legal proposition, I do not see how any lawyer can claim that the Government may not pay those bonds in silver dollars of 412½ grains. As a moral question, I never knew that good morals required a contract to be abrogated, when it was discovered that one or the other of the contracting parties had made or lost by the operation. The demand for gold payments is not only unjust, but it is illegal and extortionate.

[Here the hammer fell.]

Mr. HAYES. I want to say a word in regard to this bill and the section under consideration. I stand here as a friend of our silver dollar of 412½ grains, and whatever I can do by my voice or vote to render that silver dollar popular and put it upon the country, I am willing to do. I am not in favor of flooding the country with any currency except it be something like our gold and silver that has intrinsic value in itself. And I am in favor of increasing the capacity of our mints to such a degree that we can put out in standard silver dollars of 412½ grains at least four millions a month.

But I am not in favor of many provisions of this bill, and especially am I not in favor of some of the provisions of section 8 which is now under consideration. This section says in one of its clauses:

> And certificates representing coin in the Treasury may be issued in payment of interest on the public debt.

Now, I am decidedly opposed to that clause in this section because I hold it is a direct violation of the contract which this Government made with its creditors when it issued its bonds. I have before me the language of the various acts under which our bonded debt was issued.

In the acts of February 8, July 17, and August 5, 1861, there is nothing said as to what kind of money shall be used for the payment of either principal or interest. But as the only legal-tender in this country known to the Government at that time was gold and silver, it is supposed, and rightly supposed, the Government expected to pay the principal and interest of our bonded debt issued under those acts in gold and silver.

In the act of March 3, 1863, it is expressly stipulated that both the principal and interest of the bonds issued thereunder shall be paid in coin.

The act of March 3, 1864, says that the bonds for which it provides "shall be payable at any period not more than forty years from date in coin."

The act of March 3, 1865, says nothing about the kind of money in which the bonds issued under said act shall be paid.

The act of July 14, 1870, under which we have been issuing bonds for the last few years, 5, 4½, and 4 per cent. bonds, says such bonds shall be "redeemable in coin of the present standard value," and the interest is made "payable semi-annually in such coin."

Now, what is proposed in this bill? It is proposed that we violate the contract that we made when we issued those bonds or provided for their issue and shall pay the interest of such bonds in these certificates, while said certificates are not a legal tender for anything after the Government has them in its possession. I say that being a direct violation of the contract entered into by the Government with the people who took its bonds, it is the grossest repudiation, and this House ought to vote this section down without division.

One more point. There is another objection to this section. It says:

> And the certificates for coin and bullion in the Treasury shall be received at par in payment for all dues to the United States, including duties on imports.

Now, why should this Government take in payment for money that is due it, including the duties on imports, these certificates that are not a legal tender and that it cannot possibly pay out?

Now, Mr. Speaker, for these two reasons I oppose this section of the bill, and I hope to see it stricken out by an overwhelming majority.

Mr. STEELE. As I do not understand, and never pretended to understand, the question of finance, though I am entitled to the floor, I yield it to a gentleman who is particularly conversant with all matters of that sort, the gentleman from New York, [Mr. CHITTENDEN.]

Mr. WARNER. I understand the Chair has ruled against the right of one gentleman to yield the floor in this way to another.

The SPEAKER. The gentleman from New York had applied to the Chair for time and the Chair recognized him. The gentleman has not spoken on this subject.

Mr. CHITTENDEN. I wish to say to the House and to the gentleman from Illinois [Mr. SPRINGER] that on the 2d day of January, 1879, I presented my ten-dollar bill at the United States Treasury and received for it the gold piece which I now hold in my hand and propose to present to the gentleman from North Carolina [Mr. STEELE] as a historical relic. [Applause.] And I wish to say to the gentleman from Illinois [Mr. SPRINGER] that there is no word in any dictionary that I ever saw that fitly expresses the folly and the audacity of himself and the authors of this measure for corrupting and inflating the currency at the present time. It fairly outherods Herod. It implies—I say it deliberately—that a majority of the American people are knaves or fools. Argue with the gentlemen who propose this measure of inflation! As well, sir, argue with a herd of mad bulls bounding to gore their victims to death. [Laughter and applause.]

Sir, I happen to control as executor $7,000 of the 4½ per cent. bonds of the United States Government, for which last year I paid the Government on invitation gold. I knew when I took those bonds that the interest was payable in "coin," but I also knew—and I put it to the conscience and the honor of the gentleman from Illinois—I also knew that the United States Government had never during a hundred years—no, not hardly ever [laughter]—never offered its creditor a dollar in silver in payment of one of its bonds or the interest thereon! In common with all holders of Government bonds I confidently believed that it never would or could offer to pay its interest in a depreciated currency.

Now, sir, if I, having borrowed a good horse of the gentleman from Illinois, [Mr. SPRINGER,] returned him a bad mule the next day, he would say that I was a damned scoundrel. [Great laughter.] I do not use the word in a profane sense, but as a pulpit expletive, and I say the United States Government is a scoundrel if it pays me interest in a depreciated currency upon the $7,000 of its bonds which I hold for a widow, and for which I paid in gold. If you pass this bill it amounts to a deliberate swindle. That is a mild way of putting it.

Mr. WEAVER. I make the point of order that the gentleman from New York is swearing like the army in Flanders. [Laughter.]

Mr. CHITTENDEN. I have not sworn a word. Consult the dictionary.

I wish to say, and I am in dead earnest about it, that this bill for issuing these certificates, receivable for all Government dues, is the greatest monstrosity and financial outrage ever proposed by a civilized legislature. There is no shadow of excuse for it. What is it? If it means anything, it permits the issue of new certificates for every dollar of coin now held to redeem the greenbacks; it permits the issue of certificates for every dollar of bullion hereafter deposited and for every dollar of coin and bullion now held or hereafter to be coined to whomsoever brings it to the United States Treasury; and it permits the issue of certificates for 20 per cent. in addition thereto, none of which are legal tender for private debts, but all of which are made receivable for interest upon the public debt. Sir, there is no man in this House who puts his hand to that bill to vote for it that will not repent of the act in dust and ashes, provided he is subject and sensitive to the honest sense of the American people.

I thank the great God who made us all that there is no more chance of this bill becoming a law than there is that this country will be sunk into the bottomless pit of degradation and shame!

[Here the hammer fell.]

Mr. WARNER obtained the floor.

Mr. SPRINGER. I would like to say a word in answer to the gentleman from New York, [Mr. CHITTENDEN.]

Mr. WARNER. I wish to explain, before calling the previous question on this section, that this provision on which the debate is now taking place, providing for certificates to the extent of 20 per cent. beyond the coin or bullion deposited, is a part of the present law, and the Committee on Coinage, Weights, and Measures in reporting the bill did not change that feature of the law, although I am very free to say for myself that I think it ought to be changed; I do not think that right ought to exist. All that I claim is this, that if, however, certificates for gold may be thus issued, they shall be issued for silver also, and for my part I will accept the proposition to strike out all that provision and prevent the Government from issuing certificates that shall be receivable or be tenders in the payment of debts for either gold or silver. But I resist at every step every encroachment of gold in matters of contract. I am willing myself to strike out this provision in regard to the 20 per cent. and making the certificates receivable for debts, and the repeal of that part of the section striking out those words from "demand" down to "Treasury." I call the previous question.

Mr. REED. Will the gentleman from Ohio yield to me for a few moments?

Mr. WARNER. I will yield to the gentleman from Maine for five minutes.

Mr. REED. The gentleman from Illinois [Mr. SPRINGER] tells us that the Secretary of the Treasury can issue no bonds and make no contracts except under the statute which he has quoted, which declares that these bonds shall be payable in coin. At the time when that act was passed the coinage of the country consisted of both gold and silver. On the 18th of February, 1873, unless we have heard a great deal of noise about nothing, the United States deliberately selected gold as the coin of the country, under that act.

A MEMBER. Deliberately.

Mr. REED. Yes, deliberately; I say so in spite of all the talk and thunder that there has been on the subject, because under the lead of my friend from Pennsylvania [Mr. KELLEY] nothing on this subject could have passed the House without deliberation.

Mr. KELLEY. As the gentleman has alluded to me, I ask him whether he can name a man living or dead who can or has ever given an explanation of the provisions of the law demonetizing the standard dollar?

Mr. REED. Mr. Hewitt, of New York, made a long, careful, and deliberate explanation of it, which I commend to the attention of my friend from Pennsylvania.

Mr. KELLEY. Had Mr. Hewitt any part in the action on the bill?

Mr. REED. I must decline further interruption. I have answered one question. The five-minute rule will not allow more.

Under the provisions of that law $584,290,350 of United States bonds have been issued by the United States, and in response to inquiries the authorities of the United States, as they had a right to say, announced that these were gold-bearing bonds, both principal and interest. Under these circumstances how can any gentleman say that in good faith and propriety we ought to adopt a system which lowers that promise from 15 to 17 per cent.?

Now, I say that the Government not being able to be sued, not having any third person to whom the controversy between the Government and the purchasers of these securities can be referred, is bound to meet the promises not only in accordance with the letter but with the spirit of the law. It is bound to meet its promises to the utmost. It seems to me that under this condition of affairs these bonds are payable in gold coin, and the provisions of this bill amount to nothing more nor less than a repudiation of that promise. I do not put this matter upon any ground of mere morality; I put it upon the ground that it pays for the Government to keep its promise to the utmost. If we shall remonetize silver honestly on a bimetallic basis, we shall then fairly meet all the obligations of the Government. But for us to take advantage of the temporary fall in the price of silver to depreciate our promise to the public creditor to the extent of from 15 to 17 per cent. is, in my judgment, a mistake on the part of the Government of the United States, from a mere money point of view. We have not done it as yet, and I do not believe that we ever shall do it.

Mr. CANNON, of Illinois, and Mr. SPRINGER addressed the Chair.

The SPEAKER. The Chair recognizes the gentleman from Illinois on the left [Mr. CANNON] as entitled to the floor.

Mr. SPRINGER. I have been twice misrepresented by gentlemen on the other side.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] has already spoken upon the pending proposition.

Mr. CANNON, of Illinois. I think I shall be able to yield a portion of my time to my colleague [Mr. SPRINGER] as I desire to say but a few words.

Mr. SPRINGER. I want but a minute.

Mr. CANNON, of Illinois. I agree with much that has been said in this connection, that such legislation should be had or policy pursued as will tend to equalize silver and gold. I wish further to state that I indorse what my colleague [Mr. MARSH] said the other day, that if the time shall ever come when the ratio between gold and silver is to be changed there will be as much equity in lessening the amount of gold in a dollar as there will be in increasing the amount of silver in a dollar.

I rise now, however, more for the purpose of stating that I indorse what my other colleague from Illinois [Mr. SPRINGER] has said in regard to the act of Congress under which these bonds were issued. That act specially pledged for the payment of these bonds "coin of the then standard." Why was that language employed? So that no succeeding Congress should say that the bonds should be payable in copper and not in gold or in silver; so that no succeeding Congress should come in and cheapen the silver dollar and say that it should contain 200 grains instead of 412½ grains of silver; so that no succeeding Congress should come in and say that the gold dollar instead of containing 25.8 grains should contain only 20 grains.

That is the contract, and any subsequent change of law does not change that contract. I do not want to be foreclosed by sitting here in silence and hearing gentlemen claim that the contract is changed. That is the law of which everybody must take notice and contains the very contract between the United States and every holder of its bonds.

My friend from New York [Mr. CHITTENDEN] was very eloquent about his seven thousand dollars' worth of bonds. He must be satisfied with just the bond and no more. That we can adjust this matter so as to have both gold and silver equalized by and by, I hope may be true. But the gentleman should recollect that there are other widows and orphans in the country besides his, and equal and exact justice should be done to all.

I do not say this now for the purpose of intimating that we ought not to have an international convention upon the subject, that we ought not to provide if possible for equalizing silver and gold. I believe the time will come, sooner than gentlemen think, when the proportion of silver to gold at 16 to 1 will be the proper proportion, and the silver will be as valuable as the gold, or even more so, as in the past. Gentlemen need not think that they can pick up silver about the streets like rocks. Do not lay that flattering unction to your souls.

I now yield the remainder of my time to my colleague.

Mr. SPRINGER. The gentleman from New York, [Mr. CHITTENDEN,] for whom I have the highest regard, says that if he should borrow a horse from me to-day and should propose to-morrow to deliver a mule therefor, I should regard him as the damnedest rascal in the world.

Mr. CHITTENDEN. I did not say that.

Mr. SPRINGER. Oh, you did not swear at that place. [Laughter.] Well, the gentleman said at least that I would regard him as a knave. Now, that is just exactly what the bondholders of the country are doing. They loaned us greenbacks during the war worth from 40 to 60 per cent. on the dollar, and then came forward in 1869 and wanted coin. They got a bill through Congress to give them coin, when they had only given us greatly depreciated paper. After they got coin, then they got a law passed in 1870 providing for refunding the bonds; and that law provided those bonds should be redeemable in "coin of the present standard value;" so that no subsequent Congress could come in and change the contract.

Now, when we propose to offer those gentlemen the mule that we borrowed of them, they say that we are rascals if we do not give them a horse or something better. [Great laughter.]

Mr. REED. You offer to return the horse now, after he has depreciated in value.

Mr. SPRINGER. We propose to pay them "coin of the present standard value," and no more. And he who asks more is the rascal, and not the people who propose to pay according to the contract.

Mr. WARNER. I now call the previous question on the two amendments.

Mr. GARFIELD. What two?

The SPEAKER. On the third amendment of the committee and the amendment moved by the gentleman from Ohio [Mr. WARNER] himself.

The previous question was seconded and the main question ordered.

The SPEAKER. The first question is upon the third amendment of the committee.

The third amendment of the committee was, to add to the section the words "and may be computed as part of the lawful money-reserve of national banks;" so that that portion of the section will read as follows:

And the certificates for coin and bullion in the Treasury shall be received at par in payment for all dues to the United States, including duties on imports, and may be computed as part of the lawful money-reserve of national banks.

The amendment was not agreed to.

Mr. GARFIELD moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The amendment offered by the gentleman from Ohio, in charge of the bill, [Mr. WARNER,] will now be read.

The Clerk read as follows:

Add to the eighth section the following:
Provided, That gold or silver bullion which shall become the property of the Government by the return of certificates to the Treasury in payment of dues thereto, shall be coined and paid out the same as other money.

The amendment was agreed to.

Mr. WARNER moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The next question is on the amendment of the gentleman from Missouri, [Mr. BUCKNER.]

Mr. BUCKNER. Mr. Speaker, I have made some modifications in my amendment. I ask the Clerk to read the amendment as modified.

The Clerk read as follows:

Amend the section so as to read:
The Secretary of the Treasury is authorized and required to receive deposits of gold or silver coin and gold or silver bullion with the Treasurer or any assistant treasurer of the United States, in sums not less than $20, and to issue certificates therefor in denominations not less than $5 each, corresponding with the denominations of the United States notes. The coin and bullion deposited for or representing the certificates of deposit shall be retained in the Treasury for the payment of the same on demand, and certificates representing coin in the Treasury, together with those issued for coin and bullion deposited shall be received at par in payment of all dues to the United States, including dues on imports: *Provided*, That all certificates for gold or silver bullion shall be issued at the market value of such bullion at the city of New York at the time of the deposit: *Provided*, That gold or silver bullion which shall become the property of the Government by the return of certificates to the Treasury in payment of dues, shall be coined and paid out the same as other money.

Mr. CONGER. Is this treated as an amendment or a substitute?

The SPEAKER. It is an amendment; it retains a large portion of the section, but makes changes in the text.

Mr. GARFIELD. It is not a substitute.

Mr. CLAFLIN. Mr. Speaker, when does my amendment come up?

The SPEAKER. The Chair will not allow the amendment of the gentleman from Massachusetts [Mr. CLAFLIN] to be shut out, unless it should be through the operation of the previous question, which is a matter under the control of the House, not of the Chair.

Mr. GARFIELD. Mr. Speaker, what I have to say will be confined to the section as it now stands; I do not propose to go into the general discussion at all. Here is a provision of law adopted in 1863 at a time when the Government was anxious by every means to get into its Treasury some gold. It invited people who had gold bullion or gold coin to deposit it in the Treasury and receive certificates therefor. The object was to strengthen the Government by

giving it a coin reserve. The 20 per cent. arrangement was adopted in consequence of the necessities of the Government at a time when we had but a very small outstanding volume of paper money—when we had hardly begun to issue it. Now when we have a vast volume of paper currency that we are compelled to carry, when we have adjusted our whole financial system on the basis of maintaining that volume at par, it is proposed to re-enact this old law of 1863, injecting into it a provision with reference to silver bullion and silver coin, thus introducing into the old law an element of disturbance. Upon these deposits of silver bullion or silver coin, certificates are to be issued—what for? The section does not say whether the certificates to be issued shall be gold certificates or silver certificates or coin certificates; they may be either. The section is utterly and hopelessly indefinite and uncertain. A man goes to the Treasury and makes a deposit of gold, for which he gets a certificate. I do not know whether the certificate specifies that he has deposited gold or coin—probably coin. The next day after the deposit he happens to want money, and the officers of the Treasury propose to give him silver for his gold. The bill does not say whether when a man deposits silver bullion he is to get a certificate entitling him to be paid in dollars containing 412½ grains of silver——

Mr. WARNER. If my colleague will allow me——

Mr. GARFIELD. I cannot I know that my colleague has had no chance in this debate; he has not been heard at all. I hope he will not call the previous question very soon, but will take three or four days to explain his financial views.

I say that this provision of the bill is absolutely and hopelessly impracticable. No man can administer it; no man can explain it—not even my brilliant colleague, unless he succeeds better than he has done thus far. If we had no other objection to this section, it is objectionable as being a mixture of the old law with new ideas which have not yet coherence, which are not capable chemically, mechanically, intellectually, or sanely of being mingled in the same section of our statutes. I rather think that the amendment of the gentleman from Missouri [Mr. BUCKNER] gives the provision a little more coherence, makes it less utterly bad than it is as printed in the bill. If I were compelled to see one or the other become law, I should certainly, from the mere hope of safety, prefer the amendment now pending. But the only safe thing to be done with this section is to strike it all out. It is not even necessary to the general scope of this bill, except that the bill is now so absurd that it makes it more perfect as a specimen of absurdity to have the section in than to leave it out.

Now, I hope, having gone over the outline of this very remarkable piece of legislation, we will strike out the section.

The SPEAKER. The gentleman's time has expired.

Mr. BELFORD. Let me ask the gentleman a question before he takes his seat.

Mr. GARFIELD. Oh, yes.

Mr. BELFORD. I desire to ask the gentleman from Ohio whether under section 254 the Secretary of the Treasury at any time received silver bullion on deposit?

Mr. GARFIELD. He does gold coin.

Mr. BELFORD. I ask whether the Secretary of the Treasury under section 254 has received silver bullion.

Mr. GARFIELD. Not that I know of. Certainly the author of this bill does not think so, because he now proposes to authorize the deposit of silver.

The SPEAKER. The gentleman's time has expired.

Mr. CLAFLIN. I simply wish to say, Mr. Speaker, that the amendment of the gentleman from Missouri is as defective as the original bill, for it still allows certificates to be issued for coin in the Treasury. That coin in the Treasury now belonging to the United States is there to protect the legal-tenders, and if you issue certificates for that coin in the Treasury you make a double issue. Gentlemen cannot deny that. It is one of those things which we should not allow. We ought to strike out the provision in the present law authorizing the issue of certificates for gold already in the Treasury, kept there and placed there solely to protect legal-tenders. If we issue certificates for the one hundred and twenty or the one hundred and thirty millions in the Treasury and those certificates be brought back and the gold is paid out, you have no gold or silver here to protect the legal-tenders.

Mr. BUCKNER. Does not my friend understand that any holder of gold or silver coin can deposit it in the Treasury and get certificates? Is not that the law now?

Mr. CLAFLIN. You can issue certificates for gold in the Treasury, but I object to that, and say it is a bad practice. It never should have been there, and nothing but the necessity of war, most urgent and direful, would ever have permitted certificates to be issued for gold in the Treasury, which gold was placed there to protect the legal-tenders.

Mr. BUCKNER. My friend is mistaken as to the silver, as it is a part of the act of 1878 remonetizing the silver dollar. In that authority was given to any holder of $10 of silver and over to deposit it in the Treasury and get a certificate for it. And as to the gold coinage the gentleman is mistaken. That was not a war measure. I admit this part was a war measure; that is, the 20 per cent. in excess; but in reference to silver coin that was not a war measure, as it passed since the war.

Mr. CLAFLIN. Does not the gentleman's amendment permit the Secretary of the Treasury to issue certificates for gold and the silver in the Treasury?

Mr. WARNER. It does now.

Mr. BUCKNER. It does.

Mr. CLAFLIN. That is what I wish to get out of the law. It is a bad precedent, and I do not wish to extend it. It is bad enough to be so in reference to gold, and we do not wish to have such a bad precedent extended also to silver.

Mr. EWING. I wish to offer an amendment.

Mr. CLAFLIN. My amendment will come in after the first amendment is disposed of.

The SPEAKER. That will be so unless it is cut off by a vote of the House.

Mr. EWING. I wish to amend the amendment as follows:

After the words "shall be issued at" strike out to the end of the amendment and insert "the average market value of such bullion in standard silver dollars in New York and San Francisco for the week preceding such deposit."

Mr. BUCKNER. I accept that as a modification of my amendment.

Mr. WARNER. I wish to say a word in reference to the criticism made by my colleague against this section of the bill. The part of this bill which he raves against is the exact language of the law now. This bill adds five words to the first part of the section, but does not change at all the language of the law respecting certificates. The language of section 254 of the Revised Statutes, which is retained in this bill, is as follows:

The coin and bullion deposited for or representing the certificates of deposit shall be retained in the Treasury for the payment of the same on demand.

Anybody that has common sense must know that a certificate which represents and is a title to a certain weight of a certain kind of bullion cannot entitle the holder to a different weight of a different kind of bullion any more than a warehouse receipt for corn would entitle the holder to demand wheat. What a man deposits, that he is entitled to receive, and nothing more and nothing different. I have said that I think the provision of the law which authorizes the issue of certificates beyond the deposit of coin or bullion ought to be stricken out. The only object of certificates is, first, to utilize for monetary purposes gold and silver bullion without the necessity of first coining it; and, second, to avoid the necessity of handling the metal and to save wear and waste. My colleague talks as though this was something new and dangerous. It is not only the law now, but it is the practice of every country which has a public treasury or bank. When, therefore, my colleague goes off in a rant about the insanity of such a provision, he had better first examine the law and understand himself what he is talking about.

Mr. GARFIELD. Have we not passed an act——

Mr. WARNER. I decline to be interrupted by my colleague. He has refused in every instance to yield to me. No gentleman here probably is more responsible for the ill-considered and vicious legislation of the last fifteen years than he is, and he is the last one who should criticise those who now propose to correct some of these errors.

I demand the previous question on the amendment of the gentleman from Missouri, [Mr. BUCKNER,] with the modification made by the gentleman from Ohio, [Mr. EWING,] which the gentleman from Missouri has accepted.

The previous question was seconded and the main question ordered.

The question being taken on agreeing to Mr. BUCKNER'S amendment, as modified, there were—ayes 114, noes 42.

So the amendment, as modified, was agreed to.

Mr. BUCKNER moved to reconsider the vote by which the amendment, as modified, was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BELFORD. I offer the amendment which I send to the desk.

Mr. WARNER. I will accept the amendment of the gentleman from Colorado.

The Clerk read Mr. BELFORD'S amendment, as follows:

After the word "States," in line 7, insert the following words:
Or to receive bullion with the superintendent of the branch mint at Denver, Colorado.

Mr. BELFORD. I desire to call the attention of the House to the sections of the statutes bearing on this subject.

Mr. WARNER rose.

Mr. BELFORD. I do not understand the previous question applies to this amendment. The gentleman from Ohio objects to nearly everything that is offered by a member on this side of the House.

Mr. STONE. The gentleman from Ohio accepts your amendment.

Mr. WARNER. I have stated that I accept it.

Mr. BELFORD. I am somewhat surprised that the gentleman should do so. It is the first thing that has been accepted from this side.

The SPEAKER. Does the gentleman from Colorado desire any time?

Mr. BELFORD. I wanted to explain the amendment that the House might understand it; but if the gentleman from Ohio accepts the amendment it is not necessary that I should do so.

The amendment was agreed to.

Mr. BELFORD moved to reconsider the vote by which the amendment was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. GEDDES. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the word "denominations," in the eighth line, add the following words: "at the discretion of the depositor;" so that as amended it will read:

The Secretary of the Treasury is authorized and required to receive deposits of gold or silver coin and gold or silver bullion with the Treasurer or any assistant treasurer of the United States, or to receive bullion, with the superintendent of the branch mint at Denver, Colorado, in sums not less than $20, and to issue certificates therefor in denominations, at the discretion of the depositor, of not less than $5, each corresponding with the denominations of the United States notes.

Mr. WARNER. I accept that.

The amendment was agreed to.

The SPEAKER. The gentleman from Massachusetts [Mr. CLAFLIN] indicated that he desired to offer an amendment.

Mr. CLAFLIN. I move to strike out all after the word "demand," in the thirteenth line of the eighth section as amended.

Mr. WARNER. I demand the previous question on the section and the amendment of the gentleman from Massachusetts.

Mr. WILBER. Let the section be reported as it will read if amended on the motion of the gentleman from Massachusetts.

Mr. CASWELL. I would suggest that the portion which it is proposed to strike out be read.

The SPEAKER. The Clerk will report the portion of the section as amended which it is proposed to strike out.

The Clerk read as follows:

And certificates representing coin in the Treasury, together with those issued for bullion deposited, shall be received at par in payment of all dues to the United States, including duties on imports: *Provided*, That all certificates for gold or silver bullion shall be issued at the average market value of such bullion in standard silver dollars in New York and San Francisco for the week preceding such deposit: *Provided*, That gold or silver bullion which shall become the property of the Government by the return of certificates to the Treasury in payment of dues thereto shall be coined and paid out the same as other money.

Mr. CLAFLIN. I move also to insert the words which I send to the desk.

Mr. WARNER. The previous question was demanded on the section and amendment.

The SPEAKER. The Clerk will read what the gentleman from Massachusetts sends to the desk.

The Clerk read as follows:

Strike out the words read and insert the following:

Provided, That all certificates for gold or silver bullion shall be rated at the market value of bullion at the city of New York at the time of the deposit.

Mr. WARNER. I raise the point of order that that is another amendment entirely.

The SPEAKER. The Chair will cause a paragraph in the Manual to be read.

The Clerk read as follows:

Although it is not in order to strike out by itself what has been inserted, it may be moved to strike out a portion of the original paragraph, comprehending what has been inserted, provided the coherence to be struck out be so substantial as to make this effectively a different proposition.

If it is proposed to amend by striking out a paragraph, the friends of the paragraph are first to make it as perfect as they can, by amendments, before the question is put for striking it out But (contrary to the parliamentary practice) if on the question it be retained, neither amendment nor a motion to strike out and insert shall be precluded thereby, and a motion to strike out and insert is indivisible. (Rule 46.)

Mr. REAGAN. I would ask if the previous question is called if it does not apply to the existing amendment only? It may be a defect in the rule, and would operate against receiving a motion to insert in place of matter proposed to be stricken out. That difficulty cannot be overcome by offering another amendment after the previous question has been demanded.

The SPEAKER. The gentleman from Massachusetts [Mr. CLAFLIN] did not do that. He only modified his original amendment.

Mr. WARNER. Then it forms a part of the original amendment.

The SPEAKER. It does. The Chair has ruled that once before, when the gentleman from Ohio [Mr. WARNER] asked to modify an amendment and the gentleman from Missouri [Mr. BUCKNER] accepted the amendment.

Mr. WARNER. Then I ask for the previous question upon the section and amendments.

The previous question was seconded and the main question ordered.

The first question was upon the amendment of Mr. CLAFLIN.

The question was taken; and on a division there were—ayes 79, noes 95.

So the amendment was not agreed to.

Mr. WARNER moved to reconsider the vote by which the amendment was rejected; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The question recurred upon the motion of Mr. LOUNSBERY to strike out the section as amended.

Mr. CONGER. Upon that motion I call for the yeas and nays.

The question was taken; and there were—yeas 99, nays 116, not voting 70; as follows:

YEAS—99.

Aldrich, William	Bingham,	Brigham,	Claflin,
Anderson,	Blake,	Burrows,	Conger,
Bailey,	Bliss,	Cannon,	Covert,
Baker,	Bowman,	Carpenter,	Crapo,
Barber,	Brewer,	Caswell,	Crowley,
Bayne,	Briggs,	Chittenden,	Davis, George R.
Deering,	Hazelton,	Morrison,	Sherwin,
Deuster,	Heilman,	Morse,	Smith, A. Herr
Dick,	Henderson,	Morton,	Stone,
Dunnell,	Hiscock,	Neal,	Thomas,
Einstein,	Horr,	Newberry,	Townsend, Amos
Errett,	Houk,	Norcross,	Tyler,
Farr,	Hubbell,	O'Neill,	Updegraff, J. T.
Ferdon,	Humphrey,	O'Reilly,	Updegraff, Thomas
Field,	Joyce,	Orth.	Urner,
Frye,	Lindsey,	Osmer,	Valentine,
Garfield,	Marsh,	Reed,	Van Aernam,
Hall,	Martin, Edward L.	Rice,	Wait,
Hammond, John	Martin, Joseph J.	Richardson, D. P.	Ward,
Harmer,	McCoid,	Robeson,	Washburn,
Harris, Benj. W.	McCook,	Robinson,	White,
Haskell,	McGowan,	Russell, William A.	Wilber,
Hawk,	McKinley,	Ryan, Thomas	Williams, C. G.
Hawley,	Mitchell,	Sapp,	Willits.
Hayes,	Monroe,	Shallenberger,	

NAYS—116.

Aiken,	Dibrell,	King,	Simonton,
Armfield,	Dickey,	Klotz,	Slemons,
Atherton,	Dunn,	Knott,	Smith, Hezekiah B.
Atkins,	Elam,	Ladd,	Smith, William E.
Belford,	Ellis,	Le Fevre,	Sparks,
Beltzhoover,	Evins,	Lewis,	Speer,
Bicknell,	Ewing,	Lowe,	Springer,
Blackburn,	Felton,	Manning,	Steele,
Blount,	Ford,	Martin, Benj. F.	Stephens,
Bouck,	Forney,	McKenzie,	Stevenson,
Bright,	Fort,	McMahon,	Talbott,
Cabell,	Frost,	McMillin,	Taylor,
Caldwell,	Geddes,	Mills,	Thompson,
Carlisle,	Gillette,	Money,	Tillman,
Chalmers,	Goode,	Murch,	Townshend, R. W.
Clardy,	Gunter,	New,	Turner, Oscar
Clark, John B.	Harris, John T.	Nicholls,	Turner, Thomas
Clymer,	Hatch,	O'Connor,	Vance,
Cobb,	Henkle,	Persons,	Waddill,
Coffroth,	Henry,	Phelps,	Warner,
Converse,	Herbert,	Phister,	Weaver,
Cox,	House,	Reagan,	Wellborn,
Cravens,	Hunton,	Robertson,	Whitthorne,
Culberson,	Hurd,	Ross,	Williams, Thomas
Daggett,	Johnston,	Russell, Daniel L.	Willis,
Davidson,	Jones,	Ryon, John W.	Wilson,
Davis, Joseph J.	Kelley,	Samford,	Wise,
Davis, Loundes H.	Kenna,	Sawyer,	Wright,
De La Matyr,	Kimmel,	Scales,	Yocum.

NOT VOTING—70.

Acklen,	Dwight,	Lapham,	Richardson, J. S.
Aldrich, N. W.	Finley,	Lay,	Richmond,
Bachman,	Fisher,	Loring,	Rothwell,
Ballou,	Forsythe,	Lounsbery,	Shelley,
Barlow,	Gibson,	Mason,	Singleton, J. W.
Beale,	Godshalk,	McLane,	Singleton, O. R.
Bland,	Hammond, N. J.	Miles,	Starin,
Boyd,	Herndon,	Miller,	Tucker,
Bragg,	Hill,	Muldrow,	Van Voorhis,
Browne,	Hooker,	Muller,	Voorhis,
Buckner,	Hostetler,	Myers,	Wells,
Butterworth,	Hull,	O'Brien,	Whiteaker,
Calkins,	James,	Overton,	Wood, Fernando
Camp,	Jorgensen,	Pierce,	Wood, Walter A.
Clark, Alvah A.	Keifer,	Poehler,	Young, Casey
Colerick,	Ketcham,	Pound,	Young, Thomas L.
Cook,	Killinger,	Prescott,	
Cowgill,	Kitchin,	Price,	

So the amendment was not agreed to.

During the roll-call the following announcements were made:

Mr. MANNING. My colleague, Mr. MULDROW, is paired with Mr. DWIGHT, of New York.

Mr. TALBOTT. My colleague, Mr. MCLANE, is paired with Mr. BLAND, of Missouri.

Mr. MARTIN, of Delaware. I am requested to state that Mr. WHITEAKER has been compelled to leave the House on account of sickness.

Mr. TOWNSHEND, of Illinois. My colleague, Mr. SINGLETON, is paired with my other colleague, Mr. MILES, of Connecticut.

Mr. COFFROTH. My colleague, Mr. BACHMAN, is paired with Mr. STARIN, of New York.

Mr. ARMFIELD. My colleague, Mr. KITCHIN, is paired with Mr. FISHER, of Pennsylvania.

Mr. BICKNELL. My colleague, Mr. MYERS, is paired with Mr. COWGILL. If present, Mr. MYERS would vote "no."

Mr. COOK. I am paired with Mr. POUND, of Wisconsin. If he were here, I would vote "no."

Mr. HENKLE. I am requested to announce that Mr. FINLEY, of Ohio, is paired with Mr. CALKINS, of Indiana. Mr. FINLEY, if here, would vote "no."

Mr. SINGLETON, of Mississippi. I am paired with Mr. VAN VOORHIS, of New York. If he were here, I should vote "no."

Mr. HOSTETLER. I am paired with my colleague, Mr. BROWNE. If he were present, I should vote "no."

Mr. RICHMOND. I am paired with Mr. PRESCOTT, of New York. If he were present, I should vote "no."

Mr. FORSYTHE. I am paired with Mr. WALTER A. WOOD, of New York. If he were present, I should vote "no."

Mr. BEALE. I am paired with my colleague, Mr. JORGENSEN. If he were here, I should vote "no" and he would vote "ay."

Mr. NEWBERRY. I desire to announce that Mr. PRESCOTT, of New York, is paired with Mr. RICHMOND, of Virginia. If present, Mr. PRESCOTT would vote "ay."

Mr. HARRIS, of Massachusetts. My colleague, Mr. LORING, is paired with Mr. HOOKER, of Mississippi.

Mr. SAPP. My colleague, Mr. PRICE, is paired with Mr. BUCKNER, of Missouri.

Mr. HARMER. My colleague, Mr. KILLINGER, is paired with Mr. WELLS, of Missouri.

Mr. CASWELL. My colleague, Mr. POUND, is paired with Mr. COOK, of Georgia.

Mr. VAN AERNAM. My colleague, Mr. LAPHAM, is absent on account of sickness in his family, and is paired with Mr. TUCKER, of Virginia.

Mr. DAVIDSON. My colleague, Mr. HULL, is paired with Mr. VOORHIS, of New Jersey.

Mr. SAMFORD. My colleague, Mr. HERNDON, is paired with Mr. ALDRICH, of Rhode Island; and my colleague, Mr. SHELLEY, is paired with Mr. KETCHAM, of New York.

Mr. UPDEGRAFF, of Ohio. My colleague, Mr. BUTTERWORTH, is paired with my colleague, Mr. HILL.

Mr. HENDERSON. I desire to state that Mr. DWIGHT is paired with Mr. MULDROW, of Mississippi. If present, Mr. DWIGHT would vote "ay." I will further state that Mr. MASON, of New York, is absent by leave of the House on account of the sickness of a member of his family.

The result of the vote was then announced as above stated.

The SPEAKER. The question now recurs on agreeing to the section as amended.

Mr. EWING. I ask consent to have a verbal correction made in the section as amended: to strike out the words "standard silver dollars" and to insert in lieu thereof the words "standard coin of like metal."

Mr. CANNON, of Illinois. I have no objection to that; but if it is done I desire to change my vote on the motion to strike out the section.

Mr. WHITE. And I want to change my vote.

Mr. BREWER. I object to any amendment.

Mr. CANNON, of Illinois. I voted for striking out the section because of that clause which the gentleman from Ohio [Mr. EWING] proposes to modify.

Mr. MARSH. It was because of that that I voted for the amendment offered by the gentleman from Massachusetts, [Mr. CLAFLIN.]

Mr. WHITE. That is the reason which controlled my vote in favor of the motion to strike out. If the modification is made I desire to change my vote.

Mr. GARFIELD. I object to any modification.

Mr. EWING. Then I move to amend by striking out the words "standard silver dollars" and inserting in lieu thereof the words "standard coin of like metal."

Mr. CONGER. Does not the previous question run on the entire section?

The SPEAKER. The last vote was on striking out the entire section, being the motion of the gentleman from New York, [Mr. LOUNSBERY.]

Mr. CONGER. Was not the previous question ordered on the section and all amendments thereto?

The SPEAKER. The Chair will refer to the record.

Mr. WHITE. Even if that is so, I trust that unanimous consent will be given to correct what is a clear misapprehension.

The SPEAKER. The Chair is informed by the journal clerk that the previous question was not demanded on the section and amendments. That being the case, then the previous question was exhausted by the vote on the motion of the gentleman from New York [Mr. LOUNSBERY] to strike out the section.

Mr. CONGER. I am very positive that the gentleman from Ohio [Mr. WARNER] demanded the previous question on the section and amendments.

The SPEAKER. The Chair is not positive about it, but takes the statement of the journal clerk.

Mr. CONGER. I ask that the record be read. I want to see what record is made of the matter.

The SPEAKER. The Chair has stated the information he has derived from the journal clerk. The gentleman from Michigan [Mr. CONGER] wants to have the record of the reporters. The Chair will send for it.

Mr. STONE. While that is being done, I move that the House now adjourn.

The motion to adjourn was not agreed to.

ENROLLED BILL SIGNED.

Mr. KENNA, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 178) to provide for the change of name of the steamboat Alexis.

SILVER CERTIFICATES, ETC.

The SPEAKER. The Clerk will now read the record furnished by the reporters.

The Clerk read as follows:

Mr. WARNER. I ask the previous question on the section and amendments.
The previous question was seconded and the main question ordered.
The first question was upon the amendment of Mr. CLAFLIN.

Mr. SPRINGER. Is it not in order now to move to reconsider the vote by which the main question was ordered on the section and amendments?

Mr. CONGER. Was not that motion to reconsider laid on the table?

Mr. WARNER. I moved to lay on the table the motion to reconsider the vote rejecting the amendment of the gentleman from Massachusetts, [Mr. CLAFLIN.]

The SPEAKER. The Chair is advised that the motion to reconsider the main question was not laid on the table; but the Chair will direct that the reporters' notes be read, in continuation of the portion already read.

The Clerk read as follows:

The question was taken; and on a division there were—ayes 79, noes 95.
So the amendment was not agreed to.
Mr. WARNER moved to reconsider the vote by which the amendment was rejected; and also moved that the motion to reconsider be laid on the table.
The latter motion was agreed to.
The question recurred on the motion of Mr. LOUNSBERY to strike out the section as amended.

The SPEAKER. It appears, from what has been read, that the motion to lay on the table the motion to reconsider the vote by which the main question was ordered was not made.

Mr. WHITE. I move to reconsider the vote by which the main question was ordered on the section and amendments.

Mr. CONGER. I move that the motion to reconsider be laid on the table.

The SPEAKER. The Chair desires to state that the effect of this motion, if adopted, would be to cut off the possibility of amendment.

Mr. CONGER. That is what we want to do.

The SPEAKER proceeded to put the question on the motion of Mr. CONGER.

Before the result of the vote was announced,

Mr. GARFIELD said: I make the point of order that the previous question has been partially executed, and that it is now too late to go back.

The SPEAKER. This is a motion to reconsider the vote by which the previous question was ordered.

Mr. GARFIELD. I know that; but the previous question is partly executed.

The SPEAKER. The gentleman is too late in making his point. The Chair desires to state to the gentleman that the motion to reconsider the vote by which the main question was ordered on a bill is a privileged motion, the effect of which, if adopted, is to open the bill to debate which may have been closed or to amendments which it may be desired to offer.

Mr. GARFIELD. But the general principle is that when an order has been partially executed it is too late to go back and reconsider.

The SPEAKER. In this case there was no motion to reconsider the vote ordering the main question and to lay that motion on the table, nor vote on pending question. If that motion had been made and adopted the effect would have been to "clinch" the main question, which would have run until its exhaustion.

The result of the vote was then announced—ayes 77, noes 104.

Mr. CONGER. I call for the yeas and nays.

The yeas and nays were ordered, 42 voting in favor thereof; more than one-fifth of the last vote.

Mr. REED. I move that the House now adjourn.

The question being taken on the motion of Mr. REED, there were—ayes 95, noes 94.

Mr. SPRINGER. I call for tellers.

Mr. STEVENSON. I call for the yeas and nays on the motion to adjourn.

The yeas and nays were ordered, 42 voting in favor thereof; more than one-fifth of the last vote.

The question was taken; and there were—yeas 106, nays 104, not voting 75; as follows:

YEAS—106.

Aldrich, William	Dick,	Kimmel,	Sapp,
Anderson,	Dunnell,	Le Fevre,	Shallenberger,
Bailey,	Einstein,	Lindsey,	Sherwin,
Baker,	Errett,	Manning,	Smith, A. Herr
Barber,	Evins,	Marsh,	Speer,
Bayne,	Farr,	Martin, Joseph J.	Stephens,
Beale,	Felton,	McCoid,	Stone,
Bingham,	Ferdon,	McCook,	Thomas,
Blake,	Field,	McKinley,	Townsend, Amos
Bliss,	Frye,	Mills,	Tyler,
Bowman,	Garfield,	Mitchell,	Updegraff, J. T.
Briggs,	Hall,	Money,	Updegraff, Thomas
Brigham,	Hammond, John	Monroe,	Urner,
Burrows,	Harmer,	Morton,	Valentine,
Cannon,	Harris, Benj. W.	Muller,	Van Aernam,
Carpenter,	Hawk,	Neal,	Wait,
Caswell,	Hawley,	Norcross,	Ward,
Claflin,	Hayes,	O'Neil,	Washburn,
Conger,	Hazelton,	Orth,	Wellborn,
Covert,	Heilman,	Osmer,	White,
Crapo,	Hiscock,	Reed,	Wilber,
Crowley,	Horr,	Rice,	Williams, C. G.
Culberson,	Houk,	Richardson, D. P.	Willits,
Daggett,	Hubbell,	Robeson,	Wright,
Davis, George R.	Humphrey,	Robinson,	Young, Thomas L.
Deering,	Hurd,	Russell, William A.	
Deuster,	Joyce,	Ryan, Thomas	

NAYS—104.

Armfield,	Atkins,	Beltzhoover,	Blount,
Atherton,	Belford,	Blackburn,	Bouck,

Bright,	Ford,	Lowe,	Singleton, O. R.
Buckner,	Forney,	Martin, Benj. F.	Slemons,
Cabell,	Forsythe,	Martin, Edward L.	Smith, Hezekiah B.
Caldwell,	Fort,	McKenzie,	Smith, William E.
Carlisle,	Frost,	McMahon,	Sparks,
Chalmers,	Geddes,	McMillin,	Springer,
Clardy,	Gillette,	Morrison,	Steele,
Clark, John B.	Gunter,	Murch,	Stevenson,
Clymer,	Harris, John T.	New,	Talbott,
Cobb,	Hatch,	Nicholls,	Taylor,
Coffroth,	Henkle,	O'Connor,	Thompson,
Converse,	Henry,	Persons,	Tillman,
Cook,	Herbert,	Phelps,	Townshend, R. W.
Cox,	House,	Phister,	Turner, Oscar
Cravens,	Hunton,	Reagan,	Turner, Thomas
Davidson,	Johnston,	Richmond,	Vance,
Davis, Joseph J.	Jones,	Robertson,	Waddill,
Davis, Lowndes H.	Kelley,	Ross,	Warner,
De La Matyr,	Kenna,	Russell, Daniel L.	Weaver,
Dibrell,	King,	Ryon, John W.	Williams, Thomas
Dunn,	Klotz,	Samford,	Wilson,
Elam,	Knott,	Sawyer,	Wise,
Ellis,	Ladd,	Scales,	Yocum,
Ewing,	Lewis,	Simonton,	Young, Casey.

NOT VOTING—75.

Acklen,	Dickey,	Killinger,	Poehler,
Aiken,	Dwight,	Kitchin,	Pound,
Aldrich, N. W.	Finley,	Lapham,	Prescott,
Bachman,	Fisher,	Lay,	Price,
Ballou,	Gibson,	Loring,	Richardson, J. S.
Barlow,	Godshalk,	Lounsbery,	Rothwell,
Bicknell,	Goode,	Mason,	Shelley,
Bland,	Hammond, N. J.	McGowan,	Singleton, J. W.
Boyd,	Haskell,	McLane,	Starin,
Bragg,	Henderson,	Miles,	Tucker,
Brewer,	Herndon,	Miller,	Van Voorhis,
Browne,	Hill,	Morse,	Voorhis,
Butterworth,	Hooker,	Muldrow,	Wells,
Calkins,	Hostetler,	Myers,	Whiteaker,
Camp,	Hull,	Newberry,	Whitthorne,
Chittenden,	James,	O'Brien,	Willis,
Clark, Alvah A.	Jorgensen,	O'Reilly,	Wood, Fernando
Colerick,	Keifer,	Overton,	Wood, Walter A.
Cowgill,	Ketcham,	Pierce,	

So the motion was agreed to.

During the roll-call the following announcements were made:

Mr. MANNING. My colleague, Mr. MULDROW, is paired with Mr. DWIGHT, of New York.

Mr. PHISTER. Mr. BICKNELL, of Indiana, is paired with Mr. HENDERSON, of Illinois. My colleague, Mr. WILLIS, is paired with Mr. HASKELL, of Kansas.

Mr. COBB. My colleague, Mr. COLERICK, is paired with Mr. BALLOU, of Rhode Island. If present, my colleague would vote "no."

Mr. HOSTETLER. I wish to announce that I am paired with my colleague, Mr. BROWNE. If he were here, I should vote "no."

Mr. EVINS. My colleague, Mr. AIKEN, is paired with Mr. O'BRIEN, of New York, and my colleague, Mr. RICHARDSON, with Mr. CAMP, of New York.

Mr. FIELD. Mr. DWIGHT, of New York, is paired with Mr. MULDROW, of Mississippi.

Mr. FORSYTHE. I wish to announce that I am paired with Mr. WALTER A. WOOD, of New York, on the silver bill and amendments only.

Mr. SAMFORD. Mr. HERNDON is paired with Mr. ALDRICH, of Rhode Island, and Mr. SHELLEY with Mr. KETCHAM.

Mr. HUNTON. Mr. TUCKER is paired with Mr. LAPHAM.

On motion of Mr. STONE, by unanimous consent, the reading of the names was dispensed with.

LEAVE OF ABSENCE.

The SPEAKER. The Chair, before announcing the result, will ask unanimous consent.

By unanimous consent, leave of absence was granted in the following cases:

To Mr. CHALMERS, after June 1, on account of important business;

To Mr. WASHBURN, until Thursday next;

To Mr. ALDRICH, of Illinois, for one week after the 27th, on account of important business;

To Mr. FIELD, for five days from Saturday, on account of important business;

To Mr. DICK, for one week from to-morrow, on account of important business.

WITHDRAWAL OF PAPERS.

On motion of Mr. SHALLENBERGER, by unanimous consent, leave was granted for the withdrawal from the files of the House of the petition recommending Seventh street and Pennsylvania avenue as a site for the Washington City post-office, no adverse report having been made thereon.

COMMERCE.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of State, concerning an amendment suggested by the Secretary of the Treasury to section 3045 of the Revised Statutes; which was referred to the Committee of Ways and Means.

AUTOMATIC TELEGRAPHS.

The SPEAKER also, by unanimous consent, laid before the House report of the commission appointed under act of Congress approved December 13, 1878, to examine such automatic telegraph systems as may be presented to them for the purpose of ascertaining which of them is best adapted for transmission by signal of the occurrence of fire; which was referred to the Committee on Public Buildings and Grounds.

REPRINTING OF BILL.

On motion of Mr. TOWNSHEND, of Illinois, by unanimous consent, the bill (H. R. No. 1715) to repeal certain sections of the Revised Statutes and to amend certain sections of the Revised Statutes and the Statutes at Large relating to the removal of causes from State courts was ordered to be reprinted, the regular number being exhausted.

The vote was then announced as above recorded; and accordingly (at four o'clock and fifty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. CAMPBELL: Papers relating to the claim of William B. Hooper & Co. for compensation for flour and barley delivered to the Rio Verde Indian agency, in the Territory of Arizona—to the Committee on Indian Affairs.

By Mr. FELTON: The petition of citizens of Gordon County, Georgia, for the establishment of a post-route from Calhoun to Fairmount, via Sonora, Georgia—to the Committee on the Post-Office and Post-Roads.

By Mr. FINLEY: The petition of 350 citizens of Crawford County, Ohio, for the establishment of a post-route from Sulphur Springs to Bucyrus, Ohio—to the same committee.

By Mr. GOODE: Papers relating to the claim of M. F. Mallory for arrears of pay due Francis Mallory, deceased, late second lieutenant United States Army—to the Committee on Military Affairs.

By Mr. HENRY: The petition of Frank L. Donnelly, for compensation for services rendered as a page for the House of Representatives in the Forty-fifth Congress—to the Committee of Claims.

By Mr. HUNTON: The petition of James Green, of Alexandria, Virginia, for authority to sue the United States in the Court of Claims for the use of his property by the Government—to the Committee on the Judiciary.

By Mr. URNER: Papers relating to the war claim of Mrs. M. D. Dall—to the Committee on War Claims.

Also, papers relating to the bill (H. R. No. 303) to change the military record of Lewis Rodrick—to the Committee on Military Affairs.

Also, papers relating to the pension claim of Robert C. Bramford—to the Committee on Invalid Pensions.

By Mr. VANCE: Papers relating to the claim of James O. Robertson for compensation for professional services rendered certain Cherokee Indians—to the Committee on Indian Affairs.

By Mr. YOUNG, of Tennessee: The petition of James G. Williams, for arrears of pension—to the Committee on Invalid Pensions.

IN SENATE.

FRIDAY, *May* 23, 1879.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. McMILLAN. I present a petition, the substance of which I desire to state. Many years previous to the great Sioux outbreak, in August, 1862, in which more than one thousand of the inhabitants of Minnesota were killed, Chaska or Wa-kin-yan-ta-wa, (His Thunder,) by his daring and bravery in the wars of the Sioux with the Chippewas, had attained the very high position among his people of first or head soldier to the Little Crow, the hereditary chief of the Udewa-kan-toan Sioux, to which he belonged; and in this capacity, with his chief and other head men of his tribe, twice visited Washington and took an active part in making the treaties by which they dispossessed themselves of their lands, their homes, and the graves of their fathers forever, and turned their faces to the setting sun. In August, 1862, the warriors assembled in solemn council, and when they had resolved (for reasons which need not be recapitulated here) to declare war against the whites Wa-kin-yan-ta-wa or Chaska (His Thunder) together with the Little Crow opposed the step. The young braves, however, were determined upon war, and the chief and head men were forced to yield. All then took a solemn vow to spare no whites who might fall into their hands except women and children. On the first day of the outbreak Chaska violated this oath by bravely rescuing the life of a white man, George Spencer, who had fallen desperately wounded, and taking him to a place of safety at the peril of his own life, nursed and cared for him until an opportunity came of restoring him to his friends.

In September, 1862, when the Indians were sorely pressed by our troops under Major-General Henry H. Sibley, Chaska and another, Ta-o-pi by name, conceived and successfully carried out the plan of detaching themselves from the Indians, forming a separate camp and gathering therein nearly three hundred captive women and children. They released these poor prisoners from their terrible captivity and delivered them to the general.

After this surrender Chaska was tried before a military commission and honorably acquitted. Through the jealousy of other Indians he was again charged with murder, tried, and honorably acquitted.

In 1863 he volunteered and accompanied the column of Major-General Sibley operating against the Sioux, and as a scout and guide and in different engagements conducted himself with great bravery, saving the life of George A. Brackett, who, detached from the command, was surrounded by Indians and would undoubtedly have been put to death but for the timely interference of this Indian.

Chaska (Wa-kin-yan-ta-wa) died in the service of the Government, although not an enlisted man, on the evening of August 2, 1863, close to the Missouri River. This Indian, a full blood, was a noble-hearted man and the stanch friend of our race. His wife survives him. Her name in the Dakota tongue is Ta-ti, which means Her Lodge. In the spring of 1865 she was received into the church by Right Rev. H. B. Whipple, bishop of Minnesota. She then took the name of Lucy Shaska.

The memoralists believing that the recognition of the gallant services of her husband by the Government would prove a strong incentive to similar conduct on the part of other Indians, pray that a pension of $8 per month be granted Lucy Shaska, to date from the 2d day of August, 1863, the day upon which the faithful Chaska died.

I ask that the names and designation appended to the petition may be read by the Secretary.

The PRESIDENT *pro tempore*. Does the Senator wish the whole petition read?

Mr. MCMILLAN. No, sir, only the signatures attached to the petition with their designation.

The PRESIDENT *pro tempore*. The signatures will be read.

The Secretary read as follows:

William Crooks, late colonel Sixth Minnesota Volunteer Infantry and president of the military commission of 1862.

J. V. D. Heard, recorder of the military commission of 1862, before whom over four hundred of the Indians were tried, including the above-named Indian, who was honorably discharged.

Henry H. Sibley, late brevet major-general United States Volunteers, commanding in the field against the hostile Sioux Indians.

George H. Spencer, whose life was saved by Chaska.

J. H. Baker, late colonel Tenth Minnesota Volunteers, and engaged in the field against the Sioux.

H. B. Whipple, bishop of Minnesota.

J. S. Pillsbury, governor of Minnesota.

William R. Marshall, ex-governor of Minnesota and late colonel Seventh Regiment Minnesota Volunteer Infantry.

Mr. MCMILLAN. Mr. President, this is a subject in which our citizens, and especially the petitioners, take a great interest, and I desire to commend the petition to the very favorable consideration of the Committee on Pensions, and ask the attention of the chairman of the committee to it.

The PRESIDENT *pro tempore*. The petition will be referred to the Committee on Pensions.

BILL INTRODUCED.

Mr. WILLIAMS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 624) to amend the laws relating to internal revenue; which was read twice by its title, and referred to the Committee on Finance.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. JONAS, it was

Ordered, That the petition and papers in the case of E. H. Wilson be taken from the files and referred to the Committee on Claims.

TAXES ON CHURCH AND EDUCATIONAL PROPERTY.

Mr. EDMUNDS. I offer the following preamble and resolution, and ask for its present consideration. I think if Senators will listen to it there will be no objection.

The resolution was read, as follows:

Whereas, in answer to a resolution of the Senate of the 8th day of May, 1878, the commissioners of the District of Columbia, on the 13th day of the same month, transmitted a report to the Senate on the subject of church property in default of taxes in said District, accompanied by an exhibit thereof in detail; and

Whereas, on the 8th day of January, 1879, said commissioners were directed by a resolution of the Senate "to inform the Senate what churches, colleges, school-houses, and educational institutions have been subjected to assessment and the payment of taxes for general or special improvements since June 17, 1870; and what sums of money, if any, have been received in respect of general and special taxes assessed on churches, colleges, school-houses, and educational institutions since June 17, 1870; and what taxes, if any, have been remitted or refunded in respect of colleges, school-houses, and educational institutions, the amounts so remitted, and the authority under which such remission and repayments have been made;" and

Whereas said commissioners have omitted to respond to said last-mentioned direction: Therefore,

Be it resolved, That said commissioners be directed to report to the Senate, as soon as may be, fully upon the subject of said last-named direction, and to report further what steps have been taken since their report of the 13th of May, 1878, in respect of enforcing the collection of the unpaid taxes therein named, to what extent, and in what cases such collections have been made, and in what cases such collections have not been made, and for what reasons.

Mr. WHYTE. The chairman of the Committee on the District of Columbia [Mr. HARRIS] is not present. I do not know whether he would desire to have any time to inquire into this matter. It seems to be merely a resolution requiring an answer to a resolution previously passed, and therefore I shall not object. I only want to call attention to the fact that the chairman of the committee is absent.

Mr. EDMUNDS. I am sure the chairman of the committee will have no objection to it. If he has, I shall move to reconsider. It appears that for some reason or other, probably by accident, a resolution that the Senate adopted in reference to certain supposed inequalities (complaint being made that some school-houses had paid and others had not, and those that had paid were complaining and wanted relief) information was called for which has not been furnished.

Mr. KERNAN. This is simply a call for further information, as I understand it.

Mr. EDMUNDS. Exactly, to ask them to respond to the previous order of the Senate.

The resolution was considered by unanimous consent, and agreed to.

LOUISIANA ELECTION INVESTIGATION.

The PRESIDENT *pro tempore*. There being no further routine morning business the Chair lays before the Senate the resolution reported yesterday from the Committee on Privileges and Elections by the Senator from Tennessee, [Mr. BAILEY.]

The Senate proceeded to consider the following resolution:

Resolved, That the expenses of the investigation directed by the resolution of the Senate of May 7, 1879, to be made by the Committee on Privileges and Elections, be paid out of the "miscellaneous items" of the contingent fund of the Senate, upon vouchers approved by the chairman of the committee.

Mr. BAILEY. I find that on the 3d of March, 1879, an act was passed "making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1879, and for prior years, and for those heretofore treated as permanent, and for other purposes." One paragraph of that act in the first section is as follows:

That when any duty is imposed upon a committee of the Senate involving expenses which are ordered to be paid out of the contingent fund of the Senate, upon vouchers to be approved by the chairman of the committee charged with such duty, the receipt of the chairman of such committee for any sum paid to him or his order out of said contingent fund by the Secretary of the Senate shall be taken and passed by the accounting officers of the Treasury as a full and sufficient voucher.

This resolution is in strict accord with the existing law.

Mr. ROLLINS. Then what is the necessity of it.

The resolution was agreed to.

EXCHANGE OF SUBSIDIARY COINS.

Mr. BAYARD. I move that the Senate proceed to the consideration of the bill (H. R. No. 4) to provide for the exchange of subsidiary coins for lawful money of the United States under certain circumstances, and to make such coins a legal tender in all sums not exceeding $20, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT *pro tempore*. The bill is reported from the Committee on Finance with amendments. The amendments will be reported.

The first amendment reported by the committee was in section 3, line 3, after the word "exceeding," to strike out "twenty" and insert "ten;" so as to make the section read:

That the present fractional or subsidiary silver coins shall hereafter be a legal tender in all sums not exceeding $10 in full payment of all dues public and private.

Mr. TELLER. I should like to ask the honorable Senator who has the bill in charge what is the object of fixing the amount at $10? I believe the law now fixes $5. Why is not that a proper sum?

Mr. BAYARD. The Senator is probably aware that up to this time in the history of our Government the subsidiary silver coin of the United States has never been a legal tender for more than $5. In that we have followed the common ratio of other countries. In Great Britain they had it as high as $10; in France and Germany as high as five or a little less than $5. We therefore thought that as the House had increased it unduly and incommodiously for the public, it was better for us to put it at the highest rate known for subsidiary coin in any of the countries with which we have relations. The Senator will observe that the amendment of the committee doubles the rate of legal tender for subsidiary coin over the existing law.

Mr. TELLER. I think the amendment is an improvement on the original bill, but I think if the committee had left it at $5, where it is and where it always has been, it would have been the right thing. I can see no reason why we should raise it. Five dollars is enough.

Mr. BAYARD. It was done in the spirit, I presume, of accommodation and compromise. The House fixed it at $20, and we thought ten was the highest convenience would permit, and in that way the committee reported it. If the Senator desires to have it at five, that would accord with my personal views.

Mr. TELLER. I should like very much to have it at five, so far as I am concerned.

Mr. ALLISON. If we strike out the section, then the law will remain as it now is.

The PRESIDENT *pro tempore*. The question is on the amendment proposed by the committee to strike out "twenty" and insert "ten."

Mr. TELLER. If the amendment is agreed to would it then be in order to move to strike out the section?

The PRESIDENT *pro tempore*. Yes, sir.

Mr. EDMUNDS. I should like to ask my honorable friend, the chairman of the committee, (though it is not strictly germane to this section, but at the same time it explains the whole thing,) what is precisely the meaning of the words "lawful money" where they occur in the first section and in the second section on the subject of interchange. The statement is:

That the holder of any of the silver coins of the United States of smaller denominations than $1 may, on presentation of the same in sums of $20, or any mul-

tiple thereof, at the office of the Treasurer or any assistant treasurer of the United States, receive therefor lawful money of the United States.

What is "lawful money?"

Mr. BAYARD. If the Senator asks for my personal opinion on that subject, I would say that it is gold and silver coin.

Mr. EDMUNDS. I want the opinion of the committee.

Mr. BAYARD. I am not a believer in any other form of lawful money than money of value; but in this bill we followed the general language of the United States statutes in providing that lawful money should be paid for subsidiary coin in certain multiples, and to make this subsidiary coin a legal tender at the Treasury for lawful money when brought in sums of $20 or multiples thereof. The definition I have given is my own.

Mr. EDMUNDS. What is the committee's definition? What is the opinion of the committee on that subject?

Mr. BAYARD. I believe the committee as a body will agree that "lawful money" is money of value, gold and silver coin of the United States.

Mr. EDMUNDS. The thing that my question was designed to get at is the matter that my honorable friend has stated. Now, I take it that what the body that passed this bill intended to accomplish was to provide for the interchange of the paper money of the United States so called for this subsidiary coin; in other words, to make the Treasury of the United States a kind of clearing-house or bank of deposit and disbursement——

Mr. BAYARD. Of issue.

Mr. EDMUNDS. Yes, "of issue;" that is a better phrase; and thereby for the first time in the history of this country we are to enter upon the notion that the Treasury of the United States is to become a great bank of deposit and issue; and the next step will be to provide the same for all the coins of the United States as well as the subsidiary coins.

The old law which the Senator has referred to that provides for this in a degree, was passed at a time when there was, as the Supreme Court decided the last time they tried to decide about it, a lawful paper money; that is to say, as the Supreme Court put it, there had been an enormous emergency of war that under the circumstances justified the United States in raising a forced loan—that was what it amounted to—and putting out their paper in the place of coin, and compelling people to take it. That time went by, and then came the act of 1875, which provided that this forced loan should be paid off, redeemed; and that, in legal effect, as I never heard any lawyer question anywhere, was a redemption that was a redemption, and the end of it certainly so far as it respected any power of the Government to coerce people into taking it afterward as a legal tender for the payment of debts either of the Government or of private individuals. Of course the Government, as to legal tender for its own debts, has the advantage that all governments have, that they can compel the creditor to take that or nothing, because he cannot sue them except in the Court of Claims, and if he does sue them in the Court of Claims and gets judgment then he has got to depend upon the good faith of the Government to pay the judgment, so that he does not really get ahead by the suit.

Now it is a very serious question with me, and I think it ought to be with all of us, inasmuch as this redemption is now going on, as to making a new provision of law which turns the Treasury of the United States into a bank of deposit and issue for all the coins of the United States below a dollar, and which provides for issuing for them, at the pleasure of anybody that calls, the paper promises of the United States whether they have the legal-tender quality attached to them or not. It is a very serious and a broad and important question, because it is not easy to distinguish in principle between an act limited as this is proposed to the subsidiary coins and the next act that will be proposed to follow this upon the same principle, so far as I can understand it, that it shall extend to all the coins. I doubt very much whether it will be useful to the people of the United States to enter upon a scheme of that kind. I doubt greatly whether it will be useful to the credit of the United States, its capacity to raise money hereafter, to the benefit of its administrations, to take that step.

I should be glad if the Senator would allow this bill to go over for a little further reflection (my attention was never called to it before) because I do think it involves a very important and a very broad principle, and that it is something a good deal more than a mere extension from $5 to $10 or $20 of the legal-tender quality of the coin, which is one thing; but in these interchangeable sections, the first and second, it goes altogether beyond the idea upon which the small coins, the nickels, &c., might be turned into scrip and new bills of the United States heretofore. It involves a very different question, as it appears to me, and a much more extensive one; and I think the Senate ought to reflect considerably before it takes a step in what I fear will turn out in the end to be a very wrong direction.

Mr. BAYARD. Mr. President, I do not know what construction the officers of the Treasury or individual members of Congress may put upon the words "lawful money of the United States." The object of this bill, however, is one of public convenience. The subsidiary silver coins, which are by law debased some 6 per cent. below the standard silver coin, the legal-tender silver coin of the country, have been so issued or have been so accepted and used that a glut has been caused in certain retail centers by which great inconvenience and great loss to merchants, retailers and otherwise, have been caused. It was believed as a matter of practical relief that if at the Treasury and at its various branches and agencies the Government could receive this subsidiary coin in sums of not less than $20 and multiples thereof to any amount, they could distribute it with facility. The second section of the bill provides that the Treasurer or any assistant treasurer of the United States who may receive any coins under the provision of this act shall exchange the same in sums of $20, or any multiple thereof, for lawful money of the United States, on demand of any holder thereof.

That is all. It becomes, therefore, practically a mere question of Treasury regulation under authority of law, that the subsidiary coins presented in multiples of $20 may be received in exchange for lawful money, whatever that may be, and that those coins again may be issued for the lawful money in the hands of the holder.

What the Supreme Court of the United States, or what any other portion of the judiciary of the country may decide is lawful money is not, I think, a question for Congress to control. We may not restrict their decisions or their interpretations; we only may use words intended to fulfill our own legislative meaning. I have stated to the honorable Senator from Vermont my construction and interpretation of the words "lawful money." I am disposed to believe as a mere matter of opinion, that when the Supreme Court of the United States shall again pass upon that question, they will deny to the Congress of the United States the power, in the absence of great national emergencies, to make anything but value a tender or lawful money, and that they will not permit a money of credit at the will of Congress to be transferred into all and possessed of all the functions of a money of value. But that is a question of judicial interpretation.

The honorable Senator has referred also to the fact that the bill recognizes that the Treasury may become a bank of deposit and of issue and reissue. That I am afraid was in a great degree accomplished by laws now in existence for some time past. That was done by the joint resolution of the last Congress which prevented the retirement of the demand notes of the United States and compelled their reissue by the Secretary of the Treasury; and by the votes upon propositions submitted by me that when the Government had taken up its notes and paid them in lawful money they no longer should be reissuable as a compulsory legal tender for debts, but should be received simply for debts due the United States for everything except duties on imports. It was not the pleasure of the Congress to accede to that proposition; on the contrary it was voted down by a very large majority. Whether it is competent for Congress to change the original definition, the constitutional definition of the words "lawful money" is a matter to be settled hereafter, and the sooner the better. But I do not hold that the present bill would interfere in the least with that, or that it binds the court, or that it authorizes Congress in any way, by the use of words which have had heretofore but one interpretation, and which I hope will have that interpretation settled at some early day.

Therefore it is that I with other members of the Committee on Finance favored the present bill. The demand from almost every quarter to every member I am sure of that committee, and I apprehend to almost every member of the Senate, is that some facility in the shape of a law like the act now proposed shall be given to facilitate the circulation of the subsidiary coin, which is too scant in some places, too abundant in others, and the machinery of the public Treasury can be properly resorted to for the purpose of producing a needed circulation. That was the object of the bill. I hope that the other question as to the proper interpretation of the words "lawful money" will not prevent the Senate from giving its approval to this present measure. I do not think that we are bound in any degree to any interpretation except that which must ultimately be awarded to the words by the proper branch of the Government.

Mr. THURMAN, (Mr. MCMILLAN in the chair.) I do not propose, Mr. President, to go into any discussion of the legal-tender law or the legal-tender decision, or into the propriety of enacting any more of such laws. I do not think that these questions arise at all upon this bill. I was not struck with the remarks of the Senator from Vermont, because perhaps I did not fully comprehend their weight. I do not think there can be any doubt about what is meant by "lawful money" in this bill. Whether the legal-tender decision is right or wrong, whether Congress has the power to make greenbacks legal tender, I fancy there can be no difficulty whatsoever in interpreting this statute, and that the words "lawful money" in this statute do include greenbacks, as well as they do gold and silver coin, if indeed they are not intended to be restrictive to greenbacks alone.

Nor am I troubled at all by the idea that weighs so much on the Senator from Vermont that the Government is going into the banking business. The first section of this bill provides that the Government shall redeem subsidiary silver coin in greenbacks, under the term "lawful money." The second section provides that it shall redeem exchange coin for greenbacks. As the Government issues both the coin and the greenbacks, I see no banking business in the Government redeeming either the one or the other or exchanging the one for the other. It is not receiving private deposits; it is not carrying on the business of a deposit bank. I see nothing in that.

But there is a thing in this bill that troubles me and that I wish an explanation from my friend the chairman of the Committee on Finance upon. In the first place I want to ask him what provision now exists, if any, for anything like the redemption of the subsidiary silver coin. My impression is that to the amount of $5 it is redeem-

able in greenbacks, but I may be mistaken about that. What is the provision on that subject?

Mr. BAYARD. There is no provision as to the redemption. There is a limit as to the legal-tender. There is a provision of the Revised Statutes for the redemption of the copper coins and of the nickel coins.

Mr. THURMAN. Yes, but I am speaking of the subsidiary silver coins. Then the law is practically as I supposed it to be. Now, what does this first section propose? It proposes—

That the holder of any of the silver coins of the United States of smaller denominations than $1 may, on presentation of the same in sums of $20, or any multiple thereof, at the office of the Treasurer or any assistant treasurer of the United States, receive therefor lawful money of the United States.

Now, mark it, there is no limit upon the amount. A man with $10,000,000 of the subsidiary silver coins may present them to the assistant treasurer in the city of New York and demand for them legal-tenders, and then the next moment may turn around and demand from the same officer gold for those legal-tenders, and thus exchange as fast as the thing can be done his subsidiary silver coin, which is only a tender for $5, in gold coin that is tender for an unlimited amount, which is more valuable than the subsidiary silver coin.

We hear much complaint that the standard dollar of 412½ grains is less valuable than a gold dollar. Well, here is a subsidiary coin that does not contain 412½ grains to the dollar; that is to say, two half dollars or four quarters or ten dimes do not contain 412½ grains of standard silver, and are consequently less valuable than the standard dollar. They were made light weight on the same principle that the English shilling is light weight, to keep them from going abroad; at least that was the idea upon which originally, I think as far back as 1853, the subsidiary coins were made light because it was said it was necessary to do it in order to keep them at home as the English government does with its shillings. They are, however, less valuable, as I said, two half dollars less valuable than the standard dollar, and four quarters or ten dimes less valuable than the standard dollar. Now, here is a proposition that the men holding the subsidiary coin may present it and get greenbacks for it, and then under the resumption law they can turn right around and demand gold for the greenbacks.

I find that this bill had its chief advocates in the city of New York, and the argument in favor of it was that the subsidiary coins accumulated there in the hands of shopkeepers and others to a very inconvenient extent, and it was mainly for their relief, it was said, that this bill ought to be passed in order that they might get rid of subsidiary silver coins by going down and asking Mr. Hillhouse, the assistant treasurer of the United States, to give them greenbacks for them; and they never said a word about their right to ask him immediately to give gold for the greenbacks.

It looks to me, I must say, as if possibly there was something in this bill that requires to be looked into as if it was mainly for the advantage and benefit of certain persons in great cities in whose hands a large amount of this subsidiary coin accumulates, and who by the machinery of this bill, if it pass, would be enabled to get gold dollars in place of the subsidiary silver coin; and a very handsome speculation it would be.

I may be totally wrong about this, and it may be that with my ignorance of the subject I ought not to have said a word, and I beg that what I have said may be considered as rather in the way of inquiry than of argument.

Mr. EDMUNDS. The Senator is perfectly correct in what he points out.

Mr. FERRY. I am surprised to hear the remarks of the Senator from Ohio. From what I gathered from what has fallen from his lips, it would seem that he favors the proposition of having the people hold this depreciated silver currency. Now, sir, it is well known that this currency in the hands of the people cannot be used to the extent that it is now in circulation, and it necessarily finds its way to the banks and there accumulates. Bankers finding so much accumulating upon their hands are unwilling to receive this subsidiary coin upon deposit, and the result is that it is held in the hands of the people, and they are compelled to dispose of it, at any depreciated price that may be named for it, to parties who may want it more than the people who hold it.

Now, the proposition of this bill is to allow to the amount of $20 and multiples thereof this subsidiary coin to be convertible into greenbacks, and the greenbacks of course are convertible into coin, thus appreciating this subsidiary silver and placing it to the amount of $20 and its multiples upon a par with gold.

If I were framing an original bill I would dispense with this subsidiary coin. In fact it grew out of the necessity of providing for its circulation when silver was at a premium. There is no such condition at the present time; gold is rather at a premium and silver not. I should prefer to place the silver upon the standard value of 412½ grains to the dollar. But we have the subsidiary coin, which was coined in order to protect its circulation, in order to prevent its being shipped abroad, in order to compel its being held within the country in the hands of the people.

Now this proposition coming from the House has as its object to appreciate the value of the subsidiary coin and give the people the same right to deposit it with banks that they have to deposit greenbacks, at least to the amount of $20 and multiples of that sum. I cannot see how the Senator from Ohio or any other Senator can object to a proposition that will appreciate the value of subsidiary silver. I am sorry with him that it bears a depreciation as compared with the standard silver; but we must meet facts as they are. It was issued at a time when in the wisdom of Congress it was deemed best; and under existing circumstances it is now thought best not to redeem the subsidiary silver and then coin it into the standard basis. So long as we have the subsidiary coin we should appreciate its value by legislation; we are doing it by this bill, and I think upon reflection the Senator from Ohio will see that it is appreciating it and will lead the people and the bankers to receive it just as freely as they do the standard silver dollar.

Mr. BOOTH. Mr. President, this bill is substantially a copy of one I had the honor to introduce at the last session of Congress, and I am surprised to find that there is any serious objection to it. The reason that prompted me to introduce it was this: I knew that subsidiary silver coin was depreciated; first, from the fact that it had been issued in larger volume than the necessities of the country required; and, second, the machinery for its distribution from the points where it was congested to the points where it was wanted was defective. The laboring-man, the man who works by the day, receives his pay for the most part in subsidiary silver coin. When he goes to the retailer to buy his small supplies, the retail merchants knowing very well that he will have to sell this silver at a discount, of course adds the amount of the discount to the price of the articles which he sells. Then he goes to the broker and sells this subsidiary silver, in the large cities, from ½ of 1 per cent. to 3 per cent. discount. That is a continual friction in the machinery of business. By this bill I have no idea that any considerable sum will ever be permanently redeemed, but it will have the effect to bring subsidiary silver coin in all its uses directly to par; and I suppose that if there is any one principle in finance upon which we all agree, it is that the currency of the country should be of uniform value. Whatever it may be, it should be of uniform and equal value in all the operations of business.

The Senator from Vermont suggests that we are establishing a kind of banking business here through which this subsidiary silver is to be redeemed. Why not? It is a token coinage. Whatever of profit there is in it has been made by the Government. The difference between that and par has been made by the Government in the coinage; and it seems to me nothing but common honesty that the Government should be at all times ready to redeem it, and that it is its first duty to keep it at par.

Why, Mr. President, I suppose that this $40,000,000 of subsidiary silver coin as actual money, in passing from hand to hand, not only performs more transactions than all the balance of the currency of the United States, but actually more in amount; and the slightest friction upon that in the aggregate is an immense loss which falls upon the people, and upon the people who are least able to bear it.

The effect of this bill will be that it will fix automatically the volume of subsidiary silver coin in circulation precisely in accordance with the wants of the business of the country; there will be just that amount in circulation, no more and no less, for the moment that there is a scarcity it will be drawn off from the Treasury, and whenever there is a surplus it will find its way into the Treasury.

This bill differs from the one which I had the honor to present in containing the words "lawful money." The bill I drafted was specific; it said "legal-tender notes." It left no room for construction, and I confess that I should prefer those words to the words in the bill, so that there could be no room for construction at all by any officer of the Government. If the people prefer the legal-tender notes in exchange for subsidiary silver coins to the silver dollars, or the gold dollars, as they seem to do, why not let them have them?

The bill I presented was reported at the last session of Congress, and it then went over, if I remember correctly, on the suggestion of the Senator from Vermont that he desired further time to consider it; or perhaps it was the Senator from Ohio.

Mr. EDMUNDS. It was not I, I think.

Mr. BOOTH. There have been petitions for this measure from every section of the country. The Senator from Ohio suggests that some one having $10,000,000 of this coin might present it to the Treasury, receive legal-tender notes, and then convert the legal-tender notes into gold. There could be no desire to do that. If a man had received $10,000,000 of this coin, and it was below par, this Government ought to be willing to redeem it; but there need not be the slightest apprehension that any considerable part of this subsidiary silver will find its way into the Treasury of the United States. That excess of volume which now depreciates it is all that will be presented for exchange. It is simply a method of distribution without cost that will at once bring this coin to par in every section of the country.

Mr. KERNAN. Mr. President, a few words in reference to the bill, especially as I receive a great many letters, not from the city of New York, but from the country towns in my State about this subsidiary silver coinage.

A suggestion is made as to the injustice of having the Government receive this coinage, it being intrinsically of less value than other money. The Government issued this subsidiary silver coin receiving for it lawful money, dollar for dollar, every bit of it; we paid it out at par, four quarters for a dollar. It is issued as a coin of convenience for the small trade of the country. We must have coin of a lower denomination than the dollar, suitable to the transactions of the people. Hence I to-day or anybody else will give a gold dollar or a green-

back dollar for the four quarters, because I need them for change. The small dealers of the country must have them, and they have to receive them in large quantities. Every government that issues coin should, and does I think, receive it. There is nothing wrong in that. The Government loses nothing by it. The Government issued this subsidiary coin getting par for it, and should now receive it, giving other dollars at par for it, and this particular bill authorizes the Government to reissue it as it is needed for token currency.

A difficulty has arisen in certain parts and with certain people, and they are not banks or bankers, or men of wealth usually; but they are small dealers, the men that go into the country towns to sell their vegetables and butter, and the men who buy those things from them. The latter get a large amount of this small currency. If they take it to the banks the banks will not receive it on deposit, it being a legal tender only for $5; it is redeemable nowhere, and so the small dealers have it on their hands, and I am told they now have to sell it at a discount, which is wrong.

The object of this bill is that where there is too much out a party may bring it to one of the officers of the Government, in sums not less than $20, and get other money for it, greenbacks or gold or silver dollars, as the people may wish in exchange. Thus the small dealer is relieved without loss; and as there is a demand somewhere else, those who need the change, be they bankers or individuals, must pay the Government par for it. I think this is entirely wise and right. It is a mode of distributing this coinage when it is needed; and where there is too much out the Government takes it and holds it until more subsidiary coin is needed, and then it sends it out. There is no loss by this, and it is a convenience to the people, and it relieves the men who have an accumulation of change from the loss they are suffering to-day in every town and in every place where there is a great deal of small traffic. I hope, therefore, this measure of relief, which does not benefit the Government or injure it at all, but which does save a thrifty class of humble dealers from loss, will pass.

Another word. The House of Representatives did pass the bill with a section making this subsidiary coin a legal tender for $20. It is now a legal tender for $5. I think $10 is a just medium. I think if you put it at $20 there will be too much of it put upon the people; the class of people engaged in small dealings will receive all their money in silver change, and they will be inconvenienced by that. I think $10 is a just medium between the five and the twenty, and I think if we pass it in that form the House will acquiesce, and it will be found to work better and essentially do all that is needed in reference to making it a legal tender, not making it too large so as to work injuriously to the men who have to take it having small debts due them.

Mr. HEREFORD. Mr. President——

The PRESIDING OFFICER, (Mr. CAMERON, of Wisconsin, in the chair.) The morning hour has expired and the Chair will lay before the Senate——

Mr. HARRIS. I call for the regular order.

Mr. PADDOCK. I hope the chairman of the committee having charge of the bill which is the regular order will consent to let this bill be considered. It is a very important bill.

Mr. EDMUNDS. It had better wait until to-morrow, then.

Mr. HARRIS. If the consideration of this bill could be concluded in any reasonably short time, I should have no objection; but knowing as I do that it is a most fruitful source of debate, I must insist on the regular order.

Mr. PADDOCK. It seems to me we ought to be able to pass the bill in half an hour or an hour.

Mr. EDMUNDS. You will not pass it in half an hour, I am almost persuaded.

Mr. HARRIS. I am quite satisfied it will take considerable time, and in view of that fact I insist on the regular order.

Mr. FERRY. I hope the Senator from Tennessee will consent to allow this bill to go on and be concluded. The yellow fever has not appeared this year, and this silver question affects the whole people of the United States, and it is more important that it should be disposed of now than the bill which the Senator is pressing the consideration of. That will come in advance of the appearance of the epidemic. I trust he will allow at least an hour for this silver bill. It cannot consume more than that time, and such an important bill ought to be disposed of. The Senator with his bill has occupied a great deal of the time of the Senate. I have patiently and very favorably listened, and I am disposed to support it as I have so far done. I supported the largest amount involved in the bill for the object proposed, because I am in sympathy with it. I am in sympathy with the passage of the bill. At the same time I consider this silver question of more importance at the present time, in the absence of the yellow fever, for the moment it appears will come the Senator's bill or some other to provide against it. Now that this question is up, we ought to give time enough, say an hour, to close it up. I think it can be done within that time.

Mr. HEREFORD. I rose to speak to this bill, but the morning hour had expired, and I could not be heard; yet I see other Senators are heard. I do not understand it exactly.

Mr. EDMUNDS. Let us go on with the regular order.

Mr. HARRIS. I desire to say in answer to the Senator from Michigan——

Mr. HEREFORD. Has the morning hour expired or not? If this matter is to be discussed I believe I have the floor. If it is not, let us go on with the bill of the Senator from Tennessee.

Mr. HARRIS. I had intended to assign a reason why I cannot yield to the request of the Senator from Michigan. I should be glad to do so if I thought the bill could be disposed of in half an hour, but I do not think it can be disposed of in an hour.

Mr. FERRY. Suppose the Senator allows a half hour to be consumed, and test whether the Senate can dispose of the bill within that time.

Mr. EDMUNDS. What is the question before the Senate?

The PRESIDING OFFICER. The regular order will be before the Senate in about a moment.

Mr. EDMUNDS. Let us wait that moment then.

The PRESIDING OFFICER. The Chair will lay before the Senate the unfinished business, which is Senate bill No. 108.

PREVENTION OF EPIDEMIC DISEASES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 108) to prevent the introduction of contagious or infectious diseases into the United States.

Mr. MCPHERSON. I wish to give notice that immediately after this bill is disposed of I desire to call up the bill (S. No. 206) relative to the transportation of animals.

Mr. MORGAN. I offer the following amendment to the pending bill:

SEC. 10. This act shall not continue in force for a longer period than two years from the date of its approval.

When I first thought of presenting this amendment to the Senate I designed to make the period four years, and I am willing to do so now if the friends of the bill prefer it, but there ought to be some limitation upon the time that this experiment is to run. I think the difficulties we are going to experience hereafter in getting rid of a measure like this, if it shall be desirable to get rid of it, will be such as are very often experienced in getting rid of salaried officers and bureaus. This is an experiment, necessarily so; it is confessed on all hands to be simply an experiment. I am willing to give as large latitude to it as may be necessary in order that the experiment shall be thoroughly tried, and in offering this amendment I am willing to make the change suggested, leaving that to the friends of the measure if they think the time of two years is not long enough.

These are the only remarks I desire to make about it.

Mr. HARRIS. I would prefer that the Senator should modify his amendment to four years, but in asking him to do so I must state to him that, in view of the fact that Congress will be in session once every year and may repeal this act or modify it every year that it is in session, I cannot vote for the Senator's amendment if he were to fix the limit at ten years, because Congress has complete power over the subject and may modify or repeal the act whenever it shall see fit to do so.

Mr. MORGAN. Of course Congress may modify or repeal this act whenever it may see fit to do so; and yet we are perfectly aware of the difficulties that surround a subject of this kind when you undertake to resort to measures of repeal. Private interests grow up around a question of this kind, and they might become in this case of very great magnitude and of very great importance, and we might find ourselves embarrassed even in controversies between different sections of the country; controversies between various seaports; we know not what may arise under the administration of this law which would bring up difficulties that would be very serious and very embarrassing in their consequences. As it is entirely experimental, ought we not to fix a limitation in the bill for its expiration, and if the project commends itself to the public judgment and to the experience of the country, then we can certainly rely on Congress to continue it in force. But surely there is not one point in this case that is not involved in doubt and difficulty. The committee have had this subject under consideration for a long time; they have bestowed upon it great attention, great thought, great research, both in reference to the law which is supposed to govern the case and in reference to the condition of the health of the country and the possibility of preventing the importation of epidemic diseases; and after all their examinations and researches we come here and find ourselves involved in a difficult debate over every feature of this bill.

The truth is that there is nothing connected with this measure that is not experimental, and I would not vote for it at all if I did not feel that I was constrained by a demand of public opinion in my section of country that is overwhelming. Although I think these gentlemen on the committee have done all that can be done to remove the conflict of jurisdiction between the State and Federal governments on this very delicate subject, yet I do not know precisely where the line of division is now made by this bill. Certainly it has become a subject of a good deal of experiment back and forth, and I think it is not wise for the committee to insist that we shall put an iron shoe upon our feet and trust to the chances whether we shall hereafter get rid of it or not on a subject like this. It is better that we should proceed experimentally, that we should proceed tentatively, rather than that we should proceed by mandatory and, so far as this is concerned, irrevocable legislation. I trust, therefore, that the committee will not insist that this project that the committee are not able to guarantee the well-working of shall be taken and made permanent solely upon trust.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Alabama.

Mr. MAXEY. I move to strike out the word "two" and insert "four."

Mr. MORGAN. I accept that amendment.

Mr. MAXEY. If we limit it to two years that will not be sufficient to try such a measure, which involves great interests, and I think four years would be a reasonable time.

Mr. MORGAN. I modify the amendment I offered so as to make the time four years.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Alabama as modified.

The question being put, a division was called for; and the ayes were 23.

Mr. HARRIS. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. DAWES, (when his name was called.) I am paired on this vote with the Senator from Connecticut, [Mr. PLATT.]

The roll-call having been concluded, the result was announced—yeas 30, nays 13; as follows:

YEAS—30.

Allison,	Edmunds,	Jones of Florida,	Rollins,
Bell,	Farley,	Kernan,	Saunders,
Booth,	Ferry,	Logan,	Slater,
Burnside,	Groome,	McMillan,	Williams
Cameron of Pa.,	Hampton,	McPherson,	Windom,
Cameron, of Wis.,	Hoar,	Morgan,	Withers.
Chandler,	Houston,	Morrill,	
Eaton,	Johnston,	Pendleton,	

NAYS—13.

Bailey,	Garland,	Kellogg,	Walker
Beck,	Harris,	Maxey,	
Coke,	Hereford,	Vance,	
Conkling,	Jonas,	Vest,	

ABSENT—33.

Anthony,	Davis of W. Va.,	Kirkwood,	Sharon,
Bayard,	Dawes,	Lamar,	Teller,
Blaine,	Gordon,	McDonald,	Thurman,
Bruce,	Grover,	Paddock,	Voorhees,
Butler,	Hamlin,	Platt,	Wallace,
Call,	Hill of Colorado.	Plumb,	Whyte.
Carpenter,	Hill of Georgia,	Randolph,	
Cockrell,	Ingalls,	Ransom,	
Davis of Illinois,	Jones of Nevada,	Saulsbury,	

So the amendment was agreed to.

Mr. JONES, of Florida. I wish to call the attention of the Senator from Tennessee who has the measure in charge to some language in the first section of the bill. I am only anxious that all doubt should be removed in regard to the meaning of these words:

That it shall be unlawful for any vessel engaged in the transportation of goods or persons from any foreign port where any contagious or infectious disease exists, to enter any port of the United States except in accordance with the provisions of this act.

I would suggest to the Senator who has the bill in charge, if he thinks proper to adopt it, that the words "merchant ship or vessel" be inserted after the word "any" in place of the words "vessel engaged in the transportation of goods or persons." A great many vessels come into southern ports that carry no goods into those ports; they come light, in ballast, from foreign ports and places, with a view of loading at domestic ports; and they are not engaged in the transportation of persons within the meaning of this law, in my judgment, and would not be so held to be. They come in ballast, and I think I can see great ground of controversy growing out of this language. It would mean, I think, that a vessel must be actually engaged in the transportation of goods or persons to fall within this language; but the words "merchant ship or vessel" would remove the difficulty and relieve it of all doubt. Nearly all the shipping that comes into my port comes in in ballast.

Mr. HARRIS. May I ask the Senator from Florida in what business those ships that come into his port in ballast are engaged?

Mr. JONES, of Florida. They cannot be said to be engaged in any particular branch of the carrying trade. In the first place, they take out cargoes of merchandise from Great Britain to South America, assorted goods. They take coal to the West Indies. They are chartered abroad, and then they come in ballast from those South American ports and the West Indies to Pensacola for timber. It cannot be said that they are actually engaged in the timber trade, because the voyage is made up of several kinds of cargoes, and when they come into my port in ballast they bring nothing there in the way of goods. They are owned by a contentious class of persons in some cases, and if there is any ground to litigate upon they will be sure to do it. I think the words "merchant ship or vessel" would remove all doubt.

Mr. HARRIS. I have no special objection to inserting the language suggested by the Senator, but it seems to me wholly unnecessary, because the ship that comes to the Senator's port in ballast, coming for a cargo, whether it be of lumber, of coal, of merchandise, no matter of what, is included, I think, in the language as it now stands in the bill.

Mr. JONES, of Florida. But the bill uses the words "engaged in the transportation of goods or persons." I know that according to the broad rules of construction this language might be held to include such vessels as I have indicated; but I have seen enough of these contentions to know that trouble can be made out of the language.

Mr. HARRIS. I have no objection to the Senator's amendment. I do not think the opinions of the committee are of any consequence in regard to the bill any way, and I am perfectly satisfied to let him amend it.

Mr. JONES, of Florida. I will say to the Senator that I am heartily in favor of the bill. My amendment is not offered with a view of injuring the proposition at all.

Mr. HARRIS. I have no objection to the amendment.

The PRESIDING OFFICER. Does the Senator from Florida offer an amendment?

Mr. JONES, of Florida. After the word "any," in line 3 of section 1, I move to strike out "vessel engaged in the transportation of goods or persons," and insert "merchant ship or vessel;" so as to read:

That it shall be unlawful for any merchant ship or vessel from any foreign port where any contagious or infectious disease exists, to enter any port of the United States, &c.

The PRESIDING OFFICER. Is there objection to the amendment offered by the Senator from Florida? The Chair hears none, and it is adopted.

Mr. MORRILL. I call the attention of the Senator having charge of the bill to the last section, section 9, which I think repeals more of the law in relation to the Supervising Surgeon-General of the Marine Hospital Service than is necessary or would be useful. I suggest to him that we strike out after the word "requires," in line 4, down to and including the word "requires," in line 8; so as to read:

That so much of the act entitled "An act to prevent the introduction of contagious or infectious diseases into the United States," approved April 29, 1878, as requires the Surgeon-General of the Marine Hospital Service to frame rules and regulations, and to execute said act, and to give notice to Federal and State officers of the approach of infected vessels, and furnish said officers with weekly abstracts of consular sanitary reports, &c.

That will take from the Surgeon-General of the Marine Hospital Service the power to frame rules. I think that the Surgeon-General ought to receive these reports and to furnish these officers with weekly abstracts, but ought not on the theory of the bill to frame rules and regulations and to execute the same.

Mr. HARRIS. The only reason why it is proposed to repeal that part of the act of 1878 suggested by the Senator from Vermont is this: this bill requires the consular officers of the United States in foreign ports to make the weekly reports to the National Board of Health which the act of 1878 required should be made to the Surgeon-General of the Marine Hospital Service. Now, if it is deemed necessary that consular officers of the United States shall make these weekly reports both to the Surgeon-General of the Marine Hospital Service and to the Board of Health, I see no objection; but I cannot think it necessary. This bill provides that the Board of Health shall issue to the Marine Hospital Service, to the custom-house officers, and to the various boards of health and sanitary associations in the United States a weekly abstract of the consular reports as made.

Mr. MORRILL. It strikes me that it is imposing a duty on this new board that will be very inconvenient, and that would be very much better performed by the Surgeon-General of the Marine Hospital Service. I do not see why there should be any objection to leaving the section in forbidding the Surgeon-General to frame rules and regulations to execute the law, but I think we might allow these reports to be made as they have heretofore been made.

Mr. HARRIS. If the National Board of Health is to be continued at all, and these sanitary reports are to be made and distributed weekly, it is certainly a duty of the National Board of Health. That Board of Health is in constant correspondence with all the sanitary associations and boards of health throughout the country, and it is proper that this duty should be imposed upon that board whether it remains as a duty of the Marine Hospital Service or not. I do not see any necessity for imposing it upon the Marine Hospital Service. It was only so imposed as an additional duty to the other duties of that service by the act of 1878, and being performed by the National Board of Health, there is certainly no necessity for its double performance by two boards of the Government. For that reason I cannot accept the amendment of the Senator from Vermont. I think the bill is better as it is than it will be if so amended.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Vermont, [Mr. MORRILL.]

The amendment was rejected.

Mr. WHYTE. Mr. President, I have some serious doubts in regard to the constitutionality of this bill. I am not entirely clear upon the subject. But inasmuch as it has been reported and maintained very earnestly by distinguished lawyers upon the floor of the Senate, I am not disposed to set up my opinion so strongly against them as to vote against the bill upon my doubts. Since the decision of the Supreme Court in 6 Wallace in the New Orleans case, which seemed to recognize that the power in regard to quarantine laws had been left under the Constitution exclusively with the States, I confess my doubts have been that Congress has no right under the regulation of commerce clause to go into the States and interfere with their quarantine regulations. But there is so much in this bill that is good in regard to its action in foreign ports by the appointment of proper officers to protect the commerce of the country before it leaves foreign ports, I feel inclined to vote for the bill. There are, however, some clauses in it which, if they remain, I certainly shall not vote for the bill; and one which I desire to get rid of by offering an amendment is contained between the words "act" and "thereof" inclusive, in the seventh

down to the ninth line of the first page of the bill. I propose to strike out all the words between "act" in the seventh line to and including "thereof" in the ninth line of section 1; that is, to strike out these words:

And all rules and regulations of State boards of health or sanitary associations recognized by this act or made in pursuance thereof.

I cannot vote for a bill which puts it in the power of a sanitary association to enact criminal laws for the punishment of citizens of the United States. I see no authority in Congress to delegate its powers, if it has such powers, to a sanitary association, and adopt the regulations of a sanitary association through a board of health as the laws of Congress. Nor do I see the propriety of our authorizing this board to make criminal laws out of the rules or regulations of State boards of health. I cannot vote for the bill unless those words are stricken out. Therefore, I submit to the Senate and to the gentlemen having this bill specially in charge if they think it is best to keep these words in the bill.

The PRESIDING OFFICER. Does the Senator from Maryland offer an amendment?

Mr. WHYTE. I have offered it, and indicated it to the Secretary.

The PRESIDING OFFICER. The Secretary will report the amendment.

The CHIEF CLERK. It is proposed in section 1, after the word "act" in line 7, to strike out all down to and including the word "thereof" in line 9, as follows:

And all rules and regulations of State boards of health or sanitary associations recognized by this act or made in pursuance thereof.

Mr. KERNAN. Does the Senator from Maryland propose to abrogate the State regulations?

Mr. WHYTE. On the contrary.

Mr. CONKLING. It would abrogate them if the words were stricken out.

Mr. KERNAN. So I say. I think we had better, in accordance with the legislation of the past, recognize the State regulations. "Sanitary associations" perhaps may be going too far; but I object to striking out the rest of the clause recognizing the State regulations, which I think are the most efficacious, and which are made to protect their people.

Mr. WHYTE. I do not understand that. There is another clause in the bill which recognizes the State laws and directs this board to enforce the State laws and to aid the State authorities in the enforcement of those laws, and to aid them in punishing for the violation of the State laws in the State courts.

Mr. CONKLING. May I ask the Senator a question?

Mr. WHYTE. Yes, sir.

Mr. CONKLING. What would become of this case; it is not one which I need suppose, because we know it exists: A State has made regulations of quarantine which it deems sufficient. The national board makes additional regulations, whether different or not. A vessel comes into the port of that State, observing all the State regulations, but not observing these additional regulations. Would not the language as left by the amendment of the Senator, denounce as unlawful that neglect? If he will allow me to answer my own question, I say manifestly it would. Why? Because although the vessel has complied with the State regulations, she has not complied with the regulations made by this board; and thus it does override the regulations of the State, I submit to the Senator.

Mr. WHYTE. On the contrary, that is just the very point I desire to make. If the vessel comes in and complies with the State laws it is not liable under the State laws. If it comes in without complying with the United States law it is liable under the United States law. It must therefore conform to both laws, the State law and the United States law, to escape penalty.

Mr. CONKLING. If the Senator will pardon me, we seem to agree entirely, and we both concur as I understand him now in the suggestion made by my colleague. His suggestion was that where the State regulations exist and have been found efficacious, it would be wise to preserve them. The suggestion of the Senator from Maryland now is that it would be wise to add to those regulations, to ingraft upon them other regulations, we know not what, to be evolved from the discretion of this board, and then it would be wise for Congress in advance to provide for punishing the infraction of these now inchoate and unborn regulations. I humbly submit to the Senator it would not be wise. I humbly submit that in the port of New York, to which the larger number of vessels come, when experience has demonstrated that the present regulations are absolutely efficacious, it would not be wise to change them in any way, and certainly not to change them by committing to a board, not of merchants or ship-managers, but of doctors, the discretion to impose such other conflicting or additional regulations as they please, and then denounce every vessel as unlawful that does not comply with those.

The Senator says that would be wise. With great deference to him, I think it would be unwise. I think in the language of Patrick Henry experience is the lamp by which our feet may be guided, and it would be manifestly unwise to overtop or overthrow regulations which have demonstrated their efficiency, and to do it by regulations which we do not vote upon but which we simply commit to the discretion of a board of doctors the power to invent.

Then the Senator must remember that when this board, assuming that we have power to delegate this power to a board, comes to make these regulations, it must make them subject to that provision of the Constitution which declares that all regulations of commerce applicable to one port must be applicable to all, or to quote it more exactly that no preference must be given to one port over another by regulations to be made. Thus we commit to the discretion of a board of physicians the power to make commercial regulations, applicable not only to the ports where they are called for owing to the absence now of effectual regulations, but applicable to all other ports as well. Thus we are spreading a drag-net of discretion over the whole commerce of the country and over every port and over every channel of commerce external and internal. The Senator says that he thinks that is wise. There we differ. I think it is unwise. I think it is unwise looking to the interests of commerce, and I think it is unwise looking to the one single object which this bill contemplates, to wit, fencing out imported pestilence.

Mr. WHYTE. Mr. President, I think the Senator from New York does not read this language certainly in the way that I read it, and if I have read it incorrectly I should be glad if he would explain it.

Mr. CONKLING. I read it just as you stated its effect a moment ago.

Mr. WHYTE. The language is:

All rules and regulations of State boards of health or sanitary associations recognized by this act or made in pursuance thereof.

Does that recognize all the existing regulations of the State board of New York?

Mr. CONKLING. If the Senator will go back to the operative word, which is in the preceding line, being the word "except," I answer, yes, because it reads that it shall be unlawful for any vessel "from any foreign port to enter any port of the United States except"—except what? Except she does so "in accordance with the provisions of this act, and all rules and regulations of State boards of health." Now, the Senator proposes to eliminate the words——

Mr. WHYTE. Will the Senator from New York read a little further?

Regulations of State boards of health or sanitary associations recognized by this act or made in pursuance thereof.

Those are the only New York regulations that are excepted.

Mr. CONKLING. Let me see if I am wrong.

Except in accordance with the provisions of this act, and all rules and regulations of State boards of health or sanitary associations recognized by this act.

Then comes not a copulative, but a disjunctive conjunction—

Or made in pursuance thereof.

Either one or the other; all the regulations, as the language now stands, extending protection and permission to vessels to come into a port, provided they are regulations of State boards of health or sanitary associations recognized by this act. Well, this act does recognize, I admit vaguely but generally, these various State institutions. Now the Senator proposes to strike it out, and when he has stricken it out what does he leave? He leaves only this permission to come in "in accordance with the provisions of this act;" and unless they come in in accordance with these provisions they cannot come in lawfully at all.

Mr. WHYTE. Now I ask my friend, the Senator from New York, whether he supposes under this act the regulations of the State board are protected in New York; whether there is not another section later in the act which authorizes this National Board of Health to report to the President that they do not think those regulations are proper, and whether the President cannot send an officer into the port of New York and take charge of it?

Mr. KERNAN. By looking at the third section my colleague will see that he is entirely right.

Mr. CONKLING. I agree with my colleague, and yet I confess that the Senator from Maryland has proposed a conundrum which I have been trying for a day or two to guess. I do not feel sure, taking all the provisions of this bill together, exactly what it does mean. Dealing with this one section, I think I know what it means, and I think the third section as my colleague suggests strengthens my construction; and yet I am bound to admit that when you take the bill as it stands altogether, exactly what it means in that regard, exactly where it would leave as it stands now this authority, I do not feel assured as I wish I did; but I do feel sure that the words which the Senator from Maryland now proposes to strike out are words in recognition of the authority, whatever it may be, that the bill intended to leave in the State authorities; and if these words do so tend, then if you strike them out you so far impair and abridge the State authority and its recognition here.

The Senator from Colorado [Mr. TELLER] points the remark I make when he asks me what is meant by the words "recognized by this act." I have been trying to find that out. My colleague finds some explanation of it in section 3, and so do I; but still after section 3 I should like to have some Senator state with precision, if he can, what is meant by "recognized by this act." I suppose it means all that vague and general recognition which comes from the fact that the act discloses a knowledge on the part of Congress that such things exist and does not proceed in so many words to overthrow them. I think that must be what "recognized by this act" means. That is very nebulous and foggy in my estimation; and I say that, I beg to repeat, without the slightest disrespect to the committee, because at all times I bear in mind the exceedingly per-

plexing, difficult task the committee has had, the task of doing something which I think little short of a miracle; that is, applying the commercial clause of the Constitution to the whole country for this purpose, without doing as much harm in one place as they seek to do good in another. That is the trouble about it. That is not the fault of the committee, and I humbly submit it is not the fault of the Constitution or its framers, because when they made a clause of the Constitution to regulate commerce they were not making a clause to enable Louisiana or New Orleans to establish a quarantine ground to shut out yellow fever. If they had been providing for that, they no doubt would have employed words adequate to that purpose; but they were dealing with national commerce, and therefore in two clauses they gave in one power to regulate commerce, and in another protected all the States against partiality, against inequality of provision, and declared that no preference should be given to one port over another by commercial regulation. The committee finds itself imprisoned by these provisions, and it has done as well as it could do, and I aim no criticism at its work which the committee had the power to avoid. I have only ventured to comment upon the predicament in which the committee found itself past its own power under the restriction of the Constitution, and I say that, aiming at the most laudable object, seeking to do a thing which every member of the Senate is as earnestly anxious to do as any other member can be, we are dealing with powers inapplicable to the purpose, and I am afraid that in the hope of benefiting portions of the country subject to these pestilential visitations we are going to subject the whole commerce of the country to the pragmatic ideas of gentlemen whom I wish to speak of with respect, and whom I treat with no disrespect when I say that commercial questions, the management of ships, and dealing with the various things which my friend from New Jersey opposite me [Mr. MCPHERSON] understands so much better than I do, they are not as familiar with such a task as men practically educated otherwise might be, eminent as no doubt they are in their profession, which is not the profession learned in these topics.

Mr. HOAR. I do not see how the third section can be construed except as an entire abrogation and overthrow of all State quarantine regulations whatever when the authority given by the third section is exercised. What does the bill go on to say? After the provisions of the first section which, so far as that goes, provide for the rules and regulations of State boards of health being enforced by the United States authority, the bill in the third section goes on to declare:

> And that such ports and places * * * as have no quarantine regulations * * * and at such ports and places * * * where quarantine regulations exist * * * which in the opinion of the National Board of Health are not sufficient.

In that case what is to be done? Having obtained the authority from the President, the Board of Health is to make—

> Such rules and regulations as are necessary to prevent the introduction of such diseases into the United States from foreign countries or into one State from another.

They are to do what is necessary to enact all the necessary regulation in the premises; and their regulations, if they have any authority at all, will have of course the authority of legislation by the United States upon that subject. Then the United States by its proper authority will have determined what are the necessary regulations; and that being the case, it must be the well-settled constitutional law upon the subject that such an exercise of United States authority is exclusive and not concurrent. I do not see how it can be claimed by any lawyer that when the authority given in the third section has once been executed there is any valid State quarantine regulation left coming from State authority. Can the Senator from Tennessee point to another case of a constitutional exercise of the authority of the United States over any subject where the United States has the power to legislate to make rules and regulations for the government of the conduct of the citizen or the person within its jurisdiction where, when the supreme authority has said this is the necessary regulation upon that subject, there is any State law left in force?

Mr. TELLER. Mr. President, the question seems to be whether the first section abrogates the State laws or recognizes them in the sixth and seventh lines. It seems to me that the amendment offered by the Senator from Maryland is a little too broad. If the Senator would strike out, commencing at the word "recognized," in the eighth line, to the word "thereof," in line 11, I think there would be some reason for doing so. The section provides that vessels shall not—

> Enter any port of the United States, except in accordance with the provisions of this act, and all rules and regulations of State boards of health or sanitary associations recognized by this act or made in pursuance thereof.

I do not understand whether we are to mean by that that the State regulations are recognized or whether such of them as are recognized shall be enforced. I think the words "recognized by this act or made in pursuance thereof" ought to go out and there ought to be other words inserted to show that it is the intention not to abrogate the State laws, for, as the Senator from Massachusetts said, the third section provides directly for the supremacy of the regulations adopted by this board. The National Board of Health shall co-operate with the State authorities and so far as it lawfully may shall aid them. So far as the State regulations do not come in conflict with the regulations laid down by the Board of Health they may aid them; but when they come in conflict with them they give way to the regulations made by the Board of Health. It does seem that the committee ought to be able, if such is the purpose of the committee, to show that nothing in this act shall abrogate or weaken or destroy in any way the State regulations or regulations made by any sanitary association in pursuance of a State law. That ought to be stated in the bill so that there can be no question about it at all.

Mr. PADDOCK. Does the Senator assume that the State quarantine regulations would be abrogated by the enforcement of this act where they do exist and where they are efficient?

Mr. TELLER. I do not assume very much about it, for I cannot find out.

Mr. PADDOCK. Do I understand the Senator to assume so much as that?

Mr. TELLER. I judge that the State regulations will be subverted by this act; but it may be that I am wrong.

Mr. PADDOCK. It strikes me that the fundamental theory of the bill all the way through is that where there are efficient quarantine regulations by State law this proposed act will be wholly inoperative and cannot be enforced. As I understand the bill, it proceeds upon the theory that where, under State law, there is an efficient quarantine and the regulations are satisfactory, it is not possible for the United States authority to intervene at all. I would suggest to the Senator from Maryland that if in place of the word "and" in the seventh line there should be inserted the disjunctive conjunction "or," it might accommodate the difference between him and the Senator from New York. It would then read, "or all rules and regulations of State boards of health," &c.

As I understand the bill, it is only designed to give authority to the National Government to intervene where a State is powerless to enforce quarantine regulations or neglects to do it efficiently, as was the case in Louisiana last year, to which cause is traceable directly all the troubles and all the devastations of yellow fever in 1878. Only in such a case as that is it contemplated by the bill that the national authority shall intervene at all. Taking the whole bill together and taking that theory as the fundamental underlying theory of the whole bill, I do not see how any other interpretation can be put upon it.

Mr. TELLER. It seems to me that a committee charged with the presentation of a bill of this kind ought to be able to draft it so that it can be understood by even common people like ourselves. The committee do not seem to know its meaning. They say that the general tenor of the bill seems to be in such a way. Why not put it then in direct words; why not say so in appropriate language?

Mr. PADDOCK. If the Senator is able to suggest more intelligible phraseology the committee I have no doubt will be glad to have him do it.

Mr. TELLER. I was not charged with the preparation of the bill.

Mr. PADDOCK. I was absent when the bill was considered in committee; but I am satisfied that the theory of the bill is as I have stated and that that is apparent in every line and section of the bill. The whole bill must be predicated upon that theory.

Mr. HOAR. I will venture to move, in the twenty-second line of the third section, to insert the word "additional" before "rules and regulations."

Mr. HARRIS. I suggest to the Senator from Massachusetts that the amendment proposed by the Senator from Maryland is still pending.

Mr. HOAR. This can be pending also.

Mr. HARRIS. Very well; then I have no objection to the Senator's suggestion.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Maryland, [Mr. WHYTE.]

Mr. CONKLING. Let us have the yeas and nays upon that.

The yeas and nays were ordered.

Mr. HARRIS. Before the vote is taken upon the amendment of the Senator from Maryland, I will move to strike out in line 8 of section 1, which is a part of the section that the Senator from Maryland proposes to strike out, the words "or sanitary associations."

Mr. CONKLING. Will not the Senator strike out also the words "recognized by this act?"

Mr. HARRIS. No, I do not think it would be proper to do that; but I was looking for a place to insert the more distinct language "which are recognized by this act." If there is any doubt about the fact that the quarantine regulations of the State are recognized by this act, as that is the intent of the bill, I am willing to state that as distinctly and as emphatically as language can.

Mr. CONKLING. If my honorable friend will allow me, I submit to him that his now proposed language "which are recognized by this act" would not effectuate his purpose. That would not be a substantive allegation. He should use the words "and the same are hereby recognized," or something of that sort.

Mr. HARRIS. The idea had just occurred to me suggested by the remarks of the Senator from Colorado, and at the moment that I got up to propose to amend the amendment of the Senator from Maryland I was looking for the proper place to insert language that would make that idea so distinct as that there would be no doubt about the fact that the quarantine rules and regulations of the State associations or boards were recognized.

Mr. CONKLING. If the Senator from Tennessee will give me his attention for one moment I think he will agree with me when I re-

peat the suggestion I made just now, namely, that striking out the words "recognized by this act" will more effectually answer his purpose. Let it read, "And all rules and regulations of State boards of health," discarding the words "or sanitary associations," if the Senator wishes. If the Senator strikes out the words "recognized by this act" I think he will see on a moment's reflection that he will effectuate his present purpose.

Mr. EATON. And strike out the words following, "or made in pursuance thereof."

Mr. CONKLING. Yes, and the words "or made in pursuance thereof," so as to read:

Except in accordance with the provisions of this act and all rules and regulations of State boards of health.

If you drop the words "or sanitary associations recognized by this act or made in pursuance thereof," why do you not have remaining the exact meaning which the Senator from Tennessee now avows?

Mr. HARRIS. I am inclined to think that the suggestion of the Senator from New York does accomplish the object that I suggested, and I will extend the amendment so as to strike out the seven words "or sanitary associations recognized by this act."

Mr. KERNAN. And also the words "or made in pursuance thereof."

Mr. HARRIS. No, because the third section provides for the making of certain rules and regulations.

Mr. CONKLING. That certainly is better. It will then, I submit, mean all that the Senator from Tennessee now intends it to mean.

Mr. HARRIS. The bill would then read:

And all rules and regulations of State boards of health or made in pursuance thereof.

I will also substitute for the word "thereof" the words "of this act."

Mr. BLAINE. Why not strike out the words "or made in pursuance thereof?"

Mr. TELLER. They ought to go out.

Mr. CONKLING. You do not want that.

Mr. HARRIS. It will be necessary to retain those words, modified as I have suggested.

Mr. TELLER. All of the eighth line ought to go out and the words "pursuance thereof" in the ninth line.

Mr. CONKLING. I wish the Senator from Tennessee would reflect a moment on the proposition to strike out those last words before he rejects it, for I think if he will he will agree that the clause answers his purpose without those words. This is now a prohibitory provision; it is not one giving power.

Mr. HARRIS. The third section gives power to the Board of Health to make rules and regulations where no rules and regulations exist.

Mr. CONKLING. That my friend has given in another part of the bill. This is merely prohibitory and it excepts from the prohibition vessels which enter according to the rules made by the States. Later on in the bill the Senator gives authority to the National Board to make rules and to enforce and assert those rules. But I beg the Senator to reflect if I am not right in the statement that in this prohibitory, restrictive provision, he simply at this moment wants to grant indulgence to vessels that come in under existing regulations of the States. He does not at this moment want to punish, but later on he provides for additional rules and he deals with those where he provides for them; but here I submit to him he does not need these words at all.

Mr. KERNAN. If the Senator from Tennessee will allow me just one moment, I will suggest to him that he strike out so as to leave in the words:

That it shall be unlawful for any merchant ship or vessel, from any foreign port where any contagious or infectious disease exists, to enter any port of the United States, except in accordance with the provisions of this act—

That covers all the rules that are provided in the third section—

and all rules and regulations of State boards of health.

Strike out the rest, and the Senator will have what he wants.

Mr. CONKLING. There is no doubt about it.

Mr. KERNAN. The language would then be in accordance with the rules provided in the third section.

Mr. HARRIS. Certainly, to leave in the words "or made in pursuance of this act" cannot injuriously affect the section. It may repeat or assert what is accomplished in the third section.

Mr. KERNAN. It will mean the same thing to strike out those words.

Mr. HARRIS. But I prefer to leave those words in; and my amendment would then make that part of the first section read in this way:

That it shall be unlawful for any merchant ship or vessel, &c., to enter any port of the United States except in accordance with the provisions of this act, and all rules and regulations of State boards of health or rules and regulations made in pursuance of this act.

Mr. PADDOCK. Would it not be better to use the disjunctive conjunction "or" instead of the copulative "and" before "rules," so as to read "or all rules," so that in the event of the State rules and regulations obtaining it would relate to those particularly?

Mr. HARRIS. My motion is to strike out the words "or sanitary associations recognized by this act or made in pursuance thereof" and to insert "or the rules and regulations made in pursuance of this act."

Mr. CONKLING. May we hear that part of the section read as it would then read?

The PRESIDING OFFICER. The Secretary will report the amendment as now offered by the Senator from Tennessee.

The CHIEF CLERK. It is proposed, in line 8 of section 1, after the word "health," to strike out the words "or sanitary associations recognized by this act or made in pursuance thereof" and insert "or rules and regulations made in pursuance of this act;" so as to read:

Except in accordance with the provisions of this act and all rules and regulations of State boards of health or rules and regulations made in pursuance of this act.

The PRESIDING OFFICER. The amendment of the Senator from Tennessee takes precedence of the amendment offered by the Senator from Maryland. The question is on the adoption of the amendment of the Senator from Tennessee.

Mr. WHYTE. I do not know that one vote is of much importance to the majority as it has been manifested in the previous votes on amendments to this bill. Nevertheless I should like to vote for the bill if it can be made agreeable to my views. I cannot vote for it if it makes it an offense against the laws of the United States to violate the laws of a State in these general words. I have no objection to voting for a portion of the amendment offered by the Senator from Tennessee, that part of it which makes certain offenses which are now State offenses, offenses against the laws of the United States, but I shall not agree in a law to say that a man shall be punished in a Federal court for the violation of an act which is denounced by State law.

Mr. LAMAR. I would ask the Senator from Maryland if it is not at this very time unlawful for a vessel to enter any port against the quarantine or health laws of the particular State?

Mr. WHYTE. Yes, Congress has recognized the State laws and enforced them, but not by penalties to be recovered in the courts of the United States. I am willing that Congress shall come to the aid of the State laws by sending medical officers abroad to inspect ships before they leave foreign ports or come into our State ports. I am perfectly willing to lend the aid, the great aid, of the United States to enforce the quarantine regulations of the States. I am ready to do that as far as it can go; but I am not willing to vote for a bill which punishes in a United States court an offense denounced by a State law. That is my trouble. I do not believe in commingling offenses against the State and punishing them in the United States courts with offenses against the United States and punishing them in the State courts. Offenses against the States should be punished in the State courts; offenses against the United States should be punished in the United States courts. You can punish a man for counterfeiting; there is a double offense.

The Senator from New York [Mr. CONKLING] complained yesterday of punishing a man in a United States court for an assault and battery committed against the laws of the State, and yet he will vote to-day to punish a man in the United States courts for violating the State laws in regard to the public health.

Mr. EATON. If he votes.

Mr. WHYTE. Then he is only making a Buncombe speech to kill the bill. If he is speaking against my amendment to load the bill down, then I can understand it; but I do not so take it. I know that the Senator from New York is too ingenuous for that. I know that he would not make an argument against me as if I were making a proposition that was not tenable, when he only wanted to load down the bill and make the bill thereafter more obnoxious than it would be if the amendment prevailed. I cannot believe that. I believe he does not see the thing to-day in the same light that he saw it yesterday; that it is not proper to-day to strike this out which holds a man accountable in a United States court for an offense committed against the State law, while yesterday it was not right when a man committed an assault and battery within the confines of a State, and punishable in the State courts, to punish him again in a United States court. Now, a man can be tried in a State court for counterfeiting. He can be tried for an offense at common law identical in its character with an offense denounced in a statute of the United States, and he can be tried in the United States court for the same offense. Why should not the master of a vessel be tried for an offense against the quarantine laws of a State in a State court, and be tried for an offense against the United States law in regard to quarantine in the United States courts? I do not see any reason why.

On the contrary, I am opposed to this intermingling of offenses against the State and offenses against the United States.

We have had enough of that confusion in the reconstruction acts, the enforcement acts, and the various acts of late years that have grown up in Congress as a part of the legislation of the country. Now let us get back to the old-fashioned rule of keeping offenses against the United States separate and distinct from offenses against the States. It can be done without difficulty, and why should we mingle them; why should we confuse them?

The Senator from Tennessee, or whoever drew the bill which he has in charge, has put in here a provision authorizing the National Board of Health to adopt as its own any regulations of the State boards of health. More than that, there is a power here which authorizes this National Board of Health to trample under foot any quarantine law or regulation of a State board of which they do not approve and substitute other regulations for them, and enforce upon the State board the execution of their laws or their regulations. Though the State board be conscious that in the past, like the State board of New

York, they have had good laws capable of keeping disease out of the city of New York, the bill proposes to tell them, "Notwithstanding your experience, notwithstanding the results of your past efforts, you shall change your law. If you do not change it and do not enforce our new law the President of the United States will send a quarantine officer into the port of New York, into the harbor of New York, to take possession of the quarantine of New York and enforce this United States law over the head of the State board of New York."

Then why should we make it penal in the eye of the United States to violate a State law when we have got the power if we choose to take possession of that State law and make it a part of the penal statute of the United States and make its violation punishable as an offense against the United States? Why should we say upon the face of a Federal law that an offense against a State law shall be punished in a United States court?

Mr. CONKLING. Mr. President, the honorable Senator from Maryland in jest or in earnest acquitted me of an intention to make what he called a Buncombe speech by disingenuously opposing an amendment I believed in. I infer he did this in jest, because he proceeded in an attempt to convict me of the inconsistency of advocating something yesterday which I oppose to-day. I know that the subtlety of wit is deemed one of its higher qualities, but the obscurity of the intention of the honorable Senator from Maryland baffles my understanding. I have been guilty, I think, of no inconsistency. I tried yesterday to state, as he has been able to-day so much better to state, the repugnance of attempting to punish under national authority the infraction of a State law. I do to-day maintain the same position. I agree with the Senator from Maryland; I would gladly borrow much said by him to enforce and express my conviction.

But if I understand the Senator, he finds some offense against logic in a supposed willingness of mine to tolerate the States in punishing counterfeiting and my unwillingness to approve this bill. Counterfeiting is forgery. One who makes or utters a counterfeit bill, a counterfeit bank-note, is a forger. One who makes a gold or silver or metallic token or device in the similitude and likeness of the coin of the realm, meaning to utter it, especially if he does utter it, commits forgery under the statutes of many States, and the States having such statutes enforce them in their courts.

The honorable Senator from Maryland finds, or thinks he finds, in that circumstance some analogy to this bill, and an analogy injurious to the position I attempted yesterday to state. Does he? I sent for a book which I have not had time to do more than open, as it came as he was taking his seat, in order that I might read in clearer language than I can employ the constitutional and statutory doctrine touching concurrent jurisdiction. There are several instances of jurisdiction concurrent with the national and the State courts. I shall not stop to try to remember them all. Several of them are very familiar. I will suppose that to-day in the city of Baltimore a homicide occurs within the curtilage of Fort McHenry. The question might present itself to the Senator, were he the attorney-general of Maryland, whether the man who committed that homicide was amenable to the laws of Maryland or to the laws of the United States. Fort McHenry is for this purpose within the jurisdiction exclusively of the nation. If the man who did the killing were in the land or naval forces of the United States, for an additional reason, one not pertinent here, he would clearly be amenable to the national or Federal jurisdiction. If he were not in the land or naval forces but was within the close of Fort McHenry, within its parapets or walls, or within the demarkation defining the limits of that fort, on other grounds and for other reasons the question would be whether the trial should take place in a national court and the indictment should be drawn under a statute of the United States, or whether the proceeding should take place in the forum of Maryland.

There would be a case practically of concurrent jurisdiction. If the grand jury of the courts of the United States took cognizance of the act and a bill was presented and a trial had in the national courts, that would end it, and under the statutes, if the jury should find a verdict of manslaughter, manslaughter in the third degree as it would be under the laws of New York if the death were occasioned in the heat of passion, *in furor brevis*, with a deadly weapon, and the sentence was five years' imprisonment, no lawyer would pretend for one moment that under the jurisdiction of the two powers, the State of Maryland and the nation, the other of these jurisdictions could proceed afterward to try this homicide and lay upon him a fresh punishment in the same measure or in a less measure or a greater measure.

So in the case of counterfeiting coin. If a man were found in Baltimore to-day passing, as dollars, trade-dollars or Bland dollars, metal tokens made of nickel and pewter, he could be indicted for counterfeiting in the courts of the United States. I presume he could be indicted in the courts of Maryland. I do not know what the statutes of Maryland in that regard are. The Senator from Maryland nods, and I infer the man could be indicted in Maryland. The question there practically would be which jurisdiction seized him first. If he were taken into custody by the officers of Maryland and indicted in Maryland, and he should sue out a *habeas corpus* and the sheriff of the county in which Baltimore is were to make return that he held this man under a bench warrant or under some mandate grounded upon the fact that the laws of Maryland had seized him as an offender, that would be a good return. All that is regulated by the statutes of the two jurisdictions.

Now, what has all that to do with the case before us? How does the Senator from Maryland find a conflict between such truths as these and the argument he himself has made, the same which I attempted yesterday to make? I am unable to see. The pending bill proposes that a man who has committed an offense against the laws of the State of New York shall remain, as he is now, amenable to those laws, but that separate and apart from that, no matter whether he has been punished under those laws or not, he may be seized under the laws of the United States, not for violating them, but for violating the statute of New York, tried in the national courts, visited with a punishment wholly different, and as it so happens in this bill, enormous as I think, but no matter, a punishment wholly different, and that as a part of the proceeding the property of somebody else shall be confiscated for his act.

That is the proposition presented in this bill. That is the proposition against which I argued. That, if I understand the Senator, is the position which he attacks; and I submit to him that it is rather far-fetched, far-fetched in respect of the question before us, and still farther fetched in respect of me, to go out and find that there are cases of homicide and cases of counterfeiting which possibly might be tried either in the State court or in the national court, under separate statutes respectively of these two jurisdictions, in all of which cases one single trial would exhaust the whole remedy and occupy the whole ground, being in that respect as distinguishable from the provision of this bill as the east is distinguishable from the west; being distinguishable also on other grounds.

Mr. President, I can assure the Senator that he was quite right when he absolved me from the suspicion of voting for amendments to load this measure, or making arguments to disparage it unjustly. Nothing of that sort enters my intention. On the contrary, the Senator from Maryland is not more ready, the Senator from Alabama nearer me, [Mr. MORGAN,] who signified the other day his ability and his independence in dealing with this measure when he stated very clearly the law as the law is, is no more ready, nor is the Senator from Tennessee, [Mr. HARRIS,] to vote for any well-directed measure aimed at yellow fever, or aimed at anything else which concerns the safety and prosperity of any portion of this country.

So true is that that I think I would vote for a measure which nobody has proposed, and which possibly might shock some of the friends of this measure. If I knew a State or several States unable to provide the means to establish quarantine grounds and health offices, willing to do as far forth as they were able, but needing the help of Congress, of the national purse, if I could find in the Constitution either under the power to make internal improvements, improvement of national harbors and channels of commerce, or under any other provision of the Constitution the warrant for doing it, I would vote for a bill granting aid to those States. I think the Senator from Alabama will agree with me that if such a power could be found in the Constitution so that we could consider it as a mere practical question, that would be a kind of aid much better adapted to the occasion and likely to be much more useful to the localities concerned, than such generality of legislation as this. I should expect with some confidence the aid of the honorable Senator from Alabama in perfecting and consummating such legislation, if he and I could find a provision of the Constitution under which we could proceed to do that.

Mr. MORGAN. I will say to the Senator from New York that I should have no difficulty at all in supporting a bill of that character, because I think that is the precise direction in which the assistance ought to be given, the Government aiding the States in carrying into effect their quarantine and sanitary laws.

Mr. CONKLING. I never heard such a suggestion from the Senator from Alabama before, and when I ascribed to him such a willingness it was on mere conjecture. I heard his statement some days ago of the law as he understands it on this subject. I thought it was a very clear and a very able statement; and, if the Senator will indulge me in saying it, he won my admiration by the statement knowing as I did that it cost him something, surrounded as he is at home by so much anxiety and solicitude on this subject, to stand up and maintain without fear or favor what he believed to be the constitutional doctrine on this regard. From his argument, I was led to suppose that he would give such concurrence as he has now signified in the suggestion I made. I have thought of it before, although I have not ventured to suggest it publicly before. I believe that if a committee would direct its attention to discover the instances, if there be instances, in which an exposed State is unable without aid to establish promptly the quarantine provisions, quarantine ground, the vessel or vessels, and make the arrangements needed, and would seek for the mode of lending assistance to that effort, it would be a proceeding in the right direction, practical certainly; and I am by no means sure, although not at this moment prepared to commit myself, certainly not in exact terms, as to the constitutional question, that the same power which has been customarily invoked to protect harbors, to improve harbors, would not cover the occasion. I am quite sure that the occasion would be more than covered by any constitutional power which can be stretched to authorize Congress to appropriate money to defend riparian owners and the owners of water front upon the harbor of New Orleans, for example, to defend their land against the erosion and encroachment of the tide. If any Senator will point out to me in the Constitution a provision under which we have a right to build sea-walls at the Battery in the city

of New York or on the banks of the river or the borders of the sea in Louisiana to prevent the sea from encroaching upon the property of individuals and washing it away, I will undertake to find in that same power authority enough to establish in the harbor of New Orleans, a building, a health office and the other provisions necessary, to see that the traffic which enters that port does not bring along with it and distribute over the country death-dealing germs of disease.

I do not know whether any attention has been given to exploring the permissions of the Constitution in that regard. I shall not dwell upon them, but I will venture the assertion in advance that if such a power does exist its application can be made immensely beneficial as compared with an attempt like this, as compared with an attempt to make a Procrustean bed for every State in the Union, to institute regulations for every port in every latitude, to govern by the same rules all the commerce that floats on the waters of Maine and all the flotillas of fruit-boats and lumber craft which enter the harbors of Florida.

No, Mr. President, whatever other shortcomings are to be confessed, I beg to deny my inconsistency in this regard. I agree with the Senator from Maryland that the attempt is unheard of until now to conjure up offenses to be visited by fine and imprisonment out of the statutes which the States choose to pass. The attempt is unheard of until now to visit those offenses with punishment by national law, and in a measure different from that imposed by the States. The attempt is unheard of until now to put twice in peril of life or limb those who violate the statutes of the States. The attempt is unheard of until now to make a fine denounced upon a culprit or a convict a lien not upon his property but upon the property of we know not whom—absentees as guiltless and as faultless as absentees can be. I will not add, because history will not permit me to add, that the attempt is unheard of to commit to another authority the power to make regulations and then punish their violations as infractions of law. I know that some acts of Congress have gone a great way in that direction. If the only criticism upon this bill was in that regard, that criticism could be answered by several precedents. We have in the revenue laws committed to the Secretary of the Treasury power to make regulations on certain points, and we have declared that the violation of those regulations should be tantamount to the violation of the statute itself. We went into a border country every time that such authority was asserted, but it may be too late to challenge it now.

I do not assign that as one of the grave objections to this bill; but referring without enumerating them again to the other points which I have mentioned, I do insist that they not only are objectionable but that they are novelties in the history of congressional legislation.

Mr. WHYTE. Mr. President, I am sorry the Senator from New York should have questioned my sincerity in saying that I did not believe he had made the speech yesterday which he did without feeling sincerely all that he said in that regard. It must have been because he had some doubts himself upon his own sincerity that it suggested itself to him that I had made the remark in jest. I was trying to show that his opposition to my amendment is entirely inconsistent with his argument yesterday. I maintain so still, notwithstanding all the sophistry with which he has indulged us in making his explanation. He argued yesterday upon this very clause, upon this very portion of the section to which I have referred, and against which my amendment is directed, that it was extraordinary in any person to prepare a bill of this character recognizing the rules and regulations of State laws or State boards of health created by State law, making the infraction of them an offense against the laws of the United States and punishing parties therefor in the courts of the United States. He made that very point yesterday, and when I propose to strike out that portion of the bill and leave the offenses which are to be punished only those offenses declared so by this bill or made so under the provisions of this bill, the Senator rises up and opposes that proposition and desires to keep in the bill the very clause which he denounced yesterday as extraordinary in the law. If that is not inconsistent, I do not know what is inconsistent. Let me read his language yesterday. After referring to this clause, he said:

> If they are competent, valid State statutes, then they are just like the statutes punishing forcible entry and detainer, punishing forgery, punishing assault and battery, punishing the obtaining of goods or money by false pretenses or false tokens, are they not? Legally and constitutionally speaking, are they not State statutes in each of the instances I have quoted, of equal authority, and of identical legal nature each with the other? Is it possible that by national statute you can punish a citizen of the State of New York for committing forgery in violation of a statute of New York, for engaging in riot in violation of a statute of New York, for doing any other harm to the statutes of the State of New York?

Yet this section undertakes to do that, and when I propose an amendment which relieves the section of the very objectionable part, the Senator from New York, rises and opposes it. He wants it kept in to-day though yesterday it made the bill ludicrous. I do not see why I should have received the censure of the Senator from New York, because in my innocence and simplicity I thought there was an inconsistency in arguing yesterday that it ought not to be in the law and in arguing to-day, "Do not strike it out of the law but keep it just where it is." It was an ugly feature yesterday, but to-day it is beautiful! To-day it adds symmetry to the measure; yesterday it was awkward in the measure!

Mr. President, I would not attribute any motive to the Senator from New York except that his argument was inconsistent. I thought probably the Senator's mind being constantly filled with great and important subjects, with high ambitions, splendid aspirations, with all those things which sometimes make a man forget to-day what he said yesterday, that the inconsistency grew out of the magnitude and multiform interests which constantly cluster in his mind. But when I find that the Senator censures me because of this, I am compelled to call his attention again to the fact that he did yesterday declaim against this bill because of the very clause which I now ask to strike out, so that we may not be guilty of the absurdity of punishing in the United States courts for an offense committed against a statute of a State—that is all, and I hope my honorable friend from New York will not think for a moment that I was jesting when I said his speech was a speech made through inconsistency and not through insincerity.

Mr. CONKLING. Mr. President, it is hardly worth while to prolong this; but the confession, so good for the soul, which the Senator from Maryland has made of his own simplicity, made too with "a smile that was childlike and bland," leads me to occupy the Senate for one moment while I pay a passing tribute to this childlike virtue which so justly he has ascribed to himself.

So unsophisticated is the honorable Senator from Maryland, so simple really has that Senator trained himself to be, that on this day he can see apparently no distinction between two things quite dissimilar from each other. His simplicity leads him to confound a mere recognition of the laws of a State with an attempt to punish by penal enactments of Congress a violation of those laws; and if the honorable Senator could erect a monument more towering and lasting than another to his excessive simplicity as a Senator and a lawyer, he certainly has raised that imposing and majestic shaft when he confesses that he does not know the difference between recognizing and leaving alone the laws of a State and taking them up and adopting them as if they had the force of national statutes and proceeding to beat with many stripes whoever violates them, and confiscate the property of somebody else. My distrust of all the other members of this body is such that I suspect there is no other lawyer in the Senate blessed with such simplicity as that. And I hope the honorable Senator from Maryland, guileless as he is, inexperienced as we know him to be, untaught in the sinuous and devious paths of the law and of human affairs, will nevertheless indulge himself in a contact with actual things sufficiently brusque and rugged to enable him to ascertain that there is a difference between saying in an act of Congress "We recognize and let alone the laws of the State, we do not meddle with them one way or the other," and an attempt to say "We will go into the State, we will visit with chastisement all the men who violate any of the State statutes, we will impose punishments of our own, and we will proceed to confiscate the property of people in general if we choose." I beg the Senator from Maryland to so far forego or permit to be interrupted the simplicity which he does not flatter himself unduly when he claims, to inform himself in this particular, and I say to him that in the very moment in which he allows himself to perceive this distinction, in that same moment he will regret that he has attributed to a brother Senator an inconsistency which has no existence in truth.

Mr. CALL. Mr. President, I beg leave to call the attention of the Senate to the decision in the case of Gibbons *vs.* Ogden, which seems to me to be a very clear answer to all the objections which in the arguments have been made on this subject:

> Inspection laws, quarantine laws, health laws of every description, as well as laws for regulating the internal commerce of a State, and those which respect turnpike roads, ferries, &c., are competent parts of this mass.
>
> No direct general power over these objects is granted to Congress; and, consequently, they remain subject to State legislation.

It will be borne in mind that this decision is referring to all the objections which are raised in the argument here to the enforcement of the State laws by congressional action. That is the specific point which has been raised in this argument. The court says:

> If the legislative power of the Union can reach them, it must be for national purposes; it must be where the power is expressly given for a special purpose, or is clearly incidental to some power which is expressly given. It is obvious, that the Government of the Union, in the exercise of its express powers, that, for example, of regulating commerce with foreign nations and among the States, may use means that may also be employed by a State, in the exercise of its acknowledged powers; that, for example, of regulating commerce within the States. If Congress license vessels to sail from one port to another, in the same State, the act is supposed to be, necessarily, incidental to the power expressly granted to Congress, and implies no claim of a direct power to regulate the purely internal commerce of a State, or to act directly on its system of police. So, if a State, in passing laws on subjects acknowledged to be within its control, and with a view to those subjects, shall adopt a measure of the same character with one which Congress may adopt, it does not derive its authority from the particular power which has been granted, but from some other, which remains with the State, and may be executed by the same mean. All experience shows, that the same measures, or measures scarcely distinguishable from each other, may flow from distinct powers; but this does not prove that the powers themselves are identical. Although the means used in their execution may sometimes approach each other so nearly as to be confounded, there are other situations in which they are sufficiently distinct to establish their individuality.
>
> In our complex system, presenting the rare and difficult scheme of one general government, whose action extends over the whole, but which possesses only certain enumerated powers; and of numerous State governments, which retain and exercise all powers not delegated to the Union, contests respecting power must arise. Were it even otherwise, the measures taken by the respective governments to execute their acknowledged powers, would often be of the same description,

and might, sometimes, interfere. This, however, does not prove that the one is exercising, or has a right to exercise, the powers of the other.

It was upon the authority of this decision thus exhaustively defining the operation of the national power and the State power, showing that under the authority to regulate commerce the National Government might by an act of Congress adopt the same measures as the State, and make the State quarantine or health law an act of Congress, regulating commerce, that the great commentator, Mr. Justice Story, used the language which I read yesterday and which still seems to me to cover the whole ground of the argument in this case. That language is as follows:

Congress may make that a regulation of commerce which a State may employ as a guard for its internal policy, or to preserve the public health or peace, or to promote its own peculiar interests.

As to the objection that has been made in the argument here today that this bill undertakes to make by congressional enactment a violation of a State law punishable in the courts of the United States, I take it that the answer to that proposition is exceedingly easy. Of course it is incompetent for the National Government by an act of Congress to make a State law penal in its courts, except that it may adopt, as the commentator, Mr. Story, says, any State law upon a subject which it has the power to legislate upon; and although terms of criticism might be made on the language of this bill in adopting the quarantine laws of the States, it surely would be competent (for Congress has the power to legislate on the subject) to make the State law operative and to enforce it. I say it is so expressly laid down in the decision from which I have read.

It seems to me that it is very important that some conclusion should be arrived at upon this bill, and I am indifferent whether it be done by an amendment that will declare that under the provisions of this law there shall be no second punishment or no second imposition of pains or penalties, or whether it is done by passing the bill as it stands; but I hope these objections will not be allowed to interfere with the passage of the bill. I do not see any reason why there may not be in this bill as in every other case an application of the law which forbids a man being subjected twice to a penalty for the same offense.

The distinguished Senator from New York admits that the revenue laws of this country do confer the very power which is objected to here upon the Secretary of the Treasury to make regulations and do make the violation of those regulations an offense punishable in the courts of the United States. The laws which we have been discussing here for the last two weeks, the laws relating to the elective franchise, do in distinct terms declare that a violation of the State law upon subjects in regard to which there is no act of Congress shall be punishable in the courts of the United States; and yet they are maintained upon the other side of the Chamber as laws that should be enforced and maintained.

The old act of Congress which declares that the laws of the different States prescribing rules of practice in the State courts should be enforced in the courts of the United States without specifying what those rules are, thus varying the procedure and practice according to the law of each different State, is another instance exactly in point.

I submit, therefore, Mr. President, that these objections do not attach. I have very great diffidence in presenting this view, but I submit that the authority of the case of Gibbons *vs.* Ogden is complete and covers all the points that have been raised here. It is to the effect that where a State has made a quarantine or health law the Congress of the United States may adopt and enforce that law by an act of Federal legislation.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Tennessee, [Mr. HARRIS.]

Mr. ALLISON. I should like to hear that amendment reported.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. The amendment is in line 8, section 1, to strike out the words "or sanitary associations recognized by this act or" and insert "all rules and regulations made in pursuance of this act;" and in line 9 to strike out "thereof" and insert "of this act;" so as to read:

Except in accordance with the provisions of this act, and all rules and regulations of State boards of health, and all rules and regulations made in pursuance of this act.

The amendment was agreed to.

The PRESIDING OFFICER. The question now recurs on the amendment of the Senator from Maryland, [Mr. WHYTE,] upon which the yeas and nays have been ordered.

Mr. EATON. Let it be reported.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. In line 7 of section 1 it is proposed to strike out all from the word "act" down to and including the word "act" in line 9, as follows:

And all rules and regulations of State boards of health and all rules and regulations made in pursuance of this act.

Mr. WHYTE. The amendment adopted by the Senate, proposed by the Senator from Tennessee, since I offered my amendment of course changes the character of my amendment, and therefore I shall change the amendment and shall ask a vote upon the amendment as now modified. The bill having been amended on line 8 and new words inserted by the amendment of the Senator from Tennessee, my amendment now will only be in reference to line 7, to strike out "and all rules and regulations of State boards of health," and then it will read:

Except in accordance with the provisions of this act and the rules and regulations made in pursuance of this act.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Maryland as modified.

Mr. TELLER. We do not want the yeas and nays on this.

The PRESIDING OFFICER. The Chair will regard the yeas and nays as not ordered on the amendment as now proposed.

The amendment was rejected.

Mr. HARRIS. In deference to the views of a number of Senators, I propose, in line 12 of section 1, to strike out the word "five," the last word in the line, and insert "one." This reduces the penalty from $5,000 to $1,000; and in the opinion of the committee a penalty of $1,000 will secure obedience to this law just as well as a penalty of $5,000. At the suggestion of several Senators I propose to so modify it.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Tennessee.

The amendment was agreed to.

Mr. TELLER. I move to strike out in the thirteenth line of the first section, commencing at the word "which," to and including the word "States," in the fifteenth line. This strikes out all of the section that makes this fine a lien upon the vessel.

The PRESIDING OFFICER. The amendment of the Senator from Colorado is to strike out the words which will be read.

The CHIEF CLERK. The words proposed to be stricken out are:

Which shall be a lien upon said vessel, to be recovered by proceedings in the proper district court of the United States.

The amendment was rejected.

Mr. HARRIS. In section 3, line 3, to conform to the amendment made to the first section, I move to strike out the words "and sanitary associations."

The amendment was agreed to.

Mr. EATON. I suggest to my friend from Tennessee that in the fifth line of that same section the words "and associations" should be stricken out.

Mr. HARRIS. In line 5, section 3, as suggested by the Senator from Connecticut, it would be advisable to strike out the words "and associations" after the word "boards." I make that motion.

The amendment was agreed to.

Mr. EDMUNDS. Mr. President, the first section as it now stands makes it unlawful for any vessel, &c., "to enter any port of the United States except in accordance with the provisions of this act, and all rules and regulations of State boards of health." The Senator from New York [Mr. CONKLING] reminds me that while I was absent on the service of the Senate upon a committee, those words also have been stricken out, and conformity to "this act" is required. That brings us then to the question what is conformity with this act.

Mr. ALLISON. Those words have not been struck out.

Mr. CONKLING. The words stricken out are these: "or sanitary associations recognized by this act or;" so that the bill now reads:

Except in accordance with the provisions of this act, and all rules and regulations of State boards of health, and all rules and regulations made in pursuance of this act.

Mr. WHYTE. I moved to strike that clause out, but the Senator from New York opposed it, and I got no support whatever. Those words remain.

Mr. EDMUNDS. Then I was right in my first point that I wished to call the attention of the Senate to, that this first section makes the rules and regulations of State boards of health the test of the right of any vessel to enter the United States. These rules and regulations are not merely those that already exist alone, but I think by any fair construction of the language they apply to any future rules or regulations that States may make. If it were the first case and applied only to existing rules and regulations, the propriety of this provision would depend upon our knowing precisely what the rules and regulations of all the State boards of health that border on the seaboard where vessels can enter are, because we are enacting for the purposes of penalties and punishments State regulations already existing into the law of the United States. That states it I think in the most favorable way to those who believe this bill is constitutional, because if you state it in the other way and the natural way it is merely a provision that the United States will punish any person who violates the law of a State. And yet on that point, when you take it under another and more definite provision of the Constitution than regulations of commerce, we are told by a majority of this Senate, if I can judge from indications and votes, that it is absolutely beyond the constitutional power of Congress to so far interfere with State regulations respecting the election of members of Congress as to punish the interference with any officer of the United States who stands by to observe and see that the election of a member of Congress is conducted in accordance with State law, that State law being made in pursuance of the express language not of the constitution of the State but of the United States, which declares that the States by force of the Constitution of the United States, and not by any other force, shall make and prescribe regulations for the election of members of Congress, and that Congress may at any time make similar regulations or alter those that the State has made.

Now, therefore, we have a case where the Constitution explicitly imposes upon the States the duty in the first instance of making regulations for the election of members of Congress, and in the same phrase and in the same breath says that Congress itself may put new regulations in their place or alter those that already exist. That Senators on the other side of the Chamber, speaking politically, all say, I believe, by their votes and some by their speeches, is an unconstitutional interference with the rights of the States. They contend that whatever Congress might do by an independent act of its own establishing the entire regulations to be exerted through officers of its own, so long as Congress allows the State regulations to stand it cannot provide for observing and testing the fidelity of State officers in conforming to those regulations, although the sole right of the State to make them and of the State officers to conform to them is derived from the Constitution of the United States itself. It imposes that duty upon the several States, because the several States without the Constitution of the United States would have no authority to elect members of Congress as the representatives of the people. The State constitutions could not have members of Congress because Congress itself does not exist by the State constitutions. And so the Constitution of the United States provided that there should be a Congress, that it should have members, and it commanded the States severally to make regulations respecting the election of such members, and at the same time, as I have said, it authorized Congress to control those regulations, to change them, and to see that the duty was performed. That, Senators say is unconstitutional, and a majority of this Chamber votes apparently that it is, because in voting for the repeal of these provisions that were proposed to be repealed in the bills that have passed this body, it has not been upon the ground that the regulations Congress made of observation and supervision were intrinsically wrong, for they are what every well-regulated State feels is necessary for its elections be they State or municipal. And yet when you turn over a few leaves in the Constitution of the United States and come to a provision which says that Congress may regulate commerce with foreign nations and among the several States, saying nothing whatever of the duties of States, imposing no duty upon them, granting no right to them, then it is said that it is perfectly constitutional to declare under that head that anybody who violates a regulation of a State concerning health (which the Constitution of the United States as it has been understood down to this time has always been supposed to leave to the States themselves just as the ordinary good order and police and conduct of its citizens were left to them) may be punished in the United States courts by a penalty, which necessarily implies dominion, power to make laws upon the subject. Here it is said you may declare that whoever violates the State health laws shall be punished by the laws of the United States.

I submit to Senators on the other side (the sincerity of whose views on the other question where the Constitution does speak to States and to Congress in respect of elections I do not impugn in the slightest degree) that if it will not do for Congress to interfere in that case, how can we stand upon this? We might stand upon the other, because to my mind the Constitution gives the power clearly, but here you go entirely at sea, and you say that whoever violates the laws of a State respecting health—to state it in the best way for those who maintain that side—shall be punished by the United States. Indeed the act itself reads that whoever violates the regulations of a State board of health, which may be a mere private corporation like the ten thousand corporations that under the operations of the laws of the States and their society are continually raised up and that are private corporations,—eleemosynary charitable corporations, health boards, and so forth, that have an independent corporate existence and who have a charter that the State cannot change unless it has reserved the power to change it when it granted the charter—whoever violates any such rules and regulations as those shall be punished by a law of the United States! I should like to have some Senator just discuss that point, not in reference to the good objects of this bill, because we all agree as to them, but in reference to the principle that is inherent in Congress declaring such a thing as that. If you may say that Congress may punish the violation of a health law of a State, how are you to say that Congress cannot punish by laws that it makes the infraction of any other law of a State, whatever it may be, as to assault and battery, theft, arson, murder, or anything else. By the laws of all the States the crimes that I have just mentioned, assault and battery, arson, murder are punished. They always have been. No State could consider itself civilized that did not provide for such punishment; every State has such laws; always has had, always will have. Now, take sundry of these States where unhappy conditions of things have existed, other States where unhappy conditions of things do continually exist from the nature of society; it is said in respect of a Southern State, for instance, that there have been political assaults and batteries, political arsons, political murders, that is to say infractions of other people's rights growing out of political motives of some kind or other; and one party in this country believes that the States by their means and their authorities, although the law is sufficient, will not execute that law; that the grand juries will not find bills; that the district attorneys will not file informations in cases where it may be proper; that petit juries will not convict; and the United States comes in with a law saying that whoever violates the State law in South Carolina, or Vermont, or Mississippi, or New York, or wherever it may be, (because that class of crimes exists in all the States, differing in degree, sometimes in a greater degree in one State and sometimes in another,) shall be punished under a law of the United States, and thereupon such a law being passed a man is tried for murder in Vermont and he gets off by the county jury; that under the constitution of Vermont must be the jury that is to try him—a jury of the county where the offense is committed, and the man is acquitted. Then the district attorney of the United States proceeds, or the grand jury in a case of murder under the Constitution finds a bill, against the same man, and he is tried over again. I put an extreme case that the man has once been tried and acquitted, and he is tried over again. What sort of a system of laws is that which you are getting up?

Suppose the other and the more common case looking at it from the eyes of what may be called political prejudice and speaking of it as a principle; suppose a majority of the people of this country in electing members of Congress and Senators by and by seem to think that in a certain portion of this Union protection to life and liberty is not adequately administered under the State laws, the State laws being as I say good enough on the face of them, as they are in all the States where they provide for the punishment of all these crimes; and we propose to pass a law declaring that whoever shall be guilty of violating the statutes of the State of Vermont or any other State by the crime of murder shall be indictable in the courts of the United States and punishable therefor; how many votes do you suppose in this body you could get on either side of the Chamber in any state of parties for it? It is plain you could not get any at all I think I am safe in saying, assuming to speak for my political associates in this Chamber, that it could not get a republican vote and I am safe I think in saying that it could not get a democratic vote. Why? Because every Senator would say "it is plainly unconstitutional; private murder is the thing that belongs to the States in respect of its punishment, and the administration of its laws." I am not that speaking of where a public officer engaged in exerting the powers of the laws of the United States is murdered, which may be another thing; I do not say whether it is or not. Everybody would say now the Constitution would not warrant that kind of legislation.

Now here is a provision to preserve the health of the people of the United States, which is merely another way of preserving the lives of the people of the United States, one means of preserving their lives. In the case of murder that I have spoken of, you preserve the lives of the people of the United States against violence by their fellow-men; in respect of health you preserve the people of the United States against death from the spread of contagious diseases. Where is the difference in principle in respect of the power of Congress to say that you will punish the violation of a State law? I should like to hear somebody argue that question so that I can understand it, speaking as I am trying to do right to the point, where we get the constitutional authority to do it. When I say that, I beg everybody to understand that I am not speaking against the motive of this bill, quite the reverse, for I think I sympathize with the motive quite as much as anybody can.

Mr. LAMAR. I desire to ask the honorable Senator one question, not with reference to the election laws, which he has mixed up with this subject, nor with the purpose of criticising the analogy he has drawn, but to learn whether the Senator is to be understood as denying the constitutional power of Congress to affix a penalty to the violation of a State law under any circumstances whatever?

Mr. EDMUNDS. I cannot think of any case at this moment; there may be some that the Senator can suggest; but it appears to me to be contrary to the whole theory of this Government that it is competent for the United States to affix a penalty for the violation of a State law just as much as I should say it was entirely incompetent for a State to affix a penalty for the violation of a law of the United States.

Mr. HOAR. It is a delegation of the law-making power to State Legislatures.

Mr. LAMAR. I am supposing a case in which the Congress of the United States and a State Legislature have concurring jurisdiction. The question that I put is whether, in such case, Congress may adopt a State law or the law in a State as its own, and affix a penalty to it to be enforced through the Federal court.

Mr. EDMUNDS. That depends upon what the Senator from Mississippi means by "adopt." I do not by any means deny, because everybody who knows anything of law or history would know it was a denial against the repeated decisions of the Supreme Court, that the Congress of the United States in cases of concurrent jurisdiction—and there are some cases of that kind, I have never heard that health was one before, but passing that and coming right to the point——

Mr. LAMAR. I am not speaking about the question of the application.

Mr. EDMUNDS. In cases of concurrent jurisdiction each power exerting that jurisdiction may undoubtedly affix penalties for violation of what it says shall not be done. Take the case of counterfeiting. The Constitution of the United States says——

Mr. LAMAR. I can suggest a case.

Mr. EDMUNDS. The Senator will pardon me one moment until I answer his present suggestion and then I shall be glad to hear him. Take the case of counterfeiting. The Constitution of the United States authorizes Congress to punish counterfeiting of the coin &c. of the United States. States have made provisions in their laws of

the same kind, not saying that anybody who violates the act of Congress against counterfeiting shall be punished, but saying that anybody who commits the act of counterfeiting by forging the coin or securities of the United States and trying to defraud the people of that State by putting them off shall be punished; and the courts have said that that is a case of concurrent jurisdiction, that each State having supreme and sovereign dominion over the conduct of its own citizens is not limited in the exercise of that dominion by the fact that there is another power that has a similar dominion in that particular case over citizens of that other power, that is to say over citizens of the United States; and therefore the citizen is amenable to two jurisdictions; either may command him not to do a particular act, but each commands him in its own right, speaking directly to the fact of what he is to do, and not in reference to the laws of the other at all. In that instance it is clear, according to the decided cases, and I think according to the philosophy of this singular Government which we have, that each sovereignty may exert itself according to its own notions of what is fit and reasonable against the same man for the same act, and that the man may be punished twice for precisely the same act; he may suffer double penalties. Of course in a case of capital punishment it would be somewhat difficult for the power that came in second to do any particular harm to the culprit. Now I will hear my honorable friend.

Mr. LAMAR. I think the Senator has not exactly, owing to my own want of clearness in stating my question, apprehended the point of it. It is whether Congress has, under no circumstances, the constitutional power to enforce the provisions of a State law, not as a State law, but adopting it, or, if the Senator does not like that term, enacting it as a Federal law operating within the State. I will give an illustration. Does the Senator admit that it is now unlawful for any ship to enter into any port of the United States in any State against the quarantine laws or health laws of that State? Is it unlawful or not? Is it not against the existing law of the United States for a ship to enter a port in any State against the quarantine laws of that State?

Mr. EDMUNDS. If my honorable friend has the statute which says that, I should like to hear it.

Mr. LAMAR. The statute of 1799 provides:

> The quarantine and other restraints established by the health laws of any State respecting any vessels arriving in or bound to any port or district thereof shall be duly observed by the officers of the customs revenue of the United States, &c.

And it further directs these persons and the military officers in command of any fort or station upon the sea-coast to aid in the execution of these laws to the extent of their powers.

Now this is a case in which the Congress of the United States has designated certain State laws to be not only observed by Federal officers, but also to be to a certain extent enforced by Federal officers and agents. The statutes of these States are here enforced by the national authority upon its own officers.

Mr. EDMUNDS. Yes, Mr. President, that was a statute that I was not altogether ignorant of; but I do not see its analogy to this, which is probably my misfortune.

The State laws, consistently with the Constitution of the United States and independent of it, and in a respect where the Constitution of the United States does not touch the sovereignty of the State, and in regard to which the sovereignty of the State was never in any degree surrendered, may provide, as they do provide in many States, for the preservation of the health of the citizens of the State. That being the state of the constitutional law, Congress having no power to interfere with the health laws of the State, and the State having health laws, but Congress having the right to regulate commerce, that is, the introduction from foreign countries in the point that I am now speaking of,—of course I am not giving a complete definition—of everything that falls under the head of commerce, which relates to the trade of the United States, including passengers I admit, foreign intercourse,—Congress having that right and the State at the same time having the absolute and exclusive right to guard the health of the State, the two powers go on, and the act of 1799 said that in executing the laws of the United States relating to commerce the agents of the United States should not violate the law of the State which regulated its health.

Mr. LAMAR. Exactly. Now the Senator, I understand, construes the statute to mean an injuction upon the officers of the United States not to violate the law of the State in reference to health.

Mr. EDMUNDS. Yes, sir; that is it. In other words, the officers of one jurisdiction are commanded by that jurisdiction, in exercising their duties for one purpose, not to violate and invade another jurisdiction that belongs to another power. That is what the act of 1799 is; and it is a good act, and I think it is lawful.

Mr. LAMAR. I am not seeking to elicit the reasons of the Senator's opinion, but the opinion itself. I understand him now to state that the principle of the act of 1799 is that Congress made it unlawful for any United States officers or the masters or crews of revenue-cutters to violate the quarantine law of the State, in the cases stated, for the reasons he has given. If so, can it not enforce that law by prescribing a penalty for such violation upon its officers or other persons?

Mr. EDMUNDS. I do not doubt that it can, because the United States has supreme jurisdiction over the acts of its own officers, and when it regulates their official duties, it may prescribe a penalty for the violation of those duties. That is plain enough. But this act is not operating upon the officers of the United States; it is operating upon the citizens of States as well as citizens of the United States; and it is quite a different thing to say to an officer of the United States in doing your duties under your commercial powers you shall not infringe upon the jurisdiction of a State as to its health laws, and if you do, you shall be punished.

Mr. LAMAR. I make no issue with the Senator upon that distinction. It may be that the statute to which I referred went no further than the officers therein mentioned. The point I wished to call the Senator's attention to, and as to which I have got an answer such as I expected, is that Congress can affix a penalty to a violation of a State law.

Mr. EDMUNDS. By its own officer, because in violating that State law he has violated the law of the United States that prescribes the duty of the officer.

Mr. LAMAR. Precisely.

Mr. EDMUNDS. Now, when you come to a case of a person who is not an officer of the United States you are remitted, as it appears to me, although I rose to get information instead of giving it, to a different exercise of power.

Mr. LAMAR. The Senator will permit me. When it is not an officer of the United States but a citizen, the question then arises as to the jurisdiction of Congress over those citizens upon that subject-matter.

Mr. EDMUNDS. Yes.

Mr. LAMAR. And if the Senator is of the opinion that Congress has jurisdiction over that subject-matter and over those persons, the question then is whether Congress may not exercise its jurisdiction in this method we are now discussing.

Mr. EDMUNDS. The Senator has stated the position somewhat differently from what I did, which might make all the difference. The right of the United States to punish its own officers for doing anything that it forbids, it appears to me is plain, without any reference to the question as to whether it is a State law or anything else. But the right of the United States to punish its own citizens for anything that it forbids is a good deal limited by the Constitution of the United States, as the Senator has very often said and as his political friends have said and as I have said. We all say it. It is not a question of aggression in the political debates we have had when we understand each other and come right down to the point—not a question of aggression by the one power against the other; it is the question of trying to find the dividing line. That is all we want to do on either side, I hope; certainly it is all that I want to do. So the Senator at once will see that it is one thing for the United States having an officer charged with certain duties respecting the revenue which are perfectly and plainly constitutional, to say to him "in exercising those duties which we may lawfully impose upon you and grant to you, you must be careful not to invade the province of an independent and sovereign jurisdiction." Now, when you come to the case of a simple citizen, if we have any right to speak at all, it is because the Constitution of the United States has given it to us over him in his character as a citizen, and not in his character of an agent of the United States. There is the difference. If you say that you have a jurisdiction over him as a citizen in respect to violating the health laws of a State, then you must say that you have a jurisdiction over him as a citizen in respect to violating every other law of a State, so far as I can see; and if anybody can suggest a distinction, I should like to know what it is.

Mr. LAMAR. I will try to suggest one. It may not be a sound one.

Mr. EDMUNDS. I shall be very glad to hear it.

Mr. LAMAR. Over many subjects of legislation the States have exclusive jurisdiction. In fact, on all matters in reference to which the States have not delegated their powers to the General Government their jurisdiction is exclusive. Of course Congress could not by its legislation enforce the laws of a State upon such subjects; but upon matters over which Congress has a concurring jurisdiction and paramount jurisdiction, I think then, and in such case, it has the constitutional power to recognize and adopt the laws of a State and to enforce them by penalties upon individuals.

Mr. EDMUNDS. So it may. But when you come to enforcing these penalties upon individuals, they must be enforced, as the Senator says, in a respect as to which Congress has jurisdiction. Now, Congress has jurisdiction in respect to commerce. It has not jurisdiction, I will assume for the purpose of this argument, and I believe it besides, in respect to health. That is left, with all the other police powers, to the States. So far, therefore, as Congress is exercising the power to regulate commerce and trade, it may say to any man if you do a particular act, as if you bring an infected ship into a port of the United States, you shall be punished. It may be that Congress has that power, that it might fall within the regulation of commerce, perhaps, although philosophically considered it is not a matter of commerce, it is a matter of health. But if you have that power, then the question is whether, in order to apply your penalty, you must not say that if any man does bring an infected ship he shall be punished instead of saying that if any man brings a ship contrary to the law of a State he shall be punished. That is quite a different thing, as it appears to me.

Now, let me illustrate a little further, Mr. President. As is sug-

gested by my honorable friend from Massachusetts [Mr. HOAR] we have ministers under the Constitution of the United States accredited to foreign courts. May we not provide by law that any minister of the United States at a foreign court who should violate the laws of that foreign state to which he is accredited, should be punished under the laws of the United States? Who can question it, because the minister himself ordinarily cannot be punished by the laws of the country to which he is accredited. He is the nation, and his person is inviolable under the laws of nations. Does it follow, because the United States may be authorized to punish its own agents in a foreign country for a misbehavior against the laws of that country, that it might punish a citizen of the United States who was amenable to the foreign jurisdiction for the same offense? Suppose Congress should say that any citizen of the United States domiciled in Canada who should commit the crime of murder there should be punished by the United States, would anybody claim that that was a constitutional law? If so, I should like to hear somebody stand up and say it and give his reasons and the grounds on which he can stand for such an opinion. The citizen in that case is out of the jurisdiction entirely of the power that is undertaking to exercise dominion over him, although he is still a citizen. In that respect, he is within the jurisdiction of another power who is competent to deal with him. The agent of the United States that we call a minister is not out of the jurisdiction of the United States; he bears the United States with him, and he is not within the jurisdiction of the State to which he is accredited, in the general and public sense of that term. There have been exceptions which have led to wars it is true, but I am speaking of the general average of intelligent opinion.

There is the difficulty, and therefore I say, Mr. President, that, with entire sympathy, as of course everybody must have for this bill, it does appear to me that we are undertaking to strain the Constitution of the United States beyond what the most violent partisan when you apply the same principle to political questions has ever claimed that it could be strained. That is the thing that troubles me. I believe in national authority, and I believe, as was stated by the Senator from Maryland the other day, that the only national authority that exists is that which the Constitution of the United States has delegated, reposed in the National Government, and the Constitution in explicit terms declares that all the powers not delegated are reserved to the States or to the people, no matter which for this purpose. What I fear is that, in taking this step that we are all incited to by considerations which appeal in common to every part of the country,—the same considerations that led those parts of the country not afflicted a year or two ago with this terrible scourge to do all that they could in a friendly and fraternal way to mitigate the suffering in those parts,—the same sentiment is going to lead us by legislation to take a step that is destructive of the separate and independent and exclusive exertion of powers that under the Constitution and by it have been reserved to the respective States, and particularly in this form of declaring, for the first time I believe in the history of this country, that any person who violates a particular State law or State regulation shall be punished for that thing by the laws of the United States.

I think that would be a power which could hardly be maintained in a case in which the power of the United States to punish the act itself was absolutely clear. I think an act of Congress that should declare that any person who should violate the laws of the State of Vermont or any other of the States in respect of coin should be punished by the penalties prescribed by the State law, would not stand the test of judicial scrutiny, while an act of Congress that would punish the same man for the same act by declaring in terms that whoever counterfeited the coin of the United States should be punished would. There is to my mind a wide legal distinction; and yet here we declare on the subject of health that whoever violates a State law of health past, present, or future, shall be punished by force of this act. Even if we had the power to punish violations of common security regarding health by saying that whoever brought from one town in the State of Vermont to another town a person infected with yellow fever or with the cholera or with the small-pox should be punished; granted that we should have the power, (which I deny,) would such a bill as this be a proper exercise of authority? I do not admit by any means that we should have the power to say that whoever violated the laws of the State of Vermont respecting small-pox, yellow fever, or cholera should be punished. But here are two very different things as it appears to me, and I fear that Senators who incline to favor this bill from the motives that are common to us all, will find when they reflect upon it that they have taken a step which is far more fatal to the independence and sovereignty of the States that we all believe in in accordance with the Constitution, than any of the wildest political legislation that they have found so much fault with and that they so sincerely believe is entirely beyond our constitutional power.

Mr. President, the Senator from New York has kindly called my attention to the very words of the act of 1799 which I think will state as strongly as anything can the distinction that I have been trying to state. The object of that act was to do everything that Congress could to aid the States in the preservation of health. Now to what is it directed? To citizens? Not at all. It is directed to the exertion by officers of the United States of the powers that are intrusted to them as officers, and not otherwise. It is this:

> The quarantines and other restraints established by the health laws of any State, respecting any vessels arriving in, or bound to, any port or district thereof, shall be duly observed by the officers of the customs revenue of the United States, by the masters and crews of the several revenue-cutters, and by the military officers commanding in any fort or station upon the sea-coast;—

And so forth——

Mr. LAMAR. Read the next sentence.

Mr. EDMUNDS.

> And all such officers of the United States shall faithfully aid——

Mr. LAMAR. Go on.

Mr. EDMUNDS.

> Aid in the execution of such quarantines and health laws, according to their respective powers—

That is, so far as they have the power in doing their duty according to their powers—

> and within their respective precincts, and as they shall be directed, from time to time, by the Secretary of the Treasury.

There you will see, Mr. President, that the fathers in 1799 adopted the very distinction that I have endeavored so imperfectly to state, and that is that the agents and officers of the United States in respect of the exertion of the powers that they did have should do everything that they could to conform to and faithfully observe the regulations of an independent power that the States possessed in respect to their health.

Mr. LAMAR. And aid in their execution.

Mr. EDMUNDS. And aid in their execution just as under the Constitution the United States aids in the execution of the laws of a State where they are interfered with by domestic violence when the proper call is made upon the United States. In other words, it was an act of comity directing the officers of the United States, over whom we have jurisdiction, in the exertion of their duties, to aid the officers of the States in exerting their powers. That is comity. When you come to citizens it is quite a different thing.

Mr. HOAR. There is nothing there which requires the officers of the United States to aid in the enforcement of penal or criminal State legislation at all. The general statement that to the extent of their powers they shall aid in the enforcement of the health laws, would enable them to aid in the removal of persons without force to a hospital, to aid in the erection of a hospital, to aid in sweeping a street, or anything of that kind. That does not at all contemplate the action of the United States officer as a criminal or health officer, as a person enforcing criminal or penal laws on the citizens of the State.

Mr. EDMUNDS. That is plain enough. It is an act of harmony between two jurisdictions that exist for separate objects but which impinge upon each other on the sea-coast. The jurisdiction of the United States upon the sea-coast is a jurisdiction of commerce. It has officers to exert that jurisdiction. It commands its officers in exerting that jurisdiction to act in harmony with a similar but independent jurisdiction of the States for an entirely different purpose; and that is all there is to it.

Mr. LAMAR. I wish to disclaim having read from this statute for the purpose that the Senator from Massachusetts seems to think I read it for. I did not suppose that it contained any direction to the officers to enforce any penalty. That was not my purpose at all.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

Mr. BLAINE. I do not know that I get the exact scope of the argument of my friend from Vermont; and because of the respect I have for his legal opinion I should like to apprehend exactly whether he intended to convey to the Senate his doubt as to the power of the United States Government to enforce quarantine at all. Is that the way I shall understand the Senator?

Mr. EDMUNDS. I gave the best definition I could of the powers of the United States. I do not believe the powers of the United States extend to the health of citizens of the United States at all. They extend to the commerce of the United States. Whatever falls under the head of commerce, the United States may enforce. But granting that they may, this bill does not undertake, as it appears to me, to do that, but it undertakes to provide that whoever violates a law or regulation of a State, to put it in its best sense, shall be punished. That I do not believe they can do.

Mr. BLAINE. We do that in the election laws.

Mr. EDMUNDS. I deny the proposition; but if we do it in the election laws we do it because the Constitution of the United States in express terms says we may.

Mr. BLAINE. Then my friend acknowledges that we do it in the election laws?

Mr. EDMUNDS. Not that we do; I say "if we do."

Mr. BLAINE. We do punish them here in the section now before me.

Mr. EDMUNDS. Let us see if we do.

Mr. BLAINE. Section 2005 of the Revised Statutes provides:

> When, under the authority of the constitution or laws of any State, or the laws of any Territory, any act is required to be done as a prerequisite or qualification for voting, and by such constitution or laws persons or officers are charged with the duty of furnishing to citizens an opportunity to perform such prerequisite, or to become qualified to vote, every such person and officer shall give to all citizens of the United States the same and equal opportunity to perform such prerequisite, and to become qualified to vote.

If that is denied by the officer, the United States punishes him.

Mr. EDMUNDS. But the United States punish the act. They do not say that whoever violates a State law in that respect shall be punished; they say that whoever denies to a man the equality that

the Constitution from one point of view, from our point of view gives to him—not from the other point,—that man shall be punished for the act of denial.

Mr. BLAINE. Denial of what?

Mr. EDMUNDS. And that because the Constitution of the United States has said that there shall be this equality and that Congress may pass any law needful to enforce it.

Mr. BLAINE. But here is a section that does not have any reference to the Constitution of the United States. Of course I am in favor of this section, and so is the Senator from Vermont; but I do not understand how the Senator from Vermont can go so far in upholding this legislation and see no authority whatever for the other. We come to rather a strange contradiction. Our friends on the other side cannot see a particle of power for the clear exercise of a constitutional right to regulate the elections, which my friend so ably enforced, and when it comes to this law they see the power very clearly, and just at that point it becomes a little blind and obscure to the honorable Senator from Vermont.

Mr. EDMUNDS. Not in the least blind and obscure to me.

Mr. BLAINE. It is *mutatis mutandis*. Now, it seems to me very clear that on the basis of the necessity of the case this power must exist in the United States Government. Take the great city of New York; I should call it an imperial city and I venture as the Senator from Connecticut [Mr. EATON] is not in his seat and will not hold me to the definition. It is the great metropolis and emporium of the continent. Suppose New Jersey should fail and there is a want of co-operation and harmony between the two States. To be sure there naturally is not, they having a common interest; but suppose for any cause New Jersey should utterly fail to aid New York and should do the things which would be offensive to the health of the city of New York or injurious to it and refuse to do those things which were needful for it, because New York has no jurisdiction, what would my honorable friend say then? That New York, the chief commercial port of the nation, was bound to suffer because New Jersey just on the shore a mile off would not do the things which she ought to do and would persist in doing the things she ought not to do, "and there is no health in her," as the Senator from Massachusetts remarks, to carry out the liturgy—where is there an exercise of the national power that comes in so essential as just at that point.

It was complained by the honorable Senator from Louisiana, [Mr. KELLOGG,] and I believe with some show of truth, that a good deal of the great peril and suffering from yellow fever last year came from the relaxation in Louisiana of the needful restrictions that had been placed there. Suppose the entire health of the Mississippi Valley required restrictions at the mouth of the Mississippi which Louisiana did not wish to enforce, does my honorable friend from Vermont say the power does not exist in the National Government to do it? Are ten, fifteen, or twenty million people living in the Mississippi Valley to have their health imperiled and a pestilence impending because a State at the mouth of that river refuses or is unable or unwilling to do the things necessary? If there ever was an imaginable case where the power of the National Government came in, that is the case.

I have in my hand an authentic document showing the places in which the yellow fever has been in this country for the last two centuries. I believe since 1741 it has visited the city of New York sixty-three times; that it has been there and about its harbor that many times. I do not, of course, mean as an epidemic. It has not been frequently an epidemic there, but it was severely epidemic in some years. Let me just give the statistics, because they are instructive.

In the year 1798 the deaths in New York City from yellow fever were two thousand and eighty. I do not at this moment recall what the population of the city of New York was in 1798, but it could not have been much over thirty thousand. Apply that proportion to its million population to-day, supposing the fever to rage with anything like that ferocity, and the deaths would be beyond anything we have ever known in the history of epidemics.

There is a general idea throughout the country with the present generation that this disease which we are now legislating about is something peculiar to the South. That is an egregious error. Right on the borders of my own State within the last seventy-five years, in the town of Portsmouth, New Hampshire, where no regulations that Maine could make would have the slightest possible effect for lack of jurisdiction, in what was then a small village there were one hundred deaths. During the war—and I want the honorable Senator from Vermont to give his attention to the point—during the war the yellow fever broke out at exactly the same spot, because a vessel from the naval fleet off the African coast came home to the Kittery navy-yard with it, and it broke out with virulence, and it was the United States authority that stepped in and used the most heroic effort and adopted the most heroic means, and was successful in suppressing and dispelling the disease after eighteen or twenty deaths; and no other party could have done it so promptly and efficiently, it seems to me.

Mr. PADDOCK. Will the Senator allow me to make a statement?

Mr. BLAINE. Certainly.

Mr. PADDOCK. I desire to state, to emphasize what the Senator from Maine has said, that the fact was developed in the investigation by the commission at New Orleans last winter that the officer in charge of the quarantine below that city appointed by the governor of the State—as he testified himself before the commission—had not seen a case of yellow fever before in twenty years; and the quarantine regulations superintended and carried on by that officer were a complete and entire failure.

Mr. BLAINE. There is another suggestion that occurs to my mind why this should be a power exercised by the national authority. The States that are on the coast-line do not embrace the whole country. There is a vast inland territory composed of as many States. With the rapid intercommunication we have by water and still more largely by rail, the States in the interior are just as liable to be visited by this plague if it once gets upon the coast. They do not in the nature of things have quarantine laws, but they are just as much interested in quarantine laws as the States that are compelled to enact them. Arkansas is just as much interested in the quarantine laws of Louisiana as Louisiana itself. Missouri is, and so are all the States in the interior. It is a matter of public and general health that no man can possibly set a limit to, no man can circumscribe it, and if it once enters within our gates no man can foresee the terrible development of it.

I do not know that all the provisions of this bill are precisely what they should be. I do not pretend to have given it any special examination myself or to be very competent to decide if I had; but I am very firmly persuaded that this is a power which the National Government ought to exercise, and it is directly in the line of the national power to do it and the national necessity to have it done.

Mr. EDMUNDS. Mr. President, it may be that this is a power that the National Government ought to exercise, but the first thing to be found out inasmuch as the National Government is a government of delegated powers would be whether that power had been delegated which ought to be exercised. There are a great many things that we think from time to time ought to be done that confessedly the Constitution has not authorized us to do. Now let us test it in this way which I think is a fair test and if it is not I hope somebody will point out the infirmity of it: If the United States has jurisdiction to enact laws of this character that we are now speaking of, it has jurisdiction to enact just such laws as it likes. It is not confined to the power of enacting a statute that requires everybody to obey the State law. If it has that power, it has the power because it is inherent in the United States. If it is inherent, it has the power to enact a mode that is entirely different from the State law and in conflict with it. Suppose, then, on the question of health the United States enacts one law as to the port of New York and all the other ports of the United States; the State of New York and all the other States that have ports enact a different law, the two laws standing entirely in conflict, the United States law saying that one thing may be done and another thing shall not, and the State law saying that the other thing shall be done and the first thing shall not, and then you go to the judicial courts; which law is to prevail?

Mr. BLAINE. The supreme law enacted by Congress.

Mr. EDMUNDS. The Senator from Maine says the supreme law enacted by Congress. If it is the supreme law, of course it will prevail; and if this act adopting the State law (to put it in the best way that the Senator from Mississippi did) is constitutional, then an act of Congress that repeals the State law and sets it aside is constitutional.

Mr. BLAINE. Undoubtedly.

Mr. EDMUNDS. Very well. Then you have got the proposition that Congress may regulate between every State and in every State and on all the sea-coast a code of health laws for the whole United States that will override and set aside and annul every State law. I deny the proposition. I assert that in my solemn belief the Constitution of the United States has reserved to the States a power that the judges of the Supreme Court have always heretofore recognized in terms as being exclusively with the States, the power to regulate the conduct of their own citizens in respect of health, as it has in almost all the other respects of personal conduct; and therefore if you take this step you must follow it up—my friend from Maine goes the whole figure—and say it is in the power of Congress to enact a code of health laws for the whole Union, in the States and out of them; and if there be a power to enact a code of health laws, why not laws respecting personal demeanor and every kind of law that respects personal conduct, because health is one of the common elements only, the preservation of personal life; that is all there is to it,—the good of society. If Congress has the power to do that, it has the power to do all the rest.

Mr. BLAINE. Under the clause as to regulating commerce between the States Congress has exercised powers directly looking to the public health, minutely directing the transportation of cattle, even entirely within one State. They have said how cattle shall be transported inside of Vermont, inside of Maine, inside of New York, if it be upon any line of railroad that forms part of a line leading into another State, and they have done that on the ground of the public health.

Mr. HARRIS. I would suggest to the Senator from Maine also that Congress has passed an act requiring the Secretary of the Treasury to make rules and regulations prohibiting the introduction or importation of adulterated drugs and medicines.

Mr. EDMUNDS. Yes, Mr. President, and as the Senator from New York [Mr. CONKLING] suggests, obscene literature is also regulated; playing-cards I believe are a non-importable thing. But the trouble is that my honorable friend from Maine and my honorable friend

from Tennessee do not attend to the distinction between the sovereign independence of these two jurisdictions for the objects to which they apply. So far as it does relate to commerce between the States as well as with foreign countries, the transportation of animals from State to State because they must always be in some State every moment of time—the moment they leave the border of one State they are in another and therefore they are always in a State,—there cannot be much doubt about the right of Congress to provide for that. But here you provide for a regulation of health *per se*. That has not anything to do with commerce in any proper sense of the term at all. The Senator from Mississippi puts it in the best possible way that it can be put. I admit, the strongest possible way, that this is only an adoption of State laws in order to get over the other difficulty that is suggested, and that it is just the same in legal effect as if Congress should here point out the specific acts that the State laws condemn and state them in this statute and say they are condemned. Now suppose Congress was to do that and taking the law of the State of New York, for instance, that every person infected with yellow fever or coming from a ship infected with yellow fever, when he has got within the jurisdiction of the United States shall be taken and carried to a hospital and restrained of his personal liberty; would that do? I do not think it would. If it would do, then you have an equal right to say—for the community on the whole is more interested in it—that every person found drunk should be picked up and carried to a hospital and held until he would disclose (as the State of Vermont provides that he shall in such a case) where he got his liquor.

Mr. BLAINE. That is not contagious.

Mr. EDMUNDS. I am afraid it is. I am afraid it is more contagious than the yellow fever. It depends more on good fellowship and social conditions than yellow fever does, and I think you can stamp out yellow fever a hundred times where you would fail to stamp out the use of liquor. So the difficulty all arises, I think, with my honorable friend from Maine, in confounding these two things, in running these separate and independent jurisdictions together when under the Constitution of the United States and the constitutions of the several States they may come up to a point of contact but they cannot cross the boundary of either, and coming to this point of contact the act of 1799 said that the officers and agents of the United States should act in comity and harmony with the officers of that independent power, just as if it were a foreign state, in preserving intact the laws of health.

Mr. CALL. Mr. President, I desire to say that in many respects I think the Senator from Vermont has made correct suggestions. I would not myself be willing by any vote of mine to recognize a power of legislation which was not conferred by the Constitution of the United States; and if I did not consider the case of Gibbons *vs.* Ogden as entirely covering the point contained in the first section of this bill, declaring that the Congress of the United States may adopt a quarantine regulation of a State and enforce it as a regulation of commerce, I do not see how I could vote for it. If that doctrine is not settled by that decision and made the law by the Constitution as thus finally interpreted, I have misunderstood the language of the Supreme Court. I think that result is very plainly deducible from the decision in Gibbons *vs.* Ogden, and that under it the provision in the first section of this bill which provides for a penalty upon any vessel violating this law and entering a port in violation of the quarantine laws of the State, is entirely consistent with the Constitution.

In regard to the analogy made by the Senator from Vermont of the election laws, I say that if there is any authority in the Constitution of the United States which enables Congress to pass those laws they could not be questioned in any respect; but the difference is this: the Supreme Court of the United States has decided the express point which the Senator has argued here in relation to the foreign commerce of this country that Congress may by law adopt the quarantine laws of the States in the different ports and enforce those laws; and it is not confined by the act of Congress to the mere personal aid of the officers, for if the United States can require their officers to aid in assisting the State laws they can also enforce them themselves. I rest the argument entirely on the principle that the United States may make a State quarantine law a regulation of commerce; and if that is not so, then the Supreme Court erred.

But I desire to say for myself that I would not in any respect by any vote of mine give a power over this subject which was not conferred by the Constitution. I will say further that if the decisions of the Supreme Court of the United States had not extended the admiralty jurisdiction, which means the jurisdiction and power of the United States over the great rivers of this country; if it had not been decided that the internal commerce was within the control of Congress by a long series of decisions, there might be some question on this subject; but by the interpretations of the Constitution given by the Supreme Court of the United States the power and jurisdiction of this Government has been extended over the great national highways, over the Mississippi River, over the great lakes, over all the internal commerce of the States, and the power of the United States to regulate and control that commerce has been asserted and maintained both in respect to persons and in respect to goods. It has been again and again affirmed by the supreme judicial tribunal of the country. It is therefore no longer a question of argument; and the learned and very powerful distinctions which have been drawn by the learned Senator from Vermont, which have impressed me greatly, are not open questions and cannot be now brought before the Senate or the country for their consideration.

If the Congress of the United States can pass laws regulating commerce upon the great lakes and upon all the rivers both as to goods and as to persons, regulating the entrance of ports at the different towns upon all the great rivers passing through different States; if it includes, as the case of Gibbons *vs.* Ogden asserts, persons as well as property and all vessels engaged in the carrying trade, then these are no longer propositions for us to consider.

I agree with the learned Senator that I would never cast a vote to authorize any tribunal of the United States to enforce any State law or to impose penalties for its violation. I certainly think with him that his argument is conclusive on that subject; and it is only in cases where the Constitution has given to Congress the power to legislate that it may adopt the State law or re-enact it. And even then I will agree with the learned Senator that it is a highly inexpedient mode of legislation to adopt by general terms the legislation of a State, although Congress may have that subject entirely within its power. But, sir, if it had not been an adjudicated matter, as I consider it, if the case of Gibbons *vs.* Ogden had not settled these points, especially in regard to the foreign commerce of the country, conclusively, I should think that there was great ground for weighing the opinions of the learned Senator which have been so forcibly and so admirably put before the Senate.

The PRESIDING OFFICER. The bill is still open to amendment in the Senate. If no amendment be offered, the question is, Shall the bill be engrossed and read the third time?

Mr. HOAR. What became of the amendment which I moved some time ago to the third section, to insert the word "additional" before "rules and regulations?" Was that adopted?

Mr. ALLISON. It shared the fate of all the other amendments.

Mr. HOAR. Has it been voted upon?

The PRESIDING OFFICER. The Chair understood the Senator from Massachusetts to say that he would offer it.

Mr. HOAR. I offered it.

The PRESIDING OFFICER. The Secretary did not understand that it was actually offered.

Mr. HOAR. It is of no consequence. It can be offered now.

The PRESIDING OFFICER. The Senator offers it now?

Mr. HOAR. Yes, sir.

The PRESIDING OFFICER. The amendment of the Senator from Massachusetts is, in line 22 of section 3, after the word "such," to insert "additional;" so as to read:

> The National Board of Health shall report the facts to the President of the United States, who shall, if, in his judgment, it is necessary and proper, order said Board of Health to make such additional rules and regulations as are necessary to prevent the introduction of such diseases into the United States, &c.

Mr. HARRIS. I have no objection to that amendment.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. CONKLING. Let us have the yeas and nays on the passage of the bill.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CONKLING, (when his name was called.) The Senator from Indiana [Mr. McDONALD] is unavoidably absent. He is in favor of this bill. If he be deemed paired upon this vote with the Senator from Wisconsin [Mr. CARPENTER] I shall feel at liberty to vote. If, on the contrary, some other Senator is paired with the Senator from Wisconsin, I am paired with the Senator from Indiana.

Mr. GARLAND. The Senator from Indiana [Mr. McDONALD] told me this morning that he would not be able to be in the Senate to-day and that the Senator from New York who now is on the floor would pair with him on the passage of this bill. He stated to me that he was paired with the Senator from Wisconsin [Mr. CARPENTER] upon all political questions. He did not regard this as a political question.

Mr. CONKLING. I do not so regard it. Therefore I shall deem myself paired with the Senator from Indiana although I understood from the Senator from Wisconsin before he went away that he deemed himself paired with the Senator from Indiana upon all questions on which they would vote on opposite sides; and knowing the views of the Senator from Wisconsin as far as I do, upon the constitutional questions involved in this bill, I have very little doubt that he would vote against it; but I will consider myself paired with the Senator from Indiana.

Mr. DAWES, (when his name was called.) I am paired on this bill with the Senator from Connecticut, [Mr. PLATT,] who is temporarily absent from the Senate Chamber. If he were present, I should vote "nay" and he would vote "yea."

Mr. EDMUNDS, (when his name was called.) I believe I am paired with the Senator from Michigan [Mr. FERRY] on this question. If he were present, I should vote "nay."

Mr. FARLEY, (when his name was called.) I am paired upon all political questions with the Senator from Nevada, [Mr. JONES.] I do not regard the consideration of this bill as coming within the list of political matters, and I shall vote "yea."

The roll-call was concluded.

Mr. PENDLETON. I have very great doubts as to how I ought to

vote on this bill, but I solve the doubts in favor of a measure which is calculated to prevent disease. I vote "yea."

The result was announced—yeas 34, nays 12; as follows:

YEAS—34.

Bailey,	Farley,	Kellogg,	Slater,
Beck,	Garland,	Kirkwood,	Vance,
Blaine,	Gordon,	Lamar,	Vest,
Booth,	Hampton,	McMillan,	Voorhees,
Burnside,	Harris,	McPherson,	Walker,
Call,	Houston,	Maxey,	Williams,
Cameron of Pa.,	Ingalls,	Paddock,	Withers.
Cameron of Wis.,	Jonas,	Pendleton,	
Coke,	Jones of Florida,	Saunders,	

NAYS—12.

Allison,	Hoar,	Morgan,	Teller,
Chandler,	Kernan,	Morrill,	Whyte,
Eaton,	Logan,	Rollins,	Windom.

ABSENT—30.

Anthony,	Davis of Illinois,	Hereford,	Randolph,
Bayard,	Davis of W. Va.,	Hill of Colorado,	Ransom,
Bell,	Dawes,	Hill of Georgia,	Saulsbury,
Bruce,	Edmunds,	Johnston,	Sharon,
Butler,	Ferry,	Jones of Nevada,	Thurman,
Carpenter,	Groome,	McDonald,	Wallace.
Cockrell,	Grover,	Platt,	
Conkling,	Hamlin,	Plumb,	

So the bill was passed.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. PENDLETON, it was

Ordered, That the petition of John C. Landreau and accompanying papers be taken from the files and referred to the Committee on Foreign Relations.

PRINTING OF A COMMUNICATION.

On motion of Mr. MORRILL, it was

Ordered, That the letter of the Secretary of the Treasury transmitting information in relation to an increase of the appropriation for salaries and expenses of collectors of internal revenue, with a view to the more effectual suppression of the illicit distillation of spirits, submitted to the Senate on the 13th instant, be printed.

ADJOURNMENT TO MONDAY.

On motion of Mr. WHYTE, it was

Ordered, That when the Senate adjourns to-day it be to meet on Monday next.

TRANSPORTATION OF ANIMALS.

Mr. McPHERSON. I move that the Senate proceed to the consideration of the bill (S. No. 206) relative to the transportation of animals, which was reported yesterday from the Committee on Commerce.

The motion was agreed to.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole.

Mr. BURNSIDE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty minutes spent in executive session the doors were reopened, and (at four o'clock and fifty-seven minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *May* 23, 1879.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

ADULTERATION OF FOOD, ETC.

Mr. BEALE. I ask unanimous consent of the House to introduce a bill simply in order that it may be referred to the appropriate committee.

Mr. CONGER. Not to come back on a motion to reconsider.

The SPEAKER. The rule provides that no bill referred by unanimous consent shall come back.

Mr. CONGER. I thought that applied to Monday only.

The SPEAKER. It applies to all days; but where bills come from committees by unanimous consent it is necessary to make that stipulation.

Mr. BEALE, by unanimous consent, introduced a bill (H. R. No. 2014) to provide for the welfare of the people in preventing the adulteration of articles of food and drink; which was read a first and second time, referred to the Committee on Manufactures, and ordered to be printed.

JENNIE K. MOORE.

Mr. WILSON. As I was not here on the last bill day I ask unanimous consent to offer some bills and resolutions.

There was no objection.

Mr. WILSON, by unanimous consent, introduced a bill (H. R. No. 2015) for the relief of Jennie K. Moore; which was read a first and second time, and referred to the Committee of Claims.

SOUTHERN POSTAL AND COMMERCIAL ROUTE.

Mr. WILSON (by request) also, by unanimous consent, introduced a joint resolution (H. R. No. 73) providing for survey and report under the supervision of the War Department of the best route for postal and commercial purposes from western point of railroad termination in Texas to the Gulf of California; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

CURRENCY AND FINANCE.

Mr. WILSON also, by unanimous consent, presented resolutions of the Ætna Grange, No. 180, Lewis County, West Virginia, relating to the subjects of currency and finance; which were referred to the Committee of Ways and Means.

INTERNAL-REVENUE LAWS.

Mr. WILSON also, by unanimous consent, presented a resolution and letter of the State Grange of West Virginia, asking a modification of internal-revenue laws; which were referred to the Committee of Ways and Means.

ARMS FOR THE ARMY AND MILITIA.

Mr. WILSON also, by unanimous consent, submitted a resolution of inquiry as to the quality and cost of arms for the Army and militia; which was referred to the Committee on Military Affairs.

TRUST FUNDS IN TREASURY DEPARTMENT.

Mr. WILSON. I send to the desk another resolution and ask its present consideration. I think every gentleman will agree to it.

The Clerk read as follows:

Resolved by the House of Representatives, That the honorable Secretary of the Treasury be, and he is hereby, requested to furnish to this House, at as early a day as practicable, a specified enumeration of the different trust funds in charge of himself, as Secretary, and of the Treasury Department, or any officer thereof, stating the original amount of each fund, when and on what account it was deposited, and how from time to time it was invested, together with the amount of interest earned or added, and such details not herein mentioned as will contribute to an understanding of the past and present conditions of said funds.

Mr. CONGER. What is the object of the gentleman from West Virginia in presenting this resolution?

Mr. WILSON. The object is to ascertain the state of the trust funds in the Treasury Department.

Mr. CONGER. I understand that. Does the gentleman present it for reference or for passage?

Mr. WILSON. I ask for its present consideration.

Mr. CONGER. If the House is prepared to furnish more clerks in the Department the resolution might be agreed to. If not, I must object to it.

SWAMP LANDS IN HUMBOLDT COUNTY, IOWA.

Mr. CARPENTER, by unanimous consent, introduced a bill (H. R. No. 2016) to ratify and confirm an appropriation made by the county of Humboldt, in the State of Iowa, of the swamp and overflowed lands situated within the boundaries of said county to aid in the construction of a railroad in said county; which was read a first and second time, referred to the Committee on Railroads and Canals, and ordered to be printed.

HERBERT S. JENKINS.

Mr. VALENTINE introduced a bill (H. R. No. 2017) for the relief of Herbert S. Jenkins, of Pawnee, Nebraska; which was read a first and second time, and referred to the Committee of Claims.

REPORTS ON LABOR IN EUROPE.

Mr. GOODE, by unanimous consent, submitted a concurrent resolution authorizing the printing of 15,000 copies of the consular reports prepared and submitted by the Secretary of State on the state of labor in Europe; which was referred to the Committee on Printing.

JAMES FLEMING.

Mr. DICK, by unanimous consent, introduced a bill (H. R. No. 2018) for the relief of James Fleming, of Crawford County, Pennsylvania, sergeant in Second United States Infantry of the war of 1812; which was read a first and second time, and referred to the Committee on Revolutionary Pensions.

ORDER OF BUSINESS.

Mr. TOWNSHEND, of Illinois. I ask unanimous consent to introduce a bill for reference.

Mr. CONGER. I call for the regular order.

Mr. TOWNSHEND, of Illinois. I only present the bill for reference.

Mr. CONGER. I object, unless I know what it is.

Mr. TOWNSHEND, of Illinois. Let the title be read.

Mr. CONGER. I object to the reading.

Mr. ATKINS. I ask unanimous consent of the House to allow me to report from the Committee on Appropriations the legislative, executive, and judicial appropriation bill, with Senate amendments.

There was no objection.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ATKINS, from the Committee on Appropriations, reported back the bill (H. R. No. 2) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes, with amendments by the Senate.

The SPEAKER. The Senate amendments will be read, and the gentleman from Tennessee will indicate what recommendation is made by the Committee on Appropriations.

Mr. ATKINS. Let the report of the Committee on Appropriations be read.

The SPEAKER. The report does not accompany the bill.

Mr. ATKINS. While the report is being found—I thought it was in the bill—if the House will indulge me, I will say a word or two of explanation in regard to the amendments. In the first place, the Committee on Appropriations instructed me to move a concurrence in all of the amendments of the Senate. It is hardly necessary that I should give the reasons for that course. They are apparent. Under the circumstances the committee thought it best that they should recommend to the House to concur in the amendments.

There are some of the amendments that the committee would not recommend the House to concur in ordinarily.

Mr. GARFIELD. Will the gentleman please state the general scope of the amendments?

Mr. ATKINS. Yes, sir. For instance, the committee would not recommend the House to concur in the amendments to the bill providing for the salaries of the officers and employés of the Senate at the same rates now fixed by law, being from 20 to 100 per cent. higher in some instances than the salaries of the officers of the House of the same grade.

The entire amount embraced in the amendments is $94,509 in the way of increase. Forty-five thousand four hundred odd dollars of that amount consists of the increased salaries of the employés and officers of the Senate. There is one item of $20,000 of this $94,000 for the diplomatic and consular service, which was dropped out of the last consular and diplomatic appropriation bill, which has usually been in the bill and which was left out intentionally, but the Senate has added it as an amendment, it being asked for by the State Department as necessary to the foreign service.

They have also given to themselves two additional annual clerks of committees, one for the Committee on the Post-Offices and Post-Roads and one for the Committee on Military Affairs. Heretofore the clerks of these committees have been per diem clerks. They have increased the contingent fund of the Senate $3,000; they have passed an amendment providing for an appropriation of $5,000 for the purchase of works of art for the Library of Congress; they have increased the salary of the First Assistant Postmaster-General from $3,500 to $4,000; they have increased the salary of the chief of the Bureau of Statistics from $2,400 to $3,600; they have increased the force in the Patent Office by fourteen copyists and ten laborers; they have reduced the salaries provided in the House bill of the chief clerk of the Land Office, the Second Assistant Postmaster-General's Office, and of the Pension Office from $2,250, as fixed by the House bill, down to the present law, which is $2,000; they have also added an amendment providing for the salary for an additional associate justice of the Supreme Court, amounting to $4,000. These are the money items embraced in the amendments.

Mr. DUNNELL. When the gentleman commenced he was not heard upon this side of the House. I do not myself understand whether the motion he made was a motion to concur in the amendments of the Senate or not.

Mr. ATKINS. I stated that I was instructed to make that motion.

Mr. CONGER. I desire to ask the gentleman one question, and it is whether the Senate has made any change or additions in any respect to what are known in the House as the political features of the bill?

Mr. ATKINS. No, sir.

Mr. CONGER. They have made no changes in any respect?

Mr. ATKINS. None whatever.

The amendments of the Senate were then read.

Mr. ATKINS. I move concurrence in the amendments of the Senate, and upon that motion I demand the previous question.

Mr. DUNNELL. I desire to ask the chairman of the Committee on Appropriations one question.

Mr. ATKINS. I will hear the question.

Mr. DUNNELL. It is, whether the disparity between the compensation of the employés of the House and Senate in this bill is greater than in the existing law?

Mr. ATKINS. It is not; it is on the same basis. With regard to that, I will state that the Committee on Appropriations do not desire to be understood, in recommending a concurrence in these amendments, that they concur in the present salaries of the employés and officers of the Senate; they do not wish to be considered as committed to that basis as a permanent precedent, but for obvious reasons they felt that it was not proper at this time to longer delay the passage of this bill by resisting the views of the Senate on this subject. At a proper time in the future this subject will be taken up and considered by the Committee on Appropriations and I trust will be acted upon by the House.

I am assured also that there is a great probability of a concurrence between the House and Senate on this subject. Already a resolution has been introduced in the Senate looking to the equalization and adjustment of the pay of the officers and employés respectively of the House and Senate.

Mr. STEVENSON. I desire to ask the gentleman whether the Senate adopted the amendment offered by the gentleman from Ohio [Mr. McMAHON] in regard to the payment of arrears of pensions?

Mr. ATKINS. They have adopted it.

Mr. COX. Do I understand that the Committee on Appropriations have reserved the right to pass upon the merits or demerits of any amendments made by the Senate, in which they have for the present recommended a concurrence?

Mr. ATKINS. I desired to be so understood; I tried to make that plain.

Mr. CONGER. The gentleman has nearly answered the inquiry I wish to make by what he has already said in reference to this action being considered as establishing no precedent for the future. I understand the gentleman to say now that, if the occasion should arise when the features of the Senate amendments to this bill to which he has referred shall again come before the House, the action of the House at this time in agreeing to the amendments of the Senate is not to be considered as binding for the future.

Mr. ATKINS. Of course not.

Mr. CONGER. I mean at this session of Congress.

Mr. ATKINS. That is the unanimous sentiment of the Committee on Appropriations.

Mr. McCOOK. Do I understand the gentleman from Tennessee [Mr. ATKINS] to say that, notwithstanding the Committee on Appropriations question the propriety of this increase made by the present economical and reform Senate, he reports the bill to the House and recommends concurrence in the amendments of the Senate?

Mr. ATKINS. The gentleman understands that I have made the motion to concur. He can place such construction upon that as he chooses. I do not know that the question of the economy of the Senate is involved at this time; there are other questions to be considered now besides that of economy. I now call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the amendments of the Senate were concurred in.

Mr. ATKINS moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHARLES OLIVIER DUCLOZEL.

The SPEAKER. The morning hour now begins at twenty minutes before one o'clock. The unfinished business of last Friday, pending at the close of the morning hour, is the bill reported from the Committee on Private Land Claims (H. R. No. 2004) to confirm the title of Charles Olivier Duclozel to certain lands in the State of Louisiana. A point of order was pending when this bill was last under consideration.

Mr. CONGER. I made the point of order on Friday last, and said then what I thought it desirable to say. I am glad that opportunity has been given the Speaker to examine this question more fully, and I suppose he has done so.

The SPEAKER. The Chair has examined the point of order and the facts in the case.

Mr. CONGER. I desire to say now, in addition to what I said the other day——

Mr. TOWNSHEND, of Illinois. I object to debate.

The SPEAKER. The gentleman has no right to object to remarks upon the point of order.

Mr. TOWNSHEND, of Illinois. The point of order has been decided.

The SPEAKER. The Chair has not decided the point of order. The Chair stated that he had examined the question. The gentleman from Michigan [Mr. CONGER] is entitled to the floor upon the point of order.

Mr. CONGER. I have examined the report of the committee but have not gone back and examined the laws referred to in that report, although on other occasions I have examined those laws and know what they are.

I feel satisfied from my reading of this report that the chain of title in this case from the Spanish government, I think it is, is imperfect by reason of the loss of title papers. If that be so, if the chain of evidence of title is incomplete, and a part of it necessary to show the title from either of the three governments in which the title of the soil was successively vested is gone, is lost, that may be unfortunate for the claimant, but it certainly leaves the property, so far as legal title is concerned, in the original holder.

Mr. BLOUNT. Will the gentleman allow me to ask him a question?

The SPEAKER. On the point of order?

Mr. BLOUNT. In regard to the facts the gentleman is stating.

Mr. CONGER. If he will allow me to take the report, a copy of which I see he has in his hand.

Mr. BLOUNT. I think the gentleman states too much when he says that a part of the evidence of title has been lost. There is no evidence that such papers ever existed at all. There is a defect in the chain of title, but that defect does not consist in a loss of papers.

The SPEAKER. The Chair thinks that is going into the merits of the case.

Mr. BLOUNT. The gentleman stated just now that the title was imperfect by the reason of the loss of papers.

The SPEAKER. The Chair thinks that statement was made in the last debate upon this subject.

Mr. BLOUNT. The report itself discloses the fact that the defect

of title does not consist of the loss of papers, but of inability to trace the chain of title.

Mr. CONGER. If the gentleman from Louisiana [Mr. ACKLEN] will allow me to take the paper which he showed me yesterday I will refer to that part of it upon which I base my remarks.

Mr. ACKLEN. Here is the paper.

Mr. CONGER, (examining the paper.) Instead of those facts to which I refer being contained in the report of the committee, they are contained in a letter from the Commissioner of the General Land Office of the United States to the Speaker of the House of Representatives, or rather to the Secretary of the Interior and by him submitted to the Speaker, dated June 3, 1874. In that letter the Commissioner says:

> The written title of evidence from the Spanish government upon which claim is based is alleged to be a grant made in 1775 to Barnard Danterive, the written evidence of which grant is now said to have been lost. The existence of such a grant, however, has not been proven, though it is evident that a large tract of land in the vicinity of the tract claimed by Duclozel was once in the possession of one Danterive.

Mr. BLOUNT. That is just what I stated.

Mr. CONGER. I now turn to the report of the committee. As I understand it, this is a simple question whether there is in the United States Government any interest whatever, either equitable or legal, reversionary or otherwise, in this land which the United States can by confirmation convey to anybody else. If there is, the bill is subject to the point of order.

Now, this report says that in the chain of title there are defects, but all such defects are prior to 1834. The report also says:

> The Commissioner of the General Land Office recommends that said title be not confirmed because there was not a complete chain of title from Danterive.

The most that is claimed in behalf of this bill is that the probabilities are so strong of there having been once a title that the United States ought to confirm it just as under the law if the evidence had been sufficient the grant would have been confirmed. I read from the report:

> Had the present claimant shown actual corporeal possession of the tract claimed, from the date of his purchase, 1836, it would, in my opinion, in connection with the documents filed, have given him an equitable claim upon Congress for relief.

Now, the legal title is in the United States; it never has passed from the United States. The legal title and a patent follow any admission of a claim to title. Now, if this Government confirms the title of this applicant, then a patent follows and the legal title is conveyed. I think it is plain that, whatever the equities may be, there is some title to be conveyed or sought to be conveyed or released from the United States. I take the report itself. It is evidence that the relief claimed is a release of any claim which the United States may equitably have *in presenti* or in reversion to this land, to be followed necessarily by a patent.

The SPEAKER. The Chair would be glad to hear the gentleman from West Virginia [Mr. MARTIN] on the particular point which is stated to be contained in the letter of the Commissioner of the General Land Office, written in 1874, wherein it is stated on behalf of the Government that there exists no proof of a grant from Spain to this individual in 1775.

Mr. MARTIN, of West Virginia. Mr. Speaker, the clause to which the gentleman refers as contained in that letter is not all that the letter contains. The Commissioner expressly says:

> Had the present claimant shown actual corporeal possession of the tract claimed, from the date of his purchase in 1836, it would, in my opinion, in connection with the documents filed, have given him an equitable claim upon Congress for relief, notwithstanding he had failed to complete all the links in his chain of title.

Now, the remark that he had failed to complete all the links in his chain of title is further explained in this way: it is shown in all these proceedings at the Land Office and in these letters that two title papers have been lost; that there was in fact, as I understand all this proof taken together, an original grant in 1775 by Spain to a man named Danterive of a parcel embracing as a part the land now in question. Every parcel of the original tract has been confirmed in the claimants except this little parcel now in controversy—a little more than one hundred acres.

Now I make this point: suppose that Spain had never ceded this territory to France, nor France to the United States; suppose further the fact to exist, which does exist, that two title papers connected with the original grant to Danterive have been lost. The Spanish government, upon these facts being shown, would confirm the title to this grantee; it could not do otherwise. The United States could take nothing that Spain had not to grant when it ceded the territory to France. France could not give to the United States what it did not have to grant; and the fact being shown that there was a grant, though the mere title papers had been lost, it would be incumbent on the Government of the United States to do what Spain would have done in the event of loss of title papers—to confirm the title in its own grantee. The Government of the United States has no claim to this tract of land.

The SPEAKER. It is plain to the mind of the Chair that under the rule he is not authorized to inquire into the motives which prompt the introduction of this class of legislation, nor into the purposes which it is expected to accomplish. He is confined in his examination to the face of the bill, and must rule only on the parliamentary law. In this instance, however, there is a dispute as to the facts. One set of facts alleged to be true would subject this bill to the point of order; if the other set of facts as alleged be true, then the bill is not subject to a point of order. It appears that the Spanish grant to this individual was made in 1775. The grant from Spain to France was, the Chair thinks, about 1802; but the grant from France to the United States, subject to the prior grant to this individual by Spain, was in 1803.

It is further stated in a letter written in 1874 by an officer of this Government, the Commissioner of the General Land Office, that there was then no proof of the existence of a grant from the Spanish government to this individual in 1775 as alleged. In view of the conflicting statements as to matters of fact, it being claimed on the one side that the United States has not now and never has had title of any sort to this land, the Chair of course feels in duty bound to conform his decision to the safe side and to regard as paramount the interests of the Government. He makes this decision with less reluctance as regards the individual claims involved, for the reason that no hardship can result from such a ruling upon this bill; because immediately after the morning hour to-day has expired the motion to go into Committee of the Whole for the consideration of the bill will be in order; and as the Chair is informed there is but one bill now pending in the committee. The Chair therefore, giving the benefit of the doubt to the Government, rules that the bill should be considered in the Committee of the Whole. It will be so referred.

COMMODORE J. W. A. NICHOLSON.

Mr. COX, from the Committee on Foreign Affairs, reported back without amendment, and with a favorable recommendation, the joint resolution (H. R. No. 70) authorizing Commodore J. W. A. Nicholson, United States Navy, to accept from his Catholic majesty the King of Spain the Grand Cross of Naval Merit.

The joint resolution was read. It authorizes J. W. A. Nicholson, of the United States Navy, to accept the Grand Cross of Naval Merit, with a white badge, tendered him by his Catholic majesty the King of Spain, as a mark of his majesty's appreciation of the services rendered to the officers and crew of the wrecked war-ship Pizarro, belonging to her Catholic majesty's navy.

Mr. DUNNELL. Is there a report accompanying this joint resolution?

Mr. COX. There is a report. It is a companion bill with that passed on the last private bill day in reference to services rendered by our naval vessels to the Spanish war-ship Pizarro when wrecked. It is a testimonial from Spain to our officers for their kindness and assistance. I ask the joint resolution be put on its passage.

Mr. CONGER. I ask the gentleman from New York, who is familiar with these ornamental things, to state to this House what the order or honor conferred consists of.

Mr. COX. It is a decoration.

The SPEAKER. The report will be read.

Mr. COX. The report is rather long, and I will state the facts in a few minutes. It is a simple decoration from the marine office in Madrid to those who assist ships which are wrecked on the sea. We have about the same thing in our Department of State where we give medals and chronometers from a general fund.

Mr. CONGER. That is satisfactory.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. COX moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. CONGER. Let the report be printed.

The SPEAKER. There being no objection the report will be printed in the RECORD.

The report is as follows:

STATEMENT OF COMMODORE NICHOLSON.

The Spanish man-of-war Pizarro on her voyage from Cuba to Spain foundered in mid-ocean. Her officers and crew were saved by a passing vessel with only the clothes they stood in, brought to the Delaware breakwater, and were thence, by order of the Treasury Department, despatched to this port by a revenue-cutter, where they arrived on the 21st of September. Several were quite sick and all were in a deplorable condition for want of clothing, &c.

By my orders, on their arrival, all, both officers and crew, were received on board of the flag-ship Colorado, and clothing and food were issued them and the sick sent to the naval hospital. I visited the ship in person and saw that they were properly cared for and were comfortable.

They remained on board from the 21st September until the 3d October, when, arrangements having been made by the Spanish government, they were sent to Cuba.

This prompt action of mine was subsequently approved by letter from the Navy Department, of which the following is a copy:

NAVY DEPARTMENT,
Washington, September 23, 1878.

SIR: Your telegram of the 21st instant, stating that at the request of the Spanish minister you have sent on board the receiving-ship Colorado the crew of the ship-wrecked Spanish man-of war Pizarro, and that you shall keep them till arrangements can be made for sending them to Spain, has been received. Your action is approved.

Very respectfully,

R. W. SHUFELDT,
Acting Secretary of the Navy.

Commodore J. W. A. NICHOLSON,
United States Navy, Commandant Navy-Yard, New York.

NAVY DEPARTMENT,
Washington, December 20, 1878.

SIR: I transmit herewith a copy of a letter from the honorable Secretary of State, dated the 4th instant, in reference to the services rendered by you to the officers and crew of the wrecked vessel Pizarro of His Catholic Majesty's navy.

Very respectfully,

R. W. THOMPSON,
Secretary of the Navy.

Commodore J. W. A. NICHOLSON,
Commandant Navy-Yard, New York.

DEPARTMENT OF STATE,
Washington, December 4, 1878.

SIR: I have the honor to inform you that a dispatch has been received from the minister of the United States at Madrid, alluding to the agreeable impression created there by the humanity shown in this country to the officers and crew of the wrecked Spanish vessel Pizarro, and conveying the desire of his Catholic Majesty to confer on Commodore Nicholson, commanding at the Brooklyn navy-yard, as a mark of his royal appreciation of the services rendered by that officer to his subjects on board that vessel, "the Grand Cross of Naval Merit, with a white badge."

Observing that the minister of the United States took occasion to explain to the Spanish minister of foreign affairs that no officer of the United States could accept such decorations without leave first granted by a special act of Congress,

I have the honor to be, sir, your obedient servant,

WM. M. EVARTS.

Hon. R. W. THOMPSON,
Secretary of the Navy.

MOTHER OF GENERAL W. A. C. RYAN.

Mr. COX. I am also directed by the same committee to report back favorably a joint resolution (H. R. No. 55) authorizing the payment of a portion of the Virginius indemnity fund to the mother of General W. A. C. Ryan.

The resolution, which was read, authorizes and directs the Secretary of State to pay to Mrs. Eliza Dunne, the mother of General W. A. C. Ryan, the *pro rata* of the indemnity fund paid by the Government of Spain, on account of the murder of the officers and crew of the steamer Virginius, at Santiago de Cuba, November 4, 1873, to which she would be entitled on account of the death of her son if the citizenship of the said General Ryan were clearly established.

Mr. CONGER. I ask for the reading of the accompanying report, and then I have a point of order which I desire to make on this bill.

Mr. COX. Let the report be read; but I will state to the gentleman from Michigan there is no difficulty about paying this money to the mother of General Ryan but one: since his death his final naturalization papers cannot be found. The Secretary of State recommends, inasmuch as they have found his declaration of intention, and as this fund was set apart for him in part *pro rata*, that the State Department be allowed to take the testimony on file as to his citizenship.

Mr. CONGER. Is there a wife, or are there other heirs?

Mr. COX. No wife or heirs. The mother of this man lives in Chicago in very needy circumstances. The money was set apart for him and the only difficulty is in establishing his final naturalization papers.

Mr. MAGINNIS. This man served bravely during the war.

Mr. ROBESON. If the gentleman from Michigan will permit me I will say a few words on this proposition. It is not known whether there is a wife or heirs and this bill only authorizes the mother to receive what she would have received provided he had been a citizen. If he had been a citizen her rights would have been settled as between her and the wife and heirs. This only puts her on that footing. If she is not entitled to anything she will not get anything.

Mr. COX. There is no doubt he was a citizen, for as the Delegate from Montana has stated he served in our Army valiantly.

Mr. ROBESON. It would give her no rights she would not have.

Mr. CONGER. My only purpose was to ascertain whether there were other persons whose interests ought to be properly considered.

Mr. COX. None at all. This sum is put down against the name of Ryan for his mother, and there only lacks this testimony as to citizenship.

Mr. SPRINGER. He came to this country when he was only fifteen years of age, served during the entire war as a private and officer of the United States Army, and then removed to Montana Territory and became a citizen and officer under the territorial government as the Delegate from that Territory well knows.

Mr. CONGER. His meritorious services, however, should not prevent, if he had a wife and children, our doing them justice.

Mr. SPRINGER. There is no wife or children.

Mr. SMITH, of Pennsylvania. Of course if the Government owes this money it ought to go to the proper party, and if there is a wife living, as to which my friend from New Jersey seems to have some doubt, that contingency should be provided for. It is barely possible if we pay now to this party we may be paying to the wrong party.

Mr. ROBESON. We do not pay to this party. We only say this party shall receive it provided she is entitled to it.

Mr. COX. There is no wife or child, and the name of General Ryan's mother is put down on the list.

Mr. CONGER. Let us have the report read.

The Clerk read as follows:

The Committee on Foreign Affairs, to whom was referred House joint resolution No. 55, "authorizing the payment of a portion of the Virginius indemnity fund to the mother of General W. A. C. Ryan," having had the same under consideration, beg leave to report the same back with a recommendation that it pass.

Your committee find that General Ryan was born in Canada in 1843, and became a resident of the State of New York at the age of fifteen years. His father died in Canada in 1851. His mother is a resident of the city of Chicago and a widow of advanced years, greatly in need of the relief which the passage of this joint resolution would afford her. Her son, General Ryan, entered the Union Army in June, 1862, as a private in Company G, One hundred and thirty-second Regiment New York Infantry. He was engaged in many of the hard-fought battles of the late war and was wounded several times, and, through several promotions for gallant conduct, was mustered out at the close of the war as captain of One hundred and ninety-second New York Volunteers, receiving an honorable discharge. He then went to Montana Territory, where he served as a grand juror in a United States court, and conducted himself in all respects as a citizen of the United States. He was one of the unfortunate victims of the massacre of the officers and crew of the steamer Virginius at Santiago de Cuba, November 4, 1873. The Government of the United States demanded an indemnity of the government of Spain on account of the massacre of American citizens on board the Virginius, which was afterward paid. The fund has been partially disbursed and is still held subject to the claims of the representatives of such American citizens as lost their lives at that time. The citizenship of General Ryan has not been proven by record evidence of his naturalization, for the reason that his surviving representatives do not know where to obtain such record evidence. But your committee are of the opinion that he was a citizen of the United States, and that as such his mother is entitled to receive the *pro rata* share to which she would be entitled if the record evidence of the fact of citizenship were supplied. They therefore recommend the passage of the accompanying joint resolution.

All of which is respectfully submitted.

Mr. COX. The passage of the joint resolution is recommended by the State Department. I ask that it be put upon its passage.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. COX moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LIEUTENANT Z. L. TANNER.

Mr. COX also, from the Committee on Foreign Affairs, reported back, with a favorable recommendation, the joint resolution (H. R. No. 60) authorizing Lieutenant Z. L. Tanner, of the United States Navy, to accept a pair of flower-vases and a lacquered box from the Japanese government.

The joint resolution was read. It authorizes Lieutenant Z. L. Tanner, of the United States Navy, to accept a pair of flower-vases and a lacquered box, presented to him by the Japanese government in acknowledgment of his services in rescuing four Japanese seamen from the foundered Japanese schooner Hisagoshi Maru, on the 19th day of January, 1877.

Mr. COX. This testimonial from the Japanese government was for the service of Lieutenant Tanner, of the United States Navy. When he was commander of the Pacific steamship City of Peking he rescued a number of Japanese seamen from a wreck in the Pacific Ocean in January, 1877. The government of Japan, following the example of other governments, has tendered a testimonial for this service. I have the papers here and ask that they be read. The first is a letter from the legation of Japan to the Secretary of State.

Several MEMBERS. Let them be printed in the RECORD.

Mr. COX. Very well. I ask that they be printed in the RECORD.

There was no objection.

Mr. CONGER. Has the gentleman from New York seen these flower-pots?

Mr. COX. I have not had that honor. When I find out where they are, I will tender to my friend from Michigan an invitation to come and see them.

The joint resolution was ordered to be engrossed and read a third time.

The question being taken on the passage of the joint resolution, there were ayes 120, noes not counted.

So the joint resolution was passed.

Mr. COX moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The papers ordered to be printed in the RECORD are as follows:

LEGATION OF JAPAN,
Washington, 22d 10th month, 11th year Meiji.

SIR: I have the honor to inform you that my government has instructed me to transmit its thanks through your Department to Lieutenant Z. L. Tanner, United States Navy, late commander of the Pacific Mail steamship City of Peking, for his services in rescuing four Japanese seamen from a wreck in the Pacific Ocean, in January, 1877.

In recognition of his services, a pair of flower vases and a lacquer box were sent directly to Lieutenant Tanner, through the Japanese consul in New York, and I cannot but hope that Congress will pass a resolution authorizing him to accept the presents.

I avail myself of this opportunity to renew to you the assurance of my high consideration.

YOSHIDA KIYONARI.

Hon. WILLIAM M. EVARTS,
Secretary of State.

NAVY DEPARTMENT,
Washington, December 15, 1877.

SIR: In reply to your request of the 1st instant you are informed that permission is granted you to apply to Congress for leave to accept a present from the Japanese government in acknowledgment of the service rendered by you in rescuing Japanese seamen from a wreck at sea.

Very respectfully,

R. W. THOMPSON,
Secretary of the Navy.

Lieutenant Z. L. TANNER,
United States Navy, San Francisco, California.

LEGATION OF JAPAN,
FOR THE UNITED STATES OF AMERICA,
Washington, D. C., October 21, 1878.

SIR: Your letter of the 21st of September, to Mr. Takaki, the Japanese consul at New York, has been referred to me by that gentleman. In view of the statement that you will accept the presents sent you by my government, through the consulate, "subject to the action of the United States Congress," I have deemed it proper to transmit a note on the subject to the Department of State.

I remain sir, with high regard, your obedient servant,

YOSHIDA KIYONARI,
Japanese Minister.

Lieutenant Z. L. TANNER,
United States Navy, Warsaw, Wyoming County, New York.

DEPARTMENT OF STATE,
Washington, October 28, 1878.

SIR: I have the honor to transmit herewith a copy of a note, date of the 22d instant, addressed to this Department by Mr. Yoshida Kiyonari, the minister of Japan accredited to this Government, requesting that an expression of the thanks of the Japanese government may be conveyed to Lieutenant Z. L. Tanner, of the United States Navy, late commander of the Pacific Mail steamship City of Peking, for his services in rescuing four Japanese seamen from a wreck in the Pacific Ocean, in January, 1877, and expressing a hope that a resolution may be passed by Congress authorizing Lieutenant Tanner to accept in recognition of the service referred to a pair of flower vases and a lacquer box, which were sent to him through the Japanese consul at New York.

I have the honor to be, sir, your obedient servant,

WM. M. EVARTS.

Hon. RICHARD W. THOMPSON,
Secretary of the Navy.

NAVY DEPARTMENT,
Washington, October 30, 1878.

SIR: The Department takes pleasure in inclosing copies of letters from the Secretary of State and from the Japanese minister, in which the latter conveys the thanks of the Japanese government to you for your services in rescuing Japanese seamen in the Pacific Ocean, in January, 1877.

Respectfully,

R. W. THOMPSON,
Secretary of the Navy.

Lieutenant Z. L. TANNER,
United States Navy, Hydrographic Office, Washington, D. C.

PENSIONS.

Mr. DIBRELL. I am instructed by the Committee on Revolutionary Pensions to report back with amendments the bill (H. R. No. 703) to prevent the withholding of pensions from pensioners under the act of March 9, 1878.

Mr. BREWER. That is a public bill, and not in order under this call.

Mr. DIBRELL. I will state to the gentleman from Michigan that while this is a public bill and general in its nature it only applies to a few individuals. It applies only to a dozen or two dozen pensioners. I ask that the bill and the report be read.

Mr. CONGER. Let the bill be read.

The bill was read.

Mr. CONGER. That bill is the amendment of a general law, and is general legislation. I ask if the gentleman by this bill wishes to restore to the pension-rolls those whose names were stricken off on account of disloyalty?

Mr. DIBRELL. That is the object.

Mr. CONGER. Then it would be just as well to bring that up right square. The object is hidden here a great way down.

Mr. DIBRELL. It is not hidden. It is as plain as can be.

Mr. CONGER. No one would suspect it from the reading of the bill, unless he knew otherwise what the effect would be.

The SPEAKER. Does the gentleman from Michigan insist on the point of order that this is a public bill?

Mr. CONGER. I do.

Mr. DIBRELL. I move that the bill go on the Calendar.

The SPEAKER. Does the gentleman from Michigan object to the bill going on the Calendar?

Mr. CONGER. I do not see how it can go on the Calendar.

The SPEAKER. Objection being made that the bill cannot be reported, it cannot go on the Calendar.

MEXICAN WAR PENSIONS.

Mr. COFFROTH. I ask unanimous consent to report from the Committee on Invalid Pensions a bill granting pensions to certain soldiers and sailors of the Mexican and other wars therein named, in order that the bill may be printed and recommitted, not to come back on a motion to reconsider.

Mr. SMITH, of Pennsylvania. I object. This is a public bill.

Mr. TOWNSHEND, of Illinois. Have the soldiers got no friends on the other side of the House?

Mr. WHITE. Not Mexican soldiers. As regards Union soldiers, they have friends enough here. I had the honor to fight that bill all through last Congress.

TITLE TO MINING CLAIMS.

Mr. ARMFIELD, from the Committee on Mines and Mining, reported back the bill (H. R. No. 1280) to amend section 2326 of the Revised Statutes, relating to suits at law affecting titles to mining claims.

The bill was read.

Mr. DUNNELL. Is not that a public bill?

The SPEAKER. It is. Does the gentleman object?

Mr. DUNNELL. I object to its being reported at this time.

Mr. BELFORD. I hope the gentleman will withdraw the objection and allow the bill to pass.

Mr. DUNNELL. I must object to the introduction of public bills to-day.

Mr. STEVENSON. I ask the gentleman from Minnesota [Mr. DUNNELL] to withdraw his objection and allow the bill to be considered at this time. It is a very meritorious bill.

Mr. DUNNELL. I must decline to do so.

HENRY VOELTER.

Mr. VANCE, from the Committee on Patents, reported back, with a favorable recommendation, the following resolution:

Resolved, That the Secretary of the Interior be, and he is hereby, requested to furnish the House with a copy of the reports of the examiner and commissioner on the case of the extension of the patent of Henry Voelter for making wood paper pulp under a special act of Congress, dated March 3, 1877.

Mr. VANCE. If there is no objection, and I suppose there will be none, for it merely calls for information, I will ask that the resolution be adopted now.

The question was taken; and the resolution was adopted.

Mr. VANCE moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DANIEL M. COOK.

Mr. WARD, from the same committee, reported as a substitute for House bill No. 342 a bill (H. R. No. 2019) for the relief of Daniel M. Cook.

The substitute was read. It authorizes the Commissioner of Patents to hear and determine the application of Daniel M. Cook for the extension for the further term of seven years of letters-patent for improvement in processes and apparatus for evaporating and desiccating cane-juice, originally granted June 22, 1868, as No. 2063, reissued December 10, 1859, as No. 867, and extended for seven years from and after the 22d day of June, 1872, and again reissued July 23, 1878; the form of such application and the mode of proceedings entered into to be in all respects the same as was provided by the act of Congress approved July 8, 1870, entitled "An act to revise, consolidate, and amend the statute relating to patents and copyrights, for the extension of patents granted prior to March 2, 1861;" and if upon such hearing the Commissioner of Patents shall be satisfied that the said Daniel M. Cook has failed to obtain from the use or sale of his invention or discovery a reasonable remuneration for the time, ingenuity, and expense bestowed upon it and the introduction of it into use, and that it is just and proper, having due regard to the public interest, that the term of the patent should be extended, the said Commissioner shall make a certificate upon said reissued patent renewing and extending the same to Daniel M. Cook, his executors, administrators, or assigns for the term of seven years from the 22d day of June, A. D. 1879, which will be recorded in the Patent Office, and thereupon said patent shall have the same effect in law as if it had been originally patented for twenty-eight years; provided, that no suit shall be maintained for any infringement of this patent made prior to the passage of this act except upon proof of actual knowledge of said patent on the part of the person or persons so infringing and for the continued use by any person or persons of any apparatus or process covered by said patent and purchased prior to the passage hereof.

Mr. WARD. This bill was before the last Congress and received a unanimous report in its favor both from the Committee on Patents of the Senate and from the Committee on Patents of this House. So far as I know, there is no objection to it from any member of the present Committee on Patents. It is a bill that the committee consider is called for by the demands of justice as well as an act of charity to a man who has suffered during a period of twenty years by reason of a mistake made by officers of the Government at the time the original patent was granted. There is a report accompanying the bill, and I shall be very glad to answer any questions that gentlemen desire to ask.

Mr. BROWNE. Will the gentleman allow me to ask him a question?

Mr. WARD. Certainly.

Mr. BROWNE. Has this man enjoyed the fruits of the sale of his patent within the limitations provided by law?

Mr. WARD. He has enjoyed the fruits of his invention for only a year out of the twenty-one years for which the patent has been running.

Mr. BROWNE. What has prevented it?

Mr. WARD. A mistake of the Patent Office, which was not corrected until after this man had suffered by years of litigation and become almost impoverished. He was a farmer in the State of Ohio, not acquainted with the forms of proceedings in the Patent Office, and supposed that he was obliged to take whatever the officers of the Government chose to give him in the shape of a patent. He took the defective patent given him and used his best endeavors to introduce it to the public, but was met by infringements, brought into litigation, and after going through the courts and spending all he had in the world the court at last decided in his favor and that the Patent Office was in the wrong. A year ago the Patent Office corrected

its mistake and gave this man a patent covering the whole of his invention.

Mr. BROWNE. Upon principle I am opposed to extending patent monopolies and I arose just now with the intention of objecting to the consideration of this bill. The explanation made by the gentleman from Pennsylvania [Mr. WARD] has satisfied me and I will not interpose any objection.

Mr. GARFIELD. My colleague from the Cincinnati district, [Mr. BUTTERWORTH,] who is not now in the city, before he left especially requested me to look at the papers in this case. I know nothing about the case except from having read the reports of the last Congress and of this Congress.

While I am on record in almost every case that has been before the House for years against the extension of patents, it is perfectly clear to my mind that this is a case where we ought to depart from our original rule. I will make a single statement of what will control my judgment in this case.

This citizen, an intelligent farmer, but without much knowledge of law, made a novel and valuable invention in regard to the refining of sugar. His invention consisted of two things: a new process and a new machine embodying that process. The Patent Office refused his application for a patent for the process and gave him a patent only for the machine.

The consequence was that infringers, by making a little different form of machine, but involving the same principle and embodying his process, broke into his business everywhere. It was not until at the end of a long series of litigations that, about one year ago, the court decided that the Patent Office had erred in not granting him a patent for the process as well as for the machine. Had the Patent Office so done in the first place this inventor would have been protected all the time against litigation. When this finding of the court was made he went to the Patent Office and asked for a patent for the machine, obtained it, and has had about a year to enjoy the benefits of that patent.

The Government through its officers having made the mistake which has prevented this man from enjoying the fruits of his invention, it is only fair that such mistakes should be corrected by our allowing this extension.

Mr. SPARKS. When did this man obtain his original patent?

Mr. GARFIELD. In 1858. The result of the matter as it now stands is that this man has spent all his means in defending his patent because of an error in the office, and obtained the proper form of patent only about a year before it expired.

The SPEAKER. The reading of the report has been called for.

Mr. GARFIELD. It is not long. This bill only gives about seven years' extension.

Mr. CASWELL. I desire to say that this bill leaves the matter wholly discretionary with the Commissioner of Patents. If after re-examination he thinks this party has not received a sufficient remuneration for his invention, the Commissioner will grant a reissue. We do not extend the patent directly, but leave the matter discretionary with the Commissioner.

Mr. GARFIELD. The decision of the court will protect the man now.

The SPEAKER. The report will be read.

The report was read, as follows:

The committee find in the present bill an exceptional case from the general class of applications for extensions of patents.

The circumstances here are unusual and appeal strongly to our sense of justice. The facts disclosed are substantially as follows:

D. M. Cook, the party for whom relief is asked, was a farmer in Mansfield, Ohio. In the course of his agricultural pursuits he invented an apparatus and process for evaporating sugar, or rather for defecating and concentrating sugar juices.

On June 22, 1858, he applied for his original patent, and finding it insufficient, surrendered it and applied for a reissue, which he obtained on December 19, 1859.

In both of these applications and the claims accompanying them Cook endeavored to obtain a patent for the process as well as the apparatus.

The Commissioner of Patents decided as follows: "You cannot be allowed in the one application a claim to the apparatus and a claim for the process also."

This decision was wrong, as will appear from the facts hereafter detailed; and that error of the Commissioner of Patents, the officer of the United States, cost Cook years of litigation, and was an act of great injustice, with very disastrous consequences to him. It is for the purpose of endeavoring, in some degree, to repair the wrong done by this Government official that the committee discover the great merit in this case.

The process which was refused by the Commissioner was the essential and valuable part of Cook's invention. However, he struggled on with his patent, that only half protected him. He labored industriously to perfect his apparatus and extend its advantages throughout the country and beyond its limits. That he did have an invention which was of real value is attested by numerous affidavits, but extracts from a few will be sufficient.

Horace Norton testifies as follows:

"Affiant further says he had charge of the experiments made at Baton Rouge, Louisiana, for the development of the invention from the capacity of a hogshead of sugar per day up to several hogsheads; that after a series of experiments costing about $2,500 the invention was developed to a capacity of about four to five hogsheads per day. After that, in subsequent years, these experiments were continued elsewhere, in most of which affiant participated, until the evaporator was extended to a capacity of eight to ten hogsheads per day. As the evaporator increased in size the experiments became correspondingly expensive.

"As fuel on the sugar plantations is now becoming scarce, it is becoming almost a necessity to fit the sugar-making appliances for the use of coal as a fuel, a somewhat difficult problem, owing to the little flame produced and difference in draft, &c. In the opinion of affiant, this Cook process can, if the patents are extended so as to make it an object to the inventor, be developed for the use of coal, and at the same time can be extended to the requirements of the largest planters."

A report of the officers of the Louisiana State Fair Association gives the result of experiments at an exhibition held at Baton Rouge, in January, 1868. The following is an extract:

"The facilities for making sugar economically and expeditiously are thus brought within the means of every person who desires to engage in the business, and we heartily commend the Cook sugar evaporator to the attention of the small planters of Louisiana and the adjacent States."

John I. Barrows, a sugar planter of Bayou Sara, Louisiana, under date of January 13, 1871, gives practical testimony to the economy of the invention in the following words:

"10. As compared with kettle trains, the cost of building furnace and setting the pan is about one-third as much. The cost of labor in working is about one-third less, and the amount of fuel required not more than half as much.

"11. I used the kettle trains since 1865, and from a careful comparison of the work of this with that of the former years I am entirely satisfied with my experiment, and can recommend the evaporator as economical in labor and fuel, more easy and satisfactory in its working, and more profitable in its results than the kettle process."

The testimonials to the same effect are very numerous, and the great advantage to the public, and economy of Cook's invention are established.

As soon as these qualities became known infringers sprang up on every side. Mr. Cook not only spent his years and means in honestly and industriously perfecting this invention, but during the same time he was plunged in a war of litigation to defend his rights. Individuals and combinations, with ample means and the best legal talent that money could procure, assailed the unlettered and almost impoverished farmer to dispossess him of the invention that had sprung from the practical ideas gathered in his own fields, and that he had spent so many years of patient effort to develop.

In June, 1878, the determination of one of these suits in which the representatives of the Cook patent were complainants, and the principal infringers defendants, and which was a test case, was reached by a final decree of Judge Drummond, of the United States circuit court for Indiana. The decree does not give the reasons for the decision, except that the court found "the equity of the cause to be with the defendants."

But from papers and affidavits submitted, it appears that the decree was made brief because the judge was compelled by ill-health to retire for a time from the bench to seek relaxation in travel. These papers also disclose the important fact that the failure of complainants to recover was because the Commissioner of Patents had refused to grant the essential quality of the patent as claimed.

Cook accordingly immediately applied for a reissue, claiming again the invention as for a process, and the Patent Office, on July 23, 1878, reissued the patent, allowing claims as follows:

"1. The within-described process of defecation and concentrating raw sugar-juices by passing the same in a moving body through an open evaporating-pan exposed to the direct action of the fire, substantially as and for the purpose described.

"2. An evaporating-pan furnished with transverse ledges in combination with a fire-furnace, a portion of the bottom surface of the pan near each side being unexposed to the direct heat of the furnace, so that while the intermediate surface of the bottom of the pan is intensely heated, the other portions remain comparatively cool, substantially as and for the purpose set forth.

"3. In combination with an evaporator-pan for evaporating a moving body of liquid, means, substantially as described, for elevating or depressing either end of the pan to regulate the flow of the liquid through the same, as set forth.

"4. An evaporating apparatus, which allows of a circulation of the stream of sirup, boils it at the center of the pan and cools it at the sides of the same, and affords facilities for regulating the flow of the stream, substantially as and for the purposes set forth.

"5. The combination in an evaporating-pan of the sheet-metal bottom A′ and the wooden sides, substantially as and for the purposes described.

"6. In combination with an open evaporating-pan, having transverse ledges arranged across the line of draught of the frame of the furnace, and capable of receiving a greater or less inclination, for the purpose of regulating the flow of the juices through it, a furnace of less width than the pan, substantially as and for the purposes described."

It is thus seen that, by mistake of the United States Patent Office, Mr. Cook, although the inventor of a valuable process for making sugar out of cane-juice, has been only allowed protection for that invention by patent for less than one year.

A careful examination of his actual receipts and expenditures shows he has received about $15,000 above expenses during the twenty years. This sum does not include any allowance whatever for personal services, efforts, or time.

Mr. Cook is now over fifty years old, in infirm health, with a wife and family dependent upon him, and very poor, his farm having been recently sold under foreclosure of mortgage, according to the testimony.

The evidence shows that through years of hardships, trials, and sickness he made the fight to maintain his rights, and the compensation he received is totally inadequate in view of these facts and of the value of the invention.

As the loss of adequate compensation may be clearly traced to the mistake of the Patent Office, the committee are of opinion that Cook is equitably entitled to the relief asked for, and recommend the passage of the accompanying bill.

Mr. WARD. I now call the previous question on the bill.

Mr. BLOUNT. Has not the morning hour expired?

The SPEAKER. It has.

Mr. WARNER. I call for the regular order.

The SPEAKER. This bill will go over until the morning hour of next Friday.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had approved and signed the bill (H. R. No. 1377) to amend section 5440 of the Revised Statutes.

ORDER OF BUSINESS.

Mr. ACKLEN. I move that the House now resolve itself into Committee of the Whole for the purpose of considering the business on the Private Calendar.

Mr. WARNER. I call for the regular order.

The SPEAKER. This being Friday, the regular order is the motion to go into Committee of the Whole on the Private Calendar.

The question was taken; and upon a division there were—ayes 73, noes 68.

Before the result of this vote was announced,

Mr. SPARKS called for tellers.

Tellers were ordered; and Mr. ACKLEN and Mr. WARNER were appointed.

The House again divided; and the tellers reported that there were—ayes 73, noes 91.

Before the result of this vote was announced,

Mr. WHITE said: I call for the yeas and nays.

The question being taken on ordering the yeas and nays, there were ayes 28; less than one-fifth of the last vote.

Mr. CONGER. I call for a count on the other side.

Mr. WHITE. I call for tellers on ordering the yeas and nays.

Tellers were not ordered, only eight members rising.

The SPEAKER. A count of the other side on ordering the yeas and nays was demanded.

The count being completed, the result was announced—ayes 28, noes 109.

So (one-fifth voting in favor thereof) the yeas and nays were ordered.

The question was taken; and there were—yeas 75, nays 132, not voting 78; as follows:

YEAS—75.

Aldrich, William	Deering,	Joyce,	Sapp,
Anderson,	Dick,	Loring,	Shallenberger,
Baker,	Dwight,	Marsh,	Stone,
Barber,	Errett,	Martin, Joseph J.	Townsend, Amos
Bingham,	Farr,	McCoid,	Updegraff, J. T.
Blake,	Ferdon,	McGowan,	Updegraff, Thomas
Brewer,	Fort,	McKinley,	Urner,
Briggs,	Frye,	Mitchell,	Valentine,
Brigham,	Hammond, John	Monroe,	Van Aernam,
Browne,	Harris, Benj. W.	Morton,	Van Voorhis,
Burrows,	Hawk,	Muller,	Wait,
Carpenter,	Hawley,	Newberry,	Ward,
Caswell,	Hayes,	Norcross,	White,
Chittenden,	Hazelton,	Osmer,	Wilber,
Claflin,	Heilman,	Reed,	Williams, C. G.
Conger,	Horr,	Rice,	Willits,
Covert,	Hubbell,	Richardson, D. P.	Wood, Fernando
Crapo,	Humphrey,	Robinson,	Young, Thomas L.
Davis, George R.	Hurd,	Ryan, Thomas	

NAYS—132.

Acklen,	Dickey,	Knott,	Scales,
Aiken,	Dunn,	Ladd,	Simonton,
Armfield,	Dunnell,	Le Fevre,	Slemons,
Atherton,	Einstein,	Lewis,	Smith, A. Herr
Atkins,	Elam,	Lindsey,	Smith, Hezekiah B.
Beltzhoover,	Evins,	Lowe,	Smith, William E.
Bicknell,	Ewing,	Manning,	Sparks,
Blackburn,	Felton,	Martin, Benj. F.	Speer,
Bliss,	Finley,	McCook,	Springer,
Blount,	Ford,	McKenzie,	Steele,
Bouck,	Forney,	McMahon,	Stephens,
Boyd,	Forsythe,	McMillin,	Stevenson,
Bright,	Frost,	Mills,	Talbott,
Cabell,	Geddes,	Money,	Taylor,
Caldwell,	Gillette,	Morrison,	Thomas,
Cannon,	Gunter,	Muldrow,	Thompson,
Carlisle,	Hall,	Murch,	Tillman,
Chalmers,	Harris, John T.	Neal,	Townshend, R. W.
Clardy,	Hatch,	New,	Turner, Oscar
Clark, John B.	Henkle,	Nicholls,	Turner, Thomas
Clymer,	Henry,	O'Connor,	Vance,
Cobb,	Herbert,	O'Neill,	Waddill,
Coffroth,	Hiscock,	O'Reilly,	Warner,
Cook,	Hostetler,	Orth,	Weaver,
Cox,	Houk,	Persons,	Wellborn,
Cravens,	House,	Phelps,	Whitthorne,
Culberson,	Hunton,	Phister,	Williams, Thomas
Daggett,	Johnston,	Reagan,	Willis,
Davidson,	Jones,	Robertson,	Wilson,
Davis, Joseph J.	Kelley,	Russell, Daniel L.	Wise,
Davis, Loundes H.	Kenna,	Ryon, John W.	Wright,
De La Matyr,	King,	Samford,	Yocum,
Dibrell,	Klotz,	Sawyer,	Young, Casey.

NOT VOTING—78.

Aldrich, N. W.	Deuster,	Killinger,	Richardson, J. S.
Bachman,	Ellis,	Kimmel,	Richmond,
Bailey,	Field,	Kitchin,	Robeson,
Ballou,	Fisher,	Lapham,	Ross,
Barlow,	Garfield,	Lay,	Rothwell,
Bayne,	Gibson,	Lounsbery,	Russell, William A.
Beale,	Godshalk,	Martin, Edward L.	Shelley,
Belford,	Goode,	Mason,	Sherwin,
Bland,	Hammond, N. J.	McLane,	Singleton, J. W.
Bowman,	Harmer,	Miles,	Singleton, O. R.
Bragg,	Haskell,	Miller,	Starin,
Buckner,	Henderson,	Morse,	Tucker,
Butterworth,	Herndon,	Myers,	Tyler,
Calkins,	Hill,	O'Brien,	Voorhis,
Camp,	Hooker,	Overton,	Washburn,
Clark, Alvah A.	Hull,	Pierce,	Wells,
Colerick,	James,	Poehler,	Whiteaker,
Converse,	Jorgensen,	Pound,	Wood, Walter A.
Cowgill,	Keifer,	Prescott,	
Crowley,	Ketcham,	Price,	

So the House refused to resolve itself into the Committee of the Whole House on the Private Calendar.

During the roll-call the following announcements were made:

Mr. HERNDON. I am paired with Mr. ALDRICH, of Rhode Island.

Mr. BUCKNER. I am paired with Mr. PRICE, of Iowa.

Mr. BACHMAN. I am paired with Mr. STARIN, of New York.

Mr. FORNEY. My colleague, Mr. SHELLEY, is paired with Mr. KETCHAM, of New York.

Mr. DAVIDSON. My colleague, Mr. HULL, is paired with Mr. VOORHIS.

Mr. ELLIS. I am paired on all questions with Mr. HARMER.

Mr. TOWNSHEND, of Illinois. My colleague, Mr. SINGLETON, is paired with Mr. MILES.

Mr. RICHARDSON, of South Carolina. I am paired with Mr. CAMP. If he were present, I would vote "no."

Mr. COBB. My colleague, Mr. COLERICK, is paired with Mr. BALLOU, of Rhode Island. If here, my colleague would vote "no."

Mr. HISCOCK. My colleagues, Mr. LOUNSBERRY and Mr. BAILEY, are paired.

Mr. NEWBERRY. Mr. PRESCOTT is paired with Mr. RICHMOND. If present, Mr. PRESCOTT would vote in the affirmative.

Mr. BAYNE. I am paired with Mr. Ross on all political questions.

Mr. DUNNELL. My colleague, Mr. WASHBURN, is paired with Mr. CONVERSE.

Mr. VAN AERNAM. My colleague, Mr. LAPHAM, who is absent by reason of sickness in his family, if present, would vote in the affirmative. He is paired with Mr. TUCKER, of Virginia, on all political questions.

Mr. SMITH, of Pennsylvania. My colleague, Mr. KILLINGER, is paired with Mr. WELLS, of Missouri; and my other colleague, Mr. HARMER, with Mr. ELLIS, of Louisiana.

Mr. FISHER. I am paired with Mr. KITCHIN, of North Carolina. If he were here, I would vote in the affirmative.

Mr. McLANE. I am paired with my colleague, Mr. URNER.

Mr. CONVERSE. I am paired with Mr. WASHBURN. If he were here, I would vote "no."

Mr. WARNER moved, by unanimous consent, to dispense with the reading of the names.

Mr. ACKLEN objected.

The result of the vote was then announced as above recorded.

DON CARLOS BUELL.

On motion of Mr. McKENZIE, by unanimous consent, a resolution to print the report of the military commission in the case of Major-General Don Carlos Buell was received, and referred to the Committee on Printing.

INDUSTRIAL EXHIBITION, AUSTRALIA.

Mr. MORTON. I ask unanimous consent to report from the Committee on Foreign Affairs a joint resolution relating to the representation of the United States to the industrial exhibition to be held at Melbourne, Australia, during the coming year.

Mr. McMAHON. I must object to that for the present.

COINAGE CERTIFICATES, ETC.

Mr. WARNER. I demand the regular order of business.

The SPEAKER. The Chair takes the last vote as an indication of the wish on the part of the House to proceed with the consideration of public business, and therefore the House will proceed to consider the unfinished business coming over from yesterday.

Mr. VAN VOORHIS. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. VAN VOORHIS. My point of order is that on Friday the House cannot change the order of business unless by a two-thirds vote.

The SPEAKER. The Chair has frequently overruled this point of order as stated. The gentleman had better read Rule 128.

Mr. VAN VOORHIS. It is under that very rule I have made my point of order. If the Chair will refer to the note to that rule he will see that "under the rule of 26th April, 1828, relative to a postponement or change of the order of business it has been decided that it takes two-thirds to proceed to public business on Friday and Saturday."

The SPEAKER. The Chair has frequently ruled at former sessions on the point as stated. The rule states that "Friday in every week shall be set apart for the consideration of private bills and private business in preference to any other, unless otherwise determined by a majority of the House." The Chair rules that that does not mean two-thirds, but a majority.

Mr. VAN VOORHIS. Let me inquire whether the House has passed on that question as stated in the Manual?

The SPEAKER. The House to-day has had an opportunity in the morning hour of transacting the private business provided for on Friday so far as that hour is concerned; but the House has absolutely refused by a yea-and-nay vote to go further with private business to-day. Of course that vote indicates clearly the wish of the House to go on with public business, and the Chair conforms thereto.

Mr. WARNER. Regular order of business!

The SPEAKER. The regular order is the bill coming over from yesterday, being the bill (H. R. No. 564) to amend certain sections of the Revised Statutes of the United States, relating to coinage and coin and bullion certificates, and for other purposes. On the eighth section as amended the yeas and nays have been ordered. The pending question is to lay upon the table the motion to reconsider the vote by which the main question was ordered.

Mr. WHITE. I made the motion to reconsider, and my purpose was, as there was a manifest mistake in one of the amendments, to have it corrected. Such being the case, I shall vote against the motion to lay upon the table.

The SPEAKER. The Chair desires to state that during the confusion yesterday there was much uncertainty as to what did occur.

The gentleman from Ohio [Mr. GARFIELD] made the point of order that the previous question having been partly executed, it was not competent at that time to move a reconsideration, and referred to the Manual. The Chair has examined the history of that decision contained in the Manual, and finds it occurred in the Thirty-first Congress, first session, when the House was presided over by a gentleman elected by a plurality vote; that during that session of Congress on the 12th of February, 1850, the question was raised, and the then Speaker, Mr. Howell Cobb, decided the point that a motion to reconsider a vote by which the previous question was ordered was admissible, and the House did not dissent therefrom. Subsequently, on the 8th of July following, the same Speaker made the same decision, and referred to the fact that he had without dispute made that decision on the said 12th of February. An appeal, however, was made from the decision, and by a vote of 99 to 101 the House reversed it; and that is the origin of the practice since prevailing of denying the right of a reconsideration of a vote by which the main question was ordered during its execution.

Later in the same session, namely, on September 5, 1850, the question again arose, and the then Speaker decided it in accordance with what the House had determined and at variance with his own judgment, as stated when he was overruled by the House. Even that decision was appealed from; so that the Speaker had decided both ways, and both times his decision was appealed from. But the latter appeal was laid upon the table. Thence sprung up the practice which is stated in the Manual that the previous question could not be interrupted if it was partially executed. The Chair has always adhered to that. And had the Chair on yesterday known that the previous question prevailed on the section and the amendment offered by the gentleman from Massachusetts [Mr. CLAFLIN] he would not have admitted a vote on the motion of the gentleman from New York [Mr. LOUNSBERY] to strike out the whole section pending execution of order for previous question. The truth is, a refusal on the part of the House to strike out the whole section was really equivalent to an affirmative vote approving of the section as amended; and the Chair then would have been compelled to decide that the previous question was exhausted. But the Chair is unwilling to allow a decision to go which was based upon misinformation. He therefore desires that the House may vacate the proceeding and may vote on the section as amended. The adoption of the section will relieve it of the operation of the previous question. It will then be competent for any gentleman who voted in the majority on that section as amended to move its reconsideration; and in that way the previous question is exhausted and the House will come intelligently to a stage where it can correct its own mistakes in amendment in phraseology or in purport.

Mr. GARFIELD. I hope for the sake of the uniformity of our rulings from the Chair, and as no advantage can be taken of what the Chair now suggests, that that will be done; for I am quite sure if the Speaker had remembered all the steps which had been taken he would not have overruled the point of order.

The SPEAKER. The Chair certainly would not. The gentleman will recollect that it is always a pleasure to the Chair to correct the least error he may have committed. The Chair was governed in his action by disjointed reports read at the desk from the RECORD which, when considered together, seemed to support the view the Chair then took.

Mr. GARFIELD. I can understand very well how in the hubbub here and mixture of affairs it was difficult to understand exactly the status of the case. The suggestion of the Chair will help every one to the enjoyment of his rights. As I understand, we would still retain our rights when any proposition is made to amend to raise the point of order on the amendment.

The SPEAKER. That would be the gentleman's right. The Chair will now submit the question on what he considers the proper mode to remedy the mistakes made by the House.

Mr. EWING. I wish to make a suggestion. Perhaps the House would unanimously consent to take a vote on the amendment proposed.

Mr. GARFIELD. We have not got to that stage yet.

The SPEAKER. The first question will be on agreeing to the section as amended. When that is done the Chair will then indicate how the remedy can be applied as regards the correction of the phraseology of the amendment of the gentleman from Ohio, [Mr. EWING.]

The question being taken, the section as amended was agreed to.

The SPEAKER. The section is now relieved from the operation of the previous question, and the gentleman from Ohio [Mr. EWING] moves to reconsider the vote by which that section as amended was agreed to.

The motion to reconsider was agreed to.

The SPEAKER. The Chair will ask consent that the order of yesterday of the yeas and nays on the motion to lay on the table the motion to reconsider be vacated.

The motion was agreed to.

The SPEAKER. The gentleman from Ohio [Mr. EWING] is now in order to move a modification.

Mr. EWING. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out the words "silver dollars" and insert "coin of the same metal."

Mr. GARFIELD. I make the point of order on that amendment that it is not in order because it proposes to strike out words which the House has by a vote inserted. I refer the Chair to the ruling in the Manual on that point.

Mr. BELFORD. I desire to ask the gentleman from Ohio [Mr. EWING] a question about his amendment. I understand the effect of it to be this: if a party deposits gold bullion he receives a certificate which can only be satisfied in gold; if he deposits silver bullion he gets a certificate which may be satisfied by the return of silver bullion. Am I correct in understanding that to be the effect of the amendment?

Mr. EWING. That is not the effect of the proposed amendment. It is for the purpose of removing this incongruity——

The SPEAKER. The Chair would suggest to the gentleman from Ohio that he had better move first to strike out.

Mr. EWING. Very well; I move to strike out the words I have indicated.

The SPEAKER. That escapes the point of order. The Chair will have the rule read.

Mr. REED. I would like to inquire what the last action of the House was?

The SPEAKER. There has been no action on this question, and the Chair thought the House had better hear the rule read. The gentleman from Ohio [Mr. GARFIELD] made the point of order and the Chair made a suggestion by which the point of order might be, as the Chair thinks, avoided by the gentleman from Ohio, [Mr. EWING.]

The Clerk read Rule 46, as follows:

Any member may call for the division of a question, before or after the main question is ordered, which shall be divided if it comprehend propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the House. A motion to strike out and insert shall be deemed indivisible; but a motion to strike out being lost, shall preclude neither amendment nor a motion to strike out and insert.

The SPEAKER. If the motion to strike out is lost, the section will then be open to the amendment which the gentleman desires.

Mr. EWING. Allow me a moment to answer the inquiry of the gentleman from Colorado, [Mr. BELFORD.]

Mr. GARFIELD. Has the Chair ruled on my point of order?

The SPEAKER. The gentleman from Ohio [Mr. EWING] has changed his motion so as to escape the point of order made by the gentleman from Ohio.

Mr. GARFIELD. How does he escape it? He moved to strike out words which the House has just voted in, and that cannot be done.

The SPEAKER. The rule provides that, and says that if the motion to strike out is voted down, then a motion to amend or to strike out and insert is in order.

Mr. GARFIELD. Not after the House has voted to insert. The gentleman has not moved to reconsider the vote by which the amendment was adopted, but only the vote by which the section as amended was adopted.

The SPEAKER. That leaves the section open to amendment.

Mr. GARFIELD. The House voted on and adopted the amendment offered by my colleague from Ohio, [Mr. EWING.] It is now proposed to strike out some of the words of that amendment. I say that it is not in order to move to strike out words that the House has inserted.

Mr. REAGAN. The proposition is in order to move to strike out, if it does not strike out the entire amendment alone. It is in order to move to strike out a portion of the words inserted in the previous amendments, but this proposition is to strike out only a portion of the words inserted.

The SPEAKER. The Clerk will again read from the Manual.

The Clerk read as follows:

Although it is not in order to strike out by itself what has been inserted, it may be moved to strike out a portion of the original paragraph comprehending what has been inserted, provided the coherence to be struck out be so substantial as to make this effectively a different proposition.

If it is proposed to amend by striking out a paragraph, the friends of the paragraph are first to make it as perfect as they can, by amendments, before the question is put for striking it out. But (contrary to the parliamentary practice) if on the question it be retained, neither amendment nor a motion to strike out and insert shall be precluded thereby, and a motion to strike out and insert is indivisible.—*Rule* 46.

Mr. STEPHENS. The point of order the gentleman from Ohio [Mr. GARFIELD] raises is applicable only to proceedings in the same stage of the bill. After these words now moved to be stricken out had been inserted yesterday, and in that stage of the bill, it would not have been in order to move to strike them out, according to the authority cited by the gentleman from Ohio, but now it is different; the motion has been made and carried to reconsider the eighth section as amended, that section therefore is now as original text and open to amendment; the whole section comes up again *de novo*. The amendment, therefore, is perfectly in order.

The SPEAKER. This amendment is not to strike out all the words, but only a portion of the words at a different stage, and the House having divested itself of the operation of the previous question, the Chair thinks it is competent to amend the section, under the statement of the Manual which has been read.

Mr. GARFIELD. Will the Speaker allow me a word? There is nothing in this rule or in the Manual which speaks of the different stages of a measure. The only limitation of the power to strike out, or rather the only permission, is, that if an amendment has been adopted in the House a member may move to strike out all the amend-

ment, if he includes some words belonging to the original text of the bill, but if he confines his motion to striking out the whole of the words just voted in, that motion is out of order at any stage of the bill.

The SPEAKER. The Chair thinks that the House having ordered the previous question on the section as amended and adopted the same subsequently agreeing to a reconsideration thereon, then the bill is at a different stage of the proceedings, and it throws the section open to amendment.

Mr. REED. But when a motion is made to reconsider and is carried does it not throw the measure back under the operation of the previous question?

The SPEAKER. No; it is divested of the previous question the moment the reconsideration is carried.

Mr. REED. It leaves it stand then without the previous question?

The SPEAKER. It leaves it stand (as a section in this instance) in a different stage. Upon that point the Chair will cause to be read a passage from the Manual.

The Clerk read as follows:

Where a vote taken under the operation of the previous question is reconsidered, the question is then divested of the previous question, and is open to debate and amendment. [These decisions apply only to cases where the previous question was fully exhausted, by votes taken on all the questions covered by it, before the motion to reconsider was made. In any other case the pendency of the previous question would preclude debate.]

The SPEAKER. To hold the gentleman's point to be correct would be to say that the House having committed an error, as the House appears now to believe, in adopting the amendment yesterday, the phraseology of which was not clearly comprehended, there is no power in the House to correct that error. That could not possibly be a legitimate parliamentary decision.

Mr. REED. Had not the House the power to reconsider the amendment of the gentlemen from Ohio, [Mr. EWING?] Can words be stricken out which the House has put in?

The SPEAKER. The House can choose to take the longer way around, but the shortest way is proper.

Mr. REED. Can they take any other than the parliamentary way?

The SPEAKER. The Chair has ruled that this section having been put back to the status held by it before the previous question was ordered upon it, it is now divested of the operation of the previous question and again opened to debate and amendment, as provided for by the rules.

Mr. WHITE. If the Chair will allow me a moment.

The SPEAKER. Certainly.

Mr. WHITE. I think it is perfectly competent for the House to strike out a portion of this paragraph. What is the situation of this proposition? The gentleman from Missouri [Mr. BUCKNER] offered a modification of this section practically as an original proposition. The gentleman from Ohio [Mr. EWING] suggested a modification, which was accepted by the gentleman from Missouri, [Mr. BUCKNER.] That proposition offered by the gentleman from Missouri, [Mr. BUCKNER,] modified in accordance with the suggestion of the gentleman from Ohio, [Mr. EWING,] is an original proposition. It is therefore perfectly competent for the House to correct this section by striking out a portion of it. I apprehend it is entirely in order at this time to move to strike out the feature put into the section at the suggestion of the gentleman from Ohio [Mr. EWING] as much so as it would have been for any gentleman to have proposed an amendment to the proposition submitted by the gentleman from Missouri, [Mr. BUCKNER.]

Mr. GARFIELD. That would be in order if the rules permitted it. There is but one way under the rules to get at a case of this sort; that is to reconsider the vote by which the amendment was agreed to.

Mr. EWING. Has not the question been decided?

The SPEAKER. The Chair desires to listen to suggestions.

Mr. EWING. When will the debate close, then?

The SPEAKER. The Chair desires to hear suggestions. The House having got into this trouble, it is well to try to get out of it intelligently.

Mr. EWING. If the Chair had not decided the question I would have no objection to the debate running on indefinitely.

Mr. BELFORD. I understand that this section was adopted. Then the vote adopting it was reconsidered, which opens the section to amendment.

The SPEAKER. The Chair so decides.

Mr. BELFORD. The gentleman from Ohio [Mr. EWING] simply proposes to amend the section, not to amend some other amendments offered by somebody else.

The SPEAKER. The amendment of this section offered by the gentleman from Missouri [Mr. BUCKNER] was accepted as an original proposition. The Chair rules that it is now competent to amend it.

Mr. CONGER. There has been no vote on adopting the section; the only vote has been on the motion to strike out the section. The previous question was ordered on the section and amendments, and cannot be exhausted until the vote is taken on adopting the section.

Mr. STEPHENS. There was a vote on it.

Mr. CONGER. The RECORD does not show any such vote.

Mr. STEPHENS. And it was reconsidered.

Mr. CONGER. The RECORD does not show that.

The SPEAKER. By consent of the House this morning the vote was allowed to be considered as reconsidered by which the section as amended was agreed to. That put the section open to allow the gentleman from Ohio [Mr. EWING] to offer his amendment.

Mr. EWING. If I may be allowed to answer the question of the gentleman from Colorado [Mr. BELFORD] as to the necessity for this amendment, I will do so.

The SPEAKER. The gentleman is entitled to speak upon it.

Mr. EWING. The amendment of the gentleman from Missouri [Mr. BUCKNER] as modified by the amendment which he accepted fixed the price of the gold and silver bullion for which the certificates were to issue at the average market value in New York and San Francisco of such bullion "in standard silver dollars" for the week preceding any purchase.

The object of my amendment now is to fix the price of such bullion in standard dollars "of like metal;" so that where gold is brought to the mints and certificates issued therefor, the price which is to govern the amount of the certificates shall be determined by the bullion value in gold dollars; and where silver is brought to the mints and certificates asked for, the price of that silver bullion is to be determined by the market value of silver bullion in silver dollars.

Mr. BELFORD. That is what I apprehended the effect of the amendment would be.

Mr. EWING. That is a proper amendment, and I think there should be no objection to it.

The amendment of Mr. EWING was then agreed to.

The SPEAKER. In order that there may be no misunderstanding about the matter the section as amended will now be read.

The Clerk read as follows:

The Secretary of the Treasury is authorized and required to receive deposits of gold or silver coin and gold or silver bullion with the Treasurer or any assistant treasurer of the United States, or to receive bullion with the superintendent of the branch mint at Denver, Colorado, in sums not less than $20, and to issue certificates therefor in denominations, at the discretion of the depositor, not less than $5 each, corresponding with the denominations of the United States notes. The coin and bullion deposited for or representing the certificates of deposit shall be retained in the Treasury for the payment of the same on demand, and certificates representing coin in the Treasury, together with those issued for bullion deposited, shall be received at par in payment of all dues to the United States, including duties on imports: *Provided*, That all certificates for gold or silver bullion shall be issued at the average market value of such bullion in standard coin of the same metal at the city of New York and San Francisco for the week preceding such deposit: *Provided further*, That gold or silver bullion which shall become the property of the Government by the return of certificates to the Treasury in payment of dues thereto shall be coined and paid out the same as other money.

Mr. WARNER. I call the previous question on the section and pending amendments.

The SPEAKER. The gentleman from Nevada [Mr. DAGGETT] has indicated to the Chair his desire to offer an amendment.

Mr. DAGGETT. I wish to offer an amendment (to which I presume there will be no objection) to insert after the words "Denver, Colorado," the words "or with the superintendent of the branch mint in Carson City."

Mr. REED. I would like to put a single question to the gentleman from Ohio, [Mr. WARNER.] This section provides that silver coin or bullion may be deposited, among other places, at Denver, or, according to the amendment just indicated by the gentleman from Nevada, [Mr. DAGGETT,] at Carson City, and certificates may be issued which shall be payable upon demand. These certificates, as I understand, are payable, for instance, at the sub-treasury in New York. Now, I wish to know who pays for the transportation.

Mr. WARNER. They are not made payable in New York. But they are receivable everywhere for dues to the Government.

Mr. REED. But who pays for the transportation of the metal from Denver; for instance, when the certificates are not presented at Denver?

Mr. WARNER. There is no transportation by the Government, except for the purpose of coinage.

Mr. REED. Will there not be transportation for the purpose of paying the certificates when demand for their payment is made?

Mr. WARNER. The demand can only be made at the place where the deposit is made, but the certificates are receivable by the Government for dues everywhere.

Mr. REED. Where is that provision in the section?

Mr. WARNER. There is nothing to the contrary in the section. That is the law now. The certificates are merely titles to the bullion deposited, and they must be returned to the place of deposit when their redemption is demanded; but when the Government receives those certificates for dues at custom-houses or internal-revenue offices, then the bullion which these certificates represent belongs to the Government, and if transported the Government merely transports its own property.

Mr. GARFIELD. What price is to be paid at Denver?

Mr. WARNER. The average price in coin of the same metal at San Francisco and New York during the week previous.

Mr. GARFIELD. That is, the Government is to pay for bullion delivered at the United States mint in Denver the New York price of bullion for the week previous, without regard to transportation.

Mr. WARNER. The average price for the week previous at New York and San Francisco.

Mr. BELFORD. Will the gentleman allow me to say a word or two on this subject?

Mr. WARNER. I will yield for a question.

Mr. BELFORD. I wish to occupy the floor for a minute or two,

not to ask a question but to call the attention of the House to the fact that at the second session of the Forty-fifth Congress there was enacted as a "rider" to an appropriation bill a provision that any owner of bullion might deposit it at the branch mint at Denver, and that certificates might issue representing the bullion so deposited. That is the law on the statute-book to-day. The object of the amendment which I offered yesterday was that certificates issued under the law as it stands, and representing bullion on deposit at the branch mint at Denver, might have the same advantages as certificates representing bullion deposited with the assistant treasurers of the United States.

Mr. WARNER. And they will have.

Mr. BELFORD. The Government of the United States has an assistant treasurer at New York, at Philadelphia, at Baltimore, at Cincinnati, at Saint Louis, at San Francisco, at New Orleans. Now I propose that a State which produces $50,000,000 of silver annually shall have the same advantages and rights under this law that Philadelphia or New Orleans or any other eastern city enjoys.

Mr. WARNER. That is right.

Mr. BELFORD. And I hope that the friends of this bill will stand by me, as I propose to stand by them. [Laughter and applause.]

Mr. MAGINNIS. I would like to offer an amendment which I think will be accepted by the chairman of the committee.

Mr. WARNER. I will admit the amendment of the gentleman from Montana, [Mr. MAGINNIS.]

Mr. GARFIELD. I would like to put a question to my colleague. The bullion deposited under this bill at Denver or Carson City may, as I understand, find its way to the Treasury of the United States and become there a part of the property of the Government; and as the Government pays for it at Denver or Carson City the market price at New York, then it must at its own cost transport that bullion to the Treasury at Washington or the sub-treasury at New York, although it pays the parties when it buys it the same price that it would pay if they had transported it. Is that so?

Mr. WARNER. That is exactly what the Government does now. When the bullion becomes the property of the Government it will take it to its mints for coinage.

The SPEAKER. The gentleman from Ohio [Mr. WARNER] has agreed to admit to be voted on an amendment of the gentleman from Nevada [Mr. DAGGETT] and an amendment of the gentleman from Montana, [Mr. MAGINNIS.] Both amendments will be read.

The amendment of Mr. DAGGETT was read, as follows:

After the words "Denver, Colorado," insert "or with the superintendent of the branch mint in Carson City."

The amendment of Mr. MAGINNIS was read, as follows:

After the words "Carson City," insert "and of the Government assay offices."

Mr. WARNER. I now demand the previous question on the section and pending amendments.

The previous question was seconded and the main question ordered.

Mr. GARFIELD. In order to end this matter I move to reconsider the vote by which the main question was ordered and move to lay that motion on the table.

The latter motion was agreed to.

The question being taken on the amendment of Mr. DAGGETT, it was adopted.

Mr. DAGGETT moved to reconsider the vote by which the amendment was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The question being taken on the amendment of Mr. MAGINNIS, it was adopted.

Mr. WARNER moved to reconsider the vote by which the amendment was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The question recurred on the eighth section as amended.

The House divided; and there were—ayes 97, noes 72.

So the section, as amended, was adopted.

Mr. WARNER moved to reconsider the vote by which the section, as amended, was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HASKELL. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HASKELL. If it be a parliamentary inquiry, I should like to inquire of the gentleman from Ohio whether he proposes to introduce an amendment so that the superintendents of these assay offices may give bond for the security of this bullion?

Mr. WARNER. We will attend to that in due time.

The SPEAKER. The Clerk will read the next section.

The Clerk read as follows:

SEC. 9. That from and after the passage of this act only coins of smaller denominations than $1 shall be fabricated on Government account; and in converting bullion into bars or coin for depositors, precedence shall be given in the order in which deposits are made; but this provision shall not prohibit the delivery of coin or stamped bars in exchange for bullion as soon as its value is ascertained.

The SPEAKER. The gentleman from Alabama [Mr. SAMFORD] gave notice to the Chair that he proposed to offer an amendment to this section.

Mr. WARNER. I wish to offer an amendment to this section.

The SPEAKER. The gentleman from Alabama stated to the Chair that he desired when this section came up to offer an amendment to it.

Mr. SAMFORD. At the request of the friends of the bill I have decided not to offer that amendment.

Mr. WARNER. I offer the following amendment to this section.

The Clerk read as follows:

Amend section 9 by adding after the word "act," in line 1, the words "except as provided in section 8;" and after the word "account," in line 3, insert the words "but the Secretary shall cause to be coined, to the full capacity of the mints, in connection with other coinage, the gold and silver bullion deposited for coinage under this act;" and by adding at the end of the section the following:

Provided, That in determining the market value of bullion for the purpose of ascertaining the charge for converting the same into coin, as provided by section 3524 of the Revised Statutes, as amended by the fourth section of this act, said market value shall be the value of the bullion rated in coin of the same metal at its legal-tender value.

So the section will read as follows:

SEC. 9. That from and after the passage of this act, except as provided in section 8, only coins of smaller denominations than $1 shall be fabricated on Government account; but the Secretary shall cause to be coined, to the full capacity of the mints, in connection with other coinage, the gold and silver bullion deposited for coinage under this act; and in converting bullion into bars or coin for depositors, precedence shall be given in the order in which deposits are made; but this provision shall not prohibit the delivery of coin or stamped bars in exchange for bullion as soon as its value is ascertained: *Provided*, That in determining the market value of bullion for the purpose of ascertaining the charge for converting the same into coin, as provided by section 3524 of the Revised Statutes as amended by the fourth section of this act, said market rate shall be the value of the bullion rated in coin of the same metal at its legal-tender value.

Mr. WARNER. I demand the previous question on the section and pending amendments.

Mr. MILLS. I desire to ask the gentleman from Ohio whether there is any provision in this bill for the coinage of standard silver dollars?

Mr. WARNER. It does make such provision for the bullion the Government becomes the owner of.

Mr. MILLS. I understand the section to read that only coins of smaller denominations than one dollar shall be fabricated on Government account.

Mr. WARNER. Except as provided in section 8.

Mr. MILLS. But section 8 does not provide for the coinage of silver dollars.

Mr. WARNER. It does by an amendment adopted yesterday, providing that the bullion the Government shall become the owner of shall be coined into standard dollars and paid out as other money.

Mr. CONGER. I desire to ask the gentleman from Ohio a question. If this section is adopted what will become of the bullion now owned by the Government? His amendment only provides that as much as shall be received on deposit shall be coined on Government account.

Mr. WARNER. There are two ways in which the Government can dispose of it, put it in subsidiary coin or coin it into standard dollars.

Mr. CONGER. No; this section provides that the Government shall not coin any silver on its account.

Mr. WARNER. It does not provide that.

Mr. CLAFLIN. It gives back, as I understand, to the bullionist the 16 per cent. taken out by the fourth section.

Mr. WARNER. No, sir; it gives to the bullionist nothing. If there is any profit whatever it goes to the Government under the claim of the gentleman on that side.

Mr. MARSH. Will the gentleman yield to me?

Mr. WARNER. I will yield for a moment to my friend from Illinois.

Mr. MARSH. I have examined with a great deal of care the closing part of this amendment which gentlemen suppose affects the amendment offered by me to the fourth section and which was adopted.

From that careful examination that I have made myself, and after consultation with some of the ablest minds upon this floor I am satisfied that this amendment does not change a particle the effect of my amendment to the fourth section. It has simply this merit that it does not cloud that which is already clear, and I hope it will be adopted to satisfy the gentleman on this side of the House.

Mr. CLAFLIN. If it does not change your amendment, why put it in?

Mr. MARSH. I do not put it in. I would rather have it out. But to satisfy gentlemen on this side of the House I am willing it should go in, because it is nothing more than a reiteration of that which is contained in my amendment to the fourth section; and it never can be construed by any court or by any judicial tribunal differently from the construction put upon the amendment to the fourth section.

Mr. CONGER. Would not this amendment, coming in in a later section of the bill, contrary as I believe it is to the amendment of the gentleman from Illinois, [Mr. MARSH,] be construed as repealing that?

Mr. MARSH. I will answer the gentleman. He assumes that it is contrary to my amendment to the fourth section. It is not. I will read it, and I ask the gentleman's attention:

Provided, That in determining the market value of bullion for the purpose of ascertaining the charge for converting the same into coin as provided by section 3524 of the Revised Statutes, as amended by the fourth section of this act, said market value shall be the value of the bullion rated in coin of the same metal at its legal-tender value.

Now I say to gentlemen here that if the silver dollar is worth only ten cents in the dollar, its legal-tender value is one hundred cents. My amendment is not changed one particle. I hope the gentlemen

on this side will stand by this amendment that I have just read for fear that if they vote it down gentlemen on the other side will get in an amendment that will carry out their idea and which will nullify my amendment to the fourth section, which this does not. I hope a vote upon it will now be taken.

Mr. WARNER. I call the previous question.

Mr. CANNON, of Illinois. I hope the gentleman will yield to me for a moment.

Mr. EWING. With the consent of the gentleman from Ohio [Mr. WARNER] I offer this amendment:

Before the word "value" insert the word "average," and add at the end the words "in the cities of New York and San Francisco for the week preceding such deposit."

Mr. WARNER. I accept that.

Mr. CANNON, of Illinois. I desire at the proper time, and I wish to see if this is the proper time, to submit a motion to strike out this section, for this reason: it repeals the so-called Bland bill. Under the law as it now is there must be at least two millions of silver dollars coined each month. If you repeal the Bland bill, then if any silver is coined it must be because it is deposited under the provisions of this bill. I think that I have the right to entertain a very grave doubt whether there ever will be any considerable amount of bullion deposited under the provisions of this bill; and if you repeal the Bland bill, I apprehend you will wake up some morning and find out that for the sake of obtaining some additional silver coinage you have lost that which we already have.

Now, sir, I do not believe it is wise to repeal the Bland bill. There should be either a striking out of this section 9 or an amendment providing that if silver bullion shall not be deposited to the extent of at least two millions a month the Secretary of the Treasury should enforce the Bland bill and buy the bullion and coin it.

Mr. WARNER. Under this bill, which provides for the unlimited coinage of silver with a seigniorage of the difference between bullion and coin, it is impossible that there should not at least the amount named go to the mints, if the people want that amount of money. It transfers the control from the Secretary of the Treasury to the people.

Mr. CONGER. Ah, we have seen the bullionists in the lobbies here yesterday and to-day. [Laughter.]

Mr. WARNER. It transfers to the people who own the silver the control of their money.

Mr. CANNON, of Illinois. Will the gentleman from Ohio [Mr. WARNER] allow me to answer his last remark?

Mr. WARNER. Yes, sir.

Mr. CANNON, of Illinois. If the people deposit the bullion at the market price through all this machinery, well and good; but who will deposit it when with half the trouble he can get the same pay for it by a direct sale.

Mr. WARNER. He cannot do it under this bill.

Mr. CANNON, of Illinois. Allow me a moment further. The gentleman from Ohio, I fear, either through design or through mistake or through ignorance, comes in with words of sweetness in his mouth in favor of the silver dollar to stab it and stop the mints. And to test that I ask him to admit the amendment I have indicated and let the House vote upon it at least.

Mr. WARNER. I am willing to admit the amendment that if two millions are not deposited under this bill the Government shall continue to coin to that extent. I have no objection whatever to that.

Mr. EWING. I hope the gentleman will make it four millions.

Mr. WHITE. To test the sense of the House, I move to strike out the section.

Mr. ROBESON. I wish to ask the gentleman from Ohio a question.

Mr. WARNER. I will hear it.

Mr. ROBESON. The language of this amendment, as I understand it, is that the market value shall be the value of the bullion rated in coin of the same metal at its legal-tender value. What does the word "rated" mean?

Mr. WARNER. "Reckoned" is perhaps a synonymous word.

Mr. ROBESON. Why, then, do you not say it shall be its market value in coin of the same metal, without using the word "rated."

Mr. WARNER. I will strike out the word "rated."

Mr. ROBESON. If that word is retained it would not accomplish the object. "Rated in coin of the same metal." The market value of coin of the same metal depends on the amount of bullion in the coin, does it not? And if there be some eighty-five cents' worth of bullion in the coin the difference is nothing.

Mr. WARNER. But if there is profit, the Government gets it. The other side of the House have insisted that under free coinage there would be a profit. Now, I have framed this amendment so that if there be a profit, as they claim, the Government would get it.

Mr. CONGER. Oh, no, the bullionists.

Mr. WARNER. No, the Government gets it.

Mr. ROBESON. I desire to ask the gentleman this question: If you rate bullion at its market value in money worth eighty-five cents, at legal-tender value, then do you not pay one hundred cents in legal-tender money for bullion which is worth only eighty-five cents? Does not the Government pay to the bullionist fifteen cents on the dollar?

Mr. WARNER. It does not.

Mr. ROBESON. I put it to the reason of every reasoning man.

Mr. WARNER. I will modify my amendment by striking out the word "rated."

Mr. CONGER. I would like to know why we have to cut out all the words in favor of the bullionist one by one.

Mr. WARNER. I call for the previous question.

Mr. ROBESON. If the gentleman wants to satisfy everybody let him strike out the word "rated," and also the words "legal-tender value."

Mr. WARNER. Oh, that is another thing. I will strike out the word "rated," and now I call for the previous question.

Mr. FORT. Do I understand that the gentleman from Ohio [Mr. WARNER] has demanded the previous question.

The SPEAKER. He has.

Mr. FORT. I wish to know before he demands the previous question whether the motion I made to strike out this section is now pending?

The SPEAKER. It is not. The demand for the previous question if sustained cuts off further amendments.

Mr. FORT. Then I hope the motion for the previous question will not be sustained.

The SPEAKER. The gentleman can attain his object if the previous question is voted down on the section.

Mr. CANNON, of Illinois. The gentleman from Ohio [Mr. WARNER] proposes to accept my amendment.

Mr. CONGER. The motion of the gentleman from Illinois [Mr. FORT] was offered before these amendments.

The SPEAKER. The Chair has not any certain knowledge on the subject.

Mr. FORT. I desire to say a few words upon this question.

The SPEAKER. If the previous question be voted down the Chair will recognize the gentleman.

Mr. WHITE. I made a motion to strike out the section before the previous question was called, and I insist upon my motion.

The SPEAKER. The friends of the section had the right to perfect its text before a motion to strike out would be in order.

Mr. WHITE. I understand that, but when will my motion be in order?

The SPEAKER. The same result will be attained if the section when amended is voted down as the motion to strike out would reach.

Mr. WHITE. But I have a right to test the sense of the House on a preliminary motion to strike it out.

The SPEAKER. Not until the friends of the section have had a right to perfect the text. The previous question, if sustained, would temporarily cut off such motion.

Mr. WHITE. But my motion is pending.

The SPEAKER. It can go in afterward, but the same object will be reached when the House votes on the section as amended, and if the House votes it down of course it goes out of the bill.

Mr. WHITE. That is another way of doing the same thing.

Mr. GARFIELD. Is not the text absolutely perfect now?

Mr. WARNER. It is about as correct as the act of 1873 which my colleague voted for and says that he did not know what was in it.

Mr. REED. We are paying the bullionist 17 per cent. now and pay it to him where he lives.

Mr. FORT. I think we ought to debate this question.

The SPEAKER. If the House thinks so the House will vote down the previous question. That is the remedy.

Mr. FORT. If the gentleman from Ohio [Mr. WARNER] understands what he is about I hope he will lead off and let us have a vote.

Mr. WARNER. I am satisfied with the section as it is, but other gentlemen are not, and I am willing to admit the amendment of the gentleman from Illinois, [Mr. CANNON.]

The Clerk read Mr. CANNON'S amendment, as follows:

Provided, That in the event that silver bullion is not deposited under the provisions of this act available for coinage to the amount of $2,000,000 per month then the Secretary of the Treasury shall continue to purchase under the provisions of the law of February 28, 1878, sufficient silver bullion to coin $2,000,000 per month.

Mr. WARNER. I accept that amendment; and now I call for the previous question on the section and the amendments thereto.

Mr. CONGER. I desire to ask the gentleman to accept this amendment:

Provided, That nothing in this section contained chall prevent the coining of the bullion already belonging to the Government in the Treasury.

Mr. WARNER. There is nothing to prevent that now.

Mr. CONGER. Well, let that be put in.

Mr. WARNER. I insist upon the previous question.

The previous question was seconded, upon a division—ayes 108, noes 82; and the main question was then ordered.

Mr. GARFIELD moved to reconsider the vote ordering the main question; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The amendment as modified will now be read.

The Clerk read as follows:

That from and after the passage of this act, except as provided in section 8, only coins of less denominations than $1 shall be fabricated on Government account, but the Secretary shall cause to be coined, up to the full capacity of the mints, in connection with other coinage, the gold and silver bullion deposited for coinage under this act; and in converting bullion into bars or coins for depositors precedence shall be given in the order in which deposits are made; but this provision shall not prevent the delivery of coin or stamped bars in exchange for bullion as soon as its value is ascertained: *Provided*, That in determining the average market value of bullion, for the purpose of ascertaining the charge for converting the same

into coin as provided by section 3524 of the Revised Statutes, as amended by the fourth section of this act, said market rate shall be the value of the bullion in coin of the same metal at its legal-tender value in the cities of New York and San Francisco for the week preceding such deposit: *Provided further*, That in the event silver bullion is not deposited under the provisions of this act available for coinage to the amount of $2,000,000 per month, then the Secretary of the Treasury shall continue to purchase, under the provisions of the law of February 28, 1878, sufficient silver bullion to coin $2,000,000 per month.

Mr. WARNER. I think there is a verbal error in the amendment as read.

Mr. GARFIELD. It is too late to change anything now; the text of the amendment is the property of the House now.

Mr. WARNER. I am not going to change it; I think it was not correctly read.

Mr. GARFIELD. Ordinarily we do not read with a pencil. [Laughter.]

The SPEAKER. The amendment was read correctly.

The amendment, as modified, was then agreed to.

Mr. CONGER moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The question was upon agreeing to the section as amended.

Mr. STEPHENS. Is not now the time for the gentleman from Pennsylvania [Mr. WHITE] to make his motion to strike out this section, if he is going to do it?

The SPEAKER. The Chair thinks that the vote on agreeing to the section will accomplish the same purpose.

Mr. STEPHENS. So do I; but the gentleman seemed to be desirous to make the motion to strike out.

The question was taken upon agreeing to the section as amended; and upon a division there were—ayes 97, noes 68.

Before the result of the vote was announced,

Mr. WHITE called for the yeas and nays.

The yeas and nays were not ordered; there being upon a division—ayes 13, noes 103; not one-fifth voting in the affirmative.

So the section, as amended, was adopted.

Mr. WARNER moved to reconsider the vote by which the section as amended was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. BUCKNER. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BUCKNER. Is it in order now to move a substitute for the remaining sections of this bill?

The SPEAKER. It is not. The House has determined to consider this bill by sections, and there are two sections yet undisposed of. The Clerk will now read the section recommended by the Committee on Coinage, Weights, and Measures.

The Clerk read as follows:

That after the passage of this act the President shall signify to such foreign governments as he may deem advisable that the United States is ready to co-operate with other nations in the establishment of a common ratio between gold and silver.

Mr. REAGAN. I move to strike out that section.

Mr. WARNER. I am willing to have it voted down.

Mr. CONGER. I ask the gentleman from Ohio [Mr. WARNER] to strike out the words "after the passage of this act." We want the President to do this some time, and those words should be stricken out. [Laughter.]

Mr. WARNER. I have no objection to striking out those words.

The amendment of Mr. CONGER was not agreed to; there being upon a division—ayes 47, noes 89.

The section recommended by the committee was not adopted.

Mr. GARFIELD moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

The last section of the bill was read, as follows:

All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Mr. GARFIELD. I make the point of order that that section if adopted would repeal all the statutes of the United States, every one of them, for they are certainly inconsistent with this bill.

The SPEAKER. That is a question for the House and not for the Chair.

Mr. WARNER. It will repeal the fraudulent statutes which my colleague helped to pass, and that is the main object of it.

Mr. GILLETTE. I wish to offer an additional section, to come in before the one just read, which I think the gentleman from Ohio [Mr. WARNER] will accept.

Mr. WARNER. I am willing that it shall be voted upon.

The additional section moved by Mr. GILLETTE was as follows:

All gold and silver certificates provided for by this act shall be a full legal tender for all debts, public and private, unless otherwise provided by contract.

Mr. WARNER. That is inconsistent with this bill.

Mr. WEAVER. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 73, nays 135, not voting 77; as follows:

YEAS—73.

Aiken,	Blackburn,	Clardy,	Culberson,
Atkins,	Cabell,	Cobb,	Daggett,
Bicknell,	Chalmers,	Coffroth,	Davidson,
Davis, Joseph J.	Hooker,	Robertson,	Turner, Thomas
Davis, Loundes H.	Hostetler,	Russell, Daniel L.	Vance,
De La Matyr,	Jones,	Ryon, John W.	Waddill,
Dibrell,	Kenna,	Sawyer,	Warner,
Dickey,	King,	Simonton,	Weaver,
Dunn,	Ladd,	Singleton, O. R.	Wellborn,
Ewing,	Le Fevre,	Slemons,	Whitthorne,
Felton,	Manning,	Smith, Hezekiah B.	Williams, Thomas
Ford,	Martin, Benj. F.	Sparks,	Willis,
Forney,	McKenzie,	Speer,	Wilson,
Frost,	McMillin,	Springer,	Wise,
Geddes,	Muldrow,	Stephens,	Wright,
Gillette,	Murch,	Stevenson,	Yocum.
Gunter,	New,	Taylor,	
Harris, John T.	Nicholls,	Tillman,	
Hatch,	Reagan,	Turner, Oscar	

NAYS—135.

Aldrich, William	Deering,	Humphrey,	Pœhler,
Anderson,	Deuster,	Hunton,	Reed,
Armfield,	Dick,	Hurd,	Rice,
Atherton,	Dunnell,	Johnston,	Richardson, D. P.
Baker,	Dwight,	Joyce,	Robeson,
Barber,	Einstein,	Kelley,	Robinson,
Bayne,	Elam,	Kimmel,	Russell, William A.
Beltzhoover,	Errett,	Klotz,	Ryan, Thomas
Bingham,	Evins,	Lewis,	Sapp,
Blake,	Farr,	Lindsey,	Scales,
Bliss,	Ferdon,	Loring,	Shallenberger,
Blount,	Field,	Marsh,	Sherwin,
Bowman,	Fort,	Martin, Joseph J.	Smith, A. Herr
Boyd,	Frye,	McCoid,	Smith, William E.
Brewer,	Garfield,	McCook,	Steele,
Briggs,	Godshalk,	McGowan,	Stone,
Brigham,	Goode,	McKinley,	Talbott,
Bright,	Hall,	McMahon,	Thomas,
Browne,	Hammond, John	Mills,	Thompson,
Burrows,	Harris, Benj. W.	Mitchell,	Townsend, Amos
Caldwell,	Haskell,	Money,	Tyler,
Cannon,	Hawk,	Monroe,	Updegraff, J. T.
Carlisle,	Hawley,	Morrison,	Updegraff, Thomas
Carpenter,	Hayes,	Morse,	Urner,
Caswell,	Hazelton,	Morton,	Valentine,
Chittenden,	Heilman,	Muller,	Van Aernam,
Claflin,	Henderson,	Neal,	Van Voorhis,
Clark, John B.	Henkle,	Norcross,	Wait,
Clymer,	Henry,	O'Neill,	Ward,
Conger,	Herndon,	Orth,	White,
Covert,	Hiscock,	Osmer,	Wilber,
Crapo,	Horr,	Persons,	Willits,
Cravens,	Houk,	Phelps,	Young, Thomas L.
Davis, George R.	House,	Phister,	

NOT VOTING—77.

Acklen,	Cox,	Lapham,	Richmond,
Aldrich, N. W.	Crowley,	Lay,	Ross,
Bachman,	Ellis,	Lounsbery,	Rothwell,
Bailey,	Finley,	Lowe,	Samford,
Ballou,	Fisher,	Martin, Edward L.	Shelley,
Barlow,	Forsythe,	Mason,	Singleton, J. W.
Beale,	Gibson,	McLane,	Starin,
Belford,	Hammond, N. J.	Miles,	Townshend, R. W.
Bland,	Harmer,	Miller,	Tucker,
Bouck,	Herbert,	Myers,	Voorhis,
Bragg,	Hill,	Newberry,	Washburn,
Buckner,	Hubbell,	O'Brien,	Wells,
Butterworth,	Hull,	O'Connor,	Whiteaker,
Calkins,	James,	O'Reilly,	Williams, C. G.
Camp,	Jorgensen,	Overton,	Wood, Fernando
Clark, Alvah A.	Keifer,	Pierce,	Wood, Walter A.
Colerick,	Ketcham,	Pound,	Young, Casey.
Converse,	Killinger,	Prescott,	
Cook,	Kitchin,	Price,	
Cowgill,	Knott,	Richardson, J. S.	

So the amendment was rejected.

During the roll-call the following announcements were made:

Mr. BUCKNER. I am paired with Mr. PRICE. If he were present, I would vote "no."

Mr. HUNTON. My colleague, Mr. TUCKER, is paired with Mr. LAPHAM.

Mr. BACHMAN. I am paired with Mr. STARIN.

Mr. SAMFORD. I am paired with Mr. ALDRICH, of Rhode Island.

Mr. CONVERSE. I am paired with Mr. WASHBURN. If he were present, I should vote "ay."

Mr. GEDDES. I have been requested to announce that my colleague, Mr. FINLEY, is paired with Mr. CALKINS, of Indiana.

Mr. MYERS. I am paired with Mr. COWGILL. If he were present, I should vote "ay."

Mr. YOUNG, of Tennessee. I am paired with Mr. OVERTON. If he were here, I should vote "no."

Mr. FORNEY. My colleague, Mr. SHELLEY, is paired with Mr. KETCHAM.

Mr. ELLIS. I am paired with Mr. HARMER, of Pennsylvania. If he were present, I should vote "no."

Mr. BEALE. I am paired with my colleague, Mr. JORGENSEN.

Mr. KNOTT. On all questions arising on this bill I am paired with Mr. HUBBELL.

Mr. COOK. I am paired with Mr. POUND. If he were here, I should vote "ay."

Mr. AIKEN. My colleague, Mr. RICHARDSON, is paired with Mr. CAMP, and my colleague, Mr. O'CONNOR, with Mr. O'REILLY.

Mr. COBB. My colleague, Mr. COLERICK, is paired with Mr. BALLOU, of Rhode Island.

Mr. RICHMOND. I am paired with Mr. PRESCOTT. If he were here, I would vote "ay."

Mr. BLOUNT. My colleague, Mr. HAMMOND, is paired with Mr. MILLER, of New York.

Mr. KIMMEL. My colleague, Mr. MCLANE, is paired with Mr. BLAND, of Missouri.

Mr. FORSYTHE. I am paired with Mr. WALTER A. WOOD, of New York. If he were here, I should vote "ay."

Mr. UPDEGRAFF, of Ohio. My colleague, Mr. BUTTERWORTH, is paired with Mr. HILL. If present, Mr. BUTTERWORTH would vote "no."

Mr. EINSTEIN. Mr. O'BRIEN is paired with Mr. ACKLEN.

Mr. FINLEY. Mr. JORGENSEN is paired with Mr. BEALE.

Mr. SAPP. My colleague, Mr. PRICE, is paired with Mr. BUCKNER. If present, Mr. PRICE would vote "no."

Mr. TOWNSEND, of Ohio. My colleague, Mr. KEIFER, is paired with Mr. ROTHWELL, of Missouri. If present, my colleague would vote "no."

Mr. VAN AERNAM. Mr. LAPHAM is paired with Mr. TUCKER, of Virginia. If present, Mr. LAPHAM would vote "no."

Mr. DUNNELL. My colleague, Mr. WASHBURN, is paired with Mr. CONVERSE.

Mr. FISHER. I am paired with Mr. KITCHIN, of North Carolina.

Mr. DWIGHT. My colleague, Mr. MASON, is absent on account of sickness.

Mr. LOWE. I am paired with Mr. BAILEY, of New York.

Mr. DAVIDSON. My colleague, Mr. HULL, is paired with Mr. VOORHIS, of New Jersey.

Mr. CASWELL. My colleague, Mr. POUND, is paired with Mr. COOK, of Georgia.

Mr. GARFIELD. I move by unanimous consent to dispense with the reading of the names.

Objection was made.

The vote was then announced as above recorded.

Mr. GILLETTE. I wished to occupy a moment in support of my amendment, but as I was denied that opportunity I now ask leave to print some remarks in explanation of that amendment.

The SPEAKER. The Chair hears no objection.

Mr. CONGER. I desire to say that the friends of the bill have forbidden debate. They have prohibited to me the opportunity to speak on it, [laughter,] yet the greenbackers now ask for leave to print their remarks. Let them withdraw the demand for the previous question and give us all a chance to be heard.

The SPEAKER. The previous question did not prevail on that amendment. The House wanted to vote without debate. Does the gentleman object to granting leave to the gentleman from Iowa?

Mr. CONGER. I do object, as the greenbackers will not allow us an opportunity to speak on this bill.

Mr. WARNER moved to reconsider the vote by which the amendment was rejected; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. MILLS. I now present the following to come in as a separate section.

The Clerk reads as follows:

SEC. 10. Nothing contained in this act shall be construed to authorize the coinage of silver except into the standard dollar.

Mr. WARNER. I accept that. It is right, and I demand the previous question on that section.

Mr. DUNNELL. Let it be again read.

The amendment was again read.

The previous question was seconded and the main question ordered.

Mr. GARFIELD moved to reconsider the vote by which the main question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. MILLS's amendment was agreed to.

Mr. WARNER moved to reconsider the vote by which the amendment was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The Clerk will read the next section.

The Clerk read as follows:

SEC. 11. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Mr. FARR. I desire to offer an amendment to come in as a new section.

Mr. WARNER. I insist on the demand for the previous question.

The SPEAKER. Will the gentleman from Ohio allow the amendment to be read for information?

Mr. WARNER. I object. I demand the previous question on the section.

The SPEAKER. The gentleman demands the previous question. The remedy is with the House.

Mr. CONGER. On what does the gentleman from Ohio demand the previous question?

The SPEAKER. On the eleventh section.

Mr. CONGER. We have not reached that yet. The gentleman from New Hampshire [Mr. FARR] offers a new section as section 10.

The SPEAKER. There is a section 10 in the bill now.

Mr. CONGER. I understood that section 10 was stricken out.

The SPEAKER. The gentleman from Texas [Mr. MILLS] submitted an amendment which was adopted and is now in the bill as section 10.

Mr. CONGER. The Chair has frequently stated that when a new section is proposed it should come in before the last section of the bill.

The SPEAKER. The gentleman from Ohio had demanded the previous question on the last section, but withdrew it for the purpose of allowing the gentleman from Texas [Mr. MILLS] to offer his amendment. He now renews the demand for the previous question; and the gentleman in charge of the bill must have charge.

Mr. WARNER. I insist on the demand for the previous question.

The SPEAKER. Does the gentleman decline to have the amendment read?

Mr. WARNER. Yes, sir; I do.

Mr. ALDRICH, of Illinois. I submit that the gentleman from New Hampshire [Mr. FARR] was on the floor and could not be taken from it by the demand for the previous question.

The SPEAKER. The gentleman was not on the floor.

Mr. ALDRICH, of Illinois. He was recognized by the Chair.

The SPEAKER. The Chair had stated that the gentleman from Ohio demanded the previous question on the last section of the bill. The remedy is in the House to vote down the previous question.

Mr. ALDRICH, of Illinois. The gentleman had offered his amendment before that.

The SPEAKER. The amendment has not been offered. It has never been even read yet. The question is on seconding the demand for the previous question on the last section of the bill.

The previous question was seconded.

The SPEAKER. The question is on ordering the main question.

Mr. CONGER. I call for a division on seconding the demand for the previous question. I rose in my place to do so before the Chair declared that the previous question was seconded.

The SPEAKER. The Chair will put the question again.

Mr. WARNER. I make the point that the question has been taken and decided.

The SPEAKER. But the gentleman from Michigan states that he rose in his place and demanded a division. The Chair will again submit the question on seconding the demand for the previous question.

Mr. CONGER. I demand a division.

The SPEAKER. If the gentleman will wait——

Mr. CONGER. I wish to be in time. I narrowly escaped before from the rapidity with which the Chair put the question.

The question being taken, there were—ayes 103, no 1.

Mr. CONGER. A quorum has not voted.

Mr. GARFIELD. Allow the gentleman from New Hampshire to offer his amendment. That is all we want.

Mr. WARNER. Very well. Let it be read. [Laughter.] I do not agree to its being offered.

The Clerk read Mr. FARR's amendment, as follows:

That after the passage of this act members of Congress shall be paid only in standard silver dollars.

Many MEMBERS. "Ay!" "Ay!"

Mr. STEVENSON. I call for the yeas and nays on that.

Mr. WARNER. I now demand the previous question on the last section of the bill.

Mr. CONGER. I call for the previous question on the amendment which has just been read.

The SPEAKER. It was only read for information.

Mr. WARNER. I only yielded to have it read for information.

Mr. HOUK. I appeal to the gentleman from Ohio [Mr. WARNER] to accept the amendment of the gentleman from New Hampshire to pay members of Congress in the legal-tender silver dollar that he so ardently desires for the people. Why force the people other than Congressmen to take the silver and refuse to take it ourselves?

Mr. FORT. Will the gentleman from Ohio not accept silver dollars for his pay?

Mr. WARNER. Certainly I will. I am always happy to get them, or certificates either.

The SPEAKER. A quorum did not vote, and the Chair will appoint tellers. The Chair appoints the gentleman from Ohio, Mr. WARNER, and the gentleman from Michigan, Mr. CONGER.

Mr. BRIGHT. I would like to hear the amendment read again.

The SPEAKER. It was only read for information.

Mr. COX. We cannot vote on it, as we are all interested in it.

Mr. HUMPHREY. I rise to a question of order. If that amendment is adopted, will it not override the Appropriations Committee, as we have not made any appropriations yet?

The SPEAKER. That is not a question of order.

Mr. THOMAS TURNER. Let it apply to the President and everybody else.

The House divided; and the tellers reported—ayes 110, noes 32; no quorum voting.

Mr. GARFIELD. I appeal to the gentleman from Ohio [Mr. WARNER] to let the bill be printed that we may see what it is now, and act upon it at our next meeting. There have been a large number

of amendments made and nobody can tell with any coherency what the bill now is.

The SPEAKER. The gentleman from Ohio [Mr. WARNER] can demand the previous question on the final passage of the bill. The House can then adjourn and the bill can then be printed in the RECORD.

Mr. WHITE. I desire to make an inquiry of the Chair. What became of the proposition of the gentleman from New Hampshire, [Mr. FARR?] I want a chance to vote upon that, and I want gentlemen on the other side who are advocates of the silver bill to have a chance to vote upon it.

Mr. FORT. I desire to vote for it in good faith.

The SPEAKER. That amendment was not pending; it was only read for information.

Mr. HOUK. I desire to make an inquiry.

Mr. WARNER. I object to inquiries. I call for the regular order.

The SPEAKER. The regular order is the question on seconding the demand for the previous question. The count of the tellers is—ayes 110, noes 32; lacking two of a quorum. The tellers will resume their places.

Mr. HOUK. I want to make an appeal to the gentleman from Ohio. [Cries of "Regular order!"] Owing to the disorder that has prevailed there are many of us who do not know what is in the bill. Before finally acting upon it, I think we should at least have the opportunity of reading it.

The SPEAKER. The gentleman from Tennessee is not now in order.

Mr. HOUK. I only want to ask that the bill be printed, so that we may read it; and if possible gather up its fragments and try to understand them, so as to vote intelligently.

The SPEAKER. The tellers will resume their places.

The tellers continued the count, and reported—ayes 110, noes 34.

So the previous question was seconded.

The question was taken upon ordering the main question; and on a division there were—ayes 100, noes 8.

Mr. WHITE. No quorum has voted.

Mr. CONGER. I move that the House do now adjourn.

Mr. GARFIELD. I hope that pending that, the bill, as amended, will be ordered to be printed.

Mr. CONGER. I understand that some substitutes for the bill are to be offered, and I hope that they will be ordered to be printed as well as the bill itself, so that we may have the benefit of seeing them together in the morning.

Mr. WARNER. If we can have the previous question——

Mr. WHITE. Is debate in order?

The SPEAKER. The gentleman is making a proposition to try and meet the wishes of the House, and the Chair is disposed to hear it.

Mr. WARNER. If we can have the previous question ordered on the engrossment and third reading of the bill, and the House then insists on an adjournment, I will not object, but I want to reach that point.

The SPEAKER. The gentleman from Ohio states that if the main question is ordered on the engrossment and third reading of the bill, he will acquiesce in an adjournment, so that the bill may be printed in the RECORD.

Mr. CONGER. The gentleman asks too many conditions.

Mr. SPRINGER. How many do you want?

Mr. CONGER. Will he allow all the substitutes to be printed in the RECORD?

The SPEAKER. The Chair understands that that is the proposition.

Mr. CONGER. Let him say so, then; let him include any substitute that may be offered.

The SPEAKER. Upon reflection, the Chair would suggest that the gentleman demand the previous question on the engrossment and third reading of the bill, and then ask for the previous question on the final passage of the bill, that would put the bill in the RECORD in the morning, so that the House could see what they are voting on in the final passage.

Mr. MITCHELL. I have an amendment which I desire to offer.

Mr. WARNER. I cannot yield for any other amendments.

Mr. CLYMER. I move that when the House adjourns to-day it adjourn to meet on Monday next. [Loud cries of "No!" "No!"]

The SPEAKER. That motion is in order.

Mr. KENNA. Before the motion is put I would like to make a statement. The legislative, &c., appropriation bill is now in the hands of the enrolling clerk, and it is important that the bill should be reported to the House to-morrow in order that it may get to the President.

Mr. ATKINS. I hope the gentleman from Pennsylvania [Mr. CLYMER] will withdraw his motion.

Mr. CLYMER. I withdraw it.

Mr. WHITE. I renew the motion.

The question was taken; and on a division there were—ayes 62, noes 122.

So the motion was not agreed to.

Mr. CONGER. I desire to withdraw the objection I made to allowing the gentleman from Iowa [Mr. GILLETTE] to print some remarks upon his amendment.

Mr. DAVIS, of Illinois. I renew the objection.

The question was taken on Mr. CONGER'S motion; and on a division there were—ayes 88, noes 102.

Mr. CONGER. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 86, nays 118, not voting 81; as follows:

YEAS—86.

Aldrich, William	Dwight,	Jones,	Sapp,
Anderson,	Einstein,	Joyce,	Shallenberger,
Barber,	Errett,	Lindsey,	Sherwin,
Bayne,	Farr,	Loring,	Smith, A. Herr
Bingham,	Ferdon,	Martin, Joseph J.	Steele,
Blake,	Field,	McCoid,	Thomas,
Bliss,	Fort,	McCook,	Townsend, Amos
Bowman,	Frye,	McGowan,	Tyler,
Boyd,	Garfield,	McKinley,	Updegraff, J. T.
Brewer,	Godshalk,	Mitchell,	Updegraff, Thomas
Briggs,	Hammond, John	Morton,	Urner,
Burrows,	Harris, Benj. W.	Neal,	Valentine,
Carpenter,	Hawk,	Newberry,	Van Aernam,
Caswell,	Hawley,	Norcross,	Van Voorhis,
Chittenden,	Hayes,	O'Neill,	Wait,
Claflin,	Hazelton,	Orth,	Ward,
Conger,	Heilman,	Osmer,	White,
Covert,	Henderson,	Reed,	Wilber,
Crapo,	Hiscock,	Rice,	Willits,
Davis, George R.	Horr,	Richardson, D. P.	Young, Thomas L.
Deering,	Houk,	Russell, William A.	
Dick,	Humphrey,	Ryan, Thomas	

NAYS—118.

Aiken,	De La Matyr,	King,	Singleton, O. R.
Armfield,	Dibrell,	Klotz,	Slemons,
Atherton,	Dickey,	Ladd,	Smith, Hezekiah B.
Atkins,	Dunn,	Le Fevre,	Smith, William E.
Baker,	Dunnell,	Lewis,	Sparks,
Belford,	Elam,	Lowe,	Speer,
Beltzhoover,	Ewing,	Manning,	Springer,
Bicknell,	Felton,	Martin, Benj. F.	Stephens,
Blackburn,	Ford,	McKenzie,	Stevenson,
Blount,	Forney,	McMahon,	Talbott,
Bouck,	Forsythe,	McMillin,	Taylor,
Brigham,	Frost,	Mills,	Thompson,
Bright,	Geddes,	Morrison,	Tillman,
Browne,	Gibson,	Muldrow,	Townshend, R. W.
Cabell,	Gillette,	Murch,	Turner, Oscar
Caldwell,	Goode,	New,	Turner, Thomas
Chalmers,	Gunter,	Nicholls,	Vance,
Clardy,	Hall,	Persons,	Waddill,
Clark, John B.	Harris, John T.	Phelps,	Warner,
Clymer,	Hatch,	Phister,	Weaver,
Cobb,	Henry,	Poehler,	Whitthorne,
Coffroth,	Herbert,	Reagan,	Williams, Thomas
Cook,	Hooker,	Richmond,	Willis,
Cox,	Hostetler,	Robertson,	Wilson,
Cravens,	House,	Robinson,	Wise,
Culberson,	Hunton,	Ryon, John W.	Wright,
Daggett,	Johnston,	Samford,	Yocum,
Davidson,	Kelley,	Sawyer,	Young, Casey.
Davis, Joseph J.	Kenna,	Scales,	
Davis, Loundes H.	Kimmel,	Simonton,	

NOT VOTING—81.

Acklen,	Ellis,	Lay,	Richardson, J. S.
Aldrich, N. W.	Evins,	Lounsbery,	Robeson,
Bachman,	Finley,	Marsh,	Ross,
Bailey,	Fisher,	Martin, Edward L.	Rothwell,
Ballou,	Hammond, N. J.	Mason,	Russell, Daniel L.
Barlow,	Harmer,	McLane,	Shelley,
Beale,	Haskell,	Miles,	Singleton, J. W.
Bland,	Henkle,	Miller,	Starin,
Bragg,	Herndon,	Money,	Stone,
Buckner,	Hill,	Monroe,	Tucker,
Butterworth,	Hubbell,	Morse,	Voorhis,
Calkins,	Hull,	Muller,	Washburn,
Camp,	Hurd,	Myers,	Wellborn,
Cannon,	James,	O'Brien,	Wells,
Carlisle,	Jorgensen,	O'Connor,	Whiteaker,
Clark, Alvah A.	Keifer,	O'Reilly,	Williams, C. G.
Colerick,	Ketcham,	Overton,	Wood, Fernando
Converse,	Killinger,	Pierce,	Wood, Walter A.
Cowgill,	Kitchin,	Pound,	
Crowley,	Knott,	Prescott,	
Deuster,	Lapham,	Price,	

So the motion to adjourn was not agreed to.

During the roll-call the following announcements were made:

Mr. COVERT. I desire to state that Mr. MONEY, of Mississippi, is paired with Mr. STONE, of Michigan.

Mr. KIMMEL. My colleague, Mr. MCLANE, is paired with Mr. BLAND, of Missouri.

Mr. BACHMAN. I am paired with Mr. STARIN, of New York.

Mr. MYERS. I am paired with my colleague, Mr. COWGILL.

Mr. HERNDON. I am paired with Mr. ALDRICH, of Rhode Island.

Mr. CONVERSE. I am paired with Mr. WASHBURN, of Minnesota. If he were here, I should vote "no."

Mr. ARMFIELD. My colleague, Mr. KITCHIN, is paired with Mr. FISHER, of Pennsylvania.

Mr. TOWNSHEND, of Illinois. My colleague, Mr. SINGLETON, is paired with Mr. MILES.

Mr. AIKEN. My colleague, Mr. O'CONNOR, is paired with Mr. O'REILLY, of New York; and my colleague, Mr. RICHARDSON, is paired with Mr. CAMP, of New York.

Mr. FISHER. I am paired with Mr. KITCHIN, of North Carolina. If he were here, I should vote "ay."

Mr. SMITH, of Pennsylvania. My colleague, Mr. HARMER, is paired with Mr. ELLIS, of Louisiana; and my colleague, Mr. KILLINGER, is paired with Mr. WELLS, of Missouri.

Mr. DUNNELL. My colleague, Mr. WASHBURN, is paired with Mr. CONVERSE, of Ohio.

Mr. SAMFORD. My colleague, Mr. SHELLEY, is paired with Mr. KETCHAM, of New York.

The result of the vote was then announced as above stated.

Mr. WHITE. I move that when the House adjourns to-day it be to meet on Monday next. The legislative appropriation bill must go over until Monday any way, the Senate having adjourned till Monday.

The question was taken upon the motion of Mr. WHITE; and upon a division there were—ayes 27, noes 95.

Mr. CONGER. No quorum has voted.

Mr. STEPHENS. It does not require a quorum.

The SPEAKER. Less than a quorum cannot adjourn over until Monday.

Mr. BELFORD. One moment.

Mr. WHITE. I call for the regular order.

Mr. BELFORD. I desire to appeal to the gentleman from Ohio, [Mr. WARNER.]

Mr. WHITE. Regular order.

Mr. BELFORD. Oh, give a man a fair chance. I desire to ask the gentleman from Ohio to consent to the printing of this bill in the RECORD to-morrow morning, and then let the House now adjourn. I feel assured that if this bill is printed, and a number of gentlemen on this side of the House can have an opportunity to read it, the majority on its passage will be greater than if the gentleman demands a vote upon it to-night. I ask this as a friend of the measure.

The SPEAKER. The proposition of the gentleman from Ohio, [Mr. WARNER,] submitted a few minutes since, was that this bill should be ordered to be engrossed and read a third time, and then that the previous question should be ordered upon its passage; and in addition to that, that the bill, as it now stands, be printed in the RECORD of to-morrow, so that before the final vote is taken upon the passage of the bill every gentleman would have an opportunity to read it.

Mr. CONGER. But we do not want the previous question ordered. I state here that if it is I will demand the reading of the engrossed bill.

Mr. SPRINGER. You may demand it, and we will have it read for you.

Mr. MITCHELL. I desire to submit for the consideration of the gentleman from Ohio [Mr. WARNER] and the House an amendment.

Mr. SPRINGER. I object.

Mr. MITCHELL. I ask that it be read.

Mr. SPRINGER. I object to its reading.

Mr. RYAN, of Kansas. I wish to call the attention of the gentleman from Ohio who has charge of this bill——

Mr. WARNER. I call for the regular order.

Mr. RYAN, of Kansas. Pending general debate on this measure I offered an amendment, with the consent of the gentleman from Ohio and of the House, and the Chair declared it was pending. That amendment is a substitute for the entire bill, and I think it should be voted upon.

Mr. SPRINGER. I do not think so.

Mr. RYAN, of Kansas. You may not think so, but I do.

The SPEAKER. The House has the power to cut off the amendment of the gentleman from Kansas; the Chair does not do it.

Mr. RYAN, of Kansas. No, sir; but the demand for the previous question is designed to cut off my substitute and all amendments.

The SPEAKER. The Chair does not know what the design of it is, but that is the effect of it.

Mr. RYAN, of Kansas. The effect is to do that, and I presume that the design is to do it. It is immaterial what the design is if that is the effect of it.

Mr. CANNON, of Illinois. I desire to submit this proposition: the majority of the House ought to act intelligently and know what they are voting on. It occurs to me that the gentleman from Ohio [Mr. WARNER] would save time if he would allow this bill to be printed in the RECORD, so that we can see what it now is. It may be that to-morrow we may want to substitute something else for it.

Mr. WARNER. It may be that some members will want to open the flood-gates for a thousand different things. If there is anything improper in the bill, the vote ordering the main question can be reconsidered to-morrow.

Mr. HOOKER. I call for the regular order.

The SPEAKER. The regular order is the motion of the gentleman from Pennsylvania [Mr. WHITE] that when the House adjourns to-day it be to meet on Monday next. No quorum voted on that proposition, and the Chair will therefore appoint Mr. WARNER, of Ohio, and Mr. WHITE, of Pennsylvania, to act as tellers.

The House again divided; and the tellers reported—ayes 3, noes 75.

Mr. CONGER. No quorum has voted.

Mr. WARNER. I call for the regular order.

The SPEAKER. The Chair thinks the regular order would be to have a quorum in the House.

Mr. COX. I move a call of the House.

Mr. WHITE. In the absence of a quorum I move that the House now adjourn.

The SPEAKER. Then the gentleman withdraws the point that a quorum has not voted.

Mr. WHITE. No, sir; I withdraw my motion to adjourn.

The SPEAKER. The Chair understood the gentleman to withdraw the motion to adjourn over.

Mr. WHITE. No, sir; I do not. I withdraw the motion to adjourn, which I have just indicated, but I insist upon my motion that when the House adjourns to-day it adjourn to meet on Monday next.

The SPEAKER. Does the gentleman insist on the point that no quorum voted upon the last vote?

Mr. WHITE. I do.

Mr. COX. Then I move a call of the House. That is all that can be done.

Mr. VAN VOORHIS. I move that the House adjourn.

The question being taken on the motion to adjourn, it was not agreed to; there being—ayes 79, noes 87.

The SPEAKER. The gentleman from New York [Mr. COX] has moved that there be a call of the House.

Mr. WILBER. Was there not a quorum upon the last vote?

The SPEAKER. There was.

Mr. WILBER. Why, then, should we have a call of the House?

The SPEAKER. The gentleman from Pennsylvania [Mr. WHITE] insists on his motion that when the House adjourns it be until Monday next, upon which no quorum had voted; therefore the House is brought back to that question.

Mr. WILBER. A quorum might have come in since.

The SPEAKER. The Chair will submit the question again. As the gentleman suggests, members may have come in since the last vote was taken.

The question being again taken on the motion of Mr. WHITE, that when the House adjourns to-day it be to meet on Monday next, there were—ayes 19, noes 90.

Mr. CONGER. No quorum!

Mr. MILLS. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 26, nays 117, not voting 142; as follows:

YEAS—26.

Bliss,	Duester,	Joyce,	Richardson, D. P.
Briggs,	Dunnell,	Lindsey,	Ryan, Thomas
Caswell,	Dwight,	Marsh,	Updegraff, Thomas
Covert,	Evins,	Morse,	Wait,
Crapo,	Hayes,	Muller,	Ward.
Davis, George R.	Humphrey,	O'Neill,	
Deering,	Hurd,	Rice,	

NAYS—117.

Aldrich, William	Dunn,	Lowe,	Slemons.
Armfield,	Elam,	Manning,	Smith, Hezekiah B.
Atherton,	Ewing,	Martin, Benj. F.	Smith, William E.
Atkins,	Felton,	McCook,	Sparks,
Belford,	Field,	McKenzie,	Speer,
Beltzhoover,	Ford,	McMahon,	Springer,
Bicknell,	Forney,	McMillin,	Steele,
Blackburn,	Forsythe,	Mills,	Stephens,
Blount,	Geddes,	Morrison,	Stevenson,
Bouck,	Gillette,	Muldrow,	Taylor,
Bowman,	Goode,	Murch,	Thompson,
Brigham,	Gunter,	New,	Tillman,
Bright,	Hammond, John	Nicholls,	Townshend, R. W.
Cabell,	Harris, John T.	Norcross,	Turner, Oscar
Caldwell,	Hatch,	Persons,	Turner, Thomas
Clardy,	Henkle,	Phelps,	Updegraff, J. T.
Clark, John B.	Henry,	Phister,	Vance,
Cobb,	Herbert,	Poehler,	Waddill,
Coffroth,	Hostetler,	Reagan,	Warner,
Cook,	House,	Richmond,	Weaver,
Cox,	Hunton,	Robertson,	Wellborn,
Cravens,	Johnston,	Robinson,	Whitthorne,
Culberson,	Kelley,	Russell, Daniel L.	Williams, Thomas
Davidson,	Kenna,	Ryon, John W.	Willis,
Davis, Joseph J.	King,	Samford,	Wilson,
Davis, Loundes H.	Klotz,	Sawyer,	Wise,
De La Matyr,	Ladd,	Scales,	Wright,
Dibrell,	Le Fevre,	Simonton,	Yocum,
Dickey,	Lewis,	Singleton, O. R.	Young, Casey.

NOT VOTING—142.

Acklen,	Carlisle,	Gibson,	Killinger,
Aiken,	Carpenter,	Godshalk,	Kimmel,
Aldrich, N. W.	Chalmers,	Hall,	Kitchin,
Anderson,	Chittenden,	Hammond, N. J.	Knott,
Bachman,	Claflin,	Harmer,	Lapham,
Bailey,	Clark, Alvah A.	Harris, Benj. W.	Lay,
Baker,	Clymer,	Haskell,	Loring,
Ballou,	Colerick,	Hawk,	Lounsbery,
Barber,	Conger,	Hawley,	Martin, Edward L.
Barlow,	Converse,	Hazelton,	Martin, Joseph J.
Bayne,	Cowgill,	Heilman,	Mason,
Beale,	Crowley,	Henderson,	McCoid,
Bingham,	Daggett,	Herndon,	McGowan,
Blake,	Dick,	Hill,	McKinley,
Bland,	Einstein,	Hiscock,	McLane,
Boyd,	Ellis,	Hooker,	Miles,
Bragg,	Errett,	Horr,	Miller,
Brewer,	Farr,	Houk,	Mitchell,
Browne,	Ferdon,	Hubbell,	Money,
Buckner,	Finley,	Hull,	Monroe,
Burrows,	Fisher,	James,	Morton,
Butterworth,	Fort,	Jones,	Myers,
Calkins,	Frost,	Jorgensen,	Neal,
Camp,	Frye,	Keifer,	Newberry,
Cannon,	Garfield,	Ketcham,	O'Brien,

O'Connor,	Robeson,	Stone,	Washburn,
O'Reilly,	Ross,	Talbott,	Wells,
Orth,	Rothwell,	Thomas,	White,
Osmer,	Russell, William A.	Townsend, Amos	Whiteaker,
Overton,	Sapp,	Tucker,	Wilber,
Pierce,	Shallenberger,	Tyler,	Williams, C. G.
Pound,	Shelley,	Urner,	Willits,
Prescott,	Sherwin,	Valentine,	Wood, Fernando
Price,	Singleton, J. W.	Van Aernam,	Wood, Walter A.
Reed,	Smith, A. Herr	Van Voorhis,	Young, Thomas L.
Richardson, J. S.	Starin,	Voorhis,	

During the roll-call the following announcements were made:

Mr. BACHMAN. I am paired with Mr. STARIN. If he were present, I should vote "no."

Mr. FORNEY. Mr. SHELLEY is paired with Mr. KETCHAM.

Mr. COVERT. Mr. MONEY is paired with Mr. STONE. If present, Mr. MONEY would vote "no" and Mr. STONE would vote "ay."

Mr. HUNTON. Mr. TUCKER is paired with Mr. LAPHAM.

Mr. LE FEVRE. Mr. ATHERTON is paired with Mr. MORSE, and Mr. MYERS is paired with Mr. COWGILL.

Mr. CONVERSE. I am paired with Mr. WASHBURN. If he were here, I should vote "no."

Mr. CLARDY. Mr. FROST is paired with Mr. EINSTEIN.

Mr. DAVIDSON. My colleague, Mr. HULL, who is absent by leave of the House, is paired with Mr. VOORHIS.

Mr. AIKEN. I am paired with Mr. NEWBERRY. My colleague, Mr. O'CONNOR, is paired with Mr. O'REILLY, and my other colleague, Mr. RICHARDSON, with Mr. CAMP.

Mr. SIMONTON. Mr. CLYMER is paired with Mr. CHITTENDEN.

Mr. COBB. My colleague, Mr. COLERICK, is paired with Mr. BALLOU.

Mr. CHALMERS. I am paired with Mr. BROWNE. If he were present, I should vote "no."

Mr. CHITTENDEN. I am paired with Mr. CLYMER.

Mr. DUNNELL. Mr. WASHBURN is paired with Mr. CONVERSE.

Mr. URNER. I am paired with my colleague, Mr. MCLANE.

Mr. WAIT. I move by unanimous consent that the reading of the names be dispensed with.

Mr. WHITE. I object.

The SPEAKER. The yeas are 26 and the nays 117.

Mr. WHITE. No quorum.

The SPEAKER. The Chair votes in the negative and makes a quorum. So the House refuses to adjourn over until Monday next.

Mr. WARNER. I demand the regular order, which is on the previous question.

Mr. VAN VOORHIS. I move the House adjourn.

The House refused to adjourn.

The SPEAKER. The question now recurs on ordering the main question on the last section of the bill.

Mr. CONGER. No; on seconding the demand for the previous question.

The SPEAKER. The Chair will examine the record.

Mr. CONGER. The House was dividing by tellers, and the Chair announced there was no quorum.

The SPEAKER. The Chair is never positive, and will consult the record of the reporters.

Mr. TOWNSHEND, of Illinois. The record will show that the previous question was seconded.

The SPEAKER. The Chair has sent for the record, and there is no occasion to have any feeling on the subject. The Clerk will read.

The Clerk read as follows:

The SPEAKER. The tellers will resume their places.
The tellers continued to count, and reported—ayes 110, noes 34.
So the previous question was seconded.

The SPEAKER. The record shows the pending question is on ordering the main question to be put. The record of the reporters is corroborated by the Journal.

Mr. CONGER. I was one of the tellers.

The SPEAKER. The gentleman from Michigan will remember that the tellers were asked to resume their places, and that afterward several gentlemen came forward and voted.

Mr. CONGER. I do not know what was reported. I only speak for myself.

Mr. KENNA. If we follow the record on it will be found that other gentlemen voted, sufficient in number at least to make a quorum.

Mr. WARNER. As the Chair has suggested the tellers were requested to resume their places, and they did resume their places and reported the vote by which the previous question was seconded.

Mr. CONGER. The gentleman counted them while I was not there as one of the tellers.

The SPEAKER. The count was reported to the House and it was not disputed at the time.

Mr. BELFORD. Is it right to dispute the record at this time?

Mr. WARNER. It is entirely too late.

The SPEAKER. The Chair does not understand the count of the tellers to have been disputed.

Mr. TOWNSHEND, of Illinois. The Chair announced the previous question was seconded. I remember it well.

The SPEAKER. The Chair stated there were some votes lacking to make up a quorum, and asked the tellers to resume their places; and the tellers having resumed their places the count was reported to the House, members having subsequently voted more than sufficient to make a quorum.

Mr. CONGER. My understanding is that the tellers simply separated before a quorum was reached.

Mr. WARNER. That is true, but when the tellers resumed their places members came forward and voted making more than a quorum.

Mr. CONGER. I only have my own recollection of it.

The SPEAKER. The question is on ordering the main question to be now put.

Mr. CONGER. I demand the reading of the engrossed bill.

The SPEAKER. We have not got that far. The House is now on the last section.

Mr. CONGER. I supposed we had passed that.

Mr. WARNER. Oh, no, you have been filibustering on that all this time.

The main question was ordered to be now put.

The eleventh and last section was agreed to.

Mr. WARNER moved to reconsider the vote by which the last section of the bill was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. WARNER. I now demand the previous question on the engrossment and third reading of the bill as amended.

Mr. BELFORD. I move that the House do now adjourn. I desire to have the bill as amended printed before we finally act on it.

Mr. WARNER. I want the previous question ordered, and then the bill can be ordered to be printed in the RECORD and we will adjourn.

Mr. CONGER. That is what we object to. Let the bill be printed without ordering the previous question on the engrossment. We want to amend the bill.

The SPEAKER. The demand for the previous question if sustained would cut off any amendment.

Mr. WILBER. That is what we do not want. We want to have the opportunity of looking at the bill and offering amendments if we desire to do so.

Mr. WHITE. I rise to make a parliamentary inquiry. If the previous question is sustained that cuts off all opportunity of amending the bill, does it not?

The SPEAKER. If the previous question is ordered on the engrossment and third reading of this bill that carries it to the final passage, and the Chair presumes the gentleman from Ohio would again demand the previous question on the passage of the bill. The effect of those motions, if sustained, would be to cut off any further amendment.

Mr. WHITE. And to cut off the substitute offered by the gentleman from Kansas, [Mr. RYAN?]

Mr. BELFORD. I understood that the demand for the printing of this bill in the RECORD made by some gentlemen on this side of the House arose from the desire to see the bill with its amendments in proper shape to-morrow morning. It seems to me that the friends of this measure will make just as much progress if they consent to have this bill and all the amendments published in the RECORD to-morrow morning.

Mr. WARNER. They will see it in the RECORD. It will be printed in the RECORD.

Mr. REED. We will see it when it is too late.

Mr. WARNER. There can be a reconsideration if anything is found to be wrong.

The SPEAKER. Even if the previous question is allowed to operate on the third reading, if the majority of the House desire, they can refuse to order the previous question on the final passage of the bill, and recommit it, and when again reported it would be open for amendment.

Mr. CONGER. But if the previous question is not ordered now that leaves it just as it would be in the case suggested by the Chair.

The SPEAKER. If the previous question is ordered on the engrossment and third reading to-night and the House adjourns, it would be competent to-morrow, if the previous question is not sustained on the final passage of the bill, to entertain a motion to recommit.

Mr. WHITE. If on an examination of the bill when printed we find it to be defective in any particular, can we afterward offer any amendment whatever?

The SPEAKER. After the operation of the previous question is exhausted then a motion can be made to reconsider the vote by which the bill was ordered to be engrossed and read a third time. [Cries of "Vote!" "Vote!"]

Mr. HOUK. Before the vote is taken on seconding the demand for the previous question let the bill be read for information.

Mr. WARNER. I do not consent to that. I insist on the demand for the previous question.

Mr. WILBER. I move that the House do now adjourn.

The SPEAKER. The gentleman from Ohio [Mr. WARNER] demands the previous question on the engrossment and third reading of the bill. Pending that, the gentleman from New York [Mr. WILBER] moves that the House do now adjourn.

Mr. SIMONTON. And on that motion I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 76, nays 95, not voting 114; as follows:

YEAS—76.

Anderson,	Deering,	Humphrey,	Russell, William A.
Baker,	Deuster,	Hurd,	Sapp,
Barber,	Dunnell,	Joyce,	Shallenberger,
Bayne,	Dwight,	Lindsey,	Smith, A. Herr
Bicknell,	Errett,	Marsh,	Thomas,
Bingham,	Farr,	McCoid,	Townsend, Amos
Blake,	Ferdon,	McCook,	Tyler,
Bliss,	Field,	McKinley,	Updegraff, J. T.
Bowman,	Fort,	Mitchell,	Updegraff, Thomas
Brewer,	Godshalk,	Monroe,	Urner,
Brigham,	Hall,	Morton,	Valentine,
Burrows,	Hammond, John	Norcross,	Van Aernam,
Cannon,	Hawk,	Osmer,	Van Voorhis,
Carpenter,	Hawley,	Reed,	Wait,
Caswell,	Hayes,	Rice,	Ward,
Claflin,	Hellman,	Richardson, D. P.	White,
Conger,	Henderson,	Robeson,	Wilber,
Covert,	Hiscock,	Robinson,	Willits,
Davis, George R.	Horr,	Russell, Daniel L.	Young, Thomas L.

NAYS—95.

Armfield,	Dunn,	Le Fevre,	Slemons,
Atkins,	Elam,	Lewis,	Smith, William E.
Belford,	Evins,	Lowe,	Sparks,
Beltzhoover,	Ewing	Martin, Benj. F.	Speer,
Blackburn,	Felton,	McMahon,	Springer,
Blount,	Ford,	McMillin,	Stephens,
Bouck,	Forney,	Mills,	Stevenson,
Bright,	Forsythe,	Morrison,	Taylor,
Cabell,	Geddes,	Muldrow,	Thompson,
Caldwell,	Gillette,	Murch,	Tillman,
Carlisle,	Gunter,	New,	Townshend, R. W.
Clark, John B.	Harris, John T.	Nicholls,	Turner, Oscar
Cobb,	Hatch,	Persons,	Turner, Thomas
Coffroth,	Henkle,	Phelps,	Vance,
Cook,	Henry,	Phister,	Waddill,
Cox,	Herbert,	Poehler,	Warner,
Cravens,	Hostetler,	Reagan,	Weaver,
Culberson,	House,	Richmond,	Wellborn,
Davidson,	Hunton,	Robertson,	Williams, Thomas,
Davis, Joseph J.	Johnston,	Ryon, John W.	Wilson,
Davis, Loundes H.	Kenna,	Samford,	Wise,
De La Matyr,	King,	Sawyer,	Yocum,
Dibrell,	Klotz,	Simonton,	Young, Casey.
Dickey,	Ladd,	Singleton, O. R.	

NOT VOTING—114.

Acklen,	Daggett,	Kimmel,	Pound,
Aiken,	Dick,	Kitchin,	Prescott,
Aldrich, N. W.	Einstein,	Knott,	Price,
Aldrich, William	Ellis,	Lapham,	Richardson, John S.
Atherton,	Finley	Lay,	Ross,
Bachman,	Fisher,	Loring,	Rothwell,
Bailey,	Frost,	Lounsbery,	Ryan, Thomas
Ballou,	Frye,	Manning,	Scales,
Barlow,	Garfield,	Martin, Edward L.	Shelley,
Beale,	Gibson,	Martin, Joseph J.	Sherwin,
Bland,	Goode,	Mason,	Singleton, J. W.
Boyd,	Hammond, N. J.	McGowan,	Smith, Hezekiah B.
Bragg,	Harmer,	McKenzie,	Starin,
Briggs,	Harris, Benj. W.	McLane,	Steele,
Browne,	Haskell,	Miles,	Stone,
Buckner,	Hazelton,	Miller,	Talbott,
Butterworth,	Herndon,	Money,	Tucker,
Calkins,	Hill,	Morse,	Voorhis,
Camp,	Hooker,	Muller,	Washburn,
Chalmers,	Houk,	Myers,	Wells,
Chittenden,	Hubbell,	Neal,	Whiteaker,
Clardy,	Hull,	Newberry,	Whitthorne,
Clark, Alvah A.	James,	O'Brien,	Williams, C. G.
Clymer,	Jones,	O'Connor,	Willis,
Colerick,	Jorgensen,	O'Neill,	Wood, Fernando
Converse,	Keifer,	O'Reilly,	Wood, Walter A.
Cowgill,	Kelley,	Orth,	Wright.
Crapo,	Ketcham,	Overton,	
Crowley,	Killinger,	Pierce,	

So the House refused to adjourn.

During the call of the roll the following announcements were made:

Mr. COVERT. The gentleman from Mississippi, Mr. MONEY, is paired with Mr. STONE, of Michigan.

Mr. BACHMAN. I am paired with Mr. STARIN, of New York. If he were present, I should vote "no."

Mr. THOMAS TURNER. My colleague from Kentucky, Mr. WILLIS, is paired with Mr. HASKELL, of Kansas. If present, Mr. WILLIS would vote "no."

Mr. CLARDY. I am paired with Mr. MULLER, of New York. If he were present, I should vote "no."

Mr. CONVERSE. I am paired with Mr. WASHBURN, of Minnesota. If he were present, I should vote "no."

Mr. MCKENZIE. I am paired with Mr. RYAN, of Kansas. If he were present, I should vote "no."

Mr. TOWNSHEND, of Illinois. My colleague, Mr. SINGLETON, is paired with Mr. MILES, of Connecticut. If present, Mr. SINGLETON would vote "no."

Mr. DIBRELL. My colleague from Tennessee, Mr. WHITTHORNE, is paired with Mr. BRIGGS, of New Hampshire.

Mr. SAMFORD. My colleague from Alabama, Mr. HERNDON, is paired with Mr. ALDRICH, of Rhode Island. My colleague, Mr. SHELLEY, is paired with Mr. KETCHAM, of New York.

Mr. THOMPSON. My colleague from Kentucky, Mr. KNOTT, is paired with Mr. HUBBELL, of Michigan.

Mr .AIKEN. I am paired with Mr. NEWBERRY, of Michigan. My colleague from South Carolina, Mr. O'CONNOR, is paired with Mr. O'REILLY, of New York. My colleague, Mr. RICHARDSON, is paired with Mr. CAMP, of New York.

Mr. CHALMERS. I am paired with Mr. BROWNE, of Indiana. If he were present, I would vote "no."

Mr. RYON, of Pennsylvania. My colleague, Mr. WRIGHT, is paired with my colleague, Mr. O'NEILL.

Mr. SIMONTON. Mr. CLYMER, of Pennsylvania, is paired with Mr. CHITTENDEN, of New York. Mr. CLYMER, if present, would vote "no."

Mr. HALL. My colleague from New Hampshire, Mr. BRIGGS, is paired with Mr. WHITTHORNE, of Tennessee.

Mr. COBB. My colleague from Indiana, Mr. COLERICK, is paired with Mr. BALLOU, of Rhode Island.

Mr. DUNNELL. My colleague from Minnesota, Mr. WASHBURN, is paired with Mr. CONVERSE, of Ohio.

Mr. SAPP. My colleague from Iowa, Mr. PRICE, is paired with Mr. BUCKNER, of Missouri. If present, Mr. PRICE would vote "ay."

Mr. BARBER. My colleague from Illinois, Mr. ALDRICH, is paired with Mr. DAGGETT, of Nevada. I do not know how either would vote on this question.

The result of the vote was then announced as above recorded.

Mr. WARNER. I call for the regular order.

The SPEAKER. The question recurs on seconding the demand for the previous question on ordering the bill to be engrossed and read a third time.

The question was taken; and there were—ayes 86, noes none.

Mr. CONGER. I submit that no quorum has voted.

The SPEAKER. The point being made that no quorum has voted, the Chair will appoint tellers.

Mr. REAGAN. I move that there be a call of the House.

The motion was agreed to.

The roll was accordingly called, and the following members failed to answer to their names:

Acklen,	Einstein,	Knott,	Reed,
Aldrich, N. W.	Elam,	Lapham,	Rice,
Aldrich, William	Ellis,	Lay,	Richardson, J. S.
Atherton,	Errett,	Lewis,	Ross,
Atkins,	Felton,	Lindsey,	Rothwell,
Bailey,	Finley,	Loring,	Russell, William A.
Ballou,	Fisher,	Lounsbery,	Ryan, Thomas
Barlow,	Fort,	Martin, Edward L.	Scales,
Bayne,	Frost,	Martin, Joseph J.	Shelley,
Beale,	Frye,	Mason,	Sherwin,
Beltzhoover,	Garfield,	McCook,	Singleton, J. W.
Bland,	Gibson,	McGowan,	Singleton, O. R.
Bowman,	Gunter,	McLane,	Starin,
Boyd,	Hammond, John	Miles,	Steele,
Bragg,	Hammond, N. J.	Miller,	Stone,
Brewer,	Harmer,	Mills,	Talbott,
Briggs,	Haskell,	Money,	Tucker,
Browne,	Hayes,	Morse,	Van Voorhis,
Buckner,	Hill,	Muller,	Voorhis,
Butterworth,	Hooker,	Myers,	Wait,
Calkins,	Hubbell,	Neal,	Ward,
Camp,	Hull,	Newberry,	Washburn,
Cannon,	Humphrey,	O'Brien,	Wells,
Chittenden,	James,	O'Connor,	Whiteaker,
Clark, Alvah A.	Jones,	O'Neill,	Whitthorne,
Clymer,	Jorgensen,	O'Reilly,	Williams, C. G.
Colerick,	Joyce,	Orth,	Willis,
Cowgill,	Keifer,	Osmer,	Wood, Fernando
Crapo,	Kelley,	Overton,	Wood, Water A.
Crowley,	Ketcham,	Pierce,	Wright,
Daggett,	Killinger,	Pound,	Yocum.
Davis, Joseph J.	Kimmel,	Prescott,	
Dick,	Kitchin,	Price,	

The SPEAKER *pro tempore*, (Mr. SPRINGER.) On the call of the roll one hundred and fifty-five members have answered to their names.

Mr. MCKENZIE. I move that the doors now be closed and the absentees sent for.

The SPEAKER *pro tempore*. The rule requires that to be done.

Mr. CONGER. There is a quorum present.

The SPEAKER *pro tempore*. There is.

Mr. KENNA. I submit that this House has a right to enforce its rules, which require members to be present during its sessions unless excused.

The SPEAKER *pro tempore*. The Clerk will read Rule 36.

The Clerk read as follows:

Upon the call of the House the names of the members shall be called over by the Clerk and the absentees noted, after which the names of the absentees shall again be called over; the doors shall then be shut, and those for whom no excuse or insufficient excuses are made may, by order of those present, if fifteen in number, be taken into custody as they appear, or may be sent for and taken into custody, wherever to be found, by special messengers to be appointed for that purpose.

Mr. MCKENZIE. Now, let us send for them.

Mr. CONGER. I move that further proceedings under the call be dispensed with, a quorum being present.

The SPEAKER *pro tempore*. That motion is in order.

The motion of Mr. CONGER was not agreed to.

The SPEAKER *pro tempore*. It is now in order for excuses to be offered for absentees.

Mr. STEVENSON. My colleague, Mr. SINGLETON, is absent by leave of the House.

The SPEAKER *pro tempore*. Those who are absent on leave are excused.

Mr. SPARKS. Has the order been executed for closing the doors?

The SPEAKER *pro tempore*. The Chair has ordered that to be done.

Mr. SAPP. Is not my colleague, Mr. PRICE, absent by leave of the House?

The SPEAKER *pro tempore*. The Journal will show that.

Mr. STEPHENS. The names of the absentees should be called in alphabetical order, at which time excuses can be received for them.

The SPEAKER *pro tempore*. The rule provides that the roll shall be called, after which the list of absentees shall be called over; that has been done. The rule then provides that those for whom no excuse or insufficient excuse is made may be ordered by those present, if fifteen in number, to be taken into custody.

Mr. STEPHENS. But the usual practice is to have the list of absentees called over in alphabetical order for excuses.

Mr. CLAFLIN. Is there a quorum present?

The SPEAKER *pro tempore*. One hundred and fifty-five members answered to their names.

Mr. CLAFLIN. Then by what rule have the doors been closed?

The SPEAKER *pro tempore*. The members present have the right under the rules of the House to require all other members to be present, except such as have been previously excused by order of the House. Therefore every member who is now absent without previous leave is in contempt of the rules of the House, and they will now be sent for and brought before the bar of the House.

Mr. CONGER. I rise to a privileged motion. I move that the House do now adjourn.

The SPEAKER *pro tempore*. A motion to adjourn is not in order until proceedings under the call have been dispensed with.

Mr. CONGER. Is that so? I would like to know what that rule is.

The SPEAKER *pro tempore*. The Chair has stated the rule. Does the gentleman appeal from the ruling of the Chair?

Mr. CONGER. It would gratify us all to hear that rule read.

Mr. McKENZIE. I move that the Sergeant-at-Arms be sent for the absentees.

Mr. MARSH. I ask permission to be absent for one half hour.

Mr. McMAHON. I rise to a question of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. CONGER. No motion of the House is necessary to have the order of the House executed.

Mr. SPARKS. It is in order now, I suppose, to offer excuses for absent members.

The SPEAKER *pro tempore*. It is, for those absent without leave.

Mr. SPARKS. I wanted to state that more than a week ago——

Mr. CLAFLIN. Debate is not in order.

Mr. SPARKS. I am making an excuse for an absent member.

Mr. COX. I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. COX. My point of order is that the list of absentees should now be called for excuses.

The SPEAKER *pro tempore*. The Chair will not entertain any motion until order is restored.

Mr. COX. My point is that the list of absentees should be called by the Clerk and excuses given.

The SPEAKER *pro tempore*. There is no rule upon the subject, but if there is no objection the list of absentees will be called, and such as are not already excused may have excuses presented for them.

Mr. STEPHENS. That is the usual practice; and when the roll has been gone through with in that way the Sergeant-at-Arms is ordered to arrest all for whom no sufficient excuses have been given. The list of absentees should be called in alphabetical order, and as each name is called excuses, if any, can be given; and when excused the names will be crossed off the list. The Sergeant-at-Arms will then be ordered to arrest and bring to the bar of the House all those not excused.

Mr. CONGER. I move that the House now adjourn. I insist that a motion to adjourn is always in order.

The SPEAKER *pro tempore*. The Chair will entertain no proposition until gentlemen resume their seats and order is restored. [After a pause.] The Chair having examined the rule as to adjournment pending a call of the House, reverses his decision in regard to the motion of the gentleman from Michigan [Mr. CONGER] and entertains his motion that the House now adjourn.

Mr. MARSH. Now, Mr. Speaker——

The SPEAKER *pro tempore*. The motion to adjourn is not debatable.

Mr. MARSH. I rise to a parliamentary inquiry. I want to know whether the doors are closed.

The SPEAKER *pro tempore*. If the motion to adjourn be adopted that will open the doors.

Mr. MARSH. I want to know whether the doors are closed.

The SPEAKER *pro tempore*. They ought to be closed.

Mr. MARSH. By whose authority?

The SPEAKER *pro tempore*. By the authority of the rules.

Mr. CONGER. Fifteen members have not demanded the closing of the doors.

The SPEAKER *pro tempore*. The rules of the House require that the doors be closed.

Mr. CONGER. But no fifteen members have demanded a call of the House.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Michigan that the House adjourn.

The question being taken, there were—ayes 48, noes 86.

Mr. CONGER. No quorum!

The SPEAKER *pro tempore*. The determination of this motion does not require a quorum.

Mr. CONGER. Then I call for the yeas and nays on the motion.

The yeas and nays were ordered, forty-four members (more than one-fifth of the last vote) voting in favor thereof.

Mr. MARSH. I rise to a parliamentary inquiry. I want to know whether the doors are closed yet?

The SPEAKER *pro tempore*. The gentleman's parliamentary inquiry has already been answered by the statement that the doors have been ordered by the Chair to be closed, under the rules of the House.

Mr. MARSH. I want to know whether members who are outside can get in to vote.

The SPEAKER *pro tempore*. The gentleman is out of order.

Mr. HOUSE. Is the order that the absentees be sent for being executed?

The SPEAKER *pro tempore*. That order has not yet been made by the House.

A MEMBER. Then let us make it.

The SPEAKER *pro tempore*. It cannot be made pending the motion to adjourn.

The question was taken on the motion to adjourn; and there were—yeas 51, nays 82, not voting 152; as follows:

YEAS—51.

Anderson,	Davis, George R.	Horr,	Shallenberger,
Baker,	Deering,	Houk,	Smith, A. Herr
Barber,	Deuster,	McCoid,	Thomas,
Belford,	Dunnell,	McKinley,	Tyler,
Bingham,	Dwight,	Mitchell,	Updegraff, J. T.
Blake,	Farr,	Monroe,	Updegraff, Thomas
Brigham,	Field,	Morton,	Valentine,
Burrows,	Godshalk,	Norcross,	Van Aernam,
Carpenter,	Hall,	Richardson, D. P.	White,
Caswell,	Hawk,	Robeson,	Wilber,
Claflin,	Hawley,	Robinson,	Willits,
Conger,	Heilman,	Russell, Daniel L.	Young, Thomas L.
Covert,	Hiscock,	Sapp,	

NAYS—82.

Armfield,	Evins,	McMahon,	Speer,
Bicknell,	Ewing,	McMillin,	Springer,
Blackburn,	Forney,	Morrison,	Stephens,
Blount,	Forsythe,	Muldrow,	Stevenson,
Bouck,	Geddes,	Murch,	Taylor,
Bright,	Gillette,	New,	Thompson,
Cabell,	Goode,	Nicholls,	Tillman,
Caldwell,	Hatch,	Persons,	Townshend, R. W.
Carlisle,	Henry,	Phelps,	Turner, Oscar
Clark, John B.	Herbert,	Phister,	Turner, Thomas
Coffroth,	Hostetler,	Reagan,	Vance,
Cook,	House,	Richmond,	Waddill,
Cox,	Hunton,	Robertson,	Warner,
Cravens,	Johnston,	Ryon, John W.	Weaver,
Culberson,	Kenna,	Samford,	Wellborn,
Davidson,	King,	Sawyer,	Williams, Thomas
Davis, Lowndes H.	Klotz,	Simonton,	Wilson,
De La Matyr,	Le Fevre,	Slemons,	Wise,
Dibrell,	Lowe,	Smith, Hezekiah B.	Young, Casey.
Dickey,	Manning,	Smith, William E.	
Dunn,	Martin, Benj. F.	Sparks,	

NOT VOTING—152.

Acklen,	Davis, Joseph J.	Keifer,	Pierce,
Aiken,	Dick,	Kelley,	Poehler,
Aldrich, N. W.	Einstein,	Ketcham,	Pound,
Aldrich, William	Elam,	Killinger,	Prescott,
Atherton,	Ellis,	Kimmel,	Price,
Atkins,	Errett,	Kitchin,	Reed,
Bachman,	Felton,	Knott,	Rice,
Bailey,	Ferdon,	Ladd,	Richardson, J. S.
Ballou,	Finley,	Lapham,	Ross,
Barlow,	Fisher,	Lay,	Rothwell,
Bayne,	Ford,	Lewis,	Russell, W. A.
Beale,	Fort,	Lindsey,	Ryan, Thomas
Beltzhoover,	Frost,	Loring,	Scales,
Bland,	Frye,	Lounsbery,	Shelley,
Bliss,	Garfield,	Marsh,	Sherwin,
Bowman,	Gibson,	Martin, Edward L.	Singleton, J. W.
Boyd,	Gunter,	Martin, Joseph J.	Singleton, O. R.
Bragg,	Hammond, John	Mason,	Starin,
Brewer,	Hammond, N. J.	McCook,	Steele,
Briggs,	Harmer,	McGowan,	Stone,
Browne,	Harris, Benj. W.	McKenzie,	Talbot,
Buckner,	Harris, John T.	McLane,	Townsend, Amos
Butterworth,	Haskell,	Miles,	Tucker,
Calkins,	Hayes,	Miller,	Urner,
Camp,	Hazelton,	Mills,	Voorhis,
Cannon,	Henderson,	Money,	Van Voorhis,
Chalmers,	Henkle,	Morse,	Wait,
Chittenden,	Herndon,	Muller,	Ward,
Clardy,	Hill,	Myers,	Washburn,
Clark, Alvah A.	Hooker,	Neal,	Wells,
Clymer,	Hubbell,	Newberry,	Whiteaker,
Cobb,	Hull,	O'Brien,	Whitthorne,
Colerick,	Humphrey,	O'Connor,	Williams, C. G.
Converse,	Hurd,	O'Neill,	Willis,
Cowgill,	James,	O'Reilly,	Wood, Fernando,
Crapo,	Jones,	Orth,	Wood, Walter A.
Crowley,	Jorgensen,	Osmer,	Wright,
Daggett,	Joyce,	Overton,	Yocum.

So the House refused to adjourn.

During the roll-call the following announcements were made:

Mr. BACHMAN. I am paired with Mr. STARIN. If he were present, I would vote "no."

Mr. VANCE. My colleague, Mr. DAVIS, is paired with Mr. LINDSEY, of Maine.

Mr. COVERT. Mr. MONEY, of Mississippi, is paired with Mr. STONE, of Michigan.

Mr. SAPP. My colleague, Mr. PRICE, is paired with Mr. BUCKNER. I think Mr. PRICE would vote "ay."

Mr. HERNDON. I am paired with Mr. ALDRICH, of Rhode Island.

Mr. CLARDY. I am paired with Mr. MULLER. If he were present, I should vote "no."

Mr. NORCROSS. My colleague, Mr. RICE, is paired with Mr. ELAM.

Mr. DAVIDSON. My colleague, Mr. HULL, who is absent by leave of the House, is paired with Mr. VOORHIS, of New Jersey.

Mr. AIKEN. I am paired with Mr. NEWBERRY. My colleague, Mr. RICHARDSON, is paired with Mr. CAMP, and my colleague, Mr. O'CONNOR, with Mr. O'REILLY.

Mr. THOMPSON. My colleague, Mr. KNOTT, is paired with Mr. HUBBELL.

Mr. HOSTETLER. My colleague, Mr. COBB, is paired with Mr. HENDERSON.

Mr. CHALMERS. I am paired with Mr. BROWNE, of Indiana.

Mr. FORD. I am paired with Mr. BAYNE.

Mr. BARBER. My colleague, Mr. ALDRICH, is paired with Mr. DAGGETT.

Mr. CASWELL. My colleague, Mr. POUND, is paired with Mr. COOK.

Mr. VAN AERNAM. My colleague, Mr. LAPHAM, who is absent by leave of the House, is paired with Mr. TUCKER.

Mr. HURD. I am paired with Mr. LEWIS, of Alabama.

Mr. SMITH, of Pennsylvania. My colleague, Mr. KILLINGER, is paired with Mr. WELLS, of Missouri, and my colleague, Mr. HARMER, with Mr. ELLIS.

Mr. DUNNELL. My colleague, Mr. WASHBURN, is paired with Mr. CONVERSE.

Mr. RYON, of Pennsylvania. Mr. WRIGHT is paired with Mr. O'NEILL.

Mr. GEDDES. Mr. FINLEY is paired with Mr. CALKINS.

Mr. LE FEVRE. Mr. ATHERTON is paired with Mr. MORSE, and Mr. MYERS with Mr. COWGILL.

Mr. DIBRELL. My colleague, Mr. WHITTHORNE, is paired with Mr. BRIGGS, of New Hampshire.

Mr. SIMONTON. Mr. CLYMER is paired with Mr. CHITTENDEN.

The vote was then announced as above recorded.

The SPEAKER *pro tempore*. The question recurs on the motion of the gentleman from Kentucky, [Mr. MCKENZIE,] which the Clerk will read.

The Clerk read as follows:

Resolved, That the Sergeant-at-Arms take into custody and bring to the bar of the House such of its members as are absent without leave of the House.

Mr. CONGER. Pending that motion, I move the House adjourn.

The SPEAKER *pro tempore*. No business has intervened.

Mr. CONGER. The resolution has been read.

The SPEAKER *pro tempore*. That is not intervening business.

Mr. CONGER. Is not the presentation and reading of a resolution business?

Mr. REAGAN. The House is dividing.

The resolution was adopted.

The SPEAKER *pro tempore*. In accordance with the order just made the Clerk will prepare the warrant to the Sergeant-at-Arms.

Mr. CONGER. I rise to a privileged motion.

The SPEAKER *pro tempore*. State it.

Mr. CONGER. I move the House do now adjourn.

The House divided; and there were—ayes 33, noes 85.

Mr. CONGER. I rise to a privileged motion. I move to reconsider the vote by which the House ordered the absentees to be sent for.

Mr. KENNA. I move to lay that on the table.

Mr. MCMILLIN. How did the gentleman from Michigan vote?

The SPEAKER *pro tempore*. No record having been taken, the Chair presumes the gentleman from Michigan voted in the majority.

Mr. TOWNSHEND, of Illinois. Unless the gentleman from Michigan states that he voted in the affirmative he has no right to make the motion.

Mr. CONGER. That has been decided so often I do not consider it even courteous to make a reply to it. [Laughter.] I suppose the gentleman from Illinois has intelligence enough to understand that decision.

Mr. CARLISLE. I move to lay the motion to reconsider upon the table.

The House divided; and there were—ayes 73, noes 49.

Mr. CONGER. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. HOUSE. Is the order of the House being executed?

The SPEAKER *pro tempore*. The order of the House will be executed.

Mr. CONGER. While the motion to reconsider is pending I suppose the order of the House cannot be executed.

The SPEAKER *pro tempore*. There will be no absentees brought to the bar until this question has been determined, but the order having been issued the Chair does not know whether the officers are executing it or not.

Mr. CONGER. I move the House adjourn.

The SPEAKER *pro tempore*. The House has voted on that.

Mr. CONGER. I have a rule to show the motion to adjourn is in order at any time:

The motion to adjourn may be repeated, though no question has been put or decided since the former motion.

Mr. COX. What rule is that?

Mr. CONGER. It is on page 153 of the Manual.

Mr. COX. I would like to see that rule.

Mr. CONGER. The Chair ruled that it required some business to intervene, such as a vote; but I have the authority here to show that no such business need intervene.

Mr. COX. I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. COX. I make the point of order that after the doors are closed no dilatory motions are in order. That has been the uniform usage.

Mr. CONGER. I did not hear the gentleman's proposition.

Mr. COX. I stated that it has been the usage of the House that no motion to adjourn can be entertained while we are proceeding under a call of the House as now.

Mr. CONGER. Where is the gentleman's authority for that?

Mr. WILBER. That is an assertion without proof.

Mr. DIBRELL. I insist on the execution of the order of the House that the absent members be sent for and brought to the bar.

The SPEAKER *pro tempore*. The order of the House is being executed as fast as it can be. The Chair will submit the motion offered by the gentleman from Michigan that the House do now adjourn.

Mr. CONGER. I call for a division.

The House divided; and there were—ayes 25, noes 44.

Mr. CONGER. I call for the yeas and nays.

On the question of ordering the yeas and nays there were ayes 24, more than one-fifth of the last vote.

So the yeas and nays were ordered.

The question was taken; and there were—yeas 37, nays 69, not voting 179; as follows:

YEAS—37.

Anderson,	Claflin,	Hawley,	Tyler,
Baker,	Conger,	Heilman,	Updegraff, J. T.
Barber,	Covert,	Hiscock,	Updegraff, Thomas
Belford,	Davis, George R.	Horr,	Valentine,
Bingham,	Dunnell,	Houk,	Wilber,
Blake,	Farr,	Marsh,	Willits,
Brigham,	Ferdon,	Monroe,	Young, Thomas L.
Burrows,	Field,	Norcross,	
Carpenter,	Godshalk,	Robeson,	
Caswell,	Hall,	Thomas,	

NAYS—69.

Armfield,	Evins,	Le Fevre,	Springer,
Bicknell,	Ewing,	Manning,	Stevenson,
Blackburn,	Forney,	Martin, Benj. F.	Taylor,
Bouck,	Forsythe,	McMahon,	Thompson,
Bright,	Geddes,	McMillin,	Tillman,
Cabell,	Gillette,	Morrison,	Townshend, R. W.
Caldwell,	Goode,	Muldrow,	Turner, Oscar,
Carlisle,	Hatch,	Murch,	Turner, Thomas
Clark, John B.	Henkle,	New,	Vance,
Coffroth,	Henry,	Nicholls,	Waddill,
Cook,	Herbert,	Phelps,	Warner,
Cox,	Hostetler,	Phister,	Weaver,
Cravens,	House,	Reagan,	Williams, Thomas
Davidson,	Hunton,	Robertson,	Wise,
Davis, Loundes H.	Johnston,	Samford,	Young, Casey.
De La Matyr,	Kenna,	Slemons,	
Dickey,	King,	Smith, Hezekiah B.	
Dunn,	Klotz,	Speer,	

NOT VOTING—179.

Acklen,	Cobb,	Harris, John T.	Martin, Edward L.
Aiken,	Colerick,	Haskell,	Martin, Joseph J.
Aldrich, N. W.	Converse,	Hawk,	Mason,
Aldrich, William	Cowgill,	Hayes,	McCoid,
Atherton,	Crapo,	Hazelton,	McCook,
Atkins,	Crowley,	Henderson,	McGowan,
Bachman,	Culberson,	Herndon,	McKenzie,
Bailey,	Daggett,	Hill,	McKinley,
Ballou,	Davis, Joseph J.	Hooker,	McLane,
Barlow,	Deering,	Hubbell,	Miles,
Bayne,	Deuster,	Hull,	Miller,
Beale,	Dibrell,	Humphrey,	Mills,
Beltzhoover,	Dick,	Hurd,	Mitchell,
Bland,	Dwight,	James,	Money,
Bliss,	Einstein,	Jones,	Morse,
Blount,	Elam,	Jorgensen,	Morton,
Bowman,	Ellis,	Joyce,	Muller,
Boyd,	Errett,	Keifer,	Myers,
Bragg,	Felton,	Kelley,	Neal,
Brewer,	Finley,	Ketcham,	Newberry,
Briggs,	Fisher,	Killinger,	O'Brien,
Browne,	Ford,	Kimmel,	O'Connor,
Buckner,	Fort,	Kitchin,	O'Neill,
Butterworth,	Frost,	Knott,	O'Reilly,
Calkins,	Frye,	Ladd,	Orth,
Camp,	Garfield,	Lapham,	Osmer,
Cannon,	Gibson,	Lay,	Overton,
Chalmers,	Gunter,	Lewis,	Persons,
Chittenden,	Hammond, John	Lindsey,	Pierce,
Clardy,	Hammond, N. J.	Loring,	Poehler,
Clark, Alvah A.	Harmer,	Lounsbery,	Pound,
Clymer,	Harris, Benj. W.	Lowe,	Prescott,

Price,	Sapp,	Steele,	Wellborn,
Reed,	Sawyer,	Stephens,	Wells,
Rice,	Scales,	Stone,	White,
Richardson, D. P.	Shallenberger,	Talbott,	Whiteaker,
Richardson, J. S.	Shelley,	Townsend, Amos	Whitthorne,
Richmond,	Sherwin,	Tucker,	Williams, C. G.
Robinson,	Simonton,	Urner,	Willis,
Ross,	Singleton, J. W.	Van Aernam,	Wilson,
Rothwell,	Singleton, O. R.	Van Voorhis,	Wood, Fernando
Russell, Daniel L.	Smith, A. Herr	Voorhis,	Wood, Walter A.
Russell, William A.	Smith, William E.	Wait,	Wright,
Ryan, Thomas	Sparks,	Ward,	Yocum.
Ryon, John W.	Starin,	Washburn,	

So the House refused to adjourn.

During the roll-call the following announcements were made:

Mr. CONVERSE. I am paired with Mr. WASHBURN, of Minnesota. If he were here, I should vote "no."

Mr. ROBESON. I am paired upon the silver bill with Mr. RUSSELL, of North Carolina. On this question I am not paired.

Mr. CHALMERS. I am paired with Mr. BROWNE, of Indiana. My colleague, Mr. SINGLETON, is paired with Mr. WAIT, of Connecticut.

Mr. NORCROSS. My colleague, Mr. RICE, is paired with Mr. ELAM, of Louisiana.

Mr. FORD. I am paired with Mr. BAYNE, of Pennsylvania.

Mr. AIKEN. I am paired with Mr. NEWBERRY. My colleague, Mr. RICHARDSON, of South Carolina, is paired with Mr. CAMP, of New York. My colleague, Mr. O'CONNOR, is paired with Mr. O'REILLY, of New York.

Mr. McKENZIE. I am paired with Mr. RYAN, of Kansas. If he were here, I should vote "no."

Mr. COVERT. My colleague, Mr. MULLER, is paired with Mr. CLARDY, of Missouri, and Mr. MONEY, of Mississippi, is paired with Mr. STONE, of Michigan.

Mr. BURROWS. Mr. GUNTER, of Arkansas, and my colleague, Mr. BREWER, are paired.

Mr. BINGHAM. Mr. KELLEY is paired with Mr. MORSE.

Mr. HOSTETLER. My colleague, Mr. COBB, is paired with Mr. HENDERSON, of Illinois.

The result of the vote was announced as above stated.

Mr. CARLISLE. Mr. Speaker, I withdraw the motion to lay the motion of the gentleman from Michigan on the table, and make the point of order that it is not competent to make a motion to reconsider the vote of the House directing the Sergeant-at-Arms to bring in the absentees; that the only way in which the effect of that order can be obviated is to move to suspend further proceedings under the call, and I submit that question to the Chair.

Mr. CONGER. If the gentleman withdraws his motion I will withdraw mine, and I now move to dispense with further proceedings under the call.

The question was taken; and on a division there were—ayes 26, noes 60.

Mr. CONGER. I demand the yeas and nays.

The yeas and nays were ordered.

Mr. McKENZIE. I desire to inquire if the Doorkeeper is permitting any members to enter the Hall who were not here when the roll was called and the names of the absentees were called?

The SPEAKER *pro tempore*. The Chair is not advised.

Mr. McKENZIE. I hope the Chair will instruct the Doorkeeper to admit none.

The SPEAKER *pro tempore*. The Chair has instructed him to that effect.

Mr. COX. I made a point of order some little time ago which the Chair has not decided. I now wish to ask of the Chair whether or not the order of the House is being executed.

The SPEAKER. It is.

Mr. COX. I desire to inquire further whether or not after this vote is taken any more dilatory motions are in order?

The SPEAKER. The officers are now executing the orders of the House and this motion does not interfere with their doings.

The question was taken; and there were—yeas 47, nays 80, not voting 158; as follows:

YEAS—47.

Anderson,	Deuster,	Houk,	Smith, A. Herr
Baker,	Dunnell,	Marsh,	Tyler,
Barber,	Dwight,	McKinley,	Updegraff, J. T.
Bingham,	Farr,	Mitchell,	Updegraff, Thomas
Blake,	Ferdon,	Monroe,	Urner,
Brigham,	Field,	Morton,	Valentine,
Carpenter,	Godshalk,	Norcross,	Van Aernam,
Caswell,	Hall,	Richardson, D. P.	White,
Claflin,	Hawk,	Robeson,	Wilber,
Conger,	Hawley,	Robinson,	Willits,
Covert,	Heilman,	Sapp,	Young, Thomas L.
Davis, George R.	Horr,	Shallenberger,	

NAYS—80.

Armfield,	Coffroth,	Evins,	House,
Bicknell,	Cook,	Ewing,	Johnston,
Blackburn,	Cox,	Forney,	Kenna,
Bouck,	Cravens,	Geddes,	King,
Bright,	Culberson,	Gillette,	Klotz,
Burrows,	Davidson,	Goode,	Le Fevre,
Cabell,	Davis, Loundes H.	Hatch,	Lowe,
Caldwell,	De La Matyr,	Henkle,	Manning,
Carlisle,	Dibrell,	Henry,	Martin, Benj. F.
Clardy,	Dickey,	Herbert,	McMahon,
Clark, John B.	Dunn,	Hostetler,	McMillin,
Morrison,	Reagan,	Sparks,	Turner, Thomas
Muldrow,	Robertson,	Speer,	Vance,
Murch,	Ryon, John W.	Springer,	Waddill.
New,	Samford,	Stevenson,	Warner,
Nicholls,	Sawyer,	Taylor,	Weaver,
Persons,	Simonton,	Thompson,	Wellborn,
Phelps,	Slemons,	Tillman,	Williams, Thomas
Phister,	Smith, Hezekiah B.	Townshend, R. W.	Wilson,
Poehler,	Smith, William E.	Turner, Oscar	Young, Casey.

NOT VOTING—158.

Acklen,	Deering,	Kelley,	Price,
Aiken,	Dick,	Ketcham,	Reed,
Aldrich N. W.	Einstein,	Killinger,	Rice,
Aldrich, William	Elam,	Kimmel,	Richardson, J. S.
Atherton,	Ellis,	Kitchin,	Richmond,
Atkins,	Errett,	Knott,	Ross,
Bachman,	Felton,	Ladd,	Rothwell,
Bailey,	Finley,	Lapham,	Russell, Daniel L.
Ballou,	Fisher,	Lay,	Russell, W. A.
Barlow,	Ford,	Lewis,	Ryan, Thomas
Bayne,	Forsythe,	Lindsey,	Scales,
Beale,	Fort,	Loring,	Shelley,
Belford,	Frost,	Lounsbery,	Sherwin,
Beltzhoover,	Frye,	Martin, Edward L.	Singleton, J. W.
Bland,	Garfield,	Martin, Joseph J.	Singleton, O. R.
Bliss,	Gibson,	Mason,	Starin,
Blount,	Gunter,	McCoid,	Steele,
Bowman,	Hammond, John	McCook,	Stephens,
Boyd,	Hammond, N. J.	McGowan,	Stone,
Bragg,	Harmer,	McKenzie,	Talbott,
Brewer,	Harris, Benj. W.	McLane,	Thomas,
Briggs,	Harris, John T.	Miles,	Townsend, Amos
Browne,	Haskell,	Miller,	Tucker,
Buckner,	Hayes,	Mills,	Van Voorhis,
Butterworth,	Hazelton,	Money,	Voorhis,
Calkins,	Henderson,	Morse,	Wait,
Camp,	Herndon,	Muller,	Ward,
Cannon,	Hill,	Myers,	Washburn,
Chalmers,	Hiscock,	Neal,	Wells,
Chittenden,	Hooker,	Newberry,	Whiteaker,
Clark, Alvah A.	Hubbell,	O'Brien,	Whitthorne,
Clymer,	Hull,	O'Connor,	Williams, C. G.
Cobb,	Humphrey,	O'Neill,	Willis,
Colerick,	Hunton,	O'Reilly,	Wise,
Converse,	Hurd,	Orth,	Wood, Fernando
Cowgill,	James,	Osmer,	Wood, Walter A.
Crapo,	Jones,	Overton,	Wright,
Crowley,	Jorgensen,	Pierce,	Yocum.
Daggett,	Joyce,	Pound,	
Davis, Joseph J.	Keifer,	Prescott,	

So the motion to dispense with further proceedings under the call was not agreed to.

During the roll-call the following announcements were made:

Mr. HERNDON. I am paired with the gentleman from Rhode Island, Mr. ALDRICH.

Mr. McKENZIE. I am paired with the gentleman from Kansas, Mr. RYAN.

Mr. CONVERSE. I am paired with the gentleman from Minnesota, Mr. WASHBURN. If he were present, I should vote "no."

Mr. HURD. I am paired with the gentleman from Alabama, Mr. LEWIS. If at liberty to vote, I should vote "ay."

Mr. LE FEVRE. The gentleman from Indiana, Mr. MYERS, and Mr. COWGILL are paired.

Mr. COVERT. The gentleman from Mississippi, Mr. MONEY, is paired with the gentleman from Michigan, Mr. STONE.

Mr. COBB. I am paired with the gentleman from Illinois, Mr. HENDERSON. My colleague, Mr. COLERICK, is paired with the gentleman from Rhode Island, Mr. BALLOU.

Mr. AIKEN. I am paired with the gentleman from Michigan, Mr. NEWBERRY. My colleague, Mr. O'CONNOR, is paired with the gentleman from New York, Mr. O'REILLY; and my colleague, Mr. RICHARDSON, with the gentleman from New York, Mr. CAMP.

Mr. CHALMERS. I am paired with the gentleman from Indiana, Mr. BROWNE. My colleague from Mississippi, Mr. SINGLETON, is paired with the gentleman from Connecticut, Mr. WAIT.

Mr. HARRIS, of Massachusetts. I am paired with the gentleman from North Carolina, Mr. STEELE. My colleague, Mr. LORING, is paired with the gentleman from Mississippi, Mr. HOOKER.

Mr. NORCROSS. My colleague from Massachusetts, Mr. RICE, is paired with the gentleman from Louisiana, Mr. ELAM.

Mr. ROBESON. I am paired on the silver bill with the gentleman from North Carolina, Mr. RUSSELL. As the pair does not apply to this question, I vote "ay."

Mr. BURROWS. My colleague, Mr. BREWER, is paired with the gentleman from Arkansas, Mr. GUNTER.

Mr. BARBER. My colleague from Illinois, Mr. ALDRICH, is paired with the gentleman from Nevada, Mr. DAGGETT.

Mr. VALENTINE. The gentleman from Maine, Mr. REED, is paired with the gentleman from Wisconsin, Mr. WILLIAMS.

Mr. VAN AERNAM. My colleague, Mr. LAPHAM, who is absent on account of sickness in his family, is paired with the gentleman from Virginia, Mr. TUCKER.

Mr. BINGHAM. My colleague, Mr. KELLEY, is paired with the gentleman from Massachusetts, Mr. MORSE.

Mr. DWIGHT. My colleague, Mr. MASON, is absent by leave of the House on account of sickness in his family.

Mr. SAPP. My colleague, Mr. PRICE, is absent by leave of the House. On this question he would vote "ay."

Mr. WHITE. My colleague, Mr. OVERTON, who is absent by leave

of the House, is paired with the gentleman from Tennessee, Mr. YOUNG.

The result of the vote was announced as above stated.

Mr. TOWNSHEND, of Illinois. I understand that the Sergeant-at-Arms is prepared to report with members in his custody. I ask that those members be brought in.

The deputy sergeant-at-arms appeared at the bar, having in custody, pursuant to the order of the House, Mr. SCALES, Mr. STEELE, Mr. FRYE, Mr. WARD, Mr. JONES, Mr. DAGGETT, Mr. O'NEILL, Mr. WRIGHT, Mr. BROWNE, Mr. JOYCE, Mr. REED, Mr. HUMPHREY, Mr. WILLIAMS of Wisconsin, Mr. MILLS, Mr. RYAN of Kansas, Mr. DAVIS of North Carolina, Mr. ALDRICH of Illinois, Mr. LINDSEY, Mr. YOCUM, Mr. LADD, and Mr. OSMER.

The SPEAKER *pro tempore*. Mr. SCALES, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. SCALES. I have only this excuse, Mr. Speaker, I was hungry; I went to get my dinner, and did not expect to get caught. [Laughter.]

The SPEAKER *pro tempore*. What is the pleasure of the House in reference to the excuse submitted by the gentleman from North Carolina?

Mr. MCMAHON. I move that he be discharged from further custody without payment of costs.

Mr. WILSON. I move to amend so as to discharge all these gentlemen. [Cries of "Oh, no!"]

Mr. WILSON. I insist on my motion.

The SPEAKER *pro tempore*. The amendment is not in order. The rule requires that each excuse shall be given separately and the action of the House had thereon.

Mr. SPARKS. Ought not all members to be seated except the criminals?

Mr. REED. I ask that the gentleman's words be taken down. [Laughter.]

The SPEAKER *pro tempore*. No member under arrest can address the Chair except to present his excuse when his name is called.

Mr. MILLS. When we are called "criminals" we have a right to insist that the words be taken down.

The SPEAKER *pro tempore* was proceeding to put the question on the motion of Mr. MCMAHON, when

Mr. MCMAHON said: I want to know whether these gentlemen who are arraigned are not voting on this proposition?

The SPEAKER *pro tempore*. They are not permitted to vote until discharged from arrest.

The motion of Mr. MCMAHON was agreed to.

The SPEAKER *pro tempore*. Mr. STEELE, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. STEELE. Well, sir, none upon the face of the earth except that I was hungry, and I found a gentleman from Cape Cod who was as hungry as I was; and we paired. [Laughter.]

Mr. WILSON. I move that the gentleman from North Carolina be discharged without payment of costs.

Mr. WHITE. I move that these gentlemen now arraigned at the bar be seated pending these proceedings.

The SPEAKER *pro tempore*. These gentlemen who are in the custody of the Sergeant-at-Arms at the bar of the House have the right to have the question settled as to them.

Mr. BLACKBURN. Is the gentleman from North Carolina [Mr. STEELE] in the custody of the Sergeant-at-Arms?

The SPEAKER *pro tempore*. The Chair assumes that he is.

The House divided; and there were—ayes 76, noes 10.

So the motion was agreed to.

The SPEAKER *pro tempore*. Mr. FRYE, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. WILSON. I rise to a parliamentary inquiry. Are these gentlemen allowed to vote?

The SPEAKER *pro tempore*. They are not while in custody.

Mr. WILSON. I insist that they have the constitutional right to vote, which right cannot be taken away from them.

The SPEAKER *pro tempore*. They have no right to vote until they are discharged from the custody of the Sergeant-at-Arms. Mr. FRYE, what excuse have you to offer for your absence without leave of the House?

Mr. FRYE. I have no excuse.

Mr. SPARKS. I move that the gentleman be discharged without the payment of costs.

The motion was agreed to.

Mr. ROBERTSON, of Louisiana. I move to dispense with all further proceedings under the call. [Cries of "No!" "Order!"]

The SPEAKER *pro tempore*. Mr. WARD, you have been absent from the sitting of the House without its leave; what excuse have you to offer?

Mr. WARD. My excuse is this: having been in the House continuously and voting on every question until six o'clock, I went down stairs to get some needed refreshment and was gone about fifteen minutes.

Mr. WILBER. What was it?

Mr. WARD. Coffee. When I returned I found there had been a call of the House, and the doors were closed.

Mr. MCMAHON. Unless the gentleman will disclose what kind of refreshment it was I shall have to move that he be liable to the payment of costs.

Mr. WILBER. He said coffee.

Mr. WARD. It was coffee.

Mr. MCMAHON. Very well; I move the gentleman be excused without the payment of costs.

The motion was agreed to.

Mr. WHITE. I move to dispense with all further proceedings under the call, and I submit that the motion is in order.

Mr. BLACKBURN. I demand the regular order.

Mr. ROBESON. Since the House has excused a gentleman who said he had no excuse I move that all the others be discharged without excuse.

Mr. O'NEILL. I agree to that.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania has submitted a motion that all further proceedings under the call be dispensed with. As that would operate to discharge all gentlemen in custody it is in order, and it is the only motion in order besides the motion to adjourn.

The House divided; and there were—ayes 39, noes 97.

So the motion was disagreed to.

Mr. YOUNG, of Ohio. I move the House adjourn.

The motion was disagreed to.

The SPEAKER *pro tempore*. Mr. JONES, of Texas, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. JONES. I had been in the House continuously——[Cries of "Louder!"] I was saying, Mr. Speaker, that I had been in the House continuously until after five o'clock, when the yeas and nays were being called; and having answered to my name, and taking it for granted the House would act sensibly and adjourn, as it was my usual hour I went to my dinner. In the belief that the House would adjourn I was, however, mistaken.

Mr. MILLS. You were the victim of misplaced confidence.

Mr. THOMAS. I move that the gentleman be excused without the payment of costs.

The motion was agreed to.

The SPEAKER *pro tempore*. Mr. O'NEILL, of Pennsylvania, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. O'NEILL. I left the House and supposed, of course, I should get back before a quorum was wanted. When I left I knew there were plenty of gentlemen in the Hall to do the business of the House well and vote yea or nay on all propositions. I staid, however, longer than I expected.

Mr. TOWNSHEND, of Illinois. That is not a good excuse.

Mr. BLOUNT. I want to know what is the extent of the power of the House in punishing these gentlemen.

Mr. O'NEILL. If the gentleman from Georgia had stood up here as long as we have, he would have considered it a good deal of punishment.

The SPEAKER *pro tempore*. In answer to the question of the gentleman from Georgia, the Chair directs Rule 37 to be read.

Mr. MILLS. And I hope the gentleman from Georgia will be required to stand and listen while it is being read.

The Clerk read as follows:

37. When a member shall be discharged from custody and admitted to his seat, the House shall determine whether such discharge shall be with or without paying fees; and in like manner whether a delinquent member, taken into custody by a special messenger, shall or shall not be liable to defray the expenses of such special messenger.

Mr. WILBER. I move that the gentleman from Pennsylvania be discharged without costs.

The motion was agreed to.

The SPEAKER *pro tempore*. Mr. DAGGETT, of Nevada, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. DAGGETT. For the past three or four weeks I have had a very severe and dangerous malady of the throat. I had an engagement with my physician at six o'clock, and I left here at half past five to fulfill it.

Mr. FRYE. I wish that the same disease prevailed generally in this House. [Laughter.]

Mr. O'NEILL. I move that the gentleman be excused and discharged without costs.

The motion was agreed to.

The SPEAKER *pro tempore*. Mr. WRIGHT, of Pennsylvania, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. WRIGHT. I am an old man; I am a very old man.

Several MEMBERS. How old? [Laughter.]

Mr. WRIGHT. I suppose, Mr. Speaker, in point of years I am the father of this House, and I do not think it would be a very gracious thing on the part of the House to impose a fine or any penalty on the father of the House. When Fagin was called into court and was asked if he had any reason to assign why sentence should not be passed upon him—I refer to Fagin the Jew, I think in Oliver Twist—his reply was he was a very old man.

Several MEMBERS. How old?

Mr. WRIGHT. He was some ninety or ninety-five—I am not quite up to ninety yet—and the court took Fagin's excuse into consideration. Now, my friend from Michigan, [Mr. CONGER,] who does not often occupy the time of the House with any remarks, has volunteered to appear as my counsel. The gentleman from Virginia [Mr. HUNTON] did so also, but he wanted to charge me $100. [Laughter.]

Mr. TOWNSHEND, of Illinois. I want to ask the gentleman from Pennsylvania a question.

The SPEAKER *pro tempore*. That is not in order.

Mr. TOWNSHEND, of Illinois. I want to know if the gentleman had labored eight hours?

Mr. WILBER. I scarcely think the excuse just offered is a valid one. If the gentleman from Pennsylvania is the father of the House, he should have been here to see after his boys.

Mr. DUNNELL. I move that the gentleman be discharged without costs.

The motion was agreed to.

Mr. WRIGHT. I return my sincere acknowledgments to the House.

The SPEAKER *pro tempore*. Mr. BROWNE, of Indiana, you have been absent from the sittings of the House without its leave. What excuse have you to offer?

Mr. BROWNE. None whatever; except that I went out of the House, and when I came back I found the doors closed against me and I could not get in. I think the House owes me an apology for refusing to allow me to come upon the floor. I anxiously sought admission for an hour.

The SPEAKER *pro tempore*. What is the pleasure of the House?

Mr. YOUNG, of Ohio. I move that the excuse of the gentleman from Indiana be accepted, and that he be discharged from further custody without costs.

The motion was agreed to.

The SPEAKER *pro tempore*. Mr. REED, of Maine, you have been absent from the sittings of the House without its leave. What excuse have you to offer?

Mr. REED. Mr. Speaker, about six o'clock I found myself suffering under temporary nervous prostration, and I left the House. On my way from the House I got into a discourse on finance with a stranger. Of course that delayed me. But I got home, and when I returned to my surprise I found the door of the House barred against me, and it has been so for the last half hour, or perhaps hour. In any other assembly than this I should expect an apology; but under the circumstances I am willing to be released, and call it square at that.

Mr. McMAHON. In view of what the stranger had to suffer I move that the gentleman be discharged without costs. [Great laughter.]

Mr. REED. The kind providence of the House comes in too late for the stranger. [Laughter.]

The motion was agreed to.

Mr. REED. I accept the apology of the House.

The SPEAKER *pro tempore*. Mr. HUMPHREY, of Wisconsin, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. HUMPHREY. My only excuse is this: That I was here until six o'clock when I went for my dinner. I got my dinner and returned to the House and found the door was barred.

Mr. STEELE. Which was in accordance with the eternal fitness of things.

Mr. DUNNELL. I move that the gentleman be discharged without costs.

The motion was agreed to.

The SPEAKER *pro tempore*. Mr. JOYCE, of Vermont, you have been absent from the sittings of the House without its leave. What excuse have you to offer?

Mr. JOYCE. Mr. Speaker, I was in the House from eleven o'clock until six. [Cries of louder.] Mr. Speaker, I do not desire to be interrupted. [Laughter.] I was in the House from eleven until six; then I went down into the restaurant below to eat. I was gone about fifteen minutes and when I came back I found the door barred.

Mr. THOMAS. I move that the gentleman be discharged from custody without costs.

The motion was agreed to.

The SPEAKER *pro tempore*. Mr. WILLIAMS, of Wisconsin, you have been absent from the sittings of the House without its leave; what excuse have you to offer?

Mr. WILLIAMS, of Wisconsin. I think the records of the House will show——[Cries of "Louder!"] I hope gentlemen will keep order. As I was about to say when interrupted I think the records of the House will show that for the last four years I have asked no leave of absence and have seldom been away without leave. I have made it a point to be here during the sessions of the House. I stayed here until some time after five o'clock. The amendments became so multifarious and I became confused among them. I confess I ceased to have any very intelligible idea of this bill. My friend from Texas [Mr. MILLS] suggests I became multifarious too. No, I became scarce about that time.

Mr. ROBERTSON. I move that the gentleman have leave to print. [Laughter.]

Mr. WILLIAMS, of Wisconsin. I am obliged to my friend for his courtesy, but instead of printing, when I get through I will yield the balance of my time to the gentleman from Louisiana, [Mr. ROBERTSON.]

In this fullness of mind and emptiness of stomach, I went home to my dinner, hoping to think the matter out.

A MEMBER. How do you feel now?

Mr. WILLIAMS, of Wisconsin. I feel now that if I could get out of this scrape I might vote with great propriety as well on one side of the bill as on the other.

I am afraid this is not a sufficient excuse, and I do not want to leave a subject so momentous incomplete. In all frankness I therefore add that after dinner my wife informed me that my new clothes were ready, and I went down to get them, hurried back as rapidly as possible, and here, in this spick and span new suit am arrested for the first time in my life before the House and the country! [Great laughter.]

Mr. WILBER. I move that the gentleman be discharged from custody without costs.

Mr. REED. I think an example ought to be made. [Laughter.] We have to do something in the way of punishment to put a stop to these absences.

The SPEAKER *pro tempore*. Debate is not in order.

The question was taken on Mr. WILBER's motion; and it was agreed to.

The SPEAKER *pro tempore*. Mr. MILLS, of Texas, you have been absent from the sittings of the House without its leave. What excuse have you to offer?

Mr. MILLS. It is very rarely that I speak to the House, and I wish to be heard when I speak on such a solemn occasion as this.

A MEMBER. How much time do you wish?

Mr. MILLS. I have been present since the meeting of the House aiding the distinguished gentleman from Ohio [Mr. WARNER] to remonetize silver and make the silver dollar a part of the currency of the country, in order that the condition of the laboring people may be somewhat ameliorated, and I became exhausted at six o'clock, and believing the country would be perfectly safe in the hands of my friends and in the keeping of the very distinguished statesmen around me, I went to get something to eat, thinking that I would get back before the roll-call was through. Unfortunately when I came back from my dinner—I was gone only a few moments—the doors of the House were closed against my admittance.

The House must ask itself the reason why myself and my "fellow-criminals" who stand around me were not admitted to this Hall to participate in the grave deliberations in which the House is now engaged, and in which perhaps the fate of the country may be involved.

This is my excuse: that I went to get something to eat.

Mr. BAYNE. I move the gentleman be discharged without costs.

The question was taken; and the motion was agreed to.

Mr. HOUSE. I move that all the remaining members of the House at the bar be discharged from custody. [Loud cries of "Object!"]

The SPEAKER *pro tempore*. Mr. RYAN, of Kansas, you have been absent from the sittings of the House without its leave. What excuse have you to offer?

Mr. RYAN, of Kansas. I staid here until five o'clock, and finding the democratic side of the House disposed to filibuster against the silver bill——

Mr. COX. We cannot hear the prisoner.

Mr. RYAN, of Kansas. I should like the offensive language of the gentleman from New York [Mr. COX] to be taken down. I ask the protection of the Chair.

The SPEAKER *pro tempore*. The Chair will protect the gentleman.

Mr. RYAN, of Kansas. While I am in chains, and I do not desire to be insulted.

Mr. COX. I withdraw the word "prisoner," and will say fugitive. [Laughter.]

Mr. RYAN, of Kansas. I shall be glad to proceed. I staid here until after five o'clock.

Mr. STEELE. Yes, you did.

Mr. RYAN, of Kansas. I then went to get my dinner, and returned voluntarily and found the doors barred against me. I have been trying for an hour to get in.

Mr. ANDERSON. I move the gentleman be discharged without costs.

Mr. CONGER. I would like to make a few remarks on that subject.

The SPEAKER *pro tempore*. It is not debatable.

Mr. CONGER. Under what rule? We have always debated these propositions.

The SPEAKER *pro tempore*. A motion to discharge a member from custody is not debatable.

Mr. CONGER. It has been the practice heretofore, and I want to know if there is any rule that prevents me making a speech?

The SPEAKER *pro tempore*. The whole purpose of the call being to obtain a quorum, if discussion were allowed without limit, there would be no means by which the House could obtain a constitutional quorum.

Mr. RYAN, of Kansas. If I have any time left I will yield to the gentleman from Michigan, [Mr. CONGER.]

The SPEAKER *pro tempore*. The motion being to discharge the member at the bar, the question must be decided without discussion.

The question was taken upon Mr. ANDERSON's motion; and it was agreed to.

Mr. CONGER. I shall object now to the ruling of the Chair, so that it may not be regarded hereafter as a precedent. I will not now insist upon my rights.

The SPEAKER *pro tempore*. The objection will be entered of record, and the Chair will proceed. Mr. DAVIS, of North Carolina, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. DAVIS, of North Carolina. A little before six o'clock, it being about my usual dinner hour, and I being somewhat hungry, I paired with my friend from Maine, Mr. LINDSEY, and went away to get my dinner. I was not gone very long, but when I returned I found the doors closed.

Mr. DUNNELL. I move that the gentleman be discharged from custody without costs.

The motion was agreed to.

The SPEAKER *pro tempore*. Mr. ALDRICH, of Illinois, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. ALDRICH, of Illinois. I had been in the House to-day for nearly six hours. For the last hour of the time that I was here it seemed to me that the proceedings were not very important. I went to dinner and returned. I stopped to talk with no stranger of either sex. [Laughter.]

Mr. BARBER. I move that the gentleman be discharged from custody without costs.

Mr. DAGGETT. I move that the gentleman be taken down into the basement of the Capitol and shot. [Laughter.]

The SPEAKER *pro tempore*. The question is on the motion to discharge from custody without costs.

The motion was agreed to.

The SPEAKER *pro tempore*. Mr. LINDSEY, of Maine, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. LINDSEY. At half past five o'clock to-day, at the suggestion of my friend from North Carolina, Mr. DAVIS, I agreed to pair with him for the purpose of going to dinner. A little after dinner I returned here and found the doors closed.

Mr. KLOTZ. I move that the gentleman be discharged from custody without costs.

The motion was agreed to.

The SPEAKER *pro tempore*. Mr. YOCUM, of Pennsylvania, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. YOCUM. I am rather unfortunate in being at the lower end of the list. I would like to ask a question of the Chair. Are old excuses allowed to be used over again by those lower down on the list? [Laughter.] My excuse is that I paired with the gentleman from New Jersey, Mr. VAN VOORHIS, and went to dinner. I was away about half an hour, and when I came back I found the doors closed.

Mr. KLOTZ. I move that the gentleman be discharged from custody without costs.

Mr. HOUK. I move that he be fined a thousand dollars fiat money.

The SPEAKER *pro tempore*. The question is first on the motion to discharge without costs.

The motion was agreed to.

The SPEAKER *pro tempore*. Mr. LADD, of Maine, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. LADD. I was exceedingly exhausted, and I went out for a few moments to take lunch. That is all the excuse I can offer.

Mr. SPARKS. I move that the gentleman be discharged from custody without costs.

The motion was agreed to.

Mr. FRYE. The whole delegation from Maine, except Mr. MURCH, have been under arrest. I move that he be fined ten dollars for his stupidity in remaining here. [Laughter.]

The SPEAKER *pro tempore*. That motion is not in order. Mr. OSMER, of Pennsylvania, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. OSMER. I was in attendance upon the House all day, until some time after six o'clock. Being hungry, I went to the lunch-room, and was absent some ten minutes. When I came back I found the doors closed.

Mr. WHITE. I move that the gentleman be excused and discharged without costs.

The motion was agreed to.

Mr. O'NEILL. I want to ask this question: All the gentlemen who have been arraigned before the House to-night for being absent without leave surrendered to the Sergeant-at-Arms. Now, the Sergeant-at-Arms should not have the credit of making those arrests.

Mr. ROBESON. I move that the House now adjourn.

Mr. COX. I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. COX. My point of order is that the motion to adjourn at this time is not in order.

Mr. WRIGHT. I rise to a question of privilege.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. WRIGHT. I am informed that my colleague from Pennsylvania, Mr. BAYNE, has got in through that door [pointing to the door] surreptitiously. [Laughter.] When the prisoners were being brought in by the Sergeant-at-Arms my colleague came in also in the column of advancing criminals, and seated himself in the House. My point of order is that he has got in here illegitimately and improperly. [Laughter.] I want the gentleman to state how he got into the House.

The SPEAKER *pro tempore*. The Chair is unable to answer.

Mr. WRIGHT. I call upon the gentleman to answer it.

Mr. COOK. Have a committee of investigation appointed. [Laughter.]

Mr. CONGER. I object to any one turning State's evidence to-night.

The SPEAKER *pro tempore*. The Clerk informs the Chair that the gentleman from Pennsylvania, Mr. BAYNE, is among the list of absentees.

Mr. VALENTINE. He has been here participating in the action of the House. He moved, I believe, the discharge of one member.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania [Mr. BAYNE] is technically absent.

Mr. WILBER. He has not been arrested.

The SPEAKER *pro tempore*. It is the duty of the Sergeant-at-Arms to take him into custody and bring him to the bar of the House. The question is on the motion of the gentleman from New Jersey, that the House adjourn.

Mr. KENNA. I rise to a point of order. I submit that the motion to adjourn is not in order, and I ask the ruling of the Chair distinctly upon it. It has been put here half a dozen times during this call, and now I want a ruling upon it. I submit that an adjournment cannot be reached by this method at the present time.

The SPEAKER *pro tempore*. By rulings heretofore made it has been held that pending the proceedings in a call but two motions are admissible in addition to those incident to the call. Those two motions are a motion to adjourn and a motion to dispense with further proceedings under the call. This being one of the motions recognized heretofore as in order, the Chair entertains it.

Mr. KENNA. Does the Chair desire to be understood as holding that the motion is in order?

The SPEAKER *pro tempore*. The Chair holds that it is strictly in order.

Mr. BAYNE. Allow me to say one word before the question is put.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania, [Mr. BAYNE,] under the rules of the House, is not regarded as present, and cannot be recognized by the Chair. The question is on the motion of the gentleman from New Jersey that the House adjourn.

The question being taken, there were—ayes 64, noes 85.

Mr. CONGER. I call for the yeas and nays.

Mr. YOUNG, of Tennessee. I rise to a parliamentary inquiry. Is it now too late to appeal from the ruling of the Chair deciding that pending proceedings under a call of the House a call of the yeas and nays may be had.

The SPEAKER *pro tempore*. It is too late now to raise that question. The House is now dividing.

The yeas and nays were ordered on the motion to adjourn; there being ayes 46, more than one-fifth of the last vote.

The Clerk proceeded to call the roll.

Mr. BAYNE, when his name was called, voted "ay."

Mr. REAGAN. I object to the vote of the gentleman from Pennsylvania [Mr. BAYNE] being received, because under the rules he is not entitled to vote. The rule expressly prohibits the reception of his vote.

The SPEAKER *pro tempore*. The Chair sustains the point of order. The vote of the gentleman from Pennsylvania will not be recorded.

Mr. HAWLEY. I submit that, the member being actually to our knowledge here in person, it would be right to call him before the bar and allow him to make his excuse.

The SPEAKER *pro tempore*. It is the duty of the Sergeant-at-Arms to bring him before the House.

Mr. HAWLEY. I happen to know (and I feel at liberty to say it in behalf of the gentleman, though he has not asked me to do so) that he walked into this House without the slightest objection on the part of any officer. He came in without any fault on his part, and is now here claiming his rights as a member.

The SPEAKER *pro tempore*. The Chair cannot entertain any motion until the roll-call is completed.

Mr. WHITE. In behalf of my colleague [Mr. BAYNE] I rise to a question of order.

The SPEAKER *pro tempore*. No question can be entertained pending the roll-call.

Mr. COX. I rise to a point of order. Shall these gentlemen who are in contempt vote to adjourn, and thus relieve themselves?

The SPEAKER *pro tempore*. The Chair has decided (and that decision must be accepted without appeal pending the roll-call) that the gentleman from Pennsylvania is not entitled to vote.

Mr. COX. Why should the Clerk call the names of members who are in contempt of the House?

The SPEAKER *pro tempore*. Gentlemen who have been excused are entitled to vote. The Clerk must call the names on the roll as he finds them; he cannot discriminate.

Mr. BAYNE. I will relieve these punctilious gentlemen by withdrawing my vote.

The Clerk then resumed and concluded the call of the roll, there being—yeas 68, nays 91, not voting 126; as follows:

YEAS—68.

Aldrich, William	Dunnell,	Jones,	Sapp,
Anderson,	Dwight,	Joyce,	Shallenberger,
Baker,	Einstein,	Lindsey,	Smith, A. Herr
Barber,	Farr,	Marsh,	Thomas,
Bingham,	Ferdon,	McCoid,	Townsend, Amos
Blake,	Field,	McKinley,	Tyler,
Brigham,	Frye,	Mitchell,	Updegraff, J. T.
Burrows,	Godshalk,	Monroe,	Updegraff, Thomas
Carpenter,	Hall,	Morton,	Urner,
Caswell,	Harris, Benj. W.	Norcross,	Valentine,
Claflin,	Hawk,	O'Neill,	Van Aernam,
Conger,	Hawley,	Osmer,	Ward,
Covert,	Heilman,	Reed,	White,
Daggett,	Hiscock,	Richardson, D. P.	Wilber,
Davis, George R.	Horr,	Robeson,	Williams, C. G.
Deering,	Houk,	Robinson,	Willits,
Deuster,	Humphrey,	Ryan, Thomas	Young, Thomas L.

NAYS—91.

Armfield,	Dunn,	Manning,	Smith, Hezekiah B.
Bicknell,	Evins,	Martin, Benj. F.	Smith, William E.
Blackburn,	Ewing,	McKenzie,	Sparks,
Blount,	Ford,	McMahon,	Speer,
Bouck,	Forney,	McMillin,	Springer,
Bright,	Forsythe,	Mills,	Steele,
Browne,	Geddes,	Morrison,	Stevenson,
Cabell,	Gillette,	Muldrow,	Taylor,
Caldwell,	Goode,	Murch,	Thompson,
Carlisle,	Hatch,	New,	Tillman,
Chalmers,	Henkle,	Nicholls,	Townshend, R. W.
Clark, John B.	Henry,	Persons,	Turner, Oscar
Conroth,	Herbert,	Phelps,	Turner, Thomas
Cook,	Hostetler,	Phister,	Vance,
Cox,	House,	Poehler,	Waddill,
Cravens,	Hunton,	Reagan,	Weaver,
Culberson,	Johnston,	Richmond,	Wellborn,
Davidson,	Kenna,	Robertson,	Williams, Thomas
Davis, Joseph J.	King,	Ryon, John W.	Wilson,
Davis, Loundes H.	Klotz,	Samford,	Wise,
De La Matyr,	Ladd,	Sawyer,	Wright,
Dibrell,	Le Fevre,	Simonton,	Young, Casey.
Dickey,	Lowe,	Slemons,	

NOT VOTING—126.

Acklen,	Cowgill,	Kelley,	Prescott,
Aiken,	Crapo,	Ketcham,	Price,
Aldrich, N. W.	Crowley,	Killinger,	Rice,
Atherton,	Dick,	Kimmel,	Richardson, J. S.
Atkins,	Elam,	Kitchin,	Ross,
Bachman,	Ellis,	Knott,	Rothwell,
Bailey,	Errett,	Lapham,	Russell, Daniel L.
Ballou,	Felton,	Lay,	Russell, William A.
Barlow,	Finley,	Lewis,	Scales,
Bayne,	Fisher,	Loring,	Shelley,
Beale,	Fort,	Lounsbery,	Sherwin,
Belford,	Frost,	Martin, Edward L.	Singleton, J. W.
Beltzhoover,	Garfield,	Martin, Joseph J.	Singleton, O. R.
Bland,	Gibson,	Mason,	Starin,
Bliss,	Gunter,	McCook,	Stephens,
Bowman,	Hammond, John	McGowan,	Stone,
Boyd,	Hammond, N. J.	McLane,	Talbott,
Bragg,	Harmer,	Miles,	Tucker,
Brewer,	Harris, John T.	Miller,	Van Voorhis,
Briggs,	Haskell,	Money,	Voorhis,
Buckner,	Hayes,	Morse,	Wait,
Butterworth,	Hazelton,	Muller,	Warner,
Calkins,	Henderson,	Myers,	Washburn,
Camp,	Herndon,	Neal,	Wells,
Cannon,	Hill,	Newberry,	Whiteaker,
Chittenden,	Hooker,	O'Brien,	Whitthorne,
Clardy,	Hubbell,	O'Connor,	Willis,
Clark, Alvah A.	Hull,	O'Reilly,	Wood, Fernando
Clymer,	Hurd,	Orth,	Wood, Walter A.
Cobb,	James,	Overton,	Yocum.
Colerick,	Jorgensen,	Pierce,	
Converse,	Keifer,	Pound,	

So the House refused to adjourn.

During the roll-call the following announcements were made:

Mr. CLARDY. I am paired with Mr. MULLER, of New York. If he were here, I should vote "no."

Mr. BACHMAN. I am paired with Mr. STARIN.

Mr. HERNDON. I am paired with Mr. ALDRICH, of Rhode Island.

Mr. COVERT. Mr. MONEY, of Mississippi, is paired with Mr. STONE, of Michigan.

Mr. CONVERSE. I am paired with Mr. WASHBURN, of Minnesota. If he were, I should vote "no."

Mr. HURD. I am paired with Mr. LEWIS, of Alabama. If he were here, I should vote "ay."

Mr. AIKEN. I am paired with Mr. NEWBERRY, of Michigan.

Mr. SIMONTON. Mr CLYMER is paired with Mr. CHITTENDEN.

Mr. COBB. I am paired with Mr. HENDERSON, of Illinois. If he were here, I should vote "no."

Mr. YOCUM. I am paired with Mr. VAN VOORHIS, of New York.

Mr. BURROWS. Mr. BREWER is paired with Mr. GUNTER.

Mr. SAPP. Mr. PRICE is absent by leave of the House. If he were here, I am confident he would would vote "ay."

Mr. HARRIS, of Massachusetts. Mr. LORING is paired with Mr. HOOKER, of Mississippi.

Mr. EINSTEIN. Mr. O'BRIEN is paired with Mr. ACKLEN, of Louisiana.

Mr. NORCROSS. Mr. RICE is paired with Mr. ELAM.

Mr. HUNTON. Mr. TUCKER is paired with Mr. LAPHAM.

The vote was then announced as above recorded.

The deputy Sergeant-at-Arms appeared at the bar of the House having in custody, under its order, Mr. BAYNE, of Pennsylvania.

The SPEAKER *pro tempore*. Mr. BAYNE, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. BAYNE. I remained here until half past five o'clock and went to get something to eat. When I returned after dinner I found the doors locked.

Mr. WRIGHT. I move that my colleague be excused without the payment of costs.

The motion was agreed to.

Mr. WRIGHT. I should like to know from my colleague how he managed to get in when the doors were locked?

Mr. BAYNE. Why, I walked in. [Laughter.] Now, Mr. Speaker, I wish to say that I can claim the right of sanctuary inside of the Hall, for I surrendered myself to relieve the officers from any embarrassment whatever. They are capable and efficient officers, and I would do nothing to reflect upon their attention to their duty.

Mr. WRIGHT. How did you get in?

Mr. BAYNE. As I have told my colleague already, I walked in.

The deputy Sergeant-at-Arms appeared at the bar of the House having in custody, under its order, Mr. BELTZHOOVER, Mr. STONE, Mr. FROST, Mr. BOWMAN, Mr. RUSSELL of Massachusetts, and Mr. MARTIN of North Carolina.

The SPEAKER *pro tempore*. Mr. BELTZHOOVER, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. BELTZHOOVER. My excuse, Mr. Speaker, is about this: I have sat out all of the roll-calls and all of the sittings of this House during the present extra session; but to-day at six o'clock, when the last roll-call was taking place, I went home to dinner. I was exhausted, worn out, tired, and reckoned without my host in leaving, believing that there would be no roll-call before I got back from dinner. When I returned at seven o'clock I found the doors closed and was unable to get in.

Mr. BAYNE. I move that my colleague be discharged without payment of costs.

The motion was agreed to.

The SPEAKER *pro tempore*. Mr. STONE, of Michigan, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. STONE. Mr. Speaker, about five o'clock the gentleman from Ohio [Mr. WARNER] in charge of the silver bill announced that if the previous question was seconded and the main question ordered he would consent to an adjournment. The roll-call was then ordered for adjournment. Mr. MONEY, not being well, desired to pair with me and I consented and we left the House together, supposing an adjournment would immediately follow. I had supposed the House was adjourned until about five minutes ago, when I was told at my room that my presence was required here, and I came.

Mr. SAPP. I move the gentleman be discharged without payment of costs.

The motion was agreed to.

The SPEAKER *pro tempore*. Mr. FROST, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. FROST. Mr. Speaker, about five o'clock, immediately after the announcement made by the gentleman from Ohio in charge of the silver bill, which I construed into an intimation that an adjournment would be consented to on his part, at the solicitation of my friend from New York, [Mr. EINSTEIN,] who was anxious to secure a pair, I consented to pair with him, and left the House under the impression that an adjournment would soon occur. Had I known the House was in session, I should have returned sooner.

Mr. CLARK, of Missouri. I move the gentleman be discharged without payment of costs.

The motion was agreed to.

The SPEAKER *pro tempore*. Mr. BOWMAN, of Massachusetts, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. BOWMAN. During all the afternoon, Mr. Speaker, I with great faithfulness listened to all the amendments to the silver bill offered by the gentleman from Illinois and others, and in the frantic endeavor to understand what the bill meant, without being able to see it in print, I became exhausted.

Mr. STEELE. Would you have understood it if you had seen it in print?

Mr. BOWMAN. I therefore, at an hour when my dinner I knew had already grown cold, hurried across the square, ate it as rapidly as I could, and betook myself again to where I saw the light in the cupola, which was the only indication I had that the House continued in session. I may add that I did not come under arrest, but voluntarily.

Mr. COX. I move that the gentleman's disabilities be removed. [Laughter.]

The SPEAKER *pro tempore*. The gentleman from New York [Mr. COX] moves that the gentleman from Massachusetts be discharged without costs.

The motion was agreed to.

The SPEAKER *pro tempore*. Mr. RUSSELL, of Massachusetts, you

have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. RUSSELL, of Massachusetts. I left the House about a quarter before six to get my dinner, requesting the assistant doorkeeper to send word to me if the roll should be called. I only crossed the street to get my dinner. I was very expeditious in dining and ever since that I have been trying to come into the House. I may add that I came here not under arrest, but voluntarily.

Mr. NORCROSS. I move that my colleague be discharged without costs.

The motion was agreed to.

The SPEAKER *pro tempore*. Mr. MARTIN, of North Carolina, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. MARTIN, of North Carolina. I appear before you, Mr. Speaker, not as a criminal. I have not been arrested. I came voluntarily, having heard a few moments ago that the House was in session. I left this evening in consequence of a severe headache from which I am still suffering.

The SPEAKER *pro tempore*. The gentleman is mistaken as to his not being under arrest.

Mr. SCALES. I move that my colleague be discharged without costs.

The motion was agreed to.

Mr. CONGER. I move that further proceedings under the call be dispensed with.

Mr. McMAHON. There are more than fifty members out yet. I hope that motion will not prevail.

Mr. COX. Let us be just to everybody.

The SPEAKER *pro tempore*. The effect of this motion if carried in the affirmative would be to cause the doors to be opened and to discharge the members who are now under arrest and in custody. It also will bring the House to a direct vote on the motion which was pending, that is, the demand for the previous question on the engrossment and third reading of the silver bill.

Mr. WHITE. Is it in order now to move to postpone to a future time the consideration of that motion?

The SPEAKER *pro tempore*. It is not.

Mr. CONGER. If the Sergeant-at-Arms has any other gentleman to report I withdraw the motion.

Mr. YOUNG, of Tennessee. I renew the motion to dispense with further proceedings under the call, and hope it will be voted down in order that I may raise the point whether or not it is in order to call the yeas and nays pending proceedings under a call of the House.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Tennessee.

Mr. YOUNG, of Tennessee. I withdraw the motion for the present.

Mr. WRIGHT. I move that the House take a recess until ten o'clock to-morrow morning.

The SPEAKER *pro tempore*. That motion is not in order.

Mr. SPARKS. I understand there are other gentlemen under arrest at the door. Why are they not brought in?

The deputy sergeant-at-arms appeared at the bar of the House, having in his custody, pursuant to the order of the House, Mr. BLISS, Mr. CHITTENDEN, Mr. ATHERTON, and Mr. KNOTT.

The SPEAKER *pro tempore*. Mr. BLISS, of New York, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. EWING. Tell the truth; do not be afraid.

Mr. BLISS. Mr. Speaker, I will tell the truth. [Laughter.] This is the first call of the House that has found me absent since I became a member, and I only left on this occasion to attend to some very important business.

Mr. HISCOCK. I move that my colleague be discharged.

The SPEAKER *pro tempore*. The gentleman will proceed to state what excuse he has to offer.

Mr. WILBER. The gentleman has stated his excuse. He has said he had important business.

Mr. McMAHON. Where ignorance is bliss——

Mr. BLISS. Mr. Speaker, I had other reasons.

Mr. WRIGHT. Prove an alibi. [Laughter.]

Mr. BLISS. I have other reasons if necessary, one of which is that I did not think that it was possible to transact any business in the short time I intended to be absent. And I had still another reason. I did not regard what was being done at the time I left, only an hour ago, to be of sufficient importance to keep any member of Congress at such a late hour.

Mr. WRIGHT. That won't hold water.

Mr. HISCOCK. I move that my colleague be discharged from custody without costs.

The motion was agreed to.

The SPEAKER *pro tempore*. Mr. CHITTENDEN, of New York, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. CHITTENDEN. Mr. Speaker, I have to say I was busily employed preparing a speech on the coinage bill. For the rest I refer to my counsel.

A MEMBER. Who is your counsel?

Mr. CHITTENDEN. The gentleman from Kentucky, Mr. BLACKBURN, is my counsel.

Mr. BLACKBURN. I have had no retainer.

The SPEAKER *pro tempore*. The Chair is of opinion the gentleman cannot appear by counsel; he must answer for himself. The Chair therefore again asks him what excuse he has to offer?

Mr. CHITTENDEN. I am a man of few words, and have told you all. I have told you the exact truth and have nothing to add to it.

Mr. COVERT. I move that my colleague be discharged.

The motion was agreed to.

The SPEAKER *pro tempore*. Mr. ATHERTON, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. ATHERTON. Mr. Speaker, at the usual hour of closing the session of the House I paired with the gentleman from Massachusetts, Mr. MORSE, supposing the business of the House was about concluded. In addition to that I suffer considerable pain on account of a wound in my foot which I find much easier at home than in this House.

Mr. COX. I move that the gentleman be discharged from custody without costs.

The motion was agreed to.

The SPEAKER *pro tempore*. Mr. KNOTT, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. KNOTT. Well, Mr. Speaker, in the middle of the afternoon I was requested by the gentleman from Michigan [Mr. HUBBELL] to pair with him, as he found it necessary from some cause to leave the House. I did so with a great deal of pleasure. I remained here untill about half past four o'clock.

A MEMBER. Tell us a good anecdote and that will do. [Laughter.]

The SPEAKER *pro tempore*. The gentleman must not be interrupted during the time he is making his excuse.

Mr. GEDDES. I move the reference of the matter to the Judiciary Committee.

The SPEAKER *pro tempore*. That motion is not in order.

Mr. KNOTT. I had not completed my statement.

Mr. MILLS. Let the gentleman recite his Duluth speech, and I rewe will excuse him.

Mr. KNOTT. I am not quite through. As I was remarking, then mained here until half past four o'clock.

Mr. WRIGHT. You said that once before. [Laughter.]

Mr. KNOTT. I thought that there was an amicable arrangement about to be concluded between the gentleman from Michigan [Mr. CONGER] and the gentleman from Ohio, [Mr. WARNER,] [great laughter,] and I went home.

The SPEAKER *pro tempore*. Is there objection to excusing the gentleman from Kentucky, Mr. KNOTT? The Chair hears none, and the gentleman is excused.

The deputy sergeant-at-arms appeared at the bar of the House, having in his custody, pursuant to the order of the House, Mr. HASKELL, Mr. ORTH, Mr. BUCKNER, Mr. BREWER, Mr. ACKLEN, and Mr. RICHARDSON of South Carolina.

The SPEAKER *pro tempore*. Mr. HASKELL, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. HASKELL. If the House will be quiet I will state the reason for my absence. I am unable to talk with my usual voice. I desire to say that owing to a temporary illness I paired with the honorable gentleman from Kentucky [Mr. WILLIS] and went to my room, supposing that the House would very soon adjourn. I have no other excuse than that to offer.

Mr. COOK. I move that the gentleman be discharged without costs.

The motion was agreed to.

The SPEAKER *pro tempore*. Mr. ORTH, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. ORTH. It is simply a case of misplaced confidence. I had confidence that the House would have had the good sense to adjourn at the usual hour, but I find that my confidence was misplaced.

Mr. BROWNE. I move that my colleague be discharged without costs.

The motion was agreed to.

The SPEAKER *pro tempore*. Mr. BUCKNER you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. BUCKNER. I was paired with Mr. PRICE, of Iowa, who is absent, and supposing the House would adjourn, and as I was hungry and wanted to get my dinner I left the House. I have no other excuse to offer.

Mr. SAPP. I move that the gentleman be discharged without costs.

The motion was agreed to.

The SPEAKER *pro tempore*. Mr. BREWER you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. BREWER. Mr. Speaker, at six o'clock my wife was here and I found her ill. I came in and my friend from Arkansas [Mr. GUNTER] kindly consented to pair with me. We were voting then on a motion to adjourn. I supposed the House would adjourn and when I got home, supposing that the House had adjourned, I did not return. I am sorry I did not return if the House has been kept in session for the want of my presence.

Mr. BROWNE. I move the gentleman be excused. He is solid.

The motion was agreed to.

The SPEAKER *pro tempore*. Mr. ACKLEN, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. RICHMOND. Let him give it in the morning hour.

Mr. ACKLEN. The morning hour can take care of itself.

The House is aware that a short time ago I was suffering very much from a severe attack of illness. I was not well this afternoon and furthermore I was paired with Mr. O'BRIEN on this bill. I went home and was found at my room by the Sergeant-at-Arms. I was satisfied in my own mind that the Sergeant-at-Arms was neither to be bribed nor intimidated, so I came along with him very peaceably and I am here to ask the House to excuse me.

Mr. ROBERTSON. I move that the gentleman be discharged without costs.

The motion was agreed to.

The SPEAKER *pro tempore*. Mr. RICHARDSON, of South Carolina, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. RICHARDSON, of South Carolina. Mr. Speaker, I was paired with Mr. CAMP, of New York, and left for dinner about the time that the House usually adjourns. I did not know that the House had continued its session until a few moments ago. I came back of my own volition, and was not arrested.

Mr. TILLMAN. I move that my colleague be discharged without costs.

The motion was agreed to.

Mr. ALDRICH, of Illinois. I move that all further proceedings under the call be dispensed with. [Loud cries of "Oh, no!"]

Here the deputy sergeant-at-arms appeared at the bar of the House having other members in custody.

Mr. ALDRICH, of Illinois. I withdraw the motion.

Mr. DICKEY. I ask leave of absence for the remainder of the legislative session, on account of illness.

There was no objection; and leave was granted.

The deputy sergeant-at-arms appeared at the bar of the House and reported that pursuant to the order of the House he had in custody Mr. MULLER, of New York, and Mr. GUNTER, of Arkansas.

The SPEAKER *pro tempore*. Mr. MULLER, of New York, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. MULLER. I was paired with Mr. CLARDY, of Missouri, and went down home to get my dinner.

Mr. COOK. You do not look as if you had had any. [Laughter.]

Mr. MULLER. That is the only excuse I have to offer.

Mr. COX. I move that my colleague be discharged without costs.

The mo ion was agreed to.

The SPEAKER *pro tempore*. Mr. GUNTER, of Arkansas, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. GUNTER. I was a little unwell this morning, and ate a very light breakfast. I paired with Mr. BREWER, of Michigan, and at six o'clock went home for my dinner. I did not get back here until the doors were closed.

Mr. HUMPHREY. I move that the gentleman be discharged without costs.

The motion was agreed to.

Mr. ROBESON. I rise to a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. ROBESON. I would like to inquire what is the penalty in case a member is arrested by the Sergeant-at-Arms and escapes from his custody?

The SPEAKER *pro tempore*. The House must fix the punishment for such an offense.

Mr. STONE. I move that a report be made of the escapes, if any.

Mr. ROBESON. If proceedings under this call are to be continued, I move that the Sergeant-at-Arms be directed to report any escape.

The SPEAKER *pro tempore*. It is the duty of the Sergeant-at-Arms to report to the House those in his custody, and the Chair supposes he will do so.

Mr. McMAHON. I would inquire of the Sergeant-at-Arms if any person he has taken in charge has failed to report with him to the House? I want to see no favoritism in this matter.

The SPEAKER *pro tempore*. The Chair will inquire of the Sergeant-at-Arms when he is here; he is not now present.

Mr. McMAHON. I want information on that point.

The SPEAKER *pro tempore*. The Chair will state that the deputy sergeant-at-arms informs the Chair that he had in his custody Mr. GARFIELD, of Ohio, and Mr. MORSE, of Massachusetts. By some oversight those gentlemen are now temporarily out of his custody.

Mr. CONGER. I would like to inquire whether the Sergeant-at-Arms needs the assistance of troops? [Laughter.]

The SPEAKER *pro tempore*. That is not a parliamentary inquiry.

Mr. CONGER. We are prepared to vote him any assistance necessary.

Mr. THOMAS TURNER. I have a violent headache to-night, Mr. Speaker, from going so long without anything to eat. I am paired with Mr. HARRY WHITE, and I ask to be excused for the remainder of to-night's session. I am paired with HARRY WHITE, recollect. [Laughter.]

There being no objection, Mr. THOMAS TURNER was excused from further attendance.

Mr. CONGER. I would inquire of the Sergeant-at-Arms if any other gentlemen were in his custody who have not appeared at the bar of the House? I have seen at the door of the House another gentleman who was among the list of absentees. I wish to know whether he was there under arrest.

The SPEAKER *pro tempore*. The Sergeant-at-Arms is not now present. The Chair presumes he is engaged in executing the order of the House.

Mr. ROBESON, (at nine o'clock and five minutes p. m.) I move to dispense with all further proceedings under the call.

The motion was not agreed to, upon a division—ayes 45, noes 99.

Mr. CONGER. I renew my inquiry. As a member of this House I have a right to know of the Sergeant-at-Arms if any others than those he has reported have been arrested and not brought before this House.

The SPEAKER *pro tempore*. The Chair will have the Sergeant-at-Arms report to him.

The deputy sergeant-at-arms here appeared at the bar of the House and reported that pursuant to the order of the House he had in custody Mr. VAN VOORHIS, of New York.

Mr. CONGER. Before the case of this gentleman is disposed of I wish to have an answer to my inquiry.

The DEPUTY SERGEANT-AT-ARMS. Mr. MORSE, of Massachusetts, was brought up here, but he went away.

Mr. CONGER. I saw some other gentlemen here.

The SPEAKER *pro tempore*. The Sergeant-at-Arms will report to the Chair.

The DEPUTY SERGEANT-AT-ARMS. I have to say, Mr. Speaker, that I have no knowledge of any other persons arrested and not brought to the bar of the House except Mr. GARFIELD and Mr. MORSE.

Mr. McMAHON. Have those gentlemen escaped from the custody of the Sergeant-at-Arms?

The SPEAKER *pro tempore*. The only business in order now is receiving excuses. Mr. VAN VOORHIS, of New York, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. VAN VOORHIS. I have a great many.

Mr. WRIGHT. One good one will do. [Laughter.]

Mr. VAN VOORHIS. In the first place, a hungry greenbacker tempted me and I paired off with him, so that he might go to dinner. In the second place, I had a slight attack of hunger myself, and went to dinner. In the third place, I thought that our friend from Ohio, [Mr. WARNER,] who runs this House and has been running it for the last three weeks, was going to adjourn it; he intimated as much. I did not suppose that the session would last more than a few moments longer, and having paired off with the distinguished gentleman from Pennsylvania, [Mr. YOCUM,] I left the House. I supposed that the House had adjourned until I learned that it was still in session, when I came here of my own accord. I found the doors closed and could not get in. I knocked, and they were not opened, so I took a seat in the gallery and have been listening to the various interesting proceedings of to-night. I have not been under arrest.

Mr. DWIGHT. I move that my colleague be discharged without costs.

The motion was agreed to.

Mr. GODSHALK, (at nine o'clock and fifty minutes p. m.) I move that the House now adjourn.

The question being taken on agreeing to the motion, there were—ayes 44, noes 105.

Mr. WHITE. I call for the yeas and nays.

Mr. YOUNG, of Tennessee. I rise to a point of order. There has been no declaration from the Chair that proceedings under the call of the House have been dispensed with; and I raise the question of order that pending proceedings under a call it is not in order to move for a call of the yeas and nays.

The SPEAKER *pro tempore*. The Chair overrules the point of order.

Mr. YOUNG, of Tennessee. Then I appeal from the decision of the Chair, and would like to be heard.

Mr. CONGER. I think the gentleman had better not, for party purposes, pervert the rules of the House.

The SPEAKER *pro tempore*. The Constitution of the United States provides that the yeas and nays shall be taken upon any question on the demand of one-fifth of the members present.

Mr. YOUNG, of Tennessee. Is there any provision of the Constitution of the United States or any rule of the House which forbids an appeal from the ruling of the Chair on this subject?

The SPEAKER *pro tempore*. It is in order for the gentleman to appeal.

Mr. BLOUNT. I move to lay the appeal on the table.

Mr. YOUNG, of Tennessee. On that motion I want to be heard.

The SPEAKER *pro tempore*. The gentleman appeals from the decision of the Chair. He will state his point of order.

Mr. YOUNG, of Tennessee. The point of order which I suggest for the consideration of the Chair and the House is that pending the execution of any order of the House it is not competent to call for the yeas and nays. Now, I do not pretend to be very profoundly versed in that strange medley of legal mysteries that is dignified by the name of the rules under which we are governed; but it seems to me

it must be apparent to the mind of every one——[Cries of "Regular order."] The regular order is to hear me. If gentlemen will be quiet a little while, I will subside. [Laughter.] It has been the practice of this House, I believe it is the rule of the House, that the call of the yeas and nays cannot be interrupted by any other business; and I am unable to conceive any principle on which another order of the House unexecuted can be interrupted by a call of the yeas and nays. It may be that there are other gentlemen in the custody of the Sergeant-at-Arms. Suppose, while they are in his custody——

The SPEAKER *pro tempore*. The Chair desires to state to the gentleman from Tennessee that all questions of order pending a call must be decided without debate.

Mr. YOUNG, of Tennessee. I am not discussing the question of order, but the motion of the gentleman from Georgia [Mr. BLOUNT] to lay my appeal on the table.

The SPEAKER *pro tempore*. The Chair desired the gentleman from Tennessee to state the question upon which he appealed from the decision of the Chair. The gentleman has now made that statement, but the Chair has not submitted the question, so that the motion to lay on the table is not in order at this time. The Chair merely asked the gentleman to state what ruling of the Chair he appealed from.

Mr. YOUNG, of Tennessee. I appeal from the ruling of the Chair declaring it to be in order to call for the yeas and nays pending proceedings under a call of the House. The gentleman from Georgia moves to lay my appeal on the table.

The SPEAKER *pro tempore*. Upon this point of order the Chair will ask the Clerk to read the third paragraph of section 4 of article 1 of the Constitution of the United States.

The Clerk read as follows:

Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House on any question shall, at the desire of one-fifth of those present, be entered on the Journal.

The SPEAKER *pro tempore*. The Clerk will also read Rule 44.

The Clerk read as follows:

RULE 44. A motion to adjourn, and a motion to fix the day to which the House shall adjourn, shall be always in order; these motions, and the motion to lie on the table, shall be decided without debate.

The SPEAKER *pro tempore*. Does the gentleman from Tennessee withdraw his point of order?

Mr. YOUNG, of Tennessee. No, sir.

The SPEAKER *pro tempore*. Then the Chair overrules it, and will state to the gentleman that it is not debatable.

Mr. YOUNG, of Tennessee. I want to appeal from the decision of the Chair overruling the point of order.

The SPEAKER *pro tempore*. The gentleman may appeal, but he cannot discuss any question of order before the House.

Mr. YOUNG, of Tennessee. I am not discussing the point of order, but the motion of the gentleman from Georgia to lay my appeal on the table.

The SPEAKER *pro tempore*. In a call of the House all subsidiary questions must be decided without debate.

Mr. YOUNG, of Tennessee. I ask that my appeal from the decision of the Chair be submitted to the House.

The SPEAKER *pro tempore*. The Chair decides that it is in order to demand the yeas and nays upon a motion to adjourn pending a call of the House. From this decision the gentleman from Tennessee appeals.

The SPEAKER *pro tempore* was proceeding to put the question, when

Mr. BLACKBURN said: Mr. Speaker, what is the question upon which we are to vote?

The SPEAKER *pro tempore*. The gentleman from Pennsylvania [Mr. WHITE] demanded the yeas and nays on the motion to adjourn. The gentleman from Tennessee [Mr. YOUNG] raised the point that it was not in order to demand the yeas and nays on that motion, and the Chair decided that under the Constitution of the United States and the rules of the House it was in order for one-fifth of those present to demand the yeas and nays on any question. From that decision of the Chair the gentleman from Tennessee has taken an appeal.

Mr. BLACKBURN. Did not the gentleman from Georgia move to lay that appeal upon the table?

Mr. BLOUNT. I did.

The SPEAKER *pro tempore*. The Chair did not hear it.

Mr. BLACKBURN. The pending question then is to lay upon the table the appeal taken from the decision of the Chair.

The SPEAKER *pro tempore*. The Chair begs the gentleman's pardon. He did not hear the motion to lay on the table. The Chair will put the question upon laying upon the table the appeal taken from the decision of the Chair.

The House divided; and there were—ayes 92, noes 21.

So the appeal was laid upon the table.

The question then recurred on the demand for the yeas and nays on the motion to adjourn.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 75, nays 94, not voting 116; as follows:

YEAS—75.

Aldrich, William	Barber,	Blake,	Briggs,
Anderson,	Belford,	Bowman,	Brigham,
Baker,	Bingham,	Brewer,	Browne,
Burrows,	Harris, Benj. W.	Mitchell,	Smith, A. Herr
Carpenter,	Hawk,	Monroe,	Stone,
Caswell,	Hawley,	Morton,	Thomas,
Claflin,	Hazelton,	Norcross,	Townsend, Amos
Conger,	Heilman,	O'Neill,	Tyler,
Covert,	Hiscock,	Orth,	Updegraff, J. T.
Daggett,	Horr,	Osmer,	Urner,
Davis, George R.	Houk,	Reed,	Valentine,
Deering,	Humphrey,	Richardson, D. P.	Van Aernam,
Dunnell,	Jones,	Robeson,	Van Voorhis,
Dwight,	Joyce,	Robinson,	Ward,
Farr,	Lindsey,	Russell, Daniel L.	White,
Ferdon,	Marsh,	Russell, W. A.	Wilber,
Field,	Martin, Joseph J.	Ryan, Thomas	Williams, C. G.
Frye,	McCoid,	Sapp,	Willits.
Godshalk,	McKinley,	Shallenberger,	

NAYS—94.

Acklen,	De La Matyr,	Lowe,	Smith, Hezekiah B.
Armfield,	Dibrell,	Manning,	Smith, William E.
Beltzhoover,	Dunn,	Martin, Benj. F.	Sparks,
Bicknell,	Evins,	McKenzie,	Springer,
Blackburn,	Ewing,	McMahon,	Steele,
Bliss,	Ford,	McMillin,	Stevenson,
Blount,	Forney,	Mills,	Taylor,
Bouck,	Forsythe,	Morrison,	Thompson,
Bright,	Frost,	Muldrow,	Tillman,
Buckner,	Geddes,	Muller,	Townshend, R. W.
Cabell,	Gillette,	Murch,	Turner, Oscar
Caldwell,	Goode,	New,	Updegraff, Thomas
Carlisle,	Gunter,	Persons,	Vance,
Chalmers,	Hatch,	Phelps,	Waddill,
Clardy,	Henkle,	Phister,	Warner,
Clark, John B.	Henry,	Reagan,	Wellborn,
Coffroth,	Herbert,	Richmond,	Williams, Thomas
Cook,	Hostetler,	Robertson,	Wilson,
Cox,	House,	Ryon, John W.	Wise,
Cravens,	Hunton,	Samford,	Wright,
Culberson,	Johnston,	Sawyer,	Yocum,
Davidson,	Kenna,	Scales,	Young, Casey.
Davis, Joseph J.	Klotz,	Simonton,	
Davis, Lowndes H.	Ladd,	Slemons,	

NOT VOTING—116.

Aiken,	Einstein,	Killinger,	Poehler,
Aldrich, N. W.	Elam,	Kimmel,	Pound,
Atherton,	Ellis,	King,	Prescott,
Atkins,	Errett,	Kitchin,	Price
Bachman,	Felton,	Knott,	Rice,
Bailey,	Finley,	Lapham,	Richardson, J. S.
Ballou,	Fisher,	Lay,	Ross
Barlow,	Fort,	Le Fevre,	Rothwell,
Bayne,	Garfield,	Lewis,	Shelley,
Beale,	Gibson,	Loring,	Sherwin,
Bland,	Hall,	Lounsbery,	Singleton, J. W.
Boyd,	Hammond, John	Martin, Edward L.	Singleton, O. R.
Bragg,	Hammond, N. J.	Mason,	Speer,
Butterworth,	Harmer,	McCook,	Starin,
Calkins,	Harris, John T.	McGowan,	Stephens,
Camp,	Haskell,	McLane,	Talbott,
Cannon,	Hayes,	Miles,	Tucker,
Chittenden,	Henderson,	Miller,	Turner, Thomas
Clark, Alvah A.	Herndon,	Money,	Voorhis,
Clymer,	Hill,	Morse,	Wait,
Cobb,	Hooker,	Myers,	Washburn,
Colerick,	Hubbell,	Neal,	Weaver,
Converse,	Hull,	Newberry,	Wells,
Cowgill,	Hurd,	Nicholls,	Whiteaker,
Crapo,	James,	O'Brien	Whitthorne,
Crowley,	Jorgensen,	O'Connor,	Willis,
Deuster,	Keifer,	O'Reilly,	Wood, Fernando
Dick,	Kelley,	Overton,	Wood, Walter A.
Dickey,	Ketcham,	Pierce,	Young, Thomas L.

So the House refused to adjourn.

During the roll-call the following announcements were made:

Mr. COVERT. The gentleman from Mississippi, Mr. MONEY, is paired with the gentleman from Michigan, Mr. STONE.

Mr. BACHMAN. I am paired with Mr. STARIN, of New York.

Mr. HERNDON. I am paired with Mr. ALDRICH, of Rhode Island.

Mr. ATHERTON. I am paired with Mr. MORSE, of Massachusetts.

Mr. DAVIDSON. My colleague, Mr. HULL, who is absent by leave of the House, is paired with Mr. VOORHIS.

Mr. SAMFORD. Mr. SHELLEY is paired with Mr. KETCHAM.

Mr. AIKEN. I am paired with Mr. NEWBERRY, of Michigan. My colleague, Mr. O'CONNOR, is paired with Mr. O'REILLY, of New York.

Mr. RICHARDSON, of South Carolina. I am paired with Mr. CAMP, of New York. If he were here, I should vote "no."

Mr. KING. I am paired with Mr. EINSTEIN, of New York. If he were here, I should vote "no."

Mr. CONVERSE. I am paired with Mr. WASHBURN, of Minnesota.

Mr. HASKELL. I am paired with Mr. WILLIS, of Kentucky.

Mr. STONE. I was paired with Mr. MONEY, of Mississippi; but after he left the House I arranged a pair for him with Mr. CROWLEY, of New York. I have therefore voted.

Mr. BRIGHAM. Mr. EINSTEIN, of New York, is paired with Mr. KING, of Louisiana.

Mr. BAYNE. I am paired with Mr. ROSS, of New Jersey.

Mr. COBB. I am paired with Mr. HENDERSON, of Illinois.

Mr. CHALMERS. My colleague from Mississippi, Mr. SINGLETON, is paired with Mr. WAIT, of Connecticut.

Mr. NORCROSS. My colleague from Massachusetts, Mr. RICE, is paired with Mr. ELAM.

Mr. HURD. I am paired with Mr. LEWIS, of Alabama.

Mr. KNOTT. When I voted I was under the impression that the gentleman from Michigan, Mr. HUBBELL, with whom I was paired,

had been brought in under arrest, as well as myself. I find that is not so, and I withdraw my vote.

The result of the vote was then announced as above recorded.

The deputy sergeant-at-arms appeared at the bar of the House, having in his custody, pursuant to the order of the House, Mr. O'CONNOR and Mr. ERRETT.

The SPEAKER *pro tempore*. Mr. O'CONNOR, of South Carolina, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. O'CONNOR. Mr. Speaker, I was paired with Mr. O'REILLY, of New York, for the day. I left the House at half past four o'clock for my dinner. As soon as I was apprised, at nine o'clock this evening, of the House being in session I repaired hither, and was arrested outside the bar of the House a moment ago.

Mr. ACKLEN. I move that the gentleman be discharged from custody without costs.

The motion was agreed to.

The SPEAKER *pro tempore*. Mr. ERRETT, of Pennsylvania, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. ERRETT. I have no excuse except that I was hungry and went home to get my dinner.

Mr. HAZELTON. That will scarcely do.

Mr. BAYNE. I move that my colleague be discharged without costs.

Mr. HAZELTON. I wish to inquire what the amount of costs would probably be?

The SPEAKER *pro tempore*. That depends on the order of the House.

The motion of Mr. BAYNE was agreed to.

Mr. ORTH. I do not feel well enough to remain longer in the House. I therefore ask leave of absence for the balance of the legislative day.

There was no objection, and leave of absence was granted.

Mr. BLOUNT. I desire to ask leave of absence for my colleague from Georgia, Mr. NICHOLLS, who has been for several weeks confined to his room on account of his eyes and has only come out a few days ago.

Mr. CONGER. I object to any further leave of absence till we have seen whether others of us laboring under infirmity and weariness cannot be permitted to return to our homes.

Mr. SPARKS. Is the gentleman from Michigan ill?

Mr. CONGER. I do not hear the remark of the gentleman from Illinois.

Mr. BLOUNT. I hope the gentleman will not object to leave of absence being granted to my colleague.

Mr. CONGER. I withdraw my objection to the request made by the gentleman from Georgia.

There being no further objection, leave of absence was granted to Mr. NICHOLLS.

Mr. WILBER. I suggest that we all be excused.

The deputy sergeant-at-arms appeared at the bar of the House, having in his custody, pursuant to the order of the House, Mr. RICE, of Massachusetts.

The SPEAKER *pro tempore*. Mr. RICE, of Massachusetts, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. RICE. I do not think I have any.

The SPEAKER *pro tempore*. The gentleman states he has no excuse to offer for being absent from the sitting of the House. What is the pleasure of the House?

Mr. SPARKS. I move that he be discharged from custody without costs.

The motion was agreed to.

Mr. CONGER. I move that all further proceedings under the call be dispensed with.

The question was taken on Mr. CONGER's motion; and there were—ayes 48, noes 84.

Mr. SPARKS. Can the Chair inform the House what progress is being made under the call? It was stated some time ago that some of the delinquents had been arrested and had made their escape. Is that a fact?

The SPEAKER *pro tempore*. The Chair is informed that two members who were in custody of the Sergeant-at-Arms——

Mr. SPARKS. Who were those?

The SPEAKER *pro tempore*. Mr. GARFIELD, of Ohio, and Mr. MORSE, of Massachusetts.

Mr. CONGER. I desire to know if there is any further report from the Sergeant-at-Arms.

The SPEAKER *pro tempore*. The Sergeant-at-Arms has reported to the Chair that he understood those gentlemen to be in his custody; but when he made his report at the bar he found they were not, and he has not been able to arrest them again and bring them to the bar of the House. He has been endeavoring to do so.

Mr. HUMPHREY. I understand that Mr. MORSE, of Massachusettts, did not understand he was in custody.

The SPEAKER *pro tempore*. The gentlemen can present their excuses when they are brought to the bar.

Mr. SPARKS. I wanted to make this inquiry: what report did the Sergeant-at-Arms make, if any?

The SPEAKER *pro tempore*. What the Chair has already stated.

Mr. SPARKS. That he arrested them and they have escaped?

The SPEAKER *pro tempore*. No. The Chair stated that the Sergeant-at-Arms understood he had them under arrest, but when he reported to the House he found they were not here. But there may have been some mistake in the matter.

Mr. MCMAHON. They were standing at that door, both of them.

Mr. BOWMAN. As the name of my colleague, Mr. MORSE, has been mentioned, and it has been alleged that he escaped from the custody of the Sergeant-at-Arms, I think that I ought in justice to him to explain the circumstances. I met Mr. MORSE in the lobby. He had come voluntarily. He desired me to state that he was paired on all questions about this bill with Mr. KELLEY, of Pennsylvania; and then he went away. I do not think he understood that he was technically in the custody of the Sergeant-at-Arms, and I think the Sergeant-at-Arms will say that he never officially notified Mr. MORSE that he held him in his custody and under arrest.

Mr. CONGER. Never.

Mr. HUMPHREY. Hardly ever.

A VOICE. Kill him.

Mr. VAN VOORHIS. That excuse was considered a good one when it came from Ohio, but coming from Boston it is not a sufficient one.

The SPEAKER *pro tempore*. The Chair desires to state that the gentleman from Arkansas [Mr. DUNN] asks leave of absence for the remainder of the legislative day on account of the illness of his wife.

There was no objection, and the leave was granted.

Mr. CARLISLE. I offer the resolution which I send to the Clerk's desk.

The SPEAKER *pro tempore*. The resolution will be read.

Mr. CONGER. I object to the reading.

The SPEAKER *pro tempore*. The Chair will hear it read.

Mr. CONGER. I object to its introduction.

The SPEAKER *pro tempore*. The Chair does not know what the resolution is, and if it is in order the Chair will rule it in order.

Mr. CONGER. No business is in order but the call of the House.

The SPEAKER *pro tempore*. The Chair does not know if the resolution relates to the call of the House.

Mr. WARNER. It relates to the call of the House.

The SPEAKER *pro tempore*. The Chair cannot rule upon the resolution until the Clerk reads it.

The Clerk read as follows:

Resolved, That further proceedings under the call of the House be postponed and made the special order for to-morrow at half past twelve o'clock, and that the Sergeant-at-Arms at that time bring in and report to the House the absentees, if any, not yet reported.

Mr. REAGAN. I make the point of order that we cannot take a recess.

The SPEAKER *pro tempore*. The effect of the resolution offered by the gentleman from Kentucky [Mr. CARLISLE] would be to take a recess, which cannot be done under the rules at this time. The Chair therefore rules the resolution out of order.

The gentleman from Illinois [Mr. HAWK] desires leave of absence for the remainder of the legislative day. Members understand his infirmity, and the Chair hopes that there will be no objection.

There was no objection, and the leave was granted.

The deputy sergeant-at-arms appeared at the bar of the House having in custody, pursuant to the order of the House, Mr. WAIT, of Connecticut.

The SPEAKER *pro tempore*. Mr. WAIT, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. WAIT. I received a telegram asking me to meet a gentleman on business from my district, and I went down to meet him. When I learned that the House had not adjourned, as I supposed it was about to do when I left, I did myself the pleasure and honor of coming at once and appearing before this body and yourself, its distinguished presiding officer.

Mr. HAWLEY. I move that my colleague be discharged without costs.

The motion was agreed to.

Mr. BELFORD. I rise to a parliamentary inquiry. I desire to inquire whether a motion for a recess would be in order?

The SPEAKER *pro tempore*. It would not be at this time.

Mr. WARNER. I now move to dispense with further proceedings under the call for the purpose of going on with the business before the House.

Mr. CONGER, (at ten o'clock and forty-five minutes, p. m.) I move that the House do now adjourn, and on that motion I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 65, nays 96, not voting 124; as follows:

YEAS—65.

Aldrich, William	Brigham,	Dunnell,	Hawley,
Anderson,	Burrows,	Dwight,	Hazelton,
Baker,	Carpenter,	Errett,	Heilman,
Barber,	Caswell,	Farr,	Horr,
Belford,	Claflin,	Ferdon,	Houk,
Bingham,	Conger,	Field,	Humphrey,
Blake,	Daggett,	Frye,	Jones,
Bowman,	Davis, George R.	Hall,	Joyce,
Brewer,	Deering,	Harris, Benj. W.	Lindsey,

Martin Joseph J.	Rice,	Stone,	Van Voorhis,
McCoid,	Richardson, D. P.	Townsend, Amos	Ward,
McKinley,	Robinson,	Tyler,	Wilber,
Mitchell,	Russell, Daniel L.	Updegraff, J. T.	Williams, C. G.
Monroe,	Russell, William A.	Updegraff, Thomas	Willits.
Morton,	Ryan, Thomas	Urner,	
O'Neill,	Sapp,	Valentine,	
Osmer,	Shallenberger,	Van Aernam,	

NAYS—96.

Acklen,	Dibrell,	Lowe,	Slemons,
Armfield,	Evins,	Manning,	Smith, Hezekiah B.
Beltzhoover,	Ewing,	Martin, Benj. F.	Smith, William E.
Bicknell,	Ford,	McKenzie,	Sparks,
Blackburn,	Forney,	McMahon,	Speer,
Bliss,	Forsythe,	McMillin,	Springer,
Blount,	Frost,	Mills,	Steele,
Bouck,	Geddes,	Morrison,	Stevenson,
Bright,	Gillette,	Muldrow,	Taylor,
Browne,	Goode,	Muller,	Thompson,
Cabell,	Gunter,	Murch,	Tillman,
Caldwell,	Harris, John T.	New,	Townshend, R. W.
Carlisle,	Hatch,	O'Connor,	Turner, Oscar
Chalmers,	Henkle,	Persons,	Vance,
Clardy,	Henry,	Phelps,	Waddill,
Clark, John B.	Herbert,	Phister,	Warner,
Coffroth,	Hostetler,	Reagan,	Weaver,
Cook,	House,	Richmond,	Wellborn,
Cravens,	Hunton,	Robertson,	Williams, Thomas
Culberson,	Johnston,	Ryon, John W.	Wilson,
Davidson,	Kenna,	Samford,	Wise,
Davis, Joseph J.	Klotz,	Sawyer,	Wright,
Davis, Loundes H.	Ladd,	Scales,	Yocum,
De La Matyr,	Le Fevre,	Simonton,	Young, Casey.

NOT VOTING—124.

Aiken,	Dick,	Ketcham,	Poehler,
Aldrich, N. W.	Dickey,	Killinger,	Pound,
Atherton,	Dunn,	Kimmel,	Prescott,
Atkins,	Einstein,	King,	Price,
Bachman,	Elam,	Kitchin,	Reed,
Bailey,	Ellis,	Knott,	Richardson, J. S.
Ballou,	Felton,	Lapham,	Robeson,
Barlow,	Finley,	Lay,	Ross,
Bayne,	Fisher,	Lewis,	Rothwell,
Beale,	Fort,	Loring,	Shelley,
Bland,	Garfield,	Lounsbery,	Sherwin,
Boyd,	Gibson,	Marsh,	Singleton, J. W.
Bragg,	Godshalk,	Martin, Edward L.	Singleton, O. R.
Briggs,	Hammond, John	Mason,	Smith, A. Herr
Buckner,	Hammond, N. J.	McCook,	Starin,
Butterworth,	Harmer,	McGowan,	Stephens,
Calkins,	Haskell,	McLane,	Talbott,
Camp,	Hawk,	Miles,	Thomas,
Cannon,	Hayes,	Miller,	Tucker,
Chittenden,	Henderson,	Money,	Turner, Thomas,
Clark, Alvah A.	Herndon,	Morse,	Voorhis,
Clymer,	Hill,	Myers,	Wait,
Cobb,	Hiscock,	Neal,	Washburn,
Colerick,	Hooker,	Newberry,	Wells,
Converse,	Hubbell,	Nicholls,	White,
Covert,	Hull,	Norcross,	Whiteaker,
Cowgill,	Hurd,	O'Brien,	Whitthorne,
Cox,	James,	O'Reilly,	Willis,
Crapo,	Jorgensen,	Orth,	Wood, Fernando
Crowley,	Keifer,	Overton,	Wood, Walter A.
Deuster,	Kelley,	Pierce,	Young, Thomas L.

So the motion to adjourn was not agreed to.

During the roll-call the following announcements were made:

Mr. ATHERTON. I am still paired with Mr. MORSE, of Massachusetts.

Mr. COVERT. I am paired with Mr. DUNN, of Arkansas. If he were present, I should vote "ay" and he would vote "no."

Mr. HERNDON. I am paired with Mr. ALDRICH, of Rhode Island.

Mr. BACHMAN. I am paired with Mr. STARIN, of New York.

Mr. HURD. I am paired with Mr. LEWIS, of Alabama. If he were here, I should vote "ay."

Mr. CONVERSE. I am paired with Mr. WASHBURN, of Minnesota.

Mr. DAVIDSON. My colleague, Mr. HULL, is paired with Mr. VOORHIS, of New Jersey; and Mr. DICKEY, of Ohio, is paired with his colleague, Mr. NEAL.

Mr. AIKEN. I am paired with Mr. NEWBERRY, of Michigan. If he were here, I should vote "no."

Mr. RICHARDSON, of South Carolina. I am paired with Mr. CAMP, of New York. If he were here, I should vote "no" and he would vote "ay."

Mr. KNOTT. I am paired with Mr. HUBBELL, of Michigan. If he were here, I should vote "no."

Mr. COBB. I am paired with Mr. HENDERSON, of Illinois, and my colleague, Mr. COLERICK, is paired with Mr. BALLOU, of Rhode Island.

Mr. HARRIS, of Massachusetts. My colleague, Mr. LORING, is paired with Mr. HOOKER, of Mississippi.

Mr. WAIT. I am paired with Mr. SINGLETON, of Mississippi.

Mr. BUCKNER. I am paired with Mr. PRICE, of Iowa.

Mr. BRIGHAM. Mr. EINSTEIN is paired with Mr. KING, of Louisiana.

Mr. STONE. Mr. CROWLEY is paired with Mr. MONEY, of Mississippi.

Mr. BAYNE. I am paired with Mr. ROSS, of New Jersey.

Mr. SMITH, of Pennsylvania. I am paired with Mr. COX, of New York.

Mr. BOWMAN. My colleague, Mr. MORSE, is paired with Mr. KELLEY, of Pennsylvania

Mr. DUNNELL. My colleague, Mr. WASHBURN, is paired with Mr. CONVERSE, of Ohio.

The result of the vote was then announced as above stated.

The SPEAKER *pro tempore*. The question now recurs on the motion of the gentleman from Ohio [Mr. WARNER] that all further proceedings under the call be dispensed with. Pending the question on that motion, the Chair has been requested by Mr. VANCE, of North Carolina, to ask that he be allowed leave of absence for the remainder of this legislative day on account of illness. Is there objection?

There was no objection, and leave was granted accordingly.

Mr. ACKLEN. I also ask permission to be absent for the remainder of this day's session. I am paired with Mr. O'BRIEN, of New York.

Mr. CONGER. I object. We are all wearied, and I think we will soon adjourn.

The SPEAKER *pro tempore*. The question recurs on the motion of the gentleman from Ohio [Mr. WARNER] that all further proceedings under the call be dispensed with.

Mr. WHITE. Before the vote is taken on that motion I desire to have the names read of those gentlemen who were absent on the last roll-call. I have a right to that information.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania [Mr. WHITE] asks unanimous consent——

Mr. WHITE. I do not ask unanimous consent.

Mr. SPARKS. I object.

Mr. WHITE. I do not ask unanimous consent; I ask it as a right.

The SPEAKER *pro tempore*. The gentleman has no such right under the rule.

Mr. WHITE. I have a right to such information before the vote is taken on the pending motion.

The SPEAKER *pro tempore*. That is not a right of the gentleman under the rule. The question is on the motion of the gentleman from Ohio [Mr. WARNER] to dispense with all further proceedings under the call.

Mr. WARNER. I make the motion with a view to proceeding with the business before the House.

The question was taken on the motion of Mr. WARNER; and upon a division there were—ayes 73, noes 40.

Mr. WARNER. I now call for the regular order.

Mr. WHITE. I call for the yeas and nays.

Mr. HUMPHREY. I call for tellers.

Mr. BLACKBURN. The call is too late.

The SPEAKER *pro tempore*. The vote upon the motion of the gentleman from Ohio [Mr. WARNER] had only been announced when the call was made for the yeas and nays.

Mr. BLACKBURN. I understood the Chair to state there was a call for tellers.

The SPEAKER *pro tempore*. The call for the yeas and nays takes precedence, and was made in time.

The question was taken upon ordering the yeas and nays, and there were but 13 in the affirmative; not one-fifth of the last vote.

So the yeas and nays were not ordered.

Mr. WARNER. I now call for the regular order.

The SPEAKER *pro tempore*. All further proceedings under the call having been dispensed with by a vote of the House, the doors will now be opened. The question recurs upon the motion of the gentleman from Ohio [Mr. WARNER] for the previous question on the engrossment and third reading of the bill providing for silver certificates, &c.

Mr. CONGER, (at eleven o'clock and ten minutes p. m.) Pending that motion I move that the House now adjourn.

Mr. ACKLEN. The gentleman from Michigan [Mr. CONGER] withdraws his objection to my being excused for the remainder of to-day's session.

The SPEAKER *pro tempore*. Is there further objection?

Mr. FARR. I object.

The SPEAKER *pro tempore*. The question is on the motion of the gentleman from Michigan [Mr. CONGER] that the House now adjourn.

The question was taken; and upon a division there were—ayes 49, noes 67.

Before the result of the vote was announced,

Mr. CONGER called for the yeas and nays.

The yeas and nays were ordered, there being 45 in the affirmative, more than one-fifth of the last vote.

The question was taken; and there were—yeas 68, nays 90, not voting 127; as follows:

YEAS—68.

Aldrich, William	Deering,	Humphrey,	Russell, Daniel L.
Anderson,	Dunnell,	Jones,	Russell, W. A.
Barber,	Dwight,	Joyce,	Ryan, Thomas
Bingham,	Errett,	Marsh,	Sapp,
Blake,	Farr,	Martin, Joseph J.	Shallenberger,
Bowman,	Ferdon,	McCoid,	Stone,
Brewer,	Field,	McKinley,	Thomas,
Brigham,	Fort,	Mitchell,	Townsend, Amos
Browne,	Frye,	Monroe,	Updegraff, J. T.
Burrows,	Hall,	Morton,	Updegraff, Thomas
Cannon,	Harris, Benj. W.	Norcross,	Urner,
Carpenter,	Hawley,	Osmer,	Valentine,
Caswell,	Hazelton,	Reed,	Van Aernam,
Claflin,	Heilman,	Rice,	Van Voorhis,
Conger,	Hiscock,	Richardson, D. P.	Ward,
Daggett,	Horr,	Robeson,	Wilber,
Davis, George R.	Houk,	Robinson,	Williams, C. G.

NAYS—90.

Armfield,	Dibrell,	Lowe,	Smith, Hezekiah B.
Atkins,	Evins,	Manning,	Smith, William E.
Belford,	Ewing,	Martin, Benj. F.	Sparks,
Beltzhoover,	Ford,	McKenzie,	Speer,
Bicknell,	Forney,	McMahon,	Springer,
Blackburn,	Forsythe,	McMillin,	Steele,
Blount,	Frost,	Mills,	Stevenson,
Bouck,	Geddes,	Morrison,	Taylor,
Bright,	Goode,	Muldrow,	Thompson,
Cabell,	Gunter,	Murch,	Tillman,
Caldwell,	Harris, John T.	New,	Townshend, R. W.
Carlisle,	Hatch,	O'Connor,	Turner, Oscar
Chalmers,	Henkle,	Persons,	Waddill,
Clardy,	Henry,	Phelps,	Warner,
Clark, John B.	Herbert,	Phister,	Weaver,
Coffroth,	Hostetler,	Reagan,	Wellborn,
Cook,	House,	Richmond,	Williams, Thomas
Cravens,	Hunton,	Robertson,	Wilson,
Culberson,	Johnston,	Ryon, John W.	Wise,
Davidson,	Kenna,	Samford,	Wright,
Davis, Joseph J.	Klotz,	Sawyer,	Yocum.
Davis, Loundes H.	Ladd,	Scales,	
De La Matyr,	Le Fevre,	Simonton,	

NOT VOTING—127.

Acklen,	Dick,	Kimmel,	Prescott,
Aiken,	Dickey,	King,	Price,
Aldrich, N. W.	Dunn,	Kitchin,	Richardson, J. S.
Atherton,	Einstein,	Knott,	Ross,
Bachman,	Elam,	Lapham,	Rothwell,
Bailey,	Ellis,	Lay,	Shelley,
Baker,	Felton,	Lewis,	Sherwin,
Ballou,	Finley,	Lindsey,	Singleton, J. W.
Barlow,	Fisher,	Loring,	Singleton, O. R.
Bayne,	Garfield,	Lounsbery,	Slemons,
Beale,	Gibson,	Martin, Edward L.	Smith, A. Herr
Bland,	Gillette,	Mason,	Starin,
Bliss,	Godshalk,	McCook,	Stephens,
Boyd,	Hammond, John	McGowan,	Talbott,
Bragg,	Hammond, N. J.	McLane,	Tucker,
Briggs,	Harmer,	Miles,	Turner, Thomas
Buckner,	Haskell,	Miller,	Tyler,
Butterworth,	Hawk,	Money,	Vance,
Calkins,	Hayes,	Morse,	Voorhis,
Camp,	Henderson,	Muller,	Wait,
Chittenden,	Herndon,	Myers,	Washburn,
Clark, Alvah A.	Hill,	Neal,	Wells,
Clymer,	Hooker,	Newberry,	White,
Cobb,	Hubbell,	Nicholls,	Whiteaker,
Colerick,	Hull,	O'Brien,	Whitthorne,
Converse,	Hurd,	O'Neill,	Willis,
Covert,	James,	O'Reilly,	Willits,
Cowgill,	Jorgensen,	Orth,	Wood, Fernando
Cox,	Keifer,	Overton,	Wood, Walter A.
Crapo,	Kelley,	Pierce,	Young, Casey
Crowley,	Ketcham,	Poehler,	Young, Thomas L.
Deuster,	Killinger,	Pound,	

So the House refused to adjourn.

During the call of the roll the following announcements were made:

Mr. BACHMAN. I am paired with Mr. STARIN, of New York.

Mr. FORNEY. My colleague, Mr. SHELLEY, is paired with Mr. KETCHAM, of New York.

Mr. SPEER. Mr. COVERT, of New York, is paired with Mr. DUNN, of Arkansas.

Mr. HERNDON. I am paired with Mr. ALDRICH, of Rhode Island.

Mr. CONVERSE. I am paired with Mr. WASHBURN, of Minnesota. If he were here, I should vote "no."

Mr. RICHARDSON, of South Carolina. I am paired with Mr. CAMP, of New York. If he were here, I should vote "no."

Mr. KNOTT. I am paired with Mr. HUBBELL, of Michigan. If he were present, I should vote "no."

Mr. AIKEN. I am paired with Mr. NEWBERRY, of Michigan. If he were present, I should vote "no."

Mr. COBB. I am paired with Mr. HENDERSON, of Illinois. My colleague, Mr. COLERICK, is paired with Mr. BALLOU, of Rhode Island.

Mr. DAVIDSON. My colleague from Florida, Mr. HULL, is paired with Mr. VOORHIS, of New Jersey. Mr. DICKEY, of Ohio, is paired with Mr. NEAL, of Ohio.

Mr. KING. I am paired with Mr. EINSTEIN, of New York.

Mr. ATHERTON. I am paired with Mr. MORSE, of Massachusetts. If he were here, I should vote "no."

Mr. BAYNE. I am paired with Mr. ROSS, of New Jersey.

Mr. STONE. Mr. CROWLEY, of New York, is paired with Mr. MONEY, of Mississippi.

Mr. WAIT. I am paired with Mr. SINGLETON, of Mississippi.

Mr. SAPP. My colleague from Iowa, Mr. PRICE, is paired with Mr. BUCKNER, of Missouri. Mr. PRICE, if present, would vote "ay."

Mr. HURD. I am paired with Mr. LEWIS, of Alabama. If he were present, I should vote "ay."

Mr. MYERS. I am paired with my colleague from Indiana, Mr. COWGILL.

Mr. SCALES. My colleague from North Carolina, Mr. VANCE, is absent on account of sickness and is paired with Mr. WILLITS, of Michigan.

Mr. RYON, of Pennsylvania. I am paired with Mr. ALDRICH, of Illinois.

The SPEAKER *pro tempore*. Before announcing the result of the vote, the Chair requests leave of absence for Mr. ATHERTON for the remainder of this legislative day on account of illness.

There was no objection, and leave was granted.

The SPEAKER *pro tempore*. The Chair also requests leave of absence for Mr. ALDRICH, of Illinois, for the same reason, for the remainder of this legislative day.

There was no objection, and leave was granted.

The result of the vote was then announced as above recorded.

The SPEAKER *pro tempore*. The question recurs on the motion of the gentleman from Ohio [Mr. WARNER] for the previous question upon the engrossment and third reading of the bill.

Mr. CONGER. I ask for a division.

The House divided; and there were ayes 93, noes none.

Mr. CONGER. A quorum has not voted.

Mr. WARNER. I move that there be a call of the House.

Mr. McMAHON. And let us go through with it.

Mr. CONGER. Pending that motion I move that the House adjourn.

The question being taken, there were—ayes 40, noes 87.

Mr. CONGER. I call for the yeas and nays.

The yeas and nays were ordered, forty-three members voting therefor.

The question was taken; and there were—yeas 70, nays 90, not voting 125; as follows:

YEAS—70.

Anderson,	Dunnell,	Joyce,	Russell, William A.
Barber,	Dwight,	Lindsey,	Ryan, Thomas
Bingham,	Errett,	Marsh,	Sapp,
Blake,	Farr,	Martin, Joseph J.	Shallenberger,
Bowman,	Ferdon,	McCoid,	Stone,
Boyd,	Field,	McKinley,	Thomas,
Brewer,	Fort,	Mitchell,	Townsend, Amos
Brigham,	Frye,	Monroe,	Tyler,
Burrows,	Garfield,	Morton,	Updegraff, J. T.
Cannon,	Hall,	Norcross,	Urner,
Carpenter,	Harris, Benj. W.	O'Neill,	Valentine,
Caswell,	Hawley,	Osmer,	Van Aernam,
Claflin,	Hazelton,	Reed,	Ward,
Conger,	Hiscock,	Rice,	Wilbur,
Crapo,	Horr,	Richardson, D. P.	Williams, C. G.
Daggett,	Houk,	Robeson,	Young, Thomas L.
Davis, George R.	Humphrey,	Robinson,	
Deering,	Jones,	Russell, Daniel L.	

NAYS—90.

Armfield,	Ewing,	Manning,	Smith, William E.
Atkins,	Ford,	Martin, Benj. F.	Sparks,
Beltzhoover,	Forney,	McKenzie,	Speer,
Bicknell,	Forsythe,	McMahon,	Springer,
Blackburn,	Frost,	McMillin,	Steele,
Bliss,	Geddes,	Mills,	Stevenson,
Bouck,	Gillette,	Morrison,	Taylor,
Bright,	Goode,	Muldrow,	Thompson,
Cabell,	Gunter,	Murch,	Tillman,
Caldwell,	Harris, John T.	New,	Townshend, R. W.
Carlisle,	Hatch,	O'Connor,	Turner, Oscar
Clardy,	Henkle,	Persons,	Updegraff, Thomas
Clark, John B.	Henry,	Phelps,	Waddill,
Coffroth,	Herbert,	Phister,	Warner,
Cook,	Hostetler,	Poehler,	Weaver,
Cravens,	House,	Reagan,	Wellborn,
Culberson,	Hunton,	Richmond,	Williams, Thomas
Davidson,	Johnston,	Robertson,	Wilson,
Davis, Joseph J.	Kenna,	Samford,	Wise,
Davis, Loundes H.	Klotz,	Scales,	Wright,
De La Matyr,	Ladd,	Simonton,	Yocum.
Dibrell,	Le Fevre,	Slemons,	
Evins,	Lowe,	Smith, Hezekiah B.	

NOT VOTING—125.

Acklen,	Crowley,	Killinger,	Richardson, J. S.
Aiken,	Deuster,	Kimmel,	Ross,
Aldrich, N. W.	Dick,	King,	Rothwell,
Aldrich, William	Dickey,	Kitchin,	Ryon, John W.
Atherton,	Dunn,	Knott,	Sawyer,
Bachman,	Einstein,	Lapham,	Shelley,
Bailey,	Elam,	Lay,	Sherwin,
Baker,	Ellis,	Lewis,	Singleton, J. W.
Ballou,	Felton,	Loring,	Singleton, O. R.
Barlow,	Finley,	Lounsbery,	Smith, A Herr
Bayne,	Fisher,	Martin, Edward L.	Starin,
Beale,	Gibson,	Mason,	Stephens,
Belford,	Godshalk,	McCook,	Talbott,
Bland,	Hammond, John	McGowan,	Tucker,
Blount,	Hammond, N. J.	McLane,	Turner, Thomas
Bragg,	Harmer,	Miles,	Vance,
Briggs,	Haskell,	Miller,	Van Voorhis,
Browne,	Hawk,	Money,	Voorhis,
Buckner,	Hayes,	Morse,	Wait,
Butterworth,	Heilman,	Muller,	Washburn,
Calkins,	Henderson,	Myers,	Wells,
Camp,	Herndon,	Neal,	White,
Chalmers,	Hill,	Newberry,	Whiteaker,
Chittenden,	Hooker,	Nicholls,	Whitthorne,
Clark, Alvah A.	Hubbell,	O'Brien,	Willis,
Clymer,	Hull,	O'Reilly,	Willits,
Cobb,	Hurd,	Orth,	Wood, Fernando
Colerick,	James,	Overton,	Wood, Walter A.
Converse,	Jorgensen,	Pierce,	Young, Casey.
Covert,	Keifer,	Pound,	
Cowgill,	Kelley,	Prescott,	
Cox,	Ketcham,	Price,	

So the House refused to adjourn.

During the roll-call the following announcements were made:

Mr. SCALES. My colleague, Mr. VANCE, is absent by leave of the House, and is paired with Mr. WILLITS, of Michigan.

Mr. MYERS. I am paired with Mr. COWGILL.

Mr. RYON, of Pennsylvania. I am paired with Mr. ALDRICH, of Illinois.

Mr. SPEER. Mr. DUNN is paired with Mr. COVERT.

Mr. COVERT. I am paired with Mr. DUNN.

Mr. RICHARDSON, of South Carolina. I am paired with Mr. CAMP, of New York. If he were here I should vote "no."

Mr. AIKEN. I am paired with Mr. NEWBERRY. If he were here, I should vote "no."

Mr. BAYNE. I am paired with Mr. ROSS.

Mr. BOWMAN. Mr. MORSE, of Massachusetts, is paired with Mr. KELLEY, of Pennsylvania; and Mr. LORING, of Massachusetts, is paired with Mr. HOOKER, of Mississippi.

Mr. TOWNSEND, of Ohio. Mr. KEIFER, of Ohio, is paired with Mr. ROTHWELL, of Missouri.

Mr. WAIT. I am paired with Mr. SINGLETON, of Mississippi. How that distinguished gentleman would vote if he were bodily present I cannot say, but I should vote "ay."

Mr. WHITE. I am paired with the distinguished gentleman from Kentucky, Mr. THOMAS TURNER. How he would vote, I cannot say. I am exceedingly anxious myself to adjourn and go home.

Mr. BROWNE. I am paired with Mr. CHALMERS. If he were here, I should vote to go home.

Mr. COBB. I am paired with Mr. HENDERSON, of Illinois, and my colleague, Mr. COLERICK, is paired with Mr. BALLOU.

Mr. DAVIS, of Illinois. My colleague, Mr. ALDRICH, is absent by leave of the House, and is paired with Mr. RYON, of Pennsylvania.

Mr. BACHMAN. I am paired with Mr. STARIN.

Mr. HURD. I am paired with Mr. LEWIS, of Alabama.

The SPEAKER *pro tempore*. Before announcing the result the Chair is requested to ask leave of absence for the remainder of the legislative day for Mr. COBB, of Indiana. Is there objection?

Mr. CONGER. Is he present?

A MEMBER. He is, but he is quite indisposed.

Mr. CONGER. Then I have no objection.

No objection being made, the leave was granted.

Mr. KNOTT. Before the vote is announced, I desire to say that I came here this evening laboring under a very sick headache, and that headache has been aggravated by my attendance here. I am paired with Mr. HUBBELL, of Michigan, and I ask to be excused from attendance for the remainder of the legislative day.

Mr. CONGER. The gentleman is here and we have a great deal of trouble to get a quorum. I have suffered a great deal myself, but I will not object to excusing Mr. KNOTT if he is sick.

There was no objection, and Mr. KNOTT was excused.

The result of the vote was announced as above stated.

The question recurred on the motion of Mr. WARNER that there be a call of the House.

The SPEAKER resumed the chair.

The question was put; and the motion was agreed to.

The roll was accordingly called, and the following members failed to answer to their names:

Acklen,	Dick,	Kimmel,	Prescott,
Aldrich, N. W.	Dickey,	Kitchin,	Price,
Aldrich, William	Dunn,	Knott,	Ross,
Atherton,	Einstein,	Lapham,	Rothwell,
Bailey,	Elam,	Lay,	Shelley,
Ballou,	Ellis,	Lewis,	Sherwin,
Barlow,	Felton,	Loring,	Singleton, J. W.
Beale,	Finley,	Lounsbery,	Singleton, O. R.
Bicknell,	Gibson,	Martin, Edward L.	Smith, A. Herr
Bland,	Godshalk,	Mason,	Starin,
Bragg,	Hammond, John	McCook,	Stephens,
Brewer,	Hammond, N. J.	McGowan,	Talbott,
Browne,	Harmer,	McLane,	Turner, Thomas
Buckner,	Haskell,	Miles,	Vance,
Butterworth,	Hawk,	Miller,	Voorhis,
Calkins,	Hayes,	Money,	Washburn,
Camp,	Henderson,	Morse,	Wells,
Caswell,	Hill,	Neal,	Whiteaker,
Chalmers,	Hubbell,	Newberry,	Whitthorne,
Chittenden,	Hull,	Nicholls,	Willis,
Clark, Alvah A.	James,	O'Brien,	Wood, Fernando
Cobb,	Jorgensen,	O'Reilly,	Wood, Walter A.
Colerick,	Keifer,	Orth,	Young, Casey.
Cowgill,	Kelley,	Overton,	
Cox,	Ketcham,	Pierce,	
Crowley,	Killinger,	Pound,	

Mr. BREWER. When I came here this evening and rendered my excuse it was that my absence was on account of the sickness of my wife. I left her quite ill, and she is entirely alone, and I ask to be excused from further attendance upon this session.

There was no objection, and the leave was granted.

Mr. DUNNELL. Mr. WASHBURN is paired with Mr. CONVERSE.

Mr. HOSTETLER. My colleague, Mr. COBB, is absent by leave of the House.

The SPEAKER. Excuses are not now in order.

Mr. ATKINS. My colleague, Mr. YOUNG, is necessarily absent.

The SPEAKER. The doors of the Hall will now be closed.

Mr. REAGAN. I submit the resolution which I send to the Clerk's desk.

The resolution was read, as follows:

Resolved, That the Sergeant-at-Arms take into custody and bring to the bar of the House such of its members as are now absent without leave of the House.

The resolution was adopted.

The SPEAKER. The warrant will be prepared and delivered to the Sergeant-at-Arms in accordance with the resolution just adopted.

Mr. BELFORD. I ask consent to make a statement. [Cries of "Regular order!"]

The SPEAKER. The gentleman from Colorado asks consent to make a statement to the House. The Chair will hear the gentleman.

Mr. BELFORD. I desire to submit to this House a proposition which I hope will prove a solvent of the present difficulty. [Cries of "Regular order!" on the democratic side.] I ask you, gentlemen, to hear me before you strike. We have been in session here for seven hours, and have made no progress toward reaching a vote on this bill.

Mr. MCMAHON. Over twelve hours.

Mr. BELFORD. More than seven hours since this contest began. I voted with you, gentlemen, [addressing the democratic side,] and therefore I appeal to you to accept the proposition of a friend of this bill. The desire of the House is to have this bill printed that we may know what it really is when we come to a vote on it. I therefore submit this proposition to the gentleman who has the bill in charge, [Mr. WARNER,] that he allow the amendment of the gentleman from Kansas, [Mr. RYAN,] which was offered a few days ago and printed in the RECORD, to be considered pending to the bill; that he then call for the previous question; that the bill with the amendment be printed in the RECORD, and we can then vote on the bill to-morrow. What are we to gain if we proceed here for the next twelve hours as we are going on now? I make this proposition in the interest of peace. [Cries of "Regular order!" on the democratic side.]

Mr. HURD. I desire to submit a proposition to the House.

Mr. WARNER. The issue is made up.

The SPEAKER. The Chair desires to hear the gentleman. No harm can come from listening.

Mr. HURD. The hard-money democrats——

Mr. LOWE. Does this require unanimous consent?

Mr. WHITE. The Chair wants to hear.

The SPEAKER. The gentleman may be raising a point of order. The Chair does not know.

Mr. LOWE. I object.

The SPEAKER. To what?

Mr. LOWE. To the gentleman making any statement that is not in order.

The SPEAKER. The Chair cannot state whether the gentleman rises to a point of order until the Chair hears his statement.

Mr. HURD. I rise to a point of order, in the hope of submitting a proposition to the House which will settle this difficulty.

Mr. MCMAHON. I call for the regular order.

The SPEAKER. The regular order is now being executed.

Mr. HURD. I desire to address gentlemen on this side of the House——

Mr. MCMAHON. The gentleman does not represent this side of the House.

Mr. HURD. I represent twenty democrats on this side of the House who believe in hard money.

Mr. EWING. Are the hard-money democrats opposed to coining silver dollars?

Mr. HURD. I am in favor of coining honest silver dollars.

Mr. WARNER. The issue has been made up. The offer was made that the bill should be printed. [Cries of "Regular order!"]

Mr. WHITE. I call for the regular order if the gentleman will not allow his colleague to be heard.

The SPEAKER. The regular order is being proceeded with.

Mr. KENNA. I submit to the Chair and to the House that the gentleman cannot make a statement here that requires unanimous consent if objection is made.

The SPEAKER. The Chair is always disposed to listen, and will continue to listen, when a member rises and states as a Representative on this floor that he wants to submit a point of order.

Mr. KENNA. The gentleman stated that he wanted to submit a point of order so that he could submit a proposition to the House. I submit that that is not a point of order?

The SPEAKER. The Chair cannot say what is or what is not a point of order until he hears it. The Chair does not propose to cut off any rights which members have.

Many MEMBERS on the democratic side. "Regular order!"

The SPEAKER. The regular order is being proceeded with, and the Sergeant-at-Arms is in possession of the warrant of the Speaker and is proceeding now to do his duty.

Mr. MCMAHON. I object to the transaction of any other business.

After some time,

Mr. CONGER, (at one o'clock a. m., Saturday.) I suppose, Mr. Speaker, that the RECORD for to-morrow, Saturday, will not contain the proceedings of this House further than to this hour. I therefore ask that this bill in its present form be printed in the RECORD to be issued to-morrow morning. I suppose the proceedings of this legislative day's session will be divided, a portion published in to-morrow's RECORD and the remainder published afterward.

Mr. WARNER. Let us vote on the previous question, and then that can be done.

The SPEAKER. The Chair will submit the request of the gentleman from Michigan, [Mr. CONGER,] which is that the bill as it now is shall be printed in the RECORD of to-morrow, Saturday. Is there objection?

Mr. WARNER. There is objection. Let the previous question be entertained, and then the bill can go into the RECORD.

Mr. CONGER. Would there be any impropriety in my asking permission of the gentleman from Ohio [Mr. WARNER] to look at the engrossed copy of the bill for a moment?

The SPEAKER. That gentleman has not the custody of the engrossed copy of the bill.

Mr. CONGER. The gentleman had it a moment ago.

The SPEAKER. If the engrossed copy of the bill is here the gentleman can come forward and look at it.

Mr. CONGER. I did not know that I could do that without the permission of the leader of the House.

Mr. KENNA. The gentleman is relieved from that embarrassment.

Mr. CONGER. What remark did the gentleman make?

Mr. KENNA. Did the gentleman ask what remark I made?

Mr. CONGER. That is my question.

Mr. KENNA. The gentleman will find it in the RECORD in the morning.

Mr. CONGER, (after a pause.) Mr. Speaker, I wish to ask whether the Sergeant-at-Arms will be prepared to report soon.

The SPEAKER. The Chair has not heard from him at all.

Mr. CONGER. Would there be any impropriety in sending a messenger to inquire?

The SPEAKER. The Chair will do so. [After a pause.] The Sergeant-at-Arms reports that he has six messengers out in search of members.

Mr. CONGER. I would like to suggest that if it could be intimated to those messengers to examine the committee-rooms and the porticoes of this Capitol, perhaps they might report sooner. [After an interval.] Mr. Speaker, as this seems to be the morning hour, perhaps the bill of the gentleman from Illinois [Mr. TOWNSHEND] in regard to the removal of causes from the State courts to the United States courts might be brought up now. [Laughter.]

The SPEAKER. The gentleman from Illinois is not now in his seat.

Mr. TOWNSHEND, of Illinois, (who had just entered the Hall.) Do I understand that the gentleman from Michigan desires to take up the bill repealing certain sections of the Revised Statutes authorizing the removal of causes from the State courts? Do I understand that to be the proposition of the gentleman?

Mr. CONGER. That was the subject of an inquiry. If the Chair will rule this to be the morning hour, we could go on with the gentleman's bill.

Mr. TOWNSHEND, of Illinois. I am willing to accept the proposition of the gentleman and have the bill now taken up for consideration.

The SPEAKER. The gentleman from Ohio, [Mr. WARNER,] who has charge of the bill under consideration, objects.

Mr. TOWNSHEND, of Illinois. Did I understand the gentleman from Michigan to make a motion to that effect?

The SPEAKER. The motion would not now be in order. A call of the House is now proceeding; and only two motions are in order—a motion to adjourn and a motion to dispense with further proceedings under the call.

Mr. HUMPHREY. If we get the bill of the gentleman from Illinois through in time, members might be remanded to the State courts when brought in here.

Mr. CONGER. I ask unanimous consent that the House adjourn.

The SPEAKER. The Chair will entertain a motion to that effect. The gentleman from Michigan moves that the House adjourn.

The motion was not agreed to.

Mr. STONE. Mr. Speaker, would a resolution be in order? It is with reference to the call of the House.

The SPEAKER. If there be no objection it could be received.

Mr. STONE. Let it be read for information.

The SPEAKER. The gentleman from Michigan asks unanimous consent to have a resolution read.

Several members objected.

Mr. MORTON. I ask consent to report from the Committee on Foreign Affairs a joint resolution in reference to the international exhibition at Melbourne, Australia, during the present and the coming year. I ask that the resolution be read.

Mr. WARNER. I object.

Mr. CONGER. I see that the gentleman from Ohio [Mr. WARNER] who has charge of this bill is now in the Hall; and I desire to ask unanimous consent that the bill and pending amendments be printed in the RECORD.

The SPEAKER. There are no pending amendments.

Mr. CONGER. I mean the amendments that are proposed, the amendment, for instance, of the gentleman from Kansas, [Mr. RYAN,] which by the RECORD is pending.

Mr. VALENTINE. The RECORD shows that it is pending.

Mr. CONGER. I ask the attention of the gentleman from Ohio to this proposition. It may be the last one that we shall make to him.

The SPEAKER. The gentleman from Michigan asks unanimous consent that the bill in its present shape, the demand for the previous question having been made on ordering it to be engrossed and read a third time, may be printed in the RECORD.

Mr. WARNER. As soon as the previous question is seconded.

Mr. VALENTINE. Let me read from the RECORD of May 15:

The SPEAKER *pro tempore*. The amendment of the gentleman from Kansas will be received and considered as pending.

The amendment of Mr. RYAN, of Kansas, is as follows:

Now, there has been no action taken on that amendment.

Mr. TOWNSHEND, of Illinois. It was offered as an amendment to the third section, and the previous question was sustained on that section.

The SPEAKER. The Chair thinks that the amendment referred to was offered in the nature of a substitute for the entire bill.

Mr. VALENTINE. That is correct.

The SPEAKER. But that does not alter the status of the question. The gentleman from Ohio now precludes the amendment from being voted on by the demand for the previous question, which, if sustained, will cut off the amendment. The question is one for the House to determine.

Mr. CONGER. I am very glad to have the Chair lay the blame of this proceeding upon the gentleman from Ohio. I have thought so myself for some time. [Laughter.]

Mr. TOWNSHEND, of Illinois. The amendment has been already printed. Why should it be printed again?

Mr. BELFORD. I hope there will be no objection to printing this bill in the RECORD of to-morrow, so that we can all see its present shape. I cannot conceive what objection there can be to this proposition. I do not myself know the present form of the bill, and I know that a large number of gentlemen on our side of the House are exceedingly anxious to read the bill in print. I cannot conceive on what ground any man—I was going to say any reasonable man—can object to this publication.

Mr. WARNER. If gentlemen on the other side will sustain the demand for the previous question and allow the main question to be ordered we will then agree to the printing of the bill in the RECORD and to an adjournment.

Mr. HUMPHREY, (at two o'clock a. m., Saturday.) With the consent of the gentleman from Pennsylvania I move the House adjourn. [Laughter.]

The House refused to adjourn.

Mr. BAYNE. I wish to call the attention of the gentleman from Ohio having charge of this bill to a proposition from this side. The difficulty with us seems to be that we do not fully understand the provisions of this bill. Now, if the gentleman having charge of it will make a lucid explanation of its provisions we might vote on it to-night and go home. Our desire is to understand its provisions. We do not now understand them; and if he will give a succinct, careful, lucid explanation——

Mr. HUMPHREY. Not succinct. [Laughter.]

Mr. BAYNE. Well, with a lucid explanation of this measure no doubt we can vote on it to-night.

The SPEAKER. If the previous question is sustained and the main question ordered, the gentleman from Ohio will have an hour to close debate.

Mr. WARNER. I insist on the demand for the previous question.

Mr. VALENTINE. If the gentleman from Ohio [Mr. WARNER] and the gentleman from Michigan [Mr. CONGER] should pair off and go home I think we could settle this matter. [Laughter.]

Mr. WARNER. Sustain the previous question, and we can have the bill read.

Mr. ROBESON. We might take a recess until twelve o'clock to-morrow.

The SPEAKER. During a call of the House a recess is not in order.

Mr. WILSON. The several gentlemen who differ in views on the silver question agree that I may make from the Committee on Foreign Affairs a report which I was authorized to make some time ago. If that can be done by unanimous consent, I promise to suspend the moment any member is brought in under the call of the House.

The SPEAKER. The House is acting under a call of the House, and only two motions are in order—a motion to adjourn and a motion that all further proceedings under the call be dispensed with.

Mr. WARNER. I object; one thing at a time.

Mr. ROBINSON. If I can have the consent of the House, I should like to make a statement.

The SPEAKER. The Chair has no objection. Is there objection?

Mr. WILSON. I object. [Cries of "Withdraw it!"] Very well, I withdraw it.

Mr. ROBINSON. I understand the objection is now withdrawn.

The SPEAKER. Does the gentleman from West Virginia withdraw his objection?

Mr. WILSON. I do.

The SPEAKER. Is there further objection?

Mr. KENNA. We do not wish to commit ourselves to any statement made by the gentleman from Massachusetts. We reserve our right to object.

The SPEAKER. The gentleman from Massachusetts cannot bind anybody by what he does. He may pour oil on the waters.

Mr. ROBINSON. I am not trying to bind anybody. I wish to state what I recollect pretty clearly myself, and I have refreshed my recollection by looking at the RECORD. By reference to the RECORD it will be seen that there was a distinct understanding in the House that the substitute offered by the gentleman from Kansas [Mr. RYAN] should be voted on when the bill was concluded. It is clearly and plainly stated in the RECORD. It was repeated three times. I desire to call attention to it, because I think if the friends and opponents of the bill see it clearly they will agree to vote on it. So far as I know, if the vote be taken on that substitute it will carry out in good faith the understanding of the House.

The SPEAKER. If the demand for the previous question is voted down, then that amendment would come in properly.

Mr. CONGER. That has been tried so often and we have lost by

it that we are cautious. [Laughter.] We are thankful for the suggestion of the Chair, but it is in a way where we do not wish to go.

Mr. HOUSE. I wish to ask the gentleman from Massachusetts a question.

Mr. ROBINSON. Let me make my statement. I do not antagonize anybody.

Mr. HOUSE. Will the gentleman support the bill if that substitute is voted down?

Mr. ROBINSON. Let me read from the RECORD, and then I will answer the question. I have the right by the courtesy of the House to make a statement, and I will make it in my own way.

Mr. HOUSE. I object.

Mr. ROBINSON. It is too late.

The SPEAKER. The gentleman has no right to make a statement not in order when an objection is made.

Mr. KENNA. I expressly reserved the right to object at any time.

The SPEAKER. The gentleman from West Virginia reserved that right.

Mr. ROBINSON. I do not desire to impose on the House, but I wish to show from the RECORD what the House agreed to.

Mr. HOUSE. Now will the gentleman answer me a question? He is offering this substitute. If the substitute is adopted in lieu of the bill will he then in good faith vote for the bill as amended?

Mr. ROBINSON. The gentleman misconceives my position entirely. I do not offer any amendment myself.

Mr. HOUSE. I speak of the amendment you want to be voted on.

Mr. ROBINSON. I am not wanting any amendment voted on. I only want to show from the RECORD that on three different occasions the House has agreed that this amendment should be voted on.

Mr. HOUSE. I object.

Mr. ROBINSON. Then I do not desire to make any further statement.

Mr. ROBESON. Do I understand there is objection to the gentleman from Massachusetts informing the House that the House has already agreed it will take a vote on this proposition? The gentleman offers to prove that by the RECORD.

Many members objected.

The SPEAKER. The Chair has repeatedly stated the position of this amendment. It can only come in now by the House voting down the demand for the previous question. If the demand for the previous question is voted down the Chair will then recognize the gentleman from Kansas to offer a substitute.

Mr. ROBESON. I only want to state the proposition.

Mr. HOUSE. I object. If gentlemen are not satisfied with the position they are in it is not our fault.

Mr. ROBESON. I desire to make a parliamentary inquiry. I think I have a right to make a parliamentary inquiry.

The SPEAKER. The Chair will listen to the parliamentary inquiry.

Mr. ROBESON. Well, sir, I desire to ask whether it is not parliamentary for the gentleman from Massachusetts [Mr. ROBINSON] to read from the RECORD to show that this House has already agreed by unanimous consent to take a vote upon the proposition which we are now striving to have admitted? We have wasted eight hours here trying to make the House live up to its agreement. I want to know if it is not proper to show by the RECORD that we have a right to vote on that amendment?

The SPEAKER. The Chair has answered that inquiry over and over again. If the gentleman from New Jersey can get a majority in this House to coincide with that view then he has his relief.

Mr. ROBESON. I have no doubt the majority will live up to its agreement if it is clearly shown from the RECORD what that agreement was.

The SPEAKER. The gentleman has his remedy if the majority will not second the demand for the previous question.

Mr. ROBESON. I only want the House to act up to the understanding that was arrived at.

Mr. WARNER. There was no such understanding.

Mr. HOUSE. I understand there is nothing in order but a motion to adjourn or a motion to suspend further proceedings under the call. If there is any such thing in the RECORD as the gentleman speaks of the country will find it out by reading it there.

Mr. WHITE. I submit there is a strong case of equity raised by the offer made by the gentleman from Massachusetts in connection with what appears in the RECORD.

The SPEAKER. There is objection.

Mr. WHITE. Will gentlemen not hear a fair proposition? Is the other side willing to go to the country on a record of that kind?

Mr. SPRINGER. Yes, we are ready to go to the country upon our record.

Mr. WHITE. We only want the House to do what is fair.

Mr. WARNER. We are willing to go to the country, clear to the Kiskiminetas.

Mr. WHITE. That is a very good record to go to the country on.

Mr. MCMAHON. Does the gentleman in that remark refer to the Kiskiminetas?

Mr. CONGER. I again ask unanimous consent to have the pending bill printed in the RECORD, and also to have printed with it the amendment offered by the gentleman from Tennessee [Mr. BRIGHT] and the amendment of the gentleman from Kansas, [Mr. RYAN,] so that to-morrow we may vote on those three propositions.

A MEMBER. Sit down.

Mr. CONGER. I wish the member who asked me to sit down would rise. His beautiful countenance would illuminate this Hall. Though he did not rise I see him.

Mr. SPRINGER. To whom does the gentleman refer?

Mr. CONGER. Not the gentleman from Illinois. His is not the kind of countenance I was speaking of.

A MEMBER. Name the countenance.

Mr. REED. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. REED. It seems, Mr. Speaker, according to the RECORD of May 15 that on the previous day the gentleman from Kansas [Mr. RYAN]——

Mr. MANNING. I object.

The SPEAKER. That same point of order has already been made, and has been decided.

Mr. REED. This is a question of the action of the House.

The SPEAKER. Objection is made.

Mr. REED. I submit the Chair ought to hear what was the action of the House in regard to the amendment of the gentleman from Kansas.

The SPEAKER. The same statement was made by the gentleman from Massachusetts.

Mr. REED. The gentleman from Massachusetts was not allowed to make the statement.

Mr. MANNING. I object to the gentleman from Maine proceeding.

Mr. WARNER. I also object.

The SPEAKER. Objection is made to the gentleman from Maine proceeding.

Mr. REED. I submit that in fairness I should be heard on the point of order, which I am making in good faith, believing it to be a sound one.

The SPEAKER. There is objection.

Mr. REED. It does not require unanimous consent to make a point of order.

The SPEAKER. There is nothing in order except a motion to adjourn or a motion to dispense with further proceedings under the call.

Mr. REED. It seems to me if the Chair would hear me——

Many members objected.

The SPEAKER. There is objection to the gentleman proceeding.

Mr. REED. I desire to know if the Chair rules that it is necessary to have unanimous consent to make a point of order.

The SPEAKER. At this time he does. The Chair has asked unanimous consent, and there is objection.

Mr. REED. And the Chair rules, then, that unanimous consent is necessary? [Loud cries of "Order!" and "Object!"]

The SPEAKER. The Chair repeats that at this time it is necessary.

Mr. BELFORD. I desire to make a motion.

The SPEAKER. No motion is in order except a motion to adjourn or a motion to dispense with further proceedings under the call.

Mr. BELFORD. I move to dispense with further proceedings under the call. We have been in a condition of political limbo for two hours and nobody has been arrested, and I therefore move that all further proceedings under the call be dispensed with.

The SPEAKER. That motion is in order.

The question was taken, and the motion was not agreed to, on a division—ayes 55, noes 66.

Mr. SPARKS. What is up?

Mr. BELFORD. The gentleman from Illinois [Mr. SPARKS] seems to be up.

Mr. SPARKS. It seems to me, although I do not expect to settle this dead-lock——

Mr. HURD. I object.

Mr. BELFORD. Oh, no; hear him.

Mr. HURD. I object.

Mr. SPARKS. Did I understand the gentleman from Ohio [Mr. HURD] to object?

Mr. HURD. I do object, sir.

Mr. VAN VOORHIS, (at two o'clock and forty minutes a. m., Saturday.) I move that the House adjourn until Tuesday next.

The SPEAKER. That motion is not in order.

Mr. CONGER. Will the Speaker please inform the House whether the Sergeant-at-Arms has any report to make? It is suggested that the absentees have captured the Sergeant-at-Arms. [Laughter.]

The SPEAKER. The Chair has sent to inquire.

Mr. HOUK. I want to ask the gentleman from Ohio [Mr. WARNER] a question.

The SPEAKER. Is there objection? [Renewed cries of "Object!"]

Mr. HOUK. I want to ask a question. The fourth section of the bill provides that the price paid for bullion shall be the market value. [Loud cries of "Order!" and "Object!"]

Mr. WHITE. I rise to make a parliamentary inquiry. The House is doing nothing at this time——

The SPEAKER. The House has ordered a call of the House, and the Sergeant-at-Arms is executing his duty, the Chair supposes.

Mr. WHITE. I want to state at this time my reasons for objecting to the bill.

The SPEAKER. The gentleman can do it by unanimous consent. [Loud cries of "Object!"] There is objection, and the gentleman from Pennsylvania [Mr. WHITE] is not in order.

Mr. WHITE. I want to get in order by obtaining unanimous consent. [Loud cries of "Sit down!"]

Mr. HOUK. I desire to make a parliamentary inquiry of the Speaker. I find that the fourth section of this bill——

Many MEMBERS. Object.

The SPEAKER. The Chair has nothing to do with the sections of the bill now. The Chair rules upon parliamentary law, not upon the sections of the bill.

Mr. HOUK. Exactly, and that is the very nature of the question want to ask.

The SPEAKER. The gentleman from Tennessee [Mr. HOUK] is not in order.

Mr. HOUK. I do not wish to be out of order.

The SPEAKER. The gentleman will be kind enough to be seated, and then he will not be out of order.

Mr. HOUK, (taking his seat.) Certainly.

Mr. WILBER. I desire to make a statement.

The SPEAKER. Is there objection? [Loud cries of "Object!"] The gentleman cannot make any statement without the unanimous consent of the House.

Mr. WILBER. It is in regard to the Sergeant-at-Arms.

Mr. COOK. We object; the Sergeant-at-Arms can take care of himself.

Mr. WILBER. I am informed that he goes to the rooms of members and knocks at their doors, and they do not answer.

Mr. REED. They say nothing to nobody. [Laughter.]

Mr. WILBER. I want to know what the Sergeant-at-Arms is going to do in such cases?

The SPEAKER. To obey the order of the House, and arrest a member when he finds him and bring him to the bar of the House.

Mr. WILBER. But he cannot find him.

Mr. ROBESON, (at two o'clock and fifty minutes a. m., Saturday.) I move that the House do now adjourn.

Mr. WARNER. I submit that there has been no intervening business since that motion was voted upon.

The SPEAKER. The last motion was to dispense with further proceedings under the call. The motion to adjourn is now in order.

The question was taken; and there were—ayes 61, noes 68.

Mr. WILLIAMS, of Wisconsin. I call for tellers.

Tellers were ordered; and Mr. ROBESON and Mr. WARNER were appointed.

Before the tellers took their places,

Mr. SPARKS called for the yeas and nays.

The yeas and nays were ordered, forty-five members voting therefor, being more than one-fifth of the last vote.

The question was taken; and there were—yeas 71, nays 86, not voting 128; as follows:

YEAS—71.

Anderson,	Deering,	Humphrey,	Ryan, Thomas
Baker,	Dunnell,	Jones,	Shallenberger,
Barber,	Dwight,	Joyce,	Stone,
Belford,	Errett,	Lindsey,	Thomas,
Bingham,	Farr,	Marsh,	Townsend, Amos
Blake,	Ferdon,	Martin, Joseph J.	Tyler,
Bowman,	Field,	McCoid,	Updegraff, J. T.
Boyd,	Fisher,	McKinley,	Updegraff, Thomas
Brigham,	Fort,	Monroe,	Urner,
Burrows,	Frye,	Morton,	Valentine,
Cannon,	Garfield,	Norcross,	Van Aernam,
Carpenter,	Hall,	Osmer,	Van Voorhis,
Caswell,	Harris, Benj. W.	Reed,	Wait,
Claflin,	Hawley,	Richardson, D. P.	Ward,
Conger,	Heilman,	Robeson,	Wilber,
Crapo,	Hiscock,	Robinson,	Williams, C. G.
Daggett,	Horr,	Russell, Daniel L.	Young, Thomas L.
Davis, George R.	Houk,	Russell, William A.	

NAYS—86.

Armfield,	Evins,	Le Fevre,	Slemons,
Atkins,	Ewing,	Lowe,	Smith, Hezekiah B.
Beltzheover,	Ford,	Manning,	Smith, William E.
Blackburn,	Forney,	Martin, Benj. F.	Sparks,
Bliss,	Forsythe,	McMahon,	Speer,
Blount,	Frost,	McMillin,	Springer,
Bouck,	Geddes,	Morrison,	Stevenson,
Bright,	Gillette,	Muldrow,	Taylor,
Cabell,	Goode,	Murch,	Thompson,
Caldwell,	Gunter,	New,	Tillman,
Carlisle,	Harris, John T.	O'Connor,	Townshend, R. W.
Clardy,	Hatch,	Persons,	Turner, Oscar
Clark, John B.	Henkle,	Phelps,	Waddill,
Coffroth,	Henry,	Phister,	Warner,
Cook,	Herbert,	Poehler,	Weaver,
Cravens,	Hostetler,	Reagan,	Wellborn,
Culberson,	House,	Richmond,	Williams, Thomas
Davidson,	Hunton,	Robertson,	Wilson,
Davis, Joseph J.	Johnston,	Samford,	Wise,
Davis, Loundes H.	Kenna,	Sawyer,	Yocum.
De La Matyr,	Klotz,	Scales,	
Dibrell,	Ladd,	Simonton,	

NOT VOTING—128.

Acklen,	Aldrich, William	Bailey,	Bayne,
Aiken,	Atherton,	Ballou,	Beale,
Aldrich, N. W.	Bachman,	Barlow,	Bicknell,
Bland,	Gibson,	Loring,	Richardson, J. S.
Bragg,	Godshalk,	Lounsbery,	Ross,
Brewer,	Hammond, John	Martin, Edward L.	Rothwell,
Briggs,	Hammond, N. J.	Mason,	Ryon, John W.
Browne,	Harmer,	McCook,	Sapp,
Buckner,	Haskell,	McGowan,	Shelley,
Butterworth,	Hawk,	McKenzie,	Sherwin,
Calkins,	Hayes,	McLane,	Singleton, J. W.
Camp,	Hazelton,	Miles,	Singleton, O. R.
Chalmers,	Henderson,	Miller,	Smith, A. Herr
Chittenden,	Herndon,	Mills,	Starin,
Clark, Alvah A.	Hill,	Mitchell,	Steele,
Clymer,	Hooker,	Money,	Stephens,
Cobb,	Hubbell,	Morse,	Talbott,
Colerick,	Hull,	Muller,	Tucker,
Converse,	Hurd,	Myers,	Turner, Thomas
Covert,	James,	Neal,	Vance,
Cowgill,	Jorgensen,	Newberry,	Voorhis,
Cox,	Keifer,	Nicholls,	Washburn,
Crowley,	Kelley,	O'Brien,	Wells,
Deuster,	Ketcham,	O'Neill,	White,
Dick,	Killinger,	O'Reilly,	Whiteaker,
Dickey,	Kimmel,	Orth,	Whitthorne,
Dunn,	King,	Overton,	Willis,
Einstein,	Kitchin,	Pierce,	Willits,
Elam,	Knott,	Pound,	Wood, Fernando
Ellis,	Lapham,	Prescott,	Wood, Walter A.
Felton,	Lay,	Price,	Wright,
Finley,	Lewis,	Rice,	Young, Casey.

During the roll-call the following announcements were made:

Mr. RYON, of Pennsylvania. I am paired with the gentleman from Illinois, Mr. ALDRICH.

Mr. SCALES. My colleague, Mr. VANCE, who is absent by leave of the House, is paired with the gentleman from Michigan, Mr. WILLITS.

Mr. HERNDON. I am paired with the gentleman from Rhode Island, Mr. ALDRICH.

Mr. CONVERSE. I am paired with the gentleman from Minnesota, Mr. WASHBURN. If he were present, I should vote "no."

Mr. CALDWELL. My colleague, Mr. KNOTT, is paired with the gentleman from Michigan, Mr. HUBBELL.

Mr. BACHMAN. I am paired with the gentleman from New York, Mr. STARIN.

Mr. ATKINS. My colleague from Tennessee, Mr. YOUNG, has been called away by important business.

Mr. DAVIDSON. The gentleman from Ohio, Mr. DICKEY, is paired with his colleague, Mr. NEAL. My colleague, Mr. HULL, who is absent by leave of the House, is paired with the gentleman from New Jersey, Mr. VOORHIS.

Mr. RICHARDSON, of South Carolina. I am paired with the gentleman from New York, Mr. CAMP. If at liberty to vote, I should vote "no."

Mr. COVERT. I am paired with the gentleman from Arkansas, Mr. DUNN.

Mr. HOSTETLER. My colleague, Mr. COBB, is paired with the gentleman from Illinois, Mr. HENDERSON; my colleague, Mr. COLERICK, with the gentleman from Rhode Island, Mr. BALLOU.

Mr. AIKEN. I am paired with the gentleman from Michigan, Mr. NEWBERRY.

Mr. BRIGGS. I am paired with the gentleman from Tennessee, Mr. WHITTHORNE.

Mr. STONE. The gentleman from New York, Mr. CROWLEY, is paired with the gentleman from Mississippi, Mr. MONEY.

Mr. DAVIS, of Illinois. My colleague, Mr. ALDRICH, who is absent by leave of the House, is paired with the gentleman from Pennsylvania, Mr. RYON.

Mr. HOOKER. I am paired with the gentleman from Massachusetts, Mr. LORING.

Mr. MYERS. I am paired with my colleague, Mr. COWGILL. The gentleman from Ohio, Mr. ATHERTON, is paired with the gentleman from Massachusetts, Mr. MORSE.

Mr. EWING. The gentleman from New York, Mr. COX, is paired with the gentleman from Pennsylvania, Mr. SMITH.

Mr. O'NEILL. I am paired with my colleague, Mr. WRIGHT. On this question Mr. WRIGHT would vote "no" and I should vote "ay."

The result of the vote was announced as above stated.

Mr. HOUSE. Mr. Speaker, I rise to a parliamentary inquiry. Has the Sergeant-at-Arms made any return on the warrant?

The SPEAKER. He has not yet done so.

Mr. CONGER. I move that further proceedings under the call be dispensed with.

The motion was not agreed to.

Mr. WAIT. I think we have carried this proceeding far enough. I move that the House take a recess until eleven o'clock.

The SPEAKER. That motion is not in order.

Mr. WHITE. Is it in order to move to dispense with further proceedings under the call?

The SPEAKER. That motion has just been voted down.

Mr. WHITE, (at three o'clock and fifteen minutes a. m.) If it be entirely in order, I would like to make a motion to adjourn.

The SPEAKER. That motion is in order.

The question being taken on the motion to adjourn, it was not agreed to.

Mr. CONGER. I desire to renew my inquiry whether the Sergeant-at-Arms has been heard from.

The SPEAKER. He has.

Mr. CONGER. And whether there is any prospect of his reporting soon.

The SPEAKER. The Chair desires to state that the Sergeant-at-Arms reports he has visited the residences of twenty-eight members, most of whom cannot be found. Some are sick, and others are out of the city.

A MEMBER. That is "too thin."

Mr. CONGER. Is there a report of any forcible resistance to the Sergeant-at-Arms?

Mr. HOUSE. I move that the Speaker call the Sergeant-at-Arms before the bar and instruct him as to his duty. I think this is a very thin report.

Mr. HUMPHREY. I move that he be allowed the *posse comitatus*.

A MEMBER. And be authorized to call out the troops.

Mr. YOUNG, of Ohio. I move that the marines bring back the members who have absented themselves, provided it does not interfere with the freedom of elections.

The SPEAKER. The motion is not in order.

Mr. CONGER. As there seems to be no prospect of having any new members brought in, I move that further proceedings under the call be dispensed with.

The motion was not agreed to.

Mr. VAN VOORHIS. What further proceedings under the call can there be if the Sergeant-at-Arms can find none of the absentees?

The SPEAKER. The Sergeant-at-Arms will be directed to make further search.

Mr. ATKINS. I rise to a parliamentary inquiry. Is it not in the power of the House to revoke all pairs?

The SPEAKER. The rules of the House do not recognize pairs.

Mr. ATKINS. I move that the Sergeant-at-Arms be instructed to arrest absentees without regard to pairs.

The SPEAKER. The Sergeant-at-Arms does not recognize pairs.

Mr. ATKINS. That is not my motion. I move that those who are absent although paired be brought in.

The SPEAKER. The Sergeant-at-Arms has a list of those absent without leave of the House and he is now proceeding to arrest them. It is not an answer that a member is paired. If absent the Sergeant-at-Arms must bring him here.

Mr. MCMAHON. Warrants are out specifically for those who are absent without leave.

The SPEAKER. Very many of the members arrested and brought to the bar this evening by the Sergeant-at-Arms were paired.

Mr. SPARKS. I understand it is the duty of the Sergeant-at Arms to bring in all absentees who are absent without leave of the House.

The SPEAKER. Such is his duty, and he has visited twice the residences of those who are absent without leave.

Mr. SPARKS. It is wonderful, then, he does not bring some of them before the House.

Mr. HATCH. I offer the following resolution.

The SPEAKER. Is there objection?

Mr. VAN VOORHIS. I object.

Mr. HATCH. I insist that the resolution be read.

The SPEAKER. It can only be read by unanimous consent.

Mr. HATCH. It relates to the call of the House.

The SPEAKER. Is there objection?

Mr. VAN VOORHIS. I object.

Mr. RUSSELL, of North Carolina. If the resolution refers to a call of the House is it not in order?

The SPEAKER. It can be read only by unanimous consent.

Mr. WILBER. We will consent to let that be read if you will let us amend it.

Mr. CONGER. Did the warrant contain the names of the members who were here at the roll-call and who left before the doors were closed?

The SPEAKER. It contained the name of every member who did not vote at the time the call of the House was ordered except such as had permission of the House to be absent.

Mr. CONGER. But there were some who answered to the first roll-call and went out before the doors were ordered to be closed. Those I suppose could not be reached by this warrant.

Mr. VALENTINE. There were quite a number of them.

Mr. CONGER. The warrant, then, does not contain the names of those who were here at the roll-call, but who left before the doors were closed.

The SPEAKER. The names of the absentees on the call of the House were taken and given to the Sergeant-at-Arms.

Mr. HUMPHREY. Some members answered to the roll-call and then left before the doors were closed.

The SPEAKER. Can the gentleman indicate such members?

Mr. WILBER. Quite a number of names of members were taken by the young man at the door who have not returned since they went out.

The SPEAKER. The Chair will cause to be read an extract from the Manual on this subject.

The Clerk read as follows:

Upon calls of the House, the names of the members shall be called over (alphabetically—Rule 35) by the Clerk, and the absentees noted. After which the names of the absentees shall again be called over. The doors shall then be shut, and those for whom no excuse or insufficient excuses are made may, by order of those present, if fifteen in number, be taken into custody as they appear, or may be sent for and taken into custody wherever to be found, by special messengers, to be appointed for that purpose.—Rule 36, page 107.

[The order of arrest is not usually made by the House unless a quorum cannot otherwise be obtained; and, upon the appearance of a quorum, a motion is usually made and carried that "all further proceedings in the call be dispensed with;" and this motion is held to be in order at any period of the proceedings. The order for arrest is usually in this form, namely: "That the Sergeant-at-Arms take into custody and bring to the bar of the House such of its members as are now absent without the leave of the House;" and, upon its adoption, a warrant, under the hand and seal of the Speaker, and attested by the Clerk, with a list of the absentees thereto attached, is immediately placed in the hands of the Sergeant-at-Arms. Upon his appearance with members under arrest, he is announced at the bar of the House by the Doorkeeper, whereupon he makes his return. The members brought in by him are then severally arraigned by the Speaker, and interrogated by him as to what excuses they may have to offer for being absent from the sitting of the House without its leave.—Barclay.]

Mr. WILBER. There is a quorum present, and we have had a quorum all the time.

Mr. TOWNSEND, of Ohio. Under that rule the call of the House is unnecessary, and I therefore move that all further proceedings under the call be dispensed with.

The SPEAKER. That was the last motion submitted.

Mr. ROBINSON, (at three o'clock and fifteen minutes a. m., Saturday.) I move the House do now adjourn.

The House divided; and there were—ayes 53, noes 70.

So the House refused to adjourn.

Mr. VAN VOORHIS. I move that all further proceedings under the call be dispensed with.

The House divided; and there were—ayes 35, noes 60.

So the motion was disagreed to.

Mr. BELFORD. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BELFORD. I submitted to the House five hours ago a proposition.

Several MEMBERS. Debate is not in order.

Mr. BELFORD. I do not propose to debate. I desire to make a proposition.

Mr. WILSON. I hope the gentleman will be allowed to make a proposition.

Mr. BELFORD. I submitted five hours ago a proposition to the House to the effect that the bill with the amendment of the gentleman from Kansas shall be printed in the RECORD, that the previous question shall then apply, and that the House adjourn. [Loud cries of "Object!"] Does the Chair say I cannot submit that as a motion?

The SPEAKER. The Chair says the gentleman cannot.

Mr. BELFORD. Then I submit to the authority of the Chair.

Mr. BARBER, (at three o'clock and fifty-five minutes a. m.) I move that the House do now adjourn.

The question being taken, there were—ayes 41, noes 62.

So the motion was not agreed to.

Mr. VAN VOORHIS. I move that all further proceedings under the call be dispensed with.

Mr. HUMPHREY. I move that no member make another move.

The SPEAKER. The question is on the motion of the gentleman from New York, [Mr. VAN VOORHIS,] that all further proceedings under the call be dispensed with.

The question being taken, the motion was not agreed to.

Mr. WEAVER. The center wants to make a proposition. I propose we take a vote right now on the Ryan amendment.

Several members objected.

Mr. REAGAN. If that will satisfy the gentlemen on the other side of the House, I think we ought to do that.

Mr. CLARK, of Missouri, and others objected.

The SPEAKER. The Chair desires to state to the gentleman that the only way he can get a vote on the amendment to which he alludes is by voting down the demand for the previous question.

Mr. CONGER. Or by having it withdrawn.

The SPEAKER. If it is withdrawn that is of same effect.

Mr. CONGER. The Chair might have stated that other way.

Mr. BELFORD. I ask the gentleman from Ohio [Mr. WARNER] if he will not consent now to take a vote at this time on the Ryan amendment? You have twenty or thirty majority at this time in the House. If that is done, as I understand, it will be agreed on this side that after voting on the Ryan amendment the previous question shall apply to the bill.

Mr. WEAVER. Certainly; that is the proposition, that the previous question shall apply to the bill immediately after that vote. Is not that fair?

Mr. VAN VOORHIS. I object.

Mr. WHITE. I desire to ask the Chair a question. Is it possible to agree to anything?

The SPEAKER. It does not so appear.

Mr. WHITE. Would it be in order to submit a motion that we adjourn for breakfast?

The SPEAKER. The Chair cannot entertain a motion to adjourn qualified in that way.

Mr. WHITE. Well, I will put it in another way. Can I move that we take a recess for breakfast?

Mr. CLARK, of Missouri. That is out of order.

Mr. VAN VOORHIS. I would like to make an inquiry.

The SPEAKER. The gentleman will state it.

Mr. VAN VOORHIS. Will there be any RECORD printed before this day's proceedings end?

The SPEAKER. The Chair will cause to be read a note just received from the Sergeant-at-Arms.

The Clerk read as follows:

OFFICE SERGEANT-AT-ARMS,
HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., May 24, 1879.

SIR: In accordance with your verbal request I hand you herewith a list of members of the House reported as sick and on that account refused to obey the order of the House to attend its session:

J. H. ACKLEN, WILLIAM GODSHALK, D. C. HASKELL, G. F. ROTHWELL, J. C. SHERWIN, R. L. VANCE, W. C. WHITTHORNE, F. WOOD, H. D. MONEY, R. L. GIBSON, E. B. FINLEY, O. R. SINGLETON.

The following members, from the best information obtainable, are reported not in the city:

J. H. KETCHAM, DANIEL O'REILLY, E. OVERTON, JR., MILES ROSS, B. BUTTERWORTH, N. W. ALDRICH, J. JORGENSEN, J. H. STARIN, J. R. TUCKER, E. L. MARTIN, S. B. DICK, R. P. BLAND, W. D. HILL.

Very respectfully, your obedient servant,

JOHN G. THOMPSON,
Sergeant-at-Arms, House of Representatives.

HON. SAMUEL J. RANDALL,
Speaker House of Representatives, United States.

The SPEAKER. The Chair has directed the Sergeant-at-Arms to bring to the bar of the House all who are not sick or out of the city.

Mr. SPARKS. I understand the gentlemen whose names are last mentioned on the Sergeant-at-Arms's list are those who are absent on leave.

The SPEAKER. They are those who are reported not to be in the city.

Mr. SPARKS. As I understand, absent on leave.

The SPEAKER. Absent without leave; otherwise their names would not be on the list of the Sergeant-at-Arms.

Mr. SCALES. I observe the name of my colleague, Mr. VANCE, is reported. He obtained leave of the House to be absent on account of indisposition, and should not have been interfered with.

The SPEAKER. Mr. BLAND, as the Chair understands, is absent by leave of the House.

Mr. LOWE. So is Mr. TUCKER.

Mr. CLARK, of Missouri. I desire to state that my colleague, Mr. ROTHWELL, has been confined by very serious indisposition for the last four days at the Metropolitan Hotel. It is impossible for him to be brought here.

The SPEAKER. In some cases the time for which leave of absence has been granted has expired.

Mr. SPARKS. I desire to state in this connection that the gentleman from Ohio, Mr. BUTTERWORTH, on leaving the city desired me to ask leave for him on the next day. I neglected to do so, which I regret extremely. I promised him when Congress met on the next day to get the ordinary leave granted to every member on application. It is due to him to make this statement.

The SPEAKER. The gentleman from Ohio, Mr. BUTTERWORTH, got leave, the Chair is advised, and the time has expired.

Mr. REAGAN. Quite a number of the gentlemen who are reported sick were here to-night and went home. I do not think the Sergeant-at-Arms has done his duty in not bringing them to the bar.

Mr. TOWNSEND, of Ohio. I believe the gentleman from Pennsylvania, Mr. DICK, had leave of absence for a week.

Mr. CONGER. If the gentleman from Virginia, Mr. TUCKER, is not absent on leave, I desire to ask that leave of absence be granted to him.

The SPEAKER. The Chair is now informed that that gentleman has leave of absence.

Mr. SCALES. I understood that the Sergeant-at-Arms was only to report the gentlemen who were absent without leave. Now I know my colleague, Mr. VANCE, is absent on leave given him to-night.

Mr. SPARKS. I think great trouble has grown out of the fact that after the call of the House a great many gentlemen immediately left the Hall and are not here. A great many gentlemen who answered on the last call have gone and a new call of the House would bring them back. I move, then, that there be a new call of the House.

The SPEAKER. The gentleman must first move to dispense with the old call before entering on a new one.

Mr. SPARKS. I move, then, to dispense with further proceedings under the call.

The SPEAKER. That motion has just been voted on, and the only motion now in order is the motion to adjourn.

Mr. SPARKS. My motion is to dispense with the present call with the view of moving a new call of the House.

The SPEAKER. But that motion has just been voted down and the Chair cannot entertain it.

Mr. KENNA. Has not the report of the Sergeant-at-Arms been sufficient business intervening for the motion of the gentleman to be in order?

Mr. TOWNSEND, of Ohio. I move that the House do now adjourn.

The question was taken; and the motion was not agreed to.

Mr. SPARKS. I now move that all further proceedings under the call be dispensed with.

The motion was agreed to.

The SPEAKER. The question now recurs upon sustaining the demand for the previous question upon the engrossment and third reading of the bill.

Mr. TOWNSEND, of Ohio. I move that the House take a recess until nine o'clock.

Mr. MCKENZIE. We are not going to take a recess at all.

Mr. SPARKS. I call for the regular order.

The SPEAKER. If there were a quorum present a motion for a recess would be in order.

Mr. TOWNSEND, of Ohio, (at four o'clock and fifteen minutes a. m., Saturday.) I move that the House take a recess until eleven o'clock.

The question was taken; and on a division there were—ayes 52, noes 70.

So the motion was not agreed to.

Mr. SPARKS. I now insist on my motion for a call of the House.

Mr. CONGER. There was a quorum present on the last count.

The SPEAKER. There was not, but the Chair did not raise that point himself; though less than a quorum could not take a recess. The question was decided in the negative, and therefore the Chair did not present the point of order.

Mr. CONGER. Then I think we had better have one more vote on adjourning.

Mr. VAN VOORHIS. I desire to move an amendment.

The SPEAKER. That is not in order.

Mr. CONGER. Pending the motion for a call of the House, I move that the House do now adjourn.

Mr. REAGAN. I make the point that the gentleman cannot take the gentleman from Illinois [Mr. SPARKS] from the floor.

The SPEAKER. The gentleman can make the motion to adjourn, the motion to dispense with proceedings under the call having intervened.

The question was taken on Mr. CONGER's motion; and on a division there were—ayes 48, noes 67.

Mr. TOWNSEND, of Ohio. I call for the yeas and nays.

Mr. HUMPHREY. The last vote shows large gains.

The yeas and nays were not ordered, only ten members voting therefor.

So the motion was not agreed to.

Mr. SPARKS. I now insist on my motion.

The motion was agreed to; and it was ordered that there be a call of the House.

Mr. SPARKS. I ask that the doors be closed and the Sergeant-at-Arms be sent for the absentees.

The SPEAKER. The doors will be closed by order of the Speaker at the proper time.

Mr. HUMPHREY. Before we proceed further, I move that all who are sick and indisposed have leave of absence. [Loud cries of "Object!"]

The roll was then called, and the following members failed to answer to their names:

Acklen,	Dunn,	Kitchin,	Prescott,
Aldrich, N. W.	Einstein,	Knott,	Price,
Aldrich, William	Elam,	Lapham,	Ross,
Atherton,	Ellis,	Lay,	Rothwell,
Bailey,	Felton,	Lewis,	Sapp,
Ballou,	Finley,	Loring,	Shelley,
Barlow,	Gibson,	Lounsbery,	Sherwin,
Beale,	Godshalk,	Martin, Edward L.	Singleton, J. W.
Bicknell,	Hammond, John	Mason,	Singleton, O. R.
Bland,	Hammond, N. J.	McCook,	Smith, A. Herr
Bragg,	Harmer,	McGowan,	Starin,
Brewer,	Harris, John T.	McLane,	Stephens,
Browne,	Haskell,	Miles,	Talbott,
Buckner,	Hawk,	Miller,	Tucker,
Butterworth,	Hayes,	Mitchell,	Turner, Thomas
Calkins,	Hazelton,	Money,	Vance,
Camp,	Henderson,	Morse,	Voorhis,
Chalmers,	Hill,	Neal,	Washburn,
Chittenden,	Hubbell,	Newberry,	Wells,
Clark, Alvah A.	Hull,	Nicholls,	Whiteaker,
Clymer,	James,	O'Brien,	Whitthorne,
Cobb,	Jorgensen,	O'Reilly,	Willis,
Colerick,	Keifer,	Orth,	Wood, Fernando
Cowgill,	Kelley,	Overton,	Wood, Walter A.
Cox,	Ketcham,	Phelps,	Wright,
Crowley,	Killinger,	Pierce,	Young, Casey.
Dickey,	Kimmel,	Pound,	

The SPEAKER. The doors will now be closed.

Mr. REAGAN. I offer the following resolution:

Resolved, That the Sergeant-at-Arms take into custody and bring to the bar of the House such of its members as are now absent without leave of the House.

Mr. FRYE. It is within my knowledge that the gentleman from Pennsylvania, [Mr. GODSHALK,] an old gentleman, who has been in a very feeble state of health this whole session, has gone home sick to-night, and I ask that he be excused, for he ought not to be brought here.

The SPEAKER. The Chair can corroborate that statement.

Mr. FRYE. I ask that he be excused.

There was no objection, and Mr. GODSHALK was excused.

Mr. FROST. I desire to state that my colleague, Mr. ROTHWELL, is seriously ill. I ask that he be excused.

There was no objection.

Mr. HOSTETLER. I desire to state that my colleagues, Mr. COBB and Mr. COLERICK, are absent by leave of the House.

The SPEAKER. The pending question is on the resolution submitted by the gentleman from Texas, [Mr. REAGAN,] which has been read.

Mr. CONVERSE. I move to amend the resolution by adding thereto the words "and this order shall be in force during the adjournment of the House." I make this motion to amend with a view, if it is adopted, to move an adjournment until twelve o'clock, Saturday.

Mr. SPARKS. Is it in order to move to adjourn pending a call of the House?

Mr. DUNNELL. I desire to state that my colleague, Mr. WASHBURN, is absent by leave of the House.

Mr. KENNA. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KENNA. Would not an adjournment terminate the call of the House?

The SPEAKER. It would. An adjournment vacates all proceedings under a call of the House.

Mr. BELFORD. I desire to offer a resolution.

Mr. McKENZIE. I object.

Mr. BELFORD. I ask that it be read for information.

Mr. McKENZIE. I object.

Mr. BELFORD. One or two resolutions have been read for information to-night. I ask that this be read for information; I think it will suit the views of the gentleman.

Mr. HURD. I object to any resolution.

Mr. REAGAN. I ask that my resolution be acted on.

The question was taken upon the resolution of Mr. REAGAN, and it was adopted.

Mr. CONVERSE. I desire to inquire what became of my amendment? I moved to amend the resolution so as to continue the order in force after an adjournment of to-day's session.

The SPEAKER. The gentleman can now make a motion that the Sergeant-at-Arms be directed to report the absentees to the House—when?

Mr. CONVERSE. I move that the Sergeant-at-Arms be directed to arrest the absentees and bring them to the bar of the House at twelve o'clock Saturday.

Mr. KENNA. If that motion is amendable, I move to strike out "twelve o'clock Saturday" and to insert "forthwith."

Mr. BLACKBURN. We can vote down the motion.

Mr. HURD. I want to be understood as objecting to everything. [Laughter.]

The SPEAKER. The Chair so understands.

Mr. BELFORD. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BELFORD. I desire to know if it is competent for this House to agree to vote on the Ryan amendment at one o'clock Saturday, and to take the vote on the final passage of the bill at two o'clock? If it is, then I desire to make that motion.

The SPEAKER. That motion is not in order at this time. The gentleman from Ohio [Mr. CONVERSE] has moved that the Sergeant-at-Arms be directed to report the absentees to the House at twelve o'clock to-morrow, that is, Saturday.

Mr. MURCH. I move to amend that so as to make it Monday at ten o'clock.

The SPEAKER. The Chair is having looked up a case in point.

Mr. GARFIELD. Such an order as that has been repeatedly made within my recollection.

The SPEAKER. The Chair thinks it was made in one case.

Mr. BLOUNT. Is it in order to move to lay the proposition and the amendment on the table?

Mr. VAN VOORHIS. I move as an amendment that a warrant issue to the Sergeant-at-Arms to be made returnable on Monday.

Mr. BLOUNT. Is it in order to move to lay the proposition of the gentleman from Ohio [Mr. CONVERSE] on the table?

Mr. CONVERSE. At the request of my friend I will withdraw my motion.

Mr. MURCH. I renew it, with the modification that the absentees be reported to the bar of the House at twelve o'clock on Monday next.

Mr. HOOKER. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. HOOKER. The House having made an order for the call of the House, is any other motion now in order?

The SPEAKER. The call of the House is being proceeded with. The Chair has just signed the warrant and placed it in the hands of the Sergeant-at-Arms.

Mr. MURCH. Is my motion entertained?

The SPEAKER. The Chair will determine in a moment, as soon as the precedents can be looked up. [After a pause.] The gentleman from Maine [Mr. MURCH] moves that the Sergeant-at-Arms be instructed to bring to the bar of the House on Monday next at twelve o'clock all absentees without excuse.

Mr. KENNA. I move to lay that motion on the table.

The SPEAKER. The same result can be reached by voting down the motion.

Mr. KENNA. Very well.

The question was taken upon the motion of Mr. MURCH; and upon a division there were—ayes 65, noes 71.

Before the result of the vote was announced,

Mr. CONGER called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 73, nays 76, not voting 136; as follows:

YEAS—73.

Anderson,	Deering,	Horr,	Ryan, Thomas
Baker,	Deuster,	Houk,	Shallenberger,
Barber,	Dunnell,	Humphrey,	Stone,
Bayne,	Dwight,	Jones,	Thomas,
Belford,	Errett,	Joyce,	Townsend, Amos
Bingham,	Farr,	Lindsey,	Tyler,
Blake,	Ferdon,	Marsh,	Updegraff, J. T.
Bowman,	Field,	Martin, Joseph J.	Updegraff, Thomas
Boyd,	Fisher,	McCoid,	Urner,
Brigham,	Ford,	McKinley,	Valentine,
Burrows,	Forsythe,	Monroe,	Van Aernam,
Cannon,	Fort,	Morton,	Van Voorhis,
Carpenter,	Frye,	Murch,	Ward,
Claflin,	Garfield,	O'Neill,	Williams, C. G.
Conger,	Hall,	Osmer,	Yocum,
Crapo,	Harris, Benj. W.	Richardson, D. P.	Young, Thomas L.
Daggett,	Hawley,	Robeson,	
Davis, George R.	Heilman,	Robinson,	
De La Matyr,	Hiscock,	Russell, William A.	

NAYS—76.

Armfield,	Evins,	Manning,	Simonton,
Atkins,	Ewing,	Martin, Benj. F.	Slemons,
Blackburn,	Forney,	McKenzie,	Smith, Hezekiah B.
Bliss,	Frost,	McMahon,	Smith, William E.
Blount,	Geddes,	McMillin,	Sparks,
Bouck,	Gunter,	Mills,	Speer,
Bright,	Hatch,	Morrison,	Springer,
Cabell,	Henkle,	Muldrow,	Stevenson,
Caldwell,	Henry,	Muller,	Taylor,
Clardy,	Herbert,	New,	Thompson,
Clark, John B.	Hostetler,	O'Connor,	Tillman,
Coffroth,	House,	Persons,	Townshend, R. W.
Cook,	Hunton,	Phister,	Turner, Oscar
Cravens,	Johnston,	Reagan,	Waddill,
Culberson,	Kenna,	Richmond,	Warner,
Davidson,	Klotz,	Robertson,	Wellborn,
Davis, Joseph J.	Ladd,	Samford,	Williams, Thomas
Davis, Lourdes H.	Le Fevre,	Sawyer,	Wilson,
Dibrell,	Lowe,	Scales,	Wise.

NOT VOTING—136.

Acklen,	Dick,	King,	Rice,
Aiken,	Dickey,	Kitchin,	Richardson, J. S.
Aldrich, N. W.	Dunn,	Knott,	Ross,
Aldrich, William	Einstein,	Lapham,	Rothwell,
Atherton,	Elam,	Lay,	Russell, Daniel L.
Bachman,	Ellis,	Lewis,	Ryon, John W.
Bailey,	Felton,	Loring,	Sapp,
Ballou,	Finley,	Lounsbery,	Shelley,
Barlow,	Gibson,	Martin, Edward L.	Sherwin,
Beale,	Gillette,	Mason,	Singleton, J. W.
Beltzhoover,	Godshalk,	McCook,	Singleton, O. R.
Bicknell,	Goode,	McGowan,	Smith, A. Herr
Bland,	Hammond, John	McLane,	Starin,
Bragg,	Hammond, N. J.	Miles,	Steele,
Brewer,	Harmer,	Miller,	Stephens,
Briggs,	Harris, John T.	Mitchell,	Talbott,
Browne,	Haskell,	Money,	Tucker,
Buckner,	Hawk,	Morse,	Turner, Thomas
Butterworth,	Hayes,	Myers,	Vance,
Calkins,	Hazelton,	Neal,	Voorhis,
Camp,	Henderson,	Newberry,	Wait,
Carlisle,	Herndon,	Nicholls,	Washburn,
Caswell,	Hill,	Norcross,	Weaver,
Chalmers,	Hooker,	O'Brien,	Wells,
Chittenden,	Hubbell,	O'Reilly,	White,
Clark, Alvah A.	Hull,	Orth,	Whiteaker,
Clymer,	Hurd,	Overton,	Whitthorne,
Cobb,	James,	Phelps,	Wilber,
Colerick,	Jorgensen,	Pierce,	Willis,
Converse,	Keifer,	Poehler,	Willits,
Covert,	Kelley,	Pound,	Wood, Fernando
Cowgill,	Ketcham,	Prescott,	Wood, Walter A.
Cox,	Killinger,	Price,	Wright,
Crowley,	Kimmel,	Reed,	Young, Casey.

So the motion of Mr. MURCH was disagreed to.

During the roll-call the following announcements were made:

Mr. RYON, of Pennsylvania. I am paired with Mr. ALDRICH, of Illinois.

Mr. POEHLER. I am paired with Mr. POUND, of Wisconsin.

Mr. HERNDON. I am paired with Mr. ALDRICH, of Rhode Island. If he were present, I should vote "no."

Mr. HURD. I am paired with Mr. LEWIS. If he were here, I should vote "ay."

Mr. COVERT. I am paired with Mr. DUNN, of Arkansas.

Mr. RICHARDSON, of South Carolina. I am paired with Mr. CAMP. If he were here, I should vote "no."

Mr. AIKEN. I am paired with Mr. NEWBERRY, of Michigan. If he were, I should vote "no."

Mr. HOSTETLER. Mr. COLERICK and Mr. COBB are absent by leave of the House.

Mr. SIMONTON. Mr. CLYMER is paired with Mr. CHITTENDEN.

Mr. BACHMAN. I am paired with Mr. STARIN, of New York.

Mr. CONVERSE. I am paired with Mr. WASHBURN, of Minnesota. If he were here, I should vote "no."

Mr. TOWNSHEND, of Illinois. My colleague, Mr. SINGLETON, is paired with Mr. MILES, of Connecticut.

Mr. BRIGGS. I am paired with Mr. WHITTHORNE.

Mr. WEAVER. I am paired with Mr. REED.

Mr. BAYNE. I am paired with Mr. ROSS, of New Jersey, on all political questions except the silver bill.

Mr. RICE, of Massachusetts. I am paired with Mr. ELAM, of Louisiana. My colleague, Mr. NORCROSS, is paired with Mr. STEELE, of North Carolina.

Mr. WAIT. I am paired with Mr. SINGLETON, of Mississippi.

Mr. EWING. Mr. COX is paired with Mr. SMITH, of Pennsylvania.

The vote was then announced as above recorded.

The deputy sergeant-at-arms appeared at the bar of the House, having in custody, in obedience to its order, Mr. HAMMOND, of New York.

The SPEAKER. Mr. HAMMOND, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. HAMMOND, of New York. I went to dinner at six o'clock and was informed the House had adjourned. That is my only excuse.

Mr. MCMAHON. I move that the gentleman be excused without costs.

The motion was agreed to.

Mr. HURD. I rise to a personal explanation.

The SPEAKER. Is there objection?

Objection was made.

Mr. HURD proceeded to address the House notwithstanding calls to order and the rappings of the Speaker; but his remarks were inaudible at the reporters' desk.

Mr. SPARKS. I object to everything out of order.

Mr. SPEER. Mr. Speaker, I have received a note from my colleague [Mr. FELTON] stating that the illness of his little son has prevented him from attending the sitting of the House.

The deputy sergeant-at-arms appeared at the bar of the House, in pursuance of its order, having in custody Mr. NEWBERRY and Mr. MCGOWAN.

The SPEAKER. Mr. NEWBERRY, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. NEWBERRY. Mr. Speaker, I submitted myself last evening to the guidance of an older member of the House, and supposing the House would adjourn, I asked him if he was ready for his dinner, and he said he was, and we paired and left the House.

Mr. MILLS. Another victim of misplaced confidence.

Mr. VALENTINE. I move the gentleman be excused without the payment of costs.

The motion was agreed to.

The SPEAKER. Mr. MCGOWAN, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. MCGOWAN. I left the House last evening about half past five o'clock during the roll-call on a motion to adjourn. My residence is a good way from the House, a mile and a half, and I was not aware the House was in session but supposed it had adjourned.

Mr. TOWNSHEND, of Illinois. Is this your first offense?

Mr. MCGOWAN. It is.

Mr. SPARKS. Were you paired?

Mr. MCGOWAN. No.

Mr. BLISS. I move the gentleman be excused without the payment of costs.

The motion was agreed to.

Mr. BELFORD. I move the House adjourn, and on that motion demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 71, nays 84, not voting 130; as follows:

YEAS—71.

Anderson,	Deering,	Horr,	Robinson,
Baker,	Deuster,	Houk,	Russell, William A.
Barber,	Dunnell,	Humphrey,	Ryan, Thomas
Bayne,	Dwight,	Jones,	Shallenberger,
Belford,	Errett,	Joyce,	Stone,
Bingham,	Farr,	Lindsey,	Thomas,
Blake,	Ferdon,	Marsh,	Townsend, Amos
Bowman,	Field,	Martin, Joseph J.	Tyler,
Boyd,	Fisher,	McCoid,	Updegraff, J. T.
Brigham,	Fort,	McGowan,	Updegraff, Thomas
Burrows,	Frye,	McKinley,	Urner,
Cannon,	Garfield,	Monroe,	Valentine,
Carpenter,	Hall,	Morton,	Van Aernam,
Claflin,	Hammond, John	Newberry,	Van Voorhis,
Conger,	Harris, Benj. W.	O'Neill,	Ward,
Crapo,	Hawley,	Osmer,	Williams, C. G.
Daggett,	Heilman,	Richardson, D. P.	Young, Thomas L.
Davis, George R.	Hiscock,	Robeson,	

NAYS—84.

Aiken,	Cravens,	Hatch,	McMahon,
Armfield,	Culberson,	Henkle,	McMillin,
Atkins,	Davidson,	Henry,	Mills,
Beltzhoover,	Davis, Joseph J.	Herbert,	Morrison,
Blackburn,	Davis, Loundes H.	Hostetler,	Muldrow,
Bliss,	De La Matyr,	House,	Muller,
Blount,	Dibrell,	Hunton,	Murch,
Bouck,	Evins,	Johnston,	New,
Bright,	Ewing,	Kenna,	O'Connor,
Cabell,	Forney,	Klotz,	Persons,
Caldwell,	Forsythe,	Ladd,	Phister,
Carlisle,	Frost,	Le Fevre,	Reagan,
Clardy,	Geddes,	Lowe,	Robertson,
Clark, John B.	Gillette,	Manning,	Samford,
Coffroth,	Goode,	Martin, Benj. F.	Sawyer,
Cook,	Gunter,	McKenzie,	Scales,
Simonton,	Speer,	Tillman,	Wellborn,
Slemons,	Springer,	Townshend, R. W.	Williams, Thomas
Smith, Hezekiah B	Stevenson,	Turner, Oscar	Wilson,
Smith, William E.	Taylor,	Waddill,	Wise,
Sparks,	Thompson,	Warner,	Yocum.

NOT VOTING—130.

Acklen,	Dunn,	Lapham,	Rothwell,
Aldrich, N. W.	Einstein,	Lay,	Russell, Daniel L.
Aldrich, William	Elam,	Lewis,	Ryon, John W.
Atherton,	Ellis,	Loring,	Sapp,
Bachman,	Felton,	Lounsbery,	Shelley,
Bailey,	Finley,	Martin, Edward L.	Sherwin,
Ballou,	Ford,	Mason,	Singleton, J. W.
Barlow,	Gibson,	McCook,	Singleton, O. R.
Beale,	Godshalk,	McLane,	Smith, A. Herr
Bicknell,	Hammond, N. J.	Miles,	Starin,
Bland,	Harmer,	Miller,	Steele,
Bragg,	Harris, John T.	Mitchell,	Stephens,
Brewer,	Haskell,	Money,	Talbott,
Briggs,	Hawk,	Morse,	Tucker,
Browne,	Hayes,	Myers,	Turner, Thomas
Buckner,	Hazelton,	Neal,	Vance,
Butterworth,	Henderson,	Nicholls,	Voorhis,
Calkins,	Herndon,	Norcross,	Wait,
Camp,	Hill,	O'Brien,	Washburn,
Caswell,	Hooker,	O'Reilly,	Weaver,
Chalmers,	Hubbell,	Orth,	Wells,
Chittenden,	Hull,	Overton,	White,
Clark, Alvah A.	Hurd,	Phelps,	Whiteaker,
Clymer,	James,	Pierce,	Whitthorne,
Cobb,	Jorgensen,	Poehler,	Wilber,
Colerick,	Keifer,	Pound,	Willis,
Converse,	Kelley,	Prescott,	Willits,
Covert,	Ketcham,	Price,	Wood, Fernando
Cowgill,	Killinger,	Reed,	Wood, Walter A.
Cox,	Kimmel,	Rice,	Wright,
Crowley,	King,	Richardson, J. S.	Young, Casey.
Dick,	Kitchin,	Richmond,	
Dickey,	Knott,	Ross,	

So the House refused to adjourn.

During the roll-call the following announcements were made:

Mr. RYON, of Pennsylvania. I am paired with Mr. ALDRICH, of Illinois.

Mr. COVERT. I am paired with Mr. DUNN, of Arkansas.

Mr. HERNDON. I am paired with Mr. ALDRICH, of Rhode Island. If he were present, I should vote "no."

Mr. MYERS. I am paired with Mr. COWGILL, of Indiana. Mr. ATHERTON, of Ohio, is paired with Mr. MORSE, of Massachusetts.

Mr. CONVERSE. I am paired with the gentleman from Minnesota, Mr. WASHBURN. If he were here, I should vote "no."

Mr. KING. I am paired with Mr. EINSTEIN, of New York. If he were here, I should vote "no."

Mr. BACHMAN. I am paired with Mr. STARIN. If he were here, I should vote "no."

Mr. HOSTETLER. My colleagues, Mr. COLERICK and Mr. COBB, are absent by leave of the House.

Mr. RICHARDSON, of South Carolina. I am paired with Mr. CAMP, of New York. If he were here, I should vote "no."

Mr. SIMONTON. Mr. CLYMER, of Pennsylvania, is paired with Mr. CHITTENDEN, of New York.

Mr. WAIT. I am paired with Mr. SINGLETON, of Mississippi.

Mr. WEAVER. I am paired with Mr. REED, of Maine. If he were here, I should vote "no."

Mr. BRIGGS. I am paired with Mr. WHITTHORNE. If he were here, I should vote "ay."

Mr. NEWBERRY. Mr. PRESCOTT, of New York, is absent by leave of the House, and is paired with Mr. RICHMOND, of Virginia. If he were present, he would vote "ay."

Mr. RICE. I am paired with Mr. ELAM, of Louisiana, and Mr. NORCROSS is paired with Mr. STEELE, of North Carolina.

Mr. HOWE. Mr. BREWER is paired with Mr. TALBOTT, of Maryland.

Mr. TOWNSEND, of Ohio. My colleague, Mr. KEIFER, is paired with Mr. ROTHWELL, of Missouri. If present, my colleague would vote "ay."

Mr. VAN AERNAM. My colleague, Mr. LAPHAM, is paired with the gentleman from Virginia, Mr. TUCKER.

Mr. RICHMOND. I am paired with Mr. PRESCOTT. If he were here, I should vote "no."

Mr. EWING. Mr. COX, of New York, is paired with Mr. SMITH, of Pennsylvania.

Mr. HURD. I am paired with Mr. LEWIS, of Alabama. If he were here, I should vote "ay."

The result of the vote was then announced as above stated.

The deputy sergeant-at-arms appeared at the bar of the House, having, pursuant to the order of the House, in his custody Mr. BEALE, of Virginia.

The SPEAKER. Mr. BEALE, you have been absent from the sitting of the House without its leave. Have you any excuse to offer?

Mr. BEALE. Mr. Speaker, in conformity, I presume, to the usual habit of many members of the House, at nearly five o'clock last evening I left this body for the purpose of getting my dinner. Learning some three hours afterward, perhaps—I do not remember the exact time—that the House was still in session, I repaired at once to the Capitol to find that the doors were closed and that a call of the House had been ordered. But, Mr. Speaker, could I have been of any service in this body upon this great question which is pending before

it I would have been the last man to have deserted my friends on my left, or to have turned my back upon my friends on my right, but I was of no consequence whatever in this House, because upon this bill I was paired with my colleague from Virginia, [Mr. JORGENSEN,] and even upon a question of adjournment in a contest like this I could not vote. I regret extremely that I have been absent and violated the rule which I acknowledge required that I should be here, and I sympathize most deeply with those who have remained here all night.

Mr. WHITE. I move that the gentleman be excused.

Mr. BEALE. I thank you, sir; that is all I ask.

The question was taken on Mr. WHITE's motion; and it was agreed to.

Mr. WHITE. I rise to a parliamentary inquiry. I desire to know if it is true that the gentleman from Ohio [Mr. WARNER] has an hour to explain the silver bill in at the close of the proceedings.

The SPEAKER. The gentleman has a right to one hour as the reporter of the bill from the committee.

Mr. WHITE. Would it be in order for me to move that he proceed at this time?

The SPEAKER. It is at the option of the gentleman from Ohio to determine whether he will proceed to occupy the hour before or after the main question has been ordered.

Mr. WHITE. I will submit, then, through the Chair, to the gentleman from Ohio the request that he proceed at this time to close the debate on the silver bill.

Mr. SPRINGER. There is a way in which the gentleman's object can be obtained, and that is by seconding the previous question.

Mr. WHITE. I asked the question of the gentleman from Ohio and not of the gentleman from Illinois.

Mr. SPRINGER. I think this would be a good time to second the previous question. We have been here eighteen hours in continuous session.

Mr. WHITE. Will the gentleman from Ohio [Mr. WARNER] reply to the inquiry which I have propounded to him through the Chair?

Mr. SPRINGER. The gentlemen opposite have manifested to the country their opposition to the bill and they should now allow us to sustain the previous question and we will pass the bill in fifteen minutes.

Mr. WHITE. If the gentleman from Ohio [Mr. WARNER] is not prepared to close the debate some gentlemen upon this side of the House desire to give the reasons why they are opposed to sustaining the previous question.

The SPEAKER. Debate is not in order.

Mr. WHITE. I for one will proceed at this time to do so if permitted. Now, Mr. Speaker——

The SPEAKER. The gentleman from Pennsylvania will observe that the Chair has stated debate is not in order, objection being made.

Mr. WHITE. I did not hear the objection. I thought I was proceeding by unanimous consent.

The SPEAKER. The gentleman is now informed that objection is made.

Mr. WHITE. I was about criticising the revolutionary proceedings on the other side.

The SPEAKER. The gentleman now hears the objection.

Mr. WHITE. I submit to the decision of the Chair.

Mr. BARBER. I rise to a parliamentary inquiry. I would like to be informed what is the precise question now before the House.

The SPEAKER. The House is acting under the order for a call of the House, and the Sergeant-at-Arms is executing the order of the House to bring in absent members.

Mr. BARBER. That is entirely satisfactory.

Mr. FRYE. The gentleman from Michigan, Mr. CONGER, has left his seat. I would like to have the Sergeant-at-Arms sent after him.

The SPEAKER. The gentleman left with the permission of the Chair.

Mr. FRYE. I beg pardon.

Mr. HURD. I ask unanimous consent to make a statement. I desire to show that the honest dollar has friends on this side.

Objection was made.

The deputy sergeant-at-arms then appeared and announced that, pursuant to the order of the House, he had at the bar of the House Mr. HAZELTON, of Wisconsin.

The SPEAKER. Mr. HAZELTON, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. HAZELTON. Well, Mr. Speaker, it was not my intention to be here at the bar under these circumstances, [laughter;] but I came as soon as I was notified that I ought to be here. I cannot prevaricate about this at all. I thought my presence was of no great account.

Mr. BURROWS. That is right. [Laughter.]

Mr. HAZELTON. And not feeling well I went out for a couple of hours.

Mr. URNER. I move that the gentleman from Wisconsin be excused and that he be discharged without costs.

The motion was agreed to.

Mr. HURD. I rise to a personal explanation.

The SPEAKER *pro tempore*, (Mr. BLACKBURN.) The gentleman will state it.

Mr. HURD. It was said when I made the statement some time ago that there were twenty hard-money democrats in this House——

Mr. WISE. I object.

The SPEAKER *pro tempore*. The Chair does not think the gentleman is speaking within the scope of a personal explanation; and objection is made on the right of the Chair.

Mr. WHITE. I desire the attention of the gentleman from Ohio [Mr. WARNER] who has charge of this bill. I want to know if an amendment providing for the payment of all employés of the Government, including members of Congress, in ten-dollar refunding certificates would be accepted to this bill?

Mr. WARNER. The previous question will——

Mr. WHITE. Will not the gentleman accept that suggestion?

Mr. WARNER. I have no objection to the gentleman receiving certificates or anything else he wishes for his pay.

Mr. CONGER. Then if the gentleman consents, I hope we will have a vote upon the proposition.

Mr. WARNER. There is a question already pending whenever that side is ready to vote.

Mr. WHITE. I am requested to ask the Chair whether the eight-hour law applies to members of Congress?

The SPEAKER *pro tempore*. The Chair does not understand that the question propounded by the gentleman from Pennsylvania [Mr WHITE] requires any response at all from the Chair.

Mr. WHITE. Well, I am satisfied. I will say that I am in favor of that law.

Mr. COOK. If a man can support himself by working one hour a day I am in favor of his doing so; if it requires eight hours a day, let him work that long.

Mr. WHITE. I understand that the democratic party is opposed to the eight-hour law.

Mr. COOK. The democratic party is opposed to a man laboring one hour a day if he can get along without it.

The SPEAKER *pro tempore*. Debate is not in order.

Mr. DUNNELL. I move that all further proceedings under the call be dispensed with.

Mr. COOK. Oh, no; that will not do.

The question was taken upon the motion of Mr. DUNNELL; and upon a division there were—ayes 45, noes 63.

Mr. CONGER. No quorum has voted.

The SPEAKER *pro tempore*. It does not require a quorum to decide this question.

Mr. CONGER. That is my opinion also.

The motion of Mr. DUNNELL was not agreed to.

Mr. MORTON, (at six o'clock and twenty-five minutes a. m.) moved that the House adjourn.

The motion was not agreed to.

Mr. SPRINGER. I move that the Sergeant-at-Arms be instructed to take into custody and bring before the bar of the House such members as have departed without the leave of the House since the last call of the roll was made.

Mr. BARBER. Who are they?

The SPEAKER *pro tempore*. The Chair will say to the gentleman from Illinois [Mr. SPRINGER] that it has been an invariable practice for members to leave the Hall after the doors have been closed by order of the House; but a list has been kept of those leaving the House, and they are checked off as they return. Does the gentleman desire that such members be brought back?

Mr. SPRINGER. No, sir; I desire only to have taken into custody and brought before the House those members who, after the call had begun and after they had responded to their names, departed from the House without leave.

The SPEAKER *pro tempore*. In what form does the gentleman submit his motion?

Mr. SPRINGER. That those members who have departed from the House without the leave of the House since the order for a call——

The SPEAKER *pro tempore*. How is the Sergeant-at-Arms to ascertain who they are?

Mr. SPRINGER. If he finds any member outside of the House, let him bring him in.

The SPEAKER *pro tempore*. It is not within the province of the Chair to pass upon the feasibility of the gentleman's motion.

Mr. CONGER. There is no law under which a man can be arrested without proper process.

The SPEAKER *pro tempore*. The Chair thinks it is entirely competent for the House to compel the attendance of its absent members.

Mr. VAN VOORHIS. I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. VAN VOORHIS. My point of order is that pending the call of the House no business is in order except a motion to adjourn or to dispense with further proceedings under the call.

The SPEAKER *pro tempore*. The rule provides that no motion, except to adjourn or in reference to the call of the House, is in order or shall be entertained during a call of the House.

Mr. CONGER. The motion of the gentleman relates to such members, and such only, as are not affected by the call.

The SPEAKER *pro tempore*. The Chair overrules the point of order and holds that the motion relates to proceedings under the call.

Mr. VAN VOORHIS. May I ask the Chair a question?

The SPEAKER *pro tempore*. Certainly.

Mr. VAN VOORHIS. What sort of warrant will go to the Sergeant-at-Arms to make these new arrests?

The SPEAKER *pro tempore*. It is not in the province of the Chair to answer that question.

The question was then taken on the motion of Mr. SPRINGER; and upon a division there were—ayes 26, noes 46.

Before the result of the vote was announced,

Mr. CONGER said: I call for the yeas and nays. I desire to see who will vote for this proposition.

The yeas and nays were ordered; there being twenty in the affirmative, more than one-fifth of the last vote.

Mr. NEWBERRY. Will the Chair state what is the question?

The SPEAKER *pro tempore*. The gentleman from Illinois, Mr. SPRINGER, has moved that the Sergeant-at-Arms take into custody and bring before the bar of the House such members as have left the House since the last call of the House was ordered.

Mr. WHITE. Left the building or left the Hall?

Mr. MILLS. I object to debate.

The SPEAKER *pro tempore*. Debate is not in order.

The question was taken; and there were—yeas 47, nays 81, not voting 157; as follows:

YEAS—47.

Armfield,	Dibrell,	Manning,	Stevenson,
Beltzhoover,	Ewing,	McKenzie,	Taylor,
Bliss,	Frost,	McMillin,	Thompson,
Caldwell,	Geddes,	Mills,	Tillman,
Clardy,	Goode,	New,	Townshend, R. W.
Clark, John B.	Gunter,	O'Connor,	Turner, Oscar
Coffroth,	Hatch,	Phister,	Waddill,
Cook,	Hazelton,	Reagan,	Warner,
Cravens,	Herbert,	Robertson,	Weaver,
Davidson,	Johnston,	Sawyer,	Wilson,
Davis, Joseph J.	Ladd,	Sparks,	Wise.
De La Matyr,	Lowe,	Springer,	

NAYS—81.

Aiken,	Davis, Loundes H.	Hostetler,	Richardson, D. P.
Anderson,	Deering,	Houk	Robeson,
Atkins,	Dunnell,	House,	Robinson,
Baker,	Errett,	Humphrey,	Russell, William A.
Barber,	Evins,	Jones,	Ryan. Thomas
Bayne,	Farr,	Joyce,	Slemons,
Belford,	Ferdon,	Kenna,	Smith, William E.
Blackburn,	Field,	Marsh,	Townsend, Amos
Bouck,	Fisher,	Martin, Benj. F.	Tyler,
Bowman,	Ford,	Martin, Joseph J.	Updegraff, J. T.
Boyd,	Forney,	McCoid,	Updegraff, Thomas
Brigham,	Frye,	McGowan,	Urner,
Bright,	Garfield,	McKinley,	Valentine,
Cannon,	Hall,	Monroe,	Van Aernam,
Carpenter,	Hammond, John	Morton,	Van Voorhis,
Claflin,	Harris, Benj. W.	Muldrow,	Ward,
Conger,	Heilman,	Murch,	Williams, C. G.
Crapo,	Henkle,	Newberry,	Williams, Thomas
Culberson,	Henry,	O'Neill,	
Daggett,	Hiscock,	Osmer,	
Davis, George R.	Horr,	Persons,	

NOT VOTING—157.

Acklen,	Dunn,	Le Fevre,	Sapp,
Aldrich, N. W.	Dwight,	Lewis,	Scales,
Aldrich, William	Einstein,	Lindsey,	Shallenberger,
Atherton,	Elam,	Loring,	Shelley,
Bachman,	Ellis,	Lounsbery,	Sherwin,
Bailey,	Felton,	Martin, Edward L.	Simonton,
Ballou,	Finley,	Mason,	Singleton, J. W.
Barlow,	Forsythe,	McCook,	Singleton, O. R.
Beale,	Fort,	McLane,	Smith, A. Herr
Bicknell,	Gibson,	McMahon,	Smith, Hezekiah B.
Bingham,	Gillette,	Miles,	Speer,
Blake,	Godshalk,	Miller,	Starin,
Bland,	Hammond, N. J.	Mitchell,	Steele,
Blount,	Harmer,	Money,	Stephens,
Bragg,	Harris, John T.	Morrison,	Stone,
Brewer,	Haskell,	Morse,	Talbott,
Briggs,	Hawk,	Muller,	Thomas,
Browne,	Hawley,	Myers,	Tucker,
Buckner,	Hayes,	Neal,	Turner, Thomas
Burrows,	Henderson,	Nicholls,	Vance,
Butterworth,	Herndon,	Norcross,	Voorhis,
Cabell,	Hill,	O'Brien,	Wait,
Calkins,	Hooker,	O'Reilly,	Washburn,
Camp,	Hubbell,	Orth,	Wellborn,
Carlisle,	Hull,	Overton,	Wells,
Caswell,	Hunton,	Phelps,	White,
Chalmers,	Hurd,	Pierce,	Whiteaker,
Chittenden,	James,	Poehler,	Whitthorne,
Clark, Alvah A.	Jorgensen,	Pound,	Wilber,
Clymer,	Keifer,	Prescott,	Willis,
Cobb,	Kelley,	Price,	Willits,
Colerick,	Ketcham,	Reed,	Wood, Fernando
Converse,	Killinger,	Rice,	Wood, Walter A.
Covert,	Kimmel,	Richardson, J. S.	Wright,
Cowgill,	King,	Richmond,	Yocum,
Cox,	Kitchin,	Ross,	Young, Casey
Crowley,	Klotz,	Rothwell,	Young, Thomas L.
Deuster,	Knott,	Russell, Daniel L.	
Dick,	Lapham,	Ryon, John W.	
Dickey,	Lay,	Samford,	

So Mr. SPRINGER'S motion was disagreed to.

During the roll-call the following announcements were made:

Mr. RYON, of Pennsylvania. I am paired with Mr. ALDRICH, of Illinois.

Mr. BACHMAN. I am paired with Mr. STARIN.

Mr. KING. I am paired with Mr. EINSTEIN.

Mr. CONVERSE. I am paired with Mr. WASHBURN. If he were here, I would vote "no."

Mr. COVERT. I am paired with Mr. DUNN, of Arkansas. If he were here, I should vote "no."

Mr. BEALE. I am paired with my colleague, Mr. JORGENSEN.

Mr. HERNDON. I am paired with Mr. ALDRICH, of Rhode Island.

On motion of Mr. COVERT, by unanimous consent, the reading of the names was dispensed with.

The vote was then announced as above recorded.

The deputy sergeant-at arms appeared at the bar of the House, having in custody, in pursuance of the order, Mr. FINLEY, of Ohio.

The SPEAKER *pro tempore*. Mr. FINLEY, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. FINLEY. As I told the Sergeant-at-Arms last night, I was sick and unable to come.

Mr. BLISS. I move the gentleman be excused without cost.

The motion was agreed to.

The deputy sergeant-at-arms appeared at the bar of the House, having in custody, in pursuance of its order, Mr. MCCOOK.

The SPEAKER *pro tempore*. Mr. MCCOOK, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. MCCOOK. Mr. Speaker, I remained here yesterday from twelve until six o'clock in the evening, two hours after the usual time for the adjournment of the House.

For over two weeks I have sat here listening to what I think are wild propositions, many of which have been incorporated into this bill, and I have not attempted to vex the ear of the House by expressing my views in regard to them, but have contented myself with voting against them. I could see no necessity for sitting up all night engaged either to obstruct legislation or help the passage of this bill, I did not do it; I went home and to bed. I may be technically in contempt of the House, but such is not my desire.

Mr. COFFROTH. I move the gentleman be fined $5. [Laughter.]

Mr. MCCOOK. Very well, I will pay it with a great deal of pleasure.

Mr. COFFROTH. I withdraw my motion.

Mr. DIBRELL. I move that the gentleman from New York be discharged without payment of costs.

The motion was agreed to.

Mr. BELFORD. Mr. Speaker, I have been here all night, and I now ask to be excused from attendance until twelve o'clock to-day. I have an important engagement at eight o'clock with some gentlemen who have come over from New York to see me. It will be a great disappointment to them as well as myself if I am not permitted to keep the engagement.

The SPEAKER *pro tempore*. Is there objection to excusing the gentleman from Colorado till twelve o'clock to-day?

Objection was made.

Mr. BELFORD. I hope the objection will be withdrawn. I make this application in good faith.

Mr. BARBER. I trust the gentleman's request will be granted. I was assured by him some days ago that he had this engagement.

Mr. MILLS. How can we get along without him?

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Colorado? The Chair hears none. The request is granted.

The deputy sergeant-at-arms appeared at the bar, having in custody, pursuant to the order of the House, Mr. HAYES.

The SPEAKER *pro tempore*. Mr. HAYES, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. HAYES. Mr. Speaker, what I have to say is not so much in the way of excuse as in the way of a reason for my being absent. I think that since my connection with this honorable body I have been faithful in the discharge of my duties, have always been here at night as well as day sessions. Yesterday I staid here until six o'clock; and at that hour, anticipating a night session and in order to fortify myself for the duties that might devolve upon me during the night, I paired with the honorable gentleman from North Carolina, [Mr. SCALES,] and we went home to dinner. I hurried to my dinner, ate it as rapidly as I could well do, and hurried back, being gone from the House only an hour and a quarter. When I came back I found that my rights as a member of this body had been invaded; the door was closed against me; and being desirous always of participating in the deliberations of this body, especially during the night sessions, when the body always conducts itself in a remarkably becoming, dignified, and august manner, I felt very much outraged by having the door closed against me. I was anxious at that time to be arrested and brought to the bar of the House. I stood around by the door, hoping that the Sergeant-at-Arms would see and arrest me. I even went into his room hoping that he would observe me there, arrest me, and bring me to the bar of the House. Finding that he did not do that, I paraded myself at various points in the gallery hoping that certain individuals would discover me and point me out to the Sergeant-at-Arms. Nothing of that kind, however, was done. Becoming weary, and feeling that my rights had been invaded, I went home at about half past nine o'clock and went to bed, went to sleep, and remained there until I was called up about six o'clock this morning

by the Sergeant-at-Arms, when I told him I would come up here and report, as I have done. Now, Mr. Speaker, in view of the fact that my rights have been thus invaded, the door closed against me, and that I have not been permitted to participate in the deliberations of this august body, I will say that if the House will offer a sufficient apology to me I on my part will agree to forgive and endeavor to forget, promising hereafter to be punctual in the discharge of my duties.

Mr. SCALES. I move that the gentleman be discharged from custody without the payment of costs.

The motion was agreed to.

Mr. WAIT. Mr. Speaker, I have been here all night. I have some matters which I wish to attend to this morning. I am paired with the gentleman from Mississippi, Mr. SINGLETON, who is not here, and of course I cannot vote on any questions that come before the House. I would like, therefore, to be excused for the rest of the morning.

Mr. HAZELTON. I will ask the gentleman whether he was not brought here under arrest?

Mr. WAIT. No, sir; I came here voluntarily. [Laughter.] I understood the Sergeant-at-Arms was looking around for members, so I came up here voluntarily; he did not bring me.

The SPEAKER *pro tempore*. The gentleman from Connecticut [Mr. WAIT] asks to be excused from attendance on the session of the House until twelve o'clock to-day. The Chair hears no objection, and the request is granted.

Mr. BARBER. I move that the House resolve itself into a *posse comitatus* to go with the Sergeant-at-Arms in search of absent members.

The SPEAKER *pro tempore*. The motion is not in order.

Mr. HUNTON. I ask to be excused for one hour and a half to get breakfast.

The SPEAKER *pro tempore*. Is there objection to the request of the gentleman from Virginia, [Mr. HUNTON?]

Objection was made.

Mr. HUNTON. Then I ask to be excused for one hour.

Mr. BLOUNT. I must object, unless others of us are allowed an opportunity for breakfast.

Mr. VALENTINE. If in order I will move that the Sergeant-at-Arms be directed to report the absent members at the bar of this House on Monday at twelve o'clock.

The question being taken on Mr. VALENTINE's motion there were—ayes 46, noes 58.

So the motion was not agreed to.

The deputy sergeant-at-arms appeared at the bar of the House having in his custody, pursuant to the order of the House, Mr. CHITTENDEN.

The SPEAKER *pro tempore*. Mr. CHITTENDEN, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. CHITTENDEN. In the first place, Mr. Speaker, I am honestly paired with Mr. CLYMER, of Pennsylvania. Is that excuse sufficient? If that is not enough I will, if in order, rise to a question of personal privilege. I should like to settle one or two personal matters.

The SPEAKER *pro tempore*. It is in order for the gentleman from New York to give his excuse to the House for his absence.

Mr. CHITTENDEN. I have given my excuse. I was paired with the gentleman from Pennsylvania, [Mr. CLYMER.]

Mr. ATKINS. I move that the gentleman from New York be discharged from custody without costs.

The motion was agreed to.

Mr. BURROWS. Mr. Speaker, I would like to inquire if it would be in order to move, and if it be I make the motion, that all members present who desire to absent themselves for a period of two hours can do so on entering their names with the Doorkeeper.

Mr. SPARKS. I make the point of order on that motion. I understand no motion of that sort to be in order.

The SPEAKER *pro tempore*. The point of order made by the gentleman from Illinois is well taken. Under the rulings of the Chair, but two motions are in order during the proceedings under a call of the House.

Mr. HAWLEY. Permit me to say there is nothing in the way of this being done by unanimous consent. That can do anything, I understand, but hang a man. Why should we not go and get a good breakfast and return here at ten o'clock?

Several members objected.

Mr. ATKINS. I ask if agreeing to the request made by the gentleman from Connecticut would in any way suspend the proceedings in connection with the call of the House?

Mr. HAWLEY. Not at all.

Mr. ATKINS. I think not.

The SPEAKER *pro tempore*. Is there objection to the proposition of the gentleman from Connecticut?

Mr. McKENZIE. I object.

Mr. SPRINGER. I think this would be a good time to put the bill on its passage. Immediately after taking a vote on the passage of the bill we could adjourn over until Monday next. I think that is a proposition so fair that every gentleman should accept it. I am willing that we should adjourn over even until Tuesday to accommodate gentlemen if they will agree that a vote be taken on the passage of the bill. I hear no objection to that proposition. I suppose it is agreed to.

Mr. WHITE. What is the proposition?

Mr. SPRINGER. I ask unanimous consent that the bill shall now be put upon its passage and that we adjourn over till Tuesday next.

Mr. VAN VOORHIS. Is debate in order?

The SPEAKER *pro tempore*. It is not.

Mr. WHITE. There is this objection to the proposition of the gentleman from Illinois, that the amendment last offered by the gentleman having the bill in charge destroys the effect of the amendment of the gentleman from Illinois, [Mr. MARSH,] because it takes from the Government the benefit of the difference between the par and the market value of the silver dollar.

Mr. SPRINGER. I will submit the proposition in this way: I ask unanimous consent that further proceedings under the call be dispensed with; that the bill be then immediately put upon its passage; and thereafter that the substitute offered by the gentleman from Kansas be also put upon its passage as a separate bill; and after these two propositions have been voted on let the House adjourn till Monday next.

The SPEAKER *pro tempore*. Is there objection to the proposition of the gentleman from Illinois?

Mr. WHITE. Yes, sir; I object.

Mr. CHITTENDEN. The House seems to be at a loss for employment, and I have one or two personal matters of some little importance that I want to settle at some time in the House, and I ask unanimous consent to rise now to a question of personal privilege.

Mr. WARNER. I object. The gentleman comes here too late to be entitled to ask any privileges of the House.

Mr. REAGAN. I would submit this suggestion to the acceptance of the House, and it will certainly do no harm to submit it: One of the grounds on which objection has been made to proceeding with the vote on this bill was the exclusion of the amendment offered by the gentleman from Kansas [Mr. RYAN] from consideration. Now, I suggest that by common consent we agree that that amendment be admitted as a substitute for the bill, that the previous question be called on the bill and that amendment, and that we then proceed to dispose of the subject in that way.

Mr. ATKINS. At once?

Mr. REAGAN. Yes, sir.

Mr. CONGER. When does the gentleman propose that the House shall vote?

Mr. REAGAN. Now.

Mr. CONGER. No, sir; we do not propose to vote now.

Mr. REAGAN. Suppose we say that the vote shall be at one o'clock to-day.

Several MEMBERS. We will accept that.

The SPEAKER *pro tempore*. Gentlemen in front of the Chair will resume their seats. The House will come to order.

Mr. REAGAN. I will restate the proposition. It is that the amendment of the gentleman from Kansas be received as pending, that the previous question be called upon the bill and the amendment, and that the vote be taken to-day at one o'clock, without any dilatory motions.

Mr. CONGER. Say two o'clock.

Mr. RYAN, of Kansas. Let it be two o'clock.

Mr. McKENZIE. I object unless the vote be taken now.

The SPEAKER *pro tempore*. What hour does the gentleman from Texas designate?

Mr. REAGAN. I have suggested one o'clock.

Mr. CONGER. Some gentlemen will be here by the half past one o'clock train to vote. Let the proposition make the hour two o'clock. We have worked for that all night.

Mr. REAGAN. I hope there will be no objection to that.

Mr. RYAN, of Kansas. I hope that suggestion will be accepted on both sides.

The SPEAKER *pro tempore*. The Chair desires that the House may now understand the proposition submitted by the gentleman from Texas [Mr. REAGAN] as distinctly as possible. The Chair understands the proposition as submitted by the gentleman from Texas to be that the amendment offered by the gentleman from Kansas [Mr. RYAN] shall be admitted and pending, and that the previous question shall now be considered as ordered on the amendment of the gentleman from Kansas and on the bill, and that at the hour of two o'clock to-day without the interposition of any dilatory motions the vote shall be had upon the amendment and the bill.

Mr. GARFIELD. I suggest that in the mean time the bill be printed.

The SPEAKER *pro tempore*. There will not be time to print the bill.

Mr. MANNING. Does that proposition require unanimous consent?

The SPEAKER *pro tempore*. It certainly does.

Mr. MANNING. Then I must object. I cannot understand why we have been sitting here all night to agree to this proposition which we declined yesterday.

Mr. ANDERSON. I trust that objection will be withdrawn.

Mr. RYAN, of Kansas. The proposition is certainly satisfactory to us.

Mr. PHISTER. Is the proposition that the vote shall be taken at two o'clock with the agreement that there shall be a vote upon the other side of the House? [Loud cries of "Oh, certainly!" from the republican side of the House.]

The SPEAKER *pro tempore*. The Chair would answer that the

understanding is that at two o'clock the vote shall be taken on the amendment of the gentleman from Kansas [Mr. RYAN] and the bill in good faith and without debate.

Mr. THOMAS. I desire to inquire whether the bill or the amendment offered by the gentleman from Kansas will be open to amendment after the seconding of the previous question.

The SPEAKER *pro tempore*. The Chair will inform the gentleman from Illinois that they will not be.

Mr. THOMAS. Then I object.

The deputy sergeant-at-arms appeared at the bar of the House, having in custody, by order of the House, Mr. NEAL, of Ohio.

The SPEAKER *pro tempore*. Mr. NEAL, you have been absent from the sitting of the House without its leave. What excuse have you to offer?

Mr. NEAL. Mr. Speaker, last night at five o'clock I left the House to get my dinner. They were then voting on a motion to adjourn. I supposed they would adjourn. I found out during the evening that they had not adjourned. I came up here and could not get into the House anywhere, and then I took my seat in the gallery and was a very interested spectator of what was going on. After a reasonable time I went to my room, and the Sergeant-at-Arms came this morning and I dressed myself and came here, and here I am.

Mr. WILSON. I move that the gentleman be discharged without costs.

The motion was agreed to.

Mr. BAYNE. I desire to make a suggestion with a view of fixing the hour of two o'clock so as to carry out the object of the motion made by the gentleman from Texas, [Mr. REAGAN.] I move that further proceedings under the call be dispensed with. I make that motion in order that the majority of the House may fix that hour for the vote to be taken upon the amendment and the bill as suggested by the gentleman from Texas, whether objection be made or not. I understand it is competent for the majority of the House to fix that hour for carrying into effect the proposition of the gentleman from Texas, if the proceedings under the call are suspended, and I ask that my motion be sustained by a majority of the members present with a view to action on the motion of the gentleman from Texas.

Mr. ATKINS. Before that is done is it understood that there are to be no dilatory motions? [Cries of "Oh, yes; certainly," from the republican side of the House.]

The question was taken on Mr. BAYNE's motion; and on a division there were—ayes 79, noes 31.

Mr. MANNING. I call for the yeas and nays.

Mr. WARNER. I hope that if this is to be done it will be done by unanimous consent. I think that if done at all it ought to be done by unanimous consent.

Mr. SPARKS. So do I.

Mr. BRIGHT. I think the majority ought to have something to say about the proceedings of this House.

The question was taken upon ordering the yeas and nays, and only 21 members voted therefor—not one-fifth of the last vote.

Mr. MILLS. No quorum has voted.

The SPEAKER *pro tempore*. It is not necessary to have a quorum.

So the yeas and nays were not ordered, and further proceedings under the call were dispensed with; and the Doorkeeper was ordered to open the doors of the House.

Mr. REAGAN. I had intended to submit the motion which I have indicated to the House, and I now move that the previous question be called upon the amendment offered by the gentleman from Kansas [Mr. RYAN] and upon the bill, and that the vote upon the amendment and the bill be taken at half past one o'clock to-day without debate or dilatory motion.

Mr. HUMPHREY. Say at two o'clock.

Mr. McKENZIE. I object.

Mr. MILLS. If this proposition is to be adopted, why were we kept here all night?

Mr. REAGAN. There has been no time when there was an agreement to stop filibustering. But now, when gentlemen on the other side are willing to stop filibustering, some of our friends here think the offer should be accepted.

Mr. MANNING. That statement is entirely gratuitous on the part of the gentleman from Texas, [Mr. REAGAN;] it is not warranted by the facts of the case.

The SPEAKER *pro tempore*. The Chair desires the gentleman from Texas [Mr. REAGAN] to understand the condition of the question before the House.

Mr. REAGAN. I desire to say a word in response to the gentleman from Mississippi, [Mr. MANNING.]

The SPEAKER *pro tempore*. The question now recurs upon the motion of the gentleman from Ohio [Mr. WARNER] for the previous question upon the engrossment and third reading of the bill as amended. The motion of the gentleman from Texas [Mr. REAGAN] is not in order, and will not be in order so long as the motion of the gentleman from Ohio is pending before the House.

Mr. CANNON, of Illinois. I hope the gentleman from Ohio will accept the motion of the gentleman from Texas.

Mr. MILLS. The same proposition now made was made yesterday evening by our friends on the other side. After having sat here all night long it is proposed that we shall simply agree to their proposition; that is an unconditional surrender, and that is all there is about it.

Mr. GARFIELD and others. Oh, no.

Mr. REAGAN. I desire to say a word.

The SPEAKER *pro tempore*. The pending motion is not debatable.

Mr. REAGAN. I say that there was no time when an agreement was proposed which included stopping filibustering.

Mr. MANNING. The gentleman is very much in error, I think, as to that. I learn from the gentleman from Kansas [Mr. RYAN] that he was at all times willing——

Mr. REAGAN. The gentleman from Kansas can speak only for himself.

Mr. FINLEY. I rise to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. FINLEY. If the pending motion for a previous question is now voted down, will the proposition of the gentleman from Texas [Mr. REAGAN] then be in order?

The SPEAKER *pro tempore*. It is within the power of the House, by voting down the previous question or by refusing to second the demand for the previous question made by the gentleman from Ohio, [Mr. WARNER,] to accept the motion made by the gentleman from Texas, [Mr. REAGAN.] But until the motion now pending before the House shall be disposed of by a vote of the House or by a withdrawal of the motion, the proposition of the gentleman from Texas will not be in order.

The question was then taken, upon the demand of Mr. WARNER for the previous question, upon the engrossment and third reading of the bill; and upon a division there were—ayes 67, noes 4.

Mr. CONGER. No quorum has voted. If we are to start in again let us start in strong. The gentleman from Texas himself, [Mr. REAGAN,] who has pretended to submit to us a fair proposition, has voted now to sustain the demand of the gentleman from Ohio for the previous question.

Mr. REAGAN. I would inquire of the Chair if the demand for the previous question is voted down, would the motion which I submitted be in order?

The SPEAKER *pro tempore*. It would be in order whenever by a withdrawal of the motion of the gentleman from Ohio now pending, or by its being voted down, that question shall have been disposed of. No quorum having voted on the proposition of the gentleman from Ohio, [Mr. WARNER,] the Chair will appoint Mr. WARNER, of Ohio, and Mr. CONGER, of Michigan, to act as tellers.

Mr. ROBINSON. I desire to ask a question of the Chair.

The SPEAKER *pro tempore*. The Chair will hear the gentleman.

Mr. ROBINSON. If the previous question shall now be ordered, as proposed by the gentleman from Ohio, [Mr. WARNER,] will it be possible then to submit and have a vote upon the amendment of the gentleman from Kansas, [Mr. RYAN?]

The SPEAKER *pro tempore*. It will not be, without reconsidering the vote by which the previous question shall have been seconded.

Mr. ROBINSON. That is what I thought.

The House again divided; and the tellers reported that there were—ayes 54, noes none.

Mr. CONGER. I raise the point of order that no quorum has voted.

Mr. SPRINGER. I think I can submit a proposition that will meet the unanimous approbation of the House.

The SPEAKER *pro tempore*, (Mr. MILLS.) No quorum having voted upon the vote by tellers, but two motions are now in order—a motion to adjourn and a motion for a call of the House.

Mr. SPRINGER. There is evidently a quorum in the Hall, and we can therefore proceed with business to a certain extent. I submit this proposition: that we now vote down the demand for the previous question. [Cries of "Agreed!" "Agreed!" on the republican side.] Then the gentleman from Kansas [Mr. RYAN] shall be permitted to move his proposition as a substitute for the whole bill and we will proceed to take a vote on it immediately. Then in the event that proposition shall be voted down we will proceed to order the bill to be engrossed and read a third time, and then postpone the further consideration of the bill until two o'clock, when the vote shall be taken on the final passage of the bill without further debate.

Mr. CONGER. There is objection to voting on the Ryan amendment at this time. Let both propositions go over until two o'clock.

Mr. SPRINGER. There are a great many gentlemen who desire to vote on the final passage of the bill who are not now here; and there would be a much fuller House at two o'clock than there is now.

Mr. CONGER. That is the case with this side.

Mr. SPRINGER. Gentlemen on this side of the House will not consent to leave this matter open to a difference of opinion.

Mr. CONGER. Then let gentlemen on that side of the House go on. They have fooled us once; we do not want to be fooled by them again.

Mr. SPRINGER. We have not fooled you.

Mr. HAWLEY. I do not doubt that whatever agreement may be made will be kept by both sides.

Mr. SPRINGER. I have submitted a fair proposition.

Mr. GARFIELD. It is not quite fair to propose to take a vote on a substitute for an important bill at this time, when at two o'clock we will have a much fuller House.

Mr. SPRINGER. In the mean time the bill can be printed.

Mr. GARFIELD. That is right. Now if the gentleman will take the course he suggests, only allowing the votes on the bill and the substitute to be taken at two o'clock, there will be no dilatory motions made then, but a prompt vote.

Mr. SPRINGER. The proposition I have offered is a fair one. I am sure that unless my proposition is accepted by gentlemen on the other side we can come to no agreement at all.

Many MEMBERS on the republican side. Very well.

Mr. BRIGHT. I think that if we intend to admit a vote on the amendment of the gentleman from Kansas, [Mr. RYAN,] we ought to vote on that amendment at the same time with the original bill. The same reason which is urged for deferring the vote on the original bill until two o'clock may be also urged for deferring the vote on the amendment until that time. I am in favor of giving both propositions a fair opportunity and a fair vote.

Mr. GARFIELD. That is right.

Mr. CONGER. We agree to that.

Mr. GARFIELD. What the gentleman from Tennessee [Mr. BRIGHT] says is eminently fair, and we on this side are ready to agree to it.

Mr. SPRINGER. If the object of gentlemen on the other side is to put themselves on record upon the substitute of the gentleman from Kansas, [Mr. RYAN,] they are all here now and can now make the record.

Mr. GARFIELD. There are fifteen or twenty gentlemen on each side who are now away at their rooms.

Mr. SPRINGER. Those members who are absent from the House without its leave have no right to claim any privileges from the members who have been here all night.

Mr. RYAN, of Kansas. The amendment I have offered is in good faith.

Mr. SPRINGER. I do not question the good faith of the gentleman.

Mr. RYAN, of Kansas. I offered it, not for the purpose merely of making a record, but to have a fair vote on it, which I desire to have as much as the gentleman desires to have a fair vote on the original bill.

Mr. GARFIELD. Let both propositions have the same chance.

Mr. CONGER. The gentleman from Illinois [Mr. SPRINGER] has made a proposition. I desire to submit one which I think will be agreeable to gentlemen on the other side, and which I think is a fair and just one for all. It is substantially the proposition of the gentleman from Texas, [Mr. REAGAN,] that the demand for the previous question be either withdrawn or voted down; that then the amendment or substitute, whatever it may be called, of the gentleman from Kansas, [Mr. RYAN,] as printed in the RECORD of the 15th instant, be considered as pending to the bill as amended by the House; and that then the previous question shall be considered as operating upon the bill and the substitute, and that the vote upon the two propositions be taken, without debate and without dilatory motions——

Mr. GARFIELD. And without abstention from voting.

Mr. CONGER. Without abstention from voting, at two o'clock to-day.

Mr. WILSON. No other amendment to be offered.

Mr. CONGER. No other amendment to be offered; the votes to be solely on the Ryan substitute and on the bill.

Mr. WILSON. And no question raised as to the want of a quorum.

Mr. CONGER. There will be no abstaining from voting to break up a quorum.

Mr. WARNER. Why not take the vote now?

Mr. CONGER. I have submitted a proposition which we are all willing to agree to and which we have been willing to agree to at any time for the past twelve hours, only that heretofore we have asked that the bill and amendment be printed. Now, we will look for the amendment back in the RECORD of the 15th and not ask to have it and the bill printed.

The SPEAKER *pro tempore*. Is there objection to the proposition of the gentleman from Michigan, [Mr. CONGER?]

Mr. MANNING. I object.

Mr. SPRINGER. I suggest this additional exception: that the votes on both propositions be taken at two o'clock to-day, provided that the vote be first taken on the passage of the bill now pending; and when that is disposed of that the vote be taken then on the amendment of the gentleman from Kansas [Mr. RYAN] as a separate proposition.

Mr. CONGER and others. Oh, no!

The SPEAKER *pro tempore*. Will the gentleman who objected to the proposition of the gentleman from Michigan [Mr. CONGER] rise in his place, so that he may be known?

Mr. SPARKS. I understand that the objection has been urged here that a vote is refused upon the Ryan amendment. Now, so far as I am concerned, I have always insisted upon a vote being taken upon that proposition. We have now been here in session for nearly twenty-four hours. Let us by mutual consent agree that we will vote upon the Ryan amendment and then vote upon the bill; and let us do it now and end the matter.

Mr. GARFIELD. Oh, no.

Mr. SPARKS. You are in as good condition as we are.

Mr. GARFIELD. Let both propositions be voted on at two o'clock.

Mr. SPARKS. You are in as good condition as we are. If the objection be urged that we have refused to vote on the Ryan amendment, let us remove that objection and have a vote on that proposition now, and a vote on the bill now, and end the matter at this time. Now let us end this matter. That proposition is fair to all. You gentlemen on the other side are in as good condition as we are on this side.

Mr. SPRINGER. That is a proposition acceptable to this side of the House.

Mr. ATKINS. It is obvious two o'clock will arrive in about five and a half hours from now, and I presume every gentleman in the House would like to get a square breakfast. If they would consent to the proposition made by the gentleman from Connecticut some little time ago to take a rest for two hours in order to get a good square breakfast and come back in good humor, we might stay the other three hours and a half until two o'clock and then take a vote. I ask unanimous consent of the House to take a recess for two hours, go home, and get breakfast.

Several MEMBERS. Say eleven o'clock.

Mr. ATKINS. Do not amend my proposition.

Mr. HAWLEY. Say half past eleven o'clock.

Mr. CONGER. What is the particular urgency after abstaining from eating and rest, after being up all night, to rush to a vote on this bill.

Mr. ATKINS. I am not proposing to rush to a vote. I am only proposing to go home and get breakfast.

Mr. WHITE. We will accept that.

Mr. ATKINS. I wish to make a parliamentary inquiry. Will the Chair inform us whether there is any objection to the proposition I have made?

The SPEAKER *pro tempore*. What is it?

Mr. ATKINS. Simply that we go home and get breakfast and come back in two hours.

Mr. BAYNE. I ask the gentleman to consider this. If we should take a rest for two hours, the time between that and two o'clock——

Mr. ATKINS. Nothing about two o'clock.

The SPEAKER *pro tempore*. Is there objection to the proposition?

Mr. HOUSE. It does seem to me when we are going to accept this proposition and come to an understanding there is no sense in stickling about two hours. If we are going to adjourn why not say three hours, and give us all an opportunity to take a nap and give everybody an opportunity who wishes to vote on this bill to come here to do it. It is fair to both sides, why stickle on either side?

Mr. GARFIELD. I learn on consultation there are about fifteen members on our side of the House who are not here this morning. It would be a wrong to them to have the vote taken until they can get here.

Mr. WARNER. Let the vote be taken now.

Mr. GARFIELD. It would not be fair to take a vote when those members are not here.

Mr. ATKINS. I would have no objection, so far as I am concerned, to the suggestion made by my colleague, but I am aware there are gentlemen on our side who have objected and who probably will object to that proposition; while I do not believe that any one will object to the proposition I have made.

Mr. GARFIELD. The only objection to that is it does not hasten the final settlement.

Mr. ATKINS. Of course it does not, but let us go home and get breakfast.

Mr. ROBESON. It is a fair proposition, and let us accept it for what it is worth.

Mr. ATKINS. Let the Chair ask unanimous consent, in accordance with my proposition, that we shall be allowed to go home and get breakfast.

Mr. HOUSE. Let my proposition be made first.

Mr. ATKINS. I have no objection.

Mr. CANNON, of Illinois. I move the House take a recess.

Mr. ATKINS. I am willing, retaining the floor, that the proposition of my colleague shall be put first, and I will assure him I will not object to it.

Mr. HOUSE. Which is, that we meet at two o'clock under the terms proposed to take the vote. [Cries of "All right!"]

The SPEAKER *pro tempore*. Is there objection to the proposition of the gentleman from Tennessee, [Mr. HOUSE?]

Mr. REAGAN. I object to returning here to filibuster.

Mr. RYAN, of Kansas. No filibustering.

Mr. REAGAN. How are you going to get rid of filibustering?

Mr. CANNON, of Illinois. I move that we adjourn.

Mr. REAGAN. I desire to be heard one moment on the proposition of the gentleman from Tennessee, [Mr. HOUSE.]

The SPEAKER *pro tempore*. A motion to adjourn is pending.

Mr. CONGER. It is part of the agreement that at two o'clock there shall be no dilatory motions.

Mr. HAWLEY. The proposition of the gentleman from Texas [Mr. REAGAN] himself was that the vote should be taken at two o'clock.

Mr. REAGAN. My proposition was not accepted by many on this side.

Mr. GARFIELD. It is accepted by everybody now except the gentleman from Texas himself, who rises to object. The proposition of the gentleman from Texas, repeated by the gentleman from Michigan, was that at two o'clock the previous question shall operate

upon the Ryan amendment and upon the whole bill, and the two votes be taken without delay and without abstention from voting and without filibustering. Unanimous consent is now asked for that proposition, and the gentleman from Texas will be the only one that objects if objection is made.

Mr. SPARKS. I shall object to that. Why not go on and finish this bill now?

Mr. GARFIELD. Because there are a number of gentlemen on this side who will not be here to vote unless the vote be postponed until two o'clock.

Mr. ATKINS. I resume the floor.

Mr. GARFIELD. I ask the Chair to submit that question once more as a request for unanimous consent.

Mr. ATKINS. It has turned out, just as I supposed it would, that the proposition which I have made is about the only proposition that can be agreed to; and now I hope that the gentleman from Illinois [Mr. SPARKS] will not object to the proposition which I have made, that we take a recess for two hours, go home, get a good breakfast, and then come back and go on with this bill.

Mr. SPARKS. What will that amount to? If that proposition be agreed to, we will come back at the end of two hours and be in the same fuss then as we have been in all night.

Mr. ATKINS. We will have got our breakfast; that will be one advantage.

Mr. SPARKS. We have been in session nearly twenty-four hours. I think that it is time we shall finish this bill. Let us go on and end this matter, and then adjourn over till Tuesday. Why will not gentlemen agree to that proposition?

Mr. HAWLEY. Because we cannot agree to take the vote now. Let the gentleman from Illinois agree to the other proposition.

Mr. GARFIELD. Let the other proposition be submitted first, and if that should fail then let the proposition of the gentleman from Tennessee [Mr. ATKINS] be submitted.

Mr. ATKINS. It is very evident that some kind of proposition that has some sort of semblance of compromise in it has to be made in order that we may reach a vote at all on this subject. Now, the proposition I make is a very simple one. It amounts, it may be, to very little, and yet it is a step in the right direction; and if it is agreed to by the members of the House, I am sure that when we get back here we will come to a vote very soon on the pending measure.

Mr. GARFIELD. I have no objection to that, but I would like that we should do more than that.

The SPEAKER *pro tempore*. Is there objection to the proposition of the gentleman from Tennessee, [Mr. ATKINS?]

Mr. KENNA. Oh, yes; there is objection to that.

Mr. ATKINS. I ask the Chair again to submit the proposition formally to the House.

The SPEAKER *pro tempore*, (Mr. BLACKBURN.) The gentleman from Tennessee [Mr. ATKINS] makes the proposition that the House take a recess for two hours. Is there objection?

Mr. McKENZIE and Mr. SPEER objected.

The SPEAKER *pro tempore*. Then the Chair submits the motion of the gentleman from Tennessee that the House take a recess for two hours.

Mr. McKENZIE. I am quite sure I made no promise not to object to the proposition of the gentleman from Tennessee; but as that gentleman understands I gave a promise, I withdraw my objection.

Mr. KENNA. Is the motion of the gentleman from Tennessee in order.

The SPEAKER *pro tempore*. The motion is in order.

Mr. SPRINGER. Is it in order pending the demand for the previous question, when the House was dividing on the motion for the previous question?

The SPEAKER *pro tempore*. The Chair does not see that that alters the case. The gentleman from Tennessee [Mr. ATKINS] rose to make the motion which the Chair has submitted, and which the Chair holds to be in order, and the House is now dividing upon it.

Mr. WILSON. I desire to make a parliamentary inquiry.

The SPEAKER *pro tempore*. The Chair will hear it.

Mr. WILSON. My inquiry is whether if the recess be taken for two hours, the bill at the close of the recess will occupy the same position as it does now?

The SPEAKER *pro tempore*. It will occupy precisely the same position.

The question being taken on the motion that the House take a recess, there were ayes 93.

Before the negative vote was counted,

Mr. MANNING said: I desire to ask the Chair, who made this motion? I understand the gentleman from Tennessee [Mr. ATKINS] states that he did not make the motion.

The SPEAKER *pro tempore*. The Chair accepted the motion for a recess for two hours from the gentleman from Tennessee, [Mr. ATKINS.]

Mr. ATKINS. I have made no motion. I asked unanimous consent to the proposition which I made. I was about to call the attention of the Chair to the fact that I had not made the motion when an interruption took place and the gentleman from Kentucky [Mr. McKENZIE] rose to withdraw the objection which he had made. The Chair was under a misapprehension.

The SPEAKER *pro tempore*. The Chair thinks it was the gentleman from Tennessee who was under a misapprehension. The Chair asked if there was unanimous consent to the proposition of the gentleman from Tennessee, and objection was made by the gentleman from Kentucky, [Mr. McKENZIE,] the gentleman from Georgia, [Mr. SPEER,] and others, whereupon the gentleman from Tennessee [Mr. ATKINS] asked the Chair to submit his proposition to the House; and the Chair proceeded so to do.

Mr. ATKINS. What was that proposition?

The SPEAKER *pro tempore*. There was no way to submit the proposition, objection having been made, except in the shape of a motion. The gentleman from Tennessee now asks to withdraw his motion.

Mr. ATKINS. I ask no such thing.

The SPEAKER *pro tempore*. Then those who desire to vote in the negative will rise.

Mr. ATKINS. Before that is done I hope the Chair will hear me.

The SPEAKER *pro tempore*. The Chair will hear the gentleman.

Mr. ATKINS. I made no such motion. I asked that the Chair submit my proposition, which was a proposition for the unanimous consent of this House.

The SPEAKER *pro tempore*. Which had already been refused.

Mr. ATKINS. Very good. Then, Mr. Speaker, I said nothing further on this subject until I attempted to arrest the attention of the Chair to give the gentleman from Kentucky [Mr. McKENZIE] an opportunity to rise in his place and withdraw his objection, which he had said he would do.

Now, Mr. Speaker, this is simply a misunderstanding on the part of the Chair, I beg to say, not of myself. Of course, I do not wish to make any insinuation at all that the Chair was not mindful of his duty, or anything of that kind.

The SPEAKER *pro tempore*. The Chair simply desires to say that it is not attributable to any misunderstanding on the part of the Chair, but an effort on the part of the Chair to accommodate the gentleman from Tennessee by submitting his proposition to the House, which had been objected to by the gentleman from Georgia, [Mr. SPEER,] as well as by the gentleman from Kentucky, [Mr. McKENZIE,] when he asked unanimous consent.

Now the gentleman from Tennessee says that he did not intend that the Chair should submit it in the shape of a motion. The Chair knew then and knows now of no other method by which to accomplish the wish of the gentleman.

Mr. SCALES. I renew the motion of the gentleman from Tennessee. I move that the House take a recess for two hours.

Mr. SPRINGER. I rise to a question of order, and it is that the motion is not in order pending a motion for the previous question.

The SPEAKER *pro tempore*. That is the point of order which the Chair has already passed upon, and the Chair overrules the point of order.

Mr. SPRINGER. The point of order is that the question was submitted to the House on the demand for the previous question; a quorum did not appear. Under these circumstances only two motions are in order, one is for a call of the House and the other is that the House adjourn.

The SPEAKER *pro tempore*. A motion for a recess has always been considered a question of privilege, equally so with a motion to adjourn. The Chair overrules the point of order.

The question was taken on Mr. SCALES's motion; and on a division there were—ayes 84, noes 23.

Mr. McKENZIE. No quorum has voted.

Mr. ATKINS. Would it be possible at this point to raise the point of order which I wish to raise? It is this: that I had asked the Chair to allow the gentleman from Kentucky [Mr. McKENZIE] to withdraw his objection.

The SPEAKER *pro tempore*. The Chair extended that privilege to the gentleman from Kentucky, and the gentleman from Georgia [Mr. SPEER] announced that he objected to the request.

Mr. ATKINS. I did not hear it.

Mr. STEVENSON. I move that the House do now adjourn; that will give us till twelve o'clock.

The question was taken; and there were—ayes 85, noes 41.

Mr. McKENZIE. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 89, nays 69, not voting, 127; as follows:

YEAS—89.

Anderson,	Davis, George R.	Hayes,	Monroe,
Baker,	De La Matyr,	Hazelton,	Morton,
Barber,	Deering,	Henkle,	Murch,
Bayne,	Dunnell,	Henry,	Newberry,
Beltzhoover,	Elam,	Horr,	O'Neill,
Bingham,	Errett,	Houk,	Osmer,
Blake,	Farr,	Humphrey,	Poehler,
Bowman,	Ferdon,	Johnston,	Reagan,
Boyd,	Field,	Jones,	Rice,
Brigham,	Fisher,	Joyce,	Richardson, D. P.
Bright,	Ford,	Ladd,	Robeson,
Burrows,	Fort,	Lindsey,	Robinson,
Cannon,	Frye,	Marsh,	Russell, William A.
Carpenter,	Garfield,	Martin, Joseph J.	Ryan, Thomas,
Caswell,	Gillette,	McCoid,	Sapp,
Claflin,	Hall,	McCook,	Shallenberger,
Conger,	Hammond, John	McGowan,	Smith, A. Herr
Crapo,	Harris, Benj. W.	McKinley,	Smith, Hezekiah B.
Daggett,	Hawley,	Mitchell,	Stevenson,

Thomas,	Urner,	Weaver,	Young, Thomas L.
Tyler,	Valentine,	Williams, C. G.	
Updegraff, J. T.	Van Aernam,	Willits,	
Updegraff, Thomas	Ward,	Yocum,	

NAYS—69.

Aiken,	Davis, Joseph J.	McMahon,	Sparks,
Armfield,	Davis, Loundes H.	McMillin,	Speer,
Atherton,	Dibrell,	Mills,	Springer,
Blackburn,	Evins,	Morrison,	Taylor,
Blount,	Ewing,	Muldrow,	Thompson,
Bouck,	Forney,	Muller,	Tillman,
Cabell,	Frost,	New,	Townshend, R. W.
Caldwell,	Geddes,	O'Connor,	Turner, Oscar,
Carlisle,	Gunter,	Persons,	Vance,
Chalmers,	Hatch,	Phelps,	Waddill,
Clardy,	Hunton,	Phister,	Warner,
Clark, John B.	Kenna,	Robertson,	Wellborn,
Coffroth,	Klotz,	Ross,	Williams, Thomas,
Cook,	Le Fevre,	Samford,	Wilson,
Cox,	Lowe,	Sawyer,	Wise.
Cravens,	Manning,	Scales,	
Culberson,	Martin, Benj. F.	Simonton,	
Davidson,	McKenzie,	Smith, William E.	

NOT VOTING—127.

Acklen,	Dickey,	Ketcham,	Richmond,
Aldrich, N. W.	Dunn,	Killinger,	Rothwell,
Aldrich, William,	Dwight,	Kimmel,	Russell, Daniel L.
Atkins,	Einstein,	King,	Ryon, John W.
Bachman,	Ellis,	Kitchin,	Shelley,
Bailey,	Felton,	Knott,	Sherwin,
Ballou,	Finley,	Lapham,	Singleton, J. W.
Barlow,	Forsythe,	Lay,	Singleton, O. R.
Beale,	Gibson,	Lewis,	Slemons,
Belford,	Godshalk,	Loring,	Starin,
Bicknell,	Goode,	Lounsbery,	Steele,
Bland,	Hammond, N. J.	Martin, Edward L.	Stephens,
Bliss,	Harmer,	Mason,	Stone,
Bragg,	Harris, John T.	McLane,	Talbott,
Brewer,	Haskell,	Miles,	Townsend, Amos
Briggs,	Hawk,	Miller,	Tucker,
Browne,	Heilman,	Money,	Turner, Thomas,
Buckner,	Henderson,	Morse,	Voorhis,
Butterworth,	Herbert,	Myers,	Van Voorhis,
Calkins,	Herndon,	Neal,	Wait,
Camp,	Hill,	Nichols,	Washburn,
Chittenden,	Hiscock,	Norcross,	Wells,
Clark, Alvah A.	Hooker,	O'Brien,	White,
Clymer,	Hostetler,	O'Reilly,	Whiteaker,
Cobb,	House,	Orth,	Whitthorne,
Colerick,	Hubbell,	Overton,	Wilber,
Converse,	Hull,	Pierce,	Willis,
Covert,	Hurd,	Pound,	Wood, Fernando,
Cowgill,	James,	Prescott,	Wood, Walter A.
Crowley,	Jorgensen,	Price,	Wright,
Deuster,	Keifer,	Reed,	Young, Casey.
Dick,	Kelley,	Richardson, J. S.	

So the motion to adjourn was agreed to.

During the roll-call the following announcements were made:

Mr. RYON, of Pennsylvania. I am paired with the gentleman from Illinois, Mr. ALDRICH.

Mr. FINLEY. I am paired with the gentleman from Indiana, Mr. CALKINS. If he were present, I should vote "no."

Mr. HERNDON. I am paired with the gentleman from Rhode Island, Mr. ALDRICH. My colleague, Mr. SHELLEY, is paired with the gentleman from New York, Mr. KETCHAM.

Mr. BACHMAN. I am paired with the gentleman from New York, Mr. STARIN. Otherwise, I should vote "no."

Mr. CONVERSE. I am paired with the gentleman from Minnesota, Mr. WASHBURN. If he were present, I should vote "no."

Mr. DAVIDSON. The gentleman from Ohio, Mr. DICKEY, is paired with his colleague, Mr. NEAL. My colleague, Mr. HULL, is paired with the gentleman from New Jersey, Mr. VOORHIS.

Mr. COVERT. I am paired with the gentleman from Arkansas, Mr. DUNN. If he were present, I should vote in the affirmative.

Mr. HURD. I am paired with the gentleman from Alabama, Mr. LEWIS. If he were here, I should vote "ay."

Mr. RICHARDSON, of South Carolina. I am paired with the gentleman from New York, Mr. CAMP. If at liberty to vote, I should vote "no."

Mr. COBB. I am paired with the gentleman from Illinois, Mr. HENDERSON. My colleague, Mr. COLERICK, is still paired with the gentleman from Rhode Island, Mr. BALLOU.

Mr. KING. I am paired with the gentleman from New York, Mr. EINSTEIN. Were I at liberty to vote, I should vote "no."

Mr. CHALMERS. My colleague from Mississippi, Mr. SINGLETON, is paired with the gentleman from Connecticut, Mr. WAIT.

Mr. RICHMOND. I am paired with the gentleman from New York, Mr. PRESCOTT. If he were present, I should vote "no."

Mr. BRIGGS. I am paired with the gentleman from Tennessee, Mr. WHITTHORNE. Were he present, I should vote "ay."

Mr. HAYES. My colleague, Mr. HAWK, is absent by leave of the House.

Mr. HORR. My colleague, Mr. BREWER, is paired with the gentleman from Maryland, Mr. TALBOTT.

Mr. MORSE. I am paired with the gentleman from Pennsylvania, Mr. KELLEY.

Mr. DAVIS, of Illinois. My colleague, Mr. ALDRICH, is paired with the gentleman from Pennsylvania, Mr. RYON.

Mr. VAN AERNAM. My colleague, Mr. LAPHAM, is paired with the gentleman from Virginia, Mr. TUCKER.

Mr. NEAL. I am paired with my colleague, Mr. DICKEY.

Mr. SMITH, of Pennsylvania. My colleague, Mr. HARMER, is paired with the gentleman from Louisiana, Mr. ELLIS; my colleague, Mr. KILLINGER, with the gentleman from Missouri, Mr. WELLS.

The result of the vote was announced as above stated; and accordingly (at nine o'clock and five minutes a. m., Saturday, May 24) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BICKNELL: The petition of Horace Heffren, for a pension—to the Committee on Invalid Pensions.

By Mr. COBB: The petition of Daniel B. Hatfield, for a pension—to the same committee.

By Mr. DUNN: Papers relating to the claim of William Byers, of Arkansas, for pay as a member of the Fortieth Congress—to the Committee on Elections.

By Mr. FRYE: The petition of Peter Campbell, for a pension—to the Committee on Invalid Pensions.

By Mr. URNER: The petition of Levi Price, for relief from payment of liquor tax charged in excess of production—to the Committee of Ways and Means.

By Mr. WARNER: The petition of H. F. Devol, against any change in the revenue law that will promote the interest of dealers in spirituous liquors—to the same committee.

HOUSE OF REPRESENTATIVES.

SATURDAY, *May* 24, 1879.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

Mr. McLANE. I ask unanimous consent that the reading of the Journal be dispensed with.

There being no objection, it was ordered accordingly.

ENROLLED BILL SIGNED.

Mr. KENNA, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 2) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes.

ELECTION OF PRESIDENT.

Mr. BICKNELL, by unanimous consent, introduced a joint resolution (H. R. No. 75) amending the Constitution as to the election of President and Vice-President; which was read a first and second time, referred to the committee on the state of the law respecting presidential elections, and ordered to be printed.

THOMAS B. BELL.

Mr. BICKNELL also, by unanimous consent, submitted the following resolution; which was referred to the Committee of Accounts:

Resolved, That Thomas B. Bell be paid $60 out of the contingent fund of the House of Representatives for services rendered during the month of November, 1878.

REMOVAL OF CAUSES TO UNITED STATES COURTS.

Mr. TOWNSHEND, of Illinois. I call for the regular order.

The SPEAKER. The regular order being called for, the morning hour begins at five minutes past twelve, and the House resumes the consideration of the unfinished business of the morning hour, which is the report from the Committee on the Revision of the Laws of the bill (H. R. No. 1715) to repeal certain sections of the Revised Statutes and to amend certain sections of the Revised Statutes and of the Statutes at Large relating to the removal of causes from State courts. The pending question is on seconding the demand for the previous question on ordering the bill to be engrossed and read a third time.

The question being taken on seconding the previous question, there were—ayes 46, noes 19.

Mr. FRYE. I make the point that no quorum has voted.

Tellers were ordered; and Mr. TOWNSHEND, of Illinois, and Mr. FRYE were appointed.

The House divided; and the tellers reported—ayes 43, noes none.

Mr. STEPHENS. I move a call of the House.

The motion was agreed to.

The Clerk proceeded to call the roll, when one hundred and eighty-five members answered to their names. Pending the reading of the list of absentees,

Mr. BROWNE moved to dispense with all further proceedings under the call.

Mr. ALDRICH, of Illinois. Has a quorum voted?

The SPEAKER. One hundred and eighty-five members voted, which is more than a quorum.

The House divided; and there were—ayes 45, noes 24.

Mr. FRYE. I demand the yeas and nays.

The question was taken; and it was decided in the affirmative—yeas 119, nays 47, not voting 119; as follows:

YEAS—119.

Acklen,	Davis, George R.	Hostetler,	Singleton, O. R.
Aiken,	Davis, Lowndes H.	Houk,	Slemons,
Aldrich, William	De La Matyr,	Hubbell,	Smith, A. Herr
Anderson,	Deering,	Humphrey,	Speer,
Atherton,	Dibrell,	Hunton,	Springer,
Baker,	Dunnell,	Jones,	Stephens,
Barber,	Dwight,	Joyce,	Stevenson,
Bayne,	Einstein,	Kimmel,	Stone,
Beale,	Elam,	Klotz,	Talbott,
Bicknell,	Errett,	Ladd,	Taylor,
Blackburn,	Farr,	Marsh,	Thomas,
Blake,	Field,	Martin, Joseph J.	Thompson,
Blount,	Fisher,	McCook,	Tillman,
Boyd,	Forney,	McGowan,	Tyler,
Brewer,	Frye,	Mitchell,	Updegraff, J. T.
Brigham,	Garfield,	Monroe,	Updegraff, Thomas
Browne,	Godshalk,	Morton,	Van Aernam,
Burrows,	Goode,	Muller,	Vance,
Carpenter,	Gunter,	Newberry,	Waddill,
Caswell,	Hall,	Norcross,	Ward,
Claflin,	Hammond, John	O'Neill,	Warner,
Coffroth,	Harris, Benj. W.	Osmer,	Wellborn,
Conger,	Haskell,	Reed,	White,
Covert,	Hawley,	Rice,	Wilber,
Cox,	Hayes,	Robinson,	Williams, C. G.
Crapo,	Hazelton,	Russell, William A.	Williams, Thomas
Cravens,	Heilman,	Ryan, Thomas	Wilson,
Culberson,	Henderson,	Samford,	Wise,
Daggett,	Hiscock,	Sapp,	Wood, Fernando.
Davidson,	Horr,	Shallenberger,	

NAYS—47.

Atkins,	Geddes,	McMahon,	Sawyer,
Bright,	Harris, John T.	Mills,	Scales,
Cabell,	Hatch,	Murch,	Smith, Hezekiah B.
Caldwell,	Henry,	New,	Smith, William E.
Carlisle,	House,	Nicholls,	Sparks,
Chalmers,	Johnston,	O'Connor,	Townshend, R. W.
Clardy,	Kenna,	Persons,	Turner, Oscar
Clark, John B.	King,	Phelps,	Turner, Thomas
Cobb,	Le Fevre,	Phister,	Willis,
Davis, Joseph J.	Lewis	Reagan,	Wright,
Evins,	Manning,	Ross,	Young, Casey.
Frost,	Martin, Benj. F.	Ryon, John W	

NOT VOTING—119.

Aldrich, N. W.	Dickey,	Lapham,	Richardson, D. P.
Armfield,	Dunn,	Lay,	Richardson, John S.
Bachman,	Ellis,	Lindsey,	Richmond,
Bailey,	Ewing,	Loring,	Robertson,
Ballou,	Felton,	Lounsbery,	Robeson,
Barlow,	Ferdon,	Lowe,	Rothwell,
Belford,	Finley,	Martin, Edward L.	Russell, Daniel L.
Beltzhoover,	Ford,	Mason,	Shelley,
Bingham,	Forsythe,	McCoid,	Sherwin,
Bland,	Fort,	McKenzie,	Simonton,
Bliss,	Gibson,	McKinley,	Singleton, James W.
Bouck,	Gillette,	McLane,	Starin,
Bowman,	Hammond, N. J.	McMillin,	Steele,
Bragg,	Harmer,	Miles,	Townsend, Amos
Briggs,	Hawk,	Miller,	Tucker,
Buckner,	Henkle,	Money,	Urner,
Butterworth,	Herbert,	Morrison,	Valentine,
Calkins,	Herndon,	Morse,	Van Voorhis,
Camp,	Hill,	Muldrow,	Voorhis,
Cannon,	Hooker,	Myers,	Wait,
Chittenden,	Hull,	Neal,	Washburn,
Clark, Alvah A.	Hurd,	O'Brien,	Weaver,
Clymer,	James,	O'Reilly,	Wells,
Colerick,	Jorgensen,	Orth,	Whiteaker,
Converse,	Keifer,	Overton,	Whitthorne,
Cook,	Kelley,	Pierce,	Willits,
Cowgill,	Ketcham,	Poehler,	Wood, Walter A.
Crowley,	Killinger,	Pound,	Yocum,
Deuster,	Kitchin,	Prescott,	Young, Thomas L.
Dick,	Knott,	Price,	

So all further proceedings under the call were dispensed with.

During the roll-call the following announcements were made:

Mr. BACHMAN. I am paired with Mr. STARIN. If he were present, I should vote "no."

Mr. FINLEY. I am paired with Mr. CALKINS, of Indiana.

Mr. SAMFORD. My colleague, Mr. SHELLEY, is paired with Mr. KETCHAM. My colleague, Mr. HERNDON, is paired with Mr. ALDRICH, of Rhode Island.

Mr. CONVERSE. I am paired with Mr. WASHBURN. If he were here, I should vote "ay."

Mr. RICHMOND. I am paired with Mr. PRESCOTT, of New York. If he were here, I should vote "no."

Mr. RICHARDSON, of South Carolina. I am paired with Mr. CAMP, of New York. If he were here, I should vote "no."

Mr. COBB. My colleague, Mr. COLERICK, is paired with Mr. BALLOU, of Rhode Island.

Mr. BRIGGS. I am paired with Mr. WHITTHORNE.

Mr. NEWBERRY. Mr. PRESCOTT is paired with Mr. RICHMOND.

Mr. VALENTINE. I am paired with Mr. MCKENZIE, of Kentucky. If he were here, I should vote "ay."

Mr. HUNTON. Mr. TUCKER is paired with Mr. LAPHAM.

Mr. MONEY. I am paired with Mr. CROWLEY, of New York.

Mr. DAVIDSON. My colleague, Mr. HULL, who is absent by leave of the House, is paired with Mr. VOORHIS, of New Jersey.

Mr. FISHER. Mr. DICK is paired with Mr. LAY, of Missouri.

Mr. DUNNELL. My colleague, Mr. WASHBURN, who is absent by leave of the House, is paired with Mr. CONVERSE.

Mr. NEAL. I am paired with my colleague, Mr. DICKEY.

Mr. POUND. I am paired with Mr. COOK, of Georgia.

Mr. TOWNSHEND, of Illinois. My colleague, Mr. SINGLETON, is paired with Mr. MILES, of Connecticut.

The vote was then announced as above recorded.

The SPEAKER. The doors will now be reopened; and the question recurs on seconding the demand for the previous question on the engrossment and third reading of the bill.

Mr. FRYE. I call for a division on seconding the demand for the previous question.

The question being taken, there were—ayes 83, noes 2.

Mr. FRYE. A quorum has not voted.

The SPEAKER. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Maine, Mr. FRYE, and the gentleman from Illinois, Mr. TOWNSHEND.

The House again divided; and the tellers reported—ayes 74, no 1.

Mr. TOWNSHEND, of Illinois. I move that there be a call of the House.

Mr. FRYE. Has the morning hour expired?

The SPEAKER. The morning hour has expired.

Mr. TOWNSHEND, of Illinois. I withdraw my motion.

PERSONAL EXPLANATIONS.

Mr. CHITTENDEN. I rise to a question of personal privilege.

The SPEAKER. The gentleman from New York desires to make a personal statement. How long does the gentleman ask?

Mr. CHITTENDEN. Three or four minutes.

The SPEAKER. Is there objection?

Mr. REAGAN and Mr. WARNER objected.

Mr. WHITE. I think five minutes might be allowed to the gentleman on account of the personal respect that is entertained for him.

The objection was withdrawn.

Mr. CHITTENDEN. Mr. Speaker, I wish to say to the House, to the mothers, and to the young men of the country, in all sincerity, that in using a hard and vulgar word on the floor the other day, which I did not "revise" out of the RECORD—a word new to my own vocabulary, and most commonly proceeding out of the mouths of profane persons—I intended to qualify it so as to show that I used it strictly in an orthodox sense. I have been a member of the orthodox Congregational Church since I was sixteen years old; no one needs to be told that profanity is not tolerated in that church, though some of its ministers are fond of Shakspeare, and occasionally indiscreet enough to use carelessly the word which, I deeply regret to say, was forced out of my mouth a second time on Wednesday. The first time it was uttered all unconsciously. I say forced, because such is the truth. I was angry then, and in struggling for a strong word to express my just indignation without personal offense the one I used came violently forth. I am good-natured now, and confess, with becoming humility, that, physiologically, I am also thin-skinned, so to speak, and unable to bear with Christian patience the blows of the free silver-coinage and free-certificate inflationists. I am not a bondholder, if I understand what is meant by gentlemen who roll that word as a sweet morsel on their tongues so frequently and flippantly here; but I have to care for several widows and orphans, whose limited means I am frequently required to invest in Government bonds; and when I witness open declarations and persistent efforts on this floor pointing directly to the ultimate repudiation of such bonds, my thoughts involuntarily turn to such widows and orphans. Who will blame me?

A plague of all cowards, I say.
Lay on, Macduff!

Mr. ROBESON. I hope the gentleman will finish the quotation. [Laughter.] I object to the gentleman garbling Shakspeare. When he says "Lay on, Macduff," the gentleman by omitting to finish the sentence [laughter] declines to swear himself but leaves everybody else to swear by inference.

POST-ROUTE BILL.

The SPEAKER. The gentleman from Mississippi, [Mr. MONEY,] in accordance with the notice given two days ago, asks unanimous consent to report at this time from the Committee on the Post-Office and Post-Roads the bill known as the post-route bill. This bill is not usually read, the assurance being given by the gentleman in charge of it that it contains neither public nor private legislation other than the establishment of post-routes. If there be no objection, the bill will be considered as read a first and second time, and the question will be on the engrossment and third reading. The Chair hears no objection.

Mr. GARFIELD. We understand that there is no legislation in the bill.

Mr. MONEY. None whatever.

The SPEAKER. The Chair has already stated that.

The bill (H. R. No. 2020) to establish post-routes was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MONEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UNITED STATES BARRACKS, SAVANNAH, GEORGIA.

Mr. NICHOLLS, by unanimous consent, introduced a bill (H. R

No. 2021) to vest the title of the United States barracks in the city of Savannah, in the State of Georgia, in the corporation of said city, for public uses; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JAMES M. FORTH.

Mr. SPARKS, by unanimous consent, introduced a bill (H. R. No. 2022) granting a pension to James M. Forth, of Illinois; which was read a first and second time, and referred to the Committee on Invalid Pensions.

COINAGE CERTIFICATES, ETC.

Mr. WARNER. I demand the regular order.

The SPEAKER. The regular order is the bill coming over from yesterday, being the bill (H. R. No. 564) to amend certain sections of the Revised Statutes of the United States, relating to coinage and coin and bullion certificates, and for other purposes. The pending question is on the motion of the gentleman from Ohio [Mr. WARNER] for the previous question on the engrossment and third reading of the bill.

Mr. GARFIELD. I hope the gentleman in charge of the bill will see the propriety of having some arrangement as to the mode in which the House shall proceed to take action on it.

Mr. WARNER. What is the proposition of my colleague?

Mr. GARFIELD. I think the suggestion which was made this morning was a very proper one.

Mr. WARNER. I will state to my colleague and to the House what I propose. I propose to include the amendment of the gentleman from Kansas [Mr. RYAN] under the operation of the previous question, with the understanding that a vote shall be taken upon that proposition separately, without debate and without dilatory motions——

Mr. GARFIELD. As a substitute for the bill?

Mr. WARNER. Yes, sir, as a substitute for the bill, and then that the House proceed to vote upon the bill without dilatory motions also, and with this further provision, in case I should desire to offer an amendment, a contingency I do not think at all likely to arise, but I wish to reserve the right that I should have that privilege also to offer an amendment to be voted on.

The SPEAKER. The Chair desires to understand the proposition. Does the gentleman mean an amendment to the substitute in case of its adoption?

Mr. WARNER. Yes, sir; an amendment to the substitute in case of its adoption.

Mr. GARFIELD. I see no objection to the offering of the amendment, but I submit that in case of the adoption of the substitute the gentleman can offer it; but we upon this side of the House want to have the substitute of the gentleman from Kansas [Mr. RYAN] voted on just as it was offered.

Now I hope the Chair will state the proposition so that the whole House can understand it.

The SPEAKER. The Chair will state the proposition. The gentleman from Ohio, [Mr. WARNER,] who is in charge of this bill temporarily, withdraws the demand for the previous question and allows the amendment in the nature of a substitute for the entire bill offered by the gentleman from Kansas, [Mr. RYAN,] and which was published in the RECORD of May 15, 1879, to be voted on. He will then renew his demand for the previous question. The understanding is that this amendment shall be voted upon without debate; and whether adopted or not without further dilatory motion to the conclusion of the final vote on the bill, with this exception: that in case the amendment in the nature of a substitute offered by the gentleman from Kansas [Mr. RYAN] shall be adopted by the House unanimous consent is now given, notwithstanding the previous question may be ordered, that in such case the gentleman from Ohio [Mr. WARNER] shall have an opportunity to offer and have voted upon an amendment.

Mr. GARFIELD. Only one amendment.

Mr. WARNER. And it is further understood that in such an event no advantage is to be taken on the other side by the non-voting of members.

Mr. FRYE. All right; we agree to that.

Mr. MCMAHON. We want everything connected with this matter clearly understood.

The SPEAKER. Certainly.

Mr. MCMAHON. The proposition which the gentleman from Ohio [Mr. WARNER] desires to make is, that he may offer an amendment to the amendment in the nature of a substitute for the entire bill which is offered by the gentleman from Kansas, [Mr. RYAN.]

Mr. RYAN, of Kansas. That is all right.

Mr. GARFIELD. I have a further suggestion to make: we expect some members of the House to arrive in the city by the half-past-one-o'clock train, and I desire to ask that in case they do not get here before the last name on the roll is called they may not be cut off. I do not want to delay the matter in any way.

The SPEAKER. That might change the result.

Mr. SPARKS. Are not the gentlemen all paired?

Mr. GARFIELD. I do not know whether they are paired or not, but if these members should arrive and would come here straight from the depot we should like the roll-call delayed fifteen minutes so as to enable them to vote.

Mr. CONGER. I think that is only just to them. I do not anticipate that their votes would make any difference in the result, while I think they ought to have an opportunity of voting.

Mr. GARFIELD. It will take some time to have the vote read through, and it might be that they would arrive in time.

The SPEAKER. The amendment offered by the gentleman from Kansas [Mr. RYAN] in the nature of a substitute for the entire bill will now be read.

Mr. GARFIELD. Let us have the original bill read first. We are to vote on striking out the entire bill and inserting a substitute. Let us have both read, first the original bill and then the substitute. There are a number of gentlemen who are quite uncertain as to the provisions of the original bill. I for one have never heard it read in its amended form.

The SPEAKER. The Chair thinks it not an unreasonable request to have the bill read, since the motion is to strike out the original text of the bill and insert a substitute.

The Clerk read the original bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3511 of the Revised Statutes of the United States be amended so as to read as follows:

"SEC. 3511. The gold coins of the United States shall be a one-dollar piece, or unit; a quarter eagle, or two-and-a-half-dollar piece; a three-dollar piece; a half eagle, or five-dollar piece; an eagle, or ten-dollar piece; and a double eagle, or twenty-dollar piece. And the standard weight of the gold dollar shall be 25.8 grains; of the quarter eagle, or two-and-a-half-dollar piece, 64½ grains; of the three-dollar piece, 77.4 grains; of the half eagle, or five-dollar piece, 129 grains; of the eagle, or ten-dollar piece, 258 grains; of the double eagle, or twenty-dollar piece 516 grains."

SEC. 2. That section 3513 of the Revised Statutes of the United States be amended so as to read as follows:

"SEC. 3513. The silver coins of the United States shall be a dollar, or unit; a half dollar, or fifty-cent piece; a quarter dollar, or twenty-five-cent piece; a dime, or ten-cent piece. And the weight of the dollar shall be 412½ grains troy; the weight of the half dollar shall be twelve grams and one-half of a gram; the quarter dollar and the dime shall be respectively one-half and one-fifth of the weight of said half dollar. And silver dollars in the Treasury of the United States, when reduced in weight by natural abrasion more than 1 per cent. below the standard weight prescribed by law, shall be recoined."

SEC. 3. That section 3520 of the Revised Statutes of the United States be amended so as to read as follows:

"SEC. 3520. Any owner of silver bullion may deposit the same at any mint, to be formed into bars or into standard dollars of the weight of 412½ grains troy, for his benefit, and no deposit of silver for other coinage shall be received; and silver bullion contained in gold deposits, and separated therefrom, may be paid for in silver coin: *Provided*, That it shall be lawful to refuse at the Mint any deposit of bullion of less value than $100 and any bullion so base as to be unsuitable for the operations of the Mint."

SEC. 4. That section 3524 of the Revised Statutes of the United States be amended so as to read as follows:

"SEC. 3524. The charges for converting gold and silver bullion into coin shall be the difference between the market value in New York city of the bullion and the legal-tender value of the coin. The charges for melting and refining when bullion is below standard, for toughening when metals are contained in it which render it unfit for coinage, for copper used for alloy when the bullion is above standard, for separating the gold and silver when these metals exist together in the bullion, and for the preparation of bars, shall be fixed from time to time by the Director, with the concurrence of the Secretary of the Treasury, so as to equal but not exceed, in their judgment, the actual average cost to each mint and assay office of the material, labor, wastage, and use of machinery employed in each of the cases aforementioned."

SEC. 5. That section 3527 of the Revised Statutes of the United States be amended so as to read as follows:

"SEC. 3527. Silver coins of less denominations than $1 shall be paid out at the several mints and at the assay office in New York city to the extent they may be required in exchange for gold coins or standard silver dollars or United States notes at par in sums not less than $50. It shall be lawful also to transmit parcels of the same from time to time to the assistant treasurers, depositaries, and other officers of the United States, for exchange under general regulations proposed by the Director of the Mint and approved by the Secretary of the Treasury; and silver coins of less denominations than $1, when presented at the Treasury or any subtreasury or depository of the United States in sums not less than $20, shall be received in exchange for money of full legal tender."

SEC. 6. That section 3585 of the Revised Statutes of the United States be amended so as to read as follows:

"SEC. 3585. The gold coins of the United States and standard silver dollars shall be a legal tender in all payments at their nominal value when not below the standard weight and limit of tolerance provided by law for the single piece, and when reduced in weight below such standard and tolerance shall be a legal tender at valuation in proportion to their actual weight. The Secretary of the Treasury is hereby directed and required to cause to be paid out without discrimination standard silver coin belonging to the Government that may at any time be in the Treasury the same as gold coin in liquidation of all kinds of coin obligations against the Government."

SEC. 7. That section 3586 of the Revised Statutes of the United States be amended so as to read as follows:

"SEC. 3586. The silver coins of the United States of smaller denominations than $1 shall be a legal tender at their nominal value for any amount not exceeding $20 in any one payment."

SEC. 8. That section 254 of the Revised Statutes of the United States be amended so as to read as follows:

"SEC. 254. The Secretary of the Treasury is authorized and required to receive deposits of gold or silver coin and gold or silver bullion with the Treasurer or any assistant treasurer of the United States, or to receive bullion with the superintendent of the branch mint at Denver, Colorado, or with the superintendents of the branch mint in Carson City and of the Government assay offices, in sums not less than $20, and to issue certificates therefor, in denominations at the discretion of the depositor, of not less than $5 each, corresponding with the denominations of the United States notes. The coin and bullion deposited for or representing the certificates of deposit shall be retained in the Treasury for the payment of the same on demand. And certificates representing coin in the Treasury, together with those issued for bullion deposited, shall be received at par in payment for all dues to the United States, including duties on imports: *Provided*, That all certificates for gold or silver bullion shall be issued at the average market value of such bullion in standard coin of the same metal in New York and San Francisco for the week preceding such deposit: *Provided further*, That gold or silver bullion which shall become the property of the Government by the return of certificates to the Treasury, in payment of dues thereto, shall be coined and paid out the same as other money."

SEC. 9. That from and after the passage of this act, except as provided in section 8, only coins of less denominations than $1 shall be fabricated on Government account. But the Secretary shall cause to be coined, up to the full capacity of the mints, in connection with other coinage, the gold and silver bullion deposited for coinage under this act; and in converting bullion into bars or coin for depositors precedence shall be given in the order in which deposits are made; but this provision shall not prohibit the delivery of coin or stamped bars in exchange for bullion as soon as its value is ascertained: *Provided*, That in determining the average market value of bullion for the purpose of ascertaining the charge for converting the same into coin, as provided by section 3524 of the Revised Statutes, as amended by the fourth section of this act, said market rate shall be the value of the bullion in coin of the same metal at its legal-tender value in the cities of New York and San Francisco for the week preceding such deposit: *Provided*, That in the event silver bullion is not deposited under the provisions of this act available for coinage to the amount of $2,000,000 per month, then the Secretary of the Treasury shall continue to purchase under the provisions of the law of February 28, 1878, sufficient silver bullion to coin $2,000,000 per month.

SEC. 10. Nothing contained in this act shall be construed to authorize the coinage of silver except into the standard dollar.

SEC. 11. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

The SPEAKER. The amendment in the nature of a substitute for the entire bill offered by the gentleman from Kansas [Mr. RYAN] will now be read.

The Clerk read the substitute, as follows:

Strike out all after the enacting clause and insert the following:

That there shall be coined at the several mints of the United States silver dollars of the weight of 412½ grains troy of standard silver, as provided by the act of January 18, 1837, on which shall be the devices and superscriptions provided by said act, which coins, together with all silver dollars heretofore coined by the United States of like weight and fineness, shall be a legal tender at their nominal value for all debts and dues, public and private, except where otherwise expressly stipulated in the contract; and the Secretary of the Treasury is authorized and directed to purchase, from time to time, silver bullion, at the market price thereof, sufficient to carry out the provisions of this act, but the amount of money at any one time invested in such silver bullion, exclusive of coin, shall not exceed $10,000,000.

And the Secretary of the Treasury is hereby authorized and directed to coin such silver bullion into such dollars as fast as the same can be done with the mintage capacity now existing or that may be hereafter provided, not however in any manner to interfere with the employment of such mints for the coinage of gold under existing laws—it being the intent and meaning of this act to employ the mints of the United States to their utmost capacity in the coinage of such silver dollars, subject to the necessary occupation of such mints for gold coinage as now provided for by law: *Provided*, That nothing in this act shall be construed to authorize the payment in silver of certificates of deposit issued under the provisions of section 254 of the Revised Statutes.

SEC. 2. When the price of standard silver bullion shall equal the nominal value of the standard silver dollar the owner of silver bullion may deposit the same at any mint to be formed into bars, or into standard dollars, without charge therefor for his or her benefit, and the same shall be so formed into such bars or dollars in the order in which it shall be so deposited; but it shall be lawful to refuse at the mint any deposit of bullion of less value than $100 and any bullion so base as to be unsuitable for the operations of the mint.

SEC. 3. That any holder of the coin authorized by this act may deposit the same with the Treasurer or any assistant treasurer of the United States in sums not less than $10, and receive therefor certificates of not less than $10 each corresponding with the denominations of the United States notes. The coin deposited for or representing the certificates shall be retained in the Treasury for the payment of the same on demand; said certificates shall be receivable for customs, taxes, and all public dues, and when so received may be reissued.

SEC. 4. All acts or parts of acts inconsistent with the provisions of this act are hereby repealed.

Mr. SPRINGER. Has the previous question been moved?

The SPEAKER. It is operating by unanimous consent.

The question was taken upon agreeing to the substitute, when

Mr. WARNER, Mr. CONGER, and Mr. SPRINGER called for the yeas and nays.

The yeas and nays were ordered, fifty-six members voting therefor.

Mr. GARFIELD. If the substitute shall be adopted, then the question will recur on the passage of the amended bill.

The SPEAKER. Certainly; but prior to that the amendment which the gentleman from Ohio [Mr. WARNER] has the privilege of offering would be in order.

Mr. GARFIELD. The choice is now simply the choice between two forms, the original bill which has just been read and the substitute of the gentleman from Kansas.

The question was taken; and there were—yeas 69, nays 137, not voting 79; as follows:

YEAS—69.

Aldrich, William	Dwight,	Hurd,	Russell, William A.
Anderson,	Errett,	Jones,	Ryan, Thomas
Baker,	Ferdon,	Lindsey,	Sapp,
Barber,	Fort,	Martin, Joseph J.	Shallenberger,
Bingham,	Frye,	McCoid,	Stone,
Bowman,	Garfield	McGowan,	Thomas,
Boyd,	Godshalk,	McKinley,	Townsend, Amos
Brewer,	Hammond, John	Mitchell,	Updegraff, J. T.
Briggs,	Harris, Benj. W.	Monroe,	Updegraff, Thomas
Burrows,	Haskell,	Morrison,	Urner,
Cannon,	Hawk,	Neal,	Valentine,
Carpenter,	Hayes,	Newberry,	Van Aernam,
Caswell,	Hazelton,	Norcross	White,
Claflin,	Heilman,	Osmer,	Williams, C. G.
Conger,	Henderson,	Reed,	Willits.
Davis, George R.	Horr,	Rice,	
Deering,	Houk,	Robeson,	
Dunnell,	Humphrey,	Robinson,	

NAYS—137.

Aiken,	Blackburn,	Browne,	Cobb,
Armfield,	Blake,	Cabell,	Coffroth,
Atherton,	Bliss,	Caldwell,	Converse,
Atkins,	Blount,	Carlisle,	Covert,
Bayne,	Bouck,	Chalmers,	Cox,
Belford,	Brigham,	Clardy,	Crapo,
Bicknell,	Bright,	Clark, John B.	Cravens,
Culberson,	Henkle,	Muldrow,	Stephens,
Daggett,	Henry,	Muller,	Stevenson,
Davidson,	Herbert,	Murch,	Talbott,
Davis, Joseph J.	Hiscock,	New,	Taylor,
Davis, Lowndes H.	Hostetler,	Nicholls,	Thompson,
De La Matyr,	House,	O'Neill,	Tillman,
Deuster,	Hubbell,	Persons,	Townshend, R. W.
Dibrell,	Hunton,	Phelps,	Turner, Oscar
Dickey,	Johnston,	Phister,	Turner, Thomas
Dunn,	Joyce,	Poehler,	Tyler,
Einstein,	Kenna,	Reagan,	Vance,
Elam,	Kimmel,	Richardson, D. P.	Van Voorhis,
Evins,	King,	Robertson,	Waddill,
Ewing,	Klotz,	Ross,	Ward,
Farr,	Knott,	Russell, Daniel L.	Warner,
Felton,	Ladd,	Ryon, John W.	Weaver,
Field,	Le Fevre,	Samford,	Wellborn,
Ford,	Lewis,	Sawyer,	Whitthorne,
Forney,	Manning,	Scales,	Wilber,
Frost,	Marsh,	Simonton,	Williams, Thomas
Geddes,	Martin, Benj. F.	Slemons,	Willis,
Gillette,	McCook,	Smith, A. Herr	Wise,
Goode,	McKenzie,	Smith, Hezekiah B.	Wood, Fernando
Gunter,	McLane,	Smith, William E.	Wright,
Hall,	McMahon,	Sparks,	Yocum.
Harris, John T.	McMillin,	Speer,	
Hatch,	Mills,	Springer,	
Hawley,	Morton,	Steele,	

NOT VOTING—79.

Acklen,	Crowley,	Lapham,	Price,
Aldrich, N. W.	Dick,	Lay,	Richardson, J. S.
Bachman,	Ellis,	Loring,	Richmond,
Bailey,	Finley,	Lounsbery,	Rothwell,
Ballou,	Fisher,	Lowe,	Shelley,
Barlow,	Forsythe,	Martin, Edward L.	Sherwin,
Beale,	Gibson,	Mason,	Singleton, J. W.
Beltzhoover,	Hammond, N. J.	Miles,	Singleton, O. R.
Bland,	Harmer,	Miller,	Starin,
Bragg,	Herndon,	Money,	Tucker,
Buckner,	Hill,	Morse,	Voorhis,
Butterworth,	Hooker,	Myers,	Wait,
Calkins,	Hull,	O'Brien,	Washburn,
Camp,	James,	O'Connor,	Wells,
Chittenden,	Jorgensen,	O'Reilly,	Whiteaker,
Clark, Alvah A.	Keifer,	Orth,	Wilson,
Clymer,	Kelley,	Overton,	Wood, Walter A.
Colerick,	Ketcham,	Pierce,	Young, Casey
Cook,	Killinger,	Pound,	Young, Thomas L.
Cowgill,	Kitchin,	Prescott,	

So the substitute was not agreed to.

During the roll-call the following announcements were made:

Mr. MANNING. My colleague, Mr. MONEY, is paired with Mr. CROWLEY, of New York.

Mr. BEALE. I am paired with my colleague, Mr. JORGENSEN. If he were here, he would vote "ay" and I should vote "no."

Mr. YOUNG, of Tennessee. On this question I am paired with Mr. OVERTON. If he were present, I would vote "no."

Mr. BACHMAN. I am paired with the gentleman from New York, Mr. STARIN. If he were present, I should vote "no."

Mr. MYERS. I am paired with my colleague, Mr. COWGILL. Were I at liberty to vote, I should vote "no."

Mr. MORSE. I am paired with the gentleman from Pennsylvania Mr. KELLEY.

Mr. FINLEY. I am paired with the gentleman from Indiana, Mr CALKINS. If he were present, I should vote "no."

Mr. FORNEY. My colleague, Mr. SHELLEY, is paired with the gentleman from New York, Mr. KETCHAM; my colleague, Mr. HERNDON, with the gentleman from Rhode Island, Mr. ALDRICH.

Mr. CONVERSE. The gentleman from Minnesota, Mr. WASHBURN, is paired with the gentleman from Missouri, Mr. BLAND.

Mr. ARMFIELD. My colleague, Mr. KITCHIN, is paired with the gentleman from Pennsylvania, Mr. FISHER. My colleague, if present, would vote "no."

Mr. DAVIDSON. My colleague, Mr. HULL, who is paired with the gentleman from New Jersey, Mr. VOORHIS, would, if present, vote "no."

Mr. TOWNSHEND, of Illinois. My colleague, Mr. SINGLETON, is paired with the gentleman from Connecticut, Mr. MILES. My colleague, if present, would vote "no."

Mr. O'CONNOR. I am paired with the gentleman from Illinois, Mr. SHERWIN. If at liberty to vote, I should vote "no."

Mr. WILSON. Mr. Speaker, I desire to withdraw my vote. I had forgotten for the moment that I am paired with Mr. ORTH, of Indiana. If he were present, he would vote "ay" and I would vote "no." I was very anxious to vote against this amendment and for the silver bill, but I cannot decline the request of Mr. ORTH to pair with him. During my absence from this House some weeks ago in consequence of serious sickness in my family, that gentleman did me the favor to pair with me, and now, when he is necessarily absent, I take pleasure in extending to him the same courtesy he extended to me.

Mr. BLOUNT. My colleague from Georgia, Mr. HAMMOND, is paired with the gentleman from New York, Mr. MILLER.

Mr. McLANE. I have been paired on this bill with the gentleman from Missouri, Mr. BLAND; but I have withdrawn that pair and I now wish to vote for the bill. Upon this amendment I vote "no."

Mr. RICHMOND. I am paired with the gentleman from New York, Mr. PRESCOTT. If he were here, I should vote "no."

Mr. ACKLEN. I am paired on this bill with the gentleman from New York, Mr. O'BRIEN. If he were here, I should vote "no."

Mr. RICHARDSON, of South Carolina. I am paired with the gentleman from New York, Mr. CAMP; otherwise I should vote "no."

Mr. COBB. My colleague, Mr. COLERICK, who is paired with the gentleman from Rhode Island, Mr. BALLOU, would, if present, vote "no."

Mr. SINGLETON, of Mississippi. I am paired with the gentleman from Connecticut, Mr. WAIT. Were he present, I should vote "no."

Mr. CLARK, of Missouri. My colleague, Mr. WELLS, is paired with the gentleman from Pennsylvania, Mr. KILLINGER.

Mr. HARRIS, of Massachusetts. On all votes upon this bill my colleague, Mr. LORING, is paired with the gentleman from Mississippi, Mr. HOOKER.

Mr. DUNNELL. My colleague, Mr. WASHBURN, is paired, as I understand, with the gentleman from Ohio, Mr. CONVERSE.

Mr. NEWBERRY. The gentleman from New York, Mr. PRESCOTT, who is paired with the gentleman from Virginia, Mr. RICHMOND, would, if present, vote "ay."

Mr. STONE. The gentleman from New York, Mr. CROWLEY, is paired with the gentleman from Mississippi, Mr. MONEY.

Mr. CLAFLIN. The gentleman from Virginia, Mr. JORGENSEN, is paired with his colleague, Mr. BEALE.

Mr. CHITTENDEN. I am paired with the gentleman from Pennsylvania, Mr. CLYMER. If he were present, I presume he would vote "no;" certainly I should.

Mr. SAPP. My colleague, Mr. PRICE, is paired with the gentleman from Missouri, Mr. BUCKNER.

Mr. TOWNSEND, of Ohio. My colleague, Mr. KEIFER, is paired with the gentleman from Missouri, Mr. ROTHWELL.

Mr. VAN AERNAM. My colleague, Mr. LAPHAM, is absent on account of sickness in his family. He is paired with the gentleman from Virginia, Mr. TUCKER.

Mr. WHITE. My colleague, Mr. OVERTON, is paired with the gentleman from Tennessee, Mr. YOUNG.

Mr. FISHER. I am paired with the gentleman from North Carolina, Mr. KITCHIN; otherwise, I should vote "ay." My colleague, Mr. DICK, is paired with the gentleman from Missouri, Mr. LAY.

Mr. POUND. On this question I am paired with the gentleman from Georgia, Mr. COOK, who would vote in the negative, while I would vote in the affirmative.

Mr. SMITH, of Pennsylvania. My colleague, Mr. HARMER, is paired with the gentleman from Louisiana, Mr. ELLIS, and my colleague, Mr. KILLINGER, with the gentleman from Missouri, Mr. WELLS.

Mr. FORSYTHE. On this bill and the amendments thereto I am paired with Mr. WALTER A. WOOD, of New York.

Mr. ELLIS. I am paired with the gentleman from Pennsylvania, Mr. HARMER.

The result of the vote was announced as above stated.

Mr. WHITE. Mr. Speaker, cannot a brief time be given to gentlemen to state their reasons for their votes on this question? [Cries of "Oh, no!"] Then I rise to a parliamentary inquiry. [Cries of "Regular order!"] I desire to inquire of the Chair how I can get it stated upon the record that I would have voted for this bill but for the amendment adopted yesterday on the motion of the gentleman from Ohio [Mr. WARNER] to the ninth section.

The SPEAKER. That is in the nature of debate, which is not in order without unanimous consent.

Mr. WHITE. I believe that this amendment destroys the effect of the amendment adopted on motion of the gentleman from Illinois [Mr. MARSH] to the fourth section, and will practically take from the Government the difference between the market value of bullion and the legal-tender or face value of the silver dollar. While I vote in this way, I am still, as I always have been, a bimetallist.

The SPEAKER. Debate is not in order. The Chair hopes the gentleman will observe the rules.

Mr. WARNER moved to reconsider the vote by which the substitute of Mr. RYAN, of Kansas, was rejected; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The bill, as amended, was then ordered to be engrossed and read a third time; and it was accordingly read the third time.

The question being on the passage of the bill,

Mr. WARNER. I call for the previous question.

The SPEAKER. The agreement already made is equivalent to ordering the previous question.

Mr. CONGER, Mr. GARFIELD, and others called for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question was taken; and there were—yeas 114, nays 97, not voting 74; as follows:

YEAS—114.

Aiken,	Caldwell,	Culberson,	Felton,
Armfield,	Cannon,	Daggett,	Ford,
Atherton,	Carlisle,	Davidson,	Forney,
Atkins,	Chalmers,	Davis, Joseph J.	Fort,
Belford,	Clardy,	Davis, Loundes H.	Frost,
Beltzhoover,	Clark, John B.	De La Matyr,	Geddes,
Bicknell,	Cobb,	Dibrell,	Gillette,
Blackburn,	Coffroth,	Dickey,	Goode,
Blount,	Converse,	Dunn,	Gunter,
Bouck,	Cook,	Elam,	Harris, John T.
Bright,	Cox,	Evins,	Hatch,
Cabell,	Cravens,	Ewing,	Henkle,
Henry,	Martin, Joseph J.	Ryon, John W.	Tillman,
Herbert,	McKenzie,	Samford,	Townshend, R. W.
Hostetler,	McLane,	Sawyer,	Turner, Oscar
House,	McMahon,	Scales,	Turner, Thomas
Hunton,	McMillin,	Simonton,	Vance,
Johnston,	Mills,	Singleton, O. R.	Waddill,
Kenna,	Muldrow,	Slemons,	Warner,
Kimmel,	Murch,	Smith, Hezekiah B.	Weaver,
King,	New,	Smith, William E.	Wellborn,
Klotz,	Nicholls,	Sparks,	Whitthorne,
Knott,	Persons,	Speer,	Williams, Thomas
Ladd,	Phelps,	Springer,	Willis,
Le Fevre,	Phister,	Steele,	Wise,
Lewis,	Reagan,	Stevenson,	Wright,
Manning,	Robertson,	Talbott,	Yocum.
Marsh,	Ross,	Taylor,	
Martin, Benj. F.	Russell, Daniel L.	Thompson,	

NAYS—97.

Aldrich, William	Dwight,	Jones,	Ryan, Thomas
Anderson,	Einstein,	Joyce,	Sapp,
Baker,	Errett,	Lindsey,	Shallenberger,
Barber,	Farr,	McCoid,	Smith, A. Herr
Bayne,	Ferdon,	McCook,	Stone,
Bingham,	Field,	McGowan,	Thomas,
Blake,	Frye,	McKinley,	Townsend, Amos
Bliss,	Garfield,	Mitchell,	Tyler,
Bowman,	Godshalk,	Monroe,	Updegraff, J. T.
Boyd,	Hall,	Morrison,	Updegraff, Thomas
Brewer,	Hammond, John	Morton,	Urner,
Briggs,	Harris, Benj. W.	Muller,	Valentine,
Brigham,	Haskell,	Neal,	Van Aernam,
Browne,	Hawk,	Newberry,	Van Voorhis,
Burrows,	Hawley,	Norcross,	Wait,
Carpenter,	Hayes,	O'Neill,	Ward,
Caswell,	Hazelton,	Osmer,	White,
Claflin,	Heilman,	Poehler,	Wilber,
Conger,	Henderson,	Pound,	Williams, C. G.
Covert,	Hiscock,	Reed,	Willits,
Crapo,	Horr,	Rice,	Wood, Fernando
Davis, George R.	Houk,	Richardson, D. P.	Young, Thos. L.
Deering,	Hubbell,	Robeson,	
Deuster,	Humphrey,	Robinson,	
Dunnell,	Hurd,	Russell, W. A.	

NOT VOTING—74.

Acklen,	Dick,	Lapham,	Price,
Aldrich, N. W.	Ellis,	Lay,	Richardson, J. S.
Bachman,	Finley,	Loring,	Richmond,
Bailey,	Fisher,	Lounsbery,	Rothwell,
Ballou,	Forsythe,	Lowe,	Shelley,
Barlow,	Gibson,	Martin, Edward L.	Sherwin,
Beale,	Hammond, N. J.	Mason,	Singleton, J. W.
Bland,	Harmer,	Miles,	Starin,
Bragg,	Herndon,	Miller,	Stephens,
Buckner,	Hill,	Money,	Tucker,
Butterworth,	Hooker,	Morse,	Voorhis,
Calkins,	Hull,	Myers,	Washburn,
Camp,	James,	O'Brien,	Wells,
Chittenden,	Jorgensen,	O'Connor,	Whiteaker,
Clark, Alvah A.	Keifer,	O'Reilly,	Wilson,
Clymer,	Kelley,	Orth,	Wood, Walter A.
Colerick,	Ketcham,	Overton,	Young, Casey.
Cowgill,	Killinger,	Pierce,	
Crowley,	Kitchin,	Prescott,	

So the bill was passed.

During the roll-call the following announcements were made:

Mr. MANNING. My colleague, Mr. MONEY, is paired with Mr. CROWLEY, of New York. If present, Mr. MONEY would vote in the affirmative.

Mr. BEALE. I am paired with my colleague, Mr. JORGENSEN. If he were here, he would vote in the negative and I should vote in the affirmative.

Mr. YOUNG, of Tennessee. I am paired with Mr. OVERTON, of Pennsylvania. If he were here, I should vote "ay."

Mr. BUCKNER. I am paired with Mr. PRICE. If he were here, I should vote "ay."

Mr. BACHMAN. I am paired with Mr. STARIN. If he were here, I should vote "ay."

Mr. MYERS. I am paired with Mr. COWGILL. If he were present, he would vote "no" and I should vote "ay."

Mr. FINLEY. I am paired with Mr. CALKINS, of Indiana. If he were present, I should vote "ay."

Mr. CONVERSE. Mr. WASHBURN, of Minnesota, is paired with Mr. BLAND, of Missouri.

Mr. MORSE. I am paired with Mr. KELLEY, of Pennsylvania. If he were here, he would vote in the affirmative and I should vote in the negative.

Mr. FORNEY. My colleague, Mr. SHELLEY, is paired with Mr. KETCHAM, of New York, and my other colleague, Mr. HERNDON, with Mr. ALDRICH, of Rhode Island.

Mr. O'CONNOR. I am paired with Mr. SHERWIN, of Illinois. If he were here, I should vote "ay."

Mr. BOUCK. My colleague, Mr. BRAGG, is paired with Mr. JAMES, of New York. If my colleague were here, he would vote in the affirmative.

Mr. RICHARDSON, of South Carolina. I am paired with Mr. CAMP. If he were here, I should vote in the affirmative.

Mr. ACKLEN. I am paired with Mr. O'BRIEN, of New York. If he were here, I should vote in the affirmative.

Mr. WILSON. I am paired with Mr. ORTH, of Indiana. If he were present, I should vote in the affirmative.

Mr. CLARK, of Missouri. My colleague, Mr. WELLS, is paired with Mr. KILLINGER, of Pennsylvania.

Mr. ELLIS. I am paired with Mr. HARMER, of Pennsylvania. If he were here, I should vote in the affirmative.

Mr. DAVIDSON. My colleague, Mr. HULL, who is absent by leave of the House, is paired with Mr. VOORHIS, of New Jersey. If my colleague were present, he would vote in the affirmative.

Mr. RICHMOND. I am paired with Mr. PRESCOTT, of New York. If he were present, I should vote in the affirmative.

Mr. SIMONTON. Mr. CLYMER is paired with Mr. CHITTENDEN.

Mr. FORSYTHE. I am paired with Mr. WALTER A. WOOD, of New York. If he were here, I should vote in the affirmative.

Mr. STEPHENS. I am paired with Mr. LOUNSBERY, of New York. If he were here he assured me that he would vote against the passage of this bill. If he were present and so voted, I should vote in the affirmative.

Mr. TOWNSHEND, of Illinois. My colleague, Mr. SINGLETON, is paired with Mr. MILES, of Connecticut. If Mr. SINGLETON were present, he would vote in the affirmative.

Mr. COBB. My colleague, Mr. COLERICK, is paired with Mr. BALLOU, of Rhode Island. If Mr. COLERICK were here, he would vote in the affirmative.

Mr. BLOUNT. My colleague, Mr. HAMMOND, is paired with Mr. MILLER, of New York.

Mr. CHITTENDEN. I am paired with Mr. CLYMER. If he were present, he would vote "ay" and I should vote "no."

Mr. HUMPHREY. Mr. WALTER A. WOOD is paired with Mr. FORSYTHE, of Illinois. If present, Mr. WOOD would vote "no."

Mr. NEWBERRY. Mr. PRESCOTT, who is absent by leave of the House, is paired with Mr. RICHMOND. If present, Mr. PRESCOTT would vote "no."

Mr. YOCUM. Mr. LOWE, of Alabama, is paired with Mr. BAILEY, of New York. If present, Mr. LOWE would vote "ay."

Mr. STONE. Mr. CROWLEY is paired with Mr. MONEY. If present, Mr. CROWLEY would vote "no."

Mr. HISCOCK. My colleague, Mr. BAILEY, is paired with Mr. LOWE, of Alabama. If present, Mr. BAILEY would vote "no."

Mr. TOWNSEND, of Ohio. My colleague, Mr. KEIFER, is paired with Mr. ROTHWELL, of Missouri.

Mr. ROBESON. My colleague, Mr. VOORHIS, is paired with Mr. HULL, of Florida. If present, my colleague would vote "no."

Mr. VALENTINE. I should like to vote for a silver bill and free coinage, but cannot vote for this, and therefore vote "no."

Mr. VAN AERNAM. My colleague, Mr. LAPHAM, is paired with Mr. TUCKER. If present, I am confident my colleague would vote "no."

Mr. SAPP. My colleague, Mr. PRICE, is paired with Mr. BUCKNER, of Missouri. If present, my colleague would vote "no" on this bill in its present shape.

Mr. FISHER. I am paired with Mr. KITCHIN, of North Carolina. If he were here, I should vote "no." My colleague, Mr. DICK, is paired with Mr. LAY, of Missouri.

Mr. SMITH, of Pennsylvania. My colleague, Mr. KILLINGER, is paired with Mr. WELLS, of Missouri.

Mr. DWIGHT. My colleague, Mr. MASON, who is absent by leave of the House on account of sickness, if present would vote "no."

Mr. CLAFLIN. Mr. JORGENSEN is paired with Mr. BEALE.

The vote was then announced as above recorded, and the announcement of the result by the Speaker was greeted with applause on the democratic side of the House.

Mr. WARNER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. GARFIELD. We are not through with the bill yet. I desire to have the title read.

The SPEAKER. Without objection the title will stand.

Mr. GARFIELD. I desire to hear it.

The Clerk read as follows:

A bill (H. R. No. 564) to amend certain sections of the Revised Statutes of the United States, relating to coinage and coin and bullion certificates, and for other purposes.

The SPEAKER. If there be no objection the title will stand.

There was no objection.

ADJOURNMENT OVER.

Mr. FERNANDO WOOD. I move that when the House adjourns to-day it be to meet on Tuesday next.

The motion was agreed to.

Mr. FERNANDO WOOD moved to reconsider the vote by which the House resolved to adjourn over; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

Mr. ATKINS. I move that the House do now adjourn.

BUSINESS OF DISTRICT COMMITTEE.

Mr. HUNTON. I ask that by unanimous consent Tuesday next at two o'clock be assigned for consideration of reports from the Committee for the District of Columbia.

Mr. TOWNSHEND, of Illinois. I hope that will be agreed to. There is important business to be reported from the committee.

Mr. YOUNG, of Tennessee. There is an order already for Tuesday. I object to anything taking precedence of that order.

Mr. HUNTON. Then I ask that Wednesday at two o'clock be assigned.

Mr. CONGER. Not to interfere with appropriation bills.

The SPEAKER. That will be submitted as part of the proposition. Is there objection to assigning Wednesday next at two o'clock for reports from the Committee for the District of Columbia, not to interfere with appropriation bills? The Chair hears no objection, and it is so ordered.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. KELLEY, indefinitely, on account of sickness in his family;

To Mr. SCALES, for ten days from Monday next, to enable him to attend court as a witness;

To Mr. CHITTENDEN, indefinitely from the 27th instant, on account of imperative reasons;

To Mr. BUCKNER, for one week;

To Mr. SPARKS, for ten days from Monday, on account of sicknes in his family;

To Mr. REED, for ten days;

To Mr. HEILMAN, indefinitely;

To Mr. URNER, during the whole of next week;

To Mr. DWIGHT, indefinitely from the 28th instant, on account of important business;

To Mr. MORTON, during next week, on account of important business;

To Mr. CLAFLIN, during next week;

To Mr. GODSHALK, for five days; and

To Mr. WHITE, for two days from Tuesday next, on account of important business.

CORRECTION.

Mr. BAYNE. I desire to correct the RECORD. There are some remarks in it regarding myself by my colleague, [Mr. WRIGHT,] conceived in a spirit——

Many members called for the regular order.

The SPEAKER. The regular order is the motion to adjourn.

The motion was agreed to; and accordingly (at two o'clock and fifty minutes p. m.) the House adjourned till Tuesday next.

PETITION.

The following petition was presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. MCLANE: The petition of the mayor and city council of Baltimore, Maryland, for the establishment of an anchorage-ground light on Fort Bar, in the Patapsco River—to the Committee on Commerce.

IN SENATE.

MONDAY, *May* 26, 1879.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of the proceedings of Friday last was read and approved.

STATISTICAL REPORTS OF INTERNAL COMMERCE.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a communication from the Secretary of the Treasury in answer to a resolution of the Senate of the 9th instant in regard to the publication and submission to Congress of the second and third annual reports of the Bureau of Statistics on internal commerce. It is very long. Is it the pleasure of the Senate that it shall be read? If not, it will lie upon the table until the Senator from Missouri, [Mr. COCKRELL,] the mover of the resolution, shall be in the Chamber.

Mr. WITHERS. I move that the report be printed and lie upon the table.

The motion was agreed to.

THE DIRECT TAX OF 1861.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate a communication from the Secretary of the Treasury, to which he calls the attention of the Senator from Georgia, [Mr. GORDON.]

The communication was read as follows:

TREASURY DEPARTMENT, *May* 24, 1879.

SIR: In reply to Senate resolution of the 14th instant, "That the Secretary of the Treasury be, and he is hereby, requested to furnish the Senate with any decision of the Treasury Department, with accompanying papers, in relation to the liability of the States for the direct tax under the act of August 5, 1861, and acts amendatory thereof," I have the honor to forward herewith, with accompanying papers, the decision of the First Comptroller of the Treasury in reference to the liability of the State of Georgia for the direct tax apportioned to that State under the act of August 5, 1861.

I am, very respectfully,

JOHN SHERMAN, *Secretary*.

Hon. A. G. THURMAN,
President of the Senate pro tempore.

Mr. GORDON. I move that that communication with the accompanying papers lie upon the table and be printed.

The motion was agreed to.

LANDS IN INDIAN TERRITORY.

The PRESIDENT *pro tempore* laid before the Senate a message from the President of the United States, transmitting, in compliance with a resolution of the Senate of the 14th instant, a report from the Secretary of the Interior relative to lands in the Indian Territory purchased from Indian tribes by the treaties of 1866, &c; which, on motion of Mr. VEST, was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

Mr. KIRKWOOD presented the memorial of O. C. Donaldson and others, citizens of Iowa, remonstrating against the extension of the patent granted to John C. Birdsell for a combined clover-hulling machine; which was referred to the Committee on Patents.

Mr. VOORHEES presented the petition of Mrs. Ann Dennis, of Terre Haute, Vigo County, Indiana, praying for the passage of a law granting her a pension on account of services rendered by her son, James Dennis, late a private in Company I, First Regiment Kentucky Volunteers; which was referred to the Committee on Pensions.

Mr. PLATT presented the petition of Mrs. Adela Conard, widow of Henry Conard, deceased, late consul at Port au Prince, Hayti, praying for the passage of a law reimbursing her for expenses incurred by her late husband in affording protection to Haytian refugees in 1868; which was referred to the Committee on Foreign Relations.

Mr. WHYTE presented the memorial of the mayor and city council of Baltimore, praying for the passage of an act authorizing the establishment of an anchorage-ground light on Fort Bar, between the Camden Consolidated Oil Company's wharf and Fort McHenry; which was referred to the Committee on Commerce.

REPORT OF A COMMITTEE.

Mr. GARLAND, from the Committee on the Judiciary, to whom was referred the bill (S. No. 572) to amend an act approved February 24, 1879, entitled "An act to create the northern judicial district of the State of Texas, and to change the eastern and western judicial districts of said State, and to fix the time and places of holding courts in said districts," reported it with amendments.

BILLS INTRODUCED.

Mr. MAXEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 625) for the relief of the Farmers and Merchants' Bank, of Paris, Texas; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. WITHERS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 626) for the relief of the Albemarle and Chesapeake Canal Company; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. CHANDLER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 627) for the relief of workmen employed in the construction of Poverty Island light-house, Lake Michigan; which was read twice by its title, and referred to the Committee on Claims.

Mr. COKE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 628) to enable the Secretary of the Interior to adjust the accounts of certain newspapers for the advertisement of the sale of the Kansas Indian lands; which was read twice by its title, and referred to the Committee on Indian Affairs.

AMENDMENTS TO BILLS.

Mr. VOORHEES submitted an amendment intended to be proposed by him to the bill (S. No. 618) for the relief of Herman Holman and Crawford Fairbanks; which was referred to the Committee on Finance.

Mr. GORDON submitted an amendment intended to be proposed by him to the bill (S. No. 261) to establish post-routes; which was referred to the Committee on Post-Offices and Post-Roads.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. WINDOM, it was

Ordered, That the papers in the claim of Willis N. Arnold, of Tennessee, be taken from the files of the Senate and referred to the Committee on Military Affairs.

Ordered, That the petition of O. S. B. Wall and others, citizens of the District of Columbia, praying for a grant of public land for the purpose of endowing a home for the indigent poor of the District of Columbia, be withdrawn from the files.

Ordered, That the memorial of certain colored citizens representing the District of Columbia Western Emigration Society, praying an appropriation to enable such of their race as may so desire to emigrate to and settle upon unoccupied Government lands in some of the Territories, be withdrawn from the files.

EXCHANGE OF SUBSIDIARY COINS.

Mr. BAYARD. I move that the Senate proceed to the consideration of the bill (H. R. No. 4) to provide for the exchange of subsidiary coins for lawful money of the United States under certain circumstances, and to make such coins a legal-tender in all sums not exceeding $20, and for other purposes.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

The PRESIDENT *pro tempore*. The pending question is on the amendment reported from the Committee on Finance in section 3, line 3, to strike out "twenty" and insert "ten;" so as to make the section read:

SEC. 3. That the present fractional or subsidiary silver coins shall hereafter be a legal tender in all sums not exceeding $10 in full payment of all dues public and private.

On this amendment the Senator from Delaware is entitled to the floor.

Mr. BAYARD. Mr. President, I have no desire to repeat what was said on the last day this bill was under consideration as to the pending amendment, and as it was agreed upon by the Committee on Finance I ask its adoption.

Mr. EDMUNDS. There is something, Mr. President, it appears to me, that is radically out of joint about the subject of this bill. The theory of small coins that are debased in order to keep them from being melted up, exported, &c., is that the Government shall not issue them to an extent that will work a depreciation. They will be valuable as tokens up to their apparent nominal value just as long as the quantity is kept down to a point where they are really needed for circulation. I take it I am simply stating an axiom in the philosophy of this affair in saying that.

Now it is said, and correctly I have no doubt, that these subsidiary silver coins are at a considerable discount, 1 or 2 or 3 per cent., I do not know how much. I think a day or two ago the quotation was from 1 to 1½ per cent. That must prove one of two things, either that the Government has issued more of these small coins than is necessary for the business interests of the community or, as was stated the other day, that there is a scarcity of these coins in some parts of the country and a glut and exuberance in the great centers of trade, the cities. When you come to that branch of the subject, (assuming for the sake of the argument that the Government has not issued more than the whole uses of community require,) then I submit to the consideration of Senators whether it is any part of the proper duty of the Government, whether it is a duty that it can perform if it undertakes it, to equalize circulation and to take in this money at the centers and carry it out to the circumference again in order to have it run through the mill once more, with any success at all.

Every kind of money will go to the places where debts are due as long as people are honest, and where capital in private hands is the most extended, the greatest in quantity. That is clear enough. If this be merely a matter of a glut in the city of New York, for illustration, and a matter of scarcity in Chicago or Saint Louis and on the Pacific slope, for another illustration, then I say that is a matter which the Government of the United States cannot properly deal with under any circumstances in respect of small coin any more than in respect of large coins or in respect of paper money circulation. That belongs to the private interests of the people of the United States; and when this good and expanded and expansive and paternal and National and State-rights Government of ours goes into the business of undertaking to keep the circulation of money among the people perfectly even, so that there will be not too much in one place and not too little in another, it will have undertaken a business that it will certainly fail in and that it will not do any good to the people by trying.

Mr. PADDOCK. I should like to say to the Senator in that connection that I think from what I have been able to learn of the condition of things in the West there is even greater suffering on account of the surplus subsidiary silver west of Chicago and perhaps at Chicago and Saint Louis than there is elsewhere, except at the great centers of which he speaks. I know in my own State the banks all through the State have been receiving subsidiary silver on deposit until they have got to a point where they cannot receive it any longer. The distance for shipment is so great, the centers so remote, that they find themselves in a situation where they cannot possibly receive that kind of deposits, and therefore the people have no place to put this subsidiary coin, and the demand for relief is very great.

Mr. EDMUNDS. I have no doubt the Senator is quite right. It is exactly so in the little State that I have the honor in part to represent, a rural State with no great centers of commerce. The small coins, the half dollars, and in fact that glorious and magnificent thing called "the dollar of the fathers," fall in the same category. Nobody wants it and nobody will have it if he can get anything else, not because everybody in my State is not hungry for money, but the people are hungry for something that does not tell a lie on the face of it. They want a piece of money that tells the truth. If it says "five cents," they want it to be worth five cents; if it says "ten cents," or twenty, or twenty-five, or fifty cents, or a dollar, they want it to tell the truth on the face of it, that it contains the metal which is worth those respective sums that I have named in running up the coins of the United States. That is where the real trouble is.

We have succeeded in our patriotic efforts to restore the days of the fathers and the money of the fathers so much beyond our most sanguine expectations (as the late Commissioner of Agriculture used to say about running over his appropriations) that we have put off upon the people a variety of metals with our stamp upon them, the stamp not representing what it professes to represent as a truth. When it says on the silver dollar "this is a dollar," everybody who has occasion to use that coin finds out that for all business purposes it is not a dollar; and when you come to the half dollar it is still worse, because there is less silver, as the Senator from Ohio [Mr. THURMAN] stated the other day, in two half dollars than there is in one unit dollar, and so on down in the subsidiary coins.

That is where the grief is, and therefore I submit that all this species of legislation is a salve that will not heal the wound. As long as you continue to issue this species of money that does not come up in point of weight and fineness to what it purports to be on its face, you will continue to go wrong.

Mr. FERRY. Will the Senator allow me a moment?

Mr. EDMUNDS. Certainly.

Mr. FERRY. I ask the Senator from Vermont if he does not consider the issue of subsidiary coin in the place of what was called the fractional currency a step towards healing the wound that he speaks of?

Mr. EDMUNDS. Certainly, it was a step, and a very good step, taken under the act of 1875.

Mr. FERRY. Mr. President——

Mr. EDMUNDS. If the Senator will pardon me while I answer his question, that goes back to the first observation I submitted when I rose. A subsidiary coin for the purposes of change, a debased coin in all countries almost, has been found to be necessary in the long run, and the only justification for that debasement is in the fact that the power that issues it is to stop when it has reached the point in the issue where there is enough of this debased coin to answer the purposes of a token coinage. Looked at in that point of view the issue of this subsidiary coin in the place of fractional currency was perfectly correct, but we have been going on all the time coining and coining and paying out to every quarter of the United States, everywhere, these subsidiary coins until, according to the statement of the Senator from Nebraska, and according to my own observation in the North, and the statements of people elsewhere, there is more of these small debased coins in the country than the business of the country requires.

Mr. FERRY. Right here——

Mr. EDMUNDS. The Senator will pardon me a moment.

Mr. BAYARD. Mr. President——

Mr. EDMUNDS. Senators will excuse me one moment until I complete my statement. It was said the other day that one reason for this was what now turns out to have been apparently an error, and that was that while there was not an excess of this coin on the whole, it like all other money had got into the hands of people who were entitled to it in great cities, &c., and that it was scarce in country places; and therefore the Government was to step in and to go into the express business, taking it out of the wells of the great cities and carrying it into the interior, and pouring it out into circulation again until it shall have run through. Upon that I had the honor to submit, as it appeared to me, that that was an undertaking which no government could properly enter into, and it would be disastrous if it did, because in that point of view you cannot distinguish between small coin and large coin. If it is right for the United States to undertake this banking and express business of taking the small coins from New York and carrying them to Vermont and Alaska, and wherever the perimeter of the United States may be, then it will be right to do the same with silver dollars, with gold dollars, with paper dollars, and with everything else.

Mr. BOOTH. Will the Senator allow me to interrupt him?

Mr. EDMUNDS. Certainly; I see I am getting into a hornets' nest; I will allow everybody.

Mr. BOOTH. I beg the Senator's pardon if I disturb his equanimity.

Mr. EDMUNDS. Not in the slightest degree.

Mr. BOOTH. I simply desire to ask the Senator from Vermont wherein he has found any provision in this bill for the transmission of coin or for the Government going into the express business?

Mr. EDMUNDS. Is that all?

Mr. BOOTH. That is all the question I wish to ask.

Mr. EDMUNDS. In what I said,—perhaps my expression was not fortunate,—I took up the observation of somebody made on Friday last, that one of the motives of the bill was to reduce the accumulation in the large cities and increase the circulation in the other places. There is a section of the bill that provides for the exchange of this coin at the Treasury for lawful money; that is to say, in the opinion of the honorable Senator from Ohio who now occupies the chair, greenbacks, and, in the opinion of the honorable Senator in charge of this bill, other coins of the United States, they being in his opinion as in mine the only lawful money of the United States at this present time. It was said that that means of exchange was to take in this small coin, issue to the holder of it paper money in the eyes of the Senator from Ohio, and I will take that for the illustration, and that paper money being presented at the office of any assistant treasurers of the United States in the most distant Territory calls for small coin again, if the holder wants it. The small coin is payable on demand for paper money thus issued at the assistant treasurer's office in Montana, and paper money is issued for that in New York. If that does not imply that the United States must transport this small coin from New York where it has redeemed it to the place where somebody wants it in the Territories, then I do not understand the effect of the language.

Mr. BOOTH. Will the Senator allow me to interrupt him again?

Mr. EDMUNDS. Certainly.

Mr. BOOTH. I wish to read the provision of the bill as to that particular subject.

Mr. EDMUNDS. Yes; that is what we are on now.

Mr. BOOTH. The second section provides that—

> The Treasurer or any assistant treasurer of the United States who may receive any coins under the provision of this act shall exchange the same in sums of $20, or any multiple thereof, for lawful money of the United States, on demand of any holder thereof.

The Treasurer does not send it to any other place. If he receives it he can pay it out on the demand of any man who has lawful money to exchange, but he does not send it to anybody else; he does not distribute it. He holds it until somebody comes for it, and the distribution is done by the people who want it, as it is paid in by the people who do not want it, without any expense to the Government whatever.

Mr. EDMUNDS. If one of the people who wants it happens to come to an assistant treasurer's office in a distant Territory with his twenty-dollar greenback that somebody has got for twenty dollars in New York, and says "I want subsidiary coin for this," is not the assistant treasurer to pay it to him? It was stated in the last debate about this bill that this was an interchangeable affair, that anybody could get subsidiary coin for lawful money, that is, Ohio greenbacks, anywhere at any assistant treasurer's office in the United States; and he can get lawful money, Ohio lawful money, for small coins at any assistant treasurer's office in the United States.

Mr. FERRY. Will the Senator from Vermont now allow me to interrupt him, as he has yielded to other Senators, and I have been standing here patiently?

Mr. EDMUNDS. Certainly.

Mr. FERRY. I wish to remind the Senator from Vermont that the maximum of this silver currency that can be issued is $50,000,000. The object of the establishment of subsidiary silver was to supplant the fractional currency, and the maximum of subsidiary silver coin authorized was $50,000,000. About $40,000,000 of that amount is out; so that the greatest amount that can be possibly issued, if the whole of the fractional currency were retired, would be $50,000,000. Thus there is a bar to any excessive issue. Now, the object of this bill is to appreciate the value of that subsidiary silver, to make it more valuable, which is right in the line of the policy which has always been advocated by the Senator from Vermont. Therefore I cannot see why the bill should not receive his most hearty concurrence, since it appreciates the subsidiary coin and there is a prohibition against an excessive issue.

Mr. EDMUNDS. One good turn deserves another, and I should like to ask the Senator from Michigan a question.

Mr. FERRY. I will answer it if I can.

Mr. EDMUNDS. I should like to know why this subsidiary coinage needs appreciation. What is the matter with it now?

Mr. FERRY. For the reason that it is below the standard value.

Mr. EDMUNDS. How does it get below?

Mr. FERRY. The banks are unwilling to receive it upon deposit, and it accumulates in certain places as a drug. The object of the bill is to provide that in sums of $20 or multiples thereof it shall be convertible into greenbacks, and of course the greenbacks will be convertible into gold, thus bringing up the subsidiary silver in sums of $20 and its multiples equal to gold. That is the object of it.

Mr. COCKRELL. And I will remind the Senator that it is not now a legal tender.

Mr. FERRY. This bill also provides that up to $10 the subsidiary coin shall be made a legal tender.

Mr. EDMUNDS. Yes; but that is not the question I am asking. I am asking the Senator from Michigan how it happens that this subsidiary coin is below par?

Mr. FERRY. Simply because there is more alloy in it than there is in the standard value.

Mr. EDMUNDS. I am afraid that is not a correct answer.

Mr. FERRY. It has rather more *fiat* in it than the other has.

Mr. EDMUNDS. That is not a correct answer. Taken alone, philosophically it ought to be a correct answer; but we all know perfectly well that these small coins are not below par until you get an excess of quantity more than are wanted for the purposes of trade. Then you come around to the argument that was urged on Friday in view of that fact by saying, "Yes, that is true enough, but in the course of trade too many of them have got in one place and too few in another place, and, therefore, it is the business of the United States to take from where there is too much and carry it to some distant point where there is too little."

Mr. BOOTH. If the Senator from Vermont will allow me, I will state that the reason why, when this coinage reaches a certain amount, it becomes more valueless is because there is no way of disposing of it. To a certain amount bankers and others who are handling it say, "we will use it and circulate it;" but when it accumulates in the banks to large amounts so that they cannot use it they find it a drug, and the accumulation becomes too large. Now, the object of the bill is to provide that if it accumulates in excess of the amount needed the bankers can then convert it into greenbacks, and the greenbacks are convertible into gold. When this is established, then there will never be that accumulation which gives it much less value.

Mr. EDMUNDS. That comes right back to the old proposition, no more and no less, which is stated by the Senator from Michigan himself in different language, and that is as long as the subsidiary and debased coin that is put out is kept down to a certain limit of amount, it will be at par, and when you get above that limit, it will not be at par. That is all clear enough. We find that it is not up to par. It therefore follows that you have got out too much, or else the statement made the other day is the explanation of it, that not having out too much there is too much in one place and too little in another. Senators seem to be a little shy of claiming that it is any part of the business of the United States to rectify that, if you have not got out

too much. I do not know which is true. I think you have got out too much from the circumstance that the Senator from Nebraska states. But then here comes the other point of view. The Senator from Michigan says that this is to make the subsidiary coins equal to gold, because you can turn them into greenbacks and the greenbacks are equal to gold. If the Senator would only point out to me the law, that I wish he could, that made the greenbacks redeemable in gold, a single standard of value, then I should be glad to agree with him that it would make them equal to gold; but the twenty-dollar greenback that my friend takes or his $20 in half dollars is not redeemable in gold. The Secretary of the Treasury, like every other debtor, where there are two objects with which he can pay, is lawfully authorized to tender to his creditor either of two coins. Each of them being a legal tender, the Secretary of the Treasury has a perfect right to tender twenty silver dollars for any twenty-dollar greenback that is presented to him. He is not bound to redeem in gold.

Mr. FERRY. But the twenty dollars that are paid out for the redemption of the greenbacks are not in the subsidiary silver coin I remind the Senator, but coin of the standard value which is made by law equal to gold. It is a legal tender, it is the substance with which the greenbacks are redeemable—silver as well as gold. It is for that reason that the Secretary of the Treasury was very happy in his statement to the Committee on Finance that the remonetization of silver was a great help to him in the way of resumption, because it gave him two substances with which to redeem silver and gold. The two are alike, as far as the law makes it so.

Now, I say to the Senator that there cannot be an excessive accumulation of the subsidiary silver, because the law confines the aggregate to fifty millions, and the Senator does not meet my point there. There cannot be an excess beyond fifty millions; and fifty millions was the amount of fractional currency issued, and the subsidiary silver was authorized to that maximum in order to take the place of the fractional currency. It has not reached that maximum yet, and until it reaches that there will not be an excess if there is a proper distribution. The Senator says that it accumulates in localities, is not properly distributed——

Mr. EDMUNDS. I do not say that.

Mr. FERRY. This bill provides for its proper distribution, because it gives it a value that will secure it currency throughout the country.

Mr. EDMUNDS. Mr. President, the honorable Senator from Michigan urged as one of the reasons why this would turn out to be a panacea for all our ills, that it made this money equal to gold, first by making it equal to a greenback which was equal to gold. Now he states, and states correctly, that it is not equal to gold, for the reason that silver will answer the demands of anybody who holds a greenback just as well as gold will; and anybody who carries on the Treasury upon business principles alone, saying nothing about the policy and honor of the Government, like any other debtor, would pay his creditor in the best commodity he had that would answer the contract. I take it if any Senator had a contract with a fellow Senator to deliver wheat or rye in equal quantities, and his creditor came, and he found that rye was worth ten cents a bushel less than wheat, he would tender rye. He would have a perfect right to do so; it would not be immoral to do so because it was exactly what the contract called for. Where a debtor has a right to pay in one of two commodities, he has a right to choose that commodity in which he will pay. Therefore all that you do really in respect of this subsidiary coin which you now propose to redeem in greenbacks, is to say that you will make this subsidiary coin redeemable in silver dollars, and then you will find within a year or two that there will come here a cry from this whole country "You have established the principle of redeeming the coins of the United States; here are your silver dollars that are 3 per cent. off or 10 per cent. off, at a discount, depreciated; redeem these; make these up to par in the commercial sense of the word." What are you going to do then? I shall wait, Mr. President, with some curiosity to see what you are going to do then on the principle of this bill.

The real truth is, as everybody who hears me will see on a moment's reflection, that the theory of the coinage of metal is not the theory of redemption. We only redeem promises. We stamp coins and put them forth to anybody that wants them as a piece of metal that the United States has said contains so much silver or gold or copper or whatever it is, and then the law says that those metals in their respective degrees shall be a legal tender, some of them for only $5 as the law stands now, and others for all amounts. The business of the Government, therefore, is done in my judgment, on any just theory of government in respect of its coins, when it has assayed the metal, turned it into a coin, and stamped it truly with its weight and fineness, and hence with its ostensible value. Then everybody sees it. We do not propose to redeem the gold coins of the United States, or the silver coins. No nation ever undertook to redeem its coins, it does not undertake to do it, it is no part of its business to do it. There is nothing in passing out a coin which implies a promise on the part of anybody to do anything; it is merely a governmental inspection of the precious metals that are supposed to be the most convenient for the purposes of money; and stamping upon them, so that every one of its citizens will know exactly how much silver or gold or copper they contain. And then it provides upon principles of policy that certain weights and finenesses of these metals shall for the purposes of trade represent certain sums of what is called money. That is all there is to it.

It seems to me that the intrinsic evil in the philosophy of this bill is in undertaking the business of redeeming coin, because it is redemption and nothing else; just as if it were a promise of the Government to pay a debt which it is bound to redeem. I say that in principle you cannot distinguish in respect of redeeming subsidiary coins and the larger ones the moment they are depreciated, and the true remedy for a depreciation of subsidiary coins is to take them in and melt them up. I do not deny the propriety of the United States taking in an excess of its subsidiary coins, if there is an excess; but instead of taking them in to put them out again, it is to take them in at the price it got for them and keep them in; so that those which are left will answer the purposes for which they were designed of small transactions and change, and will stay as change on account of the fact that they are debased and will be of full value on account of the fact that there are not more of them than are wanted for that purpose.

I do not expect, Mr. President, to interpose any obstacle to the passage of this bill; but I want, like a great many other prophets of evil, to point out, so that my skirts will be clear, that you are taking a step that involves a policy and a duty on the part of this Government which will work disastrously.

Mr. FERRY. Mr. President, I desire to say in reply to what has fallen from the Senator from Vermont that the subsidiary silver was issued to retire the fractional currency, and the fractional currency was issued for value received. Silver takes the place of the fractional currency. The Government, therefore, has had the benefit first of the fractional currency and then of the value of the subsidiary silver; and now the proposition of this bill is to convert in sums of $20 and multiples thereof this subsidiary silver into legal-tenders or greenbacks, thus simply providing a means by which the Government shall redeem just what it paid out. The Government having received value for the subsidiary silver, now adopts a method through this bill by redeeming that in the greenbacks, so that nobody is defrauded, the people get the equivalent, having taken the silver from the Government and now return it to the Government and receive greenbacks which are a legal tender and of full value with gold. That is simply the proposition of this bill.

Now, if I understand the Senator from Vermont, if the subsidiary silver was on the standard basis of 412½ grains to the dollar he would have no objection to an unlimited issue of the subsidiary silver; that is, to the maximum authorized in the act providing for the issue of silver coin. If that be the case, what objection can there be to a bill which provides that a less valuable coin, to wit, the subsidiary coin, shall in sums of $20 and multiples thereof be brought to par with the standard value, for it is thus convertible into greenbacks the same as the standard silver coin?

I say to the Senator very frankly that if I had the opportunity, and whenever I shall have that opportunity, I shall be in favor of placing our subsidiary coin on the standard basis, making our silver all alike in fineness, whether the fractional or the full dollar. We are producing silver so largely that it is the proper policy to pursue. It opens a larger place for our silver and would give a larger volume of circulation. There is no need now of subsidiary silver coin because silver is not at a premium as it was before it was demonetized; now it is at a depreciated value, and therefore we should legislate to appreciate it, and place all of our coin, since it is the redeeming quality, alike, both gold and silver, upon a par value. I believe if all our silver, subsidiary as well, was placed on the standard value of 412½ grains to the dollar, it would gradually go to the value of gold; the two would come together, for they both serve the same purpose in the redemption of the greenback, which seems now practically to be the present standard.

Mr. COCKRELL. Will the Senator from Michigan yield to a question?

Mr. FERRY. Certainly.

Mr. COCKRELL. I desire to ask him what will be the effect of this bill upon this volume of $41,485,438.56 of fractional subsidiary coin now in circulation? Will it keep it in circulation or will it take it all into the Treasury and produce a contraction of from fifteen to thirty-five million dollars?

Mr. FERRY. It will practically bring it to the value of standard silver and quicken its circulation. There will be freedom of circulation then; there will be no object to retain it, because it may be paid out on the same basis as standard silver or gold.

Mr. COCKRELL. Another question: Will this bill appreciate the relative value of silver as compared to the standard of gold?

Mr. FERRY. It will appreciate the value of subsidiary coin, because it places it in $20 and multiples thereof equal to the standard dollar. The Senator understands that. It is not of the same intrinsic value that the standard dollar is, but this bill proposes in sums of $20 and multiples thereof to make it equal to the standard dollar. Therefore this bill is in the line of advancing the value of the fractional silver coin, or, in other words, preventing its depreciation. The moment you depreciate the coin, that moment you make it the interest of parties taking it to discriminate against it. Those having it must of course get rid of it the best way they can or hold it. But you bring it up to the full value of standard silver and you give it equality and free circulation, because it will answer all the purposes of commercial exchange that the standard silver dollar or the gold dollar does.

Mr. COCKRELL. Then how will it get out of the Treasury when

it has been once put in and greenbacks issued for it? Who will take it from the Treasury?

Mr. FERRY. It will be paid out from the Treasury. Banks and people will take it then, because it will answer every purpose of the standard dollar. It is suggested by the Senator from New York that even the gold dollars will be exchanged for this very silver because the silver fractional currency is needed. There must be a certain amount of fractional currency in the hands of the people, of individuals transacting business. That is a necessity. The law has contemplated that by providing for the supply of the fractional currency with these subsidiary coins.

Mr. COCKRELL. Will the Government and the Secretary of the Treasury use these fractional coins or subsidiary coins paid into the Treasury in liquidation of the interest on the public debt or maturing bonds?

Mr. FERRY. It will to any party who will take it.

Mr. COCKRELL. Is the Senator from Michigan in favor of that?

Mr. FERRY. I am in favor of it because if I want $20 of fractional currency made equal in value to, as $20 it also answers the purpose of the standard dollar, to meet a necessity I am ready to receive it. I can tell the Senator that it is an occurrence of almost every day that Senators step into the cashier's room here and exchange legal-tender greenbacks for subsidiary silver coin because they want the fractional coin.

Mr. HOAR. The Senator from Michigan certainly does not mean to be understood in his answer to the Senator from Missouri as saying that the Government can compel holders of its debt to receive fractional coin?

Mr. FERRY. Not at all. I said it can pay it out to any party who will take it.

Mr. COCKRELL. I did not so understand.

Mr. HOAR. The question was, could the Government pay it for interest on the public debt, to which the Senator replied it could. That answer might be misunderstood. I am sure the Senator did not mean that.

Mr. FERRY. I did not mean that, as I did not stop there, because I added "to any party willing to take it." The Senator must not omit part of my remark and construe it as the whole.

Mr. HOAR. I was afraid it might be misunderstood.

Mr. FERRY. The Senator from Missouri, I see by the twinkle of his eye, thinks I made that error. The Senator and I do not differ on this question, and therefore he will take my whole sentence, and it will run to the extent of the willingness of the people to receive the coin; and if this bill becomes a law, to the extent of $10 it will be a legal tender. The Secretary of the Treasury can compel parties to take it to that amount.

Mr. COCKRELL. Compel the holder of the public securities?

Mr. FERRY. To the amount of $10, because it will be a legal tender to that extent in payment of all Government securities that do not express payment on their face otherwise.

Mr. COCKRELL. I am very much gratified to hear the Senator from Michigan take that position.

Mr. BAYARD. I should be gratified if a vote could be taken on this bill before the regular order is called, and I do not propose, therefore, to further debate the question. I had supposed it was well understood that the reason why governments issued subsidiary coinage was for the domestic convenience of their people, and that for the purpose of continuing the coin within their own jurisdiction they debased it purposely that it should not have an international value. Therefore all values of subsidiary coin are created by statute. In this country we have limited the token coinage of nickel and the like by the discretion of the Secretary of the Treasury, who when he discovers that the quantity of token coinage is redundant is authorized to direct that such coinage shall cease until otherwise ordered by him. Just so in respect to our subsidiary silver coinage, the act of 1876 passed on the 22d of July expressly limits the amount of subsidiary silver coinage to $50,000,000, and of that but about $41,000,000 have been issued and are now in circulation. But the experience of the business of the country has shown that this subsidiary coin becomes redundant in certain spots and exceedingly scarce in others, and therefore the very reasonable application is made to the Treasury of the United States and to the Congress of the United States that they shall facilitate the exchange of subsidiary coin at such points as it may be found in redundancy for the lawful money of the United States at the sub-treasuries and Treasury of the United States when it shall be brought there in convenient sums, say multiples of $20.

I could present to the Senate the common-sense view of convenience of this subject as illustrated by the letters of merchants all over the country. One that I have in my hand will do to express their practical view of the effect of the redundancy of subsidiary coins at certain centers. This writer says:

> The retail grocers of the country are perhaps interested to as great an extent as any other class, for they receive large quantities of subsidiary silver coin which they in turn are obliged to pay to their wholesale merchants. If we keep these men as customers we cannot refuse to take the money which they receive; but we cannot pay it out in large sums nor can we deposit it in the banks; so we are obliged to sell it to the money-brokers at a discount. Our losses on some days' transactions have exceeded $100. It would seem as if the United States ought to provide some method to relieve citizens from this loss and inconvenience.
>
> The old fractional currency was satisfactory in this respect; and the substitute for it, fractional silver, could be made so by this simple expedient.
>
> We notice that some Senators were under the impression that such a bill would be in the interest of the money-dealers. It could only be so to the extent of what subsidiary coin they had on hand, and this should not militate against the permanent convenience that it would be to the entire community.
>
> If necessary, we could flood you with petitions favoring this measure; but its merits are so obvious and the press has so generally favored it that we have not thought it necessary.
>
> It seems to us plain that there should be some measure which would relieve parties who get too much fractional silver from its inconvenience, and enable persons in different parts of the country who may want it to send to the United States depositaries and procure supplies.

I am disposed to think that these statements are not only correct but reasonably so.

Mr. CONKLING. Will the Senator allow me to make an inquiry at that point?

Mr. BAYARD. Yes, sir.

Mr. CONKLING. I appreciate entirely the necessity to which that letter adverts and to which the Senator has referred, and I wish to vote for this bill if I can do so; but first of all I would like to understand from the Senator from Delaware its meaning. I observe that in the first section occur the words, "silver coins of the United States of smaller denominations than one dollar." If the Senator will now turn over to section 3, I observe the phraseology there changes, and the words are "present fractional or subsidiary silver coins." I should like to inquire whether those two phrases are supposed to be or are intended to be synonymous?

Mr. BAYARD. I will state to the Senator that the bill was reported in the House of Representatives with sections numbered 1 and 2. The sections 3 and 4 coming from individuals in the House do not follow the language of the House committee, but I should think the phrases are practically synonymous. Whether you speak of "any silver coin under the denomination of one dollar" or whether you call it "fractional or subsidiary silver coin" you mean the same thing.

Mr. CONKLING. Then I will only suggest to the honorable Senator that as the bill is to be sent back to the House, it seems to me it would be well to employ in the third section the same phraseology which is used in the first section to designate the same thing; and if the Senator agrees with me, he will consent to strike out the words "fractional or subsidiary" and introduce after the word "coins" the words "of smaller denominations than one dollar."

Mr. BAYARD. I do not think that would be at all objectionable, and I suppose the reason why the phraseology differs in the two sections is on account of the facts I have stated.

Mr. CONKLING. Certainly the Senator has explained that, but I suggest to him it would hardly be wise to continue this difference of language.

Mr. BAYARD. I see not the least objection to the amendment; on the contrary, I think the difference now found occurs from the manner of drafting the bill.

Mr. CONKLING. Now I want to make another inquiry relative to section 4 which as changed by the committee reads:

> That all silver coins of the United States of the face value of twenty-five cents and under shall be received at all post-offices for the payment of postage or the purchase of postage-stamps in any sums not exceeding $3.

I infer that the object of that change is to include copper and nickel coins and I inquire of the Senator——

Mr. BAYARD. They are already legal tender to the amount of twenty-five cents.

Mr. CONKLING. Now, I inquire of the Senator what the effect of this section, as the committee report it, will be upon the half-dollar pieces? I know there is an existing provision of law touching half dollars; but should this bill become a law as of this date, it will be a subsequent enactment and an enactment giving authority, requiring, if you please, postmasters to receive silver pieces twenty-five cents in value, or of any value less than twenty-five cents up to the amount of $3. What would the Senator say is the true construction of the law touching half dollars? Will postmasters be at liberty, in the presence of this enactment if enactment it becomes, to say that half dollars are provided for under a previous law, and twenty-five cents and less coins under this law, and that taking the two laws together a man may come with half dollars——

Mr. BAYARD. To the extent of $10, I take it, under the third section.

Mr. CONKLING. Then I inquire again why should not this section also follow the language which occurs in the first section and show plainly on its face that the meaning is that this shall be true of all coins of less denomination than $1. Why should a question of construction be left by specifying twenty-five cent pieces?

Mr. BAYARD. I would say "all silver coins."

Mr. CONKLING. I mean silver coins; my point now is not as to "silver." I am simply upon this point now: We as of this date are to put upon the statute-book a direction that a certain thing may be done in respect of twenty-five cent pieces and other silver coins of a less denomination than twenty-five cents. Do you not create great doubt whether you intend to leave standing prior provisions of law touching fifty-cent pieces? Dropping down to section 5, there is a provision—

> That all laws or parts of laws in conflict with this act be, and the same are hereby, repealed.

I ask the Senator to take that into consideration when he answers the last question I put him, namely, whether he does not at least leave an uncertainty and confusion in respect of half dollars?

Mr. BAYARD. I see no objection whatever, on the contrary I see a manifest propriety that the same phraseology should be applied to accomplish the same intent in all four sections. The history of the fourth section is somewhat like the history of the third. It also was an afterthought and put upon the bill after it came to the House, and therefore never underwent the revision of the House committee. The object of our committee was to differ from the House as little as possible. I see no objection whatever to the adoption of the same phraseology descriptive of the coin in the first section, in both the third and fourth sections.

Mr. TELLER. Why not strike out the words "of the face value of twenty-five cents and under?"

Mr. BAYARD. Senators will observe that when the bill came to the Senate from the Committee on Finance it was "all coins of every description," including the copper coins and the nickel coins. That obviously would have been exceedingly inconvenient to the post-office authorities; and the amendment of the committee is to confine it to the silver coins. That, we thought, would change the frame-work of the bill as it came to us, less than to adopt the language of the first section; but I am disposed to yield and admit that it would be more ship-shape if all the sections contained the same phraseology as to the money meant to be designated.

Mr. CONKLING. Then I will venture to move to amend section 3 by striking out in the first line the words "fractional or subsidiary"——

The PRESIDENT *pro tempore*. The morning hour has expired.

Mr. CONKLING. I beg the Chair to allow me to state my amendment that it may at least be pending. I move to strike out the words "fractional or subsidiary" in line 1 of the third section and in line 2 after the word "coins" to insert "of smaller denominations than one dollar," so as to read:

Present silver coins of smaller denominations than one dollar.

And I think the words "of the United States" should be there, so as to read, "silver coins of the United States" * * * "shall hereafter be a legal tender," &c.

Mr. BAYARD. The words "of the United States" are already in practically.

Mr. CONKLING. Then in section 4 I move to amend by striking out in line 2 the words "of the face value of twenty-five cents and under," and inserting in lieu of those words the words "of smaller denominations than one dollar," so that that section will read:

That all silver coins of the United States of smaller denominations than one dollar shall be received at all post-offices, &c.

Mr. BAYARD. Following the language of the first section.

Mr. CONKLING. Exactly.

The PRESIDENT *pro tempore*. The morning hour has expired.

Mr. TELLER. I should like to offer an amendment.

The PRESIDENT *pro tempore*. The unfinished business is the bill (S. No. 206) relative to the transportation of animals.

Mr. BAYARD. I ask that that measure be laid aside informally that we may proceed with the consideration of this bill for a few minutes longer.

Mr. McPHERSON. I can scarcely consent to that, because in my opinion it will take a long time to complete this bill. There are many speeches to be made on it, no doubt.

Mr. CONKLING. I ask the Senator from New Jersey to hear me a moment. Nobody objects to these two amendments of mine; it will take but a moment to vote upon them. Suppose he allow a vote to be taken on these amendments which are agreeable to the committee and relieve some doubts that others have had.

Mr. BECK. I do not desire to speak upon it, but I certainly object to the last amendment of the Senator from New York. The effect of that is to limit the post-offices in receiving half dollars as legal tender to $3, when the House made it $20, and we admit it shall be $10, and it is now five for all other purposes.

Mr. EDMUNDS. We may as well have the regular order.

Mr. TELLER. Before this bill goes over I submit an amendment to it and move that it be printed.

The motion was agreed to.

ORDER OF BUSINESS.

The PRESIDENT *pro tempore*. The Chair must lay before the Senate the unfinished business.

Mr. McPHERSON. I desire to ask that the unfinished business be laid aside informally in order to enable the Senator from Indiana [Mr. McDONALD] to call up his bill as he has given notice that he desires to speak, the unfinished business to be taken up immediately after the Senator from Indiana concludes.

The PRESIDENT *pro tempore*. The Senator from New Jersey asks that the unfinished business be laid aside informally subject to his call, in order that the Senator from Indiana [Mr. McDONALD] may move to take up the bill introduced by him. Is there objection?

Mr. EDMUNDS. Mr. President, does that mean that the discussion of the military bill is to be confined to the Senator from Indiana alone?

The PRESIDENT *pro tempore*. The request of the Senator from New Jersey was that his bill might be laid aside informally subject to his call, in order that the Senator from Indiana might move to take up the bill introduced by him.

Mr. EDMUNDS. Suppose some other Senator should like to submit a few observations when the Senator from Indiana shall have concluded?

The PRESIDENT *pro tempore*. That is a matter about which the Chair can give no information.

Mr. McPHERSON. I understood the Senator from Indiana to have given notice that he desired to speak this morning, and also the Senator from Pennsylvania, [Mr. WALLACE.] I have since learned that the Senator from Pennsylvania does not desire to speak to-day. I had therefore concluded that perhaps no other Senator would desire to speak to-day on that bill, and I would ask to have my bill taken up immediately after the Senator from Indiana made his speech, that being laid aside informally.

Mr. EDMUNDS. Inasmuch as this appears to be a proposition which will prevent any possible reply to the Senator from Indiana if anybody should wish to make one, I think we had better take up the bill regularly, and then his remarks will be the subject of reply.

Mr. McDONALD. I will say that it is not my purpose to ask for a vote on my motion to refer to-day, as I understand the Senator from Pennsylvania desires to speak to-morrow if an opportunity be accorded.

The PRESIDENT *pro tempore*. If the suggestion of the Senator from New Jersey be agreed to, and the bill of the Senator from Indiana be taken up, debate on that can of course proceed until the Senator from New Jersey or some other Senator demands the regular order.

Mr. EDMUNDS. Inasmuch as the Senator from New Jersey puts it in the way he does, I should prefer that the bill that the Senator from Indiana wishes to speak to should be taken up in the regular way by postponing the New Jersey bill and taking this up, and then it will be up, and if any Senator desires to be heard after the Senator from Indiana is through, he will have an opportunity. Otherwise he would not; because the Senator from New Jersey could shut down the gate immediately the Senator from Indiana is through.

Mr. McPHERSON. I desire to add that the bill I wish the Senate to take action on is a very important bill, and one that we cannot afford to postpone very long. I have been detained from the Senate by illness, or I should have asked its consideration before. I propose, which I trust will meet the convenience of the Senate, to consider it to-day. It can be done to-day as well as any other time, perhaps, and I shall ask the indulgence of the Senate in that respect. The bill of the Senator from Indiana, after he has addressed the Senate, I propose to ask be laid aside. It will require a very few moments, I think, to dispose of Senate bill No. 206. It is one in which I feel a great interest.

Mr. EDMUNDS. Then, if I understand it, the Senator from New Jersey intends to call for the regular order, if this suggestion be agreed to, the moment the Senator from Indiana has concluded?

Mr. McPHERSON. That is my intention.

Mr. EDMUNDS. Then I object.

The PRESIDENT *pro tempore*. Objection is made to the suggestion. The unfinished business is before the Senate.

Mr. McDONALD. Then I move to lay aside the pending order and take up the bill introduced by me.

Mr. EDMUNDS. That I hope will be done. It is not my object to cut off my friend from Indiana by any means, nor have I any present purpose of making any remarks myself to-day; but if the Senator from Indiana should happen to say something that seemed to require explanation at the moment, I do not think it right that gentlemen on the other side should be absolutely cut off.

Mr. McDONALD. I do not think there will be any difficulty about taking up the other bill afterward.

The PRESIDENT *pro tempore*. The Senator from Indiana moves to postpone the pending bill in order to proceed to the consideration of the bill introduced by him.

The motion was agreed to.

The PRESIDENT *pro tempore*. Senate bill No. 206 is postponed. Does the Senator from Indiana move to take up the other bill?

Mr. McDONALD. Yes, sir. I move to take up Senate bill No. 621.

Mr. EDMUNDS. No objection.

USE OF TROOPS.

The PRESIDENT *pro tempore*. The Senator from Indiana moves to proceed to the consideration of the bill (S. No. 621) authorizing the employment of the militia and the land and naval forces of the United States in certain cases, and for other purposes. Is there objection? The Chair hears none, and the bill is before the Senate as in Committee of the Whole.

The bill was read, as follows:

A bill authorizing the employment of the militia and the land and naval forces of the United States in certain cases, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That whenever the United States shall be invaded or be in imminent danger of invasion, or whenever the laws of the United States shall be opposed or the execution thereof obstructed in any State by combinations too powerful to be suppressed by the ordinary course of judicial proceedings or by the power invested in the marshals by this act, and official information shall be furnished thereof by a judge of the Supreme Court or judge of any circuit or district court of the United States sitting or exercising judicial authority within the limits of any such State, or in case of any insurrection or domestic violence in any State against the government thereof, and the Legislature of such State or the executive (when the Legislature cannot be convened) has made application therefor, it shall be lawful for the President of the United States to call forth such number of the militia of the State or States most convenient to the place of danger or scene of action as he may deem necessary to repel such invasion or to suppress

such combination and to cause the laws to be duly executed, or to suppress such insurrection or put down domestic violence in such State; and the use of the militia so called forth may be continued, if necessary, until the expiration of thirty days after the commencement of the next session of Congress.

SEC. 2. In all cases of invasion, insurrection, or domestic violence, or obstruction to the laws, either of the United States or of any individual State or Territory, where it is lawful for the President of the United States to call forth the militia for the purpose of repelling such invasion or suppressing such insurrection or domestic violence, or of causing the laws to be duly executed, it shall be lawful for him to employ for the same purpose such part of the land or naval forces of the United States as he shall judge necessary, having first observed all the prerequisites of the law in that respect; but it shall not be lawful to employ any part of the Army of the United States as a *posse comitatus* or otherwise for the purpose of executing the laws except in such cases and under such circumstances as such employment of said force may be expressly authorized by the Constitution or by act of Congress.

SEC. 3. The marshals of the United States in their respective districts shall have power to execute all lawful process and precepts to them directed and issued under the authority of the United States, and in the execution thereof shall have the power to command all necessary assistance.

SEC. 4. All laws and parts of laws heretofore enacted which are in conflict with any of the provisions of this act are hereby repealed.

SEC. 5. All laws and parts of laws heretofore passed by the Congress of the United States, regulating the manner of holding elections for Representatives in Congress, are hereby repealed.

Mr. McDONALD. Mr. President, in a republican government the people should be free and uncontrolled in the selection of their Representatives, and the officers of election should be residents of the vicinage, well known to the electors and chosen by them.

The right to define the qualifications of electors under our system of government is reserved to the several States, subject only to such restrictions as are imposed by the Federal Constitution. The States also possess the absolute right of prescribing the times, places, and manner of elections for all State and local officers. Over this subject there has been no power delegated in the Constitution to the Federal Government. The States also, primarily, possess the power to prescribe the times, places, and manner of holding elections for Senators and Representatives in Congress; but power is conferred upon Congress to make or alter such regulations, except as to the place of choosing Senators.

This power, however, was never exercised in respect to the election of members of Congress, except as to time, until the passage of those laws now upon our statute-books by which the Federal Government was authorized, through officers and agencies provided for in them, to exercise an important control over the manner of conducting such elections. These laws provide for the appointment of an almost unlimited number of officers—heretofore wholly unknown to our people—called "supervisors of elections," who exercise a direct supervision over all elections at which members of Congress are to be chosen, and are entitled to a compensation of $5 each per day for a term not exceeding ten days at each election. A chief supervisor is appointed in each judicial district of the United States, to hold his office during good behavior, and is thus made an officer for life, unless removed by impeachment. He is charged with a general supervision of the registration and elections in his district. The compensation of this officer, as well as that of the special supervisors, is made a charge upon the general fund of the Treasury as a perpetual appropriation, and is payable out of any money not otherwise appropriated.

United States marshals in their respective districts, in all cities of twenty thousand inhabitants and upward, on the application of any two citizens residing in such city, are authorized to appoint without limit as to number special deputies to act in conjunction with the special supervisors. The special deputies, as well as the general deputies of the marshal, are clothed with the power to keep the peace generally and to support and protect the supervisors of elections in the discharge of their duties. In addition to this, on account of the special duties connected with the elections, it has been held by the Department of Justice that, under the general power to appoint one or more deputies to aid them in the discharge of their duties, the marshals may appoint as many general deputies throughout their districts as they please, so that in each judicial district an unlimited number of general and special deputies may be called into service in connection with the elections. The marshals are the appointees of the President, and are almost without exception in political accord with the Administration, and their appointees are of the same political complexion. This election machinery has been put in force to a greater or less extent at every congressional election since the passage of these laws, and the dynamitic power wrapped up in it is capable of indefinite expansion, so that it may be made to reach and influence every congressional district in the United States and indirectly the State and local elections of every State.

To aid in the working of this machinery, all powers of the Federal Government, executive, administrative, judicial, civil, and military, are subject to be called into exercise, and the agencies that move and control it are entirely removed from any direct responsibility to the people. It is true it does not take the election polls out of the control of the people's chosen election officers, but it so surrounds and overshadows them by the power of the Federal Government as to destroy the vital principle of popular elections and place it in the power of whatever party may for the time being control the exercise of executive power to perpetuate its authority.

When the Constitution of the United States was adopted, the power conferred on Congress to make or alter such regulations as might be prescribed by the several States for the election of members of Congress was strongly objected to. It was then feared that under this power Congress might contrive the manner of holding elections so as to exclude all but their own favorites from office, or to secure party triumphs. The objections to intrusting it to Congress are so strongly stated by Judge Story in his Commentaries on the Constitution that I shall take the liberty of reading the paragraph embracing them. It is as follows:

This clause does not appear to have attracted much attention or to have encountered much opposition in the convention, at least so far as can be gathered from the journal of that body. But it was afterward assailed by the opponents of the Constitution, both in and out of the State conventions, with uncommon zeal and virulence. The objection was not to that part of the clause which vests in the State Legislatures the power of prescribing the times, places, and manner of holding elections; for, so far, it was a surrender of power to the State governments; but it was to the superintending power of Congress to make or alter such regulations. It was said that such a superintending power would be dangerous to the liberties of the people and to a just exercise of their privileges in elections. Congress might prescribe the times of elections so unreasonably as to prevent the attendance of the electors, or the place at so inconvenient a distance from the body of the electors as to prevent a due exercise of the right of choice. And Congress might contrive the manner of holding elections so as to exclude all but their own favorites from office. They might modify the right of election as they should please; they might regulate the number of votes by the quantity of property, without involving any repugnancy to the Constitution. These and other suggestions of a similar nature, calculated to spread terror and alarm among the people, were dwelt on with peculiar emphasis.

On the other hand, it was contended by those who favored the clause that no danger was to be apprehended from any mal-use by Congress of such power; "that it would never be resorted to except to correct any negligence in the State in making provision for such elections," or to prevent a dissolution of the Government "by designing and refractory States urged on by some temporary excitement," or to secure regularity in the operations of the General Government "by a uniformity in time and manner of electing Representatives, so as to prevent vacancies when there might be calls for extraordinary sessions of Congress." As to the charge that parties might through it seek political advantages and party triumphs, the language of the learned commentator is so strong and denunciatory against the class of measures now in force that I shall take the liberty of quoting it at length. He says:

The truth is that Congress could never resort to a measure of this sort for purposes of oppression or party triumph until that body had ceased to represent the will of the States and the people, and if under such circumstances the members could still hold office it would be because a general and irredeemable corruption or indifference pervaded the whole community. No republican constitution could pretend to afford any remedy for such a state of things.

In the New York convention, called for the purpose of ratifying the Constitution, Mr. Jay, one of the ablest of its members, used the following language:

As far as he understood the ideas of the gentlemen (referring to those who opposed the clause) they seemed to have doubts with respect to this paragraph, and feared that it might be misconstrued and abused. Every government was imperfect unless it had the power of preserving itself. Suppose by design or accident the States should neglect to appoint Representatives, certainly there should be some constitutional remedy for this evil. The obvious meaning of the paragraph was, that if this neglect should take place Congress should have the power to support the Government and prevent the dissolution of the Union. He believed this was the design of the Federal Constitution.

The same construction was given to this clause in other State conventions, notably in Massachusetts, and it is quite evident from these discussions that if it had been believed that Congress would claim and exercise the power, as it has done in these latter days, the clause would have been rejected or so modified as to have guarded against this evil. The settled policy of the Federal Government accorded with the construction which the framers of the Constitution gave to this clause, and such continued to be the construction from the adoption of the Constitution down to 1870, when it was departed from upon the false plea of securing free and fair elections. It had then become apparent that the republican party was losing political control over the Southern States, and under the plea of securing to the freedmen of the South the right to vote, Congress provided laws by which the Federal Government assumed a controlling part in the elections, especially in those elections at which members of Congress were to be chosen. There was not a State that had neglected or refused to make suitable provisions for such elections, and the time and place of electing members of Congress in nearly every State was fixed upon the same day upon which their most important State elections took place.

In my own State our elections are held biennially, and every officer in the State, from the governor to a township trustee, is voted for on the same ballot and before the same election officers with members of Congress; and every safeguard that is thrown around our elections to secure their purity and freedom is equally extended to the elections of members of Congress, so that there is not and was not the slightest justification or excuse for Federal interference; yet this "evil legislation has been hammered and driven into the framework of our State government" so that it is impossible for our people to free themselves from its influence except by divorcing our State elections from congressional elections and thus incurring a double expense and loss of time and to still further remove the elections of members of Congress from popular control and place them under the influence of the political agents of the Administration.

The will of the majority expressed through the medium of the popular elections is the only mode by which the sovereign power of the people can be applied to control our public affairs; and therefore it is

essential that those elections should be as free as possible from party control. It is not possible to wholly free them from party influence because the election officers who receive and count the ballots are themselves the members of one party or the other, and sympathize with their respective parties in their struggle for political power. Under State laws this evil effect of party bias is, in a great measure, counterbalanced by other causes. The laws provide for the formation of non-political boards by securing a representation for all parties in their composition. The election precincts are usually small and their boundaries defined, and the work of canvassing and declaring the results is merely ministerial so that the ballots of the voters as received and counted are aggregated and the results declared without being influenced or controlled by any great central power. Such, at least, were the election laws in all the States until the work of reconstruction began in that portion of the Southern States lately in rebellion, and such are still the laws in the several States except in a few of the Southern States that have retained the election machinery framed under the so-called reconstruction policy of the republican party.

When reconstruction began its work it was conducted under the shadow of the military. Martial law, in effect, supervised and controlled the provisional governments established within the States; and when those provisional governments gave place to organized State governments, in almost every instance the power of the people over the elections was displaced by political machinery which vested in the executive of the State the power of supervising and controlling them. Take Louisiana as an illustration. In that State there was not a single officer connected with the elections who was elected directly by the people. The governor appointed a State supervisor of registration. He also appointed a supervisor of registration and election for each parish and for each ward in the city of New Orleans. These supervisors, in turn, appointed the election officers in their respective parishes and wards, supervised the registration, and appointed the polling places, with no other restriction upon their powers of selecting the places of voting except that they were required to appoint at least one polling place in each justice's ward. In 1876 the supervisor of registration and election for the parish of West Feliciana fixed the polling place for the Eighth ward of the parish ten miles away from the ward. The judges of election were required to make their returns to the supervisor of registration, and he tabulated the returns thus sent to him, and forwarded them, or such as he saw proper, to the State board of canvassers, known in our political history as "the returning board of Louisiana."

In the election I have just referred to the supervisors of election purposely withheld from their returns over three thousand votes which had been returned to them by the officers of election, and from the parish of Grant the supervisor made no return at all, so that in that election the entire vote of Grant Parish and over three thousand votes polled in other parishes by the people were never considered or counted in the general canvass. The acting governor, who wielded the machinery of elections at that time, was himself a candidate for a seat in this body, which he now holds. This election machinery, with some variations, was extended over several other Southern States, and bears a striking family resemblance to the Federal laws now under consideration, and by its use the political adventurers, who by the aid of the Federal Government, supported by Federal bayonets, had seized upon the political power in those States, were enabled to maintain themselves year after year in the possession of that ill-gotten power in spite of the popular will until many of the Southern States were brought to the verge of bankruptcy and ruin.

It has been sought, Mr. President, by the republican party in and out of Congress, to stamp upon the controversy that has arisen over the effort that has been made to repeal the Federal election laws a sectional character, and to use it as a means of securing a solid North against what the republican leaders are pleased to style a "solid South." No effort has been made to defend these laws on any sound principle, but the intellect and eloquence of the ablest champions of the republican party have been employed in the endeavor to utilize sectional hate and to excite the fears and prejudices of the people of the Northern States against the people of the Southern States, while it is perfectly manifest that the North as a section is more interested in their repeal than the South. If the South has become solid it is because the maladministration of the republican party in the Southern States has made it so; and in the nature of things it will continue to oppose with a united front any party that shall seek to maintain political power in that section by attempting to govern it by placing ignorance over intelligence and subordinating civilization to barbarism. Withdraw the outside pressure that has encircled that section since the day that reconstruction began, and in a short time we shall have a divided South as well as a divided North, and political parties separated by geographical lines will soon be unknown to our politics.

Again, the advocates of these measures falsely charge that their repeal is a reactionary movement in favor of ultra State rights and would endanger the proper authority and power of the General Government. If by ultra State rights is meant the right of secession or nullification, it is not true that it is now or never was a democratic doctrine, as it certainly never was the principle of the Federal Constitution. From the days of Thomas Jefferson to the present time the democratic party as a party has ever maintained that the Federal Government, within the powers delegated to it by the Federal Constitution, was supreme. They have only claimed what the Constitution itself declares, that the powers not therein delegated to it nor prohibited to the States are reserved to the States respectively and to the people; and the invasion of these reserved powers by the Federal Government is an unwarranted usurpation, as the nullification of the Federal authority by the States or by the people is an unauthorized rebellion. The democratic party is no more chargeable with the views held by Mr. Calhoun and his followers than is the republican party chargeable with like sentiments expressed in the Hartford convention.

My objections to these laws, Mr. President, are, first, that they are in violation of the spirit if not the letter of the Constitution, by seeking to interfere with or control the primary right of the States over the people's Representatives; second, that they surround the election-polls in the States with the political emissaries of the Administration, with power, if need be, to call to their assistance the military arm of the Government, under the pretense of keeping the peace at the polls; and, third, that this election machinery has been used, and if suffered to remain in force will be used again, for the mere purpose of securing party triumphs, and that this use is more to be feared throughout the Northern States than in any section of the Union. Take the election of 1878 as an illustration. In the States of New York, Pennsylvania, Massachusetts, New Jersey, and Ohio it is safe to say that by the aid of these laws the republican party was enabled to change the political complexion of at least ten congressional districts. Without this aid the House of Representatives of the present Congress would have a democratic majority of at least twenty, and by its use it is in the power of the Administration to control the elections of members of Congress in every close or doubtful district in the United States. In the city of Philadelphia during the last election there was employed an army of Federal officers numbering seven hundred and seventy-three deputy marshals and thirteen hundred and thirty-two supervisors of election, at a cost to the people of $41,170, a force that was wholly unnecessary for any purposes of a free and fair election, as was shown by the testimony of the marshal of that district in his examination before a committee of this body. The following is his testimony on that point:

By Mr. HOAR:

Question. I suppose you have had large experience in the city of Philadelphia. Are you a native of that city?

Answer. Yes, sir; I was born in that city.

Q. And lived there all your days?

A. Yes, sir.

Q. In your judgment, would those elections have been safe from disorder and fraud without the precautions which you have described?

A. I believe they would.

Q. Without the precautions you have described? Suppose there had been no supervision or guarding by the deputy marshals, do you think there would have been danger of disorder or fraud in the elections?

A. In some localities there would, in others there would not. I think, as far as the appointment of supervisors and United States marshals for the city of Philadelphia is concerned, the city could do without them very well. She could protect herself without the law, as far as Philadelphia is concerned.

In the city of New York a still larger force at a still greater cost was employed, as has been repeatedly shown in this debate. In the city of Cincinnati two congressional districts were controlled by Federal emissaries, and the people cheated out of their choice. In the State of Massachusetts more money was paid out of the public Treasury to control the elections than in all the States lately in rebellion. Will her Senators in this Chamber say that this was necessary to secure a free and fair election of members of Congress? If not, for what purpose was this Federal machinery brought into play in that State? I suppose there can be but one answer to that question. It was to prevent the people of Massachusetts from selecting for their governor a certain person, well known to the history of this country, who had made himself obnoxious to the political leaders of that State.

General Butler is no personal or political favorite of mine, yet he is a man of great ability and is a citizen of Massachusetts. The people of that State had the right to choose him for their governor, but the leaders of the republican party did not think so and consequently foreign aid was called in to control the popular will. Deputy marshals were appointed; United States supervisors were appointed, and the people were taxed to defray the expenses incurred in defeating them of their choice. All this was done under the false pretense of providing for a free and fair election. The effect, therefore, of these laws, as already demonstrated by their practical working, is to interfere in State elections as well as to place it in the power of the Federal Administration to subordinate the popular branch of the Federal Congress to the control of the executive department of the Government, and to aid in this purpose the executive is vested with almost unlimited control over the military power of the country, with direct authority to station troops at the polls under the pretense of keeping the peace.

The President of the United States is "Commander-in-Chief of the Army and Navy of the United States and of the militia of the several States when called into actual service of the United States." It is a fundamental principle of free government that the military should be held in strict subordination to civil authority. It was one of the specific grounds of complaint by the colonies against the King of Great Britain "that he had affected to render the military independent of and superior to the civil power." The principle of making

the military strictly subordinate to the civil power was scrupulously guarded by the fathers of the Republic. There are three classes of cases in which a use of the military is not only proper, but often indispensable: they are, first, to repel invasion; second, to enforce the laws of the United States; third, to aid a State in suppressing insurrection against its authority, or to put pown domestic violence.

The power of the Executive to use the Army as its military commander to repel invasion has never been restricted, but has been left to his discretion. An armed invasion by a public enemy is war, and must be met at once by military power, and every President has been authorized to use it and vested with the power to decide on its necessity. But not so in the other two cases. The President is not a magistrate with authority to issue processes and precepts; there is another department of the Government clothed with that power—the judicial department; and while it is made his duty to take care "that the laws be faithfully executed," it is not right to clothe him with the authority to decide upon the question of their execution; and, therefore, in the earlier statutes regulating this duty it was expressly provided that when the laws of the United States were opposed in any State by a combination too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals, the President, upon receiving official information of that fact from an associate justice—that is, one of the supreme judges—or the district judge of proper district, was authorized to call in the aid of the military power to suppress such combinations and to cause the laws to be executed. So, when in any State there should be an insurrection against the government thereof, it was lawful for the President, on the application of the Legislature of such State, or the executive when the Legislature could not be convened, to use the military force of the United States to suppress such insurrection. And during the nullification excitement of 1832-'33, when it was thought necessary to clothe the President with what was regarded extraordinary powers to meet the exigency of the case, the statutes were carefully drawn to guard against the exercise of any arbitrary power on his part by requiring him to be officially informed by the authorities of the State, or by the proper Federal judge, of the existence of the facts creating the necessity for military aid, and the duration of the authority conferred was expressly limited in the act. The act of July 29, 1861, still upon our statute-books, was the first broad departure from these principles and vested in the President dictatorial powers. It is as follows:

Whenever, by reason of unlawful obstructions, combinations, or assemblages of persons, or rebellion against the authority of the Government of the United States, it shall become impracticable, in the judgment of the President, to enforce, by the ordinary course of judicial proceedings, the laws of the United States within any State or Territory, it shall be lawful for the President to call forth the militia of any or all the States, and to employ such parts of the land and naval forces of the United States as he may deem necessary to enforce the faithful execution of the laws of the United States, or to suppress such rebellion, in whatever State or Territory thereof the laws of the United States may be forcibly opposed, or the execution thereof forcibly obstructed.

It will be seen that the power to judge of the exigency is vested in the President, and not in the courts nor in the State authorities. As President he decides and as Commander-in-Chief of the Army he executes, so that the judicial and civil as well as military authority in the premises is vested in the one department of government—the executive. It may be said that this act was passed during flagrant war and as a war measure. This may have justified its passage; it may also have justified the continuance of this power during the war; but it forms no justification for vesting such powers perpetually in the one department of government, the head of which is also the military chief of the country. During the war this great power was not only exercised by the President but by military commanders in various localities, as shown by numerous military orders issued in loyal as well as disloyal sections of the country, and was frequently leveled at persons whose only offense consisted in their opposition to the political measures of the Administration. Under it, or in misuse of it, elections were interfered with and the military used to control them in the interest of the republican party. I have heard it said in this Chamber that the military had never been used to control elections in this country. In my State, in 1864, a regiment of Massachusetts volunteers stationed at Indianapolis were permitted to leave their encampment on the day of election, and, with arms in their hands, suffered to surround the polls and not only exclude citizens from voting but were permitted to vote themselves, a privilege that they used most freely. This was done in my own view, and I saw these non-resident armed men insult and drive from the polls citizens of the State as loyal as themselves. Similar scenes were enacted in other parts of the State, as I have good reason to know.

These and other like abuses induced the passage of the act of 1865, by which it was made "unlawful for any military or naval officer of the United States, or other person engaged in the civil, military, or naval service of the United States, to order, bring, or keep or have under his authority or control any troops or armed men at the place where any general or special election was held in any State of the United States of America, unless it shall be necessary to repel the armed enemies of the United States." So read the bill as introduced by its author, Senator Powell, of Kentucky, but by the republican majority in the Senate it was amended by adding these important words, "or to keep the peace at the polls." The republican party then as now were unwilling to give up the power of exercising through their President military supervision over the elections. In 1871 an act was passed entitled "An act to enforce the provisions of the fourteenth amendment to the Constitution of the United States, and for other purposes."

The third section of this act has been changed by the revisers and carried into the Revised Statutes as a general law. It is section 5299, and is the third section under the title "Insurrection." As revised it confers upon the President the most absolute power in the use of the military in suppressing insurrections in the States and in enforcing the laws of the United States, making him the sole judge of the exigency and relieving him from any control on the part of any other department of the Government or from any State or local authority, so that instead of returning to constitutional and regular methods of civil government when the war was over, the republican party has added to the powers of the President even beyond what was thought necessary during the most urgent necessities of the civil war, so that we now have upon the statute-books laws that not only authorize and permit an unwarrantable interference in popular elections, but, what is more dangerous still, powers slumbering there capable of being exerted in establishing a military dictatorship.

The purpose of the bill I have had the honor to introduce is to aid in securing such just reforms as will relieve the country from the danger or apprehensions of danger of the exercise of arbitrary power by the President in the use of the military arm of the Government, and to place that important arm under the control of proper civil authority without crippling the President in any proper use of it, and by repealing all Federal laws relating to the manner of holding elections for members of Congress, to remit to the people and the States once more the right of free elections under their own laws. These objects the democratic party has endeavored to accomplish by the various measures which it has sought to pass into the forms of law and which have been so strenuously opposed by the republican party in this and the last session of Congress. No more important question has ever engaged the attention of the people of this country in the time of peace. It involves no less an issue than this: are our people, after passing through a civil war which taxed their energies to the utmost, and in which, for war purposes, they clothed their Executive with a most absolute power, capable, when the war is over, of re-establishing the civil administration of the Government by applying once more the checks and balances so necessary to secure popular rights; or will they, for the benefits and advantages that parties may derive from the exercise of such arbitrary power, suffer it to remain as a permanent part of our political system?

Our people have shown themselves equal to many emergencies and vindicated their capacity for self-government and for maintaining the guarantees of civil liberty on many occasions, and in my opinion they will do so now. The republican party in its opposition to these necessary reforms has made itself the champion of arbitrary power and of Federal interference in the elections, and in the end will be beaten. It is not a mere contest between the democratic party on the one hand and the republican party on the other, nor is it a controversy between the North and the South; it is a contest between the republican party in its effort to retain the control of the Government and the people in their endeavor to re-establish the principles of a just, representative republic. Every man in this country whose political future is not bound up in the success of the republican party is in favor of these just reforms, and in the contest to secure them the democratic party is but the mouth-piece and organ of the people, and no blunders or mistakes which it can make in its efforts to secure these reforms can cause their ultimate defeat.

I know it is a favorite saying among republican leaders that they have been enabled to maintain power heretofore on account of the mistakes made by the democratic party, but this is very far from being true, although from time to time they may have profited by such mistakes. I ask my republican friends to look back over the past. At the close of the war their party was in power in all the Northern States, and they held the Southern States as conquered provinces and molded them in their reconstruction policy as the potter molds the clay in his hands. The people felt grateful to the republican party because under its auspices the rebellion had been put down and the territorial integrity of the country preserved. It is true that on every battle-field the democrats of the Northern States stood side by side with republicans in support of the Union. In my own State the roll of the living and the dead will show a democrat of the rank and file for every republican, and among the most honored of the democrats of Indiana are to be found the names of Manson, Love, Gray, Slack, Shaw, Williams, and a host of others; yet the democratic party, because it insisted upon being true to its principles in opposing such political measures of the republican party as it believed to be wrong, was charged with disloyalty.

Fourteen years have passed away. How stands the case now? This arrogant and imperious republican party is in a minority in both branches of Congress, is in a minority in every State in the Union but four, and holds the executive power of this Government by commission of a political crime and against a popular majority of over 260,000 votes, and has no hope in the future except in its bad effort to array one section of the country against another. It requires no prophet to foretell its downfall, for it has been "weighed in the balance and found wanting."

Mr. McPHERSON. Mr. President——

Mr. EDMUNDS. Mr. President, the speech of the Senator from Indiana has been so interesting that I should be glad to occupy an hour or two in stating a few things that he appears to have omitted; but as the Senator from New Jersey desires to go on with the cattle bill, which is probably of more importance to the people of the United States than the bill of the Senator from Indiana, I think I will forego the few things that I have to say until the bill comes up the next time, and then if I can get the floor in due order I may have a few things to say.

The PRESIDING OFFICER, (Mr. FERRY in the chair.) The Senator from New Jersey moves to postpone the pending and all prior orders for the purpose of taking up Senate bill No. 206.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had concurred in the amendments of the Senate to the bill (H. R. No. 2) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes.

The message also announced that the House had passed the following bill and joint resolutions; in which it requested the concurrence of the Senate:

A bill (H. R. No. 564) to amend certain sections of the Revised Statutes of the United States relating to coinage and coin and bullion certificates, and for other purposes;

A joint resolution (H. R. No. 55) authorizing the payment of a portion of the Virginius indemnity fund to the mother of General W. A. C. Ryan;

A joint resolution (H. R. No. 70) authorizing Commodore J. W. A. Nicholson, United States Navy, to accept from his Catholic majesty the King of Spain the grand cross of naval merit; and

A joint resolution (H. R. No. 74) authorizing Lieutenant Z. L. Tanner, of the United States Navy, late commanding Pacific Mail steamer City of Peking, to accept a pair of flower vases and a lacquered box from the Japanese government.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. No. 2) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes; and

A bill (H. R. No. 178) to provide for the change of name of the steamer Alexis.

TRANSPORTATION OF ANIMALS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 206) relating to the transportation of animals.

Mr. McPHERSON. Mr. President——

Mr. PADDOCK. This bill does not seem to have been considered by any committee of the Senate.

Mr. McPHERSON. It was reported from the Committee on Commerce, having been considered by them.

Mr. PADDOCK. The print before me does not purport to have been reported from a committee. It is simply "referred to the Committee on Commerce."

Mr. McPHERSON. This is identical with a bill passed by the Senate during the last session of Congress, which was reported by the Committee on Commerce at that time, considered by the Senate, and I think passed unanimously. For want of time it was not considered by the other House.

Mr. PADDOCK. I think it is different in some respects from that bill, as I read it.

The PRESIDING OFFICER, (Mr. FERRY in the chair.) The Chair will state that the bill which has been read is indorsed as reported on the 22d of May from the Committee on Commerce without amendment.

Mr. PADDOCK. Then I have the wrong bill.

The PRESIDING OFFICER. The Senator from Nebraska has the wrong print.

Mr. PADDOCK. Then I withdraw my objection.

Mr. COCKRELL. The bill which has been read is one that is reported from the Committee on Commerce.

The PRESIDING OFFICER. The bill was reported by the Committee on Commerce.

Mr. COCKRELL. None of us are able to get any bill except that introduced on the 26th of March, 1879.

Mr. TELLER. Is it not reported as introduced?

Mr. McPHERSON. It is reported back just as it was introduced.

Mr. TELLER. So that the print of March 26 is all right.

Mr. McPHERSON. I think there is not a change of any word save one from the bill passed at the last session. An amendment was offered at the last session by the Senator from Illinois [Mr. DAVIS] changing the word "sixty," in line 58 of the third page of the bill, to "forty-five." With that exception, there has been no change whatever.

Mr. PADDOCK. That is a very important change.

Mr. McPHERSON. In line 58, the Senate at the last session struck out the word "sixty" and inserted "forty-five." It reads, "sixty consecutive hours." In other respects the two bills are identical in character.

Mr. VOORHEES. I do not exactly know when will be the proper time, but I wish to give notice that I shall offer an amendment to change the word "twenty-eight," in line 14, on the first page, to "twenty-four;" and that I will move to strike out, on page 7, all that part which is embraced between lines 144 and 160.

Mr. McPHERSON. I think I can give the Senator from Indiana some very good reasons why he should not do that.

Mr. VOORHEES. I will listen with pleasure.

The PRESIDING OFFICER. The Chair will state to the Senator from Indiana that there are no amendments reported by the committee, and amendments can now be moved.

Mr. VOORHEES. I offer, then——

Mr. McPHERSON. I wish the Senator from Indiana would withhold his amendment, so as to give me an opportunity to explain the bill, for I think I can give him some reasons why the amendment he proposes should not be offered.

Mr. VOORHEES. I will hear the Senator.

Mr. PADDOCK. If the Senator from New Jersey will at the same time give us a reason for inserting the lines from 52 to 62, on page 3, when there seems to be a sufficient provision covering that point upon page 2, from line 17 to line 24, I shall be glad. If the confinement is limited to twenty-eight consecutive hours, I cannot see the necessity or the propriety of these two provisos. Perhaps, however, they are right; but it seems to me the whole case is covered by restricting the continuous confinement to twenty-eight hours, as is done on page 2. If the Senator will explain that, I shall be glad.

Mr. McPHERSON. I will answer all questions at the proper time, and if I am permitted to go on now I think I can give good reasons why that clause should be in the bill.

The PRESIDING OFFICER. The Senator from New Jersey will proceed.

Mr. McPHERSON. Mr. President, the bill now under consideration is one of the most important which has been brought to the attention of the Senate since I have been honored with a seat in this body. It has a twofold object: first, to prevent cruelty in transportation; and secondly, secure good and healthful meat food to the people. I can conceive of no object more meritorious, or more seriously demanding the attention of Congress. It is not the first time Congress has attempted to correct the evils attendant upon live-stock transportation by remedial legislation. An act to which the present bill is amendatory was passed by Congress, and approved March 3, 1873, and is operative so far as its loose and faulty construction will permit it to be.

The present bill seeks to remedy those defects in the existing law which experience proves to be necessary to the successful accomplishment of the objects and purposes it had in view. The subject under consideration is one which has claimed the attention of the public for many years and petition after petition has been sent here praying for relief. State and national, even international, conventions have been called to consider some suitable remedy for this crying evil, and have memorialized Congress in the resolutions they passed and sent here. It is needless for me to inform the Senate, and particularly the committee especially charged with the consideration of this and other bills having a like object, that this bill is far less restrictive than many others which have been strongly recommended and defended by the public. In short, in the estimation of many people (among whom I may be classed) who have given this subject great attention, it comes far short of being a legal remedy for the evils complained of, but a vast improvement upon the existing law. It also comes before us in the nature of a compromise with the railroad interests, which have heretofore successfully resisted the enforcement of the present and the enactment of more stringent laws. That it is so accepted alike by the large shippers and dealers in live stock, and the transportation interests of the country, justifies the belief that reforms contemplated and required by the terms of this bill will be promptly made.

It is a law demanded by growth of public opinion consequent upon the observation of a condition of circumstances requiring it; and if passed by Congress public opinion will compel its enforcement. It may be observed that, as the railroads over which animals are conveyed to market are interstate railroads, if any cruelty is practiced on animals in transit, Congress has the right to so legislate as to prevent it. And if owing to existing usage of animals on interstate railroads their meat is rendered unwholesome for food, Congress is the only power that can redress the grievance. Let it be remembered that the live-stock interest is one of the most extensive in the country, and from it the United States receive nearly one-third of the amount paid by foreign countries for exported articles, and it also constitutes the principal food of the people of this country, both rich and poor. The time is not far gone when any person who would suggest the idea, much less attempt the experiment, of furnishing the tables of Great Britain with fresh meats direct from American pastures would be considered a fit subject for a lunatic asylum. Although less than two years have elapsed since the first experiment was tried, scarcely a steamer now crosses the Atlantic whose cargo does not consist largely of this product, and in many cases it constitutes the entire cargo. American enterprise and ingenuity have overcome and removed all the obstacles which confronted the suc-

cessful transit of this extensive and important article of export, and American persistency and skill has at last overcome the absurd prejudice which for a long time met us at the door of every beef-eating Englishman.

Modern methods and appliances have practically bridged the Atlantic, and across that bridge we are now pouring the products of this newly discovered industry. From nothing this industry has in the space of two short years increased to tens of millions, and in the near future can only be measured by hundreds of millions of dollars. With a country like ours, almost unlimited in area and power of production, where the labor of one man upon a soil inexhaustible in fertility can produce as much as thousands can consume, it becomes a matter of vast moment. What shall become of the surplus? In respect to the live-stock industry, the answer is easy. With cheap land and cheap labor—both of which we have in abundance—to represent the cost of production; with cheap transportation—which we should have in a land covered with railroads and water routes—to reach the consumer, the demand for our product in the foreign market—because afforded at low prices—would be practically without limit. The amount received from the sale of our breadstuffs exported only equals that received for our-live stock products; and the latter industry has never received a tithe of the attention given to the former.

The production and sale of grain is seldom attended with profit to the producer, never to the country; while the production of live stock and manufacture of animal products is the most remunerative branch of agriculture, and is always accompanied with increased fertility of the soil. The conditions which impede and govern this production of live stock in Europe shows that this export trade must continue and, with wise and judicious management on our part, vastly increase. While this demand will be beneficial to the American stock grower, it is evident that the industry must be free from unnecessary tribute. With five thousand miles separating the producer from the consumer, we must enforce reforms and adopt habits in transportation which will tend to secure and preserve the health of the animal, thereby securing good, healthful meat, food for consumers at home and abroad, and also suffer the least possible depreciation in the quantity or quality of the meat. That laws should be required to accomplish this end seems to be strange; but the fact is no less apparent. Conceding to Congress, as I have done, the power to make these laws, therefore it can scarcely be said the action of Congress should not be invoked in behalf of healthful food, more especially as the laws passed by the several States for the correction of this evil, being limited in jurisdiction, cannot secure the needed reforms. I think I speak correctly when I say that nearly all the States over whose territory the great live-stock transporting lines are laid have enacted restrictive laws, differing in detail, but agreeing in this important particular, that they prohibit, under heavy penalties, the confinement, without food and water, of animals in transportation for a longer period than a fixed number of hours, the time specified in the Massachusetts law being twenty-eight hours, and in some of the Middle and Western States, if I am not in error, twenty-four hours. I think the law in the State of Indiana, to which the Senator from that State has referred, limits the time to twenty-four hours.

Better legislation for the purpose than this it is probably not in the power of any State to enact. And it was within the power of the State to enforce obedience to the law so long as the place of shipment and point of destination were both within the jurisdiction of the State. But how can the Legislature of any one of a number of States remedy wrongs covering the territory of all of them. Let us take an example. We will suppose the States of Illinois, Indiana, Ohio, and Pennsylvania prohibited, as I have said, the confinement of animals in cars without food and water for a longer period than twenty-four hours; but remember either of these States is traversed in the ordinary running time of live-stock trains crossing them in, say, eighteen or twenty hours, so that it was actually possible to starve and torture a train of cattle all the way from the Mississippi to the seaboard without violating the letter of a single State law along the entire line. What is evidently required, therefore, is a single, coherent, and comprehensive law by Congress, acting under authority of that clause of the Constitution which invests Congress with the control of commerce among the several States. The State of Ohio on the one side, and the State of New York on the other, have each passed laws regulating within their respective territories the transportation of animals; and yet, as the States of Pennsylvania and New Jersey, which geographically intervene between the two separate States named, not having any interest in the subject, have made no law thereon, the commerce between these two first-named States is impaired and the animals sent from the one to the other arrive at the terminus injured in market value by acts done while in transit and without the territory of either such State.

Now, it was to cover just such a case as this that the clause was inserted in the Constitution which is here invoked in aid of this bill. Please observe that the bill under consideration neither impairs nor interferes with the right of individual States to provide also against evils aimed at by its provisions. The regulations prescribed by this bill affect no locality, but simply the mode of transit between States of property which is the subject of commerce. This bill aims to establish a general and uniform rule of law regulating the passage of property from one State through another State to a third State. The intervening State has no interest in the subject of the commerce, and is affected only by the mere fact of passage over its territory, and consequently has no interest in regulating the mode of preserving the property while in transit.

To regulate—

Says the Supreme Court of the United States—

is to prescribe rules in conformity with which navigation must be carried on. It extends to the persons who conduct it as well as the instruments used. (Cooley *vs.* The Board of Wardens, 12 Howard, U. S. R., 299.)

"Commerce" said Chief-Justice Marshall, (Gibbons *vs.* Ogden 9 Wheaton R. 189,) "includes not only traffic, or the interchange of commodities, but navigation, or the transit of goods from one country to another."

The United States circuit court, (per Justice Miller,) in a recent case which arose in Iowa, after reiterating this decision, and reviewing a uniform current of authorities in which it had been followed by the Supreme Court of the United States, said:

"In these cases the judges have been speaking of navigation. But the terms of the Constitution are not confined to that mode of conducting commerce. Any other means of commerce are obviously within its terms and the language of the extracts above given either distinctly state or clearly import such fact. I have shown that railways are now means of interstate commerce as well as steamboats. Their iron tracks, extending from ocean to ocean, are no more limited by political boundaries than are the rivers which rise in one State and flow through others to the sea. Over the former, propelled by one application of the motive power of steam, roll many cars laden with the products and fabrics of one section of the country for the supply of the wants of a distant section. Through the latter, propelled by another application of the same power, ply the steamers laden in like manner and discharging a like beneficent office. Where lies the difference between them? Why should not the power which regulates one extend to the control of the other?" (The Clinton Bridge case, 1 Woolworth, C. C. R.)

Story says:

The regulation of commerce with a view to encourage domestic agriculture is just as important and just as vital to the interests of the nation, and just as much an application of the power as the protection and encouragement of manufactures. It would be strange, indeed, if the people of the United States had been solicitous solely to advance and encourage commerce with a total disregard of the interests of agriculture and manufactures, which had at the adoption of the Constitution an unequivocal preponderance throughout the Union. It is manifest from contemporaneous documents that one object of the Constitution was to encourage agriculture and manufactures by the very use of the power.

Persons raising live stock for sale in other States are certainly encouraged in so doing by the certainty such animals will be delivered in good condition at the place of sale and consumption, and a large pecuniary profit realized thereby. This bill, then, practically encourages agriculture.

Railroads have been judicially held by the Supreme Court of the United States to be a vehicle of commerce and transportation, thereby to be equally the subject of commercial regulation as that accomplished by boats and vessels. (State Freight Tax Case, 15 Wallace, U. S. R., 232.)

As was observed by the learned judge in a case already cited, (Clinton Bridge case, 1 Woolworth, C. C. R., 161:) "The shackles with which the different States fettered commerce in their selfish efforts to benefit themselves at the expense of their confederates was one of the main causes which led to the formation of our present Constitution. The wonderful growth of that commerce since it has been placed exclusively under the control of the Federal Government has justified the wisdom of our fathers. But are we to remit the most valuable part of it to the control of the States through whose territories it must be conducted, and to all the vexations and burdens which they may impose? And must all this be permitted because the carrying is done by a method not thought of when the Constitution was framed? For myself, I must say that I have no doubt of the right of Congress to prescribe all needful and proper regulations for the conduct of this immense traffic over any railroad which has voluntarily become part of any of those lines of interstate communication, or to authorize the creation of such roads when the purposes of interstate transportation of persons and property justify or require it."

"If," says Farrar, (on the Constitution, section 355,) "in the opinion of Congress, the common defense, or general welfare, or the security of liberty should be found to require their interference in regard to any traffic or other intercourse among inhabitants of the States with each other, or anybody else, it would be exceedingly difficult to exclude the jurisdiction of the United States, or to establish any exclusive right thereto in any particular State."

I have somewhere heard it stated that this bill contemplated the establishment of police regulations, and that was entirely without warrant in the Constitution. Even if this bill should so provide—all of which I deny—I think the constitutional power to do so is well stated by a distinguished authority. I refer to Cooley's Constitutional Limitations, page 586. He says:

Congress may establish police regulations as well as the States, confining their operation to the subjects over which it is given control by the Constitution. But as the general police power can better be exercised under the supervision of the local authority, and mischiefs are not likely to spring therefrom so long as the power to arrest collision resides in the national courts, the regulations which are made by Congress do not often exclude the establishment of others by the State, covering very many particulars. Moreover, the regulations of commerce are usually, and in some cases must be, general and uniform for the whole country; while in some localities State and local policy will demand peculiar regulations with reference to special and peculiar circumstances.

I need not occupy the time of the Senate in calling the attention of its legal minds longer to this branch of the subject, for you understand the constitutional possibilities of the case far better than I do, and will only invite your attention further in this respect to the very able report of the Senator from Minnesota [Mr. WINDOM] on transportation routes to the seaboard, and the equally able report (made recently) by Hon. Mr. REAGAN, of Texas, from the Committee on Commerce of the House of Representatives, on a bill to regulate the internal commerce of the country. The vast array of decisions and authorities cited in those reports will, I think, convince the most skeptical as to the constitutionality of this proposed legislation. If, therefore, Congress has the power (and the duty and responsibility follow) to regulate commerce as to inanimate property, how more cer-

tainly does it become the duty of Congress to enact laws regulating the care of animals, equally the subject of property, and necessary to the good health of the entire community.

As I have already said, the first and primal object of this bill was to prevent cruelty in transportation, from which all other evils flow. If cruelty is not practiced, then no apparent necessity exists for this proposed legislation. If cruelty is practiced, (which I think the facts will show,) then the delay on the part of Congress to make remedial legislation approaches criminality. Now, what are the facts? In order that the Senate may be fully advised in respect to my own knowledge of the truthfulness of the reports and statements I intend to read to you, I wish to premise by saying that, with an experience and opportunity for observation second to none in this country, *I declare the live-stock traffic of the country is one long, uninterrupted line of suffering from the West to the East. If the people could have but a glimpse of the scenes which I have witnessed, they would loudly demand of Congress a law so stringent that the repetition of such horrors would be impossible. Millions of tortured brutes which cannot defend themselves and thousands of consumers of diseased flesh are calling loudly for protection at our hands.*

Now let me give you some of the facts. George T. Angell, esq., of Boston, president of the Massachusetts Society for the Prevention of Cruelty to Animals, said before the American Social Science Association, in 1874, as follows:

First. That our eastern markets in both cities and towns are largely supplied with the meats of diseased animals, and, to some extent, with the meats of animals that have died of disease;

Second. That the eating of these meats produces disease in those who eat them; and

Third. That it is impossible to detect these meats after they have been dressed and put into the stalls.

It is estimated that about 6 per cent. of cattle and about 9 per cent. of sheep and swine—nearly 600,000 in all—annually die on the passage to market from the West, and a large portion of these are sold in our markets, either as meat or rendered into cooking-lard; while the cattle that get through alive, for the want of food and water and by reason of the cruelty inflicted upon them, after losing on the average in transportation nearly a hundred pounds each in weight from the most juicy and nutritious parts of the meats, come out of the cars full of fever, and many with bruises, sores, and ulcers; and these, together with smaller animals to which the loss and suffering is in proportion equally great, are all sold in our markets for food.

The superintendent of the Allegheny County Humane Society, in his report in 1875, says:

The official reports show that between three and four thousand dead animals were taken from the cars of one of the trunk lines controlled by one company during the last year.

If this is true, how many thousand were there on all the railroads? He further says that the law of Congress on the subject of live-stock transportation is being generally disregarded; that very many of the cattle are kept from three to five days in the cars without food or water until they become diseased and are in a highly feverish condition—actually being carried from Chicago to New York, requiring at least about five days' time, without food or water.

In a statement by the Pennsylvania Society for the Prevention of Cruelty to Animals, for the year 1874, it is said one thousand five hundred dead animals arrived from Chicago in a single train, in the early part of May last, having died upon the passage. This was an extraordinary and exceptional case occasioned by a sudden change of weather. The statement further says, a bountiful supply of water during transit would have saved the lives of most if not all of these animals. The same authority says further:

Since Congress passed the act of 1872, there have been numerous instances of cattle and hogs crowded into cars as closely as they could stand and carried through from Chicago to New York before unloading; and at other times cars have been unloaded in Pittsburgh, and soon after reloaded in other cars and run through to Philadelphia or New York, thus confined in cars from four to six days without food or water; (only nominally in Pittsburgh;) and the official reports show that between three and four thousand dead animals were taken from the two stations on one of the trunk-lines controlled by one company between Chicago and Philadelphia in the ten months following the passage of the law of Congress, besides the thousands that had their horns broken off, limbs broken, and were trampled upon and bruised in a barbarous manner, and really not in a healthy condition for human food. If so, how many thousands were in the same condition on all the railroads of the Union? Railroad companies should be compelled to provide good, dry pens for feeding and watering live stock in a good and sufficient manner, at least once in eighteen hours on long journeys, and not to exceed twenty-four hours on shorter distances, in order to keep the animals in a sound, healthy condition; humanity and the health of the millions of people using them for food require it to be done, and there is no good and sufficient reason why it should not be done; or else provide cars in which they can be fed and watered sufficiently while in transit.

The Harrisburgh Telegraph says:

"The fearful cruelty to animals in transit over railroads should be a matter of thorough investigation; the neglect of proper feeding and care of animals is so atrocious in its character that the criminality should be exposed, and the guilty made to suffer for their cruelty." It is known that cattle are transported from the West that are confined in cars from two to three days and nights, and at times from four to five days, without rest, food, or water, and if any one lies down for rest the custodian, with a sharp pinion one inch or more in length fastened in the end of a pole, thrusts into the most tender parts of the animal again and again to cause him to rise if possible. Many of them become so exhausted they cannot get up and are trampled upon by their fellows, even to death in many cases, or injured so that they never can stand on their feet again, and are hauled out of the cars after arriving at their destination, and a class of butchers buy them at a mere nominal price and dress them for sale in the market for human food. There were more than three thousand dead animals taken from the cars of one of the lines controlled by one company in the State of Pennsylvania in one year, besides the thousands that had broken horns, broken limbs, and had been trampled upon in a barbarous manner. We have seen cattle taken from cars and put into pens where the mud was from six to twelve inches deep, and they were so extremely thirsty they drank the filthy water standing in the tracks of their former occupants; and from there soon reloaded again, many of them gored, bruised, and so stiff they could hardly walk, and were so fevered their eyes were blood-shotten from pain.

The Chicago Stock Reporter says: "There is great cruelty in transportation. Cars are terribly overcrowded and animals are carried great distances without food or water. The result is, that they are taken out at Chicago, with bruises and sores, and legs and horns broken; many of them dead, and more almost dead; and sometimes cattle and hogs, and sometimes cattle and sheep, are packed in the same car, which results in the smaller animals being trampled upon by the larger."

There are more than one hundred millions of animals killed in the Union of States yearly for human food, a large portion of which are confined in cars while in transit, without food or water from two to four days at a time, and become in a highly fevered condition before they are slaughtered for the market.

Let me now read (even at the risk of shocking senatorial stomachs, which, if common report be true, are generally strong) the report of the cattle inspector of the city of Buffalo, made in and for the month of February last, and will be found in the very able report of Hon. A. M. Cutler, from the Committee on Agriculture of the House of Representatives, in May last:

[Buffalo Sunday News.]

From Chicago to the seaboard without water or food—Facts from the report of the cattle inspector at Buffalo—Over two thousand dead and crippled in one month—Feverish meat.

The report of the cattle-inspector for the month of February was presented to the council by the city clerk on Monday last. It contains figures showing the number of dead and crippled stock received at the Buffalo yards during the month the report covers. It is a matter that is not often brought to the notice of the public, and yet there are facts in it with which the people should be acquainted, and which will be very interesting, though perhaps not so easy or pleasant to digest.

Of dead cattle there were received 25; of dead sheep, 304; and of dead hogs, 718. Of crippled cattle there were 26; of crippled sheep, 197; and of crippled hogs, 926; making in all, 1,077 dead animals and 1,149 crippled ones.

There are but two ways by which the meat of sick and crippled stock can be put into the market for table use. One way is by corrupting the cattle inspector, bribing him to pass the stock as all right, and the other by the selling of the meat to the retail dealers by those who make a business of buying dead, sick, and crippled stock after it has been condemned.

The reporter made a patient inquiry among the knowing ones about the stock-yards, but could not find anything from which to conclude, or even surmise, that the inspectors have intentionally and directly allowed affected or improper meat to get into the local market.

One man said, "The cattle inspector has a chance to make a snap out of this business, if he wants to."

"How?" asked the reporter.

"By pronouncing stock that should be condemned as all right."

"Do you think this is practiced to any extent?"

"Well, now, you must not ask me such a question. I would not like to answer it either way. The present cattle inspector would be able to tell you how the business is managed."

The reporter found the inspector at his residence on Stanton street.

The reporter said, "I would like to get a little insight into the way the cattle inspector does his work."

"Well," he said, "my duties are to inspect all the stock that comes in, and condemn all such animals as are not in a healthy condition or fit to be turned into meat for the market."

"Does the entire responsibility rest with you to see that condemned stock is not dressed and put in the market for the public use?"

"I suppose so, as far as I can prevent it."

"What is done with the dead stock received?"

"I consign it to the bone-yard."

"Does it all go there?"

"I think so. I either see to it myself or send some one to see that they are taken there."

"What use are they put to?"

"The cattle are skinned and the carcasses and bones manufactured into fertilizers."

"What does a dead steer bring?"

"A large fat one will sell for $10."

"Are the dead and crippled hogs sent to the bone-yard as well?"

"Some of the crippled hogs are as good for the market as sound ones. It does not hurt the meat."

"What becomes of the dead ones?"

"They are thrown into big tanks and rendered into lard."

"Are they cleaned before tanking?"

"No; they are thrown in as they come from the cars."

"Is the fat obtained used for making soap?"

"No, sir. Thus the lard runs out as clear as that manufactured from the leaf."

"Don't it smell bad?"

"No. They use some chemical to deodorize it, so that it is perfectly sweet."

"Is this lard used for cooking purposes?"

"Of course it is."

"Is it sold in the local markets?"

"Some of it is, I presume; but I believe the bulk is shipped to England."

"And sold as the genuine home-made article, is it not?"

"No doubt."

"What do these dead and badly-crippled hogs bring?"

"From two and a half to —— cents per pound."

"Do any of the Buffalo retail meat-dealers buy this kind of stock?"

"Yes; some of them come and pick it up when they can."

"What do they do with it?"

"I don't know."

"How do you find the stock as it comes in from the cars?"

"You may suppose how it comes in. It is a shame and an outrage. The stock is loaded at Chicago and carried to Buffalo without food or water."

"How long does it take to bring them from Chicago?"

"About thirty-eight hours, if there is no delay."

"And they get nothing to eat or drink by the way?"

"Nothing; and——"

"And what?"

"And, I was going to say, what is worse, some of the stock is left in the yards here for three hours without food or water, and then reloaded and shipped to New York."

The testimony given orally before the committee in respect to live stock transportation at the present time strongly corroborates the foregoing statements.

It is on account of just such practices as this that the humane societies of the country have taken hold of this matter and a national humane society was formed, which had its first meeting in Cleveland on the 9th day of October, 1877. Representatives from all the differ-

ent State societies all over the country were there in attendance, and I would like to read the preamble and series of resolutions passed by that humane society:

Whereas the humane societies here assembled and represented, deprecating the shocking barbarities now inflicted upon animals in transit—in one instance more than three thousand dead animals having been taken from the cars of a railroad line controlled by one company in a single year, besides other thousands that had limbs and horns broken, or had been trampled upon to their terrible injury:

1. *Resolved*, That these societies declare themselves now organized for the purpose of continuous effort, by all lawful means, until this inhumanity has ceased.

2. *Resolved*, That as an additional incentive for action on the part of the societies here represented we would adduce the injurious effects to human beings from the consumption of the fevered and diseased flesh of animals undergoing such cruel treatment; the boards of health in many of the cities of the United States having declared it to be their opinion that a large percentage of the sickness and premature death in the community is due to this cause.

3. *Resolved*, That the laws hitherto passed by Congress, and also by many of the States, have proved insufficient for the protection of animals in transit on railroads and steamboats.

4. *Resolved*, That Congress and the Legislatures of the respective States be, and they are hereby, most earnestly entreated to enact such laws as will effectually prevent the ill-treatment of animals in transit.

5. *Resolved*, That the officers of the different railroad and transportation lines be earnestly requested to co-operate with this organization in its efforts to ameliorate the condition of the animals while on their respective lines, and that all shippers and receivers of stock be also requested to co-operate with us in this humane effort.

I will cite only one more report on this phase of the question. I will read a portion of the report of the New York cattle commissioners in their report to the Legislature of that State in 1869, and I venture the assertion that the same conditions now exist, only in a more aggravated form. They say:

Under the most favorable circumstances and conditions of treatment, stock shipped from the West by railway endure such suffering and torture as would of necessity destroy the lives of human beings placed under similar treatment. Any one who has been compelled to stand for half an hour in a straggling, surging crowd of men, pressed, whirled and crushed in its eddies, without power to extricate themselves, may imagine the sufferings and conditions of the cattle in a loaded car, as they are jammed together and jerked over our railways. Lengthen out this misery for an hour or two and it becomes intolerable, but continue it for hours—a whole day together with a long night—and only the strongest natures could survive the treatment. During this twenty-four hours of agony they are without a morsel of food or a drop of water. A broiling sun may be pouring its rays down until the air seems stifling and suffocating. Their agonized fellows, frantic with misery, press and surge against them in endeavoring to gain relief from the horrid pressure, and the horns, whether they will or not, wound and tear and score each other in the crowd, to which suffering is added the inevitable goad of the attendant, necessary, yes, absolutely necessary, to prevent the trampling to death of some of the number.

At the end of the twenty-four hours they are sometimes removed, and their feverish thirst is slaked by large draughts of water, and they lie down to rest, eating but little, for they are positively sick. Off the cars for twenty or twenty-four hours—just long enough for their punctured wounds to fester and their injured frames to become sore and stiff—when they must be reloaded to pass through another twenty hours of the same agony, only aggravated by the wounds and soreness of the bruises they have before received; and so, day after day, for five, ten, or fifteen days, they live and suffer on their passage to the market.

Although it is to be hoped that the several States west and south of us will do their whole duty in the matter of enacting such laws regulating the stock trade and transportation as may be needful within their own boundaries, the State of New York should, irrespective of their action, do its whole duty to itself and people. Our population is rapidly increasing. We must receive the bulk of our meats from the West. It is indispensable to the health of that population that these meats should be wholesome and of good quality. It is an imperative duty, so far as the law-making power is concerned, to render them as much so as possible, and the commissioners would fail in a grave and solemn duty did they not present all the facts and circumstances to the consideration of the Legislature.

If any additional testimony were needed to convince the Senate that great cruelties are practiced in live-stock transportation it might be supplied indefinitely. The President of the United States, with great force and propriety, in his last message to Congress calls the attention of Congress to this more than evil.

Let us now turn to the second inquiry. Is the flesh of animals under such conditions healthful? Upon this subject I am not a competent authority, but I refer you with some degree of confidence to the testimony of those whose statements would be accepted on almost any other question of sanitary importance. I will now read you a statement from George T. Angell, of Boston, president of the Massachusetts Society for the Prevention of Cruelty to Animals, before the American Social Science Association, in 1874. The Senators from that State can speak for him as to character and qualifications. He proceeds to say:

On the 17th of April, 1871, George E. Temple, a Brighton butcher, died, as appears from the verdict of the coroner's jury, of "blood poison, inoculated in dressing for market a dead ox, one-half of the meat of which was sent into Boston for sale." On the 20th of April a joint special committee of the aldermen and common council of Boston was appointed "to ascertain whether unwholesome meats were sold in that city."

Five months afterward the report of that committee containing the official reports and testimony of State cattle commissioners, boards of health, and physicians was published by the city government. By this report and the various official reports and evidence therein cited and contained, as well as by other official reports and evidence more recently published, it appears—

First. That our eastern markets in both cities and towns are largely supplied with the meats of diseased animals, and to some extent with the meats of animals that have died of disease;

Second. That the eating of these meats produces disease in those who eat them; and

Third. That it is impossible to detect these meats after they have been dressed and put into the stalls.

It is estimated that about 6 per cent. of cattle and about 9 per cent. of sheep and swine, nearly six hundred thousand in all, annually die on the passage to market from the West, and a large portion of these are sold in our markets either as meat or rendered into cooking-lard, while the cattle that get through alive, for the want of food and water and by reason of the cruelty inflicted upon them, after losing on the average in transportation nearly a hundred pounds each in weight from the most juicy and nutritious parts of the meat, come out of the cars full of fever and many with bruises, sores, and ulcers; and these, together with smaller animals, to which the loss and suffering are in proportion equally great, are all sold in our markets for food.

The board of health of Chicago, in February, 1871, reported that "nearly one-half the beef, pork, and mutton offered for sale in that city was diseased and unfit for food."

The cattle commissioners of New York, in their report of 1869, say: "It became apparent to the metropolitan board of health in New York City that the alarming increase of obstinate and fatal diarrhœa in the metropolitan district was caused by the use of diseased meats;" and they add that "not only do western cattle lose a hundred pounds or more per head in transportation, but the tissues of their entire systems are turned into a feeble, disordered, and feverish condition."

The Massachusetts railroad commissioners, in their report of 1871, say that these meats, tainted in transportation, endanger the health of our people.

Professor Agassiz says: "Let me call your attention to the dangers arising from the ill-treatment of beef-cattle before slaughtering them."

Medical Inspector Hamlin, in his Notes on the Alimentation of Armies, says: "The flesh of mammalia undergoes great change by reason of fasting, disturbance of sleep, and long-continued suffering, resulting in its not only becoming worthless, but deleterious."

Can these meats be detected in the markets? Professor Cameron, of Dublin, says that "the flesh of oxen in the congestive stage of pleuro-pneumonia cannot be distinguished from that of healthy oxen."

In 1866, it was found in New York that hogs were killed by feeding upon the blood and entrails of animals diseased by transportation, although they will fatten on the same material taken from healthy animals. Professor Granger states, in the Edinburgh Review of May, 1863, that—

He had known cattle diseased by cruelty in transportation, the beef of which had the appearance of being the best beef that a butcher can show; and yet pigs, dogs, and ferrets died from eating it, and horses died from drinking water into which the blood of one of them had run.

Dr. Thomas R. Varick, surgeon-general of New Jersey, a most competent authority, says:

To starve and fatigue cattle to the extent I am credibly informed is now practiced vitiates digestion and causes dryness and irritation of the mucous membrane. It lessens pulmonary evaporation and induces a condition of fever. According to Fordyce, an eminent medical writer, a fever is a disease which affects the whole system. It affects the head, the trunk, and the extremities; it affects the circulation, the absorption, and the nervous system; it affects the skin, muscular fibers, and membrane. It is, therefore, a disease of the whole system in every form and sense.

It is safe to assume that scarcely a pound of meat is consumed in the eastern cities that is entirely free from these conditions; conditions depending largely upon the cruelties inflicted in transit.

Dr. William A. Hammond, of New York, formerly Surgeon-General of the United States Army, and one of the most distinguished physicians in this or any other country, says:

It is well established that the flesh of animals which have recently undergone long continued physical suffering is not suitable for human food; indeed it is often distinctively poisonous.

In a paper by Dr. Hammond, published in the Bellevue and Charity Hospital Reports for 1870, page 380, he wrote as follows:

The influence of bodily suffering in rendering the flesh of animals poisonous is very clearly shown in the following account by Dr. Rosser: "In order to procure a roast for Easter day a gentleman desired his family to set a snare for a roebuck. Accordingly one of these poor animals was caught in the snare, which, as its head and breast had passed through, held it by the hinder parts of the body, the abdomen and pelvis being inclosed in the cord, so that it must have succumbed after a most agonizing struggle. It was found dead next day. The master and mistress of the house ate on Easter day the best part of this dainty; the servants had but little; the remainder was laid in vinegar, but not eaten. On the same day all the family who had eaten of the venison observed a sticky dryness of the mouth, oppression of the stomach, and nausea. All complained of oppression of the head, giddiness, and great weariness of the limbs. The master lost his sight for several days, and, in short, there now began a series of remarkable symptoms, requiring in many cases the assistance of Dr. Roser. The husband was only restored to health in July, but the wife never recovered. She lingered more than two years and at last died. The daughter and the man and maid servant, who had eaten but little of the tortured animal, were soon cured. The symptoms in many respects resembled those of the bite of rabid animals, and of the saugage-poison of Wurtemberg."

Dr. Rosser concludes his communication as follows:

"Many an animal used as food is tortured to death in the most barbarous manner like the roebuck in the snare. Ought not the medical police to be led by cases like this to adopt the most stringent regulations to prevent the use as food of animals which have in any way been tortured before being slaughtered?"

Dr. Hammond adds:

We see, therefore, that physical suffering *per se* is capable of poisoning the flesh of animals. I have no doubt many of the obscure cases of food-poisoning and consequent death which are constantly occurring in this and other cities are the direct result of eating the poisoned and insufficiently nourished flesh of animals brought to market in the way you describe. But we ought not and will not disregard the emotions which the dreadful sufferings of the poor beasts awaken in our hearts as constituting another reason why the law should be invoked for their protection.

Dr. John J. J. Craven, one of the most distinguished sanitarians now living, writes:

DEAR SIR: My attention has been called to Senate bill No. 84, dated October 22, 1877, introduced by Hon. Mr. Howe, to amend certain provisions of the Revised Statutes of the United States relating to the transportation of animals, and moved by a sense of duty, first, to the vast consuming public whose homes are far removed from rearing, feeding, and grazing farms; and, secondly, by a feeling of humanity toward the animals transported to the markets and to the seaboard, I address to you this letter. For ten years my home has been near the terminus of one of the most important avenues of cattle, sheep, and hog transportation, and I have made the condition of these animals a careful study, and have frequently called the attention of shippers and carriers to the condition of the animals arriving, and have earnestly urged a reform in the system of carrying, first, as a sanitary measure, and to the very unfit condition of the flesh for human food, arriving, as they often do, in a jaded and starving condition, and hurried to the slaughtering-pen and shambles before they have had sufficient time for rest and a perfect restoration to a normal condition of vital organs.

Many times it occurs that fifty, and indeed a hundred hours are passed between the stages of rest, and unfortunately it is the belated and delayed animals that

are hurried to slaughter in order to avoid loss from shrinkage that must invariably occur to animal economy by exposure and deprivation. I have carefully noted the condition of the several organs of the animals while in this state and can assure you that the consequences resulting from this evil must be pernicious.

I am just here reminded that great loss occurs to the immediate consumer, for it is a fact that the flesh of an animal killed while in a fatigued, fevered, or famished condition will not keep even by refrigeration and will not cure properly though most carefully handled and in most favorable conditions of atmosphere. It would be imposing upon your intelligence for me to say how unfit such meat is for food.

And what shall I say for the poor dumb brutes? If I could only plead as earnestly as I feel and as intelligently as their cause demands! These poor creatures are crowded into cars with no intelligence as to motion, affrighted with the start, carried past objects with rapidity, and suddenly stopped, and so on throughout hours and days, the nervous system augmenting the pangs of hunger and thirst, really dying each moment by a continuous "nightmare" of fright. I could tell you of the fevered condition of the blood, of the vitiated condition of the tissues, of the entire suspension of important secretions of animals subjected to such continued exposure. All of this is within the scope of scientific observation. But to realize or describe these sufferings is beyond my power or knowledge.

I think the length of stages named in the bill are reasonable. By the love I bear to these our dumb servants and by the duty I owe to the cause of humanity, I earnestly entreat that you will give it your careful consideration and urge your colleagues to a favorable report of the same.

I have the honor to be, your obedient servant,

JOHN J. J. CRAVEN, M. D.,
Jersey City, New Jersey.

From these facts it appears that cruelty to animals avenges itself upon the consumer, and that we shall never be secure against disease from eating poisonous meats until animals are transported without cruelty, as they can be with little loss of weight, greater profit to railroads, and complete protection to public health. That a certain amount of suffering in transportation will occur is very evident, but it may be vastly remedied by a strict observance of the provisions of the proposed bill. Humanity and the health of the people demand it. The English and French governments have already passed stringent laws for the regulation of this traffic, and they are most rigidly enforced.

Mr. Nathan Appleton, of Massachusetts, a delegate from the national society of this country to the International Humane Society, which met at Paris last summer, writes as follows:

Knowing that the transportation of live stock, by land and by water, on the rivers or at sea, was a matter of especial interest to the United States, and that a bill on this subject was now before Congress, I took pains to bring it particularly before the Committee on Legislation, as I was convinced that any action taken by the congress would materially aid us in America in securing the desired legislation from our Congress at Washington, the Legislatures of the States, and the railroad and steamship companies. To this end the following resolution, offered by me, was passed by the congress:

"The Congress expresses the hope that at the next session of the Congress of the United States the bill for the better transportation of animals by railroad in the United States shall become a law."

He also appends citations from the French law:

Article 4 of part II of the Code says: "Every railway car made to transport animals shall be furnished with troughs and cribs to hold the necessary food and water."

Article 5 of part III says: "Railway companies and common carriers shall be responsible for infringements of the law which limits the time of confinement in cars without food and water."

The English law restricts the time of continuous confinement in cars without food and water to twenty consecutive hours. In 1876 a resolution was passed by Parliament instructing a committee of that body, acting in concert with the Royal Humane Society, to examine into and recommend some more humane and perfect system of cattle transportation. Acting under these instructions the committee offered a prize of £400 sterling for the best device for feeding and watering live stock in cars while *in transitu*, the object being to require their use on all railroads in Great Britain if the experiment should prove satisfactory. The prize was sought for by fifty-six different inventors with as many different devices, and it was awarded to an American invention in use on the railroads in this country, and now the property of the public, as the patents have expired by limitation. Thus it will be seen that our European neighbors, with routes of transportation measured by hundreds while ours are measured by thousands of miles between the producer and the consumer, are far in advance of us in adopting reforms which will add millions to the wealth of this branch of industry. The cattle producer of the States and Territories of the great West, which must hereafter provide meat food for the countless millions of the earth, cannot with profit postpone reforms in transportation which will enable them to compete in the markets of the world.

If science and experience have proven any one theory beyond a doubt or peradventure it is that long-continued deprivation and cruelty inflicted upon animals in transportation is one of the most influential, if not decisive, causes of disease, and on account of it our live animals are now debarred from competition in the English market. Let this embargo continue for a few weeks and the live-stock industries of the great West will receive a shock scarcely felt during times of financial panic. The production of live stock has been so increased and regulated that demand and supply at home and abroad has secured most liberal prices for the product.

It is the opinion of those best competent to judge, that the removal of the surplus product by exportation during the past year has secured to the producer an additional compensation of at least two cents per pound more than would have been received had no export trade been possible. To meet the additional demand thus created, additional sources of supply have been opened, which now furnish a supply far beyond the possibility of our own people to consume. To throw this vast surplus upon the home market would almost bankrupt the producer, while the cheapness of the product would beget a wasteful extravagance on the part of the consumers entirely inconsistent with the economy demanded by the circumstances of the times and without benefit even to them.

It is further charged (and with great propriety) by our foreign consumers that we cannot supply them with healthful meat food so long as the extreme cruelties now practiced in transportation are permitted to continue. In proof thereof we are cited to the testimony of our State, national, and international humane societies, which testimony cannot be gainsaid or resisted, respecting the inhuman treatment of animals on our long routes of transportation to the seaboard, and express surprise that such practices should be tolerated by a people making any pretensions to Christianity. Careful and scientific investigation has fully demonstrated the fact that pleuro-pneumonia or other epidemic disease does not exist in this country except outside a few foul and diseased stables where it has always existed; that the herds of cattle upon our immense prairies from which supplies are drawn to feed both home and foreign markets are entirely free from disease.

Investigation and experience have also demonstrated another fact, that when these animals, originally healthy and free from disease, reach the English ports or even our own seaboard they are afflicted with lung disease, a disease which exposure and starvation always produce, and is mild or virulent in proportion to the measure of suffering which produced it. It is folly to say that such an animal is healthy, or while in that condition is fit for human food.

To my own experience and investigation let me also add in this connection the testimony of Inspector Drexler, of Pittsburgh, a very intelligent man, and who has evidently given this subject close attention. I read his reply to certain questions propounded by the reporter of the Pittsburgh Commercial newspaper:

"What do you think of the cattle-plague bill which has just passed the house?" said a reporter yesterday to Meat Inspector Drexler, of Allegheny.

"I see," was the reply, "that the fellows at Harrisburgh are tinkering with the subject. Their bill is good enough so far as it goes, but I think this whole matter has been exaggerated, and the right remedy will never be reached until we change our methods of transportation."

"How's that; don't you think there is any disease among the cattle?"

"Oh, yes, I do; but I don't think it has been half as widely extended as they say. In my rounds in this city I have not found anything to alarm me. This is not a new disease, either. We have had it in past years, more or less, and always will have it when cattle are not properly handled. It is simply a congestion of the lungs, produced by excitement and ill-treatment. As soon as we remedy these things we will do away with the disease."

"I don't think I understand you. Where does this ill-treatment come in?"

THE ORIGIN OF THE EVIL.

"Well, let me show you from the beginning. Say that most of the cattle are raised in the West for the market. They are generally raised on large farms, are fed regularly three times a day and watered; are treated with all possible kindness, and, as the farms are large, they are usually secluded and never get within the range of anything unusual to excite them. The stock raiser knows that kindness and careful attention will make them thrive, and he acts accordingly. Well, after they are about three or four years old, they are ready for the market. The stock buyer comes along and makes a purchase. The cattle are at once started for the nearest railroad station and shipped for the East. They are hurried along from the time they leave the farm, and, exhausted with the travel and excitement together, they are hustled into a stock car and started on their journey. They are, too, overheated with the excitement and previous travel. The cars are open, nothing but slats inclosing them, and in this state they are whirled through the country. If you stand on a platform of a car and take in the draught, you will appreciate the situation of these cattle. They are standing in a draught nearly all the time, and whirled along through different atmospheres, so that it would be a miracle if they did not "catch cold." Then, too, they are not more than half fed or watered. Now, take a drove and put them through this process until they reach New York, and is it any wonder that they get congestion of the lungs, or pleuro-pneumonia, as they call it?"

"And is that all that the disease is?"

"Yes, sir. It's merely an affection of the lungs, just like consumption in a man, and is produced ninety-nine times out of a hundred in the way I state. I admit that it is hereditary in some instances; but if you trace it back you will find that the cattle originally have been abused, and of course their offspring will inherit the disease; but these causes are rare, and if all cattle were properly treated there would be none of it."

AN OLD DISEASE.

"You say you have heard of this disease before. Are you sure it is the same?"

"I don't think there is any doubt of it. Every butcher will tell you he has seen it in his experience. In my nineteen years as a butcher, and part of the time as meat inspector, I have come across some cases, but there never was such a fuss made about it. The fact is, up to a certain stage the meat is not injured, and many a beef has been put on the market and sold that has had the disease in its incipiency; it does not poison the meat until it reaches the advanced stages, when it goes through the whole system. A man may have a slight cold on his lungs, but that does not say his whole system is poisoned with consumption."

"Well, what would you propose as a remedy in the whole matter?"

"I would propose a change in our mode of transportation. I would compel railroads and shippers to take proper care of cattle—the same as they do of human passengers—by providing cars and not overcrowding them. I think if Congress and our Legislatures would take this matter in hand, and prevent the cruelty to the animals and this barbarous way of rushing cattle into market, it would do more to stamp out the disease and give us plump, healthy cattle than all the sanitary inspectors and boards of health that could be created."

"But, Mr. Drexler, what have you to say about the row they are raising about it in Europe? Are the cattle not diseased?"

"Well, I suppose they are by the time they reach there. Just look at it. From the time they leave the farm until they reach Europe is about thirty days at the least. All that time they are subjected to excitement, to irregular feeding, and to rapid changes of temperature. Now take the heartiest man and see if he can stand a strain like that. I don't wonder some of the cattle are diseased. My only wonder is that they reach Europe alive at all. But, as I say, the evils of our transportation system are at the bottom of the whole trouble. I don't think there is any use of Congress wasting $250,000 for boards of inspection and such things. Let them regulate the transportation. Let cars be used that will let the air in from the top and not from the sides to give a draught; then prohibit the crowding of the cattle

into the cars, and make a stringent law that they must be regularly attended to while on the way. Then, too, the cattle when first started from the farm should be driven slowly, not rushed along until the blood boils, and when they are cooled off then let them be loaded on the cars. If these precautions are taken I am sure we will hear less of the cattle disease."

NO DISEASE HERE.

Mr. Drexler continued the conversation in this way, elaborating his ideas at length, and in conclusion, in reply to a question by the reporter as to whether he had found much of the disease here, said:

"No, sir. In my rounds I have only found one beef that I believe was troubled with the complaint. I saw him at the drove-yard on Monday, and of course ordered him to be cared for. It is not here we get it, however, but at the other end of the line, in the East, where the cattle arrive exhausted after their journey, which goes to prove my ideas."

Thus it is that our live cattle have been practically banished from a foreign market; and without needed reforms in transportation (removing the cause) the beef product, now so important an export, will also share the same fate. The people of this country so largely interested can scarcely afford, through any fault of theirs, to permit this new industry to be strangled in its birth. It is only fair, however, to say the fault is not altogether our own. The agricultural interests of Great Britain, largely influential in governmental affairs, have viewed with alarm and discontent the wholesale destruction of a home industry which they thought safe from competition. Unnatural as it would be, considering their theory of government, and perhaps suicidal as a measure of policy, to attempt to levy a tax upon our product, the same result has been accomplished by a more sagacious and crafty, although a less honorable method. An army of unscrupulous inspectors, spies, and informers have been appointed, a system of espionage adopted, rules and regulations, most unjust and restrictive, invented; and by such agents, governed by such rules, prompted and egged on by a potent, competitive home industry, the market value of American beef is fixed and determined. While our beef, if it reaches the English market in good condition, is far superior to their own product, yet the mind of the consumer has been poisoned by the persistent cry of disease. Such an imagination will never permit an English stomach to digest American beef. Therefore, through fear born of misrepresentation, strengthened and made more certain by the testimony of a government inspector, the American product is left without a buyer or friend.

Let the illustration be carried further if you please. Suppose the animal be selected in localities and from herds in this country in which disease among cattle of any nature or character was never even suspected, much less known, slaughtered at our own ports, conveyed across the ocean in refrigerated compartments, (as is now done with great success,) delivered in London certainly in as good if not better condition for the table than when it left our ports; if all this were done, (and as I have said it daily is done,) is it not a full answer to all their demands and a safe and permanent solution of the export question? It must be remembered that beef transported in this or any other mode must be purchased, if purchased at all, by a consumer whose imagination has been poisoned by the insane action, I might almost say conspiracy, of the home and Canadian governments, and he will buy none but English beef.

The English landed proprietor and farmer are both interested in damaging the reputation of our product, whose competition has revolutionized the whole live-stock industry of Great Britain. It is easy for them to publish and natural for the public to believe that whereas disease exists among live cattle imported from this country, the consumer should beware of the beef brought in refrigerators, it being impossible then to detect disease if any existed previous to slaughter; it is therefore a Yankee expedient to market upon them diseased animals, which if imported in a living animal their close inspection would certainly condemn.

So much for the disease. Have we a remedy? In my opinion the remedy will be found only in the enactment of stringent laws and the enforcement of the same, by which the abuses in transportation and consequent disease will be in a great measure prevented, if not entirely checked, and by carefully inspecting all animals, either living or dead, designed for export, such inspector to be appointed under and by authority of national law, and authorized to give a certificate of health for said animals if their condition as to health will so warrant. Armed with said certificate, the animal touches English soil supported and vouched for by an authority which will be recognized and respected, and which will go far toward satisfying and correcting a misdirected public sentiment. If the bill now under consideration enacted into law fails to accomplish all this, it will fall far short of meeting the expectations of its friends.

Mr. BECK. I intimated a little while ago to the Senator from New Jersey that I desired to ask him a question which I hoped he would not fail to discuss before he got through. The people of my State and of many others are greatly interested in the cheap transportation of cattle, and it is the interest of every producer of animals to get them to market in as sound condition as possible. The point I desire the Senator to discuss is whether or not much of the cruel treatment to which the animals are exposed does not grow out of the fact that there are great monopolies in the form of stock-yards and other arrangements where the animals are taken off to feed them and water them? I ask if the charges at these places have not become so great and the burden so onerous that men take all other risks rather than undergo the infliction of the enormous swindle that is imposed upon them, generally by men who compose the railroad organizations and who control the stock-yards and cattle-pens. I should be glad to hear something on that subject, as to how far the great charges imposed in that form have induced men to take the risk of pushing the cattle on to their destination rather than to submit to the enormous payment they would have to make. I do not wish to interrupt the Senator's argument; but I should like to hear him on this point.

Mr. McPHERSON. I am very glad the Senator has asked me that question, because I shall be very frank and free in answering it. Although I have but little voice, I shall undertake to make answer to the inquiries any Senator may make respecting this whole subject. The Senator from Kentucky is pleased to call the stock-yard interests a monopoly. I confess that they are a monopoly, and a monopoly from the very nature of the case. These stock-yards are located along the railway lines. They have been constructed by the railroad corporations for the purpose of feeding, watering, and caring for animals committed to their care which have not yet reached the point of destination. Of course it is necessary for the railroad companies to have their own officers and agents to care for the animals and to look after them, because they are interested in their safety. It is quite an uncommon thing to find a competition stock-yard along any of the great lines of cattle transportation. It is uncommon because it requires a large expenditure of money. These places are extensive and expensive. The railroad companies require additional switches, turnouts, tracks, yards, chutes, &c., for the purpose of distribution, and in many cases, of course, these stock-yards would be managed by irresponsible parties. It would not be, perhaps, consistent with good railroading for a railroad corporation to place this matter beyond its own control. Therefore I say from the very necessities of the case they are monopolies in themselves. I ask the honorable Senator if he ever knew a case in his life where a corporation or an individual under such circumstances proved to be a public benefactor in the conduct of his business? But I hope before I close my speech that I shall be able to show the Senator a remedy for all the evils of which he complains. While there is scarcely such a thing possible in the nature of affairs as competition between stock-yards, there is such a thing as competition which will break the back-bone of that monopoly, and it is to that particular competition I wish to address myself, and I think I shall be able to show the Senator from Kentucky that provision is made in this proposed bill for all the evils of which he complains.

I will now proceed to show the nature and extent of the proposed amendments to the law, and I will answer the Senator from Kentucky, as I intended to speak upon this particular phase of the question before I got through, even if I had not been asked the question. No change worthy of notice is proposed in the first and second sections. It will be remembered that this bill simply proposes to amend the Revised Statutes, and some of the sections are left almost as they are found in the existing law. In the third section a radical change is proposed by adding a proviso not found in the existing law, requiring all railroad companies to give cars loaded with live stock the right of way over all trains except passenger trains. This is a most wise and salutary provision for this reason: The railroad corporations generally manage their business in a way most profitable to themselves. If a coal train, an iron train, or a train of cars filled with inanimate freight should lie upon the track in the way of the rapid transit of a stock train, unless forced to do it by some restrictive law they perhaps would not be willing to take the trouble and the expense of getting that train out of the way to enable the live-stock train to reach the market or the feeding point in the least possible time. Railroads pretend to do this thing now, but it is more with them at present a matter of convenience than of strict policy.

Mr. DAVIS, of West Virginia. By the Senator's permission, I should like to ask him where he gets the authority of Congress to regulate railroad trains, and to provide that one train shall have preference over another, and to say how the trains shall be run? Where does the authority come from to say that the Government of the United States can in any way regulate a railroad train and the manner in which it is run?

Mr. McPHERSON. Under the power to regulate commerce among the States.

Mr. DAVIS, of West Virginia. My friend knows that there are some very long roads, the New York Central, for instance, that run in but one State.

Mr. McPHERSON. That is very true, and this measure is not intended to apply to a railroad company where both the points of shipment and of destination are within a single State. Almost every one of the States has local laws for the correction of this evil; but so far as it applies to interstate commerce, to those long lines of communication between the East and West, from the great prairies of the West where the live stock is raised to the Eastern States, the bill does regulate the transportation. But to answer the Senator's question, let me say in reply, that the States of Illinois and Ohio for instance are separated by the State of Indiana. I wish to know if it is not proper for the Congress of the United States to so legislate as to prevent the injury to my property or the property of any citizen in passing through the State of Indiana on those interstate railroads by allowing that property to remain along the line of road upon a side track or upon switches for a sufficient length of time to impair its value? I think we have as much authority under that clause of the Constitution to

legislate in this particular as in any other particular affecting commerce between the States.

Mr. DAVIS, of West Virginia. If I do not interrupt the Senator I will ask him whether Congress has ever exercised the power to control a railroad at any time in the history of this Government?

The PRESIDING OFFICER, (Mr. WILLIAMS in the chair.) Does the Senator from New Jersey yield to the Senator from West Virginia?

Mr. McPHERSON. I yield for a question.

Mr. DAVIS, of West Virginia. I asked the question because the Senator signified that it would be agreeable to him.

Mr. McPHERSON. The Senator asks if we have any right at all to control the railroad corporations of the country and require them to care for animals and feed and water them? Have we not just as much right to say to them that they shall give this animate property, a peculiar species of property subject to decay and loss, a right of way over inanimate property that is not subject to decay and loss?

Mr. DAVIS, of West Virginia. But I ask the Senator where such a policy would stop? If we have a right to regulate a cattle train, we have a right to regulate a coal train, and it would lead us to assert that Congress has the same power to regulate a railroad in all particulars as to regulate it in one particular.

Mr. HEREFORD. To regulate the speed.

Mr. DAVIS, of West Virginia. Of course. My colleague well suggests that we could regulate the speed of trains and regulate them in any other way, even to regulate who should be employed by a railroad company.

Mr. McPHERSON. I do not think the Senator could carry it so far.

As to the propriety of this change a variety of opinions exist, but, it having commended itself to the judgment of the committee, I will not oppose it, although I prefer the existing law. All other parts of this section accord substantially with the original law, but there is contained in this section of the amendments and also in the law we seek to amend a proviso greatly misunderstood and of which the Senator wishes me to speak. I suppose there is not a Senator upon this floor who has not heard more or less about the so-called patent palace stock-car, and having heard but one side of the question, and that side not interested for the public, but for themselves, you have learned to regard it as an enemy to our civilization. I can think of no one more entitled to the favor of a patent than that inventive genius who has or can devise a car that will prevent suffering to animals in transit, secure good meat food, and save to the producer all the profits he now pays to the feeding stations along the routes of transportation—in short, breaks the backbone of the stock-yard monopoly of which the Senator complains.

Let me illustrate: The State of Iowa is one of the great cattle and corn producing States of the West. The cost of producing corn in some localities in that State I suppose is not more than ten cents per bushel. Cattle and corn, therefore, raised upon the same farm and representing the lowest possible cost go into the car together, the corn being distributed daily to the cattle in troughs provided for the purpose, while water is furnished without cost as often as the animals require it, and that, too, while the train is in motion. Now let the Senator from Kentucky compute the difference between corn costing ten cents per bushel—placed in cars—to the producer, and that costing fifteen times ten cents, the price charged by nearly all the stock-yards in the country, and what is the answer? I think it takes about eight days to transport a train of cattle from Iowa to the New York market. If the Senator should fail to give each animal at least two bushels of corn, or its equivalent in other feed, during the eight days' journey he would feel like accusing himself of cruelty. Now, if you please, continue and complete the computation you commenced, and multiply the difference in the cost of food for one animal by the entire product of that State not needed for home consumption, then tell me what the people of Iowa would gain by the defeat of this or any other bill which enabled them to exercise the option of supplying their own cattle with feed at low rates, or submit to any imposition the present stock-yard monopoly may impose. Nor is this all. Ask any common-sense man in that State or out of it if it is not an advantage, both in quantity and quality of the animal, when suffering is prevented and great depreciation and deterioration—always attendant upon suffering—avoided, as it will be by properly feeding, watering, and caring for the animal in transit.

It is perfectly plain, I take it, that this bill does not compel the use of any particular kind of car. If cars provided with facilities for feeding and watering the animal while in transit are of no practical use, no one will desire them. If they do prove (and they have already) to be of practical use, the producer and stock shipper will demand their use because of the saving in cost of food, in loss by shrinkage, and in time consumed in reaching the market, and the railroads will comply with the demand. If the bill does not impose patent cars on the public without their consent (and it certainly does not) who is injured by them? The existing law and the proposed bill are in this respect exactly alike, and provide that if you transport cattle in cars, be they palace or hovel cars or any kind or sort of car, (and the variety of such is legion,) in which they do have daily proper food and water, you may run for sixty consecutive hours without unloading the same. But if you do not so feed and water said animals in the cars, then, and in that case, you must and shall unload them for that purpose, because humanity and good meat-food demand it. Objection has been made that this bill would compel an outlay on the part of railroads for reconstructing cars which should not be required of them. And here let me say, this legislation is not sought to benefit railroads or to injure them. Whether railroads are to be benefited or not, the demand of humanity is, cure or mitigate this evil. We are not called upon to discuss the question of withholding or granting patents, nor should we be diverted by the consideration of the profits or losses of railroads; it would be unworthy the spirit of the age and a sad commentary upon our common Christianity to say that humanity and mercy must be measured by dollars and cents.

And now let me say once for all, and I know whereof I speak, that the appliances necessary to a perfect and complete car for feeding and watering live stock in cars does not contain one patented or patentable device. There are patents, it is true, but it would be difficult to convince a practical man of their absolute necessity in this case. I speak thus plainly, for I think it about time Congress was relieved of this delusion.

The amendment proposed to section 4390 places the railroads in the Dominion of Canada and roads within the United States and forming through lines of transportation under the same legal restrictions as though the railroad lines were laid entirely within the States, thus preventing any unjust discrimination, any invidious distinction in favor of the Canada roads and their connecting lines.

This section further provides for the appointment of inspectors at the shipping ports to examine into the condition and health of all animals designed for export, either living or dead, and to give a certificate of good health if the circumstances will permit. Armed with this certificate the owner or shipper of either the cattle or beef reaches the English ports vouched for by an authority which will not be questioned, and which will go far in directing the judgment of the inspector when the product is offered for sale. That is substantially all there is in the bill.

Mr. MAXEY. Mr. President, I had designed to move to strike out from the pending bill from line 144 to line 160, inclusive, on page 7, when the Senator from Indiana [Mr. VOORHEES] made that motion. I was glad he made it, because in my judgment those lines ought to go out. No one would question the wisdom of requiring cattle *in transitu* to be furnished with food, with water, and with necessary rest; and to all that part of the bill I have nothing to say further than that the act passed on the 3d of March, 1873, which this bill is designed to replace, sufficiently provides for carrying out these objects. That act has been in force from that time to the present, and is now in force. This measure is designed to supplant or replace that act by re-enacting its principal provisions and adding thereto various amendments, and the most important of all the amendments in the bill is embraced between line 144 and line 160, inclusive. I ask the Clerk to report those lines.

Mr. McPHERSON. That part of the bill refers entirely to the inspectors of cattle. It has already been read.

Mr. MAXEY. Let it be read again.

The Secretary read as follows:

And the Commissioner of Agriculture is hereby authorized to appoint a skilled agent at each of the ports in the United States from which live stock and dressed animals are shipped, whose duty it shall be to inspect all animals designed for export, and, if found in good health, to give the owner or shipper a certificate (in such form as said Commissioner shall direct) stating that said animals were in good health at the time of shipment from said port; and said agent or inspector shall be entitled to and receive such compensation (not more than $1,500 per annum) as shall be fixed by the Commissioner of Agriculture, to be paid from any money in the Treasury not otherwise appropriated: *Provided, however*, That the Commissioner of Agriculture may prescribe, by regulation, such reasonable fees for inspection as he may deem just and equitable, to be paid by the owners of cattle exported under the provisions of this act.

Mr. MAXEY. You will observe, Mr. President, that this provision authorizes the Commissioner of Agriculture to appoint an inspector at every port in the United States "from which live stock and dressed animals are shipped." These inspectors, under the provisions of this bill, are, if they find the stock in good health, to give the owner or shipper a certificate stating that said animals were in good health at the time of shipment, and are to receive a salary not exceeding $1,500 per annum, "as shall be fixed by the Commissioner of Agriculture." The first point which would strike the minds of most of us, who are somewhat particular in appointing gentlemen to offices of importance, is, why should the Commissioner of Agriculture be authorized to appoint an officer at a salary of $1,500? Why should not that officer be nominated by the President, and that nomination be sent to this body in order that we might see whether we would advise and consent to the appointment?

It is perfectly clear from what the Senator from New Jersey [Mr. McPHERSON] himself tells us of the amount of rascality, fraud, and corruption which he has shown is charged upon State inspectors where they have such, that the office of inspector will be one of great importance and the incumbent be just as liable to temptation, just as open to approach as State inspectors. Why, then, do you give this great power of appointment exclusively and unrestricted to the Commissioner of Agriculture? It seems to me that this is unwise. In fact if it be as the Senator says, that this inspection is authorized under that clause of the Constitution which authorizes Congress to regulate commerce with foreign nations and among the several States, it would seem that if any executive officer were to make this appointment, and I deny that the appointments should be thus made, the

proper officer would be the Secretary of the Treasury, who has charge of commerce with foreign nations. Why should the Commissioner of Agriculture be given this authority? His duties are wholly internal, and have no connection with foreign commerce.

Second, the bill goes on further to provide:

Provided, however, That the Commissioner of Agriculture may prescribe, by regulation, such reasonable fees for inspection as he may deem just and equitable, to be paid by the owners of cattle exported under the provisions of this act.

This taxes every cattle shipper for an inspection absolutely without effective results, for the inspection is without binding force in any country to which the cattle are shipped.

The first portion of the paragraph moved to be stricken out authorizes the appointment of an inspector at any port in the United States where live stock or dressed animals are shipped to foreign ports. What would be the result? Just as sure as these inspectors are appointed, live stock and dressed animals, one or the other, or both, will be shipped from every port from Portland, Maine, to Brazos Santiago, in Texas, from Sitka, in Alaska, down to San Diego, in California. There will not be a port in the entire length and breadth of the United States that cannot at least send out two dressed sheep and one live one, and that would fill the bill; that would be all that would be necessary, for the language is "live stock and dressed animals." They could send something that would justify the appointment of an inspector at that port, and it would be to the interest of aspirants for inspectorships that this should be done and hence it would be done, and the effect of it would be that you would have an inspector of live stock at every port in the United States at a salary of $1,500 a year; and besides the inspector can charge the shipper of live stock fees as regulated by the Commissioner of Agriculture, according to the proviso at the close of the paragraph, which is included in the motion to strike out.

Mr. COCKRELL. What is to be done with the fees?

Mr. MAXEY. I take it that there will be an inspector who will get $1,500 a year, and these fees go to him. Certainly they do not under this bill inure to the benefit of the Government. These inspectors are to do what? They are to inspect the condition of live stock which are to be shipped from American ports to foreign ports. I ask any Senator at all acquainted with the shipment of cattle or sheep, for example, what inspector on this earth could tell without an actual and close inspection, whether a cow, a beef-steer, or a sheep was diseased or not diseased? Suppose the inspector to run through, as would be the case in my State, three or four or five hundred? How long would it take to inspect them and determine accurately that there was no disease among them, and what would that certificate be worth unless there was an actual inspection of each one of the live stock shipped? For the certificate to do any good the inspector would have to diagnose the case of each one of them. It would be a task that could not be done; there are not enough hours in the twenty-four to do it when the shipment is of any considerable size. But after all, suppose the inspector could make a fair and accurate inspection, and suppose this certificate is given, what good is that to the owner of the stock? It will not weigh a feather in any foreign market, and yet the Government and the owner both pay for it.

Mr. McPHERSON. I will interrupt the Senator if it does not disturb him?

Mr. MAXEY. Not at all.

Mr. McPHERSON. The Senator fails, I think, to understand the intention, and I think the language also conveys the intention that the Commissioner is to prescribe additional fees for the inspection in order to pay the $1,500. He may impose that upon the owner of the cattle. It is not expected that the Government is to pay $1,500 a year salary in excess of the fees that the Commissioner collects.

Mr. MAXEY. I believe the words of a law generally are taken as evidence of its intention. Now let us see what the bill says:

And said agent or inspector shall be entitled to receive such compensation (not more than $1,500 per annum) as shall be fixed by the Commissioner of Agriculture, to be paid from any money in the Treasury not otherwise appropriated.

That shows where the money is to come from to pay this $1,500. That fixes upon the Government the payment of the money—the $1,500 or other less sum fixed. The Government of the United States is to pay it out of "any money in the Treasury not otherwise appropriated" like any other salary is paid out of money not otherwise appropriated. So the bill provides. Then comes the following proviso, which by no apt or appropriate words of reference connects itself, so far as these fees are concerned, with the annual salary already provided for in the body of the text, to wit:

That the Commissioner of Agriculture may prescribe by regulation such reasonable fees for inspection as he may deem just and equitable, to be paid by the owners of cattle exported under the provisions of this act.

So that it is manifest, according to the terms of this bill, that the inspector gets out of the Treasury of the United States such compensation (not more than $1,500 per annum) as shall be fixed by the Commissioner of Agriculture, and then in addition such reasonable fees for inspection as the Commissioner may deem just and equitable, to be paid by the owner. No word in the bill puts these fees into the Treasury; no reasonable construction puts them there, and the Senator mistakes if he thinks they will ever get into the Treasury.

So I say as the bill is worded the inspector will not only be a charge upon the Government to be paid out of "any money in the Treasury not otherwise appropriated," but in addition thereto he will and can require the owner of the cattle or sheep to pay a fee for the inspection. But after all that, Mr. President, I again ask you what good does it do? What good will a certificate in the pocket of the owner or in the hands of the consignee of those cattle or those sheep or swine do in London, in Liverpool, in Havre de Grace, or anywhere else to which this live stock or these dressed animals may be shipped? Bills of health of a ship are viséed by the officers of the government to which that ship is to sail, not by the officers of the government from which the ship is to sail. We, the other day, in the yellow-fever bill, in guarding against contagion, required that a bill of health should be given by the officers of our Government in South America or elsewhere where a contagious disease might be, to show that the vessel which was to sail to our ports did not have such a disease upon it. It is our officers who are to give the certificate to a vessel coming to this country, and so I say that after you may pass such a measure as this and appoint all your inspectors the certificates given by them will not be worth the paper they are written upon in any part of the world, because the governments to which the shipments are made will be governed by the reports and inspections of their own officers. You would make this system cost the people of the United States this large sum, for I tell you that under the provisions of this bill there will be an inspector at every port of this Union; and you will not only make it cost this large amount to the Government of the United States, but to every man who ships cattle, sheep, or swine it will cost these additional fees, which will aggregate a very large amount.

I take interest in this question because the State which I in part represent is to-day the largest cattle-producing State in this Union, producing under the census of 1870 3,991,158 cattle. That number will be increased by the census of 1880 to not less than six millions. We raised, as shown by the census of 1870, 714,351 sheep. The last reliable data that we have, published by the Wool Producers' Association of the United States at Boston, shows that to-day California is ahead in sheep, Ohio second, and Texas third, so that we may reasonably estimate, and I give this as my opinion, that by the census of 1880 we will have in Texas at least two million sheep, and in all probability two and a half million. We had of swine in 1870 1,202,445. We can raise just as many as we want, for ours is a great corn and mast State, and the product of corn is yearly increasing. At this time the principal shipment of live stock in which we are concerned is that of cattle, and we are using every exertion to open up a direct trade in our cattle with Europe. We can send just as many cattle to market as we please, and will do so when we find it profitable. I call the attention of every Senator in the Chamber who represents a cattle-producing State to the fact that under the provisions of this bill the cattle-raiser, the sheep-raiser, and the swine-raiser are largely charged with fees to be paid to the inspector or somebody else, for, mark you, it is not provided in the bill that the fees thus raised are to go back into the Treasury of the United States to pay the $1,500 salary. That is a separate and distinct clause, and in addition to that $1,500 salary the fees are to be charged, as the bill is worded, to the owners.

But underneath all this what good will your certificate do? Sir, this is no new question to gentlemen who keep up with the cattle business. You will find in the New York Herald of April 27, 1879, a dispatch from Ottawa, Ontario, Canada, dated April 26, 1879, as follows:

In the House of Commons, during a discussion on the item of $10,000 in the estimates for a cattle quarantine, Mr. Mackenzie brought up the matter of the shipment of cattle to England. He hoped that the inability to allow the transhipment of American cattle through Canada to England would be removed as soon as possible, as that trade was very valuable.

Mr. Pope said he had asked the Privy Council whether, if American cattle were carefully examined by veterinary surgeons at ports of entry and shipment, American cattle could be sent by Canada to England? The answer was that there was no alternative. If such shipments were permitted Canadian cattle must be shut out of the English market. Diseased cattle from Portland have been landed in England as late as the first of April. None have been sent from Canada.

So you will see that the British government will depend upon her own inspectors, not upon the certificates which may be given here, because nations are exceedingly jealous; nations will be guided by the official reports of those officers appointed by them and responsible to them. What the Senator from New Jersey said in regard to State inspectors might prove true in regard to the United States inspectors, so that it would at some ports not be difficult, if you paid enough, to get a clear bill of health for your cattle; and if somebody was interested in keeping prices down you might find it, if they paid enough, difficult to get a certificate for a perfectly healthy lot. If such things can be done under State laws, they can be done just as easily under a law of Congress. The vice is in the system.

I do not care to go into other parts of the bill, although there are other portions of it (in which I do not take so deep an interest) which I believe can be well amended; but this part strikes, in my judgment, right at the great cattle interest; and representing in part that State which has a larger interest than any other named State, I have briefly given my reasons for opposition to the part of the bill I have discussed, and trust that the motion of the Senator from Indiana will prevail and that so much of the bill as is embraced between lines 144 and 160 on page 7 will be stricken out.

Mr. McPHERSON. Mr. President, I desire, in answer to the Senator from Texas, to make one or two observations.

He appears to entirely misunderstand the methods by which this

business is conducted. Let me relate to him a little experience, which is a very late experience indeed, and then perhaps he will form a better judgment than the one he has arrived at with respect to this inspection clause.

I think I speak within bounds when I say that from the cities of New York and Jersey City 80 per cent. of all the live stock and dressed animals sent from this country to Great Britain and all other European ports are exported. Four or five months ago a deputation of gentleman largely engaged in the transportation of live and dressed animals visited Washington and asked me to go with them to see the Commissioner of Agriculture or some other appropriate officer of the Government, with a request that a Government officer should be appointed—a skillful man, a scientific man—who could detect disease in animals the same as a physician detects disease in human beings; and that he might be stationed at the shipping points where both live animals and dressed meat were prepared for the English market to examine, to report, and to give a certificate if the animals were found in good health, stating as their reason for such an officer that if they could go to the English market armed with a certificate of health that the animals were from herds of cattle in which no disease existed, and that no disease was about them when they reached the point where they were to be shipped, it would be a fair conclusion to arrive at that when they arrived upon the other side there could be no disease other than what might result from the perils of the trip or the exposure of the trip across the ocean.

I visited the Commissioner of Agriculture, because I believed him to be the appropriate officer of the Government to name this inspector, and by perhaps an exercise of power which he obtained under a strained construction of the law an inspector was appointed to examine all the animals shipped from the ports of New York and Jersey City for a certain period, covering, I think, about ten days. No application was made from the port of Philadelphia, also quite a large exporting port, for an inspector for that port. The cattle and the beef shipped from New York and Jersey City went into the London market in competition with animals and meat exported from Philadelphia. The loss on the Philadelphia shipments during that brief period would have paid for all the inspectors that the Commissioner of Agriculture will appoint for the next five years under this bill.

I care not whether the clause remains in the bill or not. It was put there simply because it had been the experience of gentlemen largely engaged in this trade, those who perhaps control the business, that an inspection was necessary. Now, the Senator from Texas says that it is the inspection made on European soil, at the ports of England, or any foreign country to which we ship the animals that is accepted there. Let me refer the gentleman to the testimony I have adduced here from shipping men, that after an animal is slaughtered, even if the animal was in the last stage of pleuro-pneumonia, it is impossible to detect the disease in the beef. They tell you that the beef looks as good and is as good to all appearance as the best beef found upon the stall. Now, suppose that the animal is slaughtered at the Jersey City abattoir, or at Philadelphia, and no inspection has been made, and an alarm exists among the people abroad that all the animals in this country are diseased; the dressed animal goes there armed with the certificate of inspection of this inspector, a Government agent, supposed to be capable, supposed to be honest, that before the animal was dressed it came from herds of cattle in which no disease had existed, and that no disease existed among the animals when they were slaughtered, would it not be a fair presumption that when they arrived at the other side no disease existed then?

Now, sir, I have no objection to that clause being stricken from the bill if it is of no interest to the people of Texas to assist those gentlemen who are to-day shipping tens of thousands, yea hundreds of thousands, of cattle yearly, taking them from the producers of Texas at their own risk to ship them across the ocean. They simply desire that by authority of law, of which we have none now, the Commissioner of Agriculture or some other proper officer of the Government may appoint an inspector who can certify to the health of the animals; but I beg leave to inform the Senator that there is nothing in the bill which says that either himself or any of his constituents are required to get a certificate; he may ship his cattle across the ocean at his own peril and go into the foreign market as did the Philadelphia shippers and be condemned, not because the cattle were diseased, but because there was with them no certificate of health.

There is another point that the Senator has alluded to, and that is with respect to the payment of the compensation of the inspectors. If there is any defect in the phraseology of this particular clause, it can be amended. The money raised by fees is to go to the compensation of the inspectors, and the fees will be paid by those engaged in the transportation of cattle.

Mr. MAXEY. I desire to call attention, for I think I was not mistaken, that the Senator's statement is that it is not an affirmative requirement on shippers to have a certificate. This bill provides:

> And the Commissioner of Agriculture is hereby authorized to appoint a skilled agent at each of the ports in the United States from which live stock and dressed animals are shipped, whose duty it shall be to inspect all animals designed for export.

At every port where cattle are shipped he must inspect all of them.

Mr. McPHERSON. Suppose some were inspected at New Orleans and this certificate was given on some cattle, not the property of the Senator from Texas; notwithstanding all that, there is no power in this bill or in any other law which says he shall not ship his cattle from that port. He then takes the responsibility of going to the European port with his property without inspection; he has paid no inspection fees. But I say once for all I have no desire to insist on this clause. The law that we seek to amend consists of a few simple sections in the Revised Statutes. This is a new idea advanced, which I believe the necessities of the times require. It is no experiment, it has been proven to be necessary and has proven to be expedient and of benefit to the community which is largely engaged in this trade; but if there is anything in the world in that section to be objected to, let it be stricken out. It is the transportation of cattle mainly that I am concerned about.

Mr. VOORHEES. Mr. President, when this bill was called up this morning I gave notice that I would make a motion to strike out between lines 144 and 160 inclusive. At the request of the Senator from New Jersey, [Mr. McPHERSON,] however, I withheld the motion at that time until he had addressed the Senate. I now make the motion and desire it to be entered. It has not been done. I make the motion formally now because we have been talking about it, and I want it pending.

Mr. ALLISON. I wish the Senator would make the motion to strike out from line 140; but I do not wish to disturb him.

Mr. VOORHEES. Perhaps it ought to go back to line 140. I make the motion in accordance with the suggestion of the Senator from Iowa.

Mr. DAVIS, of West Virginia. The Senator will see that the lines preceding 144 do not apply to the same section of the Revised Statutes.

Mr. VOORHEES. Let the motion, as I originally made it, be entered to embrace lines 144 and 160, inclusive.

And now a word. Mr. President, I listened with a great deal of pleasure and interest to the able and instructive speech delivered by the Senator from New Jersey. No subject could appeal to me much more strongly than that which he has discussed, the suffering of dumb animals being carried and slaughtered for the use of man. He has bestowed upon it a labor and research that is commendable and will be useful to us. I say further that I intend to support his bill in the main. I think two or three amendments will make it a most useful and beneficent measure of legislation. I think, however, this provision that I have moved to strike out is an obstacle that ought to be removed. The Senator from Texas has well put the question of expense. There is another question, however. There is too much power by far given to the kind of men that would be inspectors of cattle. They would have the power at any port to destroy the sale of any merchant's cattle that was sent there from the West or any other place. They would have the power by raising a suspicion of the health of cattle, whether it was so or not, to knock down the price and destroy the sale, and thus ruin the man who had brought them to that port.

I do not mean to be censorious or uncharitable toward my fellowmen when I say that this class of persons with that kind of a salary would be most easily approached by those interested in reducing the price of cattle and would be open to constant bribery and corruption, and the shipper of cattle from the Western States would be absolutely in the power of some one person at each port that the Commissioner of Agriculture might see fit to appoint as an inspector of diseased stock. That is too much power to give to that class of persons.

I desire, however, mainly, for the few moments that I shall occupy the floor, to submit a most interesting and, I think, a very valuable contribution to the literature of this question from Professor James Law, professor of veterinary medicine in Cornell University, a member of the board of health of the State of New York, and a fellow of the Royal College of Veterinary Surgeons of London. It has been sent to me, and as I have familiarized myself with the handwriting, which is a little difficult, I will read it myself to the Senate:

OBJECTIONS TO THE BILL PROVIDING FOR INSPECTING CATTLE IN TRANSIT.

No one who is acquainted with the nature of the *lung fever of cattle* and who is anxious to see it extirpated from American herds can approve of the present proposal to expend the Government appropriation in simply inspecting the stock at different points along the great channels of traffic. Yet as the proposition seems to be received with much favor in certain influential quarters it may be well to state shortly some of the more serious objections to its adoption:

1. *The prolonged latency of the disease will render it futile.*—The proposal to check the disease by inspection of animals in transit proceeds on the assumption that every infected animal will be thus detected and detained. But this is far from being the case. After the *disease germs* have been taken into the system they lie there dormant for from one to two months on an average, and even longer in exceptional cases, and only develop disease at the end of this period. During the whole of this long period of *latency* or *incubation* there is no modification nor impairment of health, nor any appreciable symptom by which the presence of these *disease germs* can be recognized by even the most skilled expert. Cattle with these *germs* in their systems might therefore easily cross the Atlantic and the whole breadth of the American or European continent, pass successfully the ordeal of the strictest professional examination at different points on their route, and be finally unshipped with a series of *certificates of health* which are only so many snares and impositions upon intending purchasers. Every such infected animal, notwithstanding it has run the gauntlet of a succession of examinations, will none the less surely show sickness in due time and infect any herd in which it may be placed. Instances of this kind are daily observed, yet I may be allowed to quote one of the most recent examples that have come up.

He speaks as a member of the New York board of health, and my apology for reading this to the Senate is the fact that this man is eminent in his specialty, and has devoted a life-time to its study:

Isaac Billard, dealer, Cutchogen, about January 1, took a herd of one hundred and twelve calves from the New York stock-yards, to which we have traced many similar outbreaks, and sold them to farmers in the towns of Southampton and

Easthampton, Suffolk County, where this plague had never existed before. Wherever these calves went disease and death followed, not among themselves alone, but also in the herds with which they cohabited. We were only apprised of this outbreak in the first week of May, and beside the previous losses we have already had to slaughter over forty animals in the towns mentioned, and have not yet traced out the destination of all the Billard herd. Here the farmers purchased what they supposed to be perfectly healthy stock, and inasmuch as the calves had come straight from the infecting place, and had had no time for the development of the malady, they would almost certainly have passed the most rigid professional examination.

The fact of the apparent health of these *infected cattle* makes them far more dangerous than if they had been transported when in the height of the disease and with their sufferings patent to all observers. In such a case the intending purchaser would have declined, or would at least have withheld them from mixing with his other stock. As tested by this feature of the disease, therefore, "*inspection in transit*" is not only a farce but must be actually injurious in fostering a false sense of security and promoting the safer course of *guaranteeing* the stock by the Government or the purchaser.

2. *Occult forms of the plague will escape detection.*—In dealing with the disease in New York we are continually brought in contact with cases that have become chronic, in which all the active symptoms of fever have subsided—the pulse, the temperature, the appetite, the rumination, and even the flow of milk have become natural or nearly so—and in which the affection must be detected by the most careful auscultation and percussion, if at all. When we open these cases after death we usually find that a portion of the lung has passed through the active stage and has become solid and fibrous, or more commonly it has become gangrenous and been inclosed in a fibrous cyst, or it has softened and produced large cavities, but in all cases alike the surrounding lung tissue is being slowly invaded, the poison is still generated, and the air loaded with infecting material. Now, such cases can usually be detected by the accomplished veterinarian if the examination is made with care and in the necessary conditions of quiet and stillness; but such quiet and stillness can rarely be had in the midst of five hundred or one thousand animals, strangers to each other and to the place, and amid the commotion of passing trains, shipping, unshipping, feeding, &c., at a railroad station.

In illustration of this I may be allowed to add that men holding diplomas of veterinary colleges have repeatedly in our experience disbelieved in the sickness of the animals we have condemned, and have only been convinced and had their sneers turned into confusion when the carcasses were opened and the diseased lungs exposed. So it is with the cattle-owners, who often allow the slaughter of the diseased under protest, but are speedily convinced and brought to favor our work as soon as the carcasses are opened. At Bridgehampton a crowd of experienced stockmen denounced our action and protested against the slaughter of what they considered sound animals, but were so convinced by the *post mortem* examinations that they at once declared that no more such examinations were necessary, and that if we said the half of the herd should be slaughtered they would fully indorse our decision. One of the most incredulous afterward offered to pay out of his own pocket the value of such animals as we set aside for slaughter, if the owners (who had not been present at our previous *post mortem* examinations) were still unconvinced when such cattle were opened.

3. *Incubating and occult cases alone shipped, and pre-eminently dangerous.*—If it is argued that the inspectors would detect the actually and surely sick, it may be said that they are far less dangerous than the others, for owners will rarely ship an obviously diseased animal, which is likely to die on the way, or to ruin the market for their remaining stock on arrival at their destination. The ordinary course is to withhold or even destroy the unquestionably sick, and to send to the market the rest of the herd, many of which the owner knows full well will be themselves sick ere long if he retains possession of them. These comprise the infected beasts that are still in the incubation stage and which therefore cannot be detected, and the occult and chronic cases which can only be recognized by the most skillful examination and a *quiet* that can rarely be assured for cattle in transit.

4. *Inspection of all cattle in transit impracticable.*—The great number of cattle transported on our great lines of rail must forbid anything like a satisfactory examination in transit. By one line alone as many as one hundred car-loads of cattle will arrive at a given point in a single day. Allowing sixteen cattle to each car-load and but ten minutes for the inspection of each animal, this would take an inspector over two hundred and sixty-six hours, or nearly twenty-four days of twelve hours each, to accomplish the task. Even if we could get for each point a staff of twenty-four *competent* inspectors, (a very questionable supposition,) the inspection would be impracticable, as no one could keep up the requisite, incessant, and intense application for twelve hours out of the day.

5. *Inspection useless and uncalled for in the case of the great body of western cattle.*—The proposition, even if it could be carried into effect, would be worthless. Inspectorships to detect the *lung fever* at *Kansas City, Saint Louis, Chicago, Toledo, Buffalo*, &c., would simply entail an amount of exhaustive and fruitless labor on conscientious incumbents, or would be accepted as comfortable sinecures by the more lazy or less scrupulous. No *lung fever* in our western herds has ever been proved.

This is a comfort to us western men. This is eminently a western subject, and I was very glad to find that statement from such eminent authority.

The American stock condemned in England (even if it were conclusively shown that they suffered from *lung fever*) were shipped from stock-yards to which stock from New York and other infected centers had been sent, and there is no evidence to show that the cars and ships that conveyed them had not previously carried infected cattle or hides. The appearance of the western cattle and our New York stock-yards gives no support to the idea that they come from infected districts, while on the other hand the western cows that are kept for a sufficient length of time to allow of infection and the development of the disease after arrival, fall easy victims, showing that they are strangers to that immunity which is gained by a first attack of the plague.

The Ohio cow, which last year conveyed the *lung fever* to Clinton, New Jersey, had staid over at least one day in New York City, where she had ample opportunity for contracting the disease.

6. *Inspection to be useful must embrace the entire herd from which the animal is to be taken, and must be supplemented by a history of soundness for at least three months previous.*—Nothing short of the careful inspection of the entire herd with which an animal has cohabited can give security, nor will even this suffice, unless we know that there has been no addition made to the herd, no visitation to or from, and no sickness for at least three months previous. Neglect these obvious precautions and the infection will certainly escape us by reason of the long period of incubation.

7. *Dealing with the infected herd the only sound method.*—This brings us to the conclusion that all methods are fallacious and misleading that do not strike at the root of the contagion, *the infected herd*. The only rational course is to stop the movement of cattle *in all infected districts*, to keep an accurate registry of the herds, to allow no changes to be made in any herd without a *permit* given after professional examination, to allow no animals to leave recently infected herds except for immediate slaughter, and to adopt a system of prompt sacrifice of the *sick* and thorough disinfection of the buildings and movable articles. The segregation of all herds and many other minor details are no less essential, though it is needless to refer to them here. It is enough to say that success will only crown the well-directed efforts for the extinction of the disease in the infected herds, and that anything that will divert the national means and energies from this will favor the spread of the plague rather than its extermination. The proscription of an infected district and the inspection of all cattle passing out of it can only be of value if supplemented by a quarantine of two months. This would allow time for the animal to pass through the period of incubation, and if found well throughout the whole of this period of detention, a certificate of soundness might safely be given. But such a quarantine would be a virtual prohibition of the cattle traffic, and would prove incomparably more costly and expensive than would the prompt slaughter of the whole of the infected and exposed herds and the indemnification of their owners out of the national exchequer. It would have the further disadvantage of making little or no advance toward the extinction of the plague in the infected area itself.

In adopting measures for the stamping out of the pestilence the further we get from the individual centers of contagion the weaker and the more ineffectual must be our work. To forbid the exit of sick cattle from a State and to enforce this without quarantine at the border we have seen to be most fallacious. To embargo a county or town is better, as there is more likelihood of our ascertaining the particular localities or herds from which the animals come, and greater precautions can be taken accordingly. *The quarantining of the infected herds and those adjacent* is incomparably better than either, though even this is eminently unsatisfactory and dangerous, unless associated with the *prompt slaughter of the sick and infected and the thorough disenfection of all that has come in contact with them. General measures* are comparatively futile; the *particular* alone can succeed.

Whenever, therefore, a State fails to act thus *particularly*, or with *every separate center of infection*, the United States ought to come to the rescue and apply those measures by which the pestilence may be exterminated.

JAMES LAW, F. R. C. V. S.,
Professor of Veterinary Medicine, Cornell University.

BOARD OF HEALTH,
New York, May 24, 1879.

I have read this, Mr. President, for the purpose, besides its being heard here, of transferring it to the RECORD so that Senators may look at it with more satisfaction than they have listened to it. There may be suggestions in it in which I do not concur and in which other Senators may not concur, but in the main I regard it as a valuable paper, and as such entitled to the recognition which I have invoked for it in this body.

I can only repeat what I said in rising that it is my purpose to aid the Senator from New Jersey in perfecting a bill to relieve us of the stigma of cruelty to dumb animals. I have witnessed it, and so has every other Senator, on our lines of road. No subject is more worthy of our attention than this, and I hope the bill may be put in such shape as to meet general favor here.

I think, however, this provision ought to go out, not only because of the reasons given so strongly and clearly by Professor Law, but for the reasons presented by the Senator from Texas, and for the reason which I stated when I first rose that it clothes men, if they choose to abuse their trust, with a power over the stock raisers and stock shippers of this country which ought not to be given to any one. It is the power of price and value which is placed in the hands of these proposed inspectors. By a look, a nod, a suspicion, a suggestion that a man's stock is not very well they can bankrupt the western stock raiser and shipper and control the price of his cattle, and they can do it in the interest of those who desire to purchase.

I am very glad to know that the honorable Senator from New Jersey is willing that this provision may go out of the bill, and then, with perhaps one or two suggestions of minor importance, I do not see why we cannot support the measure.

Mr. McPHERSON. May I ask the Senator a question?

Mr. VOORHEES. Yes, sir.

Mr. McPHERSON. The stock producers of the West transport their cattle to some of the great distributing points, to wit, Saint Louis, Chicago, Pittsburgh, or Buffalo. There they are sold to eastern buyers, to be used for any purpose that, in the judgment of the eastern buyers, they can best use them. These cattle go, for instance, to the port of New York. The party who has purchased the cattle of the producer in the western city desires to ship them abroad; but he says to himself, "I cannot safely ship them abroad unless I can arm myself with a certificate of inspection." Now, I wish to know in what way that affects the value of the animal to the western producer if, in the judgment of the party who desires to export them, he wants inspection and is willing to pay for it?

Another question I should like to ask the Senator: Will he tell me any means by which these gentlemen largely engaged in exporting live stock can obtain inspection under and by authority of law without passing some law under which it can be done?

Mr. VOORHEES. In regard to the first question propounded by the Senator from New Jersey I have this to say: These men are in some sense toll-gatherers at the gates of commerce on the cattle that pass through. They have double means of corruptly making money. They can prey on the anxiety and desire of the stock raiser and shipper and seek pay from them for getting a favorable certificate; and on the other hand they can play into the hands of the buyers, as I have already explained; for if the raisers cannot ship them abroad and cannot get a certificate of health from the inspector they will have to take their cattle home or dispose of them as best they can. The Senator says the owner can take them abroad. I have this to answer in regard to that: a certificate of inspection, if he gets it, is of no service to him in Europe whatever, and if he does not get it he is just as well off as if he has it in his pocket. In Europe the inspection at the ports of export has been found to have failed to prevent the introduction of diseased cattle there, and England has at last found it necessary to schedule all countries known to be infected, and to slaughter all cattle landed from such scheduled countries, and our country is included in that schedule now, and no certificate at one of our ports can take us out of that schedule. America has recently been scheduled, and no system but the actual extermina-

tion and destruction of the disease in the eastern ports will relieve the American exporter of any cattle coming through the eastern ports, for the foreign countries with whom we deal and who buy our beef, failing to know this by the system of inspection, have scheduled the United States with those countries which are known as infected with the cattle disease. The consequence is that our stock is slaughtered as soon as it is landed. The certificates of inspection which you will tax the farmers of Indiana to obtain for their cattle would not be worth a straw when they got to Europe with them.

Mr. McPHERSON. In respect to cattle that are slaughtered in this country and transported in refrigerated vessels, what becomes of them upon the other side; what becomes of the question of inspection there in that case?

Mr. VOORHEES. That is a matter for England; I cannot answer it. But I promise you one thing, that your inspection will not help them any in England.

Mr. McPHERSON. Would it convince the Senator if two animals were offered to him for consumption, one of them having been inspected by a competent physician who declared that he had inspected the animal previously to its being slaughtered and found it in every respect a healthy animal, and the other one, for some reason best known to himself, he refused to give any opinion upon—would it convince the Senator from Indiana that one beef was better than the other?

Mr. VOORHEES. Does the Senator pretend to say that this system of inspection would subject the cow or beef animal to the inspection of a competent veterinary surgeon, when it has been shown here that if there was a corps of twenty-four at each one of the principal ports they could not give more than ten minutes to each animal that they were to inspect? I can say to him and answer the question directly, it would not make one particle of difference to me when I sat down to a beefsteak whether the kind of inspector who would be appointed by the Commissioner of Agriculture, with all respect to him be it spoken, had had ten minutes to look at the cow and had looked at her, whether she had passed or not such an inspection. I should inspect the steak myself.

Mr. EDMUNDS. As I am very sensitive on the subject of beefsteaks, I wish both Senators would allow me to move that the Senate proceed to the consideration of executive business.

Mr. McPHERSON. I would ask the Senator to withdraw the motion, because I think we can close this up.

Mr. EDMUNDS. Oh, you cannot finish the bill to-night. It is late. It will be the first thing in order to-morrow, the Senator knows.

Mr. McPHERSON. I did not suppose there would be any objection to the bill except on this point.

Mr. EDMUNDS. Oh, yes, it will require a good deal of consideration yet, I fear.

Mr. VOORHEES. If the Senator from Vermont will let us vote on the pending amendment, which I think we are now ready for a vote on, it will take but little time, and it will make that much progress.

Mr. EDMUNDS. I am not sure that that amendment is ready for a vote yet.

Mr. VOORHEES. Very well.

Mr. EDMUNDS. As there is nothing else pressing really, and as this will be the first thing in order to-morrow, it will not lose anything by my motion and there are matters for consideration in executive session that ought to be attended to. I move that the Senate proceed to the consideration of executive business.

Mr. BECK. Pending that I move that the Senate adjourn. I think there is no hurry about the executive business.

Mr. EDMUNDS. I hope my friend from Kentucky will withdraw his motion to adjourn.

Mr. BECK. Very well, I withdraw the motion.

The PRESIDING OFFICER, (Mr. WILLIAMS in the chair.) The motion to adjourn being withdrawn, the question is on the motion of the Senator from Vermont that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at four o'clock and thirty-four minutes p. m.) the Senate adjourned.

IN SENATE.

TUESDAY, *May* 27, 1879.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILLS REFERRED.

The following joint resolutions from the House of Representatives were severally read twice by their titles and referred to the Committee on Naval Affairs:

A joint resolution (H. R. No. 70) authorizing Commodore J. W. A. Nicholson, United States Navy, to accept from his Catholic majesty the King of Spain the Grand Cross of Naval Merit; and

A joint resolution (H. R. No. 74) authorizing Lieutenant Z. L. Tanner, of the United States Navy, late commanding Pacific Mail steamer City of Peking, to accept a pair of flower vases and a lacquered box from the Japanese government.

The bill (H. R. No. 564) to amend certain sections of the Revised Statutes of the United States relating to coinage and coin and bullion certificates, and for other purposes, was read twice by its title, and referred to the Committee on Finance; and

A joint resolution (H. R. No. 55) authorizing the payment of a portion of the Virginius indemnity fund to the mother of General W. A. C. Ryan, was read twice by its title, and referred to the Committee on Foreign Relations.

TAXES ON CHURCH AND EDUCATIONAL PROPERTY.

The PRESIDENT *pro tempore* laid before the Senate a communication from the commissioners of the District of Columbia, transmitting, in answer to a resolution of the Senate of the 23d instant, reports of the auditor and collector of the District showing what sums have been received in respect of general and special taxes assessed on churches, colleges, school-houses, and educational institutions since June 17, 1870, &c.

Mr. EDMUNDS. I move that the communication and accompanying papers be printed and referred to the Committee on the District of Columbia.

The motion was agreed to.

PETITIONS AND MEMORIALS.

Mr. DAWES presented the petition of H. R. Robinson, of Massachusetts, praying for the passage of a law granting him a pension for services rendered the Government as a soldier; which was referred to the Committee on Pensions.

ELECTIONS AND APPOINTMENTS IN RHODE ISLAND.

Mr. McDONALD. I present the memorial of J. B. Greene and the accompanying petition of soldiers and sailors of the State of Rhode Island. I ask that they be read.

The PRESIDENT *pro tempore*. The Senator from Indiana presents a memorial, and asks that it be read. Is there objection?

Mr. EDMUNDS. What is the memorial about? Mr. President, the objection to reading endless memorials is that it costs the United States a great deal. The rules require that Senators shall state the substance of the memorials they present and that then they shall be appropriately referred. To have memorials read, as I see has become unhappily a practice of late in the Senate, is of course a very expensive performance—that is the only objection to it—making the RECORD so enormously big that a Senator or anybody else cannot transport it without hiring an extra freight car to go along with him.

Mr. McDONALD. My reason for asking that the memorial and petition be read is that I expect to accompany them by resolutions directing their reference to certain standing committees of the Senate.

Mr. EDMUNDS. Every memorial is referred as a matter of course to a standing committee of the Senate without a particular resolution.

Mr. McDONALD. I think that the facts set out in these papers require special reference. There may not be the slightest authority on the part of the committee to examine into the matter without a resolution of the Senate.

Mr. EDMUNDS. Will the Senator then, in accordance with the rules, state the substance of these memorials, which will perhaps answer just as well?

Mr. McDONALD. I ask the Secretary to return them to me that I may do so.

The PRESIDENT *pro tempore*. If there is objection to the reading of these memorials the Chair will put the question to the Senate. The question whether the papers shall be read cannot be debated.

Mr. EDMUNDS. In the first place, the rules require every Senator in presenting a memorial to state in substance what it contains. I of course do not know what these memorials are, and only make the point in order to see if we cannot correct the practice we have been running into of lumbering up the RECORD with the printing of memorials upon all sorts of subjects.

Mr. McDONALD. The memorial of J. B. Greene is accompanied by a petition entitled as follows:

To the Senate and House of Representatives
of the United States of America in Congress assembled:

We, the undersigned, honorably discharged soldiers and sailors of the Army and Navy of the United States, of the city and county of Providence, State of Rhode Island, respectfully pray and ask that your honorable bodies will, by resolve, resolution, or otherwise, instruct or demand the President to execute, enforce, conform in letter and spirit to sections 1754 and 1755, Revised Statutes of the United States.

This is signed by some three hundred and odd persons, who sign themselves as soldiers and sailors.

Mr. BURNSIDE. Will the Senator from Indiana allow me to make a remark in reference to that petition?

Mr. McDONALD. I do not know yet, Mr. President, whether the petition is to be read to the Senate or not. I should certainly have no objection to hearing the Senator.

Mr. BURNSIDE. Will the Senator from Indiana allow me to make a remark in reference to the petition he has just read? Will he yield to me for one moment?

The PRESIDENT *pro tempore*. The rules are very plain. Rule 14 provides that—

Before any petition or memorial shall be received or read at the table, it shall be signed by the petitioner or memorialist, and a brief statement of its contents shall be made by the Senator or presiding officer presenting it.

Then Rule 15 provides that—

When the reading of a paper is called for, and the same is objected to by any Senator, it shall be determined by a vote of the Senate, and without debate.

If there is objection to the reading of these memorials, the Chair will submit the question to the Senate; but it is not a question that can be debated.

Mr. BURNSIDE. Now, will the Senator from Indiana yield to me for one minute?

Mr. McDONALD. I was going to state briefly the substance of this memorial and petition.

The accompanying petition of Augustus Woodbury and other honorably discharged soldiers and sailors of the United States, and citizens of the State of Rhode Island, relates to an alleged violation of sections 1754 and 1755 of the Revised Statutes in relation to the appointment of wounded soldiers and sailors to civil office; and also relates to alleged violations of civil-service reform in the State of Rhode Island.

The memorial of J. B. Greene relates to interference of Federal officers in the elections in Rhode Island and the denial of the right to vote to citizens of the United States who are also citizens of the said State of Rhode Island, and also to alleged frauds and undue influence practiced against the citizens of said State at the late elections.

Mr. EDMUNDS. That one I shall be very glad indeed to have read the full length; I do not know what the others are about, I am sure. That one I think I can understand the general purport of, and I should like to hear it read in full.

The PRESIDENT *pro tempore*. Which memorial does the Senator ask to have read?

Mr. McDONALD. I ask to have read the memorial of J. B. Greene and the accompanying petition of soldiers and sailors of the United States who have signed this petition.

Mr. BURNSIDE. From personal knowledge I beg to submit that the two papers have no connection whatever with each other.

Mr. McDONALD. The only way that can be determined is by reading them. I think they do have.

Mr. EDMUNDS. Read them; it will not cost more than a thousand dollars.

The PRESIDENT *pro tempore*. Is there objection to the reading of the memorial? The Chair hears none. The Senator from Indiana will send it to the Secretary's desk.

Mr. McDONALD. I ask that the accompanying papers be read also.

Mr. ALLISON. What are they?

Mr. McDONALD. One is a letter of civilians submitting these grievances, and the other certificates of character and qualifications and conduct of these officers and soldiers.

The PRESIDENT *pro tempore*. The memorial will be read.

The Secretary read as follows:

To the Senate and House of Representatives
of the United States of America in Congress assembled:

We, the undersigned honorably discharged soldiers and sailors of the Army and Navy of the United States, of the city and county of Providence, State of Rhode Island, respectfully pray and petition that your honorable bodies will, by resolve, resolution, or otherwise, instruct or demand the President to execute, enforce, conform in letter and spirit to sections 1754 and 1755 Revised Statutes of the United States, March 3, 1865, especially in regard to appointments made for collections of customs dues at the district and port of Providence.

SEC. 1754. Persons honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty, shall be preferred for appointments to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such offices.

SEC. 1755. In grateful recognition of the services, sacrifices, and sufferings of persons honorably discharged from the military and naval service of the country, by reason of wounds, disease, or the expiration of terms of enlistment, it is respectfully recommended to bankers, merchants, manufacturers, mechanics, farmers, and persons engaged in industrial pursuits, to give them the preference for appointments to remunerative situations and employments.

The PRESIDENT *pro tempore*. Does the Senator wish the names read? There are a great many of them.

Mr. McDONALD. No, sir; I do not desire to have them read.

Mr. EDMUNDS. We had better have the whole thing read.

Mr. VOORHEES. How many names are there, I should like to inquire?

Mr. McDONALD. Three hundred.

Mr. VOORHEES. Three hundred have that cause of complaint!

The PRESIDENT *pro tempore*. Did the Chair understand the Senator from Indiana to say that the other papers sent up are to accompany the memorial?

Mr. McDONALD. They accompany the memorial of J. B. Greene, which ought to have been read first.

The PRESIDENT *pro tempore*. Let that be read.

The Secretary read as follows:

To the Senate and House of Representatives
of the United States of America in Congress assembled:

I have the honor to submit a petition of the honorably discharged soldiers and sailors of the Army and Navy of the United States, residents of the city and county of Providence, State of Rhode Island. It is herein alleged that several honorably discharged soldiers have been within a short period dismissed the custom-house at the port of Providence, Rhode Island. Their places have been filled by civilians with one exception, and mainly by the relations of Hon. H. B. ANTHONY. Several of these deposed veterans are and were ready to submit to a competitive examination; this privilege was denied them.

Gallant men, with dependent families, have been displaced to make room for mere striplings who were in swaddling clothes when these veterans were fighting the battles of their country; men whose sense of duty impelled them to the front in the late struggle are now forced to yield their well-earned places to men who were speculating in cotton or other merchandise during the late war. Thus the statutes have been violated, the rules of civil-service reform have been disregarded, and nepotism has been a marked feature in the selection of civilians to fill the positions of the discharged veterans. It seems to be the purpose of persons most interested to confine the Federal patronage within a limited circle, even to the prejudice of good government. For a long time the interference of Federal officers at the polls, at town, city, and State elections, has restrained men from the exercise of rights guaranteed by the Constitution. Your honorable bodies are respectfully asked to interfere in behalf of the parties aggrieved. Subjoined is the roster of the custom-house of the port of Providence, Rhode Island, names of the civilians marked thus, ×:

Cyrus Harris, ×	$5,000
Edward P. Burrows, ×	3,000
E. C. Ashley, ×	1,800
Nathan Gaff, jr., soldier	1,600
Robert Perkins, ×	1,095
George W. Pettis, soldier	1,095
Master Burrows, ×	1,095
J. E. Burrows, soldier	1,095
Joseph T. Read, ×	1,095
E. M. Arnold, ×	1,095
J. R. Skimer, soldier	1,095
B. C. Allen, ×	900
William S. Chase, soldier	1,095
——— Boatman, ×	500
E. C. Pomroy, soldier	1,095
Total	22,655

A glance at the above names and figures shows that the civilians far outnumber the veterans. The money paid to the civilians is twice that paid to the veterans.

RECAPITULATION.

The pay-roll of the custom-house proximates $22,655. Of this amount about $7,000 only is paid to the veterans, while upward of $15,000 is paid to civilians. One of the soldiers in the above list, a relative of the senior Senator of Rhode Island, also holds a clerkship in a large mercantile house, and thus draws a double salary. Another of the list of civilians, aside from his private business, is known to be the active manager of town, city, and State elections, even to the prejudice of good government. The course of the leading Federal officers in this respect at least has become odious to the most respectable portion of the people. That the office of the appraiser of foreign merchandise can be dispensed with with no prejudice to the interest of the Government is deemed a worthy subject for consideration of a committee from your honorable bodies. The question of proscription, the undue restraints and influence of Federal officers at the polls over the morally weak, as well as the question of the violation of the statute in civil appointments, is also deemed a worthy subject for consideration of a committee from your honorable bodies.

All of which is very respectfully submitted in behalf of the party and persons aggrieved,

By your most obedient servant,

J. B. GREENE,
127 *Broad street, Providence, Rhode Island.*

P. S.—This question is most respectfully submitted: When those who make the laws violate them or fail to conform to their provisions, is there a remedy? If so, where is it to be found?

J. B. G.

The PRESIDENT *pro tempore*. What disposition shall be made of these papers?

Mr. McDONALD. I offer the following resolution in connection with the petition.

The PRESIDENT *pro tempore*. The Senator from Indiana offers a resolution, which will be read.

The Secretary read as follows:

Resolved, That so much of the memorial of J. B. Greene and the accompanying petition of Augustus Woodbury and other honorably discharged soldiers and sailors of the United States and citizens of the State of Rhode Island as relates to the alleged violation of sections 1754 and 1755 of the Revised Statutes in relation to the appointment of wounded soldiers and sailors to civil offices, and also so much of said memorial as relates to alleged violations of civil-service reform in the State of Rhode Island, be, and the same is hereby, referred to the Committee on Civil Service and Retrenchment, with authority to send for persons and papers.

Mr. BURNSIDE and Mr. EDMUNDS addressed the Chair.

Mr. McDONALD. I also offer in the same connection——

Mr. EDMUNDS. Suppose we dispose of this resolution before the Senator offers anything more.

Mr. McDONALD. I would rather have the two resolutions go together.

Mr. EDMUNDS. I think not, Mr. President. There is now a resolution before the Senate. We will go "according to Hoyle"—if that is a phrase my honorable friend and his associates understand——

Mr. McDONALD. I understand that.

Mr. EDMUNDS. As I presume they do. I suppose that the Senator from Indiana did not select this particular morning when the Senator named in one of these papers is absent from the city——

Mr. McDONALD. I did not.

Mr. EDMUNDS. If the Senator will wait until I am through, then he will have a good time to speak. I suppose that the Senator from Indiana did not select this particular morning when the Senator from Rhode Island who sits nearest me [Mr. ANTHONY] has been absent from the city two or three days to present this petition of Greene transmitting a memorial also addressed to the Congress of the United States, a somewhat singular performance, and so I suppose he will not object to the matter going over until to-morrow morning when the Senator from Rhode Island will be present.

Mr. McDONALD. Not at all.

Mr. EDMUNDS. Therefore, Mr. President, I object to the present consideration of this resolution. It is rather a new and a jolly thing for citizens of the United States who have a grievance to redress and who petition Congress for its redress, as they have an inalienable right to do—and not to have it tabled as such petitions used to be in old times by a certain party still supposed by some to be alive—it is

rather remarkable to have a memorial of that kind introduced into the Senate by a communication from somebody else who is to act as the proctor or guardian of the memorialists and to transmit their petition with a memorial of his own with a running commentary upon the grievances that are to be redressed.

The PRESIDENT *pro tempore*. The Chair will say respectfully to the Senator from Vermont that the objection, in the opinion of the Chair, carries the resolution over, and it is not debatable.

Mr. EDMUNDS. Then I understand the Chair to decline to hear me any further?

The PRESIDENT *pro tempore*. If the Senate by unanimous consent agree to hear the Senator, the Chair will hear him with great pleasure.

Mr. McDONALD. I ask unanimous consent that the Senator from Vermont be allowed to proceed.

Mr. EDMUNDS. Ah. I know how the Senate is composed, and I am too fearful of the thunderbolts of Jove to go on for a single moment when I am interrupted in that way.

Mr. McDONALD. I hope unanimous consent will be given. ["Go on!" "Go on!"]

Mr. BURNSIDE. Mr. President——

The PRESIDENT *pro tempore*. The Chair hears no objection, and the Senator from Vermont will proceed.

Mr. EDMUNDS. The Senator from Vermont having been seated by the Chair will not trespass upon the unanimous good-will of the Senate.

Mr. BURNSIDE. Is there anything to prevent a remark from myself on this subject now?

The PRESIDENT *pro tempore*. The Chair may be wrong, but in the opinion of the Chair when a resolution is objected to the objection carries it over under the rules and there can be no debate upon it.

Mr. BURNSIDE. Then I ask unanimous consent of the Senate to say a word or two.

The PRESIDENT *pro tempore*. If there is unanimous consent, however, the Senator from Rhode Island will proceed.

Mr. BURNSIDE. I ask unanimous consent to make a few remarks.

The PRESIDENT *pro tempore*. Is there any objection to the Senator from Rhode Island addressing the Senate?

Mr. VOORHEES. On this condition, that there shall be the same consent given to anybody on this side who wants to discuss the matter.

Several SENATORS. On either side.

Mr. VOORHEES. On either side, on both sides, on all sides, if there are more than two who may wish to discuss this question.

Mr. BURNSIDE. I ask for the privilege of saying a few words.

Mr. McDONALD. I ask the Senator from Rhode Island to allow me just one word. I certainly desire that he shall have an opportunity to address the Senate——

Mr. EDMUNDS. If I could not go on with my remarks myself, we must not have any more words just now.

Mr. McDONALD. I wish to——

The PRESIDENT *pro tempore*. The Senator from Rhode Island has asked unanimous consent of the Senate to speak upon this resolution.

Mr. EDMUNDS, (to Mr. BURNSIDE.) Wait until to-morrow.

Mr. BURNSIDE. I do not care to speak at length now, but I wish to make a few remarks before the matter passes from the consideration of the Senate.

The PRESIDENT *pro tempore*. Is there objection?

Mr. VOORHEES. I object unless the question is open to debate on all sides of the Chamber.

The PRESIDENT *pro tempore*. A conditional objection is an objection.

Mr. McDONALD. I hope my colleague will not object, because I prefer that the Senator from Rhode Island should be heard.

Mr. EDMUNDS. The Senator's colleague has objected.

The PRESIDENT *pro tempore*. Does the Senator from Indiana withdraw his objection?

Mr. VOORHEES. Certainly.

The PRESIDENT *pro tempore*. The Senator from Rhode Island has unanimous consent to proceed.

Mr. McDONALD. Will the Senator from Rhode Island allow me just a moment?

Mr. EDMUNDS. It is the Senator from Rhode Island who had unanimous consent; not the Senator from Indiana.

Mr. McDONALD. I ask the Senator from Rhode Island to allow me just one moment out of his time.

Mr. EDMUNDS. No, Mr. President, only the Senator from Rhode Island is allowed to speak. I found myself cut off a few minutes ago.

The PRESIDENT *pro tempore*. The Senator from Rhode Island will proceed.

Mr. BURNSIDE. I will delay the Senate but a few moments.

Mr. McDONALD. Mr. President——

Mr. EDMUNDS. I object to the Senator from Indiana speaking.

The PRESIDENT *pro tempore*. The Senator from Rhode Island has the floor.

Mr. McDONALD. I understand that the resolution has already gone over under objection, so that there is nothing before the Senate; and I send a resolution now to the Chair which I ask to have read for information.

The PRESIDENT *pro tempore*. The Senate can give leave to a Senator to speak whether there is anything before the Senate or not, and the Senate has given that leave to the Senator from Rhode Island.

Mr. EDMUNDS. That is it.

Mr. BURNSIDE. Mr. President, I shall detain the Senate but a few moments. I knew of this petition before its presentation. It is signed by Union soldiers, and was shown to me three or four weeks ago, when I offered to present it to the Senate myself. Dr. Greene, who had possession of it, declined to allow me to present it, saying he was instructed to have it presented by another person.

The petition, you will observe, is entirely independent of the memorial of Dr. Greene. I have the authority from the ex-soldier whose name is at the head of the list, Rev. Augustus Woodbury, to withdraw it from the petition. That authority was sent to me when he discovered the use that was to be made of it, and I doubt not the same authority would be given by many of those who signed it if opportunity offered.

Mr. McDONALD. I should like to ask the Senator from Rhode Island if I did not say to him before introducing these papers that it was not my purpose to press them at all this morning, but simply to present them as a duty which I owed to the party who brought them to me, and to let the petitions and the resolutions with which I felt it my duty to accompany the petitions stand over until the State of Rhode Island should have full representation in this Chamber?

Mr. BURNSIDE. I desire to say a few words more, Mr. President.

Mr. McDONALD. I also——

Mr. EDMUNDS. Which gentleman has the floor, Mr. President?

The PRESIDENT *pro tempore*. The Senator from Rhode Island will proceed.

Mr. BURNSIDE. Mr. President, at the close of the war the collector of the port of Providence was a civilian. At the expiration of his term the office was filled by a soldier who I and others recommended. I was not then a Senator, nor was I in politics in any way. That soldier filled the office for eight years. The postmaster of the city of Providence was a civilian and a personal friend of my colleague. At the expiration of his term a soldier was appointed to the position upon the recommendation and solicitation of my colleague, [Mr. ANTHONY.] The two United States collectors of internal revenue were civilians. The two districts were consolidated into one and a soldier placed in charge of it at the solicitation of the Rhode Island delegation, among them my colleague, [Mr. ANTHONY.] After good service this soldier resigned. His place was filled by a soldier at my solicitation. A great many of the subordinates of these officers are soldiers. The distinguished soldiers appointed as chiefs of the offices named have performed their duties most creditably, I am proud to say. A vacancy occurred by the expiration of the term of service of the collector last February. For reasons which I at the proper time will give I recommended a civilian for appointment to that office, and my colleague, until I had determined upon it, knew nothing whatever of it. The gentleman whom I recommended, Mr. Cyrus Harris, is a highly respectable merchant of the city of Providence, a gentleman of more than sixty years of age, who has always stood high in our State for integrity and intelligence. The recommendation was acquiesced in by the other members of the delegation and he was appointed; and, as I before said, my colleague had nothing whatever to do with it until I suggested his name. My colleague, when I first named the subject to him, protested against the appointment. He said, "General, this action will be misunderstood, and I ask that the appointment may not be made, or rather that you do not make the recommendation."

The appointment of Mr. Harris was made, and he has made two removals in the custom-house, one of whom was a brother of this memorialist. I am not here to say anything against this brother, or the other soldier removed, but I will say that the former was a soldier in California and New Mexico during the war, placed on duty there to relieve the regular troops, that they might go to the front, but I doubt if he ever saw many rebels. He certainly never met the kind of an enemy that his successor met. The man appointed in his place is a wounded soldier, who served gallantly during the war in the presence of real rebels. Therefore, as far as this petitioner is concerned, and as far as his brother is concerned, there is no right of complaint. Of the other soldier removed I will say nothing, except that his record for gallantry and efficiency was excellent. The collector had his reasons for removing him and gave them. It is enough for me to say that both my colleague and myself have abstained from asking the heads of any of these offices to appoint a single subaltern.

Mr. HOAR. I desire to ask a question for the sake of understanding this discussion. Is the question before the Senate whether the Senator from Rhode Island or the Senator from Indiana is the best friend of the Union soldier of the war of the rebellion?

Mr. BURNSIDE. My record as far as that is concerned I am perfectly willing to stand upon, and I of course desire no comparison with any Senator on that subject.

Mr. EDMUNDS. I believe the Senator was in the Army himself awhile.

Mr. BURNSIDE. I lose no opportunity to recommend soldiers when it can be fairly done; but I do not think the soldiers ought to occupy all the offices of the country, and they do not seek to. It is

not for the best interests of the country and it is not for the best interests of the soldiers. This petition, Mr. President, was signed without full knowledge of what was to be done with it, particularly without the knowledge that it was to be accompanied by this memorial, which is unjust to my colleague. Now, Mr. President, I do not propose to sit here and allow my colleague to be condemned and abused, no matter by whom, for doing things which I did myself. I was mainly instrumental in the appointment of this collector, and for all the changes he has made I, more than any one but himself, am responsible. He doubtless made them because he thought they were for the best interests of the service.

Mr. President, with these few remarks I am quite willing to let this matter go over. The resolution contemplates an examination into the subject-matter of the petition by the Committee on Civil Service and Retrenchment.

If the Senator from Indiana will excuse me, I will refer to another resolution which he proposes to offer, which is to call for an examination into the manner of conducting elections in Rhode Island. I say to him that I will be very glad indeed, and I have no doubt my colleague will be glad, to have that resolution pass and to have the investigating committee of which the Senator from Pennsylvania [Mr. WALLACE] is chairman come to Rhode Island. They shall have every possible assistance in conducting the investigations. We will ask them to make this examination immediately upon their arrival, because after they have finished it we will take them down to Squantum and treat them to a clam bake, and if they do not get their record in black and white before that entertainment they will feel inclined to take back anything they may have found against us. Therefore I advise them to have their record irrevocably fixed before going to Squantum. But, Mr. President, we are not afraid of investigation in Rhode Island. Our citizens are fair people in all their dealings; they are law-abiding people, and your committee I am sure will find accordingly in any report it may make. Bummers may come before it and tell their stories, but your committee will soon discover that their statements amount to nothing.

The PRESIDENT *pro tempore*. Petitions and memorials are still in order.

Mr. McDONALD. I ask that the resolution which I have already sent to the desk be read.

The PRESIDENT *pro tempore*. Does that resolution refer to a petition presented by the Senator?

Mr. McDONALD. Yes, sir; the second resolution I sent up. The first one has been read.

The PRESIDENT *pro tempore*. It will be reported.

The Secretary read the following resolution:

Resolved, That so much of the memorial of J. B. Greene as relates to the interference of Federal officers in the election in Rhode Island and to the denial of the right to vote to any citizens of the United States who are also citizens of the State of Rhode Island, and also the alleged frauds or undue influence practiced against citizens of said State at the late election, be referred to the select committee to inquire into alleged frauds in the late elections, with power to send for persons and papers.

Mr. McDONALD. Now, Mr. President, I desire that that resolution shall also lie on the table till the Senators from Rhode Island are both present.

Mr. EDMUNDS. I do not think there is any need of that. I hope the resolution will be adopted this minute; and while I am hoping——

Mr. McDONALD. As I have offered the resolution, I now move that it lie on the table.

The PRESIDENT *pro tempore*. The Senator from Indiana moves that the resolution lie on the table.

Mr. EDMUNDS. I object to the present consideration of the resolution, then, because we can have it up to-morrow and debate it. I do not want to have it put into the tomb where sundry other resolutions have gone, never to be heard of again.

Mr. McDONALD. I do not want the Senator from Vermont to take my resolution off my hands.

Mr. EDMUNDS. The rules allow me to take it that far, so that I can say a word on it to-morrow.

The PRESIDENT *pro tempore*. The resolution is objected to and goes over. Petitions and memorials are still in order.

PETITIONS AND MEMORIALS.

Mr. BRUCE presented a petition of R. M. Hall, M. D., and others, citizens of Baltimore, Maryland, praying the passage of an act requiring the commissioners of the Freedman's Savings and Trust Company to close up the affairs of that institution and distribute the assets among the creditors thereof; which was referred to the select committee on the Freedman's Savings and Trust Company.

Mr. VANCE presented a memorial of the churches of the District of Columbia praying the passage of a joint resolution declaring the act of June 17, 1870, to be still in force, and for the passage of a bill to exempt the churches of the District of Columbia from taxation; which was referred to the Committee on the District of Columbia, and ordered to be printed.

PRINTING OF PAPERS.

Mr. BAYARD. I ask that an order for printing may be made by the Senate in the case of some papers which I am instructed to report from the Committee on Finance relating to Senate bill No. 601. I ask that they be printed for the use of the Senate.

Mr. EDMUNDS. Will the Senator state what the papers are?

Mr. BAYARD. The papers consist of some communications from the Department relative to a bill now before the Committee on Finance.

Mr. EDMUNDS. What is the nature of the bill?

Mr. BAYARD. In reference to a measure now pending before them. We ask that the papers be printed for the use of the committee.

Mr. EDMUNDS. There is no objection; but my inquiry is what is the nature of the bill?

Mr. BAYARD. The subject of the correspondence is loss in the removal of distilled spirits from the warehouse to the point of export.

Mr. EDMUNDS. That is enough.

The PRESIDENT *pro tempore*. The order will be made if there is no objection. The Chair hears none.

USE OF TROOPS.

Mr. DAWES. Before the Senate proceeds to the consideration of the orders of the day I ask the indulgence of the Senate for a moment to correct a mistake into which the Senator from Indiana [Mr. McDONALD] fell yesterday.

The PRESIDENT *pro tempore*. Is there a unanimous consent?

Several SENATORS. To what?

The PRESIDENT *pro tempore*. The Senator from Massachusetts wishes to correct some error in the speech of the Senator from Indiana yesterday.

Mr. McDONALD. I hope there will be unanimous consent.

The PRESIDENT *pro tempore*. The Chair hears no objection. The Senator from Massachusetts will proceed.

Mr. DAWES. I send to the desk to be read an extract from the speech of the Senator from Indiana delivered yesterday.

The Chief Clerk read as follows:

In the State of Massachusetts more money was paid out of the public Treasury to control the elections than in all the States lately in rebellion. Will her Senators in this Chamber say that this was necessary to secure a free and fair election of members of Congress? If not, for what purpose was the Federal machinery brought into play in that State? I suppose there can be but one answer to that question. It was to prevent the people of Massachusetts from selecting for their governor a certain person, well known to the history of this country, who had made himself obnoxious to the political leaders of that State.

General Butler is no personal or political favorite of mine, yet he is a man of great ability and is a citizen of Massachusetts. The people of that State had the right to choose him for their governor, but the leaders of the republican party did not think so, and consequently foreign aid was called in to control the popular will. Deputy marshals were appointed; United States supervisors were appointed, and the people were taxed to defray the expenses incurred in defeating them of their choice. All this was done under the false pretense of providing for a free and fair election.

Mr. DAWES. Mr. President, it so happened that I was absent from the Senate a few moments during the speech of the Senator from Indiana yesterday; and so also was my colleague, [Mr. HOAR.] On taking up the RECORD this morning I discovered that the Senator from Indiana had made such pointed allusions to the Senators from Massachusetts in the form of an interrogatory that without an answer there would seem to be an admission on our part that the statements made by the Senator from Indiana were correct. I do not desire to arraign the Senator himself for any misstatement, because I have no doubt that the Senator made the statement he did make upon what seemed to him to be proper authority; but he has been greatly misinformed.

I suppose that the Senator in speaking of the expenses of the election alludes to what was paid to deputy marshals in the State of Massachusetts at the last election, and it is very likely that he has stated the arithmetic correctly, that there were some $8,000 paid in Massachusetts to deputy marshals at the last election, and not as much as that paid to deputy marshals in the States lately in rebellion. I do not controvert that fact. Quite another kind of machinery controlled the elections in those States, and there seemed to be no disposition on the part of those who controlled to resort to any of the measures provided by law, but those elections were controlled in another way. On that point I have no question now. Whatever was expended in Massachusetts in the payment of deputy marshals was expended on the application first of the democratic party in Massachusetts for the appointment of those marshals. The distinguished gentleman who was the democratic candidate for Congress in the third district of Massachusetts made the application himself for the appointment of those deputy marshals, and they were finally appointed upon the joint application of members of both the republican and democratic parties, so that one as well as the other of the parties, so far as the expense is concerned, must take the responsibility.

The Senator goes further and does that which I desire to correct. He says they were appointed for the purpose of controlling the election, and that a distinguished gentleman of Massachusetts, General Butler, he says the people of Massachusetts had a right to elect governor but that certain republican leaders in Massachusetts thought otherwise, and that foreign aid was called in to prevent the people of Massachusetts from electing him their governor.

Mr. McDONALD. I should like to ask the Senator from Massachusetts what answer he has to make to the question I put yesterday, was this use of Federal officers, deputy marshals, and supervisors of election necessary in the State of Massachusetts last year in order to secure a free and fair election for members of Congress in that State?

Mr. DAWES. The Senator will allow me to answer it. I was trying to do so. The Senator seems not quite willing to let me answer it with that deliberation which I propose.

I have stated that the Senator has declared that this was done for the purpose of preventing the people of Massachusetts from exercising their free choice in the election of General Butler to the office of governor of Massachusetts. So far as the appointment of deputy marshals was concerned, I have stated that it was upon the application first of a democratic candidate for Congress in that State, and I have no hesitancy in saying that it was done on his part, and cooperated in on the part of the republican party in Massachusetts, for the purpose of obtaining a square, fair, and free election of members of Congress in the respective districts where application was made for the appointment of deputy marshals. The democratic party in Massachusetts, as well as the republican party, were entirely satisfied with the fairness of that election. They have made, so far as I know, no complaint of the fairness of that election. I think I am authorized by the only Representative of that party in Congress from the State to declare publicly here that that party as well as the republican believe that the election was a fair and free one. I will state to the Senator from Indiana that the effort of all good men of all parties in Massachusetts has been for a long time to secure a free and fair election in the State of Massachusetts, and never more, sir, than in the election to which——

Mr. McDONALD. Mr. President, I desire to renew my question——

The PRESIDENT *pro tempore*. Does the Senator from Massachusetts yield?

Mr. DAWES. I do not like to yield now. The Senator will allow me to get through.

Mr. President, I was saying that the effort of all good men of all parties in Massachusettes has been for many years to secure in that State a free and fair election. All legislation to which all parties are able to address themselves in the Legislature of that State touching elections has been for that purpose. No man of any party of any standing or reputation in Massachusetts will hesitate to aid the Senator from Indiana or any other man in an effort to bring to condign punishment, under the laws of that State, any man who has contributed in any manner whatever to prevent a full, free, and fair election in that State. They are ready to amend their laws, to make new ones in any way more stringent for the carrying out in good faith of that purpose; and that is as applicable to the democratic party in Massachusetts as to any other.

The distinguished gentleman in Massachusetts to whom the Senator alludes, whom he said the people of Massachusetts were prevented from electing (as they had a right to elect him) for their governor by what he says was unfair means, has never been able to show to the people of Massachusetts or to anybody else that any honest legal voter of Massachusetts was prevented from casting his vote for him. There was a very exciting canvass in Massachusetts last fall; but the effort on all sides was, not to prevent legal voters from coming to the polls, but to take care that every legal voter in that State should be impressed with the importance of that election—so much so that he would go to the polls and there discharge the duty of a citizen and express his will. That was done, and the result of that election was the expression of a full, free, and fair vote, more nearly than any other election for a long time, of every voter in the Commonwealth. There were candidates before the people there who were ambitious to be martyrs and who advertised for a first-class case of bulldozing or intimidation, and went about the State begging for some opportunity to bring a charge against somebody that there was to be intimidation at the polls; but it was an utter failure.

I say to the Senator from Indiana that every good man in Massachusetts will welcome the fullest and the fairest investigation of any committee appointed by this or the other branch of Congress into any instance of alleged intimidation of a voter, or depriving a legal voter of an opportunity to cast his vote in Massachusetts; and I repeat, sir, that every effort to apply the provisions of the law either of the United States or of the State of Massachusetts to that election in the appointment of marshals, in the discharge of their duties by those marshals after they were appointed, was in the honest and sincere effort on the part of those who made application for their appointment to secure a free and fair election of members of Congress for that State. The gentleman to whom he alludes as a candidate for governor had himself so much faith in that very law and in the appointment of marshals that he felt compelled to put more confidence in the results of their returns than in those of the State authorities themselves, and he governed his vote on the question in the House of Representatives by that consideration and by the confidence he had in and the importance he attached to the provisions and the duties of deputy marshals appointed for that purpose.

Mr. McDONALD. Mr. President, the Senator from Massachusetts concedes that the statement made by me yesterday as to the expenditure of money in his State as compared with the expenditure of money in the States lately in rebellion was correct.

Mr. DAWES. I have no doubt that the Senator, when he states a matter of arithmetic, states it on proper authority. I do not call that in question.

Mr. McDONALD. The authority I had for making that statement was the answer of the Secretary of the Treasury to a resolution of the Senate calling upon the Secretary for information in regard to the expenses that had been incurred in the payment of special supervisors and general supervisors of election in the several States——

The PRESIDENT *pro tempore*. The morning hour has expired.

Mr. HOAR. I hope the Senator will be permitted to proceed.

The PRESIDENT *pro tempore*. Has the Senator from Indiana leave to proceed?

Mr. EDMUNDS and others. No objection.

The PRESIDENT *pro tempore*. The Chair hears no objection.

Mr. McDONALD. The Senator from Massachusetts is mistaken in saying that the amount stated in that report related to the payment of special deputy marshals. It was the amount paid out, according to the report of the Secretary of the Treasury, for the compensation of supervisors of election, the special supervisors, and that sum in exact figures as stated by him is $8,460; and it does not embrace the amount retained by the general supervisor of that State, he not having up to the time of this report made his return to the Secretary of the Treasury. Whatever the chief supervisor has charged and is entitled to receive or has retained out of the general fund in addition to that sum is to be added to the sum I have stated, while the amount paid out last year, 1878, in the States lately in rebellion was less than $6,000.

Now, the Senator from Massachusetts has proven to be a most excellent witness in support of the proposition stated by me, and that is that this expenditure of money was not necessary in order to secure a free and fair election for members of Congress in that State. He has stated again and again that the State of Massachusetts was perfectly able, and that all parties—republicans and democrats—united in securing under their own laws a free and fair election; and it comes back to the question that I asked yesterday and propounded again to-day, which has not been answered: if it is not necessary for that purpose, under what pretense or by what right is the public Treasury taken and paid out in the State of Massachusetts for electioneering purposes?

Mr. HOAR. Mr. President, I ask, as the Senator puts his question to both the Massachusetts Senators, leave to say a word.

The PRESIDENT *pro tempore*. Has the Senator from Massachusetts unanimous consent to proceed?

Mr. McDONALD. I think we might as well stop here.

Mr. HOAR. Does the Senator object to my answering the question which he has put to me?

Mr. McDONALD. No, sir, I do not. I did not put any question to the Senator from Massachusetts; I put it to his colleague.

Mr. HOAR. The Senator from Indiana——

The PRESIDENT *pro tempore*. The Senator from Massachusetts will suspend.

Mr. McPHERSON. I call for the regular order.

Mr. HOAR. Will the Senator from Indiana waive the objection until I call his attention to the question put by him?

Mr. McDONALD. I withdraw my objection to the Senator proceeding.

Mr. McPHERSON. I call for the regular order.

The PRESIDENT *pro tempore*. The Senater from Massachusetts cannot proceed under the objection of the Senator from New Jersey.

Mr. HOAR. A question has been put distinctly to me.

The PRESIDENT *pro tempore*. The regular order is before the Senate, being the unfinished business, the bill (S. No. 206) relating to the transportation of animals.

Mr. HOAR. Mr. President——

The PRESIDENT *pro tempore*. The pending question upon that is the amendment offered by the Senator from Indiana, [Mr. VOORHEES.]

Mr. HOAR. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Massachusetts.

Mr. DAVIS, of Illinois. Will the Senator from Massachusetts give way a moment that I may get an order?

Mr. HOAR. Let me get through.

The PRESIDENT *pro tempore*. The Senator from Massachusetts can move to postpone the regular order.

Mr. HOAR. I do not propose to postpone it.

Mr. McDONALD. The Senator can ask——

Mr. HOAR. I do not ask any pretended courtesy. I am entitled to the floor in my own right.

Mr. McDONALD. I apprehend I understand what courtesy is as well as the Senator from Massachusetts.

Mr. HOAR. I have no doubt of it.

The PRESIDENT *pro tempore*. The Chair understands the Senator from Massachusetts to take the floor on the pending bill.

Mr. EDMUNDS. That is it.

The PRESIDENT *pro tempore*. Upon that he can speak on anything he sees fit to speak on.

Mr. HOAR. That is what I propose to do.

Yesterday, Mr. President, the Senator from Indiana put this question in my absence from the Chamber, speaking of the State of Massachusetts:

> Will her Senators in this Chamber say that this was necessary to secure a free and fair election of members of Congress?

I conceive, therefore, that the honorable Senator is in error when he says he has put no question which is addressed to me.

Mr. McDONALD. I said to-day I had put no question to the Senator.

Mr. HOAR. I think the Senator will on reflection not say that he said "to-day."

Mr. McDONALD. The Senator from Massachusetts knows very

well what my purpose was. What I had said yesterday I supposed his colleague for the State of Massachusetts had answered, and it was the question I put to his colleague to-day that I had in my mind.

Mr. HOAR. It is the same question the honorable Senator from Indiana put. While he is up I desire to withdraw any possible intimation that may have been contained in the use of the word "pretended" which I used just now. I am sure there is no Senator on this floor on whose courtesy I should rely with more entire confidence always than on his.

Mr. President, I desire to say in answer to this question that, in my judgment, as in the judgment of the republican and democratic leaders of the city of Boston, this appointment was a wise, prudent, and necessary measure to secure a full, free, and fair election of members of Congress. I do not mean to say that if this instrumentality had not been employed there might not have been found in the resources of the State other instrumentalities which would have answered the purpose nearly or wholly as well. But this was an election of members of the Congress of the United States, a national election, in which the nation is concerned, and there is upon the statute-book a law absolutely necessary in some portions of the country to secure honesty and fairness in such elections, but applicable alike to all quarters of the country; and, in my judgment, it was entirely proper that in the densely populated wards of the city of Boston the instrumentalities which the laws of the United States provide for the security of national elections should be invoked, and should be set in motion. It was in fact by the concurrent judgment of both parties; it was set in motion on the application of both parties, and it resulted to the entire satisfaction of both parties.

I think the honorable Senator from Indiana will agree that so far as I am concerned his question is answered. But I wish to make one more observation, and an observation which I make for the consideration of the democrats of the State which I represent especially and the democrats who know the condition of things in that State in general.

The Senator from Indiana came into the Senate yesterday with a carefully prepared written speech, which he read from a manuscript, a speech in support of a law on this subject, in the introduction of which he is, I suppose, the organ and representative of the democratic party of this country, if anybody can be so termed. He is a member and a distinguished member of a committee appointed by this body to consider abuses and frauds and irregularities in the elections. Now, in support of the change of the law which he and his party ask to be made, he has made two specifications, and only two, except what he has said about the city of New York in passing. First he says that this election law resulted in the expenditure of several thousand dollars for the city of Boston and in the expenditure of nothing (that is, there was no United States authority used) in the Southern States. So he holds up for himself and his party the example to mankind of the kind of election he and they want and the kind of election he and they do not want.

Mr. McDONALD. I can state to the Senator——

Mr. HOAR. Let me finish the point, and I will yield.

Now I want the democrats of the New England States who know their own history, who desire the preservation of honest and constitutional government and honest and constitutional elections, and who are not in the least misled by any of this stuff which comes to the Senator from Indiana from his informant on the subject, to understand that the democratic party in future do not mean to have such elections as we had in the city of Boston in the year 1878 and in the Commonwealth of Massachusetts if they can help it, and they mean to have if they can bring it to pass such elections as we had in South Carolina and Louisiana and the other Southern States. The gentleman has made up his issue; he has put down his proof, he has specified, and he is to be held to his specification.

The democrats of the northern cities, many of them, are men of honor, men of property, men of business interests, men who have a large and important stake in the country, and they are looking with some interest to see what it is that this party propose to preserve, and what it is that this party of which the honorable Senator from Indiana is for this purpose the organ propose to overturn; and I say again I put the State election or the national election of the Commonwealth of Massachusetts in 1878 as my instance of what it is desirable to preserve, and the elections in those Southern States with which the United States Government did not interfere as his instance of what is desirable to preserve, and upon that issue we will go to the country.

Mr. McDONALD. Mr. President, the Senator from Massachusetts [Mr. HOAR] has referred to two points which he says were prominently presented in the remarks that I made yesterday, and he draws his own deductions from them as to the kind of elections that the democratic party are in favor of. There was another reference made by me, and that was to the elections in my own State. I stated then that in our biennial elections we voted for every officer in our State, from the governor to the township trustee, and that these votes were cast upon the same ballot upon which members of Congress were voted for, and that every safeguard which was thrown around our own State election law for the election of our own State officers was thrown around the election of members of Congress in Indiana; and the Senator will find by an examination of the tables to which I referred him that no Federal money was expended in Indiana in the election last year. If he desires to know the kind of election I am in favor of I can tell him that I am in favor of just such elections as took place in that State by the free choice of the people of that State. And, Mr. President, when we cannot control our elections in the several States, when it becomes necessary to fasten this Federal machinery upon the country to control our elections by the emissaries of an administration, we might as well give up popular elections.

Mr. HOAR. Does not the Senator from Indiana understand that the national Administration is in this country? He talks about fastening the Administration on the country and going into the States. He might as well talk about himself going into his own fingers or going into his own knees. The national Administration is a part of this country; it is ever in the States which compose it; it pervades them; it is charged with the preservation of its life and its protection against fraud as well as against rebellion.

Mr. McDONALD. Mr. President, what I mean is precisely this: that by this machinery which the gentleman and his friends insist on maintaining it is in the power of the Administration through its appointees to control almost every doubtful congressional district in the United States, and make the popular branch of the Government but a mere creature of the Administration. That is what I mean.

TRANSPORTATION OF ANIMALS.

Mr. McPHERSON. Mr. President, I hope we may go on with the regular order.

The PRESIDENT *pro tempore*. The bill (S. No. 206) relative to the transportation of animals is before the Senate as in Committee of the Whole.

Mr. VOORHEES. I believe all this time there has been pending the motion which I had the honor to make yesterday to amend the bill introduced by the Senator from New Jersey [Mr. McPHERSON] by striking out on page 7 between and including the lines 144 and 160, and I have risen to refer to the statements on the point involved in my motion, made by the Senator from Massachusetts. I suppose the cattle disease must be raging up in Massachusetts and that the United States deputy marshals and supervisors at the polls and the like are a method employed to correct and suppress that disease in the United States; otherwise I cannot account for the speeches which have been made by the Senators from that State. But aside from this I presume we are perhaps ready to take the vote upon this motion; if not, I hope it will be discussed and that we may proceed with the business in hand.

Mr. McPHERSON. I have no objection to striking out that portion of the bill proposed by the amendment of the Senator from Indiana to be stricken out. It was inserted in the bill for the reasons I have already stated; but I have no objection to striking it out, for I think the gentlemen interested in this particular part of the bill will perhaps find some other way of remedying the evils that now exist.

The PRESIDENT *pro tempore*. The amendment offered by the Senator from Indiana [Mr. VOORHEES] will be reported.

The CHIEF CLERK. The amendment is, on page 7 to strike out all from line 144 to and including line 160, as follows:

> And the Commissioner of Agriculture is hereby authorized to appoint a skilled agent at each of the ports in the United States from which live stock and dressed animals are shipped, whose duty it shall be to inspect all animals designed for export, and, if found in good health, to give the owner or shipper a certificate (in such form as said Commissioner shall direct) stating that said animals were in good health at the time of shipment from said port; and said agent or inspector shall be entitled to and receive such compensation (not more than $1,500 per annum) as shall be fixed by the Commissioner of Agriculture, to be paid from any money in the Treasury not otherwise appropriated: *Provided, however*, That the Commissioner of Agriculture may prescribe, by regulation, such reasonable fees for inspection as he may deem just and equitable, to be paid by the owners of cattle exported under the provisions of this act.

Mr. EATON. I confess that I am opposed to striking this clause from the bill. I should desire to amend that part of the bill in several particulars, and when amended, it seems to me, it would become a valuable adjunct to the bill.

The reasons given by my friend from Indiana do not strike me with the same force that they doubtless did him. I do not believe that the western grower is to be imposed upon at all by this bill when it is properly prepared. I would not give the Commissioner of Agriculture this power at all; I would give it to the President of the United States, by and with the advice and consent of the Senate, to appoint at such ports as he deemed advisable proper officers for this purpose; there would not be more than six. In my judgment, that would be all that would be necessary at the great shipping ports. It strikes me that by so doing, notwithstanding the long letter which was read from an eminent authority, the English would be better satisfied that our cattle sent there were proper cattle.

I shall vote against the amendment offered by the Senator from Indiana, and if that does not obtain, then I shall move to perfect this part of the bill.

Mr. McPHERSON. I will say to the Senator from Connecticut that if the section of the bill included between the lines named are stricken out, that will not prevent him from offering some other provision to meet the case.

Mr. VOORHEES. The Senator from Connecticut has stated that in his judgment there will be only five or six inspectors. This provision leaves it entirely optional with the Commissioner of Agriculture, as I understand it, whether he will appoint five or six, or five hundred or six hundred.

Mr. EATON. I admit that, and said I would place this power in the hands of the Executive of the United States to appoint for such ports as in his judgment it was advisable proper inspectors, and they would be the great shipping ports of New York, Philadelphia, perhaps Charleston, Mobile, New Orleans, and Galveston. Those are the great shipping points.

Mr. VOORHEES. There are three ports in Texas alone from which cattle are shipped. Now, the objection to the idea of the Senator from Connecticut is this: it has been demonstrated, if anything can be, by the paper which I read yesterday from Professor Law, that if you multiply these men by ten, taking as the basis of multiplication even those contemplated by this provision, and then allow them ten minutes apiece to each animal, they could not get through the inspection that is called for in one of the great ports like New York. In other words, it is not practicable. You will have to have an army of inspectors. What is an inspection unless it is what it is denominated? What is an inspection of an animal lasting five or ten minutes? Who are these men that are to be appointed? Are they men versed in the diseases of stock? You cannot find enough people in the United States who have scientific knowledge on the subject of cattle lung-fever to supply the places that would be required under this bill. There are not enough of them. They will be places for mere jobbers, perhaps political favorites, local bummers, lying around shipping ports to look at cattle and say whether they are diseased or not! What do they know about it? I am perfectly satisfied, after examining the paper that was read yesterday, that it requires men of science, and in fact it would require so many of them that there would not be enough of them in the United States to be found for the duty. After all, Professor Law's conclusion is the correct one: there is no way of meeting this evil except by exterminating the disease, going to the root of it, fighting the existence of the disease itself, and not allowing cattle that may have the lurking seeds of disease in them, alongside of some infected, to be passed by some unlearned, inexperienced fellow appointed inspector of cattle at $1,500 a year at some cow-yard. That is no inspection, and it would amount to nothing at all.

As I remarked yesterday, there is too much power in this movement to be placed in the hands of these men called inspectors. For my part I shall vote against every proposition that comes here increasing the numbers of Federal officers. We have too many of them now. They swarm in every direction. We are fighting a large number of them, and with all due respect to the Senator from Connecticut, for whom I have an habitual and real respect, it matters not to me whether these Federal officers spring from the Commissioner of Agriculture or from the President of the United States. I expect Commissioner Le Duc can appoint cattle inspectors about as well as President Hayes, and President Hayes about as well as Commissioner Le Duc. I take no stock in these proposed Federal officers, in some measure to interfere with and control and have an influence upon the local affairs of every shipping port. You clothe a man with Federal authority, give him a Federal office, and he at once blooms out like a big sunflower, a growth of more consequence in the garden of affairs than the State officials, and he is looked up to. If you give him authority about the cow-yards and the bull-pens of the country about the shipping ports he will with the power become very offensive. I hope the part to which I have called especial attention will be stricken out entirely. The Senator from Connecticut proposes to amend this provision so as to get rid of its obnoxious qualities. I do not think it can be amended. The amendment which he proposes to reduce the number would render it totally impracticable and make the inspection of cattle futile and of no manner of account.

Mr. BECK. Mr. President, I listened yesterday with a good deal of interest and some anxiety to the speech made by the Senator from New Jersey [Mr. MCPHERSON] to see if there was any way in which I could support this bill, sympathizing as I do with the object of it, but up to this time I have been unable to see my way clear.

The clause now proposed to be stricken out, it seems to me, will do shippers of cattle no good and may do them great harm. I am glad the Senator from New Jersey agrees that it ought to be stricken out. The Senator from Indiana is right, in my judgment, in saying that any man the Commissioner of Agriculture might appoint or any man that any officer of the Government may appoint at $1,500 a year—that is the limit of the compensation he is allowed to receive—would be wholly unfit to perform the duties required of him in the important matters that he is required to act upon: but he might do great harm, and a bad man would positively have the power to ruin any person engaged in the foreign cattle trade. It would be in his power to wink at—for a consideration if you please—the fact that cattle were sick and allow them to be shipped, giving a health certificate; and it might be in his power for a consideration or for spite, to refuse a health certificate to men who had healthy cattle; and the man with the sickly cattle with the bogus certificate could go into a foreign market and absolutely destroy the sales of the man who really had healthy cattle. In other words, it would make bad men masters over the cattle trade from this country. It is a power that no fifteen-hundred-dollar-salary man ought to be intrusted with. Indeed the temptation is too great for the average official.

I doubt whether it is a subject of Federal interference at any rate. But my objection goes not only to that, but reaches to the bill itself. We passed an act in 1873, which I thought strained the authority of the United States to its utmost limit; at least I find this to be the fact that when that bill was passed, (of which this is only a modification, an extension perhaps,) embodied in sections 4386, 4387, 4388, 4389, and 4390 of the Revised Statutes, it failed to receive, as far as I can judge from the names, a single democratic vote either in the House or the Senate. Out of the seventy-one who voted against it in the House on the 8th day of April, 1872, nearly all were democrats; and in the Senate, looking over the list, I see that every democratic Senator voted against it.

This proposition, so far as I can understand the further proposed stretch of Federal interference in this affair, seems to be wholly for the benefit not only of the railroads but of the combinations that are formed by railroad managers inside of the corporations, and to the exclusion of their own stockholders. It compels cattle-owners to take off their stock at given points along the roads for given lengths of time; it forces them to put them into the pens at the stock-yards of the railroad companies, which are generally owned by combinations or corporations formed inside of the railroad companies themselves, generally by the directors who have the right and power under the proposed legislation to charge the men who are transporting stock any price they see fit for food and water because they are obliged to be put in pens, and the man who is transporting has no pens to put them in. The only pens in existence at the places where they stop are the pens owned by the corporations inside of the railroad corporations. While the shipper might buy feed from the farmer in the neighborhood, corn, if you please, at fifty cents a bushel, and hay, if you please, at $10 a ton, they can make him pay them a dollar and a half to two dollars a bushel for corn, and $20, $30, $40, and $50 a ton for hay. The owner of the cattle is obliged to pay it, and if he does not pay whatever they choose to ask they have a lien on his cattle and can hold them until it is so paid. These provisions are in further enforcement of existing law in the interest of the railroad directors and their-stock yard combinations, at least I am unable to see it in any other light.

I was in hopes that something would be done in this bill, if Federal authority is to be authorized to intervene at all, to limit the power of the railroad corporations or the stock-yard corporations in their exorbitant charges. If we are to interfere and can do so, which I doubt, I think we ought at least to say that when cattle are required to be taken off at stated periods or points on these railroads and fed, watered, and cared for, the owners shall either have the right to carry feed of their own or buy their feed where they please at the market price in the neighborhood where they are taken off, or that the railroad companies shall be obliged to furnish it to them at something like a rate corresponding with what they could buy it in open market for. There is where the great swindle to the transporter comes in. This bill not only does not remedy it, but it adds, as I understand, to the penalties of the existing law, making it even more stringent and more emphatic than existing provisions, because the existing law did give him some chance to buy feed outside, whereas I see none under the provisions of this bill.

If the United States is going to interfere for the benefit of commerce among the States, why should its interference not be to prevent the extortions of the great combinations of railroads through their own sub-corporations in the stock-yards? Perhaps they carry cattle at a cheap enough rate; but they make up their profits in the stock-yards and divide the profits thus made in these stock-yards, not among the stockholders of the railroad company, but among a few favored men who inside of the railroad corporations, perhaps directors, are making fortunes through the sub-corporations. If we are to intervene at all, why not require them in their transportation, if a man sees fit to carry his feed or can buy his feed from a farmer in the neighborhood at a reasonable price, to furnish it at something like that price, charging if you please a proper addition for the use of the stock-yards and the trouble they are put to, but something reasonable, not exceeding 25 per cent. above what it can be bought for in open market.

I hoped to see something of that sort in the bill; but I see no limitation, nothing to prevent all sorts of extortions, and I have no doubt that very many of the evils complained of, very much of the injury to cattle, grows out of the absolute necessity the shipper is under in order to get clear of these extortions on the way to press his cattle through as far as he can with as few stops as possible, and take as many risks as he can because it costs him less to take those risks than it does to permit these gross extortions.

Mr. MCPHERSON. Will the Senator from Kentucky permit me to ask him a question? He admits that these evils exist, that cruelty is practiced. I would respectfully ask the Senator if he deems it proper and right that these cruelties should continue; and if not, how he is going to reach them except by legislation? I am willing to admit that to some extent the extortions of which he complains may exist; but this bill does not propose to regulate in any shape or form the rates railroads shall charge for transportation, it does not propose to limit the prices of stock-yards along the route that a railroad shall charge; but it simply says that inhumanity shall not be practiced; you must treat the animals humanely, and we prescribe rules whereby you shall do so.

Mr. BECK. There is just my difficulty. Why take out of the State laws and place under Federal authority the subject of transportation between the States? Each of the States has endeavored to pass laws

requiring within their own borders humanity in transportation, certain rests and time for feeding and watering, and the States are enforcing them within their own borders. Now, if we are going beyond that and seeking to enforce humanity in transportation by Federal authority ought we not simultaneously to prevent extortions while we are professing to encourage humanity? If we make the man who transports cattle act humanely by requiring him to take his cattle off to give them feeding time and watering time, if we have the power to do that, ought we not to put it out of the power of those who have the carrying of those cattle to extort from him improperly? By the same class of legislation that we compel the man who is transporting to do these things, can we not save the shipper from extortion? Ought we to leave him absolutely at the mercy of the men in whose hands he necessarily is? If we have the one power have we not the other power? And if we have both ought we not to apply both, because at last all the loss comes out of the man who produces the animal? The farmer suffers all the loss from these extortions and overcharges, because every man who buys from him, whether it be at Chicago or at Buffalo or anywhere else, buys with full knowledge of what he has to pay at every stock-yard, the risk he has to run, what he has to pay if he takes the stock over to England, what risk he has to run on the way because of embargoes on American commerce, and he reduces the orignal price he pays for the animal down to a point to cover all these things and leave some margin of profit after he has provided against them all. So at last it falls, and falls heavily, upon the man who raises the animal and who sells it to the first buyer, for every subsequent cost is taken out of the first price. I shall endeavor, if I can, to pass some law that will benefit the producer of the animal, because he is the meritorious man engaged in the honest employment of raising stock. Let him have it so transported to market, whether it is to England or to New York or anywhere else, transported to its ultimate destination, I repeat, so cheaply, so safely, so reasonably that the men who buy and who compete with each other will be able to pay him a living price for the animal which he produces and raises. At present that cannot be done, because of all of the various extortions and drawbacks which are systematically put upon him. It does not seem to me that this bill comes up to the measure of that relief at all. The Committee on Commerce may have done the best they can; I do not think they have; and if a motion is made to recommit this bill to the Committee on Commerce with a view of having further examination and scrutiny of this whole question looking to the removal of extortions as well as inhumanity in transportation, I shall certainly vote to so recommit it.

Mr. McPHERSON. Mr. President, if I understand the Senator from Kentucky he does not find fault with the provisions contained in this bill, but he thinks the bill does not go far enough. So far as regulating the prices charged by stock-yards or railroad companies are concerned, it was not the intention of the honorable committee reporting this bill to interfere or meddle with that matter; but I can say to the Senator for my part that I will go to any extent that he can go in that particular. I will willingly vote for any provision in this bill or any bill, which limits extortion at stock-yards or extortion in any manner in the live-stock transportation along the lines of railroad. I am perfectly willing that he should offer his amendments now—but I am very unwilling that this bill should be delayed any longer. I am perfectly willing to consider any amendments the Senator may offer.

I am very sorry that he took occasion to raise the point that when the original bill was considered in 1872, both in the House and in the Senate, it did not receive one single democratic vote.

Mr. BECK. It may have had one or two.

Mr. McPHERSON. I must differ from him in that particular, and in addition to that I am very sorry that the democratic party should take a position of that kind. I suppose the Senator thought in common with his democratic friends at that time that the bill was unconstitutional; but, sir, there are more constitutions than one to be considered in this matter. There is the constitution of the animal and the constitution of the consumer who eats the beef also to be considered; and the people of this country for the past five or six years have been earnestly praying Congress to enact some legislation by which these evils and cruelties should be put a stop to. This bill is a sort of compromise between the railroad interest, the live-stock shippers, and the humane societies of the country.

As I said before, bill after bill has been introduced into the Senate and the House which have been opposed by the railroad corporations of the country because they considered said bills to be unfriendly to their interests; and perhaps it is not necessary for me to say that for some reason best known to themselves the bills were defeated.

Now we come here to Congress with a bill which is a compromise between the railroad interests, the live-stock shippers, and the humane interests of the country. The railroad corporations say, "We will obey the law, we will make preparation for its strict observance, we will do everything in our power to secure the transit of live stock in a way whereby cruelty will not be inflicted, and whereby good, healthful food will be given the people." And the humane people of the country who have given this subject great attention also say, "We are perfectly satisfied with the provisions of this bill." It will, if observed, accomplish all we now demand or ever have demanded.

Now, the Senator from Kentucky says that the bill does not go far enough. He wishes to restrict the charges at stock-yards. In respect to that I have no objection. I will join with him in any proper effort in that direction. Let him prepare his amendment on that point while the other sections of the bill are being considered; and if it makes the bill more in the interests of justice—if it be fair and proper legislation—then I will join my humble efforts with his to accomplish the result aimed at by the Senator from Kentucky.

The PRESIDING OFFICER, (Mr. SAULSBURY in the chair.) The pending question is on the amendment of the Senator from Indiana, [Mr. VOORHEES.]

The amendment was agreed to.

Mr. VOORHEES. Now, Mr. President, I move to amend the bill on the first page, line 14, by striking out the word "eight" and inserting the word "four;" so as to make it read:

Shall confine the same in vehicles, railroad-cars, boats, or vessels of any description for a longer period than twenty-four consecutive hours without unloading the same for rest, &c.

Mr. McPHERSON. To this amendment I must most certainly object; and my reasons for objecting are these: It has been demonstrated beyond a doubt or peradventure that live stock can be kept in cars without cruelty to them for twenty-eight consecutive hours. When the bill was passed in 1873 to which this is an amendment, the time was fixed at twenty-eight consecutive hours. The railroad interest of the country, supposing that the bill would be enforced, commenced to make their improvements, their stock-yards, along the lines of the railroads, and they were located distant about twenty-eight hours running time one from the other. Now, it would be very ungenerous and very unfair, if no necessity exists for this change, to compel the railway companies to reconstruct, at different locations along the line of their roads, the expensive improvements necessary to care for animals. That is one almost insurmountable objection. These stock-yards cost large sums of money. To remove them from one point to another would be very inconvenient and very expensive.

In addition to that, they are now located at points where the railway companies have an abundance of water to give to the animals when they are taken from the cars, and there are not many points along the line of railroad where abundance of water can be secured for that purpose.

In addition to that there are other reasons, and, I claim, greater ones. If it is possible to confine cattle in cars for twenty-eight hours without unloading them for food and water without absolute cruelty, it is just and only just to the great cattle industry of the West that they should have the longest possible time to reach the great distributing points of the West from their pasture fields. For instance, take the State of Missouri. A producer of live stock in that State living twenty-four hours' running time distant from the city of Saint Louis, where the producer expects to market the cattle, could under the provisions of the proposed amendment of the Senator from Indiana reach Saint Louis within the twenty-four hours. A party living twenty-eight hours' running time distant from Saint Louis would be compelled to unload his live stock on the road between his residence and the Saint Louis market. If there is no necessity, if it is not cruelty to the animals to keep them in confinement for twenty-eight hours—and experience has proved that it is not cruelty to do so—why compel the party who lives twenty-eight hours distant from Saint Louis to unload his cattle, subjecting him to one day's delay, subjecting him to the cost of feeding them, keeping him out of the market which his more fortunate neighbor can legally reach, thus avoiding the cost of delay and also the competition of his more remote neighbor? Why subject the railroad corporations to this great expense of moving their stock-yards from points twenty-eight hours distant from each other to a point four hours nearer? It seems to me there is no necessity for it.

Besides, I wish to state another fact. As I have already said, this bill is a compromise. This is a matter which I wish the Senate distinctly to understand. The railroad interests which have fought this legislation for years are to-day in favor of it; in favor of it because public sentiment has demanded reform, and the only reform which will accomplish the result is in their judgment this proposed reform. Now, in making this reform they say we want to have the longest possible time consistent with humanity in which to reach our destination. For instance, the New York Central Railway, with its vast business, transporting perhaps a thousand or fifteen hundred carloads of live stock per week, cannot reach the city of Albany from the city of Buffalo in twenty-four hours, but it can reach that point in twenty-eight hours. The Pennsylvania Railway Company, which transports from a thousand to fifteen hundred cars of live stock per week, cannot reach the city of Philadelphia from Pittsburgh in twenty-four hours, but it can reach the city of Philadelphia in twenty-eight hours, or perhaps in twenty-six. Then why compel them to unload the live stock along the line of either of these roads unless it becomes absolutely necessary to do so to prevent cruelty to the animals? All experience shows it is not necessary. What is true in respect to the railroads named is true of all others.

Mr. VOORHEES. Mr. President, if I do not show the Senate from the testimony used by the Senator from New Jersey himself in his speech yesterday that even twenty-four hours is too long a time to keep cattle together in a car, either for their own comfort or for the health of the meat that is afterward sold, then I will yield to him on

this point. I am aware, as a matter of course, that in transporting stock from one portion of this country to our seaboard suffering has to occur, and disease and death to stock to a certain extent, because our country is a vast one, and there is no way of escaping that. We can only modify and do the best we can to avoid the greater evil of such a system of transportation.

I take the speech of the Senator from New Jersey delivered yesterday, and I look at some of the facts cited by him in his very thorough speech. He quoted from an address of the president of the Massachusetts Society for the Prevention of Cruelty to Animals made before the American Social Science Association in 1874. The Senator says in the remarks with which he has just favored us that by the law of 1873 twenty-eight hours is the limit during which stock may be kept on the cars, and because the railroads have accommodated themselves to that twenty-eight-hour system it would be wrong to change it, because it would be inconvenient for the railroad companies. I thought the convenience and comfort of the stock that was transported was the great object to be attained here, and that humanity to dumb beasts was our guiding motive rather than favor shown to railroad corporations. At the same time, I am not here to inveigh against railroad corporations. But the argument made by the Senator that because in 1873 we fixed the twenty-eight-hour system and the railroads accommodated themselves to that with water-tanks and stock-yards, we ought to continue it in the face of the cruelty that has been practiced under that system, is no argument at all to me. Now, I am going to show since the legislation of 1873 and under the twenty-eight-hour system what has transpired and how shocking are the details of cruelty to animals as exhibited by the Senator himself yesterday.

In the quotation which I have just spoken of, made by him from the president of the Massachusetts Society for the Prevention of Cruelty to Animals in 1874, I find the following:

First. That our eastern markets in both cities and towns are largely supplied with the meats of diseased animals, and to some extent with the meats of animals that have died of disease.

That is, under the twenty-eight-hour system adopted in 1873.

Second. That the eating of these meats produces disease in those who eat them and

Third. That it is impossible to detect these meats after they have been dressed and put into the stalls.

Here is the important statement used:

It is estimated that about 6 per cent. of cattle and about 9 per cent. of sheep and swine, nearly six hundred thousand in all, annually die on the passage to market from the West, and a large portion of these are sold in our markets either as meat or rendered into cooking-lard.

Six to 9 per cent. of all the stock, cattle, sheep, and swine die under the system which the Senator from New Jersey is now contending for to keep them on the cars twenty-eight hours.

Again, the Senator yesterday quoted from a statement put forth by the Pennsylvania Society for the Prevention of Cruelty to Animals for the year 1874, and they say that operating under this twenty-eight-hour system—

Fifteen hundred dead animals arrived from Chicago in a single train in the early part of May last, having died upon the passage.

Is that a good system? Does that need no reform? The Senator is contending that the system which brought in from Chicago in a single train in the early part of May fifteen hundred dead animals who died on the passage ought to be continued, because to change it would inconvenience the railroads. It does not look to me so. He qualifies this by saying:

This was an extraordinary and exceptional case occasioned by a sudden change of weather.

It ought to have been supplemented by a sudden change of locality in those cattle; they ought to have been taken off the cars and given a chance to get out of the influence of the weather and get some rest.

The statement further says a bountiful supply of water during transit would have saved the lives of most if not all of these animals.

The same authority says further:

"Since Congress passed the act of 1872"—

Is that the same act the Senator alluded to, or I am wrong in quoting it as 1873?

Mr. McPHERSON. It is the amendatory act of 1873 to which I referred as making this a requirement.

Mr. VOORHEES. Then this must be a misprint:

"Since Congress passed the act of 1872 [1873] there have been numerous instances of cattle and hogs crowded into cars as closely as they could stand and carried through from Chicago to New York before unloading; and at other times cars have been unloaded in Pittsburgh, and soon after reloaded in other cars and run through to Philadelphia or New York, thus confined in cars from four to six days without food or water; (only nominally in Pittsburgh;) and the official reports show that between three and four thousand dead animals were taken from the two stations on one of the trunk-lines controlled by one company between Chicago and Philadelphia in the ten months following the passage of the law of Congress, besides the thousands that had their horns broken off, limbs broken, and were trampled upon and bruised in a barbarous manner, and really not in a healthy condition for human food."

I should like to break the horns off that railroad corporation; I should like to trample on it, and I should like to break its limbs, and I should like to put it to suffering. I will not stand here to mince matters and say it will be inconvenient to such a line of barbarians to build another water-tank, or another cow-yard. I propose, as far as I am concerned, when a subject of this kind comes before me, to reform in earnest. This is the system practised under the twenty-eight-hour provision as to confinement in the cars, contended for by my most respected and esteemed friend from New Jersey.

I might read a statement which is even stronger and more controlling from the Harrisburgh Telegraph, a newspaper of respectability, but I prefer to confine myself mainly to the statements of organized and responsible societies. In May last Hon. Mr. Cutler, from the Committee on Agriculture in the House of Representatives—and I may allude to that for it occurred in a past Congress—submitted a report of the cattle inspector of the city of Buffalo made in and for the month of February preceding. Let us see what that is:

The report of the cattle inspector for the month of February was presented to the council by the city clerk on Monday last.

This was in Buffalo.

It contains figures showing the number of dead and crippled stock received at the Buffalo yards during the month the report covers. It is a matter that is not often brought to the notice of the public.

No, the humble poor of our own race are not often heard in their sufferings; and, when an animal is entirely dumb and has nobody to plead for it, its sufferings are generally passed over.

And yet there are facts—

Continues this report—

in it with which the people should be acquainted, and which will be very interesting, though perhaps not so easy or pleasant to digest.

Of dead cattle there were received 25; of dead sheep, 304; and of dead hogs, 748. Of crippled cattle there were 26; of crippled sheep, 197; and of crippled hogs, 926; making, in all, 1,077 dead animals and 1,149 crippled ones.

Over two thousand dead and crippled animals in one month in the city of Buffalo!

There are but two ways by which the meat of sick and crippled stock can be put into the market for table use. One way is by corrupting the cattle inspector, bribing him to pass the stock as all right, and the other by the selling of the meat to the retail dealers by those who make a business of buying dead, sick, and crippled stock after it has been condemned.

I think, Mr. President, I have shown that this system which the Senator in his kindness——

Mr. McPHERSON. May I interrupt the Senator a moment?

Mr. VOORHEES. Yes.

Mr. McPHERSON. I do not wish to have him give the Senate an erroneous idea with respect to the reports he is reading from. If he will look down further he will see that the Buffalo cattle inspector uses these words:

The stock is loaded at Chicago and carried to Buffalo without a rest.
How long does it take to bring them from Chicago?
About thirty-eight hours if there is no delay.

This was in the month of February, a time when it is well known to everybody the roads were blockaded by snow. Instead of twenty-eight hours' confinement, I have no doubt the animals of which this inspector speaks had been upon the cars perhaps for one hundred consecutive hours without being either fed or watered. If the Senator undertakes to show that under the existing law allowing a confinement of twenty-eight hours these cruelties are practiced and this condition of things happened he is doing very great injustice to the report. So far as his injustice to my statement is concerned, I will answer that in due time; but I only ask that he will do proper justice to the gentleman who made this report. Instead of being on the cars twenty-eight hours, the stock was probably kept on the cars for more than one hundred hours. It is very safe for me to say I think, knowing something of the history of the matter, that this stock was on the cars from eighty to one hundred consecutive hours.

Mr. VOORHEES. I have done no injustice to any persons as far as I have gone, for I have only read what they have said themselves; and I think the statement of the Senator from New Jersey will not enhance our sympathies for railroad corporations or make us more tender in our regard for them in the necessary reforms, because, if I understand him aright, his statement amounts to this, that in the face of a law which required them to keep cattle upon the cars only twenty-eight hours they have been kept there about one hundred hours.

Mr. McPHERSON. I wish the Senator would understand distinctly that it is the judgment of those perhaps as competent to judge as any member of this Senate, having been a long time engaged in the business, having given it a great deal of attention and observation, that it is not cruel to keep animals on the cars, if not overcrowded, for twenty-eight consecutive hours. Therefore all of the establishments which the railways have created along the line of their roads for feeding cattle are also in the interest of the western producer, who desires as much time as possible to reach the distributing point and still not treat his stock cruelly. I claim that as a matter of policy and justice, as well as of expediency, it is well to leave the law as it stands, for the difference between twenty-eight and twenty-four hours is not very great; and it is much less cruel in a case of this kind to let the stock run through for twenty-eight hours than to change the time to twenty-four hours, particularly as two reshipments must be made in a twenty-eight-hour run. Let me illustrate: suppose, for instance, that the Senator starts a car-load of cattle from Buffalo to Albany; after he has run his cattle for twenty-four hours he must then unload them to be fed and watered, provided the bill be amended to suit his view of the case. Now, by running four hours more he would reach the city of Albany. Remember they must be driven out of the

cars, and they must be driven back in the cars when reloaded. They must be detained at that point, and then the next run is only for four hours more, to wit, Albany, which is a great market and distributing point for buyers from New York and all the Eastern States. The stock must necessarily be unloaded from the cars at that point to exhibit to the purchaser. It is my opinion the animals would suffer a greater injury to pursue the course recommended by the Senator from Indiana than to confine them in cars four additional hours. If the Senator will only reflect I know he will agree with me.

Mr. PADDOCK. If the Senator from Indiana will allow me I should like to put a question to the Senator from New Jersey. Do I understand the Senator to say——

The PRESIDING OFFICER. Does the Senator from Indiana yield?

Mr. VOORHEES. Oh, yes.

Mr. PADDOCK. Do I understand the Senator to say that whether the rule be twenty-four or twenty-eight hours the length of time required for shipment, for instance, from Saint Louis to New York, would be the same in either case? That I understood the Senator to say.

Mr. McPHERSON. I think it would be the same.

Mr. PADDOCK. Then why the objection to twenty-four hours?

Mr. McPHERSON. If the Senator from Indiana will yield to me to give a reason I will do so. The railroad corporations of the country of course run all their trains in a manner to make the most money. It is a well-known fact that on railroad trains running at the rate of ten miles per hour freight can be afforded much cheaper, and the compensation for doing the labor would be much cheaper than if running at the rate of twenty miles an hour. Therefore railroad companies run their stock trains at low rates of speed and give a corresponding rate of freight to their patrons. If there is any way of controlling the speed of a railroad train or controlling the freight compensation by Congress, then the Senator's question is a very proper one. But this bill contemplates no such thing.

Mr. VOORHEES. In one single observation of the Senator from New Jersey I heartily concur, and that is that railroads generally run their trains to make the most money. The statement made by him a few moments ago was to the effect that those who knew perhaps more on this subject than either of us had decided that it was no greater suffering for cattle to be confined twenty-eight hours in the cars than twenty-four. I am fortunate in this little talk this morning for I only have referred to the Senator's speech of yesterday when he was full of the subject of cattle suffering, and he quoted authority sufficient to arm anybody in a discussion of that point. I find that in his speech of yesterday he quoted a portion of the report of the New York cattle commissioners in 1869. Let us see what they say on the subject of the duration of travel. These cattle commissioners, making a report to the Legislature of the State of New York, I presume filled the description which the Senator gave of those who knew more on this subject than either he or I. I am willing to take it that way. I know they know more than I do, and I think they know more than he does. I say it with the utmost respect. This report proceeds to say:

> Under the most favorable circumstances and conditions of treatment, stock shipped from the West by railway endure such suffering and torture as would of necessity destroy the lives of human beings placed under similar treatment. Any one who has been compelled to stand for half an hour in a straggling, surging crowd of men, pressed, whirled, and crushed in its eddies, without power to extricate themselves, may imagine the sufferings and conditions of the cattle in a loaded car, as they are jammed together and jerked over our railways. Lengthen out this misery for an hour or two and it becomes intolerable, but continue it for hours—a whole day together with a long night—and only the strongest natures could survive the treatment.

That is, twenty-four hours.

> During this twenty-four hours of agony they are without a morsel of food or a drop of water.

It does not say it would be good for them to keep on for twenty-eight hours; it does not say it would alleviate their sufferings to keep them four hours longer. These cattle commissioners, who I think knew this subject better than either of us here, seemed to be of opinion, if their language can be taken to express what they mean, that twenty-four hours are that many hours of agony on the cars, without a morsel of food or a drop of water. They proceed to say:

> A broiling sun may be pouring its rays down until the air seems stifling and suffocating. Their agonized fellows, frantic with misery, press and surge against them in endeavoring to gain relief from the horrid pressure, and the horns, whether they will or not, wound and tear and score each other in the crowd, to which suffering is added the inevitable goad of the attendant, necessary, yes, absolutely necessary, to prevent the trampling to death of some of the number.

Let us see what the next paragraph says, quoted by the Senator himself who now pleads for twenty-eight hours because it would inconvenience the railroads to change it to twenty-four:

> At the end of the twenty-four hours they are sometimes removed, and their feverish thirst is slaked by large draughts of water, and they lie down to rest, eating but little, for they are positively sick.

I do not think they would be any better at the end of twenty-eight hours.

Mr. KIRKWOOD. Had you not better make it twelve hours before you get them into the bad fix of twenty-four?

Mr. VOORHEES. I would make it less than twenty-four rather than more than twenty-four. I prefaced the remarks I made by stating, just as the report of these cattle commissioners states it, that much suffering has to be undergone by this mode of transportation. The question is to find where we are to stop, and how to define this transportation, so as to inflict as little misery upon these dumb animals as possible, and at the same time transport them to their destination:

> Off the cars for twenty or twenty-four hours—just long enough for their punctured wounds to fester and their injured frames to become sore and stiff—when they must be reloaded to pass through another twenty hours of the same agony, only aggravated by the wounds and soreness of the bruises they have before received; and so, day after day, for five, ten, or fifteen days, they live and suffer on their passage to the market.

These commissioners proceed to add that:

> Although it is to be hoped that the several States west and south of us will do their whole duty in the matter of enacting such laws regulating the stock trade and transportation as may be needful within their own boundaries, the State of New York should, irrespective of their action, do its whole duty to itself and people. Our population is rapidly increasing. We must receive the bulk of our meats from the West. It is indispensable to the health of that population that these meats should be wholesome and of good quality. It is an imperative duty, so far as the law-making power is concerned, to render them as much so as possible, and the commissioners would fail in a grave and solemn duty did they not present all the facts and circumstances to the consideration of the Legislature.

The Senator from Iowa suggests, by way of criticism I apprehend, why not make the time twelve hours? If we were dealing entirely with the comfort of the animal we would not transport him from his pleasant meadows at all; we would leave him to crop the grass and die in comfort at home. If we were not depending on him for our subsistence we would never slaughter him. He has to be slaughtered to feed the world; he has to be transported, and the question is whether we shall inflict upon him the suffering of a thousand deaths needlessly before he dies the actual and necessary death, in order to accommodate corporations that seem not to have obeyed the law as it stands, and who in the face of a law that compelled them to unship at the end of twenty-eight hours have, according to the reports that I have read here, kept them upon their cars instead of twenty-eight hours, according to the admission of the Senator from New Jersey, perhaps one hundred hours. That is the question here, if in the face of a law compelling these railroads to give the brutes rest at the end of twenty-eight hours, such horrible, indescribable suffering as is reported here by these societies for the prevention of cruelty to animals should be permitted? It should arrest the attention of everybody and appeal strongly, not merely for the reduction of the time that stock may be confined upon the cars, but for stringent legislation to compel obedience to these laws.

I was not aware until I was on my feet this last time that there had been such absolute, reckless disregard of the laws on the statute-book for the last six or seven years; in fact, I was not aware that in the face of the law of 1873, requiring the unshipment of stock at the end of twenty-eight hours, they had been kept on the cars three, four, five, or six days together. I was not aware that there were any corporations in this country so bloated and arrogant as to treat the laws of the country as if they held them in utter contempt.

Mr. PADDOCK. If the Senator will allow me to call his attention to the proviso on page 3, he will discover that it is proposed in a certain contingency now to continue cattle in cars during sixty consecutive hours.

Mr. VOORHEES. I have not come to that yet. One section at a time is enough for me.

Mr. PADDOCK. I suggest this in order that the Senator may emphasize his criticism in regard to the twenty-eight hours at the same time.

Mr. VOORHEES. Whereabouts is that?

Mr. PADDOCK. On page 3, line 52, the first proviso is, and the second one is in line 56.

Mr. COCKRELL. That sixty hours applies where they are fed and watered on the cars.

Mr. PADDOCK. I will read the proviso to which I refer.

Mr. VOORHEES. I see it now. I believe I have said all that I desire at this stage of the discussion to say upon this question. It may be that it is regarded by some as a subject of not much moment where we are legislating for those not of our own species. We have been talking about political rights, personal rights, and personal liberty so long that it may be that we have somewhat obscured in our feelings the claims which God's dumb creation has upon us. So far as I am concerned, however, I believe those sentiments are alive in my breast, and I hope they will continue so.

Mr. KIRKWOOD. Mr. President, the question under consideration is really an important one to some portions of the country, and I think to all portions of it. It certainly is the interest of the people in the region of country where I live, where cattle are raised largely, to have them as carefully handled and brought to market in as good condition as can be done. It is also the interest of those who receive them and use them to have them brought to them in as good condition as can be. The practical question is, how can that best be done? The particular proposition now is to change the requirement of the present bill and the present law, as I understand, from twenty-eight hours to twenty-four hours as the time during which animals may be confined upon the cars.

The Senator from Indiana has spoken very eloquently of the sufferings of these animals confined as they are for transportation. There is doubtless much suffering; and with those who see cattle thus transported at the end of their journey, I think erroneous opinions prevail as to the causes of that appearance. Very frequently I am inclined

to think—I know something about this matter—the wounds spoken of as shown at the end of a journey are suffered at the time when the animals are placed upon the cars, in the loading, in the crowding together of fourteen to sixteen bullocks in a car, pushing them through a narrow chute upon each other in the car. Very often these wounds that are spoken of are inflicted by one upon another during that process, and do not arise at all from the transportation afterward. It has so happened to me that I have loaded a good many cars of bullocks myself, and know something about it.

Again, an animal will get down, as it is called, in transportation; he may not have been five hours in the car; he will get down in the bottom of the car, lie down and be trampled upon by those about him, and until the next station is reached it is impossible to do anything for him. If an animal gets down between two stations nothing can be done until the next station is reached, and then the owner, if possible, may get him up; but very likely before the next station is reached he will be ruined, perhaps killed.

Again, a good deal has been said about the numbers of animals that have died on particular trips or particular occasions, both of bullocks and hogs. That frequently occurs from a change in the weather. In the winter time you may load a dozen cars with hogs and place in each car what is supposed to be a proper number, and before they reach their destination there is a change from moderate to exceedingly cold weather, and they pile upon each other, as the technical term is, and smother each other to death because of the cold.

Again, during moderate and pleasant weather in the spring or summer you load a car with the proper number of hogs as is supposed, and it becomes exceedingly hot by a change of weather, and they smother. You cannot avoid these things, and these losses do not grow out of the length of time they are upon the train.

I am strongly inclined to believe that it would not be wise to change the existing law. I think the railroads in Iowa have adapted themselves to the law as it exists, and have built expensive cattle-yards and accommodations at twenty-eight hours' run. I do not believe, from what knowledge I have upon the subject, that the change from twenty-eight to twenty-four hours would make any material difference either in the comfort of the animals or in the condition in which they would arrive at their points of destination, and I do believe that to make the change would inflict a serious loss upon the railroad companies in requiring them to change their arrangements made under the requirements of the existing law. I am not understood where I live to be the special advocate of railroad companies; but justice should be done to them as well as to others of our people.

My own conviction after a good deal of study of this subject is that the true solution of the whole matter—and we shall come to that after awhile—is that our meats will be slaughtered where they are grown and they will be sent forward as they can be then in just as good condition as they are when taken from our pastures; and until that shall have been done I do not believe our eastern people who eat our western beef will have it as good as I would like them to have it and as I would like to have it myself.

Mr. MCPHERSON. Mr. President, the Senator from Indiana appears to be laboring under a very great misapprehension with respect to the reports, several of which I read yesterday, and I think perhaps I can correct the impressions that those reports have given to him by making a statement. He goes on the supposition that the law of 1873 has been enforced, that it has been observed. Now, the facts are that the law has never been observed. The facts are that transportation of cattle from the West to the East ever since that law was passed has gone on as though no law existed. The law has not been observed, because it was faulty and inoperative. Live stock have been shipped from the West to the East without taking them from the cars at all, save perhaps only nominally at Pittsburgh or Buffalo. Stock have been shipped from Chicago and Saint Louis directly through to New York without either food or water, and therefore the great dissatisfaction with the condition of the animals. What these commissioners have commented upon, and what the humane societies have reported upon has been the fact that the stock has not been cared for at all, not that they have been on the cars twenty-eight hours, but that they have not been properly fed and watered.

The railway corporations themselves are not any more to blame perhaps than the shippers. The shipper, if he gives the order, can at any time remove his stock from the cars and feed and water them. The railroad companies will not object to it; and therefore the railroad companies are not more to blame than shippers. But there appears to be a general disregard of law, in fact there is no law that is operative and that can be enforced. We therefore desire to amend the sections of the Revised Statutes so as to enable us to enforce obedience to the requirements of the law. I think, sir, that it is altogether unnecessary, and it would be impolitic and unwise to change the time from twenty-eight to twenty-four hours; it would be unwise so far as the great producing interest of the West is concerned in reaching the first distributing point where they sell their stock mainly to the eastern buyers, it would be unwise to the railway corporations that have provided these facilities if there is no good reason, no earthly necessity why it should be done; which I claim there is not. Therefore I hope the amendment of the Senator from Indiana will not be agreed to.

The PRESIDING OFFICER, (Mr. INGALLS in the chair.) The question is on the amendment of the Senator from Indiana, [Mr. VOORHEES.]

Mr. MORRILL. Let the amendment be read.

The PRESIDING OFFICER. The Secretary will report the amendment.

The CHIEF CLERK. In line 14, after the word "twenty," it is proposed to strike out "eight" and insert "four;" so as to read:

For a longer period than twenty-four consecutive hours without unloading the same for rest, water, and feeding.

The question being put, there were on a division—ayes 14, noes 17; no quorum voting.

Mr. VOORHEES. Let us have the yeas and nays.

The yeas and nays were ordered.

Mr. TELLER. The amendment of the Senator from Indiana should also include the word "eight" in line 23 of the bill, so as to make it conform.

Mr. MCPHERSON. That would necessarily follow if the pending amendment be agreed to.

Mr. TELLER. That would follow of course, but I supposed it might be taken as one amendment.

The question being taken by yeas and nays, resulted—yeas 21, nays 28; as follows:

YEAS—21.

Bell,	Edmunds,	Morgan,	Teller,
Booth,	Garland,	Paddock,	Voorhees,
Butler,	Groome,	Platt,	Walker.
Call,	Harris,	Rollins,	
Coke,	Ingalls,	Saunders,	
Dawes,	Maxey,	Slater,	

NAYS—28.

Allison,	Cockrell.	Houston,	Morrill,
Bailey,	Davis of W. Va.,	Jonas,	Pendleton,
Bayard,	Eaton,	Kellogg,	Randolph,
Beck,	Farley,	Kernan,	Saulsbury,
Burnside,	Ferry,	Kirkwood,	Vest,
Cameron of Pa.,	Gordon,	McMillan,	Williams,
Cameron of Wis.,	Hereford,	McPherson,	Windom.

ABSENT—27.

Anthony,	Grover,	Jones of Florida,	Sharon,
Blaine,	Hamlin,	Jones of Nevada,	Thurman,
Bruce,	Hampton,	Lamar,	Vance,
Carpenter,	Hill of Colorado,	Logan,	Wallace,
Chandler,	Hill of Georgia,	McDonald,	Whyte,
Conkling,	Hoar,	Plumb,	Withers
Davis of Illinois,	Johnston,	Ransom,	

So the amendment was rejected.

Mr. SAULSBURY. I move to strike out after the word "rest," in line 59, the remainder of the paragraph, in the following words:

And it shall be the duty of all railroad companies or persons operating any railroad within the United States, to give cars loaded with live-stock the right of way over all other trains except passenger trains.

The reason why I move this amendment is because in some sections of the country where there is not very heavy railroad business, there are what are called mixed trains, composed partly of passengers and partly of freight. I suppose that trains of such a character would be compelled under the bill to give the right of way to cars loaded with live stock, as the clause provides that over all trains except passenger trains cars carrying live stock shall have the right of way.

Then, there are other interests that would suffer, for instance the transportation of perishable fruits, now a very considerable interest in this country, and time is absolutely necessary in order that they may be conveyed profitably to market. Trains carrying perishable fruits would, under the clause which I propose to strike out, be compelled to go on a switch and give the right of way to a train carrying live stock, greatly to the detriment of the persons interested in the transportation of perishable fruits. That is a very considerable interest in my State as well as in other States. We are sending fruits throughout the whole country, as far west as Chicago and as far north as Maine, and to all intermediate points. Sometimes we have sent as high as two hundred car-loads of fruit alone to the city of New York in a day. It is therefore a very considerable interest, and any detention whatever greatly deteriorates the value of the fruit that is shipped.

I do not think that this provision which I move to strike out is a wise one. That matter had better be left to the regulation of the railroad companies which are transporting live stock and transporting mixed trains of passenger and freight and also perishable fruits, as such matters fall within their line of duty. I hope, therefore, that the clause will be stricken out.

Mr. DAVIS, of West Virginia. I fully agree with the Senator from Delaware as far as he has gone, but there are a few additional reasons why I think the clause should be stricken out. This is, I believe, one of the new features not in the law as it now exists, and perhaps it is the most important new feature ingrafted in the present bill that is not in the original law. I greatly prefer the original law as it now stands to the present bill. I think the Senator who has the bill in charge will admit that the bill would make very little difference in the law if the amendment offered by the Senator from Delaware should prevail and that clause be stricken out. What does that clause provide? It provides that it shall be the duty of all railroad companies to give these cars the right of way, it matters not if

they are but ten miles long, or if they are altogether in a single State:

And it shall be the duty of all railroad companies, or persons operating any railroad within the United States, to give cars loaded with live stock the right of way over all other trains except passenger trains.

That goes further than anything that ever has been claimed yet from either side of the Chamber. It applies to a road, if there should be such a road, that is only one mile long in a single State, and it certainly includes all roads in the country, any railroad and all roads. It controls entirely the running of the trains and how they shall run.

Mr. President, if the General Government can go into a State and control how a train shall be run in the least particular, no matter what it is, then it can go through all the details and regulate who shall run it, who shall be employed, how fast it shall run, when it shall run, and all other things connected with it.

I hope the Senator from New Jersey after reflection and hearing what the Senator from Delaware has said, as well as what little I have said, will not insist upon that part of the bill. It certainly is the most objectionable to me of all the provisions of the bill, and more objectionable than I should suppose the Senator himself would have thought of adding to the bill.

Mr. McPHERSON rose.

Mr. DAVIS, of West Virginia. I see the Senator from New Jersey who has charge of the bill is ready to say a word. I wish to ask him without going further myself (although I have considerable to say if there is any probability of this clause remaining in the bill) to tell us what advantage the present bill has over the existing law, and why it is that he wishes the existing law altered in this particular.

Mr. TELLER. I ask the Senator to allow me, if it is in order, to offer an amendment which I think will obviate the objection in part.

Mr. DAVIS, of West Virginia. An amendment to this particular paragraph?

Mr. TELLER. Yes; to this particular clause.

Mr. ALLISON. It is in order, of course.

Mr. DAVIS, of West Virginia. I do not make any question of order.

Mr. TELLER. I move, after the word "States," in the sixty-first line, to insert:

Whose road forms any part of a line of road over which cattle, sheep, swine, or other animals are conveyed from one State to another.

So as to read:

And it shall be the duty of all railroad companies, or persons operating any railroad within the United States, whose road forms any part of a line of road over which cattle, sheep, swine, or other animals are conveyed from one State to another, to give cars loaded with live stock the right of way over all other trains except passenger trains.

That will obviate part of the objection made by the Senator from West Virginia.

Mr. DAVIS, of West Virginia. And only a part.

Mr. McPHERSON. The Senator from West Virginia asked me to reflect. I have reflected, and the more I reflect the more I am convinced that Congress has the power to regulate interstate commerce and even to the extent that the Senator says we may be able to do if this point is conceded. But with respect to this particular amendment I shall not be very strenuous in insisting upon it. It is a new thing ingrafted upon the bill; the original law contains no such provision. The Senator from Delaware has made some objection of a character which perhaps might be very forcible, particularly in his own State. I can see perhaps an objection to giving live stock the right of way over property perhaps more perishable, for instance fruit on its way to market. If it should be forced to lay upon a side track in order to enable cattle trains to pass, the result perhaps might be very injurious to that peculiar kind of freight.

Therefore, I shall not insist upon retaining this clause in the bill, although I think it is no more than right and just that railway companies should by some means or other be compelled to give live stock, property that is a perishable property, property that is of course subject to depreciation, to deterioration, and to suffering, the right of way over inanimate freight. They pretend now to do it. They pretend to run their stock trains faster than they run other freight trains, but it is more a matter of convenience with them than one of strict policy. But inasmuch as this clause does not concern practically the features of the bill that are most necessary to secure the end we have in view, I will consent to striking it out.

Mr. COKE. Mr. President, I hope the amendment will be agreed to. While I think there should be preference given to a train loaded with live stock over trains carrying merely merchandise, privilege ought also to be extended to a certain extent in giving the preference to trains loaded with merchandise that is perishable, although it is not susceptible of suffering as live-stock freight is. If it is right to enact the other clause of the bill in order to prevent suffering in this character of freight, it is also right that the clause should be stricken out for the same purpose. I therefore want it stricken out.

Mr. DAVIS, of West Virginia. I understood the Senator who has charge of the bill to consent that the whole clause be stricken out. Is there objection to that?

The PRESIDING OFFICER. That does not control the action of the Senate.

Mr. DAVIS, of West Virginia. I merely ask now if there is any objection to it?

Mr. SAULSBURY. I understand that an amendment is proposed to the amendment which I offered?

Mr. DAVIS, of West Virginia. The Senator from Colorado has moved to perfect the text, and then I understand it will be in order to strike out the whole clause.

The PRESIDING OFFICER. A motion to amend the part proposed to be stricken out always takes precedence.

Mr. DAVIS, of West Virginia. I wish to make a parliamentary inquiry. If the amendment of the Senator from Colorado should be adopted, is it competent then for the Senate to strike out the whole clause?

The PRESIDING OFFICER. It is.

Mr. TELLER. My purpose, of course, is to make that portion of the bill as little objectionable as possible, and confine it strictly to interstate commerce, if we interfere at all.

Mr. SAULSBURY. I understand the ruling of the Chair to be that if the amendment proposed by the Senator from Colorado to my amendment is adopted it will then be competent to strike out the whole clause as amended?

The PRESIDING OFFICER. The question will then recur on the motion of the Senator from Delaware to strike out the clause as amended. The pending question is on the amendment to the amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question now recurs on the amendment of the Senator from Delaware to strike out the clause as amended.

The amendment was agreed to.

Mr. DAVIS, of West Virginia. A moment ago I asked the Senator from New Jersey who has charge of the bill to be kind enough to explain the difference between the bill and the law as it now exists. I called the attention of the Senator specially to the proviso between line 52 and line 59, which relates to a special kind of car that might be put upon the roads or that might be built for the purpose of transporting cattle; and then, with that particular car sixty hours, instead of twenty-eight hours, may be the time during which cattle are kept upon the cars. It has been intimated to me, though I know nothing of it myself, and I submit it to the Senator, that such a provision would cause probably all the railroads to go to work pretty soon to rebuild or make new cars, which would be very expensive, and not only very expensive to the railroads, but it would cause considerable delay; and it may be that some special road now has this particular kind of car, and would become the beneficiary of this act. I ask the Senator whether there is anything in that?

Mr. McPHERSON. I stated yesterday when I addressed the Senate, as I supposed the Senate wished to know particularly in respect to that phase of the question, that certain railroad companies have an improved car; that there are some sixty different devices in the shape of cars that are considered improvements upon the present method, and there are no patents that are necessary for railway companies to use or employ; that a perfect and complete car in all its appointments can be constructed and placed upon the road without one particle of royalty or charge to any person for their use.

In respect to the use of the car I wish to inform the Senator that during the past two or three years several of the railway companies have placed improved cars upon their roads as a test to see if live stock could be transported for long distances without removing them from the cars. The experiment has proved a great success. Live stock are shipped to-day from Saint Louis and Chicago through to New York in these improved cars without removing them from the cars at all to feed or water them, and it is better for the stock than the system now in use. It is an experiment which has been tried and found to be one of utility and of great advantage. In relation to an inquiry the Senator from Kentucky [Mr. BECK] made of me yesterday, as he appears to be very desirous upon the question of being relieved from the impositions of stock-yards, I will state that all of these cars that have been constructed and have been tried have receptacles that contain the food. They have facilities along the line of the railroad for giving the live stock water about every hundred miles of the road. They are given food as often as the animal requires it.

Therefore it is much better than the present mode, by which live stock could not either get food or water under twenty-eight hours. They could be run for twenty-eight consecutive hours before reaching a feeding station; but under the improved method they would be fed and watered about every hundred miles of the road, and therefore never become hungry or thirsty to an extent that cruelty is inflicted upon the animal.

In respect to the competition, as I stated yesterday to the Senator from Kentucky, the food that is placed in these cars is placed there by the producer of the stock. The car is run on to his own farm or some station contiguous to it. He removes the corn from his own field, the cattle from his own pasture, places them together in the car and starts them for the market. The corn is fed to his cattle along the route, and it only costs him what it costs to produce it; while if the Senator from Kentucky is not in error with respect to the extortion practiced by stock-yards it costs about as much to pay the

excessive charges of the stock-yards as to pay the freight upon the animals. It is to relieve the great public from these excessive charges that we seek to provide the improved cars in which the stock can be transported.

The Senator asks me another question. He asked why a difference should be made in respect to the time in which the animals should be fed. My answer is this: if you give animals food and water then there is no suffering attendant upon their transportation; but the existing law permits them to be shipped for any number of hours. There is no limit to the time in the existing law, if they are fed and watered, in which they may not be kept in confinement. This bill proposes that the time shall be limited to sixty hours instead of shipping them an unlimited number of hours without rest.

As I was saying to the Senator from West Virginia, there have been thousands of cars of live stock shipped from Saint Louis to Chicago during the past year directly to New York, Philadelphia, and Boston that have never been unloaded from the cars at all. I speak whereof I know when I say that those animals have come into market under the system of improved cars and that the shrinkage upon the animals has not been one-half as much as upon animals transported by the present erroneous system.

Therefore we have many objects in view: first, to get to market as rapidly as possible, to expedite the transit, to save the producer all extortionate charges for feed furnished by the stock-yards, and to save the shrinkage upon the animal, and also prevent cruelty in transportation.

Mr. DAVIS, of West Virginia. It occurs to me that this proviso is a dangerous one. Who is to be the judge of what kind of car the animal shall remain in sixty hours? Then there is to be a car on which the animal is to remain twenty-eight hours.

Mr. McPHERSON. Will the Senator allow me to interrupt him?

Mr. DAVIS, of West Virginia. Certainly.

Mr. McPHERSON. In any kind of a car that contains facilities to feed and water the stock they may remain sixty hours.

Mr. DAVIS, of West Virginia. Then there is no use of the proviso. With some knowledge of railroading, I say that in any car whatever cattle can be fed and watered. I do not think there is any car in which cattle may not be fed or watered, but they may not always be properly fed or properly watered. It may be done in an imperfect manner, but it can be done, and has always been done.

Mr. McPHERSON. They must have "daily proper food and water."

Mr. DAVIS, of West Virginia. That is the very point. Who is to be the judge of the "proper" manner? The clause to which I refer is mischievous. If we must say that twenty-eight hours is the time, we ought to specify the special kind of car, and somebody somewhere has got to be the judge. The railroad company must be the judge, or all the time the animals must remain sixty hours. If some of the roads are to be the judge, probably they will say sixty hours, because they will try to get the car through just as rapidly as possible.

My friend has just said that the shrinkage is one-half less than over the old system. Will not the drover, the person having charge of the cattle, or the owner select the best cars? Mr. President, it is my impression that this whole matter ought to be left to competition. It ought to be left to the people and the railroads themselves, because the owner of the cattle will go to that road which treats them best and takes the cattle through in the most perfect order, as you and I would do in any business transaction.

My opinion is that there never ought to have been any act of Congress on this subject, but there is now one existing. I do not see, and I have tried to see, that the present measure would improve the existing law. In my opinion it will not. On the contrary I think it will not operate as well as the present law. My impression is that this bill ought not to pass in any shape. Why? It is a question, and a grave question, whether Congress has a right to go into any State and regulate the movements of trains on its railroads, or any other matter in regard to which the State has a law, and I understand that nearly every State has laws regulating this subject. If the State has the right to act, then the General Government has none; if the General Government has the right, then the State has not. The citizens of the little State from which I come and which I in part represent would rather have the regulation of their railroads in their own hands than to have Congress regulate them, because they know better what they want. A hundred persons in the Legislature of my State would rather legislate themselves than to leave the matter to Congress or to their five representatives in the two Houses of Congress. In my opinion it is better for them to retain the power there than to transfer it to the General Government. It is much easier for them to regulate and control their roads than it is for the General Government to undertake to control all the railroads in this country.

To show how far this is likely to go, the Senator from New Jersey has just consented that a provision might be stricken out which applied to every railroad in the country. No matter whether it was entirely in a State, though the road might be only ten miles long, it claimed the right to control that road and the running of its trains.

Mr. McPHERSON. It does still.

Mr. DAVIS, of West Virginia. The Senator says it does still. That makes it so much the worse for the bill.

Mr. McPHERSON. No; but I have not surrendered the right.

Mr. DAVIS, of West Virginia. The Senator says he has not surrendered the right to go into a State where the road is entirely in a single State and control it. Now, if he can control it in one particular he can control it in all particulars. The admission of the Senator now that he believes the General Government has a right to take a road that is entirely in one State and control it is enough, in my opinion, to show us that we ought not to take another step in the direction this bill goes.

Mr. McPHERSON. Mr. President, that is certainly the most incomprehensible argument I have ever heard. I have never argued nor do I argue now that it is within the power of Congress to go into a State where both ends of the railroad are within that State and to undertake to regulate or control commerce confined to the limits of the State that can be done and done only by State law. I refer solely to interstate railroads engaged in commerce between the States.

Mr. DAVIS, of West Virginia. May I ask whether or not the bill did not include all railroads? It provided:

> And it shall be the duty of all railroad companies, or persons operating any railroad——

Mr. McPHERSON. "Within the United States," forming any part of a line over which commerce from one State to another is conducted.

Mr. DAVIS, of West Virginia. Is not the State within the United States?

Mr. McPHERSON. Certainly. The section to which the Senator refers was amended by making it apply to interstate railroads.

Mr. DAVIS, of West Virginia. I am speaking of what the Senator's bill was.

Mr. McPHERSON. So far as the control of the State in this matter is concerned, I have one remark to make. The humane societies of the different States in this country have petitioned State Legislatures year after year to pass restrictive laws by which this matter could be controlled, but I find in very many of the States in this Union the railroad corporations are a great deal the strongest power which resides there. The result has been that in many of the States no legislation has been made in respect to this subject. There are to-day no more than three or four States which have passed laws regulating the transportation of animals. It is for that reason that Congress is appealed to and petitioned to pass laws to correct the evils in the live-stock transportation upon the long routes between the West and the East.

With respect to the car question of which the Senator appears to have a fear, I wish the Senator now to pay strict attention to what I have over and over repeated. We start upon this proposition: cruelty is practiced in the transportation; the railroads admit it; the public charge it; humane societies petition Congress to reform it. How do we propose to reform it? We have a system by which we are transporting live stock and we say the animals must be removed from the cars every twenty-eight hours for food and water. But the shippers say we have a better plan. What better plan? We can furnish an improved car so that the animals can be fed and watered. The railway companies say, while we admit the cruelty we are willing to improve our cars. It would cost us much less to improve the cars than it would to provide the necessary facilities in any other way. While there are a hundred different devices that might be employed, a hundred different ways by which the cars may be improved, will the Senator please take the bill and show me that there is any requirement that any particular cars shall be used, or that any car at all shall be used? The provision is simply this, provided, however, if you do employ a car in which to feed and water the animals while in transit and you do give them food and water while in transit, then the provisions of the law requiring them to be unloaded shall not apply. It seems to me that it is a very far-fetched argument to say that there is any patent car or any patent thing about it. There is no requirement that the railroad companies shall ever put an improved car upon their roads at all, but we say to them, if you do not put the improved car upon your road you shall be humane and you shall remove your stock from the car and feed and water them at least after every twenty-eight consecutive hours, because humanity and good meat food demand it.

Mr. DAVIS, of West Virginia. On that point I wish to ask the Senator a question. The Senator avoids my question as to who is to be the judge of the particular kind of car on which the live stock is to be transported. That is the question I put to him.

Mr. McPHERSON. I will read the proviso, and then I will ask the Senator if it is possible by any use of words to make a thing plainer:

> *Provided, however*, In all cases when animals in transit from one place to another be transported in cars, boats, and other vessels in which said animals do have daily proper food and water, the provisions in regard to their being unloaded shall not apply.

"Proper food and water." I care not how they do it. They may put a pail inside of the car at every station containing water and containing food, but that perhaps would be a very antiquated method. I should think perhaps that American ingenuity and enterprise might devise some other and better mode, and I believe it has done so. But if it is done, if the animal does get proper food and water, as the bill provides, that is all that is demanded. Now who is to be the judge? I think if the Senator from West Virginia were engaged very largely in live-stock transportation he would be a very good judge whether the stock was fed and watered properly. I think the Senator under-

stands managing his own business in other respects pretty well, and I think he would be an excellent judge.

Mr. DAVIS, of West Virginia. That is the very point. I think you had better leave it to them; let the owners of the stock be the judges.

Mr. McPHERSON. We do.

Mr. DAVIS, of West Virginia. And not confine them in anything.

Mr. McPHERSON. We do not.

Mr. DAVIS, of West Virginia. In other words, why pass this bill? Let them be their own judges.

Mr. McPHERSON. Will the Senator inform me in what way the owner of the stock would not be the judge?

Mr. DAVIS, of West Virginia. Then why do you want to pass the bill?

Mr. McPHERSON. If you start from Saint Louis with a train loaded with cattle, there upon one side track are improved cars, there upon another side track are the cars now in use. The Senator from West Virginia may elect as between those cars which he will employ. If he elects to use the cars in use at the present day the bill says, if you do not feed and water those animals in the car, then you must remove them from the car and feed and water them. If you elect to use the cars in which they can be fed and watered and done perfectly, then there is no occasion for their removal. If I can make the subject any plainer, I should like to know how.

Mr. DAVIS, of West Virginia. I think, after all, the shipper is to be the judge of how he wants his cattle to go. He is to be the gainer or the loser if they are shipped properly or improperly. Therefore the Senator's bill cannot be needed; and he admits himself that the present law does not have any effect. After all, it is a matter of competition between railroads and between individuals. The railroad that gives the best accommodation and carries for the least money will transport the stock. That is the rule in regard to transportation generally. If that be so, I do not know what we want with the present bill. It appears to me the existing law covers all the points except the one probably that we are now arguing, and that is as to the particular kind of car that is to be used; and when a certain car is used you may keep the cattle in it sixty hours. Twenty-eight hours it is contended by a great many is too long a time. Sixty hours is more than double as long, and why keep them sixty hours? As I just said, who is to be the judge? If the shipper wants to keep the cattle in sixty hours, he will choose that car; and so it comes down to the sixty-hour rule after all.

Mr. McPHERSON. Mr. President, let me try another plan and see if I can make the Senator understand me. I must confess that I am not very expert in explaining matters, and fear I have not made it plain. We will suppose a case. A man in Saint Louis desires to ship a hundred head of beeves from Saint Louis to New York. As I said, upon each of the side tracks are cars, one of them an improved method, which permits you to put your feed in and carry it along the line of the road and feed them as you wish, and water them as you wish. The feed costs you ten cents a bushel, for instance, to put in that car. That car contains the facilities for carrying the feed. The other car does not; and you are therefore forced to patronize the stock-yards, and you pay a dollar and a half a bushel for all the corn you purchase along the line of the road in reaching the market. I want to ask the Senator which car his judgment would select. Moreover, if he fed and watered them faithfully in transit, he would save one-half the shrinkage.

Mr. DAVIS, of West Virginia. It is plain enough, without a law or with a law. The owner would take that car which was of the most advantage to him. That is a plain question, and it makes no difference whether this bill passes or not as to which car is to be selected. As a test I move to strike out the proviso which provides that the cattle shall remain on the car sixty hours, for it is practically that after all; that is, from the word "provided," in line 52, down to the word "rest," in line 59, in the following words:

Provided, however, In all cases when animals in transit from one place to another be transported in cars, boats, and other vessels in which said animals do have daily proper food and water, the provisions in regard to their being unloaded shall not apply: *Provided further*, In no case shall animals be confined in cars for a longer period than sixty consecutive hours without unloading the same for rest.

That covers the whole question. If that remains as it is, sixty hours is the time allotted. That is plain to almost everybody, because the railroad or the shipper is to be the judge of the car and nobody else. If that is left out, then twenty-eight hours is the time.

Mr. McPHERSON. Let me explain exactly what the result of that would be. We would have multiplied these stock-yards; we would have increased them by the operation of the law; for we would provide that they must unload the stock every twenty-eight hours. It is now done perhaps every fifty, sixty, or one hundred hours, as the case may be. Thereby we will have increased the expense to the shipper and the producer of the stock. The Senator from West Virginia desires to have the proviso stricken out, which is the only provision of the bill by which the stock-yard corporations that the Senator from Kentucky avers are continually robbing the producer of live stock can be broken down. That is simply the result of the amendment. It would rob the bill of its competitive features. We cannot go along the lines of railroad and compel them to build competing stock-yards everywhere. Neither can we compel them to sell food at any particular price. Here is a provision by which competition is made possible, and the Senator from West Virginia says he wants to have it stricken out.

Mr. DAVIS, of West Virginia. The Senator made a speech of two hours yesterday, and an able speech, in which he told us that twenty-eight hours was the longest time the stock possibly could remain on the cars without injury. The Senator from Indiana this morning wanted twenty-four hours, but the Senator from New Jersey thought twenty-eight hours was just the time. Now, here is a sixty-hour provision, and the Senator from New Jersey advocates that.

I withdraw my motion to strike out. I think the best thing to do is to refer this bill back to the Committee on Commerce and let the committee pass upon it. Though it is unnecessary for me to say so, probably there has been no committee as a committee acting upon the bill at this session. I do not say that that is true, but such is my information. I move that the bill be recommitted to the Committee on Commerce, and with that motion I have done. I have said all I want to say.

Mr. McPHERSON. Mr. President, I must insist that the Senator will not misrepresent me upon this matter. He says that I argued this morning that twenty-eight hours was the proper time. Now he says that I am willing they should be kept in confinement sixty hours. Will not the Senator observe the bill provides that if cattle are fed and watered along the line of the road they may be kept in confinement; but if they are not fed and watered, then they must be removed to be fed and watered? In other words, you can run live stock twenty-eight hours without feeding them, and then they may be taken off and fed and watered; but if from the time you start them, say every five or ten hours, they are given food and water, it seems to me it makes a great difference.

The PRESIDING OFFICER. The question is on the motion of the Senator from West Virginia to recommit the bill to the Committee on Commerce.

Mr. McPHERSON. I hope that will not be done.

Mr. DAVIS, of West Virginia. I think as this is a test question on the bill, we had as well have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GARLAND, (when his name was called.) On this question I am paired with the Senator from Tennessee, [Mr. BAILEY.] If I were permitted to vote, I should vote "nay."

The roll-call having been concluded, the result was announced—yeas 18, nays 33; as follows:

YEAS—18.

Allison,	Dawes,	Maxey,	Vest,
Beck,	Edmunds,	Paddock,	Voorhees
Booth,	Farley,	Saulsbury,	Wallace.
Coke,	Hereford,	Teller,	
Davis of W. Va.,	Hoar,	Vance,	

NAYS—33.

Bayard,	Eaton,	Kernan,	Ransom,
Bell,	Ferry,	Kirkwood,	Rollins,
Blaine,	Gordon,	Logan,	Slater,
Burnside,	Harris,	McMillan,	Walker,
Butler,	Hill of Colorado,	McPherson,	Williams,
Call,	Houston,	Morgan,	Windom.
Cameron of Pa.,	Ingalls,	Morrill,	
Cameron of Wis.,	Jonas,	Platt,	
Chandler,	Jones of Florida,	Randolph,	

ABSENT—25.

Anthony,	Garland,	Jones of Nevada,	Sharon,
Bailey,	Groome,	Kellogg,	Thurman,
Bruce,	Grover,	Lamar,	Whyte,
Carpenter,	Hamlin,	McDonald,	Withers.
Cockrell,	Hampton,	Pendleton,	
Conkling,	Hill of Georgia,	Plumb,	
Davis of Illinois,	Johnston,	Saunders,	

So the motion was rejected.

Mr. SAULSBURY. I voted for the motion to recommit the bill because this is a matter requiring a great deal of consideration. There is a provision in the bill that I think we ought to strike out. Section 4389 as proposed to be amended makes it the duty of the United States attorneys to prosecute all persons violating this proposed law and by a subsequent provision one-half of the penalties, fines, and forfeitures recovered is to inure to the benefit of the person complaining, the person who gives information.

Mr. McPHERSON. That has been stricken out, I understand.

Mr. ALLISON. No, it has not been stricken out.

Mr. McPHERSON. I supposed it had been stricken out.

Mr. ALLISON. I merely gave notice that I should make a motion to strike it out.

Mr. McPHERSON. I am very willing that it shall be stricken out.

Mr. SAULSBURY. I proposed to make such a motion, but as the Senator from Iowa has given notice that he would move to strike out those words I yield to him.

Mr. ALLISON. In line 142 the words "one-half to the complainant and the other half" should be stricken out.

Mr. SAULSBURY. That will better the bill. While I am on my feet, I will say that I voted against these provisions in 1873 according to my remembrance; and I did so then because I had doubt, very grave doubt, whether this was such a regulation of commerce as Congress ought at that time to enter upon. While I admit fully the power of Congress to regulate commerce with a foreign power and between the States, I do not believe that such a proposition to

regulate commerce as this ought to be adopted by Congress. Indeed I confess that I have some doubt as to whether it is competent for Congress to undertake to regulate commerce carried on by artificial lines of communication. That provision of the Constitution was inserted before we had any railroads or artificial lines of communication. Certainly at that time it was intended to be a power to be exercised in reference to the natural highways of commerce. But I believe it has come to be the settled opinion of Congress, because they sometimes have acted upon such a construction, that with reference to artificial lines of communication between the several States it is competent for Congress to exercise the power and to regulate commerce. Still if I were to admit fully all that is claimed in that regard by those who assert the fullest power of Congress over this subject, I should still feel some hesitation in giving my assent to the propositions contained in this bill, because I have very grave doubt as to whether it is such an exercise of the power given to Congress as we ought, without great deliberation and great care, to enter upon.

It was for this reason that I voted against the proposition in 1873, and it is because of this grave doubt in reference to whether we ought to enter upon this subject without the most careful consideration of every question connected with it that I shall be compelled to withhold my vote from this bill. I do not think we ought to take any step in reference to this matter without having considered it fully, deliberately, and carefully. While I am well aware that there is very great complaint in reference to the transportation of cattle, while there is great inhumanity, while there is doubtless injury that may result to the consumer of the animal after it is converted into beef, still I think we had better get along as we are doing at present rather than incorporate provisions that we may hereafter find to be disadvantageous.

Without going into the question fully, I desired to state these views as the reason for withholding my vote from the bill.

The PRESIDING OFFICER. Does the Senator from Delaware propose an amendment to the bill?

Mr. SAULSBURY. No, sir; I understand the Senator from Iowa to propose to strike out in line 142 the words "one-half to the complainant, and the other half." That, then, is the question pending before the Senate. I was going to make the same motion, not being aware that the Senator from Iowa had given notice of it.

The PRESIDING OFFICER. The Secretary will report the amendment.

The CHIEF CLERK. In line 142 it is proposed to strike out the words "one-half to the complainant, and the other half;" so as to read:

All fines, penalties, and forfeitures collected under the provisions of this and the preceding sections shall inure to the United States.

The amendment was agreed to.

Mr. EDMUNDS. Mr. President, this is a topic of general legislation in respect of which Congress was not called together. Differing from the yellow-fever bill, there is not the urgency that there was about that, and I think it falls into that class of general and important legislation that we ought not to enter upon at this time. I think it ought to go over until December. For that reason I make the motion to postpone the bill until the first Monday of December next. That will give time for consideration and will put some barrier apparently upon our continual tendency to spend the whole summer here upon topics of general legislation.

The PRESIDING OFFICER. The question is upon the motion of the Senator from Vermont, that the bill be postponed until the first Monday in December.

The question being put, there were on a division—ayes 19, noes 14; no quorum voting.

Mr. McPHERSON. I call for the yeas and nays. I hope the bill will not go over. After the discussion which has taken place upon the bill, I think the Senate understand it now as well as they ever will.

Mr. EDMUNDS. The discussion has developed the fact that there is a sincere diversity of views about the bill on very important questions, both practical questions of administration and questions of the bearing of these laws upon constitutional rights and regulations. Therefore I think this is one of those bills that may properly, now that the discussion has opened the views on all sides, be one of the very measures that should go over. Certainly if we can go into legislation of this kind at this session, there is nothing that we ought to postpone; whereas I think we should try to get on with the special business we came for.

Mr. BECK. Mr. President, I only desire to say that I shall vote against postponing the bill, because I am as well prepared to vote against it now as I shall be in December. I regard it simply as a bill in the interest of railroads, and not in the interest of the men who raise stock, because it forces them to put their cattle into pens and to pay all the exorbitant rates the railway companies may see fit to extort from them. I am therefore prepared to vote against the bill now.

Mr. DAVIS, of West Virginia. I am opposed to the bill, believing that the present law, if any law is necessary, is equally as good if not better than the pending measure. I cannot vote for the bill in any form, and I shall vote that it go over until December. I think it would be better to postpone it; we shall have more time to reflect and think about it and to see what the country wants.

Mr. ALLISON. And to get the views of other people.

Mr. McPHERSON. I withdraw my call for the yeas and nays, as it seems to be the settled desire that the bill should go over until the next session.

The PRESIDING OFFICER. On the last division a quorum of the Senate did not vote.

Mr. EDMUNDS. I ask the Chair to count the Senate and see if there is not a quorum present.

The PRESIDING OFFICER. The Secretary will report the number of Senators present. [A pause.] The Secretary reports forty-one Senators in their seats.

Mr. TELLER. That is a quorum.

Mr. EDMUNDS. Let the Chair put the question again.

The PRESIDING OFFICER. The Chair will again submit the question, which is on agreeing to the motion of the Senator from Vermont that the bill be postponed until the first Monday in December next.

The motion was agreed to.

POST-ROUTE BILL.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed a bill (H. R. No. 2020) to establish post-routes; in which it requested the concurrence of the Senate.

Mr. MAXEY. I ask that the post-route bill which has just come from the House be taken from the table and referred to the Committee on Post-Offices and Post-Roads. In that connection I ask Senators who have amendments to offer to the bill to have them prepared and sent to the Post-Office Committee by Thursday morning at the farthest, as that is the day of the next committee meeting, and we wish to report the bill back at the earliest possible time.

The bill (H. R. No. 2020) to establish post-routes was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

REPORT OF A COMMITTEE.

Mr. EATON, from the Committee on Foreign Relations, to whom was referred the bill (H. R. No. 1363) providing compensation to E. E. Rice for property transferred by him to the Government of the United States for the use of the diplomatic and consular representatives at Hakodadi, in Japan, reported it without amendment.

BILLS INTRODUCED.

Mr. SAUNDERS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 629) for the relief of A. H. Von Luettwitz; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CAMERON, of Pennsylvania, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 630) to authorize the National Academy of Sciences to become the trustee of funds to be applied in aid of scientific investigations; which was read twice by its title, and referred to the Committee on the Library.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 631) donating six condemned cannon and cannonballs to Post No. 66, Grand Army of the Republic, of Muncy, Pennsylvania, for monumental purposes; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. CAMERON, of Wisconsin, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 632) for the relief of James M. Wilbur; which was read twice by its title, and referred to the Committee on Claims.

JOSEPH B. COLLINS.

Mr. BURNSIDE. I move that the Senate proceed to the consideration of executive business.

Mr. BECK. I desire the yeas and nays on that motion.

The yeas and nays were ordered.

Mr. LOGAN. Mr. President——

The PRESIDING OFFICER. The motion is not debatable.

Mr. LOGAN. I ask the Senator from Rhode Island to withdraw the motion for a moment, until I appeal to the Senate to act on a bill reported from the Committee on Military Affairs which will take but a moment.

Mr. BURNSIDE. Very well.

Mr. LOGAN. I ask the Senate to agree to take up a bill reported from the Committee on Military Affairs. It is an amendment to a former act, and it is necessary the amendment should be agreed to prior to the confirmation of an officer of the Army whose name has been sent to the Senate.

The PRESIDING OFFICER. Is there objection to the proposition of the Senator from Illinois?

Mr. EDMUNDS. What is the proposition?

Mr. LOGAN. It is that the Senate act on a bill amending an act relating to an officer whose name is here for confirmation.

Mr. HARRIS. We do not hear at all here. We do not know anything about what the Senator from Illinois is saying.

The PRESIDING OFFICER. The Senate will be in order.

Mr. HEREFORD. I move that the Senate adjourn.

Mr. LOGAN. I do not see how the Senate can adjourn while I am on the floor and have the floor.

The PRESIDING OFFICER. The Senator cannot properly be on

the floor, the motion to go into executive session not being debatable and the yeas and nays having been ordered on that motion.

Mr. BURNSIDE. I yielded the floor to the Senator from Illinois.

Mr. LOGAN. The Senator from Rhode Island withdrew the motion, and I asked the Senate to proceed to the consideration of the bill I have indicated.

The PRESIDING OFFICER. The Chair did not understand the motion of the Senator from Rhode Island to be withdrawn.

Mr. LOGAN. He withdrew the motion that I might ascertain whether or not the Senate would be willing to take up the bill.

Mr. EDMUNDS. The motion cannot be withdrawn after the yeas and nays are ordered.

Mr. LOGAN. I should like to have the sense of the Senate upon taking up the bill. It will take but a moment to act upon it. I will explain that there is a nomination before the Senate; an officer is to be appointed in the Army whose appointment has been authorized by an act of Congress. The act that authorized his appointment was of such a character as to allow him to be paid several years after he was out of the service. The Committee on Military Affairs have reported an amendment to the act so as to prohibit payment for the time he was out of the service, and that amendment must be acted upon by Congress prior to the confirmation. The Committee on Military Affairs authorized me to call up the bill, and I desire the action of the Senate upon it. It will take but a moment. As soon as the bill is read the Senate will see the necessity of passing it. I ask that it be taken up and passed, if there is no objection.

The PRESIDING OFFICER. Is there objection to the proposition of the Senator from Illinois? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 595) to amend an act for the relief of Joseph B. Collins, approved March 3, 1879. It amends the act so as to strike out all after the words "mustered out," and insert the following:

Provided. That he shall receive no pay or allowance whatever for the time he has been out of the military service of the United States.

Mr. LOGAN. It is only an amendment to the act, so as to allow payment only for the time he actually served in the Army.

The bill was reported to the Senate without amendment, ordered to be engrossed for third reading, read the third time, and passed.

EXECUTIVE BUSINESS.

Mr. HEREFORD. I move that the Senate adjourn.

The motion was not agreed to; there being on a division—ayes 19, noes 27.

Mr. BURNSIDE. I move that the Senate proceed to the consideration of executive business.

Mr. BECK called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. BOOTH, (when his name was called.) I am paired with the Senator from Virginia [Mr. WITHERS] on political questions. I withhold my vote for the present.

Mr. BURNSIDE. I do not think this is political.

The roll-call was concluded.

Mr. BOOTH. I announced a pair with the Senator from Virginia, [Mr. WITHERS.] We agreed that the Senator from Kentucky [Mr. BECK] should decide whether a question was political or not. Having referred the matter to him, I now ask that my name be called and I vote "yea."

The result was announced—yeas 25, nays 32; as follows:

YEAS—25.

Allison,	Dawes,	Kernan,	Rollins,
Bell,	Edmunds,	Kirkwood,	Saunders,
Blaine,	Ferry,	Logan,	Teller,
Booth,	Hill of Colorado,	McMillan,	Windom.
Burnside,	Hoar,	Morrill,	
Cameron of Pa.,	Ingalls,	Paddock,	
Cameron of Wis.,	Jones of Nevada,	Randolph,	

NAYS—32.

Bayard,	Eaton,	Jonas,	Saulsbury,
Beck,	Farley,	Jones of Florida,	Slater,
Butler,	Garland,	McDonald,	Vance,
Call,	Gordon,	McPherson,	Vest,
Cockrell,	Groome,	Maxey,	Voorhees,
Coke,	Harris,	Morgan,	Walker,
Conkling,	Hereford,	Pendleton,	Wallace,
Davis of W. Va.,	Houston,	Ransom,	Williams.

ABSENT—19.

Anthony,	Davis of Illinois,	Johnston,	Sharon,
Bailey,	Grover,	Kellogg,	Thurman,
Bruce,	Hamlin,	Lamar,	Whyte,
Carpenter,	Hampton,	Platt,	Withers.
Chandler,	Hill of Georgia,	Plumb,	

So the motion was not agreed to.

EXCHANGE OF SUBSIDIARY COINS.

Mr. BAYARD. I move that the Senate proceed to the consideration of House bill No. 4 to provide for the exchange of subsidiary coins for lawful money of the United States under certain circumstances.

The motion was agreed to; and the consideration of the bill was resumed as in Committee of the Whole.

Mr. EATON. I move that the Senate adjourn.

The motion was agreed to; and (at four o'clock and forty-nine minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *May* 27, 1879.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of Saturday was read and approved.

CORRECTIONS.

Mr. STEELE. I observe that on page 40 of the RECORD of May 24 I am recorded as having voted in the affirmative upon the motion of the gentleman from Michigan [Mr. CONGER] that the House adjourn. That is an error. Whether it be a merit or a demerit to vote on the side of that gentleman, I am not often guilty of it. I did not vote in the affirmative.

Mr. HILL. I observe that I am not announced in the RECORD as being paired on the vote on Saturday on the passage of the bill reported by my colleague from Ohio, [Mr. WARNER,] providing for the unlimited coinage of silver. I desire to state that I was paired on that question with my colleague, [Mr. BUTTERWORTH,] and that, had I been present, I should have voted for the bill.

ORDER OF BUSINESS.

Mr. ERRETT. I ask unanimous consent to introduce a bill for reference.

Mr. SPRINGER. Pending the request of the gentleman from Pennsylvania, I ask unanimous consent that the States be called at this time for the introduction of bills for reference. I think that would be the fairest course to all gentlemen.

The SPEAKER. The gentleman from Illinois asks unanimous consent that one hour be allowed this morning for the call of States and Territories for the introduction of bills for reference only. Is there objection?

Mr. BREWER. I object.

Mr. SPRINGER. Then I ask unanimous consent that this call as of Monday may be had to-morrow. That will accommodate gentlemen who have not their bills with them to-day.

Mr. CONGER. The only bills that are desirable are the appropriation bills, and they can be reported at any time.

The SPEAKER. There is objection.

Mr. SPRINGER. My request is merely for the convenience of members that they may have their bills introduced for reference and printed.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania [Mr. ERRETT] for unanimous consent to introduce a bill at this time for reference?

Mr. SPRINGER. I object, unless we can all have the same privilege.

Several members called for the regular order.

REMOVAL OF CAUSES TO UNITED STATES COURTS.

The SPEAKER. The regular order being called for, the morning hour begins at fifteen minutes past twelve, and the House resumes the consideration of the unfinished business of the morning hour, which is the report from the Committee on the Revision of the Laws of the bill (H. R. No. 1715) to repeal certain sections of the Revised Statutes and to amend certain sections of the Revised Statutes and of the Statutes at Large relating to the removal of causes from State courts. The pending question is on seconding the demand for the previous question on ordering the bill to be engrossed and read a third time.

Mr. ATKINS. I desire to make a parliamentary inquiry, and it is, is it competent for the House to refer the bill now pending to the Committee of the Whole on the state of the Union? I do not desire to antagonize the bill, as a matter of course.

The SPEAKER. That motion will not be in order pending a demand for the previous question.

Mr. TOWNSHEND of Illinois. I am perfectly willing to allow debate upon this bill or amendments to be offered. It is not the purpose of the committee which I represent to cut off debate or amendment. We are of the opinion that this is as important a bill as has been introduced during this Congress. I am acting under the instruction of the committee, and must insist upon the previous question. I am perfectly willing that the bill shall be taken out of the morning hour and set for consideration on some other day, and if we can agree to that to allow a reasonable time for debate, and that the bill shall then be open for amendment.

Mr. ATKINS. I think that proposition will be acquiesced in.

Mr. CONGER. I think not; I am very positive that it will not be acquiesced in.

The SPEAKER. The gentleman from Illinois [Mr. TOWNSHEND] desires to allow any reasonable length of debate that may be demanded, and that the bill may be open to amendment and taken out of the morning hour.

Mr. CONGER. Is debate to be before the amendment or after?

The SPEAKER. The gentleman knows that if the bill be taken up after the morning hour it will be open to debate or amendment.

Mr. CONGER. It seems to me much better to keep the bill in the morning hour; we can then debate it.

Mr. TOWNSHEND, of Illinois. Now there are two ways to defeat the bill: one is to refer the bill to some committee where it perhaps

will never be heard from again, and the other is by a direct vote of the House upon it. Acting as the organ of the Committee on the Revision of the Laws, I must demand the previous question on the bill.

Mr. COX. If the gentleman will permit me to make a remark in connection with this bill——

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced that the Senate had passed the bill (S. No. 108) to prevent the introduction of contagious or infectious diseases into the United States; in which he was directed to ask the concurrence of the House.

REMOVAL OF CAUSES TO UNITED STATES COURTS.

Mr. COX. If the gentleman from Illinois will allow me to fill up the morning hour I will renew the demand for the previous question?

Mr. TOWNSHEND, of Illinois. I am willing to accede to the request of the gentleman from New York.

Mr. FERNANDO WOOD. It seems to me that this is trifling with the House and that it is wrong to allow but one question during the morning hour. I hope the gentleman from Illinois will see that the only proper course is to refer this bill to another committee, or to dispose of it now.

Mr. TOWNSHEND, of Illinois. I am asking to have it disposed of now.

Mr. CONGER. I call for the regular order.

The SPEAKER. The gentleman from Illinois [Mr. TOWNSHEND] demands the previous question.

Mr. COX. I ask the gentleman from Illinois to yield to me for a moment.

Mr. FRYE. I object to any debate unless the demand for the previous question is withdrawn, and if it is withdrawn I desire to be heard myself.

Mr. ACKLEN. I trust the gentleman from Illinois will withdraw the demand for the previous question, and let a motion be made, either that the bill be referred to the Committee on the Judiciary or, if the majority desire it, the bill be not referred to the Judiciary Committee. A vote to be taken will test the sense of the House upon the demand for the previous question.

Mr. TOWNSHEND, of Illinois. That would be rather a peculiar way of testing the sense of the House upon the bill. It has been intimated that many gentlemen who approve the bill might be governed by selfish motives, and in order to obtain action on their local or private interests vote to refer the bill to the Committee on the Judiciary, or some other committee. I object to delay or defeat by reference, and insist on the demand for the previous question.

The SPEAKER. The gentleman from Maine [Mr. FRYE] states distinctly that if the motion for the previous question is withdrawn he demands the right to be heard on the motion to recommit the bill.

Mr. TOWNSHEND, of Illinois. I do not withdraw the demand for the previous question; this is simply an effort to defeat the bill by indirect action.

The question was put on seconding the demand for the previous question, and on a division there were—ayes 73, noes 4.

No quorum voting, the Speaker appointed Mr. CONGER, and Mr. TOWNSHEND of Illinois, as tellers.

The House again divided; and the tellers reported—ayes 69, noes 2.

Mr. CONGER. No quorum has voted.

Mr. TOWNSHEND, of Illinois. I move that there be a call of the House.

The motion was agreed to.

The roll was accordingly called, and the following members failed to answer to their names:

Aldrich, N. W.	Dick,	Loring,	Russell, Daniel L.
Bailey,	Dickey,	Lounsbery,	Shelley,
Ballou,	Einstein,	Lowe,	Singleton, J. W.
Barlow,	Ewing,	Mason,	Sparks,
Beale,	Field,	McCook,	Stephens,
Beltzhoover,	Garfield,	McKinley,	Thomas,
Bland,	Gillette,	Miles,	Townsend, Amos
Bowman,	Godshalk,	Morton,	Updegraff, J. T.
Bragg,	Harris, John T.	O'Brien,	Urner,
Butterworth,	Hull,	O'Reilly,	Warner,
Calkins,	James,	Persons,	Wellborn,
Camp,	Keifer,	Pierce,	Wells,
Chittenden,	Kelley,	Poehler,	White,
Claflin,	Ketcham,	Prescott,	Wilber,
Clark, Alvah A.	Killinger,	Price,	Wood, Walter A.
Cowgill,	Kitchin,	Reed,	Young, Thomas L.
Crowley,	Klotz,	Robeson,	
Culberson,	Lay,	Ross,	

The SPEAKER. Two hundred and fourteen members have answered to their names.

Mr. TOWNSHEND, of Illinois. I desire to state that my colleague, Mr. SINGLETON, is absent by leave of the House.

The SPEAKER. Excuses are not now in order.

Mr. TOWNSHEND, of Illinois. I move to dispense with all further proceedings under the call.

The question was taken; and upon a division there were—ayes 55, noes none.

Before the result of the vote was announced,

Mr. CONGER said: No quorum has voted.

Tellers were ordered; and Mr. CONGER, and Mr. TOWNSHEND of Illinois, were appointed.

The House again divided; and the tellers reported that there were—ayes 18, noes none.

Mr. CONGER, (one of the tellers.) No quorum has voted.

Mr. TOWNSHEND, of Illinois. I believe it does not require a quorum to dispense with all further proceedings under a call of the House.

The SPEAKER. It does not.

Mr. CONGER. I call for the yeas and nays on the motion to dispense with further proceedings under the call.

The yeas and nays were ordered.

The question was taken; and there were—yeas 191, nays 5, not voting 89; as follows:

YEAS—191.

Acklen,	Dibrell,	Jones,	Samford,
Aiken,	Dickey,	Jorgensen,	Sapp,
Aldrich, William	Dunn,	Kenna,	Sawyer,
Anderson,	Dunnell,	Kimmel,	Scales,
Armfield,	Dwight,	King,	Shallenberger,
Atherton,	Elam,	Knott,	Sherwin,
Atkins,	Ellis,	Ladd,	Simonton,
Baker,	Errett,	Lewis,	Singleton, O. R.
Barber,	Evins,	Lindsey,	Slemons,
Bayne,	Farr,	Manning,	Smith, A. Herr
Bicknell,	Felton,	Marsh,	Smith, Hezekiah B.
Bingham,	Ferdon,	Martin, Benj. F.	Smith, William E.
Blackburn,	Finley,	Martin, Edward L.	Speer,
Blake,	Fisher,	Martin, Joseph J.	Springer,
Blount,	Ford,	McCoid,	Starin,
Bouck,	Forney,	McLane,	Steele,
Boyd,	Forsythe,	McMillin,	Stevenson,
Briggs,	Fort,	Miller,	Stone,
Bright,	Frost,	Mills,	Talbott,
Browne,	Frye,	Mitchell,	Taylor,
Burrows,	Gibson,	Monroe,	Thomas,
Cabell,	Gillette,	Morrison,	Thompson,
Caldwell,	Goode,	Muldrow,	Tillman,
Cannon,	Gunter,	Murch,	Townshend, R. W.
Carlisle,	Hall,	New,	Tucker,
Carpenter,	Hammond, John	Newberry,	Turner, Oscar
Caswell,	Hammond, N. J.	Nicholls,	Tyler,
Chalmers,	Harmer,	Norcross,	Updegraff, Thomas
Chittenden,	Harris, Benj. W.	O'Connor,	Van Aernam,
Clardy,	Hatch,	O'Neill,	Vance,
Clark, John B.	Hawk,	Orth,	Van Voorhis,
Clymer,	Hawley,	Osmer,	Voorhis,
Cobb,	Hayes,	Overton,	Waddill,
Coffroth,	Hazelton,	Persons,	Ward,
Conger,	Heilman,	Phelps,	Weaver,
Converse,	Henderson,	Phister,	Wellborn,
Cook,	Henry,	Poehler,	Whiteaker,
Covert,	Herbert,	Reagan,	Whitthorne,
Cox,	Herndon,	Rice,	Wilber,
Cravens,	Hiscock,	Richardson, D. P.	Williams, Thomas
Culberson,	Hooker,	Richardson, J. S.	Willis,
Daggett,	Horr,	Richmond,	Willits,
Davidson,	Houk,	Robertson,	Wilson,
Davis, George R.	House,	Robinson,	Wise,
Davis, Joseph J.	Humphrey,	Rothwell,	Wood, Fernando
Davis, Loundes H.	Hunton,	Russell, W. A.	Yocum,
Deering,	Hurd,	Ryan, Thomas	Young, Casey.
De La Matyr,	Johnston,	Ryon, John W.	

NAYS—5.

Geddes,	Neal,	Turner, Thomas	Washburn.
Joyce,			

NOT VOTING—89.

Aldrich, N. W.	Crowley,	Lay,	Reed,
Bachman,	Deuster,	Le Fevre,	Robeson,
Bailey,	Dick,	Loring,	Ross,
Ballou,	Einstein,	Lounsbery,	Russell, Daniel L.
Barlow,	Ewing,	Lowe,	Shelley,
Beale,	Field,	Mason,	Singleton, J. W.
Belford,	Garfield,	McCook,	Sparks,
Beltzhoover,	Godshalk,	McGowan,	Stephens,
Bland,	Harris, John T.	McKenzie,	Townsend, Amos
Bliss,	Haskell,	McKinley,	Updegraff, J. T.
Bowman,	Henkle,	McMahon,	Urner,
Bragg,	Hill	Miles,	Valentine,
Brewer,	Hostetler,	Money,	Wait,
Brigham,	Hubbell,	Morse,	Warner,
Buckner,	Hull,	Morton,	Wells,
Butterworth,	James,	Muller,	White,
Calkins,	Keifer,	Myers,	Williams, C. G.
Camp,	Kelley,	O'Brien,	Wood, Walter A.
Claflin,	Ketcham,	O'Reilly,	Wright,
Clark, Alvah A.	Killinger,	Pierce,	Young, Thomas L.
Colerick,	Kitchin,	Pound,	
Cowgill,	Klotz,	Prescott,	
Crapo,	Lapham,	Price,	

So the motion to dispense with further proceedings under the call was agreed to.

During the roll-call the following announcements were made:

Mr. MONEY. I am paired with the gentleman from New York, Mr. CROWLEY.

Mr. TOWNSHEND, of Illinois. My colleague, Mr. SINGLETON, is paired with the gentleman from Connecticut, Mr. MILES.

Mr. DAVIDSON. My colleague, Mr. HULL, is paired with the gentleman from New Jersey, Mr. VOORHIS.

Mr. MCKENZIE. I am paired with the gentleman from Nebraska, Mr. VALENTINE.

Mr. SAPP. My colleague, Mr. PRICE, who is absent by leave of the House, is paired with the gentleman from Missouri, Mr. BUCKNER.

The result of the vote was announced as above stated.

Mr. TOWNSHEND, of Illinois. I now renew the demand for the previous question on the bill and amendments.

Mr. WEAVER. I wish to offer an amendment to be considered as pending.

Mr. CONGER. I object, and call for the regular order.

Mr. TOWNSHEND, of Illinois. I am willing that the amendment of the gentleman from Iowa shall be considered as pending.

The SPEAKER. The gentleman from Michigan objects.

Mr. WEAVER. Has the gentleman any objection to having my amendment considered as pending?

Mr. CONGER. Very serious objection.

The SPEAKER. The tellers will resume their places.

The House again divided on the question of seconding the demand for the previous question; and there were ayes 39, noes 1—no quorum voting.

CONTAGIOUS AND INFECTIOUS DISEASES.

The SPEAKER. The morning hour has expired. The first business for consideration after the morning hour is the special order, being the bill (H. R. No. 1604) to increase the efficiency of the National Board of Health and to prevent the introduction into or spread within the United States of contagious and infectious diseases. The bill will be read.

Mr. YOUNG, of Tennessee. Before the Clerk proceeds to read, I wish to say that the Committee on Epidemic Diseases have had this matter under advisement since the action of the House making this bill a special order, and have unanimously concluded that it would be best to call up the Senate bill and put it upon its passage instead of the House bill. I therefore ask unanimous consent that the Senate bill be substituted as a special order for the House bill.

The SPEAKER. The gentleman from Tennessee asks unanimous consent that the Senate bill No. 108, to prevent the introduction of contagious or infectious diseases into the United States, be taken from the Speaker's table for consideration in lieu of the House bill which has been assigned as a special order. Is there objection? The Chair hears none.

Mr. CONGER. I suppose that the Senate bill will be allowed to be read and amended as if it were a House bill?

Mr. YOUNG, of Tennessee. Of course it will be read, and any amendment will be submitted to the House, of course.

Mr. ROBINSON. The bill is subject to a point of order, I suppose. I do not, however, wish to make such point. I only desire that the measure may be open for discussion and amendment.

The SPEAKER. The gentleman from Tennessee states that it will be open for discussion and amendment.

Mr. ROBINSON. As in Committee of the Whole?

Mr. CONGER. I suppose the Senate bill will be subject to a point of order?

The SPEAKER. The point of order can be reserved of course.

Mr. YOUNG, of Tennessee. As this bill makes an appropriation it would perhaps be well enough to move at once to go into Committee of the Whole.

Mr. CONGER. Let the bill be read, and if there be no objection the point of order probably will not be made.

Mr. YOUNG, of Tennessee. I understood that the point of order was made.

Mr. CONGER. Let the bill be read.

The bill was read, as follows:

Be it enacted, &c., That it shall be unlawful for any merchant ship or vessel from any foreign port where any contagious or infectious disease exists to enter any port of the United States except in accordance with the provisions of this act and all rules and regulations of State boards of health and all rules and regulations made in pursuance of this act; and any such vessel which shall enter or attempt to enter a port of the United States in violation thereof shall forfeit to the United States a sum, to be awarded in the discretion of the court, not exceeding $1,000, which shall be a lien upon said vessel, to be recovered by proceedings in the proper district court of the United States. And in all such proceedings the United States district attorney for such district shall appear on behalf of the United States, and all such proceedings shall be conducted in accordance with the rules and laws governing cases of seizure of vessels for violation of the revenue laws of the United States.

SEC. 2. All such vessels shall be required to obtain from the consul, vice-consul, or other consular officer of the United States at the port of departure, or from the medical officer, where such officer has been detailed by the President for that purpose, a certificate in duplicate setting forth the sanitary history of said vessel, and that it has in all respects complied with the rules and regulations in such cases prescribed for securing the best sanitary condition of the said vessel, its cargo, passengers, and crew; and said consular or medical officer is required, before granting such certificate, to be satisfied the matters and things therein stated are true; and for his services in that behalf he shall be entitled to demand and receive such fees as shall by lawful regulation be allowed, to be accounted for as is required in other cases.

That upon the request of the National Board of Health the President is authorized to detail a medical officer to serve in the office of the consul at any foreign port for the purpose of making the inspection and giving the certificates hereinbefore mentioned: *Provided*, That the number of officers so detailed shall not exceed at any one time six: *Provided further*, That any vessel sailing from any such port without such certificate of said medical officer, entering any port of the United States, shall forfeit to the United States the sum of $500, which shall be a lien on the same, to be recovered by proceedings in the proper district court of the United States. And in all such proceedings the United States district attorney for such district shall appear on behalf of the United States, and all such proceedings shall be conducted in accordance with the rules and laws governing cases of seizure of vessels for violation of the revenue laws of the United States.

SEC. 3. That the National Board of Health shall co-operate with and, so far as it lawfully may, aid State and municipal boards of health in the execution and enforcement of the rules and regulations of such boards to prevent the introduction of contagious or infectious diseases into the United States from foreign countries, and into one State from another.

And at such ports and places within the United States as have no quarantine regulations under State authority, where such regulations are, in the opinion of the National Board of Health, necessary to prevent the introduction of contagious or infectious diseases into the United States from foreign countries, or into one State from another, and at such ports and places within the United States where quarantine regulations exist under the authority of the State which, in the opinion of the National Board of Health, are not sufficient to prevent the introduction of such diseases into the United States, or into one State from another, the National Board of Health shall report the facts to the President of the United States, who shall, if, in his judgment, it is necessary and proper, order said Board of Health to make such additional rules and regulations as are necessary to prevent the introduction of such diseases into the United States from foreign countries, or into one State from another, which, when so made and approved by the President, shall be promulgated by the National Board of Health and enforced by the sanitary authorities of the States, where the State authorities will undertake to execute and enforce them; but if the State authorities shall fail or refuse to enforce said rules and regulations, the President may detail an officer or appoint a proper person for that purpose.

The Board of Health shall make such rules and regulations as are authorized by the laws of the United States and necessary to be observed by vessels at the port of departure and on the voyage where such vessels sail from any foreign port or place at which contagious or infectious disease exists, to any port or place in the United States, to secure the best sanitary condition of such vessel, her cargo, passengers, and crew, and when said rules and regulations have been approved by the President they shall be published and communicated to, and enforced by, the consular officers of the United States: *Provided*, That none of the penalties herein imposed shall attach to any vessel or any owner or officer thereof, till the act and the rules and regulations made in pursuance thereof shall have been officially promulgated for at least ten days in the port from which said vessel sailed.

SEC. 4. It shall be the duty of the National Board of Health to obtain information of the sanitary condition of foreign ports and places from which contagious and infectious diseases are or may be imported into the United States, and to this end the consular officers of the United States at such ports and places as shall be designated by the National Board of Health shall make to said Board of Health weekly reports of the sanitary condition of the ports and places at which they are respectively stationed, according to such forms as said Board of Health may prescribe; and the Board of Health shall also obtain, through all sources accessible, including State and municipal sanitary authorities throughout the United States, weekly reports of the sanitary condition of ports and places within the United States; and shall prepare, publish, and transmit to the medical officers of the Marine Hospital Service, to collectors of customs, and to State and municipal health officers and authorities, weekly abstracts of the consular sanitary reports and other pertinent information received by said board; and shall also, as far as it may be able, by means of the voluntary co-operation of State and municipal authorities, of public associations and private persons, procure information relating to the climatic and other conditions affecting the public health; and shall make to the Secretary of the Treasury an annual report of its operations for transmission to Congress, with such recommendations as it may deem important to the public interests; and said report, if ordered to be printed by Congress, shall be done under the direction of the board.

SEC. 5. That the National Board of Health shall from time to time issue to the consular officers of the United States and to the medical officers serving at any foreign port, and otherwise make publicly known, the rules and regulations made by it and approved by the President, to be used and complied with by vessels in foreign ports for securing the best sanitary condition of such vessels, their cargoes, passengers, and crews, before their departure for any port in the United States, and in the course of the voyage; and all such other rules and regulations as shall be observed in the inspection of the same on the arrival thereof at any quarantine station at the port of destination, and for the disinfection and isolation of the same, and the treatment of cargo and persons on board, so as to prevent the introduction of cholera, yellow fever, or other contagious or infectious diseases; and it shall not be lawful for any vessel to enter said port to discharge its cargo or land its passengers except upon a certificate of the health officer at such quarantine station, certifying that said rules and regulations have in all respects been observed and complied with, as well on his part as on the part of the said vessel and its master, in respect to the same and to its cargo, passengers, and crew; and the master of every such vessel shall produce and deliver to the collector of customs at said port of entry, together with the other papers of the vessel, the said certificates required to be obtained at the port of departure, and the certificate herein required to be obtained from the health officer at the port of entry.

SEC. 6. That to pay the necessary expenses of placing vessels in proper sanitary condition, to be incurred under the provisions of this act, the Secretary of the Treasury be, and he hereby is, authorized and required to make the necessary rules and regulations fixing the amount of fees to be paid by vessels for such service, and the manner of collecting the same.

SEC. 7. That the President is authorized, when requested by the National Board of Health, and when the same can be done without prejudice to the public service, to detail officers from the several departments of the Government, for temporary duty, to act under the direction of said board, to carry out the provisions of this act; and such officers shall receive no additional compensation except for actual and necessary expenses incurred in the performance of such duties.

SEC. 8. That to meet the expenses to be incurred in carrying out the provisions of this act, the sum of $500,000, or so much thereof as may be necessary, is hereby appropriated, to be disbursed under the direction of the Secretary of the Treasury on estimates to be made by the National Board of Health, and to be approved by him. Said National Board of Health shall as often as quarterly make a full statement of its operations and expenditures under this act to the Secretary of the Treasury, who shall report the same to Congress.

SEC. 9. That so much of the act entitled "An act to prevent the introduction of contagious or infectious diseases into the United States," approved April 29, 1878, as requires consular officers or other representatives of the United States at foreign ports to report the sanitary condition of and the departure of vessels from such ports to the Supervising Surgeon-General of the Marine Hospital Service; and so much of said act as requires the Surgeon-General of the Marine Hospital Service to frame rules and regulations, and to execute said act, and to give notice to Federal and State officers of the approach of infected vessels, and furnish said officers with weekly abstracts of consular sanitary reports, and all other acts and parts of acts inconsistent with the provisions of this act be, and the same are hereby, repealed.

SEC. 10. This act shall not continue in force for a longer period than four years from the date of its approval.

Mr. CONGER. Let this bill be considered as in Committee of the Whole.

The SPEAKER. The gentleman from Michigan [Mr. CONGER] suggests that the bill be considered in Committee of the Whole by sections.

Mr. YOUNG, of Tennessee. I have no objection to that.

Mr. CONGER. I move, then, that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. The Chair hears no objection, and it will be so ordered.

Mr. YOUNG, of Tennessee. Mr. Speaker, the subject embraced in

this bill has been carefully and patiently considered in committees of the House and the Senate, whose investigations have extended over a period of two or three months. During this time most of the facts, I presume, which are important to be considered in arriving at a correct conclusion have been brought to the attention of one or both of these committees and have been thoroughly examined. But this class of legislation being a new experiment in the history of Congress, it is not surprising that there should have been found a wide diversity of opinion among gentlemen serving on these committees. There were those who had grave doubts as to the propriety of some provisions of the bill which met the entire approval of others. At the last regular session of Congress we were unable to agree in the House upon a measure such as was deemed necessary and effectual to accomplish the object designed—mainly in consequence of the differences of opinion to which I have alluded. Those differences to some extent still exist. The committee are not entirely unanimous in respect to all the provisions of either the Senate or the House bill, but they have agreed, in view of the importance of some measure being adopted at an early day, and in view of the fact that at the approaching regular session we can easily correct any mistakes we may by chance make now, it is better to submit the Senate bill and ask the House to pass it, with the frank statement on our part that it is a measure of compromise, not commanding the entire approval of every member of the committee in all its features. We believe, however, that under the circumstances it is the best thing which can be done; that we had better pass this measure and wait until the regular session to make such changes and alterations as experience may show to be necessary.

The committee has no desire to discuss the bill, and they would be glad to put it on its passage without discussion or amendment, but recognizing the fact that other gentlemen may differ with them and may wish to discuss some of its features, they will, of course, if such be the desire on the part of the House, allow the discussion to proceed. If, however, gentleman do not desire to discuss it, then if no member of the committee will do so I shall call the previous question.

Mr. REAGAN. I wish to propose two amendments to the third and fourth sections.

Mr. TOWNSHEND, of Illinois. I would like to know whether any amendments were made to the bill before it finally passed the Senate?

Mr. YOUNG, of Tennessee. There were some trifling, immaterial ones, which do not change at all the structure of the bill as introduced.

Mr. TOWNSHEND, of Illinois. Was any important feature of the bill in the Senate amended?

Mr. YOUNG, of Tennessee. I have the bill before me as it was amended—the gentleman can examine it—and I do not see that any important feature is changed. The appropriation was reduced from $650,000 to $500,000; and there were two sections added to the bill, one, the ninth section, merely repealing all former acts in conflict with this legislation, and the tenth section, which limits its operation to four years. Those were the only alterations or amendments made to the printed bill.

Mr. FINLEY. Is this the same bill passed by the Senate at the third session of the Forty-fifth Congress?

Mr. YOUNG, of Tennessee. No; it differs from that bill very materially.

Mr. FINLEY. Wherein does it differ?

Mr. YOUNG, of Tennessee. In several particulars. I could not name them now without having both bills before me.

Mr. FINLEY. How does it correspond with what was known as the "House bill" of the Forty-fifth Congress?

Mr. YOUNG, of Tennessee. It is, I think, a much better bill in every respect.

Mr. REAGAN. Before the gentleman calls the previous question I ask him to allow me to offer two amendments.

Mr. YOUNG, of Tennessee. If the bill is to be open to discussion and amendment, I am under obligation to some members of the committee to yield first to them.

Mr. REAGAN. But the gentleman said that he was going to call the previous question on the bill.

The SPEAKER. Amendments will be in order as the sections are proceeded with. The gentleman from Texas, as the Chair understands, wishes to offer amendments to the third and fourth sections.

Mr. REAGAN. I do.

Mr. YOUNG, of Tennessee. If there is to be discussion and amendments I must carry out the agreement made in committee that I should first yield to its members.

The SPEAKER. The bill will be open to amendment under the five-minute rule when the House has concluded general debate.

Mr. YOUNG, of Tennessee. I will reserve what further remarks I have to make upon the bill until other gentlemen have spoken, and now yield to my colleague on the committee, the gentleman from Michigan, [Mr. MCGOWAN.]

[Mr. YOUNG, of Tennessee, withholds his further remarks for revision. See Appendix.]

Mr. MCGOWAN. Mr. Speaker, for the first time in the history of the country it is proposed to establish a national quarantine, both external and internal. The power to do this is sought under that provision of the Constitution granting to Congress the power to regulate commerce with foreign nations and among the several States.

I am well aware that the question is not free from difficulties; but in the growth and development of the country such questions are constantly arising. A constitution made for a newly born nation could hardly anticipate and provide for all the emergencies and contingencies that might possibly arise. New constructions and new amendments are from time to time needed. Otherwise what was intended as a protection and a defense comes, like an inflexible garment on a growing child, to dwarf and deform and eventually destroy.

There is no better illustration of this than the subject-matter which we are about to discuss. The Constitution makes no direct provision for national sanitary and health laws. Yet year after year there come to us plagues and contagions which destroy the people and which the States can neither prohibit nor control, and which the General Government might both prohibit and control. Naturally, rightfully, the people ask either that the power be found in some of the clauses of the Constitution or that the Constitution be amended. Under the pressure of this demand your committee have sought the power assumed in this bill and believe we have found it in the simple words of section 8, article 1, of the Constitution.

> The Congress shall have power to regulate commerce with foreign nations, and among the several States and with the Indian tribes.

The subject embraced in this short clause was the one above all others which brought together the convention which framed the Constitution. Under the confederation the States were at liberty to enact their own laws relating to commerce. Of course they were not uniform. This led to such confusion and placed such burdens upon trade, and was the prolific source of such jealousies and sectional feeling as to actually endanger the Union. After a protracted and somewhat heated discussion the convention adopted the clause as it now stands. Gentlemen are too familiar with that part of our political history which led to the convention of 1787 and the adoption of our Constitution for me to repeat any portion of it. But no one can read that history or the debates in convention without being impressed with the pre-eminent importance then attached to the subject of foreign and domestic commerce; neither can they come to any other conclusion than that the convention intended to give to Congress complete and exclusive jurisdiction over the same. The fathers had seen the danger and were too wise not to close the door, as they supposed, against it.

But in construing this portion of the Constitution we are not left alone to the history of its adoption. The Supreme Court has had occasion to pass upon it under a variety of circumstances, and from these various decisions we are warranted in drawing the following conclusions: first, that the power of Congress over both foreign and interstate commerce is complete and absolute; second, that this power extends even to the embargo of ships and the stoppage of internal trade; and, third, it appertains to individuals engaged in carrying on such commerce and to persons being transported, as well as to cargoes and freights.

In the noted case of Gibbons *vs.* Ogden, 9 Wheat., 196, the court remarks upon the history and construction of this clause as follows:

> As men whose intentions require no concealment generally employ the words which most directly and aptly express the ideas they intend to convey, the enlightened patriots who framed the Constitution and the people who adopted it must be understood to have employed words in their natural sense, and to have intended what they have said. If from the imperfection of human language there should be serious doubts respecting the extent of any given power, it is a well-settled rule that the objects for which it was given, especially when those objects are expressed in the instrument itself, should have great influence in the construction.

The power over commerce, including navigation, was one of the primary objects for which the people of America adopted their Government. And then the court adds that commerce among the States cannot stop at the external boundary-line of each State, but may be introduced into the interior.

The power to "regulate" is the power "to prescribe the rule by which commerce is to be governed:"

> This power, like all others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution. * * * Congress may control the State laws so far as it may be necessary to control them for the regulation of commerce. * * * A law of a State made in pursuance of its acknowledged powers must give way when in conflict with a law of Congress made within the powers of the Constitution. * * * The power to regulate commerce extends as well to vessels employed in carrying passengers as to those employed in transporting property.

In Corfield *vs.* Coryell, 4 N. C. C., 378, a case decided as early as 1803, Judge Bushrod Washington holds the following language regarding this section of the Constitution:

> Commerce with foreign nations and among the several States can mean nothing more than intercourse with those nations and among those States for purposes of trade, be the object of the trade what it may; and this intercourse must include all the means by which it can be carried on, whether by the free navigation of the waters of the several States or by a passage overland through the States where such passage becomes necessary to the commercial intercourse between the States.

It is this intercourse which Congress is invested with the power of regulating, and with which no State has the right to interfere.

In United States *vs.* Lawrence Coombs, 12 Peters, 72, it is observed, "under the clause of the Constitution giving the power to Congress to regulate commerce with foreign nations," &c., the power to regulate does not stop at the mere boundary line of a State. It extends to such acts done on land which interfere with, obstruct, or prevent the due exercise of the power to regulate commerce and navigation with foreign nations and among the States. Any offense which thus interferes with, obstructs, or prevents such commerce and navigation,

though done on land, may be punished by Congress, under its general authority to make all laws necessary and proper to execute their delegated constitutional powers.

In The City of New York *vs.* Miln, 11 Peters, 102, and in some other cases there is dicta to the effect that where certain powers are by the Constitution conferred on Congress yet so long as Congress neglects to legislate to enforce these powers the States may properly and legitimately do so, but subject to the limitation that when Congress does act and there is a collision between the State and general law the State law must give way. This was apparent in the famous case of Ogden *vs.* Saunders, 12 Wheaton, 213, which involved the question of State and national bankrupt laws. But I am unable to find in any of the cases even a dicta to the purport that where Congress assumes to act and legislates, subject to a constitutionally granted power, such legislation is not complete and supreme.

In Cooley *vs.* Board of Wardens of the port of Philadelphia, 12 How., 299, the court hold that it is not merely the existence of a constitutional power in Congress, but its exercise, which is incompatible with the exercise of the same power by the States; and that the States may legislate in the absence of congressional legislation. Also that where Congress has legislated and not covered the whole subject, the States may legislate to the extent that they do not interfere with United States law in existence. Two of the judges dissented from this opinion, and held that under the section of the Constitution granting the power to Congress to regulate commerce, &c., Congress held the power exclusively, whether it saw fit to exercise it or not.

In the late case of The Railroad Company *vs.* Husen, 5 Otto, 465, Justice Strong holds the complete jurisdiction of the General Government over the question of interstate and external commerce in the following language:

> Whatever may be the power of a State over commerce that is completely internal, it can no more prohibit or regulate that which is interstate than it can that which is with foreign nations. Power over one is given by the Constitution of the United States to Congress in the same words in which it is given over the other, and in both cases it is necessarily exclusive. That the transportation of property from one State to another is a branch of interstate commerce is undeniable. * * * Transportation is essential to commerce, or rather it is commerce itself; and every obstacle to it or burden laid upon it by legislative authority is regulation.

In Henderson *et al. vs.* Mayor of the City of New York, (92 U. S., 259,) as quoted in Railroad Company *vs.* Husen, the court declares it to be clear from the nature of our complex form of government that whenever the statute of a State invades the domain of legislation which belongs exclusively to the Congress of the United States it is void, no matter under what class of powers it may fall or how closely allied it may be to powers conceded to belong to the States. The police powers reserved to the States sometimes come very near to the field committed by the Constitution to Congress, and it is the duty of the courts to guard vigilantly against any needless intrusion.

As still more clearly expressing the doctrine of the final supremacy of all national law enacted in conformity to powers granted by the Constitution the court, in Henderson *et al. vs.* The Mayor of New York, (2 Otto, 272,) says:

> Whenever the statute of a State invades the domain of legislation which belongs exclusively to the Congress of the United States, it is void, no matter under what class of powers it may fall, or how closely allied to powers conceded to belong to the States.

Again in 9 Wheat., 210, the laws of the State, though enacted in the exercise of powers not controverted, must yield to the act of Congress made in pursuance of constitutional provision.

From these decisions, which I have not attempted to give in their logical or even chronological order, it will be readily apparent that, for all purposes of foreign and interstate commerce Congress alone has the full and complete power of legislation.

We have now reached the question of how far such legislation may be made to yield and be molded by considerations of public health. Certainly so far as sanitary and health questions come to effect commerce, to that extent they may be considered. Fundamentally all commerce and trade, all prosperity, civilization itself, depend upon the health of the people. But if this relation should be considered too remote for the purposes of this debate, it cannot be denied that such a plague as swept over a number of the Southern States last summer has a direct and immediate influence upon commerce. It paralyzes and destroys it. It dries up the very fountains of trade. And to say that the power of Congress over commerce could not be exercised to save commerce itself, would seem to be absurd.

It is true that the States have jurisdiction over matters of health. They may pass sanitary and quarantine laws. But these have no force outside of State lines. At best they are only a partial protection. Each State must depend not alone upon the good faith but the good sense and efficiency of her neighbors. State laws, when intelligently drawn and faithfully executed, are probably sufficient protection in ordinary times and from ordinary disorders. But when a dangerous contagious disease prevails, and is likely to be carried along the lines of interstate travel and commerce—up the mighty rivers, across the great lakes, and along the immense lines of railroads—then State enactments do not avail, and the General Government must come to the rescue or the people be left to the cruel mercy of the destroyer.

The committee, believing with Justice Story that "Congress may make that a regulation of commerce which a State may employ as a guard for its internal policy, or to preserve the public health or peace, or to promote its own peculiar interests," have reported this bill.

It is not a yellow-fever bill. It is not intended for the special protection of any one section of the country. Yellow fever came to us last summer and was confined to the South. The committee reporting the bill undoubtedly owes its existence to that fact. Should the measure become a law it is likely that the machinery which it sets up may first be called into play to stay the spread of that disease. Yet this does not necessarily follow. Certain climatic changes may have already taken place which will effectually save the country from a repetition of last year's disaster. The next enemy of health to be met and thrust back by national quarantine may be Asiatic cholera. It now prevails abroad.

This is a general measure intended to protect the country, so far as Congress may do so, from the introduction and spread of those dangerous, contagious diseases that so frequently come to desolate our homes and destroy our prosperity. The charge is made against it that it is an experiment. That is true. All new laws are experiments, and are usually only perfected after they have been tried. We can scarcely hope that this one is perfect. But if Congress has the power to act at all in this matter, as we sincerely believe it has, then the time is ripe for action now. Danger threatens us on all sides. Less than one-half of the States have any laws concerning the subject of health, and not more than half a dozen of these have legislated efficiently or appropriated any money for enforcing such laws as they have. That season of the year which nourishes and encourages contagion is at hand. Two formidable and dangerous contagions are threatening us. To prevent is wisdom. To lie still until the trouble is upon us and the means and the charity of the people are taxed for succor, is not only folly, but something worse.

The last weekly report of the Surgeon-General of the United States Marine Hospital Service, being for the week ending May 17, shows that yellow fever prevails in Cuba and Hayti. There have also been some cases in Brazil. At Havana there were eight deaths from the fever during the week and twenty from small-pox. At Port au Prince the fever prevailed for the first time in fifteen years, and was increasing in violence. Within a very few days impending danger will lurk in every craft coming to us from the West Indies. It is also reported that at Port au Prince a new contagion, said to be distinct from yellow fever, and known as La Mauvaise fever, is prevalent. Many people have died from it, and it is even more feared than yellow fever. In regard to the sanitary condition of the city, Minister Langston reports that "the streets are constantly foul, and that not even police regulations of any sort are enforced. There is no regulation to oblige even the filthiest persons to remove deposits from the streets nor from the gutters or sidewalks in front of their doors, and the harbor is also full of foul matter of every sort."

Here, almost within sight of our own shores, the enemy is preparing to attack us; massing his forces and storing endless quantities of ammunition. Shall we wait until his preparations are complete and then furnish him a fleet for the transportation of his troops, or shall we take measures for our own safety?

But our immediate danger is not confined to the South nor to yellow fever. The cholera in Asia and European Russia is epidemic. It is true that late reports from the affected regions are more favorable. But such reports, coming through such sources, should not be implicitly relied upon. It is a disease that goes rapidly along the lines of travel, and has never prevailed any great length of time in an epidemic form in Europe without reaching the United States.

Dr. Peters, in his History of the Asiatic Cholera, claims that ever since 1756 (one hundred and twenty-three years ago) it has recurred as an epidemic in periods of twelve years each, corresponding with the twelve yearly festivals of the Hindoos. The disease is native to India, and constantly exists there in some form. During these festivals, which are pilgrimages to the various shrines, thousands, and even millions, leave their homes and journey and mingle together. In this way the disease is spread and becomes epidemic. It follows the great routes of travel to the west and northwest until it passes through Asia into Europe and eventually to America. In 1826 it became epidemic in Hindostan, its native home, and gradually spread until, in 1829, it was distributed throughout Russia, reaching England in 1830-'31.

In the spring of 1832 it was brought to Quebec, from whence it was carried up the Saint Lawrence and across the lakes to Detroit, where it met the United States troops going to the Black Hawk war. It was distributed to all the national posts and forts in the then extreme West, being specially severe at Fort Dearborn, Chicago, Fort Crawford, near Prairie Du Chien, and Fort Armstrong, at Rock Island. From the latter place it was carried down the Mississippi River, striking New Orleans in October of the same year.

Twelve years thereafter, or in 1841, this contagion started in another tour around the world. It was found at Hurdwar in 1843; at Afghanistan, in Persia, in 1845; at Teheran in 1846, and Astrakhan in 1847. In 1848 it reached Havre, and was carried to New Orleans in some German emigrant ships the same year. From New Orleans it followed the travel up the Mississippi and along the Ohio. From Saint Louis it was carried over the emigrant route to San Francisco, and eventually was distributed over nearly the whole country. Thus it will be seen that within the space of fourteen years the country suffered two visitations from the terrible plague. The first time, being introduced at Quebec and following the rivers and lakes, it reaches New Orleans by going down the Mississippi; the second time, it starts at New Orleans and goes up the river, and is thus distributed. Each

time it follows the great national highways, and each time it is largely distributed by the United States Army, which it at the same time decimates.

The last great twelve-yearly cholera epidemic commenced in India in April, 1865. By means of railroads and steamboats it traveled more rapidly than it had in previous years, reaching Mecca, on the Red Sea, by May 2, Alexandria by June 2, and England by the 10th of July. Emigrant ships soon brought it to New York City, where it readily passed the local quarantine, made a center of distribution of the great city, and from thence spread along the railroads and highways of travel all over the country. This author, Dr. Peters, who I believe is a resident of New York and a member of her board of health, writing previous to 1874, says:

In 1877 and 1879 we may expect an outbreak of the disease such as there was in 1781–'83, 1817–'19, 1829–'31, 1841–'43, 1853–'55, and 1865–'67.

And he adds:

In our next contest with the disease our whole safety lies in quarantine and thorough disinfection.

Mr. Speaker, it seems to me that I have thus shown the power of Congress over this subject and the necessity for prompt action. I shall not attempt a particular statement of the provisions of this bill. I shall leave that entirely to other gentlemen of the committee.

I only desire now for a moment to briefly allude to some objections, made in a general way, to the measure. It is said that if the power of the General Government to act in the premises is granted, yet it is a matter that should be left wholly to the States. This assertion is worth nothing in face of the fact that most of the States fail to take care of themselves and actually endanger their neighbors. The power which the States have in the matter is to be used wholly at their discretion. If New Orleans allows yellow fever to come into her port and pass up the river, then Arkansas, Mississippi, Tennessee, and other States are endangered by the negligence or failure of Louisiana and are without remedy. If Detroit fails to keep out the cholera which comes over the lake from Canada, the whole country, including the Army, suffers. If New York receives emigrant ships with cholera aboard and makes of the city a great plague spot, what remedy has New Jersey, Pennsylvania, and Massachusetts?

My friend, the honorable and learned chairman of the committee reporting this bill, is a citizen of the State of Tennessee, and is entitled to all the protection and safeguards which his State may throw around her citizens, but he is at the same time a citizen of the United States, and when the more limited authority for any reason fails to protect his property and his life he has a right to appeal to all the legal power vested in the United States to aid him.

Memphis has a right to ask us to protect her against New Orleans. In the lives of the people is found the life of the nation. State quarantine and State health laws can never be effective in preventing and staying contagions. Two admitted facts make it impossible: they have no jurisdiction outside their own territorial limits, and no control over interstate commerce. These limitations on their powers are alone sufficient to warrant the General Government in enacting a national quarantine law.

But there are other and inherent difficulties in the enforcement of local laws. Sad as it may be, it is still the truth, that with very many people cupidity is stronger than the love of humanity. Traders and merchants will frequently run great risks of life rather than endanger their profits. Local laws and local officers are likely to yield to local pressure. So far as I can ascertain I am convinced that local quarantine as a rule is a failure. New York City and a few other northern ports are the exception. They serve to emphasize the rule, and are exceptions to it more from the fact that most excellent officers have been secured than from any intrinsic worth in the system.

A national quarantine, under a well-digested law, manned by national officers, backed by the national resources and power, and responsible alone to national authority, is the only efficient and safe one for the whole country. It is useless in this vast country to point us to a few localities that have good health laws and efficient health officers. When we consider our thousands of miles of sea-coast on either side of the continent, our almost endless stretch of navigable rivers and great inland lakes, and further consider the eighty thousand miles of railroad binding State to State and State to Territory in one linked brotherhood from ocean to ocean, and then remember that but seventeen of all the States have any health laws whatever, that but four or five sea-ports are properly quarantined, and further remember how death and destruction last summer walked in at our open doors and is likely to do so again, can any member hesitate to give to the country at this late hour a uniform national system of sanitary laws?

Mr. MANNING. Mr. Speaker, although I am not a member of the committee which asks for the concurrence of this House in the Senate bill in regard to contagious and epidemic diseases, yet feeling the profoundest interest in this measure I venture to submit my own views touching our duty at this hour, and sincerely hope that there will be no opposition developed to the proposed action which has already been postponed too long.

Urgent necessity for effective quarantine legislation should be conceded by reflecting persons of all shades of political opinion. The experience of our people in the valley of the Mississippi last summer and autumn warns us of the importance of prompt and vigorous legislation to protect us against another such epidemic as we were then visited with.

Let our warning be valued by remembering that over twenty thousand men, women, and children were swept into eternity as if by a besom of destruction, and that over one hundred thousand others were stricken by the dreadful disease called yellow fever, involving an expenditure of millions of money and incalculable damage to property and the industries of the country. We are admonished by the physicians of the whole land without an exception, and also by the joint committees of Congress charged with the investigation of the subject of the supreme importance of passing efficient laws without delay.

I was startled by the confession made by one of our most distinguished doctors of medicine in a speech delivered by him last fall before a convention of his brethren in Richmond, Virginia. I refer to Dr. Elisha Harris, of New York, the president of the American Board of Health.

In the very outset of his speech on that occasion he said, in substance, with the frankness of a great and good man, "Gentlemen of the convention, we must admit the fact broadly and unqualifiedly before the people of this country and the whole world that the doctors of medicine have made no material headway in their efforts to ascertain a sovereign remedy for yellow fever in the last two hundred years. After the yellow fever plague which visited Lisbon many generations ago, a chronicler of that period in writing its history said, 'a dreadful disease held sway, and art stood helpless by.' A similar confession must be made by the chronicler of the plague which visited the valley of the Mississippi last summer."

As science can offer no resistance to the ravages of this disease, and as it is not indigenous here—seventy-seven of the eighty-eight epidemics being directly traceable to importations—it is all-important to put forth our best efforts to prevent its introduction and spread in this country. If we fail we may expect it to come again to destroy thousands upon thousands of our people, crush the hearts of those who survive, and paralyze more or less the prosperity of all.

Dr. Vanderpoel, of New York, perhaps second to none in distinction, and who has probably more familiarity with State quarantine laws than any other man of his profession, being now and for many years past at the head of the quarantine system of his State, and who at the outset of this discussion in the last Congress was understood to be opposed to congressional legislation, and encouraged the efforts of certain gentlemen in both Houses of Congress—and I regret to know that some democrats have been thus far prominent in the opposition encountered—to show that Congress should do but *little* if anything on the subject, leaving it mainly if not altogether to the States, said in a recent speech at a meeting of the Mississippi Valley Sanitary Association at Atlanta, Georgia, that he recognized the necessity of legislation by this body.

He believed that State regulations should not be wholly relied upon; that over twenty States having no laws whatever upon the subject Congress could and should do much to aid those States which have already legislated in making efficient their own quarantine laws, and should look after those States which have given the subject no attention. He knew and appreciated what was admitted a few days ago by Senator CALL, of Florida, that that State, with its coast of over fifteen hundred miles, limited revenue, and sparse population, and proximity to Cuba, from which yellow fever is generally imported into our borders, could not prevent the introduction and spread of that terrible destroyer; that so far as Florida is concerned the Federal Government must post its sentinels and keep constant watch upon the enemy.

Dr. Vanderpoel is of course much wedded to the present quarantine system of New York, of which he is the accredited head, and which has been perfected by the experience of that great metropolis for a hundred years; yet he recognizes the wisdom of the pending bill, and is willing that the power of the Government asserted therein shall be exercised even as to his own admirable system.

I invoke the influence of the judgment of this distinguished doctor especially upon the members from the State of New York, and I heartily commend him, situated as he is, for going to the extent stated, although I think the Constitution of the United States and the facts of the case justify us in going much further.

This bill in effect declares to State authorities, "We will stand and watch upon the outer lines of your ports; we will require ships, cargoes, and passengers alike, before entering your jurisdiction, to be examined by our officers. Our agents will be also within your borders to hold up the hands of your officers, and if any part of the line is unguarded, such exposed locality will be under the vigilance and control of Federal officers." This bill, then, is a mere auxiliary to State authority, which I sincerely hope will meet with unanimous support. For myself I do not hesitate to declare that I would more cordially favor a bill which recognized greater power in the Government than is now asserted, and if it were practicable I would propose now to legislate broadly and fully.

I deeply regretted the failure to pass the Senate bill last session, and I was not surprised at the general criticism which followed that failure. I voted for the bill then reported by the House committee as a substitute for the Senate bill, not because I preferred the former, but because it was apparent to me on that occasion, as it was to others who favored the latter, that the only possible way to secure its passage or something near it was to adopt the House bill, which would bring about a conference between the two Houses, when in the spirit of compromise the friends of the House bill would yield something

to the views of the Senate conferees and thus accomplish indirectly that which could not then be accomplished directly. Any other course in the closing hours of the session I knew would inevitably destroy every chance to pass the Senate bill, the House committee being unanimous in reporting its own measure, but it is only fair here to state that Mr. YOUNG, of Tennessee, himself preferred the Senate bill, and only reported the House bill in deference to the wishes of the committee of which he was chairman. This digression I have thought proper to make because the record of the matter without explanation is calculated to mislead.

Before entering upon the argument which I will presently submit, let me again pause, and attempt in a slight degree to express the deep and boundless gratitude of a solid South—at least in this respect—to the northern people who with a magnanimity never before excelled in any country so promptly, without awaiting the piteous cry for help, opened their bounteous purses and prodigally lavished their generous favors upon us. By the interposition of Divine Providence the pestilence was stayed and the scenes of earthly desolation are made to bloom again with the sweet flowers of hope and prosperity, and as an earnest of our thankfulness to our Heavenly Father, the giver of every good and perfect gift, and to every sympathizing man, woman, and child in the broad land who contributed in the least to lift the dark veil, and lighten the gloom which enveloped us, we desire that the page of history which records the ravages of the pestilence of 1878 may also record, of those who came to our rescue, that by their gracious charity they have to themselves "raised monuments more lasting than brazen statues, higher than the royal pyramids, which cannot be destroyed by wasting rains or the fury of the winds, by the series of the countless ages or the flight of eternal years."

The disagreement which has heretofore occasioned trouble and delay in both branches of Congress seems not to be as to the necessity of legislation, but as to the extent of the power of Congress; and with the hope that gentlemen will hereafter, when freed from the hubbub of this House, consider the subject in all its bearings more fully than is now necessary in the proposed half discharge of a great duty, I ask the attention of the House to this controverted point because I think additional legislation will be deemed necessary next session.

Must Congress subordinate its legislation to that of the States? I maintain that the Government is above and not below the States in this matter, and I submit that this position is in perfect harmony with a fair and reasonable interpretation of the eighth section of the first article of the Constitution of the United States, which confers upon Congress the right "to regulate commerce with foreign nations and among the States."

A much narrower interpretation of this clause has been given in framing this bill than was necessary or proper; hence in passing it we will not have done our whole duty to protect the lives and prosperity of the people. If as the result of this failure another terrible epidemic occurs, such an interpretation after that will be so indignantly and universally condemned and rebuked that no man will thereafter favor it.

We go far in solving the power of the Government as to this matter when we have settled the meaning of the words "to regulate commerce." I maintain that elementary authority, and the decisions of the Supreme Court of this Government, leave no substantial ground for disagreement as to the true meaning of these words. Do they merely confer the power to regulate the exchange of merchandise? Does commerce mean simply the exchange of commodity for commodity, or has it a broader and fuller meaning? Does it not also comprehend *intercourse*? Is the contracted construction which is given to it by gentlemen who have hitherto opposed legislation by Congress reasonable, even if considered without the aid of law-writers or jurists?

I affirm that our text-books on the Constitution as well as the adjudications of the court of the last resort in this country, and our own common sense, all warrant me in maintaining that that narrow and limited meaning is unauthorized, and should be abandoned before our people are again stricken, and our industries again paralyzed.

Judge Story, in his Commentaries upon the Constitution, wrote upon this subject as follows:

> What is the constitutional meaning of the words "to regulate commerce," for the Constitution being (as has been aptly said) one of enumeration and not of definition, it becomes necessary in order to ascertain the extent of the power to ascertain the meaning of the words. The power is to regulate; that is, to prescribe the rule by which commerce is to be governed. The subject to be regulated is commerce. Is that limited to traffic, to buying and selling or the interchange of commodities? Or does it comprehend navigation and intercourse? If the former construction is adopted, then a general term applicable to many objects is restricted to one of its significations. If the latter, then a general term is retained in its general sense. To adopt the former without some guiding grounds furnished by the context, or the nature of the power, would be improper. The words being general the sense must be general also, and embrace all subjects comprehended under them, unless there be some obvious mischief or repugnance to other clauses to limit them. In the present case there is nothing to justify such a limitation. Commerce undoubtedly is traffic, but it is something more. It is intercourse.—*Story on Constitution*, volume 11, section 1061.

Following that authority Mr. Justice Field, a democratic judge, and always jealous of the residuary rights and sovereignty of the States, speaking for a united bench in the case of Melton *vs.* The State of Missouri, on page 280, said:

> Commerce is a term of the largest import. It comprehends intercourse for the purposes of trade in any and all its forms, including the transportation, purchase, sale, and exchange of commodities between the citizens of our country and the citizens or subjects of other countries and between the citizens of different States. The power to regulate it embraces all the instruments by which such commerce may be conducted. So far as some of these instruments are concerned and some subjects which are local in their operation, it has been held that the States may provide regulations until Congress acts with reference to them; but where the subject to which the power applies is national in its character, or of such a nature as to admit of uniformity of regulation, the power is exclusive of all State authority.

In the case before us "the subject to which the power applies is national in its character," and "admits of uniformity of regulation," hence the "power is exclusive of all State authority."

In the celebrated case of Gibbons *vs.* Ogden, 9 Wheaton, page 1, Chief-Justice Marshall construed the word *regulate* to imply "full power over the thing to be regulated, and to exclude the action of all others that would perform the same operation on the same thing."

The Supreme Court in the cases of Henderson *vs.* The Mayor of New York and in the case of Chy Lung *vs.* Freeman in the State of California, both reported in 2 Otto, exhaustively pronounced its opinion touching this power of Congress. In the former case it will be remembered that the court was construing a statute in New York which provided that every master of a vessel, bringing foreign citizens into the port of New York, should execute a bond in a penalty of $500 conditioned that such persons should not become a charge upon the people of that State.

Under that law, so sweeping, and without discrimination as to who the persons were, the master of a vessel if he had brought Queen Victoria to this country, or any other crowned head of Europe, would have been required to give a bond conditioned as aforesaid. The Supreme Court, when asked by a sturdy Englishman, the master of a vessel, to consider the constitutionality of this law, promptly declared it was unconstitutional, because the State of New York had undertaken "to regulate commerce with foreign nations," which power was reserved alone for the United States.

In a recent discussion on this very question in the other end of this Capitol, a Senator from that State took the ground that if the statute under consideration had applied to certain classes of persons, namely, criminals, paupers, &c., it would have been free from constitutional objection; but even this position is untenable, as we see in the very next case, decided, perhaps, one month afterward, and by the same judge who delivered the preceding opinion—I refer to the case of Chy Lung *vs.* Freeman, from California—it was held that the law of that State, which referred only to foreign criminals, paupers, lewd women, lunatics, &c., was unconstitutional. The following language appears in this opinion:

> The passage of laws which concern the admission of citizens and subjects of foreign nations to our shores *belongs to Congress and not to the States*. It has the power "to regulate commerce with foreign nations." The responsibility for the character of those regulations and for the manner of their execution *belongs solely to the National Government*. If it be otherwise, a single State can, at her pleasure, embroil us in disastrous quarrels with other nations.—*Chy Lung* vs. *Freedman*, 2 Otto, 280.

So we learn from those two decisions, of the highest expounders of our Constitution and laws, that the statutes of New York and California were void because they undertook to regulate commerce, and that the power to prescribe the terms, conditions, and regulations upon which foreigners may be allowed to enter this Government is lodged in Congress alone. The views set forth in these cases are reaffirmed and fortified with further reasoning by the Supreme Court in its opinion in the case of the Missouri Pacific Railroad Company *vs.* Husen, in 5 Otto.

These authoritative utterances seem to be decisive of the position that the Government is possessed of supreme power in the important work of prohibiting the introduction into our country of contagious and epidemic diseases. If the Government is above the States as to this, then by the same article of the Constitution it is supreme so far as interstate commerce is concerned; the power extends to the embargo of vessels and the regulation of internal trade, reaching individuals engaged in such commerce, persons being transported, and also merchandise and freights. Mr. Justice Marshall said:

> Congress may control the State laws so far as it may be necessary to control them for the regulation of commerce. A law of a State made in pursuance of its acknowledged powers must give way when in conflict with a law of Congress made within the powers of the Constitution.—9 *Wharton*, 196.

Of course I concede that the States can and should pass sanitary and quarantine laws, but such laws cannot limit or disturb the constitutional power of Congress. The overshadowing reason why I favor the full exercise of the authority existing in Congress is that I believe State laws are insecure, even when faithfully executed. In such an epidemic as we had last year the contagion is likely to be carried more or less along the countless lines of railroads and rivers upon which our commerce is borne, despite the vigilance and good faith of State officials.

I do not believe that any danger to the States can be reasonably apprehended from the exercise of this power by the Federal Government. There is no centralization in it, because the rights of the States are not disturbed to their detriment. There is no departure from true State-rights doctrine. I have always been and shall ever be in favor of a strict construction of the Constitution in all its parts, and I yield to no man in my desire to conform to its provisions; but I repeat that I find no provision, sentence, or word in that instrument which at all collides with the views I have endeavored to submit.

Just here I will take the liberty to read a part of a letter which reached me this morning from one of the most distinguished lawyers

of this country, a judge for many years of the supreme court of Mississippi, and always a Jeffersonian democrat, and an intimate friend and supporter of Mr. Jefferson Davis. I refer to Hon. A. M. Clayton, who remained at his home in the vicinity of Holly Springs during the prevalence of last year's plague, and who feels deep solicitude as to our action. He says:

I have always been a State-rights man, but to say that the principles of that party forbid the exercise of a police power by the General Government absolutely necessary for the preservation of the health and the lives of the people is pushing the doctrine to a most unjustifiable extent. Congress has the power "to regulate commerce"—the foreign in a sole and unrestricted sense. To say that it may regulate the importation of all tropical products except *disease and death* is an absurdity. It may legally say, for the safety of the people, that vessels from ports infected with disease of a contagious character shall only be admitted into our ports at certain times and seasons and under certain conditions. This is not excluding commerce, and ought not to disturb a State-rights man of the strictest sense.

To those who do not concur with me as to the power of Congress (and I am conscious of the fact that there are democrats upon this floor who have heretofore expressed very different views) I desire to address this inquiry: whence comes the authority of this Government to fix rules and regulations for freight and passenger crafts? Must it not be conceded that it is under that article which authorizes Congress to "regulate commerce," internal as well as foreign? From the foundation of the Government down to this time Congress has, without dispute from any quarter, required for the benefit of commerce, for the protection of life and property, the examination of the machinery of all steam-vessels, and also that gunpowder, nitroglycerine, &c., shall not be carried on passenger vessels.

When Congress has the undisputed right to so regulate commerce that passengers may travel in safety, how can it be questioned that Congress may under that clause prescribe such regulations of commerce as will afford complete protection to passengers, not only against defective machinery and explosive fluids, but also against deadly contagion, whose victims are only to be numbered by its spread, and whose damage to the commerce of the country cannot be estimated.

Persons who are acquainted with the mortuary reports of the plague of last year, and who appreciate the horrors of yellow fever, would all doubtless infinitely prefer the dangers incident to a voyage upon a craft propelled by condemned machinery, and filled with forbidden articles, rather than to encounter the hazards of exposure to yellow fever upon a vessel in other respects entirely safe and seaworthy. With all due deference I must say that it seems to be quite absurd to hold that although Congress may pass navigation laws declaring to masters of vessels that they shall not endanger their passengers by what they carry below, still it must leave masters of vessels free to carry contagion, however malignant or deadly, above, and in the midst of their passengers, anywhere and everywhere they please.

Is it any stretch of the Constitution, or our common sense, to hold that masters, or others, shall not transport into our borders, or along our rivers, or lines of interstate travel men, women, or children who are afflicted with an epidemic and contagious disease? Shall we hold that the only products of tropical regions which we cannot exclude from our borders, or cannot endeavor to control, when imported, are death and disease? I hope not. And in conclusion I desire to remark that I hope Congress will be prepared when it becomes necessary hereafter to legislate again upon this subject to take more advanced ground than it has seen proper to do in the pending bill.

Mr. RICE. I did not suppose that it would devolve upon me to assume the somewhat ungracious task of opposing this bill which enlists in its behalf the sympathies of every generous heart. I had supposed that some other gentleman had prepared himself to present the constitutional argument against it and to assert that according to the decisions of the courts of the United States we have no authority to establish quarantine laws. If the constitutional authority of the Government can be vindicated in this respect, if the difficulties which I seem to see in my way can be removed, no one more heartily than myself would vote in support of this bill.

But, Mr. Speaker, I come from a section where great labor and great pains have been taken to establish thorough quarantine laws. It has been admitted in this discussion that the great city of New York has already succeeded in establishing quarantine laws which are substantially a protection against the introduction of contagious diseases. It is so with the city of Boston. It is so with the other great commercial cities of the North. They have already, Mr. Speaker, at great pains and great expense, thrown around themselves the protection of laws and regulations through which this insidious pestilence cannot break. They believe that it is the right, the privilege, the prerogative of the States to make these regulations, and that they are not to be broken down by any laws or by any general effort that may be made in that direction by the United States Government, and therefore, in protection of the States which have established these regulations, in defense of the rights which are guaranteed to the States by the Constitution, I find it my duty to oppose this bill.

In the first place, Mr. Speaker, I have hastily opened the statutes where are the provisions established heretofore by Congress in regard to quarantine. I find that the law, the only statute in regard thereto, comes to us from 1799, and that is my recollection. Sir, I do not desire to make the statement positively, because I have had no time to verify my recollection; but it is my recollection that that statute was enacted when the pestilence was sweeping over the land, when the great cities of the country were exposed to the ravages of Asiatic cholera; and it is my recollection that there was then an attempt made to see whether the General Government could not do something to protect these cities against pestilence. and the fathers of the Constitution in that early Congress assembled decided that all that the General Government could do was to provide that the officers of the General Government should confer with the officers of the State governments in making effectual the provisions and regulations which the States had established in regard to quarantine.

Up to this date the General Government has never yet gone further than to say to its revenue officers and its other officers, Obey the laws which the States have made; aid the State officers to carry out the State laws. That is as far as the General Government can go.

My friend from Michigan, [Mr. MCGOWAN,] to whose admirable speech I listened with so much pleasure, hoping that he would meet and refute the objection which rests in my mind, puts this authority of Congress upon the general right of Congress to make regulations in regard to commerce, foreign and interstate. I agree with all that he has said as to that authority. But I ask him whether the decisions of the Supreme Court of this country, from the beginning down to the present time, do not hold that that power of Congress is absolute and exclusive, that the States have no authority to make regulations in regard to commerce? And have not the legislative provisions of my own State in regard to the importation of liquors, and of the State of Maryland, and of New York in regard to head money imposed upon immigrants, all been declared by the courts to be illegal and void because the right to make regulations as to commerce is exclusively and absolutely within the domain of Congress?

Has not Congress, in this statute to which I have referred, recognized the fact that it is for the States to make these quarantine laws? And do not the decisions to which I have referred, all down through their course, bear the statement upon almost every page that these quarantine laws and regulations are police matters, to be attended to by the States and not by the General Government? In the passenger cases, those cases which were decided after such elaborate argument, and in which the nine judges of the Supreme Court gave separate opinions, five of them holding that the power of Congress to regulate commerce was absolute and exclusive, the opinion of the court was to the following effect:

That the States of this Union may, in the exercise of their police powers, pass quarantine and health laws, interdicting vessels coming from foreign ports, or ports within the United States, from landing passengers and goods, prescribe the places and time for vessels to quarantine, and impose penalties upon persons for violating the same; and that such laws, though affecting commerce in its transit, are not regulations of commerce prescribing terms upon which merchandise and persons shall be admitted into the ports of the United States, but precautionary regulations to prevent vessels engaged in commerce from introducing disease into the ports to which they are bound; and that the States may, in the exercise of such police power, without any violation of the power in Congress to regulate commerce, exact from the owner or consignee of a quarantined vessel, and from the passengers on board of her, such fees as will pay to the State the cost of their detention and of the purification of the vessel, cargo, and apparel of the persons on board.

This case is full of these *dicta;* and the other cases, Gibbon *vs.* Ogden, Brown *vs.* Maryland, and other cases, have also the same *dicta.*

Mr. COX. To what case does the gentleman refer?

Mr. RICE. To the passenger cases reported in 7 Howard, in which I think there is the fullest statement of the law and of the history of the legislation of the country and of the States upon this subject of which I have any knowledge anywhere. In this very case, where the court finds that the power of Congress over commerce is exclusive, is the statement which I have read that the power to make quarantine regulations is a police power which belongs to the States.

Am I wrong, therefore, until these *dicta* have been overcome, if not by direct decision then in some other way, in standing for the right of my State and for the right of other States to preserve themselves by the laws which they have established, and which thus far have been sufficient for their protection? Congress has the right to order its officers to enforce the regulations of the various States. Let the State of the gentleman who has charge of this bill make provisions as stringent as it may——

Mr. YOUNG, of Tennessee. Will the gentleman allow me to ask him a question right there?

Mr. RICE. Certainly.

Mr. YOUNG, of Tennessee. Suppose that Tennessee does make stringent health or quarantine regulations; and then suppose that the State of Mississippi does not make such regulations: how is Tennessee to keep this pestilence out of its borders?

Mr. RICE. By doing as do the towns in my own State when the small-pox is in the surrounding towns—prevent any one from entering from the contagious district.

Mr. YOUNG, of Tennessee. By what authority?

Mr. RICE. By the authority which the State has to make these regulations.

Mr. YOUNG, of Tennessee. Another question?

Mr. RICE. Certainly.

Mr. YOUNG, of Tennessee. Have we in New York or in Tennessee, for instance, any authority for stopping a steamboat loaded with yellow-fever patients, or a train of railroad cars having small-pox patients on board—have we any authority to stop that steamboat or that railroad train until it reaches the Tennessee line?

Mr. RICE. Tennessee has the most undoubted authority to make laws upon the subject.

Mr. YOUNG, of Tennessee. To operate before the railroad train or the steamboat reaches the State line?

Mr. RICE. When it reaches the State line.

Mr. McGOWAN. The danger has then attached.

Mr. RICE. Have your police on the State line.

Mr. YOUNG, of Tennessee. The State is open and we want the nation to close the doors.

Mr. RICE. So are the States of the North open; yet do not they stop vessels and stop cars and stop everything upon the State line, and there subject them to examination and detention as is provided by their laws?

Mr. McGOWAN. I desire to interrupt the gentleman for a question before he leaves this part of the subject. He affirms the supreme power of the General Government over commerce, and from this deduces the conclusion that this Government has no power over quarantine laws. Now I wish to ask him whether the General Government, having power over commerce, has not, as a mere incident to that power, the authority to regulate manufactures and encourage agriculture?

Mr. RICE. To a certain extent undoubtedly.

Mr. McGOWAN. Then may not the General Government have in the same way, as an incident to the power over commerce, the authority to adopt regulations with reference to health and sanitary matters, so far as they affect commerce?

Mr. RICE. The General Government has attempted to do that by requiring its revenue officers to waive even the strict enforcement of the revenue laws. At various times instructions have been issued by the Secretary of the Treasury to the revenue officers to waive the requirements of the revenue laws in order that State regulations in regard to quarantine might be enforced.

Mr. McGOWAN. Then the General Government may go to whatever extent is necessary for the preservation of its commerce?

Mr. RICE. I am glad to have my friend suggest these points, because it is only for truth we are all seeking in this matter. There can be no question that the revenue officers of the General Government, who are charged with the supervision as to the arrival of vessels and the introduction of merchandise, might possibly come into conflict with the health officers of the State, who are charged with preventing the introduction of anything diseased or dangerous within the State borders. But, as I have said, the General Government has instructed its officers to concur and co-operate with the State officers in this matter.

Now, Mr. Speaker, I had not expected to make any remarks on this bill. I would not have done so had any one else suggested these objections. I am not certain that there may not be something to obviate the force of these decisions, which seem to me potent and conclusive; but unless something can be found of which I am not aware, I must vote against this bill as trenching upon rights guaranteed to the States by the Constitution, which have been recognized hitherto in the legislation of Congress and in the decisions of the Supreme Court of the nation.

Mr. WILSON. I would like to ask the gentleman from Massachusetts a question before he takes his seat. I have not had the benefit of hearing all the discussion on this question, but have listened only to the remarks of the distinguished gentleman from Massachusetts. Now, I wish to ask him whether the Federal Government has not the power to make quarantine regulations upon its own ships or dockyards or other Government property?

Mr. RICE. I do not know why it may not.

Mr. WILSON. Now, I wish to ask whether the State has power to prevent a Government ship, running under Government quarantine regulations, from entering a harbor of the State? And if the Government has this power to establish quarantine regulations, would there be co-operative regulations between the State governments and the Federal Government?

Mr. RICE. I will answer the gentleman. There is no doubt that this power must be exclusive and supreme. If Congress has the right to make these quarantine regulations the States have not that right. State quarantine regulations cannot exist in the face of national quarantine regulations. The one authority must give way to the other. If the nation makes these regulations the State cannot; if the State makes them the nation cannot. The power is of such a nature that it cannot be exercised concurrently by the State government and the National Government—one must overtop and override the other. Now, then, though the National Government can control its own vessels, yet if a national vessel sought to enter the harbor of New York in defiance of the quarantine regulations and laws of the State of New York the State could stop it.

Mr. REAGAN. Mr. Speaker, I have not had the opportunity to examine this bill until it was read here this morning. Any remarks I may make on it, therefore, are only those suggested by a mere casual inspection. I dislike to enter upon the discussion of such a measure as this without opportunity for more mature consideration than I have had in this case.

I shall when the bill is taken up by sections offer some amendments to which I now desire to call attention. Three of these amendments are not very material; they relate to subjects of no great importance; and it is to me a matter of very little consequence whether they be adopted or not.

Section 2 looks to the President detailing medical officers to act in foreign ports. It provides that—

> All such vessels shall be required to obtain from the consul, vice-consul, or other consular officer of the United States at the port of departure, or from the medical officer, where such officer has been detailed by the President for that purpose, a certificate, &c.

I propose to add after the word "detailed" in the fourth line the words "or designated;" to add after the word "detail" in line 17 the words "or designate;" and after the word "detailed" in line 21 the words "or designated." I propose these amendments for this reason, that "detail" under our practice means the assignment of an officer in the service to the performance of a duty.

Hence it is that the President under these provisions might detail from the medical corps six officers to be sent abroad to make these certificates. You will see it will involve the expense incident to sending abroad six medical officers to give these certificates required under the section. We may have American physicians resident there, or there may be natives of those countries who would be trusted by our Government and consular officers; and, if so, why should we send from here commissioned officers of the medical corps to issue certificates to vessels in foreign countries? Why should we incur that unnecessary expense? Why not leave it to the discretion of the President to detail them if that be necessary, or to designate them, if that be more convenient and less expensive? That is the object of the first amendment, and it has reference to the question of expense; and in these times it is well for us to look to the curtailment of expense even in small things.

The next amendment which I shall propose will be in section 3, to strike out all from line 7 to line 31.

Mr. MANNING. I do not understand the bill the gentleman from Texas is now considering is the one before the House for action at this time, but that on the contrary the printed bill from which he is reading has been so much amended it does not at all agree with the bill upon the Speaker's desk.

Mr. REAGAN. I am acting under the supposition that this is the bill now before the House.

Mr. MANNING. It is not. The bill before the House is in manuscript yet, and it was suggested early in the day that it should be printed before we were called upon either to discuss or act upon it.

The SPEAKER *pro tempore*, (Mr. CLYMER in the chair.) The Senate bill was taken from the Speaker's table and substituted for the House bill.

Mr. GOODE. I wish to suggest to the gentleman from Texas that his amendment be withheld until we take up the bill and consider it section by section for amendment.

Mr. REAGAN. I am not offering my amendments now, but merely explaining them.

The SPEAKER *pro tempore*. The amendments only can be offered when the sections are reached to which they apply.

Mr. REAGAN. I was only calling attention in this general debate to the amendments I shall propose at the proper time when the bill shall be taken up under the five-minute rule. One is to strike out all from line 7 to line 31 in section 3 of the bill, and I do not think that section as it stands differs from the bill as it was sent to us from the Senate. Section 3 provides, in the first place, down to line 7, that the National Board of Health shall co-operate with and, so far as it lawfully may, aid State and municipal boards of health and sanitary associations in the execution and enforcement of the rules and regulations of such boards and associations to prevent the introduction of contagious or infectious diseases into the United States from foreign countries, and into one State from another. That portion of the section I do not propose to interfere with, but then follow the words which I do propose to strike out, and which I will read:

> And at such ports and places within the United States as have no quarantine regulations under State authority, where such regulations are, in the opinion of the National Board of Health, necessary to prevent the introduction of contagious or infectious diseases into the United States from foreign countries, or into one State from another, and at such ports and places within the United States where quarantine regulations exist under the authority of the State which in the opinion of the National Board of Health, are not sufficient to prevent the introduction of such diseases into the United States, or into one State from another, the National Board of Health shall report the facts to the President of the United States, who shall, if, in his judgment, it is necessary and proper, order said Board of Health to make such rules and regulations as are necessary to prevent the introduction of such diseases into the United States from foreign countries, or into one State from another, which, when so made and approved by the President, shall be promulgated by the National Board of Health and enforced by the sanitary authorities of the States, where the State authorities will undertake to execute and enforce them; but if the State authorities shall fail or refuse to enforce said rules and regulations, the President may detail an officer or appoint a proper person for that purpose.

I propose, sir, to strike those words out because I am unable to concur in the views expressed by the gentleman from Michigan [Mr. McGOWAN] and as I understood by the gentleman from Mississippi [Mr. MANNING] in the opinion that under the power to regulate commerce among the States the United States Government can establish and execute sanitary and police regulations. I cannot go as far as the gentleman from Massachusetts, [Mr. RICE,] who has just taken his seat, in assuming that under the power to regulate commerce with foreign nations we cannot provide through our consular agencies or otherwise the means to prevent the introduction of epidemic diseases from foreign countries into ours. I say I cannot go that far. I have not

investigated the subject very closely, and am inclined at present without investigation to believe that power does exist and may lawfully be exercised. But when we have reached the United States I must doubt whether the power to regulate commerce among the States is sufficient to cover the right to provide sanitary and police regulations for the exclusion of diseases coming from one State into another. It is on that ground I am inclined to make the motion to strike out that part of the section. If the motion should fail I shall then propose two other amendments to strike out parts of that which I propose here to strike out. The first is to strike out all after the word "another," in line 13, page 3, section 3, down to the word "another" in line 18. The words I propose to strike out are as follows:

And at such ports and places within the United States where quarantine regulations exist under the authority of the State which in the opinion of the National Board of Health are not sufficient to prevent the introduction of such diseases into the United States or into one State from another.

And accompanying that I will move to strike out all after the word "them," in line 28, down to the end of the thirty-first line, namely, these words:

But if the State authorities shall fail or refuse to enforce said rules and regulations, the President may detail an officer or appoint a proper person for that purpose

From these suggestions, Mr. Speaker, it will be seen that my view of what ought to be done is to limit the action and operations of the Federal Government to the exclusion from our ports of diseases coming from foreign countries, to leave the State quarantine regulations in full force independent of the power of the Federal Government, but to authorize the Federal Government, so far as it may do so in the terms used in the first part of section 3, to co-operate with the State and local quarantine associations for the exclusion of diseases coming from foreign countries.

Mr. YOUNG, of Tennessee. There are only seventeen States in the Union that have quarantine laws. How will it be with those that have none?

Mr. REAGAN. I feel compelled to make the same answer substantially as I understood was made by the gentleman from Massachusetts, [Mr. RICE,] that the States which are not upon the seaboard, the States which are inland, would have to rely upon State authority to prevent the introduction of epidemic diseases. I do that because, as I mentioned at the outset, I doubt the authority of the Federal Government, under the power to regulate commerce between the States, to make sanitary and police regulations.

Mr. YOUNG, of Tennessee. That is not an answer to my question. I understood the gentleman to recognize the power of the Federal Government to legislate in aid of State authorities in respect of public health. Is that the gentleman's position?

Mr. REAGAN. I said I would recognize as much as is embraced in the first part of section 3, which I will read:

That the National Board of Health shall co-operate with and, so far as it lawfully may, aid State and municipal boards of health and sanitary associations in the execution and enforcement of the rules and regulations of such boards and associations to prevent the introduction of contagious or infectious diseases into the United States from foreign countries.

And this calls to my mind what I did not notice, that this is followed by the words:

And into one State from another,

Which, in my view, should be stricken out.

Mr. YOUNG, of Tennessee. Does the gentleman think it would not be competent for the Federal Government to aid State authority in preventing the introduction of diseases from one State into another?

Mr. REAGAN. I do not. What I propose would limit the Federal authority to co-operating with the State authorities in preventing the introduction of epidemic diseases from foreign countries.

Mr. MANNING. The gentleman from Texas would not propose to legislate in aid of States unless there was constitutional authority for Congress to do so. If, then, the gentleman concedes that, where is the cause of the distinction in his mind which would allow him to legislate as to the regulation of commerce from abroad but would exclude the power of Congress to legislate on interior commerce?

Mr. REAGAN. I wish the gentleman to understand me. I agree that Congress may under this power to regulate commerce with foreign countries exercise its power to prevent the introduction of epidemic diseases from foreign countries. That is, it may do for that purpose whatever can be done between the foreign port and our port; and if the local health authorities have regulations which are intended for the same purpose, to the extent that may be convenient and necessary I would recognize the power of the Federal Government to co-operate with them in the exclusion of these diseases coming from foreign countries. That is as far as I propose to go. While I recognize that, I do not in my view of the Constitution understand or believe that under the power to regulate commerce among the States the Federal Government has the power to adopt sanitary regulations and police regulations as a part of the power to regulate commerce among the States. I do not think it can be extended to or be embraced under the power which authorizes Congress to regulate commerce among the States.

Besides this I wish to say that in the prevention and arrest of this terrible scourge I do not believe that any general regulation, that any regulation by the Federal Government which it can possibly institute or execute, is equal in its efficiency and safety to the people, to the local vigilance of the people themselves who are interested. Any system to be carried out by people remote from the seat of danger whose lives and whose property are not immediately in danger will lack that element of ceaseless vigilance and energetic action which always springs from the necessity of the community endangered by these diseases. Now, in the terrible scourge which spread such calamity and disaster all over a large region of country last year, the State of Texas, lying along the Gulf border, extending as far south as any State except the most southern point of Florida, kept out the disease of yellow fever by the vigor of its quarantine by sea and land. It is true it interrupted commerce, it is true it interrupted travel; but it saved the people from the calamity of that terrible disease.

Mr. MANNING. So these regulations on the part of States, in your opinion, can be made efficient without legislation by Congress?

Mr. REAGAN. I do believe they can be made efficient. But I do not wish to be understood as saying that I would not ask the aid of the Federal Government, as this bill provides, in co-operating through consular agencies at foreign ports and otherwise in warning the people of the existence of danger and its approach, and in aiding thereby in guarding against the danger. But when it comes to be within our own ports, I do not think any agency is equal to that of the people themselves directly concerned; and besides this, if I am right in that opinion—of course it is the opinion of but one person, predicated, however, upon some experience—I confess, while I would go a long way in protecting the country against epidemic diseases whether cholera or yellow fever, I do not want to trench upon the Constitution; I do not want, if it can be avoided, and if we can effect our purpose without it, to create a large and extensive bureau of the Government to do that which under the Constitution it seems to me we cannot properly do.

One of the reasons I have for proposing to amend this section is that, in my judgment, it will be found that the operations of that section give them supervision over the different localities in the different States, to determine when they want quarantine regulations, and determine whether these quarantine regulations are sufficient or insufficient, and when they are not sufficient to proceed by the authority of the Federal Government, if that would enable them to do just what experience in my judgment shows they will do, and build up an expensive bureau of the government that would be a great expense to the country with but little protection to the people. If Congress has concurrent authority with the States to adopt sanitary and police regulations in the States to prevent the spread of epidemic diseases, though State action may be valid until Congress acts, when Congress does act and makes such regulations, then the State regulations must cease to be valid and the regulations made by Congress will alone be in force. The two systems cannot be in force at the same time. This is a fearful length to ask us to go.

I hope no one will think that I misunderstand or underrate the great calamity which has befallen our country. No one can overestimate the miseries, the losses, and desolation that has fallen upon the people of a large section of the country from this cause; but while such calamities are to be avoided and prevented, if there is a power of preventing them, it seems to me that for the purpose of accomplishing a great good it is not necessary to violate the Constitution, and in so doing to take away the inducement to local vigilance in the prevention of the introduction of this disease.

I have occupied more time than I intended to when I arose. I merely intended to indicate the amendments I proposed to offer. I do not wish it to be understood that I desire to defeat this bill. On the contrary, I have a great desire that it shall pass with the amendments I have indicated.

Mr. MANNING. The gentleman has said that State regulations could be made effective, and that the twenty-odd States which have now no such regulations can promptly make the necessary laws. Now, I want to call your attention to one State, Florida, whose great extent of coast and limited revenue render it impossible to enforce quarantine regulations so as to afford protection against the importation of any contagious disease. It must be borne in mind that this State is nearer to Cuba, from which country yellow fever is generally imported, than any other State of this Union—so close that the waters between these points can almost be spanned by a fishing rod; and that it was admitted by Senator CALL from that State, in a discussion upon this question a few days ago in the Senate, that it was utterly impracticable for Florida to keep this disease from her borders. So we see in this case that Federal legislation is indispensable.

Now, sir, this disease does not respect persons. It does not respect democrats, republicans, or nationals. The further North it goes the more malignant the type of the disease, although it is of tropical origin; and if it gets into the State of Florida it may spread throughout the country, and there is no power in that State to keep it out. What, then, becomes of the position of the gentleman that we are to rely upon the State authorities for protection from this disease?

Mr. REAGAN. In answer to the gentleman from Mississippi I say that I do not oppose anything nor do I advocate anything that will oppose the prevention of the introduction of this disease from a foreign country, and the fact may be as the Senator from Florida has stated. If that is true, we have all the machinery here that he asks

for, and that the gentleman from Mississippi [Mr. MANNING] asks for, for that purpose.

I am not questioning that portion of the bill which has for its object to prevent the introduction of epidemic diseases from other countries; but only that portion of it which has reference to quarantine regulations within the States. I have not said one word in detriment of that provision which looks to the exclusion of epidemic diseases from out ports, and I hope that it will be passed, because I believe it would be a valuable auxiliary in aiding the States to keep the disease out.

Mr. MANNING. The gentleman, it seems to me, has said much against the power of Congress upon this subject, and he agrees substantially with the gentleman from Massachusetts [Mr. RICE] who, although a republican, turns up in this discussion as the champion of State-rights doctrine. The argument of the gentleman from Texas I submit has a tendency to damage the bill.

Mr. REAGAN. I had no purpose to damage the bill by anything I said. My purpose was to make it efficient; one that cannot be overturned in the courts of the country; one that can be administered without unnecessary and useless expense.

I would encourage the people to apply local vigilance, and encourage them to that self-reliance which has always been the greatest protection against these evils. If in this I happen to agree in any measure with the gentleman from Massachusetts, [Mr. RICE,] who is spoken of as a republican, I am very glad for once to find a republican agrees with me on a constitutional question, especially as republicans are generally thought to give large latitude in constitutional construction.

My views relative to the Constitution have never been circumscribed by party platforms and political bias. I hold that under the Constitution, which each of us has taken an oath to support, each member must decide such questions for himself, and if we conscientiously regard that obligation, we must look to the Constitution and to Him to whom we took that oath for our faithful keeping of it.

Mr. GOODE. I no not rise to discuss this bill at any length. The Committee on Epidemic Diseases were of the opinion that at this stage of the session, and after the elaborate discussion had on this subject at the last session, and during the present session of the Senate, that any extended discussion on this bill would be unnecessary. I desire simply to reply in a few words to the gentleman from Texas, [Mr. REAGAN.] I did not have the pleasure of hearing everything that fell from his lips. So far as I understand him, I think he misunderstands somewhat the scope and design of this bill.

I understand my friend to hold that the bill if passed by the House as passed by the Senate will infringe upon and supersede the State quarantine regulations. Now, I sympathize with the gentleman in much that he has said so far as I understood him, but I suggest that on a careful examination of the bill you will find the bill not liable to the criticism he has made upon it.

The bill, if I understand it, provides that the National Board of Health lately created shall co-operate with and aid the State and municipal boards in the execution and enforcement of the rules and regulations adopted by the different State governments to prevent the introduction and spread of contagious and infectious diseases.

Mr. RICE. Will the gentleman allow me to interrupt him a moment?

Mr. GOODE. Yes, sir.

Mr. RICE. I merely want to ask the gentleman if section 3, giving to the National Board of Health the authority to make regulations when the local regulations are not sufficient, in their judgment; and again, to make such regulations as are necessary to prevent the introduction of such disease, &c., does not give to the National Board of Health the authority to supersede and override the regulations of State boards?

Mr. GOODE. I do not so understand it; if I did I am free to say I would not vote for the bill.

Mr. RICE. One word further.

Mr. GOODE. Certainly.

Mr. RICE. If the gentleman will amend that section so as to make it conform to the construction which he puts upon it, he will do very much toward removing my objection to this bill.

Mr. GOODE. As I was about to say, the bill provides, in the first place, that this national board shall co-operate with and aid the State and municipal boards in carrying out their quarantine regulations. There is no objection to that on the part of my friend. The bill goes further and provides that the national board shall establish rules and regulations at such ports and places within the United States as have no quarantine regulations under State authority. As I understand there is no objection to that.

But the objection made by my friend from Massachusetts [Mr. RICE] and by my friend from Texas [Mr. REAGAN] is this: the bill provides that wherever the regulations adopted by the different State governments shall in the opinion of the National Board of Health prove inefficient, then it is competent for the national board to adopt independent rules and regulations to aid the State organizations in keeping out disease. Now, it is my opinion that does not supersede the State regulations; it does not set them aside; it does not undertake to take from the State authorities the power to do whatever they are able to do to keep out disease. But this bill proceeds upon the doctrine laid down by Chief-Justice Marshall in the celebrated case of Gibbon *vs.* Ogden, to which the gentleman from Michigan [Mr. MCGOWAN] referred in his very admirable address this morning; that is, that Congress may enact supplemental legislation; that Congress may order its officers to assist the State officers in carrying out State regulations; that Congress may enact provisions in aid of the provisions adopted by the State.

Now, that is, according to my conception, the whole scope of this bill. In other words, it is supplemental, it is auxiliary, it is in aid of the State governments in their efforts to keep out disease. I yield to no gentleman upon this floor in support of the doctrine that some powers belong to the National Government and some powers to the State governments; and that among the powers confided to the State governments is the power to preserve and guard and protect the lives and the health of its people.

I go further; I would be unwilling to strike down the systems which have been adopted by the States, not only upon the ground of principle but upon the ground of policy and expediency. Some of the States of this Union, notably among them the State of New York, have quarantine systems which are the results of long years of experience. They have been found to be efficient; they have been found to be entirely efficacious, I believe, in keeping out disease.

Now, I agree with the gentleman that it would be eminently unwise, in my judgment it would be eminently unsafe, particularly at this juncture, when the sickly season is already upon us, to embark upon any new experiment and to interfere with and attempt to supersede State systems of quarantine which have heretofore answered the purpose for which they were intended. I do not understand that this bill contemplates any such purpose.

I understand that this bill is designed to be auxiliary to the States, to recognize the State systems where they exist, to occupy the ground where it is unoccupied. It recognizes the State regulations where they exist, and where none exist it proposes to establish regulations. And where, in the opinion of the national board, a State system is found to be inefficient, it is intended that the national board shall come in and adopt regulations in aid of the State.

Now, when this matter was under discussion at the last session of Congress the distinguished gentleman from Ohio [Mr. GARFIELD] stated what I believe to be the true doctrine on this subject. Speaking of the Senate bill then pending, he said:

> The Senate bill, without disturbing any of the local quarantine regulations of the States, gives the power to the national board to establish national quarantine regulations wherever none exist, and to apply the outer circle, the quarantine power of the United States superimposed upon or rather outside of the quarantine regulations of the States. When a vessel passes our line of pickets, if the State authorities wish to keep it out, very well; we do not interfere with them; we only say we will establish a skirmish line a little farther out toward the enemy's camp.

That is the theory of this bill. We recognize and respect the quarantine systems of the States where they exist; where none exist we establish regulations; and where those in existence are found to be insufficient for the purpose, the national board comes in to the aid of the State government and becomes an outer guard as it were, nearer to the line of the enemy's camp, in aid of the great object which the State has in view, the protection of the lives and the health of its people.

Mr. HASKELL. I would like to ask the gentleman whether he thinks it competent for Congress to empower a health board to make rules and regulations the violation of which shall be prosecuted in the courts of law and punished with heavy penalties as misdemeanors or crimes?

Mr. GOODE. I will say to my friend from Kansas [Mr. HASKELL] that this bill is the result of a compromise. It is perhaps the most delicate and difficult subject upon which the Congress of the United States ever undertook to legislate. If the gentleman will read all the decisions and then undertake to write down in words exactly where the national power ends and where the State power begins upon this subject of quarantine, he will accomplish in my judgment what nobody else has yet accomplished.

Now, in reply to the gentleman I will say that the point he suggests was one upon which as a member of the committee I had difficulty; I sympathize with the view which the gentleman has indicated; but I found it necessary to yield something of my own individual opinions upon this subject. We want to do whatever we can to prevent the recurrence of yellow fever and to save our people from its ravages. I am not willing to go home and say that we have left undone anything which could be done in order to prevent the recurrence of yellow fever during the coming season. This matter was under discussion in the co-ordinate branch of Congress, and the explanation given there was that it is not competent to punish in the Federal courts the violation of State regulations as such, yet the Federal Government may adopt, as it does in this bill, the State regulations *pro tanto* as Federal regulations, and to this extent provide for the punishment of any violation of them.

Mr. HASKELL. That is not the proposition I wanted to get at. I do not raise the question of the jurisdiction of the State government as compared with that of the National Government, but I ask whether it is competent for Congress to delegate to an executive board of three men the power to provide a set of rules for the government of American commerce, the violation of which shall subject the violators to punishment by fine or imprisonment, when no such statutory provision now exists on the part of either the State or the General Government?

Mr. GOODE. It will be observed by my friend, if he will examine this bill, that these rules and regulations are to be subject to the approval of the President. Besides, there is ample precedent for the proposition which he has suggested. Every day violations of regulations promulgated by the Secretary of the Treasury are punished in the courts in pursuance of a Federal statute.

This is perhaps the most difficult question upon which any body of men have ever been called upon to legislate. To define precisely the domain of the Federal power and the domain of the State power in regard to this matter is more than any one has yet been able to do. This bill is the result of a compromise. We all had to concede something. I yield to no man in my devotion to the rights of the States. I am old-fashioned enough to believe that there are still some rights left to the States, and among them the right to protect the health and lives of their people.

I do not go so far as my friend from Michigan [Mr. MCGOWAN] did this morning in reference to the power to regulate commerce. Congress can regulate commerce. Regulate it how? Regulate it by law. By what kind of law? By any law that is "necessary and proper." "Necessary and proper" for what end? "Necessary and proper" to regulate commerce, and in the language of Judge Story no law can be necessary and proper unless it is *bona fide* appropriate to the end in view; and I maintain that no law of Congress passed under the commercial power would be proper which undertook to supersede the quarantine regulations of the States. I do not understand this bill as doing any such thing. I repeat that, as I understand the measure and as our committee understood it, it is supplemental legislation in aid of the State. We recognize the State systems where they exist. Where the ground is entirely unoccupied we confer upon this board the power to make regulations; and where the State system is entirely inefficient we clothe the board with power to make auxiliary rules and regulations by way of helping the State out of the difficulty.

Mr. VAN VOORHIS. Suppose the board created by this act should come in conflict with a State board of quarantine, which is paramount in authority?

Mr. GOODE. Mr. Speaker, I do not hesitate to say that, in my judgment, if the national board should undertake to supersede and set aside the quarantine regulations adopted by the State government within the limits of State jurisdiction, the State authority would be paramount. But where the national board may adopt regulations outside of the State jurisdiction and a conflict ensues the national authority would be paramount.

Mr. VAN VOORHIS. Then, in the gentleman's opinion, is not a large portion of this bill unconstitutional because it gives to the national board the power, if it deems proper to exercise it, to control and overrule the State authorities and makes this national board supreme?

Mr. GOODE. Not at all. This bill, as I am seeking to explain, respects the quarantine regulations of the States where they exist. Where none exist it authorizes the national board to establish them, and where State regulations already existing are found to be inefficient the national board is authorized to come in in aid of the State board and adopt what the gentleman from Ohio [Mr. GARFIELD] calls the "outer circle."

Now I beg the indulgence of the House for one moment while I read a single extract from the opinion of Chief-Justice Marshall in the celebrated case of Gibbons *vs.* Ogden, a decision which has been followed from that day to this. I undertake to say that in all the cases referred to here—Henderson *vs.* the State of New York, the case of Chy Lung *vs.* Freeman, from the State of California, the passenger cases, the case of Hazen *vs.* the State of Missouri, in regard to the introduction of cattle from Texas—I say that in all these decisions since the case of Gibbons *vs.* Ogden, and coming down as late as 5 Otto, the Supreme Court of the United States has invariably respected and indorsed the views taken by Chief-Justice Marshall in that celebrated case.

And I want the House to hear a single extract from that opinion:

> The acts of Congress, passed in 1796 and 1799, empowering and directing the officers of the General Government to conform to and assist in the execution of the quarantine and health laws of a State, proceed, it is said, upon the idea that these laws are constitutional. It is undoubtedly true that they do proceed upon that idea, and the constitutionality of such laws has never, so far as we are informed, been denied. But they do not imply an acknowledgment that a State may rightfully regulate commerce with foreign nations or among the States, for they do not imply that such laws are an exercise of that power or enacted with a view to it. On the contrary they are treated as quarantine and health laws, are so denominated in the acts of Congress, and are considered as flowing from the acknowledged power of a State to provide for the health of its citizens. But as it was apparent that some of the provisions made for this purpose, and in virtue of this power, might interfere with and be affected by the laws of the United States made for the regulation of commerce, Congress, in that spirit of harmony and conciliation which ought always to characterize the conduct of governments standing in the relation which that of the Union and those of the States bear to each other, has directed its officers to aid in the execution of these laws, and has, in some measure, adapted its own legislation to this object by making provisions in aid of those of the States. But in making these provisions the opinion is unequivocally manifested that Congress may control the State laws so far as it may be necessary to control them for the regulation of commerce.

Now, that is the doctrine of this bill. Quarantine and health laws belong primarily to the State. Judge Marshal said it is part of the great mass of powers reserved to the States, but he adds that in that spirit of comity and in that spirit of conciliation which have always characterized governments standing in the relation that the Federal and State governments do in our complex system of government Congress may direct, and Congress has in the acts of 1796 and 1799 directed, its own officers to aid the States in enforcing its own regulations of quarantine, and it has gone further, as we propose in this bill, and enacted provisions in aid of the provisions of the State government. That is all; and I trust, Mr. Speaker, that in view of the terrible calamity which befell this people last summer, and in view of the paramount necessity and solemn duty resting upon this House to do all which in it lies to prevent the recurrence of the yellow fever—I do trust gentlemen will not be disposed to quibble on these minor points. I hope they will meet the committee in that spirit which actuated its members, inasmuch as we had to defer to each other and compromise and surrender some of those views with which we have grown up from our childhood. I say I trust such a spirit may actuate this body and this bill may be adopted as the only one which can be under the circumstances. Mr. Burke said that true statesmanship consists in adapting ourselves to the conditions by which we are surrounded. We find ourselves threatened with a terrible calamity, and I trust that the spirit and temper of this body may accord with those which have governed the committee.

Mr. CONGER. I ask the gentleman from Tennessee to yield to me for a few remarks.

Mr. YOUNG, of Tennessee. I should yield to the gentleman with a great deal of pleasure, but I have not control of the floor.

The SPEAKER *pro tempore*. The gentleman from Michigan is recognized and will proceed.

Mr. CONGER. Mr. Speaker, I think I am justified in saying there is no disposition on this side of the House in any way to prevent the passage of this or some other law, whatever law it may be, which in the judgment of this House shall tend in any manner to prevent the introduction or the spread of the ravages of those dreadful diseases which in the past have decimated and which may in the future decimate the people of this land. I think I speak the voice of the millions of the people of the North when I say that during the last year when our brethren in the Southern States were fleeing from their homes to avoid the pestilence which was sweeping them down by hundreds and by thousands, when we were called upon to contribute to their relief, to urge our physicians and nurses who were willing to go to assist them, when we were ready to pour out of our money and of our treasure whatever was necessary, more or less, to alleviate the situation, we were acting with that common humanity which belongs to us as a people and as a race, and we did cheerfully and joyfully whatever we might to alleviate the sufferings of our friends in the South.

Now, sir, when this act comes before Congress I for one do not feel, and I believe none of my friends on this side of the House have felt, disposed to raise one single point of order, to make one single objection, to hinder in any possible manner either the consideration or the passage of any bill which looked toward the relief desired; but, sir, while we do that we do not desire our friends of the South to stand in their places and pretend we are doing what we are not doing, pretend we are passing advisory resolutions here, pretend we are appropriating half a million of dollars of the money of the people of the United States merely in a gentle, advisory, assisting way, carrying on quarantine and sanitary regulations adopted by the States, with which we have nothing to do. Do not let us misunderstand each other. Either the people of the United States in their sovereign capacity in this Congress mean to assist in the prevention of the introduction of these scourges in the land by some law which shall be effective, forcible, carrying with it the strong arm of the Government of the United States to enforce its provisions, and paying out of the Treasury $500,000 to strengthen that arm of the Government to enforce its provisions, or they do not mean anything.

Sir, if the State-rights doctrine can prevent the exercise of the supreme power of Congress to defend its people, let those who advocate it and who bring State rights here to prevent our following the impulses of our natures—let them prevent the exercise of that power and let them answer to their constituents for doing so. But do not let them stand in their places and hope that we will not quibble, as the gentleman from Virginia says, on this subject of State rights and the supreme power of the nation. There is no quibbling; there shall be no quibbling. I will vote for this bill. I will vote to appropriate $500,000 out of the Treasury without even having it mentioned or intimated in the bill what that expense is for. I will not even inquire whether it is to pay for and keep up State sanitary regulations and State quarantines which the States claim to have the right solely to adopt and which they may possibly ask the Government to pay for.

But do not let us labor under a mistake. If this bill means anything it gives to officers of this Government power which is absolute, supreme, independent of State quarantine laws. If the States fail, if, as the bill says, they refuse to carry out the provisions of this law, then the General Government may act. If they refuse to pass the proper regulations, then this board of health shall report the matter to the head of this nation; not even to Congress. This board of health shall report to the supreme Executive of this nation and he shall make regulations. Without the aid of Congress even he shall make rules and regulations which shall bind the States and which shall be enforced. And this law provides that if the State authorities do not thus enforce and will not thus enforce the law, the Presi-

dent of the United States, like a supreme dictator, like a sultan on the throne, may send an officer who shall execute the law.

Do not deceive yourselves, gentlemen. Pass this bill and you pass the Rubicon. Pass this bill which the scourge of pestilence compels you to pass, for in no other way can you shut out this scourge from the land, and you have overstepped all your old finely drawn distinctions.

Sir, it does not do, as the gentleman from Virginia says, to leave the States within their borders along the shores at the distance of a marine league from land with the supreme control over this subject, and for the United States to go out on to the ocean a little beyond the line of State authority and establish a picket here and there out on the unknown waters over the unknown seas. You cannot in that way escape the dilemma in which you place yourselves by this law. The friends of State rights dare not make that question prominent when the lives of thousands of their fellow-citizens are quivering in the balance between the doctrine of State rights and the power of this great Government to fence out pestilence and disease and death from our midst.

The doctrine of State rights was asserted in connection with the internal improvements of the rivers and of the harbors of the United States ten years ago when I first became a member of the Committee on Commerce, and appropriation bills for rivers and harbors were before that committee and before this House. State-rights gentlemen of the South came in obedience to the demand of their constituents and urged the Committee on Commerce to make appropriations for harbors and rivers in their districts in the South. They said to the committee that they had been brought up to believe that the General Government had no right to make these appropriations; that it was a violation of the Constitution; that that was their theory, that that was their doctrine. In that they had been educated; there they would stand; but they asked the appropriation; they asked the Committee on Commerce to recommend an appropriation for their harbors and their rivers. We said to them, "if your people believe as you do that the State-rights doctrine is opposed to the appropriation of money for your harbors and for your rivers then we will not give them an appropriation; but if your people who have sent you here do not believe the doctrine which you advocate, we will remit the question to them and let them send some man here who does believe in appropriations." And it went to that extent, sir, that when the committee asked these southern State-rights men who demanded appropriations if they would vote for the bill with the appropriations they wanted and they said "no," the committee left out those works for which they demanded appropriations. Sir, it was the most effective solicitor for the nationality of this Government that I have ever known. [Laughter.] The gentle urgings of the constituents at home, the little petitions and suggestions sent up to the member to be sure and get an appropriation for his harbor and his river sapped the foundations of State rights in the mind of that immortal statesman, and he yielded the point and voted for the appropriation bill.

Now, although that was in olden times the test question of a State-rights man, the fundamental thing whether this Government had the right and the power to carry on within the States these internal improvements, I have looked round for the last two or three years with eager eyes to find a State-rights democrat of the South that did not come here and not only proclaim that the General Government had the right to make appropriations for the harbors and the rivers in his district, but who proclaimed that it ought to appropriate so far as their votes went all the money that was in the Treasury for that purpose; not appropriate by hundreds, not appropriate by thousands, not appropriate by hundreds of thousands, but by millions, and by nine millions at a time; $300,000 a year to the Big Kanawha, $250,000 a year to the Little Kanawha, $150,000 a year to the James River, $68,000 a year to the Appomattox. I cannot go on with the list.

Mr. TOWNSHEND, of Illinois. How much to the Kiskiminetas?

Mr. CONGER. Show me a southern State-rights democrat on this floor for the last five years and I will show you the man whose conscience has been relieved from all obligation as a State-rights man if he had a harbor to build within his district, or a river to deepen and improve.

I am thankful, sir, for the honor of the American name that I can point out two, and I think three, southern State-rights men who have maintained their integrity till now, who voted against river and harbor bills, and denied the right of this Government to make the appropriations, and stood firmly by the State-rights doctrine towering head and shoulders, like Saul, above all the other Israelites in their adherence to the old State-rights doctrine. I have them in my eye now; but they have been compelled to cross that dividing line between the State-rights democracy and the gallant republicans on this side. One sits with us here to-day. [Laughter.] He has no rivers in his district.

There are one or two others whom I do not see present. I wish they were here, so that I might confer upon them that generous tribute which belongs to the few who have resisted all temptations and remained faithful to principle. The State-rights men of the North are drifting out into an unknown sea. Who will recall them back? My fog-horn is not sufficient. [Laughter.] Where will they find anchorage? To-day in this bill, in the interest of humanity and the protection of the lives of thousands, perhaps of hundreds of thousands of the people of this nation, it is gratifying to me to see our State-rights friends relinquishing the principle, driven by the dire necessity which pestilence and plague bring into the country, and rising in the strength of their humanity to stand by the Government, the National Government, in the performance of its duty to its people, notwithstanding their former devotion to State rights.

Now, Mr. Speaker, I hail the passage of this bill with all that I may hope to be its valuable consequences to the American people as not only saving perhaps hundreds and thousands of the lives of our fellow-citizens, but also redeeming us by one more effort from that worse plague, that worse scourge, that worse pestilence of the American people, State-rights doctrine. [Applause on the republican side of the House.]

Mr. HOOKER. As a member of the committee appointed on epidemic diseases, I desire to say a single word in reference to this bill before the vote is taken. I have been somewhat surprised at the character of the discussion which has arisen on this bill. It was generally conceded when the gentleman from Tennessee [Mr. YOUNG] moved to create this committee in the House and the distinguished Senator from his State [Mr. HARRIS] moved to create a similar committee in the Senate that the power to do so was clearly derivable from that clause in the Constitution which gives Congress the power "to regulate commerce with foreign nations and between the several States." I never heard it doubted; I never heard it debated; I never heard it questioned by any member of the House committee, nor do I know that the question was ever raised in the Senate committee, that under the power to regulate commerce between this country and foreign nations and to regulate interstate commerce that power did not remain on the part of the Federal Government to establish a national quarantine. It was suggested and suggested by members of all parties that when you want to establish a national quarantine the power resides in the Congress of the United States to do it. But prudence, wisdom, and experience have demonstrated the efficacy of State, municipal, and county quarantines, and that therefore the preservation of the national health by creating a national quarantine could not give rise to the discussion of the doctrine of State rights.

Nobody doubted, sir, that, under the provisions of the quarantine law which prevailed in the State of Texas, to which my friend, Judge REAGAN, has referred, great and efficient protection was found against the prevailing disease. In my own State, the State of Mississippi, in the city of Natchez, where the fever had invariably appeared when it prevailed in New Orleans, for the first time in the history of this terrible epidemic this city was free from this plague, owing alone to its strict municipal quarantine by land and water.

It is urged by the gentleman from Michigan and by others that because the committees of the two Houses of Congress, the committee that reported the bill and the committee of the Senate, propose to retain under the bill the State, county, and municipal quarantines which have thus proved so efficient throughout the land, we are suggesting the doctrine of State rights as opposed to the power of the Federal Government. Sir, it is a most terrible *non sequitur* that a logical mind ever attempted to impose on a deliberative body to say that if the power existed in Congress to establish a national quarantine we must in its exercise destroy and do away with all State, county, and municipal quarantines. We thought it could be established with great efficacy, especially with reference to the ports of South America with which we have such constant commercial intercourse. Because we have sought to preserve the State, municipal, and county quarantines it is suggested that we uphold doctrines of State rights as opposed to the power of the Federal Government, and the very fact that it comes here supported by my friend from Virginia, [Mr. GOODE,] and supported by the entire committee of the House so far as I am aware, shows that we did not intend in any manner in preserving the State, county, and municipal quarantines to question the power of the Federal Government to establish a national quarantine.

The necessity for this action arose from the terrible calamity which overspread this country last year, which taught us the lesson that while it is true that yellow fever is a tropical disease, is indigenous to tropical countries; that, in the language of Mr. Calhoun, "Vera Cruz is its native home" and from there it is imported into our ports—while we found this to be the case, the experience of last year demonstrated that it might go even as far North as the State of Ohio, and the experience of former years had demonstrated that it might go even to the port and city of New York.

All along the line of our Atlantic coast and all along the line of the Mississippi River we had State, county, and municipal quarantine regulations. Would any one opposed to this bill strike them down? Would any of us who favor the bill strike them down? What we say is that it would be wise legislation to create a great national quarantine which is intended not to overthrow the cordon of State quarantines, but to erect a barrier all around the entire continent, not only along the shores, but as far out into the ocean as the national jurisdiction extends. To do that, will any one say that we will strike down the State, county, and municipal quarantines which have already proved so efficient in many places?

I had occasion, Mr. Speaker, during the last session of Congress to say what I now send to the Clerk's desk and ask to have read. It was then said that the sentiments which I expressed were intended to give rise to the idea that the establishment of a national quaran-

tine would be the destruction of State quarantines, and therefore the destruction of the rights of the States over the question of health within their borders. I ask the Clerk to read what I have marked.

The Clerk read as follows:

Mr. HOOKER. I think the substitute which has just been read in the hearing of the House, offered by the majority of the House committee for the Senate bill, is not obnoxious to the criticism passed on it by the gentleman from Ohio. There is in this substitute no conflict between the authority of the United States and the powers to be exercised under it and the authority of the State. When we were taking this testimony in New Orleans, of the medical experts who spoke advisedly and intelligently on the origin and cause of the fever, the great bulk of them concurred in the opinion that this disease whenever it visited our country was imported. And when we took the testimony of commercial men on the question as to how the absolute shutting up of ports like New Orleans would affect their commerce, those engaged in the trade that would be especially affected by it, with South America, all concurred in the opinion that the question of interference with commerce was not to be considered, even in a money point of view, in comparison with the terrible losses which the prevalence of the epidemic always caused.

This evidence went to show that we could establish a national quarantine running all along the Atlantic coast against the ports from which this disease is usually brought; that we could establish a national quarantine, to be maintained by the Navy of the United States in a great degree, that should guard the outer lines of approach of these infectious diseases, while we would not interfere with the State or city regulations which were designed to protect the States or cities on the Atlantic coast. Would you establish a national quarantine, in the language of the gentleman from Ohio, which would do away with the local quarantine? Would you establish under the bill as it comes from the Senate a national quarantine that would destroy the quarantine of New York and Boston and Charleston and Savannah and New Orleans? The very office and function of the House bill is that while we guard the national quarantine at the same time we preserve the quarantine which the States and cities on the Atlantic coast have provided for themselves.

Mr. HOOKER. It will be observed that in the sentiments which I expressed upon that occasion the question of State rights as connected with the power of the Federal Government over this subject was not named and not even suggested. It was a question as to whether or not the quarantine regulations which the State, counties, and municipal authorities had established should be maintained and preserved, not as in antagonism to a national quarantine, but as auxiliary to it and in support of it.

I say, therefore, that this bill is intended to preserve those regulations—not that we doubted the power of the Federal Government over this question; and therefore no man who votes for this bill now can be said to be in favor of striking down those regulations, and no man who refuses to vote for it can do so upon the ground that it is an invasion of the rights of the States. As we understand it, it is intended to operate within the sphere and power of the National Government.

The necessity for this action grew out of the terrible calamity which visited this country last year. I was glad to hear the gentleman from Michigan [Mr. CONGER] pay the compliment to that people who responded so warmly and cordially to the wants and necessities of our people when they were visited with a plague as frightful as that which visited the great city of Argos, and which was described by that greatest of all tragedians of ancient or modern times, Sergeant Noon Talfourd. The picture which he drew of the terrors of that terrible scourge in the city of Argos was repeated again and again and again in many a city and town and hamlet, during the last terrible scourge that visited our country. In many a household all were stricken down. The fell destroyer spared neither decrepit age nor smiling infancy. The strong man of the household, writhing in his death agony, "striving, and not in vain, to cast a last parting smile on the fragile wife waning beside him; his limbs composed, the widow of a moment fixing her gaze of longing, speechless love on the babe, the only living thing which yet was hers, with wan and attenuated hand wave off the yet unstricken child, and so embraceless die, stifling the mighty hunger of the heart."

It was these pictures of terrible misery which suggested to the American people that it was necessary that a government supported by a common policy and a common patriotism and a common taxation of the entire people should come to the rescue in the calamity which was too great to be met by one single arm; that all forces should be united in order that we might give common protection to our common country.

I am glad that this appeal broke down sectional lines, that it struck down sectional ideas, that it struck down party notions, and made us realize the fact that we were all bone of the same bone, with kindred blood and a common lineage. I am glad that it called our Anglo-Saxon race everywhere all over this land to respond with that warmth of generosity which poured out the rich accumulated treasures and bestowed them upon the poor and stricken portion of the country that felt the great blow of this disease and this disaster; and I hope that that generous impulse of the northern people will find its palpable expression in the vote of this House in favor of the bill which the committee have had the honor to report.

Mr. YOUNG, of Tennessee. I am willing now that a vote should be taken upon the amendments of the gentleman from Texas, [Mr. REAGAN.] I hope, however, he will withdraw them.

Mr. REAGAN. I prefer that my amendments should be voted on. I have no further remarks to make.

The SPEAKER *pro tempore*. If there be no objection the general debate on this bill will be considered closed, and the bill will be proceeded with under the five-minute rule.

Mr. YOUNG, of Tennessee. I ask permission of the House to call the previous question on the entire bill without discussing it by sections, which will consume a great deal of time. [Cries of "That is right."] I presume every member here has made up his mind how he will vote on the whole bill.

Mr. HOUSE. I hope the gentleman from Texas will withdraw his amendments and let the previous question be called, so that we may vote at once upon the entire bill.

The SPEAKER *pro tempore*. The Chair would suggest that the amendments are not yet pending.

Mr. YOUNG, of Tennessee. I will call the previous question; and if it be voted down then the sense of the House can be taken on the amendments.

Mr. COX. I ask the gentleman to yield to me for three minutes.

Mr. YOUNG, of Tennessee. Certainly.

Mr. COX. Mr. Speaker, when a bill similar to this was before the House some time ago, I proposed, in order to save the local quarantine of New York from any Federal supervision or obstruction, a proviso to the effect that the rules, regulations, and laws of a local nature as then existing or as they might thereafter exist should not be interfered with. That amendment was accepted in deference to local authority, there being on this subject harmony of opinion. I see that in the third section of this bill, although we have not the same express language reserving the authority of our State and local quarantine regulations, there is an attempt to negative any superiority or predominancy of the Federal quarantine as administered by this National Board of Health over our State regulations and laws. I wish this reservation were more definitely expressed. Why, sir, I have a right to say that it has cost millions of money to the great State of New York to make her splendid quarantine regulations which in their careful administration have saved all the inland against these epidemics from the outland. Although our city is subject to the incursion of yellow fever, although from the middle of June to the middle of October we have this disease in our hospitals, yet by our system of local quarantine, by our hygienic precautions and other methods of prevention, we do prevent the yellow fever from entering our great metropolis and going into the interior by railroad communication. The same thing can be done at New Orleans. Dr. Vanderpoel, who is at the head of the quarantine system at New York, says:

Having listened to the detailed recital of the circumstances under which the disease was introduced at New Orleans, I do not hesitate to state that under similar circumstances yellow fever might be brought to the docks of New York any day during the four months of its prevalence in the harbor.

He says further that there is no time from the middle of June to the middle of October when this disease has not come constantly and extensively into the West Indies as well as our Atlantic and Gulf ports, particularly New York; so that except for local quarantine regulations the whole country, North as well as South, would be exposed to danger from the ravages of this disease.

Now, I desire to know whether men like Dr. Vanderpoel are satisfied with the provisions of this bill. I understand from my friend from Tennessee that Dr. Vanderpoel has seen this measure, that he approves it, and that he says it will not interfere with the local system of quarantine. Upon this statement of the gentleman from Tennessee I will give my vote for the bill, though I do so with reluctance. The *argumentum ad misericordiam* made so touchingly by my friend from Mississippi [Mr. HOOKER] is capturing this House. It has captured my own heart. We cannot, even on the cynical appeal of the gentleman from Michigan, [Mr. CONGER,] refuse something to this great service in the cause of humanity. But, sir, I warn gentlemen, particularly those from the South, that by next December they will see the results of these measures; and if they do not meanwhile, in addition to this mere Federal bureaucracy, this distant supervision of the Board of Health, exercise local care and local supervision, all measures of this sort will be in vain, and the South will be desolated again as it was last year.

[Here the hammer fell.]

Mr. YOUNG, of Tennessee. If there are no further amendments, I will ask the previous question upon the bill.

Mr. ROBINSON. I do not understand that the agreement to have the bill considered by sections can be superseded in this way.

The SPEAKER *pro tempore*. That was the object of the gentleman in demanding the previous question.

Mr. YOUNG, of Tennessee. If the previous question be voted down, the bill can then be considered by sections.

The SPEAKER *pro tempore*. The vote upon seconding the demand for the previous question can be regarded as testing the sense of the House.

Mr. CONGER. But an agreement of the House should not be lightly set aside in this way. The House agreed to consider the bill by sections as in Committee of the Whole, and I think the agreement should not thus be abrogated.

The SPEAKER *pro tempore*. The point made by the gentleman from Michigan, if insisted upon, is undoubtedly correct, and the bill must be read by sections.

Mr. ROBINSON. If that was the understanding, I do not see how this House can take from members their right to offer amendments.

Mr. YOUNG, of Tennessee. What is the proposition of the gentleman from Massachusetts?

Mr. ROBINSON. I want to make a suggestion in regard to the first section, and I say very frankly that I do it because I am in sympathy with the general purpose of the bill. There seems to me something wanting here.

Mr. YOUNG, of Tennessee. Mr. Speaker, if the House understands there was an agreement that this bill should be considered by sections under the five-minute rule, I will interpose no objection to it.

The SPEAKER *pro tempore*. Then the first section of the bill will be read.

Mr. BREWER. Before proceeding with the reading of the bill Mr. Speaker, I wish to state that it has not been printed, and the bill as it is on our desks is not the bill as it has come from the Senate and has been read in our hearing this morning. In order that the bill may be ordered to be printed and we may have it before us in print exactly as it is, I move the House do now adjourn.

The SPEAKER *pro tempore*. The gentleman from Tennessee stated this morning that there were very immaterial alterations between the bill as printed and the bill as it lies on the Speaker's desk.

Mr. BREWER. I think the bill should be printed exactly as it comes to us from the Senate and that we should have it before us in print when we are called upon to vote on the several sections.

The SPEAKER *pro tempore*. Does the gentleman from Michigan move that the House do now adjourn?

Mr. BREWER. I do; and I do so for the purpose of having the bill before us in print.

The House divided; and there were—ayes 50, noes 65.

Mr. BREWER. I demand the yeas and nays.

The yeas and nays were not ordered.

So the House refused to adjourn.

The SPEAKER *pro tempore*. The Clerk will read the first section of the bill.

The Clerk read as follows:

Be it enacted, &c., That it shall be unlawful for any merchant ship or vessel from any foreign port where any contagious or infectious disease exists, to enter any port of the United States except in accordance with the provisions of this act, and all rules and regulations of State boards of health and all rules and regulations made in pursuance thereof; and any such vessel which shall enter, or attempt to enter, a port of the United States, in violation thereof, shall forfeit to the United States a sum, to be awarded in the discretion of the court, not exceeding $1,000, which shall be a lien upon said vessel, to be recovered by proceedings in the proper district court of the United States. And in all such proceedings the United States district attorney for such district shall appear on behalf of the United States, and all such proceedings shall be conducted in accordance with the rules and laws governing cases of seizure of vessels for violation of the revenue laws of the United States.

Mr. ROBINSON. I move to amend that section at the end of the seventh line by inserting the words "or established under the health laws of any State." And I will explain the reason for offering that amendment, and if I am wrong I will be happy to withdraw it. The bill provides that it shall be unlawful for a vessel to enter any port except in accordance with the provisions of this act (that is not material to what I am now about to say, but then it goes on to say) and all rules and regulations of State boards of health. Now, that does not go far enough to meet many of the provisions in many of the States; certainly in Massachusetts. Massachusetts has a State board of health, but it does not make rules and regulations governing the quarantine. The cities and towns of the State of Massachusetts have the quarantine regulations in charge; and in the port of Boston that is under the control of the city officers of Boston, and not the State board of health at all. Therefore while a ship might lawfully enter the port of Boston in obedience to the health regulations of that city, she might under this law be an offender because she did not enter in accordance with the rules and regulations of the State board of health. They are two separate organizations. Have I made myself plain?

Mr. McGOWAN. What are the words to be inserted?

Mr. ROBINSON. "Or established under the health laws of any State." That is, the rules and regulations established under the health laws of any State. That will cover the city and town regulations which are authorized to be made. There can be no possible objection to it. I dislike to offer the amendment as it necessitates the sending of the bill back to another branch, but I think it will be unwise to pass the bill without those words being inserted.

Mr. McGOWAN. Will the gentleman yield to me for a moment?

Mr. ROBINSON. I will if my five minutes have not expired.

Mr. McGOWAN. Allow me to refer to the bill. The first section provides that it shall be unlawful for any merchant ship or vessel to enter any port of the United States except in accordance with the provisions of this act, and all rules and regulations of State boards of health or sanitary associations recognized by this act.

Mr. ROBINSON. That is stricken out by the act of the printed bill, and those latter words are not in the bill as it comes to us from the Senate.

Mr. VAN VOORHIS. The whole difficulty with us is that we do not know exactly what is the language of the bill before the House.

The SPEAKER *pro tempore*. It is Senate bill 108 on the files of the House.

Mr. ROBINSON. But the bill before the House has been changed from the bill as it is here in print.

Mr. McGOWAN. It was changed in that regard for the reason that there were many sanitary associations which adopted rules and regulations of their own and it was not proposed to subordinate these rules and regulations to mere temporary organizations under the State laws.

The SPEAKER *pro tempore*. The question is on the amendment proposed by the gentleman from Massachusetts.

Mr. YOUNG, of Tennessee. I wish to be heard before the vote is taken on that amendment. I should have no sort of objection to an amendment of that character under other circumstances, but it is so extremely improbable that it will give rise to any trouble in the direction the gentleman apprehends in its present form that I must object to it for the reason that any amendment to this bill will carry it back to the Senate, and when it goes back to the Senate again in my judgment that will be the loss of the bill at the present session of Congress. I am quite sure if my friend from Massachusetts believed that to be so he would not admit his amendment so important as to insist on it at the risk of defeating the bill.

I am justified by my colleague, the Senator from Tennessee, who had charge of this bill in the Senate, in saying that if we return it to the Senate at this late hour of the session the great divergence of opinion which exists among the members of that body in reference to various other provisions of the measure will work its certain defeat. For that reason I beg my friend from Massachusetts to withdraw his amendment. If harm should come from this at all it certainly cannot work any very hurtful results between now and next December, when other and additional legislation can be had on this subject. But for that reason I would accept the gentleman's amendment at once. But that being true, I ask the friends of the measure to consider now whether it is not better to let it go confessedly not entirely perfect than, in an effort to make it as nearly perfect as it can be made, bring about the defeat of the bill altogether. That is the alternative which in my judgment is submitted. And I will ask the gentleman from Massachusetts, if in his judgment he can do so without too great danger being incurred, to withdraw his amendment and let the bill pass as it is.

Mr. ROBINSON. If I for one moment believed that the offering of this amendment or the return of this bill to the Senate would afford the slightest ground for fearing that the Senate would not act upon this amendment and so enact the bill finally I would certainly withdraw it. But I cannot see how it should appear to any gentleman here that the Senate could refuse to act upon a little matter of this kind which I understood my friend from Tennessee to say is entirely right and ought to be in the bill, and which meets the case I have stated and meets it squarely. The Senate, if I read the RECORD rightly, passed this bill by a very decided majority. I cannot assume that it will not pass upon this amendment. I cannot assume that another branch of this Government which has already passed upon this measure by its vote does not recognize its importance as much as we do.

I certainly wish it to be understood I do not offer this in any spirit of hostility to the bill. But can it be that between this time and the date when I hope we shall pass some appropriation bills and be ready to go home the Senate of the United States will not have time and will not be willing to pass on this amendment?

Mr. CHALMERS. Will the gentleman yield to me for a question?

Mr. ROBINSON. Yes, sir.

Mr. CHALMERS. Does the gentleman not think that the term "State boards of health" would include city boards?

Mr. ROBINSON. I think it would not.

Mr. CHALMERS. Would it not include all boards organized by State law?

Mr. ROBINSON. In Massachusetts we have an organization known as the State board of health. Then in the different municipalities we have city and town boards of health.

Mr. CHALMERS. The language is "State boards;" and any board organized by State law would be a State board.

Mr. ROBINSON. I would understand the expression to mean boards of the different States.

Mr. YOUNG, of Tennessee. I do not know if I made myself clearly understood. I think the gentleman from Massachusetts labors under some misapprehension as to what I intended to convey. I did not mean to say that if the bill went back to the Senate with the amendment the gentleman proposes the Senate would for that reason decline to act upon it. I meant to convey this meaning, that if it went back there another discussion would follow, protracted perhaps through a number of days. It might come back here with other amendments. Another discussion would follow here. The period is approaching, as the gentleman suggests—it will certainly come some time in the future—when this session must adjourn. That period cannot be very far off. And between the two Houses trying to arrive at an agreement about the amendments offered by one and the other, the danger is that Congress will adjourn without taking final action at all. And there is another view also to be taken of it. The time is now at hand when if we are to expect any practical results from the operation of this bill it must be put in force. The warm weather is upon us now.

Mr. VAN VOORHIS. Is the gentleman from Tennessee willing to adjourn Congress without passing the appropriations?

Mr. YOUNG, of Tennessee. No, sir; I am not. I answer your question very frankly. I think the appropriation bills should pass and Congress should be ready to adjourn very soon. But leaving that out of view, for the reasons I have explained there is great danger that this bill may fail if any amendment be now put upon it, and even if it does not fail eventually the time will pass when it will be of any practical benefit for the present season. It ought to be in operation this very day, this very hour; for every hour that its passage is de-

layed increases the danger we may have to face this summer. For that reason I hope the amendment will be voted down if my friend from Massachusetts insists upon it.

Mr. ROBINSON. I think I may withdraw that amendment; but before doing so I want to make a statement in connection with it, because I think it possible the House may see the necessity of amending the bill in another place. If we have to amend the bill in another particular, I am willing to withdraw this amendment for the present that I may renew it hereafter.

The SPEAKER *pro tempore*. Does the gentleman ask unanimous consent to return to this section?

Mr. ROBINSON. Oh, no; the other amendment to which I refer is to the same section.

Mr. YOUNG, of Tennessee. We had better vote, then, on the gentleman's amendment.

The question being taken on Mr. ROBINSON'S amendment, it was not agreed to.

Mr. ROBINSON. When the gentleman from Tennessee called for a vote on my amendment I was about to withdraw it. But I wish to call the attention of the House to a difference between provisions of the first and the second sections. One provides a penalty of $1,000 for any violation of the provisions of the act; and then there is a penalty of $500 for violating a single feature of the act.

Mr. YOUNG, of Tennessee. That is an apparent inconsistency of the bill. I had observed it myself. But I do not think it will have any practical operation to any extent. I would not have attached so great a penalty to the one section, and I would have lessened the penalty in the other section, but I do not apprehend that there will be any abuse arising out of that in the short time which must elapse between now and the next session of Congress.

The first section was then agreed to.

The Clerk read the second section, as follows:

SEC. 2. All such vessels shall be required to obtain from the consul, vice-consul, or other consular officer of the United States at the port of departure, or from the medical officer, where such officer has been detailed by the President for that purpose, a certificate in duplicate setting forth the sanitary history of said vessel, and that it has in all respects complied with the rules and regulations in such cases prescribed for securing the best sanitary condition of the said vessel, its cargo, passengers, and crew; and said consular or medical officer is required, before granting such certificate, to be satisfied the matters and things therein stated are true; and for his services in that behalf he shall be entitled to demand and receive such fees as shall by lawful regulation be allowed, to be accounted for as is required in other cases.

That upon the request of the National Board of Health the President is authorized to detail a medical officer to serve in the office of the consul at any foreign port for the purpose of making the inspection and giving the certificates hereinbefore mentioned: *Provided*, That the number of officers so detailed shall not exceed at any one time six: *Provided further*, That any vessel sailing from any such port without such certificate of said medical officer, entering any port of the United States, shall forfeit to the United States the sum of $500, which shall be a lien on the same, to be recovered by proceedings in the proper district court of the United States. And in all such proceedings the United States district attorney for such district shall appear on behalf of the United States, and all such proceedings shall be conducted in accordance with the rules and laws governing cases of seizure of vessels for violation of the revenue laws of the United States.

Mr. REAGAN. I move to amend by inserting after the word "detailed," in the fourth, seventeenth, and twenty-first lines of the first section, the words "or assigned."

Mr. YOUNG, of Tennessee. I am opposed to that amendment, as I am to all amendments to this bill.

The amendment was not agreed to.

Mr. YOUNG, of Tennessee. To test the sense of the House I call the previous question on the entire bill.

The SPEAKER *pro tempore*. The House by unanimous consent ordered that this bill be considered by sections.

Mr. YOUNG, of Tennessee. I know that; but the House may now change that order.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to a third reading; it was accordingly read the third time, and passed.

Mr. YOUNG, of Tennessee, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was asked in the following cases:

To Mr. VALENTINE, for three days, on account of the severe illness of his wife;

To Mr. PIERCE, indefinitely, on account of sickness;

To Mr. LOWE, indefinitely, on account of sickness;

To Mr. MONEY, indefinitely, on account of sickness;

To Mr. MCCOOK, for five days;

To Mr. UPDEGRAFF, of Ohio, for three days, on account of important business;

To Mr. MORSE, indefinitely, on account of important business;

To Mr. GARFIELD, for three days, on account of important business; and

To Mr. THOMAS TURNER, indefinitely, on account of important business.

Mr. REAGAN. I object to the granting of further leaves of absence to gentlemen, or we shall be left without a quorum. I object to granting leave of absence to any member except upon his own sickness or sickness in his family.

The SPEAKER *pro tempore*. The Chair will suggest that the gentlemen to whom leave of absence has been granted have probably already left the city.

Mr. REAGAN. I object to giving leave of absence in any case, unless the member be called away by sickness in his family

The SPEAKER *pro tempore*. The Chair will then suggest that leave of absence be considered as granted only in those cases where sickness has been assigned as the reason for asking the leave.

NEWSPAPER ADVERTISEMENTS.

The SPEAKER *pro tempore* laid before the House a letter from the Secretary of the Interior, relative to the adjustment of certain newspaper accounts for advertising the sale of Kansas Indian lands in 1874 and 1875; which was referred to the Committee on Appropriations.

FINES ON THE POST-OFFICE CONTRACTORS.

The SPEAKER *pro tempore* also laid before the House a letter from the Postmaster-General, transmitting, in accordance with section 413 of the Revised Statutes, reports of the fines imposed on and the deductions from the pay of contractors made during the fiscal years ending 1876 and 1878; which was referred to the Committee on the Post-Office and Post-Roads.

Mr. HAYES. I move that the House do now adjourn.

The motion was agreed to.

And accordingly (at four o'clock and forty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. ATKINS: The petition of Parmenias Transom, for pay for property taken by the United States Army—to the Committee on War Claims.

By Mr. BAKER: The petition of Jeremiah Geddes, for a pension—to the Committee on Invalid Pensions.

By Mr. BARBER: Papers relating to the claim of Charles A. Folsom, for compensation for property lost while in the United States military service in 1864—to the Committee on War Claims.

By Mr. BRENTS: Papers relating to the claim of A. D. Fisher, for compensation for lands and improvements taken by the Government for an Indian reservation—to the Committee on Indian Affairs.

By Mr. CARLISLE: Two petitions of citizens of Kentucky, for the establishment of an additional judicial district in that State—to the Committee on the Judiciary.

By Mr. DEERING: The petition of Mrs. Abbie Sharp, that she may receive support from the Government in consequence of having lost health and become incapacitated for work through capture and brutal treatment by Indians—to the Committee on Indian Affairs.

Also, the petition of 106 men and women of Butler County, Iowa, that no change be made in the revenue laws in the interest of dealers in spirituous liquors—to the Committee of Ways and Means.

By Mr. FROST: The petition of Nathan Caronna, to have the Commissioner of Internal Revenue authorized to examine and adjust a claim for refunding taxes illegally assessed and collected—to the Committee of Claims.

By Mr. FRYE: The petition of Thomas B. Swan and others, that a pension be granted Sarah A. Golderman—to the Committee on Invalid Pensions.

By Mr. KLOTZ: The petition of officers and members of the Woman's National Christian Temperance Union, and others, of Monroe County, Pennsylvania, against any change in the amended revenue act that will promote the interest of liquor dealers—to the Committee of Ways and Means.

By Mr. LADD: A paper relating to the pension claim of Horace Brown—to the Committee on Invalid Pensions.

By Mr. MCMAHON: The petition of the officers and members of the Woman's National Temperance Union in convention at Springborough, Ohio, against any change in the internal-revenue law to promote the interest of dealers in spirituous liquors—to the Committee of Ways and Means.

By Mr. MULLER: The petition of Alex. Hunter and others, for the passage of the bill to amend title 53 of the Revised Statutes in relation to merchant seamen—to the Committee on Commerce.

By Mr. MURCH: The petition of T. H. Murch, for the passage of a resolution instructing the Committee for the District of Columbia to report to the House whether the commissioners of said District have reissued an order to prevent citizens of the United States from assembling peaceably in the streets or public reservations of said District—to the Committee for the District of Columbia.

Also, the petitions of 54 citizens of Deering, of 78 citizens of Friendship and of Warren Hills, and 65 other citizens of Union, Maine, for the enactment of a law providing for a new issue of full legal-tender notes, and instructing the Secretary of the Treasury to buy and cancel bonds with the same—to the Committee on Banking and Currency.

By Mr. ROBERTSON: The petition of Thomas Curtis Clarke and others, relative to the proposed Mississippi River improvement commission—to the Committee on Levees and Improvement of the Mississippi River.

IN SENATE.

WEDNESDAY, *May* 28, 1879.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. KERNAN. I present the petition of William P. Clyde & Co. and others, of New York City, praying for an appropriation to remove an obstruction in the harbor of New York, known as the "Land Spit." Accompanying the petition is a resolution adopted at a meeting of the board of commissioners of pilots of that harbor in favor of granting the prayer of the petition. I move their reference to the Committee on Commerce.

The motion was agreed to.

Mr. FARLEY presented the petition of John P. Haines and others, settlers on the public lands on Klamath River, California; the petition of W. S. Ashley and others, citizens of Del Norte County, California, and the petition of William M. Young and others, citizens of California, praying for the passage of a law declaring the Klamath reservation open to settlement; which were referred to the Committee on Public Lands.

Mr. JONAS presented the petition of the State National Bank of Louisiana, praying for the passage of a law referring the claim of that bank for cotton appropriated by the agents of the Treasury Department to the use of the Government to the Court of Claims; which was referred to the Committee on the Judiciary.

Mr. FERRY presented the petition of Emery Bowen, late a private in Company M, Seventh Regiment Michigan Cavalry, praying for the passage of a law granting him a pension; which was referred to the Committee on Pensions.

Mr. EATON presented the petition of J. E. Fuller and others, citizens of the United States, praying for the passage of the bill (S. No. 327) for the improvement of Harlem River; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. GROVER, from the Committee on Military Affairs, to which was referred the joint resolution (S. R. No. 15) requiring the assembling of a court of inquiry in the case of Thomas Worthington, reported it with an amendment and submitted a report thereon; which was ordered to be printed.

EVANS'S COMPILATION OF IMPORTS.

Mr. BECK, from the Committee on Finance, submitted the following report; which was read:

The Committee on Finance, to whom was referred the resolution of the Senate of May 20, 1879, instructing the committee "to inquire into and report as to the propriety of procuring for the use of Congress a compilation of the imports into the United States and the rate of duties thereon, which has been prepared by Charles H. Evans, in the Bureau of Statistics," having had the same under consideration respectfully report it back to the Senate, and recommend the passage of the accompanying resolution:

Resolved, That there be printed the usual number of "a compilation of the imports into the United States and the rates of duties thereon," prepared by Charles H. Evans for the use of Congress.

Mr. KIRKWOOD. Does the compilation include the imports merely, or the exports as well?

Mr. BECK. It is a compilation of the last twelve years, embracing all the imports into the United States, the consumption, the rate of duty *ad valorem*, and everything relating to commerce and navigation. There are twelve volumes to be printed in one book under appropriate heads. We think it is extremely valuable, but we desire the Committee on Printing to look at it first.

Mr. KIRKWOOD. Is the compilation already printed?

Mr. BECK. No, sir; it is already prepared and in writing, made up by a man employed for years in the Bureau of Statistics, a very competent man; but we should like the Committee on Printing to look at it before the subject is finally acted on.

The PRESIDENT *pro tempore*. The resolution will be referred to the Committee on Printing.

BILLS INTRODUCED.

Mr. JONAS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 633) for the relief of the State National Bank of Louisiana; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. SAUNDERS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 634) granting a pension to Thomas H. Saunders; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FERRY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 635) granting a pension to Emery Bowen; which was read twice by its title, and referred to the Committee on Pensions.

Mr. JONAS asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 33) to authorize the President of the United States to return the Twiggs swords to Mrs. Rowena Guedalla; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. FARLEY asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 34) subjecting the Klamath River Indian reservation, in the State of California, to entry as other public lands in said State; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. BELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 636) in relation to the election of Senators from the State of New Hampshire; which was read twice by its title, and referred to the Committee on Privileges and Elections.

Mr. BURNSIDE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 637) granting an increase of pension to Lucien Kilbourn; which was read twice by its title, and referred to the Committee on Pensions.

ELEVATORS FOR PUBLIC BUILDINGS.

Mr. DAVIS, of Illinois, submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be directed to communicate to the Senate the action recently taken by the Department in reference to elevators for the public buildings in Chicago and elsewhere, and the mode adopted for ascertaining the safest and best machines, together with such reports as may have been made on the subject by experts.

ELECTIONS AND APPOINTMENTS IN RHODE ISLAND.

The PRESIDENT *pro tempore*. If there is no further routine morning business, the Chair will lay before the Senate the resolutions offered by the Senator from Indiana [Mr. MCDONALD] yesterday.

The Senate proceeded to consider the following resolutions submitted yesterday by Mr. MCDONALD:

Resolved, That so much of the memorial of J. B. Greene and the accompanying petition of Augustus Woodbury and other honorably discharged soldiers and sailors of the United States and citizens of the State of Rhode Island as relates to the alleged violation of sections 1754 and 1755 of the Revised Statutes in relation to the appointment of wounded soldiers and sailors to civil offices, and also so much of said memorial as relates to alleged violations of civil-service reform in the State of Rhode Island, be, and the same is hereby, referred to the Committee on Civil Service and Retrenchment, with authority to send for persons and papers.

Resolved, That so much of the memorial of J. B. Greene as relates to the interference of Federal officers in the election in Rhode Island and to the denial of the right to vote to any citizens of the United States who are also citizens of the State of Rhode Island, and also the alleged frauds or undue influence practiced against citizens of said State at the late election, be referred to the select committee to inquire into alleged frauds in the late elections, with power to send for persons and papers.

Mr. ANTHONY. Mr. President, I thank the Senate for its courtesy in declining to consider yesterday a memorial presented to the Senate in my absence, and which contained an offensive mention of my name. The memorial and the papers were made public in the newspapers before they were brought to the attention of the Senate. They contain as little truth as sense, and as little sense as syntax. They were gotten up by a disappointed politician, actuated by personal malevolence toward me, for some fancied slight, of which I knew nothing, in a newspaper with which I am connected, and by a vindictiveness toward the collector of the port of Providence, who had removed his brother from a subordinate position in the custom-house. That brother was a soldier. He served in California, and I think did not, during the whole war, see the face of a rebel. His successor was a soldier who entered the Army in the Ellsworth Zouaves, and fought through the whole contest, and was severely wounded at Port Hudson.

The term of office of the collector of the port of Providence, after a service of eight years, being about to expire, it was the pleasure of the President to send to the Senate the nomination of a new man. It was the pleasure of the Senate to confirm him. He had the misfortune to be my kinsman. As I was not instrumental in originally bringing his name to the attention of the appointing power, I did not feel it necessary to oppose him on that ground, as I knew that he was otherwise qualified.

The new collector has made but few removals in the custom-house, I think but three or four. I was not consulted, nor was my colleague, I believe, in any of these cases. I scarcely know the officers removed or those appointed; some I do not even know by sight. It has never been my habit to interfere in the appointment of the subordinate officers in the State which I have the honor in part to represent, preferring to leave their selection to the heads of Departments who are responsible for their conduct. I remember but one single interference that I ever made, and that was some years ago, when a very worthy officer was removed without cause and I interposed for his restoration, which was granted.

This proposed investigation involves an inquiry into the right of the President to make the nomination, the right of the Senate to confirm it, and the right of the collector of the port of Providence to make the appointments of officers vested in him by law, with the approval of the Secretary of the Treasury. If any committee of the Senate desires to occupy itself with such an investigation, I have no disposition to interfere with the innocent amusement.

The second resolution, as I read it in the RECORD, makes reference to the denial of suffrage in Rhode Island to certain persons who are citizens of that State and of the United States. I did not notice anything of this in the hasty perusal which I gave to the petition, but I presume it is there. Some denials of the right of suffrage to citizens of this class are made in every State. The institutions of Rhode Island, and especially its restricted suffrage, have been the subject of much animadversion by persons outside of its limits, and the cause of frequent complaint by those who have no legitimate concern in them. They are eminently satisfactory to those who ordained them, who have sustained them, who live under them, and who enjoy all their

advantages, and suffer all their inconveniences. Repeated attempts have been made to modify them, which have uniformly failed, and some of the heaviest majorities against the proposed modification have been given in the strongest democratic districts in the State.

Rhode Island is a State in the Union, independent in all things, except those which she has delegated to the Federal Government. She claims the right to make her own fundamental laws, to enact her own legislation, always in obedience to the Constitution of the United States and the laws enacted in pursuance thereof. She makes no intrusive and impertinent interference in the affairs of other States, and she tolerates none in her own.

This subject was brought to the attention of the Senate as long ago as 1870, and was referred to the Committee on the Judiciary, of which you, Mr. President, were a member. That committee made a report upon the subject, which I will ask the Secretary to read.

The Secretary read as follows:

May 26, 1870, Mr. EDMUNDS, from the Committee on the Judiciary, submitted the following report:

The Committee on the Judiciary, to whom was referred the petition of citizens of Rhode Island setting forth, by reference, the fourteenth and fifteenth articles of amendment to the Constitution of the United States, and stating that "the State of Rhode Island, notwithstanding the provisions of the above-named amendments, persists in and by the first section of article 2 of the constitution of said State, in denying and abridging the right of about ten thousand citizens of the United States to vote at any and all elections holden in said State," and praying that Congress will "pass such appropriate legislation as may be found necessary to obtain for, and secure to, the citizens of the United States resident in Rhode Island all the rights, privileges, and immunities guaranteed to them by the Constitution of the United States," respectfully report:

That the constitution of Rhode Island, adopted in 1842, prescribes two alternative classes of qualifications for voting. The first gives to all male citizens of the United States of a certain age, &c., the right to vote, if they own real estate of the value of $134, or which shall rent for $7 per annum. The second gives to every male native citizen of the United States of a certain age, &c., the right to vote, if he pays a tax of $1 a year, &c., although he may not own real estate. No man or party has ever questioned the right of the people of Rhode Island, and of every other State, to establish such a constitution of government as may be agreeable to their views of the public welfare in that State, although its provisions as to suffrage may not conform to the opinions of citizens of other States. At the time when this constitution of Rhode Island was adopted the right to regulate the qualifications of voters belonged exclusively to the respective States. The petition under consideration fully recognizes this, but it raises the question (although studiously framed in such a manner as not to declare or insist upon such a conclusion) whether, by the fourteenth and fifteenth amendments to the Constitution of the United States, natives of foreign countries who have become citizens of the United States are not entitled to vote in Rhode Island, without regard to the qualifications imposed by her constitution?

The committee is unanimously of the opinion that this question must be answered in the negative.

The "privileges and immunities of citizens of the United States," mentioned in the petition as secured by the fourteenth amendment, do not include the right of suffrage. If they did, the right must necessarily exist in *all* citizens of the United States, from the mere fact of citizenship, without the power in any State or in Congress to abridge the same in any degree; and in such case, therefore, no qualification of any kind could be imposed, and all persons, (being citizens,) males and females, infants, lunatics, and criminals, without respect to age, length of residence, or any other thing, would be entitled to participate directly in all elections. Every provision in every State, which experience has proved to be essential to security and good order in society, would thereby be overthrown. It is enough to say that the rights secured by this amendment to the Constitution are of an altogether different character.

The fifteenth amendment does apply to rights of suffrage, and to those only. By it the State of Rhode Island, in common with every other State, is forbidden to deny or abridge the right of citizens of the United States "to vote on account of race, color, or previous condition of servitude." But, plainly, the constitution of Rhode Island does not preclude any citizen from voting on either or any of the grounds thus prohibited. No fact of race or color or previous servitude prevents any citizen from voting in Rhode Island. Neither of these qualities depends in any degree upon the place of his nativity. This seems too obvious to need discussion. It is also a fact, appearing in the public records of Congress and doubtless known to the petitioners, that when the fifteenth amendment was under consideration by Congress it was proposed to embrace in it a prohibition of any denial of suffrage on account of "nativity," and that this proposition was not agreed to, for the reason that Congress did not think it expedient to restrict the ancient powers of the States in these respects any further than appeared to be absolutely needful to secure to the whole people the great results of the overthrow of the rebellion.

The committee is therefore of opinion that there is nothing in the provisions of the constitution of Rhode Island referred to in conflict with the Constitution of the United States.

Whether these provisions are wise or right in themselves is a matter over which neither the committee nor Congress has any control. That subject belongs to the people of Rhode Island, who, it must be presumed, will correct any and all errors that may from time to time be found to exist in her internal affairs.

Mr. ANTHONY. Mr. President, I will read the names of the Committee on the Judiciary at the time that report was made to show the weight of legal authority upon which it was based: Mr. Trumbull of Illinois, Mr. Stewart of Nevada, Mr. EDMUNDS of Vermont, Mr. CONKLING of New York, Mr. Rice of Arkansas, Mr. CARPENTER of Wisconsin, and Mr. THURMAN of Ohio. Upon that authority I am willing to rest.

Mr. McDONALD. Mr. President, the Senator from Rhode Island [Mr. ANTHONY] has thanked the Senate for its courtesy in not considering these resolutions yesterday, the day on which they were presented. I think the Senator from Rhode Island has been informed that it was not the purpose of the mover of the resolutions to have them considered yesterday, or in his absence. I know that his colleague was so informed before these resolutions were introduced.

I will state the simple story of how the petition and memorial came to be introduced by me. A citizen of Rhode Island, and a very reputable citizen of that State now, who was for many years a citizen of my own State and honored in that State, gave the gentleman who brought the memorial and petition to Washington City a letter of introduction to me, and accredited him as a gentleman entitled to respect. Upon his arrival he presented his letter of introduction and stated generally the purpose of his visit to Washington, and requested that if it should become necessary to present these papers to Congress I should take charge of their presentation, which I promised him to do. He was seeking some other modes of redress, in which he did not desire or seek any aid or assistance from me. Yesterday morning he called to say that he was ready to have the petition presented to Congress with his memorial accompanying it, and desired that the investigation which these resolutions suggest should be made. I intended to call upon the junior Senator from Rhode Island [Mr. BURNSIDE] before presenting them, but he, having heard that these papers were in my possession, called at my committee-room before the session of the Senate yesterday. I then exhibited them to him, and told him how they came into my possession, what my purposes were in regard to them, and that I had no desire or design that they should be considered until the Senators from that State were ready for their consideration. Now, I think the senior Senator from Rhode Island [Mr. ANTHONY] knew all that.

As to the subject of this investigation, Mr. President, I have nothing to say except what is presented on the face of these papers. It will be time enough, if this investigation is made, to consider, upon the facts that shall be returned by the committee, what ought to be the action of this body.

But a word as to the second resolution. We have heard a good deal said during the course of this extra session about the interest that each State had in the congressional representation of other States, that the Federal Government and the Federal power and all that class of questions gave to the people of each State some right to inquire into the condition of representation in every other State; and it may be a subject of very important inquiry to know whether our sister State of Rhode Island that casts less than twenty-four thousand votes, with two members of Congress, is entitled under the fourteenth amendment of the Constitution to that representation. No one denies that she has the right to prescribe the qualifications of voters within her limits, voters of the State, so that she does not deny the right to vote on account of race, color, or previous condition; but the fourteenth amendment goes further than that, and it expressly provides that where the right to vote of any citizen of the United States, whether born in a foreign country or born in the United States, if he is a citizen of the United States, is curtailed for any other cause than that of being concerned in rebellion, then the State shall be proportionately curtailed of its representation in Congress. The average popular vote of congressional districts under the present apportionment is about thirty-four thousand.

Mr. BLAINE. In the average of districts throughout the United States?

Mr. McDONALD. It is the average in Indiana; it is the average in most of the States; but the State of Rhode Island holds two Representatives in the other branch of this Congress with less than twenty-four thousand votes. A class of citizens that happened, it is true, to be born in a foreign country are not permitted to vote there unless they own real estate. A real-estate property qualification in so small a State as Rhode Island, where they have not land enough to go round, is a pretty severe provision. It is the last State in the Union that should maintain a property qualification against citizens of the United States.

Mr. President, it seems to me that the resolutions I have offered in reference to these papers make a proper disposition of them at this time; and in the second resolution there is something more than the question of whether the fourteenth amendment of the Constitution has been complied with in that State. The question is presented there of fraud in the elections, of fraudulent influence and interference by Federal officers with the elections; and if other States are to be investigated is there any reason why Rhode Island should not be also?

Mr. ANTHONY. Mr. President, I disclaim any intention of imputing a discourtesy to my friend from Indiana in introducing these papers; in fact, he stated, as I see in the RECORD, that he did not intend to press the matter in my absence, and in my thanks to the Senate for their courtesy I should have especially included him, which I now do.

The State of Rhode Island, Mr. President, is one of the old thirteen. She is not indebted to any of her larger sisters for the rights and privileges which she enjoys in this Union. She helped to make this Union; she helped to fight the war of Independence, and she contributed the second general of that war to the continental army; and since that she has maintained her full share of the public renown in arms and in arts, on the land and on the sea and on the lake. Where would the State of Indiana be if Rhode Island and Delaware and New Hampshire and Connecticut had not breathed the breath of life into her nostrils? Where would my friend from Indiana be? A Delegate from the Northwest Territory in the other House of Congress, with a right to speak and not a right to vote.

Mr. President, the provision of the fourteenth amendment restricting the representation of a State in proportion to the restriction of the suffrage is valid, and is observed in assigning the representation of Rhode Island; our representative ratio is computed, taking into consideration that restriction. We have two Senators in this body, of which we cannot be deprived without our own consent, and we have the one Representative in the House of Representatives to which every

State is entitled, and we have the other by virtue of one of the larger fractions. We have only what the Constitution and the law allow us. This we mean to hold.

Mr. BURNSIDE. Mr. President, the Senator from Indiana refers to some interviews with this memorialist, Dr. Greene, in which he stated that he, Greene, was not yet ready to have the memorial presented, and that matters were transpiring which might prevent the necessity of its presentation. Now, it is only proper that I should state what I think were the reasons for the delay.

As I said yesterday, Dr. Greene showed me the petition of the soldiers and I offered to present it. He said to me that he wanted none of these papers presented until he had ascertained whether justice could not be had. I told him that I knew of the discharge of Captain Greene, although I did not know at the time that he was his brother; and that at the request of an eminent citizen of Rhode Island my colleague [Mr. ANTHONY] and I were trying to secure him another position under the Government. He then said to me that if that could be done nothing more would be done with his memorial. I at once ceased my efforts in behalf of his brother, because I did not choose to be a party to any such bargain, and my colleague, to whom I related what had occurred, agreed with me in this course.

The memorialist sent me a letter under date of 12th instant, but which only reached me the day before yesterday, in which he said in substance that if the wrong done to his brother could be remedied there would be no further agitation of the subject by him. No answer was sent to that letter. The consequence was that he went to the honorable Senator from Indiana, and, as the Senator says, told him he was now ready, and so the memorial and the petition of soldiers, which referred in no way to the memorial, were presented. The Senator from Indiana asks the Senate to consider the memorial of one disappointed man, and asks the adoption of a resolution to authorize an important committee of this Senate, on the representation of this one man who has been here for several weeks trying to get an office for his brother, to go to Rhode Island to investigate the elections which took place there last year and the year before and possibly the year before that. We have no objection, as I said yesterday, to having this committee in Rhode Island. We should be very glad to have them there, and we know exactly what sort of a report they will have to make after they have investigated us; but we think the course of the Senator from Indiana in presenting this memorial is not respectful to the delegation from the State of Rhode Island or to the State.

Mr. KIRKWOOD. I wish to inquire of the Senator from Indiana, was not the original resolution constituting what was once called the Teller committee and is now called the Wallace committee, broad enough to cover an investigation into the elections in Rhode Island?

Mr. McDONALD. I think not.

Mr. KIRKWOOD. I think it is not confined to any State at all. It covers the whole United States.

Mr. McDONALD. It can do no harm to call the attention of the committee to this.

Mr. KIRKWOOD. It may do no harm; but I wished to bring the matter prominently out, that unless I am mistaken there was no occasion for this special resolution, as the original resolution covers I think every State in the United States.

Mr. McDONALD. As to mere frauds in elections, that probably would be so; but this inquiry goes further than that, and is as to whether a provision of the Constitution is not so interfered with as to require a restriction of representation.

Mr. BLAINE. I do not wish to take any special part in the matter really at issue here; and I should not say a word but for a remark that fell from the honorable Senator from Indiana stating that the average basis of representation in this country showed 34,000 votes to a district and questioning Rhode Island's right to have two members in the other House because she threw 24,000 votes only. I hold in my hand a statement showing that in the State of Georgia in the third district there were only 2,628 votes cast at the last congressional election; in the sixth district only 3,192 votes thrown. There are two districts that altogether poll less than 6,000 votes. Then take Mississippi. In Mississippi the fourth district threw only 4,650 votes; the fifth district threw only a little over 5,000 votes, and the sixth district threw 6,000 votes. There are three districts in Mississippi that threw only about half as many votes as the two districts in Rhode Island. Over here in Virginia the fifth district threw 5,700 against 4,000, making 9,700 in all for that one district. The fifth district threw 12,000 votes, the sixth district 11,000, the seventh district 11,000, the eighth district 7,000, and the ninth district about 9,000.

The honorable Senator from Indiana must have gauged the whole United States by the populous and increasing district in which he himself lives, where the great city of Indianapolis gives such an overwhelming vote. But he is very far wide of the mark when he puts 34,000 or 35,000 votes as the average. There is not another district in his own State that goes up to 30,000, I believe; and when Rhode Island comes to be disfranchised because she cannot show over 12,000 votes to a district, you will have to spread the disfranchisement much wider and take in a great many States that send Representatives to Congress on half the vote that she sends them on.

Mr. HILL, of Georgia. Mr. President, I will simply say, as the Senator from Maine is very fond of referring to matters that he knows very little about, that the second district of Georgia—how it gets into the Directory as it does I do not know—polled I think 15,000 votes. Why they put it in the Congressional Directory that Mr. COOK received 2,628 votes I do not know.

Mr. BLAINE. That is the third district, not the second.

Mr. HILL, of Georgia. I am speaking of the third district. Mr. COOK was the candidate in the third district. The Congressional Directory says he received "2,628 votes without opposition." There was no opposition to his election at all, as I understand; and there was no other election in the State except the congressional election, and so very few people voted. It very frequently happens that when there is but one election pending, whether it be for a State officer or a congressional candidate, and there is no opposition, there is a very slight vote polled, though I think there must be a typographical error even as to that.

Mr. BLAINE. The Senator will observe the typographical mistake must have applied to two or three other districts. Take the sixth district. There were only 3,192 votes in the entire district.

Mr. HILL, of Georgia. The sixth district is in exactly the same condition. There was no opposition.

Mr. BLAINE. What was the reason of the fact that there was no opposition?

Mr. HILL, of Georgia. Because there was nobody a candidate but the man who was elected.

Mr. BLAINE. That was all?

Mr. HILL, of Georgia. That is the only reason I know.

Mr. BLAINE. There was such a rushing unanimity then, that, accepting the figures of the Senator from Indiana that there were 34,000 or 35,000 votes in each of those districts, only about 2,600 cared to come out.

Mr. HILL, of Georgia. I suppose so. I think there is no law to compel them to come out.

Mr. BLAINE. There is a law, however, which allows them to come out.

Mr. HILL, of Georgia. Oh, yes, and I suppose nobody prevents their coming out. The Senator from Maine is always discovering something wonderful.

Mr. BLAINE. Not at all. The Senator from Maine was only discovering some figures, and he was replying to the Senator from Indiana, who had discovered that the average representative basis in this country was thirty-four thousand, or thirty-five thousand voters to a district, a fact which the Senator from Maine has discovered that the official records of Congress do not carry out.

Mr. HILL, of Georgia. The Senator from Maine has a facility for taking up districts in which there was no opposition when the vote does not turn out, and reading that as though that was the voting population of the district.

Mr. BLAINE. Very well, then, if the Senator from Georgia will permit——

Mr. HILL, of Georgia. I have the floor, I believe.

Mr. BLAINE. I do not know which has it.

The PRESIDENT *pro tempore*. The Senator from Georgia will proceed.

Mr. BLAINE. Which does the Chair decide is entitled to the floor?

The PRESIDENT *pro tempore*. The Senator from Georgia.

Mr. HILL, of Georgia. It will always require a struggle to keep the floor from the Senator from Maine.

Now, I have to say that according to my recollection of the facts the districts in Georgia average about 25,000 votes. It is not often that they poll the whole vote. It so happens in Georgia that the people are very unanimous on one side it is true, and frequently there is no opposition except in the nominating convention; and at the last election especially, when there was no other election held in the State according to my recollection except of members of Congress, in some of the districts there was very little interest felt. But in a few of the districts there was interest taken, there were different candidates, there were canvassers, and the people were brought out. Take, for instance, the seventh district; the seventh district was a hotly contested district between a regularly nominated democrat and an independent.

Mr. CONKLING. He was a democrat, too, was he not?

Mr. HILL, of Georgia. Yes, sir; though they called him a republican in some of the papers—Dr. FELTON of the House, a very excellent gentleman and a democrat. The contest was simply between two men, both democrats, and the people took a great interest in the election and it brought out a pretty full vote.

Mr. CONKLING. I hope my friend will not resent my wish to guard him against a misapprehension of supposing that you can make a republican by calling him a republican. Oh no! a man must be a republican to be so.

Mr. HILL, of Georgia. Oh, yes.

Mr. CONKLING. I was afraid the Senator was falling into an error on that point.

Mr. HILL, of Georgia. The independent democrat from the seventh district of Georgia is a democrat, and a most excellent democrat at that—unquestionably a democrat, and a very strong and reliable democrat. In the seventh district, where this contest was held, the vote was this: the independent democrat received 14,315 votes against 12,965 votes for the regular democrat, showing over 27,000 votes polled in that district—more than the whole voting population of Rhode Island. That is one district.

The ninth district was also a hotly contested district. There was a regular democrat and also an independent democrat running; no republican, I will say to my friend from New York; both candidates were out and out democrats unquestionably. There the independent democrat received 10,900 votes against 10,675 votes for the nominee of the party, making over 21,000 votes—nearly 22,000 votes in that one district.

My impression is that the districts in Georgia are very equally divided as to population. That is the object in laying off the districts, I know, to have them as nearly as possible of equal population; and wherever the votes are called out, the voting population ranges from twenty to twenty-seven thousand. I incline to think the seventh district is perhaps the heaviest voting district in the State.

Mr. EDMUNDS. What is the population of Georgia by the last census?

Mr. HILL, of Georgia. The population of Georgia by the last census I think is nearly a million and a quarter.

Mr. EDMUNDS. That would make about one-tenth voters.

Mr. HILL, of Georgia. She has nine Representatives according to the ratio of representation. There was also quite a warm contest in the fourth district. The Senator from Maine read the vote in the third district, where Mr. COOK, who was the only candidate, having no opposition, received a very small vote, less than 3,000. In the fourth district, immediately adjoining the third, just above it—and I am rather inclined to think that this district has not more population than the third—there were two candidates, both democrats and both independent; that is, neither was regularly nominated. There was no nomination in the district; and therefore there were two democratic candidates neither of them nominated, and the contest was quite warm. There was a canvass of the district and the voters were very well brought out.

Mr. BLAINE. When two democrats were running.

Mr. HILL, of Georgia. Certainly; nobody else runs in Georgia.

Mr. BLAINE. There seems to be occasionally a district that permits a republican to run. There is the second. There seems to be permission for a republican to run in the second district. Did the Senator see that?

Mr. HILL, of Georgia. It is a very astonishing thing to the Senator from Maine that a man should not run for office.

Mr. BLAINE. I am glad to get the admission of the Senator from Georgia that nobody runs for office in that State but democrats.

Mr. HILL, of Georgia. Now, you are welcome to it.

Mr. BLAINE. I am glad of that.

Mr. HILL, of Georgia. I am glad to gratify you. I am glad you are so easily satisfied. Nobody prevents them from running. Everybody can run who wants to do so. There is no law against it, no rule against it, no custom against it. Even the Senator from Massachusetts could go down there and run for an office if he wanted to, and nobody will object to the Senator from Maine taking a run down there.

In the fourth district which immediately adjoins the third, where there was a canvass, Mr. PERSONS, who was elected as a democrat, received 13,336 votes against 10,101 votes for Mr. Harris, a democrat also; showing nearly 24,000 votes in the fourth district. That is the case throughout.

Now for Mr. STEPHENS'S district, one of the largest districts in the State, but he received I believe only 3,355 votes against 58 scattering votes. Why? Because there was no opposition; that was all. In the fifth district, being the district in which I live, there were also two candidates, and there the contest was somewhat animated. There was a regular nominee, and there was also an independent, both democrats. The nominee received 10,269 votes against 8,186 votes for Mr. Arnold. There less than 20,000 votes were polled. In some of these districts where the race is between two democrats, and only two democrats, a great many republicans take very little interest and do not care to vote. But in other districts, as in the seventh, for instance, and in the ninth, the republicans vote and vote very cheerfully and earnestly. They take sides in the contest between the democrats, and that brings out the full vote. I think there were a good number of republicans in the fifth district, the district in which I live and where Atlanta is located, who did not take much interest in it.

Mr. BLAINE. I understand, then, from the honorable Senator from Georgia, that a republican is allowed to take his choice between democrats that are running.

Mr. HILL, of Georgia. That is wonderful; but if you want information, I will say that is so. Judging from the specimens you have given us heretofore, you need a great deal more information. But it is true, astonishing as it may seem to the brilliant intellect of the Senator from Maine, that a republican is allowed to choose between democrats in Georgia—a happy condition of things. I do not know whether that is allowed in Maine or not.

All this has nothing to do with any question that I know of before the Senate. I merely state these facts to show that the general average in Georgia in the congressional districts ranges from twenty to twenty-seven thousand votes polled.

Mr. CONKLING. What is the whole vote of Georgia?

Mr. HILL, of Georgia. The whole vote of Georgia, I think, when fully polled is about 180,000. That is my recollection. When there is a full vote, I think the whole vote of Georgia would be about 180,000.

Mr. TELLER. How many Representatives?

Mr. HILL, of Georgia. Nine.

Mr. ANTHONY. That is 20,000 votes to a Representative.

Mr. HILL, of Georgia. There may be more. I do not pretend to state it accurately; I may be mistaken. There may be over two hundred thousand. I only know that the voting in the districts averages from twenty to twenty-seven thousand votes, and of course that multiplied by nine would make over one hundred and eighty thousand. I may be mistaken in the fact, but my recollection is that the largest vote I have known polled recently amounted to about one hundred and eighty thousand.

Mr. PADDOCK. I wish to state in this connection the fact that my State, which has seventy-five thousand voters, or nearly that, has but one Representative.

Mr. MCDONALD. Mr. President, in referring to the popular vote of Rhode Island I had in my mind the highest vote cast by that State, and that I think was at the last presidential election, and that, if my memory is not at fault, was twenty-four thousand. In speaking of the congressional ratio I had in my mind, as a matter of course, more particularly my own State than any other, for I knew more about it. At the last session of the Legislature the State was redistricted for congressional purposes, and as we take there the census of the qualified voters as the basis of our State apportionment, it was also looked to in determining the congressional apportionment, and I know that the average there was from thirty-two thousand to thirty-four thousand voters in a district.

Mr. EDMUNDS. Does the Senator mean to say that the census in Indiana is a census of qualified voters, and not of inhabitants?

Mr. MCDONALD. No, sir. I said this: that in our State apportionment we base it for legislative purposes upon our popular vote, upon the qualified voters, which work was performed at the last session of the Legislature.

Mr. EDMUNDS. Is that by the State constitution?

Mr. MCDONALD. By the constitution of the State. At the same time, however, there was a bill passed redistricting the State for congressional purposes; and in the formation of those districts, while as a matter of course we did not increase or decrease our congressional representation, the popular vote of our State was consulted with a view of determining the size of the congressional districts; we were trying to get them as near right as possible.

Mr. EDMUNDS. Has the Senator a map of the new districts in the State?

Mr. MCDONALD. I have of the old.

Mr. EDMUNDS. It would be an interesting thing to see that new map.

Mr. CONKLING. No man has been able to make such a map, I understand.

Mr. MCDONALD. I have a map of the old districts that is at the disposal of the Senator from Vermont at any time, and as soon as I can get a map of the new districts he can put them side by side. I am very willing to see them there.

The PRESIDENT *pro tempore*. The morning hour has expired. The Chair lays before the Senate the unfinished business, which is House bill No. 4.

EXCHANGE OF SUBSIDIARY COINS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 4) to provide for the exchange of subsidiary coins for lawful money of the United States under certain circumstances, and to make such coins a legal tender in all sums not exceeding $20, and for other purposes.

The PRESIDENT *pro tempore*. The pending question is on the amendment reported from the Committee on Finance, in section 3, line 3, to strike out "twenty" an insert "ten;" so as to make the section read:

> That the present fractional or subsidiary silver coins shall hereafter be a legal tender in all sums not exceeding $10 in full payment of all dues, public and private.

Mr. EDMUNDS. Mr. President, I move to amend the amendment proposed by the committee by striking out the word "ten" and inserting the word "five."

Mr. TELLER. Why not strike out the whole section and leave the statute as it is?

Mr. EDMUNDS. I know that would be the effect; but I cannot move that now. My amendment will make the legal-tender extent of subsidiary coin just what it is by law now, which is the point on which I wish to take the sense of the Senate. If, as this bill provides, there is to be a redemption or exchange of these subsidiary coins for lawful money, and, then as the second section provides, an exchange of lawful money for subsidiary coins, making it reciprocal, deposit and issue on demand of anybody at any time, there is no occasion for running up this legal-tender quality above what it is now, and in my belief it is injurious to the laboring classes of community, many of whom work by the week. A large proportion of the laborers in this country now work by the week, contract for a week's wages that are paid every Saturday night; and they earn more than $5 but usually less than $10. The consequence will be to force upon them this subsidiary and inconvenient coin. The object of this bill being to get rid of the evils of the present condition of that coinage, I hope the Senate will agree with me in putting this "ten" down to "five," just where it is now, and for the reason I have stated.

Mr. BAYARD. Mr. President, I perhaps should be disposed to con-

cur with the Senator from Vermont in fixing the amount of the legal tender at $5, which is the present amount fixed by law and the amount that has always been fixed by the laws of the United States for the legal-tender limit of subsidiary coin. But the Senate are aware that the other branch of Congress fixed the amount at $20, which I consider excessive; and it was the opinion of the committee that under existing circumstances perhaps there was no objection to increasing the legal-tender limit of subsidiary coin to the amount which the English government have for the past sixty years allowed their own subsidiary silver coin, debased rather more than ours, to be taken as a tender. I hope, therefore, the amendment of the Committee on Finance will be sustained by the Senate, and that $10 will be allowed as the limit hereafter for the legal tender of subsidiary coin.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont [Mr. EDMUNDS] to the amendment of the Committee on Finance, to strike out "ten" and insert "five" in lieu of it.

The amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question now is on the amendment of the committee to strike out "twenty" and insert "ten."

Mr. COCKRELL. I hope this amendment proposed by the committee will not prevail. I think the bill should be left as it came from the House in this respect, instead of being reduced from "twenty" to "ten." It should either remain at "twenty" or be increased.

Mr. BAYARD and Mr. EDMUNDS called for the yeas and nays, and they were ordered.

Mr. KIRKWOOD. This is the amendment of the committee, I understand?

The PRESIDENT *pro tempore*. It is the amendment of the committee.

Mr. BAYARD. Mr. President, this question was very carefully considered by the committee; and it has been the subject of too much debate for me now to detain the Senate upon it; but it is very obvious that subsidiary coin debased by the Government, issued as token coinage for the convenience of its people, must have a fixed and just limitation of its legal-tender power. This is not at all a question of preference or equality between the two great metals; it is no question of conflict between gold and silver; it is simply a question of the convenience of the country in regard to its subsidiary coinage. It is debased below the standard value; it is declared to be so; it is issued simply for the purpose of the convenience of the people in their minor dealings; and surely there is a reasonable experience of mankind on this subject that should not be disregarded.

The two great silver-using countries, until within the last five years in the case of Germany, were Germany and France. Even England, the gold-using country, permitted the use of silver subsidiary coin as a legal tender to the extent of forty shillings, about $10 of our money. In France and Germany it was less than $5; it is to-day less than $5, although silver is a good legal tender in France for any amount.

The question on this vote is not (and I trust it will not be obscured by the supposition that it is) as to the relative equality of the two great metals at all; it is simply a question of public convenience, whether a debased subsidiary coinage should be increased in its legal-tender limit or not. I cannot doubt that $10 is the extreme; I believe it would be wiser to retain it at $5 as it is by the present law and has been always in the history of our Government. But it will not be any advantage to those who desire the fullest restoration, the fullest monetization of silver metal, to increase the legal-tender quality of subsidiary coin from ten to twenty dollars; it will not in the least further the advocates of unlimited silver. The question is not that; it is a simple question of propriety and convenience, what may be called the practical convenience of the people, as to allowing debts greater than $10 to be paid in the small coin of the country.

I therefore trust gentlemen will understand that the proposed increase of the legal-tender limit of our subsidiary coin to $20 is not at all in the interest of the further monetization of silver, nor does it bring it in any way into larger use. On the contrary, so far as I can compute the practical effect, I should say that it would be rather adverse to the circulation and use of the standard coin that you should increase the circulation of the debased coin. I hope, therefore, that the action of the Committee on Finance in fixing this limit at $10 may be sustained by the opinion of the Senate.

The yeas and nays were taken.

Mr. BLAINE. My colleague, [Mr. HAMLIN,] if he were present, would vote "yea." I am not able to announce a pair, as this is not strictly a political question.

Mr. ALLISON, (after having voted in the affirmative.) I desire to say that on all political questions I am paired with the Senator from North Carolina, [Mr. VANCE.] I do not know how he would vote on this question, and therefore I ask to withdraw my vote.

Mr. DAVIS, of Illinois. This is not political.

Mr. ALLISON. I withdraw my vote, as he might wish to vote on the other side.

Mr. BAILEY. As this is not a political question, I vote "nay."

Mr. BUTLER. I am paired with the Senator from Kansas [Mr. PLUMB] on political questions. I do not regard this as a political question, and therefore I have voted.

Mr. ALLISON. I do not regard this as a political question myself; but the colleague of the Senator from North Carolina asked me to pair with him, which I do, having promised to do so yesterday.

The result was announced—yeas 33, nays 21; as follows:

YEAS—33.

Anthony,	Conkling,	Jones of Nevada,	Saulsbury,
Bayard,	Dawes,	Kernan,	Saunders,
Bell,	Eaton,	Kirkwood,	Slater,
Blaine,	Edmunds,	Logan,	Teller,
Booth,	Farley,	McDonald,	Vest,
Burnside,	Ferry,	Morrill,	Windom.
Butler,	Hill of Georgia,	Paddock,	
Cameron of Pa.,	Ingalls,	Platt,	
Chandler,	Johnston,	Rollins,	

NAYS—21.

Bailey,	Garland,	Jones of Florida,	Voorhees,
Beck,	Gordon,	Maxey,	Walker,
Call,	Harris,	Morgan,	Williams.
Cockrell,	Hereford,	Pendleton,	
Coke,	Houston,	Ransom,	
Davis of Illinois,	Jonas,	Thurman,	

ABSENT—22.

Allison,	Grover,	Lamar,	Vance,
Bruce,	Hamlin,	McMillan,	Wallace,
Cameron of Wis.,	Hampton,	McPherson,	Whyte,
Carpenter,	Hill of Colorado,	Plumb,	Withers.
Davis of W. Va.,	Hoar,	Randolph,	
Groome,	Kellogg	Sharon,	

So the amendment was agreed to.

The PRESIDENT *pro tempore*. The next amendment of the Committee on Finance is, in line 1 of section 4, to insert the word "silver" before "coins" and after the word "coins" to strike out the words "of every description;" so as to read:

That all silver coins of the United States of the face value of twenty-five cents and under shall be received at all post-offices for the payment of postage or the purchase of postage-stamps in any sums not exceeding $3.

Mr. BAYARD. There was an amendment proposed yesterday by the honorable Senator from New York [Mr. CONKLING] to section 3, and also to section 4. It will be seen that section 4 is now relatively useless. It proposes a difference between the amount for which this subsidiary silver coin is made receivable at the post-office, and the amount for which it is made a full tender for dues, public and private, by section 3. There may possibly, therefore, be a confusion between the two sections, and I move that section 4 be stricken out. That would carry all amendments which are proposed to the section.

Mr. EDMUNDS. That strictly would not be in order until the section is perfected.

The PRESIDENT *pro tempore*. If there are any amendments pending——

Mr. CONKLING. While the Chair and the Senate are pausing, may I inquire what became of the amendment I offered to section 3?

The PRESIDENT *pro tempore*. The Chair first, as is usual, was putting the question on the amendments reported by the committee, intending then to call attention to the amendment offered by the Senator from New York.

Mr. CONKLING. Then will the Chair be kind enough to let me understand, is the amendment now pending to insert "silver" and strike out "of every description?"

The PRESIDENT *pro tempore*. That amendment is pending, but the Senator from Delaware moves to strike out the whole section. If anybody insists on the amendment being voted on first, that must be done before the motion to strike out can be entertained.

Mr. CONKLING. I do not wish to insist upon it, but I understood that the Chair was putting the amendments of the committee, which I have no doubt the Chair was quite right in doing, but I wanted to keep track of my amendment.

The PRESIDENT *pro tempore*. If no one insists upon a vote upon the amendment reported by the committee, the Chair will put the question on the motion of the Senator from Delaware to strike out section 4. The Chair hears no call for a vote on the amendment. The question is on the motion to strike out section 4.

The motion was agreed to.

The PRESIDENT *pro tempore*. The fourth section is stricken out of the bill. Now the Senator from New York [Mr. CONKLING] moves to amend the third section by striking out the words "fractional or subsidiary," in the first line, and by inserting in line 2, after the word "coins," the words "of the United States of smaller denomination than $1."

The amendment was agreed to.

Mr. BAYARD. The title of the bill should be amended.

The PRESIDENT *pro tempore*. It is not in order to amend the title until after the passage of the bill.

Mr. EDMUNDS. I should like to ask the honorable chairman of the Committee on Finance how the law is left in respect to the purchase of postage-stamps after striking out section 4. What will be the state of the law if this bill becomes a law with section 4 out?

Mr. BAYARD. There is at present I believe no law regulating the amount for which subsidiary coin can be received at the post-office. The evident design of the fourth section, which I may say was not reported by any committee but was put upon the bill in the House during the course of its consideration, was simply to let the copper coins and the nickel coins be receivable at the post-office in sums of $3. It was considered that this would be cumbersome, awkward, and worse than useless. At first it was thought by the committee that the difficulty would be obviated by inserting the word "silver" before the word "coins" so as to provide that silver coins of twenty-five

cents or under should be made receivable for postage-stamps. But it will be obvious I think to the Senate that having in section 3 adopted $10 as a general limitation of the legal-tender quality of subsidiary coin for all dues public and private, there might very well be a confusion as to the construction of sections 3 and 4 if section 4 was allowed to stand, because while we were providing that the subsidiary coin should be a legal tender to the extent of $10 everywhere we were undertaking to restrict it at the post-office and yet repealing all laws or parts of laws in conflict with the act.

Mr. CONKLING. Section 4 having been stricken out, is it the Senator's understanding that section 3 would enable subsidiary coin to be used up to the sum of $10 in purchasing postage-stamps or paying postage?

Mr. BAYARD. I do not say that that is the necessary result. There is no law now limiting the amount or establishing the amount for which the subsidiary coin or any other coin may be received for postage-stamps; but I take it for granted that the ten-dollar limit would prevail; and if we pass the bill without section 4, as much as $10 may be paid at the post-office for postage-stamps in subsidiary coin. This is merely my construction, however.

Mr. MORRILL. Mr. President, I offer an amendment, in section 1, line 4, after the word "dollar," to insert the words "of a later date than 1861;" so as to read:

That the holder of any of the silver coins of the United States of smaller denominations than $1 of a later date than 1861 may, on presentation of the same in sums of $20, &c.

A word in explanation. There has been about $40,000,000 of the subsidiary coin that has come into circulation since the resumption of silver coinage has commenced; but all the coins issued prior to that date have gone out of the country, many of them into Canada, many into the West India islands, many to the South American republics; and if we offer an opportunity for them to come back here, of course they will be very likely to come. I see, therefore, a great propriety in obviating the objection which was made by the Senator from Ohio, now in the chair, a few days ago against a possibility of large sums being accumulated and brought here from other countries and presented for payment. And besides, they have been subject to large abrasion. I think if this amendment shall be adopted the objection made by the Senator from Ohio will be largely obviated.

Of course it is understood now that we have a sufficiency of these coins for the public use; indeed, in many places there is a glut. We do not, therefore, desire to offer any premium which will be apt to bring these coins that have gone out of the country and are badly worn to compete with those we already have, for if it should happen that we need more we have not yet reached the maximum the Treasury was authorized to issue, which was $50,000,000, the issue only having gone up to about $40,000,000. I can see no objection to this proposition on any side of the Chamber; at least I hope there will be none to it.

Mr. BAYARD. Mr. President, it may not be improper to say that the amendment of the honorable Senator has been considered elsewhere, and it does not accord with the views of the committee. We believe that this subsidiary coin is the coin of the Government, and should not be discriminated against in the hands of any holder. Moreover, the practical fact will remain that the coin left the country for the convenience of the community where it was taken. The same convenience that called it from the country will keep it there; and I think it would be introducing an element of confusion to provide for the redemption of subsidiary coin of the Government of one date and exclude the coin of the same Government of other dates. As I said before, the same idea of convenience that caused this coin to float out of the country will keep it out; the same facts that made it useful some years ago will make it useful still; and I think it would be an unjust discrimination where the Government of the United States has issued this coin of the same relative standard value that it should discriminate against its coin of certain dates and in favor of its coin of subsequent dates.

For that reason I trust the amendment of the honorable Senator from Vermont will not receive the approval of the Senate.

Mr. ALLISON. I hope the amendment of the Senator from Vermont will not be adopted. I do not think we can afford to make a discrimination against the few silver coins that may bear a date prior to 1861. I cannot conceive that there can be any great number of those coins. Above all, I do not see any force in the objection raised the other day by the honorable Senator from Ohio, now in the chair. We have but a limited amount of these coins in circulation, and they are all or nearly all needed for the general purposes of change throughout the country. Our subsidiary circulation to-day is less than the subsidiary circulation of any country that I know of. Great Britain has to-day a circulation of £20,000,000 of subsidiary coins, and yet they are received by the Bank of England and they are recoined regularly by the Government mints at the cost of the Government when they are depreciated by abrasion or otherwise.

In my judgment, even if this coin should come back there would be no great harm to our people. There will be no difficulty with reference to the coins issued prior to 1861.

Mr. MORRILL. If the Senator from Iowa will allow me, as the chairman of the Committee on Finance objects to the amendment and as the Senator from Iowa objects to it, I will withdraw the amendment that I have proposed.

Mr. BECK. Mr. President——

The PRESIDENT *pro tempore*. The amendment is withdrawn.

Mr. BECK. As the amendment is withdrawn I have no speech to make. I rose for the purpose of saying that after listening to the Senator from Vermont for the last sixteen or seventeen years about good faith and national honor and redemption of pledges, he was the last man I expected to hear advising us to repudiate the money of the Government.

Mr. MORRILL. I will offer another amendment to come in at the same place. In section 1, line 4, after the word "dollar," I move to insert the words "not depreciated in value except by natural abrasion;" so as to read:

That the holder of any of the silver coins of the United States of smaller denominations than $1, not depreciated in value except by natural abrasion, may, on presentation of the same in sums of $20, or any multiple thereof, at the office of the Treasurer or any assistant treasurer of the United States, receive therefor lawful money of the United States.

I take it there will be no objection to this amendment. If the coins are clipped or punched or anything of that sort, they ought not to be received.

Mr. BAYARD. I should like to ask the honorable Senator from Vermont if he does not consider that the point he makes is covered by the existing law?

Mr. MORRILL. This will be a new law.

Mr. BAYARD. The present regulations of the Treasury would prevent the Government from receiving coins artificially lessened in weight.

Mr. MORRILL. I think, as this would be a new law, it might supersede a similar law that we have already passed.

Mr. BAYARD. I do not think the amendment is necessary, for the law already covers the same subject-matter. I apprehend that no coins of light weight or artificially abraded would be received at any public depository any more than they would be received by any private bank. In order to make any coin a legal tender for any amount, the law prescribes that it must be a true coin. It cannot be coin artificially lessened in weight, and therefore, in value. Our present regulations will entirely cover that point, I submit to my honorable friend from Vermont.

Mr. COCKRELL. I should like to ask the Senator from Vermont if we have not already a limit of tolerance, and if any of the coins falling below that limit are receivable?

Mr. MORRILL. I will say in reply to the Senator from Missouri that my only apprehension is that this is to be a new law, and as it provides as to the holder of any silver coin, I have some doubt whether it would not supersede any existing law upon the subject. It is for the Senate to judge. I care nothing more about the matter than any other Senator.

Mr. COCKRELL. I simply desire to say one word in regard to the amendment which was offered by the Senator from Vermont and withdrawn. It was a proposition to do what this Government never has done. In 1853, when the weight of silver in half dollars, quarter dollars, dimes, and half dimes was reduced from 412½ grains to 385 grains, the full, unqualified, unlimited legal-tender power which had by previous laws been given to the half dollars, quarter dollars, dimes, and half dimes prior to that date was left in full force. I say that the Government never has coined a full legal-tender money and undertaken afterward to take away the legal-tender power.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont, [Mr. MORRILL.]

The amendment was rejected.

Mr. COCKRELL. But one word before the bill is voted on. The first section provides that the holder of any silver coins of a less denomination than $1 may deposit them at the Treasury or any assistant treasury of the United States in sums of not less than $20 and receive lawful money therefor, that is greenbacks. That section authorizes these coins to be taken into the Treasury, and when they are received at the Treasury and sub-treasuries legal-tender paper is issued in exchange for them. That retires them into the vaults of the Treasury. How are they to be taken from the vaults of the Treasury and put back into circulation?

Mr. BAYARD. Read section 2.

Mr. COCKRELL. Section 2 provides that the Treasurer or any assistant treasurer of the United States who may receive any of these coins shall exchange the same in sums of $20 or any multiple thereof for lawful money of the United States on the demand of any holder. If the people of this country take these coins to the Treasury and exchange them for greenbacks, why will they take greenbacks back the next day and exchange them for these coins?

Mr. KERNAN. Because change will be wanted. The people will need the coins for change.

Mr. COCKRELL. There has been a continual cry that silver cannot be gotten into circulation in this country. It is hoarded in the Treasury and no honest, legitimate, or fair effort has ever been made to put the silver in circulation. What would this country think of a man who largely in debt and with a large quantity of silver in his vaults would refuse to pay his debts and ask people to come and exchange some other kind of money before he would make any payment of his debts?

This silver is a full legal tender and it should be put in circulation in the payment of the debts and obligations of the Government, and

it will stay in circulation when it is put out and debts can be extinguished. I say that the legitimate effect of this bill will be to contract these fractional or subsidiary coins, or coins of less denomination than $1, in the next six to twelve months, from $15,000,000 to $20,000,000. We now have $41,485,438.56 of these coins supposed to be outstanding in circulation, and we have hoarded in the vaults of the Treasury already $6,598,492.44. This money has accumulated in certain places. It will go into the Treasury and it will remain there. The bill does not provide that it shall be paid out.

Mr. BAYARD. When any one demands it, it will be paid out.

Mr. COCKRELL. Ah, if any one demands it and offers to return legal-tender paper—that is, offers to exchange paper circulation, an unlimited legal tender for an unlimited amount, which will at the vaults of the Treasury draw gold. It will be paid out if he will go and give up that kind of money for half dollars and quarter dollars, dimes and half dimes, which are only a legal tender for $10 as the bill has been amended, and which will not pay interest upon the public debt and will not pay any of the bonds issued by the Government.

I was in hopes that the view of the Senator from Michigan would be taken as the test; that these coins could be paid out of the Treasury in payment of the interest upon the public debt and in payment of the bonds; but the law of July 14, 1870, under which all the five percents, the four and one-half percents, and four percents, now constituting nearly two-thirds of the interest-bearing indebtedness of this country, were issued, requires payment in coin of the standard value of the United States. Every solitary bond issued since the 14th of July, 1870, has written upon its face these precise words: "Redeemable in coin of the standard value of the United States on said July 14, 1870"—that is, a silver dollar of 412½ grains weight, nine parts fine, or a gold dollar of 25.8 grains weight, nine parts fine. That is the coin, and the only coin, in which these obligations of the Government can be legally paid.

Mr. FERRY. Will the Senator from Missouri allow me a moment?

Mr. COCKRELL. Certainly.

Mr. FERRY. The Senator will remember that I said in reply to a question which he put to me at the time when the bill was pending before, when he made the same point substantially, that if this bill passed and became a law subsidiary silver would be a legal tender to the amount of $10, and to that extent the Secretary could pay it out and compel parties holding obligations against the Government to receive it, except such obligations as have expressed upon their face otherwise. I take that ground now as I did then.

Mr. COCKRELL. I remember that the Senator qualified the position he had taken. I only referred to it to illustrate that the Government will not pay this coin out at all. Now there is no authority for putting these coins in circulation unless the holders of legal-tender paper, an unlimited legal tender for all debts, receivable for customs dues and redeemable in gold at the vaults of the Treasury, will take that paper money and exchange it for the fractional coin, and I think that that will be the legitimate effect of it.

While I am criticising the provisions of this bill many other Senators seem to differ with me as to its effects, and I thought it but due to myself that I should state my fears and my anticipations in regard to it.

Mr. DAWES. I do not quite understand the argument of the Senator from Missouri, [Mr. COCKRELL,] but it would seem to lead to the regret, if this subsidiary coin goes into the Treasury from any point where people do not want the use of it, that the bill does not go so far as to make men take it out of the Treasury whether they want it or not. Men holding legal-tender notes or other coins are not to be compelled to take this subsidiary coin. I suppose if a man wants it more than he wants the legal-tender note that he has in his pocket the bill affords him an opportunity to get it. On the other hand, if a man wants a legal-tender note more than he wants this subsidiary silver coin the bill affords him an opportunity to get that. It affords any man in the prosecution of business an opportunity of obtaining that kind of currency which is of the most advantage to him in his business. It may be that in some localities this subsidiary coin is of greater convenience and greater benefit to business men than legal-tender notes are, and the bill affords means for the accommodation of such business men. At other points it may be that a business man would rather have the legal-tender note than to have the subsidiary silver coin, and the bill affords the means for the accommodation of such a business man.

The truth is, Mr. President, that two elements seem to be lacking in this subsidiary currency. It is not at par, and it does not circulate. It falls where it is used, and it gathers there in quantities more than can be employed in business; and as there is no banking quality in it, no man can dispose of it without suffering a loss. It is below par for two reasons. One reason is because its intrinsic value is less than that of the silver dollar. That was fixed at a time when silver bullion was worth more than silver coin, and it was done in order to prevent this subsidiary silver coin from being gathered up in the arts or passing out of the country. Silver bullion is not now worth as much as silver coin, and no danger from that source would arise. If all this coin were back in the Treasury there is no doubt that it would be better to issue it at the same intrinsic value with the coined dollar, but it is impracticable to get it back; it is impracticable to have two kinds of subsidiary silver coin; and therefore it is out. Now it is out below par in its intrinsic value, and yet the Government has had par for it. The Government can bring it up to par in two ways. They can make it so scarce that the man who wants it is willing to give a premium on its intrinsic value enough to bring it up to par. That would make the holder of this coin pay the discount. The Government having received the full value of it would force those who use it to lift it up to par themselves. The Government has no business to profit by the discount on its own coin any more than on its own paper.

Then, another way is to redeem it for what the Government got for it. That would make the Government itself pay its own discount. If the Government issues a depreciated coin for more than it is intrinsically worth common honesty requires the Government to redeem it at what it got for it; and that is this bill. This bill affords the facility for doing that. It affords also a convenient method of making this more a circulating medium than it is now, because from those localities where it accumulates according to the need of it the bill affords the means of turning it into the other currency of the country, and it gives those who want it more in other localities the opportunity of getting it. It gives it therefore two qualities that are lacking in it. It brings it up to par at the expense of the Government that issued it; and it affords a convenient method of putting it in circulation and keeping it in circulation.

For these reasons it seems to me that it is very desirable that the bill should pass. I cannot quite understand the philosophy of contriving to make a law that would force a man holding another kind of currency, whether he wanted it or not, to take for it this coin. Let the man who wants it take it; let the man who does not want it take the other kind of currency. So far as the Government has any reason to interfere and control the use of the currency of the country, it discharges its duty best when, if we are to have different kinds of currencies, it affords the greatest facility for interchanging each and all of them at par one with another. That keeps them at par; that keeps them in circulation; and the greater the facilities for doing this the more perfect the circulation. That seems to me to be the philosophy of this bill, and that is why I support it.

Mr. HEREFORD. Mr. President, I am surprised at the remarks made by my friend from Missouri, [Mr. COCKRELL,] especially when we take into consideration the vote that he intimated he would give. His fear seems to be that the effect of the bill will be to contract the currency fifteen or twenty million dollars, yet he will vote for the bill. I can see nothing of that kind in this bill. If I thought so, I should not vote for it. None of this subsidary coin can get into the Treasury without an equal amount of greenbacks being paid out. If $5,000,000 of it goes into the Treasury $5,000,000 of greenbacks will go into circulation for it.

Again, another objection that the Senator from Missouri has urged against this measure is explained by the second section of the bill. The Senator says that if this subsidiary coin goes into the Treasury we shall not be able to get it out. We can get it out if the Secretary of the Treasury chooses to pay it out, because section 3 provides:

> That the present silver coins of the United States of smaller denominations than $1 shall hereafter be a legal tender in all sums not exceeding $10 in full payment of all dues, public and private.

Therefore, if this bill becomes a law, this subsidiary coin can be paid for the interest on the public debt, and the principal likewise. If the Government owes any man $10 and he goes to the Treasury to receive it, the Government can pay the whole of it to him in the subsidiary coin if it desires, while it cannot do so now. In other words, the whole idea of this bill runs in this direction—and that is the reason why I am going to vote for it—it appreciates the value of silver. As the law stands to-day, the subsidiary coin can only be used to the extent of $5 in the payment of debts. If this bill becomes a law, it will be received in the payment of debts to the extent of $10. I regret that "$20" was not retained in the bill.

Furthermore it equalizes all of our currency, gold, and silver, and greenbacks. It goes in that direction. It goes in the direction that I have been voting for for years, and to that extent it will accomplish that result. It increases the value of the dimes and five-cent pieces that the poor day laborer has in his pocket. As the law stands to-day, if a man has six dollars' worth of subsidiary coin in his pocket and owes that amount of debt he cannot pay it because it is not a legal tender. If this bill passes, it is a legal tender to the extent of $10. It increases, in other words, the value of the money that is handled mostly by the poor people of the country.

Mr. HOUSTON. I desire to know of the gentleman who has charge of the bill, since section 4 was stricken out, what relation the bill has to post-office operations. In other words, can a party go to a post-office and buy stamps with this subsidiary coin, and to what amount?

Mr. BAYARD. The Senator asks, I suppose, for my construction of the measure.

Mr. HOUSTON. Yes, sir.

Mr. BAYARD. I should suppose that section 3, fixing the legal-tender limitation of the subsidiary coin at $10, would allow a man having so much to buy postage-stamps to that amount. That is my construction of the bill.

Mr. HOUSTON. Then it is rather a mystery to me why the bill originally as it came from the House and as it was reported from the committee of which the gentleman is chairman should have provided in section 4 that a certain amount could be used in the purchase of postage-stamps.

Mr. BAYARD. The honorable Senator from Alabama was absent, I suspect, from the former part of this debate or he would have heard

the reason stated why section 4 was proposed to be stricken from the bill and why it was stricken from the bill. The bill as it came from the House proposed to allow the copper coin of the Government to the amount of $3 to be made receivable at the post-office. The Senate Committee on Finance did not approve of that proposition, but proposed to restrict the three-dollar limit at the post-office to the subsidiary coin of the face value of twenty-five cents and under. But upon consideration in the Senate it seemed to me, and my suggestion has met the approval of the Senate since by their vote, that there might be a possible confusion between section 4 which contained the limitation of $3 for the purchase of postage-stamps as compared to the limitation of $10 for all dues public and private as provided by the third section. For that reason and to prevent any obscurity in the construction of the law, or any confusion between the construction of the two sections, I proposed, and the Senate approved it, to strike out section 4, so that as the bill now stands, I suppose it is to be a reasonable construction that as the bill makes the subsidiary silver coin of the Government a legal tender for all debts public and private to the amount of $10, the dues of the post-office can be paid as well as anything else.

Mr. HOUSTON. That might be an answer probably to a part of the question; but a party goes to the post-office and proposes to buy a dollar, or two dollars, or half a dozen dollars' worth of stamps for his own use. I ask whether he can use this subsidiary coin in that purchase?

Again, my fear about this bill since the legal-tender feature of it has been stricken down to $10 is that the bill itself will conduct really the subsidiary coin into the Treasury where it will largely remain, and why? Because it is only a legal tender to the amount of $10.

Mr. BAYARD. It is a legal tender only to the amount of $5 now.

Mr. HOUSTON. I am referring to the bill. The bill as amended proposes to make it a legal tender to the amount of $10, instead of $20 as proposed by the House of Representatives. Then those who deal in and take this subsidiary coin for debts and the purposes of business and pay it out, cannot pay it out beyond $10, while in the payment of their debts one, two, a dozen persons may go and pay $10 apiece into any store where they owe a debt, because it is a legal tender to that amount. The merchant, the business man, may take that money and go directly to the Treasury and use it in drawing from the Treasury legal-tender notes, thus getting this coin into the Treasury. Now the Government cannot pay it out except in amounts of $10 under any circumstances.

Mr. BAYARD. Yes, it can pay out any amount, $10,000,000, as I showed.

Mr. HOUSTON. I am arguing from this bill as it is. Under the legal-tender feature of this bill the Government cannot pay out this silver for the interest upon its bonds.

Mr. BAYARD. Because it is not standard coin.

Mr. HOUSTON. It is not standard coin, and therefore the Government cannot pay it out unless for such debts of the Government as would admit of its being paid, it being a legal tender to the extent of only $10.

Mr. BAYARD. If the Senator will read section 2 he will find that the Treasurer or any assistant treasurer of the United States may receive these coins, and is compelled to exchange them if any one desires to receive them.

Mr. HOUSTON. There is no doubt about that.

Mr. BAYARD. In any amount.

Mr. HOUSTON. In any amount. There is no doubt about that, and I am not arguing that point, but here is a flow of this subsidiary coin into the Treasury because men can go there with $20 of this silver and get $20 in legal-tender money.

Mr. BAYARD. At once.

Mr. HOUSTON. Yes, sir; at once. But then when the Government goes to pay me anything it cannot pay me $20 in this coin, because I will not have it, because the creditor will decline to receive it from the Government in sums larger than he can use it as a legal tender. Therefore that leaves $10 of that $20 in the Treasury. The tendency of the bill, in my judgment, is to convey, to conduct, into the Treasury a much larger amount of this subsidiary coin than it will take out.

Mr. BAYARD. Then the answer is plain. If it does do so, it must be because the convenience of the people dictates that course. The subsidiary coin is made wholly for popular convenience, nothing more than that, as the money for small exchanges. If there be too much of it, if it be redundant, the people ought not to be forced to keep it. It was issued below its value by the Government, and, in my judgment, it is the duty of the Government to redeem its subsidiary coin at any time when it is asked and that the convenience of the people requires. The whole need of this coinage is for popular convenience, and this bill proposes to facilitate its exchange. I had read here the other day a letter from a merchant showing how the country grocers suffer exceedingly from the fact that there is now no redemption point for this redundancy of small change. It is only a question of convenience. If that small change proves to be redundant, its volume should be decreased; public convenience requires it. That is all. If it is desired by the people, the Treasury has it in its power and it is its duty under this bill to pay it out to any man who asks for it. I do not see any possible objection there can be to the present bill.

Mr. HOUSTON. I do not agree with the Senator from Delaware. It is not because of the redundancy of this subsidiary coin that it will flow into the Treasury; but it is because of its want of the quality of being a legal tender. If the bill had remained, letting it be a legal tender for $20, then it could be used otherwise than to flow to the Treasury for the purpose of getting legal-tender notes for it. I mean to say that the bill, in my judgment, discriminates against the men who are compelled to use this money as currency in the purchase of small articles and in the payment of small debts. While they cannot use it beyond $10, while is is only a legal tender for the amount of $10, yet the men who get this money from them may go to the Treasury, and in that way it may be put upon the Government in amounts of $20. Thus those men who use the money in that way, taking it from different parties, may take it to the Treasury and receive legal-tender notes, and I do not see how this coin is to get out again.

Mr. COCKRELL. I desire simply to say a word in response to my friend from West Virginia, [Mr. HEREFORD.] I understood him to say that the third section of this bill provided a way for taking these coins out of the Treasury and putting them in circulation, that it made them a legal tender for all dues public and private, and that the Secretary of the Treasury would pay them out on the interest of the public debt and in payment of the bonds of the Government. I simply desire to say that the present Secretary of the Treasury has not paid, as I understand it, one solitary particle of silver coin in the redemption and payment of any of the coupons on the bonds of the United States, or of any of the bonds. I say further, that we know that he never will pay one solitary particle, not one solitary piece of these subsidiary or fractional coins in payment of interest on the public debt or in payment of any of the bonds; and I do not say that he ought to do it. I am not making that proposition. The Senator from West Virginia thinks that he will do it. I say that he will not do it, first, because he will not even pay the legal-tender dollars——

Mr. HEREFORD. My friend will allow me. I did not say the Secretary would do it; I said the law authorized it. I do not know what the Secretary will do.

Mr. COCKRELL. Then my friend says the law will authorize it. As I stated before, every solitary one of the 5 per cent. bonds of the funded loan of 1881, $558,000,000 of them, the funded loan of 1891, the 4½ per cent. bonds, $240,000,000, and the funded loan of 1907, as I suppose about $700,000,000—these three loans, constituting I believe about two-thirds of the interest-bearing debt of the country—each one of these bonds has upon its face, "Redeemable in coin of the standard value of the United States on said July 14, 1870." Now the coin of the standard value on that day was the dollar of 412½ grains weight, nine parts fine, and the gold dollar of 25.8 grains weight and nine parts fine. Under that law and the face of the bonds you cannot discharge one dollar of these bonds with silver of less than 412½ grains weight nine parts fine to the dollar. Therefore not one solitary one of these coins will be paid out of the Treasury in payment of interest on the public debt or in payment or redemption of any of the bonds.

How will it get out of the Treasury? That is the question. I say now that we have six millions and over of this fractional coin in the Treasury already. I say that by the 1st of next January we shall have from fifteen to twenty or twenty-five million dollars of this coin in the Treasury doing nothing. The Senator from Vermont nods assent to that. There is no question about it in my judgment.

Mr. ALLISON. How does the Senator know that these coins are likely to come into the Treasury when all experience shows that from forty to fifty million dollars of fractional money is necessary to carry on the ordinary business of the country? We had forty-eight or fifty million dollars of fractional currency which was coming into or going out of the Treasury all the time, and yet about that amount was kept in circulation by the convenience of the people. That has been dispensed with, and fractional silver coins will take its place. I see no trouble about the matter at all.

Mr. COCKRELL. The Senator from Iowa may not see any trouble; but when the American people can exchange a money, a commodity, an article, merchandise, paper with a promise on it, or gold, or silver, or copper, or anything used as money, for a class of money of greater value, and then turn right around and take the money of greater value and bring out the money of inferior value, you will never find them holding on to the inferior. That is one way of getting this money out of the Treasury. Another way is for the people of the country to take legal-tender money there for it. The only other way is to pay it out on the public dues of the country.

Mr. HEREFORD. Does not the Senator nearly every day of his life take a one-dollar bill and get four quarters for it? And what he does all the other people of the United States do. They do it because they want change which better serves their convenience. As he does, the forty or fifty million people in the United States do likewise.

Mr. COCKRELL. I want to ask my friend from West Virginia where is your nearest sub-treasury? Baltimore. I ask him how many of the citizens of West Virginia will take a twenty-dollar bill or a fifty-dollar bill and pay the express charges upon it to Baltimore or New York, draw out the fractional coin, and pay the expressage on that back to their homes in West Virginia? And when they have got it there they have $50 of less value and purchasing power than the fifty-dollar bill they sent for it.

Mr. HEREFORD. Does not the Senator know that they can go to any bank with it? They need not go to New York or Baltimore. Any bank will do it for them.

Mr. COCKRELL. Then why the use of this bill? If any man can take legal-tender money to any bank in the country and get fractional coin, and can take the fractional coin there and get a greenback for it, what is the use of this bill?

Mr. KERNAN. The banks will not do it unless there is some mode of exchanging it in large sums at the Treasury.

Mr. COCKRELL. But the banks will not pay the expense. I have no disposition to enter into any extended controversy on this question. I desired simply to state what will be the effect in my humble opinion, and that is that this bill will take into the Treasury and hold there fifteen or twenty millions of the forty-one millions outstanding fractional coin, and it will not go out of the Treasury again because men will not go and exchange greenbacks for it. They may do it here for convenience' sake, and they may do it in a few cities; but the great masses of the people of this country cannot do it. They are not so situated that they can reach the Treasury. They are not so situated that they can reach the banks to make these exchanges when change becomes scarce.

The other and only way of getting it out is to pay it out on public dues. Now, we know what the Secretary of the Treasury will do with it. Every man knows that he will not pay one solitary dollar out of the Treasury in these fractional coins. He will not pay the silver dollar, the old standard dollar of 412½ grains' weight. He will exchange that with any gentleman who will take greenbacks there or gold and give it to him in exchange for them, but he will not, he has not, and he does not intend to pay out that silver dollar in payment or redemption of the interest-bearing indebtedness of this country, the coupons or the bonds.

There is another point in connection with this. I do not believe in establishing the principle that the silver and gold dollars of this country are redeemable in anything. They should be given unlimited legal-tender power. I am in favor of the equalization of silver and putting it upon a perfect equality with gold, and then I am not in favor of redeeming these gold or silver coins in any other kind of promises, money, or anything else. They are irredeemable and without price.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. Is it desired to have a separate vote upon the amendments made as in Committee of the Whole.

Mr. ALLISON. Oh, no; we do not want a separate vote.

The PRESIDENT *pro tempore*. If no separate vote is asked for the question will be put in gross in concurring in the amendments made as in Committee of the Whole.

The amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. BAYARD. I move to amend the title by striking out "twenty" and inserting "ten."

Mr. EDMUNDS. I rise to move to reconsider the vote by which this bill passed. I am so satisfied on consideration that it is wrong that I wish the Senate to reconsider it and consider it some more. I move to reconsider the vote.

Mr. BAYARD. Has the amendment to the title been made?

Mr. EDMUNDS. That is not yet in order until we determine the question of reconsideration.

The PRESIDENT *pro tempore*. The pending motion is to reconsider the vote on the passage of the bill. Until that is disposed of the title cannot be amended.

Mr. BAYARD. Will the motion to reconsider prevent the consideration of the amendment to the title?

The PRESIDENT *pro tempore*. Not at all. The title is the last thing to be considered. It can be amended after the question of reconsideration is disposed of. The Senator from Vermont moves to reconsider the vote by which this bill was passed.

The motion was not agreed to.

The PRESIDENT *pro tempore*. That amendment to the title proposed by the Senator from Delaware will be made if there be no objection. The title thus amended will be the title of the bill.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the bill (S. No. 108) to prevent the introduction of contagious or infectious diseases into the United States.

AMENDMENT TO POST-ROUTE BILL.

Mr. BUTLER submitted two amendments intended to be proposed by him to the bill (H. R. No. 2020) to establish post-routes; which were referred to the Committee on Post-Offices and Post-Roads.

DEPARTMENT OFFICERS ON THE FLOOR OF CONGRESS.

Mr. PENDLETON. I ask the consent of the Senate to take from the table Senate bill No. 227 in order to move its reference to a Committee.

No objection being made, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 227) to provide that the principal officers of each of the Executive Departments may occupy seats on the floor of the Senate and House of Representatives.

Mr. PENDLETON. I move that the bill be referred to a select committee to be appointed by the Chair, to consist of ten members.

The PRESIDENT *pro tempore*. The Senator from Ohio moves to refer the bill to a select committee of ten.

Mr. EDMUNDS. That is too many.

Mr. PENDLETON. The purpose of making it ten is that the Committee may be appointed equally from both sides of the Senate.

Mr. EDMUNDS. But they may be equally divided. Make it eleven, if you want a decision.

Mr. PENDLETON. I am not afraid that we cannot get a report from the committee even if they should be equally divided.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Ohio.

The motion was agreed to.

USE OF TROOPS.

Mr. CALL. I move to take up a bill now lying on the table, Senate bill No. 621, authorizing the employment of the militia and the land and naval forces of the United States in certain cases, and for other purposes.

Mr. CONKLING. I ask that the bill be reported at length.

The PRESIDENT *pro tempore*. The Senator from New York asks that the bill be reported at length. It will be read.

The Chief Clerk read the title of the bill (S. No. 621) authorizing the employment of the militia and the land and naval forces of the United States in certain cases, and for other purposes.

Mr. CONKLING. Having learned that this is the bill introduced by the Senator from Indiana, [Mr. MCDONALD,] I will not ask to have it read. I did not know upon what bill we were about to vote, but I know it now.

Mr. MCDONALD. The Senator from Florida wishes to make some remarks on it.

Mr. CONKLING. I beg pardon. I thought it was some other bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 621) authorizing the employment of the militia and the land and naval forces of the United States in certain cases, and for other purposes.

Mr. CALL. Mr. President——

Mr. EDMUNDS. Perhaps the Senator from Florida would prefer to speak to morrow, as it is getting on in the afternoon, and would yield to a motion for an executive session, as there is some executive business to be attended to.

Mr. CALL. I am willing to abide the pleasure of the Senate in that respect.

Mr. EDMUNDS. I move, then, with the permission of the Senator from Florida, that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) Does the Senator from Florida yield for that purpose?

Mr. CALL. I dislike to object if the Senator wishes to make the motion.

Mr. EDMUNDS. I make the motion.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont that the Senate proceed to the consideration of executive business.

The motion was not agreed to; there being on a division—ayes 20, noes 22.

Mr. CALL. Mr. President, I should not have ventured to submit any observations to the Senate upon the bill now before it or upon the other bills which have been passed by Congress and have received the veto of the President of the United States, or which are now under consideration, had it not been that the questions presented in them concern my own people, and concern them not in respect to the charges which have been made by Senators upon the other side, but in respect to those things in which all the people of the United States are interested—in the cause of good government, in the cause of the preservation of *the National Government*, in the cause of the purity of the administration of justice, and the preservation of private right.

I have heard in the course of the argument upon this subject a great deal said, and said with the most profound learning and distinguished ability on this side of the Chamber, and I have heard on the other side a splendid effort by the Senator from New York [Mr. CONKLING] and a speech of extraordinary ability and learning by the Senator from Vermont, [Mr. EDMUNDS.] But in their arguments on the other side, while there was much said upon the subject of the national power, upon strengthening the great powers of the nation, there was not one word said in favor of the protection of individual right, of the preservation of personal liberty, or of those great guarantees which are as much a part of the National Constitution and the National Government as any of its powers, and which indeed constitute its great purpose.

The bill now before the Senate proposes to define and to limit the uses for which the military power of the Government may be employed. It may be considered in connection with the bills which have already been discussed relating to the election laws and to the laws prescribing the qualifications for jurors in the Federal courts. These laws may properly be considered in relation to the Constitution and our system of laws, and in their effect upon the people of the country. I am free to say if the charges which have been made here by the Senators from Minnesota [Mr. WINDOM] and Maine [Mr. BLAINE] and New York [Mr. CONKLING] and by the distinguished Senator from Vermont [Mr. EDMUNDS] are true; if it be true, as has been

said by the Senator from Minnesota, that the whole or a great part of the white population of the Southern States are engaged in a work of oppression, of robbery, of murder, of bloodshed; that some four millions of colored people in those States are fleeing from their homes because of their cruelty and oppression; if it be true, as has been said, that the entire seven millions of white people in those States are implicated in the work of assassination and of murder; if it be true, as has been said by the Senator from Minnesota, that nearly half, if not quite, of the population of the great North, who are known under the description of democrats and the democratic party, were engaged during the war in treachery to their own people and to the National Government and the national cause; if it be true that they are now plotting sedition, conspiracy, and treason against the National Government, then I am willing to admit that the argument is well founded and these laws should be sustained. I am willing to go further, as the argument and the propositions of the Senator from Minnesota demand. I am willing to concede that the cause of free government has entirely failed, and that a military power and a despotic government are necessary for this people. But if this is not true, if it be untrue, and these Senators have been misinformed; if the fact be that there is no geographical line that marks the domain of virtue, of religion, and of Christianity, that south of the Potomac and south of the line that heretofore divided the States which were slave and those which were free the Christian virtues live, the Almighty God is worshiped, the temples of religion are built, and society is pure in that country which in the early period of our history gave the fathers to the Republic, then the case is different. The distinguished Senator from Maine [Mr. BLAINE] has found no literature there, or he has found it difficult to obtain any, and could only find a book which I have never seen nor heard of; he could only find sentiments which no southern man has ever heard in his own part of the country—of depreciation, hostility, and of hatred toward the people of the North; yet that part of the country, although he could find no other literature but this, gave the fathers to the Republic and created in great part the National Government itself with its national powers. They have transmitted to the people who now live there learning, Christianity, virtue, and patriotism. The people who have succeeded them have their hearts as open to the appeals of charity, to compassion for a human being, whether he is white or black, as any who live north of that line. We may therefore dismiss from our view these considerations and enter upon a calm and a dispassionate investigation of these laws and ascertain how far they are compatible with the Constitution of this country, with the spirit of a free government, with the cause of impartial trials; how far they promote the public morals or how far they contribute to the prostitution of the courts of justice to the use of perjury and subornation of perjury in the trials before them; how far they punish the innocent, and how far they permit the guilty to escape.

Mr. President, these laws are in many respects the most extraordinary laws for the punishment of political offenses that have ever been passed by any government or that have ever prevailed at any period of time. In one section they impose a qualification for voters; in another they give to the courts of the United States the right to sit in trial upon the title to office of all the officers of a State. In another section they impose punishments for aiding, abetting, and counseling political offenses; in others they prescribe penalties for *attempts* to commit crime, *for offers to vote*. In all these respects these laws are not consistent with the spirit of a free government.

It seems strange that it should be necessary here in the Senate of the United States to refer to the spirit which characterizes such laws in the language of the ancient commentators upon public law. It is strange, indeed, that we should find in existence laws which punish as attempts to commit crime offers to vote, aiding, abetting, assisting, and counseling others in what is termed in the act *unlawful means*, provisions of law which provide that the quasi-judicial discretion committed to the State officers of election should be decided and governed by the discretion of a Federal judge upon a subject which the Constitution expressly withholds from the National Legislature—a subject which it will be admitted by all it has no power to legislate upon; for I presume no Senator on the other side of the Chamber will say that Congress has any power to prescribe the qualifications of a voter. All will admit that the Constitution by a perpetual ordinance has declared that the members of Congress shall be elected by electors having the "same qualifications as those prescribed for the most numerous branch of the State Legislature;" and in so doing it has by such perpetual ordinance removed beyond all possibility the exercise of any power of legislation by the Federal Congress in prescribing the qualifications of a voter for a member of Congress.

I ask, then, and I ask the learned Senator from Vermont, how can Congress have the power to punish as an offense the violation of a law which they have no power to prescribe? The judicial power of the United States by the Constitution can extend only to cases which arise under the Constitution and the laws passed in pursuance of it.

No act of Congress can give to the judicial power of the United States the right to sit and try a case to which, by the Constitution, it does not extend. I say, then—and it is a proposition which, I take it, all the learning and ability of Senators on the other side of the Chamber cannot meet and cannot answer—that if the Constitution prohibits perpetually the Federal Government from prescribing the qualifications of a voter, if it prohibits it in requiring a member of Congress to be elected by electors "having the same qualifications as those prescribed by the State for the most numerous branch of its Legislature," how can Congress undertake to punish as a crime and as an offense an interpretation of that law thus made by the State which Congress has no power to legislate upon in any respect or to any extent?

It is sought to find this power in the terms of the clause giving a right to Congress to change the place and the manner and the time of the election, but these terms do not import anything in respect to the qualifications of the elector.

In Minors *vs.* Happersett, 21 Wall., S. C. Reps., 170, the Supreme Court of the United States say "the United States has no voters in the States of its own creation." Again in the same case they say "being unanimously of opinion that the Constitution of the United States does not confer the right of suffrage upon any one, and that the constitutions and laws of the several States which commit that trust to them alone," &c.

These laws punish conspiracies which rest in the intention; punish *attempts* or *offers* to do certain things which are of necessity vague and uncertain and rest in the mind; they proscribe as crimes acts uncertain and indeterminate, and when we consider the class of jurors and the class of witnesses which are to be found in the courts of the country, especially in the South, and perhaps in many other portions of the country, they are precisely such as are described by the great commentator upon English law, they come within the description of that class of political offenses which under the despotic rulers of England had to be restrained by the statutes passed in the interest of freedom and of personal liberty. Blackstone says, book 4, page 75:

> If the crime of high treason be indeterminate this alone (says the president, Montesquieu) is sufficient to make any government degenerate into arbitrary power. And yet by the ancient common law there was a great latitude left in the breast of the judges to determine what was treason or not so; *whereby the creatures of tyrannical princes* had opportunity to create abundance of constructive treasons, that is, to raise by forced and arbitrary constructions offenses into the crime and punishment of treason which were never suspected to be such.

Again, on page 78, book 4:

> But as this compassing or imagining is an act of the mind, it cannot possibly fall under any judicial cognizance unless it be demonstrated by some open or *overt* act.

And yet the tyrant Dionysius is recorded to have executed a subject barely for dreaming that he had killed him, which was held of sufficient proof that he had thought thereof in his waking hours. But such is *not* the temper of the English laws. The statute expressly requires that the accused "be thereof upon sufficient proof attainted of some open act by men of his own condition."

And yet there are sections in these laws which punish as a conspiracy going upon the highway in disguise with intent, &c., to deprive some one of their rights *attempts* to vote; which punish aiding, abetting, advising, assisting, or counseling some person to do *an unlawful act*.

But, Mr. President, I will not attempt to review at length the sections of the election laws. They culminate and find their point in the following section of the Revised Statutes, under which in connection with the other sections there has been as much oppression of innocence, as much improper, arbitrary, and cruel punishment, as ever disgraced the records of any government, despotic or free. The section to which I refer, 2022, provides as follows:

> The marshal and his general deputies, and such special deputies, shall keep the peace, and support and protect the supervisors of election in the discharge of their duties, preserve order at such places of registration and at such polls, prevent fraudulent registration and fraudulent voting thereat, or fraudulent conduct on the part of any officer of election, and immediately, either at the place of registration or polling place, or elsewhere, and either before or after registering or voting, to arrest and take into custody, with or without process, any person who commits, or attempts or offers to commit, any of the acts or offenses prohibited herein, or who commits any offense against the laws of the United States.

The Senator from Vermont, in the elaborate and able effort in which he sought to justify this law and the use of military force in reference to elections, cited the statutes from Washington to Grant, and found in them, as he insisted, abundant ground for the use, in the discretion of the President, of military force in aid of this law. It cannot be denied that this statute which is now sought to be repealed does authorize the arrest "*without process*" of any citizen *before he has voted*. It cannot be denied that this is a power which may be exercised to any extent. It is without justification in the entire history of this country. The statutes which have been cited by the Senator from Vermont have no application to such a case. The Constitution of the United States furnishes the great rule by which all its statutes must be construed. That Constitution in favor of the personal liberty of the citizen guarantees to him absolute immunity from arrest without process under any and all circumstances. Blackstone, in book 1, page 125, says:

> Of great importance to the public is the preservation of this personal liberty, for if it were once left in the power of any the highest magistrate to imprison arbitrarily whomever he or his officers thought proper, as in France it is daily practiced by the Crown, there would soon be an end of all other rights.
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> To bereave a man of life or by violence to confiscate his estate without accusation or trial would be so gross and notorious an act of despotism as must at once convey the alarm of tyranny throughout the whole kingdom; but confinement of the person by secretly hurrying him to jail, where his sufferings are unknown or forgotten, is a less public, a less striking, and therefore a more dangerous engine of arbitrary government.

Again, on page 131, same book, he says:

The law of England regards, asserts, and preserves the personal liberty of individuals. * * * The language of the great charter is that no freeman shall be taken or *imprisoned* but by the lawful judgment of his equals or by the law of the land.

"This means," says Lord Coke, "without due process of law;" and Judge Story says "the words in the Constitution 'nor be deprived of life, liberty, or property without due process of law,' in effect affirm the right of trial according to the process and proceedings of the common law." (3 Story on Con., 661.)

I heard with amazement the proposition of the Senator from Vermont, which I say is not sustained by a single statute cited by him, that it has always been lawful for the President to execute the laws and preserve the peace of the United States, and describing that peace as that orderly peace which is required in the execution of its laws. I ask what does the term "execute the laws" mean? I am surprised that in the Senate an argument so ingenious and so learned should have been made on this point. What does the term "execute the laws of the United States" mean, as used in these statutes? The Constitution prescribes that there shall be an executive, a legislative, and a judicial department. It makes the judicial department the guardian, and it makes it hold watch and ward over every house, however humble, and over every citizen, wheresoever or whomsoever he may be. His personal liberty is among the most important of his privileges; and no President, no marshal, no deputy marshal, no other man, can, without the process of a court, undertake to arrest or deprive any person of his liberty or of his right to vote.

These ought to be cardinal principles, and yet it seems as if this whole domain of judicial power had been disregarded alike by the Senator from Vermont and by the President of the United States in the consideration of the question. There never was a law, there never was an argument, by which the President or any other person under the Constitution can be justified in the arrest of any individual without the process of a court. The term "The President shall execute the laws" has application to the judicial decrees, the judgments of its courts; and outside of this and the collection of the revenue, the collection of the customs, the repelling of foreign invasions, the suppression of domestic violence upon the call of the Legislature or executive of a State, there is no possible opportunity for any exercise of executive power in the arrest of an individual or the use of the military force of the country. The judicial power guards every application of the law. The President of the United States can make no application of the law; a deputy marshal, the executive department of the Government can make none. It is perfectly plain that these are propositions which are fundamental truths. I ask how can this power to arrest a citizen without process before he has voted be sustained if it be true that the judicial power extends its arm over the citizen and guards him in the use and enjoyment of all his rights and immunities, and especially in his personal liberty?

This is a power which will destroy the National Government. There has been much said about State rights, and it has been endeavored to confuse this question and intermix it with the former theories of State and national powers and with the war and its prejudices and resentments. It is true that the rights of the States may be involved in it, but I am regarding it as a question of the power of the National Government, and I say that the greatest assault, the most serious injury, which these laws have done, or will do, is to the *National Government* and to its powers and its perpetuity. The assault is not upon the States alone, nor so much as it is an assault upon the principles and the character of the Government. Mr. Webster said in one of his great speeches, which I have here:

The hand that *destroys the Constitution* rends our Union asunder forever.

In another speech, which I will quote, in reference to the very argument which the Senator from Vermont has made in his elaborate citation of the statutes with great ingenuity and with great ability, the proposition made by the Senator in that great speech was years ago met upon the floor of this Senate and discussed and denied and utterly banished from the realm of reason and consideration by the great expounder of the Constitution and of the law, the great statesman of Massachusetts—perhaps the great statesman of America. And just here permit me to say in reference to the assaults and charges that have been made here that in the past time that great statesman had followers in the South, not few, but numbered by many thousands. Henry Clay and Daniel Webster had, even to the time when the unhappy war occurred, a vast following which was nearly a majority, and there are perhaps a larger portion of that people who have been educated in the precepts and in the construction and in the rules of construction of the Constitution announced by Mr. Webster than of any other man. But I said that the whole argument of the Senator from Vermont has been met, and conclusively met, by Mr. Webster.

It will be remembered that the Senator from Vermont finds in the statutes of the United States a power in the discretion of the President to "execute and enforce the laws," as he terms it. I said that the President of the United States has no power to execute and enforce the laws except in the case of a sentence and a decree of a court where it relates to individual right, except in the case of domestic insurrection upon the application of a State executive or Legislature, except to repel foreign invasion in the legitimate mode either with the sanction of Congress or without it, afterward obtaining it, as has occurred once in the history of this country, and except in the collection of the customs and the revenues, a distinct department clearly and broadly defined, there is not and there never was any authority and never can be under our free Government for the President to use military force for any purpose whatever.

The Senator from Vermont finds in these statutes this general power. The Senator from New York finds the power not only under the acts sought to be repealed but in all the past history of the country. The issue is plain and distinct. Mr. Webster in 1832, in a great and deliberate speech, in full concurrence with all that he had previously uttered, said:

We are told, sir, that the President will immediately employ the military force and at once blockade Charleston.

A military remedy, a remedy by direct belligerent operation, has been thus suggested, and nothing else has been suggested, as the intended means of preserving the Union. Sir, there is no little reason to think that this suggestion is true. We cannot be altogether unmindful of the past; and therefore we cannot be altogether unapprehensive for the future. For one, sir, *I raise my voice beforehand against the unauthorized employment of military power, and against superseding the authority of the laws by an armed force*, under pretense of putting down nullification. The President has no authority to blockade Charleston; the President has no authority to employ military force till he shall be duly required so to do by law, and by the civil authorities. His duty is to cause the laws to be executed. His duty is to support the civil authority. His duty is, *if the laws be resisted*, to employ the military force of the country, if neccessary, for their support and execution; *but to do all this in compliance only with law, and with the decisions of the tribunals.*

This applied to the strongest case that can be found for the Senator from Vermont's argument. It applied to a threatened combination to resist the collection of the customs, to resist the collection of the revenues of the country, a distinct department. It referred to the President's calling upon the Army and the Navy to do that which the Government had an undoubted right in some respects to do without reference to the courts of the country. But yet it was held by him that so limited was this power that it could only be done in conformity with the *decisions of the judicial tribunals of the country.*

It applies now to the execution of the laws—to the President's constitutional duty to "take care that the laws be faithfully executed"—and this "care for their faithful execution" is that the great principle of the Constitution and of all free government, that they shall be executed only after they shall have been applied by "due process of law" by the judicial tribunals, shall not be subverted by the President or any one else but shall be observed as well by the President as by the humblest citizen in the land.

But how, I ask, is it in reference to a case of personal liberty, to a case where a man is tried not in a court but by a deputy marshal or by the President, by the executive power of the country—how is that? Does the Constitution afford no guarantee to personal rights? Is a man's personal liberty subject alone to the will of the President? These laws, beyond all doubt, authorize the President of the United States and his marshals and deputy marshals to "arrest" any man without process who in the judgment of a deputy marshal "*attempts or offers to vote*" unlawfully on election day. It authorizes him again *to keep the peace.* That is entirely unauthorized by our National Constitution. Every individual and his posterity for all time to come have the right of personal liberty, the right to vote under the guardianship of the judicial power. Waiving all question of State rights, I say it is treason against the *National Constitution*, against the *National Government*, that these laws shall be permitted to be executed. Let us see.

Mr. Webster said:

By the law of the land, is most clearly intended, the general law; a law which hears before it condemns; which proceeds upon inquiry, and renders judgment only after trial. The meaning is, that every citizen shall hold his life, *liberty*, property, and immunities under the protection of the general rules which govern society. Everything which may pass under the form of an enactment is not therefore to be considered the law of the land. If this were so, acts of attainder, bills of pains and penalties, acts of confiscation, acts reversing judgments, and acts directly transferring one man's estate to another, legislative judgments, decrees, and forfeitures in all possible forms, would be the law of the land.

Such a strange construction would render constitutional provisions of the highest importance completely inoperative and void. It would tend directly to establish the union of all powers in the Legislature. There would be no general permanent law for courts to administer, or for men to live under. The administration of justice would be an empty form, an idle ceremony.

Now, I ask, how justify a power in a deputy marshal to arrest a man without process before he has voted upon election day? How justify the employment of the Army and the Navy of the United States, its military power, and an army of deputy marshals to sustain an arrest thus made without judicial process, without warrant? What becomes of the Constitution of the United States which says that a man shall be protected against arrest without accusation, that he shall have a fair trial? What becomes of these clauses of the Constitution, all of which are pregnant upon the subject? I read from the fourth article of amendments:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

And the sixth article of amendments:

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

How reconcile these clauses with this power of a deputy marshal, of a President, of an executive officer, to interfere with the elector's

right, and to arrest him and hold him without judicial process, in the face of these clauses of the Constitution? *There is no justification for it.* It is properly described by Mr. Webster in the following sentence in another of his speeches:

No one can be a true and *intelligent friend of that liberty*, who will consent that any man in public station, whatever he may think of the honesty of his motives, shall exercise or enact an authority above the Constitution and the laws.

Is there a man here who will take this law which says—and it has been twice reaffirmed by the President of the United States and by gentlemen of high consideration and ability upon the other side—that a deputy marshal shall arrest a citizen "before" he has voted "without judicial process," and reconcile it with these provisions of the Constitution of the United States, and relieve it from the condemnation which Mr. Webster pronounced upon it in these words:

Whatever government is not a government of laws, is a despotism, let it be called what it may.

Mr. President, is it not strange that this power, which has been denied by all the other great men of the past besides Mr. Webster, this power contained in these laws and upon which they center to arrest a man upon the day of election by the President of the United States, to arrest all men by the President of the United States without accusation, without judicial process, without trial, without being confronted with the witnesses, without conviction, without condemnation by a jury—is it not strange that this power of arrest should be contended for here though in every free government it has been guarded and closely guarded as the means by which the whole fabric of the state might be subverted and which has been described in the following words by Justice Story:

No remark is better founded in human experience than that of Montesquieu, that "there is no liberty, if the judiciary power be not separated from the legislative and executive powers." And it is no less true, that personal security and private property rest entirely upon the wisdom, the stability, and the integrity of the courts of justice. If that government can be truly said to be despotic and intolerable in which the law is vague and uncertain, it cannot but be rendered still more oppressive and more mischievous when the *actual* administration of justice is dependent upon caprice or favor, upon the will of rulers, or the influence of popularity. When power becomes right, it is of little consequence whether decisions rest upon corruption or weakness, upon the accidents of chance or upon deliberate wrong. In every well-organized government, therefore, with reference to the security both of public rights and private rights, it is indispensable that there should be a judicial department to ascertain and decide rights, to punish crimes, to administer justice, and to protect the innocent from injury and usurpation.

Mr. President, I will not take time to read further upon this subject from books. I state it as a proposition which cannot be denied, that this provision and any provision of any law which authorizes anybody to arrest a man without process, which removes his personal liberty from the domain of the judicial power, is not only unconstitutional but it is despotic and arbitrary and utterly inconsistent with the right of a free people.

But let us go further. The Senator from Vermont finds in an elaborate speech the power to enforce this law in the provisions of the statute which give to the marshals of the United States the same powers as sheriffs of the States, and he says that in the State of Vermont the liberty-loving people of Vermont in all time have had a statute by which a sheriff could arrest any man for disturbing the peace or call out the whole militia to quell a riot, and therefore under the statute of the United States giving the same power to the marshal that the sheriffs have under State law they may exercise the power to keep the peace, and this great power of arresting a citizen upon the day of election by a deputy marshal or a marshal or the President, and of calling the Army and the Navy of the United States to sustain it—a power which is to protect the unhappy colored man, it is said, against the white people of the Southern States and native citizens against the citizen of foreign birth in the exercise of his suffrage!—this great power to be exercised in the great cities of the country finds its justification in the provision of the Federal statutes that the marshals shall have the same power as the sheriffs. Nobody will deny—the learned Senator from Vermont will not himself for a moment deny—that the Federal statutes must be construed with reference to the great organic distribution of power contained in the Constitution of the United States. He will not say that there is any power in the vast powers of that instrument which removes the arrest of a citizen from the domain of judicial power and judicial cognizance. He will not say that there is any power in the Constitution of the United States by which a man can be indicted and punished under an act of Congress for a riot or for a breach of the peace.

I am astonished, I am amazed, Mr. President, at such a proposition. I say that this power cannot be sustained. I do not mean to disparage the Senator from Vermont, for he is a distinguished man of great powers of intellect and research, but I say that no man can truthfully assert and that he will not contend that there is any power in the Constitution of the United States which authorizes Congress to pass a law by which a man can be arrested, indicted, and punished in the courts of the United States for a breach of the peace or for an affray or for a riot. All the vast powers of this Government are pledged to the enforcement of every law of the United States passed in pursuance of the Constitution, but it must be enforced by the application of the law by the judicial power, because the Government is judicial, legislative, and executive. It must be enforced, according to the Constitution, in the case of domestic violence, upon the demand of a State; it must be enforced in the case of the collection of customs and revenue, which are the only things in which there may be an arbitrary power, under the laws of Congress. That is the law, the supreme and paramount law, of the United States; and to claim that there can be an arrest by a marshal for a breach of the peace or for a riot is a violation of all principle. How can there be an indictment? I ask under what section and clause of the Constitution of the United States can a man be indicted for a mere affray, for a breach of the peace?

In United States *vs.* Cruikshanks *et al.*, 2 Otto, 550, the Supreme Court say:

If a marshal of the United States is unlawfully resisted while executing the process of the courts and the resistance is accompanied by an assault on the officer, the sovereignty of the United States is violated by the resistance and that of the State by a breach of the peace in the assault.

Again, on 556, the court say:

The charge made is nothing more than a conspiracy to commit a breach of the peace within the State. Certainly it will not be claimed that the United States *have the power* or are required to do mere police duty within the States.

Again, on page 551, the Supreme Court say:

The Government of the United States is one of delegated powers alone. Its authority is defined and limited by the Constitution. All powers not granted to it by that instrument are reserved to the States or the people. No rights *can be acquired* under the Constitution or laws of the United States except such as the Government of the United States has the *authority to grant or secure.* All that cannot be so granted or secured are left under jurisdiction of the *States.*

It is claimed that the jurisdiction of the United States, by the Senator from New York, very justly and truly, in the ceded places, in the places under its exclusive jurisdiction, in its fortified places, results because of the place; but in regard to all other matters, it is either in regard to citizenship as between two citizens of different States or in regard to the question under a law of the United States or some right growing up under the Constitution or laws of the United States, but there can be no territorial jurisdiction, no general jurisdiction; and even under this law or any other law, what is complained of? It is that there has been a resistance to the laws of the United States touching the election of a member of Congress. A mere breach of the peace or a fight between two persons does not concern or affect that. They are two distinct subjects, and this, which is so plain in itself, has been expressly so decided by the Supreme Court, as we have already seen.

The Senator from Vermont will not say that a man can be indicted, convicted, and punished by any court of the United States for a mere breach of the peace, for an affray, for an assault and battery; and if he cannot say that, when the marshal takes him under this law and the Army and Navy are summoned to sustain him in that arrest, what is it? It is false imprisonment under the Constitution and laws of the United States and of the National Government itself; and if it be a false imprisonment which the Army and Navy of the United States are summoned to carry into effect, I ask what then is it and by what name shall we designate this arrest and imprisonment of a citizen of the United States in the act of exercising the elective franchise and the calling out of the military force of the country to sustain it? Mr. President, it is a subversion of the National Government and the national Constitution and its national powers. In the language of Mr. Webster, "It is a *despotic use of the powers of the Government without the authority of the Constitution or the laws.*"

I will not impute motives. I take it for granted that all this arises from the blind rage of party zeal. I take it that upon all sides of the Chamber and throughout the country everywhere, as we discovered in the late unhappy war, the feelings which take possession of men give color to their convictions. I will not say nor will I believe that Senators on the other side of the Chamber who have engaged in such extraordinary denunciations of those upon this side are insincere; I will not say that their purpose is to subvert the Government of this country and to establish a military and a despotic government; but it is exceedingly strange that a law with these provisions can be sustained by them, a law which strikes at the individual liberty of every citizen, a law which violates the direct terms of the Declaration of Independence, which says that governments are instituted for what? Instituted to preserve the individual rights of the citizen. Let me read the language:

That among these [rights] are life, liberty, and the pursuit of happiness. That to secure these rights governments are instituted among men.

It will be remembered that this is the very point, the individual liberty of the citizen, which this law in plain, open, unequivocal, distinct terms avers shall be taken away "without process," without accusation, without trial, and which it is said in two vetoes of the highest officer of this Government shall be sustained by the whole military power of this country. It is this very right of personal liberty which the Declaration of Independence speaks of in these distinct and unequivocal terms which Mr. Webster, Mr. Story, and Blackstone have all declared to be of the very essence of civil liberty and the great object of government.

Mr. President, I have looked at this law in this light alone, and I will not proceed to a general consideration of all the sections of the Constitution relating to it. There are more of them which are violated by the provisions of these statutes than there are which are not. A majority of the great articles, leaving out of view the reserved rights of the States, leaving out of view the domain of power which has been admitted in the argument of the health bill and the other bills which have been before the Senate, to be retained in the States, and looking only at the national powers conferred—there are more of

the provisions of the great articles by which the powers of the Government are conferred which are violated by these laws than there are which are left untouched. The right of impartial trial by jury, the right of being confronted by witnesses, the right of accusation, the right of counsel,—all these great provisions are directly interfered with. The power to vote; the right, the great instrument by which the Government is to be preserved, has been effectually taken away.

But, Mr. President, I will pass on. I thought it proper to say so much in reference to this provision of the law. I have not time nor have I the purpose to discuss its provisions at length. I will proceed to do that which induced me to take the floor. I said that these laws were to be considered in reference to their effect upon the public morals and the perpetuity of the Government, in reference to the preservation of purity in the administration of the courts of justice. In my own State under these laws the judicial power is being now used for the purpose of determining an election to the Congress of the United States. Under these laws opportunity is offered for perjury and subornation of perjury. The history of the administration of these laws in my State has been to punish the innocent and to protect the guilty.

I do not believe there can be found a man upon the other side of the Chamber who if the proposition were made to him to punish his deadliest enemy by perjury and by subornation of perjury, by a partial jury selected for the purpose of conviction—I do not believe that there is a man upon the other side of the Chamber, steeped as he may be in party zeal and party bitterness, who would not denounce and reject such a dishonorable proposition. But, sir, such is the fact. The courts of justice are being used, and have been used for ten years, as the instruments of perjury and subornation of perjury and of partial trials. I say it openly and fearlessly and that conviction prevails, and prevails largely. The statement that the white people of the Southern States are engaged in oppression and robbery and murder is untrue; but the statement is true that under these laws the administration of justice is prostituted to the foul purposes of partisan hatred, of individual and personal ends, and that perjury and subornation of perjury are their familiar and their accustomed instrumentalities.

Now, sir, let me recapitulate a few instances which are historical, which cannot be denied, and which will prove what I have affirmed. In 1872, under the operation of these election laws, three of the State senators in the Legislature of Florida were arrested and carried from their homes upon a false charge as the Legislature was about to organize, and they were held there until they could give bail. The proceeding ended there, and was a party movement. In 1874 two men, honest, upright men, possessing the confidence and esteem of their community, who were inspectors of the State election in the county of Hamilton when a member of Congress was to be elected, refused to canvass a false return, a return which they had reason to believe was forged, and which the proof subsequently evidenced was a false and forged return. They were arrested by an affidavit made before a commissioner of the Federal court in Jacksonville; they were dragged from their homes; they were indicted for nothing but that refusal to recognize a return. They remained for nearly two months under bonds at expense, and were discharged without trial; and from that day to this there has been no further prosecution, no further attempt to convict; but it is a part of the public history of the country that the return which they refused to canvass was a false return.

There has not been an election for the last ten years in which this law and the powers of the court have not been used for party purposes. At this time respectable citizens of Gadsden County, one a republican, are indicted under one of the sections of this law for conspiracy. That is the term when there is no evidence of any plausible offense. A district attorney who is indifferent to the obligation of an oath and willing to tear innocent men from their families and send them to the penitentiary on suborned and perjured evidence in the interest of his party, with the assistance of a test-oath jury, can at any time get up a conspiracy against any one. In this case the republican, a Mr. Cook, voted for the democratic candidates in his county. He was one of the State inspectors at his precinct, and in that capacity ordered one of the supervisors to sit somewhere else than in the window through which the ballots were passed, and to refrain from taking the tickets away from the voters and substituting others. This was decided to be a conspiracy on the part of the republican State inspector and the democratic candidate, and they were carried two hundred miles from their homes, held to bail in $3,000 each by the chief supervisor in Jacksonville, indicted and held for trial, subjected to an expense of more than a thousand dollars for performing a duty imposed by the State law, and for performing it in the manner required by the law.

No man, however deep and bitter a partisan he is, should tolerate a law which ministers through partisan hatred and through perjury to the interests and the ends of base and selfish men. The proposition is as to how far these laws are consistent with the rights of the citizen, with the purity of the courts of justice, or how far they are the instruments of personal enmity, of personal ambition, and how far their instrumentalities are those of perjury and falsehood.

I sat in a court within the past six months where I saw a poor ignorant man convicted under this law for being what might be called an accomplice in concealing the alteration of a return made by the witness who testified against him and bought immunity from punishment by his evidence. I saw this man convicted of making a false certificate as an officer of the State election where a member of Congress was being voted for, for concealing the crime of another in altering a return; and he was sentenced to the penitentiary for three years, while the man who had committed the crime, a man of intelligence, who had purchased his immunity with his testimony, whether true or false, was permitted to go untouched.

While that trial was going on there sat at the bar of that court men who had proclaimed throughout the whole United States that they had been a party to the alteration and the forgery and the perjury by which the return from Archer box No. 2, in the county of Alachua, in the presidential election of 1876, was raised so as to cast votes enough to give a majority for the republican electors of that State—who had sworn before the people of the United States to this fact, and had produced the original return for which a false and forged return had been substituted—sitting there unmolested, unarraigned, unindicted, unconvicted; and this poor ignorant man, for merely concealing the crime of another, now serves under a sentence of hard labor in the penitentiary for three years, while these other and far greater criminals are unpunished.

I ask Senators who can say that is not a partisan administration of justice. When I make this allusion I do not desire to make any reference to the President of the United States or to inculpate him. I do not desire to cast any reflections upon him or upon his title to the office he holds. I consider the commission, whether right or wrong, which rendered its decision, exculpated him from any part in the transaction. That is my opinion on that subject; but I insist that no man can truly claim that is not a partisan administration of justice and deny that the law which permits and tolerates such things ought not to be sustained and kept in force.

Mr. President, is it possible that in the Senate of the United States partisan hatred, zeal for the success of party, can go so far as to stain the administration of justice, as to require it to run through polluted channels, as to make its instrumentalities those of perjury? Can it be denied that in a court and under a law which admits political offenses to be tried it is necessary that there should be selected as the triers, as the men through whom this impartial trial is to be administered, those who are entirely competent for the purpose and entirely disinterested, who are the peers of the accused in the sense of the common law, in the justice, in the honesty, and the general morality of the community, in the purpose to do right? These laws as they stand are branded in the consciousness of those among whom they are administered with the stain of partiality, of oppression. The juries which have tried these men for the most part have been composed of men who were utterly unworthy to represent the respectable men of any party. There have been some good men now and then, but as a general rule the men who are found on the juries in the trial of these political offenses are not in the judgment of the community fair and impartial men.

In 1874, in the State of Florida, a man who had been a senator of that State in the State Legislature for many years, who had been temporarily the governor of the State, was arrested under this law upon a charge of alleged intimidation at an election. The intelligent portion of the community testified in one way and on the other side were a few bitter partisans and some very ignorant persons. He was convicted while the testimony in his favor was of a competent character, of the best men in the community, of men who had for a lifetime acquired a character for veracity and fidelity to every obligation. Their testimony was disregarded by a jury selected by men who were bitterly prejudiced, of men who were of the class it was sure would be prejudiced and would attach undue influence to the power of the public prosecutor; he was convicted and sentenced and served out a sentence of six months in the common jail.

At this time there stands indicted in the Federal court in my State a gentleman who was a judge in the State court before the war for many years, a lawyer of high character, of talent, indicted for advising an election board as to the construction of the State law. He is indicted as a criminal under this law for merely giving his professional opinion as a lawyer. To-day the authorities of several counties in the State of Florida are under indictment for obeying the law of the State.

Mr. President, the laws which require or authorize or permit courts to visit upon the people such penalties, to arrest them, to hold them under control, to carry them long distances from their homes—the laws under which these things are possible are wrong, they are contrary to the spirit of free government, they are contrary to the powers of the *National Government*, they are contrary to the common sentiment of justice and right that is in every honest man's bosom, they are the instruments of fraud, of falsehood, and selfish interests, and their instrumentalities are perjury and fraud and falsehood. They punish the innocent and protect the guilty.

Such has been the administration of these laws. The people of the United States, whether they are of the North or of the South, are of a common lineage. They are as brave, as manly, as firm in their purpose to resist oppression in the one part as the other. They hold in their hearts that common sentiment which has made them in every age and upon every theater of the world the controlling power among the nations of the earth. You cannot subdue them by courts which are tainted with fraud or by the administration of the

law by forgery and by perjury. You cannot carry the elections in the Southern States by opening the doors of the penitentiaries in the Northern States to the innocent and the oppressed. It only builds up and strengthens the feeling of resistance; not resistance to the National Government, but resistance by constitutional means to laws which are destructive of the rights of the people and of the beneficent administration of the National Government. We have as much interest in the National Government as gentlemen upon the other side. Our fathers as largely if not more largely than theirs contributed to its structure and to its spirit, and inaugurated it and construed it. If here and there there were schools of opinion which differed, it is idle on this account to talk about imputing to the people of the South a purpose of renewing the war or of antagonism to the National Government of the country. We are as proud and have as much reason to be proud of it as the gentlemen upon the other side of this Chamber, because we inherit from those who build it the national feeling of pride in the work of our forefathers.

The Senator from Maine, [Mr. BLAINE,] of whom I speak with respect notwithstanding his fierce assaults upon this side of the Chamber, can find better literature in the South to read than an arithmetic which originated in the brain of some extremist, and which no southern man in this Chamber has ever seen or heard of, and of which I have never heard before. He might find it in Washington, Jefferson, and Madison, and the great men of the Revolution. He might follow the language of Mr. Webster, who ascribed the great glory of the Constitution to the Old Dominion, chief above all others. But I shall not proceed further. I heard when the discussion first opened in this Chamber the most fierce assaults made. I heard an imputation upon the southern people that this was the old doctrine of State rights brought to life again, and that those who had failed to destroy the Government by force had come back into power to starve it to death. Mr. President, there is no more connection between State rights and nullification and this proposition to construe the powers of the National Government upon the basis of a free government than there is in any other two opposite things in nature. The doctrine of nullification was a doctrine which gave to a State the right to nullify by public action of the State and its judicial tribunals the laws of the United States, and that doctrine never had a permanent footing in the South. It is disrespectful to the intelligence of the people to accuse Senators upon this side of the Chamber, men of another generation, of connection with that. Does not the public history of the country, does not the public sentiment of the North and of the whole country know that Andrew Jackson, a southern man, put his foot upon that doctrine? Do they not know that he had a large following in the South and that the South was always proud of Andrew Jackson, and proud even of his national attitude upon the force bill, and that up to the very day when the war occurred this sentiment was powerful throughout that portion of the country, and that to-day these ideas of construction of the Constitution prevail as largely there as they do in the North?

Sir, there is no difference between us, unless gentlemen upon the other side of the Chamber are intent upon destroying the personal rights of the citizen, unless they claim that the President may use military power without judicial sanction. These laws authorize the use of the military power by the President without the sanction of the courts and without their application by the courts to individual cases; and there is the difference. We insist that there is no power in Congress to prescribe qualifications for voters for members of Congress, nor to authorize the President and his deputy marshals to construe the State laws prescribing such qualifications and punish men for not obeying their construction of them. There is no power in Congress to authorize by law the courts and district attorneys of the United States to convict innocent men of conspiracies under vague and indeterminate laws, and by forced constructions of acts which were never dreamed to be crimes for real or pretended violations of State laws on subjects over which it has no power, nor to try and convict citizens by partial juries upon perjured testimony and sentence them to long terms of imprisonment at hard labor in distant penitentiaries, to the end that by crushing the spirit of the people they may be subdued into acquiesence in the will of a political party.

The Senator from Vermont [Mr. EDMUNDS] delivered a learned speech on the subject of these laws and the use of military power. I will state the difference between him and those upon this side of the Chamber. In the great institutions of education in New England, which are justly famous, where he was educated to be the accomplished man that he is, he was taught from the fountains of the civil law, and he drew his political sustenance from the Roman wolf that fed the builder of Rome rather than from the pure Saxon fountains of English law and liberty. The rescripts of the Roman emperors decided upon the law and executed it; the executive, the military power, decided when and how it was to be executed, and at his will and pleasure executed it by military force; but the English law allows no application to individual rights of public law except under the sanction of a fair and impartial judicial tribunal. It places all this power over the individual citizen, his right not to be arrested, under the judicial power, and guarantees and protects it. But under the civil law the imperial power could arrest at its will and pleasure, and could decide upon the application of the law, and could apply military force in aid of it. The error of the argument of the learned Senator in the great speech which he made here is in the just application of the law, under our Constitution, our system of laws, and the powers of our National Government in their administration of the law, in the execution and enforcement of it.

Mr. President, I heard in the opening of this discussion the Senator from Maine appeal with eloquence and power (as I have heard him since appeal to Mr. Webster) to the memory of Mr. Lincoln as frowning upon the efforts upon this side of the Chamber to secure a repeal of these laws, withering, as he said, with his finger the appearance in these Halls again of southern men, representatives of the Southern States, coming from that portion of the people who either themselves or through others had been engaged in the war. I considered whether it was possible that great man, who has now passed beyond this human life to a higher and better life, and whose name and whose life are the property of humanity and of no party and no particular man, who being dead, as the Senator from Maine says, in the language of Holy Scripture, yet speaketh, but speaketh in his example and in the lessons which he has left behind—I thought whether it was possible that so great a man, who had filled so large a place in the history of his country, had left a legacy of hatred to his countrymen.

I knew from my general knowledge of Mr. Lincoln and of his public attitudes and deliverances that the imputation was unjust; that he was a great man and a magnanimous man; that he was a man who lived up to the full measure of his public duty as he understood it. I turned to his writings to find that his last public utterances upon this earth were far different from the expressions which the Senator from Maine has used here. They were invitations to those who now stand upon this floor to come here. The authority of Mr. Lincoln is not with the Senator from Maine, it is not with any Senator who, either directly or indirectly, by insinuation, by charges of crime, of murder, of assassination, and by allusions to the old doctrines of State rights in any shape or form, keeps alive the strife of the ancient times. It is with the defenders of civil liberty, it is with those people who pray for the restoration of the Government and of the powers of the Government and their perpetuity in good faith. He spoke as follows in the last speech which he delivered, on the 11th of April, 1865:

> We all agree that the seceded States, so called, are out of their proper practical relation with the Union and that the *sole object of the Government, civil and military*, in regard to those States is to again get them into their proper practical relation. I believe that it is not only possible but in fact easier to do this without deciding or even considering whether those States have ever been out of the Union than with it. Finding themselves safely at home, it would be utterly immaterial whether they had been abroad. Let us all join in doing the acts necessary to restore the proper practical relations between these States and the Union, and each forever after innocently indulge his own opinion whether in doing the acts he brought the States from without into the Union, or only gave them proper assistance, they never having been out of it.

Nor is that utterance inconsistent with his other writings upon this subject. In his letter, on the 21st of November, 1862, he speaks as follows:

> We do not particularly need members of Congress from those States to enable us to get along with legislation here. What we do want is the conclusive evidence that respectable citizens of Louisiana are willing to be members of Congress and to swear to support the Constitution, and that other respectable citizens there are willing to vote for them and send them. To send a parcel of northern men here as Representatives, elected, as would be understood, (and perhaps really so,) at the point of the bayonet, would be—

What? What says Abraham Lincoln, speaking from his tomb in reply to all these discussions?—

> disgraceful and outrageous, and were I a member of Congress here, I would vote against admitting any such man to a seat.

This is the precept which he uttered, and no partisan zeal, no partisan malevolence, if such there be, no indiscreet desire of personal ambition or promotion, can misinterpret or stay these words which speak from his tomb and which are a legacy, and a glorious legacy, to his countrymen and to all mankind. Wars and civil commotions and rumors of wars will doubtless occur again as they have done in the past throughout the world, but these words of Abraham Lincoln at the close of the great civil war will re-echo above their strife for all time the sublime gospel of peace and good-will to men.

Mr. President, what can be said of the use of military force in aid of the election law to arrest a man without process, without accusation, without confronting him with his witnesses, without counsel, without trial, without conviction, by a deputy marshal of the United States, and the proposition twice affirmed not only of its rightfulness or its constitutionality but of the necessity in the future of this law and this exercise of military power? Mr. Lincoln said it would be "outrageous and disgraceful to have men here elected by bayonets." I care not whether you call it bayonets or the military organization, or whether it be the organized army of marshals and deputies, so that it be force in one form or force in another form.

Mr. President, I shall not detain the Senate longer. It has been my effort not to speak in a partisan spirit. I have no desire in what I have said to cast reflections upon any man, either upon the officers of the courts, the judges who preside, or the jurors. I have stated facts, let the blame fall where it may. They may arise from the imperfections of the laws or from other causes. I submit that this is not a government of force. I submit that the Constitution of this National Government says that—

> The Congress shall have power—
>
> * * * * * * * *
>
> To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

Whatever may be said of the practice which has grown up of using the military as a *posse* and to enforce the laws, the sentences of the courts, the judgments of the courts, and the applications of the law by the judicial tribunals to suppress insurrection and repel invasion there is the great rule of the Constitution.

Wherever a court cannot execute its decrees and its judgments, wherever the customs cannot be collected, wherever the regulations of commerce cannot be enforced, wherever foreign invasion needs to be repelled, the militia are the great arm for the purpose, and although the Army and Navy may be a necessary and a proper instrument to protect its honor and defend the country in war, it was wise to put that provision in the Constitution that Congress shall have power to call out the militia. There is no power given to call out the Army and Navy. That is not mentioned, and why? The militia of every State and of all the States are the people of the United States. To them and to their patriotism is justly confided the execution and the enforcement of the laws. The execution and the enforcement of the laws means the laws as interpreted by the courts in all cases of individual right, whether it is the right to vote or the right to be free from arrest. The execution of the laws means the application to the individual case of the law by the court, and until that is done there is no execution or enforcement of the law, until that is done there can be no care by the President that the laws shall be "faithfully executed," for there can be no law to execute in any *given case* of individual right except that constitutional law which faithfully executed stands as the ever present sentinel on guard to protect the personal liberty and all the personal rights of each citizen.

Mr. President, this is a government of personal rights. The argument must not be that the great National Government must be increased and strengthened. Its power is vast enough. It is vast enough because it rests upon the patriotism of the people of the country. I deny the proposition that in the section of the country known as the Southern States there is less devotion to the National Constitution, that there is less devotion to the country at large, that there is less patriotism than lives in the breast or inspires the eloquence of any of the distinguished Senators upon the other side of the Chamber. We are not contradistinguished from them and never were by any peculiar doctrines of State rights.

A part of our people and a part of their people maintained the theory of secession, others denied it. The great civil war occurred because there was a revolution in the judgment and minds of a large portion of the people, both North and South, and a portion of them were drawn, in both parts of the country, as all great commotions draw men, and will to the end of time, by the affinities of relationship, of blood, of society, and many men were carried into it who did not share the peculiar constitutional ideas upon the subject held by the leaders of the movement. The idea is unworthy of this Chamber, unworthy of any man, be he a Senator, or in the humbler walks of life, who can see in that great event, the great civil war and the great characters who moved in that exciting drama on both sides, nothing but slavery and secession and views of constitutional right and wrong.

They take a narrow and an unpatriotic view of their country and their countrymen who can see in the great characters who took part in it nothing but wrong on one side and right on the other. It was a great event, and however mournful the bloody tragedy was, it was such as has often occurred upon the theater of the world, and perhaps will occur as long as mankind shall fall below the millennial state of perfection. There were great men upon both sides, heroes, men who sacrificed their lives from a sincere conviction of right as it came to them. Of such men in every age of the world has the great army of martyrs been formed, whose praises the church and the universal heart of man still chants, and will forever chant, and whom all men admire. The child is taught to admire the man who gives his life in unflinching courage for what he thinks is right, and he ought to be admired, because it is the great quality of heroism. It is unworthy and untrue to history and to the better hopes of the world to find fault with the speeches and actions since the war of men who on either side with equal sincerity offered their lives and blood—speeches inviting the youth of the country to new heroisms and future devotion to faith and duty—to find in them occasions to create a belief that they seek again to teach the political theories which led to the separation and to renew the civil strife. It will be a sad day for the country, sir, when the heroism, the high courage, the brave spirit of our people on both sides shall fail to be remembered with respect and honor.

But, Mr. President, I again deny the proposition that there is in that great country, among those seven millions of white people who live beneath the line that formerly divided the free from the slave States, less of Christianity, less of charity, less of virtue, less of patriotism, than there is in any portion of the North. I affirm that no African, no white man, can be either persecuted or oppressed by any man, be he from the North or South, in the presence of the people, without that spontaneous feeling coming to his rescue which animates all that race of people who believe, as the old Saxon proverb expresses, that it is cowardly to "oppress the weak, or to trample upon a defenseless or prostrate foe." It is a feeling as natural to that people as it is to the people of the North, and the aspersion of crime and murder and assassination throughout the country is not the truth. Those who make it are misled, misled by false reports, misled by false statements. Perjury is rife everywhere, and so is falsehood; but the characteristics of our race, the impossibility that seven millions of people should be all or in great part demons, the impossibility that a great party, the democratic party of the North, should be all or in great part traitors to the traditions of our race and our Constitution, all stamp these things as untrue.

Mr. BURNSIDE. I move that the Senate proceed to the consideration of executive business.

Mr. WILLIAMS. I call for the yeas and nays.

The yeas and nays were ordered; and being taken resulted—yeas 25, nays 19; as follows:

YEAS—25.

Anthony,	Edmunds,	Logan,	Teller,
Bell,	Hill of Colorado,	McMillan,	Voorhees,
Burnside,	Hoar,	Paddock,	Whyte,
Cameron of Pa.,	Ingalls,	Platt,	Windom.
Cameron of Wis.,	Jones of Nevada,	Randolph,	
Chandler,	Kernan,	Rollins,	
Dawes,	Kirkwood,	Saunders,	

NAYS—19.

Bailey,	Davis of W. Va.,	Houston,	Pendleton,
Bayard,	Farley,	Jonas,	Slater,
Beck,	Garland,	Jones of Florida,	Walker,
Cockrell,	Harris,	Maxey,	Williams.
Coke,	Hereford,	Morgan,	

ABSENT—32.

Allison,	Davis of Illinois,	Hill of Georgia,	Ransom,
Blaine,	Eaton,	Johnston,	Saulsbury,
Booth,	Ferry,	Kellogg,	Sharon,
Bruce,	Gordon,	Lamar,	Thurman,
Butler,	Groome,	McDonald,	Vance,
Call,	Grover,	McPherson,	Vest,
Carpenter,	Hamlin,	Morrill,	Wallace,
Conkling,	Hampton,	Plumb,	Withers.

So the motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty minutes spent in executive session the doors were re-opened, and (at four o'clock and twenty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *May* 28, 1879.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read.

LEAVE OF ABSENCE.

Mr. REAGAN. I notice in the reading of the Journal that the statement is made that leave of absence was granted to several members yesterday. I objected at the time the leave was asked to the granting of any leave of absence to members except in cases where it was asked on account of sickness.

The SPEAKER. The Chair is advised that those mentioned in the Journal just read are those only who applied for leave of absence on account of sickness either of the member himself or of some member of his family.

Mr. REAGAN. The RECORD contains the whole list that were applied for yesterday.

The SPEAKER. The RECORD contains all the applications, simply as a part of the proceedings, not as a list of those to whom leave was granted.

There being no objection, the Journal, as read, was approved.

PRESIDENTIAL ELECTIONS.

Mr. BICKNELL. The Committee on the state of the law in reference to the electoral count for President and Vice-President have directed me to report a bill, and to ask that the bill, with the accompanying report, be printed and recommitted.

Mr. CONGER. Not to be brought back on a motion to reconsider.

The SPEAKER. The Chair thinks the committee has the right to report at any time.

Mr. CONGER. Very well; let the order be made that it shall not be brought back on a motion to reconsider, and we will meet the other point when it arises.

The bill (H. R. No. 2023) to amend sundry provisions of chapter 1, title 3, of the Revised Statutes of the United States relating to presidential elections, and to provide for the counting of the vote for President and Vice-President and the decision of questions arising thereon, was received, read a first and second time, and, with the accompanying report, ordered to be printed and recommitted to the Committee on the electoral count, not to be brought back on a motion to reconsider.

BINDING OF DOCUMENTS FOR MEMBERS.

Mr. HAZELTON, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on Printing:

Resolved, That the Clerk of the House be, and he is hereby, authorized to cause to be bound at the Government Printing Office one copy of any public document desired by any member for his personal use.

GEOLOGICAL REPORTS.

Mr. STEVENSON (by request) submitted the following resolutions; which were read, and referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed at the Government Printing Office 3,000 copies of volume 2 of the geological series of the reports of the geographical and geological survey of the Rocky Mountain region, entitled "The Geology of the Henry Mountain," with the necessary illustrations and charts, 1,000 copies of which shall be for the use of the House of Representatives, 500 for the use of the Senate, 1,000 for the use of the Department of the Interior, and 500 for the use of the survey; the illustrations and charts to be made by the Public Printer, under the direction of the Joint Committee on Public Printing.

Resolved by the House of Representatives, (the Senate concurring,) That there be printed at the Government Printing Office 2,000 copies of volume 4 of the geological series of the reports of the geographical and geological survey of the Rocky Mountain region, entitled "Geology of the Black Hills of Dakota," with the necessary illustrations and charts, 1,000 copies of which shall be for the use of the House of Representatives, 500 for the use of the Senate, and 500 for the use of the Department of the Interior; the illustrations and charts to be made by the Public Printer, under the direction of the Joint Committee on Public Printing.

AID TO YELLOW-FEVER SUFFERERS.

Mr. HOUSE. I ask unanimous consent to report back with a favorable recommendation from the Judiciary Committee the joint resolution (H. R. No. 66) legalizing the action of the President and the Secretary of War in sending rations and tents to the yellow-fever sufferers. It is the unanimous recommendation of the committee, and I ask for its present consideration.

The joint resolution was read, as follows:

Resolved, &c., That the action of the President of the United States and the Secretary of War in sending rations and tents to Memphis and other places for the use of the sick during the recent yellow-fever epidemic is hereby legalized as though the same had been expressly authorized by former act of Congress.

The SPEAKER. Is there objection to the present consideration of the joint resolution which has just been read?

Mr. SAMFORD. I object.

APPROPRIATION FOR POST-OFFICE DEPARTMENT.

Mr. CANNON, of Illinois, from the Committee on Appropriations, reported back with amendments the bill (H. R. No. 2002) making additional appropriations for the service of the Post-Office Department for the fiscal years ending June 30, 1879, and June 30, 1880, and for other purposes; which was referred to the Committee of the Whole on the state of the Union.

Mr. CANNON gave notice that to-morrow, after the morning hour, he should endeavor to call up the bill for consideration.

CONVERSION OF GOLD INTO SILVER, ETC.

Mr. THOMPSON. I ask unanimous consent to introduce a bill at this time for reference.

The SPEAKER. The title of the bill will be read.

The title is as follows: "A bill (H. R. No. 2024) to convert the gold now or which may hereafter come into the public Treasury into silver, to authorize the issuing of certificates therefor, and for other purposes."

The bill was referred to the Committee on Coinage, Weights, and Measures.

Mr. MANNING. I rise to a correction of the RECORD.

The SPEAKER. The gentleman will state it.

Mr. CONGER. I object to the reference of the bill to the Committee on Coinage, Weights, and Measures. The committee to which it is proposed to refer that bill is authorized to report at any time, and I desire to keep a great many things from going to that committee in order to prevent their reporting them at any time. If it was a bill to convert silver into gold I would have no objection.

Mr. KENNA. Is not the objection too late?

The SPEAKER. The Chair thinks the objection is too late. The title of the bill had been read and it had been referred, and the Chair had recognized another gentleman.

Mr. CONGER. Then if that rule is to be adopted by the Chair I shall object to anything out of order.

The SPEAKER. The gentleman has as much latitude as any gentleman on this floor.

Mr. CONGER. And "the gentleman" expects to have as much.

The SPEAKER. When a bill is read and actually referred to a committee, without objection being made, and the Chair then recognizes another gentleman for the purpose of presenting something for the consideration of the House, a member cannot then rise without any pretense that it was his intention to object to the reference of the bill at the time, and make an objection to the reference.

Mr. CONGER. The Chair did not ask for objection, and the rule says the Chair shall ask for it. I do not wish to correct the Chair in any of his practices, but that is the rule.

The SPEAKER. The Chair holds that the objection comes too late.

The SPEAKER. The correction will be made.

ORDER OF BUSINESS.

The SPEAKER. The Chair understands the gentleman from Michigan [Mr. CONGER] to object to anything but the regular order.

Mr. CONGER. I simply ask that the Chair, when a proposition requires unanimous consent, may ask for objections, so that my right to object may not be cut off.

The SPEAKER. The Chair did not cut the gentleman off. The gentleman did not show his usual speed. [Laughter.]

Mr. CONGER. If the Chair please, I am compelled to speak like lightning, or the Chair gets ahead of me every time.

The SPEAKER. The Chair hopes the gentleman will not be struck. [Laughter.] Does the gentleman object to any further proceedings except the regular order?

Mr. CONGER. No, sir; I will try to watch and take the opportunity to object if I desire to do so.

Mr. SPRINGER. I ask unanimous consent that there be a call of the States for the introduction of bills, &c.

The SPEAKER. Is there objection to the proposition?

Mr. CONGER. There is objection.

WRONGS TO CHILDREN.

Mr. FRYE, by unanimous consent, introduced a bill (H. R. No. 2025) to prevent and punish wrongs to children in the District of Columbia, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CAPTAIN F. B. STEWART.

Mr. FRYE asked unanimous consent to introduce for reference a bill for the relief of Captain F. B. Stewart, late assistant quartermaster United States Volunteers.

Mr. COFFROTH. I object to the introduction of any bill, unless there can be opportunity for the introduction of all bills.

REMOVAL OF CAUSES TO UNITED STATES COURTS.

The SPEAKER. The regular order being called for, the morning hour begins at seventeen minutes past twelve, and the House resumes the consideration of the unfinished business of the morning hour, which is the bill (H. R. No. 1715) to repeal certain sections of the Revised Statutes and to amend certain sections of the Revised Statutes and of the Statutes at Large relating to the removal of causes from State courts. The pending question is on seconding the demand for the previous question on ordering the bill to be engrossed and read a third time.

Mr. TOWNSHEND, of Illinois. For the purpose of accommodating the will of the House, as there seems to be a disposition to debate the bill and to offer amendments, I am willing to withdraw the demand for the previous question, and move that the bill be referred to the Committee of the Whole on the state of the Union, to be placed on the public Calendar. On this motion I demand the previous question.

Mr. FRYE. Will the gentleman from Illinois allow me to amend his motion so as to refer the bill to the Committee on the Judiciary?

The SPEAKER. The gentleman from Maine, [Mr. FRYE,] by referring to Rule 43, will find that, even if the motion to refer to a standing committee were made, priority must be given to the motion to refer to the Committee of the Whole on the state of the Union. If this motion should be voted down, then the motion which the gentleman from Maine indicates would be in order.

The question being taken on seconding the demand for the previous question on the motion of Mr. TOWNSHEND, of Illinois, there were 85 in the affirmative and 1 in the negative—no quorum voting.

Tellers were ordered; and Mr. CONGER, and Mr. TOWNSHEND of Illinois, were appointed.

The House divided; and the tellers reported—ayes 76, noes none.

Mr. CONGER. I raise the point that no quorum has voted.

Mr. HARRIS, of Virginia. I call for the yeas and nays.

The SPEAKER. On seconding the demand for the previous question the yeas and nays cannot be taken.

Mr. TOWNSHEND, of Illinois. I move, then, that there be a call of the House.

The motion was agreed to.

The Clerk proceeded to call the roll, when the following-named members failed to answer:

Aldrich, William	Cowgill,	Lay,	Robertson,
Atkins,	Crowley,	Loring,	Russell, Daniel L.
Bailey,	Deuster,	Lowe,	Shallenberger,
Ballou,	Dick,	Mason,	Shelley,
Barlow,	Einstein,	McCook,	Singleton, J. W.
Beale,	Field,	McKinley,	Sparks,
Beltzhoover,	Forsythe,	Miles,	Stephens,
Bland,	Garfield,	Morrison,	Townsend, Amos
Bragg,	Gillette,	Morton,	Tucker,
Butterworth,	Godshalk,	Muller,	Updegraff, J. T.
Calkins,	Hull,	Neal,	Updegraff, Thomas
Camp,	Hurd,	O'Brien,	Warner,
Carlisle,	James,	O'Connor,	Wells,
Chittenden,	Keifer,	O'Reilly,	White,
Claflin,	Kelley,	Pierce,	Wilber,
Clark, Alvah A.	Killinger,	Poehler,	Wood, Walter A.
Cobb,	Kitchin,	Prescott,	Young, Thomas L.
Covert,	Knott,	Reed,	

During the roll-call,

Mr. WHITTHORNE said: I desire to state that my colleague, Mr. ATKINS, is absent by reason of indisposition.

The roll-call being concluded,

The SPEAKER said: A quorum is present. Two hundred and fourteen members have answered to their names.

Mr. ACKLEN. I move that further proceedings under the call be dispensed with.

The question being taken on the motion of Mr. ACKLEN, there were—ayes 45, noes 8.

Mr. CONGER. No quorum.

The SPEAKER. The Chair will order tellers. It does not require a quorum to dispense with all further proceedings under the call.

Mr. CONGER. Then I shall demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 191, nays 18, not voting 76; as follows:

YEAS—191.

Acklen,	Dickey,	Le Fevre,	Sapp,
Aiken,	Dunn,	Lewis,	Sawyer,
Aldrich, N. W.	Elam,	Lindsey,	Scales,
Anderson,	Ellis,	Lounsbery,	Shallenberger,
Armfield,	Evins,	Manning,	Simonton,
Atherton,	Felton,	Martin, Benj. F.	Singleton, O. R.
Bachman,	Finley,	Martin, Edward L.	Slemons,
Baker,	Fisher,	Martin, Joseph J.	Smith, A. Herr
Barber,	Ford,	McGowan,	Smith, Hezekiah B.
Bayne,	Forney,	McKenzie,	Smith, William E.
Bicknell,	Forsythe,	McLane,	Speer,
Bingham,	Frost,	McMahon,	Springer,
Blackburn,	Frye,	McMillin,	Starin,
Blake,	Geddes,	Miller,	Steele,
Blount,	Gibson,	Mills,	Stevenson,
Bouck,	Gillette,	Mitchell,	Stone,
Bowman,	Goode,	Morrison,	Talbott,
Boyd,	Gunter,	Muldrow,	Taylor,
Briggs,	Hall,	Muller,	Thomas,
Brigham,	Hammond, John	Murch,	Thompson,
Bright,	Hammond, N. J.	New,	Tillman,
Burrows,	Harmer,	Newberry,	Townshend, R. W.
Cabell,	Harris, Benj. W.	Nicholls,	Turner, Oscar
Caldwell,	Harris, John T.	Norcross,	Tyler,
Cannon,	Hatch,	O'Neill,	Urner,
Carlisle,	Hawk,	Orth,	Valentine,
Carpenter,	Hawley,	Osmer,	Van Aernam,
Caswell,	Heilman,	Overton,	Vance,
Chalmers,	Henry,	Persons,	Van Voorhis,
Clardy,	Herbert,	Phelps,	Voorhis,
Clark, John B.	Herndon,	Phister,	Waddill,
Clymer,	Hooker,	Poehler,	Wait,
Coffroth,	Horr,	Pound,	Ward,
Colerick,	Hostetler,	Price,	Washburn,
Converse,	Houk,	Reagan,	Wellborn,
Cook,	House,	Rice,	Whiteaker,
Covert,	Hubbell,	Richardson, D. P.	Whitthorne,
Crapo,	Humphrey,	Richardson, J. S.	Williams, C. G.
Cravens,	Hunton,	Richmond,	Williams, Thomas
Culberson,	Johnston,	Robertson,	Willis,
Davidson,	Jones,	Robeson,	Willits,
Davis, George R.	Kenna,	Robinson,	Wilson,
Davis, Joseph J.	Ketcham,	Ross,	Wise,
Davis, Lourdes H.	Kimmel,	Rothwell,	Wood, Fernando
Deering,	King,	Russell, William A.	Wright,
De La Matyr,	Klotz,	Ryan, Thomas	Yocum,
Deuster,	Ladd,	Ryon, John W.	Young, Casey.
Dibrell,	Lapham,	Samford,	

NAYS—18.

Brewer,	Dwight,	Hazelton,	Neal,
Browne,	Errett,	Henderson,	Sherwin,
Conger,	Farr,	Jorgensen,	Turner, Thomas.
Daggett,	Ferdon,	Joyce,	
Dunnell,	Fort,	Monroe,	

NOT VOTING—76.

Aldrich, William	Cowgill,	Killinger,	Pierce,
Atkins,	Cox,	Kitchin,	Prescott,
Bailey,	Crowley,	Knott,	Reed,
Ballou,	Dick,	Lay,	Russell, Daniel L.
Barlow,	Einstein,	Loring,	Shelley,
Beale,	Ewing,	Lowe,	Singleton, J. W.
Beltord,	Field,	Marsh,	Sparks,
Beltzhoover,	Garfield,	Mason,	Stephens,
Bland,	Godshalk,	McCoid,	Townsend, Amos
Bliss,	Haskell,	McCook,	Tucker,
Bragg,	Hayes,	McKinley,	Updegraff, J. T.
Buckner,	Henkle,	Miles,	Updegraff, Thomas
Butterworth,	Hill,	Money,	Warner,
Calkins,	Hiscock,	Morse,	Weaver,
Camp,	Hull,	Morton,	Wells,
Chittenden,	Hurd,	Myers,	White,
Claflin,	James,	O'Brien,	Wilber,
Clark, Alvah A.	Keifer,	O'Connor,	Wood, Walter A.
Cobb,	Kelley,	O'Reilly,	Young, Thomas L.

So the House dispensed with all further proceedings under the call.

During the roll-call the following announcements were made:

Mr. WHITTHORNE. I desire to announce that my colleague, Mr. ATKINS, is detained from the House by reason of sickness, and to remark in that connection that I trust the House will excuse him knowing his industry and fidelity to the public business.

Mr. HILL. On this question I am paired with my colleague, Mr. BUTTERWORTH. If he were present, I should vote "ay."

Mr. HURD. I am paired with the gentleman from Massachusetts, Mr. CLAFLIN.

Mr. DAVIDSON. My colleague, Mr. HULL, is paired with Mr. ALDRICH, of Illinois.

Mr. HOSTETLER. My colleague, Mr. COBB, is paired with Mr. GARFIELD.

Mr. TOWNSHEND, of Illinois. My colleague, Mr. SINGLETON, is paired with Mr. MILES, of Connecticut.

Mr. MONROE. Mr. GARFIELD is paired with Mr. COBB, and Mr. UPDEGRAFF, of Ohio, with Mr. WARNER.

Mr. MYERS. I am paired with my colleague, Mr. COWGILL. If he were here, I should vote "ay."

Mr. MORSE. I am paired with Mr. KELLEY.

Mr. BAYNE. Mr. KEIFER is paired with Mr. ROTHWELL.

The vote was then announced as above recorded.

The SPEAKER. The question recurs on seconding the demand for the previous question on the motion to commit, and the tellers will resume their places.

The House again divided; and the tellers reported—ayes 50, no 1.

Mr. CONGER. No quorum.

Mr. HARRIS, of Virginia. The morning hour has expired I believe, Mr. Speaker?

The SPEAKER. It has not.

Mr. CONGER. There must be a great many in the House refusing to go on with public business, as only fifty-one voted on the last count. Evidently there are some two hundred members present, and yet that is all we can get willing to do business. [Laughter.]

Mr. SPRINGER. The gentleman neglected to count himself as one of the tellers.

ORDER OF BUSINESS.

Mr. CONVERSE. I move that the remainder of the morning hour be dispensed with that I may be enabled to make a report from the Committee on Public Lands.

The SPEAKER. According to the last vote the House is without a quorum.

Mr. CONVERSE. I think we can find a quorum to dispense with the morning hour.

The SPEAKER. The morning hour will expire in a few moments.

After a pause,

Mr. O'NEILL. Mr. Speaker, are there any dispatches from the Ohio convention?

Mr. SPRINGER. Has the morning hour expired?

The SPEAKER. The morning hour has expired; and the gentleman from Illinois [Mr. SPRINGER] is recognized.

Mr. CONGER. I call for the regular order.

The SPEAKER. The regular order is being proceeded with.

Mr. CONGER. I move that the House proceed to the consideration of business on the Speaker's table.

The SPEAKER. The Chair thinks there is nothing on the Speaker's table.

Mr. CONGER. I should like we had an opportunity to go there and see.

The SPEAKER. The gentleman from Illinois is recognized. The Chair will next recognize the gentleman from Michigan.

Mr. SPRINGER. I offer for reference to the Committee on Rules the resolution which I send to the desk.

Mr. CONGER. I demand the regular order.

The SPEAKER. The Chair is advised that this is the regular order. The Chair will hear the resolution read. No advantage will be taken of the gentleman from Michigan.

Mr. CONGER. I submit that that resolution cannot be received under the rules, since it is the right of any member after the morning hour has expired to move to proceed to business on the Speaker's table.

The SPEAKER. The Chair recognizes the gentleman from Illinois [Mr. SPRINGER] to offer the resolution relating to change of the rules, which will be read.

The Clerk read as follows:

Amend Rule 51 by adding thereto the following——

Mr. CONGER, (interrupting the reading.) I call for the regular order.

The SPEAKER. This is in order, being an amendment to the rules.

Mr. CONGER. Under what rule?

Mr. SPRINGER. Let the proposition be read, and I will show the gentleman under what rule it is in order.

Mr. COX. I ask to have the rule read before the point of order is made.

The SPEAKER. The Chair will cause it to be read. The Chair thought the gentleman from Illinois was going to read it.

Mr. CONGER. I make the point of order that after the expiration of the morning hour the next regular business is the right of any member to move that the House go to business on the Speaker's table.

The SPEAKER. The Chair had already recognized the gentleman from Illinois.

Mr. CONGER. I make the point of order that that is not in order under this rule.

The SPEAKER. If the gentleman makes the point of order, the Chair will cause the rule to be read.

The Clerk read as follows:

145. No standing rule or order of the House shall be rescinded or changed without one day's notice being given of the motion therefor—November 13, 1794; nor shall any rule be suspended, except by a vote of at least two-thirds of the members present—March 13, 1822; nor shall the order of business, as established by the rules, be postponed or changed, except by a vote of at least two-thirds of the members present; nor shall the Speaker entertain a motion to suspend the rules, except during the last six days of the session, and on Monday of every week at the expiration of one hour after the Journal is read—April 26, 1828, and June 22, 1874—unless the call of States and Territories for bills on leave and resolutions has been earlier concluded, when the Speaker may entertain a motion to suspend the rules.—June 8, 1864.

The SPEAKER. On page 269 of the Digest there is a note appended to a part of this rule. The Chair will read the paragraph:

No standing rule or order of the House shall be rescinded or changed without one day's notice being given of the motion therefor.—*Rule* 145.

Then there is this note:

There is no authority given, as in the case of notices of bills, to file this notice

with the Clerk. Consequently it can only be given in open House, and only at such time as any other independent motion can be made.

That was a decision given in the Twenty-fifth Congress at the second session. The Chair directs to be read a paragraph from the Journal of that Congress:

The Clerk read as follows:

The rule which required this resolution to lie on the table one day for consideration was dispensed with; and it was then read, considered, and agreed to.

Mr. Thomas submitted the following amendment to the rules; which was read and laid on the table one day, under the rule, viz:

Add to the 20th rule the words following: And on the first Friday of each month the calendar of private bills shall be called over, and the bills to the passage of which no objection shall then be made shall be first considered and disposed of; private bills from the Senate having a preference over private bills of the House.

The SPEAKER. This decision was rendered by James K. Polk, then the Speaker and afterward President. The resolution of the gentleman from Illinois is therefore in order; but under the rule it must lie over for one day.

Mr. SPRINGER. But I have the right to have the resolution read.

Mr. CONGER. I object to its being introduced at this time.

The SPEAKER. The Chair entertains the resolution as a matter of right on the part of the gentleman from Illinois.

Mr. CONGER. I have asked under what rule the gentleman has the right to offer the resolution.

The SPEAKER. The Chair has read the rule, and the practice under it.

Mr. CONGER. But there never has been a rule which prevents the motion being made immediately at the termination of the morning hour to go to business on the Speaker's table.

The SPEAKER. The Chair does not prevent that now.

Mr. CONGER. But the Chair gives precedence to another motion.

The SPEAKER. The gentleman from Illinois was recognized before the gentleman from Michigan made the motion to go to business on the Speaker's table, and the gentleman had a right to give his notice at a time when any other independent motion could be made.

Mr. CONGER. I objected to it.

The SPEAKER. The gentleman had not the right to object, and the Chair had not the right to recognize him to object.

Mr. CONGER. I make the point of order on it.

The SPEAKER. The Chair overrules the point of order.

Mr. CONGER. I object to the reading of the resolution.

The SPEAKER. The Chair overrules the point of order and directs the resolution to be read.

Mr. CONGER. I appeal from the decision of the Chair.

Mr. McMAHON. I move to lay the appeal on the table.

Mr. COX. I desire to have the resolution read before voting on the appeal from the decision of the Chair.

The SPEAKER. That is part of the objection, and the Chair considers it as embraced in the appeal.

Mr. CONGER. The very object of the appeal is to prevent the reading.

Mr. TOWNSHEND, of Illinois. I submit that the appeal ought to be submitted in writing.

The SPEAKER. The Chair will not require that unless the gentleman from Illinois [Mr. TOWNSHEND] does.

The question was put on Mr. McMAHON'S motion to lay the appeal on the table; and on a division there were 78 in the affirmative and none in the negative.

Mr. CONGER. No quorum has voted.

The SPEAKER. The Chair will appoint the gentleman from Illinois, Mr. SPRINGER, and the gentleman from Michigan, Mr. CONGER, to act as tellers.

The House again divided; and the tellers reported 82 in the affirmative and none in the negative.

Mr. CONGER. No quorum has voted.

Mr. CLYMER. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. BREWER. I move that the House adjourn; and upon that motion I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 11, nays 186, not voting 88; as follows:

YEAS—11.

Bowman,	Carpenter,	Hammond, John	O'Neill,
Boyd,	Errett,	Henderson,	Van Voorhis.
Brewer,	Fort,	Neal,	

NAYS—186.

Acklen,	Burrows,	Culberson,	Farr,
Aiken,	Cabell,	Daggett,	Felton,
Anderson,	Caldwell,	Davidson,	Ferdon,
Atherton,	Cannon,	Davis, Joseph J.	Finley,
Bachman,	Carlisle,	Davis, George R.	Fisher,
Baker,	Caswell,	Davis, Loundes H.	Ford,
Barber,	Chalmers,	Deering,	Forney,
Bayne,	Clardy,	De La Matyr,	Forsythe,
Bicknell,	Clarke, John B.	Deuster,	Frost,
Bingham.	Clymer,	Dibrell,	Frye,
Blackburn,	Coffroth,	Dickey,	Geddes,
Blake,	Colerick,	Dunn,	Gibson,
Blount,	Conger,	Dunnell,	Gillette,
Briggs,	Converse,	Dwight,	Goode,
Brigham,	Cook,	Elam,	Gunter,
Bright,	Cox,	Ellis,	Hall,
Browne,	Crapo,	Evins,	Hammond, N. J.
Buckner,	Cravens,	Ewing,	Harmer,
Harris, Benj. W.	Lindsey,	Pound,	Stone,
Harris, John T.	Lounsbery,	Price,	Talbott,
Haskell,	Manning,	Reagan,	Taylor,
Hatch,	Martin, Benj. F.	Richardson, D. P.	Thompson,
Hawk,	Martin, Edward L.	Richardson, J. S.	Tillman,
Hawley,	Martin, Joseph J.	Richmond,	Townshend, R. W.
Hayes,	McCold,	Robertson,	Turner, Oscar
Hazelton,	McGowan,	Robeson,	Turner, Thomas
Heilman,	McLane,	Robinson,	Tyler,
Henry,	McMahon,	Ross,	Van Aernam,
Herbert,	McMillin,	Rothwell,	Vance,
Herndon,	Miller,	Russell, William A.	Voorhis,
Hostetler,	Mills,	Ryan, Thomas	Waddill,
Houk,	Monroe,	Ryon, John W.	Wait,
House,	Morrison,	Samford,	Ward,
Hubbell,	Morse,	Sapp,	Washburn,
Humphrey,	Muldrow,	Sawyer,	Wellborn,
Hunton,	Muller,	Scales,	Whiteaker,
Johnston,	Murch,	Shallenberger,	Whitthorne,
Jones,	New,	Sherwin,	Williams, C. G.
Jorgensen,	Newberry,	Simonton,	Williams, Thomas
Joyce,	Nicholls,	Singleton, O. R.	Willis,
Kenna,	Norcross,	Slemons,	Willits,
Kimmel,	Orth,	Smith, Hezekiah B.	Wilson,
King,	Overton,	Smith, William E.	Wise,
Kitchin,	Persons,	Speer,	Wright,
Klotz,	Phelps,	Starin,	Yocum.
Ladd,	Phister,	Steele,	
Lewis,	Poehler,	Stevenson,	

NOT VOTING—88.

Aldrich, N. W.	Cowgill,	Le Fevre,	Shelley,
Aldrich, William	Crowley,	Loring,	Singleton, J. W.
Armfield,	Dick,	Lowe,	Smith, A. Herr
Atkins,	Einstein,	Marsh,	Sparks,
Bailey,	Field,	Mason,	Springer,
Ballou,	Garfield,	McCook,	Stephens,
Barlow,	Godshalk,	McKenzie,	Thomas,
Beale,	Henkle,	McKinley,	Townsend, Amos
Belford,	Hill,	Miles,	Tucker,
Beltzhoover,	Hiscock,	Mitchell,	Updegraff, J. T.
Bland,	Hooker,	Money,	Updegraff, Thomas
Bliss,	Horr,	Morton,	Urner,
Bouck,	Hull,	Myers,	Valentine,
Bragg,	Hurd,	O'Brien,	Warner.
Butterworth,	James,	O'Connor,	Weaver,
Calkins,	Keifer,	O'Reilly,	Wells,
Camp,	Kelley,	Osmer,	White,
Chittenden,	Ketcham,	Pierce,	Wilber,
Claflin,	Killinger,	Prescott,	Wood, Fernando
Clark, Alvah A.	Knott,	Reed,	Wood, Walter A.
Cobb,	Lapham,	Rice,	Young, Casey
Covert,	Lay,	Russell, Daniel L.	Young, Thomas L.

So the House refused to adjourn.

During the roll-call the following announcements were made:

Mr. ARMFIELD. I am paired with Mr. FIELD, of Massachusetts. My colleague, Mr. KITCHIN, is paired with Mr. MASON, of New York.

Mr. DAVIDSON. My colleague, Mr. HULL, is paired with Mr. ALDRICH, of Illinois.

Mr. BOUCK. I am paired with Mr. McKINLEY, of Ohio.

Mr. HOSTETLER. My colleague, Mr. COBB, is paired with Mr. GARFIELD.

Mr. HARRIS, of Massachusetts. My colleague, Mr. LORING, is paired with Mr. HOOKER, of Mississippi. My colleague, Mr. CLAFLIN, is paired with Mr. HURD, of Ohio.

Mr. DAVIS, of Illinois. Mr. VALENTINE is paired with Mr. McKENZIE, of Kentucky.

The result of the vote was then announced as above stated.

The SPEAKER. The question recurs on the motion to lay on the table the appeal from the decision of the Chair, upon which the yeas and nays have been ordered.

The Clerk proceeded to call the roll; and the name of Mr. POEHLER having been called and responded to,

Mr. HUNTON said: I rise to a privileged question.

The SPEAKER. The gentleman will state it.

Mr. HUNTON. The hour of two o'clock has arrived, at which time, by order of the House, the Committee for the District of Columbia is entitled to report for consideration matters from that committee.

The SPEAKER. An examination of the record does not show that when the hour of two o'clock to-day was fixed for the consideration of District business the order was made to run to the interruption of all other business, as is the practice under the rule giving the third Monday of each month to the District Committee. The Chair, however, is willing to recognize the Committee on the District of Columbia as now entitled to submit reports for consideration if objection is not made by any member. The pending question will therefore go over.

Mr. CONGER. Go over till when?

The SPEAKER. It will go over as unfinished business.

Mr. CONGER. And come up again to-day after the District business has been disposed of, or on some other day?

The SPEAKER. Come up to-day after the District business has been disposed of, if the House should not adjourn; and should the House adjourn, it will come up to-morrow after the morning hour.

Mr. MILLS. The roll-call has not been completed.

The SPEAKER. It has not been; but the Chair has allowed the interruption because it has been decided that on the third Monday of each month, under the rule, the District Committee has the right to absolutely take possession of the floor at two o'clock to the exclusion of all other business. While the first order made fixing a different

day from the one mentioned in the rule included in it the provision that the District Committee should on that day have all the rights which they had under the rule, yet the last time the order was made that right seems to have been omitted. The Chair, however, will not take advantage of that omission, but will rule as the Chair thinks was the intention of the House, that at two o'clock to-day the District is entitled absolutely to the possession of the floor.

Mr. CONGER. The only exception to the District business to-day after two o'clock was that it should not interfere with appropriation bills.

The SPEAKER. That is all the exception which the RECORD shows. But the gentleman from Virginia [Mr. HUNTON] thinks that his committee should have to-day from two o'clock, and the Chair will so allow. The Chair desires to say to the gentleman from Michigan [Mr. CONGER] that if the District Committee shall conclude their business before the adjournment of the House to-day, the unfinished business will come up right away.

Mr. CONGER. And the roll-call will then proceed?

The SPEAKER. The roll-call will then be completed, or will be commenced over again. The Chair thinks it would be better to commence the roll-call again if the matter goes over from to-day.

Mr. CONGER. All that we desire on this side is to have a little warning.

The SPEAKER. The Chair has given full notice so that no member shall be taken by surprise. The unfinished business coming over from the last day assigned to the Committee for the District of Columbia will now be taken up.

Mr. MILLS. Has the roll-call been completed?

The SPEAKER. It has not been.

Mr. MILLS. Can any business interrupt that roll-call?

The SPEAKER. On the third Monday of the month, which by the rule is assigned to business from the District of Columbia Committee after two o'clock, the Chair thinks it has been the practice that at two o'clock the business of that Committee shall be proceeded with even to the exclusion of all other business. The rule will be read.

Mr. MILLS. I do not care to have the rule read, if the Chair has decided the point.

The SPEAKER. Then the business coming over from the last District day will be proceeded with.

CATTLE DISEASES.

Mr. HATCH. I ask unanimous consent to have an order made——

The SPEAKER. Does the gentleman from Virginia [Mr. HUNTON] yield?

Mr. HUNTON. I will yield to the gentleman from Missouri.

Mr. HATCH. House bill No. 1378 was made a special order for the 20th of May, after the morning hour, not to interfere with the coinage bill. I ask unanimous consent now that that bill be set down as a special order for to-morrow, and to be continued from day to day until disposed of.

Mr. CONGER. What is that bill?

The SPEAKER. It is a bill which was reported from the Committee on Agriculture and set for consideration for the 20th of May. It was not considered on that day, however, because the coinage bill intervened. The proposition now is to have it made a special order for to-morrow, and from day to day until disposed of.

Mr. CONGER. Not to interfere with any appropriation bill.

Mr. MILLS. Does the bill propose to interfere with the transportation of Texas cattle into or across the Missouri?

Mr. HATCH. It does not.

The SPEAKER. The gentleman from Missouri asks that this bill be set down for to-morrow after the morning hour, and from day to day until disposed of.

Mr. DUNNELL. What is the title of the bill?

The SPEAKER. It is House bill No. 1378, to prevent the exportation of diseased cattle and the spread of infectious or contagious diseases among domestic animals.

Mr. CONGER. Not to interfere with any proposition connected with appropriations.

Mr. HATCH. That is right.

The SPEAKER. Not to interfere with appropriation bills or propositions relating thereto.

Mr. CONGER. I want to include more than appropriation bills.

The SPEAKER. The Chair thinks the language used by the Chair is as broad as that of the gentleman from Michigan.

Mr. CONGER. I did not perhaps hear the last words of the Chair.

The SPEAKER. The Chair will repeat the proposition: To make the bill referred to a special order for to-morrow after the morning hour and from day to day thereafter until disposed of, not to interfere with appropriation bills or with any proposition relating thereto.

Mr. McKENZIE. I object.

Mr. HATCH. I hope the gentleman will withdraw his objection.

Mr. McKENZIE. I object to the latter clause of the proposition.

The SPEAKER. Objection being made, the gentleman from Virginia [Mr. HUNTON] will proceed.

Mr. McKENZIE. I withdraw the objection.

No further objection being made, it was ordered that House bill No. 1378, to prevent the exportation of diseased cattle and the spread of infectious or contagious diseases among domestic animals, be made a special order for Thursday, May 29, after the morning hour and from day to day thereafter until disposed of, not to interfere with appropriation bills or with propositions relating thereto.

BRIDGE OVER POTOMAC RIVER.

The SPEAKER *pro tempore*, (Mr. SPRINGER.) The bill coming over as unfinished business from the last District day is the bill (H. R. No. 1381) to authorize the construction of a bridge across the Potomac River at or near Georgetown, in the District of Columbia, and for other purposes.

Mr. HUNTON. At the request of many of the friends of this bill I move that it be passed over, not to be called up again during this session.

The SPEAKER *pro tempore*. If there be no objection the bill will be passed over.

There was no objection.

DISTRICT OF COLUMBIA WATER SERVICE.

Mr. HENKLE, from the Committee for the District of Columbia, reported back, with an amendment and with a favorable recommendation, the bill (H. R. No. 2005) to confer upon the commissioners of the District of Columbia the powers, duties, and limitations contained in chapter 8 (water service) of the Revised Statutes of the United States relating to the District of Columbia, and for other purposes.

The bill was read, as follows:

Be it enacted, &c., That the commissioners of the District of Columbia shall have all the powers and be subject to all the duties and limitations provided in chapter 8 of the Revised Statutes of the United States relating to the District of Columbia: *Provided*, That water-main taxes and water rents shall be uniform in said District: *And provided further*, That the rate of interest specified in section 202 of said Revised Statutes shall be increased to 10 per cent. per annum from and after the passage of this act.

SEC. 2. That the Secretary of the Treasury be, and he hereby is, directed to advance to said commissioners the sum of $25,000, to be reimbursed by payment into the Treasury of the United States until said sum is paid in full of all collections of water-main taxes now due said District, and the money so advanced shall be expended to improve the water supply on Capitol Hill and other higher portions of Washington.

The amendment reported from the committee was read, as follows:

At the end of section 2 strike out the words "and other higher portions of Washington."

Mr. BLOUNT. I ask that the section of the Revised Statutes to which this bill refers be read.

Mr. HENKLE. I ask the Clerk to read a communication from the commissioners for the District of Columbia, which explains more clearly than I can do the reasons for the passage of this bill.

The Clerk read as follows:

OFFICE OF THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, D. C., April 23, 1879.

SIR: The commissioners of the District of Columbia respectfully represent to Congress their inability to conduct the water department upon the present basis of water rents and water-main tax.

The water rents remain the same as established at the time the Potomac water was introduced, and depend not upon the extent of water facilities enjoyed, but upon the height and width of the houses to which the water is supplied.

The present water-main tax, which was authorized by an act of the Legislative Assembly of the District, approved June 23, 1873, is a tax of one and one-fourth cents per square foot of lots abutting the streets in which water mains are laid, payable in four annual installments bearing 6 per cent. interest. No provision was made for the payment of the cost of mains at the time they were laid, and the only means at the control of the District government to pay it, pending the collection of said tax, have been the receipts from water rents, which were intended to meet the ordinary repairs and other current expenses of the water department and the interest and sinking fund on certain water bonds. The collections from water-main taxes have been insufficient to refund the amounts so advanced from water rents, there being now an outstanding balance of $113,536.01 uncollected water-main taxes, which represents advances made, as aforesaid, from receipts on account of water rents.

The interest upon water bonds amounts to $29,600 for the year 1879, and sinking fund to $15,000, making in all $44,600 for both purposes. The amount derived from rents is about $92,000 per annum. Taking from this the amount for interest and sinking fund ($44,600) leaves $47,400, plus the small amount of collections from water taps and fees, to pay for the repairs and other current expenses of the water department and the immediate cost of water mains. The amount is insufficient to meet all these purposes. Most of the employés of the water department have been placed on furlough from want of funds to pay their salaries, and there is not money to refund the general fund the amount paid from it on account of the sinking fund of the current year.

The people in certain of the higher portions of the city are suffering from a scarcity of water. Owing to the exceptionally large consumption of water per capita in the District, no effectual remedy can be devised by which any great measure of relief can be given in such cases unless by the extension and completion of the aqueduct. The second section of the following bill contemplates an expenditure of $25,000 to remedy some defects in the present distribution of water by which certain benefits will accrue to the higher levels.

These facts were presented to the last Congress and a bill passed the Senate providing for an increase of water rents and for an advance of $25,000 to enable the commissioners to improve the water supply above referred to.

The commissioners now pray Congress to enact the following measure:

A bill to confer upon the commissioners of the District of Columbia the powers, duties, and limitations contained in chapter 8 (water service) of the Revised Statutes of the United States relating to the District of Columbia, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the commissioners of the District of Columbia shall have all the powers and be subject to all the duties and limitations provided in chapter 8 of the Revised Statutes of the United States relating to the District of Columbia: *Provided*, That water-main taxes and water rents shall be uniform in said District: *And provided further*, That the rate of interest specified in section 202 of said Revised Statutes shall be increased to 10 per cent. per annum from and after the passage of this act.

SEC. 2. That the Secretary of the Treasury be, and he hereby is, directed to advance to said commissioners the sum of $25,000, to be reimbursed by payment into the Treasury of the United States, until said sum is paid in full, of all collections

of water-main taxes now due said District; and the money so advanced shall be expended to improve the water supply on Capitol Hill and other higher portions of Washington.

By order of the board:

S. L. PHELPS, *President.*

Hon. S. J. RANDALL,
Speaker of the House of Representatives.

Mr. HENKLE. I call the previous question on the bill and pending amendment.

The previous question was seconded and the main question ordered; and under the operation thereof the amendment reported by the committee was adopted.

The bill, as amended, was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. HENKLE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FUNDED INDEBTEDNESS OF DISTRICT OF COLUMBIA.

Mr. SAMFORD, from the Committee for the District of Columbia, reported back, with a favorable recommendation, the bill (H. R. No. 1380) authorizing the commissioners of the District of Columbia to issue twenty-year 5 per cent. bonds of the District of Columbia to redeem certain funded indebtedness of said District.

The bill was read, as follows:

Be it enacted, &c., That the commissioners of the District of Columbia be, and they are hereby, authorized to prepare, execute, and deposit with the Secretary of the Treasury of the United States bonds of the District of Columbia, bearing interest not exceeding 5 per cent. per annum, and payable twenty years after date, to the amount of not more than $1,200,000, the proceeds to be used only for the redemption of funded indebtedness of said District or of the late municipal corporations of Washington and Georgetown which became due January 1 and March 1, 1879, or those now existing and payable at pleasure, for the redemption of which the sinking fund of said District may not provide. Said 5 per cent. bonds shall be in such form and denominations as the Secretary of the Treasury shall approve, and shall be numbered consecutively and registered in the office of the auditor of said District, and also in the office of the Register of the Treasury of the United States, in such manner as the Secretary of the Treasury may direct, and shall bear the seal of the District of Columbia.

Said bonds shall be sold by the Secretary of the Treasury to the highest bidder upon public tender, but for not less than their par value, after being advertised for one week in two daily newspapers in the city of Washington and two in the city of New York. The bids shall be opened by the Secretary of the Treasury and the awards approved by him. The money realized from the sale of said bonds shall be paid out by the Secretary of the Treasury only for the purposes named in this act.

SEC. 2. That the provisions of all acts conflicting herewith and the acts or parts of acts authorizing said commissioners of the District of Columbia to issue bonds to redeem certain bonds of said District falling due January 1 and March 1, 1879, no bonds having been issued thereunder, are hereby repealed.

Mr. BLOUNT. What is the rate of interest now being paid on bonds of the District of Columbia?

Mr. SAMFORD. On some of the bonds 6 per cent and on others 5 per cent. The object of this bill, to which I suppose there will be no objection, is simply to allow the District to fund its indebtedness at a lower rate of interest. It does not provide for any increase of that indebtedness.

Mr. BLOUNT. The bill in the first part provides that the bonds shall bear interest not exceeding 5 per cent., and then further on, in the regulations as to the sale of bonds, it speaks of them as "5 per cent. bonds."

Mr. SAMFORD. The interest is not to exceed 5 per cent.

Mr. BLOUNT. But, as I understood the reading of the bill, the regulations prescribed contemplate that 5 per cent. bonds alone are to be issued.

Mr. SAMFORD. The provision of the bill is that the commissioners, together with the Secretary of the Treasury, shall issue bonds bearing a rate of interest not to exceed 5 per cent. Some little discretion is left to them. If they can negotiate bonds at a lower rate of interest they are authorized to do so. There are now $940,900 of 6 per cent. bonds, due at pleasure; $53,000 of bonds bearing 5 per cent. interest, which are also due at pleasure; $279,000 of 6 per cent. bonds, due the first of this year; and $2,500 of 6 per cent. bonds due March 1, 1879. These various amounts make more than the amount authorized by the bill, $1,200,000; but the excess, as the commissioners think, can be provided for by a sinking fund. The whole object of the bill, as I have just stated, is simply to provide for funding the debt of the District at a lower rate of interest.

Mr. DUNNELL. I wish to ask the gentleman having this bill in charge whether its passage will increase the public debt of the city of Washington?

Mr. SAMFORD. No, sir, I do not understand that it will.

Mr. HUNTON. On the contrary it will decrease the debt of the District. The gentleman will recollect that at the last session of Congress a law was passed authorizing the District commissioners to fund $281,000 of bonds then due, at a rate of interest not exceeding 5 per cent. The commissioners upon examining the state of the market found that the amount was too small to enable them to dispose of the bonds of the District with advantage. The object of this bill is to increase the amount and to fund the debt which is payable at the pleasure of the District.

Mr. DUNNELL. I will put one further question to the gentleman from Virginia, [Mr. HUNTON,] as he has volunteered a response to my former question: Why does not this bill fix the length of time that these bonds shall run? Why leave that with the Secretary of the Treasury?

Mr. HUNTON. Upon consultation between the commissioners and the Secretary of the Treasury the term of twenty years was agreed upon.

Mr. DUNNELL. Why not state that in the bill?

Mr. SAMFORD. It is stated in the bill that the bonds are to run twenty years.

Mr. DUNNELL. I did not understand that the period these bonds are to run was set out in the bill.

Mr. SAMFORD. Yes, sir; it is.

Mr. COX. I ask whether or not this bill by implication or otherwise fixes any responsibility upon the Federal Government for the payment of the principal or interest of this debt?

Mr. SAMFORD. I do not understand it does further than the general law now in force, which is that the General Government is responsible for half the expenses of this District.

Mr. COX. I utterly repudiate that construction of the general law, and want my friend to be guarded, since contemporaneous history sometimes interprets law, against fixing any responsibility on the part of the Federal Government for these District bonds.

Mr. SAMFORD. I will say in reply that I do not understand the Federal Government is responsible for a particle of this interest or principal. If such should be my construction of the present law I would be opposed to these new bonds. A session or two ago a law was passed authorizing the District commissioners to sell bonds to an amount of $280,000. When they attempted to sell these bonds they were informed by capitalists it was too small an amount, and they could not dispose of them at a low rate of interest. There was other indebtedness of the District which was about to fall due, and since has fallen due, amounting in the aggregate to more than is provided in this bill, and the surplus falling due will be provided for by a sinking fund. And it is to meet that $280,000, together with $940,000 and $53,000, all bearing a high rate of interest, that the District commissioners ask authority be given to them to issue bonds at a rate of interest not exceeding 5 per cent. Of course if they can sell them at a lower rate of interest it will be done. That I understand to be the full scope of the bill. It does not in any manner pledge the Federal Government to the payment of interest or principal.

Mr. BLOUNT. I hope, then, the gentleman will say so by proviso.

Mr. COX. I was about to suggest that.

Mr. McMILLIN. With the permission of the gentleman from Alabama, I desire to offer an amendment.

Mr. SAMFORD. Let me say before that amendment is offered, Mr. Speaker, that the act providing for the government of the District of Columbia specifically sets out what are to be the liabilities of the Federal Government, and nowhere in that general law does it provide the Federal Government is to be responsible for the interest on its bonds, except what are known as the 3.65 bonds. This is a provision made by this bill which in no manner makes the Federal Government responsible. If, then, the Federal Government is not responsible under the general law and is not made so by this bill, I cannot imagine how by implication the Federal Government could be liable.

Mr. BLOUNT. Then the gentleman can have no objection to adding a proviso to the bill to that effect.

Mr. SAMFORD. Personally I have none, and I do not imagine that any member of the Committee for the District of Columbia would have objection to such proviso.

Mr. McMILLIN. I have an amendment which I desire to offer, and ask the Clerk to read it.

Mr. HEILMAN. I have examined this bill with a great deal of care. It is all right and it ought to be passed.

Mr. McMILLIN. I have an amendment which will obviate any objection on the ground of liability of the Federal Government.

Mr. SAMFORD. I will hear it read.

The Clerk read as follows:

Provided, That this act shall not be construed to make the Government of the United States liable for either the principal or interest of such bonds.

Mr. HEILMAN. I do not think there is any necessity for the amendment at all. The bill is all right as it is. The amendment should not be adopted.

Mr. SAMFORD. I think, Mr. Speaker, it is utterly useless, as the reading of the bill will show; but, as it can do no harm, and I am advised by the chairman of the committee he has no objection to it, I will allow it to come in.

Mr. COX. Let the amendment have added to it the words "neither one-half nor any part." That will be safe.

Mr. SAMFORD. That is in accordance with my idea.

Mr. HUNTON. I cannot conceive of the necessity for the amendment proposed to this bill. The language of the bill is that the commissioners of the District of Columbia be, and are hereby, authorized to prepare, execute, and deposit with the Secretary of the Treasury of the United States bonds of the District of Columbia.

Mr. SAMFORD. Bearing the seal of the District of Columbia.

Mr. HUNTON. Bearing interest not exceeding 5 per cent., and payable twenty years after date, to be used for the purpose of replacing bonds now outstanding of the District of Columbia. And it has the seal of the District, and there is nothing about the bill or the bonds that I know of that can possibly be construed into a liability

of the United States Government for the principal or interest of the bonds.

Mr. FINLEY. Will the gentleman permit me to ask him a question?

Mr. HUNTON. Yes, sir.

Mr. FINLEY. Does the gentleman not concede that the amendment will make the bill no worse?

Mr. HUNTON. That was stated a while ago. I think it was unnecessary to ask me the question.

Mr. LOUNSBERY. I desire to ask the gentleman from Virginia a question. It is conceded that the Federal Government is liable for one-half of the debt of the District and the expenses——

Mr. HUNTON. You are the first gentleman I have heard make that concession. The people of the District will be glad to hear it.

Mr. LOUNSBERY. May I ask the gentleman who is to pay the debt under the law providing a permanent government for the District?

Mr. HUNTON. The people of the District have to pay the debt which the District owes.

Mr. LOUNSBERY. I have understood from a number of persons that it is claimed that the Federal Government was liable for the entire issue of the District bonds.

Mr. HUNTON. The gentleman is referring to the 3.65 bonds, which are not affected by this bill at all. This bill affects only certain bonds, the character of which was explained by my friend from Alabama, [Mr. SAMFORD.] There are $940,800 of bonds now due and payable at the pleasure of the District, bearing 6 per cent. interest; $53,000 of bonds at 5 per cent. interest; $20,000 at 8 per cent. interest; and so on. The sums stated constitute the amount of the funding provided for in this bill. That is the old indebtedness of the District not touched by the 3.65 bonds at all; and it is the 3.65 bonds which have produced the difficulty to which my friend from New York [Mr. LOUNSBERY] has alluded.

It strikes me there is an oversensitiveness on the part of some gentlemen in this House when anything comes up as to the indebtedness of the District of Columbia. I take it there is not a member of the District Committee who would bring in a bill to make the Federal Government by implication liable for a debt for which it is now liable; and I cannot conceive how there can be the slightest misunderstanding of the provisions of this bill. It provides for an exchange of the bonds of the District bearing 6, 8, and 5 per cent., and thus reduces the indebtedness of the District of Columbia. That is the sole object of the bill.

Mr. COX. It is required by this bill that the Secretary of the Treasury shall have something to do with these bonds. The United States is always brought in in connection with these matters. To be sure, the seal is the District of Columbia seal; but Mr. John Sherman must countersign in some way so as to give the bond the *imprimatur* of the Treasury.

Mr. HUNTON. Where do you find that?

Mr. SAMFORD. The bill says:

> Said 5 per cent. bonds shall be in such form and denominations as the Secretary of the Treasury shall approve.

Mr. COX. I take it that means some sort of countersigning or approval. And I know this: that step by step this District has proceeded until they have now compelled the Federal Government to assume one-half at least of the liability for the interest on certain bonds. It was never intended in the first place that the Federal Government should indorse these bonds. The courts go out of their way, in my judgment, to find the liability of the United States for these bonds. Cunning men will place the bonds here provided for on the market as bearing the indorsement of the United States. This bill in its first section provides that—

> Said 5 per cent. bonds shall be in such form and denominations as the Secretary of the Treasury shall approve.

Why not the commissioners of the District? Why this implication of liability on the part of the United States? What is the objection to guarding this bill as my friend from Tennessee [Mr. MCMILLIN] proposes? It cannot make the bonds any worse in the market.

Mr. SAMFORD. I understand that amendment is accepted.

Mr. COX. I understood my friend from Virginia [Mr. HUNTON] to oppose it.

Mr. SAMFORD. I understood the gentleman from Virginia to say there was no necessity for the amendment but he had no objection to it.

Mr. COX. Then I have not spoken entirely in vain.

Mr. NEAL. This bill provides that these bonds shall be sold by the Secretary of the Treasury. Now I suppose it is known to every member in this House that the Secretary of the Treasury is the treasurer of the District of Columbia. He has the disbursement of all the funds of the District. They all go into his hands and through him are paid out. It is therefore eminently proper that he should be the person who should have the disposition of these bonds; necessarily so it seems to me. It is true we might put this business into the hands of the commissioners if Congress in its wisdom thinks that that is the best plan to adopt; but in my opinion it would be an ill-advised policy on our part; for I do not believe it is possible for the District to negotiate these bonds upon as favorable terms as the Secretary of the Treasury can do it.

We have had an illustration within the last few days of the impolicy of tying the hands of the Secretary of the Treasury in regard to the disposition of the bonds of the United States. We have seen here day after day droves of persons thronging the Treasury Department in order to get the ten-dollar certificates which were authorized to be sold by an act of the Forty-fifth Congress; and those same persons step immediately across the street and sell at 2 per cent. premium the certificates which they receive and which the Secretary of the Treasury was bound by the act of the Forty-fifth Congress to sell at par. By reason of that act there has been lost to the Treasury of the United States not less than a million and a half of dollars which might have been realized had the hands of the Secretary of the Treasury not been tied. Had the bill as it was reported by the chairman of the Committee on Ways and Means of the Forty-fifth Congress been passed without any amendment the Secretary of the Treasury would have realized from the sale of those bonds a million and a half of dollars which have now gone into the pockets of the speculators in those ten-dollar certificates.

It seems to me, therefore, Mr. Speaker, that the Secretary of the Treasury is the proper person to dispose of those bonds. But if, as the gentleman from New York seems to think, there is any possibility of construing this law so as to make the Government of the United States liable in any way that it is not now liable, then let the amendment of the gentleman from Tennessee be adopted. It will have no injurious effect, I presume, and it may serve to quiet the consciences of members upon this floor who, like the gentleman from New York, [Mr. COX,] are always apprehensive that the Government of the United States is in some way to be involved in every measure which is brought here in the interest of the District of Columbia.

Mr. COX. The gentleman refers to my conscience on the subject of the District of Columbia. I beg to say one word and then I will quit. I came here some twenty years ago, before this new *régime* in the District commenced. They did not hardly ask for the lighting of the city then except Pennsylvania avenue, or for a police force; but one by one, step by step, they have so far progressed that they claim that at least one-half of their expenses shall be paid by the United States Government. I am sensitive about it, and I am in favor of guarding all bills about the District of Columbia upon the principle *ex abundanti cautela;* and out of abundant caution I am in favor of the amendment proposed by the gentleman from Tennessee, [Mr. MCMILLIN.]

Mr. BLOUNT. I am glad that the gentleman from New York [Mr. COX] has seen fit to show that sort of sensitiveness about the liability of the Federal Government and about its expenditures in the District which my friend from Ohio [Mr. NEAL] has seen fit to censure him for. The gentleman from New York [Mr. COX] has very properly stated that before the war the Federal Government paid but a very small part of the expenses of this District.

We are paying for a great many things now, paying hundreds of thousands of dollars, where then the Federal Government paid nothing at all. The expenditures of the Federal Government in this District were small in amount until the Forty-second Congress, and then these expenditures and the transactions connected with them brought this District and the parties connected with it into public scandal. In the Forty-third, which followed, some reform was had. In the Forty-fourth there was an effort to get back to something like the former economy in expenditures. In the Forty-fifth the legislation charged upon the people of this country a proportion of expenditures which surpassed any legislation in the whole history of the country. There was a time in the Forty-fourth Congress when the liability of the Government for the 3.65 bonds was quite questionable, and denied by the democratic majority of that House; and I hope the gentleman from New York [Mr. COX] will not fail to repeat, wherever he can, that he and others are sensitive upon this subject, and that they are determined to protect the public treasury, and that there are gentlemen who have constituencies to protect and who are determined to utter their own views in legislation.

Mr. SAMFORD. I desire to say one word in reference to my own position and in reference to the position of this bill. When I read the law which was passed before this Congress and which was approved in June last, and with which several of the members of the present Committee for the District of Columbia had nothing to do, it seems to me to have been a very peculiar law. You find in the provisions of that bill that those liabilities which the Federal Government is required to divide with the District of Columbia are the ordinary expenses of the government of the District of Columbia, of the cities of Washington and Georgetown, and the cost of maintaining all the public institutions of charity and the like and the cost of making all permanent improvements and the like. Whether that provision is wise or not is not the question.

Now, if I were called upon to vote upon that law I should not hesitate to vote in the negative. I find also in that same law that the United States is required to indorse and to pay in the first instance the interest on the 3.65 bonds, which amounts to several millions of dollars—the exact amount I do not remember. The Federal Government is required to pay the interest on those bonds, and that interest is to be deducted from the half which the Federal Government is required to pay in the way of expenses, that is, under the law as it now stands.

Now, finding the law thus, finding in addition thereto that several

issues of bonds are outstanding bearing a rate of interest higher than 5 per cent. on bonds which were due, the committee was applied to by the commissioners for the District of Columbia to afford them some relief to meet the bonds due, and in doing so to enable them to have a lower rate of interest.

It was in response to that request of the commissioners of the District of Columbia that this bill was introduced, and it was required that the bonds should be registered in the Treasury and sold by the Secretary of the Treasury, and for the reason given by the gentleman from Ohio [Mr. NEAL] that the Secretary of the Treasury is the treasurer of the District of Columbia. There is no telling how permanent the present administration of these two cities and of this District may be, and therefore for the purpose of securing permanency these bonds are required to be registered in the Treasury, and for the additional reason of affording a check upon the commissioners if such were necessary.

That is the whole and the sole reason why the Secretary of the Treasury has anything whatever to do with the matter. Therefore, as I said, not intending by this bill to commit the Federal Government to the payment of one single cent of the principal or the interest, I do not hesitate, so far as I can do so, to accept the amendment offered by the gentleman from Tennessee, [Mr. MCMILLIN.] If there should be any objection to the acceptance of that amendment on the part of any member of the committee, then I should ask that the House take a vote upon it.

Mr. FINLEY. Cannot the gentleman accept the amendment?

Mr. SAMFORD. Perhaps some other member of the committee might object to the acceptance of it. I do not accept it, because I do not have the authority to do so, although I am in favor of it. But I am sure, under the provisions of the bill as it now stands, the Federal Government will in no way become liable for the bonds to be issued. The sole object of the bill is to lower the rate of interest on existing bonds, and to that extent relieve the tax-payers of this city and District from some of their enormous burden of interest on the debt. If I thought the Federal Government would be made liable for anything, I would be as much opposed to the bill as any one.

Mr. HEILMAN. I am very glad to see so many gentlemen ready to protect the interests of the Government of the United States. It was only last week that a great many of those very gentlemen were voting in the interest of the bloated bullion-holders and against the interests of the Government. They have changed mightily since then, and I am very glad of it. This bill is simply a money-making proposition for the District of Columbia. It is a bill to allow the District to sell low interest-bearing bonds for the purpose of redeeming other bonds now due bearing 7 or 8 per cent. interest. As I said before, this bill was drawn with a great deal of care, is all right, and ought to pass as it came from the committee.

Mr. SAMFORD. I now call the previous question upon the bill and the amendment.

The previous question was seconded and the main question ordered.

The first question was upon the following amendment:

Provided, That this act shall not be construed to make the Government of the United States liable for either the principal or the interest of said bonds or any part thereof

The amendment was agreed to.

The bill, as amended, was then ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. SAMFORD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, informed the House that the Senate had passed, with amendments in which the concurrence of the House was requested, a bill of the following title:

A bill (H. R. No. 4) to provide for the interchange of subsidiary coins for legal-tender money under certain circumstances, to make such coins a legal tender in all sums not exceeding $20, and for other purposes.

The message also announced that the Senate had passed, and requested the concurrence of the House in, a bill of the following title:

A bill (S. No. 595) to amend an act for the relief of Joseph P. Collins, approved March 3, 1879.

SPECIAL-IMPROVEMENT TAXES, ETC.

Mr. ALDRICH, of Rhode Island, from the Committee for the District of Columbia, reported back, without amendment, a bill (H. R. No. 1379) fixing the rate of interest upon arrearages of general taxes and assessments for special improvements now due to the District of Columbia, and for a revision of assessments for special improvements.

The bill was read, as follows:

Be it enacted, &c., That the rate of interest to be collected of any person owing arrearages of general taxes or assessments for special improvements now due to and the liens for which are held by the District of Columbia, shall be 6 per cent. per annum in lieu of the rate and penalties now fixed by law: *Provided*, This provision shall apply only to taxes and assessments paid on or before the 1st day of October, 1879.

SEC. 2. Where property has been sold under tax sales and bought in by any other party than the District of Columbia, or where any third person has acquired tax-lien certificates or special-assessment certificates, the parties owning the property thus sold, or on which such certificates may have been acquired, may tender to the purchaser or holder of said certificates, on or before the 1st day of October, 1879, the amount due and 6 per cent. interest, which, when received, shall be in full of principal, interest, and penalties attached thereto by law.

SEC. 3. That the commissioners of the District of Columbia are hereby authorized and directed, upon written complaint being made to them within sixty days from the passage of this act, by any person or persons who had, prior to June 19, 1878, paid their special-improvement taxes prepared under an act of the Legislative Assembly of said District, of August 10, 1871, that their said assessment or assessments were erroneous or excessive, to revise and correct such assessments so complained of; and in case the amount of any such assessment is found to be erroneous or excessive, the commissioner shall issue to the person entitled to the same a drawback certificate for the amount of such excessive or erroneous charge, which certificate shall be received in payment of all special assessments for which no special-assessment certificates have been issued, and which are not pledged for any existing obligation, and for all general taxes due before the 1st day of July, 1877.

SEC. 4. That hereafter the date of publication of notice of sale for delinquent taxes provided for in section 5 of "an act for the support of the government of the District of Columbia for the fiscal year ending June 30, 1878, and for other purposes," approved March 3, 1877, shall be as follows:

For the tax year ending June 30, 1879, said notice of sale shall be published on the first Tuesday of November, 1879, and for each subsequent year on the first Tuesday in September of each such year.

Mr. ALDRICH, of Rhode Island. The District commissioners in their last report called the attention of Congress to the large amount of unpaid general and special taxes in the District. Many of these taxes have been so augmented by interest and by accumulated penalties as to make their collection very difficult if not impossible. For the purpose of facilitating the collection of these taxes, and as a partial measure of relief to the tax-payers of the District, this bill has been prepared.

The first section of the bill provides for reducing the rate of interest on all unpaid general and special taxes from 10 per cent. to 6 per cent., and provides that this rate when paid shall be in lieu of the rate and penalties now fixed by law. By recent legislation of Congress all special assessments for improvements in this District have been abolished, and the rate of interest on general taxes is now reduced to 6 per cent. In so far, then, as this Congress can be said to have any established policy in relation to its legislation for this District, this bill is in accord with that policy.

The first section applies only to cases where the certificates are held by the District. But there is another class of certificates which are held by third parties. The second section of the bill permits these parties to accept 6 per cent. interest in lieu of accumulated penalties, and legalizes such agreement when made. We do not as a committee think it best to intervene between these parties or to interfere with the vested rights of those who have purchased these tax liens or special-assessment certificates. This section is permissive in its character.

The third section of the bill provides for a revision of assessments which have been paid in special-assessment cases. By the act of June 11, 1878, all special assessments then unpaid were submitted for revision to the District commissioners. This section provides that such revision shall apply also to all assessments paid prior to the passage of the act of June 11, 1878. It seems to the committee that such provision is entirely equitable and just.

The fourth section of the bill merely changes the time of advertising special-assessment taxes and general taxes.

Mr. BLOUNT. Allow me to ask the gentleman what is the reason for a revision of these assessments? Were they incorrect? Were they improperly made? Was there abuse in any way?

Mr. ALDRICH, of Rhode Island. Experience has shown that upon an average about 30 per cent. of these taxes were erroneously assessed. The revision which has already taken place upon unpaid assessments shows that these assessments to the extent of fully 30 per cent. were erroneously made.

Mr. BLOUNT. I would like to know what the gentleman means when he says that experience has shown this. At the time the assessments were made I presume there was a market valuation. I do not apprehend the gentleman's meaning.

Mr. ALDRICH, of Rhode Island. The act of June 19, 1878, provided for a revision of these assessments in relation to their character and amount. When I speak of what has been shown by experience I mean that upon a revision of those assessments the commissioners have found that upon the average 30 per cent. were erroneously assessed. The amount was erroneous, the calculations were erroneous in various ways—as to the amount of property and as to other elements which entered into the assessment.

Mr. DE LA MATYR. With the consent of the gentleman I would like to offer the following amendment:

At the end of the third section add the following:

Provided, That complaints filed under the act of June 19, 1878, paid or unpaid, by a property holder, his agent or attorney, need not be refiled under this act.

Mr. ALDRICH, of Rhode Island. I have no objection to that.

The amendment of Mr. DE LA MATYR was agreed to.

Mr. DUNNELL. I confess that I have not become thoroughly enlightened upon this bill. I did not hear well the statement of the gentleman from Rhode Island, [Mr. ALDRICH.] This certainly is a dangerous kind of legislation and involves some questions of very great importance. I would like to hear further explanation. I do not wish to imply that the explanation of the gentleman from Rhode Island was not sufficient, but I was unable to hear it, he was standing so far in front of me.

Mr. HENKLE. Mr. Speaker, having been a member of the Com-

mittee for the District of Columbia for a number of years and being consequently more familiar, perhaps, than some other gentlemen are with the affairs of the District, I think I can explain the provisions of this bill in a satisfactory manner to gentlemen who want light upon it.

The first section provides that the rate of interest on arrears of special assessments shall be 6 per cent. The original act provided a very much higher rate of interest, varying, I believe, from 12 per cent. to 20 and 24 per cent. The constitutionality and justice of the act by which these special assessments were made were called in question by a great many citizens of the District, and to a considerable extent the assessments were not paid. They have been in dispute for a number of years until the interest at this high rate amounts in many instances to 50 per cent. or more of the original principal.

It is a great hardship in very many cases that the property-holders of the District are required to pay these special assessments, because in many instances the property instead of being improved has positively been injured and rendered less valuable than it was before. It has therefore been thought proper—equitable in every sense—that we should relieve these tax-payers so far as possible, certainly by the reduction of the rate of interest to a reasonable rate.

Mr. BLOUNT. I understood the gentleman from Rhode Island [Mr. ALDRICH] to say that these assessments have been from 30 to 40 per cent. too high, and I would like to know how much is to be lost to the Government by reason of the refund of 30 or 40 per cent of these taxes?

Mr. SAMFORD. I did not so understand the gentleman from Rhode Island. I understood him to say that about 30 per cent. of these assessments were excessive, not that there was an excess of 30 or 40 per cent. on the whole amount. He said that about 30 per cent. of the assessments were excessive.

Mr. BLOUNT. Then I would like to ask what amount of money is likely to be refunded under this bill?

Mr. HENKLE. The object of this bill is to relieve the property-holders, the tax-payers of this District, from the payment of exorbitant rates of interest on these special assessments now unpaid.

In reply to the question asked by my friend from Georgia, [Mr. BLOUNT,] I will say that these special-assessment taxes were in very many cases erroneous and excessive.

Mr. BLOUNT. Does not the question whether the taxes were too high or too low amount to just this, that there was a difference of opinion between the board of public works and the present commissioners as to what was the proper assessment?

Mr. SAMFORD. That is a question of proof, such as arises very frequently where there has been an overassessment for purposes of taxation.

Mr. COX. What is the amount involved in this matter? What will be the rebate?

Mr. HENKLE. I will endeavor to answer each gentleman in his turn.

Now in regard to these erroneous and excessive assessments I will illustrate. Here is a man owning a corner lot, fronting twenty feet on one street and perhaps one hundred feet on another. The adjoining lot has a front of twenty feet. There may not be much difference in the value of the lots. A corner lot is generally worth something more than the adjoining lot. But in this case the assessment was made at so much per front foot; and in the assessment of the corner lot the front and the side were both counted, making the assessment upon the corner lot in some instances six times as much as the assessment on an adjoining lot of the same area and perhaps not much less valuation. This system of assessment was manifestly unfair and unjust; and the object of the bill is to remedy abuses that have grown up in this way.

Mr. BLOUNT. Had the tax-payer any opportunity to make issue at the time in the disputed cases?

Mr. HENKLE. None in the world. The condition of affairs in the District of Columbia at that time was such that it was utterly impossible for the average tax-payer to get redress of grievances. This is known to every one who is familiar with the affairs of the District of Columbia at that time.

Mr. HORR. Was there no board of equalization in this District?

Mr. HENKLE. There was not then, or if so, such a board existed only in name, and citizens could get no redress. I could refer the gentleman to a large number of individual instances of gross abuse and outrage growing out of the system practiced in the District. The calculation for the improvements upon which these special assessments were based were extravagant, erroneous, and enormous, as the history of the past abundantly shows. Remeasurements of the work by competent engineers show in very many instances the estimates upon which these assessments were made were three and four times what they actually should have been. In other cases, and various other respects too tedious to mention, in hundreds of instances, the assessments were out of all proportion to the value of the property.

The plan of Washington is an irregular one. Two streets sometimes intersect at a sharp angle, and a man who lives at their intersection has to my knowledge been assessed double for the improvement, for instance, of New York avenue and Pennsylvania avenue, because his property happened to look out on both those avenues, when in justice and equity he should have been assessed only for one of them. It is in order to revise and correct and readjust such erroneous assessments that the District Committee have labored assiduously during the last four years. I know when District business is brought up in this House——

Mr. HORR. What will be the amount of rebate under this bill?

Mr. HENKLE. It is impossible to state what the amount of rebate will be. The committee have not estimated. They are satisfied it is only just that a remedy should be provided. The present assessments are unequal, unfair, and unjust; and they have thought the Government could afford to do justice, even if it should cost a considerable amount to the balance of the tax-payers of the District.

Now, Mr. Speaker, at the last Congress, the Forty-fifth Congress, there was a bill passed which provided a remedy for those who had not paid their special-assessment taxes. Those which remained unpaid the District commissioners were authorized to revise and readjust, which they have proceeded to do. As my friend from Rhode Island has said, they have found as a general thing that the assessments were on the average about 30 or 40 per cent. in excess of what they should have been. Under the provisions of that bill those who refrained from paying and disputed the law in the courts got the benefit of that rebate or reduction of 30 or 40 per cent.

But there was another class, and most of them men in moderate circumstances who did not wish to become involved in litigation, who did not understand matters of law and who, for fear of embarrassing the titles to their property, came forward promptly, at great expense and inconvenience, and paid their assessments. The object of this bill is to give relief to them. They are the more meritorious of the two classes. They paid their money; they have had no relief provided under the act of the Forty-fifth Congress. This provides relief to those who paid. The former bill provided relief for those only who did not pay. So with the two bills we will have relief for both classes.

Mr. BLOUNT. Why in the same bill did they not provide for both cases?

Mr. HENKLE. For this reason, that it is an exceedingly difficult matter to get legislation on anything which pertains to the District of Columbia through this House. Whenever business pertaining to the District of Columbia is called there is immediately a restlessness manifested on the part of the House, and in about an hour we find ourselves without a quorum and some great objector raises the objection we have no quorum. Then the House is adjourned. The Committee for the District of Columbia have tried to do their level best. We thought we could not at the last Congress secure the passage of the bill to cure the whole subject. The most urgent part was to cure that outstanding and unsettled. We succeeded in passing that bill. Now we ask the House, as a mere matter of justice to these good people who came forward years ago and paid their money, that if they have paid excessively, if they have paid erroneous assessments, they shall have a certificate issued to them for the excess, which may be used hereafter toward paying their taxes.

Mr. TOWNSHEND, of Illinois. It is to put those who have paid on an equality with those who have not paid.

Mr. HENKLE. Yes, sir.

Mr. COX. The gentleman from Maryland complains this House is careless of its legislation with respect to this District; that we fail to make a quorum; that we are altogether neglectful of this District. I dissent from that opinion. We have seldom failed to give a special hour to this District on a certain day. Our rules require that on a particular Monday after a particular hour the business of the District of Columbia shall be proceeded with and all other business shall be set aside. They have had persuasive eloquence always in their favor. They have really more men to represent them here than if they were really represented. The history of the legislation of the District of Columbia can be illustrated by a figure. It is like a machine which I have seen in Connecticut, where if you put your finger in your hand goes in, and when your hand goes in, in goes your arm, and when they get your arm into the machine, in goes your whole body. That is a good metaphor to illustrate this District of Columbia legislation.

A MEMBER. What is it?

Mr. COX. If the gentleman from Connecticut [Mr. HAWLEY] is listening to me he can tell what it is which those Yankees have invented; he can give you the technical name. Last year we passed a bill for the relief of those who had never paid their assessment taxes. Am I right in that statement?

Mr. HENKLE. Yes, sir.

Mr. COX. That was the beginning of this machine movement. Now they come in and ask that all those who did not pay, to the amount of $1,800,000 as I am informed by a member of the District of Columbia Committee, shall be relieved. If there be the same rate of deduction this year as last, it will be 30 per cent. This bill really involves, therefore, a refunding of $500,000 to those who have already paid their assessments. Why, sir, such a bill as this, such legislation as this would bring an additional blush to the faces of the red men who now observe us in the gallery.

Mr. HENKLE. May I ask the gentleman a question?

Mr. COX. Yes, sir.

Mr. HENKLE. If you have collected 20, 30, or 40 per cent. more than you are lawfully entitled to, do you advocate the doctrine that you should keep it simply because you have got it?

Mr. COX. I advocate the doctrine which I advocated last session,

that these men who have made this Federal capital so splendid at the expense of the people of this country, at the expense of other cities and municipalities of this country, at the expense of my constituents and yours—these men who have their little elegancies in their houses taken from the General Government, who have got rich by the enhancement of the value of their property because the Federal Government is located here, who have enjoyed the largesses of the Government, not to speak of the frauds connected with this capital and its improvement—that these people have no right to come here and ask for a recoupment of what they have paid on those assessments. Why did they not show their pluck, their courage, their nerve against those who drew on this city into destructive expenditures? Ay, sir, there may be splendor in this Federal capital, there may be much to attract men here, but after all this splendor these attractions are but the meretricious signs of rottenness within.

Mr. HUNTON. Will the gentleman allow me to ask him a question?

Mr. COX. Yes, sir.

Mr. HUNTON. I desire to know how the passage of this bill will entail any debt upon the Government of the United States?

Mr. COX. I presume this is a part of the general system pursued as to this District, the effect of which will be in the long run to make the United States Government liable for all the debts of this District, as it is now sought to make it liable for one-half of the interest, and perhaps it will be sought very soon to make it liable for the principal. I am for stopping the thing on the threshold. I know that there are good, considerate, fair men, like my friend from Virginia, [Mr. HUNTON,] who advocate these measures. But it is about time to stop and call a halt; and if we cannot get a quorum here, better table these bills until we can have good legislation, or at least the old-fashioned municipal government of this city of Washington, instead of making that city merely an appendage to the General Government in such a way that we shall bear all the burdens while the people of the District shall have all the benefit.

Mr. HEILMAN. This speech-making, Mr. Speaker, is all very fine as far as it goes, but I submit that it does not settle this question of delinquent taxes. Here is a large amount of delinquent taxes that ought to be adjusted in some way or other. The question of delinquent taxes is one that is not agitated in Congress merely, it has been agitated in the various States and municipalities just as well. I think this bill has been drawn with a great deal of care, and provides for an equitable adjustment of this matter. I do not think it can be much improved. The interest of the people of the District is to collect as much of these delinquent taxes as they can and then start anew. I think the bill ought to pass just as it is, having been very carefully matured by the committee.

Mr. NEAL rose.

Mr. HUNTON. I desire to say one word in reply to the gentleman from New York.

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr. NEAL] has been recognized.

Mr. NEAL. What the gentleman from New York [Mr. COX] may have said in regard to the management of the affairs of the District of Columbia may be very true, but it has no application to this bill. The question which the committee had to consider and which this Congress must take upon the report of the committee was whether injustice had been done to the property-owners by these assessments. Now, there is not a member of Congress who has been here prior to this session who does not know that it is the fact that gross injustice has been done in making these assessments on the property-owners. Only a few days ago a poor woman called me out of this Hall and told me that her property was actually confiscated; that all the home she had in the world was taken from her in consequence of these fraudulent assessments.

Now, what is proposed in this bill? That persons who have paid these assessments may have the amounts corrected so that they may pay only what they actually owe. Some persons had refused to pay their assessments, while other persons had come forward and paid up their taxes like men; and now these latter ask Congress that justice shall be done them; that they shall be placed upon a par with the citizens of this city who have not paid their taxes, but who were relieved by the act of the Forty-fifth Congress. All that this bill proposes to do is to give these men partial relief; that they may not be required to pay more money than they ought to have paid on a fair and just valuation. It seems to me nothing has addressed itself more to the equity and conscience of the members of this House than this bill does.

Now, in regard to the form of government of this District, which the gentleman has seen fit to criticise, I might agree with him that some form of municipal government would be better, but this city occupies an anomalous position in this nation; it is the city of the nation; half of the property is owned by the people of the country, and they cannot afford to have the citizens of Washington control it to the exclusion of the Government itself. Whether this be a good form of government or not it will devolve upon this Congress to determine, because bills are pending now, and others will be introduced before we adjourn, to make radical changes; and I trust the gentleman from New York, [Mr. COX,] who must have had great experience in the management of municipal affairs, will bring to bear that experience and his wisdom in order that we may establish a government here which will be such an embodiment of human wisdom as will answer the purpose for all time to come.

Mr. HUNTON. I desire to say one word in regard to the bill under consideration. I fear an impression may have been made upon the minds of some members of the House, from the remarks which have fallen from the gentleman from New York, [Mr. COX,] that this bill takes from the Federal Treasury a sum of money, and that if the House pass this bill it entails upon the Federal Government some sort of indebtedness; and when I asked the gentleman from New York to tell me how that could occur, his answer was that he presumed that in the future there would be some bill passed to saddle the Federal Treasury with this debt.

Now, what is going to happen in the future I do not know, and I presume the gentleman from New York cannot tell, but this I do know, and I state it with emphasis to the House, that under no construction that can be given to this bill can it entail one single dollar of indebtedness upon the United States Government; because we know that the District of Columbia has to raise by taxation one-half of the expenses of the government of the District, and it has to be raised by the people of the District. Whether this assessment is corrected or not, it is an effort on the part of the House by the Committee for the District of Columbia to extend to the parties who paid up their special assessments the same measure of relief and justice as was extended in the last Congress to those who had not paid.

Mr. BLOUNT. Does the gentleman concur in the argument of the gentleman from Maryland [Mr. HENKLE] when I asked him why this was not included in the measure of the last year; he answered that he preferred to give it in broken doses?

Mr. HUNTON. I do not propose to give any such answer as that. My understanding is that this feature embodied in this bill is *casus omissus* in the last bill, and if my mind had recurred to this branch of the subject I for one would have labored to put this provision in the bill of last year. Those who paid up their taxes were not clamorous before the committee like those who had not paid their taxes; hence I presume the attention of the committee was not called to them for that reason; but they stand on the same footing and are entitled to more consideration than those who have been relieved, and they should be relieved, because they stepped forward and paid what the law of the District required them to pay.

Mr. COX. Will the gentleman say what is the amount to be refunded?

Mr. HUNTON. I do not know.

Mr. COX. Will it approximate a half million dollars?

Mr. HUNTON. I think not.

Mr. COX. If the half of this money is to be paid by taxes on the people of the District, as the gentleman says, where will the other half come from?

Mr. SAMFORD. As I understand it, there is not a single cent which is required to be paid by the Government under this bill. However true what has been said by the gentleman from New York [Mr. COX] may be, and however much I may agree with him in what he says—and I agree with most that he does say—the law now on the statute-book was passed before this present committee came into Congress; but that does not answer the question of removing the wrong which the committee is seeking now to relieve.

We find that during the period of several years the authorities of this District made erroneous and excessive assessments; we find in many instances, Mr. Speaker, if we are to be governed by the evidence before the committee, which is overwhelming, that some of the citizens of this District have been taxed almost completely out of their property, and they have nowhere to go except to Congress for protection.

We find also in addition to that a law passed at the last Congress, under which law those who rebelled against their overassessments and refused to pay taxes had a right to have the righteousness of that assessment examined and to have the assessment lowered. But as was said by the gentleman from Maryland, [Mr. HENKLE,] some of these citizens did not do that, but went forward and promptly paid their assessments, and they paid their money under an erroneous and excessive exaction which they could not resist, except by open defiance of law, as these levies were made under the form of law.

Now, I ask the gentleman from New York [Mr. COX] what remedy will you give? This bill simply relieves the 10 per cent. penalty, and requires them to pay a 6 per cent. penalty wherever they have been overassessed. Where they have paid their assessments we say that the District commissioners shall give them back certificates with which to pay back taxes. Is not that just? If you will not settle the question upon the basis of justice, to whom must they appeal? We have the power to refuse to grant them a hearing even, and of course can refuse to accord them justice; but is that right?

Now, as I said at the beginning of my remarks, not one single dollar in money is to be paid back, and the payment is to be in the shape of certificates which may be used for the purpose of paying taxes. When we arrive at the conclusion that this is just, fair, and right we should not then be controlled by any question of expediency and ignore the interests of those parties who came forward and paid their taxes, which were unjustly and unrighteously demanded.

Mr. COX. Will the gentleman allow me to ask him a question?

Mr. SAMFORD. Certainly.

Mr. COX. I want the attention of the House to the question which

I now ask the gentleman from Alabama, [Mr. SAMFORD.] If there is a refunding of this amount, does not one-half of it come out of the Treasury of the United States?

Mr. SAMFORD. I fear that may be possibly the case ultimately unless Congress shall properly amend the existing law, which it ought to do.

Mr. COX. Is it not certain as now fixed by law?

Mr. SAMFORD. Well, as I said, we are dealing with the law which we find upon the statute-book, for which the committee is not responsible. While I concede that that law is wrong, and I am ready to vote to repeal or amend it, and while ultimately some of this money may come out of the Federal Government, unless we prevent it by proper legislation, because these tax certificates may be used to pay taxes, and to that extent the taxes will be that much less, that is no reason why these tax-payers should not have relief from an oppressive burden, imposed under a law against which they protested and which Congress imposed upon them.

Mr. HUNTON. Why, my dear sir, this cannot come out of the Federal Government.

Mr. SAMFORD. Then the Federal Government can in no event be liable as the law now stands?

Mr. HUNTON. Not a bit of it.

Mr. SAMFORD. Will not the taxes raised by the citizens of the District be that much less?

Mr. HUNTON. Stop a minute, my friend. The District has to raise by taxation one-half of the expenses of the District government.

Mr. SAMFORD. Certainly; I understand that.

Mr. HUNTON. How it is raised is a matter of no concern to the Federal Government.

Mr. SAMFORD. Suppose that one-half of these taxes are paid in these tax certificates, what then?

Mr. HUNTON. They would not be paid to the Federal Government but will be paid to the District government; and the District government will be obliged to make up that half from somewhere else.

Mr. SAMFORD. Allow me to illustrate, for I hope there may be no liability on the Federal Government. Suppose the expenses estimated by the commissioners of this District should be $3,000,000. Then suppose that you have issued back-tax certificates to the amount of half a million of dollars. Now, the citizens of the District must raise $1,500,000 of the expenditures of the District. Suppose that one-half a million of that one and a half millions is paid in these back certificates. The Government of the United States will pay $1,500,000 in money toward the expenses of this District, while the citizens of the District will pay only $1,000,000 in money. Will that be the effect of the law as it now stands?

Mr. HUNTON. I beg pardon; you are entirely mistaken. If the expenses of the District government be $3,000,000 per annum, the Federal Government will pay of that amount $1,500,000, and under no circumstances will it be called upon to pay another dollar. The District will pay $1,500,000 of that $3,000,000, and under no circumstances can it get along with paying one dollar less. Now, that is a matter which the District must manage by taxation, and if it relieves one portion of its people or its property from taxation, then it must raise the amount from some other portion of its people or its property. The District must raise one and a half millions of dollars in money, no matter where it comes from.

Mr. SAMFORD. Then I understand if the commissioners of the District make their estimate of the expenditures of the District, which estimate is submitted to the Secretary of the Treasury, if that estimate is for about $3,000,000, one and a half millions will come out of the Federal Treasury, and one and a half millions will come out of the District. Now, if you issue these back-tax certificates, receivable for taxes to the amount of half a million of dollars, and the citizens, when the District applies to them for taxes, pay those taxes in, these back-tax certificates——

Mr. HUNTON. If the District government receive these back-tax certificates in payment of taxes, then it must increase the tax on other property in order to make up the full amount. The government of the District must raise one and a half million dollars in money.

Mr. SAMFORD. If that is the fact, then the objection made by the gentleman from New York [Mr. COX] does not apply at all——

Mr. HUNTON. It does not apply at all.

Mr. SAMFORD. Because not one cent comes out of the Federal Treasury. Now, Mr. Speaker, under the extravagant, if not profligate, *régime* of the past few years we find citizens of this District who have upon them burdens of taxation which they cannot bear, imposed by law-makers over whom they had no control, asking Congress to legislate for them some relief. The distinguished chairman of the committee assures us this law can in no wise make a charge upon the Federal Treasury, and that they may be relieved without even the necessity at this time of amending the law of which I have already spoken. And I think the bill ought to pass.

I know the act of June, 1878, which requires the United States Government to pay half the current expenses of the District had the support of good men. Indeed I have heard several gentlemen during this session defend it on the ground that the national capital should be grand and magnificent in its appointments. To this doctrine I cannot subscribe, and shall embrace the first opportunity I am allowed to give my reasons for my position.

Mr. ALDRICH, of Rhode Island. A large portion of this discussion has been addressed to the wisdom of the past action of Congress. Every time any question relating to this District has been before the House this session we have had the gentleman from New York [Mr. COX] and other gentlemen questioning whether the act of last year establishing a permanent form of government for the District was right or just. A very large portion of this debate has been devoted to that question, which I submit should be entirely eliminated from the discussion.

In answer to the objection of the gentleman from New York [Mr. COX] that the third section of this bill contemplates an appropriation or expenditure on the part of the Federal Government, I will say that there is nothing of the kind contemplated. I cannot conceive of any contingency under which the Government can possibly be called upon to pay one cent under the operation of the third section of this bill. This section provides that the excess of revised assessments shall be paid for, not in cash, but in drawback certificates which are made receivable for the payment of any outstanding assessments or taxes levied prior to the 1st day of July, 1879.

Now, what are the facts in relation to these unpaid taxes? There are some $2,000,000 of certificates or assessments now outstanding, and these are held and pledged to pay $750,000 of the obligations of the District. Whatever amount of drawback certificates may be issued under the third section will be deducted from the $2,000,000 certificates which I have referred to, and no amount which may be issued can possibly make such a reduction as to call upon the United States or the District for any special appropriation in that direction. This I believe answers the only objection which gentlemen on the other side have urged to the bill.

It is said that it is time for us to stop; to "call a halt." Sir, this Congress has already wisely or unwisely—as I believe wisely—provided by the act of June 11, 1878, which is now before me, that all unpaid assessments should be revised and that such portion of them as should be decided by the commissioners to be excessive or erroneous should be remitted. Now we ask you to apply this same principle to the people who had paid their taxes prior to the passage of the act providing for a revision. Will this House adopt the principle that men shall be punished for diligence, for promptness in paying their taxes? This is exactly what the House will do if it refuses to extend to persons who have paid their special-assessment and other taxes the same measure of relief, founded in justice and equity, that has already been extended to people who have refused or neglected to pay.

Mr. REAGAN. I would like to ask the gentleman one question: where certificates are given to persons who have already paid their taxes, for what taxes are those certificates receivable?

Mr. ALDRICH, of Rhode Island. I read from the bill:

> Which certificate shall be received in payment of all special assessments for which no special-assessment certificates have been issued, and which are not pledged for any existing obligation, and for all general taxes due before the 1st day of July, 1877.

Mr. REAGAN. Does not that sustain the proposition of the gentleman from Alabama, [Mr. SAMFORD,] that the certificates issued for overassessments will come back and be paid into the Treasury to balance an equal amount to be paid by the General Government?

Mr. ALDRICH, of Rhode Island. No, sir; not by any means.

Mr. REAGAN. The Federal Government bears one-half of the taxation of the District according to the act creating a permanent form of government. Now, if the citizens of the District are allowed to pay in something else than money——

Mr. ALDRICH, of Rhode Island. They cannot pay in anything else than money, except on account of these unpaid taxes due prior to July 1, 1877.

Mr. BLOUNT. At which time the present law in regard to the liability of the General Government was not in force.

Mr. ALDRICH, of Rhode Island. That is the very point. The present law in regard to the liability of the General Government was not then in force; and these unpaid special and general taxes were and are solely and entirely the property of the District, and the District alone is entitled to receive the proceeds from their collection.

Mr. REAGAN. I understand, however, that these certificates are to be receivable for all special and general assessments hereafter to be made, as well as heretofore made.

Mr. ALDRICH, of Rhode Island. No, sir; the gentleman is entirely mistaken on that point also. Congress has declared that no special assessment shall hereafter be made; we have discontinued the system of special assessments—very properly, I think. If no further discussion is desired I demand the previous question.

Mr. HENKLE. Allow me to add just one word. Since this discussion began I have ascertained that there is an abundant fund, a fund which will be more than sufficient by half a million of dollars, to satisfy these rebates, after paying for all these improvements.

Mr. COX. I think that after the diversity of views developed on the part of members of the committee the House had better adjourn and give us an opportunity to read up on this matter. I move that the House adjourn.

Mr. HUNTON. I hope the House will not adjourn.

The question being taken on the motion of Mr. COX, there were—ayes 46, noes 68.

Mr. COX. I call for tellers.

Mr. HEILMAN. I hope the gentleman will not insist on the motion. This bill ought to be passed.

Tellers were not ordered.

So the motion to adjourn was not agreed to.

The previous question was seconded and the main question ordered; and under the operation thereof the bill, as amended, was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

The question being taken on the passage of the bill, there were—ayes 70, noes 35.

Mr. COBB. I call for the yeas and nays.

Mr. COX. I think we ought to have a record on this question; some day or other it will be useful.

The yeas and nays were not ordered.

So the bill was passed.

Mr. ALDRICH, of Rhode Island, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. ALDRICH, of Rhode Island. I move to amend the title of the bill by adding the words "and for other purposes."

The amendment was agreed to.

ORDER OF BUSINESS.

Mr. FERNANDO WOOD. I rise to a privileged question.

Mr. HUNTON. I yield to my colleague on the committee, the gentleman from Delaware, [Mr. MARTIN.]

Mr. FERNANDO WOOD. I rise to a privileged question.

The SPEAKER *pro tempore*. The gentleman from New York rises to a privileged question. He will state it.

Mr. FERNANDO WOOD. I desire to report from the Committee of Ways and Means a resolution providing for the final adjournment of Congress.

Mr. TOWNSHEND, of Illinois. That cannot interfere with the District business, which was fixed for to-day by special order of the House.

The SPEAKER *pro tempore*. Does the gentleman from Virginia [Mr. HUNTON] yield the floor to the gentleman from New York, [Mr. FERNANDO WOOD?]

Mr. HUNTON. I do not yield; and I do not concede that his motion is a privileged question as against the business of the District of Columbia, which was assigned for to-day, beginning at two o'clock.

The SPEAKER *pro tempore*. The gentleman from Virginia makes the point of order that the proposition of the gentleman from New York cannot interrupt the business of the Committee for the District of Columbia.

Mr. FERNANDO WOOD. I call the attention of the Chair to the rule on page 93 of the Digest, by which he will perceive that this is a higher question of privilege than the business which the Committee for the District of Columbia was allowed to report after two o'clock to-day. I submit that a resolution fixing a day for the final adjournment of Congress has a superior right to recognition by the Chair over the business on which the gentleman from Virginia [Mr. HUNTON] claims the floor at this time.

Mr. COX. I desire to say this, that to-day has been fixed for the consideration of business from the District Committee, and under the rules of the House, at the time fixed for the consideration of that business, the Committee for the District of Columbia always has had the right to take anybody off the floor in order to have that business proceeded with. It has been so decided by all the Speakers, and although I do not favor the reports from this District Committee, nevertheless I think we should give them a chance, as they so frequently complain of not having an opportunity to bring their bills before the House. I am not in a hurry to adjourn, anyhow. [Laughter.]

Mr. HUNTON. When two o'clock to-day was reached, Mr. Speaker, the call of the roll was suspended to execute the order of the House in reference to the business of the District Committee. Now, the motion of the gentleman from New York could not have interrupted a roll-call. There are only two other bills, which will take but a short time, and I hope the gentleman from New York will yield for that purpose.

Mr. FERNANDO WOOD. This will not take ten minutes.

The SPEAKER *pro tempore*, (Mr. SPRINGER in the chair.) The Chair is of the opinion that the Committee for the District of Columbia is entitled under the order of the House to the time during this legislative day after two o'clock, or so long as it shall claim the floor. The rule of the House provides that when the hour fixed for the consideration of business of the District Committee arrives, the time of the House until adjournment of that day shall, when claimed by the Committee for the District of Columbia, be devoted exclusively to business reported from said committee. The House is now acting under a special order for the consideration of District business, the same as if this were the third Monday of the month, or District day, and Rule 82 applies to this day, under the special order.

Mr. FERNANDO WOOD. Let me suggest to the Chair that he has already recognized my colleague to make a motion to adjourn. Now, does the Speaker hold that the motion to adjourn is not a question of higher privilege than that pending on a report from the District Committee? If, then, a motion to adjourn is in order and privileged, the rule states that pending a motion to adjourn it is in order to fix the day to which the House shall adjourn, and it is equally in order to fix the day for the final adjournment.

The SPEAKER *pro tempore*. The motion to adjourn is always in order, and is specially recognized as in order for the purpose of terminating the District business under Rule 82.

Mr. MCMAHON. A motion to adjourn is other business.

Mr. COX. A motion to adjourn is always in order.

Mr. FERNANDO WOOD. A motion to fix the day for final adjournment has always been held to be a question of the highest privilege.

The SPEAKER *pro tempore*. The Committee for the District of Columbia have exclusive control of the floor during the remainder of the legislative day fixed for the consideration of that business.

Mr. HARRIS, of Virginia. Pardon me for saying, Mr. Speaker, that under that ruling this House could never adjourn until the business of the District committee had been completed. If they are entitled to the legislative day it is without limit so long as that business shall last. Then if the gentleman rose to move the House adjourn the Chair would say it was not in order as the House had determined it should transact no other business but the business of the District Committee.

Mr. COX. The motion to adjourn is not business.

Mr. HARRIS, of Virginia. Neither is the motion to fix the day to which they will adjourn.

Mr. COX. That is other business.

Mr. HARRIS, of Virginia. It is not business in the contemplation of the rule for the House to fix the hour and day of final adjournment.

The SPEAKER *pro tempore*. The Clerk will read Rule 82.

The Clerk read as follows:

82. It shall be the duty of the Committee for the District of Columbia to take into consideration all such petitions and matters or things touching the said District as shall be presented, or shall come in question, and be referred to them by the House; and to report their opinion thereon, together with such propositions relative thereto as to them shall seem expedient. The third Monday of each month, from the hour of two o'clock p. m. until the adjournment of that day, shall, when claimed by the Committee for the District of Columbia, be devoted exclusively to business reported from said committee; and said committee shall henceforth be omitted by the Speaker in the regular call of committees.

The SPEAKER *pro tempore*. Now the House is operating under the same order provided for in this rule.

Mr. HARRIS, of Virginia. I wish to ask the Chair a parliamentary question.

The SPEAKER *pro tempore*. Certainly.

Mr. HARRIS, of Virginia. Suppose the Senate should send to this House a resolution that the two Houses should adjourn to-morrow *sine die* at twelve o'clock m., does the Chair pretend to rule that that would not be in order to the exclusion of all other business?

The SPEAKER *pro tempore*. The Chair does so rule. The House would have to go to the business upon the Speaker's table, in the first place, in order to get the resolution up. The Chair desires to state that pending this order of the House, which was deemed of so high a privilege that it interfered with the roll-call, no other business is in order but the business of the District Committee. It is of such a high privilege that it prevented even the continuation of the roll-call.

The Chair does not see how it can be interfered with in the way proposed. The Chair will state further that the special assignment for District business under Rule 82 is of the same character as the morning hour on Mondays. But one hour a week is allowed for the introduction of bills, and ever since that rule has been in existence the Chair has declined to entertain even a request for unanimous consent to transact any other business within the time prescribed. So of District business. Only one day in each month, or that part of the day after two o'clock, is allowed for such business. It would be manifestly against the letter and spirit of the rule to allow other privileged questions to consume this time. Hence in determining the priority of privileged questions, (and District business is privileged for a certain day under Rule 82,) that business must be first disposed of, which, under the rule, is to be considered to the exclusion of all other business. For these reasons the Chair sustains the point of order, and holds that the gentleman from Virginia, chairman of the Committee for the District, is entitled to the floor, to report business from that committee.

Mr. HARRIS, of Virginia. Everybody wanted the roll-call stopped, as the morning hour had expired, and no question was raised upon it.

Mr. HUNTON. I understand the Chair has decided the question.

The SPEAKER *pro tempore*. The Chair has decided the question.

Mr. HUNTON. Then I desire to know whether the whole time this evening which should be devoted to the District business is to be taken up by a discussion of a point of order which has already been decided.

Mr. FERNANDO WOOD. I wish to ask the Chair a parliamentary question, and it is this, whether he holds it is not in order to interrupt this business now before the House under the order of the House that the Committee of Ways and Means shall report in reference to the final adjournment? I desire an answer from the Speaker to that question.

The SPEAKER *pro tempore*. The Chair will not decide any question until it shall arise. The Chair has already decided that the Committee for the District of Columbia is now entitled to the floor, and that District business is in order to the exclusion of all other business. [Cries of "Regular order!"]

INSPECTOR OF PLUMBING.

Mr. MARTIN, of Delaware, from the Committee for the District of Columbia, reported back, with a favorable recommendation, the bill (H. R. No. 1894) authorizing the employment of an inspector of plumbing in and for the District of Columbia, and for other purposes.

The bill was read, as follows:

Be it enacted, &c., That there shall be appointed by the commissioners of the District of Columbia, on recommendation of the health officer, an inspector of plumbing for said District, whose duty it shall be, under direction of the health officer, to inspect all houses in course of erection, and pass upon the plumbing and sewerage of said houses. And the health officer of the District of Columbia is hereby authorized, under direction of the commissioners, to execute and enforce regulations governing plumbing, house drainage, and the ventilation of house sewers; and any person who shall neglect or refuse to comply with the requirements of the said regulations when promulgated shall be punishable by a fine of from twenty-five to two hundred dollars for each and every such offense, or in default of payment of fine to imprisonment for thirty days.

Mr. MARTIN, of Delaware. I ask to have read in connection with this bill a paper which explains the reasons for the necessity of the appointment of this inspector, written by the health officer of the District of Columbia.

The Clerk read as follows:

The subject of house drainage is one which of late years has taken a fast hold upon the minds of sanitarians in all our principal cities and the necessity for an inspection of all plumbing work, as provided for in this bill, is witnessed by the fact that at the present time efforts are being made both in the General Assembly of New York and the city council of Baltimore to get legislation covering the subject.

There is no class of work attendant upon the building of a structure intended for use as a human habitation which needs such careful supervision in the interest of the health and lives of those who may occupy it afterward as does the work of the plumber. No fact rests upon a broader and more substantial basis of truth than that the gaseous emanations from decomposing sewage, commonly called sewer gas, are a fruitful source of disease.

Whatever the agency by which it works, we know that it comes with the power and potency of death. Escaping into the free atmosphere its deadly power is quickly destroyed by the oxidation of its organic poisons; but when it mingles with the confined air of our unventilated living and sleeping rooms it retains its deadly power long enough to do its work effectually.

Dr. Mapother, of Dublin, an eminent authority, states that there occur annually in England one hundred and forty thousand cases of typhoid fever, of which twenty thousand terminate fatally, which are clearly traceable to defective drainage and sewer-gas poisoning; and yet typhoid fever is only one of a long list of prevalent zymotic diseases.

Bayliss, in his valuable work on house drainage, says:

"If we look for the cause of the large mortality from zymotic diseases in our cities we find it principally in sewer-gas poisoning. Other causes operate to swell the total, but to bad plumbing work we may attribute the prevalence of pythogenie pneumonia, peritonitis, inflammatory rheumatism, typhoid and malarial fevers, croup, diphtheria, and many kindred diseases which are almost epidemic in all our large cities.

"Unfortunately for the progress of sanitary reform the difference between good and bad plumbing work is usually so slight as to escape the notice of any but a trained expert, but it is commonly great enough to exert an active and far-reaching power for mischief."

Let us follow the intelligent sanitary inspector in an examination of the pipe systems of an average New York and Washington house of the better class. In the drainage system and its appurtenances we see dependence for the suppression of gases, often held under considerable pressure in the sewers, placed upon supposititious half-inch water-seals in traps of such shape and so placed that they are likely to be emptied every hour in the day and stand empty during the night. We find that the foul sewer is provided with breathing-holes into our houses; that in dark, unventilated recesses adjoining our bed-rooms are cheap and flimsy water-closets, wrong in principle and wholly unsatisfactory in operation, retaining so much of the filth passing into them that they become pestilential nuisances. In short, we find every condition so favorable to sewer-gas poisoning that we no longer wonder at the great mortality from diseases of pythogenie origin. As the plumbing work of our houses is commonly done, it would do better for most of us if we had to bring our water in buckets from a public hydrant and carry our waste to the culvert at the nearest street corner.

The plumber's work is covered by the builder and at once hidden from sight. In a few months, sometimes weeks, the occupant of the house complains of an obstructed sewer, a leak in the soil-pipe, a troublesome odor that cannot be accounted for, or some other of the numerous evils that follow in the wake of "scamped" plumbing.

The inspector investigates and finds a pipe of insufficient size, the joints put together with common mortar instead of cement, improperly laid, so that joints have opened; a pipe perhaps broken in the laying and left with an opening for escape of gases; no trap perhaps under sink or closet, or the bath-tub connected with soil-pipe below the trap.

The finding of defects in the private sewers of our houses is of every-day occurrence. If the daily report of one of our inspectors is without such a case it is an exception. It has not been one month since an inspection of a row of houses in the northeastern section of our city, made at the request of some person suffering, revealed the fact that not one of the sinks connecting with sewer was supplied with proper traps. It was but last week that a family was forced to leave a house on F street, between Fourteenth and Fifteenth streets, on account of the terrible nuisance created by a defectively constructed private sewer; and these things are of daily occurrence, and will continue so long as some law is not placed upon the statute-books making a misdemeanor of the reckless criminality which characterizes some of our plumbing work. I can earnestly say with a former health officer of this District, "That such a law does not stand prominent upon the pages of the code of every city is a disgraceful reproach upon the intelligence and civilization of the present age." We would bring to speedy punishment the druggist who carelessly dispenses poisons, or the grocer who fraudulently sells deleterious compounds, but permit a plumber, and pay him well, to open a direct communication between our chambers and the general receptacle of the foul drainage of our city, trusting to his honor for protection, and he goes unpunished for his fraudulent practices, while we ignorantly allow the health, life perhaps, of our family to be sacrificed by his neglect.

Under this bill, if passed, an inspector would be appointed whose duty it would be to see that every house erected in future should have the plumbing work done under certain wholesome regulations—regulations which would require the use of proper material, proper construction, adequate ventilation of sewers, and the employment of all proper means for the prevention of the return of poisonous gases from sewers into dwellings.

Is it not eminently necessary that the people have such protection? Is it not as necessary that a drain pipe of proper size and thickness be put in as it is that the house itself should have a wall of certain thickness? Is it not as just that you should protect the people by having the safeguard of proper traps to shut out this deadly gas, as it is that you should require them to build houses of certain material to protect them against the danger of fire? In short, if you make regulations to protect them against an open, avowed enemy, is there not double necessity for barricading against one who lurks in the dark and strikes where we least expect.

The Plumber and Sanitary Engineer, a monthly journal published in the city of New York, and the best paper of its class in existence, in an editorial on this subject, says:

"The only practical and permanent remedy for this difficulty is to prevent bad work by having it inspected by a competent person. The authorities should allow no house to be occupied unless thus inspected. Where defective work is afterward found they should cancel the license of the plumber who did it; if he persists in such evil practices, then send him to the penitentiary to learn the evil of his ways."

Certainly the evil is of sufficient magnitude, and prevention is both easier and better than cure.

SMITH TOWNSHEND, M. D.,
Health Officer.

Mr. MARTIN, of Delaware. I move the previous question on the engrossment and third reading of the bill.

Mr. BLOUNT. Before the previous question is moved I desire to call the attention of the gentleman who reports the bill to an apparent defect in it, and ask him to permit me to offer an amendment.

The SPEAKER *pro tempore*. Debate is not in order unless the gentleman from Delaware yields.

Mr. MARTIN, of Delaware. I am not authorized by the committee to admit any amendment.

Mr. BLOUNT. Will the gentleman not allow the amendment to be read?

Mr. MARTIN, of Delaware. I will permit it to be read.

Mr. BLOUNT. There is no provision in the bill for paying the inspector. I ask the Clerk to read the amendment which I send to the desk.

The Clerk read as follows:

Add to the bill the following:

Said inspector shall be paid by fees to be fixed by the District commissioners and charged against owners of the property inspected.

The SPEAKER *pro tempore*. Does the gentleman from Delaware yield for that amendment?

Mr. MARTIN, of Delaware. I do not.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and it was accordingly read the third time.

The question being taken on the passage of the bill, there were—ayes 64, noes 19.

So (further count not being called for) the bill was passed.

Mr. MARTIN, of Delaware, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

IMPOUNDING OF DOMESTIC ANIMALS.

Mr. KLOTZ, from the Committee for the District of Columbia, reported back, with amendments, the bill (H. R. No. 1856) authorizing the commissioners of the District of Columbia to extend the area for the taking up and impounding of domestic animals into the county of Washington.

The bill was read. It authorizes the commissioners of the District of Columbia to direct the taking up and impounding of domestic animals found running at large in the more densely populated suburbs of the cities of Washington and Georgetown, and in such parts of the county of Washington as in their judgment may require it.

The amendments recommended by the Committee were read, as follows:

In line 4, strike out the words "direct the" and insert "prescribe rules for."

In line 5, after the word "in," strike out the balance of the section and insert "District of Columbia."

So that as amended the bill would read:

That the commissioners of the District of Columbia be, and are hereby, authorized to provide for taking up and impounding of domestic animals found running at large in the District of Columbia.

The amendments were agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. KLOTZ moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. ALDRICH, of Rhode Island. I move to amend the title by striking out the words "county of Washington" and inserting "District of Columbia."

The motion was agreed to.

ORDER OF BUSINESS.

Mr. KLOTZ. I am authorized by the Committee for the District of Columbia to say that the committee have no more business for to-day.

Mr. KENNA. I move that the House do now adjourn.

Mr. MARTIN, of Delaware. I ask unanimous consent to make a report from the Committee of Accounts.

Mr. KENNA. I am willing to yield for that if I can be recognized afterward for a motion to adjourn.

The SPEAKER *pro tempore*. Is there objection to the request of

the gentleman from Delaware that he have leave to make a report from the Committee of Accounts?

Mr. BROWNE. I object.

ENROLLED BILL SIGNED.

Mr. KENNA, from the Committee on Enrolled Bills, reported that the committee had examined and found duly enrolled a bill of the following title; when the Speaker signed the same:

An act (S. No. 108) to prevent the introduction of contagious or infectious diseases into the United States.

LEAVE OF ABSENCE.

The SPEAKER *pro tempore*. The Chair submits the following requests for leave of absence:

From Mr. HURD, for leave of absence for ten days, on account of important business;

From Mr. MORSE, indefinitely, on account of important business; and

From Mr. LADD, for fifteen days from June 1, on account of important business.

Mr. COFFROTH. I object.

HOUSE EMPLOYÉS.

Mr. MARTIN, of Delaware. I ask the Chair again to submit the request for unanimous consent that I may make a report from the Committee of Accounts.

The SPEAKER. The gentleman from Delaware asks unanimous consent to submit a report from the Committee of Accounts. Is there objection?

Mr. CONGER. Let the report be read, the right to object to its present consideration being reserved.

The SPEAKER *pro tempore*. The report will be read, after which the Chair will ask for objections.

The Clerk read as follows:

The Committee of Accounts, to whom was referred the resolution of Mr. CARLISLE, of April 14, 1879, providing—

"That Isaac R. Hill be employed as a messenger on the floor of the House of Representatives for the present Congress and until further order, under direction of the Sergeant-at-Arms, at $1,800 a year, to be paid monthly by the Clerk of the House out of the contingent fund"—

and the resolution of Mr. BLACKBURN, of April 18, 1879, providing—

"That the Sergeant-at-Arms of the House of Representatives be, and he is hereby, authorized to employ, in addition to the force in his office now authorized by law, one clerk and two messengers for the present Congress and until further ordered, at salaries to be fixed and determined by the Committee of Accounts; the duty of said messengers being, among other things, to assist in keeping order upon the floor of the House; all salaries herein mentioned to be paid monthly by the Clerk of the House out of the contingent fund"—

respectfully report that they have considered the same, and are agreed that to recommend the passage of the former would be to arrogate to themselves, in some measure at least, the right of nominating the employés under the control of the officers of the House.

This is a responsibility they do not feel prepared to assume, and a precedent they do not at present desire to establish. Besides, they have been assured that the end aimed at in the resolution of Mr. CARLISLE is identical in part with that sought in the resolution of Mr. BLACKBURN.

In regard to the latter resolution, the committee are unanimously of opinion that the allowance of one clerk and two messengers to the Sergeant-at-Arms in addition to the employés now authorized in his office is a greater increase of the force than the necessities of the service demand. They therefore present the following substitute for both resolutions hereinbefore mentioned, and ask its adoption by the House:

Resolved, That the Sergeant-at-Arms of the House of Representatives be, and he is hereby, authorized to employ, until otherwise ordered by the House, in addition to the force in his office now authorized by law, one clerk at $1,800 per annum and one messenger at $1,600 per annum: said messenger to assist in preserving order on the floor of the House in the absence of the Sergeant-at-Arms, to serve subpœnas, and to perform such other duties as may be assigned to him; and the salaries herein ordered shall be paid monthly out of the contingent fund of the House.

The SPEAKER *pro tempore*. Is there objection to the present consideration of the report?

Mr. MILLS and others objected.

Mr. MARTIN, of Delaware. Is the report regularly before the House?

The SPEAKER *pro tempore*. It is not. The report was only read for information, and objection is made to its present consideration.

ORDER OF BUSINESS.

Mr. MURCH. I ask unanimous consent to introduce a bill for reference.

Mr. KENNA. I made a motion to adjourn, and yielded to the gentleman from Delaware. I am willing to yield to the gentleman from Maine, but if there be objection, I shall renew the motion. [Cries of "Regular order!"]

The motion to adjourn was agreed to; and accordingly (at four o'clock and twenty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk under the rule, and referred as stated:

By Mr. BACHMAN: The petition of W. W. Hubbell, for compensation for the use by the Government of certain of his inventions in fire-arms—to the Committee on Patents.

By Mr. BICKNELL: The petition of Jesse Durnell, second-class pilot United States Mississippi squadron, that he be paid an amount equal to the difference between the pay of a second-class and a first-class pilot for the time he was in the service—to the Committee on War Claims.

By Mr. BOUCK: The petition of citizens of Nebraska who reside near Santee Indian reservation, that the Santee Sioux Indians be allowed the right to enter homesteads on said reservation—to the Committee on Indian Affairs.

Also, the petition of the confederation known as the Dakota Nation, against removal—to the same committee.

By Mr. DEERING: The petition of 133 men and women of Hardin County, Iowa, that no amendments be made to the revenue laws in the interest of liquor dealers—to the Committee of Ways and Means.

By Mr. DEUSTER: The petition of Peter Schutler and others, for the relief of the depositors of the German National Bank of Chicago, Illinois—to the Committee on Banking and Currency.

By Mr. DWIGHT: The petition of Jane Wiltse, for a pension—to the Committee on Revolutionary Pensions.

By Mr. ELAM: The petition of certain employés of the House of Representatives of the Forty-fifth Congress, for compensation for services rendered—to the Committee of Claims.

By Mr. FINLEY: The petition of A. W. Brinkerhoff, M. D., that the Government purchase from him certain inventions, (he warrants to cure soldiers and sailors in the service and those drawing pensions who are suffering with the malady known as hemorrhoids)—to the Committee of Ways and Means.

By Mr. FISHER: The petition of Beaufort C. Lee, for compensation for services rendered in the Doorkeeper's department, House of Representatives, Forty-fifth Congress—to the Committee of Claims.

By Mr. MCMAHON: Papers relating to the petition of Philip Dhein for the removal of the charge of desertion—to the Committee on Military Affairs.

By Mr. RYAN, of Kansas: The petition of the Women's Christian Temperance Union of Sterling, Kansas, against any change in the revenue laws in the interest of dealers in liquors—to the Committee of Ways and Means.

By Mr. FERNANDO WOOD: The petition of Flora Adams Darling, that her war claim be referred to the Secretary of War for examination and adjustment—to the Committee on War Claims.

IN SENATE.

THURSDAY, *May* 29, 1879.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITION.

Mr. KERNAN presented the petition of Flora Adams Darling, of New York, praying that her claim for property in Louisiana seized and appropriated to the use of the Government during the late war be referred to the Secretary of War for investigation; which was referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. MAXEY. I am directed by the Committee on Post-Offices and Post-Roads, to whom was referred the bill (H. R. No. 2020) to establish post-routes, to report it with certain amendments. I ask that it be printed and lie on the table. The committee have corrected, as far as they could, the errors in the names of post-offices. The committee ask that the bill be printed, and request every Senator to examine the names of the post-offices in his own State so as to suggest to the committee any correction that may be necessary to be made. I will further say that at the earliest practicable moment after the bill is printed I shall ask that it be taken from the table and put on its passage.

Mr. SAULSBURY, from the Committee on Privileges and Elections, to whom was referred the bill (S. No. 488) supplemental to an act entitled "An act for the apportionment of Representatives to Congress among the several States according to the ninth census," reported adversely thereon, and the bill was postponed indefinitely.

BILLS INTRODUCED.

Mr. CAMERON, of Wisconsin, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 638) for the relief of Lewis Johnson & Co.; which was read twice by its title, and, with the papers on the files relating to the case, referred to the Committee on Claims.

Mr. ALLISON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 639) granting a pension to John G. McDonald; which was read twice by its title, and referred to the Committee on Pensions.

Mr. JOHNSTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 640) to authorize the bonds of manufacturers of tobacco, snuff, and cigars exporting same, to be canceled at the port of clearance; which was read twice by its title, and referred to the Committee on Finance.

Mr. WALKER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 641) to grant additional rights to homestead settlers within railroad limits in the States of Missouri and Arkansas; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. BRUCE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 642) for the relief of A. C. Crawford; which was read twice by its title, and referred to the Committee on Claims.

Mr. GORDON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 643) to amend sections 2493 and 2494 of the Revised Statutes of the United States relative to the importation of neat cattle into the United States for breeding purposes; which was read twice by its title, and referred to the Committee on Agriculture.

Mr. BUTLER asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 35) for the restoration of the books of the Beaufort Library, of South Carolina; which was read twice by its title, and referred to the Committee on the Library.

AMENDMENT TO POST-ROUTE BILL.

Mr. SAUNDERS submitted an amendment intended to be proposed by him to the bill (H. R. No. 2020) to establish post-routes; which was referred to the Committee on Post-Offices and Post-Roads.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. DAVIS, of Illinois, it was

Ordered, That the memorial of citizens of Illinois, praying for certain legislation regulating the transmission of certain matter through the mails, be taken from the files of the Senate and referred to the Committee on Post-Offices and Post-Roads.

ADJOURNMENT TO MONDAY.

On motion of Mr. ALLISON, it was

Ordered, That when the Senate adjourns to-day, it adjourn to meet on Monday next.

ELECTIONS AND APPOINTMENTS IN RHODE ISLAND.

The PRESIDENT *pro tempore*. If there is no further routine morning business, the Chair will lay before the Senate the resolutions offered by the Senator from Indiana, [Mr. McDONALD.] The first resolution will be reported.

The Secretary read the first resolution, submitted by Mr. McDONALD on the 27th instant, as follows:

Resolved, That so much of the memorial of J. B. Greene and the accompanying petition of Augustus Woodbury and other honorably discharged soldiers and sailors of the United States and citizens of the State of Rhode Island as relates to the alleged violation of sections 1754 and 1755 of the Revised Statutes in relation to the appointment of wounded soldiers and sailors to civil offices, and also so much of said memorial as relates to alleged violations of civil-service reform in the State of Rhode Island, be, and the same is hereby, referred to the Committee on Civil Service and Retrenchment, with authority to send for persons and papers.

The resolution was agreed to.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate the second resolution submitted by the Senator from Indiana, [Mr. McDONALD.]

The Secretary read the second resolution, submitted by Mr. McDONALD on the 27th instant, as follows:

Resolved, That so much of the memorial of J. B. Greene as relates to the interference of Federal officers in the election in Rhode Island and to the denial of the right to vote to any citizens of the United States who are also citizens of the State of Rhode Island, and also the alleged frauds or undue influence practiced against citizens of said State at the late election, be referred to the select committee to inquire into alleged frauds in the late elections, with power to send for persons and papers.

Mr. BLAINE. I do not rise to object to the passage of the resolution, but there was some reference made yesterday morning, first by the Senator from Indiana who introduced the resolutions, and then by some other Senators, in regard to the basis of representation among the States. The allegation against Rhode Island was that she was entirely insufficient in numbers to entitle her to the representation that she holds in the popular branch of Congress. I had some curiosity to look over the subject in a little more extended detail than relates to Rhode Island alone, and I got some results which interested me, if they do not interest the Senate. Looking over the whole question of representation in the country, and the relative increase of population at different points since the last census was taken being shown in the votes for Representatives to Congress in 1878, I found some results which arrested my attention.

The total vote in the Northern States last year, 1878, for Representatives to Congress was 4,907,846. The total vote in the Southern States was 1,964,441. The Northern States elected one hundred and twenty-eight republicans, and opposed to the republicans, democrats and independents, or whatever name they choose to assume, there were fifty-five chosen. In the South there were one hundred democrats elected, and six who were not democrats at least when they were elected. The average vote cast in the districts of the North was 26,819. The honorable Senator from Indiana yesterday thought the average was 34,000. The average throughout the North amounted to 26,819. The average throughout the South was 18,532.

Mr. EATON. The Senator from Maine ought to remember that the Senator from Indiana [Mr. McDONALD] is not in his seat. I suggest that he spoke of his own State alone and not of others.

Mr. BLAINE. I do not intend to misrepresent the Senator from Indiana.

Mr. EATON. I know the Senator does not.

Mr. BLAINE. I am only dealing in figures. The average I understood him to state as I have given it. The RECORD will be better evidence.

Mr. TELLER. The Senator from Indiana did state that as the average.

Mr. BLAINE. The RECORD will show whether I am correct or not. The average throughout the sixteen Southern States was 18,532. This average was made higher by the undoubted and very great increase in the State of Texas, by a very considerable increase in Missouri, by a strong vote in West Virginia, and by a very remarkable vote in South Carolina, on which I will not further comment at this time. After taking out those four States the average in the Southern States to each district was only 14,833.

There were in the Southern States only thirty-three districts that went above 20,000. In the Northern States there were one hundred and seventy-seven districts that went above 20,000. Any gentleman who is curious to follow those figures will see that whether you have regard to the population of the district or to the persons who voted for the sitting member the minority in the House of Representatives to-day actually represents from one hundred and fifty to two hundred and fifty thousand more voters than the so-called majority in the House of Representatives, and I do not know but three hundred thousand more.

Some of the results are really, I think, very remarkable. For instance, if you take the third, the sixth, and the eighth districts of Georgia, the seventh and eighth districts of Alabama, and the sixth and seventh districts of North Carolina, the sixth district of Kentucky, and the third, fourth, fifth, and sixth districts of Mississippi, twelve districts in all, you have an aggregate vote of 58,542. In Nebraska you have 50,247 of an aggregate vote for one Representative. In other words, twelve Representatives from as many southern districts represent the democratic party with an aggregate vote behind them of 58,542, while one republican Representative from Nebraska has behind him 50,247 votes.

Nor does this case stand alone. Alabama with eight members cast 88,000 votes; Minnesota with three members cast 99,000 votes; Virginia with nine members cast 126,000 votes; Kansas with three members cast 136,000 votes; Kentucky with ten members cast 160,000 votes; Michigan with nine members cast 281,000 votes; Louisiana with 118,000 votes sent six members; whereas Nebraska, Colorado, and Oregon all together cast 127,000 votes with three members, or the aggregate of Mississippi, Alabama, Georgia, Kentucky, and Louisiana, reaching 544,970 votes, sent thirty-nine members, while Nebraska, Minnesota, Kansas, Michigan, Colorado, and Oregon, with an aggregate of 629,000 votes, sent only eighteen members. In other words, 544,000 votes in the South sent thirty-nine democratic members to the House of Representatives, and 629,000 votes in the North sent eighteen republican members, that is with 100,000 votes less in these Southern States than in the Northern States named they sent more than twice as many democratic Representatives as the North sent republican members. We have heard a good deal here about the small States being represented in the Senate, and the inequality of representation here, while the inequality is getting to be worse at the other end of the Capitol than it is here, if you put it upon a numerical basis, and there it ought to be exact.

Mr. SAULSBURY. I should like to ask the Senator if the apportionment of representation in Congress is not made upon the basis of the census of 1870?

Mr. BLAINE. Yes.

Mr. SAULSBURY. Was not that census under the control and management of the republican party of the country?

Mr. BLAINE. Yes.

Mr. SAULSBURY. And did not the republican party of the country fix the apportionment of members of Congress?

Mr. BLAINE. Yes.

Mr. SAULSBURY. Then the Senator ought not to complain of the results of the act of his own party.

Mr. BLAINE. But the republicans did all that on the presumption that the votes to which the Representatives were apportioned would be allowed to be cast. That is the difference. They went on the manifest but, as it has proved, baseless presumption that the voters to whom these Representatives were assigned, and in virtue of whose numbers the Representatives were given to the States, would be allowed to have an unbiased and unrestricted choice in selecting them. The honorable Senator from Delaware will probably apprehend my meaning and see that he omitted that consideration in his question.

Mr. SAULSBURY. I have heard intimations of that kind before.

Mr. BLAINE. I thought the Senator might have heard them at any time within the last ten years.

Mr. SAULSBURY. And I give very little credit to them when I hear them. On the other hand, I might express an opinion that there have been in the Northern States a large number of votes cast that ought not to have been cast, if I saw proper to insinuate; but that would not be authority, I apprehend.

Mr. BLAINE. The honorable Senator from Georgia will hardly speak of insinuation when I speak from official reports. If he chooses to insinuate, as a matter of taste he may. I do not insinuate anything; I state.

Mr. HILL, of Georgia. What has the Senator from Georgia got to do with it? Has he said anything?

Mr. BLAINE. I did not say anything about the Senator from Georgia.

Mr. HILL, of Georgia. You did say "the Senator from Georgia."

Mr. DAVIS, of Illinois, and others, (to Mr. BLAINE.) You did say "Senator from Georgia."

Mr. BLAINE. I meant to say "Senator from Delaware."

Mr. HILL, of Georgia. You seem to have the Senator from Georgia on the brain.

Mr. BLAINE. Not a bit of it.

Mr. HILL, of Georgia. And you do not have him very correctly either.

Mr. McDONALD. I should like to ask the Senator from Maine a question.

The PRESIDENT *pro tempore*. The Senator from Maine has the floor. Does he yield?

Mr. BLAINE. I do not think in placing the Senator from Georgia along with the Senator from Delaware that I did any injustice to either.

Mr. McDONALD. I should like to ask a question, whether in any of those States any persons were denied the right to vote on terms that were not applicable to all citizens of the United States in those States?

Mr. BLAINE. I do not understand the question.

Mr. McDONALD. Was there any qualification or disqualification of voting in any of those States that extended to one class of citizens which did not extend alike to all?

Mr. BLAINE. You mean on the statute-book?

Mr. McDONALD. Yes, sir.

Mr. BLAINE. Oh.

Mr. McDONALD. The law.

Mr. BLAINE. Yes, the law; that is not what we are talking about. We are talking about the actual numbers at the polls where districts that contain more than 30,000 lawful voters were represented and are represented to-day by men for whom 3,000 or 4,000 votes were cast. As the honorable Senator from Georgia thinks I have got him on the brain I will reproduce him again. Yesterday he pointed out the fact that there was no need of anybody else looking around, because the thing was all settled in advance.

Mr. HILL, of Georgia. The Senator from Georgia said no such thing.

Mr. McDONALD and Mr. SAULSBURY addressed the Chair.

The PRESIDENT *pro tempore*. Does the Senator from Maine yield, and if so to whom?

Mr. BLAINE. I yield to any one who desires to interrupt me.

The PRESIDENT *pro tempore*. The Senator will suspend. Here are three Senators on the floor; to whom does the Senator from Maine yield?

Mr. BLAINE. I will let the Chair decide.

The PRESIDENT *pro tempore*. No, sir; the Chair will not decide.

Mr. BLAINE. The Senator from Indiana was the one to whom I was yielding.

Mr. McDONALD. I have retired.

Mr. HILL, of Georgia. Mr. President——

The PRESIDENT *pro tempore*. Does the Senator from Maine yield to the Senator from Georgia?

Mr. BLAINE. I do, if the Senator from Indiana has retired.

Mr. HILL, of Georgia. I was going to say that the Senator from Georgia said no such thing as the Senator from Maine quotes him as saying. The Senator from Georgia expresses exceeding gratification if for once in his life the Senator from Maine will quote him correctly.

Mr. BLAINE. The Senator from Georgia is a difficult man to quote correctly; but what the Senator from Georgia yesterday asserted, whether he did it ironically or really, was that practically republicans were not allowed to vote in Georgia.

Mr. HILL, of Georgia. That is not true, again.

Mr. BLAINE. I will get the RECORD.

Mr. HILL, of Georgia. The Senator from Georgia said no such thing. The Senator from Georgia said that everybody was allowed to vote.

Mr. BLAINE. Oh, they were allowed to come out to vote when democrats were running. If a district was divided between two democrats, then the republican vote might come out; but in Georgia the record shows that when there were not two democratic candidates and an attempt was made to run a republican against a democrat, then there was a walk-over on the part of the democrats. That was the case in several districts, and I will show cases, if necessary to state figures to show it, in districts where in 1878 democrats got the certificates of election on votes very much less than the republican vote in that district had been two years before.

Mr. HILL, of Georgia. The Senator from Georgia has never said nor intimated in the remotest degree that anybody, republican or democrat, was not allowed to vote in Georgia. Any intimation of that kind is utterly untrue. What the Senator from Georgia did say is printed in the RECORD and justifies no such charge as that made by the Senator from Maine. The Senator from Georgia stated that everybody was allowed to run in Georgia who chose to run, everybody was allowed to vote in Georgia who chose to vote, certainly I might add if qualified to vote. The Senator from Maine has no right to misquote my language or misinterpret my meaning.

Mr. BLAINE. Will the honorable Senator from Georgia, as long as he is on the floor, then, give an explanation to the Senate how it was that in districts in Georgia which only in 1876, and notably so in years before, cast a republican vote very much larger than the total vote of the district as counted in 1878? Why were not the republicans out?

Mr. HILL, of Georgia. No such state of things exists except in those districts where there were no opposition candidates.

Mr. BLAINE. Why was there not an opposition candidate when there were notably a great many more republican voters than the number of votes the sitting member received? That is the question.

Mr. HILL, of Georgia. I stated yesterday that there were no opposition candidates simply because, as far as I knew, nobody else chose to run.

Mr. BLAINE. The honorable Senator knows no reason for their not choosing to run.

Mr. HILL, of Georgia. The Senator wants me to answer his insinuation that there was any means brought to bear by which anybody was prevented from running that wanted to run, by which anybody was prevented from voting that wanted to vote. I simply say his insinuations are utterly without foundation in fact, and have no support but his own statement, which is no support at all.

Mr. BLAINE. I am glad the honorable Senator yesterday stated:

It is true, astonishing as it may seem to the brilliant intellect of the Senator from Maine, that a republican is allowed to choose between democrats in Georgia—a happy condition of things.

I am reading from the Senator from Georgia.

I do not know whether that is allowed in Maine or not.

We go a good deal further in Maine. We allow a voter to choose between a republican and a democrat, and I assert that the vote in Georgia shows very clearly that in several districts that was not permitted, and witnesses can be produced by the thousands and the tens of thousands who will swear to that in any presence—no, I take that back; they will not swear to it in the presence that intimidated them from doing it. They will swear to it in any presence where to take such an oath is personally safe.

Mr. HILL, of Georgia. I have repeated on several occasions that every statement and intimation made by the Senator from Maine that anybody was prevented from running in Georgia or that anybody was prevented from voting in Georgia was utterly untrue. I do not see what more I can say.

Mr. BLAINE. No; and I do not know that there is any need of his saying that. I only repeat that three Representatives from Georgia to-day hold their seats by having the following votes: one by 2,628, one by 3,192, and one by 3,355, and those are all the votes cast in the district. "Order reigns in Warsaw."

Mr. HILL, of Georgia. The statement has been made distinctly to the Senate and understood by every gentleman in the Senate excepting the Senator from Maine, that in the districts to which he alludes there was no opposition candidate.

Mr. BLAINE. Oh!

Mr. HILL, of Georgia. There was but one election at that time and that the election for member of Congress, and the people as is usual in such cases did not choose to turn out.

Mr. BLAINE. But I have repeated again and again that as late as 1876 in those very districts there were two or three times as many republican votes cast as those members who now sit in the House of Representatives representing those districts received. Here is a district that contains 30,000 votes and the honorable Senator from Georgia attempts to create the impression that there was such absolute unanimity in the choice that only 2,628 persons were needed to do the voting.

Mr. HILL, of Georgia. In 1876 there were opposition candidates. In 1876 during the presidential campaign there was a republican ticket in the field, Mr. Hayes and Mr. WHEELER; there was also a democratic ticket in the field; and I suppose this brought out the votes of each party; but I presume if the Senator will examine he will find that in all the districts in 1876 the democratic vote was largely in the majority. I suppose in 1878 when there was no republican candidate in the field and the democrats were in the majority in the districts, the republicans chose of their own accord not to bring forth candidates. I suppose they have the liberty not to run candidates, if they choose not to do so.

Mr. BLAINE. Yes; I believe that is a liberty that is accorded to them.

Mr. HILL, of Georgia. Yes.

Mr. BLAINE. They are permitted not to bring out a candidate; they are freely conceded the right not to vote. That is about what the admission of the Senator from Georgia amounts to.

Mr. HILL, of Georgia. If the Senator means that they are prohibited from bringing out a candidate, if he desires to state that, he says that which is not correct.

Mr. BLAINE. I do so say that, and I say it in the presence of the country, and I say it on the records of history; and I say that the honorable Senator from Georgia, whether he makes such a denial in senatorial phrase or whether he makes a denial which he intends to be offensive, is flying in the face of history and against the recorded facts. It is known in Georgia, it is sworn in Georgia by republicans of as good character as the honorable Senator has, that they did not dare to bring out a candidate and they were not permitted to bring out a candidate.

Mr. HILL, of Georgia. I do not know who has sworn that, but I only know that if anybody has sworn it he has sworn falsely.

Mr. BLAINE. That is the honorable Senator's opinion. I choose to have another, and a great majority of the country choose to have

another. The Senator is welcome to his opinion. That is mine, and I am welcome to mine. The facts are better than the opinion of either of us; and the honorable Senator cannot stand up here before the country and say that in a district where there are thirty-odd thousand voters, and where two years ago, when there was some protection extended to voters, there were more than 10,000 republican votes cast, all those 10,000 republican voters staid at home quietly in 1878 and allowed a democrat to be chosen by 2,628 votes. If the honorable Senator considers that to be a statement he wants to stand on, I am willing that he shall stand there. I am entirely willing that he shall stand there. It is that anomaly, that absurdity in the face of the country that in a district known to hold over 10,000 republican votes, in a district which within two years has cast 10,000 republican votes, all those voters would quietly stay at home in a year of great excitement throughout the country when there was a tremendous contest for the mastery of the House of Representatives, that those 10,000 people would quietly stay at home and allow 2,628 democrats to choose a Representative in Congress! It is on such facts as that that I am glad to see the honorable Senator ground and rest his defense of the case.

Mr. HILL, of Georgia. The Senator from Georgia grounds and rests his defense on no fact stated by the Senator from Maine. He wishes that to be distinctly understood.

Mr. BLAINE. Or anybody else.

Mr. HILL, of Georgia. No, I do not say that.

Mr. BECK. Mr. President, yesterday when the Senator from Indiana [Mr. McDONALD] made the statement he did in regard to Rhode Island, it seemed to me that there was a great deal of force in what he said, because the facts show that the State of Rhode Island has, according to the census, a total population of 217,000; 55,000 of these are foreigners, reducing her native population to 162,000. It requires 131,500 of population to send a Representative to Congress, and, with the exception of the few foreign-born citizens that own real estate, all the foreign-born citizens of Rhode Island are disfranchised. The fourteenth amendment to the Constitution of the United States provides that:

> When the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Therefore it is obvious that if all, certainly more than half, the male citizens of foreign birth in Rhode Island are not allowed to vote, and the representation of Rhode Island is necessarily reduced to a point where she cannot legally or constitutionally have but one Representative in Congress, because she is obliged to have a fraction more than half the ratio before she can be entitled to two, with the limited quantity of real estate in Rhode Island, I suppose there are very few persons of foreign birth who are owners of real estate. Fifty-five thousand persons of foreign birth are shown by the census to be there and only one hundred and sixty-two thousand native born; therefore she is, I doubt not, limited by law to one Representative. That may or may not be true. There may be enough foreigners in Rhode Island holding real estate to entitle the State to two Representatives; but it is surely a question that ought to be fairly looked at, because if the assumption I believe to be correct is true, she has not the number of voters required to entitle her to two Representatives. That I understand to be the simple question presented to the Senate by the Senator from Indiana, [Mr. McDONALD.]

On that presentation of facts the Senator from Maine and other gentlemen raise questions as to the right of Kentucky to her present representation and as to the fairness and justice of the vote of Kentucky. They suggest or insinuate that we have more Representatives in the other House than we are entitled to because at certain elections held in Kentucky there were a large number of legal votes not cast and the last Congressional Directory is brought to show that in the sixth district Mr. CARLISLE received less than 6,000 votes—5,901, while Mr. Hermes, the national, 1,877 votes, there being no republican candidate running for Congress in the Covington district, making only a fraction over 7,000 votes cast in all in that great and populous district; therefore it is said or intimated that a republican cannot or dare not run, or that there is no fairness in the Kentucky elections! Mr. President, I aver that there was no man in Kentucky, white or black, who was prevented from casting his vote at any election for whoever he pleased. The poorest negro in the State is protected as fully as the chairman of the democratic State committee in the exercise of these rights. No man was ever dismissed from service, office, or other employment; no man was ever threatened there because of his vote. Congress forced us to vote by ballot for members of Congress. We used to vote *viva voce*. We do it now for every other office. Men walk up to the polls, call out the names of the men they vote for in the hearing of all bystanders. There is no tissue ballot, no fraud, no concealment in the great State I in part represent; no man was ever interfered with in the exercise of his political rights anywhere in the State. Will gentlemen assert that in the Covington district, represented by my friend, Mr. CARLISLE, a republican dare not run or vote as he chooses. No man dare so charge. There was a small vote cast at the last election because there was no opposition except from the nationals, and there are very few nationals in that district; the people knew that. Mr. CARLISLE could have received 20,000 votes, in my judgment, against the national candidate if he had been in any danger.

The same state of facts, I doubt not, applies to Georgia that applies to the Covington (Kentucky) district. Observe in 1876, going back to the directory for that year, William E. Arthur ran for Congress in the Covington district. He received 11,424 votes and Myers (republican) 6,564. If the argument of the Senator from Maine be true, Mr. Myers having received in that election a larger vote than Mr. CARLISLE did in the last election, why did not some republican run? Was any republican deterred from running? No. Why did he not run? Simply, sir, because Mr. Arthur had received in that same election 11,424 votes. The democratic majority in that district was known always to be from five to seven thousand legitimate majority. Nobody denied it. Everybody knew it. Therefore, although the republican had received a larger number of votes two years ago than Mr. CARLISLE received the last time—his democratic predecessor then received 6,000 more votes than his opponent did—that is the reason why there was no radical opposition and why there were not large votes in many Kentucky districts.

I was amazed to hear any suggestion as to fraud or intimidation in my State. There were only three districts in Kentucky last year where there was any contest; there was one in the third district between Mr. CALDWELL and Mr. Hunter, republican, with a national also running; and the vote in that district was 9,354 for Mr. CALDWELL, 8,502 for the republican, Mr. Hunter, and 2,339 for Mr. Wright, national; total 20,195. If there had been a race in the Covington district—for it has increased in population more largely than any other, as it includes the cities of Covington and Newport—there could have been 30,000 votes cast just as well as 6,000, and there would have been but for the fact that Mr. CARLISLE had no opposition, as his ability and popularity with his people is undoubted.

In another district, a very closely contested district, represented in the last Congress by Judge Durham, Mr. THOMPSON, the present Representative, ran, and was opposed by George Denny, a republican, THOMPSON receiving 12,538 and Denny receiving 10,766—total 23,304 votes in that district. Why was this? Simply because there was a race in that district. If Mr. Denny had not run against Mr. THOMPSON the chances are that Mr. THOMPSON would not have received over five or six thousand votes, because what is the use of men leaving their homes and going many miles, as they have to do in many Kentucky precincts, when there is no opposition to the man of their choice, when one vote is as good as 10,000 with nobody opposing? Our people do not fight when nobody opposes; and we always give each other fair notice if a contest is intended, and speak from the same stump to the men of both parties. No other course would be tolerated by the decent men of either party.

So it was in the tenth district, represented by Mr. TURNER. He received 10,784 votes and a man named Dils, who called himself an independent or a granger or a temperance man or something, received 8,392 votes, and Carter, national, received 272 votes, making 19,448 votes cast in that district. There were more votes cast in those three contested districts of Kentucky than in all the balance of the State I expect, because there were contests there and there only.

My friend, Mr. BLACKBURN, in my old district, I observe received only 8,632 votes. He could have had 25,000 if necessary. Looking over the race before the last made when Mr. BLACKBURN had some opposition from a democrat, he received 11,298; this time he has only 8,632, nobody running against him. Going a few years further back I observe that when I ran I received 14,000 and the republican received six or seven thousand. It depends always on the question what contests there are in the districts. I do not mean to offend anybody by using the word "absurd," but I say in point of logic it is absolutely absurd to contend that because when there is no opposition in a district and men are disinclined to come out without necessity or cause, therefore their States have not the votes to entitle them to their present representation, or that anybody has been prevented from voting.

I had the honor to run three times for Congress in my district without any serious opposition. I had a pretty hard race at one time—the first time the negroes voted—and we voted then up to nearly thirty thousand, as I recollect, and my majority was large. It is opposition that brings out the people. Without opposition they do not come out, even to vote for the most popular man.

Mr. BLACKBURN'S popularity in my district is greater now than when he first ran or when he ran the second time, and yet his vote at the last election was not much more than half what it was before, because he had no opposition. He could double it—yes, quadruple it—to-day if any man saw fit to oppose him. The ablest Senator in this body might locate in that district and seek to oppose him, and then he would see what a vote would come out, then it could not be limited to twenty or twenty-five thousand, and Mr. BLACKBURN would have three-fourths of them against the ablest republican in America. All this talk is, as I said, simply absurd.

Mr. HILL, of Georgia. Will the Senator from Kentucky allow me to state an incident illustrative of the same idea?

Mr. BECK. I am done. I yield the floor altogether.

Mr. HILL, of Georgia. I simply want to state in confirmation of what the Senator from Kentucky says that the small number of votes cast for a gentleman when he has no opposition is no evidence of his

popularity or unpopularity. In my State the eighth district is represented by Mr. STEPHENS. He was nominated by the democratic party in 1878. The republican congressional convention assembled in the district and passed resolutions declining to nominate a republican candidate, and expressing their entire satisfaction with Mr. STEPHENS; so that he was in truth the choice of all the parties of the district, and yet he received only 3,355 votes. He got a very small vote, only a little over 3,000 in a district where the voting population must be about 25,000, simply because everybody was content and nobody was opposing him.

Mr. BLAINE. The absurdity that the honorable Senator from Kentucky sees in this is not quite so great on examination as it might seem at first blush. I find here some facts in regard to three districts in Mississippi. The fourth district is represented by General SINGLETON. He was elected by 4,671. There was a republican vote of 4,547 cast in that district in 1876. The fifth district is represented by General HOOKER. He was elected to the present Congress by 5,513. Two years ago the republican vote in that district was 8,646. In the sixth district Mr. CHALMERS was chosen by a vote of 8,054. Two years ago the republican vote in that district was 12,386. Now, the logic of the honorable Senator from Kentucky, following that of the Senator from Georgia, is that there was such absolute and general acquiescence between 1876 and 1878 on the part of the republicans in these districts in the propriety of having them represented by democrats that there was no opposition whatever; and that is the large fact which we are expected to swallow and digest without making any wry faces at it, and to accept that as the statement and the logic of the situation.

Mr. President, this subject was not brought into the Senate by any one on this side. The honorable Senator from Indiana yesterday was the first one who alluded to it. He said:

> It may be a subject of very important inquiry to know whether our sister State of Rhode Island that casts less than 24,000 votes, with two members of Congress, is entitled under the fourteenth amendment of the Constitution to that representation.

And on that he grounds an action against Rhode Island. When I point out to him that the vast majority of the districts in the South cast about the same number of votes, many of them a very small fraction of that vote, then the answer from the South is, on the part of the Senators from Georgia and Kentucky, that there is such general acquiescence in the democratic candidates that nobody thinks it worth while to come out and vote against them, and that in the two years last past there has been such a miraculous interposition of conversion from the republican to the democratic side that there is practically no opposition. Might they not give a little of that miracle to Rhode Island, and just imagine that there is a general acquiescence in Rhode Island in the republican rule there, and that they might have got out a good many more votes had it been necessary. I have not heard the honorable Senator from Rhode Island interpose that plea; but it seems to me to be quite as proper and quite as applicable in the one case as in the other.

Mr. VANCE. Mr. President, I desire, inasmuch as the Senator from Maine made allusion to three districts in the State of North Carolina as casting an unusual and suspiciously small vote, to say that in the eighth district and in the sixth district of that State there was no opposition at all, and they were districts that had been always overwhelmingly democratic, so much so as to render it hopeless to make any opposition; and in the seventh the opposition was very feeble. But the true vote of these districts as represented in contests when parties are brought out is to be found in the year 1876. The average of the voters in the eighth congressional district of North Carolina, as shown by the election of that year, is 28,301, which I think is about equal to any district almost in the United States.

Mr. BLAINE. I have the statistics here right to hand for the honorable Senator from North Carolina. In the eighth district of that State R. B. VANCE was chosen and holds his seat by a vote of 2,894. Two years ago the republican vote in the district was 7,493.

Mr. VANCE. And the democratic vote was 15,868.

Mr. BLAINE. And all the other democrats knew somehow or other instinctively that they were not needed.

Mr. VANCE. Yes, sir; because your party had not received the supplies and orders from Washington City. [Laughter.]

Mr. BLAINE. Out of a democratic vote two years ago of 20,000 in the district somehow or other there happened to be an understanding all over that district that only 2,000 were necessary to come out. Now, let the honorable Senator from North Carolina explain to me how, in a district that must cover a very considerable expanse of territory, because North Carolina is not a densely populated State—will he explain to me (as a matter of curiosity I ask it) how it was so generally known on the part of the democrats, who could cast 20,000 votes, that it was only necessary to bring out 2,800; because, although the republicans had cast 8,000 votes two years ago, there were none of them coming out? How did that happen?

Mr. VANCE. I cannot state exactly what each man at home thought, except that in this instance it was generally understood that they were not needed, and more than one-third of the votes cast for the sitting member for the eighth district belonged to the gentleman's own party.

Mr. BLAINE. Then I will give him another conundrum. In the sixth district, WALTER L. STEELE holds his seat by 5,166 votes. Two years ago there were 10,283 republican votes in that district. How was it known throughout that district that the 10,283 republicans need not come out?

Mr. VANCE. That is precisely the same conundrum you put me before, and the same answer applies.

Mr. BLAINE. Did the republicans vote for Mr. STEELE also?

Mr. VANCE. No, sir.

Mr. BLAINE. Then it is not the same conundrum, because the answer is not the same.

Mr. VANCE. They did not come out at all. They put out no candidate.

Mr. BLAINE. Why did they not have a candidate?

Mr. VANCE. You ought to answer that. You were in authority in republican councils in Washington City, and you know why they did not send money down to prepare for the elections and to have them contested on account of fraud if you lost. The Senator from Maine ought to know the reason for that. I am sure I do not.

Mr. BLAINE. I could give a reason, but the honorable Senator would not accept it. Then, in the seventh district R. F. ARMFIELD was elected by 8,403 votes, when two years ago the republicans cast 9,500 votes. In those three districts of North Carolina the three sitting members in the other end of the Capitol were chosen by a vote that was a fraction only of the republican vote that had been cast in the district, and therefore I leave it for the honorable Senator, not to answer to me, but to answer to the Senate and to the country how it became known to those twenty-five thousand republicans who could largely have outvoted the numbers cast for the democratic candidates that it was not worth while for them to come out? That is the question I want answered.

Mr. VANCE. If the Senator from Maine desires to know, I cannot give him the information; but as to his conundrum to the Senate and to the country, I was simply trying in accordance with precedents that have been established to put my information in where it would do the most good. I do not think there is a man in the Senate or in the United States of America who is acquainted with the run of politics but knows very well the proper answer to that question. It is that sometimes where there is no contest and where there is no hope of victory the minority party does not come out at all. In the seventh district of North Carolina that was last named by the Senator, I know the fact that in one of the republican counties of that district no election was held at all, at least none was reported to the board of canvassers. The vote was extremely small on both sides. As the proportion of falling off was about the same on one side as the other, it would still leave the majority party in a small majority. That is the explanation, which I think the country understands.

Mr. BLAINE. I think the country understands it exactly that way with a little addendum by way of illustration. They do understand that it has got to be in a great many sections of the South utterly useless and utterly valueless to make any opposition in the shape of a popular election to the democratic party, and that therefore it does not make any odds whether six hundred or one thousand or ten thousand do the voting. It is just as well in a district with twenty thousand democratic voters to have eight thousand do the voting as to have the whole of them do it; and the ten or twelve thousand republicans who are there who would be anxious to have some opportunity to elect a Representative know that it is not the slightest use in the world for them, and it is gradually coming to that that a very small handful determine who shall be the Representative and make a positive mockery of popular elections.

Mr. VANCE. I should like to ask the Senator if it is unknown in any portion of his country that a party that is in a hopeless minority fail sometimes to put up a candidate; or do they always make a fight just the same as if they were going to win a victory and poll their full strength?

Mr. BLAINE. I will answer the honorable Senator by some statistics I have here, classifying the North and the South. In the North there were one hundred and seventy-seven districts that cast over 20,000 votes. There were only two districts in the whole North that cast below 15,000, and those were the two that were referred to in my honorable friend's State. I think the figures answer the Senator.

Mr. VANCE. Were there other elections held at the same time—State elections?

Mr. BLAINE. None so important as the election of Representatives to Congress.

Mr. VANCE. But were there not State, county, or municipal elections to bring voters to the polls?

Mr. BLAINE. In some States there were, I suppose, and in some there were not.

Mr. VANCE. And in North Carolina there were no other elections, State, county, or municipal.

Mr. BLAINE. The answer to the Senator is this: that there were only two districts of the entire North that did not cast a larger vote than the aggregate in the South excepting the three large States I have named—only two. That shows a condition in the whole of them——

The PRESIDENT *pro tempore*. The morning hour has expired; and the Chair lays before the Senate the unfinished business of yesterday.

CLAIMS AGAINST NICARAGUA.

Mr. CONKLING. Before that is proceeded with, I ask attention

to another matter. The Chair and the Senate may remember that some time ago a select committee was appointed to take certain action touching claims of American citizens against the government of Nicaragua. I have here from the State Department certain papers which need not at this moment be specified; and in respect of these papers, to the end that the committee may proceed, I ask for the following order:

Ordered, That the communication of the Secretary of State of the 20th instant to the select committee on claims of American citizens against the government of Nicaragua, with the accompanying list of claims, be printed for the use of the committee.

The order was agreed to.

DEPARTMENT OFFICERS ON THE FLOOR OF CONGRESS.

The PRESIDENT *pro tempore*. The Chair will announce the committee ordered yesterday on the motion of the Senator from Ohio [Mr. PENDLETON] upon the bill introduced by him, the bill (S. No. 227) to provide that the principal officers of each of the Executive Departments may occupy seats on the floor of the Senate and House of Representatives. The committee will consist of Mr. PENDLETON, Mr. VOORHEES, Mr. BAYARD, Mr. BUTLER, Mr. FARLEY, Mr. CONKLING, Mr. ALLISON, Mr. BLAINE, Mr. INGALLS, and Mr. PLATT.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. No. 1379) fixing the rate of interest upon arrearages of general taxes and assessments for special improvements now due to the District of Columbia, and for a revision of assessments for special improvements, and for other purposes;

A bill (H. R. No. 1380) authorizing the commissioners of the District of Columbia to issue twenty-year 5 per cent. bonds of the District of Columbia to redeem certain funded indebtedness of said District;

A bill (H. R. No. 1856) authorizing the commissioners of the District of Columbia to extend the area for the taking up and impounding of domestic animals into the District of Columbia;

A bill (H. R. No. 1894) authorizing the employment of an inspector of plumbing in and for the District of Columbia, and for other purposes;

A bill (H. R. No. 2005) to confer upon the commissioners of the District of Columbia the powers, duties, and limitations contained in chapter 8 (water service) of the Revised Statutes of the United States, relating to the District of Columbia, and for other purposes; and

A joint resolution (H. R. No. 72) authorizing the Secretary of the Navy to place vessels and hulks at the disposal of commissioners of quarantine or other persons at the ports of the United States.

The message further announced that the House had concurred in the amendments of the Senate to the bill (H. R. No. 4) to provide for the exchange of subsidiary coins for lawful money of the United States under certain circumstances, and to make such coins a legal tender in all sums not exceeding $20, and for other purposes.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. No. 108) to prevent the introduction of contagious or infectious diseases into the United States; and it was thereupon signed by the President *pro tempore*.

VISITORS TO THE MILITARY ACADEMY.

Mr. WHYTE. At the last session of Congress the Vice-President did me the honor to appoint me one of the Board of Visitors to the Military Academy at West Point. At that time I supposed it would be within my power to serve. Since then circumstances have arisen in my family which render it impossible for me to leave my home at the present time. I therefore ask to be excused from that service and that it may be done at this time so that a Senator may be appointed to take my place as the examination begins on Monday next.

The PRESIDENT *pro tempore*. The Senator from Maryland asks to be excused from service as one of the Board of Visitors at West Point. The law vests the appointment in the Vice-President. I do not suppose it is necessary to put the question to the Senate as to whether the Senator shall be excused. He has a right to resign, I suppose. As the examination will commence next Monday, and the Vice-President is not likely to be here this week, the President *pro tempore* will appoint the Senator from Georgia [Mr. GORDON] in place of the Senator from Maryland, one of the Board of Visitors.

USE OF TROOPS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 621) authorizing the employment of the militia and the land and naval forces of the United States in certain cases, and for other purposes.

Mr. WALLACE. Mr. President, I move to amend the pending bill by striking out the fifth section and inserting in lieu thereof the following:

That the per diem pay of each juror, grand or petit, in any court of the United States, shall be $2, and that the last clause of section 800 of the Revised Statutes of the United States, which refers to the State of Pennsylvania, and sections 801, 820, and 821 of the Revised Statutes of the United States, are hereby repealed; and that all such jurors, grand and petit, including those summoned during the session of the court, shall be publicly drawn from a box containing the names of not less than three hundred persons, possessing the qualifications prescribed in section 800 of the Revised Statutes, which names shall have been placed therein by the clerk of such court and a commissioner, to be appointed by the judge thereof, which commissioner shall be a citizen residing in the district in which such court is held, of good standing and a well-known member of the principal political party opposing that to which the clerk may belong, the clerk and said commissioner each to place one name in said box alternately until the whole number required shall be placed therein. But nothing herein contained shall be construed to prevent any judge in a district in which such is now the practice from ordering the names of jurors to be drawn from the boxes used by the State authorities in selecting jurors in the highest courts of the State; and no person shall serve as a petit juror more than one term in any one year, and all juries to serve in courts after the passage of this act shall be drawn in conformity herewith. All general and special laws in conflict herewith are hereby repealed.

That the following sections of the Revised Statutes of the United States, namely, sections 2016, 2018, and 2020, and all of the succeeding sections of said statutes down to and including section 2027, and also section 5522, be, and the same are hereby, repealed; and that section 2017 be amended by striking out of the first line thereof as printed in the Revised Statutes the words "and required;" and that section 2019 be amended by striking out of said section in lines 11 and 12 as printed in the Revised Statutes the words "for the purpose of engaging in the work of canvassing the ballots," and by striking out from line 13 of said section as printed in said statutes the words "in respect to such canvass."

That section 2028 be amended by striking out in lines 1 and 2 of said section as printed in the Revised Statutes the words "or a deputy marshal," and by striking out in line 3 of said section as printed in said statutes the words "city, town, county, parish." That all of section 2031 of said statutes, except so much thereof as relates to the pay of supervisors of elections, and that all other sections of the Revised Statutes and all laws and parts of laws authorizing the appointment of chief supervisors of elections, special deputy marshals of elections, or general deputy marshals having any duties to perform in respect to any election and prescribing their duties and powers and allowing them compensation, be, and the same are hereby, repealed.

Mr. WALLACE. It will be seen, sir, that the amendment offered by me is in letter the provision of that portion of the legislative, executive, and judicial appropriation bill which was known as the political section; and my purpose is to speak to that.

Mr. President, I hold in my hand the veto message of the President of the United States, dated the 29th of May, and sent to the House of Representatives this morning. In it he thus discusses the subject of "national elections:"

If this bill is approved, only the shadow of the authority of the United States *at the national elections will remain*—the substance will be gone. The supervision of the elections will be reduced to a mere inspection, without authority on the part of the supervisors to do any act whatever to make the election a fair one.

Again:

The passage of this bill has been urged upon the ground that the election of members of Congress is a matter which concerns the States alone; that these elections should be controlled exclusively by the States; that there are and can be no such elections as *national elections*; and that the existing law of the United States regulating the congressional elections is without warrant in the Constitution.

And again:

The constitutional authority to regulate the congressional elections which belongs to the Government of the United States, and which it is necessary to exert to secure the right to vote to every citizen possessing the requisite qualifications, ought to be enforced by appropriate legislation.

Here are the words "national elections." With the import given to these words I propose to take issue. With the doctrines enunciated in this veto message I propose to take direct issue, and to assert and prove if I can that there is under the Constitution of this country no such thing as "national elections."

I quote from the President's veto message of the 30th of April these words:

The States may employ both military and civil power to keep the peace and to enforce the laws at State elections. It is now proposed to deny to the United States even the necessary civil authority to protect the *national elections*. No sufficient reason has been given for this discrimination in favor of the State and against the national authority. If well-founded objections exist against the present *national election laws*, all good citizens should unite in their amendment. It is the right and duty of the National Government to enact and enforce laws which will secure free and fair congressional elections.

And in his veto message of May 12, 1879, returning without his approval "An act to prohibit military interference at elections," which bill is in these words:

Whereas the presence of troops at the polls is contrary to the spirit of our institutions and the traditions of our people, and tends to destroy the freedom of elections: Therefore,

Be it enacted, &c., That it shall not be lawful to bring to or employ at any place where a general or special election is being held in a State any part of the Army or Navy of the United States, unless such force be necessary to repel the armed enemies of the United States, or to enforce section 4, article 4, of the Constitution of the United States and the laws made in pursuance thereof, on application of the Legislature or the executive of the State where such force is to be used; and so much of all laws as is inconsistent herewith is hereby repealed—

He speaks thus:

Under the sweeping terms of the bill the National Government is effectually shut out from the exercise of the right and from the discharge of the imperative duty to use its whole executive power whenever and wherever required for the enforcement of its laws at the places and times when and *where its elections* are held. The employment of its organized armed forces for any such purpose would be an offense against the law unless called for by, and therefore upon permission of, the authorities of the State in which the occasion arises. What is this but the substitution of the discretion of the State governments for the discretion of the Government of the United States as to the performance of *its own duties?* In my judgment this is an abandonment of its obligations by the National Government; a subordination of *national* authority and an intrusion of State supervision over *national duties* which amounts, in spirit and tendency, to State supremacy.

The Senator from Vermont, [Mr. EDMUNDS,] in his speech of May 9, uses these words:

There remains the undisputed and indisputable fact that by the laws, as they

stood before, there was conferred upon the President of the United States in certain contingencies, and upon the marshals of the United States in other contingencies, the express authority to exert every force of which the Republic is capable under its Constitution and its laws to prevent the violent infraction of it; and as I say, there *was no exception as to elections or days, or places, or occasions.*

That was the state of the law in 1865, when, as I have stated, Congress did not exert the power that the Constitution by express terms grants to it to regulate the manner of the election of members of Congress; but since that time it has exerted that power and it has proposed to the people of the States, and the people have agreed to it by the constitutional majority, the amendments to the Constitution which were meant to secure the universality of equal rights and the universality *of the security of equal suffrage* in the respects I have named.

NATIONAL ELECTIONS—FEDERALISM REVIVED.

I quote these passages to show that there is now again asserted the power and the right of the Federal Government to control and dominate the people while they exercise the privilege of voting. "*National elections,*" "*National duties without exceptions as to days, places, or occasions,*" "*The security of equal suffrage,*" are now proclaimed as vigorously as these doctrines were in 1799, when Matthew Lyon was prosecuted and a consolidated government and the abasement of the foreign-born citizen were the ends sought. The enemies of a people's government then tried to make the Federal Government the vehicle of oppression and wrong, to wrest it from its mission as a republican democracy and convert it into a consolidated aristocracy.

Mr. Otis, of Massachusetts, a federalist, in the House of Representatives, on the passage of the sedition law in June, 1798, summarized the whole issue that divides your teachings from ours when he said, "The whole question resolved itself into this inquiry, *Has Congress the power to provide for the common defense and welfare of the Government? And if so, do we* deem it essential to this end that the proposed power should be given to the President or to some other department of the Government?" Robert Goodloe Harper, of South Carolina, the federal leader in the House, also grasped the tenets you enforce through John I. Davenport when he said, May 2, 1798, on the passage of the law which fixed fourteen years as the period of residence before naturalization, this:

Mr. Harper believed that it was high time we should recover from the mistake which this country fell into when it first began to form its constitutions, of admitting foreigners to citizenship. This mistake, he believed, had been productive of very great evils to this country, and unless corrected he was apprehensive those evils would greatly increase. He believed the time was now come when it would be proper to declare that nothing but birth should entitle a man to citizenship in this country.

Mr. Otis said he would propose an amendment which he believed would be in order, which was as follows, namely, "and that no alien born, who is not at present a citizen of the United States, shall hereafter be capable of holding any office of honor, trust, or profit under the United States.

Mr. Harper then moved to amend by adding:

Or of voting at the election of any member of the Legislature of the United States or of any State.

THE FEDERALISTS INSISTED ON TROOPS IN 1800.

It was Michael Leib, of Pennsylvania, a German republican, a friend of Jefferson, who, on the 13th of February, 1800, introduced a resolution into the House of Representatives in these words:

Resolved, That a committee be appointed to prepare and report a bill containing such legislative provisions as may be judged expedient either for removing any military force of the United States from any place of holding elections or for preventing their interference in such elections.

This resolution after amendment by the House, which was then controlled by the federalists, was referred to a committee which consisted of John Marshall, Leib, and Otis of Massachusetts, two federalists and one republican. It was reported back by Marshall, March 14, 1798, and passed the House.

I shall not read in detail that bill, but it is found now upon the files of the Senate.

Mr. CONKLING. Will the Senator allow me to ask if he has before him a copy of the bill as it appears in the Senate files?

Mr. WALLACE. I have.

Mr. CONKLING. I wish he would read it.

Mr. WALLACE. I will. It is:

An act to prevent the interference of any military force in certain elections.

SECTION 1. *Be it enacted, &c.,* That it shall be unlawful for any military force of the United States to appear around or embodied at the place and on the day of holding an election for electors of the President and Vice-President of the United States, or of any member of Congress, or of the governor or a member of the Legislature of any State, or in any manner to interfere with such election.

SEC. 2 *And be it further enacted,* That if any body of troops shall be stationed in the neighborhood of the place where such election may be held, and notice thereof be given, in writing, by any person or persons holding the same, to their commanding officer, it shall be his duty, in a special manner, to superintend their conduct on that day, so as to prevent any violation of this act, and for that purpose to detain them in camp, unless it shall be signified to him in writing by the officer or officers presiding over or conducting such election that the vicinity of such troops will incommode or may overawe the voters, and that he is requested to remove them to such convenient distance, not exceeding one mile, as in such notice may be prescribed, in which case it shall be the duty of the officer to conform to the request contained in such notice: *Provided always,* That it shall be lawful for such officer to leave at the proper station such guard as may be necessary for the protection of the works, military stores, and other property which may have been intrusted to his care.

SEC. 3. *And be it further enacted,* That any officer who shall refuse or fail to observe the regulations of this act shall be adjudged guilty of disobedience of orders and shall be cashiered. Nothing in this act contained shall be construed to deprive officers or soldiers of their right to vote as citizens, for which purpose those who are entitled to vote may be permitted to attend such elections unarmed as other persons.

The yeas and nays were not called, for the wisdom of the measure seemed plain. It went to the Senate, was debated, amended, and voted down, April 4, 1800, by the federalists, who then had a majority in the Senate, which they lost in that year when Jefferson was elected.

The yeas and nays were as follows:

For the bill—
Anderson, of Tennessee,
Baldwin, of Georgia,
Bloodworth, of North Carolina,
Brown, of Kentucky,
Cocke, of Tennessee,
Foster, of Rhode Island,
Franklin, of North Carolina,
Langdon, of New Hampshire,
Marshall, of Kentucky,
Mason, of Virginia,
Nicholas, of Virginia,
Pinckney, of South Carolina—12.
All republicans or Jefferson men.

Against the bill—
Bingham, of Pennsylvania,
Chipman, of Vermont,
Dayton, of New Jersey,
Dexter, of Massachusetts,
Goodhue, of Massachusetts,
Greene, of Rhode Island,
Gunn, of Georgia,
Hillhouse, of Connecticut,
Latimer, of Delaware,
Laurance, of New York,
Livermore, of New Hampshire,
Lloyd, of Maryland,
Paine, of Vermont,
Read, of South Carolina,
Ross, of Pennsylvania,
Tracy, of Connecticut,
Wells, of Delaware—17.
All federalists or Adams men.

Mr. CONKLING. Will the Senator allow me to inquire of him what does he say was the political complexion of the House of Representatives at that time?

Mr. WALLACE. It was federal, and under the control of those who supported Mr. Adams, including John Marshall, who was a federalist.

Mr. CONKLING. So that the same political party which passed this bill in the House rejected it in the Senate, as I understand the facts?

Mr. WALLACE. That was the result practically. The federalists of those days were for troops at the polls, as the friends of consolidated government who call themselves republicans in these days now are. What a commentary on names it is for a party wearing the name of "republican" to contend for the employment of troops in connection with elections! It was the "federal" party under John Adams that sent United States troops riding through Pennsylvania on political errands, and it was the "republican" party under Thomas Jefferson that arrested this crime against liberty. It was "federal" troopers that cut down "liberty poles" in Pennsylvania in the year 1800, and it was Pennsylvania "republicans" that rose in wrath against this abuse of power and swept Adams out of office and the federal party out of existence. Now we see the principles and the practices of the federalists revived by men who call themselves republicans!

The General Advertiser (Aurora) of Philadelphia, under date of April 9, 1800, says of this soldier bill:

The Senate have rejected the bill passed by the House of Representatives to prevent the interference of the military in our elections. This bill was referred to a committee of which James Ross, the late candidate for governor of Pennsylvania, was one. This committee reported *against* passing the bill, and it was consequently rejected. Thus we see that the military are designed for *domestic uses,* and that instead of employment against a foreign enemy they can be so managed as to direct elections. James Ross may hope through such instrumentality on a future occasion to become governor of Pennsylvania if the foul weather should continue.

OLD ISSUES REVIVED.

How the history of eighty years ago repeats itself! The old questions are presented, the old issues revived. You preach a consolidated government. You hate and persecute the foreign-born citizen. You debase your States, prostitute your people, and invite the mailed hand of the Federal trooper to supervise the ballots of your electors. Contrast the political condition of the country now with that of the Republic then as described by Jefferson in his letter to Mazzei, thus:

The aspect of our politics has wonderfully changed since you left us. In place of that noble love of liberty and republican government which carried us triumphantly through the war, an Anglican monarchical aristocratical party has sprung up, whose avowed object is to draw over us the substance, as they have already done the forms, of the British government. The main body of our citizens, however, remain true to their republican principles, the whole landed interest is republican, and so is a great mass of talents. Against us are the executive, the judiciary, two out of three branches of the legislature, all the officers of the Government, all who want to be officers, all timid men who prefer the calm of despotism to the boisterous sea of liberty. British merchants, and Americans trading on British capital, speculators and holders in the banks and public funds, a contrivance invented for the purposes of corruption and for assimilating us in all things to the rotten as well as the sound parts of the British model.

It would give you a fever were I to name to you the apostates who have gone over to these heresies, men who were Samsons in the field and Solomons in the council, but who have had their heads shorn by the harlot England. In short, we are likely to preserve the liberty we have obtained only by unremitting labors and perils. But we shall preserve it; and our mass of weight and wealth on the good side is so great as to leave no danger that force will ever be attempted against us. We have only to awake and snap the Lilliputian cords with which they have been entangling us during the first sleep which succeeded our labors.

Contrast the doctrines then denounced by Jefferson with the condition of things to-day. Against us are the executive and the judiciary. We have the two legislative branches of the Government, but all the officers of the Government are against us, ninety thousand in number. All who want to be officers in that field are against us. All sorts of men who prefer the calm of despotism to the boisterous sea of liberty are against us. Speculators and holders in the banks and public funds, all these are against us, and these to-day are, as they were then, used as a contrivance for the purpose of corruption and for assimilating us in all things to a strong government. Sir, the history of eighty years ago repeats itself to-day.

Charles Pinckney, of South Carolina, one of the ablest men of

1787, in addressing his people in the presidential contest of 1800 between Adams and Jefferson, said:

In examining the second section of the sedition law, as maintained in my last, I will remark that the friends of Mr. Adams, the present President, well knew that there was no common law—common to the United States—and such as their courts could take cognizance of; that however the strong arm of power might be lifted to establish this doctrine and break down, as had been done in other instances, the barriers of the Constitution, yet that when it came to be proved it could not stand the test of constitutional or even legal examination. To make, therefore, their favorite object sure, and prevent an inquiry into the President's administration as it progressed, and to prohibit that investigation of its measures; that appeal to the wisdom and republicanism of the people on the approaching election, from which they were afraid, Mr. Adams or the supporters of his measures had everything to dread and nothing to hope; for these reasons they determined to create a new crime and give to their courts a new jurisdiction; to take from the State courts and juries their undoubted right to decide every question of libels and to give *it to courts formed by judges appointed by the President, whose administration this act is intended to screen, and what, if possible, is still more intolerable, to juries packed by marshals who have received and hold their offices at the will of the same President.*

These, my countrymen, are the only objects of the sedition law. They know your State judges are impartial and independent men; that they neither fear the frown of power nor court the smile of office; that your juries are either impartially drawn by lot or selected by sheriffs elected by the people, and that they would be likely upon every occasion to discountenance any attempt to enslave the press.

It is easily to be seen that from such independent judges and impartial juries no danger was to be expected to the press, no obsequiousness to power or office, no wish to pave the way to that *consolidation of all power in the Federal Government* which it never can be the intent or can be the interest of the State governments or of the people to adopt or even to endure. A new power, therefore, was necessary to be given to the judges and courts of the United States to produce this important end. While the press was free no hope could be entertained of its accomplishment. The independent virtue and firmness of thousands of your citizens would oppose it with success.

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Holding, as I do, the fixed and unalterable opinion that Congress have no right to legislate at all upon the subject; that they possess the same right to tell me what god I shall worship or in what manner adore him as to say under what limitations I shall be permitted to investigate the conduct of our public servants, it is with difficulty I can bring myself to condescend to examine any part of the law. It is the principle and want of power in Congress to pass it that I wish to attack in a manner that will hereafter prevent any similar attempt.

Censures or charges against a government and its measures are merely matters of opinion, on which men of opposite political sentiments never can agree. The man who is fond of royalty, and considers the British or any other monarchy as the greatest effort of the human mind, will naturally view *standing armies, great power in the judges, even as in England frequently without the intervention of a jury, high taxes, a well paid and influential clergy, strong powers in the executive, and even the alien and sedition laws* as proper, and indeed necessary, while a plain republican citizen will shudder at the names of *royalty* or *standing armies, judges without juries, high taxes*, or a domineering clergy and an *established religion.*

Packed juries, partial marshals, and distrusted judges were the agencies feared then as the outgrowth of national power, consolidated authority, and Federal pressure, while home rule, our own tribunals, honest judges, and impartial juries were the desired alternatives. The latter are the results of democratic-republican rule, the former the fruits of consolidated federalism, of a strong government, of national rule in the field that belongs to the States.

STATE RIGHTS OUR DEFENSE.

In the crusade which Mr. Hayes and the stalwarts now initiate the States and the rights of the people secured by State law and State constitutions are decried or forgotten. It is not the policy of the antagonists of the democratic party now to permit the people to remember that in all the older States the titles to our homes spring from colonial or State authority, and that our persons, our property, our lives, and our personal liberty, all find their safeguards there. The States existed before the Federal Government, and they and the people created it. Each yielded to it some of their power, and plainly and clearly defined in the Constitution what they had granted. All other powers were reserved to the States and the people.

Secession was revolution, but the rights of the States as plainly embodied in our Constitution is an entirely different matter, and these and their legitimate fruits are as vital to the whole, as necessary to our might, our perpetuity, and our expansion, as the former were destructive of the whole. The consolidation of all power in the Federal Government, the centralization of authority here at the expense of the State governments, the government of the people of Pennsylvania in their local affairs by Representatives elected in Oregon and Florida, or the regulation of suffrage for our elections by those who neither know our wants nor understand our system, is utterly subversive of the essential elements in our growth and prosperity. It is in its consequences as injurious to the Government as secession. The Federal Government is supreme within its sphere, and the State governments are equally so in their sphere.

Mr. Curtis, in his history of the Constitution, (volume 2, page 381, &c.,) thus points out the vast importance of the system that Federal aggrandizement now strikes with such venom. I ask my friend from Missouri to read for me.

Mr. COCKRELL read as follows:

In this supremacy of the National Government within its proper sphere, and in the means which were devised for giving it practical efficiency, we are to look for the chief cause that has given to our system a capacity of great territorial extension. It is a system in which a few relations of the inhabitants of distinct States are confided to the care of a central authority; while, for the purpose of securing the uniform operation of certain principles of justice and equality throughout the land, particular restraints are imposed on the power of the States. With these exceptions, the several States remain free to pursue such systems of legislation as in their own judgment will best promote the interest and welfare of their inhabitants. Such a division of the political powers of society admits of the union of far greater numbers of people and communities than could be provided for by a single representative government or by any other system than a vigorous despotism. Many of the wisest of the statesmen of that period, as we now know, entertained serious doubts whether the country embraced by the thirteen original States would not be too large for the successful operation of a republican government, having even so few objects committed to it as were proposed to be given to the Constitution of the United States. If those objects had been made to embrace all the relations of social life, it is extremely probable that the original limits of the Union would have far exceeded the capacities of a republican and representative government, even if the first difficulties arising from the differences of manners, institutions, and local laws could have been overcome.

But these very differences may be, and in fact have been, made a means of vast territorial expansion, by the aid of a principle which has been placed at the foundation of the American Union. Let a number of communities be united under a system which embraces the national relations of their inhabitants, and commits a limited number of the objects of legislation to the central organs of a national will, leaving their local and domestic concerns to separate and local authority, and the growth of such a nation may be limited only by its position on the surface of the earth. The ordinary obstacles arising from distance, and the physical features of the country, may be at once overcome for a large part of the purposes of government by this division of its authority. The wants and interests of civilized life, modified into almost endless varieties by climate, by geographical position, by national descent, by occupation, by hereditary customs, and by the accidental relations of different races, may in such a state of things be governed by legislation capable of exact adaptation to the facts with which it has to deal. In this way, separate States under the republican form may be multiplied indefinitely.

Mr. WALLACE. Judge Wilson, in the Pennsylvania convention of 1787, which ratified the Federal Constitution, used this language:

In considering and developing the nature and end of the system before us it is necessary to mention another kind of liberty, which has not yet, as far as I know, received a name. I shall distinguish it by the appellation of federal liberty. When a single government is instituted, the individuals of which it is composed surrender to it a part of their natural independence which they before enjoyed as men. When a confederate republic is instituted the communities of which it is composed surrender to it a part of their political independence which they before enjoyed as States. The principles which directed in the former case what part of the natural liberty of the man ought to be given up and what part ought to be retained will give similar directions in the latter case. The States should resign to the National Government that part, and that part only, of their political liberty which, placed in that government, will produce more good to the whole than if it had remained in the several States. While they resign this part of their political liberty they retain the free and generous exercise of all their other faculties as States, so far as it is compatible with the welfare of the general and superintending confederacy. Since States as well as citizens are represented in the Constitution before us, and form the objects on which that Constitution is proposed to operate, it was necessary to notice and define federal as well as civil liberty.

And Mr. Curtis, on page 377 of the volume before referred to, says this:

This defect was now to be supplied by giving to the national authority, not only theoretically but practically, a supremacy over the authority of each State. But this was not to be done by annihilating the State governments. The government of every State was to be preserved, and so far as its original powers were not to be transferred to the General Government its authority over its own citizens and within its own territory must, from the nature of political sovereignty, be supreme. There were, therefore, to be two supreme powers in the same country, operating upon the same individuals, and both possessed of the general attributes of sovereignty. In what way and in what sense could one of them be made paramount over the other?

It is manifest that there cannot be two supreme powers in the same community if both are to operate upon the same objects. But there is nothing in the nature of political sovereignty to prevent its powers from being distributed among different agents for different purposes. This is constantly seen under the same government, when its legislative, executive, and judicial powers are exercised through different officers; and in truth, when we come to the law-giving power alone, as soon as we separate its objects into different classes, it is obvious that there may be several enacting authorities, and yet each may be supreme over the particular subject committed to it by the fundamental arrangements of society. Supreme laws, emanating from separate authorities, may and do act on different objects without clashing, or they may act on different parts of the same object with perfect harmony. They are inconsistent when they are aimed at each other or at the same individual object. When this takes place one or the other must yield; or, in other terms, one of them ceases to be supreme on the particular occasion. It was the purpose of the framers of the Constitution of the United States to provide a paramount rule that would determine the occasions on which the authority of a State should cease to be supreme, leaving that of the United States unobstructed. Certain conditions were made necessary to the operation of this rule. The State law must conflict with some provision of the Constitution of the United States, or with a law of the United States enacted in pursuance of the constitutional authority of Congress, or with a treaty duly made by the authority of the Union. The operation of this rule constitutes the supremacy of the National Government. It was supposed that, by a careful enumeration of the objects to which the national authority was to extend, there would be no uncertainty as to the occasions on which the rule was to apply; and as all other objects were to remain exclusively subject to the authority of the States within their respective territorial limits, the operation of the rule was carefully limited to those occasions.

Judge Wilson was the only Pennsylvania Representative in the Federal convention who sat in the State convention of Pennsylvania of 1787 which ratified the Constitution, and he spoke in advocacy of the Constitution, and Mr. Curtis in later days gives us the real attitude of the States to the Federal Government, each supreme within its sphere, each essential to the system, each dependent upon the people for its continued existence, and both proceeding from and operating upon the people.

DESTROY THE STATES YOU DESTROY THE GOVERNMENT.

The States were in existence long before the Union, and the latter took its birth from their power. Without them the machinery of the Federal Government would cease to act, and without the people as voters of the States the whole system would tumble into chaos. The Federal Government has no voters, it can make none, it can constitutionally control none. It cannot add to or take from the qualifications of a voter as prescribed by the State, save in protecting him from being discriminated against on account of race. When it asserts the power to create and hold "*national elections*" or to regulate the conduct of the voter *on election day*, or to maintain *equal suffrage*, it tramples under foot the very basis of the Federal system and seeks to build a consolidated government from a democratic republic. This is the plain purpose of the men now in control of the Federal Gov-

ernment, and to this end the teachings of leading republicans now are shaped.

As was said by Judge Wilson in the Pennsylvania convention, the Federal Government "instead of placing the State governments in jeopardy is founded on their existence. On this principle its organization depends: it must stand or fall as the State governments are secured or ruined."

Let us take the Constitution and read from it. Article 5 provides, in the vital power of amendment, that which makes the law, which cements the fabric, that the States can compel Congress to act whenever two-thirds thereof unite. The words are as follows:

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States.

The State governments are supreme by inherent power originally conceded to them by the people as to the control of local legislation and administration. The Federal Government has no part or lot in this vast mass of inherent sovereign power, and its interference therewith is utterly unwarrantable.

They are supreme, too, in many matters relating to the Union itself. They elect the members of this body. Article 1, section 3, clause 1, is in these words:

The Senate of the United States shall be composed of *two Senators from each State, chosen by the Legislature thereof*, for six years; and each Senator shall have one vote.

Their power is exclusive and irresponsible. They should act, but it is for them to judge whether they will or not. The executive of the State issues writs of election to fill vacancies in the House of Representatives. He is responsible for his action to his State alone. I read from article 1, section 2, clause 4:

When vacancies happen in the representation from any State, the executive authority thereof shall issue writs of election to fill such vacancies.

The States appoint the officers of the national militia and provide for their training. Article 1, section 8, clause 16, is in these words:

Congress shall have power to—

Provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers and the authority of training the militia according to the discipline prescribed by Congress.

It is for the States to say whether the Federal Government shall erect forts or navy-yards within their limits. Article 1, section 8, clause 17, declares that Congress shall have power—

To exercise like authority over all places purchased *by the consent of the Legislature of the State* in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings.

No new State can be erected out of parts of another without the consent of the original State. Article 4, section 3, is in these words:

New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States, or parts of States, without the consent of the Legislatures of the States concerned as well as of the Congress.

So, too, the people in their State capacity are supreme as to choosing electors of President of the United States. Article 2, section 1, provides:

Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress.

This argument may be pushed much further. Let us see. It may seem futile and unnecessary to bring to the mind of the people or the Senate the doctrines that lie at the base of the Constitution, but I shall venture somewhat upon that recently untrodden field.

The existence of the Federal Government depends upon the existence of the State governments. Without their existence in their entirety it absolutely tumbles into chaos. It cannot continue itself for an hour. There are three great parts of the Federal Government, the legislative, the executive, and the judiciary. The legislative has two branches, the House and the Senate. There can be no House of Representatives of the United States after the State governments have ended. The governments of the States must exist or the popular branch of Congress fails to exist. This is as certain as it is that there is a Constitution of the United States. Besides this there is no machinery to compel the State Legistures to act in regard to this subject-matter. It must be voluntary action, action by the State, independent action by the State Legislatures. Now, how do we prove this? By simply quoting from the Constitution of the United States the regulation as to suffrage. I read again from article 1, section 2, of the Constitution, which is in these words:

The House of Representatives shall be composed of members chosen every second year by the people of the several States, *and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.*

The electors for the House of Representatives of the United States are those who are qualified electors for the Legislatures of the States. Qualified how? Qualified by whom? Qualified by the Federal Government? A qualification created in an act of Congress enforced by the marshals at the point of the bayonet? No, sir; but qualified by the States. The electors for the members of the Legislatures of the States are the electors for members of the House of Representatives, and they are to be qualified by and under the constitutions of the States. If you have no qualifications of electors for the members of the Legislatures of the States, you have under the Constitution no criterion to determine who are to be the electors for members of Congress. Where are your qualified electors then? They have vanished and gone. There can be no electors for members of the lower House if there be no electors for the State Legislatures. There is no measure or criterion of qualification except as it is found in the clause quoted, which provides that the electors for members of the United States House of Representatives are the electors of the State who are qualified by State constitutions and State laws to vote for members of the Legislature. If there be none of these, there can be none for members of the Federal House, and it logically follows that the existence of the State Legislatures is vital to the existence of that branch of the Federal Government, for in their absence you have no criterion, no qualification under the Constitution itself. Do we presume to exercise that power here? Do we assert that we can grasp that power and regulate by Federal statutes the qualifications of voters? If we do, we make a consolidated government from a democratic republic.

The members of the Senate of the United States are chosen by the Legislatures of the States. Article 1, section 3, provides:

The Senate of the United States shall be composed of two Senators from each State, *chosen by the Legislature thereof.*

If there is no Legislature there are no Senators. If there are no State electors qualified by State constitutions or State laws there are no State Legislatures. Thus it all depends finally on the State qualifications of electors. Thus we have both the Federal House of Representatives and the Federal Senate dependent upon the qualifications of electors by the States; qualifications created by State constitutions and State laws. The States themselves in their constitutions fix the qualifications of voters. They are thus an element, an indispensable element, in the constitution and perpetuity of the Federal Government. So, too, the States themselves are an element in the existence of the Federal Government, and "no State, without its consent," as is provided in article 5 of the Constitution, "shall be deprived of its equal suffrage in the Senate." Here is equal suffrage for the States in this body. Thus we find the electors of the State fill the House of Representatives, and the States through the Legislatures of the States fill the Senate of the United States, all power proceeding originally from the electors of the States, qualified by State constitutions and State laws. These form the very basis of the organization of this body and of the Federal House of Representatives. Without them the Government of the United States utterly and absolutely fails. Under the Constitution of the United States you must return for ultimate power to the qualifications of electors in the States, to electors created by the States, with qualifications regulated and controlled by the States, or else these bodies cease to exist.

The Constitution, in article 2, section 1, clause 2, provides:

Each State shall appoint, in such manner *as the Legislature thereof may direct*, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress.

These electors choose the President and Vice-President of the United States. If there be no State Legislatures there can be no presidential electors. The electors of the State Legislatures are created and qualified by and under State constitutions and State laws. The voters or electors in the States are the same men who choose the members of State Legislatures, and if you have no State Legislature, then inevitably the power to create electors of the President of the United States must fail. Thus you have the Senate and the House and the executive department all absolutely failing and breaking down for want of the State governments. But this is not all. The judiciary department of this Government stands upon the existence of the executive and the Senate. If the Senate fails through the want of voters to create members of the State Legislatures, and if the executive authority fails for want of the power to create and qualify voters, then we have neither Executive nor Senate to create judges of the United States. Thus we have every branch of the Federal Government, House, Senate, the executive and judiciary departments, standing upon the State governments, and all resting finally upon the people of the States, qualified as voters by State constitutions and State laws. We now see that the State governments are vital to the existence of every branch of the Federal Government, and that the voters of the States are essential to the vitality of every branch of the Federal Government. They cannot be interfered with by Federal power. The Supreme Court of the United States has expressly decided that suffrage is under State control, and so far as it can be settled it is judicially settled. In Minor *vs.* Happersett, 21 Wallace, 170, the court says this:

The Constitution does not define the privileges and immunities of citizens. For that definition we must look elsewhere. In this case we need not determine what they are, but only whether suffrage is necessarily one of them.

It certainly is nowhere made so in express terms. The United States has no voters in the States of its own creation. The elective officers of the United States are all elected directly or indirectly by State voters. The members of the House of Representatives are to be chosen by the people of the States, and the electors in each State must have the qualifications requisite for electors of the most numerous branch of the State Legislature. Senators are to be chosen by the Legislatures of the States, and necessarily the members of the Legislature required to make the choice are elected by the voters of the State. Each State must appoint in such manner as the Legislature thereof may direct the electors to elect the President and Vice-President. The times, places, and manner of holding elections for Senators and Representatives are to be prescribed in each State by the Legislature

thereof; but Congress may at any time, by law, make or alter such regulations, except as to the place of choosing Senators. It is not necessary to inquire whether this power of supervision thus given to Congress is sufficient to authorize any interference with the State laws prescribing the qualifications of voters, for no such interference has ever been attempted. The power of the State in this particular is certainly supreme until Congress acts.

The amendment did not add to the privileges and immunities of a citizen. It simply furnished an additional guarantee for the protection of such as he already had. No new voters were necessarily made by it. Indirectly it may have had that effect, because it may have increased the number of citizens entitled to suffrage under the constitution and laws of the States, but it operates for this purpose, if at all, through the States and the State laws, and not directly upon the citizen.

In The United States *vs.* Cruikshank, 2 Otto, 555, the Supreme Court reaffirm the doctrine in these words:

In Minor *vs.* Happersett, 21 Wall., 178, we decided that the Constitution of the United States has not conferred the right of suffrage upon any one, and that the United States have no voters of their own creation in the States. In The United States *vs.* Reese *et al.*, *supra*, page 214, we hold that the fifteenth amendment has invested the citizens of the United States with a new constitutional right, which is, exemption from discrimination in the exercise of the elective franchise on account of race, color, or previous condition of servitude. From this it appears that the right of suffrage is not a necessary attribute of national citizenship; but that exemption from discrimination in the exercise of that right on account of race, &c., is. The right to vote in the States comes from the States; but the right of exemption from the prohibited discrimination comes from the United States. The first has not been granted or secured by the Constitution of the United States, but the last has been.

The same authority declares the line of distinction between the Federal and State governments in these words:

The Government of the United States is one of delegated powers alone. Its authority is defined and limited by the Constitution. All powers not granted to it by that instrument are reserved to the States or the people. No rights can be acquired under the Constitution or laws of the United States except such as the Government of the United States has the authority to grant or secure. All that cannot be so granted or secured are left under the protection of the States.

* * * * * * *

The first amendment to the Constitution prohibits Congress from abridging "the right of the people to assemble and to petition the Government for a redress of grievances." This, like the other amendments proposed and adopted at the same time, was not intended to limit the powers of the State governments in respect to their own citizens, but to operate upon the National Government alone. Barron *vs.* The City of Baltimore, 7 Pet., 250; Lessee of Livingston *vs.* Moore, id., 551; Fox *vs.* Ohio, 5 How., 434; Smith *vs.* Maryland, 18 id., 76; Withers *vs.* Buckley, 20 id., 90; Pervear *vs.* The Commonwealth, 5 Wall., 479; Twitchell *vs.* The Commonwealth, 7 id., 321; Edwards *vs.* Elliott, 21 id., 557. It is now too late to question the correctness of this construction. As was said by the late chief-justice, in Twitchell *vs.* The Commonwealth, 7 Wall., 325, "the scope and application of these amendments are no longer subjects of discussion here." They left the authority of the States just where they found it, and added nothing to the already existing powers of the United States.

The particular amendment now under consideration assumes the existence of the right of the people to assemble for lawful purposes, and protects it against encroachment by Congress. The right is not created by the amendment; neither was its continuance guaranteed, except as against congressional interference. For their protection in its enjoyment, therefore, the people must look to the States. The power for that purpose was originally placed there, and it has never been surrendered to the United States.

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The rights of life and personal liberty are natural rights of man. "To secure these rights," says the Declaration of Independence, "governments are instituted among men, deriving their just powers from the consent of the governed." The very highest duty of the States, when they entered into the Union under the Constitution, was to protect all persons within their boundaries in the enjoyment of these "inalienable rights with which they were endowed by their Creator." Sovereignty, for this purpose, rests alone with the States. It is no more the duty or within the power of the United States to punish for a conspiracy to falsely imprison or murder within a State, than it would be to punish for false imprisonment or murder itself.

The fourteenth amendment prohibits a State from depriving any person of life, liberty, or property without due process of law; but this adds nothing to the rights of one citizen as against another. It simply furnishes an additional guarantee against any encroachment by the States upon the fundamental rights which belong to every citizen as a member of society. As was said by Mr. Justice Johnson, in Bank of Columbia *vs.* Okely, 4 Wheat., 244, it secures "the individual from the arbitrary exercise of the powers of government, unrestrained by the established principles of private rights and distributed justice." These counts in the indictment do not call for the exercise of any of the powers conferred by this provision in the amendment.

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The fourteenth amendment prohibits a State from denying to any person within its jurisdiction the equal protection of the laws; but this provision does not, any more than the one which precedes it, and which we have just considered, add anything to the rights which one citizen has under the Constitution against another. The equality of the rights of citizens is a principle of republicanism. Every republican government is in duty bound to protect all its citizens in the enjoyment of this principle, if within its power. That duty was originally assumed by the States; and it still remains there. The only obligation resting upon the United States is to see that the States do not deny the right. This the amendment guarantees, but no more. The power of the National Government is limited to the enforcement of this guarantee.

THERE ARE NO NATIONAL VOTERS.

It is thus settled upon principle and by authority, as well as from the history of our institutions, that the voters under our systems are the people qualified by State laws and constitutions, and that the Federal Government has no voters of its own creation. Suffrage is under State control except in the single case of race, upon which subject the States can make no rule of discrimination. If there be such a thing, then, as a "national election," it wants the first element of an election—a national voter. The Federal Government, or (if it suits our friends on the other side better,) the nation, has no voters; it cannot create them, it cannot qualify them. The depositary of absolute sovereignty and power is in the people, the people of the States, *qualified as electors by State constitutions and State laws;* and all authority of every kind comes from them by representation, and this vital principle of democracy permeates every part of the Government.

National power over the voter as such, or national elections as such, are new forms of old federal theories. In the laws we propose to repeal, and in kindred enactments in 1870 and 1871, the revamped doctrines of the federalism of 1798 first finds statutory existence. The universal practice of the Government since 1801 has been against any such theory as is found in these statutes. National electors would require national citizenship for qualification. How absurd a theory, that a man may be a citizen of the State and not of the United States and yet be a national voter. Yet I propose to show that such would be the legitimate result of this teaching as to national elections. This subject is rightly and absolutely controlled by State law and State constitutions in almost every State. There are no national voters. Voters who vote for national Representatives are qualified by State constitutions and State laws, and national citizenship is not required of a voter of the State by any provision of the Federal Constitution nor in practice. Under the constitutions of Kansas, Nebraska, and Colorado an unnaturalized foreigner who has declared his intention to become a citizen may vote for members of Congress and State officers if he has resided six months in the State, and in Indiana, Minnesota, Oregon, and Wisconsin after a residence of twelve months, while in Massachusetts he must have resided in the State two years after he has been naturalized. Does the new gospel as to control of elections by *national* authority contemplate making the rule of seven years' residence, required by Massachusetts, or that of six months, required by Kansas, the test of qualification as a "national" voter for a foreign-born citizen? Which is the doctrine? Is it that of Massachusetts or that of Kansas? The foreign-born citizen declaring his intention, after six months' residence in Kansas, is a voter, and may vote for a member of Congress and governor of the State, while in Massachusetts he must carry a parchment certifying that he is a citizen of the United States and must have resided two years in Massachusetts. The whole difference is the difference between seven years in one State and six months in another as applied to foreign-born citizens.

National elections, naturally, necessarily, include national voters, and the plain purpose indicated by this action of the Executive is to make the States conform to Federal authority as to the rule of suffrage. I ask Senators who now have in their States masses of unnaturalized citizens who are voting for members of Congress, whether they seek to disfranchise these voters or whether it is reasonable to hold that the Federal Government can by its laws change the qualifications created and fixed by State constitutions? If Davenport could reject five thousand citizens in New York because of his allegation of non-naturalization, why shall the twenty-five thousand in the Western States who vote without naturalization be permitted to do so? Only because the whole subject is under State control. It is not hard to understand the meaning of the declaration of the Senator from Vermont for "the universality of equal suffrage," if it be read in the light of 1799 and the tenets of federalism. It means a universal rule of citizenship for suffrage everywhere. The States are to be made to bend their will to the control of universal equal suffrage by the Federal Government, and the control claimed by Kansas, Colorado, and Nebraska over the right to prescribe the qualifications of voters is to give place to a statute enacted by the Federal Government, prescribing a rule like that of Massachusetts. What more potent argument as to the fallacy of the existence of national elections can there be than the fact that qualifications for voters differ in every State, and that by universal rule the States have absolute control of the subject?

The laws of the United States require a residence of five years within the country before a foreigner can be naturalized. This makes him a citizen of the United States, but he may be a voter for members of Congress, or for electors for President, or for the members of a State Legislature who elect a United States Senator, after he has resided six months in the country if he lives in Kansas, Nebraska, Colorado, or Georgia, or with twelve months' residence in Alabama, Arkansas, Florida, Indiana, Minnesota, Missouri, Oregon, Texas, and Wisconsin.

A naturalized foreigner can vote in California after a residence of six months; Connecticut, after a residence of one year and able to read any article of the constitution or any section of the statutes of the State; Delaware, after one year's residence and having paid taxes; Illinois, after one year's residence; Iowa, six months' residence; Kentucky, two years' residence; Louisiana, one year's residence; Maine, three months; Maryland, one year; Michigan, three months; Mississippi, six months' residence; Nevada, six months; New Hampshire and New Jersey, one year; North Carolina, one year; Ohio, one year; South Carolina, one year; Tennessee, one year; Vermont and Virginia, one year; and West Virginia, one year in the State. The same residence is required in those twenty-one States of the native-born citizens.

In these States residence is superadded by State authority as a qualification to voting for all officers, State as well as Federal. In Massachusetts two years, in Pennsylvania thirty days, and in New York ten days are added by State authority to the qualification of five years; and in Rhode Island ownership of real estate must be in the naturalized foreigner before he is a voter.

Are all these distinctions, are all the restrictions imposed by State authority and State constitutions as to residence, naturalization, qualification, registration, age, tax, and property to be obliterated in this effort for the "universality of the security of equal suffrage" in this renewed and earnest effort for a consolidated government?

The late Senator from Indiana, Mr. Morton, did not agree with the view of national duty now proposed by the President and the stalwarts. In the debate in the Senate January 23, 1876, upon the effort to amend the enforcement statutes which had been so frightfully emasculated by the Supreme Court of the United States in their opinions in United States *vs.* Reese, and United States *vs.* Cruikshank, in 2 Otto, he said:

So far as the congressional election is concerned, we have agreed in the Constitution to leave the question as to who may vote for member of Congress to the States, by providing that every person who may vote for members of the most numerous branch of the State Legislature may vote for a Representative in Congress. We have no power over that. The fifteenth amendment, however, guarantees that the colored man shall have the full right that anybody else has; that is, he shall not be prevented from voting on account of his race or color. So far as the election of President is concerned, that is a matter that belongs absolutely to the States. They may choose the electors by the Legislature, they may authorize the supreme court to appoint them, or they may provide for their being elected by the people. They may provide for a different class of voters for presidential electors from those who are entitled to vote for members of Congress. As the Constitution stands now, the States can provide just as they please in that regard. The State of Iowa to-morrow, by her Legislature, notwithstanding the law she has upon her statute-book for electing her electors by the people, may, in defiance of that law, choose the electors who shall vote for President and Vice-President. There is no power under the Constitution to prevent it. So I think that, so far as that is concerned, it does not meet the point.

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The great object of this law and of all laws to enforce the amendments is to put the colored man on the precise level in regard to rights with the white man. When we have done that, we have accomplished our purpose. If we do less we come short of our duty. If we undertake to do more we are likely to endanger all. Now, the Constitution does not say anything about registration; it does not say anything about paying poll tax and a condition to vote; it does not say anything about any condition or any qualification to vote in the States. All that is left to the States, with this single prohibition, that there shall be no distinction on account of race or color, that the colored man shall have the right to vote upon like terms and conditions with the white man.

First Story on the Constitution, page 568, section 820, says:

If, then, there is no peculiar fitness in delegating such a power to the State Legislatures, if it might be hazardous and inconvenient, let us see whether there are any solid dangers from confiding the superintending and ultimate power over elections to the National Government. There is no pretense to say that the power in the National Government can be used so as to exclude any State from its share in the representation in Congress. Nor can it be said with correctness that Congress can in any way alter the rights or *qualifications* of voters.

The fifty-first number of the Federalist also contains the following:

The definition of the right of suffrage is very justly regarded as a fundamental article of republican government. It was incumbent on the convention, therefore, to define and establish this right in the Constitution. To have left it open for the occasional regulation of the Congress would have been improper for the reason just mentioned. To have submitted it to the legislative discretion of the States would have been improper for the same reason, and for the additional reason that it would have rendered too dependent on the State governments that branch of the Federal Government which ought to be dependent on the people alone. To have reduced the different qualifications in the different States to one uniform rule would probably have been as dissatisfactory to some of the States as it would have been difficult to the convention. The provision made by the convention appears, therefore, to be the best that lay within their option. It must be satisfactory to every State, because it is conformable to the standard already established or which may be established by the State itself. It will be safe to the United States, because, being fixed by the State constitutions, it is not alterable by the State governments; and it cannot be feared that the people of the States will alter this part of their constitutions in such a manner as to abridge the rights secured to them by the Federal Constitution.

I assume it, then, to be the law of the land that "the Constitution of the United States has not conferred the right of suffrage upon any one and that the United States have no voters of their own creation in the States; and that the voters of the United States are the people of the States qualified by State constitutions and laws."

FEDERAL INTERFERENCE WITH STATE DUTY.

We now turn to the sections this bill proposes to repeal and try to learn from them whether the Federal Government leaves the question of suffrage with the States, where it belongs, or imposes qualifications, judges who shall vote, violates its own organic law, and tramples upon the constitutions of twenty States that are sovereign in this regard.

Section 2016, which is proposed to be repealed, provides:

The supervisors of election, so appointed, are authorized and required to attend at all times and places fixed for the registration of voters, who, being registered, would be entitled to vote for a Representative or Delegate in Congress, and *to challenge any person* offering to register; to attend at all times and places when the names of registered voters may be marked for challenge, and *to cause such names* registered as they may deem proper *to be so marked;* to make, when required, the lists, or either of them, provided for in section 2026, and verify the same; and upon any occasion, and at any time when in attendance upon the duty herein prescribed, to personally inspect and scrutinize such registry, and for purposes of identification *to affix their signature* to each page of the original list, and of each copy of any such list of registered voters, at such times, upon each day when any name may be received, entered, or registered, and in such manner as will, in their judgment, *detect and expose the improper or wrongful removal therefrom, or addition thereto, of any name.*

I hold in my hand the instructions of the United States marshal of New York upon this subject to his special deputies, in which he expressly authorizes and directs the deputy marshals to arrest people without warrant who may undertake to register contrary to the order of the United States supervisor. This power claimed by the Federal Government under these laws goes to registration, a registration provided not by Federal law, not under the laws or Constitution of the United States, but a registration provided for by State law. The power of the Government is sent to the place of registration and gives to the marshals of the United States, supplemented by troops to carry out the power thus given, authority to challenge men at the registry, the power to judge who shall or who shall not be registered. The power to judge includes the power to reject. The power to reject is thus absolutely given and may be enforced with every means. When you say a man shall not be registered, and the State requires registration as a prerequisite to voting, it is judging that the qualification imposed by the State does not exist. The Federal Government in doing this keeps its marshals, equipped with its mail-clad arm, at the place of registration, and rejects the voter qualified by the State just as Davenport or the marshal may determine.

Section 2018 of the Revised Statutes provides that the supervisors of elections may personally scrutinize, count, and canvass ballots. The secret ballot used by Pennsylvania and by many other States of the Republic is thrown open to public gaze by the power of the Federal supervisors. The ballot that is provided by our law is interfered with by the Federal power and State authority is utterly overthrown. "Personally scrutinize the count and canvass." What is the power to count and canvass? It is the power to judge, it is the power to determine whether a ballot has been properly and legally cast. To determine under what law? The Federal power may determine under State law. In other words, the power that the State of Iowa or the State of Pennsylvania gives to its election officers shall be interfered with by Federal officers, the secret ballot may be interfered with and broken down and the vote rejected by the marshals and supervisors if they in their judgment believe it not a proper vote, and thus they may and do add to the qualifications fixed by the constitution and laws of the State their own judgment. This is an interference plainly and clearly with the rights of the State and with the regulations and qualifications provided by the State.

Section 2020 gives to the marshals and supervisors almost unlimited control over and in regard to registration and election.

Section 2021 provides thus:

Whenever an election at which Representatives or Delegates in Congress are to be chosen is held in any city or town of twenty thousand inhabitants or upward, the marshal for the district in which the city or town is situated shall, on the application, in writing, of at least two citizens residing in such city or town, appoint special deputy marshals, whose duty it shall be, when required thereto, to aid and assist the supervisors of election *in the verification of any list of persons who may have registered or voted;* to *attend* in *each election* district or voting precinct at the times and places fixed for the *registration of voters*, and at all times or places when and where the registration may by law be scrutinized, and the names of registered voters *be marked for challenge;* and also to attend, *at all times for* holding elections, *the polls in such district or precinct.*

Marshals are sent there under control of the Federal Government. Section 2022 gives marshals power to keep peace and to preserve order. It is as follows:

SEC. 2022. The marshal and his general deputies, and such special deputies, *shall keep the peace*, and support and protect the supervisors of election in the discharge of their duties, *preserve order* at such places of *registration* and *at such polls, prevent fraudulent registration* and *fraudulent voting thereat, or fraudulent conduct on the part of any officer of election*, and immediately, either at the place of registration or polling place, or elsewhere, and either *before or after registering or voting, to arrest and take into custody, with or without process, any person who commits*, or attempts or offers to commit, any of the acts or offenses prohibited herein, or who commits any offense against the laws of the United States; but no person shall *be arrested without process for any offense not committed in the presence of the marshal or his general or special deputies, or either of them, or of the supervisors of election, or either of them, and for the purposes of arrest or the preservation of the peace*, the supervisors of election shall, in the absence of the marshal's deputies, *or if required to assist such deputies, have the same duties and powers as deputy marshals;* nor shall any person, on the day of such election, be arrested without process for any offense committed on the day of registration.

Here is power to keep peace at State elections. All persons may be arrested to preserve order, keep the peace, prevent registration, prevent voting, regulate the conduct of the election officers. The marshals are made the judges. They may arrest without process. They judge who is to be arrested. They judge who is committing a breach of the peace. They judge who is to vote in utter defiance of the qualifications of the voters which are fixed by the States who alone can do this. This provision violates the provisions of the bills of rights of twenty States. Not this alone, but the marshals may appoint deputies. They may delegate the power given to them to other persons.

SEC. 2023. Whenever any arrest is made under any provision of this title, the person *so arrested shall forthwith be brought* before a commissioner, judge, or *court of the United States* for examination of the offenses alleged against him; and such commissioner, judge, or court shall proceed in respect thereto as authorized *by law in case of crimes against the United States.*

Suffrage is under State law, but here it is altogether subject to Federal power. Here the United States judges are to judge of the violation of State laws.

SEC. 2024. The marshal or his general deputies, or such special deputies as are thereto specially empowered by him, in writing, and under his hand and seal, whenever he or either or any of them is forcibly resisted in executing their duties under this title, or shall, by violence, threats, or menaces, be prevented from executing such duties, or from arresting any person who has committed any offense for which the marshal or his general or his special deputies are authorized *to make such arrests*, are, and each of them is, empowered to summon and call to his aid the bystanders or *posse comitatus* of his district.

Force is given to enforce the violation of duty of the State, and under the law, as held by the executive, Federal troops must aid and sustain them.

Section 5522 is highly penal in its character. The State officer or the election is subordinated to Federal authority. He may be arrested without process; nay, the Federal officers judge of the qualifications

of the voters; everything that relates to the qualifications of the voters of the State is within the control of the Federal authority.

THE POWER TO JUDGE AND ARREST—STATE NOT FEDERAL.

If the power of determining who shall be registered by State officials as voters, who shall or shall not be arrested for voting or attempting to vote, who does or does not vote fraudulently, be not given by these sections to Federal officials, language cannot give those powers. The registration of a voter is the judgment of the law in favor of his qualification for the exercise of the right. The State alone can judge, for her laws have exclusive control over qualifications. If the Federal Government can judge of qualifications she can create them, and we have seen she has no such power. The power to arrest the voter for voting improperly is the power of determining his qualifications to vote. The Federal Government cannot do this, for the control of suffrage is in the States, and the act of the Federal Government in doing so is usurpation of ungranted power. The power of arresting voters and officials without warrant or with warrant, is the power to dictate the absolute control of the elections of the States, and as it can only operate upon voters and officials qualified by the States is without authority in the Constitution.

THE CLAIM OF POWER.

The authority for the exercise of this usurped power is claimed to exist in clause 1, section 4 of article 1 of the Constitution of the United States, which is in these words:

The *times, places, and manner* of holding elections for Senators and Representatives *shall* be prescribed in each State by the Legislature thereof; but the Congress *may* at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

It is to be remembered at the outset that this provision is in a constitution that gives the control of suffrage and of the qualifications of electors for members of Congress and of Senators to the States. With this in view I read from the report of Mr. Douglas, from the Committee of Elections, in the House of Representatives, January 22, 1844:

It will be observed that the two clauses of this section differ materially in the tone in which they address the different governments. The one is commanded and the other is permitted to act. The State Legislatures *shall* prescribe the times, places, and manner of holding the elections; Congress *may* make or alter such regulations. An imperative duty rests upon the Legislature, while a mere privilege is granted to Congress. In the performance of this duty, the Legislatures are clothed with a wide discretion, upon which the Constitution imposes no restraints. They may provide for elections by general ticket, or in districts; for voting by ballot or *viva voce*; for opening the polls at one place and on one day, or at different places and on different days. These, and all things pertaining to the times, places, and manner of holding elections, are confided to the wisdom and discretion of the several Legislatures, to be performed in such manner as they shall deem most favorable to popular rights and just representation. The privilege allowed Congress of altering State regulations, or of making new ones, if not in terms, is certainly in spirit and design dependent and contingent. If the Legislatures of the States fail or refuse to act in the premises, or act in such a manner as will be subversive of the rights of the people and the principles of the Constitution, then this conservative power interposes, and, upon the principle of self-preservation, authorizes Congress to do that which the State Legislatures ought to have done.

The history of the Constitution, and especially the section in question, shows conclusively that these were the considerations which induced the adoption of that provision.

When General Pinckney proposed in the convention which formed the Constitution that the Representatives "should be elected in such manner as the Legislatures of each State should direct," he urged, among other reasons in support of his plan, "that this liberty would give more satisfaction, as the Legislature *could then accommodate the mode to the convenience and opinions of the people.*"

After the substance of this provision had been fully and ably discussed, maturely considered, and unanimously adopted, the latter clause of the section conferring upon Congress the power to make regulations, or to alter those prescribed by the States, was agreed to, with an explanation at the time that "this was meant to give to the National Legislature a power not only to alter the provisions of the States, but to make regulations in case *the States should fail or refuse altogether.*"

In vindicating this provision, while urging upon the people of the United States the ratification of the Constitution, General Hamilton, in one of the numbers of the Federalist, placed its defense upon the same principle: "Its propriety rests upon the evidence of this plain proposition, that every government ought to contain in itself the means of its own preservation." Notwithstanding the imperative provision that the States shall prescribe the laws of election, and the mere permissive clause that Congress may make or alter them, and the construction placed upon this section at the time by its authors, limiting and restricting its exercise to the principle of self-preservation, yet this very clause created a more violent and formidable opposition to the adoption of the Constitution than all other portions of that instrument, and greatly hazarded its final ratification by the requisite number of States.

The conventions of the States of Virginia, Massachusetts, New Hampshire, New York, Rhode Island, and South Carolina accompanied their ratifications with a solemn protest against the power of Congress over the elections. They proposed amendments to the Constitution, changing the obnoxious provision, and recorded on their journals perpetual instructions to their representatives in Congress to urge earnestly and zealously the adoption of those amendments, and to refrain from the exercise of any power inconsistent with the principles of the proposed amendments. The amendment and instructions of the people of Virginia relating to this subject are as follows:

"The Congress shall not alter, modify, or interfere in the times, places, or manner of holding elections for Senators and Representatives, or either of them, except when the Legislature of any State shall neglect, refuse, or be disabled by invasion or rebellion to prescribe the same; and the convention do, in the name and behalf of the people of this Commonwealth, enjoin it upon their representatives in Congress to exert all their influence, and use all reasonable and legal methods, to obtain a ratification of the foregoing alterations and provisions in the manner provided by the fifth article of the said Constitution; and in all congressional laws to be passed in the mean time *to conform to the spirit of these amendments* as far as the said Constitution will admit."

Massachusetts, in her convention to consider the Constitution of the United States, submitted to her for that purpose, ratified it February 7, 1788, and in the ordinance of ratification used this language:

And as it is the opinion of this convention that certain amendments and alterations on the said Constitution would remove the fears and quiet the apprehensions of many of the good people of this Commonwealth and more effectually guard against an undue administration of the Federal Government, the convention do therefore recommend that the following alterations and provisions be introduced into the said Constitution:

I. That it be explicitly declared that all powers not expressly delegated by the aforesaid Constitution are reserved to the several States to be by them exercised.

III. That Congress do not exercise the powers vested in them by the fourth section of the first article but in all cases where a State shall neglect or refuse to make the regulations therein mentioned, or shall make regulations subversive of the rights of the people to a free and equal representation in Congress agreeably to the Constitution.

South Carolina, in her convention for the same purpose, uses this language:

And whereas it is essential to the preservation of the rights reserved to the several States and the freedom of the people under the operations of a general government that the right of prescribing the manner, time, and places of holding the elections to the Federal Legislature should be forever inseparably annexed to the sovereignty of the several States, this convention doth declare that the same ought to remain, to all posterity, a perpetual and fundamental right in the local, exclusive of the interference of the general, government, except in cases where the Legislatures of the States shall refuse or neglect to perform and fulfill the same, according to the tenor of the said Constitution.

New Hampshire uses the following language:

And it is the opinion of this convention that certain amendments and alterations in the said Constitution would remove the fears and quiet the apprehensions of many of the good people of this State and more effectually guard against an undue administration of the Federal Government. The convention do therefore recommend that the following alterations and provisions be introduced in the said convention:

"That Congress do not exercise the powers vested in them by the fourth section of the first article but in cases where a State shall neglect or refuse to make the regulations therein mentioned, or shall make regulations subversive of the rights of the people to a free and equal representation in Congress; nor shall Congress in any case make regulations contrary to a free and equal representation."

New York in her ratification uses this language:

Under these impressions, and declaring that the rights aforesaid cannot be abridged or violated, and that the explanations aforesaid are consistent with the said Constitution, and in confidence that the amendments which shall have been proposed to the said Constitution will receive an early and mature consideration, we the said delegates, in the name and in the behalf of the people of the State of New York, do by these presents assent to and ratify the said Constitution. In full confidence, nevertheless, that until a convention shall be called and convened for proposing amendments to the said Constitution, the militia of this State will not be continued in service out of this State for a longer time than six weeks, without the consent of the Legislature thereof; that the Congress will not make or alter any regulation in this State, respecting the times, places, and manner of holding elections for Senators and Representatives, unless the Legislature of this State shall neglect or refuse to make laws or regulations for the purpose, or from any circumstances be incapable of making the same; and that in those cases such power will only be exercised until the Legislature of this State shall make provisions in the premises.

And the convention do, in the name and behalf of the people of the State of New York, enjoin it upon their Representatives in Congress to exert all their influence and use all reasonable means to obtain a ratification of the following amendments to the said Constitution in the manner prescribed therein, and in all laws to be passed by the Congress in the mean time to conform to the spirit of the said amendments, as far as the Constitution will admit:

"That the Congress shall not make or alter any regulation in any State respecting the times, places, and manner of holding elections for Senators and Representatives, unless the Legislature of such State shall neglect or refuse to make laws or regulations for the purpose or from any circumstances be incapable of making the same, and then only until the Legislature of such State shall make provision in the premises: *Provided*, That Congress may prescribe the time for the election of Representatives."

Rhode Island uses this language:

In full confidence, nevertheless, that until the amendments hereafter proposed and undermentioned shall be agreed to and ratified, pursuant to the aforesaid fifth article, the militia of this State will not be continued in service out of this State for a longer term than six weeks without the consent of the Legislature thereof; that the Congress will not make or alter any regulation in this State respecting the times, places, and manner of holding elections for Senators or Representatives unless the Legislature of this State shall neglect or refuse to make laws or regulations for the purpose, or from any circumstances be incapable of making the same; and that in those cases such power will only be exercised until the Legislature of this State shall make provisions in the premises.

The State of North Carolina refused to ratify the Constitution unless certain amendments proposed by her convention should be adopted; one of which was as follows:

That Congress shall not alter, modify, or interfere in the times, places, or manner of holding elections for Senators or Representatives, or either of them, except when the Legislature of any State shall neglect, refuse, or be disabled by invasion or rebellion, to prescribe the same.

Thus we find that seven of the thirteen States then composing the Union, being the majority of the whole number, solemnly protested against the authority of Congress to establish regulations concerning the mode of election, or to alter those prescribed by the States; and that the Constitution was adopted with the understanding (and probably never would have been adopted but for the understanding) that it was never to be exerted except in the few specified cases.

From this brief review of the history and contemporaneous exposition of this portion of the Constitution, it is evident that the convention which formed and the people who ratified that great charter of our liberties intended that the regulation of the times, places, and manner of holding the elections should be left exclusively to the Legislatures of the several States, subject to the condition only that Congress might alter the State regulations, or make new ones, in the event that the States should refuse to act in the premises or should legislate in such a manner as would subvert the rights of the people to a free and fair representation.

The power of Congress on this subject is only supervisory. I read now from Story's Constitution, volume 1, section 815:

The objection was not to that part of the clause which vests in the State Legislatures the power of prescribing the times, places, and manner of holding elections, for so far it was a surrender of power to the State governments. But it was to the superintending power of Congress to make or alter such regulations. It was said that such a superintending power would be dangerous to the liberties of the people, and to a just exercise of their privileges in elections.

Also, section 816 of the same volume, quoting the Federalist:

A discretionary power over elections must be vested somewhere. There seemed but three ways in which it could be reasonably organized. It might be lodged either wholly in the National Legislatures, or wholly in the State Legislatures, or primarily in the latter, and ultimately in the former. The last was the mode adopted by the convention. The regulation of elections is submitted, in the first instance, to the local governments, which, in ordinary cases, and when no improper views prevail, may both conveniently and satisfactorily be by them exercised. But in extraordinary circumstances the power is reserved to the National Government, so that it may not be abused, and thus hazard the safety and permanence of the Union.

POWER TO FIX MANNER GIVES NO POWER TO REJECT VOTES.

These authorities abundantly prove that there was no intention at the time of the adoption of the Constitution to do aught else by the insertion of this provision than to assert the right of self-preservation in the Federal Government. That the regulation of the manner, places, and times of holding congressional elections was controlled by the States almost exclusively until since the war adds force to the argument. But even if we admit (which we do not) that Congress may exclude the States entirely by its own action as to fixing the times and places and regulating the manner of holding elections for members of Congress, still, in attempting to regulate the manner of election, *it cannot change the qualifications of the voters.*

This is an entirely different proposition. The manner of holding the elections has nothing to do with the regulation of the qualifications of voters. That still remains with the States. These qualifications are regulated, as I have already shown, by State constitutions and State laws; and the Federal Government, in every branch of it, from the House to the judiciary, depends upon the criterion found in the Constitution itself; that the voters for members of the State Legislatures are the strata upon which the Federal Government finds its authority. The qualifications of electors vests with the State governments. State constitutions and State laws regulate and control this subject from the bottom to the top. A power to regulate the manner of voting given by one clause surely never was intended to authorize the party doing so to take from another tribunal the right to fix the qualifications of the voter which had in express terms been granted to that other tribunal by other clauses of the same instrument. Such a result would be absurd. Such a legal result no lawyer will contend for. If Congress may, under the power to regulate the manner of election, say who shall register and who shall be arrested for false registry and who shall vote and who shall be arrested for false voting, and assert its right so to say by arbitrary arrests, it is plain that the exercise of regulating the manner of voting takes from the State and its officials every particle of control over the qualifications of voters.

The power asserted by these statutes and by these veto messages broadly is, that the Federal Government is a consolidated government, it can regulate the qualifications of voters, it has the right to judge who shall vote and it will assert this right and power through United States marshals and Federal troops. The power granted by the fourth section of article 1 is to regulate the manner of holding the elections, not to regulate the qualification of voters. The jurisdiction over the question of voters is vested elsewhere, and any exercise of power to affect them is unwarranted. Manner means method, way—the way in which his vote shall be given. The method of voting, whether *viva voce* or by ballot, and not the right to say who shall vote, is the plain meaning of the word manner, as used in this clause. By this interpretation both clauses of the Constitution stand, by that interpretation which gives validity to these statutes this clause overrides three others and destroys them.

The fifty-ninth number of the Federalist condenses the whole subject thus:

But this forms no part of the power to be conferred upon the National Govern, ment. Its authority would be expressly restricted to the regulation of the times, the places, and the manner of elections. *The qualifications* of the persons who may choose, or be chosen, as has been remarked upon other occasions, are defined and fixed in the Constitution, and are unalterable by the Legislature.

Thus I have shown as briefly as I may that this power is in the States and not in the Federal Government.

ORIGIN OF THESE LAWS.

The Senator from Ohio [Mr. THURMAN] made a valuable contribution to political history in his speech of last week by proving that these infamous enactments found their origin in the New York Union League Club, and that their purpose was to control the cities of the North.

In regard to the passage of these laws, Mr. Samuel J. Glassy swears, page 185, part 2, report No. 800, first session Forty-fourth Congress:

By Mr. COCHRANE:

Question. State what you know, without going too much into detail.
Answer. Two acts of Congress, passed during the session of 1870, one in May and the other in July, were the result of a comparison of some eight or ten bills which the different members of the two different Houses had prepared and introduced on their own motion with the bills drafted to accomplish the same object. Mr. Davenport, in this same employment, acting under the directions of the club committee, and especially of myself and General Foster, was sent to Washington, his expenses being paid and he receiving compensation for his services, to attend to the urging of these bills. In the winter of 1870 and 1871 the club resolved that some further legislation was necessary on the subject, and in December of 1870 or January of 1871 Mr. Davenport went to Washington again, and while he was there this act of February 28, 1871, was passed. The concoction of that bill I had very little to do with. Some part of it was drafted by Mr. Davenport. I very distinctly remember reading over the section relating to fees. The two previous acts of Congress, those passed in May, 1870, and July, 1870, I knew all about.

Q. What did he say to you about that section in reference to fees?

A. That if he could get that clause in it would enable him to make $15,000 or $20,000 at the time of every general election. It is proper to say that these first two bills that were passed in 1870 were very carefully considered, not only by General Foster and myself, but by several prominent lawyers who were members of the club, and several members of Congress and other persons of eminence.

They do not seriously affect the people of the South; their objective points are the cities of the North. They are to be dominated and overridden by Federal power under this machinery in 1880, and New York and Cincinnati are the two focal points. Marshals are to be used as they were in 1878 in Philadelphia to enforce State restrictions and to compel the voter to obey State law as interpreted by Federal power. All of our own safeguards are to bow to unconstitutional power in the hands of disreputable marshals of the United States. A contrast of the number of southern cities of over twenty thousand inhabitants with the number of cities of that class in the North shows plainly the purpose of the law. The following table gives all of the cities in which marshals may be used:

WHERE MARSHALS MAY BE USED.

NORTHERN CITIES.	Estimated population.	NORTHERN CITIES.	Estimated population.
New York	1,090,000	Manchester, N. H	25,000
Philadelphia	901,380	Minneapolis	32,700
Brooklyn	565,000	Oswego, N. Y.	22,400
Saint Louis	500,009	Paterson, N. J.	38,800
Chicago	460,000	Peoria, Ill.	23,000
Boston	365,000	Quincy, Ill.	24,000
Baltimore	365,000	Reading, Penn.	35,000
Cincinnati	280,000	Rochester, N. Y.	81,500
Jersey City and Hoboken	189,000	Saint Joseph, Mo.	23,000
Albany	86,000	Saint Paul	33,000
Cleveland	162,000	Salem, Mass.	26,000
Louisville	166,000	San Francisco	300,000
Pittsburgh and Allegheny	145,000	Scranton, Penn.	45,000
Buffalo	143,000	Syracuse, N. Y.	48,000
Newark	125,000	Taunton, Mass.	20,400
Milwaukee	115,000	Toledo Ohio	35,000
Providence	100,000	Trenton	25,000
Camden, N. J.	33,000	Troy, N. Y.	48,000
New Haven	60,000	Utica, N. Y.	32,000
Columbus, Ohio	32,000	Wilmington, Del.	35,000
Fall River	48,500	Worcester, Mass.	49,000
Covington, Ky	24,000		
Elmira, N. Y.	20,500	Total population, 64 northern cities	7,547,795
Portland, Maine	36,000		
Elizabeth, N. J.	25,000		
Springfield, Mass.	31,500		
Dayton, Ohio	30,000	SOUTHERN CITIES.	
New Bedford	27,000		
Omaha	26,215	New Orleans	210,000
Detroit	101,000	Atlanta, Ga.	25,000
Evansville, Ind.	22,000	Charleston	56,500
Grand Rapids, Mich.	25,900	Memphis	45,000
Harrisburgh, Penn.	25,000	Mobile	40,000
Hartford, Conn.	40,000	Nashville	27,000
Indianapolis	50,000	Norfolk	23,000
Kansas City	32,000	Petersburgh	21,000
Kingston	20,400	Richmond	60,000
Lancaster, Penn.	21,000	Savannah	32,000
Lawrence, Mass.	35,000		
Lowell, Mass.	49,000	Total population, 10 southern cities	539,500
Lynn, Mass.	32,600		

Sixty-four cities of the North, with a total population of 7,547,795, and but ten cities of the South, with a total population of 539,500, are subject to "the universality of equal suffrage" as administered in "the national elections" through marshals, supervisors, and Federal troops.

BILLS OF RIGHTS BROKEN DOWN.

Sixty-four cities in nineteen northern States are to have the guarantees of the bills of rights and constitutions of their respective States violated and overthrown by military interference with the freedom of elections on the call of marshals of the United States; to have their electors and election officials arrested on election day in violation of their guarantee that no one shall be arrested on election day except for treason, felony, or breach of the peace. The power given to these marshals is to arrest, both with and without warrant, on election day, those whom they see fit; not this alone, but they may take the judge of election duly chosen and sworn from his place on election day, and thus dictate who shall conduct the election. This was in fact done by a deputy marshal in Philadelphia, in November, 1878, and yet there is a provision in the constitution or bill of rights

of each of the following-named States which is in these or similar words:

Electors shall in all cases except treason, felony, and breach of the peace be privileged from arrest during their attendance on elections and going to and returning therefrom.

This is found in the constitutions of California, Colorado, Delaware, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Michigan, Missouri, Nebraska, Ohio, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, and Connecticut.

NUMBER AND COST OF MARSHALS.

The number of these marshals and supervisors used in the past two elections may be some guide to the use intended to be made of them in the future, and I have here a table showing the number employed, where they were employed, and what we can learn they cost the people.

The tables contain only the figures of expenditure that have been reported to Congress in the various documents submitted from the Attorney-General's and Treasury Departments. There are undoubtedly districts in which money was paid for deputy marshals that have not been included in the exhibits. For instance, in the several official exhibits no expenditure for deputies is charged against Arkansas; but the marshal of the eastern district of that State, in his report embracing the congressional election of 1876, claimed allowance for seven hundred and eighty-five deputies employed one day, namely, November 7. The marshal of Florida for the same year reported that he employed seven hundred and forty-five deputies from the latter part of October until the 15th of November, but not a dollar is put down as having been expended for that State. In making out these reports of expenditures the Departments seem to have adopted the rule of reporting only districts from which the accounts had been adjusted, and this would in each case omit a portion of the expenditure. In the table for 1878 the chief supervisor's expenditures for New York city are omitted for the reason that the amount has not been reported to Congress. That, as all the figures show, is the district in which the amount has always been greatest:

Supervisors and deputy marshals employed in 1876, *with compensation.*

States and districts.	Amount paid chief supervisors.	Number of supervisors.	Amount paid supervisors.	Number of deputy marshals.	Amount paid deputy marshals.	Total amount paid.
Alabama, northern				150		
Alabama, middle				244		
Alabama, southern	$2,208 38	19	$500 00	192	$2,530 00	$5,238 38
Arkansas, eastern				785		
Arkansas, western				214		
California	1,578 99	105	5,220 00	244	4,225 00	11,023 99
Delaware				135		
Florida, northern				745		
Georgia	567 50			207	1,410 00	1,977 50
Illinois, northern		188	5,640 00	115	1,105 00	6,745 00
Louisiana	4,463 33	270	4,115 00	840	5,705 00	14,283 33
Maryland	977 55	574	2,950 00	1,222	8,085 00	12,012 55
Massachusetts	253 20	66	660 00	117	1,170 00	2,083 20
Mississippi, northern	50 50			239		50 50
Mississippi, southern				9		
Missouri, eastern	187 40	152	1,330 00	1,032	16,385 00	17,902 40
Nevada				9		
New Jersey	3,771 19	85	3,420 00	249	5,085 00	12,276 19
New York, northern	7,723 70	339	9,975 00	342	7,925 00	25,623 70
New York, eastern	12,150 52	370	11,674 00	723	11,986 00	35,810 22
New York, southern	19,383 36	1,070	32,115 00	2,500	39,785 00	91,283 36
North Carolina, eastern	591 84			166		591 84
Oregon				13		
Pennsylvania, eastern, (Philadelphia)	3,449 40	1,368	27,360 00	347	3,500 00	34,309 40
Pennsylvania, western		224	2,240 00	49	490 00	2,730 00
South Carolina	879 14			338	395 00	1,274 14
Tennessee, western	129 00			30	150 00	279 00
Texas, eastern	249 92	33	1,800 00	18	900 00	2,949 92
Virginia, eastern	551 05		1,630 00	201	1,785 00	3,966 05
Virginia, western	206 00					206 00
West Virginia				4		
Idaho				4		
New Mexico				78		
Utah				18		
Total	59,371 67	4,863	110,629 00	11,610	112,616 00	282,616 67
Amount paid United States commissioners in New York City for services under election laws						3,304 60
Total expenditures reported for 1876						285,921 27

There is nothing on record throwing any light upon expenditures of this character prior to 1876 except the report of the Caulfield committee of the Forty-fourth Congress. That committee compiled a statement of expenditures from John I. Davenport, chief supervisor in New York, for the election of November 5, 1872, in that city. It was shown that the amount expended in New York City alone under the Federal election laws for that election was nearly $120,000, and this, very probably, is a fair illustration of the manner in which the public money was used all over the country. A summary of the expenditures was as follows:

Amount paid deputy marshals on district rolls	$50,590 00
Amount paid deputy marshals on supplementary rolls	7,155 00
Amount paid supervisors of election on district rolls	23,885 00
Amount paid deputy marshals on headquarters roll	3,925 00
Total	85,555 00
To extraordinary expenses incurred in enforcing the acts of Congress in relation to elections at the election held in the city of New York on the 5th of November, 1872	33,434 36

This makes a total of $118,989.36 that was expended in that city at the one election, and the report contains the accounts, which show that the marshals of each assembly district expended a large proportion of the money for "carriage hire."

Supervisors and deputy marshals employed in 1878, *with compensation.*

States and districts.	Amount paid chief supervisors.	Number of supervisors.	Amount paid supervisors.	Number of deputy marshals.	Amount paid deputy marshals.	Total amount paid.
Alabama	$1,551 71		$1,000 00	110	$1,000 00	$3,551 71
Arkansas				175		
Florida				189		
Georgia				36	170 00	170 00
Illinois, northern		224	4,480 00	215	2,240 00	6,720 00
Kentucky	116 00		870 00		870 00	1,856 00
Louisiana	1,313 00	206	3,600 00	241	4,000 00	8,913 00

Supervisors and deputy marshals employed in 1878, *with compensation*—Continued.

States and districts.	Amount paid chief supervisors.	Number of supervisors.	Amount paid supervisors.	Number of deputy marshals.	Amount paid deputy marshals.	Total amount paid.
Maryland	$351 03	230	$2,950 00	698	$4,445 00	$7,746 03
Michigan, eastern		52	1,300 00	10	2,935 00	1,435 00
Massachusetts		282	8,460 00	224	135 00	11,395 00
Nevada				20		
New Jersey	7,324 84	148	3,050 00	192	2,880 00	13,254 84
New Mexico				10		
New York, southern (city)		1,225	30,000 00	1,260	27,000 00	57,000 00
New York, eastern	15,972 33	354	10,620 00	574	6,500 00	33,092 33
New York, northern	7,558 80	374	11,000 00	376	7,000 00	25,558 80
Ohio, southern	740 45		890 00	71	447 78	2,078 23
Pennsylvania, eastern	5,830 00	1,370	27,440 00	773	7,550 00	40,820 00
Pennsylvania, western		312	3,121 00	19		3,121 00
South Carolina	579 35	34	680 00	46	700 00	1,975 35
Texas				79		
Virginia, eastern	585 00	70	620 00	93	570 00	1,775 00
Total	41,922 51	4,881	110,081 00	5,411	68,442 78	220,446 29
Amount paid United States commissioner for services under election laws in New York City						2,267 95
Total expenditures reported for 1878						222,714 24

CHARACTER, POLITICS, NECESSITY OF MARSHALS.

What is the character of the men thus appointed and paid by the Government? What are their politics? Is there a necessity for them? What has been their behavior?

Marshal Kerns, of Philadelphia, testifies before a committee of the Senate that he appointed seven hundred and seventy-three deputy marshals in 1878 and that he thought there was no necessity for them in Philadelphia. A sub-committee of that committee sat in Philadelphia two days in March, 1878, and in that time a large mass of testimony was taken. All of the marshals were shown to be republican workers, active in their respective localities, and among them were men whose personal characteristics may be judged from the following summary of the evidence touching them.

The testimony shows, too, that these marshals were used to enforce State restrictions, not Federal disqualification. Nearly every voter attacked was so attacked for non-payment of taxes. Are we so powerless that we must ask the Federal Government to enforce our own statutes?

PHILADELPHIA MARSHALS.

Charles Oliphant, marshal second division, Twentieth ward, drunk on election day and insulting voters; seized Mr. Hackenberg without cause.

Charles Herr, marshal second division, Twenty-ninth ward, character and reputation bad, had been arrested for crime. On election day he arrested a voter, who was released by Judge Hare and voted. Herr wore a badge, and solicited votes as a republican.

Arthur Vance, marshal eighth division, Fifth ward, arrested Hutchinson, a voter, without cause. Vance was a notorious republican worker.

John Homeyard, marshal sixth division, Sixth ward, drunk, and arrested voters without cause; drew a club on a democrat for challenging a negro repeater. The police blocked up the poll, acted in concert with Homeyard, and brought voters to polls. Homeyard vouched for republican voters and distributed republican tickets. Shriver, a United States revenue officer, kept republican window-book.

J. R. Desano, marshal first division, Fifth ward, drunk all day; too drunk to arrest any one. There were five policemen at these polls. Desano never voted in that divison before that day.

James Brown, marshal fourteenth division, Fourth ward, record of his conviction in 1872 for voting illegally produced. Proof was made that he voted twice on the same day.

William Augustus, fourth division, Eighth ward, acted as marshal, assuming authority as such, but was not on the list; a republican worker.

Joseph Hilferty, marshal twenty-first division, Second ward, held the republican window-book all day and electioneered; threatened to arrest the democratic United States supervisor for procuring bail for a legal voter who had been arrested.

William McGowan, marshal twenty-third division, Second ward. A policeman blocked up the voting-window, and a democratic United States supervisor ordered him away, when McGowan and the policeman seized him and locked him up in the station-house on a charge of interfering with officers. The case was never tried. McGowan is employed in the gas office and paid by the city.

Charles N Miller, detective, testified that in seventeenth division of Nineteenth ward a gang of repeaters were brought to the polls by a letter-carrier; he had one of the gang arrested.

Philip Madden, marshal Fourth ward, one of the most dangerous men in the city, has been in prison twice, once for highway robbery, and the second time for shooting a colored boy.

Francis McNamee, marshal Eighth ward, had been arrested for five different robberies.

Andrew Lenoir, marshal First ward, a warrant has been issued for him for larceny.

Daniel Redding, marshal First ward, a bad and dangerous man; had been tried for murder.

Henry Pitts, marshal Seventh ward, a colored man who keeps a gambling-house and been arrested twice; distributed republican tickets and vouched for voters.

R. S. Stringfield, marshal Fifteenth ward, had been tried for shooting a man; character very bad.

Michael Slavin, marshal Fifth ward, a thief and notorious repeater; had been arrested for subornation of perjury but never tried.

William Glenn, marshal Nineteenth ward, superintendent of Norris square, and paid by the city for his duties.

Enoch Baker, marshal second division, Third ward, arrested John Carroll, a legal voter, without cause, and locked him up; Carroll was discharged after a hearing.

J. Roberts, marshal sixteenth division, Third ward, arrested John Johnson, a legal voter, and locked him up all night; case never tried. Roberts electioneered for the republican ticket; was a clerk in the gas office and paid by the city; there were also twelve to fourteen policemen at that poll all day, and they blocked up the poll.

Andrew Jackson, marshal twenty-second division, Thirtieth ward, employed in the gas works under the city. Ackerman, republican judge of elections, acted as United States supervisor and judge, and refused to vacate the place of judge after written orders by Marshal Kerns and Judge Elcook. Jackson arrested Feeny, who had been legally appointed judge, and took him away from the polls. Did not return to get possession until 2 p. m.

C. A. Pinnexson, marshal Thirtieth ward, aided in arresting Feeny.

—— Taylor, marshal fifteenth division, Third ward, arrested Sweeny for illegal voting and locked him up; charge was found to be false and he was released and voted.

James Calligan, marshal eighth division, Sixth ward, so drunk in the afternoon he could not walk; seized a qualified voter by the collar and staggered with him against the wall; policeman brought a repeater to the polls, who was arrested, as was the policeman.

Henry Scott, marshal second division, Seventh ward, a man of bad repute; colored; keeps a low drinking house; electioneered and gave out tickets and tax receipts; was inside at the counting of the vote, and took tickets out of the box; only 5 votes came out for the democratic candidate for Congress; democratic overseer contested this, and Scott allowed 17 to be counted for him.

Thomas Donlan, marshal seventh division, Sixth ward, an habitual drunkard, and a graduate of house of correction for this; was drunk all day.

William D. Barth, marshal; same place, blocked up the voting window and would not allow legal voters to come to it; there were two United States marshals and six policemen at this poll.

John Archer, marshal twenty-seventh division, Nineteenth ward, acted as United States supervisor; was on both lists and paid as both officers; when a marshal wanted during the day to arrest a republican repeater he did not make known that he was a deputy marshal; had no badge; heavy republican division; no policemen there.

Joseph T. Fuller, marshal sixth division, Twenty-third ward, a guard in the house of correction, and paid by the city.

William Stringfield, marshal thirty-second division, Twenty-fourth ward, arrested a legal voter and took him to the magistrate's, where he was discharged; Stringfield was discharged from employment the day before election for stealing.

Charles Male, marshal seventh division, Eleventh ward, keeps a house of prostitution.

Abraham Hoffman, marshal Eleventh ward, a repeater, and had kept a house of prostitution within a year; a thief.

William Eckenbrim, marshal Eleventh ward, arrested for larceny; bill ignored.

David Beckman, marshal thirty-second division, Nineteenth ward, held the republican window-book and electioneered; threatened to put the democratic United States supervisor out of the room for challenging a voter; the vote was rejected, and the voter did not return.

William B. Ahern, marshal ninth division, Twelfth ward, employed in the United States revenue office.

—— Fleming, marshal sixth division, Eighteenth ward, distributed republican tickets and challenged voters; a legal vote was rejected on his challenge; intimidated many democratic voters.

William Boehm, marshal eighteenth division, Twenty-ninth ward, plug inspector, and paid by the city; electioneered and distributed republican tickets.

Charles Prenderville, marshal seventeenth division, Fifth ward, arrested a legal voter; case never tried; electioneered for republicans all day.

This was the record of a two days' investigation at Philadelphia.

PHILADELPHIA ELECTIONS.

I now read from the report of Hon. S. S. Cox, chairman of a special committee of the House of Representatives for inquiring into elections in northern cities, (House Document No. 218, second session, Forty-fourth Congress,) relating to the election of 1876:

TWENTY THOUSAND WITH A RED CROSS.

The fact of the excessive registration in Philadelphia becomes more apparent when it is known that over twenty thousand of the names registered were successfully attacked, and the names stricken off or marked with a red cross. And it is a matter of no little surprise that over nine-tenths of the names thus attacked in court were so attacked by democratic petitions. According to the evidence, the courts to which those petitions were returned were engaged for a month previous to the election in trying those cases alone; and but for want of time very many more names would have been stricken off, ninety petitions which had been returned not having been reached in the investigation by the courts.

According to the testimony of Mr. Thomas Fahy, one of the commissioners of the city of Philadelphia, there were eighty-two hundred and eighty-two names stricken absolutely from the list, and twelve thousand or thirteen thousand marked with a red cross under order of the courts, they being in doubt as to whether to draw a red line through them and strike them off absolutely, or to put a red cross

opposite them, which would signify that they were dead, or removed from the division within sixty days of the election, and consequently not proper names to be on the registration list. A large majority of those eighty-two hundred and eighty-two were myths, people who had no existence in fact; and the same with a large proportion of the twelve thousand or thirteen thousand marked with a red cross, though many of them had doubtless died or moved from the division in which their names appeared. The evil of this matter, and the bad use to which this system is put, is in this: that names appearing on the registration list could be used on the day of election by repeaters and personators almost without possibility of detection; and the system of personating and repeating appears to be largely in vogue in that city. Under the law a man by merely giving a name appearing on the registration list is permitted to vote on the production of his tax receipt or on his swearing that he has paid his taxes within two years. Hence the purpose of leaving improper and mythical names on the list in order that they may be used by repeaters or personators.

The testimony of Charles Henry Jones, esq., attorney, corroborates entirely the evidence of Mr. Fahy in regard to the fact above alluded to.

The evidence shows that in very many instances there were large and excessive registration lists, in some cases having double the number of names that legitimately ought to have been registered, and it cannot be accidental that in a great number of republican divisions the list was largely excessive. It therefore appears to your committee that the assessors, in very many instances, committed a great breach of duty in certifying names to the county commissioners which were not those of *bona fide* residents of their divisions, but under the law the assessors can protect themselves from detection, to a great degree, by leaving improper names, or names of those removed or dead, on their lists; thereby making a false registration, when they could not do so by adding false or fictitious names; but the first means would answer the fraudulent end as well or better than the last, because it would seem to have the form of law. That the party in power in Philadelphia, since the adoption of the new constitution, has pursued this course, thereby causing an excessive and illegal registration on which to vote by repeaters or personators, there can be but little doubt.

* * * * * * *

It is established by the testimony that the office-holders and appointees, Federal, State, and municipal, in Philadelphia are from twelve thousand to fifteen thousand in number, and that they are almost entirely republicans, every one of whom, according to the testimony of Mr. Welsh, is appointed and holds his place for partisan purposes. In reaching a conclusion in reference to the management of political affairs in Philadelphia, the committee have relied much on the testimony of this gentleman, a venerable and well-known citizen of that community, and a republican. According to his testimony it has long been the custom in Philadelphia to swell the list of employés in the various departments of the city government enormously, just previous to an election, and he unhesitatingly asserted that the increased number of employés was appointed not only that their own votes might be, as they were, controlled by those who gave them their places, but because they were supposed to control a certain additional number of votes.

I also read from the testimony of Hon. William Welsh, of Philadelphia, taken before that committee. Mr. Welsh is now deceased, but will be remembered as the Indian commissioner and as a man of the very highest character:

Question. Where do you reside?
Answer. 1122 Spruce street, Philadelphia.
Q. What is your official position in connection with the city of Philadelphia?
A. I am president of the board of directors of city trusts.

* * * * * * *

Q. Have you any knowledge as to the number of officials—State, national, and city—in the city of Philadelphia?
A. No, sir; I have no knowledge as to that beyond what most intelligent citizens have. I believe there are twelve hundred to thirteen hundred policemen, and the number of street pavers and others depends upon the approach of the time of election. The number may be increased four or five fold immediately before the election. It is not a given number.
Q. It fluctuates according to the supposed interests of the time?
A. I suppose the Government can extend that influence to ten thousand people in Philadelphia. Taking the twelve hundred men on the police, and the grog-shops that are under their influence by reason of their allowing the back doors to be open—give me these twelve hundred men, with their present powers, and I could control 10,000 votes.
Q. The policemen, however, are only a small part of the officials of Philadelphia?
A. Only a part. As we approach election the General Government and the city government unite in giving thousands of people temporary employment in the navy-yard and elsewhere, and they are drilled thoroughly to carry lanterns in torch-light processions, and to vote.

* * * * * * *

Q. Did not you in your report make any reference whatever to the number of men employed in the different departments of the city government, and their influence in political matters?
A. Nothing whatever, sir; it would have been wholly out of place in such a report.
Q. Can you state approximately the number of men so employed in all the various departments of the city government?
A. I should be afraid to make a statement of that, because it would not have that sort of basis as I would like it to have. Just previous to a contested election I should estimate the number to be twice or three times as large as the ordinary number. I would have to fix some special period before I could make an estimate.
Q. At these seasons of political excitement, just previous to any hotly contested election, such as the last election for President and Congressmen, what was the number?
A. To give a crude guess, I should estimate it at five thousand voters, with ability to influence five thousand more. These men are selected not only because they are bound to vote thus, but because they are supposed to control a certain number of votes. If a man now gets an office under the city government he gets it because he has a certain amount of influence in his district and can control a certain number of votes.
Q. Has this been the practice?
A. As I understand it that is the practice. Each man has his office by reason of his ability to control a certain number of votes.
Q. Is that carried out through all the various departments of the city, so far as you know?
A. So far as I know, in the departments that are under political influence, it is carried on.
Q. That is part of the machinery of the political system here?
A. Yes, sir; on the part of the ruling party.
Q. Have you not been combating that state of things as well as you have been able?
A. I could hardly say that I have been doing it as fully as I should have done. I have had a little extra duty with the General Government on the Indian question, which has occupied a good deal of my time, but my colleagues have been working harder than I have. We have enlisted for the war, and mean to stick at it until we get a municipal reform. This movement is fermenting now in the various wards of the city. Things have not yet got quite bad enough for me. I should like to have anarchy for a couple of months and then we can get things right.

MARSHALS IN NEW YORK.

There were about thirteen hundred deputy marshals appointed in New York in 1878. In 1870 a large number were there appointed, of some of whom the Senator from Connecticut, [Mr. EATON,] in his place, on May 17, 1879, gave a list. Of those who were appointed marshals and supervisors in 1870 for the election at which the Federal troops were prepared to be used, these are specimens:

J. F. Baderhop, appointed by this estimable Judge Woodruff, at the instance of some of my friend's "bucket-men" in New York, some of those "shoulder-hitters" and "rat-pit heroes:"

"Theodore, *alias* Mike Anthony, *alias* Snuffey, of 24 Cherry street, a laborer, thirty-five years of age, married, and cannot read or write. Anthony was arrested by Detective James Finn, of the fourth precinct, on July 24, 1870, for larceny from the person, and was held in $2,000 bail for trial by Justice Hogan. He was indicted by the grand jury on the charge on the 23d of August last.

"Joseph Frazier, of 279 Water street, is a thief and confederate of thieves."

That is, a union thief. [Laughter.]

"James Miller is the keeper of a den of prostitution in the basement of 339 Water street.

"James Tinnigan keeps a similar den in the basement of 337 Water street.

"James Sullivan, *alias* Slocum, keeps a house of prostitution at 330 Water street, which is a resort for desperate thieves.

"Frank Winkle keeps a house of prostitution at 337½ Water street. The police are frequently called in to quell fights in Winkle's place, and it bears a hard reputation."

Now I come to a good fellow, a great chap. Of course it could not be supposed that the present chief of the supervisors in New York could appoint now any character holding as high a position as this one evidently does in that fraternity:

"The radical authorities have appointed one John, alias 'Buckey,' McCabe a supervisor of the eighth district, Fifteenth ward. He is now under indictment for shooting a man with intent to kill. This precious 'supervisor' originated here, and was first known to the police for his dexterity in robbing emigrants. His picture is in the 'rogues' gallery' at police headquarters in this city, No. 225. He was known as Pat Maddon, alias 'Old Sow,' alias Honsey Nichols, alias Dennis McCabe. His real name is Andrew Andrews. His wife resides in North Pearl street, and the 'supervisor' of the eighth district, Fifteenth ward, New York, is down in the directory as a citizen of Albany.

"Joseph Hurtnett, supervisor Eighteenth ward. Arrested June 3, 1869, as accessory to the murder of Richard Gerdes, a grocer, corner of First avenue and Twenty-fourth street.

"Henry Rail, supervisor Eighth ward. One of the principals in the Chatham-street saloon murder; went off West to escape punishment, and has only been back a few weeks.

"James Moran, supervisor third district, Eighth ward. Arrested on Sunday last for felonious assault.

"William (alias Pomp) Harton, (colored,) marshal Twenty-second ward. Arrested a few days since for vagrancy.

"Theodore Allen—"

It appears to me my colleague and myself have a sort of recollection of that name—

"Theodore Allen, marshal Eighth ward. Now in prison for perjury and keeps a house, the resort of panel-thieves and pickpockets, on Mercer street."

He is in jail to-day for murder, or is out on bail being charged with murder. Now, who is this man The. Allen? He has been exported from New York into my State in order to interfere in the elections of Connecticut, not I agree by any Government action, not by action of the United States officers; far be it from me to make a charge of that character; but he is well known in our State. One of his brothers served a sentence of six or seven years in the State prison of Connecticut. Another one of them staid in the inside of our jail at Hartford on a charge of burglary longer than he cared to, and so one night he left, and they have not heard of him since in Connecticut. His name is not in this list, but the family are a rising family of honest republicans!

"Richard O'Connor, supervisor seventh district, First ward; has been for years receiver of smuggled cigars from Havana steamer.

"L. H. Cargill, supervisor ninth district, Ninth ward; tried in United States court for robbing the mail.

"John Van Buren, supervisor twelfth district, Eighth ward; was at one time in sheriff's office and discharged for carrying a load of seized goods from the establishment of Richard Walters in East Broadway.

"Mart Allen, marshal Eighth ward; served a term of five years in the Connecticut State prison; sentenced to Sing Sing for five years by Judge Bedford. His case was appealed, and while waiting for decision he managed to get out on bail. His case has been decided against him, and he has fled to parts unknown to ply his vocation and help the radicals elsewhere.

"John McChesney, supervisor fourth district Ninth ward; associates with thieves; bears a bad character generally.

"William Cassidy, supervisor twelfth district, Ninth ward; is a street bummer, without any visible means of support.

"Thomas McIntire, marshal Eighth ward; has been frequently arrested for beating his aged mother; sent several times to Blackwell's Island.

"Timothy Lynch, marshal sixth district, First ward; a Washington-market lounger.

"Peter Mose, marshal Sixth ward; habitual drunkard.

"John Conner, supervisor first district, First ward; keeps a disorderly gin-mill, resort of lowest characters.

"Francis Jordan, supervisor sixth district, First ward; lives in New Jersey; was turned out of the post-office by Postmaster Jones for bad conduct.

"Bernard Dugan, supervisor eighth district, First ward; habitual drunkard. His wife left him on account of his drunkenness, and procured a divorce on that ground.

"John Tobin, supervisor ninth district, First ward; arrested about six months ago for grand larceny.

"Patrick Murphy, supervisor fourth district, Sixth ward; two years ago distributed fraudulent naturalization papers, and would furnish them to anybody that would promise to vote for Grant.

"Edward Slevin, jr., supervisor second district, Fourth ward; has an indictment now pending against him in court of general sessions for cutting a boy named Kilkenny.

"Michael Foley, supervisor fourth district, Fourth ward; well-known repeater, voting for anybody that will pay.

"James F. Day, supervisor seventh district, Fourth ward; shot at a man in a fight between the Walsh association and a gang from Water street.

"John Conners, 'alias Jockey,' supervisor third district, Fourth ward; a well-known desperate character.

* * * * * * *

"Michael Costello, marshal Sixth ward; bounty-jumper during the war.

"Harry Rice, supervisor thirteenth district, Sixth ward; was connected with the Chatham-street concert saloon murder, and fled to Nebraska to escape punishment.

"Thomas Lane, supervisor seventeenth district, Sixth ward; formerly keeper of a notorious den at Five Points, headquarters of thieves and robbers.

"John Lane, supervisor twenty-second district, same ward; was indicted for receiving stolen goods. Has served a term in Sing Sing.

"Edward Foley, supervisor sixth district, Ninth ward; arrested last year for stealing a watch.

"Humphrey Ayers, supervisor eighteenth district, Ninth ward; arrested six years ago for robbing the United States mail.

"John Dowling, supervisor nineteenth district, Ninth ward; arrested August 20, 1869, for till-tapping.

"James Fitzsimmons, supervisor twentieth district, Ninth ward; arrested August 1, 1868, for robbery.

"John Martin, supervisor fifth district, Twelfth ward; arrested a few years ago under an indictment for arson.

"Samuel Rich, supervisor fourth district, Thirteenth ward; served a term of two years at Sing Sing for felonious assault.

"John, alias 'Buckey,' McCabe, supervisor eighth district, Fifteenth ward; charged with shooting a man with intent to kill about a year ago.

"William P. Burke, supervisor twentieth district, Eighth ward; served his term in the State prison of Massachusetts for burglary; also two years in the New York State prison.

"James McCabe, supervisor fourth district, Eighth ward; now confined in the Tombs under indictment for highway robbery.

"William Irving, supervisor fourteenth district, Eighth ward; has served a term in Sing Sing prison for burglary committed in the Eighth ward, and has never been pardoned.

"Patrick Henry Kily, alias Fred. Williams, supervisor twenty-second district, Eighth ward; keeper of a house of ill-fame; resort of the lowest and vilest characters.

"Patrick Hefferman, supervisor of the tenth district, Sixth ward; arrested some time since for attempted murder.

"Frederick Sterringer, supervisor Eighth ward; has been arrested several times for keeping disorderly house.

"J. F. Baderhop, supervisor Tenth ward; arrested for murder a few years since.

"Ed. Weaver, marshal in Eighth ward; has been but a short time out of State prison, where he has been serving out his sentence.

"Walter Prince, (colored,) marshal Eighth ward; now in prison awaiting trial for highway robbery.

"Andrew Andrews, alias Hans Nicols, marshal; panel-thief; been sentenced two or three times to State prison, and has just returned from Blackwell's Island."

I read this from page 1636 of the Congressional Globe for the Forty-first Congress, third session, February 24, 1871.

Now, Mr. President, I ask, will honorable men, honorable Senators of the United States, say here in their places on the floor of the Senate that a system that is carried and has to be carried out in this nefarious manner—for it is nefarious—is a proper system to be adopted in this country of ours? Sir, I say no, a thousand times no. These men, these thieves, these murderers, these highway robbers, the men to supervise an election in the city of New York in the interest of a free ballot!

WHAT THEY COST.

The cost to the people of this system of terrorizing them at elections in New York City by roughs and thieves, and the way their money is spent, may be seen from the following extracts from the report of Caulfield's committee made August 5, 1876, (Report H. R. No. 800, first session Forty-fourth Congress:)

After taking Whitley's testimony on the 23d March, 1876, the committee recalled him about the 13th of April, and he testified that he was ordered first by Attorney-General Akerman and afterward by Attorney-General Williams to pay to Davenport the money out of this $50,000 annual appropriation; that in 1871 he paid him $5,000; in 1872, during the presidential campaign, he paid him $20,000, and afterward, in the next year, $4,000, making in all $34,000. He says he did not know what Davenport was to do with the money, but he always objected to paying it to him. He testified that the Attorney-General told him he had received a request from the President to pay it to Davenport, and he (Whitley) therefore obeyed orders. He said Davenport was a politician in New York, and was in no way connected with him in the secret-service department.

Notwithstanding the payment of $34,000 of Government money out of the ku-klux fund to Davenport, there is not the slightest evidence in the Attorney-General's Office or any Department of the Government to show that he ever received a dollar of this fund for any purpose. (See page 28, part 2.)

Your committee is much impressed with the conviction that Mr. Davenport was not wholly unselfish in the interest he took in the passage of these laws, as we find that as soon as the laws were passed he was called upon to fill the chief offices created by them, until now he holds no less than four offices, to-wit: United States commissioner, chief supervisor of elections, clerk United States circuit court, and master in chancery.

The first of these laws which Mr. Davenport says he was instrumental in having passed is the enforcement act of May 8, 1870. This law is made to provide in section 9 for an increase in the number of United States commissioners, and in section 12 for their fees.

Mr. Davenport says, (page 42,) in answer to the question, "How long have you been United States commissioner?" "Some time in 1870, I think about August;" just after the passage of the law. The next law which he was instrumental in passing, as he says, is the act to amend the naturalization laws, which provides in section 5 for the appointment of supervisors of elections.

The next act which he is instrumental in passing is the law to amend an act "to enforce the rights of citizens to vote," wherein it is provided, in section 13, that the court shall appoint one of these United States commissioners chief supervisor of elections. This act was approved February 28, 1871. Mr. Davenport is asked, (page 42,) "How long have you been chief supervisor of elections?" He answered, "Ever since the law was passed, which, I think, was on February 28, 1871."

Mr. Davenport says that the aforesaid act (under which he was appointed chief supervisor) was amended by the act of June 10, 1872, chapter 415, volume 17, at his expense of $80 for telegraphing to and from Washington.

It will be remembered that June 10, 1872, was at the beginning of the presidential campaign of 1872.

This amendment, procured by Davenport, under the head of "judiciary," as he says, provides "for defraying the expenses of the courts, &c., for jurors and witnesses," &c., "and for the expenses which may be incurred in the enforcement of the act relative to the rights of the citizens to vote," of February 28, 1871, (providing for the appointment of chief supervisor,) as above given, "$3,200,000; of which sum $200,000 shall be available for the present fiscal year."

Under the same head, page 350, and in the same law, is the appropriation of the sum of $50,000, to be expended under the direction of the Attorney-General, for what is known as the ku-klux fund, for the "detection and prosecution of crime," &c.

We find Davenport, one month after this, gets from Whitley, as shown by his receipt, $5,000; on the 26th of September, $10,000; October 11, $5,000; in all $20,000 during the presidential campaign of 1872.

In addition to this, the testimony shows (see page 142) that, in the winter of 1871 and 1872, Davenport got from the committee of seventy between $8,000 and $10,000 "for services performed." In addition to this sum, we find that Mr. Davenport rendered a bill to the Government for the election of November, 1872, which is given on page 34, for $18,630.35. This bill is for expenses incurred for payments to himself, which are provided for by the law of February 28, 1871, section 14, which he was instrumental in having passed, fixing the fees of chief supervisor, and which is as follows:

In the matter of the account of John I. Davenport, as chief supervisor of elections southern district of New York, for services rendered and expenses incurred at the election held on the 5th day of November, 1872, at which Representatives in Congress were chosen.

The United States to John I. Davenport, chief supervisor of elections.

For services:	
To filling 2,141 applications for appointment as United States supervisors, at ten cents each	$214 10
To administering 3,888 oaths to supervisors and deputy marshals, at ten cents each	388 80
To filling 3,888 oaths of supervisors and marshals, at ten cents each	388 80
To filling 3,505 registry and verification books, at ten cents each	350 50
To filling 951 reports of examination of houses and voters and reports of supervisors, at ten cents each	95 10
To filling 924 commissions of supervisors, at ten cents each	92 40
To filling 2,590 returns of the canvass, at ten cents each	259 00
To indexing 79,995 folios of records of my office, at fifteen cents per folio	11,999 15
	13,787 85
For expenses:	
To bill of J. X. Brown, as annexed	4,842 50
Total services and expenses	18,630 35

Voucher to first account.

NEW YORK, *November* 12, 1872.

John I. Davenport, chief supervisor of elections, to J. X. Brown, printer and stationer, Dr.

To twenty registration voters and index books	$459 00
Engraving, lithographing, and printing 6,900 maps, twenty-one assembly districts	670 00
Paper, composition, stereotyping, printing and binding 5,000 election laws	930 00
Paper, ruling, printing, binding supervisor books	1,219 00
3,000 verification books	1,200 00
3,000 blank applications for supervisors	20 00
3,000 circular information to supervisors	38 00
2,500 notices to supervisors	17 50
3,000 letter-circular instructions	49 00
3,500 four-page letter-circulars—information, &c	56 00
5,000 election-returns heads, 5 forms, 86 alterations	100 00
4,000 printed envelopes for returns	24 00
	4,842 50

Received payment.

J. X. BROWNE.

Amount claimed	$18,630 35
Deduct charge for 750 oaths administered by Commissioner Shields to supervisors and deputy marshals, disallowed as not payable to chief supervisor	75 00
Allowed	18,555 35

FIRST AUDITOR'S OFFICE, *April* 26, 1873.
COMPTROLLER'S OFFICE, *May* 3, 1873.

In addition to the above is Marshal Sharpe's account furnished for expenses of the same election, which account was paid upon the written order of the President, under the provision of the law approved August 31, 1852.

The account amounts to $15,132.50, one item of which is $1,991.50 for carriages; another for $440 rent of rooms at Fifth Avenue Hotel for chief supervisor of elections (Davenport) as headquarters, which rooms were adjoining the rooms of the republican State committee at Fifth Avenue Hotel, as shown by Davenport's testimony, (see page 146.)

The bill of Marshal Sharpe for pay of these marshals, &c., may be found on pages 333, 334, and 335 of the same document, and is as follows:

The United States of America to George H. Sharpe, United States marshal for the southern district of New York, Dr.

For the payment of extraordinary expenses incurred in executing the law of Congress entitled "An act to enforce the rights of citizens of the United States to vote in the several States of this Union, and for other purposes," approved May 31, 1870, and also the law entitled "An act to amend the naturalization laws, and to punish crimes against the same, and for other purposes," approved July 14, 1870, at the election held for Representative in Congress, November 8, 1870:	
For the compensation of deputy marshals in the fourth, fifth, sixth, seventh, eighth, and ninth congressional districts of the State of New York, as per rolls of the several districts comprising the same, as follows, namely:	
For the compensation of deputy marshals in the first assembly district, as per roll annexed, voucher No. 1	$4,590 00
For the compensation of deputy marshals in the second assembly district, as per roll annexed, voucher No. 2	3,510 00
For the compensation of deputy marshals in the third assembly district, as per roll annexed, voucher No. 3	2,400 00
For the compensation of deputy marshals in the fourth assembly district, as per roll annexed, voucher No. 4	2 100 00
For the compensation of deputy marshals in the fifth assembly district, as per roll annexed, voucher No. 5	4,015 00
For the compensation of deputy marshals in the sixth assembly district, as per roll annexed, voucher No. 6	1,355 00
For the compensation of deputy marshals in the seventh assembly district, as per roll annexed, voucher No. 7	1,320 00
For the compensation of deputy marshals of the eighth assembly district, as per roll annexed, voucher No. 8	3,150 00
For the compensation of deputy marshals in the ninth assembly district, as per roll annexed, voucher No. 9	2,505 00
For the compensation of deputy marshals in the tenth assembly district, as per roll annexed, voucher No. 10	1,230 00
For the compensation of deputy marshals in the eleventh assembly district, as per roll annexed, voucher No. 11	1,155 00
For the compensation of deputy marshals in the twelfth assembly district, as per roll annexed, voucher No. 12	2,570 00
For the compensation of deputy marshals in the thirteenth assembly district, as per roll annexed, voucher No. 13	2,740 00
For the compensation of deputy marshals in the fourteenth assembly district, as per roll annexed, voucher No. 14	1,765 00

For the compensation of deputy marshals in the fifteenth assembly district, as per roll annexed, voucher No. 15	1,325 00
For the compensation of deputy marshals in the sixteenth assembly district, as per roll annexed, voucher No. 16	1,635 00
For the compensation of deputy marshals in the seventeenth assembly district, as per roll annexed, voucher No. 17	1,820 00
For the compensation of deputy marshals in the eighteenth assembly district, as per roll annexed, voucher No. 18	1,690 00
For the compensation of deputy marshals in the nineteenth assembly district, as per roll annexed, voucher No. 19	510 00
For the compensation of deputy marshals in the twentieth assembly district, as per roll annexed, voucher No. 20	1,765 00
For the compensation of deputy marshals in the twenty-first assembly district, as per roll annexed, voucher No. 21	1,585 00
For the compensation of deputy marshals and special deputies at the headquarters of the United States marshal during the same election, for the safe-keeping and conveyance of prisoners, as per roll annexed, voucher No. 22	420 00
For the compensation of deputy marshals and special deputies in the several assembly districts above named, whose names were transferred from the rolls above stated, as noted thereon, to roll No. 23, hereto annexed, (see affidavit annexed to roll 23,) voucher No. 23	2,015 00
For the compensation of deputy marshals and special deputies in the several assembly districts above named, whose names appear on pay-roll and voucher No. 24, hereto annexed, the same being authorized by letter of the Attorney-General, dated January, 1871, a copy of which is hereto annexed, voucher No. 24	805 00
For the special and extraordinary expenses incurred and paid by me, in and about the execution of said laws at said election, as per statement and vouchers hereto annexed, marked Exhibit A	1,962 48
For the special and extraordinary services of John Sedgwick, esq., as special counsel for the United States marshal and deputy marshals, as per voucher annexed (withdrawn by marshal)	3,500 00
Total	53,337 48

Payment of the within account allowed under the special taxation of the circuit court of the United States for the southern district of New York, in which district the services were rendered, and is to be paid from the appropriation for defraying the expenses of the judiciary.

An advance of an amount sufficient to pay the same is authorized.

U. S. GRANT.

EXECUTIVE MANSION, *December* 21, 1870.

The United States to George L. Sharpe, United States marshal southern district of New York, Dr.

Moneys paid out during the election for Representatives in Congress, November 8, 1870, under the acts of Congress relating to elections, severally approved May 31, 1870, and July 14, 1870.

To carriages for conveyance of prisoners to this office on arrest, and from this office to county jail, as per voucher annexed	$18 00
To bills of Western Union Telegraph Company for the erection of four special offices and connections with their city lines; and for messages sent and received, on day of election, as per voucher annexed	336 98
To bill of M. O. Sullivan, special clerk, for making and copying lists of commissions, filling up commissions, correcting lists from time to time as changes were made, rendered necessary by refusals to act, removals, and resignations, and filling out new commissions therefor, as per voucher annexed	50 00
To bill of expenses of the United States marshal, George H. Sharpe, in proceeding to Washington and back twice on business connected with the election, as per voucher annexed	52 00
To bill for badges of chief deputy marshals, as per voucher annexed	44 00
To bill for badges of deputy marshals, as per voucher annexed	1,250 00
To bill of printer, G. B. Tripp, for commissions for supervisors of election; for commissions of deputy marshals, for acts of Congress; for instructions to supervisors and deputy marshals, as per voucher annexed	363 50
Total	2,014 48
Deduct items No. 4 above—not taxed	52 00
Total amount of voucher	1,962 48

VOORHEES ON DAVENPORT.

The Senator from Indiana [Mr. VOORHEES] in his place, in the Senate, with that magnificent diction so peculiarly his own, says:

But in the present instance we have vastly more than the mere menace or threat of future subjugation by virtue of the laws under discussion. We are not left to conjecture what will be done hereafter. Already these laws have been executed over the prostrate forms and liberties of American citizens in a manner and to an extent which would arouse any people in Europe to revolt, except, perhaps, the serfs of Russia. I speak not now of the South, which has so long been considered a legitimate prey to the spoiler, but of the great, dominant, and stalwart North. Look to New York, that mighty emporium of the wealth and commerce of the western hemisphere. Scenes have been enacted there within the last few years which bring shame and disgrace to the Republic wherever they are known. John I. Davenport is chief supervisor of elections in the city of New York, appointed by the circuit court of the United States. He is also the clerk of the United States circuit court, and a United States commissioner. With all the powers of these manifold official positions combined in his own person he has indeed been the autocrat of the ballot-box. In the elections of 1876 he had under him one thousand and seventy supervisors, twenty-five hundred deputy marshals and an indefinite number of commissioners at an expense for them and for himself of $94,587.

In 1878 he employed twelve hundred and twenty-five supervisors, thirteen hundred and fifty deputy marshals, and commissioners in proportion, for all whose pay and expenses he drew upon the money of the people in the Treasury. In June, 1876, as clerk of the United States circuit court, he issued warrants for the arrest of twenty-six hundred naturalized voters to be brought before him as United States commissioner and chief supervisor for the purpose of making them surrender their naturalization papers. The Federal courts themselves afterward held that the naturalization papers in question were all legal and valid, but the desired result had been accomplished. The terror inspired by these arrests intimidated thousands from going to the polls. It became well known that there was no personal security in New York in connection with the elections, and the poor, the timid, and the humble staid away. The same course was pursued in 1878. During the summer of that year nine thousand four hundred citizens were notified that they would be arrested unless they surrendered their naturalization papers to the head overseer, John I. Davenport. In the month of October, 1878, thirty-one hundred persons were actually arrested and a reign of terror inaugurated just in advance of the election. The pretense that these persons held fraudulent naturalization papers had already been shown to be false, but it was necessary to party success that an alarm should be raised and a panic created in the minds of foreign-born citizens and of the poor laboring classes generally.

The movement was successful, and it has been estimated that ten thousand legal voters remained away from the polls rather than risk the jails and the prison-pens of the chief supervisor and his subordinates. But it was reserved for the day of election itself to give free scope to the frightful powers with which this band of Federal ku-klux is invested. Those who braved the dangers which environed the ballot-box, and approached it as if they were still freemen soon found their mistake. They quickly ascertained that the previous threats and warnings which they had heard were neither idle nor unmeaning. As a specimen of thousands of similar occurrences on election day, I quote a statement recently made by a member of the other branch of Congress from New York. Speaking from his place on the floor he said:

"A neighbor of mine, who had resided in the same district for seventeen years, and a soldier of the Union Army at that, was arrested. I was asked to go to the republican headquarters in an adjoining district, whither he had been taken. The street for an entire block was lined with carriages, in which the unfortunate citizens who had fallen into the hands of the Philistines had been or were to be conveyed. When I entered the building I found the front room decorated with the paraphernalia of a political headquarters and filled with republican politicians. In the back room a United States commissioner was holding court. The door was closed, watched by a Cerberus. No one was allowed inside but the prisoners and the republican managers. After about half an hour's waiting I was informed by the doorkeeper that the man I was looking for was no longer there. I asked whither he had been taken. 'Suppose to Fort Davenport,' was the laconic reply."

The following description of election day in Davenport's court, in New York, is said to be but a tame and imperfect presentment of the facts as they there transpire from year to year as the elections occur:

"Such a scene as the rooms of this court presented on that election day has never before been witnessed in this city or in this country, and it is to be hoped never will again. From early morning until after the polls were closed these rooms were packed and jammed with a mass of prisoners and marshals. Not only were they crowded beyond their capacity, but the halls and corridors were thronged with those who were unable to obtain admission, so that the counsel representing the prisoners and the bondsmen who were offered to secure their release had the greatest difficulty and were frequently unsuccessful in obtaining entrance. In addition to all this was that delectable iron 'pen' on the upper floor, in which men were crowded until it resembled the black hole of Calcutta, and where they were kept for hours hungry, thirsty, suffering in every way, until their cases could be reached. With scarcely an exception these men had gone to the polls expecting to be absent but a short time. Many of them were thinly clad; numbers had sick wives or relatives; some were sick themselves. There were carmen who had left their horses standing in the public streets, men whose situations depended on their speedy return; men who wished to leave the city on certain trains. Every imaginable vexation, inconvenience, injury, and wrong which the mind can conceive existed in their cases, so that it was painful for the counsel who were endeavoring to secure their release to approach sufficiently near the railing to hear their piteous appeals and witness the distress which they had no power to alleviate. And over all this pushing, struggling, complaining crowd, Mr. Commissioner John I. Davenport sat supreme, with a sort of oriental magnificence, calmly indifferent to everything but the single fact that no man who was arrested was allowed to vote."

MARSHALS IN ARKANSAS.

The Senator from Arkansas [Mr. GARLAND] says:

These outrages have been occurring all over the country. You need not go to New York in 1876 as the only time and place at which outrages have occurred, but further back than that. I want to read to you a report made seven or eight years ago upon this subject of United States marshals and upon their use at the polls by a republican Senate committee to a republican Senate. Here is what they say about it:

"In the first and third wards of the city of Little Rock the enforcement act and the United States marshals seem to have been employed in attempting to break up the legal polls after they were organized; while in the townships of Ashley, Badgett, and Campbell it and the United States marshals were used to vote 176 more votes in said townships than there were voters in them."

This was at the commencement of the employment of these United States marshals at the polls, and there was a report made to a republican Senate, by republican members of the Senate, that the United States marshals were thus used and united in the commission of the most infamous frauds ever perpetrated upon a free people.

That is not all they say; they say further:

"The heart grows sick and our confidence in the integrity of mankind sickens and grows less day by day as we probe the acts of corruption perpetrated in this country at the late election. Our sympathies are with the cause under whose banner these unblushing and barefaced frauds were committed, but we feel republicanism cannot prosper, nor does it deserve to prosper, by the use of means employed in Pulaski County, (Arkansas.)"

MARSHALS IN LOUISIANA.

I now read from the report of Mr. MORRISON, made February 1, 1877, to the House of Representatives on the subject of the elections in Louisiana in 1876, (Report 156, part 1, Forty-fourth Congress, second session, page 6:)

The United States marshal appointed and paid out of the United States Treasury eight hundred and forty deputy United States marshals for the parish of Orleans, city of New Orleans. They served from one to five days in keeping the peace and in the interest of a fair election, if the marshal is to be believed. The character of the men appointed and nature of the service rendered by them is aptly explained by one of them, John McDonald, who testified before the committee. He lived on the wharf; lodged nowhere, and had no particular employment; was appointed and sworn in on the 6th; got one hundred and fifty colored men in the club-room and kept them there all night of the 6th; supplied them with republican tickets at three or four o'clock on the morning of the 7th, and carried his poll for the republican party. Besides the eight hundred and forty deputy marshals for New Orleans, many hundreds were appointed for the country parishes who served without compensation, some of them going from New Orleans to the country parishes as a mere patriotic duty, without compensation, if the testimony of the United States marshal is to be credited.

With all the election machinery in their control, to use which in the republican interest the officials, State and Federal, did not scruple, and after the employment of all means, honest and otherwise, at their command, in that interest, when the commissioners of election opened the ballot-boxes on the evening of November 7 they were found to contain a majority of 7,639 votes for the Tilden electors. Then the conspirators appealed to the returning board.

MARSHALS IN SAINT LOUIS.

A leading gentleman from Ohio, Mr. EWING, says:

In response to the demand to cite instances of the bad use of marshals and supervisors in controlling elections I take one case, the election for Congressmen in Saint

Louis in 1876. I hold in my hand the uncontradicted testimony in the contested-election case last Congress of Frost *vs.* Metcalfe. It appears from it that E. T. Allen was appointed by the circuit court chief supervisor for the city of Saint Louis. He testifies that there was no occasion for the appointment of deputy marshals at that election, as the elections in Saint Louis had been theretofore peaceful and fair. Leffingwell, the United States marshal for that district, was of the same opinion, and refused to appoint any special deputies. Thereupon one D. W. D. Barnard, *a national-bank examiner*, who was an old acquaintance of General Grant, and who had got Leffingwell his appointment as marshal, went to Leffingwell and said, (I quote from Barnard's own deposition:)

"'You have got instructions from the Attorney-General to enforce the laws of the United States.' 'Yes, sir.' 'If you don't execute your orders I will see that you are not marshal much longer. The man that makes can unmake.' Then said he to me, 'What am I to do?' I said to him, 'I can relieve you of that dilemma. Give *me* control of those marshals,' and he says, 'I will do it.'

"Question. Well, did he do it?

"Answer. I think so, sir.

"Q. Was there any more necessity for the appointment of marshals for that election than for any previous election?

"A. Oh, well, you gentlemen know very well that *in a political struggle for party ascendency it is necessary for the co-ordinate branches of the Government to be in accord;* and there was an effort on the part, so I interpreted it, of the party which I acted with to gain control of the House of Representatives."

One thousand and twenty-eight deputy marshals were thus appointed in Saint Louis to work for the election of the three republican candidates for Congress. A large part of them were democrats. They were selected through a Mr. John Codding and other reliable republican partisans. Democrats were preferred as deputies, provided they pledged themselves to vote for the republican candidates for Congress. Thomas Barrett, J. F. Ryan, N. W. Devoy, Michael Carroll, Matthew Horan, and Michael Welsh testified that they were appointed deputy marshals on the distinct condition that they would vote for the republican candidate, and that others were appointed on the same pledge. Carroll testified that, after some talk about his politics, Codding said:

"'I tell you, I don't care a d——n what you are; I want you to do one thing, and I will get you the commission.' Says I, 'what is that one thing?' Says he, 'if you will vote for Metcalfe I will get you a commission. That's all I want you to do. I don't care what you do for the rest of the party. I want you to vote for Metcalfe.' He asked if I would promise to do that, and I told him yes; and then he went and got my commission, and brought it and handed it to me."

Thomas McNamara, a deputy marshal, testified that he was appointed eight days before the election, and was instructed "to move around the ward" and do all he could to help Metcalfe, the republican candidate for Congress. The deputy marshals were given lists of the voters, prepared by the republican central committee, and went from house to house inquiring whether the voters would be at home on election day. Whenever the answer was not positive, if the voter inquired about was a democrat, his name was marked for challenge or arrest. Witness said he took the oath as deputy marshal, and prepared to do the duty he was put there for.

"Question. Now, what duty were you put there for?"

"Answer I had understood I was put there for Mr. Metcalfe's interest."

The marshals were divided into companies under captains, and Michael Welch testifies that his company were instructed on election day by their captain, O'Connor, "to bring in (that is, *arrest*) all the democrats they could, and keep them from voting—damn them!"

By the expenditure of $20,000 in hiring these one thousand and twenty-eight bummers, and by marking five thousand seven hundred names of registered democratic voters for intimidation by challenge or arrest, the city of Saint Louis, which returned three democratic Congressmen at a fair and peaceful election in 1874, was made to return three republican Congressmen in 1876.

Bank Examiner Barnard was not disposed to hide his light under a bushel, but came to Washington to report to the Grant administration the manner of his success in electing three republican Congressmen from three democratic districts. In his testimony he reports an interview with Attorney-General Taft. He says:

"Mr. Taft asked Mr. Mudd how many marshals he had. Mr. Mudd referred him to me, and said I had charge of the marshals; and he turned to me, and I said, 'One thousand and twenty-eight' The old gentleman wheels round in his chair, and says, 'Were there no others out in Missouri you could have made marshals?' Says I, 'Mr. Taft, we went in to win,' * * * and he said, '*You bring a good deal of sugar in your spade.*'"

Recollect, gentlemen, that this entire statement as to the execution of the Federal election laws in Saint Louis by the Grant administration is taken from the testimony given in a contested-election case in due form of law two years ago, where both parties were represented by counsel, and that its truth has never been questioned.

Thomas Barrett says, on page 154:

Question. Were you informed by him that you couldn't get the appointment as United States marshal unless you voted for a republican Congressman?

Answer. He told me himself I couldn't be appointed unless under those conditions I should vote for the republican Congressman. The rest of the ticket he said he didn't care about.

Cross-examination by the counsel for the contestee, George H. Shields:

Q. You promised you would vote for the republican ticket to get the appointment?

A. Yes.

Q. And in order to get the appointment you willfully told him a lie?

A. Well, I didn't consider it was any of his business if he would appoint me. It was Government money that was to pay me, which had no right to be used in the interest of one man. It didn't matter what he was. That's the way I looked at it.

James Francis Ryan, another deputy marshal, testifies on page 158:

Question. Did he make that a condition for you to vote for Congressman?

Answer. Yes; that I should vote for Congressman.

Q. Or else you couldn't get an appointment?

A. Or else I couldn't get an appointment.

Nicholas W. Dervy, another deputy marshal, says on page 199:

Question. Did he make it a condition that you should vote for the republican Congressman before you received your appointment?

(Counsel for contestee objected; let him state the facts.)

Answer. Well, that is what he said. As long as I said I would vote for Metcalfe I would get my commission. So he brought me in the room right next to the United States marshal, Leffingwell, and gave me my commission.

Q. What were your politics?

A. Democrat.

John Berg, another deputy marshal, says on page 246:

Question. Now, have you any objection to telling who you voted for for Congress?

Answer. I voted for L. S. Metcalfe, I think his name is.

Q. Now what consideration moved you to vote for L. S. Metcalfe?

A. Well, I voted for Mr. Metcalfe more because them fellows put me in that club; and they put me on as United States deputy marshal, and then I thought it was no more than just to vote for him; otherwise, if I could not have been a deputy marshal, I would not have voted for him, and I guess they would not have put me on as marshal nohow unless they thought I was a republican.

Q. Those were the considerations that moved you to vote for Metcalfe?

A. Yes, sir.

THE CRY OF "STOP THIEF!"

I venture to quote *in extenso* the eloquent and earnest argument that follows. I know its author [Mr. BRAGG] will pardon me, for I can only thus repeat his admirable logic:

During this debate this Hall has resounded with the cry of fraudulent voting on the part of the democrats. Every man of the opposition has shouted fraud and charges us with intended perpetration of frauds in the future as the incentive for repeal of this law. Let us for a moment stop and inquire when this era of fraud commenced. Under what dynasty, under the operation of what laws, did this fraud upon the ballot-box commence, and when did we first hear of it, and who originated it, and for what purpose? All the cries of fraud that have been heard from the other side of the Chamber point to a fraudulent management and conduct of the ballot-boxes when they have been in charge of supervisors, and have been surrounded by a cordon of deputy marshals under these offensive laws. Now, if the argument in defense of the maintenance of this class of officers is that their purpose is to prevent fraud, while the result is that by their creation we have induced and fostered fraud, then certainly these officers have outlived their usefulness, and the sooner we dispose of them the better. We claim, Mr. Chairman, that they are the agents of fraud; that the purpose of their appointment is fraud; that they are appointed to surround the ballot box for the purpose of deterring those among the laboring classes of foreign birth who may choose to vote the democratic ticket, and to secure safe entrance into the ballot-box of just so many ballots as may be offered by any person no matter what his character or how often he may have voted, provided he be "one of the elect" and vote the republican ticket. They surround the box; they stand as a protection to the box against our votes; but they stand so that they may guard all those who come to that box desiring to vote their ticket, whether they be qualified or not. And the fearful democratic frauds are devices of these republican officials, who, under the hue and cry of "stop thief," hope to divert attention from themselves while they intimidate the honest laborer from voting by fear of arrest on false charge, while they stuff the ballot-box, and profit by crumbs of Federal patronage dealt out with lavish hand.

Radicals sneer when we talk of an honest voter being intimidated or deterred from voting. They say, "Show us your intimidated man." Arrest and imprisonment are not always essential to intimidation It exists in its most effective form without actual arrest and seizure. It is the presence of the official coupled with the power to do wrong, and with the well-understood feeling in the community that it is their disposition to carry out that power whenever it becomes necessary for the accomplishment of their purposes, that forms the strongest element of intimidation. The deputy marshals may be convicts, as the testimony shows they have been in many instances; they may be murderers, pickpockets, thieves, frequenters of houses of ill-fame—men of the very lowest grade of society, men whose touch is an abomination; yet they are clothed with the badge of the Federal Government, and they stand there representing the Federal power in all its majesty. They have no scruples of conscience, and the people know that their presence there, if it be obnoxious to them, means arrest, confinement, the taking them away from their families and children, who are dependent upon them for daily bread. This is the intimidation that is wrought by these people, and the number of men who are so deterred from voting is legion in every municipality where the marshals are put in requisition.

MILITARY FORCE DESTRUCTIVE OF FREEDOM.

The programme of the President and the stalwarts is not complete without the right to use Federal troops to aid Federal marshals in controlling State voters, and this is the natural refuge of a strong government. It is destructive to the very essence of free institutions, and if conceded by the people will subvert the Government.

I quote from many authorities to prove what ought to be self-evident.

The effort now is to govern from above and not from below. The doctrine is, the people were made to be governed, not the people made the government. Centralization, consolidation, Federal rule, kingly power will be the results of subverting the power of the States to control suffrage.

Daniel Webster, in his oration upon the completion of the monument upon the battle-ground of Bunker Hill, said:

Quite too frequent resort is made to military force; and quite too much of the substance of the people is consumed in maintaining armies, not for defense against foreign aggression, but for enforcing obedience to domestic authority. Standing armies are the oppressive instruments for governing the people in the hands of hereditary and arbitrary monarchs. A military republic, a government founded on mock elections and supported only by the sword, is a movement indeed, but a retrograde and disastrous movement, from the regular and old-fashioned monarchical systems. If men would enjoy the blessings of republican government they must govern themselves by reason, by mutual counsel and consultation, by a sense and feeling of general interest, and by the acquiescence of the minority in the will of the majority, properly expressed; and, above all, the military must be kept, according to the language of our bill of rights, in strict subordination to the civil authority. Wherever this lesson is not both learned and practiced there can be no political freedom. Absurd, preposterous is it, a scoff and a satire on free forms of constitutional liberty, for frames of government to be prescribed by military leaders, and the right of suffrage to be exercised at the point of the sword.—*Works of Daniel Webster*, volume 1, pages 98 and 99.

George Ticknor Curtis, referring to the power and duty of the Federal Government to interfere in elections in the States, says:

Upon these theories a practice has grown up of stationing Federal troops at the polls—a practice, the anticipation of which, if it could have been foreseen when the Constitution was framed, we may be sure would not only have prevented the introduction of the clause above quoted, but would have rendered the establishment of any national constitution an impossibility. I know not whence the advocates and partisans of this practice derive the power so to use the Army of the United States. If they seek for it in the clause relating to Federal elections, they seek it in a place where every sound constitutional lawyer will tell them it is not to be found. They ought to know that no people have long tolerated such a practice and preserved their liberties. It is the very practice by which the French Republic in our own times was converted into an empire, and it cannot go on in this Republic without sooner or later leading to the same kind of result. It matters not in whose hands the executive power may be. If one party can wield such a weapon, another party can adopt it in turn; and between them, in their struggles for supremacy, our liberties will be overthrown.

The present Secretary of State, Hon. William M. Evarts, spoke thus:

I must confess that the news that came from Louisiana a few days ago has profoundly alarmed me. A thing has happened which has never happened in this country before, and which nobody, I trust, ever thought possible.

When the Legislature convened—and I repeat, it convened according to law, at the time and in the place fixed by law, called to order by the very officer designated by law—those persons were claimants for seats on the ground of the votes they had; some of them presenting claims so strong on the ground of majorities so large that even such a returning board as Louisiana had did not dare to decide against them; and when they had been seated in the Legislature organized as I have described, United States soldiers with fixed bayonets decided the case against them and took them out of the legislative hall by force. When that had been done the conservative members left that hall in a body with a solemn protest. The United States soldiery kept possession of it; and then, under their protection, the republicans organized the Legislature to suit themselves.

There is another thing which especially the American people hold sacred as the life element of their republican freedom. It is the right to govern and administer their local affairs independently, through the exercise of that self-government which lives and has its being in the organism of the States; and, therefore, we find in the Constitution of the Republic the power of the National Government to interfere in State affairs most scrupulously limited to certain well-defined cases and the observance of certain strictly prescribed forms; and if these limitations be arbitrarily disregarded by the national authority, and if such violation be permitted by the Congress of the United States, we shall surely have reason to say that our system of republican government is in danger.

I cannot, therefore, escape from the deliberate conviction, a conviction *conscientiously* formed, that the deed done on the 4th of January in the state-house of the State of Louisiana by the military forces of the United States constitutes a gross and manifest violation of the Constitution and the laws of this Republic. We have an act before us indicating a spirit in our Government which either ignores the Constitution and the laws or so interprets them that they cease to be the safeguard of the independence of legislation and of the rights and liberties of our people. And that spirit shows itself in a shape more alarming still in the instrument the Executive has chosen to execute his behests.

On all sides you can hear the question asked, "If this can be done in Louisiana, and if such things be sustained by Congress, how long will it be before it can be done in Massachusetts and in Ohio? How long before the constitutional rights of all the States and the self-government of all the people may be trampled under foot? How long before a general of the Army may sit in the chair you occupy, sir, to decide contested-election cases for the purpose of manufacturing a majority in the Senate? How long before a soldier may stalk into the national House of Representatives, and, pointing to the Speaker's mace, say, 'take away that bauble!'"

* * * * * * *

The Federal office-holders in the South became the center of partisan intrigue and trickery. The Caseys and Packards carried off State senators in United States revenue-cutters and held republican conventions in United States custom-houses, guarded by United States soldiers to prevent other republican factions from interfering. Nay, more than that, Mr. Packard, during the last election campaign in Louisiana, being at the same time United States marshal and chairman of KELLOGG's campaign committee, managing not only the campaign, but also the movements of the United States dragoons, to enforce the laws and to keep his political opponents from "intimidating" his political friends. More than that, in one State after another in the South we saw enterprising politicians start rival Legislatures and rival governments, much in the way of Mexican pronunciamientos, calculating on the aid to be obtained from the National Government—the Attorney-General of the United States called upon to make or unmake governors of States by the mere wave of his hand, and the Department of Justice almost appearing like the central bureau for the regulation of State elections. And still more than that, we saw a Federal judge in Louisiana, by a midnight order, universally recognized as a gross and most unjustifiable usurpation, virtually making a State government and Legislature, and the National Executive with the Army sustaining that usurpation and Congress permitting it to be done.

And now the culminating glory to-day—I do not know whether it will be the culminating glory to-morrow: Federal soldiers, with fixed bayonets, marching into the legislative hall of a State, and invading the Legislature assembled in the place, and at the time fixed by law, dragging out of the body, by force, men universally recognized as claimants for membership, and having been seated; soldiers deciding contested-election cases and organizing a legislative body; the Lieutenant-General suggesting to the President to outlaw by proclamation a numerous class of people by the wholesale that he may try them by drum-head court-martial, and then the Secretary of War informing the Lieutenant-General by telegraph that "all of us," the whole Government, have full confidence in his judgment and wisdom. And, after all this, the whites of the South gradually driven to look upon the National Government as their implacable and unscrupulous enemy, and the people of the whole country full of alarm and anxiety about the safety of republican institutions and the rights of every man in the land.

He who in a place like ours fails to stop or even justifies a blow at the fundamental laws of the land makes himself the accomplice of those who strike at the life of the Republic and at the liberties of the people.

* * * * * * *

If you really think that the peace and order of society in this country can no longer be maintained through the self-government of the people under the Constitution and the impartial enforcement of constitutional laws; if you really think that this old machinery of free government can no longer be trusted with its most important functions, and that such transgressions on the part of those in power as now pass before us are right and necessary for the public welfare, then, gentlemen, admit that the Government of the people, for the people, and by the people is a miscarriage. Admit that the hundredth anniversary of this Republic must be the confession of its failure, and make up your minds to change the form as well as the nature of our institutions; for to play at republic longer would then be a cruel mockery. But I entreat you do not delude yourselves and others with the thought that by following the fatal road upon which we are now marching you can still preserve those institutions; for I tell you, and the history of struggling mankind bears me out, where the forms of constitutional government can be violated with impunity, there the spirit of constitutional government will soon be dead.

* * * * * * * *

But still more, the people have begun to understand, and it is indeed high time they should understand, that the means professedly used to prevent and suppress outrages are producing far worse fruit than the outrages themselves; that—and hear what I say—the lawlessness of power is becoming far more dangerous to all than the lawlessness of the mob.

The following opinion was given by Attorney-General Evarts, August 20, 1868, in response to a United States marshal:

While, however, the law gives you this "power to command all necessary assistance," and the military within your district are not exempt from obligation to obey in common with all the citizens, your summons, in case of necessity, you will be particular to observe that this high and responsible authority is given to the marshal only in aid of his duty "to execute throughout the district all lawful precepts directed to him and issued under the authority of the United States," and only in case of necessity for this extraordinary aid. The military persons obeying this summons of the marshal will act in subordination and obedience to the civil officer, the marshal, in whose aid in the execution of process they are called, and only to the effect of securing its execution.

The special duty and authority in the execution of process issued to you must not be confounded with the duty and authority of suppressing disorder and preserving the peace, which, *under our Government, belongs to the civil authority of the States, and not to the civil authorities of the United States.* Nor are this special duty and authority of the marshal in executing process issued to him to be confounded with the authority and duty of the President of the United States in the specific cases of the Constitution and under the statutes to protect the States against domestic violence, or with his authority and duty under special statutes to employ military force in subduing combinations in resistance to the laws of the United States; for neither of these duties or authorities is shared by the subordinate officers of the Government, except when and as the same may be specifically communicated to them by the President.

The public cannot have forgotten how General Sheridan in 1872, acting under orders from Washington, seized the Legislature of Louisiana, dispersed it, and installed a new body of men in its place, and then proposed to outlaw a large part of the population of that State and try them by drum-head court-martial as banditti. People cannot have forgotten the indignation very generally expressed at these high-handed proceedings.

HON. CARL SCHURZ.

In a speech Hon. Carl Schurz, now a member of Hayes's Cabinet, said, in his place in the Senate:

United States soldiers, with fixed bayonets, decided the case against them, and took them out of the legislative hall by force. * * * I cannot, therefore, escape from the deliberate conviction—a conviction conscientiously formed—that the deed done on the 4th of January, in the state-house of Louisiana, by the military forces of the United States, constitutes a gross and manifest violation of the Constitution and laws of this Republic. * * * If this can be done in Louisiana, and if such things be sustained by Congress, how long will it be before it can be done in Massachusetts and Ohio?

He who, in a place like ours, fails to stop, or even justifies a blow at the fundamental laws of the land, makes himself the accomplice of those who strike at the life of the Republic and at the liberties of the people.

In speaking on the same subject before the Cooper Institute indignation meeting, Mr. Evarts also entered his memorable protest against the military usurpation in Louisiana in the following language:

When men vote, and when their chosen officers meet, and when without violence and without demonstration of insurrection they undertake to conduct the affairs of their political government, *no soldiers can interfere.*

There are two very distinct, firm lines of limitation, which, observed, will protect the machinery of the Government for the people to-day—that is, that the *sole intervention* of the Federal power within State authority shall be to suppress violence, and that their office after that shall not assume to go further *unless when invited by the supreme authority of the State.*

What use is it to give the purse and the sword to the House of Commons if the King or the President by military power can determine what shall be the constitution of the House of Commons or the House of Congress? And that is what they fought for in England. * * * And for this reason the people of the United States are justified in assuming that the supreme civil power shall dominate over the military, and that no merging of them or interference with them shall be permitted.

OTHER AUTHORITY.

Let me quote on this subject from the first volume of Blackstone's Commentaries, page 178:

And as it is essential to the very being of Parliament that elections should be absolutely free, therefore all undue influences upon the electors are illegal and strongly prohibited. * * * As soon, therefore, as the time and place of election, either in counties or boroughs, are fixed, all soldiers quartered in the place are to remove at least one day before the election to the distance of two miles or more; and not to return till one day after the election is ended.

This idea is fully recognized by elementary writers in this country. McCrary, in his American Law of Elections, at section 418, says:

There can, however, be no doubt but that the law looks with great disfavor upon anything like an interference by the military with the freedom of an election. An armed force in the neighborhood of the polls is almost of necessity a menace to the voters and an interference with their freedom and independence, and if such armed force be in the hands of or under the control of the partisan friends of any particular candidate, the probability of improper influence becomes still stronger.

McCrary cites this English case:

As early as 1741 an attempt was made to interfere with an election held for the city of Westminster, by stationing a body of armed soldiers near the polls. On this being shown to the House of Commons, it was by that body resolved that the presence of a regular body of armed soldiers at an election of members to serve in Parliament is a high infringement of the liberties of the subject, a manifest violation of the freedom of elections, and an open defiance of the laws and constitution of this kingdom.

The high bailiff was taken into custody by order of the house, and the three magistrates who signed the order were brought to the bar and reprimanded by the speaker, upon their knees, as the house had directed; and after this the house passed a vote of thanks to the speaker for his reprimand of the delinquents, and directed the same to be printed.

Dr. Lieber, in his work on civil liberty and self-government, in speaking of elections, says:

It is especially necessary that the Army be in abeyance, as it were, with reference to all subjects and movements appertaining to the question at issue. The English law requires the removal of the garrison from every place where a common election for Parliament is going on. Much more necessary is the total neutrality of the Army in an election of the sort of which we now treat.

Judge Cooley, in his work on Constitutional Limitations, under the title of the "freedom of elections," on page 614 says:

And with a just sense of the danger of military interference where a trust is to be exercised, the highest as well as the most delicate in the whole machinery of government, it has not been thought unwise to prohibit the militia being called out on election days, even though for no other purpose than for enrolling and organizing them.

The ordinary police is the peace force of the State, and its presence suggests order, individual safety, and public security; but when the militia appear upon the stage, even though composed of citizen militia, the circumstances must be assumed to be extraordinary, and there is always an appearance of threatening and dangerous compulsion which might easily interfere seriously with that calm and unimpassioned discharge of the elector's duty which the law so justly favors. The soldier in organized ranks can know no law but such as is given him by his commanding officer, and when he appears at the polls there is necessarily a suggestion of the presence of an enemy, against whom he may be compelled to exercise the most extreme and destructive force, and that enemy must generally be the party out of power, while the authority that commands the force directed against them

will be the executive authority of the State for the time being wielded by their opponents.

General Grant, while General of the Army, in speaking of the use of the Army at the polls in the Southern States, said, in contradiction and condemnation of his subsequent conduct when President:

It is consequently of the highest importance that the presence of a military force at the polls be not suffered except in serious emergencies, when disorders exist or are threatened for the suppression or prevention of which the ordinary peace force is insufficient; and any statute which should provide for or permit such presence as an unusual occurrence or except in the last resort, though it might not be void, would nevertheless be a serious invasion of constitutional right and should not be submitted to in a free government without vigorous remonstrance.

And, lastly, the gentleman from Ohio, [Mr. GARFIELD,] referring to these election provisions, said at the close of the last session:

I am free to admit for one that these enactments were passed at a period so different from the present that probably we can without serious harm in any direction muster them out, as we mustered out of service the victorious armies when the war was done. For myself, I see no serious practical objection to letting these sections go, &c.

In a case in the courts in New York, quoted by Judge Cooley from 11 Johnston, 521, a subordinate officer brought his company out on the day of election simply for the purpose of enrolling and organizing, not to drill them, not to make any demonstration. He was sued for that, and he pleaded two matters; first, that it was merely for the purpose of enrolling; and, second, that he acted under the orders of his superior officers. The court held both pleas insufficient, and said:

Under the twenty-fifth section of the act to regulate elections, (sess. 36, c. 41,) no officer can order out any part of the militia during any election, or ten days previous thereto, even for the purpose of enrolling or organizing them, and not to exercise.

Merely for the purpose of putting their names on the books and organizing them and then sending them home; but the court said, "No, they had no business there." Their very appearance, in the language of Judge Cooley, suggested menace, gave suspicion of intimidation, which was not to be tolerated at a free election; and an election is not an election when it is not free.

Mr. William H. Seward, from his place in the Senate of the United States, in discussing the Kansas troubles in 1856, declared that—

The time was, and that not long ago, when a proposition to employ the standing Army of the United States as a domestic police would have been universally denounced as a premature revelation of a plot, darkly contrived in the chambers of conspiracy, to subvert the liberties of the people and to overthrow the Republic itself.

* * * * * * *

Civil liberty and a standing army for the purposes of civil police have never yet stood together, and never can stand together. If I am to choose, sir, between upholding laws in any part of this Republic which cannot be maintained without a standing army, or relinquishing the laws themselves, I give up the laws at once, by whomsoever they are made and by whatever authority; for either our system of government is radically wrong, or such laws are unjust, unequal, and pernicious.

* * * * * * *

If the founders of the Constitution had been told that within seventy years from the day on which they laid its solid foundations and raised its majestic columns a standing army would have been found necessary and indispensable merely to execute municipal laws, they would have turned shuddering away from the massive despotism which they had erected.

Captain O'Brien, (who distinguished himself as a soldier at Buena Vista, Mexico,) in his very able work on "American Military Law," in his chapter (2) on "restraints of executive," says:

Congress may declare when and for what objects the Army is to be used, and for what purposes it may not be used, and thus chart out accurately the limits of executive power. And even within these limits the action of the Executive, indirectly but absolutely, depends on the concurrence of Congress, which must appropriate funds for the purpose before even a corporal's guard can be moved.

LIBERAL REPUBLICAN OPINION.

The late Senator, Hon. Stanley Matthews, of Ohio, said on the 1st day of May, 1872, when he was elected president of a convention then being held, composed of the men who had been the republican leaders, of whom the distinguished gentleman from Illinois [Mr. DAVIS] was one, and which convention was participated in by such men as Mr. Trumbull, Mr. Sumner, Mr. Schurz, now Secretary of the Interior, and hundreds of others of the same distinguished character who could have held, and who up to that time had held, many of them, the highest offices of honor, profit, and trust in the gift of the republican party—Mr. Stanley Matthews, president of that convention, among other things said:

And now, gentlemen, one of the deep and earnest convictions, which has spread universally almost through the hearts of the American people and out of which this movement originates, is this, that the war of the rebellion is ended, and that peace has come, [applause,] and that, as the war has ended, so ought military rule and military principles, [cries of "Good!" "Good!" and loud cheers,] so ought everything that is arbitrary; so ought everything that degrades race or individuals; so ought everything that oppresses, everything that corrupts, everything that keeps alive and fans the embers of the dying and ought to be dead past. The cry came up four years ago, and it was thought to be an auspicious omen the coming of that time which we had looked for in vain, when it was said, "Let us have peace." Look at the South to-day. What a spectacle! We have the example of so-called civil governments bankrupting the communities they affect to represent; power usurped by strangers and not conferred by the voice of the people, and not for the purpose of restoring the prosperity of those battle-grazed fields, but for corruptly enriching the men who think that power and office belong to them as property and not as a trust. And so, gentlemen, in every department of the Government the slow poison of corruption, only not sufficiently slow, seems to have pervaded the whole civil and political administration of the country from the head to the foot. [Applause.]

Observe, that is the language of the late Senator from Ohio, then president of a convention of men who up to that time had been republicans, and who claimed that they were obliged to leave the republican party because of its military rule, because of its despotism, because of its disregard of the rights of States and people, because of its seeking to overthrow civil liberty, because of its consolidation, its centralization, and its despotic tendencies. They went further than that. They issued an address to the American people that no doubt was read all over Europe, if that is what Senators are afraid of, all over the world, and they said things in that address against the party which is now seeking to maintain military power, to keep the peace at the polls, in a manner more bitter than anything that any democrat ever said. It reads thus:

The administration now in power has rendered itself guilty of wanton disregard of the laws of the land, and of usurping powers not granted by the Constitution; it has acted as if the laws had binding force only for those who are governed, and not for those who govern. It has thus struck a blow at the fundamental principles of constitutional government and the liberties of the citizen.

The President of the United States has openly used the powers and opportunities of his high office for the promotion of personal ends.

He has kept notoriously corrupt and unworthy men in places of power and responsibility, to the detriment of the public interest.

He has used the public service of the Government as a machinery of corruption and personal influence, and has interfered, with tyrannical arrogance, in the political affairs of States and municipalities.

STATE LAWS AND CONSTITUTIONS.

NEW YORK.

If any officer or other person shall call out or order any of the militia of this State to appear and exercise on any day during any election to be held by virtue of this chapter, or within five days previous thereto, except in cases of invasion or insurrection, he shall forfeit the sum of $500 for every such offense.—*Revised Statutes of New York State*, chapter 6, title 7, section 5, page 448.

MAINE.

If any officer of the militia parades his men or exercises any military command on a day of election of a public officer, as described in section 102 of chapter 10 and not thereby excepted, or except in time of war or public danger, he shall for each offense forfeit not less than $10, nor more than $300.—*Revised Statutes of Maine*, chapter 4, section 65, page 104.

PENNSYLVANIA.

No body of troops in the Army of the United States, or of this Commonwealth, shall be present, either armed or unarmed, at any place of election within this Commonwealth during the time of such election: *Provided*, That nothing herein contained shall be so construed as to prevent any officer or soldier from exercising the right of suffrage in the election district to which he may belong, if otherwise qualified according to law.—*Brightley's Purdon's Digest*, 1872; Pennsylvania; section 124, page 562.

NEW JERSEY.

No such election shall be appointed to be held on any day on which the militia of this State shall be required to do military duty, nor shall the militia of this State be required to do military duty on any day on which any such election shall be appointed to be held.—*Nixon's Digest:* New Jersey, revision of 1871; an act to regulate elections; section 33, page 262.

ILLINOIS.

Electors shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning from the same, and no elector shall be obliged to do military duty on the days of election, except in time of war or public danger.—*Revised Statutes Illinois*, 1874, *Constitution* 1870, article 7, section 3.

MASSACHUSETTS.

No meeting for the election of national, State, district, county, city, or town officers shall be held on a day upon which the militia of the Commonwealth are by law required to do military duty.—*General Statutes of Massachusetts*, 1860, section 1, page 58.

The constitution of New York contains this provision, quoted by the Senator from New York, [Mr. KERNAN:]

All elections ought to be free; and no person, by force of arms, malice, menacing, or otherwise, shall presume to disturb or hinder any citizen of this State in the free exercise of the right of suffrage.

And the Senator from Delaware [Mr. BAYARD] says:

In the early constitution of that little Commonwealth which it is my pride and honor partly to represent on this floor, I find this doctrine plainly given, in no jealousy of the power of the Government, but in jealousy of liberty when endangered in any quarter. The constitution of 1776 provided in article 28:

"ART. 28. To prevent any violence or force being used at the said elections no persons shall come armed to any of them, and no muster of the militia shall be made on that day; nor shall any battalion or company give in their votes immediately succeeding each other, if any other voter, who offers to vote, objects thereto, nor shall any battalion or company, in the pay of the continent, or of this or any other State, be suffered to remain at the time and place of holding the said elections, nor within one mile of the said places respectively, for twenty-four hours before the opening of said elections, nor within twenty-four hours after the same are closed, so as in any manner to impede the freely and conveniently carrying on the said election: *Provided, always*, That every elector may, in a peaceable and orderly manner, give in his vote on the said day of election."

Such, sir, was the exhibition of feeling of that early day; and shall it be said that we have retrograded? Shall we own that where the power has so infinitely increased that may threaten us, our anxieties or our duties have been lessened in a converse proportion? Go back, sir, into the pure and wholesome air of the earlier history of the State of New Jersey and read from the records of her colonial struggle to secure civil liberty, as related the other day by the honorable Senator from New Jersey, [Mr. RANDOLPH.] The history of American government in all the charters and constitutions of the States is marked by the design to perpetuate liberty by means of free and constantly recurring elections; and in the light of such a record of every State and of the Government of the United States, I hold that the law of any State or of the United States that authorizes the presence of the armed forces of a State or of the United States—any armed force—I care not what, at the polls of a popular election, is a law leveled at free government, it is a blow at freedom itself; it is impossible for it to have any other object or result; and if there be those who shall be so blind as to believe that force at election and freedom can exist together they will awaken soon to a sad realization of their mistake.

PROVISIONS IN THE CONSTITUTIONS OF THE SEVERAL STATES.

ALABAMA.

The right of suffrage shall be protected by laws regulating elections and prohibiting, under adequate penalties, all undue influences from power, bribery, tumult, or other improper conduct.

That no standing army shall be kept up without the consent of the

General Assembly, and the military shall in all cases and at all times be in strict subordination to the civil power.

ARKANSAS.

Elections shall be free and equal. No power, civil or military, shall ever interfere to prevent the free exercise of the right of suffrage.

CALIFORNIA.

The privilege of free suffrage shall be supported by laws regulating elections and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practice.

COLORADO.

That all elections shall be free and open, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

That the military shall always be in strict subordination to the civil power.

CONNECTICUT.

The military shall in all cases and at all times be in strict subordination to the civil power.

DELAWARE.

All elections shall be free and equal.

Same as Connecticut in regard to military interference.

FLORIDA.

That all elections shall be free and equal.

Same as Connecticut in regard to military interference.

GEORGIA.

Freedom from arrest on the day of election is guaranteed.

ILLINOIS.

The military shall be in strict subordination to the civil power.

All elections shall be free and equal.

INDIANA.

Same as Illinois.

IOWA.

Same as Illinois and Indiana.

KANSAS.

Same as the foregoing State.

KENTUCKY.

Same as the above in regard to military intervention.

LOUISIANA.

The military shall be in subordination to the civil power.

MAINE.

Same as Illinois and Indiana in relation to military subordination to civil power.

MARYLAND.

That standing armies are dangerous to liberty, and ought not to be raised or kept up without the consent of the Legislature.

That in all cases and at all times the military ought to be under strict subordination to and control of the civil power.

MASSACHUSETTS.

All elections ought to be free.

The people have a right to keep and bear arms for the common defense. And, as in time of peace, armies are dangerous to liberty, they ought not to be maintained without the consent of the Legislature; and the military power shall always be held in an exact subordination to the civil authority and be governed by it.

MICHIGAN.

Same as Illinois and Indiana in relation to military subordination to civil power.

No military duty exacted on election days, save in time of war, and freedom from arrest guaranteed.

MINNESOTA.

The military shall be subordinate to the civil power, and no standing army shall be kept up in this State in time of peace.

No arrests on the day of election.

A residence of one year in the United States and four months in the State constitutes citizenship and entitles the possessor thereof to a vote and the right to hold office.

MISSISSIPPI.

The same as Illinois identically in the military subordination clause, with power granted to the governor to execute the laws through the use of the State militia.

MISSOURI.

That all elections shall be free and open, and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

The governor is made commander-in-chief of the militia, and made the conservator of the peace throughout the State.

NEBRASKA.

Same as Illinois on the military subordination clause. All elections shall be free; and there shall be no hinderance or impediment to the right of a qualified voter to exercise the elective franchise. Electors free from arrest on election day.

NEVADA.

Same as Illinois and Nebraska. Free from arrest on election day.

NEW HAMPSHIRE.

Standing armies are dangerous to liberty, and ought not to be raised or kept up without the consent of the Legislature.

In all cases and at all times the military ought to be under strict subordination to, and governed by, the civil power. No person can in any case be subjected to law martial, or to any pains or penalties by virtue of that law, except those employed in the Army or Navy, and except the militia in actual service, but by authority of the Legislature. (1784 and 1792.)

NEW JERSEY.

The military shall be in strict subordination to the civil power.

NORTH CAROLINA.

Elections ought to be free; and as standing armies in times of peace are dangerous to liberty, they ought not to be kept up, and the military should be kept under strict subordination to, and governed by, the civil power.

OHIO.

All elections shall be free and equal, and the military kept in strict subordination to the civil power.

PENNSYLVANIA.

Elections shall be free and equal; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

No standing army shall, in time of peace, be kept up without the consent of the Legislature, and the military shall in all cases and at all times be in strict subordination to the civil power.

Electors shall in all cases, except treason, felony, and breach of surety of the peace, be privileged from arrest during their attendance on elections, and in going to and returning therefrom.

RHODE ISLAND.

Military made subordinate to civil power.

SOUTH CAROLINA.

Electors shall be free from arrest on day of election. The military power ought always to be held in exact subordination to the civil authority, and be governed by it.

TENNESSEE.

"As standing armies in time of peace are dangerous to freedom they ought to be avoided as far as the circumstances and safety of the community will admit; and that in all cases the military shall be kept in strict subordination to the civil authority.

"That martial law, in the sense of unrestricted power of military officers or others to dispose of the persons, liberties, or property of the citizen, is inconsistent with the principles of free government, and is not confided to any department of the government of this State."

TEXAS.

"The military shall at all times be subordinate to the civil authority." "Voters shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections and in going to and returning therefrom."

VERMONT.

"As standing armies in time of peace are dangerous to liberty they ought not to be kept up, and that the military should be kept under strict subordination to and governed by the civil power."

VIRGINIA.

"That standing armies in time of peace should be avoided as dangerous to liberty, and that in all cases the military should be under strict subordination to and governed by the civil power.

"That all power of suspending laws or the execution of laws by any authority, without consent of the representatives of the people, is injurious to their rights and ought not to be exercised."

WEST VIRGINIA.

"Standing armies in time of peace should be avoided as dangerous to liberty." "The military shall be subordinate to the civil power, and no citizen, unless engaged in the military service of the State, shall be tried or punished by any military court for any offense that is cognizable by the civil courts of the State."

WISCONSIN.

"The military shall be in strict subordination to the civil power."

THE MAILED HAND SINCE THE WAR.

We may judge the future by the past. If we find that those intrusted with power use it to destroy or attack free institutions it is a proof that it will be done again. Let us take the history of the country since Grant came to power and see how the Federal Army has again and again been used to strike down or threaten free men and free institutions, to dominate Legislatures and threaten voters.

See, first, New York at the congressional election of 1870:

[Official.]

WAR DEPARTMENT,
Washington City, October 27, 1870.

SIR: In view of the apprehension that there may be possible opposition made to the United States laws in connection with the coming election in the city of New York, November 8, 1870, the President directs that you instruct Brigadier-General McDowell, commanding the Department of the East, to hold the troops in that vicinity in readiness for service during a week, if necessary, to protect and assist the civil officers of the United States in their duty of enforcing the laws. The engineer troops and all others in the harbor of New York and vicinity will, for the occasion, be at his command. You will instruct General McDowell to confer fully

beforehand with the United States marshal and the United States district attorney, to concert with them proper measures, and to promptly respond to any call made upon him for troops by the marshal during the week of the election, ordering them in such numbers and to such points in the city as the marshal may signify.

The President hopes that the use of the United States troops for the purpose indicated will never be required, but the law must be enforced, and he therefore expects General McDowell and the officers and troops under his command, while using the utmost discretion, to take care that the purpose of the Government to enforce the law is fully carried out; but in the performance of this duty they are only effectually to execute the measures indicated to them by the authorized civil officers of the United States.

I am, sir, very respectfully, your obedient servant,

WM. W. BELKNAP,
Secretary of War.
CHAUNCEY McKEEVER,
Assistant Adjutant-General.

General W. T. SHERMAN,
United States Army, Washington, D. C.

[Special Orders No. 229.]

HEADQUARTERS DEPARTMENT OF THE EAST,
New York City, November 5, 1870.

1. The available officers and two hundred non-commissioned officers and privates of the engineer troops at Willett's Point, New York Harbor, will come to the headquarters building in this city, on next Monday evening, November 7, so as to arrive by ten o'clock p. m., prepared for armed service, and to remain at least till Wednesday morning. They will come in a steamboat, which the quartermaster's department will send for them, and will be landed at the foot of Spring street, (Pier No. 43 North River,) and march thence and take the station which may be shown them by the district quartermaster. They will bring a day's cooked rations. Facilities will be afforded in the building for making hot coffee.

2. All the available officers and men of the Eighth Infantry will be brought to the city on Monday, the 7th instant, to arrive about ten o'clock p. m. They will come prepared for armed service, with their overcoats and blankets, to remain at least till Wednesday morning, the 9th instant. The colonel, with five companies, will take post in building No. 161 Avenue B, near the northeast corner of Tompkins square, and the lieutenant-colonel, with five companies, will take post in buildings Nos. 322, 324, and 326 East Forty-fifth street, between First and Second avenues.

3. The available officers and men of the companies of the First Artillery at Forts Hamilton, Wadsworth, and Wood, under Colonel Vogdes or the senior officer, will come to the city on Monday evening, the 7th instant, to arrive by about ten p. m., prepared for armed service, and to remain at least till Wednesday morning. They will take post in building No. 294 Broadway, near the corner of Reade street, and will land at the wharf most convenient for their reaching that point. They will bring with them a day's cooked rations and their camp-kettles for making coffee. The district quartermaster will furnish drays to carry their effects from the steamboat.

4. The troops above indicated, and the Fifth Artillery from Fort Trumbull and Fort Adams, are to be brought here to aid the United States civil officers in the execution of their duty in enforcing the United States laws; and it cannot be too strongly impressed on them that the duty they have to perform is one of exceeding delicacy and of the highest importance, and that it may depend largely on their fidelity and good conduct that peace is maintained. They will be held in readiness for service at literally a moment's notice; and from the time of their arrival not a man will be allowed to leave the building on any account, or for any purpose whatever, unless under a commissioned officer.

5. Commanders of the stations above named will, immediately on their arrival, send a report of the fact to department headquarters.

By command of Brigadier-General McDowell.

ROBERT C. PERRY,
Acting Assistant Adjutant-General.

The troops came on Monday night—

As they were ordered, says the New York Tribune, November 9, 1870—

and disembarked silently to their several quarters. During the day perfect order reigned. The headquarters of the department, at the corner of Houston and Greene streets, presented a quiet appearance. The stairways, however, leading to the two upper stories of the building were packed with troops. The engineer department from Willett's Point, numbering three hundred men, with Companies H and I of the Fifth United States Artillery from Fort Trumbull, New London, Connecticut, all under command of Colonel Kiddoe, were quartered in the halls and on the stairs. Their arms were stacked, and the men were scattered around on benches and on the floor, or stood in groups engaged in conversation. All were armed with the latest improved needle-gun and furnished with forty rounds of ammunition, with one hundred rounds a man in reserve.

At pier No. 27, North River, Companies A, B, and L, of the Fifth United States Artillery, from Fort Adams, Newport, were quartered on the steamer Metis In addition to these was Dupont's Light Battery of four guns. None was allowed to leave the boat or to enter without a pass. The men were in the lower part of the boat and the officers were in the cabin, under Colonel Hunt.

Companies B, C, D, H, and M, of the First United States Artillery, Colonel Vogdes, from Forts Hamilton and Wadsworth, New York Harbor, were stationed in the three upper stories of No. 294 Broadway.

At No. 161 Avenue B, near Tompkins square, there were stationed the first five companies of the Eighth Infantry, Colonel Bomford in command. This regiment came from David's Island, and was armed with the needle-gun. They were quartered in the hall over a lager-beer saloon, and Company A was kept under arms ready for marching orders. The remaining five companies of the regiment were on Forty-fifth street, between First and Second avenues, in the large room of a brewery. Guards were, as in all cases, stationed at the top and bottom of the stairs, and all who applied for entrance were taken under guard before Colonel Edie. Long rows of stacked arms extended the whole length of the hall. An ample supply of ammunition was brought to the place, amounting in the aggregate to one hundred and forty rounds for each man.

And then it seems that the then Secretary of the Navy, Mr. ROBESON, lent his ready aid:

In the river and harbor, the frigates Guerriere and Narragansett were at anchor at the foot of Chambers street, North River, and Wall street, East River, respectively. The port-holes were all closed, however, and every appearance of warlike preparation on board was avoided. None other than the troops regularly stationed there were on Governor's Island.

The governor of New York, Governor Hoffman, addressed his Legislature on this subject. He said:

Since the adjournment of the Legislature the Federal Government has assumed to interfere directly, by its officers and armed forces, with elections in this State. The pretext was fear that the right of suffrage would, in some way, be denied to the class of persons upon whom it had been conferred by the fifteenth amendment to the Constitution of the United States. It was a mere pretext; for our State Legislature at its last session promptly altered our election laws to conform with that amendment so soon as it was declared adopted. Moreover, this class of voters had exercised their new right freely and without the least molestation at our State election, which took place in May last.

Congress, nevertheless, enacted a law for the ostensible purpose of supervising the election of Congressmen only; and the President was authorized to employ the Army and Navy to enforce certain of its provisions. Under color of this act, the President and other United States officials claimed the right to supervise the entire election, not only for Representatives in Congress, but for State and local officers. In the city of New York special preparations were made to enforce this claim. A large number of United States deputy marshals and supervisors were appointed, many of whom were men of well-known disreputable character, and some of whom had been convicted criminals; a class of dangerous men never before chosen by any ruling authority, in any community, as conservators of the peace. They were instructed, under advice of the Attorney-General of the United States, to submit to no interference from any quarter under State or municipal authority. Orders were issued which authorized them, in the discretion of each one of them, to arrest at the polls citizens claiming the right to vote, as well as the inspectors who were charged by law with the custody of the ballot-boxes. These arrests were to be effected without process of law issued upon formal complaints.

Then telling what steps he had taken with the best organized regiments of New York to guard all the rights of every citizen, he said:

Notwithstanding all this, by the President's orders, United States troops were brought from distant posts and quartered in the city of New York, and ships of war were anchored in its harbor. It was certainly not unreasonable to expect that the first drop of citizen's blood shed in the city of New York by Federal troops, in time of peace, might lead to terrible results, involving great loss of life and incalculable destruction of property.

* * * * * * *

At the last moment, that is to say, the afternoon immediately before the election, the officers of the United States, fortunately and wisely, abandoned the extreme ground they had taken, and entered into a stipulation with the local authorities of New York City in my presence, which resulted in preventing any armed interference by troops, either of the United States or of the State.

Governor Hoffman closes his message thus:

To depend for the peace and order of localities on the Federal Army is not self-government; to substitute the regular soldier with his musket as a peace officer in place of the constable with his writ is not to preserve the peace but to establish the condition of war; to surrender elections to the control of the President supported by armed forces is to surrender liberty and to abandon a republic.

PENNSYLVANIA.

At the election in 1869 for governor of Pennsylvania, in the third precinct of the Fifth ward of the city of Philadelphia, an armed body of marines were brought to the polls. They took possession thereof and closed and kept them closed for an hour until they saw fit to open them and permit those to vote whom they thought ought to vote.

Governor Geary, republican governor of Pennsylvania, a major-general in the Army, in his message to the Legislature in January, 1871, said:

The employment of United States troops at elections, without the consent of the local and State governments, has recently received considerable attention and reprehension. It is regarded as an interference with the sovereign rights of the States which was not contemplated by the founders of the General Government, and if persisted in must lead to results disastrous to peace and harmony. The practice is one so serious in its character and so injurious in its tendencies as to merit prompt consideration and decisive action, not only by the General Assembly but by Congress. One of the complaints of the colonists against the British King was the oppression growing out of the assumption of this power. They said, "He has kept among us in times of peace standing armies without the consent of our legislature;" and what is especially pertinent to the case in point, "He has affected to render the military independent of and superior to the civil power." The alleged authority for the use of troops at our State elections is derived from the tenth section of an act of Congress, approved May 31, 1870, entitled "An act to enforce the right of citizens of the United States to vote in the several States of the Union, and for other purposes," which authorizes United States marshals to call to their assistance "such portion of the land and naval forces of the United States or of the militia as may be necessary to the performance of the duty with which they are charged, and to insure a faithful observance of the fifteenth amendment to the Constitution of the United States." But it must be a forced construction of this law that will justify the presence of armed national forces at our places of election when no necessity exists therefor, and where their presence is calculated to provoke collision. With a good President the exercise of the power referred to might have no injurious results, but in the hands of a bad man governed by personal ambition it might prove exceedingly calamitous. Unconsciously a good President might be induced to employ it wrongfully; a bad would be almost certain to use it for his own advancement. Under any circumstances, in my opinion, it is unsafe and antagonistic to the principles that should govern our republican institutions. At the last October election United States troops were stationed in Philadelphia for the avowed purpose of enforcing the election laws. This was done without the consent or even the knowledge of the civil authorities of either the city or the State, and without any expressed desire on the part of the citizens and as far as can be ascertained without existing necessity. From a conscientious conviction of its importance I have called your attention to this subject. A neglect to have done so might have been construed as an indorsement of a measure that meets my unqualified disapproval. The civil authorities of Pennsylvania have always been and are still competent to protect its citizens in the exercise of their elective franchise, and the proper and only time for the United States military forces to intervene would be when the power of the Commonwealth is exhausted and their aid is lawfully required.

CHARLESTON, SOUTH CAROLINA.

I read now from Brightly's Election Cases, page 605, in note:

Perhaps there is no better proof of the extent to which the principles of civil and political liberty have passed from the remembrance of the American people than the fact recorded in the daily newspapers, without comment, that at the municipal election of the city of Charleston, held on the 2d August, 1871, six years after the close of the civil war, a body of Federal troops was stationed at each precinct, to prevent violence. And this without shadow of authority and without its exciting the slightest emotion in the citizens of what is claimed to be a free country.

SOUTH CAROLINA.

Judge Thomas J. Mackey thus describes what he saw at the November election in 1876 at the polls of the town in which he resides:

I was called upon on the 7th day of November, 1876, while the general election was being held in the State for State officers, members of the Legislature, members of Congress, and presidential electors, to interpose my official authority to check the interference of the military and deputy marshals with the voters. On the afternoon before the election there arrived in Chester a detachment of about

forty men of the Eighteenth Infantry, United States Army, and coincident with their arrival a number of persons, numbering twenty-nine or thirty, appeared at the military encampment, about four hundred yards off.

These persons who claimed to be deputy marshals wore badges designating them as deputy marshals. They were headed by one James Canton, a white man, from Columbia, South Carolina. Several of them openly proclaimed in my hearing their purpose to carry the election, and exhibited a printed circular purporting to have been signed by the Attorney-General of the United States, Attorney-General Taft, directed to the marshals in the several States.

* * * * * * *

Isaac Cassels fled to the military encampment of a detachment of the Eighteenth Infantry, then posted within the vicinity of the Kearney-Hill precinct. The officer at first refused to surrender him, but on his attention being called to the fifty-third article of war in the Revised Articles of War of June, 1874, providing that an officer resisting the execution of process issued by the judge of any State court should be court-martialed and on conviction cashiered, he surrendered Isaac Cassels on the warrant. That included four of the deputy marshals who were placed on trial. They alleged that they acted in the due exercise of their official powers. It was held that there was no authority for appointing a deputy special marshal beyond the limits of a city having a population of twenty thousand inhabitants or upward. Three of them were acquitted. Isaac Cassels was convicted and sentenced to a term of three months' imprisonment in the county jail, the lowest penalty prescribed by law. The next morning the polls were opened at six, and at about seven o'clock several citizens called on me and complained that they were being intimidated in the exercise of the elective franchise, one of them a colored man with his head bleeding; he had been stricken down by a deputy marshal. He was remitted to a trial-justice, the committing magistrate, to make his complaint. The magistrate issued warrants embracing sixteen deputy marshals charged with intimidating voters. I countersigned those warrants on being informed by the sheriff that these parties had fled to the military encampment. Four of them were arrested upon these warrants and brought before me, and were sent to the justice who had issued the warrants Their preliminary examination was had there. They were bound over to answer in the court of general sessions, under our statute for intimidating voters, which was to assemble in February, 1877. At two o'clock in the day complaint was lodged before me that the chief deputy marshal of the county, Isaac Cassels, had, at the head of a band of colored republicans, assaulted colored voters at Kearney Hill precinct, Chester county, tearing from their hands the Hayes and Hampton ticket; several of these voters refusing to surrender their tickets had been knocked down by Isaac Cassels and those associated with him. The trial-justice being reported ill, I issued the warrant in that case myself At about the time I issued the warrant for Isaac Cassels, I learned that the military had taken possession of the poll. I was then standing at a distance of two hundred yards from the poll conversing with a gentleman when this information was given me. I looked out, saw the military just marching into the court-house yard. The polls were opened in the court-house; there were two polls, one above and one below. I passed on to the vicinity of the court-house and saw that a detachment of the Eighteenth Infantry, numbering nineteen men, under Lieutenant Hinton, had formed in two lines, their right resting at a point within thirty feet of the poll, and voters in passing to the poll were required to pass between these two lines of soldiers with fixed bayonets.

Several of the deputy marshals were engaged in distributing tickets, and charged the colored persons having democratic tickets in their hands and in a line with the whites with betraying their race. All the deputy marshals, with one exception, were colored men. Their instructions were signed by the United States marshal, the words at the head of their commissions being "Stand by your party." The witnesses saw in three or four instances democratic ballots destroyed by these officers.

VIRGINIA.

It is said also by a leading gentleman from Virginia, [Mr. TUCKER:]

I have myself seen a subaltern of the Army enter a court of justice in Virginia and deliver a military order to the judge upon the bench to enter a judgment in favor of a party to a case on his docket. I had myself, as a commissioner of the court to sell land, been ordered by the military to refrain from doing so, which order I refused to obey, and learned that for a public avowal in court of such refusal I was threatened with court-martial.

Mr. GARFIELD. In what year was that?

Mr. TUCKER. It was about the year 1868.

The troops sent to control the election of November 7, 1876, at Petersburgh, Virginia, efficiently performed the work of intimidation. A ballot protected by Federal troops is advocated by General Grant in his special message of December 14, 1876, (Executive Document No. 5, Senate, second session Forty-fourth Congress,) thus:

These inclosures will give all the information called for by the resolution, and I confidently believe will justify the action taken. It is well understood that the presence of United States troops at polling places never prevented the free exercise of the franchise by any citizen, of whatever political faith. If, then, they have had any effect whatever upon the ballot cast, it has been to insure protection to the citizen casting it in giving it to the candidate of his unbiased choice without fear, and thus securing the very essence of liberty. It may be the presence of twenty-four United States soldiers under the command of a captain and lieutenant, quartered in the custom-house at Petersburgh, Virginia, on the 7th of November, at a considerable distance from any polling place, without any interference on their part whatever, and without going near the polls during the election, *may have secured a different result from what would have been obtained if they had not been there* (to maintain the peace in case of riot) *on the face of the returns.* But if such is the case, it is only proof that in this one congressional district in the State of Virginia the legal and constitutional voters have been able to return as elected the candidates of their choice.

U. S. GRANT.

EXECUTIVE MANSION, *December* 14, 1876.

ORDER OF GENERAL SHERMAN, DATED DECEMBER 11, 1876.

To a more complete understanding of the case, I will add that on the 2d of November a gentleman came to me from the Attorney-General, representing that there was reason to apprehend a breach of the peace at Petersburgh, Virginia, and asking a detachment of troops to be sent there. You being then absent, I saw Judge Taft in person, and he advised that a company of soldiers be sent to Petersburgh, if practicable; and the next day, being in New York City, I saw General Hancock in person, and, after some inquiries as to the troops available, I ordered him to send the above-designated company to Petersburgh, to remain during the election of November 7, and then return to its post.

I inclose a copy of his orders; also copies of General Orders Nos. 85 and 96, which include all the orders and instructions made to troops serving in districts where disturbances were apprehended.

I have the honor to be, your obedient servant,

W. T. SHERMAN,
General.

Hon. J. D. CAMERON,
Secretary of War.

The Senator from Virginia, [Mr. JOHNSTON,] from his place here, on the 16th of January, 1877, thus described that outrage:

There was no power in the first place to appoint the "special deputies" in Petersburgh, and they were not appointed for the purposes contemplated by the law, but to secure a republican majority. They did their duties in no respect. They were not needed to keep the peace, for there was no intention of violating it. How the "special deputies" thus illegally appointed in Petersburgh acted on the day of election I learn from good authority. There are about twenty-five hundred colored voters in that city. They were all listed and a captain assigned to each ten voters, who was responsible for the votes of his squad. To each of these captains, of whom there were about two hundred and fifty, a commission in the Grand Army of the Republic was issued. Commissions as United States deputy marshals were given to each of them, thus constituting them United States officers and giving them the authority of the Government over the ignorant and credulous negroes. On election day each captain marched his squad to the United States custom-house, where the troops were, and there a Hayes and Wheeler ticket was issued to each man. They were then *sworn* to vote the ticket so received, and the squad was marched to the polls under the escort and superintendence of a man wearing the badge and having the power of a United States marshal.

And this was the purpose for which special deputy marshals were appointed in Petersburgh, and this was the way in which they "kept the peace, protected the supervisors, prevented fraudulent voting," &c.

But this was not all. Instead of aiding and supporting the officers of election, as it was their duty to do, these special deputies openly defied them, and at two polling places, twice during the day of the election, it was necessary to apply to Judge Hughes to have them ejected from the interior of the voting places, where only by law the State conductors, judges, and the United States supervisors were allowed. In the First ward the negroes were found in solid column, two or three hundred deep, to the exclusion of the white voters, and when the judges, to meet this unfairness, opened two avenues of approach, and proceeded to allow the whites and blacks to vote alternately, the assistant district attorney notified the mayor that unless the column of whites were made to fall into the rear of the blacks he would disperse it by force. Rather than see this done the whites left their places and went into the rear of the blacks, and for hours none of them could get to give in their ballots. But this was still not all, for the negroes, after voting, instead of leaving the way open, went back and fell into the column again in order to keep the whites away if possible. And of this trick the marshal, whose duty it was to see that all were allowed to vote, afterward openly boasted. At one ward after the voting was over the negroes to the number of several hundred formed around the voting place and swore aloud if that poll was against them that they would murder the white men, rather than the box should be carried to the central depot. Yet neither soldier, nor marshal, nor special deputy marshal, nor district attorney, nor district judge, appeared to prevent the execution of this threat or to keep the peace.

LOUISIANA AND GEORGIA.

I quote history from the speech of the Senator from Kentucky, [Mr. BECK:]

Sir, I have seen, we all have seen in the last ten years, the State of Georgia, after she had representatives on the floor of Congress, her representative men sitting in these Halls voting for or against laws to bind the people of the United States, invaded by a Federal Army by orders from Washington, and nineteen duly elected democrats turned out of her legislative halls and others put in their place. We have seen a railway employé set up by Federal bayonets as speaker of her house of representatives, and the great State of Georgia crushed to the earth by military authority of the United States. We have seen the State of Louisiana seized, her Legislature dispersed, her State-house held by Federal soldiers under pretended judgments of United States courts, and United States marshals ordered by the President, or their action at least indorsed by all of the authorities at Washington over and over again in taking control of the Army of the United States and using it for the basest of purposes until a committee of this House, four of them uniting in the report and the others only refusing to unite because the views of the four constituting the majority were not strong enough, denouncing the military interference in the strongest and boldest terms; they were, the Senator from Wisconsin, [Mr. CARPENTER,] the Senator from Illinois, [Mr. LOGAN,] the then Senator from Mississippi, [Mr. Alcorn,] and the Senator from Rhode Island, [Mr. ANTHONY,] all declaring that there was no pretense of authority for Judge Durell or those acting under him, or for Marshal Packard or the authority that he called in to intervene, which was the United States Army that was brought from Florida and elsewhere to take possession of the state-house of Louisiana. Judge Trumbull, of Illinois, Mr. Morton, of Indiana, the other two members, laid before the Senate their own views in which they were equally emphatic, and perhaps more so. Judge Trumbull used this language—Attorney-General George H. Williams had telegraphed Marshal Packard, under whom the military were placed on the same level as the common spies, informers, and detectives:

DEPARTMENT OF JUSTICE, *December* 3, 1872.

S. B. PACKARD, Esq.,
United States Marshal, New Orleans, Louisiana.

You are to enforce the decrees and mandates of the United States courts, no matter by whom resisted, and General Emory will furnish you with all necessary troops for that purpose.

GEO. H. WILLIAMS,
Attorney-General.

Mr. Trumbull, of Illinois, in his report states how this was done:

This dispatch, so far as the evidence shows, was not responsive to any call for troops; there had been no resistance to any process of the United States courts, nor does it appear that any was threatened. R. H. Jackson, a captain in the First Artillery, United States Army, testified that he went to New Orleans on the night of December 5 with two batteries of his regiment and eighty-six men.

The same night, December 5, between nine and eleven o'clock, Judge Durell, at his private lodgings, issued his order which, for want of jurisdiction, was void, and entitled to no respect from anybody, directing the United States marshal forthwith to take possession of the State-house, to hold the same until the further order of the court, and prevent all unlawful assemblage of persons therein, having reference to the persons returned as elected to the Legislature according to the official returns. Captain Jackson testifies that he took possession of the state-house at about two o'clock on the morning of the 6th, with instructions to take and hold it under the direction of the United States marshal and to act in obedience to his orders. He further testified that he was not stationed in the state-house to prevent riots, but to hold the building, and that if a riot had occurred in front of the building he would not have interfered. He posted two soldiers at the entrance door, who guarded it with crossed bayonets, and suffered no one to enter the building except by permission of the United States marshal, one of whose deputies was at all times present. These troops continued to occupy the state-house for more than six weeks, until January 21, and it is manifest, from the whole testimony, that they were not there to preserve the peace, but to carry out the illegal orders of Judge Durell, and prevent the legally elected members of the Legislature from assembling and organizing.

WEST VIRGINIA.

The Senator from West Virginia [Mr. HEREFORD] says:

I hold in my hand the order of "J. D. CAMERON, Secretary of War, by command of General Sherman," when it was determined that Louisiana should be carried by force or fraud or in any other way in 1876. This order was issued, taking advantage of a House resolution which had been passed saying that the courts and the authorities of the various States should punish crimes wherever they found them. Acting upon what he called the spirit of that resolution, and without a call from the Legislatures or governors of any of the States, in plain, palpable violation of the Constitution of the United States, the order proceeds:

"The President directs that, in accordance with the spirit of the above, you are to hold all the available force under your command (not now engaged in subduing the savages of the western frontier) in readiness to be used, upon the call or requisition of the proper legal authorities, for protecting all citizens, without distinction of race, color, or political opinion, in the exercise of the right to vote as guaranteed by the fifteenth amendment; and to assist in the enforcement of 'certain, condign, and effectual punishment' upon all persons who shall 'attempt, by force, fraud, terror, intimidation, or otherwise, to prevent the free exercise of the right of suffrage,' as provided by the laws of the United States, and have such force so distributed and stationed as to be able to render prompt assistance in the enforcement of the law.

"Such additional orders as may be necessary to carry out the purpose of these instructions will be given to you from time to time, after consultation with the law officers of the Government."

Under that order forty-five hundred soldiers were at once started from the West to those States to take possession of them, and an order was issued to them to obey whatever the marshals or any of the other (so called) authorities placed there for partisan purposes should put upon them. The result is known.

Mr. HEREFORD. Prior to the time that the State of West Virginia passed from under the control of the republican party we always had the military there, and I have seen them at the polls making arrests on the day of voting in my own town.

Mr. BLAINE. When?

Mr. HEREFORD. When?

Mr. BLAINE. Yes, when did you ever see a military man in the uniform of the United States making arrests at the polls?

Mr. HEREFORD. I have known of them make arrests in Mercer County.

Mr. BLAINE. When?

Mr. HEREFORD. If you stop a moment, I can look back and think.

Mr. BLAINE. I want to know when?

Mr. HEREFORD. In 1870, sir.

Mr. BLAINE. Ten years ago?

Mr. HEREFORD. About that.

Mr. BLAINE. Or before that?

Mr. HEREFORD. It was after the war. I saw this: we had a company of soldiers stationed in the town where I lived within one hundred steps of the voting place, and that company on the day of election were divided up, a part of them sent to an adjoining county, the county of Mercer, where they expected to control the voters.

Mr. BLAINE. One company!

Mr. HEREFORD. And were placed there within seventy yards of the place of voting

Mr. BLAINE. What did they arrest anybody for?

Mr. HEREFORD. For the purpose of intimidation.

Mr. BLAINE. Oh, yes!

Mr. HEREFORD. For the purpose of intimidation.

THE CRIME AGAINST LIBERTY.

Mr. ELLIS, a gentleman from Louisiana, says:

When interrupted by the gentleman from Maine I was about to recount to this House some scenes that have transpired in my own State, some of which I saw, and others of which I know to be true; scenes the recounting of which will bring a blush to the patriot's cheek; scenes which too often repeated have made the pages of the history of our country for the past eleven years dark and shameful pages. In 1867 I saw States blotted out of the Union and "military districts," ruled by soldiers, created on their ruins. I saw troops conducting the registration of voters and stationed at all the polling places. I saw test oaths, infamous in their conception and ruinous in their effects, applied to the body of the citizens, in order that the virtue and wealth and intelligence of the Southern States might have no controlling voice in the elections. Let me cite one instance. An old man who had no part in the war, venerable in years, of the purest and most exalted Christian character, who had been for forty years a minister of the gospel of our holy religion, and was still one, though for a long time physically unable to preach, went to the registration office and asked to be registered. He was bowed with the weight of more than fourscore years. The question was asked him: "Were you in the confederate army?" "No," he answered. "Have you extended aid in any manner to the confederate cause?" Again he responded he had not. Again he was asked "Have you preached sermons advising secession and sustaining the rebellion?" and he responded that it had been long since his voice had been heard in the pulpit, and that he had never preached political sermons; "but," said he, "sometimes during the war, in the midst of their great sorrows, I prayed for my people." The soldier who was conducting the registration told him "stand aside, sir. You cannot register or vote"

In 1872 I saw the legally elected government of my State overthrown by bayonets. A company of United States troops marched to the state-house under the order of a drunken Federal judge, issued at midnight under cover of the very laws we now seek to repeal, and seized the building; and I saw Federal bayonets crossed above the entrance to the state-house, sentinels on guard all around it and pacing up and down its corridors. If a representative of the people was able to produce a pass to the legislative hall signed by the United States marshal he was admitted, but those who possessed not that "shibboleth" were denied admittance and ordered away.

In 1874 I saw a United States marshal in charge of United States troops, with his pockets full of blank warrants of arrests, raiding the whole northern section of my State. Citizens guilty of no crime, against whom there was neither charge nor suspicion, were arrested at midnight and dragged from their homes and families for political effect, and for no other reason than that they dared to be democrats and to attempt through the peaceful agency of the ballot-box the overthrow of the infamous political party which was ruling and ruining the State. Writs of *habeas corpus*, legally issued to restrain these outrages and release the injured and outraged citizens, were returned to the civil officers, who attempted to serve them, with epithets that would have befitted the mouth of a harridan of the "fish market," and with a message to the honored judge who issued the writs too foul and indecent to pass the lips of a gentleman.

In 1875 I saw the legally elected legislators of my State peaceably assembled in the state-house in legal and constitutional session. The body had elected their speaker and their officers, and was proceeding with the discharge of their duties, when a regiment of United States troops with fixed bayonets surrounded the state-house. A detachment of those troops, commanded by a colonel and brevet brigadier-general of the Federal Army, entered the legislative hall and by force arrested and ejected from the hall five members of the Legislature legally elected, and thrust in and seated in their places five men who had been beaten at the polls.

Again, in 1876, under color of this law the troops were invoked both in Louisiana and South Carolina for no other purpose than to carry the elections, and that their presence did unquestionably carry the election for the republican candidates in South Carolina there is not a shadow of a doubt. In that same year, under color of this supervisors statute which we seek to repeal, I saw ten thousand men arrested in the city of New Orleans by United States marshals only five or six days before the election. Yes, arrested by virtue of these very statutes in which the gentleman from New York finds no harm, under which he solemnly declares no citizens have suffered grievance, and yet by these arrests we estimate that between two and three thousand citizens in the city of New Orleans were deprived of their right to vote. In connection with this latter statement I beg to read from the great argument of that distinguished and able jurist, Judge John A. Campbell, formerly of the Supreme Court of the United States, delivered before the electoral commission. Said he:

"I can tell you another fact. I can tell you a fact more startling than any fact which has been reported here and which may serve at the next election for the campaign speeches of that time. On the 30th day of October there issued out of the circuit court of the United States at New Orleans ten thousand and more of warrants of arrest, to seize ten thousand distinct individuals, inhabitants of the city of New Orleans, for having falsely registered themselves in 1874 as competent voters. They embraced many of the most respectable men in the city, my friend and family physician and one of our Representatives in Congress among the number of those arrested for false registration."

Yes, sir, I am the Representative in Congress who was one of those arrested for having fraudulently registered myself as a voter. I had lived in that city for many years and am a native of the State; my residence was upon one of the principal streets of the city; my law office was within four blocks of the court-house from which issued these warrants; I was in the midst of my campaign, speaking every day and night, and the daily papers contained notices of my movements and speeches; and yet, sir, under color of these most infamous laws I and ten thousand of my fellow-citizens, as good, as free, as honest, and as guiltless as I, were arrested and compelled to stand trial before a United States commissioner. Ten thousand men arrested before one commissioner five days before an election, deprived of the right to vote unless we could have trial and be acquitted; a physical impossibility almost that all of us could be tried within that time. Here, Mr. Chairman, was one of the most daring, infamous, flagrant outrages upon the rights and liberties of citizens, perpetrated in the interest and at the behest of the republican party, and yet that party declares that we shall not repeal those laws, and distinguished representatives of that party assert that no grievance has been suffered under them; that the question of their repeal is a mere question of sentiment, and that there is nothing real in our complaints against their execution.

But Judge Campbell continues:

"Never was such a picture of any community as that. There were ten thousand lies sworn to in order to procure those warrants. There was not a scintilla of proof nor any desire to have any proof. Thirteen hundred and sixty cases were tried and dismissed; but it effected the purpose. The affidavits were all made by two men, policemen, both of them. I have read a portion of the affidavits myself piled up in the court-house, covering a table so high."

Citizens arrested upon the affidavits of perjured partisans under color of this law, and yet we are told that no man has suffered grievance by its execution. Three thousand citizens deprived of their right to vote, and yet we are coolly told by the party who perpetrated this outrage that the laws must stand in order that the "ballot may be safe" and the "elections pure."

POTTER COMMITTEE REPORT.

The Committee on Alleged Frauds in the late Presidential Election say that when the Army is brought in as a factor to prevent frauds it may be used by those who desire to commit frauds. I read what the majority of the committee—and I read this to illustrate, I do not want to argue the question—find as facts. They say:

In Florida the board of State canvassers usurped discretionary powers and reversed the result of the votes cast. They did this in the presence of certain visiting statesmen sent there by the President of the United States and surrounded by Federal troops.

The same is found as to Louisiana. The canvassing or returning board were encouraged by powerful politicians of the dominant party; they were supported in the exercise of this power. I will now read as to how they did in Louisiana:

On the other hand, the election in Louisiana was determined by a partisan returning board, exercising discretionary revisory power over the votes cast. This power was unauthorized; but even if authorized the board flagrantly and outrageously abused it. They were supported in its exercise by visiting statesmen, sent also by the President to Louisiana. They were surrounded while engaged in it by Federal troops.

When corruption undermines this Government it will be when partisan men have control of the Army and Navy and use them to protect the timid who, devoid of honor and of conscience, will for patronage or pay falsify the canvass or the count to defeat the will of the electors. Was there ever such a fraud as this perpetrated without there being power to protect those who did it? What does the minority of the committee say in their report at page 89? The Army was there:

But it appears that two of the electors were absent and their names were signed by some other person.

A forgery of the very names of the electors! The Army was there surrounding the state-house. What does General Butler say about it? The Army was there protecting them all. General Butler, who made an independent report, says—

That if any legal election was held in Louisiana, then the majority of the votes actually cast in the State were for the Tilden electors and for Governor Nicholls.

He expresses in his report the opinion that the votes of Louisiana should not have been counted for either party, but he says—

That the counting in of Mr. Hayes was obtained by a series of gross and unjustifiable irregularities and frauds, which cannot be too strongly condemned and reprobated.

Yet there was no mob; there was no violence. These boards were surrounded by those who had control of the United States troops when these gross frauds and forgeries were perpetrated in reference to a presidential election, but for which the result of the election would have been the other way, according to this evidence and according to these reports of the majority and General Butler. I ob-

serve in this report that the majority of the committee say, in reference to the use of troops, what expresses my idea better than my own language. They say in their elaborate report, page 64:

Nor can the danger of interfering in local elections by Federal troops, whether to protect officials in the exercise of discretion or to coerce citizens or to aid voters, be overrated. If an election cannot be conducted without foreign troops to protect the men who vote and the men who count, there should be no election. Military used to protect those who count and those who vote will prove to be military used to put down liberty under the guise of protecting it, and to be the more dangerous because of its disguise.

Under the authority of the very words now sought to be repealed a President, fresh from the command of a victorious army, with the apparent object of continuing his party in power in several States of the Union, stationed portions of the United States Army at places where the people were lawfully assembled to elect State and Federal officers, and thereby prevented free elections. He caused to be made and unmade Legislatures of sovereign States by the arbitrary exercise of military force. He stationed soldiers in the halls of courts of justice when they were in session. He deposed judges, and arrested and imprisoned citizens under the suspension of the *habeas corpus*. He concentrated portions of the Army and Navy around this Capitol during the session of Congress while the electoral votes for President and Vice-President were being counted, and committed almost every species of political tyranny in the interest of his party by way of subordinating civil to military rule, in violation of the rights of the people and of the spirit and genius of republican institutions. If the right to use the Army to keep the peace at the polls can be constitutionally exercised under this law, which I do not believe, it may at any time, under the false pretext of apprehended disorder, be seized upon as a justification for its use for merely partisan purposes. With such fresh and flagrant examples of military usurpation before us, we should be satisfied that the only safety to the country is in the abolishment of the apparent authority and with it all claims that might be sought to be justified under that pretended authority.

I also quote from a speech made in regard to outrages in South Carolina by a gentleman from that State, [Mr. RICHARDSON:]

SOUTH CAROLINA.

This is the law they want to carry elections with in the South, while in the North they want United States marshals to arrest without warrant and on suspicion. No one can doubt this who witnessed the elections conducted under bayonet rule in the South in 1876, when the soldier, with drawn sword in hand, directed who should vote. Lest this astounding statement should be doubted, I quote from the uncontradicted testimony taken in the contested-election case of Tillman *vs.* Smalls. At page 576 Mr. T. I. Adams, testifying as to the voting in South Carolina in 1876 at box No. 2, known as the school-house box, makes the following sworn statement:

"Question. State, Mr. Adams, what you saw while standing in the school-house waiting to vote.

"Answer. I saw Lieutenant Hoyt jump in the window; from three to five soldiers followed him; he went up very near the box and drew his saber and had the soldiers fix their bayonets.

"Q. When he drew his sword was his attitude a threatening one?

"A. It was; it would have frightened a timid man, to say the least of it.

"Q. What did the soldiers do after they fixed their bayonets?

"A. They remained in that attitude until I left. I was there about thirty minutes. There was a company outside of the house in plain view of the building."

Mr. Abraham Jones, an aged and most respectable citizen, testifies, at page 595, as follows:

"Question. Have you not been a member of the Legislature, and have you not filled other offices in the county?

"Answer. I was elected to the Legislature six times, and have held other offices ever since from the time I was twenty-one.

"Q. Did you vote; and, if you did, where did you vote?

"A. At Morrison's school-house that day.

"Q. How long did you remain there that day?

"A. I was there from two o'clock until nearly dark.

"Q. While you were there did you see any intimidation by the whites?

"A. No; I did not. I saw men with red shirts riding about the streets hallooing but did not see any intimidation attempted by them.

"Q. Did you notice anything peculiar about the way the election was conducted? If so, state it fully.

"A. I saw the United States soldiers as a guard around the door outside and a crowd of voters outside pressing this guard, who kept them back with their guns, and an officer in command, with his sword drawn; and he would select with his sword by touching those who were to go in next to vote. As the colored man at the door would call out, 'Send in ten men,' the officer would again select by touching with his sword those to go, not taking them as they came, but selecting them from the crowd, sometimes reaching over to touch one behind another, and sometimes skipping two or three. I was selected from the crowd with another white man at the same time, and none dared go in but those who were so touched by this officer. When they had voted, they were let out of a window."

It will be remembered that these United States soldiers were sent into the State without the State Legislature having been convened or attempted to be convened, as is required by the State constitution to be done before the governor is authorized or empowered to ask the President to send them; that they were sent at a time when General Ruger, a United States officer, then in South Carolina, in command of a few troops stationed there, had telegraphed the President, "If I need more troops I will send you a dispatch telling you I need them;" and when every judge in South Carolina, all republicans except one, had certified that the State was in peace and quiet and in ready obedience to the civil process of the law.

FLORIDA.

The Senator from Florida, [Mr. JONES,] whose candor no one will question, says:

I have seen soldiers of the United States marched and counter-marched over my State, and if the Senator from Maine wants to look into the records of the War Department he can find evidences there showing that the troops in my State as late as 1876 were ordered from the forts on the seaboard hundreds of miles in the interior, to be present at the elections of the people. I assert the fact here that at the election of 1876 nearly a company of troops were ordered from Fort Barancas, Florida, to Marianna, Florida, and were present in that little town during the election of that year. I met them on that day there, and never shall I forget the feelings of humiliation that came over me when I learned the true object of their mission.

But military interference did not end with the election at the polls. Well do I remember the scenes in my own State. After the election I saw an officer in full uniform, with his side arms on, remain in the presence of the State officers until they had canvassed the returns from the various voting places in my own county, where there was not the slightest reason to apprehend trouble of any kind. And when the time came for the enactment of the drama of fraud, when the courage of the faithless officers who had determined to falsify the voice of the people of the State had to be supported in some way, when the consciousness of the great wrong they were about to commit filled the air around them with imaginary dangers and their souls stood aghast at the terrors of the great crime, a large part of the Army, with a general officer, was sent to sustain them and give a reluctant sanction to those proceedings which ended in robbing the whole American people of their highest and dearest right. In the course of a week it was easy to concentrate at the capital of my little State an armed force of three hundred men to shield the preconcerted villainy of a returning board and strike down the vital principles of popular freedom.

Where troops are used at the polls it is to be feared that the cartridge-box might be exchanged for the ballot-box, the bullet for the ballot. The bayonet which has pierced the writ of *habeas corpus* issued by the Chief-Justice of the United States might be used to destroy the ballot of the citizen seeking to vote. The sword, professing to guard the voters at the polls, might intimidate the voter and keep him away from the polls. The timid and unarmed and disorganized body of citizens cannot hold their place at the polls against a band of Federal marshals with their batons of governmental authority and the organized troops of the Government with the flag of the country floating over them.

Think of a presidential election in which the Commander-in-Chief of the troops is a candidate, and it is folly to suppose that it is safe to leave the unarmed citizen to stand his ground against the whole civil and military force of the Government.

When the returning boards in the several States which were fraudulently created in 1876 were engaged in their nefarious work and Congress was in session struggling for an honest count, troops were hurried here and posted under the shadow of the Capitol to coerce the will of the representatives of the people, enforce the right of the President of the Senate to count the vote, register the fraudulent counts of the returning boards, and complete the work of fraud and wrong.

Troops were concentrated at the Capitol; President Grant avowed his purpose and the fact. In a talk with an Associated Press reporter, December 10, 1876, he said:

There are six hundred or eight hundred troops in Washington. If there should be any necessity for more I will order them hither.

The report of the War Department to the House shows that on July 10, 1876, there was not a single soldier in Washington. Their report of January 9, 1877, shows that there were then 771 soldiers at the arsenal. In South Carolina there were 538 soldiers on July 10, 1876, and on January 9, 1877, there were 1,466. In Louisiana in 1876 there were 506 soldiers, and in 1877, 1,391.

Troops were ordered to the Southern States the day after Congress adjourned in 1876, and not before. This was fitly the crowning act in a drama of force and fraud. "National elections" we have found to be troops and marshals at the places of registration; troops and marshals at the ballot-box, with intimidation and force dominating the voter; troops and marshals to protect the false and fraudulent counters in their false and fraudulent work; and, crowning infamy to the sickening drama, troops of the United States concentrated at the Capitol to overawe the representatives of the people and to seat by the power of the sword a President who was never chosen. If these be the "national elections" to which a free people are invited, we trust we will have no more of them.

The National Republican, the organ of the Administration here, in its leading editorial of January 4, 1877, says:

"THE ONLY WAY OUT OF THE WOODS."

In an editorial in the National Republican a few days since it was stated in plain and unmistakable terms that the counting of the electoral vote will be done by the President of the Senate, according to the Constitution and historical precedent. It was also stated in quite as positive terms that should the House, after the President of the Senate had declared the one hundred and eighty-five votes for Hayes, attempt to elect Tilden, it will be treason against the Government, and those participating in the movement will be arrested as insurrectionists on the spot.

The New York Sun, in referring to this article, says:

"Let it not be supposed that this revolutionary scheme to Mexicanize the Government is the wild declaration of an irresponsible partisan. It is part of the plot which has been matured in detail, and to sustain which a large force of artillery and other troops have been collected at Washington and its vicinity by the Secretary of War during the last three or four weeks."

The troops are here to preserve the peace, and that peace will only be broken by an attempt on the part of the democracy to oppose the result of the counting under the forms of law and the Constitution.

The way for the republican party is as clear as the face of a cloudless day. Their duty is to stand by the constitutional mode of counting the vote, and follow scrupulously the precedent established by the electoral counts which have occurred in the past. The Constitution says, "The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted."

* * * * * * * *

Thus will be seen the justice of our assertion when we announced that should the House, after Hayes is declared elected by the President of the Senate, attempt to elect Tilden, it will be summarily arrested for inciting insurrection against the authorities of the United States and the law thereof. What loyal-hearted patriot is there in all the broad domain of the Republic who now casts a shadow of blame upon the immortal Lincoln for thrusting into Fort Lafayette those who sought to disturb the peace of the nation by treason against its lawful authorities? There is none now; will there be any in the coming crisis?

FEDERAL ABSORPTION.

This exercise of Federal power, unlimited and unwarranted, is with deliberate purpose. It is the design of those who advocate and adopt these measures to bring the country to the condition of consolidation, to cause every personal and financial interest to look for protection and security to the Federal Government and to lessen and decry the powers of the States. Absorption at Washington of every political and social interest will give continued control to the advocates of con-

solidation. See how it operates in a brief twelve years. In the Thirty-ninth Congress, ending March 4, 1867, there were introduced—

Senate bills	635
Senate joint resolutions	184
House bills	1,234
House joint resolutions	305
Total	2,378

In the Forty-fifth Congress, ending March 4, 1879:

Senate bills	1,863
Senate joint resolutions	71
House bills	6,549
House joint resolutions	248
Total	8,731

PATRONAGE.

With the power of a standing army to dominate the people at the polls, which you supplement by marshals and supervisors for the control of the great cities of the North, you wield the official patronage of the Government at your own sweet will. The people have but little conception either of the magnitude of this engine of political power or of the enormous burden it is upon the resources of the tax-payers.

The last official register of the employés of the Government makes the total number about 75,000 persons, but it takes no account of those employed upon the public works of the country or of the special deputy marshals employed and paid for political service at the polls; of these the Attorney-General, under date of April, 1879, says there were, in 1878, 5,494.

If we add to these at least five thousand persons employed upon Government works who are always wielded by the governmental power to sustain the Administration, and as many more for undoubted deficiency in the figures given for the Post-Office, Navy, and Treasury Departments, we find the totals to be as follows:

Employés named in Official Register	74,431
Deputy marshals in 1878	5,494
Workmen on Government works	5,000
Deficiency in Post-Office, Treasury, and Navy Departments.	5,000
Total Federal employés	89,925

The aggregate amount paid to this horde of officials in the last fiscal year is about $31,000,000 of the money wrung from the tax-payers of the country.

How has this enormous patronage been used? To override the free will of the people at the polls. It has been made a living reality in its menace to the freedom of elections. Every man in governmental employ has been required at the risk of loss of place to work for his party; republican policy tolerates no drones. Their men are selected for their efficiency as politicians and their value to their party. They are wielded by skilled organizers to keep their party in power. They subscribe of their salary, they go home to vote, they proselyte voters, all for their party. The army of office-holders, the money they subscribe, the Army and Navy, the prestige and power of every Federal place, are all made effective agencies for perpetuating the succession of republican rule.

Ninety thousand men acting as drill sergeants, whose places depend upon their zeal and success, are a powerful lever in controlling elections. Thirty-one millions of money assessable and assessed for political purposes annually aid materially in defeating the free will of a free people.

George C. Gorham, secretary of the republican national committee for 1878, testifies before the select committee of the Senate that circulars asking for 1 per cent. on their salaries were sent in 1878 to all the employés of the Federal Government named in the Official Register for election purposes of the republican party; that his committee received from Federal office-holders in 1878 $93,000 and from all other sources $13,000; that State committees of the republican party were also authorized to collect money from Federal officials, and did so. This money was used by the committee in helping to elect republican members of Congress. One per cent. on $31,000,000 is equal to $310,000 annually of a corruption fund wrung from official patronage to perpetuate republican power.

Duncan S. Walker, secretary of the democratic national committee, testified that the whole amount of money collected and used in 1878 by that committee was $4,695, and that this was expended for printing, rent, &c.

Mr. Gorham's testimony and that of his assistants shows that the assessment plan was vigorously applied in every one of the Departments, and no person who drew money from the Government was overlooked. Solicitors were sent through each Department several times, and those employés who failed to pony up to them were subsequently reminded by circulars of the "debt of honor" they were expected to pay. The money was raised to be used in carrying the House for the republicans. This was openly announced, and Mr. Gorham remembered having sent the following amounts to the congressional districts named:

Maine	$5,000
New Hampshire	1,750
Vermont, third district	500
Connecticut, third district	1,000
New Jersey, first district	1,500
New Jersey, second district	500
New Jersey, fifth district	500
Pennsylvania, seventeenth district	1,500
Maryland, sixth district	1,250
West Virginia, second district	350
West Virginia, third district	500
Virginia, second district	1,000
Virginia, fourth district	1,300
North Carolina, fifth district	500
North Carolina, second district	300
Harris's district	500
South Carolina, first district (Rainey's)	1,000
South Carolina, fifth district	600
South Carolina, State	200
Florida, first district	500
Florida, second district	1,000
Alabama, fourth district	500
Tennessee, first district	500
Tennessee, second district	500
Missouri, second district	500
Missouri, third district	500
Missouri, seventh district	100
Missouri, tenth district	1,000
Ohio, nine districts	9,300
Indiana, first district	2,000
Indiana, fourth district	1,000
Indiana, sixth district	1,000
Indiana, eighth district	500
Indiana, tenth district	500
Illinois, eighteenth district	250
Michigan	5,000
Iowa	5,000
Wisconsin	1,500
Oregon	200
Colorado	1,000
Total	53,900

Cobaugh, Burke, and Russell, clerks in the Treasury and Interior Departments, testify that the republican clerks in Washington were equipped with free tickets and tax receipts, and sent home to vote. Men are employed to work by the Government prior to election and dismissed when they have served the purpose of voters to maintain republican power. The navy-yard at Boston has been used for this purpose.

BOSTON NAVY-YARD.

I quote from the report in the case of Abbott *vs.* Frost, House Doc. 49, first session Forty-fourth Congress, page 415, a letter from J. W. Easby, naval constructor:

NAVY-YARD, BOSTON,
NAVAL CONSTRUCTOR'S OFFICE,
December 4, 1874.

COMMODORE: In obedience to your order of this date, I respectfully report as follows:

Between the 1st and 31st of October last there were taken on the rolls of this department by requisition five hundred and eighty-six men.

The employment of these men was authorized by the bureau's orders dated 7th, 10th, 12th, and 16th October, 1874, and they were at work on the new shop at Saint Mary's, stowing and piling timber, breaking up the Virginia, docking the Plymouth, receiving stores, shipping material belonging to the Miantonomah, keeping ships, &c.

Very respectfully,

J. W. EASBY,
Naval Constructor, U. S. N.

Commodore E. T. NICHOLS,
U. S. N., Commandant Navy-yard.

I read now the letter of E. T. Nichols, commandant, of December 5, 1874.

Chief Constructor J. HANSCOMB, *U. S. N.*,
Chief of Bureau of Construction and Repairs, Washington, D. C.:

SIR: I have the honor to acknowledge the receipt of the bureau's letter of the 2d instant, informing me that in examining the pay-rolls of construction at this yard for the months of September and October it is noticed the force was largely increased during the latter month. Will you be good enough to inform the bureau under what orders this increase was made?

While I may be excused for expressing surprise at this inquiry, I beg leave respectfully to reply somewhat at length and in detail, to wit:

The direct official orders I have for an increase of force in October are as follows, namely: First, a telegraphic order from the chief of the Bureau of Construction, dated October 7, to employ twenty additional men in construction department, by order of the Secretary; second, a written order from the chief of Bureau of Construction, dated October 16, to increase the force in the construction department, for the purpose of completing the ships and boats for the new sloops-of-war and for stowing the timber in the yard.

By the report of the naval constructor, accompanying this, it will be seen how many additional men were employed during the entire month and the nature of their employment. The two orders of the 10th and 12th, cited by Mr. Easby, were for one man each, and I do not deem it necessary to cite them.

That I had every reason to think and believe that the increase which was made in October was fully known to and approved by the bureau the above-cited orders and the following orders and transactions seem clearly to show.

To go back a little in the order of time, I would say that the increase of force began in September. On the 7th of that month a communication was addressed to me by the chief of the bureau directing me to enter the names of seven men on the rolls. On the 24th of the same month a requisition for twenty men was sent in by Naval Constructor Pook. Upon ascertaining that there were no funds to pay this additional force I declined to approve it. In reply to my inquiry as to why he sent in requisitions for men when he had not the means of paying them he stated that those particular names had been handed to him by outside parties with a request that he would require them. On the same day, namely, September 24, I received an official communication from Mr. Pook, informing me that the money "allowed for the present month will be expended Friday night, September 25," upon the receipt of which I issued orders to suspend work in the construction department from the 25th to the 1st proximo. On the 26th of September I received telegraphic orders, of same date, from the honorable Secretary not to stop work in the construction department. September 28, I telegraphed to the Bureau of Construction to know what money would be allowed for October. September 29, bureau replied in effect, for same force as in September, and make no additions to the rolls.

Soon after the 1st of October, Mr. Easby, naval constructor, informed me that he had been approached by outsiders with inquiries as to why the twenty men required for on the 24th of September had not been taken in. I directed him to reply that the requisition had not been, and would not be, approved by the commandant, there being no funds for their payment. Within a few days afterward, namely, October 7, I received a telegraphic order from the Bureau of Construction to employ twenty additional men. These were the men I had twice refused to approve a requisition for. On October 16 an order was issued by the bureau providing for an increase of force, which order has already been cited. Under this order a considerable increase was made, but I am inclined to think that the largest share of the increase was made subsequent to the 23d of October, at which time the chief of the bureau was in Boston. On October 25 I received a telegraphic order from the honorable Secretary of the Navy to make no suspensions in any department of this yard until further orders, and that money would be furnished on proper requisitions.

It is manifest from this that a suspension I had ordered, and its cause, namely, shortness of funds, was known in Washington. On the 4th of November, the reduction of force began by my order. The bureau issued its order to reduce on the 5th, while the order of the Secretary, of October 25, to make no suspension until further order, (virtually an order to make no change,) was not revoked or changed until November 13.

I have been thus full and particular in my reply to the bureau's letter, to show that if the increase of force in this yard was unauthorized, the responsibility does not rest with the commandant, as the foregoing recital clearly shows that every effort made by him to prevent an increase and to save money was frustrated by some outside influence more powerful than his own.

Very respectfully, your obedient servant,

ED. T. NICHOLS,
Commandant.

CUSTOM-HOUSES.

I also read from the report of Mr. NEW, August 10, 1876, No. 816, House, first session, Forty-fourth Congress, pages 2 and 3:

From uncontradicted evidence it appears that the custom-house at New Orleans was made to contribute, in large sums taken from its revenues, to partisan ends. The manner of perpetrating these frauds was in this way: a number of vouchers would be made out in the custom-house, apparently all regularly signed and sworn to, purporting to be for services rendered in the custom-house. These vouchers were generally for the sum of $93, and often reached a great number per month, aggregating thousands of dollars. The service specified in the voucher was that of temporary laborer, in almost every instance, and these were made out in addition to the monthly vouchers for the permanent employés proper of the custom-house. Many of the names attached to these vouchers were fictitious, and in others the parties named never rendered a moment's service in the custom-house. Under the law these vouchers were required to be sworn to, and appended to each was the notarial and official signature of Mr. Crawford, an entry clerk in the custom-house, and commissioned as a notary public.

In many instances no oath was administered, but the vouchers thus made out were forwarded to the Secretary of the Treasury as vouchers for the disbursements made by the collector of customs at New Orleans, and the money thus fraudulently obtained would be applied to political uses. (See testimony on pages 181, 182, 183, 184, and 185; also on pages 105, 106, 107, 110, 111, and 450.)

The facts thus established were in no manner contradicted or explained. The perpetration of this crime was not an occasional thing, but was shown to be an established system. The evidence shows that in many instances the pollution of the ballot-box itself was the consideration for the payment of the money thus unlawfully obtained. (See testimony on pages 197, 198, 199, 342, 423, 450, and 451.)

We discovered at least one high officer of the Government, outside of the custom-house, having knowledge of its prevalence, and whose sworn duty it was to expose it to the proper authorities, complacently witnessing its exercise and making no effort to check or prevent it. We refer to Daniel P. Kinsella, special agent of the Treasury Department, located at New Orleans. (See testimony of Kinsella himself, on pages 337, 338, 339, and 340.)

It also appears from the evidence that this officer had two minor sons who, for several years, had been drawing unusually large salaries from the custom-house, one of whom was employed in his own private office. We regard such acceptance of favors toward his own family as inconsistent with the proprieties of the service, and tending to demoralize and blunt his own sense of duty as an agent of the Government.

It is impossible for your committee to ascertain the exact amount of money thus obtained from the public Treasury, but from all the circumstances the conviction is forced on the minds of your committee that all or nearly all of the entire sum of money represented by the vouchers referred to was absolutely stolen. The number of these vouchers was often increased, taking each month large sums of money illegally from the Treasury. According to the testimony of all the witnesses who were examined on this subject, these vouchers were made out in duplicate, and although duplicates of all other vouchers for disbursements by the collector were retained by him, the committee were unable to procure the duplicates of any of these vouchers for temporary service; the reason assigned at one time being that they could not be found, and at another that they had not been preserved or retained. The committee notified the collector of its sessions at New Orleans, and subpœnaed him, but he did not appear, alleging illness as the reason. This fact, supplementing the positive evidence establishing these corrupt practices, can lead to but one conclusion.

Another glaring fraud was perpetrated through the department of repairs and preservation of public buildings. The sum of $5,000 was paid out by the Government on a contract with E. A. Davis for the repair of the United States warehouse at quarantine station on the Mississippi River, and the erection of a new wharf thereat. Mr. Davis testified that he signed the contract; that he never did any work under the contract; that he never rendered any account which showed that the contract had been complied with or that any work had been performed; that he had not earned the money; that the full sum of $5,000 was paid to him only four or five days after having signed the contract, and that he returned the whole amount to Mr. J. H. Sypher, at whose personal request he had signed the contract. He testified also that he had heard since, in general conversation, that the money was used for electioneering purposes. It was not pretended that any such work was done for which the Government had paid the sum of $5,000. The following letter will show the official character of the transaction in the account rendered to the Government by James F. Casey, disbursing agent at New Orleans, and how the Government was defrauded:

TREASURY DEPARTMENT,
OFFICE OF THE SUPERVISING ARCHITECT,
July 31, 1876.

SIR: In reply to your inquiry of the 29th instant, I have the honor to inform you that a contract was entered into under date of October 18, 1872, between Edward A. Davis, of New Orleans, Louisiana, and J. F. Morse, then superintendent of the United States custom-house in that city, for the repair of the United States warehouse at quarantine station on the Mississippi River, in Louisiana, and the erection of a new wharf thereat, according to plans and specifications furnished by the said Morse. In compensation therefor he was to receive the sum of $5,000. This contract is attached to a voucher receipted by Edward A. Davis, for the sum of $5,000, transmitted with the account of James F. Casey, disbursing agent, New Orleans, Louisiana, for the month of October, 1872, under the appropriation for "Repairs and preservation of public buildings."

Very respectfully,

WM. A. POTTER,
Supervising Architect.

Hon. R. S. GIBSON,
Chairman of Committee, &c., House of Representatives.

The open and unblushing use of the public revenues for the benefit of candidates of any political party is a sad evidence of the thorough demoralization of the civil service. That a custom-house of the Government should be thus run as a political machine, not only placing men upon the rolls who are not needed, for the purpose of obtaining their votes, but by placing fictitious names upon the rolls for the purpose of pilfering from the public revenues moneys to be used in the election of the candidates of a political party, is not only most corrupting upon those in the public service, but suggests the enactment of a law so severe in its provisions as to prevent, if possible, a recurrence of such official malfeasance in the future.

By this use of public patronage and official power the Federal Government is made to swell the power of the republican party and aid to maintain its succession to itself. So fruitful a field is this and so valuable the power that was thus used that the appropriations of the Government were swollen annually from 1868 until the democracy came to power, for patronage and money gave added influence. The expenses of the United States courts have nearly doubled since 1868. A comparison of the figures shows the large absorption of public money in that field:

COST OF UNITED STATES COURTS.

Fiscal year ending June 30, 1867:	
To marshals	$1,203,214 74
To district attorneys	146,945 29
To United States commissioners	50,643 55
To clerks of courts of United States	70,895 25
To miscellaneous expenses	157,837 67
See report of Secretary of Interior, (H. R. No. 2436)	1,629,536 00
Fiscal year ending June 30, 1878:	
Marshals	$1,931,244 00
Attorneys	259,717 00
Clerks	97,142 00
Commissioners	89,478 00
Rents	52,071 00
Miscellaneous	161,137 00
Deficiency	279,965 00
Total	2,870,754 00
Increase in eleven years	1,241,218 00

APPROPRIATIONS.

Your appropriations increased from one hundred and fifty millions in 1868 to one hundred and eighty-nine millions in 1874, when the advent of a democratic House of Representatives coerced retrenchment and has reduced them to one hundred and fifty-seven millions in 1879. I annex a table giving the official figures and the totals, as follows:

Statement showing the amount appropriated under each of the various appropriation bills for each of the fiscal years since 1872 *until* 1879, *both inclusive.*

Title of bills.	1872.	1873.	1874.	1875.	1876.	1877.	1878.	1879.
Legislative, &c	$19,518,229 24	$18,671,785 74	*$17,120,496 60	†$20,783,900 80	$18,902,236 99	$15,417,933 33	$15,450,345 30	$15,271,251 30
Military Academy	316,269 50	326,101 32	344,317 56	339,835 00	364,740 00	290,065 03	286,604 00	292,805 00
Army	27,719,580 00	28,683,615 32	31,796,008 81	27,788,500 00	27,933,830 00	25,987,167 90	25,612,500 00	25,593,486 01
Navy	19,832,317 25	18,296,733 95	‡22,276,257 65	20,813,946 20	17,001,006 40	12,742,155 40	13,541,024 40	14,152,602 70
Indian	5,448,540 96	6,349,462 04	5,541,418 90	5,680,651 96	5,360,554 55	4,572,762 01	4,829,865 69	4,746,275 70
Pensions	29,050,000 00	30,480,000 00	30,480,000 00	29,980,000 00	30,000,000 00	29,533,500 00	28,533,000 00	29,371,574 00
Post-Office	26,032,898 00	28,519,341 84	32,529,167 00	35,756,091 00	37,524,361 00	34,585,701 00	33,584,143 00	33,256,373 00
Consular and diplomatic	1,466,134 00	1,219,659 00	1,311,359 00	§3,404,804 00	1,374,985 00	1,187,197 50	1,138,374 50	1,077,635 00
Sundry civil	24,161,773 86	20,148,413 90	32,186,129 09	27,009,744 81	26,644,350 09	16,351,474 58	17,133,750 06	26,004,409 26
Fortifications	1,627,500 00	2,037,000 00	1,899,000 00	904,000 00	850,000 00	315,000 00	275,000 00	275,000 00
Deficiencies	6,045,259 96	12,978,418 60	4,083,914 26	4,703,699 18	2,908,117 09	2,745,480 97	11,898,077 30	
Rivers and harbors	4,407,500 96	5,588,000 00	6,102,900 00	5,218,000 00	6,643,517 50	5,015,000 00		8,201,700 00
Miscellaneous	1,261,208 80	8,383,743 23	3,354,824 17	1,921,614 13	1,862,929 19	5,347,505 84	1,262,061 31	2,049,638 61
Total	166,887,211 57	180,328,174 19	182,025,793 04	184,304,787 08	177,370,627 81	154,090,943 53	153,544,745 56	160,292,750 58

* Increase of salary of President, members, and others.
‡ Four million dollars special on account of the Virginius affair.
NOTE.—The deficiencies are carried into the years in which they occurred.
† Expenses of national loan and Bureau of Engraving and Printing, $2,207,868.50.
§ Award to British subjects under treaty of May 8, 1871, $1,929,819.

History of the eleven appropriation bills for the support of the Government for the fiscal year ended June 30, 1877, passed at the first session of the Forty-fourth Congress.

Title of Bill.	Estimates of Departments.	Bills as passed the House.	Bills as passed the Senate.	Law for 1877.
Military Academy	$487,470 00	$259,231 00	$308,841 00	$290,065 00
Fortifications	3,406,000 00	315,000 00	315,000 00	315,000 00
Consular and diplomatic	1,352,485 00	912,747 50	1,341,647 50	1,187,197 50
Navy	20,871,666 40	12,432,855,40	14,857,855 40	12,742,155 40
Post-Office	37,939,805 99	33,739,109 00	36,796,850 00	34,585,701 00
Pensions	29,533,500 00	29,533,500 00	29,533,500 00	29,533,500 00
Indian	5,787,995 60	3,979,602 11	4,958,361 27	4,572,762 01
Army	33,348,740 50	28,179,819 52	27,715,877 20	25,987,167 90
Legislative, executive, and judicial	20,836,307 00	12,998,815 61	16,635,338 00	15,417,933 33
Sundry civil	32,560,475 29	14,857,326 54	19,956,496 99	16,351,474 58
River and harbor	14,301,100 00	5,872,850 00	5,000 000 00	5,015,000 00
Total	200,425,545 78	143,080,856 68	157,419,767 36	145,997,956 72

History of the eleven appropriation bills for the support of the Government for the fiscal year ended June 30, 1878, passed at the second session of the Forty-fourth Congress.

Title of bill.	Estimates of Departments.	Bills as passed the House.	Bills as passed the Senate.	Law for 1878.
Military Academy	$395,080 00	$265,161 00	$299,505 00	$286,604 00
Fortifications	2,228,000 00	250,000 00	350,000 00	275,000 00
Consular and diplomatic	1,245,997 00	1,137,085 00	1,138,097 50	1,138,374 50
Navy	19,430,012 69	12,497,952 40	17,049,452 40	13,541,024 40
Post-Office	36,723,432 43	32,221,618 00	34,993,590 00	33,584,143 00
Pension	28,533,000 00	28,533,500 00	28,538,500 00	28,533,000 00
Indian	5,342,899 12	4,439,499 12	5,154,935 69	4,829,865 69
Army	31,896,915 90	21,993,749 00	26,188,870 50	25,612,500 00
Legislative, executive, and judicial	18,192,431 68	14,523,935 50	16,311,986 89	15,450,345 30
Sundry civil	26,974,105 82	15,446,807 35	18,968,947 77	17,133,750 06
River and harbor	13,220,100 00	.....	.....	.....
Total	184,182,005 14	131,309,307 37	148,988,885 75	140,384,606 95

History of the eleven appropriation bills for the support of the Government for the fiscal year ending June 30, 1879, passed by the Forty-fifth Congress, first and second sessions.

Title of bill.	Estimates of Departments.	Bills as passed the House.	Bills as passed the Senate.	Law for 1879.
Military Academy	$540,425 00	$265,155 00	$348,621 46	$282,805 00
Fortifications	850,000 00	275,000 00	275,000 00	275,000 00
Consular and diplomatic	1,214,397 50	1,038,435 00	1,120,635 00	1,076,135 00
Navy	16,233,234 40	14,038,684 00	14,249,528 70	14,151,603 70
Post-Office	36,427,771 00	33,140,373 00	33,996,373 00	33,256,373 00
Pensions	29,500,000 00	29,371,574 00	29,406,574 00	29,371,574 00
Indian	5,415,891 20	4,769,475 70	4,721,475 70	4,721,275 70
Army	31,597,270 68	24,913,787 18	25,937,986 01	25,583,186 01
Legislative, executive, and judicial	16,205,572 41	14,991,370 00	15,598,184 00	15,438,881 30
Sundry civil	24,939,186 12	17,590,186 06	27,851,891 54	24,750,100 06
River and harbor	13,302,600 00	7,293,700 00	8,346,000 00	8,307,000 00
Total	176,226,348 31	147,687,739 94	161,852,269 41	157,213,933 77

For the fiscal year ending June 30, 1880, all have been passed but the two bills known as the Army and the legislative appropriation bills, which I approximate in the following table. The decrease in appropriations from 1874 to 1880 is thus seen to be over $28,000,000.

History of the principal appropriation bills, 1879–'80, passed at the third session of the Forty-fifth Congress and the first session of the Forty-sixth Congress.

Title.	Estimates.	As reported.	As passed House.	Passed Senate committee.	Passed Senate.	Law.
Military Academy	$411,790 09	$276,647 33	$316,647 33	$319,347 33	$322,347 33	$319,547 33
Fortifications	1,000,000 00	275,000 00	275,000 00	500,000 00	500,000 00	275,000 00
Consular and diplomatic	1,178,635 00	1,038,435 00	1,045,735 00	1,127,835 00	1,127,835 00	1,087,835 00
Navy	14,187,381 45	14,018,468 95	14,018,468 95	14,104,968 95	14,104,968 95	14,029,968 95
Post-Office	36,571,960 00	34,960,343 00	35,914,400 00	36,631,400 00	37,348,400 00	36,121,400 00
Pension	29,616,000 00	29,366,000 00	29,366,000 00	29,366,000 00	29,366,000 00	29,366,000 00
Indian	4,933,244 20	4,710,978 58	4,681,278 58	4,740,035 83	4,740,035 83	4,713,478 58
Army	29,084,500 00	26,747,300 00	26,747,300 00	26,797,300 00	26,797,300 00	*26,797,300 00
Legislative, &c	16,520,601 91	15,154,475 60	18,184,553 60	18,475,803 81	18,484,823 81	*18,541,416 03
Sundry civil	21,342,783 93	16,936,349 49	16,945,965 55	19,573,881 33	19,690,384 05	18,394,766 51
River and harbor	5,015,000 00	5,836,600 00	5,836,600 00	6,949,100 00	7,993,100 00	7,842,100 00
Deficiency	3,869,548 52	2,579,040 57	2,579,040 57	3,709,536 05	3,551,106 71	2,961,478 42
Post-Office deficiency	450,000 00	450,000 00	450,000 00	450,000 00	450,000 00	450,000 00
Total	164,181,385 10	155,921,065 98	156,791,473 44	162,740,855 50	163,335,771 37	160,919,695 82

*Estimated.

To this is to be added the appropriation for arrears of pension, $26,867,200, which is extraordinary in character.

The civil and miscellaneous expenses of the Government for the year 1860 were about twenty-eight millions; for 1876 they were seventy-three millions.

The growth of Federal power, the absorption to itself of that which properly belongs to local rule, is the vice of this legislation. It is destructive of the system of government created by the Constitution and tends to produce consolidation and empire. We have traced "national elections" and shown their non-existence as a part of our written Constitution. We find them an outgrowth of false construction, of the theory of centralization, and identical in thought with the tenets of 1799, as well as vicious in practice. We find that troops at the polls were voted for by the advocates of a consolidated government in 1800 as they are by the same party now, and that packed juries and Federal marshals were the agents then of wrong

as they are now of force and fraud. From these our only defense is in the reserved rights of the States and the people. The Federal Government is not the sovereign, but is the servant of the people, and it has no rights but those delegated to it or necessary to carry out the powers granted, and the States and the governments of the States are essential to the perfection of the system. Suffrage is under the control of the States; the Federal Government can neither create a voter nor impose qualifications upon one. National elections, if such there be, have no national electors, and the voters of the United States are the people of the States, qualified under State constitutions and State laws. The statutes proposed to be repealed judge who shall vote, register voters, reject voters, enforce restrictions, and impose penalties, all without authority and in plain violation of the rights reserved to the States and the people.

Marshals are created and used to enforce State laws and State restrictions in State constitutions. The Federal power gives the marshals the power of Federal troops to aid them thus to enforce State rules and State restrictions; and they are vested with the right to judge and determine who are qualified under State constitutions and State laws. This system of national elections contended for in these veto messages may be aptly described by saying that Federal marshals and Federal troopers are necessary and are again to be used at the ballot-box. They have been placed there to dominate and intimidate the voter, to decide how he shall vote and what qualifications are necessary. Federal troops and Federal marshals have been used and are to be preserved to protect returning boards in the States, to aid and defend them in their work of fraud and wrong, and Federal troops have been brought to the capital of the United States to defend and protect the counting into office of an official who was never chosen. The republican party has been and is again to be protected by marshals at the polls without authority of law and in violation of the provisions fixed in State constitutions and by State laws, and to be sustained by Federal power unwarranted by the Constitution.

May we never again see, under such a system of laws as we possess, the polls controlled by force and intimidation, the returning boards protected in fraud and wrong by Federal troops and Federal officials, and an ultimate tribunal powerless in its own opinion to repel bald fraud, while the Representatives of the people were menaced with military force if they dared to do right and protect an honest count. "National elections" are the outgrowth of a system that has foisted into power a man against whom a majority of the people had voted, and who now presents to the American people, through the arguments of his veto messages, the doctrines of force and fraud concealed beneath the cry of "national elections," in which is wanting the first element of their existence, a national voter.

HOUSE BILLS REFERRED.

The PRESIDENT *pro tempore*. The Chair will now, if there be no objection, lay before the Senate sundry bills from the House of Representatives for reference.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. No. 1379) fixing the rate of interest upon arrearages of general taxes and assessments for special improvements now due to the District of Columbia, and for a revision of assessments for special improvements, and for other purposes;

A bill (H. R. No. 1380) authorizing the commissioners of the District of Columbia to issue twenty-year 5 per cent. bonds of the District of Columbia to redeem certain funded indebtedness of said District;

A bill (H. R. No. 1856) authorizing the commissioners of the District of Columbia to extend the area for the taking up and impounding of domestic animals into the District of Columbia;

A bill (H. R. No. 1894) authorizing the employment of an inspector of plumbing in and for the District of Columbia, and for other purposes; and

A bill (H. R. No. 2005) to confer upon the commissioners of the District of Columbia the powers, duties, and limitations contained in chapter 8 (water service) of the Revised Statutes of the United States, relating to the District of Columbia, and for other purposes.

The joint resolution (H. R. No. 72) authorizing the Secretary of the Navy to place vessels and hulks at the disposal of commissioners of quarantine or other persons, at the ports of the United States, was read twice by its title, and referred to the Committee on Naval Affairs.

IMPROVEMENT OF KANAWHA RIVER.

Mr. HEREFORD. I move to postpone the pending order and proceed to the consideration of the bill (H. R. No. 1999) to amend an act entitled "An act making appropriations for the construction, repairs, preservation, and completion of certain works on rivers and harbors, and for other purposes," approved March 4, 1879.

Mr. CONKLING. Has the bill been reported by a committee?

Mr. HEREFORD. Yes, sir.

The PRESIDENT *pro tempore*. It was reported on the 22d of this month from the Committee on Commerce without amendment.

Mr. HEREFORD. I simply desire to say that it is merely a local matter. At the last session of Congress there was an appropriation made for the improvement of the Kanawha River. I have a letter here from the Chief of Engineers and also from the Secretary of War drawing the attention of the Committee on Commerce to the fact that it will be necessary with a portion of that money to purchase sites and that they do not think they have a right to purchase sites without authority from Congress. The bill simply provides that a sufficient portion of the money heretofore appropriated may be used for that purpose.

The PRESIDENT *pro tempore*. The question is on postponing the pending order to proceed to the consideration of the bill indicated.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1999) to amend an act entitled "An act making appropriations for the construction, repair, preservation, and completion of certain works on rivers and harbors, and for other purposes," approved March 4, 1879. It provides that such parts of the moneys heretofore appropriated by the act of which this is amendatory for the improvement of the Great Kanawha River, in West Virginia, and the Kentucky River, in the State of Kentucky, as may be necessary in the prosecution of those improvements as undertaken, may be expended in the purchase, voluntary or by condemnation, as the case may be, of such sites as are necessary in the prosecution of the improvements.

Mr. CONKLING. I should like to inquire how much money is appropriated by the act which this seeks to amend to the purpose denoted in this bill?

Mr. HEREFORD. For this particular purpose?

Mr. CONKLING. How much money is appropriated to the improvement of the Great Kanawha River mentioned in the bill?

Mr. HEREFORD. I believe $150,000; and $25,000 for the Big Sandy River, in Kentucky.

Mr. CONKLING. One hundred and seventy-five thousand dollars for the two rivers mentioned in the bill?

Mr. HEREFORD. For the two purposes. The object of this bill is simply to use enough of that amount to purchase the sites indicated.

Mr. TELLER. Sites for what?

Mr. HEREFORD. For locks or dams.

Mr. TELLER. Are they building locks on that river?

Mr. HEREFORD. Yes, sir. There are several already built.

Mr. CONKLING. Mr. President, no matter how clear and conclusive the objections to this bill might be, I should have no idea that any statement or argument coming from me would defeat it or delay its passage longer than the time which I might occupy in assigning the objections. I venture, however, to state at least to the Senate as I understand it, the meaning and scope of this bill.

This body and the other branch of Congress some time ago passed a bill known as the river and harbor bill. In placing that enactment among the statutes, the two Houses proceeded, I infer, under the power or supposed power of Congress to improve national highways of commerce. That power I take it must reside in one or both of two clauses of the Constitution, that which permits the regulation of commerce with foreign nations and among the several States, or that under which Congress is authorized to appropriate money.

The understanding of those who voted for that bill, and especially for the provision of it to which this pending measure relates, must have been that they were about in West Virginia to improve a national highway, a commercial channel not local but national in its character, in its dimensions, in its surroundings. It turns out now that the proposed improvement consists, or consists in part, of creating an artificial water channel; it consists in erecting dams to deepen and increase the volume of water, and erecting locks by which are to be lifted from one level to another level the crafts which are to ply on this channel, and then letting them down again from one level to another level. In order to improve such a national channel of commerce as this it is now proposed that, proceeding under the right of eminent domain, the national authority shall enter the State of West Virginia and undertake to condemn private property for public use, making of course, in the language of another provision of the Constitution, just compensation. That is this bill.

Mr. DAVIS, of West Virginia. The Senator probably does not understand that the State Legislature has already passed a bill giving its consent.

Mr. CONKLING. Oh, Mr. President, I shall not forget that. The Senator from West Virginia may be sure that I remember it from the circumstance that I did not add that it was proposed to exert the power of eminent domain under such circumstances that, were the object to build a fort for the common defense or a post-office under express authority of the Constitution, eminent lawyers, coinciding in politics with the Senator from West Virginia, have denied utterly that Congress has power to proceed. If I mistake not, I have heard it stated in this Chamber in the presence of the distinguished member of the Senate who now presides, that even under the express authority to establish post-offices the National Government could not go into a State, defying the power of that State, proceeding without its assent, to condemn private property for that purpose. I say I have heard that argued; but I am not called upon to express any opinion upon it, because, as the Senator from West Virginia has reminded us, that particular point is not here. I was commenting upon so much as is here, upon such features as the pending bill does wear, and I am sorry that the Senator from West Virginia diverted me, because I intended to follow the statement I made immediately with one single observation. I will make it now.

Mr. CHANDLER. Will the Senator permit me to make a motion to adjourn? We are all very much interested in the Senator's re-

marks and would like to hear them completed on another day. If it is agreeable to the Senator, I will make a motion to adjourn.

Mr. CONKLING. I know the Senator from Michigan does not wish to hear me.

Mr. CHANDLER. Indeed I do, I assure the Senator.

Mr. CONKLING. I am so thoroughly convinced of that that I will yield at once. I see the Senator would rather go than listen to me; and that disposition on his part is so strong that I will not stand in the way.

Mr. CHANDLER. I move that the Senate adjourn.

The PRESIDENT *pro tempore*. The Senator from Michigan moves that the Senate do now adjourn.

The motion was agreed to; and (at four o'clock and thirty-eight minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May* 29, 1879.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

ADJOURNMENT OVER.

Mr. JOHNSTON. I rise to a privileged question.

The SPEAKER. The gentleman will state it.

Mr. JOHNSTON. I offer the following resolution:

Resolved, That when the House adjourns to-day it adjourn to meet on Saturday next.

The object of that resolution will be readily understood. It is certainly eminently proper that the members of this House should join the rest of the community in doing honor to the dead whose graves are to be decorated to-morrow. I offer the resolution in order to give them an opportunity of doing so. [Applause.]

Mr. O'NEILL. I move to amend the resolution so as to provide that we adjourn to meet on Monday.

The SPEAKER. The object of the resolution is that the House shall adjourn over Decoration Day, as stated by the gentleman from Virginia, [Mr. JOHNSTON,] so as to allow members of the House to participate in the ceremonies of decoration.

Mr. HAWLEY. It would make a broken day of Saturday, and we had much better adjourn till Monday.

Mr. JOHNSTON. I offer the resolution in the shape in which I first presented it. It will be competent for the gentleman from Pennsylvania [Mr. O'NEILL] afterward to move that the House adjourn until Monday. His amendment might destroy the apparent object of the resolution which I have offered.

The SPEAKER. The Chair thinks it rather late for an amendment to be offered.

Mr. O'NEILL. I would not do anything, of course, to affect the object the gentleman has in view.

The question was taken upon Mr. JOHNSTON'S resolution; and it was agreed to.

Mr. JOHNSTON moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ADJOURNMENT SINE DIE.

Mr. GIBSON. I rise to a privileged question. I am instructed by the Committee of Ways and Means to offer the following resolution:

Resolved by the House of Representatives, (the Senate concurring,) That the President of the Senate and the Speaker of the House of Representatives declare their respective Houses adjourned *sine die* at twelve o'clock on the 10th day of June, 1879.

Mr. ATKINS. I would ask the gentleman from Louisiana [Mr. GIBSON] not to press that resolution this morning, but let it lie over until Saturday.

Mr. GIBSON. I accept the suggestion of the gentleman from Tennessee and will ask that the resolution lie over.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, his private secretary.

The message further announced that the President had approved and signed the bill (H. R. No. 178) to provide for the change of name of the steamboat Alexis.

FINAL ADJOURNMENT.

Mr. CONGER. I desire to offer an amendment to the resolution submitted by the gentleman from Louisiana, [Mr. GIBSON.]

The SPEAKER. The resolution goes over by consent at the suggestion of the gentleman from Tennessee, [Mr. ATKINS.]

Mr. CONGER. But I desire to offer my amendment so that it may have the consideration of the House.

The SPEAKER. On Saturday the Chair will recognize the gentleman, unless the House should order the previous question and thereby cut off amendments.

Mr. CONGER. I desire to move to add to the resolution the words "provided the appropriation bills have then been passed."

The SPEAKER. The Chair will recognize the gentleman for any amendment, provided the House does not cut off the opportunity of doing so from the Chair, by seconding the previous question.

Mr. CONGER. It was for that very reason that I desired to offer my amendment, so as to notify the House that it would be offered.

IMPORTATION OF QUININE.

Mr. WHITTHORNE. I wish to give notice that I will move that the resolution reported by the gentleman from Louisiana [Mr. GIBSON] be recommitted to the Committee of Ways and Means with instructions that the same be not reported upon until said committee has first reported for the consideration of this House a bill to admit the importation of quinine free of duty and a bill to establish an income tax.

The SPEAKER. The rule does not provide for any such notice as that.

CORRECTION OF THE RECORD.

Mr. SPRINGER. I rise to correct the RECORD. On page 12 of the RECORD it is stated that I offered for reference to the Committee on Rules a resolution. That is a mistake. I offered the proposed amendment to the rules for adoption, but the rules of the House require amendments to the rules to lie over one day, and I offered it at that time because one day's notice was contemplated by the rules. I did not offer it for reference.

Mr. CONGER. Can the gentleman change the RECORD?

The SPEAKER. He does not seek to change the RECORD; he only desires to correct it.

Mr. CONGER. But he desires to place his resolution in some different position from that in which it stood yesterday. The RECORD states the fact, and it cannot be changed.

The SPEAKER. The Chair does not understand the gentleman from Illinois [Mr. SPRINGER] to seek to change the RECORD.

Mr. SPRINGER. I desire to say that the RECORD is incorrect.

The SPEAKER. The Chair recollects that he himself stated yesterday that the effect of the gentleman's motion was to compel the resolution to lie over one day. The gentleman will find that statement in the RECORD.

Mr. SPRINGER. I did not say that I offered the resolution for reference to the Committee on Rules; I merely wanted to correct the RECORD in that respect.

The SPEAKER. The statement of the Chair is not at variance with that, because the Chair stated that the motion had to lie over one day.

Mr. SPRINGER. The statement of the Chair is in exact accordance with what I stated at the time.

Mr. FRYE. But the statement in the RECORD is so much more sensible and reasonable that I hope the gentleman will adopt it.

The SPEAKER. The gentleman from Maine [Mr. FRYE] will recollect that the Chair stated yesterday what he has now stated.

Mr. FRYE. But the RECORD is a great deal better for the reputation of the gentleman from Illinois [Mr. SPRINGER] than what he now proposes to make it.

VESSELS AND HULKS FOR QUARANTINE PURPOSES.

Mr. GOODE. I ask unanimous consent to report from the Committee on Naval Affairs a joint resolution which will take but a moment.

The SPEAKER. Is there objection?

Mr. CONGER. Let it be read first.

Mr. GOODE. I am instructed unanimously by the Committee on Naval Affairs to report House joint resolution No. 72, authorizing the Secretary of the Navy to place vessels and hulks at the disposal of commissioners of quarantine or other proper persons at the ports of the United States, and to ask for its consideration at this time.

The joint resolution was read, as follows:

Resolved, &c., That the Secretary of the Navy be, and he is hereby, authorized, in his discretion, to place gratuitously at the disposal of the commissioners of quarantine, or the proper authorities at any of the ports of the United States, to be used by them temporarily for quarantine purposes, such vessels or hulks belonging to the United States as are not required for other uses of the National Government, subject to such restrictions and regulations as the said Secretary may deem necessary to impose for the preservation thereof.

Mr. FRYE. By yesterday's action gentlemen on the other side have seized the Treasury; now they propose to take the Navy. I will not make any objection to the joint resolution which has been read, but I am in hopes that they will take the Army to-morrow.

Mr. GOODE. This is in the interest of humanity alone; there is no money in it at all.

Mr. CONGER. I think this joint resolution should be amended so as to require the approval of the National Board of Health, which has been created and given charge of this subject.

Mr. GOODE. I do not know that I will object to that if insisted upon, but I will state to the gentleman from Michigan [Mr. CONGER] that this joint resolution is unanimously reported from the Committee on Naval Affairs, and I have here a letter from the Secretary of the Navy recommending its passage. I will call the attention of the gentleman, furthermore, to the fact that such a resolution as this has been in existence almost from time immemorial until recently, when it expired by limitation. The Secretary of the Navy now states it will be necessary for Congress to take this action before he can allow the temporary use of these old, condemned vessels for this purpose. It is

simply in the interest of humanity. Merchant vessels going north and south and having sick men on board are not provided with the accommodations for the proper care of those sick men, and ought to be allowed to utilize these condemned vessels and hulks for that purpose.

Mr. CONGER. But this joint resolution proposes to give these vessels to State quarantine commissions. Now, we have passed a bill giving the supervision of this whole subject to the National Board of Health which has been created by act of Congress.

Mr. GOODE. I have no objection in the world to obtaining the consent of the Board of Health for this purpose. I am satisfied that the consent will be given whenever asked. Let the gentleman suggest what amendment he desires to have made.

Mr. CONGER. I would suggest that the words "with the approval of the National Board of Health" be inserted.

Mr. GOODE. Very well; I will not object to that.

Mr. CONGER. If that is inserted it will in my mind strike out all of the State-rights objection there may be to the joint resolution in its present form.

Mr. GOODE. I am willing to make it entirely satisfactory to the gentleman from Michigan in that respect.

Mr. CONGER. Then I move to insert after the words "in his discretion" the words "with the approval of the National Board of Health."

The amendment was agreed to.

The joint resolution, as amended, was then ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. GOODE moved to reconsider the vote by which the joint resolution, as amended, was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. There are several gentlemen who desire to be recognized by the Chair for the purpose of bringing matters before the House to which there will be no objection. The Chair thinks it would be well to allow them an opportunity to do so.

Mr. HUBBELL. It occurs to me that the language of the amendment just adopted to the joint resolution reported by the gentleman from Virginia [Mr. GOODE] is not appropriate.

The SPEAKER. It is now too late; the joint resolution has been passed.

Mr. HUBBELL. Instead of "with the approval" it should be "at the request of the National Board of Health."

The SPEAKER. The language now employed in the amendment will make the assignment of these vessels by the Secretary not final until the Board of Health had approved it. That is so.

Mr. HUBBELL. I ask unanimous consent that the language be changed so that it shall read "at the request of the National Board of Health," instead of subject to the approval.

Mr. GOODE. I myself prefer that language, but I consented to the amendment in order to satisfy the gentleman from Michigan, [Mr. CONGER.]

Mr. HUBBELL. I think the joint resolution should provide that the Secretary of the Navy might place these vessels at the disposal of the different quarantine commissioners at the request of the National Board of Health.

The SPEAKER. That change can be made now by unanimous consent, and only by unanimous consent.

Mr. CONGER. I have no objection to modifying the amendment so as to read "at the request of the National Board of Health."

Mr. GOODE. That is right; I think that modification should be made.

The SPEAKER. If there be no objection, the amendment to the joint resolution just passed will be modified as suggested.

There was no objection, and it was so ordered.

INVESTIGATION OF NAVY DEPARTMENT.

Mr. WHITTHORNE. I ask unanimous consent to offer the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the matters contained in the report No. 112 of the Committee on Naval Affairs, third session of the Forty-fifth Congress, relating to the investigation of the Navy Department, together with the views of the minority of said committee, as well as the testimony referred to in said report, be, and the same are hereby, referred to the Committee on Naval Affairs, with instructions to examine the same and to report whether any action should be taken and had upon said matters therein reported.

The SPEAKER. Is there objection to the consideration of this resolution?

Mr. CONGER. I object. I object to the resurrection of old dead carcasses.

Mr. WHITTHORNE. But it is not dead; it liveth.

Mr. CONGER. The gentleman has worked for years to get that in, and his own friends have forbidden it.

Mr. WHITTHORNE. No, sir; you are mistaken.

PAY OF LABORERS IN THE DISTRICT OF COLUMBIA.

Mr. DE LA MATYR asked unanimous consent to introduce a bill to amend an act appropriating $75,000 to pay laborers in this District.

Mr. BREWER. I object.

CONDITION OF EUROPEAN WORKING CLASSES.

Mr. WILSON. I rise to make a privileged report from the Committee on Printing. By direction of that committee I report back, with an amendment, the resolution which I send to the desk.

The Clerk read as follows:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed 15,000 copies of the consular reports, with the letter of the Secretary of State transmitting the same, showing the rates of wages, hours of labor, prices of food, and general condition of the working classes in the several countries of Europe; 8,000 copies for the use of the House, 4,000 copies for the use of the Senate, and 3,000 copies for the use of the Department of State; and that the amount of money necessary for the publication of the same be and is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

The amendment proposed by the committee was read, as follows:

Strike out the words "and that the amount of money necessary for the publication of the same be and is hereby appropriated out of any money in the Treasury not otherwise appropriated," and insert in lieu thereof the following: "that of the said 15,000 copies 5,000 shall be bound in cloth and 10,000 shall be bound in paper."

The amendment was agreed to.

The resolution, as amended, was adopted.

Mr. WILSON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CANAL COMMUNICATION BETWEEN ATLANTIC AND PACIFIC OCEANS.

Mr. GIBSON, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the President is requested to inform this House, if not incompatible with the public interest, what measures have been adopted or may in his judgment be expedient to promote the interests of the United States in the matter of the establishment of communication by canal between the waters of the Atlantic and Pacific Oceans across, over, or near the isthmus connecting North and South America.

VETO OF LEGISLATIVE APPROPRIATION BILL.

Mr. CONVERSE. I ask unanimous consent to make a report at this time. [Cries of "Regular order!"]

The SPEAKER. There is objection. The gentleman will be recognized hereafter. The Chair lays before the House a communication from the President of the United States

The Clerk read as follows:

To the House of Representatives:

After mature consideration of the bill entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes," I herewith return it to the House of Representatives, in which it originated, with the following objections to its approval:

The main purpose of the bill is to appropriate the money required to support during the next fiscal year the several civil departments of the Government. The amount appropriated exceeds in the aggregate $18,000,000.

This money is needed to keep in operation the essential functions of all the great Departments of the Government, legislative, executive, and judicial. If the bill contained no other provisions no objection to its approval would be made. It embraces, however, a number of clauses relating to subjects of great general interest, which are wholly unconnected with the appropriations which it provides for. The objections to the practice of tacking general legislation to appropriation bills, especially when the object is to deprive a co-ordinate branch of the Government of its right to the free exercise of its own discretion and judgment touching such general legislation, were set forth in the special message in relation to House bill No. 1, which was returned to the House of Representatives on the 29th of last month. I regret that the objections which were then expressed to this method of legislation have not seemed to Congress of sufficient weight to dissuade from this renewed incorporation of general enactments in an appropriation bill, and that my constitutional duty in respect of the general legislation thus placed before me cannot be discharged without seeming to delay, however briefly, the necessary appropriations by Congress for the support of the Government. Without repeating those objections, I respectfully refer to that message for a statement of my views on the principle maintained in debate by the advocates of this bill, namely, that "to withhold appropriations is a constitutional means for the redress" of what the majority of the House of Representatives may regard as "a grievance."

The bill contains the following clauses, namely:

And provided further, That the following sections of the Revised Statutes of the United States, namely, sections 2016, 2018, and 2020, and all of the succeeding sections of said statutes down to and including section 2027, and also section 5522, be, and the same are hereby, repealed; * * * and that all the other sections of the Revised Statutes and all laws and parts of laws authorizing the appointment of chief supervisors of elections, special deputy marshals of elections, or general deputy marshals, having any duties to perform in respect to any election, and prescribing their duties and powers and allowing them compensation, be, and the same are hereby, repealed.

It also contains clauses amending sections 2017, 2019, 2028, and 2031 of the Revised Statutes.

The sections of the Revised Statutes which the bill, if approved, would repeal, or amend, are part of an act, approved May 30, 1870, and amended February 28, 1871, entitled "An act to enforce the rights of citizens of the United States to vote in the several States of this Union, and for other purposes." All of the provisions of the above-named acts which it is proposed in this bill to repeal or modify relate to the congressional elections. The remaining portion of the law, which will continue in force after the enactment of this measure, is that which provides for the appointment, by a judge of the circuit

court of the United States, of two supervisors of election in each election district, at any congressional election, on due application of citizens who desire, in the language of the law, "to have such an election guarded and scrutinized." The duties of the supervisors will be to attend at the polls at all congressional elections, and to remain after the polls are open until every vote cast has been counted, but they will "have no authority to make arrests, or to perform other duties than to be in the immediate presence of the officers holding the election, and to witness all their proceedings, including the counting of the votes, and the making of a return thereof." The part of the election law which will be repealed by the approval of this bill includes those sections which give authority to the supervisors of election "to personally scrutinize, count, and canvass each ballot," and all the sections which confer authority upon the United States marshals and deputy marshals, in connection with the congressional elections. The enactment of this bill will also repeal section 5522 of the Criminal Statutes of the United States, which was enacted for the protection of United States officers engaged in the discharge of their duties at the congressional elections. This section protects supervisors and marshals in the performance of their duties by making the obstruction or the assaulting of these officers, or any interference with them by bribery or solicitation, or otherwise, crimes against the United States.

The true meaning and effect of the proposed legislation are plain. The supervisors, with the authority to observe and witness the proceedings at the congressional elections, will be left; but there will be no power to protect them, or to prevent interference with their duties, or to punish any violation of the law from which their powers are derived. If this bill is approved, only the shadow of the authority of the United States at the national elections will remain—the substance will be gone. The supervision of the elections will be reduced to a mere inspection, without authority on the part of the supervisors to do any act whatever to make the election a fair one. All that will be left to the supervisors is the permission to have such oversight of the elections as political parties are in the habit of exercising without any authority of law, in order to prevent their opponents from obtaining unfair advantages. The object of the bill is to destroy any control whatever by the United States over the congressional elections.

The passage of this bill has been urged upon the ground that the election of members of Congress is a matter which concerns the States alone; that these elections should be controlled exclusively by the States; that there are and can be no such elections as national elections; and that the existing law of the United States regulating the congressional elections is without warrant in the Constitution. It is evident, however, that the framers of the Constitution regarded the election of members of Congress in every State and in every district as, in a very important sense, justly a matter of political interest and concern to the whole country. The original provision of the Constitution on this subject is as follows, (section 4, article 1:)

> The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

A further provision has been since added, which is embraced in the fifteenth amendment. It is as follows:

> SEC. 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.
>
> SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

Under the general provision of the Constitution, (section 4, article 1,) Congress in 1866 passed a comprehensive law which prescribed full and detailed regulations for the election of Senators by the Legislatures of the several States. This law has been in force almost thirteen years. In pursuance of it all the members of the present Senate of the United States hold their seats. Its constitutionality is not called in question. It is confidently believed that no sound argument can be made in support of the constitutionality of national regulation of senatorial elections which will not show that the elections of members of the House of Representatives may also be constitutionally regulated by the national authority.

The bill before me itself recognizes the principle that the congressional elections are not State elections, but national elections. It leaves in full force the existing statute under which supervisors are still to be appointed by national authority, to "observe and witness" the congressional elections whenever due application is made by citizens who desire said elections to be "guarded and scrutinized." If the power to supervise, in any respect whatever, the congressional elections exists under section 4, article 1, of the Constitution, it is a power which, like every other power belonging to the Government of the United States, is paramount and supreme, and includes the right to employ the necessary means to carry it into effect.

The statutes of the United States which regulate the election of members of the House of Representatives, an essential part of which it is proposed to repeal by this bill, have been in force about eight years. Four congressional elections have been held under them, two of which were at the presidential elections of 1872 and 1876.

Numerous prosecutions, trials, and convictions have been had in the courts of the United States in all parts of the Union for violations of these laws. In no reported case has their constitutionality been called in question by any judge of the courts of the United States. The validity of these laws is sustained by the uniform course of judicial action and opinion.

If it is urged that the United States election laws are not necessary, an ample reply is furnished by the history of their origin and of their results. They were especially prompted by the investigation and exposure of the frauds committed in the city and State of New York at the elections of 1868. Committees representing both of the leading political parties of the country have submitted reports to the House of Representatives on the extent of those frauds. A committee of the Fortieth Congress, after a full investigation, reached the conclusion that the number of fraudulent votes cast in the city of New York alone in 1868 was not less than 25,000. A committee of the Forty-fourth Congress, in their report submitted in 1877, adopted the opinion that for every 100 actual voters of the city of New York in 1868, 108 votes were cast; when, in fact, the number of lawful votes cast could not have exceeded 88 per cent. of the actual voters of the city. By this statement the number of fraudulent votes at that election, in the city of New York alone, was between thirty and forty thousand. These frauds completely reversed the result of the election in the State of New York, both as to the choice of governor and State officers, and as to the choice of electors of President and Vice-President of the United States. They attracted the attention of the whole country. It was plain that if they could be continued and repeated with impunity free government was impossible. A distinguished Senator in opposing the passage of the election laws declared that he had "for a long time believed that our form of Government was a comparative failure in the larger cities." To meet these evils and to prevent these crimes the United States laws regulating congressional elections were enacted.

The framers of these laws have not been disappointed in their results. In the large cities, under their provisions, the elections have been comparatively peaceable, orderly, and honest. Even the opponents of these laws have borne testimony to their value and efficiency, and to the necessity for their enactment. The committee of the Forty-fourth Congress, composed of members a majority of whom were opposed to these laws, in their report on the New York election of 1876, said:

> The committee would commend to other portions of the country and to other cities this remarkable system, developed through the agency of both local and Federal authorities acting in harmony for an honest purpose. In no portion of the world, and in no era of time, where there has been an expression of the popular will through the forms of law, has there been a more complete and thorough illustration of republican institutions. Whatever may have been the previous habit or conduct of elections in those cities, or howsoever they may conduct themselves in the future, this election of 1876 will stand as a monument of what good faith, honest endeavor, legal forms, and just authority may do for the protection of the electoral franchise.

This bill recognizes the authority and duty of the United States to appoint supervisors to guard and scrutinize the congressional elections, but it denies to the Government of the United States all power to make its supervision effectual. The great body of the people of all parties want free and fair elections. They do not think that a free election means freedom from the wholesome restraints of law, or that the place of an election should be a sanctuary for lawlessness and crime. On the day of an election peace and good order are more necessary than on any other day of the year. On that day the humblest and feeblest citizens, the aged and the infirm, should be, and should have reason to feel that they are, safe in the exercise of their most responsible duty and their most sacred right as members of society, their duty and their right to vote. The constitutional authority to regulate the congressional elections which belongs to the Government of the United States, and which it is necessary to exert to secure the right to vote to every citizen possessing the requisite qualifications, ought to be enforced by appropriate legislation. So far from public opinion in any part of the country favoring any relaxation of the authority of the Government in the protection of elections from violence and corruption, I believe it demands greater vigor, both in the enactment and in the execution of laws framed for that purpose. Any oppression, any partisan partiality, which experience may have shown in the working of existing laws, may well engage the careful attention both of Congress and of the Executive in their respective spheres of duty for the correction of these mischiefs. As no congressional elections occur until after the regular session of Congress will have been held, there seems to be no public exigency that would preclude a seasonable consideration at that session of any administrative details that might improve the present methods designed for the protection of all citizens in the complete and equal exercise of the right and power of the suffrage at such elections. But with my views, both of the constitutionality and of the value of the existing laws, I cannot approve any measure for their repeal except in connection with the enactment of other legislation which may reasonably be expected to afford wiser and more efficient safeguards for free and honest congressional elections.

RUTHERFORD B. HAYES.

EXECUTIVE MANSION, *May* 29, 1879.

[The reading of the sentence, closing with the words "this election of 1876 will stand as a monument of what good faith, honest endeavor, legal forms, and just authority may do for the protection of the electoral franchise," was greeted with derisive laughter on the democratic side, followed by applause on the republican side,

and cries of "Read that again." At the conclusion of the reading there were hearty demonstrations of applause on the republican side.]

Mr. ATKINS. I ask that the House now proceed to the reconsideration of the bill as prescribed by the Constitution.

The SPEAKER. The title of the bill will be read.

The Clerk read as follows:

A bill (H. R. No. 2) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes.

The SPEAKER. The question is, Will the House on reconsideration agree to pass this bill, notwithstanding the objections of the President? This question, according to the requirements of the Constitution, must be taken by yeas and nays. The Clerk will call the roll.

The question was taken; and there were—yeas 114, nays 93, not voting 78; as follows:

YEAS—114.

Acklen,	Davis, Joseph J.	Klotz,	Simonton,
Aiken,	Davis, Loundes H.	Ladd,	Singleton, O. R.
Atherton,	Dibrell,	Le Fevre,	Slemons,
Atkins,	Dickey,	Lewis,	Smith, William E.
Bachman,	Elam,	Manning,	Speer,
Beale,	Ellis,	Martin, Benj. F.	Springer,
Beltzhoover,	Evins,	Martin, Edward L.	Steele,
Bicknell,	Ewing,	McKenzie,	Stephens,
Blackburn,	Felton,	McLane,	Stevenson,
Bliss,	Finley,	McMahon,	Talbott,
Blount,	Forney,	McMillin,	Taylor,
Bright,	Frost,	Mills,	Thompson,
Cabell,	Geddes,	Morrison,	Tillman,
Caldwell,	Gibson,	New,	Townshend, R. W.
Carlisle,	Goode,	Nicholls,	Turner, Oscar
Chalmers,	Gunter,	O'Connor,	Turner, Thomas
Clardy,	Hammond, N. J.	Persons,	Vance,
Clark, John B.	Harris, John T.	Phelps,	Waddill,
Clymer,	Hatch,	Phister,	Wellborn,
Cobb,	Henkle,	Pochler,	Whiteaker,
Coffroth,	Henry,	Reagan,	Whitthorne,
Colerick,	Herbert,	Richardson, J. S.	Williams, Thomas
Converse,	Herndon,	Richmond,	Willis,
Cook,	House,	Robertson,	Wilson,
Covert,	Hunton,	Ross,	Wise,
Cox,	Johnston,	Ryon, John W.	Wright,
Cravens,	Kenna,	Samford,	Young, Casey.
Culberson,	Kimmel,	Sawyer,	
Davidson,	King,	Scales,	

NAYS—93.

Aldrich, N. W.	Deering,	Hubbell,	Russell, William A.
Anderson,	Dunnell,	Humphrey,	Ryan, Thomas
Baker,	Errett,	Joyce,	Sapp,
Barber,	Farr,	Ketcham,	Shallenberger,
Barlow,	Ferdon,	Lindsey,	Sherwin,
Bayne,	Fisher,	Marsh,	Smith, A. Herr
Belford,	Ford,	McCoid,	Starin,
Bingham,	Fort,	McGowan,	Stone,
Blake,	Frye,	Miller,	Thomas,
Bowman,	Godshalk,	Mitchell,	Tyler,
Boyd,	Hall,	Monroe,	Updegraff, Thomas
Brewer,	Hammond, John	Neal,	Urner,
Briggs,	Harmer,	Newberry,	Valentine,
Brigham,	Harris, Benj. W.	Norcross,	Van Aernam,
Browne,	Haskell,	O'Neill,	Van Voorhis,
Burrows,	Hawk,	Orth,	Voorhis,
Calkins,	Hawley,	Osmer,	Wait,
Cannon,	Hayes,	Overton,	Ward,
Carpenter,	Hazelton,	Pound,	Wilber,
Caswell,	Heilman,	Prescott,	Williams, C. G.
Conger,	Henderson,	Price,	Willits.
Crapo,	Hiscock,	Rice,	
Daggett,	Horr,	Richardson, D. P.	
Davis, George R.	Houk,	Robinson,	

NOT VOTING—78.

Aldrich, William	Einstein,	Loring,	Rothwell,
Armfield,	Field,	Lounsbery,	Russell, Daniel L.
Bailey,	Forsythe,	Lowe,	Shelley,
Ballou,	Garfield,	Martin, Joseph J.	Singleton, J. W.
Bland,	Gillette,	Mason,	Smith, Hezekiah B.
Bouck,	Hill,	McCook,	Sparks,
Bragg,	Hooker,	McKinley,	Townsend, Amos
Buckner,	Hostetler,	Miles,	Tucker,
Butterworth,	Hull,	Money,	Updegraff, J. T.
Camp,	Hurd,	Morse,	Warner,
Chittenden,	James,	Morton,	Washburn,
Claflin,	Jones,	Muldrow,	Weaver,
Clark, Alvah A.	Jorgensen,	Muller,	Wells,
Cowgill,	Keifer,	Murch,	White,
Crowley,	Kelley,	Myers,	Wood, Fernando
De La Matyr,	Killinger,	O'Brien,	Wood, Walter A.
Deuster,	Kitchin,	O'Reilly,	Yocum,
Dick,	Knott,	Pierce,	Young, Thomas L.
Dunn,	Lapham,	Reed,	
Dwight,	Lay,	Robeson,	

So the bill was not passed, two-thirds not voting in favor thereof.

During the roll-call the following announcements were made:

Mr. SLEMONS. My colleague, Mr. DUNN, is paired with Mr. TOWNSEND, of Ohio. If present, my colleague would vote in the affirmative.

Mr. MULDROW. I am paired with Mr. DWIGHT, of New York. If he were present, I should vote in the affirmative.

Mr. HILL. I am paired with my colleague, Mr. BUTTERWORTH. If he were present, I should vote "ay."

Mr. MONEY. I am paired with Mr. CROWLEY, of New York. If he were here, I should vote in the affirmative.

Mr. COVERT. Mr. CLARK, of New Jersey, is paired with Mr. MCCOOK, of New York. If present, Mr. CLARK would vote in the affirmative and Mr. MCCOOK in the negative.

Mr. ATHERTON. I am paired with my colleague, Mr. MCKINLEY. If he were present, I should vote in the affirmative, and I suppose he would vote in the negative.

[Subsequently Mr. ATHERTON made another announcement.]

Mr. MYERS. I am paired with my colleague, Mr. COWGILL. If he were present, I should vote in the affirmative and he would vote in the negative.

Mr. WHITEAKER. I am paired on all political questions with Governor YOUNG, of Ohio. If present, I should vote in the affirmative and I presume he would vote in the negative.

[Mr. WHITEAKER subsequently modified this statement.]

Mr. FORNEY. My colleague, Mr. SHELLEY, is paired with Mr. CAMP, of New York, and my colleague, Mr. LOWE, is absent on account of sickness.

Mr. BUCKNER. I am paired with Mr. CHITTENDEN, of New York.

Mr. MORSE. I am paired with Mr. KELLEY.

Mr. ROTHWELL. I am paired with Mr. KEIFER, of Ohio. If he were present, I should vote in the affirmative and I presume he would vote in the negative.

Mr. ARMFIELD. I am paired with Mr. FIELD, of Massachusetts. If he were present, I should vote in the affirmative.

Mr. WILLIAMS, of Alabama. I have been requested to announce that Mr. WASHBURN, of Minnesota, is paired with Mr. BLAND, of Missouri.

[Subsequently this announcement was modified by Mr. HARMER.]

Mr. LOUNSBERY. I am paired with my colleague, Mr. BAILEY. If he were present, he would vote "no" and I should vote "ay."

Mr. MCKENZIE. I am paired with Mr. VALENTINE, of Nebraska. If he were present, I should vote "ay" and he would vote "no." I wish further to announce that Mr. VALENTINE is detained at his house by the serious illness of his wife.

[This statement was subsequently modified.]

Mr. DAVIDSON. My colleague, Mr. HULL, is paired with Mr. ALDRICH, of Illinois. If my colleague were present, he would vote in the affirmative.

Mr. TOWNSHEND, of Illinois. My colleague, Mr. SINGLETON, is paired with Mr. MILES, of Connecticut. If present, Mr. SINGLETON would vote "ay."

Mr. BOUCK. I am paired with Mr. MCKINLEY, of Ohio. If he were present, I should vote "ay" and I suspect he would vote "no." My colleague, Mr. BRAGG, is paired with Mr. JAMES, of New York. If Mr. BRAGG were present, he would vote in the affirmative. My colleague, Mr. DEUSTER, is paired with Mr. WHITE, of Pennsylvania. If Mr. WHITE were present, Mr. DEUSTER would vote in the affirmative.

Mr. HOSTETLER. I am paired with Mr. GARFIELD. If he were present, he would vote in the negative and I should vote in the affirmative.

Mr. HARRIS, of Massachusetts. My colleague, Mr. LORING, is paired with Mr. HOOKER, of Mississippi. Mr. CLAFLIN is paired with Mr. HURD, of Ohio. If present, my colleague would vote "no."

Mr. ROBESON. I am paired with Mr. FERNANDO WOOD, of New York.

Mr. ALDRICH, of Rhode Island. My colleague, Mr. BALLOU, is paired with Mr. KNOTT, of Kentucky.

Mr. HEILMAN. I understood that I was paired after to-night with Mr. MULLER, of New York, but as he is not present and there may be some misunderstanding on his part, I ask, by unanimous consent, that if he does come in and has been absent believing he was paired with me, he may have the opportunity to record his vote. I wish further to announce that my colleague, Mr. COWGILL, is paired with Mr. MYERS. If present, Mr. COWGILL would vote "no" and Mr. MYERS "ay."

[Mr. HEILMAN subsequently made an additional statement.]

Mr. HAMMOND, of New York. My colleague, Mr. DWIGHT, is paired with Mr. MULDROW. If present, my colleague would vote "no."

Mr. FISHER. My colleague, Mr. DICK, is paired with Mr. LAY, of Missouri. If present, my colleague would vote "no."

Mr. MARTIN, of North Carolina. I am paired with Mr. O'CONNOR, of South Carolina. If he were here, I should vote "no."

Mr. BOYD. My colleague, Mr. ALDRICH, is paired with Mr. HULL, of Florida. If present, Mr. HULL would vote "ay" and Mr. ALDRICH would vote "no."

Mr. BAYNE. Mr. KILLINGER is paired with Mr. WELLS, of Missouri, Mr. KEIFER with Mr. ROTHWELL, of Missouri, and Mr. TOWNSEND, of Ohio, with Mr. DUNN, of Arkansas. If present, Mr. KILLINGER, Mr. KEIFER, and Mr. TOWNSEND would vote "no."

Mr. FRYE. Mr. MORTON, of New York, supposed he had a pair, but through some mistake has none for to-day; but from this time forward he is paired with the gentleman from New York, Mr. COX.

Mr. BURROWS. Mr. PIERCE is paired with Mr. O'REILLY.

Mr. DUNNELL. My colleague, Mr. WASHBURN, is paired with Mr. WILLIAMS, of Alabama, but I understand that Mr. WILLIAMS has transferred the pair to Mr. BLAND, of Missouri.

Mr. LAPHAM. On all political questions I am paired with Mr. TUCKER. I have been requested to announce that my colleague, Mr. MULLER, is paired with Mr. YOUNG, of Ohio.

Mr. MONROE. Mr. GARFIELD is paired with Mr. HOSTETLER. If present, Mr. GARFIELD would vote "no" and Mr. HOSTETLER would vote "ay." Mr. UPDEGRAFF, of Ohio, is paired with Mr. WARNER. If present, Mr. UPDEGRAFF would vote "no" and Mr. WARNER would vote "ay." Mr. KEIFER is paired with Mr. ROTHWELL. If present, Mr. KEIFER would vote "no" and Mr. ROTHWELL would vote "ay."

Mr. KITCHIN. I am paired with Mr. MASON, of New York. If he were present, I should vote "ay."

Subsequently, before the completion of the roll-call, announcements previously made were modified as follows:

Mr. ATHERTON. I supposed I was paired with the gentleman from Ohio, Mr. MCKINLEY. I find another gentleman is announced as paired with him. I therefore take pleasure in voting "ay."

Mr. HEILMAN. I find that Mr. MULLER has been announced as paired with Mr. YOUNG, of Ohio, for this day. I vote "no."

Mr. HARMER. The gentleman from Minnesota, Mr. WASHBURN, is paired with Mr. SMITH, of New Jersey. If present, Mr. WASHBURN would vote "no" and Mr. SMITH "ay."

Mr. WHITEAKER. I announced I was paired with Mr. YOUNG, of Ohio. I understand now that Mr. MULLER is paired with that gentleman. I vote "ay."

Mr. MCKENZIE. The gentleman from Nebraska, Mr. VALENTINE, has returned to the House and has released me from my pair. I vote "ay."

The result of the vote was then announced as above recorded.

Mr. ATKINS. As the message of the President contains objections to certain proposed legislation in the legislative, executive, and judicial appropriation bill, I think it would be proper to refer it to the Committee on the Judiciary. I move that the message be referred to that committee, with leave to report at any time by bill or otherwise, and that it be printed; and upon that motion I call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the motion was agreed to.

Mr. ATKINS moved to reconsider the vote by which the message was referred to the Committee on the Judiciary; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CORRECTION OF RECORD.

Mr. BLOUNT. I rise to a question of personal privilege. It is a matter distasteful to me to take up any part of the time of this House on a question of privilege; and if it concerned myself alone I would forego the doing of it. When the bill authorizing the commissioners of the District of Columbia to issue 5 per cent. bonds was before the House on yesterday, I, among others, took occasion to make some remarks in relation to it. On examination I find that every statement in that report is the contrary of what I did say. So far as those remarks are concerned, they are a matter of no great moment. My object in rising is to call the attention of the Speaker and of this House to the method of reporting the proceedings of this body. I remember, sir, as far back as the Forty-fourth Congress, and from that time until now, abuses of this sort. On one occasion especially, when the Navy appropriation bill had been discussed for several days in this House, on taking up the RECORD I found myself incorrectly reported all the way through. Judging from the report in the RECORD, the remarks appeared to have been made by one who had come from an insane asylum or a bar-room rather than by a member of this House. I was mortified by it. Complaining of it to Mr. Hale, of Maine, then a member of this House, he laughed very heartily, and said he also had been subjected to the same thing and had been made to say that the Secretary of the Navy had spent during the preceding year one and a half millions of dollars for whisky.

During the last Congress, while the Post-Office appropriation bill was before the House, I was made to say that the expenses for railway mail transportation for the preceding year had increased over those of the year preceding at the rate of 500 per cent. I simply give this as an illustration. The errors were numerous, running all the way through.

Now, sir, it is almost impossible for a gentleman having charge of a bill running through days, and perhaps through weeks, to take up the RECORD and rewrite his speeches. Furthermore, it is proper that the other branch of this Congress should have correct information as to the facts upon which this House is acting in legislating, just as we examine the debates of that body to make use of the information we get from that quarter. But if this method of reporting is to obtain all this is worse than useless. It were better, sir, that we were not reported at all if we are to be falsely reported.

Now, sir, I make this complaint with the view of calling the attention of the members of the House, and especially of the Speaker of the House, to these facts. These debates are not only important to the reputation of the gentlemen here, but they are important as a matter of history.

Mr. HAWLEY. Will the gentleman yield to me for a moment?

Mr. BLOUNT. Yes, sir.

Mr. HAWLEY. I wish to say I am well aware myself from personal experience of occasional deficiencies in this work; and I make a suggestion, now that the matter is up, partly for the benefit of the Committee on Rules. I have found that the one trouble in the matter is that the corps of reporters, comprising able, excellent, and well-qualified men, is comparatively without organization. There should be a captain of that company, with authority. The lack of that I find to be a fundamental error in the system as it exists at present, and I think the Committee on Rules could remedy that.

Mr. FORT. There is so much noise in the House that I wonder the reporters can get down anything correctly.

Mr. HUMPHREY. That is what is the matter.

Mr. STEPHENS. I wish to announce to the House and to my colleague from Georgia [Mr. BLOUNT] that this subject is now before the Committee on Rules.

Mr. FINLEY. I ask that the House come to order that we may have an opportunity to hear what is being said.

The SPEAKER. The House will come to order. Gentlemen will take their seats.

Mr. STEPHENS. I wish to say in reply to the gentleman from Connecticut [Mr. HAWLEY] and my colleague [Mr. BLOUNT] that this subject is now before the Committee on Rules and I trust that at an early day a report will be made to remedy all this evil.

Mr. BLOUNT. I desire to correct the report of my remarks yesterday and will do so, if there be no objection, so as to make it correspond to what I did say. And I desire to say further I have borne this as other members have done for a long time, but I shall not rest for one till this matter is corrected.

Mr. YOUNG, of Tennessee. I think the reporters of this House do wonderfully well in getting the speeches reported as correctly as they do. In my judgment they are the poorest-paid and hardest-worked class of officers there is about this House. I have been a member of this House for more than four years; and while I have not made so many speeches as the gentleman from Georgia and some other gentlemen here, I can say that I have never found a single one of my speeches inaccurately reported. I have taken the trouble, it is true, after I have said anything, to revise the notes of the reporters; and but very few times have I had any occasion to make any correction in the notes submitted to me. As the reporters cannot be heard here to speak for themselves, I think it is but a matter of justice to say this much in their behalf. It is utterly impossible at times for any one to take down correctly what is said here. The confusion and noise that prevail here, the number of gentlemen seeking the floor at the same time, and the number speaking at the same time, make it a matter of wonder and amazement to me that the reporters have succeeded in getting down intelligibly at all what is said here.

Mr. BLOUNT. Does the gentleman undertake to say that that is the reason and the only reason why our speeches here are not correctly reported?

Mr. YOUNG, of Tennessee. I do not say that is the only reason, but it is one reason which has presented itself to my mind why we are not always correctly reported.

Mr. BLOUNT. I want to say that there are other reasons, and one of them is incompetency.

Mr. YOUNG, of Tennessee. Then the gentleman ought to state what that reason is, in justice to the other reporters.

Mr. BLOUNT. I have stated that it is incompetency; that is what is the matter.

Mr. EWING. Does the gentleman mean that the entire corps is incompetent?

Mr. BLOUNT. I do not.

Mr. EWING. Some member of the corps?

Mr. BLOUNT. Some member of the corps.

Mr. PRICE. I desire to say this, and it is substantially what the gentleman from Tennessee [Mr. YOUNG] has already said, and I say it in defense of the reporters. Take the present exhibition here upon this floor within the last five minutes, and tell me what mortal man can report correctly what is being said here. It is beyond human possibility. It is because there is so much disorder here, and we ourselves make that disorder, that the reporters fail to make a correct report of the speeches.

Mr. FORT. There are too many talking here at once.

Mr. PRICE. I have been here now for nearly ten years.

Mr. FORT. There are too many talking at once; that is what is the trouble.

Mr. PRICE. There now; how can the reporters get that down; it is impossible for them to do it. [Laughter.]

Mr. FORT. There are five or six speaking at once here.

Mr. AIKEN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. AIKEN. What is before the House?

The SPEAKER. The Chair will cause the report to be read.

Mr. HUMPHREY. We ought to have a photographer here.

Mr. PRICE. I think that in justice to the reporters no imputation upon either their competency, their honesty, or their skill ought to be placed upon the records of this House.

Mr. AIKEN. I want to know what there is before the House?

The SPEAKER. There is a privileged question before the House.

Mr. AIKEN. What is that question?

The SPEAKER. The gentleman from Georgia [Mr. BLOUNT] rose to a privileged question, to correct the RECORD.

Mr. AIKEN. Will not the gentleman from Georgia [Mr. BLOUNT] be allowed to make that correction without so much interference?

The SPEAKER. Gentlemen will be kind enough to be seated, and the House will come to order.

Mr. AIKEN. I call for the regular order.

Mr. PRICE. I have said about all I intended to say in reference to this matter. I rose only to speak a word for the reporters who have no chance to defend themselves on this floor. In that connection, I want to say that I have been here for nearly ten years, and I have sometimes had occasion to take the floor, though not very often. When I have done so, I have generally taken occasion, because I know that I speak more rapidly than a man ought to speak when addressing a deliberative body, to examine the report of the remarks which I have made. I desire to say that I have been utterly astonished to find that these reporters have been able to report them so accurately as they do. I think this ought to be said in justice to the reporters.

Mr. BLOUNT. One word more, in view of what the gentleman from Iowa [Mr. PRICE] has said. He would seem to intimate that what I have said is unjust to the reporters. I want to say that I am as far from doing injustice to any of those gentlemen as the gentleman from Iowa [Mr. PRICE] can be. And I desire to add that the great body of the reports of the proceedings of this House are made with wonderful accuracy.

Mr. PRICE. That is all right.

Mr. BLOUNT. Now in regard to the body of the reporters, I have as much to say in commendation of them as the gentleman from Iowa. But I do know that some person connected with that corps does report as erroneously almost as it is possible for it to be done.

Mr. PRICE. Let me say that I do not mean any imputation upon the gentleman from Georgia.

Mr. BLOUNT. I understand that the gentleman does not make any imputations upon me. But I rose in this House for the purpose of saying what I thought was due to the House and to the country, that our proceedings should be correctly reported. And I do not mean to be diverted from this matter by any intimation from any quarter. The object can be reached, and I intend to reach it in some way.

Mr. AIKEN. I call for the regular order.

COMMITTEE CHANGES.

The SPEAKER. The Chair asks consent to make at this time the following announcement of changes upon committees:

W. F. SLEMONS, of Arkansas, in place of A. A. CLARK, of New Jersey, on the Committee for the District of Columbia;

A. A. CLARK, of New Jersey, in place of W. F. SLEMONS, of Arkansas, on the Committee of Elections; and

J. FLOYD KING, of Louisiana, in place of R. L. GIBSON, of Louisiana, declined, on the Committee on Epidemic Diseases.

LEAVE OF ABSENCE.

The SPEAKER. Leave of absence is requested in the followirg cases:

Mr. LINDSEY, for fifteen days from the 1st of June;

Mr. ORTH, for ten days from the 4th of June;

Mr. BRIGHAM, for Saturday and Monday next;

Mr. MORSE, indefinitely, on account of important business; and

Mr. LADD, for fifteen days from the 1st of June.

Mr. MCKENZIE. I object to granting leave of absence to any member.

The SPEAKER. The Chair also asks leave of absence for the gentleman from Texas [Mr. MILLS] and the gentleman from Georgia [Mr. BLOUNT] for two weeks, in order that they may attend to public duties elsewhere. The Chair will state that these gentlemen have been appointed under the law Visitors to the West Point Academy, and they desire to be absent from the House in order to attend to their duties in that capacity. [Cries of "All right!"] The Chair hears no objection to the request in behalf of these two gentlemen, and leave of absence is granted.

Mr. ATKINS. I move that the House now adjourn.

Mr. HENDERSON. I ask leave of absence for my colleague [Mr. FORT] for ten days, on account of sickness.

There being no objection, leave was granted.

Mr. COX. The gentleman from Tennessee, [Mr. ATKINS,] as I understand, withdraws his motion to adjourn.

Mr. TOWNSHEND, of Illinois. I call for the regular order.

SUBSIDIARY COINAGE.

Mr. STEPHENS. I ask unanimous consent to have taken from the Speaker's table the amendments of the Senate to the bill (H. R. No. 4) to provide for the exchange of subsidiary coins for lawful money of the United States under certain circumstances, and to make such coins a legal tender in all sums not exceeding $20, and for other purposes. I desire to move concurrence in the amendments of the Senate.

Mr. MILLS. The Senate, as gentlemen know, has cut down the legal-tender quality of the fractional currency from $20 to $10. I hope the House will non-concur and let us have a committee of conference.

Mr. STEPHENS. I think it is best to take what we have offered to us by the Senate. "Half a loaf is better than no bread." The country needs this bill; and I hope the House will concur in all the amendments of the Senate.

Mr. MILLS. The country does not need the remaining portions of the bill half so much as it needs the part to which I have referred.

Mr. STEPHENS. I call the previous question on the motion to concur.

The previous question was seconded and the main question ordered.

Mr. EWING. I ask that the amendments of the Senate be read.

The Clerk read as follows:

In line 10, strike out the words "fractional or subsidiary."

In line 10, after the word "coin," insert "of the United States of smaller denominations than $1."

In line 11, strike out "twenty" and insert "ten."

Strike out section 4.

Amend the title by striking out the word "twenty" and inserting the word "ten."

Mr. EWING. I ask that the bill as amended by the Senate be read.

The Clerk read as follows:

Be it enacted, &c., That the holder of any of the silver coin of the United States of smaller denominations than $1 may, on presentation of the same in sums of $20 or any multiple thereof, at the office of the Treasurer or any assistant treasurer of the United States, receive therefor lawful money of the United States.

SEC. 2. The Treasurer or any assistant treasurer of the United States who may receive any coins under the provisions of this act shall exchange the same in sums of $20, or any multiple thereof, for lawful money of the United States on demand of any holder thereof.

SEC. 3. The present silver coin of the United States of smaller denominations than $1 shall hereafter be a legal tender in all sums not exceeding $10, in full payment of all dues, public and private.

SEC. 4 [5]. That all laws or parts of laws in conflict with this act be, and the same are hereby, repealed.

Mr. WEAVER. I ask that the fourth section, which the Senate has struck out, be read.

The Clerk read as follows:

SEC. 4. That all coins of every description of the United States of the face value of twenty-five cents and under, shall be received at all post-offices for payment of postage, or the purchase of postage-stamps, in any sums not exceeding $3.

Mr. STEPHENS. That section which the Senate has struck out I would prefer to retain; but I think we had better take what the Senate offers rather than delay the passage of the bill.

Mr. MILLS. I hope the gentleman from Georgia will allow debate on the other side of the proposition.

Mr. STEPHENS. I move the previous question.

Mr. MILLS. The gentleman debates his side of the question and does not allow anybody else to say anything.

The SPEAKER. The gentleman from Texas [Mr. MILLS] will be heard by the Chair as long as the gentleman from Georgia was heard.

Mr. MILLS. I will simply say that I regard this as a bill to relieve men who in New York and other cities have large quantities of this fractional currency, which at present they cannot get rid of because it lacks the legal-tender quality. This bill will compel the Government to accept this fractional currency in exchange for legal-tender money; but it provides no means by which the Government may get this currency out of its vaults, because it has no legal-tender quality.

The SPEAKER. The question is on concurring in the amendments of the Senate.

Mr. MILLS. On that question I call for the yeas and nays.

The yeas and nays were not ordered; there being—ayes 24, noes 127, less than one-fifth voting in the affirmative.

The motion of Mr. STEPHENS to concur in the amendments of the Senate was then agreed to.

Mr. STEPHENS moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. HOUSE. Is there not a motion to adjourn pending?

The SPEAKER. The gentleman from Tennessee [Mr. ATKINS] has moved that the House adjourn.

Mr. HAWLEY. I move that when the House adjourns, it adjourn to meet on Monday next.

Mr. ACKLEN. I make the point of order that the gentleman from Virginia [Mr. JOHNSTON] having made a motion that the House adjourn over to-morrow, and a motion to reconsider that vote having been laid on the table, it is not in order now to move that the House adjourn till Monday, for the House has already decided that when it adjourns it will adjourn to meet on Saturday.

The SPEAKER. This motion does not interfere with the execution of that order; it merely proposes to adjourn to another day.

Mr. TOWNSHEND, of Illinois. I rise to a question of order. I submit that the motion of the gentleman from Connecticut [Mr. HAWLEY] is not the regular order, but that the regular order is the morning hour.

The SPEAKER. A motion to adjourn is in order.

Mr. HARRIS, of Virginia. I would inquire of the Chair how the motion of the gentleman from Connecticut can be voted on unless the vote by which the House agreed to the motion of the gentleman from Virginia [Mr. JOHNSTON] be reconsidered?

The SPEAKER. The Chair has decided that point already.

Mr. HAWLEY. My motion proposes to do the same thing, and more too.

Mr. TOWNSHEND, of Illinois. Is that motion in order when the regular order is demanded?

The SPEAKER. This is the regular order.

Mr. TOWNSHEND, of Illinois. The regular order is the morning hour.

The SPEAKER. The Chair thinks not, pending this motion.

Mr. TOWNSHEND, of Illinois. Then I call for the yeas and nays on the motion of the gentleman from Connecticut, [Mr. HAWLEY.]

The yeas and nays were ordered.

The question was taken; and there were—yeas 109, nays 104, not voting 72; as follows:

YEAS—109.

Aldrich, N. W.	Dickey,	Jones,	Scales,
Anderson,	Dunnell,	Ketcham,	Sherwin,
Armfield,	Elam,	Kimmel,	Simonton,
Atherton,	Errett,	Ladd,	Slemons,
Baker,	Evins,	Lapham,	Smith, A. Herr
Barber,	Farr,	Lindsey,	Starin,
Barlow,	Ferdon,	Marsh,	Stone,
Bayne,	Finley,	Martin, Joseph J.	Talbott,
Bicknell,	Fisher,	McGowan,	Thomas,
Bingham,	Ford,	McKenzie,	Tyler,
Blackburn,	Fort,	Mitchell,	Urner,
Bliss,	Frye,	Monroe,	Valentine,
Blount,	Goode,	Morse,	Voorhis,
Bowman,	Hammond, John	Murch,	Van Voorhis,
Boyd,	Harmer,	Neal,	Waddill,
Brewer,	Harris, Benj. W.	Norcross,	Wait,
Briggs,	Haskell,	O'Neill,	Ward,
Brigham,	Hawley,	Osmer,	Wellborn,
Browne,	Hayes,	Overton,	White,
Buckner,	Heilman,	Pound,	Wilber,
Burrows,	Henderson,	Prescott,	Williams, C. G.
Calkins,	Herndon,	Rice,	Willits,
Cannon,	Hiscock,	Richardson, D P.	Wise,
Clark, John B.	Horr,	Robertson,	Yocum,
Coffroth,	Houk,	Robinson,	Young, Casey.
Covert,	House,	Russell, W. A.	
Daggett,	Hubbell,	Ryan, Thomas	
Davis, George R.	Hunton,	Sapp,	

NAYS—104.

Acklen,	Deuster,	Kitchin,	Samford,
Aiken,	Dibrell,	Klotz,	Sawyer,
Atkins,	Ellis,	Le Fevre,	Shallenberger,
Bachman,	Ewing,	Lewis,	Singleton, O. R.
Beale,	Felton,	Lounsbery,	Smith, William E.
Belford,	Forney,	Martin, Benj. F.	Speer,
Beltzhoover,	Forsythe,	Martin, Edward L.	Springer,
Blake,	Frost,	McLane,	Steele,
Bright,	Geddes,	McMahon,	Stephens,
Cabell,	Gibson,	McMillin,	Stevenson,
Caldwell,	Gillette,	Mills,	Taylor,
Carlisle,	Godshalk,	Morrison,	Thompson,
Caswell,	Gunter,	New,	Tillman,
Clardy,	Hall,	Nicholls,	Townshend, R. W.
Clymer,	Hammond, N. J.	O'Connor,	Turner, Oscar,
Cobb,	Harris, John T.	Orth,	Turner, Thomas
Colerick,	Hatch,	Persons,	Updegraff, Thomas
Conger,	Hawk,	Phelps,	Van Aernam,
Converse,	Henkle,	Phister,	Vance,
Cook,	Henry,	Poehler,	Weaver,
Cravens,	Herbert,	Price,	Whiteaker,
Culberson,	Hill,	Reagan,	Whitthorne,
Davidson,	Humphrey,	Richardson, J. S.	Williams, Thomas
Davis, Joseph J.	Joyce,	Richmond,	Willis,
Davis, Lowndes H.	Kenna,	Rothwell,	Wilson,
De La Matyr,	King,	Ryon, John W.	Wright.

NOT VOTING—72.

Aldrich, William	Dick,	Lay,	Pierce,
Bailey,	Dunn,	Loring,	Reed,
Ballou,	Dwight,	Lowe,	Robeson,
Bland,	Einstein,	Manning,	Ross,
Bouck,	Field,	Mason,	Russell, Daniel L.
Bragg,	Garfield,	McCoid,	Shelley,
Butterworth,	Hazelton,	McCook,	Singleton, J. W.
Camp,	Hooker,	McKinley,	Smith, Hezekiah B.
Carpenter,	Hostetler,	Miles,	Sparks,
Chalmers,	Hull,	Miller,	Townsend, Amos
Chittenden,	Hurd,	Money,	Tucker,
Claflin,	James,	Morton,	Updegraff, J. T.
Clark, Alvah A.	Johnston,	Muldrow,	Warner,
Cowgill,	Jorgensen,	Muller,	Washburn,
Cox,	Keifer,	Myers,	Wells,
Crapo,	Kelley,	Newberry,	Wood, Fernando
Crowley,	Killinger,	O'Brien,	Wood, Walter A.
Deering,	Knott,	O'Reilly,	Young, Thomas L.

So the motion was agreed to.

During the roll-call the following announcements were made:

Mr. SLEMONS. My colleague, Mr. DUNN, is paired with Mr. TOWNSEND, of Ohio.

Mr. MULDROW. I am paired with Mr. DWIGHT, of New York.

Mr. COVERT. Mr. CLARK, of New Jersey, is paired with Mr. MCCOOK, of New York.

Mr. FORNEY. My colleague, Mr. SHELLEY, is paired with Mr. CAMP, of New York.

Mr. MYERS. I am paired with my colleague, Mr. COWGILL. If he were here, I should vote "ay."

Mr. DAVIDSON. My colleague, Mr. HULL, who is absent by leave of the House, is paired with Mr. ALDRICH, of Illinois.

Mr. BOUCK. I am paired with Mr. MCKINLEY, of Ohio. If he were here, I should vote "no."

Mr. HOSTETLER. I am paired with Mr. GARFIELD. If he were present, I should vote "no."

Mr. MONROE. Mr. GARFIELD is paired with Mr. HOSTETLER, Mr. UPDEGRAFF, of Ohio, with Mr. WARNER, and Mr. KEIFER with Mr. ROTHWELL.

Mr. HARMER. Mr. WASHBURN is paired with Mr. SMITH, of New Jersey.

Mr. ROBESON. I am paired with Mr. FERNANDO WOOD.

Mr. BAYNE. Mr. TOWNSEND, of Ohio, is paired with Mr. DUNN.

Mr. FISHER. Mr. DICK is paired with Mr. LAY.

Mr. BOYD. My colleague, Mr. ALDRICH, is paired with Mr. HULL.

Mr. COX. I am paired with Mr. MORTON, of New York.

The vote was then announced as above recorded.

Mr. TOWNSHEND, of Illinois. I now demand the regular order of business.

The SPEAKER. The regular order of business is the motion to adjourn, made by the gentleman from New York, [Mr. VAN VOORHIS.]

Mr. SINGLETON, of Mississippi. I hope the motion to adjourn will be withdrawn until I can make a report from the Committee on Printing.

Mr. HERBERT. I ask unanimous consent to introduce a bill for reference only.

Objection was made.

Mr. TOWNSHEND, of Illinois. I demand the regular order of business.

The SPEAKER. The regular order of business is the motion to adjourn.

The question was put on the motion to adjourn; and the Speaker decided by the sound that it seemed to be carried in the affirmative.

Mr. TOWNSHEND, of Illinois. I demand the yeas and nays on the motion to adjourn.

The House divided; and there were ayes 22.

The SPEAKER. Not a sufficient number.

Mr. SCALES. I demand tellers on the yeas and nays.

The House divided; and there were ayes 22.

The SPEAKER. Not a sufficient number; and tellers are not ordered.

Mr. TOWNSHEND, of Illinois. Count the other side.

The SPEAKER. That cannot be done on tellers, but the Chair will ask for the other side on ordering the yeas and nays.

The House divided; and there were—ayes 22, noes 142.

So the yeas and nays were not ordered.

The SPEAKER. Before announcing the vote on adjournment the Chair will submit some requests to the House. Mr. DICK requests indefinite leave of absence from June 1, on account of sickness; Mr. MULLER, for six days, on account of important business; and Mr. BRIGHAM, for Saturday and Monday, on account of sickness in his family. Is there objection to these several requests? The Chair hears no objection and the requests are accordingly granted.

Mr. SPRINGER. Has the vote been taken on the adjournment?

The SPEAKER. The vote has been taken by sound.

Mr. TOWNSHEND, of Illinois. I want a division.

Mr. HOUSE. I object to a division. The Speaker has decided the question.

Mr. COX. The record will show.

The SPEAKER. The vote was taken, or otherwise the demand for yeas and nays and tellers on the yeas and nays would not have been considered by the House.

Mr. SPRINGER. But the other side was not counted.

The SPEAKER. The Chair will submit it again.

The House divided; and there were—ayes 129, noes 27.

So the motion was agreed to.

A. S. BLOOM.

On motion of Mr. BLACKBURN, by unanimous consent, leave was granted for the withdrawal from the files of the House of papers in the case of A. S. Bloom, no adverse report having been made.

The House then (at two o'clock and thirty-five minutes p. m.) adjourned until Monday next.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BLISS: The petition of John B. Wolff, for the amendment of the law authorizing the Secretary of the Treasury to contract for the recovery of confederate assets, and for the repeal of the statute of limitations—to the Committee on the Revision of the Laws.

By Mr. CARLISLE: The petition of citizens of Kentucky, for the establishment of an additional judicial district in said State—to the Committee on the Judiciary.

By Mr. COX: Papers relating to the war claim of J. A. Richardson—to the Committee on War Claims.

By Mr. HUMPHREY: The petition of Frederick Degelow, for the extension of a patent for an improvement in graining instruments—to the Committee on Patents.

By Mr. HURD: The petition of H. D. & H. S. Waldbridge, for the passage of the bill (H. R. No. 845) relating to the revision of assessments for special improvements in the District of Columbia—to the Committee for the District of Columbia.

By Mr. YOUNG, of Tennessee: The petition of William H. Walker, for compensation for property taken by the United States Army during the late war—to the Committee on War Claims.

IN SENATE.

MONDAY, *June* 2, 1879.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of the proceedings of Thursday last was read and approved.

ELEVATORS FOR PUBLIC BUILDINGS.

The PRESIDENT *pro tempore* laid before the Senate a communi-

cation from the Secretary of the Treasury transmitting, in answer to a resolution of the Senate of the 28th of May, 1879, the synopsis of bids and the report of a board of experts on the subject of elevators for public buildings in Chicago and elsewhere, with a letter of the Supervising Architect transmitting the same; which was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

Mr. KIRKWOOD presented the petition of L. M. Shumaker, of Danville, Virginia, praying for the passage of a law granting him a pension; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. HARRIS, from the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 1380) authorizing the commissioners of the District of Columbia to issue twenty-year 5 per cent. bonds of the District of Columbia to redeem certain funded indebtedness of said District, reported it without amendment.

Mr. ROLLINS. The Committee on the District of Columbia, to whom was referred the bill (H. R. No. 2005) to confer upon the commissioners of the District of Columbia the powers, duties, and limitations contained in chapter 8 (water service) of the Revised Statutes of the United States, relating to the District of Columbia, and for other purposes, have instructed me to report it without amendment and with the recommendation that it be passed. I ask for its present consideration.

The PRESIDENT *pro tempore*. A bill can only be considered in the morning hour, before the routine morning business is concluded, by unanimous consent. Is there unanimous consent to the consideration of this bill?

Mr. DAVIS, of West Virginia. Let us hear what it is, Mr. President.

The PRESIDENT *pro tempore*. The title of the bill will be reported.

The Secretary read the bill by its title.

Mr. ROLLINS. A similar bill passed the Senate at the last session and was not concurred in by the House. The House has now passed the bill and sent it here. It is very important that it should be acted upon.

Mr. DAVIS, of West Virginia. It can be called up at any other time. There are several other bills that ought to be taken up that are first on the Calendar, and I think this had better go over and come up in its regular order.

The PRESIDENT *pro tempore*. The present consideration of the bill is objected to, and it will be placed on the Calendar.

ACCOUNTS OF ENTOMOLOGICAL COMMISSION.

Mr. BAYARD. The Committee on the Judiciary, to whom was referred the bill (S. No. 491) for the relief of Cyrus Thomas, disbursing agent of the United States entomological commission, have instructed me to report it with an amendment. I ask the unanimous consent of the Senate to proceed to the consideration of this bill, explaining that it is simply to allow two of the officers of the United States entomological commission to settle their accounts which are now pending in the United States Treasury Department, and which have been delayed because they inadvertently omitted to take the oath of office in the time the law prescribed. It is a matter of convenience, I may say, to the Department, as well as justice to the gentlemen involved, that the bill should be passed.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment reported from the Committee on the Judiciary was to strike out all after the enacting clause of the bill, and to insert in lieu:

That the accounts of the salaries and disbursement of the United States entomological commission may be settled and allowed in the same manner and with the same effect as if the members and officers thereof had taken the oath required by law at the time they entered upon the performance of their duties: *Provided*, They shall have taken said oaths before the 1st day of July, A. D. 1879.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. EDMUNDS. The title ought to be amended now. It ought to read "A bill in relation to the accounts of the United States entomological commission," I think.

The PRESIDENT *pro tempore*. If there is no objection, the title will be so amended.

MONUMENT TO COLONEL M'COOK.

Mr. PENDLETON. I ask leave, without previous notice, to introduce a bill, and after its title has been read I shall ask that the Senate proceed immediately to its consideration.

By unanimous consent, leave was granted to introduce a bill (S. No. 644) to authorize the Secretary of War to furnish condemned ordnance for the monument of Colonel Robert L. McCook, Ninth Ohio Volunteers, in Washington Park, in the city of Cincinnati, Ohio; which was read the first time by its title.

The PRESIDENT *pro tempore*. The Senator from Ohio asks unanimous consent for the present consideration of this bill. Is there objection? The Chair hears none, and the bill will be read the second time at length.

The bill was read the second time, as follows:

Be it enacted, &c., That the Secretary of War be authorized to furnish to the proper parties, out of ordnance and ordnance stores belonging to the United States of patterns not now in use, the following, to be used in the railing around the public monument erected to the memory of Colonel Robert L. McCook, of the Ninth Regiment Ohio Volunteers, in Washington Park, in the city of Cincinnati, to wit:

One hundred and forty muskets and bayonets;
Four twelve-inch smooth-bore siege-guns or rifles of like size;
Four ten-inch spherical shot or shell;
Twelve thirty-two-pound shot or shell.

Mr. MORRILL. I think that before we pass any more bills of this kind we ought to have some information from the Department showing whether there is in fact any condemned ordnance that ought to be disposed of in this way. I know that such demands are made from day to day, and yet they are a very large expense to the country, because the condemned ordnance is the raw material from which other ordnance might be constructed, and it is very expensive. Before this bill is acted upon, I hope the Senator from Ohio will ascertain whether in fact there is any condemned ordnance at the present time that is suitable for this purpose.

Mr. PENDLETON. I had anticipated a possible objection of that kind, and have informed myself by application to the Department that there is material of this kind, ordnance, shell, and shot, of a pattern that cannot now possibly be used, and that this demand can be supplied without any expense to the Government except the use of old material which has been condemned and is now useless. Otherwise I should not have made the request that the bill be considered now.

I hold in my hand a communication, not from the Secretary of War, but from a gentleman thoroughly acquainted with the condition of the arms of the Government, a gentleman in Government employ, to the effect which I have stated to the Senate.

Mr. EDMUNDS. I think the error that all these bills contain is that we do not have any provision in them to secure the ultimate application of this material to the object to which it is devoted. I have no reason to suppose, from any information I have, that any of the thousands of bills of this kind have provided cast-iron, bronze, &c., for anybody that was not ultimately applied to the very patriotic and honorable purpose for which it was designed. At the same time a Government that pays out of its Treasury money (because that is what it comes to) value——

Mr. PENDLETON. It has been paid.

Mr. EDMUNDS. Yes. A government which does that ought to have some means in the bills themselves that the department could execute, of seeing that the ordnance is actually devoted to that use, instead of being taken by some supposed committee of some body of soldiers and turned over, and then if they cannot raise money enough afterward to finish up the operation they may sell out and pocket the proceeds. When I say that, I wish to repeat that I have no knowledge or information which leads me to suspect that in any case that has occurred; but at the same time anybody can see that it might occur. Any body of people who were not particularly soldiers and who had not any special cemetery or grave that they wished to ornament, in that way could get a bill through here according to the practice for years past, (and I am not making any criticism upon this measure at all,) to appropriate cannon and ordnance for a grave-yard somewhere. We all vote for it the moment it is reported, and we never inquire about it afterward, and nobody else does. Somebody presents the proper papers to the War Department and gets an order for the ordnance. Whether that person is really the person for whom the bill was passed we do not know and the War Department does not know.

I should be glad, therefore, (because I am in favor of all this sort of thing,) if some means could be devised in every one of the bills, beginning with this for instance, requiring the Secretary of War to see to it that the ordnance granted in this way should continue to be the property of the Government until it was actually placed where it was designed to go, and that of course in case of any diversion would follow the property, and in case of a wrong it could be rectified. But at the same time in this particular instance I am not going to do more than to point out the possibilities of blunder that sometimes may exist. I am not going to object.

Mr. PENDLETON. I will say in reply——

The PRESIDENT *pro tempore*. The question is, Is there objection to the present consideration of this bill? The Chair hears none, and the bill is before the Senate as in Committee of the Whole.

Mr. PENDLETON. I intended to say, in reply to the Senator from Vermont, simply that this monument is in memory of General McCook, a name which is certainly well known to all the people of the country, a gentleman that the President *pro tempore* of the Senate as well as myself knew intimately well. He died during the war. A monument has been erected by the Ninth Ohio Volunteer Infantry, and stands in one of the public places of Cincinnati. It was dedicated more than a year ago. The original design was that it should be surrounded with ornaments of this kind, and now application is made by a proper officer of his, in behalf of the committee who had charge of the raising of the funds that erected this monument and paid for it out of those funds, to make this appropriation at this session.

Mr. EDMUNDS. That makes a satisfactory case entirely.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. KIRKWOOD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 645) to authorize Martin V. Nichols to establish and maintain a ferry across the Missouri River at Brulé City, in Dakota Territory; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. ROLLINS (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 646) to provide for the protection of attorneys doing business before the Patent Office and the other bureaus and Departments of the Government; which was read twice by its title, and referred to the Committee on the Judiciary.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had this day approved and signed the act (S. No. 108) to prevent the introduction of contagious or infectious diseases into the United States.

ELECTIONS IN RHODE ISLAND.

The PRESIDENT *pro tempore*. If there are no "concurrent and other resolutions" the business before the Senate is the resolution offered by the Senator from Indiana [Mr. MCDONALD] on the 27th of May to refer to the select committee to inquire into alleged frauds in the late election so much of the memorial of J. B. Greene, of Rhode Island, as relates to the interference of Federal officers in the late election in that State.

Mr. MCMILLAN. As the Senator from Indiana who introduced the resolution is not in his seat, in his absence I move that the Senate proceed to the consideration of House bill No. 1152.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Minnesota to proceed to the consideration of the bill he has named.

Mr. BLAINE. I have no objection to that motion at all, but as I have in my hand an amendment which I propose to offer to the resolution when it comes up, I will ask the liberty to submit it now that it may be printed. I send it to the Secretary's desk to be read and printed.

The PRESIDENT *pro tempore*. The amendment of the Senator from Maine will be received and read.

Mr. BLAINE. I move it as an additional resolution by way of amendment.

Mr. EDMUNDS. To add.

The Secretary read the proposed amendment, as follows:

Resolved further, That inasmuch as the third, sixth, and eighth congressional districts of Georgia, the sixth and eighth districts of North Carolina, and the third, fourth, fifth, and sixth districts of Mississippi cast at the last election an aggregate vote of only 39,571, almost entirely for candidates of the democratic party; and inasmuch as at the preceding election in 1876 the candidates of the republican party in these same districts received an aggregate vote of 59,739, the said committee is instructed to inquire whether within these districts or any one of them there was fraud or undue influence practiced against citizens at the late election, or whether there was a denial of the right to vote to any citizens of the United States who are also citizens of the States, respectively, named herein. And that in making these inquiries the committee shall have the right to send for persons and papers.

Mr. BLAINE. I move that amendment and ask that it be printed, so that it may be pending.

The PRESIDENT *pro tempore*. It will be so ordered. The question is on the motion of the Senator from Minnesota, [Mr. MCMILLAN.]

Mr. EDMUNDS. I rise to debate the question of postponing the resolution, and therefore I suppose I am in order.

The PRESIDENT *pro tempore*. The motion is to postpone the resolution and take up the bill moved by the Senator from Minnesota.

Mr. EDMUNDS. Before the resolution is postponed, to which I shall ultimately have no objection, as I see the chairman of the select committee is present, I wish to call his attention and that of the Senate to the fact that there appears printed, as apparently under the order of the committee, a little pamphlet-like thing called "part 3," if I recollect aright, some part or all of which relates to certain transactions alleged to have taken place at Bennington in the State of Vermont in the year 1878.

I wish in this public presence to urgently request that committee in the performance of its duty to take an early opportunity to investigate the matters alleged in that paper, because if the matters alleged in the paper are entirely true and are all the truth, somebody ought to be punished for misconduct. At any rate, inasmuch as this paper number 3, as it is called, laid before the committee, has been printed and made public, the Senate and the public ought to be informed what the whole truth respecting the election at Bennington was. I think from the papers as they are in print (and that is all I know about them) that matter relates entirely to a State election, but I am not sure about that. It may have been a congressional election as well; but whether State or congressional, for the purposes of information I do not want the committee to forget to attend to any misdeeds that are supposed to have occurred by anybody in the State of Vermont.

While I am up, Mr. President, I want to call the attention of the Senate to the somewhat odd way that seems to have been adopted of pushing out to public gaze, so that the public prints make use of them as established facts found by a committee, the incomplete and one-sided statements that are made to a committee, charges in the form of affidavits, communications, &c., and before there is any answer to them or any investigation of them. It does not appear to me that that is a fair way of enlightening the public judgment or seeking after truth. I admit there are a good many ways of enlightening public judgment and of seeking after truth; but if anybody wanted to get up a dishonest political campaign, wanted to palm off upon people who had not full means of information one-sided statements, charges, affidavits, &c., that have never been sifted, as facts that had been found by the Senate of the United States or some committee of it—if there were any such person, as there cannot be, one of the courses that that person would take would be to persuade a committee of the Senate to have the papers, as fast as they were filed, printed and made public, and have them marked on the outside as a part of the official proceedings of the committee, and then have them cut up into little sections so that each one would be by itself, so that nobody who should take up the paper could tell whether it had been acted upon or not; and then to have favorable newspapers, or those who were imposed upon, no matter which, all over the country put that forth as the result of an investigation that had found out the truth, instead of being what it merely is when you look in this paper to which I refer, and know the history of it, the statement of one side of a case, real or fabricated, no matter which, (whether sincere or not, it makes no difference,) that has not been investigated or tried or reported.

I do not think, Mr. President, that the cause of public honesty in political affairs is subserved by that species of publication. I saw only a day or two ago in a New England newspaper of large circulation a statement to the effect (I give the purport and substance of it) that this select committee had found that certain most extraordinary and wicked transactions had gone on, I believe, in the State of Massachusetts respecting a recent election, wherein the members of a particular party and its organized agents had been guilty of most astounding oppression and wickedness in respect of bringing coercion to bear upon certain humble and comparatively defenseless classes of community in relation to an election. When I saw it I happened to remember that I had heard exposed in this very Senate the circumstance that that particular paper was an absolute forgery; that rewards had been offered to find the author of it, and all that.

Mr. DAWES. I wish the Senator would also state that that very forged paper stood on the front of the document which the Senator is commenting on, and that it was laid on all our tables as a public document printed by order of the Senate, and a pile of copies of it was in this Chamber for distribution by every one who desired it.

Mr. EDMUNDS. What I rose for was to call the attention of the chairman of the select committee to that part of the investigation which relates to the State of Vermont and to urge immediate and complete investigation of the subject. All that I wish to add is that so far as I represent the people of the State of Vermont of both parties, and I do represent both parties in every just sense, the taxpayers, I do not think there is any one of them of any party there who wishes to pay, as they have to pay, for printing that kind of literature to be circulated as official findings of the Senate of the United States of facts until the truth turns out to be so.

I wish to say that I believe it is contrary to all the previous proper practice of the Senate to proceed at the public expense to make public charges and accusations of this character as come under titles on the outside of them that appear to make them authorized versions of something that has taken place.

Mr. VOORHEES and Mr. WALLACE rose.

The PRESIDENT *pro tempore*. The Senator from Indiana.

Mr. VOORHEES. Mr. President, inasmuch as I am up and do not intend to take any time—if I did I should yield at once to my friend from Pennsylvania—I propose merely to suggest that my colleague [Mr. MCDONALD] is called away and is to-day in Chicago in connection with a very important professional engagement in court, and will be here certainly by Thursday morning if no accident happens; and as this matter seems to be widening in its tendencies I suggest and, if it becomes necessary, will move that it be laid over until he returns.

The PRESIDENT *pro tempore*. The motion now pending is to postpone.

Mr. VOORHEES. I was out and was not aware of it. I did not know that such a motion had been made.

Mr. WALLACE. I rise to say simply that when the committee at the beginning of the extra session changed front, as Senators will remember it did, there were found in the possession of the committee certain documents and papers, which had been called for by the committee from a leading member of this body on this side of the Chamber and submitted by him to the committee on its request. They came into the possession of the committee as a part of its records. They had not been printed; no notice had been taken of them. All the testimony, affidavits and otherwise, that had been taken in the Southern States had been printed. These papers were before us; something was to be done with them; and at the suggestion of one of the members of the committee a resolution of the Senate was obtained to print the papers thus laid before the committee, not what have been obtained since, but those that came into the possession of the committee and were found in their custody, those that had come there in pursuance of a request upon the Senator to whom I refer. They were taken and published, by order of the Senate, as the Senator from Vermont states; they contain certain charges in reference

to his State, certain charges in reference to the State of Massachusetts, and certain other charges. Whether they were truthful or not I do not pretend to say. The committee have made no examination or investigation of the charges contained in these papers. The papers were printed for the convenience of the committee and in order that we might not be compelled to go over all these manuscripts in detail, but that we might have them in convenient form. There were but about one hundred copies of these papers printed. They were used in the Senate and by the committee, just as all other testimony is used which is printed in advance of the report of a committee. This is not any new practice; testimony taken in the Southern States has been printed in advance of the report of a committee. That is always the case. So these papers that were laid before the committee were printed in advance of any report and in advance of any investigation.

Mr. EDMUNDS. My honorable friend has missed the point, which leads me to interrupt him with his consent. The point I made was not that papers might not be printed, as I believe the order of the Senate was, for the use of the committee—that is convenient and necessary, I agree—but that as I understood the Senate resolution, though I may be wrong about it, they were ordered to be printed for the use of the committee. If that was so, it was right, and only the necessary number of copies should have been printed for that use; but in fact in some way they were printed for publication and were laid upon the tables of Senators. I have no knowledge on any previous occasion of any testimony or papers laid before a committee during the time before the Senate and its committees had changed front, that were made public until after the report of the committee, so that all sides had had a chance to be heard.

Mr. WALLACE. Nothing else was done in this case than has been done in reference to every case, the simple printing of the testimony. If there were copies of these papers placed before Senators and on their desks, it is nothing but what has been always done in the past. Senators can always obtain——

Mr. EDMUNDS. The Senator is entirely mistaken.

Mr. WALLACE. Let me finish my sentence. Senators can always obtain at the document-room copies of the testimony, and they find on their desks or at their desks copies of the testimony taken in all cases.

Mr. DAWES. Let me make an inquiry. Does the Senator speak of the document in reference to Massachusetts as testimony?

Mr. WALLACE. I speak of the papers laid before the committee as being printed under the order of the Senate for the use of the committee and the Senate, as the order was. It is not testimony.

Mr. DAWES. The Senator spoke of it as testimony. I was anxious to inquire what designation of that paper he had been able to ascertain for it.

Mr. WALLACE. I say nothing was printed but the papers that came into the hands of the committee when the extra session began. They were printed upon an order of the Senate for the use of the committee; and I shall be very glad indeed to do anything that I can to remove any false impression that may have gotten out through the newspapers for the benefit of the Senator from Vermont and the Senator from Massachusetts.

Mr. THURMAN, (Mr. HARRIS in the chair.) Mr. President, I know nothing whatever of the papers that have been referred to; I mean the print that has been referred to. I do know something, I suppose, from the remarks of the Senator from Pennsylvania, in regard to some of those papers, but I did not know that they had been printed. I knew nothing whatever of that until the Senator from Vermont called our attention to it this morning. I have not seen one of the printed copies, and I do not rise to speak about that; but I was a little surprised at the defect of memory of my friend from Vermont in saying that the evidence of these investigating committees had never been published in advance of the report of the committee, if I understood him aright. Why, Mr. President, when that celebrated ku-klux committee went South, perambulating that country, and made up, I believe, seven volumes, seven large octavo volumes, of one kind of material and another called testimony, I think there was not one week during their perambulations in the South, and perhaps not three days, that the press did not teem with what purported to be testimony taken before that committee. I tried in this Senate before that committee went South and when the subject-matter was before the Senate to prevent that thing being done. I tried to prevent testimony being sent out from time to time, and I denounced it then as an electioneering document during the political campaign that was about to take place. No attention was paid to my remonstrance, and they went South on their way and from time to time—as often as once a week I am sure—I saw flaming articles in the newspapers embodying what purported to be testimony taken by that committee to prove that no man in the southern country, if he was a republican, held his life safe for one moment. That on examination will be found to be so. "Wait for the report," we are told. That committee did not make their report until long afterward. They made their report when Congress met, and not till some time after Congress did meet, but hundreds of pages of this testimony were published in the newspapers of this country and used as electioneering matter long before that committee made their report. I speak of that celebrated committee that printed six, seven, or eight volumes which have been consigned to oblivion for the last five or six or seven years—thirteen my friend from Kentucky [Mr. BECK] says. I do not know but that there were thirteen. Nobody ever read them; they overdid the work. The Senator from Kentucky was a member of that committee, and he knows whether my statement is correct. There was culled, selected matter printed in the New York papers, many of the statements telegraphed to New York papers and printed day after day, out of which good points were made to tell in the elections. I am not defending the practice at all. If my memory is not at fault, I think I can turn to the debate on the appointment of that committee, and I shall be found there recorded as having most strongly condemned any such thing, saying that it ought not be done, denouncing it as an attempt to make political capital in a political campaign that was then about to commence. I thought so then.

Mr. BLAINE. Will the honorable Senator allow me to ask him a question just there?

Mr. THURMAN. Certainly.

Mr. BLAINE. Did not the honorable Senator from Ohio lend all the influence of his name in the Senate toward having the committee hold their sessions with open doors, and against even permitting them to have the discretion of keeping anything private? Did not the honorable Senator support that proposition vigorously, insisting that everything should be done openly? Of course when that was done, everything would be telegraphed hither and yon; either side, whichever happened to get the advantage, would take care to present what occurred to its benefit——

Mr. THURMAN. Allow me to answer the Senator's question. He has asked me a question. I prefer to answer it at once.

Mr. BLAINE. Certainly.

Mr. THURMAN. I do not know whether I moved that that committee should sit with open doors or not; but if any such motion was made, I certainly voted for it, for I never have voted for any star-chamber inquisition since I have held a seat in the Senate. I would no more try a whole people in the dark than I would try one man in the dark; and, therefore, if there is any vote recorded upon that question, I am quite sure it will be found that I voted in favor of open sessions. But I think this: the Senator will find that if any such proposition was made it was voted down; and I think the Senator will find further that when the democrats on that committee moved before the committee itself that it should sit with open doors, they were voted down too.

Mr. BLAINE. Without regard to that, I will state also that so far as the dispatches came in regard to proclamations of which the Senator has spoken, the notorious perversions of fact, not shown by the testimony at all, came from the city of Charleston when the committee were in session there, absolutely perverting and stating that which had not been stated before the committee. I am not at all arraigning any member of the committee; I suppose no member of the committee was in the least degree guilty of it; but when the Senator speaks about flaming proclamations, there may have been flaming proclamations made in the interest of the republican party, but I insist they were based on what had been sworn in testimony before the committee. But the flaming proclamations that came from Charleston were proclamations that had nothing whatever to stand upon in the testimony before the committee and were an utter perversion both of the facts and the testimony.

Mr. THURMAN. This is the first time I ever heard of that bomb-shell from Charleston. I have heard of some other bomb-shells that stirred up a good deal of trouble in this country, but this bomb-shell I never heard of before.

Mr. BLAINE. I did not represent it as a bomb-shell; it was perfectly innocuous.

Mr. THURMAN. Allow me to proceed, as we have but a very few minutes. If there were such misrepresentation of what took place before the committee, it is a strong reason why the proceedings of the committee should have been open, for then there could have been no such misrepresentation. I am quite sure that I was always in favor of open sessions. But what I complained of in respect to that ku-klux committee that took those twelve or thirteen volumes of testimony was that while they could sit with closed doors, get portions of the testimony from time to time, and that which bore most hard against the political opponents of the majority of that committee found its way into the public press weekly, if not daily.

Now, I wish once more to be understood, I am not defending any such practice at all. I opposed it in that instance, and I am willing to oppose it again. I am willing that these investigations shall be made, however, with open doors. I think it is nothing but right that they should be, because, as I said, I will not try a whole people, and I will not try a whole party, in secret, any more than I would so try one man. If the sessions be held with open doors, then the publication of the testimony is inevitable, it becomes public, and everybody can answer it as soon as it appears.

Mr. DAWES. Before the Senator from Ohio takes his seat I should like to have him, as the Senate is indebted to him, I believe, for that false and forged document which stands upon the first page of this printed document—of course the Senator himself is not responsible for the forgery—tell the Senate the source through which it came to him. If he would do so it would enable us in Massachusetts, perhaps, to trace it to its origin.

Mr. THURMAN. I will answer the Senator. I do not know whether that forged document ever was in my hands or not. I do not know whether it ever went from me to the committee or not. This I know:

I offered an amendment to the resolution of investigation that was presented extending the scope of the investigation. After the committee was formed one of the first things they did was to address a letter to the mover of the original resolution, the Senator from Maine, [Mr. BLAINE,] calling on him for information as to the matters which he asked to have investigated by his original resolution, and at the same time they addressed a similar letter to me asking me for information in regard to the matters embraced in my amendment to his resolution. The Senator from Maine answered the committee, referring them to divers sources of information. I treated them with the same politeness, and referred them to all the sources of information that came to me; and as people began to pour in information until it became very inconvenient, I was very glad when the committee got fairly at work and enabled me to relieve myself of the load of papers that were sent to me, and most of which, without even reading, I sent to the committee.

Mr. DAWES. The Senator, then, cannot give us any information as to how he came by that paper?

Mr. THURMAN. I do not know that I ever saw it.

Mr. CAMERON, of Wisconsin. I think all the papers referred to by the Senator from Vermont were communicated to the Teller committee, as it was called at that time, by the Senator from Ohio. I think he must also at the same time have communicated those papers to the newspapers. The committee at the time they received the most of those papers were in New Orleans, and they saw them in the newspapers before the original manuscript papers were received by the chairman of the committee in New Orleans. So far as the publication of the matter is concerned it was published long before it was ordered to be printed by the present chairman of that committee.

Mr. THURMAN. The letter of the Senator from Maine in answer to the call of the committee appeared in the papers, and of course my letters to the committee appeared in the papers in the same way. They all went there.

Mr. EDMUNDS. All I wish to say is that the Senator from Ohio is mistaken in imputing to me an error when I said the course had been hitherto not to print the testimony until the report came in in order that it all might be printed together, and that the benefits of cross-examination and counter-testimony might all go together in the fair way. I do not think he can find any order of the Senate, until this body convened, that would justify his impression that he has stated. He supposes that it must be so because the ku-klux committee at Charleston pursuing certain investigations were reported in the newspapers as having ascertained certain things. It is reported in the newspapers, Mr. President, that the Senate in executive session does and says certain things, while we all know that Senators are not responsible for those reports. We must know it. We all know that frequently they are entirely untrue. We all know that the rules of the Senate absolutely prohibit it and sentence any Senator to expulsion who is guilty of disclosing. Therefore it does not do to say that because newspapers reported what they professed was testimony or information taken before or obtained by the ku-klux committee in Charleston, either the Senate or the committee were responsible for it. What I am criticising is the fact that the committee itself in this instance, not the newspapers, has with certain headings and title-pages laid upon the tables of the Senate, under the authority of the Senate I admit, but under the authority of this Senate, which is the new departure, the change of front, that I am speaking of—because I have got the resolution now—has done the thing that the Senator from Ohio condemns and condemns rightly, and which was never done to my knowledge before.

There is not any objection to anybody's finding out the truth; but it is quite a difficult thing to find out the truth from this course of proceeding, because we have discovered in the case of Massachusetts that the very first of these papers, the grand headlight of the democratic locomotive—no, I will not say democratic, I did not mean to allude to politics about this—that the grand headlight of this great disclosure, the thing that is to start it off and give it a good send-off, turns out to be a forgery. The committee has not reported yet; but it is confessed now I believe by everybody that it is absolutely a forged paper. I do not think that the papers coming from Vermont are forged papers; but I do say that it is not right, in view of the cause of truth and justice, that papers of that kind, *ex parte* affidavits, where there is no opportunity for cross-examination as there is when a committee is sitting, with open doors or not with open doors, by different members of the committee putting questions so that when the testimony is then published you have got the witnesses sifted—it is not right that *ex parte* affidavits gotten up by somebody and usually in such cases signed by somebody who can rarely understand the effect of what has been drawn up by somebody else, should be put off upon the country and circulated through the newspapers as official documents of the Senate representing something that has been ascertained. That is what I wish to call public attention to.

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) The morning hour having expired the Chair will lay before the Senate the unfinished business, upon which the Senator from New York [Mr. CONKLING] is entitled to the floor.

IMPROVEMENT OF KANAWHA RIVER.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 1999) to amend an act entitled "An act making appropriations for the construction, repair, preservation, and completion of certain works on rivers and harbors, and for other purposes," approved March 4, 1879.

Mr. CONKLING. Mr. President, this, the Senate will remember, is the bill upon which my honorable friend from Michigan [Mr. CHANDLER] evidently on Thursday did not wish to hear me speak. He took occasion then, when I had some observations to make, to adjourn the Senate instantly. I see that Senator is here this morning, and to relieve his apprehension, I will say to him that I do not intend at any length to make observations about this matter. But I remember rising when the bill was reported on Thursday to remind the Senate how far we are going in making appropriations for what are called internal improvements, the improvements of rivers and harbors. Here is a river in the State of West Virginia of such character and dimensions that to traverse it by water-craft it is necessary to erect dams—I believe they are to be movable dams—and to construct locks so as virtually to make an artificial water-channel in and across the State or a part of the State. Then, as supplemental to that, it is proposed that under what the lawyers call among the powers of government the right of eminent domain, the national authority is to go into the State and purchase the land on which to make these erections, purchase it by judicial condemnation unless the owners are ready to part with it at a price which may be agreed upon.

I meant, Mr. President, to make this statement; I make it now, and I presume I shall consult the convenience of the Senate if having made it I desist from all comment on this bill. I did not rise to make any attack upon this particular work as distinguished from other such works, but only to call the attention of the Senate to the point we have reached. I hear Senators speak sometimes of calling the attention of the country to particular facts. I do not flatter myself that I am likely to invoke very general attention in the country, but I do venture to hope that I may attract the attention of members of the Senate to the great length which, as it seems to me, we are going in the name of improving highways of commerce.

I believe, as I have often said, that that power as correctly understood is confined to national highways, to streams in their dimensions and in their location national, to harbors on the seaboard, harbors on the internal seas, for such they are although we call them lakes. I believe it does not extend to the improvement of local streams wholly within States, not even designed by nature to be the channels on which water craft or vehicles may move. I do not believe that it extends to the right to improve private property in any sense whatever; and I believe, as this bill illustrates, that proceeding further and further year by year in recent years, the appropriation of money for these purposes has been carried to a length and consented to in many instances wholly indefensible,—indefensible in respect of the rightful power of Congress and indefensible in respect of the judicious expenditure of money even if our right to make the expenditure were clear.

I understand, Mr. President, particularly as the Senate is now constituted, how very ineffectual any word of mine is likely to be in advancing or retarding proposed legislation; but as I happen to be a member of the committee from which this bill is said to come, I have ventured to detain the Senate for a moment while I asked attention to this as an illustration, a marked illustration it seems to me, of the excess in which the two Houses of Congress have been indulging and in which the House of Representatives in this instance, for this is a House bill, has indulged in this species of legislation.

Mr. HEREFORD. I shall occupy the attention of the Senate but a little while. The Senator from New York says he desires to call the attention of the Senate to how far we are going in the direction of improving what he terms national highways. I do not see how that question arises in this case. This bill is asking the improvement of no river. This bill is not asking the appropriation of a dollar for the improvement of a river. The money has heretofore been appropriated, and this bill is only asking the Senate to allow the Government officers to carry out a work for which an appropriation has been made.

The Senator says that he thinks there can be under the Constitution no appropriation made except for great national highways. I have failed to see in the decisions of the Supreme Court on this subject that they have used the expression "national highways" at all, and I am a little surprised at the position taken by the Senator from New York. It seems to me that he has misconceived the law in this case, and I shall only occupy the time of the Senate a short time to read a little of that law.

I suppose the argument of the Senator is that we are still acting under the doctrine of the common law that the improvement of navigable rivers only applies to those streams where the tide ebbs and flows. That is not the doctrine that has obtained in this country. That is not in accordance with the decisions of the Supreme Court of the United States. The only inquiry could be, if this were an original question, is this a navigable river within the purview of the Constitution and the decisions made thereunder? Now, let us see what has been decided. The portion on which I rely has been decided time and again, but I will refer to only one case. The Supreme Court of the United States, by Mr. Justice Field, who is, I believe, understood to be a pretty strict constructionist of the Constitution, in the case of The Daniel Ball, in the tenth volume of Wallace's Reports, used this language, to which I draw the attention of the Senator from New York:

> Two questions are presented in this case for our determination:
> First. Whether the steamer was at the time designated in the libel engaged in

transporting merchandise and passengers on a navigable water of the United States within the meaning of the acts of Congress; and

Second. Whether those acts are applicable to a steamer engaged as a common carrier between places in the same State, when a porfion of the merchandise transported by her is destined to places in other States, or comes from places without the State, she not running in connection with or in continuation of any line of steamers, or other vessels, or any railway line leading to or from another State.

The Supreme Court discusses the doctrine of the common law on this subject, and says it does not prevail in the United States:

Upon the first of these questions we entertain no doubt. The doctrine of the common law as to the navigability of waters has no application in this country. Here the ebb and flow of the tide do not constitute the usual test, as in England, or any test at all of the navigability of waters. There no waters are navigable in fact, or at least to any considerable extent, which are not subject to the tide, and from this circumstance tide-water and navigable water there signify substantially the same thing. But in this country the case is widely different. Some of our rivers are as navigable for many hundreds of miles above as they are below the limits of tide-water, and some of them are navigable for great distances by large vessels, which are not even affected by the tide at any point during their entire length. A different test must, therefore, be applied to determine the navigability of our rivers, and that is found in their navigable capacity. Those rivers must be regarded as public navigable rivers in law which are navigable in fact. And they are navigable in fact when they are used or are susceptible of being used, in their ordinary condition, as highways for commerce, over which trade and travel are or may be conducted in the customary modes of trade and travel on water.

The court goes on further to say:

And they constitute navigable waters of the United States within the meaning of the acts of Congress, in contradistinction from the navigable waters of the States, when they form in their ordinary condition by themselves, or by uniting with other waters, a continued highway over which commerce is or may be carried on with other States or foreign countries in the customary modes in which such commerce is conducted by water.

Now the only point, if this were an original question, would be whether the Kanawha or the Kentucky River forms in its ordinary condition by itself or by uniting with other waters a continuous highway over which commerce is or may be carried.

Mr. CONKLING. Will the Senator allow me a moment?

Mr. HEREFORD. Certainly.

Mr. CONKLING. I see the Senator has closed that book and laid it down; therefore I venture to ask this question: Does he understand from that decision, or infer from it, that the jurist who wrote the opinion intended to say, or to authorize him to say, that because a stream which is navigated is navigable, because a stream which is susceptible of being navigated is navigable, therefore, within the constitutional power we are talking about now, you may take a run, a brook, a water-course, however small, and by artificial means, of locks and dams if you please, bring the water within a channel so narrow as to be deep enough to float a vessel, thus making it an artificial channel, and then maintain what you have done by a decision which says that every stream is a navigable stream which is in fact navigable and every stream is a navigable stream which can be navigated? Unless the Senator means that, he will pardon me for saying that I do not see what possible bearing the decision has upon the point.

Mr. HEREFORD. I mean this: the Supreme Court have decided in other decisions that I have not brought here this morning that if there be a river that connects with other rivers going through more than one State, and if there be rapids in that river, the Government has the power to clear out that rapids, the same power that she has to clear out Hell Gate. Large sums of money have been appropriated for the blowing up of the rocks beneath the river in which Hell Gate is, and they have been blown up. If it be necessary, in other words to confine the waters, it can be done; they may spread over a great width, there may be plenty of water there if it was only confined in the proper channel. The General Government has the power to do that very thing, has the power to utilize the water that is there, just the same as it did at Louisville in the Ohio River. There were rapids opposite the city of Louisville, and the General Government appropriated money to build a canal around them. In that case they did form an artificial channel. In this case there is no necessity nor is it sought to form any artificial channel at all. It is simply to confine the waters that nature has already placed there, so that they may be utilized.

If the argument of the Senator from New York is held to be good, then why improve any river? If there be shoals it cannot be navigated, and therefore you must make no appropriation for that purpose. The Senator from Kentucky [Mr. BECK] suggests that in the Upper Mississippi we have built a canal seven miles long around the Des Moines Rapids.

I shall not take the trouble to read the decision to which I was about to refer. I will simply read the syllabus, in 11 Wallace, where the Supreme Court held in the case of The Montello:

A river is a navigable water of the United States when it forms, by itself or by its connection with other waters, a continued highway over which commerce is or may be carried on with other States or foreign countries in the customary modes in which such commerce is conducted by water.

And Mr. Justice Story, the great writer upon the Constitution of the United States, has gone a great deal further than this decision. The expressions made use of by the Senator from New York as to a great national highway find no support in the decisions of this country. The question in this country is, what is a navigable river within the purview of the Constitution, as I have already read from two decisions of the Supreme Court of the United States. But what does Mr. Justice Story in the first volume of his Commentaries say:

So far as regards the right to appropriate money to internal improvements generally, the subject has already passed under review in considering the power to lay and collect taxes. The doctrine there contended for, which has been in a great measure borne out by the actual practice of the Government, is, that Congress may appropriate money—

I call the attention of the Senator from New York to this—

Congress may appropriate money not only to clear obstructions to navigable rivers—

That is all that is involved here—

to improve harbors, to build breakwaters, to assist navigation—

That is all we seek to do here—

to erect forts, light-houses, and piers, and for other purposes allied to some of the enumerated powers; but may also appropriate it in aid of canals—

May build canals to connect one river with another, and we have spent over $10,000,000 on the Fox and Wisconsin River Canal—

in aid of canals, roads, and other institutions of a similar nature, existing under State authority.

He goes even as far as that.

The only limitations upon the power are those prescribed by the terms of the Constitution, that the objects shall be for the common defense, or the general welfare of the Union. The true test is, whether the object be of a local character and local use, or whether it be of general benefit to the States. If it be purely local, Congress cannot constitutionally appropriate money for the object. But, if the benefit be general, it matters not, whether in point of locality it be in one State, or several—

It makes no difference whether it be in one State or several—

whether it be of large, or of small extent; its nature and character determine the right, and Congress may appropriate money in aid of it; for it is then in a just sense for the general welfare.

The Senate of the United States will take notice of the fact, I presume, that the Kanawha River rises in the State of North Carolina; there it is known as New River; flows through the States of North Carolina, Virginia, and West Virginia until it comes down to a point in West Virginia where the Gauley River empties into it, and from that on it is called the Kanawha. The Kanawha River goes still further down until it empties into the Ohio, and then it is called the Ohio River. This is not a river that has its source and its mouth in the same State. It runs through various States clear to the Gulf of Mexico. The language of the decision of the Supreme Court, which I read a moment ago, is that the test is whether taking the river itself and its various connections it runs through more than one State; and the language that I read from Mr. Justice Story goes even further than that. All this talk about being a great national highway does not find its warrant in the decisions of our courts. The question of making the presence of tide-water the test Mr. Justice Field says does not obtain in this country. The question is whether it is a navigable stream; not a great national highway but a navigable stream within the purview of the Constitution, and this clearly does fall within it according to the decisions I have read. I could take the time of the Senate by reading subsequent decisions in which the court go on in a case like this to say, here is a river that is navigable below a certain point and that is navigable above, and there being falls between the upper and lower parts Congress has the power to clear out those falls, blast out those rocks, make a canal connecting the two, if you please.

Now, a word as to the power of Congress to obtain the title to this property. Congress has that power as an incident to the main thing. If Congress has the power to improve the river, if Congress has the power to build the canal, it certainly has the power, with the consent of the State, to obtain the land on either side, it may be either the land in fee, or simply an easement, or else the appropriation would be of no value whatever. There are many rivers in the Senator's State for which appropriations have been made, for which, under this decision, no appropriation could be made, because they rise in the State of New York and end within the State of New York.

Mr. CONKLING. Will you name one?

Mr. HEREFORD. There are streams in other States, there are streams in many of the States of this Union that rise in a State and flow to a gulf or flow to a lake, and that is the end of them. According to this decision, although many appropriations have been made for them, they would not fall within the doctrine laid down, even if the water of the ocean did flow into them by the ebb and flow of the tide. That has nothing to do with it whatever. It is an exploded doctrine, never maintained in this country.

Then as to obtaining the title, the State of West Virginia by an act of its Legislature has given the power to the General Government for the improvement of a navigable stream to obtain the title to land by condemnation or otherwise. We have in our State, as I suppose there are in all the States, laws providing for the condemnation of private property; and this bill asks to give the power in this case either to obtain this title by voluntary purchase, or if they cannot agree upon the price then a condemnation may take place according to the laws of the State of West Virginia; and that authority, as I said, has been given.

But this question does not arise here at all. I have before me—I will not take the time of the Senate to read it—a letter from the Secretary of War inclosing one from the Chief of Engineers, drawing the attention of Congress through the Committee on Commerce to the necessity of this bill. They say that they think under the appropriation made at the last session they would have the power to go on and expend the money in the improvement of the river, but they doubt whether they have the power to purchase the land on either side for

the purpose of building the locks and dams, and they ask simply that a sufficient amount of the money heretofore appropriated shall be applicable to this purpose.

Mr. CAMERON, of Wisconsin. I offer the following amendment to the bill as an additional section:

SEC. —. That the Secretary of War be, and he is hereby, authorized, in his discretion, to apply and use for the completion and protection of the wing-dams, jetties, and other improvements of the Chippewa River in the State of Wisconsin, located at and near the mouth of said river, so much of the moneys appropriated by an act of Congress approved March 4, 1879, entitled "An act making appropriations for the construction, repair, preservation, and completion of certain works on rivers and harbors, and for other purposes, as were appropriated "for the protection of the high sand-banks on the Chippewa River," &c., as may be required for such purpose herein provided: *Provided*, That such use or application of the moneys herein authorized shall be made under the same limitations and conditions as provided in the act hereinbefore named.

Mr. CONKLING. Mr. President, I deem myself fortunate at having been the occasion of the very eloquent speech to which I have listened from two Senators. I say "two Senators" because that speech is not the product of the honorable Senator from West Virginia [Mr. HEREFORD] alone. Very valuable and audible contributions were made by my honorable friend from Kentucky, [Mr. BECK;] and I rise partly to enjoy the privilege of expressing at once my admiration and my envy of that honorable Senator—I mean the Senator from Kentucky. Admiring him for his ability and his courage as I do, I envy the impunity which attends him.

Some time ago, very innocently as it seemed to me, I read briefly from a page of the finance report so called and briefly from a page of the report of the Commissioner of Internal Revenue so called, and I found myself the subject of no end of chiding for having done so. I was charged with many unpalatable assumptions because in the hearing of the Senate I read a few figures from those documents. Now to illustrate—for that is the point I am upon—the impunity of the Senator from Kentucky, a few days afterward he came in here with a whole shovelful of dying embers, with an immense quantity of smoldering fires; he dumped them here, made them blaze in the presence of the Senate. Nobody took any exception. He put in the RECORD bodily not merely what I had read but the whole of the page from which I had read; and here is this sectional, invidious, prejudicial, reprehensible, and outrageous matter spread before the Senate and the country, for reading a little part of which I was so severely reprimanded.

Mr. BECK. What does the Senator speak of?

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Kentucky?

Mr. CONKLING. The honorable Senator from Kentucky does not wish me to yield if he will wait a moment; I am in the very act of pronouncing a eulogy upon him; I am in the very act of seeking to do him a small part of that justice to which I think he is entitled; and therefore I had mentioned that the Senator from Kentucky brought in here all these tables showing how much internal revenue and again how much of customs duties were paid by every State, by the State which he represents with so much distinction, by all the other States, and he has printed them at large in the RECORD—the whole of them—thus I repeat fanning the dying embers, stirring the smoldering fires, and raising again the sectional hates and discords which I have been so reprimanded for approaching, my offense being that I read a small part of that the whole of which the honorable Senator from Kentucky brought here and had printed in the RECORD.

Mr. President, that has nothing to do with the bill before the Senate; it has only to do with the honorable Senator from Kentucky and with his power safely to do, to do with impunity, that which might cost me a great deal, which might give great offense and entail upon me very disagreeable consequences. So the honorable Senator from Kentucky in his seat, without rising, furnishes to the Senator from West Virginia suggestions in aid of the pending bill; and yet the pending bill, if I mistake not, contains that which, were I to advocate it, were it to be advocated at some other time by some Senator on the side of the Chamber on which I do not at this moment stand but where I usually am, would be regarded as centralization, as a monstrous argument in favor of the usurpation of power by the Federal Government dangerous in its nature and detrimental in its proposed exercise. I have no doubt, however, the honorable Senator from Kentucky can vindicate it safely, the Senator from West Virginia can vindicate it safely; and when they have done so, it will only prove that although the law is said to be no respecter of persons, opportunities and advantages and distinctions among men make all sorts of choice between persons.

Now, Mr. President, what is the question fairly presented by this bill? The Senator from West Virginia seems to think it is whether a stream must be a tidal stream in order to be navigable. Nobody has suggested that in this debate. I do not think I ever heard it suggested in the Senate. A tidal stream! Certainly not. When a bill was filed to prostrate the Wheeling bridge, with all the contention which that case underwent, nobody ever argued that the criterion of a stream in respect of its being navigable or being national was whether the tide ebbed and flowed. On the contrary it was said there, this is a boundary stream, it bounds four or five States, it drains eleven States, it is a national stream. Everybody knew then as now that the tide rises as high perhaps as Baton Rouge, one hundred and fifty miles or so above the mouth of the Mississippi, but never beyond that.

So the Senator from West Virginia is quite beside the purpose in reading an opinion to show that the question whether the tide ebbs and flows in a stream has or has not anything to do with that being a navigable stream. The Senator reads further to show that a stream is deemed navigable in a general sense, although it may be wholly within a State, if it connects itself with other streams or other channels, and thus crosses State lines. No doubt of it. No authority is necessary to establish that. The statute-books are full of the assertion of that truth.

Now, what is the question to which the honorable Senator should have read, and to which he has read no authority whatever? It is whether under the power referred to by Mr. Justice Story in his Commentaries on the Constitution, the power in respect of the common defense and the general welfare, Congress may go into a State and create an improvement local in its nature or a channel local in its nature, and then as an incident to that power proceed to condemn the property of the owners as private property taken for public use; and I might suggest that a further question which the Senator himself brought in would be whether the States, to use his language, could give power to the General Government to do it. I respectfully ask the attention of any lawyer who is regarding this question to that proposition of the honorable Senator from West Virginia. He repeated twice, if I understood him aright, that the State of West Virginia had given the power to the National Government to go into the State of West Virginia and do this thing. It is new to me that the State of West Virginia or any other State can enlarge the powers conferred by the Constitution, or add to the enumeration of powers there found.

Mr. HEREFORD. I did not say that the State of West Virginia gave to the General Government the power to go into the State of West Virginia and improve this river. I said that she had given her consent to the General Government acquiring title to property for the purpose of improving this river.

Mr. CONKLING. The exact words of the honorable Senator are not important, and certainly I am glad to have him make any modification which he chooses now; but I repeat that the Senator's statement was that the State of West Virginia had given the power to the National Government to go into that State and condemn the necessary land, and I will appeal to the Reporter's notes, and if that statement does not there appear twice I will make it a point publicly to apologize to the honorable Senator. But no matter; he says now he meant that the State had given its consent. That statement he can vindicate no doubt by history. The State of West Virginia has given her consent that the National Government may proceed. I think I need not argue that that does not in one iota add to the power conferred by the Constitution in this regard. It may remove one impediment in the exertion of that power which the State of West Virginia would have had more or less opportunity to insist upon, but it leaves the power exactly where the Constitution leaves it.

The Senator says that I spoke of national highways of commerce. I speak of them again; and in the presence of all these decisions I affirm, and the Senator will have to find an express decision before he reads authority to contradict me, that the power to make internal improvements does relate to and is confined to objects national and general in their nature and circumstance. The Senator said there were many streams in the State from which I come which have been improved by Congress. I invited him to name one, but he admitted his inabilty to do so.

Mr. DAVIS of West Virginia. Does not the Hudson belong to New York?

Mr. CONKLING. Mr. President, my honorable friend, the senior Senator from West Virginia will not rival the fame of Malte Brun by having put that question. Does he think the Hudson River is a river such as his colleague described, a stream wholly within the State of New York, a small stream wholly within the State of New York? And now the Senator wants to be heard again in saying "yes." Well, I suggest to him not to confine his observation of the map to West Virginia hereafter, but to look at the State of New York and look at the State of New Jersey and see that the Hudson River is a stream running between New Jersey and New York, an arm of the sea, a stream emptying into the ocean and resulting in a harbor in which the ships of all nationalities ride and anchor, and then see whether he thinks that is such a stream as his colleague was talking about as a small stream wholly in the State of New York and in that sense local in its character.

Mr. DAVIS of West Virginia. Now, Mr. President, will the Senator yield to me?

Mr. CONKLING. Certainly, I always yield to my friend from West Virginia.

Mr. DAVIS, of West Virginia. Will the Senator tell us whether or not the Hudson takes its source in New York State, and whether or not it gets out of the State anywhere—if it is not wholly within the State? It is true that near New York City, far below Albany, it divides the two States of New York and New Jersey; but I am of the opinion—I am not positive, but I believe—it takes its source in the State of New York.

Mr. CONKLING. When the honorable Senator asks me to state exactly where the Hudson River takes its rise, he proposes rather a difficult conundrum. However, as the river Saint Lawrence sweeps the northern boundary of New York, no doubt all of the many streams

and springs which finally result in the Hudson River take their rise south of the Saint Lawrence; and therefore if the Senator wishes an admission that the headwaters of the Hudson are in the State of New York, that admission is as free as it is true. But when he suggests by his question if I got his words that it does not get out of the State of New York, I can only say that I wonder at the Senator for making such an observation. It runs down along the counties of Columbia, Duchess, and Westchester on one side and the corresponding counties on the other, until it reaches the State of New Jersey, and there it runs between the two States until it reaches the harbor into which it pours, that harbor being the greatest of all the national harbors in the use to which it is applied. And yet the Senator has introduced the Hudson River to justify a remark made by his colleague which was that there were many instances of small streams in the State of New York which had been improved out of the National Treasury!

Mr. President, I will put my knowledge of history at peril so far to confess that I know of no one such instance. The Mohawk River, a very considerable stream, in the time of our fathers was navigated. George Washington passed up the Mohawk River, a large part of it, in a flatboat, according to history and tradition. Troops and munitions of war passed in the same way. There were dams, there was slack-water navigation; but it never occurred to the men of that generation, nor has it occurred to the men of this generation, that it was suitable or admissible for the State of New York to ask the National Government to make appropriations to improve a stream like the Mohawk River, although that stream was of consequence enough to be celebrated in song by the poet Tom Moore, whose centennial has just been celebrated. I presume other poets have sung of the Great Kanawha and the Little Kanawha, and I would not for the world take from those rivers a laurel or a bubble which belongs to them. I say, however, with great respect to those illustrious rivers and to all others, that the boundary, in my belief, is not difficult of statement between national power and some other power in this regard. The Senator from West Virginia seems to think that the test is whether the stream connects, or can be made to connect, with something else which passes beyond a State line. Is there any possible channel of commerce you can name of which that may not be true? The Erie Canal is an artificial river three hundred and thirty miles long. It runs from Lake Erie to the Hudson River, and by way of the Hudson River to the harbor of New York, to the mouth of the markets of the world; but it never occurred to the men of New York that we could come here and ask all the States to pay tribute and to purchase sites for the locks to be found on the Erie Canal, or for the expenditure which constructed that highway of commerce; yet it is very important. The river Rhine traverses seven sovereignties in the heart of Europe and it is navigable, and the principalities and provinces which it traverses are densely populated; and yet the Erie Canal floats many times as much traffic as is carried on that European stream, and according to the argument of the honorable Senator, it has every element essential to its recognition by Congress. It certainly can be navigated; it is navigated. It certainly connects across State lines with other great channels of commerce. Then it is within the doctrine as the Senator understands it.

Now I will try to tell the Senator why I think it is not within the fair intendment of these provisions of the Constitution. For a considerable part of the distance traversed by the Erie Canal, small natural streams were found, which were utilized. Much of the way the channel is an original one; but that does not change the law of the case at all. I think no Senator on consideration will argue that if you find a brook running one hundred miles in the State of Kentucky, which everybody knows is not navigable, upon parts of which a boy might row a skiff or paddle a canoe but which is of such shallowness as to be in no sense navigable, and if by dredging it, by digging it out, by making a depth of channel and then gathering water from the flowage and soakage of the higher lands into it until you have volume enough to carry on commerce upon it in some sense,—no Senator who is a lawyer will argue that that will be a different case from the same volume of water and the same channel made if the brook had not been there originally. Nor will any lawyer argue that when in either case the improvement has been made, that establishes the fact that it was in the beginning one of the streams spoken of by Judge Story, not local in its nature but relating to the national welfare and the national commerce.

But take another case; take the case of the Mississippi River running from Minnesota to Louisiana and through Louisiana. You find a shoal upon the river; you blast it out; you dig it out, or you do another thing, proposed originally by a very wise man who lived and died in the State of New York, who, when he came to lay out a road, in place of going over a hill went around it, and remarked that the rim of a pot was no longer when you laid it down than when you stood it up; therefore he laid out his road to go around the hill. So in improving the Mississippi River, in place of excavating at enormous cost the identical channel for seven or eight or nine miles, no matter what the distance, you make a channel, you cut around this ledge of rock, these rapids, these obstructions. We see very plainly how all that falls within the purview of these provisions as I understand them. We also see, I think, that they make no advance at all in the argument that under the national authority you may go and divert the course of, or dig out, or turn into something new, a local and shallow stream.

Now let us see what Judge Story says:

> Another question, which has for a long time agitated the public councils of the nation, is, as to the authority of Congress to make roads, canals, and other internal improvements.
>
> So far as regards the right to appropriate money to internal improvements generally, the subject has already passed under review in considering the power to lay and collect taxes. The doctrine there contended for, which has been in a great measure borne out by the actual practice of the Government, is, that Congress may appropriate money, not only to clear obstructions to navigable rivers, to improve harbors, to build breakwaters, to assist navigation, to erect forts, light-houses, and piers, and for other purposes allied to some of the enumerated powers, but may also appropriate it in aid of canals, roads, and other institutions of a similar nature existing under State authority.

Certainly he made that remark in view of the legislation and the controversy about the Maysville road. Nobody doubts that, under the authority to establish post-offices and post-roads, the General Government might, as the General Government did, maintain a road overland to the Pacific sea, all the way across the continent. But will it be argued from that, and as proved by that, that the General Government may improve the streets of all the cities and all the counties and the roads of all the States? I think not. So the authority which the Senator reads from, Judge Story, as I understand it, is in the direction, not of the argument,—for I am making none; I rose for no such purpose,—of the suggestions which now and sometimes heretofore I have submitted to the Senate. No doubt you may find a case which comes very near the line on one side or the other, and lawyers will differ in respect of which side of the line the particular instance falls; but the general doctrine is clear enough that the States under their reserved police powers, as I may call them, generically speaking—Marshall so called them—may charter ferries, construct bridges, build roads, take care of their streams in all respects. When you come to streams, or to roads, or to any other subject of jurisdiction national in character, then Congress may take charge. If the State of Pennsylvania wants a water-lift to get over the Alleghany Mountains, it surely would occur to the State of Pennsylvania to build that water-lift herself and maintain it. It did so occur to her. If the State of New York needs, as she thought she did, twelve hundred and fifty miles of artificial rivers, it occurs to her that she is bound to build those rivers. She did build them, and she did pay for them, not one penny of national appropriation ever having been made. So everywhere else. But when you come to blasting out rocks in Hell Gate in the East River, in New York, to removing snags from the Mississippi River, to deepening the pass at the mouth of the Mississippi from New Orleans to the Gulf, to dredging the Ohio River, and to a great variety of other similar instances, nobody can doubt that there the Constitution of the United States lays hold; it covers the case.

Mr. President, I say again I did not rise to make any assault upon any interest of West Virginia or anything dear to the heart of either or both the Senators from that State, but merely to call attention to the increase of this species of legislation. First in a bill is put a little proviso authorizing a survey to be made of a long list of streams; then comes the report of the engineers who make the survey, and unless you require them to invent a mode by which vessels may sail in the air or on the tops of mountains, they will show you that within engineering possibilities money, if you have enough of it, can produce a channel in the given place on which water-craft can move, and to which water will go or can be brought. That done, it becomes a matter of zeal and competition by every Senator and Representative to get into the river and harbor bill as many and as much as is possible concerning his section, as it is sometimes called; and when one appropriation has been made, the work cannot be left unfinished, and you must go on to the end. Thus it is that having put our finger between the belt and the wheel we are pulled in bodily to one after another of these manifold schemes. For one, I protest against it. I am ready to vote for any work feasible, economical, and national in the sense in which I have been speaking, so far national that it contributes to the commerce of the country, that it concerns the commerce of the country, as the works do in the instances used for illustration by the honorable Senator from Kentucky. I do not differ with him at all about those. There I am willing to vote money; but there should be some stopping place, and I submit that that place is indicated with some approach to certainty by the more ancient legislative precedents, and by what seems to me the tolerably plain intendments of the Constitution.

I assure the Senator from West Virginia again that I had no purpose to select his particular pet measure, or his State, in regard to which he is always so zealous, as the text or occasion of preaching any crusade or even sermon against internal improvements. Far from it. I was only reminded of it by the presentation of this bill, just as the Senator from Kentucky, by the little part he took, reminded me of how fortunate he is in being able, as in the instance to which I alluded, to do an entirely proper thing without having any improper motive attributed to him, whereas if some one of his brother Senators should do the same thing, or a small part of it, there would be no end of people to think that very great wrong had been done. So I take my leave of this subject and make my apology to both these Senators for having delayed for even a moment the realization of their wishes in respect of this bill.

Mr. BECK. Mr. President, I assure the Senate that I had no idea of taking any part in this debate. I am not a member of the Committee on Commerce, nor had I looked into the question at all. But

when there were so many contradictions of the statements made by the Senator from West Virginia, by a gentleman who had been so long chairman of the Committee on Commerce, I said to him what I thought might be known to him, that the United States had in a great many instances gone very far in making appropriations for the improvement of rivers. I cited to him the Louisville and Portland Canal, on which everybody knows we spent over $2,000,000. I cited to him the canal run across from the Fox to the Wisconsin River, which cost us $10,000,000, merely making an artificial highway between Lake Michigan and the Mississippi River. I cited to him the fact that we had built a canal seven miles long, known as the Des Moines Rapids Canal, on the Upper Mississippi. That is "the head and front of my offending."

Mr. CONKLING. Will the Senator from Kentucky let me interrupt him but a moment?

Mr. BECK. Yes, sir.

Mr. CONKLING. I meant to have alluded to the Fox and Wisconsin Rivers improvement because it would have been the best illustration I could possibly have taken at one point of what I was seeking to establish. There are two rivers there, insignificant each in itself; but when they are enlarged sufficiently, if that can be, their enlargement constitutes a northern mouth of the Mississippi River. That is what it is, a northern mouth of the Mississippi River, so that vessels and cargoes without unlading or relading can pass from the Mississippi River into not one lake alone but into Lake Michigan at Green Bay, and so into the whole chain of lakes, coming down into the Erie Canal, or go through the Welland Canal, reaching the markets of the world. I am willing to say for one that I believe the success of the work of establishing that channel where the Fox and Wisconsin Rivers run, would be not only a work of national value, national in its character, but I believe no single act in respect to the commerce of this nation for the last decade has been of more consequence than that act would be. There you have a particular illustration, two streams being wholly within a State, of no particular consequence themselves; and the case is no better in my estimation than if there was not one single drop of water there. If a canal could be made, as it is proposed to make a canal across the Isthmus entirely on dry land, by which we could connect the Mississippi River and the great lakes, making a northern mouth to that river, there we have every element necessary to constitute a case in which the General Government could act.

I thank the Senator for allowing me to say a word about that work, and beg his pardon for having interrupted him.

Mr. BECK. I called the attention of my friend from West Virginia to various cases in which I thought the United States had strained their authority, at least beyond what was navigable at the time, because they cut a canal across the country from the Fox and Wisconsin, where there was no river and no sign of a river. It seemed to me there was a fair case for the Senator from West Virginia, and I suggested it to him. That is the way I was dragged into the debate. I might have suggested to the distinguished chairman of the Committee on Commerce a case now before the Supreme Court. Not long ago the State of Minnesota sought to establish a harbor at a point called Duluth, situated on a tongue of land seven miles long, where the Saint Louis River divides Wisconsin from Minnesota. There was no entrance into the bay from Duluth, yet the city of Duluth cut it open in the night clandestinely. Injunctions were served upon them, and suits were pending in the Supreme Court until last year involving the right to turn the mouth of a navigable river for their own convenience, seven miles away from where it was. Yet the Committee on Commerce made appropriations for the harbor of Duluth, built some piers there to aid them, these distinguished gentlemen all being members of that committee. The Supreme Court of the United States declared that the very moment an appropriation was made by Congress, whether the work was legally or illegally begun, whether an artificial harbor had been created or a new mouth made, Congress having supreme authority over it, the courts have no power. An appropriation was recommended by this very Committee on Commerce when the distinguished Senator from New York was chairman to make a new harbor, cut a new mouth, to the Saint Louis River; and the Supreme Court decided that that act of Congress absolutely made it a national work.

The appropriations have all been made for the Kanawha and Kentucky Rivers, and by that act of appropriation they are by the Supreme Court made national works, natural rivers as they are and important ones, not artificial ones that have been created on the recommendation of the Committee on Commerce by putting bills through the House under a suspension of the rules when no man was allowed to open his mouth or even contradict what was said, as has been done time and again in the House, and with very little debate in the Senate.

I have never voted for river and harbor bills; I have resisted all these aggressions as much as anybody; but I gave those illustrations to the Senator from West Virginia for his benefit, for what they were worth, and not to the Senate. That is all I care about saying about this matter; I do not care to go into it at all.

The little speech I made the other day had to be alluded to as though I had done something fearful there. I do not think I ever read it after I made it. I sent for the RECORD and examined it here to-day. I did not quote a word from the Senator from New York. In that little speech made just at the close of the consideration of the legislative, executive, and judicial appropriation bill, after all the amendments of the committee had been disposed of, I was telling the Senate just what the Committee on Appropriations had done and the reasons why they had done it. I was endeavoring to convince that committee that if they were going to practice economy it did not lie in the fact of cutting down a salary here or a salary there, or of starving a workman; but that it lay in the great fact of taking hold of the internal revenue and cutting off by the hundred the storekeepers and gangers, and by the consolidation of offices; by taking hold of the custom-houses. I showed where there were dozens of custom-houses that did not pay their own expenses, where hundreds of supernumeraries were kept. When I brought up a table to show that fact I did not ring it in nor bring in dying embers, or bring any trouble before the Senate. I said it was a very important paper and the Senator from Iowa [Mr. ALLISON] spoke up and said, "Let us have it all in the RECORD."

I said that it was an important paper, one I had obtained at the Treasury Department. When I quoted the Senator from New York I quoted what he said and tried to show that the impression he sought to make was all wrong, (perhaps I said absurd,) that eleven Southern States only paid $13,000,000, while the adhering States paid one hundred and twenty-five or one hundred and thirty million dollars. I said the idea that the city of New York paid all the customs collected at that port could not be entertained, and that, as the Senator from New York had answered his own speech so well on that occasion, I expressed myself satisfied and did not seek to answer him any further.

Mr. CONKLING. What day's RECORD is that?

Mr. BECK. It is the 16th day of May, pages 24 and 25. I was seeking to show that except when business was embarrassed by heavy taxation the consumers paid the taxes, and that men paid them all over the South and all over the West as well as at the port of entry where the customs were paid. In regard to the suggestion made in the opening statement of the speech of the Senator from New York that the place where the money was paid into the Treasury enabled the proper parties to receive credit for it, I showed that my State was paying not only more than the six New England States but double as much as all the six New England States. I was glad to see the Senator from New York rise as he did upon that occasion, and explain that the consumption was the true test and not the point of location where the money was collected. That is the substance of the speech as I find by looking it over to-day. If I dragged in politics, or made a mistake, I am unable, looking at the RECORD this morning, to see it. I was seeking to contend, as I always contend, that there will be no reform in the expenditures of this Government until there is a thorough reduction of expenses in the collection of customs, in the collection of internal revenue, and in the fleets that are sailing about along the sea-coast. I said that the Committees on Appropriations of both Houses would do well to turn their attention to those things, matters of great importance, instead of following the old routine and looking at the small things on which to work economy. I was seeking to secure a system of definite appropriations so as to have everything come under the supervision of Congress, in order that there might be an honest examination and responsibility somewhere. It never entered my mind that I was saying anything offensive to any Senator. I find that when the Senator from New York was through with an explanation of what I submitted, I replied to him thus:

> Mr. President, I said I was trying to avoid politics in the management of this bill, and I am determined to continue to do it. But the Senator from New York has answered his own argument made the other day to my satisfaction when he has said that the consumers paid the tax.

Therefore I wanted to avoid any further dispute. As to this particular bill, as the appropriations have been made, as the Congress of the United States have by making appropriations assumed jurisdiction over these rivers, as we have had appropriations for a long time for the Kanawha, and under the decision of the Supreme Court it having become a national work, it becomes matter of detail for Congress to determine what is the best way to carry it on.

That is all I care to say. I have nothing to do with this matter.

Mr. CONKLING. Having listened to the Senator from Kentucky I feel very much discouraged. I rose with a well-intended, I thought well-directed, effort to compliment him, to express some part of the admiration which I feel for him; and now the Senator has been commenting upon me as if I had failed entirely in my design and had been doing something else. Among other things, he denies stoutly that he quoted the Senator from New York. I did not say he did. Then with some vehemence he states a great variety of things that he says he did. I agree with him, he said all those things; he said them well; he did all those things; he did them well. Now let me tell him what I did allege, and although I was and intended to be jocose at the time, I will be now as serious as the Senator in stating this fact.

Some time ago, in addressing the Senate I took up the Finance Report and the Internal Revenue Report, and I read without note or comment, without one word of observation of my own, a table found in those books. First, the democratic press of the country raised an uproar about the unfairness of what I had done. Well, I had done nothing except to read these reports, but it was unfair and it was

untrue; I had charged that so many States paid so much of the revenue, or rather that so much of the revenue was gathered in certain States and that the residue was gathered in other States. The enormity of having made that statement was very generally commented on. Then five or six Senators in succession took the trouble in elaborately prepared addresses to reprimand me, to point out the wrong which I had done in this statement; and, after all that, what did the Senator from Kentucky do? Let me read from the RECORD. The Senator from Kentucky said:

> This list was made up for me by the gentleman in charge of the customs at the last session of Congress; and there is so much in it that the Senate ought to see that, if there is no objection, I will hand it to the Reporter and ask him to put it in the RECORD. I think it is a valuable paper.
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> Mr. ALLISON. Let us have it all in.
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> Mr. BECK. I thought Senators would want to see it.
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> The list is as follows.

Then follows a list of the revenue gathered in all the States, State by State, the customs duties, the internal revenue, exactly what I had read, I making, I repeat, no comment upon it whatever, not a word; and nobody thought, at least nobody said, that the honorable Senator from Kentucky had done anything unfair. I think no sane person could allege sincerely that he had done anything which he ought not to do. He made use of an official statement instructive in its character and he put it in the RECORD. Therefore I ventured this morning to banter the honorable Senator from Kentucky a little, and to congratulate him upon the impunity and the safety with which he could do a thing, meeting no challenge whatever, provoking no criticism, eliciting no comment whatever—the very thing which when I had done it drew upon me no end of railing accusation.

I thought that an imposing and rather touching tribute to the distinction and the character of the honorable Senator from Kentucky. I thought it showed the profound confidence which not only his brother Senators but the public and the rest of mankind feel in him; not a newspaper rebuked him, not a Senator found fault with him; and I could not help saying to myself, "Oh, that I had the authority, the persuasive force of the honorable Senator from Kentucky; then I might even go so far as to read an official statement without being called bad names for doing it." And when I have brought to the attention of the Senate this conspicuous proof of the eminence of the Senator from Kentucky, the respect not only but the endeared regard in which he is held and which protects him from unfriendly comment, he rises here in a resentful way and makes an argument or a statement as if really I had been doing something to him which ought not to be done in the interest of his constituents and of their illustrious representative upon this floor.

Although I shall not present any account to him and shall not insist that in strictness of speech he is bound to be grateful to me, and shall not argue that I have entitled myself to the lasting regard of the people of Kentucky by what I have done for their Senator, yet I do humbly submit to the honorable Senator from Kentucky that when I rise here to pay just and truthful tribute to him he shall not reward me with a stone and come back upon me ungraciously, even though I am not able to do as eloquently and as effectually as the honorable Senator would do, that is, seek to pay such a tribute to the representative of any other State as it was my humble purpose to pay to him.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Wisconsin, [Mr. CAMERON.]

Mr. HEREFORD. I desire to say that so far as the amendment proposed by the Senator from Wisconsin to this bill is concerned, I have no objection to the measure itself, except that if adopted as an amendment to the bill it necessarily sends the bill back to the House of Representatives, and between the two Houses it may fail. The Department need the authority provided for in this bill to go on with the work at once. I will say now to the Senate that it would afford me a great deal of pleasure as a substantive proposition to assist in the passage of the amendment at this session. I hope the Senator from Wisconsin in view of the fact, as I know he does not desire to cripple the bill or to embarrass it in any way, will withdraw the amendment.

Mr. CAMERON, of Wisconsin. I shall vote for the bill advocated by the Senator from West Virginia with a great deal of pleasure. I do not wish to embarrass it in any way. I think a bill embodying the substance of the amendment which I have offered can be passed before the adjournment of the present session of Congress; and not desiring to embarrass the passage of the bill at all, I will withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Mr. MORRILL. Mr. President, the democratic party seem to be undergoing so many changes of late that I hardly know where to find them. The present bill is an appendix to the act passed at the close of last session, appropriating $7,411,500. That act contained, I believe, more appropriations for what might be called unjustifiable objects than any other appropriation act of the sort that we have ever passed.

I desire to call the attention of the Senate not to any discussion that I propose, but to the position of the democratic party, not when the Maysville road bill was vetoed by General Jackson, but at a later date, to the message of President Polk. I ask the Secretary to read from his veto message of a river and harbor bill in 1847 that will be found on pages 134, 135, and 136 of the Sixteenth volume of Benton's Abridgment of the Debates of Congress some brief passages to which I desire to call the attention of my democratic friends in relation to these general appropriations for rivers and harbors.

The Chief Clerk read as follows:

> At the preceding session of Congress it became my duty to return with my objections to the House in which it originated a bill making similar appropriations and involving like principles; and the views then expressed remain unchanged.
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> The experience of several of the States, as well as that of the United States, during the period that Congress exercised the power of appropriating the public money for internal improvements is full of eloquent warnings. It seems impossible, in the nature of the subject as connected with local representation, that the several objects presented for improvement shall be weighed according to their respective merits, and appropriations confined to those whose importance would justify a tax on the whole community to effect their accomplishment.
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> * * * * * * *
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> Regarding only objects of improvement of the nature of those embraced in this bill, how inexhaustible we shall find them. Let the imagination run along our coast, from the river Saint Croix to the Rio Grande, and trace every river emptying into the Atlantic and Gulf of Mexico to its source; let it coast along our lakes, and ascend all their tributaries; let it pass to Oregon, and explore all its bays, inlets, and streams; and then let it raise the curtain of the future, and contemplate the extent of this Republic, and the objects of improvement it will embrace, as it advances to its high destiny, and the mind will be startled at the immensity and danger of the power which the principle of this bill involves.
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> * * * * * * *
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> What is denominated a harbor by this system does not necessarily mean a bay, inlet, or arm of the sea on the ocean or on our lake shores, on the margin of which may exist a commercial city or town engaged in foreign or domestic trade; but is made to embrace waters where there is not only no such city or town, but no commerce of any kind. By it a bay or sheet of shoal water is called a *harbor*, and appropriations demanded from Congress to deepen it, with a view to draw commerce to it, or to enable individuals to build up a town or city on its margin, upon speculation, and for their own private advantage.
>
> What is denominated a river, which may be improved, in the system, is equally undefined in its meaning. It may be the Mississippi, or it may be the smallest and most obscure and unimportant stream bearing the name of river which is to be found in any State in the Union.
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> * * * * * * *
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> Giving to the subject the most serious and candid consideration of which my mind is capable, I cannot perceive any intermediate grounds. The power to improve harbors and rivers for purposes of navigation, by deepening or cleaning out, by dams and sluices, by locking or canaling, must be admitted without any other limitation than the discretion of Congress, or it must be denied altogether. If it be admitted, how broad and how susceptible of enormous abuses is the power thus vested in the General Government! There is not an inlet of the ocean or the lakes, not a river, creek, or streamlet within the States, which is not brought for this purpose within the power and jurisdiction of the General Government.

Mr. MORRILL. That is all, Mr. President.

The bill was reported to the Senate without amendment, ordered to a third reading, and read the third time.

The PRESIDING OFFICER. The question is, Shall the bill pass?

Mr. CONKLING. For the reason particularly among others that this bill includes the power to condemn private property in order to construct these locks, I ask for the yeas and nays upon its passage. I should like to have the sense of the Senate upon the bill.

The yeas and nays were ordered; and the Secretary called the roll.

Mr. ANTHONY, (after having voted in the negative.) I voted inadvertently. I am paired with the Senator from Georgia, [Mr. GORDON.] Although I do not know how he would vote on this question, I prefer to withdraw my vote.

Mr. FARLEY, (after having voted in the affirmative.) I am paired with the Senator from Nevada, [Mr. JONES.] I am unable to say how he would vote on this question.

Mr. DAVIS, of West Virginia. The Senator certainly does not call this a political question.

Mr. FARLEY. I know it is not, but under the circumstances I do not know whether I would be justified in voting.

Mr. DAVIS, of West Virginia. The Senator must see, of course, that there is no politics in the bill. If he is paired on political questions, certainly the pair would not extend to this vote; for I see that Senators on either side have voted for and against the bill.

Mr. CONKLING. Did the Senator hear the Senator from Rhode Island withdraw his vote because he was paired?

The PRESIDING OFFICER. Does the Senator from California withdraw his vote?

Mr. FARLEY. No, sir; I have not yet done so. The reason why I made the suggestion was because I understand the Senator from Nevada is a member of the Committee on Commerce. I do not know what his action was in the committee.

Mr. HEREFORD. I will state that the Senator from Nevada was not present at the time the committee acted upon the bill.

Mr. FARLEY. I will, then, let my vote stand.

Mr. CONKLING. I wish to inquire whether the Senator from California withdrew his vote?

Mr. FARLEY. I did not, for the reason that I understand the Senator from Nevada has not taken any part in this matter either as a member of the committee or as a member of the Senate. It not being a political question, I apprehend that my pair does not extend to it.

Mr. CONKLING. I took the liberty of making the inquiry, not with the view of interfering with this pair, but because there is one pair at least somewhat in my charge, and because the Senator from Rhode Island on my right [Mr. ANTHONY] withdrew his vote, he being paired with the Senator from Georgia, [Mr. GORDON,] he declaring that he does not know at all how that Senator would vote on this question. He is paired on political questions and he withdrew his vote.

Mr. FARLEY. Under the circumstances, my own judgment is that I ought not to vote. Therefore I withdraw my vote.

Mr. RANSOM, (after having voted in the affirmative.) I desire to say that I am paired this week with the Senator from Massachusetts, [Mr. HOAR.] Not thinking that this was a political question and knowing that his colleague [Mr. DAWES] had charge of the pair in connection with myself, I consulted with him and we determined that it was not political and I voted.

Mr. MCMILLAN. I desire to announce that the Senator from Colorado [Mr. TELLER] is necessarily absent from the Senate. He is paired on all questions upon which they would differ, with the Senator from Virginia, [Mr. JOHNSTON.] I do not know how either Senator would vote in this case.

The result was announced—yeas 29, nays 14; as follows:

YEAS—29.

Allison,	Coke,	Jonas,	Voorhees,
Bayard,	Davis of W. Va.,	Jones of Florida,	Walker,
Beck,	Ferry,	McMillan,	Whyte,
Bruce,	Garland,	Maxey,	Williams,
Burnside,	Hampton,	Morgan,	Windom.
Call,	Hereford,	Ransom,	
Cameron of Pa.,	Hill of Colorado,	Slater,	
Cameron of Wis.,	Houston,	Vance,	

NAYS—14.

Bailey,	Dawes,	Harris,	Saulsbury,
Bell,	Eaton,	Kernan,	Saunders.
Chandler,	Edmunds,	Morrill,	
Conkling,	Grover,	Rollins,	

ABSENT—33.

Anthony,	Groome,	Lamar,	Sharon,
Blaine,	Hamlin,	Logan,	Teller,
Booth,	Hill of Georgia,	McDonald,	Thurman,
Butler,	Hoar,	McPherson,	Vest,
Carpenter,	Ingalls,	Paddock,	Wallace,
Cockrell,	Johnston,	Pendleton,	Withers.
Davis of Illinois,	Jones of Nevada,	Platt,	
Farley,	Kellogg,	Plumb,	
Gordon,	Kirkwood,	Randolph,	

So the bill was passed.

Mr. ANTHONY. I should like to have the title of the bill read.

The PRESIDING OFFICER. The Secretary will report the title.

The Chief Clerk read the title, as follows:

A bill to amend an act entitled "An act making appropriations for the construction, repair, preservation, and completion of certain works on rivers and harbors, and for other purposes," approved March 4, 1879.

Mr. ANTHONY. How could an act be approved on March 4 when Congress was not in session on March 4?

The PRESIDING OFFICER. Does the Senator from Rhode Island propose to amend the title?

Mr. ANTHONY. I raise the question. I do not propose to amend it because I do not know but that the enrolled act bears that date; but if it does it is incorrect.

Mr. EDMUNDS. If it does, it is not a good law; that is all.

Mr. ANTHONY. Congress was not in session on the 4th of March and the bill could not have been signed on that day.

Mr. HEREFORD. The print says that the act was approved March 4.

Mr. ANTHONY. The enrolled act?

Mr. HEREFORD. The printed law says that it was approved March 4. I hold the law in my hand.

Mr. ANTHONY. It could not have been legally approved on that day.

Mr. HEREFORD. "Approved March 4, 1879," says the printed official copy.

Mr. ANTHONY. If it was approved on the 4th of March it is not a law, I take it. I leave it to the lawyers to settle that question, however.

The PRESIDING OFFICER. Shall the title stand as reported? No amendment being proposed, the title will stand as reported.

POST-ROUTE BILL.

Mr. MAXEY. I move that the Senate proceed to the consideration of the bill (H. R. No. 2020) to establish post-routes. I will state to the Senate that the bill contains nothing whatever except what it purports to contain, the establishment of post-routes.

Mr. EDMUNDS. When was the bill reported?

Mr. MAXEY. It was reported from the Senate Committee on Post-Offices and Post-Roads on the 29th of May, with amendments.

Mr. EDMUNDS. I did not know that it had been reported.

Mr. MAXEY. It was reported and printed with the amendments.

The PRESIDING OFFICER. The question is on the motion of the Senator from Texas, that the Senate proceed to the consideration of the bill named by him.

The motion was agreed to.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole.

Mr. EDMUNDS. I hope the Senator from Texas, as there is nothing pressing, now that the bill is up, will allow the matter to go over until to-morrow and permit me to move an adjournment. I should like to look at it in the mean time, and this may save the trouble of reading it.

Mr. MAXEY. I have no objection to the suggestion whatever. As I understand that there are some Senators who have not yet presented their amendments, I will state that I am anxious to get the bill disposed of, because the Senate committee have put in a great many amendments, and the bill will necessarily have to go back to the House. We lost one post-route bill a year or so ago by keeping it too long, and I want this bill to reach the House in time to secure its passage. I have no objection whatever to allowing it to go over as the unfinished business to be taken up in the morning.

Mr. MCMILLAN. Before the bill is disposed of for to-day, I ask——

The PRESIDING OFFICER. Does the Senator from Vermont yield?

Mr. EDMUNDS. I yield to anybody, only reserving the floor, if I may, with the right to move an adjournment.

Mr. MCMILLAN. I desire to offer two amendments to the post-route bill. I send them to the Chair.

The PRESIDING OFFICER. What disposition does the Senator desire shall be made of the amendments?

Mr. MCMILLAN. Let them lie on the table.

Mr. EDMUNDS. Does not the rule require them to be referred?

Mr. MCMILLAN. Then I ask that they be referred to the Committee on Post-Offices and Post-Roads.

The PRESIDING OFFICER. It is so ordered.

Mr. CALL. I offer an amendment to the post-route bill now before the Senate.

The PRESIDING OFFICER. The amendment will be referred to the Committee on Post-Offices and Post-Roads.

Mr. MAXEY. I ask that all the amendments may be considered as lying on the table that have been referred to the committee, to be considered with the bill when it comes up for action.

Mr. EDMUNDS. I renew my motion to adjourn if no other Senator wishes to address the Chair.

Mr. BECK. I ask if it will be in order for me to give notice that to-morrow when the bill is up I shall offer an amendment to the post-route bill that I have not yet had printed, declaring all the present public highways in the United States post-routes, and authorizing the Postmaster-General to put service upon them when the public interests so require.

Mr. MAXEY. That amendment I am not authorized to accept; because that would be entirely new legislation, and would not be the establishment of post-routes in accordance with the Constitution.

Mr. EDMUNDS. It would be in order to move it probably for the consideration of the Senate. That is all; the Senator from Kentucky gives notice of it.

Mr. MAXEY. I should like to have one day's notice of that.

Mr. BECK. I give notice that I shall move the amendment to-morrow. I will present it in writing in the mean time.

Mr. EDMUNDS. I do not know but that the rule requires that all amendments to a post-route bill shall go to the Committee on Post-Offices and Post-Roads. If it does, the Senator from Kentucky had better submit his amendment and have it go to the committee, and then it will be in order to-morrow.

Mr. BECK. I cannot lay my hand on it at this moment. I had it lying on my desk.

Mr. EDMUNDS. I dare say there will be unanimous consent to treat it as if it were referred.

Mr. BECK. It is the amendment I offered at the last session. I will refer it to the committee. I will send it to the chairman in a moment.

Mr. EDMUNDS. I presume there will be no objection to the suggestion I make, that the amendment proposed by the Senator from Kentucky be treated as duly received and referred. We all know what it is.

The PRESIDING OFFICER. Is there unanimous consent that the amendment suggested by the Senator from Kentucky shall be so treated? The Chair hears no objection, and it is so ordered.

Mr. EDMUNDS. Now I move that the Senate adjourn.

The motion was agreed to; and (at two o'clock and forty-seven minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *June* 2, 1879.

The House met at twelve o'clock m. Prayer by Rev. DAVID WILLS, D. D.

The Journal of Thursday last was read and approved.

SWEARING IN OF A MEMBER-ELECT.

Mr. REAGAN. I rise to a privileged question. Mr. Columbus Upson, member-elect from the sixth congressional district of the State of Texas, is present and desires to be sworn in.

The SPEAKER. The Chair has had placed in his hands the certificate of the governor of the State of Texas, which will not be read unless demanded.

Mr. CONGER. What does it relate to?

The SPEAKER. It relates to the election of a member to this House.

Mr. CONGER. That is a privileged question.

The SPEAKER. The practice has been not to read these certificates.

Mr. CONGER. Let it be published in the RECORD.

The SPEAKER. There being no objection, the certificate will be published in the RECORD.

The certificate is as follows:

THE STATE OF TEXAS, EXECUTIVE OFFICE.

I, O. M. Roberts, governor of Texas, do hereby certify that the returns of an election held on the 15th day of April, A. D. 1879, in the counties composing the sixth congressional district of the State of Texas, for Representative in the Forty-sixth Congress of the United States, show that Columbus Upson received the highest number of votes given for said office, and I hereby declare that Columbus Upson has been duly elected to said office of Representative in the United States Congress from the sixth congressional district of this State to fill the vacancy occasioned by the death of Hon. Gustave Schleicher, Representative from said district.

In testimony whereof I hereto sign my name and cause the seal of State to be affixed at the city of Austin, this 26th day of May, A. D. 1879.

[SEAL.] O. M. ROBERTS, *Governor.*

By the governor.

JOHN D. TEMPLETON, *Secretary of State.*

Mr. UPSON appeared and qualified by taking the oath prescribed by section 1757 of the Revised Statutes.

CORRECTION.

Mr. SPEER. I find it stated in the CONGRESSIONAL RECORD of the 18th May that I presented certain papers relating to the claim of Joel A. Billups for compensation for property taken by United States authorities in May or June, 1865, which were referred to the Committee of Claims. I desire to state I presented no such papers, and was in the State of Georgia when the papers were presented, if they were presented.

ORDER OF BUSINESS.

The SPEAKER. The morning hour begins at ten minutes past twelve o'clock. This being Monday, the first business in order is the call of States and Territories, commencing with the State of Maine, for the introduction of bills and joint resolutions for reference to appropriate committees, not to be brought back on a motion to reconsider. Under this call joint resolutions and memorials of State and territorial Legislatures are in order. Under this call, also, resolutions calling upon the Executive Departments for information will be in order for reference to appropriate committees.

Mr. SPRINGER. I ask unanimous consent that the call be extended until all the States and Territories have been gone through.

Mr. CONGER. I object.

Mr. DUNNELL. I hope the gentleman from Michigan will withdraw the objection.

Mr. SPRINGER. I also hope the gentleman will withdraw the objection. Unless this unanimous consent is given some States may not be reached.

Mr. CONGER. I do not withdraw the objection.

WORKINGMEN OF THE DISTRICT OF COLUMBIA.

Mr. MURCH introduced a joint resolution (H. R. No. 76) to provide for the speedy payment of the workingmen of the District of Columbia; which was read a first and second time.

Mr. MURCH. I move that the rules be suspended and that the joint resolution be put on its passage.

The SPEAKER. The motion is not in order at this time.

The joint resolution was referred to the Committee on Appropriations, and ordered to be printed.

CAPTAIN F. V. STEWART.

Mr. FRYE introduced a bill (H. R. No. 2026) for the relief of Captain F. V. Stewart, late assistant quartermaster United States volunteers; which was read a first and second time, and referred to the Committee on War Claims.

ELECTION OF SENATORS.

Mr. FARR introduced a bill (H. R. No. 2027) to amend section 14, chapter 1 of title 2 of the Revised Statutes, relating to the election of Senators; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

BARK ROBERT MORRISON.

Mr. CRAPO introduced a bill (H. R. No. 2028) authorizing the change of the name of the bark Robert Morrison; which was read a first and second time, and referred to the Committee on Commerce.

ALBERT F. HOWLAND.

Mr. CRAPO also introduced a bill (H. R. No. 2029) granting an increase of pension to Albert F. Howland; which was read a first and second time, and referred to the Committee on Invalid Pensions.

WILLIAM G. BUDLONG.

Mr. ALDRICH, of Rhode Island, introduced a bill (H. R. No. 2030) for the relief of William G. Budlong; which was read a first and second time, and referred to the Committee on Patents.

JOHN N. HAY.

Mr. BAILEY introduced a bill (H. R. No. 2031) granting a pension to John N. Hay, of Cohoes, New York; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JAMES S. GRISWOLD.

Mr. COX introduced a bill (H. R. No. 2032) granting a pension to James S. Griswold; which was read a first and second time, and referred to the Committee on Invalid Pensions.

AMERICAN ISRAELITES IN RUSSIA.

Mr. COX also introduced a joint resolution (H. R. No. 77) in relation to treaty negotiations with Russia as to American Israelites; which was read a first and second time, referred to the Committee on Foreign Affairs, and ordered to be printed.

GOVERNMENT LANDS IN NEW YORK STATE.

Mr. HAMMOND, of New York, introduced a bill (H. R. No. 2033) to authorize the Secretary of War to release certain lands of the United States to the people of the State of New York; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

JOSEPH K. AND EDWARD E. KILLBOURN.

Mr. ROSS introduced a bill (H. R. No. 2034) for the relief of Joseph K. Killbourn and Edward E. Killbourn; which was read a first and second time, and referred to the Committee on Patents.

PUBLIC BUILDING AT ALTOONA, PENNSYLVANIA.

Mr. COFFROTH introduced a bill (H. R. No. 2035) to provide for the purchase of a suitable site and the erection of a public building in the city of Altoona, Pennsylvania; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JOSIAH T. CROUCH.

Mr. COFFROTH also introduced a bill (H. R. No. 2036) to remove the charge of desertion from the military record of Josiah T. Crouch, late private Company I, Twenty-first Pennsylvania Reserve Cavalry Volunteers; which was read a first and second time, and referred to the Committee on Military Affairs.

JOSEPH P. SWOPE.

Mr. COFFROTH also introduced a bill (H. R. No. 2037) to remove the charge of desertion from the military record of Joseph P. Swope, Company A, Eleventh Pennsylvania Cavalry Volunteers; which was read a first and second time, and referred to the Committee on Military Affairs.

JOHN R. EDIE.

Mr. COFFROTH also introduced a bill (H. R. No. 2038) to authorize the restoration of John R. Edie, late lieutenant-colonel of the Eighth Infantry, to the rank he held in the Army of the United States at the time he was honorably discharged; which was read a first and second time, and referred to the Committee on Military Affairs.

JACOB J. SMITH.

Mr. COFFROTH also introduced a bill (H. R. No. 2039) granting a pension to Jacob J. Smith, first lieutenant Company H, Twelfth Regiment of Pennsylvania Cavalry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

RUFUS CRISSY.

Mr. COFFROTH also introduced a bill (H. R. No. 2040) granting a pension to Rufus Crissy; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JAMES AARON.

Mr. COFFROTH also introduced a bill (H. R. No. 2041) granting a pension to James Aaron, Company F, Ninety-first Regiment Pennsylvania Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

P. A. AHL & BROTHER.

Mr. BELTZHOOVER introduced a bill (H. R. No. 2042) to enable the Court of Claims to hear and determine the claim of P. A. Ahl & Brother, of Pennsylvania, for iron taken and used by the United States engineers; which was read a first and second time, and referred to the Committee on the Judiciary.

MARY A. MURRAY.

Mr. BELTZHOOVER also introduced a bill (H. R. No. 2043) granting a pension to Mary A. Murray, widow of Douglas A. Murray, late a lieutenant-colonel of the Third Regiment of Ohio Cavalry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MARTHA J. PORTER.

Mr. BELTZHOOVER also introduced a bill (H. R. No. 2044) granting a pension to Martha J. Porter, widow of William M. Porter, late a captain in the One hundred and thirtieth Regiment Pennsylvania Volunteer Infantry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

DAVID L. M'DERMOTT.

Mr. BELTZHOOVER also introduced a bill (H. R. No. 2045) granting a pension to David L. McDermott, late a private in Company K, One hundred and seventh Regiment Pennsylvania Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JOSEPH L. LEWIS.

Mr. CLYMER introduced a bill (H. R. No. 2046) to authorize a compromise of the claims of the United States under the will of Joseph

L. Lewis; which was read a first and second time, and referred to the Committee of Ways and Means.

MAJOR JOSEPH C. WEST.

Mr. WISE introduced a bill (H. R. No. 2047) granting a full pension to Major Joseph C. West; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MRS. ELIZABETH LONG.

Mr. WISE also introduced a bill (H. R. No. 2048) granting a pension to Mrs. Elizabeth Long, widow of Lieutenant-Colonel Andrew K. Long; which was read a first and second time, and referred to the Committee on Invalid Pensions.

CALVIN CONNER.

Mr. WISE also introduced a bill (H. R. No. 2049) granting a pension to Calvin Conner, a soldier in the late war; which was read a first and second time, and referred to the Committee on Invalid Pensions.

T. FRANCIS VAN SWARTTOUW.

Mr. WISE also introduced a bill (H. R. No. 2050) granting an increase of pension to T. Francis Van Swarttouw, a soldier in the late war; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MRS. ELLEN ENGLE.

Mr. WISE also introduced a bill (H. R. No. 2051) granting a pension to Mrs. Ellen Engle, widow of Solomon Engle, a soldier in the late war; which was read a first and second time, and referred to the Committee on Invalid Pensions.

INTERNAL REVENUE, ETC.

Mr. WISE also introduced a bill (H. R. No. 2052) to regulate the value of money issued by authority of the United States and to provide further internal revenue for the Government; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

MASONIC BANK, PITTSBURGH, PENNSYLVANIA.

Mr. ERRETT introduced a bill (H. R. No. 2053) to authorize the assistant treasurer of the United States at New York to waive enforcement of section 3477 of the Revised Statutes so far as the same affects certain drafts upon him now held by the Masonic Bank of Pittsburgh, Pennsylvania; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed,

PHILIP FRANCIS RENAULT.

Mr. YOCUM (by request) introduced a bill (H. R. No. 2054) for the relief of the heirs of Philip Francis Renault; which was read a first and second time, and referred to the Committee on War Claims.

JOHN GRIFFIN.

Mr. OVERTON introduced a bill (H. R. No. 2055) granting a pension to John Griffin, late of the Eleventh Pennyslvania Cavalry Regiment; which was read a first and second time, and referred to the Committee on Invalid Pensions.

PUBLIC BUILDING, READING, PENNSYLVANIA.

Mr. CLYMER introduced a bill (H. R. No. 2056) to provide for the purchase of a suitable site and the erection of a public building in the city of Reading, Pennsylvania; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

LEVI PRICE.

Mr. URNER introduced a bill (H. R. No. 2057) for the relief of Levi Price; which was read a first and second time, and referred to the Committee of Ways and Means.

REDMOND TULLY.

Mr. URNER also introduced a bill (H. R. No. 2058) for the relief of Redmond Tully; which was read a first and second time, and referred to the Committee on Military Affairs.

BERNARD BRADY.

Mr. URNER also introduced a bill (H. R. No. 2059) granting an increase of pension to Bernard Brady; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JUSTICES OF THE PEACE, DISTRICT OF COLUMBIA.

Mr. HUNTON introduced a bill (H. R. No. 2060) extending the jurisdiction of justices of the peace in the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

REVISION OF LAWS FOR THE DISTRICT OF COLUMBIA.

Mr. HUNTON also introduced a bill (H. R. No. 2061) to revise, consolidate, and amend certain acts of the late corporations of Washington, of Georgetown, of the levy court of the county of Washington, and of the Legislative Assembly; the ordinances of the late board of health of the District of Columbia; certain regulations of the commissioners of the District of Columbia made in pursuance of the provisions of the act of Congress approved June 11, 1878, and certain acts of Congress having relation to municipal affairs in the District of Columbia; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

PAYMENT OF JUDGMENTS.

Mr. RICHMOND introduced a bill (H. R. No. 2062) to amend and re-enact section 3220 of the Revised Statutes of the United States so as to provide for the payment of judgments obtained under it as judgments of the Court of Claims are now paid; which was read a first and second time.

Mr. RICHMOND moved that the bill be referred to the Committee on the Revision of the Laws.

Mr. CONGER. I think that bill should go to the Committee on the Judiciary.

The question was taken upon the amendment of Mr. CONGER; and upon a division there were—ayes 46, noes 3.

Mr. RICHMOND. I have no objection to the bill being referred to the Committee on the Judiciary.

The bill was accordingly referred to the Committee on the Judiciary, and ordered to be printed.

TAXES ON DIVIDENDS OF CORPORATIONS.

Mr. SCALES introduced a bill (H. R. No. 2063) to amend sections 3227 and 3228 of the Revised Statutes of the United States, so that the statutes of limitations will not apply to claims of corporations for taxes erroneously paid by them to the Internal Revenue department on dividends declared in favor of any State; which was read a first and second time.

Mr. SCALES moved to refer the bill to the Committee on the Revision of the Laws.

Mr. CONGER. That bill evidently should go either to the Committee on the Judiciary or to the Committee of Ways and Means. It relates to a change of taxes.

Mr. SCALES. I thought it ought to go to the Committee on the Revision of the Laws, but I have no objection to its going, as the gentleman suggests, to the Committee of Ways and Means.

The bill was accordingly referred to the Committee of Ways and Means, and ordered to be printed.

LEVI WRIGHT.

Mr. MARTIN, of North Carolina, introduced a bill (H. R. No. 2064) for the relief of Levi Wright, of North Carolina; which was read a first and second time, and referred to the Committee on Invalid Pensions.

HELEN WATTS.

Mr. MARTIN, of North Carolina, also introduced a bill (H. R. No. 2065) for the relief of Helen Watts; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

OWNERS OF LAND SOLD FOR DIRECT TAXES.

Mr. TILLMAN introduced a bill (H. R. No. 2066) for the relief of owners of land sold for direct taxes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PUBLIC BUILDINGS AT BRUNSWICK, GEORGIA.

Mr. NICHOLLS introduced a bill (H. R. No. 2067) to appropriate the sum of $100,000 to build a custom-house and post-office in the city of Brunswick, State of Georgia; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

JURORS IN UNITED STATES COURTS.

Mr. HERBERT introduced a bill (H. R. No. 2068) to repeal sections 801, 820 and 821 of the Revised Statutes, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

FUNDING OF UNITED STATES BONDS.

Mr. SAMFORD introduced a bill (H. R. No. 2069) to prohibit the funding of United States bonds payable in Treasury notes into coin bonds; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

PUBLIC LANDS.

Mr. LOWE introduced a bill (H. R. No. 2070) to repeal in part the act of June 21, 1866, entitled "An act for the disposal of public lands," &c.; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

AMENDMENT OF REVISED STATUTES.

Mr. LOWE also introduced a bill (H. R. No. 2071) to modify and repeal in part section 5485 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SUBSTITUTION OF LEGAL-TENDERS FOR NATIONAL-BANK PAPER.

Mr. LOWE also introduced a bill (H. R. No. 2072) to substitute United States legal-tender greenback money for national-bank notes; which was read a first and second time.

Mr. LOWE. Mr. Speaker, on behalf of the people I move to suspend the rules and put this bill on its passage.

The SPEAKER. The motion is not in order during the morning hour.

The bill was referred to the Committee on Banking and Currency, and ordered to be printed.

W. W. WELSH.

Mr. SINGLETON, of Mississippi, introduced a bill (H. R. No. 2073) for the relief of W. W. Welsh; which was read a first and second time, and referred to the Committee of Claims.

NANCY SMITH AND OTHERS.

Mr. SINGLETON, of Mississippi, also introduced a bill (H. R. No. 2074) for the relief of Nancy Smith and others; which was read a first and second time, and referred to the Committee of Claims.

REMOVAL OF PAWNEE AND OTHER INDIANS.

Mr. MANNING submitted the following resolution; which was referred to the Committee on Indian Affairs:

Resolved, That the Secretary of the Interior be directed to inform this House, first, at what date the Pawnee, Modoc, and Nez Percé Indians were removed to the Indian Territory; second, what the populations of said Indians were respectively at the time of such removal; and, third, how many have died since such removal.

Mr. MANNING. Mr. Speaker, is it indispensable that this resolution be referred? Could it not be acted on at once?

The SPEAKER. No resolution can be offered for action during the morning hour of Monday. Under the new rule resolutions seeking information from the Executive Departments may be offered for reference to appropriate committees, which are required to report upon them within one week.

AMANDA J. M'FADDIN.

Mr. MANNING also introduced a bill (H. R. No. 2075) granting a pension to Amanda J. McFaddin; which was read a first and second time, and referred to the Committee on Invalid Pensions.

SOUTHERN CLAIMS COMMISSION.

Mr. HOOKER introduced a bill (H. R. No. 2076) to amend the act establishing the southern claims commission so as to extend the same to the Indian tribes; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

UNLAWFUL HANDLING OF MAIL MATTER.

Mr. MANNING (for Mr. MONEY, absent on leave) introduced a bill (H. R. No. 2077) to prevent the unlawful handling and carrying of mail matter; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be prined.

SCHEDULES OF MAIL-ROUTES.

Mr. MANNING also (for Mr. MONEY, absent on leave) introduced a bill (H. R. No. 2078) to provide for regulating the manner of expediting schedules of mail-routes; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

HEIRS OF CAPTAIN J. H. DENT, UNITED STATES NAVY.

Mr. ELLIS introduced a bill (H. R. No. 2079) to allow arrears of pension to the heirs of the widow of Captain J. H. Dent, United States Navy; which was read a first and second time, and referred to the Committee on Invalid Pensions.

BATON ROUGE ARSENAL PROPERTY.

Mr. ACKLEN introduced a joint resolution (H. R. No. 78) to transfer the barracks and arsenal property in the town of Baton Rouge, State of Louisiana, to the trustees of the Louisiana State University and Agricultural and Mechanical College, for the use and accommodation of said college; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

UNITED STATES BOARD OF TRADE, ETC.

Mr. ACKLEN also introduced a bill (H. R. No. 2080) to incorporate the United States Board of Trade, Manufactures, Commerce, and Agriculture, and for other purposes; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CHARLOTTE BUCK.

Mr. MONROE introduced a bill (H. R. No. 2081) granting a pension to Charlotte Buck, of Norwalk, Ohio; which was read a first and second time, and referred to the Committee on Invalid Pensions.

VALENTINE NEIDIG.

Mr. FINLEY introduced a bill (H. R. No. 2082) granting a pension to Valentine Neidig; which was read a first and second time, and referred to the Committee on Invalid Pensions.

FRANCIS M. CLUTTEE.

Mr. FINLEY also introduced a bill (H. R. No. 2083) granting a pension to Francis M. Cluttee; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JACOB RICE.

Mr. FINLEY also introduced a bill (H. R. No. 2084) granting a pension to Jacob Rice; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JOHN PARKER.

Mr. FINLEY also introduced a bill (H. R. No. 2085) granting a pension to John Parker; which was read a first and second time, and referred to the Committee on Invalid Pensions.

DANIEL SPEAR.

Mr. FINLEY also introduced a bill (H. R. No. 2086) granting a pension to Daniel Spear, late private Company E, Eighth Regiment Kansas Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ADDITIONAL BOUNTY.

Mr. FINLEY also introduced a bill (H. R. No. 2087) to provide for the payment of additional bounty to the soldiers of the Army of the United States during the war of the rebellion; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ABOLITION OF COURT OF CLAIMS.

Mr. FINLEY also (by request) introduced a bill (H. R. No. 2088) to repeal the acts establishing the Court of Claims; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

PUBLIC BUILDING, PORTSMOUTH, OHIO.

Mr. NEAL introduced a bill (H. R. No. 2089) appropriating money to purchase a site and erect a post-office at the city of Portsmouth, State of Ohio; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

SOLDIERS' CEMETERY, GALLIPOLIS, OHIO.

Mr. NEAL also introduced a bill (H. R. No. 2090) to authorize the Secretary of War to furnish condemned cannon for the soldiers' cemetery at Gallipolis, Ohio; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HEYL'S UNITED STATES IMPORT DUTIES.

Mr. GARFIELD introduced a joint resolution (H. R. No. 79) to supply Congress with Heyl's United States Import Duties; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

NOAH L. PAYNE.

Mr. PHISTER introduced a bill (H. R. No. 2091) for the benefit of Noah L. Payne, late a private in Company K of the Fourteenth Regiment Kentucky Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ELECTION OF MEMBERS OF CONGRESS.

Mr. PHISTER also introduced a bill (H. R. No. 2092) modifying section 27 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee of Elections, and ordered to be printed.

ISAAC LYKINS.

Mr. PHISTER also introduced a bill (H. R. No. 2093) for the benefit of Isaac Lykins, of Lewis County, Kentucky, late a private of Captain Peter T. Hedges's Company G, Twenty-fourth Regiment of Kentucky Infantry Volunteers; which was read a first and second time, and referred to the Committee on Military Affairs.

JOSHUA T. HARRY.

Mr. PHISTER also introduced a bill (H. R. No. 2094) for the relief of Joshua T. Harry, of Rowan County, Kentucky, late sergeant in Company F, Twenty-fourth Regiment of Kentucky Volunteer Infantry, and later a member of Company K, Sixth Kentucky Cavalry; which was read a first and second time, and referred to the Committee on Military Affairs.

S. W. TANNER.

Mr. McKENZIE introduced a bill (H. R. No. 2095) granting a pension to S. W. Tanner, late a private in Company A, Thirty-fifth Regiment Kentucky Mounted Infantry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

O. S. PARKER.

Mr. McKENZIE introduced a bill (H. R. No. 2096) granting a pension to O. S. Parker, of Christian County, Kentucky; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JOHN W. WILLIAMS.

Mr. THOMAS TURNER introduced a bill (H. R. No. 2097) for the benefit of John W. Williams, of Powell County, Kentucky; which was read a first and second time, and referred to the Committee of Claims.

EDWARD B. CLARK.

Mr. WILLIS introduced a bill (H. R. No. 2098) for the relief of the heirs of Edward B. Clark; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

BRANDEIS & CRAWFORD.

Mr. WILLIS also introduced a bill (H. R. No. 2099) for the relief of Brandeis & Crawford, of Louisville, Kentucky; which was read a first and second time, and referred to the Committee on War Claims.

H. S. SAUNDERS.

Mr. WILLIS also introduced a bill (H. R. No. 2100) for the relief of

H. S. Saunders, of Jefferson County, Kentucky; which was read a first and second time, and referred to the Committee on War Claims.

GOVERNMENT OF THE DISTRICT.

Mr. WILLIS also (by request) introduced a bill (H. R. No. 2101) to amend an act entitled "An act to provide a permanent form of government for the District of Columbia," approved June 11, 1878; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

RETIRED LIST IN UNITED STATES NAVY.

Mr. WHITTHORNE introduced a bill (H. R. No. 2102) to amend the laws relating to the retired list in the United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

JONES C. BEENE.

Mr. DIBRELL introduced a bill (H. R. No. 2103) for the relief of Jones C. Beene, postmaster at South Pittsburgh, Tennessee; which was read a first and second time, and referred to the Committee of Claims.

SALARY OF THE PRESIDENT OF THE UNITED STATES.

Mr. McMILLIN introduced a bill (H. R. No. 2104) to reduce the salary of the President of the United States; which was read a first and second time, referred to the Committee on Reform in the Civil Service, and ordered to be printed.

JAMES MORELAND.

Mr. McMILLIN also introduced a bill (H. R. No. 2105) granting a pension to James Moreland; which was read a first and second time, and referred to the Committee on Invalid Pensions.

RELIEF OF DISTILLERS.

Mr. HOUSE introduced a bill (H. R. No. 2106) for the relief of distillers of spirits by the repayment of money expended or deposited by them for Tice meters with United States internal-revenue officers; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

JOHN W. CHURCHWELL.

Mr. TAYLOR introduced a bill (H. R. No. 2107) granting a pension to John W. Churchwell, of Sullivan County, Tennessee; which was read a first and second time, and referred to the Committee on Invalid Pensions.

GEORGE C. CLOUD.

Mr. TAYLOR also introduced a bill (H. R. No. 2108) granting a pension to George C. Cloud, of Sullivan County, Tennessee; which was read a first and second time, and referred to the Committee on Invalid Pensions.

TREADWELL S. AYRES.

Mr. YOUNG, of Tennessee, introduced a bill (H. R. No. 2109) for the relief of Treadwell S. Ayres; which was read a first and second time, and referred to the Committee on War Claims.

QUININE AND PERUVIAN BARK.

Mr. YOUNG, of Tennessee, also introduced a bill (H. R. No. 2110) to provide for the importation of quinine and Peruvian bark free of duty; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

PAYMENT OF MAIL CONTRACTORS.

Mr. YOUNG, of Tennessee, also introduced a joint resolution (H. R. No. 80) to apply the amount appropriated by the act of Congress approved March 3, 1877, to pay certain mail contractors; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

JORDAN A. LIVELY.

Mr. HOUK introduced a bill (H. R. No. 2111) granting a pension to Jordan A. Lively, of Anderson County, Tennessee; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JOHN W. HICKLE.

Mr. HOUK also introduced a bill (H. R. No. 2112) granting a pension to John W. Hickle, of Union County, Tennessee; which was read a first and second time, and referred to the Committee on Invalid Pensions.

WILLIAM R. DUNCAN.

Mr. HOUK also introduced a bill (H. R. No. 2113) granting a pension to William R. Duncan; which was read a first and second time, and referred to the Committee on Invalid Pensions.

WILLIAM C. SMITH.

Mr. HOUK also introduced a bill (H. R. No. 2114) granting a pension to William C. Smith; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MRS. MARGARET J. BIRD.

Mr. HOUK also introduced a bill (H. R. No. 2115) to grant a pension to Mrs. Margaret J. Bird, widow of James A. Bird, deceased, late second lieutenant Company —, Second Tennessee Infantry Volunteers, United States Army of the war of 1861; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ASSISTANT ATTORNEY-GENERAL FOR THE POST-OFFICE DEPARTMENT

Mr. HOUK also introduced a bill (H. R. No. 2116) to further regulate and define the duties and compensation of the Assistant Attorney-General for the Post-Office Department, and for other purposes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MORGAN RAID IN INDIANA.

Mr. NEW introduced a bill (H. R. No. 2117) to provide for the payment of claimants for property taken, used, or destroyed in the Morgan raid, in the State of Indiana; which was read a first and second time, and referred to the Committee on War Claims.

JOHN B. LYNCH.

Mr. NEW (by request) also introduced a bill (H. R. No. 2118) granting a pension to John B. Lynch, late private Company D, Third Regiment Indiana Cavalry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

HORACE HEFFREN.

Mr. BICKNELL introduced a bill (H. R. No. 2119) granting a pension to Horace Heffren; which was read a first and second time, and referred to the Committee on Invalid Pensions.

BERNARD BRADY.

Mr. BICKNELL also introduced a bill (H. R. No. 2120) granting a pension to Bernard Brady; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JOHN B. LYNCH.

Mr. HOSTETLER introduced a bill (H. R. No. 2121) granting a pension to John B. Lynch, late private Company D, Third Regiment Indiana Cavalry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

PEACE WITH THE INDIANS.

Mr. DE LA MATYR introduced a bill (H. R. No. 2122) to preserve peace with the Indians; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ALBERT L. JACK.

Mr. COLERICK introduced a bill (H. R. No. 2123) granting a pension to Albert L. Jack, late private in Company B, Eleventh Indiana Cavalry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ELLIOTT S. MILLER.

Mr. STEVENSON introduced a bill (H. R. No. 2124) granting a pension to Elliott S. Miller, of Bloomington, Illinois; which was read a first and second time, and referred to the Committee on Invalid Pensions.

HENRY B. DRAKE.

Mr. STEVENSON also introduced a bill (H. R. No. 2125) granting a pension to Henry B. Drake, of Logan County, Illinois; which was read a first and second time, and referred to the Committee on Invalid Pensions.

HARMON BUNN.

Mr. STEVENSON also introduced a bill (H. R. No. 2126) granting a pension to Harmon Bunn, of Tazewell County, Illinois; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ISSUE OF AN AMERICAN REGISTER.

Mr. STEVENSON (by request of Mr. LADD) also introduced a joint resolution (H. R. No. 81) to authorize the Secretary of the Treasury to issue an American register to the brig Katie; which was read a first and second time, and referred to the Committee on Commerce.

JOSEPH H. CROW.

Mr. TOWNSHEND, of Illinois, introduced a bill (H. R. No. 2127) granting a pension to Joseph H. Crow, late captain Company F, One hundred and fifty-second Regiment Illinois Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

AMENDMENT OF RULES.

Mr. TOWNSHEND, of Illinois, also submitted a resolution providing for an amendment to the rules; which was referred to the Committee on Rules.

CLAIMS AGAINST THE DISTRICT OF COLUMBIA.

Mr. BARBER introduced a bill (H. R. No. 2128) to provide for the settlement of all outstanding claims against the District of Columbia and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes; which was read a first and second time, referred to the Committee for the District of Columbia, and ordered to be printed.

VINZENZ BONER.

Mr. HAYES introduced a bill (H. R. No. 2129) for the relief of Vinzenz Boner, late of Company L, Fifteenth Illinois Cavalry; which was read a first and second time, and referred to the Committee on Military Affairs.

GEORGE BANCROFT.

Mr. SPRINGER introduced a bill (H. R. No. 2130) for the relief of George Bancroft, of Company G, Tenth Illinois Cavalry Regiment;

which was read a first and second time, and referred to the Committee on Military Affairs.

SOLDIERS DURING ELECTIONS.

Mr. SPRINGER also introduced a bill (H. R. No. 2131) to regulate the stations of soldiers during elections; which was read a first and second time, referred to the Committee of Elections, and ordered to be printed.

AMENDMENT OF RULES.

Mr. SPRINGER. I also gave notice of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That Rule 51 be amended by adding thereto the following:

And any pending measure reported but not disposed of shall be regarded as unfinished business, and shall be in order after the morning hour of any day when such business would be in order.

Mr. CONGER. What is that?

The SPEAKER. It is a resolution providing for an amendment of the rules, for reference to the Committee on Rules.

Mr. SPRINGER. I do not want it referred; I only give notice of the proposed amendment.

Mr. CONGER. I object to the introduction of that resolution.

The SPEAKER. It is in order for reference.

Mr. CONGER. Under what rule?

The SPEAKER. Under the practice of the House.

Mr. CONGER. I doubt whether there has been any practice of that kind of late years.

The SPEAKER. In the Forty-second Congress it was clearly decided by the then occupant of the chair, Speaker BLAINE, that an amendment to the rules was in order for reference during the morning hour of Monday. It would not be in order in the nature of a notice, but the Chair holds that it is in order under the practice for reference.

Mr. SPRINGER. Then, I offer it for reference.

Mr. CONGER. I make the point of order that that is not in order.

The SPEAKER. The Chair will cause to be read the decision to which he has referred.

Mr. CONGER. I would like to have that decision read. How can it be in order under a rule which specifies particularly bills and joint resolutions, and the new amendment to the rules permitting resolutions of inquiry to be introduced for reference?

The SPEAKER. The Chair will cause the decision to be read.

The Clerk read as follows:

MONDAY, *February* 1, 1875.

Mr. Cessna submitted the following resolution:

Resolved, That the following be adopted as additional standing rules of the House:

RULE 167. Whenever a question is pending before the House, the Speaker shall not entertain any motion of a dilatory character except one motion to adjourn and one motion to fix the day to which the House shall adjourn; which latter motion shall not be made more than once pending the consideration of the same bill or joint resolution. But at no time except during the last six days of the session shall the previous question on the engrossment and third reading of any bill or joint resolution be ordered during the first day of its consideration unless upon the vote taken to second the demand two-thirds shall have been found to have voted in favor thereof: *Provided*, That this rule shall not apply to House resolutions offered in the morning hour of Monday: *And provided further*, That this rule shall not apply to any proposition to appropriate the money, credit, or property of the United States, except bills reported from the Committee on Appropriations for the support of the Government or some branch or officer thereof.

RULE 168. It shall be in order for the Judiciary Committee to report bills and joint resolutions of a public character at any time during Tuesdays and Thursdays: *Provided, however*, That this privilege shall not be so exercised as to interfere with the morning hour, nor with the consideration of regular appropriation bills, nor of the bills reported by the Committee of Ways and Means affecting the revenue, nor with special orders previously assigned.

RULE 169. It shall be in order for the House by a majority vote to dispense with the further reading and correction of the Journal at any time after thirty minutes shall have been spent in such reading and correction.

And moved that the same be referred to the Committee on the Rules.

The same having been read,

Mr. Eldridge made the point of order that the said resolution was not in order under the present call.

The Speaker decided that a resolution to amend the rules may be read and referred to the Committee on the Rules during the first call of States in the morning hour of Monday, and this constitutes notice according to the usages of the House.

From this decision of the Chair Mr. RANDALL appealed.

Pending which,

Mr. James Wilson moved that the appeal be laid on the table.

And the question being put, it was decided in the affirmative—yeas 175, nays 84.

The SPEAKER. The gentleman from Illinois [Mr. SPRINGER] will give his attention. The Chair understood the gentleman to state that he did not ask for the reference of this resolution to the Committee on Rules.

Mr. SPRINGER. I see that according to the ruling of the former Speaker it must be offered for reference.

The SPEAKER. The Chair does not allow the application as notice given, and states that the practice of the House allows the introduction of these proposed amendments to the rules during the morning hour of Monday for reference.

Mr. CONGER. The gentleman did not ask for its reference and does not now, as I understand.

The SPEAKER. Then the Chair states that he has not a right now to introduce the resolution, except for reference; and that is based upon the decision of the former Speaker.

Mr. SPRINGER. Then I offer it for reference.

The SPEAKER. The Chair thinks that no harm will probably result, because the Committee on Rules will have to report on the resolution. This is merely an enlargement of the subjects to be introduced during the morning hour of Monday for consideration by committees; that is the practical effect of it, which has since the time referred to grown into a practice in the House.

Mr. CONGER. Then the Chair does not entertain the proposition, as it is not offered for reference.

The SPEAKER. The Chair has stated to the gentleman from Illinois that he cannot receive the proposition except for reference, and the Chair understands the gentleman now to introduce it for reference. For this purpose the Chair entertains it.

Mr. CONGER. I make a point of order against the introduction of such a proposition at this time, as the present occupant of the chair did on a former occasion, as appears by what the Clerk has read. I am very happy to have so illustrious a precedent for my position that the introduction of such a proposition at this time is not in accordance with the rules, notwithstanding the decision of a former Speaker.

The SPEAKER. This decision has been placed in the Manual and has been adopted by the House. The Chair thinks the better way would have been to have allowed propositions for amendments to the rules to be introduced at any time when there was a gap in legislative business. But this is the rule which governs the House, as the question was decided by the House upon an appeal.

Mr. CONGER. I have such confidence in the judgment of the present occupant of the chair as expressed on the occasion referred to, that I insist upon my point.

The SPEAKER. The Chair is not at liberty to disregard a decision of a former Speaker where such decision has been affirmed by a vote of the House.

Mr. CONGER. But if it is a wrong decision it might be disaffirmed by the House now. I desire the Chair to rule on the point of order.

The SPEAKER. The Chair rules that under the practice of the House and according to the decision of a former House, which until overturned is binding on this House, a proposition for amendment to the rules is in order when presented for reference during the morning hour of Monday.

Mr. CONGER. And from this decision of the Chair I appeal, as the present occupant of the chair did on a former occasion.

Mr. COX. I will move to lay the appeal on the table; but before doing so I wish to say that this rule was——

Mr. CONGER. I object to debate. If the gentleman makes the motion to lay on the table, debate is not in order.

Mr. COX. I withdraw my motion for a moment.

The SPEAKER. The Chair having heard the gentleman from Michigan on the point of order thought it equitable to hear the other side.

Mr. CONGER. That was before a motion had been made to lay on the table, and debate was then in order.

Mr. COX. I withdraw my motion for a moment. If the gentleman from Michigan wants to do some talking I will yield to him.

Mr. CONGER. I am only objecting to the gentleman talking because this is an excessively warm day, and it might injure his health.

Mr. COX. That, I should suppose, would be a reason why the gentleman should subside himself. Now, Mr. Speaker, this ruling was made by Speaker BLAINE on a point raised by the present occupant of the chair. An appeal was taken; and the House by its vote sustained the then Speaker in his ruling. Under that ruling motions to amend the rules have always been allowed when brought in for reference during the morning hour of Monday. The propriety of receiving such propositions at that time is *res adjudicata*. I move to lay the appeal on the table.

The SPEAKER. The Chair will state that under the decision referred to, the practice of introducing these propositions during the morning hour of Monday has grown up.

Mr. CONGER. Excepting the case to which my attention has been called by the extract read from the Journal, this is the first case in which I have known a proposition of this kind to be introduced during the morning hour of Monday, except by consent, under which, of course, anything can be done.

The SPEAKER. The Chair, if he had time to look up the references, thinks he would be able to show the gentleman that the Forty-third, Forty-fourth, and the Forty-fifth Congresses permitted this practice.

Mr. CONGER. The Chair will readily see that upon questions of this kind discussion might arise so that the morning hour of Monday would be constantly wasted, and the spirit of the rule which allows no debate during the morning hour of Monday and which contemplates that nothing shall interfere with the presentation of bills, would be violated. It would be within the power of a few men to prevent the possibility of getting through with the call of States during the morning hour.

The SPEAKER. That is one of the incongruities of the rule.

Mr. CONGER. I will ask whether the morning hour has not expired?

Mr. FINLEY. I call for the regular order.

The SPEAKER. The morning hour has expired.

Mr. CONGER. I will take the coming week to look over the authorities upon this point.

INVESTIGATION OF DEPRESSION OF LABOR.

The SPEAKER. The gentleman from Pennsylvania [Mr. WRIGHT] has given notice to the Chair that he is instructed by the Select Committee on the causes of the present Depression of Labor to submit a resolution and move a suspension of the rules to adopt it.

Mr. BUCKNER. I would like to have the morning hour extended so that all the States could be called through this morning hour for the introduction of bills.

Mr. WRIGHT. By instruction of the Select Committee to inquire into the causes of the present Depression of Labor I submit the resolution which I send to the desk, and move to suspend the rules so as to adopt it.

The Clerk read as follows:

Resolved, That the additional sum of $2,000 be, and is hereby, appropriated out of the miscellaneous items of the contingent fund of the House for the use of the Select Committee to inquire into the causes of the present Depression of Labor, so as to carry out the order of the House heretofore made, April 23, 1879; and said sum shall be paid to the chairman of said committee, whose receipts shall be good and sufficient vouchers therefor.

Mr. WHITE. I object to the consideration of this resolution.

Mr. SPRINGER. I object to debate.

The SPEAKER. The gentleman from Pennsylvania, [Mr. WHITE,] if he objects to the resolution, has his remedy by voting against it.

Mr. WHITE. I believe I have the right to object to the resolution. I understand it is merely read for information.

The SPEAKER. The motion is to suspend the rules and adopt the resolution.

Mr. WRIGHT. It is a unanimous report of the committee.

Mr. WHITE. Very well; I object to this appropriation.

The SPEAKER. It is for the House, not the Chair, to consider the objection of the gentleman.

Mr. ANDERSON. Is it in order to move an amendment to the resolution?

The SPEAKER. It is not.

Mr. WHITE. May I ask a question for information?

The SPEAKER. Debate is not in order.

Mr. WHITE. May I ask the chairman of the committee how much——

The SPEAKER. Debate is not in order, and the gentleman will resume his seat.

The question being taken on the motion of Mr. WRIGHT to suspend the rules and adopt the resolution, there were—ayes 110, noes 54.

Mr. WHITE. I demand the yeas and nays. [Cries of "No!"]

The yeas and nays were not ordered.

So the resolution was adopted, two-thirds having voted in favor thereof.

ENROLLED BILL.

Mr. COFFROTH, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled an act (H. R. No. 4) to provide for the exchange of subsidiary coins for lawful money of the United States under certain circumstances, and to make such coins a legal tender in all sums not exceeding $10, and for other purposes; when the Speaker signed the same.

MISSISSIPPI RIVER COMMISSION.

The SPEAKER. The gentleman from Louisiana, [Mr. ROBERTSON,] chairman of the Committee on Levees and Improvement of the Mississippi River, states to the Chair that he has been instructed by that committee to move to suspend the rules and pass a bill (H. R. No. 1847) to provide for the appointment of a "Mississippi River commission" for the improvement of said river from the head of the passes near its mouth to its headwaters, as proposed to be amended by that committee. The bill and amendments will be read.

The Clerk read the bill, as follows:

Be it enacted, &c., That a commission is hereby created, to be called "The Mississippi River commission," to consist of five members.

SEC. 2. The President of the United States shall, by and with the advice and consent of the Senate, appoint five commissioners, three of whom shall be selected from the Engineer Corps of the Army, and two from civil life. And any vacancy which may occur in the commission shall in like manner be filled by the President of the United States; and he shall designate one of the commissioners appointed from the Engineer Corps of the Army to be president of the commission. The commissioners appointed from the Engineer Corps of the Army shall receive no other pay or compensation than is now allowed them by law, and the other two commissioners shall receive as pay and compensation for their services each the sum of $3,000 per annum; and the commissioners appointed under this act shall remain in office subject to removal by the President of the United States.

SEC. 3. It shall be the duty of said commission to direct and complete such surveys of said river between the head of the passes near its mouth to its headwaters as may now be in progress, and to make such additional surveys, examinations, and investigations, topographical, hydrographical, and hydrometrical, of said river and its tributaries, as may be deemed necessary by said commission to carry out the objects of this act. And to enable said commission to complete such surveys, examinations, and investigations, the Secretary of War shall, when requested by said commission, detail from the Engineer Corps of the Army such officers and men as may be necessary, and shall place in the charge and for the use of said commission such vessel or vessels and such machinery and instruments as may be under his control and may be deemed necessary; and the said commission may, with the approval of the Secretary of War, employ such additional force and assistants, and provide, by purchase or otherwise, such vessels or boats and such instruments and means as may be deemed necessary.

SEC. 4. It shall be the duty of said commission to take into consideration and mature such plan or plans and estimates as will correct, permanently locate, and deepen the channel and protect the banks of the Mississippi River; improve and give safety and ease to the navigation thereof; prevent destructive floods; promote and facilitate commerce, trade, and the postal service; and when so prepared and matured, to submit to the Secretary of War a full and detailed report of their proceedings and actions, and of such plans, with estimates of the cost thereof, for the purposes aforesaid, to be by him transmitted to Congress: *Provided*, That the commission shall report in full upon the practicability, feasibility, and probable cost of the various plans known as the jetty system, the levee system, and the outlet system, as well as upon such others as they deem necessary.

SEC. 5. The said commission may, prior to the completion of all the surveys and examinations contemplated by this act, prepare and submit to the Secretary of War plans, specifications, and estimates of costs for such immediate works as, in the judgment of said commission, may constitute a part of the general system of works herein contemplated, to be by him transmitted to Congress.

SEC. 6. The Secretary of War may detail from the Engineer Corps of the Army of the United States any officer who may be selected and recommended by said commission to act as secretary of said commission.

SEC. 7. The Secretary of War is hereby authorized to expend the sum of $175,000 for the payment of the salaries herein provided for, and of the necessary expenses incurred in the completion of such surveys as may now be in progress, and of such additional surveys, examinations, and investigations as may be deemed necessary, and in maturing and perfecting and reporting the plans and estimates, and the plans, specifications, and estimates contemplated by this act, as herein provided for; and said sum is hereby appropriated for said purposes out of any money in the Treasury not otherwise appropriated.

The amendments of the committee were read, as follows:

Section 6, line 2, strike out the word "any" and in lieu thereof insert "an;" and in line 3 strike out the following words: "Who may be selected and recommended by said commission."

Section 7, line 3, after the word "dollars," insert "or so much thereof as may be necessary;" and in line 7 strike out the words "and in maturing and perfecting and."

Mr. DUNNELL. I should like to hear the second section of the bill read again.

The second section was again read.

Mr. DUNNELL. I think the bill should have been read as it is proposed to be amended by the committee.

The SPEAKER. The gentleman from Louisiana moves to suspend the rules and pass the bill as amended by the committee of which he is chairman.

Mr. BAKER. I demand a division.

The House divided; and there were—ayes 104, noes 29.

Mr. BAKER. I demand the yeas and nays.

The House divided; and there were ayes 25.

The SPEAKER. Not one-fifth of the last vote.

Mr. BAKER. I demand tellers on the yeas and nays.

The SPEAKER. Twenty-six have voted in favor of tellers, which is not a sufficient number. Tellers are refused, and the yeas and nays are refused. The vote is 104 in the affirmative and 29 in the negative. The ayes have it, two-thirds having voted in the affirmative.

Mr. BAKER. There is no quorum voting, Mr. Speaker.

The SPEAKER. The gentleman from Indiana raises the question of a quorum, and the Chair will order tellers.

Mr. ROBERTSON, of Louisiana, and Mr. BAKER were appointed tellers.

The House again divided; and the tellers reported—ayes 129, noes 20.

So (two-thirds having voted in the affirmative) the rules were suspended and the bill, as amended, was passed.

BALTIMORE POST OFFICE.

The SPEAKER. The gentleman from Maryland [Mr. KIMMEL] states to the Chair that he is instructed by the Committee on Public Buildings and Grounds to move to suspend the rules and pass a bill (H. R. No. 1478) to authorize the Secretary of the Treasury to negotiate for the purchase at private sale, or, if necessary, procure by condemnation, a site for a post-office in the city of Baltimore, State of Maryland.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized and directed to negotiate for the purchase, at private sale, or, if necessary, procure by condemnation, in pursuance of the statutes of the State of Maryland now in force, or any statute of said State which may hereafter be passed by its Legislature for that purpose, a suitable piece of ground or site in the city of Baltimore, in the State of Maryland, for the erection of a building to be used for a post-office, the cost of the same not to exceed the sum of $500,000; and the sum of $4,000 is hereby appropriated, or so much as may be necessary therefor, out of any money in the Treasury not otherwise appropriated, for the costs and expenses of condemnation of said ground or site, if proceedings of condemnation are, in the judgment of the Secretary of the Treasury, required to procure the same: *Provided*, That no money except the sum hereinbefore appropriated for expenses of condemnation be expended for purchase of said site until a valid title to such ground or site is vested in the United States, and the State of Maryland shall have released and relinquished jurisdiction over the same, and exempted from taxation such site and such buildings as may hereafter be erected thereon, so long as the same are the property of the United States.

Mr. CONGER. Is it the opinion of the committee that the present post-office is insufficient?

Mr. KIMMEL. Yes, sir. The Postmaster-General says it is not sufficient.

Mr. BAKER. Debate is not in order.

Mr. CONGER. It is because it was not in order that I made that inquiry.

The House divided; and there were—ayes 86, noes 27.

Mr. WHITE. No quorum.

Tellers were ordered; and Mr. KIMMEL and Mr. WHITE were appointed.

The House again divided; and the tellers reported—ayes 112, noes 17.

Mr. WHITE. I do not insist upon my point that no quorum has voted.

The SPEAKER. The point of order on the subject of a quorum has been withdrawn, and the tellers report—ayes 112, noes 17. So (two-thirds having voted in the affirmative) the bill is passed.

BANKING AND CURRENCY.

The SPEAKER. The gentleman from Missouri states that the Committee on Banking and Currency have directed him to report a resolution, which will be read.

Mr. CONGER. Is this proceeding under the regulation of the Speaker in reference to motions to suspend the rules?

The SPEAKER. It is, and the Chair gives preference to gentlemen acting under instructions of committees of the House in preference to individual members, and in consequence the gentleman from West Virginia [Mr. KENNA] has been so far cut off from his right to be recognized as next on the list to submit a motion that the rules be suspended.

Mr. CONGER. I only wished to know under what rule the Chair was proceeding.

Mr. BUCKNER. I desire to say I have no instructions from the committee to move to suspend the rules.

The SPEAKER. Then the Chair cannot recognize the gentleman.

Mr. BUCKNER. I have instructions to report the bill for passage, but not under a suspension of the rules.

The SPEAKER. The Chair does not think that is sufficient to warrant him in recognizing the gentleman from Missouri in preference to other gentlemen.

Mr. THOMPSON. I ask unanimous consent to introduce certain bills for reference, not having been in the Hall when my State was called.

Mr. CANNON, of Illinois. I object, unless the same privilege be extended to all of us.

Mr. WHITE. I was absent when my State was called. I ask the Chair to request unanimous consent for the introduction of bills by gentlemen who were absent when their States were called.

The SPEAKER. There were a number of States that were not called at all. The Chair, if such be the wish of gentlemen, will ask unanimous consent that those States which were not called during the morning hour may now be called and that those gentlemen who were not present when their States were called may be allowed the privilege of presenting bills for reference.

Mr. DUNNELL. I hope there will be no objection to that.

Mr. CONGER. If I can make a conditional objection, I will say that I am quite willing bills should be introduced for reference, but if that would allow the introduction of resolutions of the character of that presented by the gentleman from Illinois [Mr. SPRINGER] I must object.

Mr. SPRINGER. Does the gentleman require me to give bonds to keep the peace?

Mr. CONGER. The Chair may request unanimous consent for the introduction of bills only.

Mr. ALDRICH, of Rhode Island. I object.

Mr. MCLANE. I do not understand there is objection to the request of the gentleman from Kentucky, [Mr. THOMPSON.]

The SPEAKER. The Chair so understands. The gentleman from Rhode Island [Mr. ALDRICH] objects. The gentleman from West Virginia [Mr. KENNA] is next on the list of gentlemen to be recognized for motions to suspend the rules.

TAX ON TOBACCO.

Mr. KENNA. I move that the rules be suspended and that the bill which I send to the desk be passed.

The Clerk read the title of the bill, as follows:

A bill to authorize producers to sell one hundred dollars' worth of tobacco on the farm where produced free of tax and without requiring a license therefor.

Mr. CONGER. From what committee does that come?

The SPEAKER. The gentleman from West Virginia is next on the list which the Chair recognizes for his own guidance in this instance, the last recognition having been on the other side of the House.

Mr. CONGER. For a suspension of the rules?

The SPEAKER. Yes, sir.

Mr. CONGER. Is the gentleman from West Virginia next in order on the Speaker's list?

The SPEAKER. The gentleman from West Virginia is the next in order on his side of the House on the individual list.

Mr. KENNA. My name I understand was first on the list, but other gentlemen have been recognized before me because they were instructed by their respective committees to move suspensions of the rules.

The bill was read, as follows:

Be it enacted, &c., That producers are hereby authorized to sell one hundred dollars' worth of tobacco without paying any tax thereon or any license therefor.

The question being taken, the Speaker stated that, in the opinion of the Chair, two-thirds had not voted in the affirmative.

Mr. KNOTT. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 114, nays 83, not voting 89; as follows:

YEAS—114.

Acklen,	Beltzhoover,	Clardy,	Covert,
Aiken,	Bicknell,	Clark, John B.	Cravens,
Armfield,	Blackburn,	Clymer,	Culberson,
Atherton,	Bright,	Cobb,	Davidson,
Atkins,	Cabell,	Coffroth,	Davis, Joseph J.
Bachman,	Caldwell,	Colerick,	Davis, Loundes H.
Beale,	Carlisle,	Cook,	De La Matyr,
Deuster,	Hostetler,	Myers,	Talbott,
Dibrell,	Houk,	New,	Taylor,
Dunn,	House,	Nicholls,	Thompson,
Ellis,	Hunton,	O'Connor,	Tillman,
Evins,	Johnston,	Persons,	Townshend, R. W.
Ewing,	Jones,	Phister,	Turner, Oscar
Felton,	Kenna,	Poehler,	Turner, Thomas
Finley,	King,	Richardson, J. S.	Upson,
Ford,	Kitchin,	Richmond,	Urner,
Forney,	Klotz,	Robertson,	Vance,
Forsythe,	Knott,	Rothwell,	Waddill,
Geddes,	Lewis,	Samford,	Weaver,
Gibson,	Lounsbery,	Sawyer,	Wellborn,
Goode,	Lowe,	Scales,	Whiteaker,
Gunter,	Manning,	Simonton,	Whitthorne,
Hammond, N. J.	Martin, Benj. F.	Singleton, O. R.	Williams, Thomas
Harris, John T.	McKenzie,	Slemons,	Willis,
Hatch,	McLane,	Smith, William E.	Wise,
Henry,	McMahon,	Spear,	Wright,
Herbert,	McMillan,	Springer,	Young, Casey.
Herndon,	Mills,	Steele,	
Hill,	Murch,	Stephens,	

NAYS—83.

Aldrich, N. W.	Daggett,	Humphrey,	Richardson, D. P.
Anderson,	Davis, George R.	Jorgensen,	Robinson,
Bailey,	Deering,	Joyce,	Ryan, Thomas
Baker,	Dunnell,	Keifer,	Sherwin,
Barber,	Errett,	Killinger,	Starin,
Barlow,	Farr,	Marsh,	Stevenson,
Bingham,	Field,	McCoid,	Stone,
Blake,	Fisher,	McGowan,	Thomas,
Bouck,	Frye,	McKinley,	Townsend, Amos
Bowman,	Garfield,	Mitchell,	Updegraff, J. T.
Boyd,	Hall,	Monroe,	Updegraff, Thomas
Brewer,	Hammond, John	Newberry,	Valentine,
Briggs,	Harmer,	Norcross,	Van Aernam,
Browne,	Harris, Benj. W.	O'Neill,	Voorhis,
Calkins,	Haskell,	Orth,	Wait,
Cannon,	Hawk,	Osmer,	Ward,
Carpenter,	Hawley,	Overton,	White,
Caswell,	Hayes,	Phelps,	Wilber,
Conger,	Henderson,	Prescott,	Willits,
Cowgill,	Horr,	Price,	Yocum.
Crapo,	Hubbell,	Rice,	

NOT VOTING—89.

Aldrich, William	Einstein,	Loring,	Russell, William A.
Ballou,	Elam,	Martin, Edward L.	Ryon, John W.
Bayne,	Ferdon,	Martin, Joseph J.	Sapp,
Belford,	Fort,	Mason,	Shallenberger,
Bland,	Frost,	McCook,	Shelley,
Bliss,	Gillette,	Miles,	Singleton, J. W.
Blount,	Godshalk,	Miller,	Smith, A. Herr
Bragg,	Hazelton,	Money,	Smith, Hezekiah B.
Brigham,	Heilman,	Morrison,	Sparks,
Buckner,	Henkle,	Morse,	Tucker,
Burrows,	Hiscock,	Morton,	Tyler,
Butterworth,	Hooker,	Muldrow,	Van Voorhis,
Camp,	Hull,	Muller,	Warner,
Chalmers,	Hurd,	Neal,	Washburn,
Chittenden,	James,	O'Brien,	Wells,
Claflin,	Kelley,	O'Reilly,	Williams, Chas. G.
Clark, Alvah A.	Ketcham,	Pierce,	Wilson,
Converse,	Kimmel,	Pound,	Wood, Fernando
Cox,	Ladd,	Reagan,	Wood, Walter A.
Crowley,	Lapham,	Reed,	Young, Thomas L.
Dick,	Lay,	Robeson,	
Dickey,	Le Fevre,	Ross,	
Dwight,	Lindsey,	Russell, Daniel L.	

So (two-thirds not voting in favor thereof) the rules were not suspended.

During the roll-call the following announcements were made:

Mr. BUCKNER. I am paired with Mr. CHITTENDEN, of New York. If he were here, I should vote "ay."

Mr. WHITEAKER. I have been paired with Governor YOUNG, of Ohio, but I understand he is paired with some other gentleman, and I therefore vote "ay."

Mr. DAVIDSON. My colleague, Mr. HULL, is paired with Mr. ALDRICH, of Illinois.

Mr. CHALMERS. I am paired with Mr. VAN VOORHIS, of New York. If he were present, I should vote "ay."

Mr. HUNTON. My colleague, Mr. TUCKER, is paired with Mr. LAPHAM, of New York.

Mr. YOCUM. Mr. SHALLENBERGER, of Pennsylvania, is paired with Mr. HENKLE, of Maryland.

Mr. HUBBELL. Mr. DWIGHT, of New York, is paired with Mr. MULDROW, of Mississippi. If present, Mr. DWIGHT would vote "no."

Mr. ROBINSON. My colleague, Mr. MORSE, is paired with Mr. KELLEY.

Mr. HARRIS, of Massachusetts. My colleague, Mr. LORING, is paired with Mr. HOOKER, and my colleague, Mr. CLAFLIN, is paired with Mr. HURD, of Ohio.

Mr. STONE. Mr. CROWLEY is paired with Mr. MONEY.

Mr. REED. I am paired with Mr. SPARKS, of Illinois. I am informed that he would vote "ay;" and, if he were present, I should vote "no." I desire to say that I have been paired with Mr. SPARKS on all political questions during the last week.

Mr. BAILEY. Mr. HISCOCK is paired with Mr. MCMAHON.

Mr. SAPP. I am paired with Mr. CONVERSE, of Ohio. If he were here, I should vote "no."

Mr. HAZELTON. I am paired with Mr. BLOUNT, of Georgia. I do not know how he would vote, but if he were present, I would vote "no."

Mr. KENNA. Mr. Speaker, my colleague, Mr. WILSON, is necessarily absent on account of sickness in his family. He is paired on all questions. On this question he would vote "ay."

Mr. HARMER. Mr. SMITH, of New Jersey, is paired with Mr. WASHBURN.

Mr. FISHER. My colleague, Mr. DICK, is paired with Mr. LAY, of Missouri.

Mr. BOYD. My colleague, Mr. ALDRICH, is paired with Mr. HULL.

Mr. COVERT. My colleague, Mr. FERNANDO WOOD, is paired with Mr. ROBESON, of New Jersey. My colleague, Mr. MULLER, is paired with Mr. HEILMAN.

Mr. COX. I am paired with my colleague, Mr. MORTON.

The result of the vote was then announced as above stated.

INTERNATIONAL EXHIBITIONS AT SYDNEY AND MELBOURNE.

Mr. ATKINS obtained the floor.

Mr. COX. I ask the gentleman from Tennessee to yield to me. I am instructed by the Committee on Foreign Affairs to offer and press a joint resolution in respect to exhibitions to be held this year, in August, in Sydney, New South Wales, and the coming year in Melbourne. Unless the law is passed now it will be of no avail.

The SPEAKER. Does the gentleman from New York state that he is instructed by the Committee on Foreign Affairs to report the joint resolution?

Mr. COX. I am; and I would say that unless the House takes action now, it will be too late for any action to be taken upon the subject.

Mr. HAWLEY. I ask the gentleman to allow me time to say that these colonies spent from $25,000 to $50,000 to come to our exhibition at Philadelphia, and are desirous of extending their trade with us.

Mr. COX. I have a letter here from the Secretary of State, which I ask to have read.

There was no objection.

The Clerk read as follows:

DEPARTMENT OF STATE,
Washington, May 17, 1879.

SIR: I have the honor to lay before your committee, for its consideration and action, the accompanying copy of a note, with its inclosure, received from Sir Edward Thornton, her Britannic majesty's diplomatic representative at this capital, conveying, by order of her majesty's principal secretary of state for foreign affairs, the official invitation of the Government of Great Britain for this Government to take part in the Australian international exhibition to be held in Sydney, New South Wales, in August next. The extended scope of this exhibition will appear by an examination of the official programme thereof, a copy of which accompanied the note of the British minister, and is herewith inclosed.

A similar exhibition, but on even a larger scale, is announced to take place during the coming year at Melbourne, Victoria. The consul-general and vice-consul-general of the United States at that port have, in common with the other foreign consuls, been appointed members of the local general commission, and the most cordial hopes have been expressed that the United States may be suitably represented.

The mercantile communities throughout the United States have shown much interest in these two projected exhibitions, and inquiries are daily made of this Department as to the facilities to be given to intending exhibitors.

I have the honor, therefore, to suggest to your committee that such action be taken as will enable the acceptance of the invitation already received through the British Government, and the proper representation of the products and industries of the United States in the valuable markets of Australia. In view of the short interval which separates the two exhibitions, a single commission would suffice for both, and, upon the close of the one, could make due preparations for the opening of the other with the experience gained in the first. The appropriation of the sum of $20,000 would perhaps be sufficient; and, in consideration of the nearness of the time fixed for the inauguration of the exhibition at Sydney, I recommend that the appropriation made may be used for one or both of those exhibitions in the discretion of the Department of State.

I have the honor to be, sir, your obedient servant,

WM. M. EVARTS.

Hon. SAMUEL S. COX,
Chairman of the Committee on Foreign Affairs,
House of Representatives.

Inclosures: Sir Edward Thornton to Mr. Evarts, May 12, 1879, with an accompaniment.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. No. 491) in relation to the accounts of the United States entomological commission; and

A bill (S. No. 644) to authorize the Secretary of War to furnish condemned ordnance for the monument to Colonel Robert L. McCook, Ninth Ohio Volunteers, in Washington Park, in the city of Cincinnati, Ohio.

MONUMENT TO GENERAL M'COOK.

Mr. GARFIELD. I ask unanimous consent to take up the bill from the Senate in relation to the monument to General McCook.

The SPEAKER. There is one matter now before the House.

Mr. GARFIELD. I ask the gentleman from New York [Mr. COX] to withdraw that matter temporarily.

Mr. COX. I have no objection to taking up the bill to which the gentleman refers.

The SPEAKER. The Chair will recognize the gentleman from Ohio [Mr. GARFIELD] immediately after the pending question is disposed of.

INTERNATIONAL EXHIBITIONS AT SYDNEY AND MELBOURNE.

Mr. COX. I move to suspend the rules and put the following joint resolution upon its passage. I send it to the Clerk's desk to be read.

The Clerk read as follows:

Joint resolution in relation to the international exhibitions to be held at Sydney and Melbourne, Australia, in 1879 and 1880.

Whereas the British Government have communicated to the Government of the United States an invitation on behalf of the colony of New South Wales to take part in a universal exhibition of products, manufactures, and arts, to be held in Sydney in the month of August next; and

Whereas the colony of Victoria has set on foot a similar exhibition, to be held at Melbourne during the coming year, and in the organization and conduct of which the commissioners and exhibitors of the United States are desired to participate:

Resolved by the Senate, &c., That to provide for the acceptance of said invitation and the representation of the United States in said exhibitions, there be and hereby is appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $20,000, or so much thereof as may be necessary to effect the purpose of this resolution, to be expended in the discretion of the Secretary of State for the purpose of effecting such representation at both or either of the said exhibitions.

SEC. 2. That it shall be the duty of the Secretary of State to transmit to Congress a detailed statement of the expenditures which may have been incurred under the provisions of this resolution, together with all reports which may be submitted by the person or persons delegated to carry out the purposes hereof as commissioners or otherwise, which reports shall be prepared and arranged with the view to concise statement and convenient reference.

The question was taken upon suspending the rules and passing the joint resolution; and upon a division there were—ayes 106, noes 26.

Mr. BOUCK. No quorum has voted.

Tellers were ordered; and Mr. BOUCK and Mr. COX were appointed.

The tellers having taken their places, before the count began,

Mr. BOUCK (one of the tellers) withdrew his point of order that no quorum had voted.

The SPEAKER. Is there further objection on account of the want of a quorum?

Mr. MARTIN, of West Virginia. There is; I object.

The SPEAKER. Then the tellers will retain their places and the count will proceed.

The House again divided; and the tellers reported that there were—ayes 109, noes 40.

Before the result of this vote was announced,

Mr. MARTIN, of West Virginia, and Mr. KNOTT called for the yeas and nays.

The yeas and nays were ordered, there being 30 in the affirmative; one-fifth of the last vote.

The question was taken; and there were—yeas 138, nays 62, not voting 86; as follows:

YEAS—138.

Acklen,	Deuster,	Killinger,	Russell, William A.
Aldrich, N. W.	Dunnell,	Kimmel,	Ryan, Thomas
Anderson,	Ellis,	King,	Sapp,
Atkins,	Errett,	Klotz,	Sherwin,
Bachman,	Evins,	Lounsbery,	Speer,
Bailey,	Ewing,	Marsh,	Springer,
Baker,	Farr,	McCoid,	Starin,
Barber,	Field,	McGowan,	Stephens,
Barlow,	Finley,	McKinley,	Stevenson,
Beltzhoover,	Fisher,	McLane,	Stone,
Bicknell,	Frye,	McMahon,	Talbott,
Bingham,	Garfield,	Mitchell,	Taylor,
Blake,	Geddes,	Monroe,	Thomas,
Boyd,	Gibson,	Myers,	Townsend, Amos
Brewer,	Goode,	New,	Townshend, R. W.
Briggs,	Hall,	Newberry,	Updegraff, J. T.
Bright,	Harmer,	Nicholls,	Updegraff, Thomas
Browne,	Harris, Benj. W.	Norcross,	Upson,
Burrows,	Haskell,	O'Connor,	Valentine,
Calkins,	Hawk,	O'Neill,	Van Aernam,
Cannon,	Hawley,	Orth,	Voorhis,
Carpenter,	Hayes,	Osmer,	Waddill,
Caswell,	Hazelton,	Overton,	Wait,
Clardy,	Henry,	Pound,	Ward,
Clymer,	Herndon,	Prescott,	Weaver,
Colerick,	Hill,	Price,	White,
Conger,	Horr,	Reagan,	Whiteaker,
Covert,	Hostetler,	Rice,	Whitthorne,
Cowgill,	Houk,	Richardson, D. P.	Wilber,
Cox,	Hubbell,	Richardson, J. S.	Williams, C. G.
Crapo,	Humphrey,	Richmond,	Willits,
Daggett,	Jones,	Robertson,	Yocum,
Davis, George R.	Jorgensen,	Robinson,	Young, Casey.
Deering,	Joyce,	Ross,	
De La Matyr,	Keifer,	Rothwell,	

NAYS—62.

Aiken,	Dibrell,	Knott,	Singleton, O. R.
Armfield,	Dunn,	Lewis,	Slemons,
Atherton,	Felton,	Lowe,	Smith, William E.
Beale,	Ford,	Manning,	Steele,
Blackburn,	Forney,	Martin, Benj. F.	Thompson,
Bouck,	Gunter,	McKenzie,	Tillman,
Cabell,	Hammond, N. J.	McMillin,	Turner, Oscar
Caldwell,	Harris, John T.	Mills,	Turner, Thomas
Carlisle,	Hatch,	Murch,	Vance,
Cobb,	Henderson,	Persons,	Wellborn,
Coffroth,	Herbert,	Phelps,	Williams, Thomas
Cook,	House,	Phister,	Willis,
Cravens,	Hunton,	Samford,	Wise,
Culberson,	Johnston,	Sawyer,	Wright.
Davidson,	Kenna,	Scales,	
Davis, Loundes H.	Kitchin,	Simonton,	

NOT VOTING—86.

Aldrich, William	Bliss,	Buckner,	Claflin,
Ballou,	Blount,	Butterworth,	Clark, Alvah A.
Bayne,	Bowman,	Camp,	Clark, John B.
Belford,	Bragg,	Chalmers,	Converse,
Bland,	Brigham,	Chittenden,	Crowley,

Davis, Joseph J.	Hull,	Money,	Singleton, J. W.
Dick,	Hurd,	Morrison,	Smith, A. Herr
Dickey,	James,	Morse,	Smith, Hezekiah B.
Dwight,	Kelley,	Morton,	Sparks,
Einstein,	Ketcham,	Muldrow,	Tucker,
Elam,	Ladd,	Muller,	Tyler,
Ferdon,	Lapham,	Neal,	Urner,
Forsythe,	Lay,	O'Brien,	Van Voorhis,
Fort,	Le Fevre,	O'Reilly,	Warner,
Frost,	Lindsey,	Pierce,	Washburn,
Gillette,	Loring,	Poehler,	Wells,
Godshalk,	Martin, Edward L.	Reed,	Wilson,
Hammond, John	Martin, Joseph J.	Robeson,	Wood, Fernando
Heilman,	Mason,	Russell, Daniel L.	Wood, Walter A.
Henkle,	McCook,	Ryon, John W.	Young, Thomas L.
Hiscock,	Miles,	Shallenberger,	
Hooker,	Miller,	Shelley,	

So the motion of Mr. COX to suspend the rules and pass the joint resolution (H. R. No. 82) was agreed to.

During the roll-call the following announcements were made:

Mr. MULDROW. On this question I am paired with the gentleman from New York, Mr. DWIGHT.

Mr. COVERT. My colleague, Mr. FERNANDO WOOD, is paired with the gentleman from New Jersey, Mr. ROBESON; my colleague, Mr. MULLER, with the gentleman from Indiana, Mr. HEILMAN.

Mr. FORNEY. My colleague, Mr. SHELLEY, is paired with the gentleman from New York, Mr. CAMP.

Mr. DAVIDSON. My colleague, Mr. HULL, who is absent by leave of the House, is paired with the gentleman from Illinois, Mr. ALDRICH.

Mr. STEVENSON. The gentleman from Maine, Mr. LADD, who is absent by leave of the House, is paired with his colleague, Mr. LINDSEY.

Mr. CHALMERS. I am paired with the gentleman from New York, Mr. VAN VOORHIS.

Mr. ROBINSON. My colleague, Mr. MORSE, is paired with the gentleman from Pennsylvania, Mr. KELLEY.

Mr. YOCUM. My colleague, Mr. SHALLENBERGER, is paired with the gentleman from Maryland, Mr. HENKLE.

Mr. RICHARDSON, of New York. My colleague, Mr. LAPHAM, is paired with the gentleman from Virginia, Mr. TUCKER.

Mr. DAVIS, of North Carolina. I am paired with my colleague, Mr. MARTIN.

Mr. BAILEY. My colleague, Mr. DWIGHT, is paired with the gentleman from Mississippi, Mr. MULDROW; my colleague, Mr. HISCOCK, with the gentleman from Ohio, Mr. MCMAHON.

Mr. REED. I am paired with the gentleman from Illinois, Mr. SPARKS. If he were present, I should vote in the affirmative.

Mr. DUNNELL. My colleague, Mr. WASHBURN, is paired with the gentleman from New Jersey, Mr. SMITH.

Mr. SAPP. I am paired with the gentleman from Ohio, Mr. CONVERSE, on all political questions; but as this is not such a question, I vote "ay."

Mr. TOWNSEND, of Ohio. The gentleman from Colorado, Mr. BELFORD, is paired with the gentleman from Pennsylvania, Mr. BACHMAN.

Mr. BARBER. The gentleman from Indiana, Mr. HEILMAN, is paired with the gentleman from New York, Mr. MULLER.

Mr. FISHER. My colleague, Mr. DICK, is paired with the gentleman from Missouri, Mr. LAY.

Mr. HAZELTON. I am paired with the gentleman from Georgia, Mr. BLOUNT. If he were present, I should vote "ay."

Mr. LINDSEY. I am paired with my colleague, Mr. LADD.

The result of the vote was announced as above stated.

ORDER OF BUSINESS.

Mr. ATKINS. I move that the House now adjourn.

Mr. GARFIELD. I ask the gentleman to yield for a few moments that the bill from the Senate in regard to a donation of condemned ordnance for the monument of Colonel McCook may be taken from the Speaker's table and passed.

Mr. ATKINS. I yield for that purpose.

MONUMENT OF COLONEL ROBERT L. M'COOK.

Mr. GARFIELD. I ask unanimous consent that the bill of the Senate making a donation of condemned ordnance for the monument of Colonel Robert L. McCook be taken from the Speaker's table for immediate action.

There being no objection, the bill (S. No. 644) authorizing the Secretary of War to furnish condemned ordnance for the monument of Colonel Robert L. McCook, Ninth Ohio Volunteers, in Washington Park, in the city of Cincinnati, Ohio, was taken from the Speaker's table and read a first and second time.

The bill authorizes the Secretary of War to furnish to the proper parties out of ordnance or ordnance stores belonging to the United States, of patterns not now in use, to be used in the railing around the public monument erected to the memory of Colonel Robert L. McCook, Ninth Ohio Volunteers, in Washington Park, Cincinnati, Ohio, one hundred and forty muskets and bayonets; four twelve-inch smooth-bore siege-guns, or rifles of like size; four ten-inch spherical shot or shell; twelve thirty-two-pound shot or shell.

Mr. FINLEY. I wish to inquire whether the word "condemned" is introduced into this bill?

The SPEAKER. The Chair understands that it is.

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

Mr. GARFIELD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. MARTIN, of North Carolina, indefinitely, on account of sickness in his family.

COMMITTEE APPOINTMENTS.

The SPEAKER announced the appointment of Mr. COLUMBUS UPSON, of Texas, as a member of the Committee on Military Affairs and the Committee on Enrolled Bills, to fill vancancies left for the State of Texas at the time of the announcement of the committees.

VISITORS TO MILITARY AND NAVAL ACADEMIES.

The SPEAKER also announced the appointment of Mr. JOSEPH E. JOHNSTON, of Virginia, as a Visitor to the West Point Military Academy, and Mr. WILLIAM R. MYERS, of Indiana, as a Visitor to the Naval Academy at Annapolis.

ADJOURNMENT.

Mr. ATKINS. I now renew the motion to adjourn.

The question being taken on agreeing to the motion, there were—ayes 90, noes 82.

Mr. CONGER. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 100, nays 91, not voting 95; as follows:

YEAS—100.

Acklen,	Dibrell,	Knott,	Singleton, O. R.
Aiken,	Dunn,	Lewis,	Slemons,
Armfield,	Ellis,	Lounsbery,	Smith, William E.
Atherton,	Evins,	Manning,	Speer,
Atkins,	Ewing,	Martin, Benj. F.	Springer,
Bachman,	Felton,	McKenzie,	Steele,
Beale,	Finley,	McLane,	Stephens,
Blackburn,	Forney,	McMillin,	Talbott,
Bouck,	Geddes,	Morrison,	Taylor,
Bright,	Gibson,	Myers,	Thompson,
Cabell,	Goode,	New,	Tillman,
Clardy,	Gunter,	Nicholls,	Townshend, R. W.
Clark, John B.	Hammond, N. J.	O'Connor,	Turner, Oscar
Clymer,	Harris, John T.	Persons,	Turner, Thomas
Cobb,	Hatch,	Phelps,	Upson,
Coffroth,	Henry,	Phister,	Vance,
Colerick,	Herbert,	Poehler,	Waddill,
Cook,	Herndon,	Reagan,	Wellborn,
Covert,	Hill,	Richmond,	Whiteaker,
Cox,	Hostetler,	Robertson,	Whitthorne,
Cravens,	House,	Rothwell,	Williams, Thomas
Culberson,	Hunton,	Samford,	Willis,
Davidson,	Johnston,	Sawyer,	Wise,
Davis, Loundes H.	Kenna,	Scales,	Wright,
Deuster,	King,	Simonton,	Young, Casey.

NAYS—91.

Aldrich, N. W.	De La Matyr,	Jorgensen,	Robinson,
Anderson,	Deering,	Joyce,	Russell, William A.
Bailey,	Dunnell,	Keifer,	Ryan, Thomas
Baker,	Farr,	Killinger,	Sherwin,
Barber,	Field,	Lowe,	Starin,
Barlow,	Fisher,	Marsh,	Stevenson,
Bicknell,	Ford,	McCoid,	Stone,
Bingham,	Frye,	McGowan,	Thomas,
Blake,	Garfield,	McKinley,	Townsend, Amos
Bowman,	Gillette,	Mitchell,	Updegraff, J. T.
Brewer,	Hall,	Monroe,	Updegraff, Thomas
Briggs,	Hammond, John	Neal,	Valentine,
Browne,	Harmer,	Newberry,	Van Aernam,
Burrows,	Harris, Benj. W.	Norcross,	Voorhis,
Calkins,	Haskell,	O'Neill,	Wait,
Cannon,	Hawk,	Orth,	Ward,
Carpenter,	Hawley,	Osmer,	Weaver,
Caswell,	Hayes,	Overton,	White,
Conger,	Horr,	Pound,	Wilber,
Cowgill,	Houk,	Prescott,	Williams, C. G.
Crapo,	Hubbell,	Price,	Willits,
Daggett.	Humphrey,	Rice,	Yocum.
Davis, George R.	Jones,	Richardson, D. P.	

NOT VOTING—95.

Aldrich, William	Dickey,	Ladd,	Richardson, J. S.
Ballou,	Dwight,	Lapham,	Robeson,
Bayne,	Einstein,	Lay,	Ross,
Belford,	Elam,	Le Fevre,	Russell. Daniel L.
Beltzhoover,	Errett,	Lindsey,	Ryon, John W.
Bland,	Ferdon,	Loring,	Sapp,
Bliss,	Forsythe,	Martin, Edward L.	Shallenberger,
Blount,	Fort,	Martin, Joseph J.	Shelley,
Boyd,	Frost,	Mason,	Singleton, J. W.
Bragg,	Godshalk,	McCook,	Smith, A. Herr
Brigham,	Hazelton,	McMahon,	Smith, Hezekiah B.
Buckner,	Heilman,	Miles,	Sparks,
Butterworth,	Henderson,	Miller,	Tucker,
Caldwell,	Henkle,	Mills,	Tyler,
Camp,	Hiscock,	Money,	Urner,
Carlisle,	Hooker,	Morse,	Van Voorhis,
Chalmers,	Hull,	Morton,	Warner,
Chittenden,	Hurd,	Muldrow,	Washburn,
Claflin,	James,	Muller,	Wells,
Clark, Alvah A.	Kelley,	Murch,	Wilson,
Converse,	Ketcham,	O'Brien,	Wood, Fernando
Crowley,	Kimmel,	O'Reilly,	Wood, Walter A.
Davis, Joseph J.	Kitchin,	Pierce,	Young, Thomas L.
Dick,	Klotz,	Reed,	

So the motion was agreed to.

During the roll-call the following announcements were made:

Mr. MULDROW. I am paired with Mr. DWIGHT.

Mr. DAVIS, of North Carolina. I am paired with my colleague, Mr. MARTIN. If he were here, I should vote in the affirmative.

Mr. SAMFORD. My colleague, Mr. SHELLEY, is paired with Mr. CAMP, of New York.

Mr. MILLS. I am paired with Mr. FORT on all political questions, and as this seems to be regarded in that light I will not vote. If Mr. FORT were here, I should vote in the affirmative.

Mr. SINGLETON, of Mississippi. My colleague, Mr. CHALMERS, is paired with Mr. VAN VOORHIS, of New York.

Mr. LAPHAM. I am paired with Mr. TUCKER on all political questions.

Mr. ROBINSON. My colleague, Mr. MORSE, is paired with Mr. KELLEY.

Mr. HARRIS, of Massachusetts. My colleague, Mr. LORING, is paired with Mr. HOOKER; and my colleague, Mr. CLAFLIN, with Mr. HURD. If present, my colleagues would vote in the negative.

Mr. BAILEY. My colleague, Mr. DWIGHT, is paired with Mr. MULDROW; and my colleague, Mr. HISCOCK, with Mr. MCMAHON.

Mr. YOCUM. Mr. SHALLENBERGER is paired with Mr. HENKLE.

Mr. SAPP. I am paired with Mr. CONVERSE on all political questions.

Mr. BARBER. Mr. HEILMAN is paired with Mr. MULLER.

Mr. TOWNSHEND, of Illinois. Mr. SINGLETON is paired with Mr. MILES, of Connecticut. If present, Mr. SINGLETON would vote "ay."

Mr. HOOKER. I am paired with Dr. LORING, of Massachusetts.

Mr. STONE. Mr. CROWLEY is paired with Mr. MONEY; and Mr. SHELLEY with Mr. CAMP.

Mr. DUNNELL. My colleague, Mr. WASHBURN, is paired with Mr. SMITH, of New Jersey.

Mr. REED. I am paired with Mr. SPARKS.

By unanimous consent, Mr. MCLANE was allowed to record his vote in the affirmative on the tobacco-tax bill.

Mr. WHITE. Last Thursday I got in after the yeas and nays were called on the legislative appropriation bill, notwithstanding the objections of the President, and I now ask to have my vote recorded on that roll-call.

Mr. TOWNSHEND, of Illinois. Was the gentleman paired?

Mr. WHITE. I was paired with the gentleman from Wisconsin, Mr. DEUSTER. We agreed that we should ask consent to have our votes recorded.

The SPEAKER. The gentleman from Wisconsin, Mr. DEUSTER, will give his attention. The gentleman from Pennsylvania, Mr. WHITE, states that he was paired with the gentleman from Wisconsin, Mr. DEUSTER, on the bill making appropriations for the legislative, executive, and judicial expenses of the Government, and that he desires now to have his vote recorded.

Mr. DEUSTER. Yes, sir; we were paired on that bill.

Mr. WHITE. And I ask that we be allowed to record our votes.

Mr. BREWER. I object.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was given to Mr. HAZELTON for one week, on account of important business.

The result of the vote on the motion to adjourn was then announced as above stated; and accordingly (at three o'clock and ten minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. ARMFIELD: The petition of Dr. Tyre York and 537 others, citizens of North Carolina, for the repeal or modification of the revenue laws—to the Committee of Ways and Means.

By Mr. BAKER: A paper relating to the pension claim of Jeremiah Geddis—to the Committee on Invalid Pensions.

By Mr. BARLOW: The petition of citizens of Vermont, that no change be made in the revenue laws that will promote the interest of dealers in spirituous liquors—to the Committee of Ways and Means.

By Mr. BROWNE: The petition of 100 citizens of Indiana, against the extension of the Birdsell clover-huller patent—to the Committee on Patents.

By Mr. CANNON, of Illinois: The petition of the governor of Illinois and other citizens of that State, that a pension be granted Cyrus S. Hoffman—to the Committee on Invalid Pensions.

By Mr. CLYMER: The petition of Frances Grace, Catharine G. Ward, and John S. Cathcart, that the officers of the Government shall not authorize any litigation in regard to a bequest made by Joseph F. Lewis, of New Jersey, of over $1,000,000, to be used in reducing the national debt, which bequest petitioners claim is void, because said Lewis, being ninety years of age, was laboring under insane delusions, and had no sufficient testamentary capacity—to the Committee of Ways and Means.

By Mr. COLERICK: Papers relating to the pension claim of Albert N. Jack—to the Committee on Invalid Pensions.

By Mr. CRAPO: The petition of ship-owners and underwriters of Boston, Massachusetts, for the establishment of a life-saving station near Peaked Hill Bars, Cape Cod—to the Committee on Commerce.

Also, the petition of Joseph P. Johnson and 114 others, of similar import—to the same committee.

Also, the petition of William H. Besse and others, for compensation from the Chinese indemnity fund for the loss of the bark Forest Bell—to the Committee on Foreign Affairs.

By Mr. DIBRELL: The petition of George V. Hebb, for compensation for services as messenger in the Forty-fifth Congress—to the Committee of Claims.

By Mr. DUNNELL: The petition of Otto Berreau and 90 others, citizens of Hersey, Minnesota, for the passage of the Reagan interstate-commerce bill—to the Committee on Commerce.

By Mr. EWING: The petition of Thomas Ewing, (accompanied by draught of bill,) for the passage of a bill providing for the reissue of certain legal-tender notes and for the prompt payment of arrears of pensions—to the Committee on Banking and Currency.

By Mr. HOUK: Papers relating to the pension claim of Samuel Henry—to the Committee on Invalid Pensions.

By Mr. KEIFER: The petition of officers and members of the Woman's National Christian Temperance Union and 110 others, of Miami County, Ohio, against any change in the revenue laws that will promote the interests of dealers in spirituous liquors—to the Committee of Ways and Means.

By Mr. LADD: Papers relating to the petition of the owners of the brig Katie for a United States registration of said vessel—to the Committee on Commerce.

By Mr. LEWIS: The petition of Patrick Doran, for compensation for services rendered in the Doorkeeper's department, House of Representatives, Forty-fifth Congress—to the Committee of Claims.

By Mr. MCKENZIE: Papers relating to the bounty claim of William D. Gray—to the Committee on War Claims.

By Mr. MCLANE: The petition of Robert M. McLane, for the passage of a joint resolution authorizing the Secretary of the Treasury to purchase the sword of General George Washington, now in the possession of Trapier S. Lewis, of Baltimore, Maryland—to the Committee on the Library.

By Mr. NEWBERRY: The petition of citizens of Detroit, for the passage of an act authorizing the building of a bridge across Detroit River—to the Committee on Commerce.

By Mr. O'CONNOR: The petition of the Charleston (South Carolina) Chamber of Commerce, relating to the deepening of the Charleston bar—to the same committee.

Also, memorials from persons and associations in South Carolina, relating to the re-establishment of the sub-treasury in Charleston, South Carolina—to the Committee on Appropriations.

By Mr. PERSONS: A bill to continue the improvement of Chattahoochee River—to the Committee on Commerce.

By Mr. SMITH, of Georgia: A bill to continue the improvement of Flint River, in the State of Georgia—to the same committee.

By Mr. STEPHENS: The petition of C. P. Culver, for the passage of a bill providing for the payment of an account of Mrs. C. P. Culver of $840 for translating from the German language or print, with charts, 168 pages, and for indexing, superintending the printing, and correcting the proofs of the same for the use of the Committee on Coinage, Weights, and Measures—to the Committee of Claims.

Also, the petition of Augustus Hering, for relief on account of damages done to a lot in the city of Washington, District of Columbia, by the authorities of the same—to the same committee.

By Mr. TOWNSHEND, of Illinois: The petition of P. B. Pillow, late captain Company D, One hundred and twentieth Regiment, Illinois Volunteers, that the sentence of a general court-martial be set aside so that he may be enabled to receive pay due him at the date of his dismissal from the service—to the Committee on Military Affairs.

By Mr. VANCE: The petition of Julia A. Duncan, for compensation for a horse taken by the United States Army—to the Committee on War Claims.

By Mr. WISE: A bill for the improvement of the Youghiogheny River, in the State of Pennsylvania—to the Committee on Commerce.

Also, the petition of 350 citizens of Pennsylvania, for the improvement of the Youghiogheny River, Pennsylvania—to the same committee.

By Mr. YOUNG, of Tennessee: The petition of James H. Bell, of Shelby County, Tennessee, for pay for property taken by United States troops during the late war—to the Committee on War Claims.

Also, the petition of Mrs. Jane Bloxam, of Shelby County, Tennessee, of similar import—to the same committee.

IN SENATE.

TUESDAY, *June* 3, 1879.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

REPORT OF A COMMITTEE.

Mr. MCPHERSON, from the Committee on Naval Affairs, to whom was referred the joint resolution (H. R. No. 70) authorizing Commodore J. W. A. Nicholson, United States Navy, to accept from his Catholic majesty the King of Spain the Grand Cross of Naval Merit, asked to be discharged from its further consideration and that it be referred to the Committee on Foreign Relations; which was agreed to.

BILLS INTRODUCED.

Mr. MCPHERSON asked, and by unanimous consent obtained, leave

to introduce a bill (S. No. 647) for the relief of William Grosch; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. INGALLS (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 648) to enforce the ninth article of the treaty between the United States and the Cherokee Nation of Indians proclaimed August 11, 1866; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. TELLER. I ask leave to introduce a bill. I do this by request, not knowing anything about the merits of the bill.

By unanimous consent leave was granted to introduce a bill (S. No. 649) authorizing the Secretary of the Treasury to make contracts for the recovery of money, property, the proceeds of the sales of property, &c., belonging to the United States, and for other purposes; which was read twice by its title, and referred to the Committee on Civil Service and Retrenchment.

PAPERS WITHDRAWN AND REFERRED.

On motion of Mr. LOGAN, it was

Ordered, That the papers in the case of Charles F. Tate be withdrawn from the files of the Senate and referred to the Committee on Pensions.

On motion of Mr. GARLAND, it was

Ordered, That the petition and accompanying papers of Theresa Dardenne be taken from the files and referred to the Committee on Public Lands.

AMENDMENT TO POST-ROUTE BILL.

Mr. BECK submitted an amendment intended to be proposed by him to the bill (H. R. No. 2020) to establish post-routes; which was referred to the Committee on Post-Offices and Post-Roads.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the bill (S. No. 644) to authorize the Secretary of War to furnish condemned ordnance for the monument of Colonel Robert L. McCook, Ninth Ohio Volunteers, in Washington Park, in the city of Cincinnati, Ohio.

The message also announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. No. 1478) to authorize the Secretary of the Treasury to negotiate for the purchase at private sale, or, if necessary, procure by condemnation, a site for a post-office in the city of Baltimore, State of Maryland;

A bill (H. R. No. 1847) to provide for the appointment of a "Mississippi River commission" for the improvement of said river from the head of the passes near its mouth to its headwaters; and

A joint resolution (H. R. No. 82) in relation to the international exhibitions to be held at Sydney and Melbourne, Australia, in 1879 and 1880.

The message further announced that the House had passed a concurrent resolution for the printing of 15,000 copies of the consular reports, with the letter of the Secretary of State transmitting the same, showing the rates of wages, hours of labor, prices of food, and general condition of the working classes in the several countries of Europe; in which the concurrence of the Senate was requested.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. No. 4) to provide for the exchange of subsidiary coins for lawful money of the United States under certain circumstances, and to make such coins a legal tender in all sums not exceeding $10, and for other purposes; and it was thereupon signed by the President *pro tempore*.

PUBLIC LANDS IN MINNESOTA AND DAKOTA.

The PRESIDENT *pro tempore*. The routine business of the morning hour is at an end, and the Chair lays before the Senate the resolution offered by the Senator from Indiana [Mr. MCDONALD] on the 27th of May to refer to the select committee to inquire into alleged frauds in the late election so much of the memorial of J. B. Greene, of Rhode Island, as relates to the interference of Federal officers in the late election in that State.

Mr. MCMILLAN. I do not see the Senator from Indiana in his seat this morning, and I move that the consideration of this resolution be postponed for the purpose of moving that the Senate proceed to the consideration of House bill No. 1152. This is a bill of local importance which has been reported by the Committee on Public Lands. The Senator from Kansas [Mr. PLUMB] who reported it from the committee asked to have it considered, and it was objected to at the time by the Senator from West Virginia [Mr. DAVIS] without any substantial objection to the bill, I believe. Since that——

The PRESIDENT *pro tempore* The Chair would suggest to the Senator from Minnesota that the Senator from Indiana on the right of the Chair [Mr. VOORHEES] indicated a disposition to speak on the pending resolution to-day, but he is not here, and if the resolution were informally laid aside the bill could be taken up.

Mr. MCMILLAN. I ask, then, that it be informally laid aside for the purpose of taking up the bill I have indicated.

The PRESIDENT *pro tempore*. To that the Chair hears no objection. The Senator from Minnesota moves to proceed to the consideration of House bill No. 1152.

Mr. DAVIS, of West Virginia. Let it be read for information.

The PRESIDENT *pro tempore*. The bill will be read.

The Chief Clerk read the bill.

Mr. MCMILLAN. This matter has been submitted to the Commissioner of the General Land Office, and in accordance with his suggestions I will offer an amendment to the bill.

Mr. DAVIS, of West Virginia. I ask the Senator whether he has a communication upon the subject from the Interior Department? If so, let it be read.

Mr. MCMILLAN. Yes, sir, I have. I can state the substance of the communication if the Senator will be satisfied with that.

The PRESIDENT *pro tempore*. The question is on the motion to proceed to the consideration of this bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1152) to extend the time for the payment of pre-emptors on certain public lands in the State of Minnesota and Territory of Dakota. It extends for two years from October 1, 1878, the time at which pre-emptors on the public lands in the State of Minnesota, including the lands within the Fort Ridgely and Sioux Indian reservations and the old Sioux Indian reservation in the county of Grant, Territory of Dakota, are now required to make final proof and payment.

Mr. MCMILLAN. I offer the amendment which I have sent to the desk, and I ask that it be reported.

The PRESIDENT *pro tempore*. The amendment will be reported.

The CHIEF CLERK. After the word "seventy-eight," in line 9, at the end of the bill, it is proposed to insert:

In all cases where the pre-emptors shall make due proof before the register and receiver of the local land office in the district in which their lands are situated that their crops have been destroyed or seriously injured by grasshoppers within two years prior to October 1, 1878.

Mr. BECK. If there is a communication from the Department I should like very much to have it read from the Clerk's desk.

Mr. MCMILLAN. I ask that it be read. The amendment is in accordance with the suggestion of the Commissioner of the General Land Office. It restricts the extension to the cases mentioned in the amendment, as was intended to be done originally.

The PRESIDENT *pro tempore*. Does the Senator wish the communication read?

Mr. DAVIS, of West Virginia. Oh, yes; let it be read previous to voting on the amendment.

The PRESIDENT *pro tempore*. It will be read.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, May 16, 1879.

SIR: I have the honor to transmit herewith copy of the report of the Commissioner of the General Land Office on House bill 1152, "to extend the time for the payment of pre-emptors on certain public lands in the State of Minnesota and Territory of Dakota," which you referred to him for an expression of his opinion thereon, and to state that I concur in the views therein set forth.

Very respectfully,

C. SCHURZ, *Secretary*.

Hon. P. B. PLUMB,
United States Senate.

Mr. MCMILLAN. I ask that the letter of the Commissioner of the General Land Office accompanying the communication be also read.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., May 15, 1879.

SIR: I have received from Senator PLUMB, of the Senate Committee on Public Lands, House bill No. 1152, entitled "An act to extend the time for the payment of pre-emptors on certain public lands in the State of Minnesota and Territory of Dakota," for an expression of opinion as to whether this office has any objection to the passage of the bill.

It is stated in the letter from Senator PLUMB accompanying the bill, that "it is designed to benefit those who suffered by the grasshopper invasion." If the bill should become a law it would doubtless have that effect, as by its terms, according to my interpretation of it, it extends the time alike to all pre-emption entries, whether they were such as suffered by reason of the grasshopper invasion or not. The policy of extending time to pre-emptors on the public lands for making their final payments is a matter for Congress to determine, and no expression of opinion by me as to such policy is deemed necessary. If such extension is to be granted, I know of no reason why it should not be general and extended to pre-emptions in every State and Territory. If, as stated in the letter of transmittal referred to, it is designed only for the benefit of those who suffered by the grasshopper invasion, I would respectfully suggest that the bill be amended by inserting, after the word "seventy-eight," in the ninth line, the following:

"In all cases where the pre-emptors shall make due proof before the register and receiver of the local land office in the district in which their lands are situated, that their crops have been destroyed by grasshoppers within two years prior to October 1, 1878."

The bill (H. R. No. 1152) is herewith transmitted.

Very respectfully, your obedient servant,

J. A. WILLIAMSON,
Commissioner.

Hon. CARL SCHURZ,
Secretary of the Interior.

Mr. MCMILLAN. The Senate will observe that the amendment I have offered is in accordance with the suggestion of the Commissioner with the exception that I have inserted the words "seriously injured" instead of confining it to "totally destroyed." That is what was intended to be accomplished originally by the bill as introduced in the House, but the language was too general for that purpose, and it has been thus restricted. The measure refers only to certain portions of my own State and one county in Dakota.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment offered by the Senator from Minnesota.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

DISTRICT WATER SUPPLY.

Mr. ROLLINS. I ask consent to take up for present consideration the bill (H. R. No. 2005) to confer upon the commissioners of the District of Columbia the powers, duties, and limitations contained in chapter 8 (water service) of the Revised Statutes of the United States, relating to the District of Columbia, and for other purposes, which was reported from the Committee on the District of Columbia yesterday.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. COCKRELL. Let the bill be read at length:

The bill was read, as follows:

Be it enacted, &c., That the commissioners of the District of Columbia shall have all the powers and be subject to all the duties and limitations provided in chapter 8 of the Revised Statutes of the United States, relating to the District of Columbia: *Provided*, That water-main taxes and water-rents shall be uniform in said District: *And provided further*, That the rate of interest specified in section 202 of said Revised Statutes shall be increased to 10 per cent. per annum from and after the passage of this act.

SEC. 2. That the Secretary of the Treasury be, and he hereby is, directed to advance to said commissioners the sum of $25,000, to be reimbursed by payment into the Treasury of the United States, until said sum is paid in full, of all collections of water-main taxes now due said District; and the money so advanced shall be expended to improve the water supply on Capitol Hill.

Mr. BAYARD. I ask the attention of the honorable Senator who has charge of this bill. I believe a similar measure was considered at the last session.

Mr. ROLLINS. A similar bill was considered at the last session and passed by the Senate. After some discussion an amendment was moved by the Senator from Vermont [Mr. EDMUNDS] which is substantially the first section of the present bill. It is simply to give the commissioners power to regulate the charges for water rents. It gives them full power. The same provision was adopted at the last session on the motion of the chairman of the Judiciary Committee at that time.

Mr. BAYARD. Will the honorable Senator explain upon what the rate of interest specified is increased to 10 per cent.?

Mr. ROLLINS. It is increased to 10 per cent. upon the amount still due on the charges for laying down the water-mains. The sum of $113,000 is still due, and it is found that with only 6 per cent. charged for interest it is impossible to collect the money. It is hoped that by increasing the rate of interest, those owing the money may be induced to pay it, so that the $25,000 proposed to be advanced may be very speedily refunded to the Treasury.

Mr. BAYARD. There is another small item here. In section 2 the bill provides that the sum of $25,000 shall be advanced to the commissioners by the Secretary of the Treasury, and expended in the improvement of the supply of water on Capitol Hill. I have no objection whatever to the improvement of the supply in that part of the town, but I have been made sometimes painfully aware of the lack of supply in other portions of the city. The water taxes are gauged upon the number of outlets applied in every house, upon all the premises, and yet at the same time there is a large portion of the city in which the supply of water is only nominal. I could name very long rows of houses in this town where the supply is but nominal, where the upper stories are never reached except in mid-winter, and at midnight in mid-winter. When the use of water is cut off by the cold, or when the great use of the water is cut off by the late hour of night, then and then only is a supply of water given in many portions of this town for which the full water-tax is demanded and paid. As long as the present system of taxation is continued we shall have a nominal supply of water for an actual tax. While it is very probable that there are portions of Capitol Hill that require an increased flood of water, it is not more true than that others need it in the same way.

I always rely upon the examination of the gentlemen specially charged with the consideration of this business; but I submit that there ought to be a more general improvement in the laying of water taxes in this town, where so large a portion is taxed for that which it never gets or gets so imperfectly as to make it scarcely a reliable source.

Mr. ROLLINS. I quite agree with most that the Senator from Delaware has said. It will be necessary in order to make the supply all that is desirable in the city probably to extend the conduit and enlarge the dam, incurring a very large expenditure, before the supply of water throughout the city will be all that is desirable. This subject has been under consideration for some time. Several plans have been proposed, but the matter has not yet been sufficiently considered to warrant the committee in reporting a bill to the Senate.

The object of this bill is to relieve a pressing necessity upon Capitol Hill and to authorize the commissioners to revise the water rates. If any Senator desires further information upon the subject I have here a letter from the commissioners addressed to the Speaker of the House, (the House having already passed this bill,) which can be read; but I do not wish to occupy the time of the Senate by the reading unless some Senator calls for further information.

Mr. MORRILL. May I ask the Senator from New Hampshire whether it is proposed by the commissioners to raise largely the water rents?

Mr. ROLLINS. I do not think that it will be necessary to raise largely the water rents. I think by a revision of the rates, compelling those who use large quantities of water to pay according to the water they use, the amount of money required can be raised without very largely increasing the water rents; but that it is necessary there should be a revision of these rents is perfectly apparent. I think the bill ought to pass.

Mr. THURMAN, (Mr. COCKRELL in the chair.) I wish a little explanation of this bill. The first clause provides:

That the commissioners of the District of Columbia shall have all the powers and be subject to all the duties and limitations provided in chapter 8 of the Revised Statutes of the United States, relating to the District of Columbia.

I have not that chapter before me and I would thank the Senator to tell me what are those powers, duties, and limitations which it is proposed to confer upon the commissioners.

Mr. ROLLINS. In one moment. I have sent for the statutes of the District of Columbia. I thought I had them here.

Mr. BAYARD. While the honorable Senator from Ohio is looking for the statutes, I would suggest to the Senator from New Hampshire, who has the bill in charge, whether it would not be wiser to allow any portion of this $25,000 to be used not for one locality but for any locality in which there is a deficient water supply, in proportion to the tax? I ask the honorable Senator why is it that Capitol Hill, to the improvement of whose water supply I have no objection, should be selected as the part of the city in which to spend money to remedy the defective water supply when other portions of the city suffer just as much? I submit to the honorable Senator that the bill has not exactly that equity of legislation which is proper. I do not think that one portion of this town that suffers from defective water supply should be relieved any more than other portions that suffer from the same cause to the same extent.

Mr. ROLLINS. To what portion of the city does the Senator allude?

Mr. BAYARD. The bill expressly provides in the second section that the property on Capitol Hill shall have the expenditure of $25,000 addressed to it. Why should that be? I do not deny that there is a defective water supply for that portion of the city, but I also know that there are other portions of the town equally defective. Why, then, should the expenditure of this sum of money be restricted to the property on Capitol Hill when other portions equally taxed are equally in want of a water supply?

Mr. HARRIS. I desire to ask the honorable Senator from Delaware if he knows as a fact that there are other portions of the city in which the supply of water is inadequate, as the fact is known that it has been inadequate for years, and is grossly inadequate, upon Capitol Hill?

Mr. BAYARD. Oh, yes, I have personal knowledge of the fact. The house that I occupy has no supply of water on the second and third stories, for which tax is collected, except it be at midnight, and sometimes in summer weather not even then; and it is necessary to have the expense and trouble of artificial methods of raising water by means of pumps in order to supply the bath-rooms &c., on the second and third stories. If that is the case at the point that I speak of, it is still more so as to residences on higher ground. Therefore I think I am very safe in saying to the Senator that there are other and extensive portions of property in this city taxed for water rates where the water supply is really nominal.

Mr. HARRIS. In answer to the question propounded by the Senator from Delaware——

The PRESIDING OFFICER, (Mr. COCKRELL in the chair.) The Senator from Ohio has the floor. Does he yield to the Senator from Tennessee?

Mr. ROLLINS. I have the statute now.

Mr. THURMAN. I have it now before me, and I wish to call the attention of the Senator from New Hampshire to some of its provisions. The bill provides:

That the commissioners of the District of Columbia shall have all the powers and be subject to all the duties and limitations provided in chapter 8 of the Revised Statutes of the United States, relating to the District of Columbia.

I supposed that they already had all those powers in the act creating the board of commissioners; but if they have not, then it is proposed to confer those powers upon them. It is proposed by this bill, as I understand, to have a revision of the water tax in the city of Washington. Water being the only cheap thing there is in Washington, it is proposed to make it a little dearer. How is that to be done? It is said there is great inequality, and I think there is inequality; but the inequality will not be remedied by this bill.

The difficulty in my mind, and to which I wish to call the attention of the Senator from New Hampshire, is this: You make these laws applicable to the present board by giving them all the powers contained in this chapter 8, if they do not already possess those powers. It is said that it is necessary in order to remedy a great and gross inequality in the water tax in this city; for instance, that a person with very large premises and using a great deal of water pays no more tax than a person with the humblest tenement and who uses not one-tenth or one-twentieth the amount that is used by the large proprietor. Will this bill remedy that evil? Will it get rid of that inequality? Will it enable the board of commissioners to remedy it?

Let us see whether it will. They are to have the powers and they are to be subject to all the duties and limitations provided in chapter 8 of the Revised Statutes of the United States relating to the District of Columbia. I will read some of the provisions of that chapter:

SEC. 199. A water tax may be levied and collected on all real property within the limits of the city of Washington, which binds or touches on any avenue, street, or alley in which a main water-pipe may be laid by the United States or by the District.

It is to be a tax on the real estate, not a personal tax, but a tax on the real estate. Then the next section is:

The water tax shall be as nearly as possible equal and uniform.

Then the very next section to that, section 201, provides that:

The water tax may be levied on lots in proportion to their frontage or their area, as may be determined by law, and may be collected in not less than three nor more than five annual installments.

Then it seems to be the contemplation of the act that this tax, which is to be a tax on real estate, must be levied or should be levied upon the frontage of the lots. If that is the true interpretation of the statute, then this bill will not remedy the difficulty at all, for it will still be a tax according to the number of front feet of the lot, and wholly irrespective of the amount of water that is used on the premises. It seems to me that there is very great obscurity in the measure. The bill itself provides:

That water-main taxes and water rents shall be uniform in said District.

I do not know what uniformity is meant by that provision, unless it is a uniform tax on the frontage of the lots or a uniform tax upon a given amount of water consumed, as, for instance, so much a gallon. That would be a uniform tax, but that does not exactly seem to be consistent with section 201, which provides for a tax upon the number of feet front in the lot. I will not say that section 201, which provides that the tax "may be levied," is compulsory; I will not say that it provides it shall be levied in that way; but it is obscure, and this bill I think will be more obscure.

Mr. HARRIS. I suggest to the Senator from Ohio that the tax upon the frontage of the lot is a tax levied for the purpose of paying for the water-mains. It is a tax that is levied but once; it is not an annual tax. It is for the laying of the water-mains that bring the water to the vicinity or to the place where it is used. Then the uniformity required in the water supply is an annual tax. I suppose uniformity there means that each spigot or faucet used in a house shall pay the same rate, the same amount, and uniformity is obtained in that way. Whether it be the wisest plan or not to levy the tax upon the frontage of the lot for laying these mains, such has been the policy, and such under that statute must be the policy hereafter under the House bill now under consideration; but it will be perfectly competent for the commissioners, as I understand, if this bill shall pass, to lay a uniform tax upon the water supply, depending upon the quantity of water that is used in each house in the city. Such at least is my construction of the act the Senator is commenting upon.

Mr. INGALLS. The Senator from Tennessee is not entirely correct, the fact being that the cost of laying the water-mains is paid by the levy of a tax upon the square foot in the lot along the front of which the mains are laid. The Senator from Ohio is correct in saying that there is a tax levied by way of rent for water in accordance with the frontage of the lot, under the law as at present administered. But the commissioners of the District of Columbia addressed a letter to the committee, which was read when a similar bill was under consideration, in which they say they propose to change the entire system and to substitute for this frontage a certain "fixed amount to every private dwelling in which water is introduced, this payment to cover such fixtures as are usually found in the smaller class of houses now being built, and to charge a fixed amount for each spigot or faucet in excess of such usual number." The frontage tax for water rent is to be abolished, and in place of that a fixed rent is to be established to correspond with the number of faucets or spigots used, and consequently the amount of water distributed.

Mr. HARRIS. I do not think the Senator from Kansas quite understood my statement. I am quite aware of the fact that in the regulations that have prevailed heretofore the annual water rent has been governed by the frontage of the lot supplied; but the point that I suggested was that under this statute that was not necessary, and if this bill passes the commissioners may regulate the annual water rents according to the rule that I suggested. That is the remedy to be found in the passage of this bill.

Mr. THURMAN. There is no doubt that the Senator from Tennessee is correct in saying that they may do so if this bill pass, because one section of this eighth chapter is this:

The Legislative Assembly has authority to establish a scale of annual rates for the supply and use of the water apportioned to different classes of buildings, according to their size, dimensions, assessed values, exposure to fires, uses for dwellings, stores, shops, stables, manufactories, or other purposes, number of occupants, or consumption of water, measured by meter or otherwise, and to modify, alter, amend, increase, or reduce such scale, from time to time, and extend it to other description of buildings and establishments.

Undoubtedly if that power is conferred upon the commissioners by this act, thus reviving the powers that were given to the Legislative Assembly of the District when that body had an existence, they may require meters to be put in every house and measure the supply of water by a meter and charge according to the supply, so many gallons or the like.

My rising to this bill was more for the purpose of inquiry than anything else. I think it is a pretty large subject, and it is a bill that covers the interests of so many people here that it ought perhaps to have a little more consideration than this bill is likely to have in this morning hour.

Mr. EDMUNDS. Mr. President, the substance of the first section of this bill was passed by the Senate at the last session in the form of Senate bill No. 1529 of the Forty-fifth Congress as it was finally amended and passed. The first section of this bill was put on to bill No. 1529 as an amendment on my motion. On looking afterward at chapter 8, which is here again enacted, I came to the conclusion that the form of the bill as we sent it over—and it is the same as this bill—was too broad, for there are some sections in chapter 8 that confer powers upon the Chief of Engineers and not upon the Legislative Assembly of the District of Columbia, and I do not think it would be wise to withdraw those powers from the Chief of Engineers and turn them over to the commissioners of the District of Columbia.

Having discovered that excess of action that we, as I thought, had committed, I sent a note to the chairman of the House committee, the honorable Mr. BLACKBURN—I may refer to him as being of the last Congress—calling his attention to the fact that I thought my amendment went too far, and suggesting that he examine it and have it corrected if the bill were to pass the House. I see this bill has come from the House without the limitation which I suggested; and that was to except out of the powers here granted to the commissioners of the District of Columbia the powers already invested by law in the Chief of Engineers; and I wish to move to amend this first section so as to make that exception. The thing goes on harmoniously and well under existing law, as to the powers of the Chief of Engineers, and I do not think, as far as I know, that they ought to be changed. If the chairman of the Committee on the District of Columbia has examined that question, and intends to withdraw the powers that the Chief of Engineers now has, then of course there may be a good reason for it.

Mr. HARRIS. According to the suggestion now made by the Senator from Vermont, and perhaps in some other respects, the Committee on the District of Columbia would have modified the House bill as it stands, but for the fact that that committee was of the opinion that to amend this bill at all was probably to defeat its passage at the present session. The supply of water is so grossly inadequate, especially on Capitol Hill, and the inconvenience by reason of that inadequacy is so great, that the Committee on the District of Columbia thought it best to pass the bill just as it comes from the House, giving to the commissioners of the District of Columbia the power to increase the water supply by laying down an additional main that is absolutely necessary, to which the money is confined, and that is the reason why it is confined to this expenditure upon Capitol Hill. The commissioners of the District of Columbia believe that the laying down of that additional main will so relieve the mains in other portions of the city as to make the supply in every other part of the city entirely adequate to the necessities of the city.

Now, if, in the opinion of the Senator from Vermont and the Senate, it is better to take the risk of losing the present bill at the present session, and subjecting the city to this inadequacy of water supply for the coming months between now and the time the next session of Congress shall meet, then we may undertake to change and to perfect the bill; but, in my own judgment, it is better that we pass the bill as it is, reserving of course the power that we have at all times to change and modify hereafter the bill as it now stands if experience shall show that such change and modification be necessary.

Mr. EDMUNDS. Mr. President, I am not able to agree with my honorable friend from Tennessee that it is a good thing to pass a law that is not entirely or substantially satisfactory on the theory that we may rectify it afterward. I do not think that is good legislation, and I think it must be a very extreme case indeed—and I feel sure my honorable friend will agree with me in general—that would justify us in resorting to such a step. I do not see any ground to apprehend that any proper amendment to this bill will not receive the approval of the co-ordinate branch of the legislative power of this Government. I am unable to appreciate the force of that argument.

Mr. HARRIS. The Senator will allow me. It is not an apprehension that the co-ordinate branch of the legislative department will not approve of any proper amendment, but the apprehension is that during the present session no amendment that we may adopt will receive consideration, and it goes over as a necessary consequence until December.

Mr. EDMUNDS. If I could do so without violating the proprieties that belong between the two Houses, I should say that I should have no doubt that the amendment I shall feel it my duty to propose in a moment or two going over to the House of Representatives would be immediately considered. Perhaps I do not violate any propriety in stating that in that way, because it is respectful to the House of Representatives and does not criticise in any way what they might do. Perhaps it would be wrong to say that I believe it would meet with unanimous approval afterward. Probably that would be wrong, and so I do not say it.

The present law in force for a great many years, even during the time when we undertook to set up and did set up a great structure of legislative government here that did not work at all, left in the Chief of Engineers the administrative power over the unnecessary

and wasteful use of Potomac water, to which I believe a great deal of the short supply in the elevated parts of the town—Capitol Hill, and that part of the town where I reside—is due. This conservative power of preventing waste, &c., is found in section 214 of the Revised Statutes relating to the District of Columbia in chapter 8, and also in section 219 of the same chapter; the first one I have named providing that—

In order to prevent unnecessary waste of Potomac water, and in order to more fully enforce the laws in relation to the distribution of the same, the Chief of Engineers is authorized, after giving notice, to shut off the water when such notice shall be disregarded from any places where a waste of water is occurring.

And section 219 provides that—

It is the special duty of the Chief of Engineers to bring to the notice of the attorney of the United States for the District of Columbia, or to the grand jury, any infraction of the preceding section.

And that preceding section relates to unlawful tapping, &c., and drawing off water. It is well understood that these water-works were built by the United States, coming from Great Falls, a distance of sixteen miles, and that all the taxation upon the people of this city and of Georgetown in respect thereof, is not to pay off the cost of the original investment, but to pay for keeping up the structures and making such necessary extensions and ramifications of them as the state of population, &c., from time to time shall require—merely running expenses and extensions, so to speak. The United States having built this great and very excellent system which, with all its defects, provides this city with as good water perhaps as any city in the world is provided with, if we could only get it in the high places where some of us reside, the United States through its officer, the Chief of Engineers, has always had control of the administration of the aqueduct system, and in order to that control and to prevent wastage, &c., these statutes that I have referred to have been enacted.

I do not think it is right toward the Chief of Engineers or right for public interests to upset that system and make this administrative part of the affair a matter that belongs to the commissioners of the District of Columbia instead of the Chief of Engineers. His system is organized; it is well administered; it must exist in respect of all that part of the pipes and the dams and the reservoirs and the locks and gates, &c., that exist outside of the city. I think it would be unwise, therefore, to disturb the present arrangement of the law and of the administration of that service in the respects to which I have alluded, and I am quite sure that my honorable friend from Tennessee will agree with me about that.

I move to insert in this bill after the word "Columbia" where it occurs in line 6 of section 1 these words:

Excepting such powers and duties as belong to the Chief of Engineers.

That will leave the Chief of Engineers with precisely the duties that the law now imposes upon him, to which nobody has ever made any objection, and which are merely a part of the system that he must execute outside of the city; and I think it would produce confusion and misfortune to turn this power over to the commissioners of the District of Columbia, and I say that without intending to reflect upon them at all. After they had got the necessary means and the necessary men to do it that the Chief of Engineers now has in one complete system, very likely they might do it; but there is no grievance or necessity for making the change and I think it would not work well. Therefore I make this motion and I hope my honorable friend from Tennessee will not oppose it upon the theory that it is likely to lose the bill because I am quite sure it will not.

Mr. HARRIS. I have merely to say that the only possible objection I could have to the amendment proposed by the Senator from Vermont is the one I have already suggested, that it endangers the passage of the bill at the present session of Congress. That is the only objection I can have to the amendment suggested by the honorable Senator from Vermont.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Vermont.

Mr. EDMUNDS. The amendment will leave the law in a perfect state of harmony as respects the management, the wastage, and so forth, and the operation of the works as they now exist.

Mr. CONKLING. Mr. President, I fear that no vote I can give upon this bill will express the wish or the judgment I have on the subject to which it relates. I believe that a wrong is involved in any possible plan or adjustment by which the people of the city of Washington or any one householder in Washington is compelled to pay for the use of water. I do not underrate the value of water or its desirableness as one of the fluids used by men. I do not mean my remark to apply to water generally, or to any water whatever except that foul, that unfit water which is brought through works which have cost an enormous sum of money and delivered in houses in the city of Washington to be used, not only to wash in, but to drink. Speaking of that water, I mean to say that I deem it a wrong, a thing inherently objectionable because of its dishonesty, its commercial dishonesty as well as otherwise, to charge people any price whatever for such water brought them through mains and from reservoirs which their money among others has helped to construct.

This water is brought from the Potomac River, a great river running swiftly above here, and shoaled in many places. It is liable therefore to be roiled and to have the fluctuant lighter material which lies at the bottom stirred up by rains, and thus is made for the time being unfit to drink. Because of that money was appropriated to build reservoirs, and there are three, if I mistake not, of large capacity, the object of these reservoirs being that, when the river is quiet and clear and the water pure, they may be filled, and when from storm or freshet the sediment at the bottom of the river is stirred up and the water rendered unfit for use, the flow may be shut off, and then resort may be had to the reservoir and the waters which have been kept there clean and pure, because coming there when the river was still and normal.

Now, with all that adjustment, what does every Senator know to be true? I heard a Senator say this morning that frequently he could not see the bottom of a tumbler when it was filled with this water, and I am not sure that that is too strong a statement. It is not fit, I repeat, to wash in, and yet it is the water delivered in this city to be drank.

Mr. President, I have heard a great deal in this Chamber, I have heard the Senator from Ohio who stands before me now [Mr. THURMAN] eloquent and emphatic when he talked about what had been done by the board of public works in the city of Washington. Whenever the Senator gets after a thing that he really thinks is wrong he strikes a very high rate of speed, and I have seen him under great action when he went for the board of public works as that historical character went for "the heathen Chinee." [Laughter.] I wish to say that in my belief, if the board of public works of the city of Washington had done what has been done down to this time about the water-works in the District of Columbia, and then the honorable Senator from Ohio should bend the bow and make that board of public works a mark for his arrow, praying never would save them.

I do not believe there is or has been about this city a more indefensible disconnection between cause and effect in the just application of moneys than in the instance to which I am referring. Ever since I first came to Congress appropriations have been going for these water-works, reservoirs, bridges, mains, all manner of things; one of them is here this morning; and there has never been one year, nor in my belief one season of one year, when the water brought here was fit for use even to wash or bathe in; and yet there never has been one year or one month in one year when it might not have been perfectly fit by the same care and the same management familiar in every one of half a dozen northern cities I could mention.

I wish the honorable Senator from Ohio would some time when his battle spirit is upon him, when he is in good voice, and when he feels that something generally ought to be rended and devoured, just go for these water-works once, so that I could have the pleasure of sitting by and hearing it set forth and shown accordingly by a man who really knows how.

The PRESIDING OFFICER. The morning hour has expired. The Chair will lay before the Senate the unfinished business.

Mr. THURMAN. Will the Senator from New York allow me to ask what he has drank for the last sixteen or eighteen years?

Mr. CONKLING. I wish to answer that question. The honorable Senator from Ohio inquires of me what I have drank for the last sixteen or seventeen years since I have been in Congress. I beg to say to the honorable Senator it is not that beverage so universally drank by the party of which he is the distinguished leader. [Laughter.] If he wishes me to be more definite than that, I am ready to be so; but in the mean time I think the real point which the Senator wishes to ascertain is conveyed in my answer,—never that beverage—I always avoid it.

Mr. THURMAN. If the Senator from New York had only addicted himself to that beverage it would have liberalized his heart and made him a far more amiable man than he is, although he is already the incarnation of amiability. [Laughter.]

Mr. CONKLING. And also no doubt would have saved the expenses of a filter because I am told they do not filter it, but take it straight. [Laughter.]

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which is the bill (H. R. No. 2020) to establish post-routes.

Mr. HARRIS. I ask the Senator from Texas to allow the consideration of the District water bill to proceed. I think it will take only a few moments to dispose of it now, and I should be glad to have the action of the Senate upon it. I hope the Senator from Texas who has the post-route bill in charge will consent that we may proceed with the consideration of this bill, and if it be found that it will take any considerable length of time, I will say more than thirty minutes, I will not trespass further on his indulgence.

Mr. THURMAN. I hope the regular order will be proceeded with. After the affecting remarks of the Senator from New York I feel that this is a serious matter that we ought to consider with great care and caution. If we are drinking such horrible stuff we ought not to pay any more for it. It has been cheap heretofore. Perhaps we ought to raise the price in order to diminish the consumption of this very bad beverage that we have been drinking. But jocularity apart, Mr. President, I think this bill requires more consideration than we can give it in the short time suggested by the Senator from Tennessee. I hope the bill will go over and the regular order be taken up.

The PRESIDING OFFICER. The regular order is before the Senate, unless there be a motion made to temporarily lay it aside.

Mr. WHYTE. I ask the Chair to lay before the Senate some bills from the House that ought to be referred to committees.

Mr. ROLLINS. Do I understand the Senator from Texas to con-

sent that the regular order shall be laid aside according to the arrangement proposed by the Senator from Tennessee?

Mr. MAXEY. I have tried to get an opportunity to do so for some time, but have not succeeded as yet. The Senator from Tennessee has appealed to my courtesy to lay aside the regular order informally for a few minutes, saying that if it takes exceeding thirty minutes to complete the bill under consideration he will withdraw his call and allow the regular order to proceed. Under that agreement, and desiring to accommodate the Senator from Tennessee, I am willing to lay aside the regular order informally for thirty minutes to give an opportunity to have this water bill disposed of in that time.

Mr. THURMAN. I am perfectly satisfied this bill cannot be passed in thirty minutes, and I insist on the regular order.

The PRESIDING OFFICER. The regular order is before the Senate unless there is a motion to postpone it.

Mr. HARRIS. I shall not make any motion to postpone. I had hoped to have the unanimous consent of the Senate to proceed with the bill.

The PRESIDING OFFICER. The Senator from Ohio has called for the regular order.

Mr. HARRIS. If I cannot have unanimous consent I will not ask that the regular order be laid aside.

HOUSE BILLS REFERRED.

Mr. LAMAR. I hope I shall be allowed to make a motion to refer House bill No. 1847 to the Committee on the Improvement of the Mississippi River and its Tributaries.

Mr. WHYTE. I ask the Senator from Texas to allow us to have all the House bills on the table referred.

Mr. MAXEY. Certainly.

The PRESIDING OFFICER. If there be no objection the Chair will lay before the Senate some House bills for reference.

The bill (H. R. No. 1847) to provide for the appointment of a "Mississippi River commission" for the improvement of said river from the head of the passes near its mouth to its headwaters was read twice by its title, and referred to the Committee on the Improvement of the Misisippi River and its Tributaries.

The bill (H. R. No. 1478) to authorize the Secretary of the Treasury to negotiate for the purchase at private sale, or, if necessary, procure by condemnation, a site for a post-office in the city of Baltimore, State of Maryland, was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

The joint resolution (H. R. No. 82) in relation to the international exhibitions to be held at Sydney and Melbourne, Australia, in 1879 and 1880, was read twice by its title, and referred to the Committee on Foreign Relations.

EUROPEAN WORKING CLASSES.

The PRESIDING OFFICER laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring.) That there be printed 15,000 copies of the consular reports, with the letters of the Secretary of State transmitting the same, showing the rates of wages, hours of labor, prices of food, and general condition of the working classes in the several countries of Europe; 8,000 copies for the use of the House, 4,000 copies for the use of the Senate, and 3,000 copies for the use of the Department of State; that of the said 15,000 copies 5,000 shall be bound in cloth and 10,000 shall be bound in paper.

COLONIAL CHARTERS AND CONSTITUTIONS.

Mr. WHYTE, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate, (the House of Representatives concurring,) That the Public Printer be, and he is hereby, directed to deliver to the Secretary of the Interior ten copies of the Colonial Charters and Constitutions of the United States, from those remaining in his possession.

POST-ROUTE BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 2020) to establish post-routes.

Mr. MAXEY. As I stated yesterday evening, there is nothing in this bill except the establishment of post-roads. Quite a number of amendments to the bill were placed by the Senate Post-Office Committee upon it, simply establishing post-roads, and they have been printed with the bill. A number of others have been presented since the bill was reported from the committee on the 29th of May, and which are not printed in the body of the bill. Unless it is desired to have the bill formally read, I do not know that it is necessary.

Mr. EDMUNDS. It will have to be read to adopt the amendments. We have nothing else to do, and it is a very bad plan to pass any bill without reading. I do not doubt the Senator is perfectly correct in his statement, but for the mere honor of the thing we had better read every bill.

Mr. MAXEY. It was only to save trouble that I made the proposition. I have no objection to having the bill read.

Mr. EDMUNDS. It is no trouble. I shall listen to it with pleasure.

The PRESIDING OFFICER. The Chair will suggest that as the bill is read the amendments of the committee be acted on as they are reached in the reading.

Mr. MAXEY. I think we shall get along much better by going through with the amendments as printed in the bill and adopting them, and then other amendments can be proposed after those are through.

The PRESIDING OFFICER. The bill will be read and the amendments of the committee acted on as they are reached in the reading in their order.

The Chief Clerk proceeded to read the bill. The first amendment of the Committee on Post-Offices and Post Roads was, in line 11, under the head of "Alabama," after the word "from," to strike out "Tallageda" and insert "Talladega;" so as to read:

From Talladega, via Maxwell's Mills and Grisham's Ferry, to Kelley's Creek Post-Office.

The amendment was agreed to.

The next amendment was, under the same head, after line 15, to insert:

From Boyd's Switch to Belmont Coal Mines.

The amendment was agreed to.

The next amendment was, under the head of "Arkansas," in line 37, after the word "School-House," to strike out "Drew County;" so as to read:

From Hamburg to Chatham School-House, Arkansas.

The amendment was agreed to.

The next amendment was, under the same head, after line 41, to insert:

From Jonesborough to Old Farm, on the Saint Francis River.
From Gainesville, via Mount Carmel and New Bethel, to Greensborough.
From Crowley, via Walcot, to Herndon.
From Salem to Batesville.
From Hamburgh, via Petersburgh, to Morehouse Point.
From West Fork to Lee's Creek.
From Harrison to Lead Hill.

The amendment was agreed to.

The next amendment was, under the head of "Colorado," after the word "Crested" in line 57, to strike out "Butter" and insert "Buttes;" so as to read:

From Alpine, via Hillerton and Chalk Creek, to Crested Buttes.

The amendment was agreed to.

The next amendment was, after line 63, under the same head, to insert:

From Gunnison to Crested Buttes.
From Gunnison to Hillerton.

The amendment was agreed to.

The next amendment was, under the head of "Dakota Territory," after line 75, to insert:

From Bonnersville to Lisbon.

The amendment was agreed to.

The next amendment was, under the head of "Florida," to insert, after line 86:

From Hart's Road, on the A. G. and W. I. T. Company's Railway, via John Owens's and Mrs. Hutto Braddock's, to Stokes's Ferry, on Saint Mary's River.

The amendment was agreed to.

The next amendment was, under the head of "Georgia," to strike out, after the word "Forsyth" in line 93, "Monroe County," and after the word "Cornucopia," in the same line, to strike out "Jones County;" so as to read:

From Forsyth to Cornucopia.

The amendment was agreed to.

The next amendment was, in line 95, under the same head, to strike out, after the word "Seward," the words "Montgomery County;" so as to read:

From Mount Vernon to Seward.

The amendment was agreed to.

The next amendment was, under the same head, to strike out, in line 97, after the word "Cartecay," the words "Gilmer County," and in the same line, after the word "Blairsville," to strike out "in Union County;" so as to read:

From Cartecay to Blairsville, via Smith's Store, Rock Hill, Stock Hill, Neyor Hill, and Young Cane.

The amendment was agreed to.

The next amendment was, under the head of "Kansas," in line 145, after "Bow Creek," to strike out "Phelps County;" and in the same line, after the word "Hunton," to strike out "Graham County;" so as to read:

From Bow Creek to Hunton.

The amendment was agreed to.

The next amendment was, under the same head, after line 164, to insert:

From London to Clearwater.
From Sydney to Vernon.
From Wellington to Glen Valley.
From Lenora to Sheridan.
From Rosetta to Pottersburgh.

The amendment was agreed to.

The next amendment was, after line 200, under the head of "Louisiana," to insert:

From Pine Grove, via Grangeville, to Stony Point.
From Bluff Creek to Grangeville.
From Riverside, via Dutch Town, to Port Vincent.
From Babb's Bridge to Bayou Chicot.
From Fabacker to Hickory Flat.
From Baton Rouge, via Griffith's Store and Jones Creek, to Hope Villa.
From Covington, via Charles Straightman's and James Pierce's, to Pearl River.
From Greensburgh, Louisiana, to Liberty, Mississippi.
From Palestine, Louisiana, to Conerly's, Mississippi.

The amendment was agreed to.

The next amendment was, under the head of "Maine," to insert, after line 217:

From Carmel, via North Carmel, South Levant, and Levant, to Kenduskeag.

The amendment was agreed to.

The next amendment was, under the head of "Michigan," in line 224, after "Sherman City," to strike out "Isabella County;" so as to read:

From Big Rapids, via Grant Center, Knapp School-House, Emerald Lake, Chippewa Post-Office and Fork, to Sherman City.

The amendment was agreed to.

The next amendment was, under the same head, to strike out, after "Cheshire Center," in line 225, the words "Allegan County;" and in line 226, after "Bloomingdale Center," to strike out "Van Buren County;" so as to read:

From Cheshire Center to Bloomingdale Center.

The amendment was agreed to.

The next amendment was, in line 227, under the same head, before the word "Ray," to strike out "Ded" and insert "Del;" so as to read:

From Detroit to Del Ray.

The amendment was agreed to.

The next amendment was, under the head of "Minnesota," in line 245, after the word "Herman," to strike out "Grant County;" so as to read:

From Herman, via Toqua, to Orlonville.

The amendment was agreed to.

The next amendment was, under the head of "Mississippi," to insert after line 265:

From Osyka, Mississippi, to Gillsburg, Louisiana.
From Holly Springs, Mississippi, via Bainesville and Oak Grove, to Collierville, Tennessee.

The amendment was agreed to.

The next amendment was, under the head of "Missouri," after line 271, to insert:

From Darlington to Grant City.

The amendment was agreed to.

The next amendment was, under the head of "New York," to insert, after line 279:

From Homer to Spofford, via East Scott and South Spofford.

The amendment was agreed to.

The next amendment was, under the head of "Nebraska," after line 296, to insert:

From Chapman to Aurora.

The amendment was agreed to.

The next amendment was, under the head of "North Carolina," after "Moffitt Mills," in line 299, to strike out "Randolph County;" so as to read:

From Franklinsville, via Heart Ford, to Moffitt Mills.

The amendment was agreed to.

The next amendment was, under the same head, to insert after line 316:

From Old Fort to Bear Wallow.

The amendment was agreed to.

The next amendment was, under the head of "Oregon," to strike out, after the word "via," in line 319, the words "Butte Disappointment, Big Prairie, on Central Military Wagon Road, via Willow Springs," and insert "Hill's Mill, Fall Creek, Middle Fork Pass of the Mountains;" and in line 322, after the words "Summer Lake," to strike out "Chewman" and insert "Chewaucan;" so as to make the clause read:

From Springfield, via Hill's Mill, Fall Creek, Middle Fork Pass of the Mountains, Silver Lake, Summer Lake, Chewaucan, Goose Lake, and Surprise Valley, California, to Winnemacca, Nevada.

The amendment was agreed to.

The next amendment was, under the same head, to insert, after line 324:

From Union, Oregon, via Summerville and Weston, to Walla-Walla, Washington Territory.

The amendment was agreed to.

The next amendment was, under the head of "South Carolina," in line 345, after "Hope Station" to strike out "Lexington County;" so as to read:

From Bonneau's, via Cross Mills, to Eutawville, Hope Station, via Wilson and Fulmer's Store via Little Mountain, to Efird's Store.

The amendment was agreed to.

The next amendment was, after line 357, under the same head, to insert:

From Willow Swamp, via M. L. Gleaton's Store, Wilkes Sawyer's Store, and I. D. Durham's Store, to Rishe's Store.
From Reeseville, via I. O. A. Connor's, to Snell's Store.
From Singletarysville to Lynches Lake on the Northeastern Railway.

The amendment was agreed to.

The next amendment was, under the head of "Tennessee," in line 370, after "Tona" to strike out "Lewis County," and after "Linden" to strike out "Perry County;" so as to read:

From Tona to Linden.

The amendment was agreed to.

The next amendment was, under the same head, in line 373, after the word "from," to strike out "Cool" and insert "Coal;" in the same line, to strike out "Church" and insert "Clinch;" in line 374, to strike out "Halmakins" and insert "Hatmakers;" and in line 375, to strike out "Union County" after "Prospect;" so as to read:

From Coal Creek, via Fork of Powell, Clinch River, Hatmakers, to New Prospect.

The amendment was agreed to.

The next amendment was, in line 376, under the same head, to strike out "Boyals" and insert "Boyd's;" so as to read:

From Boyd's Creek, via Henry's Cross-Roads, Shady Grove, Stony Bluff, to Dandridge, Jefferson County.

The amendment was agreed to.

The next amendment was, under the same head, in line 378, to strike out "Somerville" and insert "Sevierville;" in line 379, to strike out "in Knox County;" and in the same line to strike "Kennis" and insert "Keener's;" so as to read:

From Alexander White's, on Sevierville Road, via Wrinkle's Store and Keener's Store, to Boyel's Creek.

The amendment was agreed to.

The next amendment was, under the same head, in line 381, to strike out "Stansbury" and insert "Strawberry," and in the same line to strike out "Knox County;" so as to read:

From Strawberry Plain, via Thorn Grove, to Henry's Cross-Roads.

The amendment was agreed to.

The next amendment was, under the same head, in line 384, to strike out "Jacksonborough" and insert "Jacksborough;" so as to read:

From New Prospect, via Long Hollow and Powell's River, to Jacksborough.

The amendment was agreed to.

The next amendment was, under the same head, in line 386, after "Wartburg," to strike out "Morgan County;" and after "Rockwood," in the same line, to strike out "Roane County;" so as to read:

From Wartburg to Rockwood.

The amendment was agreed to.

The next amendment was, under the same head, in line 388, after "Lodi," to strike out "Clay County;" so as to read:

From Lodi, via Butler's Landing, to Hilham.

The amendment was agreed to.

The next amendment was, under the same head, in line 390, after "Fairview," to strike out "Anderson County;" and in line 392, after "Huntsville," to strike out "in Scott County;" so as to make the clause read:

From Fairview, through Frost's Bottom, via New River Settlement, down New River, via Smoky Settlement, to Huntsville.

The amendment was agreed to.

The next amendment was, under the same head, in line 393, to strike out "Mayville" and insert "Marysville;" so as to read:

From Marysville, via Wright's Ferry and Lyon's View, to Ebenezer.

The amendment was agreed to.

The next amendment was, under the same head, in line 399, to strike out "Windria" and insert "Unitia;" so as to read:

From Morganton, via Unitia and Friendsville, to Brick Mills.

The amendment was agreed to.

The next amendment was, under the same head, in line 402, to strike out "Wannick's" and insert "Warwick's; so as to read:

From Hall's Cross-Roads, via Raccoon Valley and Warwick's Cross-Roads, to Maynardsville.

The amendment was agreed to.

The next amendment was, under the same head, after line 402, to insert:

From Knoxville, via Doyle's Spring, to Miller's Cove.
From Rutlege, via Rose Hill, to Turnley's Mills.
From Fullen's, via Horse Creek, Camp Creek, Woolsey College, and Limestone Springs, to Cedar Creek.

The amendment was agreed to.

The next amendment was, under the head of "Texas," in line 409, after "Cedar Bayou," to strike out "Chambers County;" so as to read:

From Dayton to Cedar Bayou.

The amendment was agreed to.

The next amendment was, under the same head, in line 410, to strike out "Joseph" and insert "Jo;" so as to read:

From Saint Jo to Fort Sill, Indian Territory.

The amendment was agreed to.

The next amendment was, under the same head, in line 411, after "Livingston," to strike out "Polk County;" and, in the same line, after "Shepherd," to strike out "San Jacinto County;" so as to read:

From Livingston to Shepherd.

The amendment was agreed to.

The next amendment was, under the same head, in line 413, after "Canton," to strike out "Van Zantt County;" in the same line, to strike out "Praieville" and insert "Prairieville;" and, in line 414, to strike out "Kaufman County;" so as to make the clause read:

From Canton to Prairieville.

The amendment was agreed to.

The next amendment was, under the same head, in line 417, to

strike out "Hearna" and insert "Hearne;" and, in line 418, to strike out "McKevett" and insert "McKavitt;" so as to make the clause read:

From Hearne, via Belton, Lampasas, Brady, Menardsville, Fort McKavitt, to Camp Stockton.

The amendment was agreed to.

The next amendment was, under the same head, after line 420, to insert:

From Eagle Pass to Presidio Del Norte.
From Blanco, via Boerne, to Bandera.
From Columbus to Victoria.
From San Antonio to Mouth of Pecos.

The amendment was agreed to.

The next amendment was, in line 432, under the same head, to strike out "Cleborne" and insert "Cleburne;" so as to read:

From Monterey to Cleburne.

The amendment was agreed to.

The next amendment was, after line 435, under the same head, to insert:

From Spring Creek, via Oregon City, the Narrows, Rockford on Big Wichita River, and Clarendon, to Fort Elliott.
From Monkstown, via Honey Grove and Milltown, to Ben Franklin.
From Overton, via Jamestown, Browning's, and Starrville, to Winona.
From Rosston, via Pella, Glasgow, and Grafton, to Jacksborough.
From Paris, via Biardston and Charleston, to Sulphur Springs.
From Fredericksburg, via Spring Creek, Devil's River, and Johnson's Fork, to Junction City.
From Dexter, via Collinsville and Whitesborough, to Pilot Point.

The amendment was agreed to.

The next amendment was, after line 450, to insert:

VERMONT.

From Hartford to Jericho.

The amendment was agreed to.

The next amendment was, under the head of "Virginia," in line 458, after "Court-House" to strike out "Madison County;" so as to read:

From Madison Court-House, via Carmel, Dulinsville, Madison Factory, thence back to Madison-Court House, to starting point.

The amendment was agreed to.

The next amendment was, under the same head, in line 470, after "Sweet Chalybeate Springs" to strike out "Alleghany County;" so as to read:

From Blue Spring Run to Sweet Chalybeate Springs.

The amendment was agreed to.

The next amendment was, under the same head, in line 471, after "Pott's Creek Post-Office" to strike out "Alleghany County;" so as to read:

From Covington to Pott's Creek Post-Office.

The amendment was agreed to.

The next amendment was, after line 482, under the same head, to insert:

From Davis Mills, via Kasey's and Gill's Creek, to Union Hall.

The amendment was agreed to.

The next amendment was, under the head of "Wisconsin," in line 510, after "Namure" to strike out "Dove County;" so as to read:

From Namure, via Rosiere and Forestville, to Ahnapee.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. MAXEY. I will proceed now to ask the Senate to act upon amendments which have been presented at various times since the bill was printed, and referred to the Committee on Post-Offices and Post-Roads and agreed to by the committee. On page 2, after line 16, under the head of "Alabama," I move to insert:

From Center Star to Bellevue.
From Rodgersville to Bellevue.

The amendment was agreed to.

Mr. MAXEY. There is a verbal amendment necessary on line 42, page 3, by striking out the word "Farm" and inserting "Town;" so as to read:

From Jonesborough to Old Town, on the Saint Francis River.

The amendment was agreed to.

Mr. MAXEY. After line 89, on page 5, under the head of "Florida," I move to insert:

From Troy, on the Suwannee River, to Clear Water Harbor
From Keysville to Pine Level.
From Campbellton to Euchee Anna, via Cerro Gordo.
From Anclote, via Stevenson's Bridge, to Tampa.
From Machison to New Troy, via Norton's Creek, Mosley's Mill, Long Pond, and Midway.
From Sumpterville to Barton.
From Euchee Anna to Oak Grove, Hart's Ferry, and Alayua.

The amendment was agreed to.

Mr. MAXEY. After line 169, on page 8, under the head of "Kansas," I move to insert:

From Junction City, via Lodi, Tully, and Bugg's, to Alma.
From Nickerson to Stone Corral.
From Nickerson to McPherson Center.

The amendment was agreed to.

Mr. MAXEY. After line 189, on page 9, I move to insert, under the head of "Kentucky:"

From Flat Lick, via T. J. Ingraham's, Poplar Creek, Mahan's Gap, Ben Bennett's, Big Poplar Creek, and Trace Fork, to Mud Creek, thence via Merritt Lawson's to Boston.

The amendment was agreed to.

Mr. MAXEY. After line 250, page 11, I offer the following, under the head of "Minnesota:"

From Mazeppa, via Bear Valley, Belle Chester, Thoten, Belvidere Mills, and Hay Creek, to Red Wing.
From Mountville, via Transit, Bismark, Moltke, and Grafton, to Stewart.
From Lu Verne to Rockville.

The amendment was agreed to.

Mr. MAXEY. On the same page 11, in line 239, a verbal correction is necessary. The word there is "Uinty;" it ought to be Unity.

The PRESIDING OFFICER. The correction will be made.

Mr. MAXEY. In line 240, I move to strike out "Pullin" and insert "Pullers;" so as to read:

From Virginia City, via Puller's Springs, to Home Park.

In line 241, the word "Lagan" should be Logan.

The PRESIDING OFFICER. These corrections will be made, there being no objection.

Mr. MAXEY. After line 259, under the head of "Mississippi," I move to insert:

From Fairmount, via May and North Star, to Saint James.

The amendment was agreed to.

Mr. MAXEY. After line 272, under the head of "Missouri," I move to insert:

From Van Buren to Pike Creek.

The amendment was agreed to.

Mr. MAXEY. After line 281 I move to insert the following for New Mexico; there is no route for New Mexico in the House bill:

NEW MEXICO.

From Fort Wingate, New Mexico, via Zania, Saint Johns, Round Valley, Camp Apache, Ponto Basin, to Camp Verde, Arizona.

The amendment was agreed to.

Mr. MAXEY. After line 297, page 13, under the head of "Nebraska," I move to insert:

From Red Willow, via Box Elder, Osborn, and Rola, to Carrico.
From Vermillion, Dakota Territory, to Daily Branch, Nebraska.

The amendment was agreed to.

Mr. MAXEY. One of the members from North Carolina told me that one word, "Williamsburg," should be Williamsboro. I ask the Senator from North Carolina how that is?

Mr. RANSOM. Williamsboro.

Mr. MAXEY. Then in line 298 I move to change the word "Williamsburg" to Williamsboro.

The PRESIDING OFFICER. The amendment will be considered agreed to.

Mr. SAUNDERS. I ask the chairman to allow me to offer an amendment as to Nebraska.

Mr. MAXEY. In one moment. We are on North Carolina now. After line 317, under the head of "North Carolina," I move to insert:

From Townesville to Williamsboro.

The amendment was agreed to.

Mr. SAUNDERS. The amendment I wish to make is after line 297, or after the amendment offered by the chairman of the committee, commencing at line 297, to insert:

From O'Neil City to Chelsea.

Mr. MAXEY. I think it is better to let me finish.

Mr. SAUNDERS. Just as the chairman pleases.

Mr. MAXEY. I have all the amendments here now, and prefer getting rid of them.

Mr. SAUNDERS. Very well; go ahead.

Mr. MAXEY. There are some verbal amendments necessary under the head of Pennsylvania. In line 339 the word "Harredsville" should be Harnedsville, and in the same line the word "Listonburg" should be Silbaugh's.

The PRESIDING OFFICER. The modification suggested will be agreed to without objection.

Mr. MAXEY. In line 341 the word "Stayston" should be "Stoystown."

The PRESIDING OFFICER. That correction will be made.

Mr. MAXEY. In line 344, at the end of the word "Eutawville," there should be a period, and then the word "from" should be inserted, beginning the sentence, so as to make it read:

From Hope Station, via Wilson and Fulmer's Store, via Little Mountain, to Efird's Store.

The amendment was agreed to.

Mr. MAXEY. In line 346 the word "via" before "Little Mountain" should be stricken out and the word "and" inserted.

The PRESIDING OFFICER. That correction will be made if there be no objection.

Mr. MAXEY. Under the head of "South Carolina" I move, after line 364, to insert:

From McClellanville, via J. C. Butler's store, to Palmerville.
From New Zion, via Sandy Grove and Mouzon's, to Kingstree.
From Potatoe Ferry, via Anderson's Precinct near Captain Camlin's and Sutton's, to Gourdin's Depot.

The amendment was agreed to.

Mr. MAXEY. In line 380 I wish to make a verbal correction. "Boyel's Creek" should be Boyd's Creek.

The PRESIDING OFFICER. That correction will be made.

Mr. MAXEY. I offer on page 21 verbal corrections for Washington Territory which I send to the desk.

The PRESIDING OFFICER. These are verbal corrections which will be agreed to, there being no objection.

Mr. MAXEY. I offer an amendment for an additional post-route for Washington Territory, after line 495, page 21, to insert:

Fort Colville to the Okonagan.

The amendment was agreed to.

Mr. MAXEY. In line 450, page 19, under the head of "Texas," I move to insert:

From Gainesville, Texas, via Red River Station, to Fort Sill, Indian Territory.

The amendment was agreed to.

Mr. MAXEY. On page 21, under the head of "West Virginia," I move to insert after line 503:

From Ridgeville, via Knobly Ridge road, to Martin's Mill.

The amendment was agreed to.

Mr. MAXEY. At the end of line 76, on page 4, I move for Delaware to insert:

DELAWARE.

From Magnolia to Reedville or Bower's Beach.

The amendment was agreed to.

Mr. MAXEY. These are all the amendments which have come formally to me, and I have no further amendments on behalf of the committee to offer. I will move, however, to insert, for the Senator from Nebraska, after line 297:

From O'Neil City to Chelsea.

The amendment was agreed to.

Mr. BECK. I had an amendment referred to the committee this morning of which I gave notice yesterday. I hope it will be agreed to.

The PRESIDING OFFICER. The Chair understands the amendment of the Senator from Kentucky was referred to the committee and is in charge of the committee.

Mr. MAXEY. The amendment, I suppose, may be considered as formally referred to-day, which would not be a compliance with Rule 38; but, after what took place yesterday, I do not propose to avail myself of the technical advantage I have under that rule. The amendment, as I understand from the Senator from Kentucky, is substantially that which was presented by him to the Senate on the 15th of May, 1878, a little over a year ago. It has never been presented to this committee, never has been in the possession of the present committee of which I am chairman, until the notice was given that it was considered referred to-day.

The PRESIDING OFFICER. Has the Senator from Kentucky a copy of the amendment? The Chair has not the amendment nor has the Secretary.

Mr. MAXEY. I have it here I believe.

Mr. BECK. That is the one I referred this morning.

The PRESIDING OFFICER. The Senator from Kentucky offers an amendment, which will be reported for information.

The Secretary read the proposed amendment, as follows:

That the Postmaster-General be, and he is hereby, authorized to place such mail service upon any public highway, river, or railroad within the United States as the public service may require; and such public highways, rivers, and railroads are hereby declared post-roads so soon as said mail service is placed thereon.

Mr. BECK. That is a substitute for the whole bill. I have heard it said that there was some constitutional objection to the amendment. I have never looked at the question from a legal or constitutional stand-point; but as no service ever is placed on any post-route until the Postmaster-General sees fit to place it there, and only such service as he thinks the necessities of the country require is placed there after it is established, and as we seem to be able to do this in detail from one creek to another and from one little place to another that nobody knows anything about, and as all the railroads of the United States now are post-roads, and as all the navigable rivers are post-roads, I am unable to see why the public highways should not be made post-roads, and let such service be placed upon them from time to time as the necessities of the country require, instead of going through what we are going through to-day and what we go through at every session of Congress—a long detailed list of roads that nobody knows anything about nor cares anything about. I believe under the rules of the House of Representatives they are handed to the Clerk there and put on, and here they are put on without the members of the committee caring much about them, and, indeed, the members of the Senate themselves hardly knowing where the places are. I have heard of some routes in Kentucky; no doubt the places exist, but I do not think either my colleague or myself could guess within forty miles of where they are. It would be far better for the Senate, if this general measure can be constitutionally enacted, to have it so done; but I confess now I have not looked at it.

Mr. RANSOM. I wish my friend would allow his amendment to be read.

The PRESIDING OFFICER. The Senator from North Carolina asks that the amendment be again reported, which will be done.

The Chief Clerk read the amendment.

Mr. BECK. It may be that my proposition is not artificially drawn, but the general idea was to stop all this, it seems to me very unnecessary, waste of time of the Senate. If there is any objection to it, I say again that I confess I have never examined it.

Mr. MAXEY. Mr. President, I suggested yesterday evening—and I suppose it is to that the Senator from Kentucky refers, and I see the RECORD makes me state it affirmatively—that the measure proposed by him was unconstitutional. My purpose, of course, was not to affirm that it was unconstitutional, but to state it suggestively, to raise a query, to indicate something of a doubt in my mind as to whether or not a measure like that proposed by the Senator from Kentucky was constitutional, as I had very grave doubts about it.

Mr. CONKLING. In what respect?

Mr. MAXEY. I will endeavor to point out as clearly and as concisely as I can wherein.

It will be remembered that under the Articles of Confederation there was no power given to Congress to establish post-roads. Power alone was given for the establishment of post-offices. By reference to the debates in the convention which framed the Constitution the Senator will find no light thrown upon that subject, nor in the Federalist. There is but one single sentence, I believe, in the Federalist that refers to it, that is the last paragraph, forty-second number, by Mr. Madison. The Senator will remember that there have been two distinct theories in the United States as to the power of Congress under the clause to establish post-offices and post-roads which are divergent, one of which may properly be said to be represented by Mr. Monroe, and the other perhaps better than by any other one man by Mr. Clay. The two theories are entirely divergent. Both agree as to the power of Congress to establish post-roads, that is to say to use roads as such which have been established by State authority, and many able men insist that here the power stops, but the other theory goes further and contends that Congress has the power to build these roads, and to build just such dirt roads, turnpikes, or railroads as the wisdom of Congress may deem most expedient.

This point in studying upon this matter suggested itself, that whenever the United States Government establishes a post-road it has a right of way over that road, and the State cannot interfere with the right of way of the United States Government over that road for postal purposes. So far as all the purposes of carrying the mails over that road are concerned, the United States is supreme to the State. It was probably for this reason that under the articles of confederation the power was not given to Congress at all to establish post-roads. It was given under the Constitution of the United States, if I remember correctly; and if I am wrong some Senator will correct me, by a vote of six States to five. There were but six States in favor of giving Congress any power whatever to establish post-roads against five who were opposed to it, believing that it might infringe upon the rights of the States. There is a very interesting discussion of that question, and I shall certainly not trouble the Senate with reading it at this late hour, to be found in the third edition of Story on the Constitution, commencing at page 68, second volume, but I will read two or three sentences to give the idea that I have upon this subject:

It may be said that unless Congress have the power the mail roads might be obstructed or discontinued at the will of the State authorities. But that consequence does not follow; for when a road is declared by law to be a mail road the United States have a right of way over it, and until the law is repealed, such an interest in the use of it as that the State authorities could not obstruct it.

Here at once we see what might occur. So good a lawyer as the Senator from Kentucky must see that it might be the policy of Congress to discontinue a mail-route, and all that Congress would have to do would be to simply repeal the law establishing that road as a post-road, and then all the rights over that road would instantly revert to the State, whereas if you make by one single act every road in the United States a mail-route although you might have many of them useless still you would have difficulty in discontinuing them unless you repealed the whole law which established all the roads.

The terms of the Constitution—

Says Mr. Justice Story—

The terms of the Constitution are perfectly satisfied by this limited construction, and the power of Congress to make whatever roads they may please, in any State, would be a most serious inroad upon the rights and jurisdiction of the State.—2 *Story on the Constitution*, 73.

An interesting point is made as to the rights of the State and its citizens in 7 Dana (Kentucky) Reports, in which the court of appeals hold that the power of Congress to establish post-roads enables them to make, repair, keep open, and improve post-roads, but that the United States have no right to adopt and use roads, bridges, and ferries constructed and owned by States, corporations, or individuals, without their consent, without just compensation to the parties concerned. And Chancellor Kent, in his twelfth lecture, volume 1, page 287, note A, says this important decision was well supported by sound reasoning.

Now, if the United States have the right at one single dash of the pen to create every road in this whole country a post-road, it would be, in the language of Mr. Justice Story, a most serious inroad upon the rights and jurisdiction of the States. My view of this subject is difficult to move, believing as I do that every power granted to the Federal Government constitutes the Government to the extent that the granted powers are given supreme; but that all other powers not granted are reserved either to the States or the people, and I do not propose to go beyond what, in my judgment, was the design and intent of the Constitution. Then Mr. Story says "it never could have been contemplated;" that is, to grant Congress this control over all roads. So I think. Therefore I leave that point with the remark that I do not think the Constitution ever contemplated transferring

this great power to the Post-Office Department, which is the point at issue.

I will not undertake to state that the Senator from Kentucky is presenting a measure which is not constitutional; yet I do say that to my mind his proposition is not clear. It is a proposition which should be carefully looked into, it should be carefully investigated, it should come in as a substantive independent measure, and it should come in at a time when we would all have the opportunity of hearing the great lawyers of this body discuss so grave a question.

Again, Mr. President, I have been in the habit of looking at a long unbroken construction, passing through years, and in this case through eighty-seven years, all construing the law exactly one way, as justly entitled to great weight. Congress after Congress, beginning with the first under the Constitution, the federal party when it was in power, the democratic party when it came into power, the whig party when it was in power, and the republican party—all parties—have construed the law precisely as we are to-day trying to carry it out. Certainly we should halt and study about it before we set all this aside.

I should like to show in addition to what I have stated that there are some good historical reasons for retaining the law as it is. One of the best tables of statistics showing the progress of this country from the foundation of the Government under the Constitution is that which is made up on the very subject which we are now discussing. I will state here that the first regular post-office established in the colonies by Parliament was in 1710. In 1683 Penn granted an order for a post-road from Philadelphia to New Castle, and that the first post-route bill that was passed under the Constitution was in the year 1792, and that went on just exactly as we go on to-day, establishing post-roads by name. There was another bill passed in 1794, which followed the same rule; another one in 1797, and another one in 1799, which simply declared that where there were two or more roads leading from the same point to a given point the Postmaster-General might select either, which is the law now.

In 1790 there were seventy-five post-offices in the United States; eighteen hundred and seventy-five miles of post-roads. The revenue derived from that Department was $37,935. The expenditures of the Department were $32,140. The salaries of postmasters were $8,198. There were paid for the transportation of mails $22,081. That was in 1790, just after the adoption of the Constitution of the United States. I omit the intermediate years, which show step by step the advance of the country, and pass to the year 1878, the last reported.

Nearly ninety years after, in 1878, there were 39,258 postmasters in the United States; 301,966 miles of post-road; $29,277,517 revenue from that Department; $34,165,084 expenditures for that Department; $7,977,852 salaries of postmasters; and paid for the transportation of the mails $19,262,421. Let any one contrast these statistics of 1790 and 1878 and he will see the wonderful progress of our country.

So far as expenses are concerned, the expenses of this bill are already in a measure concluded. The pending bill passed the House of Representatives, it went to the Committee on Post-Offices and Post-Roads, it has passed through that committee, it has been printed, it is now in the Senate, and there is nothing to do but simply to pass the bill; there is no additional expense. My judgment is, if you transfer this great power which belongs to Congress to the Postmaster-General, you will require, not one clerk, not five clerks, but you will require twenty clerks more in order to keep up correspondence with every part of the country to ascertain what are State roads. Again I say to the Senator from Kentucky, that, broad and sweeping as his measure is designed to be, it is not so broad as the law as it now stands.

The amendment of the Senator from Kentucky proposes to authorize the Postmaster-General to place "mail service upon any public highway, river, or railroad within the United States as the public service may require; and such public highways, rivers, and railroads are hereby declared post-roads." As a matter of course public rivers, highways, and railroads being named, other ways are excluded. *Expressio unius est exclusio alterius.* The mail service over canals and over lakes would be excluded. The law as it now stands provides for "the mail to be carried in any steamboat or other vessel used as a packet on any of the waters of the United States," so that the law as it stands is a better law than that which the Senator proposes.

But I beg that the Senator will not now insist upon his amendment, for he would injure, I think, every State that wants to get routes established by this bill. I am entirely sure that whether there be any merit in the amendment of the Senator from Kentucky or not—and I am not prepared to say now that there is not; I prefer to travel the road which our ancestors have traveled from the foundation of the Government down to the present time—I would rather look into this proposition and not tack it on here, and not pass on this bill—a substantive, independent measure—which in its very nature repeals the law as it stands on the statute-book and starts out from now upon an entirely new system.

Mr. BECK. Mr. President, the object I had in introducing the amendment was to endeavor to see if we could not in one bill in a general way do what we are doing with so much elaboration and detail. Of course Congress can establish a post-route wherever it pleases, without asking the consent of any State, and the Postmaster-General is not obliged to put service on the established post-routes unless he thinks the good of the public requires it. I suppose not one-half of the post-routes now established are of any sort of good. We establish as a post-route anything that any member of Congress or Senator desires, and the Postmaster-General puts on such service as he pleases, and does as much as he pleases and no more. All the railroads of the United States were made by one sweeping act post-routes. The moment a railroad is extended twenty miles, the postal service is extended with it. The navigable rivers I understand are in the same condition and are treated in the same way. Therefore I sought to save the Committee on Post-Offices and Post-Roads, and certainly it would save me and every Senator and Representative immense trouble in going over the details of a post-route bill if this could be done. But having called attention to that fact, and as the committee seem to think that perhaps it would interfere with their bill, I will withdraw the amendment I have offered, submitting to their discretion.

Mr. MAXEY. I will say with all deference to the Senator from Kentucky that if he will give us an opportunity to investigate the question at the next session, I will give my word that the committee will investigate it to the bottom.

Mr. BECK. I withdraw the amendment and will send it to the committee at the next session.

The PRESIDING OFFICER. The amendment proposed by the Senator from Kentucky has been withdrawn.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

TEXAS JUDICIAL DISTRICTS.

Mr. GARLAND. I move that the Senate proceed to the consideration of the bill (S. No. 572) to amend an act approved February 24, 1879, entitled "An act to create the northern judicial district of the State of Texas, and to change the eastern and western judicial districts of said State, and to fix the time and places of holding courts in said districts."

This bill is the unanimous report of the Judiciary Committee.

Mr. ALLISON rose.

Mr. GARLAND. If the Senator from Iowa desires any other special business to be proceeded with, I will simply ask that the bill be taken up now and laid aside informally so as to be first in order to-morrow.

Mr. ALLISON. I have no objection to the matter being taken up, to be proceeded with in the morning. Unless some other Senator desires to present something to the Senate, I wish to move an executive session.

Mr. GARLAND. It is the understanding, then, that this bill be taken up, so that it shall be the unfinished business for to-morrow?

The PRESIDING OFFICER. The bill will be reported to the Senate for information and for its action.

The Chief Clerk read the bill.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill? The Chair hears none, and it is before the Senate as in Committee of the Whole.

Mr. GARLAND. I will now agree that it be laid aside so as to be the unfinished business for to-morrow.

Mr. BAYARD. Pending the consideration of the bill, which I understand is now before the Senate, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-three minutes spent in executive session the doors were reopened, and (at two o'clock and forty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June* 3, 1879.

The House met at twelve o'clock m. Prayer by Rev. SAMUEL DOMER, D. D., of St. Paul's Lutheran Church, Washington, District of Columbia.

The Journal of yesterday was read and approved.

ORDER OF BUSINESS.

Mr. DUNNELL. I rise to ask that by unanimous consent the call of States for bills and resolutions may be continued from the point where it ended yesterday. I ask that the call be proceeded with as part of the morning hour or previous to the morning hour.

Mr. CONGER. If the call will only include bills and joint resolutions I will not object; but if the Speaker would allow resolutions other than joint resolutions to be introduced, I object.

The SPEAKER. There cannot be a qualified objection.

Mr. DUNNELL. My request includes simply bills and joint resolutions.

Mr. ACKLEN. If the call is to form part of the morning hour or to dispense with the morning hour, I object.

The SPEAKER. The morning hour cannot be dispensed with except by a two-thirds vote of the House; but unanimous consent is equivalent to such a dispensing with the morning hour.

Mr. DUNNELL. I trust the gentleman from Louisiana will not insist on his objection.

Mr. ACKLEN. I withdraw my objection if it is understood that the call will not form part of the morning hour.

Mr. CONGER. I object, unless the Chair asks that the call be for the introduction of bills and joint resolutions only.

Mr. DUNNELL. That is all the request I have made.

Mr. TOWNSHEND, of Illinois. I object to any qualified request for unanimous consent.

CORRECTION OF RIVER AND HARBOR ACT.

Mr. REAGAN. I ask unanimous consent to report from the Committee on Commerce for present consideration the bill (H. R. No. 435) to correct the reading of an act making appropriations for the construction, repair, preservation, and completion of certain works on rivers and harbors and for other purposes, approved March 4, 1879. This is a bill simply to correct a clerical error in the river and harbor act passed by last Congress.

The SPEAKER. The bill will be read for information, after which objections, if any, will be in order.

The bill was read, as follows:

Be it enacted, &c., That so much of the act entitled "An act making appropriations for the construction, repair, preservation, and completion of certain works on rivers and harbors, and for other purposes," approved March 4, 1879, as provides for the survey of "Chattahoochee" River, between Geneva and Newton, in Alabama, be, and the same is hereby, corrected so as to read, "Choctawhatchee" River, Alabama, from Geneva to Newton.

Mr. REAGAN. The object of the bill is simply to correct a clerical error. If it is not done now it will be too late.

There being no objection, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. REAGAN moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. CONGER. I call for the regular order.

LEAVE TO VOTE.

Mr. AIKEN. I ask unanimous consent that the gentleman from Pennsylvania, Mr. WARD, be allowed to have his name recorded on the three yea-and-nay votes of yesterday. He was absent from the House on the supposition that I was paired with him. I voted; and I ask unanimous consent that he may have the privilege to record his vote.

The SPEAKER. Is there objection?

Mr. CONGER. This will not change the result, I suppose.

The SPEAKER. The Chair thinks not; none of the votes on yesterday were so close that this would change the result.

There was no objection.

Mr. WARD. On the motion to suspend the rules and pass the bill in relation to the tobacco tax I vote "no." On the motion to suspend the rules and pass the joint resolution in relation to the international exhibitions at Sydney and Melbourne I vote "ay." On the motion to adjourn I vote "no."

Mr. BAYNE. I ask leave to have my vote recorded.

Mr. DUNNELL. I object.

Subsequently, the objection having been withdrawn by Mr. DUNNELL was renewed by Mr. SIMONTON.

NEW YORK SHIPPING COMMISSIONER'S OFFICE.

Mr. COVERT. I ask unanimous consent to offer the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That a special committee of three members of this House be appointed by the Speaker to investigate the conduct of the shipping commissioner's office at the port of New York, and that the said committee is hereby empowered to send for persons and papers necessary to the pursuit of the inquiry.

Mr. CONGER. I object.

Mr. GARFIELD. Let the resolution be referred to a committee if the gentleman from New York wants its reference.

Mr. CONGER. I object to any special committee undertaking an inquiry on that subject.

ORDER OF BUSINESS.

Mr. McMAHON. I ask leave to introduce a private bill for reference. I was not here yesterday when my State was called.

Mr. CONGER. I have asked for the regular order. I withdrew my objection to the introduction of bills for reference provided the unanimous consent applied only to bills and joint resolutions. Gentlemen object to that restriction, and I therefore insist on the regular order. If it is agreed that the call shall be only for bills and joint resolutions, I have no objection.

Mr. McMAHON. I think the gentleman should let me introduce this bill.

Mr. CONGER. I do not see any reason why the gentleman's bill should come in in preference to others.

Mr. McMAHON. It is the gentleman's privilege to be mean.

REMOVAL OF CAUSES TO UNITED STATES COURTS.

The SPEAKER. The morning hour begins at nineteen minutes to one o'clock, and the business coming over from the last morning hour is the consideration of the bill, reported from the Committee on the Revision of the Laws, (H. R. No. 1715) to repeal certain sections of the Revised Statutes and to amend certain sections of the Revised Statutes and of the Statutes at Large relating to the removal of causes from State courts, with amendments.

Mr. TOWNSHEND, of Illinois. I demand the previous question upon the pending motion to refer the bill to the Committee of the Whole on the state of the Union.

Mr. COX. I ask the gentleman to yield to me, and I will renew the demand for the previous question at the close of the hour. I desire to speak on the test-oath question.

Mr. TOWNSHEND, of Illinois. With the understanding that the demand for the previous question is renewed at the end of his remarks, I have no objection.

The SPEAKER. The motion pending is the motion of the gentleman from Illinois [Mr. TOWNSHEND] to refer the bill to the Committee of the Whole on the state of the Union.

Mr. CONGER. I think that when this subject was last up, there was no quorum voting on that question.

The SPEAKER. The adjournment of the House vacated that proceeding.

Mr. COX. Has not the gentleman from Illinois [Mr. TOWNSHEND] a right to yield to me.

Mr. CONGER. I would like to have it stated what the last pending motion was upon which the House voted.

The SPEAKER. The Clerk will read from the Journal.

The Clerk read as follows:

The Speaker then proceeded, as the regular order of business, to call the committees for reports, and announced the first business in order under said call to be the bill of the House (H. R. No. 1715) to repeal certain sections of the Revised Statutes and to amend certain sections of the Revised Statutes and of the Statutes at Large relating to the removal of causes from State courts, reported from the Committee on the Revision of the Laws on the 10th instant, and pending when the morning hour expired; the pending question being the demand of Mr. URNER for the previous question on the bill and amendments;

When,

Mr. TOWNSHEND withdrew the said demand and moved the reference of the bill and amendments to the Committee of the Whole on the state of the Union, on which latter motion he demanded the previous question.

And the question being put thereon,

No quorum voted.

And then,

On motion of Mr. TOWNSHEND,

Ordered, There be a call of the House.

The roll having been called, the following named members failed to answer to their names:

* * * * * * *

Mr. ACKLEN moved that all further proceedings under the call be dispensed with;

And the question being put,

It was decided in the affirmative.

* * * * * * *

So the motion was agreed to, and all further proceedings under the call were dispensed with.

The question recurring on the demand of Mr. TOWNSHEND for the previous question,

Pending which,

The morning hour expired.

Mr. COX. The gentleman has a right to yield to me.

The SPEAKER. He has a right to withdraw the demand for the previous question.

Mr. TOWNSHEND, of Illinois. That can be done with the understanding that the demand for the previous question shall be made before the expiration of the morning hour.

Mr. COX. I will renew the demand for the previous question.

Mr. CONGER. Does that leave the bill open for amendment?

The SPEAKER. The bill will be open for amendment, if the gentleman from New York [Mr. COX] does not renew the demand for the previous question, as he indicated he will do.

Mr. TOWNSHEND, of Illinois. I have not yet yielded the floor.

The SPEAKER. The Chair thinks the House had better come to an understanding on the subject. The gentleman from New York [Mr. COX] desires to speak, and will thus occupy time which might be wasted by motions of a dilatory character.

Mr. CONGER. I hope the Chair will not characterize the saving of the passage of this bill to the country a waste of time.

The SPEAKER. The Chair expressed no opinion on the bill.

Mr. GARFIELD. I would suggest that there be some arrangement of a reciprocal character, so that if any gentleman desires to speak on this side he may have an opportunity of doing so.

Mr. CONGER. I hope that if gentlemen want to speak upon this bill the gentleman from Illinois [Mr. TOWNSHEND] will allow amendments to be offered.

Mr. TOWNSHEND, of Illinois. I am willing to allow debate and amendments, and it was with that view that I moved to refer the bill to the Committee of the Whole on the state of the Union; that was done for the purpose of allowing amendments and debate.

Mr. CONGER. If it be in order I move to strike out all after the enacting clause of this bill.

Mr. TOWNSHEND, of Illinois. If the demand for the previous question is sustained, and the bill is referred to the Committee of the Whole on the state of the Union, I am perfectly willing that the amendment of the gentleman from Michigan [Mr. CONGER] shall be considered.

The SPEAKER. The Chair desires to say that technically, under the rules, the gentleman from Illinois [Mr. TOWNSHEND] has the

right which he desires to exercise; but the Chair suggests that the House come to some understanding on the subject.

Mr. GARFIELD. I have no doubt of that.

Mr. FRYE. Would it not be entirely in accord with parliamentary rules for unanimous consent to be given to the gentleman from New York [Mr. COX] to occupy the morning hour in a speech?

The SPEAKER. The Chair thinks that the manner proposed to be proceeded with by the gentleman from Illinois [Mr. TOWNSHEND] is in order.

Mr. CONGER. But then the moment an objection was made, if the speech was on an entirely different subject from the bill——

The SPEAKER. The gentleman from New York [Mr. COX] would then have to stop.

Mr. CONGER. My friend from New York would be embarrassed, and I dislike very much to have him embarrassed.

The SPEAKER. The Chair thinks there had better be an understanding on each side that one hour be allowed to gentlemen on each side——

Mr. GARFIELD. That is a good arrangement. Let the gentleman from New York [Mr. COX] make his speech this morning, and I presume that some one on this side of the House will be ready to follow him in the next morning hour.

Mr. TOWNSHEND, of Illinois. With the understanding that the demand for the previous question is not withdrawn.

Mr. GARFIELD. Not to interfere with the condition of the bill.

Mr. REED. The bill to remain in a sack as now.

The SPEAKER. The status of the bill will be preserved.

Mr. TOWNSHEND, of Illinois. I understand that the proposition of the gentleman from Ohio [Mr. GARFIELD] is that unanimous consent be now given that the gentleman from New York [Mr. COX] shall be allowed to occupy the floor for the morning hour of to-day, and that to-morrow some one on the other side shall occupy the floor, without a withdrawal of the demand for the previous question.

Mr. GARFIELD. Without interfering with the present parliamentary status of this question.

Mr. TOWNSHEND, of Illinois. The previous question not to be considered as withdrawn.

Mr. CONGER. I desire it to be distinctly understood——

Mr. GARFIELD. No change in the condition of the bill.

Mr. CONGER. Wait a moment; let me say a word. [Laughter.] I do not propose to have any arrangement made that will at all interfere with the understanding on this side of the House that we do not intend that this bill, either by a vote upon it or through the proposed amendment to the rules submitted by the gentleman from Illinois, [Mr. SPRINGER,] or by any other possible proceeding, shall go one step beyond where it now is.

Mr. MCMILLIN. That is, if you can help yourself.

Mr. TOWNSHEND, of Illinois. I wish to ask the gentleman from Michigan [Mr. CONGER] a fair question, and I want a candid answer to it. Is it true, as has been whispered upon this floor and upon the streets and has found expression in the public prints, that it is the purpose of the republican side of this House to prevent action at this session of Congress on this bill or on any other bill or resolution, except such modifications of the appropriation bills as may suit the views of the minority of this House and of the President? I desire to ask the gentleman if that is correct.

Mr. CONGER. Without being authorized to speak for gentlemen on this side of the House at all, I think I may say that every man on this side of the House is prepared to listen to the universal demand of men throughout the country of all political parties, that no legislation except in regard to appropriation bills, for which we were called together in this session, shall be proceeded with, but that we shall adjourn after the appropriation bills are passed. [Applause on the republican side.]

Mr. TOWNSHEND, of Illinois. Then I understand that dilatory motions will be resorted to against any other bill or resolution as well as against this one.

Mr. CONGER. When the other bill comes in we will inform the gentleman what our course will be.

Mr. TOWNSHEND, of Illinois. Then let me say this much, in answer to the gentleman. I want to repeat the language used in the Forty-third Congress by the gentleman from Ohio [Mr. GARFIELD] when his party was in the majority, and when the minority were delaying action on a bill by dilatory motions. He said then that the action of the minority in seeking to delay action upon a bill by filibustering or dilatory motions was revolutionary, was an overthrow of parliamentary government. I repeat his language here to-day for the benefit of gentlemen on the other side who are seeking to delay action on this or other bills by the same method.

Mr. REED. If you would repeat more of the language of the gentleman from Ohio it would be a great improvement on your speeches.

Mr. CALKINS. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. CALKINS. Is this discussion in order?

The SPEAKER. It is not.

Mr. CALKINS. Then I demand the regular order.

The SPEAKER. The regular order is the proposition, which the Chair understands to be agreed to by unanimous consent, that the gentleman from New York [Mr. COX] shall occupy the floor for this morning hour, and the next morning hour shall be occupied by gentlemen on the other side of the House.

Mr. CALKINS. I desire to say that there are men on this side of the House who are not in entire sympathy with the gentleman from Michigan.

Mr. HUMPHREY. Confounded few of them. [Laughter.]

Mr. WEAVER. I desire to offer an amendment.

The SPEAKER. The Chair does not consider that the understanding between the two sides as to the occupation of two morning hours in debate includes the right to offer amendment to the bill. The Chair, therefore, will not recognize at this time the gentleman from Iowa [Mr. WEAVER] to offer an amendment. The gentleman from New York [Mr. COX] is recognized as entitled to the floor under the agreement.

Mr. TOWNSHEND, of Illinois. Before the gentleman from New York [Mr. COX] proceeds, I desire to say that we are willing to allow the amendment of the gentleman from Iowa [Mr. WEAVER] to be offered.

The SPEAKER. The gentleman from New York will now proceed.

Mr. COX. Mr. Speaker, for this unusual courtesy I thank the gentleman from Illinois [Mr. TOWNSHEND] and the House. I shall endeavor to speak on a theme which will not arouse partisan asperity and controversy. It connects itself with the bill now in the morning hour. This is a bill to limit the expense, business, and jurisdiction of the Federal courts. Until these courts are so reinstituted as to give a fair jury trial—by a better jury panel and a repeal of the test oath—I can never agree to the enlargement of its jurisdiction or the increase of its business. Therefore I speak to-day for fair jury trial.

Mr. Speaker, one of the comprehensive remarks of De Tocqueville as to our institutions is that "the people gave legislative and executive power as well as franchises to jurors." He associates public freedom with the sacred right of trial by jury, and in their union finds the democracy of America. Herein is the directing power of our Government, shining through all its forms. In thus defining the "spirit of the laws," he followed the eulogy of Montesquieu and the unstinted praise of Coke and Blackstone upon the jury system.

Wherever this system has been transplanted it grew. It was never given up when once planted. France got it out of the very stones and bayonets of the barricades of 1830, and holds it. I have seen its utility exemplified in Algiers among the indigenes. Belgium in 1830 rose in insurrection when it was interfered with; the country was severed in twain for its vindication. It is probably a growth out of Teutonic soil, and is both the cause and proof of civilization and liberty.

Indispensable to this democracy of the jury-box is the removal of physical force, supple servility, and proscriptive laws. Time will show whether or not the party which would dwarf the development of our representative system, coerce and hinder the ballot, and pollute and degrade the jury, shall be temporary or perpetual. The thousand small shades of difference on questions of administration are nothing before the questions involved in a free ballot and a fair jury. That party which would distrust the intelligence and check the will of the community, either in the jury-box or ballot-box, must in the end be checked and yield to that party which would enlarge the popular authority that resides in both. Beneath all our throes, beneath the surface of our society, there are depths which constitute the very soul of public liberty.

PRIMARY TRUTHS.

However we may differ as to the modes of carrying out these primordial truths of our social system, however much our society may fluctuate, and be shaken or controlled for the moment by force or fraud, I have faith to believe that the party which holds the lofty thought and hurtless weapon of free ballot and a fair jury, will rise above all the prejudices of faction and the hates of civil war.

The citizens of this country have always been taught, until an abnormal condition grew out of our sectional contention, to rely upon their own willing judgment, unshackled by force and uncurbed by official meddling. The mass of our people, whatever may be said, will never long be dazzled with any glittering federal government, especially when their home interests are at stake. There are no considerations of party supremacy or personal interests which will pay them for the loss of a free ballot and a fair trial.

REVOLUTION!

In view of these propositions, how childish is the clamor that the attempt of Congress to sponge from the statutes odious restrictions upon the popular will, like force at the polls and test oaths in the courts, is Revolution! How idle the veto which promises not to use such force and which declares that no law exists to authorize it, and yet would preserve it for some ulterior and sinister purpose! To veto such a measure so plainly expressed is no more revolution than the legislation vetoed.

Sir, the genius of our Republic, unlike that of other nations, ancient and modern, is not revolution; it is rather mutability. Revolution threatens the existence and accomplishes the ruin of a government. Change, if it be a foe at all to good government and republican institutions, is only a temporary obstacle to a better and more stable policy. But a permanent change of the national spirit and elemental liberties of a people is revolution. Our Proteus is not dangerous, however variable. The American idea is the peaceful revocation of discerned wrongs, to conform to our constant growth and new conditions. It would prevent bad laws or repeal them; and it may and does often prevent good laws. There is no excessive legislation that is not obnoxious, but it does not follow that it is revolutionary.

Mr. Speaker, the great difficulty with our opponents is, that there has been a change which is not revolution. They have lost control; but the government is not overturned or lost. Parties come and go, but principles and organisms survive and are strengthened by the movement. Rufus Choate gave a definition to revolution, worthy of himself:

I take it, sir, that so stupendous a transaction as revolution for good or evil, announces itself pretty unequivocally. If that great sea lifts itself up, and that sky darkens, and that not very imitable thunder rolls, mankind hear and see it. It is a tempest, which overturns and successfully resists the existing authority, arrests the exercise of supreme power, introduces by force and by a resort to the primary right of nature, a new, paramount authority into the rule of state.

Do gentlemen say that the enacting of an Army bill, with a rider, abolishing certain abuses which grew out of the war; or, as we now have it, of a separate bill for that purpose, is that inimitable and tempestuous revolution which overturns public authority?

Will any one tell me that the effort to bring into the jury-box honest and intelligent men and repeal the test by which they are excluded, is such a stupendous and thunderous exercise of supreme power, through force and a resort to the primary right of nature, that a new, paramount authority is introduced into the rule of state? How can any one allege this condition to be revolution? It is not overturning. It is uprighting!

In one sense we have a revolution every year in our affairs. It is the happy consequence of the exquisite automatic machinery of our system. It has its principle of compensation. The motion is not broken; it is not stopped or retarded. Its irregularities only are corrected. But it is not the inimitable revolution such as astounded and changed a dynasty and restored old liberties to England in 1688. It is not the denial of dependence upon a crown by a nation at once springing into life, armed *cap-a-pie*, by its "declaration," as in America in 1776. It is not the red flood which in France in 1798 whelmed licentious monarchs and vampire nobles, and swept away tithes, seignorial dues, gabel, game laws, feudalities, colonial slavery, and old landmarks, to institute a new order. These were indeed inimitable and tempestuous.

We look in vain for any evidences of this kind of revolution around us this extra session and since these debates began. Will not seedtime and harvest pass and come again; men and women be married and given in marriage; children be born as usual; the summer solstice follow the vernal equinox, and autumn clad in her familiar russet lead the way for gray and frosty winter, and the hours press down as ever, to the lips of thankless men, the prodigality of nature for their sustenance and felicity? There are revolutions in all these phenomena. Yonder clock, as it marks the hours, revolves, but it does not startle us by its regular movement. The sun moves in the heavens and gives us the dawn and the evening, with all the splendors of the one and the repose of the other; but this kind of revolution is not of the tempestuous and inimitable kind. It is only the debate which is so stormful. But if after such a debate comes such a calm, let the sea, sky, and thunder do their worst. No one will be harmed.

BOND-SELLING AND REVOLUTION.

Revolution! "Oh," said Disraeli, "there is nothing like a fall in consols to bring the blood of our good people of England into cool order. It is your grand state medicine—your veritable Dr. Sangrado." I should be inclined to reverse the statement, and say that the rise in our bonds ought to cool the ardent rhetoric of those who cry out that the Republic is endangered. Does it indicate peril and dismay when our Secretary of the Treasury boasts of placing, since the 1st of January, $750,000,000 of our four percents at a half per cent. premium? Let us welcome such a revolution if it establish still higher the national credit. If the democratic ascendency and its natural outcome in the repeal of tyrannical laws against the free choice of our public servants in our Federal courts and Legislature, thus lift up the nation upon a higher plane, in the eyes of its most suspicious citizens who deal in bonds and moneys, and in the eyes of foreign nations who look at our general conduct, mellowed by distance—then let such revolutions be frequent and perpetual!

The revolution which gentlemen have apprehended is not felt by any but timid nerves, nor seen by any but those bent on partisan mischief and perpetual misrule. It is the misbegotten offspring of legislative babbling, the affectation by a partisan opposition of a fear never felt. No such result from these measures of repeal is possible. What is the ostensible cause of this terrible cry of revolution? It is the attempt to repeal a class of statutes, which where they are not tyrannical are absurd.

Even the colored brother, in sight of the Freedman's Bank, besieges the doors of the Treasury in mobs for the ten-dollar certificates daily. They wait from cock-crow to the dewy eve—hired it may be at seventy-five cents per $100—to obtain from the Treasury its printed credits to fill the broker and bank demand. What to him are the alluvium of the Kansas bottoms? His hopes are bottomed on our bonds. What to him is the imaginary mule on an invisible farm of forty acres for his fanciful needs? The animal is the creature of his interior consciousness, and the forty acres are as nebulous as a castle in Spain!

OUR INFAMOUS ELECTION LAWS.

We have a code of Federal election laws. It counts up thirty sections. A few of them only are touched by the proposed repeal, some fourteen only. We have another code of "crimes against the elective franchise and civil rights of citizens." It contains twenty-seven sections, and but one is now proposed to be repealed and one modified. Then there is a law to use armies at the polls and the test-oath law as to jurors.

Let the repeal, if not complete now, reach as far as it can. Certainly it will be a relief to be rid of these laws against the freedom and fairness of the ballot and jury-box; and, for one, I would not stop till the whole of this blasting and plague-creating upas tree, with its many envenomed roots, trunks, and branches, is girdled and dead. They all have the same object, to poison the representative system.

THE DEVIL-FISH—AN ANALOGY.

These manifold and cunning contrivances against the popular expression may be likened to nothing so analogous in nature as the famous devil-fish. Its beak is like the mandibles of a hawk, and fitly represents the sword at the polls. The long radiating feelers, whose underside is armed with hidden rows of sharp-pointed hooks, represent the insidious, cruel machinery used to deter and capture voters, while the veritable talons at their end are the test oath and jury juggle, by which the prey when enmeshed, is dragged in by the supervising and marshaling tentacles of this slimy octopus. Even after the creature is dead, these suckers have an ugly and hideous vigor, which fitly represents a veto of the popular and representative will. As one by one we try to relieve the body-politic of this monstrous network of wrong, the writhing becomes as harmless as it is sublime in its blind fury. To detach from the States these long and stifling claws and arms is not revolution!

THE IRON-CLAD OATH.

Is it not monstrous, that even in our Revision of the Laws (section 821) so hateful a test should still remain to blacken our statute-books? What does that section require of the officers of the Federal courts? To every grand and petit juror an oath should be tendered, known as the "iron-clad." What is that oath? That the juror has not taken up arms or joined any insurrection or rebellion against the United States, giving it aid and comfort; that he has not given, directly or indirectly, any assistance in money, or any other thing, to any person whom he knew, or had good ground to believe, to have joined, or to be about to join, said insurrection or rebellion. The oath further goes to the extent of refusing jury duty to those who gave money to those who have resisted or to be about to resist with force of arms the execution of the laws of the United States. He is required to swear that he has not counseled or advised any one to join in insurrection or rebellion. Whoever refused to take that oath could not serve on the grand or petit jury. This law was passed in June, 1862, after one section had become involved in the civil struggle, and a line of force existed between one-third of our people and the remainder. It remains still, after that struggle has been ended and the line erased. It nullifies a fair, intelligent jury trial. What a glaring absurdity!

How apparent this absurdity is now, when there are three judges if not more, Judge Settle of North Carolina, Judge Hughes of Virgina, and Judge Hammond of Tennessee—in fact there are some twenty judges and district attorneys in all—who administer this law, and who themselves cannot take the oath they require of others. A person may be President of the United States, nay, we have now a member of the Cabinet, and have had others in the Cabinet, who cannot and could not take the oath without perjury. How many in this House could take it but for a special modification of the law?

The mischiefs which we intended to remedy by this repealing legislation cohere around the ballot. Of the pending questions of our extra session this has been least discussed. I beg to refer to it elaborately—I mean jury trial and the test oath. It is well known that arrests have been made of hundreds of our people in certain States for the alleged breach of the Federal election laws. There were some four hundred in Louisiana, one hundred in South Carolina, and perhaps as many in Florida and Maryland, in 1878. These persons are held for trial; and the jurors summoned have been put to the inquisition, by the test oath of loyalty to which I have referred. Charges have been made against democratic citizens South and North, but especially in the South. Almost a reign of terror spread through Florida, South Carolina, Louisiana, and Maryland. Men have been dragged into court under various pretexts, and sought to be put on trial by jurors who, with facile alacrity, could take the test oath. It forbade equality in the trial; for only the Government could tender the test oath. The defendant has no such right. He is at a disadvantage which is vital. A few authentic facts will answer the statement often made, that those disabled by service in the rebellion have grown old and a new generation have appeared for jury service, and that the test is a practical nullity and never executed. Take Louisiana. A citizen of twenty-seven years of age is called as a juror. He is challenged, and finally set aside, because when nine years of age he gave a contribution of $1.50 for a needy confederate soldier. Again, a case was sent for trial from Natchitoches to New Orleans, and the jury winnowed by the test to suit the "Government." It was such experience that led the Louisiana Judge Billings to inform the Attorney-General that unless the test was repealed justice was impossible, as the oath excluded from the jury-box the best citizens, the tax-payers and property-holders, and that it forced ignorance and barbarism into the box. In Caddo, Louisiana, a revengeful politician prosecuted some seventy-five persons for a conspiracy against one J. Madison Wells, of peculiar fame. Wells ran

for Congress. There was a pretext as to the number of ballot-boxes used to arrest these seventy-five men; but a jury of eight colored men and four superserviceable whites was arrayed under the test; and this jury refused to discharge some of the accused, although instructed by a republican judge that there was no case. So long as that test oath remains malevolence will gratify its bitterness and justice will be a farce.

This system forbade fair trial. It placed the liberty and property and even the lives of the people in the hands of political opponents. When it is added that these partisans were summoned, paid, biased, and inspired by those who were above the ballot and selected for their offices by the Federal central power here, and that many of them were men of crass ignorance and no character, it will be at once observed how closely a fair jury trial connects itself with a free election.

QUALIFICATIONS OF JURORS.

Of course there are certain qualifications of jurors which are not affected by test-oaths in our States and in other countries beside our own. In Indiana every reputable male householder is competent to serve on a jury. In Ohio every good and judicious person having the qualifications of an elector is admissible. In Illinois every white male, if a taxable inhabitant, is qualified. In Pennsylvania the juror must be a taxable citizen of his county, sober, intelligent, and judicious.

MODES OF IMPANELING.

There are different modes of drawing the jury in different States. In Ohio and Iowa they are selected by inspectors of elections, returned by county officers, and drawn from a box. So, too, certain classes are exempt from serving. The usages of the several States differ in this respect. Clergymen, priests, physicians, attorneys, public officers, fire commissioners, keepers of bridges and toll-gates, cashiers of banks, and others, are exempt, though qualified. They must claim their exemption before they are discharged from duty.

What we desire for the Federal courts is a fair drawing from a list made up without discrimination as to party or personal ends. There is a law pending to effect this, by giving a non-partisan commission the power to select the number and names to be drawn from. No clerk of the Federal court, marshal, or district attorney should know in advance what the panel is to be. Blackstone urges that the returning officers should be indifferent, beyond suspicion. It is not alone in the South that juries have been packed for a corrupt purpose in the Federal courts. The new order of things since the war and the many new questions growing out of frauds on the revenue and under the election laws—questions of a Federal nature—make the Federal courts most important to the people of the whole State and district. And the jury of the vicinage should not be limited to an area less than the body of the district. Like the Gothic jury or *nembda*, it should be collected from every quarter. In the South, "confederates" who were democrats were rejected under the test oath, while "confederates" who became republicans were not challenged. There was worse than this in Chicago, where parties about to be indicted in the Federal courts were permitted to name some of the grand jury.

UNBIASED JURORS.

One of the prime rules as to the jury in all enlightened countries is, that a person interested in a case is disqualified. Persons who have expressed an opinion on the issue are in many States disqualified. The general rule for a juror is impartiality, integrity, character, judgment, and information. It is a ground of challenge, if the juror who is summoned is either prejudiced or partial, or that he lacks competent knowledge. This is to be determined by the judge or triors, before the jury is impaneled.

What, then, shall be said of a rule or law which disallows men of intelligence, character, and judgment, by an insidious mode of selection, and by a test oath; while the men who are partial and prejudiced by reason of party affiliations or by the selection of partisan clerks, marshals, and judges, are sworn to try those who opposed them, for political offenses connected with exciting elections? Candidates who seek places, officers who seek to hold them, become fierce and vindictive, even under color of law, and exhibit a rancorous ferocity toward the political foe not shown toward the blackest criminal. They use spies and informers, to instigate political prosecutions, who sell their souls by oaths and make barter in innocent blood. From such, in choosing or acting as jurors, let our repealing statute deliver us! It is the old story over again recorded in the history of the atrocious judges and their underlings.

PACKED JURIES AND SUPPLE JUDGES.

In this discussion it is proper to go to the experience recorded for our instruction. I am no *laudator temporis acti;* but it is as profitable to draw lessons from past misconduct as it is to reconcile that which is old and good with that which is new and wise. By observing the history of jury trials we will be certain not to oppose the progressive principles of political development; certainly we will not retrograde into the illiberalities (now removed) which obtained in our mother country more than one hundred and seventy years ago.

Let me illustrate. There was a trial in London of certain rioters in 1682. At the previous election the attempt was made to elect by undue means and illegal force two candidates for sheriff, who had a small minority of electors in their behalf. The motive was to get control of the jurors, who were picked out by the sheriffs, so as to try the friends of liberty with packed juries. The House will observe the similarity with our own condition. Violence was used in favor of the minority or court candidates. The obsequious lord mayor went to the polls to turn the tide in favor of the court candidates; he undertook illegally to adjourn the election to avoid the inevitable result. The polling of the vote was continued, however, by the popular officers, and the liberal candidates were elected. The court commanded their own minority candidates to be sworn in as sheriffs, and those who continued the election were prosecuted for a riot. Then came the atrocity. The jury was summoned by the new sheriffs. The trial came on at Guildhall before the venal Lord Chief-Justice Saunders. The defense challenged the array, because the sheriffs who returned the jury were not lawful sheriffs and had an interest. The report of the trial reveals the struggle between the courageous counsel and the obsequious judges. The counsel required a new jury according to the law. "No," said the court, "the sheriffs are sheriffs *de facto*." Exceptions were refused, the jury were sworn, and, amid the hum and interruptions of the people, the court directed a verdict of guilty. The carefully packed jury acquiesced. But the revolution of 1688 which followed reversed this judgment by a special act of the Legislature. English history is full of the attempts through the judiciary to wrench from the people their right to be fairly tried by their peers fixed in the great Charter.

The case of Lord Russell and Algernon Sydney, who were beheaded; of Elizabeth Gaunt, who was burned alive; of the old and loyal lady of seventy, Alice Lisle, who was hung; of Prynne, the parliamentary hero, who had his ears cut off; of Bunyan, who was imprisoned fourteen years, and of Richard Baxter, who was whipped, are to the point. Some of these cases will be specially referred to; but all, and hundreds of others, illustrate the atrocious and ferocious abuse of jury trial by such judges as Jeffreys, Wright, and Scroggs.

Perhaps the meanest acts ever committed among mankind have been by the perversion of this system, under the ermine. In so far as the jury was packed, brow-beaten, or punished, so were the franchises of Englishmen degraded and despoiled. In all history, nothing equals the conduct of the infamous Jeffreys in the reign of James II after the Duke of Monmouth's insurrection. Jeffreys went upon the circuit to hold his "bloody assizes." Three hundred and fifty-one "so-called" rebels were convicted and executed. It was done by packing, suborning, cajoling and bullying the jury. The verdict in old Lady Lisle's case is the horror of history. It makes the sanguinary climax to the woes inflicted on the innocent by the inhuman wretch and his timid and corrupt jury. This was a case of giving aid and comfort to a dissenter and a rebel, and being political has become historic.

The case of Sydney left its impress on America. He was in one sense the genius of our Revolution. His conviction was based on the doctrine, that to write was to act. His abstract speculations on government, never before published, were thrust before a corrupt jury to convict him of high treason. It was done with the aid of a truckling jury, selected by the judicial partisans of the King. Well might Sydney exclaim after the mockery of his trial and after the infamous chief-justice had sentenced him to the block: "O God! O God! I beseech Thee to sanctify these sufferings unto me, and impute not my blood to the country. Let no inquisition be made for it; but, if any, and the shedding of blood of the innocent must be avenged, I pray let it fall only upon those who persecute me for righteousness' sake." While the judges and jurors were making merry over their festivities, the purest patriot that ever stood upon our footstool passed from earth to heaven; but the inquisition for blood never ceased until the hated instrument of his death died in the Tower, a drunken monster, and the enemies of fair trial were expelled from the English realm.

Most of the reforms which the jury system have received came out of its abuses. Most of these abuses were connected with political and religious controversy. In this, history but repeats itself. Political oaths, and especially test oaths as to past conduct, thus became the odium of history and the scandal of civilization. English annals are full of instruction to us as to their baleful effects.

THE HISTORY OF JURY TRIAL.

I need not dwell upon the importance of trial by jury. It is a trial "by the country." It was said by Lord Brougham, that he was guilty of no error, he was chargeable with no exaggeration, he was betrayed by no metaphor, when he said that all we see about us, the whole machinery of state, all the apparatus of the instrument and its varied workings, ended in simply bringing twelve good men into a box. If this be true, the jury is an extraordinary element of social order. It is of that transcendent importance by which Lord Holt characterized the ballot. Any rider upon any bill which would restore or vindicate it would be justified.

Is there anything more lamentable and detestable than that which would hinder or destroy it? It is for this reason that our Constitution, in the third, fifth, sixth, and seventh articles, gives it organic sanction, both for civil and criminal cases. It has been a staunch bulwark of liberty and has added new splendors to our system of jurisprudence.

CONSTITUTIONAL INTERPRETATION—MILLIGAN CASE.

The Supreme Court of the United States (*ex parte* Milligan, Wallace, volume 4, page 2) not only vindicated *habeas corpus* and nullified military commissions, but gave emphasis and vigor to these jury guaran-

tees of the Constitution. No matter whether in peace or war, no matter whether applied to rulers or ruled, Chief-Justice Chase and Mr. Justice Davis, standing upon the history of the jury through its English and American ordeals, set the "so-called" sympathizing, disloyal Indiana "son of liberty" free. [Laughter.] On what ground? Because the inestimable right of jury trial was violated by the rude, barbaric home-guard of Indiana. Especially did Judge Davis, lifting aloft the scales of justice, denounce the anti-social rule of a soldiery who had not even military education and habits to excuse them, for attempting to regulate by their summary tyranny the doings of a free people. At one dash of his judicial pen he annihilated the martial worship which the political flunkies of that day were glorifying. He would allow no dragooning under any pretenses, where the civil law existed and the courts were open. Here are a few of his ringing sentences:

This privilege is a vital principle, underlying the whole administration of criminal justice; it is not held by sufferance, and cannot be frittered away on any plea of State or political necessity. When peace prevails and the authority of the Government is undisputed, there is no difficulty of preserving the safeguards of liberty; for the ordinary modes of trial are never neglected, and no one wishes it otherwise. But if society is disturbed by civil commotion, if the passions of men are aroused and the restraints of law weakened, if not disregarded, these safeguards need and should receive the watchful care of those intrusted with the guardianship of the Constitution and laws. In no other way can we transmit to posterity unimpaired the blessings of liberty, consecrated by the sacrifices of the Revolution.

This decision is as truthful as it is instructive. It shows us the lofty niche which justice holds in our temple. Military commissions organized to convict, as in Milligan's case, fell before the forensic power exhibited in that case by David Dudley Field, Montgomery Blair, and Jeremiah Black. They were aided by another gentleman, who had himself been a soldier and who was then and is now a member of this House. Drawing from the arsenal of English jurisprudence; remembering the attempts of General Gage in Boston and Lord Dunmore in Virginia to overthrow the civil with martial rule; recalling the fact that the descendants of cavalier and roundhead joined with a common indignation to defeat the attempt, this eloquent commoner and distinguished soldier plead against arraignment without jury. He held that no man should be sentenced by the record of the king without his legal trial *per pares*. Warming with his theme, drawing his examples from the atrocities in Ireland, in our own and other lands; fortifying his argument by authority from Mackintosh, Sir Mathew Hale, and others, he reached his splendid climax—in what? Why, in the magnificent judicial courage of the judges in the seceded States during the rebellion! Let me quote:

So completely have they been impressed on the minds of American lawyers, so thoroughly ingrained into the fiber of American character, that notwithstanding the citizens of eleven States went off into rebellion, broke their oaths of allegiance to the Constitution, and levied war against their country, yet with all their crimes upon them there was still in the minds of those men, during all the struggle, so deep an impression on this great subject, that even during their rebellion the courts of the Southern States adjudicated causes like the one now before you in favor of the civil law, and against courts-martial established under military authority for the trial of citizens. In Texas, Mississippi, Virginia, and other insurgent States, by the order of the rebel president, the writ of *habeas corpus* was suspended, martial law was declared, and provost-marshals were appointed to administer military authority. But when civilians arrested by military authority petitioned for release by writ of *habeas corpus*, in every case save one the writ was granted, and it was decided that there could be no suspension of the writ or declaration of martial law by the executive or by any other than the supreme legislative authority.

When that gentleman, at the beginning of this debate, charged that the repealing statutes on the appropriation bills were "nothing less than the total subversion and stoppage of this Government;" when he found our methods of repeal "revolutionary to the core and destructive of the fundamental elements of American liberty;" when he charged that those methods would produce an army of twenty-five thousand skeletons through starvation, did he reflect that these methods were the *dernier resort*, to vindicate civil law against martial practices? When he paid his compliment to the rebels, who "were heroic enough to withdraw from their seats and fling down the gage of mortal battle," a proceeding so "striking and dramatic,"—in order to make the antithesis that their return is signaled by the unheroic act of tearing out certain military laws from the statute-book which impair and destroy civil supremacy,—did he forget his splendid championship of the judicial order and procedure against the discipline of the camps and the swagger of the sword-knot and epaulet? Had he forgotten the historic precedent cited from France on the expulsion of the great Napoleon, when even the incoming Bourbon acquiesced in the chartered right that "no person could be withdrawn from his natural judges?"

THE JURY AS AN EDUCATOR.

With that incident in his own country in his mind, and from his observations in this country, De Tocqueville might well consider the jury as the great educator of the whole people, especially in citizenship. It was the explicit evidence and sequence of the sovereignty and freedom of the people, as much so as suffrage itself. This French philosopher held that these two instruments of equal power—jury and ballot—were directly attributable to the supremacy of the majority. Despotic sovereigns alone sought to destroy their utility and fairness. Did not the English Tudors begin the system of attaint, fining, and imprisoning of jurors for giving false verdicts? It was well that aftertimes corrected this wrong. It was decided in the time of Charles II to be against custom and liberty. New trial took its place, and thus this great wrong was remedied. Thus fair jury trial survived all the changes of English dynasties. It preserved the liberties of England; it taught the nation the relations of right and wrong, of *meum et tuum;* it inspired its citizens with a love of independence. Out of the education, moral and mental, thus attained, grew the honest principle that a man who judged his neighbor should judge him, as he himself would be judged. It gave men manly confidence; it made every juror a magistrate and every citizen a sovereign within the province of his duty. While it destroyed egotism, it made every man proud to fill the part which he was bound to discharge in society. Like the ballot, it gave control over human life and all its temporal affairs. It not only taught the citizen to compare evidence and do equity, but it exercised his highest reasoning powers; it was a school for citizenship, a special system of instruction. He who would desecrate its sanctity or destroy its vigor knows little of history and cares less for the romantic and heroic genius of liberty.

ORIGIN AND FAIRNESS OF JURY TRIAL.

It matters not whence it came,—whether from the homagers of the French feudal system,—whether from Woden and his savage Scythian companions,—whether out of "the hundreds" of early English days, whether out of the forests of Scandinavia or Germany, or whether it was brought by the Romans to England in the form of *selecti judices*,—or by the Normans to England. Nor does it matter so much that its form and constitution were changed from mere witnesses of the fact, from the vicinage, to judges. After many haps and mishaps, it received something more than traditional welcome as unwritten law. In the reign of George IV, it was enacted that the county should be the vicinage, and that the juror need only be a good and lawful man of the county. In our States, similar enactments have been made and lawful precautions taken, so that none but good and lawful men should be selected for so high a trust. That policy should prevail, as it used to, in the Federal courts. When Sir Nicholas Throckmorton was tried in 1554, for high treason, he described what a good juror should be. "I desire," said he, "to be tried by just and honest men, that fear God more than man." We want no test oaths to keep off intelligence or honesty from the jury; we want no statute whereby ignorance shall try the lives and liberties of our people; we want honest purpose along with common sense, so that the jury shall be a safeguard against a foolish, technical, corrupt, or prejudiced court or party.

English history is full of illustrations of the mockery of partial and prejudiced juries. The very abuses of the system led to the enactment in the time of George IV. When Throckmorton was tried, the chief-justice of England, a creature of royalty and anxious to convict, threatened the jury: "I admonish you," said the frowning judge, "to take good heed what you do!" They disregarded his extra-judicial threat, and returned a verdict of "not guilty;" whereupon they were each fined £500, because of the verdict, and committed to prison. That trial was the opprobrium of that early age, and continued as an example to deter, until the revolution of 1688, when the jury system was established in its best estate, and more honored than the government or the king.

WILLIAM PENN AND HIS HEROIC JURY.

Most notable is the case of William Penn. He was indicted at the Old Bailey, in 1670, for tumultuously assembling, with others, in Grace Church street in London, where he had preached his Quaker doctrine. But the light which shone within him the unjust judge could not quench. When an honest jury were impaneled, and while he was buffeted by Jeffreys, that inner light broadened into a radiance which filled two worlds with its glory. The popinjay courtiers and bad judges of that day mistook their man—this quiet, serene, non-swearing and non-resistant Quaker; ay, too, they mistook their jury. While in former trials there had been a conspicuous failure of the system, yet, like the failure of the alchemists, it may be attributed to impurity of the ingredients; but on this trial the unalloyed gold appeared in the alembic. The personal heroism of Penn inspired the jury, and after a struggle of five days, between judges, jurors and accused, at last a verdict came in, that Penn was "not guilty." It was a scene for an historic picture. It illustrates one of the noblest sentiments of our Declaration of Independence. With it, Pennsylvania might well adorn her hall of Independence. Pennsylvania is now discussing whose effigy, chiseled by the sculptor's art, shall be sent in her behalf, to ornament our Federal Capitol. How can she hesitate? Let it be William Penn,—not as her proprietor and founder; not as standing among the red men at Shakamaxon, forging that "covenant chain" which was to last while sun and moon endure; not as a swordless magistrate, law-maker, or humanitarian; not defying the lieutenant of the Tower; but as the champion of jury trial, when it was almost friendless in the British islands.

Go with me in fancy to the London of two hundred and nine years ago. How it looked then, you may see by the rude cuts in a little volume of 1681, now on my desk. Here are the gates, the churches, colleges, gardens, and monuments! Here is Westminster Abbey and the Parliament House, White Hall and The Temple, and here the wonderful arms of the fifty trades and companies out of which the lord mayor is chosen! And here, *mirabile visu!* is the lord mayor himself and, tier above tier, his court of adipose aldermen! Seated at the top, between two heralds, one with a staff and another with a sword, is the grand mayor, and above him the arms of England, with a sword and a pennon inscribed *Dieu et mon droit*. In their full wigs, ample gowns, and

"full, round bellies, with good fat capon lined," sit the pompous, puffy aldermen! These are the judges of the heroic Quaker.

This book describes the city then as so brave, fair, and stately as to "outvie the most magnificent city of the universe." Ah! it had been a proud city; and in other days displayed its pride against the craft of kings and courtiers who sought to rob it of its charter. Now, it is low indeed, under servile vassalage to a frivolous monarch, as the scene of Penn's trial shows!

Parliament had just passed the conventicle act against profane and loose persons who preached non-conformity. One of these was the well-born Quaker of twenty-five years, who had already suffered for his faith by expulsion from Oxford. He is seized by constables, while speaking to a crowd near his chapel, whose doors had been purposely closed. He is borne off to Newgate and there imprisoned.

The gray and gloomy prison had received many a miscreant and many a patriot. Here had been immured Lord Russell and Jack Sheppard, the regicide Harrison and the assassin Bellingham. It was no respecter of rank or person. Never before had its gloomy walls confined a finer or firmer spirit than that of Penn. His undaunted soul knew no prison walls.

The trial begins on the 1st of September, 1670, at the Old Bailey, "which runneth doune by the Mall, upon Hound's Ditch to Ludgate," and was equally celebrated then as now for its criminal sessions. The hero of that trial, next to Penn, is one Edward Bushel, a juror; its shame is the furious mayor, Sir Samuel Starling, and one John Howel, the insolent recorder. The aldermen and sheriffs are rather lay figures in the scene. The court is crowded. Silence is called. The witnesses are heard as to the assembling in the streets. Penn rises to acknowledge the facts and vindicate his right to meet incessantly to reverence and adore his God. "You are not here," said a bluff sheriff, "for worshiping God, but for breaking the law!" Penn asks, "What law?" "The common law," said the recorder. After much colloquy, with insolence on one side and meekness on the other, Penn is ordered away to the dungeon. Before he is dragged out, he appeals to the jury and pleads for the fundamental law of England. Of no avail. He is hurried to the bale dock, protesting against the jury being charged in his absence. Of no avail. The jury at first return an evasive verdict, that he had preached,—no more. "We will have a verdict by the grace of God, or you will starve for it," says the recorder. Again the jury is sent out.

When the mockery of the trial is over and the jury seem firm for acquittal, abuse and threats are rained upon them and their leader. "I will set a mark upon you" is the threat of the mayor to Bushel, one of the jurors. He even threatens him with personal mutilation. Penn interposes with quiet dignity: "What hope," cries out Penn, "in having justice done when jurors are threatened and their verdicts rejected?" He denounces, in the name of Magna Charta, the arbitrary conduct of the judges. "Stop his mouth," cries the mayor; "jailer, bring fetters!" "I matter not your fetters," replies the self-complacent Quaker. Again the jury are sent out, and again they return a verdict of "not guilty."

Then a dramatic scene ensues, which is faithfully transcribed:

RECORDER. Gentlemen of the jury, I am sorry you have followed your own judgments rather than the good advice which was given you. God keep my life out of your hands! But for this the court fines you forty marks a man, an imprisonment till paid.

W. PENN. I demand my liberty, being freed by the jury.

MAYOR. No. You are in for your fines.

W. PENN. Fines for what?

MAYOR. For contempt of court.

W. PENN. I ask if it be according to the fundamental laws of England that any Englishman should be fined or amerced but by the judgment of his peers or jury, since it expressly contradicts the fourteenth and twenty-ninth chapters of the great charter of England, which says, "No freeman shall be amerced but by the oath of good and lawful men of the vicinage."

RECORDER. Take him away!

W. PENN. I can never urge the fundamental laws of England but you cry, "Take him away," but it is no wonder. God, who is just, will judge you for all these things.

The jurors and the acquitted prisoner are again sent to jail; from which the great writ rescues them.

God has judged these things. He has raised up a great Commonwealth, which bears the name of the Quaker tribune, by whom English law was saved from reproach. Macaulay has stigmatized William Penn, with more flippancy than truth, as rather a mythical than an historical person. While he admits that rival nations and hostile sects have agreed in canonizing Penn, and that England is proud of his name; while the historian likens the reverence to his name, by the great Commonwealth beyond the Atlantic, to that which the Athenians felt for Theseus and the Romans for Quirinus, and confesses that his name is a synonym for purity and philanthropy; while this most critical and hostile of historians thus indulges in encomiums, there is nothing in Penn's character, whether dealing with the red man or preaching in his conventicle amidst hostility and persecution, equal to his manly stand for the sacred right of trial by jury. We can see him standing in his broad-brimmed hat and coat of formal cut, and not unlike Sydney, with undisturbed pulse and calm demeanor, insulted and berated; but answering not again, save to challenge, in the name of English liberty, the infamous mayor, recorder, sheriffs, and aldermen of London, who sought by outraging the traditions of the realm to suppress him and his teaching. His words ring down the years like the old bell of Roland of Ghent, which Motley says rang the people to arms when liberty was in danger. When that other bell from Independence Hall tolled out the death of English tyranny, it rang to all the land and the inhabitants thereof, from its brazen throat, the wedding of liberty and independence; but it also had another voice—the voice of a great State, whose foundations were laid in justice to all, and whose

> —— solemn, sweet vibrations,
> Like the voice of Christ, said: "peace."

Such servility of judges and juries, which Penn denounced and contemned, became the reproach of history; but this very reproach lifted the jury above the ordinary machinery of justice and gave it a lofty place in our jurisprudence.

ANOTHER ILLUSTRATION OF A BRAVE JURY.

There are many instances where the grand jury has interposed between the Crown and the subject. In 1681 the grand jury of London, against the efforts of the judges, refused to indict the Earl of Shaftesbury and thus saved his life. The crime was venial—factious opposition to the court. When they wrote "ignoramus" on the back of the bill—*lucus a non lucendo*—it was a sign that they knew all about the device; and when this dead word was read in court, it became vital with liberty; for it is said that there was a most wonderful shout, so that one would have thought the hall had cracked. A good jury, grand and petit, was needed then as a bulwark against the attacks of the government and the servility of the judges. Is it less needed now in this country, where political schemes through court and jury foment discontent?

IRISH EXAMPLES.

The history of Ireland, not less than the history of England, is the history of menaces and violence upon juries to convict, which cannot long be endured in this country without adding disgrace to reproach. The case of Viscount Stormont in early days and the cases of Emmet, O'Brien, and Young Ireland in later days furnish themes too rich and resplendent for ordinary rhetoric. The case of Stormont, executed by Strafford, lord-lieutenant, without trial, returned to plague, ay, to behead the murderer.

In the case of Emmet the monstrosity of the abuse of impartial jury trial was consummate. "For endeavoring to procure for his country the guarantees which Washington had procured for America"—this was his crime; let this be his epitaph!

Would you know how Ireland has been kept unpacified and how her eight millions of aliens remained discordant in an unhappy union?" It will be found in the infamous abuse of trial by jury. Read Hansard's Debates in 1843, and from one case—that of Daniel O'Connell—learn all. When the jury list in his case was struck, twenty-seven Catholics were excluded. There was a bare chance for two Catholics out of forty-eight, but it was not realized. Lord Macaulay, in a speech at that time, charged this to a scandalous intrigue—to a violation of law and a wrong to Mr. O'Connell. Even one of the judges said that this wrong was a designed subversion of justice and that no government should avail itself of a conviction thus obtained. Here was a trial which, though against one person, was really between two religions and races, and only Protestants to give the verdict. On the principle of the jury *de medietate linguae* where a foreigner is tried by a jury, one-half of his nation is called to the panel; but the orator, lawyer, patriot, and statesman of Ireland had not even the poor privilege of the alien, which England when it suits her makes of every Irishman. Surely such mockeries neither tend to quietude nor justice. England has found it so in her dealings with that discontented isle. They weary earth and provoke heaven.

TEST OATHS.

Surely to protect an institution like this against abuse, any mode of legislation, by riders, withholding supplies, or otherwise, which we choose to adopt in this House, is justifiable before a people who prize their privileges. It matters not how small or great may be the obstruction to jury trial or in what form it appears. It is only a difference in degree in the persecution. The argument for these test oaths would lead to whipping at the cart's tail, to the screwing of thumbs, to the disemboweling and quartering of the dead or burning of the live body. It matters not that the test oath is one that belongs to the years of the rebellion; it becomes no less a torture and an outrage. Why should it not be discarded with the rubbish of the dead past? The fires of our civil conflict have long since died out; they would be ashes without an ember but for the party of malevolence which would grasp power by reluming the flame. The men who would impair the benefits or dusk the splendor of this system are the enemy of the people; they belong not to the party of enlightened advancement; they sink below even the semi-enlightened days of the Tudors or the Stuarts; they belong fitly to an age of barbarism, before civism became the trusted associate of liberty and justice.

Our long "iron-clad" test oath was repealed by an act of April 20, 1871. It was never re-enacted, except in the Revised Statutes, and then by fraud and indirection. The act of June 22, 1874, was, however, intended to make this and all the other revised acts the law of the land. So it remains, although some of the courts dislike to so regard it. Let it be repealed, with a warning. There is no disqualification so obnoxious and harmful. Let it be torn down, as one of the clumsy and rotten buttresses of arbitrary power!

A SWEEPING MEASURE OF REPEAL.

On last Monday week I introduced a bill to eradicate the whole

system, not merely in its application to juries, but to all offices, including that of Congressmen. Here is the bill:

A bill to repeal the act of July 2, 1862, and such sections of the Revised Statutes of the United States as perpetuate the oath prescribed in said act.

Be it enacted, &c., That the act of Congress entitled "An act to prescribe an oath of office, and for other purposes," and so much of the provisions of section 1756 of the Revised Statutes of the United States, and all other sections thereof, which provide for the enforcement of the provisions of said act of July 2, 1862, be, and the same are hereby, repealed; and that no person hereafter shall be required to take the oath therein prescribed as a condition-precedent to the holding of any office or to serving as a juror, or to the acquirement of any right under the laws of the United States.

FORMER LEGISLATION.

In a speech which I made on February 1, 1871, on "Familiar and Frequent Oath-Taking," I have already discussed the general question. Its subject was suggested by its motto from Jeremy Bentham: "The oath implies neither faith given nor faith received. Why, then, require it? Why take it? Why this farce? Judges and legislators amuse themselves with destroying it."

The bill then pending was that which prescribed an oath to be taken by persons who participated in the rebellion and were disqualified from holding office by the fourteenth amendment. That bill was a republican measure. It was a partial measure, intended to melt down somewhat the iron-clad oath. That bill relieved the rebels only, whose disabilities had been removed by Congress, of the iron-clad oath, while for those who were innocent entirely of the rebellion, strange to say, that iron-clad oath remains to this day.

ABSURDITIES OF THE TEST OATHS—LOYAL AND DISLOYAL.

You may look over all the absurdities of mankind from the fall of Adam and you will not encounter such a comedy of errors as our system of oaths. The gallant gentleman from Virginia, General JOSEPH E. JOHNSTON, and others who participated with him in the rebellion are only required to take the oath to the Constitution, while the gallant band of Union soldiers, led by the gentlemen from Ohio, General GARFIELD and General KEIFER, and others, must file down in platoons to the area, and take the oath a yard long, swearing so help them God that they never, *never*, NEVER, did bear arms against the United States, and have given no aid, countenance, counsel, or encouragement, and all that farrago as to past conduct, which is the ridiculous feature of all such political oaths. Let me place them side by side:

Good oath of bad rebel who did not support, &c., the Government.

I do solemnly swear that I will support, protect, and defend the Constitution and Government of the United States against all enemies, whether domestic or foreign, and that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or evasion; and that I will faithfully perform all the duties which may be required of me by law: So help me God.

Constitutional oath, as it ought to be.

I swear to support the Constitution of the United States: So help me God.—*Article VI, section 3.*

Bad oath of good patriot who did support, &c., the Government.

I do solemnly swear that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have neither sought, nor accepted, nor attempted to exercise the functions of any office whatever under any authority, or pretended authority, in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power, or constitution within the United States, hostile or inimical thereto.

And I do further swear that to the best of my knowledge and ability I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God.

Yet these two classes of men, after being thus diversely sworn, are equals, and sit side by side in this Chamber. If Jove laughs at lovers' oaths, what a thundering peal, like the neighing of all Tattersall's, must disturb Olympus, when we loyal men, "so called," march into that area, to find the invocation to God, as to congressional duty, an implied reproach, while those who actually did the thing, serenely smile at their superior privileges and immunities. [Laughter.]

By some misadventure my name was used as an attorney for a pension claim. By some routine in that office a circular was sent to me, under section 3478, Revised Statutes:

Any person prosecuting claims, either as attorney or on his own account, before any of the Departments or bureaus of the United States, shall be required to take the oath of allegiance, and to support the Constitution of the United States, as required of persons in the civil service.

Along with this circular was this direction: "The first oath [iron-clad] is required of all persons, excepting those only who participated in the late rebellion, who may take the second [short] oath." Besides, another oath was required, as to the ability to take the long iron-clad, and so I must take the short modification. Could asininity show longer ears or flap them and bray with more pronounced resonance? Yet such laws are unrepealed, and clerks in Departments chuckle down in their diaphragms while sending such circulars to Congressmen who simply correspond with the Departments for their constituents.

POLITICAL OATHS.

What a mockery are these war oaths is shown by the history of oaths through all time. The history of political oaths is the history of oath-breaking. They were as cheap as those of dicers or of the custom-houses. There is no end to the subterfuges in swearing. As the Spanish proverb has it: "He who made the law made also its evasion." Robert, King of France, saw men forsworn upon the relics of the saints in their wagers at law. Being of a religious turn, he caused an empty reliquary of crystal to be used to lessen the guilt of perjury! Wherever there are changes of political sovereignty, wherever men have to swear one day to one ruler and the next day to another—what sort of sanctity can belong to such adjurations? There ought to be empty reliquaries for such oaths. It is a white rose to-day, a red to-morrow. It is the king, the assembly, the consulate, the monarchy, the republic, the empire, and the republic again.

Talleyrand swore thirteen times to his allegiance, from Clement XIII, on taking priests' orders, down through a century of revolutions, ending with Louis Philippe, who was crowned in 1830!

The advancement of intellect and the progress of opinion make sworn declarations of political faith and loyalty a shame and scandal, if not a joke. Bentham called those who required them corruptors of their country. Did not the Saviour reprove these convenient consciences which are solaced by such makeshifts? "Woe unto you, ye blind guides who say, 'Whosoever shall swear by the temple it is nothing; but whosoever shall swear by the gift of the temple, he is a debtor.'"

Too much oath-taking is demoralization; it is barbarism, and should be decreased, if not abolished; especially all political, whether promissory or retrospective, oaths. An oath which would turn intelligent men out of the jury-box because of past conduct, strikes at what some one in debate called the very nerve-centers of society. "How long, O Lord, how long!" shall these despicable hates remain to engender fraternal strife? How long shall they remain? When will our people be tried by a fair jury of honest men, irrespective of their political faith and devotion in former years. Why should they be compelled before taking their seats in the jury-box to recount the history of their lives, their earlier emotions, their secret thoughts and affections—written, it may be, in blood—under solemn convictions of duty?

RELIGIO-POLITICAL OATHS—BAXTER'S CASE.

There was a bitter contest in England after the revolution of 1640; it turned upon an oath. It was not merely prelacy, or the wearing of the surplice, or the use of a liturgy, or the Book of Common Prayer, or the sign of the cross which tried the soul of Richard Baxter and others like him, who would not conform to the established church. It was the *et cetera* oath. It had a clause from which it is named: "Nor will I ever give my consent to alter the government of the church by archbishops, bishops, deans, and archdeacons, &c., as it stands now established and ought to stand." This was an oath promissory; an oath binding fallible men never to change opinions. It included in it an *et cetera*—no one knew what. An adjuration thus indefinite was like our iron-clad, so indefinite as to be the essence of folly and despotism. [Applause.] Instead of helping the prelacy to be unchangeable, it roused up the Baxters of that day to resist; it became an advantage to the cause of dissent. The Long Parliament seized upon it, along with the ship-money question, to vindicate freedom and inflame the people against royalty. Puritanism thrived upon this insane proscription. It gave new truth to the French verse as to the English monarch:

Le roi d' Angleterre
Est le roi d' enfer.

Pym, Fiennes, Digby, and others of the Puritan heroes of Parliament thundered against it. It was a part of the incitement which gave to the commonwealth its synod in spiritual and its Parliament for temporal matters.

After the restoration other oaths were enacted. Those in the service of the church were required to promise subjection to the canons and abjure the solemn league and covenant. They were required to abjure the taking up of arms against the King and his officers. By this the English Church lost two thousand of its best ministers. Still another law was passed requiring of ministers an oath which, if they refused, they should not come within five miles of any city or corporation, or any place where they had lived or which sent burgesses to Parliament. This is the oath:

I, A B, do swear that it is not lawful, upon any pretense whatsoever, to take arms against the King; and that I do abhor that traitorous position of taking arms by his authority against his person, or against those that are commissioned by him, in pursuance of such commission; and that I will not, at any time, endeavor any alteration of the government, either in church or state.

Some took this oath, for they had no subsistence for their families among the strange country places to which they were expelled. "No severity," says Hallam, "comparable to this cold-blooded persecution had been inflicted by the late powers even in the ferment and fury of a civil war." All sorts of subterfuges and reservations were resorted to, to take the oath and not feel it binding in a certain sense. It was the fruitful source of prevarication and perjury.

In the persecutions under this oath, and while Sydney and others were falling under the ax of the despot, Richard Baxter, the leader of non-conformity, fell under the tender mercy of Jeffreys at Westminster. This judicial fiend was well selected to execute such laws, for never in the career of infamous judges is there anything to compare with his brutal treatment of this meek and just man. "Does your lordship think any jury will pass a verdict upon me upon such a trial?" asked the author of the Holy Commonwealth of this judge.

"I'll warrant you," said Jeffreys; "don't you trouble yourself about that." The packed and corrupt jury, summoned to do the bidding of the obsequious tool of a licentious court, laid their heads together and found him guilty without leaving the box.

PURITAN HEROISM.

Out of the ordeal of these odious oaths and mock trials sprang the noble army of non-conformist confessors whose labors and sufferings gave to them an immortalization on earth by the muse of history and gave to their immortality in heaven the beauty of holiness which was their "saints' rest" forever. It gave that grace and spirituality to the better part of the Puritan character, of which there is so much just boasting in our own country, and that, too, by men who have forgotten their shining example.

PRESENT PURITANISM—ITS DEGENERACY.

It is a sad, almost savage satire on those who thus vaunt of these stanch men of spiritual faith and austere manners, that their 'stalwart" descendants in the New World are the loud leaders in perpetuating the same system of proscriptive oath-taking and mock-jury trial which gave to England her revolution of 1688 and to America her earliest and bravest lovers of liberty. The lesson it teaches to New England is that—

Those who on glorious ancestors enlarge
Produce their debt, instead of their discharge. [Laughter.]

Rome in the Middle Ages had a tribune, Rienzi. He was a scholar and an antiquarian, and gave enthnsiasm to the rebellion against the licentious nobles, by displaying the relics of old Rome. Although Pope Clement gave him his friendship as God had given him eloquence, yet "freedom's withered trunk" put forth but a leaf, and these emblems of ancient greatness became only a garland for its tomb. Not all the fantastic dresses and rare relics and classic harangues could arouse the people from their lethargy. The champion of freedom, the new-born Numa, fell by the hand of the assassin; and tyranny had a new lease of riot and wrong. Let those who eulogize ancestry imitate its spirit, and not display merely the faded emblems of ancient renown.

THE OLD PURITAN HEROES.

These very test oaths, sir, drove many a Puritan, Quaker, and Catholic to the New World. It was reserved for their descendants to re-enact them here in the noon of our century, not only to affect religion and State but to inflict penalties and perpetuate hatred. Ah, where is that old Puritan spirit which led to the abolition of the star chamber, the high commission, and the Council of York, which demanded the execution of Strafford and the King, and which always held to the "petition of right" as a palladium of English liberty? Where is that spirit of parliamentary courage which arrested the attempt of the King upon the Commons when he strove to suppress Wentworth and to arrest Hampden, Pym, Hollis, Hasselrig, and Strode for high treason, because they spoke for the great charter—the petition of right and the privileges of the Commons? Where is the Puritan nerve and spirit which resisted the attempt of the King when he came to the Commons to demand the five members, with his guard of pensioners and tories, exclaiming that he would not break their privileges, but that treason had no privilege? He found his birds had flown, and retreated ignominiously from the Commons, saluted with the cry, "Privilege! privilege!" This was at a time, too, when the ax hung over the heads of outspoken Puritans.

I would not derogate from the Puritan character nor unduly exalt it. It has been said that the Puritans who came to this country had not the heroism of those who remained at home to fight for freedom against the King. It is known that many of them became more intolerant here than their persecutors had been in England. It is not for me to praise their burning of witches, their persecution of Catholics, their cutting out the tongues of Quakers, and their exile of the Baptists. Nor would it be proper to refer to their trade in slaves or their treatment of the Indians. Enough remains of the history of the Puritans of New England during the many years preceding our own Revolution to show that the spirit of Pym, Hampden, and Wentworth was instinct and alive in the Warrens, Adamses, and Hancocks of our elder day. But, alas, how have their descendants degenerated! They cannot read the history of these their own test oaths placed on our statute by them, even on "Revision," and the laws for the use of the Army to control civil affairs and override by force local rights, without a blush. They were not merely the passive instruments of their enactment and execution, but the active instruments as well.

When Macaulay describes the Puritans of old England as "looking down upon the rich and the eloquent, upon nobles and upon priests, with contempt, esteeming themselves rich in a more enduring treasure, and eloquent in a more sublime language—nobles by the right of an earlier creation, and priests by the imposition of a mightier hand"—could he have dreamed that out of a civil war in this land this domineering element, so proud and great, would fall so far as to keep on the statute tests, pains, and penalties which France, Turkey, Russia, and even Asiatic and African barbarians would be ashamed to defend?

Thus, when we follow this quasi-Puritan of this latter day, we find nothing of heroism to worship. It is like going into the old Egpytian temples; its priests are of grave aspect; its porticos and vestibules and groves beautiful; its walls resplendent with paintings, gems, silver, and amber; its adyta shaded with gold; but its god is a cat, a crocodile, or serpent, rolling upon purple coverlets. What history has not been written, what poems not sung, in praise of the heroic Puritan element, yet how ignoble their descendants seem when their proscription and bigotry are exposed.

OATHS IN GENERAL—TOO FREQUENT.

Mr. Speaker, I do not raise the question whether oaths are of divine or human origin; nor whether their use tends to the keeping of obligations and the telling of truth. Certainly it will be agreed that their frequent and careless application to judicial and political affairs is a prostitution. Is not our reverence for them and their dignity lost when they become too familiar? If we could diminish their number, would it not add solemnity to the remainder?

ENGLISH OATHS—LATE REFORMS.

Mr. Speaker, there has been great progress in dispensing with oaths in Great Britain, and in their simplification. This remark applies to ecclesiastical as well as to civil oaths. As to the former, the old oath still remains as to the doctrine, prayer, and sacraments of the established church, and against simony and stipend. This ecclesiastical law was passed in 1865. (28 and 29 Vic., page 793.) It repeals eleven statutes from Henry VIII to 1865. These statutes are a body of narrow legislation. It ought long since to have been changed or repealed.

The law of July 31, 1868, (31 and 32 Vic., 426,) shows a most enlightened progress, from which we might draw valuable lessons. Compared with our verbose, vindictive, and ridiculous "iron-clad" oath, its oath is a model of brevity and sense. It reads:

I do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, her heirs and successors, according to law: So help me God.

The official and judicial oaths are in the same pithy style. A schedule of the officers who are to take them is appended to the law. They are few in number. The wisdom of Parliament is also shown by the reduction of the wholesale swearing at custom-houses and elsewhere. It repeals the oath for hosts of officers and objects, and substitutes a simple declaration.

The oath to members of Parliament is fixed by the act of April 30, 1866. (29 Vic., p. 157.) It is nearly as simple as the one quoted. For a failure to take it, by a commoner, there is a fine of £500, and a further penalty "that his seat shall be vacated in the same manner as if he were dead." The schedule to this act reveals a long list of acts from Charles II to its date. These are modified or repealed. They constitute a terrible catalogue of bigotry as discreditable to England as their repeal is praiseworthy.

Some of these oaths had remained unrepealed from the time of Elizabeth. They were used in England against Catholics. The act of supremacy was amended in 1673. It was framed to exclude the Catholic; but it had a similar bearing against all dissenters. It increased the confusion and contention in the troublous era when it passed; but it fell under the keen blaze of our nineteenth century, which consumed the mass of the *débris* of intolerant ages. Along with it fell many politico-religious tests. The thirty-nine articles were no longer to the Jew a stumbling-block, nor to the Baptist foolishness. A new era of "reform" and "emancipation" opened in the time of George IV. It not only relieved the Catholic of disabilities, but "every person of the persuasion of the people called Quakers," besides three repeals of the disabilities of that divine and eternal race of races, the Hebrews, and a substitution of declarations in lieu of oaths! Yet with this light radiating from the English legislature, we, who vaunt so much, grope in the darkness of her earlier proscription.

An English writer insists that one-half of the oaths taken in the courts should be dispensed with, including all promissory oaths as to the performance of duty. He would increase penalties for falsehood, while he diminishes oaths.

MANNER OF SWEARING.

The manner of administering oaths has much to do with their strength or feebleness. How ridiculous was the oath of allegiance administered during our war! A cavalry company dashes from house to house, and swears the rebels in. It is followed soon by a company of rebels, who swear them out. [Laughter.] Some of our soldiers liked the swearing in at the rear more than the fighting at the front. At breakfast, dinner, and supper, over hardtack or whisky, night and day, when the swearer was in the humor, off he dashed after a disloyal victim.

One who had that line of patriotic duty in charge has given me an oath which illustrates this point:

You do solemnly swear (Look here! take that cigar out of your mouth!) that you'll bear true faith and allegiance to the United States of America; that you'll serve them honestly and faithfully (Stop that damned talking in the ranks!) against all enemies and opposers whomsoever; (Johnny, bring me that demijohn!) that you'll observe and obey orders of the President of the United States, (Take off your hat, and keep your hand up!) and the orders of the officers appointed over you; so help you God. Now git! [Great laughter.]

This kind of swearing was not peculiar to the war. Dickens gives a similar mode in the English courts. The constant habit of administering the same oath naturally begets this unpunctuated and mingled monotone of indifference and frivolity. It is like Chaucer's monk, who forever repeated:

—"a few terms, two or three,
That he had learned out of some decree,
No wonder was, he heard it all the day."

One of the peculiar features of the iron-clad is that it compels a person to swear that while he is taking the oath he is not forswearing himself, *i. e.*, that he has no mental reservations, that he is playing no sleights with his conscience, no thimblerig with words; or, in other words, he is sworn that while he is swearing he is not lying! I have here an illustration of a peculiar mode of swearing. It is an oath which reserves so many conditions and qualifications that it nullifies itself. Carlton publishes it of one of his Celtic characters. Being urged by his good priest to take a pledge against intemperance, the affiant went to the schoolmaster of his village and had the following drawn:

Oath against liquor made by me, Cornelius O'Flaherty, philomath, on behalf of Misther Peter Connell, of the Cross-Roads, merchant, on one part, and of the soul of Mrs. Ellish Connell, now in purgatory, merchantess, on the other.

I solemnly, and meritoriously, and soberly swear that a single tumbler of whisky punch shall not cross my lips during the twenty-four hours of the day, barring twelve, the locality of which is as followeth:

Imprimis—Two tumblers at home	2
Secundo—Two more ditto at my son Dan's	2
Tertio—Two more ditto behind my own garden	2
Quarto—One ditto at the Reverend Father Mulcahy's	1
Quinto—Two more ditto at Frank M'Carroll's, of Kilclay	2
Sexto—One ditto wid ould Bartle Gorman, of Cargah	1
Septimo—Two more ditto wid honest Roger M'Gaugy, of Nurchasey	2
	12

N. B.—I except in case any docthor of physic might think it right and medical to ordher me more for my health; or in case I could get Father Mulcahy to take the oath off of me for a start, at a wedding, or a christening, or at any other meeting of friends where there's drink. [Applause and laughter.]

I do not know whether Congressmen would make these extensive reservations. [Laughter.] How would it affect my colleague [Mr. CHITTENDEN] from the City of Churches. [Laughter.] He is our swearing member. [Laughter.] He could not take this oath after his orthodox apology. [Laughter.]

Gentlemen here know how recruits were sworn, and how they were prepared for the battles of the Republic. No custom-house officer ever administered a stressless oath with more haste and nonchalance than do some of our courts. Who feels their binding force? Who is not shocked by the irreverence and frivolity? When the captain of the Pinafore, in a hasty fit of temper, says "damme," the chorus of good sailors is horrified. The burlesque is equally applicable to other oaths. Such trivial and frequent swearing is no swearing at all; and by extremes, it comes near the Bible command, "Swear not at all." They remind one of the man who was swearing loudly to Hercules. His companion said: "Do not call so loud or the god may hear you." [Laughter.] Our statutes groan with oaths at every page, and, like the ghost in Hamlet, moan: "Swear!" "Swear!" They should evanish with the dawn. Governments condemn thugs, carbonari, ku-klux, nihilists, and secret societies generally, for their mystic oaths. Let government set an example and abolish the custom. The wisest writers, like Bentham, hold them repugnant to the Christian religion. He wonders why, under such a religion, oaths should be so common. The answer is not complimentary to our civilization. In earlier days society was cemented by oaths. Liberty was assured, as in Switzerland, by an oath. Patriotism, perhaps, is nerved and obligations sanctified by it, when the bonds of society become loose and require tightening. But now what a farce is this constant swearing!

BIBLICAL OATHS.

You say they are drawn from the Bible? They are not peculiar to the Good Book. True, Abraham took oaths; he lifted up his hand to do it; and on one occasion he swore in a peculiar way. God is represented as swearing unto Abraham by Himself, as He could swear by none greater. The angel in the Revelations swears by Him that liveth for ever and ever that time should be no longer. Was it not a beautiful invocation, that of Ruth? Not less so than the declaration by which Eli bound the little Samuel. All through the Old Testament, from the death-bed of Jacob to Hannah's address to Eli; from the answer of Abner to Saul to that of Elijah to Elisha, there are oaths recorded; but they do not impress us as frivolous.

There has been much metaphysical discussion as to the definition of an oath. Is it a religious affirmation or an invocation to God as a witness? Is it an imprecation for the vengeance of God upon him who swears falsely, or a mere promise? This discussion may be settled by the Old and New Testaments. What was the custom and law of the Jews? The Greek word often used in the latter interprets one meaning of the oath, ἐξορκίζω—"I adjure thee," "I call on thee to declare on oath." All the versions of the Scripture and the writings of Josephus and the Greek classics confirm this view. The corresponding Hebrew word is שבע, and signifies at all times and places in the Jewish history an adjuration. From Genesis to Revelations it is the same, and its sacred and majestic adjuration, used by the high priest to evoke the truth, is not lessened by too much frequency and by no frivolity in its administration.

The new dispensation discloses another custom: "Let your communication be yea, yea, and nay, nay; for whatsoever is more than these cometh of evil." Many sects besides the Anabaptists, Moravians, and Quakers hold that the oath is an abuse of the name of God. Calvin said that there was no need of such a superfluity of oaths, and therein he followed the Christian fathers. Augustine sums his creed up in these words: "False swearing is fatal, true swearing is dangerous, swearing not at all is safe;" while Chrysostom, of the golden mouth, said that "swearing took its beginning from want of truth and punctuality."

CLASSIC AND OTHER OATHS.

Classic literature is full of oath-taking. Homer's heroes, like the army in Flanders, swore terribly. [Laughter.] Even Helen swore fidelity to Menelaus. We know how she kept it. [Laughter.] The immortal gods swore by the waters of the Styx; but the bulk of classic swearing was done by attesting and imprecating in the name of the gods. Sometimes the Romans swore by their swords and their Cæsars. Numa swore by the goddess Fides, while now and then a warrior swore by the quiver of Diana. The Egyptians swore by cats, dogs, snakes, crocodiles, baboons, and onions. [Laughter.] Sometimes the soldiers of that early era killed a bull, dipped their hands in its gore, and, like other valiant men, swore to Bellona to do brave deeds. [Laughter.]

In China a saucer is broken, and they swear to be broken like it if they lie; in India they cut off the head of a rooster, with the same sort of imprecation. Sometimes they swore by holding a cow by the tail, that useful beast being sacred with the Brahmins. [Laughter.]

All through history, from Justin Martin down to George Fox, by death at the stake even, by imprisonment often, Christian martyrs and preachers suffered, because they would not swear. After the restoration in England, three thousand and sixty-eight Quakers went to jail rather than give up their non-oath-taking tenets.

But of all the oaths, the one most repugnant to good sense and conscience is that as to future conduct. When men swear, as did Harold to William of Normandy, that he would renounce the crown, and then began to rebel; when King John and his son Henry swear to Magna Charta only to break it; or Cromwell, to keep Parliament in session five months, and then breaks it; or Francis I breaks his oath after his release,—then we perceive how cheap historic oath-taking is; but what shall we say of tests in the form of oaths as to past opinions and conduct and as to countenancing and comforting a lost cause! By them you require a man either to perjure himself, or be proscribed from jury and other official duty. You make him the pariah of society.

When we consider how many cunning devices are resorted to, as by kissing the thumb instead of the Book, and how many lies are told which, as Coke says, "concern not the suit, and therefore are extrajudicial," and upon which no perjury can be assigned, may we not conclude that these make-shifts contribute to lying. Do they not belittle the importance of the oath? Are they not the effect of frequent and familiar swearing? Do they not dishonor society and government—its agent? Do they not call down religion from its heavenly home and drag it into the mire of human depravity? Therefore, do they not corrupt the very well-springs of truth and justice?

It is because, Mr. Speaker, the iron-clad oath, which is the test for jurors and others, is a portion of such a system of demoralization and barbarism, that I introduced the bill for its abolition. I will not say now that I would go further and abolish all political retrospective and promissory oaths. But no fear of revolution, no timidity about coercion, no abhorrence of riders, would for a moment deter me from following a policy which would save society from that reckless invocation of the Divine Majesty which is so carelessly used on the occasions of oath-taking. Is it not appalling that upon so many trifling occasions we call upon the sacred name of God and dim that effulgence which emanates from the promise of His word by contamination with the imperfections and vices of men?

MISSOURI TEST OATH.

I doubt, if all the oaths ever recorded in sacred or classic lore, or propounded in any land, for political, religious, judicial, martial, or festive purposes; whether for jurors, witnesses, or officials; whether at custom-houses or at marriage rites; whether to suspected patriots or supposed traitors; from Noah, who took the first oath, down to the cloud of investigation-committee witnesses, can compare for one moment with what is known as our "iron-clad oath" for the ridiculousness and variety of its application. There is one exception; and that, too, is in our country. It is to be found in the Missouri constitution made by the republicans just before the end of the war.

That oath illustrates that there are some laws and some men who defy the everlasting order and congruity of things to carry out their grudges. It is enough to damn the party which made it to an eternity of infamy. Luckily the Supreme Court of the United States cut it up by the roots. Although it remained five years to blot the organic law of a great and growing State, and although its provisions again and again were used to give a small minority of the people of Missouri the ruling power, yet at last its authors hid from public execration, and the oath was stamped out by the decision of Mr. Justice Stephen J. Field, in an opinion which adds to his fame as an enlightened and liberal-minded jurist.

The decision was made in the case of Cummings *vs.* the State of Missouri, 4 Wallace, page 277. The plaintiff was a Catholic priest. He was indicted and convicted of the crime of teaching and preaching the Christian religion without having first taken the oath required by the amended constitution of April, 1865. He was fined $500. Refusing to pay it, he was committed to jail; and, like St. Paul, would not come out, until by due process of the law which placed him there.

The supreme court of Missouri had the effrontery and ignorance to confirm that judgment. That oath was divided into more than thirty distinct tests. Some of the tests were never even offenses by the laws of the State, and some of them were not even blameworthy, but grew out of charity and affection. The affiant was required on oath to affirm not only that he had never been in armed hostility to the United

States, but never by act or word manifested his adherence to the enemy or his desire or sympathy with those in rebellion, and had never harbored or aided or countenanced any person so engaged, and had never come into or left Missouri to avoid enrollment or draft or to escape his duty in the military service of the United States or the militia of the State, and had never indicated in any terms his disaffection.

Those who could not or did not take this "oath of loyalty," as it was called, within sixty days, were ousted from office, if in; and incapacitated from holding office, if out. They were debarred from all kinds of offices, even of corporations, public and private; they could not be supervisors, or even teachers of schools, nor hold real estate or property of any kind, in trust for any purpose. All such offices of trust became *ipso facto* vacant on the failure to take this many-headed, many-clawed oath. Nor could any one practice law, or be bishop, priest, deacon, elder, or other clergyman of any religious sect; neither could he teach, preach, or solemnize marriages. This oath is without precedent in history. This oath is without semblance among gods, prophets, saints, soldiers, men, women, or devils, and yet it remained five years! Besides, it required the fiat of our Supreme Court to tear it from the body-politic of Missouri.

The fourteenth section contained the penalty in which Cummings was amerced, as well as another penalty for false swearing. These were the devil-fish *tentacula*, grappling the people of Missouri, while toiling in the caverns of doubt and despair. In England and France the old test oaths which were so odious were limited to an opposition of the predominant government or religion. Their oath was directed against overt acts of hostility. It never reached the humiliation of punishing men for their heart-throbs and kinship.

Judge Field placed his heel upon this oath as if it were a viper. He found it not only to be in every sense a bill of attainder, but an *ex post facto* law. It was a law which imposed a punishment for an act not punishable at the time it was committed. He held that a deprivation of such offices and duties in life was in all senses a punishment, nor was it less a punishment because a way of escape from it was opened by an oath.

Well did those vile bigots of Missouri understand that whole classes would be unable to take the oath prescribed; and thereby become incapable of jury or any other duty to society or to the State. Hence, comforted and protected by the proscriptive bigotry and hate of Congress, with its "iron-clad," they disfranchised the majority of he State.

OATH AND IMPRISONMENT OF SISTERS OF CHARITY.

How was this law—if it were a law—executed? Certainly it was not in the ordinary sense a law. It had not the excuse of legislative inconsiderate haste. It was in the fundamental constitution of a great State. It had not even the flimsy excuse of Protestant bigotry against the Catholic faith. In some counties Methodists as well as Catholics were indicted, tried, and convicted for preaching Christ's gospel of love; because, like Richard Baxter, they would not commit perjury or conform to the oath. These men had been preaching for years; but no amount of work in the vineyard of the Lord saved them from the remorseless clutch of these self-righteous loyal Pharisees. True, this constitutional clause was not directed against the body. It did not use torture, rack, and thumb-screw. It was a radical ukase against the sacred conscience of men—a torture of the soul—a devilish plot against the ministrations of all religions and the teachings of all classes of mind. It was worse than barbaric.

In the recent wars of Europe the red-cross flag of Geneva upon the white ground of charity gave immunity to those who cared for the sick. It alleviated suffering and saved life. It earned the blessings and gratitude of all. It gave laws of kindness to war. But this infamous oath which stopped the physician in his round of duty to the sick and dying and the priest in his consolations, and that under the pressure of an oath to Almighty God, would have hauled down the red cross of Geneva. When it did not imprison the clergyman in his home, it did worse; it consigned him to the common jail. It was worse than the "five-mile act" of Episcopal bigotry against the Dissenters.

SISTERS OF CHARITY.

How was it executed? Let one instance illustrate. The radical ghouls of Cape Girardeau County, under this law, indicted the Sisters of Charity who taught in a convent. Three of these angels of mercy were dragged into court several times, indicted, and tried; and even the foreman of the grand jury sent his own child to the convent to be taught, so as to get proof of the teaching and so as to convict. They had not taken the oath. In their case, however, public opinion revolted, and the Titus Oateses of Missouri hid their heads for a time from public opinion, but not until they left for us lessons of their proscriptive meanness which, in degenerating from the days of Pym and Hampden, Baxter and De Foe, left imperishable evidence of their unfitness to live as generous co-workers for good in human society. Ah, if those Sisters of Charity and Mercy, the Florence Nightingales of our conflict, have passed from earth and found their beatitudes in the yonder azure sheen, where they walk white-handed in celestial light, singing the praises of the good Saviour they served here among men,—with what pitying eye do they look down upon the foolish and spiteful human craftiness which sought to break the blessed utility and unity of their lives by relentless persecution. Language has no vehicle of expression, the mind no idea, fit to tell the burning shame which should blister forever the cowardice and cruelty of a test so odious and hateful. [Applause.]

Sergeant Talfourd in his "Ion" exquisitely describes the solace and comfort of those who by benevolent endeavor mold their lives into benevolence:

'Tis a little thing
To give a cup of water; yet its draught
Of cool refreshment, drained by fevered lips,
May give a shock of pleasure to the frame
More exquisite than when nectarean juice
Renews the life of joy in happiest hours.
It is a little thing to speak a phrase
Of common comfort which by daily use
Has almost lost its sense; yet on the ear
Of him who thought to die unmourned 'twill fall
Like choicest music.

But these radical constitution-makers and executors of infamous statutes would arrest and imprison the Sisters of Charity who have gladdened our sad world by their merciful ministrations. The names of this sisterhood are not sounded by the brazen trumpets of publicity, nor mingled with the notes of sectarian discord; but they are found on the criminal records of radical Missouri—the disgrace of our generation. [Applause.]

What execrations are not due to those who persecuted these loving laborers. From the earliest centuries after Christ when the noble Roman lady, Paula, took up her residence in Bethlehem, to care for and comfort the sick; from the time she "laid their pillows aright," as the old chronicle tells us, and felt that the less service she did to the sick the less she did to God; from the time of this first sister of mercy down to our day, when the kind *Sœurs Hospitalières* of France, Béguines of Flanders, and the Sisters of Elizabeth in Germany, in their black gowns and white hoods, their complacent sweetness and holy living, gave to the stricken, their self-devotion so nobly illustrated by Florence Nightingale and her company of noble women, whose only prayer was to go where suffering and perils were greater—no one ever dared to lay secular or rude hands upon this sisterhood.

It was to have been hoped that, at the close of our civil war, when the bugles had sounded the long truce and war-broken soldiers were left stranded in the hospitals, there was no one in human shape who would be so regardless of those gentle and superior beings of the other sex—who had shown such self-abnegation—as to persecute them as outlaws of society. Had they not bent over the wounded and sick "when pain and anguish wrung the brow," and whispered low the words of peace, patience, and divine hope, while smoothing the pillow and holding the cup to the parched lip? Had they not aided the healing power with moral cheerfulness, and by their softening and purifying presence given good impulses and holy thoughts to the sick and dying? Why, even the Robespierres and Dantons and the very devils of the French Reign of Terror respected this sisterhood. They were recalled by a special decree of the republic, which recited their boundless love and charity; and their faithful head, Citoyenne Duleau, was given new authority to practice that beautiful vocation—as described in Lucille—the poetical counterpart of Florence Nightingale:

The mission of genius on earth! To uplift,
Purify, and confirm by its own gracious gift
The world, in despite of the world's dull endeavor
To degrade, and drag down, and oppose it forever.
The mission of genius: to watch, and to wait,
To renew, redeem, and to regenerate.

But had this sisterhood lived in Missouri and given their facile sympathy and good offices to the wounded rebels, fine and imprisonment would have been their punishment. The very fiends of the Reign of Terror put to shame these bigots of our day and generation! Spenser tells the story of three brothers; when one died he did not go to join Plato's grizzly band, but his spirit entered into his brother, and when that brother died the joint spirit entered into the survivor. The republicans of this Congress seem to have inherited the spirit of their brother radicals of Missouri. How long will they live?

In West Virginia the constitution forbade any one to teach school who had not taken an oath. Girls of fourteen were suppressed as teachers under this policy of spite.

IN RE GARLAND.

The Supreme Court has more than once passed on the iron-clad oath. In the case of the eminent Senator GARLAND, who desired to resume his practice in the Supreme Court of the United States, and at the same term, the same principles as in the Cummings case, were adopted. The court allowed him to resume his practice in the United States Supreme Court. By a law passed on the 24th of January, 1865, the iron-clad oath had been extended to the attorneys of the courts of the United States. But the court held that the oath prescribed operated as a legislative decree of perpetual execution and was *ex post facto*.

IRON-CLAD UNCONSTITUTIONAL AS TO JURORS.

In furtherance of these precedents and based on these enlightened principles, the Supreme Court of the United States, the same courageous judge (Stephen J. Field) delivering the opinion, in the case of George Burt against Maria M. Paiyaud, decided at the October term of 1878, in error to the circuit court for the northern district of Florida, that the iron-clad oath affecting the jury-box was novel, oppressive, odious and repugnant to the spirit of our free institutions, unconstitutional, and void. I copy his decision:

I agree with the court that the juror Holmes, in this case, could not be required

to answer the questions put to him; but I go further. I do not think that the act of Congress which requires a test oath as to past conduct, and thereby excludes a great majority of the citizens of one-half the country from the jury-box, is valid. In my judgment the act is not only oppressive and odious and repugnant to the spirit of our institutions, but is unconstitutional and void. As a war measure, to be enforced in the insurgent States when dominated by the national forces, it could be sustained; but after the war was over, and those States were restored to their normal and constitutional relations to the Union, it was as much out of place and as inoperative as would be a law quartering a soldier in every southern man's house.

Mr. Speaker and gentlemen, the repealing of these statutes, which cloud our representative system, is our paramount duty. No appropriation can satisfy a free people while they remain. Let us re-crown the discrowned majesty of the people. Let us re-enthrone by the repeal of these statutes the States in their proper relation to the Government, and thus reset and repolish the jewels of popular sovereignty.

HEROES OF 1861 AND THEIR CONTRAST.

The distinguished gentleman from Ohio, [Mr. GARFIELD,] in his opening speech at this session, sought to place the onus of repealing these obnoxious statutes upon the southern democracy. I beg to say that the action taken at the last and at this session was not the action of one section or of one class of democrats. The points of the compass have no bearing upon this matter. Our action binds all sections. The advice which led to it was not taken exclusively from any part of the country. The gentleman found no end to his admiration of the democratic Congressmen who seceded from this Hall in 1861. Their noble and heroic conduct was the theme of his admiration; but he more than intimated his detestation of their present conduct in seeking to obliterate these legislative anomalies, born of the war. It was so unhandsome and unheroic in contrast with their splendid heroism as rebels. Ah! the gentleman's purpose is understood. It is not so much to fix opprobrium upon the solid South as to revamp the old slander against the democracy of the North. He would admire the military heroes of 1861 to derogate from their civil courage of 1879, and by reviving the bad blood of other times, endeavor to regain for his party their lost power over roads macadamized with stale libels upon the northern democracy. I regret to say that some color to this view has been given by southern men; especially by one gentleman, who in the heat of debate said that the South learned secession from the northern democracy. I wish he had waited until my eloquent friend from Mississippi [Mr. CHALMERS] had spoken. He fitly discriminated between the northern and southern democracy when he said:

When the war was closed and the republican party undertook to destroy the Constitution, history will say that the same gallant northern democracy, with the same flag in their hand, rallied the southern democrats and drove the republicans back to their duty. We, sir, in the South loved the Constitution more than the Union; the republican party loved the Union more than the Constitution; but it will be written in history that the gallant democracy of the North were the truest patriots of the land, and that they loved both the Union and the Constitution, one and indivisible.

This statement might go further and be equally just. Does the gentleman forget, what Mr. Greeley in his volume on the "Conflict" would inform him, that the great body of men of the South were opposed to secession? He will find the facts and votes furnished in that volume. Does he forget, too, the men of the democratic party who opposed secession and risked and lost their lives for the Union? Would he ignore the McClellans and Hancocks and men of no less note, who maintained the vigor of our Federal system against secession, and who fought for both Union and Constitution? It pleased him and others to derogate from the Northern democracy, when he arrogated unto his party all the praise of quelling the "so-called" heroic rebellion. We understand his eulogy and its subtle intent, when he praises his party and the southern democracy in 1861, in order to dispraise the democracy of the North then and the democracy of both sections now.

Does he remember that in 1860 the democratic party divided, one great portion of it, under Douglas, representing the Union-constitutional sentiment, with 1,365,976 votes, and the other, representing the southern sentiment, with 847,953 votes? Is it manly, just, and fair to ignore his democratic brothers-in-arms and those of us who voted all supplies to quell the rebellion? When the democracy were sundered, was there no patriotic principle for us North, to guide our conduct? He forgets that the northern democracy, in States like Illinois, Indiana, and Ohio, favored Douglas, while the extreme States of the South only, were largely for Breckinridge. He forgets that in the three great States of Illinois, Indiana, and Ohio the whole democratic vote was cast for Douglas, with the exception of some 25,000 for Breckinridge.

He forgets that the southern secession leaders could muster only about one-fifth of the total votes of the United States, and that the northern democracy fought through the crisis of 1860-'61 and the remaining years of trial and blood, like men as heroic as those from whom they parted. He forgets that in Illinois 75 votes were given to Douglas to 1 for his extreme southern competitor; yet the gentleman glorifies southern heroism to detract from his northern democratic neighbors. At what particular time did the gentleman from Ohio learn to love rebellion, that he should make an apotheosis to its heroism? Ah! why? Is it because we of the North opposed extra-constitutional methods of conscription and confiscation; or is it because since the war the democracy have shown the spirit of forgiveness and favored amnesty, that all might come under the shadow of the Government? Is it because we have sought to make our southern brethren equals here, when they came back redeemed from their prostration and the oppression of your military satraps, under the reconstruction? Is it because southern men have joined with us in the back pay and pensions of Union soldiers? Is he sorry that we would build up by generous policies the waste places of the South, and lift up a highway for the people yet wandering in the mazes of test oaths, military force at elections, and supervisor espionage and oppression? Would he make a desert or an aceldema of the South?

Is it a pleasure to depreciate, denounce, and degrade the northern democracy? Does his own party need require this? Did our party fail in furnishing troops for the war? Was it a falsehood when a republican Legislature of New York gave Governor Seymour the credit for even exceeding the call for soldiers? Did they fail to pay their taxes? Did they fail in giving their youth, their manhood, their sympathy to the Union which their fathers loved and to the Constitution which Washington helped to frame? How can such statements be characterized?

GENERAL AMNESTY.

The other day when urging general amnesty upon the House, a sneering insinuation was made, that perhaps even one so humble as myself, might be reluctant to take the loyal oath, and that perhaps I would feel much more satisfaction in taking the iron-clad oath. This innuendo touches a long and anxious service here on the side of my Government before and during the war.

Sir, I never was recreant to this Government. In my relations to southern men, I have no disguise as to my attachment to the unity of our country, in all its struggles. I was almost the first to denounce here separation as fraught with every evil. I print it because I was threatened by some one with my record of loyalty. Let this prophecy from a speech in 1861 answer all calumnies:

I call this secession revolution. I will not in an American Congress, with an oath on my conscience to support the Constitution, argue the right to secede. No such right can ever be had, except by amendment of the Constitution legalizing such secession. It is a solecism to speak of the right of secession. It is revolution; and the burden of proof is on him who begins it to show why he seeks the change.

I would therefore guard against the least recognition of this right of secession or of nullification, which is the lesser type of the same disease. It would, I say, destroy all government; it would dissolve the united mass of powers now deposited in the Union into thirty-three separate and conflicting States, each with a flag, a tariff, an army, a foreign policy, a diversity of interest, and an idiosyncrasy of ideas. Nay, that would be tolerable; but it would do more and worse. It would disintegrate States, counties, towns; tear cities from their places on the map; disorder finances, taxes, revenue, tariffs, and convert this fabric, now so fair and firm that it seems built on the earth's base, pillared with the firmament, into a playhouse of cards built on a base of stubble. It would thus destroy the established order. And is such order among men, with a view to permanency, nothing? The North has rights, property, interests, relations in the South not to be sundered without loss; and the South in the North *vice versa*. Is this nothing? Is depreciation of property, depression of business, loss and lack of employment, withdrawal of capital, derangement of currency, increase of taxes, miscarriage of public works and enterprise, destruction of State credit, the loss of that national symmetry, geography, strength, name, honor, unity, and glory, which publicists tell us are themselves the creators and guardians of cash, credit, and commerce, are these consequences nothing?

I wish that I could contemplate secession as a peaceful remedy; but I cannot. It must be a forcible disruption. The Government is framed so compactly in all its parts that to tear away one part you tear the whole fabric asunder. It cannot be done by consent. There is no authority to give consent. The Constitution looks to no catastrophe of the kind. It is a voluntary, violent, and *ex parte* proceeding. A majority of the States and a great majority of the people are hostile to it. In this angry and warlike disruption of the compact, where shall we find our more perfect Union, the establishment of justice, domestic tranquillity, provision for the common defense, the promotion of the general welfare, and the security of the blessings of liberty to ourselves and posterity?

Yet, sir, in thus speaking I was never averse to reunion and fraternity, never during the war nor since. I remembered the Hiawatha case, and Vattel's code; with a line of force—and a blockade. Surely there was room and verge enough for some of the liberalities of politics. When I predicated the exchange of prisoners and no confiscation of the fee-simple, it was in the line of these liberalities.

Allow me to say that from the time the war closed until the present time, I have objected to individual amnesty bills, though voting for them, preferring a general bill, because based on a principle. In the Forty-fourth Congress, on my motion, such a bill passed this House by a two-thirds vote. Gentlemen seem to forget that. I have not favored this principle altogether because it would be a grace and help to the South, but because it would be a grace, an anodyne, a comfort, and a benefit to ourselves. It has been said that forgiveness to your enemy is a charming way of revenge. It leaves your foes your friends and brings about grateful retaliations. An enemy reconciled by force is not so readily to be trusted. As the Italians have it: "*Sospetto licenzia fede;*" suspicion dismisses faith. I would appeal to gentlemen on the other side, if they have not the spirit of kindness toward others, not to be cruel to themselves. As Sir Thomas Brown has said, "It only feathers the arrow of the enemy." It destroys all that is knightly and magnanimous. There is no lack of patriotism in following the precepts of history as to clemency. It teaches that revenge is injustice and hurts most those who indulge in it.

Fourteen years have passed since the war was closed. We have felt, those of us who are northern democrats, that a great wrong was done by this long delay in healing the wounds of the war; but we were prompt to draw the curtain upon our wrongs. Christian, Hebraic, and even pagan lessons are plentiful to teach us to regard such civil wrongs as though they had not been. Gentlemen on the other side would forgive; yet they "powder their opiate with scorn

and contempt." They punish while they forgive. This is no charity. Reservation in forgiveness is a species of hatred. Let us imitate the divine forgiveness. It lies in the principle of loving and being loved: "to love Him because He first loved us." It is the doctrine of peace and good-will.

A DEMOCRATIC OATH.

Is it for us, who have our brothers near us here as our equals, to harbor the spirit of separation, distrust, and enmity? Let us, if we can, be bound and solidified by one Constitution, for one inseparable Union, and under it, for the untrammeled will and rich heritage of its past wisdom and glory. If we must have a test, let us swear to each other by each and every star upon the blue field of our ensign, by the white radiance, in which all colors—red, white, blue, ay, and gray—blend as one—not, as in the old Italian code, by the God who avenges, but as the old Anglo-Saxon kings were adjured, by the grace and mercy of His Son—that good-will and amnesty shall be the spirit and aim of our legislation. Let us swear that no check shall be placed upon the will or the tribunals of the people but for the people, and never, by the Eternal! never to yield our right, how ever and how often defeated, to grant the money and substance of the people that it may be used for their own undoing!

When our laws require of all officers, jurors, and agents of the Government, that they should take the test oath, so help them God,—what God do they invoke? On whom do they call? Is it the God of vengeance and hate, or is it the God of love and mercy? If it be the latter, then what a mockery is the oath which is the proof and perpetuation of revenge and unforgiveness? The God we would invoke for amnesty and peace has given us a code of ethics, whose highest illustration is drawn from the Sermon on the Mount. Would that I could picture to you that mountain, with its divine orator speaking those ineffable truths!

Is it possible that my friend from the Silver State could have used these words?

Prosperity sleeps benumbed in the frozen vault of fear; and the great and mighty North, with its generous and forgiving heart, stands at the door, as Jesus stood at the tomb of Lazarus, ready to resurrect and quicken it, with the inspiration of a new life.

I observe this eloquent language in the RECORD. Could a representative of our Mountain State have forgotten the teachings of the Saviour?

THE SERMON ON THE MOUNT.

Mr. Speaker, it may be a fancy, but I sometimes think that the loftiest and purest thoughts come down to us from the mountain.

> But in the mountains we do feel our faith.
> All things responsive to the writing there
> Breathed immortality, revolving life,
> And greatness still revolving; infinite;
> There littleness was not; the least of things
> Seemed infinite.

I hope it may not be presuming to say, Mr. Speaker, that I have been something of a traveler, and have been upon many mountains of our star. I would that my observations had been better utilized for duty. I have been upon the Atlas, whose giant shoulders were fabled to have upheld the globe. I have learned from there, that even to Northern Africa the Goths brought their *fueros* or bills of right, with their arms, from the cold forests of the North to the sunny plains and rugged mountains of that old granary of the Roman world. I have been amid the Alps, where the spirit of Tell and liberty is always tempered with mercy, and whose mountains are a monument through a thousand of years of republican generosity. I have been among the Sierras of Spain, where the patriot Riego—whose hymn is the Marseillaise of the Peninsula—was hunted after he had saved constitutional liberty and favored amnesty to all,—the noblest examplar of patriotism since the days of Brutus. From the seven hills of Rome, down through the corridors of time, comes the story which Cicero relates from Thucydides: that a brazen monument was erected by the Thebans to celebrate their victory over the Lacedæmonians, but it was regarded as a memento of civil discord, and the trophy was abolished, because it was not fitting that any record should remain of the conflict between Greek and Greek. From the same throne of ancient power, come the words which command only commemoration of foreign conquests and not of domestic calamities; and that Rome, with her imperial grace, believed that it was wisest to erect a bridge of gold, that civil insurgents should pass back to their allegiance. From the Acropolis at Athens, there is the story of the herald at the Olympic games, who announced the clemency of Rome to the conquered, who had been long subjected to the privations and calamities imposed by the conqueror. The historian says that the Greeks, when the herald announced such unexpected deliverance, wept for joy at the grace which had been bestowed.

All these are but subordinate lights around the central light, which came from the mountain whence the great sermon was spoken. Its name is unknown; its locality has no geography. All we know is that it was "set apart."

The mountains of our Scriptures are full of inspiration for our guidance. Their teachings may well be carried into our political ethics. But it was not from Ararat, which lifted its head first above the flood and received the dove with its olive branch; not from Sinai, which looks proudly upon three nations and almost three countries and overlooks our kind with its great moral code; not from Horeb, where Jehovah with His fearful hand covered His face that man might not look upon His brightness; not from Tabor, where the great transformation was enacted; not from Pisgah, where Moses made his farewell to the people he had delivered and led so long; not from Carmel, where the prayer of Elijah was answered in fire; not from Lebanon, whose cedars were the beauty of the earth; not from the Mount of Olives, which saw the agony of the Saviour; not from Calvary, at whose great tragedy nature shuddered and the heavens were covered with gloom; not from one or all of these secular and sacred mountains that our best teaching for duty comes. It comes from that nameless mountain, set apart, because from it emanated the great and benignant truths of Him who spake as never man spake. [Applause.] Here is the sublime teaching:

Ye have heard in the aforetime, that it hath been said, Thou shalt love thy neighbor, and hate thine enemy.

But I say unto you, Love your enemies, bless them that curse you, do good to them that hate you, and pray for them which despitefully use you, and persecute you.

That ye may be children of your Father which is in heaven: for He maketh His sun to rise on the evil and on the good, and sendeth rain on the just and on the unjust.

The spirit of this teaching has no hospitality for test oaths, and asks no compensation for grace. [Applause.] Along with this teaching and to the same good end, are the teachings of history, patriotism, chivalry, and even economic selfishness. Yet these teachers are often blind guides to duty. They are but mole-hills compared with the lofty mountain whose spiritual grandeur brings peace, order, and civilization!

When these principles obtain in our hearts, then our legislation will conform to them. When they do obtain their hold in these halls, there will arise a brilliant day-star for America. When they do obtain recognition, we may hail a new advent of that Prince of Peace, whose other advent was chanted by the angelic choir!

In conclusion, sir, let me say that, in comparison with this celestial code, by which we should live and die, how little seem all the contests here about armies, appropriations, riders, and coercion, which so exasperate and threaten! Let our legislation be inspired by the lofty thought from that Judean mountain, and God will care for us. In our imperfections here as legislators, let us look aloft, and then "His greatness will flow around our incompleteness, and round our restlessness, His rest!" Then, measures which make for forgiveness, tranquillity, and love, like the abolition of hateful oaths and other reminders of our sad and bloody strife, will rise in supernal dignity above the party passions of the day; and that party which vindicates right against might, freedom against force, popular will against Federal power, rest against unrest, and God's goodness and mercy, around and above all, will, in that sign, conquer. [Applause.]

To those in our midst who have the spirit of violence, hate, and unforgiveness, and who delight in pains, penalties, test oaths, bayonets, and force, and who would not replace these instruments of turbulence, with love, gentleness, and forgiveness, my only curse upon such is, that God Almighty, in his abundant and infinite mercy, may forgive them, for "they know not what they do." [Long-continued applause.]

Mr. O'NEILL. I move that the House now adjourn.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave for withdrawal of papers was granted in the following cases, no adverse report having been made:

To Mr. ROBERTSON, in the case of Moliere Lauge, Nicholas Wax, and Michael Granary, and in the case of C. S. Baldwin;

To Mr. DIBRELL, in the case of William English; and

To Mr. BUCKNER, in the case of Solomon T. Kauble.

LEAVE OF ABSENCE.

By unanimous consent, indefinite leave of absence was granted to Mr. LAPHAM, on account of a death in his family.

ADJOURNMENT.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania, [Mr. O'NEILL,] that the House adjourn.

Mr. ATKINS. I had desired to report from the Committee on Appropriations a little joint resolution which has been on hand some time; but it is suggested to me that I can bring it up to-morrow. It will not take five minutes.

The question being taken on agreeing to the motion of Mr. O'NEILL, there were—ayes 92, noes 59.

Mr. BROWNE and others called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 114, nays 89, not voting 83; as follows:

YEAS—114.

Acklen,	Clark, John B.	Dunn,	Hatch,
Aiken,	Clymer,	Elam,	Henry,
Armfield,	Cobb,	Ellis,	Herbert,
Atherton,	Coffroth,	Evins,	Herndon,
Atkins,	Colerick,	Ewing,	House,
Beale,	Cook,	Felton,	Hunton,
Beltzhoover,	Covert,	Finley,	Johnston,
Bicknell,	Cox,	Forney,	Kenna,
Blackburn,	Cravens,	Forsythe,	Kimmel,
Bliss,	Culberson,	Frost,	King,
Bright,	Davidson,	Geddes,	Kitchin,
Cabell,	Davis, Loundes H.	Goode,	Klotz,
Caldwell,	De La Matyr,	Gunter,	Knott,
Carlisle,	Deuster,	Hammond, N. J.	Lewis,
Clardy,	Dibrell,	Harris, John T.	Lounsbery.

Manning,	Phelps,	Slemons,	Turner, Thomas
Martin, Benj. F.	Phister,	Smith, A. Herr	Upson,
Martin, Edward L.	Poehler,	Smith, William E.	Vance,
McKenzie,	Reagan,	Speer,	Waddill,
McLane,	Richardson, J. S.	Springer,	Wellborn,
McMillin,	Richmond,	Steele,	Whitthorne,
Mills,	Robertson,	Stephens,	Williams, Thomas
Morrison,	Rothwell,	Stevenson,	Willis,
New,	Ryon, John W.	Talbott,	Wise,
Nicholls,	Samford,	Taylor,	Wright,
O'Brien,	Sawyer,	Thompson,	Yocum,
O'Connor,	Scales,	Tillman,	Young, Casey.
O'Neill,	Simonton,	Townshend, R. W.	
Persons,	Singleton, O. R.	Turner, Oscar	

NAYS—89.

Aldrich, N. W.	Daggett,	Hostetler,	Robinson,
Anderson,	Davis, George R.	Houk,	Russell, W. A.
Bailey,	Deering,	Hubbell,	Sherwin,
Baker,	Dunnell,	Humphrey,	Starin,
Barber,	Farr,	Jones,	Stone,
Barlow,	Field,	Jorgensen,	Townsend, Amos
Bayne,	Fisher,	Joyce,	Tyler,
Bingham,	Ford,	Keifer,	Updegraff, J. T.
Blake,	Frye,	Ketcham,	Updegraff, Thomas
Bowman,	Garfield,	Lowe,	Urner,
Boyd,	Gillette,	McCold,	Valentine,
Brewer,	Godshalk,	McGowan,	Van Aernam,
Briggs,	Hall,	McKinley,	Voorhis,
Brigham,	Hammond, John	Mitchell,	Wait,
Browne,	Harmer,	Murch,	Ward,
Burrows,	Harris, Benj. W.	Norcross,	Washburn,
Butterworth,	Haskell,	Orth,	Weaver,
Cannon,	Hawk,	Osmer,	Wilber,
Carpenter,	Hawley,	Overton,	Williams, C. G.
Caswell,	Hayes,	Prescott,	Willits.
Conger,	Henderson,	Price,	
Cowgill,	Hiscock,	Rice,	
Crapo,	Horr,	Richardson, D. P.	

NOT VOTING—83.

Aldrich, William	Einstein,	Marsh,	Ross,
Bachman,	Errett,	Martin, Joseph J.	Russell, Daniel L.
Ballou,	Ferdon,	Mason,	Ryan, Thomas
Belford,	Fort,	McCook,	Sapp,
Bland,	Gibson,	McMahon,	Shallenberger,
Blount,	Hazelton,	Miles,	Shelley,
Bouck,	Heilman,	Miller,	Singleton, J. W.
Bragg,	Henkle,	Money,	Smith, Hezekiah B.
Buckner,	Hill,	Monroe,	Sparks,
Calkins,	Hooker,	Morse,	Thomas,
Camp,	Hull,	Morton,	Tucker,
Chalmers,	Hurd,	Muldrow,	Van Voorhis,
Chittenden,	James,	Muller,	Warner,
Claflin,	Kelley,	Myers,	Wells,
Clark, Alvah A.	Killinger,	Neal,	White,
Converse,	Ladd,	Newberry,	Whiteaker,
Crowley,	Lapham,	O'Reilly,	Wilson,
Davis, Joseph J.	Lay,	Pierce,	Wood, Fernando
Dick,	Le Fevre,	Pound,	Wood, Walter A.
Dickey,	Lindsey,	Reed,	Young, Thomas L.
Dwight,	Loring,	Robeson,	

So the motion was agreed to.

During the roll-call the following announcements were made:

Mr. DAVIS, of North Carolina. I am paired with my colleague, Mr. MARTIN. If he were here, I should vote "ay."

Mr. FORNEY. My colleague, Mr. SHELLEY, is paired with Mr. CAMP, of New York.

Mr. COFFROTH. My colleague, Mr. BACHMAN, is paired with Mr. BELFORD, of Colorado.

Mr. DAVIDSON. My colleague, Mr. HULL, who is absent by leave of the House, is paired with Mr. ALDRICH, of Illinois.

Mr. BOUCK. I am paired with Mr. WHITE, of Pennsylvania.

Mr. COVERT. Mr. FERNANDO WOOD is paired with Mr. ROBESON, and Mr. MULLER is paired with Mr. HEILMAN.

Mr. HISCOCK. Mr. CROWLEY is paired with Mr. MONEY, of Mississippi.

Mr. LAPHAM. I am paired on all political questions with Mr. TUCKER, of Virginia.

Mr. BAILEY. Mr. DWIGHT is paired with Mr. MULDROW, and Mr. VAN VOORHIS with Mr. CHALMERS.

Mr. SAPP. On all political questions I am paired with Mr. CONVERSE, of Ohio. If he were here, I should vote "no."

Mr. TOWNSEND, of Ohio. Mr. BELFORD, of Colorado, is paired with Mr. BACHMAN, of Pennsylvania.

Mr. COWGILL. My colleague, Mr. HEILMAN, is paired with Mr. MULLER, of New York.

Mr. SHALLENBERGER. I am paired with Mr. HENKLE, of Maryland.

Mr. HARMER. Mr. SMITH, of New Jersey, is paired with Mr. WASHBURN, of Minnesota.

Mr. LINDSEY. I am paired with my colleague, Mr. LADD, and my colleague, Mr. REED, is paired with Mr. SPARKS, of Illinois.

Mr. TOWNSHEND, of Illinois. My colleague, Mr. SINGLETON, is paired with Mr. MILES, of Connecticut.

Mr. PRESCOTT. Mr. NEWBERRY is paired with Mr. RICHMOND on all political questions, but Mr. RICHMOND not regarding an adjournment as a political question has voted.

Mr. CHALMERS. I am paired with Mr. VAN VOORHIS, of New York.

Mr. ROBINSON. Mr. MORSE is paired with Mr. KELLEY.

Mr. HENDERSON. My colleague, Mr. FORT, is paired with Mr. MILLS, of Texas.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced the passage of a bill (H. R. No. 1999) to amend an act entitled "An act making appropriations for the construction, repair, preservation, and completion of certain works on rivers and harbors, and for other purposes," approved March 4, 1879.

It further announced the passage, with an amendment in which concurrence was requested, of a bill (H. R. No. 1152) to extend the time for the payment of pre-emptors on certain public lands in the State of Minnesota and Territory of Dakota.

ENROLLED BILL.

Mr. KENNA, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled an act (S. No. 644) to authorize the Secretary of War to furnish condemned ordnance for the monument of Colonel Robert L. McCook, Ninth Ohio Volunteers, in Washington Park, in the city of Cincinnati, Ohio; when the Speaker signed the same.

The vote was then announced as above recorded; and accordingly (at two o'clock and five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By the SPEAKER: Papers relating to the pension claim of Mary E. Ryon—to the Committee on Invalid Pensions.

By Mr. BARBER: Papers relating to the claim of Malinda Thurston and Nancy Littleton for compensation for property taken by the Mormons at the time of the Mountain Meadows massacre—to the Committee of Claims.

By Mr. COBB: The petition of Henry T. Skinner, for a pension—to the Committee on Invalid Pensions.

By Mr. ELLIS: Papers relating to the claim of Reuben Hopkins Plass for compensation for work and labor done, materials furnished, and money paid out under contract with the Navy Department for furnishing fifty-pounder rifled guns, &c., and for a failure of the Government to fulfill said contract—to the Committee of Claims.

By Mr. EWING: The petition of Thomas Ewing, (accompanied by draught of bill,) for the enactment of a law authorizing the payment of the claim of Colonel Thomas Worthington for furnishing water at Camp Denison, Ohio—to the Committee on War Claims.

By Mr. GILLETTE: The petition of Thomas Mitchell and others, that the title to certain lands be confirmed to Louis M. Bourke—to the Committee on Private Land Claims.

Also, the petition of settlers on the Des Moines River lands, for an immediate investigation of their treatment by the Des Moines River Land Company—to the Committee on Public Lands.

By Mr. HENDERSON: The petition of Mrs. H. F. Gleason and others, against any change in the revenue laws that will promote the interest of dealers in spirituous liquors—to the Committee of Ways and Means.

By Mr. MURCH: The petitions of A. P. Snow and 116 others, citizens of Winthrop, Maine, and of J. Fred Hall and 199 others, citizens of Rockland, Maine, that Congress alone issue the currency, and that the Secretary of the Treasury be directed to pay off and cancel the bonds with the same—to the Committee on Banking and Currency.

By Mr. O'NEILL: The petition of the officers and members of the Women's National Christian Temperance Union and other citizens of the United States, against any change in the revenue laws that will promote the interest of dealers in spirituous liquors—to the Committee of Ways and Means.

By Mr. PRICE: Memorial of officers and members of the Women's National Christian Temperance Union and others, numbering 880 persons, of similar import—to the Committee on the Judiciary.

By Mr. YOUNG, of Tennessee: Papers relating to the war claim of William H. Hughey, administrator of Jacob Hughey, deceased—to the Committee on War Claims.

IN SENATE.

WEDNESDAY, *June* 4, 1879.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

EXECUTIVE COMMUNICATION.

The PRESIDENT *pro tempore*. The Chair lays before the Senate a communication from the Secretary of War, transmitting a letter from the chief quartermaster of the military department of Texas of the 12th ultimo in regard to the advisability of erecting barracks and quarters at San Antonio, for the headquarters of the Department of Texas.

The communication was read.

The PRESIDENT *pro tempore*. Owing to what was said in the Senate the other day, the Chair is in doubt whether this communication should go to the Committee on Military Affairs or the Committee on Public Buildings and Grounds. As the chairman of neither of those

committees is present, the communication will for the present lie on the table and be printed.

PETITIONS AND MEMORIALS.

Mr. CALL presented a joint resolution of the Legislature of Florida, in favor of an act of Congress changing and correcting the boundary-lines of the collection district of Saint Marks so as to include Tampa Bay within its limits; which was referred to the Committee on Commerce.

He also presented a joint resolution of the Legislature of Florida, in favor of the establishment of a life-saving station at Cape San Blas, Calhoun County, Florida; which was referred to the Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. BAYARD. I am instructed by the Committee on the Judiciary to report back the bill (S. No. 375) to repeal sections 820 and 821 of the Revised Statutes of the United States, with amendments.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. BAYARD. I will merely state that I shall probably ask leave to call the bill up to-morrow for the consideration of the Senate.

Mr. GARLAND, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 1842) to remove the political disabilities of J. C. Pemberton, of Philadelphia, Pennsylvania, reported it without amendment.

He also, from the same committee, to whom was referred the petition of Arthur P. Bagby, of Texas, praying for the removal of his political disabilities, reported a bill (S. No. 650) to remove the political disabilities of Arthur P. Bagby, of Texas; which was read twice by its title.

JEFFERSON KINDER.

Mr. KIRKWOOD. The Committee on Pensions have instructed me to report back the bill (S. No. 446) granting a pension to Jefferson Kinder. With permission I will state the peculiarity of the case. Upon application to the Commissioner of Pensions for the papers in the case in order to examine it, it was found that a portion of the papers had been lost. Without those papers a proper examination cannot be had. The committee ask to be discharged from the further consideration of the bill, so that the papers may go back to the Pension Bureau and the lost papers be substituted. That is all there is in the report, and I should be glad to have the action of the Senate upon the bill now, unless there is objection.

The PRESIDENT *pro tempore*. The committee ask to be discharged from the further consideration of the bill?

Mr. KIRKWOOD. Yes, sir.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none, and that order is made.

SAMUEL LORD, JR., RECEIVER.

Mr. KERNAN. I am directed by the Committee on Finance, to whom was referred the bill (S. No. 62) for the delivery to Samuel Lord, jr., receiver, of certain bonds now in the Treasury of the United States, to report it without amendment and recommend its passage.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. KERNAN. If there be no objection, I ask the Senate to consider the bill now. A similar bill was reported from the Committee on Finance and its passage recommended at the last session. The measure is now reported again with no dissent on the part of the committee. It involves the settlement of two insolvent estates, the debtor of one being insolvent and the other estate having been put in the hands of a receiver he is embarrassed in winding it up for the want of the relief afforded by this bill.

The PRESIDENT *pro tempore*. The Senator from New York asks unanimous consent that the Senate proceed to the consideration of the bill. Is there objection?

Mr. ALLISON. Let us hear what it is.

Mr. KERNAN. There is a short printed report with the bill.

Mr. DAVIS, of Illinois. Let the bill be read.

The Chief Clerk read the bill.

Mr. KERNAN. There is a report stating the facts which can be read.

Mr. EDMUNDS. Is the bill taken up?

The PRESIDENT *pro tempore*. The Senator from New York has asked to take it up by unanimous consent. The question has not been answered yet by the Senate. The report will be read.

The Chief Clerk read the following report, submitted by Mr. KERNAN February 7, 1879:

The Senate Committee on Finance, to whom was referred the bill (S. No. 1235) for the delivery to Samuel Lord, jr., receiver, of certain bonds now in the Treasury of the United States, having had the same under consideration, report as follows:

That the State of South Carolina, by virtue of a law passed in 1854, issued bonds to the amount of $1,000,000 in aid of the Blue Ridge Railroad; that, upon such issue being made, the president, directors, and company of the State Bank of Charleston, South Carolina, a corporation created under the laws of that State prior to the year 1854, purchased one hundred of such bonds, each being for $1,000, and indorsed and numbered from 801 to 900, (both inclusive.) The bonds so purchased continued the property of the bank and in the possession of its officers from the time of their purchase until the 27th of February, 1865. On the day last named the bonds, with other papers and property of the bank, were in the custody of its cashier (Benjamin M. Lee) for safe-keeping, at a country house near Lynch's Creek, Kershaw District, South Carolina, and were then taken from him by a detachment of the forces of the United States under the command of General W. T. Sherman.

In April, 1866, D. Heaton, a special agent of the Treasury Department, transmitted from New Berne, North Carolina, to the Secretary of the Treasury, four of said bonds, numbered 812, 821, 836, and 837, stating that they had been turned over to him (Heaton) as captured property by the provost marshal of New Berne, North Carolina.

The bonds are now in the Treasury Department, and the sum of $479, which has been collected of the coupons for interest on the bonds, has been covered into the Treasury of the United States.

In 1869 the said corporation being insolvent, a receiver of its property and effects was appointed, and Samuel Lord, jr., is now such receiver.

The committee is of the opinion that the receiver is entitled to such bonds, and to the amount collected for interest thereon and covered into the Treasury.

They therefore report to the Senate, with an amendment, the said bill and recommend its passage.

Mr. EDMUNDS. When was the report made?

Mr. KERNAN. The report was made from the Committee on Finance at the last session. The bill then reported went on the Calendar and was not reached. The bill was reintroduced and referred to the committee again at this session; and the committee now report the bill, adopting the former report.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. EDMUNDS. Have we any official report from the Secretary of the Treasury as to the history of these bonds?

Mr. KERNAN. The Secretary of the Treasury was written to, and all the facts stated in the report come from the Department. The bill was sent to him. The Secretary stated that the Department had no authority to examine the accounts over and that it would require action by Congress.

Mr. EDMUNDS. I should like to hear the letter of the Secretary read before I decide whether the bill ought to go over.

Mr. KERNAN. The letter and papers were referred back, and I have not got them here.

Mr. EDMUNDS. The bill had better go over until to-morrow morning, I think. Before it goes over I should like to ask whether this State bank is a mere private corporation, or whether it is an institution in which the State of South Carolina had or has an interest?

Mr. KERNAN. My understanding is that it is a private banking corporation in which the State had no interest.

Mr. EDMUNDS. If it were like some of the State banks that used to exist in different parts of the country, a bank of which the State was really the principal owner, then it would be worthy of consideration whether these bonds should not be applied to the direct tax supposed to be due from the State, which has not been paid.

The PRESIDENT *pro tempore*. Objection being made, the bill goes upon the Calendar.

Mr. BAYARD. Am I wrong in thinking that the Chair asked if there were objections to the consideration of this bill?

The PRESIDENT *pro tempore*. The Chair did, and the Senator from Vermont objected.

Mr. BAYARD. But did not the Chair announce that there were no objections, so that the bill came before the Senate for want of objection?

The PRESIDENT *pro tempore*. The Chair thinks not.

Mr. BAYARD. It is a question of memory. I had the impresssion that the bill was before the Senate for consideration, by unanimous consent.

The PRESIDENT *pro tempore*. That is not the recollection of the Chair. The report of a committee can be considered on the day it is made only by unanimous consent.

BILLS INTRODUCED.

Mr. CALL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 651) providing for the erection of a light-house at Anclote Key, in Hernando County, Florida; which was read twice by its title, and referred to the Committee on Commerce.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 652) to appropriate money for the opening of the bar of Finholloway River, in the State of Florida; which was read twice by its title, and referred to the Committee on Commerce.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 653) to appropriate money for the establishment of beacon-lights and fog-bells along the shores of the Saint John's River, in the State of Florida; which was read twice by its title, and referred to the Committee on Commerce.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 654) to provide for the deepening of the channel at the mouth of the Saint John's River and the Volusia Bar at the head of Lake George, also the sea channel at Apalachicola, and of Tampa Bay and of the Suwanee River, and removing obstructions from the same, and for opening the channel inland from Fernandina to the Saint John's River, and for other purposes; which was read twice by its title, and referred to the Committee on Commerce.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 655) to amend section 2562 of the Revised Statutes of the United States, relating to the boundary-lines of the collection district of Saint Marks, in the State of Florida, and other purposes; which was read twice by its title, and referred to the Committee on Commerce.

Mr. INGALLS (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 656) to amend section 2305 of the Revised Statutes, which allows service in the Army, Navy, and Marine Corps to be deducted from the time required to perfect title

to a homestead; which was read twice by its title, and referred to the Committee on Public Lands.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 657) authorizing certain Cherokee reservees to institute and prosecute suits before the courts of the United States for claims on account of reservations of lands taken by them in States east of the Mississippi River under the treaties of 1817, 1819, and prior treaties between the United States and the Cherokees; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. WALKER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 658) to amend the act establishing the southern claims commission so as to extend the same to the Indian tribes; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 659) providing for a settlement among the North Carolina Cherokees in regard to their lands in the State of North Carolina; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. HILL, of Colorado, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 660) to amend an act to provide for the sale of desert lands in certain States and Territories; which was read twice by its title, and referred to the Committee on Public Lands.

WITHDRAWAL OF PAPERS.

On motion of Mr. COCKRELL, it was

Ordered, That Dr. Edward Evers have leave to withdraw his petition and papers from the files of the Senate.

ARREST OF CHEROKEE INDIANS.

Mr. VOORHEES. I offer the following resolution for immediate action:

Resolved, That the Secretary of War be directed to inform the Senate of the circumstances which have led to the arrest and removal of J. M. Bell and other Cherokee Indians from the Cherokee Nation, of what offense, if any, they are guilty, and by what authority their arrest and removal have taken place. And further, that the Secretary be directed to furnish to the Senate any orders or instructions which may have been given for the arrest of any Cherokee citizens in any part of the Cherokee Nation over which, by the treaty of 1866 with such nation, it retains jurisdiction.

By unanimous consent the Senate proceeded to consider the resolution.

Mr. VOORHEES. Mr. Bell, whose name is mentioned in the resolution, is a Cherokee Indian to me well known; I am personally acquainted with him. I hold in my hand a letter written by him to a party in this city which has been handed to me with liberty to use it. The letter is dated Arkansas City, Kansas, May 29, 1879, and is as follows:

DEAR COLONEL: This letter leaves me and my friends in a bad fix. Yesterday we were arrested by United States troops and brought across to this place. I was sick the whole route. The lieutenant told us that his instructions were from General Pope; his from the War Department. We were removed as trespassers, (and not allowed a hearing,) under penalty of having our entire property destroyed if we go back into the Territory. Now whatever is to be done must be done quickly. You must delay no time. We can stop in Kansas near this point. We will have to leave our hogs and some other things behind.

Yours, truly,

J. M. BELL.

The history of this matter in brief terms is stated to me in a letter which I hold in my hand from a very responsible gentleman, very familiar with this subject-matter. The letter is addressed to me and is as follows:

WASHINGTON, D. C., *June* 3, 1879.

Hon. D. W. VOORHEES,
United States Senator:

I inclose a letter just received from J. M. Bell, a Cherokee Indian, and a relative of mine. His statements may be implicitly relied upon.

About a month ago Colonel Bell and some other Cherokees, for reasons good and sufficient, went to the Cherokee country west of ninety-seven degrees and made improvements; they took their stock and other property with them. Their settlement on this land had nothing whatever to do with the movement upon the "ceded" or "public lands" of the Territory about which so much has been said. Bell and his company were Cherokees, and had simply moved from one part of the Cherokee Nation to another. I believe the arrest of Colonel Bell and his companions and the threatened destruction of their property is to be ascribed to the ignorance of the officer in command. Like necessity, an officer on the frontier is not supposed to know any law; yet the injury and outrage to Bell and others is none the less. It would be interesting to know what the policy of this great Government really is in respect to the arrest of Indians by United States troops. One day we see Ponca Indians arrested by the soldiers, to be dragged into the Indian Territory, and the next we see Cherokee Indians arrested by the soldiers and dragged out of it.

Very respectfully,

ELIAS C. BOUDINOT.

It seems, therefore, Mr. President, that in the inscrutable workings of our Indian policy, Cherokee Indians have been arrested in the midst of a sort of panic which has been got up in that region of country, and that they have been taken out of their own Territory.

The object of the resolution which I have introduced is to give—and it is a charity to give—to the Secretary of War an opportunity to explain how this has come to pass. That is all I have to say in support of the resolution unless it should be antagonized.

Mr. DAWES. I should like to hear the resolution reported.

The Secretary read the resolution.

Mr. EDMUNDS. I think the word "guilty" there ought to be stricken out and the word "accused" probably put in.

Mr. VOORHEES. I accept that.

Mr. EDMUNDS. The Secretary of War probably could not tell what they are guilty of.

Mr. VOORHEES. That is better. I accept it at once.

The PRESIDENT *pro tempore*. The resolution will be so amended if there be no objection.

The resolution, as amended, was agreed to.

ELECTIONS IN RHODE ISLAND.

The PRESIDENT *pro tempore*. The routine morning business is over, and the Chair lays before the Senate the resolution offered by the Senator from Indiana [Mr. MCDONALD] on the 27th of May, to refer to the select committee to inquire into alleged frauds in the late election so much of the memorial of J. B. Greene, of Rhode Island, as relates to the interference of Federal officers in the late election in that State, upon which the Senator from Indiana [Mr. VOORHEES] is entitled to the floor.

Mr. VOORHEES. As I am informed that my colleague will be here to-morrow I prefer to defer what little I may desire to say on this subject until he is in his seat, as he has charge of the matter. I therefore move to postpone the consideration of the resolution until to-morrow.

Mr. BURNSIDE. The Senator will allow me to state that my colleague [Mr. ANTHONY] is also absent, and may not be back until Friday.

Mr. DAVIS, of Illinois. The Senator from Indiana [Mr. MCDONALD] may not be here to-morrow, and the resolution had better be postponed until Friday.

Mr. VOORHEES. I will say Friday for a further reason: the senior Senator from Rhode Island told me that it was probable he would not be here to-morrow; and even if the motion should prevail to postpone the resolution until to-morrow, I would not ask it to be considered for a moment in the absence of the Senator from Rhode Island. Therefore it is as well that the resolution should go over until Friday, as suggested by the Senator from Illinois.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Indiana, to postpone the further consideration of the resolution until Friday next.

The motion was agreed to.

DISTRICT WATER SUPPLY.

Mr. ROLLINS. Does not the unfinished business of yesterday morning now come up?

The PRESIDENT *pro tempore*. There is no unfinished business of the morning hour. The rule in respect to unfinished business only refers to business pending after the morning hour.

Mr. ROLLINS. I move, then, that the Senate proceed to the consideration of the bill which was under consideration during the morning hour yesterday with reference to the District water supply.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 2005) to confer upon the commissioners of the District of Columbia the powers, duties, and limitations contained in chapter 8 (water service) of the Revised Statutes of the United States, relating to the District of Columbia, and for other purposes.

The PRESIDENT *pro tempore*. The pending question is on the amendment offered by the Senator from Vermont [Mr. EDMUNDS] in line 6 of section 1, after the word "Columbia," to insert:

Excepting such powers and duties as belong to the Chief of Engineers.

So as to read:

That the commissioners of the District of Columbia shall have all the powers and be subject to all the duties and limitations provided in chapter 8 of the Revised Statutes of the United States relating to the District of Columbia, excepting such powers and duties as belong to the Chief of Engineers.

Mr. ROLLINS. While the committee do not think this amendment absolutely necessary, and it may perhaps jeopardize the passage of the bill, still they will waive any objection to it.

The amendment was agreed to.

Mr. CONKLING. I have not the bill before me; perhaps, if I had, such an amendment as I am going to allude to might not command the approval of the Senate. I should like, however, to see a provision in this bill or some other by which the liability of those who consume water will be made to depend upon their being furnished with what they pay for. In other words, I should like to see a provision which would enable every householder and water-tax payer to require a deduction made from the tax he is to pay if he is furnished with impure and unfit water.

I would be glad if I could get the attention of the Committee on the District of Columbia to this subject. Instead of offering an amendment aimed at this object at the present moment, I will content myself with saying that should I live to return to another session of Congress, I shall offer a resolution directing either a special committee of the Senate raised for that purpose or the appropriate standing committee, to inquire into the causes of the impurity of the water delivered through the water-mains in Washington, to ascertain who is responsible for it, and what, if anything, is necessary to improve the quality of water brought here. I do not wish to repeat what I said yesterday——

Mr. ROLLINS. I wish to suggest to the Senator from New York that the commissioners of the District of Columbia do not have charge of the water until it reaches the city. The aqueduct, or the main conduit, is in charge of the Engineer Corps, and does not come

under the charge of the commissioners of the District of Columbia. They are not responsible, therefore, for the quality of the water which is furnished.

Mr. CONKLING. If the commissioners of the District were responsible, I should not wish to reflect upon them. The Chief of Engineers being responsible, I do not wish to reflect upon him. Without reflecting upon anybody, I wish to call attention to the fact that the business of supplying water to this city is ill done; that with a great river to draw from, with an abundant head to carry water to every part of this city and to carry it I think to the upper stories of nearly every inhabited building in this city, there is a failure in two respects: first the water is not carried to the upper stories of the domiciles which it is intended to supply; and second the water which is brought here is unfit for the purposes for which it is brought. That I undertake to affirm of my own knowledge after the observation of years. My belief is that nothing on this subject is more incumbent upon the two Houses of Congress than some measure to put an end to this evil, and I say again that should I find myself here at another session of Congress, I will venture to move, in the hope that it will be the pleasure of the Senate to adopt the motion, that some appropriate committee inquire into the cause of these difficulties and make report, so that we may know who is responsible if it is the dereliction of anybody, and that we may also know what further provision is necessary, if further provision be necessary, in order to enable the business of bringing and delivering water in Washington to be done as well as it is customarily done everywhere else as far as I know.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER, (Mr. BURNSIDE in the chair.) Shall the bill pass?

Mr. CONKLING. Mr. President, I venture to interrupt the proceedings for one moment to speak of a communication which I find on my desk and which I have had only a momentary opportunity to look at. It comes from a resident and a tax-payer on Capitol Hill, and it objects strenuously to this bill, affirming that it will be a failure in his opinion in respect of the object at which it aims. He incloses a substitute or an amendment which I have handed to the Senator from New Hampshire who has charge of this matter, not feeling sufficiently instructed in it myself to venture to do more than make this suggestion. But this writer, who is evidently a man of intelligence, and obviously one of those suffering now from the lack of water, affirms his belief, after examining this bill, that it will not answer the purpose, and that a different provision is required. I merely bring this to the notice of the Senator who has charge of the bill, not feeling, as I say, sufficiently informed about it to venture to move an amendment myself.

Mr. ROLLINS. This plan suggests the construction of a new thirty-six-inch main to Capitol Hill. This plan has been considered and discussed at considerable length before the committee. It may be necessary ultimately to do something of this kind; but in the judgment of the committee it will be better to wait until the great main or conduit is extended to the vicinity of Fourteenth street and then whatever additional mains may be necessary can be placed to much better advantage than now can be done.

The money to be appropriated under this bill will not be wasted even if the supply obtained is not sufficient for Capitol Hill. It is proposed to lay a pipe down Fifteenth street. This is necessary whether it gives the supply or not. It is necessary in order to avoid a large detour, the water for South Washington now having to come to New Jersey avenue near the Capitol and then to be conducted by a twenty-inch pipe to South Washington. It will save this long detour; it will be better for South Washington and is necessary in any event. Those best informed on the subject think it will do very much toward increasing the supply on Capitol Hill, and in this opinion the committee unanimously concur. I hope the bill will pass.

The bill was passed.

Mr. EDMUNDS. I move to amend the title by striking out "the" before "powers" and inserting the word "certain," because we do not now confer on the commissioners all the powers in that section but only a part of them.

The amendment to the title was agreed to.

E. E. RICE.

Mr. EATON. I move to take up the bill (H. R. No. 1363) providing compensation to E. E. Rice for property transferred by him to the Government of the United States for the use of the diplomatic and consular representatives at Hakodadi, in Japan, which will take but a moment.

Mr. EDMUNDS. When was the bill reported?

Mr. EATON. A week ago, I should think. It has been on the Calendar a long while.

The PRESIDING OFFICER. The bill was reported May 27.

Mr. EATON. It passed the Senate at the last session, but did not reach the House in time for action there. The committee again report the same bill they did at the last session.

Mr. EDMUNDS. If we are going to legislate on all manner of subjects at this session, it would be better to take up the Calendar in its order, or have some sort of understanding about it. I do not know where the line ought to be drawn, but it apparently is not drawn anywhere. I dare say the bill is all right. My only objection is that I do not want to take up anything.

Mr. EATON. I agree with the Senator from Vermont as to the transaction of general business; but this is a gentleman who was formerly a consul of the United States. The committees of both Houses agreed to the bill at the last session. It did not pass the House but did the Senate.

The PRESIDING OFFICER. The question is on the motion of the Senator from Connecticut that the Senate proceed to the consideration of the bill named.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill, which provides for paying to Elisha E. Rice $2,250 coin in full payment for certain lots, and improvements thereon, in Hakodadi, Japan, conveyed by him to the United States, and used for consular purposes.

Mr. EATON. I need only say with regard to this bill that Mr. Rice was consul of the United States at this point in Japan. In 1873 he conveyed to the United States the title to certain property, and upon appraisement it was found to amount to precisely the sum which the Committee on Foreign Relations have reported now. Last session the committee reported the same bill and it passed the Senate unanimously. It did not pass the House, for want of time. I hope and believe that there can be no objection to its passage now.

Mr. SAULSBURY. Was this gentleman a consul of the United States?

Mr. EATON. He was. He conveyed the property to the United States upon the request of the officials of the United States, and the Secretary of State has informed the committee that this matter ought to be settled. A bill was reported at the last session to pay him. Our consular officers are now on this very ground. This money should have been paid this man six years ago rather than to-day. Now it ought to be paid at once.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

TEXAS JUDICIAL DISTRICT.

Mr. GARLAND. If there be no further business in the morning hour I ask the Senate to take up the unfinished business, being Senate bill No. 572.

The PRESIDING OFFICER. If there be no objection, the Chair will lay before the Senate the unfinished business of yesterday.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 572) to amend an act approved February 24, 1879, entitled "An act to create the northern judicial district of the State of Texas, and to change the eastern and western judicial districts of said State, and to fix the time and places of holding courts in said districts." It proposes to repeal so much of the act of February 24, 1879, as provides that Jackson County shall be embraced in the western judicial district of Texas.

The Committee on the Judiciary reported the bill with an amendment, to add the following:

And all civil causes of action which have accrued in said county, of which the courts of the United States have jurisdiction, shall be cognizable in the court at Galveston, but all offenses committed in said county against the laws of the United States before the passage of this act shall be cognizable in the court of the western district, as provided in said act of the 24th of February, 1879.

SEC. 2. That so much of the act to which this is an amendment as makes all process against defendants residing in the counties of Aransas, Duval, Nueces, La Salle, Zapata, San Patricio, Refugio, Dimmit, Webb, Encinal, and Maverick returnable to Brownsville is hereby repealed, and such process is hereby made returnable to San Antonio; and all causes of civil action which have accrued in said counties, or either of them, since the passage of the act to which this is an amendment, or which shall hereafter accrue, shall be cognizable in the court at San Antonio.

SEC. 3. Civil actions or proceedings now pending against parties residing in either of said counties in the courts named in the first and second sections hereof, as provided in the act to which this is an amendment, may, on the application of either party, be transferred to the proper court of said district under this act; and in case of such transfer, all papers and files therein, with copies of all journal entries, shall be transferred to the office of the clerk of such court; and the same shall proceed in all respects as though originally commenced in said court.

SEC. 4. The several districts as established in the act to which this is an amendment are hereby declared to be a part of the fifth judicial circuit; and the courts of the said northern district shall have the same jurisdiction as is conferred by law upon the courts of the eastern and western districts of said State; and the circuit court for said northern district shall be held twice a year at ——, on ——.

SEC. 5. All laws and parts of laws in conflict with this act are hereby repealed.

Mr. GARLAND. The Senator from Texas [Mr. COKE] has an amendment that he wishes to offer to section 3, line 10, after the word "court."

The PRESIDING OFFICER. An amendment to the amendment?

Mr. GARLAND. It can be so considered. I will state that I am perfectly willing so far as I am concerned to accept the amendment of the Senator from Texas, but it has been prepared since the report of the committee, and I cannot speak for the committee. I think there will be no objection to his amendment.

Mr. COKE. I will offer my amendment now, if it be in order.

The PRESIDING OFFICER. The Chair will receive the amendment of the Senator from Texas.

Mr. COKE. I send it to the desk.

The CHIEF CLERK. The amendment is, after the word "court," in line 10, section 3, to insert:

And civil actions or proceedings now pending in the circuit courts at Brownsville, Austin, Galveston, or Tyler, which under this act would be cognizable in some other district, may, on the application of either party, be transferred to the

proper court of said district; and in case of such transfer all papers and files therein, with copies of all journal entries, shall be transferred to the office of the clerk of such court, and the same shall proceed in all respects as though originally commenced in said court.

The amendment to the amendment was agreed to.

The amendment of the committee, as amended, was agreed to.

Mr. GARLAND. I have another amendment. I move to strike out, in section 4, line 7, all after the word "at," and insert:

Waco on the first Mondays in April and October; at Dallas on the first Mondays in June and December; and at Graham on the first Mondays in February and August; and the circuit court shall be held at Jefferson, in the eastern district, on the second Mondays in February and September, and at San Antonio, in the western district, on the first Mondays in May and November.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

DISTRICT FUNDED INDEBTEDNESS.

Mr. HARRIS. I move that the Senate now proceed to the consideration of the bill (H. R. No. 1380) authorizing the commissioners of the District of Columbia to issue twenty-year 5 per cent. bonds of the District of Columbia to redeem certain funded indebtedness of said District, which was reported from the Committee on the District of Columbia yesterday or the day before.

Mr. SAULSBURY. I think there was an understanding some time ago that the bonded indebtedness of this District should not be increased.

Mr. HARRIS. If it is in order, I will say to the Senator from Delaware that this is not an increase of the bonded debt. It is a simple proposition to issue 5 per cent. bonds with which to take up other bonds of the city bearing a higher rate of interest than 5 per cent. It is a proposition to reduce the rate of interest which the District of Columbia is now paying upon a portion of her debt. That is the whole of it.

Mr. SAULSBURY. What higher rate of interest?

Mr. HARRIS. Six, seven, and in one instance eight per cent. on bonds payable at the pleasure of the District that may now be paid off by the issue of these bonds at 5 per cent.

Mr. SAULSBURY. I rose for the purpose of being informed as to the object of the bill.

The PRESIDING OFFICER. The motion is to proceed to the consideration of the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1380) authorizing the commissioners of the District of Columbia to issue twenty-year 5 per cent. bonds of the District of Columbia to redeem certain funded indebtedness of said District.

Mr. HARRIS. I send to the Secretary's desk a communication from the commissioners of the District of Columbia upon the subject, which will explain the whole matter; and I ask that it be read.

The PRESIDING OFFICER. The communication will be read.

The Chief Clerk read as follows:

OFFICE OF THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, June 2, 1879.

SIR: The commissioners have the honor to acknowledge the receipt of your communication of this date requesting their views in regard to House bills Nos. 1380 and 1894, and in response to express their approval of the same as measures of great importance to the best interests of the District of Columbia, and the earnest hope that they will be speedily and favorably considered by your committee and by the Senate.

The passage of bill No. 1380 will enable the commissioners to make a large reduction in the annual interest now payable on the District debt, by the substitution of 5 per cent. bonds for bonds now outstanding, payable at pleasure and carrying higher rates of interest. This bill includes the issue of bonds provided for by act of 23d December, 1878; the commissioners having ascertained that the negotiation of a larger amount could be effected on more satisfactory terms than that named therein.

The passage of bill No. 1894 will, they believe, provide necessary and effective means for the protection and improvement of the public health.

Very respectfully, by order of the board:

J. DENT,
President pro tempore.

Hon. ISHAM G. HARRIS,
Chairman of Senate Committee on District of Columbia.

Mr. HARRIS. Now I ask for the reading of a copy of a letter addressed to the committee some time ago.

The Chief Clerk read as follows:

OFFICE OF THE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, April 24, 1879.

SIR: It is found probable that the 5 per cent. bonds of the District of Columbia cannot be sold at par if issued in accordance with the provisions of the recent act of Congress authorizing the commissioners to sell $281,500 of bonds to redeem certain bonds that fell due January 1 and March 1 last. More favorable terms can be obtained for a loan of some magnitude than for one so small as that above mentioned. There are now due, and payable at pleasure, $940,800 of 6 per cent. bonds, and $53,000 of 5 per cent. bonds. There will be $20,000 of 8 per cent. bonds due in 1881, and $20,000 of 6 per cent. bonds in 1884. On July 1, 1891, $4,000,000 of 6 per cent and $670,000 of 7 per cent. bonds fall due.

The amounts now payable at pleasure, together with the $281,500 first above referred to, and the small amounts falling due shortly aggregate $1,315,550. The sinking fund applicable to the old debt, on the basis of the appropriations for the years 1879 and 1880, will hardly suffice to pay off more than one-third of this amount before provision will have to be made for the larger amounts falling due in 1891. The commissioners are therefore of the opinion that it is advisable to take up the larger portion of the 6 per cent. bonds now payable at pleasure by substituting 5 per cent. bonds, and they ask for general authority to substitute 5 per cent. bonds, interest not to exceed that rate, for any indebtedness of the District bearing a higher rate of interest than 5 per cent.

By order of the board:

S. L. PHELPS, *President.*

Hon. J. G. HARRIS,
Chairman Senate Committee on the District.

Mr. SAULSBURY. I have not given any attention to this matter, and of course know little about it; but if I have heard the reading of the bill aright it authorizes bonds to be sold by the Secretary of the Treasury and the proceeds applied to the redemption of other District bonds bearing a higher rate of interest. I desire to ask the chairman of the committee whether there is any limitation upon the price at which these bonds are to be sold.

Mr. HARRIS. Not below par.

Mr. SAULSBURY. There is no greater amount of these bonds to be issued, I understand, than those which are already out at a higher rate of interest?

Mr. HARRIS. The amount of these bonds to be issued and sold is limited by the amount of bonds redeemed bearing a higher rate of interest, and no greater amount can be issued.

Mr. SAULSBURY. I did not know whether that was provided for or not, and therefore I asked for information.

The bill was reported to the Senate without amendment, ordered to a third reading, and read the third time.

Mr. CONKLING. If I can have the attention of the Senator from Tennessee I should like to ask a question.

It happened some years ago when local improvements were progressing in Washington that changes of grade and other things damaged property in many places. The cost of the improvements was assessed upon the property and paid in many instances to which I now refer; I believe there were contests, but most persons paid. Subsequently it turned out that overpayments had been made in effect; in other words, that the damage which the owners had sustained and which was deemed proper matter of offset diminished the assessments which had been made, or, stating it somewhat more exactly, entitled them to a refund or rebate. That rebate was made, and certificates were issued, and as I understand those certificates are held to this day, no payment ever having been made upon them, the board of public works and the board of audit having disappeared, and there being nobody to whom to appeal. So the case stands thus: the owner of a lot was assessed $1,400 for the improvements, as they were called, made near that lot. Subsequently, upon a review of the whole case it was adjudged that $700 should be refunded to him. He received a certificate of $700, and that certificate has been virtually blank paper so far; he is remediless; he has no way of getting back the $700 excess which he paid. I think I state the case definitely enough to enable the Senator from Tennessee and my friend from New Hampshire to know the class of indebtedness to which I refer.

Now, as I see other creditors are here being provided for, I ask what is proposed, if anything, in respect of these, as I think very meritorious, persons who paid and paid in money sums which it was afterward decided they were not liable to pay and which should be refunded to them and who to this day have never been able to receive one penny?

Perhaps it may be said that it does not appropriately belong to this bill. I do not see why not. It seems to me that if there is any class of creditors who may justly be deemed more meritorious than another, it is that class who promptly and voluntarily paid and paid in money assessments made upon them and who were afterward decided to have made excessive payments and to be entitled to receive back a part and who in truth have never received a penny. I can hardly think of a stronger case of equity in regard to any creditor than that. I assume that this bill does not cover their case, and I should like to inquire what is proposed in respect of these certificates and whether there is any reason why they should not be provided for here as an amendment to this bill.

Mr. HARRIS. I can only say to the Senator from New York that the question suggested by him is one that is under consideration in the Committee on the District of Columbia. Those cases are not provided for by this bill. There is only one single class of creditors referred to in this bill that it is proposed to provide for, and that proposition is based upon the idea of reducing the rate of interest now being paid by the District of Columbia upon that class of indebtedness that the District of Columbia has a right to pay at its pleasure. The class of creditors, highly meritorious I grant, referred to by the Senator from New York, are not provided for, nor was it intended to provide for them or any other class, except the one I have referred to, by this bill. The matter, however, is under consideration, in the hands of a sub-committee now, if I may state that with propriety; is being considered as to how that class of creditors are to be provided for. The whole subject of special assessments (many of which were grossly erroneous and excessive) is undergoing revision and investigation, and I hope at an early day the committee may be able to report at least its own views as to what action it will be proper for Congress to take in the premises.

Mr. CONKLING. Will the Senator allow me to inquire whether, as far as he is advised, the committee intend to report at this session?

Mr. HARRIS. Upon the general subject?

Mr. CONKLING. I do not speak so much upon the general subject as upon the particular point to which I have endeavored to draw attention.

Mr. HARRIS. My individual opinion is that it is not probable a

bill will be reported at the present extra session of Congress covering the question suggested by the honorable Senator from New York.

Mr. CONKLING. Mr. President, it is not for me to suggest the order of business to the Committee on the District of Columbia; but I venture, with great respect to that committee, to say that they have not now in charge, nor has there been before the committee at any time, a more urgent matter touching common right in the District than this which I bring to the notice of the Senate. These occurrences were years ago; and in the hope of stimulating somewhat the interest of the Senator from Tennessee, I will mention one case which fell under my observation.

Some four or five years ago a lot was sold in this city. The purchaser of the lot understood it to be clear of all incumbrance. After his purchase, he found that liens in the nature of local assessments rested upon that lot. He paid these assessments by installments as they fell due one after another, until he had paid $1,800. Subsequently the appropriate tribunal, not moved by him, he presenting no evidence whatever, but in the course of their own impartial investigation, found out that about $800 of the $1,800 that he had paid was in excess of the true measure of his liability. Thereupon they awarded about $800 to him to be refunded of his money which he had paid. The vendor of the lot, from whom he bought it, hearing of this came in and claimed the money. One of the officers in charge,—I will not name him; he is gone now,—moving in rather an eccentric circle as it would seem to a lawyer, was in great doubt whether the man who had sold this lot free of incumbrance was not entitled to receive what his vendee had been fraudulently compelled to pay afterwards, and refused to deliver the certificate to the buyer of the lot. Thereupon this man was compelled to file a bill in equity, which he did, to go through a contest in the courts here, which cost him in the neighborhood of $500, to ascertain to the satisfaction of this functionary whether he or the man who had not this imposition upon him was entitled to receive the certificate, and at last the court decided the case, and of course decided that the purchaser of the lot who had paid the money was entitled to receive back this $800.

Thereupon, with much ceremony, the certificate was delivered over to him, and to this day he has held that certificate, never being able to receive one shilling upon it.

So the account as to that particular tax-payer stands thus: He bought a lot represented to be free of incumbrance. He paid about $1,800 of special assessment upon it afterwards, which was a surprise and a wrong upon him. Then he expended about $500, beside his own personal exertions, to establish in the courts his right to whatever refund there was. Then he received a certificate for between seven and eight hundred dollars, certifying that he was entitled to his own money which he had been thus wrongfully compelled to pay, which he had been thus mulcted in court in costs in order to establish his right to receive back—that of that money he was entitled to between seven and eight hundred dollars; but to this day he holds that certificate, never having been paid anything at all. Thus upon him a wrong of between one and two thousand dollars has been inflicted, and now he is being punished for the readiness, the willingness with which he responded to a questionable assessment, in place of refusing and contesting it.

That is one case. My honorable friend from Connecticut [Mr. EATON] suggests that he might have a claim upon the vendor. I suppose the Senator from Connecticut never heard in his State of any such thing as beating a man on an execution. He does not know what that is.

Mr. EATON. That does not answer the query at all.

Mr. CONKLING. Did the Senator ever hear of the right to shear the wolf?

Mr. EATON. I have.

Mr. CONKLING. If he has tried it, he has ascertained that the fleece is not worth the cutting.

Mr. EATON. Doubtless.

Mr. CONKLING. That sufficiently answers the question. In the case I have been stating the only remedy practically on earth this man has is to receive, if he can, upon the certificate the amount which it was certified years ago he was entitled to receive back of his own money paid to the city of Washington as an assessment.

That is one case. It may be, probably is, an aggravated case; but I am told that there are scores of cases of the same kind, excepting only the fact of the party having been driven into court to establish his right. I do not wonder that the Senator from Tennessee said that certainly this was a meritorious class of creditors. I undertake to say that there is no class of creditors in this District whose equities appeal so loudly to a sense of justice as this class; and yet although I have ventured to ask in regard to them last year and the year before and the year before that, once or twice publicly in the Senate, frequently in private of members of the committee, I have always heard, as I hear now from the honorable Senator from Tennessee, that the committee was considering that question, and that although the particular member responding was not authorized to commit anybody, did not wish to be too free in really expressing his own opinion, yet his impression was that probably at some time, in some bill, some provision which might be thought right would or could or should or possibly might some time or other be made.

Mr. ROLLINS. Will the Senator allow me a moment?

Mr. CONKLING. Oh, yes.

Mr. ROLLINS. I desire to call the attention of the Senator to the fact that the Committee on the District of Columbia did at the last session very carefully consider this question, and report to the Senate on the 3d day of February a bill relating to assessments for special improvements in the District of Columbia covering this whole ground. The fact that it was not considered by the Senate was not the fault of the Committee on the District of Columbia, for I think those Senators who are here now who were members of the last Senate will bear the committee witness that they endeavored on all suitable occasions to press the consideration of matters relating to the District of Columbia. It was not the fault of the committee that the subject was not considered by the Senate. The bill was reported and was on the Calendar here for a month; and I very much fear now, if a bill should be reported to-morrow from the Committee on the District of Columbia on this subject, objections would be made and the matter would go over until the next session of Congress.

Mr. CONKLING. The Senator from New Hampshire, I hope, did not understand me as blaming the Committee on the District of Columbia. If I felt at liberty to blame anybody for anything, (which I do not,) the Committee on the District of Columbia would be the last body that I should ever venture to blame. Oh, no, Mr. President, I am not blaming the Committee on the District of Columbia; far from it. I am speaking of the fact, and I venture to say in seriousness that it cries aloud as I think for the attention of somebody.

Since the honorable Senator from New Hampshire rose to interrupt me I have become indebted to another Senator for a fact bearing upon this which had escaped my recollection, and I venture to contribute that also to this subject. In addition to all the other injustice involved in the proceeding in question, Congress by an act provided that the certificates of which I have spoken, certificates given to men informing them that they were to receive back the overpayments that they had made, might be funded into bonds. Those who have been fortunate enough, or diligent enough, or sharp enough to push ahead and get their claims considered first and get their certificates in hand first, went immediately and received bonds for the amount of their certificates, interest-bearing bonds, which bonds have been paid as to the principal and interest. I remember hearing it said, and truly enough, one evening in the Senate that not to pay promptly the interest on those bonds would be the worst sort of repudiation; and the interest was voted specially. But before the other entitled persons came here, those who assumed that good faith was to be observed all around and that they need not be sleeping with one eye open and one foot out of bed to chase the Government before breakfast in the morning, but who took it for granted that all would be done in the regular way, were suddenly caught by a repeal of this act, and as the tree fell, so it lies. I have before me a statement showing that a large number of these certificate holders who were quick, vigilant, hungry, obtained their bonds, and another large number, equally meritorious, or, as I think, looking to reasonable behavior and conduct of men dealing with their Government, more meritorious because they had been a little more restful upon the good faith of the Government and had not sought to save a little interest by possessing themselves of their bonds at the earliest hour—this large number of at least equally meritorious persons were left, and are left to this day; so that their neighbors, with cases in no respect distinguishable from theirs, have been paid principal and interest, and here they stand entirely unrequited.

Now, I think if an element was lacking to complete the equities of the case that element has been supplied. Disclaiming again, as I do with the utmost sincerity, any intention to impute any shortcoming or dereliction to the Committee on the District, because I have no idea any such thing could truly be imputed to that committee, I venture in all earnestness to hope that the committee and all its members will see that a very early day is the proper day to attend to this subject. I do not see why it should not be a provision in this very bill that these certificate holders who are tabulated and totalized should be allowed now to receive, as the other holders of the same certificates received, bonds, and bonds as of that date, because some three years at least have elapsed, and I know of no reason why these men should not be paid both the money which they themselves paid into the Treasury and also the interest upon it of the same date and at the same rate which has already been paid to their neighbors.

Mr. HARRIS. Mr. President, so far from differing with the Senator from New York in the views that he has just expressed, I am inclined to thank him for calling attention to and emphasizing the wrongs that have been perpetrated upon the class of creditors to whom he has referred, and I hope at an early day, certainly an early day of the next session, if not at this session, to be able to report a bill to the Senate that will remedy the evil of which he so justly complains. But I do not think it would be wise or proper to add as an amendment to this bill the feature that he suggests. I therefore hope that the bill will be permitted to pass without amendment, and I also hope that either at the present or at a very early day in the next session I shall be able to present to the Senate such a measure as will remedy the evil that the Senator from New York has so pointedly laid before the Senate.

The PRESIDING OFFICER. The question is on the passage of the bill.

The bill was passed.

ADJOURNMENT.

The PRESIDING OFFICER, (after a pause.) What is the further pleasure of the Senate?

Mr. CONKLING. As there is no Senator before the Senate and no business before the Senate, I venture to move that the Senate do now adjourn.

The motion was agreed to; and (at one o'clock and thirty-two minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June* 4, 1879.

The House met at twelve o'clock m. Prayer by Rev. SAMUEL DOMER, D. D., of St. Paul's Lutheran Church, Washington, District of Columbia.

The Journal of yesterday was read and approved.

PUBLIC LANDS IN MINNESOTA AND DAKOTA.

Mr. WASHBURN. I move by unanimous consent to take from the Speaker's table the bill (H. R. No. 1152) to extend the time for the payment of pre-emptors on certain public lands in the State of Minnesota and Territory of Dakota, which has been returned from the Senate with an amendment. I hope there will be no objection to taking up the bill and concurring in the amendment of the Senate.

The SPEAKER. The bill and amendment will be read, and the Chair will then ask for objection.

The bill extends for two years from October 1, 1878, the time at which pre-emptors on the public lands in the State of Minnesota, including the lands within the Fort Ridgely and Sioux Indian reservations and the old Sioux Indian reservation in the county of Grant, Territory of Dakota, are now required to make final proof and payment.

The amendment of the Senate was read, as follows:

At the end of the bill add the following:

In all cases where the pre-emptors shall make due proof before the register and receiver of the local land office in the district in which their lands are situated that their crops have been destroyed or seriously injured by grasshoppers within two years prior to October 1, 1878.

There was no objection; and the bill was taken from the Speaker's table, and the amendment of the Senate was concurred in.

Mr. WASHBURN moved to reconsider the vote by which the amendment of the Senate was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PROPAGATION OF SALT-WATER FISH.

Mr. ACKLEN. I ask by unanimous consent to be allowed to submit some reports from the Committee on Commerce, to be printed and recommitted.

The SPEAKER. The reports will be read and the Chair will then ask for objection.

The Clerk read as follows:

Report from the Committee on Commerce on House bills 1858 and 1355, together with the views of the minority presented by Mr. BEALE.

Mr. CONGER. Relating to what?

Mr. ACKLEN. They are merely to be printed and recommitted.

Mr. CONGER. I know that; but I wish to know what they are.

The SPEAKER. The titles of the bills will be read.

The Clerk read as follows:

House bills 1858 and 1355, to protect the propagation of salt-water fish in certain parts of the Atlantic Ocean.

Mr. CONGER. That is all right.

The report and the views of the minority were ordered to be printed and recommitted.

UNITED STATES BOARD OF TRADE, ETC.

Mr. ACKLEN also, by unanimous consent, from the Committee on Commerce, reported back the bill (H. R. No. 2080) to incorporate the United States Board of Trade, Manufactures, Commerce, and Agriculture, and for other purposes; which was recommitted to the same committee, and the accompanying report ordered to be printed, not to come back on a motion to reconsider.

MISSISSIPPI RIVER.

Mr. ACKLEN also, by unanimous consent, from the Committee on Commerce, reported back the bill (H. R. No. 507) for the prevention of the cutting of the Mississippi River into the Lake of Concordia, Louisiana, and for the prevention of the destruction of the harbors of the cities of Vidalia, in the parish of Concordia, Louisiana, and Natchez, in the county of Adams, in the State of Mississippi, by the Mississippi River; which was recommitted, and the accompanying report ordered to be printed, not to come back on a motion to reconsider.

DEPUTY COLLECTOR AT LAKE CHARLES, LOUISIANA.

Mr. ACKLEN also, by unanimous consent, from the Committee on Commerce, reported a bill (H. R. No. 2132) authorizing the Secretary of the Treasury to appoint a deputy collector at Lake Charles, Louisiana; which was read a first and second time, recommitted, and, with the accompanying report, ordered to be printed, not to come back on a motion to reconsider.

CHARLES S. WILDER.

Mr. HASKELL, by unanimous consent, introduced a bill (H. R. No. 2133) for the relief of Charles S. Wilder; which was read a first and second time, and referred to the Committee on Indian Affairs.

HARLOW L. STREET.

Mr. HASKELL also, by unanimous consent, introduced a bill (H. R. No. 2134) for the relief of Harlow L. Street; which was read a first and second time, and referred to the Committee on Military Affairs.

COLEMAN SIMS.

Mr. KENNA. I ask consent to introduce three bills at the request of my colleague from West Virginia, [Mr. WILSON,] who is absent on account of sickness in his family.

There was no objection.

Mr. KENNA (for Mr. WILSON) introduced a bill (H. R. No. 2135) granting a pension to Coleman Sims, of Clarksburgh, West Virginia; which was read a first and second time, and referred to the Committee on Invalid Pensions.

HEIRS OF WILLIAM DAKIN.

Mr. KENNA also (for Mr. WILSON) introduced a bill (H. R. No. 2136) granting a pension to John Fisher, guardian of the minor heirs of William Dakin, deceased, late private Company G, Sixth West Virginia Infantry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

WILLIAM C. PARKER.

Mr. KENNA also (for Mr. WILSON) introduced a bill (H. R. No. 2137) granting a pension to William C. Parker; which was read a first and second time, and referred to the Committee on Invalid Pensions.

RELIEF OF SETTLERS ON PUBLIC LANDS.

Mr. ANDERSON, by unanimous consent, (by request,) introduced a bill (H. R. No. 2138) for the relief of settlers on the public lands under the pre-emption laws; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

PENITENTIARY IN UTAH TERRITORY.

Mr. CANNON, of Utah, by unanimous consent, introduced a bill (H. R. No. 2139) to provide for the erection of a penitentiary in the Territory of Utah; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

ADDITIONAL RULE.

Mr. DUNNELL. I ask unanimous consent to offer for reference to the Committee on Rules the additional rule which I send to the desk.

The Clerk read as follows:

RULE —. It shall not be in order to announce a pair between any two members of this House but once during the same legislative day.

There was no objection, and the resolution was referred to the Committee on Rules.

MATES IN THE NAVY.

Mr. WHITTHORNE, by unanimous consent, introduced a bill (H. R. No. 2140) to abolish the position or office of mates in the United States Navy; which was read a first and second time, referred to the Committee on Naval Affairs, and ordered to be printed.

W. R. BOICE.

Mr. THOMPSON, by unanimous consent, introduced a bill (H. R. No. 2141) for the relief of W. R. Boice, of Danville, Kentucky; which was read a first and second time, and referred to the Committee on War Claims.

SUPERVISORS OF ELECTIONS AND DEPUTY MARSHALS.

Mr. THOMPSON also, by unanimous consent, introduced a bill (H. R. No. 2142) to regulate the number and pay of United States supervisors of elections and special deputy marshals appointed under section 2012 and 2021 of the Revised Statutes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MARINE DANGER SIGNAL.

Mr. RUSSELL, of Massachusetts, by unanimous consent, from the Committee on Commerce, reported a bill (H. R. No. 2143) to test Mann's marine danger signal; which was read a first and second time, recommitted to the Committee on Commerce, and, with the accompanying report, ordered to be printed, not to come back on a motion to reconsider.

MARY MORRISON.

Mr. OSMER, by unanimous consent, introduced a bill (H. R. No. 2144) granting a pension to Mary Morrison, widow of John Morrison, a soldier in the war of 1792 to 1795; which was read a first and second time, and referred to the Committee on Invalid Pensions.

SURETIES OF JAMES H. ALVORD.

Mr. AINSLIE, by unanimous consent, introduced a bill (H. R. No. 2145) for the relief of Loyal P. Brown and others, sureties upon the official bond of James H. Alvord, formerly United States marshal in the Territory of Idaho; which was read a first and second time, and referred to the Committee on the Judiciary.

LAND OFFICES IN THE STATE OF MISSOURI.

Mr. BUCKNER, by unanimous consent, introduced a bill (H. R. No. 2146) authorizing the archives of the several land offices in the State of Missouri to be delivered to said State whenever said offices shall be closed and discontinued; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

SECTION 3700 OF REVISED STATUTES

Mr. BUCKNER also, by unanimous consent, introduced a bill (H. R. No. 2147) to amend section 3700 of the Revised Statutes, relating to the public debt; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

TAX ON MATCHES.

Mr. BUCKNER, by unanimous consent, introduced a bill (H. R. No. 2148) to repeal section 3437 of the Revised Statutes, relating to the tax on lucifer-matches, and to impose a tax on the sale of stocks and bonds; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

DEPOSITS IN NATIONAL BANKS.

Mr. BUCKNER also, by unanimous consent, introduced a bill (H. R. No. 2149) to prohibit the payment of interest on deposits by national-banking associations; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

PUBLIC BUILDING AT HANNIBAL, MISSOURI.

Mr. HATCH, by unanimous consent, introduced a bill (H. R. No. 2150) to provide for the erection of a public building in the city of Hannibal, in the State of Missouri; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

SYLVIA JENKS.

Mr. UPDEGRAFF, of Iowa, by unanimous consent, introduced a bill (H. R. No. 2151) granting a pension to Sylvia Jenks, widow of George Jenks, a soldier of the war of 1812; which was read a first and second time, and referred to the Committee on Revolutionary Pensions.

HOMESTEAD SETTLERS.

Mr. GUNTER, by unanimous consent, introduced a bill (H. R. No. 2152) to amend an act entitled "An act to grant additional rights to homestead settlers on public lands within railroad limits;" which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

NORTH CAROLINA CHEROKEE INDIANS.

Mr. GUNTER also, by unanimous consent, introduced a bill (H. R. No. 2153) providing for a settlement among the North Carolina Cherokees, in regard to their lands in the State of North Carolina; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

ELIZABETH J. COLBERT.

Mr. FORSYTHE, by unanimous consent, introduced a bill (H. R. No. 2154) granting a pension to Elizabeth J. Colbert, wife of Joseph C. Colbert, deceased; which was read a first and second time, and referred to the Committee on Invalid Pensions.

HOMESTEAD SETTLERS.

Mr. BRENTS, by unanimous consent, introduced a bill (H. R. No. 2155) amending an act entitled "An act to grant additional rights to homestead settlers on public lands within railroad limits," approved March 3, 1879; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

SECTION 2427 OF THE REVISED STATUTES.

Mr. BRENTS also, by unanimous consent, introduced a bill (H. R. No. 2156) amending section 2427 of the Revised Statutes so as to extend the benefits of the bounty-land law to the volunteers who served in the Oregon and Washington Indian war of 1855-'56; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

SECTIONS 1926 AND 1927 OF THE REVISED STATUTES.

Mr. BRENTS also, by unanimous consent, introduced a bill (H. R. No. 2157) amending sections 1926 and 1927 of the Revised Statutes so as to extend the limits of the jurisdiction of justices of the peace in the Territories of Washington, Idaho, and Montana; which was read a first and second time, referred to the Committee on Territories, and ordered to be printed.

ENTRANCE AND CLEARANCE OF VESSELS.

Mr. BRENTS also, by unanimous consent, introduced a bill (H. R. No. 2158) authorizing the deputy inspector of customs resident on San Juan Island, in the Puget Sound district, in Washington Territory, to enter and clear vessels; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

ISAAC LEMON AND ADDISON S. PERHAM.

Mr. BRENTS also, by unanimous consent, introduced a bill (H. R. No. 2159) for the relief of Isaac Lemon and Addison S. Perham, of Washington Territory; which was read a first and second time, and referred to the Committee on Indian Affairs.

JAMES TOLAND.

Mr. BRENTS also, by unanimous consent, introduced a bill (H. R. No. 2160) for the relief of James Toland, formerly of Company E, First Regiment Washington Territory Volunteers; which was read a first and second time, and referred to the Committee on Military Affairs.

REMOVAL OF PAWNEE AND OTHER INDIANS.

Mr. SCALES. I am instructed by the Committee on Indian Affairs to report back with amendments the resolution which I send to the Clerk's desk.

Mr. CONGER. Is that open to objection?

The SPEAKER. The gentleman has a right to report at any time under the rule.

Mr. CONGER. Before the morning hour? I submit that our rules cut off all such business, and that the reporting of a resolution is subject to objection.

The SPEAKER. The committee are compelled to report within one week.

Mr. CONGER. I call the attention of the Speaker to the fact that the morning hour cannot be dispensed with except by a two-thirds vote.

The SPEAKER. If there be no objection it can be reported before the morning hour.

Mr. CONGER. I do not care about this case, but I want to preserve the rule in its integrity.

Mr. SCALES. What is the decision of the Chair?

The SPEAKER. The gentleman is recognized to report the resolution.

The original resolution was read, as follows:

Resolved, That the Secretary of the Interior be directed to inform this House, first, at what date the Pawnee, Modoc, and Nez Percé Indians were removed to the Indian Territory; second, what the populations of said Indians were respectively at the time of such removal; and, third, how many have died since such removal.

The amendments proposed by the committee were as follows:

After the words "Nez Percé" insert "Ponca and Cheyenne;" after the word "died" insert the words "in each tribe;" and add after the word "removal" "and the cause, so far as known of such mortality;" so that, when amended, it will read as follows:

Resolved, That the Secretary of the Interior be directed to inform this House, first, at what date the Pawnee, Modoc, Nez Percé, Ponca and Cheyenne Indians were removed to the Indian Territory; second, what the populations of said Indians were respectively at the time of such removal; and, third, how many have died in each tribe since such removal, and the cause, so far as known, of such mortality.

The resolution, as amended, was adopted.

Mr. SCALES moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

M. O'BRIEN & CO.

Mr. WADDILL, by unanimous consent, introduced a bill (H. R. No. 2161) for the relief of M. O'Brien & Co.; which was read a first and second time, and referred to the Committee on Military Affairs.

HARBOR OF REFUGE, MISSOURI.

Mr. FROST, by unanimous consent, introduced a bill (H. R. No. 2162) to provide for a survey for a harbor of refuge at or near Saint Louis, Missouri; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

CHANGE OF REFERENCE.

Mr. SPRINGER. On Monday last I introduced a bill for the relief of George Bancroft, a private of Company G, Fifth Illinois Cavalry, and had it referred to the Committee on Invalid Pensions. I have since ascertained that that reference is incorrect, and I now ask unanimous consent that the reference be changed to the Committee on Military Affairs.

There was no objection, and it was so ordered.

UNITED STATES COURT-ROOMS, KANSAS CITY, MISSOURI.

Mr. SAWYER, by unanimous consent, introduced a bill (H. R. No. 2163) to provide for the construction of suitable rooms for the use of the United States circuit and district courts in the public building to be erected in the city of Kansas, in the State of Missouri; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

MOORHEAD, MINNESOTA.

Mr. WASHBURN, by unanimous consent, introduced a bill (H. R. No. 2164) to create Moorhead, in the State of Minnesota and in the collection district of Minnesota, a port of delivery; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

COMMERCE.

Mr. RUSSELL, of Massachusetts, by unanimous consent, submitted the following resolution; which was read, considered, and adopted:

Resolved, That the Committee on Commerce be instructed to inquire and report wherein existing laws can be so amended as to afford relief to the commercial interests of the country, and what measures can be adopted by the Congress of the United States calculated to secure a return of their commercial prosperity by means both of an increase of trade with foreign nations and a profitable extension of the business of their merchant marine.

Mr. RUSSELL, of Massachusetts, moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MORTON MONUMENTAL ASSOCIATION.

Mr. BROWNE, by unanimous consent, introduced a joint resolution (H. R. No. 83) donating condemned cannon to the Morton Monumental Association, of Indiana; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

HOMESTEAD SETTLERS.

Mr. POEHLER, by unanimous consent, introduced a bill (H. R. No. 2165) to amend section 2297, title 32 of the Revised Statutes, relating to homestead settlers; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

FREDERICK SCHAUM.

Mr. POEHLER also, by unanimous consent, introduced a bill (H. R. No. 2166) granting a pension to Frederick Schaum; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JAMES B. WOOD.

Mr. POEHLER also, by unanimous consent, introduced a bill (H. R. No. 2167) for the relief of James B. Wood, late captain and assistant adjutant-general; which was read a first and second time, and referred to the Committee on Military Affairs.

JOSEPH P. WILSON.

Mr. POEHLER also, by unanimous consent, introduced a bill (H. R. No. 2168) for the relief of Joseph P. Wilson; which was read a first and second time, and referred to the Committee of Claims.

ELECTRICAL PAGE-CALL.

Mr. POUND. I ask consent to submit for reference the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Architect of the Capitol be, and he is hereby, authorized to procure suitable electrical instruments and cause the same to be placed in this Hall as early as practicable, with such arrangements and connections as will enable members and officers of the House to summon pages, the number and arrangements to be approved by the Speaker: *Provided*, That such instruments so duly placed shall be fully guaranteed, and together with all labor and other expenses shall not cost to exceed the sum of $2,000, the same, when duly audited, to be paid from the contingent fund of the House.

Mr. CONGER. That should go to the Committee of the Whole.

The SPEAKER. The Chair thinks it should go to the Committee of Accounts.

Mr. MARTIN, of West Virginia. I call for the regular order.

Mr. POUND. What has become of the resolution? Was it referred?

The SPEAKER. It was not referred; nor is it before the House. The Chair supposes that the demand for the regular order made by the gentleman from West Virginia [Mr. MARTIN] was for the purpose of keeping out this proposition.

Mr. POUND. I desire to have the resolution referred to the Committee on Public Buildings and Grounds.

Mr. CONGER. I think it should go to the Committee of the Whole.

Mr. POUND. I supposed that permission was given for the introduction of bills and resolutions for reference at this time.

The SPEAKER. General permission was not given; each proposition as submitted was for unanimous consent. The objection to this resolution was held in reserve until it was read, in order that the House might know what was its subject-matter; otherwise it could not be intelligently objected to.

ORDER OF BUSINESS.

The SPEAKER. The regular order is demanded.

Mr. ATKINS. I ask leave to report a joint resolution from the Committee on Appropriations.

The SPEAKER. Does the gentleman from West Virginia [Mr. MARTIN] withdraw his call for the regular order?

Mr. MARTIN, of West Virginia. I insist upon the regular order.

The SPEAKER. The morning hour begins at thirty-four minutes after twelve o'clock.

Mr. TOWNSHEND, of Illinois. Mr. Speaker, it was expected that some one on the opposite side would occupy the morning hour to-day; but it is intimated to me that it is not the wish of any gentleman on the opposite side to proceed to-day, and therefore, by general consent, the Committee on Appropriations might be allowed to report their bills.

The SPEAKER. The gentleman from West Virginia [Mr. MARTIN] has insisted on the regular order. He would have to withdraw that demand in order to enable the House, by consent, to hear reports from the Committee on Appropriations.

Mr. HARRIS, of Virginia. The House might dispense with the morning hour, as gentlemen on the other side are not ready to proceed with the discussion.

The SPEAKER. The gentleman from Virginia [Mr. HARRIS] moves that the morning hour be dispensed with.

The question being taken, the motion of Mr. HARRIS, of Virginia, was agreed to, two-thirds voting in favor thereof.

AMENDMENT OF RULES.

The SPEAKER. The unfinished business coming over from the last legislative day when this class of business was before the House is an appeal from the decision of the Chair.

Mr. SPRINGER. I believe a quorum did not vote.

The SPEAKER. A motion was made by the gentleman from Ohio [Mr. MCMAHON] to lay the appeal on the table; and on that motion a quorum did not vote.

Mr. FINLEY. The yeas and nays were called.

The SPEAKER. The Chair will cause to be read the Journal so far as relates to the subject-matter coming up as unfinished business.

The Clerk read as follows:

MAY 28, 1879.

Mr. SPRINGER having proposed to submit an amendment to Rule 51,

Mr. CONGER made the point of order that the motion to proceed to dispose of business on the Speaker's table, which motion he made, took precedence of any other business, and that the motion of Mr. SPRINGER was not in order at this time.

The SPEAKER overruled the point of order on the ground that Mr. SPRINGER had been recognized for the purpose stated by him, but that, objection being made, the resolution must lie over one day under the rule, and thereupon directed the reading of the said resolution.

Mr. CONGER objected to its being read, and appealed from the decision of the Chair; pending which

Mr. MCMAHON moved that the said appeal do lie on the table, on which motion the yeas and nays were ordered; pending which

Mr. BREWER (at one o'clock and thirty minutes p. m.) moved that the House adjourn; and the question being put, it was decided in the negative—yeas 11, nays 186, not voting 88.

The question recurring on the motion of Mr. MCMAHON, that the appeal of Mr. CONGER from the decision of the Chair do lie on the table, and being put, the roll was thereupon called, and the name of Mr. POEHLER having been called,

Mr. HUNTON made the point of order that the hour of two o'clock p. m. having arrived, reports were now in order from the Committee for the District of Columbia.

The SPEAKER sustained the point of order; and the roll-call was thereupon suspended.

The SPEAKER. The Chair thinks it advisable to direct that the roll be again called from the beginning.

Mr. GARFIELD. Will the Chair please state the question?

The SPEAKER. The gentleman from Michigan [Mr. CONGER] appealed from the decision of the Chair in recognizing the gentleman from Illinois, [Mr. SPRINGER,] independent motions being then in order, to introduce a modification of the rules.

Mr. GARFIELD. "Independent motions being then in order?"

The SPEAKER. There was what is known in legislation as a gap.

Mr. GARFIELD. I thought the proposition of the gentleman from Illinois was introduced for reference in the morning hour.

The SPEAKER. That was on Monday last. In that case an appeal is also pending. This is another appeal and is not in the morning hour.

Mr. FINLEY. Should not so much of the roll-call as was taken stand? Some members who answered to their names are now absent. Should not their votes be counted?

The SPEAKER. There has been no record kept of the names that were called; at least the Chair did not see such list in the CONGRESSIONAL RECORD.

Mr. FINLEY. I see by the RECORD that the roll had been partly called.

Mr. CONGER. If I may be allowed to make the remark without offense to any one, I will say that the object I had was accomplished on a former occasion, which was to carry that matter over. Unless the Chair is desirous to have some expression of opinion by the House, I will withdraw my appeal.

The SPEAKER. The Chair is not anxious about it. The gentleman from Michigan withdraws his appeal.

Mr. CONGER. I do not think it will be derogatory to the Chair or to myself if I pursue that course.

The SPEAKER. The Chair knows nothing in the matter derogatory to any one.

Mr. CONGER. I desire to withdraw the appeal without prejudice to the Chair. [Laughter.]

Mr. SPRINGER. If the appeal is withdrawn, the resolution goes over for one day, as I understand.

The SPEAKER. It goes over under the ruling of the Chair. The resolution was not read when the controversy occurred, even the reading being objected to.

Mr. SPRINGER. I desire that it be now read.

Mr. CONGER. The resolution goes over.

The SPEAKER. It will go over.

Mr. CONGER. My opinion is that we can meet the question just as well when it comes up again as now. I understand that an appropriation bill is to be reported, and I do not wish to obstruct that class of business.

Mr. SPRINGER. All that I desire is that the resolution be now read.

The Clerk read as follows:

Resolved, That Rule 51 be amended by adding thereto the following:

And any pending measure reported, but not disposed of, shall be regarded as unfinished business, and shall be in order after the morning hour of any day when such business would be in order.

The SPEAKER. This goes over under the rule.

Mr. CONGER. Will the Chair state in what order of business.

The SPEAKER. The Chair is advised that the gentleman from Tennessee, [Mr. ATKINS,] chairman of the Committee on Appropriations, has some reports to make from said committee.

Mr. GARFIELD. But I wish to ask a question, Mr. Speaker, in regard to this resolution amending the rules. When it comes up will

it be in order to move to refer it to the Committee on Rules? In other words, what is its status?

Mr. TOWNSHEND, of Illinois. It has not been referred to the Committee on Rules, but will come up for action.

Mr. GARFIELD. For action or reference?

The SPEAKER. If the majority of the House so desires, it can be referred to the Committee on Rules.

Mr. CONGER. In what order of business, if the Chair pleases?

The SPEAKER. It will come up under the third order of business—resolutions where debate has arisen and laid over under the rules.

OCEAN NATIONAL BANK OF NEW YORK, ETC.

Mr. BUCKNER. I rise for the purpose of making a privileged report from the Committee on Banking and Currency.

The SPEAKER. The gentleman will state it.

Mr. BUCKNER. I am directed by the Committee on Banking and Currency to submit the following resolution and to ask that it be put upon its passage at once.

The Clerk read as follows:

Resolved, That the Committee on Banking and Currency be, and they are hereby, instructed and directed to investigate the affairs of the Ocean National Bank of New York, and of the German National Bank of Chicago, and especially to inquire into the management of the assets of the respective receivers of said banks, and the conduct of any officer of the Government touching the said receiverships or the disposition of the assets of said banks, respectively, and for that purpose that the said committee, or any sub-committee it may appoint, shall have power to send for persons and papers, reduce the testimony of witnesses to writing, employ a clerk and stenographer, to sit during the recess of Congress at Chicago and New York, and to report by bill or otherwise. And the sum of $2,000, or so much thereof as may be necessary, is hereby appropriated out of the contingent fund of the House to defray the expenses of said investigation.

Mr. GARFIELD. I desire to ask the gentleman in charge of this matter whether this investigation cannot be made here without sending the committee off? It seems to me we are incurring large expenses in sending committees away from the Capitol, and I do not see anything in the affairs of two organized banks which may not be investigated here as well as upon the ground. The officers can be summoned here, and all the necessary evidence, it seems to me, can be taken at the Capitol.

Mr. BUCKNER. I will state to the gentleman from Ohio that it is the expectation of the committee the House will adjourn in a short time, and that these investigations could not take place during the present session of Congress, and therefore in order to save expense, as the witnesses all reside in Chicago and New York, it was thought to be best to have the investigation take place where these banks are located. So far as I am concerned, if the investigation could take place now I should much prefer it, but I do not believe it could be finished during the present session of Congress. If anything shall be done it should be before the next session of Congress.

Mr. GARFIELD. Generally, I will say to the gentleman, investigations are less expensive when conducted here, and traveling committees always create the impression we are incurring unnecessarily large expenses in having members travel over the country. If there is any special reason, however, why this committee should be sent out, then the House ought to grant it; but unless there is some such special reason I should prefer the investigation should take place here.

Mr. BUCKNER. I demand the previous question.

Mr. GARFIELD. Will the gentleman state the reason for having the investigation at all? There may be good reason for it which I do not know. Upon what ground do we mean to make an investigation at all into the affairs of the two banks named?

Mr. BUCKNER. The investigation of these banks is demanded by petitions stating facts which, if true, show that investigation ought to be made, especially as to the conduct of the receiver of the Chicago bank. I cannot go into details, but that receiver is charged with not doing his duty as to the assets of the bank, and thereby operating to the injury of the depositors and stockholders.

Mr. GARFIELD. Have the committee consulted the Comptroller of the Currency to find how the record stands there?

Mr. BUCKNER. I think not.

Mr. GARFIELD. It may be that all the facts the gentleman wants are in the possession of the Comptroller of the Currency.

Mr. BUCKNER. But there are some facts outside.

Mr. GARFIELD. It seems to me it ought to be known, first, before we order an investigation, what the record shows, because it may be that at the end of the investigation we may reach only what is already known in the office of the Comptroller of the Currency.

I wish the gentleman would let this lie over and make inquiry, so that he can say to the House the facts cannot be got hold of at the office here.

Mr. BUCKNER. I am satisfied that the facts, so far as the National Bank of Chicago is concerned, cannot be obtained by anything within the reach of the Comptroller.

Mr. GARFIELD. If we know that after having made inquiry, then the investigation can be made.

Mr. BUCKNER. I have no doubt about it. The facts stated to us by the stockholders through their attorney justify me in making that statement.

Mr. GARFIELD. The gentleman from Missouri will remember the law is exceedingly stringent as to the reports to be made by all banks, and especially those in the hands of a receiver It seems to me if the Comptroller is doing his duty, as I have no doubt he is, he must have very complete and frequent communications from the receivers. I would like for one to know if that be not so.

Mr. HAWLEY. So far as the Ocean Bank of New York is concerned I have had occasion on behalf of constituents in my State to know something about it for five or six years back. The affairs of that bank were before the Committee on Banking and Currency five years ago, and there was considerable investigation then; and it is my impression that the gentleman from Missouri will find a great mass of facts about it in the Department, and that Comptroller Knox is familiar with the whole matter from beginning to end. It is also my impression that, so far as the general public are concerned, the bill-holders are entirely secured. Now, how far the Government should expend sums of money to secure stockholders, who are not to be regarded by us more than stockholders of manufacturing companies, I do not know. The stockholders are to lose, but the general public and the bill-holders, whom we especially regard, are safe. I think the gentleman will find a very full history of that concern down at the other end of the Avenue.

Mr. HARRIS, of Virginia. I will say to my friend from Missouri that these investigations by Congress are becoming very common and sometimes I think are wholly unnecessary. My friend, who is familiar with the practice of the Department, will recollect that when a bank is in liquidation or in the hands of a receiver, the Department sends out officers of the Government to investigate all the business of the bank. And these stockholders who make their complaints to Congress make their complaints also to the Comptroller of the Currency, and I have no doubt he has all the facts before him which are now sought to be obtained by an investigating committee; for the same parties who would give testimony before a committee of Congress have already given testimony before the officers sent out by the Department.

Mr. WHITTHORNE. I hope my friend from Missouri will press this inquiry. The people are interested in this banking system beyond the mere bill-holders of the banks. Every gentleman acquainted with the finances of the country, its commerce, and its trade, must know that the deposits in the banks form a great portion of the currency of the country. We ought to look into the national-bank system and probe it to the bottom, and if my friend from Missouri will do so, I think he will expose the rottenness of the national-bank system of the country. The great interests of the people require this. I trust we will first test the protection offered by the office of the Comptroller of Currency, and then, with all deference to my friend from Virginia, that the Representatives of the people will investigate the facts and expose the corruptions of the system.

Mr. FERDON. There are certain reasons why there should be an investigation in regard to the affairs of the Ocean Bank. If there is any one on this floor who is more interested than another in the Ocean Bank it may perhaps be myself. We are very likely to be interested in those things which have cost us something. In connection with the Ocean Bank there will in no way be a loss to depositors who have deposited their money in that bank. They will be paid every dollar. The stockholders have not only lost their stock but they have been largely assessed for the purpose of paying the depositors. They have been assessed, I think, some 40 or 50 per cent. in order to reimburse the depositors for loss caused by the failure of that bank.

Of course we are not here for the purpose of saying anything about the causes of the failure. If I understand it correctly, the resolution now before the House is simply for an investigation of the manner in which the affairs of the bank have been conducted since they have been in the hands of a receiver. The receiver of that bank has been in the discharge of his duty as such for several years. He had to deal with a great many matters which were of little value in the assets, and it has taken him undoubtedly a long while to wind up the affairs of the bank and to make the most of its assets.

But I wish to say here I think there is a misconception in the minds of certain members of the House in supposing that any loss at all will accrue to depositors. The loss simply accrues and very largely to the stockholders of the bank who have lost their stock and a very large percentage besides. The depositors have been fully paid. The last payment made of 5 per cent. gives them one hundred cents on the dollar, and besides this 30 per cent. has been paid them as interest on their deposits.

The receiver and Comptroller of Currency have finally made this overture in regard to the interest upon the amount which the depositors had in the bank, and that is that they take 30 per cent. as their interest, and that the whole matter then shall be settled up. Now, the men really interested in the investigation are the stockholders, and if they all feel as I do, they would like to have this investigation to know whether they have been honestly and honorably treated in the affair.

Mr. BUCKNER. I desire to say a word only upon this question. The Committee on Banking and Currency did not desire this investigation at all. We would be very glad to avoid it, but upon the facts stated both of the receivers of the national banks are charged with malfeasance and with not doing their duty; and one part of the complaint is that the Comptroller of Currency has refused in the case of the Ocean Bank to confirm sales made which the parties charge were fraudulent. The investigation relates only to the action of the receiver. But as to the other bank it is charged that the Comptroller is not exercising that discretion which the law gives him, either in ordering prosecutions and suits against those charged with hav-

ing swallowed up all the assets of the German National Bank of Chicago——

Mr. HARRIS, of Virginia. Is the receiver an officer of the Government or of the courts?

Mr. BUCKNER. He is an officer under the Comptroller of the Currency.

The SPEAKER. Under the law.

Mr. BUCKNER. Yes, under the law.

Mr. WHITE. I desire to ask the gentleman from Missouri a question. Are there any facts to be discovered by this committee which cannot be developed by proper proceedings in the United States courts against the receivers? I understand that there is an allegation of malfeasance.

Mr. BUCKNER. I understand that the Comptroller of the Currency has power to authorize an investigation or proceedings in the courts, and it is one of the complaints made here by these parties that the Comptroller has refused to look into these matters, refusing to authorize proceedings.

Mr. WHITE. I understand from the statement of the gentleman from Missouri that there is an allegation of malfeasance and misappropriation of funds and a failure to perform properly his duties in the sale of real estate. I submit that under the laws of the country the courts, by proper proceedings, have jurisdiction of the matter.

Mr. CALKINS. The Comptroller of the Currency is the person to be investigated.

Mr. WHITE. Has he been investigated about this matter? I do not care about it much, but I do not want that we shall go upon a fool's errand here.

Mr. McLANE. I desire one explanation from the gentleman from Missouri. I understand distinctly that this question of the receiver in the first instance is a judicial question, although the receiver is appointed by the Comptroller of the Currency. I understand that all questions can be referred to the courts. I am not willing to interfere until the case has gone beyond its present status. That is the point to which I direct my inquiry, which is, if the Comptroller of the Currency and receiver are not doing their duty, then I will admit that it becomes a political question. That is the point to which I direct my inquiry.

Mr. BUCKNER. I would say to the gentleman from Maryland that the petition states that the receiver or the Comptroller is acting improperly, and therefore they directed an investigation.

Mr. WHITE. Has the committee called the Comptroller of the Currency before them?

Mr. BUCKNER. They have not.

Mr. HARRIS. Mr. Speaker, on the statement of the gentleman from Missouri I withdraw my objection to the passage of the resolution.

Mr. BUCKNER. I now call the previous question.

The question being put upon seconding the previous question, there were, on division—ayes 101, noes 46.

So the previous question was seconded.

The main question was then ordered to be put, being upon the adoption of the resolution; and being put, there were—ayes 104, noes 47.

Mr. WHITE. I call for the yeas and nays.

Mr. HAWLEY. May I say one word of suggestion to the gentleman from Missouri, [Mr. BUCKNER?] As a matter of justice to a public officer who has served the country many years faithfully, I ask that Mr. Knox be asked to come before the committee for half an hour to see if he can explain the situation, and if he cannot then we can go on with the investigation.

The yeas and nays were ordered.

The question was taken; and there were—yeas 130, nays 63, not voting 93; as follows:

YEAS—130.

Acklen,	Elam,	Manning,	Singleton, O. R.
Aiken,	Ellis,	Martin, Benj. F.	Slemons,
Anderson,	Evins,	Martin, Edward L.	Smith, Hezekiah B.
Armfield,	Ewing,	McKenzie,	Smith, William E.
Atherton,	Farr,	McLane,	Speer,
Atkins,	Felton,	McMahon,	Springer,
Barber,	Ferdon,	McMillin,	Steele,
Barlow,	Finley,	Morrison,	Stephens,
Beale,	Ford,	Murch,	Stevenson,
Beltzhoover,	Forney,	New,	Talbott,
Bicknell,	Forsythe,	Nicholls,	Taylor,
Blackburn,	Frost,	O'Connor,	Thompson,
Brewer,	Geddes,	Osmer,	Tillman,
Bright,	Gillette,	Persons,	Townshend, R. W.
Cabell,	Goode,	Phelps,	Turner, Oscar
Caldwell,	Gunter,	Phister,	Turner, Thomas
Carlisle,	Hall,	Poehler,	Updegraff, Thomas
Clark, John B.	Hammond, N. J.	Pound,	Vance,
Clymer,	Harris, John T.	Price,	Wait,
Cobb,	Hatch,	Reagan,	Washburn,
Coffroth,	Hawk,	Richardson, J. S.	Weaver,
Colerick,	Henry,	Robertson,	Wellborn,
Cook,	Herbert,	Robinson,	Wells,
Covert,	Herndon,	Rothwell,	Whiteaker,
Cox,	Hostetler,	Ryan, Thomas	Whitthorne,
Cravens,	Houk,	Ryon, John W.	Williams, Thomas
Culberson,	House,	Samford,	Willis,
Davidson,	Hunton,	Sapp,	Wise,
Davis, George R.	Jones,	Sawyer,	Wright,
Davis, Lourdes H.	Kenna,	Scales,	Yocum,
De La Matyr,	Kitchin,	Shallenberger,	Young, Casey.
Dibrell,	Knott,	Sherwin,	
Dunn,	Lewis,	Simonton,	

NAYS—63.

Aldrich, N. W.	Daggett,	Horr,	Prescott,
Bailey,	Deering,	Hubbell,	Rice,
Baker,	Dunnell,	Humphrey,	Richardson, D. P.
Bayne,	Errett,	Jorgensen,	Russell, William A.
Bingham,	Field,	Joyce,	Smith, A. Herr
Blake,	Fisher,	Keifer,	Thomas,
Bouck,	Frye,	Ketcham,	Tyler,
Bowman,	Garfield,	Marsh,	Updegraff, J. T.
Boyd,	Godshalk,	McCoid,	Urner,
Briggs,	Hammond, John	Mitchell,	Van Aernam,
Brigham,	Harmer,	Monroe,	Ward,
Browne,	Harris, Benj. W.	Morton,	White,
Calkins,	Hawley,	Neal,	Wilber,
Carpenter,	Hayes,	Norcross,	Williams, C. G.
Caswell,	Henderson,	O'Neill,	Willits.
Conger,	Hiscock,	Overton,	

NOT VOTING—93.

Aldrich, William	Dick,	Le Fevre,	Richmond,
Bachman,	Dickey,	Lindsey,	Robeson,
Ballou,	Dwight,	Loring,	Ross,
Belford,	Einstein,	Lounsbery,	Russell, Daniel L.
Bland,	Fort,	Lowe,	Shelley,
Bliss,	Gibson,	Martin, Joseph J.	Singleton, J. W.
Blount,	Haskell,	Mason,	Sparks,
Bragg,	Hazelton,	McCook,	Starin,
Buckner,	Heilman,	McGowan,	Stone,
Burrows,	Henkle,	McKinley,	Townsend, Amos
Butterworth,	Hill,	Miles,	Tucker,
Camp,	Hooker,	Miller,	Upson,
Cannon,	Hull,	Mills,	Valentine,
Chalmers,	Hurd,	Money,	Van Voorhis,
Chittenden,	James,	Morse,	Voorhis,
Claflin,	Johnston,	Muldrow,	Waddill,
Clardy,	Kelley,	Muller,	Warner,
Clark, Alvah A.	Killinger,	Myers,	Wilson,
Converse,	Kimmel,	Newberry,	Wood, Fernando
Cowgill,	King,	O'Brien,	Wood, Walter A.
Crapo,	Klotz,	O'Reilly,	Young, Thomas L.
Crowley,	Ladd,	Orth,	
Davis, Joseph J.	Lapham,	Pierce,	
Deuster,	Lay,	Reed,	

So the resolution was adopted.

During the roll-call the following announcements were made:

Mr. MULDROW. I am paired with the gentleman from New York, Mr. DWIGHT.

Mr. COVERT. My colleague, Mr. FERNANDO WOOD, is paired with the gentleman from New Jersey, Mr. ROBESON; my colleague, Mr. MULLER, with the gentleman from Indiana, Mr. HEILMAN.

Mr. FORNEY. My colleague, Mr. SHELLEY, is paired with the gentleman from New York, Mr. CAMP.

Mr. BUCKNER. I am paired with the gentleman from New York, Mr. CHITTENDEN.

Mr. DAVIS, of North Carolina. I am paired with my colleague, Mr. MARTIN.

Mr. CULBERSON. My colleague, Mr. UPSON, is detained from the House by sickness.

Mr. MILLS. I am paired with the gentleman from Illinois, Mr. FORT.

Mr. ROSS. I am paired with the gentleman from Massachusetts, Mr. CRAPO.

Mr. McMAHON. My colleague, Mr. HILL, is paired with my colleague, Mr. BUTTERWORTH.

Mr. STEVENSON. The gentleman from Maine, Mr. LADD, is paired with his colleague, Mr. LINDSEY.

Mr. CHALMERS. I am paired with the gentleman from, New York, Mr. VAN VOORHIS.

Mr. TOWNSHEND, of Illinois. My colleague, Mr. SINGLETON, is paired with the gentleman from Connecticut, Mr. MILES. Mr. SINGLETON, if present, would vote "ay."

Mr. MANNING. My colleague, Mr. MONEY, who is absent by leave of the House, is paired with the gentleman from New York, Mr. CROWLEY.

Mr. ROBINSON. My colleague, Mr. MORSE, is paired with the gentleman from Pennsylvania, Mr. KELLEY. I do not know how either gentleman would vote.

Mr. BUTTERWORTH. As has been announced by my colleague, Mr. McMAHON, I am paired with my colleague, Mr. HILL; but that pair relates only to political questions. I do not understand this to be such a question. Still, to prevent any possible misunderstanding, I withdraw my vote.

Mr. RICHARDSON, of New York. My colleague, Mr. LAPHAM, is paired with the gentleman from Virginia, Mr. TUCKER.

Mr. HISCOCK. My colleague, Mr. LOUNSBERY, is paired with the gentleman from Maine, Mr. REED.

Mr. CLAFLIN. I am paired on all political questions with the gentleman from Ohio, Mr. HURD.

Mr. COWGILL. I am paired with my colleague, Mr. MYERS. My colleague, Mr. HEILMAN, is paired with the gentleman from New York, Mr. MULLER.

Mr. HENDERSON. My colleague, Mr. FORT, is paired on political questions with the gentleman from Texas, Mr. MILLS.

Mr. HARMER. The gentleman from Indiana, Mr. ORTH, is paired with the gentleman from Ohio, Mr. DICKEY.

Mr. COFFROTH. My colleague, Mr. BACHMAN, is paired with the gentleman from Colorado, Mr. BELFORD.

Mr. HARRIS, of Virginia. My colleague, Mr. RICHMOND, is detained at his room by sickness. He is paired with the gentleman from Michigan, Mr. NEWBERRY.

The result of the vote was announced as above stated.

Mr. BUCKNER moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PERSONAL EXPLANATION—WITHDRAWAL OF VOTES.

Mr. FROST. Mr. Speaker, I desire to state that last week I arranged for a pair with the gentleman from Pennsylvania, [Mr. BAYNE,] to take effect on Monday last. On that day, forgetting the pair, I inadvertently voted upon three propositions—the tobacco tax, the Melbourne and Sydney exposition, and the motion for adjournment. I now ask leave, as it will not change the result, to withdraw my votes on those questions, as at the time I voted I was paired.

The SPEAKER *pro tempore*, (Mr. HARRIS, of Virginia.) If there be no objection leave will be granted to the gentleman to withdraw his vote on the questions indicated.

There was no objection.

ROOM OF COMMITTEE ON APPROPRIATIONS.

Mr. ATKINS. I ask leave to report the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Speaker is hereby authorized to have the eastern lobby on the floor of the House furnished and fitted for the reception of visitors, and that the small room now occupied for that purpose be assigned to the use of the Committee on Appropriations, which by its increase in numbers requires additional accommodations, and that he be authorized to order and have made such alterations in the building as will conveniently connect said small room with the present Appropriations Committee room.

Mr. CONGER. Is that subject to objection?

The SPEAKER. This, as the Chair is advised, is a report heretofore made from the Committee on Appropriations, and recommitted.

Mr. ATKINS. Yes, sir; it is a report made by the committee. I am directed by them to report the resolution to the House.

Mr. CONGER. This is not a privileged report, of course.

Mr. ATKINS. If the gentleman desires to make that point of order, I can withdraw the report and get it in some other time probably. I hope the gentleman will withdraw the objection. The arrangement proposed is absolutely necessary.

Mr. CONGER. My objection is to taking away from members the right of passing through the corridor behind the Speaker's chair, and also to closing——

Mr. ATKINS. If the gentleman will allow me one moment——

Mr. CONGER. Let me finish my statement.

Mr. ATKINS. The gentleman is mistaken in his supposition.

Mr. CONGER. And I also object to shutting off the end of the corridor for the purpose of making a connection between the two rooms mentioned and thus preventing the passage of the air from the outer window into the corridors. There must be room enough in this Capitol for the Committee on Appropriations to have some other two rooms joined; I wish they had four. It is said that they will put up a low screen in the corridor; but we know that the Committee on Appropriations are not going to occupy a room which is shut off from the corridor by a screen alone. This proposition means cutting off whatever air may pass into the corridor from the outer window. Members are dying here year by year for lack of ventilation. I object to anything which shall cut off one particle of the currents of air we now have through these corridors or in this Hall. That is the reason I object.

Mr. ATKINS. I do not think my friend is in any danger of dying from that cause. [Laughter.]

Mr. CONGER. If I could rely on the gentleman's statement on that, as I am not often permitted to do on a good many things, I should be glad. [Laughter.]

Mr. ATKINS. If the gentleman will indicate, I will explain in regard to other matters quite as satisfactorily as I have done in reference to this.

Mr. CONGER. I will withhold my objection until after the gentleman has been heard.

Mr. ATKINS. The gentleman is as usual industrious in coming forward, and I commend him for his industry.

Mr. CONGER. Now, Mr. Speaker, I object, if the gentleman is to occupy his time in insinuations against me. [Laughter.] The amiable gentleman from Ohio yesterday got into the RECORD a statement in regard to me unworthy of any gentleman of this House, a remark made by the gentleman from the Dayton district, [Mr. MCMAHON,] which I did not notice at the time. It is printed in the RECORD.

Mr. ATKINS. I trust the gentleman will not make a serious matter of my remark.

Mr. CONGER. These personalities flow so spontaneously over there that I must object.

Mr. ATKINS. I will retract the remark, but notify the gentleman now that hereafter he must be more careful and not make any personal remarks when he speaks to me. [Laughter.]

Mr. CONGER rose.

Mr. ATKINS. Mr. Speaker, I decline to yield any further to the gentleman from Michigan.

Mr. CONGER. Then I make the point of order against this bill.

Mr. ATKINS. Very well; it is too late to make it.

Mr. CONGER. I reserved it.

Mr. ATKINS. No, sir; you did not reserve it.

Mr. CONGER. I did reserve it.

Mr. ATKINS. You did not.

Mr. CONGER. The RECORD will show that I did.

Mr. ATKINS. The RECORD will show no such thing. [Laughter.] The gentleman spoke of reserving it, but he did not reserve it.

The SPEAKER. That is a matter of fact.

Mr. WHITE. He did reserve it.

The SPEAKER. The Chair will cause the RECORD to be read. It is a matter of fact to be decided by the RECORD.

Mr. CONGER. I did reserve objection, and so stated.

Mr. ATKINS. If the gentleman now says that he said that at the time I will yield.

Mr. CANNON, of Illinois. I hope the gentleman will indulge me in a single remark. This resolution should be disposed of one way or the other.

Mr. ATKINS. I hope the gentleman will allow me to make my statement before he proceeds.

Mr. CANNON, of Illinois. I am only going to make a single statement. If it is to be changed, well and good; but if it is not to be changed, I hope we shall know it. I hope the gentleman from Michigan will not insist on his objection. Let us state the case, and if the majority of the House desires action in the adoption of the resolution, well and good.

Mr. ATKINS. I am willing to withdraw the resolution.

The SPEAKER. The gentleman from Tennessee withdraws his report.

Mr. CONGER. Let the reporters state what there is on the point of order.

The SPEAKER. The report of the gentleman from Tennessee is withdrawn, and necessarily the point of order drops.

Mr. CONGER. I know it does, but there is a question of dispute between the gentleman and myself as to what I said in open House.

Mr. ATKINS. I state unreservedly and distinctly that I understood the gentleman to speak of reserving it, but he did not do it. That is my understanding of the remark, but I said to the gentleman if he says that he said differently I yield to his assertion.

The SPEAKER. Then there is no further controversy.

Mr. CONGER. I said that I had no objection to the gentleman's stating the object, reserving the point of order, and I have none now.

The SPEAKER. The Chair will submit a report from the Committee on Enrolled Bills.

Mr. ATKINS. Have I not the floor?

The SPEAKER. The Chair understood the gentleman to withdraw his report.

Mr. ATKINS. But I have another report.

The SPEAKER. The Chair will recognize the gentleman after he signs two enrolled bills.

ENROLLED BILLS.

Mr. COFFROTH, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 1152) to extend the time for the payment of preemptors on certain public lands in the State of Minnesota and Territory of Dakota.

Mr. KENNA, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 1999) to amend an act entitled "An act making appropriations for the construction, repair, preservation, and completion of certain works on rivers and harbors, and for other purposes," approved March 4, 1879.

SUNDRY CIVIL APPROPRIATIONS.

Mr. ATKINS. I am instructed by the Committee on Appropriations to report back the joint resolution (H. R. No. 1) to repeal certain clauses in the sundry civil appropriations act, approved March 3, 1879, with amendments by the Senate.

Mr. CONGER. Is this a report from the Committee on Appropriations?

The SPEAKER. It is a report from the Committee on Appropriations of a House joint resolution with Senate amendments. The amendments of the Senate will now be read.

Mr. CONGER. Let them be read subject to points of order.

The Clerk read as follows:

1. After line 12 insert:

That the paragraph in said act relating to the extension of the military telegraph lines from Fort Buford to Helena, Dakota Territory, be amended so as to read as follows, namely: "For the extension of the military lines to Helena, Montana Territory, and the new post on the Milk River, and such other points as may be necessary, $20,000."

2. After line 12 insert:

That the paragraph in said act relating to the extension of the military telegraph lines from Fort Elliott, Texas, westward, be amended so as to read as follows, namely: "For the extension of the military telegraph lines to Fort Elliott, Texas, and westward, as may be necessary, $20,000."

3. After line 12 insert:

That the following paragraph in said act, namely, "That the Secretary of War is hereby authorized and empowered to lease the water-power at Moline or such portion as may be agreed upon to the Moline Water-Power Company, upon such terms and conditions, and for such term of years as may be agreed upon, if the same can be done consistently with the interests of the Government of the United States; said lease to be made upon the condition that the said Moline Water-Power Company shall go on and complete the development of the water power and maintain it at its own cost and expense," be, and the same is hereby, repealed.

4. After line 12 insert:

That in the final settlement of the accounts of Henry C. De Ahna, late collector of customs at Sitka, Alaska, the proper accounting officers of the Treasury are

hereby authorized and directed to allow and pay to the said De Ahna the further sum of $2,000, in full compensation and final discharge for all expenses incurred and losses sustained by said De Ahna in traveling to and from Alaska, and in obtaining and furnishing the Treasury Department with reports concerning the condition of public affairs in said Territory. And said sum of $2,000 is for that purpose hereby appropriated out of any money in the Treasury not otherwise appropriated.

5. Amend the title so as to read as follows:

Joint resolution to repeal certain clauses in the sundry civil appropriations act, approved March 3, 1879, and for other purposes.

Mr. ATKINS. Let the report of the committee be now read. The committee recommend concurrence in the Senate amendments, with other amendments.

The Clerk read as follows:

The Committee on Appropriations, to whom was referred the joint resolution (H. R. No. 1) to repeal certain clauses in the sundry civil appropriations act, approved March 3, 1879, together with the amendments of the Senate thereto, having considered the same, beg leave to report as follows:

They recommend concurrence in the amendments of the Senate numbered, 1, 2, 3, and 5.

They recommend concurrence in the amendment numbered 4, with amendments, as follows:

Add at the end of said Senate amendments, as new paragraphs, these words:

That the following sums be, and the same are hereby, appropriated out of any money in the Treasury not otherwise appropriated, for the purposes, namely:

HOUSE OF REPRESENTATIVES.

To pay the widow and heirs of Hon. Rush Clark, deceased, to be distributed in the proportion prescribed by the law of descent of the State of Iowa, $9,235.50.

To pay the widow of Hon. Gustave Schleicher, deceased, one year's salary, a sufficient sum is hereby appropriated.

To pay John C. Kondrup, messenger of reporters of debates, House of Representatives, for the present session, at the rate of $83.33 per month, a sufficient sum is hereby appropriated.

WAR DEPARTMENT.

For deficiency in the appropriation for pay of cadets at the Military Academy for the current fiscal year, $7,500.

INTERIOR DEPARTMENT.

That the sum of $9,000, or so much thereof as may be necessary, is hereby appropriated to pay adjusted accounts for service or expenses incurred in completing the eighth census.

That the sum of $4,090.69 is hereby appropriated to pay adjusted accounts for service or expenses incurred in completing the ninth census.

To pay Semmes & Barbour, or their legal representatives, as recommended by the Secretary of the Interior, this amount in full satisfaction for their claim for rent of buildings for the use of the Pension Office, on Louisiana avenue and C street northwest, known as the Seaton House, and the building adjoining it on the west, known as Nos. 624, 626, and 628 Louisiana avenue, and Nos. 619, 621, and 623 C street, and for damage to the said buildings sustained while occupied by the Government, and also in full satisfaction for rent for and damages to said buildings subsequent to September 15, 1876, $9,316.94, to be paid out of the unexpended balance of the appropriation for the contingent fund of the Pension Office for the fiscal year ended June 30, 1877.

That the second clause under the heading "Geological Survey," in the act of March 3, 1879, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes," is hereby amended by adding at the end of the said clause the words "to be immediately available."

Mr. ATKINS. I do not know that it is necessary for me to enter into an explanation of the different items in these amendments. If it is deemed desirable by any members of the House, I will do so. We recommend concurrence in the Senate amendments. I will run over them very briefly. They were principally verbal, correcting some mistakes in regard to telegraph lines in the western territory.

The principal item of the Senate amendments, Mr. Speaker, is the repeal of a clause in the last sundry civil act which authorized and empowered the Secretary of War—

To lease the water-power at Moline, or such portion of it as may be agreed upon, to the Moline Water-Power Company upon such terms and conditions, and for such term of years as may be agreed upon, if the same can be done consistently with the interests of the Government of the United States.

This is a proposition to repeal that clause in the sundry civil act which authorized the Secretary of War to lease that power to the Moline Water-Power Company at Rock Island, Illinois. There has been expended at Rock Island between five and six millions of dollars, and it will require about $157,000 to carry out the obligation that the United States in 1867 assumed to improve the water-power. The Government in that year assumed the obligation to improve the water-power at its own cost and to give to the Moline Water-Power Company the use of one-half of the power. The Government has expended nearly $800,000—the exact amount is $758,000—in improving that water-power. The report of the Army engineer shows that it will require $157,000 still to complete the improvements of the water-power in the way they ought to be completed. For the last four years Congress has refused to make any appropriation for this purpose, and the work stands there uncompleted. In that condition of affairs the company ask that Congress should lease to them the water-power that they may utilize it and improve it. At the last session of Congress we authorized the Secretary of War to do so. He refuses to do so because he does not believe it is in conformity with the interests of the United States.

Now, then, we propose simply by this clause to repeal the law authorizing the Secretary of War to lease that water-power to the Moline Water-Power Company. It will hereafter be a question for Congress to decide what it will do with the Moline water-power—whether it will make the necessary appropriations to complete the improvement, or go on as it has done for four years, making no appropriation and letting it remain as it is.

There are several appropriations made in this amendment. One is to pay the claim of Semmes & Barbour for the occupation of and damage done to the building called the Seaton building, amounting to some $9,000. It has been adjudicated by the Court of Claims, and no doubt it is correct.

There is also an appropriation of $7,500 for the pay of cadets, not enough having been appropriated for this year.

There is also an appropriation of one year's salary to the widow and heirs of Hon. Rush Clark, late a member of this House from the State of Iowa; and, Mr. Speaker, at the instance of the gentleman from Connecticut, [Mr. HAWLEY,]—if I may allude to it—who is a member of the Committee on Appropriations, an appropriation is recommended for the widow of Hon. Gustave Schleicher, who was a member-elect to this House, but was never sworn in, having died before the term began.

There is also an appropriation of $9,000 to pay some marshals and deputy marshals for taking the eighth census. Why they have not been paid I do not know. I am frank to state that of the fifty-seven all except seven are from the Southern States. The Secretary of the Interior recommends that they be paid, and the Committee on Appropriations have agreed to do so.

There are also some eight or ten marshals and deputy marshals, or census takers, for the ninth census who have not been paid; but there is an appropriation to pay them. I believe these are the principal points of the bill.

Mr. HAWLEY. I move to amend by adding the following paragraph:

SEC. —. That there shall be paid to the retired officers of the Army, who have not received their pay according to the rank on which they were originally retired, since March 3, 1875, the difference of pay between the amount actually paid them and their pay as fixed by law on the rank on which they were so retired; and hereafter they shall be borne on the retired list, with rank and pay as originally retired.

Mr. WHITTHORNE. Is that in order now?

Mr. HAWLEY. Allow me to make a statement.

Mr. ATKINS. Before the gentleman proceeds, allow me to say that I made a mistake in my statement. I should have said that the appropriation was for the widow and heirs of the late Mr. Schleicher.

Mr. HUNTON. Will the gentleman allow me to ask him a question?

Mr. ATKINS. Yes, sir.

Mr. HUNTON. I notice by the report of the Committee on Appropriations that the sum of $9,000 is appropriated to pay the salary which would have been due to Mr. Rush Clark if he had lived during his term, while only $5,000, or one year's pay, is given to the heirs of Mr. Schleicher. Now if it is right to pay either gentleman for a term during which they did not serve, then we ought to pay them both equal, and I suggest to my friend from Tennessee [Mr. ATKINS] that he put the families of these two deceased members on the same footing.

I understand that the ground of difference is that Mr. Rush Clark was sworn in and Mr. Schleicher was not; but the House will recollect that for the time in this Congress that Mr. Rush Clark served he was paid, and therefore it seems to me that the unexpired term of Mr. Clark and the whole of the term of Mr. Schleicher should stand upon the same footing. If either is paid for the full term it seems to me that both should be.

Mr. ATKINS. This matter is a delicate matter, and so far as I am concerned I do not know that I should have any objection; but there never has been an instance where an appropriation was made for the family of a member who died before he was sworn in, and if it should be done in this case it would be the first instance. It has been usual for the last few years to give the residue of the salary to the widows and heirs of deceased members.

It is true that Mr. Clark died very early in his service, but that does not alter the principle. Now, I would say to my honorable friend that while I have as much sympathy for the family of Mr. Schleicher and as much admiration for that gentleman's career upon this floor as any member here, I think we should not set a precedent of this kind.

The SPEAKER. The Committee on Foreign Affairs of the last House recommended the payment of a reasonable sum of money to the heirs of Mr. Schleicher.

Mr. ATKINS. I would not stand here a moment to interpose an objection, if it be the will of the House to vote this money.

Mr. COX. I introduced that resolution which was adopted, and the Speaker thought it was the direction of the last House, and I hope the gentleman from Tennessee will make no opposition to this amendment.

Mr. HUNTON. I desire to offer an amendment.

Mr. CONGER. I wish to say this: I understand that the families of these two deceased members have been left by their death in circumstances where at least the sympathy of the House should be extended to them. I can see no difference of principle in the two cases. The mere fact of a few days earlier or a few days later attendance in this House does not constitute any practical difference. The circumstances in which the families are left by the death of the late members of this House place them both in a situation where such an appropriation as is here proposed is at least in accordance with precedents from the very beginning of this Government. I hope the amendment will be made in this case.

Mr. ATKINS. I have no objection at all, so far as I am concerned.

Mr. HUNTON. I move to amend so that the sum of $10,000 shall be appropriated for the widow and heirs of Hon. Gustave Schleicher. I am informed by the Senator from Maine, who formerly presided

over this House, that the distinction is this: where a member-elect has never appeared in this House, it has not been customary to pay anything to the family; but where the member-elect to one House has appeared and taken his seat as a member of a preceding House, and died before taking the oath of office in the subsequent House to which he was elected, it has been usual to pay to the family the salary for the whole term. I am informed that there are precedents on record to that effect.

Mr. WHITTHORNE. Will my friend from Virginia answer a question?

Mr. HUNTON. Yes, sir.

Mr. WHITTHORNE. Was not the salary of the Representative from Texas as a member of the Forty-fifth Congress voted to him by that Congress?

Mr. REAGAN. For the short remainder of the session.

The SPEAKER. He died very near the end of his term in that Congress.

Mr. WHITTHORNE. Ungracious as it may appear, I must align myself with those who are opposed to this proposition. Here was a member whose family was paid for his term as a member of the Forty-fifth Congress. He never was admitted into the Forty-sixth Congress. By the amendment of the gentleman from Virginia [Mr. HUNTON] it is proposed to give $10,000 to his heirs at law. That is the salary for the entire term of the Forty-sixth Congress.

Now, I can call to mind one, two, or three instances in the State of Tennessee where men were elected, I believe to the Forty-fifth Congress, or if not to that Congress then to the Forty-fourth Congress, and who died before the commencement of their term. Their families stand in precisely the same condition as the family of the gentleman from Texas; that is to say, if they were poverty-stricken. Those members-elect were never inducted into office.

Now, gentlemen, you should be careful that you do not set what may be a dangerous precedent. What merit is there in this case? If there is any merit, then the undistinguished man who never has been here in Congress and who never has drawn anything from the public Treasury has the advantage, if there is any advantage in that aspect of the question. There is no telling where a precedent of this kind once established will lead. We have no right to take the money of the people and give it as a mere gratuity or charity to any one. Our action here should be based in that respect on the question of consideration or service rendered.

Mr. HAWLEY. I agree with the gentleman from Tennessee [Mr. WHITTHORNE] in a wholesome jealousy of all precedents for future action in the expenditures of money. But I do not agree with him in saying that Mr. Schleicher had rendered no service or made no sacrifice which would justify this appropriation. Very often there is imposed upon a member a very serious sacrifice of private business and very great labor in accepting a place here in this House.

I think the general sense of equity of the American people would justify us in ordering in such cases a reasonable appropriation to be paid to the family. It is just as equitable, whether technically as correct or not, as was the appropriation of the money given to Mr. Clark, of Iowa, who served but a month in this Congress. It is proposed to give Mr. Clark's estate the sum of $9,000, or the remainder of the salary for this Congress. I am perfectly willing to do it, and I am sure I have not a constituent who will grumble at me for doing it.

This was proposed or rather suggested in the Committee on Appropriations as a future rule, that there should be a statute providing that in the case of the death of a member during his term or after he shall have been returned as elected to Congress, the sum of $5,000 shall be paid to his family. It is proposed that that shall be the general rule. If a man dies within a month of the end of his term, of course it may be said that his family would have a little advantage, and if he dies near the beginning of his term it might be said that the family would in that case realize a disadvantage, so far as the salary was concerned. On the whole, however, it will work equitably and save us from discussions and wrangling about equity in each case, and in the long run will operate as a fair rule. I hope the House will not refuse the appropriation for the family of Mr. Schleicher, and I am content to leave it at the present figure.

The SPEAKER. The Committee on Appropriations recommend concurrence in the Senate amendments with sundry amendments.

Mr. HAWLEY. I understand there is no motion before the House except the report of the Committee on Appropriations.

The SPEAKER. The Chair understood the gentleman from Tennessee to oppose the recommendation of the Committee on Appropriations as to an amendment to a Senate amendment.

Mr. WHITTHORNE. I oppose that; yes, sir.

Mr. WHITE. What is that amendment to the Senate amendment?

Mr. WHITTHORNE. I oppose voting the salary; and I raise the point of order upon the proposed amendment.

Mr. ATKINS. I neglected to state to the House that there is also a proposition in this joint resolution, by way of amendment, to make available at once, instead of at the beginning of the next fiscal year, the sum of $100,000 appropriated for the Geological Bureau.

Mr. HAWLEY. I beg leave to renew my amendment.

The SPEAKER. The Chair will submit to the House the amendments of the Senate in their order. The Committee on Appropriations recommend concurrence in the amendments of the Senate numbered 1, 2, 3, and 5.

Mr. REAGAN. I want to make a suggestion; I do not know whether this is the proper time to do it. I desire to suggest that in making the appropriation for the benefit of Mr. Schleicher's family, consisting of his widow and children, that the appropriation had better be made payable to the widow.

Mr. WHITE. I call for the reading of the amendments in which the committee recommend concurrence.

The first, second, third, and fifth amendments of the Senate were then read and concurred in.

Mr. ATKINS moved to reconsider the vote by which the amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The next question is on concurring in the fourth amendment of the Senate, in which the Committee on Appropriations recommend concurrence with amendments, which will be read.

The Clerk read as follows:

Amend the fourth amendment of the Senate by adding as new paragraphs the following:

That the following sums be, and the same are hereby, appropriated out of any money in the Treasury not otherwise appropriated, for the following purposes, to wit:

HOUSE OF REPRESENTATIVES.

To pay the widow and heirs of Hon. Rush Clark, deceased, to be distributed in the proportion prescribed by the law of descent of the State of Iowa, $9,235.50.

To pay the widow of Hon. Gustave Schleicher, deceased, one year's salary, a sufficient sum is hereby appropriated.

The SPEAKER. The amendment of the gentleman from Virginia [Mr. HUNTON] will now be read.

The Clerk read as follows:

Strike out the last paragraph of the amendments of the committee and insert the following:

To pay the widow of Hon. Gustave Schleicher, deceased, two years' salary, $10,000; which sum is hereby appropriated.

The amendment of Mr. HUNTON to the amendments of the committee was agreed to; there being ayes 107, noes not counted.

Mr. BENNETT. I move to amend the amendments reported by the Committee on Appropriations by adding the following:

For salary of an additional associate justice of the supreme court of the Territory of Dakota, appointed under act of Congress approved March 3, 1879, from the date of his appointment to the 30th day of June, 1879, the sum of $680, or so much thereof as may be necessary.

Mr. ATKINS. There is no objection to that amendment.

Mr. CLYMER. Is not that included in the legislative bill?

Mr. ATKINS. No, sir; the legislative bill includes the salary for next year; this is the salary for the present year.

The amendment of Mr. BENNETT was adopted.

Mr. HAWLEY. I now beg to renew the amendment I indicated a while ago.

Mr. WHITE. I reserve a point of order until I hear the proposition explained.

Mr. WHITTHORNE. I have already reserved a point of order.

Mr. HAWLEY. The gentleman from Tennessee [Mr. WHITTHORNE] made a point of order, but kindly consented to reserve it until I had made my statement.

The SPEAKER. The gentleman from Tennessee reserves a point of order on the amendment, which will be read.

The Clerk read as follows:

Insert the following as an additional section:

SEC. —. That there shall be paid to the retired officers of the Army who have not received their pay according to the rank on which they were originally retired since March 3, 1875, the difference of pay between the amount actually paid them and their pay as fixed by law on the rank on which they were so retired; and hereafter they shall be borne on the retired list with the rank and pay as originally retired.

Mr. HAWLEY. Mr. Speaker, this practically comes from the committee as much as if it were a part of the bill, because it was in the hands of a sub-committee at the time the report was adopted, and another meeting of the main committee was expected. The sub-committee are unanimously in favor of it; the chairman and various other members agree to it, and none object so far as I know. But it was agreed on too late to be incorporated in the bill. I have the sanction of the chairman of the committee in offering the amendment now. I proceed to state the reason for the amendment; and if gentlemen will hear me I think they will waive all objection to it.

By an act passed in 1866 it was provided that officers who were retired should be retired upon the rank of the actual command held by them at the time of receiving the disabling wound. That act went into effect; and under it some two hundred and eighty-one officers were retired from time to time—many of them with disabling wounds, all of them severely wounded. They all received the pay of the command actually held by them. For instance, in one case there was an officer who during nearly the whole of the war had been a colonel commanding a brigade; and he received a very severe wound while holding such command. Now there was an equity in favor of allowing a man who commanded a brigade the pay of a brigadier-general; but such officers received only the pay of the lower commission which they held. When discussion arose upon the act of 1866 it was decided to be a just and equitable rule that an officer retired for disability should receive the pay of the command he held. For example, Thomas J. Wood, well known to many men here as one who served during the Mexican war and made an honorable record in the war of the re-

bellion, commanded for a long time a division, a major-general's command, although he was only a brigadier-general. Under this law, upon being retired, he received a major-general's pay.

So they ran on down to second lieutenants who were holding first lieutenant's or captain's command, performing all the duties, undergoing all the responsibilities, and incurring all the risks of that command. They were retired accordingly to the number of about two hundred and eighty-one, I think.

Now, sir, there came up in 1875 a bill to add to the list of retired officers a gentleman from the State of Pennsylvania. There was a good deal of argument and dispute about it in both Houses, but the bill passed, a personal bill for his relief only. There was a second section added to that bill in these words:

SEC. 2. That all officers of the Army who have been heretofore retired by reason of disability arising from wounds received in action shall be considered as retired upon the actual rank held by them, whether in the regular or volunteer service, at the time when such wound was received, and shall be borne on the retired list and receive pay hereafter accordingly; and this section shall be taken and construed to include those now borne on the retired list placed upon it on account of wounds received in action.

The words "of the command" were omitted in that second section; I suppose intentionally so. It worked a great injustice. If after the words "of the actual rank" the words of the act of 1866, "of the command," had been retained, it would have made no change.

As I have already stated, this was a bill for the relief of one officer, but by the omission of those words it worked injustice to twenty-one officers who had been for nine years receiving the pay of the rank of the command held by them at the time they were wounded. It struck down twenty-one officers who had been virtually, I may say, under a contract with the Government; who had accepted this retirement on the pay they had been for nine years receiving. Those twenty-one officers were struck down a grade or two grades in their pay simply by this section added to a private bill for the relief of one man only. Whether a mistake or not, the injustice was the same.

Now, of that twenty-one, one man has died and nine or ten men have been restored to the pay they had formerly received for nine years, by special act, or by a revision by the War Department; but largely by special acts of Congress. So there are now remaining only eleven men who are receiving pay less than that which Congress gave them and they enjoyed for nine years. I say there is no justice whatever in it. Instead of being—I will not say annoyed, but I will say instead of having to undergo the labor of listening to eleven individual applications, why not let us correct the injustice as to all at once?

Here is a letter from the Secretary of War, dated May 14, 1879: "The legislation asked for is respectfully recommended." The amendment I submit is the one recommended in this communication from the War Department to correct this error.

I will read an extract from a letter of General E. D. Townsend, Adjutant-General United States Army, dated April 11, 1879:

The restoration of these officers to their original grade on the retired list seems just and proper.

They earned by service, wounds, &c., the position they held under laws existing at the time, and actually held the rank and exercised the corresponding command when they were wounded. This was only a suitable reward for services rendered, which was given by the President, on the report of an examining board. They accepted their grade of retirement under these laws without any idea that it would be changed and made their arrangements for living accordingly. The reduction, therefore, inflicted, on some of them especially, great hardships, when their disabled condition prevented their engaging in other occupations.

Mr. McMILLIN. Will the gentleman allow me to ask him a question?

Mr. HAWLEY. With pleasure.

Mr. McMILLIN. Those colonels who were in command of brigades, did they by law before they were wounded draw a colonel's pay or a general's pay?

Mr. HAWLEY. I explained that once, but perhaps not clearly, and I will do it again. There was an equity always existing in cases of that sort. A man holding for months and years the command of a brigade—and many of us had that sort of experience—was involved in heavy additional expense, and he ought to have received a brigadier-general's pay, but he never got it.

Mr. McMILLIN. That is what I wish to know.

Mr. HAWLEY. And I wish to satisfy the gentleman on that point. When Congress came deliberately to provide for the retired list it did provide a remedy. They said if a man was a captain holding the position of a lieutenant-colonel or of a colonel in command of his regiment, or a colonel who held a brigade command, he should be retired and receive the pay of the rank the duties of which he was performing at the time he was wounded.

I put it upon this ground: whatever the original equity, and that is indisputable, I put this amendment on the ground that the Government deliberately settled this thing once and led these men who might possibly have gone into civil life and adopted some other way of getting along—led them to expect, I will not say this bounty, but this justice, upon going on the retired list, and after nine years, by what I insist was a mistake in a section of a private bill, reduced them to a lower grade.

Mr. WHITTHORNE. Before the gentleman finishes his statement will he say how much money is involved in this?

Mr. HAWLEY. There have been about four years of suspension in the cases of these ten or eleven. I asked one of them, a brigadier-general, that question; and he figured upon it and said it would take about $18,000 to pay the balances withheld during the last four years, and after this $4,000 a year.

Mr. WHITTHORNE. I now renew my point of order.

Mr. HAWLEY. I beg the gentleman rather to make an argument against the amendment if he can, and then let the House vote upon it. It is practically a report from the Committee on Appropriations.

Mr. WHITTHORNE. Just one word as to my object in making the point of order. I do not pretend the intimations that I have had are correct, but the intimation made to me by a gentleman upon the Military Committee is that gross wrong and injustice will be done by the passage of this proposition, and that a large amount of money is involved in it. And then beyond that I have been told, my mind having been directed to an examination of the retired list in another branch of the public service, that very gross inequality and injustice has been done and is being perpetrated in the retired list of the Army. Now, I do not assume that that is correct. I do assume, however, that the proposition should not come in here at this moment and in this manner without a sufficient opportunity of examination and investigation, without even the Committee on Appropriations having investigated the subject.

Mr. HAWLEY. The gentleman will pardon me. That is a mistake. A sub-committee of the Appropriations Committee has investigated this subject.

Mr. WHITTHORNE. The sub-committee only has done so.

Mr. HAWLEY. And the committee approves the conclusion which the sub-committee arrived at.

Mr. WHITTHORNE. We know how hurriedly these things are done. I now ask the House to pause. I submit the inquiry to every gentleman, if the House votes on this proposition does the House know what it is doing? Does it know how much cost it involves? Does it know where this is to reach? Does it know the full meaning of it?

But I am addressing the Chair on a question of order. I have been by my experience in this House reminded how revolutionary and how vicious it is to put riders upon bills; riders that the country and the House have had full opportunity of investigating and understanding. Now, here in the last moment, as the House is about dispersing, when the drum is on the tap, it is proposed to mount a rider, put him on this bill and send him to take money out of the Treasury.

Mr. HAWLEY. I desire to reply for a moment to the gentleman from Tennessee.

Mr. WHITE. Is the point of order insisted upon?

Mr. WHITTHORNE. It is.

The SPEAKER. The gentleman from Tennessee will state what is his point of order.

Mr. WHITE. I submit this bill should go before the Committee on Military Affairs, which had the subject under consideration in the last Congress.

Mr. HAWLEY. I hope the gentleman from Tennessee will waive the point of order for a moment.

The SPEAKER. The Chair desires to hear what the point of order is.

Mr. WHITTHORNE. I will state my point of order. In the first place, the bill has passed all through its parliamentary stages. It is now pending in this House upon the report of a committee on the matter of difference between the two Houses. That is the question really before the House; and if my attention had been directed to it in time I would have made the point of order to the recommendation of the committee, because their amendment should have been germane to the amendment made by the Senate to the bill of the House. The Senate having concurred in the original proposition of the House with an amendment, that amendment comes back to the House; and that amendment forms the whole question before the House, and nothing is in order except what is germane to the amendment made by the Senate.

Mr. HAWLEY. Now, upon the point of order I submit that in equity that has been waived altogether, and it is rather late to make the point of order when the House has permitted the Committee on Appropriations virtually to make a new bill.

Mr. WHITE rose.

Mr. HAWLEY. I ask the gentleman from Pennsylvania to wait a moment.

Mr. WHITE. I wish to reserve the point of order.

Mr. HAWLEY. I was about to argue the point of order and at the same time, like the gentleman from Tennessee, to make a gentle insinuation as to the merits of the case. The gentleman from Tennessee says we do not know how far this goes and how much money it will cost. I am satisfied it refers only to eleven men; for I have the certificate of the War Department to that effect; and my amendment is drawn by one of the ablest lawyers ever in the Cabinet, the Secretary of War, whose ability as a jurist is now about to be tested elsewhere. I am perfectly willing to trust him; and I know enough of this case from the War Department, from lawyers, and from officers to be able to assure the gentleman from Tennessee, with perfect confidence, that this affects only eleven men who have been unjustly reduced in rank and pay.

Mr. WHITTHORNE. I desire to submit an additional remark on the point of order.

Mr. WHITE. I rise to a point of order. I make the point of order that this amendment is obnoxious to Rule 112. It makes an appropriation, and should receive its first consideration in Committee of

the Whole House. I will add the additional point of order that there is a bill already pending for this purpose, and it is not in order to offer that bill as an amendment to the pending bill.

Mr. WHITTHORNE. I was going to add that the amendment changes the existing law, and is not in the interest of economy.

The SPEAKER. The Chair thinks that the point that this is adding new matter to an appropriation bill which has passed both Houses, and which is not germane to any part of the bill as it has passed either House, is a valid objection; and the Chair would state, with the utmost respect, that the committees of this House hardly have the right to add new matter to a bill in controversy between the two Houses in this way. The Chair therefore, governed by the principle and by the letter of the rule to which reference has been made, sustains the point that entirely new matter cannot be injected into an appropriation bill in this way without being subjected to the rule that it must have its first consideration in the Committee of the Whole on the state of the Union. The Chair therefore sustains the point of order; and if the point of order had been made he would have sustained it as to other new matter which has been inserted in the bill. The House cannot well restrict the Senate in amending a bill through the House rules, because they are inoperative there. The House should not and cannot properly, in the opinion of the Chair, evade and escape the terms of its own rules in this way, if objection is made to insertion of legislation absolutely new.

Mr. SPRINGER. The amendments which are now pending are those which are pending between the two Houses.

The SPEAKER. This amendment is not germane to anything in the bill.

Mr. SPRINGER. We can only put in amendments to the Senate amendments.

The SPEAKER. The House has now disposed of everything in controversy between the two Houses.

The following amendment, recommended by the Committee on Appropriations, was read:

Interior Department:

That the sum of $9,000, or so much thereof as may be necessary, is hereby appropriated to pay adjudicated accounts for services and expenses incurred in completing the eighth census; and $4,090.69 is hereby appropriated to pay adjudicated accounts for services or expenses incurred in completing the ninth census.

Mr. SAMFORD. I would like to ask the gentleman why it is that these payments were not made before?

Mr. ATKINS. It is utterly impossible for me to answer that question.

Mr. SAMFORD. The claims seem to have accrued ten or fifteen years ago.

Mr. ATKINS. I can only say that they have not been paid. Many of these claims come from the South, and some of them from the gentleman's own State.

Mr. SAMFORD. That would make no difference to me unless the claims were just. These claims appear to be ten or twelve years old.

Mr. ATKINS. One of them is nineteen years old.

Mr. SAMFORD. We ought to have some reason given why they have not been paid before.

Mr. ATKINS. The reason is simply that they have not been paid.

Mr. CLYMER. There was a sum appropriated to pay them, but the money was not called for, and was covered into the Treasury.

Mr. ATKINS. There was a proposition to pay them out of the unexpended balance for the expenses of the eighth census, but instead of the "eighth" the word "ninth" was inserted, and there was no unexpended balance out of which to pay them. I will state that two years ago an attempt was made to pay these claims, and they would have been paid but for a mistake.

The amendment was agreed to.

The remaining amendments recommended by the Committee on Appropriations were read and agreed to.

Mr. ATKINS moved to reconsider the various votes taken upon the Senate amendments; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. BURCH, its Secretary, announced that the Senate had passed a resolution (in which the concurrence of the House was requested) directing the Public Printer to deliver to the Secretary of the Interior ten copies of the Colonial Charters and Constitutions of the United States.

The message also announced that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

An act (S. No. 572) to amend an act approved February 24, 1879, entitled "An act to create the northern judicial district of the State of Texas, and to change the eastern and western judicial districts of said State, and to fix the time and places of holding courts in said districts."

The message further announced that the Senate had passed without amendment bills of the following titles:

An act (H. R. No. 1363) providing compensation to E. E. Rice for property transferred by him to the Government of the United States for the use of the diplomatic and consular representatives at Hakodadi, in Japan; and

An act (H. R. No. 1380) authorizing the commissioners of the District of Columbia to issue twenty-year 5 per cent. bonds of the District of Columbia to redeem certain funded indebtedness of said District.

The message also announced that the Senate had passed with amendments, in which the concurrence of the House was requested, bills of the following titles:

An act (H. R. No. 2005) to confer upon the commissioners of the District of Columbia the powers, duties, and limitations contained in chapter 8 (water service) of the Revised Statutes of the United States, relating to the District of Columbia, and for other purposes; and

An act (H. R. No. 2020) to establish post-routes.

ADDITIONAL ROOM FOR THE COMMITTEE ON APPROPRIATIONS.

Mr. ATKINS. I understand that the gentleman from Michigan [Mr. CONGER] withdraws his point of order upon the resolution which I offered some time since, and I now ask leave to submit it again.

Mr. McMILLIN. I reserve the right to make a point of order upon it after it is read.

The Clerk read the resolution, as follows:

Resolved, That the Speaker is hereby authorized to have the eastern lobby of the floor of the House furnished and fitted for the reception of visitors; that the small room now occupied for that purpose be assigned to the use of the Committee on Appropriations, which by its increase in numbers requires additional accommodations; and that he be authorized to order and have made such alterations in the building as will conveniently connect said small room with the present Appropriations Committee room.

Mr. CONGER. I object to the introduction of that resolution.

Mr. ATKINS. The gentleman from Ohio [Mr. MONROE] informed me that the gentleman from Michigan [Mr. CONGER] withdrew his objection.

Mr. CONGER. Then the gentleman from Ohio referred to one thing and I referred to another. As I understood it, it was in regard to a bill.

Mr. ATKINS. I understood the gentleman to make his point of order on this resolution.

Mr. CONGER. This is the resolution in regard to the room for the Committee on Appropriations?

Mr. ATKINS. It is.

Mr. CONGER. Then I objected to that, and I had not intended to withdraw that objection. The gentleman from Ohio [Mr. MONROE] must have misunderstood me, or else I misunderstood him. I will state this, that, reserving the point of order and objection to the resolution, I will not object to a statement being made by the gentleman from Tennessee.

Mr. ATKINS. If the Chair will allow me to make the statement I will do so and be very brief.

Mr. CONGER. I have no objection to that, reserving the right to make the point of order.

Mr. ATKINS. The object of this resolution is to provide an additional room for the accommodation of the Committee on Appropriations. The room which that committee now occupies is too small, especially since the committee has been increased from eleven to fifteen members. Even if the room was not too small for the committee in its general sittings, it is absolutely essential that there be an additional room for the sub-committees to occupy while engaged in the consideration and preparation of the various appropriation bills. We cannot possibly get along in our small room with two or three sub-committees. That is the whole of it.

So far as the cutting off the end of the corridor is concerned, if gentlemen object to that, so far as I am concerned I am willing to waive that feature of the proposition. The only proposition, however, in regard to that matter was to put up some lattice work five or six feet high.

Gentlemen will readily understand that members of the Committee on Appropriations while maturing the appropriation bills are called from the room almost every moment by persons who desire to have this or that thing considered in an appropriation bill. The object of putting up that lattice-work is simply to provide a private means of communication from one committee-room to the other, not to obstruct the light or ventilation at all, because the lattice-work can be made so open as not to obstruct the light or air, while it gives the committee the desired privacy.

Mr. SPRINGER. Will the gentleman allow me to ask him a question?

Mr. ATKINS. Certainly.

Mr. SPRINGER. What is the condition of the matter which was referred to a special committee at the last session of Congress in reference to removing some of the interior walls back of the Speaker's chair, in the south end of the building?

Mr. ATKINS. In reply to the gentleman from Illinois, [Mr. SPRINGER,] I am authorized by the chairman of the Committee on Ventilation, the gentleman from Maryland, [Mr. KIMMEL,] to say that the committee concur in the object of this resolution.

Mr. YOUNG, of Tennessee. My colleague must be mistaken in that, for the proposition was before the Committee on Ventilation and was rejected by a unanimous vote, except that of the chairman.

Mr. ATKINS. I beg to say that my colleague does not seem to have heard what I said. I simply stated that the chairman of the Committee on Ventilation, the gentleman from Maryland, [Mr. KIMMEL,]

stated to me that the committee had no objection whatever to this reception-room being appropriated by the Committee on Appropriations, but that they did not propose to interfere with the order already made for a change in the southern part of the building, including the room now occupied by the Committee on Coinage, Weights, and Measures, the room occupied by the Sergeant-at-Arms, and the room occupied by the official reporters of debates. I believe the reception-room alluded to in this resolution is not embraced at all in the contemplated alterations. Therefore my friend and colleague must be mistaken.

Mr. YOUNG, of Tennessee. No, I am not mistaken.

Mr. ATKINS. I ask the gentleman if that room was contemplated in the proposed change?

Mr. YOUNG, of Tennessee. It was not.

Mr. ATKINS. Very well. Does the gentleman say that the Committee on Ventilation objected to the Committee on Appropriations having this small reception-room assigned to them?

Mr. YOUNG, of Tennessee. Yes; I say that.

Mr. ATKINS. Then there is a palpable issue of fact between my colleague and the gentleman from Maryland [Mr. KIMMEL] and myself; and I do not think I am to blame. [Laughter.]

Mr. CONGER. I have no objection to this discussion going further, provided it be understood that the point of order is reserved.

The SPEAKER. The Chair understands the point of order to be that this report is not now in order, and can only be in order when committees are called.

Mr. ATKINS. I hope that the Speaker of the House, in the exercise of his official discretion, will assign to the Committee on Appropriations a suitable room in which they can transact the public business.

Mr. CONGER. It has been suggested that they be given this Hall. [Laughter.]

The SPEAKER. The Chair is always willing to accommodate committees in a matter of this kind; but the gentleman from Tennessee will bear in mind that this is a proposition to tear down a part of the wall of this building; and the Chair was not willing to order this to be done without authority from the House.

Mr. ATKINS. I was aware of the delicacy felt by the Chair in this matter.

The SPEAKER. But for this reason the Chair would have been glad to accommodate the Committee on Appropriations.

Mr. ATKINS. Is a point of order made against the resolution?

Mr. CONGER. I am pleased to know that the Chair is unwilling to have the Capitol of the nation destroyed.

The SPEAKER. It never will be impaired with the consent of the present occupant of the chair.

Mr. CLYMER. The Architect of the Capitol assured the Committee on Appropriations that putting a door from the present reception room into the corridor so as to make a communication between that room and the present room of the Committee on Appropriations, would not be in any wise detrimental to the building but would be rather an improvement.

Mr. LORING. Mr. Speaker, as a member of the Committee on Ventilation, I desire to make some remarks on this subject in order that gentlemen of this House who were not members of the last Congress may understand distinctly and thoroughly the bearings of this whole question. I am entirely in favor of accommodating the Committee on Appropriations, and I think such accommodation can be provided without interfering in any way with the arrangements which the last Congress made to ventilate this Hall for the benefit of the health of members.

It will be remembered that in the last House the Committee on Ventilation, assisted by the Capitol commission, made a careful and elaborate investigation into the ventilation of this Hall. Night after night was spent in endeavoring to ascertain the best method by which, in the arrangement of the Hall, the health of members could be promoted. It was found that the air of the House was so bad that in many instances members were unconsciously suffering and their health was being destroyed by the poisonous influence of the atmosphere here. Man after man, as we all know, fell in the service of his district here, stricken down by disease induced or actually created by the poisonous air of this room.

The importance of this question was thoroughly recognized in the last Congress, and as the result of very careful and elaborate investigation into the whole matter it was determined in the first place that the floor of this Hall should be perforated to correspond with the perforation of the ceiling, in order that the ingress and egress of the air might be thoroughly balanced. In the next place it was resolved that fire-places should be constructed in the rear of the Hall, not only for the purpose of radiant heat, but that we might also have the benefit of those flues and outlets in purifying the air.

Mr. CANNON, of Illinois. Will the gentleman allow me a suggestion?

Mr. LORING. Certainly.

Mr. CANNON, of Illinois. I think the gentleman has misconceived the resolution of the gentleman from Tennessee, [Mr. ATKINS.]

Mr. LORING. I think I understand the resolution; but I desire to discuss this whole subject.

Mr. CANNON, of Illinois. This resolution contemplates only the use of the reception-room by the Committee on Appropriations. It does not interfere at all with the plan which the gentleman from Massachusetts [Mr. LORING] speaks of.

Mr. CLYMER. If necessary let a proviso be inserted that it shall not interfere with that plan.

Mr. CONGER. But the plan of the Committee on Ventilation contemplated the use of the reception-room by the Sergeant-at-Arms.

Mr. LORING. I will state the exact condition of affairs to the House; and if then any gentleman desires to modify or correct my statement I certainly shall have no objection.

The next step was to perforate the wall over the gallery on the south side of the House in order that there might be air and light there; for it was suddenly discovered that there was scarcely any air in that part of the gallery and that the beautiful ceiling and cornices were entirely invisible, because the light of heaven could not reach them, the upper corners of the Hall being more poorly provided with light than are the upper corners of a cellar in a modern house.

The next step in order to perfect the plan was to throw the whole area in the rear of the Speaker's chair into a large open room for the use of members, that room extending from the south wall of the House to the south wall of the Capitol. It was intended that by this improvement members should be furnished with a retiring room in which there would be sunlight and air, and where they could refresh themselves after suffering from the bad air of this Hall.

That plan was submitted in the first place to the Committee on Ventilation, and accepted by them. It was then submitted to the Capitol commission, and accepted by them. It was then brought before this House, and, after being clearly and distinctly stated, was by an overwhelming vote adopted. The Committee on Appropriations of the Senate, in order that the work might be perfected, added an amendment to the appropriation bill that $30,000 should be appropriated for the purpose of carrying out—what? Precisely the measures adopted by the House, and specified and drawn by the Architect of the Capitol.

In addition to that, sir, the House added to the standing Capitol commission a special commission; and although it may be invidious to name them, yet I will do so in order that gentlemen may understand the value the last House set upon this work. They named, in the first place, Mr. Hewitt, of New York, who more than twenty-five years has investigated and applied the best method of ventilating large halls. They added also Mr. Frank Jones, of New Hampshire, a gentleman of experience in all matters of building. They added, too, General Butler, then a member of this body, whose skill and experience in the general subject of ventilation are as well understood by this House as they are by the country at large and by the people of Massachusetts with whom he is so intimately connected. [Laughter.] And last, sir, I was added myself, simply, I doubt not, because I had manifested a thorough, sound, and healthy enthusiasm in this matter, in which I am happy to say I was sustained by the Speaker of the House, and by the Committee on Ventilation, who did me the honor to add me to their body as an honorary member.

Now, sir, that is the work which has been laid out, which has been accepted formally by the ventilation commission as at present organized, has been planned and estimated on by the architect, and which we hope and intend to accomplish. I desire to say, as a member of the present Committee on Ventilation, that I am entirely opposed to any alteration of the proposed arrangement. The room in the rear of this Hall, when completed according to the plan prepared by the architect himself and adopted by the last House, will be ample source of health to the members assembled here; not only on account of the room itself into which they can retire, but from the fact that when the doors on the south wall of this room are opened there will be an ingress of the pure air of heaven—not the air of a lobby tainted and damaged by the presence of a crowd, but clean, unqualified south-western breezes brought in here to give us air fit to breathe.

Now, that is all we have done, that is all we ask, and I trust and hope the Appropriations Committee will be accommodated elsewhere. There are large committee-rooms in the Capitol which, if that committee has been increased, will be provided for them, as I understand. Let us do everything, then, to accommodate the Committee on Appropriations, but do not let us interfere with any provision which has been made for the health and strength and comfort and moral condition of this House.

Mr. SPRINGER. What is the objection to converting the old Hall of the House of Representatives into committee-rooms in which could be prepared a committee-room suitable for the Committee on Appropriations, together with other necessary committee-rooms? There is a large space now unoccupied, and why may not the Committee on Ventilation recommend some plan by which that hall could be converted into committee-rooms, making sixteen in all?

Mr. LORING. I see no objection to it at all. I am disposed to do almost anything in the world to accommodate the committees of the House, but I trust nothing will be done to interfere with the plan we have proposed for the ventilation of the Hall.

Mr. CLYMER. Mr. Speaker, evidently the gentleman from Massachusetts does not understand the purport of the resolution under consideration. It proposes in no way or in the least particular to interfere with the plan contemplated by himself and the Ventilation Committee. Indeed I do not think one member of the Committee on Appropriations would object to adding a proviso that it shall not interfere with the plan of the Committee on Ventilation.

The proposition is simply this: that the present reception-room shall have a door cut into it leading into the passage-way so we may go across from that little room into the main room of the Committee

on Appropriations; and at the end of that corridor, in order to guard the committee from the influx of persons about the door, there shall be a screen from five to six feet high made of wood or iron, which cannot in any way interfere with the ventilation of the Hall. I make this statement because I feel this subject has been misunderstood in that regard.

It is a fact which is self-evident that in the single room now occupied by the Committee on Appropriations the large business of that committee cannot be satisfactorily transacted. In order that it may discharge its duty satisfactorily and thoroughly it must have greater accommodation, and that accommodation must be on this floor. We cannot be put up-stairs or down-stairs, for there is constant communication between the Appropriations Committee room and the House.

Mr. HARRIS, of Virginia. Is it proposed to turn the passage-way on the east side of the hall into the reception-room?

Mr. CLYMER. That is the proposition, that the east lobby shall be made the reception-room.

Mr. HARRIS, of Virginia. How then can members pass around the hall? What becomes of the ventilation on that side of the House if that lobby is to be turned into a reception-room?

Mr. CLYMER. There has been no question in the minds of those who have examined the subject that when the reception-room has been transferred to the place indicated there will be ample room for the passage of persons on business on that side of the House. In the east lobby, where there is plenty of room for men and women, if necessary, which they seem to be, in the lobbies of the House, I think it would be altogether conducive to the morals, public and private, there should be a public place such as that for the reception of visitors.

Mr. LORING. I desire to make an inquiry of the gentleman. What is proposed to be done with the Sergeant-at-Arms's room if the reception room be occupied by the Committee on Appropriations?

Mr. CLYMER. I have no suggestion to make as to that, except to say that the Sergeant-at-Arms requires but one room, and I do conceive upon this floor of the building there may be found a room for his accommodation; but there are no two rooms on this floor that we could take for the use of the Appropriations Committee.

Mr. CONGER. I wish to suggest to the gentleman from Pennsylvania that there are rooms all around this building, some of which could be joined by a door or a passage between them, making two communicating rooms in that way. Why not take two of those rooms, and not shut up the corridor?

Mr. CLYMER. Let me say in reply to the gentleman from Michigan, that if he is familiar with the plan of this floor he will understand that the only room unoccupied that could be used in connection with other rooms would be the room occupied by the Committee on Naval Affairs or the room occupied by the Committee on Military Affairs. The room occupied by the Committee on Military Affairs has no room adjoining it that could be connected with it by a door. To take the room occupied by the Committee on Naval Affairs would throw us right into the apartments occupied by the Clerk and where expensive arrangements have been made for the preservation of the files of the House.

Mr. CONGER. The room referred to, as I understand, is occupied only as a storeroom.

Mr. CLYMER. I beg the gentleman's pardon. That room has been fitted up for files and documents; and the Clerk has given us the assurance that with the number of officers employed by him and the amount of business he has to transact he cannot get along with less room than he has.

Mr. LORING. I suppose the gentleman understands that the reception-room, a convenient and comfortable room, is the room now suggested by the commissioners for the Sergeant-at-Arms; and the room now occupied by the Sergeant-at-Arms was to be thrown into the hall made by the removal of the wall in the rear of the Speaker's desk. Now will the gentleman from Pennsylvania suggest any other disposition that can be made of the Sergeant-at-Arms, so that the room he now occupies could be disposed of as I have stated?

Mr. CLYMER. In reply to the gentleman I will say, I understand very well that is the idea of the commission, but it is not a part of their duty under the law to assign a place for the Sergeant-at-Arms. The Clerk of the House would not yield more than one of his rooms, if he would do that. If he could give up one of his rooms that is now occupied by him as his private office it could be used by the Sergeant-at-Arms. I do not say this should be done; and I do say we should not take possession of any rooms occupied by the Clerk which he finds necessary for the performance of his duties.

Mr. LORING. There is no such proposition to interfere with the Clerk. But the House voted to clear away these walls.

Mr. CLYMER. But the House did not vote to take away the room occupied as a reception-room, nor the room occupied by the reporters.

Mr. LORING. The whole matter was discussed by the commission, and I state what was the result.

Mr. CLYMER. The commission does not propose to remove more than three rooms back of the Speaker's desk; the one at present occupied by the Committee on Coinage, Weights, and Measures, the room occupied by the Sergeant-at-Arms, and the reporters' room. Now, there is a necessity for accommodations for the Committee on Appropriations. I suppose that is an admitted fact. The question is how those accommodations are to be provided.

Mr. LORING. I state distinctly that I join heartily with the gentleman in that object; but I do not want it carried out in such a way as to interfere with the plan of ventilation.

Mr. CLYMER. Does that interfere with the plan of ventilation?

Mr. LORING. Certainly; it cuts off so much fresh air.

Mr. CLYMER. We do not propose to interfere with those three rooms. We propose to take only the reception-room. We do not interfere at all with the room now occupied by the Sergeant-at-Arms.

Mr. LORING. I desire that the assurance shall be given by this House and by the commissioners of the Capitol that nothing shall be done to interfere with the plan for which the last Congress appropriated $30,000.

Mr. CLYMER. I propose to allow the gentleman from Massachusetts, or any other gentleman, to offer a proviso that this shall not interfere with the plan of ventilation, only I do not wish it to be considered that the commissioners in submitting their plan shall say where the Sergeant-at-Arms shall have his room.

Mr. LORING. I suggest that the gentleman from Tennessee [Mr. ATKINS] withdraw his resolution and present it so modified as to have this understood.

Mr. ATKINS. I am willing to accept the modification.

Mr. LORING. I do not propose to draw out the modification at this moment. Let time be taken to draw it so that we can all understand it. A little delay can do no harm.

Mr. CLYMER. The gentleman from Tennessee [Mr. YOUNG] proposes to add a proviso which will meet the views of the gentleman from Massachusetts precisely and exclude the possibility of our interfering with the plans of the Committee on Ventilation.

Mr. LORING. Why not let it rest a day till the modification can be properly drawn?

Mr. CLYMER. If the gentleman from Massachusetts will listen to the proposed amendment of the gentleman from Tennessee I think he will be satisfied.

Mr. GARFIELD. I have not been mingling in this discussion, but I want to suggest to the gentleman in charge of the resolution, that it ought to be a joint resolution. I do not believe that the House has a right to cut a hole through the walls of this building. Nothing short of a law would authorize it to be done. This building is national property, and nothing but the law can authorize the making of any other than the most ordinary changes. I suppose we could by a resolution of the House change the arrangement of our desks, but when it comes to cutting a hole through the wall, or enlarging the building, I think it amounts to such a change, that it should be authorized by a joint resolution.

No doubt the Senate would concur in any reasonable change that might be proposed by the House, but I, for one, would not like to consent that the Senate should cut a hole through their wall. When the elevator was put up in the Senate wing of the building it had to be authorized by a law.

Mr. LORING. There is a clause in the appropriation bill, inserted by the Appropriations Committee in the Senate, providing for the expenditure of money for this specific purpose, and stating definitely for what purpose.

Mr. GARFIELD. That would be a law of course, but here is a resolution of the House proposing to change the construction of the building.

Mr. ATKINS. I withdraw the resolution.

Mr. YOUNG, of Tennessee. I want to correct a statement I made awhile ago. When I first heard the resolution of my colleague read I was under the impression that it was the identical one which had been submitted to the Committee on Ventilation a few days ago. I stated that it was rejected by the committee, but upon an examination, I see that it is different from the resolution acted on by the committee.

ENTOMOLOGICAL COMMISSION.

Mr. KNOTT. I ask unanimous consent to take from the Speaker's table the bill (S. No. 491) in relation to the accounts of the United States entomological commission.

There was no objection, and the bill was taken from the Speaker's table and read a first and second time. It is as follows:

Be it enacted, &c. That the accounts of the salaries and disbursement of the United States entomological commission may be settled and allowed in the same manner and with the same effect as if the members and officers thereof had taken the oath required by law at the time they entered upon the performance of their duties: *Provided*, They shall have taken said oaths before the 1st day of July, A. D. 1879.

Mr. KNOTT. I send to the Clerk's desk a letter from the Secretary of the Interior, which fully explains the object and necessity of this bill.

The Clerk read the letter, as follows:

DEPARTMENT OF THE INTERIOR,
Washington, April 22, 1879.

SIR: Under the provisions of the act approved March 3, 1877, making appropriation for sundry civil expenses of the Government for the fiscal year ending June 30, 1878, this Department appointed a commission of three entomologists to report upon the depredations of the Rocky Mountain locusts, &c. This commission, known as the United States entomological commission, entered upon its duties in March, 1877, appointing one of its members, Professor Cyrus Thomas, of Illinois, as disbursing agent, whose official bond as such disbursing agent was duly approved by this Department and filed with the Treasury Department. Owing to an oversight, however, the members of said commission failed to file the oath of office prescribed until after the close of the first year's labor. The Treasury Department has sus-

pended the accounts of said Cyrus Thomas, disbursing agent, for the fiscal year ending June 30, 1878, by reason of the omission to file the oath as abovementioned.

I have the honor to request that such legislation may be had as shall cause the accounting officers of the Treasury to pass to the credit of said Cyrus Thomas all payments and disbursements which were honestly and faithfully made by him while acting as such disbursing officer, notwithstanding the failure of himself and associates to file the oath of office as members of said entomological commission.

Very respectfully, your obedient servant,

C. SCHURZ, *Secretary.*

The Honorable the SPEAKER
of the House of Representatives.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. KNOTT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

VISITORS AT WEST POINT.

The SPEAKER. The Chair desires to announce that he is informed by the gentleman from Virginia, [Mr. JOHNSTON,] who was appointed Visitor at West Point, of his inability to attend to such service, and the Chair appoints Mr. MCLANE, of Maryland, in his stead.

IMPEACHMENT OF HON. GEORGE F. SEWARD.

Mr. SPRINGER. I offer the resolution which I send to the Clerk's desk as a question of privilege.

Mr. CONGER. I suppose the resolution will be read, and then will be subject to a point of order.

The SPEAKER. The Chair will entertain any point of order upon it.

The Clerk read the preamble and resolution, as follows:

Whereas the Committee on Expenditures in the State Department, at the last session of the Forty-fifth Congress, reported articles of impeachment against George F. Seward, envoy extraordinary and minister plenipotentiary of the United States to China, charging him with high crimes and misdemeanors in office, and specifying among others the following:

First. Extortion and bribery, while consul-general at Shanghai, China, in his official capacity as judge of the consular court at Shanghai, China;

Second. Loaning of the moneys of the United States, in his own name, to private parties, at high and exorbitant rates of interest, while consul-general at Shanghai, China, and, on default in payment, procuring the mortgages given to secure said loans to be foreclosed in the court at Shanghai, China, he the said Seward sitting as judge and signing the decree for sale of the property described in said mortgages, and, after sale, confirming the title under said sale in himself;

Third. A violation of the treaties existing between the United States and the Emperor of China;

Fourth. Appropriating and converting to his own use fees which by law belonged to subordinate officials under him, without their consent;

Fifth. Returning false vouchers to the Government of the United States of moneys received by him;

Sixth. Embezzling large sums of money belonging to the United States and converting the same to his own use;

Seventh. Unlawfully removing from the office of consul-general at Shanghai, China, one John C. Myers, and appointing one Oliver B. Bradford, with intent thereby to conceal the evidence of his various crimes and misdemeanors while in office as consul-general aforesaid;

Eighth. Rendering false quarterly returns to the Government of the United States of moneys received by him in his official capacity as consul-general aforesaid, and as minister to Peking, China, aforesaid; and

Ninth. Specifying many other crimes and misdemeanors committed by the said Seward, both while consul-general and minister plenipotentiary as aforesaid, each and all of which brought disgrace upon the American people, and the Government of the United States into contempt with the empire to which he was the representative; and

Whereas, the said House of Representatives did not finally act upon and dispose of said articles of impeachment at its last session, by reason of the fact that the House, when the question was put upon the resolution of impeachment, was left without a quorum; and

Whereas, notwithstanding the grave character of the crimes charged against the said George F. Seward, the Administration now in power have failed to remove the said George F. Seward as minister to China, aforesaid, but have directed him to return to China as the representative of the American people to that government; and

Whereas the good name and interests of our Government require that its representatives to the other countries of the world should be free from even the suspicion of criminality: Therefore,

Resolved, That the report of the Committee on Expenditures in the State Department, submitted at the last session of the Forty-fifth Congress, in the matter of the investigation of charges against the said George F. Seward while consul-general at Shanghai and envoy extraordinary and minister plenipotentiary to China, the articles of impeachment and resolutions reported thereon, together with all the testimony and proceedings taken by said committee on said investigation, be, and the same are hereby, referred to the Committee on the Judiciary; and that the said Committee on the Judiciary are hereby instructed to consider said report, resolutions, articles of impeachment, testimony, and proceedings, and by sub-committee, or otherwise as they may direct, to sit during vacation and take such other testimony as they may deem necessary, having power therefor to send for and compel the attendance of persons and the production of books and papers, and to report their proceedings and make such further and other report as they may deem necessary and expedient; such report to be made at as early a day as practicable during the next session of Congress.

Mr. CONGER. I make the point of order that that matter has never been referred to a committee of this House, and is not a privileged question for any individual member to present.

Mr. SPRINGER. In reference to the point of order I will state that this resolution refers to the impeachment of a public officer. One of the matters proposed to be referred to the Committee on the Judiciary by this resolution, is a resolution to the effect that George F. Seward, minister plenipotentiary of the United States to China be impeached of high crimes and misdemeanors. That resolution, among other things, is proposed to be referred to the Committee on the Judiciary, with instructions to report thereon and to take such additional evidence as they may deem necessary; the resolution of impeachment is one of the matters which is specially stated in the rules to be privileged.

Mr. CALKINS. This House knows nothing about the proceedings of the last House; there is nothing pending before this House in relation to the proposed impeachment of this officer.

Mr. SPRINGER. So far as that is concerned, this is new matter.

Mr. CALKINS. And this is subject to the point of order.

Mr. SPRINGER. All the facts are stated in the resolution itself. I will cite the rule in a moment.

Mr. CONGER. I want to make my objection to the introduction of the proposition. I object to it generally, if it is subject to objection.

The SPEAKER. The gentleman will be kind enough to state distinctly the point of order that he raises against the introduction of this proposition.

Mr. CONGER. My objection to it is that it is not in order at this time, at any rate; that is my objection to it upon the ground of privilege. I object to it under my right to object to the introduction of a resolution.

The SPEAKER. The question involved is a single question, whether this is a question of privilege.

Mr. CONGER. That is the objection.

Mr. CALKINS. If the gentleman from Michigan [Mr. CONGER] will allow me, inasmuch as the resolution recites a great many facts, I ask that it be reported again from the Clerk's desk.

Many MEMBERS. Oh, no!

The SPEAKER. Is there objection?

Mr. CALKINS. I do it for this reason: I make the point of order that this Congress cannot take judicial knowledge of what took place in the last Congress.

The SPEAKER. This Congress has the power to take from the files of the House papers and re-refer them. That is a daily practice.

Mr. CALKINS. That is why I ask that the resolution be again read.

The SPEAKER. That is the way that a current history of the legislation of the country can be kept up.

Mr. CALKINS. That is the reason why I ask that the resolution be reported again. I do not ask that the preamble be again read.

The SPEAKER. The resolution can be read again.

Mr. CANNON, of Illinois. If an objection will prevent its being read, then I object. It has just been read to a very silent House.

The SPEAKER. The part to which the gentleman from Indiana [Mr. CALKINS] refers might be read.

Mr. CALKINS. I mean the resolution simply, not the preamble.

Mr. CANNON, of Illinois. I have no objection to that being read.

The resolution was again read.

Mr. CALKINS. I wish to ask whether testimony taken in the Forty-fifth Congress is to be regarded by this Congress as evidence in a case against Mr. Seward; that is, regarded as if taken by this Congress?

The SPEAKER. That is a question for the Committee on the Judiciary, if referred, or for the House, and not for the Chair.

Mr. SPRINGER. This is precisely the suggestion which was made at the last session of Congress by the gentleman from Ohio, [Mr. GARFIELD.] I have accepted the proposition he then made, to refer all these papers to the Committee on the Judiciary of this House. It was a recommendation from the other side of the House.

Mr. CONGER. I desire to say that I object to the introduction of this joint resolution as a question of privilege. And another point——

The SPEAKER. One at a time.

Mr. CONGER. The two are connected.

The SPEAKER. The Chair will hear.

Mr. CONGER. This involves also the giving of additional powers to a committee of this House, and the expenditure of money by that committee, with the right to send for persons and papers, which certainly cannot be a question of privilege.

The SPEAKER. The question whether it be a question of privilege is a very simple one, which arises under the Constitution of the United States. The Constitution declares that the House of Representatives shall have the sole power of impeachment. The question whether this particular officer comes within the range of that constitutional provision seems to have been admitted in the last Congress and is not now controverted. This officer being liable to impeachment, it follows that this is a question of privilege.

Mr. CALKINS. I desire to raise a point of order not suggested by the gentleman from Michigan: that at the expiration of the Forty-fifth Congress all testimony and evidence which was taken under the jurisdiction of that Congress expired with the expiration of the Congress, and cannot be revived in the Forty-sixth Congress by a resolution of this kind.

The SPEAKER. Any paper which goes on file and becomes a part of the archives of Congress is open to the inspection and under the control of any subsequent Congress.

Mr. CALKINS. But, Mr. Speaker, I desire to make a further point of order, founded upon the analogy to judicial proceedings. In all courts, whenever the current term expires, testimony taken in any cause falls with the expiration of that term, and if parties desire to use it at a subsequent term that testimony must be taken *de novo*. Testimony taken at a former trial cannot be used in a new trial in any court in which I have ever had experience. That analogy, I contend, applies in this case.

The SPEAKER. That is a question for the House, or for a committee, if referred.

Mr. CALKINS. The testimony taken in regard to Mr. Seward by

the Forty-fifth Congress has become of no effect. If that testimony is to be used for any purpose, it must be taken *de novo*. I make this point, and insist upon it as a matter of common right, common justice, and common law.

The SPEAKER. The Chair recollects a notable instance where the record of an investigation, and the evidence in reference to the Pacific and China mail subsidy was taken up and referred in a subsequent Congress.

Mr. SPRINGER. There are several precedents upon record where evidence taken in a previous Congress has been referred to a committee in a succeeding Congress. I might cite such cases if it were necessary; but the point is too plain, I think, to need further argument. It is in order for this House to refer to a committee anything that is a proper matter of legislation or a proper subject for consideration by the committee.

Mr. CALKINS. The gentleman evidently does not apprehend my point. My point is that the investigation in regard to the conduct of this man, if it is to be made the subject of any action by the House, must take place *de novo*. It is a new case in this House and must proceed as if no case had been pending in the Forty-fifth Congress. That is my point.

Mr. SPRINGER. The Committee on the Judiciary will understand how to deal with the question, I presume, when it arises in the committee. They are authorized to take additional testimony if they deem it necessary.

The SPEAKER. The question is on the adoption of the resolution.

Mr. CONGER. Is the resolution subject to the point of order that it involves an expenditure of money?

The SPEAKER. The Chair does not understand that it makes any appropriation.

Mr. SPRINGER. It does not involve an expenditure of money any more than any other law of Congress would involve an expenditure of money. It does not authorize the appointment of any new agent or the incurring of any additional liability.

Mr. CONGER. The resolution will speak for itself.

Mr. SPRINGER. And if it did authorize an expenditure of money, the point would not avail, as the resolution is privileged.

The SPEAKER. The Chair finds no appropriation of money in the resolution.

Mr. CONGER. But it authorizes the committee to send for persons and papers.

The SPEAKER. How would the proceeding be conducted unless the hearing of witnesses was authorized? That matter is naturally covered by the question of privilege.

Mr. CONGER. But notwithstanding the privilege which allows such a resolution to come before the House, another rule must send it to the Committee of the Whole if it involves an expenditure of money.

The SPEAKER. The Chair sees on the face of the resolution no provision for the expenditure of money.

Mr. SPRINGER. I call the attention of the gentleman from Michigan to the fact that the resolution authorizing the creation of what is known as the "Potter committee," which was decided to be a question of privilege, was in precisely similar language to this resolution; it authorized the sending for persons and papers. Afterward Congress made an appropriation for paying the expenses of the committee. But the resolution appointing that committee was not subject to any point of order because of the authority to send for persons and papers.

Mr. CONGER. The point of order was not made in that case. It is no precedent, as the point was not raised.

The SPEAKER. The Chair thinks that the calling of witnesses would be a natural sequence to authorizing an investigation of this kind; the proceeding would be very unjust to the officer proposed to be impeached if such authority was not conferred.

Mr. HUMPHREY. The matter to which the gentleman from Illinois has referred was in cipher, and we could not tell what it was.

Mr. SPRINGER. The gentleman understands it now, I have no doubt.

Mr. HUMPHREY. Yes, sir.

Mr. SPRINGER. The gentleman knows the price of Indian agents now and several other things.

Mr. HUMPHREY. And the country understands the matter.

Mr. CONGER. That this will require an expenditure of money seems to me so plain that there can be no question about it.

The SPEAKER. The Chair will read a ruling directly in point.

Mr. CALKINS. Before that is read will the Chair allow me a word? I do not desire to be captious; I do not wish to treat the House or the Speaker with any discourtesy; but I do insist on my point.

The SPEAKER. The gentleman will please state his point again; the Chair has not yet understood it.

Mr. CALKINS. I insist upon the point that at the expiration of the Forty-fifth Congress all the testimony and other proceedings in the case against Mr. Seward became dead, of no effect, and cannot be revived by a resolution of this kind. Let me illustrate. When the Senate of the United States had failed to convict Andrew Johnson upon articles of impeachment, could a subsequent House of Representatives by a resolution of this kind have revived all the evidence on which the impeachment had been based by the House, and could the case upon that evidence have been presented again to the Senate? I say that proceedings of this kind become dead and of no effect upon the expiration of the Congress in which they are had, and that no resolution can revive such proceedings or such testimony for the purpose of referring them to a committee of the present House.

The SPEAKER. The Chair thinks on the point of order presented by the gentleman from Indiana [Mr. CALKINS,] that it is competent for this House to take papers from the files or from the custody of an officer authorized to take charge of them, and refer those papers to any appropriate committee for consideration by that committee. What that committee may do with such papers, whether they shall deem them to be valid as against a public officer or valid in any other sense, it is not for the Chair to determine. The Chair therefore overrules the point of order and decides that it is competent for this House to take from its files any papers and refer them to a committee.

Mr. CALKINS. I do not wish to wrestle with the opinion the Chair has expressed, but I wish further to ask whether the Chair thinks that that testimony ——

The SPEAKER. The Chair has no opinion to express on the subject of testimony or its validity.

Mr. CALKINS. But it is a legitimate inference from this resolution.

The SPEAKER. The Chair only decides in reference to parliamentary law, and not questions of common or statute law or practice thereunder.

Mr. CALKINS. But I understand this resolution to go further than that. I understand this resolution to authorize that committee upon that testimony alone, if that committee shall so decide, to present new articles of impeachment—to present new articles of impeachment upon testimony which was taken during the last Congress and which is now dead.

The SPEAKER. The Chair will now come to the point presented by the gentleman from Michigan, [Mr. CONGER,] and will read from the Manual.

Where a bill may incidentally involve expense, but yet does not directly require appropriations, it does not necessarily go to the Committee of the Whole.

That is a decision of the House, first session of the Forty-fourth Congress, page 1333 of the Journal.

Mr. SPRINGER. I demand the previous question.

Mr. CALKINS. I hope the gentleman will allow me one word.

Mr. SPRINGER. I think the Chair has decided that question, and it is for the committee to decide what weight they shall give to the testimony. The committee can consider that testimony or take any part of it over again as it may decide.

Mr. CALKINS. Is that the scope of the resolution?

Mr. SPRINGER. It is.

Mr. CALKINS. I do not understand that to be the scope of the resolution, and that is where the gentleman and I differ.

The SPEAKER. The Chair has nothing to do with the scope of the resolution. That is for the members of the House to decide in their vote as to the propriety of its passage. The Chair rules simply on the parliamentary law and the rules of the House.

The previous question was seconded and the main question ordered.

The House divided; and there were—ayes 91, noes 4.

The SPEAKER. The preamble and resolution are adopted. [Cries of "No quorum!" and "Oh, no!"] The Chair will order tellers if the point is made that no quorum has voted.

The point was withdrawn.

So the preamble and resolution were adopted.

Mr. SPRINGER moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PETER PHILLIPS AND JACOB B. KING.

On motion of Mr. TOWNSHEND, of Illinois, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Peter Phillips and Jacob B. King, no adverse report having been made.

LEAVE OF ABSENCE.

By unanimous consent, indefinite leave of absence was granted to Mr. THOMAS TURNER, on account of sickness in his family.

CAPTAIN BROOME.

Mr. FISHER. Mr. Speaker, I ask unanimous consent to offer the following resolution.

The Clerk read as follows:

Resolved, That the report of Captain Broome, United States Marine Corps, as to the prisons of the States, and referred on the 7th May last to the Committee on Naval Affairs, be ordered to be printed.

Mr. WHITTHORNE. I will state to the gentleman from Pennsylvania that I am instructed by the Committee on Naval Affairs to report to the House that report of Captain Broome, and to ask that it be printed and recommitted. If the Speaker will recognize me for that purpose I will make that report.

Mr. FISHER. Then I withdraw my resolution.

Mr. WHITTHORNE. I now, under instructions from the Committee on Naval Affairs, report back the communication of the Secretary of the Navy concerning the report of Captain Broome relating to the prison discipline of the United States and other countries, and move that it be printed and recommitted, not to come back on a motion to reconsider.

The motion was agreed to.

SETTLERS ON DES MOINES RIVER LANDS.

Mr. GILLETTE. I desire to present a petition signed by three hundred settlers on the Des Moines River lands in Iowa, and ask that it be printed in the RECORD without the names.

Mr. FIELD. I object.

FORTS ABERCROMBIE, SEWARD, AND RANSON.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of War, transmitting report of the General of the Army regarding House bill No. 1305, abolishing the military reservations of Forts Abercrombie, Seward, and Ranson, Dakota Territory; which was referred to the Committee on Public Lands.

BARRACKS, ETC., AT SAN ANTONIO, TEXAS.

The SPEAKER also laid before the House a letter from the Secretary of War, transmitting letter from the chief quartermaster's department of Texas in regard to advisability of erection of barracks and quarters at San Antonio, Texas; which was referred to the Committee on Military Affairs.

INTERNAL REVENUE BUREAU.

The SPEAKER also laid before the House a letter from the Secretary of the Treasury, transmitting a communication from the Commissioner of Internal Revenue relative to an estimated deficiency in the appropriations for salaries and expenses of agents, surveyors, and other officers of that bureau; which was referred to the Committee on Appropriations.

ARMY APPROPRIATIONS.

The SPEAKER also laid before the House a letter from the Secretary of War, concerning balance of appropriations under the last Army appropriation act; which was referred to the Committee on Appropriations.

PATENT OF HENRY VOETLER.

The SPEAKER also laid before the House a letter from the Secretary of the Interior, in reply to a resolution of the House adopted on the 23d of May calling for information in the matter of the extension of the patent of Henry Voetler for improvement in reducing wood to paper pulp; which was referred to the Committee on Patents.

UNITED STATES COURTS AT PADUCAH AND COVINGTON, KENTUCKY.

Mr. OSCAR TURNER, by unanimous consent, introduced a bill (H. R. No. 2169) to furnish public books and reports to the clerks of United States courts at Paducah and Covington, in the State of Kentucky; which was read a first and second time, and referred to the Committee on the Judiciary.

WATER SERVICE IN THE DISTRICT.

Mr. HUNTON. I ask unanimous consent to take from the Speaker's table a House bill in regard to the water rates in the District of Columbia, with Senate amendments. I have consulted with all of the committee who are present, and all who took part in the passage of the bill except one, and they authorize me to recommend concurrence in the Senate amendments.

There being no objection the bill (H. R. No. 2005) to confer on the commissioners of the District of Columbia the powers, duties, and limitations contained in chapter 8 (water service) of the Revised Statutes of the United States, relating to the District of Columbia, and for other purposes, with amendments by the Senate, was taken from the Speaker's table.

The amendments of the Senate were read, as follows:

In line 4, after "Columbia," insert "excepting such powers and duties as belong to the Chief of Engineers."

Amend the title so as to read: "An act to confer upon the commissioners of the District of Columbia certain powers, duties, and limitations contained in chapter 8 (water service) of the Revised Statutes of the United States, relating to the District of Columbia, and for other purposes."

Mr. HUNTON. I move that the Senate amendments be concurred in.

The motion was agreed to.

Mr. HUNTON moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

POST-ROUTE BILL.

Mr. COOK. I ask unanimous consent to take from the Speaker's table the bill (H. R. No. 2020) to establish post-routes, with Senate amendments, that I may move concurrence in the amendments.

Mr. FINLEY. I should like to hear the Senate amendments read.

Mr. CANNON, of Illinois. Is there any general legislation on the bill?

The SPEAKER. The Chair desires to ask the gentleman from Georgia whether there is any legislation other than the establishment of post-routes in the amendments of the Senate?

Mr. COOK. No, sir.

Mr. FINLEY. Then I withdraw my request for the reading of the amendments of the Senate.

The amendments of the Senate were concurred in.

Mr. COOK moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. RICHARDSON, of South Carolina, for twelve days, from noon on Friday next, on account of professional business.

COMMITTEE ON CIVIL SERVICE REFORM.

Mr. HOSTETLER. I am instructed by the Committee on Civil Service Reform to report the resolution which I send to the desk and to ask its adoption.

The Clerk read as follows:

Resolved, That the Committee on Civil-Service Reform be vested with all the powers which were heretofore possessed by the same committee of the Forty-fifth Congress, as well under the resolution creating it as under subsequent resolutions adopted by the House.

Mr. CONGER. I object to that resolution. Let the powers conferred upon the committee be stated in the resolution itself, and perhaps there may be no objection to it.

The SPEAKER. The gentleman from Indiana can state what the powers are which he proposes to confer upon the committee.

Mr. CONGER. Let him state the powers in the resolution. We do not know what powers were conferred upon this committee in the last Congress.

The SPEAKER. The gentleman from Indiana can state the powers which he seeks to have revived.

Mr. CONGER. I think it better that he should incorporate them in the resolution. I object to the resolution now in this form.

Mr. KENNA. I desire to report from the Committee on Civil Service the following resolution, with the recommendation that it be referred to the Committee of Accounts:

Resolved, That the Clerk of the House of Representatives be directed to pay out of the contingent fund of the House of Representatives one month's pay to Robert P. Blaylock, a page in the House in the Forty-fifth Congress.

The SPEAKER. The Chair desires to say that the Committee of Accounts decline to consider sundry matters in reference to pay, and claims for pay, of employés of former Congresses, and have asked that the same be referred to the Committee of Claims, as they are unwilling to consider such.

Mr. KENNA. I made the motion in pursuance of the instructions of the committee.

Mr. BOYD. I desire to say that the Committee of Accounts will not take notice of claims arising in the last Congress.

Mr. KENNA. I am willing that it should be referred to the Com mittee of Claims.

The resolution was referred to the Committee of Claims.

Mr. CANNON, of Illinois. I ask unanimous consent to discharge the Committee of the Whole on the state of the Union from the further consideration of the bill making additional appropriation for the service of the Post-Office Department for the fiscal year ending June 30, 1879, and June 30, 1880, and for other purposes; and I ask that the same be the special order for to-morrow after the morning hour for consideration in the House as in Committee of the Whole, under the five-minute rule, with one hour for general debate.

Mr. MILLS. Is that a report from the Committee on Appropriations?

The SPEAKER. It is.

Mr. COX. I object to allowing such a short period for debate upon this bill. It is cutting up by the roots the law in relation to letter-carriers passed by the last Congress.

Mr. CANNON, of Illinois. I am willing to allow two hours for debate.

Mr. O'NEILL. I object to the proposition of the gentleman.

Mr. CANNON, of Illinois. Allow me to make a suggestion. I have tried for two or three days to be recognized to move to go into Committee of the Whole on the state of the Union upon this bill. Now, the appropriation ought to be made either under the existing law or as is proposed by the bill. In either event, I want the appropriation made.

Mr. COX. The appropriation proposed by the gentleman is not in accordance with the existing law.

Mr. CANNON, of Illinois. Then a majority of the House can change it.

Mr. COX. Then you ought not to state that it is in accordance with the existing law.

Mr. CANNON, of Illinois. I want to state that I doubt if this appropriation for additional pay of carriers can be made at this session unless this order be made.

Mr. O'NEILL. I know that in the last Congress we passed a bill making appropriations for the pay of letter-carriers, after a long discussion, and am not willing as one to give unanimous consent for a bill like this to be made the special order of the day. I would be willing that a bill to provide for the payment of letter-carriers under the existing law should be made the special order.

Mr. CANNON, of Illinois. I desire to make one statement. To carry out the existing law would require an additional appropriation of $500,000, in round numbers. Now, if it be the temper of the House to make that appropriation, well and good; if it be not the temper of the House, then let the law be modified, and if we take up the bill for consideration the House by a majority can do what it chooses in the matter.

The SPEAKER. The objection of the gentleman from Pennsyl-

vania would probably prevent any legislation on the subject at this session. Opportunity to consider amendments can be offered if the House desires.

Mr. O'NEILL. My objection is to the bill coming up to-morrow. If the gentleman wants to pass a law for the payment of the letter-carriers under the existing law, I am willing to let it come up here now.

Mr. CANNON, of Illinois. If the gentleman wants to prevent them from being paid, well and good.

Mr. O'NEILL. I want them paid under the existing law.

SPECIAL POSTAL SERVICE.

Mr. EVINS, from the Committee on the Post-Office and Post-Roads, by unanimous consent, reported back, with an amendment, the bill (S. No. 516) to extend the time of the special postal service until service can be obtained by advertisement.

The bill was read, as follows:

Be it enacted, &c., That in cases where special service has already been placed on new routes, the Postmaster-General may, in his discretion, extend such service until the time when service can be obtained by advertisement. And whenever an accepted bidder shall fail to enter into contract, or a contractor on any mail-route shall fail or refuse to perform the service on said route according to his contract, or when a new route shall be established or new service required, or when, from any other cause, there shall not be a contractor legally bound or required to perform such service, the Postmaster-General may make a temporary contract for carrying the mail on such route, without advertisement, for such period as may be necessary, not in any case exceeding one year, until the service shall have commenced under a contract made according to law. And any provision of statute in conflict with this provision is hereby repealed.

The amendment reported from the Committee on the Post-Office and Post-Roads was to insert after the word "advertisement," in the fourth line, the words "not exceeding in any case one year."

The amendment was agreed to.

The bill, as amended, was then ordered to a third reading, read the third time, and passed.

Mr. EVINS moved to reconsider the vote by which the bill, as amended, was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. WHITE. I move that the House now adjourn.

The motion was agreed to; and accordingly (at three o'clock and fifty-five minutes p. m.) the House adjourned.

PETITIONS.

The following petitions were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BICKNELL: The petition of G. M. Spurgeon and others, for a post-route from Chestnut Hill to Blue River, Indiana—to the Committee on the Post-Office and Post-Roads.

By Mr. HENRY: The petition of members and officers of the Womans' National Christian Temperance Union and others, that no change be made in the revenue laws to promote the interest of dealers in spirituous liquors—to the Committee of Ways and Means.

By Mr. RYAN, of Kansas: The petition of settlers upon the Osage Indian trust lands, in the State of Kansas, for the extension of the term in which payment for the same is required under the pre-emption laws—to the Committee on Public Lands.

By Mr. WAIT: The petition of Mary Shea, widowed mother of Miles Shea, for the removal of the charge of desertion against her son, to enable her to recover a pension refused on that ground—to the Committee on Military Affairs.

By Mr. YOUNG, of Tennessee: The petition of W. A. Galloway, for compensation for property taken by the United States Army—to the Committee on War Claims.

IN SENATE.

THURSDAY, *June* 5, 1879.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

SYDNEY AND MELBOURNE INTERNATIONAL EXHIBITIONS.

Mr. PENDLETON. I am directed by the Committee on Foreign Relations to report back without amendment the joint resolution (H. R. No. 82) in relation to the international exhibitions to be held at Sydney and Melbourne, Australia, in 1879 and 1880, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It appropriates $20,000 to provide for the acceptance of the invitation communicated by the British government to the Government of the United States and the representation of the United States at the exhibitions named.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILL INTRODUCED.

Mr. CAMERON, of Wisconsin, asked and by unanimous consent obtained, leave to introduce a bill (S. No. 661) to authorize the Secretary of War to use certain moneys appropriated by act of Congress approved March 4, 1879, "for the protection of the high sand-banks on the Chippewa River" in the completion and protection of improvements in and near the mouth of said Chippewa River; which was read twice by its title, and referred to the Committee on Commerce.

ELECTIONS IN RHODE ISLAND.

Mr. KIRKWOOD. Mr. President, I desire to place before the Senate and have printed an amendment which I intend to offer to the resolution submitted by the Senator from Indiana [Mr. MCDONALD] on the 27th of May, referring the memorial of J. B. Greene, of Rhode Island, to the Select Committee to inquire into alleged frauds in the late Elections. I ask that the proposed amendment be printed and laid upon the table until the matter is called up again.

The PRESIDENT *pro tempore*. It will be so ordered.

SAMUEL LORD, JR., RECEIVER.

Mr. KERNAN. I move that the Senate proceed to the consideration of the bill (S. No. 62) for the delivery to Samuel Lord, jr., receiver, of certain bonds now in the Treasury of the United States, which was reported yesterday from the Committee on Finance.

Mr. FERRY. I will say to the Senator from New York that I do not object to the consideration of the bill, but I notice that the Senator from Vermont [Mr. EDMUNDS] who objected to it yesterday is not in his seat.

Mr. KERNAN. The Senator from Vermont asked for the letters from the Treasury Department. I have them here now. I did not have them yesterday; they were in the committee-room.

Mr. FERRY. Then I ask that they be read, so that they may appear in the RECORD.

Mr. KERNAN. I ask to have read first the letter from the Secretary of the Treasury in answer to an inquiry——

The PRESIDENT *pro tempore*. The Chair has not yet put the question on proceeding to the consideration of the bill. The question is on the motion of the Senator from New York.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. KERNAN. The Senator from Michigan has asked that the letters be read. I send to the desk the one that I desire to be read first.

The PRESIDENT *pro tempore*. The letters will be reported.

The Chief Clerk read as follows:

TREASURY DEPARTMENT, *January* 21, 1879.

SIR: I have received your letter of the 14th instant, inclosing a draught of a bill (S. No. 1235) for the delivery to Samuel Lord, jr., receiver, of certain bonds now in the Treasury of the United States.

In answer to your request that I will inform you as to the propriety of the passage of the above bill I send you herewith copy of letters from D. Heaton, late special agent in North Carolina, to the Secretary of the Treasury, dated April 18 and April 27, 1866, respectively, relative to certain bonds of the State of South Carolina received by the agent from a provost-marshal; also copy of a letter of the Secretary to the United States Treasurer, dated January 6, 1868, inclosing those bonds.

The records and files of this Department show that there was collected of the coupons due on the bonds and covered into the Treasury on the 13th of July, 1869, to the credit of the "captured and abandoned property fund" the sum of $479, for coupons due on January 1, 1868, July 1, 1868, January 1, 1869, and July 1, 1869. No other sums have been collected on coupons overdue, which, with the bonds, are in the custody of the Treasurer.

The bonds were never sold under the provisions of the captured and abandoned property acts of March 12, 1863, and July 2, 1864, and the sum collected for the coupons was received in the Treasury after the time had expired within which a suit might be instituted in the Court of Claims under the above acts for the return of the money.

As the Secretary of the Treasury has no power to restore the bonds or the avails of the coupons collected, any rights or equities of the original owner at the time of the seizure can be recognized and relief given by Congress only.

Respectfully,

JOHN SHERMAN, *Secretary.*

Hon. FRANCIS KERNAN,
United States Senate.

Mr. KERNAN. I now send to the Secretary's desk two of the letters inclosed by the Secretary of the Treasury, showing how these bonds came into the Treasury. I ask that they be read in the order in which they are pasted together.

The Chief Clerk read as follows:

TREASURY DEPARTMENT, SIXTH SPECIAL AGENCY,
New Berne, North Carolina, April 18, 1866.

SIR: I have in my possession, as superintending special agent, four South Carolina bonds, numbered respectively 812, 821, 836, and 837, calling for $1,000 each.

Each bond is entitled "State of South Carolina 6 per cent. bond, issued under the act entitled 'An act to aid in the construction of the Blue Ridge Railroad in South Carolina,' passed December, 1854," signed by R. F. W. Allston, governor, and T. J. Pickens, comptroller-general, with coupons attached.

All coupons previous to July 1, 1865, are cut off; those at that date and subsequent remain. The coupons are filled up "To Bank of the State of South Carolina."

These bonds were turned over to me some months since as captured property by the provost-marshal of this place. Being in doubt as to the proper steps to take in their disposition, I respectfully submit the matter for your consideration. They can doubtless be disposed of at a large per centum.

Very respectfully, your obedient servant,

D. HEATON,
Superintending Special Agent.

Hon. HUGH MCCULLOCH,
Secretary of the Treasury.

TREASURY DEPARTMENT, SIXTH SPECIAL AGENCY,
New Berne, North Carolina, April 27, 1866.

SIR: Your letter of the 24th instant has been received, and in accordance with your instructions I herewith forward to you by express the four South Carolina bonds described in my letter of the 18th instant.

I do not know it to be a fact, but it is my impression these bonds were brought to this place by some one connected with Sherman's army at the time of the march through South Carolina. Having come into the possession of the provost-marshal of this place they were turned over to me, as superintending special agent, as captured property.

Very respectfully, your obedient servant,

D. HEATON,
Superintending Special Agent.

Hon. HUGH MCCULLOCH,
Secretary of the Treasury.

Mr. KERNAN. I now send to the desk a copy of the letter of the Secretary of the Treasury to the Treasurer inclosing to him these bonds. This is a copy also inclosed by the Secretary of the Treasury to the committee.

The Chief Clerk read as follows:

TREASURY DEPARTMENT, *January* 6, 1868.

SIR: Inclosed herewith you will find four one-thousand-dollar bonds of the State of South Carolina, with coupons attached, payable to bearer, six of them past due, which were forwarded to me from North Carolina in April, 1866, by Supervising Special Agent David Heaton as captured property turned over to him by a provost-marshal.

You will please receive and hold them *as a special deposit, collecting the coupons*, if practicable, and reserving the bonds for further instructions.

I should be happy to receive at any time a report of any information you may collect concerning the salable character and market value of these bonds.

Respectfully,

H. MCCULLOCH,
Secretary of the Treasury.

F. E. SPINNER,
Treasurer United States, Special Agent.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had concurred in the amendments of the Senate to the following bills:

A bill (H. R. No. 1152) to extend the time for the payment of preemptors on certain public lands in the State of Minnesota and Territory of Dakota;

A bill (H. R. No. 2005) to confer upon the commissioners of the District of Columbia the powers, duties, and limitations contained in chapter 8 (water service) of the Revised Statutes of the United States, relating to the District of Columbia, and for other purposes; and

A bill (H. R. No. 2020) to establish post-routes.

The message further announced that the House had concurred in the amendments of the Senate, Nos. 1, 2, 3, and 5, to the joint resolution (H. R. No. 1) to repeal certain clauses in the sundry civil appropriation act, approved March 3, 1879, and had agreed to the amendment No. 4 with an amendment; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. No. 516) to extend the time of special postal service until service can be obtained by advertisement with an amendment; in which it asked the concurrence of the Senate.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 435) to correct the reading of "an act making appropriations for the construction, repair, preservation, and completion of certain works on rivers and harbors, and for other purposes," approved March 4, 1879; and

A bill (H. R. No. 1989) relating to printing impressions from portraits and vignettes.

The message also announced that the House had passed the following bill and joint resolution:

A bill (S. No. 491) in relation to the accounts of the United States entomological commission; and

A joint resolution (S. R. No. 25) authorizing the Public Printer to bind in cloth two volumes of sailing directions for the United States Hydrographic Office.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. No. 644) to authorize the Secretary of war to furnish condemned ordnance for the monument of Colonel Robert L. McCook, Ninth Ohio Volunteers, in Washington Park, in the city of Cincinnati, Ohio;

A bill (H. R. No. 1999) to amend an act entitled "An act making appropriations for the construction, repair, preservation, and completion of certain works on rivers and harbors, and for other purposes," approved March 4, 1879; and

A bill (H. R. No. 1152) to extend the time for the payment of preemptors on certain public lands in the State of Minnesota and Territory of Dakota.

SPECIAL POSTAL SERVICE.

Mr. MAXEY. I ask the Chair to lay before the Senate the amendment of the House to the bill (S. No. 516) to extend the time of special postal service until service can be obtained by advertisement.

The PRESIDENT *pro tempore.* The Chair lays the amendment before the Senate.

Mr. MAXEY. I move that the amendment be referred to the Committee on Post-Offices and Post-Roads.

The motion was agreed to.

CASE OF FITZ JOHN PORTER.

The PRESIDENT *pro tempore* laid before the Senate the following message from the President of the United States; which was read:

To the Senate and House of Representatives:

I transmit herewith the "proceedings and report" of the board of officers, convened by Special Orders No. 78, Headquarters of the Army, Washington, April 12, 1878, in the case of Fitz John Porter. The report of the board was made in March last, but the official record of the proceedings did not reach me until the 3d instant.

I have given to this report such examination as satisfies me that I ought to lay the proceedings and conclusions of the board before Congress. As I am without power, in the absence of legislation, to act upon the recommendations of the report further than by submitting the same to Congress, the proceedings and conclusions of the board are transmitted for the information of Congress, and such action as in your wisdom shall seem expedient and just.

R. B. HAYES.

EXECUTIVE MANSION, *June* 5, 1879.

Mr. RANDOLPH. I move that the message and documents be referred to the Committee on Military Affairs and printed.

The motion was agreed to.

JURORS IN UNITED STATES COURTS.

Mr. BAYARD. I move that the Senate proceed to the consideration of the bill (S. No. 375) to repeal sections 820 and 821 of the Revised Statutes of the United States.

Mr. EDMUNDS. I call for the yeas and nays on that motion.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DAWES, (when Mr. HOAR'S name was called.) My colleague [Mr. HOAR] is paired upon this bill with the Senator from North Carolina, [Mr. RANSOM.]

Mr. WITHERS, (when Mr. JOHNSTON'S name was called.) On all political questions my colleague [Mr. JOHNSTON] is paired with the Senator from Colorado, [Mr. TELLER.] My colleague, if he were here, would vote "yea."

Mr. RANDOLPH, (when his name was called.) I am paired on all political questions with the Senator from Connecticut, [Mr. PLATT.] If he were here, I should vote "yea" and he would vote "nay."

Mr. RANSOM, (when his name was called.) I am paired on all political questions with the Senator from Massachusetts, [Mr. HOAR.] If he were here, I should vote "yea."

Mr. CAMERON, of Wisconsin, (when Mr. TELLER'S name was called.) The Senator from Colorado [Mr. TELLER] is absent from the city, and is paired on political questions and also on all other questions on which they would be likely to differ, with the Senator from Virginia, [Mr. JOHNSTON.] If the Senator from Colorado were present, he would vote "nay."

Mr. MCMILLAN, (when Mr. WINDOM'S name was called.) My colleague [Mr. WINDOM] is absent from the city executing the duties of an appointment of the Senate. He is paired with the Senator from West Virginia, [Mr. DAVIS.] If he were here, my colleague would vote "nay."

The roll-call was concluded.

Mr. BURNSIDE. My colleague [Mr. ANTHONY] is absent from the city and is paired on all political questions with the Senator from Georgia, [Mr. GORDON.] If my colleague were here, he would vote "nay."

Mr. HOUSTON. My colleague [Mr. MORGAN] has left the city and told me he was paired with the Senator from Pennsylvania, [Mr. CAMERON.]

Mr. CAMERON, of Pennsylvania, (who had voted in the negative.) I was about to state that I was paired, and voted inadvertently. I desire, therefore, to withdraw my vote. I am paired with the Senator from Alabama, [Mr. MORGAN.]

The PRESIDENT *pro tempore.* The vote will be withdrawn.

The result was announced—yeas 28, nays 19; as follows:

YEAS—28.

Bailey,	Farley,	Jonas,	Vance,
Bayard,	Garland,	Kernan,	Vest,
Beck,	Hampton,	Lamar,	Voorhees,
Call,	Harris,	Maxey,	Walker,
Cockrell,	Hereford,	Saulsbury,	Wallace,
Coke,	Hill of Georgia,	Slater,	Whyte,
Eaton,	Houston,	Thurman,	Withers.

NAYS—19.

Allison,	Chandler,	Hill of Colorado,	McMillan,
Bell,	Conkling,	Jones of Nevada,	Morrill,
Booth,	Dawes,	Kellogg,	Rollins,
Burnside,	Edmunds,	Kirkwood,	Saunders.
Cameron of Wis.,	Ferry,	Logan,	

ABSENT—29.

Anthony,	Gordon,	McDonald,	Ransom,
Blaine,	Groome,	McPherson,	Sharon,
Bruce,	Grover,	Morgan,	Teller,
Butler,	Hamlin,	Paddock,	Williams,
Cameron of Pa.,	Hoar,	Pendleton,	Windom.
Carpenter,	Ingalls,	Platt,	
Davis of Illinois,	Johnston,	Plumb,	
Davis of W. Va.,	Jones of Florida,	Randolph,	

So the motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

An amendment was reported by the Committee on the Judiciary, to strike out all after the enacting clause and insert:

That the per diem pay of each juror, grand or petit, in any court of the United States, shall be $2.50; and that the last clause of section 800 of the Revised Stat-

utes of the United States, which refers to the State of Pennsylvania, and sections 801, 820, and 821 of the Revised Statutes of the United States, are hereby repealed; and that all such jurors, grand and petit, including those summoned during the session of the court, shall be publicly drawn from a box containing the names of not less than three hundred persons, possessing the qualifications prescribed in section 800 of the Revised Statutes, which names shall have been placed therein by the clerk of such court and a commissioner, to be appointed by the judge thereof, which commissioner shall be a citizen residing in the district in which such court is held, and of good standing and a well-known member of the principal political party opposing that to which the clerk may belong, the clerk and said commissioner each to place one name in said box alternately until the whole number required shall be placed therein. But nothing herein contained shall be construed to prevent any judge in a district in which such is now the practice from ordering the names of jurors to be drawn from the boxes used by the State authorities in selecting jurors in the highest courts of the State. And no person shall serve as a petit juror more than one term in any one year, nor be compelled to serve as such juror more than two weeks at any term unless it be necessary in order to complete the trial of a cause in which he may have been impaneled; and all juries to serve in courts after the passage of this act shall be drawn in conformity herewith. All general and special laws in conflict herewith are hereby repealed.

Mr. BAYARD. Mr. President, I understood yesterday from the honorable Senator from South Carolina [Mr. HAMPTON] that he desired to address the Senate upon the subject-matter of this bill, and therefore I yield to him for the purpose of expressing his views upon it, and after he has concluded I will give my reasons why this bill should become a law.

Mr. HAMPTON. Mr. President, I beg to acknowledge my obligations to the Senator from Delaware [Mr. BAYARD] for the courtesy which enables me to submit a few remarks to the Senate; and in taking up the bill which he has laid before the Senate, I do not propose to discuss it specially; I rather prefer to make general remarks upon the subjects which have been under discussion during this session.

The main reason why I do not desire to speak particularly to this bill is that I can hardly suppose there is a Senator on this floor who will object to its passage, for it strikes from the statute-book one of the most infamous laws which have ever disgraced legislation. It is simply to strike off a law which was placed there, if not by mistake, by fraud, and I therefore do not feel that it is necessary for me to enter into the discussion further than simply to give an illustration of how the present law can be used to tyrannize over the people of the country.

In the recent trials in the United States circuit court at Charleston a short time ago a jury was summoned. One of the judges who was on the bench could not take the test oath. The district attorney had been in the confederate army; the assistant attorney had likewise been in that army. They of course could not take the test oath. And yet when the jurors were brought up every democrat had that oath applied to him, while all men who were not democrats, men who had served through the whole war, if they were republicans, were allowed to take their places upon that jury without having the oath administered to them. I think it is not necessary to say anything more to show the impropriety, to say the least, of allowing a law of that sort to stand.

There are many reasons which make me reluctant to obtrude my views on the Senate at this time. I recognize fully the propriety of that unwritten rule of the Senate which imposes silence upon the new and inexperienced members of this body until they have become familiar by association with the experience of their older and wiser colleagues. The physical disability under which I labor not only makes all exertion painful to me, but unfits me to do justice either to the great questions now pending or to myself, and I cannot, therefore, address the Senate at length. Nor is it necessary to do so. Argument, rhetoric, invective, and denunciation have been exhausted by our opponents, and I can scarcely hope that any utterances of mine will allay the prejudices which have been aroused or carry conviction to the minds of the people.

These are potent reasons to enforce my silence, and under ordinary circumstances I should have adhered to my determination to take no part in the debates of this session. But the subjects which have engaged the attention of Congress and of the country during the present session are not of ordinary importance, and the tone and temper of the debate, which has been prolonged through weeks of vehement and angry denunciation, impose upon the representatives of the South at least the duty of honest protest. Against my wishes, therefore, and under every disadvantage imposed upon me by my physical condition, I must, as one of those representatives, ask the indulgence of the Senate while I place upon record my earnest protest against the injustice and the unfairness with which we have been treated.

The PRESIDENT *pro tempore*. The Chair would state to the Senator from South Corolina that if at any time it would be more convenient to him to speak sitting he is at perfect liberty to do so.

Mr. HAMPTON. I thank you, sir.

Day after day have we listened while Senators of great reputation, high ability, and whose words are the creed of thousands of conscientious and patriotic citizens, have denounced the opinions and the actions of southern men as revolutionary and treasonable. It has been declared that the democratic caucus rules the Senate and that the southern members rule the caucus, dictating the policy to be pursued. The able and distinguished Senator from Ohio [Mr. THURMAN] with equal truth, justice, and candor has, it is true, met and refuted that charge by assuming for the northern and western democracy the responsibility of the present political situation. But in spite of this generous assumption of responsibility on his part, the truth still remains that we of the South do make the democratic majority in this Chamber, and we are thus as responsible for what we approve and support as for what we suggest. I have not the presumption to make any claim to leadership here, but while not attempting to lead it is my duty to know where and whom I follow, and for any vote which I may cast here I shall never endeavor to shield myself from responsibility behind any man or any party. If the policy I support is revolutionary, I am the revolutionist; if there is treason in my vote, I am the traitor.

But, sir, I ask in all seriousness what are the issues before the Senate to which such language is appropriate? I might demand of Senators on the other side the proof that any action of ours was revolutionary; I might open the Constitution and, reading its precise and emphatic definition of treason, ask who of us is "levying war against the United States or giving aid and comfort to their enemies," or what overt act of violence we are proposing to commit? But I do not desire to make a mere technical argument. I desire to meet the accusation in its spirit as well as in its letter. What are the issues before us? Let us understand them distinctly. But first let me say what are not the issues we are discussing. To me there is no question, there can be none, as to the propriety of making the appropriations necessary for the support of the Government in all its departments. Upon this point there shall be no misapprehension of my position. By no vote of mine will the appropriations necessary for the efficient maintenance of the Army be refused. It is competent for Congress to declare under what limitations and upon what conditions the appropriation is to be made. The form in which this is done I regard as immaterial. In my judgment it would have been best to adhere to the usual form; but as it has been deemed advisable to make the necessary appropriations in another manner, I shall, in order to secure unanimity, acquiesce in the decision of the majority. But in no event can I consent to aid in disbanding the Army or in impairing its efficiency. It is the Army of the South as well as of the North; it is the Army of the whole country. In its history, from the days of the Revolution through its achievements of 1812 and the glories of the Mexican war, I have some reason, by right of birth and of blood, to be proud. In the late civil contest, on many a bloody field, I tested its valor, and no word nor act of mine shall depreciate its value or lessen its usefulness. But because I so regard it no act of mine shall tend to degrade its rank and file into a police squad nor convert its officers into detectives. I will not so legislate that against its own honorable instincts and traditions it shall be the instrument of tyranny in the hands of a factious party or of an executive who might be so unscrupulous as to use it unlawfully. Nor shall I consent, because of any difference of opinion upon matters of legislation between the majority and the minority or between the majority and the President, to close the courts of justice, stop the administration of the Departments, and embarrass the necessary and orderly life of the Government. The Constitution, which I have not idly sworn to support, has provided the means by which an appeal to the country can be taken, and it is for the people to decide whether the presidential veto has been wisely and patriotically used to defeat the will of this Congress which represents a vast majority of the citizens of the United States. My duty will have been performed when I have used all the power with which that Constitution has intrusted me. The President and the minority in Congress must be responsible for the use of theirs. And while these are my general views of my duty, I certainly have no inducement, no disposition, to embarrass the present Administration.

It is a source of profound regret to me that the President could not find himself able to approve the bills he has vetoed. To me they seem to embody but simple declarations of constitutional principles, and to be in entire conformity with the policy which he has announced repeatedly as the one that he would pursue. But I am not disposed on account of this difference, grave though it be, to denounce his action nor to impugn his motives. I am well aware that his position is not easy nor his responsibility light. I remember, and the people whom I represent remember, that in a critical period of our history, in disregard of the passions and in opposition to the wishes of the party who placed him in his present position, with doubt as to the result of his independent action, moved, as I honestly believe, by his convictions of duty, he withdrew the Federal troops from the State-houses of South Carolina and Louisiana, thus enabling the people of these States to restore their local governments to those who represent the popular will, as well as the character, the intelligence, and the property of the two States. For this action, wise and patriotic as I am sure that history will record it, I for one am grateful. And while in the honest and necessary party differences which must arise in a free country it will be my duty, with all the energy and ability I possess, to oppose the partisan policy of which he is the representative, my opposition shall not be captious. Nor shall I by bitter and acrimonious censure drive him into dependence on those who would in their selfish rush for power trample on him and on us. I trust, therefore, in what I have to say that I shall be able to speak with truth and soberness.

What, then, let me ask again, are the issues before the country upon which any action of ours can be called revolutionary or treasonable? If the repealing acts which have been suggested were passed to-day, we should simply be remanded to the legislation under which the country has lived and moved and had its being for seventy-five years of its existence. Can such a restoration be revolution or treason?

Surely not, unless the intervening war has so changed our relations to each other that the old constitutional legislation is no longer applicable to our condition; and yet this is really what Senators on the other side would have the country believe. I ask, in all candor, would such legislation as we now seek to repeal have been conceived or defended by any statesman before the late war? Would any President from 1789 to 1861 ever have dreamed of sending the Army of the United States to keep the peace at the polls or of appointing Federal supervisors and marshals to superintend the popular ballot? If not, then the necessity for the maintenance of this legislation arises from something new in the relations of the States to the Union. Will any Senator point out what that new element is? If any exists, what is the difference in the relations a State holds to the Union to-day and those of the same State before the war? If there is none, and I venture to say that none can be pointed out, wherein consists the necessity for any such legislation to-day which did not exist then? This question should, I think, be fairly answered, because it is the point upon which the accusations against the South rest. If all that we ask is what existed for three-quarters of a century of our existence, how can it be revolutionary or treasonable to make this demand? If the democratic doctrine that Federal troops cannot lawfully be used at the polls, or cannot interfere in State matters unless specially requested to do so by the constituted authorities of a State be a heresy, we have the strongest republican authority to sustain that heresy. In his message to the Legislature of Pennsylvania, in January, 1871, Governor John W. Geary used the following language:

> The employment of troops of the United States at elections, without the consent of the local and State governments, has recently received considerable attention and reprehension. * * * Under any circumstances, in my opinion, it is unsafe and antagonistic to the principles that should govern our republican institutions. At the last October elections, United States troops were stationed in Philadelphia for the avowed purpose of enforcing the election laws. This was done without the consent or even the knowledge of the civil authorities of either the city or the State, and without any expressed desire on the part of the citizens, and, as far as can be ascertained, without existing necessity.

The democratic party stands to-day where Governor Geary, a stanch republican, stood then. Nor are we without other and equally as high republican authority to sustain the position taken by our party. Hon. Carl Schurz, now a distinguished member of the present Cabinet, in his place on this floor made this memorable protest against the scandalous and unconstitutional use of Federal soldiery in Louisiana:

> United States soldiers, with fixed bayonets, decided the case against them, and took them out of the legislative hall by force. * * * I cannot, therefore, escape from the deliberate conviction, a conviction conscientiously formed, that the deed done on the 4th of January, in the State-house of Louisiana, by the military forces of the United States, constitutes a gross and manifest violation of the Constitution and laws of this Republic. * * * If this can be done in Louisiana, and if such things be sustained by Congress, how long will it be before it can be done in Massachusetts and Ohio.
>
> He who in a place like ours fails to stop, or even justifies a blow at the fundamental laws of the land, makes himself the accomplice of those who strike at the life of the Republic and at the liberties of the people.

The present able Secretary of State, Mr. Evarts, in his great speech on the same subject in New York, was even more emphatic than his colleague in the Cabinet, and his words could well be adopted now to formulate the creed of the democratic party. He used the following language:

> When men vote, and when their chosen officers meet, and when without violence and without demonstration of insurrection they undertake to conduct the affairs of their political government, no soldiers can interfere.
>
> There are two very distinct firm lines of limitation, which observed will protect the machinery of the Government for the people to-day; that is, that the sole intervention of the Federal power within State authority shall be to suppress violence, and that their office after that shall not assume to go further unless when invited by the supreme authority of the State.
>
> What use is it to give the purse and the sword to the House of Commons if the King or the President by military power can determine what shall be the constitution of the House of Commons or the House of Congress? And that is what they fought for in England. * * * And for this reason the people of the United States are justified in assuming that the supreme civil power shall dominate over the military, and that no merging of them or interference with them shall be permitted.

Now, Mr. President, shall we be denounced simply because we plant ourselves, not only where the fathers of the Republic stood, but where the great lights of the republican party have declared the only true constitutional position can be found. Now, sir, I venture to assert that underlying the whole argument on the other side are two assumptions: first, that the war has so developed the independent existence of the Federal Government as distinguished from the States as to give it greater power, larger influence, and more direct interest in congressional elections than it possessed before; second, that the Administration, as the representative of that party which elected it and in control of the Federal machinery, is bound to use that power and influence in the protection of these interests. In other words, that the privileges and prerogatives of the States are to be obliterated, not by force, but by the subtler though not less destructive influences of two great national parties using the powers of the Federal Government as weapons of party warfare.

Now, I do not propose to make any constitutional argument on this subject. It is sufficient for me to say that I hold the form and character of our Government to have been unaltered by the late war, and that the mutual relations of the General Government and the several States of the Union remain precisely as they were when the Union was formed. I hold that the recent constitutional amendments have wrought no change in these relations and in these views. I am sustained by the language of the Supreme Court of the United States in the case of The Collector *vs.* Day, reported in eleventh volume Wallace. In this case, Justice Nelson, in delivering the opinion of the court, used the following language:

> The General Government and the States, although both exist within the same territorial limits, are separate and distinct sovereignties, acting separately and independently of each other within their respective spheres.

In the same decree the ensuing words are used:

> Such being the separate and independent condition of the States in our complex system, as recognized by the Constitution, and the existence of which is so indispensable that without them the General Government itself would disappear from the family of nations, &c.

I maintain, therefore, that the Constitution has not been changed in its essential features by the late amendments, and that it is therefore now what it was before the war, so that when the country demanded the preservation of the Union by a restoration of the States it meant such a Union and such States as the Constitution recognized. Can any advocate of a strong government, which is but another term for centralization, suppose for one instant that the founders of our Republic contemplated or would have countenanced the exercise of such powers by the Federal Government as are claimed for it by the legislation we are seeking to repeal? Does any Senator here believe that this is a safe, a wholesome condition of public affairs? Putting aside all extreme theories of State rights, does not every Senator recognize the fact that one of the elements of our political safety has been the manner in which local State interests have acted and reacted within the States upon national politics, so that until just before the war we never have had great national parties which divided the country between them simply on Federal issues. Local influences had always to be considered. But if in the future we are to have only great national parties in behalf of one or the other of which the Administration is to interfere directly, we are on the high road to a consolidation even more dangerous because more violent and variable than a recognized change in the Government.

My objection, therefore, to this legislation which the war called forth is not its immediate danger. It is not the actual Army which I fear or its direct influence. But I do most strenuously object to any legislation which affords any excuse or justification to the Government that it has the right or interest in any way or in any degree to interfere with the perfect freedom of elections. The roughness or even riot of an election is no greater than any other violation of the peace; and no State in this Union is without ample means of suppression. And if the State authorities are unable or unwilling to do their duty you have not now, you will not have for generations to come, an Army strong enough to take their place. It is better so; better that in one or two great cities, nay, in one or two great States, there should be temporary turbulence, confusion, than that in the whole country there should be military despotism. Congress has the right to decide who shall take his seat as representative and who shall not. Congress can punish with disfranchisement any community which would force into these Halls an improperly elected member; and that is a safer, a surer, a more constitutional safeguard than the exercise of any doubtful or unlawful power by the Federal Government.

But, Mr. President, unjust as have been the assumptions against the South to which I have alluded, there are others not less grave. There has run through this whole discussion the strong and steady current of insinuation that the South is not true to the Union; that its object in pressing the repeal of those measures which we deem dangerous to our liberties is to give us a freer field for conspiracy and a better opportunity to suppress by force and fraud the real voice of the southern people. We are tauntingly told that proof of these charges is found in the presence on this floor of twenty-two members who served in the confederate army, and the South is reproached, nay, denounced, for sending such men to represent her here. Sir, the answer to this charge is simple.

Nearly every man in the South who could bear arms was in her armies and she can scarcely be reproached with justice for trusting and honoring in peace the men who risked their fortunes and their lives for her in war. And when the fact is cited that while the South sends so many of her old soldiers to represent her in this august assembly the North sends but four, I submit that the reproach, if reproach rests anywhere, belongs rather to the North than to the South. I feel that I but speak the sentiments of every man here who was in the confederate service when I express my deep regret that there are not in this Chamber more of the men who met us in battle, for if opposed to us politically they would, if true soldiers and gentlemen, treat us with the respect that brave men never fail to accord to each other. And, sir, had these great opposing armies which for four years confronted each other in a death grapple been left to make and enforce the terms of peace, not only would the country have been spared much of the suffering and the humiliation it has experienced, but it would have enjoyed a peace honorable alike to conquerors and conquered. We should long ere this have seen a union re-established on the basis of fraternal reconciliation and a whole people bound together by the indissoluble bonds of mutual respect, common interests, and a common destiny. Such, at least, is the firm conviction of every true soldier in the South, and all her sons were soldiers. Nor is this conviction wanting among the brave soldiers of the North, for I have heard it expressed by them time and again.

That the men who truly represent the South are here to-day is due mainly to our friends on the other side. When you insisted that the States should return to the Union; when you called upon them to send back their Representatives, did you mean what you said or did you mean the Southern States to be rotten boroughs to be filled by nominations of the republican party? Indeed, did you not for fifteen years make them so? And I will leave it to the candor of republican Senators to say whether they are satisfied with the result of the experiment they made at such a frightful cost to us and to the whole country. We are here because we do represent the popular majority, the character, the intelligence, and the property of the States which have sent us. We are here because left to themselves the instincts of the recently enfranchised voters have taught them that their interests are identical with ours. We are here because, belonging to your own race, trained in the same political experience as your own, taught by years of rule how to govern, we could not be subordinated, and the people of the country did not wish us to be subordinated, to such a mass of ignorant voters as you had rashly and suddenly created. We are here, we trust, for the good of the whole country. What we were you knew when you insisted that we should still be part and parcel of this Union.

For the past you cannot expect us to apologize; to do so would be to sacrifice our own self-respect and to forfeit the respect of all honorable men. In the heat of conflict we struck hard blows, and doubtless we spoke hard words. But does remembering or repeating them now bring us any nearer to the peace and harmony for which the whole country so ardently longs? The men who served in the opposing armies are now the strongest advocates of a true reconciliation. We learned in a common school how to respect our enemies; we learned that personal courage and honor and truth were better guarantees of patriotism than constitutional learning or eloquent speech; we learned at least that in spite of differences, even unto death, there was a common country which we could better serve in friendship than in hatred, and were our antagonists of the late war here to-day, in the contests on this floor as in fiercer battles of yore, whoever might be the victor, we should be assured of a fair field and an honest surrender. [Applause in the galleries.] Judge us by our acts——

The PRESIDING OFFICER, (Mr. WALLACE in the chair.) The Senator will suspend. The Chair gives notice that if further applause occurs in the galleries he will order them to be cleared. Order must be preserved.

Mr. HAMPTON. Judge us now by our acts; and again I ask what are they to provoke distrust? We ask you to strike from the statute-book legislation which was as much the instrument of war, the expression of distrust, as were armies and navies and military districts. We say, if you bring us back as States, treat us as States. We ask you to remove the disability which forbids a citizen to serve on a jury when it does not forbid him to serve on the bench. We ask you to leave the ballot-box free, as it has been through nearly the whole of our political existence. You may refuse. You have the right to refuse if you hold our demands to be unwise or unconstitutional.

But surely in the face of the recent decision of the Supreme Court in regard to the jurors' oath, in face of the legislation of nearly a century in reference to military interference at the polls, you cannot charge us with revolution or treason in making these requests. Upon these issues we are willing to stand. If the people are with us we shall prevail and this war legislation will be repealed. If the people are with you, then this legislation will stand and we can learn to adapt ourselves to these changes in our old constitutional thoughts and habits as we have learned to adapt ourselves to others. In the great contest in which we failed we lost much. We lost power and wealth and precious lives. But when the people of the United States declare that the right of self-government is extinguished in the States; that the prerogative of a free vote, which is the distinguishing glory of American citizenship, can be exercised only under the supervision of a Federal marshal or the protection of a Federal soldier; that the duties of governors and Legislatures to maintain the dignity and to preserve the peace of sovereign States has been transferred to the President; and when it has become revolution and treason to ask the people to consider these things, then will the memory of our poor losses be forgotten in the overwhelming calamities which would follow the loss of American freedom.

> A thousand years scarce serve to form a State;
> An hour may lay it in the dust, and when
> Can man its shattered splendors renovate,
> Recall its virtues back, and vanquish time and fate.

Mr. President, patriotic men of all parties, North and South, can join heart and hand in the effort to perpetuate on this continent constitutional liberty as established by our fathers. In this noble work we of the South will not prove laggards. We wish to promote the best interests of the whole country; we wish to restore harmony and good-will; we hope to see permanent peace and widespread prosperity among all classes of our people; we desire to see the painful memories of the late unhappy war buried in our own hearts, not rising to the lips in bitter words which can only provoke sectional animosity, and we propose, in spite of misapprehension, misrepresentation, and denunciation, to stand firmly by the Constitution in its integrity, to maintain the Union in perpetuity, trusting, hoping, praying that to our children, if not to us, it may be given to see the States of this mighty Republic bound together, not alone by the ties of material interest, but by the cords of true fraternity, ruled by a great, a happy, a free people crowned with all the blessings and with all the glories which God in his infinite mercy can bestow. [Applause in the galleries.]

Mr. BAYARD. Mr. President, the bill before the Senate was reported by me under the instruction of the Committee on the Judiciary, and I desire to occupy, for as short a time as possible, the attention of the Senate, that the features and results of the proposed legislation may be thoroughly and clearly understood.

The Senate is aware that this measure has already been ingrafted upon one of the general appropriation bills necessary for the supply of the Government. It has been passed by a constitutional majority of each House of Congress and sent to the President; and he has, in exercise of the powers vested in him by the Constitution, returned the appropriation bill to Congress, and stated his objections to signing it in a message which I hold in my hand.

Having examined the message from beginning to end I find no reference whatever to, and no single word of comment upon, the measures which are now brought again before the Senate in a separate form. They are not unimportant. They are of the gravest importance. They touch the question of personal liberty of the citizen; they touch questions of constitutional rights, the dearest and the closest to liberty-loving men; and yet the President has not seen fit to bestow upon them the cold respect of a passing notice, but simply to include them silently in his message of disapprobation and objection.

It may be that it is because of the incongruity in linking these measures with measures of general appropriation that the course of the Executive has been taken. Indeed that is the only inference to be derived from a perusal of his message. If it be so, if that is his only reason for not approving such measures as this, I can but regret, in justice to the office which he holds, that he did not so state explicitly. It was due to their merit and importance that their presence in the bill should have been recognized.

I am not here now to raise my voice for the first time in opposition to ingrafting matters of general legislation upon appropriation bills. Time and again I have vainly endeavored, in the long years in which I stood in the minority in this Chamber, to procure from the republican majority that overwhelmed us here, a recognition of the fact that such methods of legislation were irregular and vicious. Time and again, against my protest and earnest advocacy, I have seen the appropriation bills of Congress encumbered by measures of general legislation; nay, a portion of the very legislation, from the amendment and repeal of which the President has dissented, found its way upon the statute-book in the general appropriation bill of 1872, the identical measure which he now returns objected to for its alleged improper association.

Sir, it is too late in our history to suggest that it is proper or right or justifiable, that an appropriation bill or any other bills unobjectionable in themselves, but perhaps not wisely joined, should be vetoed because of their misassociation. I may say that there are no more important measures of general legislation now standing on the statute-book of this country, than those which have been placed there in the last fifteen years by the vehicles of general appropriation bills, and that no such thing ever occurred until now in American history, that the *method* of parliamentary proceeding, was made a cause for presidential criticism and rejection. The methods of parliamentary proceeding belong to the Houses themselves. The Constitution of the United States expressly provides that "each House may determine the rules of its own proceeding." Wise or not wise, the methods of legislation belong, and must belong, to each House for itself; and where they shall, as has been our custom from the foundation of the Government, create joint rules growing out of the comity necessary for legislation between the two Houses, the propriety of such rules is for the two Houses alone to consider, and is entirely outside of executive jurisdiction. It is a clear, unwarranted invasion of legislative right, for the executive branch of the Government to instruct them, or to comment in any way upon the methods of their legislation. Their rules are their own. Defective or perfect, they are their own, and there is no pretense, and there can be no pretense, for the just exercise of the executive power of veto, because of the irregularity or the unwisdom of the methods by which the two Houses have approached and concluded their work. It is to the substance of the measure and not its form, its merits and not its shape, that his discretion applies.

But I do not stand here now to speak of the incongruity of this legislation as it appeared upon the appropriation bills. If my counsel had been followed, if my vote could have controlled those with whom I act, there should be no such thing as incongruity in legislation. I hold it to be cumbersome and highly unscientific. I believe that each measure should stand or fall by its own merits, that a bad measure should not be carried by association with a good one, nor a good measure be endangered by association with a defective one; and therefore, I wish that it were in my power so to frame the rules of either House, that there should not be the misjoinder of general legislation upon appropriation bills, that properly are meant to supply the means to carry existing laws into effect; not that it is a violation of the Constitution, but that it leads to confusion, to uncertainty and embarrassment, not only of Senators and members who are to vote upon these measures, but likewise of the Executive branch who is to give or refuse his approval.

But we have passed the consideration of that subject now. This very message of the President sent in here on the 30th of April, known as his first veto message, itself recites the fact that—

The practice of tacking to appropriation bills measures not pertinent to such bills did not prevail until more than forty years after the adoption of the Constitution. *It has become a common practice. All parties when in power have adopted it.*

And he recommends that it be no longer followed whereby—

A valuable reform in the parliamentary practice of Congress would be accomplished.

Mr. President, I do not hold it to be within the prerogative or the duty of the executive branch. to supervise or instruct the legislative branch, in regard to what is or is not a valuable reform in parliamentary practice. The Constitution compels him by his oath to see that the laws are faithfully executed; but nowhere does it make him the *censor morum* of parliamentary practice or of the methods by which the two Houses shall reach their conclusions. It is one of the many, and one of the very serious misapprehensions, into which I think the present Executive has fallen in considering the scope of his official duty.

But, sir, let me pass to the consideration of the measure before the Senate, and which is made the more necessary by reason of the total failure of the Executive to give us reasons, or to return with objections, the bill which we have sent him, and which makes it necessary for those having charge of the legislative power of the country, to present these measures distinctly, so that the President himself, as well as the people of the United States, may comprehend what it is that we propose should be enacted into law, and what objections he can have under his constitutional duty, to such measures becoming laws.

I ask that the Secretary may read the two sections of the law of June 17, 1862, which I send to the desk.

The Chief Clerk read as follows:

That, in addition to the existing causes of disqualification and challenge of grand and petit jurors in the courts of the United States, the following are hereby declared and established, namely: without duress and coercion to have taken up arms, or to have joined any insurrection and rebellion, against the United States; to have adhered to any rebellion, giving it aid and comfort; to have given, directly or indirectly, any assistance in money, arms, horses, clothes, or anything whatever, to or for the use or benefit of any person or persons whom the person giving such assistance knew to have joined, or to be about to join, any insurrection or rebellion, or to have resisted, or to be about to resist with force of arms, the execution of the laws of the United States, or whom he had good ground to believe had joined, or was about to join, any insurrection or rebellion, or had resisted, or was about to resist, with force of arms, the execution of the laws of the United States, and to have counseled and advised any person or persons to join any insurrection and rebellion, or to resist with force of arms the laws of the United States.

SEC. 2. *And be it further enacted*, That at each and every term of any court of the United States, the district attorney, or other person acting for and on behalf of the United States in said court, may move, and the court in their discretion may require the clerk to tender to each and every person who may be summoned to serve as a grand or petit juror or venireman or talesman in said court, the following oath or affirmation, viz: "You do solemnly swear (or affirm, as the case may be) that you will support the Constitution of the United States of America; that you have not, without duress and constraint, taken up arms, or joined any insurrection or rebellion against the United States; that you have not adhered to any insurrection or rebellion, giving it aid and comfort; that you have not, directly or indirectly, given any assistance in money, or any other thing, to any person or persons whom you knew, or had good ground to believe, had joined, or was about to join, said insurrection and rebellion, or had resisted, or was about to resist, with force of arms, the execution of the laws of the United States; and that you have not counseled or advised any person or persons to join any rebellion against, or to resist with force of arms, the laws of the United States." Any person or persons declining to take said oath shall be discharged by the court from serving on the grand or petit jury, or venire, to which he may have been summoned.

Mr. BAYARD. It is obvious, Mr. President, that this law, passed in 1862 while war was flagrant, was intended to prevent armed enemies of the Government, or those sympathizing with them, from obstructing the administration of justice. It remained upon the statute-book until 1871. Six years after the war had closed, the Congress of the United States passed "an act to enforce the provisions of the fourteenth amendment," which had just then been adopted, "and for other purposes." By the fifth section of that act Congress legislated, as lawyers say, *in pari materia*. They passed another law upon the same subject, regulating it anew and providing other, and different, and as they then believed, more appropriate methods by which the purity of jury trials should be protected. In section 5 of this law—I read from the fifteenth page of volume 17 of the Statutes—it was provided:

SEC. 5. That no person shall be a grand or petit juror in any court of the United States upon any inquiry, hearing, or trial of any suit, proceeding, or prosecution based upon or arising under the provisions of this act who shall, in the judgment of the court, be in complicity with any such combination or conspiracy; and every such juror shall, before entering upon any such inquiry, hearing, or trial, take and subscribe an oath in open court that he has never, directly or indirectly, counseled, advised, or voluntarily aided any such combination or conspiracy; and each and every person who shall take this oath, and shall therein swear falsely, shall be guilty of perjury, and shall be subject to the pains and penalties declared against that crime.

Such was the law of 1871 which stands unrepealed to this day, and finds its present place in section 822 of the Revised Statutes. It will be observed, it is a law creating as to juries a class of persons to be disqualified and excluded; and in the same section of the act which I have read, it is further provided, in immediate sequence of the words which I have just read, and which, as I have said, are section 822 of the Revised Statutes:

And the first section of the act entitled "An act defining additional causes of challenge and prescribing an additional oath for grand and petit jurors in the United States courts," approved June 17, 1862, be, and the same is hereby, repealed.

There is a double repeal, the repeal by implication in legislating *in pari materia*, and the express repeal of the first section of the act of 1862.

Now, it is a question of grave importance to the people of this country, to whom their laws are dear, laws which protect the life, the liberty, and property of every man in our midst—it is of vast importance to them to know, why it was that the repeal of this act, so expressly and affirmatively stated, was not made operative, because the fact, and the alarming fact, the shocking fact appears that the very section, the first section of the act of 1862, providing for this cause of disqualification and challenge was, in spite of that express repeal, deliberately inserted in the Revised Statutes in the edition of 1873, and there remains until this day. How came this? They have transplanted the first part of section 5 which contains this express clause of repeal into the Revised Statutes, and it appears as section 822. By what means, then, could it be, that a portion of the same section, that portion which contains the express repeal, should have been wholly disregarded, and the portion that creates new disqualifications, should find presence affirmatively in the revised code of the laws of the United States?

Sir, I make no personal imputation. I do not presume to say by whose fault or under whose supervision or whose hand this act of omission or commission was caused, but I do say it is an alarming fact that a law so full of powers, a law so full of dangers, of exclusions, and disabilities as this, should have found its way into the Revised Statutes in defiance of the express act of Congress declaring it to be repealed.

Sir, it is perfectly plain that, when Congress repealed the first section of the act of 1862, (now section 820 of the Revised Statutes,) which created the causes of disqualification and challenge, by every reasonable intendment they did also repeal section 821 which provided the machinery for making those causes effective. The expurgatory oath provided by section 821 could only have warrant because of the existence of section 820, which was the first section of the act of June 17, 1862. Section 820 was the foundation of 821; and when it was repealed, the rule necessarily applied, *cessante ratione cessat et ipsa lex*. There could be no application in law for section 821, nor warrant for the administration of that oath, when the causes which were to be proven by the oath of the juror himself, were no longer to be legal causes for his disqualification. It was an idle form to make a man swear to that which no longer was to be a cause of his exclusion from the jury-box; but so it is that section 820 has found its way upon the statute-book in this manner which I describe, but which I do not care to characterize. As was said by the honorable Senator from South Carolina [Mr. HAMPTON] it was either an accident or it was a fraud. In my opinion there has not been, and there cannot be, a valid judgment entered in any court of the United States founded upon a verdict by a jury to whom it has been applied. Two late decisions of the Supreme Court of the United States are to this effect, the case of Burt *vs.* Panjaud and the case of Atwood *vs.* Weens, both in error to the circuit court of the United States for the northern district of Florida. Both affirm the position which I have stated; and the ground taken by the court there is, that it is as much a violation of the natural principles of justice and law to compel a man being a juror to disclose his guilt of a crime which would disqualify him, as it would be to compel a witness to do the same thing. It is a violation of the principles which underlie all just law, and which were wanting at the time of the enactment of this measure.

Now, Mr. President, the language employed in sections 820 and 821 is the same, *ipsisimis verbis*, as the law of June, 1862, and the Senate will perceive, that the clear and manifest mandate of the act of 1871, has been wholly disregarded by the codification of the Revised Statutes, and that a law now stands, by which ninety-nine out of every hundred of the white men of the Southern States otherwise capable of jury duty, are to be excluded from the jury-box, and that by reason of a law that has no warrant for its place upon the statute-book. Nor do I believe that property of any description would be held to pass under the judgment of a court obtained through the mediation and the employment of juries empaneled under operation of the Revised Statutes as they now exist. The history of that law of 1862, its repeal, its present dishonest and unlawful presence upon the statute-book, is, I hold, a blot upon our legislation which cannot too soon be removed.

Trial by jury has been declared to be the great end of all the complicated arrangements of civilized government. It was Lord Brougham who said that all the machinery of the British constitution and her laws, and the checks and balances of her power, had no other end than to bring twelve men in a jury-box. In the language of Littleton, when a fact is to be proved against a party it puts him "upon the country;" he "goes to the country," as it is termed, which means to his countrymen, not to those countrymen from whom the great body of intelligence, ability, and fitness have all been excluded, but to the good men and true of those who are his fellow-countrymen. Senators can well recollect for they have often heard the impressive formula of our common-law arraignment. When a man on trial for his life before a jury of his peers is asked how he will be tried, after he has declared himself not guilty, his answer is, "by God and my country." But what a mockery would it be when "the country" to which

he is to appeal for his safe deliverance, is to contain nothing of the elements of intelligence, of justice, of good citizenship in which his best hopes of liberty and safety are reposed.

I scarcely believe the people of the United States living in the Northern States comprehend the cruel injustice, the wholesale and sweeping injustice, of this section 821. I scarcely believe that they comprehend the fact that this law as it now stands, and the repeal of which the President has refused thus far to approve, excludes every man who, even when he was a child capable of knowing right from wrong, ever intentionally gave the slightest assistance or rendered the smallest service to any one, who was in arms against the Government of the United States, or whom he may have believed had been or was about to be so employed.

Consider for a moment the absurdity and the anomaly of this oath. Congress has provided for the last ten years for a modified oath of office, which expressly exempts from such exclusive test oaths all men who themselves bore arms. It admits men to office who took part in the rebellion. They fill the highest offices of the Republic, and yet they cannot under these sections—820 and 821—serve as jurors. There have been and are now Cabinet officers, the chosen counselors of the Federal Executive, Senators and members of the House of Representatives by scores, ministers plenipotentiary to foreign governments, consuls and diplomatic agents perhaps by dozens, not one of whom could take the present oath to constitute him a juror.

Nay, in the very courts in which these oaths are to be prescribed, the district attorney who moves that they be administered, the very judge who makes the order permitting the administration, the very bailiff who hands the book to the proposed juror to be sworn, can none of them themselves take the oath now authorized by law. In thirteen States of this Union it would exclude ninety-nine out of every one hundred of the white citizens; and yet how idle and what a mockery it is to term such a trial by jury "a trial by the country," when the chiefest portion of that country's intelligence, its moral worth, its character, is all to be excluded from participation in such trial!

Sir, I can conceive no more palpable injustice, than the assaults which I have heard for years past in this Chamber upon the whole southern region of this country and its citizens because of alleged lawlessness; and yet while those charges and those assaults were made, the greater portion, the more influential portion, of those inhabitants, who might have restrained the commission of crime through the agency of honest juries, was excluded from having any such authority or influence.

These laws have by eminent judicial authority not simply been declared to be invalid because they compelled a man to testify to his own guilt, but they have been forcibly and truly declared to be as invalid and unconstitutional, to use the language of Mr. Justice Field in a late case, as it would be to quarter troops in the dwelling-house of a citizen in time of peace.

Mr. President, there needs no more to be done than to have these acts read and to recite the history of the attempts made for their repeal, to show that in fact those attempts have been unlawfully thwarted, to show the unlawful and unconstitutional character of the oath, to show their exclusiveness and injurious character in the administration of justice. All this is enough. If the statement of these facts, a calm and accurate statement of the history of these laws, cannot procure their repeal, or the desire for their repeal, in the mind of any fair and just man, then it seems to me that further argument would be useless.

But the jury system, the trial by jury, has always been considered and held one of the chief securities of personal liberty among English-speaking people. Before the adoption of the sixth amendment to the Constitution, while the original Constitution was under discussion before the people of the United States, one of its chief advocates and architects, Alexander Hamilton, in the eighty-third number of the Federalist declared that—

> The friends and adversaries of the plan of the convention, if they agree in nothing else, concur at least in the value they set upon the trial by jury.

And he goes on to state:

> Arbitrary impeachments, arbitrary methods of prosecuting pretended offenses, arbitrary punishments upon arbitrary convictions, have ever appeared to me the great engines of judicial despotism; and all these have relation to criminal proceedings. The trial by jury in criminal cases, aided by the *habeas corpus* act, seems therefore to be alone concerned in the question. And both of these are provided for, in the most ample manner, in the plan of the convention.

And yet the people of the United States were not satisfied. They still believed that further and other security should be given to them for that great bulwark of personal liberty, and the history of these first ten articles of amendment of the Constitution is well known, and never should be forgotten by Americans, because it was upon the faith that these articles were to be adopted, that the Constitution itself received the reluctant consent necessary to make it the supreme law for nine States.

The sixth article of the amendments provides that—

> In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an *impartial jury* of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

Mr. President, the history of these amendments I have referred to. It is well known that they were limitations upon the power of the Federal Government. Juries they were to have, but the object was to secure, if words could secure it, "*impartial juries* of the district," and whoever was accused should not be tried outside of the district of his residence. An impartial jury is not only a debt to justice, but, as I say, it is expressly guaranteed to the citizen by the amendment which I have just read.

The bill now under consideration provides for the repeal of the invidious sections which contain this test oath and the right to administer it, and further provides for an impartial method of drawing jurors, or it makes the attempt, so far as the machinery of law can do it, to provide a method by which impartial juries shall be secured to every man put upon his trial in the United States courts.

Sir, I admit that the task is difficult. The sense of justice is one of the finest known to humanity, and it is also unfortunately one of the rarest, one most easily overthrown and disturbed. Under the present system and provision of the laws of the United States, it was intended that the methods of drawing juries, whether by lot or otherwise, followed in the various States, should be adopted, so far as the same was practicable, in the courts of the United States. But that has been almost wholly disregarded and overruled. There is scarcely a State known to me in which there is more than a mere semblance, in the methods employed by the United States judges and marshals in drawing juries, to those followed in the States. I believe it may be safely stated as a general fact, that the United States marshals in the United States, all over the country, can select just whom they please to serve upon the juries. I know that is the case and always has been the case within my memory in the State where I live. I hear the same fact stated all around me, that virtually the juries who are to try men in the United States courts depend upon the personal selection of the United States marshal.

When the Senate will reflect upon the fact, that the great body of criminal offenses now to be tried in the United States courts, are political in their nature, they will see the obvious necessity that the summoning of juries all of the same political party, is manifestly and cruelly unjust. That party spirit from which none of us are free, that party spirit which animates men more when they are brought together, all thinking the same way, renders justice almost impossible of attainment.

Mr. President, I would say, and I commend it to the thoughtfulness of all men, that there is nothing so dangerous and fatal to the permanence and stability of government as the disbelief of its people in its honesty and justice. I believe that if the Government is to be undermined, it is to be undermined in the hearts and minds of its people, and that when the mass of the American people shall come to look upon the machinery of their courts with disrespect, to believe that justice and honor and truth are not to be found there, then we may look—not for obedience to law, not for fidelity to the Government,—but for every method by which men may escape its obligations and its injustice. I could also bear witness to the effect, in the minds of the community, of the constant system of summoning partisan jurors until the disbelief in any judgment, or in any verdict, made the man convicted a martyr, a martyr to injustice, and not the object of just and proper punishment.

I will admit that it is unfortunate that the times in which we live, and the history of events which are known to us by the injustice that practically does arise under our present system, should make it necessary for the evil to be remedied by the suggestion of the existence of political affiliations in the commissioners by whom the juries are to be selected. I have been always bred to believe that the mention in courts of justice of party names or prejudice, the endeavor to excite them, nay, even the reference to their existence, was an impropriety and an insult to the tribunal professing to execute justice. Yet the fact is, and all men recognize the fact, that there are classes of cases in which the political opinions of the jurors who are to sit upon them becomes of the last importance to the person who is to be tried.

There are abundant cases touching the rights of property and sometimes the rights of a person, in which the intelligence and personal character of a juror, without any regard to his political affiliations is the chief thing to which men look in rejecting or selecting jurors to sit in a case. But, as I have said before, cognizance has been given by statute to the Federal courts, of a large body of cases chiefly political in their nature, and it is not reasonable, or just, or true that you can expect a jury, selected wholly from men of an adverse party, to give fair play to a culprit who has opposed their political passions and their political views. I, sir, am very sure that if I sat upon the bench with the power to accept or dismiss a panel of jurymen, and I was informed that men of one party alone, (and I care not which party,) composed that panel, I should insist upon their dismissal, and that a recognition of the general sentiment of the community, and of the personal character and the fitness of the jury, should be the controlling reason for their selection and not the fact that they were men banded together by the tie of political feeling.

We have recognized in many statutes the necessity of considering in this country the government by parties, as in the case of the selection of supervisors of election, from men of different parties, who are to be chosen by the judge who is authorized to select them. In all the States, so far as I know, and in many of which I speak with knowledge, it is provided by law that the judgeships of elections shall not all be filled by men of the same party, but that there shall be, for the

obvious purpose of fair play and justice between man and man, a contribution of sentiment, of affiliation, and of sympathy to both sides of those questions that so excite the minds of men and tend to pervert their sense of justice.

I cannot, therefore, see how a question of this kind, when left to the fair sense of human honesty, to that love of fair play that the humblest as well as the best instructed recognizes, to simple justice, should not lead a man to wish that whoever was to be tried should be tried before an impartial jury. Give to your people confidence in your laws, and they will love and support them. Give to your people distrust in your laws and they will despise and evade them. The jury-box is the great school-house for the American citizen. The lessons of practical wisdom there learned from the close observance of men's affairs, the lessons of moral worth which an honest judge can diffuse throughout a community, form, in my judgment, an admirable school for the education of the American citizen. The jury-box is a place for good men and true who, under an oath combining the sanctions of religion and the sanctions of human laws, meet to perform the very highest duties of which the human heart or the human brain is capable, and that is, of administering justice between their fellow-creatures.

The importance, therefore, of this system, which we sometimes hear spoken of with disrespect, cannot be well overrated. Every safeguard should be thrown around it; and wherever it turns out in the practical history of events, no matter by what cause, that partiality and not impartiality is the result of an existing system, every effort should be made for its immediate reformation.

Mr. President, such a question as this soars far beyond mere party interest. Such a question as this touches interests far beyond the interests of this generation. Such a question as this touches the very fundamental rights upon which our Government is to stand and stand safely. I cannot imagine how any man professing fairness can say, that he objects to a system that can fairly represent the great political parties of the country in the juries of the country, or that he can wish to favor the continuance of a system that practically excludes members of a party, numbering much more than one-half of all the people of the United States, from participation in the execution of the laws of the country and the administration of public justice.

I have nothing more to say in recommendation of these things which seem to me to be self-evident. Testimony is here in abundance from all over this country, North and South, East and West, of the necessity of a remedy for the exclusive and partial method by which our juries are now drawn. This method proposes to have two commissioners, the clerk of the United States court, whoever he may be, and a citizen residing in the district in which the court is held "of good standing, and a well-known member of the principal political party opposing that to which the clerk may belong." They shall each place one name alternately in a box until that box, shall contain three hundred names of citizens fit for jury duty under the present qualifications, imposed by section 800 of the Revised Statutes. These qualifications are universal and equal, and provide for no discrimination against any class of citizens.

Now, I agree that there may here and there be found in the clerkship of a court of the United States a man almost colorless in politics. There may be such a man, but I doubt it. It is a very rare thing in the United States that a man, especially a man holding public office, has not political affiliations of one kind or the other. He may be more or less a partisan, but he still has party affiliations. Although the method proposed is not wholly satisfactory, nor do I believe that it will in every case reach the result which we desire, that two opposing minds upon the subject of party feeling shall have the selection of every jury, yet the provision is as near the securing of the desired impartiality that comes from having an even chance given to both sides to select their men, as any other that I think could be devised.

Then further, Mr. President, it will give to the republican commissioner and to the democratic commissioner the opportunity to go before the people and show what kind of men they propose to select for the administration of justice. The public will know if one man shall nominate, out of these three hundred names, one hundred and fifty persons of degraded character, and the other shall nominate one hundred and fifty men of intelligence and moral worth. Sir, the effect upon the man who has so maladministered his office will indeed be crushing. An honest public opinion, the great agent for the cure of our political evils, the great agency by which our laws are molded and our government ultimately controlled, will never sustain a man holding such an office who, shall so prostitute its powers as to secure corruption and partiality where the opposite qualities are so especially needed. If even one such bad man can be found on either side, there is the corrective to his action in the powers given to his co-commissioner.

Therefore, while on every ground, going into a court of justice I should wish to dismiss from my mind and dismiss from the minds of every juror and every witness as well as from the judge upon the bench all knowledge or all thought as to the political affiliation of the party whose rights were in controversy before them; yet at the same time I would secure that party against injustice and against partiality, by providing that, while he could not have twelve partisans of his own to protect him against the due administration of the law and the penalties which he had incurred, yet that he should not be a victim to political excitement, prejudice, and injustice which party and party passions so frequently bring upon those who are obnoxious.

The bill as proposed to be amended contains two other provisions:

> And no person shall serve as a petit juror more than one term in any one year, nor be compelled to serve as such juror more than two weeks at any term, unless it be necessary in order to complete the trial of a cause in which he may have been impaneled.

That provision finds its warrant in the experience of many of the State courts. It is meant for the convenience and protection of the farmers, of men of business, of men engaged in many professions, all of whom would be seriously injured if compelled to a prolonged attendance unlimited in time upon the courts. Therefore if a man gives, as every good citizen ought to give, a portion of his time to public affairs, this provision limits the time which he can be so required to give from his private business in any one year, and tends to prevent the continual employment of a set of men who may be called professional jurors. The experiment has been found to work well in practice elsewhere, and it is believed it will tend to give a rotation in service to all the citizens of the States without inflicting great inconvenience upon any.

It is expressly provided also, that should a juror be drawn upon a cause of more than two weeks of prolonged trial he is not to be excused from service under such circumstances; so that in the orderly administration of justice no injury can accrue. In the first lines of the bill the compensation of jurors is fixed at $2.50. The present compensation is $3 per day. That compensation was fixed at the period of inflated prices in 1870; and it is considered that the pay of $2.50 is reasonable and fair at the present time, and at the present cost of living, especially as the mileage of jurors is allowed to remain undisturbed under the present law, which is five cents per mile each way to and from the home of the juror.

Mr. President, I do not know at this time that there is necessity for me to say anything more in support of this bill. I have explained its provisions and advocated its adoption. I trust that concurrence will be given to it. But as I have said before, the President of the United States has seen fit to return the bill in which these measures were incorporated, stating his objections to certain features, but making no objection to the measure which is now before the Senate; from which I argue, and I trust, that the present measure, reasonable and just and proper, as I believe it to be, will meet his approval. And yet it is in his power to withhold his approval; and I do not know that a majority of two-thirds of the two branches of Congress would be found to make it a law notwithstanding his dissent. I hold that the exercise of this veto power by the President is his own; that he is an independent branch of the Government, and that upon his own responsibility he may or may not approve a measure which has passed the two Houses of Congress by the constitutional majority.

For the exercise of his powers, he is responsible to the people of the country. He is responsible to the House of Representatives for any malfeasance in his office; and to them is given the power to impeach him, and the Senate, upon trial, to remove him, should they consider that his acts have brought him within the constitutional prohibition; but I am very clear that the checks and balances created by our Constitution do prohibit and are to prohibit any invasion of his just prerogatives; and no exigency, no sense of the abstract injustice or unwisdom of his action, should control me in approving or urging any course of irregularity in order to overcome what I believe to be the errors or the faults of his administration.

Equally unworthy and unwarranted would be any attempts at coercion of the Executive by Congress—and such suggestions are only weak and idle.

There would seem in his veto message of May 29 to be a desire on the part of the Executive to present himself to the public in an attitude of injured innocence—that he was the object of an attempted coercion by Congress. Thus he says:

> The objections to the practice of tacking general legislation to appropriation bills, *especially when the object is to deprive a co-ordinate branch of the Government of its right to the free exercise of its own discretion and judgment touching such general legislation*, were set forth in the special message in relation to House bill No. 1, &c.

How little warrant the Executive had for this statement and conclusion is best shown by his own words in his veto message of April 30, in which he says:

> *The practice* of tacking to appropriation bills measures not pertinent to such bills did not prevail *until* more than forty years after the adoption of the Constitution.

As the Constitution was adopted in March, 1789, it follows according to this statement that for half a century "*the practice*" of tacking has been followed. And in the last line the message says:

> *It has become a common practice. All parties when in power have adopted it.*

I deny that he has any justification for assuming or asserting that he was the object of coercion, or that he was intended to be placed under any duress by having general legislation sent to him as riders upon appropriation bills. On the Army appropriation bill of June, 1878, there was such a rider in the shape of the "*posse comitatus*" clause; but nothing was heard then of coercion, and the bill was properly and promptly signed.

Sir, it was not the duty nor the right of the Executive, to impeach the motives and conduct of the Senate and House of Representatives who voted for the appropriation bills at this session, in the shape in which he first received them. If tacking general legislation to appro-

priation bills be revolutionary or coercive, what shall be said of the Congress of 1866–'68, of which republican majority the Executive himself was a member, who never failed in a single case to pass appropriation bills which were not open to the objection which he now denounces so violently? I know not what part the present Executive took in the Army bill of 1867, which invaded the clear prerogative of President Johnson and stripped him of essential powers as Commander-in-Chief of the Army, and actually prohibited his communication with that Army, excepting through channels designated by Congress in the appropriation bill in question.

Sir, if to tack general measures to appropriation bills is coercive and revolutionary, how can the President and his party face their record of the legislation for fifteen years prior to 1875? It will exhibit an unbroken series of the very methods of legislation they now so vehemently condemn. Sir, the Executive is not coerced; he has not been sought to be coerced. He is not bound to approve any bad measure because it is annexed to an appropriation bill; it can gain no force and acquire no new strength from such association. The charge, however, has served as a pretext for a partisan maneuver—an effort to place his political opponents in a false position before the country. It seems to me unworthy and illy fitted for the great office from which it emanated.

Sir, the only coercion I would apply is that of a quickened conscience, based upon a comprehension of the real duties of the great office he holds, the coercion of public opinion demanding great motives from men in high places. It is the coercion of his oath to obey the Constitution, and not the behests of party, or the commands of those who have never heretofore treated him with even ordinary respect.

I have said before, that a veto based upon an executive criticism of parliamentary methods, was unknown in the history of our Government, and I do not care to repeat what I have said upon that subject. No one would accuse Alexander Hamilton of a lack of desire to maintain the just prerogatives of the Federal Government and of every branch thereof; but in the sketch that he has given of his belief why those powers were created and vested in the Executive, there will be found no justification, in my opinion, for the veto which accompanied the bill, a portion of which it is proposed now, separately, to re-enact and submit for the executive approval.

The primary inducement—

Says Hamilton in the seventy-third number of the Federalist—

The primary inducement to conferring the power in question upon the Executive, is to enable him to defend himself: the secondary is to increase the chances in favor of the community against the passing of bad laws, through haste, inadvertence, or design.

Now, sir, I apprehend it would scarcely be suggested that there is anything in the bill now before the Senate that can, however remote, be tortured into an assault upon the Executive or his power. It relates, as I have shown, wholly to the administration of justice by the people and for the people in their primary capacity. Is this a bad measure? Has it been suggested through haste, inadvertence, or design? Why, Mr. President, the feeling, the motive that urges this bill, is the growing sentiment of the American people in favor of a restoration of the methods of peace, of law, of voluntary action as opposed to military violence. The sentiment which produced this bill did not grow up in a day; it was not born in a moment; it has been a steady, sometimes as I have thought very slow, but a certain, outgrowth of popular opinion. I hold that the whole course of reformation which these measures illustrate is the sober second thought of the American people. It is their deliberate judgment that such reforms should take place. The legislation now proposed is in the direct line of the return of our Government to the principles, the doctrines, the methods which were intended to control it, and which I hold to be necessary for the happiness and welfare of our people.

I hold that the invasion of one department of the Government by another is utterly unwarranted, is dangerous, and strictly should be guarded against. Where they differ, as they oftentimes will, in what spirit must the high powers with which they all are respectively vested be exercised? It must be a spirit of comity, it must be a spirit of mutual accommodation; it cannot be a spirit of obstruction. I hold that no spirit but that of high public duty should actuate any man possessed of public power; that personal exasperation, official bickering, partisan revenges and maneuvers, have no just place in the execution of the trust of public power wherever it may be placed.

How much of obstructiveness, or of a desire for political maneuver, of cunning and partisan advantage, or of seeking to place political opponents in false positions, may be found to characterize the late acts of the Executive I do not propose now to state. The American people will read these messages, and consider the nature of the measures proposed, and they will judge the Executive and his party according to their works.

I doubt whether ever before in the history of this Government veto messages were found containing quotations from the debates in Congress, and oftentimes garbled quotations, calculated to mislead as to the position of political adversaries, and constituting the bulk of the presidential comment upon legislative action.

I recognize very plainly the peculiar position of our public affairs. Ordinarily the same public sentiment that creates a majority in the two Houses of Congress also creates an Executive in accord with it. There may be an interregnum, a change in popular opinion, in which, for instance, the power of the Senate, as a more continuing body, may remain, although popular opinion may have changed the majority of the House of Representatives. Their terms of office, the frequency of election of members of the House, and the comparative infrequency of the election of Senators render such things possible; and there may occur (and properly and lawfully) an Executive differing in political affiliations with the majority of either House of Congress.

But we do know, at least those who compose the majority of the Senate and of the House do know, and we do believe, that the sentiment which caused the election of a democratic majority of the present Senate and House of Representatives also elected a democratic President. Right down in the hearts of every man composing the majority in either branch of Congress lies the solemn belief that would induce him to walk readily to that desk and with uplifted hand, or his hand upon the Holy Book, swear that he believes that the individual who now holds the executive office was not elected to it by the votes of the American people, but that he holds an office justly belonging to another.

I have nothing to say in referring to the history of the events of 1877, when having a single eye to the welfare of the American people, believing in the necessity for the existence and support of a government of laws, believing that it was better, rather than that strife and confusion should throw this Government into the hands of the body of men, who stood only too ready to clutch it by the throat and put it under the mailed hand of armed power—we proposed and preferred that the forms of law should be created, should be followed, even though the gravest disappointment arose, and we believe that the result was the overthrow of the will of the American people expressed at the polls.

Those are the facts, and I believe history will record them as beyond dispute. Such was the honor of those who did maintain this ground in a period of profound excitement, in a period when they were convinced of the grossest injustice, who did believe that the public opinion of the American people would in the end be a safer refuge than the rush to arms for the purpose of vindicating a clear right. Upon that faith we have rested, "that truth was omnipotent and that public justice was certain." On that we stood then and on that we stand now, and upon that great issue the American people will be called upon at a day not long distant to decide.

But these facts only conduce to what? They render our situation even more difficult and trying. The Congress of the United States have their duties. They are endeavoring to execute them faithfully and well. They are endeavoring to shape legislation in accordance with public sentiment, so that this country shall be free, and safe, and prosperous, and happy, that the Union shall be perfectly and really restored, that the public credit shall be guarded and maintained, that all the functions of this great Government shall be duly exercised, and proceed properly in their execution. That is our great wish; but if there is in our propositions of themselves anything wrong, if they are unwise instead of being wise, if they are unpatriotic instead of being patriotic, we have the opinion and conscience of the American people to appeal to. All that I would ask is that they may clearly comprehend the issues which lie before them. It is upon their intelligence, their sense of virtue, it is upon their capacity to comprehend aright, and distinguish between the just and the unjust, that we form our chief hopes.

But, sir, suppose in these efforts we meet obstruction, suppose in these efforts we meet the interposition of the constitutional powers of the Executive, and he stands in the way and says with or without reason, "I execute this power, I will taunt you, I will harass you, I will endeavor to inflame you and place you in a false position before your countrymen," what is our answer? That that may be his measure of duty, but thank God he cannot impose the measure of ours. Our responsibility and our sense of duty is measured only by ourselves, only by our own conscience.

This Government is placed, so far as the legislative power is concerned, in the hands of the majorities composed of the democratic members, and we propose to so conduct it, that the people of the country shall feel that honesty in the first place has marked every law, that the lobby that so long here infested the corridors of the Capitol and controlled the legislation, has been routed and put an end to, that the Treasury shall be protected, that every branch of the Government shall be amply supplied and maintained with vigor, economy, and justice. This is our proposition.

Our first duty is to continue this Government. Our first duty is to supply everything needful for the honor and welfare and protection of this Government and all of its people. Is our measure of that duty to be taught us by a hostile, a harassing, and an obstructive Executive? Sir, our measure of patriotic duty is not to be dictated by him. It is to be measured by the oath that we took to support this Government. It is to be measured by our own discretion as to what the safety and the welfare of the Government require at our hands.

Mr. President, I sometimes fear that this great complicated machinery of the civilized Government of a rich and populous country is not fully comprehended. It seems to me when I consider all the forms of property, they lie only in the shape of accumulated credits, where once what we called wealth meant nothing but cattle or arms or jewels, or the precious metals. The property of a civilized coun-

try is the creation of its laws, and is dependent for its existence on those laws. The great body of its property is its credit in all its forms, which only by the close observance of law and maintenance of order can retain their force and vitality and value. This country is no longer a mere collection of Indian villages, in which peace and war was a matter of every day's chance occurrence. Confusion in a government like ours, is pregnant with the deepest danger and with the greatest disaster and suffering. You cannot throw out of gear for one moment such complicated machinery without producing almost irremedial injury and widespread distress. Therefore, the man who idly talks about stopping supplies to the Government, or who disingenuously or dishonestly charges others with endeavoring to stop the supplies of the Government, either suggests a great public crime or he makes false accusation of one against his neighbor. I hold it to be the great mission of the organization called the democratic party to maintain this Government in all its parts, and under the limitation of its written charter of powers to protect it against all enemies, domestic as well as foreign, to prevent confusion from rushing in upon it and disturbing its orderly progress. I do not hold it to be in the power of any Executive, unfriendly and unjust as he may be to the principles and the objects, and to the *personnel* of that organization, to lessen or alter its measure of duty, or place it in a false position before the American people.

If I did not believe that party was to be trusted I would not belong to it. If I did not believe that the credit, the safety, the welfare, and honor of the American people were safe in its hands I would abandon it. But shall it be that an officer accidentally vested, and vested, as I have said, against our belief of right, with the enormous powers which have accumulated and grown around the executive office, shall succeed in placing this great party, with all its patriotic objects and intents, in a position of suspicion and doubt before their fellow-countrymen? Ah, sir, it will require two to make up that issue. It is a false, dishonest, untruthful, disingenuous attempt to slander his neighbors. No, sir, this Government shall move on. It shall be supplied regularly and fully. We will put an end to political jobbery wherever it appears; we will reform all the wrong and injustice that are caused by bad laws that we may; we will supply everything needful for the strong, vigorous, just exercise of every constitutional power in every branch of the public service, and we do not mean that any obstructive Executive, any unfair political opponent occupying power against our belief of right but to which we submit under the forms of law, shall pervert the truth or raise false issues between us and our countrymen.

Therefore it is that I have said this much, and it may save me the trouble of repeating it again. I have said it in connection with a measure to which the Executive has returned no objection. I cannot imagine that there will be objection to it. I do not mean to say that there can be none manufactured—for when there is a will, a way will always be found for anything—I will not say that men's minds may not be so constituted. or so controlled by their prejudices and passions, that they may not find good reasons exactly in the opposite direction from those I have endeavored to state. But what I ask, and all that I ask, is that the issues now forming between the two Houses of Congress as represented by their dominant majorities, and the executive branch of the Government may be plainly, and clearly, and fairly understood by our fellow-countrymen, because when they are so understood by them, I am satisfied they will find reason only for renewed confidence and increased respect for the party, whose motives have been so unjustly called in question, in regard to the grant of supplies for the support of our Government, and who are *honestly* seeking to reform abuses, and redress the actual grievances of the American people.

The PRESIDING OFFICER. The question is upon agreeing to the amendment of the Committee on the Judiciary.

Mr. EDMUNDS. I move to amend the text of the bill, which I suppose I must do now probably, as the amendment of the committee is a motion to strike out the whole of it. I move to strike out the last three words in line 3, being "and eight hundred," and in line 4 the words "and twenty-one," and then make the word "sections" in line 3 to read "section," and the word "are" in line 5 to read "is;" as to make the bill read:

That section 820 of the Revised Statutes of the United States be, and the same is hereby, repealed.

The PRESIDING OFFICER. The question is upon agreeing to the amendment offered by the Senator from Vermont to the bill.

Mr. EDMUNDS. On that I should like to take the yeas and nays if it is agreeable.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CAMERON, of Pennsylvania, (when his name was called.) On this question I am paired with the Senator from Alabama, [Mr. MORGAN.] If he were present, I should vote "yea."

Mr. DAVIS, of West Virginia, (when his name was called.) On all political questions I am paired with the Senator from Minnesota, [Mr. WINDOM.] If he were here, I should vote "nay."

Mr. DAWES, (when Mr. HOAR'S name was called.) My colleague [Mr. HOAR] is paired on this question with the Senator from North Carolina, [Mr. RANSOM.]

Mr. RANDOLPH, (when his name was called.) I am paired on political questions with the Senator from Connecticut, [Mr. PLATT.]

Mr. MCMILLAN, (when Mr. WINDOM'S name was called.) My colleague [Mr. WINDOM] is absent from the city, under the appointment of the President of the Senate as one of the Board of Visitors to West Point. He is paired with the Senator from West Virginia, [Mr. DAVIS,] and would vote "yea" if he were present.

The roll-call was concluded.

Mr. ALLISON. On this particular vote I am paired with the Senator from Illinois, [Mr. DAVIS,] who is obliged to be absent from the Chamber.

Mr. KIRKWOOD. The Senator from Colorado who sits next to me [Mr. TELLER] is paired with some Senator on the other side; but I do not know the name of the Senator with whom he is paired.

The PRESIDING OFFICER. The announcement was made of his pair with the Senator from Virginia, [Mr. JOHNSTON.]

Mr. KIRKWOOD. The Senator from Colorado would vote "yea" if he were present.

Mr. BURNSIDE. My colleague [Mr. ANTHONY] is absent as one of the Board of Visitors at Annapolis and is paired with the Senator from Georgia, [Mr. GORDON.] If my colleague were here, he would vote "yea."

Mr. WITHERS. My colleague [Mr. JOHNSTON] is paired on all political questions with the Senator from Colorado, [Mr. TELLER.] If my colleague were here, he would vote "nay."

Mr. SAUNDERS. My colleague [Mr. PADDOCK] left the Chamber, as he is ill to-day. If he were here, he would vote "yea" on this question.

Mr. VANCE. I desire to announce that a number of Senators are absent in the Committee on Privileges and Elections engaged in the public business of the Senate, and they are not able to be here.

Mr. MCMILLAN. The Senator from Wisconsin [Mr. CAMERON] is a member of the Committee on Privileges and Elections, and is absent from the Senate Chamber in discharge of the duties of that committee. He would vote "yea," if present.

Mr. GROOME. I would state that I made a pair a few days ago with the Senator from Kansas [Mr. INGALLS] until my return from a temporary absence. Inasmuch as I have not had an opportunity to notify the Senator from Kansas of my return, and as he is absent from the Senate, I shall not vote. Otherwise I should vote "nay."

Mr. PENDLETON, (after having voted in the negative.) I voted "nay," forgetting for the moment that I was paired with the Senator from Maine [Mr. HAMLIN] on all political questions. I withdraw my vote.

The result was announced—yeas 16, nays 26; as follows:

YEAS—16.

Bell,	Chandler,	Ferry,	McMillan,
Blaine,	Conkling,	Hill of Colorado,	Morrill,
Booth,	Dawes,	Kirkwood,	Rollins,
Burnside,	Edmunds,	Logan,	Saunders.

NAYS—26.

Bayard,	Harris,	Lamar,	Walker,
Beck,	Hereford,	Maxey,	Wallace,
Call,	Hill of Georgia,	Slater,	Whyte,
Coke,	Houston,	Thurman,	Williams,
Eaton,	Jonas,	Vance,	Withers.
Garland,	Jones of Florida,	Vest,	
Hampton,	Kernan,	Voorhees,	

ABSENT—34.

Allison,	Davis of Illinois,	Johnston,	Plumb,
Anthony,	Davis of W. Va.,	Jones of Nevada,	Randolph,
Bailey,	Farley,	Kellogg,	Ransom,
Bruce,	Gordon,	McDonald,	Saulsbury,
Butler,	Groome,	McPherson,	Sharon,
Cameron of Pa.,	Grover,	Morgan,	Teller,
Cameron of Wis.,	Hamlin,	Paddock,	Windom.
Carpenter,	Hoar,	Pendleton,	
Cockrell,	Ingalls,	Platt,	

So the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment of the Committee on the Judiciary.

Mr. EDMUNDS. I move to amend the amendment of the committee by adding thereto the following as section 2:

SEC. 2. That no citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States, or of any State, on account of race, color, or previous condition of servitude; and any officer or other person charged with any duty in the selection or summoning of jurors who shall exclude or fail to summon any citizen for the cause aforesaid shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not more than $5,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Vermont to the amendment of the committee.

Mr. EDMUNDS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. HOUSTON. I should like to inquire if the amendment is not divisible? Can it not be divided at the word "servitude?"

Mr. GARLAND. Is it in order to amend the amendment of the Senator from Vermont?

The PRESIDING OFFICER. It is an amendment in the second degree now, and another amendment is not admissible.

Mr. GARLAND. I wanted to make a motion to strike out the words "or of any State" in the amendment of the Senator from Vermont.

The PRESIDING OFFICER. The amendment is in the second degree now, and in the opinion of the Chair it is not amendable.

Mr. THURMAN, (Mr. WALLACE in the chair.) As I heard the amendment read the last time, it undertakes to regulate juries in the State courts. I should like my friend from Vermont to point out under what provision of the Constitution he proposes that Congress shall regulate juries in the State courts.

Mr. EDMUNDS. The Senate has decided that we can regulate health; I do not know why we cannot regulate justice.

Mr. THURMAN. If the only reason the Senator has to give is that it comes under the commercial power of Congress, I do not know under what provision of the Constitution it can come.

Mr. EDMUNDS. The amendment of the committee is a trading amendment; that comes under the commercial clause fixing the politics of juries. I think it falls clearly within that clause of the Constitution.

Mr. THURMAN. My question was put in perfect good faith and in all seriousness. This is the answer the Senator gives to it. That is all I have to say about it.

Mr. EDMUNDS. Then let us vote.

Mr. HOUSTON. I withdraw the suggestion I made as to dividing the amendment.

Mr. THURMAN. The Senator from Vermont leaves the amendment in a way that compels everybody, I think, who does not read the Constitution with his spectacles, to vote against it.

Mr. EDMUNDS. All right; only vote.

Mr. HILL, of Georgia. Let the amendment be reported again.

The amendment to the amendment was again read.

Mr. HILL, of Georgia. I wish to say that I should cordially vote for the amendment if it intended to accomplish what I suppose the Senator from Vermont proposes to accomplish—that is, if it provided that persons qualified by law to serve on juries shall not be rejected because of race, color, or previous condition of servitude. Very clearly they ought not to be rejected for any such cause; that is admitted everywhere. If the object of the Senator is to insert something which he thinks will otherwise prevent us from voting for it, and thus make it appear on record that we are voting against the race and color provision, I think it is unfair.

Now, let us deal fairly in this matter. We do not think that Congress has a right to prescribe the qualifications of jurors in a State. We think that belongs to the State. I presume the Senator from Vermont thinks the same thing. We do not think Congress has the right to prescribe a severe penalty because somebody does not comply with the laws of a State in relation to summoning jurors. I do not think it is fair for the Senator to present an amendment apparently for one object and then incorporate into it a little provision which he thinks will prevent us under our views of the Constitution from voting for it, and make it appear that we voted against it for the other reason. I say if the Senator will strike out the words "or of any State," we will cheerfully vote for the amendment.

Mr. WHYTE. I will not.

Mr. HILL, of Georgia. I will.

Mr. WHYTE. I will not.

Mr. HILL, of Georgia. I will vote for it, if I understand it. If the object of the Senator from Vermont is to fairly say that no man shall be excluded from the jury-box of the Federal courts who is qualified by law to serve on a jury, I agree with him.

Mr. BECK. Is not that the law now?

Mr. HILL, of Georgia. I think it is the law now, and I think the amendment is a solecism, because it says if any person is qualified by law he shall not be disqualified. Disqualified how? What do you mean? No person shall be disqualified who is qualified! I think that is a solecism. If he means that nobody shall be rejected from service on a jury who is qualified, I can understand him. What he means by saying no person shall be disqualified who is qualified by law I confess I do not understand. But I think in this Chamber we ought to deal perfectly fairly. We ought not to undertake to interfere with the constitutional prerogatives of a State, and I do not think it is fair to interject something in the amendment that does interfere with the prerogatives of a State to force us to vote against what we are otherwise willing to vote for for the purpose of making a false issue.

Mr. EATON. If my friend will permit me, I will simply suggest that in my judgment it is not quite worth our while to undertake to perfect the amendment of the Senator from Vermont. I think the best thing we can do is to vote it down.

Mr. HILL, of Georgia. I would deal perfectly fairly; I am willing to vote for it if it is put in a proper form.

Mr. CONKLING. Will the Senator from Georgia allow me a moment? He says, and I agree with him, that we ought to understand each other fairly. I am not sure that I caught all the Senator's words; but he said if the words "or of any State" were stricken out, "we," to use his expression, would vote for the amendment. May I understand that if the amendment is so modified as to confine it to the national courts, the Senators on that side of the Chamber will vote for it?

Mr. HILL, of Georgia. I do not speak for anybody but myself. If I used the word "we," I meant "I."

Mr. EDMUNDS. It was merely editorial.

Mr. CONKLING. The honorable Senator used the royal pronoun "we." It has been said nobody was authorized to use that word except editors, emperors, and men of another class whom I forbear to denote by name.

Mr. HILL, of Georgia. I tell my friend from New York that I did not intend to usurp any unusual authority. I am speaking for myself and for myself alone. I will say now, and I meant to say "I," if the object of the Senator from Vermont is simply to provide that a man shall not be disqualified from service on a jury in the Federal courts who is otherwise qualified, on account of race, color, or previous condition of servitude, I am with him.

Mr. THURMAN. But he is not disqualified now.

Mr. HILL, of Georgia. But he is not disqualified, and therefore I do not see what the amendment of the Senator from Vermont means; and hence I shall vote against it.

Mr. BAYARD. I merely desire to draw the attention of the Senate to the fact that section 800 of the Revised Statutes provides the qualifications for jurors in the courts of the United States. I will read it:

> Jurors to serve in the courts of the United States, in each State respectively, shall have the same qualifications, subject to the provisions hereinafter contained, and be entitled to the same exemptions, as jurors of the highest court of law in such State may have and be entitled to at the time when such jurors for service in the courts of the United States are summoned; and they shall be designated by ballot, &c.

The qualifications of jurors of the courts of the United States are universally the same; there is no discrimination. There can be no discrimination made except in that individual voluntary choice which may include one man and exclude another.

The present amendment goes far beyond and proposes to control the qualifications for jurors in the several States, but there is no necessity whatever for declaring that the jurors of the United States courts shall be entitled to one provision of the Constitution of the United States more than all the others. There is no suggestion that there is discrimination made against them. I believe every man who hears me knows that in almost every State colored men have been summoned upon United States juries, and will be again whenever it is considered necessary or proper to summon them. I have seen them summoned upon juries of the United States in the State in which I live. I presume they are summoned on such juries in New York, at least I have seen it so stated—I never saw a jury in that State—and so on throughout all the States. In the Southern States to-day, I apprehend a great many more colored men are summoned than whites.

Thus the object of the amendment—I will not say the object, but the effect of the amendment—is entirely unnecessary. The provision of the code now is an impartial provision, excluding discrimination; and therefore I hope that the amendment will not be adopted.

The PRESIDING OFFICER. The yeas and nays have been ordered on the amendment to the amendment, and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. ALLISON, (when his name was called.) For to-day I am paired with the Senator from Illinois [Mr. DAVIS] on certain questions connected with this bill. I do not know how he would vote on this particular amendment, and therefore I shall not vote.

Mr. BURNSIDE, (when his name was called.) On this question I am paired with the Senator from Tennessee, [Mr. BAILEY.] If he were here, I should vote "yea." I must apologize for voting the last time, for I was paired. It made no difference in the result, but I ought to have announced that I was paired. I voted in the affirmative.

Mr. CAMERON, of Pennsylvania, (when his name was called.) On this question I am paired with the Senator from Alabama, [Mr. MORGAN.]

Mr. FARLEY, (when his name was called.) I am paired with the Senator from Nevada, [Mr. JONES.] If he were here, I should vote "nay."

Mr. GROOME, (when his name was called.) For the reason stated upon the last call of the roll, I shall not vote in the absence of the Senator from Kansas, [Mr. INGALLS.] Were he present, I should vote "nay."

Mr. DAWES, (when Mr. HOAR's name was called.) I announce again the pair of my colleague [Mr. HOAR] with the Senator from North Carolina, [Mr. RANSOM.]

Mr. WITHERS, (when Mr. JOHNSTON's name was called.) I repeat the announcement I made on the other vote, that my colleague [Mr. JOHNSTON] is paired with the Senator from Colorado, [Mr. TELLER.] My colleague, if present, would vote "nay."

Mr. MCMILLAN, (when Mr. WINDOM's name was called.) I desire again to announce that my colleague [Mr. WINDOM] is absent at West Point, and is paired with the Senator from West Virginia, [Mr. DAVIS.] My colleague would vote "yea," if present.

The roll-call was concluded.

Mr. BURNSIDE. My colleague [Mr. ANTHONY] is absent and is paired with the Senator from Georgia, [Mr. GORDON.] If my colleague were here, he would vote "yea."

Mr. PENDLETON. On this vote I am paired with the Senator from Maine, [Mr. HAMLIN.]

The result was announced—yeas 14, nays 26; as follows:

YEAS—14.

Bell,	Dawes,	Kirkwood,	Rollins,
Blaine,	Edmunds,	Logan,	Saunders.
Chandler,	Ferry,	McMillan,	
Conkling,	Hill of Colorado,	Morrill,	

NAYS—26.

Bayard,	Coke,	Hampton,	Hill of Georgia,
Beck,	Eaton,	Harris,	Houston,
Call,	Garland,	Hereford,	Jonas,

Jones of Florida,	Slater,	Voorhees,	Williams,
Kernan,	Thurman,	Walker,	Withers.
Lamar,	Vance,	Wallace,	
Maxey,	Vest,	Whyte,	

ABSENT—36.

Allison,	Carpenter,	Hoar,	Pendleton,
Anthony,	Cockrell,	Ingalls,	Platt,
Bailey,	Davis of Illinois,	Johnston,	Plumb,
Booth,	Davis of W. Va.,	Jones of Nevada,	Randolph,
Bruce,	Farley,	Kellogg,	Ransom,
Burnside,	Gordon,	McDonald,	Saulsbury,
Butler,	Groome,	McPherson,	Sharon,
Cameron of Pa.,	Grover,	Morgan,	Teller,
Cameron of Wis.,	Hamlin,	Paddock,	Windom.

So the amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs again upon the amendment of the Committee on the Judiciary.

Mr. CONKLING. The Senator from Georgia, whom I am unable at this moment to discover, I hope is near enough to come and redeem his promise.

Mr. KERNAN. My colleague will allow me to state that the Committee on Privileges and Elections is sitting, taking evidence, and the Senator from Georgia has just gone back to the committee-room.

Mr. CONKLING. I am sorry to hear that he went back, but I am in hopes he will come forward with that fluent enthusiasm of justice which often inspires him and vote for a part of this amendment, although he could not vote for it all, and bring up his colleagues and followers to support his good intentions. Therefore I renew the amendment of the Senator from Vermont so changed as to omit as they occur there the words reaching the State courts. If the Secretary will read the language I will make the change I wish to make.

Mr. EDMUNDS. Striking out the words "or of any State."

Mr. CONKLING. Strike out "or of any State."

The PRESIDING OFFICER. The proposed amendment will be reported.

The Chief Clerk read as follows:

SEC. 2. That no citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States on account of race, color, or previous condition of servitude.

Mr. EDMUNDS. And add the rest of it, the penalty for violation.

Mr. CONKLING. The rest remains as it was offered before.

Mr. THURMAN. Let us hear it.

The Chief Clerk read as follows:

And any officer or other person charged with any duty in the selection or summoning of jurors who shall exclude or fail to summon any citizen for the cause aforesaid shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not more than $5,000.

Mr. CONKLING. I heard the honorable Senator from Delaware [Mr. BAYARD] say a while ago that a sense of justice was one of the highest and at the same time, as he thought, one of the rarest with which men are endowed. I dissent entirely from the latter view; but seeing how highly the Senator from Delaware prizes a sense of justice, and having heard the distinguished presiding officer of this body [Mr. THURMAN] announce as his only objection to the amendment that it applied to State courts as well as national courts, thus disquieting his constitutional conscience, and having heard the honorable Senator from Georgia [Mr. HILL] who I was in hopes would have come in by this time, but by a "fortuitous combination of unforeseen contingencies" he is still absent, greatly to my regret—I will make it a point to send a page to the committee-room where my colleague thinks he can be found, to enable him, if he will, to come in and redeem his pledge—that distinguished absent Senator having indicated with some effusiveness of expression his willingness to observe this exalted sense of justice, which has been commended to us, by voting "yea" for the amendment, the State courts being omitted——

Mr. HILL, of Georgia, entered the Chamber.

Mr. CONKLING. I have thus detained the Senate in a hope entertained, a hope which is now realized, namely, that the Senator from Georgia would return, as he has now done, in season to redeem his somewhat plural pledge (which he afterward confined to himself) to vote for so just a thing as this the moment that the constitutional difficulty was relieved—that constitutional scruple which has been so prominently illustrated and magnified of late in the Senate, as any legislative student can find by looking at the bills which have passed with so much democratic unanimity,—now that the amendment is offered (and I am saying this for the information of the Senator from Georgia who has just come in) with the words "or of any State" stricken out, so as to confine it wholly within the national, or, if the Senator prefers the term, the Federal jurisdiction. Knowing as I do his warm regard for a common humanity, his all-embracing kindness toward men, no matter of what color, race, or previous condition, I console myself for the moment and encourage myself with the hope that at least the Senator from Georgia will vote, as he has promised to do, for this amendment; and knowing as I do the distinguished station of that Senator in his party I cannot suppose that the other Senators of that party will suffer him to stand alone in isolated singularity in giving so just a vote. Therefore, I hope that we shall be able to borrow enough from the majority, adding their votes to the meager and feeble minority here, to carry this just provision into the bill if it is to become a law.

Mr. HILL, of Georgia. Mr. President, as the Senator from New York, with his distinguished ability, has devoted so much attention to this matter, it has caused me to suspect that there is something in it that I did not notice. If it had been simply the proposition I supposed it was, there would have been no trouble at all with me about it, and there would have been no necessity for the Senator's long speech.

Mr. CONKLING. If the honorable Senator will indulge me, I was compelled to make a long speech to give him time to get back into his seat, which I knew he was rushing to do as soon as the opportunity was afforded him of giving this vote which he wanted to give. I was merely amusing and diverting the Senate until the Senator got back to redeem his pledge; that is all.

Mr. HILL, of Georgia. I will state, in justification of myself, that the Committee on Privileges and Elections is in session, and I have been in that committee, and going from that committee-room to this Chamber is a little troublesome.

By reference to the RECORD the Senator will find—and I have no doubt I can repeat almost the whole language that I used to the Senator from Vermont—I said that if the object of the Senator from Vermont was in good faith simply to provide that no person should be excluded from service on a jury who was otherwise qualified on account of race, color, or previous condition of servitude, I was with him; that I agreed to that; and I repeat it now.

I suggested to the Senator from Vermont one trouble in the way of the amendment, and that was that he made it apply not only to the Federal courts but to the State courts, and that was requiring us to vote for what we regarded as unconstitutional; and I wished that corrected. If the Senator had made any movement or indicated any sign that he would correct it, then I should have seen if there was any other objection to his proposition; but when he showed that he would not correct that, I did not know what the object of the amendment was.

Now, I will state to the Senator from New York that if he will say that in his judgment the law as it now stands in its application to the Federal courts excludes a man otherwise qualified from service on a jury on account of race, color, or previous condition, I will vote for the first clause of the amendment with a great deal of pleasure. Will the Senator from New York say that? Let us deal fairly with each other. I simply said that I would vote to exclude no man from the jury-box purely on account of race, color, or previous condition. That is my position, and that is all the position I have occupied. That is all I have said; that is the substance of what I am saying. I will vote for that; and I say so now; but is it necessary to re-enact it if it is already the law? Is it necessary to clog this bill with what is already the law; and is it necessary to clog it in order to put in these penalties which are wholly unnecessary.

I know the frankness of the Senator from New York; and, I will take his word for it, if he will say to the Senate in his place as a Senator that in his judgment the law as it now stands excludes a citizen otherwise qualified from the jury-box on account of his race, color, or previous condition, I will vote to cure the defect with a great deal of pleasure. If the Senator will not say that, then I take it for granted that what he proposes to enact by this amendment is already the law, and his amendment becomes unnecessary.

I had not looked at the matter; when I first heard the amendment of the Senator from Vermont read I had just come in from the Committee on Privileges and Elections. I supposed that the whole idea of the Senator from Vermont was simply to secure equal privileges, without regard to race, color, or previous condition, and that I was ready to vote for. That I am still ready to vote for; but I do not propose to trifle with the statutes of the country or with the Senate by voting for what is already the law.

I wish it distinctly understood that I am perfectly willing to amend the law in any particular in which it is defective, where it does not give the citizens of this country, without regard to race, color, or previous condition of servitude, equal political and civil rights.

Mr. BAYARD. They have them now.

Mr. HILL, of Georgia. I understand that is the law already, and if so I do not see the necessity for this amendment.

Mr. CONKLING. Mr. President, with all the Senate knows of the versatility of the honorable Senator from Georgia, did ever the Senate witness such an exhibition as this? The honorable Senator declared his willingness to vote for an amendment but for one thing. Summoned from the Chamber by one of the manifold duties which press upon him, he was absent for a moment, and I rose in kindness to move the amendment so as to enable the Senator to do this good thing which he had promised to do. Now he comes in to requite my kindness how? By proposing to examine me for admission, I judge, to practice in the courts of the United States, or in some court. He proposes to interrogate me about the law generally as it stands now, and encourages me by saying that if I answer so that he can approve, he will approve of my amendment. What has that to do with the thing we were talking about?

Mr. President, let me say one serious word to the Senate and to the honorable Senator from Georgia. I understand this thing; so does he. The Senator from Georgia as much as any member of this body is an astute, penetrating politician. He knows the effect of things here and far beyond the inclosure of these galleries. The honorable Senator from Vermont offered an amendment intended to secure to black men the rights guaranteed to them by the Constitution. The

Senator from Georgia and those with him chose to vote down that amendment. That vote had at least the merit of consistency; but keen, quick and sleepless as the Senator from Georgia is, he said to himself, "We must not let this vote go unpalliated, unexplained; this vote without an antidote will be a poison in the public ear; it will show that with all our professions about equal rights and equality, in our sense of justice we do discriminate in respect of the right to sit on a jury between the man who is black and the man who is not."

Therefore with positive, with unqualified praise the honorable Senator from Georgia said, "let it not be supposed that we went against this"—and now I give his language very nearly—"because of the race, color, or previous condition provision in it; we vote against it only because it transcends the Constitution"—now I do not quote his words, but I state the substance of them—"because it extends to State courts, and what right have we to invade State courts? We have no objection to colored men sitting upon juries; we do not wish to deny or abridge their rights, but this is put in an unconstitutional form. We are compelled to vote for it all or against it all, and because of this ingredient which in our view impinges upon the Constitution we vote against it, but at the same time we"—because the honorable Senator did speak in the plural—"we would vote for it but for that." The distinguished Senator from Ohio had preceded him with a declaration nearly tantamount, more guarded—the honorable Senator shakes his head; he will not shake it if he listens to my whole statement—more guarded, but intended to convey the idea, as it did, that the only objection to the proposition which he saw fit to speak of was this constitutional objection.

Mr. President, had we stopped there I should have had some difficulty in understanding the Senator from Georgia. Without taking up the Constitution to read, I quote from recollection when I say that it forbids discrimination as well in respect of the States as of the United States; and lest some Senator may think I am wrong I will read the provision to show that the same Constitution and the same line and letters of the Constitution under which the honorable Senator from Georgia professed his willingness to vote for equality of juries in the national courts apply as well to the States:

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State—
>
> No State—
>
> shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

In volume, in the number of words employed, three-quarters of that provision visits the States, is aimed at the States. Therefore it was somewhat difficult for me to understand, as it was on a previous occasion when the same thing was largely discussed in the Senate, the well-grounded distinction between a provision applicable to the United States and to men as citizens of the United States, and applicable to the States and to men as citizens of States.

However, I do not stop to join issue at that point of the argument. Suffice it to say that the honorable Senator from Georgia found in the Constitution or elsewhere reason to say that although this amendment was unexceptionable in so far as it applied to the national or the Federal courts, the objection to it was found in the fact that it applied to the State courts and to juries in the State courts as well; and he said, I repeat, that but for that objection it would receive not only his vote, but he said "we," (thereby meaning that regnant majority, of which he is so conspicuous an ornament,) "would vote for it."

He said that for a purpose; and I transcend no parliamentary rule which forbids denoting motives when I say that his purpose was to have the RECORD show, to have the country know, to have in his hand and in every democratic hand when we come to appear at the grand assizes of the people, that the democratic party stood ready to do just what we proposed to do, save and except only in respect of crossing the lines of the States and making regulations therein. That was his object; that was his purpose. That was the necessary effect of what the honorable Senator said.

Now, when the objection is cured, when the amendment is offered free from that, when it has been changed in exact accordance with the requirement of the Senator from Georgia, what does he say? After some not very slow-spoken words of dissent from his associates, which reached ears as far off as this, after the honorable Senator from Connecticut, [Mr. EATON,] with that courage and truthfulness which always distinguish him and which enable him always to say what he means and to do what he says he will, had suggested with his long head as a caution to others that the safer thing to do was not to parley with this amendment, not to undertake to perfect it, to use his phrase, but to vote it down, and after some other such light had broken in, the honorable Senator from Georgia rises to say, first, that this was an off-hand expression of his, one of those unguarded things so characteristic of a man trained as he has been for a quarter of a century in all the arts and dexterities and cautions of controversy; that it was a spontaneous, exuberant, off-hand, inadvertent expression, in short, for which no man should be held to account—one of those idle words not to be brought into judgment in any human forum.

Suppose we had not put the Senator to the test, and this declaration had stood upon the record and gone out and been trumpeted hereafter, would it then have been treated as an idle, inadvertent declaration, made not because he meant to make it, but because he did not; not because he understood what he was talking about, but because he did not understand what he was talking about? Is that the way in which it would have appeared? Oh, no. When the hills and the vales of Pennsylvania had been made to ring by the distinguished Senator who now presides [Mr. WALLACE in the chair] what a figure this would have cut! Here stood the whole democratic party ready, willing, anxious to go forward with a bound and do complete justice; but this artful, contriving, perverse Senator from Vermont managed to fabricate an amendment and to put into it by dint of two or three words so much vice, so much offense against the Constitution, that even these ardent democrats, gushing with the milk of human kindness, ruled by a sense of justice and equity, longing for opportunities to do justice to the black man, and especially the Senator from Georgia panting as he was to show that no past relations left surviving prejudice, were debarred, cut off, ruthlessly disappointed in this laudable endeavor by the perverse, bedeviled phraseology of the honorable Senator from Vermont! How the democratic heart would have palpitated with sympathy for the predicament of these Senators! What indignation would have been felt that somebody did not rise and give them an opportunity of doing what they were trying to do all the time, "in season and out of season," to crown this race with citizenship, to give them every opportunity, and to break down all the barriers by which man trips up and overthrows man in fairly fighting the battle of life!

Oh, Mr. President, we all understand what this means. I am not going to attempt to hold the honorable Senator from Georgia to his agreement. It is not an agreement that is good within the statute of frauds. We cannot sue and recover upon it; we cannot file a bill for specific performance; it is not in writing; there is no consideration for it; no value was paid; it has not a revenue-stamp upon it (I believe the law does not require that now;) it is not an agreement which we can enforce. But still, as an admirer of the dash and courage of the Senator from Georgia, I did hope that when we had halved this amendment, when we had taken away from it a part and left only that which had been sanctified by his approval, we should at least have his vote in order that we might go out and say there was one democrat at all events, a distinguished democrat, and he from the empire State of the South, who was ready to stand up if need be alone, not as the black sheep but as the white sheep in his flock, and vote for a righteous amendment.

I hoped to enjoy that privilege. I feel discouraged. I think the honorable Senator from Georgia almost does not mean to vote as he said he thought he would, or as he thought he said he would. I begin to feel suspicious. In fact I feel so much discouraged that although I will not withdraw the amendment (I shall ask for the yeas and nays upon it) I will content myself as patiently as I possibly can.

Mr. HILL, of Georgia. I desire to say but one thing. I feel that I owe the Senate an apology. I thought, when I came in from the committee-room and heard the amendment of the Senator from Vermont, that there was something serious in this matter, and that perhaps the subject of giving equal privileges in the jury-box without regard to race or color needed some amendment. I supposed so; I took it for granted. I supposed the gentlemen meant so, but I discover now, with all due deference to the gentlemen, that they are trifling, either trifling with the Senate or making fun for the galleries, I take it; and I wash my hands of the matter and have nothing more to say.

Mr. THURMAN. It was either the younger Pitt or Fox who, when inquired of how he came to be so ready a debater, said it was because he spoke every day and on everything for the first three or four years that he served in Parliament. I think from what has been our experience, at least at this session, the Senator from New York has read that remark and has determined that he will be a ready debater too, if speaking often and on everything can make him so.

Mr. President, I think the Senate will be a little surprised when they hear that this amendment first offered by the Senator from Vermont and then offered, with some of its proportions curtailed, by the Senator from New York, was heard by me for the first time when it was read at the desk. We have a Judiciary Committee. The Senator from Vermont and the Senator from New York are distinguished members of that committee. This bill was referred to that committee long ago. That committee considered it; they have made a report upon it; and now, while it is not parliamentary for me to say what took place in that committee, it is parliamentary for me to say that if this amendment was worth anything at all it was the duty of the members of that committee to submit it to the scrutiny of the committee before it made its report, and not let every member of that committee, except those who were in the secret, learn it for the first time when it was offered in the Senate. That is parliamentary to say and that is just to say. That is not all.

This bill reported by our Judiciary Committee is *in totidem verbis* the same provision that was in the bill which was sent to the President of the United States and vetoed by him, with one single exception, and that exception is that we have added to what was in that bill these words:

> Nor be compelled to serve as such juror more than two weeks at any term unless it be necessary in order to complete the trial of a cause in which he may have been impaneled.

With the exception of that addition, to which I imagine nobody

objects, this bill is *in totidem verbis* the same provision that was in the legislative, executive, and judicial appropriation bill, which went to the President and was vetoed, and cut out of that bill.

That bill went to the President. Now, mark it, when that bill was under consideration in the Senate, where was this amendment? Why did not the Senator from Vermont move it then? Why did not the Senator from New York move it then? Why did not somebody say something about it then? But we had not one word from either of them upon this subject, and we had not one word from the President in his veto upon this subject. There was no complaint in that veto message, which was in detail on the bill which was sent to him. There was not a word of dissent from it in the President's message, not a word suggesting that there was any omission in the provision, much less that there was anything wrong in it.

Then after that veto, the bill of the Senator from Delaware is sent to the Judiciary Committee for what purpose? Why, sir, for consideration, that that committee might discharge its duty; and now, after it has discharged its duty and brought the subject of its consideration before the Senate, for the first time we hear this amendment.

I do say, Mr. President, that that is not the way in which the business of the Senate ought to be conducted. I am sorry to have to make these remarks; but I want fair play all around. I do not want anything sprung on me. I want to have time to consider it, and to consider it in the right place, and according to the proper modes of legislation.

But, sir, that is not all of it. How is this proposition brought in here? The Judiciary Committee reported a substitute as an amendment for the original bill. Nobody requested that the substitute should be treated as the bill itself, so as to be amendable in the second degree. The consequence is that this amendment of the Senator from New York cannot be amended, because that would be an amendment in the third degree. It has to be swallowed whole, or it has to be rejected. If it had been considered in committee, then it could have been amended; but now it is brought up here to call the yeas and nays upon it, and so we must take this proposition as a whole or reject it. Is that fair? Is that right? Is that justice? I say it is not.

Now, sir, I want to say a word or two upon this subject. The Senator from Georgia called on the Senator from New York and asked him the question, is there a single State in this Union in which a man is excluded from the jury-box on account of race, color, or previous condition of servitude? What did the Senator from New York answer to that? He simply overwhelmed us with his eloquence; that is all. He spoke about nearly everything under the sky and in the bowels of the earth; he spoke from the circumference to the center of this globe; but he took care never to answer the question put by the Senator from Georgia to him. The Senator from Delaware [Mr. BAYARD] read the statute showing that there was no necessity for this thing at all, because the law as it now stands provides that jurors in the Federal courts shall have the same qualifications, and by implication no other, than those in the highest courts in the States. Therefore, unless it could be shown that men were rejected from the jury-box in some States by reason of race, color, or previous condition of servitude, the law as it stands upon the statute-book effects all that could be asked.

But, Mr. President, the want of necessity for this amendment is not all. Let me call your attention to something else in this amendment to show how unnecessary it is:

> That no citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States on account of race, color, or previous condition of servitude.

I think it has already been shown that that is substantially what the law is now; but then it goes on:

> And any officer or other person charged with any duty in the selection or summoning of jurors who shall exclude or fail to summon any citizen for the cause aforesaid shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not more than $5,000.

This is to be an amendment to the bill which is under consideration. What is the bill that is under consideration? The bill that is under consideration provides for drawing juries, by whom? By the clerk of the court, and by a jury commissioner who shall be of the principal political party opposed to that to which the clerk belongs; so that the effect will be, as the country is now divided in politics, that the two men who are to put the names in the jury-box alternately would be one republican and one democrat; it could not be otherwise; and now the Senator from Vermont and the Senator from New York think it necessary to place a fine as high as $5,000 upon their republican clerk or their republican commissioner if he fails to put the names of black men in the box.

Mr. CONKLING. Without respect to persons.

Mr. THURMAN. There are to be at least three hundred names in the box. There will be a republican commissioner or a republican clerk who will have the right to put one hundred and fifty names in the box, and it must be for fear that that republican will put nothing but the names of white men in the box that the Senators propose to fine him $5,000.

Mr. BLAINE. Why do you object to that?

Mr. THURMAN. If that republican will have regard to the rights of "American citizens of African descent," if he will scorn and despise this hatred of caste, as one of our friends in the Senate used to say, what in the name of Heaven is to prevent him from putting in the whole one hundred and fifty as black as the ace of spades if he has a love for that color? Where is the necessity of your $5,000 fine to make your republican commissioner put the names of colored men into the box?

Under all these circumstances I must say that although this looks like a very smart move, in my judgment it is not a smart move at all, and it is one that my friends will live to regret, I think.

Mr. EDMUNDS. We are almost scared out of it, now, Mr. President!

Mr. THURMAN. To be sure. I have no doubt if the Senator could withdraw the amendment he would withdraw it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New York [Mr. CONKLING] to the amendment of the committee.

Mr. EDMUNDS. I ask for the yeas and nays on the amendment to the amendment.

The yeas and nays were ordered.

Mr. CALL. Mr. President, I desire before the vote is taken to say a single word. I propose to vote against this amendment and I shall do it because it is entirely unnecessary. I wish to say that there is no need for Senators who have no colored people in their States to assume guardianship over them. I affirm that I have as much if not more regard for the rights of the colored man than the Senator from New York, or the Senator from Vermont, or any Senator upon the other side of the Chamber. A large portion of the people of my State are colored people. The Constitution and the laws protect them in sitting upon the juries of the country. This amendment is without effect in that respect, and does not protect nor secure the colored people in those rights. They are protected under section 800 of the Revised Statutes, and our laws, which require the selection of the juries to be made because of their intelligence and without discrimination, amply protect them.

I wished only to say that, sir. I repeat that the colored people of our States are, and always will be, protected against discrimination by the voluntary sentiment and the kindly disposition of the people of those States, and by the laws in force in them.

The Secretary proceeded to call the roll.

Mr. BURNSIDE, (when his name was called.) On this question I am paired with the Senator from Tennessee, [Mr. BAILEY.] If he were here, I should vote "yea."

Mr. CAMERON, of Pennsylvania, (when his name was called.) On this question I am paired with the Senator from Alabama, [Mr. MORGAN.] If he were here, I should vote "yea."

Mr. FARLEY, (when his name was called.) I am paired with the Senator from Nevada, [Mr. JONES.] If he were here, I should vote "nay."

Mr. GROOME, (when his name was called.) As I have already announced, I shall not vote in the absence of the Senator from Kansas, [Mr. INGALLS.] Were he present, I should vote "nay."

Mr. RANDOLPH, (when his name was called.) I am paired, as I before indicated, with the Senator from Connecticut, [Mr. PLATT.]

Mr. MCMILLAN, (when Mr. WINDOM'S name was called.) I will state again that my colleague [Mr. WINDOM] is absent at West Point as a Visitor there under the appointment of the President of the Senate. If he were here, he would vote "yea." He is paired with the Senator from West Virginia, [Mr. DAVIS.]

The roll-call was concluded.

Mr. ALLISON. I am paired to-day with the Senator from Illinois, [Mr. DAVIS.] I do not know how he would vote on this particular amendment. If he were present, I should vote "yea."

Mr. BLAINE. My colleague [Mr. HAMLIN] is paired with the honorable Senator from New Jersey, [Mr. MCPHERSON.] If my colleague were present, I am sure he would vote "yea" on this amendment.

Mr. BURNSIDE. My colleague [Mr. ANTHONY] is paired with the Senator from Georgia, [Mr. GORDON.] If my colleague were here, he would vote "yea."

The result was announced—yeas 15, nays 28; as follows:

YEAS—15.

Bell,	Conkling,	Hill of Colorado,	Morrill,
Blaine,	Dawes,	Kirkwood,	Rollins,
Booth,	Edmunds,	Logan,	Saunders.
Chandler,	Ferry,	McMillan,	

NAYS—28.

Bayard,	Hampton,	Kernan,	Vest,
Beck,	Harris,	Lamar,	Voorhees,
Call,	Hereford,	Maxey,	Walker,
Cockrell,	Hill of Georgia,	Pendleton,	Wallace,
Coke,	Houston,	Slater,	Whyte,
Eaton,	Jonas,	Thurman,	Williams,
Garland,	Jones of Florida,	Vance,	Withers.

ABSENT—33.

Allison,	Davis of Illinois,	Johnston,	Randolph,
Anthony,	Davis of W. Va.,	Jones of Nevada,	Ransom,
Bailey,	Farley,	Kellogg,	Saulsbury,
Bruce,	Gordon,	McDonald,	Sharon,
Burnside,	Groome,	McPherson,	Teller,
Butler,	Grover,	Morgan,	Windom.
Cameron of Pa.,	Hamlin,	Paddock,	
Cameron of Wis.,	Hoar,	Platt,	
Carpenter,	Ingalls,	Plumb,	

So the amendment to the amendment was rejected.

The PRESIDING OFFICER. The question again recurs on the amendment of the Committee on the Judiciary.

Mr. EDMUNDS. I move to amend the amendment of the committee by striking out after the word "standing," in line 18, the following words:

And a well-known member of the principal political party opposing that to which the clerk may belong.

So as to read:

Which commissioner shall be a citizen residing in the district in which such court is held, of good standing.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont to the amendment of the committee.

Mr. EDMUNDS. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BLAINE. I want to ask the Senator from Vermont or the Senators on the other side, and I ask it purely for information, whether this is not the first appearance of a distinction of that kind in the statutes of the United States in regard to the jury system. I will ask the honorable chairman of the Judiciary Committee whether such a provision has ever yet appeared in the statutes of the United States relating to anything connected with the Judiciary Department.

Mr. THURMAN. There is such a provision in respect of elections, but I do not remember any case in regard to drawing a jury.

Mr. BLAINE. I know there is in respect to elections, in the political department of the Government. We understand that; but I ask whether this is not a new departure, whether it is not proposed distinctly to put into the judicial department of the Government the array of one political party against the other for the first time, parceling out jurymen on the same basis on which we hold a ward caucus or a ward election? That is the question I want the honorable Senator to answer.

Mr. THURMAN. I will answer it.

Mr. BLAINE. If it has appeared heretofore, of course this proposition would have some precedent to stand upon. With my limited knowledge of the statutes of the United States, this struck me as an innovation, as a new departure entirely. I know when in the political department of the Government the recognition was made in the statutes of States and of the United States that inspectors and officers of that kind should belong to different political parties, it was very seriously objected to as drawing a partisan distinction in the laws between citizens of the United States owing a common allegiance and having a common interest in the prosperity and welfare and destiny of the country. This seems to me to be an immense step forward.

Mr. DAWES. Or backward.

Mr. BLAINE. Or backward, as the honorable Senator from Massachusetts well corrects me. It seems to be an immense step backward. More than that, you will have laid the basis of a great fraud. It may be made the basis of a common and an indecent cheat in selecting juries.

Mr. EATON. I beg pardon of the Senator for the interruption, but supposing it had been all cheat heretofore, had not we better have it?

Mr. BLAINE. Does the honorable Senator from Connecticut assume by that remark that it has been all cheat heretofore?

Mr. EATON. In some respects it has been too much so.

Mr. BLAINE. Oh; that is a tremendous modification already that the Senator makes in his seat. Now, I think, if he would rise and "make an effort" he would take back the other half of his assertion.

Mr. EATON. If my friend desires me to do so, I will rise.

Mr. BLAINE. I always like to see the Senator rise.

Mr. EATON. And I will say that there has been absolute and unqualified injustice practiced in many of the States of this Union with regard to the selection of jurors. If the Senator from Maine is not aware of that fact he ought to be aware of it. I am aware of it, and I believe every other Senator on this floor is.

Mr. BLAINE. I do not doubt it at all.

Mr. EATON. Therefore, in my judgment, the Judiciary Committee have done well in bringing in this bill in order to make this thing reasonably honest.

Mr. BLAINE. Do I understand the honorable Senator from Connecticut to impute those frauds and wrongs that he says have been committed in the selection of jurors in this country to one party, or to the republican party? Do I understand the Senator from Connecticut to imply or to assert that?

Mr. EATON. It does not make any difference which party it was.

Mr. BLAINE. Of course I should prefer that we understand each other perfectly; and I should like to understand whether the honorable Senator meant that implication.

Mr. EATON. I so mean it.

Mr. BLAINE. Very well; then we have that admission from the honorable Senator.

The PRESIDING OFFICER. Senators should address the Chair.

Mr. BLAINE. I have got the Senator to avow that he meant that.

Mr. HARRIS. Will the Senator from Maine allow me not to ask a question but to state a fact that I think is in point upon the very question that he is discussing?

The PRESIDING OFFICER. Does the Senator from Maine yield?

Mr. BLAINE. Of course; I yield with great pleasure.

Mr. HARRIS. I wish simply to state a fact. Some five or six years since, in the circuit court of the United States in the city of Memphis for the district of West Tennessee the grand and petit jurors had been named and summoned by the marshal, as had been the practice for many years in that court. It was found that every juror belonged to one political party. It was said by a number of persons that they had been approached and asked the question by the marshal, "If I put you on the jury will you find for the Government in all Government cases?" And in every instance where the citizen said he could not pledge himself to find otherwise than according to the fact and the law of the case as charged by the court he was rejected. Upon citizens stating those facts to the bar, upon the motion of a member of the bar reciting those facts, Judge Emmons, the judge of the circuit at that time, discharged every juror and made a panel himself and had it summoned and brought into court. But I give the fact to illustrate the practice that did obtain in that instance at least, where every juror summoned was a republican, summoned by a republican marshal.

Mr. BLAINE. The honorable Senator's case illustrates a great deal more strongly than I could have done by general argument the very fact that the corrective went along with the wrong. What does the honorable Senator establish by his statement except the fact that where the marshal steps outside of the line of duty the court will correct the wrong, upon the fact being made known, as the court did corrrect it in this case.

Mr. WHYTE. Then it depends on the court.

Mr. BLAINE. If the honorable Senator has made anything by that statement except that which reasons palpably and strongly against this movement, I fail to understand its significance.

Mr. HARRIS. If the Senator will pardon me, I will suggest a good reason that I had for making the statement. It is very much better for the appointing power to select a fair, an impartial, and honest jury than to leave it to attorneys to appeal to the court to correct the errors of the appointing power.

Mr. BLAINE. The honorable Senator means to get a fair jury by having what the boys used to call "hull-gull a handful," a game of "odd and even," to select a rancorous partisan on his side and the other getting in a rancorous partisan on his side; and thus you will have the republican politicians of the ward, county, and district, and the democratic politicians of the ward, county, and district, and then you have secured a magnificent jury system.

Mr. DAWES. I want to ask the honorable Senator suppose there should be three parties.

Mr. BLAINE. That is just what I was coming to. I am glad my friend suggests it.

Mr. EATON. We can except Maine from it.

Mr. BLAINE. That is exactly the trouble in Maine. We have three parties down there; and up to the last year the minority party, "the principal opposing party" to which the honorable Senator from Ohio had reference when he drew this bill, was the democratic party; but the principal opposing party is now the greenback party, and hence there would be this difficulty. If such a law were in force in Maine it would exclude the democrats entirely from the jury-box.

Mr. EDMUNDS. It will do it in Ohio next year.

Mr. BLAINE. Because the principal party opposed to the republicans is the greenback party in Maine. We threw at the last election 57,000 republican votes, the greenbackers 41,000, and the democrats came lagging behind with 27,000. Now, you cannot get under that provision a democrat into the jury-box by any fair administration of it according to the very way it has been explained and the way it has been illustrated. It was explained that it must be the two principal political parties. Then one fellow would drop in a name from his party, and, of course, to be even the other man would drop in one for his party, and if a fellow did not belong to any of "the healthy political organizations," as they used to say of the minority of republicans in this very body some twenty years ago—if he did not belong to any "healthy political organization" he could not get in the jury-box at all, just as Seward and John P. Hale and William Pitt Fessenden could not get on a committee here because they did not, in the opinion of such eminent patriots as Jefferson Davis and Judah P. Benjamin and John Slidell belong to any healthy political organization. Now you propose to transfer the policy of Benjamin and Davis and Slidell into the jury-box of the Federal courts throughout this country.

Mr. EATON. It cannot hurt it any.

Mr. BLAINE. The honorable Senator evidently believes it has not hurt it. He evidently believes that he is in a judicial ship and cannot be hurt by an Irish pilot on board striking it on all the rocks in the harbor. He proposes to try it in that way. I for one object. I object to this because it is a public indecency to put that in the statutes of the United States. It is a great public indecency to put it in the statutes of the United States that two partisans shall stand facing each other to select jurors for United States courts.

An honorable friend near me wants me to ask what are the two principal parties down in the State of Georgia—which is considered the principal party in Georgia. I know what one principal party is. I would like the honorable chairman of the Judiciary Committee to tell me what the other principal party in Georgia is, what is the principal party in those districts that think twenty-six hundred votes are enough to elect a Representative to Congress all on one side and that there is no need for anybody else to come out because there is such unanimity. Where is the other principal party there?

In these very States you are making this legislation to help, as you suggest, you meet with this particular evil.

More than that, there is another cheat that underlies this. There may be such a thing as appointing a commissioner who may be nominally with the other side and really in harmony with the man who makes the appointment, and then under this very contrivance instead of getting the nominal justice of having partisans of each side you may end in having the rank partisans of one side elect the whole panel. I am opposed to the proposition.

Mr. THURMAN. Mr. President, the Senator asked me whether or not there was any precedent for this provision. I am advised that since 1867 in the State of Pennsylvania the juries are selected by jury commissioners, and the jury commissioners are elected——

Mr. BLAINE. I asked as to the Federal statutes. I asked the Senator distinctly whether in the Federal statutes—we are legislating in that regard, we are not legislating for the State of Pennsylvania, or Ohio, or Maine——

Mr. THURMAN. I certainly did not understand the Senator to so confine his inquiry.

Mr. BLAINE. I addressed my question entirely to that. I limited it to the field in which we are exercising our power.

Mr. THURMAN. I must say that I did not so understand it, and if this provision would be good in the State it would be good in the Federal judiciary. Now, I want to say that I am informed that since 1867 the jury commissioners in Pennsylvania—the men who select the juries—are elected by the people, but no voter can vote for more than one out of the number elected.

Mr. BLAINE. That is a very different issue from this.

Mr. THURMAN. No, it is not. In effect the jury commissioners there are necessarily of different political parties.

Mr. BLAINE. If the Senator from Ohio thinks that a justification for the provision he has inserted in this bill, I have nothing to say.

Mr. HOUSTON. Mr. President, I shall vote for the bill as it is now. The principle has been introduced into the election laws of having, as I understand, one supervisor of each party and, I suppose, that was done by the gentlemen on the other side of the Chamber with a view of producing a state of fairness and justice; and if it is just in the political operations of the country, I should like to know why it would be unjust as applied to the trial of causes in court. Admit that there are honest men in both and all parties; admit all that is required to be admitted; yet it can do no harm if it is a good principle to be introduced at all into any action of the Government, if in an election where justice is sought to be administered and accomplished, why not do the same justice here as far as the selection of jurors is concerned? There is a United States court now being held in Alabama, at Montgomery, and my information is that there is but a solitary democrat selected on the whole jury—a single one. It seems to me it cannot be worse if you divide the jurors politically. While the principle may not have been heretofore introduced into the judiciary, yet if it is good in elections, it may be resorted to in the judiciary. The gentlemen on the other side of the Chamber, I think, ought to be the last to object to the application of the principle hereafter their own legislation.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont [Mr. EDMUNDS] to the amendment of the Committee on the Judiciary.

Mr. MCMILLAN. I should like to have the words proposed to be stricken out read.

The CHIEF CLERK. It is proposed to strike out all after the word "standing," in line 18, to and including the word "belong," in line 20, as follows:

> And a well-known member of the principal political party opposing that to which the clerk may belong.

The Secretary proceeded to call the roll.

Mr. CAMERON, of Pennsylvania, (when his name was called.) On this vote I am paired with the Senator from Alabama, [Mr. MORGAN.] If I were at liberty to vote, I should vote "yea."

Mr. FARLEY, (when his name was called.) I am paired with the Senator from Nevada, [Mr. JONES.] If he were here, I should vote "nay."

Mr. DAWES, (when Mr. HOAR'S name was called.) There is apparently no doubt that this is a political question, and on it my colleague [Mr. HOAR] is paired with the Senator from North Carolina, [Mr. RANSOM.]

Mr. CAMERON, of Wisconsin, (when Mr. TELLER'S name was called.) I desire again to announce the pair of the Senator from Colorado, [Mr. TELLER.] He is paired with the Senator from Virginia, [Mr. JOHNSTON.] If the Senator from Colorado were present, he would vote "yea."

Mr. MCMILLAN, (when Mr. WINDOM'S name was called.) I desire on this amendment to announce that my colleague, [Mr. WINDOM,] who is absent, is paired with the Senator from West Virginia, [Mr. DAVIS.] If my colleague were present, he would vote "yea."

The roll-call was concluded.

Mr. BLAINE. I desire to state again that my colleague [Mr. HAMLIN] is paired with the honorable Senator from New Jersey, [Mr. MCPHERSON.] If present, my colleague would vote for this amendment.

Mr. DAVIS, of West Virginia. I desire to state that I am paired on all political questions with the Senator from Minnesota, [Mr. WINDOM.]

Mr. BURNSIDE. On this question I am paired with the Senator from Tennessee, [Mr. BAILEY.] If he were here, I should vote "yea." My colleague [Mr. ANTHONY] is paired with the Senator from Georgia, [Mr. GORDON.] My colleague, if he were here, would vote "yea."

Mr. WITHERS. My colleague, [Mr. JOHNSTON,] is paired with the Senator from Colorado, [Mr. TELLER.] My colleague, if present, would vote "nay."

The result was announced—yeas 18, nays 30; as follows:

YEAS—18.

Allison,	Chandler,	Hill of Colorado,	Morrill,
Bell,	Conkling,	Ingalls,	Rollins,
Blaine,	Dawes,	Kirkwood,	Saunders.
Booth,	Edmunds,	Logan,	
Cameron of Wis.,	Ferry,	McMillan,	

NAYS—30.

Bayard,	Hampton,	Lamar,	Voorhees,
Beck,	Harris,	Maxey,	Walker,
Call,	Hereford,	Pendleton,	Wallace,
Cockrell,	Hill of Georgia,	Saulsbury,	Whyte,
Coke,	Houston,	Slater,	Williams,
Eaton,	Jonas,	Thurman,	Withers.
Garland,	Jones of Florida,	Vance,	
Groome,	Kernan,	Vest,	

ABSENT—28.

Anthony,	Davis of Illinois,	Johnston,	Platt,
Bailey,	Davis of W. Va.,	Jones of Nevada,	Plumb,
Bruce,	Farley,	Kellogg,	Randolph,
Burnside,	Gordon,	McDonald,	Ransom,
Butler,	Grover,	McPherson,	Sharon,
Cameron of Pa.,	Hamlin,	Morgan,	Teller,
Carpenter,	Hoar,	Paddock,	Windom.

So the amendment to the amendment was rejected.

Mr. EDMUNDS. I move to strike out from this amendment of the committee, from lines 22 to 27, beginning with the word "but," in line 22, and going down to and including the word "State," in line 22.

The Chief Clerk read the words proposed to be stricken out, as follows:

> But nothing herein contained shall be construed to prevent any judge in a district in which such is now the practice from ordering the names of jurors to be drawn from the boxes used by the State authorities in selecting jurors in the highest courts of the State.

Mr. EDMUNDS. The object of this is to get rid of the cross-cut saw business, the pendulum methods of selecting jurors.

Mr. BLAINE. The object of that clause, as I interpreted it, was this: of course if you introduce politics into a jury you do into the judge, and if the judge, having political connections, finds himself outwitted on the original draw he will go and take this last resort in order that his side may have a better show. That was evidently put in for that purpose.

Mr. DAWES. I think it is put in for the purpose of producing uniformity, so that if there is any blessing in politics it may be universal.

Mr. EDMUNDS. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FARLEY, (when his name was called.) I am paired with the Senator from Nevada, [Mr. JONES.] If he were here, I should vote "nay."

The roll-call was concluded.

Mr. BURNSIDE. I am paired with the Senator from Tennessee, [Mr. BAILEY,] or I should vote "yea." My colleague, [Mr. ANTHONY,] is paired with the Senator from Georgia, [Mr. GORDON.] My colleague would vote "yea," if he were here.

Mr. CAMERON, of Pennsylvania. On this question I am paired with the Senator from Alabama, [Mr. MORGAN.] If he were here, I should vote "yea" and he would probably vote "nay."

The result was announced—yeas 18, nays 30; as follows:

YEAS—18.

Allison,	Chandler,	Hill of Colorado,	Morrill,
Bell,	Conkling,	Ingalls,	Rollins,
Blaine,	Dawes,	Kirkwood,	Saunders.
Booth,	Edmunds,	Logan,	
Cameron of Wis.,	Ferry,	McMillan,	

NAYS—30.

Bayard,	Hampton,	Lamar,	Voorhees,
Beck,	Harris,	Maxey,	Walker,
Call,	Hereford,	Pendleton,	Wallace,
Cockrell,	Hill of Georgia,	Saulsbury,	Whyte,
Coke,	Houston,	Slater,	Williams,
Eaton,	Jonas,	Thurman,	Withers.
Garland,	Jones of Florida,	Vance,	
Groome,	Kernan,	Vest,	

ABSENT—28.

Anthony,	Davis of Illinois,	Johnston,	Platt,
Bailey,	Davis of W. Va.,	Jones of Nevada,	Plumb,
Bruce,	Farley,	Kellogg,	Randolph,
Burnside,	Gordon,	McDonald,	Ransom,
Butler,	Grover,	McPherson,	Sharon,
Cameron of Pa.,	Hamlin,	Morgan,	Teller,
Carpenter,	Hoar,	Paddock,	Windom.

So the amendment to the amendment was rejected.

Mr. EDMUNDS. I move to amend the amendment of the committee by striking out from lines 28 to 31 all after the word "year" in line 28 to and including the word "impaneled" in line 31.

The Chief Clerk read the words proposed to be stricken out, as follows:

Nor be compelled to serve as such juror more than two weeks at any term, unless it be necessary in order to complete the trial of a cause in which he may have been impaneled.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Vermont to strike out these words.

The amendment to the amendment was rejected.

The PRESIDING OFFICER. The question recurs on the amendment of the committee as a substitute for the original bill.

The amendment was agreed to.

The bill was reported to the Senate as amended.

The PRESIDING OFFICER. The question is, Will the Senate concur in the amendment made as in Committee of the Whole?

Mr. EDMUNDS. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. ALLISON, (when his name was called.) On this question I am paired with the Senator from Illinois, [Mr. DAVIS.] If he were present, I should vote "nay."

Mr. HARRIS, (when the name of Mr. BAILEY was called.) I desire to say that my colleague [Mr. BAILEY] is detained from the Senate to-day by indisposition. If he were here, he would vote "yea" on this question.

Mr. CAMERON, of Pennsylvania, (when his name was called.) On this question I am paired with the Senator from Alabama, [Mr. MORGAN.] I should vote "nay" if he were here.

Mr. FARLEY, (when his name was called.) I am paired with the Senator from Nevada, [Mr. JONES.] If he were here, I should vote "yea."

The roll-call was concluded.

Mr. DAWES. My colleague [Mr. HOAR] is paired with the Senator from North Carolina, [Mr. RANSOM.]

Mr. BURNSIDE. On this question I am paired with the Senator from Tennessee, [Mr. BAILEY.] If he were present, I should vote "nay." My colleague [Mr. ANTHONY] is paired with the Senator from Georgia, [Mr. GORDON.] If my colleague were here, he would vote "nay."

Mr. HOUSTON. My colleague [Mr. MORGAN] is paired with the Senator from Pennsylvania, [Mr. CAMERON,] as stated in the early part of the day. I have not repeated the announcement all the time, but I now state it again as I see others do so.

The result was announced—yeas 30, nays 18; as follows:

YEAS—30.

Bayard,	Hampton,	Lamar,	Voorhees,
Beck,	Harris,	Maxey,	Walker,
Call,	Hereford,	Pendleton,	Wallace,
Cockrell,	Hill of Georgia,	Saulsbury,	Whyte,
Coke,	Houston,	Slater,	Williams,
Eaton,	Jonas,	Thurman,	Withers.
Garland,	Jones of Florida,	Vance,	
Groome,	Kernan,	Vest,	

NAYS—18.

Bell,	Conkling,	Ingalls,	Morrill,
Blaine,	Dawes,	Kellogg,	Rollins,
Booth,	Edmunds,	Kirkwood,	Saunders.
Cameron of Wis.,	Ferry,	Logan,	
Chandler,	Hill of Colorado,	McMillan,	

ABSENT—28.

Allison,	Carpenter,	Hoar,	Platt,
Anthony,	Davis of Illinois,	Johnston,	Plumb,
Bailey,	Davis of W. Va.,	Jones of Nevada,	Randolph,
Bruce,	Farley,	McDonald,	Ransom,
Burnside,	Gordon,	McPherson,	Sharon,
Butler,	Grover,	Morgan,	Teller,
Cameron of Pa.,	Hamlin,	Paddock,	Windom.

So the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The question now is on the passage of the bill.

Mr. EDMUNDS. Mr. President, I did not know the Chair was going to put the question on the third reading of the bill so quickly. I wish the Senate would allow this vote to be reconsidered and the bill to be recommitted to the Committee on the Judiciary. The Senator from Ohio has complained of what he considered, from his point of view, sharp practice, withholding something in committee and offering it here, &c. I should be glad to have this committee have this bill and consider this question and a great many others that are in it. It will not delay it long. I make the motion to reconsider.

The PRESIDING OFFICER. The Senator from Vermont moves to reconsider the vote by which this bill was ordered to be engrossed for a third reading. The question is on the motion to reconsider.

The motion was not agreed to.

The PRESIDING OFFICER. Shall the bill pass?

Mr. EDMUNDS. I am sorry that this matter cannot be fairly considered. The Senator from Ohio, the chairman of the Committee on the Judiciary, has thought it within his province, not only as czar of the caucus, out of whose secret springs I suppose this contrivance came, but as czar of the Judiciary Committee, to deliver a somewhat caustic lecture to one or two of the humbler and less experienced members of that body for not having, as he says, offered a certain amendment in committee, and he says that he does not transgress any rule by declaring what was not done there. I, then, Mr. President, do not transgress any rule when I say some things at least that were not done there; and one of those things was to give the minority any fair-play at all, as I understand it. The minority of this committee never had the opportunity to set eyes upon this amendment except for a moment when it was suddenly produced, until within an hour of the time when it was finally disposed of in the committee.

When this bill went to the Committee on the Judiciary it was a bill of three lines which did not expose to the view of ordinary men how much out of some caucus or somewhere could come to change its character altogether. Those three lines were:

Be it enacted, &c., That sections 820 and 821 of the Revised Statutes of the United States be, and the same are hereby, repealed.

The Senator from Ohio says this bill was in committee a good while and therefore that the Senator from New York and myself are guilty of a dereliction of duty toward the other gentlemen of the committee that we did not have our amendments prepared and brought forward for the consideration of the committee. Is that a fair statement, Mr. President? How could we know from those three lines, or from sections 820 and 821, what sort of a child was being conceived in the secret womb of a democratic caucus or in the brain of somebody who was to pocket it out at the last moment and transform the bill into this? If there is any way that we could know it, I should like to have it pointed out so that we can take wisdom hereafter.

Then the minority of that committee, as I say, did not have an hour when they could see with their own eyes what this proposition, contained in the amendment of the committee as a whole substitute for the bill, was. They could not have been ready to frame or propose amendments, and they were not ready. Amendments by way of striking out could have been thought of hastily, of course, and without time for research or study; but amendments of saving clauses to preserve the laws as they are now,—as the Senator from Georgia very correctly states that they are now so, but they will not be so when this bill passes,—required time to see what the state of the law was; and when it was discovered what the state of the law was, which (if I shall not be considered intrusive) I will suggest might be the proper duty of the chairman of the Judiciary Committee, to have told the other members what the present state of the law was, and that there was on the statute-books of the United States, passed after the Revised Statutes and, therefore, overruling the State qualification as a mere qualification which the States can change at their pleasure, the very provision that I offered and which the Senate by a majority has voted down, and of course including the very provision that the Senator from New York offered, and which has also been voted down.

The trouble is not with the present state of the law; the trouble is with the design of this act by its repealing clause and by setting up a different and an exclusive qualification, whatever the States choose to make it or to have made it, both heretofore and hereafter, one which authorizes any State to make a qualification of jurors that shall depend upon race, color, or previous condition of servitude, not only for their own courts in spite of the fourteenth amendment of the Constitution of the United States, but for the courts of the United States themselves, because this statute, very adroitly contrived, says that the test of qualification shall be that and no other, (inclusive and exclusive,) that the States have made or that they may choose to make the moment after this law is passed, and the courts of the United States shall follow that.

What becomes, then, of the provision of the act of 1875, passed after the Revised Statutes, which declares in the same terms that I offered this amendment, that no man, a citizen of the United States, shall be disqualified, excluded from his free and equal right with other citizens of serving as a juror in the Federal courts and in the courts of the States, or either, on account of race, color, or previous condition of servitude. That is set aside, repealed. I cannot doubt it was the intention of that secret Vehme Gericht that rules the democratic party and that rules the two Houses of Congress, to do that thing, because I cannot suppose that my honorable and distinguished friend, the chairman of the Judiciary Committee, the king of the caucus—I cannot suppose that that committee of safety, or committee of advice, or committee of contrivance—by whatever name it is known among those who know it best—were ignorant of the statutes of the United States passed within four years. That is not a supposable case. No, Mr. President, if there has been any want of candor anywhere, it has been in our not having been informed in the Committee on the Judiciary what the present state of the law was, instead of our being forced afterward to hunt it up, and being informed that the purpose and effect of this statute was to cut out what a republican Congress has provided in favor of the equal rights of men.

Perhaps it will be accomplished, and perhaps it will not be. If it is accomplished, we shall know how and by what means it was done; that will be clear enough, and whoever assists in making this a law will assist it knowing that thereby he is undertaking (as the democratic party have so often promised that they will do) to sweep off from the statute-book one more, with all the rest, of the guarantees that the laws have set up in favor of the constitutional rights of American citizens, so that there shall not be, as has been so often said, in one or the other or both of these Houses, and elsewhere, a single line of that legislation, or of those constitutional amendments it may be, that have necessarily grown out of the new order of things which on

paper and in the minds of the Congresses and the people that made them were intended to secure equal rights. There cannot be any doubt about that.

But, Mr. President, the secret tribunal has decided that this shall be done, so far as this body can do it, and it is about to be done. Now, let us see what it proposes to do.

Section 820, which it is proposed to repeal, was repealed when in 1871 a new provision upon the subject was substituted for it, and by one of those accidents that were frequent in respect of the revision of the statutes of the United States, the fact that it had been repealed was not discovered, and it got in again, those statutes having been passed without reading and without examination because there was not time to do it, as it was said; and at the last session of Congress this body in ample season passed a bill repealing section 820 over again, so as to get it out of the Revised Statutes into which it had got from an error. But a co-ordinate branch of the Government did not choose to act upon that bill; they did not choose to repeal it. Although I suppose I have a right to speak of a past Congress of the United States, I cannot presume that it was for the purpose of keeping it on the statute-book in order to give it a weight and influence over the next section, 821, which is a different section. If, however, that had been the purpose, then the purpose is accomplished, and we find the repeal of the two sections grouped together again in this bill.

Mr. CONKLING. Let me remind the Senator that the House of Representatives had the bill of which he speaks before it seventy-four days of legislative session without action.

Mr. EDMUNDS. The Senator from New York reminds me that the bill to which I referred repealing section 820 was before that House for consideration seventy-four days. No man in all the majority there was found to move to take it up or to do anything with it, report it from a committee or wherever it stood.

Mr. CONKLING. And that, although republicans openly on the floor offered to vote for it or let it pass without opposition, as the record shows.

Mr. EDMUNDS. Now, Mr. President, what is section 821, which I suppose to be the section to which the honorable Senator from South Carolina [Mr. HAMPTON] alluded when he said—I believe I took down his very words—that it was one of the most infamous laws ever on the statute-book, which is a very strong statement and is especially strong coming from such a source? What is that most infamous law, a law it is true that was passed in the year 1862 by the votes of all the Senators in this body excepting six I believe? One of the gentlemen who voted in favor of it—I mention it although I was not then a member of this body but even the activity of the Judiciary Committee was not able to prevent me looking at the Journals since they could not go so fast as that fortunately under our rules—was then a respected Senator from the State of Kentucky, (Mr. Garrett Davis,) who was active for its passage as appears in the Journals. Six Senators of very intense sympathy with a certain state of—if it is not improper I will say rebellion that was going on, voted against it.

Mr. CONKLING. Take care of the "dying embers!"

Mr. EDMUNDS. What does it provide? It provides, as in all other cases at the common law that fall within the common-law principles, for a means through judicial inquiry and judgment of getting an impartial jury. That is what it provides; and in doing that, it provides that the court may in its discretion, just as at the common law it would hear a challenge for favor, (although this particular case that this statute covers would not always cover all the challenges for favor, for if it had, it would not have been necessary,) try and determine the fact whether any person called as a juror, who has been engaged in rebellion or insurrection against the United States, ought to be disqualified for sitting upon the trial of the particular cause or at the particular term under consideration.

Is there anything so very noble in insurrection and rebellion against the United States as to make it a clear case of qualification? Would it better satisfy the honorable Senator from Ohio and the Judiciary Committee and their associates and successors (if they are to have any, which I doubt) to say that no man shall ever be disqualified either on account of the past or any future rebellion from sitting in a particular cause where the question of the rightfulness or the wrongfulness of that rebellion may be the very thing that is to determine the verdict of the jurors? Or have we lived so long since "the dying embers" went out that it is a part of our mission now to encourage rebellion against the laws of the United States, and to say that hereafter, when the next rebellion or insurrection occurs we will take care now that there shall be no provision in the laws of the United States that shall keep the red-handed traitor off from the jury when his fellow-traitor is to be tried? Undoubtedly that must be the object.

Mr. CONKLING. Mr. President, it being now nearly a quarter after five, if the Senator from Vermont will give way, I will venture to ask that the Senate adjourn until to-morrow. The bill having been taken up to-day for the first time, no long consideration has been bestowed upon it. There are one or two other Senators who would like to say something about it. Nobody, I think, wishes to speak merely to take time or delay the final vote; but there are some Senators who would like to say something about the bill, I think. Therefore I move that the Senate do now adjourn.

Mr. DAVIS, of West Virginia. Before that is done, I ask that the Chair lay before the Senate some bills on the table.

Mr. CONKLING. I have no objection to that.

CHANGES OF SUNDRY CIVIL BILL.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate the joint resolution (H. R. No. 1) to repeal certain clauses in the sundry civil appropriation act approved March 3, 1879, which passed the Senate with amendments, and which amendments have been amended in the House of Representatives.

Mr. DAVIS, of West Virginia. I move that the resolution be referred, with all the amendments, to the Committee on Appropriations, and printed.

The motion was agreed to.

HOUSE BILL REFERRED.

The bill (H. R. No. 1989) relating to printing impressions from portraits and vignettes was read twice by its title, and referred to the Committee on Printing.

The bill (H. R. No. 435) to correct the reading of "an act making appropriations for the construction, repair, preservation, and completion of certain works on rivers and harbors, and for other purposes," approved March 4, 1879, was read twice by its title.

The PRESIDENT *pro tempore*. The bill will be referred to the Committee on Commerce.

Mr. HOUSTON. The bill of the House No. 435 simply corrects a mistake made in the name of a river that was ordered to be surveyed by the act of last session, and I should like to have the Senate pass it without any reference to a committee. The bill has in it the name of the river "Chattahoochee" instead of "Choctawhatchee," as it ought to be. The House have passed a bill correcting the name, and I should like to have the Senate act on the bill as it passed the House.

The PRESIDENT *pro tempore*. A motion was made to adjourn which was only waived for the purpose of laying these matters before the Senate. The Chair will say to the Senator from Alabama that the Chair can reserve this bill until the morning and when it is laid before the Senate in the morning hour he can ask for action.

Mr. HOUSTON. That will do just as well.

The PRESIDENT *pro tempore*. The bill will lie on the table for the present.

SPECIAL POSTAL SERVICE.

Mr. MAXEY. I desire to make a report from a committee. The Committee on Post-Offices and Post-Roads, to which was referred the amendment of the House of Representatives to the bill (S. No. 516) to extend the time of special postal service until service can be obtained by advertisement, recommend concurrence with the amendment of the House. I will state that the amendment of the House does not change in the slightest degree the point made in the bill itself.

Mr. EDMUNDS. We can look at it in the morning.

Mr. MAXEY. I shall call it up to-morrow. It is a mere verbal correction, which does not alter the bill in the slightest degree. I ask that the bill lie on the table with the report until to-morrow. I can call it up in the morning.

The PRESIDENT *pro tempore*. It is moved that the Senate do now adjourn.

The motion was agreed to; there being on a division—ayes 22, noes 14; and (at five o'clock and sixteen minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June* 5, 1879.

The House met at twelve o'clock m. Prayer by Rev. SAMUEL DOMER, D. D., of St. Paul's Lutheran Church, Washington, District of Columbia.

The Journal of yesterday was read.

Mr. CONGER. Leave was granted yesterday in some instances for the withdrawal of papers from the files of the House. I did not notice that the Journal contained the statement that in those cases there had been no adverse reports. I do not know whether there was or was not an adverse report in any case, but the rule usually is not to allow the papers to be withdrawn in cases where there have been adverse reports.

The SPEAKER. The papers are generally examined to ascertain that fact.

Mr. CONGER. I know; but the Journal does not say that in the cases where leave was granted yesterday there was no adverse report.

The SPEAKER. The Chair is advised by the Clerk that that statement is not made in the Journal. It appears in the RECORD, and the Chair thinks it might as well be made in the Journal. It is the practice of the Chair never to allow papers to be withdrawn in cases where there have been adverse reports. An examination of the papers is made for the purpose of ascertaining that fact.

The Journal, as read, was then approved.

COASTS AND ISLANDS OF THE MEDITERRANEAN SEA.

Mr. SINGLETON, of Mississippi, from the Committee on Printing,

reported back, with a favorable recommendation, the joint resolution (S. R. No. 25) authorizing the Public Printer to bind in cloth two volumes of sailing directions for the United States Hydrographic Office.

The joint resolution was read, as follows:

Whereas the first and second volumes of a book entitled the Coasts and Islands of the Mediterranean Sea, published by the United States Hydrographic Office, have been bound in cloth, and the third and fourth volumes are now in course of preparation: Therefore,

Resolved, &c., That the Public Printer be, and hereby is, authorized to bind in cloth, for the United States Hydrographic Office, the third and fourth volumes of the edition of the book of sailing directions entitled Coasts and Islands of the Mediterranean Sea, published by the United States Hydrographic Office: *Provided*, That the difference in cost of the paper covers and cloth binding shall not exceed $200.

The joint resolution was ordered to a third reading, read the third time, and passed.

Mr. SINGLETON, of Mississippi, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BUREAU OF ENGRAVING AND PRINTING.

Mr. SINGLETON, of Mississippi, from the same committee, reported back with an amendment the bill (H. R. No. 1989) relating to printing impressions from portraits and vignettes.

The bill was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury, at the request of a Senator, Representative, or Delegate in Congress, the head of a Department or bureau, art association, or library, be, and he is hereby, authorized to furnish impressions from any portrait or vignette which is now, or may hereafter be, a part of the engraved stock of the Bureau of Engraving and Printing, at such rates and under such conditions as he may deem necessary to protect the public interests.

The amendment was to strike out at the close of the bill the words, "at such rates and under such conditions as he may deem necessary to protect the public interests," and to insert in lieu thereof the words:

Provided, That the party or parties applying for the same shall deposit in advance with the chief of the Bureau of Engraving and Printing the cost price of said portrait or vignettes and 10 per cent. additional.

The question was upon agreeing to the amendment reported from the Committee on Printing.

Mr. CONGER. I move to amend the bill by inserting after the word "library," the words "and the postmaster at the Confedrit × Roads" as among those who may receive the benefit of this bill.

Mr. SINGLETON, of Mississippi. The gentleman has always some foolishness; I do not understand what he means. I do not propose to bandy words with the gentleman.

Mr. CONGER. I think the idea of making this Government, through the Bureau of Engraving and Printing, a publishing house for members of Congress and others, to supply portraits to them at a profit, in order to bring money into the Treasury, is a very foolish affair.

Mr. SINGLETON, of Mississippi. If the gentleman understood the matter a little better he would not make that remark. The proposition comes from your own side of the House.

Mr. CONGER. I do not care where it comes from.

Mr. SINGLETON, of Mississippi. Wait a moment. It simply allows those who wish these vignettes or portraits to get them by paying enough to indemnify the Government, just as you go now to the Government Printing Office and purchase such books as are printed there upon depositing the cost price and 10 per cent. additional; that is the whole of it.

Mr. CONGER. I understand that only a certain number of impressions can be taken from any kind of plates without wearing them out; and if the Government does not need these plates any longer, let them be sold to somebody who can make a little profit on them. I do not believe in the Government being a picture dealer.

Mr. SINGLETON, of Mississippi. I know the gentleman is great in small matters. I wish he would rise to something more important.

Mr. CONGER. Well, I think this bill was committed to the right person to report it to the House.

Mr. SINGLETON, of Mississippi. If the gentleman would employ his immense genius in something of more importance, I think it would be better for the country.

The question being taken on the amendment reported by the Committee on Printing, it was agreed to.

The question then recurred on the amendment of Mr. CONGER, to insert after the word "Library" the words "and the postmaster at the Confedrit × Roads."

The amendment was not agreed to.

The bill, as amended, was ordered to be engrossed for a third reading; was accordingly read the third time, and passed.

Mr. SINGLETON, of Mississippi, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONGRESSIONAL PRINTER.

Mr. SINGLETON, of Mississippi. I am instructed by the Committee on Printing to report back, with a substitute, the bill known as the "Knott bill" for electing a Public Printer—House bill No. 2170, to provide for the election of a Congessional Printer, and for other purposes.

Mr. CONGER. Is that a privileged report from the Committee on Printing?

The SPEAKER. The Chair has not yet heard the bill read. If it creates a new office, it will go under the rules to the Committee of the Whole.

Mr. GARFIELD. Let points of order be reserved.

Mr. CONGER. I reserve all points of order on the bill.

The SPEAKER. Points of order will be reserved until the bill is read.

The Clerk read the substitute, as follows:

Be it enacted, &c., That the Senate shall elect some competent person, who shall be a practical printer, to take charge of and manage the Government Printing Office.

SEC. 2. *And be it further enacted*, That the person so elected shall be deemed an officer of the Senate and shall be designated "Congressional Printer." He shall superintend the printing and binding of the Journals and such other documents as shall be ordered by each House of Congress, and shall superintend the execution of all the printing and binding for the respective Departments of the Government now required by law to be executed at the Government Printing Office, and shall in all respects be governed by the laws in force in relation to the Public Printer and the execution of the printing and binding.

SEC. 3. *And be it further enacted*, That from and after the passage of this act and the election of a Congressional Printer in pursuance thereof the office of Public Printer shall be abolished. And the salary of the said officer shall be at the rate of $3,600 a year.

SEC. 4. *And be it further enacted*, That as soon as practicable after the election of said Congressional Printer he shall cause to be prepared a complete invoice of all the material, type, presses, leather, paper, utensils, fixtures, furniture, stock, horses, wagons, carriages, harnesses, and personal property of every description whatever under his charge belonging to the Government. Said invoice shall be verified by the oath or affirmation of the Congressional Printer, reported to Congress, and printed; and thereafter, at the beginning of each fiscal year or as soon thereafter as practicable, he shall cause a new inventory of all of the said personal property then in his possession to be taken. Said inventory shall be verified by the oath or affirmation of the Congressional Printer and published as a part of his annual report to Congress.

SEC. 5. This act to take effect from and after the date of its passage.

Mr. SINGLETON, of Mississippi. I should have said that this is the report of a majority of the Committee on Printing, not of the entire committee. The gentleman from Illinois [Mr. HAYES] dissents. I ask now that the bill be referred to the Committee of the Whole and ordered to be printed.

Mr. CONGER. I ask whether this is a privileged report from the Committee on Printing? It has no relation to printing any matter ordered by the House.

Mr. SINGLETON, of Mississippi. It is too late now to raise that point.

Mr. CONGER. I made the point before the bill was read, and the Chair stated that he could not decide it until after the reading. I make the point that this is not such a report from the Committee on Printing as is privileged.

Mr. SPRINGER. I think the reference of the measure to the Committee of the Whole on the state of the Union would obviate that objection, from the fact that it goes to the Committee of the Whole for consideration.

The SPEAKER. The bill is liable to the point of order that it should be first considered in Committee of the Whole.

Mr. CONGER. I know that; but I make the point that under the rule this is not a privileged report from the committee.

Mr. SINGLETON, of Mississippi. I obtained the consent of the House, as I understood, to make the report.

Mr. WEAVER. I make the point of order that the bill should go to the Committee of the Whole.

Mr. CONGER. I make the other point first.

The SPEAKER. The gentleman from Michigan makes the point of order that this is not a privileged report in the sense contemplated by the rule; in other words, the Chair presumes the gentleman means that it does not come within the provisions of the rule giving the Committee on Printing the right to report at any time.

Mr. CONGER. Yes, sir.

The SPEAKER. This is not a new question. It has been decided by former Speakers. The Chair will cause to be read an extract from the Congressional Globe.

The Clerk read as follows:

Forty-second Congress, second session, April 9, 1872.

DISTRIBUTION OF PUBLIC DOCUMENTS.

Mr. BEATTY. I am instructed by the Committee on Printing, which is authorized to report at any time, to report for present consideration a bill to provide for the distribution of public documents.

The bill was read.

Mr. BEATTY. At the request of several members, I ask that the bill, instead of being put upon its passage now, be printed and recommitted to the Committee on Printing.

Mr. RANDALL. I submit that this bill does not belong to the class of reports which the Committee on Printing is authorized to make at any time. I am willing that it shall be printed and recommitted, but not that it shall be brought back again by a motion to reconsider.

The SPEAKER. The bill will be printed, not to be brought back by a motion to reconsider.

Mr. BEATTY. Then I insist on the bill being considered now.

The SPEAKER. This bill comes from the Committee on Printing, but it is not, therefore, a privileged report. The Committee on Printing is authorized to report at any time, but only upon matters of printing.

Mr. BEATTY. This is upon matters of printing, and is a substitute for two resolutions sent to the committee.

The SPEAKER. It does not follow because a resolution in the morning hour of Monday may be sent to the Committee on Printing that that carries with it the privilege of reporting at any time. In order to expedite the business of the House, the Committee on Printing is authorized to report at any time in matters of printing; but that does not carry with it the right of reporting matters which change the statute laws of the country. The gentleman from Ohio [Mr. Beatty] will see the distinction.

Mr. BEATTY. I do not know that this changes the law. It simply adds to the law.

The SPEAKER. When the Chair speaks of changing the law, he has reference to anything which is independent legislation. The distinction is obvious, of course, to the chairman of the Committee on Printing.

Mr. BEATTY. The bill simply provides for publishing and distributing certain documents.

The SPEAKER. It is such a bill as might come from the Committee on the Post-Office and Post-Roads, or from the Committee on the Judiciary, or from any one of several committees. It would come in as ordinary legislation from any of those committees, and it could not derive any kind of privilege from having been referred to the Committee on Printing. The gentleman from Ohio [Mr. Beatty] asks that this bill be printed and recommitted to the Committee on Printing, not to be brought back by a motion to reconsider.

Mr. BEATTY. Have I not the right to have the bill considered now?

The SPEAKER. The gentleman has not that right if the point of order is made on it, because he has not the right to report it as a privileged bill.

Mr. BEATTY. Will the Chair have the rule read which excludes this bill from the privileges accorded to the committee?

The SPEAKER. Rule 101 is that "it shall be in order for the Committee on Printing to report at any time." That has been always held to refer entirely to matters of printing.

Mr. BEATTY. And this is a matter of printing.

The SPEAKER. The gentleman does not seem to perceive the distinction. For instance, the Committee of Elections is authorized to report at any time; but a general bill regarding the time at which members of Congress shall be elected throughout the country would appropriately come from the Committee of Elections, but would not be a privileged report. They would have to report it when called. So, while the gentleman's committee is privileged to report on any order of the House in relation to printing, it is not privileged to report upon matters of general legislation at any time. The principle is not a new one; it has been uniformly held so.

Mr. BEATTY. Well, I am unable to see it, although it may be all right.

Mr. RANDALL. The Committee of Elections of the last Congress always understood that to be the limit of our privilege.

The SPEAKER. It is not a new decision. It is the view which has always been taken, and one without which it would be impossible to proceed with the business of the House.

The bill (H. R. No. 2252) was then, by unanimous consent, read a first and second time, recommitted to the committee, and ordered to be printed, not to be brought back by a motion to reconsider.

The SPEAKER. Some days thereafter the then Speaker, Mr. BLAINE, sought an opportunity to present an elaborate opinion on this point, from which the Clerk will now read.

The Clerk read as follows:

REPORTS OF PRINTING COMMITTEE.

The SPEAKER. The Chair desires the attention of the House to a matter concerning the rules of the House. He wishes the attention, if he can get it, of every member now in his seat.

The gentleman from Ohio, Mr. Beatty, the chairman of the Committee on Printing, on the 9th of April reported the following bill, which the Chair directs to be now read.

The Clerk read as follows:

"A bill to provide for the distribution of public documents.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That there shall be printed of the report of the Commissioner of Agriculture for 1871 255,000 extra copies, and of the report of the Commissioner of Education for the same year 50,000 copies: *Provided*, That of the volumes hereby authorized 1,000 copies of the report of the Commissioner of Agriculture shall be for the use of said Commissioner, and 500 copies of the report of the Commissioner of Education shall be for the use of said Commissioner, and the remainder, under such regulations as the Postmaster-General may prescribe in accordance with the provisions of this act, shall be divided equally among the congressional districts and Territories of the United States; and the copies of said reports apportioned to each district shall be fairly subdivided among the several counties thereof, having due regard to the population of said counties, and the copies so apportioned to each county shall be sent to the postmaster of the county town of said county, and be charged to said postmaster on the books of the Post-Office Department.

"SEC. 2. That it shall be the duty of each postmaster to whom these reports are sent to keep posted in a conspicuous place in his office a placard, which shall be furnished him by the Postmaster-General, on which shall be printed the title of all public documents said postmaster may receive for distribution, and the price of same, which price shall be ascertained by the Postmaster-General, and shall be the actual cost of paper, press-work, and binding, and shall be printed on the title-page of each volume, and also on its outside wrapper. The postmasters receiving said volumes shall furnish them at the price so fixed to all persons who may apply for them, and all moneys so received by the postmasters from the sales of books shall be accounted for to the Postmaster-General, and be by him paid into the Treasury of the United States.

"SEC. 3. That the said postmasters shall be required to make quarterly reports, on blanks to be furnished by the Postmaster-General, showing the number of volumes sold and the number unsold, and should the Postmaster-General find that at any post-office the supply is in excess of the demand he may order the transfer of such excess to other places where the demand is in excess of the supply.

"SEC. 4. That the Postmaster-General is authorized to allow such additional compensation to each postmaster as the increased receipts of his office resulting from the sale of public documents may entitle him to under existing law, and is hereby required to make annually to Congress a detailed report showing the number of volumes sold in each county, the total amount of receipts from sales, and the number of copies of each document on hand.

"SEC. 5. That all public documents hereafter printed in excess of the usual number by order of the two Houses of Congress shall show on the title-page of each copy its price, which price shall exclude the cost of composition, and shall cover, but not exceed, the actual cost of paper, press-work, and binding; and such a number of said reports as the two Houses of Congress may by concurrent resolution specifically direct shall be distributed, sold, and accounted for in the same manner as prescribed in the foregoing sections of this act for the distribution and sale of the reports on agriculture and education.

"SEC. 6. That each postmaster to whom public documents shall be forwarded for sale shall be responsible on his official bond for the faithful performance of all the duties required of him by this act."

The SPEAKER. When this bill was reported by the gentleman from Ohio, [Mr. Beatty,] who is chairman of the Committee on Printing, authorized by the rules of the House to report at any time, the point of order was made by the gentleman from Pennsylvania [Mr. RANDALL] that the privileges of the Printing Committee did not extend to matters of general legislation of this kind; and the Chair sustained the point of order. The gentleman from Ohio did not concur with the views of the Chair, and took occasion to refer to the decision in a speech made in the House on Saturday, in which he differs very widely from the construction given to the rules by the Chair. The Joint Committee on Printing, as now constituted, came into being in the Thirtieth Congress from legislation that was agreed upon in the Twenty-ninth Congress. When the committee was appointed as now organized it soon found itself at an inconvenience in the matter of making reports upon the business of the House. Thereupon a member of the Committee on Printing, a very intelligent and industrious member of the House, Mr. Thomas J. Henley, a member from Indiana, asked consent that a rule should be adopted allowing the Committee on Printing to have leave to report at any time. The reason why Mr. Henley asked this will be explained by an extract from his remarks which the Chair directs to be read by the Clerk in the hearing of the House.

The Clerk read as follows:

"Mr. Henley wished to obtain the ear of the House for a moment, while he stated, in connection with this resolution, the fact that all questions referred to the Committee on Printing should be reported on immediately after they were referred and examined; if not, the consequence would frequently be a great loss to the Government, for when the documents were submitted to the House, before the committee had time to examine the question of printing, the usual number were ordered, printed, and before the committee had opportunity to report the composition might be distributed; and the consequence was, when the Committee on Printing afterward reported in favor of an extra number, the House were obliged to pay for additional composition. What he proposed was that the House should now adopt a rule, of which he had given previous notice, similar to that which was in force with reference to the Committee on Enrolled Bills, and one other committee, at least, that it should be in order for the Committee on Printing to report at any time. It would not interfere with the business of the House, and would, as he had before said, save a large amount of money which would otherwise be paid for additional composition, when the matter had already been taken down.—*Congressional Globe*, volume 18, page 318, February 17, 1848."

The SPEAKER. It will be observed——

Mr. BEATTY. I would ask the Speaker——

The SPEAKER. The Chair begs not to be interrupted.

Mr. BEATTY. I want to know the volume and page of the Globe.

The SPEAKER. That will appear in the remarks of the Chair as they shall be printed in the Globe. It will be observed that this remark of Mr. Henley, which was the only explanation given of the necessity for the rule, relates to the convenience of the Printing Committee with reference to the printing of the House; and that for the convenience of the House and for economy of the public work the committee should have the right to report at any time, as the Committee on Enrolled Bills have the right to report at any time. That has been the undoubted right of the committee. It is to the undoubted convenience and advantage of the House that the Committee on Printing should have the right to report at any time, just as for the necessity of legislation the Committee on Enrolled Bills should have the right to report at any time. And the gentleman from Indiana who introduced the rule likened the necessity to that of the Committee on Enrolled Bills.

Several years afterward, in 1860, when an elaborate revision of the rules was made, which led to the present Digest by the journal clerk of the House of Representatives, the House directed that the rules in regard to the Committee on Printing and the Committee on Enrolled Bills should be embraced in the same rule; so that Rule 101 of the House says that the Committee on Printing and the Committee on Enrolled Bills have the right to report at any time. On what? What is it that the Committee on Enrolled Bills have the right to report at any time? Why, on enrolled bills. What is it that the Committee on Printing have the right to report at any time? Why, in regard to printing for the use of the House. Of necessity the rules confine it to that.

It will be observed that both the Committee on Enrolled Bills and the Committee on Printing are called on the regular call of committees for general legislation just as often as the Committee on the Judiciary, the Committee on Foreign Affairs, the Committee on Commerce, or any other important committee of the House is called. And then, when so called, any general legislation, such as the kind proposed by the bill which the Chair has directed to be read, is in order from that committee, if it has been referred to it, and should be confined to that call which is common to all committees, and is enjoyed by the Committee on Printing, as it is by all the other committees.

If, on the other hand, the privilege to report at any time should be construed by this House in the sense contended for by the present chairman of the committee, then the House may have bills embracing extraordinary legislation precipitated upon it without the slightest notice. The bill which the Chair has directed to be read is one of that character. Of course it is never the function of the Chair to discuss the expediency of proposed legislation; but he cannot refrain from directing the attention of the House to the fact that the bill upon which the gentleman made his point of the right to report at any time is one which would overturn the entire system of printing and distribution of public documents. It proposes to break up the long-established custom of distributing them among the members, and makes the Government Printing Office a vast wholesale and retail printing establishment, and every postmaster throughout the United States an agent of sale for that establishment. Now, the Chair does not undertake to say whether such a change would be expedient or not; but he is firmly convinced that it was never within the contemplation of the rules of the House that the right to report at any time, which the committee has and ought to have upon matters of printing, should be construed as embracing a measure of that kind, so that it could be reported at any time and instant action had upon it. For the House will further observe that the specific language of the rule is that the right of the committee to report at any time carries with it the right of the House to consider the measure when reported. Hence, should the construction contended for be maintained, it would give the Committee on Printing the right to interrupt and obstruct the business of the House with measures of general legislation, whereas Mr. Henley, who introduced the rule, stated in the remarks which the Chair directed to be read that the privilege asked for the committee was one limited in its nature, like that of the Committee on Enrolled Bills, and would not interfere with the business of the House.

Gentlemen of the House will please observe one other great abuse to which such a construction might lead. The rules are necessarily for the protection of minorities. It being established by many parliamentary decisions that a committee has the right to report back at some time whatever may be referred to it, and it being further established that the House can by a majority vote refer any bill on Monday morning, it will be seen that any bill belonging of right to the Committee on Commerce, or the Committee on the Judiciary, or the Committee on Military Affairs, or the Committee on Naval Affairs, or the Committee of Ways and Means, might by a majority vote be referred to the Committee on Printing; and if that committee have the right to report such legislation at any time, they may thrust in upon the House the next day, as soon as the Journal is read, a matter wholly disconnected with printing, wholly apart from their legitimate duties—in no manner or shape relating to the legitimate functions of that committee.

Inasmuch as the chairman of the committee conceived that the functions and rights of that committee were interfered with by the decision of the Chair upon the point of order raised by the gentleman from Pennsylvania, the Chair has felt it right that the House should have its attention called to the matter; because, if the ruling of the Chair be wrong, it should be set right, and if the decision of the Chair be correct, the House should so affirm.

The gentleman from Ohio quoted in his speech two decisions upon this point—one by Ex-Speaker Cobb and one by Ex-Speaker Winthrop—which sustain his view by declaring that no point can be raised upon a matter referred to the committee; that, as the rules give such unlimited scope, it is not for the Chair to prescribe a limit. The Chair is quite aware that in the position he takes he differs with both those eminent predecessors.

Mr. BEATTY. Will the Chair permit me——

The SPEAKER. The Chair begs not to be interrupted. It is by no means uncommon that the occupant of the chair is called on by the varying developments of

the business of the House to make a different ruling from that which has been made at some period long anterior. The Chair has taken that responsibility heretofore on more than one occasion. Such cases present merely a difference of judgment, to be determined ultimately by the House, whose will and ruling must, of course, govern the Chair.

But when the gentleman from Ohio undertakes to state, as he has, that the present occupant of the chair has made a ruling entirely different from the present, the Chair must answer him. As an instance in which, as the gentleman contends, the Chair maintained a position inconsistent with that which he is now urging, the gentleman presented in his speech extracts from the Globe which will be read by the Clerk. The first is from page 3118 of the Globe of the second session of the Forty-first Congress.

The Clerk read as follows:

"*Tributes to Abraham Lincoln.*

"Mr. Laflin, from the Committee on Printing, reported back, with an amendment, a joint resolution (S. R. No. 77) authorizing the distribution of the copies remaining in the Department of State of the Tributes of the Nations to Abraham Lincoln.

"Mr. SCHOFELD. Is that a privileged report? It does not relate to printing, but to the distribution of donations to members. Is the committee authorized to report at any time anything except bills and resolutions for printing?

"The SPEAKER. This resolution was referred to the committee, and the rule states that the Committee on Printing is authorized to report at any time. It is for the House to say what they will do with the report, but the Chair is unable under the rules to prescribe what they shall report."

The SPEAKER. The other extract, which the Clerk will now read, has reference to the late action of the House upon matters connected with the Congressional Globe, and will be found on page 1330 of the Congressional Globe for the present session.

The Clerk read as follows:

"Mr. BEATTY. I ask that Wednesday of next week be assigned for the consideration of this bill.

"Mr. GARFIELD, of Ohio. Will my colleague [Mr. Beatty] indicate some limit of time? Can he not limit the consideration of this bill to the day he has named?

"The SPEAKER. The Chair would suggest, as this bill is now in the hands of a committee authorized to report at any time, it had better be held in possession of the committee until an opportune moment occurs, because they would lose rather than gain control of it by having it assigned in the House to any particular day."

The SPEAKER. As to these two cases the Chair will say that were they before the House now, he would rule precisely as he did then.

The first case related to the distribution of public documents which had been printed by the Public Printer. Distribution is so intimately connected with public printing that it is generally embodied in the resolution authorizing the printing. It is generally provided that so many copies of the document in question shall be for this or that Department, so many for the Senate, so many for the House, &c. That was entirely in accordance with the decision which the Chair is now making, and will be so ruled again.

In regard to the second instance, which is in relation to the bill for printing the congressional debates in the columns of the Globe, of course it is so palpable and so plain that that fell within the scope of the Chair's decision, he has only to call attention to it to reaffirm his decision. A bill in relation to printing the debates in the columns of the Globe would of course come strictly and directly within the ruling of the Chair, because it relates to the every-day convenience of the House, on which, if on anything at all, the Committee on Printing would be allowed to report to the House at any time.

Both of these decisions of the Chair are such as he would reaffirm as coming within the scope of the reasoning he has endeavored thus hurriedly to submit to the House. He desires in some form, as he has conversed with his associates on the Committee on Rules and with an eminent predecessor in the position he now occupies [Mr. Banks] in regard to it, some action of the House on the point. He is so entirely clear himself, that in his own mind there is no doubt; but he submits to the superior judgment of the House, which must prevail as to the ultimate construction.

Mr. BEATTY. May I be allowed to say a word?

The SPEAKER. The Chair has no objection.

Mr. DAWES. How long does the gentleman want?

Mr. BEATTY. Not more than ten minutes. I do not propose to occupy much time. Now, if I understand the Chair correctly in the construction of this rule to which reference has been made, we are to be governed by the opinion of the gentleman who introduced the rule, and not by the rule itself. It seems to me when a simple rule is agreed upon for the government of any committee in this House——

Mr. ELDREDGE. There is so much confusion in the House that we cannot hear what is being said by the gentleman from Ohio.

The SPEAKER. The Chair hopes the House will give the same attention to the gentleman from Ohio which it so kindly gave to himself.

Mr. ELDREDGE. There is so much disorder that we cannot hear what is being said, and it is too important a question to be decided without our knowing all about it.

The SPEAKER called the House to order, and requested members to resume their seats.

Mr. BEATTY. What I desire to say, Mr. Speaker, is this: that the rule itself should govern and not the opinion of the gentleman who introduced the rule. Now, in the discharge of my duties as a member of this House, I found the rules gave the committee to which I belong the right to report at any time. The rule was couched in plain and unmistakable English. It was not susceptible of two constructions. The words were short, simple, and easily understood. I flattered myself, therefore, that I knew what they meant, and perhaps I congratulated myself that, dull as I was, there was one thing I did know. My committee authorized me to report a bill, one which contemplates the ultimate reduction of the expenses of the Government to the extent of $500,000 a year; and the merits of that bill I am ready to discuss with the Speaker or any one else whenever it is introduced. I determined for once to insist on the privileges accorded to my committee, and succeeded in getting the eye of the Speaker. Some member objected, and I found that leave to report at any time meant that the Printing Committee is privileged to report resolutions to waste the public money, but not to report resolutions to save the public money, and that the rule which says the Printing Committee shall have leave to report at any time means they shall not be permitted to report an honest resolution at all.

The upshot of the whole matter is that the rules of the House afford no protection, no facilities to one who desires to proceed in a quiet, business-like way to the transaction of the public business, and put no restraints whatever on those who do not. If a plain, simple rule like that under which the Printing Committee acts can be construed to mean just the reverse of what it says, language is a cheat and parliamentary law a myth. The idea that a man must search through two hundred and forty thousand columns of the Congressional Globe to ascertain the meaning of one short sentence composed of fifteen simple English words is too ridiculously absurd for even a believer in Baron Munchausen.

If a knowledge of parliamentary law now requires such Herculean labor as this, you would save time, money, and bitterest agony of soul by making a bonfire of your parliamentary history and starting afresh, with rules so plain that they could not be misunderstood, and then applying them so rigidly that no distracting and conflicting precedents could rise up to say that in such and such cases white is white, but that in all other cases white is invariably black.

Mr. BANKS. I desire to say a few words on this question. I quite understand that the gentleman from Ohio [Mr. Beatty] might naturally mistake the powers of the Committee on Printing on reading the rule to which he refers. But he will see, if he will look at the spirit of the rule, that it does limit him in the degree which the Chair has stated. The rule is that the Committee on the Printing of the House shall have leave to report at any time. The words "the House" are not inserted in the rule; but that is the spirit of the rule. The Committee on the Printing of the House shall have authority to report at any time. The reason of that is that it concerns the privileges of the House. If we are called upon to act upon an important recommendation by the President of the United States, he sends a message. We cannot act upon that until the message is printed, as well as the documents that may accompany the message. It is for that reason that the rule gives this power to the committee.

Mr. BEATTY. Let me ask the gentleman if the rules say so?

Mr. BANKS. I have no doubt the rule would have said so if it had not been thought that everybody understood it. It is necessary in order to understand the recommendations of the message that we should have the message and document printed. Now, the law says that these matters shall be referred to the Committee on Printing. If we want an extra number of copies printed, that is not within the discretion of the House until it has been so referred. And the law says that inasmuch as this refers to the privilege of the House, the Committee on Printing shall have authority to report to the House at any time. That is the spirit of the rule.

Mr. Speaker, I am perfectly sure that no predecessor of yours in the House has ever made a ruling different from that. In the cases that have been referred to there may have been something in the nature of the bill that would make it a question whether the committee had a right to report or not, as in the case of the proceedings of the different governments in regard to the assassination of President Lincoln. That matter having been referred to the Committee on Printing, and the assassination having occupied the attention of the Government, and having been made a subject of consideration in the House, the papers relating to that subject might very naturally be considered as affecting the privileges of the House, and it was proper that the Committee on Printing should report at any time on that matter, although, of course, gentlemen on the floor and the Chair might differ as to that.

The same may be said of the cases to which the Chair has referred, on which decisions were given by Speaker Cobb and Speaker Winthrop. I do not know what those cases were. They might have been of such a nature as to give the committee the right to report at any time, and they might not have been of such a nature. But it was very proper for the Chair in this case to say that the rule was so broad, and the case submitted so uncertain that the House should decide whether the committee had the right or not. But on a question of general legislation being referred to the Committee on Enrolled Bills, or to the Committee on Printing, or to the Committee of Elections, or to the Committee on Appropriations, or to the Committee of Ways and Means, which all have the right to report at any time, it would not be ruled by any Speaker that that gave them the right to report at any time on a matter of general legislation. The right of these committees to report at any time is only in regard to that which concerns the privileges of the House or touches its constitution, and it is necessary in order that the House shall accord those privileges that this power shall be accorded to those committees.

Thus the Committee of Elections have the authority to report at any time.

Mr. BEATTY. I beg the gentleman's pardon. They have not that right.

Mr. BANKS. They have the right to report at any time, but only on the right of a member to his seat. The Committee on Rules have the right to report at any time, but only on the rules or the order of business of the House. The Committee on Printing have the right to report at any time, but only in regard to the printing of the House. The Committee on Enrolled Bills has the right to report at any time, but only on enrolled bills, bills that have been enacted. The Committee on Appropriations has the right to report at any time, but only upon those matters of appropriation established and fixed by law; if by their report they propose to change one of those items of appropriation to the extent of one dollar, of one dime, it is out of order by the rule of the House. The Committee of Ways and Means formerly had the same right on the subject of appropriations. Now, if those committees were compelled to await their turns for six or seven months, as the Committee on Foreign Affairs and other committees have to wait, before they could report upon the matters before them touching the convenience and business of the House, none of those matters could be acted upon by the House in time, perhaps, to accomplish what might be desired by the House.

I can understand very well that the gentleman from Ohio [Mr. Beatty] might mistake, in perfect good faith, the meaning of the rule. But I think that upon a further consideration of the subject he will perceive that the spirit of the rule, if not its language, is in accordance with the decision of the Chair. As this matter touches so many committees, and is one of so much importance, I ask leave of the House to submit a resolution upon this subject.

Mr. BEATTY. Will the gentleman allow me to have read in this connection the rulings of Speaker Winthrop, Speaker Cobb, and Speaker BLAINE?

Mr. BANKS. I have not examined the decision of Speaker Winthrop, but at the time he was acting as Speaker of the House bills were not introduced as they are now. Petitions were then introduced in open session, as is now done in the Senate, and were referred to committees, and the action of committees was generally based on petitions so introduced and referred. Formerly there would be thirty or forty bills introduced during a session, while now from three to four thousand bills are introduced in a single Congress. Formerly a motion for leave to introduce a bill would be debated for three or four weeks. Now, it is impossible for members to understand what bills go to a committee. The difference that now exists in the mode of proceeding in the House should be taken into consideration when reference is made to the decision of Hon. Mr. Winthrop. I submit the resolution which I send to the Clerk's desk to be read.

The Clerk read as follows:

"*Resolved*, That the ruling of the Chair in the case now stated, upon the authority of the Committee on Printing to report at any time, be, and hereby is, sustained by the House."

Mr. STEVENSON. Is that resolution in order?

The SPEAKER. It is.

Mr. STEVENSON. Without unanimous consent?

The SPEAKER. It is. The gentleman might have objected at the first to the Chair proceeding with this matter. But the Chair having introduced the question by consent of the House has a right to the judgment of the House upon it.

Mr. STEVENSON. I wish to suggest to the gentleman from Massachusetts [Mr. Banks] whether it would not be better to have this resolution referred to the Committee on Rules.

The SPEAKER. The Chair would greatly prefer an adverse decision of the House to a reference of this resolution to the Committee on Rules. The Committee on Rules can report at any time, and the decision of the House will enable them intelligently to do so. The Chair hopes the gentleman from Massachusetts [Mr. Banks] will not accept the suggestion to have this resolution referred to the Committee on Rules, because to do so would not be a matter of justice either to the gentleman from Ohio, [Mr. Beatty,] the chairman of the Committee on Printing, or to the Chair.

Mr. BEATTY. I would like to have the rules changed; I have no objection to that.

The SPEAKER. The question now is not whether the rules should be changed, but whether the construction by the Chair of the existing rule is correct.

Mr. BEATTY. I ask that the following decisions of Speaker Winthrop and Speaker Cobb be read before the House votes on this question.

The SPEAKER. The gentleman asks that some extracts from his speech on Saturday last be read.

Mr. BEATTY. And which are also extracts from the Globe.

The Clerk read as follows:

"The SPEAKER stated the question. The Chair understood the gentleman from Georgia to claim for the Speaker the discretionary power to say what character of reports the Committee on Printing might make under their general leave to report at any time. The Chair overruled the point of order, and disclaimed any such power. The rule was express that the Committee on Printing might report at any time, without reference to the nature or character of the report."—*Speaker Winthrop.*

"The SPEAKER. * * * The gentleman from South Carolina [Mr. Burt] submits, as a point of order, that under the rules of the House the gentleman from Mississippi is not entitled to make this report as a privileged question. The Chair overrules the point of order upon the ground that the twenty-first rule of the House provides that it shall be in order for the Committee on Printing to report at any time. The rule places no restriction whatever upon the subject-matter to be reported; and in the opinion of the Chair it is limited only to the fact whether or not the subject be legitimately before that committee."—*Speaker Cobb.*

Mr. BEATTY. I ask to have read in the same connection a ruling of the present occupant of the chair.

The Clerk read as follows:

"The SPEAKER. This resolution was referred to the committee, and the rule states that the Committee on Printing is authorized to report at any time. It is for the House to say what they will do with the report, but the Chair is unable under the rules to prescribe what they shall report."

Mr. DAWES. Mr. Speaker, I am not aware whether the House referred this bill to the Committee on Printing. If it was so referred, that might possibly give the committee a broader jurisdiction than it would otherwise have; but if the committee originated it——

Mr. BEATTY. Allow me to state that the bill was a substitute for two resolutions which were referred in open House to the committee.

Mr. DAWES. A reference to the rule creating the Committee on Printing will show the extent of its jurisdiction. I do not doubt that the House can give the committee a new or extended jurisdiction; but in the absence of that, it must be perfectly apparent that the right to report at any time can only be coextensive with the jurisdiction of the committee; and a reference to the rule creating the committee shows the limited character of its authority, in the absence of any new or additional authority given by the House. As has been stated by the Chair, the jurisdiction of the committee relates solely to the matter of printing.

I will say, Mr. Speaker, that I have for fourteen years been a member of a privileged committee, a committee having, in the language of the rules, a right to report at any time. I was for ten years upon the Committee of Elections, which has been considered as having the highest privilege; and it has always been the practice of that committee and the ruling of the Speaker that whenever that committee desired to present any legislation in the form of a bill it should be reported under the general call; that as to such matters the committee had no right to report at any time. I remember that on one occasion I sought to submit a bill from the committee in reference to the election of members of Congress, and there was a distinct ruling of the Chair that such a measure did not come within the privilege of the committee to report at any time. When I was a member of the Committee on Appropriations, that committee having the same right to report at any time, I was always obliged to obtain leave to report any bill in reference to general subjects. So with the Committee of Ways and Means. This morning I reported from that committee two bills, one properly coming within the jurisdiction which the rules give my committee, and I reported it without leave, because I had a right to do so at any time; but as to the other bill, which was of a different character, I asked unanimous consent of the House to report it. The right of the Committee of Elections, the Committee on Appropriations, and the Committee of Ways and Means to report at any time has always, while I have been a member of the House, been construed as limited to the special matters over which those committees by their creation have jurisdiction.

Mr. STEVENSON. I think the gentleman is mistaken in alleging that any rule authorizes the Committee of Elections to report at any time. Their privilege in that respect results only from the privileged nature of the matters generally committed to them.

Mr. COX. Mr. Speaker, I do not believe it would be wise to send a resolution of this kind to the Committee on the Rules. That committee is composed of five members, the Speaker being one, and the gentleman from Massachusetts [Mr. Banks] another, both of whom have stated their view as to the question before the House. As another member of that committee, I beg to concur in what they have said, and I do so for one simple reason. The rules of this House were made for the purpose of protecting minorities by obstructing and impeding legislation. They were framed at an early day in the history of our Government, when men had "strict-construction" ideas, both as to the constitution of the House and the Constitution of the country. They were not framed like the rules of most legislative bodies for facilitating legislation. I hold that the House would be departing from the original reason and philosophy of our rules if it did not sustain the Speaker in the construction which he has given to the rule now in question—a decision supported by the very reasons out of which the rule grew. We have here legislation of all sorts; it is multifarious in its character. It is worse tenfold than when I came to Congress in 1856. There is greater reason growing out of the business which comes in this multifarious way to Congress, and in the aggrandizement of power by the Government as the result of the war—there is greater reason, I say, why the Speaker, when he gives a strict construction to the rules, should be sustained by the House. I hope this will not be referred to the Committee on Rules.

Mr. DAWES. I demand the previous question.

The previous question was seconded and the main question ordered.

The question then recurred on the adoption of the resolution submitted by Mr. Banks.

The House divided; and there were—ayes 157, noes 6.

So the resolution was adopted; and the decision of the Chair sustained as the judgment of the House.

Mr. BANKS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. Ever since the rendering of that decision, which was agreed to by the House with only six dissenting votes, the limitation has been exercised against the Committee on Printing whenever the question has been raised. The Committee of Elections have the right to report at any time in reference to the right of a member to his seat, but never has it been conceded that that committee had the right to report at any time general legislation relating to the election of members of Congress. The Committee on Enrolled Bills have the right to report at any time as to enrolled bills, and no further. And so it is with the Committee on Printing. They have the right to report at any time resolutions for printing documents and papers required by the House, or by both Houses. Their right to report at any time, however, does not extend to bills changing the statutes of the United States. If it did then that committee would have an advantage over every other committee of the House, except the Committee of Ways and Means, the Committee on Banking and Currency, and the Committee on Coinage, Weights, and Measures, which committees, under the rule recently adopted, have had that right specially conferred upon them. But nowhere has the right ever been conceded to the Committee on Printing to report at any time, except on subjects relating to the printing of documents for the use of the House or for the use of Congress, when contested, since said decision of the point of order, sustained as it was by actual vote of the House.

The Chair therefore sustains the point of order that this bill does not have that privilege attached to it which would bring it from the Committee on Printing at any time to the interruption of other business. The gentleman from Mississippi has his remedy, however, for he can, when his committee is regularly called in the morning hour, report this bill as any other committee could when regularly called report on any other matter of general legislation.

Mr. SINGLETON, of Mississippi. Will it be in order for me to move that the substitute be printed and recommitted?

The SPEAKER. It will be if there be no objection.

Mr. CONGER. Opposed to the bill as I am I must persist in my objection.

The SPEAKER. Does the gentleman object to the bill being printed and recommitted, not to be brought back by a motion to reconsider?

Mr. CONGER. I do not.

The SPEAKER. The Chair hears no objection, and the substitute is ordered to be printed and recommitted, not to be brought back by a motion to reconsider. The gentleman from Mississippi on the regular call of the Committee on Printing will have the right to report this bill back just as he would have the right to report any other bill.

Mr. SPRINGER. This disposition having been made of the report I desire to call the attention of the Chair to a ruling, printed in the Congressional Globe, part 2, second session Thirty-ninth Congress, page 973, upon this subject, in order that if the question should come up again the ruling of the Speaker as now made may perhaps be in some way changed, the ruling I refer to having been made upon a bill nearly in terms the same as this, and it was held to be in order to be reported at any time.

The SPEAKER. That decision was very fully reviewed by the then occupant of the chair, Mr. BLAINE, when he made the decision heretofore quoted. But the Chair does not rest upon the decision of the then Speaker. That decision was confirmed by a vote of the House with only six dissentients. That is what estops the Chair from giving any other decision. But if this House thinks otherwise it has its remedy, and the Chair invites a review of the decision in the usual form.

Mr. SPRINGER. That can come up if the question is raised again after a further examination.

Mr. CONGER. It is competent for the gentleman to appeal from the decision of the Chair.

The SPEAKER. The question can be raised again by an appeal from the decision of the Chair. The Chair has no feeling on the subject and would have been glad to have submitted the question to the House except for the decision alluded to, which was confirmed by a vote of a former House and accepted ever since as binding.

Mr. SPRINGER. I desire to examine the question further because I am not familiar with the point of order at this time, and it can be raised hereafter.

STATE OF LABOR IN EUROPE.

Mr. GOODE, by unanimous consent, introduced a joint resolution (H. R. No. 84) appropriating $4,000 for printing 15,000 copies of the letter of the Secretary of State, with consular reports, &c., on the state of labor in Europe; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

DONATION OF CONDEMNED CANNON.

Mr. PHELPS, by unanimous cansent, introduced a bill (H. R. No. 2171) donating condemned cannon and cannon-balls to the Soldiers' Monument Association of Birmingham, Connecticut; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATIONS.

Mr. ATKINS. I desire to report from the Committee on Appropriations the bill which I send to the desk.

The Clerk read the title of the bill, as follows:

A bill making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes.

Mr. ATKINS. I move that the bill be printed and recommitted to the Committee on Appropriations, with leave to report at any time.

The SPEAKER. The Committee on Appropriations have the right to report at any time for reference. The Chair presumes this bill would go to the Committee of the Whole.

Mr. BAKER. I reserve all points of order on the bill.

The SPEAKER. If the bill is recommitted points of order can be reserved when it comes back to the House. A note, however, will be made that the gentleman reserves points of order.

Mr. HAWLEY. I desire to offer an amendment by way of instruction to the committee, and will explain it very briefly.

The Clerk read Mr. HAWLEY'S proposed amendment, as follows:

Amend by adding:

And the Committee on Appropriations is instructed to report the bill substantially in the form and containing the matter of the legislative, executive, and ju-

dicial bill as last agreed to by the House, excluding therefrom all general political legislation and all appropriations for judicial expenses.

Mr. ATKINS. Is that in the form of an amendment?

The SPEAKER. It is.

Mr. ATKINS. Is it in order?

The SPEAKER. It is, as the gentleman from Tennessee did not demand the previous question on the motion to recommit.

Mr. HAWLEY. Am I entitled to the floor?

Mr. ATKINS. Is it in order to move to lay that amendment on the table?

The SPEAKER. The Chair thinks not, unless the gentleman wants the bill to go to the table with it. The Chair will read the following from the Digest:

A motion to commit may be amended by the addition of instructions.

Mr. ATKINS. How did the gentleman from Connecticut get the floor?

The SPEAKER. Because the gentleman from Tennessee did not demand the previous question on the motion to recommit; and when the gentleman from Connecticut rose the Chair had nothing else to do but to recognize him.

Mr. HAWLEY. I addressed the Chair promptly on the gentleman making his motion. I do not propose to antagonize the gentleman from Tennessee, for whom I have the highest respect. I only wish to explain what I think is a good reason for making the proposition I have submitted.

Mr. HOUSE. Is this by unanimous consent?

Mr. ATKINS. I have never been off the floor. I do not know how the gentleman from Connecticut got the floor.

Mr. HAWLEY. I beg the gentleman's pardon. He made his motion and stopped talking.

Mr. ATKINS. Gentlemen frequently make pauses.

Mr. HAWLEY. Then I took the floor and commenced talking.

The SPEAKER. The gentleman from Tennessee did not in any statement he made demand the previous question nor indicate by words any such purpose.

Mr. SPRINGER. My understanding is that the gentleman from Tennessee asked unanimous consent to report the bill with leave to have it printed and recommitted. What was the gentleman's request?

The SPEAKER. The Chair will cause the record to be read.

Mr. SPRINGER. The gentleman from Tennessee [Mr. ATKINS] having asked leave to report the bill for the purpose of having it recommitted and printed, I object to its consideration at this time as being contrary to the request made by the gentleman from Tennessee, [Mr. ATKINS.]

The SPEAKER. If the gentleman from Tennessee [Mr. ATKINS] states that he never yielded the floor, the Chair will take his word for it, of course.

Mr. ATKINS. I did not yield the floor, but was in momentary expectation that the Chair would put the question on my motion.

Mr. HAWLEY. Precisely; I beg to be heard upon that.

Mr. ATKINS. I ask if it is in order for me to withdraw the bill?

The SPEAKER. It is.

Mr. ATKINS. Then I withdraw it.

Mr. HAWLEY. Very well; but I would not have hurt the gentleman's bill.

Mr. ATKINS. You did not hurt the bill at all.

Mr. CONGER. I make the point of order that the gentleman from Tennessee [Mr. ATKINS] having acted under the instructions of the committee who made the report, he cannot withdraw it without the instructions of the committee.

The SPEAKER. The Chair knows nothing of the action of the committee; that is not within the province of the Chair; it is a question for the chairman of the committee to determine for himself.

Mr. MORRISON. You will have the bill before you again; you need not be alarmed about that.

Mr. HAWLEY. Neither will you escape my motion.

Mr. MORRISON. We will see if we do not.

Mr. TOWNSHEND, of Illinois. I call for the regular order.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was presented to the House by Mr. PRUDEN, one of his secretaries.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced that the Senate had passed without amendment the joint resolution (H. R. No. 82) in relation to the international exhibitions to be held at Sydney and Melbourne, Australia, in 1879 and 1880.

The message also announced that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

An act (S. No. 62) for the delivery to Samuel Lord, jr., receiver, of certain bonds now in the Treasury of the United States.

REMOVAL OF CAUSES TO UNITED STATES COURTS.

The SPEAKER. The regular order being called for, the morning hour begins at fifteen minutes past one o'clock, and the House resumes the consideration of the unfinished business of the morning hour, which is the report from the Committee on the Revision of the Laws of the bill (H. R. No. 1715) to repeal certain sections of the Revised Statutes and to amend certain sections of the Revised Statutes and of the Statutes at Large relating to the removal of causes from State courts. The pending motion is to refer the bill to the Committee of the Whole on the state of the Union.

Mr. THOMAS. It was the understanding of the committee that one hour for discussion should be allowed on this side of the House upon this bill.

Mr. HARRIS, of Virginia. That was the agreement.

Mr. THOMAS. As a member of the minority of the committee who has not spoken, I desire to take the floor, and will first yield thirty minutes of my time to the gentleman from Pennsylvania, [Mr. WHITE.]

Mr. WHITE addressed the House. [His remarks will be published in the Appendix.]

Mr. THOMAS next addressed the House. [His remarks will be published in the Appendix.]

Mr. MCMILLIN. Before the morning hour expires——

Mr. THOMAS. How much time have I left?

The SPEAKER *pro tempore*, (Mr. CLYMER.) Eight minutes.

Mr. THOMAS. Then I desire to yield the remainder of my time to the gentleman from Massachusetts, [Mr. ROBINSON.]

Mr. ROBINSON. I do not desire the floor for that brief period.

Mr. THOMAS. Then I will yield it to any other gentleman who may desire it.

Mr. MCMILLIN. I desire to call the attention of the gentleman from Pennsylvania [Mr. WHITE] to the act of 1815, which gave the jurisdiction spoken of by him. In that act I find this proviso:

Provided, That this act shall not be construed to apply to any prosecution for an offense involving corporal punishment.

Mr. WHITE. Are we running on that eight minutes?

The SPEAKER *pro tempore*. The morning hour is running.

Mr. WHITE. My friend from Illinois [Mr. THOMAS] had eight minutes of his time remaining.

Mr. THOMAS. I will yield it to the gentleman from Pennsylvania.

Mr. WHITE. I do not want it.

Mr. MCMILLIN. I simply desire to call the attention of my friend from Pennsylvania to the fact that the law of 1815 did not involve the transfer of any cause where corporal punishment was inflicted, and hence it was not the foundation of this vicious legislation. In the second place, it was limited to one year only.

Mr. WHITE. My friend from Tennessee [Mr. MCMILLIN] went out of the Hall in search of the proviso which he has read, before I made my explanation. The direct question which the gentleman addressed to me was whether criminal prosecutions were not excluded from the operation of the act of 1815. I said that they were not, and I say so yet. I then read the proviso which he has just read, and which, it will be observed, withdraws from the purview of the act only those criminal prosecutions which involve corporal punishment. Now there are in this country, and there were in 1815, criminal prosecutions which did not necessarily involve corporal punishment upon conviction, but the punishment was by the imposition of fines; such as are called *qui tam* actions, which are quasi-prosecutions, &c. The cases do not recur to me at this moment.

Mr. MCMILLIN. Are they all criminal prosecutions?

Mr. WHITE. Certainly they are. The proviso says that the act shall not apply to criminal prosecutions where corporal punishments are involved, of course contemplating the application of the act to a certain class of criminal prosecutions, and not to a certain other class. The subsequent legislation of 1816 and 1817 extended the operations of the act to 1822. And the law of 1833 that Webster championed did not have that proviso attached to it.

Mr. MCMILLIN. The point made by the gentleman from Pennsylvania, [Mr. WHITE,] as I understood him, was that the act of 1815 was the foundation for the transfer of criminal causes from State courts to the district courts of the United States. I hold that it was not, and for that purpose I have read the proviso.

Mr. WHITE. One moment before my friend sits down. A friend near me has handed me Bouvier's law dictionary. Under the word "corporal" I find the definition "an epithet for anything belonging to the body; as corporal punishment, punishment inflicted upon the person of the criminal."

Mr. MCMILLIN. That is a correct definition of corporal punishment.

Mr. WHITE. Has the morning hour expired?

The SPEAKER *pro tempore*. It has not quite; there are three minutes remaining.

Mr. TOWNSHEND, of Illinois. I ask, then, that the morning hour may be considered as expired.

The SPEAKER, (having resumed the chair.) By unanimous consent the morning hour will be considered as expired.

There was no objection.

GENERAL FITZ JOHN PORTER.

The SPEAKER laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

I transmit herewith the proceedings and report of the board of officers convened by Special Order No. 78, Headquarters of the Army, Washington, April 12, 1878, in the case of Fitz John Porter. The report of the board was made in March last, but the official record of the proceedings did not reach me until the 3d instant.

I have given to this report such examination as satisfies me that I ought to lay the proceedings and conclusions of the board before Congress. As I am without power in the absence of legislation to act upon the recommendations of the report further than by submitting the same to Congress, the proceedings and conclusions of the board are transmitted for the information of Congress and such action as in your wisdom shall seem expedient and just.

R. B. HAYES.

EXECUTIVE MANSION, *June* 5, 1879.

The SPEAKER. This message and the accompanying documents will be referred to the Committee on Military Affairs and printed.

Mr. GARFIELD. What is printed? The message and all the accompanying papers? Probably all ought to be printed.

The SPEAKER. Does the gentleman desire to have all the papers printed? Perhaps authority had better be given to the committee to have printed what they desire.

Mr. GARFIELD. Perhaps it would be well to have the message printed, and to refer the documents with the message to the committee, and if they want any of them printed they can do it hereafter.

The SPEAKER. Not unless the House grants that right. The Chair will submit the motion to the House to refer the message and accompanying documents to the Committee on Military Affairs, with the understanding that the committee may have printed such of the documents as they may desire. It is usual to pay the respect to messages from the President of ordering them to be printed. There is really, however, no use in printing this particular message unless the accompanying documents are also printed.

Mr. KEIFER. Is it in order to move that the message and accompanying documents be printed?

The SPEAKER. It is.

Mr. KEIFER. I make that motion.

The SPEAKER. If there be no objection the message and accompanying documents will be referred to the Committee on Military Affairs, and ordered to be printed.

Mr. SPARKS. That covers all.

The SPEAKER. It covers everything.

There was no objection, and it was ordered accordingly.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. SPEER on account of the serious illness of his wife.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ATKINS, from the Committee on Appropriations, reported a bill (H. R. No. 2172) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes; which was read a first and second time.

Mr. ATKINS. I move that this bill be recommitted to the Committee on Appropriations and ordered to be printed; and upon that motion I call the previous question.

Mr. GARFIELD. I ask the gentleman from Tennessee [Mr. ATKINS] to allow me to say a word.

Mr. ATKINS. Certainly; I will yield to the gentleman for a question.

Mr. GARFIELD. I have seen what I have understood to be the draught of this bill; and without any other knowledge than that obtained from a cursory glance, I would say that it seems to me a bill to which there is no objection so far as its contents are concerned. But I do want to suggest to the gentleman——

Mr. ATKINS. I cannot yield to the gentleman for a speech. I thought he wanted to ask me a question.

Mr. GARFIELD. Well, then, I will ask the gentleman whether he does not think that for the convenient administration of this appropriation bill after it is passed it would be better to state substantively in the bill exactly what appropriations are made?

Mr. ATKINS. A school-boy ten years old who could not understand this bill in a day ought not to be sent to school another hour. [Laughter.]

Mr. GARFIELD. Well, I suppose that a school-boy could certainly mark out——

Mr. ATKINS. Of course I do not mean any disrespect to the gentleman; he understands that perfectly. I simply mean to say that any officer with any executive ability can understand this bill in one day.

Mr. GARFIELD. But it must be codified before anybody can administer it.

Mr. ATKINS. Well, it can be codified in one day.

Mr. CONGER. I reserve all points of order on the bill.

The SPEAKER. All points of order are reserved by the gentleman from Michigan.

The previous question was seconded and the main question ordered; and under the operation thereof the motion of Mr. ATKINS that the bill be recommitted to the Committee on Appropriations and ordered to be printed was agreed to.

ORDER OF BUSINESS.

Mr. REAGAN. I move that the House now adjourn.

Mr. HARRIS, of Virginia. I would like to bring before the House a matter that can be disposed of in a few minutes. In the early part of the session a bill was reported providing for the publication of the reports of the Supreme Court of the United States. It is believed that if the Government publishes these reports at cost with 10 per cent. added, they can be furnished to the profession at $1.50 a volume against $5, the present price. That bill is now in Committee of the Whole. I desire to move that the House go into Committee of the Whole for the purpose of considering it.

The SPEAKER. The pending question is on the motion that the House adjourn.

Mr. REAGAN. I withdraw the motion.

CATTLE DISEASES.

Mr. HATCH. I desire to call up for consideration the special order, the bill (H. R. No. 1378) to prevent the exportation of diseased cattle and the spread of infectious or contagious diseases among domestic animals. This bill, which was reported from the Committee on Agriculture some days ago, was made a special order for May 29 after the morning hour, and from day to day thereafter until disposed of.

The SPEAKER. The special order now coming up is the bill to which the gentleman from Missouri asks attention. It was made a special order for a day now passed; but as it was a continuing order, to remain in force from day to day until the bill should be disposed of, it now comes up in order. The bill will be read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no railroad company within the United States whose road forms any part of a line of road from one State or Territory to another, or from a State into the District of Columbia, or the owners or masters of any steam or sailing or other vessel or boat, shall receive for transportation, or transport, from one State or Territory to another, or from any State into the District of Columbia, any live cattle affected with any contagious or infectious disease, and especially the disease known as pleuro-pneumonia. Nor shall any person, company, or corporation deliver for such transportation to any railroad company, master or owner of any boat or vessel, any live cattle, knowing them to be affected with any contagious or infectious disease; nor shall any person, company, or corporation drive on foot or transport in private conveyance from one State or Territory to another, or from any State into the District of Columbia, any live cattle, knowing them to be affected with any contagious or infectious disease, and especially the disease known as pleuro-pneumonia.

SEC. 2. Any company or persons operating any such railroad, or master or owner of any boat or vessel, or owner or custodian of, or person having control over, such live cattle, who shall knowingly violate the provisions of section 1 of this act, shall be guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of not less than one hundred nor more than five thousand dollars, or by imprisonment for not more than one year, or by both such fine and imprisonment.

SEC. 3. It shall be the duty of the several United States district attorneys to prosecute all violations of section 1 of this act which shall be brought to their notice or knowledge by any person making the complaint, and the same shall be heard before any circuit court of the United States or any district court of the United States holden within the district in which the violation of this act has been committed, or the person or corporation resides or carries on, or has his or its place of business.

SEC. 4. That for the purpose of preventing violations of this act it shall be the duty of the Commissioner of Agriculture to select suitable localities on all lines of railroad, river, or canal interstate communication that he may have information the disease exists, and to appoint competent, practical experts, who shall be known and designated as inspectors of live cattle, to inspect all live cattle received at such localities for shipment, or passing through the same *in transitu* from one State or Territory to another or from any State into the District of Columbia: *Provided, however*, That said inspector of live cattle shall be residents of the localities where they may be assigned to duty, and that the number to be appointed under the provisions of this act shall not exceed three in any State where the disease is known to exist: *And provided further*, That the said Commissioner shall have power to appoint not exceeding three skilled medical and veterinary practitioners for special duty, as he may from time to time deem necessary to aid in carrying out the provisions of this act.

SEC. 5. That the Commissioner of Agriculture shall prescribe the duties of said inspectors, and shall make all needful rules and regulations to govern such inspections, to the end that the transportation from one State or Territory to another of live cattle affected with contagious or infectious diseases may be prevented under the provisions of this act.

SEC. 6. That the inspectors appointed by the Commissioner of Agriculture under the provisions of this act shall be paid a salary not exceeding a sum at the rate of $4 per diem, and that said medical and veterinary practitioners shall be paid for their services a sum not exceeding $10 per diem during the time they may be so employed: *Provided*, That the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, to carry into effect the provisions of this act.

SEC. 7. That to prevent the exportation from any port of the United States to any port in a foreign country of live cattle affected with any infectious or contagious disease, and especially pleuro-pneumonia, the Secretary of the Treasury be, and he is hereby, authorized to take such steps and adopt such measures not inconsistent with the provisions of this act as he may deem necessary.

SEC. 8. That the Secretary of the Treasury is hereby authorized to appoint one or more skilled persons as inspectors at the port of New York, and any other port in the United States from which he may have information that live cattle are being shipped, whose duty it shall be to examine carefully all live cattle offered for shipment at such port. And if upon such examination it shall be found that any cattle so about to be exported are affected with any infectious or contagious disease, that fact shall be reported without delay to the collector of the port, whose duty it shall be, under such regulations as may be prescribed by the Secretary of the Treasury, to refuse a clearance to any vessel which shall take on board such cattle for exportation. And the collector shall, upon report of such inspection, notify the nearest State and local sanitary authorities of the existence of any such infectious or contagious disease among cattle at such port. The exporter of such cattle as shall be found free of any such infectious or contagious disease, and not in any infected herd, shall be entitled to a certificate from the collector to that effect.

SEC. 9. That the Secretary of the Treasury shall have authority to prescribe all needful rules and regulations for carrying into effect sections 7 and 8 of this act; and all expenses attending the execution of the same shall be paid out of the appropriations for collecting the revenues from customs.

SEC. 10. That whenever any infectious or contagious disease affecting domestic animals, and especially the disease known as pleuro-pneumonia, shall be brought into or shall break out in the District of Columbia, it shall be the duty of the commissioners of said District to take measures to suppress the same promptly and to prevent the same from spreading; and for this purpose the said commissioners are hereby empowered to order and require that any premises, farm, or farms, where such disease exists, or has existed, to be put in quarantine, to order all or any animals coming into the District to be detained at any place or places for the purpose of inspection and examination, to prescribe regulations for, and to require the destruction of, animals affected with infectious or contagious disease and for the

proper disposition of their hides and carcases to prescribe regulations for disinfection and such other regulations as they may deem necessary to prevent infection or contagion being communicated.

SEC. 11. That nothing in this act shall be so construed as to supersede or impair any sanitary or quarantine law of any State.

SEC. 12. That this act shall take effect and be in force from and after its passage.

Mr. HATCH. Mr. Speaker, the necessity for the interposition of public forces under sanction and by forms of law for the better protection of that great and growing branch of our agricultural industry, the raising and handling of neat cattle, has long been apparent to the people of the section which I have the honor in part to represent. From time to time efforts have been made by the various Western States, notably Missouri, to protect their own citizens by local statutes designed to so regulate the transportation of cattle in the processes of commerce as to guard against the introduction and spread of infectious or contagious diseases. It is not worth while at this time to go into a detailed history of these efforts, nor is it in keeping with my purpose to enter into a technical pathological thesis upon the diseases themselves which have been sought to be guarded against. Suffice to say on this point that the necessity for these attempted regulations is of comparatively recent origin, and is in my judgment mainly due to the revolution which the increase of railroad facilities has wrought in the system of interstate commerce.

Under the old *regimé*, when cattle were made to transport themselves "on the hoof," as the drovers say, the very conditions of the traffic itself imposed, in common, it may be said, with the primitive or natural processes of commerce generally, sufficient sanitary restrictions. Under those conditions the health of herds was in a great measure guaranteed by the natural and normal exercise of being driven, and the changes of food and of climate were brought about so gradually that the cattle traffic was not subject to the vicissitudes which modern experience has from time to time developed so fatally to the true interests of all concerned.

It is a maxim that the refinements of civilization impose their pains and penalties as well as their blessings and profits; and the great change which the railroad as a refinement of civilization has wrought in the cattle trade is no exception. The completion of the great lines of railway between the grazing plains of the southwest and the markets of the northeast has indeed conferred a blessing alike upon the breeder of cattle and the consumer of beef, in that it has shortened the labor of months into that of days and crowded the profits of a life time into a single year on the one hand, while it has cheapened the product to the consumer and universalized the supply at all seasons and under all circumstances on the other. But it has also imposed a penalty, in that it involves certain violations of, or, at least, challenges to, the laws of nature, the effects of which can be counteracted only by the application of art in the handling, skill in managing, and science in treating the subject-matter.

It must be obvious to any reflecting mind that between a herd of cattle driven gradually and by easy stages from one climate to another and a herd whirled through the same space at a rate of twenty miles an hour there must necessarily be great difference of sanitary conditions on arriving at a given point. This proposition indeed seems to me to be too plain to require any demonstration other than the bare statement of it; and even were the proposition not sufficiently logical in itself, considered abstractly, I would need only to point to the cumulative experience of those who have conducted the cattle traffic of the West and Southwest during the last decade to verify it beyond cavil. I therefore assume the proposition as a premise and proceed to state that upon it have been based all the local efforts at regulation by law to which I referred at the outset.

But these local attempts at regulation by law have failed to produce the result sought, to wit: "the prevention and spread of infectious and contagious diseases among domestic animals," which is a part of the object avowed in the title of the bill that I have the honor to present for the consideration of the House. This failure has been due not to any lack of intelligence or want of experience on the part of the local authorities, but simply to their want of proper power under the Constitution of the United States to enforce their enactments. Under this head the experience of the State of Missouri forms a sufficient illustration. The Legislature of Missouri passed an act to regulate the importation of cattle from other States and Territories into her boundaries during certain months of the year, the design being to prevent the introduction and spread of a dangerous infectious and contagious disease.

This act was wisely conceived and ably framed. It was also executed with ability and propriety at the outset, and the effects of its operation were speedily felt to the benefit and protection of the cattle-breeders of Missouri. I have no doubt that had no higher power intervened to estop the operation of this statute, it would have been found ample for the protection of the interests of the citizens of the State against the introduction and spread of the disease provided against. But a higher power did intervene. An interested party, to wit, the Hannibal and Saint Joseph Railroad Company, finding its interests as a common carrier impaired through the restrictions and regulations imposed by the statute in question, disregarded it, by legal advice, on the ground that it was in conflict with that part of section 8, article 1 of the Constitution of the United States which provides that Congress shall have power "to regulate commerce with foreign nations, and among the several States and with the Indian tribes."

Suit was brought against the Hannibal and Saint Joseph Railroad Company by Mr. Husen, a citizen of Missouri, under the protectory statute in question, and the courts of the State decided in his favor. The railroad company thereupon appealed to the Supreme Court of the United States, and that learned body reversed the decision of the State courts in an opinion delivered by Mr. Justice Strong and published in the reports, (5 Otto, 465 to 474 inclusive.)

In this opinion the learned justice, speaking as the court, holds the following language:

The Missouri statute is a plain interference with such transportation, an attempted exercise over it of the highest possible power—that of destruction. It meets at the borders of the State a large and common subject of commerce, and prohibits its crossing the State line during two-thirds of each year, with a proviso, however, that such cattle may come across the line loaded upon a railroad car or steamboat, and pass through the State without being unloaded. But even the right of steamboat owners and railroad companies to transport such property through the State is loaded by the law with onerous liabilities because of their agency in the transportation. The object and effect of the statute are, therefore, to obstruct interstate commerce, and to discriminate between the property of citizens of one State and that of citizens of other States. This court has heretofore said that interstate transportation of passengers is beyond the reach of a State Legislature. And if, as we have held, State taxation of persons passing from one State to another, or a State tax upon interstate transportation of passengers, is prohibited by the Constitution because a burden upon it, *a fortiori*, if possible, is a State tax upon the carriage of merchandise from State to State. Transportation is essential to commerce, or rather it is commerce itself; and every obstacle to it or burden laid upon it by legislative authority is regulation. (Case of the State freight tax, 15 Wall. 232; Ward *vs.* Maryland, 12 *id.*, 418; Welton *vs.* The State of Missouri, 91 United States, 275; Henderson *et al vs.* Mayor of the city of New York *et al.*, 92 *id.*, 259; Chy Lung *vs.* Freeman *et al.*, *id.*, 275.) The two latter of these cases refer to obstructions against the admission of persons into a State; but the principles asserted are equally applicable to all subjects of commerce.

We are thus brought to the question whether the Missouri statute is a lawful exercise of the police power of the State. We admit that the deposit in Congress of the power to regulate foreign commerce and commerce among the States was not a surrender of that which may properly be denominated police power. What that power is it is difficult to define with sharp precision. It is generally said to extend to making regulations promotive of domestic order, morals, health, and safety. As was said in Thorp *vs.* The Rutland and Burlington Railroad Company, 27 Vermont, 149, "it extends to the protection of the lives, limbs, health, comfort, and quiet of all persons and the protection of all property within the State. According to the maxim *sic utere tuo ut alienum non lædas*, which, being of universal application, it must, of course, be within the range of legislative action to define the mode and manner in which every one may so use his own as not injure others." It was further said that by the general police power of a State "persons and property are subjected to all kinds of restraints and burdens in order to secure the general comfort, health, and prosperity of the State; of the perfect right of the Legislature to do which no question ever was, or upon acknowledged general principles ever can be, made so far as natural persons are concerned." It may also be admitted that the police power of a State justifies the adoption of precautionary measures against social evils. Under it a State may legislate to prevent the spread of crime, or pauperism, or disturbance of the peace. It may exclude from its limits convicts, paupers, idiots, and lunatics, and persons likely to become a public charge, as well as persons afflicted by contagious or infectious diseases; a right founded, as intimated in the passenger cases, 7 Howard, 283, by Mr. Justice Grier, in the sacred law of self-defense. (*Vide* 3 Sawyer, 283.) The same principle, it may also be conceded, would justify the exclusion of property dangerous to the property of citizens of the State; for example, animals having contagious or infectious diseases. All these exertions of power are in immediate connection with the protection of persons and property against noxious acts of other persons or such a use of property as is injurious to the property of others. They are self-defensive.

But whatever may be the nature and reach of the police power of a State, it cannot be exercised over a subject confided exclusively to Congress by the Federal Constitution. It cannot invade the domain of the National Government. It was said in Henderson *et al. vs.* Mayor of the City of New York *et al.*, *supra*, to "be clear, from the nature of our complex form of government, that whenever the statute of a State invades the domain of legislation which belongs exclusively to the Congress of the United States, it is void, no matter under what class of powers it may fall, or how closely allied it may be to powers conceded to belong to the States." Substantially the same thing was said by Chief-Justice Marshall in Gibbons *vs.* Ogden, 9 Wheat., 1. Neither the unlimited powers of a State to tax nor any of its large police powers can be exercised to such an extent as to work a practical assumption of the powers properly conferred upon Congress by the Constitution.

Many acts of a State may indeed affect commerce without amounting to a regulation of it in the constitutional sense of the term. And it is sometimes difficult to define the distinction between that which merely affects or influences and that which regulates or furnishes a rule for conduct. There is no such difficulty in the present case. While we unhesitatingly admit that a State may pass sanitary laws and laws for the protection of life, liberty, health, or property within its borders; while it may prevent persons and animals suffering under contagious or infectious diseases or convicts, &c., from entering the State; while, for the purpose of self-protection it may establish quarantine and reasonable inspection laws, it may not interfere with transportation into or through the State beyond what is absolutely necessary for its self-protection. It may not, under the cover of exerting its police powers, substantially prohibit or burden either foreign or interstate commerce. Upon this subject the cases in 92 U. S., to which we have referred, are very instructive. In Henderson *vs.* The Mayor, &c., the statute of New York was defended as a police regulation to protect the State against the influx of foreign paupers; but it was held to be unconstitutional, because its practical result was to impose a burden upon all passengers from foreign countries. And it was laid down that "in whatever language a statute may be framed, its purpose must be determined by its natural and reasonable effect." The reach of the statute was far beyond its professed object, and far into the realm which is within the exclusive jurisdiction of Congress. So in the case of Chy Lung *vs.* Freeman, where the pretense was the exclusion of lewd women; but as the statute was more far-reaching and affected other immigrants not of any class which the State could lawfully exclude, we held it unconstitutional. Neither of these cases denied the right of a State to protect herself against paupers, convicted criminals, or lewd women, by necessary and proper laws, in the absence of legislation by Congress; but it was ruled that the right could only arise from vital necessity, and that it could not be carried beyond the scope of that necessity. These cases, it is true, speak only of laws affecting the entrance of persons into a State; but the constitutional doctrines they maintain are equally applicable to interstate transportation of property. They deny validity to any State legislation professing to be an exercise of police power for protection against evils from abroad, which is beyond the necessity for its exercise wherever it interferes with the rights and powers of the Federal Government.

Tried by this rule the statute of Missouri is a plain intrusion upon the exclusive domain of Congress. It is not a quarantine law. It is not an inspection law. It says to all natural persons and to all transportation companies: "You shall not bring into the State any Texas cattle or any Mexican cattle or Indian cattle be-

tween March 1 and December 1, in any year, no matter whether they are free from disease or not; no matter whether they may do an injury to the inhabitants of the State or not; and if you do bring them in, even for the purpose of carrying them through the State without unloading them, you shall be subject to extraordinary liabilities." Such a statute we do not doubt it is beyond the power of a State to enact. To hold otherwise would be to ignore one of the leading objects which the Constitution of the United States was designed to secure.

In coming to such a conclusion, we have not overlooked the decisions of very respectable courts in Illinois, where statutes similar to the one we have before us have been sustained. (Yeazel *vs.* Alexander, 58 Ill., 254.) Regarding the statutes as mere police regulations, intended to protect domestic cattle against infectious disease, those courts have refused to inquire whether the prohibition did not extend beyond the danger to be apprehended, and whether, therefore, the statutes were not something more than exertions of police power. That inquiry, they have said, was for the Legislature and not for the courts. With this we cannot concur. The police power of a State cannot obstruct foreign commerce or interstate commerce beyond the necessity for its exercise, and under color of it objects not within its scope cannot be secured at the expense of the protection afforded by the Federal Constitution. And as its range sometimes comes very near to the field committed by the Constitution to Congress, it is the duty of the courts to guard vigilantly against any needless intrusion.

These propositions are entirely compatible with my views as to what constitutes a strict rendering of the phraseology and an exact interpretation of the spirit of the section of the Constitution of the United States referred to; and the bill, of which I have the honor to have charge, has been drawn in strict conformity to the ruling of that most eminent tribunal. It is in fact the formulation in a statute of the constitutional doctrine thus authoritatively laid down. I have already shown that there can be no doubt as to the need of regulation; that there can be no logical question as to the necessity of some substantive measure from some source possessing the right and the power to intervene for the protection of the common interests of all in these premises.

And I now offer the opinion of the Supreme Court as pointing out, in phrase which I would not presume to alter, the true and proper source of the required right and power.

In regard to the specific disease mentioned in the bill, as being of such dangerous importance as to require immediate and prompt action on the part of Congress, I beg leave to read an extract from a recent report of the Commissioner of Agriculture to the Forty-fifth Congress, dated in November last:

One of the most dreaded contagious diseases known among cattle is that of pleuro-pneumonia or lung fever. It was brought to this country as early as the year 1843, and has since prevailed to a greater or less extent in several of the Eastern and a few of the Southern States. It made its appearance about a century ago in Central Europe, and has since spread to most European countries. With the exception of rinderpest, it is the most dreaded and destructive disease known among cattle. Unlike Texas cattle fever, which is controlled in our northern latitudes by the appearance of frost, this disease "knows no limitation by winter or summer, cold or heat, rain or drought, high or low latitude." It is the most insidious of all plagues, for the poison may be retained in the system for a period of one or two months, and even for a longer period, in a latent form, and the infected animal in the mean time may be transported from one end of the continent to the other in apparent good health, yet all the while carrying and scattering the seeds of this dreaded pestilence.

Since the appearance of this affection on our shores it has prevailed at different times in the States of Massachusetts, Connecticut, New York, New Jersey, Maryland, Delaware, Virginia, and in the District of Columbia. It has recently shown itself at two points in Virginia, (Alexandria and Lynchburgh,) where it was recently prevailing in a virulent form.

All of which States, except perhaps Virginia, have adopted and enforced strict legislative enactments to eradicate and prevent the spread of this distressing disease. These enactments have been confined strictly to an enforcement of those police and quarantine regulations which belong exclusively to the States.

Thus far, Mr. Speaker, I have dealt exclusively with the domestic or interstate aspects of the matter in hand, and I trust that I shall not be deemed egotistic if I say, in behalf of the Committee on Agriculture, in view of the authority cited, that they have exhausted the question of the constitutional right of Congress to enact and of the President to enforce law or laws to the end sought.

I therefore pass to another aspect of the subject, one calculated to command the attention of the representatives of all sections indiscriminately, and much more imperatively, perhaps, than the one already treated; that is to say, the foreign commercial aspect. I can frame no more apt or forcible introduction to this part of my remarks than is embodied in a letter addressed to this House through its honorable Speaker by the Secretary of the Treasury, under date of February 21, 1879, which I will ask to read and incorporate in my remarks. It is as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., February 21, 1879.

SIR: The exportation of live animals has already become an important interest and is rapidly increasing. From statements by the Bureau of Statistics (paper marked "A") which I have the honor to inclose, it appears that the value of the exports of live animals during the fiscal year ended June 30, 1878, was nearly eight times the value of such exports during the fiscal year ended June 30, 1868. The value of horned cattle exported from the United States during the fiscal year ended June 30, 1878, was $3,896,818, but during the first five months of the current fiscal year the value of such exports was $4,414,000, or $517,182 in excess of the value of the same during the entire preceding year. During the fiscal year ended June 30, 1878, nearly 62 per cent. of the cattle exported were shipped to Great Britain, 17½ per cent. to Cuba, and 11 per cent. to British possessions in North America.

On the 18th of December, 1878, a dispatch was received by this Department, through the Department of State, from Liverpool, to the effect that unless cattle shipped from the United States should have the Government health certificate when embarked they would probably be slaughtered on landing.

On the same day I issued to collectors of customs by telegraph a circular authorizing them to cause an inspection to be made of all neat cattle proposed to be shipped to Great Britain, and to issue a certificate that such cattle as shall be shipped are free from all disease. A copy of such circular (marked "B") is transmitted herewith.

On the 1st of February, 1879, I issued a second circular, a copy of which is inclosed, (marked "C,") making imperative such inspection and prohibiting the shipment of cattle without such inspection, and a certificate showing that the cattle shipped are free from disease and requiring collectors of customs to promptly forward to this Department any information which they may be able to obtain of the presence of contagious or infectious diseases prevailing among live animals in their vicinity.

In consequence of a shipment of diseased cattle from the United States to Liverpool, which were found to be infected with the pleuro-pneumonia, the British government has deemed it necessary to make very stringent regulations for preventing the introduction of diseased animals into their ports. The powers of this Department have been exhausted, if not transcended, by the orders contained in the two circulars already issued. I deem it proper, therefore, to recommend that the Secretary of the Treasury be authorized by suitable legislation to prohibit or restrict, in such manner as he may think proper, the exportation of live animals from the United States to foreign countries whenever it shall appear to his satisfaction that any contagious or infectious diseases exist among such animals in the United States, and that he have authority to appoint such skilled persons as may be necessary to inspect animals for exportation and to examine into questions connected with the diseases of animals under such regulations as he may prescribe. After a conference with the Secretary of State, who heartily concurs in supporting the proposed measure, I submit a draught of a bill containing such provisions.

The powers conferred thereby upon the Secretary of the Treasury are very liberal, but not more so than the authority conferred upon him by section 2493 of the Revised Statutes relating to the importation of neat cattle.

By that section the importation of neat cattle from any foreign country into the United States is prohibited, with the proviso in substance that the operation of the section shall be suspended or modified at the discretion of the Secretary of the Treasury under such regulations as he shall deem proper.

Very respectfully,

JOHN SHERMAN, *Secretary.*

Hon. SAMUEL J. RANDALL,
Speaker House of Representatives.

Exports of live animals during the last eleven years.

Year.	*Value.*
1868	$733, 395
1869	917, 046
1870	1, 045, 039
1871	1, 019, 604
1872	1, 773, 716
1873	2, 033, 447
1874	3, 310, 388
1875	2, 672, 505
1876	2, 436, 287
1877	3, 335, 203
1878	5, 844, 653

NOTE.—The value of the exports of live animals during the fiscal year ended June 30, 1878, was nearly eight times the value of such exports during the fiscal year ended June 30, 1868.

Exports of live animals during the fiscal year ended June 30, 1878.

Animals.	Number.	Value.
1. Horned cattle	80, 040	$3, 896, 818
2. Horses	4, 104	798, 723
3. Mules	3, 860	501, 513
4. Sheep	183, 995	333, 499
5. Hogs	29, 284	267, 259
6. All other and fowls	----------	46, 841
Total	301, 283	5, 844, 653

The value of horned cattle exported from the United States during the fiscal year ended June 30, 1878, was $3,896,818; but during the first *five months* of the current fiscal year the value of such exports was $4,414,000, or $517,182 in excess of the value of the same during the entire preceding year.

Exports of horned cattle to the various foreign countries during the fiscal year ended June 30, 1878.

Countries.	Value.	Per cent.
1. United Kingdom	$2, 408, 843	61. 81
2. Cuba	683, 563	17. 54
3. Provinces of Quebec, Ontario, &c	442, 092	11. 35
4. British West Indies and British Honduras	119, 734	3. 07
5. Germany	87, 648	2. 25
6. Belgium	67, 850	1. 74
7. France	35, 700	. 92
8. All other countries	51, 388	1. 32
Total	3, 896, 818	100. 00

Nearly 62 per cent. of the cattle exported was shipped to Great Britain, 17½ per cent. to Cuba, and 11 per cent. to British possessions in North America.

Exports of cattle to Great Britain from 1874 *to* 1878, *inclusive.*

Year ended June 30—	Number.	Value.
1874	123	$113, 800
1875	110	73, 000
1876	244	31, 220
1877	5, 091	546, 829
1878	24, 982	2, 408, 843

CIRCULAR.—EXPORTATION OF CATTLE TO GREAT BRITAIN.

[1878. Department No. 139. Secretary's Office.]

TREASURY DEPARTMENT,
Washington, D. C., December 18, 1878.

To collectors of customs and others:

The following dispatch has been received by cable, through the Department of State, from Liverpool:

"Unless cattle shipped from United States have Government health certificate when embarked, slaughter probably compulsory on landing, paralyzing trade. Can you cable Welsh assurance appointment veterinary officers at sea-ports?"

You are authorized to cause an inspection to be made of all neat cattle proposed to be shipped from your port to Great Britain, and to issue your certificate that such cattle as shall be shipped are free from all disease, and that there is no known disease in cattle at your port, or in its neighborhood.

In States in which there are officers authorized by law to examine into the diseases of cattle, the collector may avail himself of their services, as the basis of his action, at the expense of the shippers.

By order.

Very respectfully,

H. F. FRENCH,
Assistant Secretary.

CIRCULAR.—INFORMATION IN REGARD TO CATTLE DISEASE.

[1879. Department No. 23. Secretary's Office.]

TREASURY DEPARTMENT,
Washington, D. C., February 1, 1879.

To collectors of customs and others:

By Department's circular of December 18, 1878, it was directed that live cattle shipped from the various ports of the United States might be examined with reference to the question whether they were free from contagious diseases, and that if found to be free from such diseases, a certificate to that effect should be given.

By that circular such inspection was not made compulsory, but the certificate was to be issued only upon the application of parties interested.

As the export trade in live cattle from the United States is of vital importance to large interests, every precaution should be taken to guard against the shipment of diseased animals abroad, and such a guarantee given as will satisfy foreign countries, especially Great Britain, that no risk will ensue from such shipments of communicating contagious or infectious diseases to the animals in foreign countries by shipments from the United States.

Collectors of customs are, therefore, instructed that in no case will live animals be permitted to be shipped from their respective ports until after an inspection of the animals with reference to their freedom from disease, and the issuance of a certificate showing that they are free from the class of diseases mentioned.

Notice of rejected cattle should be promptly given to this Department.

In order that this Department may be fully informed in regard to such diseases in any part of the United States collectors of customs are requested to promptly forward to this Department any information which they may be able to obtain of the presence of contagious or infectious diseases prevailing among live animals in their vicinity.

It is probable that if the disease prevails to any considerable extent it will be noticed in the local press, and collectors are requested to send copies of any such notices to this Department for its information.

JOHN SHERMAN, *Secretary.*

The importance of our export trade in cattle, Mr. Speaker, is too eloquently and too clearly set forth in the phrase and numerals of the Secretary of the Treasury to require any added comment from me. A traffic which has expanded in value in ten years from less than one million to nearly six millions of dollars per annum is clearly worth all consistent efforts that may be required to preserve its present status and foster its further growth. The attempts of the Secretary to employ the powers vested in him by existing law for the protection and promotion of this traffic and to meet the requirements of the foreign governments under whose auspices we find our market are no less praiseworthy than his confession that, in his excess of zeal for the welfare of our commerce, he may have transcended those powers is frank.

Would that the history of our country afforded no instance of the transcending of lawful powers by officials of our Government in a less praiseworthy cause or for a less salutary object! Would that in every instance the transcending might be so frankly confessed with such assurance of full if not grateful pardon!

The Secretary, be this as it may, asks additional powers, or rather asks that wider scope and clearer definition be given to the powers already vested in him by law.

To meet this request of the Secretary is a part, and an important part, of the object of this bill. But in order to meet all the requirements suggested by the Secretary touching the welfare of our export trade in cattle, it is necessary to establish a suitable system of sanitary regulations at home.

A healthy commerce between the States is in this case an imperative prerequisite to a healthy exportation. Obviously the port regulations suggested by the Secretary, and which the action of foreign governments has rendered a *sine qua non*, must be to a great extent negatived, or, what is worse, transformed into positive obstructions to commerce, unless they are made a part of a comprehensive system reaching to the remotest regions of production. To enact the port regulations without providing barriers against the shipment of diseased stock from the interior to the seaboard would be like applying a sticking-plaster to the head of a cancer, leaving its roots to riot throughout the body of the patient; would be, in short, the most ridiculous legislative quackery, to borrow a medical term.

I wish that necessity for immediate action were not so imperative, for in that case I should like to take more time and make a more elaborate presentation of the intimate logical connection which exists between the particular measures of local protection so vainly essayed by the Legislature of my own State, and the general regulations for the protection of our export trade at large, recommended by the Secretary. But this is an extraordinary session of Congress, and in my judgment nothing external to the specialties for which it was called should be considered, except such matters as are absolutely vital to the interests and relief of the people at this moment and which cannot be deferred until next winter without great detriment to the public welfare.

Between this time and the regular session vast numbers of cattle will be moved from the interior to the seaboard. The import regulations of Great Britain will be rigidly enforced, and, as pointed out by the Secretary of the Treasury, these regulations, in the absence of coincident precautions on our side, will militate seriously against not only the expansion of our cattle export in volume, but also against the reputation of our beef product in that great market. These, Mr. Speaker, are the outlines of the reasons why this bill should be passed, and passed at once. I have stated them with almost negligent brevity, because I am unwilling at such a stage of an extraordinary session to consume the time of the House with elaboration of a theme which seems to me to carry its own argument with it upon the barest statement of leading facts and main propositions.

In default of elaboration of my own I would refer those who seek more specific information to the able and exhaustive letter of the Commissioner of Agriculture to the chairman of the committee on that subject of the Senate, dated February 14, 1879, and numbered Mis. Doc. No. 71.

For the rest I shall be glad to entertain any suggestions or respond so far as I may to any objections that may be urged by members of the House. I ask only the attention which the commercial importance of the subject-matter entitles it to, and only the consideration which the vastness of the interests involved may seem to demand.

I now yield to the gentleman from New York, [Mr. COVERT,] chairman of the Committee on Agriculture.

Mr. COVERT. Mr. Speaker, the preparation of a bill for submission to this House which shall meet the demands made upon us for prompt, full, and effective action in this matter, has been a work involving the utmost difficulty and delicacy. The sub-committee in charge of the bill have, I know, expended much time and labor in perfecting the measure which has received the sanction of a majority of the Committee on Agriculture, and which has been reported by that committee to the House. I regret that I cannot see my way clear to concur with the very large majority of my associates on the committee in all the conclusions embodied in the bill so reported and now under discussion.

In their work of framing this proposed act the committee were at once confronted with the constitutional difficulties standing in the way of making any measure effective perhaps in the way of full and perfect relief. It was at once determined that the Federal Congress had power only to pass laws in this connection to regulate commerce between our own and other nations and between the various States of the Union.

So far as they could, with constitutional limitations barring their way to a fuller and more perfect law, the committee, in the bill reported, have taken hold of and have treated the questions of the foreign exportation of cattle and their transit from State to State. Every safeguard has been thrown around the matter of cattle transportation which could be invoked under the peculiar and embarrassing circumstances suggested. In fact, one of my objections to the bill is that it contains some useless and impractical provisions, provisions which seem to me at all events to be superfluous. I shall point out and comment upon these provisions of the bill which seem to me to be unnecessary before I conclude.

I assume, sir, that there can be no possible objection from any source to the three first sections of the bill, making it a misdemeanor for the owners or custodians of animals afflicted with infectious or contagious diseases to send these animals from one State to another, and prohibiting the reception and transit of such animals by common carriers engaged in interstate commerce. The requirement is that persons so engaged shall know that animals are suffering from disease before the penalty shall attach.

The committee have exercised great care and given much attention to the framing of provisions in the bill submitted as to the exportation of cattle to foreign markets.

Our cattle trade with Great Britain has grown to vast proportions, and under all ordinary circumstances would continue to increase year by year. The importance of so guarding and nourishing this trade as that it may be continued and increased cannot be overestimated. It has been to us a source of national pride that our own country has so largely supplied the markets of Great Britain with American cattle. Not a citizen of this country, whether directly engaged in or benefited by this exportation or not, who does not desire to see this trade preserved and enlarged.

We have every reason to suppose that the English people have been extremely anxious to keep up this trade and to avail themselves of its benefits. While they have been driven by necessity to almost close their markets to the cattle exporters of many other nations by reason of the introduction of infectious diseases from abroad, they have not, until a recent date, placed any severe restrictions upon the exportation of cattle from this country. But Great Britain has had a grievous experience in the matter of contagious diseases among her domestic animals, and almost invariably as the result of the importations she has made from abroad. Her records, going back to the year 810, show that when the French army returned from its expedition against the Danes it was followed by the cattle murrain, which in the same year spread across the channel and entered Britain. From 1223 to 1225 the bovine plague passed through Hungary, Austria, Italy, and Germany into the British isles.

In 1714 a distemper known as the cow-pox plague, having raged throughout almost the whole of Europe, broke out in England as the result of the importation of cattle from beyond her borders. The loss in other parts of Europe was almost incalculable. Vast herds were swept away as by magic, and untold suffering followed as the result of these losses. One authority states that the ravages of the

disease were so fearful that in the three first years of the attack one million five hundred thousand head of cattle perished in Europe. But the English authorities acted with commendable promptitude. A commission was appointed. Stringent regulations were adopted, involving the immediate killing of all animals affected with disease, disinfection, and quarantine, and as the result of these summary measures the disease was soon driven out of England.

From this time almost constantly down to 1745 contagious and infectious diseases among domestic animals prevailed in many parts of Europe. They seemed to follow in the trail of war, and gave additional horrors to the ordinary results of warfare.

By the exercise of care Great Britain escaped any visitation of the plague until the year last named, when what is called the steppe murrain, having previously penetrated the Tyrol and broken out in Germany and Holland, passed from the latter country into England. Here it continued to rage for twelve years. In the third year after its inception eighty thousand cattle were slaughtered beside those which died of the disease. In the fourth year of the plague they were destroyed at the rate of seven thousand per month, and until—as the historian of the period asserts, from the numerous impositions that were practiced from the system of remuneration made to owners—this part of the preventive regulations was suspended.

From 1757 down to 1769 cattle plagues prevailed in various parts of Europe—Austria and Holland suffering great losses by reason of their presence, and the cattle markets of England were constantly threatened with the disorder.

In the year last named the distemper, still the kind known as the steppe murrain, broke out in Scotland, one authority stating that it first appeared in a sea-port town, where it was communicated to cattle by some packages of hay imported from Holland. The sturdy Scotch magistrates lost little time in deliberation. They simply met and resolved to kill every head of cattle in and around the neighborhood, infected and not infected, binding themselves to see that compensation was made to owners; and this summary course was promptly followed.

A little over twenty years ago the Russian cattle plague made its appearance in England, entailing heavy losses upon the owners of cattle. In Australia this particular disease, pleuro-pneumonia or lung fever, appeared some twenty years ago, and its effects have been particularly damaging and distressing. The immediate losses were very heavy, and large sums were expended in the effort to arrest the progress of the plague. It spread, however, eventually to the large cattle ranges, and thus passed to great extent beyond control. It is feared that the disease can now never be eradicated, and that Australia will never again be the great cattle-producing country that it once was. This very disease, from its first introduction in England down to this time, has cost the people of that country, it has been estimated, the enormous sum of $5,000,000,000.

I have given this brief *résumé* of the facts in connection with diseases among domestic animals abroad for several reasons: first, to show that the present visitation of disease among American cattle is not by any means what may be regarded as a strange or in one sense an exceptional condition; secondly, to show that we have to guide us, in our efforts to suppress and exterminate the disorder, the experiences and practices of other nations under like conditions; and, thirdly, to show that the English government, in the face of what I believe to be exaggerated reports as to the nature and extent of the disease with us, has exhibited a liberality of action in connection with our export trade which is generous in the extreme, and which calls for reciprocity on our part in every direction where reciprocity can be exercised.

The English privy council only a few weeks ago issued amended orders relative to the reception of American cattle. Briefly stated, these orders permit cattle from this country to be received at the port of London, where they may be transhipped from the vessel in which they are brought to another vessel for conveyance to the foreign animals' wharf under certain regulations comparatively simple in their nature.

I have said that I believed the reports as to the nature and extent of this disease among our cattle at this time to be exaggerated. I believe that these reports have been magnified to some extent at least by cattle exporters beyond the limits of the United States, with the view to restrict and lessen the exportation of American cattle to England. Various circumstances might be stated in support of this conclusion. Only a few days ago dispatches were received here through the State Department, embodying a report of the principal of the new veterinary college of Edinburgh, of an examination recently made by him in this direction. It was an examination of certain portions of lungs removed from some American cattle slaughtered at or near Liverpool, on which it was reported to him that the veterinary officers of the privy council had given an opinion that the lungs presented the characteristic signals of pleuro-pneumonia. After the most careful examination this high authority asserts that there was no appearance of this disease, but that the animals had suffered from a disease which had originated during transit. Further examination by some of the most distinguished veterinarians of Scotland has only confirmed the truth of this assertion.

It seems to me, sir, that too great care cannot be exercised in the matter of the treatment of animals during their transit across the ocean. It cannot be doubted that cattle are constantly being shipped from this country to England in steamers with closed hatches. They necessarily, during their transit of three thousand miles of water, breathe over and over again the close, vitiated air of their confined quarters. Can we wonder that when they are disembarked they give every indication of lung fever and that the veterinary authorities, fearing the contagion, hastily pronounce the disease "pleuro-pneumonia?" Is it any wonder that the English government has adopted the restrictive measures it has? Until ship-owners and our cattle exporters can see to it and do see to it that better means of transit are provided and more care is shown in the treatment of animals in transit, just so long will we have cable dispatches from time to time as to the supposed existence of this disease among our native cattle abroad.

I have not the slightest doubt, sir, from the kindly feeling shown by the English government and by the whole English people upon this question of the exportation of American cattle, that if prompt and full measures of protection are employed by our own Government, very soon every restrictive provision governing the exportation of our animals to Great Britain will be removed.

We have more than forty million head of cattle in the United States, vastly more than we need for our own purposes. This is a production which must seek foreign markets. We owe to the great industry involved in this exportation, to the enterprising class of people who are directly engaged in it, the fullest and most perfect measures of protection. We owe to the people of Great Britain, whose herds have so often been reduced by foreign disease—we owe to that people who in spite of these visitations and these losses are still desirous to continue their cattle trade with us—the introduction of the strongest preventive measures and the establishment of the securest safeguards against the introduction of contagion from this country.

It is of course impossible, sir, to legislate in advance upon every detail of a large and important matter of this character. It is impossible to foresee what the exigencies of any particular occasion in this connection may be.

Under these circumstances, it seems to me that the sub-committee have acted wisely in conferring upon the Secretary of the Treasury the wide discretionary powers committed to his Department by sections 7, 8, and 9 of the proposed bill. This important work goes naturally to this particular Department. Under existing regulations, one of the Assistant Secretaries of the Treasury is charged with the general supervision of the work assigned to the divisions of customs, special agents, internal revenue, and navigation, and the Marine Hospital Service. The familiarity acquired by this officer of the Department with these general duties will well fit him to comprehend the needs and suggest the regulations indicated in this portion of the proposed act.

While, Mr. Speaker, I join with the majority of my committee in expressing the heartiest desire that the sections of the bill I have quoted should be enacted into law, I am yet forced to dissent from the views of the majority as embodied in the fourth, fifth, and sixth sections of the bill. These sections in brief provide for the appointment by the Commissioner of Agriculture of inspectors of live cattle received at such localities as he may select on lines of interstate communication where he may have information the disease exists. The duties of these inspectors are to inspect all live cattle received at such localities for shipment or passing through the same *in transitu* from one State or Territory to another. Additional provision is made for the appointment of a limited number of "medical and veterinary practitioners" for special duty whenever the Commissioner shall deem such appointment necessary. All these officers are to act under such rules and regulations as the Commissioner may establish.

I may be pardoned, sir, if I express the belief that the legislation contemplated by these three sections is wholly unnecessary and that the enactment of these provisions would entail a far greater amount of injury than benefit.

Mr. WHITE. Does not the bill give the Commissioner of Agriculture more power than any other man in the country would have?

Mr. COVERT. I say with emphasis and in Italics, *yes;* but my objection to the retention of these sections of the proposed bill goes further than to the bestowal of perhaps arbitrary power upon any one man or any one head of a department. Before I conclude I will state what my main objections are.

We cannot legislate satisfactorily upon this matter unless we know something of the nature of the disease involved and the extent of its growth in this country. Its history with us can be very briefly stated. It was originally introduced here over thirty years ago, having been brought here from Germany, and first manifested itself in my own State of New York.

Ten years ago some cattle were imported from Holland by a resident of Massachusetts. These cattle were infected with pleuro-pneumonia, and the disease spread rapidly throughout the State. It was so destructive and fatal in its results that the Legislature was speedily convened in special session to consider the matter. A commission was appointed to investigate, and an act was passed for its extirpation. The act provided that all infected animals should be killed and buried, the State making compensation to owners for the loss sustained. More than one thousand animals were killed, and a large amount of money, nearly $75,000, I think, was expended in subduing the disease and in making compensation to the owners of condemned animals.

Mr. CLAFLIN. More than that sum.

Mr. COVERT. My friend from Massachusetts says that even a larger sum was thus expended, and he has closer knowledge of the matter than I.

The State of New York has acted promptly in the matter. Her Legislature has passed a law intended to stamp out the disease, and this law is now being actively enforced.

The disease has appeared from time to time not only in Massachusetts and New York but in Connecticut, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia. Continuing our criticism upon the sections of the bill under discussion, let us see what is the nature of this disease. What are the indications of its presence which the inspectors contemplated by this bill are supposed to be able to distinguish? Professor Armitage describes the disease as highly contagious. It occurs in two forms—apparent, in which the symptoms are of a serious nature; and latent, which is difficult to detect, having an incubative stage which varies from two to six weeks, but as a rule makes itself apparent within forty days. It seems a singular fact, but its correctness is borne out by expert testimony, that the symptoms during incubation are general improvement of condition, doubtless due to the influence of the poison involved in the disease on the blood of the animal.

Professor Simonds, a distinguished English authority upon the subject of diseases among animals, when examined as a witness before a comparatively recent Parliamentary committee, being asked, "Is it your opinion that from the very first moment the disease attacks the animal it is contagious?" replied, "I believe it is so."

In the first international veterinary congress held at Hamburg in 1863, Professor Gerlach, speaking of pleuro-pneumonia, said: "Owing to the lengthened period of incubation, natural to this disease, its contagion may be spread before outward symptoms are visible."

From these statements it can readily be seen that the inspection proposed by the pending bill cannot, from the very nature of the circumstances, produce any substantial or satisfactory results. Consider the conditions. The cattle are possibly overheated, nervous, disturbed—not in their normal condition—by reason of a possibly long journey. On some of our large lines of railway from one hundred to two hundred car-loads of cattle are transported each day, each car containing from twelve to eighteen cattle. This makes an aggregate of twelve or eighteen hundred cattle to be inspected each day at each point on some of our main lines of road. The estimate has been made that allowing but eight minutes for each animal, this would take seven experts ten hours of constant labor to go over the day's arrivals at one point. If but one inspector was appointed at each point, his examination must be of a wholesale and worthless character, or the whole cattle traffic where this inspection is invoked must be destroyed.

If it is impossible, or at best exceedingly difficult, to ascertain the existence of this disease in its latent stage when the animals are quietly grazing in the fields, will it not be utterly impossible to make anything like a correct diagnosis when the animals are *in transitu* under the conditions I have attempted to describe?

I assume that the provisions I am criticising are intended to apply more particularly perhaps to cattle shipped from the East to the West. I have no statistics showing the extent of shipments in this direction, but it is safe to assume that if these sections of the bill are passed, wherever a head of cattle may be shipped in any direction by rail—wherever a cow shall be—there also will be United States inspectors to the full limit permitted by the law. Just so long as this is permitted to continue, just so long will every breeze that blows from the East or from the West bear to us exaggerated reports of the continued existence of this disease.

In 1865 the second international veterinary congress was held in Vienna. So important had the subject of diseases among domestic animals become that nearly every civilized government sent skilled and expert representatives to attend the session of this congress. The questions of the growth and spread of infectious diseases among animals and the means of prevention were fully and elaborately discussed. This very subject, the question of the treatment of animals while in transit on railways during seasons of contagion, especially received careful attention and discussion.

During the whole of the protracted debate upon this topic, the system of inspection and examination of animals by experts or inspectors was not once alluded to or even suggested in the remotest way. Why this omission? Why was it that in this body of scientists called together for the express purpose of deliberating upon this question, of coming to some conclusion upon it, and of giving to the world the benefit of their conclusions, why was it that there was a complete and utter and absolute silence in this regard? We can only assume that these scientists and experts regarded this system as being so entirely useless and worthless that it did not receive even passing comment. The assembly did, however, insist upon the absolute necessity of cleanliness in the means of transit and it went so far into detail as to discuss and determine the nature of the disinfectants to be employed and the methods to be observed in the process.

The Austrian ministries of state and commerce several years ago promulgated a brief and comprehensive law upon this subject providing in plain and simple language that cars used for the transportation of animals should be thoroughly cleansed after use, and other governments may have adopted similar regulations or rules in this general direction. It seems to me that this is as far as we should go upon this branch of the subject.

The inspection proposed by the pending bill will not only work possible serious injury and loss of time to producers and railroad companies but it will call for the appointment of a class of useless officials to be paid from the national Treasury whose utmost efforts could result, it seems to me, in no real good but in much possible harm.

[Here the hammer fell.]

The SPEAKER. The time of the gentleman from New York has expired.

Many MEMBERS. "Go on!" "Go on!"

The SPEAKER. In the absence of objection, the gentleman will continue.

Mr. COVERT. I thank the House for its courtesy.

I am asked how harm could come from the action of these inspectors. If, as the result of their examination, animals are permitted to proceed in transit, there goes with them the implied assurance at least that they are free from disease. They may have the disease in its latent stage, the form in which it may defy detection. Having successfully passed the examination of the inspectors, care and caution in the management of the animals—observation of their condition—would possibly be relaxed by those having them in charge. Cattle-owners in the various States, relying upon the enactment of this form of general legislation, will be less zealous for the enactment of stringent local laws. Great difficulty will be experienced in the framing of such regulations as will protect the rights of the individual citizen if his property shall be seized and condemned by Federal inspectors. I trust that these provisions may be stricken out; but if their substance is retained, then I trust that a commission representing more than one interest may be named in the bill for the promulgation and enforcement of the regulations.

Mr. Speaker, the gist of this whole matter seems to me to lie in this: In some sections of this country we have, unhappily, the disease of pleuro-pneumonia among our cattle. I believe the reports coming to us from the so-called infected districts are exaggerated; but still the disease exists to some extent. No form of law which this Congress can pass will be effectual to fully crush out the disease. We cannot, by any right action on our part, have Federal officers go into the several States and deal summarily and effectively in this matter. The history of this distemper in every country where it has prevailed demonstrates that there is but one way in which to eradicate the disease. This is known as the "stamping-out" process. It calls for the quickest action and the most summary measures. Nothing but the immediate killing of the animals affected, the disinfection of the premises where sickness prevails, and the establishment of a cordon around the infected district—nothing but these measures can eradicate the disease and prevent its growth. Every veterinarian of character and reputation who has closely watched this disease is emphatic and pronounced in the expression of this opinion. We must rely upon the voices which come to us from those who have made this matter a specialty. Again, I repeat, no form of Federal legislation can be made to bring about the desired result.

To the several States in which this disease has appeared or where the dread visitation may come—to the States alone must be committed the work of eradication. Every consideration of sound policy and of constitutional law favors local legislation in this particular. The Commonwealth of Massachusetts has already made and New Jersey, Pennsylvania, and my own State of New York are now making successful local efforts to crush out every form of this disease.

It is the universal experience in all legislation of this character that it is easier to hold local agents to a strict accountability than those appointed by Federal authority. It is the experience of all of us that in legislation involving the possible condemnation of private property the action of our local law-makers meets with the quickest and kindest and heartiest response from our home people. Apart from any other consideration, I submit that it is not fair, that it would not be equitable for the citizens of the State of New York or the Commonwealth of Massachusetts, or for the people of other States where local action has been had, after they have at cost and trouble to themselves eradicated disease from among their own cattle, to be obliged to defray in part the expense of ridding other States from contagion—States where the authorities have listlessly allowed disease to appear and to remain within their borders, and have finally summoned up only sufficient energy to petition the Federal Congress to come to their relief. It is safe to assume that the less we have of Federal legislation in this matter the stronger and better will be the local law for the suppression of this disease in the several States.

Finally, sir, I submit that when we have passed this proposed act, amended in the particulars I have endeavored to suggest, leaving to the individual States the work of shaping legislation within their own borders, and giving to other countries with which we deal the fullest assurance that their interests and their rights will be protected, we have, so far as this whole matter is concerned, done all that we can do legitimately and constitutionally.

Mr. McGOWAN obtained the floor.

CORRECTION OF TITLE OF A BILL.

Mr. KENNA. I ask the gentleman from Michigan [Mr. McGOWAN]

to yield one moment that I may present a privileged report from the Committee on Enrolled Bills.

The Clerk read as follows:

Resolved by the House of Representatives of the United States, (the Senate concurring,) That the Joint Committee on Enrolled Bills be, and they are hereby, authorized and directed to change and correct the title of House bill No. 1999, entitled "An act to amend an act entitled 'An act making appropriations for the construction, repair, preservation, and completion of certain works on rivers and harbors, and for other purposes,' approved March 4, 1879," as passed by the two Houses of Congress at the present session, by striking out the word "fourth" which occurs therein and inserting in lieu thereof the word "third."

Mr. KENNA. I desire to state that by a mistake in printing the last river and harbor bill the word "fourth" appears in the date of the President's approval of the bill instead of the "third." In drawing the bill passed at this session, amendatory of the act of last session, that act was referred to as approved March 4, 1879, when in fact it was approved March 3, 1879. The object of this resolution is simply to correct the reference to the act of which the bill of this session is amendatory. I hope the resolution will pass without objection.

The resolution was adopted.

Mr. KENNA moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CATTLE DISEASES.

The House resumed the consideration of the bill relating to the exportation of diseased cattle, &c.

Mr. MORTON. Will the gentleman from Michigan [Mr. McGOWAN] yield to me?

Mr. McGOWAN. I will yield to the gentleman from New York.

Mr. MORTON. Mr. Speaker, I ask to have read by the Clerk an interesting letter received from the secretary of the New York State Agricultural Society in relation to the measure now under consideration.

The Clerk read as follows:

NEW YORK STATE AGRICULTURAL SOCIETY,
Albany, May 17, 1879.

DEAR SIR: I beg to thank you for your kind note of the 14th instant, and for the interest you take in this, to us, very important subject of cattle diseases. I am emboldened thereby to address you in regard to the bill (H. R. No. 1378) which I observe has been made a special order for Tuesday next, and which seems to me perfectly frivolous and ineffective in its proposed treatment of the subject. To specify as briefly as possible, I remark:

1. That, as to the first three sections of the bill, it deals only with the question of the transportation of diseased cattle, and as to this, it is, in the first place, extremely improbable that diseased cattle will ever be offered or accepted for transportation; and, in the second place, this is not the danger to be guarded against, the real danger being that infected cattle will be scattered about the country, the owners desiring to get them off their hands before the disease becomes apparent, and these cattle carrying the seeds of disease with them and forming new centers of infection wherever they find new homes. The risk, moreover, as regards pleuro-pneumonia, is entirely with cows and steers, not with beef cattle intended for immediate slaughter.

2. The fourth, fifth, and sixth sections of the bill empower the Commissioner of Agriculture to establish a system of inspection, to appoint inspectors and scientific experts, &c., but, even supposing that we should have (as we never yet have had) a Commissioner of Agriculture competent to any such important duty, it is only to prevent the transportation of diseased (actually sick) cattle that his inspection is to apply, and this is not the real danger, especially not as regards public lines of transportation, and, moreover, the limited number of agents and the insignificant sum mentioned render it impossible that any effective result could be attained. Our own State, I may observe, has already in the present year appropriated $35,000 for the suppression of pleuro-pneumonia. Besides, in the absence of State laws, what is to become of the cattle found to be diseased?

3. Sections 7, 8, and 9 seem only to re-enact provisions or regulations already in force as to exportation of cattle; but these are of no practical importance, because Great Britain will not take our live cattle so long as we are "an infected country" though they be covered from head to tail with certificates.

4. Section 10 very properly provides for the appearance of diseases in the District of Columbia in almost the exact terms of our New York statute and seems to me to be the only part of the bill that is worth anything.

The question, then, as it appears to me, is, how can Congress deal with this question effectively, practically, and constitutionally? And having given a great deal of thought to this matter of cattle diseases for the past ten years with reference to the legislation of New York, and recently considering it with reference to the relations of the several States and of the General Government to the subject, I venture to say that as within the States its treatment ought to be left entirely to the State authorities, and that the practical and only useful way in which the General Government can act is to take measures to secure efficient action by the several States involved, and, if possible, harmonious action. This is the real problem. The States are fully capable of dealing sucessfully with the subject if they will only do so. It seems to me that it is the proper function of the General Government to provide that if any State is so apathetic or so ill-advised as to neglect or refuse to extend proper protection to her own citizens (as regards themselves as well as their herds) in this matter of epizoötic diseases, that State shall at least be restrained from doing harm to adjoining States and to their people by being absolutely interdicted, so long as she fails of her duty, from sending any live animals out of her territory; and I venture to assert that this simple, temporarily severe, remedy will be found to be the most effective, the least burdensome, and the most easy of application that can be devised. In my opinion the absolute seclusion or quarantine of a State, to be raised and removed as soon as her authorities gave proper assurances that she would thenceforth discharge her duties and respect her obligations, would be so instantaneous in its effect that the public would hardly have time to realize that it had been prescribed.

I would, therefore, for the sake of brevity, present in rough outline the provisions of a law of Congress embodying the views above briefly suggested:

1. Such a law should empower and require the President, whenever it comes to his knowledge (by the complaint perhaps of the authorities of an adjoining State, by the medium of the National Board of Health, through the Commissioner of Agriculture, or in any other way) that infectious or contagious disease of domestic animals exists in any State, and that the State authorities are not taking proper and effective measures to control and suppress it, to issue his proclamation declaring such State an infected State and prohibiting the removal of any domestic animals and of all articles liable to convey infection from that State into any other State, country, or Territory.

2. All animals, &c., removed in violation of such proclamation to be forfeited and to be liable to be taken by the authorities into whose territory they come; if sick or noxious, to be destroyed; if not, to be sold.

3. Authorize the President to employ agents and assistants, but devolve the duty so far as possible on the United States marshals and their deputies, except where the States sought to be protected have already proper organization and sufficient force to attend to the matter.

4. Provide that all expenses beyond what may be met by the proceeds of forfeited cattle shall be paid as the expenses of United States marshals and similar officers are paid, but all accounts to be certified by the President or his principal assistant.

5. Provide for annulling such proclamations as soon as proper assurances shall be given that they may safely be rescinded.

I am aware, my dear sir, that this sketch is a very rough one, but I hope you will give some consideration to the views I have presented, for the bill now proposed is really, without question in my mind, worse than useless, and so far as I am aware no plan has yet been proposed that promises to accomplish the result desired.

Yours, very respectfully,

T. L. HARISON,
Secretary.

Hon. LEVI P. MORTON.

Mr. WHITE. Will the gentleman from Michigan yield to a motion to adjourn?

Mr. McGOWAN. I will if that be the wish of the House.

Mr. WHITE. I move, then, that the House do now adjourn.

The motion was agreed to; and accordingly (at three o'clock and fifty-three minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. McKINLEY: The petition of Hon. David Boyce and 149 others, members of the Christian Temperance Union of East Liverpool, Ohio, that no change be made in the revenue laws concerning the sale and manufacture of spirituous liquors promotive of the interest of dealers in the same—to the Committee of Ways and Means.

By Mr. RYAN, of Kansas: The petition of settlers on the frontier lands of Kansas, for the extension of the term in which payment of the same is required under the pre-emption laws—to the Committee on Public Lands.

Also, the petition of citizens of Kansas, for a post-route from Lacrosse to Wakeeney, via West Point, Hampton, Elm Valley, and Bright Spring Creek, Kansas—to the Committee on the Post-Office and Post-Roads.

By Mr. WELLS: Memorial of the American Society of Engineers at Saint Louis, Missouri, relative to the proposed Mississippi River improvement commission—to the Committee on Commerce.

Also, the petition of citizens of California, for a post-route from Burnt Ranch to New River, California—to the Committee on the Post-Office and Post-Roads.

IN SENATE.

FRIDAY, *June* 6, 1879.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

CORRECTION OF RIVER AND HARBOR ACT.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the bill (H. R. No. 435) to correct the reading of "an act making appropriations for the construction, repair, preservation, and completion of certain works on rivers and harbors, and for other purposes," approved March 4, 1879.

Mr. HOUSTON. In the river and harbor bill of the last Congress the name of a river proposed to be surveyed is put by mistake as "Chattahoochee," when it ought to be Choctawhatchee. This bill proposes to make that correction. There is another mistake in the title and in the body of the bill. In referring to the approval of the river and harbor bill it says that it was approved on the 4th of March, when in truth it was approved on the 3d of March. I ask permission of the Senate to make the amendment so as to strike out the "4th" and put in the "3d." The object is simply to secure the survey of the water-course originally intended.

Mr. DAWES. Will the Senator state what the fact is about the bill; whether the original bill was actually approved on the 4th or on the 3d of March?

Mr. HOUSTON. I have had an examination made by one of the gentlemen at the desk, and it turns out that it was approved on the 3d of March.

Mr. DAWES. So that the mistake is in the print?

Mr. HOUSTON. Yes, sir.

The PRESIDENT *pro tempore*. The Senator from Alabama asks unanimous consent for the present consideration of the bill.

Mr. EDMUNDS. Before I agree to that I wish the Senator from Alabama would send to the Secretary's desk and let us hear read that portion of the act that he wishes to amend. This is a very dangerous method of passing bills; but I dislike to do anything that the

Senator from Alabama might think would delay the Choctawhatchee survey.

The Chief Clerk read from section 2 of the river and harbor act as follows:

Chattahoochie River, Alabama, from Geneva to Newton.

The PRESIDENT *pro tempore*. If there be no objection, the bill is before the Senate as in Committee of the Whole. The Chair hears none.

Mr. HOUSTON. I move to strike out "fourth" and insert "third" where it occurs in the body of the bill as to the date of approval of the act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

On motion of Mr. HOUSTON, the title was amended by striking out "four" and inserting "three," so as to read "approved March 3, 1879."

Mr. EDMUNDS. As the title is being amended I wish the Senator from Alabama would allow the Senate to further amend the title by making it read "a bill to correct an error in" instead of "to correct the reading of" which is a very awkward expression and rather a novel one.

Mr. HOUSTON. That is right.

The PRESIDENT *pro tempore*. If there be no objection, that amendment to the title will be made.

REPORTS OF COMMITTEES.

Mr. LAMAR. The Select Committee on the Improvement of the Mississippi River and its Tributaries have instructed me to report back with certain amendments the bill (H. R. No. 1847) to provide for the appointment of a "Mississippi River commission," for the improvement of said river from the head of the passes, near its mouth, to its headwaters. I give notice that I shall call the bill up for its passage at an early day.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. LAMAR. I am also instructed by the same committee, to whom was referred the joint resolution (S. R. No. 6) accepting from Professor Edward Fontaine, of Louisiana, certain maps, drawings, and explanations of the same, to report it without amendment and recommend its passage. This resolution was passed by the Senate at the last session and failed in the other House; I presume for want of time. The committee, however, recommend also that before the passage of the resolution it be referred to the Committee on Printing, in order to get an estimate of the expense of the printing.

The PRESIDENT *pro tempore*. The joint resolution will be referred to the Committee on Printing, if there be no objection. The Chair hears none, and it is so referred.

DISTRICT WATER SUPPLY.

Mr. ROLLINS. The Committee on the District of Columbia instruct me to report the following resolution and ask for its present consideration:

Resolved, That the Committee on the District of Columbia be, and hereby is, authorized to sit during the recess of Congress to investigate the best means of securing to the city of Washington an ample supply of pure water, and to ascertain what the water-works now in use, including the aqueduct, reservoirs, water-mains, &c., have cost the United States, the District of Columbia, and the cities of Washington and Georgetown, and what additional expenditure will be necessary, if any, to secure an ample supply of pure water; and that the committee report to the Senate by bill or otherwise at the next session of Congress.

The resolution was considered by unanimous consent.

Mr. EDMUNDS. I move to amend the resolution by striking out the words "recess of Congress" and inserting "next recess of the Senate." I should be sorry to give the Committee on the District of Columbia a power to sit perpetually in all recesses of Congress, and I suppose that is not the intention of the Senator. I suppose the point is to sit during the next recess of the Senate.

Mr. HARRIS. There will be no objection, I think, to the modification.

Mr. EDMUNDS. Of course there is not any objection to it.

The PRESIDENT *pro tempore*. If there be no objection that modification will be made. The Chair hears none.

Mr. EDMUNDS. I want to amend also so as to provide for the committee reporting, not merely the expense of these water-works to the United States, but also the income that has been derived from those water-works year by year, and also all the outstanding indebtedness of any kind that has relation to the water-works so as to cover the whole subject.

Mr. HARRIS. There is no objection to that.

Mr. EDMUNDS. I did not suppose there would be.

The PRESIDENT *pro tempore*. Will the Senator send his amendment to the desk?

Mr. EDMUNDS. I move to amend by inserting after the words "United States," in the ninth line, these words:

And also the annual income that has been earned therefrom, and how much thereof has been realized, and also the present state of all outstanding debts or liabilities relating to said works.

Mr. ROLLINS. There is no objection to the amendment. I hope it will be agreed to.

Mr. HARRIS. The mover of the resolution accepts the modification.

The PRESIDENT *pro tempore*. It being a report from a committee, he cannot accept an amendment. The question is on the amendment.

Mr. WHYTE. What am I to understand by the use of the word "earned?" Do I understand the Senator from Vermont to mean the net income or the gross amount of water rents received?

Mr. EDMUNDS. By the word "earned" I meant all that the water works have properly charged to consumers, &c.; then, following that, I desire to know how much of all that has been earned has been actually paid. I want one table that will show how much the water works on the rates imposed have actually been entitled to receive, and then I wish to know, second, how much of that which they were entitled to receive has been actually realized.

Mr. WHYTE. Would it not be better to use the words "either realized" or "actually received" after the word "earned?"

Mr. EDMUNDS. I have proposed to ask first, how much has been earned, second, how much has been realized of that which has been earned. I should be glad to have it stated more clearly if it can be.

Mr. WHYTE. The word "earned" is rather a technical expression. It means what has actually been made, as I have always understood, over and above expenses.

Mr. EDMUNDS. Oh, no. I thought the earnings of a man were what he had been entitled to receive from his labor or whatever business he was in. Then how much of his earnings he had been actually able to secure out of his employer would be another thing. But if the Senator will suggest a better word than "earned," I will take it most gladly.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Vermont.

The amendment was agreed to.

Mr. EDMUNDS. I should like to have the Secretary read the first clause of the resolution again. I think it is limited to the city of Washington alone. We ought to have an inquiry cover the whole works.

The Secretary read as follows:

Resolved, That the Committee on the District of Columbia be, and hereby is, authorized to sit during the next recess of the Senate to investigate the best means of securing to the city of Washington an ample supply of pure water, &c.

Mr. EDMUNDS. I wish to ask the Senator from New Hampshire whether that ought not to include "Georgetown" or whatever is the proper phrase.

Mr. ROLLINS. I think Georgetown should be included.

Mr. EDMUNDS. Would "Washington and Georgetown" cover the whole use of the water-works?

Mr. ROLLINS. I think it would.

Mr. EDMUNDS. Does not Uniontown get any?

Mr. ROLLINS. I think not. I think "Washington and Georgetown" would cover the whole.

Mr. EDMUNDS. Then I suggest the addition of the words "and Georgetown" after "the city of Washington" so as to cover both of the cities.

The amendment was agreed to.

The resolution, as amended, was agreed to.

BILLS INTRODUCED.

Mr. GROOME asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 662) for the relief of William C. Spencer; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. RANDOLPH asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 663) granting a pension to John J. Fritschy; which was read twice by its title, and referred to the Committee on Pensions.

Mr. BURNSIDE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 664) for the relief of Lieutenant-Colonel Schuyler Hamilton, late United States Army; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. BOOTH asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 665) to prevent obstructions to pre-emption and homestead settlement of the public lands; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. JONES, of Florida, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 666) relating to the public lands of the United States; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. CALL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 667) to provide for the building of a marine hospital at the entrance to Cedar Key Harbor; which was read twice by its title, and referred to the Committee on Commerce.

Mr. COCKRELL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 668) granting a pension to James J. Faught, late of Company D, Eighth Missouri Cavalry; which was read twice by its title, and referred to the Committee on Military Affairs.

CHANGES OF SUNDRY CIVIL BILL.

Mr. CALL submitted an amendment intended to be proposed by

him to the joint resolution (H. R. No. 1) to repeal certain clauses in the sundry civil appropriation act approved March 3, 1879; which was referred to the Committee on Appropriations.

Mr. COCKRELL. I desire to offer an amendment to House joint resolution No. 1, being a joint resolution to repeal certain clauses in the sundry civil appropriation act approved March 3, 1879, which passed the House, came to the Senate, was amended and returned to the House, and has been amended there and again returned to the Senate. I now desire to offer an amendment to that, and ask that the amendment be printed and referred to the Committee on Appropriations, and I trust the committee will take notice of this amendment. It is to pay certain estimates for transporting the mails, and which have been audited and allowed by the Post-Office Department, as will be found in the executive documents.

Mr. DAVIS, of West Virginia. It is hardly necessary to state it, but I will, for the information of the Senator especially, state that this joint resolution has passed both Houses, and it is not now, properly speaking, a deficiency bill. Though the committee will take it into consideration, I say this for the information of the Senator from Missouri.

The PRESIDENT *pro tempore*. The amendment will be referred to the Committee on Appropriations and be printed.

THE COINAGE.

Mr. COKE. As the honorable chairman of the Committee on Finance is present, I wish to ask him a question if it is in order. I should like to ask if the Committee on Finance have acted upon House bill No. 564, being a bill to amend certain sections of the Revised Statutes of the United States relating to coinage and to coin and bullion certificates, and for other purposes?

Mr. BAYARD. I am not sure, Mr. President, how far I am warranted in speaking of the action of the committee. The custom of the Senate, I believe, is that the committee should make known its action to the Senate by its reports. I would rather in this case, in the presence of such an unbroken custom, have the consent of my colleagues on the committee before I give an answer which would disclose to the Senator exactly what has occurred in the committee on that subject. I have been instructed to make no report to the Senate on the subject, nor has any member of the committee been so instructed. I feel some embarrassment in speaking in regard to what occurred in committee until I am authorized to do so. No action has been reported to the Senate. That is all I can say now.

I apprehend there will be no difficulty in the Senator obtaining individual knowledge from members of the committee. The customs of the Senate, its practices in regard to committee action, have been the result of long experience and of the rules written and unwritten of the body; and therefore it is that I cannot disclose to the honorable Senator everything that has taken place in the committee. As I am not authorized by the committee, I had rather not make a statement in regard to their action.

Mr. COKE. Mr. President, I have understood that the further consideration of the House bill to which I have referred has been postponed by the committee until December next, and if that be correct I desire to offer a resolution. Not having heard a denial from any gentleman of the committee, I will offer this resolution. I am very far from wishing any disrespect or making any criticism of the honorable gentlemen who compose that committee. No one on this floor regards them individually or collectively more highly than I do. I introduce the resolution, however, simply from a sense of duty, and I cannot allow my own personal feelings, that would prompt me to abstain from offering it, to prevent me discharging my public duty. I send the resolution to the desk.

The PRESIDENT *pro tempore*. The Senator from Texas [Mr. COKE] offers a resolution, which will be read.

The Chief Clerk read as follows:

Resolved, That the Committee on Finance, to which was referred the bill (H. R. No. 564) "to amend certain sections of the Revised Statutes of the United States relating to coinage and coin and bullion certificates, and for other purposes," is hereby discharged from further consideration of the same, and that said bill be considered before the Senate for action.

Mr. EDMUNDS and Mr. WHYTE. I object to the consideration of that.

The PRESIDENT *pro tempore*. The resolution will go over until to-morrow.

Mr. COKE. I give notice that I shall endeavor to call up that resolution on Monday and secure action upon it.

Mr. HOUSTON. It comes up as a matter of course, I suppose.

RESOLUTION IN THE MORNING HOUR.

Mr. MAXEY. Mr. President——

The PRESIDENT *pro tempore*. Before the Senator from Texas proceeds, the routine business of the morning hour being through, the resolution offered by the Senator from Indiana [Mr. MCDONALD] on the 27th of May in regard to the memorial of J. B. Greene, which was postponed until to-day, comes up.

Mr. VOORHEES. My colleague has not yet returned; I presume it had better go over informally.

Mr. EDMUNDS. I want to rise to the parliamentary inquiry whether if this resolution has been postponed it falls within the duty of the Chair to lay it before the Senate?

The PRESIDENT *pro tempore*. It was postponed specifically to this day. The Chair supposes that it is proper for him to lay it before the Senate.

Mr. EDMUNDS. The order about taking up resolutions relates to those which have not been acted on or otherwise disposed of. I introduced a resolution early in the session about trying to attend to the business for which we came here and go home, but it did not seem to meet with much favor and it was laid on the table. That is, it was put out of the way. Now this resolution was taken up and by a vote of the Senate it was disposed of by postponing it. It therefore is on the calendar of resolutions for a particular time, like a bill that is postponed to a future day certain. I do not object to the Chair taking it up if he wants to do so; but as a mere matter of orderly practice, I think it stands exactly as a bill would or anything else that had been postponed to a future day certain. When the day certain comes, if it is a special order, of course the rule says it is the duty of the Chair to lay before the Senate the special order; but this is not a special order and there is the distinction. Of course I have not the least objection to its coming up.

The PRESIDENT *pro tempore*. This is the first time this question has arisen and the rule is a little obscure. The Chair has given it no consideration; but the first impression of the Chair is that the point suggested by the Senator from Vermont is well taken, and the Chair will therefore refrain from laying the resolution before the Senate, and if the mover of it wishes it taken up he will have to move to take it up.

Mr. EDMUNDS. That I think is the correct practice.

SPECIAL POSTAL SERVICE.

Mr. MAXEY. I ask that the bill (S. No. 516) to extend the time of special postal service until service can be obtained by advertisement, with the House amendment thereto, and which amendment has been reported upon by the Committee on Post-Offices and Post-Roads, be taken up in order to concur in the amendment.

The motion was agreed to; and the Senate proceeded to consider the amendment of the House of Representatives.

The amendment was in line 4, after the word "advertisement," to insert "not exceeding in any case one year."

Mr. MAXEY. The Senate passed this bill without dissent on the 5th of May, 1879. The bill went to the House and passed the House on the 4th of June, 1879, with the amendment, and that only which has just been read from the Secretary's desk, which is to add after the word "advertisement," in the sixth line of the printed bill and the fourth line of the engrossed bill, "not exceeding in any case one year." The amendment was submitted to the Committee on Post-Offices and Post-Roads, and they unanimously instructed me to ask that the Senate concur in it.

I will state that the amendment does not in the slightest degree better the bill or make the bill worse, because the law as it now stands requires the Postmaster-General to contract every six months, the result of which is that there are two advertisements during the year, one every six months. By prolonging the time to twelve months, as the law had been up to the 11th of August, 1876, the advertisements are now one year; and therefore when the bill as reported from the Senate committee is adopted it necessarily means that the contract cannot last longer than one year, and as the House amendment does not change it, I simply move that the Senate concur, as it is an important bill and it ought to become a law.

The amendment was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the bill (S. No. 572) to amend an act approved February 24, 1879, entitled "An act to create the northern judicial district of the State of Texas, and to change the eastern and western judicial districts of said State, and to fix the time and places of holding courts in said districts."

The message also announced that the House had passed a joint resolution (H. R. No. 85) fixing the date on which the pay of the committee clerks, pages, and laborers of the House of Representatives who are paid during the session only shall begin for this session; in which it requested the concurrence of the Senate.

The message further announced that the House had passed a concurrent resolution authorizing the Joint Committee on Enrolled Bills to change and correct the title of the bill (H. R. No. 1999) to amend an act entitled "An act making appropriations for the construction, repair, preservation, and completion of certain works on rivers and harbors, and for other purposes," approved March 4, 1879, as passed by the two Houses of Congress at the present session so as to strike out the word "fourth," which occurs therein, and insert in lieu thereof the word "third."

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President *pro tempore*.

A bill (S. No. 491) in relation to the accounts of the United States entomological commission;

A bill (H. R. No. 1363) providing compensation to E. E. Rice for property transferred by him to the Government of the United States

for the use of the diplomatic and consular representatives at Hakodadi, in Japan;

A bill (H. R. No. 1380) authorizing the commissioners of the District of Columbia to issue twenty-year 5 per cent. bonds of the District of Columbia to redeem certain funded indebtedness of said District;

A bill (H. R. No. 2005) to confer upon the commissioners of the District of Columbia certain powers, duties, and limitations contained in chapter 8 (water service) of the Revised Statutes of the United States, relating to the District of Columbia, and for other purposes;

A bill (H. R. No. 2020) to establish post-routes;

A joint resolution (S. R. No. 25) authorizing the Public Printer to bind in cloth two volumes of Sailing Directions for the United States Hydrographic Office; and

A joint resolution (H. R. No. 82) in relation to the international exhibitions to be held at Sydney and Melbourne, Australia, in 1879 and 1880.

JURORS IN UNITED STATES COURTS.

The PRESIDENT *pro tempore*. The morning hour is at an end, and the unfinished business of yesterday is before the Senate, which is the bill (S. No. 375) to repeal sections 820 and 821 of the Revised Statutes of the United States, the question being on the passage of the bill. The Senator from Vermont [Mr. EDMUNDS] is entitled to the floor.

Mr. EDMUNDS. Mr. President, I feel more indisposed physically than I do spiritually in respect to this particular measure, and therefore I shall content myself with some very brief observations upon it.

Lest I should forget it I wish to call the attention of the Senate to what the Senator from Delaware [Mr. BAYARD] said yesterday about the supposed opinion of the Supreme Court of the United States as to the constitutionality of section 821 of the Revised Statutes. His language was this:

> These laws have by eminent judicial authority not simply been declared to be invalid because they compelled a man to testify to his own guilt, but they have been forcibly and truly declared to be as invalid and unconstitutional, to use the language of Mr. Justice Field in a late case, as it would be to quarter troops in the dwelling-house of a citizen in time of peace.

Mr. President, I have read with some care all the decisions of the Supreme Court of the United States, and I have them here, upon the subject to which the Senator from Delaware thus speaks; and I am unable to find a single syllable in any one of those decisions that supports the declaration of the honorable Senator from Delaware as applied to section 821. A single dissenting justice declared it to be his opinion that this provision was unconstitutional, and upon this somewhat novel legal ground—and I wish the Senator from Illinois [Mr. DAVIS] would give me his attention as he has been a judge of the Supreme Court, and we all respect his judgment and knowledge of the law,—Mr. Justice Field places his opinion of the unconstitutionality of section 821, which authorizes the judge to administer a certain oath and to set the juror aside if he does not take it, on his declaration that inasmuch as making war against the United States is defined by a hateful and obnoxious section to be treason and punishable with death, the court has no business to ascertain whether the juror is qualified or disqualified without a trial by jury on an indictment; and therefore although a law is perfectly constitutional that disqualifies any person from being a juror who has participated in particular insurrections, or violation of a liquor law, or made war against the United States, or defrauded the revenue, you can never set him aside as a juryman until you have first empaneled some body to try him in the regular way upon an indictment and convicted him, and sentenced him. It is his belief that then you have the only proof that a court can take of the fact that he is a disqualified person. I believe I have stated the position of Judge Field correctly.

Mr. President, if there is any man in the Senate Chamber who believes such a proposition as that to be law, I will most gladly sit down and have him get up and say so. Of course nobody will say it. The learned judge, in the great pressure of his duties for whom I have a high respect—and he is a learned judge—made a slip of the tongue and an *obiter dictum*. That is all there is about it.

Now, Mr. President, I have to do with the statement of my honorable friend from Delaware a little further. I wish that he were here to hear me; or, better, I wish he were here to point out in these decisions that I hold in my hand, where it is that the Supreme Court have said anything tending to show that section 821 is unconstitutional. On the contrary the substance of their decisions is that it is perfectly constitutional and within the proper competence of Congress in fixing the qualifications of jurors. All they say is that no man is bound to criminate himself, and when any man is called as a juror and sworn upon his *voir dire* to ascertain whether he is qualified or not, as whether he is an alien, or a freeholder where that is a qualification, and so forth; and if acts of criminality are a discrimination to ask as to them, after you have gone through with the alienage and the freehold and so forth when you come to ask him if he has stolen a sheep or has levied war against the United States, he is not bound to answer. That is all; the court must find out in some other way whether he is qualified or disqualified as a juror.

The PRESIDING OFFICER, (Mr. WHYTE in the chair.) There is too much disorder on the floor of the Senate.

Mr. EDMUNDS. I know how unpleasant it is for Senators to listen to an able speech on one day and then to be compelled the next day to listen (or go out) to a feeble attempt to point out some of the more glaring of the errors that exist in that speech. It is only the pleasant words that we like to hear, and that is natural to us all.

I believe, Mr. President, there is a Latin proverb—if I am wrong my learned friend, the chairman of the Committee on the Library, will correct me—*Ridentem dicere verum, quid vetat?* But when it comes to speaking the other kind of truth, it is not so very agreeable. We may thus dismiss, Mr. President, I think all profession that there is any judicial authority for saying that section 821 of the Revised Statutes is obnoxious to constitutional objection, and I am surprised that the honorable Senator from Delaware, who probably spoke rapidly and without previous preparation or thought on that point, should have fallen into the error of misunderstanding the effect of these decisions.

As to section 820 it is quite unnecessary to spend a moment of time as to whether it is constitutional or unconstitutional for the reason that one republican Congress has repealed it altogether and another republican Senate has repealed it once, but it could not persuade a democratic House of Representatives to agree to its repeal.

Mr. President, when we adjourned yesterday, I believe I was on the question of what was the real purpose and object of this provision, which suddenly came out of the darkness into the light, as it respects the composition of juries on the question of race, color, or previous condition of servitude, and I believe the honorable Senator from Florida [Mr. CALL] was somewhat condemnatory of the Senator from New York [Mr. CONKLING] and myself because we had undertaken to intrude upon the domain of the Senator from Florida, and others of that ilk, in an effort at the guardianship—I believe that was the word—of the colored people of the South.

Mr. CALL. Will the Senator allow me to interrupt him?

Mr. EDMUNDS. Certainly.

Mr. CALL. What I objected to was not the proper interest gentlemen might have, but the spirit of fault-finding that, in the contemplation of Senators on this side, it was evident implied a charge that they were guilty of a purpose to deprive the colored people of the right of sitting upon juries. That was the imputation from the remarks of the Senator from Vermont and the Senator from New York, that the purpose of Senators representing here the States in which there were colored people was to deprive them of the right of sitting upon juries.

Mr. EDMUNDS. Mr. President, there is a presumption of law that every man (and I suppose it includes every Senator) intends the consequences of his own acts; and when, therefore, I see the Senator from Florida and others who have always been known in the history of this country as the special, and for a long time the legal, guardians of the colored man vote for a measure which does in the clearest manner overthrow present existing rights of colored men, then I have a right to presume that he intends that consequence of the act that he does with his eyes wide open.

But now let us see what it was that the Senator from Florida really did condemn us for yesterday:

> Mr. CALL. Mr. President, I desire before the vote is taken to say a single word. I propose to vote against this amendment, and I shall do it because it is entirely unnecessary. I wish to say that there is no need for Senators who have no colored people in their States to assume guardianship over them. I affirm that I have as much if not more regard for the rights of the colored man than the Senator from New York, or the Senator from Vermont, or any Senator upon the other side of the Chamber. A large portion of the people of my State are colored people. The Constitution and the laws protect them in sitting upon the juries of the country. This amendment is without effect in that respect, and does not protect nor secure the colored people in those rights. They are protected under section 800 of the Revised Statutes, and our laws, which require the selection of the juries to be made because of their intelligence and without discrimination, amply protect them.

Mr. President, I think I did not misunderstand until this explanation of the Senator from Florida the fair meaning of what he stated yesterday; and that was that he wished to warn off the Senator from New York and the Senator from Vermont from being allowed to take any interest in this Chamber, or elsewhere I suppose, in that portion of the citizens of the United States who theoretically are concerned in the welfare and prosperity of this Government and in whose welfare and prosperity reciprocally the Government and all the other people of the United States are concerned.

Mr. President, I must be excused from being warned off. My notion of this Government is that the Senator from Florida in respect of the protection of national rights is just as much the representative of the people of the State of Vermont as I am, and that if he believes any change in the law or the resistance to any change in the law will affect their welfare in the character that I have referred to, it is not only his right but his duty to say so and give his reasons for that opinion. I hope he will not think me intrusive, therefore, if I sometimes speak, according to my humble power, for that portion of the people of the United States whose skins are not precisely the color of those of my honorable friend and myself.

But, Mr. President, let us come down now a little more particularly. I should like to ask my honorable friend from Florida if he is quite sure that the constitution of Florida—I am not speaking of its laws—guarantees the right to sit upon juries irrespective of color.

Mr. CALL. We have always so construed and so enforced it in the courts and by the Legislature of the State.

Mr. EDMUNDS. Has that question arisen in the courts?

Mr. CALL. It has practically, for every day we draw colored jurors; there is no discrimination.

Mr. EDMUNDS. I will send for the constitution of Florida, and while I go on I will send it over to my honorable friend, and he can perhaps refer me to the clause; but in a hasty perusal of it this morning my eye did not happen to fall upon the particular clause named, though I dare say it is there.

Mr. CALL. The Senator will allow me to say that the constitution of the State of Florida is the constitution adopted under the reconstruction acts by the republican party, and we have always regarded it as in full conformity with the constitutional amendments; and it is the constant practice and has always been of the courts of Florida under that constitution to impanel colored jurors, and without any discrimination in regard to race or color.

Mr. EDMUNDS. I have not spoken of what the practice in the State of Florida is, nor what are the acts of its Legislature as to the forming of juries. I have no doubt the honorable Senator is perfectly correct when he says that according to the existing acts of the Legislature of Florida colored men are not, by force of law, excluded from juries, nor as a fact I presume, though I do not know how that is. But as I always listen with attention to what the honorable Senator from Florida says, and I have had occasion to observe his accuracy of statement, my eye fell upon this distinct clause in his remarks that the constitution of Florida and its law protected its colored citizens in sitting upon juries in Florida. Supposing that he meant that there was a provision of that kind in the constitution of Florida *per se*, I looked at it, and, as I say, in a hasty perusal I did not happen to see it. I do not now mean to intimate that it is not there. I only say that I looked to see it. I dare say it is there. I find just such a provision in the constitution of the State of Texas under the reconstruction laws or at any rate after the war was over and under republican auspices; but when under democratic auspices the constitution of the State of Texas was changed, that provision of security was stricken out, according to the best of my belief. I may be in error about that, but I will take the hazard of stating it as what I understand to be a fact until somebody shall show that my reading of that new constitution has likewise overlooked the clause that was in the old one securing this right to sit on juries.

There is another thing, Mr. President. This bill in emphatic and specific terms declares, as I stated yesterday, that the test of the qualification of a juror shall be the law of a State in which the district happens to be where the United States court is held, and the law of the State at the time the jury is to be impaneled. Therefore if by the law of Vermont to-day—and the same might be said of its constitution because Vermont can change her constitution—colored men and white men are equally entitled to sit upon juries so far as that circumstance affects it, the next session of the Legislature of the State of Vermont may reverse that policy and declare that white men shall not sit on juries, that the statute shall read that all male taxable colored inhabitants and citizens of the State of Vermont shall be liable to do jury duty and be entitled to sit on juries; then the law of the United States would have said that no white man in the State of Vermont shall sit on any jury to administer the laws of the United States.

Is there anybody who hears me that would like to say that? I am now speaking of the principle and of the terms of this enactment that you propose to make, and I say it ties you up with an iron hand and declares that whatever discriminations in respect of race or color now exist in any of the States, or whatever, at the pleasure of any one or all of the States may hereafter be made, shall be the law of this nation for the selection of jurors for the administration of its justice. If anybody wants to go for that, he can; I do not.

It was said yesterday by the honorable Senator from Ohio, [Mr. THURMAN,] and I refer to what he said with great deference and diffidence because I do not know but that I shall be admonished that I ought to have said it before, although this is the first chance I had, as it was on the other occasion—it was said yesterday by the honorable Senator from Ohio if I correctly understood him that the amendment of the Senator from New York, when he had gotten over the great constitutional obstacle of State rights so called, was wholly unnecessary, because by the laws of all the States discrimination on account of color or race was forbidden, or at any rate did not exist. And the Senator from Georgia, [Mr. HILL,] who came and went like a beam of light in and out of the Chamber during the debate, illuminated it also with the statement that if it could be shown that there was any need for such a provision, if it was not the law of all the States now, then it was a necessary and wholesome and proper provision that ought to be adopted because his very soul revolted at the notion that the color of your skin or the texture of your hair or the long line of your ancestry coming from this or that sun of the Orient was to be the test in this fair and equally politically divided jury that now for the first time under the sun is to be set up.

Mr. President, I have not had much time about this business and I tried to have the bill recommitted to the Committee on the Judiciary to find out something about it; but I could not succeed in that, and I went for the nearest and one of the most respectable States of this Union—there was not time to go far of course and I had to take the nearest State, Maryland. I find that by one of those singular instances that will sometimes happen to a man who is hunting for a sled-crook in a large forest I struck the right tree the very first time; and here is the crook for the benefit of the honorable Senators from Ohio and Georgia and all the others who have such a hungry longing to rectify all the wrongs of the black man in the courts of the United States. Here is the act of the State of Maryland of the year of our Lord 1870. I believe it has not been changed. If it has, the State of Maryland has kept the act changing it where the democratic party keep their schemes,—in a caucus somewhere. They did not put it in the statute-book. This is the way it reads:

It shall be the duty of the clerk of the county commissioners for each of the counties of this State to make out and file with the clerks of the circuit courts for said counties, not less than twenty days before the beginning of the first regular term of said courts next ensuing the passage of this act, and not less than twenty days before the beginning of the second regular term of said courts after each and every general election held thereafter, a fair and complete list of the white male taxable inhabitants or residents of said county, whose names appear on the tax-books of said county, and who are not known to said clerks to be under the age of twenty-five years, and to which said lists so to be made and filed the said clerks respectively shall append a certificate that said list is fully and fairly made; and for making such list the said clerk shall receive such compensation as the county commissioners shall deem right and proper.

This is on the subject of selecting, drawing, and summoning jurors in the counties. There is a distinct and express provision that no man in the State of Maryland except a white man shall sit on a jury. The honorable Senator who sits in the chair at this moment [Mr. WHYTE] says it is a mistake. I should be glad to have him point out how, when he gets a good opportunity, and I would wait to hear him point it out now. That is the way it reads, and I have searched the statutes since 1870—perhaps I have missed it—for the repealing or changing statute. If I have missed the changing or repealing statute, nothing will give me greater pleasure than to make the correction because I shall rejoice that the State of Maryland has rectified what I consider to be a wrong. If it flows from any subsequent change in the statutes, I will send for them and have it pointed out.

I will come to the succeeding provision about how you are to get these white men into the jury-box, in a minute, so as to show the connection; but before I show the connection I want to call the attention of the Senator from Ohio and the Senator from Georgia and the Senator from Delaware and the Senator from Florida and so on to their remarks yesterday about the monstrous provision in the amendment of the Senator from New York and the one I offered also, about affixing a penalty for the failure to obey the provisions of the law touching the qualification and impaneling of jurors that they thought was perfectly horrible, and if for no other reason than that, that would be enough to condemn it in the eyes of all patriotic citizens. And yet here in this statute of the enlightened State of Maryland there is this provision in respect to putting in white male taxable inhabitants:

And for failure to perform the duty hereby imposed—

And that is to put in white men and leave out the black ones—

the said clerk to said commissioners shall forfeit and pay a fine to the State of not less than $500 nor more than $1,000, in the discretion of the court, to be recovered by indictment, &c.

The amendment of the Senator from New York did not have a minimum, it only had a maximum, but the State of Maryland has thought it fit, and wisely enough, to impose a penalty. If she is to have any laws for the performance of duties she must impose sanctions to provide what the honorable Senators yesterday characterized in the amendment of the Senator from New York as being a simple monstrosity, I suppose equally infamous as was the law itself in 1862 in the opinion of the honorable Senator from South Carolina [Mr. HAMPTON] who so greatly regrets the want of tender feeling on the part of some portion of the citizens of the United States, as he looks at it, toward some part of the people in another portion of the United States, while in the same breath he describes the acts of the people whose want of kindness he regrets as having been for the last sixteen years simply infamous. It is not a good way, I am afraid, to encourage a gushing good-will, but still that is a question of taste. I do not propose to go into that.

Now I come to the rest of this Maryland act to show the Senate, so far as I am capable of comprehending it, what is to be done next:

It shall be the duty of the judges of the circuit courts for each of the counties, not less than fifteen days before the commencement of each term of the court at which jurors are required to attend, in the presence of such practicing members of the bar of said court as shall think proper to attend, notice of the time and place having been first given to said bar through the criers of said courts to proceed to select from the lists last finished by the clerks of the county commissioners provided for in the 1st section of this act—

"*Supra* section 19 in this codification," says the note—

and from the poll-books of the several election districts of said counties, that shall be returned and filed in the clerk's office of said courts after any general election that may be held previously to such election, a panel to consist of the names of two hundred persons in the several counties of Baltimore, &c.

Going on with the details. My honorable friend from Maryland who now occupies the chair asks me if this does not allow a black man to be selected. I say no. The first section declares in explicit terms how the list shall be made up. It shall be made up of the white male taxable inhabitants or residents of the county whose names appear on the tax-books. Then the next section provides that the judges from that list and from the poll-book shall make up a jury. Do I understand the honorable Senator from Maryland to mean that the judge has two independent sources to draw from?

The PRESIDING OFFICER. One the tax-book and the other the poll-book.

Mr. EDMUNDS. Then if I understand the law of Maryland—I am getting light—a white male taxable inhabitant only can sit upon a

jury, while a black inhabitant who is not taxable may! Then the law of Maryland makes an unjust discrimination in favor of the colored man against the white man! You say a white man shall not be a juryman unless he pays taxes, but the black man shall be a juryman if he will only vote. Is that it?

Mr. THURMAN. I want to make a suggestion if the Senator will receive it.

Mr. EDMUNDS. Certainly, I receive everything, even an admonition from my honorable friend, with due humility.

Mr. THURMAN. I interpose simply to save time. While I do not at all concur with the reasoning of the Senator from Vermont, and still adhere to the opinion I entertained yesterday, that there is no necessity for any amendment of this bill in order to accomplish what he desires, still I have been admonished by past experience that very ingenious and subtle arguments are used in some quarters of this Government to have the effect to defeat legislation, and I do not want anything of that kind on this bill. A motion to reconsider the vote by which the bill was ordered to a third reading was voted down. The bill, therefore, is not now open to amendment; but by unanimous consent that vote by which the motion to reconsider was defeated can be itself set aside and the vote ordering the third reading of the bill can be reconsidered, and then the bill will be open to amendment. I suggest that that be done; that by unanimous consent we set aside all the proceedings, including the vote ordering the third reading of the bill, so as to leave the bill open to amendment; and I think we can very easily arrive at a conclusion which will be satisfactory to all.

The PRESIDING OFFICER. Does the Senator from Vermont yield for that purpose?

Mr. EDMUNDS. I will tell you in a minute what I will do.

Mr. President, provoked yesterday to refer to proceedings in the Committee on the Judiciary by a bad example of my honorable and learned chairman, I complained, and justly as I thought, that the minority in that committee had not had a fair chance to have the bearings of this measure considered and to know where the grievances were that it was supposed needed redressing; in other words, to explore and exhaust the subject as a committee ought to do; and I besought this Senate to let the matter go back to the committee for a reconsideration and a full consideration; but it was refused. If my honorable friend from Ohio is willing that this bill shall be recommitted to the Committee on the Judiciary for full and fair consideration, I shall most gladly assent to it.

Mr. THURMAN. The bill having been read a third time, it is a question then whether it can be amended.

Mr. EDMUNDS. I do not seem to get any response to that.

Mr. THURMAN. I say it will be a question then, the bill having been read the third time here, if it were sent back by a recommittal, whether the committee can amend it.

Mr. EDMUNDS. I did not mean to leave it open to any doubt about that. I am willing to agree that the vote ordering the third reading of the bill may be reconsidered and the bill recommitted to the Committee on the Judiciary for full investigation.

Mr. THURMAN. Why not agree to its reconsideration and see whether we cannot amend it?

Mr. EDMUNDS. Why not agree to this? That is what I have been beseeching for all the time, and have been refused. I besought this Senate to reconsider the vote, and the Senate would not do that. And now the honorable chairman of the committee is unwilling to reconsider the bill himself in a committee where we can carefully and prayerfully and fairly explore this whole subject.

Now, Mr. President, I should like to know, inasmuch as it does not appear that we can agree to have the bill recommitted to the Committee on the Judiciary, what amendment it is that the Senator from Ohio is anxious to make. If he will only put it in writing and let me see it as I go on, (because I have several other things to say,) I will then tell him whether I will go for a reconsideration in order that he may offer it. I cannot tell what the amendment may be. As the Senator from New York suggests, and judging from our previous experience, it might be likely to be one that would make the bill worse than it is now.

I want to say one or two more words, I shall not be able to say much more, about section 821; and in reference to the observation of the Senator from South Carolina [Mr. HAMPTON] who so ably addressed us yesterday, of a grievance and misuse under it at some court in Charleston, if I correctly understood the place where, as I understood him, he said that under section 821—I do not know that he said that, but that is what I supposed he meant; the Senator shakes his head; he did not allude to section 821——

Mr. HAMPTON. I stated that at the recent United States court in Charleston under these test oaths the illustration I gave occurred.

Mr. EDMUNDS. Which test oath, that in section 821?

Mr. HAMPTON. I do not recollect the number of the section containing it.

Mr. EDMUNDS. That is the number if it is the one under which the court exercises a discretion. I should like to know if the Senator from South Carolina speaks of his own observation or only upon information.

Mr. HAMPTON. I speak from information. I was not present at the court, but I speak from information derived from parties who were present. I know the fact which I stated, that one of the judges was disqualified under that test oath. I stated the fact that the district attorney was disqualified, that the assistant district attorney was disqualified, and I know the fact that republican jurors who had served during the war, one of them in my own command, were allowed to go on the panel without taking the oath, and every man who was considered to be a democrat had the oath applied to him, and some who had grown up since the war were peremptorily challenged and made to stand aside.

Mr. EDMUNDS. That is what the Senator means when he says he knows it?

Mr. HAMPTON. Yes, sir.

Mr. EDMUNDS. He believes it on evidence that he supposes to be perfectly reliable. Now, if the Senator would kindly tell me when it was that this event occurred, and who was the judge, and who was the district attorney and who the assistant district attorney, and what was the trial, I should like to know all that. I have not the same means of knowledge that my honorable friend from South Carolina has, because I have not obtained that capacity for absolute knowledge that he seems to have done of knowing that a thing took place when he was not there; but I suppose, to leave off joking about it, that the Senator really means that he has information that he relies upon.

Mr. HAMPTON. Perfectly. It was at the recent trials in Charleston, I think last month, Judge Bryan was the district judge, Mr. Northrup was the district attorney, and the assistant attorney was Mr. Maxwell.

Mr. EDMUNDS. Was Judge Bryan the judge to whom the Senator referred?

Mr. HAMPTON. Judge Bryan and Judge Bond were the two judges.

Mr. EDMUNDS. That the honorable Senator from South Carolina says is a grievance. Now, I think before we pass upon that question, we ought to know precisely the circumstances of that transaction. In the first place we ought to see somebody, through a committee of this Senate, who was then and there present, and ascertain fully all the truth connected with that transaction.

Mr. HAMPTON. If the Senator will allow me to interrupt him a moment, I can state for his information and the information of the Senate, that my colleague [Mr. BUTLER] was present, and from him I got the facts.

Mr. EDMUNDS. I beg the Senator not to suppose that I am doubting in the slightest degree the accuracy of the information that he has received as he states it; and I should not doubt what the Senator's colleague says that he saw himself; but I should be glad, in order that we might judge accurately of how this thing took place, what the situation was, and whether it was right or wrong, to see it in all its light, to have a committee that could look into the matter and not only take the statement but put inquiries to Senator BUTLER as to all that he saw and all that he knew and its connection with events, and also to bring before the committee the judges and the district attorney and the jurymen, and know exactly how and why and what occurred.

Mr. President, it was not many years ago that in the State of South Carolina there were certain trials called, I believe, the ku-klux trials, trials, I believe, where a great number of the persons brought to trial, after judicial forms had been gone through with, confessed their guilt of what I perhaps am not offensive in stating have been considered horrible atrocities; and I have heard it said, though I never heard either of them say it myself, that Mr. Reverdy Johnson and Mr. Stanbery, who were down there assisting in the defense, spoke with great emphasis of the wickedness of the transactions that were disclosed. I think it was current information at the time,—I do not know that it was true,—that a large number of the people of South Carolina contributed funds to defend those accused ku-klux people. Now, if in such a case as I have supposed—I do not know that it is true, but it will answer for an illustration—if those who had contributed funds for the defense of the persons guilty of such atrocities as it turned out, were drawn upon the jury, and it turned out that those atrocities grew out of political considerations connected with the rebellion, then I say it would not do in my humble judgment a grievance or an unjust thing that that jury should be sifted on the basis of ascertaining whether they had an unconquerable bias in favor of discharging those prisoners and finding them not guilty no matter what they had done.

Mr. HAMPTON. May I ask the Senator from Vermont to permit me one word on that point?

Mr. EDMUNDS. I will yield, owing to the infirmity of my friend who is not well, though I have not finished on the point.

Mr. HAMPTON. I do not wish to interrupt the Senator, but I interpose as much for his sake as for my own; and I avail myself of this opportunity which his courtesy has extended to me to say a word about those ku-klux trials.

Some years ago the Senator from Vermont, who occupied then the same position that he does now, charged upon the floor of this Chamber that he had information that I was connected with the ku-klux organization in South Carolina, and with me he associated my present colleague [Mr. BUTLER] and a very distinguished gentleman who is now a judge in that State. We wrote a respectful letter to the Senate, and came on to Washington, asking the most earnest and rigid scrutiny. That letter was presented here, but the Senate took no action. The Senator from Vermont when that letter was presented

said that he had been informed that the Government had information to that effect. We asked that, if there was any such information, it might be brought forward; but that never was done. And I take the opportunity of saying now—and I hope the Senator from Vermont will do me the justice to know that I speak with perfect sincerity—that if there was one man in America who had no knowledge of, no connection with, no sympathy with anything like the ku-klux organization, it was myself. I did not know that there was any such organization in South Carolina until those trials occurred. I could give the explanation, but I will not detain the Senate, of how those organizations, as I found out afterward, were inaugurated and what they were intended for, and how they were perverted afterward, as I admit, into doing wrong; but I only wish to say that the gentlemen who were named here, I feel sure, had no knowledge of them, no connection with them. For myself I state that with absolute certainty.

The contribution that was made by the people of South Carolina to defend those men was simply a contribution that was made on the presumption the law always makes that parties are innocent until they are proved guilty.

I simply rose to make this explanation, because I did not believe that the Senator would then, or that he would now, willingly do me injustice.

Mr. EDMUNDS. Mr. President, the honorable Senator from South Carolina is quite right as to his personal reference to me. The observation that I made in the Senate some years ago, although it has entirely escaped my recollection—his statement now recalls it to my mind—was stated to be upon information, and except as a conspicuous general in the confederacy during the late war the Senator from South Carolina was entirely unknown to me unless by reputation; and therefore I only spoke of him as I would of any general factor in the politics of the affair. The information of course I did have. I am delighted to know now, as I was then on the written disclaimer of the Senator from South Carolina who I think wrote a letter as he states, that this information in the possession of the Government was entirely unfounded, coming from somebody who either had it second-hand from somebody who invented it or suspected it, or manufactured it out of the whole cloth. I am very glad to know it. It was probably quite unnecessary for the Senator to repeat the denial that I believe was so full in the letter. Nobody I think has ever believed the allegation since. So the Senator is quite right in supposing that I would be very far from wishing to do him the slightest injustice.

Now we come back to the point, Mr. President, we are on,—the point as to what is the fit means in some cases of purging a jury from those who are organized by politics or clanism or leagues, or by whatever name you call it, in support of a cause, be it a great one or a small one, which violates the law, from being allowed to hang a jury, a single one of them to hang a jury as the expression in the West is, and thereby prevent the person who has been guilty of the crime from being hung himself.

Mr. THURMAN. Now if the Senator will allow me——

Mr. EDMUNDS. No; I will not give way now.

The state of the law, then, simply is that it is within the competence of a court of the United States in some cases, that is it is proper for it, to exclude from service on the jury a person who in the language of the Supreme Court of the United States has been guilty of treason or insurrection against its laws. That the honorable chairman of the Committee on the Judiciary and a majority of the Senate, judging from their votes upon this bill, say is an obnoxious law, and the Senator from South Carolina went so far as to say that it was an infamous law. I am unable to see that it is.

Suppose you are to have a new rebellion—this does not refer to the old rebellion, does not refer to any particular rebellion—suppose you are to have a new rebellion, then Senators on the other side I suppose will be eager, when it is too late, to re-enact this same statute again. But inasmuch as you cannot tinker with criminal laws very handily after the event has happened to make it work well, there might be difficulty about that. The Senator from Ohio said that this was to exclude from the jury, in the discretion of the judge, anybody who had so much as given a cup of cold water—as if any such drink as that was known in Ohio—[laughter]—a cup of cold water to a suffering and it may be a penitent rebel.

Mr. President, I have too much respect for the Senator from Ohio to regard that flight of his as anything more than an ornament to discourse. He could not have meant to tell this Senate that the provision in section 821 touches any kindness that is done to a man engaged in rebellion or insurrection as kindness, as humanity, as a fellow-feeling for a brother man in misfortune or in crime. The true construction of that statute, in my humble judgment,—and I believe my friend will agree with me on reflection—is that the kind of assistance which the judge is authorized to take as evidence of vice is accessary assistance, just as under that famous democratic law called the fugitive slave law where a man was punished for harboring a runaway slave—I believe I have that word "harboring" right—there were other words in; I have not studied the fugitive slave law much lately, though I presume I shall have to look it over again in a few years if things go on as they are—somebody, in Pennsylvania I think, did give a cup of cold water to a man who was traveling by the underground railroad from the State of Maryland to Her Majesty's provinces, but the courts had no difficulty in saying that in order to convict a man under that statute, even in democratic times, it would be necessary to make out that this assistance of whatever character it was that was given to the fugitive must have been assistance intended to aid him in the object he had in view, and that was to get away from his master. And so here the assistance that makes a man obnoxious to the judgment of the judge is the assistance that shows that he was predetermined to let the man off and aided him with the purpose of promoting the design he had in view in his character as an enemy of the United States.

Is there anybody who says that juries ought to be made up of enemies of the United States? I take it not. The argument is—and it is a good one—that he who was once an enemy of the United States may now be its friend. True; gladly say I, true. I know many such; and I see many such now; and when such men come to the jury-box this statute only applies to them exactly what the common law in analogous cases applies in the discretion of the judge upon other topics that tend to show favor or bias in respect to the particular transaction to be considered. It is therefore the merest moonshine to undertake to convince any intelligent body of men in this country that section 821 is either infamous in the somewhat exaggerated language, I presume he would consider it himself by and by, of the honorable Senator from South Carolina, or vicious upon sound principles of judicial legislation applied to any of the affairs of mankind.

Mr. President, I wish I could state what inquiries were made in the Judiciary Committee about this matter, but I cannot; the rules do not allow it——

Mr. CONKLING. I do not know. The chairman of the committee has stated pretty much everything that has happened in the committee. Why cannot we?

Mr. EDMUNDS. No, I will not break over.

Mr. THURMAN. I am perfectly willing that everything shall be stated. I have violated no rule yet.

Mr. EDMUNDS. Neither have I. I have only followed in the footsteps of my illustrious predecessor. I do not know that he has violated any rule; I do not say that he has; and I certainly will not.

But I wish the Judiciary Committee might have investigated this South Carolina instance, the first instance of a grievance under section 821 that I ever heard of, and as one member of the Judiciary Committee and as one Senator I have been industrious in making inquiries upon this subject ever since the question of the repeal of this section was mooted.

Why, Mr. President, the States where these laws would have their chief application—although judging from some of your disability bills they would have application in many of the Northern States, for there are some there who are in that category—the places where these laws would have their chief application cannot contain, in respect of proportions of persons otherwise liable to jury duty, 10 per cent. of people who could be brought into the discretionary judgment under that section. From 1865 to now there have been fourteen years. There was probably a considerable number of the populations of those States that did not engage in warfare against the United States. There is a very large number that certainly did not. They were bound to their plantations by ties of a stronger character, since happily unloosed. And in all the inquiries I have been able to make, the first instance of which I have heard of what is called an improper application of this law is the one stated by the Senator from South Carolina; and before I determine whether that is an instance either to show that the law is so liable to abuse that it ought to be repealed or that it has been abused, I should want to carefully explore the whole transaction; I should want to know who made up the whole body of the panel who were summoned to attend that court; I should want to know what person was on trial; I should want to know what he was accused of; I should want to know what was the settled opinion of every democrat who had not accepted the situation in the fullest sense of the term, and was excluded from the jury as to the constitutional validity of a single one of the laws of the United States under which election trials were going on. I understand those were cases of trial for fraud in the late election. I have heard men as distinguished even as Senators of the United States assert not long ago that every line and every syllable of these election laws punishing frauds at congressional elections was unconstitutional.

I say that anybody, be he democrat or republican, have he been rebel or have he been patriot during the late rebellion, who comes into court and says "this election which has now been held so far as it has been made obnoxious to any law of the United States is free and clear of it; that is our democratic doctrine; it is our old State-rights doctrine; and I will go in for old associations and old rights and old principles to say that this whole thing is outside of the jurisdiction of this court and I will not convict"—should be excluded. If there was such a state of opinion and feeling as that, then I say the man who thought so and could be excluded on the ground section 821 provides for as being really the source out of which all the consequent train of his deductions flows, ought to have it applied to him if you want an impartial trial.

Mr. THURMAN. Mr. President——

Mr. EDMUNDS. Not now. And you do not make it less impartial by having on your jury men all of whom believe the law to be consti-

tutional. That is the statement that the Senator was about to make, I imagine, because it is the natural one. It has been made so often that I am sure he could not have thought I should have forgotten it.

Mr. THURMAN. No; I was going to say this, that the Senator proposes to put another qualification, not simply to inquire whether a man had given aid and comfort to the rebellion, but what are the man's opinions on a question of law, which is another addition he proposes to make to the statute.

Mr. EDMUNDS. No, Mr. President, I have not proposed anything of the kind. The Senator was thinking about the caucus or something at that time, I am afraid, and he did not pay attention to what I said.

As the Senator from New York reminds me, this sort of inquiry is no new doctrine as applied to certain states of events. When people were tried under the fugitive-slave law under the authority of the Government of the United States, the jury were carefully polled in many instances (and I do not know but all) to know whether they believed that law to be constitutional. If they did not, away they went, "challenged *propter affectum*," if I quote the Ohio phrase correctly. Oh, no, Mr. President, in the language of an eminent statesman "that won't do." It won't do; it is too thin. That is one trouble with it. As long as society is organized and must go on you have got to assume for the purpose of trying causes under the laws that the men who are to administer those laws believe in them, believe they have a right to administer them.

If you have a judge it is his duty to determine whether a law is constitutional or not. If you have a jury, usually it is their duty to determine whether certain facts have taken place; in some States I know they have the right to determine the law, and therefore presumably you must always have a jury who are willing to convict if they believe the party to be guilty of the offense charged, and if they do not believe so they are not proper men to try the case fairly; and it is no answer to say that you get an equal want of impartiality on the other side, because so far as that is a want of impartiality it is an infirmity in government itself. But because a man believes a law to be constitutional and believes it ought to be enforced, it does not follow that he believes a particular person charged with breaking it has broken it.

The man, therefore, who is a republican, who was a rebel, and who has committed that last and worst of all offenses, as it seems to be thought by democrats, of really accepting the situation and asserting his manhood's right to believe in republican principles if he does—even such a man on a jury believing that the laws are constitutional and that the war is over in consequence as well as in fact so far as its reactionary tendency is concerned, sitting on that jury and having that belief, is perfectly impartial to try whether A B has broken it or not. But if you reverse the case, then it is of no consequence to the juryman whether A B has broken it or whether he has not; in either case he is bound to acquit him, because he says he has not broken any law; if he did it, he did just right so far as the law goes, and if he did not do it the law is unconstitutional; I do not care whether he did it or not. That is what section 821 authorizes the court to determine.

As I was saying, Mr. President, this section 821 is a continuing statute, it refers to future rebellions and insurrections, and if the honorable chairman of the Committee on the Judiciary and those who agree with him have any doubt as to what I am now about to lay down let them look into the foot-notes of Brightly's Digest at the beginning of the title "Crimes," and they will see a long series of decisions, the correctness of which in point of law I have never heard questioned, going to show that any organized, preconcerted, forcible, armed attempt to overthrow the due execution of the laws of the United States is levying war against the United States or an insurrection against the United States—one or the other; I will not waste the time by going into distinctions between the two; it is not necessary to do so.

Therefore, Mr. President, you will see that this provision authorizing a juror to be inquired of twenty years hence whether he has been engaged in any rebellion or insurrection against the laws of the United States is not as sensitive people or those who think they are sensitive or those who wish somebody to think they think they are sensitive seem to suppose, looking back to that unhappy misfortune of 1861–'65. We are all glad to forget it as far as we can. There are some things about it that cannot be forgotten, because they live like the constitutional amendments and the laws made to enforce them. There are some things about it that cannot be forgotten, because they live like the monuments that States and cities have built to heroic valor and patriotism. There are many other things that must live in this new order of things. But in all the senses in which I am sure the Senators on the other side will understand me as meaning, we are glad that it is gone by and shall be equally rejoiced to forget it if you would only let us forget it, but you seem determined that you will not. It is the future, therefore, that is to be considered; and wherever a combination like the whisky insurrection of 1793 or 1795 in Pennsylvania, or that of the Shays in Massachusetts, the paper-money insurrection, occurs, then when somebody who has violated the peace and the happiness of his fellow-citizens and the law comes to be tried and a jury is impaneled, there will stand your statute that authorizes the judge upon proper application to ascertain whether any one in that jury is in complicity with that great concerted attempt for which the accused is on trial; and yet the honorable Senator from Ohio and the rest of the Senators over there seem to think that a law of that kind is totally untenable and atrocious. I am unable to understand it.

But I must dismiss that, Mr. President, with a single observation. It has been said that the judge on the bench is not under this disability, that he may try the cause while the juryman who was the fellow-soldier with the judge in the confederacy is set aside, and that that is unequal and unjust. By no means. The laws of the United States and the Constitution of the United States declare that that judge should not sit on the bench until the solemn judgment of two-thirds of both Houses of Congress trying his merits should have decided that he might; and all this statute declares is that the juror shall not go into the box until a judicial investigation in connection with the same events shall have determined whether he ought to be permitted. That is all. Senators are entirely mistaken, therefore, in supposing that here is an invidious discrimination, that you are applying a test to an honorable gentleman who comes to the jury—as I see many here by whom I should be quite willing to have my life and honor tried—that such men are subjected to an invidious test by the very judge who stands in the same category. No, sir; by no manner of means. They were both subjected to tests. The test has been applied to the judge and he has been admitted to his seat, and the law applies the test to the juryman. If he stands it, the judge allows him to take his seat. If he does not stand it, it is his duty to set him aside.

Mr. THURMAN. Does the Senator feel that he is correct in that statement?

Mr. EDMUNDS. Perfectly so.

Mr. THURMAN. Will he allow me to call his attention——

Mr. EDMUNDS. With the greatest possible pleasure.

Mr. THURMAN. The Senator from Vermont seems to think the only difference between the judge and the juryman is that the man who is judge has been exonerated by the vote of two-thirds of the members of Congress, and therefore that he may be considered a whitewashed man and perfectly proper to sit. Now I call his attention to the fact——

Mr. EDMUNDS. I did not speak of anybody as whitewashed.

Mr. THURMAN. That was my own description. He is purged of all his sins, he is all right. Now, is the juryman not in the same category with the judge? The disqualification of the fourteenth amendment, which it requires a vote of two-thirds to remove, only applies to persons "who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof"—no such person shall be a Senator or Representative in Congress or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, until his disabilities are removed. But suppose a man is nominated for judge who never did take the oath to support the Constitution of the United States, whose case therefore never came under the fourteenth amendment——

Mr. BLAINE. Have there been such appointments?

Mr. THURMAN. I do not care whether there have or not. There may be.

Mr. BLAINE. Not in this generation.

Mr. THURMAN. The Senator from Maine——

Mr. EDMUNDS. I cannot have my speech printed at the expense of these two gentlemen. I am willing to hear my friend from Ohio, but not both.

Mr. THURMAN. Does the Senator hear me?

Mr. EDMUNDS. Yes, I do.

Mr. THURMAN. Take a judge who never was an officer before, who never had taken any oath and therefore never came under the fourteenth amendment at all; yet that man may have given aid and comfort, according to this section 821, and cannot be a juror, and yet he may be a judge.

Mr. EDMUNDS. Yes, Mr. President, I believe I was about as familiar with that before as I was with the statutes of Maryland at least. It is perfectly familiar to me. The Senator misunderstands my point. He takes the whole for a part. That is the error into which he has fallen. There is a difference in respect of a certain part of this class of cases, and what is that difference? It is simply a difference of degree; that is all. When the people of the United States or that unconstitutional portion of them that was then called the United States—to borrow the democratic way of putting it—succeeded in putting down the rebellion, they chose in a certain way to forgive, so far as political disabilities went, a certain part of the people of the United States who had been in the rebellion, without any further action; and so far as political disabilities went, as to another portion of that people that had been in the insurrection or rebellion, they did not choose to forgive them until there should be a further test applied.

When the honorable Senator, mixing things in that way, comes and says that it is still invidious, he had better think again. When he can make out that the office of juryman—to misname it by calling it an office at all—that the employment of jurymen is the exertion of a political faculty, the government of the country, and there-

fore falling within the theory of some judge being put in one category and some in another, then he will have got the first skirmish-line out, it may be, for showing that the remark I made did not cover the whole case. That he cannot make out. No, Mr. President, I repeat that this whole thing—if it was anywhere else I should call it gammon, here it is not gammon of course, it is statesmanship—is a delusion; I have a right to say that with respect to everybody, and great respect as I certainly feel. It is a delusion that some stress from some quarter that the general public are not permitted to see but only to guess at existing, leads these gentlemen to be so eager by self-created sophisms and artificial distinctions and imaginary and unexplored grievances, to suppose that we have got to make haste to change all the jury laws of the United States. It is nothing else. I do not know but that the jury laws of the United States could be made better. I wish they could; I wish the jury laws of the State of Vermont could be made better; for at some time and in some way there will be sometimes a trial, even in the rural community where I was born and raised—as I believe they say down South—where it will come to pass that a jury at a particular term is not at all what it ought to be; and if you could explore it, it would be somebody's fault; but when you turn to the statutes you would find that they are as nearly right as human ingenuity can generally make them as to jurors.

There is maladministration; there is local prejudice; there is excitement; there is corruption. These things will break out everywhere now and then. But the laws of the United States coming down to us venerable, (as the Senator from South Carolina so eloquently put it yesterday, let us go back to the days of the fathers—I am now speaking about the other parts of this bill) have provided that the courts of the United States should conform the drawing of their jurors, as near as might be, to the practice of the several States; and then after the liberation of the colored people of the South and in spite of the democratic party, by the fourteenth and fifteenth amendments and by the act of 1875 (which this provision repeals and which you would not save yesterday by an amendment) no exclusion should be made on account of race, color, or previous condition of servitude. These things coming down to us as to conformity from the first, with this new provision as to disqualification for color as the consequence of what has taken place, you have got the system of the fathers now; and yet the honorable Senator from Ohio proposes to overthrow them because somebody has discovered that a republican marshal—I suppose it must have been so from his stating it—somewhere drew all republicans in Indiana or Kentucky or wherever it was on a panel, and on application a republican judge set it aside, and I venture to say if the Senator from Ohio had been that republican judge he would have committed the marshal to prison for contempt if it was within his jurisdiction to do it, and I rather think it would be in such a case for corruption in the presence of the court. Certainly he would have had him laid by the heels by any just President of the United States as quick as the mail could have communicated the information.

It does not do to change your statutes every time that you get a bad marshal. Even in the best regulated times of the orthodox democratic party, studying the public records of my country, I find that there were occasional marshals that did not come to time, that were guilty of corruption and abuse. And there was another thing about them—although that is out of the case—that when they turned out to be defaulters they never or, to borrow a democratic expression, hardly ever through their sureties or otherwise paid up. The records from the Treasury Department will show it to you if you have the curiosity to look. I am afraid it is too much so with republican marshals. I think everybody who does not come to time ought to pay up. But it will not do to go perpetually tinkering at your laws because in one case in fifty thousand or one case in one thousand it turns out that a marshal has been derelict in his duty or that a judge has been derelict in his duty. There is no occasion for jumping out of the frying-pan into the fire and saying because some man guilty of abusing his trust or some court guilty of negligence in not holding him up to time has been partisan in his selection of jurors, therefore hereafter in the State of Vermont, where there are three republicans at least to one democrat, the democrats shall have half the jurors. I do not object to one-half of the jurors in the State of Vermont being democrats as a fact; I do not object to every man on a jury in Vermont in any trial that ever took place there within my recollection being a democrat, just as there are democratic judges on our benches, although I do not know a judge in any one of the counties or in the whole State that could hold the office beyond his time that is out every other year, except by the vote of republicans. That is not it. I beg gentlemen not to understand me as complaining of democratic jurors at all; but I say a law which declares that a jury shall be composed of democrats or of republicans is a vicious law, and it is just as vicious when it says it shall be composed of half and half, as if it said it should be composed of all, so far as the principle of the thing goes; and therefore it is just as vicious, showing its absurdity, when in a State that has three republicans to one democrat you say you will have half democrats on the jury nevertheless, and in that State where, as we are told is the case in some of the Southern States, there are ten democrats to one republican, the republicans shall have half the jurors.

Why, Mr. President, there is no way you can look at it that does not expose, as it appears to me, the vicious absurdity of such a proposition, and the only merit that I can think of its possessing is its novelty and the audacity with which it is gravely put forth.

Mr. VOORHEES. May I ask the Senator from Vermont a question?

Mr. EDMUNDS. With pleasure.

Mr. VOORHEES. I understood the Senator from Vermont to be descanting upon the defalcations and shortcomings of United States marshals and making some comparative remarks as between the two parties. I rose to ask if he was aware that the republican marshal of Colorado a short time ago was sent to the penitentiary for a defalcation. I understood him to be drawing a comparison very injurious to democrats on that subject, and I wanted to know whether he had lost sight of that case.

Mr. EDMUNDS. Not at all, Mr. President. If he had not been a republican marshal and had been a defaulter, he would not have gone to the penitentiary, I am afraid, judging from what I have heard and observed. But I do not intend to go into that question. I thought I had given the marshals on both sides a pretty fair review.

Mr. VOORHEES. Mr. President——

Mr. EDMUNDS. I hope the Senator will let me go on. I am afraid of him, and I am sick besides. If he will only just let me finish, I shall be obliged to him.

Mr. VOORHEES. I beg pardon.

Mr. EDMUNDS. I said—probably the Senator did not hear me—that I was afraid it was very much so with republican marshals, or words to that effect, and that I thought that all of them ought to be made to come to time, and not to be defaulters but to do their duty, and that if the law was administered as it ought to be, which is the great trouble with the law everywhere—not that the law itself is not right, but the want of administration—every man charged with public duties who did not do them faithfully and fully would have the penalty of the law by dismissal and by indictment and otherwise visited upon him with certainty, and no intervention of friends and no teasing of Senators and Congressmen or anybody else would get him off, and then you would begin to have the laws well executed.

But that is not the point I am on. I was saying that this political provision is one that is entirely novel as I believe, and I made diligent inquiry with the little capacity I had as a member of the Judiciary Committee upon that subject—I have not any right to say where I made the inquiry—of everybody I could see if he ever knew of such a thing, and everybody allowed he did not; and yet a Senator from somewhere comes in yesterday and says—I think it was the Senator from Ohio—that the law of Pennsylvania is that, and when asked to produce the law or state it he said that there was a law in Pennsylvania that required in each county two jury commissioners to be elected; and it did not allow any single voter to vote for more than one, and the law therefore provided that there should be one republican and one democratic commissioner of juries. That is the precedent and the authority upon which this bill rests. I do not want to waste any time in comment upon the distinction between those two cases.

The result of such a performance will be necessarily, as it appears to me, to make every jury commissioner, the clerk on one side and the commissioner on the other, partisans at once, just as the supervisors of elections and all election officers are known to be partisans. They go to the polls as the advocates and attorneys and watchmen of their respective sides. Now you want to carry that into the administration of justice. There is a natural result of that as to political elections, and I am far from saying that it is not a proper result, because if each man is honest and earnest he wishes to have his side win by every honorable means, by getting in every one of its legal votes and keeping out every one of the illegal votes of the other side. When you go to the jury-box, have you any object to attain as a juror? Do you wish either side to win? Do you wish to know what are the politics of the parties whose cause you are to try? Not so, Mr. President, if you believe in justice, any more than you wish to know what is the religion of the juryman or of the party or of the judge; and it will be a sad day in the history of this Republic when there appears in the statutes of the United States as there has not yet, this first step toward applying political or religious or other tests except those of fidelity to your country and impartiality in the discharge of the duty, to a juryman. First comes politics, in the jury, six and six republicans or democrats, republicans or greenbackers, Catholics or knownothings or whatever they may be. There are your two parties, one a republican the other a democrat, or one a knownothing and the other a man in favor of having everybody of foreign birth, whether naturalized or not, participate in the government of the country, and so on; and you will have done more to obstruct the course of justice that would outweigh by a million-fold the two or three instances that gentlemen think they have heard of where the present laws have been ill-administered to the detriment of justice through the partiality of marshals or the errors of judges. And when you have established the political character of jury trials between man and man, how long will it be before somebody, equally an inventor of great patent rights, some new caucus or other, will bring forward a religious test here and say that we will have two more jury commissioners or clerks, one of whom shall be an orthodox Presbyterian and the other shall be attached to the faith of Rome or whatever so that they shall be of opposite religions? Then first you

must get men of opposite parties, second they must be of opposite religions, and so on; the principle is exactly the same.

I do not think that it will bear reflection; but the majority of this body seem to think that it will, or rather, perhaps, they seem to think that it will not, because they would not stop to consider; they push it on; and now let it go. Let it go. I have done all that I can in season and out of season, in committee and out of committee, to restrain what I think very bad legislation. I have not succeeded, but I have done my duty.

Mr. THURMAN. Mr. President, I said yesterday that the amendment offered by the Senator from Vermont [Mr. EDMUNDS] was heard by me, as an amendment of course to this bill, for the first time when it was read at the desk; and I said that that might strike the Senate with some surprise, considering that the bill came from the Judiciary Committee, and that the Senator from Vermont and the Senator from New York were distinguished members of that committee. The Senator from Vermont in the commencement of his remarks last evening, in answer to what I had said and assuming that I was lecturing him and the Senator from New York, and somewhat caustically as he expressed it, complained that the minority in the Judiciary Committee had not had time to consider this measure. Well, now, Mr. President, I must say that that was the first time ever I heard that the minority did not have time for the consideration of this bill. That was the first time I ever heard any complaint of that sort.

Now, I am not going to say what took place in the committee, although I should be perfectly willing to do it. I can only say that we were very pleasant and agreeable to each other, as I hope we always are and always shall be, and I do not wish any wrangle at all about it; but I do solemnly declare that until the Senator from Vermont yesterday said that the minority of that committee had not had time afforded them to prepare their amendments to the bill if they wished to prepare them, I never heard of such a thing.

Mr. President, I believe I will say no more upon that subject, for I certainly do not wish to get into anything that might look like crimination or recrimination, least of all with my friends upon that committee with whom I have served so long, and whom I esteem so highly. Let that pass.

Mr. President, some time ago, when the bill prohibiting military interference with elections was under consideration, the Senator from Vermont delivered an elaborate and carefully prepared speech. For reasons beyond my control I was compelled to be absent from the Senate while he was speaking, but I carefully read his speech as soon as it appeared in the RECORD, and when I read it it did seem to me, to my poor comprehension, that his misinterpretation of that bill, his misinterpretation of what would be the effect of passing that bill, which simply blotted out from the statutes the power of the President to use the Army to keep the peace at the polls, and did nothing more, was intended for nothing more, and upon no fair interpretation could be made to effect anything else—his misinterpretation of that bill, by which he made it to appear, as it seemed to those who believe in everything he says, that if that bill passed the President could not even defend the public property in the city of New York, the custom-house or the post-office on the day of election, that he could not protect any public property anywhere, at any cross-roads in the country on the day of election—I say when I read that, I did think that the sophistry (if I may use that word without offense) of that speech was so transparent that it could impose upon nobody. But yet to my amazement I found that that was the substratum, the bed-rock, the everything, *caput et pedes*, and *corpus* too, of a certain document that we got from the other end of the Avenue in a few days.

Now, Mr. President, the Senator from Vermont is repeating the same performance I fear. He is generating a new veto message. That is the whole meaning of it. He is furnishing sophistries for the people who are not smart enough to invent them themselves in order that they may come back here by a sort of game of battledore and shuttlecock from the other end of the Avenue. That is all there is of it, in my humble judgment.

The Senator from Vermont makes this point, that if we pass this bill we place the qualifications of jurors in the Federal courts completely at the mercy of the State Legislatures, and he cites the law of Maryland and says that under that law of Maryland nobody but white men can serve as jurors in the State courts in Maryland, and that as nobody but white men can serve as jurors in the State courts, ergo no men but white men can serve as jurors in the Federal courts if this bill shall pass.

The first thing I have to say in respect to that is that if that would be the effect of this bill, it is precisely the effect of the law as it now stands. If this bill should pass and that would be its effect, it would have no other or different effect than the law as it now stands. Let me see if I am not right in this. What is section 800 of the Revised Statutes?

> Jurors to serve in the courts of the United States, in each State respectively, shall have the same qualifications, subject to the provisions hereinafter contained, and be entitled to the same exemptions, as jurors of the highest court of law in such State may have and be entitled to at the time when such jurors for service in the courts of the United States are summoned.

That is to say, jurors in the Federal courts must have when they are summoned the same qualifications that are required of jurors in the highest State courts, at the same time, according to the State law. That is section 800. Now, if that were all, the Senator from Vermont would argue that no colored man can sit as a juror in Maryland in the Federal courts. How could he if his interpretation of the Maryland law is correct? If colored men are excluded from juries there, if whiteness of skin is a qualification for a juror in Maryland, and jurors in the Federal courts must have that qualification because it is required in the State courts, then under the existing law and under the law enacted by my republican friends and continued in force by them and which they wish to perpetuate, no colored man in your State, Mr. President, can serve as a juror unless the famous civil-rights act of 1875 shall have changed it. Let us see what that is. If a colored man can serve as a juror in Maryland in the Federal courts now, why is it that he can serve? The answer of the Senator from Vermont is that he can serve because section 4 of the act of March 1, 1875, the second civil-rights act, is in these words;

> That no citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States on account of race, color, or previous condition of servitude. And any officer or other person charged with any duty in the selection or summoning of jurors who shall exclude or fail to summon any citizen for the cause aforesaid shall, on conviction thereof, be deemed guilty of a misdemeanor, and be fined not more than $5,000.

That is word for word, letter for letter, punctuation for punctuation, precisely the same thing that the Senator from Vermont offered yesterday as an amendment to this bill. That is all there is of it. He thought that that would have the effect to give to colored men the right to sit on juries. Very well, suppose it does. In the first place, however, allow me to remark that that creates no qualification at all. It simply says a man shall not be rejected for a particular reason. That is, it does not expressly provide any qualification; it simply says that such a thing shall not be a disqualification. That is all it says, and it is only by implication that it says that if a man is otherwise qualified, then he shall be qualified notwithstanding the color of his skin, or his race or previous condition of servitude. Now, it is said that under this fourth section of the act passed—mark it—March 1, 1875, from that time forth colored men are secured the right to serve as jurymen in the Federal courts, and if that provision about the States were constitutional in the State courts too; but that they have the right in the Federal courts. Now mark it, this section 800 goes away back to the year 1840 when it was enacted; it was in point of fact enacted before that, I think as early as 1802, but in its present form substantially it has stood on the statute-book from the year 1840 down to this time.

What was the condition of the colored men in respect to juries prior to the act of 1875? How was it for ten years after the cessation of the civil war? How was it during the whole period of the domination of the republican party in this country from 1861 up to the passage of this civil-rights act of March 1, 1875? How long were they in finding that according to the argument now made by the Senator from Vermont no colored man could sit on a jury-box in your State or in other States of this Union, that one of the qualifications of jurors was that they must be white? I think that they were a little slow about finding it out; and yet I do not remember that there was any very great complaint. In 1875, mark you, Mr. President, fourteen years after the accession of the republican party to power, ten years after the close of the war, there crept in this statute; no, it did not creep, for it came in bold as a lion, this fourth section on which the Senator now relies to secure the rights of colored men to sit on the juries of the country. Well, Mr. President, I have this to say, that if that fourth section does secure the right of colored men to sit on juries in the State of Maryland notwithstanding your State law, if taking section 800 of the Revised Statutes and this section 4 of the civil-rights act of 1875 colored men have a right to sit on juries in the State of Maryland, they have precisely the same right if this bill should pass.

Mr. CONKLING. Will it be agreeable to the Senator to answer me a question?

Mr. THURMAN. Yes, sir.

Mr. CONKLING. I suppose the Senator wants to deal with the point, if there be one, which those who think as I do have in mind; and that point the Senator has entirely avoided if I understand him, therefore I wish to draw his attention to it. In the event of this proposed bill becoming a law, one of its provisions will be that "all general and special laws in conflict herewith are hereby repealed." Another one of its provisions will be—I want to find that part of the bill which refers to the time——

Mr. THURMAN. When summoned.

Mr. CONKLING. Yes, that is what I want to find. What part of the bill is that? I am not very familiar with the bill and cannot readily find what I wish.

Mr. THURMAN. The Senator can only find that by reference to section 800. There is nothing of it in the bill.

Mr. CONKLING. I beg the Senator's pardon. I understood him to read that.

Mr. THURMAN. I did, but I read it from the statute.

Mr. CONKLING. The Senator misled me by his reading. I was right, then, in my impression. One of the provisions of the bill will also be that section 800 is to govern, and in section 800 stand these words:

> Subject to the provisions hereinafter contained, and be entitled to the same exemptions, as jurors of the highest court of law in such State may have and be entitled to at the time when such jurors for service in the courts of the United States are summoned.

Now the Senator from Ohio will not need a reminder from me that that speaks in the future. No matter what the statute of Maryland or any other State may be to-day, after this bill becomes a law should Maryland and every other State exclude black men by making white blood one of the qualifications of jurors this proposed act declares in effect that that provision shall govern and prevail. Then the Senator has under his hand the act of 1875 which being one of the special laws here referred to, says that no man shall be excluded, if he has the other qualifications, because of his race, color, or previous condition. When this proposed bill becomes a law which enacts that "all general and special laws in conflict herewith are hereby repealed," the question will be whether this act of 1875 is repealed. I say that will be the question. In my judgment it will be repealed; but the argument is sufficiently strong if there is only a question about it. If the honorable Senator from Ohio wishing to enlighten me will refer to that point, I shall hear him with great interest.

Mr. THURMAN. The Senator would have got all the light I could have given him if he had only waited until I came up to that clause in the bill.

Mr. CONKLING. I beg pardon. He was speaking on a point which I had not heard discussed.

Mr. THURMAN. I certainly intended to speak about it because the Senator from Vermont laid much stress upon it. Now as to the future language, how is the future language made applicable at all in the law? How is it that we have the time fixed that they shall have the qualifications at the time when they are summoned? Does this bill use that future language for the first time? No, sir, it is in the existing law, and if you defeat this bill it will still be the law. So apart from the fourth section of the act of March 1, 1875, if that were out of the statute-book, the very case that both Senators suppose of States making disqualification for membership of a jury on account of race, color, or previous condition of servitude could take place.

Mr. CONKLING. But for the act of 1875?

Mr. THURMAN. Yes.

Mr. CONKLING. Precisely, and now you propose to repeal the act of 1875.

Mr. THURMAN. No, we do not propose to repeal that act at all upon any principle of just construction, and a man would be laughed at by a sensible judge who would contend that there was any repeal in this case of that act.

Mr. President, I have shown you that these future words are in the existing law, and if the law stands, this very case which the Senators have supposed of excluding all colored men from the jury-box in a State court and therefore excluding them from the jury-box in the Federal court, could happen just as easily as if this bill passed, just as easily in the one case as in the other. But, says the Senator from New York, that cannot happen as long as section 4 of the act of 1875 remains. Perhaps not in the Federal courts. I incline to think not. In fact I do not have to think anything about it, I will say not because the act so far as jurors in the Federal courts are concerned, so far as the provision in the fourth section of the act of 1875 which undertakes to prescribe the qualifications of jurors in the State courts is concerned, I say as I said when that bill was under consideration, I say as the Senator from Wisconsin then a member of the Judiciary Committee and now a member of the Judiciary Committee [Mr. CARPENTER] not only said but proved, I say as he demonstrated that the Supreme Court of the United States had twice decided, that the provision in that section undertaking to prescribe qualifications for jurors in the State courts is a plain and flagrant violation of the Constitution of the United States. I said so then with due respect to all who entertained a different opinion. But so far as prescribing the qualifications of jurors in the Federal courts is concerned, nothing can be said against the constitutionality of that fourth section, for it certainly is within the competency of Congress to declare what shall be the qualifications of jurors in the Federal courts. Nobody denies that. And therefore when Congress said on the 1st of March, 1875, to the Federal judges—it is to them that the statute speaks—"you shall not reject a man on account of race, color, or previous condition of servitude," although that did not in express terms say that any particular man should be qualified to serve, yet by fair implication, by fair intendment, nay not only by fair but by necessary intendment, it did qualify men to serve without regard to race, color, or previous condition of servitude if they had the other qualifications provided for in the laws of the State in respect to jurors in the highest State court.

Then, Mr. President, the whole thing comes to this: will the repealing section of this act repeal section 4 of the act of March 1, 1875? Let us see what is the principle in respect of interpreting a law on the subject of repeal. Now mark it, there is no act mentioned here by name:

> All general and special laws in conflict herewith are hereby repealed.

That specifies no act by name. What is the effect, then, of such a clause as that? It is not worth the ink with which it is written. Strike that sentence wholly from this bill, and the bill will be in legal effect precisely the same thing that it is now.

Mr. CONKLING. What is it in for?

Mr. THURMAN. You know how such things creep in. They become a matter of form. There is not the least use in the wide world for those words in this bill, because as a matter of course laws that are in conflict with this later law are repealed by this later law by implication, and to say at the end of a bill "that all laws inconsistent herewith are hereby repealed" is nothing in the world, but to say that previous laws that are in conflict with this law are repealed by the implication of this law. They are not expressly repealed. There is not one of them named.

Then comes the question, is the act of 1875 repealed by implication by the passage of this act if this sentence were left out? What is the rule in regard to repeals by implication? In this Senate of lawyers it is hardly necessary to state it. The repugnancy between two statutes that creates a repeal by implication must, in the language of the courts, be so manifest that the two cannot by any possible reasonable interpretation stand together. It must not be a repugnancy created by argument, as judge after judge has said. It is not a repugnancy to be shown by argument. It must be so plain, so manifest that by no fair interpretation whatsoever can the two statutes stand. If by any fair interpretation they can stand, there is no repeal by implication. I could pile the desks up here almost ceiling-high with the uniform decisions on this subject, and decisions, too, illustrating this principle by cases so strong that a man would have to be a bold man who could get up here and say for one moment that the fourth section of the act of 1875 would be repealed by this bill should it become a law.

Let us see what there is that is inconsistent with that act. The first sentence in this bill is a sentence regulating the pay of jurymen. Of course there is nothing inconsistent there. The second is:

> That the last clause of section 800 of the Revised Statutes of the United States, which refers to the State of Pennsylvania, and sections 801, 820, and 821 of the Revised Statutes of the United States, are hereby repealed.

The last clause of section 800 refers to Pennsylvania alone; section 801 refers to Pennsylvania alone; it refers to the mode of drawing jurors in that State alone, and there is not one single word in either section in regard to the qualifications of jurors. So far there is no repugnancy whatever between this bill and the fourth section of the act of March, 1875.

Then sections 820 and 821 are repealed. These are the test-oath sections. Their repeal has nothing in the wide world to do with the question of whether a man can be excluded from the jury-box on account of race, color, or previous condition of servitude. Everybody must admit that. There is not a word in them about race, color, or previous condition of servitude, and therefore there is no repugnancy in them that could in any way affect the fourth section of the act of March 1, 1875.

Then:

> And that all such jurors, grand and petit, including those summoned during the session of the court, shall be publicly drawn from a box containing the names of not less than three hundred persons.

That is a mere mode of getting a jury and has nothing to do with qualifications. But then come these words:

> Possessing the qualifications prescribed in section 800 of the Revised Statutes.

And there is supposed to be a repugnancy. There is no repugnancy at all between them. These jurors must possess certain qualifications, the qualifications prescribed in section 800; but *non constat* that a man may be rejected on account of race, color, or previous condition of servitude, for here comes the act of March 1, 1875, the fourth section, which limits that language precisely as it limits the language in section 800 as it now stands. Section 800 is not repealed by this bill. This provision in this bill simply repeats section 800. These words in this bill "possessing the same qualifications prescribed in section 800 of the Revised Statutes" might be stricken out of this bill and the bill would be just as perfect as it now is with them in it. It does not change the existing law one iota, and so far as there being any repugnancy whatever between that and the fourth section of the act of March 1, 1875, they are just as harmonious and stand just as well together as they do at this present day. So they would if this bill passed.

Then what else is there in the bill?

> Which names shall have been placed therein by the clerk of such court and a commissioner, to be appointed by the judge thereof, which commissioner shall be a citizen residing in the district in which such court is held, of good standing and a well-known member of the principal political party opposing that to which the clerk may belong, the clerk and said commissioner each to place one name in said box alternately until the whole number required shall be placed therein.

Of course nobody would pretend that that, which is mere *modus*, has anything to do with the qualifications of a juror. Then comes a clause:

> But nothing herein contained shall be construed to prevent any judge in a district in which such is now the practice from ordering the names of jurors to be drawn from the boxes used by the State authorities in selecting jurors in the highest courts of the State.

Why is that put in? There was a motion made to strike it out yesterday, and to my astonishment made by the Senator from Vermont. Why is that put in? Because in certain States the States permit the names in the State boxes to be used by the Federal marshal. I am told that is the case in Vermont; I am told that is the case in New York, and that is the case in several other States. This bill says the judge may continue that course if he sees fit. That is in perfect harmony with the object of this bill, because as we all know under the State laws which regulate the putting of the names in those State boxes there can be no packing of juries, there is no packing of juries. The laws of Connecticut, as my friend well knows, take good care

that the jury in effect and practice shall consist of men of all political parties. So they do in New York where they take the whole assessment-roll as I am told by the Senator from New York and where the man who shakes up the boxes has to get a long poll in order to stir them up—fifteen or twenty thousand names——

Mr. CONKLING. What Senator from New York said that?

Mr. THURMAN. I was alluding to the Senator before me. I thought he told me they put in a box all the names on the assessment-roll.

Mr. CONKLING. The imagination of the honorable Senator from Ohio is so exuberant that it perpetually misleads and entangles him. I never heard of such a thing.

Mr. THURMAN. Very well. If I said it was sixteen feet high I will stand to it. [Laughter.]

Mr. CONKLING. I believe the Senator would. Now as I see the Senator is very good-natured I wonder if he will allow me to ask a question.

Mr. THURMAN. No, I will not; because you will make a speech right in the middle of mine. [Laughter.]

Mr. CONKLING. The Senator was in such a bad humor yesterday that I really thought he was in good nature to-day.

Mr. THURMAN. I am in good humor to-day and I do not want to get in bad humor, as I might if the Senator got after me.

There are thus States in which the State laws secure a perfectly fair representation to people of all shades of political opinion, religion, and everything else. If the laws of the State of Ohio permitted the names of jurors in the Federal courts to be drawn out of the State boxes, if that were a practicable thing according to our system of drawing jurors, we never should have any reason to complain of a packed jury in the Federal courts in Ohio; and I should be perfectly content, so far as Ohio is concerned, if the law stood just precisely as it is. But that cannot be done in Ohio. It is impossible for the Federal courts in Ohio or in Indiana or in Illinois or in a dozen other States that I could mention to draw the jurors' names out of the State boxes. Where it is practicable to draw them out of the State boxes and where that has been the practice we leave the judge to continue that practice, which is an unexceptionable one and secures fair and impartial juries. That has nothing to do with the qualification of jurors, of course, except this, I beg my friends to remark, that if that is the course pursued in your State, Mr. President, then if no names but those of white men go into the boxes, none but those of white men will come out of them; that is exactly the case under existing law.

Mr. CONKLING. Is that the Senator's opinion?

Mr. THURMAN. I do not say that. I say that would be exactly the case under the law which you wish to leave unchanged and unmodified.

Mr. CONKLING. How could that be when the act of 1875 speaks.

Mr. THURMAN. Oh, but I say if the practice is there under the present law to draw men from the State boxes, if that is done under the authority given to the Federal court by section 800, and it is a law that goes away back to 1802, and I do not know but back of that—if that is the case there that the names are all drawn out of the State boxes and Maryland puts none but the names of white men in those boxes, none but the names of white men will come out, and that under this very law which you are seeking to perpetuate and which cannot be made one particle worse by the passage of this bill.

Mr. President, now what next:

> And no person shall serve as a petit juror more than one term in any one year, nor be compelled to serve as such juror more than two weeks at any term unless it be necessary in order to complete the trial of a cause in which he may have been impaneled; and all juries to serve in courts after the passage of this act shall be drawn in conformity herewith.

Plainly there is not one word that is in the slightest respect repugnant to the fourth section of the act of March 1, 1875, and therefore if this fourth section of the act of March 1, 1875, has the effect to prevent the exclusion of colored men from a jury notwithstanding the language of section 800, which this bill does not propose to touch in one single iota but to leave it just as it is—if the fourth section of the act of March 1, 1875, has the effect to remedy that which my friends say is a wrong, then it will have precisely the same effect if this bill should pass, for there is not one single word in this bill that is so manifestly repugnant to the fourth section of the act of March 1, 1875, that it would operate as a repeal of that section.

Mr. President, this is all that I deem it necessary to say upon this subject except one thing. I am most sincerely impressed with the importance of this question. I believe, notwithstanding all that has been said in defense of these laws as they now stand, that these laws which we seek to repeal are a disgrace to the country. In respect to test oaths, I confess that I did hardly expect to find them defended at this day on the floor of the Senate of the United States—test oaths for jurors, test oaths in general! I know that a celebrated writer has said that there are men at this day in Great Britain who deplore almost in sackcloth and ashes the abolition of the test oaths that were enacted in the time of Queen Elizabeth to enforce the use of the book of common prayer and the ritual as her majesty as the head of the church prescribed it. I know there are men who regret almost in sackcloth and ashes the abolition of the test oath which kept every Catholic out of Parliament and out of every public employment in Great Britain, and out of the juries, too, as my friend from Delaware suggests. I know there are men whose Christianity is so intense that they feel very unhappy indeed when looking at the English statutes they find that the test oath which excluded all Jews from public employment and from public office has been stricken out. And I do suppose that there never will be a time until that millennium shall come of which we have read and of which we have heard, when there will not be men seeking to use test oaths to disfranchise and exclude from public employment and exclude from liberty itself the men to whom they are politically opposed. But I did not expect to hear such a warm advocacy of test-oath acts in the American Senate in the year of grace 1879.

Mr. President, if the American people are in favor of these modes of disfranchising men, if the American people are in favor of these modes of depriving a portion of the people of this country who owe allegiance to the Constitution as much as all others, who perform their constitutional duties as much as all others, who in time of war are liable to serve in the Army as much as any other men in the country, who may shed their blood, and be compelled to shed it, and are compelled to pour out their treasure every year for the support and maintenance of the Government—if the people of the United States want to disfranchise these men, to make them a disgraced and degraded caste in this country, pariahs in their native land, they can do it; but it will not be that American people that made the Declaration of Independence in 1776, and who stood by it through the severest sufferings that men ever endured until they came out triumphant in the land and made it a beacon-light for the guidance of all lovers of freedom throughout the world.

Mr. President, I said that I did not want any sophistry uttered at this end of the Avenue to reverberate from the other end; and furthermore, I felt a little bit hurt that my friends, the minority of the Judiciary Committee, should think that they had not been treated with due consideration. It was the first I ever heard of it. I never imagined it before; and feeling in that way, and anxious to remove every possible stumbling-block of offense, even to the crossing of a *t* or the dotting of an *i;* willing to remove and anxious to remove every single word or letter in this bill that could be misinterpreted, I signified to the Senator from Vermont that I was willing, by unanimous consent, to reconsider the vote by which the bill went through its third reading, so that it might be still open to amendment. He intimated, as I understood him, that if I would then agree that it might be recommitted to the committee he would assent to that proposition. So I understood him. I endeavored to make that proposition to him afterward, but he would not submit to it, and said—I do not know whether he said it for the purpose of being reported or not, but quite audibly so as to be heard all over here, that this bill had to pass as it is. Well, Mr. President, if it has to pass as it is, so be it. It is not yet out of the power of the men who intend to frame the laws as far as they have the power to do it in this session of the Congress of the United States, and perhaps it may be found that no such tactics can have any other effect than to delay the passage of the bill and possibly to prolong this session of Congress. But now in a spirit of perfect fairness I say to those who passed this bill through its third reading, that the vote by which it was read the third time can be yet reconsidered; that is to say, although one motion to reconsider has been voted down, another motion may be made, if there is unanimous consent. So our rules provide. If there is unanimous consent, I for one will agree to move a reconsideration of the vote by which this bill was ordered to its third reading and was read the third time; and then, if any single Senator on this floor, republican or democrat, asks that the bill shall be recommitted to the Judiciary Committee, I will vote for the recommittal, and do all I can, and I have no doubt successfully, to secure the recommittal.

Mr. WHYTE. Mr. President, I merely wish to correct an impression which I think the Senator from Vermont [Mr. EDMUNDS] unintentionally made in regard to the mode of drawing jurors in the State of Maryland. The Senator from Vermont referred to the State of Maryland as a sample State in which none but white citizens could be drawn upon juries, and he read from a section of the law, correctly as far as he went, but knowing that he was falling into an error, I called his attention to the fact that that was only one of the preliminary stages in the preparation of a proper list from which jurors were to be selected. The Senator from Vermont read a little further and discovered what I wished to call his attention to, but it was in such a way that the rest of the Senate did not get the benefit of the light which I knew would fall at once on the pathway of the Senator when he read a little further. Now, I wish to state to the Senate, and very briefly, that the law to which he referred is one of the most generous and liberal and proper laws for the purpose of getting an impartial jury that can possibly be invented by man.

Mr. EDMUNDS. Put it right into this bill bodily the next time you get a chance.

Mr. WHYTE. It is already in the bill; it is the law to-day, but your United States marshal in Maryland tramples it under foot, and your judge of the circuit court does not enforce the law as it stands, and he laughs it to scorn and selects the juries to suit himself, without any reference to the law as it now stands upon the statute-book. He can pack any jury he pleases to convict anybody who is charged with crime, just as thoroughly as your drum-head court-martials and military commissions convicted during the war.

Mr. CONKLING. That is by disregarding the law, I understand the Senator?

Mr. WHYTE. By trampling under foot the law, as the Supreme Court of the United States said was done in trying men by military tribunals when the courts of justice were open for their trial. This law, if it were followed, would give a man in the United States court in Maryland charged with the commission of a political offense a fair chance for trial and for acquittal; but as it stands now it is a miracle if any democrat is acquitted by a republican jury, chosen by the marshal on his own volition, chosen from the individuals whom he has in his eye and seeks to bring into the court of justice to administer the law. He may summon only republicans if he chooses, and does summon one, two, or three democrats on his panels at every term of the court, and they are challenged or stricken from the list; so that it is almost impossible to get one democrat on the trial of a party charged with the commission of a political offense.

But the law of Maryland, intending to compel men of property and men of intelligence to serve upon the juries, imposed upon the clerks of the courts the furnishing of a list taken from the white taxable inhabitants resident in the county where the clerk was who was exercising his office. That is but one list. Then the judges are directed to send into the clerk's office of their court and get the poll-books of the last election returned by the judges of election to the clerk's office, and take those poll-books and select men, whether tax-payers or not tax-payers, white or black, and make up a certain number of names which are written upon ballots and put in a box, and from that box is drawn the panel of jurors to be used in the incoming term of court. The law is express in requiring that those jurors shall be men of intelligence, of character, without any reference to their color or their previous condition of servitude. Nothing of that is to come into question. But they must be men of intelligence, of character, of sobriety, and without the least reference to their political opinion.

Now, let us see what the law of Vermont is, to which my friend, the Senator from Florida, [Mr. JONES,] calls my attention. The first section provides for grand and petit jurors, in regard to the *venire* and so on. The second——

Mr. EDMUNDS. Perhaps I can aid my friend.

Mr. WHYTE. We want to see whether your law does not conform very nearly to ours; that is all.

Mr. EDMUNDS. The only trouble with our law is that there is not any "white" in it. It has no color of any kind.

Mr. WHYTE. Certainly. My friend from Florida will read it.

Mr. JONES, of Florida. This is the law of Vermont:

SECTION 1. Previous to the stated term of each county court to be held next after the last day of April in each year, the clerk of such court shall seasonably issue and deliver to the sheriff of the county, or his deputy, a *venire* commanding such officer to summon eighteen judicious men, within such county, from the several towns in such county, as the judges of such court shall direct, to appear before such court at nine o'clock, forenoon, on the first day of the term, to serve as grand jurors in such court.

This uses the term "judicious men;" and I say that under that statute the officer could select judicious men and thereby exclude men of color or of foreign birth, as in his judgment he might think proper.

Mr. EDMUNDS. I ask the Senator from Florida whether he thinks the constitution of the State would make any difference which said there should not be any such distinction?

Mr. JONES, of Florida. Oh, no, it would not affect the matter.

Mr. EDMUNDS. The constitution would not affect it! Very well, that is all that can be said about it!

Mr. WHYTE. The section which the Senator from Vermont read from the Maryland law contains the word "white"—"white male taxable inhabitants." The object, I will explain, of that clause was to compel those who paid taxes to serve on juries. Then the second section of the law provides that that list shall be taken up by the judge:

Before the beginning of the second regular term of said courts after each and every general election held thereafter, a fair and complete list of the white male taxable inhabitants or residents of said county, whose names appear on the tax-books of said county, and who are not known to said clerk to be under the age of twenty-five years, and to which said lists so to be made and filed the said clerks respectively shall append a certificate, &c.

Then the judge of the court calls the members of the bar into court to see that everything proceeds fairly; and in their presence the judges—

proceed to select from the lists last finished by the clerks of the county commissioners, provided for in the first section of this act, and from the poll-books of the several election districts of said counties, that shall be returned and filed in the clerk's office of said courts after any general election that may be last held previously to such election, a panel to consist of the names of two hundred persons, &c.

So, in order, as I say, to get at the tax-payers who are eternally seeking to be relieved from the performance of jury duty, to compel their names to be got at, which can only be obtained from the tax-lists, the law requires the clerks of the courts to furnish a certain number of names from those tax lists. Then, in order to make an impartial jury, so that a man without property may be tried by his peers also without property, the door is opened to the poll-book where a man is enabled to exercise, as he did in our State, the right of suffrage without even paying a poll tax, without owning a dollar's worth of property in the world, to get at those names for the purpose of making up a complete list of two hundred or three hundred from which the jury for the term is to be selected.

Mr. EDMUNDS. May I ask the Senator a question for information?

Mr. WHYTE. Certainly.

Mr. EDMUNDS. Is it the practice under these laws of Maryland for colored men to be drawn on juries of the State courts?

Mr. WHYTE. I will say to the Senator from Vermont that in the United States courts they serve, but I do not know whether negroes have been called to juries in the counties; in Baltimore City they have not. Whether it has been done purposely or not, I cannot state.

Mr. EDMUNDS. Does the Senator know any instance under the laws of Maryland in which he has seen or heard of a descendant of the African race in the jury-box?

Mr. WHYTE. I have never heard the subject discussed. I do not know whether in the counties they have or not. I do not practice law in the counties and, therefore, I do not speak from any knowledge. I never have heard one way or the other on the subject.

Mr. EDMUNDS. Then the Senator has no information that a colored man ever sat in a State jury-box in Maryland?

Mr. WHYTE. I have not.

Mr. EDMUNDS. Neither have I or anybody else.

Mr. WHYTE. None whatever, but it may be true that they never did sit.

Mr. EDMUNDS. And it is; and it is probable the juries are lawful juries.

Mr. WHYTE. I do not know how it happens that they are not drawn. All I know is that this law is complied with in all the courts. There is no discrimination on the poll-books. The names of the white man and the black man go upon the poll-books side by side without any mark whatever to indicate whether a man is white or black. Consequently there are no stereotyped jurors with us; there are no jurors that make a business of serving upon the juries.

Mr. EDMUNDS. But there are those who make a business of not serving, it appears.

Mr. WHYTE. There are some, I say, who do try to shirk their responsibility.

Mr. CONKLING. Are those black men?

Mr. WHYTE. I do not know whether they are or not. I am not as familiar with them probably as other people may be, but I have never yet known a word of complaint from any quarter, white or black, in regard to the juries in Maryland. I have never heard of a black man who wanted to serve upon a jury who was denied the privilege of serving. I never heard of a black man being rejected from a list because he was black.

Mr. EDMUNDS. And yet the Senator says, if I understood him, that the poll-list, that he supposes to be one independent source of drawing, contains, just as they run along alphabetically, the names of black men and white men; but still it happens in some way that under the laws of Maryland the white man's name comes out every time and the black man's stays in.

Mr. WHYTE. So it is. But how is it in Vermont; how many black men sit on juries there?

Mr. EDMUNDS. They are in proportion to population.

Mr. WHYTE. Do they appear? Are they summoned?

Mr. EDMUNDS. They are summoned because the constitution of Vermont says that in no earthly respect shall distinction of race, color, or creed ever be made; and the law following that says that at the respective meetings every year of each municipality the voters of that municipality shall have presented to them by the justices of the peace, who are elected at the freemen's election of the year before, a list of the persons whose names are to go into the jury-box. It is a nomination. The voters reject some, or amend by putting in other names if there appear to be any wrong on the list furnished. This is done publicly. The names go into the box in every town. A county is composed of say twenty towns, and, therefore, there will be twenty boxes or two hundred or three hundred names in them all, taking them together, according to the population of the towns. Then, as according to the law which has been read, when a term is about to be held the judge directs a *venire* to be issued to the sheriff commanding him to summon five jurors from town A, four from town B, one from town C, according to population, as nearly as the judge can. He goes to that box; it is shaken up by the clerk; one name is drawn out by lot, and then another and another until the number called for from that town is furnished. The black men go in with the white men. They are very few, to be sure, in proportion, but they go in, as I have seen them in the jury-box, and they are drawn out by towns like the other.

Mr. WHYTE. But they do not get into the box by chance. They are nominated, they are specially nominated.

Mr. EDMUNDS. Yes.

Mr. WHYTE. That is the difference. Here these lists are made out by chance, and they are put in the box and are drawn also by chance. The judges do not know who the men are, the judges do not know whether they are white or black. It is impossible, I tell the Senator from Vermont, it is absolutely impossible to take the poll-books and select one hundred names from them and tell whether they are white or black.

Mr. EDMUNDS. Yes, but it is absolutely possible, it appears, to take one hundred names from the poll-books that do turn out to be wholly white, when if you took them alphabetically a third or a quarter would be black. How is that?

Mr. WHYTE. But they are not taken alphabetically. They are taken from the names as they come on the poll-books.

Mr. EDMUNDS. Are they taken by chance?

Mr. WHYTE. I do not know how the poll-books are kept in Vermont, but in Maryland they are kept by putting down names as men come to vote. The votes are not cast alphabetically; each name is recorded as the voter comes up, and it may be that W begins the list, and A comes next; they are not arranged alphabetically. It is not a registration list; it is the poll-book.

Mr. EDMUNDS. How can it happen, then—I suppose one-fourth of the voters of Maryland are blacks, are they not?

Mr. WHYTE. Not so many as one-fourth.

Mr. EDMUNDS. One-eighth?

Mr. WHYTE. Probably one-eighth.

Mr. EDMUNDS. Therefore in the poll-books, running right down without regard to the alphabet, there would be the name of one colored man in eight as you go through the whole list. If they are taken out by chance, how can it happen that year after year that chance will never hit a certain eighth of that list?

Mr. WHYTE. I cannot tell how it happens, Mr. President, nor can anybody else tell you how it happens; but it is perfectly certain that it does happen, and happens in every county in the State, whether there are republican judges in it or not; and it is a most remarkable thing that when the republican party were in power in Maryland they did not devise a means to put the black man in the jury-box without any chance about it. If they found there was an injustice done to the colored man, why did they not remedy it?

It was left to the democratic party, not to the republican party, to give the negro the right to testify in the courts after the republicans had held power in that State for years; it was left to my administration, notwithstanding their control of the State for years during the war and toward its close, to appropriate large sums of money to educate the negro. They did nothing for him in my State, nothing to elevate him, nothing to protect him. We have opened wide the door for him everywhere, and put up no bars to his advancement since we have had the power. We have conformed to the amendment of the Constitution in regard to suffrage, though our people were almost unanimously against it—I mean the voting population of that day. Immediately upon its adoption we opened the door wide to them, and admitted them to every right, to every privilege which we enjoyed; and no better class of people can be found anywhere in any State than the negroes of Maryland. I speak of them as they deserve to be spoken of, orderly, loving the Constitution and the laws as they understand them and as far as they understand them; they are struggling to elevate themselves; but not one of them that I have heard cried because their names were not drawn out of the box and they made jurors of. Here and there you see a stray one in the United States court, on the grand jury, as a monument that the republican party do not exclude them, and one on the petit jury probably, but in the other courts they are not drawn because their names do not come out of the box by the ordinary drawing, which is carried on under this law under the eyes of republican judges as well as democratic judges, and no man has ever said there was the smallest, the slightest unfairness in the drawings of the juries in any court of the State.

Mr. EDMUNDS. I do not think there is. I think they follow the law.

Mr. WHYTE. They do follow the law.

Mr. EDMUNDS. And the black man's name does not come out.

Mr. WHYTE. The law was intended to protect all alike and get a fair and impartial jury. It is for that reason that I vote for this bill, to get a fair and impartial jury. I vote for that anomalous clause in this bill in regard to political parties, requiring the commissioner to be of an opposite political party to the clerk of the court; and why do I vote for it? In order that we may be no longer subjected to the treatment which the democrats in Maryland have received at the hands of the United States marshal of that State since the republicans have had control of it, where our people are excluded, white men excluded from the United States jury-box if they are democrats. Why is that? Why is the law allowed to be administered in the United States courts so that republicans are chosen, if not all republicans for every panel only one or two exceptions to relieve them from the stigma that they were partisan juries, summoned to try political offenses? No wonder we have to resort to anomalous provisions of law; no wonder we have to inject in the laws of our country strange provisions that are rendered necessary by the strange provisions which the republican party has ingrafted upon the legislation of our country. It is to meet those political laws which you have passed to punish people because they vote their sentiments in contradistinction to the sentiments of the republicans. Who can point his finger at a republican convicted by republican juries of political offenses? No, Mr. President, when they are caught in violating the election laws and indicted in the State courts, and when the hand of the law is about being laid upon them, your laws come in and give them the power of removing their trials to the United States courts, where they can be acquitted by republican juries.

Mr. CONKLING. As the Senator pauses a moment, if he will allow me I should like to ask him a question?

Mr. WHYTE. Certainly.

Mr. CONKLING. The Senator said a moment ago that republicans had ingrafted statutes upon the statute-books under which those republican juries were drawn——

Mr. WHYTE. No, I did not say any such thing. I said the republicans had ingrafted such legislation in regard to political offenses. That is what I said.

Mr. CONKLING. Not in regard to juries?

Mr. WHYTE. No, sir.

Mr. EDMUNDS. What the Senator means is the removal of causes, I suppose.

Mr. WHYTE. No, sir, the making of the violation of State laws triable in the United States courts.

Mr. EDMUNDS. What statute does the Senator refer to?

Mr. WHYTE. I mean the statute which punishes people for violating the election laws of the States.

Mr. EDMUNDS. What statute is that? I do not know of any such statute.

Mr. WHYTE. If you had been a democrat in Maryland and had inadvertently violated one, Judge Bond would have very soon shown you where the statute was.

Mr. EDMUNDS. I should hope neither of those things would happen to me.

Mr. WHYTE. I am sure of that.

Mr. EDMUNDS. In all seriousness I should like to have the Senator tell us exactly what statute he refers to?

Mr. WHYTE. The statute is, according to my recollection——

Mr. EDMUNDS. I do not know of any statute of the United States that punishes a violation of State laws except the health statute passed the other day.

Mr. WHYTE. Is there not a statute of the United States that punishes a violation of the State law in regard to registry?

Mr. EDMUNDS. I do not know of it.

Mr. WHYTE. Is there not a statute which punishes a man for failing to register a party?

Mr. EDMUNDS. I do not know of it.

Mr. VOORHEES. In response to the Senator from Maryland I can show the section——

Mr. WHYTE. So can I; only I have not time just now.

Mr. EDMUNDS. I should like to see the section.

Mr. WHYTE. I think it is 2220, according to my recollection.

Mr. EDMUNDS. There is not any such section. We are disputing about terms. The section the Senator refers to punishes the violation of what the law of the United States forbids. That is what it punishes.

Mr. WHYTE. I know the fine point that the Senator from Vermont wants to make. I have the statute-book.

Mr. EDMUNDS. I am sorry to allude to anything sectional but I must ask for the section. [Laughter.] I did not mean to unduly disturb the Senator from Maryland. If it is not convenient for him to refer to it, I beg that he will not consider himself obliged to do so.

Mr. WHYTE. The Senator does not disturb me. I had only risen for a moment to point out what I thought was a mistake of the Senator from Vermont in regard to the drawing of jurors in the State of Maryland; but I can show the Senator, I think, the section to which I referred in a moment. Here is a section relating to fraudulent registration.

Mr. EDMUNDS. What is the number?

Mr. WHYTE. Section 5512. There is no registration in my State except a State registration. There is no provision of a law of the United States to make any other registration. There is no person authorized to make a registration but a State officer. And yet section 5512 says:

> If, at any registration of voters for an election for Representative or Delegate in the Congress of the United States, any person knowingly personates and registers, or attempts to register, in the name of any other person, whether living, dead, or fictitious, or fraudulently registers, or fraudulently attempts to register, not having a lawful right so to do; or does any unlawful act to secure registration for himself or any other person; or by force, threat, menace, intimidation, bribery, reward, or offer, or promise thereof, or other unlawful means, prevents or hinders any person having a lawful right to register from duly exercising such right; or compels or induces by any of such means, or other unlawful means, any officer of registration to admit to registration any person not legally entitled thereto—

And so on, going through a calendar of crimes against the State law.

Mr. EDMUNDS. Will the Senator kindly tell us whereabouts the State law is mentioned there?

Mr. WHYTE. Of course it is not mentioned there; but where is there any other law than the State law which authorizes a registration at all?

Mr. EDMUNDS. I am sure the honorable Senator did not mean to cite this section in support of what he said that the act of Congress undertook to punish a violation of State law. Certainly I do not know of any provision of any law of the State of Vermont and I do not know that there is any in Maryland, which punishes any one of these things in respect of registry——

Mr. WHYTE. Yes, there is in my State.

Mr. EDMUNDS. In the manner named here, because we have not any such thing as registration in the State of Vermont, except in one or two isolated instances respecting certain cities and municipalities. This—if the Senator will pardon me, and I do not mean to intrude upon him improperly—this is exactly like those other statutes of the United States that have come down to us from the fathers, that we

are all so fond of, which say if any man counterfeits the coin of the United States he shall be punished. The State law says exactly the same thing. This law says that if any man undertakes to prevent a citizen of the United States, who is lawfully entitled to vote for a national Representative, from doing that thing in a lawful way, he shall be punished. In both the instances the act of Congress punishes the act and the State law, if it happens to do it, punishes the same act also. That is all there is to it.

Mr. WHYTE. I know the fine-spun reasoning of the Senator from Vermont; I know he argues that all these laws are right, that they are all constitutional, that they do not do what we say they do. I know all that; and if I hoped to convince the Senator from Vermont that the views I entertain are right or that his are wrong, I should certainly undertake a task which would be utterly hopeless in the beginning; but I say, according to my understanding of the law, that it does punish for an offense known only to the laws of Maryland, an offense committed against a system known only to the laws of Maryland so far as offenses committed in that State are concerned, and that there is no such thing as a registration of voters for an election for Representative in Congress. The registration is made for the election of State officers and the electors who are entitled to vote for members of the lower branch of the Legislature are entitled to vote for members of the United States House of Representatives, and this is punishing in the United States courts a violation of the registration law of Maryland. It is mere special pleading to say you adopt the act as your own, just as the committee that brought in this bundle of absurdities in 1869 and placed them not upon the article of the Constitution recently referred to, but under the article for the general welfare of the country, just as all of these laws proceed upon the theory that you punish the act and you adopt the officers of the State as officers of the United States. It is a mere theoretical mode of dealing with a practical subject.

No, Mr. President, I only rose thinking that I could correct the Senator from Vermont in regard to his strictures upon the jury law of Maryland, and to show the Senator that no colored man is precluded from serving either in the State courts or in the United States courts, but that the lists are wide open, the poll-books of all the counties, to the poorer inhabitants without property and the white inhabitants with property. The white man with property who pays taxes, is compelled to go into the jury-box side by side with the cottager who is unable to pay probably more than for the cow or the horse that he has in his stable.

Another clause of this law in regard to United States statutes punishing for State offenses is suggested to me by my friend from Connecticut, [Mr. EATON,] but——

Mr. DAWES. The Senator a few moments since was denouncing laws that punished men for voting their sentiments. The Senator has the statutes in his hands. He would do me a great favor if he would point out those laws.

Mr. WHYTE. I did not say the law did so. I said the administration of the law brought that result. I said that the administration of the law was this: you denounce a crime, you specify what shall be a crime; and if a man commits that crime, or is supposed to commit it, he is indicted by partisans of an opposite party to himself and tried by a jury of opposite partisans to himself.

Mr. DAWES. Does the Senator know of any law that punishes a man for voting his sentiments?

Mr. WHYTE. I do not, but I know of the perversion of the law which has punished men in my State within the last six months.

Mr. DAWES. For voting their sentiments?

Mr. WHYTE. Yes; for voting their sentiments because they were democrats. Without proof that justified the conviction they were convicted.

Mr. DAWES. Can the Senator give us the form of the indictment?

Mr. WHYTE. No, Mr. President, forms are nothing. I give the substance by pointing to men in jail and convicted upon such indictments.

Mr. DAWES. Will the Senator so describe the proceeding under which a man was punished for voting his sentiments, that we shall be able to understand how it was done?

Mr. WHYTE. Well, Mr. President, I made the statement——

Mr. DAWES. So I understood.

Mr. WHYTE. I made the statement that a man of opposite political opinions had no chance of a fair and impartial trial with a partisan jury made up of ex-custom-house officers and men looking for employment in the custom-house and other offices of the Government; no chance whatever.

Mr. DAWES. Do they try and punish men in Maryland because they vote, whether they vote their sentiments or not? Is the particular way in which a man votes, whether it happens to be his own sentiments or not, a ground of offense?

Mr. WHYTE. I did not hear the Senator.

Mr. DAWES. Is it an offense punished in Maryland by the practice of the courts the way in which a man votes?

Mr. WHYTE. I only speak of the effect. I only speak of the use that is made of these laws by republican officials to punish men of opposite political sentiments; and I speak of the positive fact that every republican official indicted in the State courts for violating the State laws, supervisor or marshal, immediately removes his trial into the United States court where he can be tried by men of his own political party.

Mr. DAWES. And gets punished for it.

Mr. WHYTE. No; and is not punished for it.

Mr. DAWES. But the Senator was speaking of men being punished for voting their sentiments.

Mr. WHYTE. Yes; so I say still. The democrats are punished and the republicans go scot free.

Mr. DAWES. I suppose the democrats are punished because they do not remove their cases to the United States courts.

Mr. WHYTE. No; they are indicted in the United States courts by the republican juries and tried by republican juries.

Mr. DAWES. And punished for voting a particular way?

Mr. WHYTE. Punished because the republican partisans find them guilty for the purpose of punishing them.

Mr. DAWES. Punished because they are found guilty?

Mr. WHYTE. Yes; found guilty whether the evidence is for them or against them.

Mr. DAWES. That is a bad state of things in Maryland.

Mr. WHYTE. It is a very bad state of things, and that is what this bill is intended to remedy precisely. I am glad that the Senator from Massachusetts has waked up to the fact that it is a bad state of things, and it is time that such as he should find a proper remedy.

Mr. DAWES. Mr. President——

Mr. WHYTE. I am afraid I am taking up the time of other Senators by yielding. I had better finish the few remarks I had intended to make.

Mr. DAWES. I only wanted to say that I was sorry that the Senator from Maryland on the other hand confessed that the object of this bill was to prevent men from being punished who were found guilty.

Mr. WHYTE. The object of this bill is to prevent men from being punished who are unjustly found guilty, and to give those who are on trial a fair and impartial trial, to give them a chance of acquittal if they deserve it, and not make the man respond guilty when he goes into the jury-box.

Mr. DAWES. The Senator keeps his adverbs too far from his verbs to make him intelligible.

Mr. WHYTE. I do not propose to go back to school again and to be educated in syntax. [Laughter.] Now, if it was my friend, the colleague of the Senator from Massachusetts, whom I well remember in the secluded niches of the library at Harvard University, I would yield because I know how lately he came from the groves of *alma mater*.

Section 5506 is another section:

> Every person who, by any unlawful means, hinders, delays, prevents, or obstructs, or combines and confederates with others to hinder, delay, prevent, or obstruct, any citizen from doing any act required to be done to qualify him to vote, or from voting at any election in any State, Territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be fined not less than $500, or be imprisoned not less than one month nor more than one year, or be punished by both such fine and imprisonment.

If that is not punishing a man for violating a State law, I do not know what is. Now the Senator from Vermont, like our distinguished friend the Senator from Georgia, [Mr. HILL,] has retired from the field, after asking me to find him the law—here it is—where the violation of a State law is punished in the United States courts. Section 2005 provides that—

> When, under the authority of the constitution or laws of any State, or the laws of any Territory, any act is required to be done as a prerequisite or qualification for voting, and by such constitution or laws persons or officers are charged with the duty of furnishing to citizens an opportunity to perform such prerequisite, or to become qualified to vote, every such person and officer shall give to all citizens of the United States the same and equal opportunity to perform such prerequisite, and to become qualified to vote.
>
> SEC. 2006. Every person or officer charged with the duty specified in the preceding section, who refuses or knowingly omits to give full effect to that section, shall forfeit the sum of $500 to the party aggrieved by such refusal or omission, to be recovered by an action on the case, with costs, and such allowance for counsel fees as the court may deem just.

Here are plenty of these laws punishing for a violation of the State law and then indicting and trying the man for a violation of the law by a jury almost exclusively of partisans opposed in politics to the man on trial. I venture to affirm that in no case has a man been tried and convicted in my State who was indicted in a State court and removed his trial to the United States court.

Mr. President, is it any wonder that we want to change this law? Is it any wonder that we want to have an impartial jury? Is it any wonder that if these political offenses are to be tried we want to divide the number to be put into the box? No man can tell how they will come out. It only requires that the man to be a commissioner shall be of opposite political opinions from the clerk, to prevent the clerk from putting in the box men all of his political persuasion. It is not intended that the clerk shall put republicans in and the commissioner democrats and *vice versa*, but it is to protect us from having the boxes and the lists made up of partisans opposed in politics to the man who is to be indicted and tried. The names are to be put in the box, and when drawn out of the box there may be three-fourths of one party and one-fourth only of the panel of the opposite party.

The object of this bill is to prevent the law being perverted to partisan ends. I know of no instance in my State in which a republican has complained in a State court of the lack of a fair and impartial trial. On the contrary, wherever democrats have been tried in the courts presided over by democrats no discrimination has been made in the jury-box, whether men were republicans or democrats. I vent-

ure to affirm that this day one-half of the jurors serving in the State courts in Baltimore City are republicans. There is no discrimination there; but I do not say so much of the United States court. There the juries are nearly all to a man members of the republican party. In the last panel but three men in the whole panel could be found, I will not say who were identified with the democratic party, but who had affinities in consonance with the democratic party. They were not known democrats, nor active democrats, nor partisans in any sense, but had been found in the country somewhere where they professed to have democratic proclivities.

Mr. President, I have said a great deal more than I had intended to say, owing to the interruptions. I only desired to call attention to the law in my own State.

The PRESIDING OFFICER, (Mr. GARLAND in the chair.) The question is on the passage of the bill.

Mr. BAYARD. Yesterday when the question was raised of conflict of the provisions of this bill with existing laws, I am safe in saying that it surprised most of the members of the committee by which this bill had been reported. Having heard the debate, I am not personally disposed to believe that there is any necessary conflict, or any conflict, between the act of 1875 which has been referred to and the provisions of the present bill. As has been stated by the honorable Senator from Ohio, it is the purpose of the committee to accomplish the one object professed by the bill. We did not intend that the present bill should be capable of any construction that would create a discrimination against any class of the citizens of the United States, nor do I believe with my present impressions that such a construction is a just or an allowable one. But nevertheless, holding this bill to be of great importance, holding it to be a bill which under the circumstances of its presentment, having been returned to the Senate from the Executive without those objections called for by the Constitution because it was accompanied by measures of a different nature, I desire that every opportunity should be given that not only should the bill include what is demanded but it should exclude any possible construction for other objects than those which are needed.

Therefore it is that I move that the bill be recommitted to the Committee on the Judiciary.

Mr. CONKLING. Is that motion in order, Mr. President?

The PRESIDING OFFICER. The Senator from Delaware moves that the bill under consideration be recommitted to the Committee on the Judiciary.

Mr. CONKLING. And the Senator from New York inquires of the Chair whether that motion is in order.

The PRESIDING OFFICER. The present incumbent of the chair holds that it is in order, but will submit the question to the Senate.

Mr. CONKLING. Let me understand the Chair. Am I right in supposing that this bill has been ordered to be three times read, that it has been read a third time, that a motion has been made to reconsider the vote ordering the third reading, and that motion to reconsider voted down? I inquire of the Chair whether the record shows the facts as I now state them.

The PRESIDING OFFICER. That is the understanding of the Chair.

Mr. CONKLING. And the Chair, if I may further understand him, rules in the presence of those facts that it is now in order to make and put to the Senate a motion to recommit the bill to the Committee on the Judiciary?

The PRESIDING OFFICER. The Chair so holds, and will read the latter portion of the twenty-sixth rule:

> When a bill or resolution shall have been ordered to be read a third time, it shall not be in order to propose amendments, unless by unanimous consent, but it shall at all times be in order, before the final passage of any bill or resolution, to move its commitment; and when the bill or resolution shall again be reported from the committee, it shall be placed on the Calendar, and when again considered by the Senate, it shall be as in Committee of the Whole.

The Chair will submit the question to the Senate, if the Senator from New York is not satisfied with the decision of the Chair.

Mr. CONKLING. I ask that it be submitted to the Senate, and I ask the yeas and nays upon it.

The PRESIDING OFFICER. The question is whether the ruling of the Chair shall stand that the motion of the Senator from Delaware to recommit the bill is in order. Upon that the Senator from New York asks for the yeas and nays.

Mr. CONKLING. If the Chair will indulge me I do not ask for anything on that question, for I do not conceive that the Chair has a right in any case to submit such a question as that. No appeal has been taken from the ruling of the Chair, and therefore the Chair must proceed, if at all, under that rule which enables him, instead of deciding a question himself, to submit it to the Senate, in which event the question to be submitted to the Senate is not whether the ruling of the Chair shall stand as the judgment of the Senate, but whether the motion proposed by the Senator from Delaware is in order. It makes a difference as the Chair will see, because in one case a smaller vote might prevail than would be necessary in another. It makes a difference of one vote whether the question is stated affirmatively, as the rule requires, or is stated in the way proposed by the Chair. Therefore I venture to draw the attention of the Chair to the rule which suggests the form in which the question shall be submitted, and I demand the yeas and nays upon it in whatever form the Chair chooses to submit it to the Senate.

Mr. HOUSTON. I understand the Chair to have decided the point of order, and therefore it is too late to submit it for consideration to the Senate. The Chair having decided the point of order, if there is no appeal from the decision of the Chair, then the question stands as decided and we proceed with the bill. If, however, at the time the question arises the Chair may be in doubt in relation to the correct decision of it, then he can submit it to the Senate, and the Senate will instruct the Presiding Officer. But whenever the Chair has decided, then it is too late most certainly for him to ask the Senate for instruction.

Mr. BLAINE. I believe the motion to commit leaves the general question of the bill still under consideration. Debate on the merits of the bill is not cut off by the interposition of a motion to commit.

The PRESIDING OFFICER. That is the understanding of the present incumbent of the chair.

Mr. BLAINE. That such a motion does not limit debate?

The PRESIDING OFFICER. It does not cut off debate.

Mr. BLAINE. If that be the privilege, I was going to ask the honorable Senator from Maryland a question, whose remarks I did not hear continuously, but I heard enough of them to induce me to ask the question.

Mr. BAYARD. May I ask to say a word?

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Delaware?

Mr. BLAINE. Certainly.

Mr. BAYARD. I do not propose to debate this question at all, for I do not know that debate is in order. I merely want to have the rule read, after which I shall ask for the opinion of the Chair.

Mr. WHYTE. Rule 26.

Mr. BAYARD. I ask the Secretary to read Rule 26.

Mr. BLAINE. That has been read.

The PRESIDING OFFICER. A portion of that rule has just been read by the Chair. The Secretary will read it if the Senator from Delaware desires.

The Chief Clerk read as follows:

> 26. All bills and joint resolutions which shall have received two readings shall first be considered by the Senate in the same manner as if the Senate were in Committee of the Whole, after which they shall be reported to the Senate; and any amendments made in Committee of the Whole shall again be considered by the Senate, after which further amendments may be proposed. When a bill or resolution shall have been ordered to be read a third time, it shall not be in order to propose amendments, unless by unanimous consent, but it shall at all times be in order, before the final passage of any bill or resolution, to move its commitment; and when the bill or resolution shall again be reported from the committee, it shall be placed on the Calendar, and when again considered by the Senate it shall be as in Committee of the Whole.

Mr. CONKLING. Mr. President, I should like to make an inquiry of the Senator from Delaware upon which I may insist or may not insist on my objection. What is the purpose (or if I can make my meaning more definite by saying the object) of the motion to recommit? I suppose the Senator has no secret about it.

Mr. BAYARD. I have no secrets whatever in regard to the business of this body—none at all.

Mr. CONKLING. Then will the Senator tell me what is the purpose of recommitting this bill?

Mr. BAYARD. I will give the Senator as shortly as I may my reasons for the motion I have made. After the bill had been ordered to a third reading by the vote of the Senate, a defect was suggested by the honorable Senator from Vermont, (or that which he at least supposed to be a defect,) that certain acts of Congress were in conflict with the present bill which would be to a greater or less extent repealed if the pending bill became a law. After he had disclosed the character of his objection, the Senator from Ohio desired that unanimous consent should be given that such an amendment could be made to the bill as would place it beyond all doubt in the line of what the committee desired it to be and of what they believed it to be, and which nothing that occurred in their councils had led them to suppose it was not. But that unanimous consent, required by the rule which has just been read to the Senate, was refused, and the objection was made I believe by the Senator from Vermont or some other Senator upon the other side of the Chamber.

Therefore as I said to the Senate in rising to make the motion, my object was that as there had been complaint in the Senate, I believe upon the part of the Senator from Vermont, that time had not been given him for the full examination and criticism of this measure in committee, and that hence he was compelled to make his objection and criticism in the way that he saw fit to make them here, I supposed that the proper way, desiring this bill to become a law, desiring to remove all objections, which I will not stop to characterize, whether being in my opinion obstructive or sophistic, but desiring that the bill should fully meet all that it intends and not be subject to a construction to mean that which it did not intend, I took the only method known to me under the rules of the Senate to perfect the bill by moving that it be referred back to the committee.

I will say further that I was not individually much inclined to this motion; but it is my habit in acting in association, especially on matters connected with parliamentary law or with legislation, to accept and be governed by suggestions from those in whom I have confidence, although I may not entertain their views myself. I have but one object in regard to this measure, which is to see it substantially successful. I do not want any pretext, I do not want any pretense,

of reason for objection to this bill to be urged. I do not want to waste public time in bandying words, or votes, or official action with any other department of the Government. For that reason I took the only method known to me, and the method which it is clear to me is allowable by our rules, which give the Senate the absolute control of a measure until it has passed out of its hands. Amendments have been refused at this stage of the bill to perfect it, for what reason I neither know nor care. It was the right of the party objecting to do so under the rule. It has been done, and therefore no amendment may be now made. But proposing that this question shall be examined and if necessary that such amendments should be made as shall exclude the conclusion which has been stated here in argument as being one to which this bill is liable, I have made the motion which the Chair has stated. I have no other reason than this. I had, as I thought, stated my reason once before, and thought the Senator from New York, being then present, might have heard it. This is, therefore, a mere repetition of my former statement.

Mr. CONKLING. I heard the Senator from Ohio, who has just resumed the chair, make the statement referred to by the Senator from Delaware. I did not understand that Senator to propose by unanimous consent to recommit the bill to the Judiciary Committee in order that a particular amendment might be added to it. That the Senator from Delaware says was his statement.

Mr. BAYARD. Will the Senator please state that again? I did not hear him.

Mr. CONKLING. I say that listening, as I did, to the proposal earlier in the day made by the Senator from Ohio, I did not hear him state that his object was to add to the bill a particular amendment or indeed any amendment whatever. So far my recollection differs from that of the Senator from Delaware. That, however, is not very important. I hear the Senator from Kentucky [Mr. BECK] say in his seat "two amendments." I did not hear the Senator from Ohio refer to even one amendment, certainly not to two.

Mr. BECK. The Senator misunderstood me. I did not say that. I was stating to the Senator from Delaware that my recollection is that the Senator from Ohio desired to recommit the bill so that the bill should be open to amendment, not to any particular amendment, not for one, two, or three amendments, but open to amendment. That was what I desired to say to the Senator from Delaware.

Mr. CONKLING. It is not very important one way or the other.

Mr. BAYARD. If the Senator will pardon me, I should like to correct myself. A great deal of debate occurred between the Senator from New York and the Senator from Ohio, rapid speaking back and forth, and probably I did not hear all that was said.

Mr. CONKLING. I can only say for myself that now within a moment I have learned for the first time and learned from the Senator from Delaware the object in proposing to recommit the bill.

Mr. BAYARD. Will the Senator allow me to state the fact as he has asked me for my reasons? I said just now that unanimous consent was required after the bill had been ordered to a third reading by a vote of the Senate, for any amendment to be offered, and that such unanimous consent had not been given, understanding that the Senator from Vermont had made the objection. My memory is now that after the bill had been passed to a third reading by a vote of the Senate, a motion was made to reconsider that vote, and it was voted down, so that a second motion to reconsider was not in order. Then the suggestion was made that by unanimous consent a second motion to reconsider should be made and put. The object was then to open the bill to general amendment by bringing it to the stage at which it stood prior to being ordered to a third reading. That is all I meant to say as a question of fact. I did not mean to interrupt the Senator from New York further than to put myself right in regard to the fact as he seemed to desire to know what I said.

Mr. CONKLING. The long and short of this matter is that the Committee on the Judiciary, or more literally speaking, the democratic members of it, in pursuance of their own judgment or of the judgment of somebody else, or of the judgment of themselves associated with somebody else, brought in here a bill which I regard, without meaning offense to anybody, as not only unnecessary, but vicious in the extreme, pressed it in committee to a conclusion, brought it here and pressed it, so that last evening it was only after a struggle that we were permitted to adjourn, with a Senator on the floor, between five and six o'clock, wishing to address the Senate. It was only after a vote taken in the ordinary way, and then a vote taken by a division, and then a demand for the yeas and nays, that we were permitted to adjourn, so that the sun might go down before the consummation of this act of legislation. But during the night the democratic members of the Judiciary Committee, or somebody else who controls the doings and destinies of this body, has discovered that it will not do to pass this bill. Why not? We are told now for the first time by the Senator from Delaware; and what does he say? Because of a defect which we sought yesterday to remedy, and put our remedy in the very words and in the language of the distinguished Senator who now presides, in the very punctuation to be found already in the statutes; first, by including all of section 4 of the act of 1875, to the end that that section should not fall by reason of the date of this aftercoming enactment; that was voted down; then confining the provision to the national courts alone, so as to quiet the democratic constitutional conscience, and that was voted down. Now it turns out that at half after four of the next day these charioteers of legislation have concluded that it will not be safe to submit this bill to the executive approval.

Mr. EDMUNDS. Or to the other House.

Mr. CONKLING. Or, as the Senator from Vermont says, even to the other House. What might occur in the other House I do not know; what might be done by the Executive I do not venture to say; but that the people of this country would place the seal of their condemnation upon an act so unnecessary, so vicious, and I feel authorized to add so indecent as this, I have no question whatever.

Now the Senator from Delaware by whom it was reported comes in and proposes to admit, as I understand him, not only that the bill is unjustifiable, not only that it ought not to pass the Senate, not only that it should not go to the House and should not be approved, but he proposes further that it is vicious and defective in the very particular which was pointed out on this side of the Chamber yesterday, the approved remedy for which we offered, as it stands now on the statute-book, being voted down by the vote of every democrat, including the Senator from Georgia [Mr. HILL] who had pledged himself to vote for it.

If the Senator from Delaware and the Senator from Ohio, the distinguished chairman of the Committee on the Judiciary, and the other leaders of the majority in this Chamber, along with those who follow, are willing to add to the Comedy of Errors which makes up this extra session of Congress the performance now proposed, (that is, that the authors and doers of this bill who have rejected all attempts made by the other side to improve it,) to take it back, to discard it, to repudiate and disavow it, I will withdraw the objection, if it was one, the request if it was so deemed by the Senator from Arkansas [Mr. GARLAND,] who has now resumed the chair, that any question of order be submitted to the Senate; and for one, be it in order or out of order, be it within the twenty-sixth rule or within no rule, I consent that the motion of the honorable Senator from Delaware to recommit this product of statesmanship to the committee from which it came shall be put and entertained; and upon that motion I ask for the yeas and nays.

Mr. THURMAN. Mr. President, I have in a somewhat long life seen a great many exhibitions of petty triumph; I have seen a great many exhibitions of contemptible triumph; but there is no occasion for any such exhibition to-day. This bill as it was reported by the Judiciary Committee is perfectly right, every word and every letter of it.

Mr. BLAINE, (in his seat.) Stand by it, then.

Mr. THURMAN. Yes, sir, it is perfectly right, and it will not do for the Senator from Maine to call out irregularly from his seat, "stand by it." It is simply because there is something wrong in this Government that this bill does not become a law precisely as it is. When the men who have the charge of the Government in the legislative department, and who have a duty to perform, are compelled to pause by the fact that another department of the Government has a power to stop our legislation, and that therefore we are obliged to consult not simply what is right, but what is practicable, the Senator from New York gets up and wants to sneer at the Judiciary Committee and at the majority of the Senate. Sir, when the time shall come that I have to learn law from the Senator from New York, God forbid that I shall longer continue to practice the law. I will quit the courts when I have to learn law from him.

Mr. President, this bill is no idle piece of legislation. This bill is intended for serious legislation. This bill, which the Senator says is indecent, is the product of men quite as decent as he, and whose minds are quite as pure and quite as lofty as his. What is it that authorizes the Senator from New York to put on these airs in the Senate this afternoon? This measure was in the legislative appropriation bill, and it was vetoed. That bill was here nineteen days in the Senate, if my memory is correct, and was discussed. These very jury provisions were discussed on this side of the Chamber, at least, by almost every democratic Senator who spoke upon that bill, and not one single word of the objections that are now made, of the necessity for the amendments that are now suggested, did we hear from the other side of the Chamber. The bill was allowed to go to the President.

Mr. EDMUNDS. Mr. President——

The PRESIDING OFFICER, (Mr. GARLAND.) Does the Senator from Ohio yield to the Senator from Vermont?

Mr. THURMAN. Certainly.

Mr. EDMUNDS. I do not intend to interrupt the Senator by any statement, but only to remind him that by an understanding of Senators who happened to be present at a particular moment some Senators on this side were cut off, yielding to Senators on the other side who were also cut out from saying a word upon that bill.

Mr. THURMAN. If the Senators on the other side had not all the time they wanted to debate that question, then I must say that they require too much time for the average duration of human life. The greatest questions that ever agitate the British Parliament are generally determined in one single night's session. That bill was here nineteen days in this body with these provisions in it, and yet these gentlemen now say they had not time to find out what was the law of the land, and that the chairman of the Judiciary Committee ought to have found out and instructed the committee what was the law of the land. They had no time to find out what was the law of the land! They who made these laws, they who made them against all

the opposition that I could bring to bear against them, they who forced them through by a partisan vote in this Senate—no, not a partisan vote, for there was at least one republican who would not subscribe to any such thing, the Senator from Wisconsin, [Mr. CARPENTER,] and I do not know but that there were others. They complain that they have not had time to consider this matter, and that the chairman of the Judiciary Committee did not hunt up the law and tell them what the law was! Mr. President, everybody can see through this whole thing.

It is not at all for the purpose, so far as my own belief is concerned, of perfecting this bill that I am willing to have it recommitted; but we are earnest men in this business. We know that the jury laws as they now exist are used for partisan purposes. We know that as they are administered they are a disgrace to the so-called administration of justice. We are in dead earnest that that evil shall be remedied, even if it be necessary to suffer the mortification of the taunts of the Senator from New York. I hope we can survive plenty of that kind of medicine. Even if it be necessary to do that, we as practical men are willing to see that mere sophistry at this end of the Avenue shall not be re-echoed from the other end of the Avenue. That is all there is of it. If the Senator from New York thinks that God has crowned him with such surpassing intellect, and that the study of the law has made him the very embodiment of the code of Justinian, Coke's Institutes, all the English statutes, and the American statutes too, that he has breakfasted on Blackstone's Commentaries, taken lunch on Kent, dined on Story, and taken as a slight refection before he retired to bed John Marshall's decisions, let him live in that happy atmosphere of self-esteem; I will not attempt in the slightest degree to mar one single particle of his self-satisfaction. I even agree that he may loom over me, a much older lawyer than he is, like one of those genii in the Arabian Nights, who when the cork was taken out of the bottle rose out, away up to the clouds, to the utter amazement and astonishment of all beholders. Let it be so as long as he pleases, but he shall not prevent me as a practical legislator from attempting to remove the pebbles that he throws in my path when I have a march to make.

The PRESIDING OFFICER. The question is on the motion of the Senator from Delaware [Mr. BAYARD] to recommit the bill to the Committee on the Judiciary.

Mr. EDMUNDS. The Senator from New York had called for the yeas and nays.

The yeas and nays were ordered.

Mr. BLAINE. A few moments ago I desired to ask the Senator from Maryland [Mr. WHYTE] a question for information, whether on the political trials, as he designated them, in Maryland, under the election laws, of the jury that convicted it is not a fact that at least five of the twelve were democrats?

Mr. WHYTE. I answer with great promptness that it is anything but the fact. There is not a particle of truth in it if anybody has so asserted it.

Mr. BLAINE. Do I understand the Senator to say that all twelve were republicans?

Mr. WHYTE. There were but three democrats on the entire panel, and if any jury at all had any democrats on it they certainly did not exceed more than one, and he of a very doubtful character.

Mr. BLAINE. Of a doubtful character personally, or of a doubtful character as a democrat?

Mr. WHYTE. As a democrat, and consequently of a doubtful character otherwise, too.

Mr. BLAINE. Does the Senator mean by that that if he is a doubtful character as a democrat he is necessarily a doubtful character as a man?

Mr. WHYTE. Not necessarily, but in this case it happened to be so.

Mr. BLAINE. A sort of cause and consequence. I wanted to ask in that connection whether or not the part of the bill on which I made a brief inquiry yesterday would not lead to some trouble, in the judgment of the honorable Senator from Maryland, for whose legal opinion I have great respect? Because if this man was a doubtful democrat, and put on as a doubtful one, how would the Senator construe the provision, of which I believe the honorable Senator from Ohio is proud of the paternity, that one of the commissioners to select jurymen for Federal courts is to be "of good standing and a well-known member of the opposite political party?" He is not to be a doubtful democrat; he is to be a regular double-and-twisted, strong-fisted ward bummer, a fellow that is around in party caucuses and conclaves. Is that what the Senator would construe as the requirements of this new provision? The man who got on the jury in Baltimore, according to the honorable Senator, would not fill the requirements of this bill of the Senator from Ohio, for he is to be "a well-known member" of the opposite party, and "of good standing."

There is one other point on which I should like to ask the honorable Senator from Maryland a question in good faith; though I should prefer to address it to the honorable Senator from Ohio, the chairman of the Judiciary Committee, if his equanimity has been sufficiently restored to permit the question to be addressed to him. I ask whether or not the jury would be vitiated in a contingency I shall name. In the case of an indictment by a grand jury and afterward the question is raised as to whether the grand jury that found the bill was properly constituted, because drawn by a commissioner who on good and competent testimony was subsequently shown to be not "a man of good standing and a well-known member of the opposite party?" I ask the honorable Senator from Maryland (I despair of an answer from the honorable chairman of the Judiciary Committee) would that vitiate the jury?

Mr. WHYTE. I did not hear the question.

Mr. BLAINE. I ask, should the law direct that the jury shall be drawn by "a commissioner of good standing and a well-known member of the opposite party," and it should turn out that instead of being such a character he was merely a doubtful democrat, would that vitiate the jury?

Mr. WHYTE. I take it for granted it would not. It depends entirely. After the appointment is made we have to take the chances of getting respectable juries.

Mr. BLAINE. That would not vitiate the jury, the Senator from Maryland thinks?

Mr. WHYTE. Certainly not. He may be a republican and give us the same republican juries under this proposed law.

Mr. BLAINE. You might, then, draw a republican jury under this provision. If a commissioner would agree to serve under a sort of collusive cheat with the clerk of the court you might still get it all republican, and there would be no effect in the provision.

Mr. WHYTE. Certainly.

Mr. BLAINE. Then it does not seem to me that the proposed law is going to have much bite to it.

Mr. WHYTE. Then the Senator ought not to object to it.

Mr. BLAINE. I object to any form of cheating in drawing a jury. It seems to me this is getting elaborately ready for an enormous cheat all around. I merely wanted to know as the legal construction upon the part of the Judiciary Committee whether that would in the end vitiate the jury.

There is one feature of this debate that is rather pleasing to me, aside from that which has been well commented upon by others. It is a very handsome disguise I admit, but still it is a retreat. What light has dawned on the Senator from Ohio that enables him to say just now that the bill has got to be changed to avoid an executive veto? What has thrown new light upon any provision of the bill or upon his mind? What particular connection does he have with or what advice does he get from the other end of the Avenue to tell him that unless this bill is changed it will meet with executive disapproval?

Mr. THURMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maine yield?

Mr. BLAINE. Certainly.

Mr. THURMAN. Mr. President, I have no information from the other end of the Avenue. If I had and if I should state it to the Senate, it would be a violation of one of the plainest rules.

Mr. BLAINE. The Senator has already violated that rule.

Mr. THURMAN. Not the least bit of it; I have only speculated.

Mr. BLAINE. The Senator has stated that this bill ought to be changed to avoid the objections which it would encounter at the other end of the Avenue; not in those words, but tantamount to that.

Mr. THURMAN. No, which it might encounter. If the Senator had not interrupted me a moment ago before I answered his question, he would have had the answer before this time.

Mr. President, I did not say that I had any knowledge from the other end of the Avenue. If I had done so, I should have been violating the privileges of the Senate and a plain parliamentary law. I only spoke of my own inferences, and those inferences were simply founded on the fact that in my opinion bills have been vetoed, notably the Army bill, because the members of the republican party in both Houses of Congress, by no means very friendly to the incumbent of the presidential chair, have—I will not use the slang language of the day, I will not talk about bulldozing—but have coerced the Executive.

Mr. EDMUNDS. Mr. President——

Mr. BLAINE. The Senator has got well out of it——

Mr. EDMUNDS. I rise to a point of order.

The PRESIDING OFFICER. The Senator from Maine will suspend. The Senator from Vermont will state his point of order.

Mr. EDMUNDS. I say that the Senator from Ohio is out of order in using the language he has. I ask the words to be taken down and I ask the Senate to decide it.

Mr. BLAINE. Why should that be done? What will we do after the words are taken down?

Mr. EDMUNDS. We shall have another decision of the Senate, like some others which have been made perhaps.

The PRESIDING OFFICER. The Senate will come to order. The Reporter will read the words of the Senator from Ohio to which the Senator from Vermont has objected.

The Reporter read from his short-hand notes of Mr. THURMAN'S remarks, as follows:

> And those inferences were simply founded on the fact that in my opinion bills have been vetoed, notably the Army bill, because the members of the republican party in both Houses of Congress, by no means very friendly to the incumbent of the presidential chair, have—I will not use the slang language of the day, I will not talk about bulldozing—but have coerced the Executive.

The PRESIDING OFFICER. The question is on the question of order raised by the Senator from Vermont, which will be submitted to the Senate. The Senator from Vermont will indicate the particular words to which he excepts.

Mr. EDMUNDS. I indicate the whole of that passage taken to-

gether, as imputing to the President of the United States unconstitutional and improper conduct, and also to the members of this House; I cannot say as to the other.

Mr. BECK. Why are the words out of order? Let us have that explained.

Mr. HOUSTON. Yes, sir; under what rule is it that a reference to the President of the United States in terms like that and ten times worse should be out of order? I should like to know the rule. It seems to me to be very true that we are already getting to a point where we are not permitted to legislate without consulting the President to know what we are to put in our bills, but certainly it is carrying it a step further if we are to be denied the privilege of a reference to him without being called to order. I want to know the rule under which that is done.

Mr. BLAINE. The Senator from Alabama will permit me to answer there——

Mr. BECK. I have the floor, I think.

The PRESIDING OFFICER. The Senator from Kentucky has the floor.

Mr. EDMUNDS. Is debate in order?

The PRESIDING OFFICER. The Chair understands that the question being submitted to the Senate by the Chair debate is in order.

Mr. BECK. I rose to make the inquiry which has been made by the Senator from Alabama. I desired to know why those words were out of order, and to have the ground stated before we are called upon to vote. If the truth is out of order in the Senate, then those words are out of order.

Mr. BLAINE. I was about to answer the Senator from Alabama, and now I will answer both him and the Senator from Kentucky together. I was referring to a statement——

Mr. HOUSTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Alabama?

Mr. BLAINE. Of course.

Mr. HOUSTON. My call on the Chair as to the question of order was for the rule under which that language was taken down and under which the point of order was made. I am not appealing to the Senator from Maine. He is not in this little controversy now; he did not make the point of order. I desire the Senator from Vermont to state under what rule this proceeding is taking place.

Mr. BLAINE. The Senator from Maine was just getting in it at the time the Senator from Alabama interrupted him.

Mr. HOUSTON. And it seems to be very common for him to get himself in all places where he proposes to save one of his friends from trouble.

Mr. BLAINE. The Senator from Maine will be the judge of the controversies he will put himself in and will not ask for instruction from the Senator from Alabama on that point.

I was remarking to the Senator from Ohio, that he had given us one of the reasons either by direction or indirection of the back down and back out on this bill that it would encounter danger elsewhere. Then the Senator with some parade of propriety stated that he knew too well to impute anything of that sort to the Executive, and then proceeded to enlighten the Senate with the further information that he did expect a veto on this measure, because the President had been coerced on a bill just the same, or in similar cases, before. That was what we would call an Irish apology. Instead of making the charge by indirection, or insinuation, or implication, I understand the Senator from Ohio now to say that a veto is to be expected on this measure because the Executive has been—he said he would not use the word "bulldoze," that is a tender word with democrats—but coerced by republicans on this side who are not friendly to him. That is what I understand the honorable Senator from Ohio to say now.

Whether it is out of order or whether it is in order I do not care, I should not have made the point of order on it. It is, however, plainly out of order. The Senator from Kentucky and the Senator from Alabama want to know the reasons why it is out of order. It is out of order because it reflects on the motives and conduct of Senators on this side of the Chamber. If not out of order because of disrespect to the Executive it is out of order in that regard. It is out of order in that it imputes motives and censures the conduct both of the opposite side of the Chamber here and of the great co-ordinate department elsewhere. That is my answer, although I repeat that I should not have raised the point of order.

Mr. THURMAN. I believe I am entitled to the floor.

The PRESIDING OFFICER. The Senator from Ohio will proceed.

Mr. THURMAN. I do not propose to be condemned without a small hearing, even if it be very short. If I am not mistaken——

Mr. EDMUNDS. My honorable friend——

The PRESIDING OFFICER. Does the Senator from Ohio yield to the Senator from Vermont?

Mr. THURMAN. I understood that the question of order was submitted to the Senate, and therefore that it is open to discussion.

Mr. EDMUNDS. Yes, sir, but the Senator from Ohio is on trial, and being on trial he has no business to speak except by unanimous consent, which I cheerfully give, for one.

Mr. THURMAN. That is just about as good as the point of order. They are exactly of the same stuff.

Mr. EDMUNDS. It is perfectly good too.

The PRESIDING OFFICER. Does the Senator from Vermont raise another question of order?

Mr. EDMUNDS. No, sir, I have no objection to the Senator from Ohio proceeding, but he has no right to do it.

Mr. THURMAN. No right!

The PRESIDING OFFICER. The Senator from Vermont does not raise a question of order, the Chair understands.

Mr. EDMUNDS. No, sir; I do not.

Mr. THURMAN. I do not know the rule of order which prohibits me from being heard.

Mr. BLAINE. The Senator, of course, has no right to proceed after the words are taken down until the Senate either vindicates him or the reverse.

Mr. THURMAN. Let us understand one moment——

The PRESIDING OFFICER. The Senator from Ohio will suspend for a moment. The Chair understands that no question is raised against the Senator from Ohio proceeding.

Mr. THURMAN. The words that I spoke were spoken and I had taken my seat before the question of order was raised. There is no necessity for me to ask leave to proceed in order, or for any friend of mine to ask leave to proceed in order. What this question is raised for, or what good is to come out of it, I really do not know, unless the Senator from Vermont proposes to move a resolution of censure upon me——

Mr. CONKLING. Mr. President, I venture to rise to a question of order.

The PRESIDING OFFICER. Does the Senator from Ohio yield?

Mr. THURMAN. Certainly.

Mr. CONKLING. I do not ask him to yield. Cannot I rise to a question of order?

The PRESIDING OFFICER. The Senator from New York will state his question of order.

Mr. CONKLING. I ask the Chair will have read the thirty-sixth rule.

The PRESIDING OFFICER. The Secretary will read the rule.

Mr. CONKLING. I am sorry this point of order was raised at all; I do not sympathize with it; but notwithstanding we may as well observe the plainly printed rules of the Senate, and I ask that rule 36 be read.

The Chief Clerk read as follows:

If any Senator, in speaking or otherwise, transgress the rules of the Senate, the presiding officer shall, or any Senator may, call him to order; and when a Senator shall be so called to order he shall sit down, and shall not proceed without leave of the Senate, which leave, if granted, shall be upon motion that he be allowed to proceed in order; which motion shall then be in order and be determined without debate.

Mr. CONKLING. Now, Mr. President, I withdraw my point of order. I made it because the Senator with some emphasis said he would like to know what rule it was that declared that when a Senator was called to order he had not a right himself to proceed without a vote of the Senate.

Mr. THURMAN. I had sat down before the question was raised.

Mr. SAULSBURY. The Senator from Ohio had taken his seat and the Senator from Maine was on the floor making a speech when the Senator from Vermont interposed his question of order.

Mr. CONKLING. Then, Mr. President, if I understand it aright, the supposition is that this rule does not apply because the Senator from Ohio uttered the words for which he was called to order in the time of another Senator and not when he held the floor in his own right.

Mr. BECK and others. No, no.

Mr. CONKLING. That is an amusing distinction, to be sure.

Mr. BECK. Nobody made it.

Mr. CONKLING. The Senator from Maine was on the floor; the Senator from Ohio with his assent rose to say something, and that something in the estimation of the Senator from Vermont was a violation of the rules of the Senate. Thereupon he called him to order and demanded that the words should be taken down and read at the desk, as they were. The Chair said he would submit the question of order to the Senate, and pending that the Senator from Ohio proceeds, and he, or somebody for him, demands to know what rule it is that says he shall not proceed until he is exonerated by the Senate. The rule has been read; and now the suggestion is made that because he uttered the words during the time that another Senator held the floor and not while he had it in his own right, therefore the rule does not apply. Well, I think it is of a piece with the general proceeding.

Mr. EDMUNDS. Mr. President——

The PRESIDING OFFICER. The Senator from Vermont will pardon the Chair for a moment. When the Senator from Ohio attempted to proceed after the question of order was made the Chair understood the Senator from Vermont to raise a question of order upon him, which he almost immediately withdrew. There being no further objection, the Chair considered that the Senator from Ohio had a right to proceed.

Mr. EDMUNDS. The Chair did perfectly right.

Mr. CONKLING. That I submit, if I may be allowed, was quite right in the Chair; but after that the Senator from Ohio demanded to know what rule it was that required general consent that he should proceed, and therefore I asked that the rule be read.

Mr. EDMUNDS. I wish merely to make a statement, not to interfere with my friend from Ohio to whom speaking I have not the slightest objection, although I think it is against the rule. The Senator from Delaware [Mr. SAULSBURY] is mistaken, with great respect to him, in that I did not make my point of order in time, (that is what it amounts to,) because he understands the sentence was concluded that made the imputation that I thought it did of improper conduct in the President and improper conduct in Senators on this floor. I instantly rose, and said to the Chair that I rose to a point of order. I stopped the Senator from Maine who was trying to speak at the same time and asked that the words be taken down, and the Chair recognized me for that purpose. If that was not due diligence, I do not understand what is.

Mr. WHYTE. May I ask the Senator from Vermont whether the use of the word "coercion" in regard to either a member of the Senate or the President is the offense of which the Senator from Ohio has been guilty, because we have been charged with coercing the President in our action every day, and nobody has objected to it on this side?

Mr. EDMUNDS. It is one thing to say that Senators by a course of legislation do what in effect is the coercion of the President, and it is another thing to say that Senators on either side of the Chamber, any member of this body, be it one or many, have coerced or intended to coerce the President of the United States, because they in doing that would be guilty of a high political crime, in my opinion, and the President would be guilty of an equally wicked crime if he suffered himself to be coerced by anybody. In other words, it is imputing to the President of the United States, which I understand to be contrary to parliamentary law, the commission of a grave offense, for which he ought to be impeached if he were guilty of it, and it is imputing to Senators on this floor (who until this session were supposed to have equal rights all around) improper, wicked motives that ought to subject them to expulsion in undertaking to influence the President of the United States either to sign or not to sign a bill.

Mr. CONKLING. Mr. President——

Mr. THURMAN. Mr. President, have I a right to speak? I want to know whether I am in the dock or whether I have a right to speak.

The PRESIDING OFFICER. The Chair decides that the Senator from Ohio in the absence of any objection can proceed under the thirty-sixth rule.

Mr. THURMAN. I shall maintain, in the presence of all the objections that have been made, that I have a right to proceed.

Mr. CONKLING. Then some objection ought to be made, I think.

Mr. THURMAN. Go on; raise another point of order. What are the facts? The Senator from Maine saw fit to ask me a question. I replied to it. I had uttered my last sentence and was already in my seat or as near to it as I could possibly be, for I undertook to be seated as soon as I uttered that sentence, when the Senator from Vermont rose and said that my words were out of order. I was not asking the Senate to hear me further; I did not want any friend of mine to ask that I might proceed in order. I had said all that I intended to say, every word that I intended to say, and had resumed my seat. At the same instant that I resumed my seat the Senator from Vermont rose and said that the words I had uttered were out of order. I do not know for what purpose he called attention to them and said they were out of order, unless it was to follow it up with some motion. It was not to prevent me from further speaking, for I had ceased to speak. It was not to require me to proceed in order, for I did not want to proceed at all; I had said all that I intended to say. Unless, then, he wanted to establish that the Senator from Ohio was disorderly and put it on the records of the Senate that he was disorderly, or unless he intended to visit me with some punishment, such as the censure of the Senate for being out of order, I do not know why he made the point at all. If he thought that the words were such that they ought to be rebuked by the Senate as a warning to all other speakers hereafter in all time to come; if he who was a Senator here during the administration of Andrew Johnson as President of the United States, and who was treated with scant respect by his opponents on this floor and on the floor of the other House, thought that it was material for the purposes of public decency and the orderly proceeding of the Senate that he should have the judgment of the Senate upon this extraordinary violation of its usages and of parliamentary law by me, very well, so be it; but when the question is submitted to the Senate whether I was out of order or not, then I claim that I have a right to be heard.

Now, Mr. President, let us see what it is. I ask that the words may be read again. Let the Reporter read them.

The words were again read by the Reporter, as follows:

> And those inferences were simply founded on the fact that in my opinion bills have been vetoed, notably the Army bill, because the members of the republican party in both Houses of Congress, by no means very friendly to the incumbent of the presidential chair, have—I will not use the slang language of the day, I will not talk about bulldozing—but have coerced the Executive.

Now, sir, what does that mean? It is not long since that the Senator from Michigan [Mr. CHANDLER] said that it was the belief of every Senator on the opposite side of the Chamber that there were no less than twelve Senators on this side of the Chamber who held their places by force and fraud; and when he was called to order for that I, being in the chair, decided that he was not out of order, because he had not imputed that force and fraud to the Senators themselves.

I said that bills have been vetoed because in my opinion the President has been coerced. Coerced how? By duress, which I need not tell the Senator from Vermont means personal violence? No, sir, nobody understood me so. Coerced how? Coerced because in my judgment, and I am willing to go to my death upon it, the Senator from Vermont and the representatives in this Chamber on the republican side by the course they took on those bills, by leaving the merits of the subject, by raising the flag of the revolution, by waving the bloody shirt, by talking about this being a question between secession and the Union, and by the whole course they pursued upon that subject, made a man (I will not say a weak man, for I mean to be respectful to the Executive) veto the bills which if left to his own judgment he would not have vetoed at all. And therefore I say that your course did coerce him. I say that if you had argued those bills upon their merits, if you had said nothing upon them but what was their merits, if you had not made this whole session ring with an attempt to arouse sectionalism in the North against the people of the South, if this whole session on your side had not been to a great extent an effort to perpetuate bad blood between the sections, you never would have had any veto of these bills.

If I was out of order before, perhaps I am more out of order now, but I will die in that belief.

Now, one word more. Of all men in this Senate, the Senator from Vermont is, I think, the last man who should have made this point against me. Sir, he is much more given to looking into the journals of Congress than I am, but I do sometimes look into the journals of Congress, and I remember that on one occasion the late Senator from Massachusetts (Mr. Sumner) denounced Andrew Johnson on this floor, Andrew Johnson then being President of the United States, as an enemy of his country, and I remember that on the question whether that Senator was out of order in accusing the President of the United States of being an enemy of his country, the Senator from Vermont voted that he was not out of order. He is one of the last men that I should have thought would have called me to order on such a point as he has made. And, sir, if I am not mistaken, the Senator from Maine, [Mr. BLAINE,] when presiding over the other House of Congress, decided that a member was not out of order for using accusatory words of the President of the United States, and that not on a question whether the President should be impeached or not; and yet——

Mr. BLAINE. Where did the Senator get that information?

Mr. THURMAN. I will hunt it up for the Senator if he wants it.

Mr. BLAINE. I ask the direct question, where did the honorable Senator get that information?

Mr. THURMAN. I can inform the Senator—from the Senator himself.

Mr. BLAINE. That is what I wanted the Senator to say.

Mr. THURMAN. I got it from the Senator himself. I think the decision was entirely wrong, and if he will make use of such accusatory words of the President of the United States now, although he is not a democratic Senator, and I am in the chair, I will call him to order.

Mr. BLAINE. I do not wish to interrupt the Senator. I wanted the answer for the very reason that it was a conversation between the Senator and myself, and therefore I wanted to use the other side of it. I did hold that, and I held also, as was shown by Andrew Jackson in his famous communication to the Senate of the United States, that there is a difference on this floor touching the Executive and on the floor of the other House.

Mr. THURMAN. I do not propose to argue that question.

Mr. BLAINE. But I do. That is my side of it. The honorable Senator has stated his. I agreed with him. I agreed that by the history of the country it is not permitted to the branch that has the power to try an impeachment to speak of the Executive as it is left to the Representatives of the people, who only have the power to present him, to impeach him. Sir, one of the most eminent men——

Mr. THURMAN. I do not yield further. The Senator has made his explanation, and now I believe I will go on.

The PRESIDING OFFICER. Does the Senator from Maine yield to the Senator from Ohio?

Mr. THURMAN. No; it is not for the Senator from Maine to yield.

The PRESIDING OFFICER. The Chair thought the Senator from Ohio had given up the floor and recognized the Senator from Maine.

Mr. THURMAN. No, sir; I only gave way.

Mr. BLAINE. One word and I will yield to the honorable Senator.

Mr. THURMAN. I do not want you to yield to me at all.

Mr. BLAINE. I was going to illustrate it in this way: One of the most eminent Senators who, on the impeachment of Andrew Johnson voted for his acquittal, told me that he would, if he had been a member of the House, have voted for his presentment; he would have impeached him. Here he voted for his acquittal; and that involved the very difference between the two Houses. There was ground enough to impeach; there was not enough to convict. There is a freedom of debate where the responsibility of conviction does not lie that will not attach to this body; and that was shown, and shown conclusively, in the communication that Andrew Jackson sent to the Senate of the United States.

Mr. THURMAN. Mr. President, one word. First, in regard to the remark of the Senator from Maine that the information he furnished me was in a conversation. It was in no sense a private conversation.

Mr. BLAINE. Of course not, or I would not have used it.

Mr. THURMAN. Therefore, as he required of me to tell how I got my information, I gave it to him. And now one word as to what the Senator says as to the distinction between the two Houses. There is a line that it is very difficult to draw in the Senate between what may be said by a Senator of the Chief Magistrate of the country and what may not; but one thing is certain, that the privilege of a Senator in regard to matters which do not constitute cause for impeachment is certainly as broad as the privilege of any member of the House of Representatives; and in nothing that I said did I allude to anything which would be a cause for impeaching the President of the United States. So the distinction of the Senator will not obtain at all.

Mr. President, I have occupied more time on this business than I intended to do. I am perfectly willing that this question shall be taken. It will help me a little, as long as a majority of the Senate see fit to make me the *locum tenens* of the Vice-President's chair, to know what is in order and what is not in order. If it is out of order to allude to the result of a course pursued by one side of the Chamber in this body, to speak of the effect produced by the course pursued by one party on the President or on the country, let the Senate so decide; let them decide that it is the business of the Chair, for, if it was the business of the Senator from Vermont it was your business, sir, to call me to order—let them decide that the presiding officer of this Senate when he thinks a Senator is making a speech that imputes to a course that is pursued some effect, is to call that Senator to order; in other words, let the Senate decide that its presiding officer, unless overruled by the Senate, has a right to limit debate in this Chamber, and I will submit as well as I can until I can get that decision reversed, and not one second longer.

Mr. EDMUNDS. The Senator from Ohio has endeavored to fortify his defense by saying that I have been equally, or more guilty, on some previous occasion in some other Congress. I do not think that would prove very conclusively that this point of order is not well taken. If every Senator who raises a question of order for some violation of the proprieties of the Senate, is to have that question determined upon his personal conduct on some previous occasion, then there will be little use in raising questions of order. I do not think that is a very good argument.

But another fault in that argument is that the Senator is entirely, grossly mistaken in what he has stated as to my conduct on the occasion to which he has alluded. When Mr. Sumner used words like those the Senator from Ohio has stated, and I dare say exactly—I do not mean to say that he has misquoted them; I do not remember the exact words, but something in substance of that kind,—some Senator on this floor called Mr. Sumner to order. It was late in the day, and there was a dispute (the words being taken down) as to whether those words were in order or not. If the Senator will look at the Congressional Globe of that time I think he will find that the Senator from Vermont, whom he quotes as an example of voting that that was in order, stated that, in his opinion, the Senator from Massachusetts was out of order, but that, as the question had been suddenly presented, he wished that it might go over until the next day; and, thereupon, the question of order was laid on the table, which, by our rules, does not kill it, as it does in the House of Representatives, but it may be taken up at any time by parliamentary law. It was laid upon the table; for which motion I voted with the explicit statement that, in my opinion, the Senator from Massachusetts was out of order; but that was a hasty opinion formed upon the spur of the moment; reflection has taught me to believe that it is clear he was out of order.

The Senator from Ohio ought to know me well enough to know that it was not out of any personal disrespect to him that I made this question of order; but it was in the hope that we might, in the deliberations of this Chamber, always keep strictly within the line of propriety, not imputing to each other, or to a co-ordinate branch of the Government with whom we are in, by the Constitution, such intimate relations, improper motives and improper conduct in the sense of which I now speak.

The Senator from Ohio has now stated that what he intended, what he meant by that, was that the consequence of the debates in this Chamber was that the President of the United States did not approve of a certain bill. In other words——

Mr. VOORHEES. I rise to a point of order.

Mr. EDMUNDS. Very well.

The PRESIDING OFFICER. The Senator from Indiana will state his point of order.

Mr. VOORHEES. It is that there is no point of order before the Senate that the Senator from Vermont is discussing. The Presiding Officer has ruled that the point of order made by the Senator from Vermont against the Senator from Ohio was withdrawn, and yet it has lingered along in this shambling way and it comes up now——

Mr. CONKLING. How withdrawn?

Mr. VOORHEES. I heard it withdrawn, and heard it so stated by the Presiding Officer.

The PRESIDING OFFICER. The Chair will state to the Senator from Indiana that he is mistaken. The point of order withdrawn by the Senator from Vermont was as to the right of the Senator from Ohio to proceed to discuss the question before the Senate. The original point of order that the Senator from Vermont made is now pending before the Senate; that is as to the words objected to, which were read by the Reporter.

Mr. VOORHEES. Then the point of order the Senator from Vermont is discussing is that it is out of order to say that somebody has attempted to or has coerced the President.

Mr. EDMUNDS. I believe I have the floor now. Then I think I will take it.

The PRESIDING OFFICER. The Senator from Vermont is entitled to the floor.

Mr. VOORHEES. He declines to yield, and that it is his right to do.

Mr. EDMUNDS. I hope the Senator will allow me to proceed.

Mr. VOORHEES. Yes, sir; and I will remember his courtesy hereafter.

Mr. EDMUNDS. I hope the Senator from Indiana will never forget any of the good things I do to him.

Mr. VOORHEES. I never will.

Mr. EDMUNDS. I hope not, because he has always my kindest wishes, and he will always have my best support and admiration, for he deserves it; and I speak it in all sincerity. Now, Mr. President, I will conclude what I was going on to say.

The Senator from Ohio ought to know me well enough—and I am sure he does when he thinks a minute—to know that I did not make this point of order for the purpose of making any point upon him; far from it; but only, as I said, that we might call the attention of the Senate to this line of debate and keep ourselves strictly within the limits of those proprieties that we all agree in general ought to be observed. I thought the Senator from Ohio, I was clear that the Senator from Ohio, in the sense in which I understood his words, sincerely, was plainly out of order. The Senator from Ohio has explained what he meant, and that was that, as a consequence of debates in this body, putting forth reasons that he thinks were not good reasons, the President of the United States in looking over the ground was convinced that a certain bill ought not to be approved. In that sense, of course, the Senator from Ohio would not be out of order. He had a perfect right to say that. The coercion of argument is not the sort of coercion that I understood him to mean. As he says he meant that, I have no point of order to make, and I withdraw the point I did make.

Several Senators addressed the Chair.

Mr. BLAINE. I suppose I now have the floor.

The PRESIDING OFFICER. The Senator from Indiana, [Mr. VOORHEES.]

Mr. BLAINE. Have I not the floor, the point of order being withdrawn?

Mr. EATON. It cannot be withdrawn.

The PRESIDING OFFICER. Did the Senator from Maine yield the floor to the Senator from Vermont?

Mr. BLAINE. He took me off it by the point of order.

The PRESIDING OFFICER. The Chair will then recognize the Senator from Maine.

Mr. BLAINE. I was taken off the floor and am now entitled to it. Hereafter when a Senator has the floor at about the hour of five o'clock, or a quarter before it, and thinks he has got a good speech to make, which the Senate will listen to for twenty-five or thirty minutes with reasonable patience, and he is jammed into a little controversy of this kind and postponed until the dinner hour is impending and nobody has a particle of patience to listen to him, I hope it will be out of order to make any Senator the victim of such a conspiracy as I have suffered from.

Mr. VOORHEES. Will the Senator from Maine before he takes his seat designate whom he means by that?

Mr. BLAINE. I mean the Senator from Vermont. [Laughter.]

The PRESIDING OFFICER. The question is on the motion of the Senator from Delaware [Mr. BAYARD] to recommit the bill to the Committee on the Judiciary.

Mr. EATON. Another motion is before the Senate, or else I very much mistake the business of the Senate. A Senator has been called to order, and that question was given to the Senate to decide upon it, and upon that arose a certain discussion. Now I ask for a vote upon that question whether that Senator was in order or out of order.

The PRESIDING OFFICER. The Chair understood the Senator from Vermont to withdraw the point of order.

Mr. EATON. In my judgment it is not in the power of the Senator from Vermont to withdraw a point of order which has been submitted to the Senate by the Presiding Officer.

Mr. EDMUNDS. Why, Mr. President, if the Senator from Connecticut will hear me a moment——

Mr. EATON. Certainly; with pleasure.

Mr. EDMUNDS. The rules of the Senate and parliamentary law allow any motion or resolution or anything a Senator submits to be withdrawn until it has been amended or the yeas and nays have been ordered upon it. Neither event had occurred; and after the explanation of the Senator from Ohio as to what he meant, I was perfectly satisfied.

The PRESIDING OFFICER. That was the understanding of the Chair; but the Chair will submit that question to the Senate. ["No!" "No!"] The Senate does not wish it submitted. The question is on the motion of the Senator from Delaware [Mr. BAYARD] to recommit the bill to the Committee on the Judiciary, upon which question the yeas and nays have been ordered.

Mr. VOORHEES. I hope this bill will not be recommitted. I hope every Senator on this side will vote against its recommittal. I hope it will be voted for as it stands now; and if the Judiciary Committee have not brought here a bill fit to be passed, I trust that hereafter they may have an opportunity to report something in the way of amendment.

Mr. BECK. I do not like to vote against the motion made by the Judiciary Committee; but it seems to me that when we have before us a bill, whose purpose is to annul a law that was fraudulently inserted into the Revised Statutes, we can act on it directly. I use the word "fraudulently" on purpose, because it was done fraudulently. The man who put it there, whoever he was, knew when he inserted section 820 that it was a repealed law, and there was no possibility of his not knowing it, and any man who reads the statutes is obliged to see it. And when we seek to repeal with that another section, which is simply a corollary of the first, because, even if a man cannot take the oath prescribed in section 821, the prohibition to sit as a juror in section 820 cannot exclude him, and as that repealing measure was before the Judiciary Committee of the Senate during all the last Congress on a bill that I introduced myself, and as opposition is coming to it in every form, I hope that we shall send it to the House. When it is there before the Judiciary Committee of that body, if any amendment is necessary to which the attention of our committee was not called, and which was withheld from them by gentlemen on the other side, or from any other cause was overlooked, it can be corrected there, and we shall get clear of the difficulty we have been laboring under so long.

Just here I desire to say before I vote that when so much objection was made to the remarks of the Senator from Ohio, I could not help turning to a very remarkable speech made by a former Senator from Ohio, Mr. Wade, in the days of Andrew Johnson, which made him, the presiding officer of this Senate and installed him in the seat now temporarily occupied by yourself, Mr. President, for the purpose of making him President of the United States when Andrew Johnson should be successfully impeached, as they thought he would be then; because he did make the speech and it had more to do with it than all else that was said, and the republican party sustained him, not only in the speech that he made, but sustained him by making him their presiding officer and by an earnest effort to make him the President of the United States because of it. This is the language he used then:

> Sir, we cannot abandon it unless we yield to a principle that will unhinge and unsettle the balances of the Constitution itself. If the President of the United States can interpose his authority upon a question of this character, and can compel Congress to succumb to his dictation, he is an emperor, a despot, and not a President of the United States—
>
> He had vetoed a bill of theirs, which veto they did not like—
>
> Because I believe the great question of congressional power and authority is at stake here, I yield to no importunities of the other side. I feel myself justified in taking every advantage which the Almighty has put into my hands to defend the power and authority of this body, of which I claim to be a part; I will not yield to these appeals of comity on a question like this; but I will tell the President and everybody else—
>
> A Senator had been taken sick and could not appear, and the minority were begging for time—
>
> that if God Almighty has stricken one member so that he cannot be here to uphold the dictation of a despot, I thank Him for His interposition, and I will take advantage of it if I can.

And there was great applause in the galleries. Mr. Wade, of Ohio, made that speech, was sustained in it by the republicans, and was elected the president of this body for the purpose of making him President of the United States because he did make it; and yet the present Senator from Ohio is to be called to order for the remark that he made just now.

Mr. DAVIS, of Illinois. Mr. President, I sincerely hope that this bill will be recommitted to the Committee on the Judiciary, and I am greatly surprised that there is any opposition to it. The only object can be to perfect the bill and make it better. That is all. I advised the Senator from Ohio this morning early, when I first saw him this morning after I had read the debate of yesterday—I was not here yesterday—that I thought the bill could be improved. If I had been here yesterday I should have voted for the amendment of the Senator from Vermont. The point did not occur to me when the bill was before the Committee on the Judiciary; nor do I think such an amendment absolutely necessary, but it is to exclude a conclusion, it is out of abundance of caution, and the bill should be perfected here. We should not let it go to the House to be perfected there and then come back here for us to act on their amendment. I am in favor of repealing both the eight hundred and twentieth and eight hundred and twenty-first sections of the Revised Statutes on principle. I want to get a good jury law; I am not wedded to anything in particular, but I want to get the best that I can; and it does seem to me that when the gentleman from the Judiciary Committee who reported this bill gets up here and asks that the privilege be accorded of recommitting it to the Committee on the Judiciary in order to perfect it, it ought to be done, and that it is factious to oppose it.

Mr. BECK. I deny the suggestion of its being factious to oppose it. It is a bill that goes to the House, and the Judiciary Committee of the House can receive any suggestion made by the Judiciary Committee of the Senate as to any modification that ought to be made, and it is more factious to keep it here day after day and week after week than it is to perfect it, even if it is not absolutely perfect, and send it to the House where it can be made perfect.

Mr. DAVIS, of Illinois. In reply to the Senator from Kentucky, I would ask when gentlemen on the Judiciary Committee say that the bill can be improved, is it in good faith or good taste to send it over to the House to have them do the thing that we ought to do here? I submit that it is not, sir. It is neither in good taste nor good faith.

Mr. HOUSTON. Mr. President, I am prepared myself to vote for the bill in its present shape, and for the reason that I have no belief in the truth of the argument, or in the virtue of the argument, that has been made by the gentlemen on the opposite side of this Chamber; yet the Judiciary Committee ask that the bill be recommitted. I say what I have said to justify the votes which I have given in the preliminary stages of this measure; but in view of the fact that the committee desire the bill to be returned, I do hope our friends will vote to recommit it. Let it go back to the committee that had charge of it and that understand it, and let them examine the whole question. They certainly understand it now better than the committee of the House will do without a good deal of labor; and I do hope our friends here will recommit the bill and terminate this controversy.

Mr. BAYARD. Mr. President, it so happens that the Committee on the Judiciary instructed me to report this bill to the Senate, and I have done so, and have made to the Senate such statement as I saw fit by way of explanation and advocacy of its passage. In the course of debate some questions have arisen which put in doubt the construction to which the bill may be subjected; and the question only is whether that examination and possible amendment which criticism may suggest shall be made by the Committee on the Judiciary, (for it cannot now be made in the Senate under our rules) or whether it shall pass in a doubtful state to the House of Representatives to seek its amendment there.

To me there is but one object in this whole business, and that simply is the public service. I do not think there are laurels to be gained here by disrespect shown to any member of the Senate, and it is cheap business any way to do so, because every man knows there is no very satisfactory means by which they can be settled. I never have since I came here, and I do not propose at any time, voluntarily to indulge in innuendo or personality of any kind. My object is to perform my duty very simply and clearly in such a manner as shall leave my own self-respect and entitle me to the respect of decent men. The respect of others I do not care for nor want.

In this case it is a simple question whether or not we desire this bill to become a law. Every precaution that will tend in that direction I seek to secure. For that reason, following the suggestion of several of my colleagues on the committee, the honorable Senator from Illinois who last spoke, and the chairman of the Judiciary Committee, and yourself, sir, among others, [Mr. GARLAND in the chair,] I have yielded an opinion of my own, rather adverse at first, and desire that this bill shall be recommitted. There is no other view that I take than the perfection of the measure. There is no suggestion as to what the motive may be, the valor or the want of it in sending this bill at any time to the committee. Such things are scarcely worthy of consideration, and with me they weigh not a feather. Whatever I shall consider it my duty to do, I trust I shall be furnished with enough fortitude to do. Therefore it is that I shall vote for the commitment of this bill.

Mr. CONKLING. Mr. President, I wish to say only a word. This whole predicament is very painful to me. The want of unity which dwells on the other side of the Chamber is distressing, and with all the symptoms of a somewhat ruffled temper which I discover on the other side my honorable friend from Ohio is amiable,—yesterday and to-day. I think it has been owing in large part to the sweetness of his nature, and the tranquil and placid frame of mind which, for some reason, he has been in that we have been able to proceed as smoothly and successfully as we have done. But even that has not avoided divisions, I see, among the members constituting the majority of this Chamber. I am pained to hear the Senator from Kentucky [Mr. BECK] and the Senator from Indiana [Mr. VOORHEES] refuse to assent to this motion made by the manager of this bill.

All this tends with me to get up a confusion; and added to it is another difficulty, what the effect is to be now of recommitting this bill to the committee. Assuming for the purpose of the question that that motion is in order, what power that is to give the Judiciary Committee over the bill, how the Judiciary Committee is to amend or to acquire the power to amend it, to add to it, or to strike out, are questions which at this moment, in a proceeding so novel and extraordinary, I do not venture for myself to decide; but as the scepter of the Senate belongs to the other side, as the other side has a majority and a quorum, and as this whole proceeding from beginning to end is to me so novel, so extraordinary, so unlike any other which has fallen within my limited experience, I shall venture for one to withhold my vote, not further to ensnarl myself, but to leave, so far as I am concerned, to those who constitute the majority and a quorum of the Senate to give direction to the subsequent steps in this devious and new proceeding. I do not wish to avoid any responsibility, or to dodge, as it is said, a vote; but I do not wish to involve myself unnecessarily in contradictions by voting to commit this bill to a committee which I think will have very little power over it after it gets there; nor, on the other hand, will I interpose against the willingness to re-

tract and withdraw and admit an error which the other side seem anxious to make.

The PRESIDING OFFICER. The question is on the motion of the Senator from Delaware to recommit the bill, upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. DAWES, (when the name of Mr. HOAR was called.) My colleague [Mr. HOAR] is paired with the Senator from North Carolina, [Mr. RANSOM.]

Mr. MCPHERSON, (when his name was called.) I am paired with the Senator from Minnesota, [Mr. MCMILLAN.]

Mr. WHYTE, (when his name was called.) I am paired with the Senator from Vermont, [Mr. MORRILL.] I do not know how he would vote upon this question. I presume he would vote "nay;" and if his colleague will relieve me by telling me whether or not that would be his vote, I should like to vote the same way.

Mr. EDMUNDS. I have not the least means of knowing, but I think the Senator may be safe in voting. I will take the responsibility of releasing him from his pair, as there is not a quorum voting so far.

Mr. WHYTE. I should probably vote with him in the same way. I vote "nay."

The roll-call was concluded.

Mr. DAVIS, of West Virginia. I am paired on all political questions with the Senator from Minnesota, [Mr. WINDOM,] but believing that if he were present he would vote the same way that I do, I vote "yea," unless some Senator on the other side says it is a political question.

Mr. WITHERS. I will state that my colleague [Mr. JOHNSTON] is paired on all political questions with the Senator from Colorado, [Mr. TELLER.]

Mr. CONKLING. May I inquire, although I believe it is a little irregular to do so, whether a quorum has voted?

The PRESIDENT *pro tempore*. The Senator will know when the vote is announced.

Mr. CONKLING. That is very kind of the Chair. The Chair also will know that if we are left without a quorum we may be driven to a call of the House. I withheld my vote, as I observed that several other Senators did theirs. I did not do so to the breaking up of a quorum, but only to the end that the quorum, if it be here, may dispose of the question in its own way.

Mr. VOORHEES. May I ask why the Senator from New York withheld his vote?

The PRESIDENT *pro tempore*. All debate is out of order.

Mr. VOORHEES. This is not debate.

Mr. CONKLING. If the Chair will indulge the Senator from Indiana, as he seems to have been out, I will state that I withheld my vote merely that the Senator and the other Senators of his political persuasion, if they had a quorum, might dispose of this question as they chose without interference from me. I do not wish to withhold my vote so as to retard business.

Mr. HARRIS. Is debate in order?

The PRESIDENT *pro tempore*. It is out of order.

Mr. HARRIS. Then I raise the question of order ——

The PRESIDENT *pro tempore*. If the Senator from New York rose to vote, his name will be called. [To the Secretary.] Call the Senator from New York.

Mr. CONKLING. Understanding there is no quorum, I vote "nay."

Mr. VOORHEES. No debate, Mr. President.

Mr. CONKLING. What does the Senator from Indiana say?

Mr. VOORHEES. I say debate is out of order.

Mr. CONKLING. The Senator speaks so softly we cannot hear him over here.

The PRESIDENT *pro tempore*. All debate is out of order.

Mr. VOORHEES. That is a little singular after the Senator from New York has spoken——

The PRESIDENT *pro tempore* rapped to order.

Mr. EDMUNDS. I will vote when I get a chance.

The PRESIDENT *pro tempore*, (to the Secretary.) Call the Senator from Vermont.

The Secretary called, at their request, the names of Messrs. EDMUNDS, BLAINE, CHANDLER, INGALLS, CAMERON of Pennsylvania, FERRY, LOGAN, DAWES, BURNSIDE, PADDOCK, ROLLINS, SAUNDERS, and ALLISON, Senators who had withheld their votes, and who, as their names were called, voted "nay."

Mr. BELL. I wish to explain that I am paired with the Senator from Kentucky, [Mr. WILLIAMS.]

Mr. HEREFORD, (who had voted in the affirmative.) As Senators on the other side seem satisfied with the bill, I change my vote and vote "nay."

Mr. CAMERON, of Pennsylvania. I desire to withdraw my vote. I am paired with the Senator from Alabama [Mr. MORGAN] on all political questions.

Mr. DAVIS, of West Virginia, (who had voted in the affirmative.) As I am paired, as I stated, with the Senator from Minnesota, [Mr. WINDOM,] I withdraw my vote. This seems to be made a political question.

Mr. PADDOCK. The Senator from Wisconsin [Mr. CAMERON] was called from the Chamber awhile since, and asked me to announce his pair. I have forgotten with what Senator he is paired, but I state the fact that with some Senator on the other side he is paired.

Mr. PENDLETON, (who had voted in the affirmative.) I desire to change my vote to "nay."

Mr. FARLEY, (who had voted in the affirmative.) The voting now shows a political complexion, as no vote in the affirmative is recorded from the other side of the Chamber. I voted to recommit the bill. As Senators have changed their minds on the other side of the House, and as I am paired with the Senator from Nevada, [Mr. JONES,] I withdraw my vote.

Mr. HILL, of Georgia, (who had voted in the affirmative.) I change my vote, and vote "nay."

Mr. SLATER, (who had voted in the affirmative.) I change my vote, and vote "nay."

The result was announced—yeas 15, nays 27; as follows:

YEAS—15.

Bailey,	Davis of Illinois,	Jones of Florida,	Thurman,
Bayard,	Garland,	Kernan,	Vance,
Call,	Hill of Colorado,	Lamar,	Walker.
Coke,	Houston,	Saulsbury,	

NAYS—27.

Allison,	Eaton,	Ingalls,	Saunders,
Beck,	Edmunds,	Jonas,	Slater,
Blaine,	Ferry,	Logan,	Vest,
Burnside,	Hampton,	Maxey,	Voorhees,
Chandler,	Harris,	Paddock,	Whyte,
Conkling,	Hereford,	Pendleton,	Withers.
Dawes,	Hill of Georgia,	Rollins,	

ABSENT—34.

Anthony,	Davis of W. Va.,	Kellogg,	Randolph,
Bell,	Farley,	Kirkwood,	Ransom,
Booth,	Gordon,	McDonald,	Sharon,
Bruce,	Groome,	McMillan,	Teller,
Butler,	Grover,	McPherson,	Wallace,
Cameron of Pa.,	Hamlin,	Morgan,	Williams,
Cameron of Wis.,	Hoar,	Morrill,	Windom.
Carpenter,	Johnston,	Platt,	
Cockrell,	Jones of Nevada,	Plumb,	

So the motion to recommit the bill was not agreed to.

The PRESIDENT *pro tempore*. The question now is, Shall the bill pass?

Mr. EDMUNDS. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. CALL. Before the vote is taken, I desire to submit the clauses of the constitution of the State of Florida which have been referred to in this debate. I will say nothing further, but send the clauses to the Reporter.

Mr. EDMUNDS. I do not like the way of sending things to the Reporter, but I wish to say in justice to the Senator from Florida that he has shown me the clauses in the constitution to which he referred which bear out what he said yesterday, in my opinion, entirely. I should have said so before, but forgot it.

The clauses of the constitution of Florida submitted by Mr. CALL are as follows:

We the people of the State of Florida, grateful to almighty God for our freedom, in order to secure its blessings and form a more perfect government, insuring domestic tranquillity, maintaining public order, perpetuating liberty, and guaranteeing equal civil and political rights to all, do establish this constitution.

ARTICLE I.

SECTION 1. All men are by nature free and equal, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining safety and happiness.

ARTICLE XV.

SECTION 1. Every male person of the age of twenty-one years and upward, of whatever race, color, nationality, or previous condition, or who shall, at the time of offering to vote, be a citizen of the United States, or who shall have declared his intention to become such in conformity to the laws of the United States, and who shall have resided and had his habitation, domicile, home, and place of permanent abode in Florida for one year, and in the county for six months, next preceding the election at which he shall offer to vote, shall in such county be deemed a qualified elector at all elections under this constitution.

ARTICLE XVII.

SEC. 28. There shall be no civil or political distinction in this State on account of race, color, or previous condition of servitude.

Amendment to section 12 of article 6:

Grand and petit jurors shall be taken from the registered voters of the respective counties. The number of jurors for the trial of causes in any court may be fixed by law.

The Secretary proceeded to call the roll.

Mr. ALLISON, (when his name was called,) I was paired yesterday with the Senator from Illinois, [Mr. DAVIS.] I do not see him in the Chamber at this moment. If he were here, I should vote "nay."

Mr. BURNSIDE, (when the name of Mr. ANTHONY was called.) My colleague [Mr. ANTHONY] is absent from the city, and is paired with the Senator from Georgia, [Mr. GORDON.] If my colleague were here, he would vote "nay."

Mr. BELL, (when his name was called.) I am paired on all political questions with the Senator from Kentucky, [Mr. WILLIAMS.]

Mr. CAMERON, of Pennsylvania, (when his name was called.) On this question I am paired with the Senator from Alabama, [Mr. MORGAN.] If he were here, I should vote "nay."

Mr. DAVIS, of West Virginia, (when his name was called.) On this question, as I have stated previously, I am paired with the Senator from Minnesota, [Mr. WINDOM.]

Mr. FARLEY, (when his name was called.) I am paired with the Senator from Nevada, [Mr. JONES.] If he were here, I should vote "yea."

Mr. DAWES, (when Mr. HOAR'S name was called.) My colleague [Mr. HOAR] is paired with the Senator from North Carolina, [Mr. RANSOM.]

Mr. WITHERS, (when Mr. JOHNSTON'S name was called.) My colleague [Mr. JOHNSTON] is paired on political questions with the Senator from Colorado, [Mr. TELLER.] My colleague, if present, would vote "yea."

Mr. MCPHERSON, (when his name was called.) I am paired on this question with the Senator from Minnesota, [Mr. MCMILLAN.] Were he present, I should vote "yea."

Mr. RANDOLPH, (when his name was called.) On this question, as on all political questions, I am paired with the Senator from Connecticut, [Mr. PLATT.]

Mr. RANSOM, (when his name was called.) On all political questions I am paired with the Senator from Massachusetts, [Mr. HOAR.] I should vote "yea" if he were here.

Mr. KIRKWOOD, (when Mr. TELLER'S name was called.) The Senator from Colorado [Mr. TELLER] is paired on this bill with the Senator from Virginia, [Mr. JOHNSTON.] The Senator from Colorado, if here, would vote "nay."

Mr. WHYTE, (when his name was called.) Upon this question I am paired with the Senator from Vermont, [Mr. MORRILL.] If he were present, he would vote "nay" and I should vote "yea."

The roll-call was concluded.

Mr. BLAINE. My colleague [Mr. HAMLIN] is paired on this question with the Senator from Indiana, [Mr. MCDONALD.] If present, my colleague would vote "nay."

Mr. FERRY. The Senator from Minnesota [Mr. MCMILLAN] is paired with the Senator from New Jersey, [Mr. MCPHERSON.] Were the Senator from Minnesota here, he would vote "nay."

Mr. ALLISON. The Senator from Illinois [Mr. DAVIS] having voted, I vote "nay."

Mr. PADDOCK. The Senator from Wisconsin [Mr. CAMERON] is paired with some Senator whose name I do not recall. At all events, he is paired with some other Senator.

The result was announced—yeas 28, nays 16; as follows:

YEAS—28.

Bailey,	Garland,	Jonas,	Slater,
Bayard,	Groome,	Jones of Florida,	Thurman,
Beck,	Hampton,	Kernan,	Vance,
Call,	Harris,	Lamar,	Vest,
Coke,	Hereford,	Maxey,	Voorhees,
Davis of Illinois,	Hill of Georgia,	Pendleton,	Walker,
Eaton,	Houston,	Saulsbury,	Withers.

NAYS—16.

Allison,	Chandler,	Ferry,	Logan,
Blaine,	Conkling,	Hill of Colorado,	Paddock,
Booth,	Dawes,	Ingalls,	Rollins,
Burnside,	Edmunds,	Kirkwood,	Saunders.

ABSENT—32.

Anthony,	Davis of W. Va.,	Kellogg,	Randolph,
Bell,	Farley,	McDonald,	Ransom,
Bruce,	Gordon,	McMillan,	Sharon,
Butler,	Grover,	McPherson,	Teller,
Cameron of Pa.,	Hamlin,	Morgan,	Wallace,
Cameron of Wis.,	Hoar,	Morrill,	Whyte,
Carpenter,	Johnston,	Platt,	Williams,
Cockrell,	Jones of Nevada,	Plumb,	Windom.

So the bill was passed.

Mr. BAYARD. I move to amend the title, so as to make it read, "A bill in relation to juries, and to repeal sections 801, 820, and 821, and part of 800 of the Revised Statutes of the United States."

The amendment was agreed to.

CORRECTION OF AN ENROLLED BILL.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution from the House of Representatives; which was referred to the Committee on Enrolled Bills:

Resolved by the House of Representatives, (the Senate concurring,) That the Joint Committee on Enrolled Bills be, and they are hereby, authorized and directed to change and correct the title of House bill No. 1999, entitled "An act to amend an act entitled 'An act making appropriations for the construction, repair, preservation, and completion of certain works on rivers and harbors, and for other purposes,' approved March 4, 1879," as passed by the two Houses of Congress at the present session, by striking out the word "fourth" which occurs therein and inserting in lieu thereof the word "third."

HOUSE BILL REFERRED.

The joint resolution (H. R. No. 85) fixing the date on which the pay of the committee clerks, pages, and laborers of the House of Representatives, who are paid during the session only, shall begin for this session, was read twice by its title, and referred to the Committee on Appropriations.

ADJOURNMENT TO MONDAY.

Mr. WHYTE. I move that the Senate now adjourn until Monday next.

The motion was agreed to; and (at six o'clock and nine minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June* 6, 1879.

The House met at twelve o'clock m. Prayer by Rev. SAMUEL DOMER, D. D., of St. Paul's Lutheran church, Washington, District of Columbia.

The Journal of yesterday was read and approved.

ENROLLED BILLS AND JOINT RESOLUTION.

Mr. COFFROTH, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

An act (H. R. No. 1363) providing compensation to E. E. Rice for property transferred by him to the Government of the United States for the use of the diplomatic and consular representatives at Hakodadi, in Japan;

An act (H. R. No. 1380) authorizing the commissioners of the District of Columbia to issue twenty-year 5 per cent. bonds of the District of Columbia to redeem certain funded indebtedness of said District;

An act (H. R. No. 2005) to confer upon the commissioners of the District of Columbia the powers, duties, and limitations contained in chapter 8 (water service) of the Revised Statutes of the United States, relating to the District of Columbia, and for other purposes; and

Joint resolution (H. R. No. 82) in relation to the international exhibitions to be held at Sydney and Melbourne, Australia, in 1879 and 1880.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. RUSSELL, of Massachusetts, for eight days, commencing Monday next, on account of important business.

EBENEZER B. FARWELL.

On motion of Mr. CALKINS, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the pension claim of Ebenezer B. Farwell, no adverse report having been made thereon.

PENSIONS.

Mr. DUNNELL, by unanimous consent, introduced a bill (H. R. No. 2173) to amend section 4696 of the Revised Statutes, in relation to pensions; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

MARK W. IZARD, DECEASED.

Mr. DUNN, by unanimous consent, introduced a bill (H. R. No. 2174) for the relief of the heirs of Mark W. Izard, deceased; which was read a first and second time, and referred to the Committee of Claims.

TEXAS JUDICIAL DISTRICT.

Mr. CULBERSON. I move by unanimous consent to take from the Speaker's table the bill (S. No. 572) to amend an act approved February 24, 1879, entitled "An act to create the northern judicial district of the State of Texas, and to change the eastern and western judicial districts of said State, and to fix the time and places of holding courts in said districts."

The SPEAKER. The bill will be read, and the Chair will then ask for objection.

The Clerk read as follows:

That so much of the act to which this is amendatory as provides that Jackson County shall be embraced in the western judicial district of Texas be, and the same is hereby, repealed, and the said county of Jackson is hereby placed in the eastern judicial district of said State; and all process issued against defendants residing therein shall be returned to Galveston. And all civil causes of action which have accrued in said county, of which the courts of the United States have jurisdiction, shall be cognizable in the court at Galveston, but all offenses committed in said county against the laws of the United States before the passage of this act shall be cognizable in the court of the western district, as provided in said act of the 24th of February, 1879.

SEC. 2. That so much of the act to which this is an amendment as makes all process against defendants residing in the counties of Aransas, Duval, Nueces, La Salle, Zapata, San Patricio, Refugio, Dimmit, Webb, Encinal, and Maverick returnable to Brownsville is hereby repealed, and such process is hereby made returnable to San Antonio; and all causes of civil action which have accrued in said counties, or either of them, since the passage of the act to which this is an amendment, or which shall hereafter accrue, shall be cognizable in the court at San Antonio.

SEC. 3. Civil actions or proceedings now pending against parties residing in either of said counties in the courts named in the first and second sections hereof, as provided in the act to which this an amendment, may, on the application of either party, be transferred to the proper court of said district under this act; and in case of such transfer, all papers and files therein, with copies of all journal entries, shall be transferred to the office of the clerk of such court; and the same shall proceed in all respects as though originally commenced in said court. And civil actions or proceedings now pending in the circuit courts at Brownsville, Austin, Galveston, or Tyler, which under this act would be cognizable in some other district, may, on the application of either party, be transferred to the proper court of said district; and in case of such transfer, all papers and files therein, with copies of all journal entries, shall be transferred to the office of the clerk of such court, and the same shall proceed in all respects as though originally commenced in said court.

SEC. 4. The several districts as established in the act to which this is an amendment are hereby declared to be a part of the fifth judicial circuit; and the courts of the said northern district shall have the same jurisdiction as is conferred by law upon the courts of the eastern and western districts of said State; and the circuit court for said northern district shall be held twice a year at Waco on the first Mondays in April and October; at Dallas on the first Mondays in June and December; and at Graham on the first Mondays in February and August; and the circuit

court shall be held at Jefferson, in the eastern district, on the second Mondays in February and September, and at San Antonio, in the western district, on the first Mondays in May and November.

SEC. 5. All laws and parts of laws in conflict with this act are hereby repealed.

The SPEAKER. The Chair hears no objection, and the bill is taken from the Speaker's table and will be considered as read a first and second time.

Mr. CONGER. I desire to ask the gentleman if this bill changes the districts in any respect except as to the one county mentioned in the first part of the bill?

Mr. CULBERSON. It does not change the existing law except that it takes from certain divisions of the court certain counties and makes processes from those counties returnable to the divisions to which they are attached by this bill.

The bill was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. CULBERSON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PAY OF HOUSE EMPLOYÉS.

Mr. CANNON, of Illinois. I call for the regular order.

Mr. HENRY. I desire to present a report from the Committee of Accounts.

Mr. CANNON, of Illinois. I withdraw the call for the regular order for the present.

Mr. HENRY. I am instructed by the Committee of Accounts, to whom was referred the joint resolution (H. R. No. 62) fixing the date on which the pay of committee clerks, pages, and laborers of the House of Representatives, who are paid during the session only, shall begin for this session, to report a substitute therefor, and to ask its consideration at this time.

Mr. CONGER. Is this the regular business?

The SPEAKER. It comes in by consent. The gentleman from Illinois [Mr. CANNON] withdrew the call for the regular order to allow the report to be made.

Mr. CONGER. Let it be read, subject to objection.

The substitute reported by the committee was read, as follows:

Joint resolution fixing the date on which the pay of the committee-clerks, pages, and laborers of the House of Representatives, who are paid during the session only, shall begin for this session.

Be it resolved, &c., That the pay of the thirty-five clerks to committees of the House of Representatives, heretofore authorized by resolutions of the House, and of the twenty-nine pages, and of the laborers of the House heretofore authorized by law or by resolution of the House, who are paid during the session only, shall begin for this session on the day of the organization of the House, the 18th day of March, 1879; and the Clerk of the House is hereby authorized and directed to pay them from that date, without regard to the date of their respective oaths of office.

Mr. DUNNELL. I would like to hear read the original resolution for which that is a substitute.

The original resolution was read, as follows:

Joint resolution fixing the date on which the payment of the committee-clerks and pages of the House of Representatives who are paid during the session only, shall begin for this session.

Be it resolved, &c., That the pay of the thirty-five clerks to committees of the House of Representatives authorized by resolution of the House of April 22, 1879, and of the pages of the House now on the roll, shall begin for this session on the 18th day of March, 1879, the day of the organization of the House.

The joint resolution (H. R. No. 85) reported as a substitute was received, and read a first and second time.

The question was on ordering the joint resolution to be engrossed and read a third time.

Mr. DUNNELL. As I understand, the substitute is substantially the original resolution.

Mr. HENRY. The substitute simply makes more definite the parties who are to receive this compensation. This was left under the original resolution more a matter of construction, but in the substitute the numbers are expressly mentioned.

Resolutions of this character have been customary for a great many years. I find on looking as far back as the Thirty-fourth Congress, that in the session commencing on the 3d day of December, 1855, the House not being organized until the 7th of February following, 1856, a resolution of similar import, or similar in substance to the one which is now offered, was passed; and since that time in some mode or other the same thing has been substantially done.

Toward the close of the last Congress a resolution was adopted of which I have a copy, which, after providing for the payment of thirty days' additional pay to the employés of the House, provided further that they should "receive no other compensation for the said time than that herein provided."

When the original resolution for which a substitute is now reported was first introduced in the House I was absent, but from the RECORD I see that objection was made to it on the ground that it was giving double pay to a portion of the employés mentioned in the resolution. From an examination of the appropriation bill for the current year, the explanation is very apparent.

It has been the custom for many years, as I understand, in the appropriation bill, not only to appropriate a certain sum of money for the payment of clerks, pages, and other sessional employés, but to go further and state that the long session shall be considered to mean seven months and the short session shall be considered to mean four months. In the appropriation bill for the current year a sum of money was appropriated for the employés of the last Congress—seven months' pay for the long session and four months' pay for the short session; but by some means or other—I do not know how it happened—the words construing the duration of a session were omitted from the bill; and those words being omitted, a question of construction arose as to whether for the last session of the Forty-fifth Congress these employés could draw four months' pay. Hence this resolution was introduced with the proviso attached to it that they should receive no other compensation for the time embraced in the resolution, because it had been left doubtful whether if they received this money under the resolution they might not also claim four months' compensation under the appropriation bill, although that bill omitted the words defining the duration of the short session to be four months, from the fact that the amount appropriated was exactly four months' compensation for these various employés.

Mr. DUNNELL. I wish to ask the gentleman a question. If this resolution passes, is it true, as asserted the other day when it was before the House, that many of the employés of the House will receive double pay?

Mr. HENRY. Not for the same service.

Mr. DUNNELL. But for a given period of time?

Mr. HENRY. There might have been an additional reason why this resolution was worded as it was, the expression being used "for the same time" because it is known these employés are paid by the day. The clerks receive $6 per day and the other employés are also paid by the day, and instead of saying that they should receive an aggregate sum that form of expression was probably used from the fact that they were paid by the day. But in regard to that I will say further that having been always paid in this mode I do not see how any objection can be made to it. It is unquestionably the fact that the compensation and the duties of the employés of the House are not definitely regulated by law. They have to be decided upon rather as a matter of custom or precedent, and I think it would be wise if the Committee on Reform in the Civil Service would take this matter into consideration and pass some law arranging this definitely, so that there will be no difficulty in the future.

The Committee of Accounts in reporting this resolution have endeavored to be guided by practice upon the subject. But now, in reply to the question asked by the gentleman from Minnesota, [Mr. DUNNELL,] I will state this, that most of the employés, particularly those employés in the Forty-fifth Congress, were here at the beginning of the session although not regularly sworn into office or regularly appointed, yet they rendered services which were very useful and almost indispensable to the organization of the House and the convenience of its members, and I desire to say that the services provided for in the resolution approved March 3, 1879, were services rendered to the Forty-fifth Congress. It was not supposed or contemplated that another session would occur so soon after. But if we examine the matter upon principle, if there had been an interval of thirty days between the sessions, could any possible objection be made such as is suggested by the gentleman from Minnesota, [Mr. DUNNELL?] The principle is not affected by the fact that the extra session occurred so soon after the 4th of March.

The difficulty is that if any difference is made in this respect then the result evidently would be that the clerks, pages, and other employés who were employés in the House in the Forty-fifth Congress will receive that much less than those appointed for the first time at this session of this Congress, which would operate unjustly, particularly upon those who had been here longer and rendered more service than the new appointees, but if the discrimination were made by reason of the resolution, which was only intended to give them four months' pay, and if the proviso were inserted that the employés of the Forty-fifth Congress should only receive pay from the 4th of April, the result would be that the old employés, those employed in the Forty-fifth Congress, would receive that much less than those employed in the Forty-sixth Congress for the same service.

Mr. DUNNELL. I desire to say in reply to the gentleman from Maryland [Mr. HENRY] that I agree with him entirely that the employés of the House are not overpaid by any means. Some of them are not sufficiently well paid, in my judgment; but the real objection to this resolution is, that it pays a certain number of the employés of the House twice, if they were allowed by the last Congress pay up to the 1st of April. They have drawn pay, and now it is proposed to pay the same men for their services from the 18th of March up to the 4th of April, so that some fifteen or eighteen employés of the House would be paid double; they would have double compensation.

Now, the objection which I have to this resolution is the recognition of the principle of giving double compensation to any employé of the Government. If we do so in the House it will be the only place where it is done in the entire Government. I do not see the necessity for making such a precedent. Let the Committee on Civil Service Reform bring in a bill to adjust these matters, but the provision to pay twice for the same service is to me an objectionable feature in this resolution.

Mr. STEPHENS. I do not regard it as double pay at all.

Mr. DUNNELL. Will the gentleman explain why it is not double pay, if they have already received pay for the services performed?

Mr. STEPHENS. I will. The pay allowed to the employés of the Forty-fifth Congress was for services rendered to that Congress, not to this. It was in the nature of an extra month's pay, which it has been the custom to allow since my first entrance into Congress, and

if this Congress had not assembled they would still have got that pay. But Congress has assembled, and those who were paid for services in the last Congress, not this, are in the service again. I do not regard it as double pay at all. It is perfectly right, then, for the new employés as well as the old.

Mr. DUNNELL. The gentleman from Georgia [Mr. STEPHENS] cannot deny the fact that some of these employés will receive two pays, one by virtue of services in the Forty-fifth Congress and another by virtue of services in the Forty-sixth Congress. However he may explain it away, they do get two compensations for the same time.

Mr. STEPHENS. That Congress had nothing to do with this. There is no double pay. What was allowed them in the Forty-fifth Congress was for services already rendered.

Mr. ROBINSON. It seems to me that there is another provision in the resolution which is open to serious objection. It proposes to pay certain persons for a time when they rendered no services at all. That is far more objectionable than to pay a man twice for services rendered.

If I understand the resolution, it provides that the pay of all the clerks and pages shall commence from the 18th of March, without regard to the time when they took the oath of office.

Now, when this question was before the House some two weeks ago a twenty-ninth page was added to the list of pages, on motion of the gentleman from Georgia [Mr. STEPHENS] and he was put upon the roll, and according to this resolution he will be paid from the 18th of March for a time when he did not serve at all.

Mr. HARRIS, of Virginia. The law did not authorize the appointment of that additional page until he was appointed, and when he was paid it was only from the date of his appointment.

Mr. ROBINSON. I would ask the gentleman from Maryland [Mr. HENRY] if what I have stated is not the fact?

Mr. HENRY. I did not understand the question.

Mr. ROBINSON. The question is, whether the resolution, if passed in its present shape, will not pay certain clerks and pages for a time when they have not been in the service of the House at all?

Mr. HENRY. I presume it will——

Mr. ROBINSON. I would like to have the gentleman from Maryland [Mr. HENRY] answer that question.

Mr. HENRY. I am not prepared to answer the question in regard to the particular page referred to by the gentleman. I do not recollect distinctly the date from which he was employed. I am inclined to think, however, that he was rendering service in some capacity or other before he was appointed by the resolution of the House.

Mr. STEPHENS. Provision for this extra page was made in the last Congress by a resolution of the House. The law allowed the Doorkeeper to employ but twenty-eight pages. By a resolution of the House a twenty-ninth page was authorized to be appointed. That page was provided for in the appropriation bill for the next fiscal year, the number of pages being increased by law in that bill to twenty-nine. But at the beginning of this session, before the commencement of the next fiscal year, there was no provision of law authorizing his employment. I understand that he was rendering service all the time, but was not upon the Doorkeeper's roll. A resolution was offered and adopted allowing him to be employed until July next, when the provision applying to the next fiscal year would begin to operate. I am informed that he has been rendering service since the beginning of the present session.

Mr. ROBINSON. If I understand correctly the statement of the gentleman from Georgia, [Mr. STEPHENS,] it is this in substance: this page has been about the House rendering service without there being any authority at all for his employment. I do not happen to know him, and I am glad that I do not, for he may be listening to what I am saying, and I wish him to understand that I can have nothing against him personally. But I am against the principle involved in this resolution. I do not think it right, after we have been in session a couple of months, that on somebody's motion an additional page or an additional clerk should be put upon the roll, and then we be afterward called upon to vote pay to him for the entire session. I say that the principle is wrong. If it is right, then we should give double pay to all the boys who have been rendering service here all the time by authority of law. Where is the justice of such a practice as that? If a boy lingers about the Capitol here, hanging upon the skirts of some member until he secures influence enough to get placed upon the roll, and then by a resolution of the House be voted pay for all the time—I think if that has been the practice, it should be investigated by some committee.

Mr. YOUNG, of Tennessee. I would like to ask a question.

Mr. HENRY. I wish to reply to the gentleman from Massachusetts, [Mr. ROBINSON;] afterward I will yield to the gentleman from Tennessee, [Mr. YOUNG.]

Mr. YOUNG, of Tennessee. Very well.

Mr. HENRY. The gentleman from Massachusetts [Mr. ROBINSON] has made an objection to this resolution, basing his argument upon the ground that if adopted it will pay some of the employés, particularly one of them, for services before they were authorized to render any service. How is this matter to be determined? In the absence of any positive law upon the subject are we to determine it according to precedents, or are we now to establish a new rule and say that at this session we will begin to carry out a new regulation on this subject? Shall we say that although the practice and custom heretofore may have been otherwise, and although these parties may have been actually rendering service all the time, they shall not be paid from the beginning of the session upon the technical ground that they were not regularly installed and sworn into office until some time after the session commenced? Is that the idea of the gentleman?

The gentleman talks about an investigation of this matter. Now, I am perfectly content that he should engage in such an investigation. But how are we to be guided? In the absence of any definite law upon the subject, we must be guided by something. If we are guided by custom and precedent and practice obtaining in former Congresses, I think we will be justified and entirely in the line of duty.

We have examined this matter as carefully as we could, and that is the conclusion to which we have come. It will simplify our proceedings very much to have some definite time fixed at which this pay shall begin, and not have it involve an investigation every time a resolution is offered for the appointment of a page or any other employé, and go back year after year in order to see what the practice upon the subject has been.

In regard to the pay of our employés, I will say that I think it is certainly moderate enough. Why is it that in our appropriation bills provision is made to give our employés four months' pay for a short session, when the session itself lasts only three months? I have no doubt the gentleman himself has voted for that over and over again. Now is not that paying for services not rendered? The reason for that is obvious to all; it is that the compensation of our employés is extremely moderate. All our clerks who are paid by the session receive for the Congress only about $900 a year. They are gentlemen of intelligence and ability, and the business of the House could not be satisfactorily and properly conducted without their very important assistance. It seems to me that the time for which it is proposed to pay them is very moderate. And if our appropriation bills provide four months' pay for a three months' session in order to increase their pay somewhat, I think there can be no possible objection to our following that precedent so far as to make their pay for this session commence from the first day when Congress assembled. I now yield to the gentleman from Missouri.

Mr. YOUNG, of Tennessee. I yielded to the gentleman with the understanding that he would yield to me.

Mr. HENRY. I am under obligation to yield first to the gentleman from Missouri, [Mr. BUCKNER.]

Mr. BUCKNER. I have no doubt that the resolution offered here in regard to the pay of these subordinate officers is equitable and fair and should be adopted. My friend from Minnesota [Mr. DUNNELL] makes a false assumption in his argument against this resolution, that the extra compensation given at the last session was paying for four months' service when only three months' service had been rendered.

Now that, I take it, was merely a mode by which Congress determined what should be the compensation for the short session. The compensation was given in the form of pay for thirty days additional, but Congress might just as well have said "We appropriate $150 to each of these employés as extra pay." In contemplation of law it was compensation for the short session. As the chairman of the committee has said, it has been the invariable custom to appropriate for the pay of employés during four months, although the short session never extends beyond three months. That has been the invariable custom of Congress for years past.

Mr. SAMFORD. Did not that custom originate with the view of paying the expenses of employés in returning to their homes?

Mr. BUCKNER. No, sir; that was not the reason. It was considered that in view of the short time the employés were engaged three months' pay was not ample compensation, and in order to give them something like adequate compensation they have received pay for four months.

Mr. YOUNG, of Tennessee. In reply to the gentleman from Massachusetts, [Mr. ROBINSON,] I will say that if the date upon which the employé is sworn in is to fix the date from which his salary is to begin, the same rule ought to apply equally to all employés and officers of the Government. If this rule were applied, the gentleman from Massachusetts himself would probably have to pay back into the Treasury something like a year's salary which he has received as a member of this body. Pages and other employés of the House are frequently notified of their appointment immediately after the organization of Congress, and their appointment is actually made at that time although the mere formality of being sworn in is omitted. After they are appointed some time must necessarily elapse before they can get here; they must occupy some time in settling up the business in which they may be engaged. It is certainly just as proper that the employés of the House should receive pay from the time of their appointment, instead of the date on which they are sworn in, as that members of Congress should receive pay for time prior to their taking the official oath.

Mr. HENRY. I yield to the gentleman from Alabama, [Mr. SAMFORD.]

Mr. SAMFORD. It seems to me, Mr. Speaker, that the proposition now submitted necessarily involves either double payment for services or payment for no services. As I understand, it has been the custom at every Congress to grant to the employés of the House at the close of a session a month's extra pay. This I never knew before I came here. Whether this custom is right or not, I do not now argue,

as it is not before the House, perhaps the question may arise at the end of this session, then I shall not hesitate to take my stand. But if this allowance is right, why not put it in the form of a law? Why should we call a session of three months four months? And why should a long session be called seven months when it does not embrace that much time? A law has been enacted which says that clerks, messengers, pages, and the multitude of employés of this House shall have so much pay per month, which amount is far in excess of what is obtained for the same amount of service in any other calling among our constituents. And then you allow a custom to break down that law, and by a resolution a gratuity of thousands of dollars is given away. You call a session of three months four months, and a long session you call seven months, no matter if it does not last longer than four, five, or six months. By what process of arithmetic is this done? If we were paying out our own money we would hardly be so liberal. But when we are called on by this custom to grant $10,000 of money in our hands in trust, we vote it away to our friends without hesitation.

When this question was before the House the other day, and this objection was made, it was stated by some gentlemen that it was necessary to give one month's extra compensation in lieu of mileage, or something of that kind, in order that the employés of the House might return to their homes. But to-day, when that position is shown to be untenable, because on account of this session following so close upon the last there was no expense incurred in going home, it is said that that is not at all the reason for the allowance, but that this extra allowance is necessary as compensation for services. If it is necessary as compensation, why not make it the law? Let the people of the country know what you are paying.

I know, Mr. Speaker, that it is an ungracious and unpleasant duty to object to such appropriations as this; because these gentlemen are clever, polite, accommodating, and these offices are filled by our friends, by gentlemen who perform important duties for the House, and against them I have no grievance to make. I only make the objection in obedience to what seems to me a stern requirement of duty. I represent hard-working, honest people who expect me to protest against giving away taxes wrung from them. Why, sir, it does seem as if we are to have no end to the appropriations which this Congress is to make. The other day there was passed through this House an appropriation to pay the families of two gentlemen chosen to the present Congress from $9,000 to $10,000 each, though one of them died during the last Congress and before the beginning of the new term for which he was elected. They were both worthy men, but that was not in issue. On that proposition there were so few of us voting in the negative that the noes were not counted. A custom of this House was invoked for that appropriation; and if a member objected to such he lays himself liable to the unjust, ungenerous, and severe criticism of being a narrow-minded and illiberal demagogue. I am humiliated at such criticism and sensitive to the charge, but I must submit to such humiliation or do violence to my convictions of duty. And when that alternative is presented, I face the charge of demagogism undaunted, and leave the decision to the final judgment of the people who sent me here. To them I am alone responsible.

How does this case stand? It is a case involving about $10,000 extra pay. The resolution authorizing the appointment of many of these employés was actually never passed until the 21st of April, and of course they could not legally serve until then. Until that time there was no authority in many instances for the employment of these messengers and clerks for committees. Yet this resolution proposes to go back and pay unauthorized employés for a month perhaps before their employment——

Mr. HARRIS, of Virginia. I beg to correct my friend. The law authorized the appointment of every committee clerk that was appointed when the session began.

Mr. SAMFORD. I understand the fact to be that there was a resolution passed some time in April of this year, providing for the appointment of clerks and messengers to committees that were not previously provided for; and the resolution now before us proposes to pay all employés of the House, including these, from the 18th of March. If so, then such employés are to be paid for services not rendered under this resolution, or which were not authorized by law. I demand a law for the payment of every dollar.

As I understand, many of these employés received pay up to the 4th day of April. Call it what you please—double pay or not—they have received this money either as extra compensation or as a gratuity from the last Congress. At the end of the last Congress a resolution was passed to pay to all employés of the House one month's extra pay. The last Congress adjourned on the 4th of March. So the one month's pay extended to April 4. Yet this resolution pays to every employé of the present House who was also an employé of the last House his salary commencing from March 18. Then from March 18 to April 4 at least must be double pay for the same time—unless the month's extra pay was compensation for services during last Congress.

It may be right the compensation may be too little; but if it is, then increase the salary by law; that we will discuss; it is the principle against which I am contending to-day, of leaving it within the discretion of Congress to grant these gratuities every time they are asked. And we know many members have their friends among these gentlemen, and it becomes unpopular to oppose such bills. As an instance, we have the case of a page appointed, as stated by one gentleman, a few days ago, or perhaps a week or two ago. I know nothing of this, or who the page is, who goes back and receives compensation—it amounts to a small matter, it is true—but he receives compensation from the 18th of March although not recognized then as a legal employé upon this floor, and perhaps not serving——

Mr. ELAM. Does the gentleman from Alabama mean to say that the employés of this House have been paid compensation from the adjournment on the 4th of March last to the assembling of the Forty-sixth Congress?

Mr. SAMFORD. Until the 4th of April, as I understand it; that is, those who were also employés of the last Congress.

Mr. ELAM. From the 4th of March last?

Mr. SAMFORD. Yes, sir.

Mr. ELAM. From the time of the adjournment of the last Congress to the 18th of March, when this Congress assembled?

Mr. SAMFORD. I understand this to be the case, that every employé of the last Congress who is an employé of this Congress received compensation from the 4th day of March to the 4th day of April by virtue of that custom which grants to all employés an extra month's pay. It may be called compensation for the Forty-fifth Congress, or for a month afterward. It is the same, no matter what it is called.

Mr. ELAM. By the action of this Congress or the action of the last Congress?

Mr. SAMFORD. By the action of last Congress.

Mr. HARRIS, of Virginia. Let me ask the gentleman a question.

Mr. SAMFORD. Certainly.

Mr. HARRIS, of Virginia. The gentleman from Alabama is a lawyer and a cultivated gentleman, and I think he will appreciate the question which I will put to him. Now, suppose he employed a man to work for him for twelve months, and at the end of that time should say to him, "I have not given you enough for your service, and I will now give you what is equal to pay for thirty days more." Suppose the gentleman should engage him during the next ten days to work for him for another year, would it be manly, would it be just to say to that employé "I will charge you with the extra pay which I gave you for last year's service?" Would the gentleman do it?

Mr. SAMFORD. No, sir; but then I have the right to do with my own money as I please, to pay it as extra compensation, or to give it away if I like, and no one has a right to complain, but I have not the right to do as I please with the people's money. They intrust me with it to pay it out according to law, and in no event have I a right to use it as a gratuity.

Mr. SPARKS. Let the gentleman answer this question: Did we give it to them as a gift?

Mr. HARRIS, of Virginia. It was in payment for past services.

Mr. SPARKS. For past services?

Mr. HARRIS, of Virginia. Yes, sir; for services during the past Congress.

Mr. SPARKS. A month's pay in advance for services in the past is simply nonsense. It was to clean up their business.

Mr. ATKINS. I desire to ask, by the permission of the gentleman from Alabama, a question of the gentleman from Maryland. Will any of these clerks, under the resolution, get double pay?

Mr. SAMFORD. I will answer that. The gentleman from Maryland has stated that by construction of the law it necessarily does give double pay. It is either double pay or pay for no service, because it covers the same time.

Now, in reference to the question asked me by the gentleman from Virginia, I have only to say that if I should employ a man in my individual capacity and he should perform his work so well that I should be induced to give him a gratuity, paying him an extra amount of money, of course I have the right to do so; but what right have we to come here as the representatives of the people and take their money and give it in the way of gratuity even to the extent of one farthing? Neither have we the right, after the performance of the services, to pay more than the contract; not even if the services performed were worth more.

Mr. HARRIS, of Virginia. It is in payment for past service.

Mr. FINLEY. Does the gentleman from Alabama claim these employés of the House are paid too much?

Mr. SAMFORD. The gentleman asked me if I claim these employés are paid too much. I stated at the outset that on that question I am not advised. There is such a countless swarm of offices here that I do not know what they get. It is the principle, however, against which I am contending. If the gentleman thinks they are paid too little, we will consider that question when a law is offered to increase their compensation.

Mr. FINLEY. Allow me to say to the gentleman that the Senate employés holding like positions have always been paid much higher salaries than the employés in this House.

Mr. SAMFORD. Then the Senate employés are paid too much. If they are not paid too much, why, then, do these employés in this House serve for less pay when they are equally efficient. The employés of this House are certainly efficient, capable, and in every way worthy gentlemen. I find just such all over this country working for less than they are paid, who would gladly take the places of the Senate employés at the salary paid to the employés of the House. And they should have them if those in place refuse to take less. I know many worthy men of culture, intelligence, efficiency, and refinement, wearily toiling and struggling for daily bread, who foot all these bills, who would gladly take these places and not complain.

I have said all I desire to say. Judging from my past experience in this House it is utterly impossible to get enough men to vote on these questions, even to call the yeas and nays in many cases; otherwise I would content myself with a silent vote. Without intending to do any injustice to the employés of the House—because, as I remarked awhile ago, I consider them a worthy class of citizens; but we must not forget we have worthy citizens away from here whose burdens of taxation are hard to be borne, and they, too, must be remembered—in their behalf, and in order to put myself on the record as I desire to stand there, I object to the payment of a cent as gratuity or the payment of any money except in accordance with law. I trust my opposition, though it may be so construed, is not impelled by a little, mean spirit of demagogism, which I despise. Neither, Mr. Speaker, do I assume extra honesty or an extra amount of political virtue. Many gentlemen in this House as honest, as virtuous, as careful of the public money as I am, see this question in a different light. I do not for a moment entertain, much less insinuate, unworthy motives for their action. They act honestly, according to their convictions. I claim the privilege of acting in the light of my duty as I understand it. This I shall continue to do.

Mr. TALBOTT. Could it be known that the officers paid the extra month's pay by the Forty-fifth Congress would be officers of the Forty-sixth Congress?

Mr. SAMFORD. It could not.

Mr. TALBOTT. Then that shows conclusively that the pay was not given to them as officers of the Forty-sixth Congress.

Mr. SAMFORD. But the distinguished gentleman who reports the bill says he reports it for the purpose of paying these employés for services rendered from the 18th March, and that it is entirely within the discretion of the House whether they shall be paid from that date. That being the case, when we come back and find the past Congress has paid for this identical time, the answer to the question of my friend from Maryland is that we ought not to pay them again when it is a matter within our discretion. We should exercise our discretion, if there is no legal claim, by giving nothing when we find the preceding Congress has paid for the same time. Public servants should be just with the public funds, but they have no right to be generous.

Mr. SPRINGER. By a reference to the Journal of the Forty-third Congress, I find that on the last day of the last session of that Congress Mr. Hoskins, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to, namely:

That the Clerk of the House of Representatives is authorized and hereby directed to pay to all clerks and employés of the House of Representatives not otherwise provided for and who do not receive annual salaries, their salaries for one month from the close of the session.

That resolution was agreed to unanimously. It has been the custom of this House at the close of the session to give its employés one month's extra pay; the object being to cover the expense of traveling to and from the capital.

Mr. SAMFORD. Do I understand the gentleman from Illinois to say that it has been customary to give one month's extra pay in lieu of paying the expenses of these employés home?

Mr. SPRINGER. There are two things to be considered in connection with each other; the shortness of the session and the fact that these employés are obliged to come from their homes and return.

Mr. SAMFORD. When I asked the same question of another friend of the bill he answered "no," and now the gentleman from Illinois says "yes."

Mr. SPRINGER. I suppose we all have a right to our own opinions on the subject. This extra compensation is in recognition of past services and they are entitled to it. I do not think we should act meanly; and having given a month's extra pay to some of these clerks or some of these little pages who are again employed by the House, that we should reach back our hands and take that month's pay from them I think would be a small business for the House of Representatives to be engaged in; and while I am prepared to go as far as any man on this floor in the line of economy, I submit the time thus occupied in talking about this matter will cost more than all that will be saved in taking back this extra compensation. Therefore if the gentleman from Maryland will yield to me for that purpose I will call the previous question.

Mr. SPARKS rose.

The SPEAKER. The gentleman from Maryland [Mr. HENRY] is entitled to the floor. To whom does he yield?

Mr. HENRY. I now insist on the previous question.

Mr. SPARKS. Will the gentleman not allow me to offer an amendment? [Cries of "Question!" "Vote!"] Will the gentleman let the amendment be read?

Mr. HENRY. I insist on the demand for the previous question.

Mr. SPARKS. I ask that the amendment be read.

The SPEAKER. The gentleman from Maryland does not yield.

Mr. SPARKS. I charge you are paying these officers twice for the same service. I charge that here, and this amendment prevents it. [Cries of "Regular order!"]

The SPEAKER. The Chair desires to state to the gentleman from Illinois that the remedy is to vote down the demand for the previous question.

Mr. ATKINS. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ATKINS. I desire to know what has become of the amendment I offered providing that these employés should not receive double pay.

The SPEAKER. The Chair supposes that is in the committee.

Mr. HENRY. I will state in reply to the gentleman from Tennessee that this is a substitute for both the original resolution and the amendment. It is intended to cover all. Now I insist on the previous question.

Mr. SPARKS. It does not cover the amendment at all.

Mr. HENRY. It is intended to be a substitute for all.

Mr. SPARKS. It covers it up so that it cannot be seen.

The question being taken on seconding the demand for the previous question, there were—ayes 82, noes 31.

Mr. SPARKS. I make the point that a quorum has not voted.

The SPEAKER. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Maryland, Mr. HENRY, and the gentleman from Illinois, Mr. SPARKS.

The House again divided; and the tellers reported—ayes 126, noes 25.

So the previous question was seconded.

The main question was then ordered; and under the operation thereof the joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER. The question is now on the passage of the joint resolution.

Mr. SAMFORD. On that question I call for the yeas and nays.

The yeas and nays were ordered, thirty-two members voting therefor.

The question was taken; and there were—yeas 115, nays 73, not voting 98; as follows:

YEAS—115.

Acklen,	Cravens,	House,	Sapp,
Aiken,	Culberson,	Jones,	Sawyer,
Aldrich, N. W.	Davidson,	Joyce,	Shallenberger,
Anderson,	Davis, George R.	Keifer,	Sherwin,
Atherton,	Deering,	Ketcham,	Smith, A. Herr
Bailey,	De La Matyr,	King,	Smith, Hezekiah B.
Barber,	Ellis,	Le Fevre,	Smith, William E.
Barlow,	Evins,	Loring,	Springer,
Beltzhoover,	Ferdon,	Lowe,	Stephens,
Blackburn,	Finley,	Manning,	Talbott,
Blake,	Ford,	Marsh,	Taylor,
Bowman,	Forney,	Martin, Benj. F.	Thomas,
Bright,	Frost,	Martin, Edward L.	Thompson,
Browne,	Frye,	McCoid,	Tillman,
Buckner,	Goode,	Monroe,	Turner, Thomas
Butterworth,	Gunter,	Morton,	Tyler,
Caldwell,	Hammond, John	Murch,	Urner,
Calkins,	Harris, John T.	Nicholls,	Van Aernam,
Carlisle,	Hatch,	Norcross,	Voorhis,
Carpenter,	Hawk,	O'Connor,	Ward,
Caswell,	Hawley,	O'Neill,	Washburn,
Claflin,	Henderson,	Osmer,	Wells,
Clardy,	Henkle,	Phister,	Whiteaker,
Clark, John B.	Henry,	Poehler,	Wilber,
Coffroth,	Herndon,	Price,	Williams, C. G.
Converse,	Hill,	Reagan,	Wright,
Cook,	Hooker,	Rice,	Yocum,
Covert,	Horr,	Russell, W. A.	Young, Casey.
Cowgill,	Houk,	Ryon, John W.	

NAYS—73.

Aldrich, William	Dibrell,	McGowan,	Simonton,
Armfield,	Dunn,	McKinley,	Singleton, O. R.
Atkins,	Dunnell,	McMillin,	Slemons,
Baker,	Elam,	Mills,	Sparks,
Bayne,	Farr,	Mitchell,	Steele,
Beale,	Felton,	Morrison,	Stevenson,
Bicknell,	Field,	Neal,	Stone,
Bouck,	Garfield,	New,	Turner, Oscar
Brewer,	Geddes,	Newberry,	Updegraff, J. T.
Briggs,	Godshalk,	Overton,	Updegraff, Thomas
Brigham,	Hall,	Persons,	Valentine,
Cabell,	Hammond, N. J.	Phelps,	Waddill,
Cannon,	Harris, Benj. W.	Prescott,	Wait,
Clymer,	Hayes,	Richardson, D. P.	Wellborn,
Cobb,	Hostetler,	Robinson,	Whitthorne,
Colerick,	Humphrey,	Rothwell,	Williams, Thomas.
Conger,	Kitchin,	Ryan, Thomas	
Daggett,	Klotz,	Samford,	
Davis, Loundes H.	Lewis,	Scales,	

NOT VOTING—98.

Bachman,	Fisher,	Lay,	Robeson,
Ballou,	Forsythe,	Lindsey,	Ross,
Belford,	Fort,	Lounsbery,	Russell, Daniel L.
Bingham,	Gibson,	Martin, Joseph J.	Shelley,
Bland,	Gillette,	Mason,	Singleton, J. W.
Bliss,	Harmer,	McCook,	Speer,
Blount,	Haskell,	McKenzie,	Starin,
Boyd,	Hazelton,	McLane,	Townsend, Amos
Bragg,	Heilman,	McMahon,	Townshend, R. W.
Burrows,	Herbert,	Miles,	Tucker,
Camp,	Hiscock,	Miller,	Upson,
Chalmers,	Hubbell,	Money,	Vance,
Chittenden,	Hull,	Morse,	Van Voorhis,
Clark, Alvah A.	Hunton,	Muldrow,	Warner,
Cox,	Hurd,	Muller,	Weaver,
Crapo,	James,	Myers,	White,
Crowley,	Johnston,	O'Brien,	Willis,
Davis, Joseph J.	Jorgensen,	O'Reilly,	Willits,
Deuster,	Kelley,	Orth,	Wilson,
Dick,	Kenna,	Pierce,	Wise,
Dickey,	Killinger,	Pound,	Wood, Fernando
Dwight,	Kimmel,	Reed,	Wood, Walter A.
Einstein,	Knott,	Richardson, J. S.	Young, Thomas L.
Errett,	Ladd,	Richmond,	
Ewing,	Lapham,	Robertson,	

So the joint resolution was passed.

During the roll-call the following announcements were made:

Mr. MANNING. My colleague, Mr. MONEY, is absent by leave of the House, and is paired with Mr. CROWLEY, of New York.

Mr. SCALES. My colleague, Mr. VANCE, is absent by reason of sickness.

Mr. MULDROW. I am paired with Mr. DWIGHT, of New York.

Mr. TALBOTT. My colleague, Mr. MCLANE, is paired with Mr. BOYD.

Mr. COVERT. My colleague, Mr. FERNANDO WOOD, is paired with Mr. ROBESON, of New Jersey. My colleague, Mr. MULLER, is paired with Mr. HEILMAN.

Mr. MARTIN, of Delaware. Mr. ROSS, of New Jersey, is paired with Mr. CRAPO, of Massachusetts.

Mr. FELTON. My colleague, Mr. SPEER, is paired with Mr. CASWELL, of Wisconsin.

Mr. DAVIS, of North Carolina. I am paired with my colleague, Mr. MARTIN.

Mr. FORNEY. Mr. SHELLEY is paired with Mr. MILLER, of New York.

Mr. COFFROTH. Mr. BACHMAN is paired with Mr. BELFORD, of Colorado. Mr. BELFORD voted by mistake, and asked that I should withdraw his vote.

Mr. TOWNSHEND, of Illinois. I am paired with Mr. BALLOU, of Rhode Island. Mr. SINGLETON, of Illinois, is paired with Mr. MILES, of Connecticut.

Mr. MCKENZIE. I am paired with the gentleman from Michigan, Mr. HUBBELL.

Mr. MILLS. My colleague, Mr. UPSON, is detained from the House by sickness.

Mr. HARRIS, of Virginia. My colleague, Mr. RICHMOND, is paired with Mr. PRESCOTT, of New York.

Mr. ROBINSON. My colleague, Mr. MORSE, is paired with Mr. KELLEY, of Pennsylvania.

Mr. BAKER. My colleague, Mr. ORTH, is paired with Mr. DICKEY, of Ohio.

Mr. BAILEY. Mr. LOUNSBERY is paired with Mr. REED.

Mr. STONE. Mr. MONEY is paired with Mr. CROWLEY, and Mr. STARIN is paired with Mr. KIMMEL.

Mr. STEVENSON. Mr. LADD, of Maine, is absent by leave of the House and is paired with his colleague, Mr. LINDSEY.

Mr. COWGILL. On political questions I am paired with my colleague from Indiana, Mr. MYERS. I do not regard this as a political question, and therefore vote "ay."

Mr. RICE. My colleague from Massachusetts, Mr. CRAPO, is paired with Mr. ROSS, of New Jersey.

Mr. HAMMOND, of New York. My colleague, Mr. DWIGHT, is paired with Mr. MULDROW, of Mississippi.

Mr. BARBER. Mr. HEILMAN, of Indiana, is paired with Mr. MULLER, of New York.

Mr. FRYE. My colleagues, Mr. REED, Mr. LADD, and Mr. LINDSEY, are absent by leave of the House, and all are paired.

Mr. URNER. My colleague from Maryland, Mr. MCLANE, is paired with Mr. BOYD, of Illinois.

Mr. RICHARDSON, of New York. My colleague, Mr. LAPHAM, is paired with Mr. TUCKER, of Virginia.

Mr. SINGLETON, of Mississippi. My colleague, Mr. CHALMERS, has been called home on business which requires his presence. He is paired with Mr. VAN VOORHIS, of New York.

The result of the vote was then announced as above recorded.

Mr. HENRY moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. KENNA, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill and a joint resolution of the Senate of the following titles; when the Speaker signed the same:

An act (S. No. 491) in relation to the accounts of the United States entomological commission; and

A joint resolution (S. R. No. 25) authorizing the Public Printer to bind in cloth two volumes of Sailing Directions for the United States Hydrographic Office.

Mr. COFFROTH, from the same committee, reported that they had examined and found truly enrolled a bill of the House of the following title; when the Speaker signed the same:

An act (H. R. No. 2020) to establish post-routes.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced that the Senate had agreed to the amendment of the House to the bill (S. No. 516) to extend the time of special postal service until service can be obtained by advertisement.

The message further announced that the Senate had passed, with amendments in which the concurrence of the House was requested, the bill (H. R. No. 435) to correct the reading of an act making appropriations for the construction, repair, preservation, and completion of certain works on rivers and harbors, and for other purposes, approved March 4, 1879.

ARMY APPROPRIATION BILL.

Mr. CLYMER. I ask consent to report from the Committee on Appropriations at this time a bill making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes, and that the bill be printed and recommitted to the Committee on Appropriations. On that motion I call the previous question.

Mr. CONGER. All points of order to be reserved.

The SPEAKER. They will be reserved.

There being no objection, the bill (H. R. No. 2175) was received, read a first and second time, ordered to be printed, and recommitted to the Committee on Appropriations.

ORDER OF BUSINESS.

Mr. MCGOWAN and Mr. BRIGHT called for the regular order.

Mr. CANNON, of Illinois. I desire to raise the question of consideration, and to move that the House now resolve itself into Committee of the Whole for the purpose of considering the bill making additional appropriations for the Post-Office Department.

The SPEAKER. The regular order being called for, the first business in order, this being Friday, is the call of committees for reports of a private nature during the morning hour. The only way to reach the object of the gentleman from Illinois [Mr. CANNON] will be to dispense with the morning hour for to-day, which under the rule will require a two-thirds vote.

Mr. MCGOWAN. Should the morning hour be dispensed with, would not the special order coming over from yesterday, the pleuro-pneumonia bill, be the first business in order?

Mr. CANNON, of Illinois. I understand that it is competent for the House to take up any business it may desire.

The SPEAKER. The question of consideration could be raised.

Mr. SPRINGER. I rise to a point of order. The bill referred to by my colleague [Mr. CANNON] is public business. This being private bill day, should the morning hour be dispensed with, it would not be in order for my colleague then to move to go into Committee of the Whole for the purpose of considering a public bill.

The SPEAKER. The gentleman could make that motion, but the Chair would be compelled to recognize first a motion to go into Committee of the Whole on the Private Calendar.

Mr. SPRINGER. Certainly, and should that be voted down——

The SPEAKER. Then the motion of the gentleman from Illinois [Mr. CANNON] would be in order.

Mr. CANNON, of Illinois. I move to dispense with the morning hour for to-day.

The SPEAKER. That will require a two-thirds vote.

Mr. BRIGHT. I hope the motion will not be agreed to.

The question was taken upon the motion of Mr. CANNON, of Illinois; and upon a division there were—ayes 79, noes 27.

Mr. ACKLEN. No quorum has voted.

Tellers were ordered; and Mr. CANNON, of Illinois, and Mr. BRIGHT were appointed.

The House again divided; and the tellers reported that there were—ayes 110, noes 38.

So (two-thirds voting in favor thereof) the morning hour for to-day was dispensed with.

Mr. ACKLEN. I move that the House now resolve itself into Committee of the Whole on the Private Calendar.

Mr. SPRINGER. If that motion shall be voted down, will it then be in order for my colleague [Mr. CANNON] to submit his motion?

The SPEAKER. If that motion shall be voted down, then the day will be cleared of private business by action of the House. It would then become public bill day, and the first business in order would be the unfinished business of yesterday, which will come over as the special order for to-day. But any member can raise the question of consideration against the unfinished business; and should the House refuse to proceed with the consideration of that unfinished business, then the gentleman from Illinois [Mr. CANNON] can submit his motion.

The question was taken upon the motion of Mr. ACKLEN to go into Committee of the Whole on the Private Calendar; and upon a division—ayes 36, noes not counted—it was not agreed to.

Mr. MCGOWAN. I now call for the regular order.

The SPEAKER. The regular order is the unfinished business of yesterday coming over to to-day, being the bill (H. R. No. 1378) to prevent the exportation of diseased cattle and the spread of infectious or contagious diseases among domestic animals.

Mr. CANNON, of Illinois. I raise the question of consideration on that bill, and give notice that I do so for the purpose of obtaining an opportunity to move to go into Committee of the Whole on the state of the Union for the purpose of considering the bill making further appropriations for the Post-Office Department.

The question was taken upon proceeding with the consideration of the unfinished business of yesterday; and upon a division there were—ayes 31, noes 78.

Mr. FINLEY. I call for tellers.

Mr. O'NEILL. I call for the yeas and nays.

The question was taken upon ordering the yeas and nays, and there were 8 in the affirmative.

So (the affirmative not being one-fifth of the last vote) the yeas and nays were not ordered.

The SPEAKER. Does the gentleman from Ohio [Mr. FINLEY] raise the question of a quorum, or call for tellers?

Mr. FINLEY. I call for tellers.

Tellers were not ordered, there being but 8 in the affirmative; not one-fifth of a quorum.

So the House refused to proceed with the consideration of the unfinished business of yesterday.

Mr. CANNON, of Illinois. I now move that the House resolve itself into Committee of the Whole for the purpose of proceeding with the consideration of the bill (H. R. No. 2002) making additional appropriations for the fiscal years ending June 30, 1879, and June 30, 1880, and for other purposes. Pending that motion, I move that all general debate on that bill be limited to two hours.

Mr. O'NEILL. I desire to ask the gentleman whether he will not consent that the House take up this bill on Tuesday next after the morning hour?

Mr. CANNON, of Illinois. That would be equivalent to no consideration at all, because the general appropriation bills would then be under consideration.

Mr. O'NEILL. There are gentlemen absent to-day who are anxious to be present when this bill is considered and to take part in the debate. They are absent because of an understanding—I do not say an understanding with the gentleman from Illinois—that this bill would not be considered before next Tuesday after the morning hour. I hope the gentleman will permit it to go over until that time.

Mr. CANNON, of Illinois. I have only to say in reply to the gentleman from Pennsylvania that I am anxious this bill should be disposed of in some way, and I am not responsible for other gentlemen being absent from the House. Certainly no man has had any understanding with me, nor I apprehend with anybody else, that the bill should go over until next Tuesday. Personally I would be content to let this bill sleep during the session; but, in fairness to the committee and the House, I desire that an opportunity be given for its consideration. I apprehend that the gentleman from Pennsylvania, [Mr. O'NEILL,] with his views, is standing in his own light in offering opposition to this proposition.

Mr. O'NEILL. I want this bill to be considered when its friends are here; and I believe that on Tuesday next we shall have here a sufficient number to vote to carry out the existing law in reference to the increased pay of letter-carriers. I desire to have appropriations made in conformity with existing law. I do not wish to aid in the passage, or, if I can help it, to permit the passage, of a bill which is going to restrict in any way the payment of the salaries of letter-carriers as now provided for by law.

The question being taken on the motion of Mr. CANNON, of Illinois, that when the House shall resolve itself into Committee of the Whole on House bill No. 2002 all general debate terminate in two hours, there were—ayes 72, noes 20.

Mr. COFFROTH. No quorum.

Mr. SPRINGER. I desire to ask my colleague [Mr. CANNON, of Illinois] whether one hour would not be long enough for general debate. If so, I think we can arrange the matter without any difficulty.

Mr. CANNON, of Illinois. In naming two hours, I have yielded to the importunity of parties who are in favor of the bill. I would be satisfied with one hour's debate; but I prefer not to modify my motion.

Mr. ATKINS. I hope the gentleman in charge of this bill will propose one hour as the limitation of debate.

Mr. CANNON, of Illinois. The Committee of the Whole can rise at any time for the purpose of having the House limit the debate.

The SPEAKER. The vote on the motion to limit debate was ayes 72, noes 20. The point is made that no quorum voted, and the Chair will order tellers.

Mr. COFFROTH. I withdraw the point that no quorum voted.

The SPEAKER. The point of order being withdrawn, the motion of the gentleman from Illinois to limit debate in Committee of the Whole to two hours is agreed to.

The question recurring on the motion of Mr. CANNON, of Illinois, that the House resolve itself into Committee of the Whole for the purpose of considering House bill No. 2002, the motion was agreed to; and the House accordingly resolved itself into Committee of the Whole, Mr. REAGAN in the chair.

REPORTS OF SUPREME COURT OF THE UNITED STATES.

The first business on the Public Calendar in Committee of the Whole was the bill (H. R. No. 1493) defining the duties of reporter of the Supreme Court of the United States, fixing his compensation, and providing for the publishing and distribution of said reports.

Mr. HARRIS, of Virginia. I hope that this bill will be proceeded with. It will take only a few moments; and it is an important measure.

Mr. CANNON, of Illinois. I move that the bill be laid aside.

The motion of Mr. CANNON, of Illinois, was agreed to.

PAY OF LETTER-CARRIERS.

The next business on the Public Calendar was the bill (H. R. No. 2002) making additional appropriations for the service of the Post-Office Department for the fiscal years ending June 30, 1879, and June 30, 1880, and for other purposes.

Mr. CANNON, of Illinois. I ask unanimous consent that the first reading of the bill be dispensed with.

There was no objection, and it was ordered accordingly.

Mr. CANNON, of Illinois. Mr. Speaker, this bill which has been reported by order of the Committee on Appropriations recommends an appropriation of $25,000 to pay letter-carriers, being an increase of salary from the 21st of February last, to the close of this fiscal year. It also proposes to appropriate $131,900 in addition to the appropriation that was made at the last session of Congress, for the next fiscal year. The bill also provides for a change of salaries of letter-carriers as fixed by the law of the 21st of February last, and that the free-delivery service shall not be extended to cities having less than thirty thousand inhabitants within the corporate limits, in lieu of twenty thousand inhabitants, or cities of less than twenty thousand population but yielding $20,000 gross revenue.

Most members are familiar with the letter-carrier system; but if they will bear with me, I will briefly refer to what was the law prior to the late act of the 21st of February last, the changes made by it, and the circumstances under which it was passed. I will also explain what this bill provides, stating the amount necessary to be appropriated by the bill if the amendments which we recommend be made, and the amount necessary to be appropriated should the law remain as amended by act of February last. The letter-carrier system was inaugurated in 1864, if I remember rightly. Up to 1874 it was extended to places which had twenty thousand inhabitants within the delivery of the post-office. Under the operation of that law, by counting the inhabitants of the adjacent rural districts, quite a number of small cities of from ten thousand to fifteen thousand inhabitants secured free delivery. As the local postages were very small in this class of cities and the expense quite heavy, in 1874 Congress passed an act which provided that thereafter the service should not be extended to any city having less than thirty thousand inhabitants within its corporate limits, and so the law remained to the 21st of February last.

The service now exists in eighty-eight cities, and cost in the fiscal year ending June 31, 1876, $2,000,000, which appropriation was made by the last republican Congress. The democracy came into power in the Forty-fourth Congress in this House, and under the lead of the then chairman of Appropriations, and now Speaker, [Mr. RANDALL,] the other side of the House inaugurated as they claimed an era of retrenchment and reform, and one of the chief priests was the gentleman from New York, [Mr. COX,] and instead of appropriating for the letter-carrier service at the rate of $2,000,000 per annum, the appropriation for the year ending June, 1877, was $1,900,000; for the year ending June, 1878, $1,825,000; for the year ending June, 1879, $1,875,000; for the year ending June, 1880, $2,000,000; saving in four years $400,000 for this service alone, and fairness compels me to state that in this case the saving was an apt and proper one to be made. This saving was brought about by a reduction of the salaries paid to carriers, which up to the 21st day of February last were in cities of one hundred thousand inhabitants and over, as follows: To first grade of carriers, $641.25 per annum; to second grade of carriers, $736.25 per annum; to third grade of carriers, $831.25 per annum; while in cities of less than one hundred thousand inhabitants they were as follows: To first grade of carriers, $546.25 per annum; to second grade of carriers, $641.25 per annum; to third grade of carriers, $730.26. Over three-fourths of these carriers, however, were paid at the maximum rates of $736.25 and $831.25 respectively, as will be shown by the following statement made by the superintendent of free-delivery service a year ago:

First-class letter-carrier cities having one hundred thousand population and upward.

Names of offices.	$675	$775	$875	Total number of carriers.
Baltimore, Maryland	8	7	47	62
Boston, Massachusetts	25	28	104	157
Brooklyn, New York	14	11	64	89
Buffalo, New York	5	9	20	34
Chicago, Illinois	14	21	122	157
Cincinnati, Ohio	6	7	58	71
Cleveland, Ohio	1	1	30	32
Detroit, Michigan	2	.....	29	31
Louisville, Kentucky	.....	5	25	30
Milwaukee, Wisconsin	6	1	19	26
Newark, New Jersey	3	3	18	24
New Orleans, Louisiana	6	18	23	47
New York, New York *	27	41	316	384
Philadelphia, Pennsylvania	30	30	187	247
Pittsburgh, Pennsylvania	5	3	26	34
Providence, Rhode Island	2	1	17	20
Saint Louis, Missouri	8	13	86	107
San Francisco, California	.....	.....	.....	†45
Washington, District of Columbia	6	3	31	40
	168	202	1,222	‡1,682

* There are also 45 auxiliary carriers at $400 each a year.

† At $975 per annum.

‡ Total number of carriers of this class includes 45 auxiliaries.

There are 593 carriers employed at second-class offices; 72 at $575, 51 at $675, and 470 at $775.

A deduction of 5 per cent. per annum is made on the above salaries, excepting auxiliaries, owing to the insufficiency of the appropriation.

Total number of carriers in service at this date, 2,275.

These salaries were paid under section 3866 of the Revised Statutes, which allowed the Postmaster-General to fix the salaries of carriers at not exceeding $800 per annum, and for fidelity, &c., not exceeding $1,000 per annum.

On the 21st of February last an act was passed (the manner in which it passed I will speak of later) which provides (section 1) that in cities containing a population of seventy-five thousand or more there shall be two classes of carriers, to be *fixed* by the Postmaster-General, in which the salaries of the first class of carriers shall be $1,000 per annum, and of the second class $800 per annum, and that the number of carriers receiving $1,000 salary shall not be less than one-half nor more than two-thirds of the whole number of carriers actually in service in the city in which they are employed; thus it will be seen that at least one-half of the carriers in this class of cities, or two-thirds, if money enough is appropriated, will have their salaries increased from $831.25 per annum to $1,000 per annum, while a very considerable number have their salaries decreased from $831.25 to $800 per annum.

The act further provides that in all cities of less than seventy-five thousand population there shall be only one class of carriers who shall receive $850 per annum, an increase of from $100 to $214 to the carriers in this class of cities.

The appropriation for the current fiscal year is $1,875,000, which is ample were it not for the legislation of February last. The appropriation for this service for the next fiscal year was made at the last session for $2,000,000, which is ample for the service including all extension of same were it not for the same legislation, and was made without reference to such legislation. As the act of February 21 went into effect at once, and as Congress did not make an additional appropriation to meet the increase for the present year caused by it, or for the next fiscal year, the Postmaster-General had to choose between disregarding the act or putting the same in force by the appointment of carriers under it and their payment accordingly, which latter course would have compelled him to discharge about 20 per cent. of the present force of carriers to bring his expenditures within the appropriations. He chose the former course, and the act of February is not in operation except so far as it operates without action by the Postmaster-General under it.

Under the law prior to February there were no classes in the meaning of that law of letter-carriers, and as the Postmaster-General has not designated any carriers of the first or second class in cities of seventy-five thousand or more there are none in existence entitled to receive the eight-hundred-dollar and one-thousand-dollar salaries therein provided. The truth is that the payments have been continued to more than three-fourths of the carriers in that class of cities at the rate of $831.25, the same as if said act had never been passed. Hence the committee do not recommend any appropriation of a deficiency to pay carriers in that class of cities under the new law for the present fiscal year; and in the event Congress should make such deficiency appropriation for the maximum of two-thirds of the carriers, at the rate of $1,000 per year, the other one-third of carriers would only be entitled to pay at the rate of $800 per annum, whereas in fact they have been receiving pay since the passage of this act at the rate of $831.25. So the committee seek to legalize the payments that have been made to these carriers, and continue them at the same rate for the remainder of this fiscal year.

The committee recommend an appropriation of $25,000 to pay the increase of salaries by act of last February to carriers in cities of less than seventy-five thousand, for the reason that the law only makes one class of carriers in those cities at a salary of $850 per annum, and as to all carriers in the service in those cities said act executes itself without prior action or designation by the Postmaster-General. The minimum additional appropriation for the next fiscal year to pay the salaries of letter-carriers under said act is $247,200, while the maximum appropriation is $306,800; while the amount necessary to extend the service to cities of twenty thousand inhabitants and $20,000 gross revenues is for the next fiscal year $140,250, which leaves the minimum additional appropriation to carry into full force the present law, including the deficiency, $411,925, and the maximum, $471,525.

The committee deemed it wise to recommend to the House legislation amending the law and fixing the salaries of letter-carriers to commence on the 1st day of July next, in cities of seventy-five thousand and more population, at $800 and $900 per annum, and at $800 per annum in cities of less than seventy-five thousand population. If the House shall adopt the suggestion of the committee in this and other respects, the amount necessary to appropriate for the next fiscal year additional will be $131,900.

The superintendent of the free-delivery service, who has been in service as such since its commencement, and is perhaps the most competent man touching the same in the country, is of opinion that the salaries of letter-carriers should be fixed in cities of one hundred thousand population and over at the rate of $800 and $900 per annum, and in cities under one hundred thousand population at the rate of $700 and $800 per annum.

Mr. Chairman, having briefly stated the recommendations of the committee, I desire to refer to the manner in which the act of February 21 was passed.

About the close of the second session of the Forty-fifth Congress, in June, 1878, just before the expiration of that session, the gentleman from New York [Mr. COX] placed that act on its passage under a suspension of the rules. There was no discussion upon that bill. The motion to suspend the rules cut off all debate.

Mr. TOWNSEND, of Ohio. The bill had been considered before.

Mr. CANNON, of Illinois. The bill had never been considered and was not a bill reported by the Post-Office Committee. Some months prior to that time, as I shall presently show——

Mr. KEIFER. It is the same bill with my amendments.

Mr. CANNON, of Illinois. It is an entirely different bill, as I shall show the gentleman.

Now, I desire to state that in my opinion the present pay of carriers, which averages about $800 per annum, is sufficient; and the pay of $800 and $900 recommended by the committee is ample, in fact far more than is paid to mechanics and skilled laborers throughout the country. A mechanic serves his apprenticeship, and his pay now throughout the country is $2 per day or $600 per annum, while the pay fixed by this bill where skill is not required and constant employment is given is one-half more than for skilled labor and more by far than they can realize at any other calling.

I had occasion to examine the English estimates the other day, and I find the English government pay their letter-carriers, all allowances included, at the commencement of the service $275 a year, and it takes twelve years' faithful service through summer and winter to get up to $400 a year, which is the maximum.

Mr. O'NEILL. Where is that?

Mr. CANNON, of Illinois. In Great Britain.

Mr. O'NEILL. The gentleman knows that these people in England do not live, do not clothe themselves and fare as the American citizens do.

Mr. CANNON, of Illinois. I do not yield. If the gentleman will do me the courtesy to ask me to yield I may do so. But I do not wish him to inject his speeches into mine without my permission.

Mr. O'NEILL. I did not know my friend was quite so sensitive. I now request him to yield to me that I may ask him a question.

Mr. CANNON, of Illinois. I yield to the gentleman for a question.

Mr. O'NEILL. Does the gentleman not know that the Englishman does not live as the American citizen lives; that he neither eats nor is clad nor is housed as the American citizen is and ought to be, whether he is a Government official or not? There is no comparison to be made between the English official and the American official.

Mr. CANNON, of Illinois. I do not yield for a speech. The gentleman asks me a question, and I will answer it. I want to be candid. I do know that wages are higher in this country than in Great Britain or any other country, and they ought to be and I want them to be. But mind you, in Great Britain the rate of compensation is from $275 to $400, the amount after twelve years' service being $400. Now, as our rate of compensation is considerably over double that amount, it occurs to me that perhaps it is enough.

The gentleman has asked me a question, and if he is disposed to answer one I will ask him one.

Mr. O'NEILL. I will do so with a great deal of pleasure.

Mr. CANNON, of Illinois. Do you not know that in the cities of Philadelphia and New York there is a grade of letter-carriers, small in number, who are called auxiliaries, and are paid at the rate of $400 a year; and do you not know further that applicants come by scores applying for these places and assign as a reason that even $400 a year is better pay than they can make at anything else?

Mr. O'NEILL. I will grant that men seek offices of which the salary is small, per diem salaries which are small, but if we adhere to the legislation of the last Congress the men to-day who take these places of $400 in Philadelphia or New York or elsewhere will be sure to have promotion; if he be a meritorious man it is sure that he will deserve promotion, and I think that in the appointment of employés in the Post-Office Department and Internal-Revenue department and in the Customs department, it is important that we should give the man appointed a chance to be promoted.

Mr. CANNON, of Illinois. As the law now stands the fact remains that thousands of men are anxious to take these places at half what they get under the law.

Mr. O'NEILL. I desire to ask the gentleman a question for a moment.

Mr. CANNON, of Illinois. Not now, Mr. Speaker.

Mr. O'NEILL. I simply want to ask you a question.

Mr. CANNON, of Illinois. Well, sir; certainly I will yield to the gentleman for a question.

Mr. O'NEILL. I will ask the gentleman if in the State of Illinois in his congressional district there are not hundreds of men who would be glad to serve their country in the Congress of the United States, irrespective of the amount of the pay? That shows that the average American citizen desires public office and will hunt for public office wherever it may be. There may be hundreds of candidates in the gentleman's district for the congressional nomination. I hope they may not be able to defeat him; but I say that an American citizen is proud of holding office, and he should be; but he should seek it and not have it thrust upon him against his will. [Laughter.]

Mr. CANNON, of Illinois. The gentleman comes here with that same stale assertion. Yes, sir; there are men in my congressional district who would be glad to come without any pay, and I suspect that there are men of that class in the gentleman's district.

Mr. O'NEILL. Yes: but I hope they will not succeed. [Laughter.]

Mr. CANNON, of Illinois. I want to say, as the gentleman sees fit to refer to my congressional district, that there are few mechanics or farmers with small farms with a fee-simple of eighty acres, who make $400 a year, much less $831, the amount paid to the carriers.

Mr. McCOOK. Will the gentleman yield to me for a moment?

Mr. CANNON, of Illinois. If gentlemen will possess themselves with patience I will yield to everybody.

Mr. COX. Go along quietly. Do not excite yourself. [Laughter.]

Mr. CANNON, of Illinois. Mr. Chairman, I am not here to say anything against this class of public officers; they are a hard-working, honest, faithful, industrious class of public employés, and ought to be paid every dollar they earn, and paid liberally, and I am for paying them in that way.

Mr. McCOOK. Will the gentleman allow me to ask him a question?

Mr. CANNON, of Illinois. Certainly.

Mr. McCOOK. As he has referred to the city of New York in connection with this bill, and as Congress some time ago established eight hours as a proper day's work, and conceding that $2 a day is the average wage for skilled labor in this country, I would like to know from the gentleman why when employés of the Government work from twelve to eighteen hours a day that fact ought not to be taken into consideration in the determination of the question as to the amount they shall receive per diem?

Mr. CANNON, of Illinois. I will ask the gentleman [Mr. McCOOK] in answer to his question if he knows how many hours these carriers are employed?

Mr. COX. Do not get excited, now.

Mr. CANNON, of Illinois. I have not had occasion to resort to means of excitement.

Mr. McCOOK. I concede that I have no personal knowledge about this matter, but I have official information that the average day's work of a carrier in New York is certainly twelve hours.

Mr. CANNON, of Illinois. Where did the gentleman receive that information from?

Mr. McCOOK. From the postmaster of the city of New York.

Mr. CANNON, of Illinois. Postmaster James?

Mr. McCOOK. Yes, sir.

Mr. CANNON, of Illinois. Officially?

Mr. McCOOK. I heard it from him in conversation, and I say another thing: the majority of these letter-carriers are discharged soldiers, and I never heard any complaint of them.

Mr. COX. Now give it up.

Mr. CANNON, of Illinois. Ah, the gentleman says "give it up." If the House sees proper to give these men $1,000 a year, as the law does which the gentleman drove through under a suspension of the rules, of course I cannot help it. But the House will not do it until after it has been placed in possession of the facts surrounding this question.

A MEMBER. And the country, too.

Mr. CANNON, of Illinois. Yes; and the country, too.

Mr. COX. Do not get excited.

Mr. CANNON, of Illinois. Now, I submit to the facile gentleman from New York, who thunders periodically in the economical index just before an election, that I am not getting excited, and I ask that you do not get excited over this extravagant and worse than useless legislation that you forced through the House.

Mr. O'NEILL. By how large a majority? By more than a two-thirds vote?

Mr. CANNON, of Illinois. The gentleman jumps; it must hurt. I will come to that a little later.

Mr. COX. Take your time.

Mr. CANNON, of Illinois. Fear not; I propose to take my time. This letter-carrier system may be needed in New York, Boston, Philadelphia, Cincinnati, and other large cities. But I do not think it is really needed in cities of less than thirty thousand inhabitants. It has been established in cities of thirty thousand inhabitants, and I do not propose for one to advocate a law that will change that limit.

Now, one word with regard to the compensation of employés, and then I will speak of the provisions of that law in another aspect. In the post-offices of the United States there are over four thousand clerks, nearly double the number of letter-carriers. Now I beg gentlemen who are so fierce to raise the salaries of the letter-carriers to take note of the fact, if they have any interest in it, that there are twice as many post-office clerks to help set up nominating conventions that there are of letter-carriers, and those clerks get but $775 a year each.

M. O'NEILL. Let me ask the gentleman a question.

Mr. CANNON, of Illinois. Certainly, I will yield for a question.

Mr. O'NEILL. The gentleman is very courteous in yielding to every one, and I thank him. Does he not know that the clerks in the post-offices in the free-delivery cities, the larger cities, such as New York, Philadelphia, Boston, Baltimore, Chicago, and others, work but eight hours a day each? They work either from eight o'clock in the morning until four o'clock in the afternoon, or from four in the afternoon until twelve at night, or from twelve at night until eight o'clock the next morning. Some of them do not receive as much pay——

Mr. CANNON, of Illinois. I did not yield for a speech.

Mr. O'NEILL. I do not want to make a speech, but I want to set the gentleman right and the House right on this question. I regret that my colleague [Mr. BINGHAM] is now absent, for he has all the information upon this subject and can state to the House——

Mr. CANNON, of Illinois. I do not yield to the gentleman for a eulogy on his colleague.

Mr. O'NEILL. These clerks work but eight hours a day, yet many of them receive $1,000 a year. There is no comparison between the work of the clerks in the post-offices and the work of the letter-carriers. I will say in conclusion that some of those clerks receive $1,200, $1,400, or $1,800 a year; and they deserve such pay; they do work which should be compensated by such salaries.

Mr. CANNON, of Illinois. Mr. Speaker, from the time, eighteen months ago, when the effort to raise the salaries of this class of governmental employés commenced, no man has been able to say a word in the House upon this question without stirring up the bees around him as thickly as they are stirred up when swarming.

Mr. O'NEILL. What do you mean?

Mr. CANNON, of Illinois. I mean just what I say. I hope I will be permitted now to go on and reply to the remark of the gentleman. I state again that the average pay of clerks in the post-offices of the United States is $775 a year. It is true that there are a few who get $1,200, $1,400, or even $1,800; but that is not the usual rate. For example, the postmaster at Springfield, Illinois, told me that he paid a gentleman, who was at one time auditor of the State and a very competent man, $600 a year to act as his chief clerk. This is all the salary which the Government allowed for the service. But the higher salaries paid in the great cities swell the average to $775.

Now, sir, the postmasters of the United States, nearly all of whom pay their own rent and their own clerk hire, and invariably do where the revenue of the office is under $2,000 a year, receive on the average $195 a year total salary.

Mr. O'NEILL. At some of those post-offices there are hardly a hundred letters received or sent away during a year.

Mr. CANNON, of Illinois. I am speaking of the average pay received by postmasters——

Mr. O'NEILL. Taking thirty-five thousand or thirty-six thousand post-offices in the country.

Mr. CANNON, of Illinois. And nearly all of whom pay their own rent, their own fuel, their own clerk hire. Yet their average pay, taking the great salaries and the small, is $195 a year. These letter-carriers get $831, nearly all of them; and gentlemen insist on their receiving $1,000.

Mr. O'NEILL. I wish to ask the gentleman one question. Do not a great many of these postmasters keep stores or carry on other business for a living——

Mr. CANNON, of Illinois. Certainly.

Mr. O'NEILL. And they take their little salaries as pin money for their families.

Mr. CANNON, of Illinois. Certainly; a great many of them do. I give the fact for what it is worth. The gentleman may quarrel with the fact; but he must not quarrel with me.

Mr. O'NEILL. Certainly not. I think the gentleman one of the blandest of men. I would not quarrel with so clever a man, who gives me a chance to set him right when he is wrong.

Mr. CANNON, of Illinois. And I call upon the Committee of the Whole to witness that I must necessarily be pretty clever under the gentleman's frequent interruptions.

Mr. O'NEILL. I want to keep the gentleman out of error; I do it for his own sake.

Mr. CANNON, of Illinois. The gentleman is very kind; but the moment you tread upon a piece of pig-iron or the heel of a letter-carrier he is all enthusiasm, as I have noticed ever since I have been in Congress. [Laughter.]

Mr. BAYNE. Will the gentleman yield to me for a question?

Mr. CANNON, of Illinois. Certainly, with pleasure.

Mr. BAYNE. I wish the gentleman would state why it is that in the fourth section the compensation for first-class carriers is fixed at $900 per annum, while in the fifth section, for cities having less than seventy-five thousand population, the salary is fixed at $800. Was it not within the knowledge of the committee that in cities of from forty thousand to seventy-five thousand inhabitants the distance which the carriers are obliged to walk and the exposure to which they are subjected are greater than in larger cities, where the area which each carrier traverses is comparatively limited? Do not the committee think that unfair and unjust?

Mr. CANNON, of Illinois. I cannot yield for a speech. The gentleman has asked a question. I will answer it. Of course seventy-five thousand people, when they are not as close together in one place as in another, are more scattered. [Laughter.] There is no question about that. Gentlemen from New York claim that the service in that city is the hardest; gentlemen from other cities make the same claim for their localities. I think that $800 a year is good, fair pay for the letter-carrier in a city having less than seventy-five thousand inhabitants, and that from $800 to $900 is good, fair pay in the other class of cities.

Now, I wish to again call attention to the last section of the law as passed in February, that I may compare it with the amendment proposed by the committee. The law of last February provides in substance that letter-carriers shall be employed for the free delivery of mail matter as frequently as the public convenience may require at every post-office where the population is twenty thousand.

To come within this provision, a city must have twenty thousand inhabitants within its corporate limits; yet that could not command quite votes enough to suspend the rules when my economical friend from New York [Mr. COX] made that motion, and he put this into the bill:

And at post-offices which produced a gross revenue for the preceding fiscal year of not less than $20,000.

And that brought it.

Why, said my genial friend from Pennsylvania, [Mr. O'NEILL,] did it not pass by over a two-thirds vote? Certainly; but who passed it? When you come to analyze the vote you will find that the men who passed it were the men who had their letter-carriers beseeching them for increase of pay, joined to every man who had a city with twenty thousand population and joined to every man who had a city in his district which yielded $20,000 gross revenue, or which it was hoped would yield that revenue in two or three years; and was it all in order that they might get in their little cities five letter-carriers—for that is the number—employed at $850 a year each, to deliver letters in those little cities of seven, eight, nine, or ten thousand inhabitants?

We are told they need them in those little cities, those five letter-carriers at $850 a year each. What for? To deliver letters in those cities of seven, eight, nine, or ten thousand inhabitants. Oh, yes; they may be needed there for one thing, namely, to keep the other fellow from beating somebody in securing the nomination for a congressional race. [Laughter.]

Mr. RUSSELL, of Massachusetts. Will the gentleman yield to me?

Mr. CANNON, of Illinois. Certainly.

Mr. RUSSELL, of Massachusetts. The gentleman has informed us who voted for the bill; now will the gentleman be kind enough to tell us who voted against it?

Mr. CANNON, of Illinois. Yes, sir, I will; those who were opposed to it. [Laughter.]

Mr. KEIFER. Those who wanted to make a little cheap capital.

Mr. CANNON, of Illinois. Ah, says my genial friend from Ohio, "It was opposed by those who wanted to make a little cheap capital." I ask my friend to explain how many cities there are yielding $20,000 gross revenue and having twenty thousand inhabitants in his district to make him so virtuous as to accuse me of wanting to make cheap capital in advocating this measure?

Mr. KEIFER. I should be glad to answer the gentleman.

Mr. CANNON, of Illinois. Certainly.

Mr. KEIFER. I have just one city in my district that pays a net revenue over and above all the expenses of the Government of $28,000—more than enough to run all the expenses of the office, and which has contributed in some degree toward running the offices in the gentleman's district and in other districts. That is all I have to say.

Mr. CANNON, of Illinois. What city is it?

Mr. KEIFER. The city of Springfield.

Mr. CANNON, of Illinois. Twenty-eight thousand dollars.

Mr. KEIFER. Thirty-four thousand and odd dollars is the gross revenue, and the expenses are about seven thousand, leaving $28,000 which we contribute annually to help carry on the system in places where they cannot support themselves, and if you will give us $3,000 more of our own money we will have a free-delivery system.

Mr. COX rose.

Mr. CANNON, of Illinois. I do not yield until I have replied to the gentleman from Ohio.

Mr. COX. You do not yield to me.

Mr. CANNON, of Illinois. I will yield to the gentleman in a moment. He knows I will always yield to him. The gentleman from Ohio has seen proper to say that I and all those who agree with me only wished to make a little cheap capital. Now, I retort upon him, and I have a right to do so, that the anxiety of Springfield for these five letter-carriers may possibly have had some little influence upon him in voting for the bill. But let that go for what it is worth.

Mr. KEIFER. Let me say, if the gentleman will allow me, that that is a thing which does have an influence upon me, and every man will say we are entitled to have justice done us and not to have a man who uses our money in his district get up and make a speech assailing us because we had voted in the interest of our own constituents.

Mr. CANNON, of Illinois. Mr. Chairman, my district is as thickly settled and comes as near paying the expenses of the postal system as does the gentleman's district.

Mr. KEIFER. No, sir.

Mr. CANNON, of Illinois. Yes, sir, my State of Illinois comes as near paying the expenses of the Post-Office Department as the gentleman's State of Ohio.

Mr. KEIFER. The gentleman ought not to dodge my question.

Mr. CANNON, of Illinois. I do not dodge the gentleman's question, and I state here and now that my State and my district come as near paying the expenses of the Post-Office Department as the gentleman's district and State.

Mr. KEIFER rose.

Mr. CANNON, of Illinois. I will not yield for the present. If the gentleman from Ohio does not want anything said he does not like let him keep the peace himself.

The law extends the system to cities of $20,000 gross revenue. Now, what is that revenue made of? It arises from the sale of postage-stamps and from box rents. From one-fifth to one-fourth of the revenues of this class of cities come from box rents only. Now, in case your free-delivery system is established, away go your box rents. The moment you put this service in cities where there are $20,000 of gross revenue, that moment you impair the revenues by from $3,500 to $5,000 because you cut off nearly all the box rents; and the moment you put on the five carriers you swell the expenditures over $4,000 a year. Thus the candle burns at both ends.

Now let us see how the gross revenues can be made. I have got some pretty good towns in my district, three or four, that yield all the way from $14,000 to $17,000 a year. I undertake to say there is no town in this country of five thousand people where you could not start out five men and by working one week they could swell the gross revenues up to $20,000 a year without one dollar of expenditure except their traveling expenses. And I will tell you how. It is just as easy and a little easier for the cross-roads post-offices, for all post-offices yielding under $1,000 of revenue, to get their supplies from the larger towns, as it is to get them from Washington? Mind you, these small offices are paid by the number of stamps they cancel and return under oath; I refer to the post-offices where the salary is less than $1,000. Suppose the gentleman had another town in his district which wanted five men to be placed on this salary of $850 each as carriers. The postmaster says, "Here, Tom, Jim, and Dick, go out and sell some stamps to these country postmasters; they would as soon get their supplies that way as not, and we will work up the gross revenues of the office to $20,000 a year, and I will appoint you each to a letter-carrier's position at $850 a year.

I have before me a statement from the Sixth Auditor, giving the cities to which this service under this unwise law of last February will go. I will embody it in my remarks and will now merely state the totals. There are thirty-three cities that are now hungering and thirsting for this letter-carrier service. It has taken us over seventeen years to get the service in eighty-eight cities where it was needed in the main. But here at one stroke, if this law stands, on the 1st day of July you extend the service to thirty-three cities in addition and appropriate the money for it. There are just three of these having a population of over thirty thousand. Galveston is one of them. Eighteen of them have a population under twenty thousand. Twelve have between twenty thousand and thirty thousand inhabitants.

That is not all. The Auditor gives me an additional list of cities yielding from $15,000 to $20,000 of gross revenues last year, when there was no temptation to peddle stamps, if you please; and in round numbers there are thirty-five returning between $15,000 and $20,000 of gross revenues, every one of which without any cost can be entitled to this service on the 1st of July next; so that you would nearly double the number of carrier cities if you carry out that law.

Mr. MCCOOK. Will the gentleman permit me to interrupt him for a moment?

Mr. CANNON, of Illinois. Yes, sir.

Mr. MCCOOK. I would like to call the gentleman's attention to the vote on this "iniquitous" law.

Mr. CANNON, of Illinois. I cannot yield for that. That can be done when we are under the five-minute rule.

Mr. MCCOOK. The vote was 150 yeas and 54 nays. I would like the gentleman to look over the list.

Mr. CANNON, of Illinois. I have looked over it; and now since the gentleman has called my attention to it let me pay my respects for a few moments to the history of the passage of this act. I read from the CONGRESSIONAL RECORD at the time of its passage:

Mr. COX, of New York. I move to suspend the rules and pass the following bill.

Then after the bill was read:

Mr. BANNING. This is a bill unanimously recommended by the committee.

Now, I have no doubt Mr. Banning thought that was so, but it was a mistake. There was not a word of truth in that statement. It was never recommended by any committee anywhere. I have got the bill here before me which was reported by the Post-Office Committee and went on the Calender for consideration weeks before this bill was passed under the lead of the gentleman from New York It was an entirely different bill.

Mr. COX, of New York. I do not propose to debate it, but to move to suspend the rules and pass the bill.

How slick my friend gets round these things. I admire him more than perhaps any other member of the House. Some people say he talks too much. But I will tell you one thing—it is a fact that the gentleman knows better when not to talk than any other man. [Laughter.]

Mr. COX. I am silent now. [Laughter.]

Mr. CANNON, of Illinois. The gentleman did not want to talk then. He did not want debate.

[Here the hammer fell.]

Mr. COX. Your time is up; you had better die. [Cries of "Go on!"]

Mr. BAKER. I move that the time of the gentleman from Illinois be extended.

Mr. KEIFER. It was on the gentleman's own motion that the time for general debate was limited.

Mr. CANNON, of Illinois. Certainly; and I have yielded half my time to other gentlemen. I do not wish more than ten or fifteen minutes further.

Mr. MONROE. I would be very happy to have my colleague go on, and I think these interruptions should not be taken into account;

but I would suggest that the extension of his time should not be taken from the hour to be occupied by those who are to follow him.

Mr. McGOWAN. I object to the extension of time.

Mr. FINLEY. If the time of the gentleman from Illinois [Mr. CANNON] be extended, will it come out of the two hours?

Mr. O'NEILL. I move that the committee rise, so that we may extend the time for debate.

Mr. FINLEY. I have no objection to the gentleman from Illinois [Mr. CANNON] occupying an hour and a half if it does not come out of the time allowed for debate.

Mr. SPARKS. If the fifteen minutes allowed to the gentleman from Illinois is to come out of the two hours, I object.

The CHAIRMAN. It would not.

Mr. SPARKS. I object to more than two hours being allowed for debate, and the Committee of the Whole cannot change an order made by the House.

Mr. COX. You cannot do that.

The CHAIRMAN. The House having limited the debate, it is not within the power of the committee to change that order of the House.

Mr. McGOWAN. I object to any extension of the time of the gentleman from Illinois [Mr. CANNON] unless the time allowed for discussion be extended.

Mr. O'NEILL. I insist upon my motion that the committee rise.

The motion was agreed to; there being on a division—ayes 80, noes 9.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. REAGAN reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 2002) making additional appropriations for the service of the Post-Office Department for the fiscal years ending June 30, 1879, and June 30, 1880, and for other purposes, and had come to no resolution thereon.

Mr. O'NEILL. I move that when the House resolves itself into Committee of the Whole on the state of the Union on the Post-Office appropriation bill, the time for debate be extended one hour.

Mr. McKENZIE. I move that the House do now adjourn.

Mr. FINLEY. I rise to a point of order, and it is that the House has fixed the time for general debate and has laid upon the table the motion to reconsider the vote by which that order was made.

The SPEAKER. The gentleman is in error; no motion was made to reconsider.

Mr. FINLEY. I was under the impression that that was done.

The SPEAKER. The pending question is upon the motion of the gentleman from Kentucky [Mr. McKENZIE] that the House adjourn.

Mr. CANNON, of Illinois. I ask the gentleman to withdraw that motion. I think I can finish all I have got to say in ten or fifteen minutes.

Mr. SPARKS. Then why extend the debate one hour?

Mr. CANNON, of Illinois. The other side will want some extension of time.

The question was taken on Mr. McKENZIE'S motion; and on a division there were ayes 24, noes not counted.

So the House refused to adjourn.

Mr. TALBOTT. I move that the House resolve itself into Committee of the Whole on the Private Calendar.

The SPEAKER. The House has by a vote to-day refused to go into Committee of the Whole on the Private Calendar, and the Chair therefore recognizes the gentleman from Pennsylvania, [Mr. O'NEILL,] who has moved that the House resolve itself into Committee of the Whole on the state of the Union, and has also moved that the time for general debate be extended one hour.

Mr. McGOWAN. I move to amend the motion of the gentleman from Pennsylvania [Mr. O'NEILL] so as to limit the extension of debate to fifteen minutes.

The amendment was not agreed to.

Mr. COX. I move that the House do now adjourn.

The motion was not agreed to.

Mr. SPARKS. I move that the time for debate be extended twenty minutes.

The amendment was not agreed to.

The SPEAKER. The question now recurs on the motion of the gentleman from Pennsylvania [Mr. O'NEILL] to extend the time for debate one hour.

Mr. McKENZIE. Pending that motion, I move that the House adjourn.

The House divided; and there were ayes 3, noes not counted.

So the House refused to adjourn.

The question was taken on Mr. O'NEILL'S motion to extend the time for debate one hour; and it was agreed to.

The question recurred upon Mr. O'NEILL'S motion, that the House resolve itself into Committee of the Whole on the state of the Union; and being put, the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, Mr. REAGAN in the chair, and resumed the consideration of the bill (H. R. No. 2002) making additional appropriations for the service of the Post-Office Department for the fiscal years ending June 30, 1879, and June 30, 1880, and for other purposes.

Mr. RYAN, of Kansas. I desire to ask the gentleman from Illinois [Mr. CANNON] whether he proposes to have a vote upon this bill to-day?

Mr. CANNON, of Illinois. I suppose that general debate will not close for one hour, and then the committee will consider the bill under the five-minute rule, and I think we can hardly reach a vote to-day.

Mr. RYAN, of Kansas. Then I suggest that it be unanimously understood that there shall be no vote on the bill to-day.

Mr. SPARKS. I object.

The CHAIRMAN. The gentleman from Ohio [Mr. MONROE] is entitled to the floor.

Mr. MONROE. There was a unanimous understanding that the gentleman from Illinois [Mr. CANNON] should have fifteen minutes more.

The CHAIRMAN. If there be no objection, the time of the gentleman from Illinois [Mr. CANNON] will be extended fifteen minutes.

Mr. CANNON. I may want twenty minutes; I cannot tell.

There was no objection, and the time of the gentleman from Illinois [Mr. CANNON] was extended.

Mr. CANNON, of Illinois. I have explained the manner in which this law passed the House; now let me call your attention to the manner in which it passed the Senate. I hold in my hand the RECORD of 20th February last, from which it appears that the Senator from Michigan [Mr. FERRY] in charge of the bill stated that it would cost less than $200,000 per annum to pay carriers the increase of salary provided by the bill. Yet the minimum increase for salaries to letter-carriers to carry out this law as estimated by the Postmaster-General to start on is $377,450, and the maximum is $437,050.

Now, upon that statement, that in no event would the bill increase the appropriations over $200,000, the Senate passed the bill. The great expense that would accrue from putting the service in these little cities of $20,000 gross revenue was never referred to in the Senate at all. Yet it will take $140,000 this year to put it into the cities which are already entitled to it under the law without any question.

Mr. BAYNE. I would like to ask the gentleman a question.

Mr. HAWLEY. I object to that. You will have to extend his time again, as sure as the world.

Mr. CANNON, of Illinois. I would rather the gentleman would avail himself of the five-minute debate.

Mr. BAYNE. I want to ask the gentleman a question for information.

Mr. CANNON, of Illinois. Very well. I will yield for a question.

Mr. BAYNE. I understand that there are sixty-four cities in the United States representing about eight millions of the population of this country. Now, I want to know what proportion of the revenues of the Post-Office Department is paid by those cities, and whether or not in virtue of the large excess of revenue paid by them they are not entitled to the advantages of this letter-carrier system?

Mr. CANNON, of Illinois. Yes, New York and other large cities pay large revenues; yet, after all, they are mere distributing centers, and if cut off from the balance of the country might not get along very well, and it is true the deficit in the postal revenues as compared with the expenditures is pretty large.

Mr. COX. Now, allow me a moment. The gentleman should not be unjust toward New York. Is there not more than $900,000 surplus annually in New York?

Mr. CANNON, of Illinois. Certainly.

Mr. COX. Then why not say it right out like a man? And we feed all the other deliveries.

Mr. McCOOK. From this one source alone there is a surplus of over $900,000.

Mr. COX. And from five cities there is a surplus of more than one and a quarter million of dollars.

Mr. CANNON, of Illinois. It is true there is a large surplus in New York, and a small one in Philadelphia, Boston, and San Francisco; but in small cities of twenty thousand to forty thousand inhabitants the local postages do not pay to exceed one-fifth to one-fourth enough to meet the salaries of carriers. Now, why does the gentleman from New York insist on a lot of small cities of ten thousand population and upward, where they do not need free delivery, being fastened upon the system to eat up the revenues produced in New York?

Mr. COX. You should remember that this system yields a surplus of $979,000 in New York, and you want to cut them off from that benefit.

Mr. CANNON, of Illinois. I do not yield any further.

Mr. COX. Oh, it is so coarse and bad! I tell you this is the meanest bill I ever saw offered here.

Mr. HAWLEY. I object to this interruption.

Mr. CANNON, of Illinois. The House extended my time. I do not refuse to yield.

Mr. COX. I will ask the gentleman this question: whether he ever saw a rider on a bill so mean, pusillanimous, coarse, little, and despicable as that which is represented by this bill brought in here to repeal a law passed at the last session by a two-thirds vote on an appropriation bill? This bill is meant to cut down the pay of men who are working in New York City fourteen hours a day, because you say that you do not want that sort of business done on the prairie. [Laughter, during which Mr. COX returned to the democratic side of the House.]

Mr. CANNON, of Illinois. Oh, yes; the gentleman shoots his little shooh, and then disappears. How it has grown from twelve hours a day to fourteen hours, in a minute! That is about as accurate a statement as the gentleman is apt to make when he wants to get in some contemptible, little, demagogical proposition in order to get somebody in the purlieus of New York to get up and hurrah for him as the great defender of labor. [Laughter.]

Mr. COX. Do not shake your finger at me; it scares me. [Renewed laughter.]

Mr. CANNON, of Illinois. Oh, yes; that is twice-told wit, as the gentleman once said to Mr. Butler, of Massachusetts.

Mr. COX. Go on now.

Mr. CANNON, of Illinois. The gentleman is decaying in his old age. [Laughter.] Why, sir, the gentleman from New York [Mr. MCCOOK] said a moment ago that these letter-carriers were working twelve hours a day, and that he had that information officially.

Mr. MCCOOK. From twelve to fourteen hours a day.

Mr. CANNON, of Illinois. Now, the other gentleman from New York [Mr. COX] comes in and increases it to fourteen hours a day.

Mr. MCCOOK. I said from twelve to fourteen hours a day.

Mr. CANNON, of Illinois. I state here that they do not average twelve hours; and I speak whereof I know.

Mr. MCCOOK. Then you know better than the postmasters.

Mr. CANNON, of Illinois. Now, the gentleman from New York says that I oppose this system because we do not need it in my part of the country. It exists in Springfield, represented by one of my colleagues; in Bloomington, represented by another of my colleagues. In quite a number of small cities in Illinois this system exists, and I undertake to say the system is not needed in any city of less than thirty thousand inhabitants, much less is it needed in any little cities of ten thousand inhabitants, where this law will put it. I am tired of seeing the $900,000 excess of local postage in New York City eaten up by these little cities where the system is not needed.

Mr. STEVENSON. Inasmuch as my colleague has referred to Bloomington as a city of ten thousand inhabitants, I wish to say that I understand the population of Bloomington to be nearly twenty-three thousand.

Mr. CANNON, of Illinois. Bloomington is a very handsome city; yet there are not so many people there that they elbow each other when they go to the post-office. There is no reason why they should have this letter-carrier system. They can be served early and late without jostling each other. Yet they have it; and this bill does not propose to take it away from them; but it does propose to stop the extension of this service.

In conclusion, Mr. Chairman, I desire to have printed the cities with gross revenues from $15,000 and upward before referred to and furnished by the Sixth Auditor.

Non-letter-carrier cities with gross revenue for 1878 *set opposite each.*

Offices marked thus * probably have 20,000 inhabitants.

Augusta, Maine	$47,269
Concord, New Hampshire	25,053
Auburn, New York*	33,619
Binghamton, New York	25,550
Williamsport, Pennsylvania*	20,470
Akron, Ohio	20,172
Springfield, Ohio*	34,714
Portland, Oregon*	32,935
Bridgeport, Connecticut*	33,315
Norwich, Connecticut	21,878
Jackson, Michigan	20,778
Rockford, Illinois*	26,320
Denver, Colorado*	53,491
Terre Haute, Indiana*	26,486
Cedar Rapids, Iowa	21,515
Keokuk, Iowa	20,067
Sacramento, California*	39,491
Madison, Wisconsin	23,022
Racine, Wisconsin	20,198
Topeka, Kansas	26,812
Austin, Texas	23,041
Dallas, Texas	24,643
Galveston, Texas*	54,677
Houston, Texas*	25,080
The following are supposed to have 20,000 population and upward:	
Scranton, Pennsylvania	17,393
Taunton, Massachusetts	17,698
Little Rock, Arkansas	Not reported.
New Albany, Indiana	Not reported.
Wilkes Barre, Pennsylvania	15,809
Lewiston, Maine	Not reported.
Burlington, Vermont	17,438
Newburgh, New York	18,963
San Antonio, Texas	17,844

Non-letter-carrier cities having probably a population of twenty thousand and less than thirty thousand.

1. Bridgeport, Connecticut.
2. Auburn, New York.
3. Taunton, Massachusetts.
4. Little Rock, Arkansas.
5. New Albany, Indiana.
6. Wilkes Barre, Pennsylvania.
7. Williamsport, Pennsylvania.
8. Terre Haute, Indiana.
9. Richmond, Indiana.
10. Rockford, Illinois.
11. Lewiston, Maine.
12. Denver, Colorado.
13. Burlington, Vermont.
14. Newburgh, New York.
15. Houston, Texas.
16. San Antonio, Texas.
17. Springfield, Ohio.
18. Portland, Oregon.

Estimated cost of establishing free-delivery service at the above offices for the next fiscal year ending June 30, 1880, $76,500, on a basis of five carriers to each office, at $850 each.

Non-letter-carrier cities having probably a population of thirty thousand and upward.

1. Galveston, Texas.
2. Scranton, Pennsylvania.
3. Sacramento, California.

Estimated cost of establishing free-delivery system at the above offices for the fiscal year ending June 30, 1880, six carriers at each, at $850, $15,300.

Offices whose receipts were $15,000 *and over for the year* 1878, *not letter-carrier.*

State.	Offices.	Over $15,000 and under $20,000.	$20,000 and over.
Maine	Augusta		$47,269 15
New Hampshire	Concord		25,053 14
Vermont	Burlington	$17,438 00	
Massachusetts	Haverhill	18,405 82	
	Taunton	17,698 26	
New York	Auburn		33,619 91
	Binghamton		25,550 10
	Lockport	19,549 90	
	Newburgh	18,963 97	
	Oswego	16,742 25	
	Saratoga Springs	18,517 50	
	Watertown	17,407 75	
Rhode Island	Newport	19,760 65	
Pennsylvania	Allentown	16,365 31	
	Bradford	16,199 47	
	Scranton	17,393 28	
	Williamsport		20,470 38
	Wilkes Barre	15,809 38	
	York	15,606 26	
Ohio	Akron		20,172 27
	Canton	15,231 29	
	Mansfield	17,826 97	
	Springfield		34,714 22
	Zanesville	17,454 91	
Oregon	Portland		32,935 16
Connecticut	Bridgeport		33,315 11
	Middletown	15,819 01	
	Norwich		21,878 50
Michigan	Ann Arbor	15,313 15	
	Battle Creek	16,062 02	
	East Saginaw	16,268 81	
	Jackson		20,778 06
	Kalamazoo	18,909 36	
	Lansing	17,725 32	
Kentucky	Lexington	18,501 40	
Utah	Salt Lake City	19,819 24	
Illinois	Decatur	16,249 90	
	Rockford		26,320 11
Colorado	Denver		53,491 76
Indiana	Richmond	18,043 17	
	Terre Haute		26,486 66
Alabama	Montgomery	16,293 03	
Iowa	Cedar Rapids		21,515 12
	Keokuk		20,067 12
Tennessee	Knoxville	15,613 36	
California	Los Angeles	17,105 96	
	Oakland (now a letter-carrier office)		27,055 96
	Sacramento City		39,491 39
	San José	19,129 44	
Wisconsin	La Crosse	15,966 03	
	Madison		23,022 02
	Racine		20,198 00
Kansas	Topeka		26,812 21
Texas	Austin		23,041 53
	Dallas		24,643 53
	Galveston		54,677 73
	Houston		25,080 62
	San Antonio	17,844 96	

From the official records.

J. M. MCGREW,
Auditor Post-Office Department.

April 28, 1879.

I also quote the revised estimate by the Department for reference, as follows:

Estimated cost of free-delivery service for remainder of present fiscal year and the next fiscal year, under act of February 21, 1879.

	Carriers.	Maximum cost.	Minimum cost.	Cost under previous law.
Total number employed April, 1879	2,285			
Number employed in cities of 75,000 population	1,793			
Number employed in cities of second class	492			
Pay of two-thirds of carriers in cities of first class, at $1,000	1,195	$1,195,000		
Pay of one-third of carriers in cities of first class, at $800	598	478,400		
Pay of one-half of carriers in cities of first class, at $1,000	897		$897,000	
Pay of one-half of carriers in cities of first class, at $800	896		716,000	
Pay of carriers in cities of second class, at $850	492	418,200	418,200	
Pay of auxiliaries, at $400	63	25,200	25,200	
Amount necessary to pay present force under new law		2,116,800	2,057,200	
Estimated amount paid carriers present year				$1,810,000

Estimated cost of free-delivery service, &c.—Continued.

	Carriers.	Maximum cost.	Minimum cost.	Cost under previous law.
Extension to thirty-three cities of twenty thousand inhabitants, or $20,000 gross revenue, five carriers each, at $850 per annum per carrier		$140,250	$140,250	
Increase in eighty-eight cities now having free delivery		100,000	100,000	$100,000
Incidental expenses		75,000	75,000	60,000
Pay of special agents		5,000	5,000	5,000
Total		2,437,050	2,377,450	1,975,000
1879–1880. Amount appropriated.		2,000,000	2,000,000	2,000,000
		437,050	377,450	25,000

Amount necessary to supply deficit for present fiscal year, if the act is carried into effect from the date of its approval, February 21, 1879.

	Maximum cost.	Minimum cost.
Salaries of carriers from February 21 to June 30, 1879	$108,166 00	$87,154 00
Deficiency for 1879–'80	437,050 00	377,450 00
Total amount necessary to be appropriated	545,216 00	464,604 00

Mr. MONROE. Mr. Chairman, I have no feeling in regard to this measure, and I do not rise for the purpose of making an exhaustive speech upon it. A large majority of the Committee on Appropriations voted in favor of the bill which the gentleman from Illinois [Mr. CANNON] has reported to the House. But there were two or three members of the committee who did not vote for it and who reserved to themselves the privilege of explaining briefly upon the floor why they could not unite with their colleagues in support of the measure. I was one of that minority; and the first reason why I cannot give this bill my support is that the Congress of the United States, by a large majority in both branches, with the approval of the President, decided to try this experiment of extending the benefits of the free letter-delivery to a somewhat larger class of cities and also to increase somewhat the pay of letter-carriers.

Mr. Chairman, this Government has but just passed this law—has but just agreed to see how this system will work in the present form. We have not carried out the law which is on the statute-book; the Post-Office Department has not yet had it in its power to put into operation this improved system, as many of us regard it, and to see whether the tax-payers of the United States will not like it. I voted for the bill which became a law only last February, having been introduced by the gentleman from New York, [Mr. COX.] I voted for it but a few months ago, when it passed this House; and I feel that it is too soon to ask me to join in the business of repealing my own work. I voted for the measure after deliberation. The gentleman from New York did not take me by surprise with the motion which he made. We had discussed the general subject in the House before, even if we had not discussed just that form of the bill.

Mr. CANNON, of Illinois. Will the gentleman yield for a single question?

Mr. MONROE. Certainly.

Mr. CANNON, of Illinois. How many cities containing less than twenty thousand inhabitants, with $20,000 gross revenue, has the gentleman in his district?

Mr. MONROE. I will come to that point directly. I would like to say a word upon that very question of members having an interest, or not having interest, in great public questions on account of their constituencies having some connection with them. I belong to that class of members of Congress who do not believe that it is an unwholesome thing for a member of Congress to represent one hundred and fifty thousand people who have some interest in public questions here. It is not dishonorable, it is not undignified in any way, indeed it is quite to the opposite, for a member of Congress to represent here for good reasons the interests of the people as they exist in his district.

Why, sir, there is an immense manufacturing interest in this country; and a Representative who might come upon this floor and express some interest in that great question might be asked whether there were not factories in his district—as if that disqualified him for forming a sound judgment. There is a great farming interest in this country; and should a member rise in his place and offer some proposition to do something for agriculture, my friend from Illinois might say, "I should like to know whether the gentleman does not represent a district containing many farms." There is a very heavy commercial interest in the United States; and should a gentleman from the city of New York advocate here the claims of that department of business, the gentleman from Illinois might attempt to put him down by asking whether he did not come from a district of importers, ship-owners, and owners of stores and warehouses.

Now, Mr. Chairman, if this is a country where it is thought discreditable in any way for a member of Congress to represent any important interest touching the happiness or prosperity of the people, then it is the only free government on the face of the earth where it is thought to be so. I know, everybody knows, my friend from Illinois knows, that any one who reads the debates of the British Commons will find, whenever a man connected with any interest in that kingdom rises to speak on it, the report of his speech in the London Times is interspersed with the ejaculations of "Hear!" "Hear!" "Hear!" The man who has an interest, or whose people have an interest in something, is believed in that body, which is certainly one of the great deliberative bodies of the world, to be entitled to speak and to be heard.

I wish I had twenty cities in my district large enough to share in the benefits of the existing law. I should take pride in representing them on this floor, because I believe in extending this system of free delivery to every reasonable extent. I believe it to be one of the instrumentalities of our civilization. I believe it to be a great social and moral boon to any community to have it. I am in favor of including all of our cities as fast as they reach twenty thousand of population or $20,000 of gross income in their post-offices under the benefits of this system. It is my belief that I have not reached my present opinions on that system because there are cities in my State which may be benefited by it.

There are in my district two cities, since my friend has asked me the question, which will be entitled to free delivery—the thriving city of Akron, which is entitled to it now by the gross revenue of its post-office, and the important lake port of Sandusky, which I believe in population or in gross revenue is nearly at the same point. I am glad of it, and I do not consider, Mr. Chairman, that it ought to detract in the slightest degree from the argument of any man on this floor that his State should be full of cities of the class of which I have spoken.

Since my friend from Illinois has put that question to me I might reply by saying that a man may often be thought to labor under some disadvantage as a legislator upon any question who has not a solitary interest in it at home to which his attention has been called. There are two sides to the question. The Representative who has something at home to attend to is certainly as much entitled to be heard upon it as the Representative who, in that respect, has nothing.

I believe it was a distinguished British statesman and parliamentary leader who once said that an important representative interest had a tendency to steady a man's judgment and hold him to thorough examination and a sense of accountability.

I trust, sir, we shall cease to attack men on this floor because they have or have not cities of a certain class in their districts.

The question before the House is, what is wise and useful for us to do? If a man who represents a district which has cities claiming free delivery makes a good argument in favor of the establishment of the system in those cities, you are not entitled to discredit what he has to say; but my friend from Illinois and those who are in sympathy with him must judge such a member by the argument which he presents.

Now, I was going on to say when my friend interrupted me, and I have got somewhat diverted from the line of thought I was pursuing, that I do not like this mode of legislation. If when Congress passes a law and it receives the signature of the President we propose to repeal it before we have had any chance to try it, I say that is a most undignified and unbusinesslike mode of proceeding. It implies the want of proper patience to see what shall be the effect of measures that we ourselves have inaugurated.

I voted for this law which my friend from Illinois proposes to repeal, because I approved of it. I looked upon the postal service as a handmaid of civilization, as tending to improve the moral and social condition of the people. And having voted for that law I have not changed my mind. I cannot be persuaded to turn around so suddenly and seek to repeal the law which I approved and voted for so recently. I have not that facility in shifting ground that I can at once say I will speak and vote against the very measure which I sustained.

Again, Mr. Chairman, I confess I do not like this bill for another reason. I suppose I have sometimes voted for general legislation in connection with appropriation bills. But every man sees and admits that that is a vicious system. If the law which we passed last year ought to be repealed, why not bring in a separate bill for that purpose and let it rest on its merits? Why not let us vote impartially? We all dislike to vote against the deficiency appropriation for the Post-Office Department. We all want to vote for that. But you come and say, "You cannot have that unless you accept this piece of general legislation repealing an important law that both Houses of Congress and the President agreed to." That gives us no opportunity for an impartial consideration of the question. We are compelled either to vote for general legislation that we disapprove or else to vote against the deficiency appropriation that we do approve and that we are anxious to pass. Very likely the bill may be so amended as it passes through the Committee of the Whole that I can vote for it. But I say frankly I cannot vote for the bill in its present form. I would be compelled to vote against the appropriation contained in it in order to vote against these repealing sections.

I hope when our political excitements shall have somewhat passed

away, as God grant they may, we shall get back more and more to the system of voting for bills on their merits and not load down appropriation bills with general laws, either repealing laws that have already been passed or introducing new legislation.

I have already remarked, Mr. Chairman, in advance of the point as I had it in my mind, that I am in favor of extending the benefits of the free-delivery system to all cities that have a population of twenty thousand inhabitants and whose post-offices have gross receipts equal to $20,000 per annum. I believe it to be a good thing to be done. I hope I am reasonably in favor of retrenchment. I have always supposed myself to believe in economy. I shall be glad to assist my friend in saving whenever we can. But what is the true idea of economy? Why, Mr. Chairman, it has always seemed to me to be this: that the Government shall take care, as the individual takes care, not to expend money except for something that is worth more to it than the money, or at least as much. Now I believe that the extension of this system of free delivery is worth more to the American people than the comparatively small sum which it will cost. I believe that will be the judgment of the tax-payers when they have had an opportunity to have some experience of this system.

I do not believe, if my friend will allow the law passed last year to go into effect, and a larger class of towns to have the benefit of free delivery and a small advance to be made upon the compensation of letter-carriers, and let that system be in operation a few years—I do not believe it would be possible to persuade him—industrious, able, and intelligent as he is, and as I have always been happy to acknowledge that he is, on financial and economical subjects—to touch, at least with hostile hand, this question of free delivery. Let the people try it. Their Representatives have made a law in regard to the matter; let it go into effect. If it overburdens the people, if the tax-payers find themselves oppressed, you will not fail to hear from them. Their relations are intimate with this House. We shall soon have plenty of remonstrances. As we have passed a law, let us have the law.

And I must add that I do not agree with my friend, that the letter-carriers are paid too much. Of course I will not dwell upon points that have already been made in that connection; but it cannot be too often repeated to this committee that the letter-carriers are kept in service from six o'clock in the morning until seven o'clock in the evening, or later. I have frequently asked intelligent gentlemen from cities how long the letter-carriers work, and no man ever answered me less than thirteen hours. Sometimes gentlemen have said they work from six in the morning to eight in the evening, fourteen hours. And often they have to work more or less on Sunday. Well, now, there is no fairness in comparing the salary of the man who works that number of hours with the salary of a clerk in a Department who goes to his office at nine and returns at four, or with the salaries of persons in other occupations. The laborer does not devote that number of hours to his work. That important point of the number of hours must be kept in mind. And we must not forget that this position of the letter-carrier is a very responsible one. It is one of great trust. It is one that requires sterling moral qualities. He must be a thoroughly honest man, and he must have something more than honesty. He must have that rare and better quality which we generally call fidelity. He must be willing to run about in heat and cold. He must not only be willing to do his bare duty, but, if he is a good man in his place, he must have a certain solicitude—a hearty interest and anxiety to perform his duty. I have seen myself how accommodating these officers are, how ready to meet our wishes. It is worth a great deal to any city in the country to have officers like that in charge of its correspondence of a commercial character, of a financial character, of a domestic character. They are in one sense domesticated with us, and it must be a matter of the greatest interest to all our large cities to have a class of men of the highest character in these positions; and they must at least have a good education.

There is another thing to which I wish to refer. We must look to the fact that men are only fit for performing the best service in this capacity during the middle of life. I understand that the Postmaster refuses to employ those who are quite young or those who are getting old. The truth is that the Government of the United States takes out the very heart of a man's life who is engaged in this service; uses all his most valuable, moral, intellectual, and physical furnishing which God gave him; the Government takes it all and consecrates it to its own use, and then this Government that does it, does not propose to give one cent of pension when the man is old and crippled and has to retire from the service. In all discussions here about the salaries of public officers we must not forget that at the present time this, I believe, is almost the only country on the face of the earth claiming to be civilized that does not provide pensions for faithful, old, worn-out servants. When a man cannot earn anything, when he is no longer strong and active for service, we throw him away; we get all there is in him first, and then when he becomes old and incapable of work, we cast him out with not one dollar of pension to retire upon. The highest class of these men receive $1,000 a year, and the next class $800, and we are told that we are paying too much. I do not believe, Mr. Chairman, one word of it.

I tell you that a salary of $1,000 to the highest class of these officers and of $800 for the lower class is not one cent too much for a faithful, honest, upright man who gives the best portion of the life God bestowed upon him to his country. [Applause.] It is not too much. I take issue upon that question. I do not care where the cities are that require free delivery, whether in my district or not; that is not worth a moment's notice. The question is, does God, the righteous, supreme, and everlasting Judge, look with approval upon taking from these men this narrow and small addition to their income by which their life and the life of their families is sustained? Does it meet the approval of conscience and judgment when you come to look at it? I say it does not. I respect the interests of my district. I always give them consideration; they are entitled to a hearing, a conscientious hearing. I admit that I represent a district which has several thriving cities and towns, and a population intelligent, enterprising, and prosperous. But were my district a desert, supposing such a thing were possible under our constitution, if I represented a district where there were no busy towns, no church spires, no schoolhouses, no green meadows, and no fields of corn, I would still vote to give $1,000 a year to the best class of these letter-carriers in New York, Philadelphia, and the other cities of the land.

Mr. TOWNSEND, of Ohio. I desire to make a statement for the information of the House in relation to the manner in which the law passed the Forty-fifth Congress. The remarks of the gentleman from Illinois [Mr. CANNON] might lead the House to believe that the act was passed during the last days of the session, and acted on without much consideration. The facts are that in response to the petitions of over one hundred thousand citizens of the United States, asking that the salaries of letter-carriers be increased, which petitions were referred to the Committee on the Post-Office and Post-Roads, of which at the time I was a member, the subject was carefully considered, and a bill was prepared and reported to this House by the late Mr. Quinn, then a member of the committee. It was referred back to the Committee on the Post-Office and Post-Roads and received further and careful consideration for many months, and in obedience to the instruction of the committee was reported to the House by its chairman, and was at a subsequent day considered in the Committee of the Whole and thoroughly discussed. During the last days of the session it was passed under a suspension of the rules by more than a two-thirds vote, there being 152 votes in the affirmative.

That is the history of this law. The gentleman from New York [Mr. COX] moved to suspend the rules and pass it, because he was friendly to the bill, and having an opportunity to submit the motion he consented to adopt this bill for action rather than some bill of his own.

Mr. CANNON, of Illinois. I desire to ask the gentleman a question. I know he does not want to place me in a wrong light.

Mr. TOWNSEND, of Ohio. Let me finish my statement.

Mr. CANNON, of Illinois. I say the gentleman lies under a grievous mistake.

Mr. TOWNSEND, of Ohio. I say I do not lie at all. [Laughter.] This bill was thoroughly discussed in the Committee on the Post-Office and Post-Roads at various times during all of last session of Congress. The gentleman from Illinois [Mr. CANNON] always opposed it at all of its stages, and reserved the right to oppose it when it was reported, and did oppose it, though I am glad he was not successful. He opposed the bill then and he now tries to defeat its operation when it has become law.

I do not intend at this time to enter into any detailed discussion of this bill, but under the five-minute debate I may have something to say. I desire to say now for the information of the House that with a proper carrying out of this law under the instructions of the Postmaster-General, giving the largest number the maximum salary of $1,000, the increase of cost over the present service will be $148,000. The intention of the law was to increase the pay of the letter-carriers; that was its purpose, to regulate and arrange their pay. I venture to say that upon a careful examination of the provisions of the law they will be found to be fair, equitable, and satisfactory.

This is an effort to provide by law that the salaries of the letter-carriers in New York and other large cities, for instance, should be reduced to $900 a year, although they have for years been receiving $1,000 a year, and have been in the service from twelve to fourteen years each. Now, it is a very poor way to increase their compensation by cutting it down $100 a year. The postmaster of the city of New York tells me that if it is done he will lose the services of the best portion of his carriers.

I think this service should be extended to the small cities and towns of the country. It is like the general postal service; it ought not to be confined to those cities and States and portions of the country that pay a revenue. If that rule were applied to the general postal service, as my friend from Illinois [Mr. CANNON] desires to apply it to this special service, it would leave three-fourths, if not seven-eighths, of the country without any postal facilities at all. The truth is, that we cannot confine these things by State lines or by localities. We should rise to the dignity and honor of the nation, and understand that what benefits one portion of the country will benefit all. If New York is benefited by this system, Minnesota and all the Western States and Territories will be benefited also.

This is the branch of the postal service that pays for its own expenses, and besides that it pays into the Treasury a revenue of $600,000 a year over and above the cost of the letter-carrier system.

Mr. CANNON, of Illinois. I desire to correct an error, or rather to see if I understood correctly the gentleman from Ohio, [Mr. TOWNS-

END.] Do I understand the gentleman to say that the bill reported by Mr. Quinn from the Committee on the Post-Office and Post-Roads is the same bill that was passed last winter under a suspension of the rules?

Mr. TOWNSEND, of Ohio. I did not say anything of the kind. I said that that bill was reported from the committee, ordered to be printed, and recommitted. After it was recommitted it was amended, and then I think as amended it was reported back by the chairman of the committee at a subsequent time.

Mr. CANNON, of Illinois. That is all that I desire to say.

Mr. STONE. As a member of the Committee on the Post-Office and Post-Roads, and in the absence of the chairman of that committee, who is sick and unable to be here, I desire to say a few words in regard to this bill and to enter my protest against any such bill as this being reported from the Committee on Appropriations.

This bill by its title is a bill making additional appropriations for the service of the Post-Office Department. Yet there are seven sections of the bill which provide new legislation. Now, I submit that all that portion of the bill relating to the Post-Office Department and providing for the pay of letter-carriers and arranging their grade and employment should emanate, if at all, from the Committee on the Post-Office and Post-Roads. The rule of this House which prescribes the duties of that committee provides that it shall take into consideration all petitions, matters, or things touching the Post-Office and post-roads as shall be presented or shall come in question and be referred to it by the House. The law providing for letter-carriers and their duties makes the route or track that every letter-carrier travels in delivering his mails a post route.

I find it stated in the Digest that in the early history of this Government a select committee was annually raised on the subject of the Post-Office and post-roads, and was always composed of a member from each State, showing something of the importance attached to the committee by the House. A standing Committee on Post-Offices and Post-Roads was instituted November 9, 1809, and like the select committee on the same subject was composed of a member from each State. This practice continued until 1811, when the House adopted a rule directing the Committee on the Post-Office and Post-Roads to be composed of the same number of members as other standing committees.

I refer to this simply to show that we of the Committee on the Post-Office and Post-Roads ought to know something in regard to what is the demand of the country in this respect. I am aware that the gentleman who has charge of and who reported this bill [Mr. CANNON] is an old member of the Committee on the Post-Office and Post-Roads. I believe he always insisted upon the committee retaining its proper jurisdiction in matters relating to this service; and I am sorry to see that having so recently left this committee and stepped into the Committee on Appropriations, he stands with the latter committee ready to grasp power as we have seen this committee doing in this House.

I wish to say further (and I think the records of the House will bear me out in the statement) that there has not been a petition upon this subject referred to the committee; there has not been a remonstrance received in this House against putting in operation the present law. I say, therefore, there is no demand for this legislation. This committee has not reported this bill in pursuance of any request or in answer to any pressing demand. On the contrary it seems to be the emanation of the inner consciousness of the gentleman from Illinois, who appears here as the champion of this warfare against the letter-carriers, as I believe he has been its champion from the beginning.

Mr. CANNON, of Illinois. Will the gentleman yield a moment?

Mr. STONE. I certainly yield. I anticipate what the gentleman will say—that he has requested the chairman of the committee on the Post-Office and Post-Roads to report a bill similar to his. If that is what he wishes to say, I will answer it by the statement that our committee has seen no pressing demand or necessity for any such report until at least one petition shall have been received from the people on this subject or a remonstrance against the existing law. I yield to the gentleman.

Mr. CANNON, of Illinois. I imagine that the gentleman's guilty conscience accused him. At any rate I did not expect to refer to that matter. Just as I rose to interrupt the gentleman, he had said, as I understood him, that this was a measure prompted by my "inner consciousness"—a matter personal to myself and not coming from my committee.

Mr. STONE. Not at all—not personal.

Mr. CANNON, of Illinois. I so understood the gentleman. On the contrary, I will say that when this matter was referred to me by the chairman of the committee I took it as a member of the sub-committee, and reported back to the committee a bill making these appropriations. True my judgment did not prompt me to do it, yet I did so. The matter was re-referred to the sub-committee, with instructions to report a bill coupled with legislation by which the appropriation would be decreased from half a million dollars to $140,000.

Mr. STONE. There is no great difference between the gentleman and myself. I have no question that this bill was reported by the committee; but I do understand that the gentleman was the chairmain of the sub-committee having this matter in charge, and that this bill is the result of his following out what have been his views for a long time, as we have heard them expressed in the last Congress, and again upon this floor to-day. He has always appeared here as the champion of the warfare against the letter-carrier system. I have no controversy with him on this subject.

I desired to say this much, Mr. Chairman, against the action of the Committee on Appropriations on this subject. This bill is another example of the pernicious system of legislation in appropriation bills. I am glad to say that there is no politics in it, and therefore I hope our friends on the other side will not take offense when I say that it is a very bad practice. Here, within four months of the time when the law now in force was passed, receiving a more than two-thirds vote, almost a three-fourths vote of this House, and before the Post-Office Department for want of funds has had the opportunity to put this law into operation and effect to ascertain what its practical workings will be, we see this Appropriations Committee coming forward with a proposition in an appropriation bill to repeal this existing law; and I am sorry that this committee has been able to obtain the assistance of a gentleman on this side of the House to champion this very unpopular part of their work, for I believe that this measure is unpopular with the people of this country.

I believe, as the gentleman from Ohio [Mr. MONROE] has said, that this is more than a matter of dollars and cents. There is such a thing as right and wrong; and we ought to be able to pay our letter-carriers fair compensation. A harder-working class of men does not exist in this country to-day. These men work from twelve to fourteen hours every day, with no holidays, with no allowance for sickness or bad weather. The citizen expects the faithful letter-carrier to come at the appointed hour whether it rains or shines, whether there is heat or cold. Not only this; these men must be above mediocrity so far as information is concerned. They must be intelligent—able to read and write. More than this; they must be honest, they must be able to give bonds for the faithful performance of their duties. Out of their salary must be taken enough to furnish them with the uniform prescribed by the regulations of the Department. Yet, notwithstanding all this, notwithstanding the arduous labors they perform, they receive under existing law less compensation than the pages on this floor.

Now, Mr. Chairman, I am aware that in one sense it may be said this system does not pay in the small cities, yet the report of the Postmaster-General shows that taking the eighty-eight cities of the United States where this system is in operation the local postage during the last year has exceeded the expense of the letter-carriers by the sum of $628,000. In his last report the Postmaster-General says:

> The postage on local matter exceeded that of last year by $197,653.68 and the entire expense of the service by $628,084.53.

Now, Mr. Chairman, I do not propose to continue this discussion. I did not expect to take any part in it; but the gentleman from Pennsylvania, [Mr. BINGHAM,] who was prepared with statistics on this question, is unavoidably absent to-day, not knowing that this bill would be brought to the attention of the House.

I yield to the gentleman from Ohio, [Mr. KEIFER.]

Mr. COX. Will my friend from Ohio yield to me for the purpose of having published in the RECORD some papers in reference to this matter?

Mr. KEIFER. Certainly.

Mr. COX. Then, Mr. Chairman, I present the following papers: 1, communication from the letter-carriers of the country; 2, a copy of the act approved February 21, 1879; and, 3, the letter of the Postmaster-General, submitting an estimate of the amount of appropriation required to carry into effect the provisions of that act:

WASHINGTON, D. C., *May* 19, 1879.

To the honorable members of the Senate and House of Representatives:

During the Forty-fifth Congress a bill fixing the pay of letter-carriers passed the House by a vote of 151 to 54 and the Senate by a vote of 26 to 16, and was approved by the President February 21, 1879. The bill provided that in cities having a population of seventy-five thousand and upward there should be two classes of letter-carriers to be paid $800 and $1,000 respectively, and that in cities having a less population each carrier should be paid $850 per annum. An additional appropriation was necessary in order that these provisions might be complied with. Under dates of February 21 and March 20 the Postmaster-General asked for a deficiency appropriation for the present fiscal year of $92,000, and for the fiscal year ending June 30, 1880, of the sum of $415,000. The impression appearing to be general that this sum is required for salaries only, the following statement obtained from the superintendent of the free-delivery service as to the use proposed to be made of the money is respectfully submitted:

Total number of carriers in the service	2,346
Total number of carriers in cities of the first class	1,854
Total number of carriers in cities of the second class	492
Total amount required to pay two-thirds of carriers in cities of the first class, at $1,000 per annum	$1,236,000
Total amount required to pay one-third of carriers in cities of the first class, at $800 per annum	494,400
Total amount required to pay carriers in cities of second class, at $850 per annum	418,200
Total amount required to pay the present force for the year ending June 30, 1880	2,148,600
Amount already appropriated for the fiscal year ending June 30, 1880.	2,000,000
Deficiency for the fiscal year ending June 30, 1880	148,600
Amount necessary to increase the force	100,000
Amount necessary to extend the service to cities having a population of 20,000	85,000

Incidental expenses	$75,000
Pay of special agents	6,200
Total	414,800
Total deficiency for the year ending June 30, 1880, asked for by the Post-master-General	415,000
Deficiency for the present fiscal year	92,000

It will be seen that if two-thirds of the carriers in cities of the first class are paid $1,000, which the present law allows, but little more than one-third of the amount asked for will be needed, and if one-half only are paid $1,000, little more than one-fifth will be needed for that purpose. The provisions of this law have never been complied with by the Post-Office Department, and the carriers are still being paid under a law repealed February 21, 1879. The Committee on Appropriations in reporting a bill (H. R. No. 2002) making a deficiency appropriation have attached thereto a clause reducing the salary of carriers in cities of the first class to eight hundred and nine hundred dollars, and in cities of the second class to $800, appropriating $25,000 to pay carriers in cities of the second class until June 30, 1879, at $850, as provided by the law of February 21, 1879, and declaring—

"That the salaries which have been paid to carriers in cities of the first class, namely, $641.25, $737.25, and $831.25, shall be declared legal and be continued until June 30, 1879, in full discharge for the service of such letter-carriers, thus enacting a law and making its provisions retroactive, a proceeding which we are informed is very unusual in legislative bodies."

If the law is valid in cities of the second class, it must of necessity be valid in cities of the first class.

"The revenue from local postage in the eighty-eight cities in which the free-delivery system is in operation exceeded the total expenses of that service by $628,084.55 for the fiscal year ending June 30, 1878, as per report of Postmaster-General, and for the present year the amount will be increased more than $200,000. This immense local business has been created by the free-delivery system, and is being daily increased through the exertions of the letter-carriers." We most respectfully submit these facts for your consideration and earnestly ask that the amount asked for by the Postmaster-General may be appropriated, and that the law of February 21, 1879, be allowed to remain on the statute-books.

We have the honor to be, very respectfully, your obedient servants and constituents,

THEODORE C. DENNIS, Boston,
W. P. WILD, Brooklyn,
P. H. GOODWIN, New York,
J. G. SMITH, Chicago,
MOSES CHURCH, Worcester,
J. W. WORTH, Baltimore,

Authorized to represent the letter-carriers of the United States of America.

[Public—No. 47.]

COPY OF AN ACT TO FIX THE PAY OF LETTER-CARRIERS.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the more equitable compensation of letter-carriers there shall be in all cities which contain a population of seventy-five thousand or more two classes of letter-carriers, to be fixed by the Postmaster-General.

SEC. 2. The salaries of carriers of the first class, who shall have been in service at least one year, shall be $1,000 per annum, and the salaries of the carriers of the second class shall be $800 per annum. In all cities containing a population of less than seventy-five thousand there shall be one class of letter-carriers, who shall receive a salary of $850 per annum.

SEC. 3. Upon the recommendation of the postmaster of any city, the Postmaster-General may establish a third grade of letter-carriers, known as auxiliaries, who shall be paid at the rate of $400 per annum.

SEC. 4. Appointments of letter-carriers in cities having two or more classes shall be made to the class having the minimum rate of pay, and promotions from the lower grades in said cities shall be made to the higher grades to fill vacancies, after one or more years' service, on certificate of the postmaster to the efficiency and faithfulness of the candidate during the preceding year: *Provided, however*, That at no time shall the number of carriers in the first class, receiving the maximum salary of $1,000, be more than two-thirds or less than one-half the whole number of carriers actually in service in the city in which they are employed: *Provided further*, That no boxes for the collection of mail matter by carriers shall be placed inside of any building except a public building or railroad station.

SEC. 5. Letter-carriers shall be employed for the free delivery of mail matter as frequently as the public convenience may require, at every place containing a population of fifty thousand within the delivery of its post-office, and may be so employed at every place containing a population of not less than twenty thousand within its corporate limits, and at post-offices which produced a gross revenue for the preceding fiscal year of not less than $20,000: *Provided*, This act shall not affect the free delivery in towns and cities where it is now established.

SEC. 6. All laws inconsistent herewith are repealed.

Approved February 21, 1879.

POST-OFFICE DEPARTMENT,
Washington, D. C., March 20, 1879.

SIR: I have the honor to submit for the consideration of the Senate the following estimate of the cost of carrying out the act "to fix the pay of letter-carriers," and to state that the amount ($2,000,000) appropriated for the next fiscal year was estimated on the requirements of the service in the eighty-eight cities where it is now in operation at present pay of carriers, and to extend it to cities having thirty thousand inhabitants entitling them to it under the law in force at the time the estimate was submitted.

The act under consideration (approved by the President February 21, 1879) reclassifies the free-delivery system on the basis of seventy-five thousand population, instead of, as now, on the basis of one hundred thousand; largely increases the aggregate pay of carriers, and authorizes the establishment of the service in cities of twenty thousand population, and also at post-offices which produced a gross revenue (each) for the preceding fiscal year of not less than $20,000.

As this act takes effect from the date of its approval, (February 21, 1879,) there will be required for the remainder of this fiscal year $71,000 to pay the increased salaries, and $21,000 to extend the service, making $92,000.

For the next fiscal year (ending June 30, 1880) there will be required to extend the service and increase pay of carriers, in addition to the appropriation of $2,000,000 already made, $353,000 if one-half the carriers in cities of the first class are paid $1,000, and $415,000 if two-thirds are paid $1,000 a year, as provided in section 4 of said act.

The above statement is submitted for such action as the Senate may deem proper.

I desire to state in this connection that the carrying out of this act will largely increase the work in the free-delivery division of this Department, and to recommend that two additional clerks be authorized at $1,200 a year each, and that the appropriation to pay them be made available simultaneously with the appropriation for carrying the act into effect.

Very respectfully, &c.,

D. M. KEY,
Postmaster-General.

Hon. W. A. WHEELER,
President United States Senate.

Mr. KEIFER. Mr. Chairman, there ought to be no discussion relative to the merits of this bill, considering its origin. It ought to be borne in mind that the law which is sought to be repealed was passed after petitions had come to this House from one hundred thousand persons. And in connection with that we must bear in mind this measure which we are now considering was reported from a committee which did not have a single petition before it asking it to report any such proposition. Indeed, Mr. Chairman, the Committee on Appropriations never has had up to the present moment, as I am informed, the subject referred to it at all—never; and this is pure voluntary action on the part of a committee which, strictly speaking, under the rules has no right to deal with the matter at all. They have the right to provide appropriations to execute the existing laws——

Mr. CANNON, of Illinois. Will the gentleman allow me?

Mr. KEIFER. Yes; I always allow you.

Mr. CANNON, of Illinois. There was an estimate asking for this appropriation submitted to the House and referred to the Committee on Appropriations.

Mr. KEIFER. Nobody disputes that; all understand that; and it was the duty of that committee to come forward and make the appropriation and not undertake to pass a new law on the subject.

Mr. CANNON, of Illinois. This one hundred and twentieth rule not only permits but under the practice of the majority of this House commands legislation.

Mr. KEIFER. There is undoubtedly some vile practice in this House, if I may be allowed to use the expression, which permits this committee, and only this Committee on Appropriations, to report any legislation it pleases on an appropriation bill. And, I repeat, this comes alone from that committee without ever having been referred to it so far as the subject-matter of legislation here is concerned.

Now, there is that objection to it, and we ought to consider that this subject was fully debated in this House and in the Senate, for the gentlemen who opposed it took the pains to follow it with their opposition to the other end of the Capitol.

It has been stated by the gentleman from Illinois [Mr. CANNON] that the bill passed without debate. I have not time to go over the whole history of that, but at least thirty speeches were made in the last Congress on this very subject. How many did the gentleman from Illinois himself make against it? Can he tell?

Mr. CANNON, of Illinois. This bill was never considered in a single instance.

Mr. KEIFER. Now, Mr. Chairman, if that is all that is desired I will call the gentleman's attention to the proceedings in this House on the 7th day of June, 1878, when speech after speech was made. I know a great many speeches on this subject were made, printed, and circulated all over the country. I know my friends on my right made speeches and gentlemen all around me made speeches *pro* and *con;* and yet we are now told that the bill was not debated. It was debated on every hand, and every feature of the bill was debated. One feature was not in the bill as originally reported, and I took the pains from my place on this floor to have read as part of my speech, as the RECORD of the 7th of June, 1878, will show, the section of the law which I proposed to have the committee add and which it did add to the bill, and it is there in that speech exactly as it appears in the existing law. I took the pains in my speech then to say that under the old law we had made eighty-seven free-delivery cities in this country, many of them having a gross revenue of less than $12,000, and many having a net revenue of less than $4,000, and yet there were cities in this country under that law with a gross revenue of over $50,000 which could not have free-delivery offices. My own city—and the gentleman thinks I ought not to vote against his bill because of that fact—which had a gross revenue of $34,700, could not under the old law get a free mail delivery, while other cities of ten or eleven thousand gross revenue came in under the old law. Those were the subjects of discussion, and three-fourths of the members of the House, after they had been fully informed, voted to pass the law. So the objection of the gentleman falls that it never was discussed, for it did have discussion on every hand.

As a partial answer, Mr. Chairman, to the gentleman's sweeping statement that we are liable to have a very large number of cities in this country that will become free-delivery offices I will say that I hold in my hand a statement made yesterday at the Post-Office Department, showing thirty-four cities that would probably come under the present law and be made free-delivery offices. Every one of them if they are made free-delivery offices would have from $15,000 to $40,000 net revenue to go somewhere else to be expended after having paid all their own expenses, and all the expenses of a free-delivery office. Not one of them would fall below from $13,000 to $15,000 of net revenue and some would range as high as $40,000, after having paid all expenses. I find one city, not a free-delivery office, the city of Denver, Colorado, produces a gross revenue of $53,491. That is among the very highest. The city of Galveston, Texas, has a gross revenue of $54,677 and it is not a free-delivery office.

Mr. CANNON, of Illinois. It has more than thirty thousand inhabitants.

Mr. KEIFER. I do not know but the gentleman may be right when he suggests that under the law which he proposes here to-day that city could be made a free-delivery office. There are five cities in the State of Texas that under the existing law would be entitled to

become free-delivery offices, but under the proposed law would be excluded. You, Mr. Chairman, [Mr. REAGAN in the chair,] ought to take notice of this because you might be called upon here to vote in favor of some city in your State, and the gentleman from Illinois would have it to throw up to the country that a man had given a vote in the interest of his constituents in some way or other. I suppose that is the extent of the argument. You have five such cities in Texas, and there are nineteen States that would be affected in some way or other by the law if the Appropriations Committee would do its duty and report a proper appropriation to carry it out. I shall take pleasure in furnishing, as a part of my remarks, these lists to be printed in the RECORD, to which I suppose there will no objection.

Now, I do not want to go into this discussion further. It is not necessary to prolong it. It ought to be borne in mind, however, as has been stated by my friend who has just taken his seat, that there are two causes that always increase the revenue at free-delivery offices. One is, in consequence of the additional convenience. Many persons write letters and have mail matter to send out who would not otherwise send it. That is the testimony and the experience not alone in this country but in Europe. If convenient boxes are furnished where a person can, without going a long distance to a post-office, mail his letters, more letters will be written. Many people write letters if they can mail them at a box near at hand when they would not otherwise do it if they had to carry them a mile or two to the post-office to mail them.

But that is not the principal reason why the revenue is increased. It grows out of the fact that in the case of all drop-letters there is paid double postage at free-delivery offices, and in that way this system becomes self-supporting in the main. I think it is reported in some of the former reports of the Postmaster General, if not a recent one—I am not a member either of the Appropriations Committee, which usurps everything, or of the Post-Office Committee, and I may not be exactly accurate—but I think it has been reported that with the exception of four or five of the free-delivery offices in the United States they have been self-supporting on account of the increase of mail matter and also the increase of postage paid in consequence of it. What the last report may show upon this head I cannot say. Taken all together, the increased revenue at free-delivery offices is many thousands of dollars in excess of the increase of the expense incident to the free-delivery system.

Therefore, when we deal with this question, we come back to the fact that we are simply asking to give these flourishing places mail facilities where they pay for them themselves. Now I want to say one word further in relation to the matter of giving further mail facilities to cities that pay for them, and furnish a large net revenue in addition. I think in round numbers the net postal revenue from my city, (Springfield, Ohio,)—and it is no better than others—is $28,000. The amount of gross revenue is nearly $35,000. Therefore we pay in that little city toward carrying the mails and toward keeping up the mail system in other places $28,000 annually. Is it unreasonable to ask to have extended to us the free-delivery system which will enable us to furnish more revenue—perhaps a sufficient increase to pay the whole of the expenses? If we should take $3,000 more from the net revenue of the Springfield office to establish the free-delivery system we should still have $25,000 left to contribute annually to carry the mails over the prairies in Illinois, and to other places throughout the country. Are we to be told that we are greedy because we do not give you more money? Places that do not pay enough money to pay the expenses of the mail facilities furnished them complain that we want to spend more of our own money. That is the effect of the argument on the other side. My city is prosperous. We do a large amount of business there. I am proud to say that through manufacturing industries and otherwise we have built up a flourishing city. We now furnish and are willing to furnish much more than our own share of the revenue to carry the mails. We are quite willing to continue to do so. In my city we make 33 per cent. of all the reapers and mowers that are manufactured or used on the continent of America. We make, also, a large part of the machinery that plows up and cultivates your prairies of the West. We carry on an extensive business of that kind. And we think while we pay a large sum of money for the conducting of the postal service outside of our own place we ought to have all the benefits which can be furnished under the postal laws of this country.

I am not making any argument for my own city that I would not make for any other similarly situated; but I am not ashamed to say one of the things that operates on my mind is the fact that I live in a city that would be entitled to have this increase of mail facilities.

There is just one other city in the State of Ohio which under the present law would be entitled to this service, and that is the city of Akron. Unfortunately, (according to the gentleman from Illinois,) I suppose, for my colleague from Ohio, [Mr. MONROE,] it is in his district. There are also several cities in the State of Illinois, Rockford I recollect is one, that might be entitled to the free-delivery system, but the list I furnish will show all these places.

The gentleman from Illinois [Mr. CANNON] undertakes to state in his argument in explanation of the revenue of the city of New York that it is a great distributing office, and that is the reason why they have such a large revenue. My understanding of the matter is, and I am willing to be corrected by any gentleman who knows more about it than I do, that where you have a principal distributing office you have to have a great many more clerks, while there is nothing that adds to the revenue of the office. You have in New York and in the principal distributing offices of the country a large increase in the number of clerks merely for the purpose of distributing the mails over the country. But that adds nothing to the revenue of the office. The revenue of the office is derived principally from the sale of post-age-stamps; and the fact of the office being a distributing office makes the expenditures far larger than they otherwise would be. I trust that when we come to consider the details of this bill we shall by a proper amendment strike out all this proposed and objectionable legislation.

Here are the statements referred to:

Non-letter-carrier cities having a gross revenue of $20,000 *and upward.*

Jackson, Michigan	$20,778
Rockford,* Illinois	26,320
Denver,* Colorado	53,491
Terre Haute,* Indiana	26,436
Cedar Rapids, Iowa	21,515
Keokuk, Iowa	20,067
Sacramento,* California	39,491
Madison, Wisconsin	23,022
Racine, Wisconsin	20,198
Topeka, Kansas	26,812
Austin, Texas	23,041
Dallas, Texas	24,643
Galveston,* Texas	54,677
Houston,* Texas	25,080
Augusta, Maine	47,269
Concord, New Hampshire	25,053
Auburn,* New York	33,619
Binghamton, New York	25,550
Williamsport,* Pennsylvania	20,470
Akron, Ohio	20,172
Springfield,* Ohio	34,714
Portland,* Oregon	32,935
Bridgeport,* Connecticut	33,115
Norwich, Connecticut	21,878

Those marked * have probably a population of 20,000.

The following non-letter-carrier cities have a probable population of 20,000: Scranton, Pennsylvania; Taunton, Massachusetts; Little Rock, Arkansas; New Albany, Indiana; Wilkes Barre, Pennsylvania; Lewiston, Maine; San Antonio, Texas; Richmond, Indiana; Burlington, Vermont; Newburgh, New York.

JUNE 5, 1879.

Mr. DUNNELL. I move that the committee do now rise.

Mr. STONE. How much of my hour remains?

The CHAIRMAN. The gentleman having surrendered the floor is not now entitled to it. There are forty minutes remaining of the time allowed by the House for debate.

The question was taken on Mr. DUNNELL's motion; and it was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. REAGAN reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 2002) making additional appropriations for the service of the Post-Office Department for the fiscal years ending June 30, 1879, and June 30, 1880, and for other purposes, and had come to no resolution thereon.

WYATT PARISH.

Mr. TOWNSHEND, of Illinois, by unanimous consent, introduced a bill (H. R. No. 2176) granting a pension to Wyatt Parish, late of Captain James Bowman's company, in Colonel John Demint's battalion in the first division of General Posey's brigade, in the Black Hawk war; which was read a first and second time, and referred to the Committee on Invalid Pensions.

SAMUEL HAZEL.

Mr. THOMAS, by unanimous consent, introduced a bill (H. R. No. 2177) granting a pension to Samuel Hazel, of Illinois; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ISAAC NICHOLAS.

Mr. THOMAS also, by unanimous consent, introduced a bill (H. R. No. 2178) granting a pension to Isaac Nicholas; which was read a first and second time, and referred to the Committee on Invalid Pensions.

SWAMP AND OVERFLOWED LANDS.

Mr. THOMAS also, by unanimous consent, presented joint resolution of the senate and house of representatives of the State of Illinois, urging the passage of Senate bill No. 780 of the Forty-Fifth Congress relating to swamp and overflowed lands; which was referred to the Committee on Public Lands.

HOMESTEAD AND PRE-EMPTION ENTRIES.

Mr. VALENTINE, by unanimous consent, introduced a bill (H. R. No. 2179) to repeal "an act to provide for additional regulations for homestead and pre-emption entries of public lands;" which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

JAMES H. REEVE.

Mr. COFFROTH, by unanimous consent, from the Committee on Invalid Pensions, reported a bill (H. R. No. 2180) granting an increase of pension to James H. Reeve; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and ordered to be printed.

ALTERATIONS IN THE CAPITOL.

Mr. ATKINS. I ask unanimous consent to introduce a joint resolution authorizing a change in the plans of the House, for the purpose of having it referred to the Select Committee on the Ventilation of the House.

Mr. CONGER. Let it be read.

The joint resolution was read. It authorizes and directs the Architect of the Capitol to cause a door to be cut through the eastern wall of the reception-room of the House of Representatives, so that there may be direct access across the corridor to the room now occupied by the Committee on Appropriations, provided that it can be done without detriment to the general plans and symmetry of the building or interfering with exisiting laws in regard to the ventilation of the Hall of the House, and that the room now occupied as a reception-room be assigned to the Committee on Appropriations, to be used as a sub-committee room.

Mr. CONGER. I object to the introduction of that joint resolution on account of the last part of it.

Mr. ATKINS. Does the gentleman object to its being referred.

Mr. CONGER. I do.

WITHDRAWAL OF PAPERS.

Mr. EVINS. I ask unanimous consent for leave to withdraw from the files of the House certain vouchers filed with the papers in the contested-election case of Tighlman *vs.* Smalls; copies thereof to be left.

Mr. CONGER. The original papers should be kept on file. There is no objection to allowing copies of them to be taken.

Mr. EVINS. Mr. Smalls asked me to have these papers withdrawn, for he wanted to use the originals in the case of an indictment against him in the courts of my State, and copies would not answer.

Mr. SPRINGER. At the last session of Congress Mr. Smalls presented several vouchers to the Committee of Elections for the purpose of obtaining an allowance for his expenses. Those expenses were allowed, and he now desires the original papers for use in a trial in the State of South Carolina. It is at his request that this is asked.

Mr. CONGER. Will not certified copies answer as well?

Mr. SPRINGER. They will not answer in his case; he must have the originals; but certified copies will do to preserve the records of the House.

Mr. BRIGGS. I object.

WITHDRAWAL OF PAPERS.

Unanimous consent was granted for the withdrawal from the files of the House of papers in the following case:

To Mr. WARNER in the case of Peter M. Ward, no adverse report.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CASWELL, for one week from to-morrow, on account of professional duties;

To Mr. KITCHIN, indefinitely, on account of sickness in his family; and

To Mr. BELFORD, indefinitely, on account of sickness in his family.

ADJOURNMENT.

Mr. SPARKS. I move that the House now adjourn.

Mr. O'NEILL. Pending that motion, I move that when the House adjourns to-day it be to meet on Monday next.

The motion of Mr. O'NEILL was not agreed to.

The motion of Mr. SPARKS was then agreed to; and accordingly (at four o'clock and twenty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. CARLISLE: The petition of W. W. Hanes, for an extension of patent No. 36295 for improved percussion projectiles—to the Committee on Patents.

By Mr. COBB: The petition of John McCabe, of the ninth congressional district of Indiana, that further time be granted him to complete his evidence in the contested-election case wherein he is contesting the title to the seat of Hon. G. S. ORTH in the Forty-sixth Congress—to the Committee of Elections.

By Mr. COLERICK: The petition of citizens of Huntington County, Indiana, that gravel and plank roads be made free for the mails of the United States—to the Committee on the Post-Office and Post-Roads.

By Mr. DE LA MATYR: Papers relating to the pension claim of Clement A. Williamson—to the Committee on Invalid Pensions.

By Mr. MANNING: The petition of Rev. R. W. Mecklin, J. T. Simpson, E. B. Watkins, and others, for compensation for a church at Panola, Mississippi, destroyed during the late war—to the Committee on War Claims.

By Mr. MURCH: The petition of Albert Hall and 80 others, citizens of North Newbury, Maine, that Congress alone shall issue the currency, and that the Secretary of the Treasury be directed to pay off and cancel the bonds of the United States with the same—to the Committee on Banking and Currency.

By Mr. SMITH, of Georgia: A paper relating to the establishment of a post-route from Hahira to Avon, via Well's Mills, Georgia—to the Committee on the Post-Office and Post-Roads.

By Mr. THOMAS: The petition of O. H. Rhodes, of Randolph County, Illinois, that he be allowed the pay and emoluments of an assistant surgeon of the United States Army from the 30th day of June, 1862, to January 29, 1863—to the Committee on War Claims.

By Mr. THOMPSON: The petition of Jones, Rayborn & Jones, Elliott Brothers, and L. E. Edwards, for compensation for damages to their coal-boats at Smith's Shoals, Cumberland River, in 1879—to the Committee on Commerce.

By Mr. TOWNSHEND, of Illinois: The petitions of soldiers of the Black Hawk war, that a pension be granted to Wyatt Parish—to the Committee on Invalid Pensions.

By Mr. WHITTHORNE: The petition of J. N. Carpenter, to be appointed pay director on the retired list of the Navy—to the Committee on Naval Affairs.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June* 7, 1879.

The House met at twelve o'clock m. Prayer by Rev. DAVID WILLS, D. D.

The Journal of yesterday was read and approved.

RIVER AND HARBOR APPROPRIATION BILL.

Mr. REAGAN. I ask unanimous consent to take from the Speaker's table House bill No. 435, which has been returned from the Senate with two or three verbal amendments. My object is to concur in the amendments of the Senate.

There was no objection, and the bill (H. R. No. 435) to correct the reading of "an act making appropriations for the construction, preservation, and completion of certain works on rivers and harbors, and for other purposes," approved March 4, 1879, together with the Senate amendments thereto, was taken from the Speaker's table.

The amendment of the Senate to the bill was in line 4, after the word "March," strike out "fourth" and insert "third."

Amend the title by striking out "the reading of" and inserting "an error in;" also, strike out "fourth" and insert "third" after the word "March."

Mr. REAGAN. I move that the amendments of the Senate be concurred in.

The motion was agreed to.

Mr. REAGAN moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RELIEF FOR YELLOW-FEVER SUFFERERS.

Mr. HOUSE, from the Committee on the Judiciary, by unanimous consent, reported back with a favorable recommendation the joint resolution (H. R. No. 66) legalizing the action of the President and the Secretary of War in sending rations and tents to the yellow-fever sufferers.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, &c., That the action of the President of the United States and the Secretary of War in sending rations and tents to Memphis and other places for the use of the sick during the recent yellow-fever epidemic is hereby legalized as though the same had been expressly authorized by former act of Congress.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. HOUSE moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PUBLIC LANDS.

Mr. CONVERSE. I ask unanimous consent to report from the Committee on Public Lands for present consideration the bill (H. R. No. 1846) relating to the public lands of the United States.

Mr. CONGER. Let the bill be read.

The bill was read.

Mr. CONGER. That bill should be entitled a bill to make easy trespasses upon the public lands. I object to it in its present form of title.

Mr. RYAN, of Kansas. I ask unanimous consent to report from the Committee on Public Lands a substitute for House bill No. 1215 for the relief of settlers upon the Osage trust and diminished reserved lands in Kansas, and for other purposes. The bill should be acted upon immediately, and I think there will be no objection to it.

Mr. ATKINS. I object.

ORDER OF BUSINESS.

Mr. BREWER. I call for the regular order.

Mr. NEWBERRY. I ask my colleague to withdraw the call for the regular order until I can submit a resolution for reference to the Committee on Commerce.

Mr. BREWER. I will withdraw the call for the regular order.

BRIDGE OVER THE DETROIT RIVER.

Mr. NEWBERRY. I ask consent to submit for reference to the Committee on Commerce the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Whereas recent progress in the art has shown the practicability of constructing bridges having spans of five hundred feet or possibly more: Therefore,

Be it resolved, That the Secretary of War is hereby authorized and required to convene a board of officers of the Corps of Engineers of the Army, whose duty it shall be to inquire into and report whether for railroad purposes the river Detroit can be bridged at the city of Detroit, or within one mile above or below said city, in such manner as to accommodate the large trade and commerce crossing the river at that point, and without material or undue injury to the navigation of said river, a good and sufficient tug being always kept by the bridge-owners to assist any craft when required.

Mr. FINLEY. I object.

The SPEAKER. It is only for reference.

Mr. FINLEY. If the gentleman from Michigan [Mr. CONGER] will withdraw his objection to the bill of my colleague, [Mr CONVERSE,] I will withdraw my objection in this case.

Mr. CONGER. "The gentleman from Michigan" makes no trades of that kind.

ORDER OF BUSINESS.

Several members called for the regular order.

The SPEAKER. The regular order being called for, the morning hour will begin——

Mr. HARRIS, of Virginia. Mr. Speaker, the morning hour has proved very profitless I think as regards the bill pending during that hour. I should be very glad, so far as I am concerned, to yield the morning hour to the Committee on Appropriations if they have an appropriation bill ready for action.

The SPEAKER. Under the rule the morning hour cannot be dispensed with except by a two-thirds vote.

Mr. ATKINS. Mr. Speaker, I trust the gentleman from Virginia [Mr. HARRIS] will allow the Committee on Appropriations to direct it own business. [Laughter.]

Mr. HARRIS, of Virginia. I extended to the gentleman a courtesy; if he does not accept it, the matter is with him.

Mr. CANNON, of Illinois. I move that the morning hour be dispensed with.

The motion was agreed to, two-thirds voting in favor thereof.

Mr. CANNON, of Illinois. I move that the House resolve itself into Committee of the Whole for the purpose of resuming the consideration of the bill (H. R. No. 2002) making additional appropriations for the service of the Post-Office Department for the fiscal years ending June 30, 1879, and June 30, 1880, and for other purposes.

The SPEAKER. There is a bill coming over from a former day as unfinished business in the House.

Mr. CANNON, of Illinois. I desire to raise the question of consideration upon that bill.

The SPEAKER. The question then is, will the House proceed to the bill in relation to diseases among cattle?

The question being taken, there were—ayes 49, noes 86.

Mr. McGOWAN. I rise to a parliamentary inquiry. The bill in reference to diseases among cattle having been made a special order by unanimous consent, will not a two-thirds vote be required to set it aside for other business?

The SPEAKER. The House by a majority vote can determine what business it will proceed with. The advantage, however, of the bill having been made a special order is that it keeps constantly coming up as soon as any intervening business which the House may consider is finished. On this question the ayes are 49, the noes 86. So the House decides not to proceed with the unfinished business.

Mr. CANNON, of Illinois. I move that the House resolve itself into Committee of the Whole to consider the bill in reference to pay of letter-carriers.

Mr. HARRIS, of Virginia. I rise to oppose the motion to go into Committee of the Whole for the consideration of that bill. I want the House to go into Committee of the Whole to consider the bill in regard to publishing the reports of the Supreme Court. It is a question of much public importance, and will not take an hour.

The SPEAKER. The motion of the gentleman from Illinois is not debatable. When the House goes into Committee of the Whole the gentleman from Virginia can test the sense of the committee as to what the order of business shall be.

Mr. HARRIS, of Virginia. My object is to have an understanding that when the House goes into Committee of the Whole the bill I have referred to shall be taken up.

Mr. O'NEILL. Pending the motion of the gentleman from Illinois, [Mr. CANNON,] I move that when the House shall again resolve itself into Committee of the Whole on the bill in reference to the pay of letter-carriers the time for general debate be extended for one hour.

Mr. CANNON, of Illinois. I think that forty minutes of the time allowed for general debate remain unexpended; and when that time is exhausted the debate can be continued under the five-minute rule.

Mr. O'NEILL. I modify my motion so as to extend the time thirty minutes, instead of one hour.

The SPEAKER. This, with the forty minutes remaining, will be one hour and ten minutes.

Mr. SPARKS. The time for debate has been extended once or twice.

The motion of Mr. O'NEILL was not agreed to.

Mr. FINLEY moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The question being taken on the motion of Mr. CANNON, of Illinois, that the House resolve itself into Committee of the Whole for the consideration of House bill No. 2002, it was agreed to; there being ayes 76, noes not counted.

The House accordingly resolved itself into Committee of the Whole, Mr. REAGAN in the chair.

PAY OF LETTER-CARRIERS.

The CHAIRMAN. The pending business in Committee of the Whole is the bill (H. R. No. 2002) making additional appropriations for the service of the Post-Office Department for the fiscal years ending June 30, 1879, and June 30, 1880, and for other purposes.

Mr. HARRIS, of Virginia. I move to lay this bill aside for the purpose of taking up the bill regulating the publication of the reports of the Supreme Court of the United States. It is important that legislation on this subject be had at the present session so that the reports which will be printed during the recess shall be published at the reduced rates proposed in the bill.

Mr. CANNON, of Illinois. I think we can finish the letter-carrier bill to-day.

Mr. FINLEY. I make the point that the letter-carrier bill, being the unfinished business, must be first considered.

The CHAIRMAN. The Chair must entertain the motion of the gentleman from Virginia, who proposes to lay aside the pending bill and take up the bill providing for the publication of the Supreme Court reports.

Mr. FINLEY. As I understand, the House went into Committee of the Whole for the consideration of the letter-carrier bill, and it is unfinished business.

The CHAIRMAN. The Committee of the Whole has power to determine what business it will consider.

The motion of Mr. HARRIS, of Virginia, was not agreed to.

Mr. STONE. Mr. Chairman, when the committee rose yesterday, I had submitted the question whether I held the floor. The Chair supposed perhaps that I had surrendered it, though I did not intend to do so.

The CHAIRMAN. The Chair understood the gentleman to yield the floor according to the practice in committee.

Mr. STONE. I am not at all particular about the matter, if the gentleman from Ohio [Mr. KEIFER] is regarded as holding the floor.

The CHAIRMAN. There remain forty minutes for general debate.

Mr. KEIFER. I believe I had the floor at the time the motion was made that the committee rise.

Mr. CANNON, of Illinois. How are the forty minutes to be divided?

The CHAIRMAN. The Chair cannot determine that question. The gentleman from Ohio has the floor, and the Chair can put no limitations upon him.

Mr. CANNON, of Illinois. As I understand, half the time ought in fairness to be given to the opponents of the bill, and half the time to those who advocate it.

The CHAIRMAN. If the gentleman so understands that to be the agreement the Chair will recognize the arrangement.

Mr. KEIFER. I should like to know how much of the time the gentleman from Illinois occupied yesterday. Before we make any further arrangement we ought to know how much of the three hours' time he has already occupied.

Mr. CANNON, of Illinois. That is all right.

Mr. KEIFER. I believe he occupied an hour and a half.

Mr. CANNON, of Illinois. No; only an hour and a quarter.

Mr. KEIFER. We are entitled, then, to a larger share of the forty minutes remaining.

The CHAIRMAN. The gentleman occupied an hour and fifteen minutes. He first occupied an hour, and then his time was extended for half an hour, and of that half hour he only spoke fifteen minutes.

Mr. CANNON, of Illinois. Then fifteen minutes of the remaining forty minutes belong to the friends of the bill.

The CHAIRMAN. If there be no objection, the Chair will recognize that arrangement.

Mr. STONE. That will not be controverted at all. It should be admitted without question. I think it is correct, and those in favor of the bill are entitled to fifteen minutes of the forty minutes still remaining.

Mr. KEIFER. Mr. Chairman, there are a number of gentlemen who desire to speak on this subject. The gentleman from Pennsylvania [Mr. WARD] on my left desires ten minutes of my time, and if I have the floor I will yield it to him.

The CHAIRMAN. The Chair is advised that in committee the time cannot be farmed out; but when a member yields the floor he yields it subject to the recognition of the Chair. The Chair, however, will recognize first the gentleman from Pennsylvania, [Mr. WARD,] as suggested by the gentleman from Ohio.

Mr. KEIFER. That is all I desire. We are only trying to partition the time between the two sides, giving to each what it is entitled to.

Mr. WARD. Mr. Chairman, I have no free-delivery office in my

district; I have no city or town that can lay title to that privilege of free delivery under this proposed legislation. I wish I had. And if such were the fact I should not have the least hesitancy in opposing this bill and advocating the retention of the legislation passed in February last.

I am opposed to the bill reported from the Committee on Appropriations and now under consideration. I am opposed to it, in the first place, because I consider it to be an effort on the part of that committee to invade the province of the Committee on the Post-Office and Post-Roads, as was forcibly demonstrated yesterday by my friend from Michigan, [Mr. STONE,] and to take jurisdiction of a subject which does not belong to them, thereby undoing the established system of the postal service.

It is idle to say, Mr. Chairman, that the act of February 21, 1879, was inconsiderate legislation. It was matured, having been before the Committee on the Post-Office and Post-Roads for a long time; not in the identical language in which it was enacted, but the general subject was up and under consideration for weeks and probably months.

It is true, sir, that the men who were interested did not come here with a lobby behind them, but selected from their own number intelligent young men who were fully conversant with the subject, and who had the ability to present it in such a way before the committee and before this House as entitled them to the consideration which they received and to influence members so that nearly three-fourths of this House voted in favor of the legislation then placed upon the statute-book.

A great deal has been said in reference to the labor required from these letter-carriers. I have in my hand a statement carefully prepared which shows exactly what those men do in the city of Philadelphia, and I ask attention to it. The letter-carrier has to report himself at the post-office at half past six o'clock in the morning. His duties commence immediately by arranging the letters for his route, which occupies at least an hour. Under the present system the carriers make five trips per day over their respective routes, and at the same time collect from the boxes; in addition to which they make an extra collection from the boxes at half past seven p. m. for delivery to the post-office. All this has to be done in all kinds of weather, and every fifth Sunday they are on duty from eight to nine o'clock in the morning and from two to three o'clock in the afternoon, beside making a night collection. Exposure to all kinds of weather necessarily produces sickness; and the moment they are unable to work their pay is stopped, and doctors' bills and other incidental expenses are incurred. I assert here without fear of contradiction there is no other class of workmen in this country from whom such severe service is required and yet paid so disproportionately as these letter-carriers.

It is not alone physical labor which is required of them through the long hours which are so excessive during which they are employed, but in addition to that, another quality is required of them to fit them for the position they hold. They must be men of intelligence; they must be men of more or less education; they must be men of settled character for honesty and probity. They are required, as was said here yesterday, to give bonds for the faithful performance of their duties, and I ask the gentleman from Illinois [Mr. CANNON] who has charge of this measure where he can put his finger upon another class of men in regard to whom physical, mental, and moral qualities are required in the same degree, and who are paid anything like the small compensation that is allowed to these men.

But, Mr. Chairman, there is another feature about this bill, which to my mind presents an aspect of gross injustice that is altogether indefensible. On the 21st of last February, under House bill No. 2133, which became the law, the salaries of carriers were fixed—one class at the rate of $1,000 per annum. From that time until the present those men have been performing the duties required of them by law in their respective positions faithfully, and according to the letter of their duty. They had the right to expect that their compensation would be regulated according to that law. In fact, that law created as to them was just as fully an obligation on the part of the Government as if the Postmaster-General under authority of law had entered into contract under seal with them. They had the pledge of their employer, the Government of the United States, that they would be paid for the services rendered by them according to the letter of that enactment.

Now, Mr. Chairman, what is proposed by the bill before the House? It is proposed to ignore that enactment, to ignore that contract, to retrograde the letter-carriers who trusted that bill back to their old rate of pay. I ask whether any gentleman upon this floor is prepared to defend that act of injustice? Can it be that the Government of the United States will not carry out its obligation and its contract with these men who have faithfully performed their duties during the time that has intervened from February 21 until this day, relying, as they had a right to rely, upon the good faith and the honor of the Government to see that they were paid under the provisions of the law and according to the rate mentioned in the act under which their duties were performed and under which they served? I do not know what has become of the innate sense of justice that rests in the mind of my good friend from Illinois when he reports such a measure as that, calculated to break down the obligation of the contract and refusing to pay the men under the terms of their agreement.

Mr. Chairman, when this subject was under consideration in this House in April, 1877, I took occasion to say:

> I believe as a class the letter-carriers are not paid an amount equivalent to the character of the men employed, the qualifications they require, and the services they perform. I believe there is no class of men as intelligent, as well disciplined, as courteous, who are required to perform such responsible duties, and suffer the exposure in all weathers during the long hours, providing at their own expense a prescribed uniform, that are paid anything like the low wages they receive. Fair wages to the men who do the work is both simple justice and wise legislation.

I repeat those sentiments now, and have seen nothing in any of the arguments that have been put forward in this debate in the least degree to weaken my faith in them.

Now one word more, Mr. Chairman, with respect to the letter-carrier system. In the debate of last June upon this subject the gentleman from Ohio [Mr. KEIFER] took very broad and strong ground upon the subject. I wish to read a few sentences from his remarks at that time:

> Now, Mr. Speaker, originally the law on the subject of free-delivery offices provided that free delivery might be established at post-offices where the population within the delivery of the office reached twenty thousand. Subsequently, by an act passed in 1876, the law was changed so as to limit the establishment of free-delivery offices to cities having a population within their corporate limits of thirty thousand. Now, sir, neither test was proper. In the first place it is the business that ought to be the test in this matter of free delivery. Those who pay for the music ought to enjoy it. That is my proposition; and perhaps it is right to have this double test, population and revenue. To give a place free delivery of mail matter will add to the revenue in two ways at least: First, by the payment of double postage on dropped letters; and, second, by the increase of letters written on account of the convenience of mailing and receiving letters through the establishment of letter-boxes at places remote from the post-office. In this way employment will be given to more worthy and needy men, and the people will be glad to pay for it. The general net post-office receipts will not be materially affected by a proper increase of free-delivery offices.

I indorse the doctrine which the gentleman there laid down. I say the free-delivery system ought to be extended according to the wants of the community, and the answer to the question whether it will pay or not to give the community this accommodation ought to be the governing rule in establishing free-delivery post-offices throughout the country. There can be no other sensible or practical test. Different circumstances rule in different communities. The proximity of population, the amount of business, the kind of business conducted in the locality, all enter into the question in determining whether or not free delivery ought to be established. According to the experience of times gone by it is a system "that grows by what it feeds upon," and the testimony is that the increase of local postal intercourse in the vicinities where these facilities are granted has been enough to overcome and overbalance the expense.

It has been stated here that the net revenue from the free-delivery system into the Treasury of the United States amounts to over $600,000 or $700,000. I have here a statement which I will ask to have printed with my remarks, which shows the increase between those years from the year 1868 to 1876 of 100 per cent. in the number of carriers, and an increase of 300 per cent. in the mailable matter handled by carriers in the cities where the system has been established.

From the Postmaster-General's reports, 1868 and 1876.

	1868.	1876.
Number of cities	48	87
Number of carriers	1,198	2,255
Number of mail letters delivered	64,340,486	189,659,443
Number of local letters delivered	14,081,906	53,773,953
Newspapers delivered	16,910,715	80,675,040
Letters collected	63,164,625	200,280,079
Amount paid carriers, including incidental expenses	$995,934 59	$1,981,186 51
Postage on local matter	$475,982 36	$2,065,561 73

Now, Mr. Chairman, it would not be proper to introduce that kind of legislation into this bill. It would be subject to the point of order, and it would be ruled out. At some future time I may have the opportunity to present it in proper shape to the House, have it referred to the Committee on the Post-Office and Post-Roads, and have it come up for consideration. I protest now against the attempt made in this bill to cut down the pay of the letter-carriers as established by the act of February 21, and especially against the injustice, the indefensible injustice of endeavoring to cut it down during the time that has elapsed from the passage of that act till the present time.

If in order, I will yield the balance of my time to my colleague from Pennsylvania, [Mr. BINGHAM.]

MESSAGE FROM THE SENATE.

Here the committee informally rose; and the Speaker having resumed the chair, a message from the Senate was communicated by Mr. BURCH, its Secretary, informing the House that the Senate had passed a bill (S. No. 375) in relation to juries, and to repeal sections 801, 820, and 821, and part of 800 of the Revised Statutes of the United States; in which the concurrence of the House was requested.

PAY OF LETTER-CARRIERS.

The Committee of the Whole resumed its session.

Mr. BINGHAM. Mr. Chairman, I was not present during the discussion of this bill yesterday, but upon reading the record this morning

of the debate which then occurred, I desire now to correct what I would then have attempted to correct had I been present. The distinguished gentleman from Illinois [Mr. CANNON] who has charge of this bill made this statement:

I had occasion to examine the English estimates the other day, and I find the English government pay their letter-carriers, all allowances included, at the commencement of the service $275 a year, and it takes twelve years' faithful service, through summer and winter, to get up to $400 a year, which is the maximum.

I have simply this to say in reference to the declaration of the gentleman, that the letter-carrier services of the two governments are in no respect parallel. I will endeavor to show you wherein they differ, and wherein the English service, even with its low compensation, is a service better paid and more desirable as a field for employment than service under the American system.

First, the English letter-carrier only delivers the mails, he does not collect them. The American letter-carrier carries his bag of mail matter on his route and from his route collects the mail from every box and carries it back to the post-office, thus performing a double labor. Second, the English letter-carrier has his clothing furnished him; the American letter-carrier furnishes his own clothing.

Mr. CANNON, of Illinois. I know the gentleman does not want to misstate me. I included in my statement the allowance for clothing.

Mr. BINGHAM. I will state that on page 331 of Her Majesty's Mails, the only available authority I can reach upon the subject, will be found the statement that "letter-carriers are furnished with uniforms."

Mr. CANNON, of Illinois. I stated the matter just as it was.

Mr. BINGHAM. Again, during illness the English letter-carrier is attended by a government physician, and is not docked for loss of time when his excuse is an acceptable one. The American letter-carrier is docked for every day of his absence, and medical attendance must be paid for from his own salary. The letter-carrier enters the service in England at sixteen years of age. Under the present regulations of the Post-Office Department of this country as issued but a short time since—and I desire to call the attention of my friend from New York [Mr. McCOOK] to this statement, for he referred yesterday to the large body of soldiers in the letter-carrier service—the present regulations of the Post-Office Department limit the ages between which persons can be employed in that service at from twenty-one to thirty-five years. No man to-day of middle-life, who fought during the late war, is eligible for employment in the letter-carrier service of the United States. I desire to state that I concur entirely with my friend from Ohio [Mr. MONROE] who in effect declared yesterday that the service of the letter-carrier literally takes the "pith and heart out of a man's life." He must be possessed of youth and physical vigor to stand the severe labor which the service requires, and when worn out is turned adrift. In England the letter-carrier gives no bond, nor is he required to deliver money, valuable, or registered letters, a responsibility which is thrown upon our letter-carriers, because they are under bonds, and their bondsmen are obligated for their faithful performance of duty in the delivery of mail matter.

In England the hours of labor are but ten a day, and the letter-carrier does not work on Sunday. In this country, in many cities of the United States, the least number of hours of service is twelve; in the city of Philadelphia it averages fourteen hours, and the men are employed two hours in the post-office on Sunday, and have to make a four-hour collection Sunday night.

In England the letter-carrier is allowed to accept fees or gratuities, and in many cases they receive large gratuities. By a recent order of the Post-Office Department of this country no carrier in our service is allowed to accept from the generous people on his route even a Christmas offering, although he may have rendered faithful service during the entire year.

In England the letter-carrier is pensioned or given a superannuated allowance at a certain age or when disabled for service. Not so with our letter-carriers. It has been the rare exception that any allowance has been made them. During my experience of six years in charge of the Philadelphia post-office I was enabled to secure but one man an allowance during his sickness caused by a fall, resulting in a broken limb, while he was in the discharge of his duty. Whatever may be the injury sustained, there is no regulation which allows the Post-Office Department to give a letter-carrier pay for the time he is absent from duty.

Again, in England the letter-carriers are assisted by a life-insurance policy; no such system exists in our country. In England they are allowed a furlough of two weeks every year, during which their pay continues. In the American service a letter-carrier is not allowed one day's absence with pay.

Again, for the information of the committee, from such records as I have been able to find upon the subject, the report of the postmaster-general of the British service, the statement is made that the London office alone has upon its superannuated roll eight hundred employés who are paid their annual stipend.

Mr. CANNON, of Illinois. Will the gentleman yield right there?

Mr. BINGHAM. Certainly.

Mr. CANNON, of Illinois. That does not mean eight hundred letter-carriers only, but letter-carriers and employés. The letter-carriers get $100 a year after being worn out in the service.

Mr. BINGHAM. That is better than nothing.

Mr. CANNON, of Illinois. Certainly, and so $400 a year is better than nothing.

Mr. BINGHAM. A great deal better. The gentleman from Illinois took exception to a statement which was made on this floor that following out the provisions of the act of February 21, 1879, would require the establishment of some sixty-five letter-carrier offices.

Mr. CANNON, of Illinois. No, sir; I did not state that.

Mr. BINGHAM. What did the gentleman state?

Mr. CANNON, of Illinois. I said that it would require the establishment of thirty or thirty-one additional offices.

Mr. BINGHAM. So much the better for my illustration.

Mr. CANNON, of Illinois. I said that with a very little effort the gross revenues could be made to extend the system to sixty-five offices.

Mr. BINGHAM. That will cover the point I desire to make. I merely propose, as the gentleman has seen proper to compare our service with the service of the United Kingdom, to make this statement: that free-delivery service has been established (by the last available report of the Postmaster-General of the United Kingdom) for the first time in five hundred and thirty-one new places, and the free deliveries in six hundred and twenty-two places have been increased in number or otherwise improved. My purpose is to show by this statement of facts the extent and generous administration of the foreign service where it has been established many years, and the limited location of the service under our system. Sixty-five offices the gentleman regards as an unreasonable extension. Not so on the other side, where five hundred and thirty-one were located in one year.

A little further on the gentleman makes this statement: he alleges that there are auxiliary carriers located in New York and Philadelphia. There are auxiliary carriers located in New York, but there are none in Philadelphia.

Mr. CANNON, of Illinois. They are reported to me by the Auditor as being located in Philadelphia.

Mr. BINGHAM. I have already stated as to the number and the hours the carriers are employed, which is the point I intended to cover, and to show that the gentleman from New York [Mr. McCOOK] was not in error when he stated that the carriers in that State worked twelve hours a day.

Mr. CANNON, of Illinois. I do not suppose that the gentleman is desirous of leading the House into error.

Mr. BINGHAM. The gentleman in his remarks of yesterday makes the statement that the average pay of the clerks is $775 per annum, being less than the carrier's pay. I desire to make clear the gentleman's remark, and it is that that compensation refers to the entire service. Further, I wish to say for the gentleman's information, and for the information of the House, that the pay of the clerks at letter-carrier offices is between $900 and $1,000, with this difference, that no clerk works over eight hours unless he is paid for extra time, and every carrier works from twelve to sixteen hours a day.

I do not think the gentleman desires to make a reflection on the administration of the Post-Office Department, but when he states that the post-office officials to-day send out their employés,—"the Toms, Dicks, and Harrys," as he states,—"to buy stamps at offices, in order that the revenues of their offices may be increased," he refers to an abuse that the present administration of the Post-Office Department has corrected and is correcting to-day.

Mr. CANNON, of Illinois. The gentleman does not desire to misrepresent me, I am sure.

Mr. BINGHAM. I do not.

Mr. CANNON, of Illinois. If I occupy any of the gentleman's time, I will yield him five minutes of my time.

The Post-Office Department did meet the difficulty about the sale of stamps in small offices some time ago, but we changed the law, and now they are paid by cancellation.

I said that the small offices could get a supply of stamps from the large offices as well as in Washington, in fact they practically do it.

Mr. BINGHAM. As I understand the law, if the postmaster, for the purpose either of increasing his compensation or bringing his office within the provisions of any act of Congress, does that, the Post-Office Department would arrest the official and deprive him of his commission.

Mr. CANNON, of Illinois. But in the large offices the pay cannot be increased in that way, because it is limited.

Mr. BINGHAM. I clearly understand that; but we are talking of the small offices, where the gentleman stated that the postmaster "intended to work up the gross revenues of the office to $20,000 a year," so as to come under the provision of the existing law and become a letter-carrier office. And now one point in regard to my own city. The gentleman states that there is a large surplus in New York and a small one in Philadelphia, Boston, and San Francisco. In regard to Philadelphia a surplus of $191,000 was received from the *carrier service alone* last year, and there is every probability of a larger income from that service next year. Now, Mr. Chairman, that surplus income of $191,000 is more than sufficient to pay the deficit charged to the Post-Office Department from the gentleman's own State, Illinois. His own State is deficient in meeting the expenses of the service $128,000, whilst Philadelphia yielded a surplus revenue of $191,000 *from the carrier service alone*, and $583,582.63 from the general service,

and I do not propose to allow the sum of $191,000 to be belittled in this House.

[Here the hammer fell.]

Mr. CANNON, of Illinois. I yield five minutes of my time to the gentleman from Pennsylvania, [Mr. BINGHAM.]

Mr. BINGHAM. I thank the gentleman. I understood, from the gentleman who has control of the remaining time, that I was entitled to all the time remaining for discussion upon this question upon this side of the bill.

The CHAIRMAN. The understanding was that the gentleman from Illinois [Mr. CANNON] was to have twenty-five minutes.

Mr. BINGHAM. I have been diverted from the general course of my argument, which I had carefully prepared in order to answer certain statements which have been made during the debate, and I desire the consideration of this committee for a few moments in order that I may rapidly reach the line of argument I had intended to follow. I do not think the bill presented by the gentleman from Illinois [Mr. CANNON] should receive the approval of this House. I regard it as crude in its several sections, and consider it unfair and inequitable in the compensations fixed for a large body of faithful and deserving employés of the Post-Office Department.

While I can readily understand the motive which doubtless has actuated the Committee on Appropriations to hasten to completion all legislation the necessities of the Government may require at this extra session of Congress, I cannot understand why legislation of a distinct detail and executive character should be presented by the Appropriations Committee which under the organization and rules of this House properly belongs to the Committee on the Post-Office and Post-Roads. As well might the committee which the gentleman represents have indicated in the Army bill recently presented to this House the provisions that the several line and field officers of the Army should receive a larger or smaller compensation than existing law authorizes, or that the pay of a private soldier should be greater than at present fixed by law, or that the number and make-up of our battalions and regiments should be upon a different basis and under other conditions than those duly considered by the Committee on Military Affairs, reported to this House, and framed into enactments upon our statute-books. Should such a course have been adopted by the Committee on Appropriations, I am sure that every member of the Committee on Military Affairs would, to speak conservatively, protest against such unwarranted action and interference.

The Committee on the Post-Office and Post-Roads of the Forty-fifth Congress carefully considered a bill referred to that committee in the early days of the first session of that Congress, and after a thorough, critical, and careful amendment and examination into the whole subject, wisely regarding the efficiency of the carrier service as well as the question of justice and fair compensation to the employés of the postal service, reported a bill to that Congress which after general debate passed through the several stages of legislation required by the Constitution and stands to-day upon the statute-book as the law governing the carrier service. This bill became a law upon the 21st day of February last, a little more than three months ago, and now we have reported from the Committee on Appropriations the bill presented by the gentleman from Illinois for the consideration of this House which, in each and every section, either modifies, changes, or annuls the provisions of the bill which, reported from the Committee on the Post-Office and Post-Roads, passed the last Congress less than one hundred days ago by the convincing and intelligent vote of 151 yeas to 51 nays in the House and 26 yeas to 16 nays in the Senate. Certainly, Mr. Speaker, if a radical change is necessary in the detail and executive administration of the carrier service of the Post-Office Department, or if a radical change is absolutely necessary in the compensation of a large body of Government employés of the aforesaid Department, common courtesy, to say the least, would commend the examination and consideration of this broad question to the committee to which under the rules of this House the whole subject properly belongs—your Committee on the Post-Office and Post-Roads. And more especially, Mr. Speaker, in view of the fact that the law of 1879 has not been tested, and therefore it cannot be condemned as unwise legislation. However, setting aside the courtesies due and prerogatives belonging to that committee, the bill before us contains so many unfair and unjust provisions that I will occupy the attention of this House in an endeavor to make clear the exceptions and objections which I file to the passage of this bill.

The free-delivery or carrier service of the Post-Office Department needs no defense or generous commendation at my hands. I cordially indorse the sentiments of the gentleman from Ohio as uttered in this debate. Its convenience and necessary existence to the perfection of our postal service is familiar to every member of this House. Meeting a great want in our central cities and large towns, it has grown and developed during the few years of its operations to such an extent that in the last fiscal year it returned a revenue of upward of $628,000 clear of all expenses, (see report Postmaster-General for 1878, page 43.) This service is established in eighty-eight cities of the Union, of which number sixty offices pay a large net revenue to the Government. The four great post-offices of New York City, Philadelphia, Boston, and San Francisco in the last fiscal year gave a net revenue to the Post-Office Department of over $1,100,000 from the carrier service alone. In other words, the paying offices where free delivery is established met all the expenses of the entire carrier service wherever established, and in addition yielded a profit or revenue of upward of $628,000 during the last year. Every indication or report thus far received by the Department for the present fiscal year leads to the conclusion that by virtue of growth the revenue from this service will be largely in excess of the last fiscal year.

[Here the hammer fell.]

Mr. CANNON, of Illinois. I give the gentleman five minutes more.

Mr. BINGHAM. I thank the gentleman for his courtesy.

Certainly this is a service that demands the wisest and most considerate legislation, and when protected by the fostering enactments of the last Congress, should be allowed to return its great revenues and work out its usefulness, its efficiency, development, and growth.

The Post-Office Department, in view of the neglect of Congress to make the necessary appropriations for the carrier service, under the act of February 21, 1879, is now operating under the old law of June 8, 1872, and the regulations of the Department based upon the same. The carrier service, under that law and regulation, is divided into offices of the first class where the population is one hundred thousand and upward, and into a second class where the population of the city is less than one hundred thousand.

Offices of the first class are located at the following cities: Boston, Massachusetts; Brooklyn, New York; Buffalo, New York; Detroit, Michigan; Louisville, Kentucky; Milwaukee, Wisconsin; Newark, New Jersey; New York, New York; Philadelphia, Pennsylvania; Providence, Rhode Island; Saint Louis, Missouri; Washington, District of Columbia; Baltimore, Maryland; Chicago, Illinois; Cincinnati, Ohio; New Orleans, Louisiana; San Francisco, California; Pittsburgh, Pennsylvania, and Cleveland, Ohio.

The total number of carriers is reported by the superintendent of the free-delivery service to be 2,346; carriers in cities of the first class, 1,854; carriers in cities of the second class, 492.

The act of February 21, 1879, reads as follows:

An act to fix the pay of letter-carriers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the more equitable compensation of letter-carriers there shall be, in all cities which contain a population of seventy-five thousand or more, two classes of letter-carriers, to be fixed by the Postmaster-General.

SEC. 2. The salaries of carriers of the first class, who shall have been in service at least one year, shall be $1,000 per annum, and the salaries of the carriers of the second class shall be $800 per annum. In all cities containing a population of less than seventy-five thousand there shall be one class of letter-carriers, who shall receive a salary of $850 per annum.

The Postmaster-General has, under date of February 21, 1879, asked for a deficiency appropriation for the present fiscal year of $92,000, and under date of March 20, 1879, an appropriation for the fiscal year ending June 30, 1880, the sum of $415,000, in order that the provisions of the act of February 21, 1879, may be carried into effect. By the law under which the Post-Office Department is now operating the carrier service, the compensation paid to carriers in cities of the second class—that is, in cities containing less than one hundred thousand population—is as follows: upon appointment, $575, less 5 per cent., per annum; after one year's service, $675, less 5 per cent., per annum; after two years' service, $775, less 5 per cent., per annum.

Section 1 of the pending bill will pay these employés, from the 21st day of February last up to the 30th day of this month, by virtue of the deficiency asked for, at the rate of $850 per annum. In other words, the question of length of service is disregarded, and all carriers in cities of the second class will be paid at the rate of $850 per annum.

Section 5 of the pending bill goes into effect on the 1st day of July next, when these same carriers in cities of the second class who have just received by virtue of section 1 of the pending bill a compensation at the rate of $850 per annum are relegated without reason or cause to a compensation of $800 per annum. I do not object to the increase, or rather the carrying out of the provisions of the act of February 21, 1879, which gives these faithful, hard-working carriers $850 per annum. I consider that they deserve it, and the Committee on Appropriations but comply with the law when they provide for the deficiency. But it is the inconsistency—I do not think I use too harsh a term when I say cruel discrimination—which the following sections would enact that I earnestly object to. Not a single office the carrier force of which the gentleman's bill in section 1 so generously and legally provides for pays a revenue to the Government, yet the gentleman concedes their pay under the act of February, 1879, which is an increase, and decreases the pay of that very large body of men employed at offices in cities of the first class, where the revenue covers the entire expense of the service and yields the great profit to the Department which I have before indicated.

Mr. CANNON, of Illinois. I ask to interrupt the gentleman again. I will yield him further time, because I want to get this matter right before the House. In the respect just referred to by him the committee recommend no legislation. They recommend an appropriation for the deficiency. There is a deficiency in cities having less than seventy-five thousand population because they have only one class of letter-carriers. But in cities containing over seventy-five thousand population the law provides for two classes of carriers—a first and a second class, the first class at $1,000 each, the second at $800. Now, the Postmaster-General has never executed the law in that particular. There is no carrier belonging specifically to the first

class or the second class. On the contrary, the Postmaster-General has gone on and paid nearly all these employés $831. There is no deficiency, because that provision of the law never went into operation. If the gentleman undertakes to make an appropriation now to carry out the existing law he will have to provide for paying a part of these carriers, those who belong to the first class, $1,000 a year; and he will have to take from the salaries of others a little over $30 a year in order to bring them down to $800. The committee does not seek to legislate in reference to that matter.

Mr. BINGHAM. In response to the gentleman as to the point submitted I will say that if the Postmaster-General has seen fit, in the exercise of a wise judgment, not to carry out the provisions of the law, it is not right by the retroactive legislation such as this bill embraces in section 2 to deprive these letter-carriers of that to which they are in equity entitled. If section 2 of the gentleman's bill be enacted, these carriers will have no remedy because you make legal the pay they have been receiving in the past. When you provide for increasing the pay of carriers at second-class offices from $575 to $850, I cannot see why you should not provide equally for giving to carriers at the first-class offices the pay to which the law entitles them. If there is a deficiency, that deficiency can be appropriated for at any time.

I say the gentleman's bill accepts the compensation of the act of 1879 for carriers of the second-class cities and in section 2 forbids and disregards the provisions of the same act for carriers in cities of the first class.

Carriers who are now receiving $575 per annum in cities of the second class are increased to $850 per annum, and carriers now receiving $675 per annum in cities of the first class are continued at the old compensation and not increased.

Section 4 of the bill reads as follows:

That letter-carriers in cities containing a population of seventy-five thousand or more shall be divided into two classes, known as first and second class respectively, and the first class shall, at all times in each city, be as nearly equal in numbers to the second class as possible. The salary of letter-carriers of the first class shall be $900 and of the second class $800 per annum respectively.

Gentlemen will bear in mind that the act of February 21, 1879, gives carriers of the first class, after one year of service, $1,000 per annum, and upon appointment $800 per annum. Carriers in cities of the first class, under the law and regulation which the Department is now obeying, receive upon appointment $675, less 5 per cent., per annum; after one year's service $775, less 5 per cent., per annum; after two years' service $875, less 5 per cent., per annum. Gentlemen will observe that the provisions of the bill as offered by the distinguished member from Illinois extend no such generous consideration to carriers in the great first-class cities as section 1 of the bill extends to carriers in the second-class cities where the law of February 21, 1879, is to be observed and obeyed. Under the present bill every carrier in a second-class city, the compensation being fixed at $800, has an increase of pay. Surely if the benefits of the act of February 21, 1879, are to be extended to one class of carriers they should be extended to all classes. Now, gentlemen, mark the severity of section 4 of the pending bill, wherein it declares "that the carriers of the first class receiving $900 per annum shall be as nearly equal in number as possible to the carriers of the second class receiving $800 per annum."

It affects the several cities which I shall enumerate as follows:

Cities.	Number employed at $675, less 5 per cent.	Number employed at $775, less 5 per cent.	Number employed at $875, less 5 per cent.	Number of carriers.	Number that will be reduced from $875 to $800 if the bill passes.
New York, New York	14	41	330	395	133
Philadelphia, Pennsylvania	47	26	180	253	54
Saint Louis, Missouri	14	12	89	115	32
Chicago, Illinois	17	15	130	162	49
Boston, Massachusetts	14	29	126	169	42
Baltimore, Maryland	8	8	50	66	17
Brooklyn, New York	13	10	70	93	24
Buffalo, New York	4	7	25	36	7
Detroit, Michigan	.....	1	30	31	15
Louisville, Kentucky	.....	1	29	30	14
Milwaukee, Wisconsin	.....	3	23	26	10
Newark, New Jersey	.....	3	21	24	9
Providence, Rhode Island	2	2	17	21	6
Washington, District of Columbia	6	5	33	44	11
Cincinnati, Ohio	7	13	54	74	17
New Orleans, Louisiana	5	4	38	47	12
Cleveland, Ohio	2	2	29	33	12
Pittsburgh, Pennsylvania	6	4	24	34	7
San Francisco, California*	.....	.....	.....	50	25

* Fifty carriers employed at $975, less 5 per cent., (provided by act of Congress.)

In San Francisco, California, where by a special law the Department is allowed to pay an annual compensation of less than $1,000 per annum for the entire force and by regulation has fixed that compensation at $975, under the gentleman's bill twenty-five of these men would be reduced $175 per annum, and the remaining twenty-five would be reduced $75 per annum.

Mr. CANNON, of Illinois. Allow me to interrupt the gentleman at this point, because I want to get the facts before the House. While it is true, as he says, that the pay of a small number of these carriers would be reduced from $831 to $800, the same is true under the law which we propose to repeal.

Mr. BINGHAM. But the existing law gives a man $200 additional when he receives his promotion, thus making up the compensation for the loss of $31 for a year or two.

Mr. CANNON, of Illinois. Under our bill the carrier will get $100 additional when he gets his promotion, instead of $200; and I think $100 enough.

Mr. BINGHAM. Let me give the gentleman an illustration of the working of the bill. In Philadelphia alone fifty-four carriers would be reduced from $875 to $800.

Mr. CANNON, of Illinois. No, sir; $831 is the pay they get now.

Mr. BINGHAM. I understand that; the 5 per cent. reduction applies to all the figures I submit. Eight hundred and seventy-five dollars I make as the compensation, because that is the figure fixed, less 5 per cent., by the recent order of the Department. Fifty-four are reduced in Philadelphia from $875 to $800. Now, when they get their increase under the law of February last they will get $200. In two years the ratio of change of carriers in the Philadelphia post-office, twenty-five each year, would promote every one of these men, and they could afford to give up this small amount, $31 per annum, as the gentleman desires me to state it. When their promotion came they would receive a fair and equitable compensation.

You will observe not only how unjust and cruel the provisions of the pending bill are, but, while the recent legislation of February last wisely increased the compensation of all the carriers employed in every class of the service, this bill is presented reducing the carriers' compensation in the large cities where the work is 50 per cent. more severe and 50 per cent. greater in mail matter handled, and where the revenue that supports the entire service is received, and where the net profit of $628,000 is turned from and into the Treasury, and increases the compensation of every carrier in cities of the second class where no net revenue is received to support the service.

The CHAIRMAN. The gentleman's time has expired.

Mr. CANNON, of Illinois. I will yield to the gentleman two minutes of my time.

The CHAIRMAN. There are only five minutes remaining.

Mr. CANNON, of Illinois. Very well; I will yield two of the five minutes and retain three for myself.

Mr. BINGHAM. Thanking the gentleman again for his courtesy I will conclude my remarks by calling the attention of the committee to section 3 of the pending bill, which limits the establishment of the free-delivery service to cities containing a population of not less than thirty thousand within its corporate limits. The act of 1879 re-enacts the law of 1873 and continues the establishment of the carrier service in all cities containing a population of not less than twenty thousand within their corporate limits. To-day, at this very time, thirty-one cities, possibly under the law sixty-five communities, are clamoring at the doors of the Post-Office Department for the free-delivery service. All claim to come within the provisions of the act of 1879 and are entitled under the law to the conveniences and business benefits of the free service. The gentleman's bill deprives them of this right and by the simple change of twenty thousand into thirty thousand inhabitants will continue to deprive them until their populations reach the greater number. I venture the declaration that no one of these many cities will reach the thirty thousand population within the next ten years. Comment is unnecessary.

I cannot believe that either the distinguished gentleman from Illinois, who presents this bill, or the Committee on Appropriations, could have known and understood the full effect and unjust discrimination of the proposed legislation.

I protest against the passage of the bill, because it offends the spirit and the letter of all recent legislation upon the subject, because its provisions are inconsistent, and because its every section is unjust, unfair, and unwise. Let the Committee on Appropriations present a bill to this House, or let this Committee of the Whole House amend the pending bill appropriating the deficiency asked for by the Postmaster-General in his several communications, permitting the act of February 21, 1879, to remain intact, and you will have given consistency, force, and standing to the carrier service of the Post-Office Department, a service, I regret to say, which has heretofore been largely impaired in its usefulness by a too frequent and often unnecessary change in the law governing and controlling this service.

Should it so happen that gentlemen on the other side of this House should ever come into power and have the control of the several departments of the Government, I hope an amendment will be submitted and carried following the standard of the English service, which the republican administration of the Government has been endeavoring to follow ever since 1864 when the letter-carrier system was established, so that good, faithful, hard-working, honest employés of the service shall be retained in office during good behavior. If such an amendment had come from the Committee on Appropriations, representing the dominant control in the business of this House, I unqualifiedly state to the gentleman from Illinois that to that amendment I would give my hearty consent, and say amen to its enactment into law.

Mr. CANNON, of Illinois. Mr. Chairman, the three minutes remaining of the time allowed for general debate are entirely sufficient for my purpose. I only wish to say in conclusion of this general debate that the bill reported from the Committee on Appropriations pays the letter-carriers $800 a year in all cities of less than seventy-five thousand population, and in all cities of more than seventy-five thousand it pays them eight or nine hundred dollars a year, which is 7 per cent. more than they are getting to-day. It is 7 per cent. more than they have received for years, and in my judgment it is quite enough. It is much better salary than is paid to other employés of the Government.

I shall ask the House to adopt the bill reported from the Committee on Appropriations in that respect. If, however, it should not be adopted, then I shall ask the House to travel the other road and walk up like men and appropriate between four and five hundred thousand dollars at one stroke, which is the amount necessary to carry out what I believe to be extravagant and unnecessary legislation.

I now call for the reading of the bill by sections for amendment.

The CHAIRMAN. General debate has closed and the bill is now open to amendment and debate under the five-minute rule. The Clerk will read the first section of the bill.

Mr. KEIFER. After that is done I desire to submit a substitute for the whole bill.

The CHAIRMAN. The substitute will be received and considered as pending, but under the rules cannot be voted on until the original text has been perfected.

Mr. KEIFER. That is all I desire, that the substitute shall be read and considered as pending at this time.

The CHAIRMAN. Does the gentleman wish the substitute read?

Mr. KEIFER. I do.

Mr. CANNON, of Illinois. Let the text of the original bill be first perfected. It will save time if we go on with the bill in the regular parliamentary order.

Mr. KEIFER. It is quite in order, however, to submit the substitute at this time.

The CHAIRMAN. The substitute will be received but will not be acted on until the bill has been perfected.

Mr. CANNON, of Illinois. It requires unanimous consent.

Mr. GARFIELD. Whenever a bill is open to amendment it is perfectly competent to offer amendments to the text of the original bill. Those have to be acted on first before the substitute is voted on.

Mr. COX. The substitute will remain pending.

Mr. KEIFER. I desire it to be read at this time.

Mr. CANNON, of Illinois. Then I suppose fifteen or twenty substitutes can be offered.

The CHAIRMAN. The substitute will be read.

The Clerk read as follows:

A bill making additional appropriations for the service of the Post-Office Department for the fiscal years ending June 30, 1879, and June 30, 1880, and for other purposes.

Be it enacted, &c., That, in addition to the amounts heretofore appropriated, the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, namely:

For payment to letter-carriers for the fiscal year ending June 30, 1880, and to extend the service of such carriers for said year under the provisions of the act approved February 21, 1879, entitled "An act to fix the pay of letter-carriers," in addition to the sum heretofore appropriated, $353,000. For payment of increased salary to letter-carriers under provisions of existing law for the fiscal year ending June 30, 1879, $71,000.

The CHAIRMAN. The substitute is not pending until the consideration of the bill by sections is completed. The first paragraph will now be read.

The Clerk read the first paragraph of the bill, as follows:

Be it enacted, &c., That, in addition to the amounts heretofore appropriated, the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, namely:

For payment of letter-carriers for the fiscal year ending June 30, 1880, $131,900.

No amendment was offered to the first paragraph.

The Clerk read the second paragraph of section 1, as follows:

For payment of increased salary to letter-carriers in cities containing a population of less than seventy-five thousand inhabitants, for the fiscal year ending June 30, 1879, under the provisions of the act of February 21, 1879, entitled "An act to fix the pay of letter-carriers," $25,000.

The committee proposed the following amendment:

In line 12, after "seventy-five thousand," strike out the word "inhabitants."

The amendment was agreed to.

The Clerk read section 2 of the bill, as follows:

SEC. 2. That all payments heretofore made to letter-carriers in cities containing a population of seventy-five thousand or more inhabitants since the approval of said act, be, and the same are, declared legal, and shall be continued at the same rate until the 30th day of June, 1879, and in full discharge for the services of such letter-carriers.

The committee proposed the following amendment:

In line 3 strike out the word "inhabitants."

The amendment was agreed to.

The Clerk read section 3, as follows:

SEC. 3. That letter-carriers may be employed for the free delivery of mail matter as frequently as the public service may require in any city containing a population of not less than thirty thousand inhabitants within its corporate limits: *Provided*, That this section shall not affect the free delivery in cities where it is now established

The committee proposed the following amendment:

In line 4 strike out the word "inhabitants."

The amendment was agreed to.

Mr. MILLS. I move to strike out the section as amended. This section limits the cities to which letter-carriers may be appointed and which may have a free-delivery system to those containing thirty thousand inhabitants instead of those having twenty thousand as at present. I am opposed to that and ask the House to strike out this section.

Mr. CANNON, of Illinois. Let the vote be taken.

The question being put, there were—ayes 77, noes 19.

Mr. CANNON, of Illinois. A quorum has not voted.

The CHAIRMAN. A quorum not having voted, the Chair will order tellers and appoints the gentleman from Texas, Mr. MILLS, and the gentleman from Illinois, Mr. CANNON.

Before the count of the affirmative vote was completed,

Mr. CANNON, of Illinois said: I do not ask for further count.

So the section, as amended, was stricken out.

The Clerk read section 4, as follows:

SEC. 4. That letter-carriers in cities containing a population of seventy-five thousand or more shall be divided into two classes, known as first class and second class respectively. And the first class shall at all times in each city be as nearly equal in numbers to the second class as possible. The salaries of letter-carriers of the first class shall be $900 and of the second class $800 per annum, respectively; and after the original classification of the two classes of carriers, appointments of letter-carriers shall be made to the second class, and appointments to the first class shall be made by promotion for efficiency from the second class.

No amendment was offered to this section.

The Clerk read section 5, as follows:

SEC. 5. That salaries of letter-carriers in cities containing a population of less than seventy-five thousand inhabitants shall be $800 per annum each.

The committee proposed the following amendment:

In line 2 strike out the word "inhabitants."

The amendment was agreed to.

Mr. MCMILLIN. I wish to ask the gentleman from Illinois, [Mr. CANNON,] who has the bill in charge, a question. What is the salary of the carriers as now established by law?

Mr. CANNON, of Illinois. The salary of the carriers as now established by law is $850 in cities containing a population under seventy-five thousand, and it is $800 for one class and $1,000 for another class in cities containing a population of over seventy-five thousand. The salaries they are getting, in fact, however, the new law not having been put in force, is about 7 per cent. less than the salaries fixed by this bill.

Mr. MCMILLIN. I offer the amendment which I send to the desk.

The Clerk read as follows:

In section 4, lines 7 and 8, strike out the words "$900 and of the second class $800 per annum, respectively," and insert in lieu thereof "the same compensation received for similar services prior to the 21st of February last.

And in section 5 strike out "$800" and insert "the same compensation received for similar services prior to the 21st of February last."

Mr. BAKER. I make the point of order that the fourth section has been passed and that it is only the fifth section which is now before the committee.

The CHAIRMAN. The point of order is sustained as to section 4. Does any portion of the gentleman's amendment apply to the fifth section?

Mr. MCMILLIN. I desire to make it apply to the fifth section.

Mr. CANNON, of Illinois. Let the amendment be read.

The Clerk read as follows:

In section 5 strike out "$800" and insert "the same compensation received for similar services prior to 21st February last."

Mr. MCMILLIN. Being 7½ per cent. less than is proposed by this bill.

The amendment was not agreed to.

The Clerk read section 6, as follows:

SEC. 6 That auxiliary carriers may be appointed in any city at a salary not to exceed $400 per annum; and they shall, in case of vacancy, be promoted, as the Postmaster-General may by regulation provide, to the grade of letter-carriers.

The committee proposed the following amendment:

Strike out the words "and they shall, in case of vacancy, be promoted, as the Postmaster-General may by regulation provide, to the grade of letter-carriers."

Mr. STONE. I move to strike out the whole section.

The CHAIRMAN. The question is first on the amendment of the committee.

The question being put,

The CHAIRMAN stated that the "noes" appeared to prevail.

Mr. CANNON, of Illinois. I desire to be heard upon that question for a moment.

The CHAIRMAN. The House has already voted on the amendment of the Committee on Appropriations.

Mr. CANNON, of Illinois. I desire to be heard upon the motion to strike out the entire section

Mr. STONE. I withdraw my motio .

Mr. CANNON, of Illinois. I would like to be heard a moment. I drew this section originally as it appears without the amendment. On consulting with the superintendent of the free-delivery system he desired that that portion of the section which the committee proposed to strike out should be stricken out or modified for the reason that if it was left in it would embarrass the Department where they employ

auxiliary carriers by giving a man a claim to be promoted to the first vacancy, whereas the vacancy may be in station "L" and he may be employed in station "A" and may understand station "A" very well, and know nothing of station "L." Upon that suggestion this amendment was made and I hope it will be concurred in.

Mr. BINGHAM. I would state for the information of the committee that the law of February 21, 1879, section 3, reads as follows:

Upon the recommendation of the postmaster of any city, the Postmaster-General may establish a third grade of letter-carriers known as auxiliaries, who shall be paid at the rate of $400 per annum.

Now, the only city where auxiliaries are employed is the city of New York, and the rule of the Department is to promote an auxiliary carrier when he is a fit and capable man for promotion.

Mr. CANNON, of Illinois. Then you consent that the amendment should be agreed to?

Mr. BINGHAM. The law covers the section. I am against every section in the bill.

Mr. CANNON, of Illinois. But you think the amendment is right, striking out the latter clause of this section?

Mr. BINGHAM. I think it is wholly unnecessary, as the law now covers the case.

Mr. CANNON, of Illinois. But I propose to amend the law.

Mr. STONE. The gentleman does not amend it.

Mr. CANNON, of Illinois. I want to get the law in proper shape, and I am amending it. If it is made perfect that is the end of it.

Mr. O'NEILL. Why go through all this trouble?

Mr. BINGHAM. I claim that the existing law covers this entire section.

Mr. COX. There is no doubt about that.

The question was taken on the amendment of the Committee on Appropriations; and on a division there were—ayes 8, noes 61.

Mr. BAKER. I make the point that no quorum has voted.

Mr. O'NEILL. No such point was made yesterday, and I consider it unfair that it should be made now.

Mr. BAKER. The gentleman may consider it as he pleases.

Mr. COX. My friend from Indiana belongs to the Committee on Appropriations, and we want to help them with their business.

Mr. BAKER. Then let the gentlemen be present and make a quorum.

Mr. COX. The gentleman from Indiana is usually generous.

Mr. BAKER. I certainly mean to be generous, especially to the gentleman from New York.

Mr. COX. Do not make the point on your own committee.

Mr. BAKER. I do not consider that the Committee on Appropriations owns the Committee of the Whole on the state of the Union.

The CHAIRMAN. The Chair will appoint tellers, no quorum having voted.

Mr. STONE. I think we will accept the amendment rather than break up a quorum.

The amendment of the committee was agreed to.

The Clerk read as follows:

SEC. 7. That substitute carriers may be appointed at the nominal salary of $1 per annum, and they shall receive the *pro rata* pay of the carrier or auxiliary carrier whose route they may be required to serve; and they shall be promoted as the Postmaster-General may by regulation provide, in case of vacancy, to auxiliary carriers.

The Committee on Appropriations reported an amendment to strike out all of the section after the word "serve," as follows:

And they shall be promoted as the Postmaster-General may by regulation provide, in case of vacancy, to auxiliary carriers.

The amendment was agreed to.

The Clerk read section 8, as follows:

SEC. 8. That sections 4, 5, 6, and 7 of this act shall be in force on and after July 1, 1879; and all laws and parts of laws in conflict with this act are hereby repealed.

No amendments were offered.

The CHAIRMAN. The question now recurs upon the amendment offered by the gentleman from Ohio [Mr. KEIFER] as a substitute for the bill.

Mr. KEIFER. I desire to say, Mr. Chairman, that the substitute is intended to make the appropriations necessary to carry out existing laws; it leaves out all of the general legislation proposed in this bill. Now, the statement made by the Postmaster-General in a communication which he sent to the Senate some time ago in relation to the letter-carrier law which was approved by the President February 21, 1879, makes the various estimates necessary to carry out that law. The substitute is a mere appropriation bill which I have offered. It undertakes no legislation at all, it leaves out all the legislation contained in the pending bill. In the estimate of the Postmaster-General he states that there will be required for the remainder of the fiscal year, 1879, $71,000 to pay increased salaries and $21,000 to extend the service, making $92,000. In the appropriation as provided by my substitute I put in this $71,000, omitting the $21,000 for extending the services in the fiscal year ending June 30, 1879, for the reason that I am informed at the Post-Office Department that in the remainder of this year it will be impossible to extend the service, so that the $21,000 is omitted in the appropriation.

The Postmaster-General states that for the next fiscal year, that is, the year ending June 30, 1880, there will be required, in order to extend the service and for the increased pay of carriers, the sum of $353,000 in addition to the $2,000,000 already appropriated, if one-half of the carriers in cities of the first class are paid an annual salary of $1,000 each, and $415,000 if two-thirds of them are paid $1,000 each, as provided in section 4 of the law of last session. In my substitute I have included the smaller sum of $353,000, which, according to the estimate of the Postmaster-General, will enable him to pay only one-half of the carriers in cities of the first class at the rate of $1,000 a year each.

I understand that there are many members on this floor who think we should make provision for the maximum number of two-thirds of the carriers at $1,000 a year each, as provided for in section 4 of the act of February 21, 1879. That section provides that at no time shall the number of carriers in the first-class cities receiving the maximum salary of $1,000 be more than two-thirds or less than one-half of the whole number of carriers actually in service in the cities in which they are employed. For my part, I do not think these letter-carriers are overpaid. I would not, personally, object to paying two-thirds of them at the rate of $1,000 per annum. I have, however, offered my substitute so as to provide for paying one-half only at that rate, and I trust the substitute will be adopted.

Mr. BAKER. I rise to oppose the amendment.

Mr. KEIFER. I have not yet yielded the floor. I desire to say that the gentleman from New York [Mr. COX] made a suggestion to me to change the sum appropriated by my substitute from $353,000 to $415,000. If he desires to move such an amendment I will yield to him for that purpose.

Mr. COX. I move to amend the substitute so as to make the amount $415,000, which will allow two-thirds of the carriers to receive $1,000 each. We all understand it; it is the maximum allowed under the law of last session. These carriers deserve it, and I am surprised that my friend from Ohio [Mr. KEIFER] should drop down, when we have so good a case. I now yield to my friend from Indiana, [Mr. BAKER.]

Mr. BAKER. Thanking the gentleman from New York, I will take the floor in my own right.

Mr. COX. Well, now, that is good. [Laughter.]

Mr. BAKER. I desire to say that there is no one more anxious to see a wisely regulated postal system, including the free-delivery system, established in this country than I am. But I want to warn gentlemen that they are taking a course which in my judgment will destroy their system, and justly do so.

Already of the eighty-eight free-delivery cities in the country but four pay the expenses of the free-delivery system. Hundreds of thousands of dollars are annually taken from the tax-payers of the country for the purpose of furnishing a luxury to those who live in small towns of only 30,000 inhabitants. And if the amendment of the gentleman from New York [Mr. COX] shall be adopted, $415,000 more of the hard-earned money of the tax-payers will be wrung from them in order to extend this system to towns of only 20,000 inhabitants.

Mr. STONE. Will the gentleman yield to me——

Mr. BAKER. Not in my five minutes. I desire to say that with the law of last winter carried out this free-delivery system will be extended to from seventy to ninety other cities, and hundreds of thousands of dollars will be drawn from the hard earnings of the tax-payers in order to carry out that law.

Let me say to gentlemen that they are to-day inviting an answer to the question whether or not the rural commoners have any rights as against these city gentlemen who are asking that the horny-handed laborers of the country shall pay out of their hard earnings in order to give them the benefit of this free-delivery system. That is a question, gentlemen, which you are inviting.

Wherever the population in your cities is such that the people cannot without great inconvenience go to the post-offices and obtain their mails, I am ready to see this free-delivery system extended; but to extend it to towns of only ten thousand inhabitants, as it can be done under this law—and by the law every town of twenty thousand inhabitants is entitled to it—will be simply an outrage on a people who are already burdened with taxation almost too onerous to be borne.

I say to gentlemen who are in favor of this system, who are anxious to have appointed campaign electioneerers in their little cities and towns, that they had better not go too far in pressing this matter. I will say to the gentleman from New York [Mr. COX] that there are people not only upon the prairies of Illinois, to whom he so sneeringly alluded yesterday, but upon the prairies all over the West, who when this question is submitted to them, whether or not they shall wade through the mud and travel through the heat and cold for miles to obtain their own letters, and at the same time be taxed for the purpose of extending this free-delivery system to little hamlets of ten thousand or fifteen thousand inhabitants, as it can be extended and will be under the operation of this law, which fixes $20,000 of revenue as the amount to entitle a town to this system, I say when that question is presented to them some gentlemen who seem so red-hot here in favor of forcing this through will be called to account.

I am astonished that we have not heard a word said on the question of retrenchment and economy on the other side of the House. I am amazed that the gentleman from New York, [Mr. COX,] who in season and out of season has blown beautiful blasts on that sonorous trumpet of his in the interest of economy and reform, has not made an assault upon this proposition. But no; doubtless some of his constituents are to be served by forcing through a measure that could not get through unless, like the log-rolling river and harbor bill, the conflicting and

varying elements of the country are thrown into a conglomerated heat, and then the measure is rushed through in order that every district in the United States may have a little slice of the pork out of Uncle Samuel's barrel.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. BINGHAM. I would like to put an inquiry to the gentleman from Indiana.

Mr. COX rose.

Mr. BAKER. It affords me pleasure to yield to my friend from New York, [Mr. COX.]

Mr. COX. I will take the floor from my "horny-handed" friend, though I do not believe that the gentleman ever did a full old-fashioned day's work in his life.

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. COX. I move to strike out the last word, simply to say that when the gentleman from Indiana undertakes to tell us that the people in New York City and our other large cities are not entitled to some kindly consideration in this business, he mistakes. In four cities we have more than $1,114,000 of surplus arising out of this free-delivery system.

Mr. BAKER. I apprehend that.

Mr. COX. You bow to that. Why do you not vote that way?

Mr. BAKER. I am going to vote for the free-delivery system in cities where it pays.

Mr. COX. You said you would yield to me, but you do not. [Laughter.] Nine hundred and sixty thousand dollars is the surplus of New York City. It pays. I made a mistake in stating the amount yesterday. The carriers there work about fourteen hours in getting through their deliveries. Yet the gentleman has not the kindness, or the courtesy, or the goodness, or the justice to take into consideration the real labor performed, so as to apply the old equitable rule of *quantum meruit*, and properly appropriate this money which is earned by the delivery system in New York and three other cities—San Francisco, Boston, Philadelphia, &c.—making, according to the return of the Postmaster-General, $1,114,460 surplus. Why can you not be just?

Mr. BAKER rose.

Mr. COX. Now, do not interrupt me.

Mr. BAKER. Why should this free-delivery system be applied to cities of twenty thousand people, where the system does not pay?

Mr. COX. We are making up the deficiency for your Indiana people by our New York labor. We are paying $200,000 extra for the delivery of letters in the State of Indiana; yet the gentleman gets up here without any blush and proposes to take our money—I do not say that he robs—he proposes to take the money earned by the men who deliver letters in New York City and apply it to Indiana. Sir, [addressing Mr. BAKER,] there is a deficiency in your State. You do not deny it; you look me square in the eye and do not deny it. [Laughter.] Now, I am trying to get this House to vote the larger and true sum. If it declines to vote what I propose, then I will fall back on the proposition of my gallant friend from Ohio and take the next best thing.

How does your Committee on Appropriations appear here to-day? "Carrying out existing law," are they? Opposed to "riders," are they?

Mr. BAKER. Who amended Rule 120?

Mr. COX, (to Mr. BAKER.) Do not say a word.

Mr. BAKER. Be fair about that. Let us know who did it.

Mr. COX. Well, Rule 120 was amended by a statesman; that is enough.

Mr. BAKER. I want to know the name of that distinguished statesman.

Mr. COX. It has a sibilant sound in it; if the gentleman will look for it he can find it. The gentleman from Indiana undertakes to say that the existing law shall not be carried out. He comes in here seeking to repeal the existing law. Yet he is a member of the Committee on Appropriations—a republican member!

Mr. BAKER rose.

Mr. COX. Now, sit down. The point is that here is a law which was passed in this House by a two-thirds vote.

A MEMBER. Three-fourths.

Another MEMBER. Four-fifths.

Mr. COX. Yes, it was passed in this House by an overwhelming vote, and was indorsed with emphasis by the Senate. The gentleman from Indiana himself gave it a quasi indorsement; he has not opened his head about it from that time to this; but now he comes in here and talks about his "horny hand." He proposes to strike down the men who pay for the delivery of letters in his own State of Indiana. He is guilty of the unkindness, the unblushing—I will not say insolence, I will not say impudence—he is guilty of the unstatesmanlike conduct of coming in with a proposition to take from us our money and apply it to Indiana; and this is coupled with a proposition that the existing law shall not be carried out, but shall be repealed indirectly by a rider. Why, sir, such riders ought to be overthrown if they do not dismount. [Laughter.]

Mr. YOUNG, of Tennessee. I move to amend by inserting the following:

Provided, That there shall be no difference in the classification or pay of mail-carriers in any part of the United States.

Mr. KEIFER. Is that in order? I make the point of order that this is an amendment in the third degree.

Mr. COX. If the gentleman from Tennessee wishes to speak I will withdraw my amendment, and he can renew it.

Mr. KEIFER. I do not understand that the gentleman from New York withdraws his amendment to strike out of my substitute $353,000 and insert $415,000.

Mr. COX. I offer that amendment in good faith. I want a vote on it.

Mr. KEIFER. The amendment of the gentleman from Tennessee cannot be in order until a vote is taken upon the amendment of the gentlemen from New York.

The CHAIRMAN. There are two amendments pending, and it is not in order to offer a third.

Mr. YOUNG, of Tennessee. As soon as it is in order I will ask the privilege of offering this amendment.

I desire to say a word in answer to the statement of the gentleman from Indiana.

Mr. HAWLEY. The floor belongs to those who are opposed to the amendment of the gentleman on the opposite side.

Mr. STONE. I suppose so.

Mr. HAWLEY. I have been trying to get the floor.

Mr. McCOOK. So have I in every possible way, but I have not succeeded.

Mr. STONE. I am opposed to the amendment. The gentleman from New York desires a larger sum.

I wish to say, Mr. Chairman, one word in regard to the substitute of the gentleman from Ohio, [Mr. KEIFER.] As he has shown the amount appropriated by his substitute is $424,000 only, being $71,000 to supply the deficiency for the present fiscal year, without extending the service beyond it, and $353,000 for the next fiscal year, making a total of $424,000 only for the two years. The gentleman from Indiana [Mr. BAKER] says this is an appropriation of $415,000 more than the bill reported from the Committee on Appropriations.

Mr. BAKER. The gentleman misunderstands me. I said the change in the law made last winter operates as an increase of from four to five hundred thousand dollars—$415,000. I was not speaking of the increase made by the amendment of the gentleman from Ohio over the amount reported by the committee at all.

Mr. STONE. The gentleman is as far out of the way in that statement as in the other. Instead of taking $415,000 it only changes the bill reported from the Committee on Appropriations in the sum of $267,100. The bill reported by the committee appropriates $131,900 and $25,000, making $156,900, and deducting that from the amount contained in the substitute of the gentleman from Ohio, you have but $267,100 to carry into effect the law of last February.

Mr. BAKER. For how long?

Mr. STONE. For two years, for the fiscal year closing in 1879 and for the fiscal year closing in 1880.

Mr. CANNON, of Illinois. For one year and a fraction.

Mr. STONE. Yes; for one year and a fraction. That is true, for this fiscal year and for the next fiscal year. I wished only to call the attention of the committee to the fact that it does not increase in any such sum as was stated.

The CHAIRMAN. Does the gentleman from New York withdraw his amendment?

Mr. COX. I do not. [Cries of "Vote! Vote!"]

The CHAIRMAN. The Clerk will read the amendment.

Mr. COX. It ought to be adopted.

The Clerk read as follows:

Amend the substitute by striking out "$353,000" and in lieu thereof inserting "$415,000."

Mr. HAWLEY. I move to strike out the last word; and, Mr. Chairman, I do so for the purpose of saying a single word on this subject. The gentleman from New York [Mr. COX] desires to put two-thirds of the letter-carriers in the larger cities on the larger salary, leaving the remaining one-third to be paid at the rate of $800. You will observe the law puts the letter-carriers in cities under seventy-five thousand population all in one grade down to $850. I do not see myself the justice of the law of February last in that regard nor the gentleman's amendment. I cannot see why the letter-carriers in the city of New York, or two-thirds of them, should have $1,000 a year, or $150 a year more than letter-carriers in cities under seventy-five thousand inhabitants. Those in cities under seventy-five thousand inhabitants work their twelve and fourteen hours a day precisely the same as those in cities of larger population.

A MEMBER. Because they have more to do.

Mr. HAWLEY. I beg the gentleman's pardon; I do not think they have any more to do than in cities of smaller population, where the houses usually are spread over more ground, and the carrier has a larger area to travel over. It is possible he may not start out with as large a bag of mail, but he has farther to travel. In the city of New York two blocks, possibly one, will furnish a carrier with all the work he can do. One would have no more work to do in a day than the other. Each works from twelve to fourteen hours a day, and one requires just as much intelligence and fidelity as the other. Rent may be higher, but other expenses of living are lower. I can see no other ground, therefore, for the gentleman's determination to have two-thirds of the men in the larger cities paid a hundred and fifty dollars a year more than the others than that given by the em-

inent broker of Wall street for stuttering more in New York than in Baltimore—because it was a larger city. [Laughter.]

Mr. FIELD. There is one reason why the salaries of letter-carriers should be higher in the larger than in the smaller cities. The rents are higher in the larger cities than they are in the smaller cities; and the cost of living is higher and the wages are higher. For the reasons which have been stated I am in favor of the substitute of the gentleman from Ohio [Mr. KEIFER] and opposed to the amendment of the gentleman from New York.

Mr. BINGHAM rose.

The CHAIRMAN. Debate is exhausted on the amendment.

Mr. HAWLEY. I withdraw it.

Mr. BINGHAM. I renew the amendment.

I simply want to say in answer to the gentleman from Connecticut [Mr. HAWLEY] as to the amount of labor performed by the carriers in the first and second class cities between which by existing law there is a distinction of $150 in the maximum compensation, that the distinction has only reference to the maximum compensation, and that one-third or one-half of the carriers will be at a less compensation than the eight-hundred-and-fifty-dollar carriers in the second-class cities. The carriers in the second-class cities receive $850. In the larger cities those of one class receive $800 and those of the other class $1,000; the increase taking place on promotion.

But the point I want to make in answer to the gentleman from Connecticut is as to the amount of labor performed. The report of the Postmaster-General for the last year clearly sets forth the statistics upon that point. As to the ground traversed, the carrier in the first-class city may not traverse more ground, but he has frequently to go up to the fourth, fifth, and sixth stories of many of the houses, which is the hardest kind of work that devolves on him. But independently of that the statistics in the report of the Postmaster-General show, as regards the carrier service in Philadelphia and in New York—I will illustrate by those two cities the percentage running similarly as to the others—that each carrier handled in New York 403,358 pieces of mail matter; in other words, fifteen hundred pieces of mail matter a day; while in Philadelphia each carrier handled about eighteen hundred pieces of mail matter a day. In no city of the second class do they handle over eight hundred pieces of mail matter a day.

Mr. HAWLEY. Eight hundred?

Mr. BINGHAM. Yes, sir.

Mr. COX. That is so.

Mr. BINGHAM. That is all I wish to say.

Mr. TOWNSEND, of Ohio. I desire to state as a further explanation of the difference in the salaries of the letter-carriers that the reason which governed the committee in reporting the law in the shape in which it passed, was that in cities where carriers are not very numerous it is almost impossible to grade them into classes. For the carriers in those cities, therefore, the rate of salary was fixed at $850; while in the larger cities the first-class carrier gets $1,000, and the second-class carrier $800. It was thought the average compensation was substantially the same, taking into consideration the fact that in cities of the first class rents and other expenses of living were very much greater.

Mr. O'NEILL. I wish to say in reply to what has been said by my friend from Indiana, [Mr. BAKER,] of the Committee on Appropriations, that I would like to know where those horny-handed constituents of his, as he calls them, are, where those citizens of his district or State are who work by the day, day after day, who either by letter, petition, or personal interview have requested him to vote for this bill in the shape reported by the gentleman from Illinois, [Mr. CANNON?] I want to know where the citizen of this country is to be found who to-day does not want the mail and post-office facilities extended in every way so that he may be accommodated, whether by free delivery or not.

It may be very well for the gentleman, with a view to his own district or his own State, to make these statements. He may be experiencing some trouble there. The gentleman has made a fine electioneering speech to-day, but I do not want him to do his electioneering on this floor. I want him to point out where by petition or by letter he has heard any citizen of his State complain of the law passed on the 21st of February last.

I had thought that the passage of that act would have been the end of the question about the increase of pay of the letter-carriers. Does the gentleman not know that it will never be possible for the Post-Office Department to be carried on without a deficiency? The people of this country do not expect it. What they want is the extension of mail service. What the people of the large cities want is that the mail service shall be performed in such a way that it will provide the proper conveniences and facilities for the operations of business. And what the men in the country want is exactly the same thing.

Because the gentleman from Indiana may live in a town or a city where he can go to his post-office conveniently, does he want to deprive cities having a population of twenty thousand or upward of having the benefits of a system which has been a great success, and which furnishes more than a million dollars to pay for the deficiencies in the other parts of the service?

The whole argument is in favor of extension. If gentlemen want to repeal this act of February last let them attempt it fairly and squarely by a bill for that purpose instead of attempting it by indirection. However, if they propose to repeal it in this way, I think this Committee of the Whole had better now and at once settle the question forever, that we may pass to some other legislation. Why, sir, for years, year after year, in the Houses of which I have had the honor to be a member, we have fought for the proper compensation of letter-carriers and the extension of the free-delivery system; yet to-day gentlemen are endeavoring to break down that system. Now, I want to know who are the horny-handed men in the gentleman's district who are crying out "Down with taxation!" and for the purpose of depriving the people of an efficient mail service and letter-carriers of proper compensation?

[Here the hammer fell.]

Mr. BAKER. I move to strike out the last word. I suppose the gentleman from Pennsylvania [Mr. O'NEILL] is aware it sometimes happens that men who are serving on the floor of Congress have occasion to express their judgment in reference to matters of public concern without having a combination organized for the purpose of attempting to influence their judgment and their action, either through resolutions formulated in public meetings or by means of petitions gotten up and circulated by interested parties, or by correspondents. If the gentleman wants to know who are these "horny-handed" men that are opposed to this proposition I will tell him who are opposed to it; I will tell him what I believe the tax-payers, the laboring masses, on whose shoulders rests the fabric of our Government to-day, are in favor of. I believe they are in favor of extending the benefits of this law in respect to our postal system equally and alike to all, so that the tax-payer, however humble he may be, by his lowly fireside or on his little farm, shall enjoy the same equal laws as the man who lives in the district represented so elegantly and so eloquently by the witty gentleman from New York, [Mr. COX.]

Now, the question is whether or not there shall be one system of mail distribution for the mass of the people of this country, or whether there shall be an exceptional and privileged class for whose benefit the tax-payers are to appropriate money to extend this distribution in particular localities. I think the gentleman will find that there are "horny-handed" farmers not only in the West but in Pennsylvania who will say, and do say, that there should be a uniform law extending to all classes of the people the privileges of this postal system, and that if any class want special service, giving them the privilege of having their letters laid on their breakfast tables or gathered from six to twelve times a day, those men who have this privilege over and above the common benefits extended to all the tax-payers of the country should pay for this additional benefit. That is all I say. I say it is right and just that the city of New York, or any other city, if it enjoys this special privilege, should pay for it.

Mr. COX. We do pay for it, and we pay for a portion of the expenses of your mail service.

Mr. McCOOK. I make no pretense to any special information in regard to this matter, but as the free-delivery system was inaugurated in New York, and perhaps has met with its greatest success there, it appears to me, as one of the representatives of that city, that I cannot very well sit still when I hear a speech of the character made by the gentleman from Indiana, [Mr. BAKER.]

I do not know that the State of Indiana has any exclusive privilege to "horny-handed sons of labor." My own impression is, that in the city and State of New York, that indorse this system, we have as many honest laboring-men as they have in Indiana. I hope and believe, however, that no Representative of the State of New York would stand up and make an appeal in the manner in which the gentleman does, for the purpose of defeating the measure.

Now, so far as this bill is concerned, in order to give some slight idea of the magnitude of the labor of the carriers in the city of New York, it is only necessary to state that there are four hundred and forty letter-carriers in that city, and forty-five auxiliaries at a salary of $400. They report for duty at 6.30 in the morning, and are on duty until 6.30 in the evening, except on alternate days, when they work until nine or ten o'clock in the night. They make seven deliveries and sixteen collections every day.

In the year 1878 in the city of New York, as I find from the report of the Postmaster-General, they delivered: 39,900,000 letters, 13,000,000 postal cards, 22,000,000 local letters, 301,000 registered letters, and 10,000,000 newspapers; making a total of 85,201,000 packages delivered by the carriers.

There were collected during the same year: 67,540,000 letters, 9,869,000 postal cards, and 10,000,000 newspapers; making a total of 87,409,000 packages collected.

The aggregate during the whole year was 173,000,000 packages. The average of each carrier was 403,000. Of the four hundred carriers in the city of New York, three hundred are assigned to the duty of delivering letters and packages from the general and branch offices, and they have delivered an annual average of 300,000 packages. They work every day in the year, except Sundays.

Taking twelve hours as a day's labor, they deliver on the average about one thousand packages a day or over one package every minute and a half. Now, in regard to the receipts from the city of New York: the revenues of the post-office in the city of New York are in round numbers $2,900,000 and the net revenue from the post-office is $1,800,000. The gross revenue from the free-delivery system is $1,280,000. The gross expenses of this branch of the service is $334,000,

leaving a net revenue from this source alone of $946,000, and the city of New York, speaking through one of its Representatives, is entirely willing that that surplus revenue shall be distributed so as to enlighten if necessary the Representative from Indiana, [Mr. BAKER.]

Now, on yesterday the gentleman from Illinois, [Mr. CANNON,] in speaking in regard to the character of the vote by which the bill was passed, which the measure under discussion substantially repeals, failed to give an analysis of the vote. I have gone over it with some little care, and it seems to me by reading the one hundred and fifty names of those who voted for that bill, the gentleman will find representative men voted for it. Among the democrats were, BLACKBURN, CARLISLE, EWING, HOUSE, MANNING, MCMAHON, SPRINGER, Rice, and others. Of the republicans, but 6 voted against it and 95 for it, and of the democrats 55 voted for it and 54 against it.

[Here the hammer fell.]

Mr. COX. I now ask for a vote on my amendment to the substitute.

The CHAIRMAN. The question is upon the amendment of the gentleman from New York to strike out in the substitute "$353,000" and insert in lieu thereof "$415,000."

The question was taken; and upon a division there were—ayes 48, noes 43.

Mr. MCMILLIN. No quorum has voted.

Tellers were ordered; and Mr. MCMILLIN and Mr. COX were appointed.

The commitee again divided; and the tellers reported that there were—ayes 75, noes 55.

Mr. MCMILLIN (one of the tellers) and Mr. BAKER. No quorum.

Mr. COX, (one of the tellers.) There is a quorum present in the House.

The CHAIRMAN. The tellers will continue the count.

Mr. BAKER. If unanimous consent is given that the yeas and nays on this proposition may be had in the House, I will not insist upon a further count at the present time, and will withdraw my point of order that no quorum voted.

Mr. TOWNSHEND, of Illinois. If the amendment should be adopted, will it not be in order to call for a separate vote upon it in the House?

Mr. BAKER. It is an amendment to an amendment.

The tellers having completed their count, reported that there were—ayes 87, noes 61.

So the amendment to the substitute was adopted.

Mr. BAKER. I give notice that if I have the right to do so I shall call for the yeas and nays in the House.

The CHAIRMAN. The question is now upon agreeing to the substitute as amended.

Mr. YOUNG, of Tennessee. I move to amend the substitute by adding to it the following:

Provided, That there shall be no difference in the classification or pay of mail-carriers in any part of the United States.

Mr. KEIFER. I hope that will not be adopted.

Mr. YOUNG, of Tennessee. Before that is voted upon I would like to be heard.

Mr. MCMILLIN. I would inquire of my colleague, if his amendment shall be adopted, what will be the salary of the letter-carriers throughout the United States? Which will control, the higher or the lower rate?

Mr. YOUNG, of Tennessee. That is a question which will have to be determined. Before I address myself to the amendment I have offered, I desire to say that I am opposed——

Mr. CONGER. I think the amendment is subject to the point of order that it changes existing law. The present law makes a distinction in the pay of letter-carriers, and this amendment, if adopted, will increase expenditures by making the pay of all letter-carriers equal.

Mr. BAKER. The answer to that is that the bill before the committee proposes to change existing law, and an amendment to such a bill further to change existing law certainly cannot be out of order.

Mr. CONGER. The substitute does not propose to change existing law upon this point, and this is an amendment to the substitute. The object of the substitute is to prevent any change in the existing law, and this amendment will be a change of existing law without any retrenchment or reform in it.

The CHAIRMAN. The Clerk will read the substitute as amended, and then the proposed amendment to the substitute.

The substitute was read, as follows:

That, in addition to the amount heretofore appropriated, the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, namely:

For payment to letter-carriers for the fiscal year ending June 30, 1880, and to extend the service of such carriers for said year, under the provision of an act approved February 21, 1879, entitled "An act to fix the pay of letter-carriers," in addition to the sum heretofore appropriated, $415,000.

For payment of increased salary to letter-carriers, under the provisions of existing law, for the fiscal year ending June 30, 1879, $71,000.

The amendment of Mr. YOUNG, of Tennessee, was to add to the substitute the following:

Provided, That there shall be no difference in the classification or pay of mail-carriers in any part of the United States.

The CHAIRMAN. The Chair sustains the point of order, and rules the amendment out of order.

Mr. KEIFER. Now let us have a vote on the substitute.

Mr. YOUNG, of Tennessee. Does the Chair rule my amendment out of order?

The CHAIRMAN. The Chair rules it out of order as being a change of existing law.

Mr. YOUNG, of Tennessee. The whole bill proposes to change existing law.

The CHAIRMAN. The proposed amendment is to the substitute, which does not involve a change of existing law, but merely makes the appropriations to carry out existing law. The amendment proposes to change existing law, and it does not appear that it will work retrenchment if adopted.

Mr. YOUNG, of Tennessee. Then, in order to avoid that point of order, I will modify my amendment so that it will read as follows:

Provided, That there shall be no difference in the classification or pay of mail-carriers in any part of the United States, all of whom shall receive not more than $850 a year each.

Mr. CONGER. I make the same point of order upon that. The object of the modified amendment is to change the classification which the law already provides. The Chair will recollect that the substitute makes appropriations according to the existing law; the amendment proposes to change existing law.

Mr. KEIFER. And is not in the interest of economy.

Mr. CANNON, of Illinois. A word on the point of order. Under the present law the salaries of letter-carriers in cities of less than seventy-five thousand inhabitants is $850 a year; in cities of over seventy-five thousand inhabitants there are two classes, one of $800 and the other of $1,000 a year, two-thirds of whom may be at $1,000 and one-third at $800 a year, for which this substitute proposes to make appropriations as amended a few minutes ago. The amendment of the gentleman from Tennessee is not only germane, but in order; because it will decrease expenditures. In other words, if adopted it will take less money to pay these employés than if not adopted.

Mr. CONGER. That will have to be computed. It reduces the salaries of some, but largely increases the salaries of others.

Mr. CANNON, of Illinois. Not at all; it does not increase a single salary.

Mr. CONGER. It gives an increase of salary to all of a certain class in the larger cities.

Mr. CANNON, of Illinois. While it increases one-third of the carriers in the first-class cities from $800 to $850, it decreases two-thirds from $1,000 to $850.

Mr. CONGER. But it brings up those now receiving $750.

Mr. CANNON, of Illinois. No; they are already brought up under the existing law.

Mr. MITCHELL. How about those who receive only $400.

Mr. BAKER. It does not touch them.

Mr. MITCHELL. I insist that it does, because they are appointed under existing law.

The CHAIRMAN. The Chair holds that the amendment as modified is germane, and as it indicates a reduction of expenditures, is in order.

Mr. YOUNG, of Tennessee. Before I address myself to the amendment I have just offered I have a few words to say about the general proposition. I am opposed to the bill reported from the committee and I favor the substitute offered by the gentleman from Ohio for several reasons; but none of them are of the character which the gentleman from Illinois [Mr. CANNON] says influences those who oppose his bill. One is that the bill reported by the committee does an act of great injustice to a poorly paid and worthy class of people. Another objection to it is that it repeals an existing law; and I have heard so much lately about the treasonable and revolutionary tendencies of that method of legislation in speeches of my friend from Ohio [Mr. GARFIELD] and other gentlemen of his party, and have learned so much on that subject from veto messages of the President, that I have a strong suspicion on my mind that to repeal laws by appropriation bills is vicious, if not dangerous and revolutionary. At least, I do not want to see it applied for the first time to a bill cutting down the salaries of letter-carriers, nor, indeed, for the repeal of any other law that protects any of our working classes. Let retrenchment and economy commence higher up. Let our economic statesmen strike larger game before smiting the poor letter-carriers.

Like the distinguished gentleman from Indiana [Mr. BAKER] I am actuated in this matter by no personal or local consideration. It is of no consequence to me what my constituents may think about it. I am speaking for the "horny-handed" yeomanry of the country, the down-trodden and oppressed tax-payers, just like he has done. The fact that I live in one of the largest, and I may say the best city in the whole Mississippi Valley does not influence me any more than if I lived in a country village as the gentleman from Indiana does. I know that he takes his position on this question earnestly; I know that he is as honest and sincere in his convictions as if he had in his district Saint Louis, Chicago, or Springfield; and that if he represented all those cities that fact would in no way influence his action upon this bill. Living in a city where we have a free delivery I have had some opportunity to judge of the benefits of the system, and I have also had some opportunity to determine the amount of labor performed by the letter-carriers, and how poorly they are paid for their services.

I know of no class of laboring people in my city who work more

hours than they do, and all are perhaps quite as well paid. I know how patiently, faithfully, and laboriously they toil in pursuit of their avocation. Let us deal justly if not generously with them.

The gentleman from Indiana, the great apostle of economy in the House since my old friend Judge Holman of his State left it, says that we are taking the people's money to pay these letter-carriers. Very true; we take the people's money to pay all the expenses of this Government, but in this case it is taken to pay the people for the benefit of the people. I think, however, he is mistaken in the assumption that only three or four cities having the free delivery pay the expense of the service.

Mr. BAKER. Four.

Mr. YOUNG, of Tennessee. In my own city of Memphis there is an excess of $31,000 paid annually into the Treasury over the expense of administering that service. This sum, I suppose, goes to pay in part the expense incurred by the Government in supplying mail service to the towns and hamlets in his district where the postal revenue does not amount to one-half or, in some cases, not to one-tenth of what it costs the Government, and yet he complains that Memphis has a free delivery. What disinterested economy in the management of other people's money! I am willing to give him or his party all the political capital they may make by cutting down the wages of working people. The people of this country do not favor that system of economy.

Now, sir, the gentleman from Connecticut [Mr. HAWLEY] has already said very much of what I had intended to say in support of the amendment I have offered. There can be no reason that I can conceive of which would warrant the payment of a greater sum to mail-carriers in one locality than another. All the men in the service of this Government are supposed to be paid in accordance with the services they render. Every letter-carrier in the service of the Post-Office Department has precisely the same kind of work to do. He may have a smaller or a larger district; there may be a greater or a less number of persons to whom he delivers letters, but the duties of the different carriers occupy the same time, require the same amount of labor; and I can conceive of no principle of justice or right which can justify the payment of $1,000 to a mail-carrier in New York and $850 or $400 to a mail-carrier in the city of Memphis, when both perform precisely the same service. The Memphis man does as much work, is confronted with as many hardships, and has to pay as much, and even more, to live. Why, then, pay him less? If any discrimination is made, he should be paid more, for his salary comes out of the pockets of his own people and not out of the National Treasury.

Now, in regard to the classification. I grant you as to some classes of public servants it may be proper, in order to advance the public interests and to secure an efficient administration of public business, that they should be educated to the particular branch of service which they are called upon to perform. But this is not a duty of that character. A letter-carrier may be just as efficient after a week's service as after ten years. I can see no reason why there should be either different classes or different rates of pay in different localities.

Mr. CANNON, of Illinois. Mr. Chairman, I wish to say a word about this matter—not about the merits of the bill; I have talked enough about that. Gentlemen do their own voting and they are answerable to their own constituents. If my friend from New England or some gentleman from New York or Memphis or Kansas, going home to his constituents where the letter-carrier system prevails, where there are five or fifty or one hundred men getting $1,000 a year for such service, can turn round and look in the face the thousands of men, skilled laborers, who do not earn $600 a year, and say "it is right that these favored few should receive $1,000 each, and that you, the unfavored many, should pay their salaries," well and good. That is a position which other gentlemen may shoulder the responsibility of taking; as for me, I will not.

Now one word to the gentleman from Tennessee [Mr. YOUNG] who has just taken his seat, and the gentleman from New York, [Mr. COX.] Many slurs have been thrown at the Committee on Appropriations for reporting this bill. Is that manly? It is not right, you say, to put a rider on an appropriation bill where it is productive of economy, where it is right and equitable and just. The very father of the rule authorizing such legislation turns round in the person of the gentleman from New York [Mr. COX] and damns his own progeny here upon this floor, descending almost to the verge of demagogism that he may carry his point. Oh, no; but the Committee on Appropriations is to be abused because they carry out the very rule you placed with your iron democratic hand upon the book of rules. You turn round and make faces because, forsooth, the committee which you have created has obeyed your behest as expressed in the rules. It is all wrong in a little matter where letter-carriers are affected and where legislation should be had, but you can come in with an extra session of Congress and with a democratic grip on the throat of the country. Then you can set your foot down and say this Committee on Appropriations under this rule can put a rider on an appropriation bill looking toward revolution. That is all right; and the great apostle of economy and the self-styled statesman from New York [Mr. COX] says it is all right and proper. I agree that this rule was originally conceived in sin and brought forth in iniquity for the purpose of demagogism and partisanship. If I had begotten it I would at least respect it in life and give it burial in death.

Mr. TOWNSHEND, of Illinois. You begot it in 1858.

Mr. CANNON, of Illinois. It was begotten by democrats. It was your offspring on the other side of the House.

Mr. TOWNSHEND, of Illinois. I wish to ask my friend if that rule was not begotten in 1858 by the republican party?

Mr. CANNON, of Illinois. Oh, no; it was begotten by Mr. COX. [Great laughter.] Its birth was presided over by the gentleman from Pennsylvania, now Speaker of this House, and it was suckled by the democratic party. It came into the world deformed, misshapen, and lives to plague its progenitors. Now you make faces at it. Gentlemen on the other side get up in their places and make faces at it. They make mouths at me because, forsooth, I am charged with the care of a bill reported legitimately and properly under that rule. If there ever was a measure coming within the operation of that rule that was well timed and equitable it is the very one now pending reported from the Committee on Appropriations.

The CHAIRMAN. The gentleman's time has expired.

Mr. CANNON, of Illinois. I only wished to stir up gentleman's minds a little in the way of remembrance. [Laughter.]

Mr. KEIFER. I hope we will now have a vote.

Mr. CONGER. I move to amend by striking out the last word. When I raised the point of order I was of the impression this proposed amendment increased the expenditure. I had not then the statistics or the time to make the figures. I believe it is now admitted that it will increase the expenditures some $63,000. I believe the gentleman who moved the amendment will himself admit that it does increase expenditure in the aggregate in this bill between sixty and sixty-five thousand dollars.

Mr. YOUNG, of Tennessee. I have just received that information. I do not know whether it is correct or not, but if my amendment has the effect of increasing the appropriation the point of order would have been good, and I should not like to insist upon it if it does increase expenditure over that proposed in the bill and defeat its operation.

Mr. CONGER. I do not speak to revive the point of order I made, but from my extreme anxiety that gentlemen who are the special advocates of retrenchment may not be entrapped into voting for this amendment under the idea they are voting for retrenchment and possibly for reform. [Laughter.]

Mr. YOUNG, of Tennessee. Lest the amendment defeat the object of the bill, I withdraw it, although I think it to be eminently right and proper there should be no such distinction.

Mr. TALBOTT. I move the following to come in as an additional section:

That in any city where letter-carriers are authorized by law, carriers shall be appointed and letter-boxes established for the accommodation of the inhabitants wherever the public convenience may require, notwithstanding it may be beyond the corporate limits of such town or city, provided the places of delivery be adjacent thereto, said places of delivery not to exceed one-half mile beyond the corporate limits of such town or city.

Mr. KEIFER. I make the point of order on the amendment.

The CHAIRMAN. The point of order is sustained and the amendment ruled out.

The question recurred on Mr. KEIFER'S substitute as amended.

The committee divided; and there were—ayes 72, noes 41.

Mr. BAKER. There is no quorum.

The CHAIRMAN. The Chair will appoint Mr. BAKER and Mr. COX as tellers.

Mr. BAKER. I withdraw the point of order that no quorum has voted if it is understood I shall have the yeas and nays on the substitute in the House.

Mr. KEIFER. We agree to that.

The CHAIRMAN. The substitute, as amended, is agreed to.

Mr. KEIFER. I now move the committee rise and report the bill and amendment to the House.

The motion was agreed to.

The committee accordingly rose; and Mr. COX having taken the chair as Speaker *pro tempore*, Mr. REAGAN reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration a bill (H. R. No. 2002) making additional appropriations for the service of the Post-Office Department for the fiscal years ending June 30, 1879, and June 30, 1880, and for other purposes, and had directed him to report the same back to the House with an amendment.

Mr. KEIFER. I demand the previous question on the bill and amendment.

Mr. CANNON, of Illinois. I do not know the gentleman is entitled to recognition for that purpose. I believe I have charge of the bill.

The SPEAKER *pro tempore*. The gentleman from Ohio was recognized.

Mr. CANNON, of Illinois. If the Chair wants to recognize the gentleman to make that demand, all right, I have not a word to say; but the Chair will do it subject to my protest.

The SPEAKER *pro tempore*. No motion can be more thoroughly proper.

Mr. CANNON, of Illinois. If the Chair in all his experience knows of a case where a member not having charge of the bill has been recognized to move the previous question, I would like to know it.

Mr. KEIFER. I insist on my motion.

Mr. CANNON, of Illinois. I make the point under parliamentary practice, and I appeal to the fairness and knowledge of parliamentary

usage possessed by the gentleman now occupying the chair whether or no he holds that to be right—whether or no he dare to say that in a parliamentary sense that is right.

The SPEAKER *pro tempore*. The gentleman from Illinois had lost control of the floor by the adoption of the substitute.

Mr. CANNON, of Illinois. The House has not adopted the substitute. The House does not yet know what has been the action of the committee.

Mr. STEVENSON. I rise to a privileged question. I move that the House do now adjourn.

The SPEAKER *pro tempore*. That motion is in order.

The question being taken, there were ayes 23, noes not counted.

So the motion was not agreed to.

The SPEAKER here resumed the chair and said: The Chair learns the question is on seconding the demand for the previous question on the bill and the amendment.

Mr. CANNON, of Illinois. Mr. Speaker, I do not believe that motion is properly pending before the House. I had charge of the bill, and until I lose charge by the House refusing to second the demand for the previous question I claim that I am entitled under all parliamentary usage to be recognized for that purpose.

Mr. KEIFER. I was recognized to make that motion by the Chair. I had charge of the substitute which was adopted by the committee and which was reported to the House. I therefore made the motion.

The SPEAKER. Did the gentleman from Illinois make any effort to submit a motion?

Mr. CANNON, of Illinois. The very moment I discovered——

Mr. COX. The gentleman never rose to make any motion. [Laughter.]

Mr. CANNON, of Illinois. I desire to be heard on that point. The gentleman from Texas, [Mr. REAGAN,] the chairman of the Committee of the Whole, remained in the chair some little time after the committee rose. I was wishing that he should go out of the chair that I might take charge of the bill, as I had a right to do, by any motion I saw proper to make. A gentleman came along and attracted my attention for a moment, and when I next raised my eye the gentleman from New York [Mr. COX] was in the chair as Speaker *pro tempore;* and just then a motion was made by the gentleman from Ohio, [Mr. KEIFER,] and I at once claimed my right to make the motion.

Mr. COX. This is not your bill at all; it is another bill. Your bill has gone to the rear, and this has taken its place.

The SPEAKER. The Chair thinks the gentleman from Illinois [Mr. CANNON] ought to have been recognized in the House when the bill came from Committee of the Whole. The gentleman from Illinois reported the bill, and it was on his motion referred to the Committee of the Whole, and the committee adopted a substitute, as the Chair is advised, changing the bill——

Mr. KEIFER. Against the wishes of the gentleman from Illinois.

Mr. CANNON, of Illinois. But now the bill is pending in the House and I still have charge of it. The House may never adopt the substitute. The whole proposition is pending in the House.

Mr. SPARKS. The adoption of a substitute certainly does not deprive my colleague of his charge of the bill.

The SPEAKER. The Chair dislikes to pass on the act of another gentleman temporarily occupying the chair——

Mr. CANNON, of Illinois. I will relieve the Chair from any embarrassment on that subject, the attention of the House having now been called to the proceeding.

The SPEAKER. The Chair does not desire to be relieved from any duty he ought to perform. If compelled to rule on the act of the occupant of the chair, he will do so.

Mr. CANNON, of Illinois. I recognize the fact that the Speaker was not in the chair when I ought to have been recognized. The Chair having stated that fact, I will make no further point on it, but will let the gentleman from Ohio, through the aid of his colleague in this fight, commit a rape on this measure. [Laughter.]

Mr. KEIFER. The committee have already done that.

The SPEAKER. The Chair desires to say that when a bill is reported from a standing committee and referred to the Committee of the Whole, the member reporting the bill and having charge of it would naturally be the one to be recognized when the bill came back to the House from the Committee of the Whole, although amendments should have been adopted, or even an amendment in the nature of a substitute. But the Chair is advised that in this instance the gentleman from Illinois did not show his usual speed in trying to get recognition; and the Chair again states he does not wish to reverse the recognition given by the gentleman temporarily occupying the chair, unless compelled to do so by demand of the gentleman from Illinois, [Mr. CANNON.]

Mr. COX. I rise to a little matter of personal explanation. [Laughter.] The gentleman from Illinois [Mr. CANNON] never got upon his feet to say "Mr. Speaker." The only man who addressed the Chair while I was occupying it temporarily was the gentleman from Ohio, who had the right to address the Chair first; and the gentleman from Illinois knew it, because he never addressed the Chair at all. And this attack on the Speaker or the sub-Speaker is all wrong, and the gentleman ought to apologize to the House for it. [Laughter.]

Mr. SPARKS. I rather think it is the gentleman who took the chair who ought to apologize. The interest he manifested in this discussion when in Committee of the Whole made it very indelicate for him to take that position.

Mr. COX. The Speaker will say that I got out of that place as soon as I could.

Mr. SPARKS. Partly at my suggestion.

Mr. COX. That is not so.

Mr. SPARKS. It was very indelicate for the gentleman to be there.

Mr. COX. I say this further. I was sent for by the gentleman from Texas [Mr. REAGAN] to take the chair as Speaker *pro tempore*. He said the gentleman from Illinois [Mr. SPRINGER] had been delegated for that purpose but was not then in his seat. As I was interested in the success of the bill I desired to get out of the chair, and I did get out of it as soon as I could when the Speaker came. How else could I get out of it?

Mr. MILLS. I move to lay the bill and amendments on the table, and I ask for the yeas and nays upon that motion.

The SPEAKER. The Chair recognizes the demand for the previous question as pending, and the gentleman from Texas moves to lay the bill upon the table.

Mr. SAMFORD. I rise to a parliamentary inquiry. At the time the substitute was adopted in the committee there was a right reserved to have the yeas and nays upon it in the House.

The SPEAKER. That was a notice that the yeas and nays would be asked.

Mr. SAMFORD. If the substitute be defeated, shall we then vote upon the original bill?

The SPEAKER. If the substitute be defeated, the original bill will then come up.

Mr. SAMFORD. But if the motion of the gentleman from Texas should prevail, to lay the bill upon the table, it will not come up.

The SPEAKER. An affirmative vote upon that motion would carry the whole subject to the table.

Mr. MILLS. I withdraw the motion to lay upon the table.

The SPEAKER. The question then recurs upon the substitute reported from the Committee of the Whole.

Mr. REAGAN. Will not the first vote be upon the amendment offered by the gentleman from New York [Mr. COX] to the substitute, to perfect the substitute, and then upon the substitute?

Mr. KEIFER. I would ask if the previous question has yet been voted upon.

The SPEAKER. It has not, because the motion was pending to lay upon the table.

Mr. KEIFER. That motion is withdrawn.

The SPEAKER. The gentleman from Ohio [Mr. KEIFER] is correct. The question then recurs upon seconding the demand for the previous question.

Mr. BAKER. On what?

The SPEAKER. First on the amendment recommended by the Committee of the Whole on the state of the Union, and the question upon that is not divisible.

The previous question was seconded and the main question was ordered, being upon the substitute reported from the Committee of the Whole on the state of the Union.

Mr. CLYMER. I call for the yeas and nays.

Mr. REAGAN. The item of four hundred and odd thousand dollars was an amendment offered to the substitute, and I desire to know if the House will not have to take a vote upon that amendment to perfect the substitute before it votes on the substitute.

Mr. KEIFER. That is impossible now.

The SPEAKER. The Clerk will read the rule upon the subject.

The Clerk read as follows:

Any member may call for the division of a question, before or after the main question is ordered, which shall be divided if it comprehend propositions in substance so distinct that, one being taken away, a substantive proposition shall remain for the decision of the House. A motion to strike out and insert shall be deemed indivisible. But it has been decided on appeals that on motions to commit with instructions, or on the different branches of instructions on a Senate amendment, on an amendment reported as a single amendment from a Committee of the Whole, on a series of resolutions proposed to be inserted in lieu of other matter, a division of the question cannot be had.

The SPEAKER. The Chair is advised that this is a single amendment reported from the committee, and therefore it is not divisible.

Mr. REAGAN. I think there is a mistake about that.

The SPEAKER. Does the gentleman mean a mistake of fact?

Mr. REAGAN. The substitute offered by the gentleman from Ohio [Mr. KEIFER] proposed to appropriate three hundred odd thousand dollars, and the gentleman from New York offered an amendment to increase the sum.

The SPEAKER. The gentleman will remember that the proposition in the committee was a substitute for the bill, and there was an amendment offered to that substitute, and it was agreed to and became a part of the substitute, and therefore the substitute comes before the House as a single amendment requiring only a single vote.

The yeas and nays were ordered.

The question was taken; and there were—yeas 114, nays 81, not voting 91; as follows:

YEAS—114.

Acklen,	Barber,	Blake,	Butterworth,
Aldrich, N. W.	Bayne,	Bowman,	Calkins,
Aldrich, William	Beltzhoover,	Briggs,	Carlisle,
Anderson,	Bicknell,	Brigham,	Carpenter,
Bailey,	Bingham,	Burrows,	Caswell,

Claflin,	Hall,	Monroe,	Smith, William E.
Colerick,	Hammond, John	Morton,	Stevenson,
Conger,	Hammond, N. J.	Murch,	Stone,
Converse,	Harmer,	Neal,	Talbott,
Cook,	Harris, Benj. W.	Newberry,	Taylor,
Cox,	Haskell,	Norcross,	Thomas,
Daggett,	Hawk,	O'Neill,	Townsend, Amos
Davis, George R.	Hayes,	Osmer,	Tyler,
Deuster,	Henderson,	Overton,	Updegraff, J. T.
Dick,	Henry,	Poehler,	Urner,
Dunnell,	Hill,	Pound,	Valentine,
Ellis,	Horr,	Prescott,	Van Aernam,
Ewing,	Humphrey,	Price,	Voorhis,
Farr,	Hunton,	Rice,	Wait,
Ferdon,	Hurd,	Richardson, D. P.	Ward,
Field,	Johnston,	Robinson,	Washburn,
Finley,	Jones,	Russell, W. A.	Wilber,
Fisher,	Keifer,	Ryan, Thomas	Williams, C. G.
Ford,	Lapham,	Ryon, John W.	Willis,
Frye,	Le Fevre,	Sapp,	Willits,
Garfield,	McCook,	Shallenberger,	Wright,
Geddes,	McGowan,	Sherwin,	Young, Casey.
Godshalk,	McKinley,	Slemons,	
Goode,	Mitchell,	Smith, A. Herr	

NAYS—81.

Aiken,	Elam,	Lewis,	Sparks,
Armfield,	Evins,	Lowe,	Steele,
Atherton,	Felton,	Manning,	Thompson,
Atkins,	Forney,	Martin, Benj. F.	Tillman,
Baker,	Forsythe,	Martin, Edward L.	Townshend, R. W.
Blackburn,	Gillette,	McMillin,	Turner, Oscar
Bouck,	Gunter,	Mills,	Updegraff, Thomas
Brewer,	Harris, John T.	Morrison,	Upson,
Bright,	Hatch,	New,	Vance,
Cabell,	Hawley,	Nicholls,	Waddill,
Caldwell,	Henkle,	O'Connor,	Warner,
Cannon,	Herbert,	Persons,	Weaver,
Clardy,	Herndon,	Phelps,	Wellborn,
Clark, John B.	Hiscock,	Phister,	Wells,
Cobb,	Hostetler,	Reagan,	Whiteaker,
Coffroth,	House,	Rothwell,	Williams, Thomas
Cravens,	Hull,	Samford,	Wise,
Culberson,	Kenna,	Sawyer,	Yocum.
Davidson,	Kitchin,	Simonton,	
Davis, Loundes H.	Klotz,	Singleton, O. R.	
Dunn,	Knott,	Smith, Hezekiah B.	

NOT VOTING—91.

Bachman,	De La Matyr,	Lay,	Richardson, J. S.
Ballou,	Dibrell,	Lindsey,	Richmond,
Barlow,	Dickey,	Loring,	Robertson,
Beale,	Dwight,	Lounsbery,	Robeson,
Belford,	Einstein,	Marsh,	Ross,
Bland,	Errett,	Martin, Joseph J.	Russell, Daniel L.
Bliss,	Fort,	Mason,	Scales,
Blount,	Frost,	McCoid,	Shelley,
Boyd,	Gibson,	McKenzie,	Singleton, J. W.
Bragg,	Hazelton,	McLane,	Speer,
Browne,	Heilman,	McMahon,	Springer,
Buckner,	Hooker,	Miles,	Starin,
Camp,	Houk,	Miller,	Stephens,
Chalmers,	Hubbell,	Money,	Tucker,
Chittenden,	James,	Morse,	Turner, Thomas
Clark, Alvah A.	Jorgensen,	Muldrow,	Van Voorhis,
Clymer,	Joyce,	Muller,	White,
Covert,	Kelley,	Myers,	Whitthorne,
Cowgill,	Ketcham,	O'Brien,	Wilson,
Crapo,	Killinger,	O'Reilly,	Wood, Fernando
Crowley,	Kimmel,	Orth,	Wood, Walter A.
Davis, Joseph J.	King,	Pierce,	Young, Thomas L.
Deering,	Ladd,	Reed,	

So the substitute reported from the Committee of the Whole was agreed to.

During the roll-call the following announcements were made:

Mr. SCALES. I am paired with the gentleman from Pennsylvania, Mr. ERRETT. If he were present, I should vote "no."

Mr. MANNING. My colleague, Mr. MONEY, is absent by leave of the House, and is paired with the gentleman from New York, Mr. CROWLEY. My colleague, if present, would, I understand, vote "ay."

Mr. MULDROW. I am paired with the gentleman from New York, Mr. DWIGHT. If at liberty to vote, I should vote in the negative.

Mr. BUCKNER. I am paired with the gentleman from New York, Mr. CHITTENDEN. If he were present, I should vote "no."

Mr. HENRY. My colleague, Mr. MCLANE, is paired with the gentleman from Illinois, Mr. BOYD.

Mr. DAVIS, of North Carolina. I am paired with my colleague, Mr. MARTIN.

Mr. WISE. My colleague, Mr. CLYMER, is paired with the gentleman from Ohio, Mr. MCMAHON.

Mr. BEALE. I am paired with my colleague, Mr. JORGENSEN. If he were present, I should vote "no."

Mr. COFFROTH. My colleague, Mr. BACHMAN, is paired with the gentleman from Colorado, Mr. BELFORD.

Mr. KENNA. My colleague, Mr. WILSON, is still absent on account of sickness in his family, and is paired.

Mr. FORNEY. My colleague, Mr. SHELLEY, is paired with the gentleman from New York, Mr. MILLER.

Mr. TOWNSHEND, of Illinois. My colleague, Mr. SINGLETON, is paired with the gentleman from Connecticut, Mr. MILES.

Mr. MCKENZIE. I am paired with the gentleman from Michigan, Mr. HUBBELL.

Mr. STEVENSON. The gentleman from Maine, Mr. LADD, who is absent by leave of the House, is paired with his colleague, Mr. LINDSEY.

Mr. PHISTER. My colleague, Mr. THOMAS TURNER, is absent by leave of the House, and is paired with the gentleman from Pennsylvania, Mr. WHITE.

Mr. DIBRELL. I am paired with my colleague, Mr. HOUK.

Mr. WHITTHORNE. Upon this question I am paired with the gentleman from Georgia, Mr. STEPHENS, who would vote in favor of the substitute, while I should vote against it.

Mr. AIKEN. My colleague from South Carolina, Mr. RICHARDSON, who is paired with the gentleman from New York, Mr. CAMP, would on this question vote "no."

Mr. SINGLETON, of Mississippi. My colleague, Mr. CHALMERS, who is absent by leave of the House, is paired with the gentleman from New York, Mr. VAN VOORHIS.

Mr. POUND. My colleague, Mr. HAZELTON, is absent by leave of the House, and is paired with the gentleman from Georgia, Mr. BLOUNT. I am not advised how either gentleman would vote on this question.

Mr. RICE. My colleague, Mr. CRAPO, is paired with the gentleman from New Jersey, Mr. ROSS.

Mr. ROBINSON. My colleague, Mr. MORSE, is paired generally with the gentleman from Pennsylvania, Mr. KELLEY, but I presume on this question both gentlemen, if present, would vote in the affirmative.

Mr. STONE. The gentleman from New York, Mr. STARIN, is paired with the gentleman from Maryland, Mr. KIMMEL; and the gentleman from Mississippi, Mr. MONEY, with the gentleman from New York, Mr. CROWLEY.

Mr. BAILEY. My colleague, Mr. FERNANDO WOOD, is paired with the gentleman from New Jersey, Mr. ROBESON; my colleague, Mr. MULLER, with the gentleman from Indiana, Mr. HEILMAN; my colleague, Mr. LOUNSBERY, with the gentleman from Maine, Mr. REED; and my colleague, Mr. COVERT, with my colleague, Mr. KETCHAM.

Mr. WHITE. I am paired with the gentleman from Kentucky, Mr. THOMAS TURNER.

Mr. WILBER. The gentleman from Indiana, Mr. ORTH, is paired with the gentleman from Ohio, Mr. DICKEY. I do not know how either gentleman would vote on this question.

Mr. FRYE. My colleagues, Mr. LINDSEY and Mr. REED, are paired.

Mr. BAYNE. I am paired on all political questions with the gentleman from Missouri, Mr. FROST, who is absent on account of sickness in his family. But this question is not regarded by him or myself as political. Feeling, therefore, at liberty to vote, I vote "ay." I am informed that he would also vote "ay." My colleague, Mr. ERRETT, is paired on all political questions with the gentleman from North Carolina, Mr. SCALES. Mr. ERRETT would vote "ay."

Mr. MILLS. I am paired on all political questions with the gentleman from Illinois, Mr. FORT; but as I do not deem this a political question I have voted.

The result of the vote was announced as above stated.

Mr. COX moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The question now recurs on ordering the bill, as amended, to be engrossed and read a third time.

Mr. SAMFORD. I move to lay the bill on the table.

Mr. WEAVER. I move that the House adjourn.

The motion of Mr. WEAVER was not agreed to.

The question being then taken on the motion of Mr. SAMFORD to lay the bill on the table, the Speaker declared that the noes appeared to prevail.

Mr. SAMFORD. I call for the yeas and nays.

The yeas and nays were ordered; there being—ayes 33, noes 125; more than one-fifth in the affirmative.

The question was taken; and there were—yeas 68, nays 117, not voting 101; as follows:

YEAS—68.

Acklen,	Davis, Loundes H.	Kitchin,	Simonton,
Aiken,	Dunn,	Knott,	Smith, Hezekiah B.
Armfield,	Elam,	Lewis,	Sparks,
Baker,	Evins,	Lowe,	Steele,
Blackburn,	Felton,	Manning,	Taylor,
Bouck,	Forney,	Martin, Benj. F.	Thompson,
Brewer,	Forsythe,	Martin, Edward L.	Tillman,
Bright,	Gillette,	McMillin,	Turner, Oscar
Cabell,	Gunter,	Mills,	Upson,
Caldwell,	Harris, John T.	Morrison,	Vance,
Cannon,	Hatch,	New,	Waddill,
Clardy,	Herbert,	Nicholls,	Warner,
Clark, John B.	Herndon,	O'Connor,	Weaver,
Cobb,	Hostetler,	Persons,	Wellborn,
Coffroth,	House,	Phister,	Wells,
Cravens,	Hull,	Reagan,	Williams, Thomas
Culberson,	King,	Samford,	Wise.

NAYS—117.

Aldrich, N. W.	Briggs,	Cook,	Field,
Aldrich, William	Brigham,	Cox,	Finley,
Anderson,	Burrows,	Daggett,	Fisher,
Bailey,	Butterworth,	Davidson,	Ford,
Barber,	Calkins,	Davis, George R.	Frye,
Bayne,	Carlisle,	Deuster,	Garfield,
Beltzhoover,	Carpenter,	Dick,	Geddes,
Bicknell,	Claflin,	Dunnell,	Godshalk,
Bingham,	Colerick,	Ellis,	Goode,
Blake,	Conger,	Farr,	Hall,
Bowman,	Converse,	Ferdon,	Hammond, John

Hammond, N. J.	Klotz,	Robinson,	Updegraff, J. T.
Harmer,	Lapham,	Russell, W. A.	Updegraff, Thomas
Harris, Benj. W.	McCook,	Ryan, Thomas	Valentine,
Haskell,	McGowan,	Ryon, John W.	Van Aernam,
Hawk,	McKinley,	Sapp,	Voorhis,
Hawley,	Monroe,	Sawyer,	Wait,
Hayes,	Morton,	Shallenberger,	Ward,
Henderson,	Murch,	Sherwin,	Washburn,
Henry,	Newberry,	Singleton, O. R.	Whitcaker,
Hill,	Norcross,	Slemons,	Wilber,
Hiscock,	O'Neill,	Smith, A. Herr	Williams, C. G.
Horr,	Osmer,	Smith, William E.	Willis,
Humphrey,	Overton,	Springer,	Willits,
Hunton,	Phelps,	Stevenson,	Wright,
Johnston,	Pound,	Stone,	Yocum,
Jones,	Prescott,	Talbott,	Young, Casey.
Keifer,	Price,	Thomas,	
Kenna,	Rice,	Townsend, Amos	
Kimmel,	Richardson, D. P.	Tyler,	

NOT VOTING—101.

Atherton,	Deering,	Lindsey,	Richmond,
Atkins,	Dibrell,	Loring,	Robertson,
Bachman,	Dickey,	Lounsbery,	Robeson,
Ballou,	Dwight,	Marsh,	Ross,
Barlow,	Einstein,	Martin, Joseph J.	Rothwell,
Beale,	Errett,	Mason,	Russell, Daniel L
Belford,	Ewing,	McCoid,	Scales,
Bland,	Fort,	McKenzie,	Shelley,
Bliss,	Frost,	McLane,	Singleton, J. W.
Blount,	Gibson,	McMahon,	Speer,
Boyd,	Hazelton,	Miles,	Starin,
Bragg,	Heilman,	Miller,	Stephens,
Browne,	Henkle,	Mitchell,	Townshend, R. W.
Buckner,	Hooker,	Money,	Tucker,
Camp,	Houk,	Morse,	Turner, Thomas
Caswell,	Hubbell,	Muldrow,	Urner,
Chalmers,	Hurd,	Muller,	Van Voorhis,
Chittenden,	James,	Myers,	White,
Clark, Alvah A.	Jorgensen,	Neal,	Whitthorne,
Clymer,	Joyce,	O'Brien,	Wilson,
Covert,	Kelley,	O'Reilly,	Wood, Fernando
Cowgill,	Ketcham,	Orth,	Wood, Walter A.
Crapo,	Killinger,	Pierce,	Young, Thomas L.
Crowley,	Ladd,	Poehler,	
Davis, Joseph J.	Lay,	Reed,	
De La Matyr,	Le Fevre,	Richardson, J. S.	

So the House refused to lay the bill upon the table.

During the roll-call the following announcements were made:

Mr. TALBOTT. My colleague, Mr. McLANE, is paired with Mr. BOYD.

Mr. MANNING. My colleague, Mr. MONEY, who is absent by leave of the House, is paired with Mr. CROWLEY.

Mr. MULDROW. I am paired with Mr. DWIGHT, of New York.

Mr. BEALE. I am paired with my colleague, Mr. JORGENSEN. If he were present, I should vote in the affirmative.

Mr. STEELE. My colleague, Mr. SCALES, is paired with Mr. ERRETT, of Pennsylvania. If my colleague were present and unpaired, he would vote in the affirmative.

Mr. WILLIAMS, of Alabama. My colleague, Mr. SHELLEY, is paired with Mr. MILLER, of New York.

Mr. DAVIS, of North Carolina. I am paired with my colleague, Mr. MARTIN.

Mr. TOWNSHEND, of Illinois. I am paired with Mr. URNER, of Maryland. If he were here, I should vote in the affirmative. My colleague, Mr. SINGLETON, is paired with Mr. MILES, of Connecticut.

Mr. DIBRELL. I am paired with my colleague, Mr. HOUK.

Mr. AIKEN. My colleague, Mr. RICHARDSON, is paired with Mr. CAMP, of New York. If present, my colleague would vote in the affirmative.

Mr. SINGLETON, of Mississippi. My colleague, Mr. CHALMERS, who is absent by leave of the House, is paired with Mr. VAN VOORHIS, of New York.

Mr. BAILEY. Mr. FERNANDO WOOD is paired with Mr. ROBESON, Mr. MULLER with Mr. HEILMAN, Mr. LOUNSBERY with Mr. REED, and Mr. COVERT with Mr. KETCHAM.

Mr. POUND. My colleague, Mr. HAZELTON, is paired with Mr. BLOUNT, of Georgia.

Mr. WILBER. Mr. ORTH, of Indiana, is paired with Mr. DICKEY, of Ohio.

On motion of Mr. TOWNSEND, of Ohio, by unanimous consent, the reading the names was dispensed with.

The vote was then announced as above recorded.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. COX demanded the previous question on the passage of the bill.

The previous question was seconded and the main question ordered.

The House divided; and there were—ayes 100, noes 48.

So the bill was passed.

Mr. COX moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. KEIFER. I move to amend the title by striking out the words and "for other purposes."

The amendment was agreed to.

ENROLLED BILL.

Mr. WARD, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled an act (H. R. No. 435) to correct an error in the act entitled "An act making appropriations for the construction, repair, preservation, and completion of certain works on rivers and harbors, and for other purposes," approved March 3, 1879; when the Speaker signed the same.

JOHN HAMILTON.

Mr. McMAHON moved, by unanimous consent, that leave be granted for the withdrawal from the files of the House of the discharge papers of John Hamilton, there having been an adverse report in the case.

The SPEAKER. That request will be referred, under the rules, to the appropriate committee.

LEAVE OF ABSENCE.

Leave of absence, by unanimous consent, was granted in the following cases:

To Mr. PRESCOTT, for ten days, from Monday next, on account of important business;

To Mr. HOUK, indefinitely, on account of serious sickness in his family; and

To Mr. HENDERSON, until Friday next.

ADJOURNMENT.

Mr. VANCE. I move the House do now adjourn.

Mr. WHITE. I move that when the House adjourns it be to meet on Tuesday next.

Mr. GARFIELD. I move to adjourn, and I insist the first question is on the motion to adjourn as a question of higher privilege.

Mr. WHITE. My motion was in before that was entertained.

The SPEAKER. It does not matter whether it was in before the motion to adjourn or not. The Chair submits the question first on the motion to adjourn over until Tuesday next.

Mr. GARFIELD. But I have moved the House do now adjourn.

The SPEAKER. The Chair recognizes the motion to adjourn over until Tuesday as a preceding motion.

Mr. GARFIELD. Mine is a question of higher privilege.

The SPEAKER. It is not.

Mr. GARFIELD. The motion to adjourn not a question of higher privilege?

The SPEAKER. The motion to fix the day to which the House shall adjourn is first in order under the practice of the House.

Mr. MILLS. The rules expressly provide that the House shall first fix the day to which it shall adjourn before voting on the motion to adjourn.

The SPEAKER. There is no question about that; but for the information of the gentleman from Ohio, who is usually so well posted on the rules, the Chair will have an extract from the Manual read.

The Clerk read as follows:

"A motion to adjourn, and a motion to fix the day to which the House shall adjourn, shall be always in order, and these motions shall be decided without debate."—Rule 44. It has been decided and acted upon that the motion "to fix the day to which the House shall adjourn" takes precedence of a motion "to adjourn;" the reason being that, before the House adjourns, it is proper to fix the time to which it shall adjourn.

Mr. WHITE'S motion was disagreed to.

The motion to adjourn was then agreed to; and accordingly (at four o'clock and three minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. HENKLE: The petition of James T. Blakistone, for compensation for services rendered in the Doorkeeper's department, House of Representatives, Forty-fifth Congress—to the Committee of Claims.

By Mr. RICE: Papers relating to the claim of the late owners of the British whaling-bark Chance, for compensation for transporting ninety-six shipwrecked American seamen—to the Committee on Foreign Affairs.

By Mr. SAWYER: The petition of Eugene McSweeny, for one month's pay, from the date of his discharge from the soldiers' roll of the Doorkeeper, House of Representatives, Forty-sixth Congress—to the Committee of Accounts.

By Mr. SHALLENBERGER: The petition of S. J. Burnett, and other citizens of Warrensburgh, Missouri, for the passage of the bill (H. R. No. 226) to increase pensions in certain cases—to the Committee on Invalid Pensions.

IN SENATE.

MONDAY, *June* 9, 1879.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of the proceedings of Friday last was read and approved.

COLUMBIA HOSPITAL FOR WOMEN.

The PRESIDENT *pro tempore* appointed Mr. KERNAN a director on the part of the Senate of the Columbia Hospital for Women and Lying-in Asylum under the provisions of the act of June 10, 1872, in the place of Mr. SARGENT, whose term of service has expired.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in compliance with a resolution of the Senate of the 11th of February, 1879, a report of the commanding officer of the Department of the Columbia in relation to the claim of F. G. Schwatka, sr., against the United States for seizure of his donation claim at Point Adams, Oregon; which was referred to the Committee on Private Land Claims.

He also laid before the Senate a communication from the Secretary of War, transmitting, in compliance with section 2 of the river and harbor act of June 18, 1878, a report from S. T. Abert, United States civil engineer, upon the survey of the Yadkin River, North Carolina; which was referred to the Committee on Commerce.

PETITIONS AND MEMORIALS.

Mr. FERRY presented a resolution of the Legislature of Michigan, in favor of the passage of a law by Congress equalizing the bounties of all soldiers who served in the Federal Army during the late war, and who were honorably discharged; which was referred to the Committee on Military Affairs.

REPORTS OF COMMITTEES.

Mr. GARLAND, from the Committee on the Judiciary, to whom was referred the bill (S. No. 594) for the relief of Thomas Langton, of Dundee, Michigan, reported it with an amendment.

Mr. BAYARD. I am instructed by the Committee on the Judiciary to report a bill to remove the political disabilities of James F. Harrison, of Virginia. If there be no objection, I ask for the present consideration of the bill.

The bill (S. No. 669) to remove the political disabilities of James F. Harrison, of Virginia, was read twice by its title.

The PRESIDENT *pro tempore*. The Senator from Delaware asks unanimous consent to consider the bill at this time.

Mr. EDMUNDS. Mr. President, I want this bill to go over just as I did when I used to report these disability bills myself, in the regular way. I do not suppose there is the slightest objection to the bill; but it should take its regular order on the Calendar and it can be called up to-morrow. There are other matters to come up to-day.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. BAYARD, from the Committee on the Judiciary, to which was referred the petition of William N. R. Beale, of Missouri, praying the removal of his political disabilities, reported a bill (S. No. 670) to remove the political disabilities of William N. R. Beale, of Missouri; which was read twice by its title.

Mr. WALLACE, from the Committee on Appropriations, to whom was referred the joint resolution (H. R. No. 85) fixing the date on which the pay of the committee clerks, pages, and laborers of the House of Representatives who are paid during the session only shall begin for this session, reported it with amendments.

CORRECTION OF AN ENROLLED BILL.

Mr. VANCE. I am authorized by the Committee on Enrolled Bills, to whom was referred a House concurrent resolution correcting a clerical error in a former bill, to report it back without amendment; and I ask unanimous consent that it may be considered at this time.

The resolution was read, as follows:

Resolved by the House of Representatives, (the Senate concurring,) That the Joint Committee on Enrolled Bills be, and they are hereby, authorized and directed to change and correct the title of House bill No. 1999, entitled "An act to amend an act entitled 'An act making appropriations for the construction, repair, preservation, and completion of certain works on rivers and harbors, and for other purposes,' approved March 4, 1879," as passed by the two Houses of Congress at the present session, by striking out the word "fourth" which occurs therein and inserting in lieu thereof the word "third."

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. EDMUNDS. I should like to know, before I consent, how we can change a statute by a concurrent resolution, as I understand that to be a concurrent resolution, not a joint resolution. I see it is in the ordinary concurrent form:

Resolved by the House of Representatives, (the Senate concurring,) &c.

We cannot change a statute in that way.

Mr. HEREFORD. There is no statute sought to be changed.

Mr. EDMUNDS. What is it, then?

Mr. HEREFORD. The resolution simply authorizes the Joint Committee on Enrolled Bills to make a change of a date in the enrolled bill referred to before it goes to the President. It is still within the control of Congress.

Mr. EDMUNDS. It is a bill passed at this session which has not yet gone to the President?

Mr. HEREFORD. It has not yet gone to the President.

Mr. EDMUNDS. I have not the slightest objection, if that is the case.

The resolution was considered by unanimous consent, and concurred in.

BILLS INTRODUCED.

Mr. KERNAN. At the request of the Senator from New Jersey, [Mr. RANDOLPH,] who is absent to-day, I ask leave to introduce a bill.

By unanimous consent, leave was granted to introduce a bill (S. No. 671) to amend the act entitled "An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same," passed February 18, 1793; and it was read twice by its title, and referred to the Committee on Commerce.

Mr. VOORHEES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 672) giving a pension to Abram F. Farrar; which was read twice by its title, and referred to the Committee on Pensions.

Mr. KIRKWOOD asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 673) for the relief of soldiers and sailors becoming totally disabled in the service of the country; which was read twice by its title, and referred to the Committee on Pensions.

Mr. GARLAND asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 675) to provide office rooms for the National Board of Health, and for the publication of its reports and papers, and for other purposes; which was read twice by its title, and referred to the select committee to investigate and report the best means of preventing the introduction and spread of epidemic diseases.

Mr. SAULSBURY (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 676) to amend class 2 of the general incorporation laws of the District of Columbia; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. JONAS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 677) for the relief of E. Troisgros; which was read twice by its title, and referred to the Committee on Claims.

PENSION TO FAMILY OF GENERAL SHIELDS.

Mr. VEST. I ask unanimous consent to introduce a bill, and I shall ask its immediate consideration.

By unanimous consent, leave was granted to introduce a bill (S. No. 674) for the benefit of the widow and children of General James Shields; which was read the first time by its title.

Mr. VEST. I ask that the bill be read at length.

The bill was read the second time at length, as follows:

Be it enacted, &c., That payment of the pension of $100 monthly granted to James Shields, late a brigadier-general of United States Volunteers, by an act of Congress approved June the 18th, 1878, be continued to his widow and children, the full amount of said pension to be paid said widow during her life, and at her death, if the same should occur during the minority of said children or any of them, then the said pension shall be paid to so many of said children as may then be minors, in equal parts, until they reach respectively the age of twenty-one years.

Mr. VEST. Mr. President, I am very well aware that the objection of a single Senator will delay the present consideration of the bill; but it is a bill *sui generis* and based upon facts which have never before been brought to the consideration of the Congress of the United States. I do not propose to give any *résumé* of the life and public services of General Shields. They are a part of the common history of the country. I simply desire, as his successor in office, to state the fact that by a special act of Congress a pension of $100 monthly was granted to him, and that by his death that pension under the law absolutely ceases. Not having died by reason of wounds received in the service of the country, by the general pension law the pension dies with him. His family are now in indigent circumstances. He left to them only his glory and his sword. He left a widow and three children who are absolutely dependent upon charity for support. While the State which I have the honor in part to represent, and which he represented so well upon this floor, does not seek to put aside or to put off upon any one or upon the Government of the country the glory and the duty of providing for his family, yet as he belonged to the whole country, as his services and his memory belonged to the whole Union, it seemed to me and to his friends that this task, if task it be, should be first offered to this General Government.

I know, sir, as I said, that the objection of a single Senater can postpone the consideration of this measure and put it upon the Calendar. I violate, I trust, no parliamentary confidence or rule when I state that the Committee on Pensions, to whom this bill would go ordinarily, does not propose the consideration of any measure during the present session of Congress. For this reason and because of the fact that this bill, if passed, would be passed above and beyond any ordinary rule, if for no other reason, I ask for its present consideration, and when so passed it will be a compliment worthy of the man, worthy of his services, and worthy of his memory.

Mr. EDMUNDS. I do not know whether this case can be distinguished from a great many other cases where gallant soldiers have died after a war, not from wounds received in the service, as in this case, so as to make this a proper matter to act upon. If it can be distinguished, certainly I shall very gladly go for it; but I should like to consider it and have it printed, and see how it stands.

Mr. VEST. Will the Senator speak a little louder?

Mr. EDMUNDS. I only said that I do not know whether the circumstances of this particular case may properly distinguish it from other similar cases where a gallant soldier died after the expiration of a war, from other causes than those incident to the service. If it can be distinguished, of course I shall be very glad indeed to go for the bill. In order to consider whether it can, I do not think that a delay of a day would be very injurious, so that I should like to see it printed.

The PRESIDENT *pro tempore*. Does the Senator from Missouri wish the bill referred or placed on the Calendar?

Mr. VEST. Let it be placed on the Calendar.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. EDMUNDS. It will be printed of course, I believe under our rules.

THE COINAGE.

The PRESIDENT *pro tempore*. If there be no further routine business the morning hour is at an end, and the Chair lays before the Senate the resolution offered by the Senator from Texas [Mr. COKE] on the 6th instant to discharge the Committee on Finance from the further consideration of the bill (H. R. No. 564) to amend certain sections of the Revised Statutes of the United States relating to coinage and coin and bullion certificates, and for other purposes.

Mr. VOORHEES. I hope that may be permitted to go over until to-morrow and that it will not be taken up at this time.

Mr. EDMUNDS. Let it go over until December.

Mr. VOORHEES. If I have consent of the Senate, I desire that it may go over until to-morrow.

Mr. CONKLING. Would not the Senator rather make it December?

Mr. VOORHEES. No.

Mr. COKE. With the understanding that it shall come up to-morrow after the routine morning business, I am content to let it go over until that time.

The PRESIDENT *pro tempore*. Is there objection to the resolution being postponed until to-morrow? The Chair hears none, and it is so ordered.

CHANGES OF SUNDRY CIVIL BILL.

Mr. EATON. I am directed by the Committee on Appropriations to report back the amendments to the joint resolution (H. R. No. 1) to repeal certain clauses in the sundry civil appropriation act approved March 3, 1879. The joint resolution passed the Senate some days since with amendments, and it was returned to this body with certain other amendments which were made to it in the House. The Committee on Appropriations advise the Senate to non-concur in the amendments of the House. I do not care to amplify or give any of the reasons at this time that induced the Committee on Appropriations to make that direction, but such is the unanimous action of the Committee on Appropriations.

Mr. CONKLING. What are the amendments?

Mr. EATON. If the Senator desires, they can be read.

Mr. CONKLING. I will not ask to have them read, nor will I trouble the Senator at length to state them, but will he be kind enough to indicate enough of them that we may understand the matter?

Mr. EATON. There is one amendment to pay the widow and heirs of Hon. Rush Clark, deceased, $9,235.50; another to pay the widow of Hon. Gustave Schleicher, deceased, two years' salary, $10,000; another to pay a certain messenger $83.33 per month; another to pay the salary of an additional associate justice of the supreme court of the Territory of Dakota, $680; another for a deficiency in the appropriation for the pay of cadets at the Military Academy for the current fiscal year, $7,500; the sum of $9,000 to pay adjusted accounts for services or expenses incurred in completing the eighth census; $4,090 to pay adjusted accounts for services or expenses incurred in completing the ninth census, and so on.

Mr. CONKLING. Those are House amendments?

Mr. EATON. Those are House amendments.

Mr. CONKLING. The Senator recommends non-concurrence?

Mr. EATON. Yes, sir; non-concurrence.

The PRESIDENT *pro tempore*. The question is on concurring in the amendments made by the House of Representatives.

The amendments were non-concurred in.

PROPOSED EXECUTIVE SESSION.

The PRESIDENT *pro tempore*. There is no further morning business. What is the pleasure of the Senate?

Mr. BURNSIDE. I move that the Senate proceed to the consideration of executive business.

The question being put, there were on a division—ayes 17, noes 19; no quorum voting.

Mr. ANTHONY called for the yeas and nays, and they were ordered; and the Secretary called the roll.

Mr. PLATT. On political questions I am paired with the Senator from New Jersey, [Mr. RANDOLPH.] I do not consider this to be a political question, and therefore vote "yea."

The result was announced—yeas 19, nays 22; as follows:

YEAS—19.

Allison,	Burnside,	Dawes,	Morrill,
Anthony,	Cameron of Pa.,	Edmunds,	Platt,
Bell,	Carpenter,	Ferry,	Rollins,
Blaine,	Coke,	Kirkwood,	Saunders.
Booth,	Davis of Illinois,	Maxey,	

NAYS—22.

Bayard,	Farley,	Jonas,	Vest,
Beck,	Garland,	Kernan,	Voorhees,
Call,	Hampton,	Morgan,	Walker,
Cockrell,	Harris,	Pendleton,	Withers.
Davis of W. Va.,	Hereford,	Slater,	
Eaton,	Houston,	Thurman,	

ABSENT—35.

Bailey,	Chandler,	Grover,	Hoar,
Bruce,	Conkling,	Hamlin,	Ingalls,
Butler,	Gordon,	Hill of Colorado,	Johnston,
Cameron of Wis.,	Groome,	Hill of Georgia,	Jones of Florida,
Jones of Nevada,	McMillan,	Ransom,	Wallace,
Kellogg,	McPherson,	Saulsbury,	Whyte,
Lamar,	Paddock,	Sharon,	Williams,
Logan,	Plumb,	Teller,	Windom.
McDonald,	Randolph,	Vance,	

So the motion was not agreed to.

USE OF TROOPS.

Mr. EATON. I move that the Senate do now adjourn.

Mr. HARRIS. Mr. President——

Mr. EATON. I will withdraw the motion for my friend from Tennessee.

Mr. HARRIS. If there is no measure that any Senator desires to call up for consideration, I ask that Senate bill No. 621 be taken up, in order that I may submit some remarks upon that bill.

The bill was read by its title.

Mr. EDMUNDS. Is that to be taken up for a speech?

Mr. HARRIS. I simply desire it to be taken up in order to submit some remarks upon it.

Mr. EDMUNDS. Not for the purpose of final action to-day?

Mr. HARRIS. No, sir; only for the purpose indicated.

Mr. EDMUNDS. I have no objection.

The PRESIDENT *pro tempore*. The question is on the motion to proceed to the consideration of the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 621) authorizing the employment of the militia and the land and naval forces of the United States in certain cases, and for other purposes.

Mr. HARRIS. Mr. President, while I know that I can say nothing upon the questions presented by the bill under consideration which has not been already much better said by others, I ask the indulgence of the Senate to assign some of the reasons which have controlled, and will control, my vote upon these questions.

Congress has devoted much the greater portion of the last two months to debating the necessity and propriety of the repeal of certain statutes, one of which, it is asserted by the majority of the two Houses, seriously impairs, if it does not deny to a citizen charged with crime, the right of trial by that "*impartial jury*" guaranteed to him by the sixth article of the amendments to the Constitution.

And the others in their practical operations impair, if, indeed, they do not wholly destroy, the freedom of elections in the States, by the interposition of the power of the Federal Government, through its election supervisors, marshals, and deputy marshals, supported by the power of the Army, with authority to arrest, without warrant and without charge, whomsoever the supervisors or marshals may assume to have committed, *or be about to commit*, any one of the various offenses created by the election statutes of the United States.

The majority upon this floor insist that these statutes are not only of doubtful constitutionality, but wholly unnecessary, unjust, and in their practical operations destructive of the dearest rights of freemen, for when you have destroyed the freedom of elections and the purity and impartiality of the jury-box the chief bulwarks of civil liberty are gone.

But it is asserted by the minority that these statutes are constitutional, necessary, and just.

The debate has been characterized by great ability and research, and if it had been strictly confined to the merits of the questions the time devoted to it would not have been without profit, but, unfortunately, it has been made by republican Senators the occasion, I will not say pretext, to fight the battles of the war over again and revive, as far as it is possible for them to revive, the bitter memories of that unfortunate and bloody struggle, for what purpose I will not inquire, having no right to question motives on this floor. But I may say without impropriety, and can say with perfect confidence, that the inevitable and only effect of that line of argument is, and must be, to arouse the worst passions of the people, and revive, stimulate, and emphasize the bitter sectional prejudices and hate which characterized the war period, which must inevitably tend to define sharply the lines of sectional parties, and solidify one section of the country against another.

Mr. President, will the country, or any section of the country, be benefited by these constant and bitter sectional strifes? Passion, sectional prejudice, and hate may be important and necessary instrumentalities to aid in restoring to power a party unwilling to rely upon the cool dispassionate judgment of the country upon its principles, practices, and policy, but cannot possibly promote any one of the great interests of the country.

Can the people be diverted from the real issues which so deeply affect their rights and interests by these appeals to passion, resentment, and hate? Are the issues which caused the war eighteen years ago, or the war itself, pertinent to the question of the repeal of these statutes? Even if it be admitted that either belligerent was wholly wrong and responsible for all the consequences of that bloody struggle, does it aid us in arriving at a conclusion as to whether these statutes should be repealed or not?

Cannot each party afford to rely upon such honest judgment as the country may render upon the merits of the questions without seeking aid from inflammatory appeals and efforts to rekindle the dying embers of sectional prejudice and hate? And do not such appeals argue that the party resorting to them regards its fortunes as desperate, if not utterly hopeless?

The war ended fourteen years ago, so far as the men who endured its hardships, privations, and perils are concerned, and rages now only with those who never heard the roar of its artillery except through the medium of the public press, or saw the flash of its swords except through the reports of its generals, with no other result, whatever may be the motive, than to distract the councils and destroy the peace of the country.

Mr. President, let all men be held responsible, I care not how strictly, for their acts in the past and the present, but let the country have peace so that it may devote its energies to building up its waste places, developing its immense resources, and promoting its material interests. And instead of attempting to lash the public mind into a furor let us address ourselves dispassionately to the consideration of the questions which so deeply affect the rights and interests of the people of the country. While we may profit by experience, we cannot change the past. Then why stir the embers of bitter memories? Why not give our best and undivided efforts to the practical and living questions of the present and the future?

I need not refer to the history of centuries in the past or to the many volumes which have been written to show the high estimation in which trial by an impartial jury in all criminal prosecutions has been held by all civilized countries and peoples. It is sufficient for my purpose to refer to the sixth amendment to the Constitution of the United States, ratified in 1791, which provides that—

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an *impartial* jury of the State and district wherein the crime shall have been committed, &c.

Section 820 of the Revised Statutes of the United States, among other things, provides that—

To have given, directly or indirectly, any assistance in money, arms, horses, clothes, or anything whatever, to or for the use or benefit of any person whom the giver of such assistance knew to have joined, or to be about to join, any insurrection or rebellion, or to have resisted, or to be about to resist, with force of arms, the execution of the laws of the United States, or whom he had good ground to believe to have joined, or to be about to join, any insurrection or rebellion, or to have resisted, or to be about to resist, with force of arms, the execution of the laws of the United States; or to have counseled or advised any person to join any insurrection or rebellion, or to resist with force of arms the laws of the United States—

shall be causes of disqualification and challenge of grand and petit jurors in the courts of the United States.

Section 821 authorizes the court in its discretion, upon the motion of the district attorney, to set aside as disqualified any person summoned as a grand or petit juror who cannot on oath bring himself within the rule of competency prescribed by section 820 just quoted.

Mr. President, sections 820 and 821 put it in the power of the district attorney and the judge to disqualify and reject from service on the juries in the courts of the United States the great majority of the men of intelligence and character in a number of the States of the Union. The most ardent Union man in the South, knowing that his son had joined or having reason to believe was about to join the confederate army, if he gave him a dinner or a supper, or, finding him with bare and bleeding feet marching over the frozen ground, gave him a pair of shoes, is by such acts disqualified for service upon a jury, even though the district attorney who makes the motion to disqualify and the judge who decides the question may have been among the most zealous and determined of confederate soldiers.

If the administration of justice is to be aided by the virtue and intelligence of the country in the jury-box these sections should be repealed; but I will not occupy the time of the Senate by attempting to add to what has already been so well said by other Senators in the argument of this question.

Mr. President, the freedom of elections is a matter of equal, if not paramount importance to any that has occupied the attention of Congress or the country. If interference on the part of the Federal Government in the elections in the States can be justified at all, it must find its justification in the fourth section of the first article of the Constitution, which provides that "the times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators."

From this language it is, in my judgment, plain—too plain to admit of doubt—that the intention of the framers of the Constitution was that the *States* should regulate in their own way all things pertaining to the election of Representatives in Congress, and the power to "make or alter such regulations" was delegated to Congress as a means of self-preservation, to be exercised only when the States failed to make such regulations, or made such as might not accomplish the object of securing the election of Representatives; the language employed being *mandatory* to the State and *permissive* to the Congress: "The times, places, and manner of holding elections," &c., "SHALL be prescribed in each State by the Legislature thereof; but the Congress MAY at any time by law make or alter such regulations."

But suppose the proper construction of this clause to be that Congress may act in the matter primarily and without regard to the action of the State Legislatures; the power is by express terms limited to regulating "*the times, places,* and *manner* of holding elections."

It will not be claimed that this gives Congress the slightest pretense to the power to prescribe the qualifications of voters, or in any manner to interfere with any step which the laws of the State may require to be taken as a condition-precedent to the right to vote. That power is reserved to, and resides exclusively in, the States.

Section 2 of the first article of the Constitution provides that—

The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

Under this clause the right to vote for a Representative in Congress depends wholly and entirely upon the right to vote for representatives in the most numerous branch of the State Legislature, as prescribed by the laws of the State.

In the case of Minor *vs.* Happersett, 21 Wallace, the Supreme Court of the United States says:

The United States has no voters in the States of its own creation. The elective officers of the United States are elected directly or indirectly by the State voters. The members of the House of Representatives are to be chosen by the people of the States, and the electors in each State must have the qualifications requisite for electors of the most numerous branch of the Legislature.

In United States *vs.* Reese *et al.*, 2 Otto, 217, the court says:

The fifteenth amendment does not confer the right of suffrage upon any one. It prevents the States or the United States, however, from giving preference in this particular to one citizen of the United States over another on account of race, color, or previous condition of servitude.

It follows that the amendment has invested the citizens of the United States with a new constitutional right which is within the protecting power of Congress. *That right is exemption from discrimination in the exercise of the elective franchise on account of race, color, or previous condition of servitude.*

In the case of United States *vs.* Cruikshank *et al.*, 2 Otto, 555, the court says:

In Minor *vs.* Happersett we decided that the Constitution of the United States has not conferred the right of suffrage upon any one, and that the United States have no voters of their own creation in the States. And in the United States *vs.* Reese *et al.* we hold that the fifteenth amendment has invested the citizens of the United States with a new constitutional right, which is exemption from discrimination in the exercise of the elective franchise on account of race, color, or previous condition of servitude. From this it appears that the right of suffrage is not a necessary attribute of national citizenship. * * * *The right to vote in the States comes from the States*; but the right of exemption from the prohibited discrimination comes from the United States.

That the States have the full, complete, and *sole power* to prescribe the qualifications of voters, and to prescribe all acts to be performed by the citizen as conditions-precedent to the exercise of the right to vote, subject only to the one single restriction which prohibits discriminations "*on account of race, color, or previous condition of servitude,*" is too clear to admit of argument.

Elections are the creatures of *State* jurisdiction, of *State* laws, and are made by the voters of *the States*, and not of *United States; and the States, and the States alone*, determine who the voters are and the qualifications necessary to make them voters.

Now, Mr. President, I insist that the intention of the convention which framed the Constitution, plainly deducible from the language employed, was that each State should not only prescribe the qualifications of its own voters, but should also regulate "the times, places, and manner of holding" its own elections, and that Congress should "make or alter such regulations" only when and where the States had failed to make them, or had made such as would not or might not secure the election of Representatives to Congress. But if it be admitted that Congress may act in the matter without regard to the action of the States, certainly no one will deny that the power of Congress is limited to regulating "*the times, places,* and *manner* of holding the elections."

What is the meaning of the word "manner" in this clause? Obviously, the method, the way of performing or executing; the method, or way of holding an election, that is, to determine whether the voting shall be *viva voce*, or by ballot; and if by ballot, whether by written or printed, and whether on parchment or paper, and the kind of paper, and whether folded or open tickets. But the power to determine *the way in which an election shall be held* falls very far short of the power to determine who shall elect, or what qualifications the elector shall have, or the steps to be taken, or the time and manner of taking the steps necessary to qualify the citizen as a voter. Yet, Mr. President, under this assumed power to regulate times, places, and manner of electing Representatives, we find Federal statutes authorizing the judges of United States courts, upon the written application of two citizens of any city or town of over twenty thousand inhabitants, or upon such application of ten citizens in good standing, in any county or parish, to appoint two election supervisors for each election precinct or voting place, in such city, town, county, or parish.

By section 2016 of the Revised Statutes these supervisors are *authorized and required* to attend at all times and places fixed by the laws of the State for the registration of voters, and *to challenge any person offering to register*, and to attend at all times and places when the names of registered voters may be marked for challenge, *and to cause such names registered as they may deem proper to be so marked*, and to personally inspect and scrutinize such registry, and to affix their signature to each page of the original list and each copy of such list of registered voters.

Section 2017 requires the supervisors to attend at all times and places for holding elections where a Representative in Congress is to be voted for, to be and remain where the ballot-boxes are kept at all times from the opening of the polls until all votes cast have been counted and the proper certificates and returns made, and to personally inspect and scrutinize the manner in which the voting is done, and the way in which the poll-books, registry lists, and tallies or check-books are kept.

Section 2018 requires the supervisors to personally scrutinize, count, and canvass each ballot in their election district or voting precinct cast, and make and forward to the chief supervisor such certificates and returns of such ballots as that officer may require, and to attach to such certificate or return any statement touching the truth or accuracy of the registry or the truth or fairness of the election and canvass that the supervisors, or either of them, may desire to make.

Section 2021 requires the marshal, upon the application in writing of two citizens of any city or town of twenty thousand inhabitants or upward, where an election for Representatives in Congress is to be held, to appoint special deputy marshals, *without limit as to number*, to aid and assist the supervisors of election in the verification of any list of persons who have registered or voted; to attend in each voting precinct *at the times and places fixed for the registration of voters, and at the polls at all times when such election is being held.*

Section 2022 provides that the marshal and his general and special deputies shall keep the peace, and support and protect the supervisors in the discharge of their duties *at the places of registration and at the polls, and prevent fraudulent registration and fraudulent voting, or fraudulent conduct on the part of any officer of election, and immediately*, either at *the place of registration or place of voting* or elsewhere, and either *before* or after registering or *voting, arrest, and take into custody, with or without process*, any person *who commits or attempts, or offers to commit* any of the acts or offenses prohibited by this act, and for the purposes of arrest the supervisors are clothed with the powers of the marshal in the absence of that officer.

Section 2024 authorizes the marshal to summon the *posse comitatus* of his district (the persons present) to aid him in this laudable work of arrest.

Section 2025 authorizes the judge of the circuit court of the United States to appoint a commissioner who shall be the chief supervisor of elections for the judicial district, who holds his office "so long as faithful and capable," that is, for life, or as long as he works for the success of the party in power, and the duty of organizing and supervising the election machinery of the judicial district is devolved upon him.

Section 2031 fixes fees which are to be paid to the chief supervisor for the various acts he is authorized to perform, and provides that each supervisor of election and each special deputy marshal shall be paid out of the Treasury of the United States $5 per day for each day he is actually on duty, not exceeding ten days.

Section 2002 forbids the presence of armed troops at the polls, unless necessary to repel the armed enemies of the United States, "*or to keep the peace at the polls.*"

Section 2007 provides that where the laws of the State require any act to be done by a citizen to qualify him to vote, such as registration, or the payment of taxes, or other similar act, and such citizen makes affidavit that he proposed to perform such act and was prevented by the failure or omission of the officer of the State, *such affidavit shall qualify him, and his vote shall be received and counted*, a qualification prescribed by act of Congress, wholly different from and in conflict with that fixed by the laws of the State; and section 2008 declares that every judge, inspector, or other election officer who refuses or omits to receive and count such vote shall forfeit to the party aggrieved the sum of $500 with costs.

Section 5521 provides that any person appointed supervisor of election, or special deputy marshal, who takes the oath of office and afterward fails or refuses, without good and lawful excuse, to perform and discharge fully the duties, obligations, and requirements of such office, shall not only forfeit the office with loss of pay, but shall be punished by imprisonment for not less than six months nor more than one year, or by fine of not less than $200, nor more than $500, or both fine and imprisonment.

Section 5522 provides that every person, *whether with or without authority, power, or process of any State*, who obstructs, hinders, assaults, or by bribery, *solicitation, or otherwise, interferes with*, or prevents the supervisors or marshal or deputy marshal, in the performance of any duty required of them, or which either of them may be authorized to perform by any law of the United States, or any person who *refuses or neglects to aid and assist any supervisor, marshal, or deputy marshal, or either of them, in the performance of his duties, when required by him, or either of them, to give such aid*, "*shall be liable to instant arrest without process, and shall be punished by imprisonment not more than two years, or by a fine of not more than $3,000, or by such fine and imprisonment.*" Under this section a citizen who, "*by solicitation*" or respectful appeal to the deputy marshal not to arrest and imprison his neighbor for offering to vote, may be indicted in the Federal court, and be imprisoned two years and fined $3,000.

Mr. President, the Supreme Court of the United States said, in the Cruikshank case, quoted a few moments since, that "*the right to vote in the States comes from the States*," which means unmistakeably, if it means anything, that the States have the exclusive right, not only to prescribe the qualifications of voters, but also to determine when the citizen has complied with the requirements of the Constitution and the laws of the State so as to have become a qualified voter. Yet, notwithstanding the fact that the Federal Government has no power under the Constitution, as that instrument is construed by the Supreme Court, to prescribe the qualifications of voters, or to determine when they are qualified and legal voters, these election laws which we propose to repeal assume absolute control of the qualifications of the voter as well as the times, places, and manner of holding the elections.

Section 2007, as before stated, declares that a citizen shall be entitled to vote upon a qualification different from and in conflict with that prescribed by the laws of the State; but worse, much worse than this, these election laws send Federal supervisors and deputy marshals to the places of registration and to the polls, with authority, not only to supervise and keep the peace, *but to prevent fraudulent registration and fraudulent voting and fraudulent conduct on the part of the State's registrar and the State's judges of election, clothed with authority to arrest and imprison without warrant these officers of the State.* If the supervisor is to prevent fraudulent registration, *he must decide who it is lawful to register*, under the law of the State, and who it would be *fraudulent* to register. Hence, his authority is supreme in determining this important question as to who may or may not thus qualify themselves to vote, and the authority of the officer of the State in the performance of what is purely a State duty, under State laws, is contemned and trampled down by Federal usurpation.

The States place their own judges or inspectors of election at the polls to determine who are entitled, under the laws of the State, to vote; but the Federal supervisor and deputy marshal are there, supported by the bayonets of the Army, not only to keep the peace at the polls, but *to prevent fraudulent voting.* John Jones offers his vote. The judges of election, the only persons known to the laws of the State authorized to determine the question decide that he is a legal voter. The deputy marshal, under the authority of this act of Congress, says no; Jones is not a legal voter, *the vote is fraudulent*, and he arrests and imprisons Jones *for offering to vote*, and arrests and imprisons the judges of election *for fraudulent conduct in deciding that Jones had the right to vote*, and in this way these petty Federal officials defy the laws of the States and decide for themselves *who shall be registered as voters* and *who shall vote;* or, if it suits the purposes of their party better, they may arrest the judges and break up the election altogether.

"*To prevent fraud!*" These are popular and taking catch-words. They have an honest and sanctimonious look in the statutes, and would command great respect if it was not known that the most stupendous frauds ever perpetrated upon a free people have been perpetrated by these officials appointed under the false pretense of preventing frauds and keeping the peace.

Mr. President, there is scarcely a section of this election law which does not contain gross and alarming usurpations of the rights and powers of the States, scarcely a section that does not bristle with insult to the States and the people, by the plainly implied distrust in the honesty of the administration of the States and in the integrity and patriotism of the people.

It is absurd to say the States shall prescribe the qualifications of voters when by act of Congress you put a hireling deputy marshal, whose chief recommendations are partisan zeal and bad character, to dominate the officers of the States, clothed with authority to reverse their decisions as to who are qualified and entitled to vote. *It is doing by indirection* what no man will have the hardihood to say Congress can do directly.

Mr. President, under this act not only the right to vote but the liberty of the citizen is made to depend upon the judgment, caprice, or corrupt partisan motives of this petty Federal official of brief but unlimited authority, whom, if the Army happens not to be present to support him, and he finds himself wanting in the physical power necessary thus to override and trample under foot the rights and liberty of the citizen, *every person present, if called upon, must aid in this unwarrantable and odious* assault upon the rights of the States and the liberty of the people, or incur the heavy and degrading penalties of fine and imprisonment, under the judgment of a Federal court, which may be based upon the verdict of a packed jury, under your present jury law.

Mr. President, it is not only unwise and impolitic, but dangerous in the last degree to lodge powers like these in the hands of any one man, even the most wise, discreet, and honorable. It becomes simply appalling and monstrous when placed in the hands of such men as have generally heretofore played the role of special deputy marshals in our large cities and towns. Let us examine for a moment the character of these guardians of peace and purity of elections.

I read from a statement made by the Senator from Connecticut, [Mr. EATON,] a few days since, as to the character of some of the supervisors and deputy marshals appointed in the city of New York in 1870; and in reproducing this statement I do not forget that the Senator from New York [Mr. CONKLING] stated at the time that it first appeared in a party newspaper—the New York World—nor do I forget that the Senator failed to deny the truth of the statement, or to state that it had been denied in New York after its publication. Therefore I do not hesitate to reproduce it.

Who and what are these conservators of peace and purity?

Theodore, *alias* Mike Anthony, *alias* Snuffey, of 24 Cherry street, a laborer, thirty-five years of age, married, and cannot read or write. Anthony was arrested by Detective James Finn, of the fourth precinct, on July 24, 1870, for larceny from the person, and was held in $2,000 bail for trial by Justice Hogan. He was indicted by the grand jury on the charge on the 23d of August last.

Joseph Frazier, of 279 Water street, is a thief and confederate of thieves.

James Miller is the keeper of a den of prostitution in the basement of 339 Water street.

James Tinnigan keeps a similar den in the basement of 337 Water street.

James Sullivan, *alias* Slocum, keeps a house of prostitution at 330 Water street, which is a resort for desperate thieves.

Frank Winkle keeps a house of prostitution at 337½ Water street. The police are frequently called in to quell fights in Winkle's place, and it bears a hard reputation.

The radical authorities have appointed one John, *alias* "Buckey," McCabe a supervisor of the eighth district, Fifteenth ward. He is now under indictment for shooting a man with intent to kill. This precious "supervisor" originated here, and was first known to the police for his dexterity in robbing emigrants. His picture is in the "rogues' gallery" at police headquarters in this city, No. 225. He was known as "Pat. Maddon," *alias* "Old Sow," *alias* Honsey Nichols, *alias* Dennis McCabe. His real name is Andrew Andrews. His wife resides in North Pearl street, and the "supervisor" of the eighth district, Fifteenth ward, New York, is down in the directory as a citizen of Albany.

Thomas McIntire, marshal Eighth ward; has been frequently arrested for beating his aged mother; sent several times to Blackwell's Island.

Timothy Lynch, marshal sixth district, First ward; a Washington Market lounger.

Peter Mose, marshal Sixth ward; an habitual drunkard.

John Connor, supervisor first district, First ward; keeps a disorderly gin-mill, resort of lowest characters.

Francis Jordan, supervisor sixth district, First ward; lives in New Jersey; was turned out of the post-office by Postmaster James for bad conduct.

Bernard Dugan, supervisor eighth district, First ward; habitual drunkard. His wife left him on account of his drunkenness, and procured a divorce on that ground.

John Tobin, supervisor ninth district, First ward; arrested about six months ago for grand larceny.

Patrick Murphy, supervisor fourth district, Sixth ward; two years ago distributed fraudulent naturalization papers, and would furnish them to anybody that would promise to vote for Grant.

Edward Slevin, jr., supervisor second district, Fourth ward; has an indictment now pending against him in court of general sessions for cutting a boy named Kilkenny.

Michael Foley, supervisor fourth district, Fourth ward; well-known repeater, voting for anybody that will pay.

James F. Day, supervisor seventh district, Fourth ward; shot at a man in a fight between the Walsh Association and a gang from Water street.

John Connors, *alias* "Jockey," supervisor third district, Fourth ward; a well-known desperate character.

Michael Costello, marshal Sixth ward; bounty-jumper during the war.

Harry Rice, supervisor thirteenth district, Sixth ward; was connected with the Chatham-street concert-saloon murder, and fled to Nebraska to escape punishment.

Thomas Lane, supervisor seventeenth district, Sixth ward; formerly keeper of a notorious den at Five Points; headquarters of thieves and robbers.

John Lane, supervisor twenty-second district, same ward; was indicted for receiving stolen goods; has served a term in Sing Sing.

Edward Foley, supervisor sixth district, Ninth ward; arrested last year for stealing a watch.

Humphrey Ayers, supervisor eighteenth district, Ninth ward; arrested six years ago for robbing the United States mail.

John Dowling, supervisor nineteenth district, Ninth ward; arrested August 20, 1869, for till-tapping.

James Fitzsimmons, supervisor twentieth district, Ninth ward; arrested August 1, 1868, for robbery.

John Martin, supervisor fifth district, Twelfth ward; arrested a few years ago under an indictment for arson.

Samuel Rich, supervisor fourth district, Thirteenth ward; served a term of two years at Sing Sing for felonious assault.

John, *alias* "Buckey" McCabe, supervisor eighth district, Fifteenth ward; charged with shooting a man with intent to kill about a year ago.

William P. Burke, supervisor twentieth district, Eighth ward; served his term in the State prison of Massachusetts for burglary; also two years in the New York State prison.

James McCabe, supervisor fourth district, Eighth ward; now confined in the Tombs under indictment for highway robbery.

William Irving, supervisor fourteenth district, Eighth ward; has served a term in Sing Sing prison for burglary committed in the Eighth ward, and has never been pardoned.

Patrick Henry Kily, *alias* Fred Williams, supervisor twenty-second district, Eighth ward; keeper of a house of ill-fame, resort of the lowest and vilest characters.

Patrick Hefferman, supervisor of the tenth district, Sixth ward; arrested some time since for attempted murder.

Frederick Sterringer, supervisor Eighth ward; has been arrested several times for keeping disorderly house.

J. F. Baderhop, supervisor Tenth ward; arrested for murder a few years since.

Ed. Weaver, marshal in Eighth ward; has been but a short time out of State's prison, where he has been serving out his sentence.

Walter Prince, (colored,) marshal Eighth ward; now in prison awaiting trial for highway robbery.

Andrew Andrews, *alias* Hans Nicols, marshal; panel-thief; been sentenced two or three times to State's prison, and has just returned from Blackwell's Island.

Now, Mr. President, after this specimen of the character of persons selected in 1870 to supervise and control State officers in the matter of conducting elections in New York, let us look for a moment to how this system of Federal supervision of elections has worked in other localities, and the extent to which the freedom of the ballot-box and the fairness of elections have been preserved by these model custodians of Federal power in the promotion of peace and good order at the polls. I read from the evidence of Judge Mackey, of South Carolina, taken before the Wallace committee, a few days since, as to some of the events of the election of 1876 in that State:

THOMAS J. MACKEY sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?
Answer. Chester, South Carolina.
Q. How long have you resided in the State of South Carolina?
A. From my birth; I am a native of the State.
Q. What is your official position?
A. Circuit judge.
Q. What counties comprise your circuit?
A. York, Lancaster, Chester, and Fairfield—the upper portion of the State.
Q. How long have you been circuit judge?
A. Nearly eight years.
Q. Were you circuit judge during last year?
A. I was.
Q. What has been your political affiliation?
A. Until 1876 with the republican party; from that date with the democratic party.
Q. Were you present at the election in 1876 in Chester?
A. I was.

* * * * * * *

The CHAIRMAN. Please state, Judge Mackey, what you saw at the polls in 1876 in regard to the military at Chester.

The WITNESS. I was called upon on the 7th day of November, 1876, while the general election was being held in the State for State officers, member of the Legislature, members of Congress, and presidential electors, to interpose my official authority to check the interference of the military and deputy marshals with the voters. On the afternoon before the election there arrived in Chester a detachment of about forty men of the Eighteenth Infantry, United States Army, and coincident with the arrival a number of persons, numbering twenty-nine or thirty, appeared at the military encampment, about four hundred yards off. They wore badges as United States deputy marshals.

By Mr. TELLER:

Q. Who did—the military?
A. These persons who claimed to be deputy marshals wore badges designating them as deputy marshals. They were headed by one James Cantan, a white man from Columbia, South Carolina.

By the CHAIRMAN:

Q. Proceed.
A. Several of them openly proclaimed in my hearing their purpose to carry the election, and exhibited a printed circular purporting to have been signed by the Attorney-General of the United States, Attorney-General Taft, directed to the marshals in the several States, in which the deputy marshals were instructed that they should——

Mr. TELLER. I object to that. That circular can be produced, and there is no use going into it in this way. I object to what the circular contained being stated, because it can be produced.

WITNESS. I only referred to it to explain my own action.

* * * * * * *

By the CHAIRMAN:

Q. Go on without stating what the circular contained.
A. I desire to say that it instructed them to disregard the process of the State courts in the exercise of their duties. My court convened that evening in Chester, and I declared that information had been laid before me by numerous citizens that they were threatened with violence.

By Mr. TELLER:

Q. Wait a moment. Were these complaints in writing, affidavits, or anything of that kind?
A. Not at that stage. I stated that an attempt to exercise the powers claimed by these parties would, I feared, result in a breach of the public peace, and I charged the sheriff to be prudent and careful.

By the CHAIRMAN:

Q. Did you make an order of the court?
A. Yes, sir.

Mr. TELLER. I submit that it would be better to have the order.

The CHAIRMAN. He need not give the contents of the order.

The WITNESS. The next morning the polls were opened at six, and at about seven o'clock several citizens called on me and complained that they were being intimidated in the exercise of the elective franchise, one of them, a colored man, with his head bleeding; he had been stricken down by a deputy marshal. He was remitted to a trial justice, the committing magistrate, to make his complaint. The magistrate issued warrants embracing sixteen deputy marshals charged with intimidating voters. I countersigned those warrants on being informed by the sheriff that these parties had fled to the military encampment. Four of them were arrested upon those warrants and brought before me and were sent to the justice who had issued the warrants. Their preliminary examination was had there. They were bound over to answer in the court of the general sessions, under our statute, for intimidating voters, which was to assemble in February, 1877. At two o'clock in the day complaint was lodged before me that the chief deputy marshal of the county, Isaac Cassels, had, at the head of a band of colored republicans, assaulted colored voters at Kearney Hill precinct, Chester County, tearing from their hands the Hayes and Hampton ticket; several of these voters refusing to surrender their tickets had been knocked down by Isaac Cassels and those associated with him. The trial justice being reported ill, I issued the warrant in that case myself.

Isaac Cassels fled to the military encampment of a detachment of the Eighteenth Infantry, then posted within the vicinity of the Kearney Hill precinct. The officer at first refused to surrender him, but on his attention being called to the fifty-third article of war in the Revised Articles of War of June, 1874, providing that an officer resisting the execution of process issued by the judge of any State court should be court-martialed, and on conviction cashiered, he surrendered Isaac Cassels on the warrant, that included four of the deputy marshals, who were placed on trial. They alleged that they acted in the due exercise of their official powers. It was held that there was no authority for appointing a deputy special marshal beyond the limits of a city having a population of twenty thousand inhabitants or upward. Three of them were acquitted. Isaac Cassels was convicted and sentenced to a term of three months' imprisonment in the county jail, the lowest penalty prescribed by law.

At about the time I issued the warrant for Isaac Cassels I learned that the military had taken possession of the poll. I was then standing at a distance of two hundred yards from the poll conversing with a gentleman when this information was given me. I looked out; saw the military just marching into the court-house yard. The polls were opened in the court-house. There were two polls, one above and one below. I passed on to the vicinity of the court-house and saw that a detachment of the Eighteenth Infantry, numbering nineteen men, under Lieutenant Hinton, had formed in two lines, their right resting at a point within thirty feet of the poll, and voters in passing to the poll were required to pass between these two lines of soldiers with fixed bayonets.

On complaint made to me on oath that voters were interfered with by the military and threatened, I issued a warrant for Lieutenant Hinton and his entire detachment, which was placed in the hands of the sheriff, with orders to use the necessary force to execute the warrant. The sheriff made a verbal report that Lieutenant Hinton stated that he had been summoned by a deputy marshal; further, that there was no breach of the peace at the polls, all having proceeded quietly, except a breach committed by a deputy marshal in wresting tickets from the hands of voters. Lieutenant Hinton had declared to him that he had not interfered.

By Mr. PLATT:

Q. Was that what the sheriff or what Hinton reported?
A. That is what the sheriff reported; and he reported that Lieutenant Hinton declared that he was informed when he marched to the polls that violence was imminent at the polls, and that there had been a breach of the peace, in fact; that he had no intention to interfere with voters, and asked to be saved the disgrace of an arrest and probable committal to jail, and stated that he would remove his troops back of the court-house and out of view of the voters. The sheriff desired to know of me whether he should proceed to execute the warrant or suspend its execution

in view of the retirement of the detachment from the front of the poll, leaving the way to the polls clear. I instructed him that that would be sufficient. The military were removed, the ways to the polls were not obstructed by the military, and that was done. I saw the detachment a few minutes after in the rear of the court-house.

By the CHAIRMAN:

Q. Describe, if you can, the conduct of the deputy marshals toward the voters.

A. Several of the deputy marshals that I saw were engaged in distributing republican tickets. They were uttering oaths, threats, curses, charging the colored persons who had democratic tickets in their hands (they were in line with the whites waiting their respective turns to vote, and they had the Hayes and Hampton ticket) with betraying their race, cursing them, and using threats and violence; these marshals consisting, some of them, of the very lowest characters in the community—ex-convicts.

Q. Were they white or colored?

A. All colored except one. That one was James Canton, a detective from Columbia.

Q. How many of them were there?

A. Twenty-nine or thirty, I counted.

Q. Did you see their commissions?

A. I saw the commission of one a few days after the election—Isaac Cassels; he who had been taken from the military encampment.

Q. By whom was it signed?

A. The United States marshal for the State of South Carolina, R. M. Wallace.

Q. Was there any indorsement upon it?

A. The words were on the head of the commission, "Stand by your party."

Q. What was Mr. Cassel's attitude toward the remaining twenty-nine marshals? Was he the chief?

A. He claimed to be the chief deputy marshal. He was an ex-convict.

Q. For what?

A. Grand larceny—hog-stealing.

Q. Where had he been convicted?

A. In the court of general sessions for the county of Chester, before my predecessor, in 1871.

Q. Had he been sent to the penitentiary?

A. Sent to the penitentiary and pardoned.

Q. Do you know the names of any of the rest of the deputy marshals, and what their past histories had been?

A. Major Brown, who claimed to be a deputy marshal and wore the badge of a deputy marshal, was convicted of rape in 1869 and sentenced to the penitentiary.

By Mr. TELLER:

Q. A colored man?

A. A colored man; he still resides at Chester.

By the CHAIRMAN:

Q. Can you give the names of any others?

A. Alexander George, convicted of petit larceny twice. Henry Saunders; I do not know that Saunders was convicted.

Q. Is he a man of good character?

A. A notoriously bad man; a drunkard.

Q. Do you know whether the marshal who appointed them was acquainted with these men?

A. I do; he was thoroughly familiar with them; he knew them personally; they were active agents in the canvass of his father.

Q. What was the composition of the jury before whom these deputy marshals were tried?

A. In the case of Isaac Cassels, nine were republicans, colored, and three democrats, white—parties who were classed in their political affiliations as republicans and democrats. There was no judicial test of that fact.

Q. Nine colored men and three whites were on the jury?

A. Yes, sir.

Q. Was there at that time, 1876, at the polls any breach of the peace that you know of?

A. Not beyond what I have stated, by the deputy marshals.

Q. Was there to your knowledge or did you see any interference with the tickets of voters by the deputy marshals?

A. I did.

Q. What did they do?

A. By Alexander George and Henry Saunders proceeding to the line where colored voters were that had the Hayes-Hampton ticket. There were three tickets voted: the Hayes-Chamberlain ticket, the Tilden-Hampton ticket, and the Hayes-Hampton ticket. The purpose of the Hayes-Hampton ticket was to draw from the republican ranks the better element to vote for Hampton for governor, while at the same time to satisfy the political consciences of republicans who felt that they were bound to vote for the candidate of the national republican party, while as a matter of local administration they could support the democratic candidate. That ticket was torn from the hands of voters by Alexander George. It came under my notice.

Q. You saw that yourself?

A. I saw that from a jewelry store opposite the poll on the street.

Q. Was it in more than one instance?

A. In three or four instances.

Q. About how many at that time of day were there in line prepared to vote?

A. Between seven and eight o'clock in the morning, the point of time of which I speak, there were probably eight hundred persons.

Q. What portion of these were colored?

A. Very nearly two-thirds.

Q. Where was the polling place?

A. At the court-house, precinct No. 1 above, and precinct No. 2 below. Two precincts or polling-places were established at the court-house.

Q. What is the population of the town of Chester?

A. About 2,500. Under our statute a voter of the county has a right to vote in any precinct in the county at a general election. Many of the voters were from other precincts.

Q. Please state now as to 1878. What was the conduct of the deputy marshals there?

A. The conduct of the deputy marshals did not fall under my observation in 1878.

Q. Do you know whether there were deputy marshals at the polls in Chester in 1878?

A. They were not. The marshal was well aware of the fact that under my ruling deputy marshals would have been apprehended had they attempted to exercise their powers at the polls.

By Mr. TELLER:

Q. You made a speech in which you stated that, did you not?

A. No, sir; not a speech; but in a ruling on the trial of Isaac Cassels I held that his act was *ultra vires*.

Q. Did you not make a speech a day or two before the election, in which you said that if any man attempted in a district outside of a town of twenty thousand inhabitants to act as a deputy marshal you would put him in jail?

A. I did not make a speech.

Q. But you said it publicly?

A. I regarded it simply as a conspiracy under the forms of law; I would have done it.

Q. You stated publicly that you would do that?

A. No; but that the party would be subject to indictment; and I would unhesitatingly, upon proper complaint, issue a warrant for the apprehension of persons interfering with voters in the pretended character of deputy marshals, holding that the appointment was *ultra vires*—that there was no power. That prevented deputy marshals from appearing at Chester.

By the CHAIRMAN:

Q. Do you know of any instance of intimidation of colored voters, republicans or democrats, for voting the democratic ticket in 1878?

A. I do not.

Q. Do you know of any act of violence committed upon colored democrats or colored men for voting the democratic ticket?

A. I do.

Q. Please state what instance it was.

A. In the county of Sumter, on the night of the 8th of November, the night after the last general election, a colored democrat was threatened——

By Mr. TELLER:

Q. Did you hear this?

A. I heard it through the testimony.

By the CHAIRMAN:

Q. Was there anybody indicted and tried in the court over which you presided for burning the house of a colored democrat?

A. There was at the March term, 1879, in the court of general sessions for the county of Sumter.

Q. Who were they?

A. Two colored men were indicted, charged with arson.

Q. What was the charge against them?

A. The burning of a barn situated in the county of Sumter. The name of the prosecuting witness I forget, a colored person, however. A barn, the property of a person of color, was burnt. That was testified to. Of course it was not alleged in the indictment that he was a person of color. The proof was that this person whose barn was burnt was threatened by the two defendants, the day before the election, that if he did not withdraw from the colored democratic club they would put fire to him. That was their language. The proof was that the two defendants had fired the barn of the prosecuting witness, a barn located within sixty yards of his dwelling, which is arson by our statute.

Q. When?

A. That the barn had been consumed the night after the election. The jury returned a verdict of guilty. The defendants were ably and earnestly defended. There were eight colored republicans on the jury that convicted. They were sentenced to the penitentiary. There was no exception to the charge of the presiding judge and no appeal from the verdict.

By Mr. TELLER:

Q. They were indicted for arson, and convicted, and sent to the penitentiary as being guilty of arson?

A. Yes, sir. They were defended by a very prominent democratic lawyer in Sumter, Mr. J. Fleming.

Q. Appointed by the court?

A. No, sir; retained by the defendants.

Q. Do you reside in Sumter?

A. Yes, sir.

Q. Is that your circuit?

A. Under the act of 1877 the circuit judges are required to rotate, to pass through the entire State, holding the respective circuits in their order under the rotation system. Sumter is the third circuit.

These supervisors and deputy marshals, and such as these, are the creatures selected under this system of Federal election laws to dominate and control the officers of the States in the execution of the laws of the States.

Mr. President, is there a State in the Union so weak as not to be able, or whose people are so corrupt as not to be willing, to keep the peace at the polls and to conduct its own elections fairly and honestly, so that the will of the majority, freely expressed through the ballot-box, shall be recorded and sustained?

If there be such a State, then indeed has the theory of government, so happily conceived by our fathers, proved a most signal failure; for that theory is based upon the idea that the people are capable of self-government. Are they capable? or is it necessary that deputy marshals should be assigned to the duty of controlling them?

For nearly three-quarters of a century the country was prosperous, progressive, and happy without Federal interference with the freedom of elections, or administering degrading test oaths to jurors.

These may be, and doubtless are, convenient instrumentalities in the hands of an unscrupulous political party with which to perpetuate its power, but they are not the less subversive of the rights of and degrading to a free people.

This Federal election machinery is an immense engine of power in the hands of the Executive, who, if unscrupulous, may use it to perpetuate the power of his party. And in the light of recent events it requires no great stretch of imagination to suppose that the love of power and place may possibly induce even a President to be not overscrupulous as to the means by which the political destinies of the country are controlled.

The President appoints Federal judges. The judges appoint election supervisors.

The President appoints marshals. The marshals appoint their deputies without limit as to number.

The President is Commander-in-Chief of the Army, and he may send the Army to "keep the peace at the polls." With his supervisors and marshals dominating at the office of registration and supported at the polls by the Army, dominating there, with power to arrest whomsoever they please without warrant and without charge, if they fail to alarm and drive every timid voter of the opposing party from the polls, they may arrest them by the thousand, as Davenport did in New York in 1878, and hold them in custody until the polls are closed, and thus *the freedom of elections and the purity of the*

ballot-box are preserved and the triumph of the party is secured. And in addition to the vast power wielded through these instrumentalities, when you take into account the ninety thousand active, earnest partisans who hold office under Executive appointment, you may form some estimate of the danger to constitutional liberty from executive influence and power.

Yet the people who are thus wronged and insulted by this Federal interference are asked to believe that Federal supervision of elections is necessary to the protection of the newly acquired rights of the freedmen of the South.

To show how utterly false is such pretense it is only necessary to look to the practical operations of this cunningly devised partisan scheme to see the extent to which this machinery has been used to protect the rights of that class of voters.

It is shown by the report of the Attorney-General and the reports of investigating committees that in 1876 there were 4,863 supervisors of elections appointed, and 11,610 marshals. One thousand seven hundred and seventy-nine of these supervisors, more than one-third of the whole number, were appointed in the State of New York, while more than one-fourth of the whole number of marshals were on duty in the same State.

The whole number of supervisors appointed in 1878, was		4,881
Of these New York had	1,953	
And Pennsylvania	1,682, making	3,635
Two-thirds of the whole number in these two States, leaving only (to the other thirty-six States)		1,246
The whole number of deputy marshals appointed in 1878, was		5,494
Of these New York had		2,308
Leaving only in the other thirty-seven States		3,186
For the luxury of this Federal supervision of State elections in 1876 there was paid out of the Treasury		$285,921 27
Of this there was expended in the State of New York		156,000 00
More than half; leaving only		129,921 27
as the amount expended in the other thirty-seven States. And of this balance there was expended in Pennsylvania		37,000 00
While in the States of Alabama, Georgia, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Texas, and Virginia, only		48,719 86
was expended; only about one-sixth of the whole amount.		
And in 1878 there was expended of the money of the people for this purpose		222,714 22
Of this amount there was paid to supervisors of elections in the State of New York other than the chief supervisors	$52,074 50	
To deputy marshals	38,647 55	
The chief supervisors in New York have not reported their expenditures for 1878, but assuming them to be the same as in 1876	39,261 28	
It makes the total expended in that State		129,983 33
Which leaves as the amount expended in the other thirty-seven States only		92,730 89

I learn from the deposition of Marshal Payne, of the southern district of New York, taken before the Wallace committee a few days since, the following facts as to the amounts of public money expended upon supervisors and deputy marshals in the city of New York in the matter of supervising elections under these laws:

In 1872	$100,687 20
In 1874	87,785 57
In 1876	79,955 62
In 1878	55,867 00
Making an aggregate of	$324,295 39

of the money of the people used for the purpose of controlling the elections in a single city.

Mr. President, these facts and figures show that it has taken about five times as many supervisors and marshals and has cost about five times as much money to protect the voting rights of the freedmen in the single State of New York as in all the States in the South together.

It is not true, Mr. President, and never was true, that these election laws were enacted to protect the colored man in his right to vote. The object and purpose extended far beyond that, the main object being to enable the party in power to perpetuate its supremacy by the bribes and intimidations which these statutes enable it to offer. Is it not a bribe, corrupt, plain, and undisguised, for a marshal to propose to a member of the opposing party to appoint him a special deputy at $5 per day, on condition that he will vote and work for the marshal's ticket? And under this law there is no limit to the number of deputies the marshal may appoint. Potent as this influence is in controlling votes, the power of arrest enables the marshal to drive more opposing voters from the polls than he can bring to the support of his ticket by this species of bribery. And when this prostituted hireling of brief but despotic authority dons his badge of office, which proclaims him the representative of the aggregated powers of the Government, backed and supported by the Army of the United States, with authority to say to the registrar, or the judge of election, "*Your decision is fraudulent; in the name and by the authority of the United States I arrest and imprison you.*" Or he may say to the citizen, whom the sworn officers of the State have decided to be a qualified voter, "Your offer to vote is fraudulent; you shall not vote; off to a prison."

Mr. President, section 2022 of the Revised Statutes puts it in the power of a mere subordinate hireling of a political party to override the laws of a State, to reverse the decisions of its officers, and to deprive the citizen, *not only of his right to vote, but of his liberty* "without due process of law." With such powers it is no wonder that the party controlling this machinery should gain in doubtful districts somewhat in proportion to the number of deputy marshals employed and the amount of money used—a cunningly devised scheme to convert the money that is wrung from the people by taxation into a corruption fund with which to control elections and cheat the people of their choice.

And yet, Mr. President, when the majority in the two Houses incorporate in an appropriation bill provisions repealing statutes so nefarious as these, and so liable to abuse, and so habitually abused, it is characterized by republican Senators generally as revolutionary and by the Senator from Minnesota [Mr. WINDOM] as "the new rebellion against nationality; * * * an attempt to do by legislation what four years of bloody rebellion failed to do by the sword, namely, to destroy our nationality."

Sharp, indeed, must be the vision and fertile the brain that can see *rebellion* against nationality or *destruction to the Government* in the simple proposition to repeal statutes which destroy the purity and impartiality of the jury-box and invade the freedom of elections.

The Senator may see, as I think I do, the downfall of the political party to which he belongs in the repeal of these laws, which are the chief tenure by which it holds power; but I beg to assure him that there is a broad and well-marked distinction between the downfall of his party and the destruction of the Government. But I do not wonder, Mr. President, that the Senator is extravagant in his figures of speech, for so meritorious and important are these laws in the estimation of the republican party, and so useful to that party is this election machinery, that *every republican in Congress has said by his vote and the republican President has said by his vetoes that they will starve the Army and allow the civil departments of the Government to be closed for want of appropriations rather than consent to the repeal of these statutes and surrender the power to arbitrarily control the elections.*

Mr. President, repeal these statutes, wipe them from the statute-book, and allow them no longer to disgrace our civilization, and thereby secure to the people of the States free, fair, and honest elections, uncontrolled and unawed by the interference of corrupt partisan marshals supported by the bayonets of the Army, and the republican party may and most probably will go down, but the Government will be perpetuated under auspices much more favorable to peace, prosperity, happiness, and nationality than it has enjoyed for many years, or can ever enjoy under the rule of the republican party.

The country may then hope to see no more class legislation by which the interests of capital are fostered and promoted at the expense of the honest labor and productive industries of the country.

It may hope to see no more returning-board frauds by which the will of the people may be thwarted.

It may hope to see no more traffic in post-traderships or peculations in whisky rings by the incumbents of high places.

It may hope to see the military held subordinate to civil authority.

It may hope to see the chosen officers of the States administer the laws of the States free from Federal interference and domination.

It may expect to see the Government of the United States honestly and economically administered and the supremacy of its authority, within the scope of all the powers delegated to it by the Constitution, asserted, respected, and maintained.

The PRESIDING OFFICER, (Mr. DAWES in the chair.) What is the further pleasure of the Senate in regard to the bill now pending?

Mr. HARRIS. It may go over informally.

Mr. WALLACE. Let it remain on the Calendar or lie on the table.

The PRESIDING OFFICER. The bill will lie on the table unless objection be made.

REPRINTING OF A BILL.

Mr. LAMAR. Mr. President, on Friday last I reported from the Select Committee on the Improvement of the Mississippi River and its Tributaries the bill (H. R. No. 1847) to provide for the appointment of a "Mississippi River commission" for the improvement of said river from the head of the passes, near its mouth, to its headwaters. This morning I notice in the printed copy of the bill several mistakes. I send up a bill which conforms to the report of the committee, and ask that it be printed.

The PRESIDING OFFICER. The Chair hears no objection, and the order to print will be made.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M.

ADAMS, its Clerk, announced that the House had concurred in the amendments of the Senate to the bill (H. R. No. 435) to correct the reading of "An act making appropriations for the construction, preservation, and completion of certain works on rivers and harbors, and for other purposes," approved March 4, 1879.

The message also announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate;

A bill (H. R. No. 2002) making additional appropriations for the service of the Post-Office Department for the fiscal years ending June 30, 1879, and June 30, 1880, and for other purposes; and

A joint resolution (H. R. No. 66) legalizing the action of the President and the Secretary of War in sending rations and tents to the yellow-fever sufferers.

ENROLLED BILL.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. No. 435) to correct an error in "An act making appropriations for the construction, repair, preservation, and completion of certain works on rivers and harbors, and for other purposes," approved March 3, 1879.

ADJOURNMENT.

The PRESIDING OFFICER. What is the further pleasure of the Senate?

Mr. WALLACE. I move that the Senate adjourn.

The motion was agreed to; and (at one o'clock and thirty-two minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *June* 9, 1879.

The House met at twelve o'clock m. Prayer by Rev. SAMUEL DOMER, D. D.

The Journal of Saturday last was read and approved.

ORDER OF BUSINESS.

The SPEAKER. The morning hour begins at ten minutes past twelve o'clock. This being Monday, the first business in order is the call of States and Territories for the introduction of bills and joint resolutions for reference to appropriate committees, not to be brought back on a motion to reconsider. Under this call joint resolutions and memorials of State and territorial Legislatures are in order. Under this call, also, resolutions calling upon the Executive Departments for information will be in order for reference to appropriate committees.

Mr. DUNNELL. I ask unanimous consent that the call be extended until all the States and Territories have been gone through.

Mr. CONGER. I object unless it be confined to bills and joint resolutions.

The SPEAKER. The gentleman cannot qualify his objection. He may make it absolutely or not at all.

Mr. CONGER. The gentleman may ask unanimous consent for the extension of the call qualified in the way I have suggested.

Mr. DUNNELL. I shall not modify my request.

Mr. CONGER. It will be remembered that under the call last Monday things were introduced that I had to object to.

Mr. TOWNSHEND, of Illinois. I object to debate.

The SPEAKER. The unfinished business of the morning hour, coming over from the morning hour of last Monday, is the motion of the gentleman from New York [Mr. COX] to lay on the table the appeal of the gentleman from Michigan [Mr. CONGER] from the decision of the Chair in relation to a resolution for an amendment to the rules introduced by the gentleman from Illinois, [Mr. SPRINGER.]

Mr. CONGER. I ask that the resolution be read.

The SPEAKER. The Chair directs to be read the entry in the Journal.

The Clerk read as follows:

JUNE 2, 1879.

Mr. SPRINGER gave notice of the following proposed amendment to Rule 51, viz:

Resolved, That Rule 51 be amended by adding thereto the following:

"And any pending measure reported but not disposed of shall be regarded as unfinished business, and shall be in order after the morning hour of any day when such business would be in order."

Mr. CONGER made the point of order that the said notice of amendment to the rules was not in order during the call of States and Territories on Monday for bills on leave.

The SPEAKER sustained the point of order on the ground that the rules and practice of the House did not provide for notice of amendments to the rules during the said call.

Mr. SPRINGER thereupon moved the reference of the said amendment to the Committee on Rules.

Mr. CONGER made the point of order that the rules did not provide for the reference of proposed amendments to the rules on the call of States and Territories on Monday for bills on leave.

The SPEAKER overruled the point of order on the ground that under the decision of a former Speaker, sustained on appeal by the House, the said proposition submitted by Mr. SPRINGER was in order under said call, said decision being binding on the Chair until reversed by the House.

Mr. CONGER appealed from the decision of the Chair.

Pending which,

Mr. COX moved that the said appeal do lie on the table.

When

The morning hour expired.

The SPEAKER. The question is on laying on the table the appeal from the decision of the Chair by the gentleman from Michigan.

Mr. CONGER. Mr. Speaker, I took that course——

Mr. ACKLEN. Debate is not in order.

The SPEAKER. The Chair supposes the gentleman from Michigan wishes to make some statement in reference to his appeal.

Mr. CONGER. I made that appeal to give further time for considering the decision of the Chair. I desired further time to consider it myself. During the time that has since elapsed I have examined the matter, and I think under the new rule if such a resolution once comes before the House in the morning hour it can be referred. Therefore I withdraw my appeal.

The SPEAKER. The appeal is withdrawn. The call commences with the State of Maine.

Mr. SPRINGER. I submit that the call should begin where it left off at the close of the morning hour on Monday last. The call rested with the State of Illinois when the morning hour expired. I was the last member recognized during the morning hour.

Mr. CONGER. Subsequently, by unanimous consent, all bills were allowed to be introduced without any objection. Although the call of States was not formally gone through with, yet no objection was made to the introduction of bills. I think the call should commence again at the beginning.

The SPEAKER. The morning hour expired pending the motion to lay on the table the appeal from the decision of the Chair.

Mr. SPRINGER. No injustice can be done to any one, because the call, commencing at the State of Illinois, will stop there when all the States and Territories have been called.

The SPEAKER. The Chair will read from the record of the proceedings of Monday last:

The SPEAKER. The morning hour has expired.

Mr. CONGER. I will take the coming week to look over the authorities on this point.

The call rests with the State of Illinois.

NANCY E. KELLEY.

Mr. FORSYTHE introduced a bill (H. R. No. 2181) granting a pension to Nancy E. Kelley, widow of Thomas F. Kelley, of Company F, Fifty-ninth Regiment Illinois Volunteer Infantry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

HENRY G. CONRAD.

Mr. FORSYTHE also introduced a bill (H. R. No. 2182) granting a pension to Henry G. Conrad, Fifty fourth Regiment Illinois Volunteer Infantry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

RELIEF OF CITIZENS OF INDIAN TERRITORY.

Mr. GUNTER (by request) introduced a bill (H. R. No. 2183) for the relief of such citizens of the Indian nations and tribes of the Indian Territory as lost property and effects on account of the war of the rebellion; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

JAMES R. BERRY.

Mr. GUNTER also introduced a bill (H. R. No. 2184) for the relief of James R. Berry, of Arkansas; which was read a first and second time, and referred to the Committee of Claims.

PROPERTY OF CHEROKEE CITIZENS.

Mr. GUNTER (by request) also introduced a joint resolution (H. R. No. 86) directing the Secretary of War to ascertain the description and value of the property of the Cherokee citizens included in the present military reservation and post at Fort Gibson, Indian Territory, and to report the same to Congress; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

SUITS AGAINST CORPORATIONS.

Mr. SLEMONS introduced a bill (H. R. No. 2185) to amend the judiciary act as to suits against certain corporations; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

EQUALIZATION OF BOUNTIES.

Mr. BURROWS presented joint resolution of the State Legislature of Michigan, asking Congress to enact a law equalizing the bounty of all soldiers who served in the United States Army during the war of the rebellion and received an honorable discharge; which was referred to the Committee on Military Affairs.

BRIDGE OVER DETROIT RIVER.

Mr. NEWBERRY introduced a joint resolution (H. R. No. 87) relating to a bridge across the Detroit River at or near Detroit, Michigan; which was read a first and second time, referred to the Committee on Commerce, and ordered to be printed.

PROTECTION OF THE RIO GRANDE FRONTIER.

Mr. UPSON introduced bill (H. R. No. 2186) making appropriations for the erection of suitable posts for the protection of the Rio Grande frontier; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

POST-OFFICE AND COURT-HOUSE AT SAN ANTONIO, TEXAS.

Mr. UPSON also introduced a bill (H. R. No. 2187) to provide for

the purchase of a site and the construction of a suitable building for a court-house and post-office in the city of San Antonio, Texas; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

THOMAS KEARNEY.

Mr. UPSON also introduced a bill (H. R. No. 2188) for the relief of Thomas Kearney, collector of customs for the district of Corpus Christi; which was read a first and second time, and referred to the Committee of Ways and Means.

ALEX. ROSSY.

Mr. UPSON also introduced a bill (H. R. No. 2189) for the relief of Alex. Rossy; which was read a first and second time, and referred to the Committee on War Claims.

LIENS OF JUDGMENTS OF UNITED STATES COURTS.

Mr. SAPP introduced a bill (H. R. No. 2190) in relation to liens of judgments of United States courts; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

NOAH WING.

Mr. POUND introduced a bill (H. R. No. 2191) granting a pension to Noah Wing, of Rozellville, Marathon County, Wisconsin; which was read a first and second time, and referred to the Committee on Invalid Pensions.

N. J. LOWTHIAN.

Mr. DUNNELL introduced a bill (H. R. No. 2192) granting a pension to N. J. Lowthian; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JOHN KAULA.

Mr. POEHLER introduced a bill (H. R. No. 2193) for the relief of John Kaula; which was read a first and second time, and referred to the Committee of Claims.

MRS. ALMIRA B. KATER.

Mr. WASHBURN introduced a bill (H. R. No. 2194) granting a pension to Mrs. Almira B. Kater, of Greenleaf, Meeker County, Minnesota; which was read a first and second time, and referred to the Committee on Invalid Pensions.

FORFEITURE OF LAND GRANT.

Mr. WHITEAKER introduced a bill (H. R. No. 2195) to declare forfeited certain lands granted to aid in the construction of a railroad and telegraph line from Portland to Astoria and McMinnville, in the State of Oregon; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

BRANCH MINT AT TOPEKA, KANSAS.

Mr. RYAN, of Kansas, introduced a bill (H. R. No. 2196) to establish a branch mint of the United States at Topeka, Kansas; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

JOHN K. CONNER.

Mr. RYAN, of Kansas, also, introduced a bill (H. R. No. 2197) granting a pension to John K. Conner; which was read a first and second time, and referred to the Committee on Invalid Pensions.

TRUST FUNDS IN TREASURY DEPARTMENT.

Mr. WILSON. I offer the resolution which I send to the Clerk's desk for reference to the Committee on Banking and Currency.

The resolution was read and referred to the Committee on Banking and Currency, as follows:

Resolved by the House of Representatives, That the honorable Secretary of the Treasury be, and he is hereby, requested to furnish to this House, at as early a day as practicable, a specified enumeration of the different trust funds in charge of himself, as Secretary, and of the Treasury Department, or any officer thereof, stating the original amount of each fund, when and on what account it was deposited, and how from time to time it was invested, together with the amount of interest earned or added, and such details not herein mentioned as will contribute to an understanding of the past and present conditions of said funds.

Mr. WILSON. I desire to ask whether, under the new rule to which the Speaker referred, the committee would not be required to report the resolution in one week?

The SPEAKER. The rule does so require it, and the Committee on Banking and Currency has the right to report at any time.

DONATION OF CONDEMNED CANNON.

Mr. KENNA (by request) introduced a bill (H. R. No. 2198) to donate condemned cannon to John Ennis Post, Grand Army of the Republic; which was read a first and second time, and referred to the Committee on Military Affairs.

A. H. HERR.

Mr. MARTIN, of West Virginia, introduced a bill (H. R. No. 2199) for the relief of A. H. Herr; which was read a first and second time, and referred to the Committee on War Claims.

BENJAMIN MOORE.

Mr. MARTIN, of West Virginia, also introduced a bill (H. R. No. 2200) for the relief of the surviving children of Benjamin Moore, late of Harper's Ferry, West Virginia; which was read a first and second time, and referred to the Committee of Claims.

DANIEL BEDINGER.

Mr. MARTIN, of West Virginia, also introduced a bill (H. R. No. 2201) for the relief of the legal representatives of Daniel Bedinger, deceased; which was read a first and second time, and referred to the Committee on Revolutionary Pensions.

ELIZABETH HAMILTON.

Mr. MARTIN, of West Virginia, also introduced a bill (H. R. No. 2202) for the relief of Elizabeth Hamilton, widow of John R. Hamilton, deceased; which was read a first and second time, and referred to the Committee of Claims.

WAGON-ROAD IN ARIZONA.

Mr. CAMPBELL introduced a bill (H. R. No. 2203) to provide for the construction of a wagon-road across Mogollon Mountain, in the Territory of Arizona; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

J. H. M'KNIGHT.

Mr. MAGINNIS introduced a bill (H. R. No. 2204) for the relief of John H. McKnight, postmaster at Fort Shaw, Montana; which was read a first and second time, and referred to the Committee on the Post-Office and Post-Roads.

CHINESE IMMIGRATION.

Mr. MAGINNIS also presented a memorial of the Legislature of Montana, praying for restrictions on Chinese immigration; which was referred to the Committee on Education and Labor.

MILITARY POST, MONTANA.

Mr. MAGINNIS also presented a memorial of the Legislature of Montana, praying for the establishment of a military post on the southern frontier of that Territory; which was referred to the Committee on Military Affairs.

MULLAN ROAD, MONTANA.

Mr. MAGINNIS also presented a memorial of the Legislature of Montana, in relation to the improvement and repair of the Mullan Road; which was referred to the Committee on Military Affairs.

UNITED STATES PENITENTIARY, MONTANA.

Mr. MAGINNIS also presented a memorial of the Legislature of Montana, in relation to the enlargement of the United States penitentiary in Montana; which was referred to the Committee on Territories.

MILITARY TELEGRAPH.

Mr. MAGINNIS also presented a memorial of the Legislature of Montana, in relation to a military telegraph; which was referred to the Committee on Military Affairs.

YELLOWSTONE AND UPPER MISSOURI RIVERS.

Mr. MAGINNIS also presented a memorial of the Legislature of Montana, for additional improvements on the Yellowstone and Upper Missouri Rivers; which was referred to the Committee on Commerce.

A. P. BURDITT AND JAMES FISK.

Mr. CLAFLIN introduced a bill (H. R. No. 2205) for the relief of A. P. Burditt and James Fisk; which was read a first and second time, and referred to the Committee on Military Affairs.

MAILS BETWEEN THE UNITED STATES AND GERMANY.

Mr. COX submitted the following resolution; which was read, and referred to the Committee on Foreign Affairs:

Resolved, That the President be respectfully requested to communicate to this House any correspondence by any of the Departments of our Government with the German government as to any alleged tampering with the mails between the two countries.

REGISTERS IN BANKRUPTCY.

Mr. LAPHAM introduced a bill (H. R. No. 2206) to consolidate the offices of registers in bankruptcy in certain cities; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

GEORGE L. AIKENS.

Mr. SMITH, of New Jersey, introduced a bill (H. R. No. 2207) granting a pension to George L. Aikens, late of Company I, Fourth New Jersey Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

SCHOONER J. H. DUSENBERRY.

Mr. SMITH, of New Jersey, also introduced a bill (H. R. No. 2208) to change the name of the schooner J. H. Dusenberry; which was read a first and second time, and referred to the Committee on Commerce.

LOUISA HOWARD POWERS.

Mr. VOORHIS introduced a bill (H. R. No. 2209) for the relief of Louisa Howard Powers; which was read a first and second time, and referred to the Committee of Claims.

LOUIS CHRISTOPHER TIEDEMANN.

Mr. VOORHIS also introduced a bill (H. R. No. 2210) granting a pension to Louis Christopher Tiedemann; which was read a first and second time, and referred to the Committee on Invalid Pensions.

BRIDGET LEAFFY.

Mr. VOORHIS also introduced a bill (H. R. No. 2211) granting a pension to Bridget Leaffy, widow of Lawrence W. Leaffy; which was read a first and second time, and referred to the Committee on Invalid Pensions.

VALERIA M. PENROSE.

Mr. BELTZHOOVER introduced a bill (H. R. No. 2212) granting a pension to Valeria M. Penrose, widow of William M. Penrose, late lieutenant-colonel Sixth Regiment of Infantry, Pennsylvania Reserve Corps; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JOHN GOTSHALL.

Mr. BELTZHOOVER also introduced a bill (H. R. No. 2213) for the relief of John Gotshall; which was read a first and second time, and referred to the Committee on Military Affairs.

PAY OF LABORERS IN HOUSE FOLDING-ROOM.

Mr. WRIGHT introduced a joint resolution (H. R. No. 88) allowing extra compensation to the laborers in the House folding-room for extra work; which was read a first and second time, referred to the Committee of Accounts, and ordered to be printed.

HARRY E. WILLIAMS.

Mr. WARD introduced a bill (H. R. No. 2214) granting a pension to Harry E. Williams, late hospital steward One hundred and thirty-sixth Regiment Pennsylvania Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JOHN RODGERS.

Mr. COFFROTH introduced a bill (H. R. No. 2215) to remove the charge of desertion from the military record of John Rodgers; which was read a first and second time, and referred to the Committee on Military Affairs.

FERDINAND DUCHANOIS.

Mr. FISHER (for Mr. DICK) introduced a bill (H. R. No. 2216) granting a pension to Ferdinand Duchanois, Guy's Mills, Crawford County, Pennsylvania; which was read a first and second time, and referred to the Committee on Invalid Pensions.

HALENA HERMANS.

Mr. MITCHELL introduced a bill (H. R. No. 2217) for the relief of Halena Hermans, of Shunk, Sullivan County, Pennsylvania; which was read a first and second time, and referred to the Committee on Military Affairs.

T. B. HUTCHISON.

Mr. KLOTZ introduced a bill (H. R. No. 2218) granting a pension to T. B. Hutchison, guardian of Mary S. Shurlock; which was read a first and second time, and referred to the Committee on Invalid Pensions.

CHARLES COLLINS.

Mr. HENRY introduced a bill (H. R. No. 2219) for the relief of Charles Collins; which was read a first and second time, and referred to the Committee of Claims.

REVENUE STAMPS FOR CIGARS.

Mr. HENKLE (by request) introduced a bill (H. R. No. 2220) to amend the laws relating to internal-revenue stamps for cigars; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

FRANKLIN D. PEARSON.

Mr. TALBOTT introduced a bill (H. R. No. 2221) for the relief of Franklin D. Pearson; which was read a first and second time, and referred to the Committee on War Claims.

EBEN EVELETH.

Mr. TILLMAN introduced a bill (H. R. No. 2222) for the relief of Eben Eveleth; which was read a first and second time, and referred to the Committee of Claims.

AMENDMENT OF REVISED STATUTES.

Mr. PERSONS introduced a bill (H. R. No. 2223) to change section 5211 of the Revised Statutes; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

D. K. LOVE.

Mr. PERSONS also introduced a bill (H. R. No. 2224) for the relief of D. K. Love; which was read a first and second time, and referred to the Committee of Claims.

JOHN J. MANNERLYN.

Mr. NICHOLLS introduced a bill (H. R. No. 2225) for the relief of John J. Mannerlyn, of the State of Georgia; which was read a first and second time, and referred to the Committee of Claims.

JOSEPH BAUMER.

Mr. HERBERT introduced a joint resolution (H. R. No. 89) for the relief of Joseph Baumer; which was read a first and second time, and referred to the Committee of Claims.

DISTRIBUTION OF FEDERAL PATRONAGE.

Mr. SAMFORD introduced a bill (H. R. No. 2226) to provide an equal distribution of Federal Government patronage to the several States and congressional districts; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

REDEMPTION OF UNITED STATES BONDS.

Mr. MANNING introduced a bill (H. R. No. 2227) to authorize the issue of United States notes and to provide for the redemption of certain United States bonds, and for other purposes; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

R. J. TURNBULL.

Mr. SINGLETON, of Mississippi, introduced a bill (H. R. No. 2228) for the relief of R. J. Turnbull, of Mississippi; which was read a first and second time, and referred to the Committee of Claims.

CALCASIEU LOG SEIZURES.

Mr. ACKLEN submitted the following resolution; which, under the new rule, was referred to the Committee on the Judiciary:

Resolved, That the Secretary of the Interior be, and he is hereby, requested to have a copy of the report made and testimony taken by Special Agents Adams and Hale in their investigations of the Calcasieu log seizures in Louisiana prepared and ready for the inspection of the Committee on the Judiciary at the earliest practicable time.

JOHN TRACEY.

Mr. LE FEVRE introduced a bill (H. R. No. 2229) granting a pension to John Tracey; which was read a first and second time, and referred to the Committee on Invalid Pensions.

HENRY BECKMAN.

Mr. BUTTERWORTH introduced a bill (H. R. No. 2230) for the relief of Henry Beckman; which was read a first and second time, and referred to the Committee on Military Affairs.

ALEXANDER SWIFT & CO.

Mr. BUTTERWORTH also introduced a bill (H. R. No. 2231) for the relief of Alexander Swift & Co., partners, and Alexander Swift & Co. and the Niles Works; which was read a first and second time, and referred to the Committee on the Judiciary.

JOHN M. DANIEL.

Mr. PHISTER (by request of his colleague, Mr. THOMAS TURNER) introduced a bill (H. R. No. 2232) increasing the amount of pension of John M. Daniel, of Lee County, Kentucky; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MAIL CONTRACTORS.

Mr. THOMPSON introduced a joint resolution (H. R. No. 90) to apply the amount appropriated by the act of Congress approved March 3, 1877, to pay certain mail contractors; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

CONTRACTS IN VIOLATION OF LAW.

Mr. WHITTHORNE introduced a bill (H. R. No. 2233) to provide that all parties making contracts or agreements in violation of law, whereby money may be drawn from the Treasury of the United States, shall be guilty of a misdemeanor, &c.; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MRS. GORDON.

Mr. WHITTHORNE also introduced a bill (H. R. No. 2234) granting a pension to Mrs. Gordon, widow of Powhattan Gordon, of Tennessee; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MARYVILLE COLLEGE.

Mr. HOUK introduced a bill (H. R. No. 2235) for the relief of the trustees of Maryville College, Tennessee; which was read a first and second time, referred to the Committee on War Claims, and ordered to be printed.

JAMES N. M'KAMEY.

Mr. HOUK also introduced a bill (H. R. No. 2236) for the relief of James N. McKamey, of Anderson County, Tennessee; which was read a first and second time, and referred to the Committee on Military Affairs.

NATIONAL BOARD OF HEALTH.

Mr. YOUNG, of Tennessee, introduced a bill (H. R. No. 2237) to provide office room for the National Board of Health, for the publication of its reports and papers, and for other purposes; which was read a first and second time, referred to the Committee on Epidemic Diseases, and ordered to be printed.

JOSEPH A. HAMBLIN.

Mr. TAYLOR introduced a bill (H. R. No. 2238) granting a pension to Joseph A. Hamblin; which was read a first and second time, and referred to the Committee on Invalid Pensions.

THOMAS D. DAVIS.

Mr. TAYLOR also introduced a bill (H. R. No. 2239) granting a pension to Thomas D. Davis; which was read a first and second time, and referred to the Committee on Invalid Pensions.

CHANGE IN THE PLAN OF THE HOUSE.

Mr. ATKINS introduced a joint resolution (H. R. No. 91) authorizing a change in the plan of the House; which was read a first and second time, referred to the Committee on Ventilation, and ordered to be printed.

RICHARD M. RUCKER.

Mr. HOSTETLER introduced a bill (H. R. No. 2240) for the relief

of Richard M. Rucker; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JOHN FLETCHER.

Mr. COBB introduced a bill (H. R. No. 2241) for the relief of John Fletcher; which was read a first and second time, and referred to the Committee of Claims.

WILLIAM C. FINE.

Mr. COBB also introduced a bill (H. R. No. 2242) for the relief of William C. Fine, of Greene County, Indiana; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ORDER OF BUSINESS.

The SPEAKER. The call of States and Territories has been completed. The Chair will now recognize gentlemen who were not in their seats when their States were called.

LINDSAY MURDOCH.

Mr. DAVIS, of Missouri, introduced a bill (H. R. No. 2243) for the relief of Lindsay Murdoch, late collector of the second district of Missouri; which was read a first and second time, and referred to the Committee of Claims.

JOSEPH BALL.

Mr. KLOTZ introduced a bill (H. R. No. 2244) granting a pension to Joseph Ball, father of Lewis Ball, deceased; which was read a first and second time, and referred to the Committee on Invalid Pensions.

BOUNTY TO MISSOURI VOLUNTEERS.

Mr. SAWYER presented a joint concurrent resolution of the Legislature of Missouri, urging the passage by Congress of an act to allow the Fifteenth and Sixteenth Regiments of Missouri Volunteers a bounty; which was referred to the Committee on Military Affairs.

MAIL CONTRACTS.

Mr. GILLETTE introduced a bill (H. R. No. 2245) to regulate the letting of mail contracts; which was read a first and second time, referred to the Committee on the Post-Office and Post-Roads, and ordered to be printed.

HARLOW J. PHELPS.

Mr. WELLS introduced a bill (H. R. No. 2246) for the relief of Harlow J. Phelps; which was read a first and second time, and referred to the Committee of Claims.

WILLIAM BARNHARD.

Mr. DUNNELL introduced a bill (H. R. No. 2247) granting a pension to William Barnhard; which was read a first and second time, and referred to the Committee on Invalid Pensions.

WALTER R. BUTT.

Mr. GOODE introduced a bill (H. R. No. 2248) to remove the political disabilities of Walter R. Butt, of California; which was read a first and second time, and referred to the Committee on the Judiciary.

SOLDIERS' MONUMENT, CHARLES CITY, IOWA.

Mr. DEERING introduced a joint resolution (H. R. No. 92) authorizing the Secretary of War to deliver to the city of Charles City, Floyd County, Iowa, four cannon and carriages for the soldiers' monument in said city; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The House will now proceed to the consideration of business under the next branch of the rule applying to the morning hour of Monday.

Mr. ACKLEN. I think the regular order is the unfinished business, being the resolution which I offered for the appointment of a select committee in relation to claims against the government of Nicaragua.

Mr. REAGAN. I move to suspend the rules.

The SPEAKER. Motions to suspend the rules are not yet in order. The resolution offered by the gentleman from Louisiana [Mr. ACKLEN] will be read.

CLAIMS AGAINST NICARAGUA.

The Clerk read as follows:

Resolved, That a select committee of five members of this House be appointed by the Speaker, which committee shall have power to sit during the recess, to inquire into all claims of citizens of the United States against the government of Nicaragua for indemnity for lives of relatives taken, wounds and other personal injuries inflicted, and property taken, injured, or destroyed, which claims have heretofore been filed in the Department of State and now remain pending and unsatisfied; and said committee shall ascertain and determine what amounts and to what persons the government of Nicaragua is liable to make compensation on account thereof, and report the same, with the evidence in reference thereto, to Congress at its next session; and said committee shall give such public notice as it may deem necessary of the times and places when and where it will sit to hear said claims and testimony in support of the same, and shall have power to send for persons and papers, and administer oaths. It shall also obtain and use all proofs relative thereto on file in the Department of State, and such other evidence as any party in interest may produce and offer that it may deem pertinent thereto. It shall have power to employ a clerk and a stenographer, and the necessary expenses of said committee shall be paid out of the contingent fund of the House on the vouchers of the chairman of said committee.

Mr. ACKLEN. I desire simply to say——

Mr. CONGER. I wish to know how this comes in.

The SPEAKER. As unfinished business coming over from the morning hour of a former day, when such class of business as this was in order to be offered.

Mr. ACKLEN. I desire to say that this has been recommended by the Secretary of State, has passed the Senate, and been favorably reported by a sub-committee of the Committee on Foreign Affairs of the House. I demand the previous question.

Mr. CONGER. I do not see how this can come in during this morning hour.

The SPEAKER. The Chair will cause the record to be examined. The Chair was advised by the journal clerk that this came up as unfinished business. [After a pause.] The Chair is advised that the resolution was offered, under Rule 52, on April 23, which was a Wednesday. The Clerk will read the rule.

The Clerk read as follows:

52. Reports from committees having been presented and disposed of, the Speaker shall call for resolutions from the members of each State and Delegate from each Territory, beginning with Maine and the Territory last organized, alternately; and they shall not be debated on the very day of their being presented, nor on any day assigned by the House for the receipt of resolutions, unless where the House shall direct otherwise, but shall lie on the table, to be taken up in the order in which they were presented; and if on any day the whole of the States and Territories shall not be called, the Speaker shall begin on the next day where he left off the previous day: *Provided*, That no member shall offer more than one resolution, or one series of resolutions, all relating to the same subject, until all the States and Territories shall have been called.—January 14, 1829.

Mr. CONGER. It could not certainly come in until the remaining business of the morning hour had been disposed of, and the regular order would be to proceed with the call.

The SPEAKER. The Chair will cause to be read the rule under which the business of the morning hour of Mondays is conducted.

The Clerk read Rule 130, as follows:

All the States and Territories shall be called for bills on leave and resolutions every Monday during each session of Congress; and, if necessary to secure the object on said days, all resolutions which shall give rise to debate shall lie over for discussion, under the rules of the House already established; and the whole of said days shall be appropriated to bills on leave and resolutions, until all the States and Territories are called through. And the Speaker shall first call the States and Territories for bills on leave; and all bills so introduced during the first hour after the Journal is read shall be referred, without debate, to their appropriate committees: *Provided, however*, That a bill so introduced and referred, and all bills at any time introduced by unanimous consent and referred, shall not be brought back into the House upon a motion to reconsider. And on said call joint resolutions of State and territorial Legislatures for printing and reference may be introduced.

The SPEAKER. There seem to be two opportunities presented under two different rules for the introduction of resolutions; one is under Rule 52, which is after the exhausting of the call of the committees for reports during the usual morning hour, and the other is on Monday, under Rule 130, after the call of States for bills, &c., for reference has been complied with and completed.

The question arises naturally in the mind of the gentleman from Michigan [Mr. CONGER] whether these two rules merge in their operation after introduction of business under their provisions; whether, in fact, business reported under either call and unfinished would have a right to be considered as unfinished business not disposed of, where the operation of either rule for like business is reached on a subsequent day? It is a very nice point of order. This resolution was read and brought up on a Wednesday under Rule 52, and the same condition is now reached under Rule 130 for to-day.

The question is, whether the two rules are merged and the unfinished business of either can be considered as coming up under the operation of the opposite rule.

Mr. CONGER. I make the point of order that the morning hour has expired.

The SPEAKER. The gentleman from Michigan [Mr. CONGER] now makes the point of order that the morning hour has expired, and the Chair sustains the point of order and will reserve his decision on the first point of order until such time as the question may again occur in the order of business in the House.

AMERICAN EPHEMERIS AND NAUTICAL ALMANAC.

Mr. GARFIELD, by unanimous consent, introduced a joint resolution (H. R. No. 93) for the printing of the American Ephemeris and Nautical Almanac; which was read a first and second time, and referred to the Committee on Printing.

PAY OF CONGRESSIONAL EMPLOYÉS.

Mr. TOWNSHEND, of Illinois, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee on Appropriations:

Whereas an inequality exists in the salaries of certain employés of the House of Representatives and those of the Senate occupying corresponding positions, which, in view of the excess of labor performed by the employés of the House over that of the Senate employés, is unjust and should not exist; and in order to remove this unjust discrimination in favor of the employés of the Senate and to equalize the salaries of the House employés with those of the Senate: Therefore,

Resolved, That the Committee on Appropriations of the House be, and are hereby, authorized and instructed to equalize the salaries of the officers and employés of both Houses of Congress, so that the officers and employés of the Senate and House shall draw like salaries for corresponding service.

Mr. ACKLEN, by unanimous consent, submitted the following resolution; which was referred to the Committee on the Pacific Railroad:

Resolved, That the Committee on the Pacific Railroad of this House be, and they are hereby, instructed to make full inquiry as to whether the Union Pacific Railroad Company has not violated its charter in making investments contrary to the provisions thereof, and as to whether the managers thereof have not purchased a certain note of $2,000,000, given to the Credit Mobilier for a so-called construction

account; and as to whether they have not likewise invested much of their funds in the purchase of stocks and bonds, or other evidences of debts of other railroads; and further, as to whether two certain contracts between said Union Pacific Railroad and the Kansas Pacific Railroad, made on or about the 23d of April, 1875, were not in contravention of the acts under which both of said roads were chartered, and of the special laws under which they are conducted; and that this committee have power to send for persons and papers.

HAMPTON M'CROBIE.

Mr. URNER, by unanimous consent, introduced a bill (H. R. No. 2249) granting a pension to Hampton McCrobie; which was read a first and second time, and referred to the Committee on Invalid Pensions.

DANIEL S. LOY.

Mr. URNER also introduced a bill (H. R. No. 2250) for the relief of Daniel S. Loy; which was read a first and second time, and referred to the Committee on Naval Affairs.

HOT SPRINGS RESERVATION.

Mr. YOUNG, of Tennessee. I offer the resolution which I send to the desk, at the request of seven hundred citizens of the town of Hot Springs, Arkansas, whose petition asking for its adoption accompanies the resolution. I have no interest in the matter myself, but simply submit the resolution at the request of these petitioners. I ask that it be referred to the Committee on Rules.

There being no objection, the resolution was read as follows, and referred to the Committee on Rules:

Resolved, That the Speaker of the House be authorized and requested to appoint a select committee of five members to proceed to the town of Hot Springs, in the State of Arkansas, and there investigate the operation of existing laws as they affect the rights and interests of the settlers on the Hot Springs reservation and report to Congress at its next session what, if any, additional legislation is necessary to protect the rights of the Government and to do equal justice to all settlers; and said committee shall have leave to sit in vacation, shall be allowed a clerk and stenographer, and shall have power to administer oaths and to send for persons and papers. The sum of $5,000 is hereby appropriated out of the contingent fund of the House to pay the expenses incurred in making said investigation.

PUBLIC BUILDINGS.

Mr. MURCH. I am instructed by the Committee on Public Buildings and Grounds to submit the resolution which I send to the clerk's desk, and move a suspension of the rules upon its passage.

The Clerk read as follows:

Resolved, That the Committee on Public Buildings and Grounds be, and are hereby, authorized and directed to inquire into all matters pertaining to the preparation and furnishing of all material for the construction of public buildings and the manner of constructing the public buildings of the United States under the different systems adopted by the Government of the United States, and to report to this House by bill or otherwise what legislation is necessary to secure good material and good and suitable work at fair and reasonable compensation to the mechanics and workmen employed on public works; and said committee are further instructed to inquire into all expenses pertaining to the erection of the public buildings of the United States, and to make all such further inquiries as they may deem proper. And said committee are authorized to send for persons and papers and to administer oaths. And said committee are further authorized to employ a stenographer at a fair compensation. And said committee are authorized to appoint a sub-committee of its own members for the purpose of pursuing these investigations, said committee when appointed to have all the powers conferred by this resolution. And said committee or its sub-committee may make their investigations either at the city of Washington or at any of the cities or other places where public buildings are being erected or material prepared, as they may deem proper; and said committee or its sub-committee may sit during the sessions or recesses of Congress; and the expenses attending the carrying out of these investigations shall be paid out of the contingent fund of the House of Representatives, not to exceed $5,000; and the Clerk of the House of Representatives is hereby authorized and directed to pay the same.

Mr. CONGER. I make the point of order on that resolution that it should receive its first consideration in Committee of the Whole.

The SPEAKER. The pending motion is to suspend all the rules for the purpose of adopting the resolution; and if that motion shall prevail it will suspend the rule requiring a proposition of this kind to go to the Committee of the Whole.

Mr. CONGER. Is this resolution the first in order according to the list?

The SPEAKER. It is a report from the Committee on Public Buildings and Grounds, and the Chair is advised that it is a unanimous report.

Mr. CONGER. Is it any more privileged because it would enable that committee to make excursions than it would be if it were some other committee?

The SPEAKER. The Chair has always given the preference for motions to suspend the rules to members representing a committee over individual members.

Mr. CONGER. Then I call for the yeas and nays.

The SPEAKER. The Chair thinks the vote had better be first taken *viva voce;* it may not be necessary to call the yeas and nays.

The question was taken *viva voce;* and

The SPEAKER announced that in the opinion of the Chair two-thirds had not voted in the affirmative.

Mr. MURCH called for a division.

Mr. DUNNELL. Let the resolution be again read.

Many MEMBERS. Oh, no.

The SPEAKER. There is objection to reading the resolution again.

The question was taken upon a division; and there were—ayes 67, noes 72.

Before the result of this vote was announced,

Mr. MURCH called for the yeas and nays.

The yeas and nays were ordered

The question was taken; and there were—yeas 116, nays 82, not voting 88; as follows:

YEAS—116.

Acklen,	Elam,	Kimmel,	Singleton, O. R.
Aiken,	Evins,	King,	Slemons,
Anderson,	Ewing,	Kitchin,	Smith, Hezekiah B.
Armfield,	Felton,	Klotz,	Smith, William E.
Atherton,	Finley,	Knott,	Sparks,
Atkins,	Ford,	Lewis,	Springer,
Beale,	Forney,	Lowe,	Steele,
Beltzhoover,	Forsythe,	Manning,	Stephens,
Blackburn,	Frost,	Martin, Benj. F.	Stevenson,
Bliss,	Frye,	Martin, Edward L.	Talbott,
Bright,	Geddes,	McMahon,	Taylor,
Cabell,	Gillette,	McMillin,	Thompson,
Caldwell,	Goode,	Mills,	Tillman,
Carlisle,	Gunter,	Murch,	Townshend, R. W.
Clardy,	Hammond, N. J.	New,	Turner, Oscar
Clark, John B.	Harris, John T.	Nicholls,	Updegraff, Thomas
Cobb,	Hatch,	O'Connor,	Urner,
Colerick,	Henry,	Persons,	Waddill,
Converse,	Herbert,	Phelps,	Warner,
Cook,	Herndon,	Phister,	Weaver,
Covert,	Hill,	Reagan,	Wellborn,
Cox,	Hooker,	Robertson,	Wells,
Cravens,	Hostetler,	Rothwell,	Whiteaker,
Culberson,	House,	Russell, W. A.	Whitthorne,
Davidson,	Hull,	Ryon, John W.	Williams, Thomas
Davis, Loundes H.	Hurd,	Samford,	Willis,
De La Matyr,	Johnston,	Sawyer,	Wilson,
Dibrell,	Jones,	Scales,	Wise,
Dunn,	Kenna,	Simonton,	Wright.

NAYS—82.

Aldrich, N. W.	Crowley,	Houk,	Richardson, D. P.
Aldrich, William	Daggett,	Humphrey,	Robinson,
Bailey,	Davis, George R.	Joyce,	Ryan, Thomas
Baker,	Deering,	Keifer,	Shallenberger,
Barber,	Deuster,	Marsh,	Sherwin,
Bayne,	Dunnell,	Mason,	Smith, A. Herr
Bicknell,	Errett,	McCoid,	Thomas,
Blake,	Farr,	McCook,	Townsend, Amos
Bouck,	Ferdon,	McKinley,	Tyler,
Bowman,	Field,	Mitchell,	Updegraff, J. T.
Brewer,	Fisher,	Monroe,	Valentine,
Briggs,	Garfield,	Morton,	Van Aernam,
Brigham,	Godshalk,	Neal,	Voorhis,
Burrows,	Hall,	Newberry,	Wait,
Butterworth,	Hammond, John	Norcross,	Ward,
Calkins,	Harmer,	O'Neill,	Washburn,
Cannon,	Haskell,	Osmer,	Wilber,
Carpenter,	Hawk,	Overton,	Williams, C. G.
Claflin,	Hayes,	Pound,	Young, Thomas L.
Coffroth,	Hiscock,	Price,	
Conger,	Horr,	Rice,	

NOT VOTING—88.

Bachman,	Dwight,	Lindsey,	Richardson, J. S.
Ballou,	Einstein,	Loring,	Richmond,
Barlow,	Ellis,	Lounsbery,	Robeson,
Belford,	Fort,	Martin, Joseph J.	Ross,
Bingham,	Gibson,	McGowan,	Russell, Daniel L.
Bland,	Harris, Benj. W.	McKenzie,	Sapp,
Blount,	Hawley,	McLane,	Shelley,
Boyd,	Hazelton,	Miles,	Singleton, J. W.
Bragg,	Heilman,	Miller,	Speer,
Browne,	Henderson,	Money,	Starin,
Buckner,	Henkle,	Morrison,	Stone,
Camp,	Hubbell,	Morse,	Tucker,
Caswell,	Hunton,	Muldrow,	Turner, Thomas
Chalmers,	James,	Muller,	Upson,
Chittenden,	Jorgensen,	Myers,	Vance,
Clark, Alvah A.	Kelley,	O'Brien,	Van Voorhis,
Clymer,	Ketcham,	O'Reilly,	White,
Cowgill,	Killinger,	Orth,	Willits,
Crapo,	Ladd,	Pierce,	Wood, Fernando
Davis, Joseph J.	Lapham,	Poehler,	Wood, Walter A.
Dick,	Lay,	Prescott,	Yocum,
Dickey,	Le Fevre,	Reed,	Young, Casey.

So the motion of Mr. MURCH to suspend the rules and adopt the resolution was not agreed to, less than two-thirds voting in favor thereof.

During the roll-call the following announcements were made:

Mr. MULDROW. I am paired with the gentleman from New York, Mr. DWIGHT. If he were present, I should vote "ay."

Mr. COVERT. My colleague, Mr. FERNANDO WOOD, is paired with the gentleman from New Jersey, Mr. ROBESON.

Mr. STEELE. My colleague, Mr. VANCE, is detained from the House by illness, and is paired with the gentleman from Michigan, Mr. WILLITS. My colleague, if present, would vote "ay."

Mr. ROSS. I am paired with the gentleman from Massachusetts, Mr. CRAPO. If at liberty to vote, I should vote "ay."

Mr. SHELLEY. I am paired with the gentleman from New York, Mr. MILLER. If he were present, I should vote in the affirmative.

Mr. FELTON. My colleague, Mr. SPEER, is paired with the gentleman from Wisconsin, Mr. CASWELL.

Mr. DAVIS, of North Carolina. I am paired with my colleague, Mr. MARTIN.

Mr. MULLER. I am paired with the gentleman from Indiana, Mr. HEILMAN. If permitted to vote, I should vote "ay."

Mr. COFFROTH. My colleague, Mr. BACHMAN, is paired with the gentleman from Colorado, Mr. BELFORD.

Mr. TOWNSHEND, of Illinois. My colleague, Mr. SINGLETON, is paired with the gentleman from Connecticut, Mr. MILES.

Mr. AIKEN. My colleague from South Carolina, Mr. RICHARDSON, is paired with the gentleman from New York, Mr. CAMP. Mr. RICHARDSON, if present, would vote "ay."

Mr. McKENZIE. I am paired with the gentleman from Michigan, Mr. HUBBELL.

Mr. PHISTER. My colleague, Mr. THOMAS TURNER, is absent by leave of the House, and is paired with the gentleman from Pennsylvania, Mr. WHITE. If present, my colleague would vote "ay."

Mr. KING. My colleague, Mr. ELLIS, is paired with the gentleman from Virginia, Mr. JORGENSEN; and my colleague, Mr. GIBSON, who is absent by reason of sickness, is paired with the gentleman from Massachusetts, Mr. LORING.

Mr. ROBINSON. My colleague, Mr. MORSE, is paired with the gentleman from Pennsylvania, Mr. KELLEY.

Mr. NEWBERRY. The gentleman from New York, Mr. PRESCOTT, is paired with the gentleman from Virginia, Mr. RICHMOND.

Mr. BEALE. My colleague, Mr. JORGENSEN, is paired with the gentleman from Louisiana, Mr. ELLIS.

Mr. BAKER. My colleague, Mr. ORTH, who is absent from the House by its leave, is paired with the gentleman from Ohio, Mr. DICKEY.

Mr. POUND. My colleague, Mr. HAZELTON, who is absent by leave of the House, is paired with the gentleman from Georgia, Mr. BLOUNT. I am not authorized to say how he would vote on this question.

Mr. HARMER. My colleague, Mr. WHITE, is paired with the gentleman from Kentucky, Mr. THOMAS TURNER; and my colleague, Mr. BINGHAM, with the gentleman from New York, Mr. O'REILLY.

Mr. YOUNG, of Tennessee. I am paired on all political questions with the gentleman from Illinois, Mr. HENDERSON.

Mr. FISHER. My colleague, Mr. DICK, is paired with the gentleman from Missouri, Mr. LAY.

Mr. FIELD. My colleague from Massachusetts, Mr. HARRIS, is paired with the gentleman from Alabama, Mr. LEWIS.

Mr. FRYE. My colleague, Mr. LINDSEY, is paired with my colleague, Mr. LADD.

Mr. HARRIS, of Virginia. My colleague, Mr. RICHMOND, is paired with the gentleman from New York, Mr. PRESCOTT.

Mr. LEWIS. I am paired with the gentleman from Massachusetts, Mr. HARRIS.

Mr. SINGLETON, of Mississippi. My colleague, Mr. CHALMERS, is paired with the gentleman from New York, Mr. VAN VOORHIS.

Mr. BUCKNER. I am paired with the gentleman from New York, Mr. CHITTENDEN. If at liberty to vote, I should vote "ay."

The result of the vote was announced as above stated.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced that the Senate had disagreed to the amendment of the House to the fourth amendment of the Senate to the joint resolution (H. R. No. 1) to repeal certain clauses of the sundry civil appropriation act, approved March 3, 1879.

The message also announced that the Senate had agreed to the resolution of the House authorizing certain changes in House enrolled bill No. 1999, to amend an act making appropriations for rivers and harbors, &c.

IMPORTATION OF NEAT CATTLE FOR BREEDING PURPOSES.

Mr. COVERT. By instruction of the Committee on Agriculture I move to suspend the rules and pass the bill which I send to the desk.

The Clerk read as follows:

A bill (H. R. No. 2006) to amend sections 2493 and 2494 of the Revised Statutes of the United States, relative to the importation of neat cattle into the United States for breeding purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 2493 of the Revised Statutes of the United States be amended so as to read as follows:

"SEC. 2493. The importation of neat cattle and the hides of neat cattle from any foreign country into the United States is prohibited: *Provided*, That the operation of this section shall be suspended as to any foreign country or countries, or any part of such country or countries, whenever the Secretary of the Treasury shall officially determine, and give public notice thereof, that such importation will not tend to the introduction or spread of contagious or infectious diseases among the cattle of the United States; and the Secretary of the Treasury is hereby authorized and empowered, and it shall be his duty, to make all necessary orders and regulations to carry this law into effect, or to suspend the same as therein provided, and to send copies thereof to the proper officers in the United States, and to such officers or agents of the United States in foreign countries as he shall judge necessary: *And provided further*, That neat cattle may be imported from any portion of Great Britain into the United States for breeding purposes, under such directions, regulations, and restrictions as the Secretary of the Treasury may establish for the thorough inspection and examination of such neat cattle. If, upon such examination and investigation, such cattle shall be found to be free from any infectious or contagious disease, such cattle shall be permitted to be landed and received at any port in the United States, and taken to their place of destination."

Section 2494 of the Revised Statutes is hereby amended so as to read as follows:

"SEC. 2494. The President of the United States, whenever, in his judgment, the importation of neat cattle and the hides of neat cattle may be made without danger of the introduction or spread of contagious or infectious disease among the cattle of the United States, may, by proclamation, declare the provisions of the preceding section prohibiting or restricting the importation of neat cattle and the hides of neat cattle from any foreign country into the United States to be inoperative; and the same shall be afterward inoperative and of no effect from and after thirty days from the date of said proclamation."

Mr. DUNNELL. I ask by unanimous consent that the gentleman from New York be allowed to explain the bill.

The SPEAKER. How long?

Mr. COVERT. Very briefly.

Mr. DUNNELL. Say five minutes.

The SPEAKER. Is there objection?

There was no objection, and it was ordered accordingly.

Mr. COVERT. Mr. Speaker, the established law of this land today relative to the matter of cattle importation amounts to an almost entire prohibition of the importation of foreign animals. It prevents the reception into this country of a single head of foreign cattle unless the importation of animals from any particular country is made general. Under existing law it is true that the operation of the prohibition may be suspended as to any foreign country or countries—whenever the Secretary of the Treasury shall officially determine and give notice that such importation will not tend to the introduction of infectious diseases among our native cattle. But this suspension of law is coupled with a number of embarrassing regulations, involving the giving of official notification to our representatives abroad, and with other technical conditions.

Under the law as it now stands the President of the United States may also, by proclamation, declare the ports of this country open for the reception of animals imported from any particular foreign country, but this provision also, if acted upon, would make the importation from any one country general or rather wholesale in its character. It would be unwise, undoubtedly, at this time to suspend the operations of existing law in general terms, and to open our ports for the reception of animals from any one section abroad in this general or wholesale manner. While this is so, there exists on the part of owners and raisers of choice animals in this country great embarrassment—I might go further and say great hardship—by reason of the existence of these prohibitory provisions. Should these provisions be continued there will be great danger of our choice kinds of cattle becoming entirely extinct. The amendment involved in the bill under discussion looks toward a remedy for this threatened evil. It provides that the Secretary of the Treasury may, in special cases and upon being satisfied that no evil results will follow his action in that regard, permit special importations of cattle into this country from Great Britain. It seems to me that no danger whatever can follow the adoption of this proposed amendment. The Secretary of the Treasury is directed to couple with his permission such restrictive measures against the possible introduction of contagious disease as in the exercise of his judgment should be invoked.

Since the introduction of this bill, Mr. Speaker, I have received letters from many gentlemen in various sections of the country and who are largely interested in the matter of cattle raising, who warmly approve the spirit of this proposed amendment. I hope, sir, that the bill will pass.

Mr. DUNNELL. Is this unanimously reported from the committee?

Mr. COVERT. It is.

Mr. MILLS. Let the bill be again read.

The bill was again read.

The rules were suspended and the bill passed, two-thirds having voted in favor thereof.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ATKINS. Mr. Speaker, I am unanimously authorized and directed by the Committee on Appropriations to report a substitute for the bill presented a few days ago (H. R. No. 2172) making appropriations for defraying the expenses of the legislative, executive, and judicial departments of the Government, and which was recommitted, and I now ask unanimous consent to submit a brief statement, and that the gentleman from Connecticut [Mr. HAWLEY] may likewise be allowed to make a statement.

The SPEAKER. How long?

Mr. ATKINS. Five minutes each.

There was no objection, and it was ordered accordingly.

The substitute was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of providing for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the same sums of money and for the like purposes (and continuing the same provisions relating thereto) as were appropriated for the service of the fiscal year ending June 30, 1879, by the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes," approved June 19, 1878, (except as hereinafter declared,) subject to all the limitations and conditions in respect to the disbursement of the appropriations hereby made that were imposed by said act and the other laws of the United States upon or in respect to the appropriations made by said act: *Provided*, That nothing is appropriated by the foregoing section for "the purchase of the copyright and plates to the reference index to the Revised Statutes of the United States;" for a telegraph operator at the executive office; for more than eighty clerks of the class paid $900 per annum each, in the office of the Treasurer of the United States; for more than twenty-nine clerks of class 1; for more than eighteen clerks of the class of $900 under the same officer, "employed in redeeming national currency," (and seven of the clerks of class 1 so employed are hereby transferred to the office of the said Treasurer;) "for temporary clerks for the Treasury Department;" "for replacing boilers and enlarging and rebuilding the boiler-house of the mint at Carson, Nevada;" "for repairs and machinery at the mint at New Orleans, Louisiana;" "for purchase of library for the use of the General Land Office;" "for legislative expenses" of either of the Territories, namely, of Arizona, of Dakota, of Idaho, or of Montana, (but the usual annual amount of $2,000 to each of said Territories for the expenses of the secretary's office is hereby appropriated;) nor for rent of the "Towson House," or to repairs of the roof or flooring of the Army Medical Museum; "for the special purpose of investigating the history and habits of insects injurious to the cotton-plant," other than that appropriated by this act to be expended by the entomological commission; or for the southern claims commission.

And no more than the sums herein stated respectively are appropriated under the foregoing section for the following purposes, to wit: For the State Department: "For fuel," $3,000; "for light," $2,000. For the Treasury Department: "For carpets, oil-cloth, and matting, and repairs, cleaning, and laying the same," $7,000; "for the additional duties imposed upon the Bureau of Statistics by the legislation of the second session of the Forty-third Congress," $8,800; "for purchase of new plants and seeds for green-house, Agricultural Department," $600.

And certain clauses in said act of June 19, 1878, are amended as follows:

Under heading of "Senate," the clause commencing "for eight skilled laborers" is amended by striking out therefrom the name "Kate Dodson," and inserting in lieu thereof "female attendant."

Under the head of contingent expenses of the Senate, the following clauses, namely: The clause commencing "for twenty-seven clerks to committees" is amended so as to read for "twenty-five clerks to committees," and the sum of the clause shall read "$31,800;" the clause commencing "for fourteen pages for the Senate Chamber" is amended by striking out the words "one page for the Vice-President's room," and the sum of the clause shall read "$10,265;" the clause commencing "for fuel and oil for the heating apparatus" is amended by striking out the words "and of this amount not exceeding $400 may be used for the purchase of platform-scales for weighing coal."

Under the heading "House of Representatives," the clause commencing "for eight messengers" is hereby amended by striking out therefrom the name "Henry Douglas;" the clause among the contingent expenses for the House of Representatives, commencing "for twenty-one clerks to committees," is amended so as to read "for thirty-five clerks," and the sum of the clause shall read "$44,100;" the clause commencing "twenty-eight pages" is amended to read "twenty-nine," and the sum of the clause shall read "$15,865;" the clause "for fuel and oil for the heating apparatus" is amended to include also "and for steam-pump and condenser for same;" and the clause "for miscellaneous items" is amended to read "$75,000."

And the last clause under heading "Department of State" is amended to read as follows: "For expenses of editing and distributing the laws enacted at the third session of the Forty-fifth Congress, and for editing and distributing the Statutes at Large, $5,000."

And the clause under heading "Library of Congress," in said act, is amended as follows: In lieu of the number named it shall read "twenty-one assistant librarians," and in lieu of "two" there shall be five assistants at $1,200 each; and the total sum of the clause shall read "$33,240."

And under the "Independent Treasury" heading the last two clauses are amended as follows: In lieu of the sum stated for "checks and check-books" it shall read "$10,000;" and in lieu of the sum stated "for contingent expenses" it shall read "$40,000."

And the clause commencing "General Land Office: For the Commissioner," &c., is amended as follows: In lieu of the number named it shall read "six clerks of class 4;" in lieu of the number named it shall read "eighty clerks of class 1;" in lieu of the number named it shall read "thirty clerks of class $1,000, and nine copyists at $900 each;" in lieu of the number named it shall read "nine assistant messengers;" in lieu of the number named it shall read "twelve laborers;" and in lieu of the number named it shall read "six packers;" and the total sum of the clause shall correspond in amount to the change.

SEC. 2. For salaries of certain offices created by acts of 1879, and for certain expenses rendered necessary by the removal of the offices of the War Department and of the Navy Department, and for matters heretofore provided for in other acts, and for the mints and assay offices, and for other purposes, the following additional sums are hereby appropriated out of any money in the Treasury not otherwise appropriated:

HOUSE OF REPRESENTATIVES.

For two messengers in the House library, at $3.60 per day, $2,635.20; and one additional engineer, $1,200.

For messenger to the Speaker, $1,200.

For laborer in the office of the Sergeant-at-Arms, $660.

For the journal clerk, for preparing Digest of the Rules, $1,000.

For five folders in the folding-room, $3,600.

For the person preparing the general index to the journals of Congress, under resolution of June 18, 1878, $2,500.

SENATE.

For clerk to Committee on Military Affairs and for clerk to Committee on Post-Offices and Post-Roads, at $2,220 each.

For assistant clerk to Committee on Appropriations, $1,200.

For clerk to the Sergeant-at-Arms, $2,000.

For messenger to the Vice-President's room, to be appointed by the Vice-President, $1,440.

For miscellaneous items, $20,000.

STATE DEPARTMENT.

That the sum of $4,000 be, and is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purpose of printing 15,000 copies of the letter of the Secretary of State, with consular reports, showing the rates of wages, hours of labor, prices of food, the general condition of the working classes in the several countries of Europe, and the comparative advantages derived from citizenship of this Republic.

For negotiation with foreign governments with a view to the remonetization of silver, to be expended in the discretion of the President, $20,000; and an account of the expenditure thereof shall be submitted to the Congress that meets December, 1880.

For Third Assistant Secretary of State, $3,500.

TREASURY DEPARTMENT.

For salary of an associate judge in the Territory of Dakota, $2,600.

For associate judge of the supreme court in the District of Columbia, $4,000.

For a district judge for the northern district in Texas, $3,500.

For one skilled laborer in the office of the Auditor of the Treasury for the Post-Office Department, $1,000.

Office of Life-Saving Service: For General Superintendent of the Life-Saving Service, $4,000; assistant general superintendent of the Life-Saving Service, $2,500; one principal clerk and accountant, $1,800; two clerks of class 3; one clerk of class 2; one clerk of class 1; one clerk, $1,000; four clerks, at $900 each; one assistant messenger, $720; in all, $19,420.

INTERNAL REVENUE.

To meet a deficiency in the appropriation for salaries and expenses of agents and surveyors' fees and expenses of gaugers, salaries of storekeepers and miscellaneous expenses, being for the present fiscal year, $150,000: *Provided*, That hereafter storekeepers at distilleries that mash less than sixty bushels of grain per day shall be allowed not exceeding $50 per month. But when one person acts as storekeeper and gauger, his salary shall not exceed $4 per day for the time actually employed.

FOR THE MINTS AND ASSAY OFFICES.

Mint at Denver, Colorado: For assistant assayer, $1,400; one clerk, $1,400; for wages of workmen, $2,500; for fuel, lights, and other necessaries, $3,000.

Mint at New Orleans, Louisiana: For wages of workmen and adjusters, $18,000; for repairs and machinery, $5,000.

Assay office at Helena, Montana: For wages of workmen, $7,000; for fuel, crucibles, chemicals, and other necessaries, $9,485.

Assay office at Boisé City, Idaho: For wages of workmen, fuel, crucibles, and other incidental expenses, $4,000.

Assay office at Charlotte, North Carolina: For labor and other expenses, $250.

For the office of the Director of the Mint, for purchasing books, periodicals, and pamphlets containing information relative to monetary questions, $200.

"For legislative expenses," for the biennial year, in the following-named Territories, respectively:

For the Territory of New Mexico, $18,683.90.

For the Territory of Utah, $15,600.

For the Territory of Washington, $15,800.

For the Territory of Wyoming, $15,460.

WAR DEPARTMENT.

For eight charwomen, to be employed in the office of the Secretary of War, in the new State, War, and Navy Department building, at $180 per annum each, $1,440.

For four watchmen, two firemen, and one laborer, in the part of the Adjutant-General's Office to be located on the first and second floors of the old Navy Department building; in all, $4,980.

For contingent expenses of the Adjutant-General's Office, in the old Navy Department building, including fuel, light, heating apparatus, matting, cleaning, labor, and incidental items of care of two floors of Navy Department building to be occupied by Adjutant-General's Office, $2,000.

NAVY DEPARTMENT.

To maintain a force of watchmen and laborers to protect and to attend to the old building occupied by the Navy Department, namely, for four watchmen and two laborers, to be put on duty when the building is vacated, $4,200.

For fuel, lights, and miscellaneous items, $2,000.

To provide for an additional force for the proper care of and for service in the new building, namely, one engineer, $1,200; one assistant engineer, $1,000; one conductor for the elevator, $720; three firemen and eight charwomen, at $180 each, to be employed when the new building shall be taken possession of, a sufficient sum is hereby appropriated.

INTERIOR DEPARTMENT.

Office of the Secretary of the Interior:

For two clerks of class 4, two clerks of class 1, and one assistant messenger, $6,720.

For casual repairs of the building, $5,000.

For stationery, $5,000.

Pension Office:

For compensation of the Commissioner of Pensions, $3,600; deputy commissioner, $2,400, said office to continue for one year only; chief clerk, $2,000; medical referee, $2,250; twenty-six clerks of class 4; fifty-two clerks of class 3; eighty-four clerks of class 2; one hundred and forty seven clerks of class 1; ten clerks, at $1,000 each; one skilled mechanic, at $1,200; thirty copyists, at $900 each; one engineer, at $1,200; one assistant engineer, at $1,000; one messenger and twelve assistant messengers; and for eight laborers and two watchmen; in all, $489,350; this being in lieu of the paragraph of the same nature in the act of 1878, which is not continued and rendered available.

And the Secretary of the Interior is hereby authorized to rent such buildings as may be necessary from time to time for the purpose of the census, the total expenditure not to exceed $25,000, to be paid from the amount authorized to be expended by section 20 of act of March 3, 1879, census act.

Also, to enable him to provide offices for the Geological Survey and offices for additional accommodation of pension clerks, $3,000.

Under the Architect of the Capitol:

For person in charge of heating apparatus of the Congressional Library and Supreme Court, $864; for one laborer in charge of water-closet in central portion of the Capitol, $660; for three laborers for cleaning rotunda, corridors, and dome, at $660 each; for the pay of six watchmen employed on the Capitol grounds, at $720 each; in all $7,824.

Office of Auditor of Railroad Accounts:

For Auditor, $3,600; book-keeper, $2,400; assistant book-keeper, $2,000; railroad engineer, $2,000; one clerk, $1,400; one copyist, $900; traveling and other expenses, $1,500; incidental expenses, $250; in all, $14,050.

SOUTHERN CLAIMS COMMISSION.

For pay of three commissioners to the 10th day of March, 1880, at the rate of $5,000 per annum each; one clerk, at the rate of $2,500; one stenographer, at the rate of $2,500; one messenger, at the rate of $1,200; three additional clerks, at the rate of $1,200 each; in all, $17,222.21.

For compensation of three investigating agents, at $5 per day when actually employed; also traveling expenses of agents, fees, and mileage to Government witnesses, costs of summoning Government witnesses, fees to commissioners for taking testimony, fees for abstracts and exemplifications of public records relating to claims and claimants, $6,000: *Provided*, That said agents shall give notice to claimants whose claims it is proposed to investigate of the time and place of taking testimony, who shall have the right to cross-examine every witness who may testify in behalf of the Government; and said agents shall also take at the same time the testimony of any and all witnesses who may be presented by the claimant, on his paying the expenses thereof; and all such testimony, both on behalf of the claimant and the Government, shall be taken under the law and rules which usually govern the taking of testimony; and the judges of the southern claims commission shall prescribe and publish rules for the taking of the testimony, and shall provide in all cases for full and fair notice to be given of the time and place thereof.

And sections 2, 3, 4, 5, and 6 of the act of March 3, 1871, authorizing the southern claims commission are hereby repealed, to take effect on and after the 10th day of March, 1880.

United States entomological commission:

To provide for the investigation into the habits of the cotton-worm and other insects injurious to the cotton-plant and to agriculture, with a view of preventing their injuries, $5,000.

POST-OFFICE DEPARTMENT.

Third Assistant Postmaster-General:

In the office of the Third Assistant Postmaster-General the following increase of force over that of the current year is hereby authorized and appropriated for, namely: One clerk of class 4; two clerks of class 3; three clerks of class 2; one clerk of class 1; and three female clerks, at $900 per annum each; in all, $13,100.

AGRICULTURAL DEPARTMENT.

For the continuance of the investigation of the diseases of swine, and infectious and contagious diseases to which all other classes of domesticated animals are subject, $10,000.

SEC. 3. That sections 4771, 4772, and 4773 of the Revised Statutes of the United States, providing for biennial examinations of pensioners, are hereby repealed: *Provided*, That the Commissioner of Pensions shall have the same power as heretofore to order special examinations, whenever, in his judgment, the same may be necessary, and to increase or reduce the pension according to right and justice; but in no case shall a pension be withdrawn or reduced except upon notice to the pensioner and a hearing upon sworn testimony, except as to the certificate of the

examining surgeon. In order to provide for the speedy payment of arrearages of pensions, the Secretary of the Treasury is hereby authorized and directed to issue immediately in payment thereof, as they may be adjusted, the legal-tender currency, now in the United States Treasury, held as a special fund for the redemption of fractional currency under section 1 of joint resolution No. 17 of the Congress of the United States, approved July 22, 1876; and fractional currency presented for redemption shall be redeemed in any moneys in the Treasury not otherwise appropriated.

SEC. 4. That the fifth paragraph of that portion of the act of June 20, 1878, making appropriation for the sundry civil expenses of the Government for the fiscal year 1879, and for other purposes, relating to the District of Columbia, be, and the same is hereby, amended so that the sum of money therein appropriated to pay the workingmen of said District shall be paid to those whose claims are due and unpaid from the District of Columbia for work under the superintendents of the late board of public works, and also from contractors whose accounts against the government of said District had been paid in part or in full prior or subsequently to the act of June 23, 1874, and of those who have not been paid prior to or since said date, by the late board of public works or by the commissioners of the District of Columbia; and the commissioners of the District of Columbia are hereby directed to turn into the Treasury of the United States any moneys now in their possession due or belonging to contractors under the late board of public works, who have not paid their laborers or workmen: *Provided*, That if the said sum of $75,000 in said act mentioned shall not be sufficient to pay all such claims found to be due under the provisions of said act of June 20, 1878, and of this section, then there shall be made the original *pro rata* reduction of each claim and the amount to be paid on each claim shall be paid and received in full discharge of the claim of such workman; and that no such claims shall be received, filed, or audited subsequently to the 1st day of July, 1879: *Provided further*, That the amount or *pro rata* amount found to be due to each workman shall only be paid to him in person, if living, or in case of non-residents of the District of Columbia, by draft on the Treasury of the United States to his or their order, or to his or their legal representatives, if dead.

SEC. 5. That the pay of assistant messengers, firemen, watchmen, and laborers provided for in this act, unless otherwise specially stated in particular cases in the act of June 19, 1878, which it continues and makes available, (except as declared in the first section of this act,) shall be as follows: For assistant messengers, firemen, and watchmen, $720 per annum each; for laborers, $660 per annum each; and a sufficient amount to meet the provisions of this section is hereby appropriated.

Mr. ATKINS. The substitute which has been read at the desk by the Clerk differs in a very few respects from the bill which was reported the other day and recommitted to the Committee on Appropriations, and which has been printed and laid on the desks of members.

The principal feature of difference between the substitute and the bill as originally reported consists in an appropriation of $150,000 for the payment of the salaries of storekeepers and gaugers necessitated by the increase of distilleries in several of the Southern States within the last few months. It really is almost in the nature of a deficiency for this year; but the Committee on Appropriations thought it was very important the appropriation should be made, in order that those officers might be paid.

This bill does not increase a single salary, unless it be considered that raising the pay of messengers from $660 to $720 is an increase. The pay of laborers is also raised from $600 to $660.

I deem it necessary, Mr. Speaker, to go over the various items of difference between this substitute and the bill reported the other day. They relate principally to clerical force. There are nine copyists, for instance, that were left out accidentally in the Land Office. The salary of the Third Assistant Secretary of State was left out accidentally, that salary having been formerly appropriated for in the sundry civil act. There is also in this bill, over and above what was in the bill reported the other day, provision for fifteen clerks for the Pension Bureau. Although we gave in the vetoed bill all that the Commissioner of Pensions asked, still he says, on account of the great increase of business necessitated by the arrearages of pensions act, he wants fifteen clerks more; and we have given him in this bill fifteen more than there were in the vetoed bill or than there are now in the law.

This bill, Mr. Speaker, re-enacts the present law with certain eliminations, certain things taken out which are not necessary, the occasions for them having lapsed. It is not necessary to go over them. I could not do it in the five minutes allowed me. There are no political restrictions upon this bill—political restrictions so called.

A MEMBER. Good!

Mr. ATKINS. The restriction that was upon the vetoed bill and which created such a contest upon this floor is not embraced in this bill. Nor is the appropriation for the contingent expenses of the courts of the country, amounting to $2,600,000 or $2,700,000, embraced in this bill. You will remember, Mr. Speaker, that it was upon that portion of the appropriation bill that the restrictive clauses were placed with regard to the payment of deputy marshals and supervisors of elections. That matter will be embraced in a subsequent bill, a supplemental bill, if I may so style it, a supplemental judicial appropriation bill, which my honorable friend from Ohio [Mr. McMAHON] will probably report to-day to the House.

The object, Mr. Speaker, in having adopted this plan to pass this appropriation bill was simply to avoid going over line by line and section by section a bill of ninety pages, which would have required perhaps a week or ten days' time to pass through this House, and how long it would have required to pass through the Senate I am not prepared to say. I admit that the mode of bringing this bill forward is somewhat irregular, and the manner of the bill itself is somewhat irregular. But, sir, with this explanation and with the additional remark that the Committee on Appropriations are unanimously agreed upon this bill, I yield the floor to my colleague upon the committee, the gentleman from Connecticut, [Mr. HAWLEY.]

Mr. HAWLEY. As the chairman of the Committee on Appropriations has said, this bill aims to do what was aimed at in the more regular legislative, executive, and judicial appropriation bill, omitting what are characterized as the political sections. Now, we of the minority of the committee, and I might say the republicans in general, are opposed to the present form of the bill—very much opposed to it. As the bill stands it is a re-enactment in six or eight lines of the appropriations for the current year, with some fifteen or twenty pages, excepting those things that have been performed during the year. Of course, it is not necessary to repeat an appropriation for repairing the roof on the Medical Museum, for example. It is a re-enactment, therefore, of the appropriations for the current year, excepting a large number of things that have been done, and adding provisions on various matters that were not provided for in the act governing the current year—supplying various deficieneies and making various corrections.

Now, the minority would very much have preferred to pass the regular appropriation bill for these branches of the public service which was substantially approved by the last Congress, which went through this House and the Senate, came back from the Senate with certain amendments in which the House concurred, making approval No. 3, and which was again approved by a majority of the House when it was attempted to pass the bill over the veto, which makes approval No. 4. Four times Congress, within four months, has approved the legislative, executive, and judicial bill, which, minus the politics, we should have preferred to take because of its very much better form, because of its clearness in doing the work aimed at. We objected to this bill, and do now feel it is very seriously objectionable—the chairman of the committee admits that to some extent—by reason of its complication, and I might perhaps say its obscurity. But I do not deny that the Treasury Department, by detailing three men, the one with the old law before him, the other with the new bill before him, and the third with a slate and pencil, might in the course of a day find out what is appropriated; and I think the Government can live under it.

The bill provides, I suppose, substantially for the necessities of the Government in these branches of the service. But I am bound to say that I doubt whether there are three men in this House or in this city who have gone over it all from beginning to end—certainly not since it was entirely completed. A great deal has been rightly intrusted to the gentleman from Tennessee, the chairman of the committee, and the Committee on Appropriations have consented unanimously to support it, or at least to waive any objections to it. It contains, as has been stated sufficiently, no political matters of the kind ordinarily described as such, and we finally rather consented to its passage than approved of it. It also contains, I am bound to say, some general legislation, and I object to that, on principle, in appropriation bills.

Mr. ATKINS. There is no general legislation in this bill that was not in the vetoed bill.

Mr. HAWLEY. That is true. There is some in the vetoed bill, and I object to it. Now, then, I have intimated or suggested, but not detailed, the various serious objections made against the bill in the committee, and with these general observations I am willing that the bill shall pass that we may put an end to the expense and anxiety attending this prolonged extra session.

Mr. FINLEY. Have you any objections to referring this bill to the Committee of the Whole?

Mr. HAWLEY. I have not.

Mr. FINLEY. I am not opposed to the bill, but I am opposed to suspending the rules and passing a bill of this magnitude in this manner—a bill that no one knows anything about.

Mr. ATKINS. I now move that the rules be suspended and the bill passed.

Mr. DUNNELL. I desire to ask the gentleman a question. [Loud cries of "Vote!" "Vote!" from all parts of the House.]

Mr. ATKINS. I do not know that I am at liberty to answer a question now.

Mr. COX. I hope the gentleman from Tennessee [Mr. ATKINS] will give us a right to discuss the bill. [Loud cries of "Vote!" and "Regular order!"]

The question was put; and the Speaker announced, that two-thirds having voted in the affirmative, the bill was passed.

Mr. McMAHON. I desire to make a report from the Committee on Appropriations for the purpose of having it recommitted to the committee.

Mr. CABELL. I intended to ask the yeas and nays upon the other bill.

The SPEAKER. The Chair did not hear the gentleman make such demand. Does he say that he did?

Mr. CABELL. No; I did not rise from my seat, but it was my intention to have done so.

Mr. COX. I called for a division.

The SPEAKER. The Chair did not hear the gentleman. Does the gentleman say that he rose from his seat and demanded a division? [Loud cries of "No!" "No!"]

Mr. ATKINS. I trust that if the gentleman from New York states that he demanded a division he will have it.

The SPEAKER. The Chair was not in haste to proclaim the bill passed; he was very careful not to shut out any demand for the yeas and nays, or for a division, but the Chair is willing now to withdraw his decision.

Mr. ACKLEN. I object; the bill is passed.

The SPEAKER. The Chair so declared without any apparent objection.

Mr. COX. I do not now insist upon a division.

Mr. REAGAN. I understand the gentleman from New York [Mr. COX] does not insist upon it now.

The SPEAKER. The Chair did not see the gentleman rise in his seat nor did he hear him call for a division. The Chair will, however, retrace. Is there a division demanded?

Mr. FINLEY. There is; I demand one.

The question was taken upon Mr. ATKINS's motion; and on a division there were—ayes 170, noes 20.

Mr. NICHOLLS called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 187, nays 22, not voting 77; as follows:

YEAS—187.

Acklen,	Deering,	King,	Scales,
Aiken,	Deuster,	Kitchin,	Shallenberger,
Aldrich, N. W.	Dibrell,	Klotz,	Sherwin,
Aldrich, William	Dunnell,	Lapham,	Simonton,
Anderson,	Errett,	Le Fevre,	Singleton, O. R.
Armfield,	Evins,	Lewis	Smith, A. Herr
Atherton,	Ewing,	Loring,	Smith, William E.
Atkins,	Farr,	Lowe,	Sparks,
Bailey,	Felton,	Marsh,	Springer,
Baker,	Ferdon,	Martin, Benj. F.	Steele,
Barber,	Field,	Martin, Edward L.	Stephens,
Bayne,	Fisher,	Mason.	Stevenson,
Beale,	Ford,	McCoid,	Stone,
Beltzhoover,	Forney,	McCook,	Talbott,
Bicknell,	Forsythe,	McGowan,	Taylor,
Blackburn,	Frye,	McKinley,	Thomas,
Blake,	Garfield,	McMahon,	Thompson,
Bouck,	Geddes,	Mitchell,	Tillman,
Bowman,	Gillette,	Monroe,	Townsend, Amos
Brewer,	Godshalk,	Morrison,	Townshend, R. W.
Briggs,	Goode,	Morton,	Tyler,
Brigham,	Hall,	Murch,	Updegraff, J. T.
Bright,	Hammond, John	Neal,	Updegraff, Thomas
Burrows,	Hammond, N. J.	New,	Upson,
Butterworth,	Harmer,	Newberry,	Urner,
Cannon,	Harris, John T.	Norcross,	Valentine,
Carlisle,	Haskell,	O'Connor,	Van Aernam,
Carpenter,	Hatch,	O'Neill,	Voorhis,
Claflin,	Hawk,	Osmer,	Waddill,
Clardy,	Hawley,	Overton,	Wait,
Clymer,	Hayes,	Persons,	Ward,
Cobb,	Henry,	Phelps,	Warner,
Coffroth,	Herbert,	Phister,	Washburn,
Colerick,	Herndon,	Poehler,	Weaver,
Conger,	Hill,	Pound,	Wellborn,
Converse,	Hiscock,	Price,	Wells,
Cook,	Horr,	Reagan,	Whiteaker,
Covert,	Hostetler,	Rice,	Wilber,
Cravens,	Houk,	Richardson, D. P.	Williams, C. G.
Crowley,	House,	Robinson,	Williams, Thomas
Culberson,	Hull,	Rothwell,	Willis,
Daggett,	Humphrey,	Russell, William A.	Willits,
Davidson,	Jones,	Ryan, Thomas	Wise,
Davis, George R.	Joyce,	Ryon, John W.	Wright,
Davis, Joseph J.	Keifer,	Samford,	Yocum,
Davis, Loundes H.	Kenna,	Sapp,	Young, Thomas L.
De La Matyr,	Kimmel,	Sawyer,	

NAYS—22.

Bliss,	Elam,	Knott,	Smith, Hezekiah B.
Cabell,	Finley,	Manning,	Turner, Oscar
Caldwell,	Frost,	McMillin,	Whitthorne,
Clark, John B.	Gunter,	Nicholls,	Wilson.
Cox,	Henkle,	Robertson,	
Dunn,	Hurd,	Slemons,	

NOT VOTING—77.

Bachman,	Dickey,	Lay,	Richardson, John S.
Ballou,	Dwight,	Lindsey,	Richmond,
Barlow,	Einstein,	Lounsbery,	Robeson,
Belford,	Ellis,	Martin, Joseph J.	Ross,
Bingham,	Fort,	McKenzie,	Russell, Daniel L.
Bland,	Gibson,	McLane,	Shelley,
Blount,	Harris, Benj. W.	Miles,	Singleton, James W.
Boyd,	Hazelton,	Miller,	Speer,
Bragg,	Heilman,	Mills,	Starin,
Browne,	Henderson,	Money,	Tucker,
Buckner,	Hooker.	Morse,	Turner, Thomas
Calkins,	Hubbell,	Muldrow,	Vance,
Camp,	Hunton,	Muller,	Van Voorhis,
Caswell,	James,	Myers,	White,
Chalmers,	Johnston,	O'Brien,	Wood, Fernando.
Chittenden,	Jorgensen,	O'Reilly,	Wood, Walter A.
Clark, Alvah A.	Kelley,	Orth,	Young, Casey.
Cowgill,	Ketcham,	Pierce,	
Crapo,	Killinger,	Prescott,	
Dick,	Ladd,	Reed,	

So (two-thirds voting in favor thereof) the rules were suspended and the bill was passed.

During the call of the roll the following announcements were made:

Mr. YOUNG, of Tennessee. I am paired on all political questions with Mr. HENDERSON, of Illinois.

Mr. HAMMOND, of Georgia. My colleague, Mr. BLOUNT, is absent on public business. Were he present, he would vote "ay."

Mr. TALBOTT. My colleague, Mr. MCLANE, is paired with Mr. BOYD, of Illinois. If present, I presume Mr. MCLANE would vote "ay."

Mr. ROSS. I am paired with Mr. CRAPO, of Massachusetts.

Mr. DAVIS, of North Carolina. I am paired with my colleague, Mr. MARTIN. As I am assured by friends on the other side that he would not object, I have voted "ay" on this motion.

Mr. FORNEY. My colleague, Mr. SHELLEY, is paired with Mr. MILLER, of New York.

Mr. BUCKNER. I am paired with Mr. CHITTENDEN, of New York. If he were here, I would vote "ay."

Mr. STEELE. My colleague, Mr. VANCE, is detained from the House by illness, and is paired generally with Mr. WILLITS, of Michigan. As Mr. VANCE, however, would vote "ay" if present, I have consented that Mr. WILLITS may vote in the same way.

Mr. COVERT. My colleague, Mr. FERNANDO WOOD, is paired with Mr. ROBESON, of New Jersey.

Mr. FELTON. My colleague, Mr. SPEER, is paired with Mr. CASWELL, of Wisconsin.

Mr. HOOKER. I am paired with Mr. CALKINS, of Indiana. If present, he would vote "ay" and I would vote "no."

Mr. MILLS. I am paired with Mr. FORT, of Illinois. If he were present, I would vote "ay."

Mr. MULLER. I am paired with Mr. HEILMAN, of Indiana.

Mr. MCKENZIE. I am paired with Mr. HUBBELL, of Michigan.

Mr. MULDROW. I am paired with Mr. DWIGHT, of New York. Were he present, I would vote "no."

Mr. STEVENSON. I desire to announce that Mr. LADD, of Maine, and Mr. LINDSEY, of Maine, are paired. If present, Mr. LADD would vote "ay."

Mr. AIKEN. My colleague, Mr. RICHARDSON, is paired with Mr. CAMP, of New York. If Mr. RICHARDSON were present, he would vote "ay."

Mr. PHISTER. My colleague, Mr. THOMAS TURNER, is absent by leave of the House and is paired with Mr. WHITE, of Pennsylvania.

Mr. TOWNSHEND, of Illinois. My colleague, Mr. SINGLETON, is paired with Mr. MILES, of Connecticut.

Mr. POUND. My colleague, Mr. HAZELTON, is absent by leave of the House and is paired with Mr. BLOUNT, of Georgia. If present, Mr. HAZELTON would vote "ay."

Mr. SINGLETON. My colleague, Mr. CHALMERS, is absent and paired with Mr. VAN VOORHIS, of New York. If here, Mr. CHALMERS would vote "ay."

Mr. ROBINSON. My colleague, Mr. MORSE, is paired with Mr. KELLEY, of Pennsylvania. If here, they would both vote "ay."

Mr. NEWBERRY. I desire to announce that Mr. PRESCOTT, of New York, is paired with Mr. RICHMOND, of Virginia.

Mr. STONE. I desire to announce that Mr. STARIN, of New York, is paired with Mr. MONEY, of Mississippi.

Mr. FIELD. My colleague, Mr. HARRIS, is paired with Mr. LEWIS, of Alabama. If present, Mr. HARRIS would vote "ay."

Mr. BAILEY. My colleague, Mr. LOUNSBERY, is paired with Mr. REED, of Maine. If present, I think they would both vote "ay."

Mr. ALDRICH, of Rhode Island. I am paired on all political questions with the gentleman from Virginia, Mr. HUNTON. Presuming that, if present, he would vote "ay," I have voted "ay." My colleague, Mr. BALLOU, is paired with Mr. DICKEY, of Ohio. If present, Mr. BALLOU would vote "ay."

Mr. MCCOOK. My colleague, Mr. EINSTEIN, is absent by leave of the House. If present, he would vote "ay."

Mr. WILLIAMS, of Wisconsin. My colleague, Mr. CASWELL, is paired with Mr. SPEER, of Georgia. If present, Mr. CASWELL would vote "ay."

Mr. BAKER. My colleague, Mr. ORTH, is absent from the House by leave, and is paired with Mr. DICKEY, of Ohio. If present, Mr. ORTH would vote "ay."

Mr. CONGER. My colleague, Mr. HUBBELL, I understand is paired with Mr. MCKENZIE, of Kentucky. If present, Mr. HUBBELL would vote "ay."

Mr. COWGILL. I am paired with my colleague, Mr. MYERS. I do not know how he would vote, but if I were not paired I should vote "ay." My colleague, Mr. HEILMAN, is paired with Mr. MULLER, of New York. If present, Mr. HEILMAN would vote "ay."

Mr. BLAKE. Mr. ROBESON, of New Jersey, is absent by leave of the House, and is paired with Mr. FERNANDO WOOD, of New York.

Mr. JOYCE. My colleague, Mr. BARLOW, is absent and paired for this day with Mr. BLACKBURN, of Kentucky. I am satisfied that if Mr. BARLOW were present he would vote "ay," and therefore I do not ask that the gentleman from Kentucky, [Mr. BLACKBURN,] who has also voted "ay," shall withdraw his vote.

Mr. HAMMOND, of New York. My colleague, Mr. DWIGHT, is paired with Mr. MULDROW, of Mississippi. If present, Mr. DWIGHT would vote "ay."

Mr. LORING. My colleague, Mr. HARRIS, is absent and paired with Mr. LEWIS, of Alabama. Upon this bill Mr. LEWIS has voted in the affirmative with the consent of Mr. HARRIS, with whom he is paired on all other questions.

Mr. FISHER. My colleague, Mr. DICK, is paired with Mr. LAY, of Missouri. If present, Mr. DICK would vote "ay."

Mr. HARMER. My colleague, Mr. WHITE, of Pennsylvania, is paired with Mr. THOMAS TURNER, of Kentucky. My colleague, Mr. BINGHAM, is paired with Mr. O'REILLY, of New York. If present, Mr. BINGHAM would vote "ay."

Mr. FRYE. My colleagues, Mr. LINDSEY and Mr. LADD, are paired.

Mr. RICE. My colleague, Mr. CRAPO, is paired with Mr. ROSS, of New Jersey.

Mr. COFFROTH. My colleague, Mr. BACHMAN, is paired with Mr. BELFORD, of Colorado. If present, Mr. BACHMAN would vote "ay."

Mr. LAPHAM. On all political questions I am paired with Mr. TUCKER, of Virginia. Believing that he would support this bill if present, I have voted "ay."

Mr. FINLEY. My colleague, Mr. DICKEY, has been announced as paired with Mr. ORTH, of Indiana, and also with Mr. BALLOU, of Rhode Island. The latter statement is incorrect; he is paired only with Mr. ORTH.

The result of the vote was then announced as above stated.

APPROPRIATIONS FOR JUDICIAL EXPENSES.

Mr. MCMAHON, from the Committee on Appropriations, reported a bill (H. R. No. 2252) making appropriations for judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes; which was read a first and second time.

Mr. MCMAHON. I move that the bill be ordered to be printed and recommitted.

Mr. CONGER. I reserve all points of order on the bill.

The motion of Mr. MCMAHON was agreed to.

Mr. MCMAHON moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MARINE HOSPITAL AT MEMPHIS, TENNESSEE.

Mr. REAGAN. By authority of the Committee on Commerce and on behalf of the gentleman from Kentucky, [Mr. THOMAS TURNER,] who was directed to make this report, I move to suspend the rules and pass the bill which I send to the desk—a substitute for House bill No. 1607, to provide for the construction of a marine hospital in the city of Memphis, Tennessee. There is a report accompanying the bill.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Surgeon-General of the Marine Hospital Service be, and he is hereby, authorized and empowered to procure a proper site in or near the city of Memphis, Tennessee, and cause to be erected thereon a building suitable for a marine hospital, after plans and specifications which shall be furnished under his direction by the Supervising Architect of the Treasury Department.

SEC. 2. That the sum of $30,000, or so much thereof as may be necessary, be, and the same is hereby, appropriated out of any money now in the Treasury not otherwise appropriated, to be expended by the Secretary of the Treasury in the purchase of said site and the erection of the aforesaid building thereon.

Mr. CONGER. Is this bill subject to a point of order?

The SPEAKER. The gentleman from Texas, by instruction of the Committee on Commerce, moves to suspend the rules and pass the bill.

Mr. YOUNG, of Tennessee. Is it in order to ask that the report accompanying the bill be read? That report explains the necessity for this building, which is recommended by the National Board of Health, by the Secretary of the Treasury, and by the Supervising Surgeon of the Marine-Hospital Service.

The SPEAKER. The reading of the report would be in the nature of debate. Is there objection to the reading?

Mr. SPARKS. There is.

The question being taken on the motion of Mr. REAGAN to suspend the rules and pass the bill, there were—ayes 103, noes 25.

Mr. SPARKS. I call for the yeas and nays.

The yeas and nays were not ordered.

So (two-thirds voting in favor thereof) the rules were suspended and the bill was passed.

DEPUTY COLLECTOR AT LAKE CHARLES, LOUISIANA.

Mr. ACKLEN. By instruction of the Committee on Commerce, I move to suspend the rules and pass a bill authorizing the Secretary of the Treasury to appoint a deputy collector at Lake Charles, Louisiana.

The Clerk read the bill, as follows:

Be it enacted, &c., That the Secretary of the Treasury be, and he is hereby, authorized to appoint a deputy collector at Lake Charles, Calcasieu Parish, State of Louisiana, who shall have power to enter and clear vessels coming to that port.

The question being taken on the motion of Mr. ACKLEN, there were—ayes 46, noes 49.

Mr. ACKLEN called for tellers.

Tellers were not ordered.

So (two-thirds not voting in the affirmative) the motion was not agreed to.

VENTILATION OF THE HALL.

Mr. CARLISLE. I am instructed by the Committee on the Ventilation of the Hall of the House of Representatives to move to suspend the rules so as to adopt the resolutions which I send to the desk.

The Clerk read as follows:

Resolved, That the Committee on the Ventilation of the Hall of the House of Representatives, or any sub-committee thereof, be authorized to sit during the recess, with like power and authority as when Congress is in session.

Resolved, That said committee shall have the control and direction of the lighting, heating, and ventilation of the Hall of the House of Representatives at all times when the House is not in session: *Provided*, That nothing herein shall be so construed as to authorize said committee to interfere with any alteration or improvement heretofore directed by law.

The resolutions were adopted, two-thirds voting in favor thereof.

PUBLIC LANDS.

Mr. WRIGHT. I move to suspend the rules and pass the bill (H. R. No. 1846) relating to the public lands of the United States, which is reported by instruction of the Committee on Public Lands.

Mr. CONGER. Inasmuch as no gentleman on this side can be recognized under the present method of proceeding, I suggest that the Chair should sometimes follow the list in making these recognitions.

The SPEAKER. The Chair will in a few moments get to the individual recognitions, and will recognize the gentleman from Kansas [Mr. RYAN] who sought recognition on Monday last. These motions made on behalf of committees are generally made in pursuance of unanimous instructions from respective committees. Both sides are represented on all these questions through committees. The bill which the gentleman from Pennsylvania [Mr. WRIGHT] moves to pass under a suspension of the rules will be read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when any lands of the United States shall have been entered, and the Government price paid therefor in full, no suit or proceeding, civil or criminal, by or in the name of the United States, shall thereafter be had or further maintained for any trespasses upon, or for or on account of any material taken from, said lands, or on account of any alleged conspiracy in relation thereto, prior to the approval of this act: *Provided*, The defendants in such suits or proceedings begun before such full payment shall exhibit to the proper court or officer the evidence of such entry and payment, and shall pay all costs accrued up to the time of such payment.

SEC. 2. That persons who have heretofore under any of the homestead laws entered lands properly subject to such entry, or persons to whom the rights of those having so entered for homesteads may have been attempted to be transferred by *bona fide* instrument in writing, may entitle themselves to said lands by paying therefor $1.25 per acre, and the amount heretofore paid the Government upon said lands shall be taken as part payment of said price: *Provided*, This shall in no wise interfere with the rights or claims of others who may have subsequently entered such lands under the homestead laws.

SEC. 3. That the price of lands now subject to entry which were raised to $2.50 per acre more than twenty years prior to the passage of this act by reason of the grant of alternate sections for railroad purposes is hereby reduced to $1.25.

SEC. 4. This act shall not apply to any of the mineral lands of the United States; and no person who shall be prosecuted for or proceeded against on account of any trespasses committed or material taken from any of the public lands after the passage of this act shall be entitled to the benefit thereof.

Mr. DUNNELL. I desire to ask a question.

The SPEAKER. Debate is not in order.

Mr. WRIGHT. I ask unanimous consent to occupy five minutes in explaining the nature and character of this bill.

Mr. DUNNELL. I object.

Mr. RYAN, of Kansas. I desire to make a parliamentary inquiry. I wish to know whether the Committee on Public Lands have instructed the gentleman from Pennsylvania to make this motion?

The SPEAKER. The Chair has been so advised.

Mr. WRIGHT. The bill has the unanimous recommendation of the Committee on Public Lands.

Mr. RYAN, of Kansas. That may be true; but I ask whether the committee have instructed the gentleman to put the bill on its passage under a suspension of the rules?

The SPEAKER. The Chair has been so advised.

Mr. WRIGHT. They have.

Mr. RYAN, of Kansas. I understand from some members of the committee that such is not the fact; and I wish to ask the gentleman whether it is the fact.

Mr. WRIGHT. The bill, as the gentleman is aware, has been ordered to be reported by the unanimous vote of the committee.

Mr. RYAN, of Kansas. That is not the point. I want to know whether the Committee on Public Lands instructed the gentleman to move to suspend the rules and pass the bill.

Mr. WRIGHT. I was directed to report the bill. I was not instructed by the committee to make the motion to pass it at this time under a suspension of the rules.

The SPEAKER. Then the Chair does not recognize the gentleman.

Mr. WRIGHT. I have the consent of the committee to this motion, but not their instructions.

CONTESTED ELECTIONS.

Mr. SPRINGER. By instruction of the Committee of Elections, I move to suspend the rules and pass the resolution which I send to the Clerk.

Mr. CONGER. I again suggest that ordinary comity requires that these recognitions for motions to suspend the rules should alternate between the two sides of the House.

The SPEAKER. The Chair is responsible for the recognitions. He has always exercised the utmost fairness as between the two sides of the House; but he claims the right to recognize members acting under instructions of a committee in preference to individual members. The Chair has never yet bound himself absolutely in all cases to adhere to the names upon the individual list.

Mr. CONGER. That precludes this side from ever having an opportunity.

The SPEAKER. The Chair is always fair to both sides. Recognition of members under the rules rests with the Chair, and not with any member.

Mr. CONGER. I only wished to know what the rule was. It effectually precludes this side from ever having an opportunity.

The SPEAKER. The Chair believes neither side has any just right to complain of the Chair in this respect.

Mr. SPRINGER. This is a unanimous report from the Committee of Elections.

The SPEAKER. The gentleman from Illinois, chairman of the Committee of Elections, is recognized, under the unanimous instruction of his committee, to move to suspend the rules and pass the following resolution.

The Clerk read as follows:

Resolved, That the printing of the contested-election cases and the preparation of such cases for argument before the committee shall be continued during the ensuing vacation of Congress, under the rules and orders of the committee, and that the committee be authorized to retain their clerk during said time at the same rate of compensation allowed during the session, to be paid out of the contingent fund of the House.

Mr. CONGER. I ask whether that is reported by instruction of the committee?

The SPEAKER. The gentleman from Illinois stated that it was the unanimous instruction of the Committee of Elections, of which he is chairman.

Mr. SPRINGER. Yes, sir; I have been instructed by the committee to move to suspend the rules and pass the resolution as I have proposed. The gentleman from Ohio [Mr. KEIFER] on the other side will inform gentlemen over there that such is the fact.

Mr. KEIFER. That is the instruction of the Committee of Elections.

The House divided; and there were—ayes 92, noes 40.

Mr. ALDRICH, of Illinois. No quorum has voted.

Mr. SPRINGER. I demand tellers.

Tellers were ordered; and Mr. SPRINGER and Mr. ALDRICH, of Illinois, were appointed.

The House again divided; and the tellers reported—ayes 104, noes 44.

So (two-thirds having voted in the affirmative) the rules were suspended and the resolution was adopted.

TREATY WITH MEXICO.

Mr. WILSON. Mr. Speaker, I am directed by the Committee on Foreign Affairs to report the following bill——

The SPEAKER. What motion does the gentleman make in reference to the matter?

Mr. WILSON. I move to suspend the rules and pass the bill which looks toward a further treaty between the United States and Mexico. I ask that the report of the committee be read.

The SPEAKER. That is in the nature of argument and debate, and not in order.

Mr. TOWNSHEND, of Illinois. Has that Committee on Foreign Affairs authorized the gentleman to suspend the rules and pass the bill?

The SPEAKER. The gentleman from West Virginia so states.

Mr. WILSON. I am directed by the Committee on Foreign Affairs to make that report.

The SPEAKER. That is not equivalent to the committee instructing the gentleman to move to suspend the rules and put the bill upon its passage on Monday.

Mr. WILSON. At the last session of Congress I was instructed to move to suspend the rules and put the bill upon its passage. The Committee on Foreign Affairs during the present Congress have adopted that report. There has been no formal authority given to me to move to suspend the rules.

The SPEAKER. The authority given to the gentleman probably was to report the bill when committees were called regularly for reports, but that authority would not give the gentleman the right to move to suspend the rules and put the bill upon its passage at this time. The committee demands for suspensions being concluded, the Chair recognizes the gentleman from Kansas.

ARMY APPROPRIATION BILL.

Mr. RYAN, of Kansas. I move that the rules be suspended, and the bill (H. R. No. 2175) making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes—the bill reported by the gentleman from Pennsylvania [Mr. CLYMER] the other day—be put upon its passage at this time.

Mr. SPRINGER. Does that come from the Committee on Appropriations?

The SPEAKER. It does not.

Mr. SPRINGER. Then I think we had better pass the bill which does come from the Committee on Appropriations.

The SPEAKER. As far as the Chair is advised the committees which have asked for suspension of the rules have now had that opportunity and the Chair has recognized the gentleman from Kansas who is next entitled to be recognized.

Mr. ATKINS. I move the House do now adjourn.

Mr. RYAN, of Kansas. The bill which I have moved to be passed under a suspension of the rules is the bill reported by the gentleman from Pennsylvania, [Mr. CLYMER] a few days ago, word for word.

The SPEAKER. Does it contain everything in the bill reported by the gentleman from Pennsylvania, word for word as reported from that committee, restrictions and all?

Mr. RYAN, of Kansas. Everything, word for word, as printed.

Mr. ATKINS. I move the House do now adjourn. [Laughter on the republican side.]

Mr. RYAN, of Kansas. That is equivalent to voting against the bill.

The question being taken on the motion to adjourn, there were—ayes 92, noes 99.

Mr. ATKINS. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 105, nays 100, not voting 81; as follows:

YEAS—105.

Acklen,	Dibrell,	King,	Slemons,
Armfield,	Dunn,	Klotz,	Smith, Hezekiah B.
Atherton,	Elam,	Knott,	Smith, William E.
Atkins,	Evins,	Le Fevre,	Sparks,
Beale,	Finley,	Manning,	Springer,
Beltzhoover,	Forney,	Martin, Benj. F.	Steele,
Bicknell,	Frost,	Martin, Edward L.	Talbott,
Bliss,	Geddes,	McMahon,	Taylor,
Bright,	Goode,	McMillin,	Thompson,
Cabell,	Gunter,	Morrison,	Tillman,
Caldwell,	Hammond, N. J.	New,	Townshend, R. W.
Carlisle,	Harris, John T.	Nicholls,	Turner, Oscar
Clardy,	Hatch,	O'Connor,	Upson,
Clark, John B.	Henkle,	Persons,	Waddill,
Clymer,	Henry,	Phelps,	Warner,
Cobb,	Herbert,	Phister,	Wellborn,
Coffroth,	Herndon,	Poehler,	Wells,
Colerick,	Hill,	Reagan,	Whiteaker,
Converse,	Hooker,	Robertson,	Whitthorne,
Cook,	Hostetler,	Rothwell,	Williams, Thomas
Covert,	House,	Ryon, John W.	Willis,
Cox,	Hull,	Samford,	Wilson,
Cravens,	Hurd,	Sapp,	Wise,
Davidson,	Johnston,	Sawyer,	Wright.
Davis, Joseph J.	Keifer,	Scales,	
Davis, Loundes H.	Kenna,	Simonton,	
Deuster,	Kimmel,	Singleton, O. R.	

NAYS—100.

Aiken,	De La Matyr,	Humphrey,	Russell, William A.
Aldrich, N. W.	Deering,	Jones,	Ryan, Thomas
Aldrich, William	Dunnell,	Joyce,	Shallenberger,
Anderson,	Errett,	Lowe,	Sherwin,
Bailey,	Farr,	Marsh,	Smith, A. Herr
Baker,	Felton,	Mason,	Stephens,
Barber,	Ferdon,	McCoid,	Stevenson,
Bayne,	Field,	McCook,	Stone,
Blake,	Fisher,	McGowan,	Thomas,
Bouck,	Ford,	McKinley,	Townsend, Amos
Bowman,	Forsythe,	Mitchell,	Tyler,
Brewer,	Frye,	Monroe,	Updegraff, J. T.
Briggs,	Garfield,	Morton,	Updegraff, Thomas
Brigham,	Gillette,	Murch,	Urner,
Burrows,	Godshalk,	Neal,	Valentine,
Butterworth,	Hall,	Newberry,	Van Aernam,
Calkins,	Hammond, John	Norcross,	Voorhis,
Cannon,	Harmer,	O'Neill,	Wait,
Carpenter,	Haskell,	Osmer,	Ward,
Claflin,	Hawk,	Overton,	Washburn,
Conger,	Hawley,	Pound,	Weaver,
Crowley,	Hayes,	Price,	Wilber,
Culberson,	Hiscock,	Rice,	Williams, C. G.
Daggett,	Horr,	Richardson, D. P.	Yocum,
Davis, George R.	Houk,	Robinson,	Young, Thomas L.

NOT VOTING—81.

Bachman,	Dwight,	Lewis,	Richardson, J. S.
Ballou,	Einstein,	Lindsey,	Richmond,
Barlow,	Ellis,	Loring,	Robeson,
Belford,	Ewing,	Lounsbery,	Ross,
Bingham,	Fort,	Martin, Joseph J.	Russell, Daniel L.
Blackburn,	Gibson,	McKenzie,	Shelley,
Bland,	Harris, Benj. W.	McLane,	Singleton, J. W.
Blount,	Hazelton,	Miles,	Speer,
Boyd,	Heilman,	Miller,	Starin,
Bragg,	Henderson,	Mills,	Tucker,
Browne,	Hubbell,	Money,	Turner, Thomas
Buckner,	Hunton,	Morse,	Vance,
Camp,	James,	Muldrow,	Van Voorhis,
Caswell,	Jorgensen,	Muller,	White,
Chalmers,	Kelley,	Myers,	Willits,
Chittenden,	Ketcham,	O'Brien,	Wood, Fernando
Clark, Alvah A.	Killinger,	O'Reilly,	Wood, Walter A.
Cowgill,	Kitchin,	Orth,	Young, Casey.
Crapo,	Ladd,	Pierce,	
Dick,	Lapham,	Prescott,	
Dickey,	Lay,	Reed,	

So the motion to adjourn was agreed to.

During the roll-call the following announcements were made:

Mr. TALBOTT. My colleague, Mr. MCLANE, is paired with the gentleman from Illinois, Mr. BOYD.

Mr. YOUNG, of Tennessee. On this question I am paired with Mr. HENDERSON, of Illinois.

Mr. COVERT. My colleague, Mr. FERNANDO WOOD, is paired with Mr. ROBESON, of New Jersey.

Mr. MULDROW. I am paired with the gentleman from New York, Mr. DWIGHT.

Mr. LEWIS. I am paired with the gentleman from Maassachusetts, Mr. HARRIS.

Mr. DAVIS, of North Carolina. My colleague, Mr. MARTIN, is paired with my other colleague, Mr. KITCHIN.

Mr. SAMFORD. My colleague, Mr. SHELLEY, is paired with Mr. MILLER, of New York.

Mr. COFFROTH. My colleague, Mr. BACHMAN, is paired with the gentleman from Colorado, Mr. BELFORD.

Mr. BLACKBURN. I am paired with the gentleman from Vermont, Mr. BARLOW. If he were present, I should vote "ay." My colleague, Mr. THOMAS TURNER, is paired with the gentleman from

Pennsylvania, Mr. WHITE. If Mr. TURNER were present, he would vote "ay."

Mr. MILLS. I am paired with Mr. FORT, of Illinois. If he were present, I would vote "ay."

Mr. TOWNSHEND, of Illinois. My colleague, Mr. SINGLETON, is paired with Mr. MILES, of Connecticut.

Mr. McKENZIE. I am paired with Mr. HUBBELL, of Michigan.

Mr. FINLEY. My colleague, Mr. DICKEY, is paired with Mr. ORTH, of Indiana. If Mr. DICKEY were present, he would vote "ay."

Mr. AIKEN. Mr. RICHARDSON is paired with Mr. CAMP, of New York.

Mr. MULLER. I am paired with Mr. HEILMAN. If he were present, I would vote "ay."

Mr. KING. My colleague, Mr. ELLIS, is paired with Mr. JORGENSEN, of Virginia.

Mr. POUND. My colleague, Mr. HAZELTON, is paired with Mr. BLOUNT, of Georgia. If present, Mr. HAZELTON would vote "no."

Mr. ALDRICH, of Rhode Island. My colleague, Mr. BALLOU, is paired with Mr. HUNTON, of Virginia.

Mr. STONE. Mr. STARIN, of New York, is paired with Mr. MONEY, of Mississippi.

Mr. FIELD. My colleague, Mr. HARRIS, is paired with Mr. LEWIS, of Alabama. If present, Mr. HARRIS would vote "ay."

Mr. BAKER. My colleague, Mr. ORTH, is absent from the House by leave, and is paired with Mr. DICKEY, of Ohio.

Mr. BAILEY. My colleague, Mr. LOUNSBERY, is paired with Mr. REED, of Maine.

Mr. HARMER. My colleague, Mr. BINGHAM, is paired with Mr. O'REILLY, of New York. If present, Mr. BINGHAM would vote "ay."

Mr. FISHER. My colleague, Mr. DICK, is paired with Mr. LAY, of Missouri.

Mr. WILLIAMS, of Wisconsin. My colleague, Mr. CASWELL, is paired with Mr. SPEER, of Georgia.

Mr. MARSH. Mr. YOUNG, of Tennessee, is paired with Mr. HENDERSON, of Illinois.

Mr. LAPHAM. On all political questions I am paired with the gentleman from Virginia, Mr. TUCKER; and as this seems to be regarded as a political question, I decline to vote.

Mr. ROBINSON. My colleague, Mr. MORSE, is paired with Mr. KELLEY, of Pennsylvania.

Mr. JOHNSTON. My colleague, Mr. GOODE, is paired with Mr. TOWNSEND, of Ohio.

ENROLLED BILLS SIGNED.

Before the result of the vote was announced,

Mr. WARD, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the Senate of the following titles; when the Speaker signed the same:

A bill (S. No. 516) to extend the time of special postal service until service can be obtained by advertisement; and

A bill (S. No. 572) to amend an act approved February 24, 1879, entitled "An act to create the northern judicial district of the State of Texas, and to change the eastern and western judicial districts of said State, and to fix the time and places of holding courts in said districts."

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

To Mr. DICK, indefinitely, on account of the dangerous illness of his wife;

To Mr. WILBER, for ten days, on account of important business; and

To Mr. WALTER A. WOOD, indefinitely, on account of sickness in his family.

WITHDRAWAL OF PAPERS.

The SPEAKER. The gentleman from South Carolina [Mr. EVINS] asks leave to withdraw from the files of the House certain vouchers in the contested-election case of Tillman *vs.* Smalls. When the request was originally made the gentleman from New Hampshire [Mr. BRIGGS] and the gentleman from Michigan [Mr. CONGER] objected; the Chair is advised that they withdraw their objection.

There being no further objection, the leave was granted.

The result of the vote was then announced as above stated.

And accordingly (at three o'clock and fifty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BREWER: Resolution of the Legislature of Michigan, favoring the equalization of bounties—to the Committee on the Judiciary.

By Mr. DIBRELL: The petition of citizens of Tennessee, for a post-route from Solon, via Grassy Cove and C. G. Gibson's, to Robbsville, Tennessee—to the Committee on the Post-Office and Post-Roads.

By Mr. GARFIELD: The petition of Mrs. Louisia Pollock, for the establishment of a free kindergarten in the city of Washington, District of Columbia—to the Committee on Education and Labor.

By Mr. HASKELL: The petition of the heirs of Louis Frey, deceased, late captain Twenty-eighth Ohio Infantry Volunteers, for arrears of pay due said decedent—to the Committee on Military Affairs.

By Mr. HENKLE: The petition of George W. Maher, for compensation for extra services on the committee placed in charge of the reserve vault in the Treasury Department of the United States from March 1, 1873, to July 1, 1874—to the Committee of Claims.

By Mr. HOUK: Papers relating to the war claims of Massy Creek (Tennessee) Baptist College and of Wright French—to the Committee on War Claims.

By Mr. KLOTZ: The petition of Joseph and Caroline Boll, for a pension—to the Committee on Invalid Pensions.

By Mr. NEWBERRY: Resolutions of the Legislature of Michigan, asking for an appropriation of condemned cannon to aid in the construction of the Saratoga national monument—to the Committee on Military Affairs.

Also, resolution of the Legislature of Michigan, asking for an appropriation to improve the harbor at the mouth of the river Au Sable, in Iosco County, Michigan—to the Committee on Commerce.

By Mr. O'CONNOR: The petition of citizens of South Carolina, residents of Sullivan's Island, Charleston Harbor, for the restoration of Bowman's jetty, to save their property from encroachment and being washed away by the tides of the sea—to the Committee on Commerce.

By Mr. O'NEILL: The petition of Samuel B. Hutchinson, guardian, for restoration of a pension for the benefit of Mary A. Shurlock, his ward—to the Committee on Invalid Pensions.

By Mr. REAGAN: The petitions of S. W. Leigh and others and of Bush & Demlon Manufacturing Company and others, of New York City; of George Rice and others, of Macksburgh, Ohio; of R. P. Jones and others and of G. C. Butts and others, of Marietta, Ohio; of William Rittenhouse and others, of Browning's Springs, West Virginia; of Parker's Oil Exchange and others and of Warren G. Gray and others, of Parker City, Pennsylvania; of Moses Sweetser and others, of Parkersburgh, West Virginia; of Fred. Koener and others, of Newell's Run, Ohio; and of John F. Vinal and others, of Volcano, West Virginia, for the appointment of a special committee to investigate the charges of railroads on interstate commerce—to the Committee on Commerce.

By Mr. STONE: Resolution of the Legislature of Michigan, favoring the equalization of bounties—to the Committee on Military Affairs.

By Mr. WAIT: A bill for the improvement of Harlem River between Randall's Island and Hudson River—to the Committee on Commerce.

By Mr. WELLS: Resolution of the Legislature of Missouri, favoring the passage of an act of Congress to allow the Fifteenth and Sixteenth Regiments Missouri Cavalry Volunteers a bounty—to the Committee on Military Affairs.

By Mr. WHITEAKER: The petition of the Astoria (Oregon) Chamber of Commerce, that certain lands granted the Oregon Central Railroad Company be declared forfeited and restored to settlement under existing laws—to the Committee on Public Lands.

IN SENATE.

TUESDAY, *June* 10, 1879.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

ENROLLED BILL SIGNED.

The PRESIDENT *pro tempore* signed the enrolled bill (H. R. No. 435) to correct an error in "An act making appropriations for the construction, repair, preservation, and completion of certain works on rivers and harbors, and for other purposes," approved March 3, 1879; which had previously received the signature of the Speaker of the House.

HOUSE BILLS REFERRED.

The bill (H. R. No. 2002) making additional appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1879, and June 30, 1880, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

The joint resolution (H. R. No. 66) legalizing the action of the President and the Secretary of War in sending rations and tents to the yellow-fever sufferers was read twice by its title, and referred to the Committee on Military Affairs.

PERSONAL EXPLANATION.

Mr. DAVIS, of Illinois. On the 28th day of April last, when the repeal of the provision in the sundry civil bill of the last Congress, relating to the Moline Water-Power Company, was under consideration, I said:

> The Moline Water-Power Company had nothing to do with the insertion of this provision. It came from the hands of a member of the other House, who was on the conference committee, and who has uniformly and persistently opposed making any appropriations for the benefit of the water-power there and to carry out the contract.

I am satisfied now that this statement contained two errors of fact, and I cheerfully make the correction.

The provision in question did not originate with Mr. Hewitt, the member of the conference committee to whom I referred. On the contrary, it was drawn by the attorney or agent of the company, and after modification inserted in the bill by Mr. Hewitt to oblige the company, and for no other reason. He neither approved nor disapproved it, but was willing to place the responsibility on the Secretary of War, who has in his opinion decided the matter correctly.

It is proper to state that this correction would have been made at an earlier day had not the letter of Mr. Hewitt calling my attention to the subject been mislaid.

Mr. DAVIS, of West Virginia. The Senator is aware, I take it, that in a bill before the two Houses the provision has been repealed?

Mr. DAVIS, of Illinois. Oh, yes; I am aware of it.

VINEGAR FACTORIES.

Mr. BAYARD. I am instructed by the Committee on Finance to report a bill relating to vinegar factories established and operated prior to March 1, 1879, and I ask the Senate to proceed to its consideration now. I will give my reasons for the request.

The bill (S. No. 678) relating to vinegar factories established and operated prior to March 1, 1879, was read the first time by its title.

The PRESIDENT *pro tempore*. The bill will be read at length.

The bill was read the second time at length, as follows:

Be it enacted, &c., That any vinegar factory for the manufacture of vinegar, established and operated as a vinegar factory prior to March 1, 1879, may be operated for the manufacture of vinegar by the use of alcoholic vapor within such distance less than six hundred feet of any distillery or rectifying house, under such regulations as the Commissioner of Internal Revenue may prescribe with the approval of the Secretary of the Treasury.

The PRESIDENT *pro tempore*. The Senator from Delaware asks unanimous consent that the Senate proceed to the consideration of this bill. Is there objection?

Mr. COCKRELL. We should like to hear some reason why we should take the bill up and consider it at this time.

The PRESIDENT *pro tempore*. It is hardly a debatable question. By unanimous consent the Senator from Delaware can be allowed to make an explanation of the bill. The Chair hears no objection.

Mr. BAYARD. I think if my friend from Missouri will allow me to make a statement he will not object to the consideration of this bill. In an act which was approved on the 1st of March last a new provision of law was inserted which prohibited the distillation or the rectification of vinegar at any point within six hundred feet of an established distillery. Such a provision of law had never before existed, and several important vinegar factories had been theretofore erected and were in operation, employing a number of hands and engaged in a laudable industry. By this provision of the law, which was passed, I may say, almost inadvertently, legitimate business paying revenue to the Government was suddenly arrested; and before us to-day come citizens of the United States to say that their business was by the insertion of this prohibition, contained for the first time in the law of 1879, suddenly put an end to.

The Department have been requested to give us their information and opinion upon this subject, and there is no reason suggested why this bill should not become a law. Indeed it was drafted by the Commissioner of Internal Revenue. In one case I may mention, the case of Mr. Prussing, of Chicago, his business, employing two hundred men, giving food and support to eight hundred mouths, was suddenly by this provision of law put an end to peremptorily. It was one of those cases of accidental injury not intended by the law, and the present bill is intended to remedy it.

As this bill has received the approval of the Department, as it has received the unanimous approval of the committee, as it is open to no objection that I can imagine, and does tend to remove a manifest hardship to an honorable and worthy class of our citizens engaged in manufacturing under the laws of the country, and tax-payers, I ask that there may be no objection at this time to its passing the Senate. I do not know that it will become a law at the present session, but it ought to become a law, for it is intended to remedy an unintended injustice. Therefore I ask that there may be no objection to its consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NAVAL VESSELS FOR QUARANTINE PURPOSES.

Mr. McPHERSON. I am directed by the Committee on Naval Affairs to report back the joint resolution (H. R. No. 72) authorizing the Secretary of the Navy to place vessels and hulks at the disposal of commissioners of quarantine or other proper persons at the ports of the United States; and I ask unanimous consent for its immediate consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It authorizes the Secretary of the Navy, in his discretion, at the request of the National Board of Health, to place gratuitously at the disposal of the commissioners of quarantine, or the proper authorities at any of the ports of the United States, to be used by them temporarily for quarantine purposes, such vessels or hulks belonging to the United States as are not required for other uses of the National Government, subject to such restrictions and regulations as the said Secretary may deem necessary to impose for the preservation thereof.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 2253) to provide for the construction of a marine hospital in the city of Memphis, Tennessee;

A bill (H. R. No. 2006) to amend sections 2493 and 2494 of the Revised Statutes of the United States, relative to the importation of neat cattle into the United States for breeding purposes; and

A bill (H. R. No. 2251) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes.

The message also announced that the House had passed a concurrent resolution providing that the President of the Senate and Speaker of the House of Representatives declare their respective Houses adjourned *sine die* at twelve o'clock noon on Tuesday the 17th of June, instant; in which it requested the concurrence of the Senate.

HOUSE BILLS REFERRED.

Mr. DAVIS, of West Virginia. I ask that the appropriation bill just received from the House be read and referred.

The bill (H. R. No. 2251) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

The bill (H. R. No. 2253) to provide for the construction of a marine hospital in the city of Memphis, Tennessee, was read twice by its title, and referred to the Committee on Commerce.

FINAL ADJOURNMENT.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Appropriations:

Resolved by the House of Representatives, (the Senate concurring,) That the President of the Senate and the Speaker of the House of Representatives declare their respective Houses adjourned *sine die* at twelve o'clock noon on Tuesday the 17th June instant.

JAMES G. HARRISON.

Mr. VOORHEES. I am authorized by the Committee on Finance to report back the bill (S. No. 1) for the relief of James G. Harrison, and I ask its immediate consideration by the Senate.

The bill was read.

The PRESIDENT *pro tempore*. The Senator from Indiana asks unanimous consent that the Senate proceed to the consideration of this bill. Is there objection?

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to James G. Harrison, late assistant assessor in the second internal-revenue district of Indiana, the compensation payable to assessors in that district, from the 4th of March, 1867, to the 14th of April, 1869, during which time he acted as assessor, first deducting from the amount which would be due him as assessor the sums paid him as assistant assessor during the same period.

Mr. CONKLING. I wish the Senator from Indiana would state what the bill is. We are legislating very rapidly here this morning.

Mr. VOORHEES. I expected to explain it. During the last session of Congress the House passed this bill just as it is now before the Senate. It came here from the House, was referred to the Finance Committee, by that committee considered favorably, reported back to this body and placed upon the Calendar; and it failed to pass because it was not reached on the Calendar. I introduced the bill again the first day of the present session. I can better explain the exact nature of the bill by reading the report which was made to accompany the bill in the House:

The petitioner, James G. Harrison, was assistant assessor of internal revenue for the second collection district of Indiana from the 1st day of September, 1862, to the 13th day of April, 1869; that during two years one month and nine days of that period, to wit, from the 4th day of March, 1867, to April 13, 1869, there being no assessor in and for said district, he, by the direction of the Commissioner of Internal Revenue, and while assistant assessor of said district, performed all the duties pertaining to the office of assessor of said district; that during the time he was acting assessor of said district he received only the compensation allowed by law to assistant assessors, to wit, $5 per day. He now asks the payment of such balance as will realize to him the full pay of an assessor for the period during which he discharged the duties of that office. A letter from the Fifth Auditor to a previous committee of this House, dated March 19, 1874, states that such balance is $1,555.90.

Your committee believe that the petitioner, having performed the duties of the office of assessor, should receive the full pay provided by law for the services he has rendered, and therefore report to the House the accompanying bill, and recommend that it do pass.

The bill involves a very simple proposition, and that is that the assistant assessor, having performed the duties of assessor for two years one month and nine days, shall be paid for his work according to the rate that he would have been paid if he had been an actual assessor.

The objection to this measure is the danger of setting a precedent whereby when the head of an office is absent for short intervals and his assistant acts in his place that assistant will claim his pay. The

Committee on Finance thought unanimously, however, that the length of time during which this officer acted in the principal capacity made it a safe bill to pass. They thought it would not establish a precedent, because it is not likely that in many, if any, cases such a thing would occur again, or if it did this relief ought to be granted in any case. Here was a man assistant assessor; the assessor's office became vacant, I think by death; at any rate there was no assessor; nobody has been paid as assessor at all.

Mr. COCKRELL. The office became vacant by the refusal of the Senate to confirm the person nominated.

Mr. VOORHEES. Perhaps it became vacant by the refusal of the Senate to confirm. Under the direction of the Commissioner of Internal Revenue this man took charge of that office for over two years, and faithfully and acceptably performed its duties, and the committee is of the opinion that he ought to be paid for his work.

Mr. CONKLING. May I ask the Senator a question?

Mr. VOORHEES. Certainly.

Mr. CONKLING. Does he happen to know how many instances there are which arose, during the administration of Andrew Johnson alone, of assistant assessors and assistant collectors who discharged the duties of their chief, the office being vacant owing as in this case it seems, to a difference of opinion between the Executive and the Senate?

Mr. VOORHEES. I can only answer that I know of no other instance where an assistant was left, under the direction of the Department here, to perform the duties of the office of collector or assessor for two years or for one year. There are doubtless instances where for a brief space such a state of facts took place; but if the Senator from New York or anybody else can show me where any man honestly and acceptably, under the direction of the Department, performed the duties of assessor or collector one year or two years, I stand here to say that I will vote to pay him for his work. I think this is meritorious and right, and I am not much prone to take alarm at precedents where I think the case in point stands on its own merits. If another case like it comes forward, I will deal with it as I would with this case.

Mr. CONKLING. Mr. President, I feel no inclination to make opposition to any wish of the Senator from Indiana, nor do I feel the least disposition to question the merits of Mr. Harrison, the person named in the bill; but I do venture to question very seriously whether at this day the Senate should do what the Senate on many previous days refused to do in respect of this very class of officers in this very predicament, as I understand it.

Let me see whether I do understand it. In the assessment district referred to, a nomination was made by Mr. Johnson to the Senate of an assessor. The Senate refused to confirm that nomination, and he, with a persistence to which he was not unaccustomed, refused to nominate somebody else. Therefore and thereby the assessorship stood vacant, and it continued to stand vacant for two years. During those two years, not by any delegation of authority or direction from the Department, because that would have been a work of supererogation, but by operation of law, of general law applicable to that and to all other districts as well, this senior assistant, for such he must have been, (perhaps that is not the term employed in the statute but it is a term equivalent to that,) became the *locum tenens* of that office. He discharged its duties, and discharged its duties under a law—I speak from recollection, I have had no time to refer to it—which expressly stated that the measure of his compensation should be that which he was receiving as assistant, and which I think added that it should be no more and no greater compensation.

Now, if the Senator from Indiana will allow the bill to lie over until I have the opportunity to look up the records, I think I can show him in official form what perhaps he will be content for the moment to accept upon my recollection, that this is one of a very considerable number of cases. It is not peculiar in its character because two years elapsed; not that I mean to say there are other cases where the term was exactly two years or more than two years; but I do mean to say that there were repeated cases where the term was so long that there would be no practical distinction between this case and those cases. There was, as all Senators will remember, a deep-seated difference of opinion in that day between the nominating power and this portion of the appointing power. It was said that no man could eat the bread and butter of the Administration without supporting the Administration. That became a somewhat famous phrase; and the then Executive proceeded honestly and openly upon that idea, as other administrations have sometimes proceeded upon it denying that they so proceeded and canting about their proceeding. Andrew Johnson did not cant. He was a resolute man, and he avowed what he meant; and that was what he meant and that was what he did. The Senate being opposed to Mr. Johnson upon that point and upon others, said, "Very well, the man who eats the bread and butter of the Administration shall not be turned out because he does not support it, nor shall offices be filled upon that principle." Accordingly, a great many rejections took place. In my own State offices stood vacant for more than two years, the duties being performed by the subordinates, and stood vacant because the President would nominate no one whom the Senate would appoint, and the Senate would confirm no one whom the President would nominate.

Therefore these cases were quite numerous all over the country. Now, it seems to me, we are about, if this bill be passed, to say at this late day that all men whose cases stand on all-fours with this no doubt meritorious man, may come in and receive all this compensation. The law under which they served said they should not. The two Houses of Congress, by the omission to act in this case and in others, have said they should not. Now it is proposed that we shall reverse all that and say they shall.

For one, I did not understand the request the Senator from Indiana made in reference to this bill. I understood him to move to take up a bill. I learn now, seeing a print which does not show the bill reported from any committee, that the Senator reported the bill back this morning, and asked that the report made this morning be taken up.

Mr. VOORHEES. The report I made was by the unanimous instruction of the Committee on Finance.

Mr. CONKLING. Yes, but it was made to-day.

Mr. VOORHEES. It was made to-day.

Mr. CONKLING. I only say that I did not understand that. I supposed it was a bill on the table or on the Calendar until I learned otherwise.

The PRESIDENT *pro tempore*. The Chair will state that he twice asked, after a very considerable interval each time, if there was objection to proceeding to the consideration of the bill.

Mr. CONKLING. I do not doubt it. It was my own fault that I did not understand it; but it so happens I did not. When I inquired of the Clerk, seeing that the print showed no report of the committee, he said the bill had been reported to-day, and the bill as reported had not been printed. I did not understand that when the Senator made his request. I do not believe we ought at this session and hastily to take up any one of these cases which is to be the entering-wedge of all the others. How many there are I do not know.

As I have the floor, I will hold it but one moment, I wish to ask the Senator from Missouri [Mr. COCKRELL] a question if I can get his attention, who, if I remember aright, as a member of the Committee on Claims made a report against some of these cases, perhaps against this very case. Did he?

Mr. COCKRELL. There was a report made unanimously by the Committee on Claims, June 7, 1876, against this very claim.

Mr. CONKLING. Against this very case. Now, may I inquire of the Senator from Missouri how many, according to his recollection, there were or are of cases of revenue officers, collectors and assessors in this same general predicament?

Mr. COCKRELL. I made the report myself, but I did not at the time make a compilation of the number. However, it was supposed there were a large number of assistant assessors in the same situation as this one throughout the length and breadth of the United States. I knew a number to exist in Missouri at the same time of the very same character.

Mr. CONKLING. I observe, from seeing this report for the first time at the moment, that it begins by setting forth the report which the honorable Senator from Indiana has read, that is, the report made by Mr. BRIGHT from the Committee of Claims in the House to accompany House bill No. 1034. Is that the report the Senator read?

Mr. VOORHEES. I read the report made by the House committee.

Mr. CONKLING. The Senator read, if I understood him, a report from the House committee?

Mr. VOORHEES. Yes, sir; I read the report of the House committee. The Senator holds in his hand the report made by the Senator from Missouri.

Mr. CONKLING. So I do, and if the Senator will observe, this report from the Senate committee begins by reciting a report then recently made by a committee of the House, which report was made by Mr. BRIGHT to accompany House bill No. 1034. My inquiry is whether that is the report read by the Senator?

Mr. VOORHEES. It is not the report that I read to the Senate.

Mr. CONKLING. When was that report made, if the Senator will be kind enough to inform me?

Mr. VOORHEES. The Senator from Missouri stated that the report which the Senator from New York holds in his hand was made in 1876.

Mr. COCKRELL. June 7, 1876.

Mr. VOORHEES. The report which I read, made by the Committee of Claims in the House, was made on the 24th day of January, 1879.

Mr. CONKLING. I thought the report was the same, because of the singular similarity of statement throughout. I listened to the Senator's reading, and, if I mistake not, everything he read is here in this report set out, and in very much the same phraseology.

Mr. VOORHEES. I think that is quite likely.

Mr. CONKLING. For example, to show the Senate how striking the coincidence is, I will read:

> That during two years, one month, and nine days of that period, to wit, from March 4, 1867, to April 13, 1869, there being no assessor for said district, he served, by direction of the Commissioner of Internal Revenue, as acting assessor of said district, performing all the duties pertaining to the office of assessor.

Those words sound strangely like those read by the Senator.

Mr. VOORHEES. It would be most remarkable if they sounded any differently, being the statement of a mere fact which was just that way, and it could hardly be stated in any other way.

Mr. CONKLING. That I agree to. The report concludes exactly, as I remember, like the other report.

Mr. VOORHEES. I think it quite likely.

Mr. CONKLING. The long and short of it is this: the House committee in 1876 made this report; the committee at a later day made it over again; and I rather think from listening that it is *verbatim* and *literatim* the same report. However, that is not very important, except to show that the honorable Senator from Missouri and the other members of the Committee on Claims (which committee if I understood him aright unanimously made this adverse report) had before them when they made that report the very evidence and the whole of it on which it is proposed that the Senate this morning shall adopt and sanction this bill. That is all. It is somewhat important in that particular.

Here is a report which, of course, I cannot speak of, never having seen it before and not having the presumption to detain the Senate while I read it either aloud or otherwise; but I see it contains a review of the facts and circumstances of this case set forth with some particularity, including a letter from D. D. Pratt, once a Senator here and then Commissioner of Internal Revenue, addressed to the Senator from Missouri [Mr. COCKRELL] and written on the 3d of June, 1876, preceding this report. Then the report says:

Mr. Harrison was appointed assistant assessor in the fourth assessment district April 4, 1863, long prior to the appointment of Mr. Davis, September 1, 1866, and continued in this office of assistant assessor for the fourth division long after the vacancy caused by the non-confirmation of Mr. Davis, March 4, 1867, was filled on April 14, 1869, to wit, from April 14, 1869, to May, 1873, when the offices of assessor and assistant assessor were abolished.

The office of assistant assessor was, therefore, wholly independent of the actions of the assessor; was not filled by him, but by the Secretary of the Treasury, with the approval of the Commissioner of Internal Revenue, and an assistant assessor continued in office regardless of the person or persons who might be the assessor.

When the assistant assessor was appointed by the Secretary of the Treasury, with the approval of the Commissioner of Internal Revenue, he had to take and subscribe an oath of office to diligently and faithfully perform the duties of assistant assessor for his assessment district. The same law prescribed his salary and the duties to be so diligently and faithfully performed by him, and he accepted the office and took this oath with full and legal notice of these duties.

The committee say:

One of these legally prescribed duties was that in case of a vacancy occurring in the office of assessor, by reason of death or any other cause, he, if residing in the assessment district in which the assessor resided at the time of the vacancy occurring, should act as assessor until an appointment filling the vacancy should be made. Mr. Harrison happened to reside in the assessment district wherein Mr. Davis resided at the time the vacancy occurred by the reason of the non-confirmation of Davis, and obeyed his oath and diligently and faithfully performed this legal duty, to act as assessor until an appointment filling the vacancy was made.

The act of July 1, 1862, providing internal revenue for the support of the Government, &c., sections 2 and 3, provided an assessor for each collection district, and that each assessor could divide his district into a convenient number of assessment districts, within each of which he (the assessor) could appoint one assistant assessor, but did not impose upon an assistant assessor the duty to act as assessor in case of vacancy in that office.

Now I call the attention of the honorable Senator from Indiana to this:

The act of June 30, 1864, gave the appointment of assistant assessors to the Secretary of the Treasury, with the approval of the Commissioner of Internal Revenue, and imposed this additional legal duty, to act as assessor in case of vacancy. The act of March 3, 1865, restored this appointment of assistant assessors to the assessor, with the approval of the Commissioner of Internal Revenue. The act of January 15, 1866, restored to the Secretary of the Treasury the power to appoint assistant assessors provided by law, without any approval or recommendation from any one; and was in force during the time Mr. Harrison acted. The act of March 2, 1867, (see volume 14, United States Statutes at Large, page 473,) prescribed the salary and fees of assistant assessor, amending the act of June 30, 1864, by changing the compensation to $5 per day and cutting off all other allowances.

The committee conclude:

What, then, is the ground for the relief sought by this bill? Simply and alone, that Mr. Harrison performed his sworn duty, diligently and faithfully, it is true, and yet only his duty according to his oath and the law, and has received the full compensation prescribed for such performance of duty by the law.

I have been looking along here in the hope of finding some statement of the principle of the case, but I do not find it, and I have detained the Senate already longer than I should have done. However, we may all rely on it that there are a considerable number of other cases not only of revenue officers but of other officers.

Mr. VOORHEES. I think if this case was on trial in a court before a jury, as it is before the Senate, the Senator from New York would not be regarded as happy or fortunate in the evidence which he has brought forward here. Let us analyze and see for a moment what it amounts to. He has furnished one adverse report on this claim. The Senator from Missouri [Mr. COCKRELL] furnishes him with an adverse report made in this body in 1876. In that report is contained another report in favor of the claim made by the House committee. Now, let us balance the weight of opinion on this claim. The Senator from New York lays great weight and seems to felicitate himself on the fact that he has found one report against it. One report, however, it is disclosed now, was made in 1876 by the House committee in favor of the justice and the merit of this claim. In 1879 the same committee of the House, but composed of different members, and consequently not the mere individual opinion of the same persons, again reported a second time in its favor. The Senator from New York thinks it something remarkable because the same language is adopted in certain sentences. The fact being a plain and simple one as to how long this man served as assessor, it hardly could be stated in other terms by any two committees of intelligent, reasonable human beings. He says the conclusion arrived at is in the same phraseology. Doubtless so, because there is but one conclusion to be reached. Therefore, confronting the one report adverse to it by the committee of the Senate in 1876, stand two reports made in the House by the same committee, but of different composition.

Then let us see how it stands in the Senate. It seems the Senator from New York thought we were to be overborne by a report made in 1876 by the Committee on Claims of this body. That seems to have some conclusiveness about it. I have great respect for that committee, although I do not know who composed it; I have great respect for any committee constituted by this high and honorable body; I have respect for their opinion; but when it is brought forward here to control our action, let us see what has been done on the other side.

During the last session of Congress the Finance Committee made a report to this body in favor of the payment of this claim, and authorized me to report the bill to the Senate, which I did, and it was placed upon the Calendar, and only lost because it was not reached upon the Calendar. Therefore up to this point there are three reports, two in the House and one in the Senate, before the present session, in favor of the payment of this man's just claim; and now comes the fourth. This morning I am instructed by the Finance Committee to make the fourth finding in its favor which has been made by committees of Congress; and yet the Senator from New York seems to pride himself upon having found one committee as against four—I say four committees; and the weight of them is great when you consider that they represent the voice of every person on each committee. Why that one report was brought here cannot be explained except that it should outweigh the findings of the Senate Committee on Finance. What I have said about the two committees that passed on this claim in the House, I will say of the Senate reports. The Finance Committee of this body at the present session of Congress is not the same as that of last session. So that two Committees on Finance, composed of different individuals, have unanimously reported this claim for favorable action by this body. I repeat, therefore, in this case, if it were tried in a court of justice before a jury, the Senator from New York would not be thought very happy in bringing forward the evidence he did.

Now, sir, in regard to its being a precedent I am perhaps less bound by precedents than most men. When I know and believe that a matter is right in itself I embrace it regardless of consequences. If there are other men who did laborious service and earned what the law set aside as payment for such service as this man did, the Senator from New York when he sees a bill for that person's relief, if there is one or a dozen, can be assured that I will vote for all. I do not believe in this penny-wise and pound-foolish policy of economizing upon the little things and being profligate upon the million. I believe in being just with our own citizens, and if the Senator from New York can show any subordinate like this man who for any considerable time, not a mere casual slip of a week or a few weeks or a month, was in the steady discharge of the duties of an office for a considerable period, I say that he ought to be paid.

The question presented is simply this, and none other: from whatever cause, there was a vacancy in that office; this man was called on by the Department to perform the duties for over two years, earned the money that the Government had agreed was due for the discharge of such duties, and four committees of Congress have reported that he ought to have it. One House of Congress has passed this bill at a prior session.

The Senator from New York indulged in some reminiscences in regard to Andrew Johnson and his administration; and as he talked I thought I could hear the surging of the billows that rolled around this Capitol during that contest. I agree with him that there is something admirable in Andrew Johnson's character; that is, he was a firm and resolute man, a man who did not lie; he stood by his guns and fought it out. He did not flinch or quiver. But I do protest that it will be a great hardship and a great wrong if an humble individual like my constituent, Mr. Harrison, should at this late day be ground to dust and powder because of a contest that raged between the stalwart republican party and its rebellious member, Andrew Johnson, during that memorable period of four years. Let us not revive that contest for the purpose of destroying humble applicants for just relief. Whether Mr. Johnson was at fault then or the republican party that he rebelled against is not a matter for discussion now. Those who waged that contest most prominently are in the dust, and he with them; silence has settled on that period and on many of the actors in it; and it seems to me it is a most unjust thing to invoke the spirit of that great and troublous period to strike down a claim which a man presents here for work done for the Government.

The Departments placed the responsibility of this office on this man and he settled every account and every item to the satisfaction of the Department. We can say we will not pay him. We often do that in this Government; we often refuse to pay just debts simply because we can. You can refuse to pay this man, but when you do I want it known that the Government has accepted his work; it was well done to its satisfaction, and the sum which the law contemplated should be paid for the service is the amount provided in this bill.

Mr. CONKLING. Will the Senator let me ask one other question? The Senator said—and I find no fault certainly with the principle he lays down—that if one case is meritorious, it is no answer to it to say that there might be other meritorious cases, that he should adjudge them upon their merits when they arose; and he said he would pay the sum set apart for the doing of the service; if I understood him.

Mr. VOORHEES. I did not mean to say set apart, perhaps, but contemplated by law.

Mr. CONKLING. That is what I mean, contemplated by law. I was about to draw the attention of the honorable Senator to this class of cases, not an imaginary class, because I have been recalling some of the vacancies and some of them fall within the class of which I am going to speak. At the time that this very case arose there existed statutes, moiety laws, under which various revenue officers were entitled to a certain aliquot part of recoveries. There were vacancies in those offices. Seizures were made and penalties inflicted, and they were divided between the officers holding the offices which were actually filled at that time. Does not the Senator see that it would be almost an impossible sum in arithmetic to award all that it was contemplated should go to the office had the office been filled.

The PRESIDENT *pro tempore*. The morning hour has expired and the further consideration of this bill cannot be continued without unanimous consent.

Mr. VOORHEES. I hope objection will not be made, but that we shall dispose of it. I will not consume any further time in discussion. The Senate is in full possession of the facts, and I should be very glad to have a vote. I can only say in reply to what the Senator from New York said ——

The PRESIDENT *pro tempore*. Is there objection to the further consideration of this bill at this time? The Chair hears none, and the bill is still before the Senate as in Committee of the Whole.

Mr. VOORHEES. I was only going to observe in reply to the elaborate question propounded by the Senator from New York in which he supposed other cases ——

Mr. CONKLING. I did not suppose them. They exist.

Mr. VOORHEES. I think I shall reply in the language I heard used once by a very eminent man upon a very profound subject. He said that he was in favor of considering one world at a time. I am not in favor of that. I propose to consider two worlds so far as I am concerned; but in regard to this matter I will consider one case at a time; and whenever the Senator brings up any one of those cases, it shall stand on its merits, so far as I am concerned, and I will consider it according to the rules of justice and equity, as I am now seeking to have them applied to this.

Mr. CONKLING. I will bring them up at this moment if the Senator will allow me.

Mr. VOORHEES. I believe my bill is before the Senate, I mean for legislation.

Mr. CONKLING. I bring them up at this moment, only as an humble contribution to this bill of the Senator's and the question which arises upon that. In 1867, the then President, Mr. Johnson, saw fit to nominate a gentleman from Maine to be naval officer of the port of New York. My colleague in this body then was Governor Edwin D. Morgan, who was largely informed touching the commercial interests of that much abused port; and he thought—and I agreed with him and a majority of the Senate agreed with us—that it was not worth while or expedient to take the particular citizen from Maine thus nominated and place him in the naval office. Accordingly the Senate refused to confirm that nomination. That place staid vacant, according to my recollection, for more than two years. During all that time was a law which, had the office been filled, would have made the incumbent of the office a participant in such emoluments as I before referred to. There is, not a supposed case, but an actual case, a case which would involve probably a large sum of money, for during that time attempts upon the revenue and retaliatory measures were very prevalent.

Now I ask the Senator, in respect of that actual case, whether the principle he has laid down would not require us to go to the Treasury and take that sum of money contemplated, to use his word, as emolument and recompense of the incumbent, had there been one, and give it to whom? We could not recover it from those to whom it was paid. There was at that time a *locum tenens*, a deputy naval officer, which deputy signed the warrants and the checks, as did this assistant assessor, and *pro forma* he was the naval officer; and the law said, as it said in this case, that the measure of his compensation should be different, that he should receive exactly the pay that he would if, in place of sitting in the chair of the naval officer and signing his name as acting naval officer, he had continued to sit in his own chair and proceeded in his own province.

I humbly submit to the Senator from Indiana that I have stated a case which is pertinent, which is fair, which is not one of those hard extreme cases which are said to make shipwreck of principle, but one which fairly tests the proposition the Senator lays down.

As I am on my feet I will venture one other word. The Senator from Indiana said that I read this report, glad that I had found one report of a Senate committee, and then he talked about the weight of authority. I have only to say that when I find a written report and a report made not by a committee of some other house, but a report made by a committee of this House, I submit to the Senate it is not unnatural to read it. And again when I find a report made by the appropriate committee, that is the Committee on Claims—for this is a private claim—I am justified in quoting it. The case went then, as I trust I shall give no offense in saying, properly and rightly to that committee; I will not venture to say it went improperly to the Committee on Finance at a later date; I only say that was a regular and proper reference, and that committee taking jurisdiction of it made this written report, and made it in the presence of the only written report we have heard of made anywhere in favor of this claim, and reviewing that report disapproved it.

Now I have a word to say about the weight of authority. This report was made by the Senator from Missouri, [Mr. COCKRELL.] When that Senator came into this body he was a total stranger to me, and he will indulge me in saying that he came here I having no prejudices in his favor. The first thing that I learned to respect in that Senator was the intrepid integrity which he evinced on all occasions, as far as I know, touching the claims referred to his committee. There went to the Committee on Claims at that time and there have gone since a good many claims coming from the South, coming from men who appeared as very loyal men, as the phrase was, and coming from other men; and having watched the Senator from Missouri with a good deal of interest and attention I have never been able to discover that he evinced any partiality for sections or for claimants, and if he will accept as a compliment if it is one—and I do not intend it as a compliment but as the mere rendition of justice simply—I am glad to say that that Senator has gained my respect by the impartial fairness and firmness with which he has stood on every occasion that I know anything about, in passing upon a claim submitted to him as a Senator or as a member of a committee; and I am very frank to add that when I take up a report made by the Senator from Missouri on a claim, it has quite as much weight of authority—using the Senator's word—as it would if it were made by any other member of this body. I do not think that the Senator to whom I refer would have been likely to be prejudiced against this claim; his political inclinations would probably have run with it; but, as I said before, I have never discovered that those inclinations made any difference with him in the findings he has presented to the Senate; and, therefore, for all these reasons, I did rely, and I do much rely, upon this report and especially upon that part of it which affirms that if we are to go into the payment of one of these claims we ought to take them all up together or one after another as they are presented and then we should stand in the attitude of disregarding a law which fixes a given rate of compensation, and paying this man who continued to hold his office for four years after this time going back and taking the break when the office above him was vacant and paying him a rate of compensation which the law all the time said he should not receive.

Mr. VOORHEES. Rather a remarkable episode in the discussion of this bill is the eulogy pronounced upon the Senator from Missouri because he happened to report against this claim some two or three years ago. As a question of taste, I pass it by. So far as concerns every kind thing which the Senator from New York may say of the Senator from Missouri, or anybody else can say of him, I cordially concur in it.

Mr. CONKLING. I knew you would.

Mr. VOORHEES. I claim nothing for myself. The Senator from New York was seeking to run a comparison between the weight that should be given to a report made by the Senator from Missouri on a claim and a report made by myself. I concede everything that can be claimed. I concede all the superiority which the Senator from New York may attribute to the Senator from Missouri or anybody else, but I humbly submit that two reports made unanimously by the Committee on Finance of this body—one last session and one this, after the committee had been changed—might at an humble distance perhaps be able to hold their own with any one report made by any one Senator or any one committee of this body.

I submit, however, that this is an extraordinary and a very unfair way of disposing of a bill. I desire this matter disposed of upon its merits; nor will I be tempted to follow the versatile Senator from New York into untrodden themes, for his imagination is so strong and fearless that he would invade realms of discussion so remote from this bill that in an hour or so from now not only the Senate Committee on Finance, and every member of it, but likewise even the vigilant and active Senator from Missouri, would be entirely in a state of profound bewilderment as to what we were talking about. Therefore, the Senator from New York will excuse me from discussing supposed cases, when I have a case which recommends itself upon its own merits.

I shall not detain the Senate longer upon this matter unless something further may call for reply.

Mr. COCKRELL. Mr. President, I think there is no controversy at all in regard to the facts of this case. James G. Harrison, of Indiana, was appointed an assistant assessor September 1, 1862, and served to April 13, 1869. During two years one month and nine days, or from the 4th of March, 1867, to the 13th of April, 1869, there was no assessor in that district, and James G. Harrison, being the assistant assessor in the district in which Mr. Davis, the assessor, had lived whose appointment had not been confirmed by the Senate, under the law performed the duties and services of the assessor, and it is for those services that this claim is made. That is, from the 4th of March, 1867, to the 13th of April, 1869, he claims the difference between his $5 per diem allowed by law to an assistant assessor and the $1,500 per year and the per centum allowed the assessor. The committee in this case report, I believe, that it amounts to $1,550.90. I investigated the case thoroughly, and had a report from the Commissioner, General Pratt, of Indiana, and it only amounted to $1,510.90. Now the question is, shall Mr. Harrison be paid $1,550.90 or $1,510.90

for supposed services performed from the 4th of March, 1867, to the 13th of April, 1869, when he was an assistant assessor and drawing his $5 per diem and executing his receipts to the Government, and making no additional claim? Mr. Harrison never asserted a shadow of claim to this compensation until 1874. Five years after the expiration of his term of service he first made his claim; and how did this claim happen to be made?

In 1872, one Booth, an assistant assessor in a division in Pennsylvania, got a bill through Congress to give him additional compensation. As soon as that bill slipped through Congress, then in comes this claim, and doubtless others have come. That was the first.

This claim in 1876 went to the Committee of Claims. It went to the Committee of Claims in the House in 1876 and was reported favorably. In 1876 it was reported adversely by the Committee on Claims of the Senate and indefinitely postponed by this body. In 1879 it goes to the Committee of Claims in the House, and when it comes to the Senate it goes to the Committee on Finance. It passed the House in 1876, and the report made in 1876 and copied in my report is *verbatim* the report which was made by the House committee at its last session. That report which was made by Mr. BRIGHT and this report by Mr. WARNER are the same. I compared them.

Now, why has there been a question of jurisdiction in regard to this claim? Is it a claim? I appeal to the Senate, is it a claim? If it is a claim, under every rule and precedent of the Senate it should go to the Committee on Claims. Aside from that question whether this bill should go to the Committee on Claims or not, is this gentleman—a very worthy gentleman he is too—entitled to this pay? I desire to call the attention of the Senate to section 1764 of the Revised Statutes, enacted by a democratic administration, I believe, in 1842, and re-enacted and kept in force ever since:

> No allowance or compensation shall be made to any officer or clerk, by reason of the discharge of duties which belong to any other officer or clerk in the same or any other department; and no allowance or compensation shall be made for any extra services whatever, which any officer or clerk may be required to perform, unless expressly authorized by law.

That was the law when Mr. Harrison accepted this appointment. It was an appointment as assistant assessor, and that appointment was wholly independent of the office of assessor. The office of assistant assessor was wholly independent of the actions of the assessor, was not filled by him, but by the Secretary of the Treasury with the approval of the Commissioner of Internal Revenue, and as assistant assessor he continued in office regardless of the person or persons that might be assessor. When this assistant assessor was appointed by the Secretary, with the approval of the Commissioner, he took and subscribed an oath to diligently and faithfully perform the duties of assistant assessor for the assessment district. The same law prescribed the salary and his duties. He accepted the office and took the oath and performed the duties and drew the salary allowed by law, and made no claim until five years after the expiration of his service.

Now, I desire Senators to pay particular attention to this point; it is a statutory point: what was the duty of the assistant assessor? One duty of the assistant assessor was that, in case of a vacancy occurring in the office of the assessor by reason of death or any other cause, the assistant assessor residing in the assessment district in which the assessor resided at the time of the vacancy should act as the assessor until an appointment filling the vacancy should be made. That was one of the statutory duties enjoined upon Mr. Harrison. The statutes said that he should perform that duty. It is a statutory duty.

Mr. MAXEY. Allow me to inquire of the Senator from Missouri if it is a fact that the assessor at that time was removed by the President and the Senate refused to confirm his successor, and this man Harrison performed the duties of assessor?

Mr. COCKRELL. William P. Davis was the assessor of the district from September 1, 1866, to March 3, 1867. The Senate refused to confirm him. There was no assessor then during the rest of the time.

Mr. MAXEY. And this man Harrison performed the service?

Mr. COCKRELL. Of the five assistant assessors in the district this one lived in Mr. Davis's subdivision of the district, and performed the duties.

Mr. MAXEY. What he claims is the difference between the pay of assistant assessor and assessor.

Mr. COCKRELL. Exactly.

Mr. MAXEY. I understand it.

Mr. COCKRELL. He claims the difference between the two. His pay as assistant assessor was $5 a day. The assessor's pay was $1,500 a year and a percentum of the assessments.

Mr. MAXEY. What I am after is, that he was actually assistant assessor and actually did perform the duties of assessor, and he now asks that he get the difference between the pay he received as assistant assessor and that which he would have received had he been assessor and done the same duties which he did do as acting assessor.

Mr. COCKRELL. Yes. Now, Mr. President, as I say, this was one of his statutory duties which he had to perform. When there was a vacancy in the office of assessor, then if he lived in the district in which the assessor lived he had to perform the duties. He swore that he would perform those duties when he took the office, and he gave his obligation, not a bond, for the performance of his duties. Now is he entitled to this pay? What is this precedent? Suppose we pass this bill, what do we say? We say to every chief clerk in every Department of this Government, we say to every lieutenant-colonel in the Army, to every major, to every captain, to every lieutenant, "for every day that you perform the duties of an office or grade higher than that you actually hold, for every such day you shall receive the pay of the higher office."

Will the Senate establish the precedent that a lieutenant-colonel serving and performing the duties of colonel in the absence of the colonel, shall be allowed the compensation of the colonel? And will they establish this precedent throughout the length and breadth of the Army and Navy? Will you go into the Departments here and say that in the absence of General Tyner, First Assistant Postmaster-General, Mr. James H. Marr shall draw his pay? Shall the chief clerks in the different Departments acting temporarily in the absence of their heads, draw the pay of the heads of the Departments? This is a question that may involve not this case simply but thousands of other cases and thousands of dollars. In this one branch alone there were one hundred and thirty-four assistant assessors throughout the length and breadth of the United States who performed the duties of assessors for a greater or less length of time. Some of them performed the duty for but a short period; others for a longer period. Mr. Booth, of Pennsylvania, and Mr. Harrison, of Indiana, performed the longest term of service of any two, running up to two years and six months.

Sir, I have felt that it was my duty to say this much in view of the action which had been taken by the committee and the Senate in 1876 and the unanimous sanction of the committee at that time. There is only one other point, and that is to show that the law in force from 1867 to 1869 did not give the assistant assessor any emolument at all; it gave him $5 per day. His per diem would have amounted to $3,310, excluding Sundays. He received $3,345, and he made no claim for more, expressed no dissatisfaction until 1874. While Mr. Harrison is a gentleman of very high character and standing, I cannot think that he is entitled to the compensation which he asks in this bill. It is against the statute; it is in direct opposition to the plain requirements of the statutes which have been in force ever since 1842; it is in direct conflict with the practice in every branch and department of the Government; and I hope, Mr. President, that this bill will not pass.

Mr. BAYARD. Mr. President, this bill came under my notice in the Committee on Finance, and for reasons given generally by the honorable Senator from Indiana [Mr. VOORHEES] I considered then, and consider now that the allowance is an equitable, fair, and just one.

The statute read by the honorable Senator from Missouri [Mr. COCKRELL] is a general statute of 1842 providing that where clerks and others in the various Departments shall be called upon to perform duties in a different capacity they shall not receive any compensation for such extra performance unless expressly authorized by law. It is just that expression which includes the idea that it may be authorized by law where proper cases shall occur for the allowance.

The law of the United States created the office of assistant assessor and it created the office of assessor. They both were necessary and requisite to carry on the business of the Government at this point. The assistant assessor was called upon to fill the office and perform the duties of assessor, and he did so. The pay by law of the assessor for the two years and some weeks during which this man performed the duties was $4,855.40. The pay by law for the assistant assessor, whose duties I presume to have been less onerous and less responsible, was $3,345. The man claims in equity from his Government the difference between those two sums, which is $1,510. Why should he not receive it? Did he not perform the duties of assessor faithfully and well? There is no question of that. Then why, if he performed the duties of an office to which a certain compensation was affixed by law, should he not receive the whole of that compensation? The answer is because the existing statute of 1842, passed under a very sensible general policy, prohibited the payment of any extra allowance unless expressly authorized by law.

Mr. CONKLING. Does that make any difference?

Mr. BAYARD. It makes this difference, that he cannot get his pay unless we pass this act.

Mr. CONKLING. But it does not give it any more or less authority that it is allowed by special law, because the statute says it must be "expressly authorized."

Mr. BAYARD. I consider it has as much a specification as the Constitution of the United States does when it provides that an officer of the United States shall receive no insignia or medal or present from any foreign power unless authorized by Congress; yet we every day allow men to receive little gifts and mementoes from foreign governments under that very exception; and it occurs to me that if a man be called on for years, as this officer was—for it was not a mere casualty; it was not for a month; he was not what you may call a stop-gap, but he was employed there for two years and several weeks performing the duties of an office to which a salary was affixed by law; it seems to me that if a general statute prevented him—unless a special exception be made to remedy injustice—from receiving that, it is clearly proper, resting in a sense of the equity and justice of Congress, considering all the circumstances, whether he ought or ought not to have the pay of an assessor. I think he ought.

Mr. CONKLING. The Senator will allow me a moment?

Mr. BAYARD. Certainly.

Mr. CONKLING. On the point whether anything arises of substance from the words of the statute "unless expressly authorized by law," my belief being that those words make no difference whatever,

I venture to remind the Senator from Delaware of this: After the tribunal was organized for passing on the Alabama claims, it happened that a gentleman who was a member of Congress was employed in that connection. The act of 1825, I believe that is the date, declares that no member of Congress shall have any contract with the Government or any Department of it. There is no exception there. There the Senator has a case of a sweeping statute. Nevertheless, the Senate and the House passed an act permitting the person I now refer to, to be employed and to receive compensation. The logic of the Senator's argument would be that we could not do that, because there was no exception made in the statute. The statute said absolutely no member of Congress could have any contract with the Government; here was a member of Congress; and we passed a law authorizing him to do that service and to be paid for it, just as, I respectfully submit, we might pass this law as well without those exceptive words as with them; because when a statute says no officer shall receive compensation, if afterward the law-making authority passes a law authorizing him to do it, they abrogate that previous law *pro tanto*. That is all there is about it.

Mr. BAYARD. I cannot give that construction of this act. Let me read it:

No allowance or compensation shall be made to any officer or clerk, by reason of the discharge of duties which belong to any other officer or clerk in the same or any other Department; and no allowance or compensation shall be made for any extra services whatever, which any officer or clerk may be required to perform, unless expressly authorized by law.

Under that the Department has said that while this gentleman has performed the duties of a distinct office, it is a distinct office; to wit, assessor of internal revenue,—and he cannot be paid for it as long as the law stands so, unless he shall be expressly authorized to be paid by law.

Mr. CARPENTER. Will the Senator allow me to ask him a question?

Mr. BAYARD. Certainly.

Mr. CARPENTER. Does not that mean this, that he shall not receive it unless he is at the time authorized by law to receive it?

Mr. BAYARD. I must say that I look upon the general law as founded on a policy——

Mr. CARPENTER. In other words, if the Senator will permit me to call his attention, there are cases in which the law did provide some years ago that in the absence of the superior the inferior should receive additional compensation. For instance, that was the provision in regard to secretaries of legation to ministers abroad. Does not that act mean that no clerk shall receive any additional pay unless by law he is authorized to receive it at the time he does the work, at the time that act speaks of?

Mr. BAYARD. I do not know, because there was no exception whatever stated in the law. It was a general one, the policy being that a man employed in clerical duty in the Departments called upon suddenly to do the work that ought to be done by somebody else should not be paid for such extra service. Under that rule they have sent men over from the Departments here to the custom-house at New York or elsewhere where they were temporarily needed, and it was said that it was a fair inference from their contract that they should perform such duties, if needed; but I do not hold that this case comes within that policy. Here were two officers, one assistant assessor, the other assessor. A vacancy occurred in the office of assessor, and there was no officer whose duty it was to do those duties. It was a distinct office which this man was then called upon to fill. The salary by law attached to that office would have amounted to so much money. The salary he was receiving in another office amounted to so much less. He was ordered, and for two years, not merely casually, but for two years and over he performed the duties and fulfilled the powers of the office. Now the question is, is it competent for Congress, and ought they in equity in a case of this sort, to pay that man who fairly and fully and faithfully performed the duties of the more onerous and responsible office that which the law assigned to it? It is not to pay to him as extra pay for assistant assessor, but it is the pay of assessor that you are asked to allow him.

Mr. CARPENTER. Will the Senator allow me to ask this question for information?

Mr. BAYARD. Yes, sir.

Mr. CARPENTER. In this very case did the man who asks this extra compensation give the bond required by law for the other office?

Mr. BAYARD. That is a detail that I cannot answer.

Mr. CARPENTER. I take it he did not.

Mr. BAYARD. I do not think the office of assessor requires a bond.

Mr. CARPENTER. Yes, a very large bond.

Mr. BAYARD. The office of collector did. I cannot answer positively, but I apprehend the law required this man to qualify himself for the office of assessor.

Mr. CARPENTER. Not at all, as I understand; he was simply assistant assessor all the time, but in the absence of his chief he had to do that duty; but in that he was doing a duty which by law was cast upon the assistant all the while.

Mr. BAYARD. Here is the answer I find:

Neither assessors nor their assistants were bonded officers.

That is the statement of the Department on that fact. So that fact is eliminated. There was no bond required. I read these words from the letter of the Commissioner of Internal Revenue of the 3d of June, 1876. He says:

Neither assessors nor their assistants were bonded officers, no law having required them to furnish bonds, nor were they intrusted with public moneys.

Now to illustrate this question of construction: the Constitution of the United States provides that—

No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state.

That being the Constitution and there being no other law, no officer can take a gift, but that does not prohibit Congress every day from giving its permission to our officers who distinguish themselves by acts of heroism and valor toward foreigners, to receive presents from foreign governments as tokens of recognition. I therefore think there is nothing that renders it improper or impolitic where there has been the faithful performance of an official duty, not casually but for a period of two years and upward, to allow the payment of the full salary. The man furnishes the Government with all he receives from the salary of the subordinate office, and he only asks the difference. It seems to me it is equitable, and I see in it no violation of any principle of legislation. I think the man ought to be paid. He did his work fairly and honestly for a long time. Where a man is called in for a week or month to stop the gap and fulfill the duty of a brother officer who is temporarily disabled, there he should not be paid. This statute would forbid it.

Mr. CARPENTER. What is the difference in principle except that one is a longer time than the other? What is the difference whether the time be two months or two years?

Mr. BAYARD. Only the question of convenience to the Government.

Mr. HOAR. Mr. President, this bill presents a very serious question of public policy. The same question in principle which arises here will arise in almost every Executive Department and in regard to almost every executive office. The law authorizes in regard to the heads of Departments the President of the United States to assign any officer, without the consent of the Senate, to perform the duties during a temporary disability or absence of the head of the Department; and it was formerly the custom to allow clerks, for instance, to perform the duty temporarily of Secretary of State and subordinates to perform the duties of superior officers, as this bill proposes to allow; and without legislation compensation was allowed at the Treasury as a matter of course, and very large sums were paid. On full consideration Congress undertook to cut up that policy by the root and passed a law intending to put an end to the practice of paying an officer who performed the duties of any other office to which he had not been regularly appointed and confirmed; and the phrase in that statute—I had occasion to examine it in the somewhat celebrated Asbury Dickins case, which presented this precise question—was put in not to provide for the possibility of a legal enactment after the duties were performed, but to confine the compensation to cases where the existing law at the time of the performance of the duties provided for compensation.

The answer to the reasoning upon which this bill is supported is simply this: that as a matter of fact we cannot find a subordinate officer who would not more cheerfully accept the subordinate office from the fact that he may sometimes be called upon to perform duties of more dignity and responsibility at the same compensation than he would if this liability did not exist. The office of Assistant Secretary of State is more desirable, more dignified, and persons would for that reason be much more willing to accept it from the knowledge of the fact that occasionally the duty, the responsibility, and the respectability of the more dignified office may be imposed. I have no doubt that you would get a better class of men; men are fond of performing important and responsible public duties; there is a respect and a dignity that accompanies the holding of public office; and you would always get men to accept the office of deputy assessor or collector or of assistant deputy marshal, assistant in any Executive Department, to perform the duty at the same salary, because of the knowledge that they might sometimes be called upon to perform the duty of their superiors. It is the increase of dignity which the increased labor is not a set-off against. That is the policy upon which legislation has been for nearly thirty years now established; and if this bill passes it is a departure, and a very expensive and costly departure, from that policy which is now to be inaugurated.

Mr. BAYARD. May I read the statute again?

No allowance or compensation shall be made to any officer or clerk, by reason of the discharge of duties which belong to any other officer or clerk in the same or any other department.

"Any other officer or clerk" not "any other office." It is not the question as to whether there is an officer the *locum tenens* who is not doing his duties and this man is called upon because of his temporary disability to do it for him; but this man was discharging the duties of a distinct office.

Mr. CARPENTER. And which he had no right to perform the duties of except *ex officio* to his own office.

Mr. BAYARD. You say he had no right to perform them; he did it.

Mr. CONKLING. He did it *ex officio*.

Mr. BAYARD. It is not the question of an assessor being sick or

disabled and his assistant *pro tempore* doing the work the assessor ought to have done, but it was the fact of there being no assessor at all and this man being made assessor *de facto*—if you choose, as sometimes we read of those appointments—and he performs the duties of that office. Is this law in conflict with that? Was this act meant for that? Was it not meant for the class of cases I have just suggested, where from temporary disability the officer, the *locum tenens*, is disabled, by absence, by sickness, by other occupations, if you please, and some one else in the Department or another Department is deputed to help him out, he shall not be paid for that. But where there is no officer, where the office itself is vacant, and its duties have to be filled by law, ought not the salary fixed by law to go with it? I only suggest that. I think the great matter for us in dealing with the employés of the Government is to do so in such a spirit and such a way as shall indicate fairness and equity, and I do not say liberality, but justice.

Mr. CARPENTER. Mr. President, I have been thoroughly crucified in my political life for my devotion to the theory of paying public servants; but this is an instance in which I think the payment asked is absolutely denied by law. This man, as I understand, this assistant assessor, in virtue of his office as assistant assessor, on the 4th of March, 1867, had to discharge the duties of the office of assessor, which was vacant. Two days before he commenced the discharge of the duty Congress passed an act in which they provided—14 Statutes at Large, page 445—as follows:

That no assessor or collector shall be entitled to any portion of the salary pertaining to the office unless such assessor shall have been confirmed by the Senate, except in cases of commissions to fill vacancies which may have happened by death or resignation during the recess of the Senate.

Therefore, if the President had actually appointed this assistant to be the assessor for the district he could not have received any compensation whatever for the office until he had been confirmed by the Senate. Now, can it be possible that this man stands any better off than he would have stood if he had been appointed by the President? But back of that is the general principle that if payment is to be made in one case like this it should be made in all such cases, and there is not money enough in the Treasury, perhaps, to pay all the deficiencies of salaries due since the Government was established if this principle now contended for was to be adopted by Congress. It has been repudiated everywhere. It is rejected in practice. It is denied by the positive statute which the Senator has alluded to. And it seems to me to be an act of injustice in the particular case to make the allowance without passing a general law which should apply to all similar cases.

The bill was reported to the Senate without amendment.

Mr. CONKLING. Having waited for some other Senator to make the motion, I will venture to move that this bill be committed to the Committee on Claims where it belongs by the rules of the Senate, where it was once, and where it was the subject of an elaborate written report, and where I submit it should go again. I make that motion.

The PRESIDENT *pro tempore*. The Senator from New York moves that the bill be referred to the Committee on Claims.

The question being put, there were on a division—ayes 23, noes 7; no quorum voting.

Mr. VOORHEES. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 27, nays 16; as follows:

YEAS—27.

Bailey,	Conkling,	Hill of Georgia,	McPherson,
Bell,	Davis of Illinois,	Hoar,	Pendleton,
Cameron of Wis.,	Davis of W. Va.,	Houston,	Platt,
Carpenter,	Dawes,	Ingalls,	Saunders,
Chandler,	Eaton,	Jonas,	Slater,
Cockrell,	Harris,	Kirkwood,	Thurman.
Coke,	Hereford,	Logan,	

NAYS—16.

Bayard,	Ferry,	McDonald,	Vance,
Beck,	Garland,	Maxey,	Vest,
Burnside,	Groome,	Morgan,	Voorhees,
Call,	Kernan,	Morrill,	Walker.

ABSENT—33.

Allison,	Gordon,	Lamar,	Teller,
Anthony,	Grover,	McMillan,	Wallace,
Blaine,	Hamlin,	Paddock,	Whyte,
Booth,	Hampton,	Plumb,	Williams,
Bruce,	Hill of Colorado,	Randolph,	Windom,
Butler,	Johnston,	Ransom,	Withers.
Cameron of Pa.,	Jones of Florida,	Rollins,	
Edmunds,	Jones of Nevada,	Saulsbury,	
Farley,	Kellogg,	Sharon,	

So the bill was referred to the Committee on Claims.

REPORTS OF COMMITTEES.

Mr. BURNSIDE. I move that the Senate proceed to the consideration of executive business.

Mr. COCKRELL. I wish to introduce a resolution.

Mr. BURNSIDE. I will withdraw the motion for morning business.

The PRESIDENT *pro tempore*. Several Senators rise for morning business. If there is no objection, the Chair will receive morning business. The Chair hears none.

Mr. EATON. The Committee on Foreign Relations have directed me to report back the joint resolution (S. R. No. 30) for the relief of D. C. W. Brink, bearer of dispatches from the United States minister at Mexico in 1869, without amendment. I give notice that I shall ask for its consideration to-morrow.

The PRESIDENT *pro tempore*. The joint resolution will be placed on the Calendar.

Mr. EATON, from the Committee on Foreign Relations, to whom was referred the petition of Mrs. Adela Conard, widow of Henry Conard, late consular agent of the United States at Port au Prince, Hayti, praying for reimbursement for expenditures incurred in protecting Haytien refugees, reported a bill (S. No. 681) for the relief of the estate of Henry Conard; which was read twice by its title.

RAILROAD FREIGHT DISCRIMINATIONS.

Mr. COCKRELL. I offer a resolution and I ask for its present consideration. It is only to refer a report made by the Secretary of War to the Committee on the Judiciary.

The resolution was read, as follows:

Resolved, That the letter of the Secretary of War in answer to the Senate resolution of April 7, 1879, in relation to discriminations by the Union Pacific Railroad Company in the rates of freight to private shippers as against the United States, be referred to the Committee on the Judiciary with instructions that the Committee on the Judiciary inquire, ascertain, and report which railroads are discriminating against the United States in favor of private shippers, how long such discriminations have been made by each company, the extent of such discriminations, and report what further legislation, if any, is necessary to protect the United States in reference to the same; and that said Committee on the Judiciary have power to send for persons and papers.

The resolution was considered by unanimous consent, and agreed to.

BILLS INTRODUCED.

Mr. FERRY (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 679) to provide for submitting improved methods of conveyance for the mails to governmental inspection and adoption in certain cases; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. VOORHEES asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 680) granting an increase of pension to H. Binnamon; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CALL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 682) to establish a branch of the United States Land Office at Freeport, in Walton County, Florida; which was read twice by its title, and referred to the Committee on Public Lands.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 683) to establish a life-saving and life-boat service at or near Cape San Blas, Calhoun County, Florida; which was read twice by its title, and referred to the Committee on Commerce.

PAY OF CONGRESSIONAL EMPLOYÉS.

Mr. WALLACE. I move that the Senate proceed to the consideration of a small appropriation bill, joint resolution of the House No. 85. I ask that it be taken up and considered.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania moves that the Senate proceed to the consideration of House joint resolution No. 85.

The motion was agreed to; and the joint resolution (H. R. No. 85) fixing the date on which the pay of the committee clerks, pages, and laborers of the House of Representatives, who are paid during the session only, shall begin for this session, was considered as in Committee of the Whole.

The Committee on Appropriations reported the joint resolution with amendments.

The first amendment was, in line 8, after the word "be," to strike out the words "day of the organization of the House, the 18th day of March, 1879," and in lieu thereof to insert:

Days on which they respectively entered upon the discharge of their duties: *Provided*, That such of them as received pay for thirty days, as provided for by the resolution of March 3, 1879, shall not be entitled to receive pay under this resolution during any portion of said thirty days except to the extent of the excess they each may be entitled to above the allowance made them under the resolution of March 3, 1879, aforesaid.

So as to read:

That the pay of the thirty-five clerks to committees of the House of Representatives heretofore authorized by resolutions of the House, and of the twenty-nine pages, and of the laborers of the House, heretofore authorized by law or by resolution of the House, who are paid during the session only, shall begin for this session on the days on which they respectively entered upon the discharge of their duties: *Provided*, That such of them as received pay for thirty days, as provided for by the resolution of March 3, 1879, shall not be entitled to receive pay under this resolution during any portion of said thirty days except to the extent of the excess they each may be entitled to above the allowance made them under the resolution of March 3, 1879, aforesaid.

The amendment was agreed to.

The next amendment was, in line 19, after the word "from," to strike out the words "that date" and to insert "these dates;" so as to read:

And the Clerk of the House is hereby authorized and directed to pay them from these dates without regard to the date of their respective oaths of office.

The amendment was agreed to.

The next amendment was to insert as an additional section:

SEC. 2. That the officers and employés of the Senate, including the Capitol police, who were employed previous to the 4th day of March, 1879, and who continued in said employment to and including that day, who have since ceased to be so employed, or who may cease to be so employed prior to December 1, 1879, shall be paid a sum equal to one month's pay at the rate per annum they were paid when

their employment ceased: *Provided*, That no person employed by the United States for the time for which he would receive pay under this joint resolution shall receive such pay except so far as to equalize such payment with the compensation he might receive hereunder: and a sum sufficient to carry this joint resolution into effect is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

Mr. WALLACE. I move to amend the amendment in the third line, after "seventy-nine," by inserting "and who were not paid under joint resolution of March 3, 1879."

The amendment was agreed to.

The amendment, as amended, was agreed to.

Mr. WALLACE. I move to amend, on behalf of the committee, by adding the following as a third section:

SEC. 3. To enable the Secretary of the Senate to pay Lord Harleston as special messenger assisting on the floor of the Senate from April 4, 1879, to June 30, 1879, inclusive, at the usual salary of messenger, and S. B. Pennebaker, as a page for the same period to the Senate, such sum as may be necessary is hereby appropriated, but they shall not be paid any moneys under this joint resolution.

The amendment was agreed to.

Mr. BLAINE. I ask the Senator from Pennsylvania, who I see reported the joint resolution, whether in section 2 the phrase "officers and employés of the Senate" includes committee clerks? Does that wording include committee clerks?

Mr. WALLACE. The Committee on Appropriations so understand it. They are employés of the Senate. That was the understanding of the committee. There certainly was no intention to discriminate against them.

Mr. DAVIS, of West Virginia. I will say that according to my understanding if they received the thirty days' pay which was voted at the end of the last session, then they will not receive double pay.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

The title was amended so as to read: "A joint resolution fixing the date on which the pay of the committee clerks, pages, and laborers of the House of Representatives, who are paid during the session only, shall begin for this session, and for other purposes."

THE COINAGE.

Mr. COKE. I move that the resolution introduced by myself a few days ago be taken up and proceeded with.

The PRESIDENT *pro tempore*. The Senator from Texas moves to proceed to the consideration of the resolution which will be read.

The Secretary read the following resolution, submitted by Mr. COKE on the 6th instant:

Resolved, That the Committee on Finance, to which was referred the bill (H. R. No. 564) "to amend certain sections of the Revised Statutes of the United States relating to coinage and coin and bullion certificates, and for other purposes," is hereby discharged from further consideration of the same, and that said bill be considered before the Senate for action.

The PRESIDENT *pro tempore*. The question is, Will the Senate proceed to the consideration of this resolution.

Mr. FERRY and Mr. COKE called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. BELL, (when his name was called.) On this question I am paired with the Senator from Kentucky, [Mr. WILLIAMS.] If he were present, I should vote "nay."

Mr. BLAINE, (when his name was called.) On this question I am paired with the Senator from Nevada, [Mr. JONES.] If he were present, I should vote "nay;" he would vote "yea."

Mr. HEREFORD, (when Mr. BUTLER'S name was called.) The Senator from South Carolina [Mr. BUTLER] and his colleague [Mr. HAMPTON] are paired upon this question. If they were present, the senior Senator from South Carolina [Mr. BUTLER] would vote "yea" and the junior Senator [Mr. HAMPTON] would vote "nay." The junior Senator is absent on account of illness in his family.

Mr. DAVIS, of West Virginia, (when his name was called.) I am paired with the Senator from Minnesota [Mr. WINDOM] who is not present, and I decline to vote.

The PRESIDENT *pro tempore*, (when the name of Mr. EDMUNDS was called.) I am paired with the Senator from Vermont [Mr. EDMUNDS] on all political questions, the question in relation to this coinage bill being excepted; but he is paired on this question with some Senator; I do not know who it is.

Mr. MORRILL. My colleague [Mr. EDMUNDS] is paired on this question with the Senator from Missouri, [Mr. COCKRELL.]

Mr. MCDONALD, (when his name was called.) On this question I am paired with the Senator from Nebraska, [Mr. PADDOCK.] If he were present, I should vote "yea."

Mr. FERRY, (when Mr. MCMILLAN'S name was called.) The Senator from Minnesota whose name has just been called [Mr. MCMILLAN] is paired with the Senator from Virginia, [Mr. WITHERS.] If the Senator from Minnesota were here, he would vote "nay."

Mr. MORGAN, (when his name was called.) On this question I am paired with the Senator from Pennsylvania, [Mr. CAMERON.] If he were here, I should vote "yea."

Mr. BECK, (when the name of Mr. WILLIAMS was called.) My colleague [Mr. WILLIAMS] is paired upon this and similar questions with the Senator from New Hampshire, [Mr. BELL.] If present, my colleague would vote "yea."

Mr. WALLACE, (when Mr. WITHERS'S name was called.) The Senator from Virginia [Mr. WITHERS] is paired with the Senator from Minnesota [Mr. MCMILLAN] on this question.

The roll-call was concluded.

Mr. CAMERON, of Wisconsin. The Senator from Colorado [Mr. TELLER] is paired with the Senator from Virginia [Mr. JOHNSTON] on this question. If the Senator from Colorado were present, he would vote "nay."

Mr. BURNSIDE. My colleague [Mr. ANTHONY] is paired with the Senator from Georgia, [Mr. GORDON.] If my colleague were here, he would vote "nay."

Mr. BLAINE. My colleague [Mr. HAMLIN] is paired with the Senator from Oregon, [Mr. GROVER.] If my colleague were here, he would vote "nay" on the pending question.

Mr. HOAR. I suppose I am paired on this question with the Senator from North Carolina, [Mr. RANSOM.] I should vote "nay," if I were not paired.

Mr. COCKRELL. The Senator from Vermont [Mr. EDMUNDS] was called away by reason of sickness in his family, and I paired with him yesterday on this question, with the right of substituting any one else on the pair. I have observed the pair to-day as there was no one else to be substituted. Were he present, I should vote "yea" with a great deal of pleasure.

Mr. INGALLS. On this question I am paired with the Senator from Maryland, [Mr. WHYTE.]

The result was announced—yeas 21, nays 22; as follows:

YEAS—21.

Bailey,	Harris,	Pendleton,	Voorhees,
Beck,	Hereford,	Saulsbury,	Walker,
Call,	Hill of Georgia,	Slater,	Wallace.
Coke,	Houston,	Thurman,	
Davis of Illinois,	Jonas,	Vance,	
Garland,	Maxey,	Vest,	

NAYS—22.

Allison,	Conkling,	Jones of Florida,	Morrill,
Booth,	Dawes,	Kellogg,	Platt,
Burnside,	Eaton,	Kirkwood,	Rollins,
Cameron of Wis.,	Ferry,	Lamar,	Saunders.
Carpenter,	Groome,	Logan,	
Chandler,	Hill of Colorado,	McPherson,	

ABSENT—33.

Anthony,	Edmunds,	Jones of Nevada,	Sharon,
Bayard,	Farley,	Kernan,	Teller,
Bell,	Gordon,	McDonald,	Whyte,
Blaine,	Grover,	McMillan,	Williams,
Bruce,	Hamlin,	Morgan,	Windom,
Butler,	Hampton,	Paddock,	Withers.
Cameron of Pa.,	Hoar,	Plumb,	
Cockrell,	Ingalls,	Randolph,	
Davis of W. Va.,	Johnston,	Ransom,	

So the motion was not agreed to.

USE OF TROOPS.

Mr. BURNSIDE. I move that the Senate proceed to the consideration of executive business.

Mr. HILL, of Georgia. If the Senator will withdraw the motion I wish to call up Senate bill No. 621, so as to leave it the unfinished business for to-morrow.

The PRESIDENT *pro tempore*. Does the Senator from Rhode Island withdraw the motion?

Mr. BURNSIDE. Yes, sir; to enable the Senator from Georgia to get the bill before the Senate.

Mr. HILL, of Georgia. I simply want to call it up so as to have it the unfinished business for the purpose of addressing a few remarks to the Senate to-morrow upon it.

The PRESIDENT *pro tempore*. The Senator from Rhode Island has withdrawn his motion to proceed to executive business.

Mr. HILL, of Georgia. I move to take up the bill (S. No. 621) authorizing the employment of the militia and the land and naval forces of the United States in certain cases, and for other purposes. I will state to the Senate that my only object in doing so is to have it as the unfinished business for to-morrow.

Mr. CONKLING. Not to act upon it, but to speak to it?

Mr. HILL, of Georgia. That is all. I desire simply to submit some remarks to the Senate upon the bill.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Georgia.

The motion was agreed to.

The PRESIDENT *pro tempore*. The bill is before the Senate as in Committee of the Whole.

Mr. HILL, of Georgia. I now move that it go over informally until to-morrow, as the unfinished business.

Mr. CONKLING. That it does without any motion.

The PRESIDENT *pro tempore*. That is the understanding.

Mr. BAYARD. I understood the honorable Senator from Rhode Island to withdraw his motion temporarily. I should like to move that the Senate proceed to the consideration of a bill to remove the political disabilities of James F. Harrison, of Virginia, reported by me yesterday.

Mr. BURNSIDE. I yield for that purpose.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed a joint resolution (H. R. No. 94) directing a monument to be erected to mark the birthplace of George Washington; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. No. 516) to extend the time of special postal service until service can be obtained by advertisement; and

A bill (S. No. 572) to amend an act approved February 24, 1879, entitled "An act to create the northern judicial district of the State of Texas, and to change the eastern and western judicial districts of said State, and to fix the time and places of holding courts in said districts."

MONUMENT AT WASHINGTON'S BIRTHPLACE.

The PRESIDENT *pro tempore.* The Chair will lay before the Senate the joint resolution just received from the House of Representatives.

The joint resolution (H. R. No. 94) directing a monument to be erected to mark the birthplace of George Washington was read twice by its title.

Mr. VOORHEES. Will the Senator from Delaware yield to me for a moment?

Mr. BAYARD. Certainly.

Mr. VOORHEES. I understand that this afternoon, but a few minutes ago, the House of Representatives unanimously, both parties concurring, moved by a patriotic impulse, passed the joint resolution which has just been read, making a small appropriation of $3,000 to build a monument to mark the place where George Washington was born. I understand that it not only met with no opposition whatever in the House from any source, but that each side of that Chamber vied with the other in putting it upon its passage and sending it to us.

I think it would be a graceful thing to mark the conclusion of a somewhat acrimonious session of Congress for the Senate to take up the joint resolution and pass it in a similar spirit and in a similar way. I am told there is not one thing, except the remains of an old house, which will soon pass away, to indicate where Washington first saw the light of this world. In after years it would be a source of satisfaction to future generations to find something that will indicate where he was born, and it will need this evidence of the spot to give future generations that knowledge. Soon there will be nothing at all to tell the place unless this joint resolution is passed.

The PRESIDENT *pro tempore.* The Senator from Indiana asks unanimous consent to proceed to the consideration of the joint resolution. Is there objection?

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It appropriates $3,000 for the purpose of erecting a monument at and to mark the birthplace of George Washington, to be expended under the direction of the Secretary of State.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, and read the third time.

Mr. GROOME. I ask for the yeas and nays on the passage of the joint resolution.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BAYARD, (when Mr. HAMPTON'S name was called.) I am requested by the Senator from South Carolina [Mr. HAMPTON] to state that he is detained from his seat in the Senate by the illness of a member of his family.

Mr. KERNAN, (when Mr. RANDOLPH'S name was called.) I wish to say in reference to this vote that the Senator from New Jersey [Mr. RANDOLPH] was called away unexpectedly Saturday, and therefore is not here to vote upon the passage of the joint resolution.

The roll-call was concluded.

Mr. BURNSIDE. My colleague [Mr. ANTHONY] is away on duty at the Naval Academy at Annapolis. If he were here, he would vote "yea."

Mr. SLATER. I desire to state that my colleague [Mr. GROVER] is absent on duty at the Naval Academy at Annapolis.

Mr. BECK. I desire to say that my colleague [Mr. WILLIAMS] was called home on important business that could not be postponed. If he were here, he would vote "yea."

The result was announced—yeas 52, nays 0; as follows:

YEAS—52.

Allison,	Cameron of Wis.,	Garland,	Kellogg,
Bailey,	Carpenter,	Groome,	Kernan,
Bayard,	Cockrell,	Harris,	Kirkwood,
Beck,	Coke,	Hereford,	Lamar,
Bell,	Conkling,	Hill of Colorado,	Logan,
Blaine,	Davis of Illinois,	Hill of Georgia,	Maxey,
Booth,	Davis of W. Va.,	Hoar,	McDonald,
Bruce,	Dawes,	Ingalls,	McPherson,
Burnside,	Eaton,	Jonas,	Morgan,
Call,	Ferry,	Jones of Florida,	Morrill,
Pendleton,	Saulsbury,	Thurman,	Voorhees,
Platt,	Saunders,	Vance,	Walker,
Rollins,	Slater,	Vest,	Wallace.

ABSENT—24.

Anthony,	Gordon,	Jones of Nevada,	Sharon,
Butler,	Grover,	McMillan,	Teller,
Cameron of Pa.,	Hamlin,	Paddock,	Whyte,
Chandler,	Hampton,	Plumb,	Williams,
Edmunds,	Houston,	Randolph,	Windom,
Farley,	Johnston,	Ransom,	Withers.

So the joint resolution was passed.

JAMES F. HARRISON.

Mr. BAYARD. I have already submitted a motion to the Senate to proceed to the consideration of a bill reported yesterday from the Committee on the Judiciary to remove the political disabilities of James F. Harrison, of Virginia.

The PRESIDENT *pro tempore.* The question is on the motion to proceed to the consideration of the bill.

Mr. BLAINE. Has the gentleman named in the bill asked to have his disabilities removed?

Mr. BAYARD. Oh, yes. It has been passed upon by the Committee on the Judiciary, and I believe unanimously reported.

Mr. BLAINE. I have no objection to it at all.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 669) to remove the political disabilities of James F. Harrison, of Virginia.

Mr. BECK. Mr. President, when the Senator from Maine asked his question, I rose to ask him one, but was too late. I should now like to know why at this late day men should be required to come here as beggars asking for the removal of their disabilities when a general amnesty bill surely ought to have been passed long ago, and when I know that five years ago the Senator from Maine as well as myself was very urgent that such a bill should be passed, and we did pass one through the House of Representatives at the beginning of the Forty-third Congress. In the Forty-second Congress the Senate had done the same thing, attaching, however, I believe, the civil rights bill to it, which afterward became a law. Therefore the Senate and the House five years ago agreed that all disabilities should be removed, and now we are peddling out these relief bills with as much care as though there was some very important matter connected with the subject. I refer to the Senator from Maine particularly in asking a question of that sort, when the committee of which he was chairman, the Committee on Rules of the Forty-third Congress, reported a bill to the House of Representatives removing all disabilities, removing all test oaths, and then the name of Mr. Davis was suggested as a man who would come in under that bill. The Senator from Massachusetts, [Mr. HOAR,] then a Representative from Massachusetts, another Representative from Massachusetts, Mr. Butler, and others all agreed that the farce had been played out long ago; that a general bill ought to be passsed, and it was passed. I happen to have that discussion in my hand and in order to make it part of the RECORD I desire to read it.

On the 8th day of December, 1873, Mr. Maynard, of Tennessee, then a member of the Committee on Rules, the Senator from Maine [Mr. BLAINE] being chairman of that committee and Speaker of the House, reported as the unanimous report of the committee a bill for the general removal of all disabilities and for the repeal of all test oaths, so that men should come together as Representatives and Senators regardless of what had happened eight or nine years before.

The RECORD reads as follows:

Mr. MAYNARD. I am instructed by the Committee on the Rules, acting upon a resolution submitted to them the other day, to report the bill which I send to the desk. It has met the unanimous approval of the Committee—

The Senator from Maine being, as I said, then the chairman of that committee—

and when it has been read, I will, unless some gentleman wishes to ask questions or to make opposition to it, move the previous question.

The bill granting general amnesty and prescribing an oath of office was then read. The first section removes all disabilities imposed and remaining upon any person by virtue of section 3 of article 14 of the amendments to the Constitution of the United States. The second section repeals the act of July 2, 1862, entitled "An act to prescribe an oath of office, and for other purposes," and provides that hereafter any person elected or appointed to any office of honor or profit under the Government of the United States, either in the civil, military, or naval departments of the public service, shall, before entering upon the duties of such office and being entitled to any of the salary or other emoluments thereof, take and subscribe the oath prescribed by the act of July 11, 1868, entitled "An act prescribing an oath of office to be taken by persons from whom legal disabilities shall have been removed."

Mr. MAYNARD. I move the previous question.

Mr. LAWRENCE. Would not that admit Jeff. Davis to a seat on this floor.

Several MEMBERS. Certainly.

Mr. LAWRENCE. Then I object to it.

Mr. G. F. HOAR. I will inquire of the Speaker whether, under the rule applied by him in the last Congress to the Committee on Printing, the Committee on Rules are authorized to report general legislation at any time?

The SPEAKER. The Chair thinks they are authorized to report merely on the rules at any time; and the Chair doubts very much whether this report would be in order except under a call of the committee. This is legislation, and does not pertain to the rules. If the gentleman from Massachusetts [Mr. G. F. HOAR] desires to make the point of order, now is the time to make it.

Mr. G. F. HOAR. I desire simply to have the point of order decided, and then I will waive objection to the consideration of the bill; but I make the point of order.

Mr. BUTLER, of Massachusetts. I must insist on the point of order.

The SPEAKER. The Chair sustains the point of order.

Mr. MAYNARD. Then I move to suspend the rules, so as to allow the committee

to report this bill and to pass it. And in answer to the question propounded by the gentleman from Ohio, [Mr. Lawrence,] I tell him frankly that this bill will, if enacted, admit the president of the southern confederacy just as the vice-president has been already admitted to a seat in either House of Congress, provided the people where he lives shall think proper to send him here. It is general amnesty as recommended by the President; and it also repeals what is called the test oath, substituting for it the modified oath that we have all heard so often.

Mr. BUTLER, of Massachusetts. I do not object to the bill if it has been considered and reported by a committee.

Mr. MAYNARD. It is reported by the Committee on Rules unanimously.

Mr. BUTLER, of Massachusetts. All right.

The SPEAKER. The bill would require a two-thirds vote to pass it.

Mr. MAYNARD. I move that the rules be suspended and the bill passed.

Mr. COX. Is there any objection to passing it unanimously? The President recommends amnesty; and let us unanimously wind up this foolish business of taking the test oath.

The SPEAKER. The gentleman from Ohio [Mr. Lawrence] objects, and that is sufficient.

The question was taken on Mr. Maynard's motion; and on a division there were—ayes 141, noes 29.

So (two-thirds voting in favor thereof) the rules were suspended, and the bill (H. R. No. 472) was passed.

Mr. President, that was the 8th day of December, 1873. Then President Grant and everybody, with the exception perhaps of Mr. Lawrence, of Ohio, and a few other fanatics, believed that these laws ought to be passed, when the Senate at the session before had agreed to it; yet Senators are now asking whether men have filed petitions, whether Mr. Davis will be admitted to representative rights if his people see fit to elect him; we are peddling out relief from disabilities in June, 1879. I vote for them all; if I cannot get all, I take what I can get; but it is, I repeat, disgraceful to an American Congress, after all that has taken place, to be peddling out those things and standing upon petitions being presented and referred before these disability bills can be passed.

A word on another subject. I introduced some time ago, and have endeavored to get the Senate to consider, a bill to repeal section 1218 of the Revised Statutes, which provides that "no person who has served in any capacity in the military, naval, or civil service of the so-called Confederate States, or of either of the States in insurrection during the late rebellion, shall be appointed to any position in the Army of the United States." I had the case before me of a boy who was a page in the Legislature of Tennessee, his family being too poor to educate and support him without procuring for him the occupation of a page. He sought, being a gallant young man now, to enter the Army of the United States, but he was met by this statute, saying that because he had held a civil office, that of a page in the Legislature of Tennessee, when it was important for him to work or starve, he could not even now enter the Army, while the sons of gentlemen here, Senators who were themselves generals in the confederate army, and who were not compelled to have their sons occupy the humble position of pages, can all hold positions in the Army and the Navy of the United States. The poor boy, whose father had to secure him employment in a menial capacity, cannot enter the Army or Navy of the United States, while the son of any Senator can hold that position to-day.

Why, gentlemen, it is a farce, an outrage on common sense and common decency. These acts ought all to be repealed, and the people of this country ought to be restored to equal rights and equal privileges. I know the Senator from Maine has always believed in that whenever he had a fair chance to act according to his own convictions. He may not thank me for saying so, but no man in the lower House during all the years I served there was more liberal to these people than he. Therefore I was astonished to hear him rise now and ask if a petition accompanied this case.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed, two-thirds of the Senators present voting in the affirmative.

WILLIAM N. R. BEALL.

Mr. COCKRELL. Mr. President——

Mr. BAYARD. I desire to call up for consideration a similar bill for the relief of Mr. Beall.

Mr. COCKRELL. That is just what I rose for the purpose of calling up.

Mr. BAYARD. It was reported yesterday at the same time with the bill that has just passed.

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) The question is on the motion to proceed to the consideration of the bill.

Mr. BURNSIDE. I move that the Senate proceed to the consideration of executive business.

Mr. BAYARD. This is the second bill and the only one that I believe I desire now to have passed.

Mr. BURNSIDE. Very well.

The PRESIDING OFFICER. Does the Senator from Rhode Island withdraw his motion?

Mr. BURNSIDE. I yield for this bill.

The PRESIDING OFFICER. The question is on the motion of the Senator from Delaware to proceed to the consideration of the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 670) to remove the political disabilities of William N. R. Beale, of Missouri.

Mr. BAYARD. The name of the party is inaccurately spelled in the bill. It should be "Beall." I move that it be amended in accordance with that suggestion.

The amendment was agreed to.

Mr. BLAINE. As the Senator from Kentucky is now out of his seat, I will venture to repeat the question I asked before.

Mr. BAYARD. There was a petition filed in this case, and it was considered by the Judiciary Committee, and I believe the bill was unanimously reported.

Mr. MAXEY. I will state to the Senator from Maine that the petition is in the handwriting, from beginning to end, of William N. R. Beall, whom I know perfectly well. I have the petition here.

Mr. DAVIS, of Illinois. I will state for the information of the Senate that none of these cases that come before the Senate from the Judiciary Committee are lacking in a petition. The petition is always presented, and the bill is not reported until the petition is filed.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, and was read the third time, and passed, two-thirds of the Senators present voting in the affirmative.

Mr. MAXEY. I ask that the name in the title be amended so as to correspond with the text.

The PRESIDING OFFICER. Without objection that amendment to the title will be made. The Chair hears no objection, and the title will stand as amended.

J. C. PEMBERTON.

Mr. GARLAND. I move that the Senate proceed to the consideration of House bill No. 1842, a similar bill to the one that has just been passed, reported from the Committee on the Judiciary, all the due formalities having been gone through with.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1842) to remove the political disabilities of J. C. Pemberton, of Philadelphia, Pennsylvania.

The bill was reported to the Senate without amendment.

Mr. BLAINE. I do not want to be hypercritical about this case, but I think in justice to the gentleman, the officer, the citizen now, who is to receive the benefit of the act, it ought to state the place of his residence at the time the disabilities were incurred. It says J. C. Pemberton, of Philadelphia. He was not of Pennsylvania.

Mr. GARLAND. Of Philadelphia.

Mr. BLAINE. He was not of that place when he incurred the disabilities?

Mr. GARLAND. His petition shows where he lived and what he did.

Mr. BLAINE. What was his State at the time he incurred disabilities?

Mr. GARLAND. His petition shows that.

Mr. BLAINE. Does not the Senator think the bill ought to show it?

Mr. GARLAND. I do not think so. I never have known of that being shown in one of these disability bills.

Mr. BLAINE. I do not remember; there may have been, but I do not now recall a case in which the act relieving any person of disabilities located him in a State which adhered to the Union.

Mr. GARLAND. In answer to the question of the Senator from Maine I will state that none of the acts specify where the party lived when the acts were committed against which the party wants relief, but specify his present residence when he asks for the relief.

Mr. BLAINE. I do not propose any amendment.

Mr. BURNSIDE. At the breaking out of the war General Pemberton was an officer in the Army, and passed from the North to the South. His original residence before he went to West Point was Philadelphia, and I believe it is his residence now; but he had no residence when the war broke out, and he had no residence during the rebellion in all likelihood.

The bill was ordered to a third reading, read the third time, and passed, two-thirds of the Senators present voting in the affirmative

ARTHUR P. BAGBY.

Mr. GARLAND. The next bill on the Calendar is one of a similar character for the relief of Arthur P. Bagby, of Texas. I move that the Senate proceed to its consideration.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 650) to remove the political disabilities of Arthur P. Bagby, of Texas.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed, two-thirds of the Senators present voting in the affirmative.

HOUSE BILL REFERRED.

The bill (H. R. No. 2006) to amend sections 2493 and 2494 of the Revised Statutes of the United States, relative to the importation of neat cattle into the United States for breeding purposes, was read twice by its title, and referred to the Committee on Commerce.

EXECUTIVE SESSION.

Mr. BURNSIDE. I now move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty minutes spent in executive session the doors were reopened, and (at three o'clock and fifteen minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June* 10, 1879.

The House met at twelve o'clock m. Prayer by Rev. ALFRED H. AMES, McKendree Methodist Episcopal church, Washington, District of Columbia.

The Clerk proceeded to read the Journal of yesterday.

Mr. TOWNSHEND, of Illinois. I ask unanimous consent that the reading of the Journal, so far as relates to the introduction of bills, be dispensed with.

There was no objection.

The remainder of the Journal having been read, it was approved.

JOINT RULES.

Mr. BLACKBURN. I ask that by unanimous consent the concurrent resolution of the Senate relating to the joint rules of the two Houses be taken from the Speaker's table and referred to the Committee on Rules.

The Clerk read the concurrent resolution of the Senate, as follows:

IN THE SENATE OF THE UNITED STATES,
April 1, 1879.

Resolved, That the Committee on Rules of the Senate be authorized to take into consideration the whole subject-matter of joint rules between the two Houses, also to take into consideration the expediency of excepting appropriation bills from the operation of the sixteenth and seventeenth of the former joint rules, and to confer with the Committee on Rules of the House of Representatives with a view to joint action thereon.

Resolved, That this resolution be communicated to the House of Representatives.

There being no objection, the resolution was taken from the Speaker's table and referred to the Committee on Rules.

FINAL ADJOURNMENT.

Mr. MORRISON, from the Committee of Ways and Means, reported the following resolution; which was read, considered, and adopted:

Resolved by the House of Representatives, (the Senate concurring,) That the President of the Senate and the Speaker of the House of Representatives declare their respective Houses adjourned *sine die* at 12 o'clock noon, on Tuesday the 17th of June instant.

Mr. MORRISON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BIRTHPLACE OF WASHINGTON.

Mr. HARRIS, of Virginia. I ask unanimous consent to introduce at this time for consideration and passage a joint resolution directing a monument to be erected to mark the birthplace of George Washington.

The joint resolution provides that the sum of $3,000 shall be appropriated for the purpose of erecting a monument at and to mark the birthplace of George Washington, said sum to be expended under the direction of the Secretary of State, who shall have the management and control of the erection of said monument.

Mr. HARRIS, of Virginia. I am informed that nothing now remains to mark the birthplace of the Father of his Country except a part of a stone chimney; even the house in which he was born has been swept away by time. There is nothing now to indicate to posterity, to generations unborn, the spot where the father of our country first saw the light. I hope, therefore, that not a single member will object to the appropriation of this small sum to be expended in a monument to mark his birthplace.

Mr. GARFIELD. No one on this side will object.

There being no objection, the joint resolution (H. R. No. 94) was received, read three several times, and passed unanimously.

HENRY Z. EATON.

Mr. MONROE, by unanimous consent, introduced a bill (H. R. No. 2254) for the relief of Lieutenant Henry Z. Eaton; which was read a first and second time, and referred to the Committee on War Claims.

HENRY H. BIXLER.

Mr. McKINLEY, by unanimous consent, introduced a bill (H. R. No. 2255) granting a pension to Henry H. Bixler, of Company B, Twenty-fifth Ohio Volunteer Infantry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

CHARLES W. CROUK.

Mr. BLAKE, by unanimous consent, introduced a bill (H. R. No. 2256) for the relief of Charles W. Crouk; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JAMES JAMES.

Mr. BLAKE also, by unanimous consent, introduced a bill (H. R. No. 2257) to correct the military record of James James; which was read a first and second time, and referred to the Committee on Military Affairs.

ELIZABETH J. SIMPSON.

Mr. McCOID, by unanimous consent, introduced a bill (H. R. No. 2258) for the relief of Elizabeth J. Simpson; which was read a first and second time, and referred to the Committee on War Claims.

PENSIONS FOR MEXICAN WAR.

Mr. COFFROTH. I ask unanimous consent to report at this time from the Committee on Invalid Pensions a bill granting pensions to certain soldiers and sailors of the Mexican and other wars therein named, and for other purposes, and that it be printed and referred to the Committee of the Whole on the state of the Union.

Mr. JOYCE. I object.

EULOGIES OF J. E. LEONARD.

Mr. ACKLEN, by unanimous consent, submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That the usual number of the eulogies delivered on the late J. E. Leonard, a member of the Forty-fifth Congress, be printed for the use of the members of this House and the Senate.

OWNERS OF BRIG GENERAL ARMSTRONG.

Mr. WILSON, by unanimous consent, from the Committee on Foreign Affairs, reported the following resolution; which was read, considered, and adopted:

Resolved, That the memorials in the case of the owners, officers, and crew of the United States private armed brig General Armstrong, destroyed by a British fleet in the neutral port of Fayal, which has been referred to the Committee on Foreign Affairs, be printed for the use of said committee and the information of the House.

STEAMER B. P. CHENY.

Mr. SINGLETON, of Mississippi. I am instructed by the Committee on Appropriations to report a bill to amend section 1, page 234, of the twentieth volume of the United States Statutes at Large of the Forty-fifth Congress.

The bill repeals so much of section 1, page 234, of the twentieth volume of the United States Statutes at Large, passed at the Forty-fifth Congress and approved June 20, 1878, as relates to the steamer B. P. Cheny.

Mr. CONGER. What does the gentleman desire to do with that bill?

Mr. SINGLETON, of Mississippi. I want to put it upon its passage.

Mr. CONGER. That is not a privileged report.

Mr. SINGLETON, of Mississippi. It is from the Committee on Appropriations, and I think it is a privileged report.

The SPEAKER. That committee has the right to report at any time general appropriation bills for commitment only. This is not a general appropriation bill.

Mr. CONGER. I will withhold my objection until I can hear some explanation of the bill.

Mr. SINGLETON, of Mississippi. I ask to have a letter from the Secretary of the Treasury read.

The letter was read, as follows:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, D. C., March 25, 1879.

SIR: In the estimates of appropriations required by the various Departments to complete the service for the fiscal year ending June 30, 1878, and prior years, (House Executive Document No. 45, Forty-fifth Congress, second session, page 57,) was an item of $28,370.72 for the payment of the claim of Charles Latimer for the value of the steamer B. P. Cheney.

On representations of fraud, a clause was inserted in the sundry civil act of June 20, 1878, (20 Statutes, 234,) as follows: That the appropriation of $75,666.50 to pay for horses, mules, harness, oxen, wagons, carts, sleighs, steamboats and other vessels, railroad engines, and railroad cars, killed, lost, captured or destroyed, or abandoned while in the military service, contained in the act "making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1878, and prior years, and for those heretofore treated as permanent, for reappropriations, and for other purposes, be not construed to authorize the payment of the claim for the steamer B. P. Cheney without further legislation."

Since that time the case has been resubmitted to the accounting officers, and all the additional evidence tending to show the case was not a valid claim against the Government has been considered by the Third Auditor and Second Comptroller of the Treasury, who have reported that the new evidence does not change the facts upon which the original settlement and allowance were made.

I have therefore to transmit herewith all the papers in the case, and renew my estimate for the amount found due; namely, $28,370.72.

Very respectfully,

JOHN SHERMAN, *Secretary.*

Hon. S. J. RANDALL, *Speaker House of Representatives.*

Mr. SINGLETON, of Mississippi. I will give a word of explanation to the House in reference to this matter.

Mr. DUNNELL. Let the bill be read again, before the gentleman makes his explanation; it was not heard distinctly when read before.

Mr. WHITTHORNE. Is the bill still open to objection?

The SPEAKER. The Chair understands that objection was reserved until the letter was read. If the gentleman from Tennessee desires, objection will be reserved until the bill is again read.

The bill was again read.

Mr. SINGLETON, of Mississippi. I hope I may be allowed one word of explanation.

Mr. WHITTHORNE. I object to the reporting of the bill. I am perfectly willing to hear the gentleman from Mississippi if I can reserve my right to object.

The SPEAKER. The right of objection will be reserved.

Mr. SINGLETON, of Mississippi. At the last session of Congress an appropriation was made to pay Mr. Latimer for the steamer B. P. Cheney, lost in the military service. I need not go into the particulars of the case. After the passage of the law making the appropriation, it was suggested to the Secretary of the Treasury that perhaps there was some fraud in the case, and he therefore asked that there be inserted in the sundry civil appropriation bill a clause withholding payment of this claim until further investigation could be made. The case was referred to the Second Auditor, with instructions to inquire into it. After the report of the Second Auditor it was re-referred to the same party and again reported upon favorably.

It then went to the First Comptroller of the Treasury. Each of these officers made a full investigation of the matter, and the report in each case was that the claim was just and ought to be paid.

All that is now proposed is that the clause suspending payment of the claim be repealed, so that the money may be paid in accordance with the original intention of Congress.

Mr. WHITTHORNE. I object to the bill.

ORDER OF BUSINESS.

Mr. BRIGHT. I ask unanimous consent to enable the Committee of Claims to make several reports relating to allowance for claims of messengers, clerks, &c., for services rendered during the Forty-fifth Congress.

The SPEAKER. The gentleman from Tennessee asks unanimous consent for the reporting of certain resolutions providing for pay of employés of the Forty-fifth Congress. Is there objection?

Mr. CONGER. We do not know what these cases are. Let each case be reported separately, subject to objection.

Mr. BRIGHT. The gentleman from South Carolina [Mr. O'CONNOR] will make one of these reports in behalf of the committee.

PAYMENT FOR SERVICES OF EXPERTS.

Mr. O'CONNOR. I ask consent to report from the Committee of Claims a bill to pay for expert services, relating to the metric system, rendered the Forty-fifth Congress.

The bill was read. It appropriates $350 to enable the Secretary of the Treasury to pay the bills of June 18 and June 28, 1878, for expert services rendered by William Wheeler Hubbell to the Forty-fifth Congress, respecting the application of the system of metric weights and measures.

Mr. CONGER. I object to that. I object to the whole metric system and to any payment for the introduction of it.

Mr. BRIGHT. Does the gentleman object to the other reports from the committee?

Mr. CONGER. No, sir; I object to any appropriation to introduce this foreign system into our weights and measures. If it must come in, let it come without expense.

Mr. BRIGHT. My colleague on the committee, the gentleman from Alabama, [Mr. SAMFORD,] has another report.

Mr. SAMFORD. I ask unanimous consent to report from the Committee of Claims a joint resolution to pay Patrick Doran for services as messenger, House of Representatives.

The joint resolution was read. It directs the Clerk of the House to pay to Patrick Doran, for services as messenger to the Committee on Expenditures in the Treasury Department during the last session of the Forty-fifth Congress, $291.60, in full and final settlement for such services; and an appropriation for that amount is made.

There being no objection, the joint resolution (H. R. No. 95) was read a first and second time, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. SAMFORD moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CLAIM OF CHOCTAW NATION.

Mr. HOOKER, by unanimous consent, reported from the Committee on Indian Affairs, with amendments, the bill (H. R. No. 440) for the ascertainment of the amount due the Choctaw Nation; which was referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. HOOKER. I am directed by the committee to submit a resolution making this bill a special order.

The Clerk read as follows:

Resolved, That the bill (H. R. No. 440) for the ascertainment of the amount due the Choctaw Nation, herewith reported from the Committee on Indian Affairs, be made the special order for consideration in Committee of the Whole on Wednesday, the 10th day of December next, immediately after the morning hour, and from day to day thereafter until disposed of, not to interfere with appropriation bills.

Mr. CONGER. The gentleman had better fix the 10th of January. That will be after the holidays.

Mr. HOOKER. I will modify the resolution by striking out "Wednesday, the 10th day of December" and inserting "the second Tuesday in January, 1880."

The resolution, as modified, was adopted.

DISEASES OF DOMESTICATED ANIMALS.

Mr. WILSON, from the Committee on Printing, reported back the following resolution; which was read, considered, and agreed to:

Resolved by the House of Representatives, (the Senate concurring therein,) That there be printed 100,000 copies of Special Report No. 12 of the Commissioner of Agriculture, containing the reports of the examiners appointed to investigate the diseases of swine and contagious and infectious diseases incident to other classes of domesticated animals, of which 70,000 copies shall be printed for the use of members of the House, 25,000 for the use of members of the Senate, and 5,000 copies for the use of the Commissioner of Agriculture.

Mr. WILSON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

AMERICAN ISRAELITES IN RUSSIA.

Mr. COX. I am directed by the Committee on Foreign Affairs to report back with an amendment joint resolution (H. R. No. 77) in relation to treaty negotiations with Russia as to American Israelites, and I now ask unanimous consent, Mr. Speaker, to submit that report and put the joint resolution on its passage.

The SPEAKER. The joint resolution will be read, and the Chair will then ask for objection.

The joint resolution was read, as follows:

Whereas it is alleged that by the laws of the Russian government no Hebrew can hold real estate, which unjust discrimination is enforced against Hebrew citizens of the United States resident in Russia; and

Whereas the Russian government has discriminated against one H. Rosenstraus, a naturalized citizen of the United States, by prohibiting him from holding real estate after his purchasing and paying for the same, because of his being an Israelite; and

Whereas such disabilities are antagonistic to the enlightened spirit of our institutions and age which demand free exercise of religious belief, and no disabilities therefor; and

Whereas the Secretary of State, under date of April 28, 1879, expresses doubt of his ability to grant the relief required, under existing treaty stipulations: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the rights of the citizens of the United States should not be impaired, at home or abroad, because of religious belief; and that, if the existing treaties between the United States and Russia be found, as is alleged, to discriminate in this particular, the President be requested to take immediate action to have the treaties so amended as to remedy the grievance.

Mr. COX. The amendment of the committee is in the eighth line, between the words "same" and "because," to insert the word "and."

Now, Mr. Speaker, this is only intended to place the American Israelite as to holding property in Russia upon the same basis with the British Israelite under treaty between England and Russia to-day. I hope there will be no objection to the passage of the joint resolution.

Mr. CONGER. How much of a village lot is in question?

Mr. COX. A gentleman went there as an agent for some business in sewing-machines and bought a large establishment, and after paying for it found he could not get a title to it and wrote to our minister, and our minister said there was no treaty between the two countries as yet, although there was between Great Britain and Russia. We propose to put our Israelites in Russia on the same basis precisely with the English Israelites. Our agents are now going all through Russia if possible to increase our commerce and trade with that country. This seems to be an impediment and discrimination as to which the committee think there should be some diplomacy.

Mr. CONGER. Would not the gentleman from New York be better satisfied if those machines were made here and sold in Russia?

Mr. COX. They are made here and sent there, all sorts of machines, agricultural and otherwise.

Mr. MORTON. I ask my colleague on the committee to yield to me.

Mr. COX. I yield to my colleague on the Committee on Foreign Affairs.

Mr. MORTON. Mr. Speaker, I hope this bill will pass. It appears that Russia has a treaty with Great Britain which allows Hebrew subjects of Great Britain to hold real estate in Russia, while a Hebrew citizen of the United States who has purchased and paid for real estate is not allowed to take a deed of the property purchased and paid for, showing discrimination in favor of Hebrew citizens of Great Britain and against Hebrew citizens of the United States.

Mr. REAGAN. I ask whether American citizens other than Israelites can hold real estate in Russia now?

Mr. COX. Yes, sir.

Mr. REAGAN. It may be so, but some time ago when I investigated this subject I did not find that American citizens could hold real estate in any other country than our own.

Mr. COX. There has been a great reform in that regard, I will say to my friend from Texas.

Mr. REAGAN. It has been a recent thing, then, for recently I examined this subject and found it to be otherwise.

Mr. COX. Certainly if we begin negotiations in this direction it may lead to better and larger reform. My friend would not object to that.

Mr. REAGAN. I would not object to that, but we have treaties which will enable citizens of the several countries named in those treaties to hold land in this country if their governments permit citizens of the United States to hold lands in those countries. We have such treaties with Prussia, Great Britain, and Mexico, and some others. But our citizens at this day cannot hold real estate in Russia or Prussia, Great Britain or France or Mexico.

Mr. COX. I know they do in France and Great Britain.

Mr. REAGAN. I dislike to see discrimination made on account of race or religion, and should prefer this privilege should be accorded not only to Israelites but all classes of American citizens.

I have no objection to what is proposed in this joint resolution; but I do not want to discriminate between American citizens, and I do not understand why the bill should not say "American citizens" instead of "Israelites." I do not understand why that distinction should be made in view of the fact that our citizens cannot hold land in any country except our own.

Mr. COX. This is the only proscribed class so far as I know. I will say this, that it is the interest of our Government, as far as possible, to open our real-estate resources to immigration; and, with that view, we ought to deal liberally with the people of all nations and induce other nations to deal liberally with our people. Certainly our citizens of whatever persuasion should not be subjected to any dis-

advantage as compared with citizens of other nations in the countries with which we have treaties. I think, therefore, no one can object to this resolution, except perhaps that it may not go far enough. But if we enter into diplomatic relations with Russia upon this subject, we may in the end go further.

Mr. REAGAN. I wish to ask the gentleman from New York what would be the objection to inserting the words "American citizens" instead of "Israelites?" Why should we ask that a particular race should have privileges in Russia which we do not ask for American citizens generally? It is the fact that no American citizen can hold real estate in Russia. Why, then, do we ask that some persons of a particular religion or race shall be permitted to hold property there in lieu of asking that that privilege shall be extended to all our citizens.

Mr. COX. I do not understand the fact to be as my friend from Texas states, that Americans cannot hold real estate in Russia. I know that at Odessa and other places American citizens have been building elevators requiring the investment of a large capital. They may possibly have got special firmans, but I am not aware that that is the fact. I think there can be no objection to passing this particular measure, and it is the only one I am instructed by the committee to present.

Mr. REAGAN. A short time ago I went over carefully the provisions of all our treaties to ascertain what was provided on that subject, and I found that our citizens cannot hold real estate in Russia, in Prussia, in Great Britain, or in France, or even in Mexico.

Mr. WILSON. I beg to say to the gentleman from Texas that he is mistaken in regard to Mexico. A case has been before this House during the last two years in which citizens of the United States (a corporation) went to Mexico and acquired land there.

Mr. REAGAN. They may have been permitted to do so under some special legislation or permission. I assure the gentleman that an American citizen, as an American citizen, is forbidden to hold real estate in Mexico. I ask the gentleman why we should discriminate in favor of a particular religion or race instead of providing that the negotiation shall extend to all American citizens?

Mr. COX. If the gentleman from Texas will send such a measure as he suggests to our committee, we will examine all the treaties faithfully and endeavor to carry out his idea.

Mr. REAGAN. I think the resolution should be recommitted to the committee that they may examine what are the provisions of the treaties on this subject. Meanwhile I object to limiting the benefits of this negotiation to a particular race, when the proper thing to do would be to open a negotiation for the benefit of American citizens generally.

Mr. COX. I insist on the demand for the previous question.

Mr. DUNNELL. I think the point urged by the gentleman from Texas is well made; and I do not see why the Committee on Foreign Affairs should not be willing to accept the amendment which he has suggested. The term "American citizens" will cover the class for whose benefit especially it is proposed to make provision here, and will at the same time make the negotiation more general in its objects.

Mr. COX. I will amend the resolution by inserting the words "or any other" before the word "particular;" so that it will read:

That if the existing treaties between the United States and Russia be found, as is alleged, to discriminate in this or any other particular, &c.

Mr. REAGAN. I do not think that is sufficient.

Mr. COX. I offer that amendment in good faith. I think it meets the idea suggested by the gentleman from Texas.

Mr. WILSON. I desire to make a further remark. The gentleman from Texas [Mr. REAGAN] says that no citizen of the United States can hold land in Mexico. I beg to call his attention to the report which was made to this House in the last Congress, which showed that a New York company, known as the La Abra Mining Company, acquired large property in Mexico. That property was taken from them, and an arbitration, in which Sir Edward Thornton, the British minister, acted as umpire, gave a large award against the Mexican government of four or five hundred thousand dollars for the violation of the right of property of American citizens in Mexico. And my friend from Texas voted to confirm that award.

Mr. REAGAN. That property may have been acquired under some special law. But under no treaty with Mexico, and under no general law of Mexico, is an American citizen authorized to hold real estate in that country.

Mr. COX. I propose further to amend the resolution by inserting after the word "particular," the words, "and as to any other class of our citizens;" so that it will read:

Resolved, &c., That the rights of the citizens of the United States should not be impaired, at home or abroad, because of religious belief; and that, if the existing treaties between the United States and Russia be found, as is alleged, to discriminate in this or any other particular and as to any other classes of our citizens, the President be requested to take immediate action to have the treaties so amended as to remedy the grievance.

Mr. CONGER. Does the gentleman from New York admit the amendment of the gentleman from Texas [Mr. REAGAN] to insert "American citizens" instead of "Israelites?"

Mr. COX. That would spoil the unity of the bill.

Mr. CONGER. I think the negotiations should extend to all American citizens.

The SPEAKER. The question is on seconding the demand for the previous question on the bill and the amendment of the gentleman from New York, [Mr. COX.]

The question being put, there were—ayes 28, noes 21.

Mr. DUNNELL. I think the question is not well understood by the House.

The SPEAKER. That is not the fault of the Chair.

Mr. ELAM. A quorum has not voted.

Mr. COX. Does my friend from Louisiana oppose this amendment?

Mr. ELAM. I am in favor of the amendment suggested by the gentleman from Texas.

Mr. COX. I have it just as the gentleman suggested.

Mr. REAGAN. My amendment has not yet been put in. I asked permission, but I have not yet had that permission.

Mr. BRIGHT. I call for the reading of the whole bill; I think it is not understood by the House.

The bill, as amended, was read.

Mr. COX. That seems to cover the whole ground.

The SPEAKER. The point of order is made by the gentleman from Louisiana [Mr. ELAM] that no quorum voted.

Mr. REAGAN. I withdraw my proposed amendment.

Mr. ELAM. Then I withdraw the demand for a quorum.

The previous question was seconded and the main question ordered; and under the operation thereof the joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. COX moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. ELAM. I suggest that the title needs amendment.

Mr. COX. I move to amend the title of the bill, so as to make it read "American citizens," &c.

The title of the joint resolution was amended.

ORDER OF BUSINESS.

Mr. PHELPS. I desire to introduce a bill for reference, as I was not here yesterday.

Mr. TOWNSHEND, of Illinois. I call for the regular order of business, which is the morning hour.

Mr. McMAHON. I move to dispense with the morning hour for to-day.

The question was taken; and (two-thirds having voted in favor thereof) the motion to dispense with the morning hour was agreed to.

DONATION OF CONDEMNED CANNON.

Mr. PHELPS, by unanimous consent, introduced a bill (H. R. No. 2259) donating condemned bronze cannon to the Soldier's Monument Association of Birmingham, Connecticut; which was read a first and second time, and referred to the Committee on Military Affairs.

Mr. HAYES. I call for the regular order.

JUDICIAL APPROPRIATION BILL.

Mr. McMAHON. I desire to make a privileged report from the Committee on Appropriations. I report back the bill (H. R. No. 2252) making appropriations for certain judicial expenses and I ask for its consideration now.

The bill was read.

The SPEAKER. The bill will be referred to the Committee of the Whole on the state of the Union.

Mr. CALKINS. Have all points of order been reserved on the bill?

The SPEAKER. They have all been reserved.

Mr. CONGER. They were reserved when the bill was ordered to be printed.

Mr. McMAHON. I move that the House resolve itself into Committee of the Whole on the state of the Union, for the purpose of considering this bill.

Mr. GARFIELD. Has the bill been printed?

Mr. McMAHON. I will state that it has been printed, and we had twenty copies sent us, with notice that the remainder would be here in a short time.

Mr. GARFIELD. Is it in the RECORD?

Mr. McMAHON. It is not in the RECORD; and pending the motion to go into Committee of the Whole on the state of the Union, I move that all general debate be closed in thirty minutes.

Mr. GARFIELD. I hope the gentleman will not ask that; we do not want much time, but we may want more than that.

Mr. McMAHON. I consulted with gentlemen on the other side of the House before making the motion.

Mr. HISCOCK. I hope the gentleman will move to allow twenty minutes on each side.

Mr. GARFIELD. We shall not object to that.

Mr. McMAHON. I accept that modification.

The motion to close debate was agreed to.

The question was taken on the motion to go into Committee of the Whole on the state of the Union; and it was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. BLACKBURN in the chair,) and proceeded to consider the bill (H. R. No. 2252) making appropriations for certain judicial expenses.

Mr. McMAHON. I move to dispense with the first reading of the bill.

There was no objection, and the reading was dispensed with.

Mr. McMAHON. Mr. Chairman, I desire to make a short statement to the committee in regard to this bill. The bill which we now present for consideration has heretofore been a part of the sundry civil bill. The amount appropriated by this bill has generally been appropriated in one sum, the sum of $2,500,000 some years, $2,600,000, $2,700,000, and $2,800,000 in other years, and sometimes $3,000,000, but always in one sum and undivided as to its uses. The committee have thought it proper to have this large sum itemized.

We have required the Department of Justice to estimate to the committee the appropriations needed for the several different purposes, and we have followed the estimates sent to us except as to three different items. We have reduced the appropriation for the pay of district attorneys and their assistants $50,000 below the estimates. We have also reduced the pay of United States marshals and their deputies $50,000. We have reduced the pay of jurors $190,000, because we have incorporated into the bill a provision reducing their compensation from three to two dollars a day, and we have the authority of the Attorney-General himself that such a reduction will enable us to dispense with $200,000 of the appropriation. The fees of witnesses we have left according to the estimate of the Department of Justice; so also for the support of United States prisoners; so also for the rent of United States court-rooms, and for certain miscellaneous purposes, such as fuel, lights, stationery, furniture, sweepers, &c., a total appropriation of $280,000, which amount may seem very large, but it covers a very large and uncertain contingent ground. The entire amount appropriated for all purposes is $2,690,000 for the next fiscal year.

Mr. O'NEILL. I would like to ask the gentleman a question.

Mr. McMAHON. If it does not come out of my time I am willing to yield.

The CHAIRMAN. The Chair cannot prevent it coming out of the gentleman's time.

Mr. McMAHON. Well, I am willing to yield for a question alone.

Mr. O'NEILL. I simply want to ask whether the committee propose to reduce the pay or fees of the United States marshals, the marshals of the different districts?

Mr. McMAHON. That will be for the Department of Justice to determine. We have not reduced the regular annual salary of the United States marshals; but we have appropriated only $600,000 for the pay of United States marshals and their deputies, arising from fees, costs, &c.

Mr. O'NEILL. Do I understand that it is discretionary with the Attorney-General how much the marshal of each district of the United States shall be paid?

Mr. McMAHON. In part; yes, sir. I am only sorry that we could not see our way clear at present to reduce the fees of marshals and their deputies a great deal more. I am satisfied that one of the greatest abuses existing in this country is the enormous cost to which the Government is unnecessarily put by the great number of commissioners of the United States, backed up by the district attorneys and helped along by the marshals. They are all paid chiefly by fees; and their chief effort is to increase business in the courts.

Mr. O'NEILL. The marshals of the different districts are not very largely paid now; neither are the clerks of the courts nor the district attorneys, whose duties are constant and unremitting from the beginning to the end of the year.

Mr. McMAHON. I must decline to yield any further. I think the appropriations will be found amply sufficient for the purpose. In answer to numerous inquiries I desire to call attention to one clause of this bill, and to state that no money is appropriated for the payment of deputy marshals, "special" deputy marshals as they are sometimes called, for services on the day of election. The last clause of the first section of the bill provides that "no part of the money hereby appropriated is appropriated to pay any salaries, compensation, fees, or expenses under or in virtue of title 26 of the Revised Statutes or of any provision of said title."

Now, if gentlemen will look at that title of the Revised Statutes they will see that it covers the appointment of deputy marshals, their duties, pay, &c., the subpœnaing of witnesses in certain cases before the supervisors of elections, &c. I will say that the clause in the bill which I have quoted is a very sweeping one, and is intended to prevent the enforcement of the supervisors and deputy-marshals clauses of the Revised Statutes during the next fiscal year, so far as a failure to appropriate money for their compensation will effect the purpose.

In the second section is a provision that all sums appropriated in this bill shall be in full for the persons and purposes designated for the next fiscal year. And to that we have added a clause by which we slightly modify the existing law, to the effect that "no department or officer of the Government shall, during said fiscal year, make any contract or incur any liability for the future payment of money, until an appropriation to meet such contract or pay such liability shall have first been made by law." The present law is that no department of the Government shall involve the Government in any liability for the future payment of money or make any contract until the money shall have been first appropriated. We have added the words "no officer of the Government," and have also added the words "or incur any liability."

In section 3 of this bill we have included what is generally known as the jury clause, repealing the juror's test oath, and providing a new method of drawing jurors. In that we have only followed out the frequent recommendations of the Attorneys-General of the United States, and particularly of Mr. Pierrepont in a letter to the first session of the Forty-fourth Congress that some uniform system was necessary. There is no Department of our Government that ought to be purer in its administration, but I am sorry to say that there is none where, in proportion to the amount of money appropriated, greater scandals are involved. I think I can say that upon the authority of some of the Attorneys-General of the United States.

We have also added a proviso which will not be found in any of the previous bills passed by this House upon the subject, providing "that no citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States on account of race, color, or previous condition of servitude."

The purpose of that amendment will be apparent to every one. It is intended only to demonstrate what was already the fact, that we did not in any way intend to abridge the rights of our colored citizens as jurors, and that we intended to guarantee them all their rights everywhere, whatever may be the State law upon the subject.

We have added another clause, section 4. In looking over the reports of the Attorneys-General we discovered a very extraordinary fact. We discovered that the report which the Attorney-General makes to the House of Representatives of his annual expenditures in any one year covers only the amount expended *during* that fiscal year out of the funds appropriated *for* that particular year. To illustrate, if at the end of the fiscal year ending June 30, 1879, there was left an unexpended balance of $500,000, and that amount should be expended for obligations incurred during the year ending June 30, 1880, it would not be found in the next annual report made to this Congress for the expenditures of the fiscal year ending June 30, 1879, nor would it be found in the expenditures for the fiscal year beginning July 1, 1880. Therefore a very large amount of money is and may be expended by the Department in that way which is never accounted for to Congress anywhere. Your committee therefore have never been able to ascertain what was annually expended by the Department in any one fiscal year.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HISCOCK. Mr. Chairman, there is one thing I desire to announce to this House in connection with this bill, and it is that under any and all circumstances it means a deficiency. It means the bringing in of a deficiency bill and the making of appropriations at some time in the future for the purpose of administering the courts of the United States.

This bill appropriates less sums than the estimates furnished—a good deal less I might say than those furnished by the Attorney-General, and his estimates have been predicated upon the expenses of his Department for the last four years. In the administering of the courts of the United States that Department has not had sufficient money during the past year to enable the courts to be held for the length of time necessary for transacting their business. They have been compelled in almost all of the courts, North and South, of only making delivery of the jail prisoners, and ordering the remainder of the jury business of the term over to a future court. In my State of New York I understand at the circuit court, which is soon to be in session, there is to be no jury in attendance for the reason the appropriation is exhausted; there is insufficient money for the purpose of having a jury in attendance; and yet in the face and eyes of this experience and of these facts the Appropriation Committee has seen fit to bring in a bill here which cuts down last year's appropriation, the only effect of which must be a denial of justice to suitors, postponing the trial of cases, putting it in the power of all criminals, wherever they are capable of procuring bail, to postpone the trial of their cases indefinitely.

I shall, at the proper time, propose amendments to the proper sections of this bill for the purpose of increasing appropriations. I suppose it will be a waste of time, yet I shall deem it a duty to be discharged in reference to the matter. So far as the political measures are concerned, at the proper time in the progress of the consideration of the bill I shall move certain amendments to them. Having given this notice, I will yield the balance of my time to my friend from Ohio, [Mr. GARFIELD.]

Mr. GARFIELD. Mr. Chairman, those provisions of this bill which itemize the expenses of the courts are in the right direction, the direction of economy and a prudent regard for the safe disbursement of the public funds. I welcome them in this respect as in pursuance of a policy which we ought always to approve.

In so far as the bill creates unnecessary deficiencies, as has been stated by the gentleman from New York, [Mr. HISCOCK,] it is objectionable. The fair and manly course for the House to pursue is to appropriate what it believes is fully adequate, and no more, to meet the expenses of the current fiscal year. The opposite course has been frequently pursued by political parties; but, in the long run, it has never proved to be wise to make an apparent reduction of expenditures knowing that the supplies withheld must be made up by subsequent deficiency bills. There is no real gain to anybody in the long run, and it is a bad way to manage the fiscal affairs of the Government. I hope, therefore, whatever amendment this bill may need in

that respect will be made, and that the full amount required for the actual service of the year will be added.

In reference to the two clauses which have been referred to by the gentleman from New York, and which are found on pages 2 and 3 of the bill, (which I have a copy of only by borrowing it from a member of the committee,) I will make a few observations. It is not a valid objection against the passage of an appropriation bill that it does not embrace all the objects for which appropriations should be made. We cannot justly vote against appropriations which are proper in themselves merely because the amounts are not large enough. But there is a clause at the end of the first section which is something more than a mere omission to make a necessary appropriation; I read it:

No part of the money hereby appropriated is appropriated to pay any salaries, compensations, fees, expenses, under or in virtue of title 26 of the Revised Statutes.

It is fair to inquire whether those statutes do not command the executive officers of the Government to execute them, perform some positive duty, and whether by this clause we are not merely neglecting to appropriate, but are virtually nullifying the law by preventing its enforcement. If the clause which I have read stood alone it would be less objectionable; but taken in connection with the second section which I will read presently, it amounts to a legislative prohibition for one year to enforce the statutes in title 26. The sections of that title are the laws which this House and the Senate have vainly tried to repeal, but have found they have not the constitutional power to do so. We were told in the outset that these laws should be repealed or no appropriations would be made. But it has been demonstrated to the most unobservant that the present Congress is powerless to repeal these laws, and the attempt has been wisely abandoned. The chief amounts needed for the support of the civil departments were appropriated in the bill which we passed yesterday with no provisions for repealing or modifying the law, but now the Committee on Appropriations propose a bill by which, for the coming year, these laws shall be not repealed, but not enforced—nullified.

Now, gentlemen, that is only an indirect way of doing temporarily and for one year what you have no constitutional authority to do absolutely and permanently. This provision ought to be stricken out. As I have already intimated, the clause which I have just read draws its evil inspiration from the provisions of the second section, which I will now read:

That the sums appropriated in this act for the persons and public service embraced in its provisions are in full for such persons and public service for the fiscal year ending June 30, 1880; and no Department or officer of the Government shall, during said fiscal year, make any contract or incur any liability for the future payment of money until an appropriation sufficient to meet such contract or pay such liability shall have first been made by law.

Now, Mr. Chairman, let us consider the effect of this section upon existing law.

Mr. COX. I desire to ask the gentleman whether what he has just read is not substantially the law now?

Mr. GARFIELD. My remarks will soon answer the gentleman. In 1870, in order to prevent the extravagant use of the public money, Congress passed a law restricting the expenditures for any one year to the appropriations made for that year. That is, if the appropriations made for the year were not sufficient, a deficiency must be asked for. Unexpended balances remaining from previous years could not be applied to meet deficiencies. This was a wise provision. Then it was found that there was a tendency to incur obligations by making contracts, such as for the rent of buildings, the lease extending over a series of years ahead. Thus obligations were incurred for which no appropriations of money had been made. To check that tendency, section 3679 of the Revised Statutes was enacted in these words:

No Department of the Government shall expend, in any one fiscal year, any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract for the future payment of money in excess of such appropriations.

Now, *in pari materia*, as part of the same general prohibition, gentlemen will find, in section 3732, this enactment:

No contract or purchase on behalf of the United States shall be made, unless the same is authorized by law or is under an appropriation adequate to its fulfillment, except—

But here is an important exception that gentlemen appear to have overlooked, and it answers the question of the gentleman from New York, [Mr. COX,]—

except in the War and Navy Departments, for clothing, subsistence, forage, fuel, quarters, or transportation, which, however, shall not exceed the necessities of the current year.

Perhaps this section may throw a little side-light on another bill which is shortly to be before us in regard to feeding, clothing, and transporting the Army. Under the laws as they now stand, if Congress neglects to pass the regular appropriation bills, or if the appropriations run out, still the Army is to be fed and not starved, clothed and not left naked, transported to points of danger and not left idle and useless. So also with the Navy. But here is a section which for one year nullifies section 3732, for it makes no exception.

Mr. CARLISLE. Did not the act of 1870 repeal all that?

Mr. GARFIELD. No, sir.

Mr. CARLISLE. Why not.

Mr. GARFIELD. Because of the exception which I have just read with reference to the Army and the Navy which has never been construed as repealed.

Mr. CARLISLE. You have read the exceptions in the act of 1861, but the act of 1870, a later statute, contained no exceptions whatever.

Mr. GARFIELD. I have read to the gentleman from the Revised Statutes now in force two exceptions which must be construed together; one does not repeal the other.

Mr. CARLISLE. How did that provision get there?

Mr. GARFIELD. It is enough for me to know that this is the law, for both sections have been adopted by Congress in the revision of 1874. But this is not all. Besides nullifying the exceptions of that section for the coming year, there is imported into this second section of the bill a new term. Before this, outside of these exceptions, a Department could not make a contract, a written contract, binding the Government to pay money for an object for which no appropriation had been made.

That was wise and judicious, for it prevented the Departments from entering into large schemes that bound the Government in advance of the action of Congress. But here is another expression not known in our existing statutes:

No department or officer of the Government shall * * * make any contract *or incur any liability.*

Here is a provision which is much broader than any that has been found in the statutes hitherto, as every lawyer will concede. "Incur liability." What does that mean? Suppose the President of the United States should think it important to send a minister extraordinary to some foreign court, being authorized thereto by the Constitution, and in an emergency should send him. Would that incur liability? Certainly. Suppose he had been ordered by Congress to do it. Suppose it was made mandatory under the law, but there happened to be no special appropriation for it, and he should make the appointment. Would that "incur liability" for which an appropriation had not first been made? Suppose it should so happen that a new judicial district had been created by act of Congress, and the President should be ordered by the law to appoint a judge, but there happens to be no appropriation for the salary of the judge. The President in appointing that judge according to law incurs a liability for the Government to pay the salary. In short, any executive act of his which by law he is commanded to perform he is here forbidden to perform during the coming year because in doing so he incurs a liability for which an appropriation has not specially been made in advance.

The object of this legislation is plain. During the coming year there is to be an election for members of Congress in the State of California, and one in the Westchester district of New York to fill a vacancy; and the purpose of this legislation is leveled at these elections, so that neither the courts nor the United States marshals shall appoint supervisors or deputy marshals to act as official witnesses or to keep the peace at those elections, so that the United States may be properly and lawfully present at the creation of its own legislators. This legislation is an attempt to defeat and cripple the power of the United States to be present at those two elections which are to be held durjng the coming summer. It is an attempt to accomplish by indirection what cannot be done by an open and plain repeal.

Now, Mr. Chairman, as we have successfully resisted the repeal of righteous laws in spite of the threat that the appropriations would be refused, none the less will we resist their nullification. The chapter of forced repeal seems to have been closed. Gentlemen have abandoned it. But the chapter of nullifying laws is now opened. Again we stand upon the unassailable proposition that not only shall these just laws remain upon the statute-book, but that they shall be executed.

Mr. SPRINGER rose.

Mr. GARFIELD. In a moment. If you do not appropriate the money we cannot help ourselves. We are powerless to appropriate it without your aid. You are the majority; but not by our consent shall you nullify a law which the Constitution does not permit you to repeal. I will now hear the gentleman from Illinois.

Mr. SPRINGER. I rose to ask the gentleman the question whether it was not within the province of a majority of this House and of the Senate to withhold appropriations for any purpose that they might desire.

Mr. GARFIELD. Oh, yes.

Mr. SPRINGER. What complaint, then, have you to make against the majority of this House and of the other House for refusing appropriations for objects which they deem subversive of the rights and liberties of the people?

Mr. GARFIELD. I answer the gentleman from Illinois by a quotation from the distinguished gentleman from Virginia, [Mr. TUCKER,] who is not now here. He defined right to be equal to power plus duty. Now you have the power to withhold appropriations for executing the laws, but have you the right? Your power and your duty put together constitute your right in the best sense of the word. Of course you are your own judges of duty. But we are all here, Mr. Chairman, under the solemn obligation of an oath. We are all sworn before the Searcher of all hearts that we will well and faithfully perform the duties of Representatives under the Constitution. And the Constitution makes it our duty to appropriate the necessary means to enforce the laws. The Constitution provides that the judges, the President, and other officers shall receive a fixed compensation at stated times, and this can only be done by our being faithful to our oaths.

Will the gentleman deny that we are under a solemn obligation to make all the appropriations necessary to carry on the Government and execute the laws of the United States? If any gentlemen here see fit to neglect that high duty and violate that great obligation, they must answer to their own constituents, to their consciences, and to God. But, as for me, I hold that to appropriate the money required by the law is my duty, and my vote shall be for the appropriation under the laws as they are, and not coupled with acts which nullify or obstruct the laws.

There have come into our Treasury during the last year $235,000,000. Every dollar of that money came from the people under the sanction of a law or laws which were passed for the express purpose of raising money for the support of the Government. That money is in the Treasury, and for that purpose; and we are the trustees of that fund under the law and the Constitution. The people paid it without imposing any conditions; they paid it under the laws as they now exist to support the Government.

Now, therefore, if we, the trustees of that great fund, step in between those for whom they hold the trust and the execution of the trust and say we will not apply this money according to the laws under which we received it, but we will impose conditions of our own different from that under which they paid it, are we not betrayers of a trust and violators of the Constitution?

[Here the hammer fell.]

Mr. McMAHON. No gentleman is more delighted than myself to find my colleague and his associates returning to a proper appreciation of their duties under the Constitution and the laws. He gives us a good lesson on the duty of appropriating money for the purposes of government, which duty we have been steadily performing on this side of the House. I am sorry that my colleague has been uniformly voting against all appropriations. It is his right to do so, of course, if he sees fit. It is every gentleman's right and duty to vote according to the dictates of his own conscience. We, following the dictates of our conscience on this side, have uniformly voted for every appropriation bill that was reported to the House. The gentlemen on the other side, following the dictates of their consciences, have uniformly voted against every appropriation bill until yesterday, when they advanced in a solid column to vote for a bill on the old-fashioned republican way—without debate, without discussion, without really an understanding of its contents.

There is another proposition which is fundamental in our Government, and that is the right of the majority of the people of the country, in a constitutional way, to rule the country. We on this side are sent here as exponents of the people of the country. We come here as representatives fresh from the people by election; and we hold both Houses. We are responsible for our legislation. But it is our right and duty to shape that legislation. And he who prevents the majority from ruling violates and defeats the will of the people. We come here not upon a mere tidal wave, but as exponents of an organized revolt against the republican party which has lasted so long that we have been able to get possession of the State Legislatures and of both Houses, and now when we come here and vote according to the will of the people and desire to have free and fair elections and to deprive the gentlemen on the other side of the right to place partisans at the polls and defeat the will of the people, they say: Let this power remain in the hands of the President and his subordinates that we may achieve partisan success; and if you do not we will not vote for a single dollar of the appropriations. We prefer our partisan advantages to our sworn duty to support the Government. If we cannot have deputy marshals (which the majority of both Houses wish to dispense with) we want no appropriations at all.

Sir, if that commends itself to the fair mindedness of the American people I have mixed with them in vain.

So when we presented the Army bill with the fundamental proposition in it that troops should not be allowed at the polls to disturb the voters, what did the gentlemen on the other side of the House do? You, as a party, voted "no" on the appropriation bill; you preferred to have no appropriation for the Government rather than surrender this improper privilege, which in the past you have used so wrongfully; and with my friend from the State of Ohio at your head you forget the Constitution and your duty under it so piously spoken of by my colleague just now, and you refuse to vote for that measure. The amount of the appropriation was all right, the purposes were all right; but your party would lose its advantages and was stripped of its chance to resort to violence, by which it had kept itself in power against the vote of the people.

Sir, that provision was put in in accordance with the old republican doctrine that no troops should be allowed at the polls; and you gentlemen rather than give up that, in your judgment, sacred right, as you seemed to deem it, voted against the appropriation bill. How can my honorable colleague reconcile his practice with his preaching?

Mr. ROBINSON. Will the gentleman allow me to call his attention to a fact?

Mr. McMAHON. I cannot yield; my time is too short.

Gentlemen, where was your constitutional duty then? In whose keeping did you place your political consciences? What committee had charge of it? When you were called upon to discharge your duty in this House as expounded by my colleague you refused to vote for the appropriation bill; you surrendered to party dictation in caucus. What right had you to say that the democratic party met in caucus in order to bind the action of its members on this floor? [Laughter.]

The gentlemen laugh about something they do not understand. We have heard about democratic caucuses and their dictation. I ask my associates around me whether I do not state the truth when I say that in every caucus we have held the understanding has always been that in legislative action every member may vote upon his conscience. In the caucuses held by the democratic party in the Forty-fourth, Forty-fifth, and Forty-sixth Congresses it has always been so understood.

I know that our republican friends say that they do not hold caucuses. Oh, no; but when they want to meet together and get up some devilment to starve the Government by refusing appropriations they "confer;" nice, pious gentlemen that you are, you confer together. Oh, keep behind me, caucus; keep behind me, Satan; "we confer!" Yet the fact is that something more binding seems to have become necessary for gentlemen on the other side, because there are one or two breachy men over there who will insist on leading your party into the very jaws of death and destruction; and would do so if it were not for the wiser heads of the party who meet together and "confer."

Now my friend from Ohio has got up a new catch-word. Catch-words are republican weapons; they do not deal in solid arguments. Now, as to whether it is right or not to have deputy marshals at the polls, my colleague from Ohio, [Mr. GARFIELD,] great man that he is, has developed his talent solely into catch-words. A few months ago we on this side were "revolutionists." But the people having swallowed that term and finding that it sits lightly on their stomachs, our friends on the other side have discovered a new startling phrase and now we are to be called "nullifiers." Nullifiers, because being in the majority in both Houses we attempt to express in our legislation the will of the people in a constitutional way. There is not power enough on the part of that gentleman to deceive the American people upon this question. They understand these things just as well as you or I do, Mr. Chairman. They understand that the republican programme means retaining the same methods by which the present occupant of the presidential office was cheated into his position. When they come to understand and pass upon this proposition, whether we are nullifiers because we do not propose to allow you to steal into the Presidency another time, I will risk their judgment, I will risk their common sense, notwithstanding all the eloquence and power and ingenuity of my colleague from the State of Ohio, [Mr. GARFIELD.] There are some things entirely beyond his reach. He cannot persuade the people that it is right to have troops at the polls. Nor will any fair-minded citizen claim that it is honest or fair to have deputy marshals at the polls, all of one party and doing the bid of their masters and corrupting elections.

Now, one word in reply to my colleague upon the Committee on Appropriations, the gentleman from New York, [Mr. HISCOCK.] He said that the courts in his State would have to stop for want of jurors. I do not think that he can have informed himself upon that subject. We have given for the support of juries $10,000 more than the Department of Justice requested us to do, if we decreased the pay of jurors from $3 to $2 per day. We have allowed all that was asked for the compensation of witnesses, and we have allowed the same pay for all officers except the assistant district attorneys of the United States and the marshals and deputy marshals. We do not propose to appropriate anything to pay for the expenses of officers at the polls. If that makes us nullifiers, then I admit that we are nullifiers; there we are and there we will stand. We will vote for this appropriation bill, and I hope that our friends on the other side will take to heart the lesson which my colleague gave them, and when the final vote on this bill comes to be taken by yeas and nays, that they will rue their action in the past, and give us a solid vote for a bill without which we can have no witnesses, no jurors, no marshals, nor anything else to keep the wheels of justice in motion.

I believe my time has expired.

The CHAIRMAN. The gentleman has half a minute remaining.

Mr. McMAHON. I do not care for that.

Mr. HAYES. I desire to make an inquiry of the Chair.

The CHAIRMAN. The gentleman will state it.

Mr. HAYES. Is there any way in which we can obtain printed copies of this bill before we are called upon to act upon it?

The CHAIRMAN. That is not a matter for the Chair. General debate has been exhausted upon this bill, and the Clerk will now read the bill by sections for amendments.

Mr. HISCOCK. Will amendments be in order to each paragraph as read, or must they be reserved until the section is read?

The CHAIRMAN. The Chair is of opinion that the usual practice is to read the section, after which amendments to any portion of it will be in order.

Mr. HISCOCK. I think it would be better to have amendments offered to each paragraph of the section when read.

Mr. McMAHON. I do not object to that.

Mr. HISCOCK. I think it would be preferable to treat each clause of the first section, for instance, as a paragraph for amendment, for in that case the amendment will be more readily understood.

The CHAIRMAN. If there be no objection the bill will be read by clauses for amendment.

There was no objection.

Mr. HAWLEY. The gentleman from Illinois [Mr. HAYES] made a

very pertinent inquiry a moment since in regard to printed copies of this bill. There are only about twenty copies here at this time, and I think it wrong to compel the House to proceed to the consideration of this bill without members having printed copies of it before them. Perhaps the copies are here; if not, why not?

The CHAIRMAN. The Chair has no information upon that subject.

Mr. ATKINS. I think the fault is with the Government Printing Office.

Mr. McMAHON. That is where it is.

Mr. ATKINS. The clerk of the Committee on Appropriations stated to me an hour ago that the printed copies of this bill should have been here before that time. They have not reached here yet, and I think the fault is with the Government Printing Office.

Mr. GARFIELD. I hope that by some arrangement we can temporarily postpone the consideration of this bill until the printed copies of the bill are brought here. It is hardly fair that three hundred gentlemen should be called upon to act upon a bill of such great importance as this, and making so many radical changes in existing law, without having printed copies of the bill before them. I hope that something else may be taken up by consent for a little while.

Mr. HAYES. Why do not the Committee on Appropriations call up the Army appropriation bill, which is printed?

Mr. HARRIS, of Virginia. There is on the calendar of the Committee of the Whole a bill providing for printing the reports of the decisions of the Supreme Court of the United States. I think we might occupy a few minutes to advantage in taking up and passing that bill.

Mr. GARFIELD. Very well; let that bill be taken up and considered until the printed copies of the appropriation bill come.

The CHAIRMAN. The Chair will state to the gentleman from Virginia that the House is now in Committee of the Whole for the purpose of considering the pending bill.

Mr. HARRIS, of Virginia. By unanimous consent the bill I have indicated might be taken up.

The CHAIRMAN. The Chair does not understand that it is within the power of the Committee of the Whole to take any such action.

Mr. HARRIS, of Virginia. Then I move that the committee rise.

Mr. McMAHON. I hope that will not be done. Twenty copies of this bill were handed to me in print this morning at half past eleven o'clock, and at the same time word was brought me that the other copies were being struck off as rapidly as possible and would follow almost immediately. Now, what is the matter I am unable to say. I have had the Public Printer telegraphed to twice. Perhaps he does not want this appropriation bill passed; I do not know.

Mr. CALKINS. I hope this bill will be laid aside until we can receive printed copies of it.

Mr. McMAHON. I think there will be no trouble in understanding the bill as read by clauses.

The CHAIRMAN. Does the gentleman from Virginia withdraw his motion that the committee rise?

Mr. HARRIS, of Virginia. Oh, yes, sir; I do not wish to antagonize the Committee on Appropriations.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

Mr. CONGER. Is it understood that this bill is to be read by paragraphs for amendment?

The CHAIRMAN. By unanimous consent, the Committee of the Whole has determined to consider the bill by clauses, not by sections.

Mr. CONGER. That is better.

The CHAIRMAN. The Clerk will read the first clause of the bill.

Mr. CALKINS. Before that is done, I desire to ask the gentleman from Ohio [Mr. McMAHON] whether there is not some way by which this measure may be laid aside until we get the bill in print. Cannot some arrangement be made by which this bill can be passed over until the House can be put in possession of the printed bills? It is certainly a great injustice to all of us to undertake to force through a bill of this kind when we have not the printed bill before us so that we can understand what is being done. Cannot the gentleman from Ohio suggest some arrangement by which the bill can be laid aside for a time?

Mr. McMAHON. A messenger might go to the Public Printing Office and return in thirty minutes.

Mr. CALKINS. Very well; let us take up something else meanwhile.

Mr. BAYNE. Let us take up the bill of the gentleman from Virginia, [Mr. HARRIS.] It is a very important bill—one that concerns almost every member of the House.

A MEMBER. Take up the Army bill.

Mr. CALKINS. I appeal to the gentleman from Ohio to suggest some means by which the consideration of this bill can be deferred until we have the bill in print.

Mr. McMAHON. I think that if order be restored and the Clerk will read the bill by clauses in a loud, distinct voice, the bill being subject to amendment by clauses and to discussion under the five-minute rule, every gentleman will get not only all the enlightenment he wants, but a great deal more. [Laughter.]

Mr. ANDERSON. I move that the committee rise; and I propose to keep on making that motion till we have this bill in print.

The motion of Mr. ANDERSON was not agreed to; there being—ayes 51, noes 95.

Mr. McMAHON. I desire to state that a special messenger was sent to the Government Printing Office about twenty minutes ago, and will probably be here in a few minutes. I think that in the mean while we might go on with the reading of the bill. Yesterday some gentleman on the other side moved to pass the Army bill under a suspension of the rules; and gentlemen on that side wanted to vote for the motion.

Mr. BAKER. We had seen the Army bill.

Mr. McMAHON. You voted for the legislative bill; you had never seen that.

Mr. BAKER. Oh, yes, we had.

The CHAIRMAN. The first clause of the bill will be read.

The Clerk read as follows:

Be it enacted, &c., That for the purpose of providing for certain judicial expenses of the Government for the fiscal year ending June 30, 1880, the following sums are hereby appropriated out of any money in the Treasury not otherwise appropriated:

For payment of district attorneys and their assistants, $300,000.

Mr. HISCOCK. I move to amend by inserting, in line 9, after the word "thousand," the words "and fifty;" so as to read:

For payment of district attorneys and their assistants, $350,000.

The appropriation for this purpose, as contained in the bill, is $300,000. My reason for making this motion has been stated substantially in remarks which I addressed to the committee before we commenced the consideration of the bill by clauses. Now, under this bill as it is prepared the Government cannot use this fund indiscriminately for different purposes; under the bill it will be impossible to transfer appropriations intended for one purpose to another purpose. The result must be that the very moment there is a lack of funds for the employment of assistant district attorneys, that very moment the machinery of the courts must stop. The lowest estimate for this item, an estimate based upon the actual expenditures of the Department for the last four years, was $350,000. Hence I have made the motion to increase the appropriation to this sum.

Mr. McMAHON. I hope this amendment will not be adopted. One of the great abuses in the Department of Justice is the large expenditure for assistant and associate United States attorneys. One hundred and three thousand dollars of this estimate of $350,000 of which the gentleman speaks was asked for assistant and special United States attorneys. The Attorney-General himself says this is wrong; that there are too many assistants; and I think we ought to know from experience in our own localities there are too many. And I wish to tell gentlemen that, according to the four reports I have before me, analyzed, we expended in June, 1875, only $260,000 altogether for attorneys, $297,000 in 1876, $306,000 in 1877, and $259,000 in 1878; and in the report of 1878 the Attorney-General tells us he had diminished the fees for associate counsel $46,000. I think $300,000 is ample. I expect if it were investigated it would be found to be too much.

Mr. BAKER. Will my colleague on the committee yield to me?

Mr. McMAHON. Yes, sir.

Mr. BAKER. I ask the gentleman from Ohio whether or not the sums he has just been reading are not made up on the basis of the statement made by him in his opening, namely, that the reports of the amounts expended were confined to actual disbursements during the fiscal year, and consequently they can be no criterion of what is really needed for the service during the year?

Mr. McMAHON. I will answer the gentleman that a portion of this fund the Attorney-General can spend or not, as he sees fit. If he has not the money, he will not spend it in employing assistant counsel.

In further answer to the question the gentleman puts, I will say this: the committee has no official information from the Attorney-General by way of letter that these expenditures are not all that was expended in each fiscal year. When the question was first put to the Attorney-General himself he did not seem to understand it, and the information was conveyed by one of his subordinate officers.

Mr. HISCOCK. My colleague will say it was in the presence of the Attorney-General.

Mr. McMAHON. Yes, the Attorney-General was present.

Mr. HISCOCK. In reference to the information on this subject the statement was made by his subordinate officer of the manner in which these reports had been made.

Mr. McMAHON. The Attorney-General not seeming to know that his annual report was made as stated by the subordinate, but supposing it included all expenses for that fiscal year. We have provided against this, however, in the future.

The committee divided; and there were—ayes 66, noes 92.

So Mr. HISCOCK's amendment was rejected.

The Clerk read as follows:

For fees of United States marshals and their deputies, $600,000.

Mr. HISCOCK. I move to amend this clause by inserting the words "and fifty" before the word "thousands," in line 15.

Mr. McMAHON. I hope that amendment will not be made. I wish to read now three lines, and that is my only argument; three lines from the letter of Attorney-General Pierrepont to the Forty-fourth Congress:

The drafts of marshals through this department of the judiciary fund are enormous, and they seem to me in many instances unreasonably large.

So I think.

Mr. CONGER. I ask the gentleman whether that did not refer to one district in Arkansas?

Mr. McMAHON. No, sir.

Mr. CONGER. Was he not reviewing the Arkansas expenditures?

Mr. McMAHON. No, sir; he was sending us his annual letter.

Mr. CONGER. But in a review of the expenditures in one of the districts of the United States.

Mr. McMAHON. I beg the gentleman's pardon. We put the question to the Attorney-General whether these increased expenditures did not happen in the Southern States.

Mr. CONGER. I am not speaking of the Southern States.

Mr. McMAHON. I think you are.

Mr. CONGER. I am speaking of one district in one State which was the subject of congressional investigation.

Mr. McMAHON. I had the information from the Attorney-General's office that these abuses existed North as well as South.

Mr. CONGER. I ask the gentleman whether he does not refer to a statement made in considering the expenses in the district of Arkansas?

Mr. McMAHON. I say to the gentleman I will answer him in proper time.

Mr. CONGER. Oh! The courtesy of the gentleman in charge of this bill in his political speech against us leads me to presume he does not propose to answer the question.

Mr. McMAHON. Well, now, I believe the gentleman from Michigan is considered to be a pattern of courtesy.

Mr. CONGER. He intends to be so always; and it is generally admitted that he is.

Mr. McMAHON. I think the pattern had better be made over, for I should hate to see either this generation or the succeeding one cut out after it.

Mr. CONGER. The gentleman, I understand, declines to answer my question.

Mr. McMAHON. Now, I desire to call attention to what was stated before the committee that visited the Department of Justice. The Attorney-General said that the large costs in part of the office of marshals of the United States consisted in the gross abuse, North as well as South, that every time a prisoner was taken before a court, even in the peaceful States of Michigan, Ohio, and Indiana, he had to be taken charge of by a deputy marshal and a guard who received ten cents mileage. Generally he was carried to the farthest place to be found. Thereby the Government gets poor, and loafers called "necessary guards" are supported at its expense. I will find the express language of the Attorney-General if the gentleman from Michigan wants it. And I will say to the gentleman that the Attorney-General was not referring to Arkansas or any particular State. I have his report to the Forty-fourth Congress at its first session, Executive Document No. 14. I will read the whole paragraph relating to this matter, as it has some bearing on what is to come hereafter before the committee. He said in this report:

There is no uniform system of obtaining jurors to serve in the courts of the United States, and great abuses have sprung up and much favoritism and corruption are complained of. It is easy to provide a uniform mode of selecting jurors for the courts of the United States, and I respectfully suggest that an act be passed to accomplish this result.

The drafts of marshals through this Department upon the judiciary fund are enormous, and they seem to me in many instances unreasonably large.

He did not say Arkansas, he did not say New York, and he did not mean Arkansas or New York. He meant the whole country, for human nature is the same everywhere; and if you have a weak law you will find your marshals breaking through it everywhere.

The question being taken on the amendment, it was not agreed to.

The Clerk resumed the reading of the bill, and read the following paragraph:

For expenses of bailiffs, criers, stationery, fuel, lights, furniture, watchmen and janitors, cleaners and sweepers, extra meals for impaneled jurors, transportation of prisoners, moving of records, salaried officers of the Government summoned as witnesses, travel in collecting evidence in United States cases, for holding seizures, for fees of justices of the peace acting as United States commissioners, for stenographers, for post-mortem examinations, for expenses of judges holding extra terms of court outside their districts, of interpreters, fees to township officers in summoning jurors, extra pay to experts as witnesses, for storage, for surveys required as evidence, and for all other necessary miscellaneous expenditures, $280,000; making, in all, the sum of $2,690,000. And no part of the money hereby appropriated is appropriated to pay any salaries, compensation, fees, or expenses under or in virtue of title 26 of the Revised Statutes, or of any provision of said title.

Mr. HISCOCK. I offer the amendment which I send to the desk.

The Clerk read as follows:

Strike out all after the word "and" in line 36, namely, these words:

No part of the money hereby appropriated is appropriated to pay any salaries, compensation, fees, or expenses under or in virtue of title 26 of the Revised Statutes or of any provision of said title.

And insert in lieu thereof the following:

Twenty thousand dollars is appropriated to pay salaries, compensation, fees, and expenses under and in virtue of the provisions of title 26 of the Revised Statutes.

Mr. HAWLEY. I wish to ask the construction given by my friend from Ohio [Mr. McMAHON] of this clause. As I read the law upon the elective franchise, whenever there are ten citizens who may make known in writing to the judge of the circuit court their desire to have the registration of voters, or the election, or both, guarded and scrutinized—I do not read the whole section, but give the essential portion of it—the judge shall open the circuit court at the most convenient point on the circuit. The court then shall proceed to appoint and commission, under the hand of the judge, two citizens with certain qualifications, who shall be known as supervisors of election. Now, the direction to appoint there is imperative upon the application of the ten citizens; and that law is not repealed, and no repeal of it is proposed. I turn on further, to page 729 of the Revised Statutes, and I find it provided there, as follows:

There are appropriated out of any moneys in the Treasury not otherwise appropriated, for the purposes hereinafter specified, such sums as may be necessary for the same respectively; and such appropriations shall be deemed permanent annual appropriations.

Then there are four, five, or six pages of specifications of those things which shall be considered permanent annual appropriations. Among them, on page 734, are these supervisors of elections.

Now, as the direction to appoint supervisors upon proper application is mandatory, as the law is not repealed, and as among the permanent appropriations provision for supervisors of election is specifically mentioned, I wish to know how far the gentleman claims this proposed law will affect the appointment and payment of supervisors of election. The second section proceeds to say:

That the sums appropriated in this act for the persons and public service embraced in its provisions are in full for such persons and public service.

But there may be a query whether that applies to certain persons who are not specified here at all or only to the bailiffs, criers, janitors, cleaners and sweepers, &c., specifically mentioned in the first section. I wish to know whether the gentleman thinks this law will make it impossible to appoint supervisors and impossible to pay them.

Mr. McMAHON. I state to the gentleman that I understand this to be the situation. A permanent appropriation is an order to the Secretary of the Treasury or the Treasurer of the United States to pay out of any fund not otherwise appropriated in the United States Treasury. Am I not right in that definition? I think I am.

Mr. HAWLEY. I will answer the gentleman.

Mr. McMAHON. If the gentleman asks a question he must be ready to answer.

Mr. HAWLEY. The gentleman may easily ask a question about a volume of fifteen hundred pages.

Mr. McMAHON. An annual appropriation is an appropriation payable without further action by Congress out of any money in the United States Treasury not otherwise appropriated, and under warrants properly drawn under existing law.

Mr. HAWLEY. That is so.

Mr. McMAHON. Now if that be true, we have appropriated $2,700,000 for a specific purpose. The money which we appropriate in this bill cannot be expended for all purposes. I think the proviso is—

And no part of the money hereby appropriated is appropriated to pay any salaries, compensation, fees, or expenses under or in virtue of title 26 of the Revised Statutes, or of any provision of said title.

We would like very well to fix it so that you could not pay them. I do not disguise my opinion on that subject, but I think the gentleman will understand that as this does not repeal the supervisors law, but is only a specific annual appropriation, in contradistinction to the permanent annual appropriation, we only limit this particular fund and prevent its being used for a particular purpose.

Mr. HISCOCK. Your understanding is that this bill does not prevent the appointment of supervisors?

Mr. McMAHON. I do not care what the gentleman thinks my understanding is, I have given what light I can upon the subject.

Mr. HAWLEY. The gentleman just reproached me for not being able to give an opinion on short notice.

Mr. McMAHON. I gave my opinion; the gentleman does not give his.

Mr. HAWLEY. I have given an answer upon all the questions the gentleman asked. I looked at the clause of the statute and found that he was correct. My desire was to get a construction from the gentleman of his own bill, and I thought it but reasonable that the gentleman in offering a bill in a matter so closely contested as this, should give an answer to my question, even if the answer were only yes or no.

Mr. McMAHON. Is it not the obligation of the gentleman to give the grounds of his objection?

Mr. HAWLEY. My objection will be very serious. I do not want to use an offensive term, but it seems to me that there was a necessity to use the vulgar term of "smoking out." I desire to know if the gentleman is trying to do by indirection what he can see plainly he did not do directly?

Mr. McMAHON. The answer to that is, that we tried to do all we could.

Mr. BAKER. We desired to know what you meant to do, and what you thought you had done.

The question was taken on Mr. HISCOCK's amendment; and on a division there were—ayes 71, noes 94.

Mr. WILBER asked for tellers.

Tellers were ordered; and Mr. WILBER and Mr. McMAHON were appointed.

The committee again divided; and the tellers reported—ayes 82, noes 100.

So the amendment was not agreed to.

The Clerk read the second section of the bill, as follows:

SEC. 2. That the sums appropriated in this act for the persons and public service embraced in its provisions are in full for such persons and public service for the fiscal year ending June 30, 1880; and no Department or officer of the Government shall, during said fiscal year, make any contract or incur any liability for the future payment of money until an appropriation sufficient to meet such contract or pay such liability shall have first been made by law.

Mr. HISCOCK. I move to strike out that section, for the reason that the provisions of the Revised Statutes on the subject are ample, and which I now read:

Except in the War and Navy Departments, for clothing, subsistence, forage, fuel, quarters, or transportation, which, however, shall not exceed the necessities of the current year.

Mr. BAKER. I desire to say a word. If this bill is to become a law it seems to me very important that the last clause of section 2 shall not remain in the bill. Under the existing law, as it has just been read in the hearing of the committee, the Government and the public are amply protected against the expenditure of any money unless it has been expressly appropriated, and against the making of any contracts for the future expenditure of money until an appropriation shall first have been made.

The only addition that is made by the last clause of this section is in respect to the incurring of any liability on the part of the Government for future payments of money in any department of the public service.

I submit to the gentlemen on the other side, as a plain business proposition, that it is neither wise nor prudent, even for the period of a year, to forbid the Government in all its departments in any possible contingency from incurring a liability. The contingency may frequently and does arise that renders it important that the liability should be incurred.

I recollect, and it is not a very long period of time since, a liability of over $1,000,000 was incurred in the prosecution of an Indian war; and if this provision has the scope and effect my friend claims for it, it would be utterly impossible to have incurred those liabilities that occurred in the country a short time ago.

I submit that when there is a positive inhibition against the use of any money except where it has been expressly appropriated, and when there is an express inhibition against entering into any contract for the future expenditure of any money, the Congress of the United States has gone as far as in prudence it can go.

Now, to say that this Government shall be tied up so that it may even perish by reason of the fact that in no emergency, however supreme, can it incur any liability in the absence of an express appropriation for that purpose, is to say that we here in Congress have the sagacity to foresee for a year in advance all the perils and all the wants that may surround the administration of the public service. I submit that it is unwise. I submit that it is dangerous. I submit that there is nothing in the world to be in the interest of economy, in the interest of a fair administration of the Government, or even in the interest of the view which these gentlemen have, to thus place upon an appropriation bill this novel and unheard-of proposition.

Mr. SPRINGER. I rise to oppose the amendment. Article 1, section 9, of the Constitution of the United States provides as follows:

No money shall be drawn from the Treasury but in consequence of appropriations made by law.

It is clear that under the Constitution of the United States no money can be drawn from the Treasury except in pursuance of appropriations made by law. But the gentleman from Indiana [Mr. BAKER] desires that the President and the various heads of Departments and all the officers of the Government may be allowed to incur liabilities beyond the appropriations. Now, if they can incur a liability which the Government is bound to pay, then we may as well authorize them to draw money from the Treasury before an appropriation has been made, because there is no difference between incurring a liability for which payment must be made and the taking of money out of the Treasury of the United States. It is only a question of time. The liability will take the money out of the Treasury in the end, and the loss to the Government is the same in either case. The one is as much in violation of the Constitution as the other.

What reason can be offered, what excuse can be given, for passing a law that the President or the head of any Department or any officer may incur a liability beyond the appropriation made by law? A subsequent Congress would be bound, if it were a liability, to appropriate the money to meet such liability. To pass such a law would be the breaking down of all restraint and the granting of an unlimited authority to the Departments of the Government to expend any sum of money they may choose.

Mr. BAKER. Will the gentleman yield for a question?

Mr. SPRINGER. Certainly.

Mr. BAKER. I would inquire of the gentleman whether in the history of this Government, from its foundation down to this time, under any administration, there was ever put on the statute-book any such inhibition as this?

Mr. SPRINGER. I will answer the gentleman. I understand that the section in question is the law now, but I think it well to have the language more clearly expressed, as it is in this bill. If gentlemen will turn to the CONGRESSIONAL RECORD of the Forty-fourth Congress——

Mr. BAKER. Will the gentleman answer my question?

Mr. SPRINGER. I am going to answer it by better authority with the gentleman than my own statement would be. I answer it by referring to a communication from the President of the United States, dated June 17, 1876, which I find in the CONGRESSIONAL RECORD of the Forty-fourth Congress. General Grant sent a communication to this House, which I have before me.

It will be remembered that at that time the House of Representatives was in what was called a dead-lock with the Senate in regard to passing appropriation bills. The end of the fiscal year was approaching, and there had been no appropriation bills passed for the ensuing fiscal year. The President at that time sent a communication to the House, which will be found printed on page 3854 of the RECORD of that session. In that communication the President sets forth all provisions of law prohibiting expenditures of money beyond appropriations, and including the provision of the Constitution which I have quoted. He concludes by saying:

Precluded from expending money not appropriated, the Department would have to suspend service everywhere, as appropriations for it have failed to be made.

He officially informed this House that every Department of the Government would be closed unless by the 1st day of July thereafter the necessary funds should be appropriated to run the Government. It was then the opinion of the President, and he doubtless acted under the advice of his Cabinet, that he was prohibited from incurring any liability beyond the sums appropriated, even though it should be necessary to suspend all public service. It was so regarded then and ought to have been so regarded by the officers of the Government ever since. I shall never vote to authorize any Department of the Government to incur any liability for any purpose whatever until an appropriation to meet that liability shall have first been expressly made by law. That is the only security the people have against the unlimited expenditure of their money.

I call the attention of gentlemen on the other side to the existing law, which will be found in section 3629 of the Revised Statutes:

No department of the Government shall expend in any one fiscal year a sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract for the future payment of money in excess of such appropriations.

The only change in that provision of law made by this bill is by inserting the words "or officer," and also the words "or liability." That does not change the spirit of the law, but simply its letter, in order that there may be no mistake hereafter in regard to its proper construction. It is carrying out the spirit of the law as understood by President Grant when he sent his message of June 17, 1876, to the House of Representatives. The law for the ensuing fiscal year, if amended in accordance with the pending provision, will prohibit any department or officer of the Government from incurring any liability whatever against the Government until an appropriation to meet the liability shall first have been made by law. There can be no agents, employés, or officials of any kind appointed to do or perform any public service until a sum sufficient to pay for the service has first been appropriated. And this is right. It is in accordance with the Constitution and is the only security the people have against unauthorized and unlimited expenditures of public funds.

One thing further. The gentleman from Ohio [Mr. GARFIELD] stated that by refusing appropriations for certain purposes we were nullifying an act of Congress. Sir, I never knew before that a provision of law authorizing the appointment of certain officers creates a liability on the part of Congress to appropriate money indefinitely to carry out that provision. If this were true all appropriations would be permanent, and there would be little use for Congress to meet and make appropriations from year to year. Many of us on this side of the House believe that the existing law for the appointment of supervisors and deputy marshals of elections is unconstitutional and void, and we will not appropriate money to carry it out or to pay officials appointed under its provisions; and we propose to make it unlawful to appoint such officials until appropriations to pay them shall have been made by law. If this be nullification let gentlemen on the other side make the most of it.

[Here the hammer fell.]

Mr. HISCOCK. I withdraw the amendment.

Mr. HAWLEY. I renew the amendment to strike out the second section. I wish to call the attention of the committee to a point which has been already made by the gentleman from Ohio, [Mr. GARFIELD;] but it is one not to be overlooked by any means. Section 3732 of the Revised Statutes makes provision for meeting the expenses of the Army and Navy in spite of the failure of specific appropriations. There might be an accidental failure; it might arise from a great variety of causes, implying no hostility to the Army or the Navy. I do not suppose anybody would object to our having an Army or a Navy. But an inadequate appropriation might be made some year. There might be required a great deal more money to maintain the efficiency of the Army than had been appropriated. If when a specific appropriation is not made or proves insufficient, no liability can be incurred by the Government for sustaining the Army and the Navy, how are your soldiers to be fed or clothed or transported? Hence section 3732 has provided that—

No contract or purchase on behalf of the United States shall be made, unless the same is authorized by law or is under an appropriation adequate to its fulfillment, except in the War and Navy Departments, for clothing, subsistence, forage, fuel, quarters, or transportation, which, however, shall not exceed the necessities of the current year.

Now, if the provision in this bill means anything, it means to nullify or repeal that section of the Revised Statutes. The gentleman on the other side does not like the word "nullify." I do not wonder at it. I will say, then, that this bill as reported means indirectly a repeal of that provision for the coming year. I doubt whether the gentleman in charge of this bill desires to do that; but

such is the effect of the bill. I therefore suggest a modification in that respect by the insertion of the words "except as provided in section 3732 of the Revised Statutes."

Mr. HASKELL. Mr. Chairman, there is one feature of this section to which I desire to call the attention of the committee having this bill in charge, believing that they will recognize the propriety of the suggestion. Under the provisions of this section, as I hold, and as I think members of this committee will hold, an unexecuted order of Congress cannot be carried into effect by any officer of any Department until some specific appropriation shall be made for that purpose. Now, during the Forty-fifth Congress several orders were made by Congress directing heads of Departments to do specific kinds of work, to discharge specific duties. Under the provisions of this bill it is clear they cannot execute those trusts or obey those orders until an appropriation specific in its character shall have been made providing for the expenditure necessary to be incurred.

I have in my mind now an order passed by the Forty-fifth Congress for the adjudication of a land case in my State. That order directs the Attorney-General to employ counsel in behalf of some Indians interested in the case. Now, I find that in the general provisions of this bill that case is not provided for; consequently, the order of the Forty-fifth Congress directing the Attorney-General——

Mr. McMAHON. Why is it not provided for?

Mr. HASKELL. I do not see any appropriation.

Mr. McMAHON. There is an appropriation for assistant attorneys.

Mr. HASKELL. This is not the employment of an assistant district attorney, but the employment of counsel by the Government to appear in the trial of that case in behalf of the Indians. Whether the counsel thus employed would be considered an assistant attorney under the provisions of the first clause of this bill I cannot say, but I think such would not be the construction.

Mr. McMAHON. I think it would be most unquestionably, because that is the way the estimate has been made to us. The bill uses the exact language of the Attorney-General—"for payment of district attorneys and their assistants."

Mr. HASKELL. I hope that is the correct construction, because the matter is of great importance to my people. The fact that there is uncertainty on this point illustrates the dangerous manner in which this bill is drawn. I think the gentleman in charge of the bill will recollect special orders made by the Forty-fifth Congress to Department officers to go on and do a specific thing and to report subsequently to Congress. I think that is a common form of order to heads of Departments. Now, how can they carry out any such orders of Congress under the provisions of this section?

Mr. ATKINS. I will ask the gentleman whether section 3679 of the Revised Statutes, now in force, is not in the way of the execution of such contracts?

Mr. HASKELL. I do not think so.

Mr. ATKINS. Why not?

Mr. HASKELL. Because I think that as against a special provision of a subsequent act of Congress that general direction of the statute would not prevail.

Mr. ATKINS. This is a general law; and the word "officer" is used in addition to the word "Department," although the word "Department," the major term, includes the minor.

Mr. HASKELL. The chairman of the Committee on Appropriations will see that a general statute must give way in its limitations to a specific order of Congress subsequently made. That general statute covers all the general disbursements of the Government, and directs the officers of the Departments in general terms concerning the payment of general appropriations for their work. But here is a specific order for which there is no appropriation.

[Here the hammer fell.]

Mr. HAYES. I suggest that gentlemen on the other side hold themselves in a little. Talk is not going to change anybody's vote. We have been talking for three months. It seems to me it is time now to have a little healthy voting.

The question being taken on the motion of Mr. HAWLEY to strike out the second section, it was not agreed to; there being—ayes 73, noes 84.

Mr. GARFIELD. I move to amend by striking out in line 6, section 2, the words "or incur any liability." I do that, Mr. Chairman, because it leaves the statutes on the subject plain and unambiguous. If these words are out, the remainder of the provision is not unlike what is now in the statutes, and I think there would be no ambiguity in the section; but if these words be retained, no man can know precisely what he may or may not do without violating the law.

I do not myself think that, strictly and properly construed, this section suspends a number of sections of the Revised Statutes which some gentlemen may think are temporarily repealed; but with these words here they leave an uncertainty hanging over many sections of the Revised Statutes as to what constitutes incurring liability.

I can conceive such a thing as this: The President may appoint a man and may say to him "You go and do this duty; the law authorizes me to appoint you. You may never receive any pay. You will never receive any unless Congress appropriates it hereafter." Possibly the President does not thereby incur any liability. I presume when election day comes the judges can appoint supervisors and the marshals can appoint assistant marshals in the same way. There is certainly nothing here which prevents them from doing their duty; and if they are told at the time of their appointment that they never can have any pay from the Government unless Congress should thereafter appropriate it, query, whether any liability has been incurred. I rather think not.

Mr. SPRINGER, I should think there had been.

Mr. GARFIELD. I think not. The liability spoken of here is certainly a pecuniary one. But if the gentleman thinks there is liability, it proves the necessity of making the language clear, which certainly will be done by striking out the words which render it doubtful. [Cries on the democratic side of "Vote!" "Vote!"] Not quite yet.

Now, if gentlemen have put these words in here to suit two views of this case, so that they can say to one class of their friends, "We have done it," and to others who do not think they ought to have done it, "We have not done it;" I say if they have had double purpose in view, these words are well chosen. But if you have a plain, frank, manly purpose in view, that everybody can understand, you should leave these words out. I think, therefore, for the honor of the House and for the clearness and definiteness of the statutes, these words ought to come out, and in the interest of good legislation I make the motion to strike them out.

Mr. COX. I understand my friend from Ohio to say that he believes United States supervisors and others will be appointed.

Mr. GARFIELD. I did not say they would be, but perhaps they can be——

Mr. COX. That the President and the judges would appoint them under this clause if passed—that they would be appointed.

Mr. GARFIELD. The gentleman will understand I am merely saying if it should be done and they were told they never could have any pay until Congress subsequently appropriated the money—I refer to deputy marshals—I ask whether that would constitute under this section an incurred liability?

Mr. COX. I presume it would.

Mr. GARFIELD. I was putting a case to the judicial mind of the House.

Mr. COX. I will only say one word to the House. I do not like to take up the time of the House on this subject. I do not believe in any letting down on this business at all, for I can see on the other side of the House a disposition to have these supervisors appointed, these officers of election anyhow, and I have not so much faith in the past as to believe when the appointments are made somehow, by hook or crook, they will so get around it as to get money for their officers.

Mr. BAKER. Does this bill prevent their being appointed?

Mr. COX. I say it does. Will it be carried out in good faith if it is passed?

Mr. BAKER. I ask you whether it does prevent their being appointed?

Mr. COX. If we can stop their appointments, which I believe we can, then we ought to stop it in the interest of good morals and good policy. This is not exactly like a rider on a bill; we have the right to direct how money shall be appropriated and how it shall not be appropriated. I am not very partial to bills of this nature. I should prefer "to wipe out," as the phrase is, the whole thing—to repeal the whole business. That would be a much better proceeding for all of us if we could get at it. But this is an extraordinary emergency. Gentlemen are preparing for the election of 1880.

Mr. GARFIELD. That's it.

Mr. COX. Ay, and I would not give them a chance, a single hair to hang on to in any effort to use the power of this Government to the undoing of the people at this election.

Mr. BAKER. I wish to ask the gentleman a question. [Cries of "Vote!" "Vote!"]

Mr. BARBER. I desire also to ask a question. [Cries of "Vote!" "Vote!"] I want to know in case the yellow fever should break out at Memphis or elsewhere, and rage in Mississippi this season, whether this bill would interfere with proper action on the part of the Government?

The CHAIRMAN. The gentleman from Illinois will be seated. He is not in order.

The question being taken on Mr. GARFIELD'S amendment, it was not agreed to.

Mr. HISCOCK. I desire to offer as a further amendment to the section these words:

Except in the War and Navy Departments for clothing, subsistence, forage, fuel, quarters, or transportation, which, however, shall not exceed the necessities of the current year.

The CHAIRMAN. The gentleman from New York will please submit his amendment in writing.

Mr. HISCOCK. I have read from the Revised Statutes the provision as it stands to-day. I suppose my friends on the other side are not afraid, in view of the Army bill which is before the House, that the Army will be used either in the State of California or in New York in the Westchester district in the coming fall, so that they will insist on this restriction on the Army and Navy Departments to make the necessary contracts for the purposes which I have read.

Mr. ATKINS. We would have no objection to ingrafting the amendment on the bill so far as that is concerned; but when we take a text to read we do not read the whole Bible. We do not want to re-enact all the laws in this bill.

Mr. HISCOCK. I want nothing of the kind. This amendment simply saves to the Navy and Army Departments the same power they have now; and the only possible reason there can be for limiting them in that power is the fear gentlemen may have of the Army

and Navy being used in the State of California or in the Westchester district of New York.

Mr. McMAHON. I demand a vote.

The question being taken on Mr. HISCOCK'S amendment, there were—ayes 59, noes 81.

So (further count not being called for) the amendment was not agreed to.

Mr. HASKELL. I offer the following amendment:

In line 7 of the section, after the word "money," insert the words "unless so directed by act of Congress;" so that it will read:

And no Department or officer of the Government shall during said fiscal year make any contract or incur any liability for the future payment of money, unless so directed by act of Congress, until an appropriation sufficient to meet such contract or pay such liability shall have first been made by law.

The object of the amendment is to provide that where a specific order has been given by Congress to do a thing the Department or officers of the Government may go on and execute the order.

Mr. SPRINGER. That is just what we do not want to do.

Mr. SIMONTON. I make the point of order that a motion having been made to strike out the section, and that motion having been voted down, the voting down of the motion to strike out is equivalent to an adoption of the section, and it is not open to any further amendment.

The CHAIRMAN. The Chair cannot sustain the point of order. It is competent for the committee to amend the section as it chooses.

The question being taken on Mr. HASKELL'S amendment, it was not agreed to.

The Clerk read section 3, as follows:

SEC. 3. That the per diem pay of each juror, grand or petit, in any court of the United States shall be $2; and that the last clause of section 800 of the Revised Statutes of the United States, which refers to the State of Pennsylvania, and sections 801, 820, and 821 of the Revised Statutes of the United States, are hereby repealed; and that all such jurors, grand and petit, including those summoned during the session of the court, shall be publicly drawn from a box containing, at the time of each drawing, the names of not less than three hundred persons, possessing the qualifications prescribed in section 800 of the Revised Statutes, which names shall have been placed therein by the clerk of such court and a commissioner, to be appointed by the judge thereof, which commissioner shall be a citizen residing in the district in which such court is held, of good standing and a well-known member of the principal political party opposing that to which the clerk may belong, the clerk and said commissioner each to place one name in said box alternately until the whole number required shall be placed therein. But nothing herein contained shall be construed to prevent any judge in a district in which such is now the practice from ordering the names of jurors to be drawn from the boxes used by the State authorities in selecting jurors in the highest courts of the State; and no person shall serve as a petit juror more than one term in any one year, and all juries to serve in courts after the passage of this act shall be drawn in conformity herewith: *Provided*, That no citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States on account of race, color, or previous condition of servitude.

Mr. WEAVER. I offer the following amendment:

In lines 17 and 18, strike out the words "the principal" and insert "a;" so that it will read:

Which commissioner shall be a citizen residing in the district in which such court is held, of good standing and a well-known member of a political party, &c.

If this bill is to pass, it ought to pass in a proper shape. I therefore offer this amendment.

The question being put on agreeing to Mr. WEAVER'S amendment, there were—ayes 81, noes 85.

Mr. WEAVER. I call for tellers.

Tellers were ordered; and Mr. WEAVER and Mr. MCMAHON were appointed.

The committee again divided; and the tellers reported—ayes 89, noes 96.

So the amendment was not agreed to.

Mr. WEAVER. I give notice that in the House I will ask for a vote on this amendment.

The CHAIRMAN. The gentleman has not that right, the amendment not having been agreed to in committee.

Mr. HERBERT. I offer the amendment which I send to the desk.

The Clerk read as follows:

In lieu of the proviso to section 3, beginning on line 29 and ending with line 33, insert the following:

Provided, That in selecting names to be placed in the jury-box the clerk and commissioner shall in no wise have regard to political affiliations, but shall look solely to the qualifications prescribed by law. Citizens possessing all other qualifications, which are or may be prescribed by law, shall be competent to serve as grand or petit jurors without regard to race, color, or previous condition of servitude; but no officer or employé of the United States, or of any State, shall be competent to serve as such juror: *Provided further*, That this act shall in no way impair the force and effect of section 4 of the act of March 1, 1875, entitled "An act to protect all citizens in their civil rights."

Mr. McMAHON. I have no objection, I believe, to that amendment.

Mr. GARFIELD. I make the point of order on the amendment that it is new legislation and not in the direction of economy. I make the same point of order on the section.

The CHAIRMAN. The gentleman has lost the right to make the point of order on the section, other amendments having been received.

Mr. GARFIELD. Then I make it on the amendment.

Mr. HERBERT. What is the point of order?

The CHAIRMAN. The point of order is that this is new legislation, which does not come under Rule 120. Does the gentleman from Alabama desire to be heard on the point of order?

Mr. HERBERT. I do not desire to be heard on the point of order. I submit it to the Chair.

The CHAIRMAN. The Chair feels compelled to sustain the point of order.

Mr. GARFIELD. I offer the following amendment:

In line 16, after the word "citizen," insert the words "of good standing;" and strike out all after the word "held," in line 17, down to and including the word "belong," in line 19; so that it will read:

Which commissioner shall be a citizen of good standing residing in the district in which such court is held.

This will strike out the words:

And a well-known member of the principal political party opposed to that to which the clerk may belong.

I offer this amendment because I am unwilling, if I can prevent it, to allow a statute to pass this House which for the first time in the history of this Government injects party politics into our jury laws. The words "political parties" are unknown in our Constitution. There is not a word in the Constitution that indicates such a creation as a political party.

Political parties are probably necessary in all free governments; but there has been one place in the whole circle of our judicial system into which hitherto the word party has never found its place as a part of the law. Our goddess of justice, so far as persons are concerned, is painted blind; but so far as the objects and essence of jhstice are concerned, she sees the whole world.

Now it is proposed most unwisely, and I think for the first time in our history, and I beg the lawyers and judges who sit before me to think of this, to put into the jury-boxes a man recognized as a political partisan, and then another beside him recognized as belonging to another political party, to administer justice. One is to do democratic justice, another republican justice, another greenback justice, and so on to the end of the chapter.

If that phrase be planted in our law no man can tell the bitter, bad fruits that it will produce in the future of our jurisprudence.

Let us, gentlemen, have one place where, as lawyers and citizens seeking their rights, there shall be no such thing as politics recognized, but that equal and exact justice will be meted out to all men.

Now, the gentleman from Iowa [Mr. WEAVER] proposed a little while ago what was entirely proper, that it should not be confined to two political parties. There may be two, three, four, or five parties—there are perhaps that many in the country—and if you let the idea of party politics get into the law of juries at all, you ought to go through the whole list of parties to be just or fair.

Let me ask particularly how many clerks of the courts there are whose politics you can really ascertain without an inquest? There are a great many of these clerks who have held their positions during the lives of half a dozen political parties, and who have no political partisanship in them, and who make it a part of their daily bread to keep out of politics. This especially is the case with the clerks of the national courts. Some of these clerks were in office before the republican party was born and do not know to which party they belong. Now, in order to execute this proposed law you must find out what their political opinions are; you must, in fact, make them partisan before you can appoint a commissioner or impanel a jury.

Now, I beg gentlemen to let this amendment of mine pass in the interest of law and justice. I hope that the fact that we have been looking into each other's faces and fighting a political battle has not put the majority into such an attitude that they will reject anything proposed by me or my associates. I should be glad for the sake of the cause of justice if we should vote at once and agree to this amendment.

Mr. McMAHON. I have no objection to the first amendment in line 16, that the commissioner shall be a citizen of good standing residing in the district, but I warn the gentleman that it will cut out his party in about half of the States of the Union.

Mr. GARFIELD. I hope my colleague enjoys that remark.

Mr. McMAHON. As to the other amendment I do object to it because there is no use denying historic facts, to stand on stilts before the assembled wisdom of the American people and talk about no party in the jury-box, and the purity of our courts. We know that juries are packed; that they are packed in the interests of the dominant party. Now, if they are to be packed at all, I prefer that they be packed half and half. The gentleman who has just taken his seat, after a plea for no politics in the jury-box, objected to the amendment of the gentleman from Alabama, offered but a moment ago, which provided that these commissioners to select a jury should have no reference to political affiliations in their choice, but should select honest men of good reputation. That met my approval; but the distinguished gentleman from Ohio, who is so nervous about politics in the courts, had it ruled out on a point of order made by himself. I do not comprehend such inconsistency. The other part of the gentleman's amendment only excluded Federal and State office-holders from sitting on juries; and this does not seem to have suited my colleague, who is so anxious for good juries that he prefers Federal office-holders as jurymen in Government prosecutions!

Now I do not care whether in the ordinary practice of the law there are nine republicans or twelve, or any number of republicans on a jury. In my own practice, in the portion of the country where I reside, and where I am known and regarded as a pretty strong democrat, I have won as many cases before juries a majority of whom were republicans as I have where the majority have been democrats. Politics rarely enters into the jury-box in our State courts. But the case is

different in political trials in the Federal courts. Who institutes those political trials? Your district attorney, who is nothing in the world but a part of the party machinery of the party in power. Who are your United States commissioners? As a general rule they constitute a portion of the political machinery of the party in power. Who are your United States marshals? They are the fellows who pack conventions and then try to carry elections. We know that in the Southern States, and in many of the Northern States, the commissioners, district attorneys, and marshals constitute a formidable portion of the republican party, and under the present system juries are packed and organized to convict.

Now, when my colleague talks about there being no politics recognized in any law about courts or juries, does he remember the electoral-commission bill which we passed here by a very large vote, and which proposed that the commission should be of members of opposite political parties? My friend was upon that electoral commission, and I am very sure that he does not speak from any inner consciousness when he says that it is impossible for men selected as democrats or as republicans to return a just verdict.

We have the actual experience, and we know the fact, that juries are packed, and in the South in many places they are composed of officers of the United States Government. The juries are not packed because they are republicans, but because selected under the system for the purpose of conviction. We appeal here for something like a fair system. We take the clerk and a citizen of good standing, and then require them to select as jurors a large number of the citizens of the district, and to draw the jurors by ballot. When we have done that, I think we have provided something in favor of fair play and decency.

Mr. GARFIELD. Allow me a moment.

Mr. McMAHON. Certainly.

Mr. GARFIELD. The gentleman has referred to the electoral commission. He will remember that there was not in that law a word which referred to one political party or the other. It was the sense of decency and fair play between the two parties which, after the law was passed, led them voluntarily to put men from both parties upon that commission. The republican Senate put upon it a fair share of democrats and the democratic House put upon it a proper share of republicans. But the law said not a word about selecting men from opposite political parties to serve upon the commission. The law was just as this law ought to be—free from the recognition of party politics.

Mr. McMAHON. Well, if I thought this law would operate as the electoral law did I certainly would not advocate it. [Laughter.] It is because I think it will operate better that I am in favor of it. But it was the express understanding, in advance, that each party was to have a certain representation; and the only chance was in the odd man.

Mr. GARFIELD. I voted against the electoral-commission law.

Mr. McMAHON. I know the gentleman did; and if he had kept on afterward voting in the right way it would have been a good deal better. [Laughter.]

Mr. GARFIELD. You cannot joke away the injustice of this bill.

Mr. McMAHON. I do not want to joke. I say in all seriousness to my friend that no greater joke has been perpetrated in this House than when he got up here and appealed for fair juries under the present system. That is the grandest joke of the century.

Mr. HERBERT. I move to strike out the last word. The objection made by the gentleman from Ohio [Mr. GARFIELD] to the bill as it now stands seems to me to be a captious one. That it is captious is proven conclusively by the point of order which he made upon the amendment which I submitted a few moments ago. One purpose of my amendment was to meet the very objection now made by the gentleman to this bill, and which we foresaw would be made, although we believe the bill is not fairly subject to it. This bill simply provides for the appointment of two commissioners, one to be of one party and another of the other party. That is the sense of fair play and decency, for which the gentleman spoke awhile ago. He says that a sense of fair play and decency ought to exist in the administration of the law. If it did, there would be no necessity for the enactment of this bill into a law; but it does not.

Mr. CALKINS. Will the gentleman yield?

Mr. HERBERT. I have not time to be interrupted.

Mr. CALKINS. Just for a question.

Mr. HERBERT. No; not even for a question. I have only five minutes. To show that under the present administration of the law a sense of fair play and decency does not exist, I would call attention to a dispatch and an answer to it which I have here, and that answer will furnish conclusive proof of the correctness of my statement. A United States court is now in session in the city of Montgomery, Alabama, my home. I recently telegraphed as follows:

Major F. C. RANDOLPH,
Montgomery, Alabama:.

How many democrats on the jury that tried Renfro? Answer.

The next morning I received the following answer:

No democrat on the Renfro jury, and none on the entire panel, most of whom are United States officers and employés.

F. C. RANDOLPH.

Here is a jury organized to try democrats, and not a democrat on it; a jury organized for political trials, and every man upon the jury a political enemy of the men to be tried. More, sir, and worse than that—a majority of the panel, the dispatch says, employés and officers of the United States, active partisans as officers generally are. This jury, sir, is a miniature court of star chamber. In the court of star chamber sat the lord high treasurer, the lord chamberlain, the lord of the privy seal, officers of the King's household, with others to try those charged with political offenses against the Crown. History tells us what was the invariable result—the King convicted whom he pleased. And common sense tells us that when republican officials pack a jury in this way, the republican party will convict whom it pleases. I appeal to every gentleman on this floor, I appeal to the country to know, how could such a jury have been fairly obtained? Is there here any of that sense of fair play and decency the gentleman from Ohio talks about?

We must stop this packing of juries; and is there any better way than that provided in the bill? The bill simply provides that a commissioner shall act with the clerk, which commissioner shall be appointed by the judge, shall be a citizen of good standing, and a well-known member of the principal political party opposing that to which the clerk belongs. Can it be that in any district in the United States the judge of the court would be unable to find a single man who is honest, belonging to the party opposite to that to which the clerk belongs?

If this appointment is to be in the hands of the United States judge, and he is in unison with the Government, what harm can come by providing by law that the person so appointed by him shall belong to the opposite political party to be a check upon the officer who would summon such juries as that now sitting in the United States court at Montgomery, Alabama?

There is no answer to this—no possible answer, unless you undertake to say that it is impossible in some districts for the judge to find an honest man belonging to a party different from that to which the clerk of the court belongs. I apprehend no gentleman on this floor will undertake to make such a statement as that. A law similar to this proposed provision has existed in Pennsylvania since 1867, as I have been informed by a distinguished lawyer, who is a member of this House from that State. While its provisions are not exactly identical with those under consideration, the result is the same: two commissioners of opposing parties are, as the result of an election, chosen to select juries. This law has been in operation in Pennsylvania for twelve years, and has been found to work well.

[Here the hammer fell.]

Mr. CALKINS. I rise to oppose the amendment. I desire to ask every lawyer in this House how you can make the eligibility of a man to an office depend upon his politics; and that is the purpose and scope of this bill. Unless a man is opposed in politics to the clerk of the court, he is disqualified to serve in the capacity of commissioner. I say it is unheard of in the annals of all legislation to make the eligibility of any officer depend upon his politics.

Mr. CLYMER. How about the supervisors?

Mr. CALKINS. The supervisors of election ought in justice be appointed from each political party. Yet there has never been a law passed perhaps that has not been abused. I desire to remind gentlemen on the other side that I can recollect when in my own State of Indiana their party packed a grand jury to indict men for concealing fugitive slaves.

Mr. SPARKS. Does the gentleman want similar abuses repeated?

Mr. CALKINS. The trouble is not in the law, but because men abuse the law.

Mr. FINLEY. The complaint made now is that the law is abused.

Mr. CALKINS. And you cannot remedy that abuse by putting into the statute a worse abuse—a more vicious system of legislation.

I appeal in fairness to all gentlemen to say whether at this day we should undertake to inject into the judicial system of the country partisan politics. If abuses have crept into our judicial administration, it is to be hoped that in this era of peace and reconciliation, when we are all drawn so near together, when we are "shaking hands over the bloody chasm," and all that kind of thing, when you see here confederate brigadiers and Union soldiers joining in the work of legislation—the "era of good feeling" will very soon enter the jury-box at the South. I will say in all fairness that I am in favor of any bill you may prepare for the purpose of weeding out any pernicious system that has grown up; but I will not vote for any measure that puts partisanship into the jury-box, which ought to be kept free from it.

Mr. CLYMER. Mr. Chairman, I think that the opposition to this proposed legislation is more sentimental than real. It is well known that as the law now stands, persons of but one political party in certain sections of the country ever get into the jury-box. I find in the legislation of my own State a precedent to guide me in this matter. Formerly it was a source of serious complaint that juries in the several counties of our Commonwealth were chosen according to the politics of the sheriff and commissioners of the county. In a largely democratic county like the one which I have the honor to represent, a republican scarcely ever appeared upon a jury, while in the adjoining county of Lancaster, where the republicans were in the ascendency, a democrat scarcely ever entered the jury-box. Here was an abuse which worked evil, which created dissatisfaction in the minds of the people just as the present jury system in the South does in the minds of the people there. In 1867, I think, the Legislature passed

a law providing that two jury commissioners should be elected for the purpose of placing in the box the names of persons to be drawn as jurors. Two commissioners were to be elected, but each elector could vote for only one commissioner. Hence resulted the election of two commissioners representing the two political parties. This was the purpose of that legislation. The effects have been most beneficial all over our Commonwealth, and I do not think a single individual there to-day would have the system changed. It places in the jury-box of every county men of each party, a system conducive to the ends of justice, creating in the minds of the people confidence that the administration of justice is free from political prejudice or bias. In this legislation of my own State I find, as I have said, a precedent for my guidance upon the provision now pending in this House. As the objection to this section of the bill seems to be rather sentimental than real I hope the provision will be adopted as it stands.

Several members addressed the Chair. [Cries of "Vote!" "Vote!"]

Mr. MCMAHON. I make the point of order that debate is exhausted, and I object to the withdrawal of any pending amendment. Let us have a vote.

The question being taken on the *pro forma* amendment of Mr. HERBERT to strike out the last word, it was not agreed to.

Mr. KEIFER. I move to strike out the last two words. [Cries of "Vote!" "Vote!"] I do not desire, Mr. Chairman, to take up the time of the committee if gentlemen desire to vote on this extraordinary measure. I believe until near the close of the Forty-fifth Congress no such astounding proposition as is contained in this bill was ever made in the Congress of the United States, or so far as I can learn in any legislative body in any of the States of the United States. I believe, sir, that so infamous a proposition has never crept into any law of any State of this Union, and I beg gentlemen on the other side of the House, especially from the Southern States, to rise and say whether in any one of their States they have ever advocated the policy of legislating in this manner politics into the jury-box, or whether in any of their States now such a proposition in principle has ever been carried out or enacted into law? I hear no man respond to that inquiry. Then I may truthfully say, for one hundred years, for a whole century, we have gone along with no such proposition as this in any law of a State or in the United States.

Now, Mr. Chairman, what is the object of this law in relation to jurors? The object is perfectly obvious. There have been violations of the United States laws in the South, the stealing of the timber belonging to the Government, the violation of the revenue laws throughout certain districts of the South, and when gentlemen found, after attempting legislation, that they could not get these matters determined in the State courts where they had juries, all of whom are democrats, then they say we will legislate into the jury-box in the United States courts enough partisan democrats to prevent the Government from ever convicting any person charged with such crimes or recovering a verdict for anything in any case. And there is the foundation for the whole of it. When this proposition was first made in the last Congress its real purpose was no secret. My colleague from Ohio [Mr. MCMAHON] says there is something to be learned from looking to the electoral commission. I think there is where we are to learn a very bad lesson. We found that gentlemen of the electoral commission voted according to their politics.

Nay, we have, Mr. Chairman, this extraordinary instance in relation to that commission: A gentleman who was appointed by the Forty-fourth Congress on a committee to investigate the elections in the State of South Carolina, to take testimony and report who carried that State in 1876, and whether the electors in favor of Tilden or Hayes carried that State, (I refer to Judge Abbott, of Massachusetts,) went there and after the testimony was taken, and he had it all before him, came back to the Forty-fourth Congress with other democratic members of the committee, reported that the Hayes electors had carried the State of South Carolina, and then he was put on the electoral commission; and when he had no testimony before him he voted in effect that the Tilden electors had carried the State of South Carolina and that the Hayes electors had not.

Now, do you want to carry that out as a precedent? You want to carry politics into the jury-box. In Ohio we have no such law and there is no complaint. We do not legislate men into the jury-box with a view of their voting for their own party in rendering verdicts. We have not had any trouble there and gentlemen from the South do not complain in their own States where the jurors are now all democrats.

My objections are numerous. I have stated them in a former speech I made on this floor, and I wish it distinctly understood I put my objection on the ground that men must not be told they are put in the jury-box expressly to stand by their party friends, for that is the effect of the proposition in this bill. We have had one hundred years' experience under our present law and it has worked well. It is because we have fallen on strange times in the history of our country and because we have peculiar ends to accomplish that this proposition is now brought forward.

Mr. HOOKER. Mr. Chairman, the proposition suggested by the gentleman from Ohio is not to be found in the bill reported from the committee. So far from containing a proposition by means of legislation to put a partisan jury on either side into the jury-box it is designed and intended by the very terms and language of the bill to avoid the very thing which the gentleman says is upon it. In other words, I have always thought there ought to have been a restraint upon the power of the Federal judges appointed by the Government to indicate either by their own action in court or by that of the clerk where the jury should be called from. The proposition of this bill is merely that two commissioners, one of whom is the clerk of the court and the other a commissioner holding opposite political views from him, whatever his may chance to be, shall be commissioners to draw the jury to pass upon questions to come up in litigation, whether civil or criminal, before that court. So far from being a proposition on the part of the committee which reported this bill to put into the jury-box a partisan jury, it has for its very object and purpose to free the jury-box from all partisan connection whatever.

And in answer to my friend from Indiana [Mr. CALKINS] who deprecates so much that there should be by any legislation indicated a partisan action in constituting the jury, it has been well said to him by the gentleman from Pennsylvania, [Mr. CLYMER,] to all those on the opposite side of the Chamber who favored originally and are now in favor of retaining that most odious law upon the statute-book, which clothes the supervisors of the Government of the United States with a power to oversee elections of the States, that it is predicated upon the very idea that there is to be a request by the partisans of one party for the appointment of so many supervisors and by the partisans of the other for so many more. So that those who favored originally that law or favor its retention on the statute-book now, either to oversee a congressional or State election, must forget the fact that that very law itself was predicated upon the idea they are to be selected at the instance of the two parties, and of course that they are to be indicated to the clerk of the court as holding certain political views.

Mr. CALKINS. I desire to ask the gentleman from Mississippi one question.

Mr. HOOKER. I yield to the gentleman.

Mr. CALKINS. Does not the gentleman from Mississippi recognize the distinction between officers acting purely as political officers or as political agents, and officers acting where the eye of justice ought to be closed to all politics? Is there not a distinction between those two classes?

Mr. HOOKER. I think not. They are acting as quasi-judicial officers in making these appointments of supervisors and they make them at the indication and request of the respective parties. They are indicated in the request. Where ten men make the request to the clerk of the circuit court that such and such persons shall be appointed, he appoints them, and they are to be appointed first from one political party and then from another. So that the objection comes with an ill grace from those of all men holding the view that the original supervisor's law was a proper one and ought to be retained on the statute-book, and I am astonished it should come especially from my liberal-hearted friend from Indiana, [Mr. CALKINS,] who is generally found on the side of right, whether his party happens to stand on that platform or not. The argument, therefore, in opposition to the bill reported by the committee is not sustained by anything that has been said by the gentleman from Indiana or the gentleman from Ohio.

[Here the hammer fell.]

Mr. BAYNE rose.

The CHAIRMAN. Debate on the pending amendment is exhausted. Does the gentleman from Ohio withdraw it?

Mr. KEIFER. I do.

Mr. MCMAHON. I object to the withdrawal of the amendment.

Mr. KEIFER. I make the point of order that I have a right to withdraw it.

The CHAIRMAN. Not after it has been debated. It is then in the power of any gentleman in the House to object to its withdrawal.

The question being taken on Mr. KEIFER'S amendment, it was not agreed to.

Mr. BAYNE. I move to strike out the last three words.

The only legislation I know of in the whole United States that goes in the direction of the proposition in this section has been referred to by gentlemen on the other side of the Chamber as certain laws enacted for certain counties in the State of Pennsylvania. Those laws apply, I believe, to a number of counties in the State. There are such laws, but they do not apply to all counties in the State.

Mr. RYON, of Pennsylvania. To all of them except Philadelphia.

Mr. BAYNE. I think not, but I may be mistaken as to that. I do not care, however, whether it is a mistake or not, so far as my argument is concerned. The principle I want to get at is this: the law of Pennsylvania has safeguards placed in it which do not exist in the provisions of this section at all. According to the Pennsylvania law the judges of the court of common pleas and their associates supervise the placing of the names in the box; and in the county of Allegheny, where jury commissioners were elected, I have known myself the judges under some former administrations of the office—I do not know how it is under the present—to take the entire supervision of that matter by reason of the abuse of this system by the jury commissioners.

Mr. WISE. The commissioners fail to agree; then the judge comes in.

Mr. BAYNE. No, sir; there is no necessity for an agreement on the part of the commissioners. The commissioners place on the wheels the names that are selected, and according to the method there the

various sub-districts of the county of Allegheny were divided between the commissioners, in pursuance no doubt of an understanding. One commissioner would take the city of Pittsburgh, for instance; the other the city of Allegheny. Then the boroughs were divided, the townships were divided, and the consequence was the commissioner representing the democratic faith would select all democrats from his portions of the county, and the republicans would select all republicans from his portions; and it cannot be disputed that that law has opened up abuses in the administration of justice in Allegheny County to which it had never been subjected in the whole history of the administration of justice in that county before. It subjected the choosing of jurors to such abuses that the judges of the courts finally took the matter into their hands for the very purpose of preventing these abuses.

Now, this section contains no such provision as that which enables the judges to supervise and do the work in Pennsylvania. This section does not give the judges of the circuit courts or the district courts of the United States the power to supervise the selection of jurors, and consequently there will be nothing in the world to check this abuse of power, which will just as naturally creep into the adoption of this system by the United States courts as it crept into the county courts of Pennsylvania when the system was adopted there. I protest against this as a bad piece of legislation, shown to be bad by the only experience we have ever had of it in this country; and I protest against it, too, because it introduces political predilections as factors in the adjudication of cases. It will be next to impossible to convict persons guilty of crimes.

Under the laws of the United States in many States of the Union, if this bill shall become a law, the revenue laws, the laws relating to national elections, and the laws for the protection of the property of the United States must be administered by friendly agencies if they are to be enforced at all.

[Here the hammer fell.]

Mr. COX. I rise to oppose the amendment. I do so for the purpose of correcting my friend from Indiana. I understood him to say that Judge Abbott voted in favor of the democratic electors in South Carolina.

Mr. KEIFER. It was I who made that statement.

Mr. COX. It is not exactly a correct statement. Here is the RECORD:

Commissioner Frelinghuysen offered the following resolution:

"*Resolved*, That Theodore R. Parker and others named in certificate No. 2 were not the lawful electors," &c.

Those were the democratic electors. The vote was—yeas 15, nays none.

Those who voted in the affirmative were, Abbott, BAYARD, &c.

Mr. KEIFER. You have got the wrong book, that is all.

Mr. COX. The gentleman did not tell all the truth; I am going to tell the whole truth. Then there was another vote on the republican electors, perhaps the gentleman referred to that; and on that division of 7 to 8 Judge Abbott voted that the republican electors were not elected.

Mr. KEIFER. That is what I stated.

Mr. COX. The RECORD shows why he voted the other way on the republican electors. It was because Judge Field offered a resolution that the evidence should be admitted, that there was military interference at the polls, and that certain officers acting under orders from the Department of Justice, by their action at the polls, intimidated the qualified voters of the State and deprived them of the right of suffrage.

There was a vote upon that of 7 to 8, because that evidence was not submitted; because of this military interference at the polls; because of these outrages by the deputy marshals, which was in evidence but was not given in. Judge Abbott voted that the republican electors were not elected, but he did not vote for the Tilden electors.

Mr. KEIFER. I do not understand that the gentleman denies the statement I made, that after Judge Abbott went to the State and took all the testimony relating to the whole subject of the supervisors and everything relating to the election, he came back here and reported that the Hayes electors had been elected in the State of South Carolina.

Mr. COX. Did not the gentleman say that Judge Abbott voted for the Tilden electors? He stated that.

Mr. SPARKS. I think the gentleman stated that Judge Abbott voted that the Tilden electors were elected.

Mr. COX. Now you see the utter unfairness and unreliability of the statement.

Mr. KEIFER. The gentleman does not deny my statement, that he so reported after all the testimony was taken and it was before him.

Mr. COX. I do not propose to quibble about the matter.

Mr. KEIFER. I do not quibble about it; it is the fact.

Mr. COX. I charge on the gentleman that he stated that Judge Abbott voted for the Tilden electors, after having been in the State as a commissioner of this House and had found that the State had not gone for Tilden. Everybody knows that that was what he said. The RECORD will show it to-morrow.

Mr. KEIFER. Let me repeat what I said.

Mr. COX. The RECORD will show it to-morrow. Why not take it back like a man.

Mr. KEIFER. I have nothing to take back; the gentleman cannot get me to take back what is true.

The pending amendment was withdrawn.

Mr. CANNON, of Illinois. I move to add to section 3 the following:

Provided, That in the event the clerk of said court shall not belong to any political party, then the jurors shall be selected as provided by law prior to the passage of this act.

I desire to say a word.

The CHAIRMAN. The Chair will state that several *pro forma* amendments have been offered, and after the amendment of the gentleman from Ohio [Mr. GARFIELD] has been voted upon, the amendment of the gentleman from Illinois [Mr. CANNON] will be in order.

Mr. McMAHON. We upon this side of the House agree that the words "of good standing," in line 16, should be inserted after the word "citizen," in that line. I have no objection to that.

Mr. GARFIELD. I believe there is no objection to inserting those words.

Mr. SAPP. Let it be read as amended.

The Clerk read as follows:

Which commissioner shall be a citizen of good standing residing in the district in which the said court is held, &c.

Mr. McMAHON. There is a little misunderstanding here. I observe the criticism of my colleague from Ohio. He thinks the words "of good standing," in the seventeenth line, might qualify only members of the principal political party. That is, he must be a member of good standing. I do not think there will be any trouble about it, as we can insert in the sixteenth line, after "a citizen of good standing," "and a well-known member of the principal political party."

The question was taken upon the first branch of Mr. GARFIELD'S amendment, and it was agreed to.

The Clerk read the second branch of the amendment, as follows:

Strike out all between the word "held," in line 17, down to and including the word "the," in line 19.

It proposes to strike out the following words:

Of good standing and a well-known member of the principal political party opposing that to which the clerk may belong.

Mr. SPARKS. Now what is proposed to be stricken out?

The Clerk again read the words proposed to be stricken out.

Mr. SPRINGER. I move to strike out the last word of the amendment for the purpose of yielding my time to the gentleman from New York [Mr. COX] to make an important correction as to the position of Judge Abbott.

Mr. COX. I do not desire to reopen this question, but will merely say that the report made on the South Carolina election, signed by Judge Abbott, Mr. Sayler, Mr. Eden, and others was not what the gentleman from Ohio [Mr. KEIFER] has represented it to be; they reported simply that there was no election because of violence and fraud. I ask that the part which I have marked, and which I send to the Clerk's desk, may be inserted in the RECORD, so that the gentleman may read it to-morrow morning.

The CHAIRMAN. Is there objection? The Chair hears none.

There was no objection, and it was so ordered.

Mr. KEIFER. Is it proposed to put in the whole report?

Mr. COX. Only a portion of it.

Mr. KEIFER. Then I object.

Mr. COX. I propose to put in that part where the report speaks of the facts of the returns.

Mr. KEIFER. I object.

The CHAIRMAN. It is too late to object.

Mr. KEIFER. I was objecting all the time.

The CHAIRMAN. The Chair called for objections, and none was heard.

Mr. KEIFER. I was objecting all the time.

The CHAIRMAN. Does the gentleman assure the Chair that he made the objection in time?

Mr. KEIFER. I was rising to make objection, when——

The CHAIRMAN. Does the gentleman state that prior to the announcement by the Chair that no objection was heard, he rose from his seat to offer an objection?

Mr. KEIFER. So far as that is concerned, I never heard that announcement by the Chair until now.

The CHAIRMAN. The gentleman, then, does not claim that he objected before the announcement was made.

Mr. CONGER. The gentleman says he rose to inquire what was to be included, and objected.

The CHAIRMAN. It is not the fault of the Chair that he did not hear the gentleman.

Mr. KEIFER. Nor is it my fault that the committee was in such disorder that the Chair did not hear me.

Mr. MILLS. That objection can be met by the gentleman from New York [Mr. COX] reading the portion he desires to have printed in the RECORD.

Mr. KEIFER. My objection is that the gentleman proposes to insert a portion of the report which does not meet the point which I made.

Mr. COX. If the gentleman objects to having it printed in the RECORD without being read, can I not read it in my five minutes?

The CHAIRMAN. The gentleman can do so if he desires; but the

Chair has already ruled that the objection of the gentleman from Ohio [Mr. KEIFER] comes too late.

Mr. COX. Then it is not necessary to read it.

Mr. SPRINGER. Let it be read.

The CHAIRMAN. The gentleman from New York can have it read in his five minutes.

Mr. COX. Let it be read, then.

The Clerk read as follows:

It was proven that a large number of United States soldiers were stationed in many different places in South Carolina for some weeks previous to the election and remained until after it. The pretense of thus stationing troops in the State and keeping them there until after the election was to preserve the peace and prevent violence growing out of the political issues to be passed upon by the people at the election. The fact of troops being sent to the State was used to overawe the colored people and prevent them from voting the democratic ticket. They were told the troops had been sent there to compel the blacks to vote the republican ticket and to shoot all those who voted for the democrats. Their presence undoubtedly had its influence and effect on the election. One of two propositions is true beyond question: either the troops were sent to South Carolina without any legal and justifiable cause, for political purposes and to overawe a portion of the voters, or there was a state of violence and turbulence amounting to insurrection against the State, and which the State authorities could not deal with and restrain. If either proposition is taken as the true one, no election was held in that State, certainly for members of Congress and presidential electors, who are to participate in making laws for or choosing a Chief Magistrate for the rest of the country should be recognized as valid. If the troops were sent there without legal cause for political purposes, to control the election, to overawe the voters, clearly an election held under such circumstances should not stand for a moment. To uphold it would be at war with all sense of right and would shock every fair mind. An election to be valid must be free. No awe of military power at an election to interfere with or in any way to control or influence it should be tolerated for a moment. On the contrary, if there was such a state of turbulence and violence, amounting to insurrection against the State government, which the authorities could not put down and restrain except by calling in the aid of United States troops, your committee think it clear that an election held under such circumstances cannot be taken to be valid. In no sense is it a free election where an insurrection exists against the State government that can only be kept down by national troops. The people are not in a condition to take part in legislating for the whole country or in electing its Chief Magistrate. An election under such circumstances would be worse than a fraud: it would bring our institutions into disgrace and contempt.

Mr. COX. I hope that now the gentleman, who has always been frank, will take back both his charges.

Mr. KEIFER. I cannot take back either of them in the face of the record.

Mr. COX. Well, I cannot force the gentleman to do it. But that a member of Congress, a man of high integrity, a friend of many years, whom we all know to be a man of pure character, should be attacked here and charged with reporting one way and voting another, I think is not right. And when I have had a portion of the RECORD read, and now ask the gentleman from Ohio [Mr. KEIFER] to take back his statement that Mr. Abbott voted in favor of the election returns of South Carolina, he says he will not do it. He says this, too, when I have had read a portion of the report which says that there was no election whatever there by reason of force and fraud. If the gentleman will not take it back now, then he will get through perhaps the smallest hole for a large statesman that I ever heard of. [Laughter.]

Mr. SPRINGER. I withdraw my formal amendment.

The CHAIRMAN. The question recurs upon the second branch of the amendment of the gentleman from Ohio, [Mr. GARFIELD.]

The amendment was to strike out of section 3 the following words:

Of good standing and a well-known member of the principal political party opposing that to which the clerk may belong.

The amendment was not agreed to; upon a division—ayes 68, noes 92.

Mr. CANNON, of Illinois. I move to amend by adding to the section the following:

Provided, That in the event the clerk of said court does not belong to any political party, then the jurors shall be selected as provided by law prior to the passage of this act.

I offer this amendment in good faith and desire to submit only a remark or two. I think that if the safeguards now cast about the selection of juries are not sufficient, it is owing to a condition of society that cannot be overcome by legislative enactment. You may place ever so many laws upon the statute-book, yet if it be not in the hearts of a majority of the people to enforce them they become dead letters.

The gentleman from Ohio having charge of this bill [Mr. MCMAHON] surprised me when he stated that it was a common thing for juries to be packed in the national courts or elsewhere. I do not understand that to be a common thing; and if it be so, the judge of the court is there for the purpose of punishing as for contempt everybody guilty of an offense of that kind. If it be perchance that the judge will not perform his duty, then under the Constitution we are here to impeach him and place him upon trial for such failure.

I apprehend that the adoption of the provision embraced in this bill will introduce into our jury system an element of disorder and confusion; but if Congress should be unwise enough to enact the provision into a law, I hope that in any event we may have juries. I apprehend it is a fact that a majority of clerks of the courts do not belong to any political party; and if this should prove to be the fact, you will under this bill be without juries. This is all I desire to say. [Cries of "Vote!" "Vote!"] I yield to the gentleman from Pennsylvania [Mr. BINGHAM] the remainder of my time.

The CHAIRMAN. The time of the gentleman from Illinois has expired. Does the gentleman from Pennsylvania rise to oppose the amendment?

Mr. BINGHAM. Yes, sir; I oppose the amendment. I desire to obtain some information in reference to this matter which cannot be gathered from the bill itself, and which doubtless some gentleman on the other side can furnish. The bill provides that at the time of each drawing the names of not less than three hundred persons possessing the qualifications prescribed in section 800 of the Revised Statutes shall be placed in the box. It further provides that no person shall serve as a petit juror more than one term in any one year. Now I observe that the State of Georgia is divided into two judicial districts, and the State of Mississippi also into two.

I observe further, accepting the Congressional Directory as my authority, that half of the counties in the State of Georgia have but 58 votes in opposition to the dominant party, and further, that one-third of the counties in the State of Mississippi have but 33 votes against the dominant party. In view of this condition of things, I desire to know how the provisions in this bill, if it be passed, can be carried out. These votes in half the counties of the State of Georgia and a third of the counties in the State of Mississippi are not assigned to any party; they are indicated as "scattering" votes.

Mr. STEPHENS. I will say, in reply to the gentleman from Pennsylvania, [Mr. BINGHAM]——

The CHAIRMAN. Does the gentleman from Georgia propose an amendment?

Mr. STEPHENS. I rise to oppose the amendment of the gentleman from Illinois.

The CHAIRMAN. The gentleman from Pennsylvania spoke in opposition to the amendment, and exhausted his time.

Mr. STEPHENS. He spoke on the same side as the gentleman from Illinois, [Mr. CANNON.]

The CHAIRMAN. The gentleman from Pennsylvania, in reply to the direct inquiry of the Chair, stated that he opposed the amendment.

Mr. CANNON, of Illinois. I will withdraw my amendment if the gentleman from Georgia will renew it.

Mr. STEPHENS. I will renew it for the purpose of replying to the gentleman from Pennsylvania. That gentleman alluded specially to the district of Georgia which I represent in this House, and referred to the fact that but 58 votes were cast against me at the last election.

This matter has been alluded to elsewhere. I wish to state to him and to this House that I was put in nomination by conventions of both political parties. The republicans who went to the polls I think very generally voted for me. I do not know of a single one who voted against me. The fifty-eight persons who voted against me were I think scattering democrats. [Laughter.]

Mr. BINGHAM. The gentleman will allow me to say that I quoted as my authority the Congressional Directory without any detailed knowledge of the circumstances concerning the election.

Mr. STEPHENS. That is why I make this explanation.

Mr. BINGHAM. The Congressional Directory reads:

Re-elected to the Forty-sixth Congress as a democrat, receiving 3,355 votes against 58 votes scattering.

I simply wish to show that I was correct as to the record which I quoted.

Mr. STEPHENS. Certainly. And I am simply making the explanation. There are some seven or eight thousand republicans, counting the colored voters as republicans, in my district; and if a single one of them voted against me I do not know it. In my own county the proportion of colored voters for me was about equal to the whites. There is a considerable majority of the democratic party—the exact numbers I do not know. So with other districts. There was really no opposition.

Mr. SPRINGER. Was there any bulldozing of colored voters in your district, or did they vote?

Mr. STEPHENS. All voted who desired to vote; there was no bulldozing. They did not vote in larger numbers, white or colored, simply because there was no opposition. It was generally understood that I would be elected, and there was no other election at the time.

Mr. BINGHAM. My point is this: What is to be the basis of indicating the party division or party association? Is it to be—[Cries of "Vote!" "Vote!"]—is it to be the State, or congressional, or presidential vote?

Mr. STEPHENS. I simply rose to make the explanation which I have made as to my own district, and my colleagues can make explanations, if they please, as to their districts.

MESSAGE FROM THE SENATE.

The committee informally rose; and a message was received from the Senate, by Mr. BURCH, its Secretary, announcing the passage of the following bills; in which concurrence was requested:

A bill (S. No. 650) to remove the political disabilities of Arthur P. Bagby, of Texas;

A bill (S. No. 669) to remove the political disabilities of James F. Harrison, of Virginia;

A bill (S. No. 670) to remove the political disabilities of N. R. Beall, of Missouri; and

An act (S. No. 678) relating to vinegar factories established and operating prior to March 1, 1879.

The message also announced that the Senate had passed, without amendment, the joint resolution (H. R. No. 72) authorizing the Secretary of the Navy to place vessels and hulks at the disposal of commissioners of quarantine or other persons at the ports of the United States.

It further announced the passage, without amendment, of a bill (H. R. No. 1842) to remove the political disabilities of J. C. Pemberton, of Philadelphia, Pennsylvania.

It further announced the passage, without amendment, and unanimously, of a joint resolution (H. R. No. 94) directing a monument to be erected to mark the birthplace of George Washington.

JUDICIAL EXPENSES.

The committee resumed its session.

Mr. KEIFER. Mr. Chairman, I did not desire to prolong this discussion, especially on the point which the gentleman from New York [Mr. COX] seems to be so much agitated about, as neither he nor I were prepared to go fully into all these reports. I stated the result, I stated the fact, I stated the effect, and I reiterate it. The gentleman has undertaken to read here a portion of a report not at all responsive to what I stated, and only of the report signed by Mr. Abbott, of Massachusetts. He attempted to evade the point, and then to beg me to withdraw my statement in the face of the report, and I declined to do so.

I wish to say, Mr. Chairman, that the great question before the electoral commission at the time the case of the State of South Carolina was being considered, if it was not in all cases, was this: those claiming that Tilden was elected, or that Tilden electors were elected, claimed it on the ground that the returns showed the fact of their election on their face.

Now I repeat here that Mr. Abbott signed a report which contains a statement and summary of all the election returns in the State of South Carolina, wherein it is stated, among other things, after summing up the returns, that "the result by thus ascertaining the votes"—that is, by the returns, and that is what the democrats stood on before the commission—"that the result by thus ascertaining the votes cast at the precincts and correcting the mistakes made by the managers in the returns is as follows;" and then follows a statement in summary. Then the report states "this gives Bowen, who received the smallest vote on the republican ticket, 92,093 votes over McGowan, who received the largest vote on the democratic ticket, 91,262 votes, a majority of 831." That was the report; and the question was what did the returns show, and the returns did show that the Hayes elector who received the lowest vote on his ticket had 831 more votes, according to Mr. Abbott's report, than the highest Tilden elector, and so they reported. I read further from the same report:

Your committee believe they have obtained with substantial accuracy the number of votes cast, &c.

So much for that, then.

Then, considering the great question which was before the commission, which was, who was elected by the returns, and denying the right of returning boards to correct mistakes or to throw out returns or votes for fraud, Mr. Abbott in effect voted that the Hayes electors were not elected and the Tilden electors were.

There is a good deal in this report, Mr. Chairman. It is the most marvelous thing we have ever seen. It contains a great many things which gentlemen may speculate about outside of these figures, but the substance is what I have given you here. It contains that most extraordinary statement that comes to us twice in reports made by democratic committees of the Forty-fourth Congress relating to the presidential election in 1876, and on which the democratic party proposed to throw out votes in certain districts. I give the statement in the language of this report now before me: "Women utterly refused to have any intercourse with men of their own race who voted against the republican ticket;" and that was adjudged by democrats to be a fraud upon the democratic party. [Laughter on the republican side.]

Mr. COX. Mr. Chairman, one word.

The CHAIRMAN. Debate on the pending amendment is exhausted.

Mr. COX. I renew the amendment. Now the gentleman from Ohio [Mr. KEIFER] undertakes out of his own unhappiness, out of his own lack of conscience on this subject, to tell this House because the face of the returns were so and so that Judge Abbott did not report what was read at the Clerk's desk.

Mr. KEIFER. Oh, no.

Mr. COX. Why, the very point made by Judge Field and Judge Abbott and others in the electoral commission was that on the face of the returns there was a *prima facie* election, but under the returns into which they desired to go it was all rotten, like dead men's bones; a whited sepulcher, only the face showing what was clean, while the inside was all rottenness.

Does the gentleman not make the distinction which the commission made? If the gentleman indulges in that sort of conduct and will not take it back, I hope that hereafter when he makes statements here they will be taken *cum grano salis*. The gentleman knows very well the point before the electoral commission. He knows very well that the point was made there, not that the Hayes elector or the Tilden elector was chosen; but that Judge Abbott voted there was no election. The gentleman does not yet take back his statement that Judge Abbott voted that the Tilden men were elected, and when I read from the RECORD, showing that was not the fact, as it appears on the record, and when the gentleman still adheres to his statement, what shall we think hereafter of statements made by him before honorable men in this House?

Further than that, when I show by the statement in the RECORD in the most unequivocal way that the vote of Judge Abbott was the logical sequence of his own report what then shall be the answer of the gentleman except to take up these miserable, scoundrelly *prima facie* reports which it was the principal object of Judge Abbott to go under and show to the American people that they were all rotten?

Mr. KEIFER. May I ask the gentleman a question?

Mr. COX. Yes, sir.

Mr. KEIFER. I wish to know if the democrats did not in all their votes on the electoral commission, in all cases, vote that the returns as made were those that should be considered and treated as valid, not the returns of the returning boards but the other election returns with the exception of South Carolina?

Mr. COX. Now fair-minded gentlemen will see that after I have captured the gentleman from Ohio and driven a nail——

Mr. KEIFER. Do not say you have captured me till you have got me. I know when a man gets mad what hurts him.

Mr. COX. When I bring the gentleman to the facts he tries to make a side issue as to the object of the democrats on that commission. Why does not the gentleman stand up and say as he said in the first place that Judge Abbott voted that the Tilden electors were chosen.

Mr. KEIFER. Why does the gentleman not answer my question?

Mr. COX. Because you have not taken back yet what you said. You dance with your head and kick with your heels and are not logical.

[Here the hammer fell.]

Mr. HURD. I desire to make a statement as to this South Carolina matter. I argued the South Carolina case on behalf of the House of Representatives before the electoral commission. We did not insist that the Tilden electors had been elected. We only insisted that such fraud and violence had been committed in the State of South Carolina that it was impossible to tell what electors had been chosen. And when Judge Lawrence, of Ohio, was arguing the proposition that Tilden electors had been chosen he was interrupted by one of the members of the commission of the republican party who said it was unnecessary to discuss a question that was not before the commission for discussion. The decision of the democratic members of the commission therefore was not that the Tilden electors had been chosen; it was only that fraud and violence had been practiced in South Carolina, so that it was impossible to state what electors had been elected. [Cries of "Vote!" "Vote!"]

The question being taken on the amendment of Mr. CANNON, of Illinois, it was not agreed to.

Mr. WARNER. I desire to offer an amendment which I think my colleague who has charge of the bill will accept. It is to add in line 20 after the word "alternately," the words "without reference to party affiliation;" so that it will read:

The clerk and said commissioner each to place one name in said box alternately without reference to party affiliation, until the whole number required shall be placed therein.

Mr. MCMAHON. I have no objection to that amendment.

The amendment was agreed to.

Mr. URNER. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend section 3 by striking out from the fourteenth line after the word "court" to the word "therein," in line 21, and insert in lieu thereof as follows:

And who shall select such three hundred persons with special reference to their probity and intelligence and without any regard to their political faith or party affiliation.

Mr. URNER. I desire to say but one word in support of this amendment. The section, as it now stands, provides that three hundred names shall be placed in the box, and from those three hundred names the jury shall be drawn, "which names shall have been placed therein by the clerk of such court and a commissioner, to be appointed by the judge thereof, which commissioner shall be a citizen residing in the district in which such court is held, of good standing and a well-known member of the principal political party opposing that to which the clerk may belong, the clerk and said commissioner each to place one name in said box alternately, without reference to party affiliation, until the whole number required shall be placed therein."

Now, Mr. Chairman, it is very apparent that the intention of that provision of this section is that the clerk, if he be a republican, shall, in the selection of these jurors, represent the republican party and make his selection of one hundred and fifty names from the republican party; if the commissioner is a democrat, he shall represent his party and make his selection from his party; and the result is that both of these officers will make their selections from their respective parties and we will have partisan juries.

Now, I propose to strike that out and to put in place of it a provision directing the clerk to make the selection with special reference to probity, without a reference to political opinions or party affiliations.

Mr. MCMAHON. That is already substantially in the bill, and I ask for a vote.

The question was taken upon Mr. URNER'S amendment; and on a division there were—ayes 71, noes 91.

So the amendment was not agreed to.

Mr. CALKINS. I move to strike out all after the word "citizen," in line 29, down to and including the word "law," in line 30; as follows:

Possessing all other qualifications which are or may be prescribed by law.

So that it will read:

Provided, That no citizen shall be disqualified for service as grand or petit juror in any court of the United States on account of race, color, or previous condition of servitude.

I do not want to take up the time of the committee by arguments, but I want to call the attention of the committee to one point. [Loud cries of "Vote!"]

I have no idea that any defect of the bill will be removed. I offer the amendment for two purposes. I desire to call the attention of the gentleman in charge of the bill, and I ask him to say what provisions this bill contains for summoning a jury if the first jury summoned from the three hundred names shall from any cause be dismissed? Must the court wait for another jury to be summoned?

Mr. McMAHON. There are three hundred names in the box.

Mr. CALKINS. But suppose that during the court for any cause the number of jurors remaining is but twelve. Are you to send a marshal out with a new *venire* or summon the bystanders to fill up the jury? I ask the attention of the chairman of the committee to this defect in the law. I understand that when the sections of the Revised Statutes which this law proposes to repeal are repealed, no provision remains on the United States statutes with reference to qualifications of any juror. Now, what qualification does the language refer to which I propose to strike out? Is it qualifications prescribed by State laws?

Mr. McMAHON. It means other qualifications if there are any others; if there are no others it amounts to nothing. It is very simple.

Mr. CALKINS. I suppose it does mean very much.

The question was taken on Mr. CALKINS'S amendment, and it was not agreed to.

Mr. MITCHELL. I offer the following amendment:

Strike out all in line 19, after the word "belong," down to the word "but," in line 21, and insert the following:

And in case of disagreement between the clerk and commissioner and their failure to select a sufficient number of jurors as aforesaid, in due time the judge of the proper court shall be notified of such disagreement and shall in such case act with such clerk and commissioner in the selection of such jurors, and the three shall form a board, a majority of whom shall have power to select such persons to act as jurors as aforesaid.

[Loud cries of "Vote!" "Vote!"]

I have but a word to say in reference to this amendment, and I do not desire to say it if the gentlemen are unwilling to hear me. I never desire to speak unless I have the attention of the body I am addressing. I consider this amendment very important. The law of Pennsylvania on the subject is, I believe, the only one of like case with it in the country. I differ with my colleague from Pennsylvania, [Mr. CLYMER,] who made reference to the law a few moments ago on the other side of the House, as to its effects. Sir, the law of Pennsylvania does not look to the selection of partisan jurors, but only to the selection of the two jury commissioners, one of each party, the judge sitting with them with a view to secure non-partisan juries. The bill before the House requires that the clerk and commissioners shall alternately select, and the result, as stated by the gentleman from Maryland, is a partisan jury; a jury which, it appears to me, never will acquit or convict in any political case whatever. The amendment which I offer, if adopted, would result in the selection of good men. If the clerk and commissioner disagree, it then requires the interposition of the judge, as in Pennsylvania, and his consent for the selection of persons whose names shall be placed in the jury-box. This bill I consider to be defective, not worthy the name of law. It is defective in many respects. I am opposed to the bill, but if it is to become a law we ought to consider it carefully and perfect it.

The question was taken on the amendment, and it was not agreed to.

Mr. MAGINNIS. I move to insert in line 2, section 3, after the word "dollars" the words:

Except in the Territories of the United States, where the per diem pay for jurors shall be $3.

I will state for the information of the House (and I think every gentleman here from the Territories will bear witness to the correctness of the statement) that $2 per day will not pay the board and lodging of a petit juror in the Territories. Besides that, the law of the United States now only allows five cents per mile for mileage. Now, in these Territories a juror can travel nowhere for less than twenty cents a mile, which is the amount allowed by the territorial law. The fees of the territorial jurors are $3 per diem and twenty cents per mile for mileage.

The hardship of the existing law is so great that I know one man in my Territory who, in order to attend a United States court, was subjected to an expense of $380. The fees he received amounted to but $60; so that it was an actual expense to him of $320 to act as juror.

At the last session of Congress the Committee on Territories had this subject under consideration, and agreed to report favorably upon it.

Mr. SAPP. Does not the same objection rest against this bill so far as the States are concerned?

Mr. MAGINNIS. I am not looking out for the States.

Mr. SAPP. I know that is the case in my own State.

The amendment moved by Mr. MAGINNIS was then agreed to upon a division—ayes 72, noes 52.

Mr. BAKER. It is a pity that all the States are not Territories, so far as jurors are concerned, so that they could all get $3 a day.

Mr. HISCOCK. I desire to suggest to the gentleman who has charge of this bill if it would not be well after the word "courts," in line 25 of the printed bill, to insert the words "for jury trial." That portion of the section now reads, "selecting jurors in the highest courts of the State."

Mr. McMAHON. We have employed here the language of the present law.

Mr. HISCOCK. To illustrate my point: in the State of New York, for instance, the highest courts are not courts for jury trial, and that may be the case in other States. I would suggest that the words "for jury trial" be inserted after the words "jurors in the highest courts."

Mr. McMAHON. I would say to the gentleman that this is precisely the language of the old law.

Mr. HISCOCK. I cannot help that.

Mr. McMAHON. There has been no trouble under the old law in that respect, and I think that when a construction has once grown up under a law which is plain the phraseology should not be changed.

Mr. HISCOCK. The point I make is this: the highest State court is very often an appellate court, and not a court for jury trials. It is very likely that a proper construction would be put upon this language, but the amendment which I suggest will make it beyond any question.

Mr. PHISTER. This language is plain enough; it means the highest courts for which jurors are selected.

Mr. HISCOCK. I will not press the amendment unless it is accepted. I will move, however, to strike out all of the section after the word "dollars," in the second line, leaving only that portion of the section fixing the pay of jurors. It is a fact very well known that a bill covering this same subject has been considered and passed by the Senate, and is now pending before the Committee on the Judiciary of this House. I believe it would be better to leave that committee to perfect the bill upon this subject.

The question was taken upon the amendment of Mr. HISCOCK; and it was not agreed to upon a division—ayes 79, noes 92.

Mr. DUNNELL. I move to amend section 3 by striking out the words "two dollars," and inserting the words "three dollars," in line 2 of the section, as the per diem pay of jurors in United States courts.

Now that the amendment of the gentleman from Montana [Mr. MAGINNIS] has been adopted, giving to territorial jurors a per diem of $3, it must occur to the House that a very great injustice will be done to States, and especially to the frontier and larger States, by restricting the compensation of jurors in those States to $2 per day. All the courts in the Territories are United States courts, and yet in each of the Territories there are three judges, in some of them four judges, and there is less trouble and loss of business involved in attending what are practically State courts in the Territories than in attending United States courts in the States.

Mr. MAGINNIS. The gentleman is entirely mistaken; all the courts in the Territories are territorial courts.

Mr. DUNNELL. They are termed territorial courts, but they are classed under the law as United States courts.

Mr. MAGINNIS. Oh, no.

Mr. DUNNELL. Yes, they are. Now a few words upon the merits of this question. The compensation of $2 a day is an exceedingly insignificant compensation. It will not pay the expenses of an honest man who is summoned two hundred or three hundred miles from the place where the court is held. I was looking over the list of jurors selected for the use of the court held at Saint Paul, in my State, and I think that some of them would be required to travel two hundred and fifty miles to reach that court. And there is no respectable hotel in that place where they can get their board for $2 per day.

Mr. McMAHON. Will the gentleman allow me to ask him a question?

Mr. DUNNELL. Certainly.

Mr. McMAHON. I want to ask the gentleman if it is not the fact that in almost all the centers where United States marshals have now the privilege of putting men on juries there is not an indecent scramble for the place?

Mr. VALENTINE. Not of good men. It may be so in large cities, but not in the Western States.

Mr. McMAHON. That is the common report.

Mr. DUNNELL. If we give an insufficient compensation to jurors, we will compel the marshal to make up his juries of men who are hanging around the courts in which they are to serve. But if you give a fair compensation for jury service, the marshal can summon a portion of the juries from each of the counties away from the place where the courts are held. The compensation here proposed is so small that men living one hundred or two hundred miles away from the place where the court sits will seek to avoid jury duty; and the result will be that the panels will be filled by men called in from the city or town where the court is sitting. This low compensation will,

in my judgment, encourage the employment of hangers-on about the courts as jurors. I think the rate of compensation here proposed is unworthy the Government. We have no right to ask intelligent, industrious farmers and mechanics, the class of men who ought to be summoned as jurors, to go off to the capital of the State to attend the United States court for a per diem insufficient to pay their board bills.

In one instance I was asked by the marshal of my State to give him some names of citizens to serve as jurors. When I inquired of respectable, intelligent citizens, "How would you like to attend court at Saint Paul?" the reply was in almost every instance, "I must decline to serve, as I cannot make my expenses."

[Here the hammer fell.]

Mr. McMAHON. The only answer I have to make to the gentleman from Minnesota [Mr. DUNNELL] is to read an extract from the last report of the Attorney General of the United States:

I would renew the recommendation made in the annual report of 1877, that the present per diem of jurors be reduced to $2. The sums required for jurors throughout the land are the great expense of holding courts; and when it is remembered that hardly a secular day of the year passes in which there is not a court, the continued drain upon the judiciary fund to meet this service is very great, and indeed greater than is usually supposed. I therefore renew the proposed reduction and repeat what was then said upon this topic:

"Under present values it would seem that $2 should be a sufficient per diem. Should this suggestion be adopted thousands of dollars would be saved to the Government. The present per diem is so liberal that some jurors value the pay too highly for rapid transaction of business, and sessions are protracted without reasonable cause."

Every lawyer knows exactly what that means.

Service upon a jury should be considered a privilege and a duty, but not to be sought on account of its pecuniary profit. Instances are reported of persons who have applied to the marshal to obtain employment on the juries, while others are known to have resorted to the judge to induce him to request or direct the marshal to place them upon his jury list.

I would further state that, upon a rather careful comparison of marshals' requisitions, such a law would effect a reduction of nearly $200,000, the saving of which to the judiciary fund would materially lessen, if not entirely avoid, in ordinary years, the amounts asked for to supply deficiencies.

My predecessors thought that a uniform method of drawing jurors for United States courts should be adopted for the whole country, and I add thereto my conviction of its propriety and usefulness.

That is all the argument I desire to make.

Mr. DUNNELL. Does the gentleman from Ohio [Mr. McMAHON] always follow the opinions of the Attorney General?

Mr. McMAHON. Whenever the Attorney-General recommends anything in the line of economy I generally adopt the recommendation, because it is so extraordinary for him to do so that I think the reasons in favor of it must be very clear.

Mr. WAIT. Mr. Chairman, I will renew the amendment. I wish to say that in Connecticut $2 a day will not meet the expense incurred by gentlemen who are called from the different sections of the State to serve as jurors at the sessions of the United States circuit and district courts, which are held alternately in the cities of Hartford and New Haven. At these places transient board cannot be obtained at the leading hotels or in respectable boarding-houses for $2 a day. Then there are, of course, other expenditures that jurors, when away from their homes, are necessarily compelled to incur.

We mean in Connecticut to send intelligent and fit men to serve as jurors in the Federal courts, and I believe that we ordinarily do. Farmers, merchants, and mechanics are selected, men who will discharge this very important duty faithfully and fairly, and are compelled to leave their different business pursuits and serve on juries. They are willing to leave their business and their homes and give their time to the discharge of this public service, but they want and ought to receive sufficient compensation to meet all the expenses which they are forced to incur. But this they cannot do when the per diem is but $2.

Mr. McMAHON. I would like to ask the gentleman a question.

Mr. WAIT. Certainly; any that you please.

Mr. McMAHON. My part of the country is full of advertisements of nice watering places, summer resorts, in Connecticut and Massachusetts, where people can get board at six or eight dollars a week. What does that mean?

Mr. WAIT. That is true. You can get good board in respectable families at the seaside and in the country at the prices named. But the gentleman [Mr. McMAHON] must recollect that the sessions of the United States courts are not held at seaside resorts or at small villages in the country. These courts sit in the cities, and if my friend from Ohio will migrate to Connecticut we will with pleasure honor him by selecting him to serve as a juror in these courts; but he would soon find that $2 a day would not pay table board and room rent at any hotel or boarding-house such as he would desire to stay at, to say nothing of failing to supply him with certain little incidentals and creature comforts that he might desire to enjoy. [Laughter.]

The question being taken on agreeing to the amendment of Mr. DUNNELL, there were—ayes 81, noes 92.

Mr. DUNNELL called for tellers.

Tellers were not ordered.

So the amendment was not agreed to.

The Clerk read as follows:

SEC. 4. That the Attorney-General shall include in his annual report a statement of all payments or expenditures during any fiscal year out of any appropriation fund subject to requisitions by him.

Mr. FROST. I move to amend by adding as section 5 what I send to the desk.

The Clerk read as follows:

That the following sections of the Revised Statutes of the United States, viz: sections 2016, 2018, and 2020, and all of the succeeding sections of said statutes down to and including section 2027, and also section 5522, be, and the same are hereby, repealed; and that section 2017 be amended by striking out of the first line thereof as printed in the Revised Statutes the words "and required;" and that section 2019 be amended by striking out of said section in lines 11 and 12 as printed in the Revised Statutes the words "for the purpose of engaging in the work of canvassing the ballots," and by striking out from line 13 of said section as printed in said statutes the words "in respect to such canvass."

That section 2028 be amended by striking out in lines 1 and 2 of said section as printed in the Revised Statutes the words "or a deputy marshal," and by striking out in line 3 of said section as printed in said statutes the words "city, town, county, parish." That all of section 2031 of said statutes, and that all other sections of the Revised Statutes and all laws and parts of laws authorizing the appointment of chief supervisors of elections, special deputy marshals of elections, or general deputy marshals having any duties to perform in respect to any election and prescribing their duties and powers and allowing them compensation, be, and the same are hereby, repealed.

Mr. DUNNELL. We ought to hear read the sections of the Revised Statutes which are referred to in the amendment.

Several MEMBERS. Oh, no; we know what they are.

The CHAIRMAN. The Clerk is not provided with the sections.

The question being taken on agreeing to the amendment of Mr. FROST, there were—ayes 26, noes 59.

Mr. MILLS. I make the point that no quorum has voted.

Tellers were ordered; and Mr. MILLS and Mr. MONROE were appointed.

Mr. FROST. I withdraw the amendment.

The CHAIRMAN. Is there objection to withdrawing the amendment?

Mr. CONGER. I object.

Mr. SPRINGER. Do I understand that the gentleman is in favor of the amendment?

The committee divided; and the tellers reported—ayes 73, noes 76.

So the amendment was disagreed to.

Mr. SPRINGER. I hope it will be noted that the republicans voted in favor of the amendment. [Laughter.]

Mr. McMAHON. I now move the committee rise and report the bill and amendments to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BLACKBURN reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the bill (H. R. No. 2252) making appropriations for certain judicial expenses and had directed him to report the same back to the House with sundry amendments.

Mr. McMAHON. I demand the previous question on the bill and amendments.

The previous question was seconded and the main question ordered.

The Clerk read the first amendment, as follows:

Line 2, section 3, after the word "dollars," insert the following:

Except in the Territories of the United States where the per diem of each juror shall be $3.

Mr. CONGER. I demand the yeas and nays on that amendment.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 34, nays 159, not voting 92; as follows:

YEAS—34.

Barber,	Davis, Loundes H.	King,	Taylor,
Bingham,	Dibrell,	Klotz,	Tillman,
Bliss,	Ewing,	Knott,	Townshend, R. W.
Bouck,	Frost,	McMahon,	Valentine,
Brigham,	Henry,	O'Connor,	Waddill,
Carlisle,	Herbert,	O'Neill,	Whiteaker,
Carpenter,	Herndon,	Poehler,	Wright.
Cook,	Hill,	Slemons,	
Davis, Joseph J.	Hurd,	Stephens,	

NAYS—159.

Acklen,	Cobb,	Gibson,	Martin, Benj. F.
Aldrich, N. W.	Coffroth,	Godshalk,	Martin, Edward L.
Aldrich, William	Colerick,	Gunter,	Mason,
Anderson,	Conger,	Hall,	McCoid,
Armfield,	Covert,	Hammond, John	McGowan,
Atherton,	Cox,	Hammond, N. J.	McKinley,
Atkins,	Crapo,	Harmer,	McMillin,
Bachman,	Cravens,	Harris, John T.	Mills,
Bailey,	Crowley,	Haskell,	Mitchell,
Baker,	Culberson,	Hatch,	Monroe,
Bayne,	Daggett,	Hawk,	Morrison,
Beale,	Davidson,	Hawley,	Morton,
Beltzhoover,	Davis, George R.	Hayes,	Neal,
Bicknell,	Deering,	Hiscock,	New,
Blackburn,	Deuster,	Hooker,	Newberry,
Blake,	Dunn,	Horr,	Nicholls,
Bowman,	Dunnell,	Hostetler,	Norcross,
Brewer,	Elam,	Humphrey,	Osmer,
Briggs,	Errett,	Hunton,	Overton,
Bright,	Farr,	Johnston,	Persons,
Burrows,	Felton,	Joyce,	Phelps,
Butterworth,	Ferdon,	Keifer,	Phister,
Cabell,	Field,	Kenna,	Pound,
Caldwell,	Finley,	Killinger,	Price,
Calkins,	Fisher,	Kimmel,	Reagan,
Claflin,	Forney,	Loring,	Rice,
Clardy,	Forsythe,	Lowe,	Richardson, D. P.
Clark, John B.	Frye,	Manning,	Robertson,
Clymer,	Geddes,	Marsh,	Robinson,

Ross,	Simonton,	Thompson,	Wells,
Rothwell,	Singleton, O. R.	Turner, Oscar	Whitthorne,
Russell, W. A.	Smith, A. Herr	Tyler,	Wilber,
Ryan, Thomas	Smith, Hezekiah B.	Updegraff, Thomas	Williams, C. G.
Ryon, John W.	Smith, William E.	Upson,	Williams, Thomas
Samford,	Sparks,	Urner,	Willis,
Sapp,	Springer,	Van Aernam,	Willits,
Sawyer,	Steele,	Vance,	Wilson,
Scales,	Stevenson,	Voorhis,	Wise,
Shallenberger,	Stone,	Wait,	Young, Thomas L.
Sherwin,	Thomas,	Wellborn,	

NOT VOTING—93.

Aiken,	Evins,	Le Fevre,	Robeson,
Ballou,	Ford,	Lewis,	Russell, Daniel L.
Barlow,	Fort,	Lindsey,	Shelley,
Belford,	Garfield,	Lounsbery,	Singleton, J. W.
Bland,	Gillette,	Martin, Joseph J.	Speer,
Blount,	Goode,	McCook,	Starin,
Boyd,	Harris, Benj. W.	McKenzie,	Talbott,
Bragg,	Hazelton,	McLane,	Townsend, Amos
Browne,	Heilman,	Miles,	Tucker,
Buckner,	Henderson,	Miller,	Turner, Thomas
Camp,	Henkle,	Money,	Updegraff, J. T.
Cannon,	Houk,	Morse,	Van Voorhis,
Caswell,	House,	Muldrow,	Ward,
Chalmers,	Hubbell,	Muller,	Warner,
Chittenden,	Hull,	Murch,	Washburn,
Clark, Alvah A.	James,	Myers,	Weaver,
Converse,	Jones,	O'Brien,	White,
Cowgill,	Jorgensen,	O'Reilly,	Wood, Fernando
De La Matyr,	Kelley,	Orth,	Wood, Walter A.
Dick,	Ketcham,	Pierce,	Yocum,
Dickey,	Kitchin,	Prescott,	Young, Casey.
Dwight,	Ladd,	Reed,	
Einstein,	Lapham,	Richardson, J. S.	
Ellis,	Lay,	Richmond,	

So the amendment was disagreed to.

During the roll-call the following announcements were made:

Mr. YOUNG, of Tennessee. On this bill and all the amendments to it I am paired with Mr. HENDERSON, of Illinois.

Mr. WARNER. I am paired with my colleague, Mr. UPDEGRAFF.

Mr. MANNING. My colleague, Mr. MONEY, is paired with Mr. CROWLEY, of New York, and my colleague, Mr. MULDROW, with Mr. DWIGHT, of New York.

Mr. COVERT. My colleague, Mr. FERNANDO WOOD, is paired with Mr. ROBESON, of New Jersey.

Mr. FINLEY. My colleague, Mr. LE FEVRE, is paired with Mr. KETCHAM, of New York, and my colleague, Mr. DICKEY, with Mr. ORTH.

Mr. SHELLEY. I am paired with Mr. MILLER, of New York.

Mr. DAVIS, of North Carolina. Mr. KITCHIN is paired with Mr. MARTIN, of North Carolina.

Mr. LEWIS. I am paired with Mr. HARRIS, of Massachusetts.

Mr. HUNTON. My colleague, Mr. TUCKER, is paired with Mr. LAPHAM.

Mr. WILLIS. My colleague, Mr. THOMAS TURNER, is paired with Mr. WHITE, of Pennsylvania.

Mr. STEVENSON. Mr. MCKENZIE, of Kentucky, is absent on account of illness. He is paired with Mr. HUBBELL, of Michigan. If present, Mr. MCKENZIE would vote "no." Mr. LADD, of Maine, is paired with his colleague, Mr. LINDSEY.

Mr. MILLS. I am paired with Mr. FORT, of Illinois, on all political questions. Not deeming this a political question, I have voted.

Mr. AIKEN. I am paired with Mr. WARD, of Pennsylvania. My colleague, Mr. RICHARDSON, is paired with Mr. CAMP, of New York.

Mr. EVINS. I am paired with Mr. MCCOOK, of New York.

Mr. SPRINGER. My colleague from Illinois, Mr. MORRISON, is paired with my colleague, Mr. CANNON.

Mr. TOWNSHEND, of Illinois. My colleague, Mr. SINGLETON, is paired with Mr. MILES, of Connecticut.

Mr. KING. My colleague from Louisiana, Mr. ELLIS, and Mr. JORGENSEN, of Virginia, are paired.

Mr. SINGLETON, of Mississippi. My colleague, Mr. CHALMERS, is paired with Mr. VAN VOORHIS, of New York.

Mr. BEALE. My colleague from Virginia, Mr. JORGENSEN, is paired with Mr. ELLIS, of Louisiana.

Mr. ROBINSON. My colleague from Massachusetts, Mr. MORSE, is paired with Mr. KELLEY, of Pennsylvania.

Mr. MARSH. My colleague from Illinois, Mr. HENDERSON, is paired with Mr. YOUNG, of Tennessee.

Mr. STONE. Mr. STARIN, of New York, is paired with Mr. MONEY, of Mississippi.

Mr. NEWBERRY. Mr. PRESCOTT is paired with Mr. RICHMOND, of Virginia.

Mr. BAILEY. Mr. LOUNSBERY and Mr. REED are paired.

Mr. BAKER. My colleague from Indiana, Mr. ORTH, is paired with Mr. DICKEY, of Ohio.

Mr. HOUK. I am paired with my colleague from Tennessee, Mr. HOUSE, who is absent on account of sickness.

Mr. HAMMOND, of New York. My colleague, Mr. DWIGHT, is paired with Mr. MULDROW, of Mississippi.

Mr. WILLIAMS, of Wisconsin. My colleague, Mr. CASWELL, is absent by leave of the House, and is paired with Mr. SPEER, of Georgia.

Mr. TOWNSEND, of Ohio. I am paired with Mr. GOODE, of Virginia.

Mr. COWGILL. I am paired with my colleague from Indiana, Mr. MYERS. If not paired, I would vote "no." My colleague, Mr. HEILMAN, is paired with Mr. MULLER, of New York.

Mr. BLAKE. My colleague from New Jersey, Mr. ROBESON, is absent by leave of the House.

Mr. WASHBURN. I am paired with Mr. CONVERSE, of Ohio. If he were present, I would vote "no."

Mr. POUND. My colleague from Wisconsin, Mr. HAZELTON, is paired with Mr. BLOUNT, of Georgia.

Mr. URNER. My colleague from Maryland, Mr. MCLANE, is paired with Mr. BOYD, of Illinois.

Mr. FISHER. My colleague from Pennsylvania, Mr. DICK, is paired with Mr. LAY, of Missouri.

Mr. HARMER. Mr. BARLOW, of Vermont, is paired with Mr. O'REILLY, of New York.

Mr. MULLER. I am paired with Mr. HEILMAN, of Indiana. If he were present, I would vote "no."

Mr. HARRIS, of Virginia. My colleague, Mr. RICHMOND, is paired with Mr. PRESCOTT.

The result of the vote was then announced as above recorded.

Mr. BARBER. I move that the House do now adjourn.

The motion was not agreed to.

The remaining amendments reported from the Committee of the Whole were agreed to, no separate vote being asked on them.

Mr. MCMAHON moved to reconsider the vote by which the amendments were agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. MCMAHON. I demand the previous question on the engrossment and third reading of the bill as amended.

The previous question was seconded and the main question ordered; and under the operation thereof the bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER. The question recurs on the passage of the bill.

Several members called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 102, nays 84, not voting 100; as follows:

YEAS—102.

Acklen,	Davis, Joseph J.	Kenna,	Smith, Hezekiah B.
Armfield,	Davis, Loundes H.	Kimmel,	Smith William E.
Atherton,	Deuster,	King,	Sparks,
Atkins,	Dibrell,	Klotz,	Springer,
Bachman,	Dunn,	Manning,	Steele,
Beale,	Elam,	Marvin, Benj. F.	Stephens,
Beltzhoover,	Felton,	Martin, Edward L.	Stevenson,
Bicknell,	Finley,	McMahon,	Taylor,
Blackburn,	Forney,	McMillan,	Thompson,
Bliss,	Frost,	New,	Tillman,
Bouck,	Geddes,	O'Connor,	Townshend, R. W.
Bright,	Gibson,	Persons,	Turner, Oscar
Cabell,	Gunter,	Phelps,	Upson,
Caldwell,	Hammond, N. J.	Phister,	Vance,
Carlisle,	Harris, John T.	Poehler,	Waddill,
Clardy,	Hatch,	Reagan,	Wellborn,
Clark, John B.	Henkle,	Robertson,	Wells,
Clymer,	Henry,	Ross,	Whiteaker,
Cobb,	Herbert,	Rothwell,	Whitthorne,
Coffroth,	Herndon,	Ryon, John W.	Williams, Thomas
Colerick,	Hill,	Samford,	Willis,
Cook,	Hooker,	Sawyer,	Wilson,
Covert,	Hostetler,	Scales,	Wise,
Cravens,	Hull,	Simonton,	Wright.
Culberson,	Hunton,	Singleton, O. R.	
Davidson,	Johnston,	Slemons,	

NAYS—84.

Aldrich, N. W.	Daggett,	Humphrey,	Richardson, D. P.
Aldrich, William	Davis, George R.	Joyce,	Robinson,
Anderson,	Deering,	Keifer,	Russell, W. A.
Bailey,	Dunnell,	Killinger,	Ryan, Thomas
Baker,	Errett,	Loring,	Sapp,
Barber,	Farr,	Marsh,	Shallenberger,
Bayne,	Ferdon,	Mason,	Sherwin,
Bingham,	Field,	McCoid,	Smith, A. Herr
Blake,	Fisher,	McGowan,	Stone,
Bowman,	Frye,	McKinley,	Thomas,
Brewer,	Garfield,	Mitchell,	Tyler,
Briggs,	Godshalk,	Monroe,	Updegraff, J. T.
Brigham,	Hall,	Morton,	Urner,
Burrows,	Hammond, John	Newberry,	Valentine,
Butterworth,	Harmer,	Norcross,	Van Aernam,
Calkins,	Haskell,	O'Neill,	Voorhis,
Carpenter,	Hawk,	Osmer,	Wait,
Claflin,	Hawley,	Overton,	Wilber,
Conger,	Hayes,	Pound,	Williams, C. G.
Crapo,	Hiscock,	Price,	Willits,
Crowley,	Horr,	Rice,	Young, Thomas L.

NOT VOTING—100.

Aiken,	Chittenden,	Forsythe,	Jorgensen,
Ballou,	Clark, Alvah A.	Fort,	Kelley,
Barlow,	Converse,	Gillette,	Ketcham,
Belford,	Cowgill,	Goode,	Kitchin,
Bland,	Cox,	Harris, Benj. W.	Knott,
Blount,	De La Matyr,	Hazelton,	Ladd,
Boyd,	Dick,	Heilman,	Lapham,
Bragg,	Dickey,	Henderson,	Lay,
Browne,	Dwight,	Houk,	Le Fevre,
Buckner,	Einstein,	House,	Lewis,
Camp,	Ellis,	Hubbell,	Lindsey,
Cannon,	Evins,	Hurd,	Lounsbery,
Caswell,	Ewing,	James,	Lowe,
Chalmers,	Ford,	Jones,	Martin, Joseph J.

McCook,	Murch,	Richmond,	Updegraff, Thomas
McKenzie,	Myers,	Robeson,	Van Voorhis,
McLane,	Neal,	Russell, Daniel L.	Ward,
Miles,	Nicholls,	Shelley,	Warner,
Miller,	O'Brien,	Singleton, J. W.	Washburn,
Mills,	O'Reilly,	Speer,	Weaver,
Money,	Orth,	Starin,	White,
Morrison,	Pierce,	Talbott,	Wood, Fernando
Morse,	Prescott,	Townsend, Amos	Wood, Walter A.
Muldrow,	Reed,	Tucker,	Yocum,
Muller,	Richardson, J. S.	Turner, Thomas	Young, Casey.

So the bill was passed.

During the roll-call the following announcements were made:

Mr. HENRY. My colleague, Mr. McLANE, is paired with Mr. BOYD, of Illinois.

Mr. MANNING. My colleagues, Mr. MONEY and Mr. MULDROW, are absent by leave of the House. Mr. MONEY is paired with Mr. STARIN, of New York, and Mr. MULDROW with Mr. DWIGHT, of New York. If present, Mr. MONEY and Mr. MULDROW would both vote "ay."

Mr. COVERT. My colleague, Mr. FERNANDO WOOD, is paired with Mr. ROBESON, of New Jersey.

Mr. VANCE. My colleagues, Mr. KITCHIN and Mr. MARTIN, are paired, and are absent by leave of the House.

Mr. SHELLEY. I am paired with Mr. MILLER, of New York.

Mr. FINLEY. My colleague, Mr. LE FEVRE, is paired with Mr. KETCHAM, of New York, and my colleague, Mr. DICKEY, is paired with Mr. ORTH, of Indiana.

Mr. LEWIS. I am paired with Mr. HARRIS, of Massachusetts. If he were present, I should vote "ay."

Mr. STEVENSON. Mr. McKENZIE is paired with Mr. HUBBELL, of Michigan. Mr. McKENZIE is absent on account of sickness, and, if present, would vote "ay." Mr. LADD, of Maine, is paired with his colleague, Mr. LINDSEY.

Mr. PHISTER. My colleague, Mr. THOMAS TURNER, is absent by leave of the House, and is paired with Mr. WHITE, of Pennsylvania.

Mr. AIKEN. I am paired with Mr. WARD, of Pennsylvania. If he were present, I should vote "ay." My colleague, Mr. RICHARDSON, is paired with Mr. CAMP, of New York.

Mr. MILLS. I am paired with Mr. FORT, of Illinois. If he were present, I should vote "ay" and he would vote "no." Mr. HURD, of Ohio, is paired with his colleague, Mr. NEAL.

Mr. TOWNSHEND, of Illinois. My colleague, Mr. SINGLETON, is paired with Mr. MILES, of Connecticut. If present, Mr. SINGLETON would vote "ay." I am also requested to announce that my colleague, Mr. MORRISON, is paired with my other colleague, Mr. CANNON. If present, Mr. CANNON would vote "no" and Mr. MORRISON "ay."

Mr. HARRIS, of Virginia. My colleague, Mr. RICHMOND, is paired with Mr. PRESCOTT, of New York.

Mr. KING. My colleague, Mr. ELLIS, is paired with Mr. JORGENSEN, of Virginia. If present, Mr. ELLIS would vote "ay."

Mr. BOUCK. My colleague, Mr. BRAGG, is paired with Mr. JAMES, of New York. If present, Mr. BRAGG would vote "ay."

Mr. SINGLETON, of Mississippi. My colleague, Mr. CHALMERS, is paired with Mr. VAN VOORHIS, of New York. If present, Mr. CHALMERS would vote "ay."

Mr. EVINS. I am paired with Mr. McCOOK, of New York. If he were here, I should vote "ay."

Mr. ROBINSON. My colleague, Mr. MORSE, is paired with Mr. KELLEY.

Mr. MARSH. Mr. HENDERSON is absent by leave of the House, and is paired with Mr. YOUNG, of Tennessee.

Mr. POUND. My colleague, Mr. HAZELTON, is paired with Mr. BLOUNT, of Georgia. If present, Mr. HAZELTON would vote "no."

Mr. HOUK. Mr. REED, of Maine, is paired with Mr. LOUNSBERY, of New York. If present, Mr. REED would vote "no" and Mr. LOUNSBERY "ay." I am paired with my colleague, Mr. HOUSE. If present, Mr. HOUSE would vote "ay" and I should vote "no."

Mr. WILLIAMS, of Wisconsin. My colleague, Mr. CASWELL, is absent by leave of the House, and is paired with Mr. SPEER, of Georgia. If present, Mr. CASWELL would vote "no."

Mr. TOWNSEND, of Ohio. I am paired with Mr. GOODE, of Virginia. If he were present, I should vote "no."

Mr. COWGILL. I am paired with my colleague, Mr. MYERS. If he were present, I should vote "no."

Mr. McKINLEY. My colleagues, Mr. WARNER and Mr. UPDEGRAFF are paired. If present, Mr. WARNER would vote "ay" and Mr. UPDEGRAFF "no."

Mr. BARBER. Mr. WHITE, of Pennsylvania, is paired with Mr. THOMAS TURNER, of Kentucky; Mr. DICK, of Pennsylvania, is paired with Mr. LAY, of Missouri; and Mr. BARLOW, of Vermont, is paired with Mr. O'REILLY, of New York. I am informed that Mr. WHITE, Mr. DICK, and Mr. BARLOW, if present, would vote "no."

Mr. WASHBURN. I am paired with Mr. CONVERSE, of Ohio. If he were present, I should vote "no."

Mr. ALDRICH, of Rhode Island. My colleague, Mr. BALLOU, is paired with Mr. TALBOTT, of Maryland. If present, Mr. BALLOU would vote "no."

Mr. URNER. My colleague, Mr. McLANE, is paired with Mr. BOYD, of Illinois. If present, Mr. McLANE would vote "ay" and Mr. BOYD "no."

Mr. MULLER. I am paired with Mr. HEILMAN. Were he present, I would vote "ay;" I suppose he would vote "no."

Mr. HUNTON. My colleague, Mr. TUCKER, is absent, by leave of the House, on account of sickness, and is paired with Mr. LAPHAM. Were Mr. TUCKER here, he would vote "ay."

The result of the vote was then announced as above stated.

Mr. McMAHON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED JOINT RESOLUTION SIGNED.

Mr. KENNA, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a joint resolution of the following title; when the Speaker signed the same:

A joint resolution (H. R. No. 72) authorizing the Secretary of the Navy to place vessels and hulks at the disposal of commissioners of quarantine or other proper persons at the ports of the United States.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

To Mr. NEWBERRY, from June 14, indefinitely, on account of important business and sickness in his family; and

To Mr. TALBOTT, for twelve days, on account of important business.

And then, on motion of Mr. PRICE, (at five o'clock and forty-five minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By the SPEAKER: The petition of Theodore Artzt, for a pension—to the Committee on Invalid Pensions.

By Mr. BRIGGS: The petition of W. H. Prescott, for one month's pay from the date of his discharge from the soldiers' roll of the Doorkeeper, House of Representatives—to the Committee of Accounts.

By Mr. HARMER: The petition of Mrs. Isaac S. Bonsall, for a pension—to the Committee on Invalid Pensions.

By Mr. HAWK: The petition of Captain John Slaughter, for a pension—to the Committee on Invalid Pensions.

By Mr. HILL: The petition of Samuel Ausbaugh and others, of Williams County, Ohio, for the passage of the Reagan interstate-commerce bill—to the Committee on Commerce.

By Mr. HUNTON: The petition of Dr. F. M. Gunnell, to be released from certain assessment taxes for property on F street, Washington, District of Columbia—to the Committee for the District of Columbia.

By Mr. RUSSELL, of Massachusetts: The petition of George W. Ballou, for a pension—to the Committee on Invalid Pensions.

By Mr. WILLIS: The petition of Abigail Dietz, for a pension—to the same committee.

IN SENATE.

WEDNESDAY, *June* 11, 1879.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

REPORTS OF COMMITTEES.

Mr. GARLAND, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 1841) to remove the political disabilities of James H. North, of Culpeper County, Virginia, reported it without amendment.

He also, from the select committee to investigate and report the best means of preventing the introduction and spread of epidemic diseases, to whom was referred the bill (S. No. 675) to provide office rooms for the National Board of Health, and for the publication of its reports and papers, and for other purposes, reported it with amendments.

BILLS INTRODUCED.

Mr. ROLLINS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 684) fixing the rate of interest upon arrearages of general taxes and assessments for special improvements now due to the District of Columbia, and for a revision of assessments for special improvements, and for other purposes; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. HOUSTON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 685) to change the day for the election of Representatives and Delegates to the Congress of the United States; which was read twice by its title, and referred to the Committee on Privileges and Elections.

Mr. COKE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 686) for the relief of Thomas Kearney, late collector of customs for the district of Corpus Christi; which was read twice by its title, and referred to the Committee on Claims.

Mr. BAYARD asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 36) to pay Professor Peter Collier for services in connection with sugar duties; which was read twice by its title, and referred to the Committee on Finance.

AMENDMENT TO AN APPROPRIATION BILL.

Mr. ROLLINS submitted an amendment intended to be proposed

by him to the bill (H. R. No. 2251) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes; which was referred to the Committee on Appropriations and ordered to be printed.

IMPRESSIONS FROM PORTRAITS AND VIGNETTES.

Mr. ANTHONY. I move that the Senate proceed to the consideration of the bill (S. No. 343) relating to printing impressions from portraits and vignettes.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of the Treasury, at the request of a Senator, Representative, or Delegate in Congress, the head of a department or bureau, art association, or library, to furnish impressions from any portrait or vignette which is now, or may hereafter be, a part of the engraved stock of the Bureau of Engraving and Printing, at such rates and under such conditions as he may deem necessary to protect the public interests.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

D. C. W. BRINK.

Mr. EATON. I move that the Senate proceed to the consideration of the joint resolution (S. R. No. 30) for the relief of D. C. W. Brink, bearer of dispatches from the United States minister at Mexico in 1869.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It directs that $552.69 be paid to D. C. W. Brink for compensation and expenses as bearer of dispatches from the United States minister at Mexico in 1869.

Mr. EATON. Mr. President, I desire simply to say one word in regard to this joint resolution. Upon conferring with the Department of State the Committee on Foreign Relations became entirely satisfied that this sum ought to have been paid years ago. The Secretary of State said that he had not a proper fund out of which to pay it without troubling Congress, and he has recommended to the Committee on Appropriations of both Houses that this money be paid. I hope the joint resolution will be passed.

The joint resolution was reported to the Senate without amendment.

Mr. HOUSTON. Is there a written report accompanying the joint resolution?

Mr. EATON. There is no written report. I stated, and I will state again for the benefit of my friend from Alabama, (perhaps I did not state it as fully as I ought to have done,) that this gentleman was bearer of dispatches. He was a consul in Mexico and by Minister Rosecrans was sent as a special bearer of dispatches for this Government in 1869. For certain reasons the Secretary of State did not think at that time that he ought to be paid, or deem it advisable to do so. There was some little disagreement in regard to the minister and the Department of State. But upon a thorough examination of the matter by the present Secretary of State he recommends that the money be paid, and said that he should not come to Congress at all if he had in his own hands money for that purpose. I have no doubt myself that this money should have been paid years and years ago, ten years ago, rather than now.

Mr. COCKRELL. This claim was once before the Committee on Claims, and was referred to me as a sub-committee for examination. I made a partial examination of it, and came to the conclusion that the claim was just. I did not think, however, that the duty of examining such claims ought to be placed upon Congress, but thought that the Secretary of State ought to report it to Congress as a deficiency. I understand that he has made that report; and I have no doubt that the claim is just. The Departments, in my humble opinion, ought to be made to examine all such claims, which they have the means of examining better than any committee of the Senate or House can do, and report them to Congress as deficiencies.

Mr. EATON. I move to amend the resolution so as to make the name "Dr. C. W. Brink."

The amendment was agreed to.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. EATON. I move to amend the title by making the name "Dr. C. W. Brink."

The amendment was agreed to.

ESTATE OF HENRY CONARD.

Mr. EATON. I move that the Senate proceed to the consideration of the bill (S. No. 681) for the relief of the estate of Henry Conard.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to Mrs. Adela Conard, widow and sole legatee of the late Henry Conard, of Pennsylvania, $7,000, to reimburse his estate for expenditures made and losses sustained by him in consequence of protection, &c., extended by him to Haytian refugees under the authority of the Government of the United States, while in the consular service thereof at Port au Prince, in the year 1868.

Mr. EATON. Mr. President, I desire to say a very few words in regard to this matter, and it is a very interesting matter.

During the late rebellion in Hayti, in 1868, a great many refugees sought the protection of the American minister resident at Port au Prince. He was a citizen of my State, Judge Hollister, a gentleman of very high character indeed. He corresponded with the State Department to know what he should do with these people. The Secretary of State, Mr. Seward, advised him to protect them. Our consular agent, Mr. Henry Conard, took into his house from one hundred to three hundred of these people and cared for them. No claim was made or has been made until now. Mr. Conard supposed that he was a man of wealth. He was our consular agent. He took great pride in being the consular agent of the United States at that point. But he died last year, and upon a settlement of his affairs he was found to be involved, so that his widow (and a sterling one she appears to be) went into a little business in order to pay the debts which this man, her husband, left. Now she presents her claim to the Government.

Judge Hollister, of my State, the former minister resident, was here before the committee; the correspondence was examined by the committee; interviews have been had with the Secretary of State; and we are unanimously of the opinion that this sum of $7,000 ought to be paid this woman.

It is a question how far this Government ought to go in recommending to its ministers abroad to care for refugees during political difficulties in another country. But that is a matter, however interesting, that need not come up here, because the honor of the Government is involved in this matter. It was by the recommendation of Mr. Seward, the Secretary of State, that this expenditure was incurred and that these services were rendered by Mr. Conard. I may say, as my colleague on the committee, the distinguished Senator from Ohio [Mr. PENDLETON] suggests to me, that it was done by the express authority of the Secretary of State. I trust that this sum will be paid, for really it hardly covers the expenditure.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the following bill and joint resolutions; in which it requested the concurrence of the Senate:

A bill (H. R. No. 2252) making appropriations for certain judicial expenses;

A joint resolution (H. R. No. 34) to print 5,000 copies of the final reports of the United States centennial commission upon the international exhibition and centennial celebration of 1876;

A joint resolution (H. R. No. 77) in relation to treaty negotiations with Russia as to American citizens; and

A joint resolution (H. R. No. 95) to pay Patrick Doran for services as messenger, House of Representatives.

The message also announced that the House had passed a concurrent resolution to print 100,000 copies of Special Report No. 12 of the Commissioner of Agriculture, containing the reports of the examiners appointed to investigate the diseases of swine and contagious and infectious diseases incident to other classes of domesticated animals.

The message further announced that the House had passed the bill (S. No. 678) relating to vinegar factories established and operated prior to March 1, 1879.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (H. R. No. 72) authorizing the Secretary of the Navy to place vessels and hulks at the disposal of commissioners of quarantine or other proper persons at the ports of the United States; and it was thereupon signed by the President *pro tempore*.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 9th instant approved and signed the following acts and joint resolution:

An act (S. No. 644) to authorize the Secretary of War to furnish condemned ordnance for the monument of Colonel Robert L. McCook, Ninth Ohio Volunteers, in Washington Park, in the city of Cincinnati, Ohio;

An act (S. No. 491) in relation to the accounts of the United States entomological commission; and

A joint resolution (S. R. No. 25) authorizing the Public Printer to bind in cloth two volumes of Sailing Directions for the United States Hydrographic Office.

SUMMONING OF A WITNESS.

Mr. MAXEY. I offer the following resolution:

Resolved, That E. R. Wheeler, of Spencer, Massachusetts, be summoned by telegraphic subpœna to appear without delay before the Committee on Post-Offices and Post-Roads to give evidence in a matter pending before said committee.

It is simply an order for a witness.

Mr. HOAR. This is not a Massachusetts matter?

Mr. FERRY. No, it has no relation to Massachusetts.

Mr. MAXEY. No, it is not a Massachusetts matter, but the Committee on Post-Offices and Post-Roads has information that the gentleman's testimony is important to elucidate a matter before it. I simply desire to have him here at once.

Mr. HOAR. I have no objection.

Mr. FERRY. The case is now pending.

Mr. HOAR. I only interposed because it seemed to name a person in my State.

The resolution was agreed to.

USE OF TROOPS.

The PRESIDENT *pro tempore*. If no further business is moved the Chair will declare the morning hour at an end, and the unfinished business is Senate bill No. 621, on which the Senator from Georgia [Mr. HILL] has the floor.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 621) authorizing the employment of the militia and the land and naval forces of the United States in certain cases, and for other purposes.

Mr. HILL, of Georgia. Mr. President, I trespass upon the kind indulgence of the Senate a second time in this discussion with great reluctance. I would not trouble the Senate at all but for the fact that during my absence from the Senate and from the city the Senator from Maine [Mr. BLAINE] saw proper to make some allusions to myself that I think it is due to the Senate and to myself that I should notice.

I desire to say first of all, however, and in advance, that no Senator I trust will do me the injustice for one moment to imagine that I will make in this Senate a personal criticism of a Senator. Respect for the Senate will restrain me from a retort in kind upon the Senator from Maine. Strangers have kindly furnished me with many documents and records for what they supposed was my purpose on this occasion. I only wish to say that I have given all such records to the waste-basket.

I trust as long as I have the honor of a seat on this floor I shall not forget that this is the Senate of the United States; that it is neither a bear garden, nor a fish market, nor a circus show for the amusement of the galleries. I shall therefore confine myself to matters entirely pertinent, which have in this discussion and on one previous occasion been brought to the attention of the people of the United States from the same quarter in regard to myself.

On the 19th of May, the Senator from Maine addressed the Senate at length. I will read the portion of his remarks to which I shall feel it my duty to call the attention of the Senate. He said:

> Nor do I desire to misrepresent the honorable Senator from Georgia—
>
> Very significant, indeed—
>
> who I regret is not in his seat. But the honorable Senator from Georgia the other day made a speech that was somewhat remarkable. Among other things, he depicted the overwhelming grief he had at the secession of the Southern States; and when he was called upon by the independent voters of the county of Troup to represent them in the secession convention he wrote this letter to them, as he says:
>
> "I will consent to the dissolution of the Union as I would consent to the death of my father, never from choice, only from necessity, and then in sorrow and sadness of heart."
>
> Well, he was elected on that platform, and he went to the convention, and the convention, as we all know, passed the ordinance of secession. And in the evening of January 19, 1861, he writes to a friend a letter which he quotes himself:
>
> "DEAR SIR: The deed is done. Georgia this day left the Union. Cannon have been firing and bells tolling. At this moment people are filling the streets shouting vociferously. A large torchlight procession is moving from house to house and calling out speakers. The resolutions declaratory passed on yesterday, and similar scenes were enacted last night. The crowd called loudly for me, but my room was dark, my heart was sad, and my tongue was silent. Whoever may be in fault is not now the question. Whether by the North or by the South or by both, the fact remains: our Union has fallen. The most favored sons of freedom have written a page in history which despots will read to listening subjects for centuries to come to prove that the people are not capable of self-government. How can I think thus and feel otherwise than badly?"
>
> These are very just sentiments; and now I want to read the wonderful declaration of the ordinance of Georgia which the Senator from Georgia would consent to have enacted as he would consent to the death of his father, and that so pierced his heart with sadness when it was accomplished. I want to read it, and my friend from Connecticut will observe its language, as he boasted the other day that Connecticut was "a free and independent State."
>
> Mr. EATON. I did not boast. I said that was the oath that Connecticut voters had to take.
>
> Mr. BLAINE. Here is the "ordinance to dissolve the union between the State of Georgia and other States united with her under a compact of government entitled the Constitution of the United States." This is the original journal of the Georgia convention. It is a rare book. The literature of that section from some cause is very hard to procure.
>
> "*We, the people of the State of Georgia, in convention assembled, do declare and ordain, and it is hereby declared and ordained,*
>
> "That the ordinance adopted by the people of the State of Georgia in convention on the 2d day of January, in the year of our Lord 1788, whereby the Constitution of the United States of America was assented to, ratified, and adopted; and also all acts and parts of acts by the General Assembly of this State, ratifying and adopting amendments of the said Constitution, are hereby repealed, rescinded, and abrogated.
>
> "*We do further declare and ordain*, That the union now subsisting between the State of Georgia and other States, under the name of the 'United States of America,' is hereby dissolved, and that the State of Georgia is in the full possession and exercise of all those rights of sovereignty which belong and appertain to a *free and independent State*."
>
> That was the ordinance which the Senator from Georgia said to the people of Troup he would consent to as he would to the death of his father, and the ordinance which the evening after it was passed so filled his heart with sadness that he put out the lights in his room and would not make a speech to a crowd outside serenading him. I have read the yeas and nays on that, and what is my unbounded surprise to find that the Senator from Georgia himself voted for the ordinance. Here he is, "Hill of Troup." I believe I am right in saying that he is the man. There were two or three Hills, all voting for it, but "Hill of Troup" voted for it, and he cannot say in defense of that vote that he did it because there was one of those tempestuous and tumultuous rushes of public opinion which bear everything before it and which no man could resist. We know what that is. It sometimes assumes such positive and portentous force as to have mob-like violence. That was not so in this convention. On the call of the yeas and nays there were 208 in favor of the ordinance of secession and 89 against it, and in the 89 were ALEXANDER H. STEPHENS and Herschel V. Johnson, who had that very year run for Vice-President on the Douglas ticket. The Senator from Georgia, [Mr. HILL,] who would consent to it just as he would to the death of his father, made up his mind that if two hundred and eight men wanted to murder the old man he would join with him. [Great laughter and applause.] Rather than be in a minority he would join the murderous crowd [laughter] and be a parricide.

Now, I have read that whole extract from the speech of the Senator from Maine, including the great laughter and the applause. Mr. President, I shall never do the unparliamentary thing of attacking the motives of Senators on this floor. But I have this to say, that if the Senator from Maine intended by the manner in which he has presented these facts to represent that in the convention of Georgia on the test question as to whether Georgia should or should not secede I voted for secession, he stated that which the documents which he professed to have in his hand taught him was not true. If he said that in giving the vote in this particular form at the time and manner in which it was given there was any intention on my part to express an approval of secession, he said that which the record he held in his hand most abundantly showed was not correct.

If the honorable Senator simply intended and desired to get off some smart things for the amusement of the galleries, and found it necessary to fix up his facts in a manner to suit his purpose rather than the truth of the case, I should judge from the loud applause and laughter that he had some success.

It cannot be a very material question to this Senate or to this country whether I have on any particular question been consistent or inconsistent, for whether I have been consistent or inconsistent cannot illustrate any point in discussion, and I shall never allude to any record of a Senator unless it throws light upon some question involved in discussion. Even if I had been inconsistent, it is remarkable that the people whom I represented in the convention never discovered that inconsistency, for from that day to this there has not been an hour when I have not enjoyed the undivided absolute confidence of the people of that county. So it is impossible that there should have been an inconsistency in their estimation, certainly not an inconsistency which would involve an abandonment of the pledges given them in the canvass.

But, sir, as the Senator has seen proper to introduce this question, I deem it proper to give the facts, and I premise the facts with one statement which is historical in its character and which perhaps everybody ought to know; and that is, that not only in Georgia but in the Southern States generally during the contest over the question as to whether the States should or should not secede, while there was great division on the main question, and while there was earnest and sometimes even bitter debate between the advocates and opponents of secession, it was universally conceded that if the State should determine to secede, when that declared will should be ascertained it was the duty of all her citizens to support her act; and two reasons were given for that. The first was that to oppose the will of the State, after that will had been officially ascertained and declared, could have but one result in our own midst, and that was a civil war in the State, which we determined at all hazards to avoid, for whether, as some said, the States seceded by virtue of a constitutional right, or whether, as others contended, secession could be nothing more than a revolutionary right and a revolutionary act, still when the State took the act, declared her solemn will in solemn convention, it mattered not upon what principle the act was put, there was but one result, and that was for her own citizens to sustain the State; otherwise we should have had civil war at our doors.

Then again there was another reason. We believed that if the northern people should see that after the will of the State was declared there was unanimity in its support among all her people, it would have a happy moral effect to avert the catastrophe of a sectional war, for it was generally charged through the country that the secession movement was simply a factious movement. Whether that were true or false, if the northern people should wake up to the fact that the whole people of the South sustained it after it was adopted, we hoped it would have a happy effect to bring the people everywhere to their senses and would result in averting a war, and those of us who sedulously and earnestly opposed secession firmly believed that if war could only be averted for a few months, the whole movement of secession would fail. I state as a fact known to myself that those of us who were prominent in opposing the movement in the Gulf and South Atlantic States were in constant communication with the leaders of what were known as the Southern Border States; and at that very moment we were expecting that a movement would be made for a peace conference by which we hoped that all differences between the sections would be adjusted and the bitter ordeal of a sectional war would thereby be averted.

In this state of things and with these feelings the Georgia convention met at Milledgeville on the 16th of January, 1861. I have the journal of that convention in my hand. There were nearly three hundred delegates, two hundred and ninety-seven at least voting, the largest vote, I believe, polled in that convention. Two days were consumed in organizing the convention, agreeing upon the rules of proceeding, &c. On the third day of the convention, to wit, on the 18th of January, the real question came up, and a programme was distinctly agreed upon by all parties; for while the parties were in earnest, yet I must say I never met more honorable adversaries. Nothing was concealed, nothing was attempted that was unfair, no advantage was sought to be taken. It was agreed that Judge Nis-

bet should bring forward the test resolution in favor of secession and Ex-Governor Herschel V. Johnson should offer for that the substitute agreed upon by the opponents of the resolution for secession; and we put that substitute in the strongest form possible, by simply providing that the question whether the State should secede or not should be postponed until after an effort should be made to secure a convention of the Southern States for the purpose of acting and consulting together upon the subject, we believing that by the time that the convention could assemble the peace conference of the States generally, which was called on that very day by the State of Virginia, should also assemble, and thus the evil might be averted. So the two parties then before the convention were what was known as the party of immediate secessionists, unconditional and absolute, and the party in favor of postponing decisive action until there could be a co-operation and a consultation on the part of the different States involved. Therefore, on the 18th of January, 1861—I now read from the journal—

The doors were then closed, when Mr. Nisbet offered the following resolutions; which were taken up and read:

"*Resolved*, That in the opinion of this convention, it is the right and duty of Georgia to secede from the present Union, and to co-operate with such of the other States as have or shall do the same, for the purpose of forming a southern confederacy upon the basis of the Constitution of the United States.

"*Resolved*, That a committee of —— be appointed by the Chair to report an ordinance to assert the right and fulfill the obligation of the State of Georgia to secede from the Union."

He then moved to take up the first resolution.

Whereupon Mr. Johnson, of Jefferson, offered the following preamble and ordinance as a substitute for Mr. Nisbet's, and moved the reference of both to a committee of twenty-one.

The substitute thus offered by Governor Johnson was the one to which I have alluded, on which the opponents of immediate secession had all agreed as in our opinion the strongest ground upon which we could stand with hope of success. It is long and I will not trouble the Senate to read it, but it is precisely of the character I have stated.

Now the issue was distinctly joined. Here was the resolution of Judge Nisbet declaring it the right and duty of the State of Georgia to secede from the Union. Here was the substitute offered by Governor Johnson postponing that act, and proposing to call a convention of the Southern States for the purpose of consulting on the subject. Upon that issue thus joined the debate sprang up and the whole question was decided. The very journal which the Senator from Maine had in his hand informed him, if he read it, that—

After an elaborate discussion, in which Messrs. Nisbet, Johnson of Jefferson, Cobb, STEPHENS of Taliaferro, Toombs, Means, Reese, HILL of Troup, and Bartow participated, a call was made for the "previous question," which, being sustained under the ruling of the Chair, cut off the motion to commit and a vote on the substitute, and brought the convention to a direct vote on the first of the original resolutions of Mr. Nisbet. Whereupon the yeas and nays were demanded; which, being called, resulted as follows, (the president voting in the affirmative)—yeas 166, nays 130.

This journal informed the Senator that this resolution offered by Mr. Nisbet declaring it the right and duty of the State to secede was the resolution upon which the discussion was had. It was to test the sense of the convention, and upon that resolution the whole test was had and the actual test was made, and I had the honor of closing the debate in opposition to that resolution. While, doubtless, all who opposed that resolution made abler speeches than I could have made, yet I presume there was no member of that convention and no person who heard it who would not concede that there was certainly no speech more earnest in opposition. That vote was taken, and my vote was recorded in the negative against the adoption of the resolution. But that resolution was adopted.

Mr. Nisbet moved to fill the blank in the second resolution.

Which was, as I have read to you, a resolution appointing a committee to bring in an ordinance to carry out the resolution declaratory, to which I have referred. That was all, and that was the only purpose of the ordinance. It was simply, as all lawyers understand, a mere *pro forma* entering of the judgment after the verdict had been rendered; and as evidence of that this record shows that Judge Nisbet moved to fill the blank in the second resolution with the number seventeen, instructed, not requested, not authorized, but instructed to bring in an ordinance to assert and fulfill the obligation of the resolution. On that committee there were seventeen gentlemen, nine of whom had voted for Mr. Nisbet's resolution, eight of whom, myself among them, had voted against it; and as the journal shows that the ordinance thus referred to a committee of seventeen, eight of whom had voted against secession, was unanimously reported. There was no dissent whatever. Why? It simply reported that that ordinance was a proper form of judgment to carry out what the body declared it was its duty to do. At this point, when this ordinance was reported, a discussion, very slight in its character, arose, an interchange of views rather between those of us who opposed secession as to whether the time had come to cease resistance. There was a general concurrence of views that it had, and some thought it best to express that concurrence by simply voting for the ordinance, others thought it would be better perhaps to vote against the ordinance and afterward sign it. Every Senator will see that whether a man voted for it or signed it could make no difference, because neither the voting for it nor the signing it was a test question. That question had been settled, after earnest and elaborate debate, by positive resolution.

I was unwilling myself, however, to yield until another effort was made, as the journal shows. I was dissatisfied, because I thought it was not exactly fair that the previous question should have been called upon the adoption of Mr. Nisbet's resolution after the discussion was had, when the only effect of calling it was to cut off a direct vote upon the substitute offered by Governor Johnson. I was exceedingly anxious to get a direct, square vote upon that substitute, and therefore I insisted on it, as the journal shows. That ordinance was reported on the 19th of January:

Mr. Nisbet, from the committee appointed to report an ordinance to assert the right and fulfill the obligation of the State of Georgia to secede from the Union, reported the following ordinance:

* * * * * * *

The report was taken up, and, on motion of Mr. Toombs, the ordinance was twice read.

Mr. Hill, of Troup, moved that the preamble and resolutions offered by Mr. Johnson, of Jefferson, on yesterday, as a substitute for the resolutions adopted by the convention raising the committee to report an ordinance to assert the right and fulfill the obligation of the State of Georgia to secede from the Union, be received as a substitute for the same.

That is, I moved that the substitute offered by Governor Johnson to Mr. Nisbet's resolution, and a vote upon which had been cut off by the call of the previous question, be now made a substitute for the ordinance, and upon that the yeas and nays were called, and I need not look at the journal, for I am perfectly familiar with it. The yeas were 133 in favor of my motion to 164 against. That was the strongest vote we ever obtained in the convention against secession. On the first vote the resolution was adopted by 36 majority, the yeas being 166 and the nays 130; on my motion of a substitute for the ordinance the yeas were 133 and the nays 164, being 31 majority.

Now, every man here sees and every man in the State itself saw what is true, that the convention by a most solemn resolution declared that it was the duty of the State to secede; a committee had been appointed to report an ordinance to carry out that resolution; that ordinance had been reported unanimously; a substitute for that ordinance had been voted down; so the matter was closed. The only question then was when would you signify your intention to abide the action of the State, whether it received your approval or disapproval. It fell to my lot to make the last speech against the resolution declaring it the duty of the State to secede. It fell to my lot to make the last motion to postpone the execution of that resolution, making the very last motion in the convention; and when nothing else could be done, it was agreed among ourselves that every man should vote as he pleased; some voted for the ordinance, one-third, simply saying "the matter is closed; it is impossible to reconsider; the convention has refused to accept anything in the way of a substitute; has refused to postpone the matter." One-third of us, therefore, voted for the ordinance as the proper form to carry out the resolution. The other two-thirds voted against it, but all signed it. I see the journal does not state that any did not sign it at all. I have a recollection, I may be mistaken in that, that some three or four gentlemen did refuse to sign, but I am not sure that I am correct in that. Certainly all but three or four signed the ordinance because it was nothing in the world but a method of testing our readiness to abide the will of our State thus solemnly expressed. That was all there was in it.

Mr. President, these are the facts. If the Senator from Maine had stated all these facts just as they occurred, and had he chosen to express his opinion that my vote was inconsistent with my views upon the subject of secession, I should have cared nothing for it. As to whether I was or was not consistent, the opinion of the Senator from Maine is a matter of utter indifference to me. That was a question which I had to answer to my constituents, with which my constituents were entirely satisfied and have been satisfied to this day. But, sir, the Senator from Maine, for some purpose of his own, chose to suppress facts which did exist; he chose to suggest facts which did not exist; and upon this double misrepresentation of the facts he chose to employ his wit and his smartness; and all when he knew I was seven hundred miles away. I make that simple statement, and leave the Senator to the judgment of honest men and honorable debaters without comment.

There is one other statement made by the Senator which I will notice, which I almost feel like apologizing to the Senate for noticing, and my only object in noticing it is that it furnishes a very fair specimen of that gentleman's style of representing his adversary in debate:

The honorable Senator from Georgia made the astonishing assurance that this Union had been saved by the northern democrats; they were the men that did it. It was the northern democrats. Why, in Connecticut it was not William A. Buckingham or JOSEPH R. HAWLEY that helped save the Union. The honorable Senator from Connecticut did it. It was not in New York William H. Seward that did anything for the Union; it was Governor Seymour. Out in Ohio it was not Salmon P. Chase that helped along the Union cause, but it was Clement L. Vallandigham.

Mr. President, will any man who loves accuracy or has respect for accuracy take the remarks I made on the occasion alluded to, and see if those remarks justify that Senator in saying that I intimated that the republicans did not help save the Union and that Mr. Seward, of New York, did nothing to save the Union; and if I made no such statement what is to be accomplished by such a representation? Is it to improve the dignity, elevate the character of the Senate, or is it to enlighten the people? Now just see what I did say on that subject. The Senator refers to one paragraph only. Let me read two others, though it is not necessary, I am sure, to the audience who heard the remarks.

Here is what I said in that same speech:

All good Union men at the North, by reason of the condition of things, being compelled to go into the Federal Army as others in the South of a like character who had no sympathy with secession were compelled to go into secession, it was by the aid of the democracy of the North, of the conservative men of the North who did not agree to absolute nationalism, who did not agree to the doctrine of consolidation, who did not agree to the absolute theory of a national government in the Federal head—it was by the *aid* of these democrats and conservative men that the Federal armies were enabled to triumph and crush out secession. A united North overpowered a divided South.

Is not that a fair statement, and is that a fair representation to the country of my position on that subject which the Senator from Maine made. But, again, hear what I further said in a few sentences preceding what the Senator from Maine read:

Now, we have tried sectionalism and we have abandoned it, and therefore we cannot consistently affiliate with the republican party. We are for national parties now. We come back to the grand old party of the North that never went off after secession, that never went after the Baals of consolidation. If there are any men on this earth for whom I have a higher regard than others, they are the democrats of the North. I know those of us at the South who were for the Union went through a trying ordeal, and none can ever know how trying it was except those who passed through it; but it seems to me the northern democrats who were so maligned and abused by the republicans went through a greater, for when the crisis came they that had no sympathy with the objects or purposes of the republican party shouldered their arms and marched *side by side* with the republicans of the North to put down their real friends in the South, and they did it. And yet, notwithstanding their fidelity to the Union, notwithstanding so many hundreds of thousands of democrats periled their all in the war, you abuse, you malign them, you give them no credit for it. And why do we affiliate with them? Because when we grounded our arms they met us as brethren and not as enemies.

How did I represent, and how is any Senator who has any regard for accuracy in debate justified in stating that I represented that the democrats alone saved the Union and that the republicans did nothing even to help in that work? Where is anything to justify such an interpretation? Sir, is it not true? A stranger from any other country coming into these Halls would never suspect that it was true if he listened only to that side. He would conclude that every democrat in the North refused to co-operate in the war and perhaps were what the gentleman is pleased to term rebel. He would conclude in listening to the views of gentlemen on that side of the Chamber that nobody went to battle but republicans.

Sir, take the muster-rolls of your Armies at Antietam, at Gettysburgh, and Appomattox, everywhere take the muster-rolls of the Federal armies and strike from them the democrats who were there, and will any sane man say that the war against secession would have been successful? Does any man believe it? Then, why is it that when I represent on this floor that without the aid of northern democrats the war against secession never would have been successful, and that therefore all the credit of putting down what you call the rebellion is not due to the republican party; why is it that gentlemen on that side take offense? Nay, more; is it fair, Senators—without meaning to be offensive—is it honorable for you to abuse and malign and detract from the merits of the northern democracy when you know that without their co-operation the war on the part of the Federal Government would have been an utter failure? Give all credit. There were many republicans, hundreds of thousands of them, that acted bravely and nobly. But in the confederate army it was a common report and believed that the best fighters, certainly as good fighters as any in the Federal Army, were the democrats. And yet gentlemen ridicule them!

Mr. President, I have another duty to perform which I take some pleasure in performing and yet feel some pain in performing, for it is always painful to have to refer to myself. I do not know why it is, but there seems to be a persistent effort on the part of the republican party of the North, encouraged I am sorry to say by some Senators here, to present me to the northern people as a cruel, brutal man, bloodthirsty, willing to kill everybody, and that I had made an especial record of that sort during the war. Soon after my first appearance in Congress, the Senator from Maine deemed it proper to make a bitter assault upon the character of the people of the South in relation to the prisoners held by them during the war. Familiar with the facts as I was, and knowing that the representations made by the Senator from Maine were utterly untrue, I deemed it my duty to reply and state the facts from the records and official letters of the Federal Government itself. In the midst of that discussion the Senator from Maine interrupted me—interrupted me with a question that had no relevancy whatever to the subject under discussion, and I will now detain the Senate by reading what then occurred, because I wish to get everything upon this subject fairly and fully before the Senate. I read from the CONGRESSIONAL RECORD of January 11, 1876:

Mr. BLAINE. I believe the gentleman from Georgia [Mr. HILL] was a member of the confederate senate. I find in a historical book of some authenticity of character that in the confederate congress Senator Hill, of Georgia, introduced the following resolution, relating to prisoners——

Mr. HILL. You are putting me on trial now, are you? Go ahead.

Mr. BLAINE. This is the resolution:

"That every person pretending to be a soldier or officer of the United States who shall be captured on the soil of the Confederate States after the 1st day of January, 1863, shall be presumed to have entered the territory of the Confederate States with the intent to incite insurrection and abet murder; and, unless satisfactory proof be adduced to the contrary before the military court before which the trial shall be had, shall suffer death. This section shall continue in force until the proclamation issued by Abraham Lincoln, dated at Washington on the 22d day of September, 1862, shall be rescinded, and the policy therein announced shall be abandoned, and no longer."

I take pleasure in reading this for one reason. I have made it a rule all my life to state, when I speak, what I believe to be exactly the truth. Even though one may appear sometimes at a little disadvantage by stating the truth, it is the best rule after all to adhere under all circumstances exactly to the truth.

Mr. HILL. I will say to the gentleman from Maine very frankly that I have not the slightest recollection of ever hearing that resolution before.

Mr. BLAINE. The gentleman does not deny, however, that he was the author of it.

Think of a man asking another if he denied that he was the author of a resolution which he had frankly said he had no recollection of ever having heard of before!

Mr. HILL. I do not know. My own impression is that I was not the author; but I do not pretend to recollect the circumstances. If the gentleman can give me the circumstances under which the resolution was introduced, they might recall the matter to my mind.

Mr. BLAINE. Allow me to read further:

"October 1, 1862.—The judiciary committee of the confederate congress made a report and offered a set of resolutions upon the subject of President Lincoln's proclamation, from which the following are extracts:

"2. Every white person who shall act as a commissioned or non-commissioned officer commanding negroes or mulattoes against the Confederate States, or who shall arm, organize, train, or prepare negroes or mulattoes for military service, or aid them in any military enterprise against the Confederate States, shall, if captured, suffer death.

"3. Every commissioned or non-commissioned officer of the enemy who sh cite slaves to rebellion, or pretend to give them freedom under the aforementioned act of Congress and proclamation, by abducting or causing them to be abducted or inducing them to abscond, shall, if captured, suffer death."

Thereupon Senator Hill, of Georgia, is recorded as having offered the resolution I have read.

Mr. HILL. I was chairman of the judiciary committee of the senate.

Mr. BLAINE. And this resolution came directly from that committee?

Mr. HILL. It is very probable that, like the chairman of the Committee on the Rules at the last session, I may have consented to that report. [Laughter.]

Mr. BLAINE. The gentleman then admits that he did make that report?

Mr. HILL. I really do not remember it. I think it very likely.

A MEMBER, (to Mr. BLAINE.) What is the book?

Mr. BLAINE. The book from which I have read is entitled "Republicanism in America," by R. Guy McClellan. It appears to be a book of good credit and authenticity. I merely want it settled whether the gentleman from Georgia was or was not the author of that resolution.

Mr. HILL. I say to the gentleman frankly that I really do not remember.

Mr. BLAINE. The gentleman does not say he was not the author.

Mr. HILL. I do not. I will say this: I think I was not the author. Possibly I reported the resolution. It refers in terms to "pretended," not real soldiers.

Mr. BLAINE. I thought that inasmuch as the gentleman's line of argument was to show the character of the confederate policy, this might aid him a little in calling up the facts pertinent thereto. [Laughter and applause.]

Mr. HILL. With all due deference to the gentleman, I reply he did not think any such thing. He thought he would divert me from the purpose of my argument and break its force by——

Mr. BLAINE. Oh no.

Mr. HILL. He thought he would get up a discussion about certain measures presented in the confederate congress having no relation to the subject now under discussion, but which grew out of the peculiar relation of the Southern States to a population then in servitude—a population which the confederate government feared might be incited to insurrection—and measures were doubtless proposed which the confederate government may have thought it proper to take to protect helpless women and children in the South from insurrection. But I shall not allow myself to be diverted by the gentleman to go either into the history of slavery or of domestic insurrection, or, as a friend near me suggests, "John Brown's raid." I know this, that if I or any gentleman on the committee was the author of that resolution, which I think more than probable, our purpose was not to do injustice to any man, woman, or child North or South, but to adopt what we deemed stringent measures within the laws of war to protect our wives and children from servile insurrection and slaughter while our brave sons were in the front. That is all, sir.

I called at the Library some time after this discussion occurred for the purpose of getting the book to which the Senator from Maine, then the gentleman from Maine, referred. It was not in the Library; had not been, I suppose, returned by the gentleman; at least it was not in; so the Librarian told me. I let the question, therefore, pass from my mind, being indifferent about these personal matters and really having no recollection whatever of the resolution referred to. Some time later I went to the Library again, indeed but a short time since, and found the book to which the gentleman alluded, and from which he quoted; and I find that the gentleman from Maine quoted correctly what appears in this book, except that he left out one remark which I think he ought to have stated, but which, I frankly confess, if he had stated might not have refreshed my mind, as it did not when I saw this book. The gentleman left out the following remark of the author following immediately upon what he quoted:

The confederate congress finally left the subject to President Davis. A general exchange of prisoners under the recognized rules of war was soon after effected, and the war progressed without the black flag of the democracy of the South, save at Fort Pillow and a few other places.

If that portion had been read it possibly, though I doubt it, might have showed me that the subject to which the resolution or the pretended resolution referred related to retaliatory measures that were proposed in the confederate congress on a certain contingency; but I must confess that after reading this book I was unable even to suppose what the truth was; my recollection was still an utter blank. But I read in this book other facts which very thoroughly convinced me that a more untruthful and unreliable book was never written. In my opinion it would be impossible for human ignorance and human malice combined to get up a more inveterate calumny against any people than this book has contrived to get up against the southern people. It is utterly untrue.

But, sir, I have been more fortunate, and almost by accident. I have found in Appleton's Annual Cyclopedia for 1862 quite a full reference to this whole subject, and the reference at least is ample to bring

the whole subject to my recollection, and it will be seen now why I was utterly unable to recollect the facts when quoted by the Senator from Maine and when repeated in this book by R. Guy McClellan. The facts as quoted and the facts as repeated are utterly untrue and form a miserable perversion that ought to destroy the reputation of any one who voluntarily made such a statement. Of course I presume that the Senator from Maine in that transaction relied solely upon the book from which he read, but he seemed to be rather anxious to give it the character of a book of good reputation and authenticity.

Now, sir, I want the attention of the Senate a moment. It appears from the facts as they are given in Appleton's Cyclopedia, under the head of "confederate congress," of "prisoners of war," and "public documents," wherein the entire correspondence is given, that the following state of facts existed, which immediately brought up not the resolution but certain proposed action by the Senate of the Confederate States. Everybody will remember that soon after the beginning of the war one of the most serious differences between the belligerents was as to whether the Federal Government would recognize the confederate government as a belligerent. There was much feeling upon that subject. The Federal authorities refused for a long time to do so. You remember the capture of our privateersmen, some eighty-five or one hundred in number, who were imprisoned and condemned to be treated as traitors. Their execution was prevented, because in the mean time the confederate government had also made captures and selected hostages to be executed in case those privateersmen were executed. Quite a correspondence grew up upon that. Prisoners were captured on both sides during the spring of 1862, sometimes more on one side, sometimes more on the other, and quite a correspondence was had during that whole year for the purpose of getting up a cartel for the exchange of prisoners. There was only partial success. In the mean time a bitter state of feeling was growing up on both sides. Any gentleman can see what that feeling was by reading the preamble to the act reported by the majority of the judiciary committee at the time alluded to.

It was charged that persons under the guise of Federal soldiers were endeavoring to incite insurrection in the Southern States, were capturing unarmed citizens; that men were insulting women, were burning houses, and committing a great many acts of that sort at a time when the Federal Government refused to recognize the confederate government as a belligerent power. There were also some notable instances of alleged cruelty and brutality at various places.

In the midst of this correspondence, and before the question had been settled, Mr. Lincoln issued his proclamation, in September, 1862, announcing the emancipation of the slaves of the Confederate States on the 1st of January, 1863. That proclamation, coming as it did, was heralded as a purpose on the part of Mr. Lincoln to incite insurrection among the slaves of the South, and to murder the women and children and old men while the young men were absent in the army. It created a great deal of feeling. This Senate cannot appreciate the feeling it did create. The confederate congress met in August, 1862. It is proper for me to state that I did not believe that Mr. Lincoln had any such purpose in issuing his emancipation proclamation, and I so openly and publicly avowed. I did not believe that Mr. Lincoln desired to incite insurrection among the slaves of the South or desired that brutal treatment should be visited upon the unarmed citizens of the Confederate States, and I believed further that if he did so intend it would prove an utter *brutum fulmen*, and would fail. I believed, on the contrary, Mr. Lincoln's purpose in issuing that proclamation was political and for a northern purpose. That was my opinion.

In this condition of things the matter was brought by a resolution of a senator from Louisiana, Mr. Semmes, before the confederate senate, and that resolution offered by Mr. Semmes was referred to the judiciary committee. The resolution simply instructed the committee to inquire as to what retaliatory and retributive legislation was necessary or proper in view of the condition of things which I have laid before the Senate. When that committee met, what will this Senate believe, what will it think when I inform them that the fact is here stated, and it is true, that in the midst of all that excitement, natural, honest excitement, in the midst of that alarm among our people, I, who have been held up as the bloody man on that occasion, was the only man who utterly opposed passing any retaliatory legislation on the subject?

Finding, however, as I stated, a general purpose, or belief, or opinion, among the senators and on the judiciary committee that some retaliatory legislation ought to be enacted, I prepared a bill from which I will read to the Senate that portion which has not been read. The judiciary committee, all but two of them, agreed to a bill which is here quoted in full. That bill was not intended, as the authors of it declared, to make it criminal for a man to be a soldier in the Federal Army, but I thought it might bear that construction. Therefore I refused to join in reporting it, but agreed to it if that construction could be made explicit. I would not agree to make it a crime for any man to belong to the Federal Army, or to assume that he was a criminal because he belonged to the Federal Army. It is just to that committee to say that they disclaimed and denied that that was the proper interpretation of their bill. I thought it would be subject to that construction, and therefore I declined to agree to it. Another senator offered another resolution, not a bill. He proposed a resolution very violent in character, in which he declared that the rules of civilized warfare had been repudiated by the Federal Government and should be repudiated by the confederate government. I will say in defense of that man—he is dead and gone—that he sincerely believed that policy would bring the war to a speedy termination. It only shows how men can be misjudged.

I could not agree to any of these propositions, and refused to join in reporting any of them, but I drafted a bill which would steer clear of the difficulty which I had insisted might attach to the bill of the majority of the committee, and reported it, not for adoption but for consideration, if any legislation should be adopted at all. Now, I want to read the first section of that bill. The gentleman from Maine asked me if I had introduced a resolution, and what he quoted as the resolution is the second section of this act, and it is quoted in this book by McClellan as a resolution, an independent resolution offered by me. When I come to see the whole facts I find that what they call a resolution was the second section of a bill proposed by me. The writer left out the first section, which thoroughly explained the second, and shows precisely what I meant. I want to read that first section now to the Senate:

> That if any person singly, or in organized bodies, shall, under pretense of waging war, kill or maim, or in any wise injure the person of any unarmed citizen of the Confederate States, or shall destroy, or seize, or damage the property, or invade the house or domicil, or insult the family of such unarmed citizen; or shall persuade or force any slave to abandon his owner, or shall, by word or act, counsel or incite to servile insurrection within the limits of the Confederate States, all such persons, if captured by the forces of the Confederate States, shall be treated as criminals, and not as prisoners of war, and shall be tried by a military court, and, on conviction, suffer death.

I do not believe there is a Senator on that side who would disagree to that section. I especially want to read to the Senate the language I used in presenting that bill to the confederate senate. Here it is, fortunately reported in this work:

> Mr HILL, of Georgia. I must be allowed to say for myself—

Now, Senators, mark you, this is after the other bill by the committee had been reported. This is after Mr. Phelan, of Mississippi, had reported his substitute. I came last and said:

> I must be allowed to say for myself that I regard the proclamation of Mr. Lincoln as a mere *brutum fulmen*, and so intended by its author. It is to serve a temporary purpose at the North. I fear we are dignifying it beyond its importance. As the senate has concluded to notice it, I am in favor of the simplest and *most legal* action. We must confine our action *within the line of right under the laws of nations*. In my opinion we have the right to declare certain *acts* as crimes, being in conflict with civilized war, and the *actors* as criminals; and a criminal, though a soldier, is not entitled to be considered a prisoner of war. While, therefore, I approve the general idea to treat persons guilty of *certain acts* as criminals, contained in the bill reported by the senator from Louisiana, [Mr. Semmes,] and agreed to that report as being the one most favored by the majority of the committee, I also, in accordance with the understanding of the committee, propose the following bill, and ask that it be printed for the consideration of the senate.

And, sir, what are the facts? In the excited condition of the country then, I stood up in that senate and I refused to agree to any legislation except that which simply made wrongs committed upon an unarmed citizen criminal acts. Why, sir, I know the honorable Senator from Illinois, [Mr. LOGAN,] and I believe every honorable man on that side of the Chamber would say that it was right to provide by law for the punishment of those who should make war upon unarmed citizens, old men, women, and children in their homes. That was all I proposed to do, and I did not even propose to do that. I *advised the confederate senate* to *take no action at all—to pass no bill on the subject of retaliation*. I knew the dangers to which it would lead. I knew the sufferings that might result. I thought passion was already too high. I thought the motives of Mr. Lincoln in issuing that proclamation were misconceived. I said first, "I propose no action." Secondly, "If you will act I insist that you make nothing criminal but *acts* of *wrong* upon *unarmed* citizens, whether committed by anybody, soldiers or otherwise; but I advised in conclusion that it would be best to pass the matter over; that we were dignifying it unnecessarily. I did not believe the insurrections would take place that were apprehended. And, sir, I have the pleasure of saying to this Senate, as the record here shows, the confederate senate adopted my suggestion and passed none of these measures.

Sir, let my part in this transaction pass. I am an unimportant individual in this country; but I challenge the gentleman to take the annals of war and point me to a single instance in the history of any country where under circumstances half so threatening the authorities were half so considerate and moderate. The whole confederacy has been held up to the country as proposing and passing these laws to punish Federal soldiers with death because they were Federal soldiers. I have been placarded to the whole North, with the New York Tribune in the lead, as a man especially brutal, proposing in the confederate senate as an independent measure voluntarily offered by myself a resolution to treat Federal soldiers as criminals simply because they were Federal soldiers. And now the facts most conclusively show there was not only no truth in the charge, but that the very contrary of the charge is the truth.

Mr. LOGAN. If the Senator will allow me, inasmuch as he referred to me, I merely wish to ask him one question. As I understood the reading of the first section of that bill, it provided that individuals, singly or organized bodies, should be punished if they interfered with the private property of citizens unarmed. I do not ask the question with a view of entering into this discussion, but I ask if that would not apply to a foraging party that might be sent out for the purpose of obtaining fodder, corn, wheat, pork, or anything of that kind for

the use of the Army? I ask whether it would not apply to that class of men where they took this property from private citizens unarmed?

Mr. HILL, of Georgia. I thank the Senator for asking me the question. I see his motive is good, and on this question I want no misunderstanding.

Mr. LOGAN. It struck me at the time that it would, and I suggested it for the purpose of ascertaining.

Mr. HILL, of Georgia. It would not. If you will notice the language of the whole bill you will find, and even my language in introducing it shows, that it is confined not to real soldiers but simply to those who acting under pretense might go on marauding excursions under the protection of Federal uniforms. It did not apply to lawful soldiers in any capacity. Although the question of the Senator from Illinois is a very proper one and a very natural one, the Senator will see that I was utterly opposed to any legislation that was not strictly within the line of right and the law of nations. I call attention to the language of the act again:

That if any person singly, or in organized bodies, shall, *under pretense of waging war.*

It simply struck at what we believed would be organized bands of men taking advantage of Mr. Lincoln's proclamation to go into the Southern States under pretense of waging war for the purpose really of plunder upon the unarmed citizens. This was intended to meet that case; but for fear of the opposite construction, believing, as I say, that Mr. Lincoln's proclamation had no such purpose and could have no such effect, I insisted that nothing should be done, not even that that bill should be passed, and it was not passed. It never did become a law. I myself was opposed to it. I simply proposed it as an alternative proposition to avoid what I thought might be the difficulties of other propositions submitted.

Now, gentlemen on the other side, we differ in politics, and we give each other manly blows in consequence of our differences of political opinion, but I submit to every fair-minded man on that side of the Chamber, is there anything brutal in my conduct there? Is it not everything to the contrary? Sir, whether the republican press at the North shall correct the misrepresentations which they have so industriously circulated upon this subject, and which they have made this resolution or pretended resolution the excuse for circulating, is a matter which I shall leave to their own sense of honor and truth.

I am notified in the debate which occurred in 1876 of a fact which I had heard before. A distinguished gentleman of the republican party had taken the pains to send South and gather up all my records, and they say they found them quite voluminous. Really I have never preserved any myself; I have never made a habit of preserving my own speeches and letters. I am told that there is much in that record inconsistent with what I have said upon this floor.

Mr. President, I claim no superiority of intellect over others; none whatever. In view of the troubles which have cursed our country during the past twenty years, it seems to me every man who pretends to have been a statesman during that trying period ought to feel humbled that the statesmanship of this country was wholly insufficient to avert such a cruel and wicked war; it ought, I say, to humble in the dust every man in the country. I feel humbled in view of my utter inability to accomplish the good I so much desired; I certainly feel nothing like boasting. But he who here or elsewhere assails the sincerity of my convictions, the candor of my utterances, the honesty of my action, and the kindness of my nature, my devotion to the Union of the States under the Constitution, or my fidelity to any and every trust, is simply "a liar, and the truth is not in him."

Upon two subjects I stand here and throw not only to the other side but to the world a proud and confident defiance. Search all my letters, public and private, rake through the earth, you cannot find in one of them one line, one word, one syllable to justify the charge that anywhere before the war, during the war, or since the war I ever spoke in the slightest degree disrespectfully of the Union of these States under the Constitution of my country. There have been times, I confess, when I have almost despaired of its preservation, and there may be found words sometimes of despondency. You will find much against secession, you will find much against the republican party, you will find much against the war, and you will find burning words against reconstruction. All that is true; but against the Union of these States partly national and partly federal, against this confederate nation as explained by Madison and expounded by Webster, I have had no feeling but one of perpetual adoration from the time I understood it to this hour; and upon that subject I defy criticism and challenge malice. I know it has been frequently said that I have been inconsistent. That is untrue.

Sir, I have had to submit to many things I did not approve. I did not approve secession, but when the will of my State was declared I submitted to it. I did not approve of the war of subjugation, but when subjugation was accomplished I submitted to it. I did not approve of reconstruction. I believe to-day it has inflicted a deeper wound upon the vitals of our constitutional system than both secession and the war combined, and I did resist it with all the power and zeal, and even invective, I could command, but when reconstruction was accomplished I submitted to it. But I rejoice that one grand fact on which I always kept my mind remains unchanged. I did fear that the nation could not survive the war. I did fear that in some form the liberties of the people would be subverted and destroyed. I did fear that the character of our Government (and I explained it the other day) would be utterly changed. But, sir, the fact to which I allude with so much pride and satisfaction is that we have passsd through secession, through the war, and even through the carpet-bag infamies of the South, and the *character of our Government still remains essentially the same;* it has never been changed. The thirteenth, fourteenth, and fifteenth amendments, which give certain additional rights to a portion of the people of the country, have not changed in any degree the relations between the States and the Union, nor in any manner the character of our confederate, Federal, and National Government, mixed and composite, as Mr. Madison says it is; and I rejoice that it has been preserved. I look back through that long night of danger and threatening and feel that every man in this country ought to rejoice that we have passed through that angry storm of passion and hatred, as I trust we are through, with our Constitution still undestroyed; and it ought to be the pride and ambition of every public man of every party to see to it that it shall be re-established and re-enthroned in the hearts of the people.

But, sir, I come to the other subject upon which I want to throw out a defiance. I have passed through the war. I have seen scenes of suffering, and many of them. I have seen occasions when many might be tempted to be cruel and unkind; but I defy any human being, I care not what his position is, to put his finger on a single word or act of mine that was ever cruel to a human being It is impossible to do so, and tell the truth. I am a man of positive convictions; I denounce wrong, and have done it unsparingly; but cruelty, unkindness, is no part of my nature, and was never committed by me.

It is not for me, Mr. President, to parade to this country and to this Senate my acts of kindness, and I shall not do it. They were not committed for that purpose. But there is one incident in my life which, as it reflects credit upon others perhaps more than upon myself, and was somewhat of a public character, and as living witnesses are abundant to prove it, I will take occasion to state to the Senate briefly. During the month of April, 1865, the Federal Army under General Wilson passed from Alabama into Georgia, just previously to the surrender of General Johnston and General Lee. The main army under General Wilson entered Georgia at Columbus. There was a detachment of Federal soldiers, four thousand I understood, under Colonel La Grange, that entered the State of Georgia at West Point, which is in the county in which I resided, and sixteen miles from the county seat, my residence. Hearing of the approach of that army, of course I left hastily. Standing in the ashes of Atlanta, seventy miles away, I received two messages simultaneously. One was that my own house was burning; the other was that General Lee had surrendered. Imagine my surprise when on returning to my home a few days after I found that my house had not only not been burned, but that my family had not been in the slightest degree disturbed, and that a Federal soldier had not put his foot on my premises, the most conspicuous place in the town. Every other citizen perhaps had been visited, and some public houses had been burned, warehouses, &c. This was a mystery, and a very great mystery, and to none more a mystery than to myself. I expected, of course, that I should suffer above any other citizen of the town. I suffered not at all, and all others suffered more or less, and some very severely. It was a mystery to the town; it was the general talk how was it.

No man doubted my fidelity to the confederacy, because at that very moment and for two months before I had been the only public man in the confederacy on the stump trying to rally the people against unconditional surrender. Of course the event was of sufficient consequence to induce me to make an effort to explain the mystery. I was told on inquiry that at the battle of West Point, for there was a considerable little battle fought there, a young Federal officer was severely wounded who was a favorite with Colonel La Grange in command, and while not dangerously wounded he was so painfully wounded that he could not go on with the Federal forces. I fortunately had a niece living in the town of West Point whose husband was a physician and surgeon. Knowing, as was afterward reported, that the act would be altogether agreeable to me, he went and offered his services to take that young wounded Federal officer to his home and care for him. I supposed that had something to do with it.

Then my slaves, who were faithful and devoted to the last hour, claimed that they had gone to the Federal headquarters, for the Federal troops camped two nights and a day in the town, and interposed for the protection of my family. That I supposed also had something to do with it. After all the armies had surrendered, in the month of May, a detachment of Federal soldiers under somebody's order, I understand here at Washington, perhaps the Secretary of War, came to La Grange, and at two o'clock in the morning arrested me and took me off to Atlanta. While waiting there for transportation to Fort La Fayette a gentleman came to see me who said he came directly from Colonel La Grange, who was then in the city of Macon, and received the following facts from his own lips in explanation of my exemption from pillage on that occasion. Colonel La Grange stated that during the summer or fall of 1864, while the armies of General Johnson and General Sherman were north of Atlanta, in the northern part of Georgia, a number of ladies, northern ladies by birth, who had been residing in the South and who had passed safely through General Johnson's line under passports from the confederate government, on their return North were captured in General Sherman's line and carried to his headquarters under suspicion of being spies. They were of course properly required to give an account of themselves.

It turned out that these ladies happened to be some among many who had written to me frequently, and on this occasion especially, to Richmond, asking my advice as to whether under the circumstances of privation and suffering in the Southern States I would advise them to leave the people who they said had been so kind to them, though northern ladies, and return to their friends in the North, who had abundance, and, if I would give that advice, to give them the proper means of getting through the lines. I sent them everything they needed and advised them to go.

I never heard from them any more. I sent them passports and everything else necessary to take them to their friends in the North. When these ladies were required at General Sherman's headquarters to give an account of themselves they were naturally quite exuberant and extravagant in their account of my own treatment of them. Colonel La Grange was at that time in General Sherman's headquarters, I believe, I am not sure—a member of his staff. The Senator from Illinois will know better; but at least he was there. He became acquainted with these ladies, and heard the story of this kindness, and much in relation to myself that I will not venture to relate. As he approached the town of La Grange, the place of my residence, these facts detailed to him by these ladies came to his recollection, and he informed this gentleman that when he reached within two miles of my residence he stopped his whole command. He gave them first the information that at the next place a confederate senator resided, and they would perhaps think that they had a right to raid upon him; but he issued an order forbidding, under severe penalties, any soldier from putting his foot upon my premises under any pretext, and it was strictly obeyed. That was the solution of the mystery.

Mr. President, we are told that when God created the heavens and the earth on the third day he said, "Let the earth bring forth grass, the herb yielding seed and the fruit tree yielding fruit after his kind, whose seed is in itself, upon the earth; and it was so." From that day to this it has been so. Yet all these seeds must be sown in their season and in the climate adapted to their nature, else they will perish. But, sir, there is a seed which will bear fruit in all seasons and in every clime under the heavens. Plant it in the cold where the snows never melt, or in the heat where the frosts never come; scatter it on the naked rocks or in the most fertile soil; drop it in the water or on the land and everywhere, every seed will germinate and grow and reward the sower. It is tilled by a hand that never tires; it is watched by an eye that never sleeps; it is trained by a power that tempers all the elements to its healthiest maturity. That seed, sir, is kindness, and I have garnered its fruits when and where they were least expected. Will leaders of a great party, will men who aspire to hold in their hands the destinies of millions living and of many more millions yet to live, never learn that abuse and slander and calumny and misrepresentation are not the means which wise or good men employ to give peace to a country or prosperity to a people or stability to a government? Will the people themselves at the North never learn that brawling treason and traitors at men for honest differences of opinion is not argument and proves nothing except that the brawlers are neither statesmen nor patriots?

Mr. President, in looking over this record of 1862 I find a debate which occurred in the confederate senate that I had forgotten between a senator from Texas, Mr. Wigfall, who is doubtless known to members on this floor, and myself. It is a singular and a curious discussion in some respects. The question had arisen what was the relation of a citizen of one of the Confederate States who adhered to the Union after secession to the Confederate States themselves. The senator from Texas, Mr. Wigfall, as was the natural corollary of his view of politics, held that the relation was that of a traitor. I denied it and took the position that the relation was that of an alien enemy, and upon that point the discussion was had. It would be interesting perhaps to those who listened to my argument a month ago to hear this, but I shall not read it all. In discussing that question I made use of these words:

> I ask this: Do you hold Andrew Johnson, who abandonedthe State of Tennessee and never came under obligation to the confederate government, to be a traitor? Can he be a traitor? I am discussing the general proposition. I say that, as regards every man who held allegiance to the United States originally, while he had a right to adhere to that allegiance, there was no power on earth could break his allegiance against his consent. This proposition I assert, and when a gentleman denies it he need not talk about State rights and individual rights. He erects the government into a despotism, whether it goes by the name of monarchy, aristocracy, or democracy. If you can lay hold of a citizen and tear him loose against his will from his acknowledged allegiance, you exercise the greatest power a tyrant is capable of exercising. I say again, that no power can rightly force a man to break his allegiance. The very violation of allegiance implies a consent of the will.
>
> The senator says that there are no citizen s of the Confederate States. But the constitution says there are. "The electors in each State shall be citizens of the Confederate States." The gentleman says it does not mean that. I should suspect any theory that drove me to destroy or change the language of the constitution itself. Here it is plainly written; and because I abide by it the gentleman calls me a "nationalist." God save the mark!
>
> Mr. WIGFALL. I hope he will.
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> Mr. HILL. I have always understood that the fundamental principle of State rights is, that the power shall be found in the grant, and that it is to be defined by the words used, and that "construction" was the old theory of the nationalists.
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> * * * * * * *
>
> I grant that no person can be a citizen of the Confederate States who is not a citizen of some one of the States, but it does not follow that a citizen of a State is necessarily a citizen of the Confederate States. Gentlemen may indorse sublimated theories that define our constitution after the manner of the interpreters of the will in Dean Swift's Tale of a Tub. They wanted to construe it, not according to what it said, but according to the measure of their own wishes. The text did not suit them, so they took sentences; but sentences would not give the meaning, so they took words; they could not find the right consecutive words, so they took syllables, and, finding they would not do, they selected letters, and putting them together they made a will to suit their taste. Gentlemen upon the same principle may destroy the constitution, and make it mean what they please, in order to accomplish their purposes. But I am this much of a State-rights man: I deny the confederate government has any power not granted; and I say you must look to the language of the grant to find the extent of the power, and that which necessarily results from the grant—the power to carry out the grant must be in the grant.
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> * * * * * * *
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> There is no necessity for the introduction of these theories to bring about a conflict between the State governments and the confederate government. My idea—I do not know whether it is a national one or not; certainly it does not depend upon a change of words in the Constitution, upon refined arguments and well-spun theories for its justification—is this: the States were originally sovereign, independent States—they are original and sovereign yet—and as such they had a right to exercise absolute and sovereign power. They have by their own free will and consent delegated these sovereign powers to a common government. And they made it a government, not simply an agency, for they call it a government in the compact, and they have said all citizens of the respective States shall be citizens of the Confederate States. They have established laws requiring these citizens to obey that which the States have agreed they shall obey—the common compact.
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> To the extent of the powers delegated, the confederate government exercises the sovereign power. I grant that it did not have original national sovereignty, nor do I care whether it has or not. It has the power to declare war, the power to make money, to collect duties, and these powers are sovereign powers; they are expressly delegated to the confederate government. Violence done to the government by a citizen is treason, because it is a violation of the citizen's allegiance.
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> * * * * * * *
>
> If we, upon the part of the government, will exercise powers plainly delegated to us, and exercise none that are not delegated, there will never be any conflict between the States and the confederate government. If the States will exercise their reserved powers properly, and the confederate government exercises its delegated powers properly, there will never be any difficulty.
>
> I say to gentlemen here who make such a clamor in defense of State sovereignty, for which they say this war has been waged, that if they will recur to history they will find that the great cause of the disruption was the interference, by States, with a compact into which they had solemnly entered. No man found cause for dissolution in anything the Federal Government did; for all declared they wanted to preserve the Union until Lincoln was elected. Not against the Supreme Court—that tribunal was faithful to the last. Not against the Federal Congress, for there you had a majority. Not against Mr. Buchanan—*par excellence* the man chosen by the South. What was the difficulty, Mr. President? The Northern States, sir, passed their personal-liberty bills and nullified the acts of Congress. The State governments would not render up fugitives, declaring they were not criminals because they stole slaves, which were not property; and the State judges took it upon themselves in their State courts to set aside the acts of Congress for carrying out the fugitive-slave law. These were the enormities that drove the South to her condition of determined secession. I know that through my section of the country these facts had more influence upon the popular mind than any other; and when Mr. Lincoln was elected it was thought he was seeking not to continue the Federal Government, but pervert the Government, and to accomplish through Federal agency what the Northern States had already sought to do. That perfected the argument.

For uttering those sentiments in that senate I was denounced as a consolidationist, as a nationalist by one of the most ultra representatives of what I call the other extreme theory, that is Senator Wigfall, of Texas, and in reply to him I said:

> I am not national in one sense; I am not Federal in another, I am sure. I regard the reserved rights of the States as much as any other man, and will never seek to intrench upon them. The powers I am sworn to exercise I will exercise with strict reverence for the purposes of the grant. I think if we would all go to work in the exercise of delegated powers, and act instead of theorizing, we would accomplish more satisfactory results for the people.
>
> Mr. WIGFALL. I propose to answer the gentleman with the simple prefatory remarks, that I am as much astonished at his recollection of the facts as his avowal of principles. For a senator to rise in this confederate congress, within a few brief months after the nation has been dissolved, and declare the Federal Government of the United States never trespassed upon our rights—
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> Mr. HILL. I never said that.
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> Mr. WIGFALL. If you did not you said something bearing a wonderful resemblance to it.
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> Mr. HILL. I said the trespasses of the Federal Government were not the evils alleged by the people in seceding; it was not the trespasses of the Government that influenced the people to secede. I said it was the trespasses of the Northern States in their faithlessness to the common compact.
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> Mr. WIGFALL. Well, I ask if they had any complaint against the judiciary?
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> Mr. HILL. None.
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> Mr. WIGFALL. I need not ask him about the legislative branch, for he says we had no cause of complaint here. "Surely not," he says, "for you had a majority there." His language is plain and unmistakable. Why, sir, in that Congress the black republicans had an overwhelming majority in the House against us, and a tie vote in the Senate, with a black republican casting vote.
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> Mr. HILL. It was not from any act of the Supreme Court or of Congress or of the Federal Executive we seceded. I do not say they always did right. I was utterly opposed to the administration of Mr. Buchanan.
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> Mr. WIGFALL. He forgets Congress passed a law abolishing slavery in the District of Columbia, declaring no slave should be sold there.
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> Mr. HILL. When did it pass?
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> Mr. WIGFALL. In 1850.
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> Mr. HILL. And the people expressly said they would not secede on account of it.

It is precisely the same theory of government that I gave to this Senate one month ago, and for giving that theory then, for standing then upon the doctrine of Madison and Webster, I was denounced by a secessionist as a nationalist, and for uttering that same doctrine here I am denounced by the consolidationists of the other side of this Chamber as a secessionist. It is the highest proof that the position is a correct one. These two extremes are alike the enemies to the true theory of this government. My life has been a peculiar one. For many years its whole purpose was to arrest secession, because I thought it unwise and suicidal.

Now, the only purpose of my connection with politics is to arrest what I believe before my God the more dangerous enemy to the true character of this Union than the secession party ever was, the consolidation party of this country. They are more dangerous because

they are more powerful; they are more dangerous because they are more insidious; they are more dangerous because they are seeking to accomplish the destruction of the States, without which there can be no Union, under color of extraordinary and exclusive devotion to the Union. Sir, I do not say that every member of the republican party intends that. So it was that the great mass of the secession party did not intend the consequences of their action; but I do affirm to-day that the doctrine, the policy, and the whole tendency of the republican party of this country at this day and for years past has been in a direct line to the destruction of the States, and through the destruction of the States to the subversion of the liberties of this country. It will result so, as the inevitable result of your policy. The people are under every obligation—every man at the North, whether democrat or republican, who is sincere in desiring to preserve this Union as our fathers made it, is under obligation to rally to the support of those who oppose the further triumph and success of the republican party.

We hear it frequently said that the mission of the republican party has not yet been completed. In one sense that is true. If I construe the doctrines of that party, its policy, and its tendency correctly the mission of that party will not be accomplished until the States of this Union are utterly destroyed, the liberties of this country are utterly subverted, and a rigid, hopeless despotism shall settle down from one end of this country to the other. That is my sincere conviction.

Why, sir, since I made a speech in this Hall,—I am not going to refer to anything personal, as I see the Senator is not in his seat—but since I made a speech on this subject a month ago here, a distinguished gentleman of the republican party followed, and what remarkable language did he use? I want to call attention to it. Speaking of my own remarks he said:

> Now, what is the exact case as he states it? State rights and nationality were the causes of the war, and the real antagonists; slavery was a mere *incident*. Secession was the *instrument* employed by "State rights" in the contest.

I never had such an idea since I was born.

> What was the result of the war? "Secession was crushed out, utterly crushed out." He is particularly anxious for the "country to understand that." But what has become of "State rights," the guilty principal that employed this "secession folly," as he calls it?
>
> "What has become of State rights, the *guilty principal?*"

Again he says:

> After all, then, the war only destroyed the *incident*, (slavery,) and the *instrument*, (secession,) but the *guilty cause* of all our woes, the Samson of "State rights," still lives in all his vigor, and is ready to employ any other incidents or instruments that may happen to answer his purpose in the next conflict with nationality.

Here is a Senator standing on this floor, the ambassador of a State specially commissioned to protect the rights of his State, speaking of State rights as the *guilty criminal* and as the *guilty author of all our woe!* Will not such utterances alarm the country? Nothing is more common in these Halls than to hear remarks made depreciating, deriding, ridiculing the doctrine of State sovereignty, and declaring it synonymous with secession. Sir, in connection with and side by side let me read the language of one of the best men New England ever produced; it comes in, I think, with exceeding appropriateness. Here is what Oliver Ellsworth, of Connecticut, said directly on this point:

> Under a national government he should participate in the national security, as remarked by Mr. King; but that was all. What he wanted was *domestic happiness*. The National Government could not descend to the *local* objects on which this depended. It could only embrace objects of a *general nature*. He turned his eyes, therefore, for the *preservation of his rights* to the State governments. From these *alone* he could derive the greatest happiness he expected in this life. His happiness depends on their existence as much as a new-born infant on its mother for nourishment.

State sovereignty, State authority, State rights, to which this great patriot looked for support as a new-born infant looks to its mother, is denounced in this Hall by a distinguished republican as a guilty criminal, the author of all our woe.

Mr. HOAR. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Massachusetts?

Mr. HILL, of Georgia. If it is necessary; if I am misstating a fact.

Mr. HOAR. I desire to say, as the Senator from Minnesota, [Mr. WINDOM,] to whom the Senator from Georgia referred, is not in his seat, that the Senator from Minnesota did not speak of the true rights of the States in the passage to which he refers, but spoke merely of a false doctrine of State rights which speaks of Senators as ambassadors of States.

Mr. HILL, of Georgia. Mr. President, I shall be sorry for the Senator from Minnesota if he accepts that as a true explanation—that is all—and in behalf of the Senator from Minnesota who is not here, as I have happened to refer to him, I will say that the speech shows that he had no such explanation. He said just what I have read and I shall be exceedingly careful not to misquote him in the slightest degree. The speech is published in full.

Mr. HOAR. Mr. President——

Mr. HILL, of Georgia. I do not wish to give way any further.

The PRESIDING OFFICER. The Senator from Georgia declines to yield.

Mr. HOAR. Very well.

Mr. HILL, of Georgia. The Senator from Minnesota was replying to the argument I had made, and I certainly had not defined State rights other than as Mr. Madison and Mr. Webster had defined it. Therefore the explanation offered will not do. I will go on.

Now, sir, in relation to this great man Ellsworth, see what Mr. Webster said about him, and I quote it for two reasons; first, because of the character it gives Mr. Ellsworth; and, second, because of the indorsement by Mr. Webster of the doctrine of Mr. Ellsworth. Mr. Webster said in his celebrated speech in reply to Calhoun:

> And I think I cannot do better than to leave this part of the subject by reading the remarks made upon it in the convention of Connecticut, by Mr. Ellsworth, a gentleman, sir, who has left behind him, on the records of the Government of his country, proofs of the clearest intelligence and of the depest sagacity, as well as the utmost purity and integrity of character. "This Constitution," says he, "defines the extent of the powers of the General Government. If the General Legislature should at any time overleap their limits, the judicial department is a constitutional check. If the United States go beyond their powers, if they make a law which the Constitution does not authorize, it is void; and the judiciary power, the national judges, who, to secure their impartiality, are to be made independent, will declare it to be void. On the other hand, if the States go beyond their limits, if they make a law which is a usurpation upon the General Government, the law is void; and upright, independent judges will declare it to be so."

That language is indorsed by Mr. Webster. That shows that he indorsed the doctrine of State rights and State sovereignty just as contended for by me, which is not secession, but that State right which recognizes the States as sovereign in the exercise of all their reserved powers and the General Government sovereign in the exercise of all its delegated powers. But, sir, I want to read another sentence from Mr. Webster:

> The people, sir, in every State live under two governments. They owe obedience to both. These governments, though distinct, are not adverse. Each has its separate sphere and its peculiar powers and duties. It is not a contest between two sovereigns for the same power, like the wars of the rival houses in England; nor is it a dispute between a government *de facto* and a government *de jure*. It is the case of a division of powers between two governments, made by the people, to whom both are responsible. Neither can dispense—

Mark this—

> Neither can dispense with the duty which individuals owe to the other; neither can call itself master of the other; the people are masters of both.

Mr. President, I wish that one short sentence in that language of Mr. Webster could be riveted in the mind of every man in America. What is it? It is that neither of these governments is the master of the other. The secessionists made the mistake of insisting that the State governments were masters of the Federal Government. The republican consolidationists make the mistake of insisting that this General Government is the master of the States and the State governments. It is not true. In the brief, terse, correct, constitutional language of that greatest of constitutional lawyers this country ever produced, neither is the master of the other. The people of this country live under two governments. They are not adverse; they are not enemies; they are not strangers. They are co-laborers in one system in their respective spheres to accomplish the one grand purpose of the preservation of the rights and liberties of the people.

Sir, Senators talk about Mr. Webster differing with himself. He never differed with himself. No better State-rights doctrine from a correct stand-point was ever uttered than was uttered by Mr. Webster in his second speech on Foot's resolution and in this very reply to Mr. Calhoun. What is it? It is that the States are sovereign in their reserved rights, absolutely sovereign in the exercise of their reserved rights, and that this Government has no power over a State in the exercise of her reserved rights, and that on the other hand the same people who made the constitutions of the States made the Constitution of the Federal Government and clothed it with specific powers, and within its specific powers the Federal Government is also supreme, and of course within the delegated powers it is alone supreme, just as the States in their reserved powers are alone supreme.

Sir, I will read one more extract from Mr. Webster, and then I will close. In a great speech which Mr. Webster made at Buffalo, in New York, in 1851, he used this language:

> Now, gentlemen, I wish I had ten thousand voices. I wish I could draw around me the whole people of the United States, and I wish I could make them all hear what I now declare on my conscience as my solemn belief, before the Power who sits on high, and who will judge you and me hereafter, that if this Texan controversy had not been settled by Congress in the manner it was, by the so-called adjustment measures, civil war would have ensued; blood, American blood, would have been shed; and who can tell what would have been the consequences? Gentlemen, in an honorable war, if a foreign foe invade us, if our rights are threatened, if it be necessary to defend them by arms, I am not afraid of blood. And if I am too old myself, I hope there are those connected with me by ties of relationship who are young, and willing to defend their country to the last drop of their blood. But I cannot express the horror I feel at the shedding of blood in a controversy between one of these States and the Government of the United States, because I see in it a total and entire disruption of all those ties that make us a great and happy people.

Sir, those were the grand words, not of a sectionalist, but of a patriot; a man whose intellect towered up to the heavens, whose patriotism covered the continent, and every part of the continent. Sir, in the days of Webster, the great assault on the Constitution of the country was made by secession and nullification; there was no assault made on it from the other direction. Therefore it is that Mr. Webster's grand utterances are left on record against secession and nullification. But if Mr. Webster were living to-day and saw the dangers that threaten the very Constitution and Union which he loved, the very constitutional system of Government which he so well understood, if he were living to-day and could hear these voices of consolidation deriding the doctrine of State rights and State sovereignty, he would thrill this continent with an eloquence such as never characterized him in the days in which he lived, because the danger now his great mind would see is infinitely greater than the danger was

then, because, as I have said, it comes from a more dangerous and a more insidious power. Would that Massachusetts would give to the country another Webster!

Sir, I cannot hope even to imitate his greatness; but I should like to follow such a grand man, even if it must be afar off; and I wish like him to have ten thousand voices to-day; I wish I could command his eloquence for one hour; I wish I could speak as he only spoke. I wish every man in America could hear the words which I believe he would utter in much more forcible power when I now declare this Union was not the cause of our war; this Union never shed fraternal blood; this Union never burned the houses and cities and devastated the soil of its own citizens. No, no. All that was the work of a diabolical *sectionalism*. I would beg the American people to-day, come back from these wanderings, these sectional wanderings, whether in the direction of secession or in the direction of consolidation and despotism; come back to the Constitution as our fathers made it, as Madison explained it, as Webster expounded it, as it now stands unaltered in character by the three new amendments that have been adopted; come back to it as a Union of States; come back to it as partly a national and partly a federal government, such as no other people ever enjoyed and such as no wise people will ever abandon. I earnestly beg the people of the North, if they would preserve this inestimable heritage and transmit its blessings to their posterity, to *disband* this *sectional republican party*. No sectional party ever was or ever can be a Union party. It is mere, sheer, naked hypocrisy to pretend so. No man and no party can be true to the whole Union who is false to a part of it: no man and no party can be a proper administrator of this common Government who hates any one section of this country.

I would ring it in the ears of patriots, I would ring it in the ears of statesmen, I would ring it in the ears of all the people North and South, East and West, if we would save further strife and further woe, if we would preserve finally the liberties of this country, we must disband all sectional parties and get back to that Union under the Constitution which knows no section, but does know all the States. Without States there may be empire, and there will be despotism, but there can be no constitutional union; while without union there may be license, and there will be anarchy, but there can be no liberty or security.

Mr. MORRILL. Mr. President——

Mr. BLAINE. I ask the Senator from Vermont to yield to me a moment. The honorable Senator from Vermont by a previous understanding is entitled to the floor. My desire is at some future day to make some observations on the speech of the Senator from Georgia just made, but I would not if I could interfere with the honorable Senator from Vermont to-day in his right to the floor.

Mr. MORRILL. Mr. President, I propose to use the same bill that was used by the Senator from Georgia for the purpose of vindicating the truth of history.

Mr. MORRILL. Mr. President, belonging to the class that believe they serve their party best when they best serve their country, I have rarely indulged in what may be called political debate; but when democratic Senators at this ill-contrived, ill-continued, and ill-tempered session of Congress—notwithstanding that the general welfare and our own health dictate a speedy conclusion of public business—have consumed whole days in partisan speeches and party caucuses, it may be justifiable for me to use at least an hour in showing that the republican party is not so black as democratic oratory would represent, and that the democratic party is far from being so white as the wool which it seeks to wear as its livery.

Using no ornaments of speech, no flowers of rhetoric, I propose to muster from the abundance of the record those economical facts which, as it appears to me, will forever adorn and vindicate the history of the republican party, and which the world will not fail to appreciate nor fail to crown as full of great measures followed by great results.

As a contrast to this, I shall not give a complete inventory of the measures proposed by the democratic party, valuable as it would be to some future collector of curiosities, but shall refer to so many as will display the color and character of the whole. There was said to be in the other end of the Capitol a small platoon of independents, but the platoon mostly follow the democratic party, and when they do not the democratic party follow the platoon. Their measures will be classified separately if for no other purpose than to show that the phœnixes of the one and fiery flying-dragons of the other are all birds of the same feather.

The democratic party appears so anxious to blot out the history of the last twenty years, and to let by-gones sink forever to unremembered by-gones, that its character suffers from the unavoidable inference of having had affinities, creeds, and actions of which, if it is not ashamed, it is no longer proud. It would be far away from my purpose to fall short of justice to any large body of men merely because they differ from me in principles or policy, and therefore I cheerfully concede the wisdom of the democratic party in striving to hush up all references to its faith and patriotism from the dawn of what they begin to style the "so-called rebellion" up to that date when they proposed to starve the Government into subjection by refusing constitutional supplies, and by sweeping from the statutes all vestiges of republican legislation.

Statutes of limitation, however, usually bar facts of a remote date and not those of recent occurrence. I am not about to make any distasteful allusions to the late history of the democratic party, but, before I close, shall refer to the record of some of its proposed present or future measures, and to the question of whether or not these are much better entitled to the favor and confidence of the American people than those contended for under a different flag. I do not propose at this time to revisit the battle-fields of the rebellion, notwithstanding the new attractions offered in the latest commentary by the Senator from Georgia, [Mr. HILL,] who says: "No, my good northern democratic brethren, you saved the country at last; you saved the Union in the hour of its peril, not the republican party." This certificate will be a new revelation, even to war democrats, who will be not a little choked by so much flattery; but it will more grieve that more noisy if not larger crowd, once distinguished, shall I say, as "copperheads," to be so strangely decorated; and, if the Senator from Georgia, at the close of their career, is to pronounce their eulogy, they will feel that it "adds a fresh horror to death."

The republican party elected its President and came into power when President Buchanan surrendered the last sad remains of democratic control, March 4, 1861. The Treasury was empty, and the ship of state only escaped from being scuttled because there was no place of refuge to which the rats might flee. Many demands on the Treasury for ordinary expenses could not be met, and $5,000,000 were wanted as the smallest amount which would protect the public credit on debts and interest falling due January 1, 1861. Public proposals for this amount were invited December 18, 1860, and offers were received to the amount of $1,831,000 at 12 per cent. interest or less, and further to the amount of $465,000 at rates ranging from 15 per cent. to 36 per cent. All offers at 12 per cent. or less were accepted, and those above rejected. In contrast with this low state of the public credit under democratic rule, the republican administration since March 1, 1877, has sold bonds and ten-dollar certificates bearing only 4 per cent. interest, to the amount of $846,022,000, thereby effecting the heavy annual reduction of coin interest to the amount of $14,297,177. The charge for annual interest was at its highest point in 1865, and amounted to $150,977,697.87; but on the completion of the present funding operations it will be only $83,773,778.50. The reduction of debt, less cash in the Treasury, for the same time has been $729,249,103.24; and this reduction grieves nobody but the democratic party.

Since March 4, 1861, the republican party has had control and is mainly responsible for congressional legislation, or was so until the democratic party obtained a majority in the House of Representatives in 1875. During these years the war of the rebellion was waged by the democratic solid South, and was only put down by four years of bloody battle, by prodigous cost of treasure, and by the sacrifice of unnumbered lives of priceless value to their families and to their country.

The taxation for the support of the Army and Navy had to be commensurate with the extraordinary exigencies of the war, or on a scale to meet the rebellion at home, and to confront the almost universal sympathy and quasi support of every non-republican goverment in the world. No country ever endured a greater strain or suffered greater national losses, both of men and material, and we are not yet wholly released from the cruel burdens caused by those who then, as now, own unreserved allegiance to the democratic party—a party that cannot truly swear it has not done great and permanent harm to the Republic.

It will not be out of place to make further reference to the position of the country when the republican party came into power, through the elections of 1860, in comparison with its position at the present time. If no greater achievements nor greater growth can be pointed out in any other epoch in our history, notwithstanding the rebellion and notwithstanding the universal depression since 1873 of the industries of the entire world, it would seem a marvel that the party which has been the sole break upon our progress, the hinderance which has prevented a still greater advance, should now have the audacity to denounce the guardians of the nation's life and to ask for the complete control of the future destinies of the Government.

When the republican party obtained the lead there were thirty-four States and five Territories, containing a population of 31,429,891 persons, including 3,952,801 slaves; while there are now thirty-eight States and eight Territories, with a population which may be estimated at not less than 48,000,000, and no slaves.

There were only 31,286 miles of railroads in operation in 1861, which in 1877 had increased to 79,208 miles, the whole costing $4,180,191,727. In 1878 there were 2,747 miles to be added, making a total railway mileage of 81,955 miles. Prematurely built as many of these roads undoubtedly were, yet they have immensely reduced the cost of transportation. The charge in 1860 for a bushel of wheat from Chicago to New York by water was twenty-eight cents, and is now eight and six-tenths cents, or by rail sixteen cents. From Saint Louis to New York an exceptional contract has recently been made by rail as low as seven cents per bushel.

The revenue under the tariff of 1846, as modified in 1857, it will be seen, failed to produce needed revenue in 1860, so that loans had to be resorted to for the ordinary support of the Government. The tariff of 1861, approved by a democratic President, was denounced as a Chi-

nese wall and as utterly prohibitory; but it proved very effective in producing revenue, and by its numerous specific rates of duty instead of *ad valorem* it also proved effective in planting some permanent and taxable capital in home manufactures. It was an average of 25 per cent. *ad valorem* imposed in the form of specifics. The many additions and changes which have since been made to it were made for the purpose of obtaining more or less revenue through higher or lower rates of duties. Since the close of the war less revenue has been required, and taxation of all kinds has been repeatedly diminished. When we have a surplus of revenue, the time will have arrived for a reduction of duties as well as for a simplification of the various statutes on the subject, unless it should be found more expedient to part with more of internal revenue.

The receipts from customs for the year ending June 30, 1861, were only $39,582,125.64, and for 1865, under the new tariff, they were $333,714,605.

The amount of pig-iron produced in 1861 was only 821,223 tons, which increased to 2,066,594 tons in 1878.

The exports of manufactured articles in 1860 amounted to $42,408,934, which in 1878 had increased to $135,171,921. There is hardly an article in the tariff list that is not now to be had in our markets at much lower prices than in 1860. Pig-iron, which brought $23 per ton in 1860, is sold now for $18.50. Iron rails, which were sold for $48.75 per ton, are sold now for $33.50. Bessemer steel rails, which in 1866 brought $165 per ton, are now to be had for $41.

The amount of gold and silver in the country in 1860 was estimated at	$200,000,000
And the amount of State-bank currency was	207,000,000
Making a total of	407,000,000

Since that date the amount of coin has been nearly doubled, and the amount of paper currency has been more than trebled.

The amount of gold and silver in the country in 1878, according to the report of the late Director of the Mint, was	$244,353,390
And the amount of silver was	88,090,557
The domestic production of gold for the last ten months, less exports, as estimated by the present Director of the Mint, has been	35,000,000
And of silver for the same time	23,000,000
Making a total of	390,443,947

From our own resources of the precious metals, with this large and constantly accumulating stock on hand, it is conclusively demonstrated that we are able, with nearly four hundred millions of coin, to maintain resumption and to keep our paper currency at par, without any draught upon the supplies abroad. Both gold and silver in the Treasury have actually increased since resumption (together) to the extent of $9,483,707.

In addition to coin, the amount of currency outstanding April 1, 1879, was as follows:

United States legal-tender notes	$346,681,016
National-bank currency	327,969,911
Fractional currency	15,874,781
Notes of gold banks	1,466,600
Total	691,992,308

This, added to our coin, makes a grand total of $1,082,435,255, which would seem to be quite equal in amount to any wants of trade for some years to come, though not quite up to the supreme exigency of a democratic campaign in Ohio.

The excess of the exports of gold and silver coin and bullion in 1860 over imports was $57,996,104, while it was only $3,918,811 in 1878, which leaves almost our entire production of both gold and silver for our own home consumption.

The production of American cotton in 1860 was larger than in any prior year, amounting to 2,275,372,309 pounds, and yet nearly thirty million pounds more were produced in 1878, or 2,305,173,286 pounds, of which 190,189,018 pounds more were retained and manufactured at home than in 1860. All men agree that, beyond the staple crops, the increase of other productions in the Southern States, making them almost self-supporting as to provisions, has been on a grand scale of improvement.

In 1861 the amount of wool produced in the United States was only 75,000,000 pounds, against 207,000,000 pounds in 1878.

In 1860 the anthracite coal produced in Pennsylvania amounted to 9,807,118 tons of 2,240 pounds, against 21,323,000 tons in 1877.

The production of wheat in 1860 amounted to 173,104,924 bushels, against 364,194,146 bushels in 1878. The amount of corn produced in 1860 was 838,792,740 bushels, against 1,342,558,000 bushels in 1878.

Our entire exports in 1860 amounted to $316,242,423, against $695,749,938 in 1878. The imports in 1860 were $353,616,619, against $439,051,532 in 1878. The imports of manufactured commodities in 1860 were $240,245,702; and, notwithstanding the much larger population, the amount in 1878 was no more than $273,772,943.

There is, perhaps, no Department of the Government which more correctly illustrates the growth of the country than the Post-Office Department. I will give a table of comparative results:

	1860.	1878.
Ordinary postal revenues	$8,518,067 40	$29,277,516 95
Total expenditures	$14,874,600 63	$34,165,084 49
Number of railroad routes	349	1,000
Length of railroad routes in miles	27,129	77,120
Aggregate miles of annual transportation on railroad routes	27,653,749	92,120,395
Aggregate miles of annual transportation on other routes	47,071,027	66,064,980
Number of stamps and stamped envelopes issued	245,650,685	932,766,153
Number of postal cards issued	.....	200,630,000
Number of post offices	28,498	49,258
Number of money-orders issued	.....	5,613,117
Value of money-orders from June 30, 1865	.....	$81,442,364 87
Excess of expenditures over revenue	$6,356,533 23	$4,887,567 54
Departmental officers	99	359

The excess of postal expenditures over revenue in the slave-holding States in 1860 was $3,401,463.40, and in the same States in 1878, with greater expenditures, the excess had fallen to $2,427,759.97.

The number of immigrants arriving here for the eleven fiscal years from 1868 to 1878 inclusive have been 3,199,268, and is now steadily on the increase.

The crop of tobacco, according to the census of 1860, (crop of 1859, which was a very large one,) was 428,121,000 pounds, of which 214,000,000 pounds were exported. The average export for the last five years has been 260,674,102 pounds, to which add the leaf manufactured, 193,453,806 pounds, and it makes a total present annual product of 454,127,908 pounds. This shows that with the increase of the crop the export trade has also satisfactorily increased.

The republican party made a reduction in the expenses of the Government every year after the close of the war, and the democratic party is entitled to the credit of contributing, with the aid of the Senate and the Executive, to the same result in the Forty-fourth Congress to the extent of $20,000,000 for the fiscal years of 1877 and of 1878. But the democratic party does not like the strait-jacket of economy, except while it is on trial for good behavior. Already the regular annual appropriations, omitting such permanent appropriations as never appear in the annual bills, like the interest on the public debt, which have been voted by the democratic House are beginning to exceed anything we have had for ten years.

For the last four years—

And I copy from the North American Review the carefully prepared statement by General GARFIELD—

they were as follows:

For the fiscal year ending June 30, 1877	$124,122,010
For the fiscal year ending June 30, 1878	114,069,483
For the fiscal year ending June 30, 1879	146,304,309
For the fiscal year ending June 30, 1880	161,808,934

To this last amount should be added $16,500,000, authorized by law at the last session, but yet to be appropriated, to pay the arrears of pensions, which will swell the amount of the appropriations authorized for the next fiscal year to $178,300,000. Even this large amount must be further increased by the deficiencies which will be required for that year. The appropriations authorized at the last session, not including these deficiencies, exceed by $54,000,000 the amount at the last session of the Forty-fourth Congress, and considerably exceed those of any year since 1869.

It might seem a little absurd for the prodigal, on his return to his father's house, to have called upon his hard-working brother to give an account of the expenditures upon the homestead—to show his books—during the time the prodigal was absent among the harlots; but republicans do not shrink from any scrutiny even of that character. They preserved the Union, with added glories and with the least possible expense. War subjects official integrity to unusual temptations; but the record is before the world, and even hostile inspection and comparison is invited. The loss of money received by the Government during the last term of General Jackson was $10.17 for each $1,000; in Van Buren's time it was $3.01 for each $1,000; in Buchanan's time it was 62 cents for each $1,000; in Lincoln's time it was 10 cents for each $1,000; in General Grant's first term it was 37 cents, and 22 cents for the second term, on each $1,000. That is the way the account stands, and republicans are quite willing the books should be investigated.

Since the close of the war it would be a low estimate to say that $100,000,000 have been paid to citizens of the South for losses caused by the rebellion. Notwithstanding this and all other democratic drawbacks, the material prosperity of the people during all the years of republican ascendency and democratic opposition, I have shown to have been conspicuous and unexampled in the annals of our country. The republicans handed over to the democratic majority in Congress an ample revenue together with a large and handsome surplus in the Treasury. Already new and obnoxious taxes, it is whispered, must supply deficiencies. The books are posted; he who runs may read; and no partisan accountant, no expert, can mystify or hide the stubborn facts. As has already been indicated, I now propose to examine the claims of the democratic party to the future confidence of the people. Is there anything in its history, past or present, that entitles it to lead, upon either fundamental principles of freedom and good government or upon any of the economical and financial questions

which most concern the material welfare and prosperity of the country? I am not striving to say bitter things for there has been no time when the republican party has not been to the South, in the words of Sextus Pompeius, "as a friend by inclination; as an enemy from necessity." Nor would I degrade economical and financial questions by making them dependent upon the success or failure of political parties. Much rather would I have these great American questions to be wholly and intelligently decided upon the sole basis of the best interests of the whole country.

The House of Representatives, where the Speaker and committees are all under the domination of the democratic majority, tempered by a solid South, offers some evidence, of a very practical sort, of the measures it seriously proposes in the sixty-five hundred and forty-nine bills introduced during the last Congress, and in the litter of nearly fourteen hundred introduced in one day (April 21) of the present session. The Senate is not without its riches of this kind; but the Senate, since the 4th of March, barely registers the edicts of the House, or seems in the mood of passing, unbolted, whatsoever grist comes from the House. Of course I shall neither weary nor amuse the Senate by reviewing all of the notable congressional exhibitions of statesmanship which have been recently formulated in the shape of bills; but I shall be more than justified in calling attention to a few bills, not greatly differing in character from other thousands which have appeared on our desks as having been introduced chiefly in the House of Representatives by democratic members.

To begin with bills of the House in the last Congress:

H. R. 2596 (Mr. Riddle) proposed to suspend the sinking fund.

H. R. 2612 (Mr. BUCKNER) proposed the same thing.

These are distinct declarations, with more of the same sort in the Senate, that no more of the public debt is to be paid now, if ever, or hardly ever. The debt-paying policy of the American people is to be reversed, and by that party primarily responsible for the existence of the debt. In referring to bills I shall give the number but not the full title whenever I find less words will give a better idea of their purpose.

H. R. 3430, (Mr. SHELLEY,) to authorize the issue of $500,000,000 of legal-tender notes for redemption of bonds, and coin is to be purchased with the notes, and not less than $50,000,000 of bonds are to be redeemed in any one year. This would be inflation on a grand scale, but the amount of coin, if any, that could be purchased with such paper would be on a much smaller scale.

H. R. 5098, (Mr. CULBERSON,) to restrain the payment of 5-20 bonds, except in legal-tender Treasury notes.

H. R. 5116, (Mr. WRIGHT,) to authorize the issue of $400,000,000 of notes to be expended for public buildings, rivers and harbors, and never to be redeemed. This is the same Hon. HENDRICK B. WRIGHT who was in the House at the time when the legal-tender notes were originated and denounced the measure, February 5, 1862, as follows:

> This bill proposes, sir, to throw on the country $100,000,000 of Treasury notes, payable at no time—payable nowhere—payable at the pleasure of the Government—and the astounding clause is added, that these notes, payable at no place, at no time, shall be lawful money and a legal tender in payment of all debts, public and private, within the United States. Now I submit, as a matter of law, as a correct conclusion from the Constitution itself, that you cannot under the Constitution of these United States make anything but gold and silver a legal tender on contracts.

I voted myself against the legal-tender-note bill with all my colleagues then in the House or Senate, doubting the constitutional power, and because we believed there would be difficulty, as there is, about final redemption. I knew that demagogues die, but never surrender, and that every State has its "buncombe" county; but I was then in the excellent company and voting arm in arm with the eloquent junior Senator from Indiana [Mr. VOORHEES] and with the careful and erudite junior Senator from Ohio, [Mr. PENDLETON,] both of whom were not then less distinguished as members of the democratic party in the House than now as members of the Senate. Let me give a specimen of the well-balanced periods of the Senator from Ohio as member of the House, January 29, 1862, from an elaborate argument against the constitutionality of the legal-tender notes. The Constitution in this respect has not been changed.

I believe—

Said Mr. PENDLETON—

> that this Government has reached a crisis in its history. I believe that it is approaching a period in the history of its legislation which may determine the question of its continuance. By wisdom it may overcome the evils of secession; by its great powers and resources it may be able to defend itself against those in arms against it; but I firmly believe that it cannot maintain itself against the shock of the accumulated and manifold dangers which follow inevitably closely in the wake of an illegal, unsound, and depreciated Government paper currency.
>
> I find no grant of this power in direct terms or, as I think, by fair implication. It is not an accidental omission; it is not an admission through inadvertency; it was intentionally left out of the Constitution because it was designed that the power should not reside in the Federal Government.

The Senator from Indiana [Mr. VOORHEES] did not fail to record his vote against legal-tender paper money in 1862, and he had not become a convert to this sort of money until years after; for I find his utterances in the House trumpet-tongued against the "meretricious splendor" of this "gigantic scheme of human credulity and folly" as late as March 5, 1864. I will read an extract, but I regret that it will lack his magnificent voice and more magnificent gesticulation:

Unnatural prices—

He said—

> are paid for everything. A meretricious splendor hails us upon the streets, at the rout, the assembly, and the theater. The nation seems fattening on blood and carnage. But this high, feverish flush which we everywhere behold is not the genial warmth of health. It is the finer hectic glow of a swift consumption. It is the herald of death, and points to the tomb. What we call money is not money, and the most gorgeous wealth has no value, because it is a prey to the monster, debt.
>
> The credit of the Mississippi company became the basis of an illimitable paper currency, and both the King and people of France hailed John Law, its founder, as the deliverer of their kingdom. It was treason to doubt the infallibility of his gigantic scheme of human credulity and folly, as it is now to doubt the wisdom and final success of our own financial department.
>
> At about the same period a similar frenzy was raging on the other side of the English channel, and British statesmen fancied they had found the magic alembic by which paper issued upon credit could be made to supply the uses of gold.

I could find a great deal more of argument and sentiment of this sort and at this time in democratic speeches in the House and Senate. They were all that way.

H. R. 5190, (Mr. ATKINS,) to tax United States bonds 1 per cent. under regulations to be made by the Secretary of the Treasury.

H. R. 296, (Mr. Banning,) for the free coinage of the silver dollar for the benefit of the owner of silver bullion.

H. R. 301, (Mr. EWING,) for coinage of silver dollar and no charge for coinage except for assay.

H. R. 3474, (Mr. SPARKS,) to coin silver bullion free of charge, issue certificates therefor receivable for all public dues, and when so received may be reissued.

H. R. 5378, (Mr. FELTON,) to make trade and Mexican dollars a legal tender.

H. R. 5405, (Mr. ATKINS,) to make all subsidiary coin legal tender for debts due to the United States.

H. R. 5377, (Mr. FELTON,) to compel national banks to receive silver dollars.

H. R. 5608, (Mr. FORT,) to enforce the legal-tender quality of silver dollars.

H. R. 5437, (Mr. BUCKNER,) directing the Secretary of the Treasury to purchase $7,000,000 of silver bullion, and coin the same monthly.

H. R. 102, (Mr. Cutler,) to tax all United States bonds hereafter issued.

H. R. 223, (Mr. Robbins,) for the sale, free of tax, of tobacco by producers.

H. R. 229, (Mr. VANCE,) repealing tax on State banks.

H. R. 221, (Mr. Robbins,) reducing tax on spirits and tobacco.

H. R. 1522, (Mr. STEPHENS,) for the issue of three hundred and fifty millions of exchequer bills.

H. R. 307, (Mr. EWING,) repealing the resumption act.

H. R. 334, (Mr. Riddle,) to abolish national banks.

H. R. 212, (Mr. SCALES,) to refund direct tax imposed on the late insurrectionary States.

H. R. 1339, (Mr. COOK,) to refund cotton tax ($68,072,388.79) which, it should be noticed, was nearly all the tax collected in the course of six years from the late insurrectionary States; and it is not now proposed to refund the amount to those who paid the tax, nor to the producers of the cotton, but to the several States.

H. R. 53, (Mr. WILLIS,) tariff bill reducing duties, changing many specific to *ad valorem*, reducing the duties on wool to three, five, and six cents per pound, repealing the free list, putting a duty on coffee of three cents per pound, and on tea of fifteen cents per pound.

These bills are significant of the aims and purposes of many of the leading members of the last House of Representatives, and indicate the legislation which the democratic party have at heart. I will now give some examples of the quality of the bills received from the House at the present session.

H. R. 369, (Mr. J. J. DAVIS,) to reduce the tax on brandy made from apples, peaches, or grapes, to thirty-five cents per gallon.

H. R. 369, (Mr. CABELL,) to repeal all taxes on brandy made from apples, peaches, or grapes.

H. R. 340, (Mr. GOODE,) to indorse by the United States $400,000 bonds of the Dismal Swamp Canal Company at 6 per cent. interest for forty years.

This sum may be needed in many dismal swamps, but forty years is a good while to trust a company with such a name.

H. R. 338, (Mr. GOODE,) to appropriate $500,000 for a fresh-water basin near Norfolk for iron-clad vessels.

Unfortunately, Norfolk as a place of safety for United States vessels has some unpleasant memories. "But ships are but boards; sailors but men: there be land rats and water rats."

H. R.—, (Mr. KLOTZ,) to pension survivors and widows of those who served fourteen days in the war of 1812, or fourteen days in the war with Mexico, and any land grants received to be *prima facie* evidence of service; and all widows of names stricken from the rolls of such persons as have taken up arms against the Government are to be entitled to make claim for a pension after the passage of this act.

H. R. 458, (Mr. CHALMERS,) to provide for the organization of the Mississippi improvement commission. This appears to be a magnificent scheme to obtain magnificent appropriations for a magnificent river.

H. R. 525, (Mr. EWING,) to impose an income tax with rates graduated from 2½ up to 5 and 10 per cent.

H. R. 628, (Mr. T. TURNER,) to impose an income tax graduated from 1½ up to 10 per cent.

H. R. 813, (Mr. J. W. SINGLETON,) to provide for the issue of United States notes, not bearing interest, in denominations of not less than

$1, full legal tender, for all debts, public and private, except interest on the public debt; "and said notes shall be paid out upon any appropriation authorized by law that the ordinary revenue of the Government may be insufficient to meet;" and no notes so issued shall be canceled or retired. And in order that revenue shall be insufficient, another section of the bill proposes to repeal a dozen chapters of the Revised Statutes which provide for internal revenue from ale, beer, spirits, tobacco, stamps, and banks, and all other parts of laws relating to internal revenue.

H. R. 410, (Mr. STEPHENS,) to provide for a new metric gold coin for international use, to be known as the Stella, and to contain six grams of pure gold, three decigrams of pure silver, and seven decigrams of copper, and the weight thereof to be seven grams of the value of $4; the Secretary of the Treasury to fix the charge for making the alloy and coinage to any holder of gold bullion or coin, and one mill to the dollar to be paid for the patent-right for said alloy to William Wheeler Hubbell, or his legal representative.

H. R. 412, (Mr. STEPHENS,) to provide for metric gold or metric goloid ingots of $500 each, one mill on the dollar to be paid to William Wheeler Hubbell for the patent, and certificates to be issued therefor in sums of $5, $10, $20, $50, $100, and $500, receivable for customs, taxes, and all public debts, and to be reissued and renewed when mutilated.

H. R. 411, (Mr. STEPHENS,) to authorize the coinage of the goloid metric dollar, $2, of fractions of a dollar, and also of the metric gold double eagle, eagle, and half eagle, all of standard value; one mill to the dollar in value of said coinage or alloys to be paid for the patent-right to William Wheeler Hubbell, or his legal representatives.

H. R. 1040, (Mr. CULBERSON,) to revive and extend the right of action in the Court of Claims "to those claimants whose claims have been adversely determined by said court upon the ground of disloyalty."

H. R. 1049, (Mr. MILLS,) making all bonds hereafter issued payable in gold, silver, or legal-tender notes, at the option of the Government.

H. R. 1053, (Mr. MILLS.) Exactly the same bill, on the same day, and by the same member.

H. Res. 16, (Mr. HOSTETLER,) requiring Secretary of the Treasury to redeem interest-bearing bonds in silver whenever there shall be accumulated $5,000,000.

H. R. 1051, (Mr. MILLS,) to repeal exemption of deposits in savings-banks. This exemption covers only the smaller deposits of less than $2,000. The bill aims a blow at institutions which have proved, next to education, the greatest boon the laboring classes have ever had.

H. R. 349, (Mr. SCALES,) to refund direct taxes on land in the late insurrectionary States under the act of August 5, 1861.

H. R. 104, (Mr. CULBERSON,) to provide for the unlimited coinage of silver.

H. R. 24, (Mr. REAGAN.) This is a proposition to change the Constitution so that direct taxes shall be levied and apportioned in proportion to the value of property in each State and Territory, with the right of the State to collect its portion by its own officers and under its own laws. In case of failure, to be collected by the United States.

H. R. 23, (Mr. REAGAN,) to pay the State of Texas $1,629,615.69 on account of money paid for frontier defense.

H. R. 2023, (Mr. BICKNELL, from select committee,) to provide for and regulate the counting of the votes for President and Vice-President and the decision of questions arising thereon.

The main proposition of this bill is in case of any "controversy in any State as to the appointment or eligibility of electors, the same may be passed upon by its highest judicial tribunal in accordance with its laws," and "the decision thereof by its highest tribunal shall be conclusive, and the vote shall be counted in accordance therewith unless reversed by both Houses."

It will be seen that, notwithstanding the loud professions constantly made here about State rights, no State is to be permitted to appoint electors of President and Vice-President in any manner that cannot be reversed by a democratic House and Senate. Even a decision "by its highest judicial tribunal in accordance with its laws" is not to be conclusive, and may be "reversed by both Houses." This law, if passed, would obviously give to "both Houses" the power to elect whichever of the candidates they should see fit, although the people by an overwhelming vote had decided otherwise.

A party controlling the late House of Representatives of the Forty-fifth Congress, which excluded FIELD, Haralson, BELFORD, Pacheco, and Bisbee, all republicans and rightfully elected as members of that body, and which seated in their places Dean, SHELLEY, Patterson, Wigginton, and FINLEY, all democrats, and not one of them lawfully entitled to seats, may be trusted to elect the democratic candidate for the President whenever the chance occurs. A party which in the Senate initiates proceedings to oust a Senator after the question of his election had been once decided on its merits, and after the Senator had occupied his seat for years, may be trusted by its friends to seat the democratic candidates for President and Vice-President at the earliest opportunity.

H. R. 1715, a bill reported from the House Committee on Revision of the Laws "to repeal certain sections of the Revised Statutes and of the Statutes at Large relating to the removal of causes from State courts."

A Senate bill, 275, (Senator WHYTE,) seems even more sweeping in its character; and they both propose to take away all right of removal of any prosecution under revenue laws and all other laws.

First. No one who invokes the Constitution or laws of the United States as a defense to a State prosecution is to have his trial in a national court.

Second. No suit between citizens of different States is to be removed to the United States courts.

Third. No civil right or fourteenth and fifteenth amendment cases are to be so removed. In other words, the States are to have power to nullify all the power of the United States to enforce its own revenue and customs laws, or any others.

H. R. 444, (Mr. MULDROW.) This bill authorizes and directs the issue of $500,000,000 of legal-tender notes not bearing interest, and to purchase coin with said notes "for the purpose of redeeming any bonds of the United States outstanding, when by the terms of the original contract the same are payable in coin."

H. R. 1364, (Mr. COX,) to retire national-bank notes when received at the Treasury for redemption, burn and destroy them, and to issue an equal amount of United States notes. When received to the amount of $10,000 to cancel a proportionate amount of bonds held as security, and when all notes of any national bank shall have been retired, to return to the bank any surplus of bonds remaining to its credit.

It is to be noted that the Treasury is the mere custodian of bonds purchased and paid for, often at a high premium, and that the existing law requires their return to the banks upon the surrender of their circulation. Yet it is proposed not only to burn up the notes of national banks, but to grab and cancel the bonds held as security, and to square the account by an issue of an equal amount of United States notes. A more flagrant proposition of confiscation and repudiation could hardly be conceived.

H. R. 319, (Mr. HUNTON,) to pay Maryland and Virginia for advances made in 1791 for the purpose of aiding in erecting public buildings at the permanent seat of government.

H. R. 1357, (Mr. COX,) to regulate commerce between the United States and the Dominion of Canada.

This bill proposes to fix a much lower scale of duties for this colony of Great Britain, to take effect when an act reciprocal in terms shall have passed the Legislature of Canada. All of our treaties with foreign nations require that all privileges shall be granted to each one that are granted to the most favored nation, and that no higher duties shall be demanded of one than of any other; but this bill does not seem to regard the obligation of treaties.

H. R. 564, (Mr. WEAVER,) to amend certain sections of the Revised Statutes relating to coinage and coin and bullion certificates.

This bill is full of objectionable features, and appears designed to effect an unlimited issue of silver certificates to circulate as currency and to give to any ring of speculators an opportunity to make fortunes out of the Treasury by the monopoly and control of the silver market for a single week.

From the handiwork of those most widely known as greenbackers I will now present a few specimen bills which, not less than ape-headed centaurs and double-tailed unicorns, would seem better calculated to excite curiosity than respect; and yet these honorable members are really in earnest, while the democrats know, having been taught from their youth up, that fiat paper money is not a whit better than deal boards made of saw-dust, but they are to a large extent quite willing to allow that any Quixotic eccentricity or monomania which afflicts or distinguishes greenbackers equally belongs to them, and may be expected to so belong until after the next election.

H. R. 1630, (Mr. DE LA MATYR,) to provide for funding municipal indebtedness with United States paper money, to be issued to any such corporation for their bonds at par, a sum equal to the outstanding debts of such corporation at a rate of interest not exceeding 2 per cent., and to run not less than fifty years.

H. R. 10, (Mr. MURCH,) providing for $50,000,000 of fractional currency, which is to be a legal tender the same as subsidiary silver coin.

H. R. 5, (Mr. LADD,) provides for gold and silver coinage on the same footing, and the owners of either to pay only actual cost of coinage.

H. R. 1072, (Mr. WEAVER,) authorizing the Secretary of the Treasury to issue $600,000,000 of United States Treasury notes, to be known as lawful money of the United States, and to be a legal tender and paid out as Congress shall hereafter direct.

H. R. 1631, (Mr. DE LA MATYR,) to provide $1,000,000,000 of legal-tender greenback currency for general circulation, and to be loaned for fifty years to any corporation that may apply, and for such an amount as they may desire, without interest for five years, and then at the rate of 3 per cent. interest until paid.

But I cannot wholly neglect some bills which have made their appearance in the Senate.

> The things, we know, are neither rich nor rare,
> But wonder how the devil they got there.

S. 12, (Senator MCDONALD,) to authorize the States of Ohio, Indiana, and Illinois to commence and prosecute suits against the United States in the Supreme Court on account of sales of public lands in each of said States.

When a similar bill was formerly presented by a republican Senator, we had large help from democrats in aiding its defeat, and can we now rely upon an equal manifestation of virtue?

S. R. 7, (Senator COKE,) authorizing the Secretary of the Treasury to pay over to the State of Texas the balance of the fund of $7,750,000 appropriated in 1850 for the payment of the creditors of the late Republic of Texas.

An appropriation of $10,000,000 was made in 1850 to pay debts of Texas, and for territory claimed but said not to belong to her. The debt, $4,045,027.14, such as it was, then floated around at from five to ten cents on the dollar, and enough of it proved to be in the pockets of a few distinguished gentlemen to furnish the foundations for tell-tale fortunes. This bill is apparently to take out of the Treasury a supposed remainder of this malodorous appropriation not yet absorbed by Texas scrip. The amount of the present bill is not set forth, as it was not at the start in the original ten-million bill, to which Senator Benton sarcastically referred when he spoke of its "coy and bashful blank."

S. 28, (Senator BAILEY,) for relief of the book agents of the Methodist Episcopal Church South, $150,000 for compensation for injuries by the United States Army.

S. R. 29, (Senator COCKRELL,) providing for a treaty of reciprocity and commerce with the Republic of France. If such treaties were not palpably unconstitutional, this would be inadmissible, because such articles as brandy and champagne, silks, chinaware, and plate-glass, all consumed by those having unstinted means, could not be admitted by us at nominal rates of duty, and France could have no other object.

S. 31, (Senator BECK,) for the removal of all disabilities imposed by the fourteenth amendment to the Constitution.

This of course includes Jefferson Davis.

S. 51, (Senator MAXEY,) to aid in the construction of the Corpus Christi, San Diego and Rio Grande Railroad.

This is a Texas corporation, and it is proposed that the United States shall pay $6,000 per mile for one hundred and forty-five miles of road, and take a mortgage thereon for security.

S. 64, (Senator WITHERS,) to provide for the recomputation of the accounts between the United States and the several States, and between the United States and the city of Baltimore growing out of moneys expended by the several States and by the city of Baltimore in the war of 1812 with Great Britain.

The cat under this meal is, as it may be inferred, the recomputation of the account of Virginia coming in under the head of "the several States."

S. 71, (Senator BECK,) to repeal section 1218 of the Revised Statutes of the United States, which provides that "no person who has served in any capacity in the military, naval, or civil service of the so-called Confederate States, or of either of the States in insurrection during the late rebellion, shall be appointed to any position in the Army of the United States."

This is intended to open the way for a restoration or appointment of officers lately in the service of the so-called Confederate States.

S. 104, (Senator BECK,) to pay Milton J. Best $25,000 for house destroyed by commanding officer of United States forces in 1864.

This claim was once vetoed by President Grant.

S. 115, (Senator COKE,) to aid in the construction of railroad from San Antonio to Laredo, and to deposit with the Secretary of the Treasury bonds to the amount of $15,000 per mile, payable in forty years, with interest at 4 per cent.; and for this the Secretary to indorse the same and deliver them to the company as fast as the road may be built.

S. 115, (Senator COKE.) Railroad from Galveston to Rio Grande City, three hundred and fifty miles; subsidy of bonds of $7,500 per mile.

S. 121, (Senator MAXEY,) granting to New Orleans, Texas and Colorado Railroad every alternate six sections of land.

S. 213, (Senator GROVER,) to reimburse the State of Oregon $131,000 for moneys paid in suppressing Modoc hostilities in 1872 and 1873.

S. 248, (Senator GROOME,) to aid in the construction of the Maryland and Delaware Ship-Canal, by authorizing the Secretary of the Treasury to indorse the coupons of bonds amounting to $4,000,000, bearing interest at 5 per cent. per annum, payable January 1, 1928.

S. 295, (Senator COCKRELL,) to pay bounty to the enlisted men of the Fifteenth and Sixteenth Regiments of Missouri Cavalry Volunteers, $100 to those who served six months, and $33.33 to those who served less than six months.

S. 384, (Senator GORDON,) to aid the Great Southern Railway Company (consolidated) to construct a line of railway in the States of Georgia and Florida, the said company to issue bonds to an amount of $15,000,000, payable fifty years after date, with interest at the rate of 5 per cent. per annum; and the Secretary of the Treasury is to indorse the guarantee of the United States for the payment of the interest on said bonds.

S. 407, (Senator HILL,) to refund to the State of Georgia $35,555.42 for money paid by said State for supplies for the troops in 1777.

S. 408, (Senator VANCE,) to pay rebel contractors for carrying mail prior to May 31, 1861.

S. 430, (Senator JONAS,) to provide for the completion of a railroad between the ports on the Lower Mississippi River, the Gulf of Mexico, and the Pacific Ocean. This provides that the sum of $10,000 per mile shall be paid by the United States in lawful money on three hundred and thirty-five miles to Shreveport, a like sum for ninety-five miles to the North Louisiana Railroad, for three hundred and thirty-five miles to the Memphis and Great Southwestern Railroad, for six hundred miles to the Galveston, Harrisburgh and San Antonio Railroad, for one hundred and fifty miles to the branch to the Rio Grande. This grand combination calls for money out of the Treasury to the amount of $15,950,000, which the companies are to repay, if able, in twenty years; and if not able, then they are to have another term of twenty years to become able.

S. 443, (Senator MORGAN,) "regulating the appointment of the United States marshals." This bill takes the power to appoint marshals of the judicial districts of the United States away from the President and confers it upon the circuit courts. It is a manifest encroachment upon the appointing power of the President.

S. 544, (Senator GORDON,) to provide for a railway from the Mississippi waters to the Pacific Ocean. This railroad is to have in any lawful money of the United States $15,000 for each mile constructed; and the railroad, if it cannot repay it at the end of twenty years, is to have a credit of another twenty years.

S. 485, (Senator JOHNSTON,) giving consent of the United States to the prosecution of the suit of G. W. Custis Lee, for the recovery of the Arlington estate, on certain conditions.

S. 569, (Senator HEREFORD,) to authorize the payment of customs duties in legal-tender notes.

The various bills to which I have called attention, better than anything else, practically illustrate the true inwardness of the present majority in Congress, its democratic policy, its ability or non-ability to maintain the government of our fathers, its economy and its extravagance. By the fruits the tree is to be known. And what are the leading features of this immense outpouring of measures, big and little, waiting to be hatched out? Among many others will be found—

1. Propositions by which many States with stale claims are to deplete the Treasury of the United States. The most valuable of State rights appears to be old debts against the nation.

2. Subsidy schemes, large in number and gigantic in amount, in behalf of railroads across the continent, as well as within various States.

3. Wiping out the distinction between those who were loyal to the Government and those who were not.

4. Hostility to resumption of specie payments.

5. Plain and palpable, as well as sinister, attacks upon the public credit of the country.

6. Stupendous inflation of paper legal-tender currency, with no purpose of present or future redemption.

7. Violent assaults upon the national banks—upon the best system now existing in the world—with no possible substitute but the restoration of State banks, destitute of capital or security, for the issue of bills current only in their immediate locality.

8. Measures to push silver into circulation and to push gold out of the country, and to give speculators all the profits of exchanging silver bullion for legal-tender coinage of equal weight.

9. Free-trade tariff, by which American industries are to be subjected to the Darwinian theory of natural selection, or the survival of the fittest, and whatever cannot be produced here for less wages than anywhere else to be abandoned.

The democratic party, with the prestige of having long insisted upon the hard-money doctrines of Benton and Jackson, that the Constitution only permitted Congress to provide coin as money; and having, even during the late war, loudly denounced the issue of paper legal-tenders, at the very outset, as flagrantly unconstitutional, it might well have been expected that this hard-money party would have been foremost in the support of a restoration of specie payments and the maintenance of a sound currency. Instead of all this, they have persistently denounced the law fixing the date for resumption which allowed four years for preparation, as a "hinderance," just as they denounced in 1864 the war to preserve the Union "a failure," and with just as little of truth. This party is not now seeking a diminution of the public debt by payment, but, as the Government cannot be sued, proposes to make at its own sweet will, and regardless of its intrinsic value, as little of silver, or as much of paper, as it chooses, a legal-tender for all debts, public and private. So far as this may go below the money standard of the world it is flat repudiation. For the honor of our common country I would not say that the democratic party are in favor of repudiation, nothwithstanding the present attitude of Virginia, Tennessee, Louisiana, and some other democratic States, but I must say, judging by the measures which so many of its component members propose, that there will not be a repudiationist in all the land who will not make his home in its bosom, unless the greenback party shall uncover greater nakedness and greater temptations.

As soon as the democratic party obtained a majority in the House of Representatives a so-called free-trade-tariff bill was proposed, the handiwork, as was supposed, of a New York custom-house clerk; and, though it was not a success, the country has suffered from the agitation of the subject more or less ever since. At the last session another tariff bill was introduced into the House, and again was the country long annoyed by the abortive agitation of crude and unwholesome changes; but finally, so apparent was its unwisdom, that its enacting clause was stricken out by a vote of 134 to 121.

The proposition was not for the purpose of rescuing our people from any existing depression in business affairs nor for starting any new

enterprises at home in any part of the country, but for stimulating foreign markets with an active American demand for the products of foreign labor and foreign machinery.

The anomalies of the bill are too numerous to receive attention now. Raw materials not produced at home, but essential to home manufactures and, therefore, now free, were to be subject to duties. The farmers were taken care of in the left-handed way by imposing a duty on wheat, but wheat flour was to be admitted free of duty. Rice was to be subjected to duty, but rice flour was to be free. Potatoes, yielding annually half a million dollars of revenue, were to be admitted free of duty. Buckwheat, peas, and beans were also to be free. The bill retained a duty on beef and pork, but mutton and poultry were to be free. Why, if Canada had made the bill it could hardly have presented a more sunny side to our neighbors across the border, while our farmers seem to have been left wholly out in the cold.

If there was ever a time when the country needed rest from crude and rash experiments it is now, when business activities appear to be awakening from a long slumber, and when both labor and capital are eagerly seeking something to do. And yet the tariff agitation has not been the only annoyance of business men. The subject of a reduction of the tax on spirits interfered greatly with the sale of corn, stopped all movements of trade, inflicting heavy losses in many cases, until fortunately the matter was put at rest by a vote of the Senate, and at the earnest request of those concerned in the business. Again, the question of a reduction of tax on tobacco, not asked for by the consumer, and destructive to six months of business, after long discussion was accomplished, at the loss of much revenue when we had none to spare; but neither the consumer nor the producer obtain the smallest benefit from the reduction. All these changes, and threatened changes, are at war with that stability in legislation upon which the prosperity of the country is largely dependent.

I have placed upon the record the spirit and the letter of what is proposed by the democratic party, and I invoke the public judgment upon the merits of that record. Who will venture to say that the general welfare of the country can be promoted by any or all of the wild and extravagant propositions so seriously presented? And yet we have nothing else to expect from the democratic legislators. They are here, I fear, not to build up but to tear down.

If the republican party is now deprived of the power of affirmative legislation, it may at least point with some pride to the retrospect of its past career, and to the credit to which it is legitimately entitled. There is not a man among us who cannot have his homestead of one hundred and sixty acres if he chooses to take it. Forty-four national colleges, or institutions teaching that scientific knowledge most useful to the farmer, mechanic, miner, and engineer, have been prosperously established, at least one in every State, and mainly within reach of the industrial classes. No man has lost a dollar by holding bills of national banks. Our pension-roll is of unexampled liberality and intended to include every worthy man. The money now paid to all laboring-men is equal to gold. Our export and import trade was never in a more healthy condition. Resumption of specie payments places our commerce and credit in harmony with the foremost nations of the world. We are at peace with all the world. The increased number of immigrants constantly arriving proves that greater rewards to industry are received here than anywhere abroad, and that there is a higher level of living here for the great masses of mankind than in any other country. It is a fact that no foreigner will dispute, that Americans are better fed, better clothed, and better schooled than any other fifty million of people. It is true that the rebellion was a great calamity, but it did not prove overwhelming, and our recovery has been not only heroic but transcendent.

That our moral and political triumphs have been far greater than our material admits of no doubt, but in relation to the latter, and to show that the Republic has received no detriment at the hands of the republican party, I will close by quoting the words of Mr. Gladstone in his Kin Beyond Sea, when writing of the children of a "prolific British mother:"

> But, among these children, there is one whose place in the world's eye and in history is superlative: it is the American Republic. She is the eldest born. She has, taking the capacity of her land into view as well as its mere measurement, a natural base for the greatest continuous empire ever established by man. And it may be well here to mention, what has not always been sufficiently observed, that the distinction between continuous empire and empire severed and dispersed over sea is vital. The development which the Republic has effected has been unexampled in its rapidity and force. While other countries have doubled, or at most trebled, their population, she has risen, during one single century of freedom, in round numbers from two millions to forty-five. As to riches, it is reasonable to establish, from the decennial stages of the progress thus far achieved, a series for the future; and, reckoning upon this basis, I suppose that the very next census, in the year 1880, will exhibit her to the world as certainly the wealthiest of all the nations.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed a bill (H. R. No. 2263) supplemental to "An act to establish post-routes;" in which it requested the concurrence of the Senate.

The message also announced that the House insisted upon its amendments to the fourth amendment of the Senate to the joint resolution (H. R. No. 1) to repeal certain clauses in the sundry civil appropriation act, approved March 3, 1879, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. J. D. C. ATKINS of Tennessee, Mr. T. R. COBB of Indiana, and Mr. J. R. HAWLEY of Connecticut managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. No. 1842) to remove the political disabilities of J. C. Pemberton, of Philadelphia, Pennsylvania; and

A joint resolution (H R. No. 94) directing a monument to be erected to mark the birthplace of George Washington.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. BECK. I am directed by the Committee on Appropriations to report back the bill (H. R. No. 2251) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes, with amendments, and I ask that it be printed and placed on the Calendar. I shall endeavor to call it up to-morrow, or, at the latest, day after to-morrow; to-morrow if possible.

CASE OF FITZ JOHN PORTER.

Mr. CHANDLER. I present a copy of an original letter of General Pope to General Sherman, dated October 23, 1878, embodying a letter of Colonel Schriver, and extracts from the reports of the operations of the Army of Northern Virginia in the summer campaign of 1862, which I move be referred to the Committee on Military Affairs, to accompany the message of the President, previously referred to that committee, in relation to the case of Fitz John Porter.

The motion was agreed to.

INTERNAL-REVENUE LAWS AND MANUAL.

Mr. BURNSIDE submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate, (the House of Representatives concurring,) That the Public Printer is hereby authorized to bind in cloth 3,000 copies of the Compilation of Internal-Revenue Laws and 3,500 copies of the Internal-Revenue Manual for the use of the Treasury Department.

EXECUTIVE SESSION.

Mr. BURNSIDE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirty-seven minutes spent in executive session the doors were reopened.

DISEASES OF DOMESTIC ANIMALS.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring therein,) That there be printed 100,000 copies of Special Report No. 12 of the Commissioner of Agriculture, containing the reports of the examiners appointed to investigate the diseases of swine and contagious and infectious diseases incident to other classes of domesticated animals, of which 70,000 copies shall be printed for the use of members of the House, 25,000 for the use of members of the Senate, and 5,000 copies for the use of the Commissioner of Agriculture.

CHANGES OF SUNDRY CIVIL BILL.

The Senate proceeded to consider the amendment of the House of Representatives to the fourth amendment of the Senate to the joint resolution (H. R. No. 1) to repeal certain clauses in the sundry civil appropriation act approved March 3, 1879.

On motion of Mr. DAVIS, of West Virginia, it was

Resolved, That the Senate insist upon its disagreement to the amendment of the House of Representatives to the fourth amendment of the Senate and agree to the conference asked by the House of Representatives on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore.*

The PRESIDENT *pro tempore* appointed Mr. DAVIS, of West Virginia, Mr. WALLACE, and Mr. ALLISON.

HOUSE BILLS REFERRED.

The following bills and joint resolutions from the House of Representatives were severally read twice by their titles, and referred as indicated below:

A bill (H. R. No. 2252) making appropriations for certain judicial expenses—to the Committee on Appropriations;

A bill (H. R. No. 2263) supplemental to "An act to establish post-routes"—to the Committee on Post-Offices and Post-Roads;

A joint resolution (H. R. No. 34) to print 5,000 copies of the final reports of the United States centennial commission upon the international exhibition and centennial celebration of 1876—to the Committee on Printing;

A joint resolution (H. R. No. 77) in relation to treaty negotiations with Russia as to American citizens—to the Committee on Foreign Relations; and

A joint resolution (H. R. No. 95) to pay Patrick Doran for services as messenger, House of Representatives—to the Committee on Appropriations.

Mr. BURNSIDE. I move that the Senate adjourn.

The motion was agreed to; and (at four o'clock and fifty-four minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June* 11, 1879.

The House met at twelve o'clock m. Prayer by Rev. ALFRED H. AMES, McKendree Methodist Episcopal church, Washington, District of Columbia.

The Journal of yesterday's proceedings was read and approved.

NEWSPAPERS AND STATIONERY FOR MEMBERS, ETC.

Mr. FARR, by unanimous consent, introduced a bill (H. R. No. 2260) making an appropriation for newspapers and stationery for Senators, Members, and Delegates for the extra session of Congress which commenced March 18, 1879; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

GAS SUPERINTENDENT FOR CAPITOL BUILDING.

Mr. MARTIN, of West Virginia. I ask unanimous consent to introduce for consideration at this time a bill to provide a superintendent of gas for the Capitol building.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The preamble of the bill states that H. H. Lemon, lately employed on the Capitol police force, was in August, 1870, while in the regular discharge of his duties, seriously injured and permanently disabled so as to incapacitate him for the exercise of manual labor; and that it would be to the manifest public advantage and economy to restore the employment of a gas superintendent under the direction of the Architect of the Capitol.

The bill directs the Architect of the Capitol to employ H. H. Lemon as such gas superintendent at a compensation of $1,200 per annum, to be paid out of the appropriation for lighting the Capitol building, until otherwise provided by law.

The SPEAKER. Is there objection to the consideration at this time of the bill which has been read?

Mr. ATKINS. I think that bill should be referred to the Committee on Accounts.

Mr. MARTIN, of West Virginia. I hope the gentleman will not object to its present consideration.

Mr. ATKINS. I would greatly desire to oblige my friend from West Virginia, but I must insist upon the bill taking its regular course.

Mr. MARTIN, of West Virginia. If the gentleman insists upon his objection, I will ask that the bill be referred to the Committee on Public Buildings and Grounds.

There being no objection, the bill (H. R. No. 2261) was received, read a first and second time, and referred to the Committee on Public Buildings and Grounds.

SETTLERS ON LAND IN INDIAN TERRITORY.

Mr. POEHLER, from the Committee on Indian Affairs, submitted an adverse report upon the petition of sundry persons, dated Baxter Springs, Kansas, asking for the passage of a law allowing them to settle on lands in the Indian Territory; which was laid on the table, and ordered to be printed.

METRIC SYSTEM.

Mr. STEPHENS. I am directed by the Committee on Coinage, Weights, and Measures to submit a report upon the adoption by the United States of the French metric system, not only as to measurements and weights, but as to the varieties and denominations of coinage. I am directed by the committee to ask that the report be printed and recommitted, and to move that 10,000 additional copies be printed for the use of the Senate.

Mr. GARFIELD. That last proposition will have to go to the Committee on Printing.

The SPEAKER. Certainly, it will have to be referred to the Committee on Printing under the law.

There being no objection, the report was ordered to be printed and recommitted.

The following resolution was referred under the law to the Committee on Printing:

Resolved, That 10,000 extra copies of House Report No. 13, first session Forty-sixth Congress, be printed for the use of the Congress.

JULIET LEEF.

Mr. BEALE. I am instructed by the Committee on Commerce to report the bill which I send to the Clerk's desk, and to move that it be referred to the Committee of the Whole on the Private Calendar.

The bill (H. R. No. 2262) for the relief of Juliet Leef, widow, and the heirs of Henry Leef, deceased, owner of the bark Marie Therese, illegally seized by Alexander H. Tyler at Bahia, Brazil, was received, read a first and second time, ordered to be printed, and referred to the Committee of the Whole on the Private Calendar.

Mr. ACKLEN. I desire to reserve to myself the right to submit a minority report in this case.

Mr. NEAL. I object.

Mr. ACKLEN. Is there objection to my submitting a minority report?

Mr. BEALE. The gentleman from Louisiana [Mr. ACKLEN] reserved in the committee the right to make a minority report.

Mr. ACKLEN. I understand that is my right.

The SPEAKER. It is usual to allow the views of the minority to be submitted.

Mr. NEAL. I withdraw my objection.

The SPEAKER. There being no objection, the majority report will be printed together with the views of the minority when submitted, and the bill will be referred to the Committee of the Whole on the Private Calendar.

Mr. CONGER. Not to come back on a motion to reconsider.

The SPEAKER. It is not proposed to recommit the bill to the Committee on Commerce, but to refer it to the Committee on the Private Calendar.

Mr. CONGER. But a motion to reconsider would bring the bill back into the House.

The SPEAKER. The point of order would still lie against the bill. The Chair does not think it a usual practice to bring back into the House by a motion to reconsider bills that have been referred to the Committee of the Whole.

Mr. CONGER. The rule would apply to bills.

The SPEAKER. Even if brought back on a motion to reconsider, a point of order would immediately commit it again to the Committee of the Whole.

Mr. CONGER. That is, if it contained an appropriation.

The SPEAKER. This bill does contain an appropriation.

REPORTS OF UNITED STATES CENTENNIAL COMMISSION.

Mr. HAYES. I am directed by the Committee on Printing to report back, with a favorable recommendation, House joint resolution No. 34, to print 5,000 copies of the final report of the United States centennial commission upon the international exhibition and centennial celebration of 1876.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, &c., That there be printed and bound, under the direction of the Joint Committee on Printing, 5,000 copies of the final reports of the United States centennial commission upon the international exhibition and celebration of 1876; 1,000 copies thereof for the use of the Senate, 3,000 copies for the use of the House of Representatives, 500 copies for the use of the State Department, and 500 copies for the use of the centennial commission.

Mr. HAYES. I wish to say that the passage of this joint resolution is unanimously recommended by the Committee on Printing. I will yield a few moments to the gentleman from Connecticut, [Mr. HAWLEY,] that he may explain the matter.

Mr. HAWLEY. I do not care to make any explanation unless there is objection.

Mr. GARFIELD. The only objection I can see is that the number is too small.

Mr. HAWLEY. That is the only objection I see.

The joint resolution was ordered to be engrossed for a third reading; was accordingly read the third time, and passed.

GEOLOGY OF THE HENRY MOUNTAIN.

Mr. HAYES. I am also instructed by the Committee on Printing to report back a concurrent resolution of the Senate in regard to printing the report on the geology of the Henry Mountain. The committee recommend concurrence in the resolution with an amendment.

The resolution was read, as follows:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed at the Government Printing Office 3,000 copies of volume 2 of the geological series of the reports on the geographical and geological survey of the Rocky Mountain region entitled "The Geology of the Henry Mountain," with the necessary illustrations and charts; 1,000 copies of which shall be for the use of the House of Representatives, 500 for the use of the Senate, 1,000 for the use of the Department of the Interior, and 500 for the use of the survey; the illustrations and charts to be made by the Public Printer, under the direction of the Joint Committee on Public Printing.

The amendment reported by the committee was read, as follows:

In line 9 of the resolution strike out "1,000" and insert "1,500;" in line 10 strike out "1,000" and insert "500;" so as to make the number of copies for the House of Representatives 1,500, and the number for the use of the Interior Department 500.

Mr. REAGAN. Why should not all the copies designed for general distribution be placed at the disposal of the Interior Department? Why provide that a certain number shall be for the use of the survey?

Mr. HAYES. It has always been customary where the report of any survey has been printed that the officers of the survey should have a certain number of copies for distribution. The resolution as amended, which is unanimously recommended by the committee, gives 1,500 copies to the House, 500 copies to the Senate, 500 to the Interior Department, and 500 to the gentleman who conducted the survey.

Mr. REAGAN. It seems to me that the surveyors had best be engaged in the discharge of the duties assigned to them, and that the distribution of documents or information should be intrusted to the appropriate department, to which persons desiring these documents can apply. It seems to me the distribution can be more conveniently and appropriately made by the officers of the Interior Department.

Mr. HAYES. This report is one of the regular series of Major Powell's reports; and it has been customary in printing reports of these surveys to assign a certain number to the officer of the survey for distribution.

Mr. REAGAN. I make no motion, only a suggestion.

Mr. STEVENSON. Inasmuch as I introduced this resolution originally, I desire to say that I trust the resolution as proposed to be

amended by the committee will be adopted. In this form, I like the resolution better than as originally presented.

Mr. DUNNELL. As I understand the amendment offered by the committee, they make a reduction in the number of this report to be printed.

Mr. HAYES. No, sir, the amendment simply changes the proportion assigned to the House of Representatives from one thousand to one thousand five hundred, and cuts down from one thousand to five hundred the number designated for the use of the Interior Department.

Mr. DUNNELL. I think it unfortunate that so small an edition of this valuable work is printed. The number of copies ought to be three times as large. The number proposed will give about seven copies to each member of the House, not half enough for the libraries ordinarily found in a congressional district.

Mr. HAYES. Well, the gentleman can offer an amendment to increase the number.

Mr. DUNNELL. I am told that the number proposed will give but five copies to a member, while in a congressional district there are fifteen, twenty, or more libraries. After we have gone to a large expense—tens of thousands of dollars—in securing material for a report of this character, why should we print so few copies? Besides, after the matter has been set up by the printer and the quantity proposed printed, it is very well known to all of us that an additional number will cost very little.

Mr. HAYES. Let us have a vote on the amendment.

Mr. DUNNELL. I move to amend so as to make the aggregate number printed 5,000, 3,000 of which shall be for the use of the House and 1,000 for the use of the Senate. I make this motion as an amendment to the amendment of the committee. I trust that the gentleman in charge of the resolution will not object.

Mr. HAYES. I certainly will not object.

The question being taken on the amendment of Mr. DUNNELL to the amendment of the committee, it was agreed to.

The amendment of the committee, as amended, was adopted.

Mr. GARFIELD. I observe that the resolution speaks of 500 copies "for the use of the survey." Would it not be better to say "for the use of the office of the survey?"

Mr. HAYES. These copies are designed for the use of the office of Major Powell for general distribution to libraries, &c.

Mr. GARFIELD. The word "survey" does not convey the idea of a person who can use anything. The language ought to be "for the use of the officer in charge of the survey." I suggest that modification.

Mr. HAYES. "Survey" is the term usually employed. Still I have no objection to the modification suggested.

The SPEAKER. The resolution will be modified as suggested by the gentleman from Ohio [Mr. GARFIELD] if there be no objection.

There was no objection.

The resolution, as modified, was adopted.

SUPPLEMENTAL POST-ROUTE BILL.

Mr. COOK. I am directed by the Committee on the Post-Office and Post-Roads to report a bill (H. R. No. 2263) supplemental to an act to establish post-routes.

Mr. BAKER. Is there any general legislation of any sort in it?

Mr. COOK. None whatever.

The SPEAKER. This will be considered as the usual post-route bill, which is uniformally passed by its title upon the assurance of the gentleman reporting it that it contains no general legislation of any sort, and provides merely for the establishment of post-routes.

Mr. COOK. That is all the bill provides for.

The bill was received, read a first and second time, and ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. COOK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. ATKINS. Mr. Speaker, I move by unanimous consent to take from the Speaker's table joint resolution (H. R. No. 1) to repeal certain clauses in the sundry civil appropriation act approved March 3, 1879, returned from the Senate with disagreement to the amendment of the House to Senate amendment No. 4.

The SPEAKER. Is there objection?

There was no objection, and the joint resolution was taken from the Speaker's table.

Mr. ATKINS. I now move to insist on the amendment of the House to Senate amendment No. 4, and to ask for a committee of conference on the disagreeing votes of the two Houses on said joint resolution.

The motion was agreed to.

Mr. ATKINS moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

VINEGAR FACTORIES.

Mr. CARLISLE. I am instructed by the Committee of Ways and Means to report back a bill (H. R. No. 1843) relating to vinegar factories established and operated prior to March 1, 1879, and to ask for its consideration at this time.

The SPEAKER. Is there objection?

There was no objection, and the bill was read, as follows:

Be it enacted, &c., That any vinegar factory for the manufacture of vinegar, established and operated as a vinegar factory prior to March 1, 1879, may be operated for the manufacture of vinegar by the use of alcoholic vapor within such distance less than six hundred feet of any distillery or rectifying-house as the Commissioner of Internal Revenue may, in each instance, upon application to him, permit and prescribe in writing, with the approval of the Secretary of the Treasury.

Mr. CARLISLE. There is a short report accompanying that bill, the reading of which I think will furnish a complete explanation.

The Clerk read as follows:

The Committee of Ways and Means, to whom was referred the bill (H. R. No. 1843) relating to vinegar factories established and operated prior to March 1, 1879, beg leave to report:

That by the fifth section of the act to amend the laws relating to internal revenue, approved March 1, 1879, it was provided that no vinegar factory for the manufacture of vinegar by what is known as the alcoholic vaporizing process should be permitted within six hundred feet of any distillery or rectifying-house. Since the passage of that act it has been discovered that some such factories, which have been established and in operation for many years, are located within less than the prescribed distance, and the result is, unless the law be modified as to such factories, they will be compelled to cease business entirely, or at least to remove from their present localities.

The object of the bill herewith reported is to confer authority upon the Commissioner of Internal Revenue to permit such factories as were already established when the act was passed to continue their operations within such distance less than six hundred feet of any distillery or rectifying-house as that officer may prescribe in writing.

Its passage will not affect any factory established since the 1st of March, 1879, or that may hereafter be established. The bill was prepared at the Treasury Department and your committee are satisfied that under it the interests of the Government will be amply protected, while the manufacturers of vinegar by the use of alcoholic vapor will be relieved from great hardship to which they appear to have been subjected by inadvertence rather than by design.

Mr. BAKER. I desire to inquire of the gentleman from Kentucky having the bill in charge whether its passage will effect any diminution in the internal revenue?

Mr. CARLISLE. It will not affect the internal revenue at all.

Now, Mr. Speaker, the Senate has passed and sent to the House a bill precisely like the one just read, and I ask leave to lay this bill upon the table and in its stead to take up for action the Senate bill.

The SPEAKER. Is there objection?

There was no objection; and the bill was laid on the table and the bill (S. No. 678) relating to vinegar factories established and operated prior to March 1, 1879, was taken from the Speaker's table and read a first and second time.

The bill, which was read, provides that any vinegar factory for the manufacture of vinegar, established and operated as a vinegar factory prior to March 1, 1879, may be operated for the manufacture of vinegar by the use of alcoholic vapor within such distance less than six hundred feet of any distillery or rectifying house, under such regulations as the Commissioner of Internal Revenue may prescribe, with the approval of the Secretary of the Treasury.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

Mr. CARLISLE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOSEPH L. LEWIS.

Mr. CARLISLE. I am also instructed by the Committee of Ways and Means to report back the bill (H. R. No. 2046) to authorize a compromise of the claims of the United States under the will of Joseph L. Lewis, with an amendment in the nature of a substitute.

The SPEAKER. The substitute will be read.

The Clerk read as follows:

Strike out all after the enacting clause and insert:

That the Attorney-General is hereby authorized and directed to adjust or compromise the claims of the United States under the said devise and bequest upon such terms and conditions as shall be deemed by him fair and reasonable.

The question being taken on the substitute, it was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CARLISLE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHARLES CLINTON.

Mr. CARLISLE. I am also directed by the Committee of Ways and Means to report back, with a favorable recommendation, the bill (H. R. No. 1542) for the relief of Charles Clinton, of New Orleans, late assistant treasurer at New Orleans; and I move that it be referred to the Committee of the Whole on the Private Calendar.

Mr. BAKER. Not to come back on a motion to reconsider.

The SPEAKER. The point of order would still continue even if it came back on a motion to reconsider.

The motion was agreed to.

CLAIMS OF FOREIGN STEAMSHIP COMPANIES.

Mr. RICE. I am instructed by the Committee on Foreign Affairs

to report a joint resolution authorizing the Secretary of the Treasury to make final adjustment of claims of certain foreign steamship companies arising from an illegal exaction of tonnage duties, accompanied by a report in writing. I ask that the same be printed and recommitted, not to come back on a motion to reconsider.

The joint resolution (H. R. No. 96) was read a first and second time, recommitted to the Committee on Foreign Affairs, and, with the accompanying report, ordered to be printed, not to come back on a motion to reconsider.

Mr. BICKNELL. I desire to present the views of the minority, and ask that they be printed with the report of the committee.

There was no objection, and it was so ordered.

JOHN ELLIS.

Mr. BICKNELL, (by request,) by unanimous consent, submitted the following resolution; which was referred to the Committee of Claims:

Resolved, That there be paid to John Ellis, out of the contingent fund of the House, the sum of $60 per month from October 15, 1877, to February 1, 1878, for services as messenger to the Committee of Claims.

POST-OFFICE IN BALTIMORE.

Mr. KIMMEL, by unanimous consent, from the Committee on Public Buildings and Grounds, reported back the bill (H. R. No. 1478) to authorize the Secretary of the Treasury to negotiate for the purchase at private sale or, if necessary, procure by condemnation a site for a post-office in the city of Baltimore, State of Maryland, accompanied by a report in writing; which was recommitted to the same committee, and the accompanying report ordered to be printed.

HOUSE RESTAURANT.

Mr. KIMMEL. I also ask unanimous consent to report from the Committee on Public Buildings and Grounds a bill directing the Architect to remove the bath-room of the House for the enlargement of the restaurant.

Mr. CONGER. I reserve the right to object till I hear the bill read.

The bill was read.

Mr. CONGER. I object. If the committee will provide something in the restaurant for the sustenance of members I would not object to that.

The SPEAKER. That is against the rules of the House.

Mr. CONGER. And I know it is against the practice.

The SPEAKER. There is objection, and the bill is not before the House.

STEAMER B. P. CHENEY.

Mr. SINGLETON, of Mississippi. I desire to present again from the Committee on Appropriations a bill which was objected to yesterday by the gentleman from Tennessee, [Mr. WHITTHORNE.] That gentleman now withdraws his objection.

The SPEAKER. The bill will be read for information; after which objections, if any, will be in order.

The Clerk read as follows:

A bill to amend section 1, page 234, volume 20, of the United States Statutes at Large, Forty-fifth Congress.

Be it enacted, &c., That so much of section 1, page 234, of the 20th volume of the United States Statutes at Large, passed at the Forty-fifth Congress and approved June 20, 1878, as relates to the steamer B. P. Cheney, be, and the same is hereby, repealed.

Mr. CONGER. What does the gentleman from Mississippi ask?

Mr. SINGLETON, of Mississippi. I ask for the present consideration of the bill. It is reported from the Committee on Appropriations.

Mr. CONGER. That throws suspicion on the bill.

Mr. SINGLETON, of Mississippi. I hope the gentleman from Michigan on this occasion will not indulge in any suspicions.

Mr. WHITTHORNE. I desire to be allowed a word of explanation. On yesterday I objected to the passage of this bill for the reason that my colleague on the Naval Committee, the gentleman from Pennsylvania, [Mr. HALMER,] had given me certain information that led me to believe that there had been fraud in this case. My colleague has investigated the matter in connection with the information he had received, and has come to me this morning and stated he has no objection to the passage of the bill. Yesterday in objecting I did it solely for and on account of my friend from Pennsylvania, I myself having no objection to the matter. As that gentleman is satisfied, I now withdraw the objection.

The SPEAKER. Is there any further objection?

Mr. CONGER. I reserve the right to object until the gentleman from Mississippi makes a statement of the case.

Mr. SINGLETON, of Mississippi. I will repeat the statement which I made yesterday and which if my friend had looked in the RECORD he would have found there.

Mr. CONGER. I generally read the remarks of my friend from Mississippi as they appear in the RECORD, but I failed to do it in this instance.

Mr. SINGLETON, of Mississippi. I do not reproach the gentleman for not having read the RECORD, because I have not read it myself.

I will say that this matter was considered by the Committee on Appropriations at the last session of Congress. The claim had been audited and allowed and was presented to the Committee on Appropriations, and we passed an act authorizing the payment. Some gentleman, I do not know who, getting the ear of the Secretary of the Treasury, represented that there was some fraud in the matter. Thereupon he sent to the Committee on Appropriations a request that we should suspend the payment of the claim until he should investigate it. We did so. We provided that the amount should not be paid until this investigation should be made. The Secretary of the Treasury referred the matter to the Second Auditor of the Treasury, and he reported favorably. It was re-referred to him and he made a second report in its favor. It then went to the First Comptroller. He examined it and reported it right and proper.

Now the Secretary of the Treasury sends in a letter asking that the obstruction may be removed.

Mr. CONGER. Upon that statement I withdraw my objection.

Mr. HAWLEY. I was sorry to hear the gentleman from Michigan [Mr. CONGER] say that it was a cause of suspicion that this bill came from the Committee on Appropriations. He must have meant it in a "Pickwickian" sense, for he belongs to no committee that is more careful than the Committee on Appropriations.

The case has been again and again before the committee, and probably no subject which has gone through the different Congresses for a long time has had such a thorough investigation as this one.

Mr. CONGER. If the matter has undergone investigation by those admirable officers of the Government, the Auditor and Comptroller, in whom I have confidence, I will withdraw my objection to the report of the committee.

Mr. SINGLETON, of Mississippi. I am glad the gentleman has seen fit to withdraw his objection. I will not squabble about the reasons why he has done so.

The bill (H. R. No. 2264) was entertained, received its several readings, and was passed.

Mr. SINGLETON, of Mississippi, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SAMUEL LORD, JR.

Mr. EVINS. I ask unanimous consent to take from the Speaker's table the bill (S. No. 62) for the delivery to Samuel Lord, jr., receiver, of certain bonds now in the Treasury of the United States.

The bill was read.

Mr. CONGER. I make the point of order that that bill contains an appropriation, and must have its first consideration in Committee of the Whole.

Mr. EVINS. I hope the gentleman will not object.

ORDER OF BUSINESS.

Mr. BREWER. I call for the regular order.

The SPEAKER. The regular order is the morning hour.

Mr. CLYMER. I move that the morning hour be dispensed with.

PERSONAL EXPLANATION.

Mr. COX. I rise to a question of privilege. I desire to call the attention of the House to what would seem to be a reflection on my statement of yesterday, in relation to what fell from the lips of the gentleman from Ohio, [Mr. KEIFER.] The RECORD is before me.

Mr. GARFIELD. How much time does the gentleman want?

The SPEAKER. The Chair is not advised?

Mr. COX. I will not take more than five minutes. I have the report of the reporters, which is different from the report in the RECORD. The report of the reporters confirms what I said yesterday, and in addition to that, the printed report in another place confirms what I said, but the RECORD report which I send to the Clerk's desk has this in it.

The Clerk read as follows:

Nay, we have, Mr. Chairman, this extraordinary instance in relation to that commission: A gentleman who was appointed by the Forty-fourth Congress on a committee to investigate the elections in the State of South Carolina, to take testimony and report who carried that State in 1876, and whether the electors in favor of Tilden or Hayes carried that State, (I refer to Judge Abbott, of Massachusetts,) went there and after the testimony was taken, and he had it all before him, came back to the Forty-fourth Congress with other democratic members of the committee, reported that the Hayes electors had carried the State of South Carolina, and then he was put on the electoral commission; and when he had no testimony before him he voted *in effect* that the Tilden electors had carried the State of South Carolina *and that the Hayes electors had not.*

Mr. COX. Now, I desire to say to the House that I did not see the report made yesterday; I did not correct my own notes, but the words in italics in the passage which the Clerk has read are not in the report of the reporters, and I ask that the reporters' report be read.

Mr. KEIFER. I do not understand what the gentleman is driving at.

The SPEAKER. The gentleman says that the report as published in the RECORD is not correct.

Mr. KEIFER. Does he say that the report of his own remarks is not correct?

Mr. COX. No; the report of your remarks.

Mr. KEIFER. Did the reporters not correctly report the gentleman?

The SPEAKER. The Chair understands the statement to be, that words have been inserted in the RECORD which were not uttered on the floor.

Mr. COX. It makes me appear to reply to things that were not uttered here.

Mr. KEIFER. We all understand that the gentleman undertook

to reply to a man from Indiana who had made no speech and had not said a word upon the subject.

Mr. COX. I claim my five minutes. The RECORD shows this, that when I rose I misunderstood as to the member who had spoken, and first attributed the remarks to the gentleman from Indiana. I replied to what was actually said, and the RECORD shows something that did not occur here, according to the report of the reporter.

I will read from the RECORD:

Mr. COX. I rise to oppose the amendment. I do so for the purpose of correcting my friend from Indiana. I understood him to say that Judge Abbott voted in favor of the democratic electors in South Carolina.

Mr. KEIFER. It was I who made that statement.

That is correct in the RECORD. It has not been changed by the printer. Now, how is a man to be reported fairly? The RECORD shows one thing, the report of the reporter another; and, as I do not want to be placed in a false position, I ask that the reporters' notes be read.

The Clerk read as follows:

My colleague from Ohio [Mr. MCMAHON] says there is something to be learned from looking to the electoral commission. I think there is where we are to learn a very bad lesson. We found gentlemen voted according to their politics there. Nay, we have, Mr. Chairman, this extraordinary thing in relation to that commission: A gentleman who was appointed by the Forty-fourth Congress to the State of South Carolina to take the testimony and report who carried that State, whether the electors in favor of Tilden or of Hayes carried it, I refer to Judge Abbott, of Massachusetts, he went there and took the testimony, had it all before him and came back to the Forty-fourth Congress and reported that the Hayes electors had carried the State of South Carolina, and then you put him on the electoral commission, and when he had no testimony before him he voted that the Tilden electors had carried the State of South Carolina. That is the fact.

Mr. COX. The closing words of what has just been read, "that is the fact," are left out of the RECORD. That is all I have to say. I want the RECORD corrected so as to show the remarks of the gentleman as they were made here. The original report ought to stand.

Mr. KEIFER. If the gentleman is through, I wish to state that the report as printed in the RECORD is correct, with the exception that I put in the words, in one place, "and that the Hayes electors had not"—that is, had not carried the State of South Carolina. That was repeated twice by me, and once it was struck out, so that it appears in the RECORD in only one place. I also struck out the words "that is the fact." As to the words "in effect," which the gentleman says I inserted, those words were used by me, as every one around me here who paid attention to what I said will bear testimony.

MEMBERS on the democratic side. Oh, no.

Mr. KEIFER. I did use those words. If that is all the gentleman desires, I am quite well satisfied that he should make his statement. I remember very well that on yesterday the gentleman, when he found that he was in a place that he could not get out of very well, resorted to a trick common among boys, crying out that they had captured somebody, when in fact they had been taken themselves. I remember perfectly well the gentleman doing that, while the tears were in his eyes. Now this morning he is here with his heart bleeding and his mind still troubled, because he could not use any more unmannerly language toward me than he did yesterday, and because he did not produce any more effect on the House than his language did yesterday when it fell from his lips.

Mr. COX. I have not said an unmanly thing of any man.

Mr. KEIFER. That is the word he used yesterday about me.

Mr. COX. The gentleman concedes that he has altered the report.

Mr. KEIFER. Not in any material sense at all.

Mr. COX. I referred to the report as printed in the RECORD. Where is the manliness in making me appear as replying to something that was not said? I have not changed the RECORD report. I did not correct the notes of my own remarks. The gentleman did change the notes of his remarks in order to blunt the edge of what I said.

Mr. KEIFER. That is simply untrue. There is nothing struck out and nothing added that would affect that question at all.

Mr. COX. After what the gentleman said yesterday about an honorable man, and after his course in changing his remarks for the RECORD, it does not matter what he says as to the truth or falsehood of anything I may say.

ORDER OF BUSINESS.

The SPEAKER. The question is now on the motion of the gentleman from Pennsylvania [Mr. CLYMER] to dispense with the morning hour for the present.

Mr. CONGER. For what purpose?

Mr. CLYMER. In order to go into Committee of the Whole for the consideration of the Army appropriation bill.

Mr. FRYE. Before this is done I suggest that the judiciary bill, which is now in the morning hour and has been for some time obstructing public business, be referred, by unanimous consent, to the Committee of the Whole on the state of the Union with the understanding that it shall not be taken up this session.

Mr. TOWNSHEND, of Illinois. I am willing to accept that proposition.

There being no objection, the bill (H. R. No. 1715) to repeal certain sections of the Revised Statutes and to amend certain sections of the Revised Statutes and of the Statutes at Large relative to the removal of causes from State courts was referred to the Committee of the Whole on the state of the Union with amendments, with the understanding that it should not be considered therein during the present session of Congress.

Mr. CLYMER. I now insist upon my motion to dispense with the morning hour of to-day.

VETO MESSAGES OF THE PRESIDENT.

Mr. KNOTT. I ask the gentleman from Pennsylvania [Mr. CLYMER] to yield to me in order to present a report from the Committee on the Judiciary upon the veto messages of the President of the United States and to move that it be printed and recommitted to that committee.

Mr. CONGER. I think that report, which I suppose is intended for a campaign document this year, had better be read to the House before it is ordered to be printed.

Mr. KNOTT. I have no objection to its being read.

Mr. CONGER. I think I must object to it now until we get through the appropriation bills.

The SPEAKER. It is a privileged report.

Mr. KNOTT. It is the unanimous instruction of the Committee on the Judiciary that I should submit the report and ask that it be printed and recommitted.

Mr. CONGER. Is there a minority report?

The SPEAKER. The Chair is unadvised, but if desired the Chair will ask that privilege for the minority.

Mr. ROBINSON. It was decided unanimously in the Committee on the Judiciary that the chairman of the committee should submit this report to the House and have it printed and recommitted, with the understanding that hereafter it shall be again reported to the House, at which time the minority of the committee will present their views. It is understood that the report shall not now be read.

Mr. BAKER. There is consent to make it public, I suppose.

The SPEAKER. The Chair hears no objection to the arrangement proposed, which seems to be in accordance with the unanimous agreement of the Committee on the Judiciary. It is ordered accordingly.

PAY OF MESSENGER, COMMITTEE OF WAYS AND MEANS.

Mr. CLYMER. I now insist on my motion to dispense with the morning hour.

Mr. GARFIELD. I ask the gentleman to yield to me a moment, that I may ask the House to do an act of justice to an employé of the Committee of Ways and Means. I desire to submit a resolution to which I think there will be no objection.

Mr. CLYMER. I yield for that purpose.

Mr. GARFIELD. I desire to submit for adoption at this time the following resolution:

Resolved, That the Clerk of the House of Representatives be authorized and directed to pay out of the contingent fund of the House to John E. Kelly for service as messenger to the Committee of Ways and Means for the present session at the same rate now paid to messengers and doorkeepers of the House.

This man faithfully served the Committee of Ways and Means for two Congresses and he has served regularly and faithfully during the present session. But the ordinary resolution heretofore passed directing his pay has at this session been omitted by mere oversight.

The SPEAKER. Is this to come out of the contingent fund?

Mr. GARFIELD. Yes, sir.

The SPEAKER. Then the resolution must go to the Committee of Accounts.

Mr. GARFIELD. Very well, let it go there. I hope that committee will report it back promptly.

Mr. MILLS. This is a unanimous report of the Committee of Ways and Means, who understand all the facts. There is no use of sending it to the Committee of Accounts. I ask that the resolution be adopted now.

Mr. BREWER. I demand the regular order.

Mr. GARFIELD. Let the resolution be referred to the Committee of Accounts.

The SPEAKER. It will be so referred.

ORDER OF BUSINESS.

Mr. TOWNSHEND, of Illinois. Mr. Speaker, there is some difference of opinion on this side as to the effect of sending to the Committee of the Whole the bill which has occupied the morning hour. Do I understand that the bill will come up again at the commencement of the next session as soon as the House may go into Committee of the Whole?

The SPEAKER. The bill is in Committee of the Whole, and whenever the House goes into Committee of the Whole the bill will be reached.

Mr. CONGER. Not during the present session, however.

The SPEAKER. Not during the present session. That was the understanding, clear and distinct.

Mr. TOWNSHEND, of Illinois. I am satisfied with that arrangement, but prefer if there is no objection that the bill be fixed for consideration on the second Tuesday of December next.

Mr. CONGER. I object to fixing any time for its consideration.

Mr. TOWNSHEND, of Illinois. Do I understand that as soon as the House goes into Committee of the Whole at the next session that bill will come up?

The SPEAKER. It will come up in its order as prescribed by the rules.

Mr. TOWNSHEND, of Illinois. Are there any other bills ahead of it?

The SPEAKER. One, the Chair thinks.

Mr. TOWNSHEND, of Illinois. Only one bill ahead of it?

The SPEAKER. The Chair is not certain about that. The gentleman will find out the fact by application at the Clerk's office.

The question being taken on the motion of Mr. CLYMER to dispense with the morning hour, it was agreed to; two-thirds voting in favor thereof.

ARMY APPROPRIATION BILL.

Mr. CLYMER, from the Committee on Appropriations, reported back the bill (H. R. No. 2175) making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes; which was referred to the Committee of the Whole on the state of the Union.

Mr. CLYMER. I now move that the House resolve itself into Committee of the Whole for the purpose of considering the Army appropriation bill. Pending that motion, I ask that the bill be considered by sections, under the five-minute rule, until the whole bill is disposed of, save the sixth section, which is what is known as the political clause, and that when the sixth section is taken up there shall be general debate to the extent of one half hour on each side.

Mr. PRICE. Had not the gentleman better provide that the bill be considered by paragraphs instead of by sections?

Mr. CLYMER. Very well; I will say "by paragraphs," if it suits the gentleman better. I propose that when the sixth section is reached there shall be general debate for one hour, to be divided equally between the two sides of the House.

Mr. GARFIELD. That means, I suppose, that the sixth section is to be informally passed over till we go through with the rest of the bill?

Mr. CLYMER. Yes, sir.

Mr. GARFIELD. That is all right.

The SPEAKER. The Chair hears no objection to the arrangement proposed, and the order is made accordingly.

The motion of Mr. CLYMER that the House resolve itself into Committee of the Whole was agreed to.

The House accordingly resolved itself into Committee of the Whole, (Mr. SPRINGER in the chair,) and proceeded to the consideration of the bill (H. R. No. 2175) making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes.

Mr. CLYMER. I ask unanimous consent that the first reading of the bill be dispensed with.

There being no objection, it was ordered accordingly.

The CHAIRMAN. Under the order of the House, this bill will be considered by paragraphs under the five-minute rule, and when section 6 is reached it will be passed over informally until all the other sections of the bill have been disposed of, and then one hour of general debate will be allowed on section 6.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the Army for the year ending June 30, 1880, as follows.

Mr. CLYMER. I move, *pro forma*, to strike out the last word of the paragraph just read for the purpose of explaining very briefly the provisions of this bill. It is precisely the one known as the vetoed Army appropriation bill, except in the particulars which I will specify. There is a sum of money to the amount of $30,000 set apart for the building of a storehouse and depot at Omaha. It comes in as a proviso to the section of the bill which provides for the repairing of public buildings.

Then the sixth section of the vetoed bill, known as the political section, is stricken out and another substituted. Save in these two particulars, this bill is precisely the one which was vetoed on the 30th of April last.

The amount estimated for all the purposes in this bill by the Secretary of War is $31,898,965.19. The amount appropriated is $26,797,300. The bill is less than the estimates $5,101,655.19. The amount appropriated for the Army during the present fiscal year under existing law is $25,893,486. The increase over the appropriation for the present fiscal year by the bill now under consideration is $853,813.99.

This increase, Mr. Chairman, is made up of the following items: in the Pay department proper, $496,000; in travel pay and discharged soldiers, $29,736.35; in retained pay, $84,186.80; pay to soldiers for clothing not drawn, $106,721; additional pay to enlisted men, $44,852; making a total increase in the Pay department of $761,496.82. In the Quartermaster's Department there is an increase of $250,000; in the Ordnance department of $10,000; in the manufacture of arms in national armories, $100,000; and in the repair of ordnance in the hands of troops, $5,000; making the increase $1,126,496.82.

There are two new items in this bill, amounting to $55,000, as follows: for the purchase of a site for a powder depot, $50,000; and for the repair of the range ground at Sandy Hook, $5,000; making a total increase in this bill over existing law, as I have already stated, of $1,181,496.82.

There are reductions in the bill, as compared with existing law, amounting to $327,682.83, the items of which are as follows, namely:

In pay of commissary-sergeants	$15,000 00
Commissary-sergeants	1,384 00
Mileage of officers, &c	30,000 00
Telegrams, citizen witnesses, &c	10,000 00
Subsistence department	15,000 00
Quarters of superintendent at Sandy Hook	10,000 00
Hospital stewards	6,000 00
Completing Medical and Surgical History of War	12,883 85
Completing Medical and Surgical History of War, second edition, part 3	17,414 98
Military post at Black Hills	100,000 00
Military post at Milk River, Montana	100,000 00
For committee on reform in the Army	5,000 00
For committee on transfer of Indian Bureau	5,000 00
	327,682 83

The condensed statement is as follows:

Increase by this bill	$1,126,496 82
New items in this bill	55,000 00
Total increase by bill	1,181,496 82
Decrease as compared with law of 1878	327,682 83
Net increase as first stated	853,813 99

I have stated the exact provisions of this bill so members, as we proceed with its consideration, will be able to understand fully what it is proposed to enact into law.

Mr. SPARKS. The gentleman has stated there is an appropriation of $50,000 proposed by this bill which was not in the vetoed bill. Let me remind him that it was in the vetoed bill.

Mr. CLYMER. Then that is a correction which should be made, and the correction shall appear in the RECORD.

Mr. SPARKS. It is no new item.

Mr. CLYMER. I withdraw my amendment.

The Clerk read as follows:

For expenses of recruiting and transportation of recruits from rendezvous to depot, $75,000. And no money appropriated by this act shall be paid for recruiting the Army beyond the number of twenty-five thousand enlisted men, including Indian scouts and hospital-stewards; and thereafter there shall be no more than twenty-five thousand enlisted men in the Army at any one time, unless otherwise authorized by law. Nothing, however, in this act shall be construed to prevent enlistments for the Signal Service, which shall hereafter be maintained, as now organized and as provided by law, with a force of enlisted men not exceeding four hundred and fifty, after present terms of enlistment have expired.

Mr. WHITTHORNE. I move, in line 12, to strike out "twenty-five" and insert "fifteen;" so as to provide that the Army hereafter shall not consist of more than fifteen thousand men.

Mr. Chairman, I have to say that I was grieved to hear the remarks of my friend from Pennsylvania [Mr. CLYMER] in reporting this bill that provides for an increased expenditure for the Army of the United States. As we progress not only in civilization but in material power and strength throughout the country it would seem, when we look to the fact that the domestic enemies of our Government, regarding the Indians as such, are decreasing yearly in number, and to the further fact that our neighbors in our immediate vicinity and upon our borders are decreasing while we go on making gigantic strides in progress in every way—it would seem to me that the consideration of such facts would tend to do away with the reason which heretofore existed for a large army and increased expenditure for the support of the Army, and yet we are to-day called upon in the report made by the gentleman from Pennsylvania to still further increase the expenditures for the Army of the United States. I for one, sir, had hoped, with the advent of a new administration in this House, that at least the attention of the guardians of the people's money would be directed to reduce rather than increase Army expenditures.

I have nothing to say upon the general merit of the proposition I have made. I for one believe there is no necessity whatever for an army in this country. I believe, sir, if this sore on the body-politic, which is only serving to increase the heavy pension list so burdensome to the labor and industry of the country, were got rid of, it would be better for the general interest and prosperity of the country.

Sir, an army is not necessary. In recent years we have demonstrated, to the satisfaction of the world, that our fathers were right when they said the surest bulwark and protection for our country was a reliance upon its militia. And I would have been glad, rather than have witnessed this report of an increase in the expenditures of the Government, to have witnessed a report that looked to a reduction of the numbers of the Army and the reduction of its expenditures.

Sir, it is instructive to go back for a moment and look to the increase year by year in the amounts that have been appropriated for the support of this branch of the public service. To-day there is in this bill appropriated more money than it cost to administer the entire Government during the administration of the younger Adams. Why is this? Is there any necessity for it in the condition of this Government? Is it called for with a view to the maintenance of the rights of the Government or its honor or its interest in any direction? An army like ours should not be kept up by a government whose chief reliance ought to be and must be upon the patriotism of the people at large.

Mr. KEIFER. I simply rise to state that I have heard upon this floor at various times, not only in this Congress but in the Forty-fifth, the statement made that in the early history of the country there was no disposition to have an army. I want to say especially to the gentleman from Tennessee, who has in substance made many times this speech that we have heard this morning, that the second veto message of George Washington, bearing date February 28, 1797, was upon a bill providing for a reduction of the Army. He said it was injudicious and unjust. That is all the speech I desire now to make.

Mr. McMILLIN. What was the size of the Army at that time; can the gentleman from Ohio tell me?

Mr. KEIFER. It was proportionately as large as it is now, taking everything into account. Gentlemen around me say it was proportionately larger. If I recollect rightly, General Washington said he was sorry the Army was not more adequate to the wants of the country than the Army at that time which it was proposed to reduce, a proposition upon which he put his veto.

Mr. McMILLIN. That was not my question. What was the number of the Army at that time?

Mr. KEIFER. I cannot give the gentleman the exact number; but I will obtain the facts and give them to him.

Mr. McMILLIN. It was much smaller than it is to-day.

Mr. KEIFER. It was proportionately as large or larger.

Mr. CLYMER. The increase in this bill over the law of this year, which has been criticised by the gentleman from Tennessee, is explainable in this wise: Last year the Appropriations Committee in their bill made appropriations for an army of twenty thousand men. When the bill went to the Senate the number was increased from twenty thousand to twenty-five thousand; but no increase was made in the appropriation, so as to provide for the additional five thousand men. Hence the appropriations last year were grossly inadequate for the support of an army of the full number provided by law. In this bill we have made only the appropriation necessary for the actual strength of the Army. The increase of this bill over the bill of last year is thus explained.

I might sympathize to a certain extent with the views of the gentleman from Tennessee with reference to a reduction in the Army; but we on the Appropriations Committee are obliged to deal with things in a practical way. The gentleman perfectly well understands that no bill for a reduction of the Army below twenty-five thousand men can pass at this session. We have tried it over and over again. There are conflicting views as to what should be the proper size of the Army; and upon more than one occasion the committee in its efforts to reduce the Army has been defeated. Hence in this short session, with business pressing upon us, with every one anxious to leave, it would be futile and almost foolish for the Appropriations Committee to bring into the House a bill which would provoke discussion, cause disagreement, and only lead to the final defeat of the committee's recommendations. We have therefore, as I have said, dealt with this matter as practical men. In the future there may be time and opportunity for us to make the corrections which the gentleman from Tennessee would have us make.

Mr. WHITTHORNE rose.

The CHAIRMAN. Debate on the amendment is exhausted.

Mr. WHITTHORNE. I only desire to reply to my friend from Pennsylvania in a single remark. I have been taught, as a great many gentlemen on this floor have been, that the Committee on Appropriations should report general legislation which being in the interests of economy looks to the reduction of expenses. I have been painfully taught that it is to this committee we have to look for all efforts of that kind. And, by the indulgence of the House, I will say that a decrease in the number of men will cause but a very small reduction of the expenditures of the Army. What should arrest the attention of the Committee on Appropriations if they have jurisdiction, and they have taken jurisdiction heretofore of matters of that kind, is the mass of barnacles that are clinging to the military establishment. Let them look at the increase in the pay, at the increase in the mileage, at the increase in the transportation, at the mode and manner of making contracts for the subsistence of the Army. These things have been growing year by year. I feel warranted in making the assertion that *per capita*, year after year, there has been in all these things an increase in expenditure.

Mr. CLYMER. I desire to say a word in reply to the gentleman from Tennessee. I do not wish to occupy the attention of the committee, but I would say that I think the gentleman must understand that the matters suggested by him are purely matters of legislation and should rightfully come from the Committee on Military Affairs. And I would further suggest that it is proper for him, as chairman of the Committee on Naval Affairs, to report legislation of a nature calculated to remove the barnacles clinging to the Navy. But I have never heard him come before the House and report legislation of that character in reference to the Navy. When it comes to another branch of the public service the gentleman is very ready to make a charge in reference to the Army. I would recommend the gentleman to report legislation looking to a reduction of the expenses of the Navy, which are peculiarly under his charge; and I trust he will confine himself to the special duties belonging to him as chairman of the Committee on Naval Affairs.

Mr. WHITTHORNE. Allow me to say right there that the Committee on Naval Affairs in the Forty-fourth Congress did that same thing and had to fight the Committee on Appropriations upon it.

The Clerk resumed the reading of the bill and read as follows:

For hire of quarters for troops, of storehouses for the safe keeping of military stores, of offices, and of grounds for camp and summer cantonments, and for temporary frontier stations, for the construction of temporary huts and stables, and for repairing public buildings at established posts, $880,000.

Mr. CLYMER. I move to add to that clause the following proviso:

Provided, That of said sum $30,000, or so much thereof as shall be necessary, in the discretion of the Secretary of War, be expended in the construction of a necessary storehouse and depot building at the city of Omaha, in the State of Nebraska: *And provided further*, That no part of said sum shall be used in the purchase of the ground required for such purpose. The Secretary of War is hereby authorized to receive, by donation of citizens or others, the title for any lots or tracts of land necessary to the proper location of the building or buildings hereinbefore provided for.

Mr. Chairman, I desire to say that this proviso is attached to the next paragraph of the bill at line 190. That was an error on the part of the Public Printer. The proviso is attached to the wrong clause of the bill. This amendment is necessary in order that it may be placed where it properly belongs.

The amendment was agreed to.

The Clerk resumed the reading of the bill and read as follows:

For construction of a military post near the Niobrara River, in Northern Nebraska or Dakota, at a point to be selected by the General of the Army, with the approval of the Secretary of War, $50,000: *Provided*, That of said sum $30,000, or so much thereof as shall be necessary, in the discretion of the Secretary of War, be expended in the construction of a necessary storehouse and depot building at the city of Omaha, in the State of Nebraska: *And provided further*, That no part of said sum shall be used in the purchase of the ground required for such purpose. The Secretary of War is hereby authorized to receive, by donation of citizens or others, the title for any lots or tracts of land necessary to the proper location of the building or buildings hereinbefore provided for.

Mr. CLYMER. I move to strike out the proviso to that clause.

The amendment was agreed to.

Mr. CLYMER. I move to amend further by inserting, after the word "dollars," in line 190, the words "or so much thereof as may be necessary."

The amendment was agreed to.

The Clerk resumed the reading of the bill, and read as follows:

For maintaining and improving national cemeteries, $100,000.

Mr. McMAHON. I move to amend that clause by inserting after the word "dollars" the following:

And the board of managers of the National Home for Disabled Volunteer Soldiers may change the regulation stones to be used in the central branch, at a cost not exceeding $1.50 additional for each one.

I hope that that provision will be adopted. The cemetery at the National Home is one of the most important grounds in connection with the building there, and is a spot that has been ornamented by the United States Government, and in part by the soldiers, with a general monument costing $10,000. The regulation stone in the national cemetery is now but two inches wide, and tall and slender, and the managers desire to have a stone put up that shall be five inches wide and closer to the ground, and that the names of the soldiers shall be put upon the tops of the stones. It will not cost a great deal of money.

Mr. McCOOK. Why not make the provision general? Why apply it only to the national cemetery?

Mr. McMAHON. They have only asked for it at that place.

Mr. McCOOK. The board of managers have asked for it?

Mr. McMAHON. Yes, sir; at least it is asked for by one of them.

Mr. KEIFER. I would suggest that the head-stones are up in all the other cemeteries, so that this change cannot be made.

Mr. McCOOK. All right.

The amendment offered by Mr. McMAHON was agreed to.

The Clerk resumed the reading of the bill and read as follows:

For quarters for superintendent of the proving ground at Sandy Hook, $2,500.

Mr. MANNING. I offer the amendment which I send to the Clerk's desk, to go in after the clause just read.

The Clerk read the amendment, as follows:

After line 284, on page 13, insert the following:

The Secretary of War is hereby authorized and empowered to grant to the National Aquarium Association of the United States a lease authorizing said association to occupy and use, for the purposes for which it was organized, so much of the Government reservation of Sandy Hook as may not be used for military and light-house purposes, on the condition that said association, at its own cost, shall construct and keep in repair all necessary sea-walls on both water fronts and construct and maintain a roadway throughout the entire length of such parts of the reservation as it may from time to time become entitled to and occupy under this act; that it construct and keep in repair a first-class life-saving station on said reservation, under the control of the proper officer of the Treasury; and on the further condition that said association shall cause at once to be constructed an aquarium of such character and on such a scale as shall be approved by the United States Commissioner of Fish and Fisheries, and which shall at all times be at his service, without cost to the Government, for the inspection and study of the animals and plants contained therein, and that in connection therewith such apparatus be erected and attendance furnished for the propagation of food-fishes, under the direction of said Commissioner, as he may call for from time to time, free of expense to the United States: *Provided, however*, That said association shall be regarded as a tenant-at-will; that any neglect or failure to comply with any of the foregoing conditions herein provided for shall work a forfeiture of all rights under this act; and whenever it may be necessary for the public defense that said association shall vacate said reservation it shall, without cost to or right of damage against the United States, remove therefrom all of its structures, excepting sea-walls, and excepting such as may be condemned and taken for public purposes according to law.

Mr. HAWLEY. I raise the point of order that that amendment is not in the interest of economy, is not germane to the bill, and is new legislation.

Mr. MANNING. I submit in answer to the objection of the gentleman from Connecticut that it is in the line of economy, that it does not require any expenditure on the part of the Government, but that it saves the Government perhaps $15,000 or more. The Book of Estimates shows that $10,000 is asked for protecting the fort at Sandy Hook from the encroachment of the sea, and $5,000 for the protection of East Beacon, Sandy Hook, from the encroachment of the sea. It is provided by the proposed lease that $3,000 shall be expended by the National Aquarium Association for the construction of a life-saving station, and a sufficient sum for constructing sea-walls on both water-fronts. The

association is required by the amendment also to make a roadway from the northern limits of the reservation to the mainland.

I say in addition to this, while speaking to the point of order, that the facts I have referred to are contained in the Book of Estimates, and further confirmatory facts are set forth by Governor McClellan, of New Jersey, and by the members of both branches of the Legislature of that State.

From these papers it appears that it is desired that this association shall have leased to it by the Secretary of War, as tenants at will, a portion of this reservation. Upon the merits of this amendment it is perhaps not now necessary for me to say anything until the point of order has been disposed of.

Mr. HAWLEY. The mere excuse that this company is to build a sea-wall there, which probably would be indispensable for their purposes, I am sure is not sufficient to meet the point of order. It is proposed by this amendment to give to a private company (and what the company is is not fully explained) the use of a large tract of Government ground at Sandy Hook below the fort. Now, I submit that there is no evidence showing that such a proposition is in the interest of economy at all. The only pretense that there is any economy about it is that this company may find it necessary to build something in the shape of a sea-wall along the sea front of their structure. I say that this proposition is not germane to the bill, is not in the interest of economy, and is new legislation entirely. It is a grant of public property to a private company.

Mr. CLARK, of New Jersey. I am not personally acquainted with the land which it is proposed by this amendment to donate to this association. I understand that there is no corresponding return to be given to the Government. I also understand that it is very valuable property, upon which the Government has expended thousands of dollars per annum; very valuable, not for a fort simply, but as containing upon it valuable timber, and in it large quantities of granite which will be taken from the Government entirely if this amendment is adopted, and by means of which this corporation will receive large benefits without the Government receiving any corresponding return. For that reason I think the point of order is well taken.

Mr. RYAN, of Kansas. I understand this to be a proposition authorizing the Secretary of War, or rather empowering the Secretary of War, to lease a piece of land which is now a part of a Government reservation, and for which the Government has no earthly use. If that be so, and this amendment will authorize an officer of the Government to make a contract from which the Government will derive a revenue from property that is now useless and paying nothing whatever to the Government, then it seems to me the point of order is not well taken.

The fact that this property may be valuable, or that there may be something valuable contained in the soil, is of no consequence, since this proposition does not authorize the Secretary of War to dispose of any such valuable property. He is to lease this property for a specific purpose to the National Aquarium for specific uses. And the soil, or whatever may be contained in it or may be upon it, whether stone or timber, is in no wise affected by this proposition. The Government does not part with the title of it in any respect.

Mr. ATKINS. Will the gentleman allow me to ask him a question?

Mr. RYAN, of Kansas. Certainly.

Mr. ATKINS. Do I understand the gentleman to say that this is a national aquarium?

Mr. RYAN, of Kansas. An aquarium for "The National Association."

Mr. ATKINS. What has the United States to do with this association?

Mr. SPARKS. Nothing.

Mr. RYAN, of Kansas. I do not mean that it is a national association in the sense that the Government owns it or will have any specific interest in it, except that it may have access to it for educational purposes.

Mr. HAWLEY. Yes; at fifty cents a head.

Mr. RYAN, of Kansas. I am not disposed to discuss the merits of this proposition at this time. I am speaking now upon the point of order that was made upon the proposition by the gentleman from Connecticut, [Mr. HAWLEY.] If I am correct in what I have said, then it seems to me the point of order is not well taken, because this proposition, if adopted, will result in bringing to the Government a revenue from property which now pays nothing whatever to the Government.

Mr. CLYMER. I feel that it will be a very difficult matter for the chairman, under our rules, to determine whether this proposed legislation will result or not in the reduction of expenditures. Apparently, upon the face of the proposition, if this association should build the sea-wall called for in the proposed amendment, if sea-walls are necessary to be built and maintained there, that would seem to be a reduction of expenditures on the part of the Government. I do not know whether these sea-walls are contemplated or in any way required for the use of the Government. But it does seem to me that if they should be required by the Government there should be in this proposition a provision that these sea-walls should be under the direction, order, and control, as to their size and extent, of the Engineer-in-Chief of the Army. That, it seems to me, would be a wise precaution.

Mr. HAWLEY. That is not in the proposition now.

Mr. CLYMER. As I understand, it is not now in the proposed amendment. Again, as to the Government deriving any revenue from this scheme, I do not understand that any of the charges to be made for admission to the aquarium are to go to the Government. Therefore I think the Chair may find great difficulty in deciding whether this amendment comes within the provisions of our rule or within the spirit of it. I confess I am puzzled myself on that point. This question was under consideration in the Committee on Appropriations. The desire was that we should attach this to the bill, members reserving to themselves the right to oppose it in Committee of the Whole. I do not propose at this time to discuss the propriety of the legislation proposed—whether it be beneficial or not. I merely throw out these suggestions as to the difficulties surrounding the question.

Mr. RYAN, of Kansas. I wish to ask the gentleman from Pennsylvania whether it is not proposed that the Secretary of War shall lease this ground without consideration?

Mr. CLYMER. As I understand, there is to be no consideration save that this association shall build these sea-walls. They are to be allowed to erect what buildings they please, the right being reserved to the Government to remove the buildings and resume possession of the ground at any time, the sea-walls to be allowed to remain.

Mr. GIBSON. Are not these grounds necessary for the practice of heavy artillery?

Mr. CLYMER. I did not propose to touch the merits of the question now; but I will say to the gentleman from Louisiana that in this very bill there is an appropriation of $4,000 for the purpose of improving the practice-grounds at Sandy Hook. Now, as to whether those grounds are the same premises which it is proposed this association shall occupy, I have no knowledge.

Mr. MANNING. In answer to the remark of the gentleman from Pennsylvania [Mr. CLYMER] I will say that the amendment proposes that the Secretary of War shall draw his lease to the National Aquarium Association in such terms that both water-fronts shall be protected. More than that, the association is to construct a life-saving station at a cost of not less than $3,000.

In reference to the suggestion of the gentleman from New Jersey, [Mr. CLARK,] and in answer to the remarks of the gentleman from Louisiana [Mr. GIBSON] and the chairman of the Committee on Appropriations, [Mr. ATKINS,] I will read one or two lines from a statement of Governor George B. McClellan and over thirty members of the New Jersey Legislature. They say:

> These improvements on Sandy Hook reservation—

Consisting, I will say, of two or three frame buildings, a life-saving station, and a sand fort—

> are within one mile of Sandy Hook, leaving four miles of barren sand-bar not only unused, but useless, so far as the Government of the United States is concerned, except for the purpose of communication with the mainland.

Coming more pertinently to the question under consideration, I will ask whether it is even intimated that the Government does not now feel it to be its duty to make an appropriation for the protection of these water-fronts? The answer is given by the gentleman in charge of this bill, who calls attention to the fact that an appropriation of $4,000 for this purpose is contained in the bill.

This National Aquarium Association, incorporated under a general act of Congress and organized in pursuance of the local laws of New York, will be required by the lease which this amendment authorizes the Secretary of War to make, to do all these things to which I have referred. If the association fails to comply with the requirements of the lease—it is but a tenant at will—the lease is at once revoked and becomes void. Let me say to the gentleman from Louisiana and to the gentleman from Tennessee, who intimate that there may be an objection in the fact that these grounds will be required for practice of heavy artillery, that the lease, if it be drawn in conformity with the amendment I have submitted, will provide that whenever the Government desires to use this property for any purpose whatsoever the association must at once vacate the premises at its own expense. What becomes then of this objection? The chief executive of the Commonwealth of New Jersey and members of both branches of the Legislature, in a document presented to this House over their own signatures, have declared that this ground is utterly worthless and unused by the Government, and in this statement the Secretary of War concurs.

Mr. RYAN, of Kansas. I wish to state that I misapprehended this proposition in regard to one matter. I supposed that it authorized the Secretary of War to lease these grounds without consideration. I find, however, that certain improvements to be put upon the grounds are the consideration.

Mr. ATKINS. I wish to know whether it is in order to discuss the merits of the question upon a point of order.

The CHAIRMAN. The Chair has repeatedly requested members to confine their remarks to the point of order.

Mr. SPARKS. On that point I propose to say one word. The only question here is whether or not the lease of this ground to the corporation named will, so far as the Government is concerned, retrench expenditures. If not, the amendment is clearly out of order. Now, how can the lease of this land to this corporation reduce the expenses of the Government? I cannot see how it can possibly do so, unless indirectly in view of the requirement that this corporation shall build a sea-wall which otherwise it would be necessary for the Government to build.

Mr. MANNING. And a life-saving station.

Mr. SPARKS. I am told that there is such a station there already.

Mr. CLARK, of New Jersey. A sea-wall cannot be maintained there. Every severe gale will break it away.

Mr. SPARKS. My understanding of the rule is that in passing upon a question of this kind the Chair should not consider nor go into any guessing as to indirect or incidental retrenchments. The proposition, if it changes existing law, must show on its face clearly that it will reduce expenditure, or under the rule it is not in order. You have no right to guess that if a certain contingency occurs expenditures may be reduced. The proposition must show on its face that there is a reduction, or it is clearly out of order.

The CHAIRMAN. The Chair will decide the question of order. The point is not free from doubt. Rule 120 provides that "nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as being germane to the subject-matter of the bill shall retrench expenditure." The Chair is not clear as to whether the provision of the amendment proposed by the gentleman from Mississippi does change existing law in the sense in which that phrase is used in the rule. It does not authorize a grant of Government property, but simply such temporary regulation in regard to the use of this public property as may be made by the officer of the Government. It is not legislation in the sense in which that term is usually used, and as the Chair believes it is used in this rule. There is at least such doubt on the point that the Chair will not rule the provision out of order, but prefers to submit the amendment on its merits to the committee. The Chair overrules the point of order, and the amendment is before the committee on its merits.

Mr. HAWLEY. Mr. Chairman, unless the gentleman from Mississippi desires to advocate it, and I suppose he does not, as he has already stated all there is in favor of the amendment, I have a few remarks to make about it. There is a very valuable property in the possession of the Government beginning at the upper point of Sandy Hook, running along the shore some four or five or six miles, (I do not know precisely how far,) on which there has been expended a large sum of money in building—not a sand fort, but an enormous granite fort. It is not complete yet. There is enough of granite in and around the fort to build a good-sized town—to build this Capitol two or three times over. There is a life-saving station there. There is a telegraph station there for the benefit of the press of the country. Adjoining the fort and its surroundings on the south and fronting on the open sea is the ground which this private aquarium company wishes to get hold of, and it contains the best long-range ground which the Ordnance department has in the country for practice with heavy long-range guns. They can fire down the beach several miles, five or six or more, I believe, and it is just that particular part of the ground this hotel company wants to be placed in possession of.

Mr. MANNING rose.

Mr. HAWLEY. Let the gentleman from Mississippi wait a moment, and I will not leave anything for him to talk about. [Laughter.]

Now, Mr. Chairman, there is not a word here from the Secretary of War saying this is a legitimate enterprise of any description. There is not a word from the Ordnance department saying they can spare this ground over which they fire shots weighing from two hundred to a thousand pounds. I should like to know how an aquarium and hotel company can be established there and this ground can be used for long-range practice by our heavy guns at that point.

There is a gigantic African here. [Laughter.] I am satisfied of it. I heard all there was to be said in the Appropriations Committee on this subject. It is a magnificent situation for a hotel company. Half a dozen great hotel companies might establish themselves there like those at Coney Island or Long Branch.

It is right in sight of Coney Island. It is just across the bay. It is a splendid place for an aquarium company to put a shark in a tub and to build a five-hundred-thousand dollar hotel. [Laughter.] It will not do; it must be that there is an African here. I know they have induced distinguished, respectable, and honorable gentlemen to sign the petition or recommendation for the establishment of an aquarium company there, but we have not seen the articles of organization. We have no guarantee they will spend the money upon aquaria. We have not the approval of the Secretary of War. We have no information whatever from the Ordnance department. I want the African taken out of the bill. [Laughter.]

[Here the hammer fell.]

Mr. MANNING. From the triumphant air of the gentleman from Connecticut I supposed I would be left nothing to say.

Mr. HAWLEY. If you have anything to say in favor of it I should like to hear it.

Mr. MANNING. If you will give me your attention I will state the facts. I will call the Secretary of War and let us hear how he answers you. Let us see whether you are quite correct in saying to this House that the Secretary of War has not spoken of the question at issue.

Mr. HAWLEY. We had this before the Appropriations Committee, and not one word from him on it.

Mr. MANNING. You said nothing has been heard from the Secretary of War, and that was the complaint made here, and I am now about to show you what he does say on the subject.

Mr. HAWLEY. Nothing has been heard officially, and if there is any document it should have been sent to the Speaker and referred to the committee. If there is anything of the kind I should like to hear it.

Mr. MANNING. You are mistaken again, and it seems you are only adding one blunder to another.

Mr. HAWLEY. Go on.

Mr. MANNING. On the 11th of February, 1879, there came into possession of the Speaker of the House a letter from the Secretary of War. I doubt not if you had been as careful to discover the merits of the matter as you were to find something which did not properly belong to it, not in the range of this discussion, you would not have overlooked this letter. Let us hear what it is.

Mr. HAWLEY. That was the last Congress, and not before our committee at all.

Mr. MANNING. February 11, 1879.

Mr. HAWLEY. That was the last Congress.

Mr. MANNING. Very well. Then you object to it because it is too old.

Mr. HAWLEY. I have no objection to its being read. I said we had not a word before our committee, and we never heard of this letter.

Mr. MANNING. The impression you made on me, and I doubt not the impression desired which you have made on many of the members, was that the Secretary of War was silent as the grave on the question at issue.

Mr. HAWLEY. We never had that before us.

Mr. MANNING. Very well; that is the impression the gentleman made. And am I to take an intimation from the gentleman from Connecticut or a vague insinuation that comes from other quarters and to set aside positive statements of worthy gentlemen to the number of three or four dozen, holding high places, statements indeed from the highest officers known to the laws of New Jersey down to the humblest member of the legislative body of that State? Am I to set all that aside as worthless? They use clear, positive language, and doubtless know whereof they speak. It has been said that this paper contains the name of one man who does not recollect to have signed it or that he must have been drunk when he signed it. I have carefully looked at that signature and when I submitted it to the gentleman who bore to me the information that perhaps this was true, he agreed with me that he was not drunk, but duly sober, and that his signature was genuine.

Mr. HISCOCK. I wish to ask the gentleman a question. Does the gentleman know that the National Aquarium Association has ever been incorporated?

Mr. MANNING. I have that information in my desk. I sent for it because I wanted to get at all the facts of the case; and I have a certificate from the clerk of the court showing that certain gentlemen—I do not know who they are—were incorporated as the National Aquarium Association on the 5th of February last.

Mr. HISCOCK. That was the next question I was about to put: Do you know who are the members of the corporation?

Mr. MANNING. I do not; but they are accredited to me by the host of witnesses whose statement I have commended to the kindly attention of the gentleman from Connecticut. Governor McClellan, various officers of his State and members of his Legislature, the geologist of the State of New Jersey, the commissioner of fisheries of Maryland, Professor Baird of the Smithsonian Institution, and the Secretary of War all favor the proposed lease. Indeed, much of that amendment was written by Professor Baird himself. It is a very material amendment, and one which I gladly accepted, because it places under the control of the Fish Commissioner this National Aquarium Association to the extent that it will be required to make the aquarium accessible to him and to construct apparatus and furnish attendance for the propagation of fish and the study of food-fishes and all animals and plants therein contained.

But I will read what the Secretary of War states in his letter to Congress:

> It appears from the report herewith—

To which I have called attention—

> that a portion of the reservation can be appropriated to the purpose named without detriment to the public service.

Remember, these people are to vacate Sandy Hook Point at whatever moment the Secretary of War may say, if he thinks it desirable himself to put them there. I suppose that on that point the Secretary of War can speak as satisfactorily and intelligently as the gentleman from Connecticut, and he says it can be done without detriment to the public service. Then only the authority to lease is to be exercised. He says:

> I recommend, in case Congress deems the establishment of the aquarium a question of public importance, that authority be conferred upon the Secretary of War to permit the use, for the purposes named, of such portion of said reservation as is not needed for military purposes.

[Here the hammer fell.]

MESSAGE FROM THE SENATE.

Here the committee informally rose; and the Speaker having taken the chair a message from the Senate was communicated by Mr. BURCH, its Secretary, informing the House that the Senate had passed bills of the following titles, in which the concurrence of the House was requested:

A bill (S. No. 343) relating to printing impressions from portraits and vignettes; and

A bill (S. No. 681) for the relief of Henry Conard.

The message further announced that the Senate had passed with amendments, in which the concurrence of the House was requested, a joint resolution (H. R. No. 85) fixing the date on which the pay of committee clerks, pages, and laborers of the House of Representatives, who are paid during the session only, shall begin for this session.

SUNDRY CIVIL APPROPRIATION BILL.

The SPEAKER. The Chair announces as the conferees on the part of the House on the disagreeing votes of the two Houses on the joint resolution (H. R. No. 1) to repeal certain clauses in the sundry civil appropriation act approved March 3, 1879, Mr. ATKINS of Tennessee, Mr. COBB of Indiana, and Mr. HAWLEY of Connecticut.

ENROLLED BILLS SIGNED.

Mr. WILBER, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill and joint resolution of the following titles; when the Speaker signed the same:

An act (H. R. No. 1842) to remove the political disabilities of J. C. Pemberton, of Philadelphia, Pennsylvania; and

A joint resolution (H. R. No. 94) directing a monument to be erected to mark the birthplace of George Washington.

The Committee of the Whole resumed its session.

ARMY APPROPRIATION BILL.

Mr. CLARK, of New Jersey. I move to strike out the last word.

During the last session of Congress a bill was introduced authorizing certain persons to be incorporated as trustees of the National Aquarium Association and authorizing them also to lease from the Secretary of War these premises. That bill failed to receive proper consideration; and therefore, in order that this corporation known under the name of the National Aquarium Association shall receive consideration, they now want to tack this legislation to the present appropriation bill. As the gentleman from Connecticut has stated, I am well satisfied that the gentlemen whose signatures are attached to this paper from New Jersey were entirely misled with respect to the true character of the paper which they signed. If they had known that certain parties, some of whom I am informed are irresponsible, proposed to lease these grounds from the Government without any recompense to the Government in return, for the purpose of establishing not an aquarium, but public buildings by means of which they may receive large sums of money when rented as hotels and otherwise; by which they may appropriate to themselves the valuable timber there—and there is valuable timber there to a large amount as I am informed, and not only that, but also the granite which the Government has put there for years and years at large expense—by which they would receive large revenues and sufficient returns to enable them to carry on their enterprise without any outlay of money themselves at all—I am satisfied that if these facts had been known to the gentlemen whose names are subscribed to that paper they never would have signed it.

Now, it may be said these statements are somewhat rash. I do not desire to mislead the House. Personally I do not know these lands, but I am informed by gentlemen who know all about them that they are not a barren waste; that this is not simply a sand-bar, but that it is covered by the most valuable timber to be found anywhere—cedar timber—and that there is a large amount of granite there which has cost the Government a large sum of money.

I do not see where any return is to come to the Government if this corporation is to take charge of the property.

Mr. RYAN, of Kansas. I desire to ask the gentleman from New Jersey a question for information. I want to know what right the association would acquire to any timber or granite mentioned by the gentleman.

Mr. CLARK, of New Jersey. I have not a copy of the amendment before me, but I understand that it says that they may take and appropriate to their own use such property as they may deem advisable and such as is not used by the General Government. As I understand it, if there is any timber in the way of the prospective improvements which they may desire to make in the way of building, they may remove and keep that timber.

Mr. MANNING. Not to the detriment of the Government; the Secretary of War says that.

Mr. RYAN, of Kansas. We may provide against it by an amendment if there is any danger of that sort.

Mr. CLARK, of New Jersey. Now, with reference to the argument that the Government is to be benefited. It is urged that there is to be established a life-saving station. There is one there now. Does the gentleman say that another is needed? Does he say that an additional life-saving station is required?

Mr. MANNING. Not at all; but there is a necessity for the improvement of that one now there, and $3,000 is to be paid by the association for the purpose of making the necessary improvements; and if there is need for another, then they can be required to construct another.

Mr. CLARK, of New Jersey. We are not opposed to any improvements in New Jersey at all. We desire that all legitimate improvements within our State should be made or carried on, because it is an advantage to our State; but we are opposed to a set of gentlemen coming there, under the title of the National Aquarium Association, and pretending one thing while in fact meaning another; hoodwinking the governor and the Legislature of the State into signing a recommendation which they would not have signed, in my judgment, if they had known all about it.

[Here the hammer fell.]

Mr. MANNING. Allow me to say to the gentleman that if he can make good that declaration, and give plausible reasons for it as to the governor, the State Legislature, and the State geologist having been hoodwinked, then I will consider the charge, but there is no intimation that such is the fact.

Mr. BAYNE. I simply want to ask the gentleman from New Jersey one question. I want to ask him whether or not any Representative on this floor from that State favors the proposition set forth in the amendment?

Mr. CLARK, of New Jersey. I will answer most cheerfully. I understand, although I have consulted with but one member of the delegation, that every member on the floor is opposed to this legislation.

Mr. MANNING. But the Senators of the State are in favor of it. I have not seen them myself, but that is my information.

Mr. CLARK, of New Jersey. If the Senators from New Jersey knew what was the real nature of this proposition, they would be just as much opposed to it as we are.

Mr. ROSS. The gentleman from Mississippi [Mr. MANNING] says that the Senators from New Jersey are both in favor of this proposition. I had a consultation with Senator MCPHERSON yesterday, and he told me that he was opposed to it.

Mr. MANNING. Opposed to this amendment?

Mr. ROSS. Yes, sir.

Mr. MANNING. He has never seen it, I am sure.

Mr. ROSS. I showed him the original amendment that the gentleman showed to me. I received this amendment from the gentleman from Mississippi—the original. These lands are in my district. I am in favor of any and all legitimate improvements, but nothing should be done under cover. If they want to build hotels let them say so. If they want to take valuable property of the Government and appropriate it to their own use, so as to receive money therefrom to further their speculations, let their proposition be made in that way, but not in the dark, under the pretense of benefiting mankind through a so-called aquarium association.

I desire the gentleman to state who compose this association. Nobody knows. Shall we give valuable privileges to parties whom nobody knows, and for whom no member on this floor will vouch. The gentleman from Mississippi has been misled——

The question was taken on the amendment; and it was not agreed to.

The Clerk resumed the reading of the bill and read section 5, as follows:

SEC. 5. That each member of the next two graduating classes of the Military Academy, after graduation, may elect to receive the gross sum of $750 and mileage to his place of residence; and the acceptance of this gross sum shall render him ineligible to appointment in the Army until two years after his graduation; and the amount required to defray the expenditure herein provided for shall be paid out of any money in the Treasury not otherwise appropriated.

Mr. NEWBERRY. I desire to ask the gentleman in charge of the bill if he means that section to apply to the present graduating class, and if so, if it is not necessary to make an amendment to affect those who are graduating this year?

Mr. CLYMER. If it becomes a law before the class graduates it will apply to it.

Mr. NEWBERRY. But it is not likely to become a law.

Mr. CLYMER. Then it will only apply to future classes.

Mr. NEWBERRY. Should it not be so amended as to apply to the class that graduates this year?

Mr. SPARKS. I will explain to the gentleman that this is a copy of the old bill, which it was supposed would pass in time to apply to the graduating class of this year. I think an amendment to cover it would be well.

Mr. NEWBERRY. So as to specify the classes of 1879 and 1880.

Mr. CLYMER. There is no objection to that.

Mr. SPARKS. Do you offer that as an amendment?

Mr. NEWBERRY. I do.

Mr. WARNER. There is a proposition embraced in this clause which I desire to enter my protest against. Having educated these cadets, it is proposed that the Government shall then pay them the gross sum of $750. That seems to me to be a principle that cannot be defended. I cannot give assent to the proposition in any form, that, having educated a class of cadets, the Government assumes thereby the responsibility of supporting them the rest of their lives.

Mr. CONGER. Amend it so as to pay them in silver.

Mr. CLYMER. The object is to obviate a difficulty of this kind: the number of graduates at the academy is so large that it is impossible to give them rank or position in the line of the Army. There is no room for them.

Mr. MCCOOK. My understanding is that in this grade of officers, the lowest in the Army, there are vacancies all the time, and that the graduating class which does not exceed forty or fifty can be placed in the field at once.

Mr. SPARKS. If the gentleman will allow me, I would suggest that the section leaves it discretionary with the graduate.

Mr. CLYMER. Certainly.

Mr. SPARKS. It leaves it open for him to accept this increase and retire or remain in the service. If I am not trespassing upon the right of the gentleman from Pennsylvania in charge of this bill, [Mr. CLYMER,] I desire to say that the reason for putting in this provision was that there is now a superabundance of this class of men. It was felt that it would be a wrong to dismiss them from the service, and hence the proposition is inserted here giving them the discretion to accept this amount or to reject it. That is fair to them and fair to the Government. If they reject the proposition, then they will remain in the service.

Mr. McCOOK. I do not wish to be understood as objecting to the section at all, but as replying to the statement of the gentleman from Pennsylvania, [Mr. CLYMER.]

Mr. WARNER. I do not understand upon what theory these graduates of the Military Academy are entitled to any choice in this respect. If the Government is under any obligation to them after it has educated them, then buy them a corner grocery apiece and set them up in business and make them self-supporting.

Mr. McCOOK. Or set them up in the silver business.

The question was upon the amendment of Mr. NEWBERRY to strike out the words "next two" before the words "graduating classes," and to insert after the words "Military Academy" the words "of the year 1879 and of the year 1880;" so that the section will read as follows:

That each member of the graduating classes of the Military Academy of the year 1879 and of the year 1880, after graduation, may elect to receive the gross sum of $750 and mileage to his place of residence, &c.

The amendment was agreed to.

Mr. WEAVER. I move to strike out the section as amended.

Mr. CLYMER. I trust not.

Mr. WEAVER. I hope it will be done.

Mr. WARNER. I hope also it will be done.

Mr. WEAVER. A young man in this country should consider himself very fortunate to be educated at the expense of the Government.

Mr. NEWBERRY. Is it too late to raise a point of order?

The CHAIRMAN. What point of order?

Mr. NEWBERRY. On the amendment, that it is not in the way of retrenching expenditure.

The CHAIRMAN. The amendment of the gentleman from Iowa, [Mr. WEAVER?]

Mr. NEWBERRY. Yes, sir; that amendment is not in order.

Mr. WEAVER. It certainly is.

Mr. NEWBERRY. Wait a moment. These graduates will receive their regular pay for the next two years if this section does not become a law. If it does become a law, and they shall elect to take the sum here provided, then for the next two years they will receive from the Government only $750 each, quite a large reduction; I cannot state the amount, for I have not the figures before me. But I know that each year each graduate receives a certain salary.

Mr. ATKINS. Each year he receives $550 in cash.

Mr. NEWBERRY. And allowances.

Mr. ATKINS. Yes, that is while they are cadets.

The CHAIRMAN. Does the gentleman from Michigan [Mr. NEWBERRY] make the point that the motion to strike out this section is not in order?

Mr. NEWBERRY. I do, upon the ground that it does not retrench expenditure.

The CHAIRMAN. The Chair overrules the point of order; it is in order to move to strike out any portion of this bill. The motion of the gentleman from Iowa is therefore in order, and he is entitled to the floor to speak upon it.

Mr. ATKINS. The motion of the gentleman from Iowa [Mr. WEAVER] is in the form of an amendment, is it not?

The CHAIRMAN. It is a motion to strike out the section.

Mr. ATKINS. And a point of order is made upon it.

The CHAIRMAN. Yes; and the Chair overrules the point of order.

Mr. ATKINS. Was that point of order discussed?

The CHAIRMAN. The gentleman from Michigan [Mr. NEWBERRY] discussed it. The point of order was not upon the section, but upon the motion to strike out the section.

Mr. ATKINS. And was that discussed?

The CHAIRMAN. The gentleman from Michigan discussed it.

Mr. NEWBERRY. I think the Chair must certainly have misunderstood my suggestion. If the Chair will hear me a moment, I will say that as I understand it a graduate of the Military Academy receives after his graduation something in the neighborhood of $1,800 a year. The chairman of the committee will correct me if I am mistaken; but I think it is in the neighborhood of $1,800 a year. Therefore for two years he would receive $3,600, if the present statute remains in force. If that statute is changed, and this proposition inserted instead, then the Government will receive the benefit of paying only $750 for that two years.

Mr. SPARKS. I would inquire of the gentleman from Michigan [Mr. NEWBERRY] if it is not in order for any member to move to strike out any portion of this bill?

Mr. NEWBERRY. If it is not in the way of retrenchment it is not in order.

Mr. SPARKS. I apprehend that any member can move to strike out any portion of this bill.

Mr. NEWBERRY. It would not be in the interest of economy to strike out this section.

The CHAIRMAN. The Chair adheres to his opinion, already expressed by him. The Chair desires to state that this is not a motion to insert new matter, but to strike out this section. It is equivalent simply to disagreeing to the section; and the Chair rules that it is in order.

Mr. WEAVER. If anything should be done in this direction, if the Government has no need of these graduates after they have been educated at the public expense, a better proposition would be to retire them. If the Government has no use whatever for these graduates, why pay them anything? I move to strike out the entire section; and after the vote has been taken upon that motion, I may have a further amendment to offer.

Mr. CLYMER. I trust the motion to strike out will not be agreed to. This provision was inserted in this bill with the assent and approbation of the War Department. It seems to me such a provision as this will be manifestly just. As I said before, in reply to a question by the gentleman from New York, [Mr. McCOOK,] there is a superabundance of young officers of the grade of second lieutenants, which these cadets become upon graduation. They are supernumeraries of certain companies in certain regiments, and have to remain as such until vacancies occur by promotion or casualty. Now, it would be unjust that these young men, after being educated at the institution, should be set adrift without the Government making any provision for them whatever. By making this provision we effect economy. For if they remain in the Army where they are not needed the lowest grade of salary there is $1,500. We propose to send them into civil life by paying them $700 a year for two years, and after this the Government may call upon them for their services. I trust that the provision will not be struck out.

Mr. WEAVER. I cannot conceive how it will be unjust——

The CHAIRMAN. Debate is exhausted.

Mr. ATKINS. I move to amend by striking out the last word. This provision was inserted as a matter of economy. As I understand, these cadets when they enter the West Point Academy do so under a contract with the Government that the Government is to educate them and that they are to serve in the Army if the Government requires their services. Now there is a superfluity of officers, a greater number than the Government needs; and in order to get rid of some of these officers it was thought best to offer these young men $750 a year for two years if they would retire upon that. On the other hand, if the contract between them and the Government is to be executed they will be officers of the Army as a matter of course, and their salaries will be double or more than double $750.

But this economy, it is to be observed, is to be wrought by the consent of the cadet. He is not to be forced to quit the service of the Government. He must voluntarily agree to it. Will any gentleman say we should practice economy by violating the contract, whether the cadet is willing or not?

Mr. WEAVER. My amendment does not propose that.

Mr. ATKINS. How are we to put these youths out of the employ of the Government? Must we retire a portion of them arbitrarily? Let us rather pass a law restricting the number of appointments. After these young men have entered into this contract with the Government, after they have gone to the academy and been educated, it seems to me that the Government should not violate its contract with them. I agree that we should strike at the root of the evil; that is, the number of these appointments should be limited. In my judgment we should have fewer appointments to West Point and to Annapolis. That has been my opinion for some time. But I would not do injustice to these young men. I would not force them out of the profession which they have chosen, and which they have agreed to pursue under the direction of the Government.

Mr. WEAVER. If the gentleman will allow me a moment I will say that my motion does not propose to do any injustice to these young men. It simply proposes to strike out the section, leaving the law stand as it is. That is all there is of it. Now, as to the additional expense——

Mr. ATKINS. I beg the gentleman's pardon; I have the floor. If he wants to ask me a question I will answer it.

Mr. WEAVER. I yielded the floor to the gentleman.

Mr. ATKINS. No, sir, I obtained the floor in my own right.

Mr. WEAVER. If I did not yield the floor to the gentleman, he took it.

Mr. ATKINS. I beg the gentleman's pardon; I did not take the floor from him. I made a motion and obtained the floor in my own right.

Now, Mr. Chairman, if the gentleman's motion prevails, all these graduates will remain in the public service.

Mr. TOWNSHEND, of Illinois. They have the right to resign.

Mr. ATKINS. Yes, to be sure, they have the right to resign. But does any one suppose they will resign after they have spent four years at the academy and educated themselves for this profession?

Mr. McCOOK. I would like to inquire of the gentleman from Tennessee what is the pay of a cadet from the time he graduates until the date of his assignment to service in the Army as a second lieutenant?

Mr. ATKINS. I cannot answer that question.

Mr. JOHNSTON. The cadet upon graduation is commissioned and at once receives the pay of a second lieutenant.

Mr. ATKINS. Which is $1,500, I believe.

Mr. SPARKS. He is commissioned at once.

Mr. SHALLENBERGER. Before the question is taken on the motion to strike out, I desire to offer an amendment to perfect the section. I move to amend by inserting after the word "Army," in line 6, the words "except in the event of war."

Mr. CLYMER. I accept that amendment.

The amendment of Mr. SHALLENBERGER was agreed to.

Mr. FRYE. I move to amend by striking out the last word. Mr. Chairman, I do not claim any particular knowledge of military matters, yet this section seems to me wrong in itself. It looks to me to be a proposition like this: Here the Government of the United States, at an expense of five or six hundred thousand dollars a year, educates a company of fifty young men. For what? For the Army, for the Government's use, for the Government's service, and the young man receives his education as pay for the contract which he makes that he will serve the Government of the United States. Now, you have a class graduating, the Government has paid $2,000 apiece to educate them and fit them for graduation; and now, right at the point when they are graduating, the Congress turns around and bribes these young men not to serve the Government; offers a bribe of $750 to go home, keep out of the Army, keep out of any danger of being sent out upon the borders or down to Texas, to take the $750 and go home. And right in section 9 the same committee offers a bribe to the officers of the United States Army to retire.

I do not understand these second lieutenancies are full to the extent that you must bribe a young man not to take one of them. I understand to-day when this graduating class leaves West Point there are ninety second lieutenancies, and I think there are only sixty of these gentlemen. How many of them are there?

Mr. McCOOK. Not to exceed fifty or sixty.

Mr. FRYE. Not to exceed fifty or sixty. There are ninety vacancies in the grade of second lieutenant, and why bribe these young gentlemen with $750 to go home when you can put them into second lieutenancies and educate them still further in the active duties of army life?

[Here the hammer fell.]

Mr. SPARKS. Mr. Chairman, this whole proposition goes upon the theory that there is a superabundance of this class of men. And that information, as I understand it, comes from the War Office. I did not have charge of this bill—that is, the entire control of it—in the last Congress, but was a member of the sub-committee on appropriations which did have charge of it, and can state from information received from the chairman of that sub-committee that this section not only met the wishes of the War Department, but that the reason assigned for it was on account of the superabundance of graduated and graduating cadets.

What do you do here? You simply put it within the discretion of these young gentlemen to accept a certain sum of money as an inducement to retire, or they can remain in the service under the law and regulations as they now exist. You leave it discretionary with them; you do them no injustice; you do not, as the gentleman from Maine has suggested, bribe them. They can accept this pay from their employer, the Government, and retire from the service, or refuse to accept it and remain in the service. It is limited also to two years or to the next succeeding two classes graduating at West Point.

The gentleman from Pennsylvania, I believe it was, offered to this clause a very wise amendment, which was adopted, that the provisions of this section should not apply in case of the occurrence of war.

And it also seems to me that we might amend it in another respect and make it better still, namely, "that this retiracy shall be by sanction of the Secretary of War." But it all hinges, as I have already stated, upon the theory or original proposition that there is a superabundance of this class of men; and to get rid of them with as little cost to the Government as possible, while we do no injustice to them, we, in a word, propose to pay them a certain sum of money on condition of their retirement, and thereby save money to the Treasury while obliging these young men at the same time.

The gentleman from Iowa [Mr. WEAVER] moves to strike out the section. That motion indicates that he wants to discharge these men arbitrarily. Now, is that fair? As the gentleman from Maine [Mr. FRYE] has wisely suggested, "after you have educated these men for a particular service" is it right, is it just to them and just to the Government that they should be arbitrarily dismissed? I am not in favor of any such proposition.

Mr. WEAVER. I do not want to discharge this class, but to provide for doing so hereafter.

Mr. SPARKS. Then the gentleman wants to leave it to the future, to be done hereafter?

Mr. WEAVER. Yes, sir.

Mr. SPARKS. I object to that on principle. Why do we want to educate these men at all? It was thought by the statesmen who originated and founded our Military Academy that it was useful and wise for the Government to educate a certain number of its citizens for military life, so that in case of war we can have educated and trained leaders, capable of properly controlling and directing its armies. And as we have had wars in the past in which this class of men have been needed, it is to be presumed that we will have wars in the future for which and in which we will also need them. We in all human probability will some time need this class of men for public service and want them in the country. When the last war came upon us they were at our command everywhere, and the men who most highly distinguished themselves were officers who had retired from and left the service. They are educated at public expense. If they take this bonus and retire they are then no further expense to the Government, but are still in the country engaged in the various avocations of life and subject to be called upon when the Government wants them. We leave this to their discretion under this section. They can take $750 and retire if they want to. I think it would be wise, as I have before suggested, to amend the section further, so that this retiracy shall be by the approval and sanction of the Secretary of War so that they could not do it of themselves without the approval of the Government.

[Here the hammer fell.]

Mr. CLYMER. To meet the objection raised by the gentleman from Maine, which I think has some force in it, I move to amend the section by inserting after the word "elect" the words "with the assent of the Secretary of War." Then it will not depend on the mere volition of the cadet. The Secretary of War can exercise a wise discretion. If in his judgment there should be a superabundance of officers in the lower grades, he can allow the graduates to go. If, on the other hand, he thinks they should remain, he is to be judge of that.

With this addition I do say the whole provision in the bill is one in the interest of economy. It is one which will do justice to a large number of those gentlemen who graduate; for I know from various sources of information that the position of these supernumerary officers of companies is one not of comfort to themselves or of benefit to the service. It is a system which crowds companies with officers when they are not needed; and I think it would be a most unwise thing after the advice we have had, after the information we have received from the War Department, after the consultation of the Committee on Appropriations with all the authorities on this question, to strike out this section from the bill. With the amendment I have proposed, I think the section is free from the objections which have been made to it.

Mr. CALKINS. I hope the amendment suggested by the gentleman from Pennsylvania will not be inserted. It seems to me the section is right as it is now. I cannot agree with the gentleman from Tennessee that the evil at the root of which he says we should strike is the appointing of too many young men at West Point. I have advocated on the floor of the House, and still advocate and believe, that it is in the interest of the country to educate as many young men as possible at this institution, and when so educated to allow them, if they choose, to return to their homes and enter into any other pursuit in life they may find suitable. Having received their education they will be ready in any sudden emergency to enter the Army, assume the position of officers, and lead the troops in case of actual warfare.

Instead of reducing the number of young men to be educated I would increase it. I would give them the privilege, such as is set forth in this bill, to retire after having received their education and go into the peaceful pursuits of life. The section as it stands leaves it just where it ought to leave it, at the discretion of the graduates.

I heard in the last Congress a suggestion with which I am entirely in harmony. A gentleman, not now a member of this body, rose and asked the question why it was that he educated his son at that institution. Was it to keep him in the Army? Not by any means, he said. He did not want him to remain in the Army; he wanted him educated so that he might be well versed in all the arts of war, that he might apply them when the occasion arose. Instead of reducing the number, therefore, I would increase it; and I would give the young gentlemen such a privilege as this section gives them to retire after receiving their education. I hope the gentleman from Pennsylvania will not press his amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania, [Mr. CLYMER,] which the Clerk will report.

The Clerk read as follows:

After the word "elected," in the second line of the section, insert "with the assent of the Secretary of War."

Mr. REAGAN. I move to strike out the last word of the amendment. A year or two ago, in view of the large number of supernumerary officers in the Army, and in view of the difficulty of finding places to which to assign the graduates of the classes at West Point, I offered an amendment to a bill like this to reduce the number of cadets one-half; thinking that one hundred and fifty young men regularly educated at West Point by the Government, instead of three hundred, would meet all the necessities of our situation. I recognize the necessity of having a class of men educated in the art of war, and so far as the necessities of the Government go I will gladly sustain that policy. But whenever we go beyond the point that is necessary, and educate men simply to give them education at the public expense, we are doing what we ought not to do; we are unjustly discriminating against some in favor of others.

Why should we educate men at West Point who are not needed for the military service, at the expense of other young men who are working at home, receiving no aid from the Government? Can any one explain it? It is giving exclusive privileges, a thing obnoxious to our Constitution and our form of government. There is no justice in educating at the public expense men not needed for the public

service. And it seemed to me strange it should not occur to the Committee on Appropriations that, seeing there is no use for the men we educate, seeing there is such a number of supernumerary officers, they should cut down the number of cadets instead of going on with the education of so many supernumerary officers.

Mr. GIBSON. I desire to ask the gentleman a question.

Mr. REAGAN. I will hear the question.

Mr. GIBSON. Does the gentleman know the number of educated military men the country may require in the event of a foreign war?

Mr. REAGAN. In the event of a foreign war, if it be a great war, it is not probable we will have all the men of military education needed to officer the Army, nor is it necessary we should have them, as the wars we have passed through have amply proved. Besides, it has never been the policy of the Government to educate a number of men sufficient to officer an army in the event of a great war. That has never been our policy, and the founders of the system never contemplated such a thing. The object is to maintain a system of military education for a limited number of young men to enter the service and to be prepared by military education to fill such positions as they may be assigned to.

Why, sir, with the supernumerary officers we have, with the surplus cadets we have, still we go on appointing on military commissions men from civil life. You may hire these cadets to quit the service, and it will not stop the giving of commissions to civilians in the service.

But the main object I had was to express my surprise that the Committee on Appropriations can find no other way out of the difficulty than to increase the expenditures of the Government. First, the cadets are educated at the expense of the public, and then you propose to hire them to give up their positions. It seems to me that, having received a most valuable education, that ought to be enough for them; and I hope the House will strike out the entire fifth section.

Mr. ATKINS. I am perfectly surprised at the gentleman from Texas. We reported this section, as I stated in the few remarks I made in opening, in the interest of economy. These cadets if they remain in the service draw a much larger sum from the Government, and it is to get rid of the surplus number of officers that this amendment is put in the bill. I am surprised that the gentleman should say that we are hiring them to resign. They are drawing from the Government a salary, and this is a proposition to relieve the Government of the superfluous number of officers. We must adopt this course, unless the gentleman would retire them without a dollar in their pockets.

The question was taken upon the amendment; and it was agreed to.

The question recurred upon Mr. WEAVER'S motion to strike out the whole section.

The question was taken; and on a division there were—ayes 34, noes 60.

Mr. REAGAN. I call for tellers.

The CHAIRMAN. A quorum not having voted, the Chair will order tellers.

Mr. REAGAN. I do not make the suggestion that there is no quorum, but I simply desire to have tellers. I do not want to suggest that there is no quorum.

Tellers were not ordered, only eleven members voting therefor.

Mr. LOWE. I make the point that no quorum has voted.

The CHAIRMAN. The Chair, then, will order tellers.

Mr. WEAVER and Mr. CLYMER were appointed tellers.

The committee again divided; and the tellers reported—ayes 51, noes 85.

So the amendment was not agreed to.

The CHAIRMAN. The Clerk will omit reading section 6, as under the order of the House it will not be considered until the other sections have been disposed of.

The following sections were then read:

SEC. 7. That the Secretary of War shall be authorized to detail an officer of the Army, not above the rank of captain, for special duty in reference to Indian education.

SEC. 8. That section 6 of the act approved June 18, 1878, making appropriations for the support of the Army be, and is hereby, repealed: *Provided*, That when the economy of the service requires, the Secretary of War shall direct the establishment of military headquarters at points where suitable buildings are owned by the Government.

SEC. 9. That from and after the passage of this act, and until it shall be otherwise provided by law, there shall be no promotions or appointments in the Army above the rank of captain, except in the Corps of Engineers; and the actual time of service in the Army or Navy of the United States shall be allowed all officers in computing their pay; and that no officer below the rank of major shall be transferred to the retired list, except upon the report of a duly constituted board of officers to the effect that such officer is no longer fit for active service; and that any officer hereafter retired by reason of wounds received in action shall be retired upon the highest rank, exclusive of brevet rank, actually held by such officer in the regular or volunteer service before retirement: *Provided*, That nothing shall prevent the appointment of a Chief of Engineers, with the rank of brigadier-general, when a vacancy shall occur, nor shall it prevent the promotion of any captain who has served twenty years in the United States Army.

Mr. JOHNSTON. I desire to offer an amendment to the ninth section.

Mr. MAGINNIS. I reserve a point of order upon the last section until the amendment of the gentleman from Virginia shall have been acted upon.

The CHAIRMAN. The Chair is of opinion that the point of order ought to be disposed of before discussion takes place on the merits of the section.

Mr. JOHNSTON. I desire to move an amendment to the ninth section.

The CHAIRMAN. The point of order raised by the gentleman from Montana will first be disposed of.

Mr. MAGINNIS. I make the point of order on the section that it changes existing law and does not decrease expenditures, in that it authorizes the appointment of a new brigadier-general in the Corps of Engineers and also that it authorizes the retirement of officers on higher rank than now allowed by law. I raise this point of order for the same purpose and in order to effect the same object for which the gentleman from Virginia proposes to offer an amendment. I have no objection to the promotion of officers in the Engineer Corps or to the appointment of a brigadier-general of engineers in case of a vacancy or to the provisions of the section in reference to the retirement of officers at the highest rank held by them in the regular or volunteer service, but I feel that I owe it as a duty to the officers of the line of the Army on the frontier who are fighting the Indians in my country to stand up for their rights on this floor and to see that no discrimination as to promotion shall be made against them and in favor of gentlemen on the staff corps who have frequent and pleasant communication with the members of Congress and opportunities to urge their rights which officers on distant stations do not possess. I do not think an exception should be made, and this section does make one, against officers on the frontier, captains and lieutenants and field-officers who are fighting the Indians and waiting day by day for their promotion. If promotion in the Army is to go on at all, and I hope it may, let it not be confined to the engineers alone, but let it run through all branches of the service. It is as dear to the cavalry and infantry as to any others, and as well deserved by them, and it is at their request that I make this effort to have promotions opened, which will be effected by striking out this invidious and unjust section of the bill. I insist on the point of order that the proviso changes existing law and does not reduce expenditures.

The CHAIRMAN. The Chair will hear discussion on that point of order.

Mr. CLYMER. The point of order raised by the gentleman from Montana upon the proviso commencing in the fourteenth line, I understand, is the first portion of the section against which he makes the point of order, but the point of order is, I think, utterly unfounded. The Chief of Engineers now holds the rank of brigadier-general, so that it is not a change of law and not an increase of expenditure. It is the existing law.

Mr. MAGINNIS. If the present Chief of Engineers should die or resign, could another be appointed brigadier-general under the present law?

Mr. CLYMER. There could not.

Mr. MAGINNIS. Therefore I insist that this is a change of law which permits the appointment of a general officer not now authorized. And as to the other part of the section between lines 10 and 16, it does not reduce the number of officers that may be retired, but it does increase the rank, and consequently the pay, on which they may retire, and is therefore clearly out of order.

Mr. ATKINS. I desire to ask the gentleman from Pennsylvania who has this bill in charge [Mr. CLYMER] if the law does not now allow officers to be retired on their actual rank and not on their brevet rank, just as this bill provides?

Mr. CLYMER. The chairman of the Committee on Appropriations [Mr. ATKINS] will understand that I have been speaking upon the first point of order raised by the gentleman from Montana [Mr. MAGINNIS] against the portion of this section authorizing the appointment of a chief of engineers with the rank of brigadier-general. I have taken the position that the point of order is not well taken against that portion of this section. The other point of order I have not touched upon yet.

Mr. ATKINS. I ask the gentleman's pardon; I desired merely to call his attention to the matter.

Mr. CLYMER. With reference to the point of order raised against that portion of the section which authorizes officers hereafter retired by reason of wounds received in action to be retired upon the highest rank, exclusive of brevet rank, actually held by them in the regular or volunteer service before retirement, I will say that the law now provides that an officer shall be retired upon the highest actual rank which he holds when retired. I believe I can refer to my friend from Connecticut, [Mr. HAWLEY,] who is so well versed in this matter, upon that point.

Mr. HAWLEY. This section proposes to change the present law.

Mr. CLYMER. It proposes to change the law so as to provide that an officer shall be retired upon the highest rank, exclusive of brevet rank, which he may have held in the regular or volunteer service at any time. It is but candid that I should say, and I will not attempt to disguise the matter, that I think this portion of the section is liable to the point of order. Some friend of this provision, some gentleman who may construe it differently, may look at it in another light from what I do. I think, however, it is but fair to the committee for me to say that in my opinion it is liable to the point of order. With reference to that part of the section which prevents the promotion

of officers above the rank of captain I do not concede that that is at all liable to a point of order.

Mr. MAGINNIS. I have made no point of order against that portion of the section.

Mr. CLYMER. The gentleman says that he has made no point of order against that portion of the section.

Mr. WHITE. I desire to ask my colleague [Mr. CLYMER] a question.

Mr. CLYMER. Certainly.

Mr. WHITE. Has the point of order been made upon that portion of the section which provides "that any officer hereafter retired by reason of wounds received in action shall be retired upon the highest rank, exclusive of brevet rank, actually held by such officer in the regular or volunteer service before retirement?"

Mr. CLYMER. That is the portion of the section which I have said may be liable to a point of order.

Mr. WHITE. And I understand that a point of order has been made against that portion of the section.

Mr. CLYMER. I so understand; and that point of order is now pending.

Mr. WHITE. I desire to say that if it had not been made, I intended myself to make it.

Mr. CALKINS. I desire to ask the gentleman a question.

Mr. CLYMER. Very well.

Mr. CALKINS. Does the gentleman concede that a point of order will lie against that particular portion of this section?

Mr. CLYMER. While I am not prepared to say definitely that it does, it does seem to me that a point of order would lie against that particular provision.

Mr. CALKINS. Allow me to suggest to the gentleman from Pennsylvania and to the Chair that when officers are retired under this provision they are to be retired on three-quarter pay. Now how can anybody say that because they will be retired upon a rank which they held in the volunteer service, that will necessarily increase expenditures?

Mr. MAGINNIS. They will be retired upon a rank higher than under the present law they are retired upon.

Mr. CALKINS. But you are assuming that there will be a sufficient number of officers retired on the higher rank to make their three-fourths pay greater than the full pay of officers retired under the present law with less rank.

Mr. MAGINNIS. They will be retired on a higher rank.

Mr. CALKINS. The gentleman will see that unless there are more officers retired upon the higher rank whose three-fourths pay will exceed that of the full pay given to officers retired now upon a lower rank, this will work no increase of expenditures.

Mr. MAGINNIS. If retired on a higher rank they will receive more pay.

Mr. CALKINS. That will not necessarily increase expenditures. The gentleman is assuming something which there is nothing here at all to base the assumption upon.

Mr. CLYMER. Allow me to suggest to my friend from Indiana [Mr. CALKINS] this state of things: suppose that an officer now holds the rank of captain in the regular Army, but he has formally served in the volunteer or regular service as a brigadier-general.

Mr. MAGINNIS. Or as a major-general.

Mr. CLYMER. Or as a major-general. When the Army was reduced that officer entered the regular service, not in the rank which he formerly held and in which he was wounded, but in the lower rank of captain. Now suppose that, still holding the rank of captain, he is retired by reason of wounds received while he was holding the rank of brigadier-general.

Mr. CALKINS. I grant you that in that particular instance, if there was no other case, there would be an increase of expenditures. But take the case of a large number of officers, because if any presumption is to follow you must take a presumable case.

Mr. CLYMER. I will say this——

Mr. CALKINS. Allow me to finish my statement.

Mr. CLYMER. I am willing to answer a question only, not to have all my time taken up. I will say that in my judgment this provision is liable to a point of order. I am saying that against my own feeling, because, if it is not liable to a point of order, I propose to sustain the provision. I think it but right that a man wounded while holding a rank higher than the one he subsequently took in the Army, if obliged to retire by reason of wounds received in that rank which incapacitated him for further service, should have the benefit of the rank which he held at the time he was wounded.

Mr. McCOOK. In the volunteer service? I am very glad the gentleman makes that concession.

Mr. SPARKS. Mr. Chairman, this section was put in the last Army appropriation bill for the temporary purpose of preventing promotions until the commission appointed by the last Congress to consider the reorganization of the Army should have made a report to Congress, and until that report should have been acted upon. Now, I understand that these appointments and promotions have all been acted upon in the Senate a few days ago, so that the section now practically amounts to nothing. I think, therefore, that there is on both sides of the House a general concurrence in the opinion that we had better strike out the whole section. I hope that will be done; and if in order, I make that motion.

The CHAIRMAN. That motion is not in order until the point of order is disposed of. The Chair desires to learn from the gentleman from Montana the exact language upon which he raises the point of order.

Mr. MAGINNIS. I make it upon the clause beginning with line 1014. My point is that it does not diminish the number of officers who can be retired, and it increases the rank on which they can be retired.

The CHAIRMAN. If the gentleman makes the point of order he must either make it upon the entire paragraph or upon the proviso, which is a substantive proposition.

Mr. MAGINNIS. I make the point of order upon the section because it contains those clauses.

Mr. SPARKS. If the gentleman will withdraw the point of order we can strike out the whole section.

Mr. MAGINNIS. Very well. I withdraw the point of order.

Mr. CLYMER. I move to strike out the whole section.

The CHAIRMAN. The question is first upon the amendment of the gentleman from Virginia, [Mr. JOHNSTON.] Does the gentleman insist upon that amendment?

Mr. JOHNSTON. I have no objection to withdrawing it, to allow a vote to be taken on the motion to strike out.

The motion of Mr. CLYMER to strike out the section was agreed to.

The CHAIRMAN. The consideration of the bill under the five-minute rule is now concluded; and according to the order of the House the committee will proceed to consider the sixth section, upon which one hour of general debate is to be allowed, one-half hour on each side. The section will be read.

The Clerk read as follows:

SEC. 6. That no money appropriated in this act is appropriated or shall be paid for the subsistence, equipment, transportation, or compensation of any portion of the Army of the United States to be used as a police force to keep the peace at the polls at any election held within any State.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania [Mr. CLYMER] as controlling one half hour and the gentleman from Indiana, [Mr. BAKER,] the first member of the minority upon the Committee on Appropriations, as controlling the other half hour.

Mr. CLYMER. I yield the first half hour to the control of my friend from Indiana, to be divided as he sees fit, reserving of course half an hour to be under my own control.

Mr. BAKER. Mr. Chairman, at the proper time I shall make a motion to strike from this bill the sixth section. I shall make that motion on the same ground on which in another place I made the motion. It is that the bill ought not to be incumbered by a provision which does not make any change in existing laws. I do not believe in the wisdom of putting legislation in bills simply for the purpose of multiplying words where those provisions do not accomplish any change whatever in the constitutional power of the President or of any department of the Government. As I understand the state of the law to-day, the President is not clothed with power, nor has he professed at any time to exercise the power, of placing the troops of the United States around the polls as a mere police force for the purpose of taking the place of the ordinary constables and civil police scattered through the country. It is only where the civil officers are powerless to execute the laws that the military power may be rightfully used. Viewing this provision in that light—viewing it as a mere incumbrance, as mere surplusage, as a mere tub thrown to the political whale, I think it ought to go out of the bill.

Speaking for myself, I shall have said all that I desire to say at this time when I have added that if my motion to strike out section 6 shall be voted down here, as it was voted down elsewhere, I shall feel it my duty to vote for this bill. I shall do so on the distinct ground that it contains provisions for the support of the Army substantially in accordance with the estimates of the Department, and containing nothing abridging the powers of the Executive. I believe these estimates are reasonably sufficient for the maintenance of the Army for the next fiscal year. In making this statement I speak only for myself; I speak only my own convictions, and with these convictions I am not to be deterred from discharging the duty which I owe to the Government under the Constitution of voting supplies for the Army, by reason of the fact that political necessities have seemed to constrain the dominant political party to put in this bill a provision which is mere idle thunder, without any effect in changing any existing law.

I yield now for five minutes to my colleague on the Committee on Appropriations, the gentleman from Connecticut, [Mr. HAWLEY.]

Mr. HAWLEY. Mr. Chairman, I do not know that I desire five minutes because I find myself concurring so completely with my associate who has just spoken. I did in a previous debate very strongly oppose any declaration of the Congress which would seem to deny to the Chief Executive of the United States the right to make the Federal Constitution and laws respected and obeyed in all times and in all places. [Applause.] There is no inch of space, there is no second of time in this country where when the constitutional laws may not be obeyed we must not compel obedience to them, and when, in the event of the civil authorities failing to command respect and obedience, the element of force, the element of crushing and killing force, cannot be called in. That I asserted previously and endeavored

to enforce. It is the doctrine of civil government, indispensable to government. Without it that which pretends to be government is but anarchy. But as to the general limitations within which the military force or the crushing power may be called in I shall concur, I presume, substantially with any good lawyer of any party.

I find no difficulty in coming to a conclusion myself upon reading the history of American legislation and the practice of American executives. In reading the history of the English government in this matter you will find it impossible to derive any precise rules from English practice or law as to the relation between the military and civil power. The precise moment, the exact circumstances under which the military may be called in to compel obedience cannot be very well defined, and a great deal must be left of necessity to the discretion of the civil magistrate and to the discretion of the military officer; but when once called in it is the duty of the military officer to obey and crush the domestic violence, the insurrection, the riot against which he is summoned. [Applause.]

Now, that I may not expend my whole five minutes on that let me make a hasty reference to the bill now under consideration. What is a police force? It is quite natural for us on the republican side to look at this section and wonder whether there be any covert meaning in it, anything which may be interpreted at the polls or in the political canvass otherwise than it is interpreted here. I have satisfied myself deliberately that I have no objection to that clause other than that it is a sort of general legislation out of place on a general appropriation bill. And for this reason I ask again, what is a police force? It is organized civil authority, the sworn constables, the ordinary constables known to the ancient English law, duly organized, if you choose, even into companies, regiments, and brigades. The origin of the modern police force, the metropolitan police force, uniformed, with captains of companies and chiefs of battalions, is to be found in the recommendation of the Duke of Wellington about 1829, in order that he might have a "counterpoise to the Guards," and avoid as far as possible the necessity of calling in the regular army of the kingdom to maintain the peace.

Now, in the event of the metropolitan police of London failing, in the event of the metropolitan police of New York failing, in the event of the marshals and deputy marshals of the United States failing, every government of necessity reserves to itself the right to call in its organized military forces and to forcibly subdue the wicked people who are resisting submission. That I claim for the Federal Government as I claim it for my State, and as every man of common sense must claim it for any government of any description. But that the republican party or any individual or body, or any officer belonging to that party, ever claimed the right to call upon the regular Army in the form of what is known in common conversation or law as police to keep the peace at the polls is a mistake. Take the converse of this proposition, or put it in the affirmative, that the President of the United States shall be directed to use the Army of the United States as a police force to maintain the peace at the polls, and who will support it? [Laughter and applause on the republican side.] I am obliged to my friends in the majority for having put this in the form of a harmless negative, for which a republican can vote, a republican of the blackest dye, who believes in making the Federal laws respected everywhere at all times and at all hazards. [Applause on the republican side.]

Mr. BAKER. I now yield the remainder of the half hour allotted to me to the gentleman from Ohio, [Mr. GARFIELD.]

Mr. GARFIELD. I may not want all this time. I hope I will not.

The CHAIRMAN. The gentleman has twenty minutes.

Mr. GARFIELD. Permit me, Mr. Chairman, to recount very briefly the steps which have been taken in regard to this Army appropriation bill in connection with that of the legislative bill. At the close of the last session those two bills were prevented from passing upon the alleged ground that there were three grievances in the form of laws which gentlemen on the other side said must be redressed by repeal before they would vote the appropriations necessary to carry on the Government. One grievance was set forth in a vague, general charge, but not well founded, that there was a law upon the statute-book that authorized military interference with elections. The second was that the jurors' test oath, made necessary by the war, was now a hardship and a grievance. The third was that the several sections of the law relating to supervisors and marshals at national elections were a grievance which must be removed by repeal. And we were told, in the most unequivocal language, by the democratic leaders in both Houses that the $45,000,000 needed for the maintenance of the civil and military functions of the Government should never be appropriated until these statutes were repealed.

In response to these demands we declared our willingness on this side of the House, first, to pass a bill which the Senate, a republican Senate, sent to us repealing that section of the statute which prescribed a test oath for jurors. We were ready then, we are ready now to pass that bill just as the Senate sent it to us at the last session. Second, we said then, and we have frequently repeated the offer this session, and we say now, that we have never voted for a law to make use of the Army to run elections. We have said repeatedly that there never was in this country and there is not now such a law; and we do not desire such a law or such a practice; and that if any act was needed to prevent the running of elections by bayonets we were ready to help to prevent it. These two propositions we offered at the close of the last session in order to remove any real or apparent ground of complaint on those two scores provided that on the other side the third demand, namely, the repeal of the laws relating to supervisors and marshals should be abandoned.

These offers were rejected with arrogant contempt, and the extra session was forced upon the country. A struggle of nearly three months has followed. Nearly all the legislative appropriations have now passed this House without conditions or change of the laws.

With this general review I shall now confine my remarks wholly to the history of the Army appropriation bill. Soon after this session began we were tendered an Army bill that had in it not a repeal of the law of 1865, alleged to be an offense—not that; for we tendered that, and 109 republicans voted to repeal it and not one republican voted against the repeal—and every democrat in this House voted against its repeal. Instead of a repeal it was proposed so to modify the law of 1865 as to enlarge its restrictions beyond the Army and Navy and make it a crime, punishable by imprisonment or fine, for any civil officer of the United States to employ any armed force or soldiers or citizens to keep the peace at the national elections. In other words, we were tendered a proposition which swept the whole circle of the civil powers with its prohibitions, and prevented the civil authorities of the nation from preserving the peace at the elections of our National Legislature or protecting supervisors in the execution of their duties.

That assault upon the law we resisted as one man. But while we resisted we protested that we were not and never had been advocates of running elections by bayonets.

But though that bill, with its revolutionary menace, passed both Houses, it was wrecked upon the rock of the Constitution, and went down, leaving not a spar afloat on the face of all the waters of our political life.

A MEMBER. It met with a veto.

Mr. GARFIELD. Yes; it met the veto with which the Constitution had wisely armed our Chief Magistrate. Then came the second chapter. A short bill of six or eight lines was introduced, not merely repealing military provisions of the law of 1865, but in effect declaring that the Army of the United States should not be used to enforce any of the laws of the Union, anywhere in the Union, at any time when an election was being held. We pointed out the fact that the bill would smite with paralysis the executive authority of the nation during two, three, five, ten, or possibly a hundred days of every year; that under its provisions even the property of the nation could not be protected from destruction at any place where any election was being held. This violent measure was also passed by the solid democratic vote of both Houses; but, like its predecessor, it ran against the rock of the Constitution and went to the bottom, [applause on the republican side,] and only bubbles mark the spot where it went down.

And now we have before us another bill making appropriations for the support of the Army. Before considering its other provisions I turn aside to congratulate the country and the Army that so many gentlemen on both sides have finally consented to strike out the ninth section, which would have been a hardship to the meritorious officers of the Army by stopping promotions for an indefinite period. And I tender my compliments and thanks to the distinguished gentleman from Virginia [Mr. JOHNSTON] who made the motion. The country and the Army will not forget it. I believe the appropriations made in this bill are sufficient for the support of our military establishment, and no laws in reference to which there is any controversy are repealed by it.

And this brings me to the consideration of the only provision about which there is any question. It is the sixth section; and I will read it:

SEC. 6. That no money appropriated in this act is appropriated or shall be paid for the subsistence, equipment, transportation, or compensation of any portion of the Army of the United States to be used as a police force to keep the peace at the polls at any election held within any State.

My first observation is, that this section does not profess to repeal, and does not repeal any law of the United States. There is not now, and, so far as I know, there never was on our statute-book, a law which authorized the use of the Army "as a police force" at the polls, and even if this section were a repealing clause, there is nothing on which it can operate as a repeal.

But whatever the section prohibits is in the form of a limitation for the coming year on the objects to which the appropriations here made are to be applied. It is declared that this money is not "appropriated for the subsistence, &c., of any portion of the Army to be used as a police force to keep the peace at the polls." I affirm, without fear of successful contradiction, that this limited and indirect prohibition does not apply to any law or to any practice known.

Mr. HAWLEY. Not since the Kansas troubles.

Mr. GARFIELD. Certainly, not since the Kansas troubles. And furthermore I do not know of a man in this House who is in favor of using the Army of the United States as an ordinary police force to run elections. [Applause on the democratic side and counter-cheers on the republican side.] There are, I believe, about forty thousand polling places in the United States. If our Army roster was full, officers, soldiers, and camp followers, we would not have over twenty-five thousand in our Army. And if there were a law for using the Army as a police force at the polls we should have about three-fourths of one soldier to each polling place.

Now, if anybody proposes to deploy our Army in that way I do not know where the lunatic lives. I speak for myself, and of course for everybody who thinks as I do, and for nobody else. We hold two things: first, that we will not, if we can help it, let vital and righteous laws be repealed or nullified as the condition of getting an appropriation to support the Government. We have resisted, and will resist to the end, all such measures. And, in the second place, even under the pressure of party feeling and party opposition, we will do no act and cast no vote that will place us really or apparently in any attitude inconsistent with the old and recognized principles and traditions of English and American liberty, namely, that civil, not military force, is the usual, the safe, the American method of keeping peace at the polls.

That no one may misunderstand me, let me put the case thus: suppose some one should offer the following as a substitute for this section:

Be it enacted, &c., That it shall be lawful for the President of the United States to use the Army or any portion of it as a police force to keep the peace at the polls at any election held within any State.

Is there a man in this House that would vote to make that a part of our law? If there be one, let him speak. [A pause.]

Mr. FINLEY. Did not the gentleman vote for a proposition substantially that?

Mr. GARFIELD. Never in my life, nor anything like it.

Mr. FINLEY. The vote of the gentleman last session was precisely that in effect.

Mr. GARFIELD. The gentleman is utterly mistaken. Now, if no one would vote to enact into law the thing which this section says is not appropriated for, how can any one hold that the section prohibits anything that ought to be done?

I say, for one, that in so far as this section indicates the relation between the civil and military arm of the Government in the conduct of elections it meets my cordial concurrence; and a vote for the section will put at rest the reckless and false charge that this side of the House desire to run elections by bayonets.

I admit, as my friend from Indiana [Mr. BAKER] has said, that the section is mere surplusage. It does not repeal or change any existing law; but if its framers think that by offering it they expect to gain a party advantage by getting me or those with whom I act to cast a vote that implies that the Army ought to be used as an ordinary police at elections they are greatly mistaken; for they have set a very open trap, baited with a very small piece of very poor cheese.

Now, Mr. Chairman, a word further in reference to the language of the section. Some gentlemen may be troubled about the scope and meaning of the words "to be used as a police force." Let me recall a little history. In 1865, when flagrant war was raging, when eleven States were banded against the Union to destroy it, and the theater of war spread over five or six States that adhered to the Union, there was in fact military interference at elections; it was the military interference of the armed enemies of the United States.

I once voted at an election where there was very serious military interference. In the autumn of 1862 under the heights of Missionary Ridge, near the city of Chattanooga, when 5,000 Ohio soldiers under the laws of that State were permitted to vote, I in company with my comrades voted for a governor of Ohio.

While we were voting, the shells from the batteries of armed enemies of the United States were bursting over our heads, and some of our voters were killed while in the exercise of their right of suffrage as citizens of Ohio. That was the only military interference with elections that I ever witnessed. [Applause on the republican side.] Now, it was to prevent that kind of military interference that the armies of the United States in time of war kept off the armed enemies of the United States in the State of Kentucky and in other border States while elections were being held there. And in order that in the performance of that necessary duty they might not interfere with the freedom of elections and the rights of citizens, the act of February, 1865, was passed while our guns were yet smoking and while we were yet in line of battle. Even in that act it was provided, under the severest penalties of the criminal law, that no officer, civil, military, or naval, should interfere with the right of any man to vote, or should undertake to prescribe qualifications for a voter.

Now, I say that that act of 1865 was in the interest of civil liberty, restraining our armies from doing any wrong or committing any outrage. And in that act there occurs for the first time in the history of our legislation connected with the Army the expression "to keep the peace at the polls." And even there it is used for the purpose of saying that the law does not make it a crime punishable by imprisonment and fine, for an officer of the Government to "keep the peace at the polls" or to repel the armed enemies of the United States. Nothing in that law refers to the use of the Army as an ordinary police force.

The proposition to use our Army as a police, to send them out and station them one by one at the polls to run the elections as a police, is a fiction so absurd that I trust no man on this side of the House will give the least color to the assumption that he favors it by holding that this sixth section repeals, suspends, or modifies any existing statute.

Mr. WILLIAMS, of Wisconsin. Will my distinguished friend allow me to submit to him one question, which he will understand I put in the utmost good faith.

Mr. GARFIELD. Certainly.

Mr. WILLIAMS, of Wisconsin. It is this: Are you now in favor of using any portion of the Army of the United States at any time, under any circumstances, in any emergency, to keep the peace at the polls?

Mr. GARFIELD. Not in the sense of using that Army as an ordinary police force.

Mr. WILLIAMS, of Wisconsin. In any form or manner?

Mr. CARLISLE. This section does not refer to the use of the Army as an ordinary police force.

Mr. GARFIELD. I will refer my friend——

Mr. WILLIAMS, of Wisconsin. I do not mean as an ordinary civil police, but in any form whatever. Is the gentleman in favor of using the Army in any form whatever to keep the peace at the polls?

Mr. GARFIELD. I am in favor of using the Army and the Navy and all the militia of the United States to enforce the laws of the United States, any one of them and all of them, everywhere, and at all times when the civil force is inadequate, but not until then.

Mr. WILLIAMS, of Wisconsin. Including the keeping of the peace at the polls. [Laughter on the democratic side.]

Mr. GARFIELD. If there be any law that authorizes the President to use the Army as an ordinary police force for that purpose I am in favor of enforcing it.

Mr. WILLIAMS, of Wisconsin. Does my friend think that we have that law, or does he think that we do not have it?

Mr. GARFIELD. I think we have not; that we never have had it, and that we never ought to have it in time of peace.

Under our laws, at the present moment, we have the amplest power to add deputy marshals and assistant marshals in any number that may be needed to keep the peace at the polls, and those marshals may summon the posse, the armed posse of all faithful citizens who will obey the orders of the marshals and keep the peace at the polls. This is the traditional law of English-speaking peoples.

Now, if my friend from Wisconsin [Mr. WILLIAMS] will remember, it was distinctly provided in the law of last year that the Army of the United States should not be used as a part of the *posse comitatus* in any case except where the law expressly provided that it should be so used. Therefore, in the presence of that restrictive legislation, passed almost unanimously by a republican Senate—although I and my friends voted against it in the House; yet it was finally concurred in here without a division—in the presence of that restrictive legislation, I say there is no law in the United States to which this sixth section can attach itself, either as a repealing or as a modifying clause.

Therefore I say in conclusion that whatever use may be made of this section as party literature, it is evident to me that, in the judgment of lawyers and courts and executive officers of the Government, it is merely and only a stump speech changing no law and having no legal effect whatever. I shall vote for the bill.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. CLYMER. Mr. Chairman, I propose—— [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The Chair desires to state that by order of the House one hour was to be allowed for debate on this section, only one-half of which has been consumed. At present there is nothing to be voted upon.

Mr. CLYMER. I do not propose to occupy more than a few minutes myself. I take the liberty to yield ten minutes to the gentleman from New York, [Mr. COX.]

Mr. COX. Mr. Chairman, I may not occupy more than five minutes in view of the very pleasing division on the other side. Evidently they have not retreated in good order. There is a rout in the camp.

Mr. PRICE. I think we have advanced considerably.

Mr. COX. I did not ask you to speak, my reverend brother. [Laughter.] I like to hear my friend on temperance. I like to hear him on the Moline water-power.

Mr. PRICE. I presume on the subject of temperance I could benefit my friend considerably. [Laughter.]

Mr. COX. If I could only infuse a little of the "old Bourbonic" element into him, he would be a wiser and better man. [Laughter.]

Mr. Chairman, I admit that I am not in favor of this bill as to the provision for twenty-five thousand men. I did not vote for that provision before. I do not think we need so many, either for the red man or the black man or the white man.

But the gentleman from Ohio [Mr. GARFIELD] covers his retreat very handsomely in large rhetoric, with some thunder from on high to help him. His remarks show the mere *brutum fulmen*, without lightning, for he did not strike anybody except our friend from Wisconsin, [Mr. WILLIAMS.]

I understand the motive of gentlemen. They want, if possible, to keep the Army for one section and for one purpose; and they will do anything, they will sacrifice all that they have said in the extra session, for that particular purpose. They know now that they cannot use the Army in the solid South. They are willing to give up all that they have said; they retreat ingloriously under the shield of the gallant soldier from Ohio. But they supplement the Army North, and

perhaps in other places, in the cities, with this rake-helly rout of ragged rascals—the supervisors. Ah, sirs, you mean in 1880! You mean to carry the election then. You want the Army at one point and the supervisors at another. You have no principle at stake. You mean to strike down the right of the citizen to vote. You will do it either by force or fraud; force by the Army where you can use it, otherwise by fraud and "civil" force—all sorts of masks and disguises. By all tricks you propose to carry the election in 1880. I would not give you either supervisors or Army for such a purpose. Election, if it means anything, means the free will of the people.

The gentleman talks here about our Army not being very dangerous and great when distributed among forty thousand voting places. But could you not send them all to one place? It is true, you could not take twenty-five thousand men and distribute them among forty thousand voting places. You would have to make a vulgar fraction of some soldier in order to do it. [Laughter.] That is not the way you did it at New Orleans. That is not the way you tried to do it in New York in 1870, and afterward. That is not the way you did in South Carolina. You struck with your Army. Even with your swagger, your sword-knot, your epaulet, with the insignia of the Republic. Armed with your Federal legislation, you brought the whole power of this Federal Government to bear through the Army at certain places for your purposes. Is not one State enough to carry the presidential election under certain circumstances? One State did it. One county in one State might do it; ay, one man in one county, if organized under radical auspices, might do it! All that is necessary is one vote!

Of course, all your forty thousand polling places cannot be reached by an Army. With all your Army hitherto, you have not reached enough to come honorably and honestly into the possession of the executive department. The gentleman from Ohio [Mr. GARFIELD] spoke of his voting under some patriotic circumstances, with shells flying around him, for Governor Brough against Vallandigham. I have no doubt he did. I have no doubt that such voting perhaps was sometimes honestly done. But I know that when I ran for Congress in 1864, and when soldiers undertook to vote for me as they did, they could not get their votes in, much less returned. Near the city of Columbus, at Camp Thomas, I was driven out of camp three or four times while trying to rally my friends among the soldiers and the friends of George E. Pugh, then a candidate for Congress in Cincinnati. That camp was filled then with our regiments from all points in Ohio. They were encamped there. When the election was going on I was driven out with the bayonet twice, if not thrice, while writing my tickets there; but the republican central committee, protected by bayonets, wrote out republican tickets under the auspices of force, which the gentleman now deprecates.

But, Mr. Chairman, all this talk to-day of the gentleman from Ohio [Mr. GARFIELD] is as insincere as the laugh of a madman. [Laughter and applause on the democratic side.] All this vaunting from him of our great heritage and of our institutions is like the flight of a bat compared with that of the eagle. [Laughter.] It has no more reference to personal or electoral liberty than whiteness has to the queen of the Hottentots. [Laughter and applause.]

One word more and I am done. We undertook to brush from the statutes certain obnoxious provisions——

Mr. BAKER, (in his seat.) You did not brush them.

Mr. COX. You, sir, rise up and speak if you are a man and let us look at you. [Laughter and applause.]

Mr. BAKER. I observed that you had not brushed very much. [Laughter.]

Mr. COX. The gentleman from Indiana spoke yesterday of my sonorous voice. I wish he had spoken up with more sonorousness to-day. [Laughter.] He undertakes to tell me we have not brushed them off. We cannot brush them off so long as you have a fraud in the White House. [Applause on both sides of the House.] Gentlemen cheer "fraud" on the other side; I do not wonder at it. [Applause on the republican side.] True we cannot override the veto under the Constitution. This we know. We have been endeavoring all we could under all sorts of weather, under all sorts of legislative disaster on both sides to vindicate the heritage that I trust we all love so well. We have endeavored to strike down the bad laws which grew out of the war power. We have endeavored to strike down all obnoxious provisions against personal and voting liberty. We have endeavored to give fair and just expression to the popular will, and you of the other side have stood here for months an obstacle in the path.

Now, at last, Mr. Speaker, the gentleman from Ohio makes a merit of his recreancy to the cause on the other side. The gentleman from Wisconsin [Mr. WILLIAMS] puts the knife into him and turns it round. The blood spurts all over the republican side of the House. They become red and gory with their own war. [Long-continued laughter and applause.]

Mr. CLYMER. Mr. Chairman, at this late hour I do not propose to detain the committee but for a few moments; and before proceeding to make any remarks I will only say that I had intended to make a speech of some length on this subject, and now ask permission by unanimous consent to print it in the RECORD as part of the debates.

The CHAIRMAN. The Chair hears no objection, and leave is granted accordingly. [See Appendix.]

Mr. CLYMER. I would not have risen, sir, save to reply very briefly to some of the remarkable utterances of the gentleman from Ohio, [Mr. GARFIELD.] When we came here in March and proposed to remove that in the laws which was a standing menace and threat to the ballot-box and its purity, when we proposed to repeal the law in the United States which authorized the troops to be used to keep the peace at the polls, then it was the gentleman from Ohio, in thunder tones, proclaimed that this side of the House was guilty of revolution.

He said revolution was attempted by the withholding of supplies, as he intimated we would, and that the very foundations of this Government were to be shaken and undermined. Then it was that here and all over this broad land he attempted to excite the feelings, the passions, and the prejudices of all men against the democratic party, because he alleged we were hostile to the Army and wanted to destroy it. It is a matter of profound gratification to me that in these the closing hours of this special session his reason has been restored and that he is now clothed in his right mind. It delighted me to hear him say to-day that he never had, never intended to have, never claimed to have any power to use the Army for this purpose to keep the peace at the polls.

Mr. PRICE. As a police force.

Mr. CLYMER. He said he never had claimed the power. Why, then, did he with his whole party resist to the uttermost in this Chamber and in the other body and finally extort a veto from the President because we repealed a mere clause in the act of 1865 which allowed them to keep the peace at the polls? Why was that done? Was it because there was more of meaning in the phrase in April than in June, or has it been that through this prolonged discussion in its various phases the gentleman has at last discovered that upon him and his party and associates would be the blame if the Army were left without supplies? There never was an hour in this Congress when the democratic side of this House was not willing and ready to vote for appropriations to carry on the Government. In April we were called revolutionists, yesterday we were denounced as nullifiers, but to-day in bland terms the gentleman says that the proposition which we put upon the Army bill, and which in effect is precisely like that put upon the legislative, judicial, and executive bill yesterday, when he denounced us as nullifiers, is meaningless and of no force or effect.

I say to you now, Mr. Chairman, that if the President of the United States be law-abiding and does his duty, never hereafter will you see an armed man at the polls to keep the peace. He has no money under this bill to do it with. He has no law to sustain him. It is true we may not absolutely bind him by the meshes of the law, which are easily broken—when there is a will a way is always found. I for one am willing to go to the people of the whole land upon this issue—the ballot against the bullet. The great question is the freedom of elections from the presence or interference of Federal soldiers. It is the supremacy of the civil over the military power everywhere and in every quarter of this country; the right of men to express their will at the polls freely, without bias, and unawed, and I say to you that when we pass this bill and the bill of yesterday, and those bills shall have become laws, then, sir, we shall have earned the gratitude of all men everywhere for giving them free elections uninterfered with by Federal influence or power. Upon this vital, fundamental principle we took our stand in the past, we maintain it to-day, and will do battle for it in the near future until not a vestige of these odious enactments remain. This is the grand issue to-day. We are victors on this field, and we do not doubt the result when the verdict of the people on this vital issue is rendered at the polls. [Applause.]

Mr. WHITE. Before my colleague takes his seat——[Cries of "Vote!" "Vote!"]

Mr. CLYMER. I move that the committee rise and report the bill with the amendments.

Mr. BAKER. I move, Mr. Chairman, to strike out the sixth section. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. There are fifteen minutes still remaining of the time at the disposal of the gentleman from Pennsylvania for his side of the House.

Mr. CLYMER. The time that remains, I understand, is not claimed by any gentleman on the other side of the House.

Mr. KEIFER. Then I hope the gentleman will yield that time to somebody who does want to speak.

Mr. CLYMER. I insist on my motion. [Loud cries of "Vote!" "Vote!"]

Mr. BAKER. I desire to move to strike out the sixth section.

The CHAIRMAN. The committee will be in order. The Chair will not entertain any motion until gentlemen will resume their seats and be in order.

Mr. KEIFER. I desire to make a statement to the gentleman who has the floor.

The CHAIRMAN. The Chair desires to state that one hour having been assigned by the House for general debate on this question, it is not in order, except by unanimous consent, to take the vote on striking out the section until that hour expires.

Mr. HARRIS, of Virginia. I cannot agree with the Chair. If nobody desires to speak, will the committee be compelled to sit all that time doing nothing?

The CHAIRMAN. One hour having been assigned for general debate, the Chair is of opinion that it is not in order to vote on the section until that hour has expired.

Mr. ATKINS. The gentlemen on the other side have had their

time, and have no reason to complain; and if no one on this side desires to speak, neither will we on our part complain that the vote should be taken at once.

Mr. CLYMER. I yield ten minutes to the gentleman from Indiana, [Mr. COBB.]

Mr. COBB. Mr. Chairman, I did not desire to speak upon this occasion at all, and what I shall say will be impromptu of course. I must say that I was very much surprised at the statements of the gentleman from Ohio, [Mr. GARFIELD,] who, if I understood him correctly, stated substantially that at no time in the history of this country had the Army been used at the polls except during the war on special occasions. If I understand the history of this country, this statement so made by the distinguished gentleman from Ohio is a very remarkable one. Why, sir, in my own State—it is a historical fact which is true—during the war, in 1864, there was a Massachusetts regiment quartered in the capital of the State when we were in profound peace; and it is a well-known fact and a matter of history that that regiment voted at the polls in the city of Indianapolis. And the further fact is well known and a matter of history that that regiment stationed there, together with men in sympathy with the republican party, drove democrats from the polls and prevented them from voting, who were as loyal as they were.

Mr. BROWNE. Will my colleague allow me to interrupt him?

Mr. COBB. I will allow my colleague to ask me a question.

Mr. BROWNE. Do I understand the gentleman to say it is a conceded fact in Indiana that a Massachusetts regiment voted in 1864 or in any manner interfered in the election at the city of Indianapolis?

Mr. COBB. I did not say it was a conceded fact; for I do not suppose my colleague will concede it; but I say it is a matter of history and a matter of fact that this Massachusetts regiment did what I have stated.

Mr. BROWNE. Let me say to my colleague——

Mr. COBB. I cannot allow my colleague to inject a speech into mine. I will answer his question, but I cannot allow him to make a speech which will come out of my time. I will state further that a distinguished gentleman at the other end of the Capitol, whose word for truth will not be questioned, stated in his place in the Senate, and his speech in which he made the statement is on record, that he knew as a matter of fact, which was within his own knowledge and which occurred under his eye, that these facts did take place as I have stated them.

Mr. BROWNE. I am aware of that. But notwithstanding that, I undertake to say it is not a fact that that did occur.

Mr. COBB. I do not yield. I never heard it disputed before; and I say the gentleman does not know the history of his State and of the times, or he would not say that these facts did not take place.

Mr. BROWNE. I put my denial on record here.

The CHAIRMAN. The gentleman from Indiana [Mr. COBB] has the floor.

Mr. COBB. Now I want to state one other thing. I have stated what is the fact, notwithstanding my distinguished colleague's denial. He was not there nor was I. The history of the times will prove the correctness of the facts I have stated.

Now let us come down to times since the war closed. Take the State of South Carolina. Has the gentleman from Ohio and has my distinguished colleague from Indiana [Mr. BROWNE] ever read the evidence taken in the contested-election case of Tillman against Smalls, from the fifth congressional district of that State, from which my friend, [Mr. TILLMAN,] who sits near me, comes? Do these gentlemen not know that the evidence in this case proves that troops were stationed at twenty-two of the voting precincts in this district at the election in 1876, where nearly one-half of the entire vote of the district was cast for presidential electors, member of Congress, and State officers that year?

The law of South Carolina requires that the inspectors of the elections in that State shall, at the place where the ballots are received, and just before they commence receiving them, publicly open the ballot-box and turn it upside down, so as to empty the contents, if any, out of it, so that any person who desires may be present and see that the box contains no ballots before the voting commences. Now, the evidence further proves that when the inspectors at Edgefield box No. 2 were about to perform their duty under the law, and had entered the room through the window of which the ballots were to be received, that a file of troops headed by their commander entered the room, and their commander with drawn sword and the troops with fixed bayonets stood there until the inspectors performed their duty under the law. When this was done these troops were marched out of the room by order of their commander and formed in line in front of the window where the voting was done, and remained there during the day.

And it is further proven that this commanding officer stood there all day and with the point of his sword touched the shoulders of the voters and ordered them to go and vote. There is no contradiction in the evidence as to this fact. The evidence was that at twenty-two different polling places a similar state of things occurred; and yet the gentleman from Ohio [Mr. GARFIELD] says the Army has never been used at the polls in time of peace, and that the republican party does not favor interference by troops at elections. This is a very late thing, if so. It is new to the people. That was so in all the districts of South Carolina, as I am informed.

Mr. GARFIELD. I said except during flagrant war.

Mr. COBB. This was not during flagrant war.

Mr. GARFIELD. When was it?

Mr. COBB. In 1876, at the last presidential election, and the same thing occurred in 1872.

Mr. GARFIELD. I shall be glad to hear more testimony on that point.

Mr. COBB. The evidence of it is before the House. I made a report in which the evidence was recited to which I refer.

Mr. HAZELTON. That is what made Indiana democratic, I suppose?

Mr. COBB. No, sir; Indiana is a democratic State and in favor of free and fair elections.

Now, Mr. Chairman, I have this to say: Whatever else is gained during this special session, we have gained this much: we have convinced the people of the country that the democratic party is in favor of free and fair elections and that we intend to have free elections in this country if possible. We have striven for it during this extra session. The republicans have used the veto power against us and defeated us.

It is said the sixth section of this bill means nothing. I trust that it does mean something. It means that troops shall not be used as they have been used, to drive democrats from the polls and to force men against their will to vote the republican ticket.

It was said a few minutes ago by the gentleman from Ohio [Mr. GARFIELD] that there were about forty thousand polling precincts in the United States; and that in order to place troops at each poll we would have to divide each soldier into two or three parts in order to make them hold out. This may have been an ingenious way of putting it. All know, however, that this is not the way the troops are used to carry elections. But a few States and congressional districts in the South are selected, and troops are sent into them, a sufficient number to intimidate the colored and other voters, and they are thus carried for the republicans, as South Carolina and Louisiana were carried in 1876; and the people are cheated out of a President, as they were then by this means. But this point was well answered by the gentleman from New York, [Mr. COX.] All that has to be done is to distribute your troops where they will do the most good, and you will have accomplished all you desire. You republicans put the man who occupies the presidential chair where he is by carrying a single State.

The smallest State in the Union was sufficient to change the result even under the extraordinary circumstances which then existed. In South Carolina the troops were scattered over the State in 1876, and the evidence shows that wherever they were they intimidated the voters and changed the result of the election. In the first place, the leading republicans down there, as the evidence shows, told the negroes, who had in many cases joined democratic clubs, that General Grant was going to send troops to shoot them down if they voted the democratic ticket. When the troops came the colored democratic clubs disbanded and the men voted the republican ticket. They believed that what they had been told was true, namely, that if they voted the democratic ticket they would be treated thus. That is the way South Carolina was carried.

Sir, I have said more than I intended to say, for I did not intend to participate in the discussion upon this bill at all; but in view of what has been said on the other side I felt that it was due to myself and to this House that I should say what I have said.

[Cries of "Vote!" "Vote!"]

The CHAIRMAN. The hour for closing general debate has arrived.

Mr. CLYMER. I yield to the gentleman from Indiana [Mr. BAKER] to move to strike out the sixth section. [Cries of "Vote!" "Vote!"]

Mr. BAKER. I move to strike out the sixth section, and on that motion I propose to say a word. [Cries of "Vote!" "Vote!"]

Mr. Chairman, my colleague from Indiana [Mr. COBB] seems to be affected with a nightmare that has haunted him for the last fifteen years in consequence of some terrible outrages that he claims the voters of Indiana were subjected to by reason of the fact that some "boys in blue" from the State of Massachusetts had the impudence to vote at an election somewhere in Indiana during the war and interfere with some democrats who desired to vote.

I wish to say, with all respect to my colleague, that I do not believe a single word of his story. I never heard of it in the part of the State in which I live. I never heard of it until it was retailed by my colleague on the authority of a gentleman speaking elsewhere. My friend has fallen into error, while laboring under this nightmare, by mistaking for Union soldiers from the State of Massachusetts the "Knights of the Golden Circle" led by Milligan, Horsey, and other democratic leaders of Indiana. [Applause on the republican side.]

I think that if in 1864 there were any outrages perpetrated on the voters of Indiana it was by the twenty thousand men, Knights of the Golden Circle, all democrats banded together by oath-bound obligations for the purpose of liberating the confederate prisoners at Camp Morton, sacking the city of Indianapolis and turning the State over to the enemies of the Union. [Applause and cries of "Vote!" "Vote!"] I have said all I desire to say on that point.

I commend my friends of the majority for having deployed their skirmisher [Mr. COX] who makes sheet-iron thunder for his party in order to cover the democratic retreat, and who when I asked what law was brushed from the statute-book by this legislation, turned around and accused me of impertinence in asking the question.

You came here proclaiming that you would starve the Government

unless you could "wipe out" from the statute-book certain obnoxious legislation. [Cries of "We never said that!" from the democratic side of the House.] You may pass this legislation, but it will leave the laws on the statute-book untouched and still remaining in full force.

The distinguished gentleman from New York, [Mr. COX,] who covers the democratic retreat with his sonorous music, talks about a "fraudulent President" preventing their brushing away these laws. I thank God for such a President as that. [Applause on the republican side of the House.] I trust that we may always have a President who, when revolution and conspiracy are threatening on the floor of Congress, will have the manhood to stand up in the exercise of the veto power and put down all traitors and conspirators by its use. [Applause and cries of "Vote!" "Vote!"]

Mr. CLYMER. I move that the committee rise for the purpose of closing debate on this section.

Mr. KEIFER. Does the gentleman from Pennsylvania [Mr. CLYMER] control the time when we are under the five-minute rule?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. CLYMER] moves that the committee rise.

Mr. HAWLEY. I rise to a point of order. The amendment of the gentleman from Indiana [Mr. BAKER] is pending and has not yet been voted upon.

The CHAIRMAN. That does not affect the motion of the gentleman from Pennsylvania, [Mr. CLYMER.]

The question was taken on Mr. CLYMER's motion; and it was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole on the state of the Union had, according to order, had under consideration the bill (H. R. No. 2175) making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes, and had come to no resolution thereon.

Mr. CLYMER. I move that the House now resolve itself into Committee of the Whole for the further consideration of the Army appropriation bill; and pending that motion, I move that all debate upon the bill and amendments be closed in five minutes.

Mr. KEIFER. Allow me to make a suggestion. Some time ago the gentleman made a motion, which was agreed to, to limit debate upon the pending section of this bill to one hour, to be divided equally between gentlemen in favor of and those opposed to the bill. The entire time has been used by those in favor of the bill, and some of us who desire to speak against it have not been permitted to open our mouths.

The SPEAKER. The Chair has nothing to do with what occurred in committee.

Mr. MILLS. It is now about five o'clock, and as we are not through with this bill and it may take some time longer to complete it, I will move that the House adjourn.

The motion to adjourn was not agreed to; upon a division—ayes 43, noes not counted.

The SPEAKER. The question now recurs upon the motion of the gentleman from Pennsylvania, [Mr. CLYMER,] to limit all debate upon the Army appropriation bill, now pending in Committee of the Whole, to five minutes.

Mr. MANNING. I move to make it fifteen minutes.

Mr. KEIFER. I move to amend so as to make it twenty-five minutes.

Mr. SPRINGER. I desire to make one statement in regard to the debate which has occurred in Committee of the Whole. The gentleman from Ohio who has just addressed the House [Mr. GARFIELD] sent word to the Chair, pending the discussion, that he desired to speak in opposition to this section, and the Chair supposing that it would be agreeable to that side of the House recognized the gentleman for that purpose. The gentleman from Ohio [Mr. KEIFER] now complains that the time has all been occupied by those in favor of this sixth section.

Mr. MANNING. I accept the amendment of the gentleman from Ohio, [Mr. KEIFER,] so as to give twenty-five minutes for debate.

The question was taken on the motion of Mr. KEIFER; and upon a division there were—ayes 57, noes 99.

Before the result of the vote was announced,

Mr. WILBER called for tellers.

Tellers were not ordered, there being but 6 in the affirmative; not one-fifth of a quorum.

So the motion of Mr. KEIFER to allow twenty-five minutes for debate was not agreed to.

The motion of Mr. CLYMER to limit debate to five minutes was then agreed to.

The motion of Mr. CLYMER that the House resolve itself into Committee of the Whole was then agreed to.

The House accordingly resolved itself into Committee of the Whole, (Mr. SPRINGER in the chair,) and resumed the consideration of the bill (H. R. No. 2175) making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes.

The CHAIRMAN. By order of the House all debate upon the pending bill and amendments thereto has been limited to five minutes. The Chair recognizes the gentleman from Pennsylvania [Mr. CLYMER] in charge of the bill.

Mr. CLYMER. Four minutes of that time I yield to the gentleman from Ohio, [Mr. KEIFER.]

Mr. KEIFER. I cannot enter upon any proper discussion of this important measure in four minutes, or even in five minutes. I simply wish to say that I am one of those who do not indorse all that has been said to-day upon the floor of this House. I apply this remark to the speeches made on both sides of the House. I am now forbidden the privilege of giving my views on the effect of this bill, and especially the sixth section of it.

One hour's time was given for the purpose of general debate for and against the sixth section of this bill, and all of that time has been used in debate by democrats and republicans in favor of it. I have asked time to-day to speak against this bill, which has been refused. Those of us who desire to utter our views in full on this floor against the bill and the objectionable legislation contained in it have been gagged, and we are not allowed to be heard. Gentlemen on this side of the House who favor the bill have all the time they desire.

That is all I need say, except that I wish to emphasize what I have before stated here by saying that I agree with those who claim they are opposed to using troops at the polls as a police force to keep the peace at elections, in so far and only in so far as their use may interfere with the conduct of elections. But I am in favor of using the troops, the Army of the United States if you please, to keep the peace at the polls by driving from the polls the irregular armed bands of men who may be there breaking the peace and interfering with elections. [Applause on the republican side.]

I have never favored the use of troops as an ordinary police force, or as a substitute for the civil police, but only as an aid to the police when there were brought to the polls irregular and unauthorized troops or armed men, such as the ku-klux and white-liners, and others of like character, to drive away the police, overawe the honest voters, and control the elections and stuff the ballot-boxes. In that case I say it is time for the Government to come in and protect its citizens at home and at the polls.

I have on this floor and elsewhere deprecated the use of soldiers at the polls to intimidate the voter or in any way to interfere with the elector or the elections. I still deprecate such use. The United States troops have never been, as has often been shown, used for such purpose. They have never prevented a voter from voting at any election. But while I would not favor such use of United States troops, I am equally opposed to the use of lawless bands of armed men—call them what you may, ku-klux, regulators, white-liners, &c.—to drive from the polls, overawe, and intimidate voters and otherwise take control and conduct of elections. The democratic party never has condemned the use of lawless bands of armed men at the polls, and it has, through many years, favored and justified the use there of such bands. Lawlessness is preferred to lawfulness by that party in the conduct of elections.

Arms at the polls are not objectionable to that party so long as they are not used to keep the peace. If they are to be used at the polls to promote riots, to commit murder, &c., in short, to prevent a full, free, and fair election, as in many instances in South Carolina and Louisiana, they are unobjectionable in the eyes of democrats and should be countenanced and encouraged. Now, I am only in favor of using United States troops at the polls when and where, and only when and where, irregular and unauthorized bands of armed men are first used to interfere with elections and with the right of the peaceable and honest voter to go freely to the polls and peaceably vote for members of Congress, and then only for the purpose of putting down such bands. I would only use United States troops to prevent interference with elections and to protect United States officers, as now authorized by expressed provision of law—section 2024, Revised Statutes—when necessary and required, whose duties require them to see that free, fair, honest, and peaceful elections are held for members of Congress.

I cannot surrender these views by voting for this bill. While the sixth section of the bill repeals no law in force and does not affirmatively prohibit any act to be done which may be done under the Constitution or existing laws, it, fairly construed, denies the right to use any of the money appropriated, to be used to feed, equip, transport, or pay any portion of the Army, if it is at any time to be used to keep the peace at the polls in any emergency. To vote for this bill is to surrender, in principle, all we have so long contended for, in my judgment. The words in the section, "to be used as a police force," have no special meaning in the connection in which they are used. Whenever United States troops are used to aid the civil power to *keep the peace* they are used as a police force. In no case have United States troops been used in this country to keep the peace at elections or anywhere else in aid of the civil power save as a *police force*.

While the appropriation made in this bill may be made available, I cannot assent to the terms on which it is made as set forth in the sixth section of it, and hence I must vote against it.

If I have any time left I yield it to my friend from Wisconsin, [Mr. WILLIAMS.]

Mr. WILLIAMS, of Wisconsin. Of course I can say nothing on the merits of the question in one minute, and will content myself with simply presenting an amendment. I move to amend the pending section by striking out the words "as a" before the words "police force" and inserting in lieu thereof the words "instead of the ordinary civil;" so that if adopted the section will read:

That no money appropriated in this act is appropriated or shall be paid for the subsistence, equipment, transportation, or compensation of any portion of the Army

of the United States to be used instead of the ordinary civil police force to keep the peace at the polls at any election held within any State.

I will only add that if we are in favor of using troops to keep the peace at the polls as a last resort and in cases of supreme necessity, then we should say so in plain unambiguous language. I know I am not, and I do not know anybody who is or ever was in favor, in the inception of an election, when no danger threatened and where the public peace was in no wise menaced, of stationing soldiers with bayonets around the polls to take the place of the ordinary civil police force and conduct the election. I have never heard of anybody who favored that. But when unauthorized bodies of armed men appear there, officered and equipped and too strong to be overcome by the ordinary civil police authorities, and who assume to control and conduct the election, then, instead of depending upon armed men commanded by inexperienced civil officers and armed and equipped in some miscellaneous manner, I would prefer to rely upon disciplined troops commanded by cool and experienced officers, amenable to military rules and accustomed to act in an emergency. And if we possess this power, as I believe we do, then it should be the last rather than the first to be surrendered. And I am unwilling to cast any vote which should cause or even countenance its surrender. It is for this reason that I have offered the amendment, which I hope the committee will adopt.

The CHAIRMAN. Debate on the section is now exhausted; but amendments are still in order.

The question being taken on the amendment of Mr. WILLIAMS, of Wisconsin, there were—ayes 36, noes 124.

Mr. FROST called for tellers.

Tellers were not ordered.

So the amendment was not agreed to.

The CHAIRMAN. The question now recurs on the motion of the gentleman from Indiana [Mr. BAKER] to strike out the section.

Mr. BAKER. I withdraw the motion.

Mr. WARD. I move to amend by adding to the section the following:

Provided, That nothing in this section contained shall be construed to lessen or interfere with the power of the President of the United States to use the Army or Navy thereof whenever in his opinion such use is necessary to preserve the public peace.

The amendment was not agreed to; there being—ayes 16, noes 120.

Mr. CLYMER. I move that the committee rise and report the bill to the House with the amendments.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole on the state of the Union having had under consideration the bill (H. R. No. 2175) making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes, had directed him to report the same with amendments, and with a recommendation that it pass.

Mr. CLYMER. I call the previous question on the bill and amendments.

The previous question was seconded and the main question ordered.

Mr. CLYMER moved to reconsider the vote by which the main question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The amendments reported from the Committee of the Whole were severally read and agreed to.

The bill, as amended, was ordered to be engrossed for a third reading, and was accordingly read the third time.

The question being on the passage of the bill,

Mr. FINLEY, Mr. ROBERTSON, and others called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 172, nays 31, not voting 83; as follows:

YEAS—172.

Acklen,	Carpenter,	Field,	Hiscock,
Aiken,	Claflin,	Finley,	Horr,
Aldrich, N. W.	Clark, Alvah A.	Ford,	Hostetler,
Aldrich, William	Clymer,	Forney,	Hubbell,
Anderson,	Cobb,	Forsythe,	Hull,
Armfield,	Conger,	Frye,	Hunton,
Atherton,	Covert,	Garfield,	Johnston,
Atkins,	Crapo,	Geddes,	Jones,
Bachman,	Cravens,	Gibson,	Kenna,
Bailey,	Crowley,	Gillette,	Ketcham,
Baker,	Culberson,	Godshalk,	Kimmel,
Barber,	Davidson,	Goode,	King,
Bicknell,	Davis, George R.	Gunter,	Le Fevre,
Bingham,	Davis, Joseph J.	Hammond, John	Lewis,
Blackburn,	Davis, Loundes H.	Hammond, N. J.	Lounsbery,
Blake,	De La Matyr,	Harmer,	Lowe,
Bouck,	Deering,	Harris, John T.	Marsh,
Bowman,	Dibrell,	Haskell,	Martin, Benj. F.
Brewer,	Dunnell,	Hatch,	Martin, Edward L.
Brigham,	Elam,	Hawk,	Mason,
Bright,	Ellis,	Hawley,	McCoid,
Burrows,	Errett,	Hayes,	McCook,
Butterworth,	Evins,	Hazelton,	McGowan,
Caldwell,	Ewing,	Henry,	McKenzie,
Calkins,	Farr,	Herbert,	McKinley,
Cannon,	Felton,	Herndon,	McMahon,
Carlisle,	Ferdon,	Hill,	McMillin,
Mitchell,	Pound,	Simonton,	Valentine,
Monroe,	Price,	Singleton, O. R.	Vance,
Morrison,	Reagan,	Smith, A. Herr	Voorhis,
Morton,	Rice,	Springer,	Waddill,
Murch,	Richmond,	Steele,	Wait,
Myers,	Robertson,	Stephens,	Weaver,
Neal,	Robinson,	Stevenson,	Wellborn,
New,	Ross,	Stone,	Wells,
Newberry,	Russell, W. A.	Taylor,	Whiteaker,
Norcross,	Ryan, Thomas	Thomas,	Whitthorne,
O'Connor,	Ryon, John W.	Thompson,	Williams, Thomas
Osmer,	Samford,	Tillman,	Willis,
Overton,	Sawyer,	Townsend, Amos	Willits,
Phelps,	Scales,	Townshend, R. W.	Wise,
Phister,	Shallenberger,	Tyler,	Wright,
Poehler,	Sherwin,	Upson,	Yocum.

NAYS—31.

Bayne,	Cox,	Keifer,	Slemons,
Bliss,	Daggett,	Klotz,	Smith, Hezekiah B.
Briggs,	Dunn,	Knott,	Smith, William E.
Clardy,	Frost,	Manning,	Turner, Oscar
Clark, John B.	Hall,	Nicholls,	Ward,
Coffroth,	Humphrey,	O'Neill,	Williams, C. G.
Cook,	Hurd,	Persons,	Young, Thomas L.
Cowgill,	Joyce,	Rothwell,	

NOT VOTING—83.

Ballou,	Dwight,	Martin, Joseph J.	Singleton, J. W.
Barlow,	Einstein,	McLane,	Sparks,
Beale,	Fisher,	Miles,	Speer,
Belford,	Fort,	Miller,	Starin,
Beltzhoover,	Harris, Benj. W.	Mills,	Talbott,
Bland,	Heilman,	Money,	Tucker,
Blount,	Henderson,	Morse,	Turner, Thomas
Boyd,	Henkle,	Muldrow,	Updegraff, J. T.
Bragg,	Hooker,	Muller,	Updegraff, Thomas
Browne,	Houk,	O'Brien,	Urner.
Buckner,	House,	O'Reilly,	Van Aernam,
Cabell,	James,	Orth,	Van Voorhis,
Camp,	Jorgensen,	Pierce,	Warner,
Caswell,	Kelley,	Prescott,	Washburn,
Chalmers,	Killinger,	Reed,	White,
Chittenden,	Kitchin,	Richardson, D. P.	Wilber,
Colerick,	Ladd,	Richardson, J. S.	Wilson,
Converse,	Lapham,	Robeson,	Wood, Fernando
Deuster,	Lay,	Russell, Daniel L.	Wood, Walter A.
Dick,	Lindsey,	Sapp,	Young, Casey.
Dickey,	Loring,	Shelley,	

So the bill was passed.

During the roll-call the following announcements were made:

Mr. MULLER. I am paired with Mr. HEILMAN, of Indiana, on all political questions. As I do not know how he would vote on this question, I refrain from voting myself.

Mr. HENRY. My colleague, Mr. MCLEAN, is paired with Mr. BOYD, of Illinois, and my colleague, Mr. TALBOTT, with Mr. BALLOU, of Rhode Island.

Mr. MANNING. Mr. YOUNG, of Tennessee, is paired with Mr. HENDERSON, of Illinois. If present, Mr. YOUNG would vote "ay." I do not know how Mr. HENDERSON would vote. My colleague, Mr. MONEY, who is absent by leave of the House, is paired with Mr. CROWLEY, of New York.

Mr. MULDROW. I am paired with Mr. DWIGHT, of New York. My colleague, Mr. HOOKER, is paired with Mr. LORING.

Mr. COVERT. My colleague, Mr. FERNANDO WOOD, is paired with Mr. ROBESON.

Mr. BUCKNER. I am paired with Mr. CHITTENDEN, of New York. If he were here, I should vote "ay."

Mr. WARNER. I am paired with my colleague, Mr. UPDEGRAFF. If he were here, I should vote "ay," and I understand he would vote "ay" also.

Mr. SHELLEY. I am paired with Mr. MILLER, of New York. If he were present, I should vote "ay."

Mr. KENNA. My colleague, Mr. WILSON, is absent on account of serious illness in his family. He is paired with Mr. REED, of Maine.

Mr. DAVIS, of North Carolina. My colleague, Mr. KITCHIN, is paired with his colleague, Mr. MARTIN.

Mr. SPARKS. I am paired with Mr. BROWNE, of Indiana.

Mr. ATKINS. Mr. HOOKER, of Mississippi, is paired with Mr. LORING, of Massachusetts.

Mr. MILLS. I am paired with Mr. FORT. If he were present, I should vote "ay."

Mr. STEVENSON. Mr. LADD is paired with his colleague, Mr. LINDSEY. If present, Mr. LADD would vote "ay."

Mr. PHISTER. My colleague, Mr. THOMAS TURNER, who is absent by leave of the House, is paired with Mr. WHITE, of Pennsylvania. If present, he would vote in the affirmative.

Mr. FINLEY. My colleague, Mr. DICKEY, is paired with Mr. ORTH, of Indiana. If present, Mr. DICKEY would vote in the affirmative.

Mr. RICHMOND. Mr. BEALE is paired with Mr. JORGENSEN.

Mr. TILLMAN. My colleague, Mr. RICHARDSON, is paired with Mr. CAMP, of New York. If present, my colleague would vote in the affirmative.

Mr. SINGLETON, of Mississippi. My colleague, Mr. CHALMERS, is paired with Mr. VAN VOORHIS, of New York. If present, Mr. CHALMERS would vote in the affirmative.

Mr. TOWNSHEND, of Illinois. My colleague, Mr. SINGLETON, is paired with Mr. MILES, of Connecticut. If present, Mr. SINGLETON would vote in the affirmative. My colleague, Mr. HENDERSON, who is absent by leave of the House, is paired with Mr. YOUNG, of Tennessee.

Mr. ROBINSON. Mr. MORSE is paired with Mr. KELLEY. If present, both gentlemen would vote in the affirmative.

Mr. CRAPO. My colleague, Mr. LORING, is paired with Mr. HOOKER. If present, Mr. LORING would vote in the affirmative.

Mr. BAKER. My colleague, Mr. ORTH, who is absent by leave of the House, is paired with Mr. DICKEY.

Mr. HOUK. I am paired with Mr. HOUSE. I do not know how either would vote. [Laughter.]

Mr. McGOWAN. Mr. CROWLEY was paired with Mr. MONEY; but Mr. STARIN has been substituted for Mr. CROWLEY by the gentleman from Michigan, [Mr. STONE,] who had charge of the pair.

Mr. WILLIAMS, of Wisconsin. My colleague, Mr. CASWELL, is paired with Mr. SPEER. Mr. RICHARDSON, of South Carolina, is paired with Mr. CAMP, of New York.

Mr. WHITE. I voted, but I am paired with the gentleman from Kentucky, Mr. THOMAS TURNER, and I feel obliged to withdraw my vote. If he were here, I should vote "no."

Mr. COWGILL. Mr. HEILMAN is paired with Mr. MULLER. I do not know how either would vote.

Mr. BLAKE. Mr. ROBESON is absent by leave of the House, and is paired with Mr. FERNANDO WOOD.

Mr. HAMMOND, of New York. Mr. DWIGHT is paired with Mr. MULDROW.

Mr. FISHER. Mr. DICK is paired with Mr. LAY, of Missouri. Mr. BARLOW is paired with Mr. O'REILLY. I am paired with Mr. CABELL. If he were present, I would vote "ay."

Mr. DUNNELL. My colleague, Mr. WASHBURN, is paired with Mr. CONVERSE, of Ohio. If not paired, Mr. WASHBURN would vote "ay."

Mr. FIELD. Mr. HARRIS, of Massachusetts, is paired with Mr. LEWIS, of Alabama. The pair has been withdrawn for this vote. Mr. HARRIS, if present, would vote "ay."

Mr. HAZELTON. I am paired with Mr. BLOUNT, of Georgia, but with the consent of the chairman of the Committee on Appropriations, who has charge of the pair, I vote "ay." Mr. BLOUNT, if present, would also vote "ay."

Mr. SPRINGER. I understand a number of pairs have been announced, where both gentlemen would vote the same way. I think in those cases the gentlemen who are present should be permitted to vote.

Mr. POUND. The gentleman means that this should not be treated as a political question? [Laughter.]

The result of the vote was then announced as above recorded.

Mr. CLYMER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEAVE OF ABSENCE.

Mr. KENNA. Mr. Speaker, my colleague, Mr. WILSON, left the city hurriedly last night on account of a telegram announcing the necessity of his presence with a member of his family who has for some time been seriously ill. I ask leave of absence for Mr. WILSON for a week.

There was no objection, and leave of absence was granted.

Leave of absence was also, by unanimous consent, granted as follows:

To Mr. VALENTINE, indefinitely, on account of serious illness in his family;

To Mr. ATHERTON, for two weeks from the 13th instant, on account of important business; and

To Mr. RICE, for one week, on account of important business.

ENROLLED BILL SIGNED.

Mr. KENNA, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (S. No. 678) relating to vinegar factories established and operated prior to March 1, 1879.

LEAVE TO PRINT.

By unanimous consent, leave was given to Mr. WARD to have printed in the RECORD remarks touching the amendment offered by him to the Army appropriation bill; and to Mr. WHITE and to Mr. BAYNE to have printed remarks on the Army appropriation bill. [See Appendix.]

Mr. ATKINS. I move that the House adjourn.

The motion was agreed to; and accordingly (at five o'clock and forty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. CAMP: The petition of the officers and members of the Women's Christian Temperance Union and 203 others, against any change in the revenue laws that will promote the interest of dealers in spirituous liquors—to the Committee of Ways and Means.

By Mr. GUNTER: Memorial of the delegation of the Cherokee Nation, remonstrating against the demands of certain citizens of North Carolina of Cherokee descent against said Cherokee Nation—to the Committee on Indian Affairs.

By Mr. LOUNSBERY: The petition of E. F. Bullard, in reference to certain land patents canceled by the Commissioner of the Land Office and Secretary of the Interior on application of the Des Moines (Iowa) Railroad Company—to the Committee on the Judiciary.

By Mr. MORTON: The petition of George P. Webster, late captain and assistant quartermaster United States Army, for legislation to authorize the settlement of his accounts with the Treasury Department—to the Committee on Military Affairs.

IN SENATE.

THURSDAY, *June* 12, 1879.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. BECK. I offer an amendment, in the nature of a substitute, to the bill (H. R. No. 2251) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes. This is an amendment reaching the form more than the substance of the bill, and I think a very important one for the Senate, as its adoption would save a good deal of time. I ask that it be referred to the Committee on Appropriations and printed.

Mr. CONKLING. May I understand what this is? Is this a substitute now reported by the Committee on Appropriations for the entire bill reported yesterday with amendments?

Mr. BECK. It is not reported formally from the Committee on Appropriations. I present it, and ask that it be referred to the committee, though I believe I can say that it meets with a good deal of favor from the committee. It does not change the appropriations as agreed to by the House and Senate, but it endeavors to change the form of the bill, so as to make it simple, and, we think, more easily understood.

Mr. CONKLING. Then, if the Senator will allow me, the form, in parliamentary sense, of his report or motion, is a substitute. It is to take the place of the other bill.

Mr. BECK. It is, so far as the form is concerned.

The PRESIDENT *pro tempore*. The amendment will be printed and referred to the Committee on Appropriations.

REPORTS OF COMMITTEES.

Mr. MAXEY. I am instructed by the Committee on Post-Offices and Post-Roads, to which was referred the bill (H. R. No. 2263) supplemental to "An act to establish post-routes," to report it with amendments. I ask that the amendments be printed and the bill, as amended, laid on the table with the notice I now give to any Senator who desires to present an amendment to the bill, to have it ready.

The PRESIDENT *pro tempore*. The bill will lie on the table, and be printed.

Mr. MAXEY. I desire to state that I shall ask the consideration of this bill at the earliest practicable moment after it is printed.

Mr. WALLACE, from the Committee on Appropriations, to whom was referred the bill (H. R. No. 2252) making appropriations for certain judicial expenses, reported it without amendment.

Mr. CONKLING. Is the bill printed?

Mr. WALLACE. It is printed.

The PRESIDENT *pro tempore*. It will go on the Calendar.

Mr. ALLISON. I desire to ask the Senator from Pennsylvania when it is his purpose to call up the bill that he has just reported from the Committee on Appropriations?

Mr. WALLACE. It is my purpose to call it up to-day and put it on its passage. If Senators are content with that action, I shall call it up and get through with it.

Mr. ALLISON. That is all I desired to know.

Mr. JONES, of Florida, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. No. 1478) to authorize the Secretary of the Treasury to negotiate for the purchase at private sale, or, if necessary, procure by condemnation, a site for a post-office in the city of Baltimore, State of Maryland, reported it with amendments.

IMPRESSIONS FROM PORTRAITS AND VIGNETTES.

Mr. ANTHONY. I am instructed by the Committee on Printing, to which was referred the bill (H. R. No. 1989) relating to printing impressions from portraits and vignettes, to report it with an amendment by way of a substitute. The substitute is the Senate bill which was passed yesterday on my motion. I was not aware when that was passed yesterday that we had a House bill relating to the subject before the committee, and I propose to substitute for it the bill that we passed yesterday. My object is to pass that bill as a substitute for the bill that came from the House, and to have the one we passed yesterday recalled.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Printing, with an amendment to strike out all after the enacting clause and in lieu thereof to insert:

That the Secretary of the Treasury, at the request of a Senator, Representative

or Delegate in Congress, the head of a department or bureau, art association, or library, be, and he is hereby, authorized to furnish impressions from any portrait or vignette which is now, or may hereafter be, a part of the engraved stock of the Bureau of Engraving and Printing, at such rates and under such conditions as he may deem necessary to protect the public interests.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. ANTHONY. I now move that a message be sent to the House recalling the bill (S. No. 343) relating to printing impressions from portraits and vignettes which was passed yesterday.

The motion was agreed to.

CHANGE OF NAME OF A PROPELLER.

Mr. HEREFORD. I am instructed by the Committee on Commerce to report back the bill (S. No. 506) to change the name of the steam propeller Nuhpa to Metropolitan, and I ask that it be placed upon its passage. I will state that there is a certificate here showing that there are no liens or mortgages upon the vessel whatever, and also a certificate and affidavits in regard to the condition of the vessel.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. HEREFORD (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 687) for the relief of C. Bohn; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. MORGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 688) to provide for the appointment of a marshal for the middle district of Alabama and a district attorney for the northern district of Alabama; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. CALL asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 37) providing for the education of the Indian children at the Normal Institute, Hampton, Virginia; which was read twice by its title, and referred to the Committee on Indian Affairs.

AMENDMENTS TO BILLS.

Mr. CALL submitted an amendment intended to be proposed by him to the bill (H. R. No. 2175) making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. SAUNDERS submitted an amendment intended to be proposed by him to the bill (H. R. No. 2251) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes; which was referred to the Committee on Appropriations.

Mr. COCKRELL and Mr. LOGAN submitted amendments intended to be proposed by them respectively to the bill (H. R. No. 2263) supplemental to "an act to establish post-routes;" which were referred to the Committee on Post-Offices and Post-Roads.

CASE OF FITZ JOHN PORTER.

Mr. BAYARD. I offer the following resolution:

Resolved, That there be printed for the use of the Committee on Military Affairs the papers and proceedings in the original trial of General Fitz John Porter, together with all papers relating thereto heretofore sent to the said committee.

I ask for the immediate consideration of the resolution. It contains a clause to meet the views of the honorable Senator from Michigan, [Mr. CHANDLER.] I will state to him, as I see he is paying attention to this matter, that the resolution just submitted by me is merely for the printing of the papers and proceedings in the case for the use of the committee.

Mr. CHANDLER. I have no objection to it.

The resolution was considered by unanimous consent, and agreed to.

JAMES H. NORTH.

Mr. GARLAND. I move that the Senate proceed to the consideration of the bill (H. R. No. 1841) to remove the political disabilities of James H. North, of Culpeper County, Virginia.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed, two-thirds of the Senators present voting in the affirmative.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had, on the 11th instant, approved and signed the act (S. No. 572) to amend an act approved February 24, 1879, entitled "An act to create the northern judicial district of the State of Texas, and to change the eastern and western judicial districts of said State, and to fix the time and places of holding courts in said districts."

The message also announced that the President had this day approved and signed the act (S. No. 516) to extend the time of special postal service until service can be obtained by advertisement.

PENSION TO FAMILY OF GENERAL SHIELDS.

Mr. VEST. I move that the Senate proceed to the consideration of the bill (S. No. 674) for the benefit of the widow and children of General James Shields.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. CONKLING. Let us hear the bill read.

The Chief Clerk read the bill, as follows:

That payment of the pension of $100 monthly granted to James Shields, late a brigadier-general of United States Volunteers, by an act of Congress approved June 18, 1878, be continued to his widow and children, the full amount of said pension to be paid said widow during her life, and at her death, if the same should occur during the minority of said children, or any of them, then the said pension shall be paid to so many of said children as may then be minors, in equal parts, until they reach respectively the age of twenty-one years.

Mr. DAWES. I do not desire to oppose the passage of this bill by any means, but I desire in the same spirit in which it is offered to offer an amendment of an additional section, to which I trust there will be no objection, as I hope there will be none to the passage of the bill.

The PRESIDENT *pro tempore*. The amendment will be reported.

The CHIEF CLERK. It is proposed to add the following additional section to the bill:

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-rolls, subject to the provisions and limitations of the pension laws, the name of Caroline S. Webster, widow of Fletcher Webster, late colonel of the Twelfth Massachusetts Regiment, who was killed in the war with the Confederate States at the second battle of Bull Run, Virginia, at the rate of $50 per month; said pension to be in lieu of that she now receives.

The amendment was agreed to.

Mr. CONKLING. I should like to ask the Senator from Missouri why the language in reference to minor children in the first section of the bill is employed? Are there any minor children of General Shields?

Mr. VEST. General Shields left three minor children. The age of the eldest is twelve years.

Mr. CONKLING. And how old is the youngest child?

Mr. VEST. The youngest child I think is about seven. I am told the age of the eldest is twelve.

Mr. CONKLING. Are they children of a second marriage?

Mr. COCKRELL. No; he never was married until late in life.

Mr. CONKLING. And is the mother of these children aged or youthful?

Mr. VEST. Well, sir, that is a hard question to ask in regard to a lady, but I suppose she would be considered as middle-aged, neither very young nor very old.

Mr. CONKLING. As the Senator indicates, such questions are not those that one would prefer to put or prefer to answer. I ask them because I think they should be asked. This bill is novel, as far as I know, in its provision. If there be a pension act like it, the honorable Senator from Indiana [Mr. VOORHEES] will know it no doubt by reason of his service on the Pension Committee. I do not know it, and I make these inquiries in order that we may understand the length and breadth of the proposed bill. As I understand it, the language will have this effect: the pension which was paid to General Shields during his life and would have continued had he lived, is to be paid to his widow during her life, is also to be paid as long as any child is a minor, and then if I caught the reading aright, I see nothing in it which would confine the payment of this pension to children already born or the children of General Shields. I should like to have the bill read again.

The PRESIDENT *pro tempore*. Let the bill be reported.

The Chief Clerk again read the bill.

Mr. CONKLING. I think on hearing it a second time it does mean clearly the children of General Shields. As I first heard it, I thought otherwise. I should like to inquire of one of the Senators whether there is any precedent for this, the paying of a special pension at any rate—I do not put it on the ground that it is an extraordinary pension of $100 a month—not only during the life-time of the pensioner but after his death to his widow, and after that to any child as long as any child shall remain less than twenty-one years of age?

Mr. VEST. I do not know of any such precedent; I have not examined that question. I do know that this pension of $100 a month is the only pension of that amount ever granted to any person by the Government of the United States. General Shields is the only person who ever received, by special act of Congress or otherwise, a pension of that amount. The object of the bill is simply to continue the beneficence of Congress to both his widow and his children. I presume that the extraordinary nature of this case is sufficiently known to justify this measure, it being the only pension of the kind that has been granted, and all the facts and reasons in regard to the granting of that pension having been considered when the original act was passed. This bill continues that pension to his widow and children. I admit that I know of no precedent, but I say at the same time that I know of no such pension having been granted to any person except to General Shields.

Mr. CONKLING. Mr. President, I know, and so does the Senator in the chair, of instances in which special pensions (whether of $100 a month or not I will not say) have been granted by act of Congress. In reply to the Senator from Missouri, I think it should be said,—of course

not in disparagement or impairment in any sense of General Shields or his merits or his claims upon the country; it disparages no man to say of many other men who live and of many other men who have died that they too did all that men could do to deserve a favorable and flattering recognition from Congress. Whatever, therefore, is to be done in the case of General Shields or in any other case, however meritorious, should, in consistency, find its parallel in many other cases. Therefore, as we yield to a very natural and I presume universal inclination in the Senate to make any suitable recognition in the case of General Shields, it is right that we should bethink ourselves of the answers to be given in other such cases. To-morrow and to-morrow and to-morrow other generals, other officers, who served with distinction in the late war, in the war before, lay down; they leave children, and families and kindred. It seems to me that we should take care in this case to keep within such limits as may enable us to do something for others.

I know how ungracious it is to make any suggestion which looks like opposition to a bill such as this; but I said to one Senator, as he will remember, who did me the favor to consult me about this some days ago, that I thought, if this extension went to the widow during her life, it would be as far as it was wise to go. I think so, and I say that again. Not being a member of the Committee on Pensions and having no charge of this matter, and no mission in regard to it more than any other Senator, I will not move an amendment; but I think this bill is going too far. I think it is going so far that we should refuse utterly any such legislation in many other meritorious cases, whereas if it went not so far other cases might fare better.

Mr. VEST. I move to amend the bill by striking out in the eighth line, after the word "her," the word "life" and inserting "widowhood."

The amendment was agreed to.

Mr. VEST. In the twelfth line I move to strike out the word "twenty-one" and insert "sixteen;" so as to make it conform to the general pension law in reference to the ages of the children.

Mr. VOORHEES. Let it be read now.

The CHIEF CLERK. If amended the bill will read:

That payment of the pension of $100 monthly granted to James Shields, late a brigadier-general of United States volunteers, by an act of Congress approved June 18, 1878, be continued to his widow and children, the full amount of said pension to be paid said widow during her widowhood, and at her death, if the same should occur during the minority of said children, or any of them, then the said pension shall be paid to so many of said children as may then be minors, in equal parts, until they reach respectively the age of sixteen years.

Mr. CARPENTER. I move to amend by inserting after the word "death" the words "or marriage."

Mr. VEST. That is right.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Missouri [Mr. VEST] to strike out "twenty-one" and insert "sixteen."

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question now is on the amendment of the Senator from Wisconsin [Mr. CARPENTER] after the word "death," in line 8, to insert the words "or marriage."

The amendment was agreed to.

Mr. DAWES. In the eighth line of the amendment I offered I should like to strike out the words "in the war with the Confederate States," so as to leave it "killed at the second battle of Bull Run." That will be sufficiently definite. There is no occasion to perpetuate the words now there.

The PRESIDENT *pro tempore*. If there be no objection the amendment will be made. Is there objection? The Chair hears none, and it is made.

Mr. BLAINE. I move that the amount granted in the second section be made the same as in the first. I do not in the least derogate from the honor and merit of General Shields. I have always voted for everything that has been done for him, but I think the descendants and the dependents of Mr. Webster have as large a claim and that they ought to be put upon the same basis. I move to make that fifty dollars one hundred dollars.

Mr. DAVIS, of Illinois. I hope the Senator will withdraw that; I fear it will kill the bill. The Senator from Massachusetts only asks $50. I hope the Senator from Maine will withdraw the amendment.

Mr. BLAINE. Does the honorable Senator from Illinois think that is a fair disposition of the national bounty?

Mr. DAVIS, of Illinois. The Senator from Massachusetts is satisfied with it. One hundred dollars is an extraordinary pension, and it was granted specially to General Shields. I am afraid the amendment would affect the passage of the Shields bill, against which there is nobody.

Mr. VOORHEES. I hope the amendment offered by the Senator from Maine will be adopted. I do not think a pension of $100 a month to the bereaved descendants of Daniel Webster would be a profligate use of the public money. Strange as it may seem, while Daniel Webster was a man devoted to the arts of peace, with no warlike tastes, no spirit, so far as known, for martial pursuits, yet it is a fact that every son he left died on the field of battle fighting in defense of the flag of his country. That is a great historic fact.

Mr. HOAR. It is hardly worth while to interpose; but the Senator is stating a fact, and by mere inadvertence he has used the language "every son Mr. Webster left." Edward Webster was killed in his father's life-time in the Mexican war.

Mr. VOORHEES. Every son who was born to Mr. Webster; I may have used the word "left," and I thank the Senator for his correction; but the two sons who sprang from his loins fell in battle, in the face of the public foe, under the American flag. One of his grandsons died in the Navy in the same cause. His last grandson bearing the Webster name died last winter; and the name of Webster is now extinct in his own lineage. This pension will go to the widow of Fletcher Webster, who died almost in sight of this Capitol, and in its defense, on the bloody field of the second Manassas. It will go to her and to her daughter, the grandchild of Daniel Webster and an orphan of the war. I hope I commit no impropriety in stating that they are in need of this assistance. I think, Mr. President, there is not a Senator here who will cavil as to the difference between $50 and $100 a month under all the circumstances.

I know how dangerous it is thought by many Senators to set precedents, but I do not share such fears. Whenever another case is brought here embodying such a state of facts as this, with such a family, with such numerous and heroic sacrifices, I will do as I am doing now, I will vote then as I am voting now.

I shall vote with great pleasure to extend to his family the pension that was granted to General Shields a year ago. I gladly support the bill offered by the Senator from Missouri. A year ago, with the members of the Pension Committee, I thoroughly investigated the circumstances of General Shields, the services he had rendered to his country, and the disabling wounds under which he labored, and we thought it was right (and in that judgment the Senate concurred, and the House likewise) to give him a pension of $100 a month. We then expected and hoped he would live to enjoy that pension many years. In that expectation and hope we have been disappointed. Sitting in his chair, after having delivered a lecture in a small western town for the purpose of earning money to buy bread for his family, without warning, as I see it stated, the old wound in his breast, received from a Mexican ball more than thirty years ago, terminated his life in thirty minutes. The pension he has enjoyed has run about one year. I am glad of the opportunity to vote that it shall be extended to the wife and children he left behind him. I would have voted that it might run through the woman's life-time, and I would vote that it might run to the children until they arrive at twenty-one years of age; but I accept the bill as amended by the author of the bill itself.

Coupled with that, it affords me infinite pleasure to support the amendment offered first by the Senator from Massachusetts and now the amendment to that amendment offered by the Senator from Maine. I think we could not do a more grateful or acceptable thing than to pass the bill with these amendments.

Sir, the name of Webster adds honor to the American name wherever it is spoken beneath the skies. Men differed as to his position in relation to public questions when he died. To many it seemed that a cloud rested upon the going down of his sun, but his fame is full of light and glory in the eyes of all. It was only this morning that I read a paragraph from a speech delivered by him at Buffalo in which he said that if he was too old when the conflict of arms came to defend his country he hoped his children would do it for him, and they did. They did it with their lives, and proved to the world that the blood in their veins, drawn from the great parent fountain, contained that high heroic element which furnished heroes in trying hours.

I hope the bill as amended will pass.

Mr. CARPENTER. Mr. President, I am in favor of the bill to continue this pension to the widow and children of General Shields. I want the bill to pass pure and simple. I do not want it to pass by anything that will look in the statute-book like log-rolling for any support. When the bill shall come up to pension the descendants of Daniel Webster, I want that to pass the same way. Neither of these great names needs any help or support from any other. Let them both pass, and let them stand in the statute-book not the effect of log-rolling or combination, but let it appear that each man's name carried the pension to his own posterity. I will vote for both bills.

Mr. KIRKWOOD. A remark made by the Senator from New York makes it proper for me to say, on behalf of the Committee on Pensions, that neither the proposition to pension General Shields's family nor the proposition to pension Mrs. Webster has been before that committee. The measures do not come from the committee. The bills were offered in the Senate, and have remained here.

Another remark on behalf of that committee I feel called upon to make, and that is this: there has been a tendency within the last two years—I cannot speak for a longer period than that—to increase by special act, beyond the amounts allowed by the general law, pensions in individual cases; and each precedent adds to the labor of the Pensions Committee, because each precedent induces others whose pensions are circumscribed by the existing law to appear before the Pensions Committee and claim that their cases are exceptional as well as those in which exceptional amounts have been granted, and each addition strengthens the claims of these persons and increases the numbers of them.

Now, it is a matter, I think, that should be carefully considered by the Senate whether or not we shall go on thus increasing pensions beyond the amounts allowed by law to individual pensioners. Take the case of Mrs. Webster. Her husband died as a colonel in the service, I believe. The general law allows to the widow of a colonel a certain sum by way of pension. The proposition now is to increase

that sum largely. Why? There were a great many colonels that died in the service who left widows and children who are drawing the sum the law allows them. When they see that the widow of Colonel Webster has had assigned to her a much larger sum than that amount, you encourage them to come before Congress and ask for an increase of their pensions as well. If they apply to the Pensions Committee for such increase and are refused, they ask why, and the answer will have to be, because the father of the deceased soldier was not as distinguished a man as the father of Colonel Fletcher Webster. That is the reason, and the only reason, I apprehend, that can be given.

I believe it should be carefully considered by the Senate whether we will continue to drift in this direction or whether we will not. It looks as if we were drifting in the direction of establishing a system of civil pensions and not a system of pensions for military service merely.

I have done my duty, I believe, in the matter.

Mr. HOAR. Mr. President, there would be great weight in what the Senator from Wisconsin [Mr. CARPENTER] said in regard to joining together pensions for separate pensioners in ordinary cases; but in the present case both of these pensions depend upon matters of history well known to all members of the Senate and not upon any investigation to be made by a committee, and so far as the sentiments of the different Senators have been expressed neither bill is in the slightest degree in doubt. Every Senator who has spoken agrees to the propriety of both these pensions as originally proposed. Therefore the putting them together is a mere matter of convenience and not in the least for the purpose of obtaining votes for either by reason of the support of the other; and the amendment which my colleague proposed was adopted by the Senate before the observation of the Senator from Wisconsin came in. I trust, therefore, he will not regard his objection as serious enough to insist upon it under these circumstances. The amendment having been adopted, it would be very invidious to strike it from the bill now.

Mr. CARPENTER. I was not aware when I made the remarks I did upon this bill that the amendment had carried. I understood the question pending was, should the bill be amended by making the provision for Mrs. Webster. Of course I shall not vote against this bill because it is to be done in that way, although I regret it. If I want to do a handsome thing, I would always prefer to do it in a handsome way.

Mr. WITHERS. I was accidentally called away from the Senate Chamber a few moments ago when this matter was brought up before the Senate. I find it here on my return. I wish to state, as chairman of the Committee on Pensions, that when the bill was offered by the Senator from Missouri providing a pension for the widow and children of General Shields, and it was proposed to lay that upon the table, I made no motion that it should take the usual course and be referred to the Committee on Pensions, because the case in my opinion was *sui generis*, and all the facts were within the knowledge of Senators present, and I thought they could be prepared to act upon it just as well by taking it from the table and voting directly upon it as by referring it to the Pension Committee.

With regard to the bill providing a pension for the widow of Colonel Webster, that bill was referred to the committee, and I think has not been reported back, simply in accordance with the general agreement of the committee to report back to the Senate no pension bills during the present session.

Mr. KIRKWOOD. I did not know that had gone to the committee.

Mr. WITHERS. I think it went there.

Mr. VOORHEES. Yes, it was referred; I have it.

Mr. WITHERS. I will say, however, in my judgment that that case comes very nearly within the provisions of the Shields case, so far as regards the peculiar and exceptional circumstances surrounding the case, and I would suggest the propriety of taking some action by the Senate to get the bill out of the hands of the Pensions Committee before acting upon it. It seems to me that would be necessary. As chairman of the Committee on Pensions, I will state that I presume there will be no objection on the part of the committee to being relieved of its further consideration, in order that the Senate may take proper parliamentary action upon it.

Mr. DAWES. If the Senator will allow me, as I made this motion, I want to state that it was not out of the slightest desire to interfere with the arrangements of the Committee on Pensions, which had been publicly announced here, not to report any bills. That announcement was not understood as having any special reference to this bill. The reason this bill was suggested as an amendment to the other bill was not from any such idea as was hinted at by the Senator from Wisconsin, [Mr. CARPENTER.] Nobody on this side, nobody in the Senate I think, had the slightest idea of opposing the bill proposed by the Senator from Missouri. Everybody was for the passage of that bill, and ought to be, I think. I have no doubt the feeling is substantially the same in reference to the other. That suggested the idea to me of moving the amendment, not for the sake of interfering with the arrangement which the Committee on Pensions had made, and not to take it away from the committee, and I hope the Senator from Virginia will so understand it. No one has any higher respect for the action of the Committee on Pensions than myself, and nobody more readily agrees with the conclusion to which they came, that it was not best to go into legislation on the subject of pensions generally at this session. When Mrs. Webster's bill was brought in I made some suggestion of that kind, and I had a conference with the Senator upon that same subject.

Mr. WITHERS. The only reason I called attention to the fact was that it would appear that the action proposed would take up a bill which is not within possession of the Senate, but is really in possession of the Committee on Pensions. To relieve the parliamentary difficulty was the only object I had in calling attention to it, because I never entertained the suspicion that any reflection was designed on the action of the Pensions Committee.

Mr. DAWES. I desire to assure the Senator that there was none.

Mr. WITHERS. I accept the assurance.

Mr. LOGAN. Mr. President, I am in favor of this bill as it has been amended by the Senate; and in answer to a remark that fell from the Senator from Iowa [Mr. KIRKWOOD] in reference to the precedent that it might set I will say that if Senators will examine the various acts that have been passed by the Congress of the United States in reference to the pensioning of different parties, they will find that frequently the widows of officers of the Army have been pensioned when the officer did not die from disease contracted in the Army as contemplated by the law granting pensions, or from any wounds received in battle, but from old age. It has become rather common to grant pensions to the widows of deceased officers where they are not within the pale, purview, or meaning of the statutes granting pensions, and each case when presented must stand upon its own merits. It does not become a precedent for any other case unless one be found precisely similar.

The PRESIDENT *pro tempore*. The morning hour has expired.

Mr. VOORHEES. I hope there will be no objection to disposing of this question.

The PRESIDENT *pro tempore*. The Senator from Indiana moves that the further consideration of this bill be continued notwithstanding the close of the morning hour. Is there objection? The Chair hears none, and the bill is before the Senate as in Committee of the Whole. The Senator from Illinois will proceed.

Mr. LOGAN. I was remarking that each case should stand upon its own merits, not forming a precedent for any other. Taking the propositions in this bill, granting a pension to the widow and orphans of General Shields, and to the widow of the son of Daniel Webster, I think the two cases present to the Congress of the United States such circumstances that the bill is not likely to become a precedent for other cases. So far as the amount is concerned, I will not hesitate for one moment in reference to that. I think that General Shields for his service to this Government ought not only to have been pensioned as he was, but should have been placed upon the retired list of the Army, as a bill proposed to do that was before the last Congress. If there is a case in this country where merit demands a recognition for loyalty to this Government, for devotion to his country, for brilliant and gallant conduct in battle, his case in my judgment is one. I knew this man, General Shields, when I was but a child. He and my father were friends tried and true; from the same country they adopted this as their country and home. He dandled me on his knee when I was small; he encouraged me, flattered me in my boyhood. I learned to love and revere him. I have seen nothing in his course during all my life that has made that attachment to him less strong.

When the war with Mexico came upon this country, he went forward, and in every contest where he was present the bright sword of General Shields gleamed and glistened as he led his unconquered warriors to the conflict. He was wounded twice, once nigh unto death; in fact it was announced throughout the whole country that he was killed in battle. Recovering, however, he again resumed his command and was again severely wounded. After that he was tried in many positions, in civil positions not necessary to enumerate, but there was none in which he was ever tried where he did not prove himself an honest and a faithful citizen and servant of his country. In the last unfortunate war General Shields came forward unsolicited, presented himself to the President of the United States, said "Here am I to tender my services, whatever they may be, to my country." In that war again he performed gallant service, was again severely wounded.

The war passed; his friends came before Congress presenting the question whether or not in his old age, having served his adopted country so faithfully and truly, he should not be placed, as others were, on the retired list of the Army. That was refused; but as a substitute for that this pension was granted to him. It is only a few weeks ago since he retired from this Senate Chamber, honored by the State of which he had recently become a citizen, and within a few days past he quietly and peacefully passed away in death, leaving a wife and three children in almost destitute circumstances. If there is a case in this country or ever will be that will appeal to the generosity of the people of this land to grant that which will at least support the family of a true and gallant man, I think this is one.

Then, sir, in reference to the amendment that is made to this bill, to pension the widow of the son of Daniel Webster, I agree with the remarks of the Senator from Indiana [Mr. VOORHEES] that that is a case where we should not hesitate. We should not inquire as to the amount or as to the length of time that the pension should be paid. Daniel Webster was one of the great intellectual luminaries of this great nation of ours. As a lawyer I might say he had scarcely

an equal in this country; as a statesman and expounder of the Constitution he stood a head and shoulders above all other statesmen. His only son fell doing battle for his country with his face to the foe, and if there is anything that can appeal to us it does seem to me that when the last son of Daniel Webster fell in battle, at least the widow of that son should be pensioned by the Government of the United States.

Now, sir, in conclusion let me say that this bill, taking the two cases together, ought to pass. General Shields, whatever may be said of him, was a bright and shining ornament of patriotism and valor; his conduct as a patriot can be held up to future generations for their admiration, and in fact as a model for those coming from foreign shores and adopting this country as their own to make themselves citizens devoted heart and soul to this Government of ours. It is an encouragement to them. Take the two together, then, and there has been no case presented to the Congress of the United States, in my judgment, where we can more readily afford to comply with the promptings of a generous spirit than in this.

Mr. MAXEY. Mr. President, the word "minority" as used in this bill as presented was used in respect to the age at which the pension of the children of General Shields was to cease. That age has been changed to sixteen years. The word "minority," as I understand, is a technical word, and therefore after the change made to sixteen years the word "minority" would be inapplicable in this bill. I suggest, therefore, that the bill be changed in line 9, after the word "occur," by striking out "during the minority of" and inserting "whilst;" in line 10, after the word "them," by inserting "are under the age of sixteen years;" in line 11, after the word "children," by striking out "as may then be minors" and inserting "under the age of sixteen years;" in line 12, by striking out the word "the," after "respectively," and inserting "that;" and then striking out all after the word "age" in line 12.

Mr. VEST. There is no objection to that amendment.

Mr. MAXEY. I am in favor of the bill. My only object is not to use an inapplicable word in the bill.

Mr. VEST. A single word in answer to the Senator from Iowa, [Mr. KIRKWOOD.] The suggestion made by the Senator in regard to this bill is that the precedent established is a bad one, that there may grow up in the United States what is known as a civil pension list. For one, I should have no objection to such a list if the facts that might arise in regard to any other distinguished citizen in civil life warranted the grant of the pension. The United States to-day is the only government in existence that does not reward civilians as well as soldiers for distinguished services rendered to the Government, and reward them in substantial and ample form; and if General Shields when living had been a citizen of any nation in Europe, his breast would have glittered with the stars and emblems and rewards of his heroism. Coming from a nationality which has been unfortunate enough to pour out its blood like water in defense of every country except their own, there is not an Irish heart in these free United States that will not beat with gratitude to this Congress for this sincere evidence of their appreciation of the services of their heroic countryman; for, sir, he was a knight without fear and without reproach. And in passing this bill there is one incident which, without violating the confidence of private life, I am permitted to state, coming from the lips of General Shields himself. The lady who is now the object of this bounty, his widow, nursed him during the terrible illness that followed the wounds that he received upon the plains of Mexico; and at his own house, at his own fireside, with tears in his eyes, he told me that during the long vigils of that anxious watch, when life hovered betwixt two worlds like a star, gratitude ripened into love, and the nurse became the deity that presided over his household circle. It is then eminently fit and proper that she who lost a protector whose heart and arm were ever ready to defend her and her children should receive this pension, she having saved a life to the Republic that all over illustrates and adorns it and makes it a model for the world.

I have nothing else, sir, to say on the bill.

Mr. KIRKWOOD. Mr. President, I have not indicated, perhaps, to the Senate what my vote will be upon this bill. When I was up before I sought to draw the attention of the Senate to the direction in which we were moving, so that it might not be said in the future that we had acted unadvisedly.

I agree with all that has been said in regard to General Shields; I agree with all that has been said in regard to Daniel Webster; I agree that his son, Fletcher Webster, died in the service of our country, that another son had died previously in the service of the country. That is all true; but still it leaves remaining the question whether or not we shall inaugurate the system toward which we are tending.

If we set out to award extraordinary rewards to all the men who deserve well of their country, I am afraid that our Treasury will be exhausted. I know a man, a citizen of the State in which I live, who served in the Florida war, did just precisely as much as any other man could do, did his whole duty as a soldier, and was honorably discharged after that war was over. When the war with Mexico occurred he went into the United States service and served during the war, doing all that any man could do or can do, his whole duty. When the war of the rebellion occurred, although perhaps beyond the period of life when he could have been called upon to go as a soldier, he went in again and remained until his bodily ailments compelled him to leave the service. He is to-day a watchman in one of our squares here. He did not do as much as some distinguished gentlemen have done, but he did all he could do. He was not in a position to do as much as others did, but all he could do he did. I want the Senate to consider the question whether or not he is to have a special bill put in in his favor. I shall be glad to report it, and if the precedent is to be established I shall be glad to support it; but I want the Senate to consider how far this thing is to go. We ought to have some system, some order, some rule by which we will proceed, and not drift along from case to case until you have piled up precedents so high and made them so strong and so powerful that you cannot avoid following them.

Mr. HOAR. I should like to ask the honorable Senator if he voted against or rather would vote against the appropriation for a monument to mark the birthplace of General Washington or the burial-place of Jefferson, on the ground that it was impossible exactly to draw the line between them and other distinguished citizens for whose grave-stones we do not provide?

Mr. KIRKWOOD. I voted for that yesterday, I would vote for it again very cheerfully, but I do not think that touches the case. The question before the Senate is this substantially, and I do not think we can get out of it; whether after we have done the same thing heretofore—and I have been just as active I believe as any other man in doing it until I saw where it was drifting—we shall to-day substantially establish a civil pension list in our country. We may say we do not want to do it; we may say we do not intend to do it; we may say we do not think we are doing it, but it becomes us to consider very carefully whether we are or are not, and whether if we are we intend to do that thing.

Mr. BLAINE. At a moment when I was quite unadvised of the situation of the bill, I made a suggestion of an amendment. I think the amendment I submitted is not in order at this time in Committee of the Whole, because that section had just been inserted. I withdraw the amendment and when the bill comes into the Senate I will reoffer it.

The PRESIDENT *pro tempore*. It will be in order then. The question now is on the amendment offered by the Senator from Texas, [Mr. MAXEY,] which will be reported.

The CHIEF CLERK. The proposed amendment is in line 9, after the word "occur," to strike out the words "during the minority of" and insert "whilst;" in line 10, after the word "then," to insert the words "are under the age of sixteen years;" in line 11, after the word "children," to strike out "as may then be minors" and insert "under the age of sixteen years;" in line 12, to strike out the word "the" after "respectively" and insert "that;" and to strike out all after the word "age" in line 12; so as to make the first section read:

That payment of the pension of $100 monthly granted to James Shields, late a brigadier-general of United States volunteers, by an act of Congress approved June 18, 1878, be continued to his widow and children, the full amount of said pension to be paid said widow during her widowhood, and at her death, or marriage, if the same should occur whilst said children or any of them are under the age of sixteen years, then the said pension shall be paid to so many of said children under the age of sixteen years, in equal parts, until they reach respectively that age.

Mr. DAVIS, of Illinois. "So many of said children" is not good grammar.

Mr. CONKLING. I suggest, as the Senator from Illinois has done in his seat, that the phraseology should be changed so as to read:

To such children so remaining under sixteen years.

The words now in the bill I think would leave an ambiguity in the bill.

The PRESIDENT *pro tempore*. Will the Senator from New York send his amendment to the desk?

Mr. CONKLING. I will venture to read the bill as I propose to amend it.

The full amount of said pension to be paid said widow during her widowhood, and at her death or marriage, if the same should occur while said children or any of them are under the age of sixteen years, then the said pension shall be paid to such of said children as may then be under the age of sixteen years.

Mr. HOAR. I suggest instead of the phrase "at her death or marriage" the words "at the expiration thereof."

The PRESIDENT *pro tempore*. Does the Senator from Texas accept the amendment?

Mr. MAXEY. Yes, sir.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Texas as modified at the suggestion of the Senator from New York.

The amendment was agreed to.

Mr. HOAR. I suggested an amendment which the Senator from Missouri is willing to accept. After the word "widowhood," instead of using the words "at her death or marriage," the words should be "at the expiration thereof."

Mr. DAVIS, of Illinois. That is better.

The PRESIDENT *pro tempore*. The words "her marriage" were inserted by a vote of the Senate. By unanimous consent, however, the change may be made. The Chair hears no objection to the amendment of the Senator from Massachusetts being entertained. The amendment is to strike out, in line 9, the words "her death or marriage" and insert "the expiration thereof."

The amendment was agreed to.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. Will the Senate concur in the amendments made as in Committee of the Whole?

Mr. CARPENTER. I want to hear that bill reported. As far as I can understand it, the best way I can read it from the form it is in now, the pension to these children will run forever.

Mr. VEST. Then the bill has been distorted so that it does not mean what I intended.

Mr. CARPENTER. Of course: that is why I want it read.

The Chief Clerk read the bill as amended.

Mr. CARPENTER. I take it that would run during their natural life if they are under sixteen now.

Mr. VEST. There is a part of the bill omitted:

Until they arrive at the age of sixteen years, respectively.

On my motion the bill was amended by striking out "twenty-one" and inserting "sixteen," and by mistake a part of it has been erased.

The PRESIDENT *pro tempore*. The Senator from Missouri moves to add the words he has indicated.

Mr. CONKLING. May I make a suggestion? Now I suggest to the Senator from Missouri to let this bill lie aside informally a few minutes while he or some other Senator takes it and goes through it and re-writes this section. It has been so changed and interlined that it is very difficult to read it; and it is a very easy thing to put in plain language what is meant.

Mr. VEST. I have no objection to that.

Mr. CONKLING. The Senator can fix the bill and call it up in five minutes.

Mr. VEST. Very well.

The PRESIDENT *pro tempore*. The bill will be informally laid aside.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. THEODORE F. KING, one of its clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

A bill (H. R. No. 2046) to authorize a compromise of the claims of the United States under the will of Joseph L. Lewis;

A bill (H. R. No. 2175) making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes; and

A bill (H. R. No. 2264) to amend section 1, page 234, volume 20, of the United States Statutes at Large, Forty-fifth Congress.

The message also announced that the House had passed a concurrent resolution to print 5,000 copies of volume 2 of the geological series of the reports on the geographical and geological survey of the Rocky Mountain region entitled "The Geology of the Henry Mountain," with the necessary illustrations and charts.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (S. No. 678) relating to vinegar factories established and operated prior to March 1, 1879; and it was thereupon signed by the President *pro tempore*.

USE OF TROOPS.

Mr. BLAINE. While the pension bill is being put in shape, if it be agreeable to the Senate, I will call up the bill introduced by the Senator from Indiana [Mr. MCDONALD] for the purpose of submitting some remarks. I shall be very brief.

The PRESIDENT *pro tempore*. The Senator from Maine moves to take up Senate bill No. 621.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 621) authorizing the employment of the militia and the land and naval forces of the United States in certain cases, and for other purposes.

Mr. BLAINE. Mr. President, the honorable Senator from Georgia [Mr. HILL] in his remarks yesterday seemed to lay a charge at my door that I had spoken in reference to himself when he was seven hundred miles distant. It was not my fault that the Senator was seven hundred miles away. He made a lengthy speech on the then pending bill, and I did not make the remarks to which he takes exception until the day before that bill was finally passed. I inquired of his colleague when he was coming back and could get no definite information; it was not indeed known; so that if I was to have any opportunity at all to review his remarks, I must do it then or let it pass. But that is of no especial consequence. The graver charge which he lays at my door is that in quoting his record in the secession convention of Georgia I suppressed some very important part, and that important part he supplies himself in this way; I will read from the Senator's remarks of yesterday:

It was agreed that Judge Nisbet should bring forward the test resolution in favor of secession, and Ex-Governor Herschel V. Johnson should offer for that the substitute agreed upon by the opponents of the resolution for secession; and we put that substitute in the strongest form possible, by simply providing that the question whether the State should secede or not should be postponed until after an effort should be made to secure a convention of the Southern States for the purpose of acting and consulting together upon the subject.

Further on the Senator quotes the resolution of Mr. Nisbet, and then says:

The substitute thus offered by Governor Johnson was the one to which I have alluded, on which the opponents of immediate secession had all agreed as in our opinion the strongest ground upon which we could stand with hope of success. It is long and I will not trouble the Senate to read it, but it is precisely of the character I have stated.

The Senator having stated that it was simply a motion to postpone the question of secession, the record will show whether it was the Senator from Georgia or myself that was guilty of an act of suppression. I have the resolution in my hand, and as the Senator from Georgia well said it is lengthy; and while its length may have deterred him from reading it, it will not deter me, for the Senator is fond of presenting himself in the attitude of one who was doing all he could to maintain the Federal Union, and who consented to secession only as the last possible resort. The substitute which the honorable Senator from Georgia himself moved, it first being suggested by Herschel V. Johnson and afterward moved by the Senator himself, he adopting all its phraseology and all its intendments, was as follows; I will omit a large part of the preamble as not essential. The conclusion of the preamble is:

Therefore, while the State of Georgia will not and cannot, compatibly with her safety, abide permanently in the Union, without new and ample security for future safety, still she is not disposed to sever her connection with it precipitatedly nor without respectful consultation with her southern confederates—

No proposition to confer with the States of the Union generally—

she invokes the aid of their counsel and co-operation, to secure our rights in the Union, if possible, or to protect them out of the Union if necessary. Therefore,

First. *Be it ordained by the State of Georgia in sovereign convention assembled*, That Delaware, Maryland, Virginia, Kentucky, North Carolina, Louisiana, Texas, Arkansas, Tennessee, and Missouri, be, and they are hereby, respectfully invited to meet with this State by delegates in a congress, at Atlanta, Georgia, on the 16th of February, 1861, to take into consideration the whole subject of their relations to the Federal Government, and to devise such a course of action as their interest, equality, and safety may require.

SEC. 2. *Be it further ordained, &c.*, That the independent republics of South Carolina, Florida, Alabama, and Mississippi, be, and they are hereby, cordially invited to send commissioners to said Congress.

Those four States had seceded a few days before and instantly in the judgment of the Senator from Georgia they were "independent republics," I suppose to send embassadors, or possibly some higher title, because we find now that merely a Senator is an embassador from a sovereign State here! But these "independent republics" were invited to send delegates or commissioners.

SEC. 3. *Be it further ordained*, That inasmuch as Georgia is resolved—

Here comes the proof of the honorable Senator's deep and abiding attachment to the Union of the States, the Union in which Webster had lived and died and for which he had spoken so many great words!—

Be it further ordained, That inasmuch as Georgia is resolved not to abide permanently in this Union without satisfactory guarantees of future security, the following propositions are respectfully suggested for the consideration of her southern confederates as the substance of what she regards indispensable amendments to the Constitution of the United States, to wit.

The Senator agreed to state on what grounds they would stay in, and those grounds were that the following amendments to the Constitution were indispensable:

1. That Congress shall have no power to abolish or prohibit slavery in the Territories or any place under their exclusive jurisdiction.

And then he added a second condition:

2. Each State shall be bound to surrender fugitive slaves; and if any fugitive slave shall be forcibly taken or enticed from the possession of any officer legally charged therewith for the purpose of rendition, the United States shall pay the owner the value of such slave, and the county in which such rescue or enticement may occur shall be liable to the United States for the amount so paid, to be recovered by suit in the Federal courts.

That was a magnificent condition; that would not, however, satisfy the Senator; he demanded another:

3. It shall be a penal offense, definable by Congress and punishable in the Federal courts, for any person to rescue or entice, or to encourage, aid, or assist others to rescue or entice any fugitive slave from any officer legally charged with the custody thereof, for the purpose of rendition.

Still a fourth he demanded:

4. Whatever is recognized as property by the Constitution of the United States shall be held to be property in the Territories of the United States, and in all places over which Congress has exclusive jurisdiction; and all kinds of property shall be entitled to like and equal protection therein by the several Departments of the General Government.

And still the Senator would not be satisfied to remain in the Union with these four conditions. He demands more:

5. New States formed out of territory now belonging to the United States, or which may hereafter be acquired, shall be admitted into the Union with or without slavery, as the people thereof may determine at the time of admission.

6.—

Here comes still another condition:

6. Congress shall have no power to prohibit or interfere with the slave-trade between the States, nor to prohibit citizens of the United States passing through or temporarily sojourning in the District of Columbia from having with them their slaves and carrying them away, but it shall be the duty of Congress to provide by law for the punishment of all persons who may interfere with this right in the same way as is provided for in the foregoing third proposition.

And still the Senator was not satisfied; he demanded—

7. No State shall pass any law to prohibit the citizens of any other State traveling, or temporarily sojourning therein, from carrying their slaves and returning with them; and it shall be a penal offense, definable by Congress and punishable by the Federal courts, for any person to entice away, or harbor, or attempt to entice away or harbor, the slave or slaves of such citizen so traveling or temporarily sojourning.

It has passed into a proverb—I do not know but what Mr. Toombs himself denies it—that he once boasted that he would call the roll of his slaves at the foot of Bunker Hill Monument. The Senator from Georgia demanded that he should have the right to do that, and that it should be put into the Constitution as an amendment.

8.—

And I beg especial attention to the eighth condition, for all the seven I have read would not satisfy him to remain in the Union:

8. The obligation to surrender fugitives from justice as provided for under the Constitution of the United States extends, and shall be held to extend, as well to fugitives charged with offenses connected with or committed against slavery or slave property as to any other class of offenses, and for the purposes of this proposition, whatever is defined to be a criminal offense in one State shall be deemed and held a criminal offense in every other State.

That is, the Mississippi slave code or the Georgia slave code shall be the rule of action in the courts of Maine and Illinois. Still the Senator was not satisfied; he would not agree to remain even then. He would not agree to remain in the Union if we would give them the privilege of bringing their slaves into the District of Columbia; he would not agree to remain if we gave them the right to carry them into all the States of the Union; he would not agree to remain if we gave them a constitutional provision that the slave code of his own State should be the rule in every Northern State. He still demanded another:

9. The Supreme Court having decided that negroes are not citizens of the United States, no person of African descent shall be permitted to vote for Federal officers, nor to hold any office or appointment under the Government of the United States.

Why, from the foundation of the State of Massachusetts negroes had voted; from the separation of Maine, in her original constitution, no distinction was made in regard to suffrage on account of color. That had been interwoven as the very common law of the State and common right of the people. But the Senator said he would not agree to remain in the Union unless we were compelled to give that up by constitutional amendment, and that no colored man under any constitution of any State should be permitted to vote for any Federal officer—for a Representative in Congress or a Presidential elector.

SEC. 4—

Those nine points were what the honorable Senator from Georgia demanded should be incorporated into the Constitution of the United States, and this is the ordinance which he described in his speech yesterday as a mere motion on the part of Herschel V. Johnson to postpone the consideration of secession on the part of Georgia:

SEC. 4. *Be it further ordained, &c.*, That refraining from any formal demand upon those slaveholding States which have passed them of the repeal of the personal-liberty and other acts in any wise militating against the rendition of fugitive slaves or fugitives from justice, yet the State of Georgia hereby announces her unalterable determination not to remain permanently in confederation with those States unless they shall purge their statute-books of all such acts.

SEC. 5. *Be it further ordained, &c.*, That if, between now and the time of final action upon the question of her continuance in the Union, the General Government should attempt to coerce any one of the States that have recently withdrawn, or shall hereafter withdraw therefrom, the State of Georgia will make common cause with such States, and hereby pledges all her resources for their protection and defense.

This was a resolution postponing the question of secession and looking to Georgia remaining inside the Federal Union! It is so said here by a Union man, by an honorable Senator who boasts that whoever else may have faltered by the wayside or grown faint in support of the Federal Union, he always bore aloft the standard even when he was voting for the secession of Georgia!

And still further the Senator moved:

SEC. 6. *Be it further ordained, &c.*, That the State of Georgia will continue to hold, until her final decision in the premises, the possession of Fort Pulaski and all other Federal property within her borders, which have been seized under the direction and authority of his excellency the governor of this State.

That was the language of a man claiming to have been loyal to the Union, in absolute and open rebellion that day and that hour to the Union; having seized Federal property, having taken possession of the forts of the Union, and standing there defiantly threatening the Government of the United States that unless we consented to nine amendments to the Constitution Georgia would walk out. That was the honorable Senator's position.

SEC. 7. *Be it further ordained. &c.*, That a commissioner be appointed by this convention to each of the slaveholding Stasts, now members of the Federal Union, to inform them of the action of Georgia, and to urge their conformity to the policy herein indicated, and that in response to the request of Alabama, this convention will also appoint a commissioner to the convention which she has invited at Montgomery, on the 4th of February next, who is hereby instructed to urge upon that convention so to shape their action as to conform to, and co-operate with, that of the proposed congress at Atlanta, on the 16th day of the same month.

As my friend from Massachusetts [Mr. HOAR] well suggests, this was in direct, contemptuous defiance of the prohibition in the Constitution of the United States that no State shall make a compact with any other State.

And the Senator from Georgia was not yet satisfied. He added:

SEC. 8. *Be it further ordained, &c.*, That if all effort fail to secure the rights of the State of Georgia in the Union, and she is reluctantly compelled to resume her separate independence, she will promptly and cordially unite with the other Southern States similarly situated, in the formation of a southern confederacy upon the basis of the present Constitution of the United States.

And here is his last:

SEC. 9. *Be it further ordained*, That this convention will adjourn, to meet again on the 25th day of February next, to take such action in the premises as may be required by the proceedings of the congress at Atlanta and the development of intervening events, keeping steadfastly in view—

What? Keeping what "steadfastly in view?" Any one would suppose from the lofty point of independence and patriotism which the Senator from Georgia assumed and from which he looked down on us all yesterday, that it must be the Union of the States that was to be kept steadfastly in view. Not at all.

Keeping steadfastly in view the rights, equality, and safety of Georgia, and her unalterable determination to maintain them at all hazards, and to the last extremity.

That is what the honorable Senator accused me of suppressing. Well, I have read it all now. That, the honorable Senator describes as a simple motion to postpone action on secession. Why, Mr. President, it is not for any northern man to make apologies about secession, nor to say what he would do; but I frankly declare that if I had been a southern man, I would a thousand times rather have voted for the direct ordinance of secession than for the substitute moved by the Senator from Georgia. The direct ordinance of secession contained not a disrespectful word to the Union or to any sister State; but this substitute laid down humiliating, insulting, degrading, contemptuous conditions, an open, defiant, flagrant insult to every man in the Northern States. It carried with it all the insult that could be compressed in language, and the honorable Senator from Georgia had better have let his record as voting for the secession ordinance stand than to have that record paraded as the thing which he preferred. Did the honorable Senator from Georgia in his wildest dream ever suppose that those conditions would be accepted by this country? He laid them down as "indispensable" conditions for Georgia remaining within the Union, and those "indispensable" conditions involved making slave territory of every foot of free territory in this country, of the District of Columbia, of all forts, arsenals, and dockyards, and of every State in this Union; and it involved more, as I have already said: it involved the infinite degradation of saying to another State that "the criminal code which we choose to adopt in Georgia shall be the rule of action in your State." Nothing more insulting was ever conceived or aimed at a free people. The honorable Senator from Georgia will not hereafter accuse me of suppressing that part of his record.

And yesterday the memory, which the distinguished Senator from Georgia could not call to his aid in the House three years ago, suddenly came to his relief, and he did remember that he did offer *in totidem verbis* the very same provision which I asked him in the House if he had offered, with the simple correction that it was in the form of a bill, and not a resolution; and now the honorable Senator proposes to slide off on the construction that this bill which he offered was aimed at somebody else than the soldiers of the United States, which "somebody else" he failed exactly to describe, or at least to so describe as to bring it within my humble comprehension. I will read the bill. Mark you, this was offered in October, 1862. The question of belligerent rights had long before been settled and the cartel for exchange of prisoners had long been agreed upon, of course with some infractions, but it had been acknowledged and prisoners by the thousand had been exchanged. This was directly after the preliminary announcement by Mr. Lincoln of the emancipation proclamation, and this is what the honorable Senator from Georgia offered in the confederate senate:

1. That if any person singly, or in organized bodies, shall, under pretense of waging war, kill or maim, or in any wise injure the person of any unarmed citizen of the Confederate States, or shall destroy, or seize, or damage the property, or invade the house or domicil, or insult the family of such unarmed citizen; or shall persuade or force any slave to abandon his owner, or shall, by word or act, counsel or incite to servile insurrection within the limits of the Confederate States, all such persons, if captured by the forces of the Confederate States, shall be treated as criminals and not as prisoners of war, and shall be tried by a military court, and, on conviction, suffer death.

The second section of the bill offered by the Senator from Georgia was:

That every person pretending to be a soldier or officer of the United States, who shall be captured on the soil of the Confederate States, after the 1st day of January, 1863—

That was the day on which Mr. Lincoln declared there should be a formal proclamation issued—

shall be presumed to have entered the territory of the Confederate States with intent to incite insurrection and abet murder, and unless satisfactory proof be adduced to the contrary, before the military court before which the trial shall be had, shall suffer death. This section shall continue in force until the proclamation issued by Abraham Lincoln, dated at Washington, on the 22d day of September, 1862, shall be rescinded, and the policy therein announced shall be abandoned, and no longer.

The honorable Senator from Georgia says that that did not mean the Army of the United States. He was only seeking to legislate against some predatory bands who were going around robbing henroosts and corn-cribs, I suppose. Why, on the face of it it is intended as a retaliatory measure. On the very face of it it is intended as a defiance to the United States and a menace to their troops that they would not hereafter be regarded as entitled to the rights of war, to be treated as prisoners, but that they should suffer death. The Senator had his memory restored by finding in the Encyclopedia that the bill was withdrawn and that it was left to the discretion of the president of the Confederate States. Very wisely withdrawn! Very foolishly—I do not use the word in any unnecessarily offensive sense—very foolishly offered, because neither side dare attempt any such thing as that. It was war, and war on a gigantic scale, and the rights of war must be maintained. Men captured in battle must be treated as prisoners of war with humanity; and every measure like that offered by the Senator from Georgia was either *brutum fulmen*, as he denounced the proclamation of Mr. Lincoln, or it was very malignant

cruelty. I will not accuse the honorable Senator of malignant cruelty.

Mr. President, I did not rise to prolong the discussion, only to correct the record which the honorable Senator said I had suppressed; but I cannot take my seat without calling the attention of the Senator to some very strange passages in his history. In his speech of yesterday he said, in alluding to his own record, which he elaborately unfolded to us—

> You will find much against secession, you will find much against the republican party, you will find much against the war, and you will find burning words against reconstruction. All that is true; but against the Union of these States partly national and partly federal, against this confederate nation as explained by Madison and expounded by Webster, I have had no feeling but one of perpetual adoration from the time I understood it to this hour; and upon that subject I defy criticism and challenge malice.

Turning to the next page of the RECORD, in the same speech, I get a sufficient criticism and answer to what I have just quoted, for the Senator said:

> No man doubted my fidelity to the confederacy, because at that very moment and for two months before I had been the only public man in the confederacy on the stump trying to rally the people against unconditional surrender.

He was the loudest, bravest, boldest defender the Union of the States ever had, as construed by Webster; and at the last gasp of the confederacy, after four years of struggle, he was the one who cried never surrender to the Union. And these two declarations appear in the same speech of the Senator, uttered within five or ten minutes the one of the other.

The only other extract which I will make from the Senator's speech is this:

> Mr. President—
>
> He said—
>
> I have another duty to perform which I take some pleasure in performing and yet feel some pain in performing, for it is always painful to have to refer to myself.

If that be the case the honorable Senator from Georgia is the victim of the most limitless punishment, self-inflicted, of any man, either in the confederacy or within the bounds of the Union. [Laughter.]

Mr. HILL, of Georgia. Mr. President——

Mr. WITHERS. Will the Senator from Georgia yield a moment?

Mr. HILL, of Georgia. I will not take five minutes.

Mr. WITHERS. I want to ask that the Army appropriation bill, just now received from the House of Representatives, be taken from the table and referred to the Committee on Appropriations.

The PRESIDING OFFICER, (Mr. CARPENTER in the chair.) It will be so ordered if there be no objection.

Mr. CONKLING. No, Mr. President, I object to the Army bill so called being read more than once to-day.

Mr. WITHERS. Of course that settles it.

Mr. CONKLING. Later on I may withdraw the objection, but I should like to know what the bill contains.

Mr. HILL, of Georgia. Mr. President, I have no thought of replying to the Senator from Maine, for he has said nothing that a sensible man could reply to. He has been talking upon subjects of which he knows quite as much as a jay-bird knows of the science of music, and no more. It would be certainly ridiculous for me to undertake to satisfy the Senator of the wisdom, or the propriety, or the patriotism of those gentlemen who were in the trying ordeal of 1861 in the conventions of secession. I say it would be entirely ridiculous for me to attempt to satisfy that gentleman, and I am not here to do it.

There were two parties in that convention: one in favor of the immediate secession of the States, as I explained yesterday; another opposed to the immediate secession and doing all they could to postpone the act, hoping for time and returning reason to do the balance. Whether they acted wisely, whether they acted considerately, whether they offered propositions to get a postponement that were reasonable in their character, it is nothing to the Senator from Maine and nothing to this Senate. I think the Senator has made a speech that no other man in this Senate is capable of making, simply because the Senator does not see himself as others see him. If he did it would save him from many blunders, and very foolish notions.

Mr. President, I do not choose either to undertake before this body to satisfy the Senator from Maine as to what was my motive, what was the character of my action in the confederate senate. The Senator stated on a previous occasion that I had introduced a resolution which I had not introduced, and I brought forward the facts on yesterday supposing they might satisfy even the Senator from Maine. It does seem that nothing in the shape of the truth can ever satisfy that honorable Senator.

The PRESIDING OFFICER. The Chair thinks the remarks of the Senator are very personal.

Mr. HILL, of Georgia. I am not talking of the Senator's motives, only of the facts.

Mr. BLAINE. To what resolution does the honorable Senator refer?

The PRESIDING OFFICER. The Senator from Georgia has the floor.

Mr. BLAINE. Will the Senator admit a question? To what resolution does he refer?

The PRESIDING OFFICER. The Senator must address the Chair.

Mr. HILL, of Georgia. I was speaking of the resolution the Senator said I offered in the confederate senate.

The PRESIDING OFFICER. The Senator must address the Chair.

Mr. HILL, of Georgia. I am addressing the Chair.

The PRESIDING OFFICER. The Senator was addressing the Senator from Maine.

Mr. HILL, of Georgia. Perhaps I was; I beg pardon.

Mr. BLAINE. I understand the Senator from Georgia to yield to me for a question. I merely want to have the fact stated.

The PRESIDING OFFICER. Will the Senator from Georgia yield to the Senator from Maine?

Mr. HILL, of Georgia. Certainly.

Mr. BLAINE. To what resolution does the honorable Senator refer?

Mr. HILL, of Georgia. I have stated the only resolution involved that could be referred to. I said that I was not going to attempt to satisfy that Senator as to the motive or propriety of my conduct in the confederate senate in relation to what he called a resolution introduced by me years ago, but which turned out not to be a resolution, which the Senator has read.

Mr. BLAINE. It was a bill?

Mr. HILL, of Georgia. Yes, and I explained the fact touching it fully on yesterday.

Mr. BLAINE. If the Senator wants——

The PRESIDING OFFICER. The Senator from Georgia has the floor.

Mr. HILL, of Georgia. I supposed——

Mr. BLAINE. I understand that. I am speaking by the courtesy of the Senator.

The PRESIDING OFFICER. The Chair will state that the rule, as he understands it, is, when a Senator is on the floor it is optional with him to be interrupted or not. If he yields to an interruption, then the interrupting Senator has the floor until the first rising Senator reclaims it by addressing the Chair; but conversation backward and forward is no more proper after an interruption has been permitted than it was before, and is forbidden by the rule.

Mr. BLAINE. I do not understand the rule to be as the honorable presiding officer at the moment suggests.

The PRESIDING OFFICER. The Chair so understands it.

Mr. BLAINE. Oftentimes the mere nod of assent of the Chair will create more facility of business than for the Chair to be compelled to pronounce more words under such a construction of the rule than the colloquy between the two Senators would consume.

The PRESIDING OFFICER. The Chair must perform the duty which the rule imposes upon him.

Mr. BLAINE. I beg to differ with the Chair. Such a construction of the rule, the Chair cannot but see himself, must lead to obstruction of debate rather than to facility when enforced in that way.

The PRESIDING OFFICER. The rules are provided by the Senate for their own government and should be enforced.

Mr. HILL, of Georgia. I was going on to say that I was not going to attempt to satisfy that Senator. It is unnecessary to attempt to satisfy him after the facts that I stated yesterday. I was not alluding to the personal motives of the Senator; I did not have any such intention when I said nothing like the truth would satisfy him. He seems ambitious to make an issue with me about something, I do not know what, I do not know why, and I do not care. It makes no difference whatever. I supposed that when the facts were brought to the attention of that Senator he might recognize the fact. He does not seem to do so, and really it excites only pity for him and not regret for myself.

The Senator quotes from my speech of yesterday, and he seeks to involve me in a contradiction. He quotes the language where I spoke of devotion to the Union as expounded by Webster and Madison, and then he quotes another sentence where I spoke of the fact that I tried to rally the people against unconditional surrender. Is there any inconsistency there? I had made an elaborate argument to try to show to the Senate that the war was not between the Southern States on one hand and the Union of Madison and Webster on the other, but that it was a war provoked by two extremes—a war between the believers in secession and the believers in consolidation, in which the consolidationists had the advantage in that they had the possession of the Government. Does anybody in this Senate fail to understand that, except the Senator from Maine? Certainly in a sectional war I sided with my section. Certainly in a sectional war a great many men in the North sided with their section who did not agree with the republican party. These things are palpable to every intelligent man and to every thinking man. As to whether the Senator from Maine has improved his condition in relation to the statement I made yesterday, after these expressions of the Georgia convention, I am unable to say. Surely if that Senator is satisfied with his position in this matter I am, and if he will seek to pursue this further I will not. The Senator's condition excites my pity more than my anger, and I decline to make any answer further to his remarks.

PENSION TO FAMILY OF GENERAL SHIELDS.

Mr. VEST. I move that the Senate resume the consideration of the bill (S. No. 674) for the benefit of the widow and children of General James Shields.

The motion was agreed to; and the Senate resumed the consideration of the bill.

Mr. VEST. I ask the Secretary to read the bill as now amended.

The PRESIDING OFFICER. The bill will be reported.

The Chief Clerk read the bill as amended, as follows:

Be it enacted, &c., That payment of the pension of $100 monthly, granted to James Shields, late a brigadier-general of United States Volunteers, by an act of Congress approved June 18, 1878, be continued to his widow and children, the full amount of said pension to be paid said widow during her widowhood, and at the expiration thereof, if the same should occur while said children or any of them are under the age of sixteen years, then the said pension shall be paid to such of said children as may then be under the age of sixteen years, in equal parts, until they respectively arrive at that age.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-roll, subject to the provisions and limitations of the pension laws, the name of Caroline S. Webster, widow of Fletcher Webster, late colonel of the Twelfth Massachusetts Regiment, who was killed at the second battle of Bull Run, Virginia, at the rate of $50 per month; said pension to be in lieu of that she now receives.

Mr. BLAINE. I move to increase the Webster pension to $100 a month, the same as the other.

The PRESIDING OFFICER. The amendment will be reported from the desk.

The CHIEF CLERK. In line 9, section 2, after the word "of," it is proposed to strike out "fifty" and insert "one hundred;" so as to read "at the rate of $100 per month."

The amendment was agreed to.

The amendments made as in Committee of the Whole, as amended, were concurred in, and the bill was ordered to be engrossed for a third reading.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill for the benefit of the widow and children of General James Shields, and to increase the pension of Mrs. Caroline S. Webster."

MEMORIAL.

The PRESIDING OFFICER. What is the pleasure of the Senate?

Several Senators rose.

Mr. COCKRELL. I ask to make a report from a committee, if the Chair will receive it.

The PRESIDING OFFICER. The Chair will receive morning business, if there be no objection.

Mr. VOORHEES presented the memorial of a delegation of the Cherokee Nation, protesting against the demands of certain citizens of the State of North Carolina, of Cherokee descent, against the Cherokee Nation; which was referred to the Committee on Indian Affairs.

REPORT OF A COMMITTEE.

Mr. COCKRELL, from the Committee on Claims, to which was referred the bill (S. No. 625) for the relief of the Farmers' and Merchants' Bank, Paris, Texas, reported it without amendment, and submitted a report thereon; which was ordered to be printed.

BILLS INTRODUCED.

Mr. GROOME asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 689) for the relief of Charles Collins; which was read twice by its title, and referred to the Committee on Post-Offices and Post-Roads.

Mr. GROOME (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 690) for the relief of George W. Maher; which was read twice by its title, and referred to the Committee on Claims.

AMENDMENT TO APPROPRIATION BILL.

Mr. ALLISON submitted an amendment intended to be proposed by him to the bill (H. R. No. 2252) making appropriations for certain judicial expenses; which was referred to the Committee on Appropriations, and ordered to be printed.

PATRICK DORAN.

The PRESIDING OFFICER. If there be no further business moved, the Secretary will report the first bill on the Calendar.

Mr. ANTHONY. I move that the Senate do now adjourn.

Mr. BAYARD. I think we had better have an executive session.

Mr. ANTHONY. I will give way to a motion for an executive session.

Mr. BAYARD. The Senator from Rhode Island withdraws his motion, and I move that the Senate proceed to the consideration of executive business.

Mr. HOUSTON. I appeal to the Senator to withdraw the motion in order to enable me to ask the Senate to consider a joint resolution from the House embracing a very small amount.

Mr. BAYARD. Certainly.

Mr. HOUSTON. I desire to ask the Senate to pass the joint resolution (H. R. No. 95) to pay Patrick Doran for services as messenger, House of Representatives.

The PRESIDING OFFICER. The Chair is informed that this joint resolution has been referred to the Committee on Appropriations.

Mr. HOUSTON. I did not know that it had been referred; but it involves a very small amount and should be passed.

The PRESIDING OFFICER. The Senator can move to release the Committee on Appropriations from the further consideration of the joint resolution.

Mr. HOUSTON. If there is no objection to that, I make that motion.

The PRESIDING OFFICER. The Senator from Alabama moves that the Committee on Appropriations be relieved from the further consideration of this joint resolution. Is there objection? The Chair hears none, and it is so ordered. The joint resolution will be reported.

The Chief Clerk read the joint resolution; and by unanimous consent, the Senate, as in Committee of the Whole, proceeded to its consideration. It directs the Clerk of the House to pay to Patrick Doran, for his services as messenger to the Committee on Expenditures in the Treasury Department during last session of Forty-fifth Congress $291.60, in full and final settlement for such services.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS LANGTON.

Mr. GARLAND. I move, with the permission of the Senator from Delaware for a moment, that the Senate proceed to the consideration of the bill (S. No. 594) for the relief of Thomas Langton, of Dundee, Michigan. The bill was reported from the Judiciary Committee.

The motion was agreed to.

The PRESIDING OFFICER. The bill is before the Senate as in Committee of the Whole.

Mr. GARLAND. I am willing that the bill be laid aside informally for the motion of the Senator from Delaware.

The PRESIDING OFFICER. The bill will be laid aside informally.

Mr. GARLAND. It will be the unfinished business for to-morrow, I understand.

The PRESIDING OFFICER. The Senator is correct.

HOUSE BILLS REFERRED.

Mr. BAYARD. I now renew my motion for an executive session.

The PRESIDENT *pro tempore*. With the leave of the Senator the Chair will lay before the Senate some bills from the House of Representatives for the purpose of reference.

The bill (H. R. No. 2175) making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes, was read the first time by its title.

The PRESIDENT *pro tempore*. The second reading of this bill being objected to, it will go over until to-morrow.

The bill (H. R. No. 2046) to authorize a compromise of the claims of the United States under the will of Joseph L. Lewis was read twice by its title, and referred to the Committee on the Judiciary.

The bill (H. R. No. 2264) to amend section 1, page 234, volume 20 of the United States Statutes at Large, Forty-fifth Congress, was read twice by its title, and referred to the Committee on Commerce.

Mr. CONKLING. The Chair announced that one bill, being once read, would lie over until to-morrow. Which bill was that?

The PRESIDENT *pro tempore*. That was the Army appropriation bill. The Chair was informed that the Senator from New York objected to its second reading.

Mr. CONKLING. I did not hear the Chair. I had no doubt that was so; but I wanted to know.

The PRESIDENT *pro tempore*. Does the Senator make the objection?

Mr. CONKLING. The Chair was quite right. I objected to the bill being read more than once to-day, and I only wanted to know that that was the bill which the Chair announced as lying over.

GEOLOGY OF THE HENRY MOUNTAIN.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution from the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed at the Government Printing Office 5,000 copies of volume 2 of the geological series of the reports of the Geographical and Geological Survey of the Rocky Mountain Region, entitled, The Geology of the Henry Mountains, with the necessary illustrations and charts; 3,000 copies of which shall be for the use of the House of Representatives, 1,000 for the use of the Senate, 500 for the use of the Department of the Interior, and 500 for the use of the survey; the illustrations and charts to be made by the Public Printer, under the direction of the Joint Committee on Public Printing.

MISSISSIPPI RIVER COMMISSION.

Mr. LAMAR. Will the Senator from Delaware allow me to move the consideration of a bill?

Mr. BAYARD. I withdraw my motion to allow the Senator from Mississippi to bring up a bill.

Mr. LAMAR. I move to proceed to the consideration of the bill (H. R. No. 1847) to provide for the appointment of a "Mississippi River commission" for the improvement of said river from the head of the passes, near its mouth, to its headwaters.

Mr. FERRY. I hope the Senator from Mississippi will not press the consideration of the bill at this time. I understand the Senator from Minnesota, [Mr. WINDOM,] who is now absent serving the order of the Senate at another place, who has not only taken a great deal of interest in this bill but in the general subject of transportation, desires to be present when the bill is considered. I will state to the Senator from Mississippi that it is with no hostility to the bill that I thus interpose, because in the main I am in favor measurably of a bill of this kind; it is simply out of courtesy to an absent Senator who has expressed a desire to be present when the bill is considered, and I trust the Senator from Mississippi will accord that courtesy.

Mr. LAMAR. I am fully assured of the kindly feeling of the Senator from Michigan to this measure, and also of the Senator from Minnesota. I am quite confident that the amendments which the committee have reported to the bill are those which meet his concurrence. I would dislike to take the responsibility of postponing a

measure of this kind upon my own motion unless I could be assured certainly of the time when the Senator from Minnesota will be here.

Mr. FERRY. I cannot assure the Senator, but I understand the Senator from Minnesota will return as soon as he has discharged his duties at West Point, and certainly he must be here very soon. I hardly think that it will hazard the passage of the bill. If I thought so I should not interpose any objection at the present time. The Senator will see, and he knows from what interchange has passed, that I have no disposition to prevent the passage of the bill, but only to accord to an absent Senator that courtesy which is usually given, and especially to the Senator from Minnesota, who has taken the interest to which I have already made allusion.

I appreciate the Senator's desire to have the bill taken up, and in order that there may be no embarrassment in its way, I move that the Senate now proceed to the consideration of executive business. Then the subject can be further considered.

Mr. COCKRELL. When will the Senator from Minnesota be back?

Mr. FERRY. I stated to the Senator from Mississippi, in answer to a similar question, that I could not tell exactly, but he will return as soon as he closes his duties at West Point.

Mr. ALLISON. He will be here to-morrow or the next day; during the present week.

Mr. FERRY. I suppose he will be here during the week. I understand the exercises are over already, and I think he will be here to-morrow or the next day.

CHINESE RESIDENTS AND VISITORS.

Mr. SLATER. I give notice that on Friday, or as soon thereafter as I can get the floor, I shall call up the bill (S. No. 622) regulating intercourse with the subjects of the Chinese Empire visiting or residing in the United States, and for other purposes, in order that I may address the Senate on the subject.

EXECUTIVE SESSION.

Mr. FERRY. I renew my motion.

The PRESIDING OFFICER, (Mr. ANTHONY in the chair.) The question is on the motion of the Senator from Michigan, that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three hours spent in executive session the doors were reopened, and (at five o'clock and thirty-five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June* 12, 1879.

The House met at twelve o'clock m. Prayer by Rev. ALFRED H. AMES, McKendree Methodist Episcopal church, Washington, District of Columbia.

The Journal of yesterday's proceedings was read and approved.

ORDER OF BUSINESS.

Mr. STEELE. I call for the regular order.

Mr. VANCE. I ask my colleague to yield to me that I may offer a resolution for reference.

The SPEAKER. The Chair will recognize the gentleman later in the day for that purpose. The morning hour begins at seventeen minutes past twelve o'clock, and reports from committees are in order, the call resting with the Committee on Coinage, Weights, and Measures.

THE TRADE-DOLLAR.

Mr. STEPHENS. I announce to the House that to-day, not in the morning hour but at some time thereafter, I shall report from the Committee on Coinage, Weights, and Measures the bill (H. R. No. 913) relating to the trade-dollar. I will not consume the morning hour with the consideration of that bill.

The SPEAKER. The committee has leave to report at any time.

Mr. STEPHENS. And under that privilege I will make the report later in the day.

CONSTRUCTION OF PUBLIC BUILDINGS.

Mr. MURCH. I am directed by the Committee on Public Buildings and Grounds to report the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Committee on Public Buildings and Grounds be, and are hereby, authorized and directed to inquire into all matters pertaining to the preparation and furnishing of all material for the construction of public buildings and the manner of constructing the public buildings of the United States under the different systems adopted by the Government of the United States, and to report to this House, by bill or otherwise, what legislation is necessary to secure good material and good and suitable work at fair and reasonable compensation to the mechanics and workmen employed on public works; and said committee are further instructed to inquire into all expenses pertaining to the erection of the public buildings of the United States, and to make all such further inquiries as they may deem proper. And said committee are authorized to send for persons and papers and to administer oaths. And said committee are further authorized to employ a stenographer at a fair compensation. And said committee are authorized to appoint a sub-committee of its own members for the purpose of pursuing these investigations; said committee when appointed to have all the powers conferred by this resolution. And said committee or its sub-committee may make their investigations either at the city of Washington or at any of the cities or other places where public buildings are being erected or material prepared, as they may deem proper. And said committee or its sub-committee may sit during the sessions or recesses of Congress; and the expenses attending the carrying out of these investigations shall be paid out of the contingent fund of the House of Representatives, not to exceed $5,000, and the Clerk of the House of Representatives is hereby authorized and directed to pay the same.

Mr. BREWER. I believe that resolution is subject to a point of order.

Mr. GARFIELD. I make the point of order on the resolution that it involves an appropriation of money and should go to the Committee of the Whole.

Mr. BREWER. It certainly cannot be carried without an expenditure of money.

The SPEAKER. The Chair will cause Rule 112 to be read.

The Clerk read as follows:

112. All proceedings touching appropriations of money and all bills making appropriations of money or property, or requiring such appropriations to be made, or authorizing payments out of appropriations already made, shall be first discussed in a Committee of the Whole House.

The SPEAKER. It never has been held that an authority to spend money to execute an order of the House out of the contingent fund came within the purview of Rule 112. It is not technically an appropriation.

Mr. GARFIELD. I ask the Speaker's ruling. I think there has never been a ruling upon this rule regarding the expenditure of money already appropriated. Now, money in the contingent fund has been appropriated in a general way, but this requires the use of money already appropriated into the contingent fund.

The SPEAKER. The gentleman need not proceed further; the Chair thinks the point is a well taken one. It never has been the practice to object.

Mr. WHITTHORNE. Before the Chair finally decides upon it, let me say a word. Let us see where the adherence to the intimation of the Chair would lead the House. The House is like an individual in his own household. It proceeds daily to use money to meet the requirements for the use of money in the conduct of its daily business. The enforcement of the rule now to refer this matter to the Committee of the Whole takes it away for the time being from the House. To be sure the House may resolve by a majority to go into the Committee of the Whole at any time it sees proper, or when it is in order, but the matter is delayed by objection here, and the point of order being entertained leads to delay and embarrassment. That is its purpose when it is made here. It is a purpose that cannot be concealed from the Speaker or the House.

Now, shall we in our daily life, in our daily proceedings, put it in the power of any one to delay, embarrass, or defeat the daily life, so to speak, of the House? and therefore the custom or the practice of the House has, in my judgment, at least some reasonable showing; and it is better, I submit deferentially to the Chair, for the House to observe the practice and custom of the House heretofore than to delay this matter upon the technical objection now made.

The SPEAKER. The Chair has nothing to do with the purpose in view in making the objection. It is the right exercised by a member, inherent in himself, to take advantage of the rules of this House, and this rule in particular. The point of order being taken, the Chair will read the language of the rule:

All proceedings touching appropriations of money and all bills making appropriations of money or property, or requiring such appropriations to be made, or authorizing payments out of appropriations already made, shall be first discussed in a Committee of the Whole House.

The words are clear and distinct, and the Chair thinks are in harmony with the other rule which requires that any bill fixing a tax upon the people, or taxing the people, shall first be considered in Committee of the Whole.

The Chair sympathizes with the gentleman from Tennessee [Mr. WHITTHORNE] in his argument.

Mr. WHITTHORNE. Allow me to ask right there, what is the object and purpose of the contingent fund? It is to meet emergencies which may arise.

The SPEAKER. The same majority which has a right to pass and could pass this resolution can with equal facility under another rule reach it in Committee of the Whole after the morning hour of to-day. For instance, the gentleman from Tennessee [Mr. WHITTHORNE] might move to go into Committee of the Whole, and if the majority concur with him, the resolution would be reached any day after a morning hour. The Chair thinks, therefore, there is no great hardship involved in that particular; but the Chair cannot evade the distinct words of the rule, if the point is made.

Mr. GARFIELD. As this is the first ruling, specifically, upon the subject, I would like to state a further view of the case.

Mr. McMAHON. I suggest to the Chair that such a ruling as is intimated would be a very unfortunate ruling.

The SPEAKER. That may be. The language of the rule may be an unfortunate——

Mr. McMAHON. I do not think the rule was intended to apply to the appropriations for the contingent fund. I served upon the Committee of Accounts at one time, when the great bulk of the expenditure was at the close of the session, when the committee reported, and if this point of order be sustained, you might as well do away with the contingent fund at once.

The SPEAKER. The House had better change the rule, then.

Mr. McMAHON. Put it one way or the other.

The SPEAKER. While the rule stands the Chair must decide upon the language of the rule.

Mr. McMAHON. It is spending the money of the House and therefore stands in a different position.

The SPEAKER. Yes; but it is public money nevertheless.

Mr. McMAHON. But it has been once voted and put in possession of the House.

The SPEAKER. Here is the particular language of the rule; the gentleman does not seem to take cognizance of said language:

Or authorizing payments out of appropriations already made, shall be first discussed in a Committee of the Whole House.

Mr. McMAHON. Does the rule read "all bills."

The SPEAKER. It reads: "All proceedings touching," &c.

Mr. McMAHON. I know nothing about this particular case, but I think the ruling of the Chair would be an unfortunate one.

The SPEAKER. The two Houses are required to make appropriations and the President to approve them before the contingent fund gets any credit at the Treasury, and the Chair thinks that if the rule is a hardship then the remedy is for the House to change the language of the rule; but the point of order being raised, the Chair must decide on the words of the rule, and sustains the point of order.

Mr. GARFIELD. As this is the first decision made under this rule, the Chair will allow me to make a single further suggestion. I think there are two clauses in the rule that warrant and require the decision made by the Chair. First, the one on which the Speaker has already made the ruling "authorizing payments out of appropriations already made." There is another clause which I will read, omitting the intervening words: "All proceedings * * * requiring appropriations to be made."

We have a certain fund appropriated by law called our "contingent fund." If by a proceeding of the House we authorize expenditures to be made from that contingent fund it will require a further appropriation in order to make good that fund. This proposed proceeding would be one requiring further appropriation, because it will be taking the contingent fund for a purpose not named or understood at the time the contingent fund was made.

The SPEAKER. The Chair thinks the first point a clear and strong one, and rests his decision upon that.

Mr. McMAHON. I would suggest to the Speaker, as chairman of the Committee on Rules, that that rule should be amended within a short time.

The SPEAKER. No harm can result in this instance, because a majority of the House in about half an hour to-day, or on any subsequent day after morning hour, can go into Committee of the Whole on the state of the Union and reach this proposition by a majority vote.

Mr. McMAHON. That cannot be done near the close of the session.

The SPEAKER. That may be. The resolution will go to the Committee of the Whole.

EXTENSION OF HOUSE RESTAURANT.

Mr. KIMMEL. The Committee on Public Buildings and Grounds have instructed me to report a bill directing the Architect of the Capitol to remove the bath-rooms of the House for the enlargement of the restaurant.

The bill directs the Architect of the Capitol to remove the bath-rooms of the House across the corridor to a room directly south and opposite their present location, and to prepare and turn over to the keeper of the House restaurant the room now occupied by the baths of the House, the transfer to be made at a cost not exceeding $2,000.

Mr. CONGER. Is that a report from a committee?

The SPEAKER. It is; from the Committee on Public Buildings and Grounds.

Mr. CONGER. I make the point of order that as the bill requires the expenditure of money it should receive its first consideration in Committee of the Whole.

The SPEAKER. The Chair sustains the point of order.

The bill (H. R. No. 2265) was received, read a first and second time, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

Mr. CONGER. Is there a report accompanying this bill?

Mr. KIMMEL. There is a letter from the Architect setting forth the cost of the proposed change.

Mr. CONGER. Is there a report from the committee? I would like to know if the committee have given any reasons why the baths of the House should be removed from the Capitol and whisky vaults substituted

Mr. KIMMEL. There is no report.

Mr. WHITE. Of course there is to be no whisky vault there; the gentleman from Iowa [Mr. PRICE] will see to that. [Laughter.]

The SPEAKER. The bill has gone to the Committee of the Whole.

ADDITIONAL FORCE FOR SERGEANT-AT-ARMS.

Mr. MARTIN, of Delaware. I have a report to make from the Committee of Accounts.

The Clerk read the following:

Resolved, That the Sergeant-at-Arms of the House of Representatives be, and he is hereby, authorized to employ, in addition to force in his office now authorized by law, one clerk and two messengers for the present Congress, and until further order, at a salary to be fixed and determined by the Committee of Accounts; the duty of said messengers being, among other things, to assist in keeping order upon the floor of the House; all salaries herein mentioned to be paid monthly by the Clerk of the House out of the contingent fund of the House.

Mr. WHITE. I make a point of order upon that resolution. It is not respectful to the House or the Chair, for it intimates that the House and the Speaker do not preserve order. It also makes an appropriation, or requires payment to be made out of the contingent fund of the House.

The SPEAKER. The first point of order is not recognized by the rules.

Mr. WHITE. I do not make it as a point of order, but as a statement; I make it out of respect for the Speaker of the House, because I think we are an orderly body.

The SPEAKER. The Chair sustains the last point of order made by the gentleman, and the resolution will therefore go to the Committee of the Whole.

The Clerk also read the following resolution:

Resolved, That Isaac R. Hill be employed as a messenger on the floor of the House of Representatives for the present Congress, and until further order, under direction of the Sergeant-at-Arms, at $1,800 a year, to be paid monthly by the Clerk of the House out of the contingent fund.

Mr. WHITE. I make the same point of order upon that resolution.

The SPEAKER. The Chair sustains the point of order, and the resolution will go to the Committee of the Whole.

Mr. WHITE. Where does the person referred to come from?

The SPEAKER. What person?

Mr. WHITE. From what State does the person come from named in the resolution?

The SPEAKER. The resolution has gone to the Committee of the Whole.

Mr. WHITE. I want to know if he is from Ohio.

The SPEAKER. The Chair thinks the person named is from the State of Ohio.

Mr. WHITE. Then I make the point of order on the resolution.

The SPEAKER. It has already gone to the Committee of the Whole.

Mr. HENRY. The resolutions which have been read at the Clerk's desk are not reported from the committee for adoption. Those resolutions were referred to the committee, and some days ago the committee directed a substitute for both to be reported.

The SPEAKER. The Chair was not advised of that fact. The substitute will be read.

Mr. CONGER. Have not the original resolutions been referred to the Committee of the Whole?

The SPEAKER. The Clerk having read the resolutions, the Chair supposed that they were reported from the committee for action; but the gentleman from Maryland [Mr. HENRY] states that the committee did not authorize those resolutions to be reported, but a substitute for them, which will now be read.

The Clerk read as follows:

Resolved, That the Sergeant-at-Arms of the House of Representatives be, and he is hereby, authorized to employ, until otherwise ordered by the House, in addition to the force in his office now authorized by law, one clerk, at $1,800 per annum, and one messenger, at $1,600 per annum; said messenger to assist in preserving order on the floor of the House in the absence of the Sergeant-at-Arms, to serve subpœnas, and to perform such other duties as may be assigned to him; and the salaries herein ordered shall be paid monthly out of the contingent fund of the House.

Mr. CONGER. That is subject of course to the same point of order.

The SPEAKER. The Chair thinks this substitute, introduced by the committee in lieu of the two resolutions referred, is liable to the same point of order, and must go to the Committee of the Whole.

Mr. MARTIN, of Delaware. Does the gentleman from Pennsylvania [Mr. WHITE] make the point of order on the substitute? I understood him to make it on the original resolutions.

The SPEAKER. The gentleman from Michigan [Mr. CONGER] makes the same point on the substitute, and not the gentleman from Pennsylvania, [Mr. WHITE.]

Mr. CONGER. I do. The substitute does not change the character of the proposition.

The SPEAKER. The Chair thinks it does not. The resolutions, with the substitute, will be referred to the Committee of the Whole.

POLITICAL CONTRIBUTIONS BY PUBLIC OFFICERS, ETC.

Mr. HOSTETLER. The Committee on Civil Service Reform, to whom was referred the bill (H. R. No. 293) to prohibit officers of, and claimants against, or contractors under, the United States from contributing money for political purposes, have directed me to report back the same, with a substitute, (H. R. No. 2266,) which the committee unanimously recommend as an amendment.

The Clerk read the substitute, as follows:

Be it enacted, &c., That it shall not be lawful for any officer, clerk, or employé of the Government of the United States to contribute or pay to any committee or person, or into any fund, any money, property, or other valuable for any political purpose whatsoever, or to pay any assessment or percentage upon the income or emoluments of his salary or compensation for any political purpose, or give, lend, advance, or pay any money, property, or valuable thing with the intent, assent, permission, knowledge, or understanding that the same may be applied to such purpose; and any of said officers, clerks, or employés who shall violate any of the provisions of this section shall be immediately dismissed from the office, clerkship, or employment which they may hold.

SEC. 2. That it shall be the duty of each of the heads of Departments of the Federal Government to issue and keep posted a standing order in their respective Departments prohibiting the officers, clerks, and employés in said Departments from violating any of the provisions of the first section of this act.

SEC. 3. That it shall not be lawful for any head of Department or other superior officer of the Federal Government to collect or permit or allow any other person to collect or receive from any officer, clerk, or employé in his Department or under his supervision any assessment, percentage, contribution, gift, loan, or advance of any money, property, or other valuable thing with the knowledge, intent, understanding, or permission that the same shall, or may be, used for any political purpose; and any person who shall violate any of the provisions of this section or any head of Department who shall fail or refuse to promulgate the order as mentioned in the second section of this act or who shall fail or refuse to dismiss from office or employment any officer, clerk, or employé in his Department who shall violate any of the provisions of the first section of this act on the same coming to his knowledge shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment for a period of not less than one month nor more than six months, and in the discretion of the court by a fine of not more than $5,000.

SEC. 4. That any person having a contract with the United States or any officer thereof or who shall have had such contract within three months previous, or who shall have such contract within three months thereafter, who shall pay or contribute either directly or indirectly any money, property, or other valuable thing for any political purpose shall be deemed to have forfeited all rights and the same shall thereby be rendered null and void; and all officers of the Government are hereby prohibited from executing any contract with any party so offending, and that any person having any pending claim against the United States or before any Department, or officer of the Government thereof who shall pay or contribute any money, property, or other valuable thing for any political purpose shall thereby forfeit said claim and all right to recover or receive anything on the same.

Mr. GARFIELD. I reserve all points of order on this bill till I can examine it.

Mr. CONGER. I ask for the reading of the original bill for which this is a substitute.

Mr. WHITE. I call for the reading of the first section of the substitute.

Mr. BUTTERWORTH. Did I understand the chairman of the committee [Mr. HOSTETLER] to state that this is presented with the unanimous approval of the members of the committee?

Mr. HOSTETLER. Of all the members present.

Mr. BUTTERWORTH. I was not present at the meeting of the committee when this measure was agreed on. I certainly have no sympathy with it.

Mr. HOSTETLER. I will say this——

Mr. CONGER. I ask for the reading of the bill for which this is a substitute.

Mr. WHITE. I ask that the first section of the substitute be again read.

The first section of the substitute was again read.

Mr. HAYES. I wish to put a question to the chairman of the committee. Did I understand him to say that this is a unanimous report from the Committee on Civil Service Reform?

Mr. HOSTETLER. I understand now there is one exception.

The SPEAKER. The Chair understood the gentleman to say that there was no minority view.

Mr. HAYES. I wish it distinctly understood that I was the only republican member on the sub-committee of three which had this bill under consideration. I opposed it most emphatically in the sub-committee; but I was not present when the sub-committee reported to the full committee, as I was obliged to attend another committee that met at the same hour.

Mr. HUMPHREY. Where was the balance of the committee?

Mr. HAYES. I do not know. I should have been present had not another committee of which I am a member met at the same hour.

The SPEAKER. The original bill will be read for information.

The bill was read, as follows:

Be it enacted, &c., That it shall not be lawful for any person holding any office under the United States to contribute or pay to any committee or person, or into any fund, any money, property, or valuable thing for any political purpose whatsoever, or to pay any assessment or percentage upon the income or emoluments of his office for any political purpose, or to give, lend, advance, or pay any money, property, or valuable thing with the intent, or with the assent, permission, or understanding that the same may be applied to or for any political purpose whatsoever, or to himself apply the same to any political purpose. No head of a Department or other superior officer shall himself collect, or permit or allow any other person to collect or receive, from any officer in his department or under his supervision, or from any other officer whatsoever, any assessment, percentage, contribution, gift, loan, or advance of any money, property, or valuable thing with the intent, understanding, or permission that the same shall or may be used for any political purpose.

SEC. 2. No person having a contract with the United States, or any officer thereof, or who shall have had such a contract within three months previous, or who shall have such a contract within three months thereafter, or who shall have furnished within three months previous, or who shall, within three months thereafter, furnish any supplies, materials, work, or labor to or for the use of the United States, and no person having any pending claim against the United States, or before any Department or officer of the Government thereof, shall pay or contribute any money, property, or valuable thing for any political purposes.

SEC. 3. Any person who shall violate any provision of this section shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by imprisonment for a term not exceeding six months, and, in the discretion of the court, by a fine of not exceeding $5,000. Any officer of the United States who shall violate any provision of this section shall, in addition to such imprisonment and fine, be deemed and taken to have vacated the office by him held.

Mr. HOSTETLER. I demand the previous question on the bill and amendment.

Mr. HAYES. I wish to ask a question on the subject before this is put through. Who reported this substitute?

The SPEAKER. The gentleman from Indiana reports it as chairman of the committee.

Mr. HOSTETLER. It was reported by the sub-committee to the committee who were duly notified to attend, and on the meeting of that committee the substitute was adopted instead of the original bill.

Mr. HAYES. I wish to state this fact to the House——

The SPEAKER. Debate is not in order.

Mr. CONGER. But, Mr. Speaker, there is a question whether this has been properly reported from the committee.

The SPEAKER. That is a question for the gentleman who reported the bill to decide, and not for the Chair.

Mr. HAYES. I wish to state, as the republican member of that sub-committee, that this substitute was never reported to me; that my attention was never called to the meeting of the sub-committee.

The SPEAKER. The Chair understood the gentleman to state that he was notified to attend, but was not able to be present because he was on another committee.

Mr. HAYES. That was the full committee and not the meeting of the sub-committee. I claim this sub-committee has no right to meet and adopt a substitute of this kind without notifying every member of that sub-committee to be present. I was not notified at all, and I now ask this subject go over until the minority can have something to say about it.

The SPEAKER. The Chair does not understand the gentleman from Indiana to deny general debate if it is desired.

Mr. HOSTETLER. Every member of the committee was notified to attend at that sitting and every other sitting of the committee. They were properly notified of the fact that this bill was pending, and when it came up with a substitute the substitute was adopted by the members who were present. A quorum of the committee was present, and the substitute received every vote save one, that of Mr. RICHARDSON, of New York.

Mr. HAYES. But here is the point, Mr. Speaker: I said that I was notified to attend the meeting of the full committee, but I was not notified to attend the meeting of the sub-committee to which this subject was referred and which reported it back with this substitute.

Mr. KENNA. The statement of the gentleman from Illinois in reference to the minority of the sub-committee can have no influence on the action of the House, because it was within the power of the majority of the committee to discharge the sub-committee from the further consideration of the subject, and to recommend that the substitute be reported to the House with the recommendation that it do pass.

Mr. WHITE. I move that this be referred to the Committee of the Whole House.

The SPEAKER. The Chair will recognize the gentleman from Pennsylvania to make such motion, if the previous question is not sustained.

Mr. HAYES. I wish to ask this question: whether the minority of a sub-committee of this kind has any rights the majority are bound to respect?

The SPEAKER. The Chair will read from the Manual on that point, as the gentleman speaks as to the rights of a minority of a committee:

A minority of the committee cannot make a report, a minority not being the committee.—*Journal*, 1, 24, p. 562. [The common practice, however, is to permit the minority to submit their views in writing, which are usually printed and considered with the majority report.] And when such views are accompanied by a resolution or bill, such resolution or bill is not thereby brought before the House for its action, but must be submitted by some member.—*Congressional Globe*, 1, 31, p. 1345.

Mr. HAYES. Is it not fair and right that the minority of a sub-committee should be notified when that committee is to meet?

The SPEAKER. That is a matter of practice and courtesy in committees with which the Chair has nothing to do.

Mr. CONGER. It is not the usual practice, I believe.

Mr. HOSTETLER. I demand the previous question.

Mr. CONGER. I ask that the bill be printed, so members may read it. I ask that the gentleman from Indiana consent to have the bill printed and to call it up at some other time.

Mr. KENNA. If the gentleman from Indiana should consent to this postponement for that purpose, would the gentleman from Michigan give the House any assurance that when that time was reached the question would be taken up and acted on without any filibustering on that side of the House?

The SPEAKER. What time does the gentleman from Michigan propose to call it up if its consideration should be postponed?

Mr. CONGER. Let it come up in the morning hour.

Mr. WHITTHORNE. Say to-morrow after the morning hour and from day to day until disposed of.

Mr. CONGER. Oh, no; I object to any special order. Let it go over in the morning hour, where it belongs.

Mr. CANNON, of Illinois. I wish to ask whether this bill would prohibit the employés of the House and Senate making contributions for political purposes?

Mr. HOSTETLER. It does prohibit the employés of the Government of every department from contributing to any fund for the purpose of carrying elections.

Mr. CONGER. So the gentleman declines to have the bill printed.

The SPEAKER. The gentleman from Indiana has demanded the previous question.

Mr. CONGER. I wished to notify the gentleman that until this bill is printed we cannot have a quorum here to vote on it.

Mr. WHITE. I move the bill be laid on the table.

Mr. HUMPHREY. I move the House adjourn. [Laughter.] I mean it.

Mr. HAYES. I want the privilege of offering some amendments to the bill.

The SPEAKER. The House has control of amendments, not the Chair.

Mr. SPRINGER. I desire to make a parliamentary inquiry.

The SPEAKER. The Chair will hear it.

Mr. SPRINGER. It is whether this bill is to affect the gentlemen who are elected to this House, requiring them to pay back the money used in their districts to elect them, or whether it operates only in the future.

The SPEAKER. That is not a parliamentary inquiry.

Mr. SPRINGER. I make the inquiry in the way of a suggestion that gentlemen have no right to vote on a question in which they are directly interested.

Mr. HUMPHREY. I insist on my motion.

The SPEAKER. The Chair has entertained the gentleman's motion.

Mr. WHITE. I have moved to lay the bill on the table.

The SPEAKER. The Chair will entertain that motion in due course.

Mr. BREWER. I move that the House adjourn.

The SPEAKER. That motion is now pending. The gentleman from Indiana, [Mr. HOSTETLER,] the chairman of the committee, demands the previous question, pending which the gentleman from Pennsylvania [Mr. WHITE] moves to lay the bill and substitute on the table; and thereupon the gentleman from Wisconsin [Mr. HUMPHREY] and the gentleman from Michigan [Mr. BREWER] both rise to move that the House adjourn. The question is first on the motion to adjourn.

Mr. BREWER. Pending that motion, I move that when the House adjourns it be to meet on Saturday next.

Mr. KEIFER. Say Monday.

Mr. BREWER. Very well; I will say Monday next.

The question being taken on Mr. BREWER's motion, that when the House adjourns it be to meet on Monday next, there were—ayes 53, noes 83.

Mr. BREWER. I call for tellers.

Tellers were ordered; and Mr. BREWER and Mr. CRAVENS were appointed.

The House again divided; and the tellers reported—ayes 29, noes 92.

Mr. CONGER. A quorum has not voted.

Mr. SPRINGER. I ask unanimous consent to have this bill referred to the Committee of the Whole on the state of the Union, and printed.

Mr. NEAL and Mr. CONGER objected.

The SPEAKER. Is the objection made to printing?

Mr. CONGER. I object to any reference of the bill.

The SPEAKER. The Chair does not understand any objection to be made to printing the substitute.

Mr. CONGER. I object to this going on in the morning hour.

The SPEAKER. The order to print the substitute does not affect the bill one way or the other, except that a few moments ago gentlemen on the left of the Chair expressed a desire to have the substitute printed.

Mr. CONGER. I suppose no business of that kind can be done in the absence of a quorum.

The SPEAKER. Only by unanimous consent.

Mr. CONGER. I object.

The SPEAKER. Does the gentleman object to the printing?

Mr. CONGER. No, sir. I object to business being done contrary to the rule. I demanded the printing of the substitute repeatedly.

The SPEAKER. That was the motion, that the substitute be printed.

Mr. CONGER. If that can be done I have no objection.

The SPEAKER. The Chair has stated before that that does not affect the status of the bill, and can be done by consent.

Mr. CONGER. I do not object to that.

The SPEAKER. The objection being withdrawn the bill will be printed. The point of order was made that a quorum had not voted. Tellers were ordered, and no quorum has voted.

Mr. FRYE. I move that there be a call of the House.

The SPEAKER. The only motions that are now in order are a motion to adjourn and a motion for a call of the House.

Mr. FRYE. And I move that there be a call of the House.

Mr. STEPHENS. How long will it be before the morning hour expires?

The SPEAKER. The morning hour will expire in five minutes.

Mr. GARFIELD. I move that the House adjourn.

The question being taken on Mr. GARFIELD'S motion, there were—ayes 66, noes 75.

Mr. CONGER. I call for the yeas and nays.

Mr. STEPHENS. I suggest that the vote be taken by tellers.

Mr. CONGER. I ask for the yeas and nays.

The question being taken on ordering the yeas and nays, there were, ayes 33 more than one-fifth of the last vote.

Mr. ACKLEN. Let the other side be counted.

The negative vote was counted, and there were noes 71.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

Mr. STEPHENS. Has the morning hour expired?

The SPEAKER. The Chair thinks the motion to adjourn would proceed to decision, notwithstanding the expiration of morning hour.

The question was taken; and there were—yeas 71, nays 114, not voting 101; as follows:

YEAS—71.

Aldrich, William	Crapo,	Hawley,	Shallenberger,
Anderson,	Crowley,	Hayes,	Sherwin,
Baker,	Daggett,	Hiscock,	Smith, A. Herr
Barber,	Davis, George R.	Humphrey,	Stone,
Bayne,	Deering,	Joyce,	Thomas,
Bouck,	Dunnell,	Keifer,	Tyler,
Bowman,	Errett,	Loring,	Updegraff, Thomas
Brewer,	Farr,	Mason,	Upson,
Briggs,	Ferdon,	Mitchell,	Urner,
Brigham,	Field,	Monroe,	Van Aernam,
Browne,	Frye,	Newberry,	Voorhis,
Butterworth,	Garfield,	Norcross,	Wait,
Calkins,	Godshalk,	O'Neill,	Ward,
Cannon,	Hall,	Osmer,	White,
Carpenter,	Hammond, John	Overton,	Williams, C. G.
Claflin,	Harmer,	Price,	Willits,
Clark, John B.	Haskell,	Richardson, D. P.	Young, Thomas L.
Conger,	Hawk,	Sapp,	

NAYS—114.

Acklen,	Elam,	Knott,	Samford,
Aiken,	Ellis,	Le Fevre,	Sawyer,
Armfield,	Evins,	Lounsbery,	Scales,
Atkins,	Felton,	Lowe,	Simonton,
Bachman,	Finley,	Manning,	Singleton, O. R.
Bailey,	Forney,	Martin, Benj. F.	Slemons,
Beale,	Forsythe,	Martin, Edward L.	Smith, Hezekiah B.
Bicknell,	Geddes,	McGowan,	Smith, William E.
Blackburn,	Gibson,	McKenzie,	Steele,
Blake,	Gillette,	McMahon,	Stephens,
Bliss,	Goode,	McMillin,	Stevenson,
Bright,	Gunter,	Mills,	Taylor,
Buckner,	Hammond, N. J.	Morrison,	Thompson,
Caldwell,	Harris, John T.	Muller,	Tillman,
Carlisle,	Hatch,	Myers,	Townshend, R. W.
Clardy,	Henry,	New,	Turner, Oscar
Clymer,	Herbert,	Nicholls,	Vance,
Cobb,	Herndon,	O'Connor,	Waddill,
Coffroth,	Hill,	Persons,	Weaver,
Colerick,	Hooker,	Phelps,	Wellborn,
Cook,	Hostetler,	Phister,	Wells,
Covert,	Hull,	Pound,	Whiteaker,
Cox,	Hunton,	Reagan,	Whitthorne,
Cravens,	Hurd,	Richmond,	Williams, Thomas
Davidson,	Johnston,	Robertson,	Willis,
Davis, Loundes H.	Jones,	Robinson,	Wise,
De La Matyr,	Kenna,	Rothwell,	Wright.
Dibrell,	King,	Russell, W. A.	
Dunn,	Klotz,	Ryon, John W.	

NOT VOTING—101.

Aldrich, N. W.	Einstein,	Lindsey,	Russell, Daniel L.
Atherton,	Ewing,	Marsh,	Ryan, Thomas
Ballou,	Fisher,	Martin, Joseph J.	Shelley,
Barlow,	Ford,	McCoid,	Singleton, J. W.
Belford,	Fort,	McCook,	Sparks,
Beltzhoover,	Frost,	McKinley,	Speer,
Bingham,	Harris, Benj. W.	McLane,	Springer,
Bland,	Hazelton,	Miles,	Starin,
Blount,	Heilman,	Miller,	Talbott,
Boyd,	Henderson,	Money,	Townsend, Amos
Bragg,	Henkle,	Morse,	Tucker,
Burrows,	Horr,	Morton,	Turner, Thomas
Cabell,	Houk,	Muldrow,	Updegraff, J. T.
Camp,	House,	Murch,	Valentine,
Caswell,	Hubbell,	Neal,	Van Voorhis,
Chalmers,	James,	O'Brien,	Warner,
Chittenden,	Jorgensen,	O'Reilly,	Washburn,
Clark, Alvah A.	Kelley,	Orth,	Wilber,
Converse,	Ketcham,	Pierce,	Wilson,
Cowgill,	Killinger,	Poehler,	Wood, Fernando
Culberson,	Kimmel,	Prescott,	Wood, Walter A.
Davis, Joseph J.	Kitchin,	Reed,	Yocum,
Deuster,	Ladd,	Rice,	Young, Casey.
Dick,	Lapham,	Richardson, J. S.	
Dickey,	Lay,	Robeson,	
Dwight,	Lewis,	Ross,	

So the motion was not agreed to.

During the roll-call the following announcements were made:

Mr. COVERT. My colleague, Mr. FERNANDO WOOD, is paired with Mr. ROBESON, of New Jersey.

Mr. SHELLEY. I am paired with Mr. MILLER, of New York.

Mr. FINLEY. My colleague, Mr. DICKEY, is paired with Mr. ORTH, of Indiana.

Mr. HENRY. My colleague, Mr. MCLANE, is paired with Mr. BOYD, of Illinois; and my colleague, Mr. TALBOTT, is paired with Mr. BALLOU, of Rhode Island.

Mr. HUNTON. My colleague, Mr. CABELL, is detained from the House by severe indisposition, and is paired with Mr. FISHER.

Mr. DAVIS, of North Carolina. I am paired with Mr. MARTIN. My colleague, Mr. KITCHIN, is paired with Mr. RICE, of Massachusetts.

Mr. AIKEN. My colleague, Mr. RICHARDSON, is paired with Mr. CAMP, of New York. If present, Mr. RICHARDSON would vote "no."

Mr. MCKENZIE. My colleague, Mr. THOMAS TURNER, is paired with Mr. WHITE, of Pennsylvania.

Mr. ROBINSON. Mr. KELLEY, of Pennsylvania, is paired with Mr. MORSE, of Massachusetts.

Mr. HOUK. I am paired with my colleague, Mr. HOUSE, who is absent on account of sickness.

Mr. CAMP. I am paired with Mr. RICHARDSON, of South Carolina.

Mr. WASHBURN. I am paired with Mr. CONVERSE, of Ohio.

Mr. FISHER. I am paired with Mr. CABELL, of Virginia, who is detained from the House by sickness. Mr. DICK is paired with Mr. LAY, of Missouri.

Mr. POUND. My colleague, Mr. HAZELTON, is paired with Mr. BLOUNT, of Georgia.

Mr. HARMER. My colleague, Mr. BELTZHOOVER, is paired with my other colleague, Mr. BINGHAM; and Mr. BARLOW, of Vermont, is paired with Mr. O'REILLY, of New York.

Mr. LEWIS. I am paired with Mr. HARRIS, of Massachusetts. If he were present, I would vote "no."

Mr. RICHARDSON, of New York. Mr. LAPHAM is paired with Mr. TUCKER, of Virginia.

Mr. MULDROW. I am paired with Mr. DWIGHT, of New York, and Mr. YOUNG, of Tennessee, is paired with Mr. HENDERSON, of Illinois, and my colleague, Mr. MONEY, is paired with Mr. STARIN, of New York.

Mr. O'REILLY. I am paired with Mr. BARLOW, of Vermont.

Mr. WARNER. I am paired with Mr. UPDEGRAFF, of Ohio.

The result of the vote was then announced as above stated.

ORDER OF BUSINESS.

Mr. ACKLEN. I believe the morning hour has expired.

The SPEAKER. It has.

Mr. DIBRELL. I move that the House proceed to the consideration of business on the Speaker's table.

Mr. McGOWAN. I call up the special order, the bill (H. R. No. 1378) known as the pleuro-pneumonia bill. It is a continuing order from day to day. On that bill I have the floor and I ask to be recognized.

Mr. GIBSON. I ask the gentleman from Michigan to yield to me that I may report a bill from the Committee of Ways and Means.

Mr. McGOWAN. I think but little time will be occupied with this bill. It can be very soon disposed of.

The SPEAKER. The motion to go to business on the Speaker's table has always been held to be as it were a priviledged motion, from the fact it can only be made at the end of the morning hour.

Mr. DIBRELL. I believe there is very little business on the Speaker's table, and it will occupy but a little time.

Mr. SPRINGER. It is in order under the rules at the expiration of the morning hour to move to go to business on the Speaker's table.

The SPEAKER. The Chair has so stated.

Mr. SPRINGER. And by a majority vote the House can go there.

Mr. CONGER. Does not a special order after the morning hour exclude that motion?

The SPEAKER. The House, at any rate, has the control. And the point can be reached in another way, by raising the question of consideration, which has already been done to the interruption of this special order on a former day.

Mr. McGOWAN. This bill will occupy but a short time; it can be finally disposed of under the direction of the Committee on Agriculture.

Mr. DIBRELL. But I cannot then make my motion to go to business on the Speaker's table. I therefore do not yield at present.

The SPEAKER. The remedy is with the House. If a majority of the House want to go on immediately with the bill to which the gentleman from Michigan [Mr. McGOWAN] refers, then they will vote down the motion to go to business on the Speaker's table, and that bill will then come up. But if the Chair should now entertain the motion to proceed with the unfinished business, then, if that is agreed to, the motion to go to business on the Speaker's table would hardly be in order again to-day. Rule 54 provides as follows:

> After one hour shall have been devoted to reports from committees and resolutions, it shall be in order, pending the consideration or discussion thereof, to entertain a motion that the House do now proceed to dispose of the business on the Speaker's table.

The Chair will direct the Clerk to read a decision under that rule.

The Clerk read as follows:

> The "hour" known as the "morning hour" is construed to begin from the announcement by the Speaker to the House that reports of committees are in order, and it is not necessary that resolutions shall have been called for. It is an invariable practice, too, to permit a member, upon the expiration of the morning hour, to take the floor, even though another may be occupying it, to make the motion to proceed to business on the Speaker's table.

The SPEAKER. The Chair entertains the motion to proceed to business on the Speaker's table.

Mr. McGOWAN. This bill having been fixed as a special order, and a continuing order from day to day——

The SPEAKER. It will come up after the business on the Speaker's table has been disposed of, if the House so directs.

Mr. McGOWAN. Should the bill be taken up now and be disposed of within an hour, could not the gentleman from Tennessee [Mr. DIBRELL] then submit his motion to go to business on the Speaker's table?

The SPEAKER. The Manual states that the invariable practice, which the Chair is bound to recognize, is to entertain the motion to go to business on the Speaker's table at the expiration of the morning hour, "even though another (member) may be occupying the floor."

Mr. McGOWAN. Then I appeal to the gentleman from Tennessee [Mr. DIBRELL] to withdraw his motion.

Mr. STEPHENS. Let us go to the Speaker's table; it will not take ten minutes probably.

Mr. McGOWAN. And will you then antagonize my motion?

Mr. STEPHENS. I will not.

The SPEAKER. The Chair will recognize the gentleman immediately after the business on the Speaker's table has been disposed of.

The motion of Mr. DIBRELL was then agreed to.

POLYGAMY.

The first business on the Speaker's table was a letter from the Secretary of the Interior, transmitting certain petitions received by the Prasident in favor of legislation to make effective the anti-polygamy law of 1862; which was referred to the Committee on the Judiciary.

PAY OF COMMITTEE CLERKS, ETC.

The next business on the Speaker's table was the joint resolution (H. R. No. 85) fixing the date on which the pay of committee clerks, pages, and laborers of the House of Representatives, who are paid during the session only, shall begin for this session, returned from the Senate with amendments.

Mr. HENRY. I am instructed by the Committee of Accounts to move that the amendments of the Senate be non-concurred in, and that a committee of conference be asked upon the disagreeing votes of the two Houses upon this joint resolution.

The motion was agreed to.

TRANSIT OF VENUS.

The next business on the Speaker's table was the following Senate concurrent resolution; which was read, and referred to the Committee on Printing:

> *Resolved by the Senate, (the House of Representatives concurring,)* That 250 additional copies of the Observations of the Transit of Venus, made under the direction of the Navy Department in December, 1874, be printed for the use of the Naval Observatory.

COLONIAL CHARTERS AND CONSTITUTIONS OF THE UNITED STATES.

The next business on the Speaker's table was the following Senate concurrent resolution; which was read, and referred to the Committee on Printing:

> *Resolved by the Senate, (the House of Representatives concurring,)* That the Public Printer be, and he is hereby, directed to deliver to the Secretary of the Interior ten copies of the Colonial Charters and Constitutions of the United States from those remaining in his possession.

JOSEPH B. COLLINS.

The next business on the Speaker's table was Senate bill No. 595, to amend an act for the relief of Joseph B. Collins, approved March 3, 1879; which was taken up and read a first and second time.

The bill provides that the act for the relief of Joseph B. Collins, approved March 3, 1879, shall be amended so as to strike out all after the words "mustered out" and insert in lieu thereof the following:

> *Provided*, That he shall receive no pay or allowance whatever for the time he has been out of the military service.

Mr. DIBRELL. On the last day of the last session of Congress a bill was passed authorizing the President to restore Mr. Collins to the Army and place him on the retired list. In accordance with that act his nomination was sent to the Senate. It was ascertained that by an omission, or from some other cause, the act was in such form that if his nomination was confirmed it would give him about $20,000 pay for the time he was out of the Army. It was the unanimous opinion of the Committee on Military Affairs that no officer restored to the Army should receive pay for the time he was out of the service. I hope the bill will pass.

Mr. CONGER. I think this bill had better go to a committee.

The SPEAKER. The bill, as the Chair understands, proposes to save money, not to expend it.

Mr. CONGER. But it is claimed on information I have that the bill is an injustice to this officer. I think it ought to be considered by a committee.

Mr. WHITE. In behalf of the Committee on Military Affairs, that reported the original bill, I will say that the intention never was to give this gentleman back pay. To do so would be an unfair discrimination against other officers who are restored. The object of this bill is to prevent this gentleman from being paid for time during which he rendered no service to the Government. It is right that he should be reinstated, but the intention was to exclude him from the reception of back pay. This exclusion is in the line of the precedents in almost all other cases. I appeal to the record to sustain my position. If this bill be not passed, an injustice will be done to the Government in enabling this officer to get a large amount of money to which he is not entitled by the deliberate judgment of the American Congress. I am in favor of the immediate passage of the bill.

Mr. DIBRELL. The bill ought to be passed at once. I demand the previous question on its passage.

Mr. CONGER. I move the reference of the bill to the Committee on Military Affairs.

Mr. SPARKS. The same subject-matter has already been before that committee.

Mr. CONGER. I have information which has been sent to me on this subject which I desire to lay before the House, though I have it not at hand to-day. There can be no harm to anybody in having the bill considered and reported upon by the appropriate committee.

The question being taken on the motion of Mr. CONGER to refer the bill to the Committee on Military Affairs, it was not agreed to.

Mr. DIBRELL. I now demand the previous question.

Mr. CONGER. I move that the bill be referred to the Committee of the Whole on the state of the Union.

The SPEAKER. That motion cannot be entertained until the House determines whether the previous question shall be ordered.

Mr. CONGER. I know nothing personally about the facts, but——

Mr. DIBRELL. I do. The gentleman ought not interfere when he does not know anything about the case.

Mr. CONGER. I have a letter stating that this bill will do great injustice to a gallant officer. If that be the object, then let the bill be pressed through.

Mr. DIBRELL. I will state that when this officer retired the Government paid him $3,500, which he accepted. He went to Wisconsin, engaged in milling, and failed. He now comes back and asks Congress not only to reinstate him, but to give him $20,000 for the time he was out of the service.

Mr. WHITE. This bill is right and ought to be passed.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to a third reading, read the third time, and passed.

Mr. DIBRELL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SAMUEL LORD, JR.

The next business on the Speaker's table was the bill (S. No. 62) for the delivery to Samuel Lord, jr., receiver, of certain bonds now in the Treasury of the United States; which was taken up, and read a first and second time.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and is hereby, authorized to deliver up to Samuel Lord, jr., receiver of the president, directors, and company of the State Bank of Charleston, South Carolina, the following bonds, now in the Treasury of the United States, to wit: bonds numbered 812, 821, 836, and 837, each for the sum of $1,000, being coupon bonds issued by the State of South Carolina in aid of the Blue Ridge Railroad Company, and signed by R. F. W. Allston, governor, and T. G. Pickens, comptroller-general, under an act of the General Assembly of South Carolina, ratified on the 21st day of December, 1854, which were the property of the said the president, directors, and company of the State Bank, to be administered by the said Samuel Lord, jr., receiver, as he may be directed by the proper court in South Carolina, under which he holds his appointment of receiver as aforesaid. And the Secretary of the Treasury is hereby authorized and directed to pay to the said receiver of said bank, out of any money in the Treasury not otherwise appropriated, the sum of $479, collected of the coupons for interest on said bonds, and heretofore covered into the Treasury of the United States, to be administered by said receiver as hereinbefore provided.

Mr. EVINS. Mr. Speaker——

Mr. CONGER. Is not this bill liable to a point of order?

Mr. DUNNELL. Has the bill been referred to any committee?

The SPEAKER. The gentleman from South Carolina [Mr. EVINS] is recognized.

Mr. CONGER. But I make the point of order that the bill should go to the Committee of the Whole.

Mr. EVINS. A bill similar to this was passed by the Senate in the last Congress. The reason I ask that this bill be put on its passage at once is that under the act of the Legislature of South Carolina the time for consolidating and funding these bonds expires next month. I hope there will be no objection to the consideration and the passage of the bill at the present time.

Mr. DUNNELL. Has the gentleman the report of the Senate committee?

Mr. EVINS. Yes, sir, I have it and will have it read. I have also a letter from the Secretary of the Treasury which I shall ask to have read.

The Clerk read as follows:

The Senate Committee on Finance, to whom was referred the bill (S. 1235) for the delivery to Samuel Lord, jr., receiver, of certain bonds now in the Treasury of the United States, having had the same under consideration, report as follows:

That the State of South Carolina, by virtue of a law passed in 1854, issued bonds to the amount of $1,000,000 in aid of the Blue Ridge Railroad; that, upon such issue being made, the president, directors, and company of the State Bank of Charleston, South Carolina, a corporation created under the laws of that State prior to the year 1854, purchased one hundred of such bonds, each being for $1,000, and indorsed and numbered from 801 to 900, (both inclusive.) The bonds, so purchased, continued the property of the bank, and in the possession of its officers, from the time of their purchase until 27th of February, 1865. On the day last named the bonds, with other papers and property of the bank, were in the custody of its cashier (Benjamin M. Lee) for safe-keeping, at a country house near Lynch's Creek, Kershaw District, South Carolina, and were then taken from him by a detachment of the forces of the United States under the command of General W. T. Sherman.

In April, 1866, D. Heaton, a special agent of the Treasury Department, transmitted from New Berne, North Carolina, to the Secretary of the Treasury, four of said bonds, numbered 812, 821, 836, and 837, stating that they had been turned over to him (Heaton) as captured property by the provost-marshal of New Berne, North Carolina.

The bonds are now in the Treasury Department; and the sum of $479, which has been collected of the coupons for interest on the bonds, has been covered into the Treasury of the United States.

In 1869, the said corporation being insolvent, a receiver of its property and effects was appointed, and Samuel Lord, jr., is now such receiver.

The committee is of the opinion that the receiver is entitled to such bonds, and to the amount collected for interest thereon and covered into the Treasury.

They therefore report to the Senate, with an amendment, the said bill, and recommend its passage.

Mr. EVINS. I ask now that the letter of Secretary of the Treasury Sherman and the letter of Ex-Secretary of the Treasury McCulloch be read.

The Clerk read as follows:

TREASURY DEPARTMENT, *January* 21, 1879.

SIR: I have received your letter of the 14th instant, inclosing a draught of a bill (S. No. 1235) "for the delivery to Samuel Lord, jr., receiver, of certain bonds now in the Treasury of the United States."

In answer to your request that I will inform you as to the propriety of the passage of the above bill, I send you herewith copy of letters from D. Heaton, late special agent in North Carolina, to the Secretary of the Treasury, dated April 18 and April 27, 1866, respectively, relative to certain bonds of the State of South Carolina received by the agent from a provost-marshal; also copy of a letter of the Secretary to the United States Treasurer, dated January 6, 1868, inclosing those bonds.

The records and files of this Department show that there was collected of the coupons due on the bonds *and covered into the Treasury* on the 13th of July, 1869, to the credit of the "captured and abandoned property fund" the sum of $479 for coupons due on January 1, 1868, July 1, 1868, January 1, 1869, and July 1, 1869. No other sums have been collected on coupons overdue, which, with the bonds, are in the custody of the Treasurer.

The bonds were never sold under the provisions of the captured and abandoned property acts of March 12, 1863, and July 2, 1864, and the sum collected for the coupons was received in the Treasury after the time had expired within which a suit might be instituted in the Court of Claims under the above acts for the return of the money.

As the Secretary of the Treasury *has no power to restore* the bonds *or the avails of the coupons collected*, any rights or equities of the original owner at the time of the seizure can be recognized and relief given by Congress only.

Respectfully,

JOHN SHERMAN, *Secretary.*

Hon. FRANCIS KERNAN,
United States Senate.

TREASURY DEPARTMENT, *January* 6, 1868.

SIR: Inclosed herewith you will find four one-thousand-dollar bonds of the State of South Carolina, with coupons attached, payable to bearer, six of them past due, which were forwarded to me from North Carolina in April, 1866, by Supervising Special Agent David Heaton as captured property turned over to him by a provost-marshal.

You will please receive and hold *them as a special deposit, collecting the coupons*, if practicable, and reserving the bonds for further instructions.

I should be happy to receive at any time a report of any information you may collect concerning the salable character and market value of these bonds.

Respectfully,

H. McCULLOCH,
Secretary of the Treasury.

F. E. SPINNER,
Treasurer United States, Special Agent.

Mr. EVINS. Mr. Speaker, I have here affidavits substantiating this claim of the officers of the State Bank of South Carolina. The State Bank of South Carolina is a different institution from the Bank of South Carolina, in which the State has no interest whatever. These bonds were all the private property of the bank. They were hypothecated for a debt to a bank in Liverpool, and the object of the receiver in recovering these bonds is to apply them to the debt for which they were hypothecated. I can see no real objection to the passage of the bill, and I hope no objection will be made.

The point of order my friend raised the other day, that the bill makes an appropriation, I suppose would carry it to the Committee of the Whole on the state of the Union if the point be insisted on; but it seems to me these bonds never were the property of the Government of the United States, and therefore the bill is not liable to the point of order, but that it provides merely for the return to these parties of money which actually belongs to them.

Mr. CONGER. The remarks of the gentleman from South Carolina of course have been made subject to the reservation of the point of order, and I wish to make one or two inquiries subject to the same reservation.

The SPEAKER. The Chair will so consider them.

Mr. CONGER. I expect to make the point of order unless I change my mind. I understand this property was seized as property belonging to the confederate government, the business being transacted through this bank. These bonds were hypothecated in Liverpool.

A MEMBER. No; by a bank in Liverpool.

Mr. CONGER. I understand that to have been one of the modes by which means were procured to purchase arms and equipments and other war material for the confederate government. It was one of the means of exchange. I may be mistaken, however, about that. This is the fact, that under the law this property could have been prosecuted for in the Court of Claims within sufficient time to have brought the suit and recovered it if it were not of a character which could not be recovered in that court. Now, at the end of many long years, without investigation, a bill is introduced here to pay out of the Treasury these bonds or to pay money out of the Treasury collected upon them.

Mr. EVINS. In answer to the gentleman, if he will allow me to interrupt him just here——

Mr. CONGER. I wish to say one word further, and then I will yield. I have so uniformly opposed the payment of war claims of this class that I should be untrue to myself if I did not try to ascertain whether this was a war claim, whether it was a claim to recover property once belonging to the confederate government and which now of right belongs to this Government. If it be so, that it does belong to this Government, having once belonged to the confederate government, we would do a great wrong in allowing the bill to pass without examination.

I reserve the right to make the point of order, and unless I am sat-

isfied the confederate government has no claim of title to this directly or indirectly, I shall insist on that point of order.

Mr. FORNEY. Mr. Speaker, during the last session this same bill was referred to the Committee on the Judiciary and I examined into it very closely and became satisfied that the confederate government had nothing in the world to do with it; that these bonds were taken from the agent of the bank, who was captured by some of the Federal troops, and turned over to the Federal Government. I cannot see any good reason why this bill should not be passed and these bonds restored to their proper owners. I had not time to make the report at the last session, or I would have done so.

Mr. EVINS. As the gentleman from Alabama has just stated, this bill passed the Senate during the Forty-fifth Congress, came here and was referred to the Judiciary Committee, of which the gentleman was a member, and after examination he was prepared to report it back to the House favorably but did not have an opportunity to do so. All the facts have been examined into very thoroughly by the committee of the Senate and by the gentleman from Alabama. Besides that, I have the affidavits of the officers of the bank setting forth the confederate government had nothing to do with this property, that it was private property of the State Bank of South Carolina, and if the gentleman desires to have those papers read, though they are voluminous, I will send them up to the Clerk's desk for that purpose. But I can assure the gentleman from Michigan that the confederate government had nothing whatever to do with these bonds, and if that be his sole ground of objection I hope he will withdraw the point of order and let the bill be put upon its passage.

Mr. CONGER. I was a member of the Judiciary Committee at the last session of Congress, and do not remember having been absent a moment from any session of that committee.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, informed the House that the Senate had passed a bill and joint resolution of the following titles; in which the concurrence of the House was requested:

A bill (S. No. 506) to change the name of the steam-propeller Nuhpa to Metropolitan; and

A joint resolution (S. R. No. 30) for the relief of Dr. C. W. Brink, bearer of dispatches from the United States minister at Mexico in 1869.

The message further announced that the Senate had passed, without amendment, the bill (H. R. No. 1841) to remove the political disabilities of James H. North, of Culpeper County, Virginia.

The message also announced that the Senate had passed, with an amendment, in which the concurrence of the House was requested, the bill (H. R. No. 1989) relating to printing impressions from portraits and vignettes.

The message also announced that the Senate insisted on its disagreement to the amendment of the House of Representatives to the fourth amendment of the Senate to the joint resolution (H. R. No. 1) to repeal certain clauses in the sundry civil appropriation act approved March 3, 1879, agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. DAVIS of West Virginia, Mr. WALLACE, and Mr. ALLISON the conferees on the part of the Senate.

The message also announced that the Senate requested the House of Representatives to return to the Senate the bill (S. No. 343) relating to printing impressions from portraits and vignettes.

SAMUEL LORD, JR.

The House resumed the consideration of Senate bill No. 62.

Mr. CONGER. I was about to say, Mr. Speaker, that if I understood the gentleman from Alabama, he stated this had been examined by the Judiciary Committee of the Forty-fifth Congress. I think he must be mistaken in so stating.

Mr. FORNEY. I will state to the gentleman that this was referred to Mr. Hartridge. On the decease of that gentleman it was referred to me. I examined the case but did not have time to report it back to the committee. I inquired of the Treasury Department to ascertain whether in their opinion it should pass, and they wrote to me the information which the gentleman from South Carolina has had read to the House. I made up my mind to report the bill favorably to the committee, but I did not make that report because I had not time.

Mr. CONGER rose.

Mr. O'CONNOR. Will the gentleman from Michigan allow me to make a statement?

Mr. CONGER. I think this bill should go to the Committee of the Whole. There are so many ways in which property of the ex-confederate government is sought back by individuals, that I must say I am suspicious of all those bills until they have undergone a very searching examination.

Mr. O'CONNOR. This is not property which belonged in any way to the confederate government; and it would be equivalent to spoliation if it should remain in the Treasury of the United States.

I was a referee appointed in 1867 by the court in Charleston to investigate the affairs of the State Bank of Charleston, then an insolvent corporation. I investigated this matter thoroughly and made a report of the facts. These bonds to the amount of $100,000, issued by the State of South Carolina and owned by the State Bank, a private corporation, were taken from the cashier by a detachment of the forces of the United States under the command of General Sherman. The State Bank, after the war, advertised to the whole world that the whole of these bonds were lost property. They have recovered a large portion of the $100,000 of bonds; these four bonds which have got into the Treasury of the United States being among those not recovered.

Now, I can assure the gentleman from Michigan that the State of South Carolina never had any claim to this property; nor did the Confederate States government have any such claim. These $100,000 of bonds were hypothecated by the State Bank to Mr. Molyneux, the British minister resident in Savannah, Georgia, as collateral security for an open letter of credit which the Royal Bank in Liverpool gave to the State Bank of Charleston authorizing it to draw on the Royal Bank of Liverpool for $100,000.

Mr. CONGER. Given for what purpose?

Mr. O'CONNOR. It was given prior to April, 1861, in the ordinary current business of the bank, which had been in existence as a corporation for thirty-five years.

Mr. CONGER. To be drawn against when?

Mr. O'CONNOR. It was an open credit.

Mr. CONGER. Let me ask the gentleman a question. Was not that the usual way in which funds from the confederate government got to England for supplies and for everything that could be bought and obtained there?

Mr. O'CONNOR. No, sir.

Mr. SPRINGER. The gentleman from South Carolina stated that this was before the war.

Mr. CONGER. He said it was in 1861.

Mr. SPRINGER. And the war began in 1861.

Mr. CONGER. So I have been told.

Mr. KEIFER. Was it after the passage of the ordinance of secession?

Mr. O'CONNOR. The State Bank of Charleston was the regular correspondent of the Royal Bank of Liverpool, and that bank was the regular financial organ of the State Bank for carrying on its business in Liverpool. I understand that some of the drafts which were drawn by the State Bank on the Royal Bank of Liverpool are held in Charleston to-day. They are held by private citizens. William S. Hasty, a resident of Charleston, did hold some of the protested drafts drawn by the State Bank on the Royal Bank of Liverpool. The fund derived from the credit on these bonds was not used in any way for the purpose of carrying on the war against the Government.

Mr. CONGER. There are a good many instances where through consuls of Her Britannic Majesty's government funds came to this country to aid the confederate government. And I do not know of any more natural way than this, and through such agencies, to transfer money between the banks in Britain and the confederate government. Now, this is a matter which can be proved to be clear and free from suspicion if such be the fact. But here is a man fleeing before our Army and fleeing with the confederates who were carrying off all their property. It was got just as the money-chest of the confederate government was got away up in the mountains, hiding in the mountains away up from our Army and our forces, as I understand it.

Mr. EVINS. Not in the mountains, by any means.

Mr. CONGER. If it was honest money belonging to citizens, why was the money then perambulating the forests and hills of South Carolina?

Mr. CLYMER. And the sand-banks.

Mr. CONGER. Yes, and the sand-banks.

Mr. SPRINGER. Will the gentleman allow me to ask him a question?

Mr. CONGER. Perhaps the gentleman can tell why that was done.

Mr. SPRINGER. I can tell the gentleman one thing which he does not seem to understand, and that is that if this money went to Liverpool it to that extent depleted the confederacy; that they were drawn against in Liverpool, and got their price in Liverpool, and that weakened the confederacy to that extent.

Mr. WHITE. I understand the point of order is pressed.

Mr. EVINS. I hope the gentleman will withdraw the point of order. My reason for pressing the bill now is, that these bonds under the law of South Carolina are required to be funded by the 1st day of July. They belong to a bankrupt corporation, and unless they get them now they will be of no avail. It is not necessary to overhaul all the affairs of the confederacy in order to ascertain what is right in this matter. I have told the gentleman over and over again that according to the papers I am satisfied on my honor as a member of this House, and I have been assured by others, that the confederacy had nothing whatever to do with these bonds; had no interest in them or in the bank. I appeal to the gentleman to withdraw the point of order.

Mr. CONGER. Does not the gentleman see how easily what he says can be shown in Committee of the Whole? It is a better place for it.

Mr. EVINS. I should have no objection if I could be assured that the bill would be considered in Committee of the Whole during this extra session.

Mr. CONGER. No court would permit the receiver to settle up such a matter as this while this question was pending before Congress, and there cannot be any loss by a little delay.

Mr. EVINS. The law requires the bonds to be refunded by the 1st

day of July, or else the parties would be put to a great expense and loss, and the parties who are entitled to have the assets arising from the sale of these bonds will be deprived of the benefit of that sale. The receiver has no interest whatever in this money; he simply asks that it be put to his order, so that it may be placed to the credit of the bank.

The SPEAKER. Does the gentleman insist on the point of order?

Mr. CONGER. I think the bill had better go to the Committee of the Whole.

The SPEAKER. The Chair desires to state that if he understands this bill correctly it proposes to take from the custody of the Treasury four bonds of $1,000 each, in all $4,000; and, in addition, proposes to take from the Treasury of the United States $479 that has been actually covered into the Treasury, the proceeds of coupons due. The fact that this money is in the Treasury of the United States, even though it does not belong properly to the United States, about which there is a dispute, the fact that it has been covered into the Treasury is not in dispute, and hence the necessity arises for an appropriation, and that fact brings the bill under the rule.

The bill was referred to the Committee of the Whole on the Private Calendar.

RETURN OF A BILL TO THE SENATE.

The SPEAKER laid before the House the following communication from the Senate:

JUNE 12, 1879.

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. No. 343) relating to printing impressions from portraits and vignettes.

There being no objection, the request of the Senate was granted.

JURORS IN UNITED STATES COURTS.

The next business on the Speaker's table was the bill (S. No. 375) in relation to juries, and to repeal sections 801, 820, and 821, and part of 800, of the Revised Statutes of the United States, which was taken from the Speaker's table, and read a first and second time.

The bill was read, as follows:

That the per diem pay of each juror, grand or petit, in any court of the United States, shall be $2.50; and that the last clause of section 800 of the Revised Statutes of the United States, which refers to the State of Pennsylvania, and sections 801, 820, and 821 of the Revised Statutes of the United States, are hereby repealed; and that all such jurors, grand and petit, including those summoned during the session of the court, shall be publicly drawn from a box containing the names of not less than three hundred persons, possessing the qualifications prescribed in section 800 of the Revised Statutes, which names shall have been placed therein by the clerk of such court and a commissioner, to be appointed by the judge thereof, which commissioner shall be a citizen residing in the district in which such court is held, and of good standing and a well-known member of the principal political party opposing that to which the clerk may belong, the clerk and said commissioner each to place one name in said box alternately until the whole number required shall be placed therein. But nothing herein contained shall be construed to prevent any judge in a district in which such is now the practice from ordering the names of jurors to be drawn from the boxes used by the State authorities in selecting jurors in the highest courts of the State. And no person shall serve as a petit juror more than one term in any one year, nor be compelled to serve as such juror more than two weeks at any term unless it be necessary in order to complete the trial of a cause in which he may have been impaneled; and all juries to serve in courts after the passage of this act shall be drawn in conformity herewith. All general and special laws in conflict herewith are hereby repealed.

Mr. HERBERT. I am instructed by the Committee on the Judiciary to offer the amendment which I send to the Clerk's desk.

Mr. CONGER. Is that a House bill returned from the Senate?

The SPEAKER. It is a Senate bill.

Mr. CONGER. I move its reference to the Committee on the Judiciary.

The SPEAKER. The gentleman from Alabama [Mr. HERBERT] states that he offers an amendment to the bill by the authority of the Committee on the Judiciary.

Mr. CONGER. That does not preclude my motion.

The SPEAKER. It does not.

Mr. CONGER. Then I move the reference of the bill.

Mr. HERBERT. I have the floor.

Mr. CONGER. I move to commit the bill.

Mr. HERBERT. I do not yield the floor.

The SPEAKER. The gentleman from Alabama is on the floor, was recognized by the Chair, and refuses to yield to the gentleman from Michigan [Mr. CONGER] to make the motion he indicates.

Mr. CONGER. And I move to refer the bill to the Committee on the Judiciary.

The SPEAKER. The gentleman cannot take the floor from the gentleman from Alabama for that purpose.

Mr. CONGER. But I made my motion before the gentleman from Alabama [Mr. HERBERT] uttered a word.

The SPEAKER. Not before he was recognized by the Chair and presented the amendment.

Mr. CONGER. Yes, sir.

The SPEAKER. That is a matter of fact which can be determined by reference to the record. [After a pause.] The Chair is informed that the gentleman from Alabama [Mr. HERBERT] rose and submitted his amendment on behalf of the Committee on the Judiciary before the gentleman from Michigan [Mr. CONGER] submitted his motion to refer.

Mr. HERBERT. I believe I have the floor.

The SPEAKER. The Chair recognized the gentleman from Alabama.

Mr. HERBERT. I ask that the amendment be read.

The Clerk read the amendment; which was to insert in line 22 of the bill, after the word "therein," the following:

In selecting said names the clerk and commissioner shall in no wise have regard to political affiliations, but shall look solely to the qualifications prescribed by law. Citizens possessing all other qualifications which are or may be prescribed by law shall be competent to serve as grand or petit jurors without regard to race, color, or previous condition of servitude. But no officer or employé of the United States or of any State shall be competent to serve as such juror: *Provided*, That this act shall in no way impair the force and effect of section 4 of the act of March 1, 1875, entitled "An act to protect all citizens in their civil rights."

Mr. HERBERT. I now call the previous question.

Mr. CONGER. And I move to refer the bill to the Committee on the Judiciary.

The SPEAKER. The Chair does not entertain the motion to refer pending a demand for the previous question.

Mr. CONGER. When will the motion be in order?

The SPEAKER. If the previous question shall be voted down, then the Chair will recognize the gentleman to submit his motion.

Mr. CONGER. Then I will make a motion which I can make. I move to lay the bill on the table.

The SPEAKER. That motion is in order.

Mr. SPRINGER. On that motion I call for the yeas and nays.

Mr. HERBERT. I had not got through with my motion.

The SPEAKER. There can be no motion beyond the demand for the previous question.

Mr. HERBERT. I had the floor, and claim the right to be heard, and to finish my motion.

The SPEAKER. The motion did not need any finishing.

Mr. HERBERT. My motion is for the previous question, with the understanding that the minority of the Committee on the Judiciary shall have the right to offer an amendment to this amendment if they see proper. I demand the previous question with that understanding.

Mr. CONGER. And I move to lay the bill on the table.

The SPEAKER. The gentleman from Alabama [Mr. HERBERT] must yield for an amendment before he calls for the previous question. Should the previous question be seconded, that will cut off any other amendment.

Mr. HERBERT. Well, I will call the previous question now on the bill and pending amendment.

The SPEAKER. And pending that demand for the previous question, the gentleman from Michigan [Mr. CONGER] moves to lay the bill and pending amendment on the table.

Mr. ROBINSON. As I see no other member present of the minority of the Committee on the Judiciary, if I might be allowed a word in regard to the proposition of the gentleman from Alabama [Mr. HERBERT] that the minority have leave to move an amendment to this bill——

The SPEAKER. The Chair will listen to any parliamentary suggestion from the gentleman.

Mr. ELAM. There is a motion to lay the bill on the table, and that is not debatable.

The SPEAKER. It is not.

Mr. ELAM. I call for the regular order.

The SPEAKER. By consent the gentleman from Massachusetts, [Mr. ROBINSON,] as a member of the minority of the Committee on the Judiciary, asked to make a parliamentary statement.

Mr. COX. I hope unanimous consent will be given for that purpose. There was no objection.

Mr. ROBINSON. I will take but a moment. The Committee on the Judiciary anticipated that there would be action on this bill in the House without its reference first to that committee, and it was understood that the minority of the committee, if they desired it, should have the privilege to offer an amendment at the time the bill should be called up for action. The House will remember, however, that it has already substantially acted upon the same proposition in connection with the judicial appropriation bill passed day before yesterday. I think, therefore, the minority of the Committee on the Judiciary do not at the present time desire to offer any amendment to this bill. The House having already passed upon these provisions in the judicial appropriation bill, the minority of the Committee on the Judiciary believe that they have passed their limit for action.

Mr. CONGER. I withdraw my motion to lay the bill on the table, and we will see whether there can be obtained a second for the previous question.

The SPEAKER. The question is upon seconding the demand for the previous question upon the bill and pending amendments.

The question was taken; and upon a division there were—ayes 79, no 1.

Mr. CONGER. No quorum has voted.

Tellers were ordered; and Mr. HERBERT and Mr. CONGER were appointed.

The House again divided; and the tellers reported that there were—ayes 79, noes 2.

Mr. CONGER. No quorum has voted.

The SPEAKER. The gentleman from Michigan [Mr. CONGER] makes the point of order that no quorum has voted.

Mr. SPRINGER. I move that there be a call of the House.

The motion was agreed to.

The Clerk proceeded (at half past two o'clock p. m.) to call the roll, and the following members failed to answer to their names:

Aldrich, N. W.	Dick,	Ladd,	Russell, Daniel L.
Ballou,	Dickey,	Lapham,	Ryan, Thomas
Barlow,	Dwight,	Lay,	Singleton, J. W.
Belford,	Einstein,	Lindsey,	Speer,
Beltzhoover,	Errett,	Martin, Joseph J.	Starin,
Bingham,	Fort,	McLane,	Talbott,
Bland,	Frost,	Miles,	Tucker,
Blount,	Goode,	Miller,	Turner, Thomas
Boyd,	Harris, Benj. W.	Money,	Updegraff, J. T.
Bragg,	Hazelton,	Morse,	Van Voorhis,
Cabell,	Heilman,	O'Brien,	Wilber,
Camp,	Henderson,	Orth,	Wilson,
Caswell,	House,	Pierce,	Wood, Fernando
Chalmers,	James,	Prescott,	Wood, Walter A.
Chittenden,	Jorgensen,	Reed,	Yocum,
Clark, Alvah A.	Kelley,	Rice,	Young, Casey.
Converse,	Killinger,	Richardson, J. S.	
Crapo,	Kimmel,	Robeson,	
Deuster,	Kitchin,	Ross,	

The SPEAKER. Two hundred and twelve members (more than a quorum) have answered to their names.

Mr. DE LA MATYR. I move to dispense with further proceedings under the call.

Mr. CONGER. Pending that motion I move that the House adjourn.

Mr. STEPHENS. I suggest to the gentleman from Michigan [Mr. CONGER] that by common consent this bill go over till to-morrow, and that we take up to-day the cattle-disease bill.

Mr. CONGER. I have no objection, if this bill goes over in the position it now holds.

The SPEAKER. Till to-morrow morning?

Mr. CONGER. Till after the morning hour to-morrow.

The SPEAKER. To-morrow is private bill day.

Mr. CONGER. Then it would go over until Saturday.

Mr. STEPHENS. I make the suggestion (to which I hope there will be general consent) that this bill be laid aside for the present to take its place at the next meeting of the House, and that we proceed now with the consideration of the cattle-disease bill.

The SPEAKER. The gentleman from Georgia suggests that the further consideration of business on the Speaker's table for to-day be dispensed with.

Mr. STEPHENS. Yes, sir.

Mr. HERBERT. I object to that.

The SPEAKER. The gentleman from Michigan moves that the House now adjourn.

The question being taken on the motion, there were—ayes 85, noes 81.

Mr. HERBERT, Mr. SPRINGER, and others called for the yeas and nays.

The yeas and nays were ordered.

Mr. SPRINGER. Should not the doors be closed, as a call of the House has been ordered?

The SPEAKER. Two hundred and twelve members have answered to their names. The motion has been made to dispense with proceedings under the call, and, pending that, a motion to adjourn.

Mr. COX. What has become of the motion to dispense with further proceedings under the call?

The SPEAKER. That is pending; but the motion to adjourn, even though there be no quorum present is in order.

The question was taken on the motion of Mr. CONGER to adjourn; and there were—yeas 89, nays 96, not voting 101; as follows:

YEAS—89.

Aldrich, William	Davis, George R.	Keifer,	Sapp,
Anderson,	Deering,	Ketcham,	Shallenberger,
Bailey,	Dunnell,	Loring,	Sherwin,
Baker,	Farr,	Marsh,	Smith, A. Herr
Barber,	Ferdon,	Mason,	Stone,
Beale,	Field,	McCoid,	Thomas,
Blake,	Frye,	McCook,	Townsend, Amos
Brewer,	Godshalk,	McKinley,	Tyler,
Briggs,	Gunter,	Mills,	Updegraff, Thomas
Brigham,	Hall,	Mitchell,	Upson,
Browne,	Hammond, John	Monroe,	Urner,
Burrows,	Harmer,	Morton,	Van Aernam,
Butterworth,	Haskell,	Neal,	Voorhis,
Calkins,	Hawk,	Newberry,	Wait,
Carpenter,	Hawley,	Norcross,	Ward,
Claflin,	Hayes,	O'Neill,	Wellborn,
Coffroth,	Hiscock,	Osmer,	White,
Conger,	Horr,	Overton,	Williams, C. G.
Cowgill,	Hubbell,	Pound,	Willits,
Crapo,	Humphrey,	Price,	Young, Thomas L.
Crowley,	Hurd,	Richardson, D. P.	
Culberson,	Jones,	Robinson,	
Daggett,	Joyce,	Russell, William A.	

NAYS—96.

Acklen,	Carlisle,	De La Matyr,	Gibson,
Aiken,	Clardy,	Dibrell,	Gillette,
Armfield,	Clymer,	Dunn,	Hammond, N. J.
Atherton,	Cobb,	Elam,	Harris, John T.
Atkins,	Colerick,	Ellis,	Hatch,
Bachman,	Cook,	Evins,	Henry,
Bicknell,	Covert,	Ewing,	Herbert,
Blackburn,	Cox,	Felton,	Herndon,
Bouck,	Cravens,	Finley,	Hostetler,
Bright,	Davidson,	Forney,	Hull,
Caldwell,	Davis, Lourdes H.	Geddes,	Hunton,
Johnston,	Morrison,	Ryon, John W.	Thompson,
King,	Muller,	Samford,	Tillman,
Klotz,	Murch,	Sawyer,	Townshend, R. W.
Knott,	New,	Scales,	Turner, Oscar
Le Fevre,	Nicholls,	Simonton,	Vance,
Lounsbery,	O'Connor,	Slemons,	Waddill,
Lowe,	Persons,	Smith, Hezekiah B.	Weaver,
Manning,	Phelps,	Smith, William E.	Wells,
Martin, Benj. F.	Phister,	Sparks,	Whiteaker,
Martin, Edward L.	Reagan,	Springer,	Whitthorne,
McKenzie,	Richmond,	Steele,	Williams, Thomas
McMahon,	Robertson,	Stevenson,	Willis,
McMillin,	Rothwell,	Taylor,	Wise.

NOT VOTING—101.

Aldrich, N. W.	Dickey,	Kitchin,	Russell, Daniel L.
Ballou,	Dwight,	Ladd,	Ryan, Thomas
Barlow,	Einstein,	Lapham,	Shelley,
Bayne,	Errett,	Lay,	Singleton, J. W.
Belford,	Fisher,	Lewis,	Singleton, O. R.
Beltzhoover,	Ford,	Lindsey,	Speer,
Bingham,	Forsythe,	Martin, Joseph J.	Starin,
Bland,	Fort,	McGowan,	Stephens,
Bliss,	Frost,	McLane,	Talbott,
Blount,	Garfield,	Miles,	Tucker,
Bowman,	Goode,	Miller,	Turner, Thomas
Boyd,	Harris, Benj. W.	Money,	Updegraff, J. T.
Bragg,	Hazelton,	Morse,	Valentine,
Buckner,	Heilman,	Muldrow,	Van Voorhis,
Cabell,	Henderson,	Myers,	Warner,
Camp,	Henkle,	O'Brien,	Washburn,
Cannon,	Hill,	O'Reilly,	Wilber,
Caswell,	Hooker,	Orth,	Wilson,
Chalmers,	Houk,	Pierce,	Wood, Fernando
Chittenden,	House,	Poehler,	Wood, Walter A.
Clark, Alvah A.	James,	Prescott,	Wright,
Clark, John B.	Jorgensen,	Reed,	Yocum,
Converse,	Kelley,	Rice,	Young, Casey.
Davis, Joseph J.	Kenna,	Richardson, J. S.	
Deuster,	Killinger,	Robeson,	
Dick,	Kimmel,	Ross,	

So the House refused to adjourn.

During the roll-call the following announcements were made:

Mr. SHELLEY. I am paired with Mr. MILLER, of New York. If he were present, I should vote "no."

Mr. DAVIS, of North Carolina. I am paired with my colleague, Mr. MARTIN. My colleague, Mr. KITCHIN, is paired with Mr. RICE, of Massachusetts.

Mr. WARNER. I am paired with my colleague, Mr. UPDEGRAFF. If he were present, I should vote "no."

Mr. COFFROTH. My colleague, Mr. BELTZHOOVER, is paired with my other colleague, Mr. BINGHAM.

Mr. LEWIS. I am paired with Mr. HARRIS, of Massachusetts. If he were present, I should vote "no."

Mr. FINLEY. My colleague, Mr. DICKEY, is paired with Mr. ORTH.

Mr. MULDROW. I am paired with Mr. DWIGHT, of New York.

Mr. MCKENZIE. My colleague, Mr. THOMAS TURNER, is paired with Mr. WHITE, of Pennsylvania.

Mr. TOWNSHEND, of Illinois. My colleague, Mr. SINGLETON, is paired with Mr. MILES, of Connecticut.

Mr. STEVENSON. Mr. LADD is paired with his colleague, Mr. LINDSEY.

Mr. KENNA. I am paired with Mr. RYAN, of Kansas. My colleague, Mr. WILSON, who is absent on account of sickness in his family, is paired with Mr. REED, of Maine.

Mr. AIKEN. My colleague, Mr. RICHARDSON, is paired with Mr. CAMP, of New York.

Mr. ROBINSON. Mr. MORSE is paired with Mr. KELLEY.

Mr. POUND. My colleague, Mr. HAZELTON, is paired with Mr. BLOUNT, of Georgia.

Mr. FISHER. I am paired with Mr. CABELL, of Virginia. My colleague, Mr. DICK, is paired with Mr. LAY, of Missouri.

Mr. WASHBURN. I am paired with Mr. CONVERSE, of Ohio. If he were present, I should vote "ay."

Mr. FIELD. Mr. HARRIS, of Massachusetts, is paired with Mr. LEWIS.

Mr. HARMER. Mr. BELTZHOOVER is paired with Mr. BINGHAM.

Mr. HOUK. I am paired with my colleague, Mr. HOUSE.

Mr. MARSH. My colleague, Mr. HENDERSON, is paired with Mr. YOUNG, of Tennessee.

Mr. FRYE. Mr. LINDSEY is paired with Mr. LADD.

The vote was then announced as above recorded.

The SPEAKER. The question now recurs on the motion of the gentleman from Indiana [Mr. DE LA MATYR] to dispense with all further proceedings under the call.

The motion was disagreed to.

The SPEAKER. The doors will now be closed and the names of the absentees will be called for excuses.

Mr. DIBRELL. My colleague, Mr. HOUSE, is confined to his room by sickness.

The SPEAKER. The absentees will now be called for excuses in their order.

Mr. NELSON W. ALDRICH. No excuse offered.

Mr. SPRINGER. This call is for the presentation of excuses.

The SPEAKER. It is under the rules.

Mr. BALLOU.

The SPEAKER. Mr. BALLOU is absent by leave of the House.

Mr. BARLOW.

The SPEAKER. Mr. BARLOW is absent by leave of the House.
Mr. BAYNE. No excuse offered.
Mr. BELFORD.
The SPEAKER. Mr. BELFORD is absent by leave of the House.
Mr. BELTZHOOVER. No excuse offered.
Mr. BINGHAM. No excuse offered.
Mr. BLOUNT.
The SPEAKER. Mr. BLOUNT is absent by leave of the House.
Mr. BOYD. No excuse offered.
Mr. CONGER. I submit that the names of those who are absent by leave of the House should not be called.
The SPEAKER. The Chair has a list of those who are absent by leave of the House, and they will not be included in the warrant of the Sergeant-at Arms.
Mr. BRAGG.
The SPEAKER. Mr. BRAGG is absent by leave of the House. When the names of the absentees are called it is in order for any gentleman to state the reason why the member is absent and to move that he be excused.
Mr. CONGER. I presume the clerks have a record of those who are absent by leave of the House?
The SPEAKER. The Chair himself has the list.
Mr. CABELL.
Mr. HUNTON. Mr. CABELL is absent on account of severe indisposition. I move that he be excused.
The motion was agreed to.
Mr. CAMP. No excuse offered.
Mr. CASWELL. No excuse offered.
Mr. CHALMERS. No excuse offered.
Mr. CHITTENDEN.
The SPEAKER. Mr. CHITTENDEN is absent by leave of the House.
Mr. ALVAH A. CLARK. No excuse offered.
Mr. CONVERSE. No excuse offered.
Mr. CRAPO. No excuse offered.
Mr. DEUSTER.
Mr. POEHLER. Mr. DEUSTER is absent on account of sickness. I move that he be excused.
The motion was agreed to.
Mr. DICK.
The SPEAKER. Mr. DICK is absent by leave of the House.
Mr. DICKEY. No excuse offered.
Mr. DWIGHT. No excuse offered.
Mr. TOWNSHEND, of Illinois. I rise to make a request for unanimous consent. I ask that the doors may be left open, properly guarded. The extreme heat of the atmosphere induces me to make this suggestion.
The SPEAKER. The rules direct that the doors shall be shut.
Mr. TOWNSHEND, of Illinois. But they may be left open by unanimous consent.
Mr. BREWER. I object.
The Clerk resumed the calling over of the names of absentees.
Mr. EINSTEIN. No excuse offered.
Mr. ERRETT. No excuse offered.
Mr. FORT.
The SPEAKER. Mr. FORT is absent by leave of the House.
Mr. FROST. No excuse offered.
Mr. GOODE. No excuse offered.
Mr. HARRIS, of Massachusetts. No excuse offered.
Mr. HAZELTON.
The SPEAKER. Mr. HAZELTON is absent by leave of the House.
Mr. HEILMAN.
The SPEAKER. Mr. HEILMAN is absent by leave of the House.
Mr. HENDERSON.
The SPEAKER. Mr. HENDERSON is absent by leave of the House.
Mr. HOUSE.
Mr. DIBRELL. My colleague, Mr. HOUSE, is absent on account of severe illness. I move that he be excused.
The motion was agreed to.
Mr. JAMES.
Mr. CONGER. Mr. JAMES is absent on account of very severe sickness. I do not know also but he is absent by leave.
The SPEAKER. Mr. JAMES is absent by leave of the House.
Mr. KELLEY.
The SPEAKER. Mr. KELLEY is absent by leave of the House.
Mr. KILLINGER. No excuse offered.
Mr. KIMMEL. No excuse offered.
Mr. KITCHIN. No excuse offered.
Mr. LADD.
The SPEAKER. Mr. LADD is absent by leave of the House.
Mr. LAPHAM.
The SPEAKER. Mr. LAPHAM is absent by leave of the House.
Mr. LAY.
The SPEAKER. Mr. LAY is absent by leave of the House.
Mr. LINDSEY.
The SPEAKER. Mr. LINDSEY is absent by leave of the House.
Mr. MARTIN, of North Carolina.
The SPEAKER. Mr. MARTIN is absent by leave of the House.
Mr. MCLANE.
The SPEAKER. Mr. MCLANE is absent by order of the House, having been appointed by the Chair as Visitor at West Point.
Mr. MILES.
The SPEAKER. Mr. MILES is absent by leave of the House.
Mr. MILLER. No excuse offered.
Mr. MONEY.
The SPEAKER. Mr. MONEY is absent by leave of the House.
Mr. MORSE.
The SPEAKER. Mr. MORSE is absent by leave of the House.
Mr. O'BRIEN. No excuse offered.
Mr. ORTH.
The SPEAKER. Mr. ORTH is absent by leave of the House.
Mr. MILLS. I move that the House do now adjourn.
Mr. CONGER. If the motion to adjourn should be carried would that vacate all action under the call?
The SPEAKER. It would.
The question being taken on the motion to adjourn, there were—ayes 93, noes 67.
Mr. HERBERT. I call for the yeas and nays.
The yeas and nays were ordered.
The question was taken; and there were—yeas 103, nays 82, not voting 101; as follows:

YEAS—103.

Aldrich, William	De La Matyr,	Keifer,	Robinson,
Anderson,	Dunn,	Ketcham,	Russell, William A.
Atherton,	Dunnell,	Le Fevre,	Ryon, John W.
Baker,	Farr,	Loring,	Sapp,
Barber,	Felton,	Marsh,	Shallenberger,
Beale,	Ferdon,	Martin, Benj. F.	Sherwin,
Bicknell,	Field,	Mason,	Smith, A. Herr
Blake,	Ford,	McCoid,	Stone,
Brewer,	Forsythe,	McCook,	Thomas,
Briggs,	Frye,	McGowan,	Townsend, Amos
Brigham,	Garfield,	McKinley,	Tyler,
Browne,	Gillette,	Mills,	Upson,
Burrows,	Godshalk,	Mitchell,	Urner,
Butterworth,	Hall,	Monroe,	Van Aernam,
Calkins,	Harmer,	Morton,	Vance,
Cannon,	Haskell,	Murch,	Voorhis,
Carpenter,	Hawk,	Myers,	Wait,
Claflin,	Hawley,	Neal,	Ward,
Coffroth,	Hayes,	Newberry,	Weaver,
Conger,	Herndon,	Norcross,	Wellborn,
Cowgill,	Horr,	Osmer,	White,
Crapo,	Hubbell,	Overton,	Williams, C. G.
Culberson,	Humphrey,	Poehler,	Willits,
Daggett,	Hurd,	Pound,	Wright,
Davis, George R.	Jones,	Price,	Young, Thomas L.
Deering,	Joyce,	Richardson, D. P.	

NAYS—82.

Acklen,	Elam,	Lounsbery,	Simonton,
Aiken,	Ellis,	Lowe,	Singleton, O. R.
Armfield,	Evins,	Manning,	Smith, Hezekiah B.
Atkins,	Finley,	Martin, Edward L.	Smith, William E.
Bachman,	Forney,	McKenzie,	Sparks,
Blackburn,	Geddes,	McMahon,	Springer,
Bouck,	Gibson,	McMillin,	Steele,
Bright,	Hammond, N. J.	Morrison,	Stevenson,
Caldwell,	Harris, John T.	New,	Taylor,
Carlisle,	Hatch,	Nicholls,	Thompson,
Clardy,	Henry,	O'Connor,	Tillman,
Clymer,	Herbert,	O'Reilly,	Turner, Oscar
Cobb,	Hill,	Persons,	Waddill,
Colerick,	Hooker,	Phelps,	Wells,
Cook,	Hostetler,	Phister,	Whiteaker,
Covert,	Hull,	Reagan,	Whitthorne,
Cox,	Hunton,	Richmond,	Williams, Thomas
Cravens,	Johnston,	Rothwell,	Willis,
Davidson,	King,	Samford,	Wise.
Davis, Loundes H.	Klotz,	Sawyer,	
Dibrell,	Knott,	Scales,	

NOT VOTING—101.

Aldrich, N. W.	Dick,	Kitchin,	Ryan, Thomas
Bailey,	Dickey,	Ladd,	Shelley,
Ballou,	Dwight,	Lapham,	Singleton, J. W.
Barlow,	Einstein,	Lay,	Slemons,
Bayne,	Errett,	Lewis,	Speer,
Belford,	Ewing,	Lindsey,	Starin,
Beltzhoover,	Fisher,	Martin, Joseph J.	Stephens,
Bingham,	Frost,	McLane,	Talbott,
Bland,	Fort,	Miles,	Townshend, R. W.
Bliss,	Goode,	Miller,	Tucker,
Blount,	Gunter,	Money,	Turner, Thomas
Bowman,	Hammond, John	Morse,	Updegraff, J. T.
Boyd,	Harris, Benj. W.	Muldrow,	Updegraff, Thomas
Bragg,	Hazelton,	Muller,	Valentine,
Buckner,	Heilman,	O'Brien,	Van Voorhis.
Cabell,	Henderson,	O'Neill,	Warner,
Camp,	Henkle,	Orth,	Washburn,
Caswell,	Hiscock,	Pierce,	Wilber,
Chalmers,	Houk,	Prescott,	Wilson,
Chittenden,	House,	Reed,	Wood, Fernando
Clark, Alvah A.	James,	Rice,	Wood, Walter A.
Clarke, John B.	Jorgensen,	Richardson, J. S.	Yocum,
Converse,	Kelley,	Robertson,	Young, Casey.
Crowley,	Kenna,	Robeson,	
Davis, Joseph J.	Killinger,	Ross,	
Deuster,	Kimmel,	Russell, Daniel L.	

So the motion was agreed to.
During the roll-call the following announcements were made:
Mr. MULDROW. I am paired with Mr. DWIGHT, of New York.
Mr. COVERT. My colleague, Mr. FERNANDO WOOD, is paired with Mr. ROBESON, of New Jersey.
Mr. WARNER. I am paired with my colleague, Mr. UPDEGRAFF.
Mr. MANNING. Mr. MONEY is absent by leave of the House, and

is paired with Mr. STARIN, of New York. Mr. YOUNG, of Tennessee, is paired with Mr. HENDERSON, of Illinois.

Mr. LEWIS. I am paired with Mr. HARRIS, of Massachusetts.

Mr. FINLEY. My colleague, Mr. DICKEY, is paired with Mr. ORTH, of Indiana.

Mr. HUNTON. My colleague, Mr. TUCKER, is paired with Mr. LAPHAM, of New York.

Mr. SHELLEY. I am paired with Mr. MILLER, of New York. If he were present, I would vote "no."

Mr. DAVIS, of North Carolina. I am paired with my colleague, Mr. MARTIN, who is absent by leave of the House. My colleague, Mr. KITCHIN, who is also absent by leave of the House, is paired with Mr. RICE, of Massachusetts.

Mr. KENNA. I am paired with Mr. RYAN, of Kansas. My colleague, Mr. WILSON, is paired with Mr. REED, of Maine.

Mr. HENRY. My colleague, Mr. MCLANE, is paired with Mr. BOYD, of Illinois, and Mr. TALBOTT is paired with Mr. BALLOU, of Rhode Island. If my colleagues were present, they would both vote "no."

Mr. AIKEN. My colleague, Mr. RICHARDSON, is paired with Mr. CAMP, of New York.

Mr. WILLIS. My colleague, Mr. THOMAS TURNER, is paired with Mr. WHITE, of Pennsylvania.

Mr. HOUK. I am paired with my colleague, Mr. HOUSE.

Mr. WASHBURN. I am paired with Mr. CONVERSE, of Ohio.

Mr. FISHER. I am paired with Mr. CABELL, of Virginia.

Mr. HENKLE. I am paired with Mr. ALDRICH, of Rhode Island.

Mr. HARMER. My colleague, Mr. BINGHAM, is paired with my other colleague, Mr. BELTZHOOVER.

Mr. ROBINSON. My colleague, Mr. MORSE, is paired with Mr. KELLEY.

LEAVE OF ABSENCE.

Before the result of the vote was announced, leave of absence was granted, by unanimous consent, to Mr. BRIGHAM, for two weeks, on account of sickness in his family.

The result of the vote was then announced as above stated.

And accordingly (at three o'clock and forty-five minutes p. m.) the House adjourned.

PETITIONS.

The following petitions were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. ACKLEN: The petition of citizens of Louisiana, relative to the tax on tobacco—to the Committee of Ways and Means.

Also, the petition of citizens of Louisiana, for the passage of the Reagan interstate-commerce bill—to the Committee on Commerce.

By Mr. DUNNELL: The petition of C. H. Huntington and 40 others, citizens of Mower County, Minnesota, for the passage of the Reagan interstate-commerce bill—to the Committee on Commerce.

Also the petition of L. Dominick and 50 others, citizens of Freeborn County, Minnesota, of similar import—to the same committee.

By Mr. MARTIN, of West Virginia: The petition of Samuel Kelly, for compensation for services rendered the United States as a scout and guide for the United States Army—to the Committee on Military Affairs.

By Mr. VANCE: The petition of C. M. Willis, for the extension of a patent on water-wheels—to the Committee on Patents.

By Mr. WARD: The petition of James M. Willcox & Co., of Philadelphia, Pennsylvania, relating to the printing of notes and bonds by the Treasury Department and the use of the distinctive paper manufactured by petitioners for that purpose—to the Committee on Banking and Currency.

By Mr. WARNER: The petition of Bernard J. La Mathe, for an extension of a patent for improvements in tubular metallic car-frames—to the Committee on Patents.

Also, the petition of Mrs. A. S. Knott and 394 others, against any change in the revenue law that will promote the interest of dealers in spirituous liquors—to the Committee of Ways and Means.

IN SENATE.

FRIDAY, *June* 13, 1879.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

FONTAINE'S HYDRAULIC ENGINEERING.

Mr. ANTHONY. I am directed by the Committee on Printing, to which was referred the joint resolution (S. R. No. 6) accepting from Professor Edward Fontaine, of Louisiana, certain maps, drawings, and explanations of the same, to report it with an amendment, and to recommend its passage. I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It accepts the maps and drawings, with the explanations thereof, of Professor Edward Fontaine's improved methods of hydraulic engineering and controlling water-currents, which he proposes to give to the Government of the United States on condition that they be printed.

The joint resolution was reported from the Committee on Printing with an amendment to add:

SEC. 2. That the regular number of these maps and drawings, with the explanations, be printed in quarto form; and that 100 additional copies be printed for the use of Professor Fontaine.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. PENDLETON (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 691) for the relief of Jared Gardner; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. SAUNDERS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 692) for the relief of Robert A. McMurray; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 693) for the relief of William Murry; which was read twice by its title, and referred to the Committee on Indian Affairs.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 694) for the relief of J. W. Miller; which was read twice by its title, and referred to the Committee on Claims.

Mr. JONAS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 695) for the relief of Michael Granery, Nicholas Wax, and Moliere Lange; which was read twice by its title, and, with the papers on file relating to the case, referred to the Committee on Claims.

PRINTING OF MEMORIAL AND BILL.

On motion of Mr. JONAS, it was

Ordered, That the memorial and bill for the relief of the State National Bank of New Orleans, which was referred to the Committee on the Judiciary, be printed.

AMENDMENT TO APPROPRIATION BILL.

Mr. LOGAN submitted an amendment intended to be proposed by him to the bill (H. R. No. 2251) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes; which was referred to the Committee on Appropriations, and ordered to be printed.

PUBLIC BUILDINGS IN BALTIMORE.

Mr. WHYTE. I ask the consent of the Senate to take up House bill No. 1478, which was reported yesterday by the Committee on Public Buildings and Grounds. It makes a small appropriation of $4,000 simply for the purpose of inaugurating some proceedings in Maryland with a view to obtain an act for the condemnation of property for a post-office site at some future day. It appropriates no money for a building.

Mr. DAVIS, of West Virginia. I have no objection to this bill being taken up; I think it ought to pass; but if it leads to debate I shall have to call up an appropriation bill; and I feel it my duty to so state now.

Mr. WHYTE. This bill will lead to no debate.

Mr. DAVIS, of West Virginia. Two of the appropriation bills are now before us. While I make no objection to this bill, yet it is my duty to state that if it leads to debate we must ask that the appropriation bills be taken up, as soon as the morning hour is over at the farthest.

Mr. MORRILL. I presume that this bill will not occupy five minutes of the time of the Senate. It is notorious, I presume, to nearly all Senators that complaint has long been made about the public buildings in Baltimore. While all other large cities, or nearly all, have been provided with public buildings suitable for the public business, Baltimore has been very long neglected. This proposition is recommended by the Treasury Department; it has been very thoroughly examined; it only proposes that the Secretary of the Treasury may make a contract that is hereafter to be approved by Congress or it amounts to nothing.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Maryland to proceed to the consideration of the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1478) to authorize the Secretary of the Treasury to negotiate for the purchase at private sale, or, if necessary, procure by condemnation, a site for a post-office in the city of Baltimore, State of Maryland.

The bill was reported from the Committee on Public Buildings and Grounds, with amendments.

The first amendment was, in line 4, after the word "negotiate," to insert the words "and contract;" in line 5, before the word "purchase," to insert the word "conditional;" and in line 11, after the word "post-office," to insert "court-house, and other public offices;" so as to make the bill read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to negotiate and contract for the conditional purchase, at private sale, or, if necessary, procure by condemnation, in pursuance of the statutes of the State of Maryland now in force, or any statute of said State which may hereafter be passed by its Legislature for that purpose, a suitable piece of ground or site in the city of Baltimore, in the State of Maryland, for the erection of a building to be used for a

post-office, court-house, and other public offices, the cost of the same not to exceed the sum of $500,000: and the sum of $4,000 is hereby appropriated, or so much as may be necessary therefor, out of any money in the Treasury not otherwise appropriated, for the costs and expenses of condemnation of said ground or site, if proceedings of condemnation are, in the judgment of the Secretary of the Treasury, required to procure the same.

The amendment was agreed to.

The next amendment was, in line 21, after the word "site," to insert the words "until the purchase and contract for the same shall have been approved by Congress, nor;" so as to make the proviso read:

Provided, That no money except the sum hereinbefore appropriated for expenses of condemnation be expended for purchase of said site until the purchase and contract for the same shall have been approved by Congress, nor until a valid title to such ground or site is vested in the United States, and the State of Maryland shall have released and relinquished jurisdiction over the same, and exempted from taxation such site and such buildings as may hereafter be erected thereon, so long as the same are the property of the United States.

The amendment was agreed to.

The bill was reported to the Senate, as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

DUPLICATE DRAFT.

Mr. MAXEY. I move that the Senate proceed to the consideration of the bill (S. No. 625) for the relief of the Farmers' and Merchants' Bank, Paris, Texas. I will state that it will take no time whatever. It is simply designed to authorize the proper authority to issue a duplicate of a draft issued by the pension agent at Knoxville, Tennessee, on the assistant treasurer at New York and lost in the mail. It requires special legislation to issue a duplicate. The bill comes from the Committee on Claims, having been reported unanimously from that committee by the Senator from Missouri, [Mr. COCKRELL,] its chairman.

Mr. CONKLING. What is the amount of the draft?

Mr. MAXEY. Eleven hundred and odd dollars.

Mr. COCKRELL. Eleven hundred and fifty-nine dollars and sixty cents.

Mr. MAXEY. When the amount lost is over a thousand dollars the law does not allow a duplicate to be issued unless by special act of Congress.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Texas, to proceed to the consideration of the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. MAXEY. In line 12, I move to insert "A" after "Minerva," so as to read "Minerva A. Davis." That is the name of the lady who was the payee.

The PRESIDENT *pro tempore*. If there is no objection that amendment will be made, being merely verbal.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ARMY APPROPRIATION BILL.

Mr. WITHERS. I move to take from the table the bill (H. R. No. 2175) making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes, for a second reading and reference.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Virginia, to proceed to the consideration of the Army appropriation bill, so that it may have its second reading and be referred.

The motion was agreed to.

The PRESIDENT *pro tempore*. The bill will be considered as read the second time, and referred to the Committee on Appropriations.

SUPPLEMENTAL POST-ROUTE BILL.

Mr. MAXEY. If there be nothing now before the Senate, I move that the Senate proceed to the consideration of the bill (H. R. No. 2263) supplemental to "An act to establish post-routes." It is very short, and will take no time.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Post-Offices and Post-Roads with amendments.

Mr. MAXEY. I ask that the amendments of the committee be considered together.

The PRESIDENT *pro tempore*. The question on agreeing to the amendments will be taken as one question, if there be no objection. The amendments will be read.

The CHIEF CLERK. The first amendment is, after line 8, to insert:

ARKANSAS.

From El Dorado to Calhoun.

The next amendment is, in line 19, to strike out "Walkins" and insert "Watkins."

The next amendment is, after line 22, to insert:

MINNESOTA.

From Willmar, via Fahlen, to Lake Lillian.

The PRESIDENT *pro tempore*. The question is on agreeing to these amendments reported by the Committee on Post-Offices and Post-Roads.

The amendments were agreed to.

Mr. MAXEY. I move as an additional amendment, after line 32, to insert:

Uvalde to Follett to Montell to Camp Wood and thence to Bull Head.

The amendment was agreed to.

Mr. COCKRELL. At line 27, under the head of "Missouri," I move to insert:

From Brush College, Missouri, to Fort Scott, Kansas.
From Billings to Laurenceburg.
From Pierce City to Flat Creek.

The amendment was agreed to.

Mr. MAXEY. There are some other amendments which were acted on by the committee but are not printed, which I send up and desire to have read.

The PRESIDENT *pro tempore*. The further amendments of the Committee on Post-Offices and Post-Roads will be read.

The Chief Clerk read as follows:

After line 16 insert:

IDAHO.

From Oneida to Oxford.
From Swan Lake Station to Oxford.
From Franklin to Weston.
From Weston to Oxford.
From Rock Creek to Reynold's Creek.

After line 22 insert:

LOUISIANA.

From Wildwood to Lamarque Store.
From Columbia, via Davis, Funny Louis, Jena, and Rhinehart's Ferry, to Troy.
From Floyd, via Bastrop, Ouachita City, Downsville, to Vienna.

After line 30 insert:

SOUTH CAROLINA.

From Brighton, via Greenfield, to Lawtonville.
From Manning Court House, via Jordan, Wright's Bluff, Panola, Fulton, and Packsville, back to Manning Court House.
From Manning Court House, via Oakland, to Sumpter.
From Manning Court House, via Midway, New Zion, Bethlehem, and Sardina, back to Manning Court House.

After line 32 insert:

From Weatherford, via Millsap and Cokelan, to Graham.

After line 16 insert:

ILLINOIS.

From Fayetteville to Mascoutah.
From Venice to Six Mile.
From Girard to Morrisonville.

The PRESIDENT *pro tempore*. The question is on agreeing to these amendments, recommended by the Committee on Post-Offices and Post-Roads.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, returned, in compliance with the request of the Senate, the bill (S. No. 343) relating to printing impressions from portraits and vignettes.

The message also announced that the House had passed the bill (S. No. 595) to amend an act for the relief of Joseph B. Collins, approved March 3, 1879.

The message further announced that the House had non-concurred in the amendments of the Senate to the joint resolution (H. R. No. 85) fixing the date on which the pay of the committee clerks, pages, and laborers of the House of Representatives who are paid during the session only shall begin for this session; asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. D. M. HENRY of Maryland, Mr. E. L. MARTIN of Delaware, and Mr. A. HERR SMITH of Pennsylvania, managers on the part of the House.

PAY OF CONGRESSIONAL EMPLOYÉS.

The Senate proceeded to consider its amendments to the joint resolution (H. R. No. 85) fixing the date on which the pay of the committee clerks, pages, and laborers of the House of Representatives who are paid during the session only shall begin for this session, disagreed to by the House of Representatives.

On motion of Mr. WALLACE, it was

Resolved, That the Senate insist upon its amendments to the said joint resolution disagreed to by the House of Representatives, and agree to the conference asked by the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. WALLACE, Mr. DAVIS of West Virginia, and Mr. BLAINE.

CHANGE OF REFERENCE OF A BILL.

Mr. ALLISON. Mr. President, I ask that the bill (H. R. No. 2264) to amend section 1, page 234, volume 20, of the United States Statutes at Large, Forty-fifth Congress, which was read twice yesterday

and referred to the Committee on Commerce, be referred to the Committee on Appropriations, it being a matter relating to an appropriation bill. I think there is no objection to that change.

The PRESIDENT *pro tempore*. The change of reference will be made if there be no objection. The Chair hears none.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. BECK. I move that the Senate proceed to the consideration of the legislative, executive, and judicial appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 2251) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes.

The PRESIDENT *pro tempore*. Is it the wish of the Senator from Kentucky that the amendments of the Committee on Appropriations shall be considered as they are reached in the reading of the bill?

Mr. BECK. I hardly know what to ask on that subject. I expect the bill had better be read so as to give time to consider it.

The PRESIDENT *pro tempore*. Is the suggestion that it had better be read through before the amendments are acted on?

Mr. ALLISON. I desire to ask the Senator from Kentucky before he begins whether or not it is his purpose to offer a substitute which I find on my desk and marked an "amendment intended to be proposed by Mr. BECK?"

Mr. BECK. Mr. President, I am instructed by the Committee on Appropriations to report back the bill sent to us from the House with the amendments added by the Committee on Appropriations; but I am not authorized by the committee to offer the amendment which I propose to offer as a substitute for it. I desire to say before the bill is read, if the Senate will allow me, that the Committee on Appropriations of the House, instead of pursuing the usual form of presenting a detailed bill, thought it best to send House bill No. 2251, which makes this provision as its principal operative clause:

That for the purpose of providing for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the same sums of money and for the like purposes (and continuing the same provisions relating thereto) as were appropriated for the service of the fiscal year ending June 30, 1879, by the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes," approved June 19, 1878, (except as hereinafter declared,) subject to all the limitations and conditions in respect to the disbursement of the appropriations hereby made that were imposed by said act and the other laws of the United States upon or in respect to the appropriations made by said act.

Then follow first a number of exceptions, from line 20 to line 46; then from line 47 to line 57 are provisions affirmatively changing the act of June 19, 1878, saying that no more than the sums stated respectively are appropriated; and from line 58 down to the close of section 1, on line 121, are amendments to that act.

Section 2 provides for the salary of certain offices created by acts of 1879, and for matters provided for in other acts, and for the mints and assay offices, and "the following additional sums are hereby appropriated;" then follows a list of them running through each of the Departments, with two other sections at the end making general provisions.

Therefore, Mr. President, as I was directed to take charge of this bill and present it to the Senate, I desire to say to Senators first that before they can understand the bill intelligently they will have to obtain the act approved June 19, 1878, being public act No. 135 of the second session of the Forty-fifth Congress, which I suppose can be obtained in the document-room; at least I obtained a few copies there. As that is the act which the House has re-enacted in substance, without that act no Senator can very well know what he is doing or what he is voting for in the House bill now before us.

I have endeavored in the amendment I offered to present the bill of the current year as now amended in a form to be easily understood. Therefore it was that I thought the House bill as amended by the Committee on Appropriations of the Senate ought to be read at length, with my amendment in the hands of Senators, as it differs in its form so essentially from the bills ordinarily presented. In that way each Senator may see, as he goes along with the first reading of it, what changes have been made, what documents he will have to refer to; and, above all, he will see the importance of obtaining and considering carefully the act which I hold in my hand for the current year. It is proper to say that the House have only re-enacted the provisions of this law so far as appropriations are concerned.

There are some provisions in the law for the current year that do not pertain to appropriations, that are general legislation, as, for instance, the reorganization of the government of the Territories, changing the time of meeting of the territorial Legislatures. Then there are other provisions of the law stating what power the Secretaries and others should have over the funds appropriated, which I suppose perhaps apply to the provisions of the law for the next fiscal year.

Quite a number of difficult questions occurred to me as being presented by the bill. I desire that the Senate understand it all and hope Senators will attend to its reading carefully. With that view and with the view of understanding what the bill meant myself, I took the pains (and I assure you it was a great deal of trouble) to go over the whole of the appropriation bill for the current fiscal year, clause by clause, and to go over and examine carefully the amendments that the House had added to it, striking out, amending, and inserting, as was done here and there, also all those that the Senate committee had added, and to embody it all as an amendment in the form of a bill such as had been usually presented to the House and Senate. The result is the amendment printed and now on the desks of Senators. I think that whatever confusion may appear in the bill of the House as amended by the committee, which I am now required to present, I can dissipate by referring to the amendment prepared by me which I hold in my hand. I can by that, I think, tell with perfect accuracy what each provision means. I did not alter anything in this amendment; I took the act of June 19, 1878, took the amendments of the House and the amendments of this committee, leaving out what was general legislation in that bill for 1879 and inserting whatever seemed to bear on the use to which any appropriation might be applied; so that the amendment prepared by me, if it has no other merit or effect, will at least enable Senators to know what this bill means and will enable me to explain what the provisions of it mean.

Mr. WINDOM. I should like to ask the Senator from Kentucky whether the bill which he has drafted is the bill of the House put in a different form only?

Mr. BECK. It is the bill of the House with the Senate committee's amendments, put in a different form and put in the usual form of appropriations.

Mr. WINDOM. What I meant to ask—I was not present in committee—was whether there is anything different in the Senator's amendment from the bill of the House except a difference in form?

Mr. BECK. Nothing at all; or if there is it is a mistake.

Mr. WINDOM. I do not understand the bill as it came from the House; I think it would require a corps of clerks to get at its meaning.

Mr. BECK. The clerk of the committee and myself for several days have been at work seeking to make it precisely what the House passed with our committee amendments. If the Senator from Minnesota will listen to me for a minute—a great many changes had to be made growing out of this fact: in the last section of the bill of the House as now sent to us this provision is made:

That the pay of assistant messengers, firemen, watchmen, and laborers provided for in this act, unless otherwise specially stated in particular cases in the act of June 19, 1878, which it continues and makes available, (except as declared in the first section of this act,) shall be as follows: For assistant messengers, firemen, and watchmen, $720 per annum each; for laborers, $660 per annum each; and a sufficient amount to meet the provisions of this section is hereby appropriated.

In the bill for the current fiscal year the pay of all watchmen is $660. The House has increased the pay of all watchmen to $720. Therefore in each Department of the Government wherever there was a watchman the act of 1878 providing for the present fiscal year had to be so far changed in every footing as to make the $660 to watchmen the amount now proposed, to wit, $720. Thus the footings all vary to that extent wherever there is a watchman. The alteration was caused by the section of the bill I have just read.

There is no change intended by the amendment I prepared except in the form of legislation. As I said, the work was so great and the amount of accuracy required was such that I am not prepared to say that there may not be some mistake somewhere. There is in the last section of my amendment—section 3—a mistake by incorporating bodily a section from the House bill, part of which I ought to have stricken out, after the word "cases," in line 3, down to the word "act," in line 6; so that the section would read:

That the pay of assistant messengers, firemen, watchmen, and laborers provided for in this act, unless otherwise specially stated in particular cases, shall be as follows.

Leaving out all reference to the former act which in this amendment I do not propose to re-enact or incorporate. That is a slight error of the clerk, who failed to strike out the reference to that act. I will correct that, of course.

Mr. CONKLING. Will the Senator from Kentucky be good enough to state the committee's reason for changing the pay of watchmen, changing them all in the same measure from the bill of last year?

Mr. BECK. I think that with the exception of the current fiscal year the watchmen have always had $720.

Mr. CONKLING. It is the restoration of the old pay?

Mr. BECK. Yes, sir. They were reduced for the current year, and we put them back to the old rate, many of the watchmen having very arduous duties and especially those who serve at night, and it was believed by the committee of the House, and the Senate committee concurred, that $720 was not too much.

This is all that I care to say except perhaps this: the Senate committee have made very few changes in the bill as it came from the House as far as adding items are concerned, and as they are very few I will explain to the Senate what they are.

On a very urgent letter from the Secretary of the Treasury, as we had cut down the clerks in the Treasurer's office with his consent some twenty or thereabout, we agreed to increase five clerks in the Secretary's office which the House had failed to do; it was also done in the vetoed bill, if I may designate it in that form. We added five clerks there, and we added one clerk in the Comptroller's office. We added some clerks in the Land Office. The pressure from the Land Office was very great and the facts were made very apparent that we ought to give them additional help there.

We inserted "for works of art, $5,000," which the Senator from Indiana [Mr. VOORHEES] moved as a part of the last bill, and which I believe the Senate with great unanimity passed. We gave the Treasurer a few clerks in his office proper out of those taken from another division. We have added $1,500 for the depositary at Tucson, to his pay as postmaster. We have given a stenographer to the Secretary's office of the Department of the Interior, and we have added a good deal of force upon very urgent letters from the Secretary of the Interior, which I will read when the proper time comes, to the Patent Office. The Secretary sent letters to several Senators, which many gentlemen may have seen, saying that it was impossible, unless he had more help, properly to carry on that department. So, too, in the Solicitor's office in that department, and elsewhere. But I will not go into detail.

The total that we added is $68,000, and we have reduced the House bill in the contingent expenses of the Patent Office $15,000, making it the same as in the vetoed bill; the Official Gazette, $8,000; and for the contingent expenses of the Adjutant-General's Office, $1,000, making a reduction of $24,000. There is a net addition, therefore, of $44,000. The reason why those three last amendments were made was because in copying the bill of last year the House had failed to strike them down to what the Departments themselves seemed to want for the coming year.

Mr. WINDOM. Having been absent from the city by order of the Senate, or at least by appointment of the Vice-President requiring my presence elsewhere, I was not present at the deliberations of the committee on this bill, and I should like to ask the Senator from Kentucky why it is that the bill which was agreed upon by both Houses at the present session is not reported. It seems to me it would very much have facilitated the business of the session, both Houses having carefully considered that bill, and having agreed to it in all its details except as to the political features. It appears to me the Senate would much more readily understand it if it had been reported in that form; and the House having agreed to it in that form almost unanimously, I do not understand why it has not been so reported. I like the other bill, I must confess, much better than this so far as I know.

Mr. BECK. I can only say that I very much regret that it was not so reported. I agree with the Senator from Minnesota that it would keep up the uniformity of our appropriation bills better; that our efforts for the last twelve or fifteen years, as I know, have been (and I suppose they were even before that) to simplify appropriations and to keep them in regular form, so as to be referred to year by year, and year after year we go more in detail, so that the appropriations should be kept within and confined to the particular bureaus and purposes for which they are made, so that accountability can be had and maintained. But the bill now sent by the House, while not put in that form, when you come to examine the act of the current year, which is in that form, and its amendments, is susceptible of being so carried out in detail, and I suppose it will be construed to mean that it is carrying out exactly the system we have been carrying out heretofore. I will not defend the form of the present bill, but after careful investigation I am prepared to defend and maintain the substance of it.

I am not advised as to why the House preferred this form except that it has been said to me that they believed they could pass it much more rapidly than in the ordinary mode. They seemed anxious to avoid delay. A quorum of the House was difficult to be held, and the bill was passed with great unanimity by the House under a suspension of the rules, I believe without much consideration, very few voting against it on either side of the Chamber. I believe the reason why the Senate committee deemed it best to adhere to the present form was that the House had passed it with so much unanimity; and there being some anxiety among Senators to get away, and the House having sent a resolution for adjournment at a very early day, it was thought—and I believe that was the objection to the amendment I offered—that if we went into all the usual questions in detail again perhaps it would consume more time than Senators were willing to devote to it. If it is likely to do so I am willing to let my amendment go if the Senate can see their way clear to pass the bill in its present form, which, I must repeat, I do not approve.

Mr. WINDOM. I am not asking questions to embarrass the Senator, but to get facts for myself. Perhaps I may have misunderstood him. Which bill is it that the Senator proposes to put on its passage, the House bill as amended, or the substitute?

Mr. BECK. The House bill as amended by the committee. I am instructed by the Committee on Appropriations to insist on the consideration of that bill and put it on its passage. The Senator knows that I obey orders when I cannot have my own way. I am not authorized to offer the amendment that I prepared and had referred to the committee, and therefore I shall be obliged to vote with my committee for the bill in the form in which it is presented. I prefer my own amendment, however, but cannot sustain it against the orders of my committee.

Mr. WINDOM. I would prefer to agree with the committee if I could; but I cannot vote for the bill in the form in which the committee has reported it. It seems to me unquestionably clear that, as he says, in order to understand it, we shall have to have another bill before us all the time.

Mr. BECK. That is true.

Mr. WINDOM. And when passed no one can understand it without reading one or two House bills passed in former years. Even that will be an impossibility, the Senator from New York [Mr. CONKLING] suggests.

It does seem to me that both Houses having agreed upon every item in detail in that bill at the present session, composed of the same members in both Houses of Congress, that is the short way of getting out of this difficulty. That bill was considered very carefully when it was in committee; it was considered very carefully in the Senate; it went to the House amended, and the House, I believe, unanimously agreed to all the Senate amendments. So, then, at the present session, leaving out the political features of the bill, both Houses have agreed upon every item of detail for the legislative, executive, and judicial appropriations, and it does seem to me that it is a mere formal matter to pass it if we could take it up and act upon it, as we have already considered it, and in the form in which we have considered it. I certainly dislike extremely the bill as reported from the committee.

Mr. BECK. Perhaps it would be proper for me to say a word in order that the Senator from Minnesota, who knows all about these things, having been chairman so long himself and now an active member of the committee, may understand our position. There are some important things in the House bill which were not in the vetoed bill—I will call it that to be understood—for instance, in the Internal-Revenue department, this:

To meet a deficiency in the appropriation for salaries and expenses of agents and surveyors' fees and expenses of gaugers, salaries of storekeepers, and miscellaneous expenses, being for the present fiscal year, $150,000.

The department made us understand very clearly that from the very large number of distilleries that were compelled to start, this money must necessarily be expended.

Their is another matter of some difficulty, I understand, in the House, if I have a right to speak of it. The Senate will remember that in the bill passed before they increased the salaries of six or eight officers, I thought properly. Quite a number of others thought they ought to be increased, and a complaint was made that if we increased any we should increase others equally meritorious. We declined to do that, limiting ourselves to a very few of the most urgent, and perhaps, the most meritorious cases; among others, I remember Mr. Kimmo, the chief of the Bureau of Statistics, his pay was increased. I remember that we refused to increase the salary of an Assistant Attorney-General, who seemed equally as deserving, to that of the other Assistant Attorneys-General, when they were getting a thousand dollars more than he. In order to get over that difficulty, the House failed to consider anything in regard to an increase of salaries at all, but left them all out for further consideration at the next session of Congress; and they got clear of quite a serious difficulty by not interfering at all with salaries.

The PRESIDING OFFICER, (Mr. FERRY in the chair.) The morning hour has expired. Is there objection to continuing the consideration of this bill? The Chair hears none.

Mr. WINDOM. At that point I should like to ask the Senator from Kentucky——

The PRESIDING OFFICER. The unfinished business is the bill (S. No. 594) for the relief of Thomas Langton, of Dundee, Michigan. Is there objection to continuing with the legislative bill?

Mr. GARLAND. That bill, on my motion, was made the unfinished business for to-day. I will not obstruct this appropriation bill, but give notice that I will call up the unfinished business after this bill is disposed of.

The PRESIDING OFFICER. It will so follow, of course. There being no objection, the appropriation bill is under consideration.

Mr. WINDOM. I should like to ask the Senator from Kentucky a question. There seems to be several changes, as now suggested by him, between the bill reported and the vetoed bill, to put the shortest mode of describing it. Would it not be much easier to take the vetoed bill, on which we all agreed, and make it the basis of action, and then make the changes that are required from that? It seems to me, taking that as the basis, we get rid of all the details of the bill, and there would not be more than half a dozen or a dozen distinct amendments to be acted on, which everybody could understand. But if you take the bill as reported by the committee nobody will know when the bill passes the Senate—unless the members of the committee who were present when it was considered—what it does mean, or what changes are made. I think it would be very much better to take the bill on which we agreed, and then make the changes, omitting, if you choose, the increase of salaries, and making the other change in reference to the internal revenue. Then we can discuss these separate questions, and act upon them as we like. It seems to me this is the most roundabout and difficult way we can possibly get at the consideration of the bill.

Mr. BECK. I will say to the Senator from Minnesota that my instructions are to present the bill as passed by the House with the amendments of the committee. I suppose the Senate will determine for itself. I think it can be explained so as to show that it is a bill that provides almost identically with the provisions of the vetoed bill, except as to salaries and the addition of the deficiency for the Internal Revenue department and some improvements made in regard to the Pension Office; for we have allowed in the Pension Office quite an additional force over what the vetoed bill gave it, because of the very urgent reports of the Commissioner of Pensions growing out of

the very large number of applications. I think we have improved the service in the Patent Office somewhat, and I think we have in the Land Office somewhat; in the Pension Office very largely.

Mr. WINDOM. It always furnishes a great deal of information to the Committee on Appropriations to be able to compare the bill of the last year with the bill we are considering, and I think that the forms we have adopted are, for that reason, very much better than any new forms we shall be likely to agree upon in the hurried moments of this session. Now, for the purpose of restoring this bill to the form in which such measures have been placed, without materially changing the result, I wish to test the sense of the Senate by a motion to recommit the bill to the Committee on Appropriations, for the purpose of enabling that committee to report a bill in the usual form, so that somebody can understand what is meant by it. I confess I cannot, and I do not think the Senate will understand this bill when it gets through. I do this without consultation with anybody, solely on my own motion.

Mr. HOUSTON. I do not see any great good to grow out of either the recommitment of this bill or the adoption of the substitue which has been indicated by the Senator from Kentucky. I do not understand that there is any complication in it, although I have not had an opportunity of examining it yet. The present bill was reported by the House committee and passed by the House, and is here. It makes the usual appropriations, making such amendments as the House saw fit to put upon the bill which has been spoken of as the vetoed bill. There are one or two additions which the House thought it essential to make. There cannot be any complication if you adopt the House bill, because it is framed on the existing law, is a re-enactment of the existing appropriations with very slight modifications as I understand. If you adopt the proposition spoken of as a substitute, you will have the whole appropriation bill referred to a conference committee, and then the Senate will never know what is put into it and what is put out of it.

We are here at a time when we ought to have adjourned; and why not take the bill of the House with the modifications this committee have proposed to it? Why not take that bill and those amendments and agree to them, and let it go back to the House and see if the House will not concur in the amendments? Why shall we pursue a course that will complicate, or tend seriously to complicate, the whole of the appropriations in this legislative, executive, and judicial bill? I think it is wrong, because, if you adopt the substitute, or if you return the bill to the committee and the committee adopt the substitute substantially, it will have to go to the House practically as a new bill, and the entire investigation and examination will have to be made again by the House committee and the House, and the result will be a delay of action on the part of the two Houses for several days.

Mr. BECK. I desire to ask the Senator from Alabama a question. There is a provision made for the mint at New Orleans, Louisiana, in the bill of June 19, 1878, re-enacted by the present bill. I would be obliged to him if he would take the House bill and tell me what appropriation is made for the mint at New Orleans, Louisiana?

Mr. HOUSTON. I stated in the first portion of my remarks that I had not had time to examine it. The bill and amendments have been just laid on the table; but I have too much confidence in the integrity and intelligence of the House and of the House committee to suppose they would make a stupid or confused recommendation of an appropriation bill; and, in my judgment, it is not doing that committee and the House the most ample justice when we make implied allegations of their stupidity in preparing an appropriation bill.

I have not had time to compare the bills; but I understand that the bill which the House proposes is substantially a re-enactment, with some slight modifications, of the existing appropriation law upon these very points. We understand what it is; the Departments all do; the various bureaus and officers understand it; all those who have to execute the present law certainly understand it, because they are living under it to-day. Then, where is the confusion to grow out of it? Out of what will it grow? There cannot be any confusion at all.

This bill from the House, as I understand, curtails the expenses upon some points, cuts down some appropriations; and do gentlemen propose that we shall go into a critical and minute investigation and examination? Then we shall want a little more time than seems now to be in the minds of Senators as available at this session. My own judgment is that we take up the bill from the House with the amendments of our committee here, and see if they suit us; and if so, adopt them, and pass the bill.

Mr. BECK. I do not intend that the Senator from Alabama shall intimate on this floor that I am attacking the intelligence of the committee of the House or the action of that body, by offering or preparing an amendment for the use of the Senate which sets forth the meaning of the bill clearly and distinctly. I do no such thing.

Mr. HOUSTON. The Senator will allow me to say that I could draw no other inference from what he said, because he will remember that he said if I were to turn to the appropriations for a certain mint he would like me to tell him what the sum appropriated was. That, if true, is a reflection upon the character and integrity of the proposition, or it is an implied reflection on the action of the House or of the House committee, for if the bill is in such confusion that the Senator from Kentucky and I cannot understand it, the House must have been exceedingly stupid.

Mr. BECK. To begin with, the House passed the bill under a suspension of the rules, and never looked at it. So much for the House. The Senate committee took the bill of last year, and they amended this bill, and it is only wonderful that they amended it as well as they have, considering the way in which they tried to amend it; and therefore it is in no spirit of reflection upon the House that I prepared an amendment which I think sets forth clearly and distinctly what the bill means, and it was in no spirit of criticism, except of fair criticism, when I asked the Senator from Alabama if he could tell what was appropriated by the bill sent from the House for the New Orleans mint. The Senate have a right to know every item, and to have it in a shape that they can know it; and it is not good legislation for us to send a number of questions of construction to the comptrollers and auditors of the Government or to bureau officers, who the Senator says all understand the bill. They are not legislators; they merely execute laws, and they put constructions upon them if they have any opportunity to do it, sometimes not very much in the interest of economy. If we expect to keep them under our control, which is the object of Congress, we should make our appropriations so plain that they cannot misunderstand them.

While I may not have prepared an amendment that suits the Senator from Alabama, and while it may have been a very useless job as far as he is concerned, I desire to say that I prepared it with a view of simplifying this bill, to enable Senators to understand just what it meant, and now I will tell the Senator that I asked him the question if he could turn to the House bill and state what the amount was that was given by the bill for the mint at New Orleans. If Senators will pay attention, they will see from the brief statement I shall make——

Mr. HOUSTON. I want to say one word.

Mr. BECK. I decline to yield until I shall conclude. When I have concluded my statement on this point, I will yield to any one. But I asked the question, and the Senator seemed to think it was a very remarkable one. Now I wish to show why I asked it. There is an appropriation for the current fiscal year of $57,000 "for wages of workmen and adjusters;" then there is an appropriation in the bill for the current fiscal year "for repairs and machinery" of $75,000.

Now, the House bill re-enacts all the provisions of the act approved June 19, 1878, for the service of the current fiscal year. That re-enactment of course continues in force the provision of $57,000 on page 17 of the bill "for wages of workmen and adjusters" and of $75,000 "for repairs and machinery." The second section of this bill as it comes from the House and as reported by the Senate committee provides:

> For salaries of certain offices created by acts of 1879, and for certain expenses rendered necessary by the removal of the offices of the War Department and of the Navy Department, and for matters heretofore provided for in other acts, and for the mints and assay offices, and for other purposes, the following additional sums are hereby appropriated out of any money in the Treasury not otherwise appropriated.

And among the "additional sums" thus appropriated, on page 10, lines 101 to 103, is:

> Mint at New Orleans, Louisiana: For wages of workmen and adjusters, $18,000; for repairs and machinery, $5,000.

That, standing alone, would make the wages of workmen and adjusters $75,000. That is right; we meant to make it that. It would make for repairs and machinery $75,000 and $5,000, $80,000, for these are additional sums appropriated for that purpose. Page 1, page 6, and page 10 of the bill develop these facts. Now you have to go back to page 2, at the bottom, and there among the things stricken out and excepted from the bill of the current fiscal year is this item:

> For repairs and machinery at the mint at New Orleans, Louisiana.

So that all repairs were stricken out. The $5,000 on page 10 is given as additional when all had been stricken out and there was nothing to add to; so that you have to look to page 1, to page 2, to page 6, and to page 10 of this bill and then look at the old act before you can fairly find out what is meant. It is true it is all right when done, and when once understood there is no difficulty about it, and that is the reason I said that the amendment I prepared merely simplified the bill and put in a single line almost, as is done here, in regard to the mint at New Orleans:

> For wages of workmen and adjusters, $75,000.
> For repairs and machinery, $5,000.

That is what the House did; but they had to do it, by the very form of the bill, in such a variety of ways as to make it extremely difficult to find out; and it requires very careful examination to find out in that and several other instances what is the exact state of the fact.

If the Senator from Alabama desires to ask further questions, I am ready to answer.

Mr. HOUSTON. My purpose was not to propound another question to the Senator; but he referred on two or three occasions in his remarks to the fact that I had characterized his amendment as a reflection on the House. I did no such thing as that, and I cannot imagine why the Senator should have supposed I so stated. I spoke of his amendment and said I thought we had better not agree to it, but take the House bill with the committee's amendments.

The gentleman has already referred to what I thought was rather a reflection upon the House committee, and it was his remark in reference to the mint at New Orleans. I have not had an opportunity to examine this bill with care, but I understand from the Senator

himself that there is no sort of difficulty in saying—he said so himself—that the appropriations in the bill are all right and proper; but there is some trouble in getting at them, he thinks, because you have to refer to one bill and then to another. That is a very unimportant view of the case, I think.

The great point with us is to make the proper appropriations, to guard them properly, to see that there shall be no appropriation not intended to be put in the bill, and not take them by wholesale. I propose to take the bill of the House that the committee have examined and agreed upon. Certainly I never said that these laws would have to be construed alone by executive officers of the Government. They are not legislators, as the Senator said. Nobody else has said they were. They have acted under these appropriations, as I understand, precisely as they are in the House bill. That is what I said before, and I understood from the Senator that they executed the law under these appropriations, and so acting now they understand them and can so act for the ensuing fiscal year. That was all I said. I made no reflection upon the amendment the Senator had prepared. I only preferred the House bill; so expressed myself; and Mr. President, with all respect to the Senator from Kentucky and his committee, I repeat my expression that instead of leaving these various and multiplied appropriations to be settled and adjusted and arranged by a conference committee, about which I know a good deal, I prefer that the Senate shall arrange them. I prefer, therefore, that we shall vote upon the committee's amendments to the House bill and let it go in that way.

Mr. ALLISON. I desire to say a word or two on the motion of the Senator from Minnesota, and in the beginning I will say that I quite agree with the Senator from Alabama in one thing, and that is that we should take such methods in the adjustment of this bill as will secure its speedy consideration, and it is for that reason that I support the motion of the Senator from Minnesota to recommit the bill to the Committee on Appropriations.

When this House bill came to the Committee on Appropriations, as the Senators on the committee well know, it was exceedingly difficult for us to get at the true meaning of the bill; and we decided—if I may state what occurred in the committee about the original bill—that it ought to be put in a different form, and it was so amended by the Senator from Kentucky, [Mr. BECK.] I speak only for myself when I say that it then seemed almost impossible to ascertain what the character of these appropriations was and in what respect they differed from the bills we had passed heretofore; and therefore it was that I suggested, or rather the Senator from Kentucky asked my advice with reference to the propriety of taking the whole bill of last year and appropriating in detail. I concurred with him that it would facilitate our operations to do so, and hence, if this bill is not to be recommitted, my judgment is that the best way to consider this question is to take the amendment proposed by the Senator from Kentucky, rather than the amendments proposed to the original House bill by the committee. There can be no difficulty in this course. We have spent nearly two months of this session and the last session in the consideration of the legislative bill, and the House has spent nearly two months in the consideration of the same bill, and every feature of it, every item of it, is familiar to the Committee on Appropriations in the House. I cannot understand why it was that they took as the basis of their appropriations the bill of last year, instead of taking the substance of the vetoed bill, which had four times been considered by the House and by the Senate, and finally agreed to, with the exception, of course, of the political legislation.

It is perfectly easy for the Senate to understand the bill, which has twice passed the Senate, which has twice been passed by the House, and make that the basis of our action now. If the Senate wants to act intelligently it seems to me it would so act by taking up the bill which we have recently considered, and considered at great length and detail; and there is no trouble in reference to a committee of conference, as suggested by the Senator from Alabama, [Mr. HOUSTON.] The question before us is whether or not these appropriations that have been agreed to by both Houses shall be passed substantially as they have been passed heretofore. That is all the question there is involved. We could in one day take up the vetoed bill and eliminate from it the political legislation put on it by way of rider, and eliminate from it what appears in what is entitled the supplemental civil bill, to wit, the appropriations for the judicial expenses of the Government, and it ought not to take three hours to consider the regular legislative bill. Yet if we take up the House bill now before us we shall have to consider first in detail what were the appropriations of last year, and then see how they compare with those in the vetoed bill, and then ascertain what omissions have been made in the House bill, and so on.

Now, with due deference to the House, it must be considered that this present bill passed the House under a suspension of the rules. It has in fact never been considered in the House, and it could not in the nature of things have been very fully considered in the Committee on Appropriations of the House. Therefore, in the interest of economy of time, I trust this bill will be recommitted to the Committee on Appropriations, and by to-morrow morning they can bring in a bill here making the basis of it the vetoed bill, and then in a single day we can pass these appropriations.

Mr. WINDOM. I wish to call the attention of the chairman of the committee, the Senator from West Virginia, [Mr. DAVIS,] to one peculiarity of this bill. He will find on reading the first page that the first thirteen lines of the bill contain, as I understand, all of the appropriating clauses for nearly $20,000,000. Then follow nineteen pages of exceptions. I want to call the Senator's attention to that. Thirteen lines cover the entire appropriating clauses of the bill, and nineteen pages of exceptions follow those thirteen lines.

Mr. DAVIS, of West Virginia. Oh, no.

Mr. WINDOM. Let me finish my statement.

Mr. DAVIS, of West Virginia. The Senator is mistaken.

Mr. WINDOM. Let us see.

Mr. DAVIS, of West Virginia. There are a great many conditions here not in the other bill at all.

Mr. WINDOM. Then I will modify my statement a little; nineteen pages of exceptions and explanations and conditions follow.

Mr. DAVIS, of West Virginia. Conditions that are very important.

Mr. WINDOM. Then the Senator from Kentucky, justly recognizing the fact that nobody could possibly understand this bill as reported, has himself brought in a bill of eighty-eight pages as a commentary upon the bill which the Senate is asked to pass. Now, for one, I very much prefer to act upon the commentary itself, and then we shall know what we are doing. Here is the amendment proposed by the Senator from Kentucky covering eighty-eight pages, brought in, as he says, for the express purpose of enabling the Senate to understand what is meant by the bill which comes to us from the House of Representatives.

Mr. CONKLING. Intended as marginal notes and addenda.

Mr. WINDOM. Intended, as suggested, as marginal notes and addenda to the bill. If the Senate will agree to pass the House bill, and then pass this as an explanation of it, it possibly may be understood by somebody hereafter.

Now the Senator from Alabama suggests that the short way of doing this thing is to take the House bill and pass it. That is the short way; but it is not the way by which any Senator on this floor, not even the Senator from Alabama himself, can tell what this bill contains; and I venture to say that, with all the intelligence and experience which the Senator from Alabama has had upon the subject of appropriations, he cannot in two days' study tell us what this bill reported from the committee means.

Mr. HOUSTON. Is the Senator from Minnesota a member of the Committee on Appropriations?

Mr. WINDOM. I am.

Mr. HOUSTON. Then if it is true that I could not take the bill and tell in two days what it means, I should like to know why the Committee on Appropriations ever reported it back here with some amendments, as they did? Why was it brought here? Does the Senator understand it himself? If he does not understand it, why did he bring it here?

Mr. WINDOM. That is what "no fellow can find out."

Mr. HOUSTON. Why did that committee report it to us? The Committee on Appropriations constitutes the official organ of this Senate on that subject, and we backwoods fellows over here, outside Senators that are not on the Committee on Appropriations, propose to follow the committee. And I am surprised to hear that a distinguished Senator of that committee should get up and say that the bill cannot be understood, while he has been, I suppose, one of those who have been in favor of reporting it.

Mr. WINDOM. I want to say to the Senator from Alabama that he is entirely mistaken. I did not have the honor of being present at the committee at all.

Mr. HOUSTON. Then I tell my friend he ought to have been.

Mr. WINDOM. I will say that I ought not to have been, for by direction of the Vice-President I have been elsewhere attending to my duties as a Senator.

Mr. HOUSTON. Then I take back what I said about the Senator.

Mr. WINDOM. I have nothing more to say about this matter except simply to repeat the fact that the Senator from Kentucky who has charge of this bill, as I judge from the remarks he has made here to-day, agrees with me fully upon this proposition. The amendment which he has proposed here is the best evidence I can give that he agrees to the proposition that we ought to understand this bill and that we ought not only to understand it ourselves but that we ought to put it in such shape that somebody else can understand it when it goes from our care after it shall have passed the Senate. Now, I guarantee that the Senator from West Virginia, who is about to take the floor, agrees with me at heart also that no such new precedent for passing $20,000,000 of appropriation should be adopted under the plea that there is too short time to pass the bill in proper form.

It is utterly impossible, I think the Senator will agree with me, for any Senator to understand it unless he takes the bill of last year and compares it section by section, line by line. Otherwise he cannot know what is meant in a large proportion of this bill. I want the Senator to tell us when he takes the floor whether he believes that it is good practice to appropriate almost the entire sum of $20,000,000, or whatever it is, in thirteen lines, and then take nineteen pages to make up your exceptions and additions to another bill of eighty-eight pages, as an addendum or explanation of the bill we are about to pass.

Mr. DAVIS, of West Virginia. Mr. President, I regret that there is any necessity whatever for the discussion of this morning. It is un-

fortunate, I think, especially as between the members of the Committee on Appropriations. It is true, as the Senator from Minnesota has said, that he was not present at the different meetings that the Committee on Appropriations had while considering this bill. If he had been, he would have had less necessity for his inquiries this morning.

Mr. WINDOM. I think so, too; for I think I could have convinced the Senator that he never ought to have brought in a bill in this form.

Mr. DAVIS, of West Virginia. I did not say that, and I do not say that; but I do say if the Senator from Minnesota had been present when this bill was considered in committee he would not, in my opinion, have moved to recommit it. He has been absent on other duty by order of the Senate. Nobody is to blame for that; but certainly if the Senator had been present during the different meetings and sittings and discussions of the House bill by the committee, he would have understood it much better than he appears to understand it this morning.

Now, Mr. President, there is more than this body that has to be consulted about appropriation bills. No one can understand better than the Senator from Minnesota that another branch prepares the appropriation bills, and not this. It is not in such matters a question alone what shall be appropriated or how the bills shall come to us. Could the Senate do otherwise than accept this bill as it came from the House? Has the Senate a right to originate appropriation bills?

Mr. ANTHONY. Certainly we have a right to do so.

Mr. DAVIS, of West Virginia. It never has been done to my knowledge; and the Senators on that side of the Chamber have always admitted by their action that the House has the right.

Mr. ANTHONY. That is a question which has been long in dispute between the two Houses, and has never been settled.

Mr. DAVIS, of West Virginia. The House has always originated the appropriation bills. Therefore, it is settled by practice at least. However, it is not only this body that is to act, but the House of Representatives also; and in considering this bill we must consider that we are not the only persons that have a word to speak about such a matter. The Senate Committee on Appropriations probably never would have presented the bill we are now considering, but it came from the House, and the committee have amended it; and I say now that it is substantially the vetoed bill. Senators may knock it around as they choose, or tumble it around as they choose, but when it comes up it will stand as substantially the vetoed bill, with one exception, and that is, no advance in the salaries of employés and others about the Departments, and that may—I hope it is not so—account for some of the opposition to the present bill and for the vetoed bill being preferred.

Mr. BLAINE. The honorable Senator from West Virginia does not intend to imply that this bill resembles at all in form either of the bills that were vetoed?

Mr. DAVIS, of West Virginia. The Senator from West Virginia repeats what he said. It is substantially the vetoed bill, not in form but in fact. In fact it appropriates less money. It is a reduction from the vetoed bill, and in that respect it is an improvement. It advances no salary; in that respect it is an improvement.

Mr. BLAINE. That I know nothing about, but the Senator from West Virginia must very well know that for the first time in fifteen years an attempt is made to appropriate money in this form. About fifteen years ago or a little more than that there was a very great reform made in regard to appropriating the public money, in regard to the subdivision of the items under different heads in different bills, and then in regard to the perfect simplicity with which every sum was appropriated to the specific object for which it was intended. Now this bill comes to us just about as intelligible as we sometimes read of an act in addition to an act explanatory of an act to amend an act entitled an act so and so. It is a confused mass.

Mr. DAVIS, of West Virginia. I gave way to the Senator for a question, not for a speech.

Mr. BLAINE. A moment. It is an utterly confused mass through which any accounting officer can drive a six-horse team at any corner.

Mr. DAVIS, of West Virginia. Now what is the Senator's question?

Mr. BLAINE. I merely asked the Senator whether he intended to imply that this bill was in the remotest degree in the form in which money has been appropriated during his service in the Senate?

Mr. DAVIS, of West Virginia. I said to the Senator it was not in form, but that in substance it was. The Senator from Maine, the Senator from Minnesota, and the Senator from Iowa, all helped to prepare last year's bill, and they helped to pass it; and they ought to know what is contained in the present year's bill, if they do not know.

Mr. ALLISON. Will the Senator allow me to ask him a question?

Mr. DAVIS, of West Virginia. Certainly.

Mr. ALLISON. If that is the proper method of appropriation, then we could, it seems to me, according to the logic of the Senator from West Virginia, dispense with the Committee on Appropriations very nearly, because we might simply appropriate at each succeeding year what we appropriated the year before.

Mr. DAVIS, of West Virginia. Oh, no.

Mr. ALLISON. That is what we are doing in this bill.

Mr. DAVIS, of West Virginia. Oh, no.

Mr. BECK. It is in the power of Congress to do that, if it chooses.

Mr. DAVIS, of West Virginia. It is within the power of Congress to do it, but it is not done in this bill, for the Senator from Minnesota and the Senator from New York have both told us that there were fifteen or twenty pages of exceptions, so that it cannot be the same. That is understood.

Now, what is to be gained by a recommitment? What can be done that has not been done? It is true the Senator from Minnesota has not been present, but his presence will be the only member of the committee who will be added. I do not know that much more could be done or said than has been done or said. Bear in mind that this session is drawing near a close, or it ought to be at least. Bear in mind also that the Committee on Appropriations for three days have considered this bill, line after line, and they compared the current year's bill and the vetoed bill with the bill now before us. It has been the labor of three or four days in the Appropriations Committee, and I do not know a single Senator here who can put his finger on a line that cannot be explained properly and that does not appropriate the money just as clearly and perhaps as intelligibly as if the other form were adopted.

Mr. BLAINE rose.

Mr. DAVIS, of West Virginia. I see both of my friends rise. Content yourselves. Sit down.

Mr. WINDOM. Has the Senator any objection to my standing in my place?

The PRESIDING OFFICER. Senators will address the Chair.

Mr. WINDOM. If the Senator has no objection, I can hear him better when standing. If the President of the Senate orders me to take my seat, I will do so.

The PRESIDING OFFICER. Does the Senator from West Virginia yield?

Mr. DAVIS, of West Virginia. To the Senator from Minnesota always.

Mr. WINDOM. I do not ask the Senator to yield. I have been so struck with admiration at the Senator's statement that I sought to listen to it.

Mr. DAVIS, of West Virginia. I think I can convert the Senator if he will listen to me, and show him that he is all wrong.

Mr. WINDOM. If the Senator is through, I want to ask him a question.

Mr. DAVIS, of West Virginia. I thought the Senator had something to say.

Mr. WINDOM. I want to ask a question. The Senator says there is not a line of the bill that cannot be explained. I ask him if he can take the bill and upon the language of the bill itself, without referring to other statutes, explain it at all? In other words, ought not an appropriation bill to explain itself?

Mr. DAVIS, of West Virginia. The Senator well knows that in every appropriation bill that is passed we have to take the appropriation bill of the year previous to explain what it means. That is always the case; and the Senator well knows it.

Mr. WINDOM. Ah, Mr. President, you have not to take the last year's bill to explain what the bill on its passage means. The bill before the Senate always explains itself, as a general rule.

Mr. DAVIS, of West Virginia. The Senator from West Virginia has the floor, but he yields a moment for a question.

Mr. WINDOM. The question is this: have not all the bills hitherto explained themselves upon their face, without having to refer to another bill to ascertain what the bill under consideration meant?

Mr. DAVIS, of West Virginia. Not always.

Mr. WINDOM. Is not that the rule almost universally?

Mr. DAVIS, of West Virginia. It is the rule; but there are exceptions.

Mr. WINDOM. Very few exceptions have ever existed, I will say to my friend.

Mr. DAVIS, of West Virginia. The Senator from Kentucky has well described this bill. I agree with him in much that he has said. Perhaps he goes a little further than I would, but I agree with him in much that he has said. I know there is objection to it, but what is there to which there may not be objection? Do you not find objections to every appropriation bill and almost every other bill that comes up? Senators who desire to object can always find objections to a bill, no matter how perfect it may be. I am sure that any of my friends here can find objection to almost anything that we undertake to do or want to do, especially in the matter of appropriations.

My good friend from Minnesota has been for many years the chairman of the Committee on Appropriations, with whom I have served very agreeably, and I am only surprised to-day to see him, especially when he was not present at the consideration of this bill in committee, throwing obstacles in the way of it. I did not expect it from him. However, he has a right to do it.

Mr. WINDOM. I will say to the Senator on that point that I regretted to do it, but I feel it to be a duty which I owe to the Senate to call attention to the fact that this bill is without precedent in form.

Mr. DAVIS, of West Virginia. No Senator has yet pointed out any substantial objection. If there is a substantial objection, point it out.

Mr. BLAINE. Will the honorable Senator from West Virginia allow me a moment?

Mr. DAVIS, of West Virginia. Wait a moment.

The PRESIDING OFFICER. The Senator from West Virginia declines to yield.

Mr. DAVIS, of West Virginia. No, I do not; but I should like to have one or two words to say in my own speech, and not have everybody else make it up for me. I do not want to prolong this discussion. I would vote with the Senator to apply the five-minute rule, but I do not want to cut off other Senators. I will at the proper time vote to apply that rule if it is necessary; but I would give all Senators a fair chance. I will not move to lay on the table the motion of my friend from Minnesota, but I think it an unnecessary motion. Let us here determine what is the proper course to pursue, and after we have determined what is to be done, let us make progress, and not stand here and debate as long as we have done.

Mr. President, the bill before us is either proper or improper; and no Senator yet, only except upon general grounds, has pointed out a single error, a single item, in which the present bill does not cover the matter which it contemplates to cover.

Mr. WINDOM. We cannot tell what it is.

Mr. DAVIS, of West Virginia. No Senator yet has risen in his place and said this bill is wrong in fact, that it does not appropriate what it ought to appropriate, or that it has omitted to appropriate what ought to have been inserted, or that it has added what ought not to have been added. Let some Senator do so if he can. I will not claim that I can answer, but my friend from Kentucky, I believe, can answer any question as to the appropriations, whether they are proper or improper. If the Senator from Minnesota finds any item in this bill that ought not to be there, or if he wants to add anything that is not there, let him point it out.

Mr. WINDOM. The very difficulty is that I cannot, and no other Senator can, ascertain without two or three days' study whether it is right or wrong. That is the very point of my objection.

Mr. DAVIS, of West Virginia. Then my friend ought to take the two or three days' study before he undertakes to show that it is wrong.

Mr. WINDOM. I wish to have a bill presented from which I can learn by the language upon its face whether it is right or wrong.

Mr. DAVIS, of West Virginia. My friend has told the Senate that he understands what we have termed the vetoed bill. If he understands that, he understands this bill in everything except the reduction of salaries.

Mr. WINDOM. I have great faith in my friend from West Virginia, but I would rather not appropriate $20,000,000 simply upon a statement of what the bill contains. I should like to know myself, if I can be permitted to know, what we are doing. I have great faith in the Senator, but I do not think it is proper legislation.

Mr. DAVIS, of West Virginia. Great faith in the Senator from West Virginia, with all respect to my friend, makes no difference one way or the other.

Mr. WINDOM. That is the only way we can ascertain what is in the bill.

Mr. DAVIS, of West Virginia. Let me ask the Senator if both the bills are not before him and if they have not been in the Senate two days? This is the third day that the bill we are now acting upon has been in the Senate; the second day that it has been printed and on our desks; and why is there this objection? If there is an objection just point it out. I ask again any Senator, if there are objections to this bill, point them out. If not, why do you object to it? What is the use of objecting if there is no objection to the bill except that it does not appropriate money as we want it appropriated? It does not appropriate it as we have been in the habit of appropriating, I admit. The Senator from Kentucky has told you so. The Senator from Kentucky has said that, and I have agreed with him; I would have preferred another form, and the very form the Senator now prefers; but what is the result? Suppose we take the other form and substitute it for this bill, is it not likely, from all the circumstances, from what we know of the condition of things at the other wing of the Capitol, that it would detain us much longer than to pass this bill and not make opposition to the bill which the House have sent to us?

Mr. President, it appears to me that no good can come from recommitting this bill. There is nothing that can be done that has not been done. As I said, I will give way to any Senator who will point out some item in this bill that ought not to be there, or some item not in it that ought to be in. The committee has endeavored to substantially adopt the vetoed bill, the very one our friends want, with the exception of the increase in salaries. I should have voted for some increase of the salaries to a limited extent; but that portion is not in this bill. Let me say to my friend from Minnesota that before making a motion to lay the motion to recommit on the table I will give way to any Senator on the other side to state such an objection to the bill. I believe we ought to have a fair discussion. I do not want to cut off debate. My friend from Kentucky says I ought not to move to lay the motion on the table. I agree with him, but I ask either one of the Senators here if there are items in this bill that in themselves are wrong, or if there are any that ought to be added. I refer now to the House bill which is before us, the one that we are considering. If so, let Senators point them out.

Mr. ALLISON. I want to ask the Senator from West Virginia if I understood him correctly to say that the only difference between this bill as proposed and the vetoed bill is in regard to the increase of official compensation?

Mr. DAVIS, of West Virginia. There is no other substantial difference, I said.

Mr. ALLISON. Then the object of the bill is in this indirect way to get rid of increasing three, four, or half a dozen salaries, is it? Is the only object in reappropriating the bill of last year to get rid of a few salaries?

Mr. DAVIS, of West Virginia. Oh, no.

Mr. ALLISON. Then what is it?

Mr. DAVIS, of West Virginia. The Senator knows well that there are twenty or thirty pages of exceptions.

Mr. ALLISON. Very well; if that is the only difference, it seems to me that it would facilitate the consideration of the measure to take up the bill that we have recently considered instead of taking up the law of last year and re-enacting it, because that is what it is, with twenty or thirty pages of exceptions.

Mr. BECK. Mr. President, I only desire to say one word. The amendment I submitted was prepared for a double purpose. First, if the Senate would determine upon that form, I thought the form perhaps would be more in accordance with usage. The reason why I prepared it in the form I did, and took the pains I did, was this: I could not obtain copies enough of the law for the current year to supply each Senator with it, so that he could read it for himself while the measure was under consideration; I knew no way of getting it printed for the use of the Senate in time, but I could in the form of an amendment take the law of 1878, being the act making appropriations for the current fiscal year, and compare it carefully with the vetoed bill, with the bill of the House, with the bill as amended by the Senate, and I could lay it before the Senate, as has been done this morning, so that each Senator would have the act for the current fiscal year in his hands; and having compared my amendment with that act he would find that, except where the Senate and the House have amended this bill, or where the footings are made different because of the increased pay of watchmen and some other items, he has in fact the act for the current fiscal year before him. Unless some mistake was made by the clerk or myself, he has that act. It was the only form in which I could get that act. When I came to compare it with the bill sent to us by the House and with the Senate amendments, and put all three together, I found that the House in fact had made very few mistakes, fewer, as I said, than I supposed would have occurred under such circumstances. The Senate Committee on Appropriations have, as far as they could, amended the bill wherever they found any mistakes. It is proper to say that while the House committee were considering the bill in this form, believing it was the shortest way, they accepted any suggestion that was made by any member of our committee, considered them all carefully, and added them to their bill, so that there is no objection to the form, having upon investigation found out that if the bill passes it will be construed just as the amendment submitted by me puts it.

I therefore waive any desire to press the amendment that I offered, having accomplished substantially what I desired, and having put the matter in a shape where each Senator can see for himself what the pending bill means, or so that if I made a mistake all would be able to ascertain it. Hence while I object to the form of the House bill individually, I shall endeavor to sustain the bill as amended, believing that no serious harm will be done. By adhering to it we can get away perhaps three or four days or a week sooner than if we were to open the whole bill up again. With the resolution of adjournment passed by the House before us, and with the great effort required to hold a quorum much longer, I was willing to waive the form for the purpose of obtaining prompt action.

Mr. BLAINE. If the Senator from Kentucky is going to fail us, there is no opportunity for reform. I should not have ventured the slightest effort in the direction of changing this bill if it had not been under the lead of my distinguished friend from Kentucky. It was because he so thoroughly appreciated it, and because he had served with such distinction on the Appropriations Committee in the House, and for the last three years in the Senate, that I supposed he of all men was competent to lead us; and I was about to follow him. But if he, I will not say deserts, but falls by the wayside, the former chairman of the Committee on Appropriations, and myself, and the Senator from Iowa will have nobody to direct us.

The honorable Senator from West Virginia, who is chairman of the Committee on Appropriations, wants to know a single point in this bill that is objectionable. It is forbidden by the rules of the Senate to state what took place in the Appropriations Committee; but so far as that work is shown in the bill itself, I may quote it, and I may say on that subject that I think the universal opinion of the Committee on Appropriations was that a more angular, disjointed, unintelligible hodge-podge was never presented for an appropriation bill in this country.

In the first place, as the Senator from Minnesota has well said, the bill starts in nineteen lines to appropriate the sums appropriated last year, and then it says:

Provided, That nothing is appropriated by the foregoing section.

We had to strike out "the foregoing" before "section," because there was not any "foregoing section" in the bill; this was the very first section we were legislating about; and we had to put in the word "this" before "section." On the sixth page, the Senator from Kentucky, with his acumen, discovered that the bill of exceptions up to that point had no appropriating clause at all. Had we enacted those six pages as they came from the House, covering and involving

some millions of money, there would not have been the authority of law for drawing a single cent upon the warrants of the Treasury Department. I do not know but that some like blunder may have escaped even the eagle eye of my friend from Kentucky. I feel like one treading on hot ashes. We do not know where we shall go through. We found those two great blunders. Now, let me read parts of the bill as it stands. First let me take this clause:

Provided, That nothing is appropriated * * * for "legislative expenses" of either of the Territories, namely, of Arizona, of Dakota, of Idaho, or of Montana, (but the usual annual amount of $2,000 to each of said Territories for the expenses of the secretary's office is hereby appropriated;) nor for rent of the "Towson House," or to "repairs of the roof or flooring of the Army Medical Museum."

Can any man make any sense out of that? That is just the way it reads in the bill. When we go a little distance further, here is one of the exceptions:

Under the heading "House of Representatives," the clause commencing "for eight messengers" is hereby amended by striking out therefrom the name "Henry Douglas."

In the name of common sense, who knows anything about Henry Douglas? Why should that name be stricken out, or why was it ever inserted, or what earthly connection is there to let the Senate know why "Henry Douglas" had appeared before in any previous year or why he should not be appropriated for now? Then it goes on in another place as follows:

The clause commencing "twenty-eight pages" is amended to read "twenty-nine," and the sum of the clause shall read "$15,865;" the clause "for fuel and oil for the heating apparatus" is amended to include "also, and for steam-pump and condenser for same."

That is the way this appropriation is made. If anybody is able to English it, if anybody is able to interpret it, he understands the English language better than I do. I repeat what I said before, that the appropriation bill, involving some of the most important appropriations for the support of the Government, if passed in this form, will depend upon the friendly construction of the Auditors and Comptrollers in the Treasury Department, and no man except by the application of good nature on the one side and technical knowledge of law on the other side will be able to tell what is appropriated and what is withheld. I do not want to use a strong phrase, but I do feel that it is little short of a disgrace for an intelligent Congress of the United States to send that out as an appropriation of public money.

Mr. DAVIS, of West Virginia. Mr. President, just one word and then I am done. I hope the bill will not be recommitted. After reflection I will not move to table the motion. I think the bill ought not to be recommitted; and therefore I hope all the friends who want to pass an appropriation bill and get away some time or other will take the bill as we have it here now and let us go on with it.

Mr. CONKLING. Mr. President, I am included in the last remark made by the Senator from West Virginia. I am one of those who both wish to pass an appropriation bill and wish to get away from here; and yet I am going to vote either for a motion to recommit or for any other motion which will prevent the adoption of such a bill as has been sent us as the legislative, executive, and judicial appropriation bill deemed fit by the Senate in this year of grace to be put upon the statute-book.

I am aware that this is an extraordinary session; I am aware that it is a good deal warmer now than it was two or three months ago; and I am aware of several other things making it exceedingly convenient to break up Congress and to go away from here. Indeed the urgency in this respect is so great that I do not know but that it would have much impression upon me in this vote but for a single circumstance. It so happens here that we have not the excuse of expedition for passing this confused, obscure, and unintelligible bill. If I mistake not, four times within the last three months (and if I am wrong I ask the Senator from Kentucky, who is intelligent upon this subject, to correct me) the two houses of Congress have, by distinct action each time, agreed upon every item of appropriations proposed for or contained in the legislative, executive, and judicial appropriation bill. When I say "items of appropriation," of course I do not include the partisan or political sections, whatever they may be called, relating to general legislation.

We have therefore within reach, in print, revised and perfected, a bill which the Senator from West Virginia, as a member of the Committee on Appropriations, as a member of the Senate, as every other Senator on both sides, has four times voted and declared to contain item by item the proper items for appropriation in this bill for this year. If there is any mistake about this, I beg to be set right.

Mr. DAVIS, of West Virginia. Will the Senator be kind enough to explain what he means by saying that the bill has been four times agreed to?

Mr. CONKLING. I will. I will explain that twice during the closing days of the last session of Congress, when the Senator from West Virginia was not only a Senator but a member of the Committee on Appropriations, the legislative, executive, and judicial bill, every single item in it, was agreed upon and approved by the Appropriation Committees of both Houses, by the conference committees appointed by both Houses, and by every member of the two Houses which together they represented; and the only difference was upon a certain section or sections in the bill; appropriating no money but political in character, and they have come to be familiarly denominated political and general legislation. I mean that that having occurred twice during the last session, it has twice occurred during this session; that every item deemed fit and needed, this bill was agreed upon by the whole of each House. Now, am I wrong in that?

Mr. DAVIS, of West Virginia. I take it the Senator means that the committees passed upon them, but not the Senate twice in each session. Again, there are, I suppose, fifty items probably in the bill now before us that were not in the former bill.

Mr. CONKLING. Let us take one thing at a time.

Mr. DAVIS, of West Virginia. They were not in the bill of the last Congress.

Mr. CONKLING. One moment; let us take one thing at a time. Does the Senator say that the Senate did not itself pass this bill at the last session? Did not this bill come here from the House? Was it not amended by the Senate? Was it not approved, as slightly amended, by the Senate? Was it not returned to the House, and a second time approved there? Did it not come back here and was it not approved here, always saving and excepting only the political sections of the bill?

Mr. DAVIS, of West Virginia. In a wholesale way, just as it occurred in the other case, but not item by item.

Mr. CONKLING. I care not whether it was wholesale or retail; the affirmation that I make is that these items having been scrutinized by the committees of both Houses at the last session and at this, having been submitted to the scrutiny of the Committee of the Whole in the House and of the House itself, of the Committee of the Whole in the Senate and of the Senate itself, have been approved no fewer than four times, and are all in print perfected and completed, for the use of the Senate and of the committee. That is my assertion. It was challenged, and out of the challenge has come the proof, and no Senator will rise to deny it.

Mr. DAVIS, of West Virginia. The Senator says it has been approved. I say, yes, if he means that the announcement has been made at the door of the Senate and reported at the desk in a wholesale way, and the Senate asked a conference. If that is the way the Senator says we went over the bill item by item, I agree with him.

There is one other thing. That was in the last session. At the last session the bill was never agreed upon; it was in conference all the time; it never did get out of the conference.

I have stated to the Senate that there are probably fifty items in this bill that were not in the bill that failed in the last Congress. There are a number of items in the bill we are considering that were not in what is known as the vetoed bill, notably among them $150,000 for deficiencies in the Internal Revenue Department. In regard to the present bill I will ask the Senator from New York the same question that I asked the other Senators, is there an item in the House bill we are now considering that is objectionable, or is there anything left out that ought to be there? If there is not, why object to it?

Mr. CONKLING. It so happens that at this moment the Senator from West Virginia wishes to talk about one thing and I wish to talk about another, although I will not forget to speak of that which he wants to urge at this moment upon our attention, when I have finished the topic upon which I was dwelling.

I want to enforce, as far as the truth enforces, the fact that the legislative, executive, and judicial bill deemed appropriate for the next fiscal year has been, by item and in all the forms known to legislative action, agreed upon and approved over and over again by both Houses; and no Senator, unless he has a vague understanding or a short memory, will undertake to deny what I say. At the last session of Congress instead of a formal report being made at the door merely, as suggested, which nobody dissented to, the bill came here, was referred to the Committee on Appropriations, was examined, was reported back, was discussed, and voted upon, item by item, until it became the completed bill. It went back to the House. The House non-concurred *pro forma*, asked a committee of conference, and a committee was appointed. The committee met; they agreed upon every item in the bill, differing upon nothing except the political legislation. They came back and both of the Houses concurred in what they had done, the sole difference between the Houses being as to the clauses importing general and partisan legislation into an appropriation bill. That has happened again at this session. Here lies on my desk and lies within reach of every other Senator the product of all this legislative and committee labor.

If, as the Senator from West Virginia suggests, additions are necessary, it goes without saying that the true mode to make those additions is to treat them as additions and put them on to the bill already agreed upon. Is that a reason why, reversing the practice of twenty years, we should go back to worse than the worst form of former appropriation bills which has been found pernicious, suited to the perpetration of frauds, and adopt that? Not at all, I humbly submit. On the contrary, if the Senator from West Virginia, or anybody else, has discovered an item of appropriation in addition to those which were deemed necessary three weeks ago and up to that time, add it; but do not run a plowshare over the legislation of the last twenty years and introduce confusion, disorder, and uncertainty by saying in thirteen lines that you appropriate millions upon millions of dollars to be distributed according to some mode to be ascertained in some other way.

Mr. President, let me read what a published paper states as the language of one who has undertaken to defend this appropriation bill, and see whether it falls short of what was said by the Senator from Kentucky, or see whether he has fallen short in characterizing this bill, with what has been said about it by its own defenders. I

find as language imputed to one of those who are understood to have approved this bill these words:

I do not deny that the Treasury Department, by detailing three men, the one with the old law before him, the other with the new bill before him, and the third with a slate and pencil, might in the course of a day find out what is appropriated; and I think the Government can live under it.

There is the likeness in miniature as painted by one of those who approved this bill, and such a bill, which it is to take three men to interpret, one to read it, another to look to the law referred to, and another to keep tally with a slate and pencil where the variations occur to find out the language of the bill, is commended to us when we have, in the settled and approved form, examined, as I have said, four times within three months and four times approved by every member of both Houses, a bill which confessedly makes all these appropriations, distributing and ascribing each appropriately and certainly.

What excuse is there for that? Is there even the excuse of haste? Is there even the excuse of anxiety to be away from this extraordinary session in this heated locality? Every Senator knows that we can take this other bill, which every Senator here has voted upon as to all its items, strike out of it the political clauses upon which we have differed, and then if additional items are needed, as the Senator from West Virginia has said, add them; and there you have a bill not only in proper form, not only in proper substance, but one which we have all voted for over and over again, about which there can be no difference, and upon which there can be no criticism.

I humbly submit that it will not do, either on the ground of politics or under the intimation that we may get through quicker, to take up a wholesale measure of this sort, as it has been described by the Senator from Kentucky, and as it has been described elsewhere by those who have undertaken to defend it, and put it on the statute-book, when in the same length of time, either by taking up the amendment which the Senator from Kentucky has been to the obviously great labor of preparing, or taking up one of the prints of the former bill as a substitute, we can do all that should be done, do it properly and do it just as quickly as we can proceed to the consummation of this, as I must think, very inartificial and ill-conceived legislation.

Mr. BLAINE. Mr. President, I do not want to detain the Senate; but the honorable Senator from West Virginia asked with some confidence what particular sections of the bill were objectionable. Passing over the bulk of the appropriations, let us come to the sections which are merely legal, and see how entirely perspicuous they are. Take the last section in the bill, section 5:

That the pay of assistant messengers, firemen, watchmen, and laborers provided for in this act, unless otherwise specially stated in particular cases in the act of June 19, 1878, which it continues and makes available, (except as declared in the first section of this act,) shall be as follows.

Can any mortal man decipher what that means? I will read it again. I do not want to take any unfairness by a hasty or first reading:

That the pay of assistant messengers, firemen, watchmen, and laborers provided for in this act, unless otherwise specially stated in particular cases in the act of June 19, 1878, which it continues and makes available, (except as declared in the first section of this act,) shall be as follows.

That is the last section. Now here is another one I want to read, the fourth section:

That the fifth paragraph of that portion of the act—

It is a little long, but I ask the patience of the Senate—

Mr. DAVIS, of West Virginia. The Senator knows that that has been recommended by the committee to be stricken out.

Mr. BLAINE. Oh, yes; the committee broke down on this. I was going to state that this got a little too steep even for my friend.

Mr. DAVIS, of West Virginia. Why will the Senator read it when he knows it was stricken out by the committee?

Mr. BLAINE. I want to show that at this point the whole committee broke down. I want to show the character of the bill as it came from the House:

That the fifth paragraph of that portion of the act of June 20, 1878, making appropriation for the sundry civil expenses of the Government for the fiscal year 1879, and for other purposes, relating to the District of Columbia, be, and the same is hereby, amended so that the sum of money therein appropriated to pay the workingmen of said District shall be paid to those whose claims are due and unpaid from the District of Columbia for work under the superintendents of the late board of public works, and also from contractors whose accounts against the government of said District had been paid in part or in full prior or subsequently to the act of June 23, 1874, and of those who have not been paid prior to or since said date by the late board of public works or by the commissioners of the District of Columbia; and the commissioners of the District of Columbia are hereby directed to turn into the Treasury of the United States any moneys now in their possession due or belonging to contractors under the late board of public works who have not paid their laborers or workmen: *Provided*, That if the said sum of $75,000—

No such sum has been mentioned at all—

Provided, That if the said sum of $75,000 in said act mentioned shall not be sufficient to pay all such claims found to be due under the provisions of said act of June 20, 1878, and of this section, then there shall be made the required *pro rata* deduction of each claim; and the amount to be paid on each claim shall be paid and received in full discharge of the claim of such workman; and that no such claims shall be received, filed, or audited subsequently to the 1st day of July, 1879: *And provided further*, That the amount or *pro rata* amount found to be due to each workman shall only be paid to him in person, if living, or, in case of non-residents of the District of Columbia, by draft on the Treasury of the United States to his or their order, or to his or their legal representatives, if dead.

That actually came over from the House. I know nobody will believe it. Any one would think this was taken out of some joke-book, that there was somebody trying to make a parody on the blunders that were committed in Congress; but that solemnly came over here attested by "George M. Adams, Clerk of the House." I do not propose to analyze it; I do not feel equal to the task. It appears, I think, in it that those fellows will only get their claims who are living outside of the District, and those who are dead inside of it. [Laughter.] I say I am not equal to an analysis of it, as I am not a lawyer; I am only a law-maker. I do profess to know the English language with some reasonable degree of common accuracy, and I believe I can write a sentence intelligible to the common man. We are told that the laws ought to be so plainly conceived that he who runs may read, but neither the standing man nor the walking man nor the sitting man can read and understand that.

Mr. BECK. Section 4 is stricken out.

Mr. BLAINE. I know; I said that was out. We all broke down on that.

Mr. WITHERS. Then what was the use of reading it?

Mr. BLAINE. I read it to show the character of the bill.

Mr. WITHERS. The Senator is criticising what is not in the bill at all.

Mr. BECK. It has been stricken out and disposed of.

Mr. BLAINE. No, it is only proposed to strike it out. How do you know that the honorable Senator from Alabama [Mr. HOUSTON] and others on that side will consent to strike it out? The Senator from Alabama has been standing stubbornly for the bill as it came from the House. The honorable Senator from Kentucky has only recommended that it be stricken out. He has recommended a substitute for the whole bill. *Non constat* that the section will go out; we have only recommended that it go out. I recommend that the whole thing be kicked under the table; so does the honorable Senator from Kentucky; but it does not follow that it will be done.

Mr. BECK. I will help to keep out that section. I will say that the other section first read by the Senator from Maine is not quite subject to the criticism he suggests. It provides:

That the pay of assistant messengers, firemen, watchmen, and laborers provided for in this act, unless otherwise specially stated in particular cases in the act of June 19, 1878, which it continues and makes available (except as declared in the first section of this act)—

That being in parenthesis, for it does make exceptions to it—

shall be as follows:

Then it fixes the pay. The necessity for that was that the night-watchmen in the office of the assistant treasurer at Cincinnati got $120 each; the night-watchmen in other places got $300, $400, and $500; in San Francisco $1,000, and so on. Wherever they are specially provided for at given rates, they are allowed to remain at the rates usually fixed. Wherever they are merely described as watchmen and no salaries are fixed, then the general provision makes them all have the same pay. That is all there is of that, and it is very well expressed.

The PRESIDING OFFICER. The question is on the motion of the Senator from Minnesota [Mr. WINDOM] that the bill be recommitted to the Committee on Appropriations.

Mr. WINDOM. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BELL, (when his name was called.) I am paired with the Senator from Kentucky, [Mr. WILLIAMS.] If he were present, I should vote "yea."

The Secretary resumed and concluded the call of the roll.

Mr. PLATT, (after having voted in the affirmative.) I voted "yea" on this question. I am paired with the Senator from New Jersey [Mr. RANDOLPH] on political questions. As this seems to have taken a political turn, I desire to withdraw my vote.

Mr. THURMAN, (after having voted in the negative.) I came into the Senate just as my name was called, and did not understand that this question was taking a party aspect. I am paired with the Senator from Vermont, [Mr. EDMUNDS,] who is absent, on all party questions on the legislative bill, and I withdraw my vote.

Mr. ANTHONY, (after having voted in the affirmative.) I voted inadvertently, not supposing that so absurd a proposition as the negative of this would be a party vote, but I find that it is so taken. I am paired with the Senator from Georgia [Mr. GORDON] on political questions, and I withdraw my vote.

Mr. MCPHERSON. On this question I am paired with the Senator from Minnesota, [Mr. MCMILLAN.]

Mr. WITHERS. I wish to state that my colleague [Mr. JOHNSTON] is paired on all political questions with the Senator from Colorado, [Mr. TELLER.] If my colleague were present, he would vote "nay."

The result was announced—yeas 23, nays 32; as follows:

YEAS—23.

Allison,	Cameron of Wis.,	Hill of Colorado,	Morrill,
Blaine,	Chandler,	Hoar,	Paddock,
Booth,	Conkling,	Ingalls,	Rollins,
Bruce,	Davis of Illinois,	Kellogg,	Saunders,
Burnside,	Dawes,	Kirkwood,	Windom.
Cameron of Pa.,	Ferry,	Logan,	

NAYS—32.

Bailey,	Call,	Eaton,	Hampton,
Bayard,	Cockrell,	Garland,	Harris,
Beck,	Davis of W. Va.,	Groome,	Hereford,

Hill of Georgia,	Lamar,	Ransom,	Voorhees,
Houston,	McDonald,	Saulsbury,	Walker,
Jonas,	Maxey,	Slater,	Wallace,
Jones of Florida,	Morgan,	Vance,	Whyte,
Kernan,	Pendleton,	Vest,	Withers.

ABSENT—21.

Anthony,	Farley,	McMillan,	Teller,
Bell,	Gordon,	McPherson,	Thurman,
Butler,	Grover,	Platt,	Williams,
Carpenter,	Hamlin,	Plumb,	
Coke,	Johnston,	Randolph,	
Edmunds,	Jones of Nevada,	Sharon,	

So the motion to recommit the bill was not agreed to.

The PRESIDING OFFICER. The Secretary will proceed to read the bill.

Mr. ANTHONY. I hope that the substitute of the Senator from Kentucky [Mr. BECK] will be read first, because if the Senate should choose to adopt that, it would render unnecessary the reading of the original bill and the consideration of the amendments, which I am sure cannot be explained. I think the Senator from Kentucky has rendered a public service in the bill he offered instead of the one that was shoveled into the Senate by the Committee on Appropriations all in a heap.

Mr. WITHERS. I will state to the Senator that that amendment is before the Committee on Appropriations, and has not been reported back. It is not before the Senate.

Mr. ANTHONY. The Senator from Kentucky has proposed the amendment to which I refer.

Mr. WITHERS. It was referred to the Committee on Appropriations.

Mr. BECK. I desire to say to the Senator from Rhode Island that I offered the amendment yesterday and it was referred to the Committee on Appropriations. It has not been reported back by that committee. I was instructed this morning (and the Senator from Rhode Island may put whatever construction on that he chooses) to insist on the House bill with the Senate committee's amendments. Having done that, I do not feel at liberty, so far as I am concerned, either to present the amendment that I offered yesterday to the Senate or to vote for it if it is presented, because my committee having instructed me to insist on this bill with the committee's amendments I feel compelled to stand by the action of the committee in that regard. That is all I have to say.

Mr. DAVIS, of West Virginia. Let the bill be read at length.

Mr. BECK. There has been so much discussion in regard to it now, and all the matters connected with it seem to be so well understood, that I hope the amendments will be acted upon as they are reached in the reading. When the bill was first brought up I thought it should be read through so that the Senate could follow it. It seems to me now that Senators fully understand it without having it read through before the amendments are acted on.

Mr. CONKLING. If my friend will allow me one moment, suppose after we have acted upon the amendments *seriatim*, the substitute of the Senator from Kentucky, (which if he does not offer it no doubt somebody will offer,) finds a majority in the Senate. The Senator must see that we shall find out then that it was not worth while to spend time in doing what might be called perfecting the other bill before the vote on substituting his amendment for it.

Mr. BECK. If any Senator desires it the bill may be read through first before we act upon the amendments, of course.

Mr. CONKLING. I think the better way would be for somebody to offer the Senator's substitute. It will save time to adopt that rather than to have the amendments of the Committee on Appropriations first acted on.

Mr. HOUSTON. The course suggested by the honorable Senator from New York would not save a minute's time. When the substitute is offered, it is the province of the body to perfect the original matter proposed to be stricken out by the substitute, as well as the substitute itself. Therefore I think we had better go through with this bill. The course suggested will not save any time.

Mr. CONKLING. If the Senator will allow me, I entirely agree with him that it is in order to perfect the text before moving to strike out the text, and if the object was to filibuster and to consume time, a few Senators no doubt might detain the Senate for several days. But I assume that everybody will be willing and glad to have this preliminary question settled, namely, whether the Senate will proceed with the substitute offered by the Senator from Kentucky or proceed with the original bill.

Mr. HOUSTON. I do not think there is any danger of filibustering in the Senate. I understand it is probably exercised to some extent, unfortunately, at the other end of the Capitol. Here I take it for granted that Senators desire to discharge their duties and they will do so. Until we pass upon the bill from the House and adopt or reject the amendments of our committee, I should not know probably whether to vote for a substitute or not. Therefore as it would not economize time at all, I prefer before voting on the question of striking out the original text that we shall perfect it.

The PRESIDING OFFICER. The Secretary will proceed with the reading of the bill as amended by the committee, and as the Chair understands the amendments are to be acted upon as they are reached. If there be no objection that course will be pursued.

The Secretary read the first section of the bill, to the proviso beginning in line 20, as follows:

That for the purpose of providing for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the same sums of money and for the like purposes, (and continuing the same provisions relating thereto,) as were appropriated for the service of the fiscal year ending June 30, 1879, by the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes," approved June 19, 1878, (except as hereinafter declared,) subject to all the limitations and conditions in respect to the disbursement of the appropriations hereby made that were imposed by said act and the other laws of the United States upon or in respect to the appropriations made by said act.

The first amendment of the Committee on Appropriations was, in section 1, line 21, after the word "by," to strike out "the foregoing" and insert "this;" so as to read:

Provided, That nothing is appropriated by this section for "the purchase of the copyright and plates to the reference index to the Revised Statutes of the United States;" for a telegraph operator at the Executive Office; for more than eighty clerks of the class paid $900 per annum each, in the office of the Treasurer of the United States; for more than twenty-nine clerks of class 1; for more than eighteen clerks of the class of $900 under the same officer, "employed in redeeming national currency," &c.

The amendment was agreed to.

The next amendment was, in section 1, line 29, after the words "employed in redeeming national currency," to insert:

(And seven of the clerks of class 1 so employed are hereby transferred to the office of the said Treasurer.)

So as to read:

(And seven of the clerks of class 1 so employed are hereby transferred to the office of the said Treasurer;) "for temporary clerks for the Treasury Department;" "for replacing boilers and enlarging and rebuilding the boiler-house of the mint at Carson, Nevada;" "for repairs and machinery at the mint at New Orleans, Louisiana;" "for purchase of library for the use of the General Land Office;" "for legislative expenses" of either of the Territories. &c.

The amendment was agreed to.

The next amendment was, in section 1, line 37, after the words "for legislative expenses," to strike out "of either;" and after the word "Territories" to strike out "namely;" so as to read:

"For legislative expenses" of the Territories of Arizona, of Dakota, of Idaho, or of Montana, (but the usual annual amount of $2,000 to each of said Territories for the expenses of the secretary's office is hereby appropriated;) nor for rent of the "Towson House," or to repairs of the roof or flooring of the Army Medical Museum; "for the special purpose of investigating the history and habits of insects injurious to the cotton plant," other than that appropriated by this act to be expended by the entomological commission, or for the southern claims commission.

Mr. WINDOM. As that concludes the first appropriating paragraph, I would be much obliged to the Senator from Kentucky if he would inform me how much money is appropriated by that paragraph?

Mr. BECK. I can inform the Senator with perfect accuracy how much is appropriated by the whole bill. The amount is $15,826,479.11, to which the committee of the Senate has added $68,000, making fifteen million eight hundred and ninety-four dollars and a fraction. Does the Senator wish to know the exact amount that is appropriated under the bill for the current year, and what is the exact amount added by these amendments?

Mr. WINDOM. Yes; we are supposed——

Mr. BECK. I can inform the Senator in the course of an hour or two, but I cannot at this moment, because I did not expect the question to be asked.

Mr. WINDOM. We are supposed to be acting on this matter in detail, and I should be much obliged to the Senator before voting upon the concluding amendment in this paragraph if he would tell me within $5,000,000 how much money is appropriated by the paragraph?

Mr. BECK. I can say that the other amendments we have added amount to less than a million dollars. The bill for the current fiscal year provides for at least $15,000,000.

Mr. WINDOM. Is it rather the Senator's impression, then, that there are some fourteen or fifteen million dollars provided for in this paragraph?

Mr. BECK. I think so. All that is provided for in the bill of the current fiscal year is provided for, less the items that the Senator observes are excepted.

Mr. WINDOM. Would the Senator like to commit himself within a million?

Mr. BECK. It is almost impossible at any point in a bill to say it appropriates so much up to this line, so much up to that line. I cannot say that. As to the whole bill I can speak.

Mr. WINDOM. I can take up the Senator's bill which he submitted as a substitute and I can tell him at the end of any paragraph just how much money is appropriated by it.

Mr. BECK. By stopping and adding.

Mr. WINDOM. After each paragraph is added up we can ascertain.

Mr. BECK. It can be settled how much is in the particular paragraph, but of course addition has to be made of all the previous paragraphs to tell how much the bill contains up to that point.

Mr. WINDOM. But I am now called upon to consent, either by my silence or by my vote, to the adoption of the paragraph which has been read, and I really should like very much to know within a million or two how much it appropriates, if it is agreeable to the Senator or to the committee reporting it to let me know.

Mr. BECK. I will tell him. Up to that point, with the exception of a few changes, all that was appropriated by the bill for the current fiscal year has been provided for. I hold in my hand a list of the changes that have been made from the former bill by this bill, the increases and decreases. There has been a reduction of $126,984, and an addition of $87,610, leaving out the $150,000 which we are obliged to give the Internal Revenue department, for reasons explained awhile ago.

Mr. WINDOM. But does that touch this paragraph?

Mr. BECK. It touches this paragraph, except a very few amendments that change the amounts for the Pension Office, the Patent Office, the Land Office, and perhaps for the mints.

Mr. WINDOM. I appreciate the Senator's difficulty and I know he does, and therefore I will not press him any further to inform me of the amount we are appropriating; but I find on page 2, after the thirteen lines that appropriate everything appropriated last year, the bill commences with the exception:

(Except as hereinafter declared,) subject to all the limitations and conditions in respect to the disbursement of the appropriations hereby made that were imposed by said act.

Will the Senator inform me what those conditions and limitations are?

Mr. BECK. The act of June 19, 1878.

Mr. BLAINE. Twentieth it ought to be.

Mr. BECK. It appears in the public laws as approved June 19. A good many of the items of that act affix conditions and limitations and powers; for example, the item "office of the Director of the Mint," at the bottom of page 14 of the law for the current year, which is re-enacted, provides:

For contingent expenses of the United States mints and assay offices, namely: For specimens of coins, to be expended under the direction of the Secretary of the Treasury, $200; for books, balances and weights, and other incidental expenses, $800. And refining and parting of bullion shall be carried on at the mints of the United States and at the assay office at New York. And it shall be lawful to apply the moneys arising from charges collected from depositors for these operations pursuant to law so far as may be necessary to the defraying in full of the expenses thereof, including labor, materials, and wastage; but no part of the moneys otherwise appropriated for the support of the mints and the assay office at New York shall be used to defray the expenses of refining and parting bullion; but when the bullion received shall not, in the aggregate, be in such proportion of gold and silver as to admit of economical parting, or the necessary supplies of acids cannot be procured at reasonable rates, unparted bullion may be exchanged for fine bars, as provided in section 3546 of the Revised Statutes of the United States.

That is one of the limitations and conditions with respect to these appropriations; and so I might go through.

Mr. WINDOM. Without troubling the Senator——

Mr. BECK. Allow me to call attention to one or two others.

Mr. WINDOM. I will not ask the Senator to take the trouble to count up all the laws that we are re-enacting just now; it is not perhaps a matter of much importance. We are re-enacting them by the wholesale without knowing what they are.

Mr. BECK. That is not exactly a fair statement that we are re-enacting laws without knowing what they are, because we have them before us. In a large number of other cases, for example, where we made appropriations for employés of the Surgeon General and the different Departments, we authorized them to make transfers of force from one to another, provided the service required it, and there are certain limitations put upon the use of money, certain limitations put upon the use of employés, that no more than a certain number should be employed temporarily here or there or elsewhere. This language was meant to continue those limitations just as they exist.

Mr. WINDOM. I am trying to illustrate the beauties of this bill, as the Senator will understand. I read in the paragraph to which I have called his attention that these appropriations are made "subject to all the limitations and conditions in respect to the disbursement of the appropriations hereby made that were imposed by said act." Now, the Senator has referred me to a number of conditions and limitations; there are certain others which he has not been able to find; and we are to take this in a general way. But the bill does not stop there. It says:

And the other laws of the United States upon or in respect to the appropriations made by said act.

Does that include the entire Revised Statutes, so that whatever may relate to an appropriation bill we are re-enacting now?

Mr. BECK. Oh, no. That is a provision which has been made, I suppose, in every appropriation bill that wherever there are specific laws governing or directing the use of the money the appropriation is made subject to those laws, whether it is the Coast Survey, whether it is the revenue marine, whether it is anything that we make appropriations to carry on, that the money shall be expended in accordance with the laws heretofore passed governing the management of the particular thing for which the appropriation is made. The Senator is aware of that; there are too many such cases for either him or me to cite them in a conversational debate like this.

Mr. WINDOM. I will detain the Senate but a moment longer to say that on this paragraph which the Senate is now required to act on, the Senator in charge of the bill will not venture to guess within a million of dollars of how much money is appropriated, nor can any Senator on this floor tell what acts or laws in any statute-book we are re-enacting by this provision. It is a good illustration of the beauties of this mode of passing an appropriation bill.

Mr. HOUSTON. I desire to ask the Senator from Kentucky whether the bill we are passing upon now is not made up from the estimates of Departments which were submitted during the last Congress and adopted and voted for by the very Senator on the other side who is now interrogating him? Were they not passed by his party friends, they then being in the majority? I ask whether this bill appropriates any more money than the law they passed and the bill they reported at the last Congress?

Mr. BECK. That is hardly worth answering. We know that the bill is within the estimates.

Mr. HOUSTON. The Senator will allow me to say that the purpose of my inquiry was to show that the war the Senator from Minnesota seems to be making on this bill is in truth, if I understand the case properly, a war upon the very bill that he helped to pass in the last Congress.

Mr. BECK. We all know there is some difficulty about the form of this bill, and I am extremely anxious that we should get along with the bill without any political discussion.

Mr. HOUSTON. That is all true; I appreciate it as well as anybody; but then I want fair play while I am doing it.

Mr. BECK. Any business question bearing upon the business matters in the bill, I will either answer or confess that I cannot; but if either side desire to put political conundrums to each other, I hope they will not address them to me. I am instructed by the committee to endeavor to pass this bill, and there is no politics in it.

Mr. WINDOM. If the Senator from Kentucky will allow me, I should like to ask the Senator from Alabama a question.

Mr. BECK. Very well; you have the floor.

Mr. WINDOM. I want to ask the Senator from Alabama whether if he were convinced that these appropriations are the same as were made by the republicans, he would support them, and whether that is the reason he wishes to swallow this bill whole without any detailed items?

Mr. HOUSTON. No, sir, that is not my view; but it is an answer to the Senator from Minnesota that the committee of the House and the House of Representatives have passed the bill which he reported during the last Congress, practically. That tends to argue to me that it is right; and then the committee of the Senate have passed upon it, and that tends to argue that it is right. Now the Senator had probably better be influenced by the other view that I presented.

Mr. WINDOM. I am very glad to find the Senator has so much confidence in the appropriations made by the republicans.

Mr. BLAINE. I want to submit to the honorable Senator from Kentucky as well as the Chair a point of order that occurs to me on the section which has been read. A very brief section embraces within its legislative scope the amount of matter which I will indicate by turning over the leaves of the statutes of the last Congress. It is this page, and this, and those two, and those two, and those two, and those two, and those two, and those two, and those two, and those two, and those two, and those two, and those two, and those two, and those two, and those two, and those two, and those two, and those two, and those two, and those two, and that one down to there. [Turning over the leaves of the volume of statutes of the Forty-fifth Congress, second session.]

Now, what I want to submit as a point of order is this: that embraces a great many pages, some hundreds of paragraphs, some thousands of lines; and I ask whether a member of the Senate is cut out by this novel and extraordinary mode of legislation from offering an amendment, as is the usual and hereditary custom of this body, to any one of the items there. Suppose I do not agree to any of the numerous items or lines or paragraphs or sections there, I want to know how, according to direct and plain parliamentary modes, I am to take the sense of the Senate upon an amendment I wish to offer. We are here commanded to swallow this wholesale, the most important appropriation bill known to the Government. Have I the right in another form to ask that these questions be divided, and, if there be a division, where? All propositions before the Senate that contain two substantive propositions differing are divisible. Now, suppose I ask for a division of this question, where does it come in?

What I want the attention of the Chair and what I want the attention of the honorable Senator from Kentucky to, is whether this mode is to tramp out the right of each individual Senator to submit his amendments to the great legislative, executive, and judicial appropriation bill, or whether we are to take it down at one gulp with the precious privilege reserved to us that we may have the right to consider some little variations under the head of exceptions that are so confused that no man can make out where they attach or to what they tend.

Mr. BECK. I have had occasion many times to inquire of the Senator from Maine what was parliamentary and what was unparliamentary. I never expected that he would inquire of me what was parliamentary, for I have the reputation, I believe, of knowing as little about parliamentary law as any man in the Senate; but I assume that the number of pages referred to by the Senator, which he did not name—there are thirty-one in the bill I hold in my hand—are all passed upon in the paragraph just read. In other words, the bill for the current fiscal year has been all passed upon, and every object and every clause in it is amendable on the motion of any gentleman who sees fit to offer an amendment. I would certainly so consider it, that the Senator has the same right to take the long bill that he holds and the bill which I hold, and either under the provisions for the House, or for the Senate, or for the Treasury Department, or for

the government of the Territories, or anywhere else, he may offer any amendment just as absolutely as if the bill of the current fiscal year had been read verbatim and each clause was a separate item by itself.

That is my construction of it at least, and no Senator is cut off from any right because it is grouped in a few lines instead of being set out verbatim. Besides that, the Senator will observe that all through these pages under the head of "Independent Treasury," "Library of Congress," "House of Representatives," "Senate," "General Land Office," "Pension Office"—nearly every heading embraced in that long act has some provision, which I assume (and if I was called upon to vote I should certainly so vote) that the Senator from Maine or any other Senator has a right to offer any amendment to, it being germane to that subject. But as to instructing him in parliamentary law, I do not profess to be able to do it.

Mr. BLAINE. The admission of the Senator from Kentucky is that we have the right now. Of course we have no right to offer an amendment to anything that is not read at the Clerk's desk.

Mr. BECK. The whole bill is read.

Mr. BLAINE. No, not this bill. You have read a section which includes all these numerous pages, all these hundreds of paragraphs, all these thousands of lines. Now, if I want to move an amendment to a particular paragraph, can I do that by a blank shot in the air, by something that if I had defined it for my satisfaction the Senate is not acquainted with? The presumption is that we have things read at the Secretary's desk; that which is pending before the Senate for consideration is read, and then an amendment thereto is in order. Now when we come to legislate in this most extraordinary back-door fashion about the details and all the minutiæ of a great appropriation bill, how am I to know where to put in an amendment? How is anybody to know? How will the honorable Senator from Kentucky suggest that we get out of this? I do not know whether the appropriations of last year were right or not. The honorable Senator from Alabama seems to be willing to take them because a republican Senate agreed to them. I am not so ready to take them because a democratic House suggested them.

Mr. HOUSTON rose.

The PRESIDING OFFICER, (Mr. GARLAND in the chair.) Does the Senator from Maine yield to the Senator from Alabama?

Mr. HOUSTON. The Senator will allow me to state that I expressly said the contrary of that.

Mr. BLAINE. What was it the honorable Senator said?

Mr. HOUSTON. I said expressly that the fact that the last Congress had adopted it was not a recommendation to me.

Mr. BLAINE. Was it a doubt to the Senator as to its propriety?

Mr. HOUSTON. I answered the Senator from Minnesota, [Mr. WINDOM,] and if the Senator from Maine had paid attention—I do not blame him for not doing so—he would have heard what I said. I answered fully to the Senator from Minnesota.

Mr. BLAINE. But I shall not have the benefit of that until to-morrow's RECORD.

Mr. HOUSTON. As far as I understand the question submitted now to the Senator from Kentucky, I understand that any of these items of appropriation may be stricken out or reduced.

Mr. BLAINE. But the items have not even been read. The honorable Senator from Alabama will observe that not one of these items has even been read.

Mr. HOUSTON. They can be read if the Senator desires to have them read.

Mr. BLAINE. The whole of this great bill?

Mr. HOUSTON. In a great bill or a small bill. A bill before the Senate may be read either in whole or in part as the Senate desires. If the Senator calls for the reading of any part of it, or proposes to amend any part of it, he has the right to propose an amendment and the Senate will vote upon it.

Mr. BLAINE. Then do I understand, Mr. President, if the Senator from Alabama is correct, that I have the right to call for the reading of the entire bill of last year? We have just now enacted by the first section of this bill from the House that the entire bill of last year is to become the law for the next year. Now, is it in order to call for the reading of the entire bill—I submit that point to the honorable Presiding Officer—with a view of having it before the Senate for amendment?

Mr. BECK. As a question of order, I have never doubted the right to have the bill for the current year read.

Mr. BLAINE. What for? What I want to get at is this: if we cause that bill to be read, is it read for legislative purposes? For if so, according to our usage, as we go over each individual paragraph, that becomes law. I do not want to go through the blank motions of having it read through for the mere sake of debate. If I can have it read for amendment, I will call for it.

Mr. BECK. I want to ask one question.

The PRESIDING OFFICER. Did the Senator from Maine call for the reading of the items to which he referred?

Mr. BLAINE. I call for the ruling of the Chair upon the point of order whether I have the right to call for the reading of this whole bill? I do not want anything that is not my right. Then I want the Chair to take in the scope of the whole question. I am not asking that the bill be read *arguendo* or for information or debate, but read for amendment as a pending bill. That is my point.

The PRESIDING OFFICER. The Senator from Maine, then, does not call for the reading of the items in the different bills referred to; he simply wishes to know whether he has the right to demand their reading.

Mr. BLAINE. Whether I have the right so as that the right of amendment will attach to the whole of that which is included in the first clause?

The PRESIDING OFFICER. The Chair would submit to the Senator from Maine that the better course to pursue would be to offer some amendment; then the question would come up directly for the consideration of the Chair and the Senate.

Mr. DAVIS, of West Virginia. Now I will ask the Senator from Maine whether he has any amendment of any kind whatever that he wishes to propose?

Mr. BLAINE. I may have twenty. That is not a pertinent question; nor, with all due respect to the Chair, was the ruling that I asked for responded to by the Chair. I want to know whether these items are before the Senate for amendment?

The PRESIDING OFFICER. The Chair will respond to the Senator from Maine that it does not seem to him that he is called upon to decide a mere hypothetical or abstract question. If the Senator from Maine will submit an amendment the Chair will give the best decision he is capable of.

Mr. BLAINE. I move an amendment under the head of "Senate" in the item:

For hire of horses and mail-wagons for carrying the mails, $3,500.

I move to make that $3,600.

Mr. DAVIS, of West Virginia. What line does the Senator move the amendment in?

Mr. BLAINE. That is a part of your bill. That is a part of the bill we are called upon in this general wholesale statute to enact. I prefer $3,600 to $3,500.

Mr. DAVIS, of West Virginia. For what?

Mr. BLAINE. For the hire of mail-wagons for carrying the mails. The Senator ought not to ask me where to find that; that is in his bill.

Mr. DAVIS, of West Virginia. Oh, no; I did not ask the Senator frm Maine that. I did ask the Senator from Maine what was his amendment. Now, the Senator from Maine knows well if he has got an amendment in reality to offer to this bill there will be no objection to his doing it. If he means to consume time and to see what he can do to have a case decided that there is nothing in, he can do so. I repeat that there is nothing in it except that he wants to make a case. If the Senator will offer to any portion of this bill an amendment that means business, to use a common phrase, let him do so. If it is simply to consume the time of the Senate, of course he has a right to do it; and he might just as well ask to have the whole bill of last year read, and then it would be a matter for the Senate to decide whether it should be read or not.

Mr. BLAINE. But why have I not the right to have it read? That is what I ask.

The PRESIDING OFFICER. Will the Senator from Maine indicate where upon this bill the amendment will come in so that the Secretary can take it down?

Mr. BLAINE. It comes into this first section of the bill.

The PRESIDING OFFICER. What line and page?

Mr. BLAINE. That I do not know. It is impossible for me to tell. That is what I am after. I am seeking information.

Mr. BECK. I ask the Senator from Maine to allow me to make a suggestion. There has been a sort of consent given that we should go through with the amendments of the Committee on Appropriations, the Senator from Maine being a member of that committee. After we pass upon them, the whole bill and every section and clause of it will be open to all amendments the Senator from Maine and every other Senator may propose. Should we not make progress by acting first on the amendments of the committee?

Mr. BLAINE. If the Senator appeals to me for that courtesy, I shall not obstruct it. This will be in order afterward.

Mr. BECK. As far as I am concerned, I shall not object to any amendment being offered that is in order.

Mr. BLAINE. I did not understand the honorable Senator from West Virginia to reflect on my motives in wanting $100 more for the mail-carrying of the Senate.

Mr. DAVIS, of West Virginia. The Senator knows it very well.

Mr. BLAINE. I will reserve this point until after the Senator from Kentucky is obliged by having the committee's amendments acted on.

Mr. DAVIS, of West Virginia. The Senator from Maine knows the habit of the Senate. Whether there is a rule or not, it is usual to go through the committee's amendments first.

Mr. BLAINE. But it is not usual. If the honorable Senator asks me what is the usage in the Senate, this has got so far outside of the soundings of the usage of the Senate that you can apply nothing to it. Here are forty or fifty pages put into nineteen lines so that the whole of them is re-enacted. Then I got up and moved an amendment to a certain portion of that, and I am met on the one hand by those who have charge of the bill asking me where I mean it to come in. That is for them to answer. The idea of the Senator having charge of the bill with a distinct line of appropriation in it asking where that item is to be found! He ought to tell us where it is to be found.

Mr. WINDOM. As I understand the Senator from Maine he is proposing to perfect the paragraph.

Mr. BLAINE. I am proposing to perfect this paragraph; but still I am not disposed to interfere with the courteous request of the Senator from Kentucky.

The PRESIDING OFFICER. The Secretary will proceed with the reading of the bill.

The Chief Clerk proceeded with the reading of the bill, beginning at line 47 of section 1. The Committee on Appropriations proposed an amendment in line 48, before the word "section," to strike out "the foregoing" and insert "this;" so as to read:

And no more than the sums herein stated respectively are appropriated under this section for the following purposes, to wit: For the State Department: "For fuel," $3,000; "for light," $2,000.

Mr. KIRKWOOD. I want to call the attention of the Senator from Kentucky. Here is the practical trouble we meet with: does the clause in lines 49 and 50 amend the law of 1878 when we pass this:

For the State Department:
For fuel, $3,000; for light, $2,000.

Does that change the law of 1878, and how am I to know whether it does or not? What does it refer to? How can I tell whether that is a change of the old law or a mere re-enactment of the old law? I cannot for my life find out. If that is no change of the law of 1878 there is no need of any inquiry, but if it is a change of the law we ought to know what the law is and how we are changing it.

Mr. WALLACE. In the former appropriation bill there were $6,000 appropriated for fuel in the State Department. To restrain and reduce that amount from $6,000 to $3,000 these words are found here.

Mr. KIRKWOOD. Where is that?

Mr. WALLACE. I have it on page 7 of the law for the current year under the head of "Department of State:"

For contingent expenses, namely, for fuel, $6,000.

The object of this clause here is to limit that down to $3,000; and in the vetoed bill which I hold in my hand, agreed to by both Houses, on page 19, line 444, under the head of "State Department," you will find:

For contingent expenses, namely, for fuel, $3,000.

That sum being all that the Department requires, all that is in the vetoed bill. For some reason or other they are now able to get along with $3,000, and do not desire any more. Therefore as the House were adopting substantially the bill of last year, where they found an item like that where the State Department only asked $3,000 for fuel and where in the vetoed bill both Houses had given $3,000, they had to amend it so as to limit it down to $3,000.

Mr. KIRKWOOD. I am not objecting to the reduction at all. The only point I am making is, how am I to know from reading this bill before the Senate what change it makes in the old law?

Mr. BECK. I am obliged to say that there is no way whereby the Senator from Iowa can distinctly understand it without having the old law before him. I desire to say further that the amendment which I drew, one of its purposes being to reproduce the law, is the old law except as changed by the amendments of the House and Senate.

Mr. KIRKWOOD. I wish you would substitute it for this.

The amendment was agreed to.

The PRESIDING OFFICER. The Secretary will proceed with the reading.

The Secretary resumed the reading of the bill at line 51 of section 1, and continued to line 84, as follows:

For the Treasury Department: "For carpets, oil-cloth, and matting, and repairs, cleaning, and laying the same," $7,000; "for the additional duties imposed upon the Bureau of Statistics by the legislation of the second session of the Forty-third Congress," $8,800; "for purchase of new plants and seeds for green-house, Agricultural Department," $600.

And certain clauses in said act of June 19, 1878, are amended as follows:

Under heading of "Senate," the clause commencing "For eight skilled laborers" is amended by striking out therefrom the name "Kate Dodson" and inserting in lieu thereof "female attendant."

Under the head of "contingent expenses of the Senate" the following clauses, namely: The clause commencing "For twenty-seven clerks to committees" is amended so as to read "for twenty-five clerks to committees," and the sum of the clause shall read "$31,800;" the clause commencing "For fourteen pages for the Senate Chamber" is amended by striking out the words "one page for the Vice-President's room," and the sum of the clause shall read "$10,265;" the clause commencing "For fuel and oil for the heating apparatus" is amended by striking out the words "and of this amount not exceeding $400 may be used for the purchase of platform-scales for weighing coal."

Under the heading "House of Representatives," the clause commencing "for eight messengers" is hereby amended by striking out therefrom the name "Henry Douglas;" the clause among the contingent expenses for the House of Representatives, commencing "for twenty-one clerks to committees" is amended so as to read, for thirty-five clerks, and the sum of the clause shall read $44,100.

Mr. KIRKWOOD. I wish the attention of the Senator from Kentucky a moment. I find in lines 66 and 67 the number of clerks of committees in the Senate decreased from twenty-seven to twenty-five, and in lines 81, 82, and 83 the number of clerks of committees in the House is increased from twenty-one to thirty-five. What is the reason of the change in both cases?

Mr. BECK. The first question, relative to the clerks of committees of the Senate, the reduction being from twenty-seven to twenty-five, is rendered necessary because we have made permanent clerks to the Committee on Post-Offices and Post-Roads and the Committee on Military Affairs. Therefore they are taken from that list and added to the other. Some of the other little amendments were necessary because Henry Douglas is dead, and it is thought best to have no names in. The House in rearranging its committees came to the conclusion that they needed more clerks of committees than they had, and in the bill of the last session and in the vetoed bill that change was made, the House having proposed it. It appeared to the committee of the Senate and to the Senate that they needed that many clerks. Therefore we restored it simply to the form it was in the vetoed bill at the request of the House. That is all, I think.

The PRESIDING OFFICER. The Secretary will proceed with the reading.

The Chief Clerk resumed the reading, beginning after the word "dollars" in line 84, and continued to line 90 of section 1, as follows:

The clause commencing "twenty-eight pages" is amended to read twenty-nine, and the sum of the clause shall read $15,865; the clause "for fuel and oil for the heating apparatus" is amended to include, also, and for steam-pump and condenser for same; and the clause "for miscellaneous items" is amended to read, $75,000.

Mr. BECK. I move, by instruction of the committee, to strike out "five," in line 90, so as to read, "'for miscellaneous items,' is amended to read, '$70,000,'" instead of $75,000. I desire to state the object I have in moving the amendment. Several of the members of the House, both of the Committee on Appropriations and others, have advised the Senate committee that they have made some mistake relative to their own affairs, their miscellaneous expenses and other things; and while we do not care to disturb anything they have done and do not know exactly how to amend it, we propose to make an amendment by striking out the word "five," so as to give them control of that item in order that they can make the correction they desire. If we do not amend it they will not be able to do so. I move the amendment for the purpose of keeping it under the control of the House to make such corrections as they think they ought to make in regard to their contingent expenses.

The PRESIDING OFFICER. The question is on the amendment moved by the Senator from Kentucky.

The amendment was agreed to.

Mr. ALLISON. Before we pass from the expenditures of the Senate and House, I desire to ask the Senator from Kentucky, having charge of this bill, whether or not sufficient provision has been made to cover the additional expenses required because of the difference in the length of the sessions. The bill that we are re-enacting provides for a three months' session of Congress, and we are enacting a law providing for a seven months' session of Congress. The Senator from Maine awhile ago proposed an amendment as to the cost of transporting the mails for the Senate, which item I find on digging it out—I have had to send for several books in order to do it—we have for the short session appropriated $3,500, while it has been the habit to appropriate $5,000 for the long session. I see in looking at the estimates for the next year that the sum of $5,000 is estimated for the next year. I only want to know whether the Senator who has charge of this bill and who has been so industrious in preparing a substitute, has carefully examined whether we are making sufficient provision for a long session of Congress as compared with a short one covered by the bill which we are re-enacting.

Mr. BECK. I can say that the subject was carefully considered, and all the provisions necessary for a seven months' session, instead of four, have been inserted in this bill. At page 7, line 37 of section 2, is the clause "for miscellaneous items, $20,000," for the Senate; that much more has been given by the House for the Senate miscellaneous expenses, and so the House have increased their own. The subject of the increased length of the session to be provided for, seven months instead of four, has been considered in the respective items of this bill.

Mr. ALLISON. I understand that the "miscellaneous items" have been provided for, but now take the item for mail-wagons for the short and long session; I only want to know if the Senator from Kentucky has carefully examined to see whether or not the appropriation of last year for a three months' session is sufficient for a seven months' session?

Mr. BECK. I desire to say to the Senator from Iowa that we very carefully examined the bill known as the vetoed bill, in which those things are all provided for. The items in this bill now correspond exactly with those in the vetoed bill except where the Secretary of the Senate and the Clerk of the House each assured us that there were some additional expenses rendered necessary that we had not provided for in that, and those are added.

Mr. ALLISON. I ought to apologize, then, to the Senator from Kentucky, because I have before me the appropriations for a long session and the appropriations for a short session and the amended bill and the vetoed bill, and digging among all those bills I was unable to answer for myself whether or not these items had been provided for, and therefore I was compelled to ask the Senator the question.

Mr. BLAINE. Will the honorable Senator from Kentucky tell me by whose order or warrant the "miscellaneous items, $20,000," can be drawn? How does he, in other words, apply that to the extra demand the Senator from Iowa suggests will be needed for mail carriage during the long session? I do not find in the regular bill upon which this is modeled, under the head of "Senate," any "miscellaneous items." How will a strict auditing officer be willing to say, when in one part of the bill you have put $3,500 for mail-wagons

and made a specific appropriation for it, that this $20,000 for miscellaneous items is in any way applicable to that?

Mr. BECK. Oh, no. If the Senator from Maine understood me as saying that, he misunderstood me, or I did not make myself plain. I did not understand the Senator from Iowa to be specifically asking me about any one item.

Mr. BLAINE. Yes, he asked about the mail-wagons that I moved an amendment on.

Mr. BECK. In the bill for the current year, which has not been changed in this respect, there is a provision for mail-wagons of $5,000. It has not been increased, because we are advised that it is not necessary to increase it, there being a surplus of that fund at the short session, and no request that that particular item should be increased.

Mr. ALLISON. Five thousand dollars for the present year, does the Senator say?

Mr. BLAINE. In the law for the present year:

For hire of horses and mail-wagons for carrying the mails, $3,500.

Mr. BECK. I hold in my hand the act of June 19, 1878:

For hire of horses and mail-wagons for carrying the mails, $5,000.

On page 5 of the act.

Mr. BLAINE. I hold in my hand the regular edition of the United States Statutes, published under authority of the State Department, containing the executive, legislative, and judicial bill approved June 19, 1878, and that contains this item:

For hire of horses and mail-wagons for carrying the mails, $3,500.

And the next item is:

For materials for folding, $4,000.

Under the head of "Senate."

Mr. BECK. The inquiry was about the House.

Mr. BLAINE. No; we will let the House take care of themselves. We are talking about the Senate.

Mr. BECK. The amount for the House was $5,000.

Mr. BLAINE. That is another thing.

Mr. BECK. At the bottom of page 2 of the law I find that it is $3,500 for the Senate, and on page 5 it is $5,000 for the House.

Mr. BLAINE. That $3,500 was for a short session. More is obviously needed for a long session. We are now appropriating for the next long session of seven months against a short session of three months.

Mr. BECK. In the vetoed bill which the Senator from Iowa and the Senator from Maine and others considered very carefully, on page 6, lines 122, 123, and 124, I find:

For hire of horses and mail-wagons for carrying the mails, $3,500.

Mr. BLAINE. That must have been copied by mistake.

Mr. BECK. So as to the House, it appropriates $5,000 for that. Those items were both in the vetoed bill. The present bill is precisely the same.

Mr. BLAINE. That must be a mistake, because obviously a larger sum is needed.

Mr. BECK. I understand from the Sergeant-at-Arms that he regards that sum as being amply sufficient for the purpose. He was before us and endeavored to show us how by a certain arrangement made at the post-office he is able to have the work done quite satisfactorily at that price. It was looked at and there is no mistake about it. It was so both in the vetoed bill and this bill. I do not care about going into the details, how the Sergeant-at-Arms is doing it, but he satisfied the committee and is satisfied himself with the amount allowed him for this purpose.

Mr. ALLISON. I find that in the miscellaneous items of the House there is inserted $75,000 which has been amended to $70,000 by the Senator from Kentucky.

Mr. BECK. I am not proposing to take that $5,000 from them.

Mr. ALLISON. I understand that. I have in my hand the law for a long session corresponding to this period, and I find only $25,000 appropriated for these items two years ago. Can the Senator from Kentucky give me any information as to the necessity for this large increase as compared with the bill of two years ago?

Mr. BECK. I cannot give any accurate information as to the wants of the House. Some years large numbers of carpets have to be bought, furniture to be repaired, and a variety of things have to be done. Those matters go before the Committee on Accounts. My attention is now called to the fact that while only $25,000 was allowed for "miscellaneous items" two years ago, there was a deficiency of $30,000 for that same year appropriated, making $55,000 instead of $25,000. I have not the deficiency bill before me. It may be that this money may be required for a variety of things. If the Hall requires carpeting, that is quite an expensive item. There are many other things that I cannot stop to specify. We have to leave these matters very much to the House.

Mr. ALLISON. I agree to that, and the explanation of the Senator from Kentucky is quite satisfactory. I only call attention to the fact that when these appropriations were made in 1877 it was said that there was a large reduction of the expenses of the House of Representatives. I am glad to be reminded now that although they appropriated only $25,000 for miscellaneous contingent expenses, they were obliged to have a deficiency of $30,000, so that it was in fact no real reduction in the expenditures of the House of Representatives.

The PRESIDING OFFICER. The Secretary will proceed with the reading of the bill.

The Chief Clerk resumed the reading at line 91 of section 1, and continued to line 101; as follows:

And the last clause under heading "Department of State" is amended to read as follows: For expenses of editing and distributing the laws enacted at the third session of the Forty-fifth Congress, and for editing and distributing the Statutes at Large, $5,000.

And the clause under heading "Library of Congress," in said act, is amended as follows: In lieu of the number named it shall read twenty-one assistant librarians, and in lieu of "two" there shall be five assistants at $1,200 each; and the total sum of the clause shall read, $33,240.

Mr. KIRKWOOD. I wish the attention of the Senator from Kentucky a moment. If I understand the change made in the law of 1878 by this clause it increases the number of assistant librarians from fifteen to twenty-one. Am I correct?

Mr. BECK. There were additional librarians added in the sundry civil bill; and there is really no increase here. This puts together all those that were in the legislative bill and in the sundry civil bill. When added together they amount to this number.

Mr. ALLISON. I can further answer my colleague that we have added three additional assistant librarians at the present session of Congress.

Mr. BECK. Yes, sir; on the request of Mr. Spofford and on motion of the Library Committee.

Mr. KIRKWOOD. There is another feature of this that I want to call attention to for a moment. On the face of the bill it increases the number of assistant librarians at $2,150 and the number of assistants at $1,200.

Mr. BECK. Three were added by special law at this session.

Mr. KIRKWOOD. But the sum total, as provided for in the clause, is $33,240. The amount in the old bill was $29,000, and if you add the salaries of these six assistant librarians it is much beyond the amount of $33,240.

Mr. BECK. The three assistant librarians, making $3,600, added to the $29,640, make the sum of $32,240.

Mr. KIRKWOOD. Where comes in the pay for the other six at $2,150 each?

Mr. DAVIS, of West Virginia. The bill that passed the Senate increasing the number by three had an appropriation in it to pay them.

Mr. KIRKWOOD. Then these six are paid for elsewhere. If that was not so, there evidently would be a deficiency.

The PRESIDING OFFICER. The Secretary will proceed with the reading of the bill.

The Chief Clerk continued the reading of the bill from line 102 to the word "read," in line 109 of section 1, as follows:

And under the "Independent Treasury" heading, the last two clauses are amended as follows: In lieu of the sum stated for "checks and check-books," it shall read "$10,000;" and in lieu of the sum stated "for contingent expenses," it shall read "$40,000."

And the clause commencing "General Land Office: For the Commissioner," &c., is amended as follows: In lieu of the number named, it shall read:

The Committee on Appropriations proposed in line 109, after the words "it shall read," to insert "five principal clerks at $1,800 each;" so as to read:

And the clause commencing "General Land Office: For the Commissioner," &c., is amended as follows: In lieu of the number named, it shall read, five principal clerks, at $1,800 each; six clerks of class 4; in lieu of the number named, it shall read, eighty clerks of class 1; in lieu of the number named, it shall read, thirty clerks of class $1,000, and nine copyists at $900 each; in lieu of the number named, it shall read, nine assistant messengers; in lieu of the number named, it shall read, twelve laborers; and in lieu of the number named, it shall read, six packers; and the total sum of the clause shall correspond in amount to the change.

The amendment was agreed to.

The next amendment was, in section 1, line 118, after the words "shall correspond in amount to the change," to insert:

And the sums of money necessary to carry out the foregoing amendments are hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendment was agreed to.

The Chief Clerk resumed the reading of the bill from line 1 to line 25 of section 2, as follows:

SEC. 2. For salaries of certain offices created by acts of 1879, and for certain expenses rendered necessary by the removal of the offices of the War Department and of the Navy Department, and for matters heretofore provided for in other acts, and for the mints and assay offices, and for other purposes, the following additional sums are hereby appropriated out of any money in the Treasury not otherwise appropriated.

HOUSE OF REPRESENTATIVES.

For two messengers in the House library, at $3.60 per day, $2,635.20; and one additional engineer, $1,200.

For messenger to the Speaker, $1,200.

For laborer in the office of the Sergeant-at-Arms, $660.

For the person preparing the general index to the Journals of Congress under resolution of June 18, 1878, $2,500.

For the journal clerk for preparing Digest of the Rules, $1,000.

For five folders in the folding-room, $3,600.

Mr. BECK. At that point we are advised of mistakes made by the House and for the purpose of giving them jurisdiction so as to enable them to correct them I move to strike out "six hundred," so as to read:

For five folders in the folding-room, $3,000.

Mr. ALLISON. I should like to ask the Senator from Kentucky a question. I notice by the bill that the House have appropriated

$14,000 for folding documents by the present law which we are re-enacting, as against $4,000 for the Senate.

Mr. BECK. That is for materials.

Mr. ALLISON. "For materials for folding, $14,000."

Mr. BECK. That is it.

Mr. ALLISON. Now, "For labor in folding books, &c., $15,600." I find for the same thing in the Senate that we have only $4,000. My recollection is that in both the House and the Senate items we have already appropriated deficiencies for the current year. It seems to me that there is quite as much necessity for increasing the amount in the Senate as there is in the House. I cannot understand why the House should have five additional folders in the folding-room unless there is some additional appropriation required for materials. If that is a separate appropriation, I cannot quite understand it.

Mr. BECK. Mr. President, as has been said again and again, the effort has been all along to bring this bill as closely as possible to the bill agreed upon by the two Houses heretofore. I do not think quite as often agreed upon as the Senator from New York said this morning. I hold in my hand the vetoed bill that was considered carefully. I believe the Senator from Iowa helped to consider it with great care. On line 125 of that bill, in providing for the Senate, is this item:

For materials for folding, $4,000.

And on page 13, line 287, for the House of Representatives:

For materials for folding, $14,000.

So these items here are precisely as they stand in the vetoed bill and were agreed to in the bill of last year.

Mr. ALLISON. But that does not cover the point. I find here $15,600 appropriated in the present bill, which is re-enacted, for folding books, speeches, and pamphlets, &c., in the House of Representatives, and the items are in detail. Now I find here that they ask in addition for five folders in the folding-room, $3,600 more. If that is in the vetoed bill, that is a law to me of course; but I do not quite understand how these expenses in the House of Representatives can go so far beyond the corresponding expenditures in the Senate.

Mr. BECK. I am not prepared to answer exactly why it is, and I am rather glad that the Senator should get up here and be able to complain of some extravagance on the part of the House.

Mr. ALLISON. Oh, no; not that.

Mr. BECK. For we have suffered complaints enough from the other end.

Mr. ALLISON. I do not complain on that ground. I only want to know why it is that so much is required for the House of Representatives. I think there must be some mistake about it.

Mr. BECK. We have made it correspond with the vetoed bill.

Mr. ALLISON. Now, we see here "five folders" in addition. Is that an addition to what we had in the vetoed bill? That is the point I desire information upon.

Mr. BECK. No, sir; it is just the same, you will observe. They had twenty folders in that bill. There are only fifteen in the bill of last year.

Mr. ALLISON. But I am not speaking of the number of folders; I am speaking of the cost of folding.

Mr. BECK. You will observe in the bill you hold in your hand they have fifteen laborers, and in the vetoed bill twenty laborers, so that the House itself increased their force, which added of course the price of five more laborers, together with some other items, bringing up the total.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Kentucky to strike out "six hundred" after the words "three thousand" in line 24 of section 2.

The amendment was agreed to.

The Chief Clerk resumed the reading of the bill at line 26 of section 2, and continued the reading to the end of line 37, as follows:

SENATE.

For clerk to Committee on Military Affairs and for clerk to Committee on Post-Offices and Post-Roads, at $2,220 each.

For assistant clerk to Committee on Appropriations, $1,200.

For clerk to the Sergeant-at-Arms, $2,000.

For messenger to the Vice-President's room, to be appointed by the Vice-President, $1,440.

For miscellaneous items, $20,000.

The next amendment of the Committee on Appropriations was, after line 37 of section 2, to insert:

LIBRARY OF CONGRESS.

To enable the Joint Committee on the Library to purchase works of art, $5,000.

Mr. KIRKWOOD. I should like to ask the Senator from Kentucky if that has any particular work in view, and, if so, what it is?

Mr. BECK. The Committee on the Library, acting through their chairman, came before the Senate and passed this item in the other bill, the Senate voting for it almost unanimously. There is no appropriation for the current year for that at all; they had $15,000 last year; and thinking they ought to have some fund, the Senate by an almost unanimous vote gave it to them. So we put it back.

The amendment was agreed to.

The Chief Clerk resumed the reading of the bill at line 41, and continued the reading to the word "Europe" in line 48 of section 2, as follows:

STATE DEPARTMENT.

That the sum of $4,000 be, and is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purpose of printing 15,000 copies of the letter of the Secretary of State, with consular reports showing the rates of wages, hours of labor, prices of food, the general condition of the working classes in the several countries of Europe.

The Committee on Appropriations proposed after the word "Europe" to strike out the words "and the comparative advantages derived from citizenship of this Republic" and to insert "to be available immediately;" so as to read:

That the sum of $4,000 be, and is hereby, appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purpose of printing 15,000 copies of the letter of the Secretary of State, with consular reports showing the rates of wages, hours of labor, prices of food, the general condition of the working classes in the several countries of Europe, to be available immediately.

The amendment was agreed to.

The next amendment was, in section 2, line 51, before the word "remonetization," to insert the word "international;" so as to make the clause read:

For negotiation with foreign governments with a view to the international remonetization of silver, to be expended in the discretion of the President, $20,000; and an account of the expenditure thereof shall be submitted to the Congress that meets December, 1880.

The amendment was agreed to.

The Chief Clerk resumed the reading of the bill at line 55, and continued the reading to the end of line 56 of section 2, as follows:

For Third Assistant Secretary of State, $3,500.

The next amendment was, in section 2, to strike out lines 57, 58, and 59 of section 2, in the following words:

TREASURY DEPARTMENT.

For salary of an associate judge in the Territory of Dakota, $2,600;

and to insert as line 60:

JUDICIAL.

Mr. BECK. That item is inserted afterward in the appropriate place.

The amendment was agreed to.

The Chief Clerk resumed the reading of the bill, at line 61 of section 2, and read to the end of line 64, as follows:

For associate judge of the supreme court in the District of Columbia, $4,000.

For a district judge for the northern district in Texas, $3,500.

The next amendment was, after line 64 of section 2, to insert:

TREASURY DEPARTMENT.

Secretary's Office:

For five female clerks, at $900, $4,500.

First Comptroller of the Treasury:

For one clerk of class 4, $1,800.

First Auditor:

For one clerk of class 4, $1,800.

The amendment was agreed to.

The reading of the bill was resumed at line 72 and continued to the end of line 115 of section 2, as follows:

For one skilled laborer in the office of the Auditor of the Treasury for the Post-Office Department, $1,000.

Office of Life-Saving Service: For General Superintendent of the Life-Saving Service, $4,000; assistant general superintendent of the Life-Saving Service, $2,500; one principal clerk and accountant, $1,800; two clerks of class 3; one clerk of class 2; one clerk of class 1; one clerk, $1,000; four clerks, at $900 each; one assistant messenger, $720; in all, $19,420.

Internal revenue:

To meet a deficiency in the appropriation for salaries and expenses of agents and surveyors' fees and expenses of gaugers, salaries of storekeepers, and miscellaneous expenses, being for the present fiscal year, $150,000: *Provided*, That hereafter storekeepers at distilleries that mash less than sixty bushels of grain per day shall be allowed not exceeding $50 per month. But when one person acts as storekeeper and gauger, his salary shall not exceed $4 per day for the time actually employed.

For the mints and assay offices:

Mint at Denver, Colorado: For assistant assayer, $1,400; one clerk, $1,400; for wages of workmen, $2,500; for fuel, lights, and other necessaries, $3,000.

Mint at New Orleans, Louisiana: For wages of workmen and adjusters, $18,000; for repairs and machinery, $5,000.

Assay office at Helena, Montana: For wages of workmen, $7,000; for fuel, crucibles, chemicals, and other necessaries, $9,485.

Assay office at Boisé City, Idaho: For wages of workmen, fuel, crucibles, and other incidental expenses, $4,000.

Assay office at Charlotte, North Carolina: For labor and other expenses, $250.

For the office of the Director of the Mint, for purchasing books, periodicals, and pamphlets containing information relative to monetary questions, $200.

The next amendment was, after line 115 of section 2, to insert:

GOVERNMENT IN THE TERRITORIES.

For salary of an associate judge in the Territory of Dakota, $2,600.

The amendment was agreed to.

The reading of the bill was resumed at line 119, and continued to line 128 of section 2, as follows:

"For legislative expenses," for the biennial year, in the following-named Territories respectively:

For the Territory of New Mexico, $18,683.90.

For the Territory of Utah, $15,600.

For the Territory of Washington, $15,800.

For the Territory of Wyoming, $15,460.

The next amendment of the Committee on Appropriations was, after line 128 of section 2, to insert:

Office of Depositary at Tucson, Arizona:

For depositary, in addition to his pay as postmaster, $1,500.

The amendment was agreed to.

The reading of the bill was resumed at line 132, and continued to the end of line 163 of section 2, as follows:

WAR DEPARTMENT.

For eight charwomen, to be employed in the office of the Secretary of War,

in the new State, War, and Navy Department building, at $180 per annum each, $1,440.

For four watchmen, two firemen, and one laborer in the part of the Adjutant-General's Office to be located on the first and second floors of the old Navy Department building; in all, $4,980.

For contingent expenses of the Adjutant-General's Office, in the old Navy Department building, including fuel, light, heating apparatus, matting, cleaning, labor, and incidental items of care of two floors of Navy Department building to be occupied by Adjutant-General's Office, $2,060.

NAVY DEPARTMENT.

To maintain a force of watchmen and laborers to protect and to attend to the old building occupied by the Navy Department, namely, for four watchmen and two laborers, to be put on duty when the building is vacated, $4,200.

For fuel, lights, and miscellaneous items, $2,000.

To provide for an additional force for the proper care of and for service in the new building, namely, one engineer, $1,200; one assistant engineer, $1,000; one conductor for the elevator, $720; three firemen and eight charwomen, at $180 each, to be employed when the new building shall be taken possession of, a sufficient sum is hereby appropriated.

INTERIOR DEPARTMENT.

Office of the Secretary of the Interior:

The next amendment was, in section 2, line 164, to insert "one stenographer, $1,800," and, in line 166, to strike out the words "six thousand seven" and insert "eight thousand five;" so as to read:

Office of the Secretary of the Interior:
For one stenographer, $1,800; two clerks of class 4, two clerks of class 1, and one assistant messenger, $8,520.

The amendment was agreed to.

The reading of the bill was resumed at line 168, and continued to the end of line 169 of section 2, as follows:

For casual repairs of the building, $5,000.
For stationery, $5,000.

The next amendment was, after line 169 of section 2, in the appropriations for the Interior Department, to insert:

Office of Assistant Attorney-General:
For three clerks, at $2,000 each; and one clerk, at $1,200; in all, $7,200.

Indian Office:
For four clerks, at $1,000 each; two copyists, at $900 each; and one laborer; in all, $6,460.

Patent Office:
For fourteen copyists, ten assistant messengers, and two folders and pasters, at $480 each; in all, $20,760.

The amendment was agreed to.

Mr. BECK. Perhaps it would be well to put upon record a short letter from the Secretary of the Interior, showing the necessity for those items. I send the letter to the desk.

The letter was read, as follows:

DEPARTMENT OF THE INTERIOR,
Washington, June 6, 1879.

SIR: I learn incidentally that the new legislative, executive, and judicial bill does not contain the items of increase as provided in the previous bill with regard to the Interior Department.

Without that increase, it will be absolutely impossible for this Department to keep pace with its current business, to say nothing of the large amount of matter that has been pending and accumulating in some branches for years, notwithstanding that work has been diligently prosecuted day and night.

The increase seems therefore imperatively necessary.

I make this appeal in the interest of the people who must suffer because of the lack of force in this Department, and not because of lack of effort on the part of the employés at present permitted by law.

Very respectfully, &c.,

C. SCHURZ, *Secretary.*

The Chief Clerk resumed the reading of the bill at line 182, and read to the end of section 2, as follows:

Pension Office:
For compensation of the Commissioner of Pensions, $3,600; deputy commissioner, $2,400, said office to continue for one year only; chief clerk, $2,000; medical referee, $2,250; twenty-six clerks of class 4; fifty-two clerks of class 3; eighty-four clerks of class 2; one hundred and forty-seven clerks of class 1; ten clerks, at $1,000 each; one skilled mechanic, at $1,200; thirty copyists, at $900 each; one engineer, at $1,200; one assistant engineer, at $1,000; one messenger and twelve assistant messengers; and for eight laborers and two watchmen; in all, $489,350; this being in lieu of the paragraph of the same nature in the act of 1878, which is not continued and rendered available. And the Secretary of the Interior is hereby authorized to rent such buildings as may be necessary from time to time for the purpose of the census, the total expenditure not to exceed $25,000, to be paid from the amount authorized to be expended by section 20 of act of March 3, 1879, census act; also to enable him to provide offices for the Geological Survey, and offices for additional accommodation of pension clerks, $3,000.

Under the Architect of the Capitol:
For person in charge of heating apparatus of the Congressional Library and Supreme Court, $864; for one laborer in charge of water-closet in central portion of the Capitol, $660; for three laborers for cleaning rotunda, corridors, and dome, at $660 each; for the pay of six watchmen employed on the Capitol grounds, at $720 each; in all, $7,824.

Office of Auditor of Railroad Accounts:
For Auditor, $3,600; book-keeper, $2,400; assistant book-keeper, $2,000; railroad engineer, $2,000; one clerk, $1,400; one copyist, $900; traveling and other expenses, $1,500; incidental expenses, $250; in all, $14,050.

SOUTHERN CLAIMS COMMISSION.

For pay of three commissioners to the 10th day of March, 1880, at the rate of $5,000 per annum each; one clerk, at the rate of $2,500; one stenographer, at the rate of $2,500; one messenger, at the rate of $1,200; three additional clerks, at the rate of $1,200 each; in all, $17,222.21.

For compensation of three investigating agents, at $5 per day when actually employed; also traveling expenses of agents, fees and mileage to Government witnesses, costs of summoning Government witnesses, fees to commissioners for taking testimony, fees for abstracts and exemplifications of public records relating to claims and claimants, $6,000: *Provided*, That said agents shall give notice to claimants whose claims it is proposed to investigate of the time and place of taking testimony, who shall have the right to cross-examine every witness who may testify in behalf of the Government; and said agents shall also take at the same time the testimony of any and all witnesses who may be presented by the claimant, on his paying the expenses thereof; and all such testimony, both on behalf of the claimant and the Government, shall be taken under the law and rules which usually govern the taking of testimony; and the judges of the southern claims commission shall prescribe and publish rules for the taking of the testimony, and shall provide in all cases for full and fair notice to be given of the time and place thereof; and sections 2, 3, 4, 5, and 6 of the act of March 3, 1871, authorizing the southern claims commission, are hereby repealed, to take effect on and after the 10th day of March, 1880.

United States entomological commission:
To provide for the investigation into the habits of the cotton-worm and other insects injurious to the cotton-plant and to agriculture, with a view of preventing their injuries, $5,000.

POST-OFFICE DEPARTMENT.

Third Assistant Postmaster-General:
In the office of the Third Assistant Postmaster-General the following increase of force over that of the current year is hereby authorized and appropriated for, namely: One clerk of class 4; two clerks of class 3; three clerks of class 2; one clerk of class 1; and three female clerks, at $900 per annum each; in all, $13,100.

AGRICULTURAL DEPARTMENT.

For the continuance of the investigation of the diseases of swine, and infectious and contagious diseases to which all other classes of domesticated animals are subject, $10,000.

Section 3 was read, as follows:

SEC. 3. That sections 4771, 4772, and 4773 of the Revised Statutes of the United States, providing for biennial examinations of pensioners, are hereby repealed: *Provided*, That the Commissioner of Pensions shall have the same power as heretofore to order special examinations whenever, in his judgment, the same may be necessary, and to increase or reduce the pension according to right and justice; but in no case shall a pension be withdrawn or reduced except upon notice to the pensioner and a hearing upon sworn testimony, except as to the certificate of the examining surgeon. In order to provide for the speedy payment of arrearages of pensions, the Secretary of the Treasury is hereby authorized and directed to issue immediately in payment thereof, as they may be adjusted, the legal-tender currency, now in the United States Treasury, held as a special fund for the redemption of fractional currency under section 1 of joint resolution No. 17 of the Congress of the United States, approved July 22, 1876; and fractional currency presented for redemption shall be redeemed in any moneys in the Treasury not otherwise appropriated.

The PRESIDING OFFICER. The next section will be read.

Mr. ALLISON. As that section has already been read, and I think it is well understood by the Senate, I ask unanimous consent to waive the reading of it.

Mr. WITHERS. Let the amendment of the committee striking it out be agreed to.

The PRESIDING OFFICER. The question is on the amendment of the Committee on Appropriations to strike out section 4.

The amendment was agreed to.

The Chief Clerk read section [5] 4, as follows:

SEC. [5] 4. That the pay of assistant messengers, firemen, watchmen, and laborers provided for in this act, unless otherwise specially stated in particular cases in the act of June 19, 1878, which it continues and makes available, (except as declared in the first section of this act,) shall be as follows: For assistant messengers, firemen, and watchmen, $720 per annum each; for laborers, $660 per annum each; and a sufficient amount to meet the provisions of this section is hereby appropriated.

Mr. BLAINE. I have no objection to that section, although I think it will take a decision of the Supreme Court to pay those firemen.

Mr. BECK. I am directed by the Committee on Appropriations to offer three amendments to come in on page 5 at the end of line 106 of section 1:

And the clause "for contingent expenses in the office of the Adjutant-General" is amended so that the sum named therein shall read $8,000.

I merely desire to say that in the bill for the current year it is $9,000; in the vetoed bill and in the action before it has been put at $8,000. The committee propose to correspond with those.

Mr. DAWES. If that is the meaning, the Senator has been unfortunate in the phraseology. I should like to hear it read again.

The amendment was read.

Mr. DAWES. What does that clause refer to; what clause in this bill?

Mr. BECK. A clause in the act for the current fiscal year; which now reads:

For contingent expenses, $9,000.

We amend it to read "$8,000."

Mr. DAWES. A clause in the statute? That clause in the statute is amended to read "$8,000;" but what is going to be done with the clause in this bill?

Mr. BECK. The Senator will observe on page 5 there are a number of amendments.

Mr. DAWES. The Senator will get my meaning if he will allow me to go on. I suppose he means that so far as this bill is concerned it will be the same as if this clause was $8,000 instead of $9,000.

Mr. BECK. That is what it means.

Mr. DAWES. I supposed that was the meaning of it; and without branching off into the discussion that the Senator has been engaged in, it seems to me the Senator has not chosen proper language. It should be that so far as this act is concerned it shall be the same as if that clause in that statute was "eight" instead of "nine;" but this simply says that clause in that statute shall be "eight" instead of "nine." That is not the meaning.

Mr. BECK. The Senator from Massachusetts will observe that on page 3, lines 58 to 60, after enacting the existing law, the bill provides:

And certain clauses in said act of June 19, 1878, are amended as follows:
Under heading of "Senate."

And so on, "under heading 'Library of Congress;'" "under the 'Independent Treasury' heading;" &c.

Mr. DAWES. I observed that, and I want to call attention to that phraseology. That amends the statute, and probably from this time out while that statute is in force that statute will be in force so amended, affecting the appropriations for the present year. That is not, as I understand it, what the committee mean. The committee mean to modify, so far as this statute is concerned, that phraseology, but they do not mean to impair the enactment for the current fiscal year.

Mr. BECK. No.

The PRESIDING OFFICER. Does the Senator from Massachusetts offer an amendment?

Mr. DAWES. No; I only make the suggestion. I do not suggest it to add to any of the difficulties.

Mr. BECK. We believe, as it corresponds with all the other clauses, that it accomplishes the purpose as the language is now written. If it does not, I suppose the bill will get to a conference and we shall try to correct it. I believe it will accomplish the purpose; it seems to correspond with the other language.

Mr. BLAINE. I do not rise now for any captious purpose at all. Does not the suggestion made by the Senator from Massachusetts attach to a great many of the clauses of this bill? Let me call the attention of the Senator from Kentucky to a clause beginning in line 102:

And under the "Independent Treasury" heading, the last two clauses are amended as follows: In lieu of the sum stated for "checks and check-books," it shall read $10,000; and in lieu of the sum stated "for contingent expenses," it shall read $40,000.

Does not that obviously change the law of this year? Does not that prevent the Auditor who settles that account for this year going one step beyond the amount herein named?

Mr. BECK. I think not.

Mr. BLAINE. I submit that to the legal gentlemen of the Senate.

Mr. BECK. The Senator will observe that the bill is enacted—

For the purpose of providing for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the same sums of money and for the like purposes (and continuing the same provisions relating thereto) as were appropriated—

by the act for the current fiscal year, subject to certain conditions and limitations. In making the appropriations for the next fiscal year we so far change and modify the provisions of the existing law as is here stated. They are amended not as bearing on the current fiscal year at all, but for the next fiscal year.

Mr. DAWES. That is without doubt what the Senator intends by his phraseology; but I suggest to him that he exposes every officer who is acting under the existing law now to the charge that he is violating the law from this time down. When he amends it he amends it without confining the effect of his amendment to the law for the coming year, but he amends it as to its application to the current year.

Mr. BECK. I have no objection to making it clearer by saying "on and after the 1st day of July next."

Mr. BLAINE. But would not that apply to all the auditing? Will not the honorable Senator say "to the accounts that are not closed?" and the accounts are not closed until after the fiscal year has expired for some time. Every auditing officer would be compelled to arrest the expenditures according to the law of the last amendment, and every one of these amendments affects directly the meaning of the existing law for this current fiscal year.

Mr. BECK. Does not the Senator see that the very object and purpose of this law is to make appropriations for the next fiscal year, beginning on the 1st day of July next? It says so on its face. It only modifies the present provisions of existing law so far as they bear upon the appropriations herein contained, and for no other purpose.

Mr. BLAINE. If the honorable Senator will permit me, he will see that his answer does not attach, because, though the fact is that this is a bill making appropriations for the next fiscal year, much other legislation may exist in it. We have a great deal of other legislation in bills appropriating money; we have independent legislation. That is what we have been having a contest on all winter. Now, among the legislation here that is not in this appropriation bill are these special clauses changing the provisions of last year's appropriation bill, and the Senator from Kentucky must see that these independent clauses in connection with this bill change the whole intent and meaning and the sums of money applicable thereto in the last appropriation bill.

Mr. ALLISON. I think there is very great force in what the Senator from Massachusetts and the Senator from Maine say; because on page 3 I find:

And certain clauses in said act of June 19, 1878, are amended as follows.

Mr. DAVIS, of West Virginia. For the next year.

Mr. DAWES. But those clauses become, after this bill passes, just as if they read as here amended.

Mr. ALLISON. We have a great deal of legislation in this bill, necessarily now. We go on and make specific appropriations by reference to the last law, and then we especially and distinctly amend that law. I submit to the Senator from Kentucky having charge of this bill, that that clause ought to be amended in some form, so as to avoid the objection made by the Senator from Massachusetts.

Mr. BLAINE. Take this other language:

Under the head of contingent expenses of the Senate, the following clauses—

That is in last year's bill—

namely: The clause commencing "for twenty-seven clerks to committees" is amended so as to read for twenty-five clerks to committees, and the sum of the clause shall read $31,800.

Now, how in the world is any auditing officer in the Treasury Department to allow more than that $31,800 for that clause of this year's bill? It says distinctly that it is amended to read so. I would ask the Senator from West Virginia if he intended to give that precise effect and meaning the language would imply?

Mr. DAVIS, of West Virginia. The Senator should recollect that this bill is making appropriations for the fiscal year ending June 30, 1880, and, therefore, says so.

Mr. BLAINE. Yes.

Mr. DAVIS, of West Virginia. And it applies to 1880.

Mr. BLAINE. But in that bill you change certain clauses in the act for 1879, and you do it specifically, and you say that whereas the act of 1879 did read "for twenty-seven clerks," it shall now read "for twenty-five," and the appropriation is hereby changed to fit that. I ask the honorable Senator from Wisconsin, [Mr. CARPENTER,] whose legal acumen I have great respect for, if that is not the inevitable construction?

Mr. WALLACE. Will the Senator from Maine allow me to suggest that if we should amend, on line 59, after the word "amended," by inserting "for the purposes of the next fiscal year and none other," it would cover the whole point suggested?

Mr. BLAINE. Then the honorable Senator from Pennsylvania means that in every clause liable to this objection which the Senator from Massachusetts suggested, and which I have applied to other places, you shall say at the end that whereas this might mean something touching the appropriation bill for the current year, it really only is intended to apply to the future?

Mr. WALLACE. Does not the Senator see that lines 58 and 59 are the operative clauses that make the amendment of all that follows; and if you insert the words there so as to apply it to the next fiscal year, it covers all the succeeding amendments?

Mr. BLAINE. Let me read lines 58 and 59, for they carry out the point with express force:

And certain clauses in said act of June 19, 1878, are amended as follows: Under heading of "Senate," the clause commencing "For eight skilled laborers" is amended by striking out therefrom the name "Kate Dodson," and inserting in lieu thereof "female attendant."

I take the first.

Mr. WALLACE. I am not descending to details. Now, I say if the suggestion I made is put there in line 59 it will reach to not only Kate Dodson, but all the other changes that the Senator suggests are necessary on pages 4 and 5, for those are the operative clauses, "for the purposes of the next fiscal year and none other."

Mr. BLAINE. I say most respectfully to the honorable Senator who has charge of this bill and the honorable Senator from Pennsylvania that, to use a cant phrase, these clauses will not hold water; and the only possible effect of them is to repeal and modify the bill for this year, and not to have the slightest effect on the bill of next year. All you do is that you change a great many clauses of the existing law and compel your auditing officers to settle the accounts according to the more recent legislation; but you do not appropriate a dollar for the coming year.

Mr. WITHERS. The Senator will find, if he will read the first section, that he has been talking entirely outside the bill:

That for the purpose of providing for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, there is hereby appropriated, &c.

Mr. BLAINE. What? Read what?

Mr. WITHERS. The same sums that are appropriated for the service of the fiscal year ending June 30, 1879, with the exceptions specified, and this is one of the exceptions. Here are alterations stating that the law for the fiscal year 1879 shall read thus and so.

Mr. BLAINE. No.

Mr. WITHERS. That is exactly what it says.

Mr. BLAINE. The honorable Senator from Virginia is only explaining what the committee intended to do; that I doubt not; I am showing you what the committee have done.

Mr. WITHERS. That is exactly what I am calling the Senator's attention to, what the committee have done; that they have appropriated the sums appropriated for the service of the fiscal year ending June 30, 1879, for the fiscal year ending June 30, 1880, with the exceptions specified; and they go on and specify the exceptions.

Mr. McDONALD. I think the suggestion of the Senator from Pennsylvania will cover this whole difficulty.

Mr. BECK. Before the Senator from Indiana begins, I want to get the exact words.

Mr. McDONALD. I would say "and for the purposes of this act, and to take effect on and from the 1st day of July next, certain clauses of the said act of June 19, 1878, are amended as follows."

The PRESIDING OFFICER. Does the Senator from Pennsylvania adopt that suggestion?

Mr. WALLACE. Yes, sir.

Mr. BLAINE. That will not help it a bit.

Mr. McDONALD. I think it will. I think it will make it entirely clear. I think it will make the bill hold water.

Mr. BECK. When the Senator from Massachusetts called my attention to it, I supposed the clauses in lines 58 and 59 were sufficient; but on further suggestion from him I proposed the addition of the words "to take effect after the 1st of July," and I have written these words which occurred to me as being sufficient for the purpose of guarding against the difficulty he suggested. I would add to lines 58 and 59 the following:

And certain clauses of said act of June 19, 1878, are amended for the purposes of the appropriations for the fiscal year ending June 30, 1880, as follows:

Mr. DAWES. I suggest to the Senator this phraseology: "And for the purpose of ascertaining the true meaning and intent of this act," the phraseology of the act referred to shall read so and so.

Mr. BECK. I thought the Senator from Massachusetts was very kind in his first suggestion, but this one I think is carrying it a little bit too far. I move to amend by inserting after the word "amended" in line 59 the following:

For the purposes of the appropriations for the fiscal year ending June 30, 1880.

So as to read:

And certain clauses in said act of June 19, 1878, are amended for the purposes of the appropriations for the fiscal year ending June 30, 1880, as follows:

Mr. BLAINE. Do they not still stand on the statutes of the United States as amended? How are you going to limit the great legislative fact that you amend those clauses by putting in some sort of apology, or assigning some sort of necessity, or giving some sort of excuse? You say they are amended, and they must stand in the statutes amended.

Mr. McDONALD. It is undoubtedly in the power of Congress to amend for certain purposes. That is all this proposes to do.

Mr. BLAINE. Still you amend them.

Mr. McDONALD. And leave them in force as they stand as to all other purposes. That is what this amendment proposes.

Mr. BLAINE. That is, you are going to amend them in order to give force and vitality to some other law.

Mr. McDONALD. For the purposes of this act they are amended as follows; but for all other purposes they stand as they are on the statute-book.

Mr. BLAINE. That is a very novel proposition.

Mr. McDONALD. I think not.

Mr. BLAINE. You are going to amend them by reducing the amounts, but still that amendment is not to have force or vitality in the sections of which it is an amendment, but is to be understood as applying to some other section for next year. That is about it.

Mr. McDONALD. It amends them for the purposes of this law.

Mr. ALLISON. I think this amendment would help the matter.

Mr. BLAINE. I think this act, like some others we have heard of, ought to be commended to the gracious mercy of Almighty God and the deliberate judgment of mankind.

Mr. SAULSBURY. I shall vote for the amendment offered by the Senator from Kentucky, not because I believe it is necessary, but because he having charge of the bill thinks proper to offer it. I have heard a great deal of captious criticism of this bill. I take it upon myself to say here now that any man of legal acumen who attempts to construe this bill in the language in which it now stands for the purpose of ascertaining the intent and purpose of the legislation, would be a jackass if he could not understand what Congress meant. The amendment of the Senator from Kentucky, therefore, is perfectly unnecessary, and I only support it because he has offered it. These captious criticisms on the language that comes here we understand the spirit and the import of very well. They are not for the purpose of advancing the interests of the country, not for the purpose of enabling the Government to obtain money which this bill proposes to give to it, but they are captious partisan criticisms of language that needs no construction whatever. Everybody knows that; none knows it better than the Senator from Maine himself. Why, sir, I should be ashamed of myself to rise here as a lawyer and undertake to say that a Department of the Government construing the laws could not understand what is meant by the language of this bill. I am tired of this policy of dealing with these unnecessary criticisms that are made. For one I shall vote for the amendment, but I am perfectly willing to vote for this bill as it came from the House. The Departments of the Government are provided for in this bill and will obtain every cent and every dollar Congress votes. I have no question they will obtain it and use it. As far as I am concerned I shall vote for this amendment simply on the ground that it was offered by the gentleman having charge of the bill, and not because it is necessary.

Mr. BLAINE. The bill as it came from the House had four pages, including some millions of dollars for which there was no appropriating clause at all, according to the democratic members of the committee; but so great is the faith of the honorable Senator from Delaware in a democratic House of Representatives that he is willing to go it blind, even against his democratic associates in the Senate on the Committee on Appropriations.

Mr. SAULSBURY. I have seen a great deal and heard a great deal, and I have been reminded by what I have heard of what a distinguished English nobleman, writing to his friend Lord Somers, said. He said, after looking upon the action of the public men of that country that he was surprised that any person should attempt to take any part in public affairs, and that if he had a son he would sooner bind him to a cobbler than a courtier, and to a hangman than a statesman.

Mr. BLAINE. I can only state in view of the Senator's declaration that it might be very doubtful to those who listened who appeared as the jackass in the discussion; that was all.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Kentucky [Mr. BECK] to line 58 of section 1.

The amendment was agreed to.

The PRESIDING OFFICER. There are two other amendments sent up by the Senator from Kentucky, which will be read.

The CHIEF CLERK. It is proposed to add:

And the clause "for contingent and miscellaneous expenses of the Patent Office" is amended so that the sum named therein shall read $35,000.

And the clause "for photolithographing or otherwise producing plates for the Official Gazette" is amended so that the sum named therein shall read $24,000.

Mr. BECK. I will simply state the object of those amendments. The contingent expenses of the Patent Office last year were $50,000. By the vetoed bill $35,000 was appropriated. We have increased the force largely. The Secretary desired to increase the force rather than have an increase of contingencies. He did not want to deal with contingencies more than he could help. We obeyed his wishes, and gave him the additional force and cut down his official contingencies. For the Official Gazette we only gave him $24,000, instead of $32,000 last year, and these amendments bring it down to what was agreed on in what is known as the vetoed bill.

The PRESIDING OFFICER. The question is on agreeing to the amendments just reported.

The amendments were agreed to.

Mr. BECK. There is one other amendment. I am instructed by the Committee on Appropriations to offer an amendment, to insert after line 261 of section 2:

For contingent expenses, namely, office rent, furniture, fuel, stationery, printing and binding, postage and expressage, labor, and assistant to shorthand reporter when needed, $4,000.

The PRESIDING OFFICER. Is this an amendment from the committee?

Mr. BECK. Yes, sir; it is the committee's amendment.

The amendment was agreed to.

Mr. BECK. I do not think of any other amendment that the committee have to offer.

Mr. ROLLINS. In section 2, at the end of line 64, at the bottom of page 8, I move to insert:

For the payment of judgments of the Court of Claims, $150,000, or so much thereof as may be necessary.

Mr. BECK. That we regarded as belonging more properly to the sundry civil bill than to the legislative, executive, and judicial appropriation bill.

Mr. ROLLINS. The sundry civil bill passed at the last session.

Mr. BECK. If it belongs to any appropriation bill, it does not belong to this bill; and if the amendment is subject to a point of order I make it.

Mr. ROLLINS. Will the Senator allow a brief letter from the Secretary of the Treasury to be read?

The PRESIDING OFFICER. The Senator from New Hampshire will send up the letter and it will be read.

The Chief Clerk read as follows:

TREASURY DEPARTMENT, *May* 26, 1879.

SIR: In reply to your letter of the 22d instant, I have the honor to inform you that the appropriation for payment of judgments of the Court of Claims has been exhausted, and that the sum of $150,000 will be required to pay judgments which have been rendered and which will be payable before the next session of Congress if not appealed; and I therefore recommend that an appropriation be made of that amount for the payment of such judgments.

Very respectfully,

JOHN SHERMAN, *Secretary.*

Hon. J. D. C. ATKINS,
Chairman Committee on Appropriations.

Mr. BECK. It may be that this is a very proper provision to pass, but the sundry civil bill includes all such appropriations. The amendment is not germane to any of the matters contained in the legislative, executive, and judicial appropriation bill. Does it come from any committee, I will ask the Senator?

Mr. ROLLINS. The amendment was referred to the Committee on Appropriations. It was printed and referred some days since.

Mr. BECK. I make the point of order that it is not——

Mr. ROLLINS. Not germane? Pray, why is it not germane to the bill?

Mr. DAVIS, of West Virginia. The point of order, I understand, is that the amendment comes from no committee.

Mr. ROLLINS. It was referred to the Committee on Appropriations, and it is recommended by the Secretary of the Treasury. It is just and proper that the money should be appropriated.

Mr. ALLISON. I should like to hear the letter of the Secretary read again.

The Chief Clerk again read the letter.

Mr. ROLLINS. I appeal to the Senator from Kentucky to withdraw his point of order.

The PRESIDING OFFICER. Does the Senator from Kentucky insist upon his point of order?

Mr. BECK. These judgments may be appealed. We never have made appropriations to pay the judgments until we have had certificates showing that the appeals were all passed and that the action of the court was over. I think it is premature now.

Mr. ROLLINS. It is recommended by the Secretary of the Treasury.

Mr. BECK. It will not be known whether the judgments will be appealed before the next session of Congress.

The PRESIDING OFFICER. Does the Senator from Kentucky insist upon his point of order?

Mr. BECK. Yes, sir.

The PRESIDING OFFICER. The Chair will hold that under Rule 27 the amendment is not in order.

Mr. HOAR. I inquire of the Chair whether the rule is not express that the point shall be submitted to the Senate without being ruled on by the Chair?

The PRESIDING OFFICER. It can be submitted to the Senate, as the Chair understands the rule, and will be submitted if any Senator desires.

Mr. HOAR. No, sir; my question merely related to the regularity of proceeding. My recollection is that the rule here relied on requires the point of order to be submitted to the Senate in all cases. I do not understand that it is within the province of the Chair to decide the point of order under that rule. I have no interest in this particular amendment, but I merely made the suggestion in reference to the ordinary proceeding of business.

Mr. MAXEY. If it is the privilege of a Senator to have the question of order submitted to the Senate, I should like to have it submitted. I have information which satisfies me that the appropriation asked for is very proper and ought to be passed. I have in my own mind a case in my State of a judgment of some twelve or thirteen thousand dollars which draws no interest, unless an appeal is taken. If an appeal is taken and the judgment is affirmed, then it draws 5 per cent. interest. Unless an appeal is taken the claimant lays out of the use of his money without interest. I see no reason why the judgment of the court should not be paid, and why the claimant should not receive that which he is adjudged to be entitled to have.

The PRESIDING OFFICER. The Chair will submit the question of order to the Senate.

Mr. DAVIS, of West Virginia. I submit to the Chair that if he will have Rule 28 read he will find that the amendment is positively against the rules of the Senate, and it will not be necessary to submit the question to the Senate at all. That is my recollection of Rule 28. This amendment comes from no standing committee, nor is it estimated for. It is perfectly in order for the Chair, if he desires, to submit it; but the Chair has a right to rule it out of order, and it is out of order under the rule.

Mr. ROLLINS. The Secretary of the Treasury estimated for $500,000.

Mr. ALLISON. I find on page 154 of the estimates for the next fiscal year an estimate of $500,000 for judgments of the Court of Claims. I infer that in the sundry civil bill we have already made some appropriation for that purpose. I do not remember the details of that bill; but if we have done so, I think we should let the matter rest until the next session of Congress.

Mr. DAVIS, of West Virginia. If my friend will allow me, the Secretary's letter says that this has arisen since the estimates were made, and then he says the judgments will be due if they are not appealed.

Mr. ALLISON. I heard the Secretary's letter read.

Mr. DAVIS, of West Virginia. The Senator will find that to be so.

Mr. ALLISON. Undoubtedly.

Mr. DAVIS, of West Virginia. Then the amendment cannot be in order.

Mr. ALLISON. But that does not affect what I am speaking of, which is that there is an estimate for $500,000 for the next year, and I suppose the appropriation has already been made.

Mr. ROLLINS. Allow me to ask a question of the Senator from Iowa. What amount of money was appropriated for this purpose under the bill to which he refers? Five hundred thousand dollars was estimated for by the Secretary of the Treasury. Now, what amount was appropriated?

Mr. ALLISON. I have just sent to ascertain. I will answer the Senator when I find out.

Mr. HOAR. There is no rule of the Senate which prevents the moving of this amendment, because it has not been directed by a standing or select committee of the Senate under Rule 27, because under that rule propositions to carry out the provisions of some existing law, to pay judgments of the Court of Claims clearly are exceptions, so that it is not prohibited by the twenty-seventh rule. Then under the twenty-eighth rule all that is required is that the proposed amendment shall be referred to the Committee on Appropriations one day before it is offered in the Senate. That has been done in the present case; so the amendment is not prohibited by the twenty-eighth rule. The only objection to it, therefore, is the objection as to its relevancy to the pending bill. That is the objection which the Senator from Kentucky stated. That objection is open, but that objection the rule expressly requires shall be determined by the Senate and not by the Chair.

The PRESIDING OFFICER. The Chair understood the question raised by the Senator from Kentucky to arise under Rule 27. If it arises under Rule 29 the Senator from Massachusetts is correct. As there is a difference of opinion upon that subject the Chair will submit the question to the Senate.

Mr. BECK. Would it be in order now to withdraw the point of order and move to lay the amendment on the table? We can test the matter by one vote in that way.

The PRESIDING OFFICER. That is in order.

Mr. BECK. I will do that.

Mr. ROLLINS. I appeal to the Senator from Kentucky to allow a vote to be taken on the amendment.

Mr. BECK. A motion to lay on the table will answer just as well, I think.

Mr. ROLLINS. Why not vote on the amendment?

Mr. BECK. I have moved to lay the amendment on the table.

Mr. ROLLINS. I submit that if the point of order is withdrawn the Senator from Kentucky is not entitled to the floor.

The PRESIDING OFFICER. The Chair understood the Senator from Kentucky to withdraw his point of order, and while he had the floor he made a motion to lay the amendment on the table.

Mr. WHYTE. Which is not debatable?

The PRESIDING OFFICER. The motion to lay on the table is not debatable.

Mr. ROLLINS. Does the Senator insist upon his motion?

Mr. BECK. I have no objection to any Senator being heard, but I thought that motion would test the question as quickly as any other.

Mr. ALLISON. I can now answer the question of the Senator from New Hampshire.

The PRESIDING OFFICER. The Chair will ask the Senator from Iowa to suspend for a moment. The Chair does not know that debate is in order unless the Senator from Kentucky withdraws the motion to lay on the table.

Mr. ALLISON. I should like to contribute a little information to the Senate.

Mr. ROLLINS. Will the Senator from Kentucky allow the Senator from Iowa to state a fact?

Mr. BECK. Certainly.

Mr. HOAR. I rise to a question of order.

The PRESIDING OFFICER. The Senator from Massachusetts will state his question of order.

Mr. HOAR. When a Senator moves an amendment he is entitled to the floor first to address the Senate upon it, if the amendment be entertained. Another Senator cannot deprive him of that right—I do not understand the Senator from Kentucky desires to do so, but I merely make the point of order that another Senator cannot deprive him of that right by first raising a point of order and then withdrawing the point of order and moving to lay the amendment on the table at once. That deprives the Senator of his right to the floor. The Senator from Kentucky can only take the floor for the purpose of raising his point of order. When that is withdrawn the Senator from New Hampshire has the floor, as of right, upon his amendment.

The PRESIDING OFFICER. The Senator from Massachusetts is correct, but in the recollection of the Chair the floor had changed hands two or three times after the amendment was offered.

Mr. HOAR. Only when the point of order was pending.

The PRESIDING OFFICER. If the Chair is wrong in his recollection on that point, he will hold that the Senator from New Hampshire is entitled to the floor upon his own amendment.

Mr. ROLLINS. I yield to the Senator from Iowa.

Mr. ALLISON. I find on an examination of the sundry civil act for the next fiscal year that an appropriation of $125,000 was made.

Mr. MAXEY. The estimate was for $500,000.

Mr. ALLISON. One hundred and twenty-five thousand dollars was appropriated in the sundry civil act for the next fiscal year.

Mr. ROLLINS. Then I submit, as the Department estimate was $500,000, and $125,000 alone was appropriated, it leaves a balance of $375,000 to be provided for by appropriation. Therefore this item has been estimated by the proper Department of the Government. The amendment was introduced some days since, printed, and referred to the Committee on Appropriations.

There are quite a large number of judgments of the Court of Claims that ought to be satisfied, for which appropriations should be made. I presume all the Senators on this floor will admit the justice and propriety of providing for the payment of these judgments of the court. They bear no interest, and the claimants will lose all interest on their money until the end of another session of Congress unless provision is made by law for their payment. Judgments of the Court of Claims only bear interest in cases where the United States appeals to the Supreme Court, (section 1090, Revised Statutes, 1878.) In cases where there is no ground for appeal the Attorney-General would only prolong useless litigation by appealing, and subject the United States to the payment of interest. In such cases, for these reasons, it is plainly the duty not to appeal. If the appropriations are not made at the present session of Congress, of course they will have to be made at the next session of Congress, and there will be this long delay.

It seems to me that there is no propriety in thus delaying just claimants upon the Government of the United States. When a party has a just claim against the Government, and presses that claim in the Court of Claims and obtains there a judgment against the Govern-

ment, it seems to me he is entitled to have that judgment satisfied within a reasonable time.

The object of the amendment is simply to provide at this time some way whereby these judgments may be satisfied. The amendment is in perfect accordance with the recommendations of the Treasury Department. All the Senators, I believe, on this floor will admit that the amendment is a just one, and I hope it will be agreed to.

Mr. CARPENTER. Suppose the appropriation should be $200,000 too much, who would suffer? Nothing is to be paid out except on the judgments, nothing is to be paid beyond the amount of the judgments, and if the judgments do not equal the appropriation the balance of the appropriation will lie there and be turned into the Treasury at the end of the year as an unexpended balance.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Hampshire, [Mr. ROLLINS.]

The amendment was rejected, there being on a division—ayes 17, noes 30.

Mr. BAILEY. In the legislative, executive, and judicial appropriation act of June 19, 1878, page 26, there is an appropriation of $8,000 for the Bureau of Education for the purpose of "collecting statistics and writing and compiling matter for annual and special reports and editing and publishing circulars of information." Under the bill that was vetoed that sum was increased to $15,000. I move in the present bill to strike out "eight" and insert "fifteen." There is another reason why it is necessary to increase the sum to be applied to the publication of the reports of the Bureau of Education. There are demands made for those reports in every part of the country, North, East, South, and West, and those demands cannot be met with the appropriations that this bill contains. Therefore, I move to strike out "eight" and insert "fifteen."

The PRESIDING OFFICER. Will the Senator indicate the precise point where his amendment comes in?

Mr. BAILEY. At page 14, after line 208.

Mr. DAVIS, of West Virginia. I shall not object to the consideration of this amendment, but I will simply state that the amount of $8,000 was appropriated for the current year. It is true the vetoed bill gave $15,000. The committee acted upon it, and they thought that it ought to be $8,000. That was the decision of a majority of the committee at least. While the committee care nothing about it specially one way or the other, and there was nothing in the proposition which it specially opposed or favored, the committee, so far as I am concerned, submit the question to the Senate.

Mr. BURNSIDE. The amendment of the Senator from Tennessee covers the same ground that was embraced in the vetoed bill. It simply makes the appropriation for the Educational Bureau precisely the same as it was in the vetoed bill, and I hope it will be adopted.

The PRESIDING OFFICER. The Chair will state to the Senator from Tennessee that it is necessary for him to indicate in what line in the present bill under consideration his amendment comes.

Mr. BECK. Page 13, after line 181 of section 2, I think will be an appropriate place for it. The Senator from Tennessee will observe that this comes under the Interior Department. The Bureau of Education belongs there, and several Senate amendments have been inserted at that point already. After line 181 the amendment would seem to be suitable if it is voted in.

Mr. ALLISON. That is a very good place for it.

Mr. DAVIS, of West Virginia. I submit that if the Senate approves of the amendment the place will be found to put it in.

Mr. WITHERS. I will state that the point selected by the mover of the amendment is the proper place in my opinion to precede the paragraph for a separate heading for the Bureau of Education, from the fact that it occupies the same position in this bill that the appropriation for the Bureau of Education does in the act of the current year. For that reason it is the most appropriate place.

Mr. ALLISON. What line is that?

Mr. WITHERS. Line 208, page 14.

The PRESIDING OFFICER. The Senator from Tennessee will prepare his amendment.

Mr. BAILEY. I am preparing it.

Mr. BECK. In order to test it, if the Senator from Tennessee does not object to a test in such a form, I move to lay the amendment on the table.

Mr. WITHERS. On that I call for the yeas and nays.

The PRESIDING OFFICER. The Senator from Kentucky moves to lay the amendment offered by the Senator from Tennessee on the table, and upon that the Senator from Virginia asks for the yeas and nays.

Mr. WITHERS. I will take a division first.

The question being put, there were on a division—ayes 22, noes 21.

Mr. WITHERS. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CONKLING. May we hear the amendment reported we are asked to lay on the table?

The PRESIDING OFFICER. The Secretary will now report the amendment.

The CHIEF CLERK. On page 13, after line 181 of section 2, it is proposed to insert:

Bureau of Education:

For collecting statistics and writing and compiling matter for annual and special reports, and editing and publishing circulars of information, $15,000.

Mr. WITHERS. I will state that this is precisely the amount appropriated in the bill known as the vetoed bill. The publications which are issued by the Bureau of Education are very much in demand. I know to my certain knowledge that very many applications are made for them in my State which cannot be supplied for want of a sufficient number of copies. In the House the proposition was made to increase the sum appropriated last year, which was $8,000, to $15,000 for the purpose of increasing the number of these volumes. It was carried by a large majority in the House, and it was incorporated in the bill which has been vetoed. Having been passed upon repeatedly by this body as well as the other, I think there is no reasonable objection to its being inserted in the present bill.

Mr. BECK. The amendment ought to be changed so as to read $7,000 instead of $15,000. We have already $8,000 by this bill.

Mr. BAILEY. Very well.

Mr. BECK. All we desire is $15,000, and the amendment ought to increase the amount $7,000.

The PRESIDING OFFICER. Does the Senator from Tennessee accept the modification?

Mr. BAILEY. Yes, sir.

The PRESIDING OFFICER. The question is on the motion of the Senator from Kentucky to lay the amendment on the table, on which the yeas and nays have been ordered.

The Secretary called the roll.

Mr. GROOME. I desire to say that upon this question I am paired with the Senator from Michigan, [Mr. CHANDLER.] Were he here, I should vote "yea."

Mr. ANTHONY, (after having voted in the negative.) I withdraw my vote. I am paired with the Senator from Georgia [Mr. GORDON] who is absent. I do not know how he would vote.

Mr. BELL, (after having voted in the negative.) I withdraw my vote. I am paired with the Senator from Kentucky, [Mr. WILLIAMS.]

The result was announced—yeas 20, nays 25; as follows:

YEAS—20.

Beck,	Garland,	Maxey,	Vest,
Booth,	Hereford,	Pendleton,	Voorhees,
Coke,	Jonas,	Saulsbury,	Walker,
Davis of W. Va.,	Jones of Florida,	Slater,	Wallace,
Eaton,	Kernan,	Vance,	Whyte.

NAYS—25.

Allison,	Conkling,	Ingalls,	Rollins,
Bailey,	Davis of Illinois,	Kellogg,	Saunders,
Blaine,	Dawes,	Kirkwood,	Windom,
Burnside,	Ferry,	Logan,	Withers.
Call,	Harris,	Morrill,	
Cameron of Pa.,	Hill of Colorado,	Paddock,	
Cameron of Wis.,	Hoar,	Platt,	

ABSENT—31.

Anthony,	Edmunds,	Houston,	Plumb,
Bayard,	Farley,	Johnston,	Randolph,
Bell,	Gordon,	Jones of Nevada,	Ransom,
Bruce,	Groome,	Lamar,	Sharon,
Butler,	Grover,	McDonald,	Teller,
Carpenter,	Hamlin,	McMillan,	Thurman,
Chandler,	Hampton,	McPherson,	Williams.
Cockrell,	Hill of Georgia,	Morgan,	

So the Senate refused to lay the amendment on the table.

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) The question recurs on agreeing to the amendment of the Senator from Tennessee, [Mr. BAILEY.]

The amendment was agreed to.

Mr. COCKRELL. On page 13, after line 169 of section 2, under the head of "Interior Department," I submitted an amendment intended to be proposed by me; which was duly referred to the Committee on Appropriations, and I am advised that they took no special action upon it.

The PRESIDING OFFICER. The Secretary will report the amendment offered by the Senator from Missouri.

The CHIEF CLERK. At the end of line 169, section 2, it is proposed to insert:

General Land Office:

To enable the Commissioner of the General Land Office to adjust and settle the claims of the several States, under the act of Congress approved September 28, 1850, and the acts supplemental thereto and amendatory thereof for swamp lands, including the claims for swamp-land indemnity under the acts of March 2, 1855, and March 3, 1857, and others, $25,000.

Mr. BECK. I insist that that amendment is not in order on this bill, that it is not recommended by any standing committee or by any Department of the Government in any manner that I know of. Indeed the main objection the Committee on Appropriations had to it was that it did not belong to the legislative, executive, and judicial appropriation bill, which, as the President of the Senate knows, is sufficiently incumbered already. There are deficiency bills, and there are other bills that will come before us, perhaps some still pending, providing for miscellaneous items, and allowing such things to be done, where this amendment can be appropriately added, and where the probabilities are that many members of the Committee on Appropriations would support it. On this bill we were afraid to consider many of those things, and this was one of them, believing that it did not properly belong to this bill.

Mr. COCKRELL. Mr. President——

Mr. BECK. I do not know whether the point of order is well

taken or not, but I am going to raise any question I can to keep any more amendments from being ingrafted on this bill.

The PRESIDING OFFICER. Does the Senator from Missouri desire to say anything in reference to the question of order raised by the Senator from Kentucky?

Mr. COCKRELL. I think the amendment is in order. I do not desire to discuss it.

The PRESIDING OFFICER. In the opinion of the Chair the point of order is well taken, but the Chair does not express his opinion with confidence.

Mr. COCKRELL. I desire simply to call the attention of the Senate for one moment to this subject. There is a large number of States that are interested in the question of the settlement and adjustment of the claims for swamp lands and for swamp-land indemnity. I hold in my hand a letter from the Commissioner of the General Land Office, addressed to Hon. J. D. C. ATKINS, chairman of the Committee on Appropriations of the last House of Representatives. This appropriation has been strongly recommended by that department. It has been urged session after session in the reports of that department. It is impossible for the department to take a solitary step in the adjustment and settlement of these claims unless it has an appropriation.

All the States having swamp lands are interested in it; the counties of those States are interested in it; constant applications are made for the settlement and adjustment of these claims; and we are powerless to do anything without an appropriation. The amendment has been recommended in as strong language as it is possible by the Commissioner of the General Land Office. I also hold in my hand a letter from the Secretary of the Interior.

Mr. BECK. That was addressed to the last Congress, was it not?

Mr. COCKRELL. One was addressed to the last Congress.

Mr. BECK. Will the Senator from Missouri allow me a moment? They are all addressed to the last Congress. They were very strong and very urgent, and because the urgency——

The PRESIDING OFFICER. The Chair will call the attention of the Senators from Kentucky and Missouri to what the Senator from Missouri seems not to have understood. The Chair holds that the amendment is not in order; that the point of order taken by the Senator from Kentucky was well taken. Does the Senator from Missouri appeal from the decision of the Chair?

Mr. COCKRELL. No, sir; I do not appeal from it. I simply desire to make a statement of the case, that the Committee on Appropriations may understand it and put the amendment upon some other bill.

The PRESIDING OFFICER. The statement of the Senator will be heard by unanimous consent.

Mr. COCKRELL. In answer to the Senator from Kentucky I will say that I have letters now of the 6th of June, both from the Commissioner of the General Land Office and the Secretary of the Interior, asking for this same appropriation.

Mr. BECK. I know it is out of order, but I desire to say one word. Knowing the urgency of these things we have at this session of Congress increased the force of the Commissioner of the General Land Office. We have made an appropriation of $68,000 more than he ever had before to enable him to go on with this work.

Mr. GARLAND. I should like to ask the Senator from Kentucky if in increasing the force by that amount the committee had in view this particular item? This is an amendment in which the State I represent in part is very much interested, and sixteen other States are interested in it.

Mr. BECK. This was one of the items the Commissioner of the General Land Office complained of not having force enough to go into, and we have given him $68,000 for this and other purposes.

Mr. GARLAND. There are seventeen States directly interested in this matter. The State of Arkansas is interested to the amount of $200,000. We have made efforts for the last six or eight years to have this thing settled, and we have been told all the time that they have not had sufficient force to adjust the claims. If the Senator who has this bill in charge thinks, after investigating all these matters, that the $68,000 appropriated will cover this item, I am satisfied for one.

Mr. DAVIS, of West Virginia. I will state for the information of the Senator that the Committee on Appropriations gave the Land Office all they asked for both in clerks and contingencies, and I suppose this $25,000 to have been included.

Mr. ALLISON. I do not wish the Senator from Arkansas to have any misapprehension about this matter. There is no appropriation in this bill that will include what he wants to include.

Mr. GARLAND. The State of Iowa is interested quite as much as the State of Arkansas.

Mr. ALLISON. And therefore I want to disabuse the mind of my friend, so that the States of Iowa and Arkansas will not be deceived.

Mr. GARLAND. We shall try to get this on some other appropriation bill. I have no desire, of course, to resist the point of order.

The PRESIDING OFFICER. If there be no further amendment offered in Committee of the Whole the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

Mr. BECK. I move that the amendments be concurred in in gross.

The PRESIDING OFFICER. The question is, will the Senate concur in the amendments made as in Committee of the Whole, and the Senator from Kentucky moves that the amendments be concurred in in gross. Without objection that course will be adopted.

The amendments were concurred in.

Mr. BLAINE. I do not intend to delay the final action on the bill, but I merely want to get an affirmative answer from the honorable Senator from Kentucky, because the bill is a little confused, as we have all agreed to it, that this bill does not contain any legislation or political riders, or anything whatever of that name or nature of any kind.

Mr. BECK. I believe it does not, and I compared the bill of the current fiscal year with all the amendments of the Senate and all the amendments of the House, and embodied them in an amendment which at one time I thought I would offer. I find nothing that I can see objectionable in it, and I believe the House and Senate committees have endeavored to keep it as clear of all those things as possible.

Mr. BLAINE. I get more than I asked, because the honorable Senator from Kentucky thinks those things are objectionable. I am glad to hear that.

Mr. ALLISON. All the amendments that were on the vetoed bill I believe are transferred now to the little bill—the supplemental sundry civil bill.

Mr. BLAINE. That will come along in turn. I only wanted to know about this bill, that this bill has nothing of that kind in it.

Mr. ALLISON. I understood they were all shifted from this bill to the little bill.

Mr. WITHERS. The Senator from Maine has been criticising every word in the bill, making verbal criticisms, and he ought to know what is in it.

Mr. BLAINE. No; I merely acknowledge before the Senate of the United States and the great American people that this bill is totally and absolutely beyond my comprehension.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. COCKRELL. I desire to offer an amendment to House bill No. 2002 making appropriations for the service of the Post-Office Department to pay letter-carriers, to make provision for the adjustment and settlement of the swamp-land claims and indemnities, and I ask that the amendment be referred to the Committee on Appropriations.

The amendment was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. No. 1734) to authorize the Secretary of War to use certain moneys appropriated by act of Congress approved March 3, 1879, "for the protection of the high sand-banks on the Chippewa River," in the completion and protection of improvements in and near the mouth of said Chippewa River;

A bill (H. R. No. 509) relating to telegraphic communication between the United States and foreign countries; and

A joint resolution (H. R. No. 32) authorizing the completion of the foundation of the Washington Monument.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. No. 1841) to remove the political disabilities of James H. North, of Culpeper County, Virginia; and it was thereupon signed by the President *pro tempore*.

HOUSE BILLS REFERRED.

Mr. CAMERON, of Wisconsin. I ask that the House bills on the table be laid before the Senate so that they may be referred to the appropriate committees.

The bill (H. R. No. 509) relating to telegraphic communication between the United States and foreign countries was read twice by its title, and referred to the Committee on Foreign Relations.

The bill (H. R. No. 1734) to authorize the Secretary of War to use certain moneys appropriated by act of Congress approved March 3, 1879, "for the protection of the high sand-banks on the Chippewa River," in the completion and protection of improvements in and near the mouth of said Chippewa River, was read twice by its title, and referred to the Committee on Commerce.

The joint resolution (H. R. No. 32) authorizing the completion of the foundation of the Washington Monument was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

APPROPRIATIONS FOR JUDICIAL EXPENSES.

Mr. WALLACE. I move to proceed to the consideration of House bill No. 2252, making appropriations for certain judicial expenses.

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) The unfinished business is Senate bill No. 594.

Mr. WALLACE. I move to postpone that and all other orders and proceed to the consideration of the bill which I have named.

Mr. CONKLING. That is "the little bill." [Laughter.]

The PRESIDING OFFICER. The Senator from Pennsylvania moves to postpone the pending and all other orders for the purpose of proceeding to the consideration of the bill named by him.

The motion was agreed to.

Mr. WHYTE. I move that the Senate now proceed to the consideration of executive business.

Mr. CONKLING. I move now, at half after five, that the Senate adjourn.

The PRESIDING OFFICER. It is moved by the Senator from New York that the Senate do now adjourn.

The motion was agreed to; and (at five o'clock and twenty-four minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June* 13, 1879.

The House met at twelve o'clock m. Prayer by Rev. DAVID WILLS, D. D.

The Journal of yesterday was read and approved.

SPIRITS WITHDRAWN FROM WAREHOUSES FOR EXPORTATION.

Mr. MORRISON, from the Committee of Ways and Means, reported back, with a favorable recommendation, the bill (H. R. No. 1955) authorizing allowance for loss by leakage or casualty of spirits withdrawn from distillery warehouses for exportation; and the same was referred to the Committee of the Whole on the state of the Union.

Mr. CONGER. Not to be brought back by a motion to reconsider.

The SPEAKER. The point of order would immediately lie against it, if it were so brought back.

Mr. CONGER. It had better be settled now that it is the understanding that this bill is referred to the Committee of the Whole on the state of the Union not to be brought back by a motion to reconsider. If not, then I will move to reconsider and table the reference.

Mr. MORRISON. What does the gentleman ask?

Mr. CONGER. That this bill shall not be brought back into the House by a motion to reconsider.

Mr. MORRISON. I have no objection to that.

Mr. CONGER. I think we had better fasten the thing now.

Mr. MORRISON. It was the understanding in the Committee of Ways and Means that this bill should not be brought back into the House by a motion to reconsider.

Mr. CONGER. I so stated to the Chair.

Mr. MORRISON. It is a little surprising that the gentleman from Michigan, [Mr. CONGER,] himself a member of the Committee of Ways and Means, and knowing the understanding in that committee to be that this bill should not be brought back on a motion to reconsider, should think it necessary to have an order made in order to keep members from breaking that understanding.

Mr. CONGER. I cannot tell now what I should say in reply to the gentleman; I will think it over.

IMPROVEMENT OF THE CHIPPEWA RIVER.

Mr. POUND. I am compelled this morning to ask of the House a special courtesy, which I am sure will be granted when it is understood. I will preface my proposition with a single word of explanation. It is of great importance that the bill which I hold in my hand should pass at this session of Congress. It is of importance to the Government, and of exceedingly great importance to all parties engaged or interested in the commerce and navigation of the Chippewa River, to which this bill relates, a commerce amounting in the aggregate to more than $15,000,000 annually. This bill does not contain an appropriation, but it deals with an appropriation already made. It has been referred to the Engineer department and received its hearty and emphatic indorsement. It has been referred to the Committee on Commerce of this House, and that committee has ordered it to be reported back favorably, and is only waiting an opportunity to obtain the floor to make the report. Fearing that if we wait until the committee is called the report will be delayed so that the bill cannot pass the Senate at this session, I now ask unanimous consent of the House that the Committee on Commerce may be discharged from the further consideration of this bill, and that it be considered and passed by the House at this time.

There is no opposition to the object of the bill, but in regard to the construction of it the gentleman from Iowa [Mr. PRICE] may ask to add an amendment, to which I have no objection.

Mr. ATKINS. I desire to reserve all points of order.

The SPEAKER. It can only be entertained by unanimous consent.

The bill (H. R. No. 1734) to authorize the Secretary of War to use certain moneys appropriated by act of Congress approved March 4, 1879, "for the protection of the high sand-banks on the Chippewa River," in the completion and protection of improvements in and near the mouth of said Chippewa River, was then read.

The bill authorizes the Secretary of War, in his discretion, to apply and use for the completion and protection of the wing-dams, jetties, and other improvements of the Chippewa River, in the State of Wisconsin, located at and near the mouth of said river, so much of the moneys appropriated by an act of Congress approved March 4, 1879, entitled "An act making appropriations for the construction, repair, preservation, and completion of certain works on rivers and harbors, and for other purposes, as were appropriated "for the protection of the high sand-banks on the Chippewa River," &c., as may be required for such purpose, provided that such use or application of the moneys herein authorized shall be made under the same limitations and conditions as provided in the act hereinbefore named.

The SPEAKER. Is there objection to the consideration of this bill at this time?

Mr. DUNNELL. I object, unless an amendment can be made to it.

Mr. POUND. I will yield to the gentleman from Iowa [Mr. PRICE] to offer an amendment.

The SPEAKER. Then the Chair hears no objection to the present consideration of the bill.

Mr. PRICE. I have the consent of the gentleman to offer an amendment.

The SPEAKER. The bill is now open to amendment.

Mr. POUND. I do not object. It is a mere change in the construction of the bill, which I do not deem important.

The amendment was to add to the bill the following:

And subject to the terms and conditions of the proviso attached to the appropriation for said Chippewa River in said act approved March 3, 1879.

Mr. DUNNELL. That is the same amendment which I desired to offer.

Mr. PRICE. I have no objection to the bill with that amendment.

Mr. ATKINS. As the chairman of the Committee on Commerce [Mr. REAGAN] is not now in his seat, I believe I must object to this bill.

Mr. POEHLER. I hope the gentleman will withdraw his objection.

Mr. POUND. I state upon my word as a member of this House that the chairman of the Committee on Commerce assured me that he was in favor of this bill, and I take this action with his approbation.

Mr. ATKINS. With that assurance I withdraw my objection.

The amendment of Mr. PRICE was then agreed to.

Mr. POUND. There is a clerical error in the printed bill and also in the title. The phrase "approved March 4, 1879" should read "approved March 3, 1879." I ask consent that the error be corrected.

There was no objection, and the amendment was agreed to.

The bill, as amended, was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. POUND moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

J. B. M'DONNELL.

Mr. VANCE, by unanimous consent, submitted the following resolution; which was referred to the Committee of Claims:

Resolved, That the Clerk of the House be, and is hereby, authorized and directed to pay to J. B. McDonnell the sum of $297.75, out of the contingent fund of the House, for services rendered as messenger to the Committees on Patents and Railways and Canals during the third session of the Forty-fifth Congress.

CLAIMS AGAINST THE DISTRICT OF COLUMBIA.

Mr. HUNTON, by unanimous consent, reported back from the Committee for the District of Columbia, with amendments, the bill (H. R. No. 298) to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes; which was ordered to be printed and recommitted, not to be brought back on a motion to reconsider.

BINDING INTERNAL-REVENUE LAWS, ETC.

Mr. HAYES, by unanimous consent, introduced a bill (H. R. No. 2267) providing for the binding of the internal-revenue laws and manual; which was read a first and second time, referred to the Committee on Printing, and ordered to be printed.

TELEGRAPHIC COMMUNICATION WITH FOREIGN COUNTRIES.

Mr. MORTON. Mr. Speaker, I ask leave to report from the Committee on Foreign Affairs for consideration at this time the bill (H. R. No. 509) relating to telegraphic communication between the United States and foreign countries. The bill provides for the free landing of ocean cables and will, it is believed, tend to secure a large reduction in the charges for telegraphic messages between this and foreign countries. Bills substantially the same as this have in previous Congresses passed the House and the Senate, but in each instance have failed to pass both Houses during the same session. Petitions urging the passage of a bill of this character, signed by a large number of leading merchants in the large cities, have been presented to the House and referred to the Committee on Foreign Affairs, which unanimously favors the passage of the bill.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all communication that may hereafter be established by any citizens of the United States, or any company, corporation, or association created under the laws of the United States or of any State, or by any citizens or subjects, or corporation, company, or association, of any foreign country, between the United States and any foreign country, by means of any telegraphic or magnetic lines or cables laid in and over the waters, reefs, islands, shores, and lands within the jurisdiction of the United States, shall be subject to the following conditions, stipulations, and reservations, to wit: First, the Government of the United States shall be entitled to exercise and enjoy the same privileges with regard to the control and use of any such line or cable as may, by law, agreement, or otherwise, be exercised and enjoyed by any foreign government whatever; secondly, citizens of the United States shall enjoy the same privileges for the transmission of messages as are enjoyed by the citizens or subjects of the

foreign country with which the communication is had; thirdly, the transmission of dispatches shall be made in the following order: first, dispatches of state, under such regulations as may be agreed upon with the governments interested, the rates not to exceed those charged to individuals; secondly, dispatches on telegraphic service; and, thirdly, private dispatches; fourthly, the lines of any such cables shall be kept open to the public for the daily transmission of market and commercial reports and private and general intelligence, and all messages, dispatches, and communications shall be forwarded in the order in which they are received, except as hereinbefore provided; fifthly, before extending and establishing any such line or cable in or over any waters, reefs, islands, shores, and lands within the jurisdiction of the United States, a written acceptance of the terms and conditions imposed by this act shall be filed in the office of the Secretary of State by the parties, company, corporation, or association proposing to establish telegraphic communication.

SEC. 2. That, subject to the foregoing conditions, stipulations, and reservations, and subject to the terms of such grants as have heretofore been made by Congress for laying and maintaining telegraph cables between the United States and foreign countries, the consent of Congress is hereby given to any person or persons who are citizens of the United States, and to any company, corporation, or association created under the laws of the United States or of any State, or by any citizens or subjects, or company, corporation, or association, of any foreign country, to lay, maintain, and operate any telegraphic or magnetic line or lines, cable or cables, between the United States and foreign countries, in and over the waters, reefs, islands, shores, and lands within the jurisdiction of the United States, subject, however, to any and all rights of property and State jurisdiction in and over the same.

SEC. 3. That any person who shall willfully disclose or in any way make known or intercept the contents of any message, or any part thereof, and any person who shall willfully injure or destroy any cable or other property of the company, or interfere with the working, repair, or use of any cable or line connected with such cable, shall, upon conviction thereof in any district court of the United States, or in any district court of the district in which such cable is landed, be subject to a fine not exceeding $5,000 or to imprisonment for a term not exceeding three years, or both, at the discretion of the court; and the party injured thereby shall have a right of action for damages. It shall be the duty of the Attorney-General to direct that prosecutions be brought against persons offending against any of the provisions of this act in the district court of the United States.

SEC. 4. That any person on board of any ship or vessel registered or enrolled in the United States, who shall willfully injure or destroy any cable used for the transmission of telegraphic dispatches between any countries, upon the high seas, shall, upon conviction thereof in any district court of the United States, be subject to a fine not exceeding $10,000 or to imprisonment for a term not exceeding five years, or both, at the discretion of the court; and the owners of such injured or destroyed cable shall have a right of action for damagas against the person willfully causing such injury or destruction.

SEC. 5. Congress may at any time alter, amend, or repeal this act.

Mr. DUNNELL. I wish to ask whether this bill is substantially the same bill which has already passed this House once or twice?

Mr. COX. It has passed this House twice.

Mr. DUNNELL. Is it the same bill?

Mr. COX. It is. The bill is intended to give no one any special privilege.

Mr. HUNTON. The casual attention I have been able to give to the reading of the bill impresses me with the idea that it is a very important measure and one which ought not to be passed hurriedly.

The SPEAKER. The bill can only come in at this time by unanimous consent.

Mr. COX. I will say to my friend from Virginia [Mr. HUNTON] that this bill grew out of requests for special privileges as to ocean telegraphs. The committee, having had the subject under consideration, have for several years been of opinion that no special rights should be given with reference to ocean telegraphing. This is a general bill allowing all ocean cables to land. My friend from Ohio [Mr. MONROE] once reported a bill on this subject, and he can say whether this is the same bill.

Mr. MONROE. It is the same.

Mr. HUNTON. Then I understand it is stated to the House that this bill is identical in form with bills heretofore passed by the House on two occasions.

Mr. COX. It is the same bill which was reported about three years ago by my colleague [Mr. FERNANDO WOOD] and two years ago by my friend from Ohio, [Mr. MONROE.]

The SPEAKER. Is there objection to the consideration of the bill at this time? The Chair hears none. The bill is before the House.

Mr. HUNTON. I observe that section 2 provides—

That subject to the foregoing conditions, stipulations, and reservations, and subject to the terms of such grants as have heretofore been made by Congress, for laying and maintaining telegraph cables between the United States and foreign countries, &c.

That is a very sweeping clause. We ought to understand fully what it means.

Mr. COX. The bill gives to everybody the same privilege that anybody has. That is the very essence of a general law. It allows no special privileges in reference to the landing of ocean cables.

Mr. HUNTON. Does it involve the Government in any expenditure of money?

Mr. COX. Not a dollar of money or property. It is intended to cut off all private class legislation on this subject.

Mr. MORTON. I call for the previous question.

The previous question was seconded and the main question ordered.

The SPEAKER. The bill is reported with certain amendments, which will be read.

The Clerk read as follows:

In line 4 of section 1 strike out the words "any citizens of the United States or."

In lines 6 and 7 of section 2 strike out the words "to any person or persons who are citizens of the United States, and."

In lines 8, 9, and 10 of the same section strike out the words "or by any citizens, or subjects, or company, corporation, or association of any foreign country."

The amendments were agreed to.

The bill, as amended, was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. MORTON moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SALE OF PROPERTY IN NEW YORK CITY.

Mr. GIBSON, by unanimous consent, from the Committee of Ways and Means, reported back, as a substitute for House bill No. 153, a bill (H. R. No. 2268) to authorize the sale of certain property in the city of New York; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

CALVIN BRONSON.

Mr. GIBSON also, by unanimous consent, reported a bill (H. R. No. 2269) for the relief of Calvin Bronson, of Toledo, Ohio; which was read a first and second time, and referred to the Committee of the Whole on the Private Calendar.

Mr. CONGER. Those bills have been referred, not to come back by a motion to reconsider.

The SPEAKER. Such is the understanding.

WASHINGTON MONUMENT.

Mr. YOUNG, of Tennessee. I have been instructed by the Committee on Public Buildings and Grounds to report back favorably joint resolution (H. R. No. 32) authorizing the completion of the foundation of the Washington Monument and to ask that it be put upon its passage at this time.

The SPEAKER. The joint resolution will be read, and the Chair will then ask for objection.

The joint resolution was read, as follows:

Resolved, &c., That the joint commission for the construction of the Washington Monument, created by the act of August 2, 1876, be, and is hereby, authorized to expend, for the completion of the foundation of the monument now in progress, so much of the appropriation made by the said act as may be necessary for that purpose, not exceeding $64,000 above the sum now authorized.

The SPEAKER. Is there objection?

Mr. DUNNELL. Is there a report accompanying this joint resolution?

Mr. YOUNG, of Tennessee. This joint resolution is the report of the committees of the Senate and House. It does not appropriate a dollar of money, but merely directs the expenditure of a sum of money already appropriated, and which if not done now the work already performed on the foundation of the Washington Monument will have been wasted.

Mr. DUNNELL. Is it in addition, or out of the original amount appropriated?

Mr. YOUNG, of Tennessee. It is out of the original amount appropriated, and only sufficient to complete the work already begun.

Mr. CLAFLIN. It takes so much money out of the amount already appropriated for the Washington Monument, and if we take this sum from that amount for the purpose of completing the foundation we will undoubtedly hereafter have to appropriate a like amount to complete the monument. As I understand it, $200,000 was appropriated for the erection of the monument above the foundation, and if you take this $64,000 out of that $200,000 for the foundation you will have to appropriate hereafter a like amount to complete the monument, or raise it from some other source.

The SPEAKER. Does the gentleman from Massachusetts object?

Mr. CONGER. Let me say a word. I did oppose this appropriation in the first place, but there has been expended in the work for completing the foundation of the monument a large sum of money, and to make that available or to save the labor which has been performed it is necessary undoubtedly there should be a further appropriation. Having examined the subject somewhat, I do not object to this now, and think the appropriation ought to be made as proposed. Perhaps originally the appropriation ought not to have been made at all, but now when this work has been carried on it certainly should be completed.

Mr. YOUNG, of Tennessee. A considerable sum which has already been expended on this work would be a total loss unless this appropriation of $64,000 is made.

The SPEAKER. Is there objection?

Mr. CLAFLIN. No, sir; I do not object.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. YOUNG, of Tennessee, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PROMOTION OF FOREIGN TRADE.

Mr. RUSSELL, of Massachusetts. I am directed by the Committee on Commerce to offer the following resolution and to ask for its consideration at this time. It is to carry out the instructions of the House.

The Clerk read as follows:

Resolved, That the sub-committee of the Committee on Commerce, to whom has been referred the resolution of the House of Representatives adopted on the 4th

instant on the subject of the commercial relations of the country, and who are authorized to inquire by what means our foreign trade may be best promoted and foreign markets opened to American products and manufactures, have leave to sit at such times and places as shall seem to them expedient during the recess of Congress, to administer oaths and take testimony, to employ a clerk and stenographer at a fair compensation, and for the purposes aforesaid the sum of $2,500 be, and is hereby, appropriated, to be paid out of the contingent fund of the House of Representatives, for the use of said committee on the requisition of the chairman, whose receipt shall be a good and sufficient voucher therefor.

Mr. WHITTHORNE. I make the point of order on that resolution.

The SPEAKER. The Chair sustains the point of order.

Mr. WHITTHORNE. I now demand the regular order and will only yield for reference.

The SPEAKER. The gentleman cannot qualify his objection, for that would give him the possession of the floor.

Mr. WHITTHORNE. Then I insist on my point of order.

CONFERENCE COMMITTEE.

The SPEAKER announced that he had appointed as conferees on the part of the House on the disagreeing votes of the two Houses on joint resolution (H. R. No. 85) fixing the date on which the committee clerks, pages, and laborers of the House of Representatives who are paid during the session only shall begin for this session, Mr. HENRY, Mr. MARTIN of Delaware, and Mr. SMITH of Pennsylvania.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, informed the House that the Senate had passed a bill (S. No. 674) for the benefit of the widow and children of General James Shields, and to increase the pension of Caroline S. Webster; in which the concurrence of the House was requested.

The message also announced that the Senate had passed without amendment the joint resolution (H. R. No. 95) to pay Patrick Doran for services as messenger of the House of Representatives.

The message further announced that the Senate had passed, with amendments in which the concurrence of the House was requested, the bill (H. R. No. 1478) to authorize the Secretary of the Treasury to negotiate for the purchase at private sale, or, if necessary, procure by condemnation, a site for a post-office in the city of Baltimore, State of Maryland.

DANIEL M. COOK.

The SPEAKER. The regular order being demanded, the morning hour begins at twenty minutes before one o'clock. This being Friday, the morning hour is confined to the consideration of private business. The unfinished business coming over from the last morning hour of Friday is the bill (H. R. No. 2019) for the relief of Daniel M. Cook, reported from the Committee on Patents by the gentleman from Pennsylvania [Mr. WARD] as a substitute for House bill No. 342.

Mr. WARD. As this bill was pretty fully discussed in the last morning hour, when the report also was read, I am willing to yield any portion that remains to me of my hour to any gentleman who may wish to discuss the bill. If no one wishes to discuss it I propose to call the previous question.

Mr. SAMFORD. Let the bill be read.

The bill was read. It authorizes the Commissioner of Patents to hear and determine the application of Daniel M. Cook for the extension for the further term of seven years of letters-patent for improvement in processes and apparatus for evaporating and desiccating cane-juice, originally granted June 22, 1868, as No. 2063, reissued December 10, 1859, as No. 867, and extended for seven years from and after the 22d day of June, 1872, and again reissued July 23, 1878; the form of such application and the mode of proceedings entered into to be in all respects the same as was provided by the act of Congress approved July 8, 1870, entitled "An act to revise, consolidate, and amend the statute relating to patents and copyrights, for the extension of patents granted prior to March 2, 1861;" and if upon such hearing the Commissioner of Patents shall be satisfied that the said Daniel M. Cook has failed to obtain from the use or sale of his invention or discovery a reasonable remuneration for the time, ingenuity, and expense bestowed upon it and the introduction of it into use, and that it is just and proper, having due regard to the public interest, that the term of the patent should be extended, the said Commissioner shall make a certificate upon said reissued patent renewing and extending the same to Daniel M. Cook, his executors, administrators, or assigns, for the term of seven years from the 22d day of June, A. D. 1879, which will be recorded in the Patent Office, and thereupon said patent shall have the same effect in law as if it had been originally patented for twenty-eight years; provided, that no suit shall be maintained for any infringement of this patent made prior to the passage of this act except upon proof of actual knowledge of said patent on the part of the person or persons so infringing and for the continued use by any person or persons of any apparatus or process covered by said patent and purchased prior to the passage hereof.

Mr. ACKLEN. Is not that bill subject to the point of order under Rule 112?

The SPEAKER. If it is, it is too late to make the point of order, because the bill comes over as unfinished business, having been discussed for some time. The question is on seconding the demand for the previous question.

Mr. GIBSON. I hope this extension of the patent will not be granted.

The question being put, there were—ayes 75, noes 45.

Mr. ACKLEN. I call for tellers.

Tellers were ordered; and Mr. WARD and Mr. ACKLEN were appointed.

The House again divided; and the tellers reported—ayes 89, noes 49.

So (further count not being called for) the previous question was seconded.

The SPEAKER. The question recurs on ordering the main question.

Mr. HOSTETLER. Did a quorum vote on the last vote?

The SPEAKER. A quorum did not vote; but the Chair understood that the teller who had demanded the vote by tellers did not make the point that a quorum had not voted.

Mr. HOSTETLER. Very well.

The question being taken on ordering the main question, there were—ayes 62, noes 34.

Mr. ACKLEN. A quorum has not voted.

Mr. SAMFORD. I hope the gentleman will not raise that point. Let us have a vote by yeas and nays.

Mr. ACKLEN. I make the point that a quorum has not voted.

The SPEAKER. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Pennsylvania, Mr. WARD, and the gentleman from Louisiana, Mr. ACKLEN.

The House again divided; and the tellers reported—ayes 97, noes 56.

So the main question was ordered.

The SPEAKER. The question recurs on ordering the bill to be engrossed and read a third time.

Mr. ACKLEN. On that I call for the yeas and nays.

The yeas and nays were ordered, forty-five voting therefor.

The SPEAKER. Does the gentleman from Louisiana desire the yeas and nays on the engrossment or on the final passage of the bill?

Mr. ACKLEN. On both.

Mr. BAKER. I ask the gentleman to agree that the yeas and nays be taken on the passage of the bill.

Mr. ACKLEN. I desire the yeas and nays on the engrossment and third reading, and they have been ordered.

The question was taken; and there were—yeas 104, nays 80, not voting 102; as follows:

YEAS—104.

Aiken,	Dunnell,	Hubbell,	Richmond,
Aldrich, N. W.	Elam,	Humphrey,	Russell, William A.
Aldrich, William	Errett,	Hurd,	Ryan, Thomas
Armfield,	Farr,	Joyce,	Shallenberger,
Atherton,	Ferdon,	Keifer,	Sherwin,
Bachman,	Finley,	Kimmel,	Smith, A. Herr
Barber,	Fisher,	Lapham,	Smith, William E.
Bayne,	Forney,	Le Fevre,	Stephens,
Blake,	Forsythe,	Loring,	Stevenson,
Bowman,	Frye,	Marsh,	Thomas,
Briggs,	Geddes,	Martin, Benj. F.	Tillman,
Burrows,	Godshalk,	Mason,	Townsend, Amos
Butterworth,	Gunter,	McCook,	Townshend, R. W.
Camp,	Hall,	McKinley,	Tyler,
Carlisle,	Hammond, John	Mitchell,	Upson,
Carpenter,	Harmer,	Monroe,	Urner,
Coffroth,	Harris, Benj. W.	Morton,	Van Aernam,
Conger,	Harris, John T.	Newberry,	Vance,
Converse,	Haskell,	Nicholls,	Wait,
Cowgill,	Hawk,	Norcross,	Ward,
Crapo,	Hawley,	O'Neill,	Warner,
Crowley,	Hayes,	Osmer,	Washburn,
Daggett,	Herndon,	Overton,	White,
Davis, George R.	Hill,	Pound,	Wise,
Deering,	Hiscock,	Price,	Yocum,
De La Matyr,	Horr,	Richardson, D. P.	Young, Casey.

NAYS—80.

Acklen,	Dibrell,	Lowe,	Sawyer,
Anderson,	Dunn,	Manning,	Simonton,
Atkins,	Ellis,	Martin, Edward L.	Singleton, O. R.
Baker,	Evins,	McKenzie,	Slemons,
Beale,	Felton,	McMillin,	Smith, Hezekiah B.
Bicknell,	Ford,	Mills,	Sparks,
Blackburn,	Gibson,	Murch,	Springer,
Bouck,	Gillette,	Myers,	Steele,
Brewer,	Goode,	Neal,	Taylor,
Bright,	Hammond, N. J.	New,	Turner, Oscar
Browne,	Hatch,	Persons,	Updegraff, Thomas
Caldwell,	Henry,	Phelps,	Waddill,
Cannon,	Herbert,	Phister,	Weaver,
Clardy,	Hooker,	Reagan,	Wellborn,
Clark, John B.	Hostetler,	Robertson,	Wells,
Clymer,	Jones,	Robinson,	Whiteaker,
Cobb,	Kenna,	Rothwell,	Whitthorne,
Culberson,	King,	Ryon, John W.	Williams, Thomas
Davidson,	Klotz,	Samford,	Willis,
Davis, Loundes H.	Lewis,	Sapp,	Wright.

NOT VOTING—102.

Bailey,	Brigham,	Covert,	Fort,
Ballou,	Buckner,	Cox,	Frost,
Barlow,	Cabell,	Cravens,	Garfield,
Belford,	Calkins,	Davis, Joseph J.	Hazelton,
Beltzhoover,	Caswell,	Deuster,	Heilman
Bingham,	Chalmers,	Dick,	Henderson,
Bland,	Chittenden,	Dickey,	Henkle,
Bliss,	Claflin,	Dwight,	Houk,
Blount,	Clark, Alvah A.	Einstein,	House,
Boyd,	Colerick,	Ewing,	Hull,
Bragg,	Cook,	Field,	Hunton,

James, Johnston, Jorgensen, Kelley, Ketcham, Killinger, Kitchin, Knott, Ladd, Lay, Lindsey, Lounsbery, Martin, Joseph J. McCoid, McGowan, McLane, McMahon, Miles, Miller, Money, Morrison, Morse, Muldrow, Muller, O'Brien, O'Connor, O'Reilly, Orth, Pierce, Poehler, Prescott, Reed, Rice, Richardson, J. S. Robeson, Ross, Russell, Daniel L. Scales, Shelley, Singleton, Jas. W. Speer, Starin, Stone, Talbott Thompson, Tucker, Turner, Thomas Updegraff, J. T. Valentine, Van Voorhis, Voorhis, Wilber, Williams, C. G. Willits, Wilson, Wood, Fernando Wood, Walter A. Young, Thomas L.

So the bill was ordered to be engrossed and read a third time.

During the roll-call the following announcements were made:

Mr. YOUNG, of Tennessee. On all political questions I am paired with Mr. HENDERSON, of Illinois; not considering this one of that character I vote "ay."

Mr. MULDROW. I am paired with Mr. DWIGHT, of New York.

Mr. FINLEY. My colleague, Mr. DICKEY, is paired with Mr. ORTH, of Indiana.

Mr. DAVIS, of North Carolina. I am paired with my colleague, Mr. MARTIN. My colleague, Mr. KITCHIN, is paired with Mr. RICE, of Massachusetts.

Mr. SAMFORD. My colleague, Mr. SHELLEY, is paired with Mr. MILLER, of New York.

Mr. COFFROTH. My colleague, Mr. BELTZHOOVER, is paired with my other colleague, Mr. BINGHAM.

Mr. MANNING. Mr. MONEY is absent by leave of the House and is paired with Mr. STARIN, of New York.

Mr. KENNA. My colleague, Mr. WILSON, is necessarily absent from the House on account of sickness in his family, and is paired with Mr. REED, of Maine.

Mr. STEVENSON. Mr. LADD, of Maine, is absent by leave of the House, and is paired with his colleague, Mr. LINDSEY.

Mr. TOWNSHEND, of Illinois. My colleague, Mr. SINGLETON, is paired with Mr. MILES, of Connecticut.

Mr. LOUNSBERY. I am paired with my colleague, Mr. BAILEY.

Mr. KNOTT. I am paired with Mr. CALKINS. If he were here, I would vote "ay."

Mr. AIKEN. My colleague, Mr. RICHARDSON, is absent by leave of the House.

Mr. TYLER. Mr. BRIGHAM, of New Jersey, is paired with his colleague, Mr. ROSS.

Mr. HOUK. I am paired with my colleague, Mr. HOUSE, who I understand would vote "no" if here.

Mr. ROBINSON. My colleague, Mr. MORSE, is paired with Mr. KELLEY, of Pennsylvania.

Mr. BLOUNT. I am paired with Mr. HAZELTON, of Wisconsin.

Mr. HARMER. My colleagues, Mr. BINGHAM and Mr. BELTZHOOVER, are paired.

The result of the vote was then announced as above stated.

The bill being engrossed, was read the third time.

Mr. WARD. I call for the previous question on the passage of the bill.

Mr. ACKLEN. I move that the House do now adjourn, and pending that motion I move that when the House adjourn to-day it adjourn to meet on Monday next.

The SPEAKER. If the gentleman's object is to consume the morning hour, the motion to adjourn will be sufficient if the yeas and nays are ordered on it.

Mr. ACKLEN. That is my object; but I insist on my motion.

The question was taken upon the motion that the House adjourn till Monday; and on a division there were—ayes 93, noes 53.

Mr. SPARKS. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 75, nays 117, not voting, 94; as follows:

YEAS—75.

Aldrich, William	Davis, George R.	Joyce,	Shallenberger,
Anderson,	Davis, Loundes H.	Keifer,	Sherwin,
Armfield,	Deering,	Lapham,	Simonton,
Atherton,	Dunn,	Le Fevre,	Smith, A. Herr
Baker,	Dunnell,	Loring,	Smith, Hezekiah B.
Barber,	Errett,	Mason,	Springer,
Bayne,	Field,	McCoid,	Stone,
Bicknell,	Forsythe,	McGowan,	Thomas,
Blake,	Godshalk,	Mitchell,	Updegraff, Thomas
Bowman,	Gunter,	Neal,	Upson,
Brewer,	Hammond, John	Newberry,	Urner,
Briggs,	Haskell,	Norcross,	Ward,
Browne,	Hawk,	Osmer,	Washburn,
Butterworth,	Hawley,	Overton,	Wells,
Carlisle,	Hayes,	Poehler,	White,
Carpenter,	Horr,	Richardson, D. P.	Williams, C. G.
Conger,	Hubbell,	Russell, William A.	Willits,
Crapo,	Humphrey,	Ryan, Thomas	Yocum.
Daggett,	Hurd,	Sapp,	

NAYS—117.

Acklen,	Bouck,	Clardy,	Covert,
Aiken,	Bright,	Clark, John B.	Cowgill,
Aldrich, N. W.	Buckner,	Clymer,	Cox,
Atkins,	Burrows,	Cobb,	Cravens,
Bachman,	Caldwell,	Coffroth,	Crowley,
Beale,	Cannon,	Colerick,	Culberson,
Blackburn,	Claflin,	Cook,	Davidson,
De La Matyr,	Herndon,	Muller,	Steele,
Deuster,	Hill,	Murch,	Stephens,
Dibrell,	Hiscock,	Myers,	Stevenson,
Elam,	Hooker,	New,	Taylor,
Evins,	Hostetler,	Nicholls,	Thompson,
Farr,	Hull,	O'Connor,	Tillman,
Felton,	Hunton,	Persons,	Townshend, R. W.
Ferdon,	Jones,	Phelps,	Turner, Oscar
Finley,	Kenna,	Phister,	Tyler,
Ford,	Kimmel,	Price,	Van Aernam,
Forney,	King,	Reagan,	Vance,
Geddes,	Klotz,	Richmond,	Wait,
Gibson,	Lewis,	Robertson,	Warner,
Gillette,	Lounsbery,	Robinson,	Weaver,
Goode,	Lowe,	Rothwell,	Wellborn,
Hall,	Manning,	Ryon, John W.	Whitthorne,
Hammond, N. J.	Marsh,	Samford,	Williams, Thomas
Harmer,	Martin, Benj. F.	Sawyer,	Willis,
Harris, John T.	Martin, Edward L.	Scales,	Wise,
Hatch,	McKenzie,	Singleton, O. R.	Wright.
Henkle,	McMillin,	Slemons,	
Henry,	Mills,	Smith, William E.	
Herbert,	Monroe,	Sparks,	

NOT VOTING—94.

Bailey,	Einstein,	Lindsey,	Ross,
Ballou,	Ellis,	Martin, Joseph J.	Russell, Daniel L.
Barlow,	Ewing,	McCook,	Shelley,
Belford,	Fisher,	McKinley,	Singleton, J. W.
Beltzhoover,	Fort,	McLane,	Speer,
Bingham,	Frost,	McMahon,	Starin,
Bland,	Frye,	Miles,	Talbott,
Bliss,	Garfield,	Miller,	Townsend, Amos
Blount,	Harris, Benj. W.	Money,	Tucker,
Boyd,	Hazelton,	Morrison,	Turner, Thomas
Bragg,	Heilman,	Morse,	Updegraff, J. T.
Brigham,	Henderson,	Morton,	Valentine,
Cabell,	Houk,	Muldrow,	Van Voorhis,
Calkins,	House,	O'Brien,	Voorhis,
Camp,	James,	O'Neill,	Waddill,
Caswell,	Johnston,	O'Reilly,	Whiteaker,
Chalmers,	Jorgensen,	Orth,	Wilber,
Chittenden,	Kelley,	Pierce,	Wilson,
Clark, Alvah A.	Ketcham,	Pound,	Wood, Fernando
Converse,	Killinger,	Prescott,	Wood, Walter A.
Davis, Joseph J.	Kitchin,	Reed,	Young, Casey
Dick,	Knott,	Rice,	Young, Thomas L.
Dickey,	Ladd,	Richardson, J. S.	
Dwight,	Lay,	Robeson,	

So the motion to adjourn until Monday next was not agreed to.

During the call of the roll the following announcements were made:

Mr. HENRY. My colleague, Mr. MCLANE, is paired with Mr. BOYD, of Illinois; and my colleague, Mr. TALBOTT, is paired with Mr. BALLOU, of Rhode Island.

Mr. MULDROW. I am paired with Mr. DWIGHT, of New York; and my colleague, Mr. MONEY, is paired with Mr. STARIN, of New York.

Mr. SHELLEY. I am paired with Mr. MILLER, of New York. If he were present, I should vote "no."

Mr. DAVIS, of North Carolina. I am paired with my colleague, Mr. MARTIN; and my colleague, Mr. KITCHIN, is paired with Mr. RICE, of Massachusetts.

Mr. TOWNSHEND, of Illinois. My colleague, Mr. SINGLETON, is paired with Mr. MILES, of Connecticut.

Mr. ELLIS. I am paired on all questions with Mr. O'NEILL, of Pennsylvania.

Mr. AIKEN. My colleague, Mr. RICHARDSON, is absent by leave of the House.

Mr. HARMER. My colleague, Mr. BINGHAM, is paired with my colleague, Mr. BELTZHOOVER.

Mr. HOUK. I am paired with my colleague, Mr. HOUSE.

Mr. YOUNG, of Tennessee, (having voted in the negative.) On political questions I am paired with Mr. HENDERSON, of Illinois. As this seems to have some political significance, I desire to withdraw my vote.

The result of the vote was then announced as above stated.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, his Secretary; who also informed the House that the President had approved and signed bills and a joint resolution of the House of the following titles:

An act (H. R. No. 4) to provide for the exchange of subsidiary coins for lawful money of the United States under certain circumstances, and to make such coins a legal tender in all sums not exceeding $10, and for other purposes;

An act (H. R. No. 1152) to extend the time for the payment of preemptors on certain public lands in the State of Minnesota and Territory of Dakota;

An act (H. R. No. 1380) authorizing the commissioners of the District of Columbia to issue twenty-year 5 per cent. bonds of the District of Columbia to redeem certain funded indebtedness of said District;

An act (H. R. No. 1999) to amend an act entitled "An act making appropriations for the construction, repair, preservation, and completion of certain works on rivers and harbors, and for other purposes," approved March 3, 1879;

An act (H. R. No. 2005) to confer upon the commissioners of the Dis-

trict of Columbia certain powers, duties, and limitations contained in chapter 8 (water service) of the Revised Statutes of the United States, relating to the District of Columbia, and for other purposes;

An act (H. R. No. 2020) to establish post-routes; and

A joint resolution (H. R. No. 82) in relation to the international exhibitions to be held at Sydney and Melbourne, Australia, in 1879 and 1880.

ORDER OF BUSINESS.

Mr. ACKLEN. Has the morning hour expired?

The SPEAKER. It has.

Mr. WHITE. Is there not pending a motion to adjourn?

Mr. ACKLEN. I withdraw that motion.

Mr. WHITE. I renew it.

Mr. BRIGHT. I hope the gentleman will withdraw it for a moment, until I make a statement to the House.

Mr. WHITE. I will withdraw it for the present.

Mr. BRIGHT. I wish to ask the unanimous consent of the House that the Committee of Claims have permission to report at this time sundry bills which were referred to that committee, making appropriations for the payment of employés of the House in the last Congress. I desire to have those reports made at this time and have them referred to the Committee of the Whole on the Private Calendar, so that I may move that the House go into Committee of the Whole for the purpose of disposing of those claims.

Mr. WHITE. What are those claims?

Mr. ACKLEN. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ACKLEN. I understand the gentleman from Tennessee [Mr. BRIGHT] wishes to go into Committee of the Whole for the consideration of certain bills reported from the Committee of Claims.

The SPEAKER. If the House go into Committee of the Whole to-day the Private Calendar will come up, and the bills upon that calendar will be considered in their order.

Mr. WHITE. I did not understand the gentleman from Tennessee wanted now to go into the Committee of the Whole on these bills.

The SPEAKER. The gentleman desires to report the bills and have them referred to the Committee of the Whole on the Private Calendar.

Mr. WHITE. What are they?

The SPEAKER. They are bills relating to the pay of certain employés of the House during the last Congress. Is there objection to the proposition of the gentleman from Tennessee, [Mr. BRIGHT?] [After a pause.] The Chair hears none.

EXPERTS OF THE METRIC SYSTEM.

Mr. O'CONNOR, from the Committee of Claims, reported a bill (H. R. No. 2270) to pay for expert services relating to the metric system rendered in the Forty-fifth Congress; which was read a first and second time.

Mr. CONGER. I have objected to that bill once, and I will object to it again unless it come in in its regular order.

The SPEAKER. Consent has been given the committee to report these bills to go to the Committee of the Whole on the Private Calendar.

Mr. CONGER. Very well.

The bill was accordingly referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

J. N. REED, A. D. ANDERSON, AND OTHERS.

Mr. COVERT, from the Committee of Claims, reported a bill (H. R. No. 2271) for the relief of John N. Reed, A. D. Anderson, John A. Dugan, E. T. Keightley, and George T. Rogers; which was read a first and second time.

Mr. WHITE. I did not consent to the presentation of these several reports from the Committee of Claims; I objected to it.

The SPEAKER. The Chair twice asked whether there was objection, and heard none.

Mr. WHITE. I thought that the gentleman wanted to report one or two resolutions for paying employés.

The SPEAKER. These are the employés of the House.

Mr. COVERT. They are all of the same character.

The SPEAKER. Or otherwise the Chair would not have admitted them.

The bill was accordingly referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

G. V. HEBB.

Mr. SAMFORD, from the same committee, reported a joint resolution (H. R. No. 97) to pay G. V. Hebb $55; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

L. H. FITZHUGH.

Mr. SAMFORD also, from the same committee, reported a joint resolution (H. R. No. 98) to pay the claim of L. H. Fitzhugh for services in the Forty-fourth Congress; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

INTEROCEANIC CANAL ACROSS THE ISTHMUS OF DARIEN.

The SPEAKER laid before the House the following message from the President of the United States:

To the House of Representatives:

I transmit herewith, in compliance with the resolution of the House of Representatives of the 29th ultimo, a report of the Secretary of State relative to the steps taken by this Government to promote the establishment of an interoceanic canal across or near the Isthmus of Darien.

R. B. HAYES.

WASHINGTON, *June* 13, 1879.

The SPEAKER. If there be no objection, this message, with the accompanying documents, will be referred to the Committee on Foreign Affairs, and ordered to be printed.

Mr. REAGAN. Unless the Committee on Foreign Affairs know some reason why these papers should be referred to that committee I ask their reference to the Committee on Commerce.

Mr. COX. I think the Committee on Foreign Affairs properly have jurisdiction of this subject.

Mr. REAGAN. It certainly relates to commerce.

The SPEAKER. It is a communication from the Secretary of State, transmitted by the President, and relating to the construction of a canal outside the limits of the United States. The Chair thought it would properly go to the Committee on Foreign Affairs; but of course he has no wish about the matter.

Mr. COX. It might be referred to the Committee on Foreign Affairs in the first instance. We will examine the papers; and if they properly belong to the Committee on Commerce, we will report them back for reference to that committee.

The SPEAKER. The papers embrace a proposition that this Government shall enter into a treaty on the subject with foreign governments. If there be no objection, they will be referred to the Committee on Foreign Affairs, and ordered to be printed.

There being no objection, it was ordered accordingly.

PROPOSED ADJOURNMENT UNTIL MONDAY.

Mr. HUMPHREY. I move that when the House adjourns to-day, it be to meet on Monday next.

The motion was not agreed to.

EXPENDITURES OF STATES, ETC., DURING THE WAR OF 1812.

Mr. HARRIS, of Virginia. I ask unanimous consent to report from the Committee on the Judiciary a bill directing the Secretary of the Treasury to examine and settle the accounts of certain States, and the city of Baltimore, growing out of moneys expended by said States and the city of Baltimore for military purposes during the war of 1812. I hope the House will allow me to make this report, as I am not well, and do not expect to be here this session after to-day or to-morrow. I desire merely that the bill be referred to the Committee of the Whole on the state of the Union, not to be acted on until the next regular session of Congress.

There being no objection, the bill (H. R. No. 2272) was reported, read a first and second time, referred to the Committee of the Whole on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. CONGER. It is understood that this bill is not to come up until the next regular session.

Mr. HARRIS, of Virginia. I agree to that.

NATIONAL BOARD OF HEALTH.

Mr. HOOKER, by unanimous consent, reported, from the Select Committee on Epidemic Diseases, a bill (H. R. No. 2273) to provide office rooms for the National Board of Health, and for the publication of its reports and papers, and for other purposes; which was read a first and second time, ordered to be printed, and recommitted, not to be brought back on a motion to reconsider.

ORDER OF BUSINESS.

Mr. BRIGHT. I now move that the House go into Committee of the Whole for the consideration of business on the Private Calendar.

Mr. WHITE. I move that the House adjourn.

The question being taken on the motion to adjourn, there were—ayes 74, noes 50.

Mr. FINLEY. I call for the yeas and nays.

The question being taken on ordering the yeas and nays, there were ayes 13; less than one-fifth of the last vote.

Mr. FINLEY. I call for tellers on ordering the yeas and nays.

Tellers were not ordered.

The SPEAKER. On the motion to adjourn the yeas are 74, the noes 50.

Mr. BRIGHT. I call for tellers on the motion to adjourn.

The SPEAKER. No quorum having voted, the gentleman from Pennsylvania, Mr. WHITE, and the gentleman from Tennessee, Mr. BRIGHT, will act as tellers.

Mr. WHITE. It is not necessary that a quorum should vote on a motion to adjourn.

The SPEAKER. The gentleman from Tennessee wishes to have the sense of the House tested by tellers.

The tellers having taken their places,

Mr. KENNA said: Mr. Speaker, the House has not ordered tellers, and a quorum is not necessary to decide a motion to adjourn. I submit that the question should be put to the House whether tellers be ordered or not.

The SPEAKER. The Chair will submit the question to the House.

Mr. WHITE. I raised the point a moment ago that a quorum was not necessary on the motion to adjourn.

The SPEAKER. The Chair is aware of that.

Mr. WHITE. So I presume, but I was merely calling the attention of the Chair to it.

The SPEAKER. The Chair recognized in the accustomed way the gentleman from Tennessee who desired a further test of the sense of the House on the question by tellers.

Mr. WHITE. But the result had been announced.

The SPEAKER. The state of the vote had been announced; the Chair did not determine the House adjourned, delaying because of the demand for the yeas and nays on the motion to adjourn and the demand for tellers on ordering the yeas and nays; although the vote was stated, yet the Chair would not have declared the House adjourned until any gentleman desiring to test the question by the count of tellers had had that opportunity.

Mr. WHITE. What is the demand now?

The SPEAKER. For tellers on the direct vote to adjourn, and the point of order is raised by the gentleman from West Virginia [Mr. KENNA] that tellers must be ordered by the House.

Mr. HAYES. Let the House determine whether it wants tellers or not.

Mr. CONGER. Would it not be in order now, pending the motion that the House adjourn, to move that when it adjourns it be to meet on Monday next?

The SPEAKER. That motion would not be in order now; the House is dividing.

The question being taken on ordering tellers, they were not ordered, only twenty members voting in favor thereof.

The SPEAKER. The House has refused to order a vote by yeas and nays on the motion to adjourn; it has refused to order a vote by tellers to determine whether the yeas and nays should be ordered; and it has now refused to order tellers upon the motion to adjourn. Before announcing the result, the Chair desires to submit certain requests for leave of absence.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. CARLISLE, indefinitely, on account of important business;

To Mr. BAILEY, for eight days, on account of important business;

To Mr. CAMP, indefinitely;

To Mr. HENRY, for two days, on account of sickness in his family; and

To Mr. BAYNE, for to-morrow.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced that the Senate had insisted on its amendments disagreed to by the House to the joint resolution (H. R. No. 85) fixing the date on which the pay of the committee clerks, pages, and laborers of the House of Representatives who are paid during the session only shall begin for this session, had agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. WALLACE, Mr. DAVIS of West Virginia, and Mr. BLAINE.

The message also announced that the President *pro tempore* had appointed Mr. EATON (in place of Mr. DAVIS, of West Virginia, excused) as one of the conferees on the part of the Senate upon the disagreeing votes of the two Houses on the amendment of the House of Representatives to the fourth amendment of the Senate to the joint resolution (H. R. No. 1) to repeal certain clauses of the sundry civil appropriation act, approved March 3, 1879.

The message also announced that the Senate had passed a bill and a joint resolution of the following titles; in which the concurrence of the House was requested:

An act (S. No. 625) for the relief of the Farmers and Merchants' Bank, Paris, Texas; and

Joint resolution (S. R. No. 6) accepting from Professor Edward Fontaine, of Louisiana, certain maps, drawings, and explanations of the same.

ENROLLED BILL SIGNED.

Mr. WARD, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 1841) to remove the political disabilities of James H. North, of Culpeper County, Virginia.

The result of the vote on the motion of Mr. WHITE, that the House adjourn, was then announced; and accordingly (at two o'clock and five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BOUCK: The petition of citizens of Green Bay, Wisconsin, for the improvement of the harbor at that place—to the Committee on Commerce.

By Mr. CLAFLIN: The petition of Thomas P. Morgan and others, for a charter for the American Union Industrial Charitable Association—to the Committee on the Judiciary.

By Mr. FORSYTHE: The petition of O. R. McDaniel, for a pension—to the Committee on Invalid Pensions.

By Mr. LOUNSBERY: The petition of Peter M. Halwick, for a pension—to the same committee.

By Mr. O'REILLY: The petition of Ann Shelly, for a pension—to the same committee.

By Mr. POEHLER: Papers relating to the Indian depredation claims of Henrietta Buggert and of John Kaula—to the Committee of Claims.

Also, papers relating to the claim of James Devine for compensation for property taken and used in the construction of Fort Hanska, Minnesota—to the same committee.

By Mr. TOWNSHEND, of Illinois: Papers relating to the pension claim of William Hamill—to the Committee on Invalid Pensions.

IN SENATE.

SATURDAY, *June* 14, 1879.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. HILL, of Georgia, presented the petition of William N. King, jr., late cadet midshipman United States Navy, representing that he resigned that position under a misapprehension, and praying for the passage of a law authorizing the revocation of the resignation; which was referred to the Committee on Naval Affairs.

Mr. WALLACE presented the petition of Hezekiah Bradford, of Philadelphia, praying for the passage of a law for the extension of his letters-patent for an improvement in machinery for separating ores; which was referred to the Committee on Patents.

Mr. COCKRELL. I present a concurrent resolution of the General Assembly of the State of Missouri, urging the passage of an act to allow the Fifteenth and Sixteenth Regiments of Missouri Cavalry Volunteers bounty, &c. The resolution refers to a bill that was introduced in the last session of Congress and was pending in the House. I have introduced the same bill at the present session, and it has been referred to the Committee on Military Affairs. I move that this resolution be sent to the Committee on Military Affairs to accompany the bill introduced by myself on the same subject.

The motion was agreed to.

Mr. COCKRELL. I also desire to present a joint and concurrent resolution of the General Assembly of the State of Missouri, approved May 16, 1879, instructing her Senators and requesting her Representatives in Congress to vote for and support by all honorable influences the bills now pending before Congress for the repeal of the Federal election laws of May 31, 1870, and the acts amendatory thereof of February 28, 1871, and June 10, 1872, known as the Federal supervisory election law. I move the reference of the resolution to the Committee on the Judiciary.

The motion was agreed to.

IMPROVEMENT OF THE CHIPPEWA RIVER.

Mr. CHANDLER. The Committee on Commerce, to which was referred the bill (H. R. No. 1734) to authorize the Secretary of War to use certain moneys appropriated by act of Congress approved March 3, 1879, "for the protection of the high sand-banks on the Chippewa River," in the completion and protection of improvements in and near the mouth of said Chippewa River, has directed me to report it back without amendment, and with a recommendation that it pass.

Mr. WITHERS. I am instructed by the Committee on Appropriations to report back——

Mr. CAMERON, of Wisconsin. If the Senator will give way for one moment, I will ask for the present consideration of the bill just reported by the Senator from Michigan. It is a House bill, and has been considered by the Senate Committee on Commerce.

Mr. WITHERS. I think we had better get through with the morning business and allow Senators to make reports from committees first, and then we can take up the bill if it is necessary.

Mr. CAMERON, of Wisconsin. It will not take more than a minute.

The PRESIDENT *pro tempore*. It requires unanimous consent, and the Senator from Virginia objects.

Mr. WITHERS. I will not object to it if it will not lead to any debate.

Mr. CAMERON, of Wisconsin. It will not lead to any debate. It is a House bill, and has been considered and reported by the Committee on Commerce.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. DAVIS, of West Virginia. I notice the bill does not name the amount that is involved or what it is. Now, I should like to ask the Senator whether the bill would transfer an amount of money from a public benefit to a private benefit? I see that it is to go to a sand-bank, a high sand-bank.

Mr. CHANDLER. It is no transfer whatever. The bill authorizes the use of money heretofore appropriated to remove the sand-bank

from the mouth of the river instead of higher up. It is on the same river and makes no extra appropriation. The bill was unanimously reported by the Committee on Commerce.

Mr. DAVIS, of West Virginia. I make no objection.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REPORTS OF COMMITTEES.

Mr. WITHERS, from the Committee on Appropriations, to whom was referred the bill (H. R. No. 2175) making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes, reported it with amendments.

Mr. WITHERS. I am also instructed by the Committee on Appropriations to report back an amendment to the same bill which was offered by the Senator from Florida, [Mr. CALL,] and to ask the reference of the amendment, with the accompanying papers, to the Committee on Military Affairs, as it more appropriately comes within their province.

The PRESIDENT *pro tempore*. If there be no objection that change of reference will be made.

HOMESTEADS IN MISSOURI AND ARKANSAS.

Mr. McDONALD. The Committee on Public Lands have directed me to report back the bill (S. No. 641) to grant additional rights to homestead settlers on public lands within railroad limits in the States of Missouri and Arkansas, with an amendment, and recommend its passage. I ask the present consideration of the bill.

Mr. CONKLING. Let us hear it read, Mr. President.

The bill was read.

Mr. McDONALD. I ask that the amendment be read.

The PRESIDENT *pro tempore*. The amendment will be read.

The Secretary read the amendment; which was, in line 6, after the word "railroad," to insert:

Where the even sections have been granted to and received by any railroad company, or by such States respectively in aid of any railroad.

So as to make the bill read:

That from and after the passage of this act, the odd sections within the limits of any grant of public lands to any railroad company in the States of Missouri and Arkansas, or to such States respectively, in aid of any railroad where the even sections have been granted to and received by any railroad company, or by such States respectively, in aid of any railroad, shall be open to settlers under the homestead laws to the extent of one hundred and sixty acres to each settler; and any person who has under existing laws taken a homestead on any section within the limits of any railroad grant in said States, and who by existing laws shall have been restricted to eighty acres, may enter under the homestead laws an additional eighty acres adjoining the land embraced in his original entry, if such additional land be subject to entry; or if such person so elect, he may surrender his entry to the United States for cancellation, and thereupon be entitled to enter lands under the homestead laws the same as if the surrendered entry had not been made. And any person so making additional entry of eighty acres, or new entry after the cancellation of his original entry, shall be permitted to do so without payment of fees or commissions; and the residence of such person upon and cultivation of the land embraced in his original entry shall be considered residence and cultivation for the same length of time upon and of the land embraced in his additional or new entry, and shall be deducted from the five years' residence and cultivation required by law: *Provided*, That in no case shall patent issue upon an additional or new homestead entry under this act until the person has actually, and in conformity with the homestead laws, occupied, resided upon, and cultivated the land embraced therein at least one year.

Mr. McDONALD. Mr. President——

Mr. INGALLS. I reserve the right to object, Mr. President.

Mr. McDONALD. The sole purpose of the bill is to give the right of homestead and pre-emption entry to the even-numbered sections in the States of Missouri and Arkansas within railroad grants where the railroads have taken the odd-numbered sections. Under the general law the grants apply to the even-numbered sections, but in these instances the odd-numbered sections were taken by railroad companies, and the general law excluding settlers from even-numbered sections within such grants they were unable to make their homestead or pre-emption entries. The bill simply extends the general law to them to meet that particular case. It is just like the law passed at the last session, except that it removes the difficulty in making homestead and pre-emption settlement within the railroad grants in those States, because under the general law the sections that they would be entitled to locate upon the railroad companies have taken.

Mr. ALLISON. May I ask the Senator from Indiana whether or not the general laws now provide that homestead settlers can take one hundred and sixty acres on the even-numbered sections in other States?

Mr. McDONALD. Precisely. It is a copy of the general law.

Mr. ALLISON. Applied to these States?

Mr. McDONALD. Applied to these States.

Mr. ALLISON. Why is it that the general law does not apply to these States?

Mr. McDONALD. Because in these States the railroad companies took the sections that under the general law are subject to homestead and pre-emption entries. Consequently under the general law those sections cannot be pre-empted.

Mr. WALKER. The even sections are granted.

Mr. McDONALD. The grant to the companies was of even sections.

Mr. ALLISON. Instead of odd sections?

Mr. McDONALD. Yes, sir.

Mr. ALLISON. I have nothing further to say.

The PRESIDENT *pro tempore*. Is there unanimous consent to proceed to the consideration of the bill?

Mr. INGALLS. Upon the statement of the Senator from Indiana that it does not affect the general law as it now stands, but is made to apply to certain exceptional cases outside of the general law, I shall withhold any objection to the bill, although I think the bill is of too serious a character and too important in its results to be considered without debate. But upon the statement of the Senator from Indiana I will make no objection.

Mr. McDONALD. The Senator will see that the amendment which the committee made to the bill expressly limits this right to that class of cases where the selections have been made of even-numbered sections by the railroads in those States, and it does not apply to any other State or any other selection.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The PRESIDENT *pro tempore*. The pending question is on agreeing to the amendment reported from the Committee on Public Lands.

Mr. CONKLING. I wish to ask a question. Am I right in supposing the intention of the Senator from Indiana, and, as he supposes, the intention of the bill is, merely to transpose the rights of settlers as between odd and even sections? Merely to provide that where a railway company has taken the even sections the right of settlers shall attach to the odd sections?

Mr. McDONALD. Yes, sir; in those grants the rights shall attach to the odd sections; that is all.

Mr. CONKLING. I asked the question for two reasons: one merely for information, but also, though in a less degree, because it strikes me that this is a very long bill to effect that purpose. If its whole object is to say that in two States where railway companies in place of taking odd sections have taken even sections, the same rights of settlers which would otherwise attach to the odd sections are hereby made to attach to the even sections, I think my honorable friend from Indiana, if he should really give himself and his pen to the effort, could draw a bill which would answer that whole purpose and which in his terse way of putting it would not contain six lines even in the large print of a Senate bill. Here is a long bill with two sections, as I hear it read, a sort of treatise on the law, merely to say that the railroads having taken the odd sections, settlers shall have the same rights on even sections that they would have had on the odd sections if the railroads had not taken them.

Mr. McMILLAN. I should like to inquire of the Senator from Indiana under what authority the railroad companies selected the even-numbered sections originally?

Mr. McDONALD. The act granted them the even-numbered sections, but the general act in regard to pre-emption rights within railroad limits applies only to those sections. The length of this bill is accounted for by the fact that it simply copies the old act and gives the settlers the same rights in these lands that under the general law they have within railroad grants as to the odd-numbered sections.

Mr. McMILLAN. I do not know what the terms of the bill are precisely, but under the statement of the Senator from Indiana I presume they are all right. I shall make no objection to the bill.

The PRESIDENT *pro tempore*. The pending question is on agreeing to the amendment reported by the Committee on Public Lands.

Mr. WINDOM. Let the amendment be reported.

The Secretary read the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COASTING TRADE AND FISHING-VESSELS.

Mr. HEREFORD. I am instructed by the Committee on Commerce, to whom was referred the bill (S. No. 671) to amend the act entitled "An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same," passed February 18, 1793, to report it with an amendment in the nature of a substitute. As soon as the substitute is read I shall ask the present consideration of the bill. It is a matter of comparatively small importance, and the bill ought to pass now and go to the House.

The PRESIDENT *pro tempore*. The bill and substitute will be read.

The Chief Clerk read the bill.

Mr. HEREFORD. Now let the substitute be read.

Mr. CONKLING. Before the substitute is reported I should like to ask a question. Is this bill reported from the Committee on Commerce?

Mr. HEREFORD. It is.

Mr. CONKLING. When was the action of the committee taken on it?

Mr. HEREFORD. There was a meeting of the committee this morning. Was not the Senator notified of the meeting?

Mr. CONKLING. Never.

Mr. HEREFORD. There was a meeting of the committee this morning.

Mr. CONKLING. It is the first time I ever heard of it. That is not very important, however, for although a member of the committee I am a very unimportant member. I never heard of it before.

Mr. HEREFORD. The Senator from North Carolina [Mr. RANSOM] said he would notify the Senator from New York.

Mr. CONKLING. I should like to know whether there was a quorum of the committee present?

Mr. HEREFORD. There was.

Mr. CONKLING. As I was not there and had no notice, I have no information about the bill.

The PRESIDENT *pro tempore*. The substitute will be read.

The Secretary read the amendment reported by the Committee on Commerce.

The PRESIDENT *pro tempore*. The Senator from West Virginia asks unanimous consent to proceed to the consideration of this bill.

Mr. McMILLAN. I think the bill had better lie over until we can ascertain more fully what it is.

The PRESIDENT *pro tempore*. Objection is made, and the bill will go over until to-morrow.

Mr. McPHERSON. I desire to give notice that on Monday morning at the conclusion of the morning business I shall call up this bill.

BILLS INTRODUCED.

Mr. HILL, of Georgia, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 696) for the relief of William Nephew King, jr.; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. CALL asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 697) to establish additional mail-routes in the State of Florida; which was read twice by its title.

Mr. CALL. I move that the bill be referred to the Committee on Post-Offices and Post-Roads, and I ask that the committee may report upon it at the present session.

The motion was agreed to.

Mr. FERRY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 698) for the relief of Richard Hawley & Sons; which was read twice by its title, and referred to the Committee on Claims.

SCIENTIFIC SCHOOLS FOR FEMALES.

Mr. MORGAN. I offer the following resolution and ask for its present consideration:

Resolved, That the Committee on Education and Labor is instructed to inquire whether it is practicable and will be beneficial to aid in the establishment and endowment of schools of science and technics in the several States and Territories and in the District of Columbia for the education of females in appropriate branches of science and the useful arts, upon a plan similar in its principles to that upon which agricultural and mechanical colleges have been aided by the United States; that said committee have leave to report by bill or otherwise.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. MORGAN. I thought this would be an appropriate time to bring to the attention of the Senate and the Committee on Education and Labor a question which I think has been too long neglected in the United States.

Mr. CONKLING. Mr. President, we cannot hear the Senator here, although we try to do so.

Mr. MORGAN. The subject presented by the resolution is that of the education of females in technology and in the useful arts. What I propose to submit to the Committee on Education and Labor is that the Government of the United States adopt a system for the endowment of such schools in the different States and Territories and in the District of Columbia upon a plan similar to that upon which the agricultural and mechanical colleges are already provided for. I think the subject will present itself to the friendly attention of every Senator, for under our laws we have made provision for the education of men through the bounty of the Government of the United States, and we have entirely ignored the subject of the education of women.

We have in the United States a large number of colleges and other institutions which are of great value in the education of women in all the æsthetic branches of education; but we have very few, if any, devoted entirely and exclusively to their education in technics and in the useful arts. A very large number of women and a vast amount of talent could be assembled in schools of this character, who would not only receive through an agency of this kind the means of personal support, but would also become instrumentalities for scattering abroad and diversifying useful knowledge among the entire people of the country.

I merely desire to call the attention of the Senate and of the committee to the subject. I ask the Senate to adopt the resolution, so that the committee may have ample time before we shall meet again in December to consider the question.

The resolution was agreed to.

EXPENSES OF DISTRICT COMMITTEE.

Mr. HARRIS submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the necessary expenses of the Committee on the District of Columbia, authorized to sit during the recess of Congress under resolution of the Senate adopted June 6, 1879, be paid out of the "miscellaneous items" of the contingent fund of the Senate.

COMMITTEE SERVICE.

Mr. COKE. Mr. President, owing to the extended session and the necessity which compels me to be at home after Congress adjourns, I ask to be excused from service on the select committee to examine into the circumstances connected with the removal of the Northern Cheyennes from the Sioux reservation to the Indian Territory, of which the Senator from Iowa [Mr. KIRKWOOD] is chairman.

The PRESIDENT *pro tempore*. The Senator from Texas asks to be excused from service on the special committee he has named. Is there objection? The Chair hears none. How shall the vacancy be filled?

Mr. COKE. I move that the vacancy be filled by the Chair.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none. The Chair will appoint the Senator from Alabama [Mr. MORGAN] in place of the Senator from Texas.

MISSISSIPPI RIVER COMMISSION.

Mr. LAMAR. I move to take up for consideration and passage House bill No. 1847.

The PRESIDENT *pro tempore*. If there is no further routine business the Chair will declare the routine morning business closed, and the Senator from Mississippi moves that the Senate proceed to the consideration of House bill No. 1847.

Mr. CONKLING. What is that bill?

Mr. LAMAR. I will state to the Senator that it is a bill to provide for the appointment of a Mississippi River commission.

The PRESIDENT *pro tempore*. The question is on the motion to proceed to the consideration of the bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1847) to provide for the appointment of a Mississippi River commission for the improvement of said river from the head of the passes, near its mouth, to its headwaters.

The bill was read.

Mr. MORRILL. Is this bill before the Senate for action?

The PRESIDENT *pro tempore*. The bill is before the Senate as in Committee of the Whole, and open to amendment. The amendments reported by the Select Committee on the Improvement of the Mississippi River and its Tributaries will be read.

The first amendment reported by the committee was, in section 1, line 4, to strike out "five" and insert "seven;" so as to read:

That a commission is hereby created, to be called "the Mississippi River Commission," to consist of seven members.

Mr. BURNSIDE. I hope this amendment will not be adopted, and in speaking of it I shall necessarily speak of the other amendments.

The bill as it came from the House is, in my opinion, a very good bill, and will receive my support if it can be presented to the Senate as it came from the House; that is providing for a commission composed of three engineer officers and two civilians. This work particularly appertains to the system of river and harbor improvements. That system has always, or at least for a long period of years, been under the Engineer Bureau of the Army. I think in a great work like this it is wise to associate with the Army engineer officers civil engineers; but to associate any other bureau officers of the Government with them would be unwise, because it would involve the necessity of a division of labor which would result in discord.

The Coast and Geodetic Survey is under the control of the Treasury Department, and is a separate and specific bureau doing certain specific work. The river and harbor improvements are under the control of the Engineer Corps and necessarily are under the War Department. This work particularly appertains to the river and harbor bureau, and I think it would be unwise to unite those two bureaus in this work.

Then I think the majority of this commission should be composed of engineer officers for the reason that these engineers are necessarily, from their habits of life and their education, eminent, skilled engineers, and you cannot with the salaries provided for in this bill succeed in associating with them civil engineers of eminence. If you make the majority of the commission civil engineers, or if you increase the number of them, you necessarily diminish the efficiency of the commission, because, as I before said, eminent civil engineers cannot be employed for the salaries provided for by this bill.

But I think the main objection to this bill as amended is the combination of the authority of two Departments, the Treasury Department and the War Department; or, in other words, the Coast Survey Bureau and the river and harbor bureau. It is a division of responsibility that I think will result in inefficiency. I am in favor of the bill as it came from the House. I think it is a very wise bill, and I hope it will pass. If the bill passes in that form it will receive the support of Congress, and from year to year we shall get intelligent reports from the commission, and the estimates called for by it will be voted by Congress just as we make our appropriations for our other river and harbor improvements. I think the work will be done more efficiently with the commission as proposed in the House bill than under the bill as amended by our committee. In fact I am as sure of it as I can be of anything that has not happened. For these reasons I oppose the amendment increasing the number of the commission to seven, because the passage of that amendment would involve the necessity of adopting the other amendments of the committee, to all of which I am opposed.

Mr. LAMAR. Mr. President, in regard to the association of the Coast Survey with that of the commission, which is the point of the objection made by the Senator from Rhode Island, the bill only pro-

poses to turn over the surveying parties of that organization already on the ground, and to allow them to complete that part of the survey of the Mississippi already assigned to them by law. The omission of this provision of the bill which the Senator objects to with this commission will have the effect of ignoring the work already done and cause it to be done over again under a different organization.

Mr. ALLISON. May I ask the Senator from Mississippi how far up the Mississippi River the Coast and Geodetic Survey extends? I have not the data before me at this moment.

Mr. COCKRELL. To the northern boundary of the State of Mississippi. The jurisdiction of the Coast Survey extends from the Gulf of Mexico to the north boundary-line of the State of Mississippi, and it now has jurisdiction and is prosecuting the surveys of the river to that point.

Mr. LAMAR. Yes, sir; the part thus assigned to them comprises that part of the river and the bayous which project beyond the general coast-line of the Gulf.

As I was stating, the Coast Survey can at once put at the disposal of this proposed commission, I think, six steam-vessels, three of which there are already on the river, with officers for all and crews for one-half, whose pay is already provided for in appropriation bills passed at the last session. The Senator from Rhode Island is mistaken in his impression that the Coast Survey has not participated in these surveys of the river. The very first survey of the——

Mr. BURNSIDE. I have not made that statement. I have not stated that they have not participated in the surveys. I stated that the work of this commission is different from the work of the Coast Survey, entirely a different problem altogether; and if the Senator will allow me, as I am up, I will state now that there is no reason why this commission should not use every particle of the work of the Coast Survey, and should not from time to time use such work as the Coast Survey may present to it. I do not object to the Coast Survey going on and doing their legitimate work. They can continue their work just as they are doing it now, and all the work they do can be utilized by this commission and will be used as data in solving the great engineering problem which they are called on to solve; but it is not part of the duty of the Coast and Geodetic Survey to solve that problem.

Mr. LAMAR. The answer to that is that the disposable force of the Coast Survey is under the direction of the Secretary of the Treasury, and it requires the co-operation of the two Departments—the War Department and the Treasury—as provided for in this bill, in order that this force of the Coast Survey shall be turned over to this commission; and the real object of introducing it is to utilize the labor that has already been performed. It will save an item of at least $50,000. The association of the Coast Survey with this work relieves the appropriation of $50,000.

Mr. BURNSIDE. None of the labor which has been done by the Coast Survey on the Mississippi River will be lost. There will be no necessity for the Coast Survey to discontinue its labor on the Mississippi River. No conflict of authority whatever can arise with the Treasury Department or the Coast Survey as to turning over to this commission all the data which it has in its possession and turning over to the commission all the data that it may prepare in its survey. The commission as organized by the House bill will have every particle of work that the Coast Survey on the Mississippi River has done to aid it in solving the problem which it is called upon to solve. It is the efficiency of this commission that I am looking to. I do not desire in any way to interfere with the work of the Coast Survey. It is a most valuable work, but it is work that does not pertain to this problem any further than providing a portion of the data by which this commission will be able to solve its problem.

The PRESIDENT *pro tempore*. The morning hour has expired. The Chair lays before the Senate the unfinished business of yesterday.

Mr. LAMAR. I ask unanimous consent to continue the consideration of this bill. I do not think it will take long.

Mr. BURNSIDE. I object to going on with this bill.

POST-ROADS IN FLORIDA.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate the unfinished business of yesterday.

Mr. MAXEY. I ask leave to make a report from the Committee on Post-Offices and Post-Roads on the bill (S. No. 679) to establish additional mail-routes in the State of Florida. I beg that it may be taken up at once. The routes called for are two, which the representatives of the State regard as very important. The Senator from Florida [Mr. CALL] handed me the routes five minutes after the other bill passed. I ask consent to pass the bill now.

Mr. WALLACE. As that is a formal matter I yield.

The PRESIDENT *pro tempore*. The appropriation bill will be laid aside informally, subject to call, no objection being made. The Senator from Texas reports a bill from the Committee on Post-Offices and Post-Roads, and asks for its present consideration.

There being no objection, the bill (S. No. 697) to establish additional mail-routes in the State of Florida was considered as in Committee of the Whole.

Mr. BLAINE. I do not know that it is of any very special importance, but I think the language always employed in the laws and the language contemplated by the Constitution is "post-roads." I notice the title of this bill uses the language "mail-routes." I do not think that has been the phrase employed uniformly in the law.

Mr. MAXEY. Change the words to "post-roads."

Mr. BLAINE. It ought to be that.

Mr. MAXEY. I move to amend the bill by striking out "mail-routes" and inserting "post-roads."

Mr. BLAINE. Both in the text and in the title of the bill.

The PRESIDENT *pro tempore*. If there be no objection, that amendment will be made. The Chair hears none, and the amendment is made.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended by striking out "mail-routes" and inserting "post-roads;" so as to read:

A bill to establish additional post-roads in the State of Florida.

APPROPRIATIONS FOR JUDICIAL EXPENSES.

The Senate, as in Committee of the Whole, proceeded to the consideration of the bill (H. R. No. 2252) making appropriations for certain judicial expenses.

Mr. WALLACE. Mr. President, it is perhaps due to the Senate that I should explain the provisions of this bill as they are. It makes a total appropriation of $2,690,000. The estimates for the year are $3,000,000. The appropriations found in this bill are usually embodied in the sundry civil bill. They were, however, for the coming year, placed in the legislative, judicial, and executive bill, which was vetoed. They have been itemized. Under the phraseology that has been heretofore used in reference to these appropriations, the words were as follows:

> For defraying the expenses of the Supreme Court and circuit and district courts of the United States, including the District of Columbia, and also for jurors and witnesses, and expenses of suits in which the United States are concerned, of prosecutions for offenses committed against the United States, and for the safe-keeping of prisoners, and for defraying the expenses which may be incurred in the enforcement of the act approved February 28, 1871, entitled "An act to amend an act approved May 30, 1870, entitled 'An act to enforce the rights of citizens of the United States to vote in the several States of the Union, and for other purposes,' or any acts amendatory thereof or supplementary thereto," &c.

Those are the words which have been heretofore used, but the Committees on Appropriations have changed this phraseology and itemized the sums under the information obtained from the Department of Justice, so that they have made the payment of district attorneys and their assistants a specific item. For that item there is appropriated by this bill $300,000. There was estimated by the Attorney-General $350,000.

Mr. CONKLING. If it will not be disagreeable to the Senator I should like to understand him as he goes along. Am I right in supposing the Senator to state that the vetoed bill, as he calls it, contained only the sums appropriated in this bill?

Mr. WALLACE. I so understand it for these specific purposes.

Mr. CONKLING. I speak of the Department of Justice, the judicial branch of the Government. Does the Senator say that the bill which was so often approved by the two Houses gave no larger appropriations than are found in this bill?

Mr. WALLACE. I think not. At all events, if there were any additional appropriations in that bill, they are embodied in the bill that passed yesterday—the regular legislative, executive, and judicial bill.

Mr. CONKLING. Not those that I inquire about. Not wishing to anticipate the Senator, if he will pardon me a moment I will state to him my reason for asking this question. I understand that the estimates of the Department of Justice were based upon the experience of that Department for the last four years, that resting upon that experience certain estimates were sent here and to the House. I understand that this bill as it is now in our hands falls short by a large sum of those estimates. Those estimates have been proved by experience inadequate to the purpose, as is illustrated to-day in the State of New York. A circuit court of the United States is appointed to be holden on Tuesday next at Canandaigua. At that court there should be a grand and petit jury. There are a large number of civil issues on the docket and a large number of public prosecutions which should there be tried; but no grand jury has been summoned, no petit jury has been summoned; all the suitors and all those interested in that court are to go without day because under the estimates made by the Department of Justice, according to which the appropriations of last year were made, a deficiency has been found which frustrates the course of justice.

Now, if I understand it—and I beg the Senator to correct me if I am wrong—the present bill makes, as graduated by those estimates, a deficit of more than $400,000.

Mr. WALLACE. I think not.

Mr. CONKLING. I beg the Senator's attention to that point and I beg him to inform me how that is.

Mr. WALLACE. Whatever may have been the deficiency on the subject of the expenses of the courts the last fiscal year, it was caused by a misapplication of the funds that were appropriated by the bill of last year to other purposes than conducting the courts; and the letter of the Attorney-General covered that point, I think, and it was read here during the last session of Congress.

Mr. CONKLING. Not as I understand.

Mr. WALLACE. At any rate a letter came here asking for an appropriation of $250,000 for deficiencies. The Senate committee reported $250,000 in its bill, and the Senate voted but $50,000 because $200,000 of it had been caused by reason of the use of moneys under the general appropriation, for the payment of deputy marshals and expenditures that were not contemplated and were not intended to have been made by the bill as it passed. That is the way I understand this deficiency to have occurred. But I propose to go on with the bill in order to explain it as it is on its face.

"For fees of United States commissioners" $140,000 is appropriated, and it is the amount suggested by the Attorney-General.

"For fees of United States marshals and deputies" $600,000 is the appropriation. The estimate submitted by him is $650,000.

"For fees of jurors $400,000." He submitted an estimate of $590,000, but by this bill the fees of jurors are reduced from $3 per day to $2, and that is an important reduction.

Mr. ALLISON. I want to call the attention of the Senator in charge of this bill to the fact that in the vetoed bill there is appropriated $2,800,000 for precisely the same subjects which now cover the aggregate in this bill of $2,690,000.

Mr. WALLACE. The Senator may be correct. The bill in the form in which it comes now takes from the estimate for fees of district attorneys and assistants $50,000. That deduction is because it is believed that it is not wise to pay assistants to district attorneys or special counsel the large amounts of money that have been allowed by district attorneys to persons to aid them in the trial of important cases. That item is one which can very well and very properly be reduced.

Mr. CONKLING. Will the Senator indulge me in inquiring what did he say a moment ago about the reduction of the pay of jurors?

Mr. WALLACE. I said that by the law as it stands now they receive $3 per diem.

Mr. CONKLING. What law is that by which jurors receive $3 per diem uniformly in the Federal courts?

Mr. WALLACE. I understand that that is the law, and that this bill reduces it to $2.

Mr. CONKLING. I should like to see that provision.

Mr. WALLACE. Such has certainly been the practice all over the country; and upon that basis this bill has been reduced $190,000. The marshals have made these allowances and made them at the rate of $3 a day as I understand. The next items are:

For fees of witnesses, $550,000.
For the support of United States prisoners, $193,000.

These are the same as the estimates. Next:

For rent of United States court-rooms, $67,000.

This is identical with the estimate. For the remaining items $280,000 are appropriated, which is the amount asked for by the Attorney-General. Then follows the clause at the end of the first section:

And no part of the money hereby appropriated is appropriated to pay any salaries, compensation, fees, or expenses under or in virtue of title 26 of the Revised Statutes, or of any provision of said title.

By this it will be understood at once that it is not intended to appropriate any money for the payment of any deputy marshals for election purposes this year. There is no intent to prevent the payment of money to supervisors, for they receive their pay under a general appropriation made by section 3689 in the Revised Statutes. So this provision simply restricts the payment of any money to deputy marshals of the United States.

Then follows section 2, which emphasizes the last clause in section 1, and provides that no marshal shall appoint any special deputy marshal for election purposes, for it amends the general statutes found under the head of "appropriations," section 3679, and adds after the word "Department" the words "or officer," and adds after the words "make any contract" the words "or incur any liability."

The succeeding section is the section that has been already debated fully by the Senate, and known as the repeal of the test oath. It has been amended by the House in some particulars. On page 4, lines 22 and 23 of section 3, the words are added "without reference to party affiliations" to the bill that passed the Senate; and there is added at the end of the section the provision—

That no citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States on account of race, color, or previous condition of servitude.

The fourth section covers a demand upon the Attorney-General to make specific reports.

Mr. CONKLING. Before the Senator reaches the fourth section, will he allow me to ask him another question?

Mr. WALLACE. Certainly.

Mr. CONKLING. I observe in this bill an appropriation to pay township officers for summoning jurors. I am aware that in some of the States State officers draw, or have heretofore drawn, jurors from the box; very likely they have notified the jurors; but one of the provisions of this bill is that hereafter jurors shall be drawn in a uniform way, in the mode here prescribed. I inquire of the Senator from Pennsylvania why we should appropriate money to pay township officers for summoning jurors hereafter, a thing which in my belief no township officer ever did? But, however that may be, in view of this proposed legislation, proceeding as we are to provide for the fiscal year ending June 30, 1880, why are we to devote money to paying township officers for summoning jurors in the national courts?

Mr. WALLACE. The bill before us contains this provision:

But nothing herein contained shall be construed to prevent any judge in a district in which such is now the practice from ordering the names of jurors to be drawn from the boxes used by the State authorities in selecting jurors in the highest courts of the State.

The phraseology of the bill is used because of the letter of the Attorney-General directed to the chairman of the Committee on Appropriations of the House, under date of May 29, in which he specifies the items to which the $280,000 in a mass of items included in the first section are to be applied.

Mr. CONKLING. By existing law?

Mr. WALLACE. The words are right here. I read from his letter:

The contingent expenses of a court, such as payments for watchmen; for janitors; for cleaners and sweepers; for ice; for extra meals for impaneled jurors; for transportation of prisoners removed for better security; for transportation of records; for expenses of salaried officers of the Government attending United States courts as witnesses, (clerks of the Departments and enlisted men of the United States Army;) for travel in collecting evidence in United States cases; for holding seizures; for fees of justices of the peace acting as United States commissioners; for fees of necessary stenographers; for *post mortem* examinations; for expenses of judges holding extra terms of court outside their districts in New York—(section 597, Revised Statutes;) for pay of interpreters in New Mexico and Louisiana; for fees to township officers in summoning jurors in New England.

Mr. CONKLING. All intelligible under existing laws; but I inquire of him why are we to appropriate for the future money to pay township officers for doing duties which this bill provides shall be done in another way and by other persons? The Attorney-General's letter was written in the presence of the existing statutes; it conforms to them, it is made intelligible by them; but if by this bill we sweep them away and substitute repugnant provisions, then why do we go on and make the appropriations which would be necessary under existing laws but which will not be necessary if this bill becomes a law?

Mr. WALLACE. I can only answer that the letter of the Attorney-General is under date of the 29th of May and the bill before the House was passed by the House about the 10th of June; and in view of the provision in the third section that jurors are to be still selected from the boxes used by the State authorities, I must infer that the necessity still exists or the House would not have continued it in the bill.

Mr. CONKLING. Does my honorable friend really mean to say that he supposes that when the Department on the 27th of May made estimates for executing the law those estimates were based, not upon the law as it was, but on the law as it might be, nobody knew how or when, at a future day—can that be?

Mr. WALLACE. But if the law by its own terms was to continue in existence, and practically was in existence then, it would be necessary to appropriate in accordance with that practice, and that is what I understand this section to do in reference to this subject-matter. The House took the view of it that the practice of selecting jurors from the State boxes was to continue, and so it was necessary to appropriate accordingly. This is the way I understand the action of the House, and therefore the Committee on Appropriations of the Senate allowed the language to stand as it is.

Mr. President, heretofore in the sundry civil bill these appropriations have ranged from two million and a half to two million eight hundred thousand dollars. This bill is about $2,700,000—to be more exact, $2,690,000—or a mean between the two. The Committee on Appropriations were of opinion that the public service could be fully carried out by this sum of money; they were earnest in their wish to prevent the use of any public money for the payment of United States deputy marshals. They had no power and did not attempt to prevent the use of the public money for the payment of supervisors of election, and there is nothing in this bill that tends in that direction. They have, as far as possible, emphasized the bill upon the non-payment of deputy marshals. The bill as it stands has no amendment whatever to it proposed by the Senate committee.

Mr. ALLISON. I desire to move an amendment which I think is necessary. The first paragraph of this bill is:

For payment of district attorneys and their assistants, $300,000.

I move to add in line 9, after the word "three hundred," the word "fifty;" so as to read "three hundred and fifty thousand dollars." That is the estimate made by the Attorney-General, and I am informed by him that that is the lowest amount that he can get along with without a deficiency; and I have before me a statement of the actual expenditures for district attorneys and their deputies for the year 1878, the last full year, showing an actual expenditure during that year of $329,447; and I would say that included in that is $7,550 for special counsel, which is certainly a very small sum and a smaller sum than is necessary during a series of years for that purpose. If we are to make these appropriations in detail, we certainly ought to make sufficient appropriations to carry on the ordinary operations of the courts.

In the bill which was vetoed, the total appropriation for the identical purposes mentioned in this bill was $2,800,000, or $110,000 more than I find in this bill; and in the vetoed bill, as well as in this, the provision for jurors was inserted; so that for the exact expenditures involved here we have, as was stated yesterday of another bill, four

times agreed to an expenditure of $2,800,000. Now the appropriation for the current year I believe is $2,750,000, and there is a deficiency of $250,000 in this year's appropriation, without taking into account one single dollar of expenditure for deputy marshals. There is a deficiency in the Department of Justice of nearly $250,000 on this year's appropriation for the ordinary and necessary operations of that Department in carrying on the judicial expenses of this Government.

Mr. KERNAN. How much was the appropriation for jurors in last year's bill?

Mr. ALLISON. The appropriation last year was in totality, in wholesale as my friend from West Virginia would call it.

Mr. KERNAN. Jurors are paid by the existing law $3 a day for attendance and for going home and coming to the court five cents a mile.

Mr. CONKLING. That is true of petit jurors. Is it true of grand jurors too?

Mr. KERNAN. I think so, but I will read the section. Eight hundred and fifty-two is the section at any rate.

Mr. CONKLING. Yes, section 852. It may apply to both, but my understanding was that it applied to petit jurors alone.

Mr. KERNAN. I can read it.

Mr. WALLACE. On the margin of the book it appears "fees of grand and petit jurors."

Mr. KERNAN. It begins by saying "all jurors."

Mr. ALLISON. That may to some extent reduce the expenses for jurors. The appropriation here for jurors is $190,000 less than the amount estimated by the Attorney-General.

Mr. KERNAN. This bill strikes off more than a third of the present allowance for jurors.

Mr. ALLISON. But with an appropriation of $2,750,000 there is a large deficit now, and the actual expenditure for the ordinary operations of the Government for district attorneys for the year ending June 30, 1878, was $329,000, including only $7,500 for special attorneys' fees, and now it is proposed to make the total appropriation for the compensation of district attorneys, their deputies, and special counsel, $300,000, or $50,000 less than the Attorney-General estimates. If we are to appropriate in detail and only for the ordinary expenses of the courts, let us so appropriate as to furnish a sufficient amount of money to carry on the Government operations in the various courts.

Mr. WALLACE. I hope this amendment will not prevail. The expenditures in this Department have grown wonderfully. In ten years they have grown from $1,600,000 to about $2,700,000. Year by year they swell, and there must be a period put somewhere or all the business of all the courts will be absorbed by and controlled through the Department of Justice—a new Department and one that has existed but of recent years.

Now, as to the fees of district attorneys and their assistants—by the terms of this bill all assistants are included—these are men who are hired to prosecute a case on behalf of the Government outside of the regular official staff of the district attorney's office, and the committee did not think it wise to give the amount of money which was claimed by the Attorney-General for that purpose. This, we thought, was a point upon which we could well apply the knife.

Mr. ALLISON. May I ask the Senator a question? How much does he say the Attorney-General estimates for special counsel fees?

Mr. WALLACE. I do not know. The estimates for the general subject, "district attorneys and their assistants," is $350,000.

Mr. ALLISON. I have before me a statement of the actual expenses of 1878, the last year known, in which is included only $7,550 for extra assistance.

Mr. WALLACE. But that Congress gave to the Department of Justice but $259,000 for that purpose; yet the Senator says they expended $329,000.

Mr. ALLISON. Where does the Senator find that?

Mr. WALLACE. By a statement of record, $259,000, furnished me by our clerk, taken from the act making the appropriation.

Mr. ALLISON. For what year?

Mr. WALLACE. The year 1878, the year to which the Senator refers.

Mr. ALLISON. Was that the expenditure?

Mr. WALLACE. The amount appropriated.

Mr. ALLISON. The appropriation was, in bulk, $2,800,000 for all purposes. Now, that only shows that the Attorney-General, if he made that estimate for $259,000 then, made a mistake, because the actual expenditure was $329,000.

Mr. WALLACE. But it shows he understood there was about $259,000 of necessity. If he spent $329,000 he went beyond what he thought was necessary. So it swells day by day and year by year, and the knife must be applied some place. We think this is a good place to put it.

Mr. ALLISON. It does not swell year by year. The appropriations for the Department of Justice have been substantially the same for a number of years, five or six years. It is true they are not now what they were in 1863, 1864, and 1865, when the operations of our courts were confined to only a portion of the country. They are much more now than they were in 1864 it is true, but not because of any extravagance in the Department of Justice, but because of the necessity arising from the extension of our judicial system throughout every portion of our country.

Mr. WALLACE. When we had all the difficulties growing out of reconstruction in 1868, the total amount appropriated for the Department of Justice for these purposes was $1,621,000. This year you have $2,800,000. The United States Government at that time had more suits in court than it has to-day of its own, more prosecutions in its own name, more seizures, more suits for civil penalties than it has now; and yet the expenses have continued to swell, and until there came a different power on the other side of the Capitol they continued swelling. They have, I concede, retrograded somewhat the last three years.

Mr. ALLISON. Very little. The Senator has taken occasion to speak about a change of politics at the other side of the Capitol. The appropriation bills for the last three or four years for the Department of Justice have been substantially the same as they were before—the original appropriations and the deficiencies together, I mean—and is it possible that the democratic party has been in power in one branch of Congress for nearly five years and has failed to curtail the appropriations of the Department of Justice if those appropriations could be properly curtailed?

Mr. DAVIS, of West Virginia. But the Senator knows that they had been regularly and annually increasing until the knife stopped that increase in the other House.

Mr. ALLISON. There had been no great increase.

Mr. PADDOCK. I desire to remind the Senator from Iowa that while these court expenses have been increasing, the whole country and the whole business of the country has been wonderfully increasing. For instance, in my own State, which, during the period of time spoken of by the Senator from Pennsylvania, has grown from fifty thousand to five hundred thousand in population, the business of the courts of the United States has increased ten-fold, necessarily, naturally; it is the natural growth and increase of the business. That is true of all the West.

Mr. ALLISON. Undoubtedly.

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) The question is on the amendment of the Senator from Iowa, [Mr. ALLISON,] in line 9 of section 1, after the word "hundred," to insert "and fifty;" so as to read:

For payment of district attorneys and their assistants, $350,000.

Mr. CONKLING. Mr. President, I shall vote for this amendment and I will assign very briefly my reasons for voting for it.

It is a juggle of politics, not to be learned for the first time now if learned at all, to diminish appropriation bills and then bluster and brag about it and afterward in deficiency bills put in what was left out. I have heard of such things before; I think other members of the Senate have heard of them. I listened some time ago to a statement in figures made by the Senator from Minnesota [Mr. WINDOM] displaying—I will not characterize it otherwise—displaying the facts upon which and in the face of which two or three years ago the country was asked to believe that a great reform had been accomplished. "Reform" was the word employed. That word is very apt to be adopted, I notice, in reference to some hollow, unreal, pretended thing which partisans or political parties do. There was a cutting down of appropriation bills; and when it was done the country was not big enough to hold the noise which was made about it, the great applause and acclaim; cutting down the appropriation bills, and then by degrees we were all indulged in the luxury of voting to make up deficiency after deficiency until deficiencies had evened up the whole boasted retrenchment in substance.

Knowing as I do how entirely guileless in politics the honorable Senator from Pennsylvania is, knowing as I do how entirely untaught and untrained he is in the devices which carry elections and which win votes in Pennsylvania or anywhere else for the side which he espouses, I cannot for one moment allow myself to suspect that he is engaged in an electioneering pretense, that he wants anybody in the galleries or beyond the galleries to suppose that he and his associates are cutting down the cost of government because they split the bills up, put only a part in one, and then bring in as they are compelled to do afterward deficiency bills to make up the original total. I know that Senator is incapable of anything of that kind. Therefore I remind him, not merely of the general fact stated by the Senator from Nebraska [Mr. PADDOCK] but of a fact more exactly felt and known by the members of the Judiciary Committee, namely, that since 1868 a large number of new courts have been created, States have been divided, new judicial districts have been formed, additional judges have been appointed, the judicial staff of the nation has been increased largely, additional marshals have been appointed, additional clerks have been appointed; and I may say—I hope my motive in reminding the Senate of the fact will not be misconstrued—that this is not done in the older States, in the Northern and Northeastern States; it has occurred in the West, in the South, and in the Southwest. It was only the other day that we acted upon a bill relating to a new district which has been made in Texas. It was on a more recent day that I heard the Senator from Alabama [Mr. MORGAN] ask permission "to introduce the following bill without previous notice," and then was read a bill, if I understood it aright, providing for the appointment of a clerk and a marshal and all the rest of the paraphernalia belonging to a judicial district in the State of Alabama. If I am wrong one of the eminent Senators from that State will set me right, no doubt. I do not speak of that bill to criticise it. I only speak of it to remind the Senate that, as years go on, as population

increases, as enterprise and industry and business multiply and become more varied, so the demand for additional judicial facilities and opportunities increases; and so Congress, yielding as it has done many times since 1868, erects new districts, establishes new courts; and thus for a double reason the cost of the judicial establishment increases as time goes on.

So much I think explains sufficiently all that can be said truly of the increase of expenditures in this Department. Now, be that as it may, here comes a bill in the very first line of which I find a suggestive word:

That for the purpose of providing for *certain* judicial expenses of the Government.

We used to have a bill providing for the judicial expenses of the Government, and in that one bill the intention was to embrace everything which should be devoted to that branch of the public service. If anything was omitted it was omitted by accident and not by design. Here comes a bill which is to make appropriations "for certain judicial expenses." Among those "certain judicial expenses" which we find denoted in the bill is the cost of the courts of justice, the prosecuting officers, the judges, witnesses' fees where the United States is a party, and the jurors with their pay and mileage.

Mr. WALLACE. The judges' salaries are not in this bill.

Mr. CONKLING. Then I beg the Senator's pardon. I thought they were. The judges' salaries are fixed by law, and it is a mere ministerial act to provide for them.

Mr. WALLACE. The appropriation for them is in another bill.

Mr. CONKLING. I omit that, then, from what I said. But I wish to speak to the matter of jurors, witnesses, prosecuting officers, and what I may call the active, constant machinery of administering justice. Taking the estimates as we have done heretofore, those estimates being based on experience, we find that last year if I remember aright—and I think the Senator from Iowa has made that statement,—a deficiency was revealed of $250,000; or I believe something more.

Mr. ALLISON. About that.

Mr. CONKLING. Now this bill proposes to increase that deficiency by more than $100,000 additional. So we stand here in the face of the fact that by a deficiency bill as certain as time goes on, we shall be called to vote $400,000 in addition as the actual cost of the judicial branch of the service. Why should that be? As I said before, if it were for electioneering effect I could understand it; but I have also said that the remarkable freedom of the honorable Senator from Pennsylvania from every propensity and tendency in his nature and practice to do anything for electioneering effect forbids me to suppose that it is in such an enterprise that he engages. Were it the honorable Senator from Alabama [Mr. HOUSTON] whom I see sitting next to the Senator from Pennsylvania, remembering him as I do in days that are long gone by, remembering how astute and careful he used to be about political effects, and is yet I presume, I do not know but that I might indulge myself in the liberty of supposing that among his calculations would be, as far as it could properly and consistently be regarded, the political effect to be produced at large. But as I have already said, knowing that such a thought is a stranger to the mind of the honorable Senator from Pennsylvania, and therefore that not being the purpose, I cannot understand why we should not in an intelligent, plain-spoken way, without any juggle or trick of bookkeeping or accounts, without anything to throw dust in the eyes of anybody, appropriate what we all know to be necessary and what we all know will eventually be appropriated unless we are to smite with paralysis the judicial branch of the Government.

So, Mr. President, I shall vote for this amendment; but no doubt it will be voted down, because when the honorable Senator from Pennsylvania rises as he did a moment ago, and issues a ukase, if I may so call it, a mild-mannered phrase, a gentle, hesitating suggestion to the majority that he hopes this amendment will be voted down, that sound is like the ring of the hammer on the last nail of the coffin; I know of course it will be voted down.

Mr. HEREFORD. An amendment would send the bill back to the House.

Mr. CONKLING. What does my friend from West Virginia say? He made a remark in his seat, which I did not catch.

Mr. HEREFORD. If the bill is amended in the Senate it has to go back to the House, and that keeps us here that much longer.

Mr. CONKLING. Does not the honorable Senator from West Virginia know that the House is the great fountain, the great source of democratic doctrine, of democratic retrenchment and reform, with the emphasis on all the vowels when you say "reform?" The Senator knows that; and yet he hesitates about having this bill go back to that most infallible, as I suppose, according to his judgment, of all human tribunals. Certainly it is the safest place in the world to have it go, a House in which a previous question prevails, a previous question under which you can pass a bill, particularly when the rules are suspended, so quick that an ordinarily instructed spectator standing there cannot see how it is done.

Mr. HEREFORD. We are aware of the filibustering that the Senator's political friends engage in in the House, and which they are engaged in to-day.

Mr. CONKLING. Filibustering!

Mr. HEREFORD. Yes, sir; they are engaged in it now.

Mr. CONKLING. I am shocked to hear the Senator from West Virginia use that word. It certainly implies a knowledge on his part of revolutionary methods that I supposed a great conservative statesman like him had never thought of or allowed to be brought to his observation.

Mr. President, let me say to that honorable Senator that "evil communications corrupt good manners," and if any man approaches him to speak of such a thing as filibustering, as his friend I advise him to turn away and hear it not. Such a word does not belong to the vocabulary of one who leads a great conservative party engaged in the beneficent work which now occupies the time of the organization to which my honorable friend belongs.

Mr. HEREFORD. They have been instructed by a joint caucus the other day to do it.

Mr. CONKLING. My friend again verifies what I have said, that his associations of late have had a demoralizing and corrupting influence upon him. I find that he, too, has been in caucus. He has been one of the pins and rivets in this great machine which operates, we know not where, in the dark cloisters and recesses of this building; I do not know where they are held. The truth is, Mr. President, the Senator from West Virginia makes a disclosure this morning of an amount of political guile and privity with devious and questionable ways, which I confess I was not prepared to hear from one as innocent as I believed him to be. [Laughter.]

When, as I began to say and intended to conclude by saying, this mild-spoken command of the honorable Senator from Pennsylvania [Mr. WALLACE] to vote down this amendment is obeyed, as it will be of course, the vote will simply declare to me, and when I have occasion to narrate, if I ever do, the interesting and imposing proceeding of this council, I shall so state, that that vote signified that the intention was, to cause a deficiency, to allow a deficiency to exist, and to make this alleged appropriation bill "for certain judicial expenses" a deceptive and confusing and misleading document, so that when the average democratic editor comes to look into the legislation of the country to see what has been done by his party and finds or thinks he finds that $2,690,000 was the total cost to which they had reduced the judicial establishment of the country, that will be mere delusion, mere snare, mere deception to him, because it will not be true that this amount covers the items which are here expressly set down.

I believe that is unwise legislation; I believe it is uncandid proceeding; not that I mean to say it is so intended at all, but I mean it is calculated to produce deceptive and mistaken effect, and also calculated to cripple and hinder this branch of the service. Therefore I shall vote to add what the Senator from Iowa has suggested that being within the actual estimates based upon experience.

Mr. WALLACE. Mr. President, this bill, for the first time in the history of appropriation bills, undertakes to itemize the appropriations for this Department, and it is the purpose of the representatives of the people, as expressed in this bill, to specifically appropriate these amounts. In the past a sweeping appropriation has been made of two and three quarter million dollars, or $2,800,000, covering all the specific appropriations made here. In their judgment, they, who are nearest the people, looking to the past, have come to the conclusion that these amounts are all that is necessary to carry on these courts. There is no purpose such as is insinuated by the Senator from New York, to close the courts and starve the officials, to deprive either the clerks or the district attorneys or the judges of their salaries; but, upon the contrary, there is the intention to apply the homely principle that a man with an empty pocket will not spend as much money as a man with a full pocket. We propose to require these officers to go carefully in regard to the expenditure of their money. This is the purpose of those who have the control of the purse of the people; and if there be fault found in thus initiating for the first time a bill of items, we must submit to the fault that is found by the Senator from New York. This is the first time that Congress has undertaken to itemize these appropriations.

Mr. President, the Senator from New York with great gravity compliments me on my record as a politician. I accept it with all humility coming as it does from a Senator who always upon that side of the floor leads those who leave his party! He always breaks the ranks, and unites with us, joins with us in attempting to carry anything that we think we ought to have votes for from that side! And at home, too, he is well known as a gentleman who breaks from party leadings, who does not believe in party politics or party policy! Certainly the Senator has the right to say of me that I am a politician. I have been such; but the Senator from New York always has the reverse position here and elsewhere. I accept with all due humility his characterization of me as a politician. I try to do my duty. I am trying to do it now.

And then he says that, with words of mildness, I issue my ukase. I am in charge of this bill. I have issued no ukase. I am a mild-mannered man, it is true. I have asked my party associates to stand by this bill as it is. We think it is right; we propose to vote for it; and it being right, feeling that it is right as it comes here from the other House, I think the Senator ought again to lead that branch of his party which always breaks from stalwart lead, and unite with the democrats in doing that which is right. This bill is right. We ask aid and help. Will not the Senator from New York break away now and help us to pass this bill? I think he should.

Seriously, Mr. President, there is, there can be no fault found with this bill, coming as it does from the House, itemizing these appropriations, specifically appropriating the money for these various items of expenditure as the House believes they ought to be appropriated for. We think in the pending item $300,000 is enough, and that the demand for $350,000 is too much.

Mr. BLAINE. Mr. President, I am very much edified by the care with which the honorable Senator from Pennsylvania proposes now to itemize a little bill with a couple of million dollars in it when yesterday we were asked to swallow $20,000,000 in an appropriation bill of nineteen lines, and when the Senator from Kentucky had itemized it his measure covered eighty-eight pages, and he was—shall I say bulldozed—was bulldozed by his party associates out of even offering his two days' labor to itemize what was in that bill, and it was crammed down our throats in nineteen lines. And now on a little bill for judicial expenses the Senator from Pennsylvania says that his party have come to the conclusion that it must not be done in bulk as heretofore, but must be deliberately and carefully itemized. It is a wonderfully straight and beautiful course the record that my friends of the Appropriation Committee are making this session—$20,000,000 in nineteen lines—a little more than a million per line, and we were yesterday compelled to swallow it at one gulp, and to-day a couple of million must be itemized like a grocer's account.

Mr. BECK. Mr. President, I did carefully itemize the bill passed yesterday. The bill of the current year that we adopted was of course a carefully itemized bill. It was, I admit, a little troublesome to make the facts plain, but when once reached it contains well-considered items for everything. It is a good rule, as the Senator said, to itemize everything, and I must assert with emphasis that if there is any Department of the Government that needs to have its appropriation bills carefully itemized it is this Department of Justice. Why do I say so? I hold in my hand a letter from the Attorney-General of the United States sent to the Committee on Appropriations of the Senate on the 20th of February last, which I think shows conclusively the absolute importance of itemizing all the provisions of this bill and all sums of money that go into his hands. I will read it. I believe I can read it quite as loud as the Secretary.

DEPARTMENT OF JUSTICE,
Washington, February 20, 1879.

Hon. WILLIAM WINDOM,
Chairman Appropriations Committee, United States Senate.

SIR: In answer to the request of the committee for the amount, if any, which will be required by the Department to complete its service for the current fiscal year, I reply that such estimate must necessarily be approximated and based upon the expenditures of the preceding years.

For the year ending June 30, 1878, an appropriation was made to this Department of $2,650,000. A subsequent bill was passed for a deficiency of $150,000, and a deficiency of $110,000 has been asked for by me in addition, which will probably meet all the expenditures for that year, making in all the sum of $2,910,000.

The current appropriation—

That is for the current fiscal year ending on the 30th day of this month—

is for $2,750,000. I should have hoped to have made the expenditures for the current year something less than for the year previous, say $2,800,000, which would have left a deficiency of only $50,000 to be provided for.

His idea was, Senators will I hope observe, up to this point that all the necessary expenditures for this year would be $2,800,000. We are now proposing to give him $2,690,000 for the ordinary expenses for the next fiscal year, and the amount saved by cutting down the fees that have been paid to jurors heretofore and those allowed in this bill reaches $190,000, so that we are providing for him for the next fiscal year $80,000 more than his own estimates of what he regarded as the amount necessary for the proper expenditure for the present fiscal year, as we have cut down the pay of jurors from $3 to $2 per day. He says:

Had it not been for two classes of expenditure; one for deputy marshals appointed under section 878 of the Revised Statutes to attend elections, (the expenses of supervisors not being paid through the judiciary fund,)—

We are not troubling or interfering with those gentlemen, as I think we ought to, but I am content to let them remain and report to Congress the facts as they understand them—

and the other for carrying on prosecutions necessarily caused by violations of the election laws. These two items will in my opinion amount to $200,000, of which $75,000 will be for the expenses of the deputy marshals, and $125,000 for the expense attending the prosecutions. These latter expenses will necessarily be large, especially in the States of Louisiana, Alabama, and South Carolina, but the means of estimating them precisely I do not possess. Under section 878 large expenditures are made on behalf of the defendants in many cases by direction of the presiding judges.

I respectfully suggest, therefore, that, if it is thought advisable to cover the anticipated deficiency for the current fiscal year by an appropriation, the sum appropriated should be $250,000. I inclose a draught of an amendment to the deficiency bill, as suggested by you, which follows substantially the language of former appropriations.

I ought to add in this connection that a considerable portion of the expenses caused by prosecutions for violation of the election laws will come under the appropriation for the fiscal year ending June 30, 1880, which of course are not taken into consideration in connection with what I have said as to such expenditures for the current fiscal year.

Many continuances are granted by the presiding judges, and the cases cannot be concluded during the present fiscal year, although I endeavor to press them to a speedy determination.

Very respectfully, your obedient servant,

CHAS. DEVENS, *Attorney-General.*

This letter shows the necessity for this itemized bill as now proposed by Congress. We had been in the habit of giving the Attorney-General all the money he asked to carry on his Department in the lump, and he had been in the habit of using the appropriation to pay as many deputy marshals to superintend elections and as many attorneys to conduct what he called prosecutions in election cases as he saw fit, and when the lumping sum thus given him had been exhausted for the fiscal year to which it applied, he then tells us there are deficiencies in the money appropriated and that he has not the amount necessary to carry on the legitimate business of the courts. Now, sir, we propose to give him what is necessary for the legitimate purposes of the courts and to say to him, "you shall not apply the money thus given to keep up your political partisan machinery at the polls or to carry on your political prosecutions for partisan political purposes nor to hire your deputy marshals, whether you take them out of Sing-Sing or any other jail or penitentiary, to control elections within any of the States of this Union, but you shall apply it as it is appropriated by Congress and not as you have applied it on your own volition heretofore." The Attorney-General himself in this letter shows the absolute necessity of the representatives of this people specifying definitely what the money they vote out of the taxes collected shall be applied for; and it is because the developments he has made in this communication show, as is known to all of us by the facts developed by recent examinations and his admissions that he has misapplied the money of the people or at least applied it in ways that the representatives of the people never would have allowed him to apply it if they had suspected he was so applying it, that we have itemized this bill and told him how he shall apply the money that we vote. We do not propose to embarrass the courts. We are providing for everything that is necessary for their maintenance, but we do not intend to allow the Attorney-General to control the politics of this country by the unlimited use of the taxes wrung from the labor or sweat of the people.

The Senator from New York complains that the democratic party make small appropriations at first, and then make up the amounts required in deficiencies. The records of this Government will show, the finance reports of this Government will show that from the time the democratic party came into power in the lower House, we have reduced the expenditures of this Government every year from $15,000,000 to $20,000,000 a year, deficiency bills included. The finance reports of this country, I repeat, show these facts year by year. The deficiencies complained of are in most instances deficiencies created by radical heads of Departments and bureaus, just as the Attorney-General created the deficiencies in his. When we make an appropriation for a whole year and furnish it to any Department of the Government, they expend it, as they have done time and again, in eight months, and then come back to Congress and say, "there is a deficiency, and this branch of the Government must stop if you do not give us more money." It is because they refuse to obey the law, refuse to content themselves with the sums of money given them, refuse to require men to work for them for the wages the same men would work for if employed by other people, and pay the marshals, deputy marshals, and assistant attorneys fees double, treble, yes, in many cases quadruple what the same men would perform the same service for if you and I were seeking to employ them, and use the money for purposes for which the representatives of the people never intended it to be used for, and then come and say, "the courts must stop; we have no more money." Why have they not more money, or money enough for their wants? Because the money that was intended for the use of the courts, the money that was intended to pay jurors, the money that was intended for witnesses and for other legitimate purposes, has been used for purposes for which the representatives of the people never intended it; and then the men for whom it was intended cannot get the pay. The head of this Department creates the deficiency, charges the Congress with making the deficiency, and rather than allow the courts to stop, we have been good-natured enough to make up those so-called deficiencies for the Attorney-General time and again. Now, with a law that no officer or Department of this Government can, without being guilty of a high misdemeanor, and without being guilty of embezzlement, (for the embezzlement act covers it,) that no officer or Department of the Government shall expend any money appropriated by Congress otherwise than as appropriated, and that no officer shall make any contract or expend more during any fiscal year than the amount appropriated without being guilty of a misdemeanor, we purpose to itemize the accounts, and say to the Attorney-General you shall expend this much for marshals, so much for jurors, this much for witnesses, so much for attorneys; and then if he creates any deficiency in the legitimate expenditure and comes and shows the money was legitimately expended we shall be in a condition to see how he has expended the money, and to hold him responsible for any wrong expenditure, and then we can make up whatever is necessary if we have, and he can show it, failed to give him the proper amount. But when we give him a lumping sum, as we have done heretofore, he can spend as much as he pleases for any particular purpose. What limitation was there on him, when Congress gave $2,750,000, to prevent him from taking $500,000 of it for electioneering purposes and to appoint deputy marshals, no matter how vile they were, and from instituting all sorts of political prosecutions?

Mr. ALLISON. May I be allowed to ask a question?

Mr. BECK. Certainly.

Mr. ALLISON. The Senator from Kentucky speaks of $500,000 for deputy marshals. Will he tell us how much was expended for deputy marshals in 1878?

Mr. BECK. I stated that he could, if he saw fit, while the total appropriation was in a lumping sum, give $500,000 for electioneering purposes. I read what he said in this letter that—

> These two items will in my opinion amount to $200,000, of which $75,000 will be for the expenses of the deputy marshals, and $125,000 for the expense attending the prosecutions.

That is what the Attorney-General said in that letter.

Mr. ALLISON. That does not cover the point I wanted to ascertain from the Senator; that is, how much was expended in 1878 for deputy marshals?

Mr. BECK. The amount expended has been published in tabulated form during the long debates we have had over and over again.

Mr. ALLISON. I only ask for information.

Mr. BECK. I did not keep it in my mind for I did not expect to speak upon this subject. But what was spent in 1872, in 1876, and in 1878, and the character of the men to whom it was paid, has all been set forth in the public prints of the country and in the CONGRESSIONAL RECORD. I do not pretend to know at this moment to a cent how much was expended for these purposes. This I do know, that we are pursuing the true course; and judging from all that has taken place in the past, when we limit the expenditures to particular items, and when after he said that $2,800,000 was all that the demands of the Department required for the current fiscal year, we have cut down the expenses of that Department $190,000 by reducing the pay of jurors, and then have given him $2,690,000, we have given a sum largely in excess for the current fiscal year of what he himself stated was necessary for the legitimate purposes for the current fiscal year. Then surely we have done all that an officer desirous to carry on his Department and not to run it as a mere political machine ought to ask for. When he asked that $250,000 deficiency even from a republican Congress and a debate was had last March upon that deficiency, we said, "You shall not have that $250,000," and we gave him $50,000 in order to stop the expenditure of that money.

Mr. BLAINE. May I ask the Senator a question, with his permission?

Mr. BECK. Certainly.

Mr. BLAINE. Where did the Committee on Appropriations, if the Senator understands the course of information, get their information on which this partition was made of what has formerly been appropriated in bulk? On what information was this partition made, and from whom?

Mr. BECK. I have not got it in detail.

Mr. WALLACE. It was obtained by the chairman of the Committee on Appropriations in the House from the Attorney-General, in detail, on the 10th of December.

Mr. BLAINE. That is what I supposed. Here is a tremendous broadside from the honorable Senator from Pennsylvania, and now from the honorable Senator from Kentucky, about making a great reform in the mode of appropriation, whereas it was formerly in bulk and now it is divided; and when we get down to the bottom of it it is divided exactly according to the mode the Attorney-General has heretofore expended it.

Mr. WALLACE. But the Senator from Maine forgets that the Attorney-General itemized it in accordance with a request from the Committee on Appropriations of the House, and that they asked him for the details.

Mr. BLAINE. He itemized the appropriation according to the mode he has been expending it. That is all the information they had, and here is a great outcry made about the same expenditure of money made in the very manner it is provided this shall be expended.

Mr. BECK. Mr. President——

The PRESIDING OFFICER, (Mr. GARLAND in the chair.) The Senator from Kentucky declines to yield further.

Mr. BECK. There is no declining about it. I gave way for a question, and I wish to answer it.

Mr. BLAINE. There is no declining about it, only the Senator wants me to sit down and go no further.

Mr. BECK. I would be obliged to the Senator if he would; but I did not like to ask him, because he would not obey me; and, therefore, I did not care about requesting him to do anything he would not do. I was about to give the answer that I know nothing about it personally, except the chairman of the Committee on Appropriations of the House said to me that he was going to the Department to endeavor to get all the aid he could in having the expenditures itemized, the House and the Senate having determined to itemize them and prevent the Attorney-General from putting it in bulk as he had been in the habit of doing, and for any purpose he saw fit, and using it, as we thought, for the very worst of purposes. When he did as was required by the committee of the House we said to him we will give you two million dollars and a half, or $2,690,000, or what is necessary for the legitimate purposes of your Department, but we do not intend to give you a slush fund to run elections, to get up false prosecutions, and to make your Department a great political machine; if it is to be a department of justice, it shall not be made a department of corruption and injustice. When he was told that he must give it or they would itemize it themselves, on the best lights before them, or on the demand of his subordinates for information, I suppose he gave it; no doubt he gave it reluctantly; no doubt it curtails him very much; but we have got it and are using it, and we intend to hold him to it if we can. The complaint now is that we are doing that, instead of allowing him to have it all, as he had it before and as he would doubtless like to have in all time to come, to use as he pleases.

I repeat again, the Senator from West Virginia is more familiar with the details of the exact savings made by the democratic party than I am, but I think I can state the figures with great accuracy, in reply to the Senator from New York. Notwithstanding all the deficiencies and all the irregularities, the fact remains, shown upon the books of the Department, that the democratic party since they have come into power have reduced the expenditures of this Government, even in a growing country, on an average of from ten to twenty million dollars a year each year since they even had a partial control of affairs. This is an effort still further to reduce the expenditures, still further to control the use of money for corrupt purposes and for electioneering purposes and for partisan purposes. We are endeavoring to hold the Attorney-General and his Department to legitimate expenses for legitimate purposes.

Mr. BLAINE. Before the honorable Senator from Kentucky sits down I should like him to answer a question. The political purposes to which he adverts are the employment of course of deputy marshals. In this bill, at lines 14 and 15, I find this appropriation:

> For fees of United States marshals and their deputies, $600,000.

The Senator from Iowa [Mr. ALLISON] will be good enough to refresh my memory as to the amount expended in any one year for deputy marshals used in elections.

Mr. ALLISON. I was trying to get at the details, and supposed the Senator from Kentucky would have them, because his mind seems to be full of the subject.

Mr. BLAINE. But that is not the kind of knowledge he wanted probably.

Mr. ALLISON. I think the expenditure last year was about $68,000 in all; that is, in 1878.

Mr. BLAINE. I want the honorable Senator from Kentucky, or the chairman of the Committee on Appropriations, [Mr. DAVIS, of West Virginia,] who is on the floor, to give me the maximum amount that ever was expended in any one year for the deputy marshals employed at elections.

Mr. DAVIS, of West Virginia. The Senator appeals to me. I do not recollect, but my impression is now that in some years it amounted to between $250,000 and $300,000.

Mr. BLAINE. Then you have appropriated double the amount this time.

Mr. DAVIS, of West Virginia. Oh, no.

Mr. BLAINE. Why not?

Mr. DAVIS, of West Virginia. The Senator will recollect that a part of those funds is paid from what is known as a permanent annual appropriation.

Mr. BLAINE. The marshals?

Mr. DAVIS, of West Virginia. The supervisors; and they have construed it in the Department so that they may pay the marshals, I understand.

Mr. ALLISON. Not at all.

Mr. DAVIS, of West Virginia. I understand they have.

Mr. ALLISON. I know they have not.

Mr. BLAINE. Then I want to know why the honorable Senator from West Virginia has been assisting his brother democrats in making all this row in regard to an annual appropriation if the Department could pay them from a permanent appropriation? What have we been wrangling over these three months, if these very appropriations are all permanent appropriations? Do I understand the chairman of the Committee on Appropriations to state that?

Mr. DAVIS, of West Virginia. I stated that the Department in some cases had construed the Revised Statutes under the permanent annual appropriations to allow them to pay certain marshals, and I have been so informed by the Department.

Mr. BLAINE. And now I understand the chairman of the Committee on Appropriations to say that in addition, beyond the permanent appropriation which the Department says they have got, in order to have a full amount to carry out the deputy marshals at elections, you appropriate $600,000 specially in this bill.

Mr. BECK. Mr. President——

Mr. BLAINE. I have got the floor this time.

Mr. BECK. I thought I had the floor and yielded for a question.

Mr. BLAINE. Of course I will yield to the Senator from Kentucky; but then I am able to stand, and not sit.

Mr. BECK. Will the Senator allow me?

Mr. BLAINE. Certainly, all the time the Senator wants.

Mr. BECK. The Senator from Maine, as I understood, said, "Before the Senator from Kentucky sits down I desire him to answer me a question," and he put a question in regard to those two lines, and I supposed I was answering the Senator.

Mr. BLAINE. That was the trouble, I did not get the answer.

Mr. BECK. I think I can answer the Senator, if he will allow me, right now.

Mr. BLAINE. That is what I want.

Mr. BECK. As I understand it, lines 14 and 15 allow $600,000 for fees of United States marshals and their deputies—that is, the mar-

shals of the United States and the deputy marshals of the United States who are employed in the legitimate business of attending to courts and everything connected with the ordinary carrying on of the business of the Department of Justice, outside of everything else.

Mr. BLAINE. You do not say so. The bill does not say so.

Mr. BECK. When the Attorney-General brings in his account and the account is balanced, as to how he has used this $600,000, I guarantee he will not have a single dollar of it that he will dare to say he gave to Mr. John I. Davenport or anybody else to carry an election with.

Mr. BLAINE. On what ground does the Senator make that "dare?"

Mr. BECK. Because, on the ground of calculation——

Mr. BLAINE. I want the Senator to avow the ground on which he will make that "dare." Here is an appropriation "for fees of United States marshals and their deputies, $600,000." How do you say that the Attorney-General will be empowered to employ one class of deputy marshals and will not dare to employ another class? I wish to get a specific avowal on that point either from the Senator from Kentucky or the Senator from Pennsylvania.

Mr. WALLACE. Will the Senator allow me to answer?

Mr. BLAINE. Certainly.

Mr. WALLACE. This is an appropriation of $600,000 for United States marshals and their deputies, and the concluding clause of that section is:

> And no part of the money hereby appropriated is appropriated to pay any salaries, compensation, fees, or expenses under or in virtue of title 26 of the Revised Statutes, or of any provision of said title.

Under that clause alone the deputy marshals are to be appointed.

Mr. BECK. That settles it.

Mr. BLAINE. Now——

Mr. BECK. Let me finish the rest of my answer. That finishes the first question. The next question was, could I tell how many deputy marshals were appointed and what they were paid? I could not at the moment when the question was asked me by the Senator from Iowa and the Senator from Maine, but I turn to a speech made in the last Congress (and I can refer to that it not being the present Congress) by one of my colleagues from Kentucky, Judge Durham, on the expenditures of the Department of Justice, on the 19th of February, 1879. Gentlemen can see it by turning to the RECORD of the 20th of February. He went to the Department of Justice to ascertain all those facts, and he presented a table containing a list of supervisors and deputy marshals employed in the Federal elections in 1876, and their pay, and also the pay of chief supervisors and United States commissioners under the election laws. He gave it by States, how much was paid to each, and the total paid was $275,296.60, as the Department told him. He then gave a list of supervisors and deputy marshals employed in the Federal elections in 1878, except for chief supervisors in the northern and southern districts of New York, which had not been sent to the Department, and those of New Jersey, Eastern New York, and Pennsylvania not fully adjusted. With all those outstanding he again gave it by States, and he showed that the total paid for the elections in that year was $202,291. Those statements would be very useful again to go into the RECORD for this Congress, and I will hand them to Mr. Murphy, if there is no objection.

Mr. ALLISON. There will be no objection.

The tables referred to are as follows:

List of supervisors and deputy marshals employed in the Federal elections in 1876, *and their pay, also pay of chief supervisors and United States commissioners under the election laws.*

States.	Districts.	Amount paid chief supervisors.	Number of supervisors.	Amount paid supervisors.	Number of deputy marshals.	Amount paid deputy marshals.	Amount paid United States commissioners under election laws.	Total of amount paid.
Alabama	Northern				150			
Alabama	Middle				244			
Alabama	Southern	$2,208 38	19	$450 00	192	$2,530 00		$5,188 38
Arkansas	Eastern				785			
Arkansas	Western				214			
California		1,578 99	105	4,405 00	244	4,225 00		10,208 99
Delaware					135			
Florida	Northern				745			
Georgia					207	1,410 00		1,410 00
Illinois	Northern		188	5,640 00	115	1,105 00		6,745 00
Louisiana		4,463 33	270	4,115 00	840	5,705 00		14,283 33
Maryland		977 55	574	2,870 00	1,222	8,085 00		11,932 55
Massachusetts		253 20	66	660 00	117	1,170 00		2,083 20
Mississippi	Northern				239			
Mississippi	Southern				9			
Missouri	Eastern	187 40	152	1,330 00	1,032	16,385 00		17,902 40
Nevada					9			
New Jersey		3,371 19	85	3,420 00	249	5,085 00		11,876 19
New York	Northern	7,723 70	339	9,975 00	342	7,925 00		25,623 70
New York	Eastern	12,150 22	370	11,674 60	723	17,986 00		35,810 22
New York	Southern	19,383 36	1,070	32,115 00	2,500	39,785 00	$3,304 60	94,587 96
North Carolina		527 11			166			527 11
Oregon					13			
Pennsylvania	Eastern		1,368	27,330 00	347	3,500 00		30,860 00
Pennsylvania	Western		224	2,240 00	49	490 00		2,730 00
South Carolina					338	395 00		395 00
Tennessee	Western	129 60			30	46 00		175 80
Texas		249 92	33	165 00	49			414 92
Virginia	Eastern	551 05			201	1,785 00		2,336 05
Virginia	Western	206 00						206 00
West Virginia					4			
Idaho					4			
New Mexico					78			
Utah					18			
Total		53,961 00	4,863	106,419 00	11,610	111,612 00	3,304 60	275,296 60

List of supervisors and deputy marshals employed in the Federal elections in 1878, *except for chief supervisors in Northern and Southern New York, which have not been sent to the Department, those of New Jersey, Eastern New York, and Pennsylvania not fully adjusted.*

Alabama	Southern	$1,551 71		$1,000 00		$1,000 00		$3,551 71
Illinois	Northern		224	4,480 00	224	2,240 00		6,720 00
Kentucky		116 00		870 00		870 00		1,856 00
Louisiana		1,313 00	206	3,600 00	120	4,000 00		8,913 00
Maryland		351 03	230	2,950 00	700	4,445 00		7,746 03
Michigan	Eastern		52	1,300 00				1,300 00
New Jersey		7,324 84	148	3,050 00	192	2,880 00		13,254 84
New York	Southern		1,225	30,000 00	1,350	27,000 00	$2,267 95	59,267 95
New York	Eastern	15,972 33	354	10,620 00	534	6,500 00		33,092 33
New York	Northern		374	11,000 00	374	7,000 00		18,000 00
Ohio	Southern	704 45		890 00	71	447 78		2,078 23
Pennsylvania	Eastern	5,830 00	1,370	27,440 00	750	7,550 00		40,820 00
Pennsylvania	Western		312	3,121 00				3,121 00
South Carolina			34	680 00		700 00		1,380 00
Virginia	Eastern		70	620 00	102	570 00		1,190 00
Total		33,199 36	1,599	101,621 00	4,467	65,202 78	2,267 95	202,291 09

Mr. BLAINE. Mr. President——

Mr. ALLISON. Will the Senator allow me just a moment?

Mr. BLAINE. Certainly.

Mr. ALLISON. Failing to secure an answer from the Senator from Kentucky with reference to the very question he now answers I sent for a speech more recently made than the speech of the Senator's colleague. I find in a speech made by Hon. Mr. WALLACE, on the 3d day of June, in the Senate, that the total expenditures as reported and stated by him for deputy United States marshals in elections was one hundred and twelve thousand dollars and a few odd cents, and the total for 1878 was $68,446; so that of all this vast sum for the two years the amount is a little over $150,000.

Mr. BLAINE. Yesterday it was quite admitted before we got through with the singular bill that passed, that no gentleman on that side of the Chamber could possibly explain its provisions, or the amount it involved, or what it tended to. Now I am in hopes that this will be clarified, and that we will get a perfect apprehension of its contents through the kindness of the Senator from Kentucky and the Senator from Pennsylvania.

I understand the Senator from Pennsylvania to advise the Senate and the country that this bill, by the inhibition which he read, is intended to effect for the year 1879–'80, (the fiscal year on the eve of which we now stand,) with reference to United States deputy marshals at elections precisely what was intended by the bill for the repeal of the general law which the President vetoed. Is that the understanding?

Mr. WALLACE. I think the Senator states it as fairly as it is possible for us to do it. It is what we intend to do, to direct what shall be done with this money, and to so legislate that it cannot be used for the payment of special deputy marshals to be used at elections.

Mr. BLAINE. You intend to say to the President of the United States that, having vetoed a bill repealing a general law, we are going to force you to sign a bill which will make that law invalid and helpless for one year; and then when the next year comes around for an appropriation we will do it for the other year. We will make you stand up before the country and write yourself down an ass by signing a bill which prohibits your doing for each consecutive year what you refused to do in a permanent way under the law. Is that the contemplation?

Mr. WALLACE. We undertake by this bill to decline to appropriate any money for United States special deputy marshals. If refusing to sign a bill because it does not contain something, excuses a President from being written down an ass, then he will not be so written down.

Mr. BLAINE. Does the honorable Senator say that this bill stops there?

Mr. WALLACE. It prevents the payment of money for that purpose for this year. It proposes to do no more.

Mr. BLAINE. Does the honorable Senator intend to create the impression before the Senate or the country that this bill stops by merely not appropriating for deputy marshals?

Mr. WALLACE. That is about what it does.

Mr. BLAINE. "About;" but is that all it does?

Mr. WALLACE. I do not think it does any more.

Mr. BLAINE. You do not? Then of course you will agree to strike out the second section?

Mr. WALLACE. The second section enforces upon the marshals a provision touching the appointment of special deputies. That is what that section is intended to effect.

Mr. BLAINE. I will read the second section. The Senator says the bill does nothing more than merely not appropriate. Of course the little pages that carry our letters know that merely not appropriating a sum of money is not cause for rejecting a bill by the President of the United States by vetoing it, if it appropriates on other points; but when I ask the Senator whether it contains anything more, he rather dodges. He says that is about what it is, and edges around; he does not come square up and face it.

Mr. WALLACE. Oh, the Senator cannot misrepresent me. I certainly did state it emphatically.

Mr. BLAINE. I want the Senator to represent himself.

Mr. WALLACE. I proposed to do it, and thought I did as emphatically as any man could. I said this bill appropriated no moneys for special deputy marshals emphatically, and I said it did endeavor to fasten upon the marshals of the United States a prohibition against appointing any special deputy marshals by the second section. That is the purpose of this section of the bill.

Mr. BLAINE. The second section of the bill provides—

That the sums appropriated in this act for the persons and public service embraced in its provisions are in full for such persons and public service for the fiscal year ending June 30, 1880; and no Department or officer of the Government—

That includes the President—

no Department or officer of the Government shall, during said fiscal year, make any contract or incur any liability for the future payment of money until an appropriation sufficient to meet such contract or pay such liability shall have first been made by law.

Since the honorable Senator from Pennsylvania seems willing to answer, I should like to ask him another question. Does the Senator understand that section to prohibit marshals using deputies even if they agree to serve without pay? Is it the fact that that "incurs a liability?"

Mr. WALLACE. There is no liability incurred then by the General Government, by the very terms of the section itself.

Mr. BLAINE. Would the Senator from Pennsylvania as a lawyer say that the marshal accepting the services of a hundred deputies in his city of Philadelphia upon their personal assurance that they would not charge anything for it—has the marshal the dispensing power to say that that would not incur a liability and that they might not in justice come in for their pay afterward? Does he state that as a lawyer?

Mr. WALLACE. I do not think the Government with a law upon the statute-book like this could be called on for the payment of a dollar.

Mr. BLAINE. You do not think so?

Mr. WALLACE. I do not.

Mr. BLAINE. The Government would not incur any liability?

Mr. WALLACE. I think not.

Mr. BLAINE. Do I understand the honorable Senator, then, to give it forth as his opinion to the country that marshals who will serve without pay, or marshals who will serve with pay provided from other sources, are to be clothed with full entire authority under this bill just as much as if they were appropriated for by Congress?

Mr. WALLACE. By no means, for the section expressly says that no officer shall "make any contract or incur any liability."

Mr. BLAINE. No, no, the officer makes no contract; suppose other persons come up and offer him a hundred deputy marshals, and they are paid for?

Mr. WALLACE. I think they would have to get their pay the best way they could.

Mr. BLAINE. Then we gradually get out the fact, palpably made where no man can deny it, that this was intended to be a positive inhibition upon every officer of the Government, from the President down, not to do anything whatever during the fiscal year of 1879–'80 for the appointment of deputy marshals at elections. I have met a good many bills and I have seen a good deal of brass attempted in legislation, but I never saw anything yet equal to this, where a President of the United States had himself given conclusive reasons, reasons conclusive to the country why the law in regard to deputy marshals should not be repealed, and you ask him to sign a bill that for the year 1879–'80 does repeal it and render it as nugatory and as void as though it had never been enacted. I have heard down in my State of Ensign Stebbins, who was in favor of the Maine law but opposed to its enforcement. The President of the United States who would sign such a bill as that after having declared in a public veto message that he was in favor of maintaining the law on the statute-book would go far beyond the folly of Ensign Stebbins.

Mr. WALLACE. I do not know what the President of the United States has to do with this bill now. I do not know why his name is lugged in here unnecessarily, and he threatened by the Senator.

Mr. BLAINE. He will have a good deal to do with it before it gets through, as you will probably find out.

Mr. WALLACE. The Senator, I presume, is endeavoring to have him have something to do with it. I imagine that is the purpose of his "stalwart" declarations on this occasion.

Mr. BLAINE. Does the Senator expect to get along with this bill without the aid of the President?

Mr. WALLACE. We expect him to obey the law which is on the statute-book in these words:

No department of the Government—

I suppose that includes the President—

shall expend, in any one fiscal year, any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract for the future payment of money in excess "of such appropriations."

And we expect him to obey the Constitution, which says:

No money shall be drawn from the Treasury, but in consequence of appropriations made by law.

That he is sworn to support and we expect him to obey it.

Mr. BLAINE. If the Senator finds enough in the statutes as they now exist, why does he want to enact more as in this bill? The Senator reads from the statute those things which he thinks justify his position, and why then is there need of this additional legislation?

Mr. WALLACE. The words "officer" and "liability" are added.

Mr. BLAINE. Ah, there is something added. Then the Senator does not find that the statutes as they exist cover the point?

Mr. WALLACE. A marshal of the United States is not a "department of the Government," and this money is to be paid to him.

Mr. BLAINE. The Senator comes to an admission. He reads the statute in a way that sounds to me as somewhat vain glorious as covering a point that was not covered without additional legislation, to which the President is expected to assent.

Mr. WALLACE. We want to cover the duty of the marshals who are officers of the Government.

Mr. BLAINE. You want to cover this particular case?

Mr. WALLACE. Yes, sir.

Mr. BLAINE. In other words, the Senator from Pennsylvania finds the statute good for a great many other things, but not good for what he is trying to achieve, and therefore he asks us to help him out by making a new one.

Mr. WALLACE. There is also on the statute-book this law:

All sums appropriated for the various branches of expenditure in the public service shall be applied solely to the objects for which they are respectively made, and for no others.

Mr. BLAINE. What I ask the Senator is, if he finds the statutes sufficient, why add to them? I keep repeating the question.

Mr. WALLACE. I have said repeatedly on this subject since I have been on the floor that the purpose was to decline to appropriate money to the payment of special deputy marshals at elections.

Mr. BLAINE. But you do not stop there?

Mr. WALLACE. And the further purpose is to control the marshals themselves in the appointment of special deputies, and to prevent them from incurring any liability on the part of the Government for the special deputy marshals at elections, and to that end we have re-enacted the statute in section 2, which is found in the Revised Statutes as sections 3678 and 3679. We have by this language covered the point we sought to cover, and it is simply a repetition to all the officers of the Federal Government of the duty enjoined by those two sections upon the Departments.

Mr. BLAINE. I will leave that point now. I have got as much enlightenment on it as the Senator from Pennsylvania seems disposed to give me.

Mr. WALLACE. I want to make the distinction, though, before I leave the floor as to the purposes for which these $600,000 are appropriated.

For fees of United States marshals and their deputies, $600,000.

Those $600,000 are appropriated for the legitimate purposes and expenses of the courts and the cost of the process of the courts in the hands of the marshals and their general deputies. It is intended to cover all of the expenses of the marshals and their pay, exclusive of election expenses and special deputies at elections.

Mr. BLAINE. I ask the honorable Senator to enlighten me now on another point. I did not hear all that was said about the juries, and I am seeking information. It is now arranged, I believe, in section 3 of the bill. I was glad, as the honorable Senator went along, to see that with a good Pennsylvania education he spoke of the sums that *are* appropriated. The bill we passed yesterday spoke of the sums that *is* appropriated, and it has gone into the law in that correct and elegant form. The bill in the third section provides that the jurors—

Shall be publicly drawn from a box containing, at the time of each drawing, the names of not less than three hundred persons, possessing the qualifications prescribed in section 800 of the Revised Statutes, which names shall have been placed therein by the clerk of such court and a commissioner, to be appointed by the judge thereof, which commissioner shall be a citizen of good standing residing in the district in which such court is held, of good standing—

I do not know whether that means the court or the citizen—

and a well-known member of the principal political party opposing that to which the clerk may belong, the clerk and said commissioner each to place one name in said box alternately, without reference to party affiliations.

Will the honorable Senator from Pennsylvania be good enough to tell me just the full extent and meaning of the phrase "without refernce to party affiliations?"

Mr. WALLACE. I presume the Senator from Maine understands what "party affiliation" is. He is a party man.

Mr. BLAINE. I do, perfectly.

Mr. WALLACE. He knows what "party affiliations" are.

Mr. BLAINE. But the former bill that passed the Senate provided that the clerk of the court should stand on one side of the box and the commissioner of good standing of the opposite political party should stand on the other side of the box, and then they should begin a game of odd and even, one to put in one of his side and the other to put in one of his side till the three hundred names were all in. We all agree that that would result in getting one hundred and fifty partisan republicans and one hundred and fifty partisan democrats. Now you have changed it. When you get down to these men, the one a republican and the other a democrat, each of these men is now commanded to draw without regard to party affiliations. What does the Senator understand that restriction to mean? If it has any significance, and I will leave it to the honorable Senator to tell me whether I am right or wrong, I understand that to mean, if it has any meaning, that each officer shall draw first a man opposed to him and then one in favor of him, and that instead of three hundred divided into two lots of one hundred and fifty each there shall be four lots of seventy-five, that is, the clerk shall draw seventy-five republicans and seventy-five democrats, and the commissioner shall draw seventy-five democrats and seventy-five republicans, and then this avoiding party affiliation ends exactly where the other did, by having the names of one hundred and fifty partisans from each side in the box. Is that the true construction?

Mr. WALLACE. It is an endeavor to procure from the clerk and commissioner, in filling the box, the names of men who are fittest for jurymen in that locality, whether they are democrats or republicans. They are to be placed there without reference to party affiliation.

Mr. BLAINE. Yes, but you require the two men who draw the jury to be party men. You require them to be party men standing opposite to each other, and presiding over the jury-box.

Mr. WALLACE. The Senator from Maine has admitted that he is a party man. Is it possible if acting under oath that he would not take a man as a juror who voted occasionally for a republican and occasionally for a democrat if he knew he was otherwise fit?

Mr. BLAINE. And that is all that has been done? That would have been done by an honest man without this law.

Mr. WALLACE. Very well.

Mr. BLAINE. Why do you want to inject into the laws of the United States for the first time in our judiciary department the idea of partisan politics, to land exactly where the honorable Senator admits we have all the time stood? We have got what the Senator claims this measure will give us. We have always enjoyed that. Now you say that we must have two partisans of each side, and that then they must get up and try like good little boys to shake the partisanship out of them and to draw without party affiliation.

Mr. KERNAN. I should like to ask the Senator a question. Does he not think that even such a law would be better than to have, as we have learned we have in certain States, a partisan jury on one side to fill the ballot-box?

Mr. BLAINE. Is that the case in the Senator's own State?

Mr. KERNAN. No, sir.

Mr. BLAINE. Then the Senator speaks about some other State; that is, outside of his.

Mr. KERNAN. I say in certain States, having learned on authority that is good, that they have packed a jury that would convict the angel Gabriel, and that the jury is packed by the public prosecutor.

Mr. BLAINE. I have heard a good deal about the conviction of men as pure as the angel Gabriel, if you can find any of those in the South or in the North either, but I have never heard of the particular men thus convicted. I should like any Senator from any Southern State to give the name of any man who has ever been unjustly and unduly convicted of a crime by any of these juries that are asserted to be drawn in a reckless and partisan manner. The Senator from New York bears of some other State, just like the statements in the early times in the West when the "ague" was always in some other county; it was not in the county where the man himself was stopping. The Senator from New York would do well to speak for his own State of five million people. That is enough for one man to speak for.

Mr. KERNAN. I will speak for my State. The supervisor of each town in my State, and he always belongs to one side or the other, returns the jurors to the county clerk, and we never fail to have fair juries.

Mr. BLAINE. Very well. Then the Senator gives a very good account of his own State, as I expected to find it, without regard to party.

Mr. KERNAN. That is done under the State law.

Mr. BLAINE. Now we understand that somewhere else there have been very corrupt juries drawn, and men have been tried before them and convicted unjustly. I should like to hear the names of the men. I should like to hear any Southern Senator give me the name of a man who was unjustly convicted before one of these partisan juries. I do not profess to be able to answer at the moment, but I will engage at hazard within forty-eight hours, from the records in the Attorney-General's Office, to confute and refute the assertion.

Mr. SAULSBURY. There have been a great many convictions of men who do not belong to the gentleman's party, who have been pardoned out by the President.

Mr. BLAINE. The Senator from Delaware thinks because in a gracious moment of clemency, after sufficient punishment had been inflicted, and the President had exercised the pardoning power, that that must be taken as proof of innocence. By no means. There are often a great many reasons, personal and political, for granting a pardon. There were a great many ku-klux prisoners taken out of the Albany penitentiary upon special representations to the late President of the United States, General Grant, that great good would result in the South, that a good condition of affairs would be brought about by such a display of executive clemency. Does the honorable Senator understand that in the opinion of General Grant he had any doubt whatever of the guilt of those men? Not at all.

Mr. CONKLING. Many of them pleaded guilty.

Mr. BLAINE. Many of them, the Senator from New York says, pleaded guilty. They were sent to the penitentiary by scores and shoals. Many besides those sent had *nol pros.* entered who would have been convicted had not official instruction gone from this city to show clemency. I have heard what the Senator from New York [Mr. KERNAN] says, bandied about on this floor and everywhere as a piece of political claptrap, that juries were corruptly drawn and convictions corruptly obtained in the South. I want the names—I want the names of twenty or ten or five or one such man, and if Senators cannot give it I hope it will be the end of all this talk about the necessity for the first time of inserting into the laws of the United States a provision that you shall have a man of well-known political character of the opposite political party to be stationed on the opposite side of a jury-box to the clerk of the United States court, and that they there shall agree to settle on political grounds what shall be the jury in the courts of the United States. It is the first time such a thing was ever attempted, and it is an absolute and deep disgrace to the statutes of the United States to put it there.

Mr. WALLACE. The Senator from Maine——

Mr. BLAINE. I am not through yet.

Mr. WALLACE. I thought the Senator had finished and sat down.

Mr. BLAINE. Now, Mr. President, from the beginning to the end of this bill it is a sham. The Senator from Kentucky paraded with a good deal of confidence how they had now brought about a reform, and that instead of giving $2,700,000 or $2,800,000 in a lump to the Attorney-General of the United States they had divided it under general heads. I asked them on what principle they had divided it?

Why they had gone up to Mr. Devens's office and found out how he expended it, and then they put it under the heads as he had furnished them; and then they came back and said, "See how we are putting the bit in the mouth of the Attorney-General; we are not going to let him run loose with $2,700,000 or $2,800,000. We are going to force him by law to expend that money in exactly the way he would have expended it anyhow."

Mr. DAWES. Just as he had expended.

Mr. BLAINE. Just as he had expended it, the Senator from Massachusetts well says. That is a magnificent reform! The Senator from Kentucky made that display and I believe retired. Then the Senator from Pennsylvania takes up the jury clause.

Mr. WALLACE. In answer to the invitation of the Senator from Maine——

Mr. BLAINE. Of course I mean that, with all due courtesy to the Senator. First on the marshals' clause, I want to sum up a little, he admits to us openly before the country that this bill was intended to do and in his judgment does do for the ensuing fiscal year all that the repeal of the law by the bill which the President vetoed would have effected for this year, and that thus, year by year, the same insertion in the appropriation bill by a democratic Congress can effect exactly that which a repeal of the law would have effected. I am correct, I believe, in stating the Senator that way. He nods assent. Then, a word as to the jury law, this new experiment, this blot upon the pages of the statutes which the Senator from New York [Mr. KERNAN] says was put there in order to insure good juries elsewhere. He admits they are as good as they could be in New York, considering that they have to be made of men; but then in order to arrest some great corruption in the jury-box elsewhere by which innocent men are dragged to unjust punishment this provision should be made. I have asked every Senator, and have received no response from any one on that side of the Chamber, to give me the name of one man that was ever convicted by a jury that was alleged to have been improperly impaneled. I will be glad now to hear the honorable Senator from Pennsylvania.

Mr. WALLACE. I have very little to say in reply to the Senator from Maine. In his peculiar manner he sets a great big chip on his shoulder and he invites some Southern Senator to knock it off. There has not been any response; I have not heard any response to that invitation. The fact is the question he has been discussing has nothing whatever to do with this bill. Suppose there does not exist such a case; here is a bill which on its face provides for two parties being represented in the filling of the jury-box with three hundred names, and then it provides that the men selected shall be chosen without reference to party affiliations. Is there anything unwise, unjust, improper in this provision? The Senator says that this is a disgrace to the statutes of the United States. The Senator from New York [Mr. KERNAN] has told us that this system is practically in operation there; that is, that the supervisors in each county fill the wheel.

Mr. MCMILLAN. I did not understand the Senator from New York to say that there is any provision in the laws of New York which recognizes any political division of parties.

Mr. WALLACE. But the supervisors are of different political parties, chosen I suppose as the jury commissioners in our State are chosen, each party voting for one. They select the jurors and of course their party affiliations are regarded in filling the wheel; but at the same time as men who have taken an oath they put in men of integrity, men who have the qualifications that the States of New York and Pennsylvania provide, and we get a jury-box that is filled with men of both parties.

Mr. ALLISON. May I ask a question?

Mr. WALLACE. When I conclude the present sentence. We thus get a jury-box filled by men of integrity, and there is not the opportunity, there is not the effort that would come from an attempt by a single political party to make the courts the vehicle of party passion and party prejudice and of convictions in the courts because of political offenses.

Mr. ALLISON. Pardon me; I want to ask the Senator what the object is in appointing men of two political parties and then providing that they shall select the jury without reference to party affiliation? If it is necessary to have two parties represented, why is the bill that we passed a few days ago reversed so as to require these commissioners to select jurors without reference to party?

Mr. WALLACE. It is the plainest proposition in the world. There are two views that might be taken of it. One is that it is to prevent them from making the jurors all of one political party.

Mr. ALLISON. But before, the object of the jury bill which we passed a few days ago was to get men in of different political parties, and now we say that they shall be selected without reference to party.

Mr. BLAINE. Will the Senator permit me a moment?

Mr. WALLACE. One at a time.

Mr. BLAINE. An idea this moment occurs to me as to the interpretation of this measure, and I will offer it for the benefit of the Senate. In the Senate it was openly avowed that the republican was expected to choose republicans and the democrat was expected to choose democrats, and that would get rank partisans of both sides. The only construction I can give to this new provision, upon full deliberation, is that the republican is expected to select the democrats and the democrat is expected to select the republicans. I have always found that that class of democrats who were especially popular with the republicans and that class of republicans who would be chosen by the democrats make up at large and collectively about the meanest assortment that can be found in any peaceful community, and I think that the jury as provided for in that section would be of that stamp.

Mr. WALLACE. I am glad the Senator from Maine has demonstrated to the Senate and to the country how much of a partisan he is. He is clearly a party man. He has plainly demonstrated that now.

Mr. BLAINE. I do not deny that at all.

Mr. WALLACE. He is for the republican party pure, simple, and stalwart. He does not want any of these fellows who are between the parties.

Mr. BLAINE. I do not. They are the cow-boys of modern days, as they were in the Revolution.

Mr. WALLACE. I understand the Senator, then, to avow himself a partisan, a decided partisan, and he has demonstrated to the Senate and the country that partisans ought to be in the jury-box.

The other interpretation that might be placed upon this bill would be that these men were honorable and just men and would obey their oath, and when they had filled the box with three hundred names, without political affiliation, filled it with good people, people who were honest, people who were not known partisans—and I differ with the Senator from Maine there—not known as strong politicians, either democrats or republicans, they would have performed their duty and the court would get an intelligent and honest jury to decide between the litigants, whether they were the government or individuals.

Mr. DAWES. Does the Senator think that is best attained by getting two men prominent in different political parties to accomplish that end; in order to get men into the jury-box who are not prominent politicians, to get the men to select them the most prominent and decided party politicians possible, and that thereby they would more likely select men to put into the boxes that are not so? Is that the object?

Mr. WALLACE. For the purpose of preventing that very thing, the words "without reference to party affiliations" are here inserted.

Mr. DAWES. Why provide by law that two men shall be appointed of the most positive party affiliations for the purpose of selecting men who are not so? Why do that?

Mr. WALLACE. Just because we want fair play on both sides.

Mr. DAWES. If you want in the box the names of men who are not prominent politicians, why not select men to put the names in the box who are not prominent politicians themselves? Are prominent politicians more likely to put in the box the names of men who are not prominent politicians than men are who are themselves not prominent politicians?

Mr. WALLACE. I do not know how the Senator from Massachusetts and the Senator from Maine are going to reconcile their views on this subject.

Mr. BLAINE. It is not for us to do it. We are trying to ask you to do it.

Mr. WALLACE. The one fears that cow-boys, as he terms them, and the other fears that politicians will get into the box.

Mr. DAWES. I did not understand the Senator from Maine to say that cow-boys will get into the box, being put in there by men who are the most prominent in the political party to which they belong.

Mr. WALLACE. No, the Senator does not say that, but he says the fellows who are not put in are the cow-boys.

Mr. DAWES. No, the fellows who put them in are to be the most intense politicians; active partisans are eligible and no others are eligible. If a man can be found more prominent than anybody else he is the only man eligible to appointment under this proposed statute, and he is the man selected in the eye of the Senator from Pennsylvania to get non-partisans into the jury-box. That is a *non sequitur* that I have not seen equaled.

Mr. WALLACE. When the Senator rose I was about to say that the statutes of Pennsylvania since 1867 have authorized the selection of jury commissioners. They are always selected of different political parties, and they fill the jury-box with men of character, of reputation, and of standing, not always ardent republicans or ardent democrats, but they are placed in the box because of their integrity and their qualifications.

Mr. BLAINE. Are those especially to be found outside of the line of ardent democrats? Do qualities of integrity lie outside?

Mr. WALLACE. They are mainly found within it.

Mr. BLAINE. I should think so. I would trust ardent democrats a great deal more than the class to which I referred.

Mr. WALLACE. They are sometimes found within it in the judgment of democratic jury commissioners; and so these qualities are generally found within the pale of the republican party, according to the judgment of the republican jury commissioners.

This law operates well in our State. There are no complaints in regard to it. It was passed by a republican Legislature—republicans joining with democrats in passing the statute. It was originated by a Senator from one of the democratic counties in the Commonwealth, and six or eight republican senators joined with the democrats in passing it. There has been no complaint of it. There are few political prosecutions, and it works well. I think this bill will be found to work equally well.

I have here a statement in reply to the figures that have been quoted as to the amount of expenditures by the Department of Justice from the judiciary fund.

Mr. CONKLING. Before the Senator comes to that would he allow me to ask him a question upon the topic which he is about to leave?

Mr. WALLACE. Yes, sir.

Mr. CONKLING. The difficulty I have in understanding the use of this change begins a step behind that to which other Senators have called attention; and as the Senator from Pennsylvania seems to be very obliging in his willingness to afford information this morning I venture to bring it to his notice. As the statutes stand now, as they have stood for a long time, not only in the State of New York, not only in the State of Pennsylvania, but in every one of all the States, juries for the national courts are drawn under the laws, usages, and regulations of the respective States, and the jurors have the qualifications of jurors in the States. My question to the Senator is this: How does it happen, indeed how can it happen, that juries in the national courts in any State are mis-selected or packed, unless that occurs either by a violation of existing law or by reason of defects in the laws of the States themselves?

Let me now, if the Senator will allow me, restate this, because I have several times sought information on this point, and I find myself as ignorant as I was when the session began. Ever since 1802, indeed since a statute prior to that, preserved in all the statutes, in the statute of 1842 among others, is the provision that jurors to sit in a national or Federal court shall in every State be drawn, as far as practicable, according to the laws, usages, and practice of that State.

Now I inquire how it can be in any State, unless the laws of that State are viciously defective, or unless the marshal, the judge, or the clerk of the court, (all of whom are triable and impeachable,) violate the law—how can it happen that juries are packed, that men of irresponsible or dissolute character are drawn upon juries? So far as I am informed of the laws of the States, no man's option selects the whole panel of jurors. They select themselves. How? Because they do or do not possess the qualifications required. In the State of New York a man must be a citizen between the age of twenty-one and the age of sixty. Then follows a long list of exemptions. If he be the superintendent of a mill he is exempt; if he serves in a fire company he is exempt; and so on. He must also be a freeholder or a tax-payer. No supervisor, the officer referred to by my colleague, determines who shall or who shall not go into the jury-box. The men who compete in the struggle of life determine that. A man who is a vagabond, a drunkard, an idler, a spendthrift, who is not a freeholder or tax-payer, never can get into the jury-box. Why? Because by law he does not possess the qualifications that entitle any man, no matter what may be his politics or his political creed, like every other man, to go into the body of men from which the jury is drawn. Therefore the Senator will see that this does not rest upon anybody's option.

Now I beg him to tell me how it can happen in a national court, the jury being drawn in accordance with the laws which prevail in the State courts and the usage in every instance, that a jury can be packed, unless the State has failed to pass laws in that regard, or unless the marshal or other officer defies and violates the law, for which he may be not only impeached and removed from office but for which he can be indicted under the Statutes of the United States.

Mr. WALLACE. I imagine that the Senator from New York argues of course from the practice in his own State, and from that standpoint he is perhaps correct.

Mr. CONKLING. No, if my friend will pardon me, I do not, and I beg him not to misunderstand my question, if he will indulge me. I ask it in the best of faith. I have asked it once or twice before and I want to know what the answer to it is.

Mr. WALLACE. The reason——

Mr. CONKLING. If the Senator will pardon me, it is not the laws of the State of New York, but the statutes of the United States which provide that in every individual State the jurors who sit in the national box shall be drawn according to the laws and usages of that State.

Mr. WALLACE. In substance.

Mr. CONKLING. Certainly.

Mr. BAILEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Tennessee?

Mr. CONKLING. Yes, sir.

Mr. BAILEY. In the State of Tennessee, in our system, which was derived from North Carolina, each county is divided into what we call civil districts, and two justices of the peace, who have criminal as well as civil jurisdiction, and when called together have police jurisdiction in the county, select jurors and appoint them, when they are thus called together monthly or quarterly, under the law. How is it possible to apply our system to the drawing of jurors in the courts of the United States?

Mr. CONKLING. Will the Senator pardon me? Do they have fair juries in the State of Tennessee in the State courts?

Mr. BAILEY. We have fair juries in the State courts.

Mr. CONKLING. Does the jury system there work well?

Mr. BAILEY. It works very well with us, and for this reason, permit me to say: there are democrats and there are republicans in the State; there are democratic justices of the peace and republican justices of the peace; and every jury that is selected by these justices of the peace, when they are assembled quarterly or monthly as the case may be, is composed of republicans and of democrats. Their names are put into a box and are drawn just as it is proposed to draw them here; but the courts of the United States cannot apply our system in the selection of their juries.

Mr. CONKLING. Why not?

Mr. BAILEY. Because the appointing power is different.

Mr. CONKLING. What appointing power?

Mr. BAILEY. Those who appoint the jurors for the United States courts.

Mr. CONKLING. Let me understand the Senator. Are not the national courts held at the county seat or at the court-house where also a State court is held?

Mr. BAILEY. Exactly.

Mr. CONKLING. When a State court is held in any one place, say at Memphis,—I believe there is a Federal court there, and I will take that for illustration——

Mr. BAILEY. There is one in Memphis, one in Nashville, and one in Knoxville.

Mr. CONKLING. I will take Nashville; either will illustrate. A State court is held periodically at Nashville. In that State court a State jury sits, and that jury is composed in the manner denoted by the Senator. Will the honorable Senator tell me why it is, when the statute of the United States commands that the jury to sit at Nashville in the national court shall be composed of men having the qualifications of jurors in the States, and that they shall be selected as near as may be in the same mode, under the laws, under the usages, under the practice of the State of Tennessee, that they cannot be so selected?

Mr. BAILEY. Simply for the reason that they are not, nor in my opinion can they be, so selected. By whom would they be selected? By the State officers? Certainly not.

Mr. CONKLING. I want, if I may, to continue one moment this instructive dialogue,—instructive to me, I mean,—with the Senator from Tennessee. Is there a jury-box in Tennessee, a box from which names are drawn, I mean?

Mr. BAILEY. Yes.

Mr. CONKLING. Who draws them for the State court? I refer now to that court which sits at Nashville, the circuit court, I suppose.

Mr. BAILEY. As I said before, the jurors who are placed on the list from which the juries shall be selected are appointed by the justices of the county court in each county or district. When the court assembles these names are placed in a box and are drawn under the direction and order of the court; a sufficient number being drawn for the grand juries and a sufficient number for the petit juries.

Mr. CONKLING. That is thirty-six for each, is it not?

Mr. BAILEY. The number is forty-eight.

Mr. CONKLING. Forty-eight for each?

Mr. BAILEY. Yes.

Mr. CONKLING. Who draws them?

Mr. BAILEY. They are drawn either by the officers of the court or under the orders of the court.

Mr. CONKLING. But who does it, in point of fact?

Mr. BAILEY. In point of fact it is usually done by the clerk.

Mr. CONKLING. By the clerk of the court?

Mr. BAILEY. By the clerk of the court. The names are put in the box and thus drawn out.

Mr. CONKLING. When a national court comes to sit there, here is a jury-box containing the names of all the men from whom the panel for the State court is to be drawn. Will the Senator tell me why the clerk of the national court cannot shake this box up and draw out one name at a time and have it written down as the clerk of the State court does?

Mr. BAILEY. The clerk certainly might do that thing, but the clerk does not select the jurors.

Mr. CONKLING. I am not speaking of the selection.

Mr. BAILEY. Nor does the judge of the court select the jurors.

Mr. CONKLING. I understand it.

Mr. BAILEY. These names are selected by the justices of the county court.

Mr. CONKLING. I understand it.

Mr. BAILEY. I do not mean to say that the names are not in the Federal courts; that the names chosen by the marshals are not drawn from the box; but I do say it is impossible to apply the Federal system to our system in Tennessee for the reason that you have not the same appointing power.

Mr. CONKLING. Mr. President, the Senator cannot understand me, and that is, no doubt, my fault. Let me state the case as it is in New York, in a word, which is the identical case for all practical purposes in Tennessee, as disclosed by the Senator. The county clerk, and I may say for brevity the county court, although the phrase is not accurate in New York, which it seems it is there, draws from the general body of jurors the names of those to constitute a grand and petit panel at every term of the court. That is so in Tennessee. When a national court is held in New York, the same thing is done. What is it? The clerk of the court and the marshal who assists for aught I know, see to the drawing of the names; it makes no difference who does it; whether it be a man or a child, whether he be blindfolded or with his eyes open, because the box is thrown about and a hand is put into it and a name drawn out and opened and written down, and

another name is drawn out and written down until the thirty-six names have been written down. So it is in Tennessee in substance, in the State courts.

Mr. BAILEY. Let me interrupt the Senator. So far they have not been selected in Tennessee by the clerk of the court. I mean the names that are put in the box.

Mr. CONKLING. I am talking about the State courts in Tennessee.

Mr. BAILEY. I am talking about the State courts.

Mr. CONKLING. Very well. Who select?

Mr. BAILEY. The names put into the box are selected by the justices of the county court, meeting quarterly or monthly as the case may be, quarterly usually. Each justice of the peace selects from his own civil district the names of the persons who are to appear at the next term of the court and whose names are to be placed in the box.

Mr. CONKLING. Forty-eight in number?

Mr. BAILEY. Yes. I will state also that in all criminal cases the jury is drawn from the box. When they have been summoned their names are drawn from the box by a little boy—some one under twelve years of age—unless the parties waive that right.

Mr. CONKLING. I know that is done in some of the States. Now I come back, and I want an answer, if the Senator will indulge me, to this question: what is the reason why from that same box, from that same body of jurors, the clerk of the court, or the blindfolded boy, or the marshal, or whoever is there to do it, may not draw exactly as the drawing takes place for the purpose of a State jury?

Mr. BAILEY. Certainly he may draw from the names that are selected, but suppose all the names selected belong to one political party, as is the case in many instances?

Mr. CONKLING. I am talking about Tennessee. Let us deal with one State at a time. Do they belong to any one political party in Tennessee?

Mr. BAILEY. They do not, because they are selected as I have stated.

Mr. CONKLING. Precisely so.

Mr. BAILEY. They are selected some by democratic and others by republican justices of the peace. They are selected generally, I will say also, without regard particularly to their political affiliations, but looking to the character and integrity of the parties whose names are presented. Still there are men of all parties whose names are thus put in the jury-box.

Mr. CONKLING. The honorable Senator from Tennessee rose in form to answer what I was saying. I welcome his aid, because he comes to my side and makes my argument so far as the State of Tennessee is concerned. What is that argument? That the laws of the United States command that in Tennessee juries shall be selected as the laws of that State say they shall be, as near as practicable. He tells us that the State laws provide the mode; that the mode works well; and that there is, as we all would know without his saying it, no difficulty in a Federal officer or a national officer putting his hand into the box and drawing out, as the State officer does, from this fairly selected body of jurors the particular panel to try a particular cause.

Mr. BAILEY. Will the Senator permit me? He says that from this body of fairly selected jurors shall be drawn the names of those who shall serve upon the jury. Under the Federal system it is impossible that this practice of drawing jurors, fairly selected as the Senator says, can be adopted as it is now followed in Tennessee in referenee to the State courts.

Mr. CONKLING. Why not? I am trying to find out.

Mr. BAILEY. Because in one case they are selected by the body of the justices of the county; in the other case they are selected by the officer of the Federal court, and by him alone. At most, the number of those who are said to be fairly selected, the names of the jurors, are selected by whom? By either the court or an officer of that court.

Mr. CONKLING. Not unless the statute of the United States is violated—never.

Mr. BAILEY. How can they be selected? Who can select them?

Mr. CONKLING. I will tell the Senator.

Mr. BAILEY. May I ask a question?

Mr. CONKLING. Yes, sir.

Mr. BAILEY. Can the justices of the county court of Davidson County, in which stands the capital of our State, and where is the Federal court, nominate the men whose names are to be put into the box?

Mr. CONKLING. Is that the Senator's question?

Mr. BAILEY. Certainly it is.

Mr. CONKLING. I beg to answer it. The statute declares that when the national court meets at Nashville, the jury to sit in that court shall be drawn according to the laws, the usages, and the practice of the State of Tennessee. If the practice and the law of the State of Tennessee is not that the supervisor of the county shall bring forward the qualified jurors, but that the officer of the county court shall bring them forward and shall put into the jury box that whole number, which the Senator says is forty-eight, from which particular juries are to be drawn, then the statute of the United States, as I understand it, requires that the same thing shall be done in the Federal courts.

Mr. BAILEY. And appointed by the justices of the county court of that county, do I understand?

Mr. CONKLING. Why, Mr. President——

Mr. BAILEY. Certainly that is a new construction of the law that was never before made by any court.

Mr. CONKLING. I have not given any such construction as that.

Mr. BAILEY. Then what?

Mr. CONKLING. I will tell the Senator if he will hear me. He is talking about one thing and I am talking about another. Let me go to my own State for illustration to answer his remark. Does the statute of the United States require that the supervisors in all the towns of the sixty counties of the State of New York shall bring forward the lists of qualified jurors? No, the statute of the State of New York requires that and requires other things under which there comes up to the shire-town, the county seat, where the county clerk's office is situated, a body of qualified jurors larger than that which the Senator has indicated in Tennessee. Then the statute requires that from that body, in a way prescribed, the drawing shall take place. The national statute declares that in the case of the national courts the drawing, the selection of the jurors to sit, shall be in the same mode, but it does not therefore provide that supervisors in the way indicated shall bring forward these original names. That is left to the laws of the State of New York. It does, however, after this body has been brought forward, act upon them by declaring in effect that from those names—because it says from the men qualified by the laws of the State—the drawing shall be made, and in the mode, as near as may be, declared by the laws of the State. Is that a new construction? If it is a new construction, then for, lo, eighty-one years in the State of New York the statutes of the United States have been misunderstood and violated.

Mr. BAILEY. Will the Senator permit me to ask him who selects the jurors?

Mr. CONKLING. Yes, sir.

Mr. BAILEY. I mean the list of fair names from which the jury is selected in the Federal courts.

Mr. CONKLING. In the organism of the State of New York every county has what I may call a local legislature; we call it a board of supervisors. It is composed of one man from every rural town, and in counties where there are cities divided into wards, of one man chosen in each ward. When the board of supervisors meet, each one of these constituents of that board brings forward the qualified jurors of his town or his ward. That is not everybody, but the citizens of the requisite intelligence and property qualifications, freeholders they must be, among others, of suitable age, and not falling within any of the numerous exemptions tolerated by the laws of the State. When each supervisor has brought forward the names, they are all there and they all constitute the body of men from which in that vicinage every panel of jurors must be drawn. They go up to the office of the county clerk, as we call him, whose office is at the shire-town, or if there be counties, as there are, my own is one, where there are two shire-towns, the law fixes that one at which the county clerk's office shall be located. On a day fixed by law, preceding by a convenient time the day on which a term is to be holden, the officers indicated by the law, the county clerk and the others—I shall stop to enumerate them if the Senator cares to hear it—take this body of names and from it proceed to draw a panel, thirty-six in number, for a petit jury; and a panel of twenty-four in number for the grand jury. The drawing is done by shaking up the box as I have said, putting in a hand and bringing out a name, and that name is written down; the next name is drawn out and that is written down; and thus the whole panel is made up; and then the sheriff under his venire summons all the men whose names are thus drawn. They come to court and their names go into the box used in court. When the first cause on the docket is reached, if the parties are ready, the judge says, "Impanel a jury." Thereupon the clerk of the court who has this box, with a convenient hole in it, or a sliding or rotating cover, opens the box, puts in a hand, and draws out a name, and reads it.

Mr. BAILEY. Will the Senator allow me to interrupt him? I understand it thoroughly, but how are the jurors for the United States courts selected? The Senator is describing how the jurors in the State courts are selected.

Mr. CONKLING. I will tell the honorable Senator. I could tell him truthfully and briefly in words, in the same way.

Mr. BAILEY. Who places them in the box?

Mr. CONKLING. The clerk of the court places them in the box.

Mr. BAILEY. That is never done, permit me to say, in Tennessee. It is never done as the Senator from West Virginia informs me in his State, as the Senator from Oregon informs me in his State, as the Senator from Maryland informs me in his State. We have no box. As I said a little while ago, in my State the number summoned is selected by the justices of the county court, and from that number thus selected the jury is drawn under the orders and supervision of the particular court, whether it be a court of common law or of criminal jurisdiction. It is impossible to apply our system to the selection of jurors in the United States courts, for who will summon? Where are the persons whose names are to be placed in the box? They are summoned in fact by the marshal and the clerk.

Mr. CONKLING. Again I thank the honorable Senator for the great weight of authority which he brings to the proposition that I advance. Let me go back to that proposition. I said there could be

no failure save only from one of two causes; either because of defect in the laws of the State, or because of a violation of the national laws by the national officer. I repeat that proposition, and I summon the honorable Senator from Tennessee to testify as he has already done that that proposition is correct.

Mr. BAILEY. Will the Senator from New York inform me whether our system is defective, or whether the courts of the United States can possibly apply our system? Is it to be required that the States shall change a system that has continued for seventy-five years in order that the courts of the United States may be able to apply the same system?

Mr. CONKLING. There is an old story about a collision over the question whether the mountain should go to Mohammed or whether Mohammed should go to the mountain. Here is a national system which has stood unchanged much longer than any man who hears me has lived. It has stood during all this century, and during several years of the century which is gone. It is a system inaugurated in the presence of and by the very men who framed the Constitution. It is a system adopted by the men who voted for that perhaps best piece of legislative literature to be found in our statutes, drawn by Oliver Ellsworth and known as the judiciary act. It is a system which has worked unexceptionably in every State which has a suitable jury system.

The honorable Senator asks, is the State of Tennessee, which for seventy-five years has had a system of its own, to change that system? With the greatest respect for that historic Commonwealth, I say yes. Yes, if the State of Tennessee is suffering by reason of defects in its own jury system, in the name of common sense and common honesty, knowing as the State of Tennessee does better than this National Legislature can, the convenient and better mode of drawing jurors in that State, let the Legislature of Tennessee enact the proper statutes, statutes which will not be hide-bound, which will not be those that might do if a Chinese wall environed Tennessee, but statutes applicable as well as State statutes readily can be, as all experience shows, for use in the national as well as in the State jurisdiction. I say yes without hesitation, and I say nothing that I would not say of the State of New York. If the State of New York had some jury system which involved a particular inconvenience and incompatibility, something which would require Federal officers to journey, if you please, long distances far in advance in order to take the preliminary steps for selecting jurors—if it were only that, had I the honor to be a member of her Legislature I should say as one of her citizens, I say now as one of her Senators, it would be not only advisable, not only convenient, but in my opinion the duty, the manifest duty, of the State of New York to so modify her machinery for selecting juries as to adapt it to that use which our fathers designed should be made of it, and which for four generations the country has proceeded in believing was the wise and wholesome way of assembling juries in the national courts.

Why not? And yet I think the honorable Senator from Tennessee, if he will pardon me, involves himself in a paradox because he has told us that they have good juries there; that their jury system works well. He has told us that under that jury system a jury is drawn periodically in every vicinage in which a national court is held. Yet curiously enough, he tells me, in effect, that the marshal goes out without limit upon arbitrary discretion, and one is left and another is chosen. Therefore he says (and there I think is the *non sequitur*) that the statutes of the United States should be changed, when those statutes as they stand now say that the marshals and the court and everybody else shall proceed as the State courts under the State laws proceed to select juries.

Now, Mr. President, I, too, have heard a great deal of talk about juries being packed in this State and in that State and in some other State; always I believe in the State from which the informant does not come. And I have heard how men have been convicted unrighteously, innocent men. That is a very rare occurrence. Such instances are very sparce in the whole volume of judicial annals in the most stormy, the most bloody, and the most barbarous times. I do not believe an instance, unless one so rare, so conspicuous as to be the exception which is said to prove all general rules, can be found of any such thing; and I am so venturesome as to do this: I will enter into this engagement with any Senator: if he will show me an instance in which in the national courts a jury has been packed, I will show him an instance in which the marshal is impeachable and indictable, or else I will show him an instance in which the State where that occurrence took place has been so heedless in devising jury laws that the dereliction is absolutely flagitious. Now I see my excellent friend from Indiana has risen.

Mr. McDONALD. I wish to state to the Senator from New York that within the last three weeks the district court of the United States for the district of Indiana sitting at Indianapolis set aside a jury in a criminal cause because it was a partisan and packed jury, and ordered a new venire.

Mr. CONKLING. If my honorable friend will look at the eleventh volume of Johnson's Reports, which is a report of decisions made in the State of New York, he will find that Ambrose Spencer, who was there a competent judge, set aside an entire panel of grand and petit jurors in a State court; and if he will look at the decisions made in the State of New York he will find that that has occurred perhaps as often as once in a generation, and he will find the same thing in England. And as long as human nature is human and men are made of clay, all mortal processes will be imperfect; and it will occur under the best devised system that some sheriff in the drawing of a jury or the doing of something else will commit some fraud for which he can be prosecuted and punished.

Mr. McDONALD. I will state to the Senator from New York that within this same generation and in that same State another instance of that kind occurred where a panel was set aside by the judge presiding, on the express ground that it was a partisan jury. That judge is now a member of this body and the party who made the application to him was myself.

Mr. CONKLING. Mr. President, the plot thickens so much and the Senator from Indiana is getting so complicated with it that I should like to ask him one or two questions. How are juries drawn in the State of Indiana, in brief?

Mr. McDONALD. The regular panels in the State courts are drawn from the boxes in each county.

Mr. CONKLING. Who draws them?

Mr. McDONALD. They are drawn by the clerk of the court from names placed there of qualified jurors by the clerk and sheriff.

Mr. CONKLING. Do they get fair juries in the State courts in Indiana?

Mr. McDONALD. Usually they do.

Mr. CONKLING. Do you ever have any of them set aside?

Mr. McDONALD. Yes, sir. I knew a grand jury to be set aside in the State courts by a democratic judge because the make-up of the jury was entirely of his own party.

Mr. CONKLING. He was a democrat with a conscience, I take it. Now, Mr. President, may I inquire how are the national jurors drawn in the State of Indiana?

Mr. McDONALD. They are drawn from boxes, from the names that are placed there by the marshal and the clerk of the court.

Mr. CONKLING. Where do they get the names?

Mr. McDONALD. They take them from over the State at will. So many names are selected by them and placed in the box, and the requisite number of jurors for the term is drawn from that box from the names placed there by the marshal and clerk. That is by a rule of court.

Mr. CONKLING. I was going to say that my honorable friend from Illinois [Mr. DAVIS] mentions to me in his seat—I heard it before—that that is by a rule of the court. I have not been speculating upon what a court would do in a particular case. I am talking, and I want to adhere to my point, about the jury laws of the United States, and I say that under those laws jurors in the State of Indiana are to be drawn, and should be drawn as nearly as may be, according to the provisions made by the laws, the usages, and the practices of the State of Indiana; I use those three words because they are all used in the national statutes. And I have to say that if the State of Indiana has a system under which it seems to happen somewhat frequently from the familiar way in which the Senator from Indiana speaks of it, that in the State courts juries are set aside because they are partisan or dishonest or improperly drawn for some reason or other, then my honorable friend had better look to the outside and the inside of Indiana's cup and platter before he goes to reform the nation at large. He and his Legislature had better look into the mode of drawing juries, because one of two things is true, if I am to judge from his remarks of the frequency with which these mishaps occur: either that the laws of Indiana are lax, are inartificial, are inadequate, and ineffectual; or that my honorable friend from Indiana has succeeded during all these years in which we have heard of him in so lashing into partisan fury the minds of the people of Indiana that they are really mad, party wild, that the democrats there are so crazy that they cannot sit in a jury-box and do justice between man and man. Well, now, when you come to a State which has been subjected to this tuition and which has grown so partisan and so frenzied, if the followers of my friend have done so, what sort of a law would enable you to extract a fair jury from them? I admit it may be one of those things which in the language of a play "no fellow can find out."

Mr. McDONALD. I gave one instance under our State law where a grand jury had been discharged by the judge presiding, and I gave two instances in the Federal courts where the judges presiding had set aside the traverse juries that were called in because of their partisanship.

Mr. CONKLING. And then I asked the honorable Senator whether that occurred in the State courts sometimes, and he said oh, yes.

Mr. McDONALD. I said in one instance, which I gave.

Mr. CONKLING. Only one?

Mr. McDONALD. Only one instance that I remember. Perhaps it is the only time that the officers of a county had so far forgotten themselves as to undertake to select a partisan jury.

Mr. CONKLING. Does the Senator mean to tell me that, during the time he has practiced law in Indiana, there has never been but one panel set aside in the State courts?

Mr. McDONALD. For being partisans.

Mr. CONKLING. Pardon me. Does the Senator mean to say that never but once has an entire panel been set aside, during his experience in the State of Indiana, in the State courts?

Mr. McDONALD. Certainly not.

Mr. CONKLING. I suppose not.

Mr. McDONALD. I apprehend the motion has been frequently made where the panel was irregularly summoned.

Mr. CONKLING. I have no doubt of it. In the State of New York, where I am bound to believe the jurors like the people are not only the most intelligent on earth, but the purest, the freest from political bias and impurity of every kind,—even in that most enlightened of Commonwealths, it does happen sometimes that a panel is moved to be set aside, and that the motion prevails. I thought from the Senator's way of stating it that it was a sort of disorder which had visited his State with more virulence than had appeared in the common run of Commonwealths, and I rather think now from the emotion which the Senator evinces and his change of color that he feels himself that Indiana is not entitled to such an encomium as I have very truthfully passed upon the State which I have the honor in part to represent. The Senator has my sympathy in that regard. I will only say to him that if he will move to the East and take up his residence in the State from which I come, he will be permitted to breathe an atmosphere, not only judicial but political, which will strengthen him, and he will stand "redeemed, regenerated, and disenthralled" from many of the vagaries which now so much impair his usefulness, so far as his political course is concerned.

Mr. McDONALD. That would depend on what part of the State of New York I lived in.

Mr. CONKLING. There is some force in that. If the Senator will consult me apart, I will advise him what part of that State to come to, although all parts are so desirable that the choice is not as great as the Senator might suppose. [Laughter.]

Mr. President, coming back to what I was saying, I have not heard from any Senator, I shall be bold enough to express the belief that I shall not hear from any Senator, one instance in a State from Maine to the Gulf and all around to Oregon, in which, if the State has a suitable jury system, there is or can be any difficulty in getting a jury in the national courts as fair as any jury that is produced to sit in the courts of that State; and I believe that a more groundless, sensational, fanciful outcry has not been heard even within these walls than the hue and cry to which we have listened in respect of the juries. I heard some time ago a Senator whom I do not discover now, the juinor Senator from South Carolina, [Mr. HAMPTON,] deliver an address to the Senate, when this very bill was pending as it left the Senate, the bill reforming the jury system of the United States—I heard him declare that he understood that the whole purpose was to restore the laws which had existed for I think he said seventy years. I do not know but that I have his words here. I find I have, and I will read them:

> If the repealing acts which have been suggested were passed to-day, we should simply be remanded to the legislation under which the country has lived and moved and had its being for seventy-five years of its existence.

That is the way he understood this, that we were going back by passing this act to laws under which the country had lived and moved and had its existence for seventy-five years; whereas the laws under which the country has done all those enumerated things for more than eighty years exist this hour, and at this hour the Senate is engaged in prostrating them and in erecting upon their ruins a system which I earned the displeasure of the some-time presiding officer of this body by characterizing the other day as indecent; and notwithstanding the admonition and rebuke which I received from that Senator, I take this occasion to repeat deliberately that in my judgment this enactment, if it shall become one, which I hold up to the Senate, is indecent, and it will disfigure and disgrace the statute-books of the nation; and I measure my expression, I say that is indecent which, in the presence of eight centuries of British history, in the presence of the experience of a realm which for eight centuries has had a Parliament, which history comprises the common law and its teachings; that is indecent which in the presence of one hundred years of national experience here, reading a provision in the Constitution referring to a fair trial by an impartial jury, proposes for the first time to put into the jury-box, alternating the process, a partisan on the one side and a partisan on the other, and requiring all men to submit to those partisans all the issues of life, of liberty, and of property. And for such crime as I do in denouncing that as indecent, I am willing to be adjudged in this presence or in the broader presence in which all of us are adjudged.

There is nothing in the Constitution which prevents distinguishing between the religion of men who may sit upon a jury. The Constitution does say that no religious test shall be applied to the right to hold offices and trusts of honor. I do not understand the position of a juror sitting in the box to be an office or in that sense a trust. Therefore, in respect of constitutional power, we may provide that so many Protestants and so many Catholics, so many Episcopalians and so many Universalists, shall be put in the jury-box, and we may provide for the composition of juries in other like ways; and when we do, should I be here, I will venture again to say that that is an indecent statutory provision, indecent in a free country where every man has a right without challenge to religion and politics of his own.

I know that it has been sought to muffle the oars by the use of some words here "without reference to party affiliations" a troop of horse shod in felt, intended that the ring should not be quite so loud; but is there a man here who ever tried a cause in court or witnessed a trial, who has ever belonged to a political party who understands anything about the anatomy of human nature, that can wink so hard as not to see through and through that transparent provision? Look at it a moment:

> The names of not less than three hundred persons, possessing the qualifications prescribed in section 800 of the Revised Statutes, which names shall have been placed therein by the clerk of such court and a commissioner, to be appointed by the judge thereof, which commissioner shall be a citizen of good standing, residing in the district in which such court is held, of good standing—

"Good standing" is repeated. That is doubtless intended as one of the ornaments of discourse, as a great English judge said:

> and a well-known member of the principal political party opposing that to which the clerk may belong, the clerk and said commissioner each to place one name in said box alternately, without reference to party affiliations, until the whole number required shall be placed therein.

It has been said, I believe it is a principle in hydraulics, that the stream never rises higher than the head.

Mr. EATON. Unless you use machinery.

Mr. CONKLING. My honorable friend from Connecticut, [Mr. EATON,] with not only the wit but the mechanical contrivance of a Yankee, suggests that what I say is true unless you use some machinery; and for that reason I propose to turn attention to the machinery proposed by this bill to be used.

Mr. EATON. We propose to improve on that machinery which you have been using.

Mr. CONKLING. My honorable friend, I judge now, is an applicant for a patent for an improvement on somebody else's invention. [Laughter.] Let us look at this machinery a little. In the first place, I inquire, as somebody has asked already—the Senator from Massachusetts, I believe—what is the object of selecting a man who is to be of "good standing" twice repeated? Possibly upon the principle, it occurs to me, that two affirmatives make a negative, it may have been thought that by repeating twice over that he was to be of good standing,—the honorable Senator from Massachusetts makes a suggestion that in the absence of the Senator from Connecticut I hardly feel at liberty to repeat——

Mr. EATON. I am here.

Mr. CONKLING. Oh, the Senator is here now. The suggestion is that this "good standing" repeated twice over is intended to be equivalent to the mark XX. I do not know what that mark XX signifies, but I suppose that the mechanical genius of the State of Connecticut would be able to inform me on that point.

Mr. McDONALD. "Double excellent" is the meaning on a beer-barrel.

Mr. CONKLING. The Senator from Indiana thinks this has something to do with a beer barrel. I do not understand that. I leave it to the Senator to see where that occurs, unless it relates to a saving at the spigot to let it run out at the bung. Possibly that may be the resemblance the Senator finds.

I inquire, Mr. President, why is there to be "a well-known member of the principal political party opposed to that to which the clerk belongs?" To ask the question is to answer it. Every man of common sense knows that the mission of this commissioner is to be to select from the party which he represents not only the partisans who are iron-clad, bomb-proof, not shaky, but to select the men who by reason perhaps of not having much else to do will find it convenient to hang about a court and get $3 a day, and to be doing a variety of chores and other things of that sort in the mean time. Men whom it will be convenient to have attend the county seat, or wherever it may be, for two or three or four weeks to manage the politics, to assist the aspirations of men, will under this convenient authority be put forward, and they will get their $3 a day and their five cents a mile mileage to and fro, and their presence will be enjoyed for all that their presence is intended to accomplish.

But now I want to ask the attention of the Senate to another point about this bill. "The principal political party opposing that to which the clerk may belong." What party is that to be? Is it true that the clerks of these courts belong invariably to one of the political parties? Here is some man who has been for years and years clerk of a court; he began long before the present division of parties. Perhaps he is a temperance man, or, as some people say, a teetotaler, and when the temperance issue arises he votes upon that; he does not vote otherwise at all. This is not an imaginary case that I am stating. I think I address more than one person who knows that it is a real case. Here is another clerk of a court who was an old anti-slavery man. He voted for James G. Birney in 1844, and in spirit he has voted for him ever since. It has been said that the spirit of Richelieu ruled France forty years after Richelieu died; and so the spirit of James G. Birney has inspired the politics of a good many men ever since James G. Birney died. Well, such a man as that is the clerk of a court. Here is some other man who is a non-partisan; he is not a democrat; he is not a republican. Of which party is the commissioner to be who is to belong to the principal party opposing him? Is it to be the party in the majority as between the two? If the democrats having in that district a majority of two or three thousand, there he is to be a democrat, I suppose; then nobody is to represent the republican party.

How is it to be in States where there are three parties? I believe in the State of Ohio now in some sort there are three parties. A Senator behind me suggests that there are vulgar fractions there, there are two parties and a half, and no longer three parties. It is understood that the recent doings in that State, which have produced such

painful disquiet, sometimes even within the range of my own observation here, and for one I feel grateful that the State convention of the democrats has met and adjourned, because I think that event having passed conduces very much to the serenity to be found in the city of Washington, as distant as that is; but that convention has managed, it seems, to put a part of one party and the whole or a part (I do not know how that is) of another party together, and they call it one party; and then one half perhaps of what was known as the greenback party remains, and I think the Senator from Massachusetts [Mr. DAWES] will have to correct his arithmetic, for now that I think of it, I understand that that portion of the democratic party which believes in honest money does not come in under this tent which has been fixed for the democratic dwellers in Ohio, so that I believe a portion of the democratic party is by itself, a portion of the greenback party is by itself, and the present democratic party there is made up of fragments of these two dissevered organizations. Now in that case I do not know which of these four parties would be represented in the State of Ohio.

The Senator from Georgia, [Mr. HILL,] whom I see in his seat—I am always glad to see him—told us the other day, in answer to a question which I believe I ventured to ask myself, that the opposing candidates for Congress in Georgia were all democrats, and he added, that nobody but democrats ran for office there. How is it to be in Georgia?

Mr. HILL, of Georgia. I say to my friend that I do not think I said exactly that nobody ran for office but democrats.

Mr. CONKLING. Does the Senator think he did not say it?

Mr. HILL, of Georgia. I think I did not.

Mr. CONKLING. Mr. President, one of my uncomfortable possessions is rather a tenacious memory. If the honorable Senator will look even at the RECORD, which I have not looked at, and shall not find that he said that, I will take public occasion to apologize for quoting it.

Mr. HILL, of Georgia. I know the Senator does not intend to misrepresent or misunderstand me. I do not mean to say he has any such intention.

Mr. CONKLING. The Senator does know that perfectly well.

Mr. HILL, of Georgia. I simply remind him that we were talking at the time of the last election in 1878 for members of Congress, and there were no other candidates in the districts then spoken of. We were talking especially of certain districts. There were certain districts in which there were two candidates, and I said they were all democrats; nobody ran in those districts for that office but democrats. I was speaking of certain districts in reply to the Senator from Maine; but I never said that nobody ran for any office in Georgia but democrats.

Mr. CONKLING. I will accept anything which the Senator from Georgia likes me to accept. In doing so, however, I will venture to say that if the honorable Senator from Georgia does not find on the RECORD the words which I will repeat, I will take public occasion to withdraw this statement: "Nobody but democrats run down there;" I give him now the very words and the RECORD shall decide between us.

Mr. HILL, of Georgia. The Senator will remember certainly that I was speaking about the particular election in regard to which we were talking.

Mr. CONKLING. That may be. I quote the words of the Senator from Georgia. When asked "Well, the other man who ran was a democrat also, was he not?" Yes, he said he was, and then added "Nobody but democrats run down there."

Mr. HILL, of Georgia. Of course I meant nobody in those districts at that election. Everybody understood that.

Mr. CONKLING. Very well, so be it. There was no startling announcement made by the Senator. We all knew that nobody but democrats run for office down there, and the only inaccuracy of the Senator's statement was that he omitted the latter words. If he had only said "nobody runs for office in Georgia but democrats," it would have gone without saying. Those who are not democrats and who run in Georgia do not run for office. [Laughter.] They are very likely to run for their lives or for some other strong inducement; but office is not one of the things for which they are permitted to run. That I understand, with or without the testimony of the Senator from Georgia.

Mr. HILL, of Georgia. I must beg pardon of the Senator from New York. I thought that he was not using a mere play of words when I got up to interrupt him, and I beg his pardon.

Mr. CONKLING. Oh, no, Mr. President, I did not wish to play at all, and I would not dare to play with the Senator from Georgia because a caution has been given about playing with fire and playing with edged tools; and when I want to play I shall not be venturesome enough to undertake to play with the so well-equipped Senator from Georgia.

I say, however, that in Georgia it will be very difficult—so it will in a good many other States—should this strange contrivance ever see the light as a law, to ascertain what party is to be represented by the commissioner who along with the clerk of the court is to make up a jury as used to be said in the valley of the Mohawk with a streak of lean and a streak of fat, until they get the whole of it made.

Mr. CAMERON, of Pennsylvania, rose.

Mr. CONKLING. Mr. President, I am not going to prolong this discussion. I shall move, unless some Senator anticipates me, to strike out of this bill in line 36 of section 1 after the word "dollars" everything down to the end of line 39; but I will not now, as the Senator from Pennsylvania wishes to make a motion, give my reason for that amendment. I have a reason, however.

The PRESIDING OFFICER, (Mr. GARLAND in the chair.) The Senator from New York gives notice of an amendment.

Mr. CONKLING. Simply that, and when I do offer it I will endeavor to be brief in assigning a reason for it in addition to those which have been indicated. I will also, unless some Senator anticipates me in doing it, move to strike from this bill on page 3 in line 4 of section 2 the words following "eighty" and down to and including the end of the ninth line. These amendments precede the jury clause and I take it somebody will move to strike that from the bill also. I shall make these motions with the hope, although not with the expectation, that they may prevail, my hope being inspired by a wish to bring this session to a close and by a wish to have this bill pass, if it is to pass at all, in such a form that it may receive the Executive approval without executive stultification. I hope it may get in such form and substance as not to present to the Executive over again in, if possible, a form more offensive than that already employed, the same question which he has felt himself constrained upon his oath to answer in the negative, to answer by a veto. And I hope my honorable friend from Connecticut will join with me in the laudable endeaver to so perfect this bill that it may not strike on the rock of the Constitution and go down leaving nothing but a bubble to rise to the surface to mark the spot where it fell.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Iowa.

Mr. CAMERON, of Pennsylvania, rose.

Mr. EATON. My friend from Pennsylvania will pardon me a moment. I will say to my friend from New York that I shall be found to join him in the making of a law that I believe to be just and honest and right without any regard to the opinion that any other gentleman may have who lives at the other end of the Avenue. I must give my adhesion to a law that I believe to be just, and leave it to the Executive to exercise the constitutional power, not prerogative—somebody talked about the prerogative of the President the other day—leave him to exercise the constitutional power which he possesses. That is his right; mine is the other.

Mr. CONKLING. That shows that we are to have the better portion of the democratic party uniting with us in perfecting this bill. I am very much gratified to know it.

Mr. CAMERON, of Pennsylvania. I move that the Senate proceed to the consideration of executive business.

Mr. WALLACE. I hope not.

Mr. GROOME. If that motion is pressed, I shall move an adjournment.

The PRESIDING OFFICER. The question is on the motion of the Senator from Pennsylvania, [Mr. CAMERON.]

Mr. WALLACE. I hope this will not occur. I want to dispose of this bill, if possible, to-night.

Mr. CAMERON, of Pennsylvania. You cannot do it.

Mr. WALLACE. We can try it. The session is drawing to a close. We want to dispose of the bill as soon as possible.

Mr. CAMERON, of Pennsylvania. Fix a time on Monday for the vote. This is Saturday, and let us get off soon.

Mr. WHYTE. I suggest that an hour be fixed on Monday at which the vote shall be taken on the bill. I suppose unanimous consent can be given for that purpose. Say Monday at four o'clock.

Mr. ALLISON. I object to any hour being fixed. I am quite willing to stay here on Monday till we finish it.

Mr. CONKLING. Nobody wants to talk against time, but everybody ought to have a fair opportunity to say what he wishes.

Mr. WALLACE. We can go on for an hour longer to-day.

Mr. WHYTE. There is some executive business that I would appeal to my colleagues to allow us to have disposed of.

The PRESIDING OFFICER. The question is on the motion of the Senator from Pennsylvania, that the Senate proceed to the consideration of executive business.

Mr. GROOME. I simply wish to make a statement not in the way of debate. If we go into executive session I am entitled to the floor.

Mr. CONKLING. The Senator has no right to make that statement.

The PRESIDING OFFICER. The Senator from Maryland cannot make such a statement as he has just made in open session with regard to executive business.

Mr. GROOME. I made it unwittingly, and beg pardon. I am a new Senator. I can say this, that I know the executive business for which a session is asked cannot be transacted this afternoon.

Mr. CAMERON, of Pennsylvania. We shall do our best to dispose of it; that is our duty.

Mr. GROOME. It is utterly impossible.

Mr. HOUSTON. I wish to know what is the wish of the Committee on Appropriations in relation to this bill?

Mr. WALLACE. To go forward with the bill, as I have already said, and pass it.

Mr. HOUSTON. I will go with you.

Mr. GROOME. I withdraw the motion to adjourn.

Mr. WHYTE. I ask my friend from Pennsylvania to withdraw his motion for an executive session.

The PRESIDING OFFICER. Does the Senator from Pennsylvania withdraw the motion?

Mr. CAMERON, of Pennsylvania. I do not.

The PRESIDING OFFICER. The question is on the motion of the Senator from Pennsylvania, that the Senate proceed to the consideration of executive business.

The question being put, there were on a division—ayes 16, noes 22.

Mr. CAMERON, of Pennsylvania, called for the yeas and nays, and they were ordered; and being taken, resulted—yeas 21, nays 27; as follows:

YEAS—21.

Allison,	Chandler,	Kellogg,	Paddock,
Blaine,	Conkling,	Kirkwood,	Rollins,
Booth,	Dawes,	Logan,	Windom.
Burnside,	Ferry,	McMillan,	
Cameron of Pa.,	Hill of Colorado,	McPherson,	
Cameron of Wis.,	Ingalls,	Morrill,	

NAYS—27.

Bailey,	Eaton,	Jonas,	Slater,
Bayard,	Garland,	Kernan,	Vest,
Beck,	Groome,	McDonald,	Voorhees,
Call,	Hampton,	Maxey,	Walker,
Coke,	Hereford,	Morgan,	Wallace,
Davis of Illinois,	Hill of Georgia,	Pendleton,	Withers.
Davis of W. Va.,	Houston,	Saulsbury,	

ABSENT—28.

Anthony,	Farley,	Jones of Florida,	Saunders,
Bell,	Gordon,	Jones of Nevada,	Sharon,
Bruce,	Grover,	Lamar,	Teller,
Butler,	Hamlin,	Platt,	Thurman,
Carpenter,	Harris,	Plumb,	Vance,
Cockrell,	Hoar,	Randolph,	Whyte,
Edmunds,	Johnston,	Ransom,	Williams.

So the motion was not agreed to.

Mr. WALLACE. I have no desire to force the Senate to remain here to a late hour to-night, but I should like very well to fix an hour on Monday for taking the vote on this bill. If there be unanimous consent to fix an hour on Monday for taking the vote on the bill, I will yield.

Mr. ALLISON. Let us agree that on Monday we will finish the bill before adjournment, without fixing an hour.

Mr. WALLACE. That entails a night session. I simply ask unanimous consent to fix an hour. I would suggest that the vote be taken at four o'clock on Monday.

Mr. CONKLING. What is the object of that?

Mr. WALLACE. To dispose of the bill on Monday.

Mr. CONKLING. Does the Senator suppose that any Senator on this side wishes to talk, to debate for the sake of consuming time? Has there been any indication of that?

Mr. WALLACE. I have seen nothing of it yet.

Mr. CONKLING. Then I suggest to the Senator that the soonest way to get a vote on the bill is to go on in the ordinary mode. I do not think that there is one Senator on either side that has the slightest idea of debating the bill merely in order to consume time.

Mr. WALLACE. Then what prevents us from going on this evening? If an hour was fixed on Monday we could talk up to that point, and dispose of the bill then, and have no night session pending this measure.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Iowa, [Mr. ALLISON.]

Mr. ALLISON. Mr. President, to test the sense of the Senate on the proposition of the Senator from Pennsylvania, I move that the Senate do now adjourn. I think we shall have no trouble about reaching a vote on Monday.

The PRESIDING OFFICER. The Senator from Iowa moves that the Senate adjourn.

The question being put, there were, on a division, ayes 24, noes 25.

Mr. ALLISON called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

The PRESIDENT *pro tempore*, (when Mr. THURMAN'S name was called.) I am paired with the Senator from Vermont, [Mr. EDMUNDS.]

The roll-call was concluded.

Mr. PADDOCK. My colleague [Mr. SAUNDERS] is paired with the Senator from Florida, [Mr. JONES.]

Mr. BURNSIDE. My colleague [Mr. ANTHONY] is paired with the Senator from Georgia, [Mr. GORDON.]

The result was announced—yeas 17, nays 31; as follows:

YEAS—17.

Allison,	Dawes,	Kirkwood,	Saulsbury,
Cameron of Wis.,	Ferry,	McMillan,	Voorhees.
Chandler,	Hill of Colorado,	Morrill,	
Conkling,	Ingalls,	Paddock,	
Davis of Illinois,	Kellogg,	Rollins,	

NAYS—31.

Bailey,	Davis of W. Va.,	Jonas,	Slater,
Beck,	Eaton,	Kernan,	Vest,
Blaine,	Garland,	Lamar,	Walker,
Booth,	Hampton,	Maxey,	Wallace,
Burnside,	Harris,	McDonald,	Whyte,
Call,	Hereford,	McPherson,	Windom,
Cameron of Pa.,	Hill of Georgia,	Morgan,	Withers.
Coke,	Houston,	Pendleton,	

ABSENT—28.

Anthony,	Edmunds,	Johnston,	Ransom,
Bayard,	Farley,	Jones of Florida,	Saunders,
Bell,	Gordon,	Jones of Nevada,	Sharon,
Bruce,	Groome,	Logan,	Teller,
Butler,	Grover,	Platt,	Thurman,
Carpenter,	Hamlin,	Plumb,	Vance,
Cockrell,	Hoar,	Randolph,	Williams.

So the Senate refused to adjourn.

The PRESIDENT *pro tempore*. The question is on the amendment offered by the Senator from Iowa, [Mr. ALLISON.]

Mr. VOORHEES. Mr. President, I did not intend to take any part in this debate, but the challenge thrown out by the Senator from New York [Mr. CONKLING] and repeated several times, that no instance could be shown where Federal juries were selected otherwise than under State laws, I think calls for some notice.

Mr. CONKLING. What does the Senator say?

Mr. VOORHEES. I understood the Senator from New York—and I think that understanding has been shared generally—said that the juries were drawn pursuant to State laws upon that subject and that, wherever there was vice or evil, it was due to the laws of the States rather than to the laws of the United States or the practice of the Federal courts.

Mr. CONKLING. If the Senator will pardon me, "unless the law was violated by those who drew or selected the jurors."

Mr. VOORHEES. I think I can show the Senator from New York that the law itself rebukes his statement, and I can appeal to Senators about me and others who have given me information, that the fact in practice is otherwise. The law on this subject is found on page 150 of the Revised Statutes, section 800:

> Jurors to serve in the courts of the United States, in each State respectively, shall have the same qualifications, subject to the provisions hereinafter contained, and be entitled to the same exemptions, as jurors of the highest court of law in such State may have and be entitled to at the time when such jurors for service in the courts of the United States are summoned; and they shall be designated by ballot, lot, or otherwise, according to the mode of forming such juries then practiced in such State court, so far as such mode may be practicable by the courts of the United States or the officers thereof.

The law itself leaves the Federal courts a margin, and gives them the right to depart in every instance from the State laws upon this subject. They are not bound in holding a court in any State by the laws of that State on the subject of selecting juries. "As far as practicable" is the language of this statute, and that is a much larger loop-hole than is necessary for the Federal judges to get out at and avoid the local law; and, in point of fact, the practice is in every instance, notably in a case in South Carolina under Judge Bond's jurisdiction, for the Federal court to prescribe a rule of court by which juries are selected; and, as I was informed but a few minutes ago by a reputable gentleman, Judge Bond is in the habit of appointing his own commissioners. I regret to say anything in connection with party politics in discussing a jury law; but when the Federal courts themselves act as partisans how are we to help discussing that question? Judge Bond appoints his own jury commissioners and appoints them all the time strict partisans of his own party, and the State laws of South Carolina are nothing to him, or the laws of any other State can be set aside in the same way and are set aside daily and constantly, and this hour the Federal courts of this country are in one respect lawless, a law unto themselves, and that is in regard to selecting jurors. They prescribe the practice under the permission given by this statute, which is a direction to adhere to the State laws as far as practicable, and whether it is practicable or not is to be decided by the judge, and all he has to do is to decide that it is not practicable and then he prescribes a rule and does as he pleases.

Mr. CONKLING. May I ask a question?

Mr. VOORHEES. Yes.

Mr. CONKLING. Does Judge Bond, as reported to the Senator by this reputable gentleman, observe or disregard the law?

Mr. VOORHEES. He observes this law, which gives him the liberty to disregard the State law of South Carolina.

Mr. CONKLING. Then, if I understand the Senator, Judge Bond, as reported to him, does proceed according to law?

Mr. VOORHEES. He proceeds according to his own capricious notions.

Mr. CONKLING. If the Senator would indulge me in an answer to the question, it is, whether Judge Bond, as reported to him, proceeds according to law?

Mr. VOORHEES. I will answer the question. This law that I have read is a permission to Judge Bond and to any other Federal judge to do as he pleases, and Judge Bond does that; and now, if the Senator from New York is satisfied that that is obedience to law, then he is obeying the law.

Mr. CONKLING. Having asked my question three times, I thank the honorable Senator from Indiana for the answer he has not given.

Mr. VOORHEES. The answer has been given, and I repeat my answer. I have read the law in the hearing of the Senator, which requires a Federal judge as far as practicable to adhere to the State laws in the selection of juries, and whether it is practicable or not is left to the judge to decide. In deciding that it is not practicable to adhere to the State laws in the selection of juries, he is not violating any law. That is certainly true. He is not violating any law because he has permission here to disregard the State laws. The Sena-

tor from New York, with his great and commanding ability and his fine discrimination, is not going, I think, to be able to shift the issue between him and me upon this point. The issue is this: the Senator from New York sought to impress, and doubtless did impress upon the minds of some, that the jury system in the Federal courts was regulated by the laws of the different States, so that when a Federal judge came to Indiana to hold a court, if we had good jury laws, we should have a fair selection of jurors; if we had not, then it was our fault, and therein once in a while the Senator from New York becomes a pretty good State-rights man; but when I point out the fact that these judges are not bound to adhere to any State law, but are permitted to judge for themselves that the mode prescribed by Indiana is not practicable, then his whole argument falls to the ground, necessarily so. There is no binding force whatever in this law on the subject of drawing jurors; in other words it is a permission to the Federal courts to do as they please upon that subject, and they do so. They prescribe the mode of drawing the juries and, as in the case of the judge that I have cited, I am informed that he appoints his own commissioners with not the slightest attention to the laws of the State, without the slightest regard to them, without the slightest notion of adhering to them he appoints his own commissioners of his own party and selects his jury in his own way.

That is what I desire to say upon this point; and I think a more pernicious principle than is involved in that section I have never known. It pretends, and with enough of color to deceive, to remit this jury question to the States and the State laws, when in fact it does nothing of the kind, but leaves it to the breast of the judge to set aside the State laws, and in their place there is no law here. It leaves it to him to prescribe a rule of court, a regulation of his own.

Mr. CONKLING. Before the Senator sits down I should like to know from him, and I ask him now in his character as a lawyer more than otherwise, whether he means to say deliberately that when a judge finds laws, usages, and practices for drawing jurors in a State, and the statute commanding him declares that he shall proceed according to those laws, usages, and practices as near as practicable—are those the words?

Mr. VOORHEES. "So far as such mode may be practicable."

Mr. CONKLING. Very well. So far as they may be practicable. I ask the Senator whether he means deliberately to say that a judge who disregards—that was one word he employed—who sets aside—that was another of his phrases—the laws of the State, does not violate that statute?

Mr. VOORHEES. I can only answer in my own way. I do not claim pre-eminence as a lawyer, and I would not seek a judicial position; but if I was a judge on the bench and this law was brought before me on the one hand, and the laws of a State were submitted to me on the other prescribing a mode for the drawing of jurors, I should feel that I had a clear and unquestioned right, without any violation of law, to say that such mode as was contained in the State laws was not practicable for the court, if I saw fit to do so, if that was true.

Mr. CONKLING. I would, if it had been respectful to the Senator, have asked for the yeas and nays for him on the question which I asked him, for I thought it could be answered by a "yea" or a "nay" response. I understand him now, however, if he will allow me, to mean that he thinks the court would not violate that statute although it is practicable to draw the juries according to the State mode——

Mr. VOORHEES. No, I said if it was not practicable he had a right.

Mr. CONKLING. Oh, if it was not practicable. The Senator has been arguing that because the statute says "as far as practicable" or "as near as practicable," whatever the words are, therefore Judge Bond might proceed, as he understands he has done—I do not wish to be understood as indorsing that statement at all because I hear a contrary statement to the one delivered to the Senator—he has been arguing that Judge Bond did not violate the law at all, and he has also been arguing that these words "as near as practicable" permitted a wide, open discretion to the judge to do just as he pleases.

Now I remind the Senator that the statutes of his own State and of mine declare that in certain cases of partition of real estate, for example, a division shall be made so that each party shall receive the same value, quantity, and equivalent as near as may be. "As near as may be" is a customary phrase. Would the Senator say that a commissioner or a court did not flagrantly violate that law by proceeding to make a division in which the equality was not "as near as may be?" There is discretion of course; but it is only the discretion of judgment; and when Judge Bond goes to South Carolina and finds a mode of drawing juries which is actually practiced, which is shown by experience to be efficient, he then as the Senator says sets aside the whole thing and by a rule of court directs it to be done in an entirely different way—assuming that he does that, I am very free to say that in my opinion he utterly violates the law. And if it were true that he does that and he were impeached for doing it, and it was proved, the Senator from Indiana, notwithstanding the declarations he has made to-day, would I think be constrained to the painful duty of voting to convict him for thus disregarding and setting aside the law; and it would be no answer to say that the statute says "as near as practicable," so that if some particular ceremony were found which could not be observed in the Federal courts, meaning that that may be disregarded; it would be no answer to file to that to say for that reason he disregarded and set aside the whole thing.

Mr. VOORHEES. Mr. President, whenever a question is left solely to a judicial officer to determine, it is very hard to say where the infraction of law by him begins or where it ends as a misconstruction of law. The Senator from New York will see that point. It is hard to say where a judicial officer violates law, where the question before him is one of construction. The two things come together without a very distinct or well-defined line between them. I have heard a judge (so has the Senator from New York, I have no doubt) consciously pervert law by a ruling, by a construction, and yet it would be hard to say that that man was committing a violation of law. Here is a statute on our books that leaves to each Federal judge as a question of construction whether the State law of the State in which he is holding a Federal court prescribes a practicable mode of drawing jurors for the Federal court. He is left to decide that for himself, and when he says "no, these laws are not practicable," while the Senator from New York and myself and others might think they were practicable, still it is a question left to him for his construction, and with that we have to be in a great measure content. It takes a large abuse of power on the bench to constitute a willful violation of law for which impeachment would lie.

Mr. CONKLING. On that point of discretion, I wish the Senator would enlighten me a little further, for he has touched a point which troubles me a good deal in this bill. It declares:

> And all juries to serve in courts after the passage of this act shall be drawn in conformity herewith.

I wish the Senator would tell me what is to happen in this not improbable case: suppose these two politicians or partisans as they are presumed to be, if there are two and if they get on opposite sides, select three hundred unfit men, or men a large part of whom are purposely selected for their bias, for a reason which the Senator would agree with me would make them improper jurors at a particular term, what is to be the remedy for that? And in connection with that question I wish the honorable Senator would answer this, which is a part of it: suppose, when the jury is drawn in court, under the right of peremptory challenge, challenge for cause, and challenge to the favor, the panel is exhausted, under this bill how are talesmen to be supplied? Who in such a case as that is to constitute the jury? Is the trial to be given up; is the court to disband; or what is to happen in either of these cases which I have mentioned to the Senator?

Mr. VOORHEES. In all good faith I shall leave the details of this bill to the Senator from Pennsylvania who has it in charge. I rose for one simple purpose, and that was to point out what I think to be an error or defect in the statement made by the Senator from New York, and further than that I do not desire to detain the Senate with a system of cross-questioning.

Mr. CONKLING. The honorable Senator was inveighing, justly in part at least, against the danger of committing discretion to the courts. Now, I point out to him here a very glaring instance, as it seems to me, in which very wide discretion is to be left to the court to do what it pleases without let or hinderance, or else there is to be a failure in justice, or else here is a hiatus in the statutes.

Mr. VOORHEES. Why would not this meet the question of the Senator from New York as propounded? This is the existing law, section 804:

> When, from challenges or otherwise, there is not a petit jury to determine any civil or criminal cause, the marshal or his deputy shall, by order of the court in which such defect of jurors happens, return jurymen from the bystanders sufficient to complete the panel; and when the marshal or his deputy is disqualified as aforesaid, jurors may be so returned by such disinterested person as the court may appoint, and such person shall be sworn, as provided in the preceding section.

That stands as existing law.

Mr. CONKLING. The difficulty about it is first that it is repealed by this bill, as I understand it, by implication. Second, this bill provides that all juries, for talesmen become a jury when they are impaneled, all juries to serve in the courts after the passage of this act shall be drawn in conformity herewith. Therefore, the Senator cannot go back and appeal to something that is the law now, but which will not be the law then, and tell me that would remedy the defect.

Mr. WALLACE. A question was originally put to me by the Senator from New York, and before I could answer it the Senator from Tennessee and the Senator from New York became engaged in a colloquy. I had in my hand then a decision to read, and perhaps I could have answered the question then more directly than I may be able to do now, for I shall not now take up the time of the Senate to answer in detail what has already been answered. The last paragraphs of section 800 are as follows:

> And for this purpose the said courts may, by rule or order, conform the designation and impaneling of juries, in substance, to the laws and usages relating to jurors in the State courts, from time to time in force in such State.

Now I read from 1st Woods's Reports of cases before Judge Bradley, and Judge Woods, circuit judge, the case of the United States *vs.* Collins, page 499. The syllabus of the case is as follows:

1. The act of Congress of July 20, 1840—

Which is in substance section 800 of the Revised Statutes—

prescribing how jurors in courts of the United States shall be designated, does not require a minute adherence to the State practice on that subject by the United States courts.

2. It is not necessary, under said act, for the United States courts to employ State officers to perform for them any part of the duty of designating jurors. They may and should impose that duty entirely on their own officers.

3. The law of Georgia required that the names of jurors should be taken from

the book of the receiver of tax returns; held, that this requirement was not binding on the courts of the United States. Those courts were only required to take care that their jurors had the same qualifications as jurors in the State courts.

4. A rule of the United States court for the southern district of Georgia, which prescribed that the names of five hundred persons, having the qualifications of jurors under the State law, should be selected from the body of the district by the marshal and clerk and three United States commissioners, to be designated by the court, and that the names of grand and petit jurors should be drawn from such list by the marshal and clerk, by lot, is in substantial accord with the law of Georgia prescribing how jurors shall be selected, and is a compliance with the act of Congress on the subject.

Mr. CONKLING. Exactly.

Mr. WALLACE. Those commissioners were appointed by the court, however, and this, it seems to me, demonstrates what has been argued throughout, that the practice under this law is that the courts of the United States in the circuits and districts appoint the officers to draw the jurors in their own way. That difficulties have arisen from this process, I shall endeavor to show from the reports of the Attorney-General.

Attorney-General Pierrepont, in his report to the first session of the Forty-fourth Congress, said this:

> There is no uniform system of obtaining jurors in the United States, and great abuses have sprung up, and much favoritism and corruption are complained of. It is easy to provide a uniform mode of selecting jurors for the courts of the United States, and I respectfully suggest that an act be passed to accomplish this result.

Mr. Devens, in his report to the third session of the Forty-fifth Congress, said:

> My predecessors thought that a uniform method of drawing jurors for United States courts should be adopted for the whole country, and I add thereto my conviction of its propriety and usefulness.

Now, we have both the recent Attorneys-General recommending the adoption of a statute of this kind.

Mr. CONKLING. We have in this decision an elaboration of a very famous decision in a case to which the Senator's own Commonwealth was a party, a case which arose, if I remember aright, under the fugitive-slave act of 1793; which imposed upon justices of the peace certain duties. The Supreme Court in the case of the Commonwealth of Pennsylvania *vs.* Prigg decided that, although justices of the peace were State officers and if they chose to do so, were competent to execute this duty, they were not bound to do it; that if they did it, they did it as volunteers and because they pleased to do it. Following in the wake of that decision, Judge Bradley says here two things: First, that the court is not bound to rely on the State officers, but may rely upon its own officers, and had better do so. No doubt of it, because no State officer is bound to act at all. Then he says nothing else that bears upon this point, except that the statute "does not require a minute adherence" to the State modes; that where in any particular it is not practicable literally and exactly to follow the usage of the State, there the court is at liberty to depart as far as is necessary to make it feasible and practicable. That is just what I have been arguing; that is just what this case says. And he goes on to say that when the jury has been drawn in accordance, in substance—"in substantial accord" is his language—"with the law of Georgia prescribing how jurors shall be selected," that "is a compliance with the act of Congress." That is what I have argued all the way, and it is all I insist upon.

Mr. EATON. I desire to say to my friend from Pennsylvania that an absolute answer to the question of the Senator from New York is to be found in another part of this bill. This bill does not prevent Judge Bond or any other judge of the district or circuit court of the United States from taking the jury in precisely the same manner that the State does; because it says:

> But nothing herein contained shall be construed to prevent any judge in a district in which such is now the practice from ordering the names of jurors to be drawn from the boxes used by the State authorities in selecting jurors in the highest courts of the State.

Therefore, if it should turn out that a panel was ordered of three hundred men, and that that panel became exhausted, that very moment the district judge could refer to the State law for the purpose of completing it.

Mr. CONKLING. Could be before it became so?

Mr. EATON. Undoubtedly.

Mr. CONKLING. I am sorry the Senator from Indiana is not present; because this answers his argument. This is to leave Judge Bond and all these people free as before to commit the wrongs he has described.

Mr. EATON. Not so. By this statute he is governed entirely, except that he must take the State law; not his own will, but the law of the State, and take his jurors precisely as they are taken for the highest court in the State, and that can be done under this law.

Mr. CONKLING. That is the law now.

Mr. EATON. That is the law now, and it may be if this bill becomes a law. There need not be a single juror drawn under this law. If Judge Bond and other district and circuit judges throughout the United States do their duty fairly, fully, and manfully, then this law will not be used. I have no idea under this bill, if it passes into a law, that the district judges of New York or Connecticut will change the mode of drawing jurors at all. I have no idea that it will be done. But it is to cure a defect which exists in certain States of the Union.

Mr. HILL, of Georgia. As the laws of Georgia have been referred to, I think I ought to say a word. If I understood the Senator from New York in his construction of section 800 of the Revised Statutes of the United States, I concur with him as to the construction of that section entirely. I believe as a lawyer he is right, if I understand him; and I think I do understand him, because I caught his idea clearly in the colloquy with the Senator from Indiana. I was not in when the Senator from New York made the chief part of his argument; but I believe his construction of that section is right, and I concur with him fully in that construction. The trouble, I will say to the Senator from New York, is that the Federal judges do not so construe it as I understand. They do not concur with his view and mine. The decision which has been read by the Senator from Pennsylvania I do not think correctly presents the facts of that case, at least as far as he read. I made an argument in that case when it originated in Atlanta. We had a very interesting trial there which excited a good deal of feeling. The point we made was that in the manner of drawing jurors in that court and in the qualifications of the jurors drawn the court had disregarded, as we insisted, the laws of the State. I then put exactly the same construction on section 800 which the Senator from New York has put on that section to-day. I therefore believe he is right. But the judges differed with us, and the result has been, without going into particulars, that the judges in passing their order, as they did, prescribing the manner of drawing jurors down there, have succeeded in having juries in the Federal courts, I do not think more than half of whom have the qualifications of jurors in the State courts. They say, however, that they do substantially comply with the law of the State. We think they do not by any means comply with the law; and we think a tree is known by its fruits.

I will state briefly the issue there as I recollect it, and I do not wish to do the judges injustice, because they are very excellent gentlemen. The constitution of 1868—framed by what was called the reconstruction convention down there, under the laws of Congress, the constitution framed by which was approved by Congress—provided that the persons to serve as jurors must be upright and intelligent persons. That clause was inserted by one whom I consider the most intelligent and distinguished republican in the State, for the express purpose of preserving the purity of trial by jury, no less a person than the ex-Attorney-General himself, Mr. Akerman. I remember precisely his reasons for inserting that clause in the constitution, and I concurred with him, and I think that he rendered the State a great service when he did insert that clause in the constitution, and he deserves the thanks of the State for it, and I have no hesitation in saying so. He did it from the highest and purest of motives. The republican Legislature of 1870, I think, or 1869 it may have been, passed an act to carry out that provision of the constitution, and in that act they provided that upright and intelligent jurors should be selected by a board of commissioners, that board of commissioners to be composed, among others, of the ordinary of the county, the officer having charge of the probate of wills, we call him the ordinary. I have not the statute before me, but the board was to be composed of the ordinary of the county, the clerk of the superior court, and three freeholders, to be appointed by the judge of the superior court presiding in that county, called the circuit court. That board of five commissioners meet at appointed times and select every man in the county that they deem upright and intelligent within the constitutional qualifications, and put the names selected in a jury-box, and from the jury-box thus selected the judge of the superior court, in open court in term time, draws the juries for the term, unless prevented by providential or other cause. The Federal courts in Georgia followed that system for years to about the time—the year I have forgotten, but I think in 1872 or 1873—when the Federal judges departed from that, as we insisted, and passed a rule of their own, and did not select the juries in the mode thus prescribed, and did not select as qualified jurors the persons declared qualified by the laws of the State.

My judgment was that section 800 required that the jurors in the Federal courts should have the same qualifications—that was the language, and I dwelt on it—as jurors in the highest State courts, and I took exactly the view of that whole section that the Senator from New York has presented here to-day. The judges, however, said that they were not bound by the rule to that extent; that their own officers had not only a right under their own rule to select jurors as to the mode of selecting, but they had a right to be the exclusive judges of who was upright and who was intelligent. So they departed entirely from the State law. No man was qualified under the State law to serve as a juror, by express enactment, both constitutional and statutory, unless he was qualified in the manner provided, unless he was adjudged upright and intelligent by this board of commissioners.

Mr. CONKLING. And the words "upright and intelligent" were in the constitution of the State?

Mr. HILL, of Georgia. Yes, sir, he was required to be upright and intelligent by the constitution, and the act provided how it should be ascertained whether men were upright and intelligent, and it was by a board of commissioners, composed of the ordinary of the county, the clerk of the court, and three freeholders. I think—and I know the Senator from New York by his construction will agree with me—that a man qualified to be a juror in the State court had to be in the box selected by that board of commissioners. They selected every man in the county, without regard to race, color, or previous condition, whom they regarded as upright and intelligent, and all others were cast out without regard to color. We held that the Federal court were bound to select jurors in the Federal courts having the

qualifications of jurors in the State courts, and, as evidence of that, whose names were found in the jury-box. The Federal judges overruled that and held that they complied with the qualifications fixed by the law when their own officers adjudged a man upright and intelligent, whether he was so regarded by the State board or not.

Then as to the mode of proceeding, I think just as the Senator from New York does, and I believe it is the correct construction of that section. I listened to his argument with great pleasure; it was clear and correct in my judgment on that point. They departed from the method of selecting the jurors that was used by the State courts upon the ground that they could not follow it, that it was not practicable, and they were not required to do it; and they made a very broad margin, as was said by the Senator from Indiana. Now, what is the condition? I submit to the distinguished Senator from New York, while I concur with him fully in his view of the law as presented by section 800, we do know that in our own State, for instance, that law has not been followed; certainly it has not been construed as it is construed by the Senator from New York and by myself; and the result is, I say frankly—and I say it in kindness, because I have great esteem for the judges down there, both the district judge and the circuit judge, for they are very excellent gentlemen—the result is that what I consider a palpable departure from that section has been allowed; they have jurors to be drawn in the Federal courts from that day to this, not more than half of whom, and sometimes not that number, are qualified by the State laws. Indeed, I am told by a distinguished lawyer from the other House who was here a moment ago that scarcely any of the Federal jurors are qualified as provided by the State law; and yet that is the practice.

I think it is wrong and ought to be corrected. But if the construction of the Senator from New York was adopted by the judges, I should agree with him that the law was sufficient.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. T. F. KING, one of its clerks, announced that the House had passed the bill (S. No. 650) to remove the political disabilities of Arthur P. Bagby, of Texas.

The message also announced that the House had concurred in the amendments of the Senate to the bill (H. R. No. 1478) to authorize the Secretary of the Treasury to negotiate for the purchase at private sale, or, if necessary, procure by condemnation, a site for a post-office in the city of Baltimore, State of Maryland.

The message further announced that the House had passed a joint resolution (H. R. No. 87) relating to a bridge across Detroit River at or near Detroit, Michigan; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolution; and they were thereupon signed by the President *pro tempore:*

A bill (S. No. 595) to amend an act for the relief of Joseph B. Collins, approved March 3, 1879;

A joint resolution (H. R. No. 95) to pay Patrick Doran for services as messenger, House of Representatives.

HOUSE BILL REFERRED.

The joint resolution (H. R. No. 87) relating to a bridge across Detroit River at or near Detroit, Michigan, was read twice by its title, and referred to the Committee on Commerce.

IMPRESSIONS FROM PORTRAITS AND VIGNETTES.

The PRESIDENT *pro tempore.* The bill (S. No. 343) relating to printing impressions from portraits and vignettes has been returned from the House of Representatives. The Senator from Rhode Island, [Mr. ANTHONY,] on whose motion this bill was recalled from the House, not being in attendance, being ill, the bill will lie on the table until his return.

Mr. WHYTE. I move its reference to the Committee on Printing.

The PRESIDENT *pro tempore.* It will be referred to the Committee on Printing.

ADJOURNMENT.

Mr. DAWES. Mr. President——

Mr. CHANDLER. Will the Senator from Massachusetts give way for a motion to adjourn?

Mr. DAWES. Yes, sir.

Mr. CHANDLER. I move that the Senate do now adjourn.

The motion was agreed to; there being on a division—ayes 25, noes 19; and (at five o'clock and ten minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June* 14, 1879.

The House met at twelve o'clock m. Prayer by Rev. ALFRED H. AMES, McKendree Methodist Episcopal church, Washington, District of Columbia.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, informed the House that the Senate had passed, with amendments in which the concurrence of the House was requested, bills of the following titles:

The bill (H. R. No. 2251) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes; and

The bill (H. R. No. 2263) supplemental to "an act to establish post-routes."

ARTHUR P. BAGBY.

Mr. JONES. I ask unanimous consent to take from the Speaker's table for consideration at this time the bill (S. No. 650) to remove the political disabilities of Arthur P. Bagby, of Texas.

There was no objection, and the bill was taken from the Speaker's table and read a first and second time.

The bill relieves Arthur P. Bagby, of the State of Texas, of all political disabilities imposed upon him by the third section of the fourteenth article of amendments to the Constitution of the United States.

Mr. CONGER. Let the petition be read.

The petition was read, as follows:

To the Senate and House of Representatives
of the United States of America in Congress assembled:

The petition of Arthur P. Bagby, a resident of Hallettsville, Lavaca County, Texas, would respectfully show that he graduated at the United States Military Academy in June, 1852; was commissioned by the President of the United States a brevet second lieutenant in the Eighth Regiment of Infantry, United States Army, and so continued until the 30th day of August, 1853, when he resigned his said commission and the same was duly accepted, and that he is not in any wise indebted to the Government of the United States, for all of which he respectfully refers to the Adjutant-General's Office of the United States Army; that after his resignation aforesaid he entered the military service of the late Confederate States and continued therein until the close of the war, and that upon the close of the same he returned to his home in Texas, and has resided in said State from thence to the present time, with the exception of a few months, performing all the duties incumbent upon him as a peaceable and law-abiding citizen.

Wherefore he asks the removal of his political disabilities imposed by the third section of the fourteenth amendment to the Constitution of the United States in the manner therein prescribed. And as in duty bound your petitioner will ever pray.

ARTHUR P. BAGBY.

The SPEAKER. The petition is accompanied by a letter from the Secretary of War, which, if there be no objection, will be printed in the RECORD without being read.

There was no objection. The letter is as follows:

WAR DEPARTMENT,
Washington City, June 2, 1879.

SIR: I have the honor to return the petition of Arthur P. Bagby, who resigned as second lieutenant Eighth Infantry in 1853 and subsequently entered the confederate army, for removal of his political disabilities, inclosed in your letter of the 19th ultimo, and, in reply to your inquiry, to state that the accounting officers of the Treasury report that there is no evidence on their books that Mr. Bagby has any unsettled accounts with the United States.

Very respectfully, your obedient servant,

G. W. MCCRARY,
Secretary of War.

Hon. A. G. THURMAN,
Chairman Committee on the Judiciary, United States Senate.

Mr. CONGER. The additional promise of the petitioner to "ever pray" is more than is usually made by those who seek the removal of their political disabilities.

The bill was ordered to be read a third time; and it was accordingly read the third time, and passed, two-thirds voting in favor thereof.

NAVIGATION OF TWELVE-MILE BAYOU, ETC.

Mr. REAGAN, by unanimous consent, from the Committee on Commerce, reported back, with a favorable recommendation, the bill (H. R. No. 1915) to improve the navigation of Twelve-Mile Bayou and the lakes between Shreveport, Louisiana, and Jefferson, Texas, and for other purposes; which was referred to the Committee of the Whole on the Private Calendar, and the accompanying report ordered to be printed.

PENSIONS.

Mr. CLARK, of Missouri. I ask unanimous consent to take from the Speaker's table for consideration at this time the bill (S. No. 674) for the benefit of the widow and children of General James Shields, and to increase the pension of Caroline S. Webster.

The bill was read.

Mr. WHITE. This bill ought to receive its first consideration in Committee of the Whole.

The SPEAKER. Does the gentleman make the point of order?

Mr. CLARK, of Missouri. I hope he will not do so.

Mr. WHITE. I feel very much like doing it. I do make the point of order.

The SPEAKER. The bill will go back to the Speaker's table.

Some time subsequently,

Mr. WHITE said: It is very hard to resist the appeals made to a member to withdraw his objection in a case of this kind. My objection to it is that it establishes a precedent. There are a number of cases just as deserving.

Mr. COX. This is a case without precedent.

The SPEAKER. Does the gentleman from Pennsylvania withdraw his objection to the present consideration of the bill?

Mr. WHITE. I do.

Mr. VAN AERNAM. I renew the objection.

INDUSTRIAL TRAINING SCHOOL FOR INDIANS.

Mr. POUND, by unanimous consent, from the Committee on Indian Affairs, reported back, with amendments, the bill (H. R. No. 1735) to increase educational privileges and establish additional industrial training schools for the benefit of youth belonging to such nomadic Indian tribes as have educational treaty claims upon the United States, and moved that the bill and amendments and accompanying report be printed and recommitted, not to be brought back on a motion to reconsider.

The motion was agreed to.

SITE FOR BALTIMORE POST-OFFICE.

Mr. KIMMEL. I ask unanimous consent to take from the Speaker's table the bill (H. R. No. 1478) to authorize the Secretary of the Treasury to negotiate for the purchase at private sale, or, if necessary, to procure by condemnation, a site for a post-office in the city of Baltimore, State of Maryland, with amendments by the Senate, my object being to move concurrence in the Senate amendments.

The SPEAKER. Is there objection?

Mr. CONGER. I reserve the right to object until I hear the amendments read.

The amendments were read, as follows:

In line 2, after "negotiate," insert "and contract."
In line 2, after "the," insert "conditional."
In line 7, after "post-office," insert "court-house and other public offices."
In line 15, after "site," insert "until the purchase and contract for the same shall have been approved by Congress nor."

Mr. CONGER. I do not object.

The amendments of the Senate were concurred in.

Mr. KIMMEL moved to reconsider the vote by which the Senate amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEGISLATIVE ASSEMBLY OF MONTANA.

Mr. MAGINNIS. I ask unanimous consent to put upon its passage a bill concerning the Legislative Assembly of the Territory of Montana. A similar bill has been agreed to by the Committee on Territories as a substitute for the bill (H. R. No. 1321) concerning the legislative assemblies of the several Territories of the United States, and placed in the hands of a gentleman, not now in his seat, to be reported.

The SPEAKER. The gentleman introduces the bill in his own right.

Mr. MAGINNIS. I wish to say, and the chairman of the Committee on Territories, [Mr. MULDROW,] whom I see in his place, will bear me out in saying, that a similar bill to the one I now offer has been ordered by the committee to be reported by Mr. FROST, of Missouri.

The SPEAKER. The Chair understands that the gentleman introduces the bill in his own right, and that it has received the assent of the Committee on Territories.

Mr. MAGINNIS. It has.

No objection being made, the bill (H. R. No. 2274) concerning the Legislative Assembly of Montana was read a first and second time.

The bill was read, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes," approved June 19, 1878, pertaining to government in the Territories, shall not be so construed as to impair or shorten the tenure of office of any member of the Legislative Assembly of the Territory of Montana until the redistricting and reapportionment of such Territory as is therein provided, nor until at the next regular election thereafter the twelve members of the council and twenty-four members of the house of representatives of such Territory shall have been elected and their term of office begun; and if in any case the reapportionment and redistricting of any Territory shall not be done by the Legislative Assembly thereof, it shall be the duty of the governor of such Territory, before the next general election to be held in such Territory, to divide such Territory into proper council and representative districts, upon the basis of the census of A. D. 1880.

Mr. CONGER. I do not object to this bill, because I wish the gentleman from Montana to have an opportunity to show why the general law of the land in regard to the Territories should be set aside in regard to this particular Territory.

Mr. MAGINNIS. I will do that. The appropriation bill passed by last Congress reduces the number of the Legislatures of the different Territories in terms "after the next session." The Legislature of Montana failed to agree upon a reapportionment and reductions at such "next session," and consequently several respectable local lawyers are of the opinion that the legislative term of the members thereof was in consequence of this failure shortened, and say that the Legislature of the Territory has expired without any provision for its reassembling, or for any new apportionment to be made. This bill is simply to remove that legal doubt, and further, as an enabling act, carrying out the intentions of Congress to reapportion the Territory. I do not myself believe that our Legislature has been abolished, or that Congress has the right to do so. At all events no such action was intended, and this bill will more clearly show that the law was not intended to interfere with the tenure of office of any member of our Legislature, and that the Legislature has not lapsed. That is all there is to it.

Mr. CONGER. It then gives additional power to the governor to apportion the Territory.

Mr. MAGINNIS. Only in case the Legislature fails to do it at its next session. The gentleman will see that this will be an additional incentive for the Legislatures to perform the duty imposed on them by Congress.

Mr. WHITE. I think that is right.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. MAGINNIS moved to reconsider the vote by which the bill, as amended, was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

BRIDGE ACROSS THE DETROIT RIVER.

Mr. TOWNSEND, of Ohio. I ask unanimous consent to report back with amendments, from the Committee on Commerce, the joint resolution (H. R. No. 87) relating to a bridge across the Detroit River at or near Detroit, Michigan. It is unanimously recommended for passage by the committee.

The joint resolution was read, as follows:

Whereas recent progress in the art has shown the practicability of constructing bridges having spans of five hundred feet, or possibly more: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War is hereby authorized and required to convene a board of officers of the Corps of Engineers of the Army, whose duty it shall be to inquire into and report whether, for railroad purposes, the river Detroit can be bridged at the city of Detroit, or within one mile above or below said city, in such manner as to accommodate the large trade and commerce crossing the river at that point, and without material or undue injury to the navigation of said river; a good and sufficient tug being always kept by the bridge-owners to assist any craft when required.

The amendment recommended by the committee was to insert after the word "bridged," in the seventh line, the words "or tunneled."

Mr. ACKLEN. Did this joint resolution come from the Committee on Commerce?

Mr. TOWNSEND, of Ohio. It did; and its passage is recommended by a unanimous vote of the committee. It only directs the Secretary of War to appoint a board of engineers to examine into the matter and report to Congress at its next session. It involves no expense whatever to the Government. It is a resolution desired by all parties.

Mr. ACKLEN. Will the gentleman explain the matter?

Mr. REAGAN. I will state that we have quite a number of bills and petitions before the Committee on Commerce having reference to the bridging or tunneling of the Detroit River. It is a subject of great interest, and this is simply a provision to have a board of United States engineers appointed to examine into the subject and report to Congress such information as they can obtain.

The SPEAKER. The gentleman from Ohio [Mr. TOWNSEND] states that it is the unanimous report of the Committee on Commerce, and asks for its present consideration. Is there objection?

Mr. CONGER. This is a river running between the United States and Canada, and such questions arise which render it necessary to have an investigation. I think it very proper that a board of engineers should be appointed to make the investigation, so that the House may be informed upon the whole question.

The SPEAKER. The gentleman, then, is in advocacy of the joint resolution and not objecting to it?

Mr. CONGER. I have generally objected to this class of measures and I wished to give the reason why I did not do it in this case.

Mr. COX. I would like to know whether the international question has been considered?

Mr. REAGAN. That is not involved in this bill.

Mr. COX. How do you get the right to fix this bridge on the Canadian side of the river?

Mr. REAGAN. We do not do so; but those who build the bridge must obtain the consent of the Canadian government before it can be done. That is a matter for future consideration.

The amendment reported by the committee was agreed to.

The joint resolution, as amended, was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. TOWNSEND, of Ohio, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. WHITE. Had we not better have the regular order?

Mr. ELAM. I call for the regular order.

Mr. BENNETT. I desire to make a report from the Committee on Public Lands.

Mr. ELAM. I do not object to that.

GRASSHOPPER PLAGUE.

Mr. BENNETT. I am instructed by the Committee on Public Lands to report a bill extending the provisions of an act entitled "An act for the relief of certain settlers on the public lands," approved March 3, 1877, until the 1st day of October, 1880.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The bill provides that all the provisions of the act of Congress entitled "An act for the relief of certain settlers on the public lands," approved March 3, 1877, Statutes at Large, second session Forty-

fourth Congress, page 405, chapter 127, shall be continued in full force and effect until the 1st day of October, 1880, when crops may be destroyed or seriously injured in manner stated in said act during the year 1879.

The SPEAKER. The Chair understands that the gentleman from Dakota [Mr. BENNETT] is authorized by the Committee on Public Lands to report this bill for consideration at this time.

Mr. BENNETT. I am so instructed by the committee.

The SPEAKER. Is there objection?

Mr. BLOUNT. Certain statutes are referred to in the bill which we do not understand from the simple reference.

Mr. SAPP. The act referred to is one for the relief of the grasshopper sufferers in the Northwest.

Mr. BENNETT. I ask that the Clerk read the original act which this bill proposes to continue in force.

The Clerk read as follows:

Be it enacted, &c., That it shall be lawful for homestead and pre-emption settlers on the public lands or pre-emption settlers on Indian reservations where crops were destroyed or seriously injured by grasshoppers in the year 1877 to leave and be absent from said lands until the 1st day of October, 1878, under such rules and regulations as to proof of the same as the Commissioner of the General Land Office shall prescribe; and where such grasshoppers shall reappear in 1878 to the like destruction or injury of crops the right to leave and be absent as aforesaid shall continue to October 1, 1879; and during such absence no adverse rights shall attach to said lands, such settlers being allowed to resume and perfect their settlements as though no such absence had occurred.

SEC. 2. That the time for making final proof and payment by pre-emptors whose crops have been destroyed or injured as aforesaid is hereby extended for one year after the expiration of the term of absence provided for in the first section of this act; and all the rights and privileges extended by this act to homestead and pre-emption settlers shall apply to and include the settlers under an act entitled "An act to encourage the growth of timber on western prairies," approved March 3, 1873, and the acts amendatory thereof.

There being no objection the bill (H. R. No. 2275) was received, read three several times, and passed.

Mr. BENNETT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BENNETT. I have another report which I am instructed by the Committee on Public Lands to make to this House.

The SPEAKER. The Chair has so many applications from members for recognition that he deems it but just to recognize a member for only one proposition.

Mr. WHITE. I call for the regular order.

Mr. ACKLEN. I trust the gentleman will not insist upon his demand for the regular order. There is no necessity for hurry this morning; gentlemen will filibuster the morning hour out any way.

Mr. WHITE. I insist upon the call for the regular order.

The SPEAKER. The regular order being called for, the morning hour will now begin at seventeen minutes before one o'clock. The first business in order is the business pending at the close of the morning hour on Thursday last, being the bill reported by the gentleman from Indiana [Mr. HOSTETLER] from the Committee on Civil Service Reform.

CONTRIBUTIONS FOR POLITICAL PURPOSES.

The bill (H. R. No. 2266) to prohibit Federal officers, claimants, and contractors from making contributions for political purposes was read, as follows:

Be it enacted, &c., That it shall not be lawful for any officer, clerk, or employé of the Government of the United States to contribute or pay to any committee or person, or into any fund, any money, property, or other valuable for any political purpose whatsoever, or to pay any assessment or percentage upon the income or emoluments of his salary or compensation for any political purpose, or give, lend, advance, or pay any money, property, or valuable thing with the intent, assent, permission, knowledge, or understanding that the same may be applied to such purpose; and any of said officers, clerks, or employés who shall violate any of the provisions of this section shall be immediately dismissed from the office, clerkship, or employment which they may hold.

SEC. 2. That it shall be the duty of each of the heads of Departments of the Federal Government to issue and keep posted a standing order in their respective Departments prohibiting the officers, clerks, and employés in said Departments from violating any of the provisions of the first section of this act.

SEC. 3. That it shall not be lawful for any head of Department or other superior officer of the Federal Government to collect or permit or allow any other person to collect or receive from any officer, clerk, or employé in his Department or under his supervision any assessment, percentage, contribution, gift, loan, or advance of any money, property, or other valuable thing with the knowledge, intent, understanding, or permission that the same shall, or may be, used for any political purpose; and any person who shall violate any of the provisions of this section or any head of Department who shall fail or refuse to promulgate the order as mentioned in the second section of this act or who shall fail or refuse to dismiss from office or employment any officer, clerk, or employé in his Department who shall violate any of the provisions of the first section of this act on the same coming to his knowledge shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment for a period of not less than one month nor more than six months, and in the discretion of the court by a fine of not more than $5,000.

SEC. 4. That any person having a contract with the United States or any officer thereof or who shall have had such contract within three months previous, or who shall have such contract within three months thereafter, who shall pay or contribute either directly or indirectly any money, property, or other valuable thing for any political purpose shall be deemed to have forfeited all rights and the same shall thereby be rendered null and void; and all officers of the Government are hereby prohibited from executing any contract with any party so offending, and that any person having any pending claim against the United States or before any Department, or officer of the Government thereof who shall pay or contribute any money, property, or other valuable thing for any political purpose shall thereby forfeit said claim and all right to recover or receive anything on the same.

The SPEAKER. The pending question is upon the motion of the gentleman from Pennsylvania [Mr. WHITE] to lay the bill upon the table, pending the demand made by the gentleman from Indiana [Mr. HOSTETLER] for the previous question.

Mr. WHITE. I will withdraw that motion for the present.

LEGISLATIVE, EXECUTIVE, AND JUDICIAL APPROPRIATION BILL.

Mr. ATKINS. I ask unanimous consent to have taken from the Speaker's table the bill of the House No. 2251, returned from the Senate with amendments, and that the same be referred to the Committee on Appropriations, and, with the amendments of the Senate, be printed.

There being no objection, the bill (H. R. No. 2251) making appropriations for legislative, executive, and judicial expenses for the fiscal year ending June 30, 1880, and for other purposes, together with the Senate amendments thereto, was taken from the Speaker's table, referred to the Committee on Appropriations, and, with the Senate amendments, ordered to be printed.

CONTRIBUTIONS FOR POLITICAL PURPOSES.

The SPEAKER. The pending question is upon the demand for the previous question upon the bill (H. R. No. 2266) to prohibit Federal officers, claimants, and contractors from making contributions for political purposes.

Mr. HOSTETLER. I am willing that this bill shall be referred to the Committee of the Whole on the state of the Union. There are some gentlemen on the other side who desire to debate it, and I have no objection, on condition that after reasonable debate gentlemen will remain in their places and not break up a quorum.

Mr. CONGER. I object to that kind of remark; it is impertinent to this side of the House. Let the gentleman go on with his business.

Mr. HOSTETLER. I am very loath to say a word to offend gentlemen on the other side.

Mr. CONGER. If the gentleman makes propositions that are insulting to this side of the House he must not expect any leniency from us at least.

Mr. COX. Let us have the regular order.

The SPEAKER. The question is on seconding the demand for the previous question.

The question was taken; and upon a division there were—ayes 70, noes 1.

Mr. CONGER. No quorum has voted.

Tellers were ordered; and Mr. HOSTETLER and Mr. CONGER were appointed.

The House again divided; and the tellers reported that there were—ayes 66, noes none.

Mr. CONGER. No quorum has voted.

Mr. COX. I move a call of the House.

The motion was agreed to; there being—ayes 53, noes 42.

The Clerk proceeded to call the roll; when the following-named members failed to answer to their names:

Atherton,	Dickey,	Lay,	Robeson,
Bailey,	Dunnell,	Lewis,	Ross,
Ballou,	Dwight,	Lindsey,	Russell, Daniel L.
Barlow,	Einstein,	Manning,	Singleton, J. W.
Belford,	Ewing,	Martin, Edward L.	Singleton, O. R.
Beltzhoover,	Fisher,	Martin, Joseph J.	Smith, Hezekiah B.
Bingham,	Forsythe,	McCook,	Speer,
Blackburn,	Fort,	McKenzie,	Starin,
Bland,	Frost,	McLane,	Stone,
Boyd,	Gibson,	Miles,	Talbott,
Bragg,	Hammond, John	Miller,	Thompson,
Briggs,	Hawley,	Money,	Tucker,
Brigham,	Hazelton,	Morse,	Turner, Thomas
Browne,	Heilman,	Muller,	Updegraff, J. T.
Cabell,	Henry,	Newberry,	Updegraff, Thomas
Calkins,	Hiscock,	O'Brien,	Urner,
Camp,	Hubbell,	O'Neill,	Valentine,
Carlisle,	James,	O'Reilly,	Van Voorhis,
Caswell,	Jorgensen,	Orth,	Whitthorne,
Chalmers,	Kelley,	Osmer,	Wilber,
Chittenden,	Ketcham,	Pierce,	Williams, C. G.
Clark, Alvah A.	Killinger,	Poehler,	Willis,
Crowley,	Kitchin,	Prescott,	Wilson,
Culberson,	Knott,	Reed,	Wood, Fernando
Davis, Joseph J.	Ladd,	Rice,	Wood, Walter A.
Dick,	Lapham,	Richardson, J. S.	Yocum.

The SPEAKER. The call of the roll discloses the presence of 182 members.

Mr. COX. I move that further proceedings under the call be dispensed with.

Mr. STEVENSON. I desire to announce that the gentleman from Kentucky, Mr. MCKENZIE, is detained from the House by illness.

Mr. WAIT. My colleague, Mr. HAWLEY, is detained from the House, being in attendance on a committee of conference, of which he is a member.

Mr. BAKER. My colleague, Mr. CALKINS, is absent from the House by reason of sickness, and is paired with the gentleman from Kentucky, Mr. KNOTT.

The question being taken on the motion of Mr. COX to dispense with further proceedings under the call, there were—ayes 58, noes 20.

Mr. CONGER. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 147, nays 10, not voting 129; as follows:

YEAS—147.

Acklen,	Dibrell,	Jones,	Sapp,
Aiken,	Dunn,	Joyce,	Sawyer,
Aldrich, N. W.	Elam,	Keifer,	Scales,
Aldrich, William	Evins,	Kenna,	Shallenberger,
Anderson,	Farr,	King,	Shelley,
Armfield,	Felton,	Klotz,	Sherwin,
Bachman,	Ferdon,	Le Fevre,	Simonton,
Baker,	Ford,	Loring,	Singleton, O. R.
Barber,	Forney,	Lowe,	Slemons,
Bicknell,	Forsythe,	Marsh,	Springer,
Blake,	Frye,	Mason,	Steele,
Bliss,	Garfield,	McCold,	Stevenson,
Blount,	Geddes,	McCook,	Taylor,
Bowman,	Gibson,	McGowan,	Thomas,
Brewer,	Gillette,	Mitchell,	Tillman,
Bright,	Godshalk,	Monroe,	Townshend, R. W.
Burrows,	Goode,	Morrison,	Tyler,
Carpenter,	Gunter,	Muller,	Updegraff, Thomas
Claflin,	Hall,	Murch,	Upson,
Clardy,	Hammond, N. J.	Myers,	Urner,
Clymer,	Harris, Benj. W.	New,	Van Aernam,
Coffroth,	Harris, John T.	Nicholls,	Vance,
Colerick,	Hayes,	O'Connor,	Voorhis,
Conger,	Henderson,	Osmer,	Waddill,
Converse,	Herbert,	Overton,	Wait,
Cook,	Herndon,	Persons,	Ward,
Covert,	Hill,	Phister,	Weaver,
Cowgill,	Hooker,	Pound,	Wellborn,
Crapo,	Horr,	Price,	Wells,
Cravens,	Hostetler,	Reagan,	White,
Daggett,	Houk,	Richmond,	Whiteaker,
Davidson,	House,	Robertson,	Williams, Thomas
Davis, George R.	Hull,	Robinson,	Willis,
Davis, Loundes H.	Humphrey,	Rothwell,	Wright,
De La Matyr,	Hunton,	Russell, W. A.	Young, Casey
Deering,	Hurd,	Ryan, Thomas	Young, Thomas L.
Deuster,	Johnston,	Samford,	

NAYS—10.

Caldwell,	McMillin,	Ryon, John W.	Wise.
Hatch,	Neal,	Sparks,	
Martin, Benj. F.	Richardson, D. P.	Turner, Oscar	

NOT VOTING—129.

Atherton,	Culberson,	Knott,	Richardson, J. S.
Atkins,	Davis, Joseph J.	Ladd,	Robeson,
Bailey,	Dick,	Lapham,	Ross,
Ballou,	Dickey,	Lay,	Russell, Daniel L.
Barlow,	Dunnell,	Lewis,	Singleton, J. W.
Bayne,	Dwight,	Lindsey,	Smith, A. Herr
Beale,	Einstein,	Lounsbery,	Smith, Hezekiah B.
Belford,	Ellis,	Manning,	Smith, William E.
Beltzhoover,	Errett,	Martin, Edward L.	Speer,
Bingham,	Ewing,	Martin, Joseph J.	Starin,
Blackburn,	Field,	McKenzie,	Stephens,
Bland,	Finley,	McKinley,	Stone,
Bouck,	Fisher,	McLane,	Talbott,
Boyd,	Fort,	McMahon,	Thompson,
Bragg,	Frost,	Miles,	Townsend, Amos
Briggs,	Hammond, John	Miller,	Tucker,
Brigham,	Harmer,	Mills,	Turner, Thomas
Browne,	Haskell,	Money,	Updegraff, J. T.
Buckner,	Hawk,	Morse,	Valentine,
Butterworth,	Hawley,	Morton,	Van Voorhis,
Cabell,	Hazelton,	Muldrow,	Warner,
Calkins,	Heilman,	Newberry,	Washburn,
Camp,	Henkle,	Norcross,	Whitthorne,
Cannon,	Henry,	O'Brien,	Wilber,
Carlisle,	Hiscock,	O'Neill,	Williams, C. G.
Caswell,	Hubbell,	O'Reilly,	Willits,
Chalmers,	James,	Orth,	Wilson,
Chittenden,	Jorgensen,	Phelps,	Wood, Fernando
Clark, Alvah A.	Kelley,	Pierce,	Wood, Walter A.
Clark, John B.	Ketcham,	Poehler,	Yocum.
Cobb,	Killinger,	Prescott,	
Cox,	Kimmel,	Reed,	
Crowley,	Kitchin,	Rice,	

So the motion to dispense with further proceedings under the call was agreed to.

During the roll-call the following announcements were made:

Mr. PHELPS. I am paired with Mr. DUNNELL, of Minnesota.

Mr. HILL. My colleague, Mr. ATHERTON, is paired with Mr. NEWBERRY, of Michigan.

Mr. COVERT. My colleague, Mr. FERNANDO WOOD, is paired with Mr. ROBESON, of New Jersey.

Mr. MULDROW. I am paired with Mr. DWIGHT, of New York.

Mr. BEALE. I am paired with my colleague from Virginia, Mr. JORGENSEN.

Mr. BUCKNER. I am paired with Mr. CHITTENDEN, of New York.

Mr. COFFROTH. My colleagues, Mr. BELTZHOOVER and Mr. BINGHAM, are paired.

Mr. CALDWELL. My colleague, Mr. CARLISLE, is paired with Mr. MILLER, of New York. My colleague, Mr. THOMPSON, is detained at home by illness.

Mr. PHISTER. My colleague, Mr. THOMAS TURNER, is absent by leave of the House. My colleague, Mr. MCKENZIE, is absent on account of sickness. My colleague, Mr. KNOTT, had to leave the House a short time ago on account of illness.

Mr. LOUNSBERY. I am paired with my colleague, Mr. BAILEY.

Mr. KENNA. My colleague from West Virginia, Mr. WILSON, is absent on account of sickness in his family. He is paired with Mr. REED, of Maine.

Mr. AIKEN. My colleague from South Carolina, Mr. RICHARDSON, is absent by leave of the House. He is paired with Mr. CAMP, of New York.

Mr. BOUCK. I am paired with Mr. BRIGGS, of New Hampshire.

Mr. SINGLETON, of Mississippi. My colleague, Mr. CHALMERS, is absent by leave of the House. He is paired with Mr. VAN VOORHIS, of New York.

Mr. HOSTETLER. My colleague from Indiana, Mr. COBB, is absent on a committee.

Mr. RICHMOND. My colleague from Virginia, Mr. CABELL, is absent on account of sickness. He is paired with Mr. FISHER, of Pennsylvania.

Mr. ELLIS. I am paired with Mr. O'NEILL, of Pennsylvania.

Mr. WAIT. My colleague from Connecticut, Mr. HAWLEY, is absent on a conference committee. My colleague, Mr. MILES, is absent by leave of the House on very important business.

Mr. BUTTERWORTH. I am paired with my colleague from Ohio, Mr. EWING.

Mr. BAKER. My colleague from Indiana, Mr. CALKINS, is absent by reason of sickness. He is paired with Mr. KNOTT, of Kentucky. My colleague, Mr. ORTH, is absent from the House by its leave. He is paired with Mr. DICKEY, of Ohio.

Mr. CANNON, of Illinois. I am paired with Mr. BLACKBURN, of Kentucky. If he were present, I should vote "ay."

Mr. ROBINSON. Mr. MORSE and Mr. KELLEY are absent on leave and are paired.

Mr. WILLIAMS, of Wisconsin. My colleague, Mr. CASWELL, is paired with Mr. SPEER, of Georgia.

Mr. TYLER. Mr. BRIGHAM is absent by leave of the House, and is paired with his colleague, Mr. ROSS.

Mr. VAN AERNAM. My colleague from New York, Mr. KETCHAM, is absent on account of sickness in his family. He is paired with Mr. SMITH, of New Jersey.

Mr. FRYE. My colleagues, Mr. REED, Mr. LINDSEY, and Mr. LADD, are absent by leave of the House, and each one is paired.

Mr. HARMER. My colleague from Pennsylvania, Mr. BINGHAM, is paired with my colleague, Mr. BELTZHOOVER. I am paired with Mr. WHITTHORNE, of Tennessee.

Mr. SMITH, of Pennsylvania. I am paired with Mr. MARTIN, of Delaware.

Mr. MASON. My colleague from New York, Mr. HAMMOND, is absent on account of sickness.

Mr. WASHBURN. My colleague, Mr. DUNNELL, is paired with Mr. PHELPS, of Connecticut. I am paired with my colleague, Mr. POEHLER.

Mr. TOWNSHEND, of Illinois. My colleague, Mr. SINGLETON, is paired with Mr. MILES, of Connecticut.

The result of the vote was then announced as above recorded.

Mr. BAKER. Has the morning hour expired?

The SPEAKER. It has not. The question recurs on seconding the demand for the previous question as made by the gentleman from Indiana, [Mr. HOSTETLER.]

ORDER OF BUSINESS.

Mr. CONGER. Has not the morning hour expired?

The SPEAKER. It has. There are two bills coming over as unfinished business, from different avenues of procedure in the House, and they will come up for consideration in the order which the House may determine. One is the bill known as the pleuro-pneumonia cattle bill; the other is the bill in relation to the manner of drawing United States jurors. Whichever bill shall first come up as unfinished business, the other will immediately follow on the disposal of said first bill; and the House can determine which bill it desires to give preference.

Mr. McGOWAN. I call up the special order, the bill (H. R. No. 1378) known as the pleuro-pneumonia bill. I had the floor on that bill about a week ago, and I desire to make some remarks on it.

Mr. WISE. I ask unanimous consent to take from the Speaker's table the Senate bill No. 681, and to have it referred to the Committee on Foreign Affairs.

Mr. WHITE. I hope that unanimous consent will be given to my colleague [Mr. WISE] for the purpose he has indicated.

Mr. CONGER. Let this question of precedence between the two measures coming over as unfinished business be determined first.

RESERVE OF NATIONAL BANKS.

Mr. BUCKNER. I rise to make a privileged report. I am instructed by the Committee on Banking and Currency to offer a substitute for House bill No. 931 requiring the reserve of national-banking associations to be kept in the standard gold and silver coins of the United States in lieu of lawful money. I ask that the substitute may be printed and recommitted to the committee.

Mr. CONGER. Is that a privileged question?

The SPEAKER. The Committee on Banking and Currency has the right to report at any time.

Mr. CONGER. I submit that the report of a committee having the right to report at any time cannot take precedence of a special order of this House.

The SPEAKER. Why not?

Mr. CONGER. There is a special order of the House from day to day until disposed of.

The SPEAKER. The bill does not lose its place, but the rule distinctly says that the Committee on Banking and Currency shall have a right to report at any time.

Mr. CONGER. There is no doubt of that, but they may report at any time when it is proper for a committee to report.

The SPEAKER. Then there would not be any time when they could report except under the call of the committees under a different rule. The rule says that they may report at any time.

Mr. CONGER. Then they might interrupt a call of the House?

The SPEAKER. They could hardly interrupt a call of the House. That generally takes place when there is no quorum present and business in consequence is interrupted.

Mr. CONGER. They might interrupt a roll-call.

The SPEAKER. No.

Mr. CONGER. Then there are points at which they could not report at any time.

The SPEAKER. The Chair does not think that this is one of those points nor times.

Mr. CONGER. I wanted to have the opinion of the Chair on that point.

The SPEAKER. If they have a right to report at any time they must have a right to report after the morning hour.

The bill (H. R. No. 2276) was read a first and second time, and recommitted to the committee.

EXPENSES OF A COMMITTEE.

Mr. BUCKNER, from the Committee on Banking and Currency, reported the following resolution; which was read, considered, and agreed to:

Resolved, That the sum of $2,000, set apart from the contingent fund of the House, by resolution of June 4, 1879, to defray the expenses of the Committee on Banking and Currency in making the investigation ordered by said resolution, shall be paid by the Clerk of the House out of the contingent fund to the Sergeant-at-Arms of the House, whose receipt to the Clerk shall be a good and sufficient voucher therefor in the settlement of the accounts of said Clerk, and the Sergeant-at-Arms shall disburse the said sum of $2,000 on vouchers approved by the chairman of said committee, and he shall as soon thereafter as practicable make report in writing to the House of the manner in which the sums thus paid to him have been expended, accompanied by vouchers in detail, which report and vouchers, when examined and approved by the Committee of Accounts of the House, shall be deemed a sufficient settlement of his accountability for the money thus paid to him, and any unexpended balance remaining in the hands of the Sergeant-at-Arms after such settlement shall be paid by him into the Treasury of the United States to the credit of the fund for which it was appropriated.

ORDER OF BUSINESS.

Mr. WISE. I desire to introduce a bill.

Mr. CONGER. I object, and call for the regular order.

Mr. McGOWAN. I call up the unfinished business.

The SPEAKER. The Chair supposes that the member in charge of the jurors' bill does not antagonize this motion, as he is not in his seat, and this bill, the bill which the gentleman from Michigan desires to call up, comes up as the unfinished business in consequence of there being no contention about it.

Mr. McGOWAN. Before proceeding I will yield to the gentleman from New York, [Mr. LAPHAM,] who desires to make some reports.

The SPEAKER. The Chair thinks the gentleman can hardly yield for that purpose now, as other requests of like character have been just refused.

Mr. LAPHAM. It will take but a moment.

The SPEAKER. The Chair will recognize the gentleman from New York hereafter whenever he can. There are several gentlemen who have applied to the Chair for recognition, and the Chair will recognize them when there is opportunity.

Mr. GARFIELD. Is there an objection to an understanding that the remainder of to-day's session shall be for debate only?

The SPEAKER. The Chair thinks that the House desires to vote upon this bill to-day.

Mr. GARFIELD. I doubt very much whether there is a quorum here.

The SPEAKER. The understanding was that there would only be about one hour longer occupied in debate.

Mr. McGOWAN. I think the House can dispose of the bill very soon.

The SPEAKER. The Chair understood the gentleman from Michigan to state when he last sought the floor that not more than one hour would be occupied in debate.

Mr. McGOWAN. That is correct.

Mr. REAGAN. I do not wish to have this debate limited so as to prevent me from having an opportunity to make some observations on this bill.

The SPEAKER. The gentleman from Michigan [Mr. McGOWAN] is entitled to the floor. After he has concluded the Chair will recognize the gentleman from Texas, [Mr. REAGAN.]

EXCUSED FROM COMMITTEE SERVICE.

The SPEAKER. The gentleman from Massachusetts, Mr. ROBINSON, asks to be excused from further service on the special committee appointed to investigate the election in Cincinnati. Is there objection? [After a pause.] The Chair hears none, and will appoint in place of Mr. ROBINSON, of Massachusetts, the gentleman from New York, Mr. MCCOOK.

WITHDRAWAL OF PAPERS.

Unanimous consent was given for the withdrawal of papers as follows:

To Mr. YOUNG, of Tennessee, in the claim of Ellen Radner, no adverse report; and

To Mr. SINGLETON, of Mississippi, in the claim of John D. Ryan; which were ordered to be referred to the Committee of Claims.

LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted as follows:

To Mr. LADD, for ten days, on account of sickness;

To Mr. O'REILLY, indefinitely, on account of important business.

To Mr. HALL, indefinitely, on account of important business;

To Mr. LEWIS, for ten days, on account of serious sickness in his family;

To Mr. FRYE, for one week from Tuesday next; and

To Mr. CABELL, indefinitely, on account of severe indisposition.

ENROLLED BILL AND JOINT RESOLUTION.

Mr. COFFROTH, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (S. No. 595) to amend an act for the relief of Joseph B. Collins, approved March 3, 1879.

Mr. ALDRICH, of Illinois, from the same committee, reported that they had examined and found truly enrolled a joint resolution of the following title; when the Speaker signed the same:

A joint resolution (H. R. No. 95) to pay Patrick Doran for services as messenger, House of Representatives.

CATTLE DISEASES.

The SPEAKER. The House now resumes the consideration of the bill (H. R. No. 1378) to prevent the exportation of diseased cattle and the spread of infectious or contagious diseases among domestic animals, upon which the gentleman from Michigan [Mr. McGOWAN] is entitled to the floor for one hour.

Mr. McGOWAN. So much time has elapsed, Mr. Speaker, since the discussion of this bill was interrupted by other business, that I ask the attention of the House for a moment while I refer briefly to the several provisions of the bill before I enter upon my argument.

The first section of the bill provides that no railroad company or any other transportation company shall carry along its route or along interstate lines of travel any cattle having contagious or infectious diseases.

The second section prescribes the punishment for a violation of any of the provisions of the preceding section.

Section 3 provides simply how and where the violation of section 1 shall be prosecuted, and directs that the United States district attorneys shall take charge of the prosecutions for violations of the provisions of this act.

Section 4 provides that for the purpose of preventing violations of this act it shall be the duty of the Commissioner of Agriculture to select suitable localities on all lines of communication where he has information that the disease among cattle is prevailing, and to appoint inspectors to be known and designated as inspectors of live cattle, whose duty it shall be to inspect all cattle arriving at such points or passing through them, or from one State into another, from one State into a Territory, or from any State into the District of Columbia. The section also provides that the number of such inspectors shall be limited to three in any one State, and further provides that the Commissioner of Agriculture may appoint three skilled veterinary practitioners for special duty.

The fifth section provides that the Commissioner of Agriculture shall make all necessary rules and regulations to govern such inspections, to the end that the transportation from one State to another of live cattle afflicted with contagious or infectious diseases may be prevented.

The sixth section prescribes the salaries or per diem of these inspectors; the ordinary inspectors to be paid not exceeding $4 per day, and the skilled veterinary surgeons to be paid not exceeding $10 per day.

Sections 7, 8, and 9 of the bill make provisions for the prevention of the exportation of diseased cattle, and prescribes that it shall be the duty of the Secretary of the Treasury to establish regulations for that purpose. Of these three sections I shall have nothing to say.

Section 10 provides that when any infectious or contagious disease affecting domestic animals, especially the disease known as pleuro-pneumonia, shall be brought into or break out in the District of Columbia, it shall be the duty of the commissioners of said District to take measures to suppress the same promptly and to prevent the same from spreading; and makes provision as to how the commissioners shall proceed for the purpose of preventing the spread of the disease in the District.

Section 11 provides that nothing in this act shall be so construed as to supersede or impair any sanitary or quarantine law of any State. And section 12 provides that the act shall take effect from and after its passage.

Mr. Speaker, this bill proposes to furnish the machinery for an external and interstate quarantine. The object of this quarantine is to prevent the importation and spread of contagious and infectious diseases among cattle. The measure is aimed largely at the disease

known as pleuro-pneumonia. I shall be pardoned for a brief reference to the history and treatment of this disorder, as introductory to any discussion of the bill. It is purely a contagious disease and does not have its origin in this country. Originating on the vast plains, or steppes, of Asia, it has spread over nearly the whole of Europe, including the British islands. It reached England in 1842, possibly as early as 1839. In 1858 it was introduced into Australia by a single cow shipped from England, and spread through the vast herds of that island until it has come to be impossible to stamp it out without killing all the cattle.

It is supposed to have reached this country first in 1843. A cow imported from Holland brought the disease to Brooklyn, and from that time, Dr. Law says, it has never been entirely absent from our soil. It has prevailed in at least eight of the States and in the District of Columbia. From Brooklyn it is supposed to have spread to New Jersey, Pennsylvania, Maryland, Delaware, Virginia, and Connecticut. Massachusetts was also afflicted with it in 1859 as an importation from Holland.

No disease among cattle has ever been so fatal or so difficult to control. After half a century of the most intelligent study and experience no specific has been found for its cure or prevention. Nothing better is offered than stamping it out by killing the diseased and infected animals. England, from 1842 to 1869, lost from this disease 5,549,780 head of cattle, worth $400,000,000, and her losses since are estimated at $100,000,000 more, making, in thirty-six years, a loss of $500,000,000. This was the loss from deaths alone. Add to this the loss from the deteriorated health of those that sickened but did not die, the loss from caring for the sick, and the interruption of trade, and the sum swells into much vaster proportions. Australia, France, Russia, Norway, Sweden, Denmark, and Switzerland have each suffered untold losses by this terrible plague. But the experience of all these countries leads to but one conclusion. That conclusion is now corroborated by our own experience. The only remedy is to kill.

The European countries of Norway, Sweden, Denmark, Holstein, Oldenburgh, and Switzerland adopted this remedy, and to-day are comparatively free from the disorder. Australia allowed it to spread until to exterminate it by killing the diseased and the exposed was nearly equivalent to killing all the cattle on that vast island continent. In that country and parts of Russia the cattle roam in great herds over immense unfenced plains. When the plague once got a foothold it spread so rapidly and so many places, as well as so many cattle became infected, that it was impossible to stamp it out, and in those countries to-day the pleuro-pneumonia has a permanent residence. In our own country the exterminating theory has been applied with success in Massachusetts and Connecticut, and at this hour is being successfully applied in New York.

A brief allusion to the experience of Massachusetts in dealing with the plague will be interesting and valuable in this connection. The old Commonwealth never does things by the halves and seldom bunglingly. In April, 1860, the Legislature, finding that the disease prevailed in some portions of the State, enacted that the governor should appoint three commissioners who should visit without delay the places where the disease was known or suspected to exist, and should have full power to cause all cattle belonging to the herds in which the disease had appeared to be *forthwith killed and buried*, and the premises where such cattle had been kept cleansed and purified. The cattle were appraised at a fair market value and paid for out of the treasury of the Commonwealth. Persons disregarding the orders or directions of the commissioners were to be fined not exceeding $500. Ten thousand dollars were appropriated, and the commissioners went to work.

They did exactly what the law required of them. They ascertained the affected herds, estimated their market value, and then killed them. In less than two months the money appropriated had been expended, and the governor, at the request of the commissioners, called an extra session of the Legislature. Before a joint committee of the senate and house of this Legislature the commissioners appeared and demanded more money and enlarged powers. Upon this they were met by those disbelieving in the theory of extermination. The opposition was led by so able and distinguished a gentleman as the late Governor Andrews. Testimony was taken and arguments made before the committee. The learned and eloquent gentleman [Dr. LORING] who to-day so ably represents the sixth Massachusetts district upon this floor was a member of that commission, and made a speech before the committee which effectually silenced all objections. He there reviewed the history of the disease, stated the efforts that had been made to treat it and prevent its spread, and showed so conclusively that killing was the only effective remedy that all opposition went down before him. The Legislature gave the commissioners what they asked, and they proceeded with the work of extermination until they stamped out the disease, and since 1861 or 1862 there has not been a single case in the State.

Connecticut, I believe, has been equally successful in stamping out the disease among her herds.

I have given this brief history of pleuro-pneumonia and its treatment that we may more intelligently discuss the provisions of this bill, which now proposes to deal with it as a national question.

The supposed necessity for present legislation is embraced in statements that the disease is now prevailing in Virginia, Maryland, the District of Columbia, New York, New Jersey, Pennsylvania, and probably other places. It is very generally believed that it has never found a lodgment west of the Allegheny Mountains. Yet there was some evidence last winter tending to show that it had obtained a foothold in Ohio.

The present extent of the plague in the States is not well known. But from what I have said of the nature of the disease and the sad havoc it has produced in other countries, and to considerable extent in our own, it becomes apparent that the subject is a most important one to the whole country and should receive thoughtful consideration at the hands of Congress.

It is estimated that we have in this country forty millions of cattle. England in struggling with pleuro-pneumonia during a period of less than forty years, and with only six million head of cattle, lost $500,000,000 by death alone. At the same rate our loss would have been more than $3,000,000,000.

Many of the conditions which have made it so difficult to control the disease in Australia and Russia exist on our western prairies. The great herds and the wide extent of unfenced pasturage in many of our western States and Territories would make it impossible to eradicate it should it once get a hold there. This would strike down one of the great commercial interests of the country, effectually cut off our export trade in meat and live cattle, which during the last year amounted to many millions of dollars, endanger the supply of wholesome meat for food, greatly increase the expense of maintaining the Army, and financially ruin tens of thousands of good citizens.

It will be a black day for our country when pleuro-pneumonia goes west of the Alleghanies. Heretofore the constant tide of shipment has been from the West to the East. To this, no doubt, we owe our immunity from the plague in our great western herds. But the quality of the western cattle must be kept up and improved. Blooded stock is constantly sent there for that purpose. A single infected animal turned loose on the Illinois prairies would do mischief that years of time and millions of treasure could not undo. Admitting, then, as I do, the tremendous importance of the subject, I am brought, as we all are, at once to face the inquiry: What can Congress do in the premises? I answer frankly, something, but not all the subject demands.

I have no doubt but under the power which Congress has to regulate commerce with foreign nations and among the States we may do something to prevent the importation and spread of contagious diseases both among persons and animals. As to prohibiting the importation of disease, there is no doubt of the complete and ample powers of the General Government. But when contagions and epidemics have once found a lodgment in the States, the power to prevent their spread is not so clear. The exercise of national jurisdiction for such a purpose can only be along interstate lines and upon interstate commerce and travel. To that extent, no doubt, the jurisdiction is complete. The simple words of the Constitution, in section 8 of article 1, are:

> The Congress shall have power to regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

The Supreme Court say, in Gibbons *vs.* Ogden, 9 Wheat., that "this power, like all others vested in Congress, is complete in itself, may be exercised to its utmost extent, and acknowledges no limitations other than are prescribed in the Constitution." The bill before us seeks its power wholly under this section. I believe the Congress has power to enforce what is sought by its provisions, and I am in full sympathy with its objects. But there are some things in the bill to which I object, and, if retained, I shall feel compelled to vote against the whole measure. I object to it first, because it puts too great power and discretion into the hands of a single individual; second, because the inspectors are too few in number and to be selected only from the residents of the localities where they are to act; third, because section 11 of the bill subordinates the national authority to State and local dictation.

As to my first objection. For the first time in the history of the country it is proposed to use the power which Congress has over internal commerce for sanitary purposes. It is provided that the Commissioner of Agriculture shall select suitable localities on all lines of railroad, river, or canal interstate communication that he may have information the disease exists, and appoint inspectors to inspect all live cattle received at such localities for shipment, or passing through the same *in transitu* from one State to another, or from any State into the District of Columbia. And the Commissioner shall prescribe the duties of such inspectors, and make all needful rules and regulations to govern them, to the end that the transportation of cattle affected with contagious or infectious diseases may be prevented. Here is a tremendous power. An indiscreet use of it might ruin the cattle trade of the country. The Commissioner is to act upon information. What is his information to be? Simply that the disease exists? Who is to furnish this information? The bill is silent. Not the inspectors, for they are only to be appointed after the information has been received. But the information is to be that the disease exists. What disease? Any contagious or infectious disease. He may quarantine against the cowitch as well as the pleuro-pneumonia. In this country there are not many experts in pleuro-pneumonia. It is often mistaken for ordinary chest disorders, and a common lung fever, which is not contagious, is frequently thought to be this contagious disorder. The Commissioner of Agriculture, even should he be an expert, cannot make these examinations himself. He must then rely for the infor-

mation necessary to put the machinery of the act in operation upon common rumor and such aid as he can get from the three special veterinary practitioners which he is allowed to appoint. The commercial interests of the country are jealous of any interference with trade. Even quarantine and health laws looking to the preservation of the lives of the people are a prolific source of trouble and complaint.

To illustrate the possible practical workings of the bill in this regard let us suppose that information reaches the Commissioner that pleuro-pneumonia has broken out among the cattle west of Chicago. He promptly, as his duty would be, sends his inspectors to Chicago with instructions to examine all the cattle coming in there for shipment east, and detain all those infected or diseased or so exposed as likely to come down at some future time with the disease. What do gentlemen suppose would be the instant result? Why, the whole shipping interest, which is a powerful one at Chicago, would be on the alert. The "information" would be sifted. Veterinarians would be called to examine matters. Shrewd, keen men who buy and sell cattle to make money, and not to give reputation to a Commissioner of Agriculture or to point a moral by patriotic self-denial, would contest the authority and the methods adopted at every step. And if it should prove in this first application of the new law that the information was not correct, that the cattle did not have pleuro-pneumonia at all, in fact had no contagious disease, that "a heifer exposed to a rain-storm had sickened from a cold and died of common pneumonia," then until the law should be amended and recast it would be a dead letter.

Again, the power that permits the General Government to follow commerce from State to State and regulate its transportation, is nearly allied to certain powers expressly belonging to the States. The line is not always clearly drawn, and the Supreme Court have from time to time expressed their embarrassment in settling questions which border upon it. Here troublesome questions would arise. In short, this bill imposes some of the most difficult and delicate duties ever laid upon an officer by Congress. Without the slightest reference to the qualifications or want of qualifications of any official, it has struck me that they should not be imposed upon any one man. It is due to the official, and especially due to the objects sought by this proposed legislation. In a multitude of counsel there is safety. There should at least be a board of three, and so constituted that the law officers of the Government might be consulted. And at the proper time I shall offer an amendment looking to that end.

My second objection to the bill is that the inspectors provided for are too few in number, and are to be selected from the residents of the localities where they are to act. The absurdity of limiting the number appointed in any one State to three will be sufficiently apparent by a single illustration.

In the Chicago Tribune for the 16th instant I find the statement that, during the year ending January 1, 1879, there was brought into the city of Chicago 1,083,000 head of cattle. This would be an average of nearly three thousand head a day for every day in the year, Sundays included. Should all the inspectors allowed to a State be engaged in the inspection at this one point, working ten hours a day and giving ten minutes to each head of cattle, it would take them forty-nine years and sixty-five days to inspect the shipments of a single year. I seriously suggest that the later inspections in such case might have a flavor of spoiled meat.

Suppose for an instant that the disease should generally prevail throughout the State of New York. How could any three men inspect the cattle passing over the various interstate lines of travel and transportation running into and through that great State? To ask the question suggests the answer. It would be impossible. The attempt would result in a farce, and the certificates granted would not be worth the paper they were written upon.

Again, I believe it to be a serious mistake to make it obligatory that the inspectors should be chosen from the locality where they are to act. The position will be one of great responsibility, requiring nerve, and firmness, and unflinching integrity. The pressure to secure certificates of soundness will be very great. Temptations to fraud and wrong-doing will surround the inspector on all sides. Now, add to the necessary difficulties of such a position the inducements that would be urged upon a resident, the claims of friendship, the temptation to save the trade of his home city, his own business interests, and we have done much to make the law inefficient by weakening the instrument which is to execute it. Aside from these considerations, it may not always be possible to secure men having the necessary knowledge and experience to perform such duties, at the localities where they are to be performed.

Hence, when the proper section is reached, I shall propose an amendment leaving the number of inspectors and the place from whence chosen entirely at the discretion of the appointing power; also, changing their pay from four to six dollars per day.

My last serious objection to the bill is found in section 11, which reads as follows:

> That nothing in this act shall be so construed as to supersede or impair any sanitary or quarantine law of any State.

Do my colleagues of the committee who framed and present this bill believe they have proposed to Congress a constitutional measure? Does the Constitution confer upon Congress the jurisdiction assumed in the bill? Can the General Government legally take charge of the commerce passing over interstate lines and make all needful rules to regulate the same? Certainly the honorable and learned gentleman having charge of this bill believes this or the measure would not be here for action. Then if Congress has jurisdiction over the subject why is it sought here to subordinate that power to State and local dictation? There can be but one answer. It is simply another symptom of the malady known as State rights. This disorder is becoming more prevalent and quite as dangerous among our brethren on the other side of the House as the pleuro-pneumonia among cattle. It crops out everywhere. It is both contagious and infectious. Many a bright democrat has been sent to this corral with a clean bill of political health, when lo! in a few short weeks he was down with the distemper.

A few years ago this miserable plague broke out into a brisk epidemic, and it became necessary to apply heroic remedies. It was thought for a while that, like Massachusetts with the cattle plague, the thing had been fairly stamped out. But this was a delusion. A few cases again appeared here and there about the country, but the doctors said they were sporadic. There was no danger. The thing was dead. It never could spread again. To flourish, it required the poisoned atmosphere of slavery, and that had been purified by the thunders of war. Here was our grand mistake. We should have extended the quarantine. But we did not, and again the plague is upon us. It creeps in everywhere; puts its mark upon the offspring of every committee in the House. We think it might have spared the Agricultural Committee, but it did not; here is our baby, and he has it too; has it bad, and must die unless purged of the disorder. Better treat him as the Massachusetts commission did the diseased cows—shoot him on the spot, slash his hide with sharp knives, and bury him deep in the earth.

The tendency of a large part of the legislation proposed by the majority in Congress is to limit and cripple the national power. The General Government is viewed in the light of an alien power, constantly threatening the liberties of the people.

When it is proposed to pass laws to sustain the Army and Navy, to maintain the arsenals, and guard the elections of members of Congress, why should the Representatives from any State put out their hands as though an enemy were to be held at bay? My own State of Michigan has had an existence for forty-two years, has now a population of nearly two millions, has been steadily prosperous, is settled with an intelligent and thoughtful people, has an able Legislature in session every two years, is surrounded with great lakes which are national highways, and is bordered on one side by a foreign state; yet my people have never complained of usurpations on the part of the General Government. We have lived under the same laws with South Carolina and Mississippi and have not felt ourselves abused.

There is no desire in Michigan that the national wings should be clipped. No fear that we shall be smothered by the great bird. Within the powers reserved to the States we have all the liberty of action and of legislation that we desire. And acting strictly within those powers we have built up the finest school system in the world, where the poorest child in the State may go from the lowest primary, step by step, through all the grades until he is graduated from a university which is second to none on this continent. And this without money and without price. The State cares for her indigent and pauper children, making them her own wards, and at her own expense training them into useful citizens. It furnishes elegant homes and bountiful care for all the unfortunate ones, and safe and economical prisons for the criminals. We have done all this without ever dreaming that we were liable to be trampled upon by a military despotism having its head centre in Washington. I venture to say that no man in Michigan ever thought his liberties were menaced, or in the slightest degree endangered by the National Government. Is it possible that all this time we have been so stupid that we have been oppressed by a dangerous and aggressive power and did not know it? If this be true, we are surrounded by stupid neighbors. Ohio, Wisconsin, Minnesota, and Iowa have not thought to complain of the "iron heel." Let us ask a kind Providence to pass that kind of stupidity around. The great mass of the American people believe that the United States is a nation, clothed with full powers to enforce its laws, and they never will consent to subordinate those powers to the law of any State.

What does this section mean in this bill? Simply this, that any State may nullify the national law at its option. If the law interferes, or is supposed to interfere, with the cattle trade of Illinois, then Illinois enacts a law which contravenes this, and with impunity pours her diseased cattle across the continent. Attempting to act under one of the plain provisions of the Constitution, we stop, and, obsequiously bowing to State sovereignty, say "by your leave." For one, I am not quite ready for that yet; and if I must choose between plagues, I simply say I prefer the cattle plague.

Now, Mr. Speaker, I am in favor of some enactment by Congress to aid in suppressing and controlling contagious and infectious diseases among domestic animals, and especially this dangerous cattle plague. At the same time I am fully conscious that the real and effectual remedy rests with the States and municipalities. No national law can authorize the condemnation and slaughter of diseased animals. This power belongs to the States, and if they would have complete protection they must exercise it. For instance, had the State of Virginia, the first of last month, while her Legislature was in session,

provided a small appropriation and a commission with the necessary powers there would not to-day be a single case of the disease within her borders. However, instead of doing that the Legislature sends here a petition asking that Congress will enact laws to "stamp out" the plague in that "sovereign State." What has come over the proud Old Dominion that she invites this invasion of her sacred soil? No wicked, republican, centralizing Legislature ever equaled that. It brings a sharp contrast between the "Mother of Presidents" and the "Old Bay State." The one took care of herself, as she usually does, made her own laws, and with her own officers "stamped out" the disease, and then paid the bills. The other, finding one of her great industries threatened, looks languidly across the Potomac, asks the General Government to take care of her, and then folds her hands and waits.

No, Mr. Speaker, Congress has no power to "stamp out" contagion, and what is proposed in this bill is probably the extent of its jurisdiction in the direction of protection. It can only aid in preventing its spread. Whether the vast interests in live stock in this country shall be injured, or eventually ruined, rests with the individual States. Should Virginia do nothing to stop the plague, and it should come to prevail throughout that State, no interstate national quarantine would, or possibly could, protect the surrounding States.

In the hope that the several States will see their interests and responsibilities in this matter, I think it best that this bill, modified as I propose, should pass. It is not strictly a pleuro-pneumonia bill. It furnishes the machinery to guard against the spread of any contagious disorder. It will only be put in operation when the danger is imminent and will cost nothing at other times. By this means at least a portion of the $16,000,000 to $20,000,000 lost every year by contagious diseases may be saved.

I yield to the gentleman from Missouri [Mr. HATCH] who has charge of this bill.

Mr. HATCH. Mr. Speaker, I am instructed by the Committee on Agriculture to move that the bill be recommitted.

The motion was agreed to.

JURORS IN UNITED STATES COURTS.

The SPEAKER. The next bill coming up as unfinished business is the bill (S. No. 375) in relation to juries and to repeal sections 801, 820, 821, and part of 800 of the Revised Statutes of the United States.

Mr. HERBERT. Mr. Speaker, I am not disposed to press this bill to-day, inasmuch as after a conference with some gentlemen on the other side of the House I think it probable that we can reach a vote on the bill next Monday, or at the farthest on Tuesday. I think it is understood, after consultation among gentlemen on the other side, that they will make no further opposition in the form of dilatory motions; at least I hope that we can obtain a vote on the measure. I do not desire, however, to yield the precedence which the bill now has over anything else on the Speaker's table. I am willing, therefore, to yield for a motion to adjourn.

Mr. CLYMER. I move that the House adjourn.

Mr. CONGER. Does the gentleman from Alabama [Mr. HERBERT] state that there is any understanding as to what shall be done in the future with regard to this bill?

The SPEAKER. The gentleman merely expresses a hope.

Mr. HERBERT. I simply stated that in view of conversations with gentlemen on the other side of the House I hoped that the opposition would be withdrawn. But no gentleman has undertaken to bind the republican party, or gentlemen on the other side, to anything of that kind.

Mr. CONGER. I should presume not.

ESTATE OF HENRY CONARD.

Mr. WISE. I ask unanimous consent that the bill (S. No. 681) for the relief of the estate of Henry Conard be taken from the Speaker's table and referred to the Committee on Foreign Affairs.

There being no objection, the bill was taken from the Speaker's table, read a first and second time, and referred to the Committee on Foreign Affairs, not to be brought back on a motion to reconsider.

ROBERT ERWIN.

Mr. LAPHAM, by unanimous consent, reported back from the Committee on the Judiciary a bill (H. R. No. 385) to amend an act entitled "An act for the relief of Robert Erwin;" which was referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

DODDRIDGE & DAVIS.

Mr. UPSON, by unanimous consent, introduced a bill (H. R. No. 2277) for the relief of Doddridge & Davis, bankers, Corpus Christi, Texas, for loss of quartermaster's check; which was read a first and second time, and referred to the Committee on Military Affairs.

POST-ROUTES.

Mr. COOK. I ask unanimous consent that the bill (H. R. No. 2263) supplemental to the act to establish post-routes be taken from the Speaker's table and the amendments of the Senate concurred in. The bill contains no legislation whatever, except the establishment of star routes.

There being no objection, the amendments of the Senate were concurred in.

Mr. COOK moved to reconsider the vote by which the amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FARMERS AND MERCHANTS' BANK, PARIS, TEXAS.

Mr. MILLS. I ask unanimous consent to have taken from the Speaker's table for action at this time Senate bill No. 625, authorizing the granting of a duplicate draft. The bill has passed the Senate unanimously upon the unanimous report of the Committee on Claims of that body.

The bill (S. No. 625) for the relief of the Farmers and Merchants' Bank, Paris, Texas, was read. It authorizes and directs the Secretary of the Interior to cause the pension agent at Knoxville, Tennessee, to issue and deliver to the Farmers and Merchants' Bank of Paris, Texas, a duplicate draft of No. 110,309, dated March 13, 1879, drawn by Daniel T. Boynton, as United States pension agent at Knoxville, Tennessee, on the United States assistant treasurer at New York, for the sum of $1,159.60, in favor of Minerva A. Davis, and by her indorsed to said bank; which duplicate draft is directed to be issued in lieu of the original draft as herein described, and which was mailed by said bank on the 25th day of March, 1879, from Paris, Texas, to Donnell, Lawson & Co., of New York, and which was lost in transmission. But the Secretary of the Interior is to be satisfied that the same has not been paid, and the Farmers and Merchants' Bank is to give bond, with security approved by the Secretary of the Treasury, to hold the United States harmless against the payment of the original draft.

There being no objection, the bill was taken from the Speaker's table, read three times, and passed.

Mr. MILLS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN POWER.

Mr. BOWMAN, by unanimous consent, introduced a bill (H. R. No. 2278) for extension of patent of John Power; which was read a first and second time, and referred to the Committee on Patents.

MICHAEL GRANARY AND OTHERS.

Mr. ROBERTSON, by unanimous consent, introduced a bill (H. R. No. 2279) for the relief of Michael Granery, Nicholas Wax, and Moliere Lange, of the State of Louisiana; which was read a first and second time, and referred to the Committee on the Judiciary.

LAND GRANT TO FLORIDA PARISHES, LOUISIANA.

Mr. ROBERTSON also, by unanimous consent, introduced a bill (H. R. No. 2280) relinquishing and granting to the Florida parishes, of the State of Louisiana, public lands as compensation to the people thereof for services in acquiring said territory from Spain in 1810; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced that the Senate had passed without amendment the bill (H. R. No. 1734) to authorize the Secretary of War to use certain moneys appropriated by act of Congress approved March 3, 1879, "for the protection of the high sand-banks on the Chippewa River" in the completion and protection of improvements in and near the mouth of said Chippewa River.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

An act (S. No. 641) to grant additional rights to homestead settlers on public lands within railroad limits in the States of Missouri and Arkansas; and

An act (S. No. 697) to establish additional post-roads in the State of Florida.

E. TROISGROS.

Mr. ELLIS, by unanimous consent, introduced a bill (H. R. No. 2281) for the relief of E. Troisgros, of New Orleans, Louisiana; which was read a first and second time, and referred to the Committee of Ways and Means.

CHARLES CUTLER.

Mr. WARNER, by unanimous consent, introduced a bill (H. R. No. 2282) granting a pension to Charles Cutler; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JAMES H. RICE.

Mr. WARNER also, by unanimous consent, introduced a joint resolution (H. R. No. 99) authorizing the President to place the name of James H. Rice on the retired list with the rank of captain; which was read a first and second time, and referred to the Committee on Military Affairs.

PRINTING REPORT OF SILVER COMMISSION.

Mr. WARNER also submitted the following resolution; which was referred to the Committee on Printing:

Resolved, That 5,000 additional copies of the first and second parts of the report of the silver commission be printed for the use of the members of the House.

ABIGAIL DEITZ.

Mr. WILLIS, by unanimous consent, introduced a bill (H. R. No. 2283) granting a pension to Mrs. Abigail Deitz; which was read a first and second time, and referred to the Committee on Invalid Pensions.

DR. C. W. BRINK.

Mr. NICHOLLS. I ask unanimous consent that the joint resolution (S. R. No. 30) for the relief of Dr. C. W. Brink, bearer of dispatches from the United States minister at Mexico, in 1809, be taken from the Speaker's table for consideration at this time.

Mr. COX. The House Committee on Foreign Affairs has reported a bill similar to this Senate bill.

Mr. NICHOLLS. It simply proposes to pay this man, as bearer of dispatches for General Rosecrans, United States minister to Mexico in 1869.

The joint resolution, which was read, provides that Dr. C.W. Brink be paid, for compensation and expenses as bearer of dispatches from the United States minister at Mexico in 1869, $552.69, out of any money in the Treasury not otherwise appropriated.

Mr. NICHOLLS. The payment of this money is recommended by the Secretary of State, Mr. Evarts, whose letter is with the papers.

Mr. CONGER. I do not object to immediate action on this bill because I know that a committee of this House in a former Congress examined the matter fully and made a report on the subject.

There being no objection, the joint resolution was taken from the Speaker's table, read three times, and passed.

Mr. NICHOLLS moved to reconsider the vote by which the resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. FERDON. I ask unanimous consent to introduce a bill.

Mr. WEAVER. I dislike to enter objection to the introduction of bills; but I hope these bills are not offered at this time with the view of adjourning over till Tuesday. If so, I should have to enter objection.

The SPEAKER. The Chair cannot say what may be the motive.

Mr. WEAVER. I make the remark for the benefit of members.

DONATION OF CONDEMNED ORDNANCE.

Mr. FERDON, by unanimous consent, introduced a bill (H. R. No. 2284) donating condemned cannon and balls to the Wayne Monumental Association; which was read a first and second time, and referred to the Committee on Military Affairs.

GEORGE W. WALKER.

Mr. LOUNSBERY, by unanimous consent, introduced a bill (H. R. No. 2285) for the relief of George W. Walker; which was read a first and second time, and referred to the Committee on Invalid Pensions.

INVESTIGATION OF EXODUS FROM SOUTHERN STATES.

Mr. YOUNG, of Ohio. I ask unanimous consent to offer for action at this time the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Speaker of the House of Representatives be, and he is hereby, authorized to appoint a select committee of five members, with power to sit during the recess or vacation, to send for persons and papers, administer oaths, and to employ a stenographer and clerk; and that said committee be authorized and directed to investigate and report to this House at an early day in the regular session the cause and effect of the exodus or unusual emigration of citizens of the State of Mississippi and other States of the South to the State of Kansas and other States of the West; and the expenses necessarily incurred in the execution of this order shall be paid out of the contingent fund of the House.

Mr. GOODE. This matter is already pending before a committee of the House; and I must object to the resolution.

Mr. YOUNG, of Ohio. I ask that the resolution be referred to the Committee of the Whole on the state of the Union.

The SPEAKER. There is objection to the introduction of the resolution.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. WASHBURN for the remainder of the present session after Wednesday next.

CLAIM OF ROBERT OTIS.

The SPEAKER, by unanimous consent, laid before the House a letter from the Secretary of the Treasury, relative to the claim of Robert Otis, administrator of the estate of Roger A. Hiern, deceased; which was referred to the Committee on Appropriations.

Several members called for the regular order.

The SPEAKER. The regular order is the motion of the gentleman from Pennsylvania [Mr. CLYMER] that the House adjourn.

Mr. CLYMER. I withdraw the motion.

HOMESTEAD SETTLERS IN MISSOURI AND ARKANSAS.

Mr. CONVERSE. I ask unanimous consent that the bill (S. No. 641) to grant additional rights to homestead settlers on public lands within railroad limits in the States of Missouri and Arkansas be taken from the Speaker's table for reference to the Committee on Public Lands.

There being no objection, the bill was taken from the Speaker's table, read a first and second time, and referred to the Committee on Public Lands, not to be brought back on a motion to reconsider.

REMOVAL OF POLITICAL DISABILITIES.

Mr. HARRIS, of Virginia. I ask unanimous consent to have taken from the Speaker's table and passed the bill (S. No. 669) to remove the political disabilities of James F. Harrison, of Virginia.

The bill was read.

Mr. CONGER. Let the petition be read.

The Clerk read as follows:

UNIVERSITY OF VIRGINIA, *March* 19, 1879.

To the Congress of the United States:

I respectfully request that my political disabilities be removed. I resigned my commission as surgeon in the United States Navy in 1861 and entered the Confederate States service, which I believe brings my case within the influence, &c., of the fourteenth amendment.

I am, very respectfully,

JAMES F. HARRISON, *M. D.*

The SPEAKER. If there be no objection, the bill will be considered as read a first and second time, and the question will be on ordering it to a third reading.

Mr. CONGER. I observe that this petitioner speaks of believing that his case is "within the influence of the fourteenth amendment." He does not seem to admit unequivocally that his case comes within the constitutional provision.

The SPEAKER. The intention is clear.

Mr. CONGER. He is an educated man, and ought to know whether he is subject to disabilities under the Constitution, or whether it is a mere question of "influence." I like to see a clear, positive statement from men who come here to ask pardon for their crimes.

Mr. HARRIS, of Virginia. The petition is a positive statement of facts. This gentleman is not a lawyer, therefore he merely says that he believes his case comes within the disqualifying provision, and he asks Congress to remove his disabilities. I know that my friend from Michigan is always gracious when a gentleman makes a request of this kind.

There being no objection, the bill was taken from the Speaker's table, read three times, and passed; two-thirds voting in favor thereof.

WILLIAM N. R. BEALL.

Mr. HATCH. I ask unanimous consent that the bill (S. No. 670) to remove the political disabilities of William N. R. Beall be taken from the Speaker's table for immediate action.

The bill was read.

Mr. CONGER. Let the petition be read.

The Clerk read as follows:

To the Senate and House of Representatives of the United States of America in Congress assembled:

The undersigned, William N. R. Beall, a resident of the city of Saint Louis, State of Missouri, would respectfully state that he graduated at the United States Military Academy at West Point, New York, in the year 1848, and entered the United States Army as a brevet second lieutenant in the Fourth Regiment of Infantry in the same year, and continued in said service until the 21st August, 1861, when I resigned, having, at the date of my resignation, the rank of captain of cavalry. My resignation was duly accepted, and, so far as I know and believe, I am not indebted to the United States Government. For the above facts I would refer to the records of the Adjutant-General's Office of the United States Army. After the acceptance of my resignation I entered the service of the Confederate States as an officer in its army, and so continued, when not in prison, in actual service to the close of the war.

Wherefore I petition the removal of my political disabilities.

WM. N. R. BEALL.

SAINT LOUIS, MISSOURI, *April* 4, 1879.

There being no objection, the bill was taken from the Speaker's table, read three times and passed, two-thirds voting in favor thereof.

FONTAINE'S HYDRAULIC ENGINEERING.

Mr. JOHNSTON. I ask unanimous consent to have taken from the Speaker's table for immediate action the joint resolution (S. R. No. 6) accepting from Professor Edward Fontaine, of Louisiana, certain maps, drawings, and explanations of the same.

The sole object of this resolution is the acceptance from Professor Fontaine of plans and maps connected with the improvement of the navigation of the Mississippi River. The resolution was passed by the Senate yesterday without objection.

The resolution was read, as follows:

Whereas Professor Edward Fontaine has exhibited certain maps and drawings, with full explanations of the same, of his improved methods of hydraulic engineering and controlling water-currents, which are believed to be valuable, which he proposes to present to the Government of the United States, on condition that they be printed: Therefore,

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the maps and drawings, with the explanations thereof, of Professor Edward Fontaine's improved methods of hydraulic engineering and controlling water-currents, which Professor Edward Fontaine proposes to give to the Government of the United States, on condition that they be printed, be, and the same hereby are, accepted.

SEC. 2. That the regular number of these maps and drawings, with the explanations, be printed in quarto form; and that 100 additional copies be printed for the use of Professor Fontaine.

Mr. CONGER. Mr. Speaker, I suppose that almost any gentleman who has prepared maps and drawings to illustrate some views of his own would give them to Congress if we would agree to print them in handsome form and give him one hundred copies. I do not know whether these maps, &c., are of any value or whether this is merely a method by which some gentleman is to have his productions printed at the public expense. I would like to have an opinion on this point from some gentleman who has knowledge of the matter. Having heard for some few years at least that there was a Mississippi River,

and having heard that there were somewhere between fifty and one thousand engineers preparing views upon the subject, I have, nevertheless, failed to hear of these particular plans. No doubt the work is praiseworthy; and my ignorance is my only excuse for asking an explanation.

Mr. REAGAN. I will state that Professor Fontaine is an eminent civil engineer who was educated at West Point and has devoted a great deal of time and attention to the study of this subject. The information which he has collected is thought by persons who have examined it to be valuable to the Government; and the expense of printing it will be very small.

Mr. SINGLETON, of Mississippi, rose.

The SPEAKER. Is there objection to the consideration of this resolution?

Mr. CONGER. I would like to hear what the gentlemen from Mississippi has to say.

Mr. SINGLETON, of Mississippi. I wish to add my testimony to that of the gentleman from Texas [Mr. REAGAN] in regard to the value of these maps and plans. Professor Fontaine, though a modest man, is unquestionably one of the most accomplished scientific men in this country. I had occasion to examine these papers, and, so far as my own judgment is worth anything, I consider them of immense value to the whole country bordering on the Mississippi River or interested in its navigation. The plans which this gentleman has brought us for the improvement of that river should not, I think, be overlooked. Scientific men who have examined them think them of great value. I hope the gentleman from Michigan [Mr. CONGER] will withdraw his objection, for I feel that he and his people are interested in this matter as well as those whom I represent.

Mr. CONGER. A commission having been specially authorized and appointed to examine the Mississippi River and the different modes proposed for its improvement I had thought that perhaps this subject might be referred to that commission; but I withdraw my objection to this proposition, mainly because it may draw the attention of the gentleman from Mississippi to the improvement of our rivers and harbors so that he will assist us hereafter.

Mr. SINGLETON, of Mississippi. I shall be happy to do so when a proper case arises.

There being no objection, the joint resolution was taken from the Speaker's table, read three times, and passed.

Mr. JOHNSTON moved to reconsider the vote by which the resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PENSIONS TO SOLDIERS OF MEXICAN WAR, ETC.

Mr. COFFROTH. I ask unanimous consent to report from the Committee on Invalid Pensions for reference to the Committee of the Whole on the state of the Union a bill granting pensions to certain soldiers and sailors of the Mexican and other wars therein named, and for other purposes.

Mr. CONGER. I object to that.

Mr. COFFROTH. I move that the House adjourn.

The motion was agreed to; and accordingly (at three o'clock p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. KEIFER: The petition of the officers and members of the Woman's National Christian Temperance Union and 37 others, of Saint Paris, Ohio, that no law be passed to promote the interest of dealers in spirituous liquors—to the Committee on the Judiciary.

By Mr. WARNER: Papers relating to the pension claim of Mrs. Julia E. Barnes—to the Committee on Invalid Pensions.

By Mr. WELLS: Resolution of the Legislature of Missouri, favoring the passage of the bills now pending before Congress for the repeal of the Federal election laws of May 31, 1870, and acts amendatory of February 28, 1871, and June 10, 1872, known as the Federal supervisory election laws—to the Committee of Elections.

By Mr. YOUNG, of Tennessee: Papers relating to the war claim of Elizabeth P. Dyer—to the Committee on War Claims.

IN SENATE.

MONDAY, *June* 16, 1879.

Prayer by Rev. JOHN S. LINDSAY, of Warrenton, Virginia.

The Journal of the proceedings of Saturday last was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT *pro tempore* presented a memorial of the Louisiana State constitutional convention in favor of the passage of a law by Congress creating a new judicial district in that State; which was referred to the Committee on the Judiciary.

The PRESIDENT *pro tempore*. The Chair also presents another memorial from the same constitutional convention praying that the military barracks, arsenal, and grounds at Baton Rouge may be ceded to the State of Louisiana for the use and occupation of the Louisiana State University and Agricultural and Mechanical College. The Chair is uncertain whether this paper should go to the Committee on Military Affairs or to the Committee on Public Buildings and Grounds. If no motion be made, it will be referred to the Committee on Military Affairs.

Mr. JONAS. I also ask leave to present similar documents and memorials, and move that the memorial relating to the military barracks at Baton Rouge be referred to the Committee on Military Affairs.

Mr. MORRILL. I move that the memorial in relation to the military barracks at Baton Rouge be referred to the Committee on Public Buildings and Grounds.

Mr. JONAS. I had previously moved that it be referred to the Committee on Military Affairs.

The PRESIDENT *pro tempore*. The Chair did not hear the Senator from Louisiana.

Mr. JONAS. I think that would be a more appropriate reference. It is a proposition to give up the military barracks at Baton Rouge for educational purposes, and I think that that committee are the best judges whether the Government has any use for them for military purposes. The subject does not come properly within the jurisdiction of the Committee on Public Buildings and Grounds. It is purely a military matter, and should go to the Committee on Military Affairs.

Mr. MORRILL. I merely desire to say that of course the Senate would be unwilling to grant this request unless the Secretary of War should report that these barracks were no longer of any use for the Military Department. Beyond that arises the question whether this should be done in justice to the Government of the United States and to these educational institutions? I do not care myself to which committee the memorial is referred, but it seems to me it is eminently proper that it should be referred to the Committee on Public Buildings and Grounds.

Mr. MAXEY. I believe it has been customary always, where barracks or any military reservation is no longer needed for military purposes, or is supposed not to be needed longer for such purposes, to refer that question to the Committee on Military Affairs. I think that appropriately this memorial ought to go to that committee.

The PRESIDENT *pro tempore*. The Chair understands from the Senator from Louisiana that he made a motion to refer the memorial to the Committee on Military Affairs before the other motion was made by the Senator from Vermont.

Mr. MORRILL. I withdraw my motion if there is any objection to it.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Louisiana, that the memorial be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. WITHERS presented the petition of S. W. Venable, of Petersburgh, Virginia, praying for the passage of a law referring his claim for the proceeds of captured tobacco to the Court of Claims, with the right of appeal to the Supreme Court of the United States; which was referred to the Committee on the Judiciary.

He also presented the petition of Dunlap & Crawford, of Louisville, Kentucky, praying for the passage of a law referring their claim for the proceeds of captured tobacco to the Court of Claims, with the right of appeal to the Supreme Court of the United States; which was referred to the Committee on the Judiciary.

Mr. CONKLING. I present the petition, or the memorial and appeal, of the officers and members of the Woman's National Christian Temperance Union, and others, which draws attention to the great evils coming from the use of intoxicating drinks, whisky and the like, and asks prayerfully for remedial legislation. Will the Chair suggest to what committee this petition should go?

The PRESIDENT *pro tempore*. Similar petitions have heretofore been referred to the Committee on Finance, on the supposition that they touched the revenue.

Mr. CONKLING. My faith in the financial views of that committee is such, that under the suggestion of the Chair, I move that reference.

The motion was agreed to.

Mr. MAXEY presented the petition of Samuel S. Anderson, of Louisville, Kentucky, praying for the removal of his political disabilities: which was referred to the Committee on the Judiciary.

FINAL ADJOURNMENT.

The PRESIDENT *pro tempore*. Reports of committees are next in order.

Mr. DAVIS, of West Virginia. Under "reports of committees," I would state that on the 10th instant the House of Representatives sent a resolution to the Senate fixing to-morrow, the 17th, for the final adjournment. The Committee on Appropriations have considered the resolution and would have been glad to have concurred in the date, but the state of business, which the Senate understands well, is such, that at this time, in the opinion of the committee, a day cannot be named, though it is hoped and believed that at an early day the committee can report back the resolution naming a date. Two appropriation bills are now before the Senate, and the Senate

can judge of the day as well as the committee. If it is the desire of the Senate that the resolution shall be reported, I am instructed by the Committee on Appropriations to do so, but the judgment of the committee is that the resolution had better remain with the committee a day or two longer so as to enable it to determine more definitely what day can be named.

There is one question that some members of the committee were not fully advised upon, and if any of the older Senators desire to inform the committee upon it they would be glad to have information; and that is, to-morrow at noon being the time named, whether the Senate committee can hold the resolution without any discourtesy to the House. I should be glad to hear from the Senator from New York, [Mr. CONKLING,] who is listening to me, on that subject.

Mr. CONKLING. I have no doubt of it, Mr. President; and the committee can also report it back afterward with an amendment naming a later day. It has been held over and over again that such a resolution by its terms does not expire; neither did I ever hear that it involved any discourtesy to the other House.

Mr. DAVIS, of West Virginia. Very well.

MEXICAN DOCUMENTS IN STATE DEPARTMENT.

Mr. CONKLING. I am directed by the Committee on the Judiciary to report back the joint resolution (S. R. No. 5) in relation to records, papers, and documents of mixed international tribunals on file in the Department of State, with an amendment in the nature of a substitute which I send to the Secretary and ask to have read, and then I will ask the Senate, if there be no objection, to consider it now.

The PRESIDENT *pro tempore*. The original resolution will be read, and then the substitute.

Mr. CONKLING. I do not think the original resolution need be read. The substitute will speak for itself if the Secretary will read that.

The Secretary read the proposed substitute, as follows:

Resolved, &c., That the Secretary of State be, and he hereby is, directed to deliver to the person justly entitled to the possession thereof three several drafts for the sum of $5,000 each, dated New York, August 2, 1859, and drawn by Santiago Vidaurri, governor of Nuevo Leon and Cohuahuila, by Ignatius Gulindo, agent, on J. M. Mata, Mexican minister, Washington, District of Columbia, and accepted by said J. M. Mata, and made payable at the Bank of the Republic, New York, and all other papers relating to said drafts, the same having been deposited in the Department of State by error.

Mr. DAVIS, of Illinois. You had better state what it is.

Mr. CONKLING. Before asking unanimous consent to consider the joint resolution I will, at the suggestion of the honorable Senator from Illinois, very briefly state the case. An arms company, a company whose business it is to make and vend arms, sold certain arms to the Republic of Mexico, for which arms three drafts were given, as recited in the resolution, being drafts for $5,000 each. They were accepted by Mr. Mata, the accredited agent and minister from Mexico. The Mexican government is ready at all times to pay these drafts, and the drawee of the drafts is entitled to receive them; but meanwhile under circumstances which it is not necessary to particularize, the drafts were handed in to the State Department and became of file there, there being an impression that the matter to which they related might pertain to the mixed commission. The mixed commission held that this being an adjusted, liquidated, and closed account, they had nothing to do with it, and they took no action in regard to it. Therefore for this purpose it is as if no reference had ever been made to the commission. The drafts remain there. The Mexican authorities are ready to pay them. The American citizens are entitled, as the committee finds, to receive the money, and the whole purpose of the resolution is to empower the Secretary of State to deliver over the drafts to those to whom they belong.

Mr. KERNAN. Will the Senator state who the drawees are? I did not catch the names.

Mr. CONKLING. It is possible that if my colleague would look at the resolution he still would be able to say he could not catch the name of the drawee.

Mr. BAYARD. They were drawn on Mata.

Mr. CONKLING. They were drawn on Mata, but my colleague wants the other names.

Mr. KERNAN. The payees.

Mr. CONKLING. They are Spanish names, and although very familiar to me and I could readily pronounce them, yet I refrain from doing so lest other Senators might not appreciate the accuracy of my Spanish pronunciation.

Mr. KERNAN. I asked for the names of the payees.

Mr. CONKLING. They are drafts drawn by the agent of the corporation furnishing these arms upon officers whose names, as I say, I forbear to attempt to pronounce, and then, as the Senator from Delaware says, yes, he is right about that, drawn on Mata, the Mexican minister, and accepted by him. Two other names appear in these drafts which I will not undertake to give.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment reported by the Committee on the Judiciary.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, was read the third time, and passed.

The title was amended so as to read: "A joint resolution relative to certain accepted drafts and other papers in the Department of State."

REPORTS OF COMMITTEES.

Mr. HARRIS. The Committee on the District of Columbia, to which was referred the bill (H. R. No. 1379) fixing the rate of interest upon arrearages of general taxes and assessments for special improvements now due to the District of Columbia, have instructed me to report it back with amendments. I give notice that I will to-morrow morning, so soon as the business of the morning hour shall have been concluded, ask the Senate to proceed to the consideration of the bill.

Mr. WITHERS. I will simply say that, as soon as the pending appropriation bill shall have been disposed of, it is my purpose to move to take from the Calendar House bill No. 2175, making appropriations for the support of the Army, &c., and ask its consideration.

Mr. BAYARD. I am instructed by the Committee on the Judiciary to report back the bill (H. R. No. 2046) to authorize a compromise of the claims of the United States under the will of Joseph L. Lewis, and ask that it be placed on the Calendar. In making this report I desire to say that there has been a request from the executors of the will for some delay until the 17th of this month, but owing to the possibility of there not being another meeting of the committee regularly held, the report is now made. I propose that there shall be time for the executors to present any reason why the bill should not become a law, and I will not call the bill up until the day after to-morrow.

The PRESIDENT *pro tempore*. The bill will be placed on the Calendar.

Mr. VANCE, from the Committee on the District of Columbia, to whom was referred the bill (H. R. No. 1856) authorizing the commissioners of the District of Columbia to extend the area for the taking up and impounding of domestic animals in the District of Columbia, reported it without amendment.

COMMITTEE ON CONTINGENT EXPENSES.

Mr. HILL, of Georgia. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate to report a resolution, which I understand is the usual order at the close of every session, to continue the committee during the recess to audit accounts.

The Senate, by unanimous consent, proceeded to consider the resolution, as follows:

Resolved, That the Committee to Audit and Control the Contingent Expenses of the Senate be authorized to sit during the recess of Congress, and that the necessary expenses thereof be paid out of the "miscellaneous items" of the contingent fund.

The resolution was considered by unanimous consent, and agreed to.

BILLS INTRODUCED.

Mr. McPHERSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 699) to provide a naval peace establishment, and for other purposes; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. WALKER (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 700) for the relief of such citizens of the Indian nations and tribes of the Indian Territory as lost property and effects on account of the war of the rebellion; which was read twice by its title, and referred to the Committee on Indian Affairs.

INDIAN WARS.

Mr. WALKER submitted the following resolution; which was read:

Resolved, That the President of the United States be requested to inform the Senate, if not incompatible with the public interests, how many soldiers and civilians were killed and wounded; the estimated value of property destroyed, with the expenses incurred by the United States in the following-named Indian wars, namely: The war in Southern Oregon and Idaho and northern parts of California and Nevada, in 1865-'68; war against the Cheyennes, Arapahoes, Kiowas, and Comanches, in Kansas, Colorado, and the Indian Territory, in 1868-'69; the Modoc war, in 1872-'73; the war against the Apaches of Arizona, in 1873; the war against the Kiowas, Comanches, and Cheyennes, in Kansas, Colorado, Texas, Indian Territory, and New Mexico, in 1874-'75; the war against the Northern Cheyennes and Sioux, in 1876-'77; the Nez Percé war, in 1877; the Bannock war, in 1878; and the war against the Northern Cheyennes, in 1878-'79. And that he be requested further to inform the Senate, as nearly as he may be able, how many Indians have been killed in each of the wars mentioned.

The PRESIDENT *pro tempore*. Does the Senator from Arkansas ask for the present consideration of the resolution?

Mr. WALKER. No, sir; not at present.

The PRESIDENT *pro tempore*. The resolution will go upon the Calendar.

PRIVILEGE OF THE FLOOR.

Mr. ANTHONY submitted the following resolution; which was referred to the Committee on Rules:

Resolved, That Rule No. 60 of the standing rules of the Senate be amended by adding thereto, "judges of the Court of Claims."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the following bills and joint resolutions:

A bill (S. No. 669) to remove the political disabilities of James F. Harrison, of Virginia;

A bill (S. No. 670) to remove the political disabilities of William N. R. Beall, of Missouri;

A bill (S. No. 625) for the relief of the Farmers and Merchants' Bank, Paris, Texas;

A joint resolution (S. R. No. 6) accepting from Professor Edward Fontaine, of Louisiana, certain maps, drawings, and explanations of the same; and

A joint resolution (S. R. No. 30) for the relief of Dr. C. W. Brink, bearer of dispatches from the United States minister at Mexico, in 1869.

The message also announced that the House had concurred in the amendments of the Senate to the bill (H. R. No. 2263) supplemental to "an act to establish post-routes."

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 2275) extending the provisions of an act entitled "An act for the relief of certain settlers on the public lands," approved March 3, 1877, until the 1st day of October, 1880; and

A bill (H. R. No. 2274) concerning the Legislative Assembly of the Territory of Montana.

ENROLLING OF CANAL-BOATS AND BARGES.

Mr. McPHERSON. I move that the Senate proceed to the consideration of the bill (S. No. 671) to amend the act entitled "An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same," passed February 18, 1793.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Commerce with an amendment, to strike out all after the enacting clause and in lieu thereof to insert:

That the provisions of title 50 of the Revised Statutes of the United States shall not be so construed as to require the enrolling or licensing of vessels not propelled by sail or by internal motive power of their own, whether navigating the internal waters of a State or the navigable waters of the United States, and not engaged in trade with contiguous foreign territory,

Mr. CONKLING. I wish the Senator from New Jersey, on whose motion this bill has been taken up, would state to the Senate the effect of its enactment and the reason for it.

Mr. McPHERSON. Mr. President, prior to the year 1874 boats engaged in the coasting trade and engaged upon the internal waters of the States, canals, &c., commonly known as canal-boats and barges, it was supposed by some of the officers of the Government were liable to enrollment. An act was passed in 1874 which was supposed to remedy the defect in the law of 1793. It appeared after the act of 1874 was passed that there was then a difference of opinion between the law officer of the Government and the then Secretary of the Treasury as to the construction of the law, the Secretary favoring the view that canal-boats and barges were not entitled to enrollment and should not be enrolled. The Attorney-General of the United States at that time declared that to be the true construction of the law. Quite recently the act was referred to the present Attorney-General and he construes the law to be that canal-boats, barges, and other vessels having no propelling power, unless they are confined entirely to the canals of a State, are subject to enrollment. An order of that kind has been issued, and some of the collectors have undertaken to collect customs duties and to collect enrollment fees under the late decision of the Attorney-General. I have here the annual report of the Secretary of the Treasury for 1877, in which he recommends that some action be taken to correct the phraseology of the law so that there shall be no longer any difference of opinion respecting it; and, with the permission of the Senate, I will read it. He says:

In this connection, I would call attention to the fact that a large number of vessels, as defined by section 3 of the Revised Statutes, propelled neither by steam nor sails, go to make up the tonnage of enrolled and licensed vessels, while a large class of vessels with no internal appliances for propulsion is exempt from enrollment and license under the act of April 18, 1874.

This was owing to the loose phraseology of the law of 1874, so that it was impossible to form a just estimate of what it meant.

These vessels consist, mainly, of barges and open flats engaged in the transportation of coal and lumber on the large navigable rivers of the country. For many years this class of vessels has been increasing, and the water-transportation of merchandise upon such rivers has been gradually passing from steam-vessels to barges and other craft of temporary structure, which are towed or propelled by steam or sail vessels. The act of 1874 exempted canal-boats and boats employed on the internal waters of States from enrollment, so that a discrimination now practically exists between vessels propelled neither by steam nor sails, as regards their liability to enrollment, dependent simply upon the question whether they are or are not usually employed on the internal waters of a State in connection with their employment on navigable waters of the United States. The purely temporary character of many of these vessels renders it difficult to apply to them the provisions for enrollment that are applicable to vessels propelled by steam or sails, especially as they are so constructed as to admit neither of a permanent crew nor of a master who remains on board.

He goes on further to say:

The discrimination as regards enrollment is, besides, a gratuitous cause of dissatisfaction among that portion of the mercantile community which makes use of craft not propelled directly by steam or sails. All these vessels should be subjected to a system of license and enrollment different from that now in force, or all should be exempted from enrollment.

That is the report of the Secretary of the Treasury, that there should be a different system of enrollment as to these boats and barges, a reduction in the cost of enrollment, or they should be entirely exempt from enrollment.

I wish to state exactly the operation of this, so far as it applies to my own State, and perhaps when I state that I shall give a very fair idea of how the rule applies in all the States in which there are navigable waters. Along the coast of New Jersey, within a distance of eight miles, we have eight different coaling stations. They are the terminal points of great railroad corporations engaged in the coal trade. Those eight different coaling stations lie within the territorial limits of three collection districts, to wit, the district of New York, in which there are four coaling stations, the district of Newark having two of these coaling stations, and the district of Perth Amboy, also having two. The collector of the port of New York has never believed or thought it to be his duty to impose a tax upon the poor men, as they are generally poor men, engaged in the transportation of coal in these districts. Many of them own one or two canal-boats, which constitute their whole capital and stock in trade; and they go to these different coaling stations and purchase the coal there and distribute it all along the coast.

Mr. CONKLING. Are the canal-boats exempted now?

Mr. McPHERSON. The canal-boats under the construction of the law by the Secretary of the Treasury have been exempted until within the past four weeks. Under the construction placed by the Attorney-General on the law of 1874, they are subject to enrollment. The intention of this bill is simply to say what the law of 1874 meant to say, and as everybody supposed it had said.

Mr. CONKLING. Have you the law of 1874 there?

Mr. McPHERSON. I have the law of 1874.

Mr. CONKLING. Will you not read it?

Mr. McPHERSON. It is as follows:

That the act to which this is a supplement shall not be so construed as to extend the provisions of the said act to canal-boats or boats employed on the internal waters or canals of any State; and all such boats, excepting only such as are provided with sails or propelling machinery of their own adapted to lake or coastwise navigation, and excepting such as are employed in trade with the Canadas, shall be exempt from the provisions of the said act, and from the payment of all customs and other fees under any act of Congress.

Now, let me go on to state the operation of the law. As I said before, in the collection district of New York the collector of that port, to his credit be it said, has never undertaken to compel the enrollment of canal-boats. In the district of Newark also the same rule applied; but quite recently the President of the United States found in the backwoods of New Jersey a gentleman whom he placed in command of the port of Perth Amboy, and he has undertaken, under this recent opinion of the Attorney-General, to levy tribute on every boat coming within his collection district. He has had as high as sixty and seventy boats tied up to the dock at a time simply because they refused to pay the enrollment; something, remember, that never had been exacted in any other collection district along the whole coast of the United States. The effect of the action of this collector has been that it has simply frightened away from that port, where two of the great coal roads have their depots, all of these boats, or nearly all, that have been engaged in the coal trade there; and of course it has been a very disastrous thing to those roads engaged in the coal trade and to the boatmen also.

The law of 1874 if enforced applies to every river in the country. I made an inquiry at the Treasury Department a few days since and I was informed by the gentleman having charge of this particular division that the day before he had received ten letters from points along the Ohio River complaining of the operation of the law of 1874 under the construction given to it by the Attorney-General. There is not a river in the whole country where any kind of packet plies but what is affected by the operation of this law if enforced.

I do not know, Mr. President, that anything further need be said on this subject. One thing I wish the Senate distinctly to understand: whatever the enrollment fee may be that is paid by the poor people who are engaged in this traffic, and, as I said before, nine-tenths of them are people of small means, this tribute is not uniformly levied upon them. Some of the collection districts do not undertake to collect the enrollment fee and others do, and impose heavy penalties. The operation of the law as construed is a discriminating one, and the money received does not go into the Treasury of the United States. Nobody receives any benefit from it except the collector of customs at the port where the collections are made, and we think it is an unjust and an onerous tax and should be abolished.

Mr. CONKLING. Mr. President, I asked the Senator from New Jersey to explain this, because of my own lack of information about it; and after hearing his explanation I suggest to him whether this substitute proposed by the committee does not do a great deal more than he has indicated as desirable. The substitute is:

That the provisions of title 50 of the Revised Statutes of the United States shall not be so construed as to require the enrolling or licensing of vessels not propelled by sail or by internal motive power of their own, whether navigating the internal waters of a State or the navigable waters of the United States, and not engaged in trade with contiguous foreign territory.

If I understand the force and effect of these words, it must be to exonerate from the operation of the laws referred to all vessels whatever plying in the arms of the sea, in any harbor, in the East River, in Long Island Sound, as well as on the lakes and on the great western rivers—to exonerate them from all the obligations, whatever they may be, imposed by the act of 1793 and by subsequent acts.

Knowing that the Senator from New Jersey is much more largely informed about this subject than I am, I submit this case: there are, as he knows, great numbers of barges as I suppose they are called, very large vessels employed to carry passengers in great numbers, not regularly, but going in flotillas upon occasions, excursions, and at a variety of times when for business as well as for pleasure people go in large numbers from place to place. Now, is it designed that all these boats, and as many more like them as may come to be from time to time, without any license, without any enrollment, without any let or hinderance, may be put afloat and kept afloat whether they are sea-worthy or not, whether they are safe or not; and if that be the design, how does that tend to relieve the hardship of which the Senator speaks visiting canal-boats and burden boats and other kinds engaged in traffic?

Mr. MCPHERSON. A friend was talking to me so that I could not catch what the Senator from New York said. Will he please repeat?

Mr. CONKLING. I asked the Senator whether it be true that under this proposed language all craft of whatever name or nature, not moving by their own power or carrying sail, but towed by tugs, in the harbors, in the arms of the sea, sometimes carrying a swarm of passengers, as the Senator no doubt many times has seen them as I have seen them black with men, a thousand on one craft—whether it is intended that all such boats, whether sea-worthy or not, whether safe or not, whether used on the Sound, in the harbor of New York, anywhere within the waters of the United States, shall be exempted from whatever occurs to vessels enrolled and licensed and certificated under the act of 1793 and the other acts supplementary thereto?

Mr. MCPHERSON. In answer to the Senator from New York I will say that the phraseology of this bill certainly means to exempt all such vessels from enrollment. It can mean nothing else, although it was solely the intention of the authors of the bill to have it apply to vessels engaged in freight transportation. If there is a necessity existing why barges engaged in passenger transportation for excursions, &c., should be subject to inspection and enrollment, as I think they clearly should be, because very great danger might arise from their not being properly inspected and enrolled by some Government officer, then I will willingly submit to an amendment of the bill to guard that point. It is clearly the intent of the bill and its authors simply to exempt those vessels engaged in the transportation of freight.

Mr. DAWES. I will suggest to the Senator from New Jersey another danger. Perhaps the Senator from New York suggested it when I was out. It opens our waters to all the worn-out craft of the Provinces, coming in here and taking possession of routes of passenger travel in a condition that I think the Senator from New Jersey would not permit them to carry on that kind of traffic, exposing all passenger travel to increased danger. I suggest that to the Senator.

Mr. MCPHERSON. I will say to the honorable Senator from Massachusetts that under the construction of law and under the practice at the Department and the orders issued by the Treasury Department, matters can certainly be no worse under this bill than they have been in the past, because there has never been an order issued requiring these vessels to be enrolled, and they have not been enrolled until under the late opinion of the Attorney-General. Therefore, in effect and practice, this can make no difference whatever so far as concerns the old rotten vessels of the Province of Canada coming over here.

Mr. DAWES. Has it always been the law that any worn-out craft in the Provinces, useless there because of its condition, could come here and hold itself out as a common carrier on our rivers without the slightest inspection or certificate of fitness, or a license of any kind? Has that been the law until a recent period?

Mr. MCPHERSON. It has been the practice.

Mr. DAWES. I submit to the Senator from New Jersey whether it is a wise practice, whether the Senator desires to continue it.

Mr. CONKLING. What practice does the Senator from Massachusetts understand the Senator from New Jersey to say has existed?

Mr. DAWES. That any worn-out craft of the kind described in this bill, thrown off because unfit for duty in the Provinces, could come into our rivers without any inspection or certificate of license or anything else, and hold itself out as a common carrier of passengers or of frieght.

Mr. CONKLING. I do not understand such a practice ever to have been permitted.

Mr. DAWES. I did not suppose it was so. I am not very familiar with the routine of the coastwise trade.

Mr. MCPHERSON. In answer to the Senator from Massachusetts, I will simply say again that, whatever the law may have been, it has been the practice of the Treasury Department not to require the enrollment of vessels of this class, and until the late opinion of the Attorney-General under the act of 1874, which I find was issued not more than two months ago, there had been no enrollment of this class of vessels. I do not know what the Senator means by speaking of the old rotten craft that come over here. This bill contemplates nothing of the kind. It only says that "all kinds of vessels" of the class here described shall be exempt from enrollment.

Mr. DAWES. I did not wish to intimate that the bill was for such a purpose or that the Senator from New Jersey would countenance any such purpose. I was only suggesting the possibility of it under the law. I do not know of any such instance myself. It only struck me as a thing to be provided against rather than to be opened to the genius of speculators in old craft.

Mr. CAMERON, of Pennsylvania. I move the following amendment: in line 6, after the word "own," insert "and not in any case carrying passengers."

Mr. MCPHERSON. I have no objection to that. It is simply to restrict the bill to freight-carriers. I can see an importance in that.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Pennsylvania to the amendment of the Committee on Commerce.

The amendment to the amendment was agreed to.

Mr. CONKLING. I see the morning hour has expired, but I do not wish to do anything to prevent the continuing to a conclusion the consideration of this bill. I want, however, to make another suggestion. I am very much obliged to the Senator from Pennsylvania for improving the bill, as I think he has done very much by this amendment.

But now there is another thing. The Senator from Massachusetts [Mr. DAWES] has made what seems to me a very cogent suggestion, and if I heard the Senator from New Jersey [Mr. MCPHERSON] aright he said that the practice had been heretofore to allow Canadian vessels to come here and take part in our coastwise trade. I think that will be news to the honorable Senator from Michigan, [Mr. CHANDLER,] for example. I remember very well in days that are gone, the struggle that went on in the Committee on Commerce to obtain American registers and American enrollment for Canadian vessels. I remember that when constituents of mine went over to Toronto or Prescott and at a judicial sale purchased a vessel which had been libeled, and then sought to use her in the American trade by obtaining enrollment and license for her, he encountered a solid Committee on Commerce against him, and it could not be done. And in another case to which I might refer, where the craft was Canadian, it was sea-worthy, it was meritorious; there was but one defect about it and that was that it was Canadian, and under the policy——

The PRESIDENT *pro tempore*. The morning hour has expired. The Chair does not observe, however, any member of the Committee on Appropriations in his seat.

Mr. MCPHERSON. We can finish this bill in a few moments.

The PRESIDENT *pro tempore*. The Chair does not perceive any member of the Committee on Appropriations in the Chamber, and an appropriation bill is the unfinished business. If there is no objection, then, the Chair will allow the consideration of the bill called up on the motion of the Senator from New Jersey to proceed until the regular order is called for.

Mr. CONKLING. I will occupy but a moment; and I do not wish, as I said, to do anything to prevent the final consideration of the bill this morning; but I suggest to the Senator from Pennsylvania [Mr. CAMERON] who has this matter warmly at heart and who is promoting it, as well as the Senator from New Jersey, [Mr. MCPHERSON,] to prepare an amendment which will confine this bill to American-built vessels and vessels owned by citizens of the United States, because the existing laws have both those requisites.

In order that I need not trouble the Senate again, I will, while up, make one other suggestion. All Senators are aware that liens of many sorts attach to vessels, and one not inconsiderable motive in having vessels enrolled and licensed is that their name may be known, the place from which they hail may be known, and every man who has a mechanic's lien or a seaman's lien or a claim for wages or anything else—these latter usually existing in behalf of poor and friendless men—may have some place to go and ascertain where the vessel may be reached by libel or otherwise.

When this proposed bill becomes a law, it is entirely allowable for every man, as I understand it, with a paint-brush to obliterate the name of his barge and put on some other name or no name. Then she is a nameless boat hailing from nowhere; and then what becomes of the claims of mechanics, sailors, and others? Every member of the Senate can judge as well as I can tell him. And when you come to extend this law not as it is designed to be extended in the act to which in one moment I will call attention, but as this language is large enough to extend it to all the boats that ply in Long Island Sound and in the harbors and arms of the sea, then you have substantially covered everything of this kind of craft that there is in the country, for surely there is no sea-going vessel carrying neither motive power nor sails, and thus in one act you exempt all the craft floating on all the waters not propelled by power of its own or driven by the wind, from the requirements of the act of 1793 and its supplements.

Mr. CHANDLER. Will the Senator permit me to ask if an amendment confining the action of this bill to American vessels will obviate the objection which he has to the bill?

Mr. CONKLING. It will obviate it to a considerable degree.

Mr. CHANDLER. I presume the committee will accept that.

Mr. CONKLING. I presume so; but if the Senator from Michigan will turn his attention for one moment to this point, very likely he can suggest an amendment that will not cripple the bill and will nevertheless be useful. Although it may be confined to American-built vessels, if it is to cover all the vessels on all the waters, owned no matter in what State, running between States, running anywhere on the public waters, the effect will be to obliterate the record of

these vessels; their names may all be painted out; nobody any longer knows where they hail from, and thus every man who has a claim against them might just as well follow a bird that flies in the air. There is nothing by which they may be traced at all. On that point, if the Senator from Michigan will allow me, I will call his attention to the act of 1874 which, as I remembered it and as I read it now, was designed to be guarded in this respect. See what it provides:

That the act to which this is a supplement shall not be so construed as to extend the provisions of the said act to canal-boats or boats employed on the internal waters or canals of any State.

There we see how little liability to wrong there is. Here is a canal-boat on the Erie Canal. Some man paints out her name; she plies back and forth on this canal; whoever has a claim against her can follow her. But now suppose in place of being that boat, it is a barge floating on the sea, to-day she is in the harbor of New York; to-morrow she is in the harbor of Boston; the next we hear of her she is in the harbor of Baltimore. She is registered nowhere; she is enrolled nowhere; she has no name. All Senators will see that so far as these laws are designed to protect creditors and particularly the poorer class of creditors in whose behalf liens upon vessels have been given, so that they may proceed to libel the vessel, her tackle, apparel, and furniture in the language of the law, so far as they are concerned, this is virtually an emancipation of all these vessels from any sort of obligation.

Mr. McPHERSON. Will the Senator from New York yield to me to perfect the amendment to meet his views? In line 5, after the word "of," we can insert:

Require the enrolling or licensing of American-built vessels and owned by citizens of the United States not propelled by sail or by internal motive power of their own.

Mr. CONKLING. In substance I might agree with the Senator. I will suggest to him, however, to change the phraseology "licensing or enrolling of vessels built in the United States and owned by citizens thereof."

Mr. McPHERSON. I will accept that.

The PRESIDENT *pro tempore*. Will the Senator send the amendment to the Secretary's desk?

Mr. McPHERSON. Yes, sir.

The PRESIDENT *pro tempore*. The amendment will be reported from the desk.

The CHIEF CLERK. After the word "vessels," in line 5, it is proposed to insert:

Built in the United States, and owned by citizens thereof.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question is on the amendment reported by the Committee on Commerce as it has been amended.

Mr. CAMERON, of Pennsylvania. I wish to offer an amendment to come in at the end of the section.

Provided, That all vessels described by this act shall be enrolled without cost or fee.

That meets the objection made by the Senator from New York, with regard to barges which may be transporting passengers from place to place.

Mr. McPHERSON. I would add the words "or licensed" after "enrolled;" so as to read "enrolled or licensed without cost or fee."

Mr. CAMERON, of Pennsylvania. That is right. I accept that.

The PRESIDENT *pro tempore*. The amendment to the amendment will be so modified.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question is on the amendment reported by the Committee on Commerce as a substitute for the bill, as that substitute has been amended.

The amendment, as amended, was agreed to.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. The question is on concurring in the amendments made as in Committee of the Whole.

Mr. McPHERSON. I should like to have the bill read as it now stands.

The PRESIDENT *pro tempore*. The bill as amended will be read.

The CHIEF CLERK. The amendment is to strike out all after the enacting clause and insert:

That the provisions of title 50 of the Revised Statutes of the United States shall not be so construed as to require the enrolling or licensing of vessels built in the United States and owned by citizens thereof, not propelled by sail or by internal motive power of their own, and not in any case carrying passengers, whether navigating the internal waters of a State or the navigable waters of the United States, and not engaged in trade with contiguous foreign territory: *Provided*, That all vessels described by this act shall be enrolled or licensed without cost or fee.

Mr. FERRY. I want to call the attention of the Senator from New Jersey, if he desires to relieve barges that are usually towed by some steam craft, not by any motive power of their own, to the fact that many of those barges have sails. It appears to me that he should use the word "wholly" before "by sail."

Mr. McPHERSON. It does not apply to vessels having propelling power of their own.

Mr. FERRY. "Or by sail" is the language.

Mr. McPHERSON. I think the words "propelling power of their own" covers the whole point raised by the Senator from Michigan.

Mr. FERRY. I should like to have that clause read again

The PRESIDENT *pro tempore*. The bill will be read as amended.

The amendment was again read.

Mr. FERRY. Now, I desire to offer an amendment, to put in the word "wholly;" so as to read "not propelled wholly by sail."

The PRESIDENT *pro tempore*. Where does the amendment come in?

Mr. FERRY. Before the word "by," in the fifth line.

Mr. JONES, of Florida. Will the Senator from Michigan permit me to ask him a question?

Mr. FERRY. Certainly.

Mr. JONES, of Florida. What reason is there for exempting vessels propelled in whole or in part by steam of this class? What is the reason of the thing?

Mr. FERRY. The reason of the thing is stated by the Senator from New Jersey. The object is to relieve them from the ordinary duties and the expenses that are attendant upon craft that are propelled by steam or entirely by sail. These are barges that are towed by steam craft, and the steam craft is subject to the expenses that are attendant upon the navigation of the inland waters. Many of these barges have one mast and one sail; others have two masts and two sails, and sometimes in a light wind they are dropped by the steamer and propelled by sail. Usually, though, they are drawn by steam-tugs. Now, if the language is left as the bill is reported, it would exclude those barges propelled in part by sail. The object now is that that sort of craft, to wit, a barge that has no propelling power of its own, and no steam power, and is not entirely left to its sail force, but a combination of sail and steam, shall be exempt from enrollment charges.

Mr. JONES, of Florida. Do you not think that a barge propelled by a sail should on reason and principle be entitled as much to this exemption as one controlled by horse-power?

Mr. FERRY. But my object is to cover it, because many of these barges have sails, and by the language of the bill they would be excluded. My object was to include those that have sails in part and are propelled in part by sail. I have the same object the Senator from Florida has.

Mr. HEREFORD. Mr. President——

Mr. WALLACE. Mr. President, I shall have to call for the regular order if this bill occupies much longer.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania demands the regular order.

Mr. McPHERSON. I hope we shall be allowed a few moments longer.

Mr. CHANDLER. This bill can evidently be passed in a single moment. If the Senator will have patience for one moment, it will be disposed of.

Mr. HEREFORD. I would suggest to my friend from New Jersey (although I had the honor of reporting it from the committee) that it appears to me, from the shape in which he has got his bill now by the assistance of the Senator from New York, [Mr. CONKLING,] aided by the Senator from Pennsylvania, [Mr. CAMERON,] it means absolutely nothing.

Here comes in a bill to provide that the provisions of title 50 of the Revised Statutes of the United States shall not be so construed as to require the enrolling or licensing of vessels, and so forth and so on. Then comes in an amendment that they shall be licensed and enrolled, but that there shall not be anything charged for that. I should not like to see that go upon our statute-books. I think in view of the position the bill has got in, if I understand the reading of it as amended, it means nothing, and it had either better be recommitted or go over until to-morrow, so that we may see what these amendments mean.

Mr. McPHERSON. I ask the Senator to yield to me a moment.

Mr. HEREFORD. In the position the bill is now it means nothing.

Mr. McPHERSON. I should like to have the bill again reported. I know the bill is right. If there is any amendment that is not proper, I have not heard it.

The PRESIDENT *pro tempore*. The bill will be read as amended.

The Chief Clerk read as follows:

That the provisions of title 50 of the Revised Statutes of the United States shall not be so construed as to require the enrolling or licensing of vessels built in the United States and owned by citizens thereof, not propelled wholly by sail or by internal motive power of their own, and not in any case carrying passengers, whether navigating the internal waters of a State or the navigable waters of the United States, and not engaged in trade with contiguous foreign territory: *Provided*, &c.

Mr. HEREFORD. Read the proviso.

Mr. McPHERSON. I understand that to be the bill pure and simple as just read. There is no proviso agreed to.

Mr. HEREFORD. There was another amendment accepted by the Senator.

Mr. McPHERSON. I have accepted no amendment, only what has been read.

Mr. HEREFORD. I ask that the Secretary read the last amendment offered by the Senator from Pennsylvania, [Mr. CAMERON.]

Mr. McPHERSON. If any such amendment was agreed to I ask for a reconsideration of the vote.

Mr. HEREFORD. The Senator from New Jersey accepted the amendment of the Senator from Pennsylvania, which was that these vessels should be enrolled without any charge; and the Senator from

New Jersey added the word "licensed," so that the vessels described in this act should be enrolled and licensed without any charge, whereas the bill itself provides that they shall not be enrolled or licensed at all.

The PRESIDENT *pro tempore*. If Senators will suspend their remarks the Chair will give the precise state of the question. The proviso offered by the Senator from Pennsylvania was agreed to in committee. The Chair then inquired if there were other amendments. None were moved. The Chair then reported the bill to the Senate. The bill is now in the Senate, and the question is on concurring in the amendment made in Committee of the Whole. It is perfectly competent for the Senate to vote down the whole amendment, and then insert what it pleases, and that is the short way out of this trouble.

Mr. CONKLING. Mr. President, the Senator from West Virginia, except perhaps in a little excess of emphasis, is quite right in what he says. This is the case of a painter who painted a picture that was to be the most beautiful of all human countenances. He painted one feature at a time, keeping the rest covered up from view, and when he removed the veil it was a frightful thing, because although each feature was beautiful in itself, there was discord among the whole. That is the difficulty here.

Mr. HEREFORD. The Senator from New York will allow me. In this case he has been the painter.

Mr. CONKLING. I will not allow my friend. He would not allow me to interrupt him before, and I ask him not to interrupt me. This bill I venture to say will be all right upon one condition. If the honorable Senator from Pennsylvania will consent, in place of his proviso, to accept an amendment which I will suggest to him, the bill will mean exactly what it was designed to mean, in spite of this discrepancy which has grown in from moving isolated amendments. I propose to leave out this proviso and in lieu of it I ask the Senator from New Jersey to insert in line 4 the words "the payment of any fee or cost for."

Now let me read the bill as it will stand with that amendment adopted:

That the provisions of title 50 of the Revised Statutes of the United States shall not be so construed as to require the payment of any fee or cost for the enrolling or licensing of vessels not propelled wholly by sail or by internal motive power of their own, and not in any case carrying passengers, whether navigating the internal waters of a State or the navigable waters of the United States, and not engaged in trade with contiguous foreign territory.

The effect of that will be to permit gratuitous license and enrollment, costing nothing, of all these vessels. That was the design of the Senator in his proviso.

Mr. CAMERON, of Pennsylvania. Either American or foreign?

Mr. CONKLING. Oh, no.

Mr. CAMERON, of Pennsylvania. You leave out "American built."

Mr. CONKLING. If the Senator will wait a moment he will see that I do not mean any such thing as that. The effect will be to permit a gratuitous licensing and enrolling of all these vessels, and then to leave every other amendment standing, including that moved by the Senator from New Jersey about American-built vessels, which I have not before me, but it is in the bill—that is all right—and the simple change will be to substitute for the proviso of the Senator from Pennsylvania these words in line 4. Then the contradiction complained of will be avoided, discord will be avoided, and the effect of the bill will be to grant to American built and owned vessels of this description a license and enrollment which will cost not a cent to anybody. That is what the Senator wants to effect.

Mr. McPHERSON. I do not wish to consent to any such amendment. The bill is exactly as I want it now with the exception of the proviso which I understand was offered by the Senator from Pennsylvania which I wish to have stricken out and let the bill remain then as it is without that proviso. The intention of the bill is that there shall be no requirement at all with respect to enrollment and license.

Mr. CONKLING. Does the Senator object to this amendment of mine?

Mr. McPHERSON. I do, because it contemplates a requirement that there shall be enrollment and license, which would cause a great deal of trouble.

Mr. CONKLING. Then I am very free to the Senator that he will encounter a somewhat strenuous opposition. For one I do not intend to gratify anybody whether he carries passengers or freight by voting for a provision under which every vessel may go scot free and whistle down the wind all its creditors, paint out the name, have no record anywhere by which the owners of the vessel can be found or the vessel herself can be found or anything can be found by which some discharged sailor or some mechanic who has worked upon her can have any recourse upon anybody. There is no sense in it, and it should not be done. It is not asking too much of these vessels to take out a license which costs them nothing on earth of time or trouble except to simply hand in, every vessel-owner, a list of the vessels he owns, and let a record be made of it and take his license. That, I submit, is not too much to ask; and if the Senator declines to accept the amendment in substance, which he did accept before put in the form of a proviso, then, for one, I am opposed to the bill.

Mr. McPHERSON. I should like to have the bill perfected in such a way as to suit the views of the Senator from New York as well as others.

Mr. CONKLING. I was perfecting it not only in substantial but literal conformity with what the Senator from New Jersey himself indicated.

Mr. McPHERSON. The object and intent of the bill is simply to prevent the collectors of the different ports along the coast imposing this burden on canal-boats and barges engaged in the transportation of coal and other freight.

Mr. JONES, of Florida. What does it amount to?

Mr. McPHERSON. Fifteen or sixteen dollars on a canal-boat. The duty that may be imposed to-day on a canal-boat of one hundred tons by the collector of a port amounts to fifteen or sixteen dollars under the present enrollment act.

Mr. JONES, of Florida. Tonnage dues?

Mr. McPHERSON. One boat of about four hundred tons lies to-day at Perth Amboy, New Jersey, on which has been imposed a duty of something like $1,600; it lies there tied up at the dock on account of the penalties, licenses, and impositions of some nature or character that the collector of the port has seen fit to impose.

Will the Senator from New York please state his amendment once more, and if I can possibly consent to it I will.

Mr. CONKLING. Shall I read the whole bill as it will stand amended?

Mr. McPHERSON. Yes, sir; if you please.

Mr. CONKLING. It is:

That the provisions of title 50 of the Revised Statutes of the United States shall not be so construed as to require the payment of any fee or charge for the enrollment or licensing of vessels built in the United States and owned by citizens thereof, not propelled wholly by sail or by internal motive power of their own, and not in any case carrying passengers, whether navigating the internal waters of a State or the navigable waters of the United States, and not engaged in trade with contiguous foreign territory.

That puts into this section three amendments, and if you count the word "wholly" suggested by the Senator from Michigan [Mr. FERRY] four, every one of which was indorsed by the Senator from New Jersey as I understood, and the whole purpose of transposing this proviso and changing the words so as to have them come into line 4 is to avoid the repugnance correctly pointed out by the Senator from West Virginia, which would arise if in one provision of the bill you say the vessel shall not be enrolled at all and afterward you say it is to be enrolled and nothing is to be charged for doing it.

Mr. McPHERSON. I understood the amendment of the Senator from Pennsylvania as not absolutely to require enrollment, but if any party desired to enroll his vessel he could do so.

Mr. CONKLING. The Senator understood that from the words:

Provided, That all vessels described by this act shall be enrolled or licensed without cost.

Mr. McPHERSON. Your bill does not include the amendment offered by the Senator from Pennsylvania.

Mr. CONKLING. It includes it in this form: it says these laws shall not be so construed as to require the payment of any fee or charge, the complaint being that these vessels have been visited with excessive exactions, though I cannot understand how that happens.

Mr. McPHERSON. I will simply say this, that the Senator's amendment is in many respects preferable to the present law, and as the session is so near its close and we desire to have this bill go to the House, I am willing to accept almost anything that will relieve us from our present condition; but were it not for that condition of things I should hardly consent to his amendment. As it is I will.

Mr. HEREFORD. I am opposed to the amendment offered by the Senator from New York.

Mr. WALLACE. Mr. President, I think this debate has run long enough and I call for the regular order.

Mr. McPHERSON. I call for a vote on the question.

Mr. HEREFORD. I desire to be heard before the vote is taken.

Several SENATORS. Regular order.

The PRESIDENT *pro tempore*. The regular order is called for, which is the appropriation bill.

Mr. WALLACE. I would be content that this bill should go forward if the Senator from West Virginia had not taken the floor. I think by agreement an amendment can be prepared and the bill perfected to-morrow morning.

COMMITTEE SERVICE.

Mr. INGALLS. Before the unfinished business is taken up, I ask the Senate to excuse me from further service upon the Committee on Privileges and Elections, and that the vacancy occasioned by my retirement be filled by the Chair.

The PRESIDENT *pro tempore*. The Senator from Kansas asks to be excused from further service upon the Committee on Privileges and Elections. Is there objection? The Chair hears none.

By unanimous consent the President *pro tempore* was authorized to fill the vacancy, and Mr. LOGAN was appointed.

HOUSE BILLS REFERRED.

The bill (H. R. No. 2275) extending the provisions of an act entitled "An act for the relief of certain settlers on the public lands," approved March 3, 1877, until the 1st day of October, 1880, was read twice by its title, and referred to the Committee on Public Lands.

The bill (H. R. No. 2274) concerning the Legislative Assembly of the Territory of Montana was read twice by its title, and referred to the Committee on the Judiciary.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 2165) to amend section 2297 of title 32 of the Revised Statutes, relating to homestead settlers; and

A bill (H. R. No. 2326) for the relief of settlers upon the Osage trust and diminished reserve lands in Kansas, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. No. 2263) supplemental to "an act to establish post-routes."

A bill (H. R. No. 1478) to authorize the Secretary of the Treasury to negotiate for the purchase at private sale or, if necessary, procure by condemnation a site for a post-office in the city of Baltimore, State of Maryland.

A bill (H. R. No. 1734) to authorize the Secretary of War to use certain moneys appropriated by act of Congress approved March 4, 1879, "for the protection of the high sand-banks on the Chippewa River," in the completion and protection of improvements in and near the mouth of said Chippewa River.

APPROPRIATIONS FOR JUDICIAL EXPENSES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 2252) making appropriations for certain judicial expenses.

The PRESIDENT *pro tempore.* The pending question is on the amendment proposed by the Senator from Iowa, [Mr. ALLISON,] in line 9, to insert after the word "hundred" the words "and fifty;" so as to read:

For payment of district attorneys and their assistants, $350,000.

Mr. DAWES. Mr. President, when I took the floor on Saturday it was not my intention to inflict on the Senate, very much wearied at the time, any extended speech, but to participate briefly in the current debate. As the adjournment cut off that debate, it very largely cut off my desire to trouble the Senate at all upon this bill. I cannot, however, but believe that this is the most vicious of all the measures yet undertaken in the name of this new evangel of reform. There have been during this extra session quite a number of measures inaugurated with more or less success for the purpose of carrying out the proclamation under which this new order of things has been inaugurated. We set out with a new theory of the elective franchise, that the power of that franchise was hereafter to be measured by the number of pieces of paper found in the ballot-box without regard to how they came there or without regard to the number of freemen entitled to deposit them. An attempt was made to seize the Presidency upon this theory; and when it was finally determined by an examination and adjudication based upon the number of citizens who had placed pieces of paper in the ballot-box entitled to do so rather than upon the theory that the elective franchise rested upon a piece of paper instead of upon the freeman behind it, a revolution was threatened here in this Capitol. Power has been obtained in one branch at least of the National Legislature upon this theory, and so obtained an assault has been made upon the Army, first to reduce its number and cripple its power, and then to curtail its functions, followed by an effort to deprive the civil officers of the Government of the power to enforce the peace.

Another doctrine announced in the support of these measures was that there was no peace of the United States to be kept anyhow and by any method of legislation in these Halls. After that came provisions to strip the United States courts of their jurisdiction and limit as far as possible the subjects over which they could exercise any jurisdiction or authority whatever. But it has been reserved to what are supposed to be the last hours of this extra session to set on foot this new measure by which it is attempted to establish a new jury system for the United States, under which party spirit is to stalk into the court-house itself and in the very temple of justice to take its seat under the authority of law in the jury-box, and there to accomplish, if possible, what this most malignant demon of party spirit cannot accomplish elsewhere. In my opinion, sir, no so pernicious measure has yet been undertaken that will so shake the confidence of all justice-loving people in this country in the courts of law and in their judgments as would this measure if it should become a law. In that portion of the country from which I come, pernicious as all the other measures against which we have been contending during this session are regarded in the judgment of the people and upon which their opposition approaches to unanimity, nothing will so strike them as abhorrent to all the principles, to all the notions that have inspired them with confidence in the courts of law of this land, as the proposition to establish by law in their midst party politics as the governing and controlling rule.

Sir, my friend from Connecticut [Mr. EATON] found consolation on Saturday against the enormity of this measure in a provision of the act by which he said it was provided that a judge need not follow it at all unless he had a mind to. Having such confidence in the judges exercising jurisdiction in his State, he rested satisfied that their own conclusion as to the fitness of things according to the standard in New England would be such that they would not follow the very provision of law which he is helping to enact here for others and to open the opportunity for some other judge who may to-morrow sit in the seat now adorned by the judges in his State to follow under the sanctions of law. Sir, party spirit is as strong in the New England States as in any others; party lines are as distinctly drawn; men's political convictions in those States are as firmly fixed and as controlling within their proper sphere as in any State in this Union; they have been for these many years; but the man within all their borders who would suggest that those things should enter within the sacred precincts of the court-house would be discarded as an unsafe man to trust in the conduct of affairs.

I have practiced law somewhat in my own State; I have been cognizant of the practice of the law in other States; I have read the judicial proceedings of my own and other States, and I know something of them. I never yet heard the judgment of a court or the verdict of a jury within its limits criticised from a political point of view. They have had many exciting trials there; they have tried men in the midst of great excitements for aiding in the rescue of fugitive slaves, and men have conducted the prosecutions that had no sympathy with the law, doing their duty fully; men have conducted the defense in the same unbiased spirit with which they conduct any other defense; and the results of the verdicts, however they may have disappointed one or gratified another, have risen in the confidence of the community above and out of the reach of the miserable mists that hang about political organizations and political contrivances.

Sir, within my own recollection, one of the best judges upon the supreme court of my own State, belonging, in the language of this bill, to a well-known political organization in opposition to almost everybody else with whom he was associated, was for more than twenty successive years while sitting upon that bench the candidate of his party for chief magistrate of the Commonwealth, and at the last he held court every day of two weeks within sight and almost within hearing of the Legislature that were determining during that time the question whether or not he was elected governor of the State by a single vote. The parties who went in and out of his court-room and submitted their cases to trial and to the jury under his charges never knew in that court-room that he had any politics whatever. He stepped off the bench at a given hour on one day and crossed the way and took the oath of office as governor, and everybody acquiesced in his work in the court; and the verdicts of juries under his guidance and the judgments of the court rendered by him inspired confidence in all men and in all parties.

Now, Mr. President, how is it that in the midst of party conflicts and party animosities and party bitterness that were in existence in all New England, in New York, everywhere where the public sentiment maintains the purity and the sanctity of the tribunal of justice above and apart from party politics and party malignity, we have been able to maintain such a condition of things? Let me read to you briefly just how it is done:

The selectmen of each town shall once in every year prepare a list of such inhabitants of the town not absolutely exempt as they think well qualified to serve as jurors, being persons of good moral character, of sound judgment, and free from all legal exceptions; which list shall include not less than one for every one hundred inhabitants of the town, and not more than one for every sixty inhabitants, computing by the then last census, except that in the county of Dukes it may include one for every thirty inhabitants.

The list when so prepared shall be posted up by the selectmen in public places in the town ten days at least before it is submitted for revision and acceptance, and shall then be laid before the town, and the town may alter it by adding the names of any persons liable to serve, or striking any names therefrom.

The selectmen shall cause the names borne on the list to be written, each on a separate paper or ballot, and shall roll up or fold the ballots so as to resemble each other as much as possible, and so that the name written thereon shall not be visible on the outside; and they shall place the ballots in a box to be kept by the town clerk for that purpose.

If any person whose name is so placed in the jury-box is convicted of any scandalous crime, or is guilty of any gross immorality, his name shall be withdrawn therefrom by the selectmen, and he shall not be returned to serve as a juror.

Under this system the juries for the several courts are taken, few in number, one, two, or three perhaps from every town in the county, drawn out of this box, one from A, two from B, according to the size of the town. Before their names are put into this box they are all posted up for ten days, so that the whole town shall know who it is proposed by the selectmen to put into this high office, as it is deemed by the people of that State, and then in open town meeting the list is submitted for revision to every voter in the town and every voter passes upon the qualification of every man whose name enters into that jury-box. The towns may be divided by party politics; they may be shaken no matter how much, and the bitterness of party feeling may pervade every other consideration that comes up in that town meeting; but the man is not living, I believe, in that State who ever heard the politics of one of those men discussed in the town meeting. That is a matter, by common consent, by the judgment of the people, forever tabooed and barred from entering into the considerations that determine the fitness of jurors. You see that by this machinery it would be possible for a republican town to pack a jury-box with republicans, and a democratic town with democrats. The town I live in is very strongly democratic, politics intensely dividing its people,

but I never heard in any of its town meetings the question what were the politics of a juryman, but the whole town enters into it as a part of its duty, as a part of the price they pay for the confidence they cherish, and maintain, and feel in the judgments of their courts, that they must personally attend to the qualification of their jurors.

Substantially that is the same, with the aid of minor and inconsiderable changes not affecting the principle, throughout all New England, and, so far as I know, wherever good and true juries are impaneled. So far as I could understand the method in Tennessee suggested by the Senator from Tennessee [Mr. BAILEY] on Saturday, and so far as I could learn that in Georgia as suggested by the distinguished Senator from Georgia [Mr. HILL] on Saturday, they have in them the same elements.

Now, sir, instead of all this, if this bill becomes a law, there may enter the United States court-house in Massachusetts or in any one of these States, a judge, who, instead of this method, may install in its place a commission of two rank politicians, who, instead of sending out to the several towns of the Commonwealth, each for a given number of jurors to be drawn from the jury-box in the way specified as I have read, sit in the court-room or some other dark room, and then those two men pass on the qualifications of the jurors, into whose keeping the dearest rights of my friend from Connecticut and myself as well as others who may be called into those courts, are to be passed. Two men are to be commissioners, one of them the clerk of the court, whatever may be his qualifications for determining the fitness of a jury; the other some man the only qualification required of whom in this statute is that he shall be of good standing in the principal opposing political party. The statute requires that the juryman shall be intelligent, of good moral character, but the man who selects him may be a shoulder-hitter in the purlieus of the streets of New York; he may be a man from the gutters of the streets of Boston; he may be without intelligence, and with less moral character, provided those with whom he associates like him, for that makes him "in good standing" with them.

It is proposed by this bill to make it lawful to substitute that method for the one under which we have grown up, and which we have learned to respect, and in which to have confidence. It is proposed, following out the series of measures to which I have alluded, not only to strip the United States courts of jurisdiction and confine the subjects-matter of their action to the narrowest possible limits, but the little matters that the Constitution itself has reposed in those courts, beyond the reach of this new effort at reform, are to be submitted by this insidious and covert, but on that very account more dangerous, method to the determination of a jury selected by these two men whose qualifications the bill does not even take the pains to say shall be such themselves as to make either of them fit for a juryman. The vilest man to be found in a party, Isaiah Rynders, or somebody of that class, provided he is in good standing with those with whom he associates, may select the jury to try men for their lives or settle their dearest rights; and that when there is a statute already existing providing that the courts themselves shall draw these jurors according to the methods existing in the States where the courts are held, conforming just as nearly to those methods in accomplishing it as is possible in the nature of the laws provided by those States. If, therefore, in any State of this Union there is any condition of things like that described here upon this floor, against which every good and just man ought to rebel in all his feelings and in all his judgment and make haste to correct—if there exists any such condition of things in any State, it is in the power of that State itself to correct it, because it arises from the imperfect jury system of the State itself, and that imperfect jury system in any State is not to be corrected by any such legislation as this. The difficulty lies deeper; the difficulty lies among the people of the State, and cannot be corrected by any such enactment as this; much less can it be corrected by enacting by law that the very spirit of party itself may, under the sanction of the law itself, take possession of the jury-box and administer under the sanctions of the law itself that function of the court that is in theory and ought in practice to be above and beyond the reach of all such malignant and perverse application.

Now, sir, if Senators who find difficulty in the application of the present law would look to the causes of that difficulty, would look to the fact that no sufficient and proper system is provided by law in those States, they would address themselves, if they are honestly desirous (as I have no reason to question they are) of improving the jury system of the United States courts, to providing a proper jury system in their own States, and then this statute of the United States comes in to take care of all the rest:

> Jurors to serve in the courts of the United States, in each State respectively, shall have the same qualifications, subject to the provisions hereinafter contained, and be entitled to the same exemptions, as jurors of the highest court of law in such State may have and be entitled to at the time when such jurors for service in the courts of the United States are summoned; and they shall be designated by ballot, lot, or otherwise, according to the mode of forming such juries then practiced in such State court, so far as such mode may be practicable by the courts of the United States or the officers thereof.

Therefore it is in the power of every State to force the courts of the United States to adopt its jury system, and any court of the United States that shall depart from it impanels a jury whose verdict would be void and the Supreme Court would correct the error. So, Mr. President, there is not the slightest need of any such anomalous and pernicious provision as is in this bill. There is no need of doing what is now attempted for the first time, to clothe party politics with the mantle of statute authority and march it into the courts of the land and set it up as the presiding deity there. If Senators are desirous of improving the jury system in their own State or any other State, they have it in their power to make the jury system in the United States courts just what the public sentiment of their own State will uphold and maintain. If a different provision prevails anywhere the difficulty does not lie in the laws of the United States but in those laws of the States that establish and provide methods of obtaining juries. I am free to say, in the language of the distinguished Senators from Georgia [Mr. HILL] and New York, [Mr. CONKLING,] that if any judge of the United States court in any State that has provisions for drawing jurors established, well defined, fails to avail himself of those provisions as far as they go, he departs from the plain requirements of the statutes of the United States, and all that is done under such an order is void.

Mr. SAULSBURY. Will the Senator from Massachusetts allow me to ask him a question?

Mr. DAWES. Certainly.

Mr. SAULSBURY. So far as the Federal courts in my State are concerned, they have never attempted to obtain jurors in the mode in which they are obtained in the State courts, but the marshal is ordered to go and summon a jury. He summons such men as he sees proper. A case occurred in my State a few years ago in which I was credibly informed by the counsel engaged in the case where a gentleman was sued on an official bond, and the marshal went out and summoned jurors throughout the State, he summoned fifty men from Sussex County, in my State, and not one from Kent County, the residence of the defendant. The counsel who was engaged for the defense in that case charged—whether justly or not I am not sure; but he was a republican—that the marshal had purposely, for the purpose of obtaining a jury against his client, omitted to summon any jurors from the county in which the defendant lived, and summoned them all from another county, prejudicial to the county in which the defendant lived. The Federal courts have never attempted to follow our State system. We have a perfect system in the selection of jurors in the State courts.

Mr. DAWES. May I inquire of the Senator in what method they draw jurors in the State courts in his State?

Mr. SAULSBURY. Yes, sir. The levy court of the county select and place in the box a large number—I do not remember the precise number in each county—a large number of persons to serve as jurors. Out of that number the prothonotary of the court draws in the presence of the sheriff the men who are to serve as jurors in the respective counties, but no such system has ever obtained in the Federal courts in that State.

Mr. DAWES. I suppose your law defines the qualifications of jurors also, does it not, as of certain age, good moral character, and the like?

Mr. SAULSBURY. Certainly; but that mode of selecting them the Federal courts have never followed.

Mr. DAWES. Does the Senator see any difficulty in the United States courts availing themselves of those provisions of his statute to secure a jury?

Mr. SAULSBURY. Yes, sir, I do. I say the practice is——

Mr. DAWES. The Senator does not quite understand me. I do not dispute that the practice is as he states, but what I asked was, did he see any difficulty in the United States courts following the State law?

Mr. SAULSBURY. I do. In the first place they would have to have a jury-box in each of the counties composing the district. It may answer very well where, as in New York, a single county or part of a city forms a Federal judicial district; but when the judicial district is composed of different counties, it is wholly impracticable to put it in operation.

Mr. EATON. It is so in the State of New York. Each of the judicial districts consists of several counties.

Mr. SAULSBURY. Whether it is practicable or not, they do not attempt to carry it out.

Mr. DAWES. In the State of Massachusetts, when the United States court desires to impanel a jury the United States court sends out an order or a request to the selectmen of the towns all over the Commonwealth to draw from their jury-box a certain number of jurors for the United States court. What is to hinder the United States court in Delaware from sending out to the State officers to draw so many jurors. I do not see; but two things I see: if that provision is practicable, then the United States court is bound by it, and it is bound to follow it as far as it can, not to disregard it altogether because it cannot follow it altogether, but to follow it as far as it can, which is the language of the statute in substance; and if it fails to do so, it is in the power of any party aggrieved, through the Supreme Court to reverse and annul all that has been done; and I hold that it is the duty of parties aggrieved, through the agency of this court, established for the purpose of the correction of errors in courts below, to avail themselves of that right and that guarantee. But if the machinery for the drawing of juries in the State of Delaware, as I suggested in regard to other States, is so deficient that the United States courts cannot follow it, and the United States courts are there-

fore thrown upon a method of their own devising, then why does the State complain? Why do the States complain if they have failed themselves to provide a machinery for the drawing of good and proper jurors by the United States courts when the United States has imposed the duty by law upon its courts to avail themselves of that and not do otherwise? Why does the State complain then? Why does the State that thus complains come here and ask such legislation as will impose such a provision as is in this bill upon States that have with the greatest solicitude of all their citizens of all parties addressed themselves to the work of securing at all times and everywhere in all their courts an intelligent and impartial jury trial?

The distinguished Senator from Georgia told us on Saturday that this statute was sufficient, but that the trouble with it was that the judges in his locality and in the others where complaint is justly made if the facts are as they are stated here, did not construe the statute as it ought to be construed, according to its true meaning and intent. But this is not the first time that judges have misconstrued statutes. What is a high tribunal like the Supreme Court of the United States established here in Washington for but to correct the errors of the courts below? And when an error has been once corrected the judge that disregards that correction would expose himself to impeachment. There is no question about that. It is not necessary, therefore, even for the correction of the evil in its rankest form, in the States where the greatest amount of injury has been or may possibly be inflicted.

It is putting into the statute a power for a judge anywhere to inflict upon a community that has in its local and State legislation sufficiently protected itself against all of these evils and curses in the form of a vile and disreputable panel of jurors greater than any other I can conceive of in the management of public affairs; for whatever else may happen, whatever may go ill in any other department of the Government the people of the United States are comparatively safe so long as they have an august judicial tribunal within the pale of which party politics and party passión and party malignity may never enter, whose judgments, arrived at patiently and honestly, are judgments in which all the people confide and acquiesce. But, sir, the whole of this confidence and this security is staked in this bill upon the integrity, upon the intelligence, upon the impartiality of two men in a corner whose acts no man shall revise, for no man shall know them. The names they shall select to pass upon your rights and mine, I shall not know nor you. It is but necessary that one shall corrupt the other, it is but necessary that one or the other shall be lacking in moral qualities or in intellectual qualities, and the dearest rights of the citizens are wrecked; and all this in the name of reform; all this because there may be here and there a judge of the United States courts who, in the very language of the men who advocate this bill, departs from the true construction of the law of the land in the impaneling of juries for the trial of causes.

Sir, the Senator from Connecticut to some extent wisely reposed on Saturday on the high character of the judges that administer justice in the courts within his knowledge and affecting his rights. No such provision, unless imposed beyond escape by requirements of law, would ever be adopted by any judge of whatever political affiliation within any of those limits; but the Senator from Connecticut and myself do not know who to-morrow will sit in the places of those judges. There may come up from some other quarter, sent there under existing law, somebody who may have some other purposes to carry out, and the Senator proposes by his vote to authorize him by law to pick out in the city of Boston or the city of Hartford the most notorious of all the political men that border on one side or the other, provided he is in good standing with those he associates with, and set him to select a jury which, according to the customs under which he and I have lived, no one man ever did select, but the juror is chosen in open town-meeting by the vote of all the electors to what they deem to be a high trust, the duties of which he will discharge, laying aside at the door of the court-house every political affiliation, every political prejudice or passion which ever pervaded his breast. It is the opportunity established by law to overthrow that system which I say to the Senator and to the Senate will shock the mind of all justice-loving people of this land, enacted, if it be, without the slightest necessity, enacted, if it be, to supply a defect, an error of judgment, and not an error of statute; and so enacted as to inject into the whole system a virus which insidiously and darkly and unseen creeps over the whole system until in paralysis or in putrescence it falls.

Mr. HILL, of Georgia. Mr. President, I desire to submit a few observations on this subject, and very few; but I want to do it when my friend the Senator from New York [Mr. CONKLING] is here.

Mr. EATON. Wait a little while.

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) Does the Senator suggest the want of a quorum?

Mr. HILL, of Georgia. I do not think there is a quorum present. I will not trouble the Senate on that, however.

Mr. President, I feel it my duty to say something because of what occurred on Saturday. I came into the Senate Chamber in the midst of the argument being made by the Senator from New York. I caught during the latter portion of his argument what I thought was the main point he was then making, and I expressed my concurrence with his construction of the law as I understood it. I have examined his speech very carefully since the adjournment on Saturday, and I desire now, in a more formal and emphatic manner, to express my hearty concurrence in the legal view which he then presented. I did it qualifiedly on Saturday because I heard only a portion of his speech. While every sentence in his speech looking to the application of his argument I may not approve, I must say that the legal propositions submitted by the Senator on Saturday meet my absolute concurrence. I will read a portion of the remarks then made by the honorable Senator from New York. That Senator said:

> As the statutes stand now, as they have stood for a long time, not only in the State of New York, not only in the State of Pennsylvania, but in every one of all the States, juries for the national courts are drawn under the laws, usages, and regulations of the respective States, and the jurors have the qualifications of jurors in the States. My question to the Senator is this: How does it happen, indeed how can it happen, that juries in the national courts in any State are mis-selected or packed, unless that occurs either by a violation of existing law or by reason of defects in the laws of the States themselves?
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> Let me now, if the Senator will allow me, restate this, because I have several times sought information on this point, and I find myself as ignorant as I was when the session began. Ever since 1802, indeed since a statute prior to that, preserved in all the statutes, in the statute of 1842 among others, is the provision that jurors to sit in a national or Federal court shall in every State be drawn, as far as practicable, according to the laws, usages, and practice of that State.
>
> Now I inquire how it can be in any State, unless the laws of that State are viciously defective, or unless the marshal, the judge, or the clerk of the court, (all of whom are triable and impeachable,) violate the law—how can it happen that juries are packed, that men of irresponsible or dissolute character are drawn upon juries? So far as I am informed of the laws of the States, no man's option selects the whole panel of jurors. They select themselves. How? Because they do or do not possess the qualifications required. In the State of New York a man must be a citizen between the age of twenty-one and the age of sixty. Then follows a long list of exemptions. If he be the superintendent of a mill he is exempt; if he serves in a fire company he is exempt; and so on. He must also be a freeholder or a tax-payer. No supervisor, the officer referred to by my colleague, determines who shall or who shall not go into the jury-box. The men who compete in the struggle of life determine that. A man who is a vagabond, a drunkard, an idler, a spendthrift, who is not a freeholder or tax-payer, never can get into the jury-box.

I am very sorry my friend, the Senator from New York, is not here.

> Why? Because by law he does not possess the qualifications that entitle any man, no matter what may be his politics or his political creed, like every other man, to go into the body of men from which the jury is drawn. Therefore the Senator will see that this does not rest upon anybody's option.
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> Now I beg him to tell me how it can happen in a national court, the jury being drawn in accordance with the laws which prevail in the State courts and the usage in every instance, that a jury can be packed, unless the State has failed to pass laws in that regard, or unless the marshal or other officer defies and violates the law, for which he may be not only impeached and removed from office but for which he can be indicted under the statutes of the United States.

Sir, I indorse every word of that. I am indorsing the argument that if the law is faithfully followed and the law gives a good jury in the State courts, it necessarily gives a good jury in the Federal court. In other words, I am indorsing what the Senator from New York said, that the intent of the law as it now stands is that the Federal courts in selecting their juries shall be governed absolutely by the qualifications prescribed by the State laws, and as far as practicable by the methods of obtaining the juries in the State courts. That is what I say. I am not talking about what ought to be the qualifications of jurors.

After having made his point so strongly, the Senator pronounced further that in his judgment the bill now pending before the Senate is an indecent measure, because it proposes to abrogate the existing law which has existed since 1789 practically, and to provide a machinery by which politics is to be introduced into the jury-box, and men are to be chosen according to political affiliation. I wish it distinctly understood that I indorse that sentiment of the Senator; I agree with him there, with one slight modification only, and that is that the indecency is not to be charged upon the proposed law but upon the facts which make such a law necessary. If there are no facts which make the law necessary, then the law ought not to be enacted; if there are facts which make the law necessary, then it ought to be enacted; because the very object of law is to remedy evils, and sometimes very indecent ones, very improper ones.

Mr. President, I want to detain the Senate a very little while, because if the Senators on the other side of the Chamber will give me their attention I will show them why this measure or something like it is, as it seems to me, an absolute necessity; and I regret very much that it is so.

In 1868 we adopted in Georgia what is known as the reconstruction constitution. That constitution provides in relation to juries:

> The General Assembly shall provide by law for the selection of upright and intelligent persons to serve as jurors.

I know all about the history of that clause. It originated, as I said on Saturday, with what I considered the most intelligent and distinguished republican in the State of Georgia, a late Attorney-General of the United States. Of course the convention which adopted that constitution, I wish it distinctly understood, was a republican convention, and that constitution was ratified and approved by Congress before it became a constitution. Strange as those things may now seem, they are true. A State in framing a Constitution had to send it to Congress to be ratified! That constitution was sent here in 1868 and was ratified by a republican Congress, a Congress which was indeed two-thirds republican. So I am sure the gentlemen on the other side cannot complain of that clause in the constitution of Georgia.

On the 15th of February, 1869, the Legislature of Georgia passed an act to carry out this provision of the Constitution. This act was

passed also by a republican Legislature. Among other things the act provided that a board of commissioners should be created, to consist of the ordinary of each county, the clerk of the superior court, and three freeholders, appointed by the presiding judge in that county of the superior court, the judge to be appointed by the governor, ratified by the senate; so that in 1869 every judge that we had in Georgia was appointed by a republican governor and ratified by a republican senate.

Now we have this state of things: we have a constitution providing the qualification of jurors, adopted by a republican convention, ratified and approved by a republican Congress; we have an act to carry out that constitution in relation to jury laws passed by a republican Legislature, and the machinery which the republican Legislature provided for the purpose of carrying out the jury law was that it was to be carried out by a board of commissioners, a majority of whom were appointed by a judge who himself was appointed by a republican governor and ratified by a republican senate. So you see the constitution, the law, and the machinery for carrying out that law were all republican. I state this particularly because I want to show how the evils have since grown up.

In 1871, soon after this law was passed, the United States courts in Georgia, the district court having circuit court jurisdiction at that time, adopted a rule. By that rule the marshal was instructed to procure from the superior court clerk for each county in his district a certain number of names of the "most upright and intelligent persons" between the ages of twenty-one and sixty years, to be taken from the jury lists of the county, without regard to race or color.

Under that rule, which was adopted precisely to carry out the State law and showing that it was perfectly practicable to carry out the State law by the Federal courts, our Federal courts acted for two years. I will say here that under this law, thus passed, as I say, by a republican Legislature, the whole machinery provided by a republican government, we procured as good juries both for the State courts and for the Federal courts as I ever saw impaneled. I take special pleasure in saying upon the subject of jury law, as to the jury-box, that we have had no cause in Georgia to complain of the republican State government, and never have complained.

But this rule was changed. On the 7th of December, 1872, a circuit judge having come into the State, Judge Woods, the rule was changed, and to this change I wish to call the attention of the Senate. Let me say, that the Senate may understand the change, that by the act of 1869, under which these juries were impaneled in the State courts, the board of commissioners were instructed to take for jurors upright and intelligent men from the tax-books of the respective counties, and to do so without regard to race or color, and the same rule was observed in the Federal courts by the order adopted in 1871 to impanel jurors in the Federal courts. But in 1872, on the 7th of December, another order was passed:

ORDER OF COURT AMENDING JURY RULES.

The court shall appoint three of the United States commissioners residing in the southern district of Georgia, and the said commissioners with the marshal for the district of Georgia, and the clerk of the court, shall, within thirty days after the adjournment of this court, select from the body of the southern district of Georgia five hundred upright and intelligent persons, citizens of said district, between the ages of twenty-one and sixty years, without regard to race, color, or previous condition, to serve as jurors.

Mark you, under the act of the Legislature to carry out the Constitution, the board of commissioners were instructed to select upright and intelligent persons from the tax-books, and this rule was observed by the Federal court by its order passed in 1871. By the new order passed in 1872 the United States commissioners were required to select five hundred upright and intelligent persons from whom? From the jury-box of the State? No. From the tax-books of the State? No; but from the body of citizens, without regard to the jury-box of the State and without regard to the tax-books of the State. Mark the language: "From the body of the southern district" they are to select "five hundred upright and intelligent persons," citizens of the district.

Mr. ALLISON. Did those three commissioners select the five hundred names, or did the clerk and the marshal act with them?

Mr. HILL, of Georgia. The clerk and the marshal acted with them.

Mr. ALLISON. Making a commission of five?

Mr. HILL, of Georgia. Yes, but mark, just as I stated, the law of the State, passed by a republican Legislature, created a board of commissioners, authorized them to select the juries from the tax-books in each county, upright and intelligent persons between the ages of twenty-one and sixty, and the Federal court in 1871 adopted that rule, and requested the clerks of the several counties to send up lists of names to the clerk of the Federal court, thereby to constitute the Federal jury-box, whereby you perceive that section 800 of the Revised Code was properly and literally followed, by which we obtained in the Federal court exactly the same class of jurors that we had in the State courts. I am sorry my friend from New York is not here. My friend from New York asked over and over, "If your State laws are good, if under your State laws you get good juries, how can you get bad juries in the Federal courts? How can you get irresponsible and dissolute characters in the juries in the Federal courts, because," said he, "the judges and the marshals are compelled to obey the State law; they are compelled to select men qualified according to the State law; and if they do not do it they are impeachable." Now I want to answer my friend.

Mr. CONKLING entered the Chamber.

Mr. HILL, of Georgia. I am gratified to see the bright face of my friend, and I know he will be gratified when I tell him that I am indorsing him in the fullest terms. I say to the Senator from New York that I indorsed his construction of section 800 on last Saturday, as I understood him, coming into the Senate as I did in the midst of his argument. Since that, I have examined the whole argument, and I now indorse it without qualification, except as to some of its applications. But as to the legal construction which the Senator puts upon that statute, I have indorsed it fully, and I am now answering the Senator's question, which, as he has come in, I will repeat to him briefly.

The Senator from New York asked the question over and over, and I have thought with a great deal of pertinency and force, "How can it be that you can fail to get"—that is the substance of his query—"as good a jury in the Federal courts as you have in the State courts if the law is obeyed?" That is right; how can you? I explained to the Senate, in the absence of the distinguished Senator from New York, that under the act of the State of Georgia in organizing juries the board of commissioners are required to select persons to serve on the juries, upright and intelligent persons, from the tax-books of the respective counties and put them in the box, and then it describes how they are to be drawn. As I have already said, the Federal court, in 1871, passed an order by which it requested the clerk to call on the clerks of the superior courts in the respective counties having charge of the jury lists to send up lists of qualified jurors to constitute a jury-box for the Federal court. I say to the Senator, and he will see that I agree with him, there is no trouble whatever where the parties are willing to obey the law in adapting its provisions to the Federal courts; and we have demonstrated in Georgia, by the very rule of which I speak, adopted in 1871, that it worked well. We did have as good juries as I ever saw in the history of the State since my recollection impaneled both in the State courts and in the Federal courts. But in 1872, on the 7th of December, the Federal judges changed the rule, and instructed the marshal and the clerk of the Federal court, with three commissioners, to select five hundred intelligent and upright persons to serve as jurors in the Federal court, not from the jury-boxes of the State, not from the places where the jurors in the State courts were procured, from the tax-books, which the Senator from New York very correctly said was proper—these five hundred men were not to be selected from either source, but they were to be selected from the body of the citizens only. Do you not perceive, therefore, that where there is a district composed, as is the southern district of Georgia, of about eighty counties, containing about one hundred thousand voters, the Federal officers being authorized to select five hundred men from that great number to serve as jurors, they went about and picked whom they pleased? They were not bound to look at the tax-books; they were not bound to be governed by the State laws; they were not bound to look at the jury-boxes of the State, but they just selected whom they chose. Out of that hundred thousand they selected five hundred to constitute the juries.

Will any Senator tell me why that change was made? I call the attention of my friend, the Senator from New York, to the direct fact that the order of 1872 passed by the Federal court was a direct and unconditional abrogation of the order of 1871 passed by the Federal court. The order of 1871 obtained juries for the Federal court qualified according to the State law, impaneled as near as may be according to the mode of the State law, whereas the rule of 1872 totally reversed that rule, totally abrogated that rule, and did impanel five hundred men without regard to the jury-box of the State, without regard to the tax-books of the State, and without regard to the laws of the State, except they put in as a catchword that they must be upright and intelligent.

Mr. ALLISON. What sort of juries did they get?

Mr. HILL, of Georgia. It is unpleasant for me to state, but I will say frankly that they obtained jurors under the last order who were utterly disqualified according to the State law. I only wish, without using epithets, that the Senators on the other side could see the change as it actually was. I say frankly for myself that from that day to this only when absolutely compelled have I appeared in the Federal court at all. I do not believe there has been a jury in the Federal courts in Georgia in the last six years that my friend from New York would not adjudge to be an illegal jury.

Mr. CONKLING. May I inquire, as I have been out during the great part of the Senator's remarks, to what point involved in this proceeding now before the Senate does the Senator's argument tend? That he may understand me exactly, I think I may presume that the Senator from Georgia as a lawyer does not think that a good reason for changing a law is found in the fact that in some instance somebody has disregarded it or departed from it.

Mr. HILL, of Georgia. I will say to the Senator frankly that I am arguing that very point, the very point made by the Senator from Indiana [Mr. MCDONALD] on Saturday in the discussion between him and the Senator from New York. I admit that ordinarily the Senator's remarks would be true, that because a judge misconstrued a law

that was no reason for changing the law; but where the courts have adopted that construction and are acting upon it and there is no other practical remedy for it, then the legislative power ought to intervene.

Mr. CONKLING. If the Senator will pardon me, for I presume he is pursuing, as I am, real light upon this subject——

Mr. HILL, of Georgia. Yes, sir.

Mr. CONKLING. I will suggest to him, and I feel quite sure in advance that he will concur with me that there is a mode, one mode, a true mode, of reaching by legislation such a correction as he now indicates. I say a true mode, because long experience and universal concurrence have pointed it out as a true mode, namely, not to alter the whole law radically, not to rake a plowshare over its foundations, but to re-enact, reassert with more particularity, if more particularity is found necessary, the features of the law which have been mistaken, overlooked, misunderstood, misconstrued. So that, applying my suggestion to the present case, if it be true that the national judges in Georgia, holding as one of them did in a reported case, that a minute observance of the State laws was not required by this statute, have held further, as the Senator from Georgia has no doubt been reciting, although owing to my absence from the Chamber on the business of the Senate I was deprived of the pleasure of hearing a part of his remarks, then I submit the true way would be not to prostrate this law, not to repeal it, not to cast it out, but to add to it so much of particularity and definition as would guard against any future misunderstanding.

I submit further to the Senator that his observations in place of being adapted to maintain such a bill as this, all tend, if I understand them, to show the value of the law which this bill is to supersede. They all tend to show that if the statutes of the United States as they have stood so long were now executed as the Senator understands them and as I understand them, everything would be accomplished which any one ought to wish. That is the tendency of his remarks; and yet knowing as I do the fealty which that Senator owes to party, knowing as I do, despite all his fertility of resource and all his independence of character and all the confidence that he has a right to feel in his individual judgment, that he walks under the yoke of the party to which he belongs, and knowing that the charioteer of the party as to this bill, the learned and eloquent Senator from Pennsylvania whom it grieves me to miss now from his seat, has sent out an order throughout all the seats occupied by democrats that this bill is to be voted, I take it for granted that the honorable Senator from Georgia is to walk at the chariot wheel, and as often as his name is called is to vote "yea," the proposition being to substitute a political caucus hereafter for a jury, for that is all this means.

When you have appointed a commissioner in violation of the Constitution, let me say, (if the Senator chooses I will tell him what I mean by that,) to stand on one side and represent one party, and provided for another person to stand on the other side and represent another party, and to make up a jury by putting in so many of each, I say, and the Senator from Georgia with his experience knows that I am warranted in saying, that that means to submit issues to be tried in court hereafter to a political caucus, to men selected for their politics. If I thought it would do any good I would appeal to the Senator from Georgia before he assents to that, before he allows the day to come when such a change, never before heard of where civilized jurisprudence exists, shall be made, to at least try the experiment of amending the existing law so as to make it plain past the commission of such an error as he thinks was committed in the instance to which he has referred. But then I know, Mr. President, it is idle. The Senator from Georgia is not deaf; he will hear the appeal; but that is all the good it will do. I can tell him exactly, if he will allow me, how he will be situated. He will be situated exactly as a juror was in trying the question of the freedom of one of the fugitive slaves, referred to by the Senator from Massachusetts, who put his eye upon the North Star and ran toward the dominions of the British Queen seeking liberty in former days. He was overhauled in Boston and tried there, and when the jury came to be impaneled, on the front seat in the jury-box sat the man at whose house this fugitive slave had staid over night when he reached there. A member of the bar, this being ascertained, was applied to by the district attorney to know what sort of a verdict he thought that juror would find. "Why," he said, "he is a perfectly honest man, and he will find strictly according to the evidence; but my impression is it will take a great deal of evidence to convince him that one man can own another." [Laughter.] Just so with the Senator from Georgia. He will find strictly according to the law and the reason of this case; but it will take an immense amount of law and an immense amount of reason to show him that he ought to vote any way except as a good, regular democrat in the best of standing should vote, after the order has gone out that that vote is to be "yea" and not "nay," no matter what amendment may be offered.

Mr. HILL, of Georgia. The Senator from New York certainly cannot complain that I have been impatient. I have allowed him to make a speech and propound questions, and he has made such a long speech and such an able speech and propounded so many questions that I find it very difficult to take them up and answer them.

Mr. CONKLING. Knowing how the Senator from Georgia polishes all his utterances, I thought he would like to sit a little while and rearrange, so as to be more methodical and eloquent than he would be if he proceeded without a little pause in the midst of his remarks.

Mr. HILL, of Georgia. I always sit with patience when the Senator from New York is speaking; I do not want to interpose because he is a great actor. If the Senator had been in when I commenced he would have heard me quote that portion of his speech wherein he pronounced political legislation of this character to be indecent, in grand and eloquent phraseology.

Mr. CONKLING. Does it appear so in the RECORD?

Mr. HILL, of Georgia. Yes.

Mr. CONKLING. I am glad of it; I have not read it.

Mr. HILL, of Georgia. And I have indorsed every word uttered by the Senator from New York with one single qualification, and that is, I say we should direct our indignation to the indecent facts which make the legislation necessary. I concur that unless in my judgment there was a clear case making this legislation necessary and proper, I would with the Senator from New York utterly denounce it. I am opposed to introducing politics, even indirectly or in any manner, shape, or form, into the administration of justice if it can be possibly prevented; but when politics has already been introduced, when the courts have introduced politics, when they have violated the laws of the country in order to introduce politics, and when they have in many of the States of this Union juries expressly impaneled because of their adverse politics to the population of the State, then I say it is necessary to provide legislation to prevent that evil. The indecency is in the state of the case, and not in the remedy provided for it. I am sure if the distinguished Senator from New York could have been where I was when this revolution was wrought in the jury lists of our Federal courts in Georgia, he would appreciate every word I say. I am not going to state to the Senate, unless I am provoked to do so, many facts upon this subject which perhaps ought to be stated; but I will say that I have as an American citizen stood and seen juries impaneled, in my judgment contrary to the laws of the United States, certainly contrary to the construction of those laws as placed on them by the Senator from New York and by myself. I have seen juries so impaneled take charge of and pass upon the life, the liberty, and the property of the citizen, who were expected to do it solely from a prejudiced, partisan stand-point, and who were impaneled for that purpose. I have seen it not only in one case, but, sir, I have seen it as a system. Hundreds of citizens of my own State have been arraigned before juries impaneled for the express purpose of convicting beforehand. I trust no Senator will require me to give the specific facts to verify this general statement. It is true, and I stand prepared to make it good; and it was done under this order which impaneled a jury not from the body of jurors as qualified by the State laws, not from the citizenship of the State as placed in the State jury-box, as I admit with the Senator from New York is the requisition of section 800 of the Revised Statutes, not from the tax-books of the State, but from the body of the citizens, selected in the discretion of the Federal officers, utterly ignorant of the population, and having no interest or sympathy in common with that population whatever.

I want to call the attention of the Senator to another fact. I will forbear to state a reason given by one of the judges himself why the change in this order was made. It was expected to change the character of the jury. This is strong language, but it is true. I want to call the attention of the Senator from New York to this fact, for I see his mind is perfectly fair on this question, as I believe it is; I know mine is. Before doing so I want to say in response to a portion of the Senator's remarks, that even with my knowledge of the facts which justify this measure or some similar legislation, and I think one more vigorous than the one mentioned by the Senator from New York, I would not vote for this bill even under party dictation, assuming all that the Senator has said about the power of party discipline, if it did not contain the clause read so appropriately by my distinguished friend from Connecticut on Saturday. It compels no judge and no court to adopt the objectionable features of this bill to which the Senator from New York has called attention. No court of this Union, after this bill has been passed, will be compelled to appoint this partisan commissioner, and the partisan commissioner with a partisan clerk will be under no obligation to select jurors according to their political affiliations alternately, a democrat selecting one, a republican selecting one, until they have made up a jury list of three hundred.

Mr. CONKLING. I think the Senator will withdraw or modify what he has said if he will read this bill. He said that no judge in any district would be bound to proceed under this law. Does he mean that?

Mr. HILL, of Georgia. Under the feature to which the Senator called attention, the partisan feature.

Mr. CONKLING. Exactly. Does the Senator mean that?

Mr. HILL, of Georgia. Yes, sir; I do.

Mr. CONKLING. Just observe the language:

> But nothing herein contained shall be construed to prevent any judge—

Where?—

> in a district in which such is now the practice.

Why does the Senator say, how can he say, remembering these words, that it does not require in any district what he describes as the objectionable feature of this bill to be applied? Certainly he will modify that statement on reflection.

Mr. HILL, of Georgia. Oh, no. I will say to my friend that I had observed every word of this bill, and the very criticism which he now makes had occurred to me. At one time I thought it would be advisable to strike out the words "in a district in which such is now the practice." I think the measure would be much better with those words stricken out. I am dealing very frankly with the Senator from New York. I say frankly I would prefer those words out; but when properly construed it is only because of this clause in the bill that I would vote for the section at all; and here it is:

But nothing herein contained shall be construed to prevent any judge in a district in which such is now the practice from ordering the names of jurors to be drawn from the boxes used by the State authorities in selecting jurors in the highest courts of the State.

That does not affect my friend from New York; it does not affect my friend from Connecticut; it does not affect any Northern State. Why? Because I believe the practice now is in all those States for the Federal judges to draw the jurors from the State boxes or from lists made up of names in the State boxes. I have not heard any gentleman say anything to the contrary. That is the law, and that is what ought to be done; so that this measure will not change the practice in New York or in any State where the practice now is to draw Federal jurors from the names of those who are qualified under the State law.

Mr. ALLISON. That is not the practice in my State.

Mr. DAWES. Does it not authorize such a change?

Mr. HILL, of Georgia. What does the Senator say?

Mr. DAWES. I inquired of the Senator from Georgia whether it did not authorize such a change in New York and Connecticut?

Mr. HILL, of Georgia. I have admitted that.

Mr. DAWES. Suppose there should happen to be a judge sent there who did not agree with the judge now there?

Mr. HILL, of Georgia. I have admitted that.

Mr. DAWES. Has not the Senator from Georgia expressed any objection to the enacting of that into a law?

Mr. HILL, of Georgia. I take it for granted that no man would be sent as a judge to Massachusetts who would administer the obnoxious features of this proposed law as denounced by the Senator from Massachusetts and the Senator from New York.

Mr. DAWES. Would the Senator enact in a law that we never shall have any poorer judges than we have got now?

Mr. HILL, of Georgia. With all due deference to my friend from Massachusetts, he is not meeting the question I am making. I say that that portion of this measure which he and the Senator from New York have denounced as so obnoxious need not be enforced in their States.

Mr. DAWES. If the Senator from Georgia will yield a moment, with all due respect to him, I submit to him to answer for himself whether he has answered the question I put to him.

Mr. HILL, of Georgia. The Senator has put no question that authorizes an answer. I am answering a question put by the Senator from New York, which I suppose was propounded when the Senator from Massachusetts was not listening or was not in the Hall. I have admitted that under this law the judges would be authorized to impanel juries in the manner stated.

Mr. DAWES. I ask the Senator, if he will allow me, if that is not an objection to the proposed law?

Mr. HILL, of Georgia. Certainly; I admitted it in plain language, as the Senator would have heard if he had listened to me, and I have admitted that it is so objectionable that but for this other clause I would not vote for it.

Mr. DAWES. But the objection I put to the Senator he does not seem to understand

Mr. HILL, of Georgia. Yes, I do perfectly understand the Senator, and I ask him with all kindness to forbear, for his question has nothing to do with the point I am discussing.

Mr. DAWES. I certainly shall forbear, for it is perfectly evident to me the Senator does not understand my question.

Mr. HILL, of Georgia. I should like to answer the question propounded by my friend from Massachusetts, but I see he is putting a question which, if he had heard the whole discussion, he would see is unnecessary. I am arguing with the Senator from New York. I say that while I admit with him that the very idea of introducing into the system of impaneling a jury these partisan questions, by which one party is to select a democrat and another party is to select a republican, or whatever may be the opposing party, is objectionable, while I have indorsed all the language that the eloquent Senator from New York has applied concerning it, I still say that under this bill the judges are not bound to resort to that system.

Mr. CONKLING. In certain districts.

Mr. HILL, of Georgia. I will come to that directly, if my friend will only permit me to go on. But they may observe what he and I believe to be the present law. In any States which have observed the law heretofore, as he and I understand the law to be, and as I have no doubt the law is, it does not prevent the Federal courts from continuing that law as it now is. So it does not affect New York; so it does not affect Massachusetts. They need not complain of this measure.

Mr. ALLISON. But it does affect Iowa.

Mr. HILL, of Georgia. I will come to Iowa. Iowa ought to be taught better manners anyhow, [laughter;] not the Senator, but the State; she behaves very badly, and I am afraid this measure will not be sufficient to reach her.

Mr. ALLISON. As the Senator states that Iowa has bad manners, will he allow me a moment?

Mr. HILL, of Georgia. I do not mean the Senator.

Mr. ALLISON. Of course I know the Senator does not mean that; but the Senator admits that the general provisions of this bill are vicious and bad, and he says but for the fact that there is a saving clause in it he would not vote for it. Now, that saving clause found in this bill cannot be applied to Iowa, because we do not draw our Federal jurors from the State boxes.

Mr. HILL, of Georgia. Very well; I will come to that directly. I think the judges in Iowa have heretofore done wrong, and therefore I do not think the Senator ought to complain of the wrong because the judge has done wrong.

Mr. ALLISON. He is a very good democrat.

Mr. HILL, of Georgia. I do not know that he has done wrong; but if he does not draw the jurors from the State boxes he does wrong; that is my judgment. I do not say he must take the State boxes and draw out of the identical boxes, but I say the names to constitute a jury in the Federal box must be found, if the law is administered, in the State jury-boxes. That is what I say; and the Senator from New York agrees with me, I have no doubt. The Senator from Iowa would agree with me also, but he says that is not observed in his State. Then the Federal judge in his State does not observe the law; that is all I have got to say.

Therefore, I repeat that under this saving clause every State certainly that has heretofore observed the law can continue the present system of impaneling in the Federal courts juries qualified according to the State laws, and the obnoxious feature of the present measure so denounced by the Senator from New York will have no effect upon them whatever. Now I come to the clause referred to by the Senator from New York. He says that there are qualifying words in this clause, this exemption or exception:

But nothing herein contained shall be construed to prevent any judge in a district in which such is now the practice.

I think frankly with my friend that these words ought to be stricken out. I do not think there ought to be anything in this bill to prevent a Federal judge in any State, whether that is his practice now or has not been his practice, from taking the jurors from the States boxes. Then my friend will see what will be the result. The effect of this measure would be what? Not to administer that obnoxious feature that he talks about, which he so eloquently denounces, but to compel the Federal judges in the different States to go back to the law as it now is and to administer it as it now is.

Mr. CONKLING. It would be a good deal better no doubt.

Mr. HILL, of Georgia. I knew we should agree. I see the Senator's mind is right on this thing, and I know mine is, and I meet him in that spirit of fairness which I think all Senators ought to exhibit in this Chamber. Then what do I say? The existing practice is indecent because of a system which has grown up in some of the States which the Senator from New York abhors as much as I do, and which he agrees with me in saying is a violation of the existing law, and it is an evil which must be remedied. What is the system proposed to remedy it? It is a system to compel the judges who now appoint commissioners to select jurors, not from the State jury-boxes, but to select five hundred men from one hundred thousand voters, to constitute a jury list out of which jurors shall be selected for several years, to appoint commissioners of different politics. Why? So as to get a jury list composed of men of both parties instead of getting a jury composed of one party. The evil that we wish to correct has grown up in the administration of the law, which my friend from New York has condemned, to his credit. It is a practice which has disregarded the existing law, which has disregarded the State laws, and under which juries are impaneled composed of men who are not qualified according to the State laws—who are disqualified positively by the State laws, who cannot be found in the State jury-boxes. That practice has grown up and obtains now. I speak what I know when I say that it obtains now, though less now than a few years formerly, and under it juries are obtained in the Federal courts exclusively of one politics. That is the evil we would correct.

I agree with the Senator from New York that it is an outrage, it is an indecent thing, that there has to be such an evil in this country to be corrected; but judges, learned judges, conscientious judges, able judges in the South have interpreted this act of 1840, compiled in section 800 of the code, different from what the Senator from New York and I say it is. They have put such a construction on it that here I hold in my hand an order of the Federal court in Georgia ordering the marshal, clerk, and certain commissioners that the judge appoints to select men to serve on the juries, not taken from the jury-boxes of the State, not from the tax-books of the State, not from the men qualified by the laws of the State, but from the body of citizens indiscriminately; and they can select anybody they please. I tell my friend from New York that under this law a partial marshal can, without violating the order, select the worst and most irresponsible vagabonds in the State.

Mr. CONKLING. May I inquire of the Senator from Georgia who is the marshal of that State?

Mr. HILL, of Georgia. The marshal now is Mr. Fitzsimmons.

Mr. CONKLING. How long has he been marshal?

Mr. HILL, of Georgia. Over a year.

Mr. CONKLING. These evils have not occurred there since he has been marshal?

Mr. HILL, of Georgia. I say to the Senator that there has been an improvement, but the marshal alone does not comprise this board of commissioners; the marshal alone under the judge does not do it; it is the clerk and the three commissioners appointed by the court, as well as the marshal.

Mr. ALLISON. Is the clerk a strong partisan? What sort of a man is he?

Mr. HILL, of Georgia. He is a republican, a very strong partisan, and we have had boards of commissioners down there, republicans, who to my certain knowledge, instead of going into the counties and getting the names of jurors out of a jury-box, got them from the party list, and the most notorious partisans of different colors have been selected. I have seen it with my own eyes, and no one man can prevent it. I have myself advised men charged with minor offenses to go and submit and depend upon the mercy of the court, rather than I would go and defend them before some of the juries impaneled.

Mr. CONKLING. They were guilty, of course?

Mr. HILL, of Georgia. I do not know whether they were; they said they were not. Did you ever hear a man say he was guilty?

Mr. CONKLING. I ask their counsel, not them.

Mr. HILL, of Georgia. I do not know, but they said they were innocent, and I believe a great many of them were.

Mr. CONKLING. You always believe that of your clients?

Mr. HILL, of Georgia. The Senator says no innocent man has been punished. I believe, sir, hundreds and thousands of innocent men have been punished in the South in the last few years, and many of them because of the very evil practices that have grown up in violation of law, as the Senator from New York himself believes it to be.

Mr. CONKLING. But the Senator does not believe that has been done by the courts and juries——

Mr. HILL, of Georgia. Yes, I do; I believe there have been a great many improper convictions.

Mr. CONKLING. I was going to concur with the Senator. I believe hundreds and thousands of innocent men have been punished, but not by courts and juries.

Mr. HILL, of Georgia. Some by courts and juries, and some have submitted to punishment rather than trust to the courts and juries, because the idea has gone out, to encourage them to plead guilty, "it will be better for you; the punishment will be lighter." The man is in this predicament: he comes up and sees a jury impaneled that he knows will convict him, whether he is innocent or guilty; and there is whispered in his ear, "If you plead guilty the punishment will not be so great." Hundreds of men have gone into court and pleaded guilty, protesting their innocence.

Mr. CONKLING. May I ask the Senator another question?

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) Does the Senator from Georgia yield?

Mr. HILL, of Georgia. I cannot refuse the Senator from New York, though I am taking too much time owing to these interruptions.

Mr. CONKLING. When I get an opportunity of asking a question of a really good lawyer I want to improve my opportunity to enlarge my stock of information.

Mr. HILL, of Georgia. Thank you.

Mr. CONKLING. Therefore if I tease the Senator a little with the multitude of my questions, he must forgive me. I wish the Senator would do me the favor to read lines 16 and 17 of section 3 of the bill, which he agrees with me in thinking is an indecent provision, and I concur with him in thinking so too:

> By the clerk of such court and a commissioner, to be appointed by the judge thereof, which commissioner shall be a citizen of good standing, residing in the district in which such court is held, of good standing—

I am not going to ask the Senator what those two "of good standings" mean.

Mr. HILL, of Georgia. I rather think I could not answer.

Mr. CONKLING. The Senator could not tell me what they mean?

Mr. HILL, of Georgia. I doubt whether I could answer.

Mr. CONKLING. If the Senator and myself exchange ideas for a moment, I can give my impression which is that it is intended by the use of a double affirmative to prove a negative, so as to provide that they need not be of good standing; but I did not rise to trouble the Senator with that. "To be appointed by the judge thereof." I want to ask the Senator whether he has any doubt that that provision is in plain violation of the Constitution of the United States?

Mr. HILL, of Georgia. I have not investigated that, I will say frankly to the Senator. Why does he think it a violation?

Mr. CONKLING. The Constitution of the United States declares that the President shall appoint officers, and so on—

> But the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of Departments.

Now, having read that provision of the Constitution to the Senator, it is unnecessary with him that I go further and remind him that it has been decided repeatedly, until as I suppose no lawyer any longer doubts, that Congress has no power to deposit with a judge the right to make appointments of anything. Congress has authority to deposit the power of appointment with the court, but the judge is not the court.

Mr. HILL, of Georgia. I see the point perfectly.

Mr. CONKLING. The judge is not the court; and in this connection as a commissioner is to be appointed by the judge, let me ask what is to be the tenure of this commissioner's office? Somebody has said, "Once a bishop always a bishop." If this man is once appointed, does he continue forever, while he lives, to be a commissioner? Does he hold his office for a term? Does he hold it during the good pleasure of the court, in the language of the common law? If another commissioner is appointed by another judge who comes along, are there to be two commissioners? Does the latter supersede the former, or does the former continue to exist, and if he does, does he remain a commissioner *de facto*, as I heard argued in the case of presidential electors, or *de jure*, or neither, or both, or what is to be the particular nature of this curiously composite piece of furniture which is to be brought into the Federal courts?

Mr. HILL, of Georgia. I will answer the question of the Senator from New York very frankly. I say to him that as an original proposition I should doubt the constitutionality of the word "judge" here. When the Senator first asked me if I admitted it to be constitutional, as my attention had not been called to it, I did not understand his question. Now I do understand it. As an original proposition, I should not use that word, for I see the difficulty suggested by the Senator from New York very clearly, it is a very forcible one; but I will say to the Senator that in existing legislation the same thing has been done, and it has been so upheld that I forbear to give any such opinion.

Mr. CONKLING. Where?

Mr. HILL, of Georgia. In appointing supervisors of election, for instance.

Mr. CONKLING. I beg the Senator's pardon.

Mr. HILL, of Georgia. The judge has authority as the court in that case.

Mr. HEREFORD. The Senator from Georgia will allow me to say that if the position taken by the Senator from New York be correct, then I take it that we have not a constitutional clerk of any district or circuit court of the United States, for they are appointed by the judges.

Mr. HILL, of Georgia. That is what I was going to say.

Mr. HEREFORD. Section 555 of the Revised Statutes provides that—

> A clerk shall be appointed for each district court by the judge thereof, except in cases otherwise provided by law.

Then there is no constitutional clerk.

Mr. CONKLING. How is that?

Mr. HEREFORD. There is no clerk who is a constitutional officer if the judge cannot appoint him. That is the way the law reads.

Mr. HILL, of Georgia. If my friend will allow me, I said to the Senator from New York that a different rule had so long obtained and had so long been practiced upon that I cannot agree with him as to the constitutionality of such an appointment.

Mr. CONKLING. What section is that?

Mr. HEREFORD. Section 555.

Mr. HILL, of Georgia. There are plenty of such instances, I will say to the Senator from New York——

Mr. HEREFORD. It does not fall within that provision of the Constitution at all.

Mr. HILL, of Georgia. I will say to the Senator from West Virginia that whatever may have been my impression when the question was first presented, that mode has been practiced so often that I will not say it is unconstitutional. I will yield what might have been my first impression, and say it must have been wrong. I am dealing frankly with the Senator from New York, and I will give him one instance. He will find one instance in the law where, upon application properly made, the judge may appoint persons to superintend the elections. I forget the exact language.

Mr. HEREFORD. The judge appoints all the registers in bankruptcy.

Mr. CONKLING. No, he does not.

Mr. HEREFORD. Then nobody is relieved in bankruptcy if the appointment by the judge is unconstitutional.

Mr. CONKLING. The Senator is wrong again.

Mr. HEREFORD. I am not wrong.

Mr. HILL, of Georgia. Let me go on.

The PRESIDING OFFICER. The Senator from Georgia is entitled to the floor.

Mr. CONKLING. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield further?

Mr. HILL, of Georgia. Yes, sir.

Mr. CONKLING. The Senator from West Virginia has been kind enough in his infinite goodness and mercy to take off the hands of the Senator from Georgia and off my hands a little dialogue that I was holding with the Senator from Georgia. For one, I am extremely grateful to the Senator from West Virginia for the aid he has afforded me in the arduous attempt which I was making to ask a question of the Senator from Georgia, which I thought that Senator was abundantly competent to answer; and having returned my thanks to him, I will say to the Senator from Georgia that all the provisions relating to supervisors carefully provide what the court shall do. Section 550, which somebody mentioned, does not say at all that the judge is to make any appointment of the clerk.

Mr. HILL, of Georgia. My friend will allow me——

Mr. CONKLING. One thing more and I have done. The section touching the registers in bankruptcy was originally obnoxious to this objection; it was changed afterwards to save the constitutional point, and the registers were appointed by the district court and the chief-justice of the supreme court acting together.

Mr. HILL, of Georgia. I have, I think, been very liberal to gentlemen on the other side in allowing interruptions, but I must get through, and they must excuse me from further interruption. There is no trouble in the world about the question, if my friend from New York and my friend from West Virginia had waited a moment; but the difficulty is when I commence answering a question, gentlemen commence putting in before I get through, as my friend from New York did. If he had allowed me to get through there would have been no trouble between us at all. Now, I say to my friend from New York again as an original proposition, I should have drawn a distinction between the word "judge" and the word "court;" and that the word "judge" applied in a statute did not mean the same as the word "court" used in the Constitution. I would say that as an original proposition; but I tell him the practice in so many instances has varied from that, and the power to appoint these employés or subordinates for temporary purposes, and even sometimes for more than temporary purposes, has been so long confided to judges by name, that I have abandoned that construction. I only mentioned one instance. The language of the law is there "court;" but I remind my friend that elections frequently are held when there is no court in session, and the judge always appoints the supervisors; it is the act of the judge.

Mr. CONKLING. Not at all, if the Senator will pardon me.

Mr. HILL, of Georgia. I do not know how it is in the Senator's State; but in my State the appointment is made by the judge; that is, the power conferred may be exercised by the judge when there is no court in session. The power there by the language of the act is given to the court, but the judge is to exercise it. So my friend from West Virginia has very kindly said, and I thank him, (I should have thought of it perhaps,) that in the case of the clerks of district courts they are appointed by the district judges. I tell the Senator from New York that in my State the clerk of the circuit court is appointed by the judge, and a great many officers I know are appointed by the judge.

Mr. CONKLING. Name one.

Mr. HILL, of Georgia. The clerk is appointed by the judge; the register in bankruptcy is appointed by the judge.

Mr. CONKLING. Under what section?

Mr. HEREFORD. I will read it to the Senator:

SEC. 555. A clerk shall be appointed for each district court by the judge thereof, except in cases otherwise provided for by law.

Mr. HILL, of Georgia. My friend will excuse me from further interruption. I tell him frankly that this confusion of terms has been used very often, and really it has ceased to be a question. As an original matter I see the force of what the Senator suggests.

Mr. CONKLING. If an original matter, it is still true; for the section the Senator has read has nothing to do with it.

Mr. HILL, of Georgia. There are a great many cases. If you hold that officers to do these temporary duties of various character cannot be appointed by a judge, then there have been a thousand things done in this country which are illegal and unconstitutional. But I will not delay the Senate on that point.

The Senator from New York asked me how long this commissioner will hold his term of office. Of course I should say as a judge that at each court, at each impaneling of a jury, at each time the jury has to be impaneled, at least when the list has to be made up, there would have to be a commissioner appointed. The court is to appoint a commissioner for a specific purpose, for a specific given act, and when that act is performed the authority of the commissioner ceases. I think there is no trouble on that point. I think there is no trouble with this measure at all as raised by the Senator from New York, and I say with that slight amendment in the clause to which I referred, so as to relieve the State of my friend from Iowa and any other States that may have behaved badly on this subject, I am willing to knock out a few words and let all the judges in all the States avoid this trouble about political partisans, about the appointing of commissioners of different politics in the State, by going back to the law as it now is, by going back to the law as it ought always to have been administered, just as the Senator from New York says it is, just as I say it is—by going back and selecting United States juries out of the jury-boxes of the State. That is the remedy for the whole of it, and that this bill gives.

That is the right remedy; it is a complete remedy; and it gives to the winds all this fuss and noise that the distinguished Senators on the other side are making about this partisan jury law. Nobody wants a partisan jury law. The courts have made it a partisan jury; we must have remedy for it; and if the construction of the courts as practiced in my State be true that they have a right to depart from the State system and adopt a system of their own, then require them by law so to carry out that system as that each party shall have an equal chance. That is all we ask. Partisanship ought not to be in it. They have put it in it; the courts have put it in it; we feel it; we know it, and we say to the legislative power, "compel these courts to abandon these partisan juries, or give all parties an equal chance." That is all we say.

Now I want to read one thing and I shall stop. I have been interrupted so much that I have occupied a great deal of time. I thought I should take but a few minutes when I rose. I want to call the attention of the Senator from New York and the Senator from Iowa and all the Senators on the other side to another thing. We in Georgia in attacking this order of December 7, 1872, attacked it upon the very ground stated here by the Senator from New York, that under it there would be jurors in the Federal courts that did not have the qualifications the jurors in State courts were required to have. The judges overruled that position and held that the order of December 7, 1872, was a legal order, and that they had a right to depart from the State rule. Then we made this issue; I read now from the United States *vs.* Collins, page 510 of Wood's Reports:

The other causes of challenge assigned are that the jurors were not designated, selected, and drawn in accordance with the rule, but that, contrary thereto, they were designated with reference to their race, color, and condition; and that they were selected, not by the persons appointed by the court for that purpose, but upon private information from irresponsible persons—

Look at the strength of this issue. I call attention to it—

and not from the body of citizens of the district, but from certain classes thereof, under private instructions from some of the persons appointed to make the selection as to the status, color, and political bias of the persons whose names were to be furnished to make up the panel.

The Senator from New York over and over on Saturday said, "How can a jury be packed if the law is obeyed?" I admit if the law is followed it cannot be done; and when this order of 1872 was held to be legal, although it issued to the body of the citizens, we made the point then that the jurors actually impaneled were not impaneled according to that order, but were impaneled according to private information for personal and party effect. See how that issue was met:

The challenge being traversed, evidence was adduced for the purpose of sustaining the charges made in the challenge.

Here is what I especially call the attention of Senators to:

Among other witnesses the defendant called to the stand the marshal of the United States for this district, who is one of the officers appointed by the court to select and make up the list of jurors for the district, according to the rule made on the 7th of December last, and whose official conduct in that matter is impeached by the challenge. We refused to compel him to testify.

I call the attention of the Senate to that. Here was a jury impaneled under an order which disregarded the State laws, which went entirely out of the State jury-boxes, which authorized the marshal to select five hundred men at discretion, so that he selected them uprightly and intelligently from the body of the citizens, not from the State jury-boxes; and when the court held that order constitutional and legal, that they had a right to pass it, then we made an issue of fact, that, in point of fact, the marshal had selected men not according to the true purpose of the order, but by private instructions for party effect and for personal interest, and now that challenge is traversed and issue is joined. We propose to put the marshal himself on the stand to prove it, and the marshal refuses to testify and protects himself upon the ground that it would criminate him!

Mr. CONKLING. Now, will the Senator allow me?

Mr. HILL, of Georgia. Yes.

Mr. CONKLING. Does he not see that we are jumping from the frying-pan into the fire on that very point for two reasons: first because under this law this commissioner and the other may go at large and *ad libitum* as long as they say that in their opinion the persons they select have the qualifications, and more especially when they have done it have put in three hundred improper persons into the jury-box, can the Senator from Georgia with all his ingenuity tell me any remedy for that? Whom are you going to challenge, and on what ground then?

Mr. HILL, of Georgia. I admit it.

Mr. CONKLING. The Senator admits it; but does he see the force of his admission?

Mr. HILL, of Georgia. Yes.

Mr. CONKLING. He is reciting to us here what according to his opinion was an instance of injurious effect of a bad selection of unqualified and unsuitable jurors. Now he is willing, as I understand him, to vote for a provision which expressly arranges for just such opportunity, which does not require these men at all to adhere to the State law and to take the persons selected by somebody else; but these two men each acting upon his own mere *ipse dixit* puts into its jury-box one hundred and fifty names, and when they are there the act is like the laws of the Medes and Persians, there is no amendment and no appeal; and the Senator from Georgia goes in; he wants to challenge the array. How and on what ground is he going to challenge the array? He reserves his peremptory challenge to an individual juror. He can challenge a juror for cause or to the favor; he can say that he has a bias in that particular case which it would require evidence to remove, and he can try that individual juror; but how is he going to get at these three hundred improper names? And yet he is assigning the very reason as I understand it why no such provision should be made.

Mr. HILL, of Georgia. Precisely. I admit the force of it. Have I not said to the Senator that I regard this proposed law as objectionable?

Mr. CONKLING. Yes.

Mr. HILL, of Georgia. But the reason I vote for it is that it corrects an evil that is more objectionable.

Mr. CONKLING. And that although the Senator has stated as clearly as any man can state, over and over again, the adequate remedy for this, if one is necessary, and that a totally different remedy from this which he denounces as objectionable and improper.

Mr. HILL, of Georgia. I say to the Senator that according to the system we now have, and if he had let me go on I would have made this point, when the court below held that order of December 7, 1872, (which is contrary to the law as he and I agree,) to be a legal order, then we made an issue of fact that the jury had been impaneled, not according to that order, but packed, to use a common word, selected for a special purpose, selected for a partisan purpose, selected for a case purpose—in plain language selected corruptly. We made that challenge. That being an issue of fact, the marshal had to join issue, and then we proposed to prove it by the marshal himself, and the court held that the marshal could not be compelled to testify because it might criminate himself.

Mr. CONKLING. Will they not hold the same thing about these commissioners?

Mr. HILL, of Georgia. Let me go on. Every other person on the board of commissioners appointed by this order, being three freeholders, and being the clerk as well as the marshal, would be incompetent to testify against their will, too. So they could commit just as much fraud as they pleased. Here they are all of one party, summoning jurors to suit their party purposes, and summoning them fraudulently, picking out of one hundred thousand competent jurors five hundred to try particular cases, picking them anywhere from any county, picking up their particular partisans anywhere, men who would serve their particular purpose. When we made the issue that they were picked up that way, and proposed to prove it by the very men that did it, the very men virtually confessed their guilt by saying "I will not answer because it would criminate me," and the court says, "I protect you and will not compel you to answer." The court said there to the marshal that he had a right to answer if he chose to answer voluntarily, but the court would not compel him to answer. That is the state of things now in Georgia. That is what we have had there for six years, and I have frequently refused to go into the court because of it. Now we propose a remedy by this bill; and what is that remedy? One part of it proposes that instead of the judge appointing five republicans, to use plain language, to select five hundred men contrary to law, not out of the jury-boxes of the State, not off the tax-books of the State, not as the statute and constitution of the State require, he shall appoint one democrat and one republican.

Mr. KIRKWOOD. To do the same thing?

Mr. HILL, of Georgia. Well, that is a little better. It is bad——

Mr. CONKLING. It is indeed.

Mr. HILL, of Georgia. But it is better to have half a chance than no chance at all. That is all. With one democrat and one republican we have got half a chance. Under the present practice we have none in the world. If it is half good, it is better than nothing. I speak frankly now, and then I am reconciled to take a bill that is only half what it ought to be for this reason; I called the attention of the Senator to it before; that when we enact this we say to the Federal judges in Georgia, "You shall not appoint this board of commissioners as you have done, you shall not appoint a set of men that can select partisans and select them for particular cases and particular purposes, and when a challenge is made and an issue joined say they shall be protected from stating the truth because if they tell the truth it will criminate them." We want to say by this law, "You shall not do that; but if you will appoint commissioners, if you insist upon your construction of the law," not as you and I construe it, Mr. Senator from New York, but if the judges insist on appointing commissioners as they construe section 800, "you shall appoint them equally from each party; you shall give each party an equal chance." I admit all that, but we say at the same time "if you want to abandon this whole indecent thing of partisan appointments for juries, if you want to banish that (I admit) disgrace to American civilization itself that the practice or the law ever existed that recognized political parties in the impaneling of juries; if you want to abandon that odious system altogether, simply go back to the law as we construe it to be, and impanel your jury from the State jury-boxes."

Mr. CONKLING. Why do you not enact it?

Mr. HILL, of Georgia. We are enacting it; it is in this very bill.

Mr. CONKLING. Oh, no.

Mr. HILL, of Georgia. The Senator will see that we must put a penalty on these judges. If we simply say to the judges, "you shall have the authority to draw your juries from the State jury-boxes," the judges will say, "I have got that authority now if I choose to exercise it, but I do not choose to exercise it; I choose to appoint a board of commissioners; I choose to appoint a board of five republicans to select juries to suit me." We say, "no; you have no right to do that." We say, "you have no right to do that." The Senator from New York says, "you have no right to do that." I agree that is my construction of the law; but the judge says, "I differ with you;" and the difference between me and the Senator from New York on the one side and the code on the other is that they are the judges and we are not, and they say they have a right to put that construction. They say they have a right to make the appointments of these commissioners, and they make them all one way, and when corruption grows out of it we cannot prove it, because the very men who commit the corruption are protected. That is the trouble, and they will be protected in this case, too. I admit it. We are willing to come fairly up to it; but now we say to the judges, "if you insist on that construction of yours, we cannot reverse it; if you insist that it shall be so, you shall not exercise the power in that way; we prescribe the manner of exercising what you hold to be your power; we prescribe the manner in which you shall exercise that power; but at the same time we tell you that you ought to abandon that whole thing of partisan juries and get your Federal juries from the State jury-boxes."

Mr. CONKLING. Will the Senator permit an interruption there for a moment?

Mr. HILL, of Georgia. I would rather get through.

Mr. CONKLING. The Senator seems to be talking fairly and courteously. I want to talk about it fairly.

Mr. HILL, of Georgia. Very well.

Mr. CONKLING. The Senator argues as if he stood between the devil and the deep sea, as if there was no remedy for the thing he is talking about except such a remedy as we have here. That is not true. The Senator is here as a Senator with all his responsibilities resting upon him. When he is going to legislate to correct an evil, he should legislate in the best way. What does he say? He says this provision is to continue to protect the commissioner from answering just as the marshal is protected now.

Mr. HILL, of Georgia. I suppose it would, under the ruling of the court.

Mr. CONKLING. Of course under the ruling of the court, and he says that he proposes a thing which is indecent and bad to correct this evil. I ask him in the first place why does he not propose something which is not indecent and bad? That is the first question that I ask him. In the second place, why does he say that under this bill he has a measure which will drive the judges to go back to the State practice? He has shown that he has no such thing, and I tell him now that certain New England States are the only States in this Union in respect of which this exception will obtain. Why? Because nowhere else do they draw literally, under the practice now, out of the State boxes. Therefore the Senator is going to subject seven-tenths of all the country and all the States to what he says is an indecent provision, although he himself has pointed out the mode by a proper provision of correcting the evils which he is talking about. How does he reconcile that with his sense as a legislator; I will not say his conscience, but his sense as a legislator of the fitness of things?

Mr. HILL, of Georgia. As I said in the opening of my speech, while I concurred with all the Senator said, I did it with a qualification; that was that the evil we are seeking to correct was more indecent than the remedy. Now, I say that with the simple amendment which I have already told the Senator from New York I was in favor of, this bill will do nothing in the world in my judgment but remand the Federal courts to the State jury-boxes in all the States. Therefore I am in favor of it. Without that I would not be.

Mr. CONKLING. Will the Senator vote for that amendment?

Mr. HILL, of Georgia. I will.

Mr. CONKLING. I am glad of that. That will help it.

Mr. HILL, of Georgia. And I intended before I got through to say so. I think it ought to be voted for. I see the difficulty, and I am not here, as the Senator thinks, to follow anybody but my convictions. Now I say that with that simple little amendment—for I have examined this whole subject and had it marked on my bill before the Senator called my attention to it—I consider this whole jury provision as nothing in the world but simply remanding all the Federal courts back to the jury-boxes of the respective States. Take my State, for instance. The State courts sit in each county; but the Federal district includes seventy or eighty counties; but there is no trouble in the Federal courts of Georgia just ordering the clerk to send to the clerks in the respective counties of the State courts for lists of the jurors in their boxes to be put in the Federal jury-box and drawn from. It is the easiest matter in the world; and the Senator from New York is right; it is entirely practicable.

I have been led off by the gentlemen who have interrupted me much further than I intended. Some things I have not said that I wanted to say; but I feel that this is important, and I say to my friend from Pennsylvania and the gentlemen having charge of this bill, that certain words in this bill ought to be stricken out; it is wrong not to strike them out; and I will vote to strike them out if anybody makes the motion, and I had intended to give notice that I would make it myself.

Mr. CONKLING. I hope you will.

Mr. HILL, of Georgia. In lines 23 and 24 of section 3, I give notice that I will move to strike out the words "in a district in which such is now the practice."

Mr. CONKLING. That will help it, undoubtedly.

Mr. HILL, of Georgia. I have no doubt the intention of the framers of this was to accomplish what we now propose to accomplish, and if you strike out those words you let all the Federal judges in all the States go back to the State jury-boxes if they choose. But I agree with the Senator from New York that those words, if left in, operate as a restriction, and in no State can the Federal judges go back to the State jury-boxes unless they are doing it now. If they are doing

it now there is nothing to correct, and there is no use in passing any part of the law. If in all the States Federal jurors were taken from the State jury-boxes the law would be unnecessary. It is only because in my State and other States it is not done—that some regulation of law is necessary. The circuit judge who presides in my State presides over six States, and it is only because of the practice that has grown up there that this law is made necessary. If you put in words confining it to States that now indulge in this practice, you nullify the whole effect of the bill. I give notice that I shall move to strike out these words, because with these words I do not think the law is worth having.

Mr. HEREFORD. Mr. President, the Senator from New York said this was unconstitutional because it gave the power to the judge to make the appointment of commissioners. I read the statute which gave the judge of a district court the power to appoint his clerk; and if the Senator will turn to another section of the statutes in the very same language he will find that the judge of the circuit court has the power to appoint the clerk of that court:

A clerk shall be appointed for each circuit court by the circuit judge of the circuit.

Mr. CONKLING. For the court.

Mr. HEREFORD. I can find any number of instances. If the Senator will turn to section 4993, he will see the provision as to registers in bankruptcy. When I said the Chief-Justice had the appointment of registers in bankruptcy I was mistaken a little, though not much.

Mr. CONKLING. He recommended them.

Mr. HEREFORD. The power of appointment was with the district judge, so that each district judge had the power to appoint registers in bankruptcy on the recommendation and nomination of the Chief-Justice of the Supreme Court. If that is not constitutional you have no clerk in any district or circuit court; there was no clerk to enter up a judgment; no witness that was sworn could be convicted of perjury, because there was no clerk to swear him, and so on.

But I do not rise for that, Mr. President, so much; I disagree with the Senator from New York and the Senator from Georgia both, and I think that the judges are right in their construction of the law, and that both the Senators are wrong, which I think is very plain. Nearly all the district judges of the United States, I believe, have held that they had the power to take their jurors as they saw fit. I asked the judge for my State the other day, since this matter was under discussion in the House, about it. Addressing him, I asked: "How do you select your jurors?" I have no complaint to make of our judge; I have no complaint to make of our district attorney; they are good and faithful officers. The judge said: "I tell my marshal to go and get me so many grand and so many petit jurors, and then the marshal selects whom he pleases." The Senator from Iowa said a moment ago, and said correctly, that throughout the whole West none of the judges pretended to obey this law. It is so throughout the West. He said so of his own State.

Mr. ALLISON. I stated that the judges, so far as I knew the practice in the Northwest, directed the drawing of the jurors in a different manner. I did not say they disobeyed the State law.

Mr. HEREFORD. They do not obey this national law, as the Senator said. He said they do not do it in his State. They do not do it in the South; they do not do it in my State. The judge in my State, of whom as I said before I have no complaint to make, directs his marshal to go and select a jury for him, and he goes out and selects anybody he pleases. I say this is a power that should be delegated to no man, and for that reason I am in favor of the repeal of this law and the enactment of the one before the Senate.

Why do I say that these judges are right? Are they all corrupt? No. The Senator from New York and the Senator from Georgia say that if these judges do not obey the State law in this respect they are subject to impeachment. I do not believe it. I think the law intended that the Federal judges should conform to the spirit of the statutes of the various States, and the law says they shall do it as far as practicable, and whether it be practicable depends on their judgment.

Here is the other section that makes this whole matter conclusive to my mind, and it is the section which the judges rely upon, and rely upon with confidence, to sustain them in their construction of this law. It is section 802, and it is under that they act:

SEC. 802. Jurors shall be returned from such parts of the district, from time to time, as the court shall direct, so as to be most favorable to an impartial trial, and so as not to incur an unnecessary expense, or unduly to burden the citizens of any part of the district with such services.

It is under section 802 that these judges say the discretion is invested in them how the juries shall be selected. Now, take my own State as an illustration to illustrate the correctness of the argument The whole State comprises one judicial district, with fifty-six counties in it. The judge, under section 802, has a right to have these jurors taken from one county, or a certain proportion from every county in the State. Suppose to-day that he wants three hundred petit jurors, he wants thirty-six grand jurors, three hundred and thirty-six in all; that would be about six to the county. He says to his marshal, "Go and get six good men from each one of the counties of this State." How is he going to select them? Can he follow the law of the State? No, you cannot put this judge and his clerk and his marshal all at the same time in every county of the State to select the six men out, nor can they travel all over the State at different times to draw these six men out.

Mr. DAWES. If the Senator will allow me, I will tell him how it is done in Massachusetts, and it seems to me it can be done so in every county in his State. The clerk of the court sends to the selectmen, that is, to the officers in each town all over the Commonwealth, to send so many jurors, three from this town, two from that town, four from the other town, and so on. They draw according to the State law out of the jury-box the proper number of names, and those names go to the United States court. What is to hinder that being done if it is a county officer who draws the jurors in a county?

Mr. HEREFORD. That would be the district court of the United States making these officers officers of the United States court. How does the United States judge know that these selectmen have sent to him the names out of their boxes? He knows nothing of the kind.

Mr. DAWES. Is the Senator aware that the Supreme Court have said that that is perfectly lawful, that although State officers cannot be compelled to perform that duty, yet if they perform it it is perfectly legal?

Mr. HEREFORD. I see nothing unlawful in it; and it only sustains my view of this case, because after these selectmen have sent names to the judge of the court or the clerk or marshal, as the case may be, and the judge selects them, he makes them his own selection or that of his marshal, and of course it is all correct.

The trouble is that there is no way to enforce section 800. Suppose these judges do not comply with the statute of the State, is that any ground for a challenge? No. It is a ground for challenge in the State court, because the statute of the State says so, and says if your jurors are not drawn so and so they are subject to challenge, and the whole array may be set aside; but there is nothing in the law of the United States that says if these jurors are not drawn in accordance with the statute of the State they are subject to challenge. The law of the State is not enforced for any such purpose, and for that reason I say that the Federal law on this subject should be amended not to leave the power of selecting the grand and petit jurors for the United States courts in the hands of any one man; and this committee in reporting this bill only carried out the recommendation of the late Attorney-General Pierrepont, who said:

There is no uniform system of obtaining jurors in the United States, and great abuses have sprung up, and much favoritism and corruption are complained of.

That is what we are complaining of now, that under the laws of the United States, in the language of Attorney-General Pierrepont, much corruption has sprung up, and we seek to amend the law in this way to stop that corruption. He says: "Great abuses have sprung up, and much favoritism and corruption are complained of." We wish to stop that, and we ask and invite the assistance of the Senators on the opposite side, in the language of your Attorney-General, to stop this favoritism, to stop this corruption, to change the law that allows it. He adds:

It is easy to provide a uniform mode of selecting jurors for the courts of the United States.

That is what we are demanding here; and further he says:

And I respectfully suggest that an act be passed to accomplish this result.

That is what we are trying to do. And the present Attorney-General says this:

My predecessors thought that a uniform method of drawing jurors for United States courts should be adopted for the whole country, and I add thereto my conviction of its propriety and usefulness.

So that we are invited by the present Administration through its Attorney-General, by the former Administration through its Attorney-General, to reform this jury law. They have invited us to do it. It is upon the recommendation of two Administrations that we are seeking to pass this very law, and we ought confidently to ask and expect the assistance of all the Senators on the other side to carry out the recommendations of two of their own Administrations.

Mr. MORGAN. Mr. President, I believe that there is an existing and essential public necessity for the reformation of the jury laws of this country with respect to the drawing of jurors in the Federal courts. My belief on this subject is drawn from experience in the Southern States. I can only express the views that I have to utter on this occasion with reference to my own experience and observation.

From the adoption of the act for the organization of the judiciary of the United States down to 1840 it was not found to be necessary to make any reformation or amendment of the jury law of this country. Indeed, the business of the Federal courts during that time had not grown to the immense magnitude that it now has; neither did that business cover the great number and variety of causes that are now subject to judicial consideration in those courts. In 1840, however, it was found to be necessary, in the opinion of Congress and, I dare say, of the judges, that there should be this amendment made in the law of 1789: that the judges of the different circuit courts and district courts might provide by rule for the adaptation of the manner of drawing jurors in the several courts to the laws and practice of the different States, because it was found that in the different States a variety of methods prevailed in regard to the selection of jurors, the various States having adopted different modes of accomplishing this important public purpose. Under the act of 1840 many of the courts of the United States did adopt rules, but these rules did not by adoption become laws. They were the mere rules of practice of each court, subject to its own discretion in the matter of their being adopted first, and afterward in the matter of being reversed or

set aside. It was found under that practice, and it is now true, that the mere departure of one of the executive officers of the court from the rule of court in the drawing of a jury was not a matter of error upon which any party had a right to complain on appeal. It was always with the court to determine whether the action of its officers had been conformable to the requirements of its own rules, and no law was violated, but merely a rule of court, when an officer of the court refused or failed to draw a jury in conformity to those rules.

That was the way the matter stood and that is the way the matter stands now in legal contemplation. The judge of the circuit court or of a district court adopts rules applicable to the particular district for the drawing of a jury, and if the marshal and other officers of the court in drawing the jury violate these rules, when a party is put upon his trial and undertakes to make an exception or a challenge upon the ground that these rules of court have been violated, he has no legal remedy in the way of exception, on appeal, but he has to stand by the judgment of the court as a matter which rests entirely in its discretion.

It has been conceived by lawyers without reference to the particular matter that is before the Senate at this time, that it would be a very wise thing indeed to have some system of law under which a party who is on trial for his life or in reference to any other grave matter might have the right to take that exception, might have the right to come on that exception by appeal to the Supreme Court of the United States, and there have the question considered whether a lawful jury had been put upon him. I do not know any right that applies to an American citizen that is broader or deeper or stronger than that he shall have the right to inquire when put on trial before a jury of his country, whether or not that is a lawful jury, and to have that question decided by the Supreme Court. And whenever Congress undertakes to subvert the influence and power of the law in the protection of a right like this and to substitute in the place thereof a mere discretionary rule of court, Congress does not do its duty because it does not protect the essential rights of the citizen.

Hence, Mr. President, I think I have seen and I think the majority of the legal profession who have considered this question for years past have seen that there is a necessity for reformation in the laws of the United States as to the matter of drawing juries. The selecting of men to go upon juries and drawing juries after these men have been selected from that body, are matters that ought to be regulated by positive law, and these laws ought to be guarded with the utmost degree of caution and circumspection. This question has remained dormant, and would have slept perhaps without recognition of its importance but for the fact that during the war, in 1862, it became necessary in the opinion of the Congress of the United States that the subject of the qualifications of jurors as well as the manner of selecting them should undergo revision.

It was then considered by the Congress that it was necessary to impose additional grounds of disqualification upon jurors. The jury law enacted in 1862 was a part of the war machinery of this Government. It was intended by that law to prevent any man who was engaged in the rebellion or any man who sympathized with the rebellion from occupying a position in a Federal court which gave the right of judgment upon the rights of men, either civil or criminal. I do not complain of that law. I do not complain that the Government of the United States found itself necessitated perhaps, even in the non-seceding States, to adopt a system of jurisprudence which excluded at that time from the jury-box men who were known to be hostile to the Government of the United States; but my objection is to the continuance of that law, from a time of war, which it was intended to meet, to a time of peace to which it is utterly inapplicable.

It was altogether proper and right if it was constitutional that that disqualification should have been imposed upon all the jurors in the country at that time in view of the fact that there were then many prosecutions in the courts of the country in which the Government thought that it would be treated with extreme injustice if it did not impose upon all the citizens of the United States everywhere in all the States and Territories the disqualification which arose naturally out of the fact that the party might be in sympathy with the rebellion, aiding and abetting the arms of those who were engaged in that rebellion.

But, Mr. President, that was a law of very serious significance to men as well as the Government. That was a law of disfranchisement. That was a law which broke down natural rights—I say natural, I mean the rights secured by the laws and Constitution—of the people of the United States. What is a court of law in the United States—in all the States, and in the Federal Government, that has criminal jurisdiction, that has power to punish men for offenses? It is not a court composed simply of a judge selected by the President and confirmed by the Senate and sworn in office. That is not all of it. A court consists of a judge thus qualified and thus selected and a jury, and without the jury there can be no court. The jury is just as essentially a component part of the court as the judge. To the jury are intrusted duties and powers and functions as great in magnitude, as broad in their extent, as deep in their reach, and as powerful in their influence upon public justice as are confided to the judge. Our country has adopted the ancient common-law system of trial by jury. We have a right, a constitutional and inherent right to organize a court first by the selection of a judge to preside in the court and afterward by the selection of a jury qualified under the law to preside in the court. The jury is an independent body, has its powers and its functions just as distinct and independent as the court itself has. A great legal philosopher has written upon this subject and has defined to some extent the functions and uses and powers of a jury. I read from the writings of Jeremy Bentham:

> Of the functions exercised by the body of unlearned assessors, termed jurors or jurymen, the original intention as well as experienced use seems to be universally agreed as well as understood to be the serving as a check upon the power of the learned and experienced judge or judges under whose direction, or guidance at least, they have to act. In name, the decision pronounced in each cause, that decision at least to which the name of verdict is given, and in which not only the question of fact is decided upon, but a decision on the question of law (except in the particular case of a special verdict) is involved, is ascribed to them as if it were theirs alone; but, besides the power of sending the cause to a new trial before another jury, the effect of the power exercised by the professional judges is upon the whole so great, (the verdict having in no instance any effect until it be followed by a corresponding decision distinguished by the name of the judgment, the formation of which depends altogether on the professional part of the compound judicatory,) that a conception nearer to the truth will be formed by considering the main or principal power as in the hands of the judge, that of the jury serving as a check to his power, than by considering the principal power in the hands of the jury, that of the judge serving as a check to theirs.—*Works of Jeremy Bentham*, volume 5, page 67.

These two component parts of any judicatory in our country and in England are of equal and essential value, power, and authority, and though the judge may rule and control the jury, yet the jury is a powerful conservative element in every judgment that is to be pronounced and executed, with which we cannot dispense, unless we can get our consent to dispose of the real foundations of justice in this land.

Mr. President, we are very cautious about the selection of our judges, and we ought to be very anxious about them. The President of the United States is first consulted by a number of persons throughout a district or a circuit, and all information that can be possibly arrived at is sought for with a view to ascertain the peculiar qualifications of the person for pronouncing judgment, his knowledge of the law, his personal integrity, his standing in the community, what the people think of him as a man of judgment and uprightness; and after he is thus selected his name is brought to the Senate of the United States for confirmation, and we close the doors and shut out the world, and we enter into a full examination of all that belongs to the man relating to the exercise of the high functions of a judge, and after due deliberation we assent to his confirmation, and then he is appointed by the President and duly commissioned and sworn, and takes his place. And yet, after all this painstaking, after all this inquiry into character, ability, integrity, freedom from political bias and every other influence that might swerve him from the course of justice, he composes but one part of a court in this country.

How do the laws of the United States leave the other part of the court to be selected, that other part which is to pass upon life and liberty and character and property and all the other sacred things that belong to the American people—how is that part to be selected? Under the laws of the United States a marshal of the United States goes abroad in a district, which may comprise, as it does in my State, fifteen or twenty counties, and he selects according to his own private judgment or predilection the particular individuals to constitute this other part of that great tribunal. Who are they? Without saying more, it is enough to say that they are merely the men that this marshal may choose to select in his own unguarded, unguided, or unbridled discretion, to be assembled and impaneled and sworn to constitute the other part of this great judicatory.

At this point the difficulty arises. The question presented is whether or not there ought to be more care, more circumspection, more publicity, more non-partisanship, less influence of a personal and party character than is being exercised and has been exercised in the selection of this great tribunal? There is the question. It is that which the Senate has to deal with, and I maintain that there is no State in the American Union that has so imperfect a system of statutory enactments on the subject of the selection of juries as the United States has. There is not one State in the American Union whose statutes we could adopt out and out, without qualification or amendment, that would not present a better system for the selection of jurors than those that are provided under the statutes of the United States.

Ought this system to be improved? Is there any reason why the Congress of the United States should not engage in providing for the administration of justice in some sensible, fair, proper, and just way? Do we not hear of complaints coming up from all parts of the country which lead us to know that there is a general public demand for an improvement of the jury system of this country?

Mr. President, I admit as a matter of history that these complaints were not frequent, but were often felt and often urged in private, but they were not frequent as a matter of general public clamor until in 1862, and since that time the Government of the United States found itself necessitated to introduce political qualifications into the jury-box. I call them political qualifications. Perhaps Senators on the other side will differ with me. Senators on the other side will perhaps say that they were qualifications that depended upon the fact that a man in his sympathies was under the influence or control of the confederate view, and that, therefore, the disqualification was not one relating to his politics, but one relating to his crimes, and that he became criminal in the sense of the laws of the United States, became a convict under the laws of the United States, and, being a criminal and a convict under those laws, that was a disqualification which should forever shut him out from the jury-box. Grant that

that is true; grant also that the Government was justifiable in taking that position; grant that there was no argument that could stand against it at the time or even now; yet since that time there has been universal amnesty; since that time there has been a wiping out by the proclamations of the Presidents of the United States of all crime, and those upon whom the direct shadow of the wing of condemnation hovered have been relieved by the Government of the United States under its Constitution, through its supreme Executive, by a universal amnesty. There remains none who are excepted—certainly none are excepted but those who are mentioned in the fourteenth amendment to the Constitution, a small class reduced now to particular individuals that you can almost count on your ten fingers—all the rest have been set free by the pardon of the President. Every crime and every stigma that rested upon them has been wiped out; they stand to-day in the presence of all the laws of the United States as exempt from all right of challenge and from all degradation because of their having been engaged in the rebellion as any men who were engaged on the other side or in the armies of the other side, except in reference to one particular, and that is the right to sit in the jury-box.

But sections 820 and 821 of the Revised Statutes are denunciations of crime against every man in the Confederate States, no matter what his age might have been at the time of the war or of the secession of the several States, denunciations of crime against them from which they are unable to escape. Denunciations of judgment and penalty, conviction, and punishment against them stand to-day upon the statute-book, and if it be constitutional an absolute expulsion of every one of these men from the right of serving upon a jury.

Some Senators, not very recently, but frequently since I have had the honor to have a place upon this floor, have referred to this matter of serving on a jury with levity and have asked the question whether or not men were very anxious to perform the function and office of a juryman, whether they were candidates for such offices, whether or not these were offices to be sought for, favors to be prized, honors to be esteemed.

Mr. President, there is a double view of this question. There were about eight million white people in the South at the time of the rebellion, and that number has not fallen off, notwithstanding the losses during the war. I think it can be asserted as a universal truth that every man and woman in the Southern States participated in the rebellion to the extent that is denounced in sections 820 and 821 of the Revised Statutes of the United States. That may be a deplorable fact; nevertheless if you were to put the Book of God in the hands of those people and ask them to kiss it with an oath, they would tell you that was true. Then those who were under age and those who were over the age of twenty-one, and eligible to the jury-box, are all included within the denunciation of the statute. If you take a man of that class and put him upon his trial for any offense against the laws of the United States, or put his personal rights on trial on the civil side of the courts of the United States, that man looks around in vain among the jurors of the vicinage, everywhere, anywhere, he looks in vain among these people, and he says, "I find myself entitled under the Constitution of the United States to a fair and impartial trial by a jury of the vicinage; I find myself entitled as a man to a fair and impartial trial by a jury of the vicinage under the express provision of an amendment to the Constitution of the United States, (something that was considered so important and so sacred that it was put into the form of an amendment and placed upon that instrument by way of emphasizing the right of an individual to have a trial like this;) and yet I find that all those people who know me, all those who are blood of my blood and flesh of my flesh and bone of my bone, are disfranchised from serving on the jury. They may have been young boys fifteen years of age when this struggle came, and the natural sympathies and emotions of their hearts may have led them to perform acts in the expression of their own inward convictions of duty, and at last, under the impulse of their affections, they have been led into a participation in this; and there are none of those who can preside as a part of this judicatory; there are none of those who can compose this court on my trial for my life, my character, my property, whatever it may be; they are excepted." Is not that citizen thus deprived of a fair and an impartial trial by a jury of the vicinage and of the district in which he lives?

It would seem to me, Mr. President, that any man who may stand fifty years from now upon this continent and look back to this day will be obliged to admit, after the heat and controversy of this great struggle has entirely faded from the recollection of living men, he would be obliged to say that man was deprived of a fair trial by an impartial jury of his own vicinage.

More than that. The balance of the population of the South consisted only of the African race and of those adventurers who came in there from the Northern States, or those good citizens, of whom I thank God there are a great many, who have come to settle among us in good faith and who are entirely welcome into our midst; but that is a small number. We have to throw ourselves upon the negro race for trial, and, in reference to the white race, unless we pick up the adventurers with those honorable men who have settled among us for the purposes of actual living and neighborship with ourselves, we have to take this sort of jury. Is not that man deprived of one of his rights under the Constitution of the United States?

At all events, the number is so reduced as that the marshal of the United States, if he chooses to do it, can select out of this small number those men whom he wants to fasten upon for the purpose of depriving that man of his rights or convicting him of crime. I maintain—and I venture to assert it before the Senate of the United States—that my right to sit on a jury is a right that belongs to me as an American citizen and it is my right until I am disqualified by some constitutional law. If I may be a Senator, I should be lawfully qualified as a juror. A young person who is eighteen years of age and will become a man in three years more, against whom there is a conviction, if you please, or a censure, or an accusation—I do not care what it may be—that will deprive him of the right to sit on all the juries of his State and of the United States is a man who comes into the possession of his faculties of manhood under a cloud and under a condemnation. Take the laws of the State of New York and let them provide that because a man shall commit certain offenses against society he shall be forever deprived of the right of sitting on a jury,—no fine, no imprisonment, no reference to his right to vote, but a statute that imposes upon a man the disqualification from sitting upon a jury as a punishment for crime, that man would feel and his family and friends would all feel that he had been degraded and disgraced for the balance of his life if a conviction of that sort rested upon him. You may just as well deny to a man the right to hold an office as to deny him the right to compose a part of an honorable tribunal for the trial of the rights of men, his neighbors, those by whom he may be surrounded. It is no paltry, mean, insignificant, or trifling right; it is a right of manhood, a right that belongs to a man because he is a citizen of the United States, and a right you cannot deprive him of by law without inflicting on him a serious calamity.

The act of 1862 is a law that deprives a man of a constitutional privilege, immunity, and right that belongs to him as a citizen of the United States. It is a bill of pains and penalties. When you conferred citizenship on the negro race in this country did you not at the same time confer upon them the right to sit upon juries? If you did not, then the Southern States have all been mistaken, because in consequence of that very particular principle all the Southern States have declared, through their judges and otherwise, that the negroes in that country being American citizens, and not otherwise disqualified, have the right to sit upon juries; and many a time have I argued cases before juries composed largely of negroes. I have argued cases before them involving thousands of dollars of property that depended upon the contents and construction of papers which the men upon the jury could not themselves read. I have been compelled to do this in obedience to the principle of law that the Constitution of the United States having conferred citizenship upon the negroes those that are twenty-one years of age and men of good character, freeholders or householders in my State not subject to challenge for favor or for cause, are competent jurors, and our cases have gone before them and we have had to submit to their verdicts.

Here is the influence of that principle. Here is the exemplification of American citizenship to which are attached certain rights and immunities which I think a State cannot deprive a man of. On that ground I do not believe there is a State in the American Union that can pass a valid law to exclude a man from the jury-box because he is a negro. Then these rights of which I speak are rights that belong to the very character, nature, and essence of American citizenship. They are of the same kind that were pronounced upon by the Supreme Court of the United States in the case of Cummings *vs.* The State of Missouri. Mr. Cummings, under the constitution of that State, was deprived of his right to preach as other men were disqualified from various other political and civil rights because they had been engaged either by participation actually or in sympathy with the rebellion. I will read from that decision:

> The disabilities created by the constitution of Missouri must be regarded as penalties; they constitute punishment.

And it is that particular view of this matter which I desire to call to the attention of the Senate, that the disabilities contained, as I insist, in sections 820 and 821 of the Revised Statutes are penalties, they are punishments:

> We do not agree with the counsel of Missouri that "to punish one is to deprive him of life, liberty, or property, and that to take from him anything less than these is no punishment at all." The learned counsel does not use these terms, life, liberty, and property, as comprehending every right known to the law. He does not include under liberty freedom from outrage on the feelings as well as restraints on the person. He does not include under property those estates which one may acquire in professions, though they are often the source of the highest emoluments and honors. The deprivation of any rights, civil or political, previously enjoyed may be punishment, the circumstances attending and the causes of the deprivation determining this fact. Disqualification from office may be punishment, as in cases of conviction upon impeachment. Disqualification from the pursuits of a lawful avocation, or from positions of trust, or from the privilege of appearing in the courts or acting as an executor, administrator, or guardian, may also, and often has been, imposed as punishment.—4 *Wallace's Reports*, 320.

The court then cite various British statutes which apply to subjects cognate to this, and they hold that the deprivation of any man by statute of a privilege, a right, an immunity, which before that time he enjoyed, is a deprivation which is unconstitutional because it has not been done by the judgment of a court but has been done merely by act of positive law—a bill of pains and penalties.

It is not necessary for the support of this bill that I should assume the position that these sections 820 and 821 of the Revised Statutes operate as penalties and punishment inflicted on men by act of Congress, and yet I do assume it. I do state that to be my belief, because I think that it is capable (if I had the time to do it) of absolute demonstra-

tion that when an act of Congress deprives a citizen of the United States forever of the right of sitting on a jury of his country, that act deprives him of a right and privilege in which he is personally interested, which belongs to his character and honor as a citizen, and a privilege also which those who are associated with him in society have a right to claim that he shall enjoy. These two sections are stricken down by this bill. One of them had been stricken down before. The Congress of the United States when it was thoroughly republican on both sides and when there was a republican President struck down section 820; but afterward it was resuscitated, it came to life again, its foul form crept back into the statute-book again, and there was in that act some base connivance of some man or some men that ought to shame them, whoever they may be, as long as recollection can recall their memory. Congress repealed the law, being disgusted with the thought of its being upon the statute-book. The very party that put it there repealed it, struck it out, and afterward by an act of fraudulent contrivance stuck it back in the statute-book and enforced it upon the people.

That is the situation in regard to that statute; and yet Senators get up here and defend it. As I understood the honorable Senator from Massachusetts [Mr. DAWES] to-day, he announced that his people would be abhorrent at the thought of that statute being stricken off the book. God save such a people if that be their condition!

Mr. President, in the debate that occurred on this bill on Saturday certain expressions were used by the honorable Senator from Maine [Mr. BLAINE] and the honorable Senator from New York [Mr. CONKLING] in regard to this particular bill that I think are worthy of attention and consideration. The Senator from Maine said as follows, replying to a remark of the Senator from Delaware, [Mr. SAULSBURY:]

The Senator from Delaware thinks because in a gracious moment of clemency, after sufficient punishment had been inflicted, and the President had exercised the pardoning power, that that must be taken as proof of innocence. By no means. There are often a great many reasons, personal and political, for granting a pardon. There were a great many ku-klux prisoners taken out of the Albany penitentiary upon special representations to the late President of the United States, General Grant, that great good would result in the South, that a good condition of affairs would be brought about by such a display of executive clemency. Does the honorable Senator understand that in the opinion of General Grant he had any doubt whatever of the guilt of those men? Not at all.

Mr. CONKLING. Many of them pleaded guilty.

Mr. BLAINE. Many of them, the Senator from New York says, pleaded guilty. They were sent to the penitentiary by scores and shoals. Many besides those sent had *nol pros.* entered who would have been convicted had not official instruction gone from this city to show clemency. I have heard what the Senator from New York [Mr. KERNAN] says, bandied about on this floor and everywhere as a piece of political claptrap, that juries were corruptly drawn and convictions corruptly obtained in the South. I want the names—I want the names of twenty or ten or five or one such man, and if Senators cannot give it I hope it will be the end of all this talk about the necessity for the first time of inserting into the laws of the United States a provision that you shall have a man of well-known political character of the opposite political party to be stationed on the opposite side of a jury-box to the clerk of the United States court, and that they there shall agree to settle on political grounds what shall be the jury in the courts of the United States. It is the first time such a thing was ever attempted, and it is an absolute and deep disgrace to the statutes of the United States to put it there.

The Senator from New York [Mr. CONKLING] said:

Now, Mr. President, I, too, have heard a great deal of talk about juries being packed in this State and in that State and in some other State; always I believe in the State from which the informant does not come. And I have heard how men have been convicted unrighteously, innocent men. That is a very rare occurrence. Such instances are very sparse in the whole volume of judicial annals in the most stormy, the most bloody, and the most barbarous times. I do not believe an instance, unless one so rare, so conspicuous as to be the exception which is said to prove all general rules, can be found of any such thing; and I am so venturesome as to do this: I will enter into this engagement with any Senator: If he will show me an instance in which in the national courts a jury has been packed, I will show him an instance in which the marshal is impeachable and indictable, or else I will show him an instance in which the State where that occurrence took place has been so heedless in devising jury laws that the dereliction is absolutely flagitious. Now I see my excellent friend from Indiana has risen.

Here the two Senators concur in expressing the opinion that all that has been said on the subject of packed juries and improper convictions is mere clap-trap gotten up for the purpose of doing what? Of influencing the Congress of the United States to pass some absurd law, some law that can have no meaning or efficacy in it, some law that disgraces, as these gentlemen say, the statute-books of the country. Mr. President, I take issue with these gentlemen upon that question, and I think I may safely affirm, so far as my State is concerned, that it is neither clap-trap nor a false alarm nor a false accusation, but that the business of packing juries in Alabama in the Federal courts has become a systematic business, and that false convictions have resulted as a matter of course from this state of affairs.

The Senator from Maine [Mr. BLAINE] undertakes to show that where cases can be pointed out by a Senator of false convictions, the records of the Attorney-General's Office when they are presented here will justify the convictions. I dare say the honorable Senator from Maine can easily do that, because in almost every case of false conviction of any consequence the moment the guilty parties have accomplished their purposes they flood the Attorney-General's Office with affidavits for the purpose of sustaining that conviction; but that is not the way to have a fair trial. The way to get a fair trial of such a question is to go among the people where these convictions have taken place and take the judgment and sentiment of the country in regard to matters of this kind. If a whole people believe that under the existing laws corruptions have crept in, whereby justice is perverted and innocence convicted and guilt discharged without punishment, the Congress of the United States should respect the sentiments and convictions of the people and act upon them in reference to the improvement of their laws, for it is the people after all that we are responsible to, and it is our duty to conform the laws of the United States so as to satisfy the people themselves that justice is administered in the courts.

The Senator from New York [Mr. CONKLING] has ventured the suggestion that very few innocent men are convicted. I dare say the honorable gentleman is correct in that particular, and yet it is equally true, when communities speak out boldly and continuously in regard to the corruptions of the jury-box, and year after year these complaints are coming up to Congress and the different departments of the Government of the United States, that those people speak of things that they know and that they feel. False clamors do not arise among the people, especially in regard to the corruptions of the judiciary, unless they have some solid and substantial foundation in fact. The people of this country are reverential toward the judiciary, and they ought to be. I would always encourage a feeling of that kind; but, in spite of all that you can do and all that you can say, you cannot smother the tongue of reproach that thunders from the people when they find that the laws of the country have been systematically abused and their judicial functionaries have been systematically corrupted for the purpose of inflicting injustice and wrong upon honest men.

The honorable Senator from New York took the ground, as I understood him, that the laws of the United States, as they stand at present, adopting the laws of the different States in reference to the qualifications of jurors, are quite sufficient to meet the difficulties of the situation, and that the trouble is in the administration of the laws and not in the infirmity of the laws themselves. There I take issue with the honorable Senator. It is true that the laws of the States must guide the Federal courts in regard to the qualification of jurors, and also in the matter of selecting jurors, but the laws of the United States do not control the marshals of the United States in selecting from the body of the communities such men as they please to select for the purpose of being placed on the jury. In the State of Alabama from 1865, and perhaps from a date antecedent to that, down to about 1876, there was no rule for the selection of grand or petit jurors governing the marshals of the United States. An order was issued from the court that a jury should be impaneled, the law prescribing the number of men of which that jury should consist. The districts comprising some fourteen or fifteen counties each, covering a large breadth of country, were the area from which the marshal was to select the men to comprise the juries. He sat down in his office, or inquired of his friends in reference to those who might be proper jurors, and he assembled the number of men required in the order of the court, and he made a return of that as a venire to the court. There was no other selection made of jurors, and the parties were put immediately to the question of a challenge of the array, or a challenge for favor or for cause. If there is one State in the American Union that under the existing laws is liable to an abuse of this kind, then I would say it is the duty of Congress to correct the laws; and yet we hear from Senators that there are various States in which like looseness of practice prevails, and the marshals are left entirely to their own discretion in the selection of the jurors.

Now we can see, Mr. President, that it must depend very essentially, if not entirely, upon who is the marshal and upon his deputies whether we get fair juries or bad juries. All the rights of the people of this country are thus made to depend on the integrity of a set of men, the marshal and his deputies. I say that to leave the law of this country in that uncertain state, to leave the composition of one of these grand judicatories in the hands and at the discretion of a single man and his deputies, is to give him more power than belongs to any department of the American Government. It gives him power over life and death; it gives him power to decide upon a man's property rights and his character, and there is no restriction that you can impose upon him except the mere right of challenge—challenge for cause or challenge for favor.

Let me ask the lawyers on this floor how is a party to challenge the array when a jury is thus assembled? The marshal has picked men to suit himself. That was his right, his privilege. He has chosen men who have not good reputation in their neighborhood. How are you going to prove that? A challenge to the array is absolutely impossible under an order of the kind I have mentioned. Your only resort is a challenge for favor or a challenge for cause.

Now, I suggest to the Senate a difficulty in the application of the law of Alabama to the filling up of the petit and grand juries in the Federal courts in that State. It is that you have got some fifteen or it may be twenty counties—I forget the precise number of the counties—in a judicial district. In each county a list of jurors is prepared in the following manner: Biennially the sheriff of the county must make up a full and complete list of every householder and freeholder in his county who is a man over twenty-one years of age. He brings that list to the judge of probate, the sheriff, and the clerk of the circuit court; they canvass these names; they ascertain whether they are householders or freeholders and whether they are men of honest and fair character in their communities; these names are carefully rolled up and put into a box, and a lock is put upon it, and then at a certain day, twenty days preceding each circuit court, the same officials meet together and from that box they draw the number of petit jurors and grand jurors prescribed by the law to be summoned

for the term, and they proceed to draw until they get the requisite number, and this list is the venire.

Now, do we not see that it is next to impossible for the Federal court at Montgomery to get from these boxes these jurors. Hence some other plan must be resorted to. The courts in their efforts to adapt their practice to the State statutes and the State requirements found that these statutes were in the way of the adoption of this system, and it was impossible to do it. The courts have thus been compelled to one of two resorts. The first is to leave the selection to the marshal, which has hitherto been done; and the next is to adopt rules of court to regulate the selection, which I have shown, so far as the right of individuals is concerned, are mere *brutum fulmen*. They are not laws, but mere rules of practice adopted by a particular court. It is very easy, after you have got a sufficient number of names together from which to select a jury, to go on and select it in accordance with the laws of the State; that is to say, that the marshal shall draw and the clerk shall record as each name shall be drawn from a box; but the difficulty is in getting the names into the box; the difficulty is not in getting an organization of the jury, but in reference to the manner in which the names are first to be placed in the box from which the jury is to be selected.

The disgraceful part of this bill, as it has been proclaimed to the world by the honorable Senator from New York and the honorable Senator from Maine, is that part of it which provides that two commissioners shall be appointed for the purpose of selecting the names to go into this box who shall be of opposing political parties. I believe there is no man who regrets more sincerely than I do the necessity of putting into the laws of the United States anything that relates to an inquiry as to a person's political principles as a matter upon which a court is to act; but we are legislating in regard to things as they are and not in regard to things as they ought to be. We are legislating now for the correction of evils pressing upon this country, which evils have not sprung from any improper conduct upon the part of the people, but evils that have sprung alone from the political bias and partisanship which has influenced the legislation of Congress itself.

I have adverted to the imposition in 1862 of political qualifications, or rather disqualifications, upon the juries of the country. That was the first time that politics found its way into the judiciary of the land. After the war, in 1865 and 1866 and 1867, for the first time the courts of the United States were given jurisdiction of political offenses. I am not complaining that your courts were then empowered to decide upon political offenses; it may have been necessary that it should have been; yet the fact is that that was the first time that any statute of the United States required a judge or a court of this country to pass upon a man's politics. When you undertook to extend the jurisdiction of the laws of the United States and the courts of the United States over the ballot-box, when you undertook to create a great number of political offenses with reference to the ballot-box, when you undertook to give your judges jurisdiction to try men for offenses which had hitherto been offenses only against the laws of the States, then it was, and as a part of that very system, a part without which that system would have been altogether imperfect, that you enacted a law such as section 2012 of the Revised Statutes. I will read that law:

> The court, when so opened by the judge, shall proceed to appoint and commission, from day to day and from time to time, and under the bond of the judge, and under the seal of the court, for each election district or voting precinct in such city or town, or for such election district or voting precinct in the congressional district, as may have applied in the manner hereinbefore prescribed, and to revoke, change, or renew such appointment from time to time, two citizens, residents of the city or town, or of the election district or voting precinct in the county or parish, who shall be of different political parties, and able to read and write the English language, and who shall be known and designated as supervisors of election.

The court shall be opened within a State and presided over by the circuit judge, if he can attend; if not, by a district judge to be designated by him; and upon an application made before that court it proceeds to the inquiry that is submitted to it. And the inquiry is of a judicial character, "to which political party does the man belong?" There we find the example set by the republican party when they had two-thirds majority in each House of Congress, and the President also, requiring the judges of the circuit court of the United States to open court in due form and call the parties before it, to hear petitions and applications for the appointment of an officer of the United States Government, which officer when appointed should have very high powers both ministerial and judicial, arbitrary powers indeed, and the court must inquire, according to this statute, as to which political party the man belonged. Thus the republican party laid down that basis of legislation out of which has grown the necessity for this bill, which bill, thus sprung from its natural ancestor, the honorable Senators from New York and Maine denominate as disgraceful. Whose disgrace is it? It is the disgrace of the parent and not of the child. It is the disgrace of the authors of these schemes and not of the men who have the correction of such evils in their hands. It is the disgrace of those who have put this foul blot and stain on the country and not of the men who have come now to legislate for the correction of the evils as they exist. There is where the disgrace rests, and not upon those who are trying to get rid of it.

Senators may talk about disgrace, they may elevate their noses to the heavens and declaim against the disgrace on the democratic party for bringing these things into the Senate, but the country will not allow them to forget that they are the authors and inventors of this evil. Because you have conferred upon your Federal courts jurisdiction of political offenses, because you have constrained your judges to go down into the strifes of the elections and there select the agencies of party to carry out their dirty schemes, because you have stained the ermine of the judiciary of this country with these foul stains and blots, we have felt ourselves compelled to come to the rescue and to adopt a system of legislation that we never would have thought of resorting to but for the necessity that you put us under to relieve the country from the influence of partisanship in the jury-box and upon the bench.

Mr. President, the judiciary of the United States is almost under the absolute control of the political power. The bench should be an independent department. It was the anchor of hope to those great men who ordained this system, and when they looked forward through the times of turbulence that might arise, as they must always arise in the administration of the affairs of a free government managed by the people, they looked to this judiciary as the strongest safeguard of the liberties of the people as well as of the States, but they evidently did not contemplate the time when their judges would be appointed merely with reference to their party and political affiliations, and when they would be required to subordinate themselves as party hacks to carry out the designs of politicians. And yet that time has arrived, or at all events, whether it has or not, the people of the United States believe that it has arrived, and that belief will be transmitted to posterity until it becomes crystallized into a fact of history; it will grow into the condemnation of this generation of men for having perverted the judiciary into a mere system of political machinery.

What is more common than to find the Chief-Justice of the United States and other judges put upon the bench because of services rendered to a political party. I have heard it intimated by the honorable Senator from Maine in debate not long since that Chief-Justice Taney had been put upon the bench because he favored particular measures of General Jackson's administration in regard to removing the public deposits. Is that so, or is it not so? If General Jackson put him on the bench for that purpose, although he placed a great jurist upon the bench, he committed a crime against his country and against posterity. I have heard it said that Chief-Justice Chase was put upon the bench because he had served his party faithfully and ably, and particularly in the devising of the scheme of the national banks and the legal-tender system during the war.

I have heard it said that Mr. Williams, of Oregon, had been tendered the place of Chief-Justice of the Supreme Court of the United States because he was a personal and intimate friend and a Cabinet officer of a President of the United States. I have heard it said, and I believe it to be true, that Caleb Cushing, who was a great man in the judiciary of this country, who had great renown as a jurist and I believe an unimpeachable character for honesty and uprightness, was rejected by the Senate of the United States because at some time or other he had expressed a sense of respect for Jefferson Davis, the president of the Confederate States. I have heard it stated, and the people believe it, that two judges of the Supreme Court of the United States were put on the bench because their opinions were known and it was understood that they would decide that legal-tenders were constitutional money. I have heard it said that certain judges of the Supreme Court of the United States were selected and placed upon the joint commission that was to decide the fate of this country in reference to the Presidency because they were known to be the firm and warm adherents of a certain political party and that they might be relied on for a certain sort of judgment. I have heard it said that Richard Busteed, of New York, was taken from New York and placed upon the bench in the South for a twofold purpose, one of which was to get rid of a man in the Army who was a malcontent and could not be controlled there, and the other because the confederate congress in a memorial that they had addressed to the people had denounced this man's appointment in advance as one that was likely to be made. I have heard that Mr. McLin, of Florida, was selected and sent to a Territory as judge of a territorial court to reward him for complicity in frauds in regard to the presidential election. I have heard that a man in North Carolina that was beaten for governor there was afterward transplanted to Florida and made a Federal judge, and since that time, in the opinion of the bar of that country and the people there, he has lost all restraint of conscience. I have heard of Durell and of Billings, and I have not heard of a case in which a judge has been promoted to the bench solely on account of his personal merits. Perhaps I ought not to speak of cases pending, and I will not; yet there are grounds of suspicion on the part of people of the United States that men are now being selected and put upon the bench of the United States because of their adherence to the partisan demands of a President or his party. This is why I say that the people of the United States believe, whether justly or not, that the judiciary of the United States is being corrupted; that it is being made a grand receptacle for pensioners and political hacks and broken-down men who cannot find anywhere else to go. When a man gets down in public estimation so that the people will not any longer sustain him, when he does some foul villainy, or at least the country believes that he does, which ought to consign him to the penitentiary instead of to the bench, he is put there as a pensioner on the country.

It is time, Mr. President and Senators, that we had looked to this

question of the reformation of the judiciary of this land, and it is time that we had ceased to try to burden either the judges or the juries with any of those duties which lead them necessarily to the service of a party instead of the dispensation of justice. It is because you have compelled your judges to participate in elections, because you have thus widened out the area of Federal jurisdiction and have made the bench a political machine, that these troubles have come. That is the reason why we have now to legislate so that when we select men to be placed upon the juries of the country, we insist that there shall be one man of each party to make the selections, so that we shall be assured of fair play.

Now the challenge is again brought here from Senators and I am going to meet it, about packing juries. It is neither according to my taste nor my wishes to intrude such subjects on the Senate; but when Senators get up here and demand evidence of this kind, I congratulate myself that by going no further than the files of the Senate I have the proofs which the Senate itself has considered at one time or another, which show that these juries have been packed, corruptly packed, and I can assert in addition, systematically packed.

When the honorable Senator from Maine threw down this challenge and when the honorable Senator from New York did the same thing, and I found they were working so harmoniously together, reminding me of the peacocks that drew the chariot of Juno through the heavens in their harmony and in their marching together in beautiful array, I thought it was time to go to the files of the Senate where I knew I could go with safety and bring forward some evidence. They are not democrats that I am going to read from. All the witnesses I shall present are republicans. Shall I be asked to indorse their character? I hope not. I cannot do that. All I can say for them is that they are consistent members of the republican party and they served that party in all emergencies according to the best of their ability. I will read some affidavits that I find on the files of the Senate, beginning with an affidavit of Theodore Guesnard, jr.:

United States circuit court for the southern district of Alabama:

Personally appeared Theodore Guesnard, jr., a citizen of Mobile County, Alabama, who being duly sworn deposes and says, that it was a general rumor and talk on the streets, in city of Mobile, that the United States grand jury which was in session during the term of the United States circuit court at Mobile, Alabama, which was convened on the 2d day of January, 1878, had been packed in order to prevent true bills from being found by said grand jury against Lou H. Meyer and John J. Moulton, they both having been arrested on account of irregularities in the United States internal-revenue office at Mobile, and brought before a United States commissioner; that intimate friends of said Lou H. Meyer and Moulton had been chosen by the marshal and summoned to serve as talesmen on said grand jury, among whom was one Paul Ravises, a United States commissioner and shipping commissioner, and George E. Yarrington, who is also connected in some capacity in the internal-revenue office at Mobile; that it was generally considered that the two above-named jurors, especially, were placed on said grand jury to use their influence in preventing a true bill being found against said Meyer and Moulton; that it was a disgrace to the United States Government the way things were carried on by the marshal.

THEO. GUESNARD.

Subscribed and sworn to before me this 8th day of March, A. D. 1878.

[SEAL.] HENRY S. SKAATS,

United States Commissioner, Southern District Alabama.

There is no proof in that, there is no evidence there at all, but it is the opinion of a republican in the city of Mobile in regard to matters that were transacted among the republicans in that city, and I give that for what it is worth. If there was nothing else but a prevailing opinion of this kind in the city of Mobile, it would be the duty of Congress to look at it and see whether there ought not to be some remedy by amendment of laws to correct this difficulty. But now I proceed further.

I read this affidavit of P. W. Smith for the purpose of showing to the Senate one instance in reference to the importance that is attached in that country to getting on a jury. The office of a juror, though it is laughed at and scouted by the honorable Senators on the other side, is one that is sought after by republicans in Alabama with as much avidity almost as senatorships are sought after by some gentlemen who come here. Three dollars a day through an average of some thirty or forty or fifty days, as the courts very often last that length of time, is a matter of very grave consideration with these men; and hence they go about and they electioneer and they use all manner of influence and make all manner of promises to get on the jury. If you want to select thirty or sixty of the best workers in a party to be found anywhere go to these men and tell them you will put them on the Federal juries and give them $3 a day and mileage from home and back, and you have secured all that you want on that point. Here is P. W. Smith. He makes an affidavit for the purpose of exonerating one of his friends from an accusation brought by a republican against him:

STATE OF ALABAMA,
Montgomery County:

Before me, J. W. Dimmick, circuit court commissioner of United States, personally appears P. W. Smith, who is known to me, and who, being sworn, says that after he had been selected as a juror in the United States district court at the November term, not knowing that he had been so selected, stated to Marshal Reid that if he would put him on the jury he would be able to pay Mrs. Reading (who is a sister-in law of said Reid) certain rents which he owed her. Said Reid replied that he could not put him on the jury on that account; that such a consideration could not enter into the selection of jurors. He also said that affiant was, in his opinion, competent and a good republican, and affiant supposed from what passed that he had already been selected. Affiant denies that there was any agreement whatever to the effect that he was to pay the rent due Mrs. Reading, or any other agreement whatever between affiant and the said Reid in reference to affiant's selection as a juror. Affiant says further that he has since paid $15 of the rent due by him to Mrs. Reading with his fees as a juror, but it was done voluntarily on his part, and without suggestion from said Reid. Affiant says further that the debt due Mrs. Reading amounted to only $15, which he was anxious to pay, and repeats that he paid the same freely of his own accord, and without the slightest intimation from said Reid that he should do so. Everything that passed in the said conversation in reference to payment of the rent came from affiant, and said Reid turned away abruptly as if the subject was unpleasant to him, and affiant regretted that he had alluded to it at all.

P. W. SMITH.

Subscribed to and sworn before me this 29th day of November, A. D. 1877.

J. W. DIMMICK,

United States Commissioner in and for the Middle District of Alabama.

I have read that for the purpose of showing the Senate what importance is attached to the two requisites for a juror in Alabama, one that he should be a republican, and the other that he should be a friend of the marshal.

Now I will read the affidavit of George Cottin. George Cottin was for many years a deputy marshal of the United States, first during the administration of John Hardy, and afterward during the administration of General R. W. Healy, in the southern district of Alabama. I have attended that court frequently, and have always found Cottin there acting as a deputy marshal of the United States. He says:

Statement sworn to by George Cottin and Richard T. Payne, Mobile, Alabama.

1. At the term of the United States circuit court for southern district of Alabama, which was convened on the 2d day of January, 1878, at which term of said court a grand jury was impaneled by the marshal of said district. On the first day upon which the court was opened the list of grand jurors was called in open court and nineteen of the panel answered to their names, four were excused by the court from serving as grand jurors, and which left only fifteen of the regular panel. The panel not being full, the marshal asked the court for an order to summon grand jurors enough to fill the panel. Whereupon the court ordered five additional grand jurors to be summoned, and the marshal in short time had summoned the following five persons as grand jurors, as talesmen, to wit: Paul Ravisiss, a United States commissioner; George E. Yarrington, a United States deputy collector of internal revenue; T. J. Hicky, Augustus Boullement, and Thomas White.

2. On or about the 15th day of December, 1877, Lou H. Meyer, collector of internal revenue for the first collection district of Alabama—

And who, by the way, was the brother of the district attorney for the middle district of that State—

was arrested and brought before United States Commissioner H. S. Skaats on a charge of embezzling money belonging to the United States, and at the trial before said commissioner the case against said Lou H. Meyer was dismissed by said commissioner, there being no evidence to implicate said Meyer directly; but upon the evidence produced before said commissioner at said Meyer's trial, it was shown that John J. Moulton, a deputy collector under said Lou H. Meyer, was guilty of the charge upon which Lou H. Meyer had been arrested, whereupon an affidavit was made against said Moulton by H. A. Candee, first deputy and cashier under Lou H. Meyer, whereupon said Moulton was arrested and waived examination—

I call the attention of Senators to the name of that man, H. A. Candee, because I will read a letter from him presently—

before United States Commissioner Skaats and gave bond in the sum of $1,000 to await the action of the grand jury at the December term of the circuit court, which convened on the 2d day of January, 1878.

3. Michael Lardner, Allen Alexander, George Robinson, R. T. Payne were all duly summoned as United States witnesses, and did appear and testify before said grand jury; and notwithstanding the positive proof which these witnesses had against Moulton there was no true bill found against said Moulton; which shows conclusively that the five talesmen above named, picked out by the marshal or his deputy, used their influence in the grand-jury room to prevent a true bill being found against said Meyer or Moulton.

4. George E. Yarrington, one of the five talesmen, who has been and is now connected with the office of the internal revenue at Mobile, made the complaints as a revenue officer against several parties for violations against the revenue laws, and was also a witness in certain cases in which he made the affidavits as such revenue officer before the United States commissioner; and the marshal or his deputy, knowing these facts, did summon said Yarrington as a grand juror as aforesaid, when really said Yarrington should have been a witness before said grand jury.

5. A few days previous to the arrest of said Lou H. Meyer, said John J. Moulton came to me, R. T. Payne, and offered me $100 if I would not make an affidavit against said Lou H. Meyer before a United States commissioner, which I refused to take, and did, after said offer was made, make an affidavit against said Meyer, upon which he was arrested.

Personally appeared before me, Henry S. Skaats, a United States commissioner for the southern district of Alabama, George Cottin and R. T. Payne, who, both being duly sworn, say that the above statement is true to the best of their knowledge and belief.

GEO. COTTIN.
RICHARD T. PAYNE.

Subscribed and sworn to before me this 10th day of April, A. D. 1878.

[SEAL.] HENRY S. SKAATS,

United States Commissioner, Southern District of Alabama.

That may be said not to be "positive proof" of the fact there alleged. George Robinson goes on to give some of the facts upon which this prosecution was based. I read his affidavit:

Personally appeared George Robinson, who, being duly sworn, deposes and says: That on or about the 20th day of October, 1877, one Dominick Querine called affiant into his place of business and showed him lithograph receipt signed "Lou H. Meyer, collector," which said Dominick Querine had received on the 1st day of May, 1877, from the internal-revenue office, for $30, that $30 being the tax for retailing liquor and tobacco for the year commencing May 1, 1877, and ending May 1, 1878. This receipt Dominick Querine informed affiant had been given to him in lieu of the regular tax-stamp or license, the said Querine having been informed at the revenue office that they had no stamp or license on hand, and that they would send him the stamp or license as soon as they received them from the Department at Washington.

Affiant further says that Dominick Querine applied at the revenue office several times for his license, and was repeatedly told that they had not yet received any.

Affiant further says that he told Querine that he had better get his license from the revenue office or he might be indicted by the United States grand jury; whereupon said Dominick Querine, in November, 1877, again applied to the revenue office and received his license, the face showing that he had paid $30 and only six coupons attached, whereas there should have been twelve coupons attached to said license, as said Dominick Querine had paid $30 for said license, the revenue office thereby defrauding the United States Government out of the money collected from said Dominick Querine for the first six months, viz: May, June, July, August, September, and October, 1877; for which six months coupons should not have been de-

tached from the license which he received from the revenue office in the month of November, as in fact the coupons for the first six months had been detached from said license.

GEORGE ROBINSON.

Sworn to before me this 7th day of March, A. D. 1878.

[SEAL.] HENRY S. SKAATS,

United States Commissioner Southern District of Alabama.

There can be no doubt that these men whose testimony I have now laid before the Senate believed that this crime had been committed, and they were there for the purpose of proving it upon these parties. Here is another affidavit of this man Richard T. Payne:

Personally appeared Richard T. Payne, who, being duly sworn, deposes and says: That on or about the 15th day of December, 1877, he swore out an affidavit against Lou H. Meyer, collector of internal revenue for the first collection district of Alabama, for embezzlement of public money of the United States, before Henry S. Skaats, United States commissioner; that before swearing out the affidavit one John J. Moulton, who at the time was a deputy collector under Lou H. Meyer, came to affiant and offered him $100 if he, affiant, would not make an affidavit against Lou H. Meyer, which offer affiant refused to accept, and did make an affidavit against said Lou H. Meyer, who was arrested and tried before Henry S. Skaats, a United States commissioner.

Affiant further says that upon the trial of said Meyer before said commissioner, one Harry A. Candee, who was at the time and is still chief deputy collector and cashier under Lou H. Meyer, and who also was summoned as a witness against Lou H. Meyer, and who did not appear on the first day of the trial with the books from the revenue office, said books being required as evidence before the commissioner. The commissioner thereupon ordered Lou H. Meyer to produce said books; whereupon said Lou H. Meyer and Terry Lawrence, another of Lou H. Meyer's deputies, went to the revenue office and searched for said books, and told said commissioner that the books were not to be found in the office.

Affiant further says that on the day after, the case still being on trial, H. A. Candee came into court, called Lou H. Meyer aside, and told him that the books had been altered the previous night, which was during the trial of said case. Affiant further says that it was in the case of Dominick Querine that he had Lou H. Meyer arrested. Affiant further says that he reported the case while acting as deputy marshal, that fact being told to me officially as deputy marshal by worthy citizens.

RICHARD T. PAYNE.

Subscribed and sworn to before me this 7th day of March, A. D. 1878.

HENRY S. SKAATS,

United States Commissioner, Southern District of Alabama.

The officer put in charge of that grand jury on that occasion was a man against whom there was then pending in that court an indictment for a felony, and he remained in charge of that grand jury until within two days before his trial came up.

Here is an affidavit of Mr. George Cottin, proving an original letter written by H. A. Candee, deputy of the United States internal revenue collector, to his friend, Mr. Robert James, who then lived in Eutaw, Greene County, Alabama. Mr. James was also a deputy internal-revenue collector. After speaking of some other business, he says:

Now, you speak of the leak, did you not know all about John Moulton's scrape? I thought you did, or would have written you. Well, Mike Lardner got track of one of the stamps that John fixed, and Lou's name—

That is Meyer's name—

being signed thereto, thought he had L., and had him arrested, but of course it was pinned on John—

That is Moulton—

but F. A.—

That is Frank Anderson—

managed to fix the grand jury so that they failed to indict.

There is a letter from Candee, whose connection has been shown with this very matter by the affidavits of these men—an original letter by Candee, written to one of his friends, in which he says expressly Frank Anderson managed to fix the grand jury so as to keep Moulton from being indicted.

I will not detain the Senate by reading further evidence on that proposition. These affidavits establish the fact, I think as clearly as it ought to be expected to be established on an occasion of this kind, drawn from the files of the Senate of the United States. The accusation is here under oath. It shows a particular reason for the packing of this grand jury, and the men by whom it was packed, and the manner in which it was done.

Now, I beg leave to say in addition to this that it has been my observation in both grand and petit juries in the State of Alabama, that it is a rare instance of the assemblage of either one that there is not a number of Federal officials upon it. It is the commonest thing to find the Federal officials, particularly those who are connected with the revenue service and the administration of justice, deputy marshals and men like that, upon the Federal grand juries in that State. The very persistence in making such draughts of jurymen as this would of itself cast suspicion on any jury in the mind of an honest and fair-minded man.

Mr. President, this system of drawing grand juries and petit juries, but particularly grand juries, in my State had gone on until Judge Woods arrived at a knowledge of the fact that some steps had to be taken for the purpose of correcting this evil. The United States marshals had gone out and summoned just such men as they pleased, and in consequence of the summoning of these men they prevented indictments being found against the worst marauders in the Treasury, and secured indictments against men for mere political offenses, many of them offenses not described in any law, merely hatched up in the fancy of an enterprising district attorney.

There was a case of a man in the middle district of Alabama who had for several years been deputy collector of internal revenue. There was a gentleman in my State by the name of William H. Smith, who used to be its governor, a republican, and I will take occasion to express my opinion of him, that he is a man of honor and probity. It came to the knowledge of Governor Smith, papers came into his hand to show that this deputy internal-revenue collector had been in the habit of issuing stamps or licenses for the sale of manufactured tobacco at retail, which I believe cost $5. He would put on the margin of his stamp-book that a certain license was issued to a man on a certain day to retail manufactured tobacco for which he had received $5, and he would interline in the body of the stamp which he gave, "spirituous liquors," which was $25, and upon every issue of stamps of this kind that man would make $20. These papers came into the possession of Governor Smith. He brought them to this city and put them into the hands of Mr. Raum, and Mr. Raum sent them to the district attorney of the middle district of Alabama. A grand jury was summoned there upon which there were five collectors and deputy collectors of the United States, and of course no bill was found. At the next term of the court there was no grand jury summoned for the alleged want of funds. At the next term of the court, when the statute of limitations had worked a bar, a grand jury was summoned, and Judge Woods made an order granting the venire.

Here the collector of internal revenue of the United States reports to Mr. Raum that the deputy marshals are in connivance with illicit distillers and the illicit traders in whisky and tobacco. And the marshal or his deputies stock the grand jury, and prevent this man from being indicted.

Here is the evidence before the Senate. Not only so, but this marshal of the United States appoints as his deputies two men, one of the name of Williford and the other is named Randolph, both of whom were indicted in the Federal courts of the United States, and the indictment was standing there at the time of his appointing these deputies, for the offense of embezzling the money of the United States. Those are the men who go out and select the juries.

UNITED STATES OF AMERICA,
CIRCUIT COURT OF THE UNITED STATES,
MIDDLE DISTRICT OF ALABAMA,
May Term, 1875.

The grand jurors of the United States elected, impaneled, sworn, and charged to inquire for the body of said middle district of Alabama, upon their oaths present that before finding this indictment, and in said middle district of Alabama, to wit, in the county of ——, George B. Randolph and John D. Williford, being then and there duly appointed deputy marshals of the United States for the middle district of Alabama, and acting as such deputy marshals, did accept from E. M. Barnes and J. W. Murray the sum of $125 and a verbal or written promise to pay $125 additional, with the interest, to have their action or decision relative to certain personal property seized under legal process by them as deputy United States marshals, influenced thereby, contrary to the form of the statute in such cases made and provided, and against the peace and dignity of the United States.

N. S. MCAFEE,

United States District Attorney.

With this indictment pending against these two men they were appointed deputy marshals. Of course any defrauder or embezzler, any man who had defrauded the Government of the United States while in office there could not be held to trial while these men had the picking of the grand juries. Here are the affidavits of these two citizens named in this indictment and three others proving the crime of these men, that after they had seized a man's property in one case and an old woman's property in the other case, they demanded money for consenting to its release, and the money was paid to them and they gave a receipt in one case and in the other failed to give it; and these men were by the marshal of the United States appointed as his deputies. That is the sort of men we have to select juries.

There is another thing in this same connection. The Senate of the United States would scarcely believe unless they should have the report of some committee sent to investigate the matter, the frauds and outrages that have been perpetrated upon the people in that country through another class of officers, the United States commissioners, who are in connivance with the United States district attorney and the marshal, who keep their offices in the same room, and who scheme and enterprise against the people of that State for the purpose of robbing them and robbing the Government of the United States, but more particularly the Government of the United States.

I will first show what a man named Hunter has been doing, and after that I will read some affidavits in regard to his doings, so that the Senate may know in part what goes on in those offices, and whether or not the marshals of the United States are the men who ought to be permitted to take in hand and to execute according to their own will and pleasure this great and serious matter of the filling up of the courts of this country with jurors.

Now, this man Hunter, a district commissioner, employed a patent affidavit maker, a man who would sit by his side and make affidavits against anybody, men that he never saw, men in reference to whose offenses he could not know anything. I hold here now a copy of his docket, commencing at case 319, December 23, 1877, and ending with case 569, on the 6th day of March, 1878, in which for the offenses here described he caused the arrest of one hundred and three people, twenty-eight additional arrested on capias, and eighty warrants issued for others who were not found, making in all one hundred and eighty-three cases that one commissioner of the United States at the city of Montgomery brought against the people of that district. The counties of Lowndes, Randolph, Talladega, Tallapoosa, Dallas, Coosa, Barbour, Clay, Crenshaw, Shelby, Montgomery, Butler, Cleburne were the counties to which his process run, all over the wide extent of the middle district of Alabama.

Mr. President, there is scarcely a county in all that middle district that has not got its local United States commissioners; but this man, seated at Montgomery in the office of the United States marshal, issued his warrants to be sent out all over the country, and accompanying every warrant would be from two to three deputies. They go out and make the arrests, and when a man offered to go before the United States commissioner of the county and enter into bond for their appearance he refused to take the recognizance, refused to have the cause heard, but dragged the party to Montgomery, put him in jail for the purpose of getting jail fees whether he was innocent or not. That was not enough for him, but he got the assistance of the district attorney of the United States in the southern district of Alabama, and he there had himself appointed a commissioner of the United States for the southern district, thus, contrary to the very terms of the statute, holding the office of commissioner in the middle district and in the southern district. He would sit at Montgomery and issue his warrants into the southern district of Alabama, and the expenses are here charged against the Government of the United States.

The marshal of the United States gets about two-thirds of the fees in each one of these cases and the commissioners of the United States get about one-third; and I think when I read the statistics of the accounts here that the Senate will be surprised at the extent to which these men have depredated upon the Treasury of the United States.

Here is Hunter's account for the year ending June 30, 1877. In these criminal proceedings, to say nothing of the perquisites of the civil branches of his office, he was allowed for that year $1,462.40. For the year ending June 30, 1878, he was allowed $2,211.75. From July 1, 1878, to December 10, 1878, the court certified an account for him of $2,058.85, on account of services rendered in the middle district of Alabama, and an additional account of $135 for the southern district of Alabama; making the total, in less than two and a half years, of fees charged against the Government of the United States on account of these criminal proceedings of $5,868, by a single commissioner situated in the city of Montgomery.

Mr. President, I have not referred to the reports of the Attorney-General to see the convictions that took place during that same period of time, but they are quite easy of access, and the number is very small compared with the number of arrests. I would say now, as I remember it, that not one-tenth of the men that were then arrested were convicted. Indeed, the men that were arrested were oftener than otherwise discharged when brought before the commissioner, but their discharge did not lessen the expense. Take that sum of $5,868 and multiply it by three, (and it is subject to at least that degree of multiplication,) and you have got about $20,000 that that one court, held by one commissioner, cost the Government of the United States.

I wish to read an affidavit of Augustus Stephens. The only difficulty about Stephens is that he is a negro:

STATE OF ALABAMA,
Randolph County:

Augustus Stephens, being duly sworn, deposes and says that he is a citizen of the State of Alabama, residing in the county of Randolph, and that in the month of January, 1877, affiant was arrested, on a charge of violating the revenue laws of the United States, by a deputy United States marshal, holding office under George Turner, United States marshal for the middle and southern districts of Alabama; that said deputy marshal denied affiant the right to make a bond before the United States commissioner residing in Randolph County, and carried affiant to the city of Montgomery, about one hundred miles distant from the residence of affiant, and affiant was there tried before a United States commissioner residing in that city and bound over to answer an indictment for illicit distilling and placed in jail in default of a bond, where he remained until about the next term of the United States district and circuit court for the middle district of Alabama, when affiant succeeded in making a bond for his appearance to answer an indictment. Affiant further desposes and says that he attended three terms of said court before he was informed that the grand jury had found no indictment against him, and when informed that there was no indictment against affiant, said George Turner demanded of affiant the sum of $10 as an attorney's fee due to said Turner and threatened to put affiant in jail if he did not pay it, whereupon affiant paid to said Turner the sum of $10 as an attorney's fee, and was permitted to return to his home in Randolph County.

Affiant further deposes and says that when arrested by said United States deputy marshal he, affiant, offered to waive an examination and make a bond before the United States commissioner residing in the county of Randolph, and the said United States deputy marshal refused to allow affiant to do so.

his
AUGUSTUS + STEPHENS.
mark

Sworn to and subscribed before me this 7th day of March, 1878.

WILLIAM E. CONNELLY,
United States Commissioner, Middle District of Alabama.

Here is the deposition of Richard R. Pace. He deposes and says:

That about the 10th of March, 1878, he was arrested by Thomas Offut, a deputy marshal under George Turner, marshal for the middle and southern districts of Alabama; that said arrest was made under a warrant issued by W. H. Hunter, United States commissioner, who resides in the city of Montgomery, and that the affidavit upon which said warrant was issued was made by Samuel Grace, a colored man. Affiant further deposes and says that he (affiant) resides in the county of Randolph, in the State of Alabama, and resided therein at the time of said arrest; that when arrested, said Offut proposed to take affiant to the city of Montgomery, one hundred miles distant from the residence of affiant, for an examination before Commissioner Hunter, and affiant, rather than be put to the trouble of going to Montgomery, proposed to one Jost, a deputy marshal accompanying said Offut, to waive an examination and make a bond before W. E. Connelly, United States commissioner, residing in said county of Randolph, to answer an indictment, and said Jost refused to allow affiant to do so, and carried affiant to the city of Montgomery before Commissioner Hunter. When affiant went before Commissioner Hunter he was told by Hunter that the person who made the affidavit against affiant upon which the warrant was issued said that he (affiant) was "the wrong man." Said Hunter said to affiant at the same time and place, referring to the witness who made the affidavit, as follows: "This witness against you says that you are not the man, that he does not know you." Said Hunter also at said time and place said that there were two other witnesses against affiant who were absent, and that he (Hunter) would require affiant to make a bond to answer an indictment, and if said absent witnesses did not know something about the commission of the offense charged against affiant, that he (Hunter) would write to affiant and so inform him, and that if he (Hunter) should so inform affiant that he (affiant) need not come to court to answer an indictment. Wherefore affiant made a bond before said Hunter to answer an indictment for selling spirituous liquors without license. Affiant further deposes and says that he never saw the person who made the affidavit upon which said warrant was issued until he (affiant) saw him in Commissioner Hunter's office in the city of Montgomery; and affiant further swears that he was never at the place where he was charged in said affidavit with selling whisky.

R. R. PACE.

Sworn to and subscribed before me, &c.

Here is an affidavit of John Blake, a man whom I happen to know. I suppose there is not a more orderly and worthy citizen in my State, a common, plain, farming man, but a man of the highest character in his country, and a man who I am quite sure never had anything to do with retailing whisky or selling whisky or giving it away, a man of moral and temperate habits in all respects. Mr. Blake says:

That on or about the 31st day of January, A. D. 1878, he was, near his own residence, arrested by one Oliver, deputy United States marshal for the middle district of Alabama, under and by virtue of a warrant of arrest for retailing spirituous liquors without license, issued by one William H. Hunter, a United States commissioner residing at Montgomery, in said middle district. Affiant further states that after he was arrested, and before he left the county of Randolph under such arrest, he asked the said marshal to allow him to make a bond for his appearance before the next United States circuit court for said district; that notwithstanding there were at the time two United States commissioners duly authorized to take bail residing near him, viz: William J. Ware, who resides about six miles from him, in Clay County, and William E. Connelly, who resides about eleven miles from him, in Randolph County, Alabama, affiant residing near the boundary-line between said counties, said marshal saying at the time said request was made, "If I do not carry you to Montgomery, Hunter will kick me out of office." And affiant further states that he was thus compelled at considerable personal expense to go to Montgomery, Alabama, as a prisoner, and also at his entire expense return home; and he also states that he is a merchant and a farmer, having in his employ and under his supervision twenty-five men; that his time and attention was very much needed in looking after his store and farming business and providing for the men under his employ, most of whom have families. Affiant further states that when he arrived at Montgomery he was informed by said Hunter and said marshal that he was not the man, "we will mark it the wrong man and say no more about it." Affiant further states that he has lived in the neighborhood where he now resides thirty-one years, and that no other man by his name has during that time lived in that neighborhood. Affiant further states he is now fifty-one years old, and that he has never since he has been from under the control of his father bought or sold spirituous or vinous liquors in any quantity. Affiant further states that he is wholly unable to account for his arrest except upon the hypothesis that said Hunter and said marshal resort to making such arrests for the purpose of making fees for themselves out of the Government, and he respectfully requests that their conduct be inquired into.

JOHN BLAKE.

Sworn and subscribed before me this 7th day of February, A. D. 1878.

WILLIAM E. CONNELLY,
United States Commissioner Middle District of Alabama.

That affidavit was made for the purpose of impressing the district court of the United States, but instead of making any impression upon it, it only provided for Mr. Hunter an appointment in the southern district of Alabama where he did not reside; he at that time holding the office of commissioner for the middle district of Alabama, as I have remarked, in direct contravention of the statutes.

Now, we have seen what has been going on there, at least one glimpse of it, drawn from the files of the Senate, evidence that has been before the Senate, evidence that may be disputed; I do not know. The evidence of some of these men I know cannot be broken down for want of character; I am sure of that; but whether disputed or not, it shows a state of affairs with which the marshal of the United States, to say the least of it, is in connivance, and of which he has knowledge, which ought to put the Government of the United States upon its guard in intrusting to him the power of organizing the courts of the country, drawing juries as he has drawn juries, either in person or by his deputies, for the purpose of enabling men to rob this Government at their will and pleasure.

These subjects to which I have referred are not political. If I were to go into the political phase of this question the case would be very much stronger than it is; but inasmuch as this subject is one of acrimonious debate everywhere, I have thought it was my duty to myself as well as to the Senate that I should not undertake to volunteer any personal statements, and that I would only go so far as to show the Senate by evidence in its own files of the existence of wrongs and frauds and corruptions that the law of the country ought to remove.

I have detained the Senate much longer than I expected to have done. I have not had the opportunity to read all the papers I intended to have read, but that makes no difference. I brought this subject to the attention of the Senate with a view of showing the Senate that the existing laws are not sufficient to protect the jury-box against the intrusion of bad men, and that there ought to be legislation here for the purpose of correcting these laws. Whether we have fallen upon the right measures of legislation is a matter of debate; it certainly ought to be so until we arrive at the best result. I am entirely satisfied with the bill as it has been brought in. Like the Senator from Georgia and the Senator from New York, I would never have been satisfied to have put into a bill in reference to the selection of juries or any other question to come before a court the feature of a decision upon a man's political tenets or the party to which he belongs; but in doing this we have felt ourselves con-

strained to do what we were compelled by the existing state of the law to do.

The PRESIDING OFFICER, (Mr. HARRIS.) The question is on agreeing to the amendment of the Senator from Iowa, [Mr. ALLISON.]

The amendment was rejected.

Mr. WALLACE. I move to amend section 2 by adding at the end thereof these words:

Except as provided for in section 3732 of the Revised Statutes.

Mr. BLAINE. Has the Senator the section of the Revised Statutes before him to let the Senate know just what that means?

Mr. WALLACE. Section 3732 excepts from the general provisions of the statutes in regard to contracts to be made by the Departments, the War and Navy Departments in certain particulars, and as this section as it stands, if adopted, would repeal that exception, the purpose is to allow that exception to stand as it exists in the Revised Statutes.

Mr. BLAINE. When was that discovery made?

Mr. WALLACE. It has been understood for some length of time, I believe.

Mr. BLAINE. How long?

Mr. WALLACE. I was conversant with the fact when we were discussing the bill on Saturday. I presume the Senator was.

Mr. BLAINE. It was not discovered until after the bill had been matured and reported and discussed everywhere, however?

Mr. WALLACE. It was discovered as quick as the bill came to the Senate, I presume.

Mr. BLAINE. I understand the honorable Senator, then, to admit that one very large rock has been struck on, and that the thing would have rifted and been wrecked on that particular point. Is the Senator quite sure now that some other hidden rocks are not around?

Mr. WALLACE. The Senator has propounded questions to me again and again while this bill has been under consideration. I have only to answer to him that his view of there being hidden rocks in the way is not one that is very serious to us. This bill came to us from the House. In order to remove all questions in regard to the subject-matter of the Revised Statutes as they stand, the amendment that I have suggested is deemed wise and I propose it to the Senate. Certainly the Senator from Maine will not object to it.

Mr. BLAINE. It is warranted now with these amendments? The honorable Senator warrants the bill to be water-tight in all its compartments?

Mr. WALLACE. I am neither a guarantor nor an indorser.

Mr. BLAINE. I see the Senator is still afraid to underwrite it.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Pennsylvania, [Mr. WALLACE.]

The amendment was agreed to.

Mr. WALLACE. In section 3, line 19, I now move to strike out the words "of good standing." Those words occur in the section twice.

The amendment was agreed to.

Mr. ROLLINS. I presume there will be no objection to putting on this bill an amendment which was proposed by me to the legislative bill on Friday last. A question of order was then raised on the amendment which I proposed providing for an appropriation of $150,000 to pay judgments of the Court of Claims. I suppose upon this bill the point of order will not be raised. I therefore move to amend the bill by inserting, after line 22 of section 1, the words:

For payment of judgments of the Court of Claims $150,000, or so much thereof as may be necessary.

Mr. WALLACE. I raise the point of order upon this amendment that under Rule 27 it is not in order, as it does not come from a standing committee.

The PRESIDING OFFICER. The Chair is of opinion that the amendment is not in order.

Mr. ROLLINS. What is the point of order?

Mr. WALLACE. The point of order is that the amendment is not moved by the direction of a standing committee of the body.

Mr. ROLLINS. It was referred to the Committee on Appropriations.

Mr. WALLACE. It was referred to the committee, but has not come back.

Mr. ROLLINS. It has not come back, it is true; but——

The PRESIDING OFFICER. The Chair is of opinion that the amendment is not in order. Unless there is an appeal from the decision of the Chair, the question is not debatable.

Mr. JONES, of Florida. Was the amendment recommended by the head of a Department?

Mr. ROLLINS. I wish the Senator from Pennsylvania would withdraw the point of order and let the question be taken on the merits of the amendment.

Mr. JONES, of Florida. Will the Senator from Pennsylvania read the rule under which he raises the point of order?

Mr. ROLLINS. Let the rule be read.

Mr. WALLACE. I understand the Chair to have ruled the point. Several Senators have had the opportunity to appeal. If the Senator from New Hampshire desires to have the rule read, I will read it; but I am out of order in doing so.

Mr. JONES, of Florida. I think that the amendment is in order.

The PRESIDING OFFICER. Having ruled upon the question proposed the Chair cannot now submit it to the Senate without an appeal being taken from his decision. The Chair would be glad to have the unanimous consent of the Senate to submit the question of order to the judgment of the Senate in order that the Senate may decide the question.

Mr. DAVIS, of West Virginia. Nobody appeals.

Mr. KERNAN. This point has been so ruled on every amendment liable to the objection. I tried to get in an amendment at the last Congress and it was ruled out on this ground. Do not let us lose any time now in debating such matters.

Mr. JONES, of Florida. Is the question debatable?

The PRESIDING OFFICER. No debate is in order unless the question is submitted to the Senate on an appeal taken.

Mr. JONES, of Florida. If an appeal is taken and the question is debatable, I should like to say a few words.

Mr. ROLLINS. I take an appeal from the decision of the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. ROLLINS. May I state a simple fact in reference to this proposition?

The PRESIDING OFFICER. The Senator is in order.

Mr. ROLLINS. I merely wish to state that there have already been judgments rendered by the Court of Claims during the present session to the amount of $60,000.

Mr. KERNAN. I rise to a point of order.

The PRESIDING OFFICER. The Senator from New York will state his point of order.

Mr. KERNAN. As I understand, on an appeal the merits of the proposed amendment are not in order. The Senator is proceeding, as I understand him, to argue the merits of his amendment. I suppose he must confine himself to the question of order.

The PRESIDING OFFICER. The question of order is the only open question now before the Senate.

Mr. ROLLINS. I desire to call the attention of the Senate to the twenty-eighth rule.

Mr. WALLACE. I raised the point of order under Rule 27, which contains these words:

No amendment shall be received to any general appropriation bill, the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act or resolution previously passed by the Senate during that session; or unless the same be moved by direction of a standing or select committee of the Senate; or proposed in pursuance of an estimate of the head of some one of the Departments.

The amendment does not come from a committee. Certainly it is in direct contradiction of Rule 27.

Mr. ROLLINS. I supposed there was some way to present in order such an amendment as this to the Senate for consideration on an appropriation bill. I supposed there was some way by which the result sought could be accomplished, some way in which payment of the judgments of the Court of Claims could be provided for. I did not suppose it would be necessary in order to commence this, which seems to me to be repudiation, by ruling out a motion to amend an appropriation bill, and thus prevent the appropriation of money necessary to meet these judgments. But if that course is necessary I shall have to submit, and so will all other good citizens; but it does not seem to me to be necessary; and I suggest to the Senator from Pennsylvania that it would be better to allow the question to be taken upon the merits of the case and not allow this motion to amend to be ruled out thus upon a point of order.

I dislike to appeal from the decision of the Chair; I dislike to persist in that appeal; but I do hope my friend, the Senator from Pennsylvania, will withdraw his point of order.

No citizen of my State that I know of is interested to the amount of one penny in this appropriation; I understand that some citizens of Texas are interested, and also citizens of other States; they are gentlemen unknown to me; but I think it highly proper and right that an expenditure of money to this extent should be made at this time.

I hope, therefore, that the objections to this amendment will be withdrawn, at any rate that the point of order made by the Senator from Pennsylvania will be withdrawn so as to allow Senators to vote directly upon the merits of the proposition, and to say whether they are in favor of making appropriations to pay these judgments of the Court of Claims. The Secretary of the Treasury, as we all know, has said that it will require $150,000. Judgments to the amount of $60,000 have already been rendered since our session began, and the money, $125,000, which was appropriated at the last session has, as I understand, all been used up; it has all been spent, and there is none to meet the judgments that will hereafter be rendered in this court.

Mr. JONES, of Florida. When were these judgments rendered?

Mr. ROLLINS. I have a list of them, and I will present it. I know it is not in order in discussing the question of order to go into the merits of the case, but perhaps it will be well to have the list go into the RECORD. I present this list, certified by the clerk of the court:

Platte M. Thorne	$558 33
Josiah G. Macy	340 29
Reginald Fendall	345 76
Hans Lawson	5,605 38

Williams S. Schrewsbury	$6,861 26
Timothy E. Ellsworth	11,954 73
Samuel McKeever	3,762 60
Thomas R. Lovetts, administrator	6,435 80
Charles M. and Irvine M. Taylor	2,929 50
William A. Saylor	12,990 45
John Murphy's administrator	2,501 86
Henry S. Dale	3,484 93
W. E. Gibbs	750 00

Judgments have been rendered in the above causes by the Court of Claims during the present term of 1878 in favor of said claimants for the respective amounts set opposite, and in which up to this date no appeals to the Supreme Court have been filed. The Court of Claims is still in session,

Test:

[SEAL.] JOHN RANDOLPH,
Assistant Clerk, Court of Claims.

JUNE 14, 1879.

Why is it necessary that the Congress of the United States now——

Mr. KERNAN. I rise to a point of order.

The PRESIDING OFFICER. The Senator from New York will state his point of order.

Mr. KERNAN. I cannot see how it happens that the Senator can make an argument in favor of the payment of these judgments while this question of order is pending.

Mr. ROLLINS. I admit that it was not strictly in order.

Mr. KERNAN. I am only in favor of the rules being applied to each of us alike.

Mr. ROLLINS. But allow me to say that I do not often occupy the attention of the Senate upon this or any other question. I think that if the talking time was divided up between the various States there would be a large amount due the State of New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire offers an amendment at the end of line 22, section 1, making an additional appropriation. The Chair decides that the amendment is not in order, not having been presented under any one of the conditions mentioned in Rule 27. From this decision the Senator from New Hampshire appeals, and the question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. ROLLINS. If the Senator from Pennsylvania insists on the point of order, of course I withdraw the appeal. I do not want to be lacking in courtesy to the Presiding Officer.

Mr. WALLACE. This bill is for judicial expenses. The amendment is not germane to the bill, and I cannot withdraw the point of order.

Mr. ROLLINS. This is to pay the judgments of the Court of Claims.

["Order!"]

The bill was reported to the Senate as amended.

Mr. HILL, of Georgia. Is an amendment now in order?

The PRESIDING OFFICER. The usual practice, the Chair understands, has been to act on the amendments made in Committee of the Whole, after which the bill is open to amendment in the Senate. The question is, Will the Senate concur in the amendments made as in Committee of the Whole?

The amendments were concurred in.

Mr. HILL, of Georgia. Beginning at line 25 of section 3 with the word "in," I move to strike out the words "in a district in which such is now the practice." The clause now reads:

> But nothing herein contained shall be construed to prevent any judge in a district in which such is now the practice from ordering the names of jurors to be drawn from the boxes used by the State authorities in selecting jurors in the highest courts of the State.

I move to strike out the words "in a district in which such is now the practice;" so that the clause will read:

> But nothing herein contained shall be construed to prevent any judge from ordering the names of jurors to be drawn from the boxes used by the State authorities, &c.

If the amendment is not adopted and the section passes as it is, of course those States in which the Federal courts have abandoned the practice of drawing jurors qualified by the State laws cannot return to that practice. It is now the law, and the section as it stands would change the law in that respect and be very unjust to those States in which such is not the practice. I wish to put all the States on an equal footing. Let the Federal judges in any State and in all the States, if they choose, go back to the practice of drawing juries from the boxes authorized by the State authorities. I therefore move to strike out those words.

Mr. WALLACE. The effect of this amendment is to allow the Federal judges to use in every district the State boxes for selecting jurors. The purpose of the statute is to make a Federal system; it is to make a homogeneous system, and this is an exception that is proposed to be stricken out. As to those cases that now exist, where the practice is to draw from the State boxes, it is allowed to continue. There is not an opinion from the Federal judges anywhere in which they do not set forth the necessity of having their own officials to draw jurors. Our purpose, it seems to me, in administering the Federal law ought to be to get an honest Federal system, and not to leave a system that may tip up when republicans have the control of a State and tip down when the democrats have the control of it. The Federal judges being republicans and the State authorities being democratic there will be still the same difficulty and see-sawing between them. The only safe rule is the rule of making the Federal jurisdiction complete and entire, and this is an exception for the sake of preserving those cases that are now in existence.

Mr. JONES, of Florida. I understand that under this bill it is permitted in the States where the State boxes are now drawn from by the Federal officers, that that practice shall remain. I do not know in my section of the country any State where it is the custom to draw the list of Federal jurors from the State boxes.

Mr. KERNAN. It prevails in New York.

Mr. JONES, of Florida. This very bill does not establish a uniform system, because it makes an exception in this very particular itself and allows the Federal judges to order jurors to be drawn from the State jury-boxes where under the laws of the State that is now permitted to be done. In what States is that permitted?

Mr. WALLACE. I confess I cannot answer the Senator. I know of no State, unless it is the State of Connecticut and perhaps some other of the New England States, where such a practice does prevail now. It does not prevail in the State of Pennsylvania. I do not think it prevails in the State of New York; indeed, I know it does not.

Mr. KERNAN. In the State of New York in the northern district the marshal and clerk of the court draw the jurors from the State boxes.

Mr. WALLACE. It is not the case in the city of New York.

Mr. KERNAN. They do so from the box kept in the county where the circuit or district court meets. I know it in my own practice, and I have just inquired of the late district attorney who recently went out of office, and he said it was always done. He was here just now.

Mr. HILL, of Georgia. In my State up to December, 1872, the practice had always been to draw the jurors from the boxes of the State. Not manually to draw the jurors from the boxes of the State; but the clerk of the Federal court by direction of the Federal judge sent to the clerks of the different county courts for lists of jurors in the State boxes, and he put those names in the Federal box. This was to comply with the statute which said that the qualifications of the jurors in the State courts should be the qualifications of jurors in the Federal courts. That practice was departed from in Georgia in 1872. That is the very thing we complain of. The judges at any time can annul the order they passed in 1872 and go back to the old practice, which would give entire satisfaction. If this bill passes without the amendment, I suppose they cannot do that; and you actually prohibit them from doing it, because they are not doing it now; and so far from granting a remedy in my State, you absolutely prevent the judges from granting a remedy. Therefore I am in favor of the amendment, and without the amendment I think the bill will not be so very acceptable to any one.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Georgia.

Mr. CARPENTER. I shall vote for the amendment offered by the Senator from Georgia. I would be delighted to join with the lawyers of this body at any proper time in constructing a jury system for the Federal courts. It is a want that has existed for a long time. There is no such thing as a jury trial in any Federal court that I know of. In our country it is a trial by the marshal and the clerk, who can convict any man they please or acquit any man they please by packing a jury. Our whole system of criminal jurisprudence is a disgrace to this nation. I am speaking, of course, of the Federal courts.

The theory adopted now for compensating district attorneys is simply a scandal; it is offering a bribe to them to produce convictions. We pay district attorneys I believe about $250 a year salary, and then we pay them so much for every fellow they can convict and a smaller sum for an acquittal. In other words, they are bribed to convict a man if they possibly can. A district attorney who prosecutes for the Government, who stands between the law and the alleged criminal, ought to be as impartial as the judge on the bench. He should have no more inducement to convict a man than to acquit him; and we ought to fix a salary for these officers graded or scaled according to the amount of business and the importance of the station in different districts of the country, and let the officer have no more in case of conviction than he has in case of acquittal. We ought to have some provision that would give defendants who are convicted in criminal cases a chance to be heard on writ of error. In the celebrated case of the Commonwealth *vs.* Porter decided by the supreme court of Massachusetts, where Judge Shaw delivered the opinion of the court, I recall his language; I quote it only from memory not having read it for two or three years. He said in every well-constructed system for administering criminal justice there will be after the trial at *nisi prius* an opportunity for the defendant to be heard on exceptions before the court *in banc*. No doubt he said truly, and no doubt we have no perfect system for administering criminal justice. A man may be sentenced to be hanged for murder by a district judge in Oregon by a judgment notoriously erroneous; and yet, strange to say, there is no way in our country, no way whatever, to reverse that judgment. A man may come to the Supreme Court of the United States to try the title to his farm if it be of the value of $5,000; but if it be nothing but his life that is at stake, no writ of error shall be allowed, no appellate court shall hear an exception, no writ of error shall be issued under any circumstance. All that is simply disgraceful.

During the six years that I was in the Senate I tried constantly to procure some bill that would establish a uniform system for drawing juries; but the Judiciary Committee as it was constructed at that

time took this view of the subject, that the only office of Congress was to keep the law just as it always had been, and nothing whatever could be accomplished. It is impossible here this evening, it is impossible in the hurry and heat of this special session, to do anything decent, compared with the importance of this subject; and the reason why I regret the passage of this bill (as I suppose of course it is to pass) is that it is thought to be a partial remedy; and if it shall prove so it will stand so far in the way of anything like a complete remedy to be accomplished hereafter.

If the lawyers of the Senate would consent to let this matter stand over until the next session, and direct the Judiciary Committee to mature and report some plan on the subject commensurate with its importance and complete in all its details, I should be delighted, because I think that would work a relief that ought to be given by Congress. This will do nothing; and the delay until next December would not do a great harm. We have suffered this inconvenience sixty years and we could certainly stand it six months' more, and then have a deliberate examination of the subject and a complete remedy devised to meet the case. That I would be delighed to see.

Mr. WALLACE. Mr. President, I have no reply to make to the argument of the Senator from Wisconsin. His views are very proper, but this subject seems to me to be one of very wide difference. Is it possible that we propose to put into the Federal jury-box men who are not citizens of the United States, and that we propose to do that now? If this amendment prevails that results; for in many of the States the jurors of the State are men who are qualified electors; and in the State of Wisconsin and the State of Kansas a qualified elector is a man fit to go in the jury-box. Qualified electors there are not always citizens of the United States.

Mr. EATON. Not what? Not citizens of the United States?

Mr. WALLACE. They are unnaturalized.

Mr. EATON. And yet they vote there?

Mr. WALLACE. Yet they vote; and that is true, I believe, of the State of Georgia; that a man who is unnaturalized may vote. There if a man of foreign birth has declared his intentions he may vote. It is the law in Alabama, it is the law in Indiana, and it is the law in many other States of this Union.

Mr. HILL, of Georgia. None but citizens go in the jury-box.

Mr. WALLACE. The Senator may be correct. As to that, the State of Georgia is perhaps an exception in that respect; but you see we travel into a very wide field. Are we prepared now to make a provision that men shall go into the jury-box under the State law who are not naturalized citizens of the United States? It seems to me we ought to make a system that is harmonious, which reaches the thing in every section of the country, that only puts into the jury-box men who are citizens of the United States.

Mr. CARPENTER. Take the State of Wisconsin for instance; we have a large population there that have not obtained what we call familiarly their second papers, are not full citizens of the United States. They are citizens of the State of Wisconsin; they vote for members of Congress; they vote for the members of the Legislature that elect Senators. What is the objection to trusting those men in the jury-box? Would not the Senator from Pennsylvania, if he had a friend on trial in Wisconsin, rather have him tried before a jury selected from the jury-box of the State without regard to Federal citizenship, than to take his chances of having his friend tried before a jury packed by a Federal marshal?

Mr. HILL, of Georgia. I concur with everything the Senator from Wisconsin has said and I would say further that the argument of the Senator from Pennsylvania would be just as good against the law as it now stands. Take section 800, which says the qualifications of jurors in the Federal courts shall be like the qualifications of jurors in the State courts, and take the very exception he has here. He allows the States now where there is that practice to continue that practice. Why do you wish to discriminate? Why not make the rule general and if the Federal court in another State desires to use the State box why not permit it to do so? Where is the impropriety of it?

The PRESIDING OFFICER. The question is on the amendment of the Senator from Georgia, [Mr. HILL.]

The amendment was agreed to—ayes 25, noes not counted.

Mr. HOUSTON. Before I vote upon the bill I desire to give what I consider the proper construction to one branch of the second section—I shall not occupy any length of time—I mean that part of the bill which declares that no liability shall be incurred until an appropriation is made. The colloquy of Saturday between the Senator from Pennsylvania and the Senator from Maine seemed to leave the impression that the bill as presented proposed to defeat the appointment of special deputy marshals by the marshals who have the power under the law to appoint them. My own construction is that the bill as it stands does not interfere at all with the appointment of deputy marshals. It is true it says no liability shall be incurred for the payment of money until an appropriation shall be made therefor.

Then the question arises how can you make an appointment without a liability, because this law if passed says there shall be no liability for the payment of money or compensation. It does not repeal the law that authorized the appointment of special deputies, and not repealing the law it does not interfere with the power to appoint, in my judgment, and so not interfering with the power to appoint it does not run in conflict with the opinions of a certain gentleman officially taking charge of these things constitutionally after we pass upon them. To use the expression in his previous veto messages this does not interfere with the appointment, because it does not touch the law, does not propose to repeal it, but only says that the Government shall not be liable for the fees of those officers if they shall be appointed, till an appropriation is made by Congress for their payment.

Mr. BLAINE. If the honorable Senator will permit me a question, it does not create any obligation on the part of future Congresses to make that appropriation?

Mr. HOUSTON. It is too late to get into a controversy.

Mr. BLAINE. That is not much of a controversy—that one question.

Mr. HOUSTON. You have asked a question. Just hold still, if you please, until I answer. It is too late in the day for me to accept a controversy with any Senator, much less the Senator from Maine, who seems almost to desire to live upon such colloquies. I think it does not create an obligation upon the Congress of the United States to pay it in the future, but it can pay it if it sees fit to do so. It can at any time repeal this law and pay it if it sees fit.

Mr. BLAINE. Then, venturing even to incur fresh censure if not liability from the honorable Senator's criticism, his law comes to this, that there shall be no appropriation made now, there shall be no liability incurred for a future Congress to make it; but we do not assume to say that no future Congress shall make it. The honorable Senator is generous; he is willing to say that we will not prohibit a future Congress from making an appropriation. That is generous!

Mr. HOUSTON. As a matter of course we cannot say sensibly that a future Congress shall not pay it; and if we were to say that a future Congress shall not pay it, it would be just as competent for them to do it as if we said they shall.

Mr. BLAINE. I thought it a remarkable admission to get out of the Senator that this Congress graciously advises that this will not operate as a restraint on future Congresses if they choose to make an appropriation! I say that is a generous admission, and it is something that is worth while for the honorable Senator, after his long and illustrious services in previous Congresses, to come here and advise us that if future Congresses choose to make this appropriation they will not find any prohibition absolutely inhibitory on them growing out of the legislation which is proposed here to-day.

Mr. HOUSTON. Of course I would not have said anything about the power of future Congresses to pay if the Senator had not brought it up himself. I supposed that everybody understood that.

Mr. CARPENTER. Mr. President, I should like to ask the Senator from Alabama for a little information concerning this provision in another regard. Suppose the United States should be invaded from Canada after this Senate shall adjourn—the country will be safe as long as it remains in session, of course—but suppose an invasion should take place after our adjournment, what then? This bill reads:

> And no Department or officer of the Government shall, during said fiscal year, make any contract or incur any liability for the future payment of money until an appropriation sufficient to meet such contract or pay such liability shall have first been made by law.

I want to know if the President of the United States could call out the militia of any State to repel that invasion?

Mr. KERNAN. A proviso has been put on covering the Army and Navy by reference to a particular section of the Revised Statutes.

Mr. CARPENTER. I am asking for information. If this has been cured from the way it stands in the text, I should like to know it.

Mr. WALLACE. We have added in committee to the section, "except as provided for in section 3732 of the Revised Statutes," which allows the War and Navy Departments to make contracts for clothing and transportation.

Mr. CARPENTER. Then I understand from the Senator from Pennsylvania this bill has been so amended as to allow the War and Navy Departments to incur expenses in certain cases.

Mr. WALLACE. It allows the Revised Statutes to stand as they are, under which those Departments are authorized to incur expense for clothing and transportation.

Mr. CARPENTER. It will not be illegal, then, even after this Congress adjourns, for the President to repel an actual invasion.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. Shall the bill pass?

Mr. CARPENTER. I call for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. ANTHONY, (when his name was called.) I am paired on political questions with the Senator from Georgia, [Mr. GORDON,] who is absent. The Senator from Iowa [Mr. ALLISON] is paired with the Senator from Kentucky, [Mr. BECK.]

Mr. BELL, (when his name was called.) I am paired on all political questions with the Senator from Kentucky, [Mr. WILLIAMS.] If he were present, I should vote "nay."

Mr. MORRILL, (when Mr. EDMUNDS's name was called.) My colleague [Mr. EDMUNDS] is paired with the Senator from Ohio, [Mr. THURMAN.] If he were present, my colleague would vote "nay" and the Senator from Ohio would vote "yea."

Mr. FERRY, (when his name was called.) I am paired with the

Senator from Delaware, [Mr. SAULSBURY.] Were he here, I should vote "nay."

Mr. GARLAND, (when his name was called.) I wish to state the pair between the Senator from Kentucky [Mr. BECK] and the Senator from Iowa, [Mr. ALLISON.] The Senator from Kentucky, if here, would vote "yea" and the Senator from Iowa would vote "nay."

Mr. HEREFORD, (when his name was called.) I am paired on this question with the Senator from Massachusetts, [Mr. HOAR,] who has been called home. If he were present, I should vote "yea."

Mr. DAWES, (when Mr. HOAR'S name was called.) My colleague [Mr. HOAR] if he were not paired would vote "nay."

Mr. WITHERS, (when Mr. JOHNSTON'S name was called.) My colleague [Mr. JOHNSTON] if present would vote "yea." He is paired on political questions with the Senator from Colorado, [Mr. TELLER.]

Mr. WITHERS, (when Mr. KIRKWOOD'S name was called.) I will state that the Senator from Iowa [Mr. KIRKWOOD] is paired with myself. If present, he would probably vote "nay."

Mr. MCPHERSON, (when his name was called.) I am paired with the Senator from Minnesota, [Mr. MCMILLAN.] If he were present, I should vote "yea."

Mr. CAMERON, of Wisconsin, (when Mr. PADDOCK'S name was called.) The Senator from Nebraska [Mr. PADDOCK] is paired with the Senator from Tennessee, [Mr. BAILEY.] The Senator from Nebraska, if present, would vote "nay," and the Senator from Tennessee I have no doubt would vote "yea."

Mr. PLATT, (when his name was called.) I am paired on this question with the Senator from New Jersey, [Mr. RANDOLPH.] If he were present, I should vote "nay," and I presume he would vote "yea."

Mr. ROLLINS, (when Mr. SAUNDERS'S name was called.) The Senator from Nebraska [Mr. SAUNDERS] is paired with the Senator from Maryland, [Mr. WHYTE.] If the Senator from Nebraska were present, he would vote "nay."

Mr. HILL, of Colorado, (when Mr. TELLER'S name was called.) My colleague [Mr. TELLER] is paired with the Senator from Virginia, [Mr. JOHNSTON.] My colleague, if he were here and not paired, would vote "nay."

Mr. WALLACE, (when Mr. VOORHEES'S name was called.) The Senator from Indiana [Mr. VOORHEES] is paired with the Senator from California, [Mr. BOOTH.]

Mr. GROOME, (when Mr. WHYTE'S name was called.] My colleague's [Mr. WHYTE] pair has been already announced. I will announce in addition that if he were present he would vote "yea."

The roll-call was concluded.

Mr. THURMAN. On this question I am paired with the Senator from Vermont, [Mr. EDMUNDS.]

Mr. BLAINE. My colleague [Mr. HAMLIN] is paired with the Senator from Oregon, [Mr. GROVER.] If my colleague were present, he would vote "nay."

Mr. PENDLETON. I desire to announce that the Senator from California [Mr. FARLEY] is paired with the Senator from Nevada, [Mr. JONES.] The Senator from California, if here, would vote "yea."

The result was announced—yeas 27, nays 15; as follows:

YEAS—27.

Bayard,	Garland,	Jones of Florida,	Ransom,
Call,	Groome,	Kernan,	Slater,
Cockrell,	Hampton,	Lamar,	Vance,
Coke,	Harris,	McDonald,	Vest,
Davis of W. Va.,	Hill of Georgia,	Maxey,	Walker,
Davis of Illinois,	Houston,	Morgan,	Wallace.
Eaton,	Jonas,	Pendleton,	

NAYS—15.

Blaine,	Cameron of Wis.,	Dawes,	Morrill,
Bruce,	Carpenter,	Hill of Colorado,	Rollins,
Burnside,	Chandler,	Ingalls,	Windom.
Cameron of Pa.,	Conkling,	Logan,	

ABSENT—34.

Allison,	Ferry,	Kirkwood,	Sharon,
Anthony,	Gordon,	McMillan,	Teller,
Bailey,	Grover,	McPherson,	Thurman,
Beck,	Hamlin,	Paddock,	Voorhees,
Bell,	Hereford,	Platt,	Whyte,
Booth,	Hoar,	Plumb,	Williams,
Butler,	Johnston,	Randolph,	Withers.
Edmunds,	Jones of Nevada,	Saulsbury,	
Farley,	Kellogg,	Saunders,	

So the bill was passed.

CHANGES OF THE SUNDRY CIVIL BILL.

Mr. WALLACE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the fourth amendment of the Senate to the House Resolution No. 1, entitled "Joint resolution to repeal certain clauses in the sundry civil appropriation act approved March 3, 1879," having met, after full and free conference have agreed to recommend and do recommend to their respective House as follows:

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 4, and agree to said House amendment amended as follows:

In lieu of the sum named in the paragraph "To pay the widow and heirs of Hon. Rush Clark, deceased, to be distributed in the proportion prescribed by the law of descent of the State of Iowa" insert "$6,000;" and in lieu of the sum named in the paragraph "To pay the widow of Hon. Gustave Schleicher, deceased," &c., insert "$6,000;" and strike out from said paragraph the words "two years' salary."

And the House agree to the same.

WM. W. EATON,
WM. A. WALLACE,
W. B. ALLISON,
Managers on the part of the Senate.
JNO. D. C. ATKINS,
THOS. R. COBB,
JOS. R. HAWLEY,
Managers on the part of the House.

Mr. WALLACE. This is the joint resolution as it passed the Senate, except that it reduces the amount appropriated to the representatives of the deceased members of Congress named from $10,000 to $6,000 each.

Mr. HOUSTON. I should like to ask the Senator who has charge of this matter if the appropriation referred to is usual, or whether this is the first case of the character?

Mr. WALLACE. It is the first case of the kind, I believe, in which the representatives of a member who had not been sworn have been paid. The House voted to pay the representatives of Mr. Schleicher, who was the member I referred to, $10,000. Mr. Clark had been sworn and performed part of his duty in this Congress. Mr. Schleicher was elected to this Congress, but was not sworn; and I believe this is the first instance of that character.

Mr. HOUSTON. Do I understand the Senator to say that it is only the first case of that class of cases? Am I to understand the Senator to say that if a Member or a Senator dies immediately after being sworn in it has been the custom heretofore to pay his representatives for the residue of his term?

Mr. WALLACE. That is as I understand it. That has been the practice.

Mr. HOUSTON. I should like to have the Senator name a single case of the kind where the deceased member's representatives ever have been paid for the unexpired portion of the term.

Mr. WALLACE. So far as the case of Mr. Clark is concerned there have been quite a number of precedents; I cannot particularize them now; but the members of the committee of conference on the part of the House named several cases of that description. As to the case of Mr. Schleicher, there are no precedents for such a case as his. It is the first instance in which a member who had not been sworn in died before the Congress commenced and his representatives were voted any pay.

Mr. HOUSTON. As I understand, that makes no difference. The law requires that up to the time of the death of the member he shall have pay. That is the law. Therefore it does not make any difference whether he has been sworn in or whether he has not been sworn in. If anything should keep him away from the place where Congress was in session, or if his death should occur between the 4th of March and the first Monday in December, because then there is ordinarily no session at the beginning of a Congress during that time, the case would be different; but I do not think there are any precedents for an allowance of this kind. I leave it, however, to Senators, to their own construction and wishes.

The PRESIDING OFFICER. The question is on concurring in the report of the committee of conference.

The report was concurred in.

CHINESE RESIDENTS AND VISITORS.

Mr. SLATER. I desire to give notice that to-morrow I will call up the bill (S. No. 622) regulating intercourse with the subjects of the Chinese Empire visiting or residing in the United States, and for other purposes, for the purpose of submitting some remarks upon it.

Mr. CONKLING. After the morning hour?

Mr. SLATER. In the morning hour.

ARMY APPROPRIATION BILL.

Mr. WITHERS. I move that the Senate now proceed to the consideration of the bill (H. R. No. 2175) making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes.

Mr. CONKLING. That is with a view of having it the unfinished business for the morning, I suppose.

Mr. WITHERS. That is all.

The PRESIDING OFFICER. The question is on the motion of the Senator from Virginia.

The motion was agreed to.

Mr. WITHERS. I move now that the Senate adjourn.

The motion was agreed to; and (at seven o'clock and six minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *June* 16, 1879.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of Saturday last was read and approved.

ORDER OF BUSINESS.

The SPEAKER. The morning hour begins at sixteen minutes past

twelve o'clock. This being Monday, the first business in order is the call of States and Territories, commencing with the State of Maine, for the introduction of bills and joint resolutions for reference to appropriate committees, not to be brought back on a motion to reconsider. Under this call joint resolutions and memorials of State and territorial Legislatures are in order. Under this call, also, resolutions calling upon the Executive Departments for information will be in order for reference to appropriate committees.

EXTRA PAY FOR HOUSE FIREMEN.

Mr. MURCH introduced a joint resolution (H. R. No. 100) allowing extra compensation to the firemen employed for heating and ventilating the House for extra work; which was read a first and second time, and referred to the Committee of Accounts.

ALBERT S. TWITCHELL.

Mr. FARR introduced a bill (H. R. No. 2286) for the relief of Albert S. Twitchell, postmaster at Gorham, New Hampshire; which was read a first and second time, and referred to the Committee of Claims.

WILLIAM H. LEWIS.

Mr. CRAPO introduced a bill (H. R. No. 2287) for the relief of William H. Lewis; which was read a first and second time, and referred to the Committee on Military Affairs.

NATURALIZATION.

Mr. COX introduced a bill (H. R. No. 2288) to protect certificates of naturalization; which was read a first and second time.

Mr. CONGER. Let the bill be read at length.

The bill was read at length, referred to the Committee on the Judiciary, and ordered to be printed.

MICHAEL HAYES.

Mr. COX also introduced a bill (H. R. No. 2289) authorizing the Secretary of War to remove the charge of desertion against Michael Hayes, late private Company I, Twenty-sixth Pennsylvania Infantry Volunteers; which was read a first and second time, and referred to the Committee on Military Affairs.

WILLIAM BOWMAN.

Mr. COFFROTH introduced a bill (H. R. No. 2290) granting a pension to William Bowman, Company B, Ninety-first Regiment Veteran Pennsylvania Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ROBERT R. BITTNER.

Mr. YOCUM introduced a bill (H. R. No. 2291) granting a pension to Robert R. Bittner, late lieutenant of Company B, Eleventh Regiment of Pennsylvania Infantry Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JOHN DILLINGER.

Mr. URNER introduced a bill (H. R. No. 2292) granting a pension to John Dillinger, late a private Fifth Regiment United States Artillery; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MAGDALENA BODINE.

Mr. KIMMEL introduced a bill (H. R. No. 2293) granting a pension to Magdalena Bodine; which was read a first and second time, and referred to the Committee on Invalid Pensions.

CAPTURED AND ABANDONED PROPERTY.

Mr. JOHNSTON introduced a bill (H. R. No. 2294) relating to the compensation of commissioners authorized in section 4 of an act approved March 3, 1863; which was read a first and second time, referred to the Committee of Claims, and ordered to be printed.

ASSISTANT UNITED STATES TREASURER, CHARLESTON, SOUTH CAROLINA.

Mr. O'CONNOR introduced a bill (H. R. No. 2295) to re-establish the office of assistant treasurer of the United States at Charleston, South Carolina; which was read a first and second time, referred to the Committee on Appropriations, and ordered to be printed.

MOSES R. RUSSELL.

Mr. PERSONS introduced a bill (H. R. No. 2296) for the relief of Moses R. Russell, of Carroll County, Georgia; which was read a first and second time, and referred to the Committee of Ways and Means.

HOARDING IN THE UNITED STATES TREASURY.

Mr. SAMFORD introduced a bill (H. R. No. 2297) to prohibit the hoarding of money in the United States Treasury and to prohibit the increase of the interest-bearing debt of the United States; which was read a first and second time.

Mr. CONGER. Let the bill be read.

The bill was read at length.

The SPEAKER. The gentleman from Alabama [Mr. SAMFORD] asks the reference of this bill to the Committee on Banking and Currency.

Mr. CONGER. I think it should go to the Committee of Ways and Means. I do not see anything about banking or currency in it.

Mr. SAMFORD. I have no objection to the reference of the bill to the Committee of Ways and Means.

The bill was referred to the Committee of Ways and Means, and ordered to be printed.

ARSENAL AND BARRACKS, BATON ROUGE, LOUISIANA.

Mr. ACKLEN. I present a resolution and memorial of the constitutional convention of the State of Louisiana, relative to the arsenal and barracks property at Baton Rouge, Louisiana.

Mr. CONGER. That does not come within the rule; it is not a resolution of a State Legislature.

The SPEAKER. It is a resolution of the constitutional convention now sitting in the State of Louisiana; but it does not come technically within the terms of the rule.

Mr. ACKLEN. Does the gentleman from Michigan [Mr. CONGER] object on that ground? If he does, I will present the document through the petition-box.

Mr. CONGER. I think perhaps that would be the better way.

Mr. ACKLEN. Very good.

TENURE OF OFFICE SUPREME COURT.

Mr. FINLEY introduced a joint resolution (H. R. No. 101) proposing an amendment to the Constitution of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

HOMESTEAD SETTLERS.

Mr. CONVERSE introduced a bill (H. R. No. 2298) to amend the act entitled "An act to grant additional rights to homestead settlers on the public lands within railroad limits," approved March 3, 1879; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

JOHN H. MASSEY.

Mr. CALDWELL introduced a bill (H. R. No. 2299) for the relief of John H. Massey, of Butler County, Kentucky; which was read a first and second time, and referred to the Committee on Military Affairs.

MILTON WALLEN.

Mr. CALDWELL also introduced a bill (H. R. No. 2300) to place upon the pension-roll the name of Milton Wallen, of Clinton County, Kentucky; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JAMES KITCHIN.

Mr. PHISTER introduced a bill (H. R. No. 2301) granting a pension to James Kitchin, late of Company B, Fourteenth Regiment, Kentucky Infantry Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

G. M. BALLARD.

Mr. DE LA MATYR introduced a bill (H. R. No. 2302) for the relief of G. M. Ballard, of Indianapolis, Indiana; which was read a first and second time, and referred to the Committee of Claims.

ABRAM F. FARRAR.

Mr. BROWNE introduced a bill (H. R. No. 2303) granting a pension to Abram F. Farrar, late a first lieutenant of Company F, Thirty-fifth Indiana Volunteer Infantry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JOHN P. GREGSON.

Mr. THOMAS introduced a bill (H. R. No. 2304) for the relief of John P. Gregson, of Illinois; which was read a first and second time, and referred to the Committee on Naval Affairs.

CHARLES FORD.

Mr. FORT introduced a bill (H. R. No. 2305) for the relief of Charles Ford, a former employé of the House of Representatives; which was read a first and second time, and referred to the Committee of Claims.

JAMES O'CONNOR.

Mr. DAVIS, of Missouri, introduced a bill (H. R. No. 2306) granting a pension to James O'Connor; which was read a first and second time, and referred to the Committee on Invalid Pensions.

REPEAL OF SUPERVISORY ELECTION LAWS.

Mr. HATCH presented concurrent resolution of the Legislature of Missouri, instructing the Senators and requesting the Representatives in Congress from that State to vote for and support by all honorable influence the bills now pending before Congress for the repeal of the Federal election laws of May 31, 1870, and acts amendatory of February 28, 1871, and June 10, 1872, known as the Federal supervisory election laws; which was referred to the Committee on the Judiciary, and ordered to be printed.

SANTIAGO DE LEON.

Mr. UPSON (by request) introduced a bill (H. R. No. 2307) for the relief of Santiago de Leon, of Victoria, Texas; which was read a first and second time, and referred to the Committee on War Claims.

PETER BEAVER.

Mr. CASWELL introduced a bill (H. R. No. 2308) granting a pension to Peter Beaver, Spring Green, Sauk County, Wisconsin; which was read a first and second time, and referred to the Committee on Invalid Pensions.

CHEROKEE INDIANS.

Mr. HASKELL introduced a bill (H. R. No. 2309) to enable the Cherokee Indians and their associated bands, heirs or assigns, to sue the State of Texas, or citizens thereof, in the district or circuit courts for certain lands in said State or due consideration therefor; which

was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

SETTLERS ON PUBLIC LANDS.

Mr. RYAN, of Kansas, introduced a bill (H. R. No. 2310) for the relief of certain settlers on the public lands; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

SALARIES OF SUPREME COURT JUDGES.

The SPEAKER. The Chair will now recognize gentlemen who were not present when their States were called.

Mr. WISE introduced a bill (H. R. No. 2311) to fix the salaries of the judges of the Supreme Court of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

JUDICIAL DISTRICTS OF LOUISIANA.

Mr. ELAM. I present, Mr. Speaker, a series of resolutions adopted by the constitutional convention of Louisiana, memorializing Congress to pass a bill introduced by me at the beginning of this session, and also at the last session of Congress, for the purpose of dividing the State of Louisiana into two judicial districts, and ask they be referred to the Judiciary Committee.

Mr. ACKLEN. I presented those resolutions some time ago, and on objection they were sent to the petition-box. I now raise the question that resolutions of a constitutional convention are entitled to come in under Rule 130, and I refer to that part of the rule which reads: "And on said call, joint resolutions of State and territorial Legislatures, for printing and reference, may be introduced." A constitutional convention is the highest law-making power of a State. It ranks higher than the Legislature of a State. It is formed on the same principles as the Legislature of the State is formed. It is above the legislative and senatorial representatives. And therefore I think that, although the Legislature might not as the lesser power include the constitutional convention, yet the constitutional convention as the greater power would include the Legislature.

The SPEAKER. The constitutional convention of a State is called for a particular object, to amend the constitution of the State, and what the convention agrees upon has generally to be submitted to a vote of the people before it goes into effect, and is a body with high powers. But the terms of the rule will govern the Chair. The Clerk will read it.

The Clerk read as follows:

130. All the States and Territories shall be called for bills on leave and resolutions every Monday during each session of Congress; and, if necessary to secure the object on said days, all resolutions which shall give rise to debate shall lie over for discussion, under the rules of the House already established; and the whole of said days shall be appropriated to bills on leave and resolutions, until all the States and Territories are called through. And the Speaker shall first call the States and Territories for bills on leave; and all bills so introduced during the first hour after the Journal is read shall be referred, without debate, to their appropriate committees: *Provided, however*, That a bill so introduced and referred, and all bills at any time introduced by unanimous consent and referred, shall not be brought back into the House upon a motion to reconsider. And on said call, joint resolutions of State and territorial Legislatures for printing and reference may be introduced.

The SPEAKER. In case the point is made the Chair must be governed by the rule, which speaks only of joint resolutions of State and territorial Legislatures.

Mr. ACKLEN. Is the point of order made?

The SPEAKER. The point of order was made heretofore this morning when the gentleman from Louisiana [Mr. ACKLEN] himself presented resolutions of the constitutional convention of his State. It has not been made in this instance. The Chair thinks it is respectful to allow these petitions to come in, and that is the reason why he recognizes now the gentleman from Louisiana [Mr. ELAM] to renew the presentation of petitions from a constitutional convention; but if the objection is made, the Chair has no volition except to decide in accordance with the terms of the rule.

Mr. CONGER. We have got the ruling of the Chair in this matter, which is all I desired. I withdraw the point of order, having no objection to these particular resolutions being introduced. I only desired that we might know what is authorized by the rule.

The SPEAKER. Then the gentleman from Louisiana [Mr. ACKLEN] had better present the resolutions of the constitutional convention of his State which he desired to introduce some time ago, the gentleman from Michigan having now withdrawn the point of order.

Mr. CONGER. I withdraw the point of order in this particular case. There may be others in which I may insist upon it.

Mr. ACKLEN presented resolutions of the constitutional convention of Louisiana relative to the judicial districts of that State; which were referred to the Committee on the Judiciary.

ARSENAL, ETC., AT BATON ROUGE.

Mr. ACKLEN also presented resolutions of the constitutional convention of Louisiana, relative to the arsenal and barracks property at Baton Rouge; which were referred to the Committee on Military Affairs.

LOUISIANA JUDICIAL DISTRICTS.

Mr. ELAM presented resolutions of the constitutional convention of Louisiana, relative to the judicial districts of that State; which were referred to the Committee on the Judiciary.

ARSENAL, ETC., AT BATON ROUGE.

Mr. ELAM also presented resolutions of the constitutional convention of Louisiana, relative to the arsenal and barracks property at Baton Rouge; which were referred to the Committee on Military Affairs.

SECTION 5515 REVISED STATUTES.

Mr. SHELLEY introduced a bill (H. R. No. 2312) to amend section 5515 of the Revised Statutes of the United States; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

G. W. CONATSER.

Mr. McMILLIN introduced a bill (H. R. No. 2313) to pay George W. Conatser for a horse lost in the service of the United States; which was read a first and second time, and referred to the Committee on War Claims.

NATIONAL BANKING ASSOCIATIONS.

Mr. HOSTETLER presented a joint resolution of the Indiana Legislature, in relation to national banking associations; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

MINOR CHILD OF W. H. PULLIAM.

Mr. WEAVER introduced a bill (H. R. No. 2314) for the relief of the minor child of William H. Pulliam, late of Company F, Eighth Iowa Cavalry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ISAAC S. LYON.

Mr. CLAFLIN introduced a bill (H. R. No. 2315) for the relief of Isaac S. Lyon; which was read a first and second time, and referred to the Committee on Invalid Pensions.

TRUSTEES OF NEW MARKET COLLEGE.

Mr. HOUK introduced a bill (H. R. No. 2316) for the relief of the trustees of New Market College, located at New Market, Tennessee; which was read a first and second time, and referred to the Committee on War Claims.

INTERNAL-REVENUE STAMPS.

Mr. ALDRICH, of Illinois, introduced a bill (H. R. No. 2317) to amend section 3425 of the Revised Statutes at Large, authorizing the Commissioner of Internal Revenue to deliver stamps without prepayment thereof; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

JOHN FLETCHER.

Mr. COBB introduced a bill (H. R. No. 2318) for the relief of John Fletcher; which was read a first and second time, and referred to the Committee of Claims.

POST-OFFICE AT VINCENNES, INDIANA.

Mr. COBB also introduced a bill (H. R. No. 2319) authorizing the purchase of a parcel of ground with the buildings thereon, for a post-office in the city of Vincennes, Knox County, Indiana; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

UNITED STATES DISTRICT COURT FOR NORTHERN LOUISIANA.

Mr. GIBSON presented a memorial of the people of Louisiana, by the constitutional convention of that State, in favor of the re-establishment of a United States district court for Northern Louisiana; which was referred to the Committee on the Judiciary.

UNITED STATES MILITARY BARRACKS AT BATON ROUGE, LOUISIANA.

Mr. GIBSON also presented memorial and petition of the constitutional convention of Louisiana, praying that the military barracks be turned over to the use and occupation of the Louisiana State University; which was read, and referred to the Committee on Public Lands.

LIEUTENANT W. H. COLLINGS.

Mr. OSMER introduced a bill (H. R. No. 2320) for the relief of Lieutenant W. H. Collings, late of the Fourteenth Pennsylvania Cavalry, now of the county of Venango, State of Pennsylvania; which was read a first and second time, and referred to the Committee on Military Affairs.

MRS. DELLA BENNER.

Mr. YOUNG, of Tennessee, introduced a bill (H. R. No. 2321) granting a pension to Mrs. Della Benner, widow of the late Lieutenant Hiram H. Benner; which was read a first and second time, and referred to the Committee on Invalid Pensions.

DANIEL EDWARDS.

Mr. KING introduced a bill (H. R. No. 2322) for the relief of Daniel Edwards, a resident of the city of New Orleans, Louisiana; which was read a first and second time, and referred to the Committee on War Claims.

WILLIAM F. WALSH.

Mr. KING also introduced a bill (H. R. No. 2323) for the relief of William F. Walsh, a citizen of New Orleans, Louisiana; which was read a first and second time, and referred to the Committee on War Claims.

MRS. ANN SHEELY.

Mr. KING also introduced a bill (H. R No. 2324) for the relief of Mrs. Ann Sheely, of Concordia Parish, in the State of Louisiana; which was read a first and second time, and referred to the Committee on War Claims.

RAILROAD GRANT TO DAKOTA.

Mr. BENNETT introduced a bill (H. R. No. 2325) granting lands to aid in the construction of a railroad and a branch road in the Territory of Dakota; which was read a first and second time, referred to the Committee on Public Lands, and ordered to be printed.

The SPEAKER. The morning hour has expired.

ENROLLED BILL SIGNED.

Mr. KENNA, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. No. 1478) to authorize the Secretary of the Treasury to negotiate for the purchase at private sale, or, if necessary, procure by condemnation, a site for a post-office in the city of Baltimore, State of Maryland.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. MULLER indefinitely, on account of sickness in his family.

CHANGE OF REFERENCE.

On motion of Mr. CARPENTER, by unanimous consent, the Committee on Railways and Canals was discharged from the further consideration of the bill (H. R. No. 2016) to ratify and confirm an appropriation made by the county of Humboldt, in the State of Iowa, of the swamp and overflowed lands situated within the boundaries of the said county to aid in the construction of a railroad in said county, and the same was referred to the Committee on Public Lands, not to be brought back by a motion to reconsider.

OSAGE TRUST AND DIMINISHED RESERVE LANDS.

Mr. RYAN, of Kansas. I move to suspend the rules and pass a bill for the relief of settlers upon the Osage trust and diminished reserve lands in Kansas, and for other purposes. It is a modification of a motion I made on Monday last, and I will state that the bill as now presented is unanimously approved by the Committee on Public Lands.

The Clerk read the bill, as follows:

A bill for the relief of settlers upon the Osage trust and diminished reserve lands in Kansas, and for other purposes.

Be it enacted, &c., That all actual settlers under existing laws upon the Osage Indian trust and diminished reserve lands in Kansas (any failure to comply with such existing laws notwithstanding) shall be allowed sixty days after a day to be fixed by public notice by advertisement in two newspapers in each of the proper land districts, which day shall not be less than ninety days after the passage of this act, within which to make proof of their claims, and to pay one-fourth the purchase-price thereof, and the said parties shall pay the balance of said purchase-price in three equal annual installments thereafter: *Provided*, That nothing herein contained shall be construed to prevent an earlier payment of the whole or any installment of said purchase-money as aforesaid. And if default be made by any settler in the payment of any portion or installment at the time it becomes due under the foregoing provisions, his entire claim, and any money he may have paid thereon, shall be forfeited, and the land shall, after proper notice, be offered for sale according to the terms hereinafter prescribed, unless before the day fixed for such offering, the whole amount of purchase-money shall be paid by such claimant, so as to entitle him to receive his patent for the tract embracing his claim.

SEC. 2. That all the said Indian lands remaining unsold and unappropriated, and not embraced in the claims provided for in section 1 of this act, shall be subject to disposal to actual settlers only, having the qualifications of pre-emptors on the public lands. Such settlers shall make due application to the register with proof of settlement and qualifications as aforesaid; and, upon payment of not less than one-fourth the purchase price, shall be permitted to enter not exceeding one quarter section each, the balance to be paid in three equal annual installments, with like penalties, liabilities, and restrictions as to default and forfeiture as provided in section 1 of this act.

SEC. 3. All lands upon which such default has continued for ninety days shall be placed upon a list, and the Secretary of the Interior shall cause the same to be duly proclaimed for sale in the manner prescribed for the offering of the public lands, but not exceeding one quarter section shall be sold to any one purchaser at a price not less than the price fixed by law; but all lands upon which such default shall be made shall be offered for sale by advertisement of not less than thirty days in two newspapers in the proper land districts respectively, and, unless the purchase price be fully paid before the day named in the notice, shall be sold for cash to the highest bidder at not less than the price fixed by law; and all such lands subject to unpaid overdue installments shall be so offered once every year. And if any of said lands shall remain unsold after the offering as aforesaid, they shall be subject to private entry, for cash, in tracts not exceeding one quarter section by one purchaser.

SEC. 4. After the payment of the first installment, as hereinafter provided for, such lands shall be subject to taxation according to the laws of the State of Kansas, as other lands are or may be in said State: *Provided*, That no sale of any such lands for taxes shall operate to deprive the United States of said lands, or any part of the purchase price thereof; but if default be made in any installment of the purchase price as aforesaid, such tax-sale purchaser, or his or her legal representatives, may, upon the day fixed for the public sale, and after such default has become final, under the foregoing provisions, pay so much of said purchase price as may remain unpaid, and shall thereupon be entitled to receive a patent for the same as though he had made due settlement thereon: *And provided further*, That nothing in this act shall be so construed as to deprive or impair the right of the settler of the right of redemption under the revenue laws of the State of Kansas.

SEC. 5. That the register and the receiver shall be allowed the same fees and commissions as are allowed by law for the disposal of the public lands; and the net proceeds of the sales and disposals, after deducting the expenses of such disposals, shall be deposited to the credit of the proper Indian fund as provided by existing laws; and the Secretary of the Interior shall make all rules and regulations necessary to carry into effect the provisions of this act.

SEC. 6. That nothing in this act shall be construed to interfere in any manner with the operation of the town-site laws as applicable to these lands: *Provided*, That all claims for entry under said statutes shall be proved up and fully paid for before the day fixed for the commencement of the public sales provided for in section 3 of this act.

The question was taken upon the motion to suspend the rules and pass the bill; and upon a division there were—ayes 55, noes 14.

Mr. REAGAN. That is a long bill and a very important one, and I must raise the point of order that no quorum has voted.

Mr. RYAN, of Kansas. This bill has been unanimously approved by two Committees on Public Lands of this House.

The SPEAKER. Debate is not in order upon a motion to suspend the rules. No quorum having voted, the Chair will appoint the gentleman from Kansas, Mr. RYAN, and the gentleman from Texas, Mr. REAGAN, to act as tellers.

The House again divided; and the tellers reported that there were—ayes 113, noes 2.

Mr. REAGAN, (one of the tellers.) I will not insist upon the point of order that no quorum has voted.

No further count being called for, the rules were suspended, (two-thirds voting in favor thereof,) and the bill (H. R. No. 2326) was passed.

HOMESTEAD SETTLERS.

Mr. WASHBURN. I am instructed by the Committee on Public Lands to move to suspend the rules so as to discharge that committee from the further consideration of House bill No. 2165, to amend section 2297 of title 32 of the Revised Statutes, relating to homestead settlers, and to pass the bill at this time.

The bill was read, as follows:

Be it enacted, &c., That section No. 2297 of title No. 32 be amended by adding thereto the following proviso, namely: *Provided*, That the settler shall be allowed twelve months from the date of filing in which to commence his residence on said land.

The question was taken, and (two-thirds voting in favor thereof) the rules were suspended, and the bill was passed.

COMMERCIAL RELATIONS.

Mr. RUSSELL, of Massachusetts. I am instructed by the Committee on Commerce to move to suspend the rules and adopt the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the sub-committee of the Committee on Commerce, to whom has been referred the resolution of the House of Representatives adopted on the 4th instant on the subject of the commercial relations of the country, &c., have leave to sit at such times and places as shall seem to them expedient during the recess of Congress, to administer oaths and take testimony, and to employ a clerk and stenographer at a fair compensation; and for the purposes aforesaid the sum of $2,500 be, and is hereby, appropriated to be paid out of the contingent fund of the House of Representatives for the use of said committee on the requisition of the chairman, whose receipts shall be a good and sufficient voucher therefor.

Mr. MCMILLIN. Let the resolution be read to which reference is made.

The SPEAKER. It is not at the Clerk's desk.

The question was taken; and upon a division there were—ayes 54, noes 53.

So (two-thirds not voting in favor thereof) the rules were not suspended.

MILITARY INTERFERENCE AT ELECTIONS.

Mr. SPRINGER. The Committee of Elections, to which was referred House bill No. 2131, to regulate the stations of soldiers during elections, have had the same under consideration, and have instructed me to report back as a substitute therefor the bill which I send to the Clerk's desk; and I move that the rules be suspended and the substitute bill passed.

The Clerk read as follows:

A bill to prohibit military interference at elections.

Whereas the presence of troops at the polls is contrary to the spirit of our institutions and the traditions of our people and tends to destroy the freedom of elections: Therefore,

Be it enacted, &c., That it shall not be lawful to bring to or employ at any place where a general or special election is being held in a State any part of the Army or Navy of the United States as a police force to keep the peace at the polls.

Mr. CONGER. I desire to ask how this matter comes from the Committee of Elections?

The SPEAKER. The Chair is advised that the gentleman from Illinois [Mr. SPRINGER] has been instructed by the committee to move to suspend the rules and pass the bill.

Mr. CONGER. I make the point that this matter has never been referred to the Committee of Elections.

Mr. SPRINGER. The gentleman is mistaken. A bill on this subject was referred to our committee, and this is a substitute which the committee instructed me to seek to have passed under a suspension of the rules.

Mr. CONGER. We all desire to vote upon the question; but I want it to come regularly before the House.

The SPEAKER. The gentleman will have an opportunity to vote.

Mr. GARFIELD. I ask that the bill be again read.

The Clerk again read the bill.

Mr. SPRINGER. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 111, nays 82, not voting 93; as follows:

YEAS—111.

Acklen,	Ellis,	Kimmel,	Simonton,
Aiken,	Evins,	King,	Singleton, O. R.
Armfield,	Ewing,	Klotz,	Slemons,
Atkins,	Felton,	Le Fevre,	Sparks,
Bachman,	Finley,	Lowe,	Springer,
Bicknell,	Ford,	Manning,	Steele,
Blackburn,	Forney,	Martin, Benj. F.	Stephens,
Bliss,	Forsythe,	McKenzie,	Stevenson,
Bouck,	Frost,	McLane,	Taylor,
Bright,	Geddes,	McMahon,	Thompson,
Caldwell,	Gibson,	McMillin,	Tillman,
Clardy,	Gillette,	Mills,	Townshend, R. W.
Clark, John B.	Goode,	Morrison,	Turner, Oscar
Clymer,	Gunter,	Murch,	Upson,
Cobb,	Hammond, N. J.	Myers,	Vance,
Coffroth,	Hatch,	New,	Waddill,
Colerick,	Herbert,	Nicholls,	Warner,
Converse,	Herndon,	O'Connor,	Weaver,
Cook,	Hill,	Persons,	Wellborn,
Covert,	Hooker,	Phister,	Whiteaker,
Cox,	Hostetler,	Poehler,	Whitthorne,
Cravens,	House,	Reagan,	Williams, Thomas
Culberson,	Hull,	Robertson,	Willis,
Davis, Joseph J.	Hunton,	Rothwell,	Wise,
Davis, Loundes H.	Hurd,	Samford,	Wright,
De La Matyr,	Johnston,	Sawyer,	Yocum,
Dibrell,	Jones,	Scales,	Young, Casey.
Elam,	Kenna,	Shelley,	

NAYS—82.

Aldrich, N. W.	Daggett,	Joyce,	Russell, W. A.
Aldrich, William	Davis, George R.	Keifer,	Sapp,
Anderson,	Deering,	Loring,	Shallenberger,
Baker,	Errett,	Marsh,	Sherwin,
Barber,	Farr,	Mason,	Stone,
Bayne,	Field,	McCook,	Thomas,
Bingham,	Fisher,	McGowan,	Townsend, Amos
Blake,	Fort,	McKinley,	Tyler,
Bowman,	Frye,	Mitchell,	Updegraff, J. T.
Brewer,	Garfield,	Monroe,	Updegraff, Thomas
Briggs,	Godshalk,	Morton,	Urner,
Browne,	Hammond, John	Neal,	Van Aernam,
Burrows,	Harmer,	Norcross,	Voorhis,
Butterworth,	Haskell,	O'Neill,	Wait,
Cannon,	Hawk,	Orth,	Ward,
Carpenter,	Hawley,	Osmer,	Washburn,
Caswell,	Hayes,	Overton,	Williams, C. G.
Claflin,	Henderson,	Pound,	Willits,
Conger,	Horr,	Price,	Young, Thomas L.
Cowgill,	Houk,	Richardson, D. P.	
Crapo,	Humphrey,	Robinson,	

NOT VOTING—93.

Atherton,	Dickey,	Lay,	Ross,
Bailey,	Dunn,	Lewis,	Russell, Daniel L.
Ballou,	Dunnell,	Lindsey,	Ryan, Thomas
Barlow,	Dwight,	Lounsbery,	Ryon, John W.
Beale,	Einstein,	Martin, Edward L.	Singleton, J. W.
Belford.	Ferdon,	Martin, Joseph J.	Smith, A. Herr
Beltzhoover,	Hall,	McCoid,	Smith, Hezekiah B.
Bland,	Harris, John T.	Miles,	Smith, William E.
Blount,	Harris, Benj. W.	Miller,	Speer,
Boyd,	Hazelton,	Money,	Starin,
Bragg,	Heilman,	Morse,	Talbott
Brigham,	Henkle,	Muldrow,	Tucker,
Buckner,	Henry,	Muller,	Turner, Thomas
Cabell,	Hiscock,	Newberry,	Valentine,
Calkins,	Hubbell,	O'Brien,	Van Voorhis,
Camp,	James,	O'Reilly,	Wells,
Carlisle,	Jorgensen,	Phelps,	White,
Chalmers,	Kelley,	Pierce,	Wilber,
Chittenden,	Ketcham,	Prescott,	Wilson,
Clark, Alvah A.	Killinger,	Reed,	Wood, Fernando
Crowley,	Kitchin,	Rice,	Wood, Walter A.
Davidson,	Knott,	Richardson, J. S.	
Deuster,	Ladd,	Richmond,	
Dick,	Lapham,	Robeson,	

So (two-thirds not having voted in the affirmative) the rules were not suspended.

During the roll-call the following announcements were made:

Mr. HUNTON. My colleague, Mr. TUCKER, is paired with Mr. LAPHAM. If present, my colleague would vote in the affirmative.

Mr. BUCKNER. Mr. MARTIN, of Delaware, is paired with Mr. SMITH, of Pennsylvania. If present, Mr. MARTIN would vote in the affirmative.

Mr. SMITH, of Georgia. I am paired with Mr. WILBER, of New York. If he were present, I should vote in the affirmative.

Mr. ROSS. I am paired with my colleague, Mr. BRIGHAM. If he were present, I should vote in the affirmative.

Mr. PHELPS. I am paired with Mr. DUNNELL, of Minnesota. If he were present, I should vote in the affirmative.

Mr. HILL. My colleague, Mr. ATHERTON, is paired with Mr. NEWBERRY, of Michigan.

Mr. MULDROW. I am paired with Mr. DWIGHT. If he were present, I should vote "ay."

Mr. LOUNSBERY. I am paired with Mr. BAILEY. If he were present, I should vote "ay."

Mr. RYON, of Pennsylvania. I am paired with Mr. RYAN, of Kansas. If he were present, he would vote "no" and I should vote "ay."

Mr. DAVIS, of North Carolina. My colleague, Mr. KITCHIN, is paired with Mr. RICE, of Massachusetts. If present, Mr. KITCHIN would vote in the affirmative.

Mr. MANNING. My colleague, Mr. MONEY, who is absent by leave of the House, is paired with Mr. STARIN. If present, Mr. MONEY would vote in the affirmative.

Mr. COVERT. Mr. FERNANDO WOOD is paired with Mr. ROBESON.

Mr. TOWNSHEND, of Illinois. My colleague, Mr. SINGLETON, is paired with Mr. MILES, of Connecticut. If present, Mr. SINGLETON would vote in the affirmative.

Mr. HULL. My colleague, Mr. DAVIDSON, who is absent by leave of the House, is paired with Mr. VALENTINE.

Mr. STEVENSON. Mr. LADD, who is absent by leave of the House, is paired with his colleague, Mr. LINDSEY. If present, Mr. LADD would vote in the affirmative.

Mr. PHISTER. Mr. THOMAS TURNER, who is absent by leave of the House, is paired with Mr. WHITE, of Pennsylvania. If present, Mr. TURNER would vote in the affirmative. Mr. KNOTT, who is absent on account of sickness, is paired with Mr. CALKINS, of Indiana. If present, Mr. KNOTT would vote in the affirmative.

Mr. AIKEN. My colleague, Mr. RICHARDSON, is paired with Mr. CAMP, of New York. If present, Mr. RICHARDSON would vote in the affirmative.

Mr. HARRIS, of Virginia. I am paired with Mr. CROWLEY, of New York. If he were present, I should vote in the affirmative.

Mr. RICHMOND. I am paired with Mr. PRESCOTT. If he were present, I should vote "ay."

Mr. WELLS. I am paired with Mr. HISCOCK. If he were present, I should vote in the affirmative.

Mr. BOUCK. My colleague, Mr. BRAGG, is paired with Mr. JAMES, of New York. If present, Mr. BRAGG would vote "ay."

Mr. BEALE. I am paired with my colleague, Mr. JORGENSEN. If he were present, I should vote "ay."

Mr. KENNA. My colleague, Mr. WILSON, who is still absent on account of serious illness, is paired with Mr. REED, of Maine. If Mr. WILSON were present, he would vote in the affirmative.

Mr. HARRIS, of Massachusetts. I am paired with Mr. LEWIS, of Alabama. If present, he would vote in the affirmative and I should vote in the negative.

Mr. HALL. I am paired with Mr. SPEER, of Georgia. If he were present, I should vote "no."

Mr. ROBINSON, of Massachusetts. Mr. MORSE is paired with Mr. KELLEY.

Mr. STONE. Mr. STARIN is paired with Mr. MONEY.

Mr. WAIT. Mr. MILES is paired with Mr. SINGLETON, of Illinois.

Mr. ALDRICH, of Rhode Island. Mr. BALLOU is paired with Mr. TALBOTT, of Maryland.

Mr. BROWNE. Mr. HEILMAN, who is absent by leave of the House, is paired with Mr. MULLER. If present, Mr. HEILMAN would vote "no."

Mr. BREWER. My colleague, Mr. NEWBERRY, is paired with Mr. ATHERTON, of Ohio. If present, Mr. NEWBERRY would vote in the negative.

Mr. HAMMOND, of New York. My colleague, Mr. DWIGHT, is paired with Mr. MULDROW.

Mr. POUND. My colleague, Mr. HAZELTON, is paired with Mr. BLOUNT.

Mr. WASHBURN. My colleague, Mr. DUNNELL, is paired with Mr. PHELPS.

Mr. SMITH, of Pennsylvania. I am paired with Mr. MARTIN, of Delaware. If he were present, I should vote "no," and I presume that he would vote in the affirmative.

Mr. WHITE. I am paired with the gentleman from Kentucky, Mr. THOMAS TURNER. I do not know how he would vote if present, but if he were here, I should take great pleasure in voting "no."

Mr. HUNTON. My colleague, Mr. CABELL, who is absent by leave of the House, is paired with Mr. BOYD, of Illinois.

Mr. CALDWELL. Mr. CARLISLE is paired with Mr. MILLER. If present, Mr. CARLISLE would vote in the affirmative.

Mr. COFFROTH. My colleague, Mr. BELTZHOOVER, is absent by leave of the House, and is paired.

Mr. REED. My colleague, Mr. KNOTT, is paired with Mr. CALKINS, of Indiana.

Mr. BUCKNER. I am paired with Mr. CHITTENDEN, of New York. If he were present, I should vote in the affirmative.

Mr. WARNER. My colleague, Mr. DICKEY, is paired with Mr. BARLOW, of Vermont.

Mr. VAN AERNAM. My colleague, Mr. KETCHAM, who is absent on account of sickness, is paired with Mr. SMITH, of New Jersey.

The vote was then announced as above recorded.

ENROLLED BILLS SIGNED.

Mr. UPSON, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 1734) to authorize the Secretary of War to use certain moneys appropriated by act of Congress approved March 4, 1879, "for the protection of the high sand-banks on the Chippewa River," in the completion and protection of improvements in and near the mouth of said Chippewa River.

An act (H. R. No. 2263) supplemental to "an act to establish post-routes."

JUDICIAL DISTRICTS IN LOUISIANA.

The SPEAKER, by unanimous consent, laid before the House a let-

ter from the secretary of the constitutional convention of the State of Louisiana, inclosing a memorial adopted by that body praying the establishment of a United States district court for the northern portion of that State; which was referred to the Committee on the Judiciary.

MILITARY BARRACKS, ETC., AT BATON ROUGE.

The SPEAKER also laid before the House a letter from the secretary of the constitutional convention of the State of Louisiana, inclosing a memorial of that body praying that the military barracks, arsenal, and grounds in the city of Baton Rouge be donated to the State of Louisiana for the use and occupation of the Louisiana State University and Agricultural and Mechanical College; which was referred to the Committee on Military Affairs.

BARRACKS IN SAVANNAH, GEORGIA.

The SPEAKER also laid before the House a letter from the Secretary of War, relative to the bill (H. R. No. 2021) vesting the title to the United States barracks in Savannah, Georgia, in the corporation of the said city.

The SPEAKER. This communication will be referred to the Committee on Public Buildings and Grounds.

Mr. CONGER. Should it not go the Committee on Military Affairs?

The SPEAKER. The letter commences in these terms:

The Secretary of War has the honor to state for the information of the Committee on Public Buildings and Grounds, in reply to a communication from the chairman of said committee.

The communication would seem properly to belong to the Committee on Public Buildings and Grounds.

Mr. CONGER. It does not seem to me to be quite right that other committees than the Committee on Military Affairs should undertake to dispose of military posts and barracks of the United States.

The SPEAKER. The bill to which the communication has reference is now with the Committee on Public Buildings and Grounds.

The communication was referred to the Committee on Public Buildings and Grounds.

ORDER OF BUSINESS.

Mr. HUNTON. The hour of two o'clock having arrived I claim the floor for the Committee for the District of Columbia. I yield to my colleague on the committee, the gentleman from Ohio, [Mr. NEAL.]

The SPEAKER. Is there not a bill coming over as unfinished from the last day on which the Committee for the District of Columbia reported?

Mr. HUNTON. That was passed by with the understanding that it was not to be taken up again this session.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, informed the House that the Senate had passed a joint resolution of the following title; in which the concurrence of the House was requested:

A joint resolution (S. R. No. 5) relative to certain accepted drafts and other papers in the Department of State.

YOUNG MEN'S CHRISTIAN ASSOCIATION OF WASHINGTON, D. C.

Mr. NEAL, from the Committee for the District of Columbia, reported a bill (H. R. No. 2327) to authorize the renewal of a loan therein named by the joint stock company of the Young Men's Christian Association of Washington; which was read a first and second time.

The question was on ordering the bill to be engrossed and read a third time.

The bill was read. It proposes to amend the act approved July 3, 1876, entitled "An act to amend an act entitled an act to incorporate the joint stock company of the Young Men's Chistian Association of Washington, District of Columbia, approved March 2, 1867," so as to authorize the renewal of the loan therein named or to make a new loan at a lower rate of interest, the proceeds to be used exclusively in payment of the existing loan, and to enable the said stock company to make and secure such loan. All the provisions of the above-recited act are extended and made applicable therefor.

Mr. NEAL. I ask the Clerk to read for the information of the House the law which it is proposed to amend.

The Clerk read as follows:

An act to amend an act entitled "An act to incorporate the joint stock company of the Young Men's Christian Association of Washington," approved March 2, 1867.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the act entitled "An act to incorporate the joint stock company of the Young Men's Christian Association of Washington," approved March 2, 1867, be, and the same is hereby, amended as follows, namely:

SECTION 1. That the joint stock company of the Young Men's Christian Association be, and it is hereby, authorized and empowered to borrow, on the security of the real estate now owned by it in square numbered 407 in the city of Washington, District of Columbia, not exceeding the sum of $33,000, at a lawful rate of interest, for the purpose of paying off the debt now due from said joint stock company to the Freedman's Savings and Trust Company.

SEC. 2. That in order to secure the amount authorized to be borrowed by the preceding section, the said joint stock company is hereby authorized to execute and deliver its note for the amount borrowed, under authority of this act, bearing such lawful rate of interest, and payable at such time, principal and interest, as may be agreed upon between it and the persons from whom it may borrow such money; and to secure the payment of such note and interest to convey said property to two trustees in fee simple, with power in said trustees, or the survivor of them, to sell said property at public auction in case of default made in the payment of said note, or any installment of interest due thereon, upon such terms and after such notice by advertisement as the said trustees, or the survivor of them, may deem best for the interest of all parties concerned, and to convey the same to the purchaser in fee simple.

SEC. 3. That the rents and revenues derived from said property shall be retained by the board of directors of said joint stock company and applied to the payment of the indebtedness hereby authorized, and shall not be applied to the payment of interest on the capital stock of said corporation until said indebtedness is fully paid.

SEC. 4. That nothing herein contained shall be construed as authorizing said joint stock company to encumber said real estate for any other purpose or in any other manner.

Approved, July 3, 1876.

Mr. NEAL. For the information of the House I will state that the Young Men's Christian Association of Washington, incorporated by an act of Congress, erected what is known as Lincoln Hall in this city. In 1876 they had a floating indebtedness of $33,000. The act which has just been read was passed to enable them to fund their indebtedness and authorize them to negotiate a loan and to secure the same by a deed of trust on their property. They made that loan and there is now past due the sum of $6,000, which the rents have not been sufficient to enable them to pay off. The property is liable to be sold at any moment, and they ask the authority of Congress to renew that loan or make another to take up the indebtedness, that the property may not be sacrificed. I can see no possible objection to it; the committee did not; and I hope the House will pass the bill without a dissenting voice.

Mr. STEELE. Does this bill make any appropriation on the part of the United States?

Mr. NEAL. None whatever. The bill simply authorizes the trustees of this institution to renew the loan which they were allowed to make by the former act.

Mr. SPARKS. As I understand, the object of this act is to authorize this company to refund their old indebtedness in a new loan?

Mr. NEAL. That is all.

Mr. SPARKS. Not to exceed the old indebtedness?

Mr. NEAL. They are simply to take up the old loan, and the new loan will probably not be so large, because the rents have paid off part of the indebtedness. They will refund also at a lower rate of interest. I call the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. NEAL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHURCHES OF THE DISTRICT.

Mr. ALDRICH, of Rhode Island, from the Committee for the District of Columbia, reported back, with the recommendation that it be passed, the bill (H. R. No. 1369) to relieve the churches of the District of Columbia and to clear the title of the trustees to such property.

The bill was read, as follows:

Be it enacted, &c., That so much of an act of Congress entitled "An act for the government of the District of Columbia, and for other purposes," approved June 20, 1874, as was construed to authorize the commissioners of the District to set aside former exemptions from taxation of church property which was actually held and used for the purpose of divine worship, and to enforce a tax upon such property, be, and is hereby, repealed; and the title to such property is hereby declared to vest in the trustees, or such other persons as held the title to the same at the time of the passage of the act of 1874, or their successors in interest, notwithstanding the sale of such property for non-payment of taxes.

SEC. 2. That the commissioners of the District of Columbia be, and they hereby are, authorized and required to refund to the trustees or other proper officers of such church or churches as have paid the taxes assessed against them under the act of June 20, 1874, such sums respectively as were paid by each upon property actually held and used for the purpose of divine worship.

Mr. ALDRICH, of Rhode Island. The act of June 20, 1874, referred to in the first section of this bill, provided in its fourth section as follows:

That, for the support of the government of the District of Columbia and maintaining the credit thereof for the fiscal year ending June 30, 1875, there shall be levied upon the real estate in said District, except that belonging to the United States and to the District of Columbia, the following taxes, namely.

The District commissioners considered that section to impose upon them the duty to tax the churches of the District, understanding that they were not included in the term charitable and educational institutions. The churches, both before the passage of this act and since its passage, have been exempted by a general law from taxation. The churches of the District, with the exception of three or four, considered the construction by the commissioners as erroneous, and the imposition of the tax as illegal, and they therefore declined to pay it, and, with the exception of two or three, all the churches were sold for taxes and bought by the District of Columbia. Some three or four churches paid the taxes, and the act of March 3, 1877, now in force, provides:

SEC. 8. That the property exempt from taxation under this act shall be the following, and no other, namely: First, the Corcoran Art Building, free public library buildings, churches, the Soldiers' Home, and grounds actually occupied by such buildings; secondly, houses for the reformation of offenders, almshouses, buildings belonging to institutions of purely public charity, conducted without charge to inmates, profit, or income; cemeteries dedicated and used solely for burial purposes and without private income or profit; but if any portion of any such building, house, grounds, or cemetery so in terms excepted is larger than is absolutely required and actually used for its legitimate purpose and none other, or is used to

secure a rent or income, or for any business purpose, such portion of the same, or a sum equal in value to such portion, shall be taxed against the owner of said building or grounds.

This imposition of taxes is entirely exceptional in the history of the District, and I have no idea that Congress intended at the time the act was passed to include the churches in the terms of the tax bill. An act for the relief of the churches has already passed both Houses of Congress at different times, but has failed to become a law for want of action on the part of the other branch of Congress.

Mr. BLOUNT. I understand this bill to relate to the taxes for a single year only.

Mr. ALDRICH, of Rhode Island. For a single year only.

Mr. BLOUNT. On all other occasions they have been exempted.

Mr. ALDRICH, of Rhode Island. That is it exactly.

Mr. SPARKS. The bill covers the church property; that is, the lots and the buildings used for church purposes.

Mr. ALDRICH, of Rhode Island. It refers to property held and actually used for the purposes of divine worship.

Mr. SPARKS. I believe there is no civilized country which taxes churches.

Mr. ALDRICH, of Rhode Island. I move the previous question.

The previous question was seconded and the main question ordered.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. ALDRICH, of Rhode Island. I move to reconsider the vote by which the bill was passed; and also move that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

CLAIMS AGAINST THE DISTRICT OF COLUMBIA.

Mr. SLEMONS, from the Committee for the District of Columbia, reported back, with amendments, the bill (H. R. No. 298) to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes.

The bill was read, as follows:

Be it enacted, &c., That the jurisdiction of the Court of Claims is hereby extended to, and it shall have exclusive original legal and equitable jurisdiction of, all claims now existing against the District of Columbia, including auditor, board of audit, sewer certificates, measurements, and other evidence of indebtedness covered by contracts made since February 21, 1871, and all outstanding written obligations of the levy court of said District. Said court shall have the same power, proceed in the same manner, and be governed by the same rules, in respect to the mode of hearing, adjudication, and determination of said claims, as it now has in relation to the adjudication of claims against the United States. When the trial of any claim against the District of Columbia, prosecuted under the provisions of this act, involves the taking and stating of a long account, or the making of measurements or computations involving the services of engineers, said court shall have power to award a reference to a competent referee to take and state such account, or to the engineer commissioner of the District to make and report such measurements and computations; and said referee or engineer shall report to the court the evidence taken by him for the information of said court, and shall be allowed such compensation for his services as the court may determine, to be paid on the order of the court, in money, as judgments are herein required to be paid.

SEC. 2. All such claims against the District of Columbia shall, in the first instance, be prosecuted before the Court of Claims, in the same manner and subject to the same rules as claims against the United States are prosecuted therein, or to such other rules as the court shall prescribe. In any case in which the amount in controversy exceeds $20,000, if before trial either party requests in writing a finding of facts by the court, there shall be the same right of appeal, either by the District of Columbia or by the claimant, and subject to the same rules and regulations, as are prescribed by law for appeals on behalf of the United States or claimants against the United States from the judgments of the Court of Claims: *Provided*, That the prosecution of all such claims shall be commenced in the Court of Claims by the filing of the petition of the claimant, as required by the rules and practice of said court, within six months from the passage of this act; and all such claims against the District of Columbia now existing, and not so filed within said time, shall be forever barred, except in cases of claims owned and held by persons under legal disabilities, in which case such claims shall be in like manner barred unless commenced as aforesaid within six months after the expiration of such disability: *Provided* That all certificates, measurements, or other evidence of indebtedness, in the custody of the commissioners of the District of Columbia, shall be deposited with the Court of Claims, upon the application of any claimant. When the validity of a number of claims depends substantially upon a like state of facts, they may be brought before the court in one petition in which all parties are joined, and may be tried together under such rules as the court may prescribe, and such judgments may be entered therein as the court may determine; and cases of like kind may be consolidated and tried together whenever the court so orders.

SEC. 3. The Attorney-General of the United States shall have authority, and it shall be his duty, to defend the District of Columbia against all claims against said District of Columbia prosecuted in said Court of Claims, and on appeal, in like manner as he is now by law required to defend the United States in said court, with the same power to interpose counter claims and offsets against claims, and with like power of appeal as in cases against the United States tried in said court.

SEC. 4. All laws now in force relating to prosecutions of claims against the United States in the Court of Claims shall apply, as far as applicable, to the prosecution, practice, hearing, and determination of claims against the District of Columbia authorized to be prosecuted under the provisions of this act: *Provided*, That motions for new trials shall be made by either party within twenty days after the rendition of any judgment: *And provided further*, That in the trial of such cases no person shall be excluded as a witness because he or she is a party to or interested in the issue tried: *And provided*, That in all cases when such Court of Claims shall give judgment in favor of any claimant, said court shall find and determine whether the terms of the contract under which such claim shall have originated required the payment therefor in lawful money or in 3.65 bonds; and the judgment shall direct the payment in accordance with the facts so found.

SEC. 5. If no appeal be taken from the judgment and determination of the Court of Claims in cases provided for in this act within the term limited by law for appealing from the judgments of said court, and in all cases of final judgments by the Court of Claims, or on appeal by the Supreme Court where the same are affirmed in favor of the claimant, the sum due thereby shall be paid, as hereinafter provided, by the Secretary of the Treasury, out of any money in the Treasury not otherwise appropriated, if the same be payable in money, and if paid in 3.65 bonds of the District of Columbia, the same shall be issued: *Provided*, That no payment shall be made in money or in bonds except upon the presentation to the Secretary of the Treasury of a copy of said judgment certified by the clerk of the Court of Claims, and signed by the chief-justice, or, in his absence, by the presiding judge of said court: *And provided further*, That all moneys paid by the Treasurer of the United States on any judgment or judgments rendered by the Court of Claims under the provisions of this act shall be charged by the Treasurer of the United States against the District of Columbia; and said Treasurer of the United States shall reimburse the United States Treasury for such payments out of any money in the Treasury belonging to the District of Columbia not otherwise appropriated.

SEC. 6. The Secretary of the Treasury is hereby authorized to demand of the sinking-fund commissioner of the District of Columbia so many of the 3.65 bonds as may be necessary for the payment of the judgments adjudged to be payable in said bonds; and said sinking-fund commissioner is hereby directed to issue and deliver to the Secretary of the Treasury the amount of 3.65 bonds required to satisfy the awards payable in such bonds and no more, which bonds shall be received by said claimants at par in payment of such claims, and shall bear date February 1, 1879, and mature at the same time as other bonds of this issue; and the gross amount of such bonds heretofore and hereafter issued shall not exceed in the aggregate $15,000,000; and all claims based upon contracts, in writing, by the terms of which such bonds, that is to say "3.65 bonds," were to be received in lieu of lawful money, for which the board of audit issued certificates, or for which such certificates should have been issued, under the act of Congress approved June 20, 1874, shall bear interest not exceeding the rate of 3.65 per cent. per annum from the time such certificate or claim became due and payable. Said court shall allow interest at the rate of 6 per cent. per annum upon all claims not payable in such 3.65 bonds from the maturity thereof.

SEC. 7. In all cases prosecuted under the provisions of this act it shall be the duty of the claimant, after the commencement of said actions, to prosecute them in said court diligently; and after any issue of law or of fact shall be joined in any case, the Attorney-General shall have power to place the same on the trial calendar of said court for trial; and in all cases when any case has been reached in its order on the calendar, and the trial thereof has been unreasonably delayed by the claimant, the said court may, on motion of the Attorney-General, on notice to the claimant, or his counsel, attorney, or solicitor, dismiss said claim; and such dismissal or final judgment on any claim shall be a conclusive bar against any further prosecution of such claim before any court or tribunal whatsoever: *Provided*, That in the event that the 3.65 bonds provided to be issued herein as aforesaid should reach said sum of $15,000,000 before all the judgments rendered by said Court of Claims, payable in such 3.65 bonds, have been paid or satisfied, then it shall be the duty of the Secretary of the Treasury to pay in money to the owner of any such judgment an amount equal to the market value of such bonds at the date of such judgment: *And provided further*, That the Secretary of the Treasury shall pay the judgments hereinbefore provided from time to time as they may be presented as in this act also provided.

Mr. SAMFORD. I make the point of order upon that bill that it contains an appropriation and makes a tax and a charge upon the people, and must have its first consideration in Committee of the Whole.

The SPEAKER *pro tempore*, (Mr. TOWNSHEND, of Illinois, in the chair.) Wherein does the bill make an appropriation?

Mr. SAMFORD. It directs the Secretary of the Treasury to pay about a million dollars.

Mr. BLOUNT. Further than that, it provides for taking out of the Treasury the money to pay all judgments that may be rendered. They do not come back to Congress, but under this legislation the Secretary of the Treasury would be authorized to pay them from time to time, and that clearly comes under the Rule 112.

Mr. HUNTON. I desire to say in regard to this point of order that it seems to me the bill is not subject to it, because there is no appropriation contained in it of any money or property belonging to the United States Government. The judgments, if obtained, are to be paid in the bonds of the District of Columbia, and there is nothing said in any part of the bill in regard to the appropriation of money or property of the United States to pay these debts.

Mr. BLOUNT. The same thing might be said in regard to the Indian trust fund, that it does not belong to the Federal Government, and yet it has always been held that where there was a bill touching that fund it was subject to this rule.

Mr. HUNTON. Where money has been set aside, as in the case of the Indian trust fund, it is not the property of the Government.

Mr. BLOUNT. I do not say it is the property of the Government, but I say that it has uniformly been held in this House, that it is in the Treasury of the United States, and it cannot be taken out without an appropriation.

Mr. HUNTON. But this money is not in the Treasury and never was.

Mr. BLOUNT. My understanding of the bill is that it provides for the payment hereafter of these judgments.

Mr. HUNTON. I can explain that to the gentleman from Georgia, [Mr. BLOUNT.] The bill provides that the Secretary of the Treasury shall pay these judgments in bonds of the District of Columbia, because the Secretary of the Treasury is the treasurer of the District of Columbia, and therefore these judgments must be paid by the bonds of the District passing through the hands of the treasurer of the District of Columbia, who is the Secretary of the Treasury.

Mr. ALDRICH, of Rhode Island. Allow me to correct the gentleman from Virginia, [Mr. HUNTON.] The Treasurer of the United States, and not the Secretary of the Treasury, is the treasurer of the District of Columbia.

Mr. BLOUNT. That does not alter the question at all as to the appropriation out of the Treasury of the United States.

The SPEAKER *pro tempore*. The Clerk will read Rule 112.

The Clerk read as follows:

All proceedings touching appropriations of money, and all bills making appropriations of money or property, or requiring such appropriations to be made, or authorizing payments out of appropriations already made, shall be first discussed in a Committee of the Whole House.

Mr. SAMFORD. I would call the attention of the Chair to Rule 110, which is as follows:

No motion or proposition for a tax or charge upon the people shall be discussed the day on which it is made or offered, and every such proposition shall receive its first discussion in a Committee of the Whole House.

Now, although I am not familiar with the proper construction of the rules of this House, it seems to me that under either of the rules referred to, Rule 110 and Rule 112, this bill would be obnoxious to a point of order. It certainly makes a charge upon the people. In addition to making the Government liable to costs in the event of a failure to resist successfully these claims, it makes the Government in any event liable to the payment of the interest on these bonds, if it does not indeed make the Government liable for the whole principal of the bonds.

One construction placed on the act of June 20, 1874, makes the Government responsible for the principal of all these 3.65 per cent. bonds. The commissioners of the District of Columbia in their report to Congress have put that construction upon the act. As I am not in favor of that construction, I perhaps would not agree that it was a proper one. But I do consider that it is exceedingly questionable whether those interested in the matter may not put that construction upon it. If gentlemen will read the debates in 1876, when any further issuance of these bonds was prohibited, they will find that it was conceded by some that the Goverment was liable in the first instance for these bonds, and it was conceded by all that the Government was liable as a guarantor of the bonds. It seems to me clearly that this bill is liable to a point of order.

Mr. WHITTHORNE. I desire through the Chair to make an inquiry of the gentleman from Virginia [Mr. HUNTON] with a view to understanding this point of order. As a premise thereto I will state what I deem to be the purpose of the bill upon a hasty reading of it. Under existing law, the act of 1874, $15,000,000 of 3.65 bonds are in the hands of the commissioners of the District of Columbia, the interest upon which is guaranteed by the United States. The act of 1874 having been passed to enable the District commissioners to discharge certain duties to claimants against the District, and the bonds being in their hands for that purpose, difficulties have grown out of it, in reference to which appeals have been made to the courts of the District, to the commissioners of the District, and to Congress.

Mr. SAMFORD. Allow me one moment. The gentleman from Tennessee [Mr. WHITTHORNE] makes a mistake. There are not fifteen millions of the bonds of the District in the hands of anybody. The law of 1874 never authorized the issuance of fifteen millions of those bonds, or of any amount, but left that blank. But under that law the commissioners have issued something like $13,000,000 of 3.65 bonds. It is only in this bill, now introduced, that the amount of fifteen millions is first mentioned.

Mr. WHITTHORNE. I was coming to that. Looking at this bill I find that section 6 provides that "the Secretary of the Treasury is hereby authorized to demand of the sinking-fund commissioners of the District of Columbia so many of the 3.65 bonds authorized by act of Congress approved June 20, 1874, and acts amendatory thereof, as may be necessary for the payments of the judgments," &c. Now, it appears to me that upon the face of the bill (and this is what I am driving at) there is in the hands of the sinking-fund commissioners certain bonds of the District. This bill seeks to set apart of those bonds as much as may be necessary to pay claimants, but not out of any other fund or from any other source. If that be so, then I think the point of order does not lie against this bill, because it does not involve the Treasury of the Government in the payment of any amount.

Mr. HUNTON. Not at all; only the District of Columbia.

Mr. WHITTHORNE. Now, I would desire the gentleman from Alabama [Mr. SAMFORD] and the gentleman from Virginia [Mr. HUNTON] to state, if there is an appropriation or a draught on the public Treasury, wherein it is to be found in this bill.

Mr. HUNTON. It is not in the bill.

Mr. STEPHENS. I ask the Clerk to read Rule 112.

The Clerk read as follows:

All proceedings touching appropriations of money and all bills making appropriations of money or property, or requiring such appropriations to be made, or authorizing payments out of appropriations already made, shall be first discussed in a Committee of the Whole House.

Mr. STEPHENS. The point of order first rests upon that rule; and I think the gentleman from Tennessee, [Mr. WHITTHORNE,] who has just taken his seat, has shown conclusively that this bill does not in any way involve the appropriation of money from the Treasury of the United States. He has said very well, better than I could have said it, what I intended to say. I now ask the Clerk to read Rule 110.

The Clerk read as follows:

No motion or proposition for a tax or charge upon the people shall be discussed the day on which it is made or offered, and every such proposition shall receive its first discussion in a Committee of the Whole House.

Mr. STEPHENS. That is the rule upon which the gentleman from Alabama founds his point of order. Now, most clearly, Mr. Speaker, the point cannot lie under Rule 112; and it seems to me just as clear that it cannot be sustained under Rule 110. This is no proposition for a tax——

Mr. SAMFORD. My friend will allow me to say that perhaps the point would lie under Rule 112, in this way: the United States Government is responsible for the payment of at least one-half of the interest on these bonds. The act of 1878 providing a permanent form of government for the District of Columbia declares that the United States Government shall pay one-half of the expenses of the District of Columbia, including the interest upon these 3.65 bonds.

Mr. STEPHENS. I see the point; and my answer is that when we come to pay any money under the provisions of the act to which the gentleman refers, the bill proposing to make such payment will have to go to the Committee of the Whole. But this bill does not increase the liability of the United States Government at all. It has nothing to do with an appropriation.

Mr. SAMFORD. If the proposition would be obnoxious to Rule 112 when we come to pay the money, is it not liable to Rule 110 when we are making the charge?

Mr. STEPHENS. We are not now making any charge. This has nothing to do with taxation. It does not unsettle any of the principles heretofore established by law. I think, Mr. Speaker, that the point of order is clearly not well taken, and that there can be no objection to the House acting on this bill.

Mr. HUNTON. I rise to a parliamentary inquiry. Is debate in order upon the point of order?

The SPEAKER *pro tempore*. Strictly speaking, it might not be; but the Chair prefers to hear some discussion upon the point of order before deciding.

Mr. HUNTON. I think that within reasonable limits debate on the point of order ought to be allowed; but I hope that my friends here will bear in mind that the Committee for the District of Columbia has only one day in the course of a month for its business, and if the day be consumed in a discussion of this kind, it is practically lost.

Mr. BUCKNER. I will accept the admonition of my friend from Virginia, [Mr. HUNTON,] and occupy very little time on the point of order. I agree with him fully. It seems to me clear beyond doubt that this bill is not liable to the point of order upon either of the grounds urged. It does not appropriate one dollar to anybody; it does not commit the Government of the United States to any liability. When we talk about an appropriation we mean an appropriation from the Treasury of the United States. The Speaker the other day went a bow-shot beyond any decision previously made, in holding that a bill proposing merely to take money out of the contingent fund of the House must be first considered in the Committee of the Whole. That decision, I undertake to say, has never been sustained by this House, and I think it clearly erroneous.

Here is a proposition to do what? It is a proposition that the District of Columbia shall issue bonds of a certain character; and because under some law as to the other 3.65 bonds already issued, it has been held that the Government of the United States is bound, or because we have agreed that the General Government shall pay a certain proportion of the interest or the principal of those bonds, it is held that these bonds are to be a charge against the Treasury. Why, sir, it has always been held that in order to come within the rule a bill must be in form an appropriation out of the Treasury, and not merely contemplate that money may be subsequently appropriated to carry it into effect. That has been the distinction. Now this bill does not propose to take a dollar out of the Treasury of the United States, either directly or indirectly. Hence I say it is clearly not within the operation of the rule.

Mr. REAGAN. Mr. Speaker, it will be seen that Rule 110 applies not merely to an appropriation bill, but to any "motion or proposition for a tax or charge upon the people." I confess that I do not understand the effect of this bill, for I have not had time to look into it; but I perceive on glancing at section 5 that upon a judgment being obtained payment shall be made by the Secretary of the Treasury. That, of course, fixes a charge somewhere. It provides means for ascertaining a liability and fixing a charge. Now whether that charge is against the general Treasury or against the District of Columbia the charge is fixed. We have witnessed enough in the past in connection with these subjects to awaken our interest, and we should not let bills of this character pass without due inquiry.

Mr. BLOUNT. I desire to ask the gentleman from Texas [Mr. REAGAN] whether it has not been held heretofore in rulings of the Chair that it makes no difference whether the money to be taken out of the Treasury belongs to the Government itself or is there in trust? Has it not been held that if the money has once gone into the Treasury, a bill proposing to take it out is subject to this point of order?

Mr. HUNTON. But this money never has been in the Treasury, and this bill does not propose to take it out.

Mr. REAGAN. But these bonds of the District of Columbia are guaranteed to be paid by the General Government.

Mr. HUNTON. That is another law.

Mr. SAMFORD. These bonds are required to be dated August, 1875, and the very moment they are issued and placed in the hands of the claimants a back interest for three years becomes due upon them, for which the Government of the United States is liable. I understand the rulings of the Speaker have uniformly covered all such cases and required them to go for their first consideration to the Committee of the Whole. It seems to me the Committee for the District of Columbia, having all these things before them all the time, ought to be able to tell us whether this is a charge in whole or in part upon the Federal Treasury. We are entitled to that sort of information.

The SPEAKER *pro tempore*. Will the gentleman from Texas refer to the ruling to which he alludes?

Mr. REAGAN. I only speak from memory and from hearing the uniform ruling of the Speaker in reference to the current business of the House. I have never known one case where a charge or liability was created that was not required under the point of order to be referred to the Committee of the Whole.

Mr. ALDRICH, of Rhode Island. I wish to reply to a statement made by the gentleman from Tennessee and reiterated by the gentleman from Missouri, that clearly this bill did not come within the limits of Rule 112; that it made no appropriation, but only provided that bonds already in the hands of the sinking-fund commissioner should be issued. That is not the fact. There are no bonds in the hands of the sinking-fund commissioner for issue in this direction, and none can be issued except by the direct and express provisions of this act. I will call the gentleman's attention to section 6, line 7:

And said sinking-fund commissioner is hereby directed to issue and deliver to the Secretary of the Treasury the amount of 3.65 bonds required to satisfy this act.

The act of June, 1864, authorizing the issue of 3.65 bonds limited the amount to the audited claims passed by the board of audit, and when that limit was reached the power of the sinking-fund commissioner was exhausted. Not only that, but by a subsequent act of Congress the sinking-fund commissioner was expressly required not to issue any other bonds under the provisions of that act. The board of audit was abolished, and the power of the sinking-fund commissioner to issue bonds was restricted—was taken away from him. So that there is no power to issue 3.65 bonds except as granted by the sixth section of this act. Further, the United States, if they have not guaranteed these bonds, certainly have to pay a portion of the interest due upon them. I think the point of order ought to be sustained.

Mr. SLEMONS. I ask that this question of order be decided. We are ready to proceed with the consideration of the bill in the House or in committee, as it may be decided to be sent to the committee or considered in the House. We do not, however, want the whole evening wasted on the point of order. If the Chair decides it must go to the committee we will go into committee and consider it.

The SPEAKER *pro tempore*. The Chair is ready to decide the question, but would much prefer to hear the question discussed.

Mr. HUNTON. The only objection to any further discussion of the point of order is that it will exhaust the limited time for the consideration of the District business. The District has but this one day in the month, and it will not have in all probability any further time during the present session. Under the discussion, therefore, of the point of order it must necessarily result in defeating this bill and others which are behind it.

Mr. COX. It is no fault of mine, sir, members have discussed the merits of measures on points of order; the custom has grown up in that respect, and I desire simply to confine my remarks to the point of order. What is the reason of this rule? The reason of the rule is that all moneys, all lands, all that involves anything of value that may be taken from the Treasury of the United States shall have its first consideration in the Committee of the Whole; that there may be full and mature discussion, not under the strict rules of the House, but under the looser and larger rules of the Committee of the Whole. That is the reason of the rule. Why does not that rule apply to a case of this kind where we are to issue bonds upon which interest at once goes from the Treasury—at once, not merely incidental involvement of expense, but actual payment of three years of arrears.

What does the rule which has been quoted mean? "Where a bill may incidentally involve expense, but does not directly require an appropriation, it does not necessarily go to the Committee of the Whole." That is the decision of Speaker Kerr, quoted from Journal, first session Forty-fourth Congress, page 1333. That does not reach this case; I have sent for it to examine it. This is a direct appropriation of money as near as anything can be; not an incidental involvement of expense, but it is a direct involvement of expense. It takes the money directly from the Treasury and the people's representatives have the right under the rules to the fullest discussion of the question in the Committee of the Whole. If I had the Journal to which reference is made in this Digest, I think I could make some discrimination as to this mere excerpt from the Journal.

The SPEAKER *pro tempore*. The Clerk will read an extract from the Manual.

The Clerk read as follows:

Where a bill may incidentally *involve* expense but does not directly *require* an appropriation it does not necessarily go to the Committee of the Whole.

The SPEAKER *pro tempore*. The Chair has caused to be read an extract from the decision delivered by Speaker *pro tempore* Sayler, first session, Forty-fourth Congress. That decision would seem to imply that where a bill incidentally involves expense, but does not directly require appropriation of money, it does not necessarily go to the Committee of the Whole. In that decision attention was called to the fact that the word in the rule was "requiring," not "involving," and it was held that the "mere fact that the bill may in some incidental or remote way involve expense, or that in some form or other to carry out its provisions expense may be incurred, and even necessarily incurred, by additional legislation, cannot bring it within the rule." This decision was upon appeal to the House sustained by yeas 158, nays 24, and until reversed by the House is binding on the present occupant of the chair.

If this were an original proposition and the present occupant of the chair were governed alone by his own judgment, his decision on it might be different from the one which he now renders. But he feels the question has already been decided; and upon the established precedents he is of opinion the bill should not go to the Committee of the Whole. There is no direct appropriation in the bill; and it only incidentally and contingently involves an appropriation. Rule 110, which was cited by the gentleman from Alabama, [Mr. SAMFORD,] the Chair understands has heretofore been held to relate only to questions of revenue. On reading the rule the present occupant of the chair comes to the same conclusion. The Chair therefore overrules the point of order.

Mr. SLEMONS. I ask unanimous consent that the bill as proposed to be amended by the committee be considered as a substitute for the original bill, and that it be read and considered by sections for amendment as in Committee of the Whole.

Mr. HUNTON. Under the five-minute rule.

Mr. SAMFORD. I do not agree to its being considered under the five-minute rule.

The SPEAKER *pro tempore*. The Chair hears no objection to the proposition of the gentleman from Arkansas, and the bill will be read by sections for amendment.

The substitute (H. R. No. 2328) was read a first and second time, and the Clerk proceeded to read it by sections for amendment.

The first section was read, as follows:

Be it enacted, &c., That the jurisdiction of the Court of Claims is hereby extended to, and it shall have exclusive original legal and equitable jurisdiction of, all claims now existing against the District of Columbia, arising out of contracts and not barred by any act of Congress or failure to comply with the requirements of any act of Congress, including certificates of auditor and of board of audit, sewer certificates, sewer taxes, measurements, and other evidence of indebtedness covered by contracts made since February 21, 1871, and all outstanding written obligations of the levy court of said District. Said Court of Claims shall have the same power, proceed in the same manner, and be governed by the same rules, in respect to the mode of hearing, adjudication, and determination of said claims, as it now has in relation to the adjudication of claims against the United States. When the trial of any claim against the District of Columbia, prosecuted under the provisions of this act, involves the taking and stating of a long account or the making of measurements or computations involving the services of engineers, said court shall have power to award a reference to a competent referee to take and state such account, or to the engineer commissioner of the District to make and report such measurements and computations; and said referee or engineer shall report to the court the evidence taken by him for the information of said court; and any such referee shall be allowed such compensation for his services as the court may determine, not exceeding $10 per day for time actually employed, to be paid on the order of the court in money.

Mr. BUCKNER. I desire to offer an amendment.

Mr. SAMFORD. I desire to make an inquiry of the Chair. Are we proceeding under the five-minute rule?

The SPEAKER *pro tempore*. Yes, sir.

Mr. SAMFORD. I made an objection to the proposition that the bill should be considered under the five-minute rule, but I am informed the Chair did not hear me.

The SPEAKER *pro tempore*. Does the gentleman state that he rose to make his objection?

Mr. SAMFORD. Yes, sir. I understand it requires unanimous consent, and I objected.

The SPEAKER *pro tempore*. The gentleman from Alabama states that he made his objection in time, and the Chair accepts his statement.

Mr. HUNTON. I wish to ask the gentleman from Alabama whether he desires the entire bill to be considered without limitation of debate; because, if he does, that is an end to the bill. If he wants for himself more time to express his views on the bill than he can have in a five-minute speech I have no objection to his time being extended. But I am sure the gentleman from Alabama does not wish to kill the bill by consumption of time in a discussion of it.

Mr. SAMFORD. That is not my object.

Mr. HUNTON. If the gentleman will indicate how much time he wants I think no one will object to his having whatever time he deems reasonable; but I hope the five-minute arrangement will not be disturbed except in that respect.

Mr. SAMFORD. I made the objection at the suggestion of several friends. I do not know that I desire to speak myself. But I think gentlemen in the discussion of this bill should not be confined to the narrow limits prescribed by the five-minute rule. I have no idea, however, that any one wants to kill the bill by lengthy debate.

The SPEAKER *pro tempore*. General debate will be permitted until it is cut off by the previous question. The Clerk will read the amendment offered by the gentleman from Missouri, [Mr. BUCKNER.]

The Clerk read as follows:

In line 13, after the word "District," insert the following:

Provided, That said Court of Claims shall not take jurisdiction of any claim against the District of Columbia which was not presented to the board of audit under the provisions of the act of June 20, 1874, and of March 3, 1875, excepting such claims as have arisen out of contracts made by the District commissioners since the passage of said act of June 20, 1874.

Mr. BUCKNER. There are a number of claims due by the District of Columbia which ought to be paid in some way, by the District or by the Government or by somebody else. But the objection I have to this bill is that it opens the door to a great many claims that ought to have been presented and that the law required to have been presented before the board of audit under the act of 1874, when the District government was changed.

Mr. HENKLE. I would suggest to my friend from Missouri that this bill expressly rules out those claims. It says:

Not barred by any act of Congress or failure to comply with the requirements of any act of Congress.

Mr. BUCKNER. If that be so, then the amendment I offer only makes that thing clear. Under the act of 1874 all these claims which originated when the District had a governor and a territorial government, were required to be presented to the board of audit—in the first place within ninety days, the time being extended afterward up to the 4th of July, 1875. Every one who had a claim against the District was required to present it before that board of audit, and upon that the board was to act.

The board of audit went on and acted on these claims to the amount of $13,700,000, or rather they acted on the claims which they thought were within the purview of that statute of 1874. But at the time they went out of office there were certificates already issued by the board of audit amounting to three-quarters of a million dollars that had not been converted into 3.65 bonds, and that were just as much entitled to be constituted a portion of the 3.65 debt of the District as the obligations that were so converted.

In addition to that, the District commissioners had authorized work to go on, improperly and illegally as I hold, and as the House has seemed to hold, and I think there can be no doubt about it. Parties went on and supplied the District commissioners with labor and material, and claims originating in that way amount to two or three hundred thousand dollars more; making with the other amount, in round numbers, one million or one million one hundred thousand dollars, the persons who held those claims having just as much right to be paid as those who hold the 3.65 debt. As I could show also by the report made by the District commissioners, there were claims known as sewer certificates, which were also provided for in this bill. And there are claims which the parties say were not presented to the board of audit. Now, after this lapse of time, I say these parties have no rights, either against Congress or the District of Columbia; certainly not against Congress. These claims which were not presented amount only to $100,000. The parties had an opportunity for three years to present their claims. And the objection I make to the bill is that provision should be made for parties who did not come under the act of 1874. The object of my amendment is to exclude them, while those who are entitled to be paid should be included in the provisions of this bill.

The amendment provides that the court shall not take jurisdiction of any claims that were required to be presented to the board of audit under the first act, within ninety days after public notice had been given. That act was extended by the act of March 3, 1875, to the 4th of July of that year. Now, at this late day, this bill as I understand it provides that claims not then presented shall not be allowed, but I want to make it sure by my amendment.

Mr. HUNTON. The necessity for the passage of the bill under consideration arises from the following state of facts, and I beg leave to state here and now for the information of the House that this bill is substantially the bill which has at least on one occasion passed this House without a division. The only difference between this bill and the bill of a former session is that this bill is more strictly guarded so as to protect the interests of the District of Columbia than the one that passed the House at the last session.

Under the previous government of the District of Columbia there were large contracts entered into and a large indebtedness incurred by the District of Columbia in repairing the streets, &c., in this city.

In 1874 Congress passed a law establishing a board of audit, whose duty it was to audit all those claims against the District of Columbia, and when audited and passed upon favorably by the board of audit that board was directed to pay in 3.65 bonds of the District of Columbia the amount found to be due to the creditors by the board of audit. That board of audit went on for some time in passing upon these claims, and complaint was made to this House or to the Senate that the board of audit was allowing claims improperly, and that some of the claims allowed by the board of audit were fraudulent and ought not to have been paid, and thereupon the two Houses of Congress, in the alarm consequent on that information, suspended the functions of that board and abolished it.

Now when that law suspending and abolishing the power of the board of audit was passed the board had passed upon a majority of the claims against the District government and issued, in 3.65 bonds, the sum of thirteen million seven hundred and some odd thousand dollars. It was found that when that board went out of existence there were other claims against the District of Columbia, as honest and just and the payment of which was as obligatory on the District government as any of those that had been paid in 3.65 bonds, and so this condition of affairs arose: that some of the creditors of the District of Columbia have been paid and some claims as just and equitable against the District of Columbia as those which have been paid were left unaudited and unpaid by the board.

The board of audit was abolished, I believe, in 1876, and from that day to this these creditors, most of whom I undertake to say are as honest creditors as ever existed under the government of the District of Columbia, have been knocking at the doors of both Houses of Congress and asking some mode, they care not what, by which their claims may be passed upon; and if found just and proper, that the Government of the United States would furnish some machinery by which the District of Columbia may be authorized to pay these debts.

It certainly does not seem right to me, however it may appear to other gentlemen on this floor, that one class of creditors, no more honest or more entitled to payment than the others, shall be paid; that out of this mass of creditors against the District of Columbia a certain portion shall be paid and others cut off by suspending the functions of the board of audit and supplying nothing in its stead.

It seems to me that it is the bounden duty of the two Houses of Congress to pass some law by which the equity and justice of these claims may be passed upon, and that those which are found to be equitable and just shall be paid.

Mr. BLOUNT. Will the gentleman allow me to ask him a question?

Mr. HUNTON. Certainly.

Mr. BLOUNT. What is the estimated amount of the claims which have not been audited?

Mr. HUNTON. I meant to come to that before sitting down, and I will do it now. As I stated a short while since, this board of audit audited claims amounting to $13,700,000, and then their functions ceased. According to the report of the commissioners of the District of Columbia, which I had before me a moment ago, all the outstanding claims of every description, arising from contracts, or from whatever source they may arise, will fall little short of $15,000,000, and this bill limits the Court of Claims to the sum of $15,000,000. They cannot exceed it under any circumstances.

Mr. BLOUNT. Then the outstanding claims amount to between $1,000,000 and $2,000,000?

Mr. HUNTON. About $1,100,000 or $1,200,000.

Mr. BUCKNER. If my friend will allow me, I will read from the report of the commissioners:

Claims allowed by the board of audit for which certificates were issued but not converted into 3.65 bonds	$758,226 15
Claims allowed by the board of audit for which certificates were not issued	133,829 26
Claims in class 4, relating to contracts with the board of public works for work done, the measurements of which have been made and certified by the engineer of the District, but were not transmitted to the board of audit	143,186 62
Total	1,035,242 03

Mr. HUNTON. When this state of facts was made known to the Committee for the District of Columbia during the last Congress they reported a bill similar to this, except that there were not in it so many safeguards thrown around the government of the District to protect it from fraudulent claims as there are in this bill. This House then felt it a duty obligatory upon it to provide some mode by which these honest creditors of the District of Columbia could assert their claims, and if proved to be correct to have them paid.

It appeared that there had been paid claims to the amount of $13,700,000 in round numbers, and that $1,100,000 or $1,200,000 had not been passed upon. Now the owners of the claims which have not been passed upon aver that they are as honest debts against the District of Columbia as those for which the $13,700,000 was paid. Now, are we to say, as just men legislating for the District of Columbia, that these claimants against the District government shall never have an opportunity to assert their claims and if proper and right to have them paid as these others have been paid?

Now, in order to protect the government of the District from fraudulent claims, every safeguard has been thrown around this bill that the committee could think of. I find upon an examination of the bill, what I did not see when my friend and myself talked about it this morning, that it contains a provision covering the very amendment proposed by the gentleman from Missouri, [Mr. BUCKNER.] That provision will be found in the bill as reported by the committee. It provides that claims against the District of Columbia shall not be considered by the Court of Claims if they have been barred by any act of Congress.

Mr. BUCKNER. Allow me a moment right there. The difficulty is this: the law has provided that these claims should be presented within a certain time. The act of 1874 first provided that they should be presented within ninety days. That was extended so as to allow certain of these claims to be presented by the 1st of July, 1875. But the law nowhere says that unless those claims were presented they should be forever barred. It is in regard to the claims not presented that I desire to offer my amendment.

Mr. HUNTON. I cannot see how the gentleman can come to such a conclusion as that. According to his statement these people were bound to comply with the act of Congress and present their claims to the board of audit. At first they were to file their claims within ninety days; that was afterward extended to July, 1875. Now there was an obligation resting upon them to comply with the act of Congress. If they failed to comply with that act of Congress, then they were in default, and this bill says that there shall be no power in the court to consider claims barred by any act of Congress or by a failure of the claimant to comply with any act of Congress. Now if that act of Congress required them to file their claims within a certain time and they did not do so, then there was a failure on their part to comply with the requirements of the act of Congress, and their claims are barred by this bill in express terms.

I do not myself believe that it is proper to bar those claims. If

they have honest claims against the government of the District for work actually done, and from which the District has been receiving a benefit day by day up to this time, whether they filed their claims or not, I believe it to be honest and just that they should be paid. But there was some difficulty upon that point in the committee, and by a majority vote the committee determined to protect the District from any claims barred by any act of Congress or by a failure to comply with any act of Congress.

Mr. BLOUNT. Were not the sewer certificates required to be presented?

Mr. HUNTON. I do not recollect.

Mr. BLOUNT. It is so stated in the report of the commissioners of the District in 1877, and yet you bring them in under this bill.

Mr. HUNTON. Very well, and if they are barred by a failure to comply with any act of Congress, then the court cannot consider them. These sewer certificates and all the classes of indebtedness enumerated in this bill in regard to which the holders of the claims have complied with the act of Congress certainly should not be forfeited.

Mr. BLOUNT. I suppose the gentleman from Virginia will not object to striking out the sewer certificates.

Mr. HUNTON. Why strike them out? Suppose it turns out that the commissioners were mistaken?

Mr. BLOUNT. And it might turn out otherwise; and with that in the bill they would be revived.

Mr. HUNTON. Would the gentleman as a lawyer say that was the construction of the law?

Mr. BLOUNT. I would not say absolutely, for I have not examined it.

Mr. HUNTON. If the gentleman would examine it he would see absolutely that it would not bear that construction. Suppose the commissioners were mistaken in regard to the sewer certificates not having been presented, and that they had been presented to the board of audit; would it be right to exclude them under a provision in this bill? Surely not. Then let the phraseology of this bill remain as it is, protecting the District government in all parts, according to my understanding, against fraudulent claims or any claims barred by an act of Congress or a failure to comply with any requirement of an act of Congress. I think, therefore, the amendment of my friend from Missouri [Mr. BUCKNER] is fully covered by the phraseology of the bill as reported from the committee.

Mr. BUCKNER. Now in the report from which we get these facts the commissioners say that there were auditors' certificates and sewer certificates to the amount of $102,000 that were never presented to the board of audit. These parties had then had from ninety days to three years in which to present their claims; and now after the lapse of some eight years more we propose to allow these parties who have not shown any diligence in the prosecution of their claims to come in and by any sort of testimony support their claims, putting them upon the same footing as those parties who showed proper diligence and presented their claims in due time. This is my objection to the proposition.

Mr. SAMFORD. Mr. Speaker, I am not opposed to the payment of any debt which the Government of the United States honestly owes; but there are so many objections attaching to this bill which undertakes to make the Government of the United States responsible for these claims that there is some confusion in discussing the question.

As I said awhile ago in the discussion of the point of order, there is a question as to the extent of the liability of the Government of the United States in reference to these 3.65 bonds. It was not contended, I believe, by those who introduced the bill which became a law June 20, 1874, that it rendered the Government of the United States liable for the principal of those bonds; but the wording of the act is such as to make that matter questionable at least, and to give the holders of these bonds some reason for maintaining that the Government is bound for their payment—if not in the first instance, at least as guarantors, which amounts to the same thing.

Now, at the time of the passage of the act of June 20, 1874, many of the claims provided for by this bill were already in existence; and the gentleman from Virginia [Mr. HUNTON] says that it would be unjust, that it would be contrary not only to law but to equity and good conscience, when we have paid a part of these creditors to refuse to give to these others the same sort of security. Mr. Speaker, if the Government of the United States *ex gratia* gave to some of these creditors that to which they were not entitled by law, it is no reason why the same kind of security should be given to those other creditors when they subsequently come in here and ask for it. Upon what ground can they ask this? Upon the ground that they were entitled to it by contract? No, sir; because the law authorizing the issue of bonds was not in existence at the time the contract was made. The pure and simple ground is that we have given a security of this kind to somebody else.

Now, I have no doubt that the intention of the law of June 20, 1874, was to provide for the then existing indebtedness of the District. I have no idea that it was the intention (although the wording of the act might bear such a construction) to authorize the District authorities to continue to make contracts and pay them with these 3.65 bonds. Now, by observing the reading of the law, it will be found that there are certain specified objects for the payment of which these bonds might be issued by the board of audit. One of these objects is the debt evidenced by sewer certificates. That evidently referred to some debt in the past. Another is the debt purporting to be evidenced and ascertained by certificates of the auditor of the board of public works. That evidently referred to a debt in the past. Then, thirdly, there was the debt evidenced by certificates of the auditor and comptroller of the District of Columbia; and, fourthly, claims existing or subsequently created for which no evidence of indebtedness had been issued, arising out of certificates, written or oral, with the board of public works.

Now, as was stated by the gentleman from Missouri, an act was passed in December of that same year requiring that these claims should all be presented within a certain length of time—ninety days, I believe. On March 3, 1875, or a few months thereafter, another act was passed extending for thirty days the time within which claims could be filed. Then, in December, 1875, or in the early part of 1876, a law was passed prohibiting absolutely the further issuance of these 3.65 bonds. That is the status of the law as we find it. In the law of June, 1878, providing for a permanent form of government for the District of Columbia, it is provided that the Government of the United States shall advance all the interest on these 3.65 bonds and be credited with half the amount as its *pro rata* contribution to the expenses of the District of Columbia. That being the case, and it not being a question of law or a question of equity because the law for the issue of bonds was not in existence at the time of making these contracts in 1871, the question recurs whether as an original proposition we should at this time authorize the issue of bonds of the United States to the amount of $1,000,000 and more to pay back indebtedness of the District of Columbia. I am not an enemy of the interests of the District of Columbia; I am not inimical to the building up of the grandeur, the imperial splendor of this city; but I am opposed to paying out of the Treasury of the United States the whole of such expenditures or any greater part than has already been provided for by law.

The Government of the United States has advanced as expenses of this District over $27,000,000. I give these figures from the report of the commissioners of the District. After we have expended this amount of money we find that the law providing for a permanent form of government for this District absolutely obliges the Government for all time to come to pay one-half the current expenses of the District. Now, in all good conscience, Mr. Speaker, is not that enough to be taken out of the Federal Treasury?

But the gentleman from Virginia asks, (and with some degree of plausibility,) "Are you willing to cut off honest creditors of the District?" I answer the gentleman: I am not opposed to paying honest creditors of the District. What I am opposed to is paying those honest creditors out of the Federal Treasury. If the gentleman will introduce a bill giving to these creditors the right to receive bonds in payment of the back indebtedness of the District of Columbia, bonds for which the Government of the United States shall be in no way responsible—if the District of Columbia is thus required to pay its debts, I shall have no objection—none whatever. Hence my whole objection, so far as this bill is concerned, goes to requiring the Government of the United States to be responsible for it. In that view, Mr. Speaker, I have provided an amendment to section 6, which will give my idea of it:

That the Government of the United States is in no event liable for the payment of the principal or interest of any bonds authorized to be issued under the provisions of this bill.

Now, I say it is contended by some, and I should not be surprised if that were the proper construction to be put upon it, that the Government of the United States is liable for the whole of that 3.65 issue. We propose to come in now and add $1,000,000 more to the amount already issued, for which the Government is just as responsible, and to do it under the provision of a law which has been repealed. It was repealed by the act of March 3, 1875, and repealed again by the act of February, 1876, which absolutely prohibited any further issuance of these 3.65 bonds. Yet we come here now and propose to deal with that law as though it were still in existence.

To sum up the whole matter, sir, and by way of recapitulation, I have only this to say: there can be no legal claim against the Government of the United States requiring them to issue 3.65 bonds to pay for any contract before June, 1874, because the law was not in existence at that time, and therefore necessarily did not constitute a part of the contract under which these contractors acquired these claims. If these contracts were made since that time it was not only in violation of the existing law, but they have been barred by three separate and distinct acts of Congress.

There is no question, then, as to the equity; there is no question as to the law, and it simply resolves itself into a question of policy, whether the Congress of the United States will now advance another million of dollars of bonds in order to pay the back indebtedness of the District of Columbia. I am opposed to it, Mr. Speaker, because I think that the Government of the United States for the present has done enough in that direction.

Mr. NEAL. Mr. Speaker, I lay down the broad proposition that it is the duty not only of individuals but of municipalities and of States and of the United States to pay their indebtedness honestly and fairly and squarely. I do not believe I would plead the statute of limitations against the payment of a claim if the debt were an honest one. I think I am honest enough—I have never been put to the test, but I think I am honest enough—not to refuse the payment of

an honest debt. Therefore, if this bill were shaped to suit me, there would be no limitation whatever of the rights of these creditors of the District of Columbia to present their claims for payment. But I acquiesced in the provision which is contained in this bill because the creditors who had an opportunity to present their claims and did not do so have been guilty of laches or neglect which it is the policy of the law to discourage.

The amendment of the gentleman from Missouri [Mr. BUCKNER] does not seem to me to be necessary, in the first place, because the provisions which are incorporated in this bill are amply sufficient, in my opinion, to guard against any possible fraudulent claims, and because, in the second place, there may be some creditors who were not able to present their claims to the board of audit because of the haste with which the powers of that board were taken away by act of Congress. If there are any such creditors no one here, I am sure, would undertake to say they ought not to have the privilege of presenting their claims in the manner provided for in this act and having them adjudicated by the Court of Claims.

Mr. SIMONTON. Will the gentleman allow me to ask him a question?

Mr. NEAL. Yes, sir.

Mr. SIMONTON. This board of audit I understand audited somewhere about $13,000,000 of claims.

Mr. NEAL. Yes, sir.

Mr. SIMONTON. Can you tell whether any large amount of claims was refused by them?

Mr. NEAL. In answer to the question of the gentleman from Tennessee I will state that I have not examined this question any further than is shown by the reports of the commissioners of the District of Columbia.

Mr. SIMONTON. I wish to ask another question, and that is whether the large number that were refused will not have an opportunity to come in before the Court of Claims, it having equitable jurisdiction—whether those claims which have been refused by the board of audit will be considered as *res adjudicata*, or will be allowed to go before the Court of Claims under the provisions of this bill?

Mr. NEAL. No, sir; for the reason the provisions of this bill bar them. They are, however, already barred by act of Congress, as they were claims rejected by that board of audit.

Mr. SIMONTON. But suppose these claimants comply with all the provisions of the act and insist they have an equitable right to go before the Court of Claims, notwithstanding the refusal of their claims on the part of the board of audit.

Mr. NEAL. Those claims, if I understand the act correctly, were barred by their rejection by the board of audit.

Mr. FIELD. The original act provided no claim should be audited and allowed unless presented within ninety days after the first notice, and the supplemental act extended the time to thirty days from the date of it, but nothing was said that, having been presented within the ninety days and the thirty days, they should be barred as against the District of Columbia so that the Court of Claims could not take jurisdiction of them. Now, is the fact of not having presented a claim before that board, which is now abolished, a general bar to that claim being considered under this bill, if it becomes a law, by another court authorized to hear all claims arising under all contracts and not barred by act of Congress or failure to comply with the requirements of any act of Congress?

Mr. NEAL. If I correctly understand the gentleman's question I will say that by this bill all these claims are barred.

Mr. FIELD. It is not so said.

Mr. NEAL. It provides that they shall not be allowed. The terms barred and not allowed are equivalent.

Mr. FIELD. The board of audit could not take jurisdiction of them; but when that court is abolished and another court is established to which is given jurisdiction of all contracts, the contract still exists as between the claimants and the District, and I think there is here no general bar applicable to the enforcement of all contracts.

Mr. NEAL. That is true; but there is a specific bar provided by this bill that these claims shall not be re-examined by the Court of Claims under this act. The bill provides that the Court of Claims "shall have exclusive original legal and equitable jurisdiction of all claims now existing against the District of Columbia arising out of contracts, and not barred by any act of Congress or failure to comply with the requirements of any act of Congress."

Now, that law said unless the claims were presented within a certain time they should not be allowed. This law says that all claims in which the requirements of any act of Congress have not been complied with shall be barred. Now, I do not understand how it is possible for any court to construe this act any other way than as barring the claims existing when the board of audit was organized when the parties failed to comply with the requirements of the act.

Mr. FIELD. If it is intended not to extend the jurisdiction of the Court of Claims over matters which could have been brought before the board of audit, but which were not presented within the ninety and the thirty days respectively, why not say so in plain terms? Why leave it out?

Mr. SLEMONS. I move the previous question on the pending section and amendments.

Mr. ALDRICH, of Rhode Island. I ask the gentleman to allow the amendment which I send to the desk to come within the operation of the previous question.

Mr. SLEMONS. I will hear the amendment read.

The Clerk read as follows:

In section 1, line 10, strike out the words "and other evidence of indebtedness;" and in lines 12 and 13 strike out the words "and all outstanding written obligations of the levy court of said District."

Mr. ALDRICH, of Rhode Island. I would like to say just a word in explanation of this amendment.

The SPEAKER *pro tempore*. Does the gentleman from Arkansas withdraw the motion for the previous question?

Mr. SLEMONS. I do so for a moment.

Mr. ALDRICH, of Rhode Island. The striking out of the words indicated in the amendment restricts this bill to matters which came within the jurisdiction given in the act of 1874. The words stricken out would allow other evidence of indebtedness to come in, and also all outstanding written obligations of the levy court of the District. Now, there is no information before the committee or in possession of any member of the committee, so far as I know, as to the amount of these various obligations. We know nothing whatever as to the amount involved in these two phrases. I think we should keep this bill within the limits of the original law of June 20, 1874, and submit only such classes of claims to the Court of Claims as were embraced in the original act.

Mr. BUCKNER. I wish to ask the gentleman whether in the act of June, 1874, the obligations of the levy court were permitted to be taken into consideration at all?

Mr. ALDRICH, of Rhode Island. No, sir; this bill goes beyond the original act in that respect.

Mr. BUCKNER. Those words ought certainly to be stricken out.

Mr. ALDRICH, of Rhode Island. I think we should not put anything in this bill that was not contemplated in the act of 1874. Those words, therefore, should be stricken out.

Mr. SLEMONS. I now move the previous question on the section and the amendment.

The previous question was seconded and the main question ordered; which was first upon the amendment offered by Mr. ALDRICH, of Rhode Island.

The amendment was adopted.

The question was next on Mr. BUCKNER'S amendment.

The amendment was adopted.

The SPEAKER *pro tempore*. The question is now on the section as amended. It will be agreed to unless there be objection.

Mr. SAMFORD. I object.

Mr. SLEMONS. I ask unanimous consent to strike out the comma after the word "Columbia" in the sixth line.

There was no objection.

Mr. SAMFORD. I will not insist on my objection if the gentleman who has charge of the bill will answer me a question.

Mr. SLEMONS. I will hear the gentleman's question.

Mr. SAMFORD. The bill says "all claims now existing against the District of Columbia." I ask the gentleman whether the bill includes everything up to date?

Mr. HUNTON. The limitation immediately follows.

Mr. SAMFORD. The limitation is:

Arising out of contracts, and not barred by any act of Congress or failure to comply with the requirements of any act of Congress, including certificates, &c., made since February 21, 1871.

Now there is no limitation in all that.

Mr. HUNTON. There were no such certificates issued after the commissioners of the District were appointed.

Mr. SAMFORD. Precisely so; but the bill does not say "certificates." It says "other evidence of indebtedness."

Mr. HUNTON. Those words have been stricken out.

Mr. SAMFORD. The bill says "all claims arising out of contracts." It does not say "certificates."

Mr. HUNTON. And it says what contracts shall be included.

Mr. SAMFORD. Then I understand the gentleman to say, in answer to my question, that this does not include all contracts up to this date.

Mr. HUNTON. No, sir.

The SPEAKER *pro tempore*. Does the gentleman from Alabama [Mr. SAMFORD] withdraw his objection?

Mr. SAMFORD. I object to the section being considered as agreed to by unanimous consent, and ask the Chair to put the question.

The question being put, the section, as amended, was agreed to.

The Clerk read the second section of the bill, as follows:

SEC. 2. All such claims against the District of Columbia shall, in the first instance, be prosecuted before the Court of Claims, in the same manner and subject to the same rules as claims against the United States are prosecuted therein, or to such other rules as the court shall prescribe. In any case in which the amount in controversy exceeds $5,000, if before trial either party requests in writing a finding of facts by the court, there shall be the same right of appeal, either by the District of Columbia or by the claimant, and subject to the same rules and regulations, as are prescribed by law for appeals on behalf of the United States or claimants against the United States from the judgments of the Court of Claims: *Provided*, That the prosecution of all such claims shall be commenced in the Court of Claims by the filing of the petition of the claimant, as required by the rules and practice of said court, within six months from the passage of this act; and all such claims against the District of Columbia now existing, and not so filed within said time, shall be forever barred, except in cases of claims owned and held by persons under legal disabilities, in which case such claims shall be in like manner barred unless commenced as aforesaid within six months after the expiration of such disability: *Provided*, That all certificates, measurements, or other evidence of indebtedness, in the custody of the commissioners of the District of Columbia, shall be deposited with the Court of Claims, upon the application of any claimant

When the validity of a number of claims depends substantially upon a like state of facts, they may be brought before the court in one petition in which all parties are joined, and may be tried together under such rules as the court may prescribe, and such judgments may be entered therein as the court may determine; and cases of like kind may be consolidated and tried together whenever the court so orders.

Mr. SAMFORD. In order to bring the question which I raised a while ago directly before the House, I move to strike out the second section. There can be no question that upon a proper consideration and construction of this bill it would include every claim which is properly chargeable against the District of Columbia up to date.

The language of the bill is that "all claims now existing against the District of Columbia," &c. The gentleman from Virginia [Mr. HUNTON] objected to that construction, and said that the language was restricted by subsequent language to those claims to which certificates of the board had been issued, but the language is that all claims arising out of contracts, including the certificates of the auditor and the board of audit. If it included only claims for which certificates have been issued, then the gentleman's construction might be correct; but there is nothing in this bill to prevent the adjudication of claims that arose yesterday against the District of Columbia and issuing 3.65 bonds to pay them.

Mr. HUNTON. Are there any such claims?

Mr. SAMFORD. There are the claims for the ordinary expenses of the government of the District, such as the pay of policemen.

Mr. HUNTON. Are they included here?

Mr. SAMFORD. They are in the language of the bill as it now stands "all claims now existing against the District of Columbia arising out of contracts since 1871 and not barred." That is all the restriction thrown around the law. In 1876 there was a law passed prohibiting absolutely the issuing of any more bonds. In that law it was provided that all works for which the bonds had been issued should be discontinued, and yet we are called upon now in the verbiage of this law to allow the creditors to bring their cases before the court and get judgment upon their claims. Now, if it is the object and desire of the House to provide for the payment of all the past indebtedness of the District, it is easy to do that; but I do not understand that that is the object of the House, and it was not the object of the committee.

As it was said by the gentleman from Rhode Island, [Mr. ALDRICH,] claims are provided for in this bill that were never provided for by the law of 1874; and this is the first instance in which it has been proposed to pay some claims against the District of Columbia in 3.65 bonds. For instance, in addition to those which were written obligations of the levy court of the District which had been stricken out, we find that it includes certificates of the auditor and the board of audit. Now, all those claims were not provided for in that law, and that being the case we are now passing a law to issue 3.65 bonds to pay every single cent that may be due by the District of Columbia up to the passage of the law, including the ordinary expenses of the District government.

Mr. HUNTON. I desire to say a single word in reply to the gentleman from Alabama, [Mr. SAMFORD.]

I had supposed that after we had passed the first section we should have no more debate on the provisions of that section; but it seems to suit the gentleman from Alabama, [Mr. SAMFORD,] in discussing the second section, which does not apply to this matter at all, to discuss anew the provisions of the first section.

Mr. SAMFORD. I beg the gentleman's pardon; the first line of the second section says:

All such claims against the District of Columbia.

Mr. HUNTON. And the question of paying all such claims has been passed upon by a vote of the House.

Now, the objection taken by the gentleman from Alabama [Mr. SAMFORD] is, that under the provisions of this bill the Court of Claims could go on to hear and give judgment on claims against the District of Columbia contracted only yesterday. My friend is oblivious of the provisions under which the present government of the District of Columbia exists. He knows or ought to know that the District commissioners cannot spend a dollar or contract to spend a dollar in the District of Columbia now without first submitting to the Secretary of the Treasury estimates for the work proposed to be done, contracts proposed to be made, and obligations proposed to be incurred, which must be approved by the Committee on Appropriations of this House, and appropriations made to carry out the work before the commissioners can enter upon it. That is the provision of the law for the permanent government of the District of Columbia, and I can tell the gentleman that so far from any claims being outstanding against the District commissioners for the present fiscal year, I am informed by those commissioners that there will be a surplus in their hands, after carrying out all the work estimated for and appropriated for by the Committee on Appropriations for the current year. So that the idea advanced by the gentleman from Alabama [Mr. SAMFORD] is without foundation in point of fact.

There are no such claims, and the whole object of this bill is that the court shall pass upon claims existing at the time there was a change in the government, and commissioners were appointed by act of Congress to conduct the affairs of the District of Columbia.

From the date of the appointment of the commissioners, which was, I think, in 1878, there is not an outstanding debt not provided for by an appropriation and by taxation, so that the idea of my friend from Alabama [Mr. SAMFORD] is entirely without foundation, and that question has already been passed upon by a vote of the House.

The claims which are to go before the Court of Claims are settled by the first section and the second section only applies to such claims as are referred to in the first section.

Mr. SAMFORD. Do I understand the gentleman from Virginia [Mr. HUNTON] to say that according to the estimates of the present commissioners of the District there will be a surplus after paying all they have estimated for during the present fiscal year?

Mr. HUNTON. I am so informed.

Mr. SAMFORD. There are a dozen places in the reports of these commissioners where they say that their estimates are not sufficient. Here is one page where there are two such statements. Then in another place they say that the estimated receipts will not be sufficient for them to provide for the sinking fund required by law and pay the amount due on past bonds. And there are half a dozen other places, to which I could refer in five minutes, where will be found their statement that there will be a deficit. Nearly every one of the heads of the various departments of the District make such statements.

Mr. HUNTON. I beg the gentleman's pardon; I have not time to go through the commissioners' reports. But the commissioners told me in their own office that of the appropriations for certain improvements in the District for the present fiscal year there would be a surplus unexpended by them. I now move the previous question on the second section.

The SPEAKER *pro tempore*. The pending question is on the motion of the gentleman from Alabama [Mr. SAMFORD] to strike out the second section.

Mr. SAMFORD. I withdraw that motion, because I understand there is an amendment to be offered to that section.

Mr. HUNTON. I would not press the previous question to exclude amendments, but I want to cut off debate.

The previous question was seconded and the main question ordered.

The question was taken upon agreeing to the second section; and upon a division there were—ayes 40, noes 9.

No further count being called for, the section was agreed to.

Mr. NEAL. I move to reconsider the votes by which the first and second sections of this bill have been adopted; and I move to lay the motion to reconsider on the table.

The latter motion was agreed to.

Sections 3, 4, and 5, were then read, as follows:

SEC. 3. The Attorney-General of the United States shall have authority, and it shall be his duty, to defend the District of Columbia against all such claims against said District of Columbia prosecuted in said Court of Claims, and on appeal, in like manner as he is now by law required to defend the United States in said court, with the same power to interpose counter claims and offsets against claims, and with like power of appeal as in cases against the United States tried in said court.

SEC. 4. All laws now in force relating to prosecutions of claims against the United States in the Court of Claims shall apply, as far as applicable, to the prosecution, practice, hearing, and determination of claims against the District of Columbia authorized to be prosecuted under the provisions of this act: *Provided*, That motions for new trials shall be made by either party within twenty days after the rendition of any judgment: *And provided further*, That in the trial of such cases no person shall be excluded as a witness because he or she is a party to or interested in the same.

SEC. 5. If no appeal be taken from the judgment and determination of the Court of Claims in cases provided for in this act within the term limited by law for appealing from the judgments of said court, and in all cases of final judgments by the Court of Claims, or on appeal by the Supreme Court where the same are affirmed in favor of the claimant, the sum due thereby shall be paid, as hereinafter provided, by the Secretary of the Treasury: *Provided*, That no payment shall be made except upon the presentation to the Secretary of the Treasury of a copy of said judgment certified by the clerk of the Court of Claims, and signed by the chief-justice, or, in his absence, by the presiding judge of said court.

No amendments were offered to the above sections, and they were adopted.

Section 6 was then read, as follows:

SEC. 6. The Secretary of the Treasury is hereby authorized to demand of the sinking-fund commissioner of the District of Columbia so many of the 3.65 bonds authorized by act of Congress approved June 20, 1874, and acts amendatory thereof, as may be necessary for the payment of the judgments; and said sinking-fund commissioner is hereby directed to issue and deliver to the Secretary of the Treasury the amount of 3.65 bonds required to satisfy the judgments; which bonds shall be received by said claimants at par in payment of such judgments, and shall bear date January 1, 1875, and mature at the same time as other bonds of this issue; and for the amount found by the court to be due upon any such claim, interest shall be allowed from the maturity of the same, at the rate of 3.65 per cent. per annum; and the gross amount of such bonds heretofore and hereafter issued shall not exceed in the aggregate $15,000,000.

Mr. SAMFORD. I move to amend section 6 by adding to it that which I send to the Clerk's desk.

The Clerk read as follows:

Provided, That the Government of the United States is in no event liable for the payment of the principal or interest of any of the bonds authorized to be issued under the provisions of this bill.

Mr. BLOUNT. I would like to ask the gentleman from Virginia, [Mr. HUNTON,] as a matter of information, why it is that the limit of these bonds is put at $15,000,000? If the claims are right and so found by the court, why limit them to $15,000,000? May not that result in the payment of some of these claims and the denial of others, and require future legislation?

Mr. HUNTON. I will answer the gentleman with pleasure. When this bill came before the last Congress, the amount of 3.65 bonds to be issued in payment of these claims was not limited. A difficulty was at once raised on this floor, (as is most generally the case with

regard to District bills,) that the amount of bonds might be extended to $20,000,000 or $30,000,000, that nobody could tell where it would go. The committee having the bill in charge were satisfied that it could not exceed $15,000,000, and that limit was put in that bill and is followed in this bill. The commissioners of the District of Columbia have estimated for all the claims that could be allowed, including those which have been stricken out of the first section of the bill this morning. In our opinion and in the opinion of the commissioners the amount cannot exceed $15,000,000.

Mr. SPARKS. Can the gentleman give us with any precision the amount of bonds already issued?

Mr. HUNTON. Yes, I can give the exact amount. It is thirteen million seven hundred and odd thousand dollars.

Mr. SPARKS. Thirteen million seven hundred and odd thousand dollars is not an exact amount.

Mr. HUNTON. I have not the book here; I had a moment ago.

Mr. SPARKS. My object was to get precisely the amount of bonds that has been issued and the amount which may be issued under this bill.

Mr. CLAFLIN. I move to amend the amendment of the gentleman from Alabama [Mr. SAMFORD] by striking out the words "or interest." The law now provides that the United States shall be responsible for the interest on these bonds.

Mr. SAMFORD. I desire to say one word upon the amendment which I have offered in further answer to what was said by the gentleman from Virginia [Mr. HUNTON] a moment ago. By looking at page 5 of the report of the commissioners of the District I find this language:

> It is not practicable, in view of other current requirements, to set apart such an amount from the present revenue.

The commissioners are there referring to the sinking fund and to the interest on the bonds. I find on page 16 these words:

> The total sum thus calculated exceeds by a large amount the possible surplus of the revenues of the District within the next two years.

I invite the attention of the gentleman from Virginia to that language. I find that further on the commissioners say:

> The resources of the water department are at present barely able to support the current expenses; and it will not be possible to lay the new mains necessary for the proper service of the present system without a slight increase in the water rates.

You will find that in the report of every single departmental officer of the District there is an estimated deficit.

Now, one word in reference to the amendment of the gentleman from Massachusetts [Mr. CLAFLIN] striking out the words "or interest." If the Government of the United States is responsible for the interest it is responsible for the principal, though there is no law now existing under which bonds for the principal can be issued. This is the reason I refuse to accept the amendment of the gentleman from Massachusetts and prefer to have the House vote upon it.

Mr. STEPHENS. Mr. Speaker, I am opposed to the amendment of the gentleman from Massachusetts, [Mr. CLAFLIN,] because I think the Government of the United States ought to pay the interest; and I am opposed to the amendment offered by the gentleman from Alabama, [Mr. SAMFORD,] because I think the Government of the United States ought to pay the principal. I believe, Mr. Speaker, that the people of the District of Columbia are the most misgoverned within the limits of the United States. The public property within this city amounts to at least $90,000,000; and the Government contributes but little if anything toward the protection and preservation of this property.

Mr. NEAL. It contributes 50 per cent. under the law of last year.

Mr. STEPHENS. Fifty per cent. under the law of last year, but before that nothing.

Mr. CLAFLIN. Oh, yes; the Government paid a good deal before that.

Mr. STEPHENS. A very small amount. Now, I think the Government ought to pay in proportion to the value of the public property, as compared with private property. That is the right plan; and if we would do that it would be more than is involved in this bill. But I do not wish to discuss that question at this time.

I am against the amendment of the gentleman from Massachusetts, and against the amendment of the gentleman from Alabama. I am for the bill; and I trust the House will come to a vote upon it. It is but an act of justice to the people of this District, the great metropolis of this vast Federal Republic.

Mr. HUNTON. I desire to say a word——

Mr. CLAFLIN. The gentleman will allow me to say that what the gentleman from Georgia [Mr. STEPHENS] wishes to do in regard to the interest is done by my amendment. If he understood the bill, he would so understand the effect of my amendment.

Mr. HUNTON. I desire to say a word or two in regard to the amendment of the gentleman from Alabama. First as to the matter which he has been discussing upon the first section, about there being a deficit or a surplus, all I have to say is that I refer him to the commissioners; and I advise him to spur up and get to the point of the bill which we are discussing, not confining himself to a point we have passed by so long.

Now, as to the liability of the Government, it seems to me that the 3.65 bonds to be issued under this bill ought to stand on the same footing as those issued under a former act. What is the provision of existing law in regard to the bonds formerly issued? The Government guarantees that taxation shall be laid to meet the interest on those bonds and to establish a sinking fund to pay the principal at their maturity. That is the whole of the obligation of the Government, to see that a law is passed raising from the people of the District a sum of money sufficient to pay the interest on the bonds and to establish a sinking fund to meet them at their maturity.

Mr. SAMFORD. The gentleman is mistaken.

Mr. HUNTON. That is the provision as I understand it; and it seems to me that the bonds to be issued under this bill ought to stand upon the same footing with the old bonds. In order to test whether that is acceptable to the House or not, I move the previous question upon the section and amendments.

Mr. McMILLIN. Will the gentleman yield for a question?

Mr. COX. I move that the House adjourn.

Mr. SPARKS. Will the gentleman from Virginia allow me to ask him a question?

Mr. COX. I move that the House adjourn.

Mr. HUNTON. I yield to the gentleman from Illinois [Mr. SPARKS] for a question.

Mr. SPARKS. I do not know that I understand the argument of the gentleman from Georgia [Mr. STEPHENS] in connection with that of the gentleman from Virginia having the management of this bill. Is it the understanding that the Government of the United States is responsible for the principal and interest of these bonds? I want to know that.

Mr. NEAL. If the gentleman will allow me, I will read the section which provides for the issuing of the bonds.

Mr. SPARKS. As I understood the speech of the gentleman from Georgia, and I see it is not controverted by the gentleman having charge of this bill——

The SPEAKER *pro tempore*. The gentleman from New York [Mr. COX] moves that the House adjourn.

Mr. SPARKS. I understood that I was allowed the right to ask a question before the motion to adjourn was made.

Mr. COX. As my friend from Illinois [Mr. SPARKS] is speaking on the right side, I withdraw the motion.

Mr. SPARKS. The question which I desire to put, and which is prompted largely by the speech of the gentleman from Georgia, is whether the gentlemen presenting this bill intend it to be understood that the Government of the United States is responsible for the principal and interest of these bonds.

Mr. STEPHENS. I can answer for myself——

Mr. HUNTON. The law on the subject will be read.

Mr. SPARKS. You can answer the question, I suppose.

Mr. STEPHENS. I will answer the gentleman from Illinois, so far as I am concerned. The law says that the Government of the United States shall be bound for its proportion, according to that act. My opinion is that the Government of the United States, as I said before, ought to be bound for the whole of it. That is my opinion. The law, however, makes it bound only for its proportion.

Mr. NEAL. I have the law here, and will read it.

Mr. STEPHENS. I hope it will be allowed to be read.

Mr. SPARKS. We have clearly the opinion of the gentleman from Georgia, and I should like to have the opinion of the gentleman from Virginia, who is managing this bill.

Mr. COX. I insist on my motion to adjourn.

Mr. HUNTON. The gentleman insists on his motion to adjourn when anything is to be said against his position, but when anything is to be said in favor of it he withdraws it.

ENROLLED BILLS AND JOINT RESOLUTIONS.

Mr. WARD, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

An act (S. No. 625) for the relief of the Farmers and Merchants' Bank, Paris, Texas;

An act (S. No. 650) to remove the political disabilities of Arthur P. Bagby, of Texas;

An act (S. No. 670) to remove the political disabilities of William N. R. Beall, of Missouri;

An act (S. No. 669) to remove the political disabilities of James F. Harrison, of Virginia;

Joint resolution (S. R. No. 6) accepting from Professor Edward Fontaine, of Louisiana, certain maps, drawings, and explanations of the same; and

Joint resolution (S. R. No. 30) for the relief of Dr. C. W. Brink, bearer of dispatches from the United States minister at Mexico in 1869.

LEAVE OF ABSENCE.

Mr. LORING, by unanimous consent, was granted leave of absence for ten days.

DISTRICT CLAIMS.

Mr. STEPHENS. I hope the gentleman from New York will withdraw his motion until the law can be read.

Mr. HUNTON. We will get through with the bill very soon. [Cries of "Regular order!"]

The House divided; and there were—ayes 61, noes 45.

Mr. HUNTON demanded the yeas and nays.

The yeas and nays were not ordered, only twenty voting in the affirmative.

So the motion was agreed to; and accordingly (at four o'clock and thirty-two minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BOWMAN: The petition of John R. Farrell, to be refunded moneys expended by him for subsistence of soldiers in 1862—to the Committee on War Claims.

By Mr. COX: The petition of Michael Hayes, for the removal of the charge of desertion—to the Committee on Military Affairs.

By Mr. GIBSON: The petition of West Stevens, for the passage of a bill in relation to claims against the Bank of Louisiana—to the Committee on War Claims.

By Mr. HOUK: Papers relating to the war claim of John Henry—to the same committee.

By Mr. McCOOK: The petition of Mrs. Sarah P. Brown, for an increase of pension—to the Committee on Invalid Pensions.

By Mr. McLANE: The petition of Mary Miller, for a pension—to the same committee.

By Mr. PHISTER: The petition of Edwin De Leon, late United States consul-general in Egypt, for compensation for judicial services rendered while acting as consul-general, as provided for by act of August 10, 1848—to the Committee on Foreign Affairs.

By Mr. REAGAN: The petition of John F. Henry and 27 others, of Cow Run, Ohio, for the appointment of a special committee to investigate the charges and discriminations of railroads—to the Committee on Commerce.

By Mr. SINGLETON, of Mississippi: Papers relating to the claim of John D. Ryan, for compensation for printing blanks for officials of the United States—to the Committee of Claims.

Also, papers relating to the war claims of J. C. Cameron and Hugh Lewis—to the Committee on War Claims.

By Mr. WASHBURN: The petition of Samuel Marsh and others, for the passage of the Reagan interstate-commerce bill—to the Committee on Commerce.

By Mr. YOUNG, of Tennessee: The petition of Jeremiah B. Simmons, for compensation for property taken and used by the United States Army during the late war—to the Committee on War Claims.

Also, the petition of citizens of Hot Springs, Arkansas, for additional legislation in respect to the Hot Springs reservation—to the Committee on Rules.

IN SENATE.

TUESDAY, *June* 17, 1879.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILLS REFERRED.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on Public Lands:

A bill (H. R. No. 2165) to amend section 2297 of title 32 of the Revised Statutes, relating to homestead settlers; and

A bill (H. R. No. 2326) for the relief of settlers upon the Osage trust and diminished reserve lands in Kansas, and for other purposes.

PETITIONS AND MEMORIALS.

Mr. DAWES presented the petition of Joseph P. Davis, vice-president, and George S. Rice, secretary, of the Boston Society of Civil Engineers, praying for the passage of a law authorizing the use of the metric system of weights and measures in the post-offices and custom-houses throughout the United States; which was referred to the Committee on Finance.

Mr. LOGAN presented the petition of Thomas Hastings, of Chicago, Illinois, praying for the passage of a law authorizing the reissue of $20,000 of 5-20 bonds of the United States owned by him, and which were destroyed by the great fire in that city in 1871; which was referred to the Committee on Finance.

He also presented the petition of John Brown and others, the petition of F. C. Moore and others, the petition of A. W. Rollins and others, the petition of William Manton and others, and the petition of S. L. Honey and others, citizens of the United States, praying for the passage of a law granting a pension to L. French Williams, of Linn County, Kansas, for injuries received during the late war; which were referred to the Committee on Pensions.

Mr. COCKRELL presented additional evidence to accompany the bill (S. No. 363) granting an increase of pension to James C. McCarty; which was referred to the Committee on Pensions.

DETROIT RIVER BRIDGE.

Mr. CHANDLER. The Committee on Commerce have instructed me to report back without amendment House joint resolution No. 87, and recommend that it pass. It is simply to authorize the Secretary of War to convene a board of officers of the Corps of Engineers of the Army to inquire into the feasibility of constructing a bridge or tunnel for railroad purposes at or within a mile of Detroit. It appropriates nothing, and I ask the consent of the Senate to put it upon its passage now. There will be no objection to it.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. R. No. 87) relating to a bridge across the Detroit River at or near Detroit, Michigan.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

UNITED STATES CENTENNIAL COMMISSION REPORTS.

Mr. WHYTE. I am instructed by the Committee on Printing, to whom was referred a joint resolution of the House of Representatives in regard to the printing of certain copies of the final reports of the United States centennial commission, to report the same back favorably, and I ask for its immediate consideration. It is the unanimous report of the committee.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. R. No. 34) to print 5,000 copies of the final reports of the United States centennial commission upon the international exhibition and centennial celebration of 1876. It directs the printing of 5,000 copies; 1,000 copies for the use of the Senate, 3,000 copies for the use of the House of Representatives, 500 copies for the use of the State Department, and 500 copies for the use of the centennial commission.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. BOOTH asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 701) for the relief of settlers on the public lands of the United States; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. McMILLAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 702) granting a pension to Mary A. Tindall; which was read twice by its title, and referred to the Committee on Pensions.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

A bill (H. R. No. 2327) to authorize the renewal of a loan therein named by the joint stock company of the Young Men's Christian Association of Washington; and

A bill (H. R. No. 1369) to relieve the churches of the District of Columbia and to clear the title of the trustees to such property.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President *pro tempore:*

A bill (S. No. 625) for the relief of the Farmers and Merchants' Bank, Paris, Texas;

A bill (S. No. 650) to remove the political disabilities of Arthur P. Bagby, of Texas;

A bill (S. No. 670) to remove the political disabilities of William N. R. Beall, of Missouri;

A bill (S. No. 669) to remove the political disabilities of James F. Harrison, of Virginia;

A joint resolution (S. R. No. 6) accepting from Professor Edward Fontaine, of Louisiana, certain maps, drawings, and explanations of the same; and

A joint resolution (S. R. No. 30) for the relief of Dr. C. W. Brink, bearer of dispatches from the United States minister at Mexico in 1869.

INDIAN WARS.

Mr. McPHERSON. If there is no further business, I move to proceed to the consideration of Senate bill No. 671.

The PRESIDENT *pro tempore.* There is a resolution on the Calendar. The Chair lays before the Senate a resolution submitted by the Senator from Arkansas [Mr. WALKER] yesterday calling upon the President of the United States for information as to how many soldiers and civilians were killed and wounded, the estimated value of property destroyed, with the expenses incurred by the United States in certain named Indian wars. What is the pleasure of the Senator?

Mr. WALKER. I ask that it be passed over. I do not wish to have it taken up and considered this morning.

The PRESIDENT *pro tempore.* The resolution will remain upon the Calendar, then, without order.

ENROLLING OF CANAL-BOATS AND BARGES.

Mr. McPHERSON. With the consent of the Senator from Mississippi, [Mr. LAMAR,] I now ask to have the bill (S. No. 671) to amend the act entitled "An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same," passed February 18, 1793, taken up. An amendment was

made yesterday, when the bill was considered, by the Senator from Pennsylvania [Mr. CAMERON] to insert a proviso, which I propose to strike out.

The PRESIDENT *pro tempore*. The question has not been put yet whether the Senate will proceed to the consideration of the bill. The question is on the motion of the Senator from New Jersey.

The motion was agreed to; and the Senate resumed the consideration of the bill.

The PRESIDENT *pro tempore*. The pending question is on the amendment offered by the Senator from New York, [Mr. CONKLING.]

Mr. McPHERSON. I will state that the amendment offered by the Senator from Pennsylvania is first to be considered, as it is contradictory to that offered by the Senator from New York. The amendment offered by the Senator from New York is simply an amendment put in a different place to cover the entire ground and much more than the one offered by the Senator from Pennsylvania. I move to reconsider the vote by which the amendment offered by the Senator from Pennsylvania was agreed to. That amendment was to add at the end of the bill these words:

Provided, That all vessels described by this act shall be enrolled or licensed without cost or fee.

The PRESIDENT *pro tempore*. The Chair will state to the Senator from New Jersey that the amendment of the Senator from Pennsylvania was made as in Committee of the Whole, and a motion to reconsider it is not in order, the bill being now in the Senate. After the amendment offered by the Senator from New York is voted upon, it will be in order to move to strike out the proviso added upon the motion of the Senator from Pennsylvania.

Mr. McPHERSON. Then I will offer the amendment offered by the Senator from New York yesterday.

The PRESIDENT *pro tempore*. The amendment offered by the Senator from New York will be reported.

The CHIEF CLERK. In line 4, after the word "require," it is proposed to insert "the payment of any fee or charge for;" so as to read:

That the provisions of title 50 of the Revised Statutes of the United States shall not be so construed as to require the payment of any fee or charge for the enrolling or licensing of vessels not propelled wholly by sail or by internal motive power of their own, &c.

The amendment was agreed to.

The PRESIDENT *pro tempore*. Now, it will be in order to move to strike out the proviso.

Mr. McPHERSON. I move to strike out the proviso added yesterday in the following words:

Provided, That all vessels described by this act shall be enrolled or licensed without cost or fee.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment moved by the Senator from New Jersey striking out the proviso.

The amendment was agreed to.

Mr. CONKLING. May we hear the bill reported at length as it has been amended, now?

The Chief Clerk read the bill as amended, as follows:

That the provisions of title 50 of the Revised Statutes of the United States shall not be so construed as to require the payment of any fee or charge for the enrolling or licensing of vessels built in the United States and owned by citizens thereof not propelled wholly by sail or by internal motive power of their own, and not in any case carrying passengers, whether navigating the internal waters of a State or the navigable waters of the United States, and not engaged in trade with contiguous foreign territory.

The PRESIDENT *pro tempore*. The question is on concurring in the amendments made as in Committee of the Whole, as they have been amended in the Senate.

The amendments were concurred in.

Mr. CONKLING. Mr. President, I have just had put in my hand a memorandum made by one who from his calling must be skilled in respect of this matter. I have read it only partly through; but I have read so far that I will venture to call the attention of the Senator from New Jersey to one thing which I find in it, and that is a remark that extending this legislation to unrigged vessels plying on all the waters will be likely to open the door to smuggling. A moment's thought will suggest to every Senator what is intended by that comment. Under this bill, except for the amendment which the Senator has consented to requiring every vessel to be licensed and enrolled, as this writer suggests all these vessels would go without marine documents, to use his expression, and that would certainly open a door for smuggling.

I read this in part to furnish the Senator with a very good additional reason (although I confess I did not know it myself at the time) for insisting upon the amendment which has been made this morning, and which I hope does mean—and I should like an opportunity to look at it for a moment—that all these vessels not only may be but shall be licensed and enrolled.

Mr. McPHERSON. It covers the ground.

Mr. CONKLING. Upon examining it, I think that amendment does, as the Senator suggests, require the boats to be licensed and enrolled, and that certainly must go very far to answer the objection made by this gentleman, who apparently for conscientious motives has written down here a memorandum of objection to the bill. I will read one other observation:

Third. It seems that the exemption of unrigged vessels from documenting should not extend beyond their voyages made wholly or partly upon the canals or other internal waters, and that for voyages exclusively on tide-water they should be left liable under section 4371.

Does the Senator happen to have that section before him?

Mr. McPHERSON. I have not.

Mr. CONKLING. This is not, I am aware, a very regular mode of proceeding, but as I have been written to upon this subject I feel bound to avail myself of the only mode possible in this way of considering it, to bring this matter to the notice of the Senate. Section 4371 I will read:

Every vessel of twenty tons or upward, other than registered vessels found trading between district and district, or between different places in the same district, or carrying on the fishery without being enrolled and licensed, or if less than twenty tons and not less than five tons, without a license, in the manner provided by this title, if laden with merchandise the growth or manufacture of the United States only, distilled spirits excepted, or in ballast, shall pay the same fees and tonnage in every port of the United States at which she may arrive as vessels not belonging to a citizen of the United States; and, if she have on board any articles of foreign growth or manufacture, or distilled spirits, other than sea stores, she shall, together with her tackle, apparel, and furniture, and the lading found on board, be forfeited.

Mr. McPHERSON. In reply to the suggestion made by the Senator from New York, I think the section of the Revised Statutes to which he has called attention simply refers to the lading of a vessel and does not refer at all to the vessel itself. It seems to me that under this provision every guard has been placed around the whole matter. The vessel is required to be enrolled and licensed by some name or number. Some designation must be given to it at the custom-house or under the proper officer of the Government where the vessel can always be enrolled, and so the title can be changed. I think that the objection urged in that respect is of no particular consequence.

Mr. CONKLING. I do not feel authorized to deny what the Senator says. He understands this subject better than I do. The only point that struck me is a provision requiring at ports at which a vessel touches under certain circumstances certain fees. Whether the bill as he has it now arranged meets that difficulty, I do not know.

Mr. McPHERSON. We can remedy it by supplemental legislation at any time if we find there is any defect in that respect.

The bill was ordered to a third reading, and read the third time.

The PRESIDENT *pro tempore*. The question is, shall the bill pass?

Mr. DAWES. The title of the bill should be amended.

Mr. McPHERSON. The committee report to amend the title.

The PRESIDENT *pro tempore*. We have not reached the title yet; that is the last thing. Shall the bill pass?

Mr. HEREFORD. Mr. President, as a member of the Committee on Commerce, I reported a bill as a substitute for the one which was introduced by the Senator from New York, [Mr. KERNAN.] The bill thus reported from that committee has been entirely emasculated. Since the foundation of the Government up to within a few days or a few weeks ago at most, since the act of February 18, 1793, was passed, no flatboats, coal-barges, and boats of that kind have been compelled to be registered or enrolled. I think that is a fair interpretation of the law of 1793. It has been thus interpreted, thus construed by all the Attorneys-General of the United States until the present one. The present Attorney-General of the United States says that boats of that description, and canal-boats drawn by horse-power, must be enrolled and registered. I think the opinion of the Attorney-General is erroneous; and I reported a substitute for the original bill from the Committee on Commerce, which reads thus; it is very short:

That the provisions of title 50 of the Revised Statutes of the United States—

That is the law of 1793, and we reported the substitute so as to meet the construction of the Attorney-General—

shall not be so construed as to require the enrolling or licensing of vessels not propelled by sail or by internal motive power of their own, whether navigating the internal waters of a State or the navigable waters of the United States, and not engaged in trade with contiguous foreign territory.

By that bill as thus reported, no flat-boat, no canal-boat, none of the immense coal-barges going up and down the Ohio River, the Tennessee River, the Mississippi River and all of its tributaries, would have to be licensed or enrolled. That has always been the construction of the law up to a few days ago; but by the bill as it has been amended and as it stands now on its passage before the Senate, all flatboats, all coal-barges, all canal-boats, must be enrolled and registered. It is true the bill goes on and provides that there shall be no charge for enrolling or registering——

Mr. McPHERSON. May I interrupt the Senator from West Virginia?

Mr. HEREFORD. Certainly.

Mr. McPHERSON. In that respect is not the bill better than the existing regulation under the opinion of the Attorney-General?

Mr. HEREFORD. Yes, sir; but it is not better than the bill reported by the committee. Consequently I am opposed to it as thus amended. The bill as reported by the committee is the one I desire to see passed. By that bill none of these flatboats, none of these immense coal-barges, floating all along the Ohio, the Tennessee, the Wabash, and all of those immense interior streams would have to be registered or enrolled. That has always been the construction of the law now for nearly a hundred years, and I cannot give my consent to any bill that will impose upon that interest the burden of having their flatboats enrolled and registered.

It may be said that it will not cost anything. That is all true; but

why impose this burden upon them at all? Here is a tug or steamboat towing fifty or a hundred flatboats, covering acres of space, filled with coal, ready to start. As the law has always existed they can go whenever they please and come whenever they please, without let, or hinderance, or permission from anybody. But if the bill as thus amended becomes a law they have got to apply to the proper officer wherever the port of entry may be to have their vessels enrolled and registered, and before they are enrolled and registered what must be done? The officer whose duty it is will not enroll and register these vessels and give them a certificate that they are in good condition until he examines them. Then is he going to travel two hundred or three hundred or four hundred miles distant, and go where this fleet of boats may be to examine them at his own expense, or will all the boats have to be taken to him and then brought back again? All this is a great deal of unnecessary trouble, and such a trouble, such an annoyance as has never been inflicted upon these people from the foundation of the Government down.

Mr. McPHERSON. Will the Senator from West Virginia yield to me a moment?

Mr. HEREFORD. Certainly.

Mr. McPHERSON. I wish the Senator to understand that when these boats are built they are then enrolled and licensed, and after that no further enrolling or licensing is necessary. The boat then goes on record at the Custom-House department. It has always been necessary that there should be some record of a boat. Before you can pass title there must be a name or there must be a number. I think that the objection urged by the Senator from West Virginia is altogether unnecessary. It seems to me that the amendment offered by the Senator from New York yesterday (although I did not at that time agree to it) is a very proper amendment, and it is better than the existing law in this respect, that it does not require any fees or any charge to be made on account of the enrolling or licensing of a boat. That they should be enrolled is very evident to my mind.

Mr. BAILEY. I should like to ask the Senator from New Jersey a question. On the upper waters of the Cumberland, the Tennessee, and other western rivers, boats are built for the transportation of coal, or wheat, or cattle; and they are floated to New Orleans or Natchez or to some other point upon the Mississippi River, where the cargo is sold and the boat is broken up and destroyed. Now, why should we desire to have boats of that kind and character enrolled? How can they be enrolled? Perhaps there is not a customs officer within two or three or four hundred miles. It is obviously an impropriety, and evidently there is no necessity for the enrollment of that class of boats.

Mr. McPHERSON. Boats from the headwaters of the Hudson River come down to New York with a load and are there enrolled. There is no trouble whatever in enrolling them.

Mr. BAILEY. What is the necessity for enrolling them?

Mr. McPHERSON. I do not understand how you can pass the title of a boat unless you have some record somewhere that there is such a boat, that it has a number, or that it has a designation.

Mr. HEREFORD. How do you pass the title to a horse? Do you have him enrolled?

Mr. McPHERSON. A boat is a peculiar thing.

Mr. HEREFORD. Ever since this has been a government men have sold these flatboats *ad libitum* and never have had to ask permission of the General Government to sell their boats.

Mr. BECK. Does the Senator say that every coal-boat or barge is to be enrolled?

Mr. HEREFORD. The bill as amended requires every one of them to be enrolled and registered; thousands of them all over the country.

Mr. BECK. At the forks of the Kentucky River, for example, there are very large coal interests. There are hundreds of coal-boats that never go far enough down the river to get within one hundred and fifty miles of Louisville, that bring their cargoes to the county seats of the counties along the river, and the boat never gets any farther. If you are going to enroll all that class of boats, you are going to subject those people to an annoyance and the Government to a cost that will be enormous, because county after county on each side of the river receives coal and lumber from boats that never get any farther. They simply go backward and forward. There is no sort of chance of ever getting them within two hundred miles of a place where there is any custom-house officer. That will not do.

Mr. HEREFORD. I believe the bill is still open to amendment.

The PRESIDENT *pro tempore*. The bill has been read the third time, and without a reconsideration of that vote no amendment can now be received.

Mr. HEREFORD. I ask unanimous consent to offer this amendment——

The PRESIDENT *pro tempore*. The vote ordering the bill to be read a third time can be reconsidered.

Mr. HEREFORD. I enter that motion now for the purpose of offering an amendment. I propose to add:

Provided, That nothing herein contained, or in any statute, shall be construed to require the enrollment or licensing of coal-barges or flatboats on the interior rivers of the United States.

The PRESIDENT *pro tempore*. The Senator from West Virginia moves to reconsider the vote by which the bill was ordered to a third reading.

Mr. McPHERSON. I think that amendment to be contradictory to the construction of the bill as it has passed to a third reading. The bill requires the enrollment of boats and an enrollment of that particular kind, which is canal-boats, barges, &c. Now he offers a provision which simply excludes all the boats mentioned and named and considered in the body of the bill, from its provisions. The Senator from West Virginia will observe that there is no tax. I do not suppose any custom-house officer is going to hunt up barges or canal-boats for the purpose of forcing their enrollment.

Mr. HEREFORD. The Senator must know that it is the duty of the officer to not let these boats move until they are licensed or enrolled. The same law will apply to them that applies to sea vessels. There is a penalty. If there is no penalty as regards flatboats or coal-barges, then there is no penalty for a steamboat. The penalty is the same. I have no objection to the bill if thus amended; and all I ask is that this provision shall be made.

The PRESIDENT *pro tempore*. The Senator from West Virginia moves to reconsider the vote by which the bill was ordered to a third reading.

Mr. CONKLING. I rise to oppose that motion. There is either a misunderstanding about this, or the position of the Senator from West Virginia is very extraordinary. In 1793 an act was passed requiring boats to carry marine documents as they are called. That statute has stood ever since except that, in consequence of such a complaint as the Senator from West Virginia now makes, in 1874 it was altered, and the alteration is found in these words:

That the act to which this is a supplement shall not be so construed as to extend the provisions of the said act to canal-boats or boats employed on the internal waters or canals of any State; and all such boats, excepting only such as are provided with sails or propelling machinery of their own adapted to lake or coastwise navigation, and excepting such as are employed in trade with the Canadas, shall be exempt from the provisions of the said act, and from the payment of all customs and other fees under any act of Congress.

The other day came a report from the Committee on Commerce and came the Senator from New Jersey now in his seat [Mr. RANDOLPH] to confirm that report, saying that in instances which he gave, some of which he said occurred in the collection district of New York, large fees and detentions growing out of these fees were visited upon boats not exempt according to this act of 1874. So it was proposed by the bill that on all the waters of the United States an exemption should be made. The Senate has proceeded to perfect a bill by which all unrigged vessels are relieved of fees and relieved of everything except that they, to wit, the vessels not heretofore exempted altogether from enrollment, are still to carry marine documents for which no fee is to be charged.

Now, what does the Senator from West Virginia say to that? He says that is not enough, and he proposes that canal-boats and boats plying the internal waters having been relieved heretofore, so that they are not in question, may be liable still to some sort of inconvenience, and therefore he proposes that it shall be enacted in substance that unrigged boats need not carry any papers at all. The precise amendment which he has offered I did not catch the words of, but I did catch what he said in his argument.

Mr. President, one single objection when stated will I think convince every Senator that unless we are going to abandon the tariff laws of the country we cannot tolerate the idea that all unrigged vessels are to go without any sort of certification. The moment vessels ply on the St. Lawrence River and along the coast without documents, without enrollment, without license, without anything by which they can be tracked, you have opened a door to smuggling which I know of no way to close.

If this bill related simply to western waters, to rivers wholly in States or running between States, I am not prepared to say that you might not with some safety dispense with all licensing and enrolling; but when you consider that the bill as it now stands applies to the lakes, applies to the river Saint Lawrence, applies to all the coast round and round, seven thousand miles of coast on two seas, everybody I think must conclude that if you are going to dismiss the whole idea of vessels being registered anywhere, being licensed, being enrolled, being subject to any sort of scrutiny, you may as well give up the idea that you can enforce the customs revenue laws; you cannot do it. Therefore I say to the honorable Senator from West Virginia that the answer to his argument is that a great body of these boats have been already by name in 1874 exempted and that the few that may be caught with the inconvenience of simply handing in their names and taking a license had a great deal better submit to that inconvenience than to prostrate to the extent we should do the collection machinery of the country.

The Senator from Kentucky said if I understood him that boats plying in his State were never enrolled or licensed. Certainly not. The act of 1874 covers them. This bill does not change that at all. This bill simply adds an additional body of vessels to those already exempted. Then the Senator from West Virginia says he does not like it because it does not throw down the whole thing everywhere. I hope, therefore, that the vote on the third reading of the bill will not be reconsidered, but if a reconsideration is had I think it had better go back to the committee to consider it with care.

Mr. HEREFORD. I have no objection to its going back to the committee.

Mr. CONKLING. I think it goes far enough as it is, and I hope the Senate will stand by it.

Mr. RANDOLPH. Mr. President, the difficulty about sending this bill back to the committee is that if the session should not be a long one we may not have the opportunity of considering it in committee, of reporting it to the Senate, and of passing it with the promptitude that the necessities of the case require. I have been absent for the last week or ten days. I now say as to my own constituency that this is a matter of very great importance, affecting an interest very large, and I am very anxious to secure relief. Inasmuch as there is no real opposition, as I understand, to the passage of a proper bill covering the ground, I hope that immediate action will be taken. If, therefore, the Senator from West Virginia can reconcile his views to ours upon the floor this morning without recommitting the bill, I shall be extremely obliged to him, and so will my colleague.

Mr. CHANDLER. I hope the vote will not be reconsidered. This measure in substance has been before the Committee on Commerce for the last sixteen or seventeen years. It is deemed a great hardship that canal-boats and other boats navigating our inland waters have been compelled to pay heavy charges for customs-dues. I believe the bill to be a wise one, and I hope it will not be reconsidered or recommitted to the committee.

The PRESIDENT *pro tempore*. The question is on the motion to reconsider the vote by which the bill was ordered to a third reading.

Mr. HEREFORD. I call for the yeas and nays.

The yeas and nays were not ordered.

Mr. HEREFORD. I ask for a division.

The motion was not agreed to; there being on a division—ayes 13, noes 26.

The PRESIDENT *pro tempore*. The question now is, shall the bill pass.

The bill was passed.

Mr. McPHERSON. I move to amend the title so as to make it read: "A bill relating to vessels not propelled by sail or internal motive power of their own."

Mr. FERRY. I suggest that the word "wholly" be put in the title also.

Mr. McPHERSON. Let the title be so amended as to read, "wholly by sail."

The title was so amended.

MISSISSIPPI RIVER COMMISSION.

Mr. LAMAR. I move that the Senate proceed to the consideration of the bill (H. R. No. 1847) to provide for the appointment of a Mississippi River commission for the improvement of said river from the head of the passes, near its mouth, to its headwaters.

The PRESIDENT *pro tempore*. The morning hour has expired.

Mr. BURNSIDE. I object to the consideration of the bill.

HOUSE BILLS REFERRED.

The PRESIDENT *pro tempore*. Before proceeding to the unfinished business, the Chair will lay before the Senate some bills from the House of Representatives for reference.

The following bills from the House of Representatives were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (H. R. No. 2327) to authorize the renewal of a loan therein named by the joint stock company of the Young Men's Christian Association, of Washington; and

A bill (H. R. No. 1369) to relieve the churches of the District of Columbia, and to clear the title of the trustees to such property.

REFRIGERATING SHIP FOR DISINFECTING PURPOSES.

Mr. VOORHEES. I desire to offer a resolution calling for information from one of the Departments:

Resolved, That the Secretary of the Navy be, and he is hereby, requested to transmit to the Senate a copy of the report of the board of naval engineer officers appointed by him to assist the National Board of Health in the selection of a disinfecting apparatus provided for under a recent act of Congress.

Mr. ALLISON. That ought to be "directed" instead of "requested."

Mr. VOORHEES. Well, use the word "directed."

The PRESIDENT *pro tempore*. Does the Senator ask for the present consideration of the resolution?

Mr. VOORHEES. Yes, sir. Let it be modified as suggested by the Senator from Iowa.

The resolution was considered by unanimous consent, and agreed to.

REPORTS OF COMMITTEES.

Mr. COCKRELL, from the Committee on Military Affairs, to whom was referred the bill (S. No. 243) to authorize the Secretary of War to release certain lands of the United States to the people of the State of New York, reported it with an amendment, and submitted a report thereon; which was ordered to be printed.

DISEASES OF DOMESTIC ANIMALS.

Mr. WHYTE. I am instructed by the Committee on Printing, to whom was referred a concurrent resolution of the House of Representatives in regard to the printing of certain copies of the report of the Commissioner, No. 12, in regard to diseases of swine, to report it favorably and ask the immediate consideration of the resolution.

By unanimous consent, the resolution was considered and concurred in; as follows:

Resolved by the House of Representatives, (the Senate concurring therein.) That there be printed 100,000 copies of Special Report No. 12 of the Commissioner of Agriculture, containing the reports of the examiners appointed to investigate the diseases of swine and contagious and infectious diseases incident to other classes of domesticated animals, of which 70,000 copies shall be printed for the use of members of the House, 25,000 for the use of members of the Senate, and 5,000 copies for the use of the Commissioner of Agriculture.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 14th instant approved and signed an act (S. No. 678) relating to vinegar factories established and operated prior to March 1, 1879.

ARMY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 2175) making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes.

Mr. WITHERS. Mr. President, if it be agreeable to the Senate I would suggest that the reading of the bill *in extenso* be dispensed with, inasmuch as there are very few changes made in the bill as compared with the bill which passed a few weeks since. I ask, therefore, that the general reading of the bill be dispensed with, and that we proceed to consider it by paragraphs, and I will point out the changes existing between this bill and the previous bill, and call attention to all the amendments which have been proposed by the Committee on Appropriations.

Mr. CONKLING. How many amendments are there from the committee?

Mr. WITHERS. Very few; only two or three, and they generally unimportant.

The PRESIDENT *pro tempore*. The Chair understands that the Senator from Virginia proposes to consider the amendments as they are reached.

Mr. WITHERS. Yes, sir; to consider the bill by paragraphs, and I will call attention to the amendments as they are reached.

The PRESIDENT *pro tempore*. If there be no objection that course will be taken, and the Secretary will read the bill.

Mr. WITHERS. Before the Secretary proceeds to read the bill by sections for adoption, I will make a general statement as to the condition of the bill.

The amount appropriated by the bill as it passed the House of Representatives was $26,797,300. The amount added by the Senate Committee on Appropriations is $720. The total as it is reported to the Senate is $26,798,020. The total of the estimates for 1880 was $28,384,500. The bill as reported is less than the estimates by the sum of $1,586,480. The total appropriations for 1879 are $26,593,486. The bill as reported exceeds the appropriations for 1879 by the sum of $204,533.99.

The items of difference in this bill as compared with the appropriations for 1879 are as follows:

For the pay of the Army there is an increase of $699,112.82; for subsistence there is a decrease in the appropriation of $15,000; for quartermaster supplies, an increase of $250,000; for ordnance supplies, $10,000; repairing ordnance, dismounting guns, &c., $5,000; military post at Niobrara River, $50,000; military post in Montana, a reduction of $100,000, and in Dakota the same; for completing Medical and Surgical History of the War, a reduction of $12,883.85; illustrations, &c., for the same, $17,414.98; proving ground at Sandy Hook, a reduction of $5,000; site for powder depot, an increase of $50,000; for superintendents of national cemeteries, an increase of $720; for manufacture of arms at national armories, an increase of $100,000; for the Army and Indian transfer commission, a decrease of $10,000; making the increase in the aggregate $1,164,832.82, and the reduction $260,298.83, making a net increase of $904,533.99. Deducting the amount of deficiency appropriation for pay, &c., $700,000, it leaves a net increase of this bill over the appropriations for 1879 of $204,533.99.

As the reading progresses I will call attention to any amendments which have been adopted or any new matter which is contained in this bill that was not contained in the bill which has been vetoed.

The PRESIDENT *pro tempore*. The reading of the bill will be proceeded with.

The Secretary proceeded to read the bill to line 14.

Mr. ALLISON. Is the word "thereafter" at the beginning of line 14? It should be "hereafter." I think it must be a misprint.

Mr. WITHERS. It is evidently a typographical error. It should be "hereafter," so as to read "hereafter there shall be no more than twenty-five thousand enlisted men in the Army at any one time."

Mr. ALLISON. I move that correction in line 14.

The PRESIDENT *pro tempore*. If there be no objection, that correction will be made. The Chair hears no objection.

The Secretary continued the reading of the bill to line 193.

The Committee on Appropriations proposed to amend by striking out "purchase" and inserting "purpose" in line 193.

The PRESIDENT *pro tempore*. This is a mere verbal amendment, and if there be no objection it will be considered as made. The Chair hears none, and it is so made.

The Secretary resumed the reading of the bill to line 196:

The Secretary of War is hereby authorized to receive, by donation of citizens or others, the title for any lots or tracts of land necessary to the proper location of the building or buildings hereinbefore provided for.

Mr. WITHERS. In pursuance of the promise I made, that I would call attention to any new matter, I will state that the provision from line 186 to line 196 is new matter, not in the last bill. It was introduced in the House and recommended by the Secretary of War and the General of the Army. It simply appropriates $30,000 of the previous appropriation, "or so much thereof as shall be necessary, in the discretion of the Secretary of War," to be "expended in the construction of a necessary storehouse and depot building at the city of Omaha, in the State of Nebraska."

The reading of the bill was continued to line 215.

The Committee on Appropriations proposed to amend, in line 213, after the word "may," to strike out "charge" and insert "change."

The PRESIDENT *pro tempore*. This is a mere verbal amendment, and will be considered as agreed to if there be no objection. The Chair hears none.

Mr. WITHERS. The provision from line 211 to line 215, is new matter which was added in the House for the first time, and it was done on the recommendation of the managers of the National Home for Disabled Volunteer Soldiers, without opposition in the House.

The next amendment of the Committee on Appropriations was, in line 216, before the word "superintendents," to strike out "seventy-one" and insert "seventy-two;" and in line 217 to insert after "thousand" the words "seven hundred and twenty;" so as to read:

For pay of seventy-two superintendents of the same, (national cemeteries,) $59,720.

The amendment was agreed to.

The Secretary resumed the reading of the bill to line 288, the end of section 1.

Section 2 was read.

Section 3 was read.

The Committee on Appropriations proposed to amend section 3 by inserting after the word "shall," in line 2, the word "hereafter."

The amendment was agreed to.

The Secretary read section 4, as follows:

SEC. 4. That when a vacancy occurs in the office of professor of the French language or in the office of professor of the Spanish language in the Military Academy, both these offices shall cease, and the remaining one of the two professors shall be professor of modern languages; and thereafter there shall be in the Military Academy one, and only one, professor of modern languages; and that section 1336 of the Revised Statutes be, and is hereby, amended by inserting, after the word "service," in the first line, the words "as professor."

Mr. CONKLING. Here perhaps as well as anywhere, I should like to inquire of the Senator having this bill in charge why is that provision touching a professor of foreign languages at West Point?

Mr. WITHERS. It is the same provision that was in the two last bills which passed the Senate, the object being evidently to consolidate two professorships into one, I presume partly in the interest of economy. We do not regard it as necessary to have two professors, one of French and one of Spanish, but one professor can discharge the duties of both chairs.

Mr. MAXEY. My attention was called to this matter a day or two ago by a very distinguished gentleman, a member of the House, who is a graduate of the academy, and my own thought has been brought to the subject, and I have never been able to see any reason for the provision here proposed. The creation of the professorship of Spanish was caused by the acquisition of the territory acquired from Mexico, making it quite important indeed that the officers stationed along the Mexican frontier should be acquainted with the Spanish language. Every officer who has ever been stationed there will bear witness to the importance of the knowledge of Spanish acquired by him at West Point. Of course everybody knows why the professorship of French was created a great many years ago at West Point. It was because a very large portion of the military works were originally published in the French, and in my day and time there I studied many of those works in the original French; they had not then been translated into English; and that language was quite important. I do not believe—and I give my testimony as one having some knowledge of West Point—I do not believe that it is in the power of any one man to be the professor of the French and also the professor of the Spanish language there. I think true economy to this Government, which is to properly educate its officers as their duties require, is that there should be a professorship of French and a professorship of Spanish. That is my deliberate judgment. I think a man should speak the French language thoroughly to be a competent French teacher; I think a man should speak the Spanish language thoroughly to be a competent Spanish professor. This is my judgment. I do not believe that it is policy to blend those two professorships into one. I believe that that is true here, because I believe it is the duty of the Government, so long as the Military Academy is kept up, to educate its officers.

Mr. WITHERS. I do not assent to the conclusion reached by the Senator from Texas. I would only say that the custom of having one professor for both the French and Spanish languages is one which is observed and followed in the majority of the literary institutions of this country; nor do I conceive that it is impossible to have a professor who may be thoroughly versed in both languages.

In the other House, I would state, this provision was inserted in the bill without objection from any one, so far as I am advised, and without any remonstrance or suggestion from the authorities at West Point that it would impair in any degree the efficiency of their instruction.

Mr. CONKLING. I should like to ask a question of the Senator from Virginia. Provisions of this sort commonly have their rise in some personal application. As they do in fact act, so they are intended usually to act upon the individuals concerned. That is enough for me to say about this, except that I want to ask the Senator if he knows the professors now at West Point, or whether so or not, is he able to say to the Senate that a man can be found proficient in Spanish who speaks it fluently as a cultured Spaniard does, and who at the same time is equally proficient and fluent and faultless in his pronunciation of French. If the Senator can say that in respect of West Point, and if he can say it to the faculties of the various colleges and the managers of the universities of the country, my impression is that he would be eagerly applied to for information and he would be giving information deemed of great value by those who have occasion to consider such questions.

Mr. WITHERS. I would simply state that the Committee on Appropriations of the Senate did not investigate that question. So far as I am individually concerned, I do know many professors who discharge, so far as I am apprised, satisfactorily the duties of these two professorships in other literary institutions.

Mr. CONKLING. Shall I understand the Senator to say that he knows men who speak both Spanish and French equally well and teach both of them?

Mr. WITHERS. The Senator must not understand me as stating any such proposition as that. I do not say whether they speak them equally well or not. Not being an expert myself in either language, it would be a very great piece of impertinence on my part to make such an assertion. I do know that there are professors of both languages united in the same person in other institutions.

In addition to that, I would call the attention of the Senator from New York to the fact that this does not depose any professor at present holding such a position at West Point. It is simply a provision which becomes operative whenever a vacancy shall occur in one or the other of these chairs.

Mr. MAXEY. I am opposed to any rash, sudden, ill-considered change in the management of the Military Academy at West Point. My deliberate judgment is that these changes are injurious to the academy, and of consequence injurious to the service. No change there should be made without the most deliberate investigation and a manifest propriety in the change proposed. Take the case, for instance, which was mentioned by the Senator from Virginia, that in many colleges the professorships of French and of Spanish are blended in one chair, and therefore he deduces the conclusion that it might as well be so at West Point. But is that true? What other institution in the United States demands of its graduates that when they do graduate they shall put into practical exercise their knowledge of the Spanish language as the graduates of West Point are required to do when they go upon the Mexican frontier? So that his reasoning is a *non sequitur*. So much for that.

The point which is made by the Senator from New York in my judgment is well taken. It is a query that I imagine not many will be able to answer off-hand whether you can find at West Point one man to fill these two positions. I bring this question right down to the point at issue; it is not whether some man can be found in the United States who can speak both the French and the Spanish; but under the wording of this section the survivor, whether he be the Spanish professor or the French professor, is to be the professor of both chairs. Both chairs are to be blended.

The proper question therefore is, does the Spanish professor at West Point speak the French language as well as the Spanish, or does the French professor speak the Spanish language at all? Suppose that the French professor should become the survivor and occupy both the Spanish and French chairs, the query arises does he speak the Spanish language, and unless he does I ask my friend to the right, who has had some experience there as well as myself, the Senator from Wisconsin, [Mr. CARPENTER,] if he does not himself speak the language like a native is he qualified to teach others to speak that language, and especially men who are to become officers of the Army and who are to go on the frontier there to speak the language themselves practically?

I give this as a point. We all know something about the Mexicans. Suppose an officer on the frontier has important business with people in Mexico, and suppose he knows nothing whatever about the Spanish language, what is the result? He is forced to fall back on an interpreter, and that interpreter may be entirely incorrect. It will not do. The cadets at West Point should be taught the Spanish language themselves, they should have it taught by a competent professor, and no man can teach that which he does not know.

It does seem to me that anything which changes the curriculum or the professorships at West Point should go to the Military Committee and be thoroughly investigated, and every means of information which would throw light on the subject should be traced out. I do not like to see a change at that old institution, established in the early portion of this century, made suddenly on an appropriation bill.

Mr. CARPENTER. Mr. President, if it is in order to do so at this time, I move to strike out the fourth section from the bill.

The PRESIDENT *pro tempore*. The amendments of the Committee on Appropriations have not yet been acted on.

Mr. MAXEY. I intended to make that motion at the proper time.

Mr. WITHERS. So far from this being an ill-considered change, I scarcely think the criticism is applicable, inasmuch as this identical section, without change of a letter or word, has twice passed the Senate and twice passed the House without any objection from any of the authorities at West Point or any other person interested, so far as I am apprised.

So far as I am concerned I have no feeling about this matter whatever. I would be perfectly satisfied to have the Committee on Military Affairs consider the question and make any report on the subject they desired. They seem very sensitive about trenching on their prerogative. I have no such design or desire; but finding the provision in the bill as it came from the House, no serious objection being urged against its incorporation into the bill, the Committee on Appropriations have adopted it without any dissent, so far as I am advised.

Mr. CARPENTER. Mr. President, I think the reason why objections have not come to the committee, or at least one reason, is the understanding that these bills were perfected in caucus, and were to go through without any change.

Mr. WITHERS. Oh, no; that is a mistake. Certainly it was a very erroneous assumption if anybody supposed so.

Mr. CARPENTER. People are just as likely to be controlled by erroneous impressions as by sound ones.

Mr. DAVIS, of West Virginia. The bill has passed both Houses twice, and, so far as my knowledge goes, it never was considered in caucus either in the previous Congress or this; nor was such a thing thought of.

Mr. CARPENTER. That simply shows that the gentlemen who would otherwise have made objections were mistaken about the fact; yet the mistake controlled their conduct. I know that this provision is not acceptable to men who have had experience in this matter, and who would have made objection but for the supposition, erroneous I am informed, on this subject, which I have stated. I believe that every officer of the Army would say that this provision ought to go out of this bill. I do not care to repeat the argument so well made by the Senator from Texas and the Senator from New York, and I concur with every word they have uttered on this subject. The teacher of Spanish at West Point should be a Spaniard, and the teacher of French should be a Frenchman.

Mr. BLAINE. I have not a word of discussion on this matter, but I want to ask the chairman of the Committee on Appropriations what his remark was. I did not quite catch it as to this provision having twice passed Congress.

Mr. WITHERS. The same provision was in the bill which passed at the last session of the last Congress. It was also in the bill which has recently been vetoed.

Mr. BLAINE. What I want further to know is——

Mr. WITHERS. The Senator himself was a member of both the Appropriations Committee which reported it in the last Congress and of the conference committee.

Mr. BLAINE. Why does this provision find its way into the Army appropriation bill when it belongs pre-eminently to the West Point Military Academy appropriation bill?

Mr. DAVIS, of West Virginia. My friend will recollect that he had charge of this bill in the last Congress and passed the bill through the Senate, and he was on the conference committee upon it. He had charge of the bill.

Mr. BLAINE. Not charge of originating this provision; and those bills came so quickly to a disagreement on account of other things as to which there was no attempt at or no possibility of an adjustment, that we did not (as my friend in charge of this bill now knows) go over the other points which we might have differed upon. This section certainly ought to be dropped out of this bill.

Mr. WITHERS. I will state as an additional reason why it should remain in that it is carrying out simply a principle which prevails at the Naval Academy, where one professor discharges the duties of professor of both languages without any complaint whatever, so far as I have heard.

Mr. LOGAN. Mr. President, I merely desire to remark that matters of this character, it does seem to me, ought to have an examination by some other committee as well as the Committee on Appropriations. I think that it pertains to the duties of the Military Committee more than to those of the Appropriations Committee.

I hope I may be pardoned for a moment in stating as briefly as I can something in reference to the history of this section, for I think I know as much about it perhaps as any Senator on this floor.

This attempt has been made for years in the Congress of the United States. I do not think it originated at West Point. I do not care about giving my impressions as to where it did originate; but I may be pardoned for saying that at the suggestion of a gentleman who does not now occupy the position of Secretary of War this attempt was made several Congresses ago. I hope I may be further pardoned in saying that the attempt was to get rid of one of these professors—the professor of the Spanish language. The question was examined by the Military Committee in the House when I was a member of the House, and in the Senate when I was the chairman of that committee, and the committees unanimously agreed that this change ought not to be adopted, and when it was proposed by the Appropriations Committee it was stricken out in the Senate on that account. It was not only examined by the Committee on Military Affairs, but we sent for Army officers and examined them before the committee in reference to the necessity of these professors. The object then was to get rid of the professor of Spanish. There was no question then about the Spanish language being taught, but it was about the person himself. An attempt was made to retire him by act of Congress, then afterward to put both chairs together, as here, for the purpose (because he is in the senior) of having him retired. He is a man who is just as competent, and will be if he has health for years to come, to teach this branch in the Academy as anybody can be. Then it was examined and agreed unanimously by the Military Committee that it ought not to be done.

After that result, after the Senate refused to adopt the proposition, it passed on for some few sessions of Congress, and again was inserted in the Army appropriation bill, as I understand, in the last Congress. It only proves that it requires but a short time for us to forget facts, but a short time for us to forget examinations that have been had for the purpose of giving light to the Congress of the United States on subjects before them for consideration.

In connection with what the Senator from Texas has said in reference to the Spanish language, I may be allowed to say that I think the Spanish language is more important for the Army of the United States to understand than any except our own language, for the reason that our border is with a Spanish people. That language is spoken right where the principal portion of our Army is stationed. My own experience is very slight; I do not speak the Spanish language well, but I do speak it so as to be understood, and so that I can understand it when spoken; and I know from the little time I served with the Army on the borders of Mexico that my knowledge of it was of great value to me; and every officer of the Army will state to-day that it is of more value to our Army than any other language except our own.

Mr. SAULSBURY. Conceding all the Senator says to be true, the question is, could not the Spanish and French languages be taught by one professor as well as by having one professor for each?

Mr. LOGAN. I say emphatically no. I do not claim my understanding to be such that my opinion would be as good as that of persons thoroughly educated in those languages; but I am satisfied from the little knowledge I have of them that you cannot find a person who can read, write, and speak both of those languages as correctly as a Spaniard himself does his own and a Frenchman his. I am thoroughly satisfied of that. If you can find such a man he is an exception to the rule. We have these two professors at West Point, and have had for years; and there is no reason, at least it strikes me there is none, why one professorship should be abolished. I do not see why it is that there is such a persistent effort made every Congress to abolish one of these professorships. I cannot understand it unless it be that there is something outside of that which would benefit the Academy itself. It must be something beside that. I do not wish to state it or to say so, for perhaps I have no authority for saying it, but I have good reason to suspect that that is true; not that the committee propose that, but it originated in something outside of a desire to benefit the Academy or to be an advantage to the educational interests of the Army or the cadets at West Point.

Mr. MAXEY. Will the Senator from Illinois allow me to answer for him the question asked by the Senator from Delaware?

Mr. LOGAN. Yes.

Mr. MAXEY. The classes which study the French and Spanish are divided into sections. Those sections number from 8 to 10. It would be a physical impossibility for one man to go through all those sections and even see that the assistant professors do their duty. He could not go through each section once in two weeks.

Mr. LOGAN. The Senator is more conversant with the management of the Academy than I am, and doubtless his statement is correct. I can see very readily from what he says the necessity for exactly the professors there are now under the law; and I do think as long as we retain West Point as a military academy—and I have no reason for thinking it will not be retained—we ought to keep it on the basis it has shown itself to be of value to the country, and not attempt to restrict it in this or any other particular so far as educational facilities are concerned.

I have no desire, so far as this part of the bill is concerned, to send it back to the House for any purpose of that kind; but what I say, I say because I have the objection and feel it strongly against this section of the bill, and I do hope that the Senate will consider this bill now before it for the purpose not of any little advantage that may arise to one side or the other, but for the purpose of making the best bill they can out of it, so as to have it arranged that we shall not find that it will be subject to criticism, and this certainly would be. I do not believe you can find an officer in the Army to-day, if you will ask him whether or not the two professors (leaving out of view the *personnel* of the persons) should be retained, who will not say that they ought to be and that they are absolutely necessary. Such is the universal judgment of the officers of the Army.

Mr. ALLISON. If any Senator will make a motion to strike out this fourth section I shall vote for it.

Mr. CARPENTER. That is not in order.

Mr. ALLISON. I know. But I wish to say a word or two in reply to the Senator from Illinois and also the Senator from Wisconsin with reference to the method by which this section got into the bill;

and I call the attention of the honorable Senator from Texas also to what I am about to say, because he seems to regard this as an innovation, as a new thing that has been jumped into this bill. This is one of the little relics of army organization that has been handed down to us from the Military Committee. I have here the grand bill which was incubated during the last vacation by the select committee of both Houses known, I believe, as the Burnside bill, consisting of seven or eight hundred sections, by which, having the aid of the highest military officers in the Army, and according to rumor having the special aid of the major-general who commands at West Point to-day, this military commission or committee reorganized the Army not only, but reorganized West Point, and in doing so they provided not for a professor of Spanish and a professor of French as has been the law for many years, but they provided for a single professor of modern languages.

When that bill failed to accomplish its purpose, owing to the brief session, we being unable to read the bill through carefully, and it was finally abandoned, the House Military Committee, the colleagues of my friend from Texas, on the other side, in the last Army appropriation bill put on so much of this great bill as would reorganize the Army substantially; and among the sections of that bill, if I remember aright—I may be mistaken now as to the details—was this section reorganizing the professorships of French and Spanish at West Point. We struck out, I believe, in the Senate the whole of that Army reorganization bill; possibly we may have retained this section. If we did, we did it under the eye of the Committee on Military Affairs, and that committee is very vigilant and active and energetic with reference to matters pertaining to military affairs.

Mr. MAXEY. Will the Senator from Iowa yield to me a moment?

Mr. ALLISON. Certainly.

Mr. MAXEY. That bill, the Burnside bill, never was in the hands of the Military Committee. The Military Committee tried to get it there, but the Committee on Appropriations told them they did not have time to let them have it. That is the fact about it. I said to the Senate before that I personally had examined that bill carefully and it could be made a good bill, but that it would require severe and heavy amendment and cutting up. If that bill had come before us with that clause in it, I should have moved to amend it.

Mr. ALLISON. I was only calling attention to the fact that, so far from its being a new question thrust in here by the Appropriations Committee, it is a provision which we inherited in the Appropriations Committee from the joint military committee of last year.

Mr. LOGAN. If the Senator will allow me I will state the fact that the proposition has been before Congress for years.

Mr. BLAINE. For fifteen years.

Mr. LOGAN. It has been here for years I know, because I was chairman of the Military Committee in the House for years, and so I was of the Senate Committee, and it was before our committee nearly every Congress since I have been in Congress.

Mr. ALLISON. Undoubtedly.

Mr. LOGAN. Finally it found its way into the Committee on Appropriations, because the Military Committee always opposed it.

Mr. ALLISON. Undoubtedly; but I was endeavoring to explain to the Senator from Illinois that after he left the committee which he presided over so ably, this same project fell into the hands of a joint select committee especially created by Congress, which joint select committee recommended that these professorships be consolidated.

Mr. LOGAN. That was a commission.

Mr. ALLISON. It was a committee of both Houses. I am only endeavoring to excuse the Appropriations Committee for allowing a section or two of that bill to remain. I never examined it carefully until this particular session, because I thought it was understood it was to remain; but now I find that the remaining professor, the surviving professor, is to be the professor of both languages. That certainly ought not to be.

Mr. MAXEY. Can the Senator from Iowa state whether the surviving professor will be able to teach both the French and Spanish languages?

Mr. ALLISON. That is just what I am about to say. I certainly think that if the French professor at West Point should die first it would be rather awkward for the Spanish professor at West Point to teach French.

Mr. MAXEY. I only ask the question, because the survivor is to teach both languages, to know whether both those gentlemen speak French and Spanish.

Mr. ALLISON. I am endeavoring to help my friend. I think the provision ought to go out.

Mr. BLAINE. If my friend will permit an interruption for a moment, I want to state the situation there, for I think I have been familiar with it for eighteen years. How much longer the difficulty dates back I do not know; but I was on the Board of Visitors eighteen years ago this summer. My honorable friend from Illinois [Mr. DAVIS] was on the same board and can substantiate all I am about to say. This trouble then existed at West Point. Some wanted to get rid, there was no doubt of it, of the Spanish professor. This is the final form in which that particular end is sought, and this awkwardness comes out of it, that the professor of French to-day is an American. I do not know but that he is a very good professor of French, but I do not have as much faith in an American professor of French, especially in teaching the art of speaking the tongue, which is what the officers desire to a large extent, as if he were a native Frenchman. If they get this man out of the way, you will then have a professor of modern languages trying to teach the art of speaking French and Spanish, neither of which is his vernacular, and I think it is a very awkward way of getting out of the difficulty.

I want to say further that there is not a college in the United States that has had a liberal endowment that, if it were providing for the teaching of French and Spanish, would not have a separate professor, and in each case it would have a professor to whom the tongue was native, in order that he might impart the conversational use of the tongue with all its idiomatic troubles and difficulties. If we pass this proposed law, this is going to leave it in the worst possible way. We not only dispense with the native Spaniard who is teaching Spanish, but we leave both French and Spanish to be taught by one who speaks them with the absolute accuracy that a native of New England handles both those tongues.

Mr. ALLISON. The Senator from Maine has stated much better than I could state the reasons for striking out this section. I think the section ought to go out.

Mr. BLAINE. Of course it ought.

Mr. ALLISON. As I said in the beginning, I think it ought to go out for two reasons: first, because it is defective in this, that it makes the surviving professor the professor of both languages; and as we do know, in neither case would the surviving professor be fit to teach both languages. That is one reason why the section should go out; but it should go out for another reason: because it undertakes in a sliding scale of a way to reduce the pay of some of these professors, which I do not think ought to be done. Inasmuch as the Military Committee seems to be opposed to it, and inasmuch as the language must be perfected before it can be made applicable to the present situation at West Point, it seems to me the section had better be stricken out, and, therefore, I shall vote for striking it out.

Mr. VOORHEES. Mr. President, I expect to vote to strike out this section, and I desire to say a word in explanation of my vote. I shall so vote with the most perfect respect for the Committee on Appropriations. I desire no inference drawn from my vote by the committee that it is a reflection upon their management or conduct of this bill. I have no doubt that this section has been considered and put in here as properly as any other section of the bill. I am invited to my conclusion by one or two considerations that I may as well state.

In the first place, while one may write a foreign language, I do not believe that any person ever speaks two living languages with accuracy. You may take the best educated foreigners who come to our shores, men who have adorned positions in this body, and their pronunciation of our language is never entirely correct. Men have often taught with success in colleges both the dead languages, Latin and Greek, one as well as the other; but as to two living languages in constant use, I know of no one person having a perfect knowledge of both. I have no doubt professors in our colleges have taught two different living languages, but they have taught them only indifferently well, I imagine.

There is another reason, however, that will govern my vote. I believe that this section is aimed to accomplish an object in an indirect and covert manner. I know enough to be satisfied that such is the fact. If a change is desired upon this point, it ought to be made in an open-handed, frank manner.

As the Senator from Texas, with his large military experience, and he graduated at that institution, has said, this is one of the features of that college that has come down from its foundation. It has been sanctioned by the lapse of time, by many years, and it ought not to be changed in this indirect and to some extent surreptitious manner. I think there is a personal object covered up in this section, and whether the object is a right one or a wrong one, the mode pursued to accomplish that object certainly does not meet my approval. I think we had better leave the institution upon these two questions as it is until, if it becomes necessary, the point may be investigated fairly and considered upon its own merits.

I desired to say this much to explain the vote that I shall give to strike this section from the bill.

Mr. WINDOM. I see that the bill has been reported several days. I desire to ask the Senator from Virginia whether he has heard any objection to this provision, either from the War Department or from the Military Academy at West Point?

Mr. WITHERS. None whatever. No syllable or word of objection has ever been laid before the committee, or before any member of it so far as I know—certainly not presented to me.

Mr. CARPENTER. Will the Senator from Minnesota allow me to ask him if there is not at present an order in force in the War Department which prohibits any officer or person in the military department of the Government from making any application to Congress or to interfere in any way to influence legislation? That is possibly an explanation of the fact that no objection has come from the War Department or the Military Academy.

Mr. WINDOM. I do not know how that order may be, but I know we do have a great many communications from the War Department on other subjects.

Mr. WITHERS. I have suggestions here in my hand in favor of the provision.

Mr. WINDOM. Even if such an order exists prohibiting direct communication by Army officers to Congress, it is very easy for them

to communicate to the War Department and for the War Department to communicate to the Committee on Appropriations, as I have had occasion to know has been done heretofore.

Mr. VOORHEES. If the Senator from Minnesota will allow me a moment, I will state that while nobody has committed an infraction of the order which is mentioned by the Senator from Wisconsin in communicating with me, yet I have heard ample and powerful objections to this species of legislation, and this particular proposed act of legislation.

Mr. WINDOM. From anybody not directly interested in the professorships?

Mr. VOORHEES. I presume everybody is interested in having a proper course of instruction there.

Mr. WITHERS. Directly?

Mr. WINDOM. Although I have spent some little time within the last two weeks at West Point on the Board of Visitors, I have failed thus far to hear of any protests against this action on the part of the House of Representatives from persons not directly interested in these professorships. I will say further to the Senate that this very provision was discussed by the Board of Visitors at considerable length while they were at West Point, and in view of the circumstances and in immediate connection with the facts, and that board declined to make any recommendation to change the action of the House.

Mr. BLAINE. Did not the board decline to take any action at all on the subject?

Mr. WINDOM. It did.

Mr. BLAINE. Now, I think my honorable friend is giving, unintentionally of course, an entirely wrong inference. I have heard a little from West Point myself, and I heard that the same influence which got this section in the Army reorganization bill tried very hard to get the Board of Visitors to recommend that the action of the House be adopted, and they got nothing at all out of the board.

Mr. VOORHEES. I heard the same.

Mr. WINDOM. I heard it said that those directly interested in the professorships tried hard to get the board to recommend non-concurrence with the action of the House and that the board would not do it. I know that a number of the members of the board, myself among the rest, after investigating the matter as fully as we could at West Point, came to the conclusion that it was the best thing to do.

Mr. CONKLING. That this section should stand?

Mr. WINDOM. That this section should stand. Perhaps it ought to be modified in one respect, and I am going to make that motion; but the idea was that these professorships should be consolidated and that one professorship of modern languages should take their place. I think the words "and the remaining one of the two professors shall be professor of modern languages" should be stricken out; but I think it proper there should be but one professor of modern languages. While I am not authorized to speak for any one there, I am satisfied that if you gave them that power at the academy they would so decide; and I am satisfied if we get a communication from the War Department at all upon the subject it will not be adverse to that idea.

Mr. MAXEY. I am satisfied that if the object designed to be accomplished by this section is accomplished and the two professorships are blended, it will not be one year from the time that is done until application is made from the academy to separate the professorships and have two chairs as now.

Mr. BLAINE. If my friend from Minnesota will permit another question, why did not the board, if that was so universally the feeling, make the recommendation? That was the very purpose for which they assembled there. The very object of their coming together there was to make recommendations touching the government of the academy and its general welfare in every direction. They had jurisdiction as wide as every interest connected with it; and we do not get one word from them.

Mr. WINDOM. I did not state that it was the unanimous opinion of the board. I do not know whether it was or not. I know it was the opinion of several members of the board so far as I heard it expressed. They did not feel it to be their duty to interfere with a bill now on its passage before Congress, but I believe the prevailing sentiment is at West Point, and it is my own opinion, that the professorship of Spanish is a very unimportant professorship in that institution. I believe there should be but one professorship of modern languages; and therefore I shall vote to sustain the action of the House of Representatives.

Furthermore, I think if there had been any serious objection to this provision, as I stated in the outset, we should have heard from some person interested in the general management of the Academy.

That is all I desire to say about it. I have no interest in the matter except I want to move, if the Senator from Virginia does not object, to strike out the words I indicated a few moments ago.

Mr. WITHERS. We had better proceed, with the consent of the Senate, to consider the other sections of the bill and the amendments offered by the Committee on Appropriations first, and when we come back to this section the Senator from Minnesota can offer his amendment, to which I see now no objection, in view especially of the declaration made by the Senator from Maine, the Senator from Illinois, and others, because their criticism, the only one which struck me as possessing any particular force, would be fully met by a motion to strike out the words "and the remaining one of the two professors shall be professor of modern languages." That would entirely obviate the criticism made by both the Senator from Maine and the Senator from Illinois on that branch of the subject. Therefore I see no objection to those words being stricken out. But if the Senators have expressed their views upon the subject sufficiently, I think we had better go on and consider the other amendments which have been reported by the committee first, and then go back and consider a motion either to strike out the whole section or to amend in the manner indicated by the Senator from Minnesota.

Mr. BURNSIDE. Mr. President, I do not rise in defense of the bill for the reorganization of the Army, to which my friend from Iowa referred. There is not time enough left in this session for that purpose, but I want to state to him that he is mistaken in saying that the Military Committee of the Senate has recommended this clause to be stricken from that bill. I believe that an American, well instructed in all the modern languages, is much better fitted to teach a cadet French and Spanish for military purposes than a native of those countries. The object in teaching cadets at West Point these languages is to make them entirely familiar with and able to consult all the military literature of modern nations in those languages. They will generally acquire a sufficient facility in speaking the languages to make themselves well understood.

If the occasion to go into Mexico should occur again, the officers of the Army would learn more Spanish in sixty days than they will have learned from the professors in the whole course at West Point. It is the general knowledge of the language that these officers want, and that they get better from well-instructed Americans than from native Frenchmen or native Spaniards. Each instructor of French or Spanish at West Point should be conversant with both languages; and there is no reason in my opinion why one professor could not superintend the teaching of the two languages.

I want to say another thing: the professors of these languages do not have the immediate charge of all the sections; they must have assistants. They cannot take care of more than one or two sections at most in each class, so that they have to rely upon their assistants, and some of those can very well be native-born Spaniards and Frenchmen.

Mr. WITHERS. I suggest that the reading of the bill be continued, and that the Senate act upon the other amendments offered by the committee.

The Chief Clerk resumed the reading of the bill.

The next amendment of the Committee on Appropriations was to strike out section 5 in the following words:

SEC. 5. That each member of the graduating classes of the Military Academy, of 1879 and 1880, after graduation, may elect, with the assent of the Secretary of War, to receive the gross sum of $750 and mileage to his place of residence; and the acceptance of this gross sum shall render him ineligible to appointment in the Army, except in the event of war, until two years after his graduation; and the amount required to defray the expenditure herein provided for shall be paid out of any money in the Treasury not otherwise appropriated.

Mr. WITHERS. That amendment was proposed by the Committee on Appropriations because of a change in the status of the Army as regards vacancies. At the time the section was inserted it was stated, I believe, that the vacancies in the Army were not sufficient to supply the graduating class of West Point with positions; that there was always a considerable deficiency in positions, and that graduates therefore had to be put on as supernumeraries for a greater or less time in the Army rolls without assignment to command. That condition of things no longer exists. The removal of the restriction against promotions in the Army of course permits by the promotions a larger number of vacancies to occur in the position of second lieutenant; and now the number of graduates at the Military Academy for the present year will not suffice to fill the vacancies that have been created in the Army.

Mr. LOGAN. What is the necessity for this section, then?

Mr. WITHERS. None whatever. We amend by striking out the section.

Mr. LOGAN. That is right.

Mr. WITHERS. I have here a communication addressed to Hon. WILLIAM WINDOM, a member of the committee and one of the Board of Visitors, which will explain itself more fully:

SIR: In answer to your telegram of the 14th instant, I inclose herewith a statement showing the number of vacancies of second lieutenant which have occurred in the Army each year since July 1, 1873, and the number of graduates of the Military Academy each year since and including 1874.

I have the honor to be, very respectfully, your obedient servant,

E. D. TOWNSEND,
Adjutant-General.

Accompanying it is a list showing the number of vacancies in the grade of second lieutenant of the Army caused by casualties, &c., in each year since July, 1873, together with the number of cadets graduated from the United States Military Academy during the same period. The number of vacancies in 1874 was 65, and the number of graduates 41; in 1875 there were 82 vacancies and 43 graduates; in 1876 there were 63 vacancies and 48 graduates; in 1877 the vacancies were 62, the graduates 76; in 1878 the vacancies were 91, the graduates 43; in 1879 the vacancies were 87, the graduates 66; which by aggregation shows that there have been 450 vacancies in that series of years and 317 graduates, leaving 133 vacancies more than could be supplied by the graduating class at West Point.

These, briefly, are the reasons which prompted the committee to

amend the bill by striking out the section providing for the retiring of graduating members of the class.

Mr. MAXEY. I concur fully with the Committee on Appropriations in the propriety of striking out this section. Yesterday, believing that the section was unwise, I went myself to the War Department and I received a telegram from the Secretary of War which I ask to have read.

The Chief Clerk read as follows:

WAR DEPARTMENT, *June* 16, 1879.

To Hon. SAMUEL B. MAXEY,
United States Senate:

There are about ninety vacancies of second lieutenants and several candidates from non-commissioned officers that have been examined. The graduating class at the Military Academy numbers sixty-six.

GEO. W. McCRARY,
Secretary of War.

Mr. MAXEY. The Senate will see that there are nearly ninety vacancies in the rank of second lieutenant; there are only sixty-six graduates, so that it would be the height of folly to pay a graduate $750 when his service is needed.

The PRESIDING OFFICER, (Mr. BOOTH in the chair.) The question is on agreeing to the amendment of the Committee on Appropriations.

The amendment was agreed to.

The Chief Clerk read section 6 of the bill.

Mr. WITHERS. There is a verbal amendment required by striking out "6" and inserting "5" as the number rendered necessary by striking out the previous section.

The PRESIDING OFFICER. That modification will be made.

Mr. WITHERS. As the provision just read, now the fifth section of the bill, which is substituted in lieu of the provision known as the sixth section of the vetoed bill, will probably give rise to some discussion, I ask that it be passed over and considered hereafter. We can recur to it when we conclude the consideration of the remaining amendments.

Mr. CONKLING. I understand the Senator has requested that course as the customary precedence in the consideration of the amendments of the committee as to all the bill?

Mr. WITHERS. Yes, sir.

Mr. CONKLING. That covers his suggestion about this section.

The Chief Clerk resumed the reading of the bill.

The next amendment of the Committee on Appropriations was to add to the bill:

SEC. 8. That the proviso to section 1151 of the Revised Statutes of the United States be, and the same is hereby, repealed.

Mr. WITHERS. That amendment is offered on the recommendation of the Secretary of War and the Adjutant-General of the Army, and it is rendered necessary by the provisions of section 1151. I ask that a communication from the Chief of the Engineer Corps to the Secretary of War and to the chairman of the Committee on Appropriations, which I send to the desk, be read in connection with this amendment.

The Chief Clerk read as follows:

WASHINGTON, *June* 12, 1879.

DEAR SIR: I perceive that the whole of section 9, Army appropriation bill, was stricken out yesterday in the House. That section contains the provision that has been earnestly recommended by myself to the Secretary of War and by him to Congress as essential to the efficient administration of the Engineer department. The absence of such a provision is besides embarrassing to myself and to other officers of engineers. That provision was as follows:

"*Provided*, That nothing shall prevent the appointment of a chief of engineers, with the rank of brigadier-general, when a vacancy shall occur."

I send you herewith a copy of my letter to the Secretary of War explaining in part the difficulty of the case.

To this I may add that in the event of a vacancy occurring no appointment of acting chief of engineers can be made for a longer period than ten days.

May I beg of you to have the provision again inserted in the bill in such form as you may prefer?

Very truly, yours,

A. A. HUMPHREYS,
Brigadier-General, Chief of Engineers, &c.

Hon. HENRY G. DAVIS,
Chairman Committee on Appropriations, Senate.

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., December 6, 1878.

SIR: Under the law as it now stands, if the office of the Chief of Engineers of the Army should become vacant no appointment to fill that vacancy could be made, although the law requires that there shall be a chief of engineers, that his rank shall be that of brigadier-general, and that he shall do certain acts. (See section 1151 and others, Revised Statutes.)

This prohibitory provision should be repealed. It came to be enacted in this way:

Section 6 of the act making appropriation for the support of the Army, 3d March, 1869, chapter 124, volume 15, page 318, prohibited promotion and new appointments in the engineers, the ordnance, and in all staff departments.

The act of 10th June, 1872, chapter 426, volume 17, page 382, repealed that prohibition so far as it affected the Corps of Engineers, provided that no promotion should be made in that corps beyond the grade of colonel.

I believe that this single prohibition was retained for reasons which no longer exist.

It would be unjust and injurious to the engineer service to retain this provision any longer.

All the provisions of section 6 of the act of the 3d March, 1869, prohibiting promotions and new appointments in the ordnance and in the staff departments have been repealed since 1872, and the only remaining provision of that section is the one prohibiting promotion in the Corps of Engineers above the rank of colonel. This remaining provision should also be repealed.

I have added the project of a bill for the purpose, which also includes the removal of the prohibition of promotion enacted in the last Army appropriation bill, so far as it may apply to the Chief of Engineers.

Should these views meet your approval, I beg leave to ask that the subject be brought to the attention of Congress with your favorable recommendation.

Very respectfully, your obedient servant,

A. A. HUMPHREYS,
Brigadier-General, Chief of Engineers.

Hon. GEORGE W. McCRARY,
Secretary of War.

Mr. MAXEY. The proviso to section 1151 is in these words:

Provided, That no promotion shall be made to fill any vacancy in said corps above the rank of colonel.

That proviso is taken from the third section of the act of March 3, 1869. The act of July 28, 1866, confers upon the Chief of Engineers the rank of brigadier-general. The same act makes the promotion to the rank of brigadier-general go by selection. The act of March 3, 1869, prohibited promotions in the Corps of Engineers above the rank of colonel. Then the act of June 10, 1872, found in volume 17, page 382, Statutes at Large, cuts loose all the promotions in the Engineer Corps except the proviso, which is the exact proviso in the Revised Statutes:

Provided, That no promotion shall be made to fill any vacancy in said corps—

That is, the Corps of Engineers—

above the rank of colonel.

This question was presented to the Military Committee at the last session of Congress, and on the 4th of February, 1879, as a member of the committee, I was instructed by it to report a bill providing for filling vacancies in the office of the Chief of Engineers of the United States Army. That bill was reported back by the committee unanimously, and I will read the recommendation and conclusion of their report, which is all that it is necessary to read now:

An examination of these communications—

The communications from the Secretary of War and from the Chief of Engineers—

An examination of these communications will show that the defect in the law to which they direct attention exists, and the remedy suggested is in the opinion of the committee proper.

The remedy is the precise remedy now proposed by the Committee on Appropriations.

Wherefore the committee report the accompanying bill, and recommend its passage.

The only reason why the bill was not acted on by the Senate at the last session was the want of time. The amendment now proposed by the Committee on Appropriations, I can state to the Senate, had the full indorsement at the last session of the Committee on Military Affairs.

Mr. CARPENTER. At the proper time I shall move to amend section 8 so as to read:

That all laws which forbid promotions in the Army are hereby repealed.

The whole subject is considerably mixed at present.

Mr. WITHERS. What amendment does the Senator notify the Senate of his purpose to move?

Mr. CARPENTER. I shall move to amend the bill by striking out the eighth section and inserting:

That all laws which forbid promotions in the Army are hereby repealed.

Mr. WITHERS. That might not meet the particular case under consideration.

Mr. CARPENTER. It certainly would meet every case. It is broader than section 8 as it is, and in the same direction. Section 8 reads:

That the proviso of section 1151 of the Revised Statutes of the United States be, and the same is hereby, repealed.

Has the Senator that proviso before him?

Mr. WITHERS. Yes, sir.

Mr. CARPENTER. Will he read it?

Mr. WITHERS. The proviso reads as follows:

Provided, That no promotion shall be made to fill any vacancy in said corps above the rank of colonel.

Referring to the Corps of Engineers.

Mr. CARPENTER. This certainly covers that; it is broader:

That all laws which forbid promotions in the Army are hereby repealed.

The Senate will recollect the fact that several provisions were inserted in the act which provided for a commission to remodel the Army, and, as the lawyers thought, a great many of them forbade all promotions; but the Senate has promoted notwithstanding; and does not respect to the statute require that the Senate, after having confirmed the promotions in violation of the statute, should at least repeal the statute?

Mr. WITHERS. The Senate Committee on Appropriations were of opinion that the action of the House might properly be deferred to striking out the ninth section of the bill, which prohibited promotions except in this special case, which is a matter of special enactment.

Mr. CARPENTER. If that be so, there can be no earthly objection to this amendment. There is no objection to it if the Senator's position is sound. I offer the following amendment instead of the one I suggested; add to the section as it stands:

And provided further, That all laws which forbid promotions in the Army are hereby repealed.

Mr. ALLISON. If the Senator from Wisconsin seeks to repeal the statute about which he made a report some time ago, I think he had better provide for it specifically.

Mr. CARPENTER. I have provided for it generally.

Mr. ALLISON. I think it had better be provided for specifically.

Mr. CARPENTER. The Senate has provided for it specifically.

Mr. ALLISON. If the Senator can point out any other statute which ought to be repealed we can also repeal that; but there may be some sections of the Revised Statutes on this subject that ought not to be repealed. I am not quite clear about it.

Mr. MAXEY. I can see perfectly well what the Senator from Wisconsin is after, and I thoroughly agree with him. My construction of the eleventh section of the act of 1878 was that promotions could not go on. The Senate decided otherwise, to let promotions go on. I do not know that that decision changed the minds of any of us who voted the other way, the Senator from Wisconsin and myself among the rest. I believe the amendment of the Senator from Wisconsin proposes a decent respect to the statutes as they stand, and therefore I suggest, in order to have no doubt about the engineer matter, because that is a special law, to leave that part of the section as it is and then add this as a proviso.

Mr. CARPENTER. I accept that suggestion, and move to amend the section by adding:

And provided further, That all laws which forbid promotions in the Army are hereby repealed.

Mr. WITHERS. I see no objection to it myself. It takes rather a broader scope, however, than the committee proposed.

Mr. ALLISON. I have no objection to it personally. If it is the intention to repeal all laws which forbid promotions in the Army, I am perfectly willing to have it done.

Mr. WITHERS. I ask the Senator from Iowa if he is aware of any existing provision in the laws with regard to promotions in the Army except the one in the act of 1878 and that specially repealed by our amendment?

Mr. ALLISON. I do not know of any.

Mr. WITHERS. The attention of the committee was directed specifically to repealing this provision for the purpose of securing the advantages described by the Secretary.

The PRESIDING OFFICER. The Senator from Wisconsin [Mr. CARPENTER] moves to amend the amendment of the committee.

Mr. EATON. The Senator from Wisconsin has directed his attention to this matter, and I want to know from him what statutes he proposes to repeal?

Mr. CARPENTER. There are two or three sections standing in the statutes prohibiting promotions which have been made, and which, in my opinion, will lead to interminable difficulty for the next twenty years in this Senate. When you interfere with the promotions that are regulated and fixed by law, I have seen that such interferences were always followed by contests and struggles. These sections have been disregarded by the Senate. They declared in plain terms that promotions should not be made; but the Senate has made them. Now, if you repeal the statute, you put the promotions which have been made out of all question. The promotions were proper and right and ought to have been made, except for the little circumstance that does not amount to anything nowadays, that they were in violation of a statute. Let us wipe the statute out and say that we do not treat it with contempt, although we do not treat it with obedience.

Mr. MAXEY. While it is true that promotions in the Army were made notwithstanding the eleventh section of the act of June, 1878, a good many believed that those promotions were made in direct violation of that section of that statute. I am one who believed so myself, and I do yet; but I was as much in favor of the promotions as any man who voted on that side of the question. I believed they could not be made, because I thought that was the reading of the law. Now the amendment of the Senator from Wisconsin does precisely what I want. I want to promote these officers; they ought to be promoted; but I want them promoted according to law, and this does it.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Wisconsin [Mr. CARPENTER] to the amendment of the Committee on Appropriations.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment as amended.

Mr. COCKRELL. Let it be reported.

The PRESIDING OFFICER. The amendment as amended will be read.

The Chief Clerk read as follows:

SEC. 8. That the proviso to section 1151 of the Revised Statutes of the United States be, and the same is hereby, repealed: *And provided further*, That all laws which forbid promotions in the Army are hereby repealed.

The amendment, as amended, was agreed to.

Mr. CARPENTER. Now I move to strike out the fourth section.

Mr. WITHERS. I would suggest that the amendment of the Senator from Minnesota [Mr. WINDOM] would probably come in first, because it goes to the perfection of the section.

Mr. CARPENTER. It will be first put by the Chair, of course, if he offers it.

Mr. WINDOM. I move to strike out on lines 4 and 5 the following words:

And the remaining one of the two professors shall be professor of modern languages.

So as to make the section read:

SEC. 4. That when a vacancy occurs in the office of professor of the French language or in the office of professor of the Spanish language in the Military Academy, both these offices shall cease; and thereafter there shall be in the Military Academy one, and only one, professor of modern languages.

Mr. CARPENTER. That would need further amendment, because that would leave the provision that when one professor died both professorships should cease, which would be rather rough on the survivor.

Mr. MAXEY. According to the amendment of the Senator from Minnesota, they can put in German, Italian, or anything else, and teach neither Spanish nor French.

Mr. CARPENTER. Certainly.

Mr. WINDOM. I do not see that that follows.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Minnesota.

Mr. CARPENTER. I should like to make an inquiry of the Senator from Minnesota. His amendment makes this section declare that when either of these professors dies both offices shall cease. How are you going to fill an office that has ceased with one professor?

Mr. WINDOM. The section provides that thereafter there shall be in the Military Academy one professor of modern languages. That establishes it.

Mr. CARPENTER. Then the idea is that he shall not be, or need not be, a professor of either French or Spanish.

Mr. WINDOM. No, sir; professor of the modern languages. They may appoint one of these men, or any other man.

Mr. CARPENTER. In other words, the whole system of education in that respect as to the languages may be changed under this amendment, and may be switched off one year on to German and Italian, and the next year tack on two or three other languages, and so on. They may change it every year, just as they please.

Mr. WINDOM. If you have a Secretary of War and an academic board that have no more sense than to do that, you had better revise the whole institution.

Mr. CARPENTER. It is pretty hard to require the Secretary of War to have more sense than the Senate. I think it is an unreasonable request. [Laughter.] If we make a law and cannot, by simply a word here, make it sound and right, we have no business to abuse the Secretary of War because he construes it as bad as we have drawn it. Everybody wants to continue the French and Spanish languages.

Mr. WINDOM. Everybody wants to establish a professorship of modern languages.

Mr. CARPENTER. A few men want to get rid of the professor of Spanish. I am opposed, whether it is at West Point or in the Army, or in the civil service, or anywhere in the Government, to getting men out by such a provision. This office is to be abolished to-day, and when this man is got rid of the office is to be established again and some other man put in. I am opposed to that. This is perhaps "telling tales out of school," but I think I am saying what I know to be a fact.

Mr. WITHERS. I wish on the part of the committee to enter a disclaimer to any such imputation as is contained in the statement of the Senator from Wisconsin.

Mr. CARPENTER. I do not mean to charge it on the committee at all. I do say what I believe, that the committee have been approached and induced to take this step by men who concealed their motive, which motive was to get rid of the professor of Spanish.

Mr. WITHERS. So far as the Committee on Appropriations of the Senate is concerned, no one has approached it in connection with this subject, so far as I am advised.

Mr. CARPENTER. Then I understand this whole thing has been conceived by the Appropriations Committee.

Mr. WITHERS. Oh, no, that is not true.

Mr. CARPENTER. If nobody approached them on the subject and they bring the subject here it must spring from their minds.

Mr. WITHERS. We found it in the bill of the House.

Mr. CARPENTER. Then the Appropriations Committee of the House must have done it.

Mr. WITHERS. It came from the Military Committee of the House.

Mr. CARPENTER. I hope the Senator does not understand me as reflecting on any committee of this body or any other body. I am opposed to this thing, and I have a right to vote against it. That is all I am saying.

Mr. WITHERS. I could say with equal propriety that I am opposed to it, but I vote for the bill as it stands. I am opposed to any personal influence controlling legislation, and so far as I know no such personal influence has been brought to bear in connection with this subject. The superior information possessed by a few individual Senators may enable them to do so, but there is nothing that has been brought before the committee to notify them of the existence of such a thing.

Mr. CARPENTER. I was a member of the Board of Visitors at West Point myself a few years ago; I know that institution as well as any man who does not know any more about it than I do; I know something of the jealousies that exist there and something of their

workings; and I think I know—not to instruct anybody else but for my conduct—that this is a mere scheme to get rid of a person. I am opposed to the thing itself and I am opposed to the way this thing is to be accomplished, and I am especially opposed to the proposition of the Senator from Minnesota that when one of these professors dies both professorships shall die also.

Mr. WINDOM. I should like to ask the Senator from Wisconsin how it is that this section gets rid of any person? I do not understand it so.

Mr. CARPENTER. It does not to-day; but if one of them dies, it certainly gets rid of the other.

Mr. WINDOM. We get rid of him without the bill if he dies.

Mr. CARPENTER. It is suggested to me by my friend from Texas that the tenure of each will depend upon the life of the other, not upon his own life but upon another fellow's life. I do not want to hang one professor up on the life of another, and I do not want to hang these professorships up on any such contingency. I want to continue the provisions that French and Spanish shall be taught in that academy. That is the present law, and I want to continue it so. I do not want to leave it to the discretion of the academic board to say we will take up German in place of French or Spanish. I think the act of Congress should fix it.

Mr. WINDOM. The only object I have in proposing this amendment is to establish in the academy one professorship of modern languages, and I am willing to leave it to the Secretary of War and to the academic board to decide what are the languages to be taught. I am perfectly satisfied that the Spanish language is of no importance whatever, and that it is so regarded at the Military Academy and they would be glad to get rid of it. I think the French ought to be taught. I believe the German language ought to take the place of the Spanish language, but I am willing to leave that to the academic board. I think they know more about it than I do.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Minnesota, [Mr. WINDOM.]

The amendment was agreed to.

The PRESIDING OFFICER. The question now recurs on the motion of the Senator from Wisconsin [Mr. CARPENTER] to strike out the section.

Mr. WITHERS. I am opposed to the striking out of the whole section for the reasons which have been indicated, and I will say in reply to some of the suggestions made by those who favor striking out that the arguments looking to thorough instruction in both the French and Spanish languages at the West Point Academy are exactly in accordance with my own views. Nor do I conceive that retaining this section would by any means imply that either French or Spanish should be imperfectly taught. I have reason to know, as I stated when I was up before, that many of the literary institutions of the country teach both French and Spanish through the medium of one chair. The Naval Academy does the same thing. We have but one professor there, who teaches both French and Spanish, and, so far as I know or have ever heard, with entire thoroughness and acceptability. If any argument can be deduced to show that it is necessary to have two professors at the West Point Academy by reason of our extended southern frontier running along the Mexican border for so many miles, it seems to me it would imply *a fortiori* that the students at the Naval Academy, who of necessity are brought in contact with people from all parts of the world, should be taught these languages by separate professors. If one person can discharge the duties of both chairs in that institution, I see no reason whatever why the same thing cannot be done at the Military Academy.

Mr. MAXEY. I call the attention of Senators to the fact that the amendment of the Senator from Minnesota having been adopted as part of the section, there is nothing whatever now which requires, if that be adopted and become a law, either the French language or the Spanish language to be taught at the Academy. Heretofore the law has required a professorship of French and a professorship of Spanish. Adopt this section as it now stands, and you leave it not to the law to determine what modern languages are to be taught, but you leave it to the Secretary of War, and he can teach neither French nor Spanish unless he cares to do so, but may put in German or any other modern foreign language. That is the effect of the adoption of it. I call the attention of Senators to it now, so that they may see the practical result.

Mr. WITHERS. I presume those who control the course of study there will be controlled by proper considerations as to what is necessary to be taught.

Mr. CARPENTER. Then why not make an appropriation of so many hundred thousand dollars for the Military Academy, and leave it to them, without attempting to specify what shall be done and what shall be taught.

Mr. ALLISON. May I ask the Senator from Texas a question in reference to what can or cannot be done at the academy? I understand that the academic board can change the course of study there now if they choose to do so.

Mr. WITHERS. At any time they please.

Mr. ALLISON. I understand there are no restrictions on that board by law.

Mr. CONKLING. Not in this regard when the language of the law is express that there shall be a professorship of Spanish and a professorship of French.

Mr. MAXEY. Does the Senator from Iowa suppose the academic board can create a professorship? That is the question here. It is not as to the curriculum; it is as to the chairs.

Mr. ALLISON. Do I understand the Senator from Texas to say that the academic board cannot direct the professor of the Spanish language what he shall teach? Is there a limitation on that board? If there is I should like to have it read at the desk.

Mr. MAXEY. They can direct him what books shall be taught, but they must be Spanish. They can direct the Spanish course, but it must be Spanish. The Spanish professorship was created by law. The French professorship was created by law. The academic board cannot create a professorship; and yet this section does do that very thing. It says that hereafter there shall be but one professor of modern languages, and according to the way the members of the committee having charge of the bill have shaped it, the Secretary of War can say what modern languages shall be taught. The Senator from Minnesota tells us that he wants German to take the place of Spanish. You may entirely eliminate all that the law has determined so far as French is concerned from about the year 1806, and so far as Spanish is concerned since the acquisition of the Mexican territory.

Mr. ALLISON. I do not understand it so. Of course if the modern languages are to be taught, German may be added, but certainly you cannot substitute German for French and Spanish if the law now provides that they shall both be taught.

Mr. BECK. The only concern I had as a member of the Committee on Appropriations was that we should not be charged with having made any innovations or assumed a jurisdiction that belonged to the Military Committee; nor, as has been intimated, have we rushed this in as though we were making a radical change that had not been thought of before. When I came to look into it, I saw that so far from having usurped any jurisdiction we only did what we were compelled to do on all the information that was given to us. The Burnside commission, which was composed of very able men and whose information was said to be very accurate, and whose report we were urged to take because of the very great length of time they had devoted to the subject, recommended the consolidation of these professorships. I find on loking over the RECORD that the Hewitt bill brought in last year and the Banning bill from the Military Committee of the House, as well as the bill sent by the House made up from different portions of those bills, contained this same section in the language now recommended by the Senator from Minnesota. The House adopted it, the Senate agreed to it. All these gentlemen of the Military Committee were in their seats, and no objection came from them. It was sent to a committee of conference of which the Senator from Maine was chairman; a report was made to us that they had agreed on every item of that bill, this included, and no gentleman of the Military Committee objected. It came up again in the House at this session of Congress, passed the House again with the assent of the Military Committee there, and passed the Senate again with the assent of the Military Committee here.

Now, when the bill comes again, sent to us from the House, nobody objecting there to this, we are told that the Committee on Appropriations are taking jurisdiction of things they ought not to take cognizance of properly and which belong to the Military Committee of the Senate.

Mr. ALLISON. The gentlemen have had new light since that time.

Mr. BECK. I have served a long while on the Appropriations Committees of both Houses, and if there had been any serious objection to this measure from West Point or from the Department we should have had information in an official form instantly. There never was a case where there was an attempt to cut down any of the employés of the Government or any of the professorships at West Point or do anything that they did not like that we did not receive remonstrance earnestly and promptly. So far from that view of the case, there was no communication made to us, no complaint made, and, as the Senator from Minnesota said awhile ago, the Board of Visitors, for he was there as one, looked into this subject and there was no serious protest made against this provision. Therefore it seems to me that if the gentlemen now come and intimate that the Committee on Appropriations have done anything, either carelessly or without consideration, they cannot be sustained by the facts. A commission carefully considered the subject; it went to the Military Committee, and both Houses have passed on it.

Mr. MAXEY. The Military Committee of the Senate has never acted on it.

Mr. BECK. The Military Committee of the Senate certainly had ample opportunity to act on it. They had the Burnside bill a long time before the committee; they then had a modified bill; they then had this bill as it came over from the House with the sanction of the committee of the House; and why did not some gentleman of the Military Committee, either at the last session of Congress or hitherto at this session when there was an opportunity to have it investigated, investigate it and present some complaint as to this consolidation, if it was improper? Why reserve it to the closing hours of the session after having acquiesced all through the last Congress and all through this up to this time—why reserve it for the last hours of the session to complain of the Appropriations Committee?

Mr. MAXEY. The Burnside bill was not before the Military Committee. They put the bill on the Calendar from the joint committee's report, not from the Military Committee of the Senate at all.

Mr. BECK. Still the Military Committee were here in their places. They were here when the matter was being considered. They were here when the bill was up the last time.

Mr. ALLISON. May I call the attention of the Senator to the fact that they debated at great length the ninth section of the bill which was struck out.

Mr. BECK. I merely rose to say that, though the Committee on Appropriations have been very often charged with assuming jurisdiction over matters that they had no right to assume jurisdiction over, we are careful on that subject. Feeling that we might possibly have done it in this particular case, I have gone through the old bills and the records, and I find that we were compelled by the past action of the two Houses to consider this matter; and we were certainly not assuming any jurisdiction that was not forced upon us, because we want to be very careful, I assure gentlemen, to send to other committees all matters that we think they ought to have jurisdiction over. We are loaded down with work now; we have more than we can do really.

Mr. BAYARD. I should like to ask the Senator in charge of this bill, if the proposition is made that but one professor of modern languages shall be at West Point, what is the authority for making the change? Whence comes the rule that a German shall be professor of French or a Frenchman shall be professor of German if either language is to be taught? I will not say that this movement is not in the direction of good discipline and perhaps economy; but my present impression is that it is not. As the academy now stands, there are three separate professorships of the different languages and these professorships are always separated where these languages are intended to be taught properly. Therefore, being of a conservative disposition, I only ask before we change the existing state of affairs that we may know upon what basis we do it, and I would ask the honorable Senator who desires us to adopt section 4 of this bill the reasons why. It is a change and there must have been a motive for that change, and I want to know whence the motion comes that the number of professorships should be diminished and that the whole teaching of modern languages should be placed in a single hand? I can say from individual experience that it is about the most expensive thing in the world to teach a man French by a German professor and sometimes I have thought the same of the attempt to teach a man German by a French professor; and yet both those languages to military men are especially necessary at the present time.

Mr. WITHERS. In answer to the Senator's question I wish to state that he was not present and did not hear the statement which has been twice or thrice made before the Senate that no party whatever, no individual whatever, appeared before the Appropriations Committee to urge the adoption of this section. The Appropriations Committee find it in the bill as reported from the House; they find it identical with a section in the bill which passed and was vetoed; they find it in the bill of last year identical in form with what it is in the present. Tracing it back further they find it in the Banning bill of the House.

Mr. BAYARD. Was it enacted before?

Mr. WITHERS. It was not enacted. We passed this bill twice before. In one case it failed by reason of the failure of the two Houses to agree in the closing session of the Forty-fifth Congress, and in the Forty-sixth Congress it was passed again, but lost by the veto of the President. Therefore this identical section in this very form has been before the Senate repeatedly; the Senate has passed it repeatedly; the committees of both the House and the Senate have passed upon it; no person has ever appeared to object to it. The Senator from Minnesota, a member of the Board of Visitors at West Point, has stated that the subject was up before the board at its last meeting, and they signified their approval of it, and no person has ever objected to the passage of it at all before. The Burnside commission approved it. All these approvals have been made; and for the first time to-day we find criticism.

Mr. LOGAN. Does the Senator intend to say that this is the first time objection has ever been made to this section?

Mr. WITHERS. So far as I know.

Mr. LOGAN. I state here that for twelve years that I have been in Congress since the war this proposition has been up at nearly every Congress, and has been defeated nearly every time it has been up except the time the Senator mentions.

Mr. ALLISON. May I ask a question?

Mr. LOGAN. Certainly.

Mr. ALLISON. I remember perfectly well hearing the Senator from Illinois dissecting very ably the ninth section of this bill, which was up before. I do not recollect to have heard him say one word about this section, although it was in that bill in the same language that it is now. Had not the Appropriations Committee a right to believe that the Military Committee was especially anxious that this provision should pass?

Mr. LOGAN. Now, Mr. President, inasmuch as the Senator says I dissected one section and did not refer to this, I desire to go back into what passed here but a few weeks ago. It is very well known that it was not necessary to dissect any section in that particular bill. It was doomed to pass the Senate, no matter what was in it, without any amendment. I did not refer to this section. I took up one section.

Mr. WITHERS. You referred to another?

Mr. LOGAN. I did. I referred to another one, but I did not care to go all through the bill; but as I stated this morning, this very section has been before the Military Committee time and again, and has always been reported against and always voted down. I repeat again that it was examined at the suggestion of the then Secretary of War some years ago by the Military Committee. Officers were brought before the committee and examined in reference to this very point.

Now, I will say to the Senator from Iowa, inasmuch as he rather called me to account for not speaking on this section when the bill was up before, that if he will examine the remarks I made on section 9 he will find that I said I had many other objections to the bill, but it was useless to discuss them.

Mr. ALLISON. The Senator mistakes me. I am not calling him to account for anything. I am simply showing that it is not the Appropriations Committee only that is mistaken about this matter; that the Appropriations Committee, finding this here and finding no objection coming from the many sources of the Military Committee, had a right to suppose this was proper and right. I intend, however, to join the Senator from Illinois in voting to strike out this section, as I have had light from him, and also from the Senator from Wisconsin and the Senator from Texas.

Mr. LOGAN. But I will say in reference to the Appropriations Committee that I have not heard any criticism on that committee. The criticism has been on this section. I certainly have said nothing by way of criticism in reference to the Appropriations Committee. I have only adverted to the section itself. Inasmuch, however, as the Senator has mentioned the Appropriations Committee, I will say that if there is a committee in this Senate that seems to have a disease of sensitiveness it is that committee. There is nothing coming from their hands that can be criticised in the Senate without some Senator saying there is an attack on the Appropriations Committee. Nobody desires to attack the Appropriations Committee, but if this Appropriations Committee would allow legislation to go to its appropriate committees, probably we should not have so much difficulty. It is presumable at least that military men know as much about military affairs as those who have had no experience in military matters. It is at least presumable that the Finance Committee would know as much about a bill that they have before them as the Appropriations Committee. It is presumable that the Committee on Commerce would know as much about subjects pertaining to their appropriate functions. It is not presumable that the Committee on Appropriations know everything and that other people know nothing. If they are so sensitive on this subject, I say now that the bill which was brought before the Senate by the Appropriations Committee with section 9 in it, and that passed the Senate, was a disgrace to the intelligence of military men. When I say disgrace I mean it in reference to the knowledge of persons, for there is not a man that ever had any military experience on the face of God's earth but what would say that section 9 was put in there by a man who knew nothing on the top of God's earth about military matters. I will say that for the benefit of the committee.

Mr. WITHERS. *De judice!* It is very certain, notwithstanding the disclaimer of the Senator from Illinois, that the course of the Appropriations Committee has been criticised, and they have been held up to the opprobrium of the Senate as usurping powers not properly belonging to them in presuming to mention anything in connection with this bill relative to military matters. I yield precedence to the Senator from Illinois as to his possessing superior knowledge on the subject, but he does not possess all the knowledge on this subject. The Appropriations Committee, I undertake to say, have never willingly usurped the function of any committee. That they have reported bills containing legislative provisions which might properly have come under the consideration of other committees, I do not pretend to deny; but it has never been done by any act of volition on their part save when rendered indispensable by the exigencies of the public service. In the latter days of the session, when other committees would not have time to act on bills, it has been absolutely necessary in order to secure speedy legislation upon certain matters for the Committee on Appropriations to take cognizance of them in connection with the appropriations for a specific service; and it is in that way and that way only that they have assumed to control matters properly within the cognizance of other committees.

It is only within the last day or two that I reported to the Senate, with a request that it be referred to the Committee on Military Affairs, an amendment offered by the Senator from Florida [Mr. CALL] on some question of military law. I assure the Senator from Illinois and the Senator from Texas that the Appropriations Committee will very gladly turn over to them, when the necessities of the public service will authorize it, the consideration of all questions in which military matters are involved. We shall be glad to get rid of them. We have enough to do; we are worked to the extent of our capacity, mentally and physically, toward the end of the session, and we should be very glad to get rid of many of the bills we are called on to consider.

I accept the suggestion of my friend from Connecticut [Mr. EATON] that the criticism passed upon the Committee on Appropriations as trenching on the prerogative of the Military Committee in reporting this bill is not raised now. I presume other Senators can judge as well of the propriety or impropriety of consolidating two professorships of modern languages at the West Point Academy into one as

the Senator from Illinois or any other member of the Military Committee.

I have thought it necessary to say this much in defense of the committee of which I am a member, and to assure the members of the Military Committee and other committees that the Appropriations Committee do not desire to usurp any powers legitimately belonging to them or to trench in any degree on their prerogative.

Mr. LOGAN. I had this morning not said one word in reference to the Committee on Appropriations, and the language I made use of was drawn out by the criticism of the Senator from Iowa, who is a member of the Appropriations Committee, suggesting that I had not criticised this section in the former bill when I had said, after speaking to section 9 of the former bill, that there were other incongruities and objections in that bill that I did not deem it necessary to mention, and this was an objectionable section to me then. I stated what had been done in reference to this section in Congress for years gone by by the Military Committee. I had no disposition to criticise the Committee on Appropriations; but when Senators criticise other Senators because they object to matter that is brought to the Senate in an appropriation bill, they must expect that those Senators will at least have the same privilege of criticism that the others have. That is all there is in reference to it. I have made no assumption so far as knowledge is concerned in reference to this or any other matter; but what I do know I know as well as anybody else; what I do not know, I do not pretend to know; what other people do not know they ought not to pretend to know. That is all I have to say about it.

Mr. CARPENTER. As I do not have the honor to be on either of the committees that seem to consider themselves on trial, I am probably as impartial an umpire or arbitrator as can be found. I have the profoundest respect for both these committees. On a question touching the Army, I should certainly as a Senator, in my vote, be inclined to follow the Military Committee; on a question of appropriating money, I should bow with the utmost submission to the Appropriations Committee. But the Committee on Appropriations are not captains of hosts nor leaders of armies. I would not follow their banner into a street fight. On appropriations I would take everything they said for law and gospel; I would know they had examined it; I would know that their report was the result of deliberation and examination and care, and, therefore, should be disposed to follow it.

Now, there has not been, so far as I have understood, certainly not from me, one word uttered with a view to criticise either committee or any committee. The question is not whether this measure belongs to one committee or another. The question is, ought the section to stand or fall? That is all. All this reference that has been made to the action of the last Congress amounts to nothing, for of course we are not estopped by it. We all know perfectly well that at the last session the Army bill, where this provision was, was incumbered with other difficulties, and so much more important as everybody thought that the attention of Senators was directed to those points, and these little details were not attended to.

My recollection is that the Senator from Illinois stated in the course of his remarks on the vetoed Army bill that there were many other things in this bill besides those he discussed that ought to be considered and matured deliberately by the Appropriations Committee, but that it was useless to discuss them, because the bill was certain to pass without the change of a word.

Now, the only question being whether this section should stand or fall, let me say five words on that, and I will trouble the Senate no longer on the subject. As this section now stands amended by the Senate on motion of the Senator from Minnesota, we are to throw out, as far as legislation is concerned, the French and Spanish languages as matters of instruction in the academy. At the academy two years are devoted to the study of languages. There is a class now there, which has just graduated upon that subject, that has passed through that branch of study; there is another class there that is just half-way through the Spanish and French. They have had one year in these branches. It would be in the power of anybody who wants to intermeddle, to change the whole programme there and establish German and Italian to be taught in the place of French and Spanish, and the result would be that one class would have a year's study in one and it would have a year in the other language, and would accomplish nothing in either. The next year the Secretary of War might think some other language was a good deal more important, and another change might be made, and so on.

That certainly has not been the way Congress has dealt with the Military Academy. It has always been a pet of Congress and of the nation, and it has been carefully guarded and protected by law. This professorship of the Spanish language was established by law, and so of the French language; but this section abolishes those laws, takes away the effect entirely of those statutes, and leaves it in the discretion of the Secretary of War or the academic board, or whoever else may have control of it, to adopt any other languages in place of these.

Mr. WINDOM. Allow me to ask the Senator, if these two languages are required by law to be taught, how the adoption of the section as now amended would prevent their being taught?

Mr. CARPENTER. They are only required to be taught by law from the fact that a Spanish professorship is established by law. It never yet was supposed that when Congress established a Spanish professorship its occupant was to teach German or Dutch.

Mr. WINDOM. Was that Spanish professorship established by any other act than the mere appropriation of so much money to pay a Spanish professor?

Mr. CARPENTER. I think the act declared that there shall be a professorship of the Spanish language, with a professor. It would be enough if it were done in the way suggested, but this act does establish a Spanish professor.

Mr. WINDOM. I do not think, then, with all due respect for the Senator's knowledge of law, much superior to mine, they would be prevented from teaching both Spanish and French.

Mr. CARPENTER. Let us see.

Mr. LOGAN. The professorship of Spanish is established by law. He has the assimilated rank of colonel by law.

Mr. CARPENTER. The Senator from Minnesota says this does not take away the establishment of the Spanish professorship. Let us see:

That when a vacancy occurs in the office of professor of the French language or in the office of professor of the Spanish language in the Military Academy, both these offices shall cease.

Mr. WINDOM. But the Senator has just told us that by law these languages are to be taught.

Mr. CARPENTER. I say they are to be taught under existing law, but if you repeal the law they are not to be taught under any law.

Mr. WINDOM. We simply repeal the office of Spanish professor, but the law still stands, according to the Senator's statement, requiring Spanish to be taught, and it can be taught under one professorship of modern languages, and the law will be complied with.

Mr. CARPENTER. It is impossible for the Senator from Minnesota to shelter himself under a repudiation of being a lawyer and justify putting such a construction upon this section. I ask him to look at it for one moment. The law at present is that there shall be a Spanish professorship and a French professorship in the Academy. It is not necessary for an act of Congress to declare that the Spanish professor shall teach Spanish and not French, and that the French professor shall teach French and not Spanish, because that would be going so far into details as to be an absurdity; but a Spanish professorship exists by law, and so a French professorship. Now comes the Senator from Minnesota, and by his amendment to the fourth section he declares that just as soon as either of these professors shall die both offices shall cease, and in the place of them there shall be one professor of modern languages. Suppose the French professor dies and the Spanish professor lives, both offices are abolished by this section on the happening of that event. Then there is to be a professor not of Spanish or French but of the modern languages.

Mr. WINDOM. Cannot that professor teach the modern languages under that provision?

Mr. CARPENTER. It is not a question of what a man can do; it is a question of what he is compelled to do, and I want to compel him.

Mr. WINDOM. I do not want to compel him to teach the Spanish language.

Mr. CARPENTER. I understand the Senator to have avowed his preference for teaching the German language. That may be very well; but if that is to be adopted and the teaching of the other languages is to be discontinued it should be so declared by law. I do not want to leave it in this indefinite way, to be shifted and changed year after year and year by year. I want the law to declare what languages shall be taught, and that has been the policy of Congress in regard to the academy from the very first.

Mr. MAXEY. Will the Senator from Wisconsin permit me to have the law establishing these professorships read? It is section 1309. I send the law to the desk.

The Chief Clerk read as follows:

SEC. 1309. The United States Military Academy at West Point, in the State of New York, shall be constituted as follows: There shall be one superintendent; one commandant of cadets; one senior instructor in the tactics of artillery; one senior instructor in the tactics of cavalry; one senior instructor in the tactics of infantry; one professor and one assistant professor of civil and military engineering; one professor and one assistant professor of natural and experimental philosophy; one professor and one assistant professor of mathematics; one chaplain, who shall also be professor of history, geography, and ethics, and one assistant professor of the same; one professor and one assistant professor of chemistry, mineralogy, and geology; one professor and one assistant professor of drawing; one professor and one assistant professor of the French language; one professor and one assistant professor of the Spanish language; one adjutant; one master of the sword; and one teacher of music.

Mr. MAXEY. That covers the point. The professorship of Spanish is established by law.

Mr. CARPENTER. Now it is perfectly plain that if this fourth section, as amended by the Senator from Minnesota, shall pass, these two offices are abolished and in place of the two is to be a professor of modern languages. The Senator asked me if he may not teach French. Yes, he may or he may not; and if it is of no sort of consequence what is to be taught in that academy, if we do not care to dictate what shall be taught there, then this section is well enough. But if we do intend to have French taught there and Spanish taught there, we should say so; and the Senator from Minnesota throws away that direction when he says there shall be one professorship of modern languages without providing what languages are to be taught. I believe that it would be a very great wrong to pass this section and to interfere with the teaching of these languages as they are now

taught in the academy. For that reason I hope the motion to strike out the section will prevail.

Mr. WINDOM. I think from the statement of the Senator from Wisconsin it is perfectly clear that if this section shall be passed as now amended there will be authority on the part of the academic board or the Secretary of War or whoever has the direction to teach both these languages or either or neither, as they desire. I have no doubt about it. It places the matter in their power.

Now, the amendment has simply this effect: it reduces the number of professorships, and it places the discretion as to the modern languages to be taught elsewhere than in the statute. I am perfectly willing for one to leave it there, but if Senators prefer to designate what languages shall be taught, it can be done without keeping up the two unnecessary professorships; we can very easily amend this section by requiring that by this professorship of modern languages French and Spanish shall be taught. It is not necessary to keep up the establishment with both professorships in order that they may be taught. I prefer to leave it to the proper authorities who have control of the institution to teach either Spanish or French as they may direct, or both. I believe they will select those that are most advantageous. I am confident that General Schofield in charge of the institution knows more about that than I do. I would not state that he knew more about it than my honorable friend from Wisconsin; but he certainly does know more about it than I do, and I am willing to leave it to him and the Secretary of War. If the Senator is not, it is very easy to amend this section without continuing the two professorships.

Mr. CARPENTER. The ironical courtesy of the Senator from Minnesota——

Mr. WINDOM. Not by any means; it is truthful.

Mr. CARPENTER. He says he does not know much, but he thinks I do! That is all very cheap and very easily understood. If he thinks General Schofield knows more than all of us about managing the Military Academy, why does he not amend this bill by appropriating so many hundred thousand dollars, to be expended under the care of General Schofield, to run the Military Academy? The Senator is not quite frank; that is to say, he does not state all the truth. He does not want to leave everything to General Schofield or any other one man, but he wants to leave the particular thing that he thinks will come out as he wants it. Now, I am just exactly as selfish as he is. I want to secure the instruction of the cadets in both these languages, as is now fixed by law, and I am opposed to any provision that takes away that legislative direction.

Mr. WINDOM. Let me ask the Senator if it is for that alone, why he cannot amend this provision by saying that this one professorship shall teach both these languages?

Mr. CARPENTER. It is not for that alone. It is because, in the first place, I do not believe any one man could properly teach all the classes in both languages. There is a limit to human endurance and human capacity in the way of instruction, and as a matter of physical power it cannot be done. The professor of French now, for instance, has one or two sections to teach himself, and he visits every section in the class once in two weeks. He could not do the same thing in the Spanish if he was just as good a Spaniard as he is a Frenchman. So of the Spanish professor. It cannot be done.

Mr. WITHERS. Will the Senator permit me to ask him whether he has heard of any complaint of the want of efficient teaching of the two languages in the Naval Academy?

Mr. CARPENTER. I know nothing about the Navy. I never sailed. I am sea-sick whenever I pass the Navy Department. [Laughter.] I do not know anything about it.

The PRESIDING OFFICER. The question is on the motion of the Senator from Wisconsin to strike out section 4.

Mr. CONKLING and Mr. CARPENTER called for the yeas and nays; and they were ordered.

Mr. CONKLING. Could I have foreseen when I asked a very innocent question about this section all that it has led to, I might have foreborne that question; but having asked it and having heard all to which the Senate has listened, I am satisfied that this section ought to be stricken out. I forbear to give any reason for it in addition to those that have been given save one. As the section stands now, no commission, no Committee on Appropriations or Military Affairs or anything else of either House has ever recommended it. On the contrary it is changed to mean something essentially and radically different from that ever recommended by any committee whatever.

That is all I have to say about it.

The Secretary proceeded to call the roll.

Mr. HEREFORD. The Senator from Mississippi [Mr. LAMAR] and the Senator from New Jersey [Mr. MCPHERSON] are absent and paired. The Senator from New Jersey, if present, would vote "nay," and the Senator from Mississippi "yea."

Mr. CARPENTER, (after having voted in the affirmative.) I desire to state that I had forgotten that last evening I paired with the Senator from Ohio [Mr. PENDLETON] on this bill. Having forgotten it for the moment when I voted, I wish to withdraw my vote, as I do not know how he would vote.

Mr. BLAINE. My colleague [Mr. HAMLIN] is paired with the Senator from Oregon, [Mr. GROVER.] I do not know how either of them would vote. I presume both would vote "yea" if they were here.

The result was announced—yeas 19, nays 30; as follows:

YEAS—19.

Allison,	Conkling,	Jones of Florida,	Ransom,
Bayard,	Davis of Illinois,	Logan,	Rollins,
Blaine,	Groome,	Maxey,	Saunders,
Cameron of Pa.,	Harris,	Paddock,	Voorhees.
Coke,	Ingalls,	Randolph,	

NAYS—30.

Anthony,	Eaton,	Jonas,	Vance,
Bailey,	Ferry,	Kernan,	Vest,
Beck,	Garland,	McMillan,	Walker,
Booth,	Hampton,	Morgan,	Whyte,
Burnside,	Hereford,	Morrill,	Windom,
Cameron of Wis.,	Hill of Colorado,	Platt,	Withers.
Chandler,	Hill of Georgia,	Saulsbury,	
Davis of W. Va.,	Houston,	Slater,	

ABSENT—27.

Bell,	Edmunds,	Jones of Nevada,	Plumb,
Bruce,	Farley,	Kellogg,	Sharon,
Butler,	Gordon,	Kirkwood,	Teller,
Call,	Grover,	Lamar,	Thurman,
Carpenter,	Hamlin,	McDonald,	Wallace,
Cockrell,	Hoar,	McPherson,	Williams.
Dawes,	Johnston,	Pendleton,	

So the motion to strike out the section was not agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had concurred in certain amendments of the Senate to the bill (H. R. No. 2251) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes, non-concurred in certain other amendments of the Senate to the said bill, and had concurred in certain other amendments of the Senate with amendments thereto, in which amendments it requested the concurrence of the Senate.

The message also announced that the House had passed a joint resolution (H. R. No. 102) authorizing a survey of the Mississippi River near Lake Concordia, Louisiana, and Cowpen Bend, Mississippi, in which it requested the concurrence of the Senate.

The message further announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the joint resolution (H. R. No. 1) to repeal certain clauses in the sundry civil appropriation act approved March 3, 1879.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. BECK. I ask leave to call up the bill (H. R. No. 2251) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes, that it may be sent back to the House. I move that the Senate insist on its amendments and ask for a committee of conference to be appointed by the Chair.

Mr. CONKLING. I ask the Senator to state the amendments of the Senate to which the House has disagreed. What are they?

Mr. BECK. The bill has just come from the House. They have disagreed to some of our amendments. Not having the bill in hand, I am not able to answer the question. They have also made some additional amendments of their own, not very important I understand. I suppose the easiest way would be just to insist on our amendments and have a committee of conference, as the amounts are small.

Mr. CONKLING. How can the Senator from Kentucky know that the Senate would not agree to the amendments of the House?

Mr. BECK. I do not know that, and cannot. I make the motion that that shall be done.

Mr. CONKLING. Without meaning to interfere with the Senator's motion, I suggest that he allow it to lie a moment until he look at the bill and see what the amendments are so that he can inform the Senate of their nature. I do not know what they are any more than he does.

Mr. BECK. I may be wrong in the motion I have made, but I have heard it made so often that I suppose it is the usual way.

Mr. CONKLING. So have I, but not under circumstances like these. The amendments here between the two Houses are very trifling at best. It is not like the general amendments added customarily to appropriation bills. As I say, I do not wish to interfere with the Senator's motion, but I think if he would take the trouble to look at the bill before making it, so as to indicate to the Senate what the disagreements are, it is possible we might avoid the necessity of a committee of conference.

Mr. BECK. I hope the Senator will allow the committee to be ordered.

Mr. CONKLING. I do not make an objection; I only make a suggestion.

The PRESIDING OFFICER. Is there objection to the motion of the Senator from Kentucky? The Chair hears none.

The motion was agreed to.

By unanimous consent, the President *pro tempore* was authorized to appoint the committee of conference on the part of the Senate; and Mr. BECK, Mr. DAVIS of West Virginia, and Mr. WINDOM were appointed.

A subsequent message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House insisted on

its amendments to certain amendments of the Senate to the bill (H. R. No. 2251) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes, insisted on its disagreement to certain other amendments of the Senate, and agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. J. D. C. ATKINS of Tennessee, Mr. J. H. BLOUNT of Georgia, and Mr. J. H. BAKER of Indiana, managers at the conference on its part.

HOUSE BILL REFERRED.

The joint resolution (H. R. No. 102) authorizing a survey of the Mississippi River near Lake Concordia, Louisiana, and Cowpen Bend, Mississippi, was read twice by its title, and referred to the Committee on Commerce.

ARMY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 2175) making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes.

Mr. ALLISON. I move to strike out the fourth section, beginning after the word "languages" in line 7, down to the end of the section. This seems to be a modification of existing law, and is a matter purely for the consideration of the Military Committee; and after the admonition of my friend from Illinois I do not think the Committee on Appropriations ought to take cognizance of a matter of so much importance as changing the compensation of these professors. Therefore I move to strike that out, so that that matter may be carefully considered by the Military Committee.

The PRESIDING OFFICER. The amendment of the Senator from Iowa is to strike out from section 4 the words which will be read.

The Chief Clerk read as follows:

And that section 1336 of the Revised Statutes be, and is hereby, amended by inserting after the word "service" in the first line, the words "as professor."

Mr. WITHERS. The Senate have passed on that question. They refused to strike out the section, but I presume it is in order for the Senator to move an amendment to strike out a portion of the section. I will read the law as it stands to show the effect of the amendment. Section 1336 of the Revised Statutes is as follows:

SEC. 1336. Each of the professors of the Military Academy whose service at the academy exceeds ten years shall have the pay and allowances of colonel, and all other professors shall have the pay and allowances of lieutenant-colonels; and the instructors of ordnance and science of gunnery and of practical engineering shall have the pay and allowances of major.

It is not worth while to read the whole section as it goes on to provide for several other matters. The provision of this bill which amends section 1336 proposes to do so by inserting after the word "service" in the first line the words "as professor," so that it will read:

Each of the professors of the Military Academy whose service as professor at the academy exceeds ten years shall have the pay and allowances of colonel, &c.;

The effect of it being to entitle those who have served at the academy as professors for ten years to this compensation; if they have served for a greater period in any other capacity than as professor they would not receive it.

Mr. CARPENTER. I do not know what particular man is to be hit now by this section in this respect. I know of one very deserving man who would be hit by this provision. The present professor of engineering was appointed from the Army, and this of course would cut off his increased pay unless he has been there ten years as a professor, and I do not think he has been; but what is the principle upon which such a discrimination rests? A man in the Army has an increase of pay based upon the length of his service. If you take him from the line of his duty in the Army and put him in as a professor at West Point why should he be deprived of that increase of pay? He would have received it if he had remained at his place in the line. Why should it be denied to him because he has been made a professor?

Mr. WITHERS. He would not have received the amount of pay of that rank as provided by that section if he had remained in the line of the Army.

Mr. CARPENTER. Why not?

Mr. WITHERS. Because the rank and pay is greater at the Military Academy than in the Army.

Mr. CARPENTER. How do you know that?

Mr. WITHERS. By virtue of the provision of this law. For instance, a major——

Mr. CARPENTER. Suppose a colonel was appointed a professor?

Mr. WITHERS. Suppose a major was?

Mr. CARPENTER. Suppose a colonel was?

Mr. WITHERS. Then it would be the same.

Mr. CARPENTER. Suppose a brigadier-general should be?

Mr. WITHERS. I presume that these cases are scarcely supposable, but the facts are that officers of inferior rank are appointed as professors there, and by virtue of their appointment as professors they are entitled to this increased pay.

Mr. CARPENTER. I have never before in my life heard of the principle of legislation that seems to obtain here to-day. We are passing laws not to put up the bars, but because ten to one nobody will come in, ten to one no injury will come. We do not say we will have French and Spanish taught, but leave them at liberty to teach them or not, as they please; and ten to one no harm will be done if we pass the bill.

Mr. President, the principle of this thing is totally wrong. If you have appointed a man to a professorship there from civil life and increase his pay after ten years' service 5 per cent. or 10 per cent., why should you deny the same increase to a man who has been taken from the Army and appointed there? There is no reason in it that I can see, and no principle in it.

Mr. BURNSIDE. Will the Senator from Wisconsin allow me to state that if a captain in the Army has served for nine years in any capacity at the academy and is appointed a professor, in one year's time he becomes a colonel by virtue of ten years' service; whereas a civilian appointed one day before him would have to serve the whole ten years before he would become a colonel. Does the Senator understand me?

Mr. CARPENTER. I do not.

Mr. BURNSIDE. If a captain in the Army is appointed a professor after he has served nine years at the academy, at the end of one year he becomes a colonel.

Mr. ALLISON. That is nine years at the academy.

Mr. BURNSIDE. Yes, nine years as an instructor. As a matter of course the statute refers to the academy. I suppose the Senator knows I refer to that. He may be an instructor for five years, say, and then if he is appointed a professor that five years' service as an instructor at the academy counts in his favor, and at the end of ten years' service in the academy instead of ten years as a professor he becomes a colonel; whereas a citizen appointed as a professor of chemistry or of French or Spanish must serve for ten years before he becomes a colonel.

Mr. CARPENTER. I do not understand that he becomes a colonel at all, except that by being a professor he is assimilated to a certain rank for the purpose of fixing his place in the service.

Mr. BURNSIDE. All the professors have the relative rank of lieutenant-colonel.

Mr. CARPENTER. How does this provision touch that question? How is it affected by such legislation?

Mr. BURNSIDE. Every man becomes a lieutenant-colonel as soon as he is appointed a professor, and under this provision they must serve ten years as a professor without reference to their previous service at the academy before they get the rank and pay of a colonel.

Mr. CARPENTER. How will it affect Colonel Wheeler, for instance?

Mr. BURNSIDE. If Professor Wheeler has not served ten years as a professor he is now only lieutenant-colonel, for he cannot be a colonel until he has served ten years as a professor.

Mr. CARPENTER. There is some mystery about this thing I do not get through me.

Mr. BURNSIDE. I have tried to explain it to the Senator, and fail to see why there should be any doubt on the question.

Mr. CARPENTER. It is my fault entirely, but I do not get the idea.

Mr. BURNSIDE. The Senator can readily see if a man has been an instructor at the Military Academy for five years and is appointed a professor he becomes at the end of five years a colonel by the law as it now stands.

Mr. CARPENTER. He is a colonel at the end of ten years?

Mr. BURNSIDE. If the law is amended as proposed he cannot be a colonel until he serves ten years as a professor.

Mr. CARPENTER. As I understand this section, if a man served twenty years in the Army and was then appointed a professor he gets no additional pay until he has been ten years a professor.

Mr. BURNSIDE. He becomes a lieutenant-colonel as soon as he is appointed.

Mr. CARPENTER. It does not say anything about lieutenant-colonel; the statute says "service in the Army and at the academy."

Mr. BURNSIDE. I am saying something about it. I say an officer in the Army appointed to a professorship becomes a lieutenant-colonel at once, and after a service of ten years at the academy he becomes a colonel, and if he had served in the academy before he became a professor that service is counted in his ten years' service.

Mr. WINDOM. I agree with the Senator from Iowa that this amendment ought to be carried.

Mr. BURNSIDE. I am not trying to combat the amendment in any way. I do not say anything against it or for it.

Mr. WINDOM. I call attention to section 1336 of the Revised Statutes, which has already been read:

Each of the professors of the Military Academy whose service at the academy exceeds ten years shall have the pay and allowances of colonel, and all other professors shall have the pay and allowances of lieutenant-colonels.

So that, as stated by the Senator from Rhode Island, the very appointment to a professorship gives the grade of lieutenant-colonel, but by this act which we propose to pass to-day a professor must have served as a professor ten years before he can have the grade of colonel.

Mr. CARPENTER. Will the Senator read that section again, section 1336?

Mr. WINDOM. Yes, sir:

Each of the professors of the Military Academy whose service at the academy exceeds ten years shall have the pay and allowances of colonel, and all other professors shall have the pay and allowances of lieutenant-colonels.

The fourth section of the bill proposes after the word "service," as

it appears in the first line of the section just read, to insert the words "as professor;" so as to read:

Each of the professors of the Military Academy whose service as professor at the Academy exceeds ten years, &c.

Now, I will state the effect of that amendment of section 1336. Professors Wheeler and Michie are among the most prominent, if not the most valuable professors at the Academy, and they have not been there as professors ten years. They were in service at the Academy as captains for a part of the time; and the effect of this amendment is to reduce the present compensation as allowed by law to Professors Wheeler and Michie, and to nobody else at present. It might hereafter affect some of the younger professors who were in the service, but at the present time it affects no others. I will read part of a letter which I have received from the Secretary of War upon this subject. I telegraphed him on Saturday, and this is his reply:

Referring to your telegram of the 14th instant, asking what officers will be affected by the last four lines of the fourth section of House bill 2175, and whether the clause should be amended, and if so, how, I have the honor to invite your attention to the following remarks of the Paymaster-General, in answer to the first question:

"The clause will, first of all, affect Professors Michie and Wheeler. It will require that a professor shall hereafter serve ten years as professor before he has the pay of a colonel, all other professors having the pay of lieutenant-colonel."

The Second Comptroller, by a decision of October 29, 1878, decided that the ten years required under section 1336, Revised Statutes, could be made up by service in other grades at the academy as well as in that of professor. So that an officer could, for example, be on duty eight years as captain at the academy and two years as professor and then be entitled to pay of colonel.

As the Second Comptroller has decided the question those professors are entitled to the pay of a colonel. This provision would take it from them.

Mr. BURNSIDE. That is exactly as I stated, except I supposed that one of them had rendered five years' service as captain instead of eight years' service, as the Senator from Minnesota has read.

Mr. LOGAN. Mr. President, after the schooling I received this morning from the Committee on Appropriations, I certainly should not say a word if it were not for the remark of my friend from Iowa, [Mr. ALLISON,] who said he made this motion to strike out the concluding clause of the fourth section merely because of the fact that I had—he did not use the word criticised, but that was the meaning of it—had criticised their committee, and therefore he desired to refer all things to the Military Committee. I am used to such remarks. It sometimes becomes a kind of disease in the minds of some individuals that they must always when referring to the language of others speak in rather a disrespectful way. That I care nothing about. I desire now, inasmuch as the Senator by his remark provoked what I am going to say, to state to him that the very motion that he has made now does show the necessity of a person examining somewhat closely that which is proposed to the Senate.

The very motion that the Senator has made to strike out this clause shows either that he does not understand himself the section of the Revised Statutes that is proposed to be amended or that he proposes by his motion to do an injustice, one or the other. The only part of section 4 in this bill that has any merit in it whatever is the very part that the Senator proposes to strike out. I think I can convince the Senator that he shows by his motion that he either does not understand the bill or he wants an improper bill to pass.

Now what is the law? The law as it stands to-day is just as it has been explained by the Senator from Rhode Island; that is to say, that if an Army officer with the rank of lieutenant or captain is detailed at the West Point Academy and has served there for nine years in any capacity whatever, it makes no difference what, whether a professor or not, when appointed a professor, after one year's service he gets the rank of colonel, while any other officer detailed as professor to that department has to serve ten years before he gets the rank of colonel.

That is the condition of the case. That shows that the proposition in this section as it stands now reported by the committee is correct; and why? Because it puts the professors on an equality. Each and every one is required to have the same term of service in the same character of employment in order to get the same rank, and that is certainly just and proper. Therefore I say to the Senator from Iowa that by attemping to say something very sharp to me he has shown that he misunderstands what he undertook to do himself.

There is, as I said, no proposition in this section as meritorious as the very proposition that the Senator from Iowa proposes to strike out, because that proposition does equalize the professorships and does do justice to all; and I am opposed to striking it out inasmuch as the section stands by a vote of the Senate.

Mr. ALLISON. I made this motion with a view of having this very important question of the compensation of professors and instructors at the Military Academy considered by the Military Committee. Of course I did not know as much about it as I ought to have known.

Mr. LOGAN. I think not myself.

Mr. ALLISON. But I did know that this little provision reduces the pay of two very worthy and meritorious officers. I also knew that the question of the compensation of officers at the Military Academy is one that has received consideration from time to time by the Military Committee of the Senate; and inasmuch as the Senator from Illinois undertook a moment ago to indicate that the Appropriations Committee were engaged in matters they did not comprehend or understand, I thought it well enough that this very important subject, as it certainly is an important subject, should be referred to the Military Committee.

What the Senator from Illinois says is true. An officer of the Army occupying the position of lieutenant in the Army can be appointed as professor at the Military Academy and at once receive the pay of lieutenant-colonel. That is true; but as in the case of Professor Wheeler, who, I believe, when he was appointed a professor in 1871, was a major in the Engineer Corps, he is compelled, if the law is changed, to serve ten years as a professor before he can become a colonel, although if he had not had the misfortune of being appointed to the Military Academy he might, if he was an officer in the line, have been appointed to a higher rank. That might occur.

All I desire is that this matter shall be investigated by those gentlemen who understand the question. The Senator from Rhode Island has given us some information that is very valuable. Therefore it is that I do not want to see these legislative provisions tacked on to appropriation bills against the judgment of the Military Committee. If the Military Committee will give us the information that is necessary for the proper understanding of these questions, of course we can put such provisions upon appropriation bills. But I would have been misled, I confess, by section 4 of this bill.

In the first place, at the beginning of the last session, in looking over the bill of the Senator from Rhode Island, representing the joint select committee, I found this fourth section. In looking over the bill that came from the House Military Committee I found this fourth section. These questions have been debated over and over again in this body. I had seen members of the Military Committee sit by and hear these sections read at the Clerk's desk day after day. I heard no comments whatever from that committee, and, therefore, when I found this provision here, inserted by the Appropriations Committee, coming from the House as it did, supposed to have the sanction of the Military Committee of the House, I felt like apologizing to the Military Committee for having put in a provision of this kind without fully understanding its effect, and hence it was by way of apology that I stated for myself the reasons which operated on my mind for allowing this section to remain in the bill. When I had the section explained to me by the Senator from Illinois and by other members of the Military Committee, I became convinced that we were doing an injustice by putting in this fourth section, and therefore it was that I joined him in voting to strike out the fourth section. Now he tells me that the fourth section has a very great merit in it, and that there is a provision here of great value, and, therefore, he is not in favor of striking out a portion of the fourth section. If that be true, I of course do not desire to insist upon my motion. If it is an important provision that ought to be retained in this bill, as the Senator from Illinois, a member of the Military Committee, says it is, I am quite willing to withdraw my motion or allow it to be voted down. I only wanted a correct and full understanding of the several provisions of this section.

Mr. LOGAN. I desire to say in a word, and not by way of apology either, that I am not chairman of the Military Committee, and so far as I am individually concerned I have no desire to have anything referred to it. I am perfectly willing that the Appropriations Committee shall do all the work of Congress. I am not "hankering," as the boys say, after work; but I will say to the Senator, because he seems to be the only one seeking information on this point, that the only merit in the fourth section is the clause he desires to strike out. That is all I have seen in the section that has any merit in it.

In order that the Senator may not be misled, inasmuch as he claims to be without understanding in reference to this point, as he thinks that Major Wheeler was unfortunate in being detailed to West Point, as thereby he does not get so high rank as he would if he had remained in the Army and not been detailed, let me state that he has there fallen into another error. Mr. Wheeler might have staid in the position he occupied in the Engineer Corps for thirty years and he never would have been a colonel perhaps. It is by being detailed to West Point that these lower-grade officers get higher rank much sooner than they do by remaining in the line. Therefore the position is sought. It will not do to say that a man is unfortunate in being detailed to West Point, for there is not an officer in the Army to-day but what would thank the Secretary of War for detailing him there if he is of low grade, because it gives him higher rank, higher pay, and an easier place. Not only that, but I will venture the assertion that there is not a man at West Point to-day who was detailed by the Secretary of War without an application for it. Therefore it will not do to say that.

Mr. ALLISON. The Senator misunderstood me if he supposed that I regarded it as unfortunate to be detailed to West Point.

Mr. LOGAN. That was the language the Senator used.

Mr. ALLISON. I used that in a Pickwickian sense.

Mr. LOGAN. It is not a misfortune; it is not only a compliment, but it is a benefit pecuniarily and every other way, for it gives them higher rank. Officers in the Army serve ten years, lieutenants in the Army have served fifteen years, and have not had promotions. Hence I say there is merit in this very word "professors," that they shall be required to serve as professors ten years before receiving the rank of colonel, because many men serve twenty years in the line without receiving that rank. Therefore, I do insist that the Senator's motion shall not prevail. I am opposed to the section as a whole. I think

the section is wrong, but if the section goes on the bill this clause ought to go with it, because there is merit in that part of the section.

The PRESIDING OFFICER, (Mr. BOOTH.) The question is on agreeing to the amendment proposed by the Senator from Iowa, [Mr. ALLISON.]

The amendment was rejected.

Mr. CARPENTER. I move to amend section 4 by adding at the end of the section these words:

Provided, That this section shall not apply to the case of any professor now serving at said academy.

If here is a principle that ought to be presented and applied hereafter let it be so, but do not let us legislate here to hit two men who as stated by the Senator from Minnesota are among the very best professors of that academy.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Wisconsin.

Mr. WITHERS. The effect of the amendment is simply to destroy the whole provision.

Mr. CARPENTER. If the provision is only designed to strike two individuals I am opposed to it for that reason. There is no principle in it if it is a mere strike at two men.

Mr. WITHERS. I maintain that there is principle in it, and if it happens to strike an individual that is not the object of the section. The principle is to require ten years' service as a professor in the institution before the professor can be entitled to the pay and rank of a colonel.

Mr. CARPENTER. In other words, a man accepts a professorship there under the existing law, knowing just exactly what his compensation is to be. After he is in his place you propose to strike his pay down.

Mr. WITHERS. As I understand it, no pay is stricken down by the section.

Mr. CARPENTER. I understand the Senator to say that Colonel Wheeler's pay is stricken down.

Mr. LOGAN. Not at all.

Mr. WITHERS. No, but exactly the contrary.

Mr. LOGAN. It does not affect his case at all; he is not entitled to a colonelcy now; he has not served in the academy long enough to receive it.

Mr. CARPENTER. Would he not get his increased pay quicker without this provision than with it?

Mr. LOGAN. No, because he is a professor now, and it will only run as long as he is a professor. He did not serve in the academy prior to his being a professor; he was detailed as a professor at the time, so it does not affect him at all.

Mr. CARPENTER. Then it would reduce his pay if it does not affect the term of his professorship before his promotion.

Mr. LOGAN. It does not reduce his pay.

Mr. CARPENTER. I understand from the Appropriations Committee that the only object of this section is to strike two individuals; I understand from the former chairman of the Military Committee that it does not affect those individuals.

Mr. LOGAN. The professor gets a lieutenant-colonelcy, assimilated rank, and he can get a colonelcy by being ten years a professor. Therefore this provision does not affect his pay a particle. That is the law.

Mr. ALLISON. It does affect, as I understand it, two professors at the Military Academy. It may not affect Professor Wheeler, but certainly there are two professors, as stated by the Senator from Minnesota, who was recently a Visitor at the academy, who would be affected by this contemplated provision. I understand the amendment of the Senator from Wisconsin to provide simply that this provision shall not apply to the present professors there.

Mr. BURNSIDE. The Senator from Iowa will allow me to say to him that it will affect the professors in one way. It will not affect their present pay, because the two officers to whom the Senator from Minnesota referred are now lieutenant-colonels. It does not increase or diminish their pay, but the law as it stands now will allow them to become colonels sooner than they will become colonels under the law as it is proposed to amend it.

Mr. CARPENTER. Colonels?

Mr. BURNSIDE. Professors with the rank of colonel. They will become colonels sooner under the law as it stands now than under the law as proposed to be amended.

Mr. ALLISON. Then it does affect them?

Mr. CARPENTER. Then it certainly affects them.

Mr. BURNSIDE. It will affect them in the future.

Mr. CARPENTER. It affects them after the bill passes; I did not suppose it would before.

Mr. BURNSIDE. They would become colonels sooner under the old law than they would under the law as now proposed to be amended. I think the Congress of the United States has a perfect right to make a modification of this kind, and I think it is a very just modification, because it is all in the direction of equality. It requires every man to serve as a professor ten years before he can be promoted from the rank of a lieutenant-colonel to that of a colonel; in other words, before he can receive the pay of a colonel instead of the pay of a lieutenant-colonel. It acts equally upon all, and I think the clause ought to be retained in the bill as it now stands.

Mr. WINDOM. I think the Senator from Rhode Island is mistaken in saying that it would not affect the pay of any present professors. The Secretary of War informs me in this letter that—

The Second Comptroller, by a decision of October 29, 1878, decided that the ten years required under section 1336, Revised Statutes, could be made up by service in other grades at the Academy as well as in that of professor.

The statement also says that the clause will first of all affect Professors Michie and Wheeler. The fact is, that by the decision of the Second Comptroller those two professors are entitled to the pay of colonels, and that Congress has not appropriated to them more than the pay of lieutenant-colonel heretofore; but the officers of the Treasury have decided that their pay was that of a colonel. I hold in my hand a communication from the Paymaster-General, dated February 14, 1879, urging the appropriation of an additional amount to make up the pay of colonel, to which he claims they are entitled under the decision of the Second Comptroller. So that, if this measure shall pass, they will not be entitled hereafter to the pay of more than a lieutenant-colonel. They are now, by the decision of the Second Comptroller, entitled to the pay of colonel.

Mr. BURNSIDE. Have they been receiving that pay?

Mr. WINDOM. They have not for two or three years received it for the reason that Congress has refused to appropriate it.

Mr. BURNSIDE. They have not received it for lack of appropriation?

Mr. WINDOM. For lack of appropriation; but the letter of the Paymaster-General which I hold in my hand insists that there is a deficiency which ought to be appropriated to make up the difference between the pay of a lieutenant-colonel and the pay of a colonel.

Mr. LOGAN. They have been professors there all the time?

Mr. WINDOM. Certainly.

Mr. LOGAN. It does not affect them.

Mr. WINDOM. It affects them in this way: the Second Comptroller holds that other service, as that of captain, for instance, at the Academy may be counted as part of the ten years. Counting that other service before they became professors, both these professors had served the ten years some two or three years ago, and by the ruling of the Treasury Department had become entitled to the pay of colonel; but this provision says that they must have served ten years as professors; so that if it passes they will get only the pay of lieutenant-colonel instead of the pay which the Treasury officers say they are entitled to receive, that of colonel.

Mr. BURNSIDE. I was led into a mistake by assuming that they had not served at the academy before they were appointed professors. It seems from the statement of the Senator from Minnesota that they had served there before their appointment to professorships. Under the present law, of course they would be entitled to credit for that service, but that does not take away from Congress the right to pass a just law placing all on the same footing.

Mr. LOGAN. If they become colonels by virtue of the law as it exists now, the fact that we pass another law does not affect them at all. If they are entitled to the rank of colonel as the law exists now, this measure does not change their rank one particle, and will have no application except in the future; therefore it does not affect their pay. No matter what the Comptroller may have decided as a legal proposition, their pay will not be affected. I have no objection as far as that is concerned to protecting them, but they are not affected in the slightest.

Mr. WINDOM. But if the Senator will allow me, they do become colonels by the law as it exists now.

Mr. LOGAN. Does the Senator say they have become colonels heretofore under the law?

Mr. WINDOM. They are colonels now.

Mr. LOGAN. Very well; then how would this provision affect them?

Mr. WINDOM. They have their colonelcies by assimilated rank.

Mr. LOGAN. Of course, that is the only kind of rank they have.

Mr. WINDOM. They are not in the Army, but they have become colonels by ten years' service at West Point, and they are entitled to the pay of colonel.

Mr. BURNSIDE. This proposed law will not affect them because they have already become colonels.

Mr. LOGAN. They are already under the old law entitled to the assimilated rank of colonel, I understand.

Mr. WINDOM. But this measure reduces them.

Mr. LOGAN. I beg pardon, it will affect only those who become colonels in the future. A colonel is not reduced in rank by this proposition.

Mr. WINDOM. The Secretary of War says this clause, first of all, affects those two gentlemen, naming them.

Mr. CARPENTER. Will the Senator read that communication from the Secretary of War, so that we may exactly understand this question?

Mr. WINDOM. It is dated June 16, 1879, and is addressed to me.

Referring to your telegram of the 14th instant, asking what officers will be affected by the last four lines of the fourth section of House bill 2175, and whether the clause should be amended, and if so, how, I have the honor to invite your attention to the following remarks of the Paymaster-General in answer to the first question:

"The clause will, first of all, affect Professors Michie and Wheeler. It will require that a professor shall hereafter serve ten years as professor before he has the pay of a colonel, all other professors having the pay of lieutenant-colonel."

The Second Comptroller, by a decision of October 29, 1878, decided that the ten years required under section 1336, Revised Statutes, could be made up by service in other grades at the academy, as well as in that of professor. So that an officer

could, for example, be on duty eight years as captain at the academy, and two years as professor, and then be entitled to pay of colonel.

Mr. LOGAN. That is all true; but I submit to any lawyer in the Senate if the law, for instance, should provide that when an officer shall have served ten years in the line of the Army he shall be entitled to the rank of colonel, if he has performed that service he is entitled to the rank. Suppose, then, you pass a statute afterward saying that the service shall be twenty years before he is entitled to the rank of colonel, that does not affect the man who has already acquired the rank and has it; it only affects those who are to acquire rank in the future. Hence, if these two professors have the rank of colonel now, and have been paid according to that assimilated rank, they are not affected by this provision. If they have not acquired the rank by virtue of existing law, then they would be affected; but if they have acquired it by virtue of existing law they would not be affected. I only say this to maintain my proposition as a legal proposition, not that I object to the amendment of the Senator from Wisconsin to protect these men if there is any danger, but I insist as a legal proposition that I am correct, and they are not affected, no matter what the Secretary of War may have said. If they have acquired the rank by virtue of the law that now exists you cannot affect their rank by virtue of this measure.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Wisconsin, [Mr. CARPENTER.]

Mr. EATON. Let the amendment be reported.

The CHIEF CLERK. At the end of section 4 it is proposed to add:

Provided, That this section shall not apply to the case of any professor now serving at said academy.

Mr. CARPENTER. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary called the roll.

Mr. CARPENTER, (after having voted in the affirmative.) I must recall my vote again, as I voted by mistake. I am paired with the Senator from Ohio, [Mr. PENDLETON.] I am so in the habit of voting when present that I had forgotten the pair.

The result was announced—yeas 28, nays 23; as follows:

YEAS—28.

Allison,	Chandler,	Hill of Georgia,	Platt,
Anthony,	Conkling,	Ingalls,	Ransom,
Bayard,	Davis of Illinois,	Jones of Florida,	Rollins,
Booth,	Dawes,	McDonald,	Saunders.
Call,	Ferry,	McMillan,	Voorhees,
Cameron of Pa.,	Groome,	Maxey,	Whyte,
Cameron of Wis.,	Hill of Colorado,	Morrill,	Windom.

NAYS—23.

Beck,	Garland,	Kernan,	Vance,
Burnside,	Hampton,	Logan,	Vest,
Cockrell,	Harris,	McPherson,	Walker,
Coke,	Houston,	Morgan,	Wallace,
Davis of W. Va.,	Jonas,	Saulsbury,	Withers.
Eaton,	Kellogg,	Slater,	

ABSENT—25.

Bailey,	Farley,	Jones of Nevada,	Sharon,
Bell,	Gordon,	Kirkwood,	Teller,
Blaine,	Grover,	Lamar,	Thurman,
Bruce,	Hamlin,	Paddock,	Williams.
Butler,	Hereford,	Pendleton,	
Carpenter,	Hoar,	Plumb,	
Edmunds,	Johnston,	Randolph,	

So the amendment was agreed to.

Mr. CAMERON, of Pennsylvania. I move that the Senate proceed to the consideration of executive business.

Mr. COCKRELL. I hope not.

Mr. WITHERS. I hope the Senate will not go into executive session. Let us proceed further with the bill.

The PRESIDING OFFICER. The question is on the motion of the Senator from Pennsylvania to proceed to the consideration of executive business.

The motion was not agreed to.

Mr. CONKLING. Mr. President, seeing that the Senator from Virginia who has this bill in charge is in such good heart, so willing to proceed, although it is half after four, I venture to ask him a question about section 6 as it was, section 5 as it has come to be on the report of the Appropriations Committee. I inquire of the Senator from Virginia the meaning of lines 4 and 5 of this section, and I do so because some ambiguity is supposed by some persons to exist in regard to it. I observe the provision is: "That no money appropriated in this act is appropriated or shall be paid for the subsistence," &c., of the Army of the United States "to be used as a police force to keep the peace at the polls at any election." I understand that there is some difference of opinion as to the intention of that language, and I ask the Senator from Virginia to state, if he will, what he and the committee he represents understand it to mean, in order that I may govern myself, and others who hear me themselves, upon the question of offering amendments to it or not.

Mr. WITHERS. It would be an act of supererogation on my part to attempt to enlighten the Senator from New York, however good spirits I might be in. I have no doubt he is as fully competent, indeed much more so than I can possibly be, to give a proper legal construction to the language about which he has inquired. My understanding is that the language is plain, simple, perspicuous, and to my mind it conveys simply the idea that no money shall be appropriated under this act where the Army of the United States is used as a police force to keep the peace at the polls, my view being that the Army is not designed to be used as a police force to keep the peace at the polls, or for any other police duty, police duty being a duty performed by civil officers for the purpose of keeping the peace or enforcing civil laws.

Mr. CONKLING. Then may I inquire of the Senator, as he understands this language, should it be adopted, the Army may nevertheless be employed to keep the peace at the polls but not to keep it as a police force?

Mr. WITHERS. The restriction is as to a police force, of course.

Mr. CONKLING. Will the Senator be kind enough to answer my question? Shall I understand him to mean that although under this language the Army could not be employed to keep the peace as a police force, it could nevertheless be employed to keep the peace at the polls?

Mr. WITHERS. The only provision of the section is that they shall not be "used as a police force." I infer that there is no further inhibition. If they are used in any other capacity than as a police force, there is no inhibition in the bill.

Mr. CONKLING. That is very well, but if the Senator would oblige me by answering my question I would take it kindly.

Mr. WITHERS. I have endeavored to do so.

Mr. CONKLING. I assume that the Senator from Virginia, as the organ of a committee or speaking in his own right, does not wish to secure assent to legislation under any misapprehension; that the Senator does not wish to do anything surreptitiously, secretly, or uncandidly——

Mr. WITHERS. The Senator may stop discussing that branch of the subject and assume that to be the case.

Mr. CONKLING. I was saying, Mr. President, that I assume that in the case of the particular Senator I address, and therefore I venture to put these questions. If I assumed the reverse, if I supposed that the Senator from Virginia wanted to keep me or any other Senator in the dark as to the meaning or effect of a bill he reports, then of course propounding questions to him would be a mere bit of finesse, a mere game of chess and dexterity in concealing ideas, and it would be hardly worth while for me to attempt to cope with the Senator in such a game as that.

Now, being confirmed by him in my belief that he is quite willing to be frank and candid about this matter, I return to my question. That question does not seek to find out what the words are in the bill, because I can read those myself. It does not seek to ascertain that they are the only words relating to this subject, because having read the bill with some care I find that they are the only words; but it is aimed at the meaning and effect of these words as understood and intended by the Committee on Appropriations, and more especially by the Senator from Virginia, the organ of that committee. I ask the Senator whether despite these words as he understands them, it will, should this section become law, continue to be lawful for the President and the authorities to employ the land or naval forces of the United States to keep the peace at the polls?

Mr. WITHERS. Does the Senator place that construction upon the provision himself, or does he wish me to answer whether I would place that construction upon it, whether they can be used under any circumstances other than those specified?

Mr. CONKLING. I was not so much in the act of stating my own impression as asking for the opinion of the Senator. I will either now or at any time, with the utmost frankness, state my impression; but as I have begun to ask a question of the Senator, if he will allow me I prefer to get an answer to that, and then I will answer any question with great pleasure.

Mr. WITHERS. I will answer as distinctly and succinctly as I know how, that in my view the construction of this section would preclude the use of the United States Army as a police force at the polls. I have also said that if they are not acting as a police force the provision would not affect them at all. I do not know how I can be more explicit.

Mr. CONKLING. If the Senator will indulge me a little further, I will enable him perhaps not to answer more explicitly but to answer more intelligently to me. Shall I understand the Senator to mean that these words do or do not permit the application of this money to the subsistence and equipment of the Army while any portion of it is employed in keeping the peace at the polls?

Mr. WITHERS. If they are employed as a police force for that purpose, it does not permit it.

Mr. CONKLING. That leads me then to change the form of my questions. Does the Senator understand——

Mr. WITHERS. I would state to the Senator from New York that my individual opinion of the law or my individual construction of it is a matter of no consequence whatever. I know that I am not prepared to give in this manner the legal construction of any particular phraseology in an enactment. Therefore I assume that the law if passed will receive legal construction from persons much more competent than I; and having stated my own conviction and opinion as to the meaning of the phraseology, I do not think it necessary for the investigation to proceed further.

Mr. VOORHEES. Mr. President——

Mr. CONKLING. If the Senator from Indiana will pardon me for a moment, I want to make a reply in the nature of an apology to the

Senator from Virginia. I should hold myself unfortunate indeed if the effect of asking that Senator a question has been to irritate him.

Mr. WITHERS. The Senator is not unfortunate in that regard.

Mr. CONKLING. I thought the Senator answered with some asperity; at least with some animation.

Mr. WITHERS. I had none.

Mr. CONKLING. I did not intend to irritate the Senator from Virginia, nor did I intend to trench upon the usage of the Senate in inquiring of the organ of a committee making report of a measure his understanding of the effect of that measure. I supposed it was the common right of every member of a parliamentary body to inquire of any member of a committee especially, but more particularly of the organ of a committee, reporting a measure, the effect of that measure as understood by him. Meaning to keep within the limits of this habitual permission, I was addressing respectfully an inquiry to the Senator to ascertain how far it was worth while for me or any other Senator on this side to offer amendments to this provision.

Mr. WITHERS. I recognize the right of the Senator from New York or any other Senator to make such inquiries as he has indicated. The inquiry has been made, and I have given response, so far as I know how, directly to the point of the interrogatory. So far as regards the purpose or desire of bringing forward the provision, of course the Senator will decide that for himself. Nothing that I can say I am sure would in any degree influence his action in that regard.

Mr. CONKLING. Mr. President, let me try again. Perhaps I can win the Senator over to a willingness to enlighten me, as he is abundantly competent to do, as to his understanding of the meaning of this language. Shall I understand the Senator to mean that, despite this language, the right of the President to employ the Army to keep the peace at the polls is left untouched?

Mr. WITHERS. Does the Senator desire an answer immediately?

Mr. CONKLING. Certainly.

Mr. WITHERS. If the troops can be used to keep the peace at the polls in any other manner than as a police force they may be so far as this bill is concerned.

Mr. CONKLING. But the Senator answers me all the time hypothetically, and therefore I get nothing.

Mr. WITHERS. I will state that the whole thing is a hypothetical case. The inquiry being hypothetical, the answer must be so.

Mr. CONKLING. The inquiry is not hypothetical unless the Senator deems it a hypothesis that I say "should this language pass."

Mr. WITHERS. The inquiry is hypothetical when it is addressed to me to know if in a certain contingency such and such a construction would be possible.

Mr. CONKLING. Oh, no, there is no contingency about it. I am trying to find out from the Senator what this language means, and he keeps reading it to me. He says if it is done as a police force, then it is prohibited. That is the language of the bill. I am asking the Senator not to assist me in reading that language, but rather to assist me in understanding what he means by it.

If the design is to say that the President may use the Army or employ the Army to keep the peace at the polls in the only way, as far as I know, that anybody ever supposed that under existing law he could, and to say further that he shall not employ the Army as an ordinary civil police force, or a judiciary police force, as it has been called, that is mere idle talk. There is no objection to it except that it is nonsense. If, however, the design is to say that the Army shall not be employed in aid of the civil authority as it has been heretofore, then the attempt is here to accomplish by one form of words what has failed when attempted in another. Then the design is to present to the Executive a bit of proposed legislation which he has already disapproved in two veto messages.

As I said, if I could suppose that the Senator from Virginia wants to hoodwink anybody about this section, wants to allow or induce some Senator to vote for it supposing it means one thing and discover afterward that it means the other thing, then I should not trouble him with questions, because I should know if I did that his whole effort would be to baffle my attempt to understand or to find out anything about it. Long before it was said that language was given to conceal ideas it required only very common, cheap ingenuity to enable any man who will to evade an answer to an honest and direct question. I know the Senator from Virginia well enough to know that he has three or four times the modicum of intelligence necessary to enable him to do that; but I supposed he would be willing to tell me frankly the understanding of himself and his committee of the meaning of this language.

I have no doubt what it means, and yet I have heard that in another place a serious effort was made to convince somebody that it only meant that soldiers were not to be used instead of watchmen, constables, patrolmen, and civil policemen on election day. I am told an effort has succeeded to convince somebody that really that was all this language meant. Did it mean that it is an inhibition of a thing which nobody ever thought of before, as far as I know, which never has been done, never has been proposed, and which may properly be forbidden for every reason except the inherent absurdity of forbidding any such thing.

On the other hand, despite some effort to throw sand in the eyes of those who read this section, I think it has come very generally to be understood that its effect will be to deny in the only sense in which the right has ever been claimed, the right of the President to employ armed force to execute the laws of the United States and to preserve the peace.

I am not going, however, at this time if at any time, to be drawn into a discussion generally of this section. At a later hour of its consideration, unless I am anticipated, as I hope I shall be, by other Senators, in assigning the reasons which have occurred to me against this measure, I shall venture to ask the Senate to hear me, not I hope at much length. But now gathering, as far as I have been able, the intention of the Senator from Virginia, I will offer an amendment or two to which I hope there will be no objection, and which will make this language plain, and make it mean that which I infer the Senator from Virginia intends me to understand he ascribes as its meaning. Therefore I move to add to the end of this section 5 these words:

Except in aid of the civil authorities.

Mr. VOORHEES. Mr. President, I have waited patiently to hear the Senator from New York through. There are some imputations in the remarks he made of a desire to hoodwink people and to deceive people. That may pass. He is prolific in the questions that he propounds to this side of the Chamber. I ask him now in return whether he is in favor of using the Army at the polls on election day?

Mr. CONKLING. Does the Senator want an answer?

Mr. VOORHEES. Yes.

Mr. CONKLING. I am in favor of executing, and executing when necessary by the aid of the military power of the Government, all the laws of the United States on all the days in the year, including election day, and at all the places throughout all the States and all the Territories of the Republic, including the places where the polls are held at elections on election day.

Mr. VOORHEES. Does the Senator from New York think that we have a law, or does he think that we have not at this time a law, that authorizes the President of the United States to interpose the Army at the polls?

Mr. CONKLING. Does the Senator want an answer to that question?

Mr. VOORHEES. I could have asked the question for no other purpose.

Mr. CONKLING. I think we have to-day more than one provision, both in the Constitution of the United States and in the statutes of the United States, authorizing and requiring the President to see to it that on election day at the polls, and on every other day at every other place within the national jurisdiction, the laws, and all the laws, are faithfully executed.

Mr. VOORHEES. I propounded the question in order to illustrate the perfect harmony which prevails in the republican party at this time, for a well-recognized leader of that party some place else, it is not worth while to say where, within the last four days, in response to the exact question which I propounded to the Senator from New York, responded as follows:

I think we have not—

That is, not such a law—

that we never have had it, and that we never ought to have it in time of peace.

Mr. CONKLING. Now may I ask the Senator from Indiana a question?

Mr. VOORHEES. I should be very unjust if I did not allow the Senator to ask me a question, having asked him three.

Mr. CONKLING. The Senator from Indiana never would be unjust or ungenerous. May I inquire of the Senator from Indiana whether he is in favor of the proposition which I stated to him in answer to his question?

Mr. VOORHEES. Of course. I would not vote for the bill that is before this body to save my own life if I supposed it allowed any President, this President or any one who may come after him, to surround the ballot-box and interpose troops to control elections on election day. I believe in the American people and their right by virtue of local self-government, by virtue of that sovereignty which they have in their subdivided capacities to govern themselves on election day; and I would not on any consideration, earthly or beyond, vote for a bill which by implication or construction allowed the President of the United States to order the military—infantry, cavalry, and artillery—with shotted guns and fixed bayonets to surround the polls on election day. Whenever that hour comes I regard this Government subverted; I regard it overthrown; there is no longer a Republic here at all. The Senator from New York will get a perfect answer to his question so far as I am concerned. I would not vote a dollar, never have intended to, and never shall hereafter.

Mr. CONKLING. I do not intend to interrupt the Senator at all except by his permission, and not again even by his permission, but if he will allow me one moment I shall be very glad.

Mr. VOORHEES. Anything the Senator from New York asks.

Mr. CONKLING. I should be very glad to have the Senator from Indiana say whatever he thinks it proper to say on this point: I want to know—and I discover, by the conversation of Senators around me, that they as much as I want to know—which one of two things is true; whether this language in the bill is intended merely to say that the President must not put soldiers in the place of the ordinary civil police, but that he may send troops to the polls to keep the peace in any capacity, under any name, whether as ordinary police or civil police, or no police at all?

Mr. VOORHEES. I will answer.

Mr. CONKLING. The honorable Senator from Indiana sees perfectly what I want to know and I ask him to answer frankly.

Mr. VOORHEES. I understand the question and I will answer frankly. I understand this legislation. It is a recognition of the capacity of the American people to keep the peace at the polls themselves. I understand that the Senator from New York denies their right or their capacity to do that, or he would not be insisting on somebody else doing it. I understand this proposed legislation is a compliment to the intelligence and virtue of the American people. Our Government is founded on the virtue and intelligence of the people; our Constitution rests on that. Whenever either one of these ingredients fails, our Government fails. We say that we will not allow the use of the troops of this Government for the purpose of keeping the peace, and we do it because we have faith in the people. I know that there has been a party ever since the foundation of this Government that did not believe in the capacity and virtue and intelligence of the American people to govern themselves. It has existed always, and the old Federal party that was thought to be buried a half a century ago is stronger to-day in this body than it was in the days of Alexander Hamilton, and there is more desire, more demand on the part of the men for what was then known as a strong or high-toned Government than there was in those days. There is a more absolute denial on the part of members of this body on the opposite side of the Chamber of the capacity of the people to rule themselves than there was in the days when there was a party in favor of a monarchy.

What we propose in this legislation simply is that the American Army is not necessary to keep the peace at the polls where you and I live. Let the Senator arise in his place and proclaim here, to go all over this country, that the people he represents cannot keep the peace at the polls. Let the man arise here who will say so. Not one will do it. He would arise and say he wants to keep the peace for somebody else. You want to dominate somebody else; you are not anxious to declare that the people you represent need the supervision of the bayonet. It is the great question that shook parties at the foundation of this Government. I broadly and firmly believe that the people in their local capacity, in their townships, in their towns, in their counties, in their States are honest, firm, and true, and capable of governing themselves—the old Jeffersonian idea; and this doctrine of hurling the Army into their midst is monstrous, utterly monstrous, forbidden by the spirit of republican government, subversive of every idea of self-government, local sovereignty, or freedom in any form.

Mr. CARPENTER. Will the Senator allow me to interrupt him?

Mr. VOORHEES. Certainly.

Mr. CARPENTER. Does he think the people are any more capable of keeping the peace under all circumstances at the polls on election day than they are on any other day of the year?

Mr. VOORHEES. Well, I will say yes, in some sense. Of course a gentleman sitting quietly in his seat while another is speaking can ingeniously put a question to disturb him, and yet I will answer yes. The Senator from Wisconsin asks me an appropriate and proper question, and I answer him that the people on election day are more capable of keeping the peace than on another day, first, for the reason that they are all there; they come together; the old heads are all there; the wise men, the captains in Israel are all there, as well as the young men, the middle-aged, and the stalwart; and, combined for the preservation of the laws and liberties of their country, why are they not better fitted at that time to keep the peace than at another time when they are scattered at their homes? The Senator from Wisconsin well knows that election day brings together the best as well as the worst, but the best predominates, the best elements of society are predominant; they are there in their strength; they are there early in the morning; they choose their judges of election, they open their polls, and there is no day in American history beneath the flag when the people are so strong for virtue and for right as on election day.

And again, they come together on that day to govern; they come together that day to be sovereigns, to select their public officers, to make their laws. In other words, they are there to rule; and why should they not be in a better condition to keep the peace than on another day? They are there, I repeat, to govern and to rule. And let me call the attention of the Senator from Wisconsin to a law of his own State that with all his legal acumen and well-recognized and highly appreciated legal learning he may have overlooked. I state to the Senator and to the country that in the wisdom of the Legislature of Wisconsin—and I make my profound bow to her wisdom—a regiment of soldiers can not only not approach the polls on election day, but they cannot be mustered in the county where an election is going on. Is the Senator aware of that?

Mr. CARPENTER. I am aware of that, and I understand that it is for the reason that the law will not permit military forces to be drawn out for muster for the purpose of keeping them away from the polls. We have another law in our State which requires the closing of liquor shops and all those places on election day, not because the people are all there, but because for other reasons it is well to shut out temptations on that day. I call attention to that.

Mr. VOORHEES. Ah, the Senator from Wisconsin does not mean to answer in that way. The Senator from Wisconsin does not mean to tell me that the law on the statute-books of Wisconsin that is there to-day prohibiting the mustering of a regiment or a company of military troops not only about the polls, but anywhere in the county, is because they should have permission to go and vote.

Mr. CARPENTER. That is my understanding of the object of that statute in perfect good faith.

Mr. VOORHEES. An impossible understanding.

Mr. CARPENTER. It is not impossible for me to understand it that way. What you called for was my understanding. Otherwise a democratic colonel might call out a republican regiment, and march them out to drill on election day, and slip in a democratic candidate, when if they were not mustered on that day the result might be different.

Mr. VOORHEES. If the Senator from Wisconsin will name one democratic colonel from whom a body of troops was in danger of being deprived of the privilege of the ballot-box, this may have the semblance of reason. It has not now.

Mr. CARPENTER. One object of that statute undoubtedly was to prevent a republican colonel from being as mean as a democratic colonel might be; that is, to prevent his calling out the democrats to muster when they ought to be at the polls voting.

Mr. VOORHEES. That is the merest badinage in the world. I state here to Senators, and they will not take that as an answer at all, that under a constitution which says that the military shall be subordinate to the civil authority, that great young State, in the spirit and interest of liberty, placed upon her statute-book a law which says that not only no regiment or company of troops shall be brought about the polls on election day, but that they shall not be mustered in the county; and the Senator from Wisconsin——

Mr. CARPENTER. Will the Senator gratify me by referring to that statute so that I can send for it?

Mr. VOORHEES. Oh, I will send for it. I am making no mistake, for I have examined it quite recently, and I thought as likely as not an opportunity would be had to instruct and enlighten the public mind as well as the mind of the Senator from Wisconsin, for with all his great liberality and great legal learning (for which nobody has a greater admiration than I have) I thought the traces of party might keep him voting for these unjust, iniquitous, and outrageous measures that menace the free ballot-box of the country, and it gave me great pleasure to find in examining the statutes of every State in this Union that Wisconsin had gone beyond all of them. If the Senator from Wisconsin had given the true reason here that they were not to be mustered because they might be taken away from the polls, it would be queer that the law says they shall not be mustered near the polls. There would be a good chance for them to vote, an excellent chance, which would contradict the reason given by the Senator from Wisconsin. I would not say a disrespectful word of the Senator from Wisconsin, for I have the greatest possible respect for his abilities and for his general fairness, but I do not think that he has treated this question at all fairly or justly.

Mr. CARPENTER. Will my friend allow me to interrupt him?

Mr. VOORHEES. Of course.

Mr. CARPENTER. I wish to apologize to the Senator if my interrupting him annoys him at all.

Mr. VOORHEES. Not the slightest in the world.

Mr. CARPENTER. I understood him to say that he came out to instruct me and I put the question to him for the purpose of gaining the very instruction which it was his purpose to impart.

Mr. VOORHEES. The Senator from Wisconsin has certainly not interrupted me at all. He has asked me to send for a law to the library and it may take me a moment to turn to the statute that I allude to. I will do it if I can without trespassing upon the Senate as I have the book now.

Mr. CARPENTER. I will take it and look it up for the Senator myself if he wishes.

Mr. VOORHEES. I can only say in continuation of what I have said—and I mean only to detain the Senate a moment—that it is not wonderful that the State of Wisconsin enacted that just and wholesome law; it is only wonderful that every other State has not done the same. They have supposed they did the same substantially, because in their constitutions, I believe in the constitution of every State in the United States, it is declared that the military shall be subordinate to the civil authority, because it is supposed the civil authority governed better than the military. It is not at all remarkable that that statute exists in Wisconsin. It existed about one hundred and seventy years ago in the dark reign even of George II, when Lord Bute and that class of people darkened the world, suppressed the aspirations of liberty, retarded the progress of the human race. Even in that dark period a law was passed that troops should not be mustered around a voting place, they should not go there to menace freemen with their presence. And now the Senator from New York, and I believe the Senator from Maine—I generally catch him in bad company; I do not know whether he has been so this afternoon or not; but certainly there is a following and a support for the distinguished Senator from New York; he always has that—come here to revive a doctrine and principle of despotism that was repudiated and exploded really two centuries ago in the midst of one of the darkest, most retroactive, and reactionary reigns that England ever had; and because I uncover and bring to the surface a law on the statute-book of one of the young, great, and growing giant States of the West, in accordance with the enactment of

George II, people seem surprised and begin to doubt their senses and want to get behind the screen, away back yonder instead of coming forward in the sunlight.

Mr. CONKLING. Who wants to get behind the screen?

Mr. VOORHEES. Well, I leave you and the Senator from Wisconsin to settle that question. At any rate I understood the Senator from New York to avow perfectly and absolutely his purpose to use the troops at the polls to keep the peace in and around the voting places on election day. On that question I make as broad an issue as it is possible for one man to make with another, for when it becomes necessary to use force to control the people in choosing their own servants—I will not say rulers, but servants to serve them in public life—this Government is overthrown and destroyed, and is not worth living for or dying for.

Mr. CARPENTER. Will the Senator allow me now?

Mr. VOORHEES. Certainly.

Mr. CARPENTER. A celebrated master of the law said that he would be ashamed not to answer a question touching the common law, but he would be ashamed to attempt to answer a question touching a statute without the statute before him. My impression of the Wisconsin statute was that it was passed to prevent calling the electors away to serve in a military capacity. Turning to the statute there is no doubt I was right although I spoke from mere memory and recollection. Section 646 of our revised statutes provides as follows:

> No muster shall assemble for instruction, review, or parade shall be held or called in any county on any day during which a general or special election shall be held therein, nor within five days before such election, except in case of riot, invasion, insurrection, or imminent danger thereof; and if any officer shall order any such muster or assembly he shall forfeit $100.

This was not intended to prevent the militia of Wisconsin being at the polls; it was to prevent their being called away from the polls, and it cannot be done within five days of the election because they might be called to a distance where it would annoy them to get back to the polls as soon as they would be required to vote. Now I have no doubt whatever from reading this statute that that is the true construction and the real object.

Mr. VOORHEES. Mr. President, I am perfectly willing for every intelligent person here—and that applies to everybody—to determine whether the construction of the Senator from Wisconsin or my own is correct. For five days preceding an election a military company shall not be paraded or mustered in any county in Wisconsin—five whole days, not pieces of days. If it was for the purpose of preventing some malignant officer from keeping a squad from going to the polls they might have let them muster a little while in the morning or they might have let them muster some portion of the day and vote the rest of the day. The Senator from Wisconsin will pardon me for saying that a more absurd construction I think I never heard of in a legislative body.

The people of Wisconsin have to work on the roads. Let me give some illustrations. They may be ordered out at any time by a supervisor for that purpose. It would have been well, when protecting the people of Wisconsin from being ordered to train on election day and for five days before it, for fear they would thereby be kept from the polls on election day, to have said neither should any supervisor order out the people of a road district to mend the roads, neither should anybody hold a protracted meeting, for religious revivals are about as powerful as anything else, and might keep somebody away from the ballot-box. Where a law is launched against the mustering, drilling, and training of men for five days from the election, the idea that its purpose is to keep anybody from restraining his voting proclivities is absurd to my mind.

I will tell you when this statute was born. I have no fear of speaking plainly. It was when that great sentiment for the liberty of another race sprang up in Wisconsin, when the fugitive-slave act in the Booth case was shaking the public mind, agitating the law-makers that were assembling together, exciting stalwart sentiments of liberty, when the Kansas trouble which invoked the use of the Army from another party that was then here in power gave warning to the young and rising State of Wisconsin, and her legislators went to a stout extreme the other way. That was the cause of this legislation that confronts the Senator from Wisconsin and compels him to make such an explanation as I regret to hear from his instructive lips.

I believe, Mr. President, I have no desire further to detain the Senate. I have answered the Senator from New York fully and absolutely so far as I am concerned, and I repeat my answer in closing. I have never intended since this extra session began to vote one dollar to military force to control elections. I see—and I may as well embrace the opportunity; I do not know whether the Senator from Ohio [Mr. THURMAN] has seen it or not—a statement that I assailed the Senator from Ohio in some committee meeting or conference because he had advised this extra session, and had differed somewhat from myself afterward. Not a word of it, for the best and most powerful reason in the world. I embraced this extra session in the cause of the repeal, or if we could not get the repeal, the negation of the laws which allowed a President of the United States to surround the ballot-box. I was in favor of all the consequences of this extra session quite as much as the Senator from Ohio, and never one word of reproach has fallen from my lips because this extra session has taken place or because of any of the consequences. I say to the opposite side in balancing the question of back-down it will be their back-down and not ours when we close up. I have no fears of going before the American people on the question of a struggle to obtain for them, first, an undisturbed right to vote without the interposition of the Army, and next, to be tried for whatever they may be accused of before juries impartially selected. On those two issues I am ready to go before the people and embrace all the consequences and accept all the results, perfectly assured that if the American people decide against us on this side on those questions they decide against their own liberties, overthrow this Government, and there will be nothing left for freemen to talk about or contend for.

Mr. BLAINE. Mr. President, I do not suppose it is the desire of either side of the Senate to go over in any elaborate form the debate that has been twice had in this body on the general question involved in this amendment. What arrests my attention now at the very outset, especially by the speech of the honorable Senator from Indiana, is the attempted strain and effort to correct an imaginary and utterly baseless evil, and to overlook and pay no attention to one that is really a source of very great harm to the elective franchise in a large portion of the country. The Senator from Indiana never saw any troops at the polls——

Mr. VOORHEES. I did.

Mr. BLAINE. When?

Mr. VOORHEES. In 1864.

Mr. BLAINE. Was it that Massachusetts regiment?

Mr. VOORHEES. I saw two companies of a Massachusetts regiment in Terre Haute, my own town; and I will say further, that having failed to defeat me with imported voters the task was accomplished afterward in the shape of an election contest, for which the Senator from Maine is in no wise responsible.

Mr. BLAINE. Of course I do not doubt the correctness of any statement the honorable Senator would make on his own authority; but I never saw a regiment of troops do as much duty as that Massachusetts regiment did in Indiana. I have heard of it at every election and in every debate. It was in every congressional district of Indiana; it was in every town in Indiana; it voted, I am sure, at every shore town on the line of that State, bordering, I think, some two hundred miles on the Ohio River. I heard of it in a debate that took place of some local excitement in Maine, when a democratic candidate for governor in 1866 had all the affidavits about it, and as a concluding and conclusive proof he said, "if you do not believe this, I will show you the photograph of the colonel, and here it is." [Laughter.]

Mr. VOORHEES. The Senator from Maine will allow me a moment?

Mr. BLAINE. This same Massachusetts regiment did duty the other day. I received a paper from Indianapolis, speaking not with perfect respect for my friend on the left, from Indiana, [Mr. MCDONALD,] but going on to show elaborately how he was mistaken in all the facts he stated and how they were absolutely impossible to have occurred in Indiana at that time.

Mr. VOORHEES. Will the Senator from Maine allow me to give him data now that will be a response for which my colleague and myself are responsible, and then he can go on and talk as much as he sees fit?

The Senator from Maine says that he has heard that in all the border towns of Indiana that Massachusetts regiment voted. If he did, he knew that was not true; but his producing that here is not a matter for me to criticise. But now I will state to the Senator what he hears on this occasion. The Sixtieth—if I am not mistaken as to the number—the Sixtieth Massachusetts Regiment happened, not at all by design that I know of, to be stationed at Indianapolis, and on the 11th—I think the election took place on the 11th—of October, 1864, they voted in that town, with the exception of a few of the number who went to a neighboring town to help the godly. Two companies of them were sent down to assist in the praiseworthy effort to beat me in the Terre Haute district. They voted there, and I had personal communication with them. My colleague knows of their voting and conduct at Indianapolis, and a thousand witnesses can be brought to prove what I now state. What I state is the exact truth and the contrary has no truth in it. My colleague and myself are prepared to make this statement good before the Senate and before the country and everywhere. It has never been doubted or pretended to be questioned for a single moment until irresponsible newspapers in the last few weeks came to reply to the statement made by my colleague on this floor.

Mr. BLAINE. The Indianapolis Journal is not what you class as an irresponsible newspaper; but I am not of course putting forth any knowledge of my own, for I have none at all in regard to what took place in Indiana at that time. I am only stating that that paper, not in any disrespectful language—for I would not refer to it on the floor of the Senate if it were that—goes on to show that the honorable Senator from Indiana [Mr. MCDONALD] must have been mistaken in his facts.

Mr. MCDONALD. If the Senator from Maine will allow me, I will send to the desk——

Mr. BLAINE. I did not really rise for the purpose of bringing this case up into any special prominence.

Mr. MCDONALD. I have a letter from General John Love, of Indianapolis, who was the democratic candidate for Congress at that election.

Mr. BLAINE. I took the floor for an entirely different purpose. The Senator will pardon me for the present; I should like to go on.

Mr. McDONALD. Before that is read, I wish to read another letter.

Mr. BLAINE. The honorable Senator can wait awhile and then I will yield to him so that he can have full opportunity. That matter was only referred to by me incidentally. What I said, Mr. President, is that my attention is arrested by the fact that we are notoriously dealing with a case and trying to provide a remedy for a case that does not exist. I do not propose to go over the Army debate; but we are providing, I say, for a case that does not exist, and which every Senator knows is the very height of absurdity. The idea that the Government of the United States has troops enough to control forty thousand polling places! The statement of the case is its absurdity; and the whole effort of the democratic party has been to get up a sham case, to go into court with a case that does not exist in fact at all, and thereupon to excite the country. When the bill was up before, and I offered an amendment to it, the democratic party voted it down in every form, in three different forms, in which it was presented. My amendment was to cure an actual, an admitted, and a serious evil. Now, while I say that in answer to the challenge I threw out during the debate before, I have never yet found the Senator who could produce anybody who had been aggrieved in this regard. In the first place I doubted whether any Senator had ever seen troops at the polls. I did not assert that he had not, but I am very sure that there is no Senator on this floor who can say or pretend to say that any citizen of the United States was ever prevented from voting by a soldier of the United States. I imagine that I am entirely correct when I say that.

Mr. WITHERS. I will state that citizens of the United States have so declared.

Mr. BLAINE. Where?

Mr. WITHERS. In Virginia; in Petersburgh.

Mr. BLAINE. Were prevented by soldiers?

Mr. WITHERS. Yes, sir.

Mr. BLAINE. They did not go into the town.

Mr. WITHERS. Yes, sir; they did. The Senator does not know what he is talking about.

Mr. BLAINE. And kept citizens from voting?

Mr. WITHERS. The statement was made that many citizens were deterred from going to the polls to vote by the presence of the military.

Mr. BLAINE. The information in regard to that case was called for, and the President of the United States at that time, General Grant, gave all the information on the subject, and I say to the honorable Senator from Virginia that in all the information and allegations touching that case there never was a suggestion that a citizen was kept from voting.

Mr. WITHERS. That was the statement drawn up by the contestant of the man who was elected.

Mr. BLAINE. Oh, of course when you draw up a statement of that kind——

Mr. WITHERS. The Senator denied that such a statement had been made. I asserted that it had been made.

Mr. BLAINE. No, if the honorable Senator comes in here and brings in such a bill of particulars as will be found in the allegations of a contestant for a seat in the House of Representatives, he takes a very queer form of evidence.

Mr. WITHERS. The Senator said unequivocally that no such thing has ever occurred. I have a right to state facts.

Mr. BLAINE. Did the House of Representatives find on the inquest that it had happened?

Mr. WITHERS. That was not the statement of the Senator. The Senator did not state that the House of Representatives had ever found that such a thing had occurred, but his statement was broad and comprehensive, that no individual could be found.

Mr. BLAINE. No; I said that no Senator on that side would say that any one had been. I did not challenge the powers of lying of the whole American people. I said that no Senator on that side would say that anybody had ever been prevented. Now the honorable Senator says that some person, eager to contest for a seat in the House that he had no right to, comes up and in his allegations says men were prohibited from voting, and on the inquest of the House what was the result of that? Did he show it?

Mr. WITHERS. I simply stated in reply to the Senator from Maine that there were parties who had said that they were so prevented.

Mr. BLAINE. I do not pretend to deny that half the democratic editors in the South have said it. Senators do not want me to talk mere nonsense here. Half of the democratic editors, and nearly all, I suppose, of their speakers in the South, have said it over and over and over again, have said it in my judgment falsely. I asked if there was a Senator on that side who would say that within his knowledge anybody was ever prevented. I did not say nobody had ever asserted it. That has been the whole *gravamen* of the allegation before us; they have asserted it, and asserted it, and asserted it, but they have never proved it. They have never produced a man who would come forward and say he has been prevented from voting by soldiers of the United States. Is there any Senator here who knows it? I will take the word of any Senator on this floor without question. I am sure no Senator would get up on this floor and make a misstatement in his place. What I asked was for that form of respectable and responsible testimony, whether a Senator knew or pretended to know that anybody had been prevented from voting by troops.

As I say, this in my judgment (and the country will, I am pretty sure, sustain that judgment) is a sham case from beginning to end, legislating against an evil that does not exist, refusing as the democratic party do to legislate for an evil that does exist, because testimony upon testimony, tomes, and volumes, and reams of it in official reports at the other end of the Capitol and at this end have shown over and over again that personal violence at the polls has kept men by the thousand from voting. Now you are legislating here that no soldier shall go to the polls with a musket in his hands. You want elections made so clear of all violence that you will not let the shadow of the United States power come in the person of a soldier. Now, while you are doing that, I ask to have fair play, just provide that nobody else shall go there with a weapon; just provide that at an election for Representatives to Congress nobody shall go there armed; just provide that red-shirted regiments, red-shirted companies, armed with weapons taken from the United States arsenals really, shall not be present. Just legislate and enact that when you are forbidding any United States soldier to be there, you will permit no State soldier to be there, and that you will permit no individual or combination of individuals to appear there with arms in their hands. Therefore, I am at least going to test the sense of the Senate on this point once more, and I am going to move at the end of the clause of section 6 to insert:

Provided, however, That any person who shall carry a deadly weapon of any kind, openly or concealed, at the polls at any election for Representative in Congress, shall, on conviction thereof, be punished with a fine not less than $500 nor more than $1,000, or with imprisonment for a period not less than six months nor more than five years, or with both fine and imprisonment at the discretion of the court.

When I wrote that amendment before, I put in "within a mile of the polls." There were some Senators who had constitutional scruples as to the right to do that, so extended. In deference to that judgment I have confined this exactly to the language of the section to which it is to be moved as a proviso, "at the polls." The section forbids the United States troops to be at the polls in any event; I want to forbid other armed persons being there. If you are afraid of violence or fire-arms controlling an election, let us have it impartial; and, if the Senator from Indiana is right in saying that the people are out that day in their might, in their majesty, that they are that day, best of all days in the year, prepared to keep order, then certainly there is no need for anybody to present himself armed. Then certainly there is no need of State organizations going armed, or private organizations going armed, or individuals going armed. I want to see whether, after all, the agitation on this question from the democratic side of the Chamber means that you will warn off the United States power from any ability to protect the voters who are choosing Representatives in Congress and that you will leave every other form of violence, whether organized or mere individual brutality and ruffianism, to have its sweet way at the polls and do as it chooses. I move the amendment which I sent to the desk.

The PRESIDING OFFICER, (Mr. ROLLINS in the chair.) The Chair will inform the Senator from Maine that there is an amendment pending offered by the Senator from New York.

Mr. BLAINE. I did not know that. There is no objection to two I will have it printed and move it as an amendment to the amendment.

The PRESIDING OFFICER. It will be printed.

Mr. McDONALD. Mr. President, in a speech recently delivered by me in this Chamber I stated in substance that a Massachusetts regiment stationed at Indianapolis in October, 1864, was directed to leave its encampment, and that its members with arms not only prevented the citizens from voting but voted themselves. That was the substance of what I said. I should not now call the attention of the Senate to it but for the fact that a contradiction of the statement appeared in the Indianapolis Journal, the special journal of the republican party of the State of Indiana, which has been referred to by the Senator from Maine. I have sent to the Secretary's desk a letter which I received to-day from General John Love, of Indianapolis, who was that day a candidate for Congress in that district, and who has given a statement of what transpired within his knowledge. Before that is read I wish to say that I hold in my hand a letter which I have received from a gentleman in Newburyport, Massachusetts, which reads as follows:

NEWBURYPORT, MASS., *June* 13.

SIR: Seeing this printed piece in the Boston Journal, I take the liberty of sending it to you, and to say that I belonged to the Sixtieth Massachusetts Regiment, and was in Indianapolis when McDonald and Morton ran on their respective tickets, and am conversant of many things that occurred that day, and there is good evidence that I can get that will agree with my own; and I think that the Journal is mistaken when it says that you have drawn on your imagination. If you think it worth while to inquire into this, I should like to hear from you.

Yours, truly,

JOHN BROOKS.

Senator McDONALD.

Mr. BLAINE. Is that the colonel of the regiment?

Mr. McDONALD. No, sir; he is an entire stranger to me; a gentleman who seeing this contradiction of the statement that I had made in the Boston paper, saw proper to address me this note, and I have requested of him his statement. I have not received any further statement, but expect that I shall.

As to the facts stated by me on that occasion, they were stated, as

I said then and say now, from personal view. Governor Morton and myself were the contending candidates for governor of that State, and this regiment was there; they were hundred-day men; they belonged to what were called the hundred-day men. They were not there as organized military companies, but they were there as men, and many of them with arms. I will state further that the vote polled on that occasion was about half of the entire population of the city. We had a population then of perhaps a little over twenty thousand, and the vote polled on that occasion amounted to about eleven thousand. Now I ask that the letter of General Love be read from the desk.

The PRESIDING OFFICER. The Secretary will read the paper called for.

The Chief Clerk read as follows:

INDIANAPOLIS, *June* 14, 1879.

DEAR SIR: Your letter of the 11th, with reference to our general election in this city on the 11th of October, 1864, is just received. Until recently there has been no question among such of our citizens as were eye-witnesses on that day that a regiment of Massachusetts soldiers held, for the greater part of the day, as complete possession of the election grounds as do our legal voters at ordinary elections, and that they voted as often as they pleased.

There was nothing to indicate that they were soldiers of Massachusetts or Indiana. I only know that the general understanding was that they were Massachusetts soldiers. Frequent acts of violence occurred, such as taking tickets by force from democrats, and by the use of abusive language.

John R. Elder, esq., one of our most useful citizens then as now, was driven from the polls because he was trying to exercise his legal right of challenge, was chased through the streets, and his life saved only through the intervention and assistance of personal friends. My own experience recalls some soldiers who about the middle of the day attempted by force to wrest my tickets from me; that on each attempt when a crowd of excited men would quickly assemble I would retreat, and that finally I was enabled to leave the ground only under cover of a squad of veteran reserves whose commander I was fortunate enough to impress with the idea that my order (to form his men in line and permit no one to pass) should be obeyed. Under this cover I left the ground. For a democrat, under the circumstances, to have attempted to assert his rights as a citizen would have been of the same order of courage as the bull who faced the coming locomotive. I have talked to-day with Judge H. C. Newcombe, whose high character you well know. He came to my house very soon after the events just mentioned with a message from Governor Morton, (with whom I had been so long associated in the military affairs of the State,) and with his own assurance that if I would return to the court-house I should have protection. To have returned there would have been useless, as a complete demoralization had taken place, and as it was reported to me by friends that there was no longer a democrat on the ground—that is, a democrat in the sense of one contesting the election. If it is important to you, all that I have said can be corroborated by hundreds of our best citizens.

Very truly and respectfully,

JOHN LOVE.

JOSEPH E. MCDONALD,
United States Senator.

Mr. BLAINE. How many companies of that regiment were stationed at Indianapolis?

Mr. McDONALD. I think the entire regiment was stationed there at that time.

Mr. BLAINE. No; two companies were accounted for as being down in the district of my other friend then.

Mr. VOORHEES. They were detailed, not stationed in my town.

Mr. BLAINE. They could not have been in Indianapolis when they were down in Terre Haute.

Mr. VOORHEES. But the regiment might be stationed in Indianapolis and two companies detailed at my town.

Mr. BLAINE. It is said two companies were off defeating the honorable Senator in his district; I know that the common allegation was that they were all along the Ohio River; and what I wanted to get at was this——

Mr. McDONALD. Nobody has ever talked about their being along the Ohio river.

Mr. BLAINE. I can show you that such allegations were made. What I want to get at is, how many companies of Massachusetts volunteers, hundred-day men, who were not illustrious from any State for being veterans in the war, how many companies of that sort of troops did it take to hold Indianapolis in terror, a city of sixty thousand people, and those soldiers according to the affidavit did not have any arms, but were only there in uniform, not even in uniform my friend from Kansas says; they were hundred-day men; they had not any arms on; they had given up their uniforms; they were mostly convalescents from the hospitals, and two or three companies of those held the entire democratic party in Indianapolis so that they did not dare to vote, according to the testimony of that letter which has just been read at the Clerk's desk.

Mr. McDONALD. The Senator from Maine is talking about that which he knows nothing about whatever.

Mr. BLAINE. I have only taken the gentleman's testimony.

Mr. McDONALD. The statements contained in that letter are not at all as the Senator has undertaken to repeat them. General Love says there was nothing to distinguish them from soldiers of Indiana or any other State. That is his statement. Not that there was nothing to show that they were soldiers. Up to twelve o'clock that day I was on the ground myself. When I went to my dinner there were but few democrats left there, and when I returned there were none.

Mr. BLAINE. These terrible bloodthirsty Massachusetts fellows had run them off the ground!

Mr. McDONALD. Indianapolis at that time was little better than a military camp.

Mr. WINDOM. I should like to ask the Senator from Indiana why these Massachusetts soldiers were in Indiana at that time?

Mr. McDONALD. I only know the fact that they were there; I do not know why they were there.

Mr. WINDOM. I have a report on that subject and can tell the Senator perhaps.

Mr. VOORHEES. I will tell you why I think they were there. They were trying to recruit the negroes of Indiana to fill the quota of Massachusetts, as I remember. [Laughter]. They were out there trying to pick up negroes in our State.

Mr. BLAINE. As your constitution forbade the negroes to be there, that was a very laudable undertaking!

Mr. VOORHEES. The Constitution at that time did not take much notice of them.

Mr. WINDOM. There is a different reason, and if I have the floor I should like to give it. I will read some brief extracts from the report of Jake Thompson to "J. P. Benjamin, secretary of state of the confederate government," dated December 3, 1864, showing the reason why these soldiers were in Indiana. He says:

On my arrival here—

Toronto—

I heard that there was such an organization as the order of the "Sons of Liberty" in the Northern States, and my first effort was to learn its strength, its principles, and its objects, and if possible to put myself in communication with its leading spirits. This was effected without much difficulty or delay. I was received among them with cordiality and the greatest confidence at once extended to me. The number of its members was large, but not so great as Mr. Holt in his official report represented it to be. Its objects were political, its principles were, that the Government was based on the consent of the parties to it; that the States were the parties and were sovereign—

Something of the same ideas we hear in the Senate now—

that there was no authority in the General Government to coerce a seceding State. The resolutions of 1798 and 1799 were set forth as presenting the true theory of the Government. Its organization was especially military; it had its commanders of divisions, of brigades, of companies.

In the month of June last—

That is June, 1864—

the universal feeling among its members, leaders, and privates was that it was useless to hold a presidential election; Lincoln had the power and would certainly reelect himself, and there was no hope but in force. The belief was entertained and freely expressed that by a bold, vigorous, and concerted movement the three great northwestern States of Illinois, Indiana, and Ohio could be seized and held. This being done, the States of Kentucky and Missouri could easily be lifted from their prostrate condition and placed on their feet, and this in sixty days would end the war. While everything was moving on smoothly to a supposed successful consummation, the first interruption in the calculation was the postponement of the meeting of the democratic convention from the 4th of July to the 29th of August; but preparations still went on, and in one of the States the 20th of July was fixed as the day for a movement.

But before the day arrived a general council of the order from different States was called, and it was thought the movement on the 20th of July would be premature, and the 16th of August was fixed upon for a general uprising. This postponement was insisted upon on the ground that it was necessary to have a series of public meetings to prepare the public mind, and appointments for public peace meetings were made—one at Peoria, one at Springfield, and one at Chicago on the 16th. The first one was at Peoria, and to make it a success I agreed that so much money as was necessary would be furnished by me.

Through Jake Thompson from the rebel government.

It was held, and was a decided success. The vast multitudes who attended seemed to be swayed but by one leading idea—peace. The friends were encouraged and strengthened, and seemed anxious for the day when they would do something to hasten them to the great goal of peace. About this time that correspondence between our friends and Horace Greeley made its appearance. Lincoln's manifesto shocked the country. The belief in some way prevailed over the North that the South would agree to a reconstruction; and the politicians, especially the leading ones, conceived the idea that on such an issue Lincoln could be beaten at the ballot-box. At all events they argued that the trial of the ballot-box should be made before a resort to force—always a *dernier ressort*. The Springfield meeting came off, but it was apparent that the fire exhibited at Peoria had already diminished; the whole tone of the speakers was that the people must rely on the ballot-box for redress of grievances. The nerves of the leaders of the order began to relax. About this time a large lot of arms were purchased and sent to Indianapolis, which was discovered, and some of the leading men were charged with the design to arm the members of the order for treasonable purposes.

And when it was discovered, I will say to the Senator from Indiana, that these arms had been sent there to arm the Order of the Sons of Liberty, Mr. Lincoln ordered some soldiers to that region of country.

Treachery showed itself at Louisville. Judge Bullitt and Dr. Kalfus were arrested and sent to Memphis.

The day on which the great movement was to be made became known to Mr. McDonald, candidate for governor of Indiana, and believing it would mar his prospects for election unless prevented, he threatened to expose all the parties engaged unless the project was abandoned. Thus the day passed by and nothing was done. The Chicago convention came; the crowd was immense; a general impression prevailed that a reconstruction could be had, and that it was necessary to so far pander to the military feeling as to take General McClellan to secure a certain success. This nomination, followed as it was by divers disclosures and arrests of persons, prominent members, totally demoralized the "Sons of Liberty." The feeling with the masses is as strong as ever; they are true, brave, and, I believe, willing and ready; but they have no leaders. The vigilance of the Administration, its large detective force, the large bounties paid for treachery, and the respectable men who have yielded to the temptation, added to the large military force stationed in these States, make organization and preparation an impossibility.

Jake Thompson thought that sending those soldiers into Indiana prevented the uprising of the "Sons of Liberty" at that particular time, and we have the complaint made here to-day that a Massachusetts regiment was in Indiana for that purpose. Thompson proceeds:

A large sum of money has been expended in fostering these operations, and it now seems to have been to little profit.

Mr. VOORHEES. Will the Senator from Minnesota allow me a moment? I understood him to say that Mr. Thompson alleged that troops were sent to Indiana to suppress the "Sons of Liberty" and he stated, whether he meant it or not, that he heard complaint made here to-day that troops were sent there "for that purpose."

Mr. WINDOM. No, I said I heard complaint that troops were in Indiana.

Mr. VOORHEES. The Senator said "for that purpose."

Mr. WINDOM. Let me state it distinctly, so that I may not be misunderstood. I said that I heard complaints made to-day that troops were in Indiana. I read from Jake Thompson that they were there for the purpose of preventing the uprising of the "Sons of Liberty."

Mr. McDONALD. I wish to say that the Senator has not heard any complaint that troops were in Indiana. The complaint he has heard was that troops from another State were there and interfered with our citizens in the election, and that they themselves voted. That is what he heard. Now, the Senator from Minnesota said that he had a report that would show why this Massachusetts regiment was there at that time, and on that pretense he has been reading this fable. That is all that it is, for I say that the people of Indiana through the war at all times were as loyal as the people of any other State.

Mr. WINDOM. Well, Mr. President, I have not disputed that. I was giving the authority of a rebel agent; I was giving the authority of Mr. Jake Thompson for the sending of these troops there. We had heard complaints that troops were at certain places in Indiana at certain times, and I picked up this little scrap of history for the purpose of showing how these troops got into Indiana.

Mr. McDONALD. Oh, no. The Senator will allow me to beg his pardon. The purpose that he has brought this forward for was very different from that; it was not to show why these hundred-day men were there. He had no such purpose as that.

Mr. WINDOM. Well, Mr. President, I apprehend that I know my own purpose, and the Senator has no right to attribute to me any other purpose. I am reading the authority of a distinguished democrat as to why these troops were taken into Indiana at that time. I am reading an authority of a man who I believe was the last democratic Secretary of the Interior. He gives the reason distinctly, which I have read; and I will read only a little more. In accounting to his government for the use of the money which he had expended, he said:

A large sum of money has been expended in fostering these operations; and it now seems to have been to little profit.

That is, the confederacy had wasted a good deal of money in getting up these meetings, these conventions of the Order of Sons of Liberty in Indiana and Mr. Lincoln had sent troops to deter its members and it had not amounted to much, and he was acounting for the loss of funds to the confederate government—that it was a bad speculation on the whole. But now I want to call the attention of the Senator from Indiana to this point:

But in reviewing the past, I do not see how it could have been avoided, nor has it been spent altogether in vain. The apprehensions of the enemy—

That is, the Administration—

have caused him to bring back and keep from the field in front at least sixty thousand to watch and browbeat the people at home. In this view of the subject the same amount of money has effected so much in no other quarter since the commencement of the war.

By compelling Mr. Lincoln to bring sixty thousand men from the front, as Jake Thompson says, to browbeat the people at home, I presume on election days as well as otherwise, as these complaints are made here, Jake Thompson says that more profit was made than out of the same amount of money expended in any other way by the confederate government.

I was induced to bring up this little item of history simply because we heard that this regiment was there and I wanted to contribute what I could to explain why it happened to be in the State of Indiana at that time. There is a good deal more reading of the same kind here, but I think I will not weary the Senate by going through with it.

Mr. WITHERS. You had better get in all the Rebellion Record.

Mr. WINDOM. If the Senator would like to hear it, I can read the whole of it. There seems to be a desire that I should read a little longer, and I will:

In July last Captain Charles H. Cole, of General Forrest's command, made his escape from prison. He represented to me that he had been appointed a lieutenant in our navy. I sent him around the lakes—

I will not read the rest, because it does not apply to Indiana, and my friend from Indiana would think that I was reading it for some other purpose than to explain why this regiment was there; but it is very good reading for any democrat who wishes to recall any of the events of that occasion to see why we were browbeating the people at the polls in Indiana. I will not read the whole of it.

Mr. BECK. Mr. President, some time ago when the Senator from Maine asserted with so much earnestness that no Senator—I cannot quote his exact language—could state any well-authenticated case where citizens were prevented by soldiers from voting at the polls, I took pains to ascertain the facts, thinking I could satisfy even the Senator from Maine that he was mistaken. I thought I had done so. Some weeks passed, and now after proof was piled upon proof, record upon record to satisfy him and the country that citizens were prevented by soldiers from voting at the polls in many of the States of the Union, especially all along the border line, and I supposed that the statement never would be repeated in Congress, he rises to-day and as I understand him asserts that no man can now give any well-authenticated case where citizens were prevented by soldiers from voting at the polls. That is substantially the statement, I believe. If that is correct, then I propose to say that I can give facts so well authenticated that even the Senator from Maine cannot deny them.

Mr. BLAINE. In the case of citizens entitled to vote?

Mr. BECK. Yes, sir; citizens entitled to vote. In 1866 the Kentucky Legislature appointed a committee to investigate the legality of the election held in 1865. Lee's army surrendered on the 9th of April, 1865, the war was then over. The election was held in August, 1865, and a committee investigated it. James Harlan, jr., the brother of the associate justice of the Supreme Court of the United States and for a long time chancellor at Louisville, Colonel Frank Wolford, who did more hard fighting in the Federal Army than nine-tenths of the loyal men in Congress, and Benjamin F. Buckner, a major in the Federal Army and to-day the judge of my district and one of the ablest lawyers in the State, were three of the committee. They investigated cases growing out of that election—I have the report before me—one in the county of Campbell, one in the county of Garrard, one in the county of Bath. Here is the report in the Bath case. I will read them all three and put them on the record to show that notwithstanding the assertion of the Senator from Maine the Kentucky Legislature by a committee of men as loyal as he or any man on that side of the Chamber declared this state of facts. I will read one report and then give way to a motion to adjourn, but I desire this report of this committee, composed of these men, to appear in the same RECORD in contradiction of the bold assertion of the Senator from Maine.

Mr. CONKLING. In what year did this happen?

Mr. BECK. It happened in August, 1865, and was reported to the Kentucky Legislature in 1866, after the war was over, months after the surrender of Lee, so that we get clear of the war part of it:

A majority of the committee on privileges and elections, to which was referred the petition of sundry citizens of Bath County, contesting the right of Lander Barber, esq., to a seat in this house as representative of Bath County, having heard the testimony and the argument of counsel, respectfully report that the following facts are proved in the case:

That at the Mud Lick precinct, on the morning of the election, John A. Rice, who (although a United States deputy collector of internal revenue and a resident of the Owingsville precinct) seemed to have acted as sheriff of the election, read the proclamation of General Palmer, and announced that, as the State was under martial law, he would conduct the election according to General Palmer's order, and when requested by Mr. Lacy, the candidate opposing the sitting member, to conduct the election according to the proclamation of the governor of the State, refused, reiterating his intention to be governed by General Palmer's proclamation. This statement was frequently repeated during the day, and on one occasion was accompanied by the significant remark that while there were many men present at the polls that many of them would not be permitted to vote.

The judges announced at the polls, and in the presence of many legal voters, that they had established a new rule, and that no one would be allowed to vote unless he could prove his loyalty "by two good Union men." Notwithstanding these tests, no one (with perhaps one exception) was allowed to vote whose name appeared on a list in the possession of the judges. The number of men on the list at this precinct was fifty or sixty, and they were not permitted (with the exception above referred to) to vote under any circumstances, notwithstanding many offered to take the oath required by law.

There were ten or fifteen armed soldiers present at the voting place, and one of their number, named Rogers, proclaimed in a loud voice, near the polls, that the next "illegal voter" who presented himself would be arrested and carried to "headquarters." This was about nine or ten o'clock in the morning, and the proof shows that most of the voters present left the polls immediately after this announcement was made, without making any attempt to vote.

The testimony shows that the officers of the election at this precinct, who are all members of the same political party as Mr. Barber, officiated at the last presidential election, and that nearly all the persons whose names were on the list were permitted to vote at that election without question.

Upon the occasion of Mr. Ambrose L. Wright offering to vote, he was informed of the "new rule" adopted by them. He appealed to the judges of the election as his witnesses, and, although they indorsed his loyalty, they refused to permit him to vote. The same man was rudely ordered to leave the polls by Rice, who seems to have assumed the entire control of the election. The testimony also shows that a few days after the election Rice boasted that he had done everything he could to intimidate voters and prevent them from exercising the right of suffrage.

The proof establishes that many legal voters at this precinct left the polls without voting, and that many, hearing of the state of affairs, were turned back before reaching the voting place.

This precinct contains, according to the proof, from 350 to 365 votes, and about 120 were cast—about one-third of the entire vote.

In the Sharpsburgh precinct the polls were surrounded by armed negro soldiers, whose commanding officer sat with the judges at the voting place. This officer read the proclamation of General Palmer at the opening of the polls and produced a list of names, about eighty in number, and the voters were warned by him that if any man whose name was on that list attempted to vote he would be at once arrested and carried to Louisville. The presence of the military and the manner in which the election was conducted prevented about 100 votes from being cast—about one-half of the vote of the precinct.

At Wyoming precinct a list with one hundred names, all legal voters except one, was produced, and about one o'clock p. m. Daniel Palmer and son were arrested by the soldiers present for the offense of voting when their names were on the list. This had the natural effect to drive from the polls many legal voters—especially those whose names were on the list. There are in this precinct over 300 legal votes; about 200 were cast. The proof shows that the presence of the soldiers, their conduct, and the manner in which the election was conducted, prevented at least 50 votes from being cast against the sitting member. The officers of election who presided at this precinct were also officers at the last presidential election, and permitted the persons whose names were on the list to vote without question at that election.

The only white soldiers in Bath County at the election were a company of State troops under the command of the sitting member. He had, a few days before the election, received from the officer commanding at Mount Sterling, orders to send a guard to each precinct to prevent illegal votes from being cast. Upon the reception of the order he communicated its contents to his company, accompanied with the statement that he would not execute the order as he was himself a candidate.

He gave his men (who principally lived in Bath) furloughs a few days before the election to go to their respective precincts and vote at the election. It does not appear in proof that the interference by these soldiers was caused by the sitting member. Nor does it appear in proof at whose instigation, nor by whom, the lists which the judges produced at the voting places were furnished. They came from "headquarters;" but from whose headquarters does not appear.

There were cast in Bath County, before the war, from 1,500 to 1,900 votes. The auditor's report shows that there were 1,491 tithables in 1865, and one of the witnesses says, that, excluding all within the purview of the expatriation act, there were at the August election at least twelve hundred legal voters in Bath County. There were 950 votes cast. Barber's majority was 30. The number of names on the list at Wyoming was 100; at Mud Lick, 60; at Sharpsburgh, 80; at white Sulphur, (estimated,) 60; making 300 in the four precincts.

The question presented to the committee by the proof is not, in the judgment of the undersigned, difficult of solution. We have no hesitation in saying that the election was not free and equal, and that if it had been conducted according to law in any one of the four precincts the result would have been different. Enough men in each of those precincts were prevented from voting for Mr. Lacy, by the unlawful manner in which the election was conducted, to have insured the defeat of the sitting member. Nor do the undersigned think that the affidavit of the sitting member, which was permitted to be read as evidence, can change this result. The evidence there recited consists in a few vague generalities, and is not responsive to the specific facts proved by the contestant's witnesses. For instance, the sitting member expects to prove, by John A. Rice "that he conducted the election at Mud Lick according to law." This vague and unsatisfactory statement should not be permitted to outweigh the positive testimony of several witnesses, that he conducted the election according to Palmer's order; that he refused to permit many men to vote because their names were on the list; that he drew his pistol and had an angry altercation at the polls with a voter, whose only offense seems to have been the pertinacity with which he demanded that he should be permitted to vote; and that he required voters to prove their loyalty by two Union men, &c. None of these facts are specifically negatived by the affidavit; and we, therefore, disregard it wherever it is contradicted by positive and direct testimony proving particular unlawful acts. We therefore recommend the adoption of the following resolution:

"*Resolved*, That Lander Barber, esq., is not entitled to hold a seat in this house as representative from Bath County; that his seat be declared vacant, and that the speaker issue his writ for an election to fill said vacancy."

Respectfully submitted.

I. N. WEBB, *Chairman.*
JAMES HARLAN, Jr.
FRANK WOLFORD.
B. F BUCKNER.

Mr. President, these are reputable, loyal, and able men—I use the word able confidently as to two of them, Harlan and Buckner. I speak with full assurance of what I know, when I say, and the people of Kentucky know, that there are not five men in this Chamber of more ability than either of them—loyal men, officers in the Union Army, who fought through the war, they, speaking of an election held after the war was over, say that troops black and white with prescribed lists prevented men who were legal voters from voting.

The county of Garrard comes next, then the county of Campbell, adjoining Cincinnati. These I will read in the morning, and I will make the proof so clear that even the Senator from Maine will have difficulty in rising in his seat to say that soldiers did not prevent citizens from voting at the polls.

Mr. McDONALD. The Senator yields to me. I desire simply to say one word after the reading of this report, or whatever it is called by the Senator from Minnesota. So far as Indiana is concerned, it is mere fable. He says it was read by him to show why this Massachusetts regiment was in Indiana in October, 1864, and to justify their taking possession of the election polls on that day and those troops voting. That, I suppose, is what he read it for, as some justification for that.

Mr. WINDOM. The Senator interrupted me; let me interrupt him to say that I read it for no such purpose. I read it merely to show why the regiment was in Indiana.

Mr. McDONALD. To show why these hundred-day men were in Indiana in 1864 in October.

Mr. WINDOM Why that Massachusetts regiment was there.

Mr. McDONALD. Now, I desire to say that General Love, whose letter has been read from the desk, was at the time the democratic candidate for Congress in that district, and he was also the commander of the Indiana Legion, put in command of it by Governor Morton, it being a State military organization raised and established for the purpose of defending the Indiana border. He is the peer of any man in this Senate Chamber, and so far as the question of his loyalty is concerned, it has never been questioned anywhere.

Now, if what the Senator from Minnesota has read justified driving such a man as that from the election ground on the day of election, forcing him to leave there, and virtually taking possession of the polls by persons who were not citizens of the State, then the Senator has furnished some justification; but unless it reaches that point, the revival of that report is simply to undertake to cast a shadow over the loyalty of a State that stands equal with any State in the Union in point of loyalty.

I want to say further, Mr. President, that there was not a county in the State of Indiana that did not furnish its quota of troops, and there was no part of the State that did not do its whole duty in the late civil war.

Mr. WITHERS. The Senator from Kentucky having yielded to a motion to adjourn, I simply wish to state before the motion is made that, in view of the fact that this bill has been practically discussed so frequently, leaving so little to be said about it that was new, I had hoped we could get a vote this evening; but being informed by several Senators on both sides of the Chamber that they desire to be heard on the subject, I wish now to state that I shall to-morrow ask the Senate to secure a vote upon the passage of this bill before adjournment to-morrow.

Mr. GARLAND. I move that the Senate adjourn.

The motion was agreed to; and (at six o'clock and ten minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June* 17, 1879.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced its concurrence in the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House of Representatives to the fourth amendment of the Senate to joint resolution (H. R. No. 1) to repeal certain clauses in the sundry civil appropriation act of March 3, 1879.

It further announced the passage of a bill (H. R. No. 2252) making appropriations for certain judicial expenses, with amendments in which concurrence was requested.

HARBORS OF NATCHEZ AND VIDALIA.

Mr. ACKLEN. I ask unanimous consent to submit a report from the Committee on Commerce.

Mr. BAKER. We reserve all points of order until after the joint resolution has been read.

Mr. ACKLEN. Certainly. It is a unanimous report from the Committee on Commerce.

The Clerk read as follows:

Resolved, That the Secretary of War be, and is hereby, authorized and directed to order a survey, and recommendations thereon, of the Mississippi River near Lake Concordia, Louisiana, and of Cowpen Bend, Mississippi, looking to the protection of the harbors of Natchez and Vidalia by restraining the river from cutting into Lake Concordia and Charenton Canal, in Saint Mary's Parish, Louisiana, out of moneys already appropriated for surveys and examinations by act of Congress of March 3, 1879.

The SPEAKER. Is there objection?

Mr. ACKLEN. I should like one minute to explain this matter.

Mr. GARFIELD. We will hear the gentleman's explanation, but reserve all points of order.

Mr. ACKLEN. Certainly. The authority to make this survey is earnestly desired by the Corps of Engineers. Near Lake Concordia the river threatens to cut through the levees and by rushing into Lake Concordia to cause the cities of Vidalia and Natchez to have the same fate as befell the town of Vicksburgh. The State engineers have examined this question, and they report that unless some action is taken within twelve months the river will soon cut into Lake Concordia. This would entail a loss upon the State of six hundred thousand dollars' worth of levees. The Corps of Engineers here cannot make any recommendation until a survey has been made, and therefore they recommend that the passage of the act take place during the extra session, so that the State engineers, together with the engineers of the United States Government resident in New Orleans, can make the surveys and report back to the Engineer Corps before the meeting of the regular session in December. The joint resolution makes no appropriation whatever, but simply authorizes the survey out of appropriations already made.

Mr. GARFIELD. Is this the unanimous report of the committee?

Mr. ACKLEN. It is the unanimous report of the Committee on Commerce.

Mr. CONGER. What appropriation already made could pay for this?

Mr. ACKLEN. There is no appropriation made for this specific purpose. The appropriations are made generally in the river and harbor bill for surveys throughout the United States.

Mr. CONGER. Those appropriations are made for surveys which are specified.

Mr. ACKLEN. Precisely; and it rests within the discretion of the Department to apply the money so appropriated to such surveys as in their opinion are most important. Now they are satisfied of the importance of this matter and only wish the consent of Congress to apply a portion of the money already appropriated for the purpose of making this survey.

Mr. CONGER. Does the gentleman claim the engineers of the State are incapable of making a proper survey?

Mr. ACKLEN. They have already made a survey; and acting upon their report the Corps of Engineers here desire the authority to make a survey through their own corps. They cannot make recommendations upon the surveys by State engineers.

Mr. CONGER. I suppose the object of the gentleman is, in having this survey ordered, to make this a public work for which appropriations can be made, and for a service which in the opinion of this House is not proper for Congress to authorize, namely, the protecting of overflowed lands.

Mr. ACKLEN. No, sir; it is not at all for that. If the gentleman will understand the matter he will see it is to protect the harbors of Natchez and Vidalia, where the river threatens to cut through into Lake Concordia and leave them upon a lake; just as when General

Grant cut the canal at Vicksburgh. Unless this survey is made and some action is taken the fate which befell Vicksburgh will be the fate that will befall these two towns. This entails no expense on the Government and the resolution is the unanimous report of the Committee on Commerce.

Mr. CONGER. The only objection I have to the resolution is that it authorizes by law the survey of a work having reference to the breaking through of a river and the overflowing of lands, which is a great calamity undoubtedly, but which, with my delicate regard for State rights, I am willing should remain under the charge of the States.

Mr. ACKLEN. But the gentleman does not reach the question exactly.

Mr. CONGER. I think I reach very near the question. I think the gentleman from Louisiana will not dispute that what I have indicated is the ultimate object of this proposition.

Mr. KING. If the gentleman from Michigan will allow me a word I will say that I dispute it with all politeness and with all sincerity. This is not for the protection of the alluvial lands alone, by any means; nor is that the main object. The main object is to protect the harbor of the town of Vidalia and the harbor of the city of Natchez. That is really the object. If in so doing the protection of lands from inundation is incidentally gained, there can be no objection to that, I think.

Mr. CONGER. How can the breaking through of the river destroy property to the amount the gentleman from Louisiana [Mr. ACKLEN] has stated, of $600,000?

Mr. ACKLEN. Pardon me; I did not say property to that amount; I said it would destroy levees which have already cost that amount if permitted to break through. The lands lying just back are of no value at all. They are swamps, practically speaking.

Mr. CONGER. The levees I understand are the State levees and the lands are the lands which the levees protect.

Mr. ACKLEN. The lands lying back are almost swamps, and comparatively valueless. The object is to prevent the river taking another course and leaving the towns of Vidalia and Natchez practically upon a lake, just as the river taking its course through the canal cut under General Grant's orders left the town of Vicksburgh upon a lake.

Mr. CONGER. I have been at the town of Vicksburgh, and never noticed that it was left on a lake, or even a very wide river.

Mr. ACKLEN. It was left on an arm of the river.

Mr. KING. Has the gentleman from Michigan been at Vicksburgh lately? It is now on a lake.

Mr. CONGER. I suppose the object is to prevent the destruction of the levees.

Mr. ACKLEN. Not at all; and besides, this matter is left to the discretion of the War Department and the Corps of Engineers.

Mr. GARFIELD. If the gentleman will allow me I will state that I have looked at this bill. Its result, if carried out, will be the laying before us facts so that Congress can judge whether any further action is needed. I see no objection to it, and so far as I am concerned I have no objection.

Mr. ACKLEN. I trust there will be no further objection.

There being no objection, the joint resolution (H. R. No. 102) received its several readings, and was passed.

Mr. ACKLEN moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The morning hour begins at thirty minutes past twelve o'clock.

CHANGES OF THE SUNDRY CIVIL BILL.

Mr. ATKINS. I rise to a privileged question. I submit the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the joint resolution (H. R. No. 1) to repeal certain clauses in the sundry civil appropriation act, approved March 3, 1879.

The report of the committee of conference was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the fourth amendment of the Senate to the House resolution No. 1, entitled "Joint resolution to repeal certain clauses in the sundry civil appropriation act, approved March 3, 1879," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 4, and agree to said House amendment amended as follows:

In lieu of the sum named in the paragraph "To pay the widow and heirs of Hon. Rush Clark, deceased, to be distributed in the proportion prescribed by the law of descent of the State of Iowa" insert "$6,000;" and in lieu of the sum named in the paragraph "To pay the widow of Hon. Gustave Schleicher, deceased," &c., insert "$6,000;" and strike out from said paragraph the words "two years' salary."

And the House agree to the same.

JNO. D. C. ATKINS,
THOS. R. COBB,
JOS. R. HAWLEY,
Managers on the part of the House.

WM. W. EATON,
WM. A. WALLACE,
W. B. ALLISON,
Managers on the part of the Senate.

Mr. ATKINS. I call for the previous question on agreeing to the report.

Mr. GARFIELD. I ask the gentleman to state the substance of this report before he moves the previous question upon it.

Mr. ATKINS. Well, sir, the committee of conference disagreed with regard to the amount voted to the widows of Messrs. Clark and Schleicher—Mr. Clark, late a member of this House, and Mr. Schleicher, a member-elect to this House. The committee agreed to strike out "$10,000" and to insert "$6,000," putting both upon the same basis. That was the only point of difference really of any importance.

There was a matter with regard to the payment of deputy marshals who took the eighth census, involving a sum of some $8,000 or $9,000.

There was also a matter involving some $4,000 for the payment of deputy marshals who took the ninth census, which sums were recommended to be paid by the Secretary of the Interior.

There was also a small matter of $83 for the payment of a young man by the name of Kondrup, a messenger to the reporters.

There was also a small sum of $600 or $800 for the payment of the salary of a judge of Dakota Territory for the balance of this fiscal year.

There was also an amount of about $9,000 for the payment of some parties from whom the Government had leased the Seaton building. It is a matter of damages and rent, which was decided by the supreme court of the District of Columbia to be due them.

I believe these are the only items embraced in the conference report. The only real question of difference in the conference on the part of the Senate and the House was in regard to the amount that should be paid to Mr. Clark's widow and Mr. Schleicher's widow. The committee of conference did not feel willing to pay $10,000 to each, believing it to be rather a dangerous precedent. It was objected to strenuously by some of the conferees on the part of the Senate, and as a compromise we agreed to $6,000. We did not feel that we could separate the two cases, although they did not occupy the same relation to the House for the reason that Mr. Clark was a member of the House and died in its service, while Mr. Schleicher, being a member-elect to the House, died before his term of service began; and from the expression of opinion upon both sides of the House the committee of conference did not feel that they could well separate them, and they agreed to pay to the widows of these gentlemen $6,000 each, feeling that in the future a law on that subject would be placed on the statute-book which will regulate the matter.

The report of the committee of conference was agreed to.

Mr. ATKINS moved to reconsider the vote by which the report of the committee of conference was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ATKINS, from the Committee on Appropriations, reported back the bill (H. R. No. 2251) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes, with the amendments of the Senate thereto.

The report of the Committee on Appropriations was read, as follows:

The Committee on Appropriations, to whom was referred the bill (H. R. No. 2251) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes, together with the amendments of the Senate thereto, having considered the same, beg leave to report as follows:

They recommend concurrence in the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 9, 10, 12, 15, 16, 17, 18, 19, 20, 21, 22, 24, and 32.

They recommend non-concurrence in the amendments numbered 11, 13, 14, 25, 26, 27, 28, 30, 31, and 34.

They recommend concurrence in the amendment numbered 7, with an amendment as follows:

At the end of said amended paragraph, after the word "dollars," add the following: "For newspapers and stationery for the members of the House of Representatives, the officers of the House, and committees of the House, including $6,000 for stationery for the use of the committees and the officers of the House for the first session of the Forty-sixth Congress, $42,675 is hereby appropriated out of any money in the Treasury not otherwise appropriated."

They recommend concurrence in the amendment numbered 8, with an amendment as follows:

Add at the end thereof these words: "And the clause for a foreman and laborers under the heading of 'Public Buildings and Grounds' is amended so that the sum named therein will read $24,000; and the clause for stationery, books, fuel, labor, postage, and other contingent and miscellaneous expenses, under the heading 'Court of Claims,' is amended so that the sum therein will read $10,500."

They recommend concurrence with the amendment numbered 23, with an amendment as follows:

Insert in line 8, page 9 of the bill, after the word "firemen," the words "at $720 each."

They recommend concurrence with the amendment numbered 23, with an amendment as follows:

Substitute for the matter stricken out by said amendment the following:

"That the fifth paragraph of that portion of the act of June 20, 1878, making appropriation for the sundry civil expenses of the Government for the fiscal year 1879, and for other purposes, relating to the District of Columbia, be, and the same is hereby, amended so that the sum of money therein appropriated to pay the workingmen of said District shall be paid to those whose claims are due and unpaid from the District of Columbia for work under the superintendents of the late board of public works, and also from contractors whose accounts against the government of said District had been paid in part or in full prior or subsequently to the act of June 23, 1874, and of those who have not been paid prior to or since said date by the late board of public works or by the commissioners of the District of Columbia; and the commissioners of the District of Columbia are hereby directed to turn into the Treasury of the United States any moneys now in their possession due or belonging to contractors under the late board of public works who have not paid their laborers or workmen: *Provided*, That if the said sum of $75,000 in said act mentioned shall not be sufficient to pay all such claims found to be due under the provisions of said act of June 20, 1878, and of this section, then there shall be made the required *pro rata* deduction of each claim; and the amount to be paid

on each claim shall be paid and received in full discharge of the claim of such workman; and that no such claims shall be received, filed, or audited subsequently to the 1st day of July, 1879: *And provided further*, That the amount or *pro rata* amount found to be due to each workman shall only be paid as follows: if he be a resident of the District of Columbia, to him in person; if he be a non-resident, by draft on the Treasury to his order; if he shall have died, by draft on the Treasury to the order of his legal representatives."

Mr. ATKINS. I now call the previous question.

The SPEAKER. The Chair would suggest to the House that if no separate vote is asked on the various amendments of the Senate, then the question will be taken, first, upon agreeing to the recommendation of the Committee on Appropriations so far as they recommend concurrence in the amendments of the Senate; next, on agreeing to the recommendation of the Committee on Appropriations so far as they recommend non-concurrence in the amendments of the Senate; and, third, upon those amendments of the Senate which the Committee on Appropriations recommend be concurred in with amendments.

Mr. BAKER. I desire the attention of the chairman of the Committee on Appropriations for one moment.

Mr. REAGAN. A separate vote can be had upon concurring——

The SPEAKER. A separate vote can be had upon concurring in any amendment of the Senate, or upon non-concurring, or upon concurring with an amendment by the House.

Mr. BAKER. I desire to call the attention of the chairman of the Committee on Appropriations to this fact. It will be observed that the time within which claims of the workmen of the District of Columbia may be filed and audited is the 1st of July, 1879. That time was fixed when the legislative appropriation bill was originally reported to the House at this session, and had the bill then passed and become a law there would have been several months' time within which to file these claims. But when this bill shall have become a law the 1st of July will be almost at hand. I would suggest that the 1st of September be fixed as the time.

The SPEAKER. If both Houses have agreed upon that date, it cannot now be changed.

Mr. GARFIELD. I understand that the entire section was stricken out by the Senate.

Mr. ATKINS. The Committee on Appropriations propose an amendment to the Senate amendment. If the House shall adopt the recommendation of the Committee on Appropriations, that will leave the matter in conference between the two Houses, unless the Senate shall adopt the House amendment.

Mr. BAKER. I have accomplished all I desire by calling the attention of the chairman of the Committee on Appropriations to the fact.

Mr. TOWNSHEND, of Illinois. Will the gentleman from Tennessee yield for a question?

Mr. ATKINS. Certainly.

Mr. TOWNSHEND, of Illinois. I will not ask the gentleman to explain all the grounds of disagreement between the two Houses upon this bill. I desire, however, to ask him what has become of the question heretofore before the House equalizing the salaries of officers of the House and officers of the Senate for corresponding services?

Mr. ATKINS. The gentleman ought to be apprised of the fact that that question was settled the other day when we passed this bill. It was embraced in the legislative, executive, and judicial appropriation bill which we passed last week.

Mr. TOWNSHEND, of Illinois. If that is all the answer the gentleman desires to make——

Mr. ATKINS. It is a complete answer.

Mr. TOWNSHEND, of Illinois. Then I want to say this: the bill was passed under a suspension of the rules without opportunity for debate or amendment.

Mr. ATKINS. I object to debate now.

The SPEAKER. The gentleman from Tennessee [Mr. ATKINS] yielded for a question.

Mr. ATKINS. Yes, for a question, not for a speech.

Mr. TOWNSHEND, of Illinois. Before the demand for the previous question is sustained, I desire the House to have an opportunity to pass on that question.

Mr. ATKINS. I will yield——

Mr. TOWNSHEND, of Illinois. The answer of the gentleman from Tennessee is not satisfactory to me. That bill was brought in here and passed under a suspension of the rules; there was no opportunity for any amendment or debate whatever; the bill was passed under those circumstances. This question I regard as a very important one. It seems to me rank injustice has been committed on the House and its officers. The officers of this House are compelled to do far more duty in corresponding positions for less pay than the officers of the Senate. I applaud and commend highly the efforts which have been made by the Committee on Appropriations in the line of economy. Its struggles and the struggles of the democratic House with the republican Senate of the four years past deserve the gratitude of the whole country. But I cannot commend action which will allow the officers of the Senate to receive 20 per cent. pay beyond officers of the House performing the same kind of duty. In my view it would be an act of no greater injustice for the Senate to compel members of the House to accept a reduction of salary below the pay of Senators than for that body to compel officers of the House to receive reduced salaries while the salaries of the officers of the Senate for the same kind of services are maintained at the old rates.

There are a few facts that ought to be in possession of this House before we dispose of this question. The gentleman from Tennessee [Mr. ATKINS] himself, about one year ago, eloquently and forcibly presented the very point which I am now seeking to bring to the attention of the House. I had the pleasure on that occasion of voting with the gentleman from Tennessee, and sustaining his view. The question arose on the 15th of June, a year ago——

Mr. ATKINS. How long a time does the gentleman want to occupy?

Mr. TOWNSHEND, of Illinois. I do not ask for any lengthy time; I merely want to get the facts before the House.

The SPEAKER. The gentleman from Tennessee [Mr. ATKINS] did not specify the time for which he yielded.

Mr. TOWNSHEND, of Illinois. I have cold figures and naked facts in my possession which I wish to present to the House. There are but seventy-six members of the Senate, while there are three hundred and three members of the House and Delegates.

Mr. HUMPHREY. I wish to ask the gentleman from Tennessee whether this matter is to be debated generally?

Mr. TOWNSHEND, of Illinois. I do not yield to the gentleman from Wisconsin, [Mr. HUMPHREY.]

Mr. ATKINS. I yielded to the gentleman from Illinois, as I thought, to answer a question; but the gentleman and the Chair decided that I had yielded unreservedly. I did not yield to the gentleman to make a speech.

The SPEAKER. The Chair made no decision about the matter.

Mr. ATKINS. I thought the Chair stated that I had yielded to the gentleman from Illinois unconditionally.

The SPEAKER. If the gentleman from Tennessee will listen for a moment——

Mr. ATKINS. I will.

The SPEAKER. The gentleman from Tennessee yielded, as the Chair understood, to the gentleman from Illinois, to answer a question.

Mr. ATKINS. I did.

The SPEAKER. The Chair stated that the gentleman from Tennessee had yielded for a question, and was about to call the gentleman from Illinois [Mr. TOWNSHEND] to order, when the gentleman from Tennessee, having communicated with the gentleman from Georgia, yielded unreservedly as to time.

Mr. ATKINS. I did not intend to do so.

The SPEAKER. No time was specified. The Chair did not make any decision.

Mr. ATKINS, (to Mr. TOWNSHEND, of Illinois.) You have in my opinion abused your privilege.

Mr. TOWNSHEND, of Illinois. I leave that for the decision of the Chair and the House.

I wish to call attention to a document which has been heretofore submitted to the Committee on Appropriations. I intend to make no reflection upon the committee, nor do I mean any offense whatever to the gentleman from Tennessee. I highly appreciate the value of his efforts in behalf of economy and retrenchment. I have no reflections for any member of this House, but I insist that there shall be done what I regard as a simple act of justice to the House and its employés, an act demanded by every principle of equity. The facts presented in this paper show that while the Senate has but seventy-six members, and the House three hundred and three Members and Delegates, the cost of the employés of the Doorkeeper's department of the Senate is $74,384, and the cost of all the employés of the Doorkeeper's department of the House for like services is only $63,474—a difference of about $10,000. I wish to call attention further to the fact——

Mr. ATKINS. Mr. Speaker, have I a right to resume the floor?

The SPEAKER. The Chair states again that he asked the gentleman from Tennessee how much time was yielded, and the gentleman made no reply. The gentleman from Tennessee is undoubtedly entitled to the floor if he chooses to interrupt the gentleman from Illinois; for he ought to recollect that the Chair cannot regulate the time which shall be occupied by a gentleman to whom the floor has been yielded without condition as to time by another.

Mr. TOWNSHEND, of Illinois. I am surprised that my friend from Tennessee should desire to prevent a discussion of this question after he himself yielded for a statement.

Mr. ATKINS. There are other gentlemen who want to occupy a part of the hour, and I do not wish the gentleman to occupy the whole of it. I want to occupy some of it myself.

The SPEAKER. The gentleman from Tennessee, as the Chair understands, claims the right to resume the floor.

Mr. BRIGHT. I rise to a point of order. It is, as I understand, the rule of the House as well as the practice that where a member having the floor yields to another simply for the purpose of asking a question——

Mr. TOWNSHEND, of Illinois. Oh, that question has been decided by the Speaker.

Mr. BRIGHT. No, sir; it has not been decided. I say that where one member yields the floor to another for the purpose merely of asking a question, the gentleman to whom the floor is yielded holds it simply at the will of the original occupant of the floor, who has the right to resume the floor at any time.

Mr. HUMPHREY. The gentleman from Illinois [Mr. TOWNSHEND] is only a tenant at will.

Mr. BURROWS. A tenant by courtesy. [Laughter.]

The SPEAKER. The gentleman from Illinois will remember that he is holding the floor and speaking in the time of the gentleman from Tennessee and by his consent. As the Chair has already intimated, the gentleman from Tennessee did not limit the gentleman from Illinois as to time; but the Chair thinks the gentleman from Illinois should be reasonable in that respect. [Laughter.] Does the gentleman from Tennessee now resume the floor?

Mr. ATKINS. I do not desire to take the gentleman off the floor if he will only be brief in his remarks. He has now occupied the floor already fifteen or twenty minutes.

Mr. REAGAN. Most of that has been taken up by interruptions. If the gentleman had been permitted to proceed he undoubtedly would now have finished his remarks.

Mr. TOWNSHEND, of Illinois. I will be brief and I will be pointed.

MEMBERS on the republican side. Let him go on.

Mr. TOWNSHEND, of Illinois. Now, Mr. Speaker, I wish simply to quote the language of my friend from Tennessee delivered just one year ago. He then stated on this floor, and I felt it was greatly to his credit that he said it, [laughter]——

Mr. CLAFLIN. We cannot hear on this side of the House a word that is going on.

Mr. TOWNSHEND, of Illinois. What is it the gentleman wants to know?

Mr. CLAFLIN. Why, we can hear nothing that is going on.

The SPEAKER. Gentlemen of the House will preserve order.

Mr. TOWNSHEND, of Illinois. I will now proceed.

The SPEAKER. Gentlemen who are standing in the aisles will be seated.

Mr. TOWNSHEND, of Illinois. I hope I will be permitted to go on without further interruption. It will only take a few minutes to make the point I desire.

Members on the republican side. Print! [Laughter.]

Mr. TOWNSHEND, of Illinois. The gentleman from Tennessee stated a year ago there was as much justice in the Senate demanding larger salaries for like services on the part of their employés as it would be for the members of the Senate to demand $10,000 a year for their own salaries, allowing to the members of the House only $5,000 a year. I say, he then announced a principle of justice. I am here to-day contending for the same principle that he contended for a year ago. [Cries of "Good!"]

I desire to call the attention of the House, Mr. Speaker, very briefly to the comparative expenses of the two Houses. The expenses of the Doorkeeper's department of the Senate are over $74,000 a year, while the expenses of the Doorkeeper's department of the House are only a little over $63,000 a year—a difference of nearly $10,000.

What further startling facts confront us? As I have already mentioned, there are seventy-six Senators, while there are over three hundred members of the House. We find that these dignitaries of the Senate have twenty-four laborers to perform the labor of keeping the Senate Chamber in order and other duties——

Mr. STEELE. That must be because they are dirtier than we are. [Laughter.]

Mr. TOWNSHEND, of Illinois. The Senate have twenty-four laborers. How many do we have in the House? The record shows we have only eleven laborers in this House.

I now come to the question of salaries. In the Senate they have two assistant doorkeepers drawing a salary of $2,592 each. What is the fact here? The Doorkeeper of the House, one of the principal elective officers of the House, gets only $2,500 a year, and his assistant only $2,000 a year. The Doorkeeper and assistant doorkeeper are compelled to supervise the entire labor of the Doorkeeper's department of this House for over three hundred and three members, while the Doorkeeper's department of the Senate is only employed for the purpose of waiting on seventy-six members.

In the Senate they have nineteen pages. In the House we have only twenty-nine. The House pages have three hundred and three members to serve, while the Senate pages have only seventy-six.

I will not go into further details in reference to the Doorkeeper's department except to say the entire force of employés of the Doorkeeper's department of the House does not exceed one hundred, while in the Senate the number is eighty-eight. We have, sir, in the Doorkeeper's department of the House only one officer, we might say, to serve three members, while in the Senate they have more than one such officer to each Senator. Let us look again at the question of salaries. The employés of the House, having in some instances nearly three times the labor to perform that the Senate employés have, are reduced in their salaries on an average about 15 to 20 per cent. below the salaries of the officers of the Senate.

I will before I take my seat call attention to the compensation of some of the employés in the Clerk's department. The compensation of the chief enrolling clerk of the House is $2,250, and of the assistant enrolling clerk $2,000, making $4,250 as the entire expense of the enrolling clerks in the House. In the Senate they have one chief enrolling clerk at $2,592 and an assistant at $2,220, making the entire expense $4,812, some $600 more than in the House. What is the difference between their labor? I am told that the labor of the enrolling clerks of the House is five times as great as that of the enrolling clerks of the Senate.

Mr. BROWNE. Will the gentleman allow me to ask him a question?

The SPEAKER. The gentleman from Illinois has no right to yield the floor, as he occupies it by consent, to be used only by himself.

Mr. TOWNSHEND, of Illinois. I come now to another point.

Mr. ATKINS. Will the gentleman allow me to inquire how much time he has?

The SPEAKER. The gentleman from Tennessee can resume the floor when he chooses.

Mr. TOWNSHEND, of Illinois. I am nearly through, and will finish very soon if I am not interrupted.

I wish to call attention to another fact. The compensation of the bill and printing clerk of the House is $2,250. The number of bills he is compelled to perform labor upon is sixty-seven hundred and ninety-nine. What do we find in the Senate? They have two clerks for this work, and the compensation of the bill and printing clerks there is $4,450, and they have only nineteen hundred and thirty-seven bills to work upon. I ask gentlemen to note the disparity not only in the labor, but in the compensation given, the Senate clerks having less than one-third of the work, and yet the pay nearly double the salary of the House employés.

Now, Mr. Speaker, from all these facts I deduce this conclusion: great injustice is done to this House or there is extravagance in the Senate. I do not ask that the salaries of the officers of the House shall be raised. I am not asking, Mr. Speaker, for an increase of salaries. What I ask is that the salaries of the officers of the Senate shall be regulated by the salaries of the officers of the House. But if the Committee on Appropriations and the House and the Senate are of opinion that the salaries of the officers of the Senate should remain at the rates fixed at present, then I insist in the name of common justice and of common sense that the pay of the officers of this House shall be placed upon an equality with those in the Senate.

I am in favor of continuing the struggle for economy. I am in favor of real genuine economy; but I am not in favor of confining our economy to the House. I want to apply the rules of economy to the Senate as well as to the other departments of the Government. I recognize the fact, sir, that we upon this floor stand nearer to our only sovereign than those who occupy seats at the other end of this Capitol. We are sent here freshly by the men who are compelled to earn by their sweat and toil the money which pays the expenses of this and every other department of the Government; and they have a right to be heard through their direct representatives upon all questions involving public expenditures. I contend for equality, for justice, and economy. And now, in conclusion, let me say I do not desire to have this bill recommitted to the Committee on Appropriations if it can be avoided, as that course may be considered by some discourteous to the committee. Therefore I trust the gentleman from Tennessee will allow me to offer an amendment to his bill equalizing these salaries; but if he refuses that privilege I give him notice now that I shall move that this bill be recommitted to the Committee on Appropriations, with instructions to equalize the salaries of the employés of the two bodies.

Mr. ATKINS. It is known to this House, Mr. Speaker, what the gentleman from Illinois has advised the House of, as if it were not known before, that for the last three years I have endeavored to equalize the salaries of the employés of the Senate and of the House. The gentleman says that I made an earnest effort, an earnest appeal in that behalf. I did do the best I could to bring about that equalization. It will be remembered, Mr. Speaker, that the salaries as embraced in this legislative bill to-day for the respective employés of the two Houses are upon the same basis that they have been for several years past, I may say six or eight years; how much further back I am not prepared to say.

Ever since you, Mr. Speaker, were chairman of the Committee on Appropriations, and while the gentleman from Indiana (Mr. Holman) not now a member of this House was chairman of that committee, and while I myself have been its chairman, efforts have been made to equalize the salaries of these employés of the respective Houses. It will be remembered, Mr. Speaker, at the last session of Congress a bill was introduced to that effect. It was defeated in the Senate. The legislative bill reported at the last session provided for an equalization. The legislative bill reported at the previous session of the Forty-fifth Congress also provided for an equalization. In each session this was defeated in the Senate. It will be remembered, also, that at this extra session the bill as reported provided that the salaries should be equalized; but, sir, that proposition was again defeated in the Senate. Now, with these constant defeats, and with this extra session dragging its lazy length along, with no prospect of our being able to effect an equalization of these salaries, the Committee on Appropriations in presenting this bill did not feel it was necessary to go over the same work which it had twice, thrice, four times attempted without success.

Mr. BLOUNT. Will the chairman of the committee yield to me that I may ask him a question?

The SPEAKER. Does the gentleman from Tennessee yield to the gentleman from Georgia?

Mr. ATKINS. Yes, sir.

Mr. BLOUNT. I desire to ask if on that occasion there were any assurances given that at the regular session democratic Senators would unite with us in reducing the number and salaries of employés of the Senate?

Mr. ATKINS. I was coming to that. There was great anxiety on both sides of the House to shorten this session, and not believing that an adjustment of this particular item could be had at this session, the Committee on Appropriations, in my opinion wisely, passed it over for the balance of the present session with the view of taking it up at the next session, a resolution, as has been suggested by the gentleman from Georgia, having already been introduced and adopted by the Senate looking to the equalization of the salaries of the employés of the Senate.

Mr. TOWNSHEND, of Illinois. Will the gentleman yield to me for a question?

Mr. ATKINS. I will, with pleasure.

Mr. TOWNSHEND, of Illinois. If the Senate is willing to equalize these salaries next session, why should it not be willing to do so now?

Mr. ATKINS. If the gentleman from Illinois expects me to be omniscient, then he misses the mark a long way. I cannot tell what the Senate's motives are or what the Senate will do. I can only tell what the Senate has done; it has uniformly defeated every effort to equalize these salaries. But it has taken a step that I have just referred to, looking to the equalization of the salaries of the officers of the Senate and of the House. Whether it will do it or not it is for the gentleman to look into the future to see as well as myself. I am not prepared to say that I believe that they will do it.

Now, I will say that I am as ardent a friend of economy as the gentleman, and I trust that the lecture which he has read this morning to the Committee on Appropriations on the subject will be remembered by them, although I do not think they need to remember it, because I think it is the fixed determination of the Committee on Appropriations never to cease to agitate this question until the salaries of the officers of the two Houses are equalized.

Mr. TOWNSHEND, of Illinois. Will the Senate ever correct this abuse?

Mr. ATKINS. Well, I do not know. We have four times attempted the equalization of these salaries, and have failed. I have already given the reasons, and I do not care to repeat them. I have already explained to the House the reasons why we do not bring up the question at this time. But I repeat the declaration which I made a while ago that it is the determination of the Committee on Appropriations to bring about the equalization of these salaries if it is within their power to do so, and they think it is.

The present adjustment of salaries is manifestly unjust. It was not necessary that the gentleman from Illinois should inform the House this morning that there was an inequality between the pay of the officers of the Senate and of the House. That has been announced time and again by the Committee on Appropriations. The idea is not new. It did not originate with the gentleman from Illinois that this reform should be had. If it is original at all with anybody, as far as he is concerned, it originated with the Committee on Appropriations. The Committee on Appropriations have time and time again taken action upon the subject.

Mr. TOWNSHEND, of Illinois. Allow me to say that I know that this abuse has grown up under radical legislation.

Mr. ATKINS. I would rather not enter into any remarks upon this subject, for I do not know where the discussion would end. I would rather the gentleman would not enter into a discussion, for I do not know where the gentleman would end. If he wants to ask me a question I will answer.

Mr. TOWNSHEND, of Illinois. I am aware of the fact that this whole system was fixed by the republican party when they were in power, but I desire now, when the democratic party has come into power, to reduce these salaries so that we may accomplish practical economy.

Mr. ATKINS. I do not see any question in that.

Mr. HUMPHREY. There is no question in what was said; it is an attack upon our side of the House.

Mr. GARFIELD. I desire to ask the gentleman from Tennessee a question or two, and the first is whether there has been anything added to this bill of a political character?

Mr. ATKINS. Nothing at all.

Mr. GARFIELD. My second suggestion is in regard to what I believe is the sixth or seventh amendment. I noticed from the reading that an appropriation was made for stationery and newspapers for members. I wish to ask the gentleman why the word "newspapers" comes in there? As I understand the law, members are not entitled to newspapers.

Mr. ATKINS. We simply followed the formula of the existing law, which came down, I believe, from the gentleman's time.

Mr. GARFIELD. In my time we left out all these perquisites and the allowance of $125 a year for stationery.

Mr. ATKINS. I believe the word "newspapers" is in the statute.

Mr. GARFIELD. Well, I hardly think it ought to be there; there is no authority for it. Members are allowed no newspapers as they formerly were.

Mr. ATKINS. I know that; but the word "newspapers" is embraced in the statute. The newspaper clerk used to be in the habit of subscribing for newspapers for members, and sometimes paid it out of this fund.

Mr. GARFIELD. He may do that now. Of course the law does not give us newspapers.

Mr. ATKINS. Of course not. When the gentleman from Ohio called my attention to that particular paragraph in the bill, I was about to allude to it, so that the House might not be deceived as to what is in the bill. That is the principal amendment in the bill. We have provided forty-two thousand and some odd dollars for the usual stationery for members of the House and Senate for each session. The law entitles them to stationery for each session—not for each regular session—and I desire the House to understand that that provision is embraced in the bill.

Mr. REAGAN. Will the gentleman from Tennessee yield to me for a few moments? I desire to call the attention of the House to one or two things in this report.

Mr. ATKINS. How long does the gentleman want?

Mr. REAGAN. About five minutes. I ask the Clerk to read that portion of the report of the committee of conference that relates to the pay of laborers in this city.

The Clerk read the clause of the report of the committee of conference relating to the pay of laborers in the District of Columbia.

Mr. REAGAN. I desire to call the attention of the House to the fact that this, as I understand it, is a gratuity given to the citizens of this District, and I would desire very much to see this provision stricken out from the report; and if it be necessary to recommit the report to attain that end I desire to see it done.

Mr. CLYMER. Then vote down that amendment.

Mr. REAGAN. I desire to ask why it is that we propose to give gratuities to laborers in this city when we have no such gratuities to give to people elsewhere?

Mr. ATKINS. Will the gentleman allow me one remark?

Mr. REAGAN. Certainly.

Mr. ATKINS. This sum of $75,000 for this purpose was appropriated two years ago, I believe. These laborers have not been able to draw their money on account of some informalities and difficulties connected with the execution of the law. This is not an original appropriation at this time; the appropriation has already been made.

Mr. REAGAN. It is a proposition to pay that amount as a gratuity, and I object to regarding this District as a lazar-house. It is unjust, impolitic, and improper. If this amount is to be paid merely for the purpose of securing the favor of the mob, to pay them a price for their favor, then it is costing too much, besides not being the proper principle to act upon. If it is intended as a charity, then allow me to say that this Government is not an eleemosynary establishment, never was so intended, and never has been so recognized. I want in some form to enter my protest against either regarding this Government as an eleemosynary establishment, or the money in the Treasury as a fund to be peddled out for the purpose of securing political support for anybody. The whole thing in every aspect is wrong, and ought to be omitted entirely from this bill.

Mr. BLOUNT. I concur entirely in the opposition of the gentleman from Texas [Mr. REAGAN] to this provision, or to this character of legislation; but, as has already been stated by the gentleman from Tennessee, [Mr. ATKINS,] this money was appropriated in the appropriation bill for the fiscal year of 1879. Then was the time to object to it. It does not originate at all with this Congress.

Mr. REAGAN. If my friend will allow me, I will say that the money is now in the Treasury; it belongs to the people. I would not be an agent in taking money improperly out of the Treasury for an improper purpose. Any time will do to arrest this improper use of the public money, if we are influenced by a regard for just principles of economy.

Mr. BLOUNT. So far as that proposition is concerned I concur entirely with the gentleman from Texas, and I think that the Committee on Appropriations of this House are very much in accord with him. The probability is that when we shall meet in conference with the Senate conferees there will be a result reached to which the gentleman from Texas will not object. The object of this proposition was simply to enable us to review the whole subject in conference—that, and nothing more. That being the case, I trust the House will see fit to accept the report of the Committee on Appropriations.

Mr. MCMILLIN. Do you think that item is correct and should be agreed to?

Mr. BLOUNT. So far as I am individually concerned I will say that I did not think it correct when the original bill was passed, and I do not think so now.

Mr. MCMILLIN. Then why are you in favor of adopting it now?

Mr. BLOUNT. There are two classes of claims embraced in this provision; one class is just and proper, and the other class is improper. That is the reason why we should non-concur in the Senate amendment.

The first class relates to cases where Congress required that the contractors who had not paid their laborers should not themselves be paid, but that the money due them should be retained in the Treasury for the purpose of paying their laborers. I apprehend that no gentleman, neither the gentleman from Tennessee [Mr. MCMILLIN] nor the gentleman from Texas, [Mr. REAGAN,] will object to this Government seeing that the laborers are not defrauded by those contractors.

Mr. REAGAN. Will it not——

Mr. BLOUNT. I will yield to the gentleman directly, not now. There is another class of claimants, where the Government has paid the contractors and the contractors have not paid their laborers. The proposition is that the Government shall pay twice for the same

work, shall pay the laborers after having paid the contractors. To this I am as much opposed as either of those gentlemen, and I am sure I am in accord with the Committee on Appropriations on that point. But I think it right that we should non-concur in this Senate amendment, in order that we may have a conference with the Senate and agree upon some proposition which will pay those who ought to be paid, and will strike out of this provision what is wrong.

Mr. VANCE. I desire to ask the gentleman from Tennessee a question.

Mr. ATKINS. Very well.

Mr. VANCE. Has the item of $10,000 for a library for the Patent Office been inserted in the bill?

Mr. ATKINS. It has not been.

The SPEAKER. The Chair, as he has heretofore suggested, will submit the question first upon the recommendation of the Committee on Appropriations to concur in certain amendments of the Senate.

Mr. THOMPSON. I desire a separate vote on the amendment recommended by the Committee on Appropriations giving $125 to each member for stationery for this extra session of Congress.

The SPEAKER. That amendment comes within the third class as indicated by the Chair, amendments of the Senate to be concurred in with amendments.

Mr. CANNON, of Illinois. I desire to offer an amendment to the ninth amendment of the Senate.

The SPEAKER. Is that in the first class?

Mr. CANNON, of Illinois. It is amendment of the Senate No. 9, in which the Committee on Appropriations recommend concurrence.

The SPEAKER. Then the question will be first taken upon agreeing to those amendments of the Senate which the Committee on Appropriations recommend concurrence in, with the exception of amendment No. 9, indicated by the gentleman from Illinois, [Mr. CANNON.]

The question was taken; and the recommendation of the committee was agreed to.

The SPEAKER. The question is now upon concurring in the ninth amendment of the Senate.

The ninth amendment of the Senate was, to insert the following:

And the clause for contingent and miscellaneous expenses of the Patent Office is amended so that the sum named therein shall read $35,000.

Mr. CANNON. I move to concur in that amendment with an amendment, to add thereto the following:

For a scientific library for the Patent Office, $5,000.

Mr. ATKINS. I have no objection to that.

Mr. CANNON, of Illinois. The gentleman accepts the amendment.

The SPEAKER. The gentleman cannot accept it; the House must act upon it.

The question was taken upon the motion of Mr. CANNON, of Illinois, and upon a division there were—ayes 53, noes 41.

Mr. REAGAN. No quorum has voted.

Tellers were ordered; and Mr. CANNON, of Illinois, and Mr. REAGAN were appointed.

Mr. BAKER. This is right; it was agreed to by the Committee on Appropriations, and I hope it will not be objected to.

The SPEAKER. It must be disposed of by the House.

The House again divided; and the tellers reported that there were—ayes 101, noes 30.

Mr. REAGAN, (one of the tellers.) I will not insist upon the point of order that no quorum voted.

No further count being called for, the ninth amendment of the Senate was concurred in with an amendment.

Mr. ATKINS moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The next class of amendments, those in which the Committee on Appropriations recommend non-concurrence, will next be voted on.

The question being taken, the amendments in which the committee recommended non-concurrence were non-concurred in.

The SPEAKER. The third class of amendments, those in which the Committee on Appropriations recommend concurrence with amendments, will now be voted on.

The amendment proposed by the committee to the seventh amendment of the Senate (on which a separate vote was demanded by Mr. THOMPSON) was read, as follows:

At the end of said amended paragraph, after the word "dollars," in line 24, page 3, add the following:

For newspapers and stationery for members of the House of Representatives, officers of the House, and committees of the House, including $6,000 for stationery for the use of the committees and officers of the House for the first session of the Forth-sixth Congress, $42,675 is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The amendment proposed by the Committee on Appropriations was adopted, and the amendment of the Senate, as thus amended, was concurred in.

Mr. ATKINS moved to reconsider the vote by which the amendment, as amended, was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The remaining amendments of the Senate, in which the Committee on Appropriations recommended concurrence with amendments, were then concurred in with the amendments respectively recommended.

Mr. ATKINS moved to reconsider the votes by which the amendments were severally concurred in with amendments; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JUDICIAL EXPENSES.

Mr. McMAHON. I ask unanimous consent to take from the Speaker's table, for reference to the Committee on Appropriations, a bill returned by the Senate with amendments (H. R. No. 2252) making appropriations for certain judicial expenses.

There being no objection, the bill was taken from the Speaker's table and referred, with the amendments, to the Committee on Appropriations.

Mr. McMAHON moved to reconsider the action just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

OFFICIAL CONTRIBUTIONS FOR POLITICAL PURPOSES.

The SPEAKER. The morning hour now begins at twenty minutes before two o'clock. The unfinished business of the morning hour is the bill (H. R. No. 2266) to prohibit Federal officers, claimants, and contractors from making contributions for political purposes. The pending question is the demand of the gentleman from Indiana [Mr. HOSTETLER] for the previous question on agreeing to the substitute recommended by the committee.

Mr. McLANE. I ask the gentleman from Indiana, [Mr. HOSTETLER,] chairman of the Committee on Civil Service Reform, to withdraw for a moment his call for the previous question that we may endeavor to have some agreement as to the disposition of this bill.

Mr. HOSTETLER. I take pleasure in complying with the gentleman's request.

The SPEAKER. The gentleman from Indiana withdraws the call for the previous question, and yields to the gentleman from Maryland [Mr. McLANE] for how long?

Mr. HOSTETLER. For whatever time he may want.

The SPEAKER. The Chair will recognize the gentleman from Indiana at the conclusion of the remarks of the gentleman from Maryland.

Mr. McLANE. Mr. Speaker, as I introduced and had referred to the committee the original bill for which they have reported a substitute, I wish to ascertain whether the other side of the House will agree that the bill shall be referred to the Committee of the Whole. I take it for granted the House will agree to some disposition of the bill. If the gentleman from Michigan [Mr. CONGER] will allow me to refer to him, as he objected originally when the bill was reported, I will take the liberty of asking (as I am interested in the bill and desire its passage, and being quite ready to consult the convenience of the House) whether he is willing to consider this bill at all, and if so, how and when?

Mr. CONGER. Mr. Speaker, I can only say for myself that I consider this bill the most infamous attack upon the rights of American citizens that I have ever known to be presented in this House. I desire to say further that it is the most infamous attack upon a political party that has within my knowledge been presented here. Without proposing to apply its provisions to the officers of States, of counties, of municipalities, where they should be applied, if they should be applied in the cases here proposed, gentlemen have the effrontery to attack the party to which I belong, and propose to restrict every member of that party from expressing his political views in such way as he chooses and aiding by such means as he prefers to use the establishment of what I consider to be the only principles which can save this country. That is the infamy of this bill; and on this side of the House, I tell the gentleman, we desire to keep it before the country as an exhibition of the infamous purposes and policy of southern gentlemen, aided by their northern allies, to suppress in the North by law, as they have in the South by violence, the expression of the honest sentiment of the republicans in the country.

Mr. DAVIS, of North Carolina. I rise to a question of order.

The SPEAKER. The gentleman will state his point of order.

Mr. DAVIS, of North Carolina. I withdraw it.

Mr. McLANE. I asked the gentleman from Michigan a question, and I am waiting with all proper patience for his answer.

Mr. CONGER. I am answering in my feeble way. [Laughter.]

Mr. McLANE. Answer my question.

Mr. CONGER. I will conclude my answer and give the reason why if the gentleman has no objection.

Mr. McLANE. The time yielded to me by my friend from Indiana [Mr. HOSTETLER] I propose to use myself, and I have already stated so to the House.

Mr. CONGER. If it is possible that I have said anything to the House which could be in the least offensive to the gentleman on the other side I must repent of it. [Laughter.]

Mr. ACKLEN. Everything you say is generally offensive. [Laughter.]

Mr. CONGER. The gentleman from Louisiana has expressed an opinion of my remarks.

Mr. ACKLEN. He has, and will maintain it.

Mr. CONGER. I am grateful to the gentleman for disagreeing with me. It will raise me in the estimation of my constituents and all northern gentlemen that we do not agree. [Laughter.]

Mr. McLANE. Mr. Speaker, I understood the gentleman from Mich-

igan [Mr. CONGER] to have answered my question substantially thus: that he is not willing to consider this bill at all. Now, sir, if I have ever been disposed to have any respect for the political professions of the honorable gentleman from Michigan; if I had supposed for one moment that he or the honorable gentlemen with whom he is associated on that side of the House were ever sincere in their professions of a desire to purify the politics of this country, I might be somewhat surprised at the manner in which the gentlemen have received this bill; but believing as I do that whatever they have of political prestige and power results from the corruption which they have fastened upon the country, results from the exercise of illicit and improper power, and more directly from the use and from the abuse of Federal patronage, believing that the honorable gentleman from Michigan perfectly well understands that is one great secret of success for him and for his party, I am not surprised that he objects to a bill which will curtail that power.

I take not only no exception to the manner of his objection, which, so far as I have any judgment to pass upon it, is perfectly courteous and perfectly proper, but believing that I have the right to read his motives, believing it is perfectly my right to set aside his professions and to judge him by his conduct, believing that is my right, I have no hesitation at all in telling him I am not in the slightest degree surprised that he objects to the consideration of this bill.

Why, sir, if it were not for the political abuses practiced by the republican party in the patronage of the Government, the heavy assessments which they have put upon the office-holders, the enormous sums of money which they have collected and corruptly expended, they would not to-day hold possession of the executive of this country. One great element of their success was the use of that Federal patronage. I shall not take time to read this report which has been handed to me, because the newspapers have day by day given us the testimony of the executive committee of the republican party, and we can there find an account of how much money they did collect. Half a million of dollars would not, in my opinion, exceed the sum they collected from the Federal office-holders; and when we sit upon this floor and hear the gentleman from Michigan turn his face to this side of the House and talk about infamous propositions, it is our right to analyze the proposition itself and to see whether the proposition be honorable and just and reasonable, and whether it is not he himself who is obnoxious to the charge of an infamous political purpose when he proposes to defeat that bill. [Applause on the democratic side.] That is the logical conclusion from what he says.

He says it is an infamous political purpose. Now, the bill itself proposes what everybody whom I have ever heard appeal to the country, of either party, declares to be honorable and right, and if I could find in the whole public life of the President of the United States, "so called," as gentlemen are in the habit of styling him—if I could find in his whole political life any political trait more honorable than another, it is his profession that he desired thus to reform the public service; that he desired to confine the Federal office-holder to his duty as an office-holder and not to permit him to carry his influence and his money into the electioneering schemes of the day. Take the republican party of Michigan or any other State. Let that honorable gentleman deny to me if he can that in that State and in every other State it has been the boast of the republican party they desired thus to reform the public service. And the conduct of that honorable gentleman in opposing the consideration of this bill admonishes the country how much respect he is entitled to in his political professions. Sir, he cannot escape the judgment of facts. No amount of political assurance can relieve him from what the facts put upon him. He is not at liberty to stand on that side of the House and look to this and talk about infamous propositions and infamous bills. Yet he is well taught to do it, because from the beginning of this session to the present day more than one honorable gentleman on that side of the House has talked about the frauds and the low morality of the political party that sits with its representation here on this side.

Sir, I listened in amazement to think that any honorable gentleman sitting on that side of the House dare talk about political frauds or take the moral of any question. Never in the history of this country has it been so entirely put beyond the right of a political party to assume to itself political virtue. I would not say it if I did not think it and if I did not know it to be susceptible of proof. It is not simply your electoral fraud; it is not simply because you availed yourselves of the disorder, of the anarchy which reigned in the South to corrupt the electioneering machinery of Southern States. Monstrous as that fraud was it was a fraud sanctioned by law. It was the mode prescribed by Congress of counting the electoral vote that involved us in that abuse. But greatly in its enormity beyond that fraud is the political corruption which you have fastened upon this country; and for eight long years you have made it a scandal in this country and in every other country.

You stood in this House impeaching your highest Federal officers, for no impeachment could have been passed without the support of the republican party as well as the democratic party; and you carried your Federal officers, the highest in the country, to the other end of this Capitol. And if you did not convict you acquitted upon a technicality. I say again, in your career as a political party you have so scandalized the country as to take away from you the right to take the moral of any political question. [Cries of "Go on!" "Go on!"]

The SPEAKER. The gentleman has further time.

Mr. McLANE. I do not propose to go on further at present.

Mr. CONGER. Will the gentleman give me a few minutes in reply?

Mr. McLANE. Take the time now.

Mr. CONGER. How much time?

Mr. McLANE. I will give the gentleman half the time that I have myself. How much time does he ask for?

Mr. CONGER. Whatever the gentleman will give me.

The SPEAKER. The morning hour commenced at twenty minutes to two. The gentleman from Maryland has occupied thirteen minutes.

Mr. McLANE. I will give the gentleman from Michigan thirteen minutes, and then claim the privilege of reply.

Mr. HAYES. Giving the chance of reply to that?

Mr. McLANE. I give the gentleman from Michigan thirteen minutes.

Mr. CONGER. I characterized the bill as one which the democrats of this House have presented as a caucus bill [cries from the democratic side, "That is not so!"] and attempted to force upon this House as an infamous measure. Without any very great skill in the use of language, I endeavored to express in that one word my idea of that bill as the most infamous measure that a political party had ever presented here. It is not denied.

Mr. DAVIS, of North Carolina. Denial is not necessary.

Mr. HOSTETLER. I wish to announce the fact that this is no caucus bill. The gentleman is mistaken.

Mr. CONGER. Not a caucus bill!

Mr. HOSTETLER. No, sir.

Mr. CONGER. There is not a democrat in this House who dares to breathe save by caucus determinations. Tell me it is not a caucus bill! No man goes in or out, eats, drinks, or sleeps, without permission of the caucus. [Laughter.] The country knows it, and he is a bold man on that side of the House who denies it.

Mr. DAVIS, of North Carolina. It is not necessary to deny it. Nobody believes it.

Mr. HOSTETLER. I do deny it.

Mr. CONGER. Then the gentleman is a bold man to deny it. I characterize him by that offensive epithet, that he is a bold man. [Laughter.]

That this is an infamous measure is not denied and dare not be denied by any man who circles around the point of sanity and pretends to be within its influence. What does it do, sir? It prevents every free citizen of these United States that holds office under this Government, from the highest to the lowest, from contributing in any way by money, by labor, by a stump-speech, by any process whatever, to endeavor to carry out his political views. Is not that infamous—deadly infamous?

The bill prevents any man who has any claim against the United States from contributing money, labor, or property for the spread and advancement of his political views. Sir, there are 120,000 disabled soldiers, claimants from month to month, and from year to year for this Government, who fought for it, who fought for the right to express their opinions, who fought for the right to contribute of their pittance, if they chose, to sustain this Government and to sustain their political views. And you lay your strong cast-iron hand upon 120,000 pensioners of this Government and forbid them even to circulate posters or circulars of a political meeting, or do anything whatever to forward and maintain the principles for which they fought, for which they suffered, for which they bled, for which a grateful country pensions them. Infamous! Oh, if I could think of a word more damning [laughter on democratic side] I would use it. It does not occur to me.

Now, how does this gentleman who has answered me and who is about to answer me again meet that proposition? He does not argue the bill and say it is right. He does as the little boys do on the streets—when one calls the other a liar, the other runs up and says "You're another."

A MEMBER. Bah!

Mr. CONGER. Did the gentleman say bah? Have I found the lost sheep? [Laughter.] Repeat your favorite expressions, gentlemen. Now, sir, that is the character of this bill, and no man dare deny it. The gentleman from Maryland [Mr. McLANE] has returned to political life, having formerly been in public life; and now an honor to his country, a man of means, and a follower of that invincible old democrat who would speak his mind even against the thunders of heaven, "Old Hickory," and he denies a right to political opponents.

Oh, how has the democracy degenerated in these latter years while the gentleman has been indulging in his Rip Van Winkle sleep [laughter] from what it was when he in former years, as I understand, was the confidential friend of that grandest old Roman, democrat, of them all, who never would put down free speech or free discussion; who invited the strongest and sternest opposition of his opponents, and met them, heroic old man as he was, and did not attempt to strike them by law!

Ah, sir, I have heard how in the Southern States republicans were not permitted to express their views; they were not permitted to contribute for political purposes; they were not permitted to meet and discuss political subjects. Sir, the country has been full of authorized statements of hundreds and thousands of places in the Southern States where republicans were not permitted to express any views at

all upon political subjects. Men were murdered and slaughtered and beaten and driven from their homes because they attempted to express political sentiments. They were slaughtered in the cities, they were slaughtered in the fields, they were slaughtered in the cane-brakes for their political opinions. Ay, so general was this that I find in the report of one of the committees of this House that the wives and daughters of missing men who could not find in the cane-brake the husband or father—they tell your committee that failing to find them they waited on the edge of the cane-brake and watched the buzzards hovering over the corpse which was below. No one has denied that kind of work in the South.

You cannot stop northern men from expressing their sentiments or contributing their money in order to express and carry out their political views, and if you attempt to impose by law these restrictions upon them, do you think you can fetter the free people of the North by such a law, such an infamous law as that? Do you think if you pass such a law that you could enforce it in the Northern States? I tell the gentleman from Maryland, [Mr. McLANE,] he may not live far enough north to know it, that there are independent and intelligent men that will resist to the death such an infringement on their inalienable rights. He may go but a little way north of the State which he so ably represents, to find that the people would submit to no such law as this. If he would come to the States sleeping among our great lakes and try to enforce such an infamous law as that, there is no man there, either democrat, republican, or greenbacker, but what would hurl the law back upon him and drive him from the State in ignominy and disgrace. [Applause on the republican side of the House.]

Now bring in that law and defend it. We stand here with that law before us. We stand here condemning it and denouncing it as an infamous law against the rights of the people of the United States. We hold it up to the attention of the whole country. The remarks of the gentleman from Maryland [Mr. McLANE] will call the attention of the country to it, and I hope that my own remarks will do so and this bill will be a stump-speech in the hands of every northern man in the coming campaign to show what the democracy would impose upon the free people of the North.

Now the gentleman did not defend this law. The gentleman, so far as parliamentary language and usage would permit, attacked me personally. He went so far as his knowledge of parliamentary law and his shrewd knowledge of the rules of the House would guide him. He attacked the republican party, and that was not unexpected; it was gratifying to us. I tell the gentleman that when any of the upholders of secession, when any man who talks about "temporary anarchy at the South," makes such a remark as that, and attacks the republican party, he is doing us in the Northern States a benefit that he wots not of. We are grateful to him for it.

The gentleman from Maryland [Mr. McLANE] and the many others here who represent to-day in this House a "solid South" are doing more than they know of to make the North as solid, as invincible, as unyielding, so that when the ides of November come again for an election this House shall find its boasters of southern rebellion and southern secession in a hopeless minority. Here the people shall again rule, and justice shall again return to these halls. No more infamous bills of this kind shall be thrown on our table or submitted to us for our votes.

[Here the hammer fell.]

Mr. McLANE. The gentleman from Michigan [Mr. CONGER] makes a great mistake in regard to this bill, and I shall dispose of his criticism upon it before I follow him in the general current of his remarks. This bill in no wise invades the rights of the free people of this country, North or South. This bill is intended to deal with one great source of political corruption, without regard to either party, without the slightest reference to the republican party any more than to the democratic party.

Mr. DUNNELL. Will the gentleman allow me to ask him one question?

Mr. McLANE. Certainly.

Mr. DUNNELL. When the democratic party was in power in this country, did it ever propose any such legislation as this?

Mr. McLANE. When we shall get into power——

Mr. DUNNELL. When it was in power.

Mr. McLANE. When we get into power again—— [Laughter on the republican side.]

Mr. DUNNELL. That is too far in the future. [Renewed laughter.]

Mr. HUMPHREY. Are you not in power in the Senate now, and does this reach the Senate employés? Answer that question.

Mr. McLANE. When we shall get into power again, if you will put this law upon the statute-book now, we will be obliged to follow it.

Mr. DUNNELL. And you will repeal it at the first session.

Mr. McLANE. I think not. And the gentleman, intelligently treating this question, has no right to give it any such diversion. He knows, and the gentleman from Michigan knows, and every honorable gentleman on that side of the House knows, that this country has in almost all of the States sought in some degree to reform this great abuse.

Mr. TOWNSHEND, of Illinois. Will my friend from Maryland—— [Cries of "Oh, no!"] I want to read from the constitution of Illinois.

Mr. McLANE. Not now.

They know very well that no greater source of corruption exists in this country to-day than this very abuse, this assessment of office-holders, this collection of a fund in every State and in every town.

As the gentleman from Michigan [Mr. CONGER] reminds me that there must be some restraint upon our language here in order to comply with the conventionalities of this House, I will say to him, that, if I were not thus restrained, I would style it to be the meanest vice I ever heard of in morals to tax these poor office-holders, these free men that he talks of, whose salaries at best afford but a meager support for their families—to tax them for what he and every other man who enters into political life ought, according to his means, to take out of his own pocket. Now, I would like to ask that gentleman how he feels when he looks into the face of one of these office-holders, with a salary of $500 or $1,000 a year, and reflects that he has taken into his own State of Michigan as large a proportion of that assessment as can be found given to any other State of this Union? Does he feel that the office-holder who is thus forced at the peril of losing his office to pay 5 per cent. of his salary to help the gentleman from Michigan to fill his seat on this floor—does that gentleman think that office-holder will consider it a hardship if he is forbidden to give that money?

Mr. CONGER. I say that none of that money, to my knowledge and belief, ever went into the State of Michigan. We can manage the democrats there ourselves.

Mr. FINLEY. The report of the committee investigating this subject shows that $1,000 was given to that State.

A MEMBER. Five thousand dollars.

Mr. FINLEY. No, $1,000.

Mr. CONGER rose.

Mr. McLANE. I ask the gentleman from Michigan [Mr. CONGER] to look at the clock and leave me my thirteen minutes. For one as well informed as the gentleman appears to be on political questions, for one as ready to step to the front and take upon himself the political responsibilities that attach to that side of the House, he is strangely ignorant of the events that have taken place at his home. He is also strangely ignorant of the public records and public incidents of his own career here in Congress. Here is a committee now actually sitting and investigating this subject, exposing this great abuse, and it is testified before that committee that out of the sum of $54,000 distributed by the chairman of the republican national executive committee, $5,000, as that chairman swears, he sent to the State of Michigan to be expended in the politics of that State. [Applause on the democratic side.] How much of that went to the district of the honorable gentleman from Michigan? Does he know?

Mr. CONGER. Not a cent of it.

Mr. McLANE. Perhaps if he knew he dare not avow it, because he knows perfectly well that in many of the States a man would not be permitted to hold a seat upon the floor of the State Legislature or of a town council even, if he knew of money improperly or corruptly spent, or of money spent at all, to facilitate his election. And although there may be no law of Congress against it, the honorable gentleman from Michigan knows that these freemen he talks of would hold him in very poor esteem if they believed that that sum of money went to contribute to his election and to send him here as a Representative of the free people of Michigan.

How much freedom, I would like to know, is there in a congressional district, if the Federal money is to be taken there to carry an election? And just there I ask the gentleman to make a distinction, and to remember that this bill strikes at the use of Federal money, it strikes at the Federal office-holder, not at the private citizen. All that declamation about invading the rights of the freemen goes for wind. It is not the independent citizen who takes from his own pocket his own money, but the office-holder who receives the money from the public Treasury, and who either must contribute from it or lose his place, if he refuses to make good an arbitrary assessment upon his salary; it is in fact the public money corruptly diverted to political uses, to perpetuate the power of the political party actually in power.

I say without fear of contradiction, that this bill, instead of being an infamous measure, will, if enacted, exert a most wholesome and salutary influence upon both political parties.

Mr. SHALLENBERGER rose.

Mr. McLANE. I yield to the gentleman from Pennsylvania for a question.

Mr. SHALLENBERGER. As I understood the gentleman from Maryland——

Mr. McLANE. Let the gentleman put his question.

Mr. SHALLENBERGER. I desire to put my question in shape, if the gentleman will permit me. Time is not particularly precious just now, and I do not occupy much of the time of the House.

Mr. McLANE. It is not material to me at all how much time the gentleman is in the habit of occupying. I have yielded in all courtesy for him to address to me a question; and if he has no question to ask, I beg him not to interrupt me.

Mr. SHALLENBERGER. I desire to get at the scope of this bill, and I wish to ask the gentleman whether this bill does not include every one of the two hundred thousand claimants for pensions before the proper Department of this Government, and whether if it becomes a law it will not forfeit the claim of every widow, every orphan, every crippled, wounded, maimed soldier of the United States, who now has

pending before a Department of this Government a claim justly due for services rendered the country, in case such person voluntarily contributes for political purposes, and whether the gentleman presumes——

Mr. McLANE. I will answer your question, if you will let me.

Mr. SHALLENBERGER. Whether the gentleman presumes that men who have periled their lives and their fortunes for the establishment of liberty in this country can by law be prevented from rendering an hour's or a day's service or spending a dollar in the preservation of those principles for which they would have offered up their lives?

Mr. McLANE. I answer, no. The bill touches no such claim.

Mr. SHALLENBERGER. Let me say——

Mr. McLANE. No, no, let me go on.

The SPEAKER. The gentleman from Maryland declines to yield further.

Mr. SHALLENBERGER. Let the gentleman read section 4.

Mr. McLANE. Let me go on and answer the gentleman's question.

The SPEAKER. The gentleman from Maryland declines to yield, and the gentleman from Pennsylvania will please take notice of the fact.

Mr. McLANE. I answer the question of the gentleman in the negative. This bill reaches no pension claim of any soldier or soldier's widow. It relates first of all to office-holders. It embraces also claimants applying to the Government for the payment of their claims; and the gentleman from Pennsylvania knows perfectly well what class of men that provision refers to. He does not and cannot confound them with men or women entitled to pensions. It applies neither to widows nor to invalid soldiers. It is confined to office-holders and the general class of claimants seeking payment of their claims from the General Government. It applies, further, to the class of contractors; and if the gentleman from Pennsylvania is not sufficiently informed upon this general question to know the fact that the greater part of this fund of which I speak comes from claimants—if he does not know that every claim going through the Executive Departments is to a greater or less extent made the subject of political assessment—if he does not know that all the great contractors under the Government have been in the habit for the last fifteen or twenty years of paying these assessments, he must have lived to very little purpose in the republican party.

Mr. SHALLENBERGER rose.

Mr. McLANE. Let me go on, if you please. I am answering your question directly. I am stating to what four classes of persons this bill applies, and I cannot answer the question without describing each class. My answer is perfectly responsive to the question; it is intended to be so, and is so.

The gentleman from Michigan [Mr. CONGER] talked about this being a caucus measure; and doing himself and the honorable gentlemen on that side of the House great injustice, he talked of this bill as an interference with something that they want to do. Now, as I said in opening, I have never given the slightest consideration or respect to professions of political rectitude or morality from the other side, yet this is the first time in my life that I ever heard a man glory in his own shame and infamy. [Applause.] I never knew either a republican or a democrat in this country to stand up in the face of the world and avow himself the champion and defender of these political vices and corruptions. On the contrary, I have never known a man so mean, so bad, so corrupt politically that he did not seek to wash his skirts clear of all such political reproach—never! And the gentleman from Michigan, in my opinion, (because after all we are obliged to judge each other,) is blinded by his own political partisanship and passion. He is like the mad bull with the red flag flaunting in his face. When he looks to this side of the House he sees nothing but political corruption; he sees nothing but secession and the "solid South." And when he said, Mr. Speaker, we could do him no greater honor and no greater service than to flaunt this bill at him, I say again, sir, he does his people great injustice. He may rage as he pleases, he may flaunt his red flag, he may foam as he pleases about secession and the South, but when they find him the defender of every political rascal, yes, when they find him the defender of every political rascal who can be paid from these assessment funds; when they find him championing the principle that these officers shall be taxed, shall be assessed, they will not sanction his boast that they will approve his conduct.

Mr. CONGER. The gentleman has no right to say that.

Mr. McLANE. I have, sir.

Mr. CONGER. The bill does not say tax. There is nothing in it of that kind. The gentleman does himself great injustice by such remarks.

Mr. McLANE. The gentleman says I do myself injustice.

Mr. CONGER. Yes, sir.

Mr. McLANE. Now, I have been very careful to say nothing that I do not believe to be not only true but susceptible of proof, and when I say the gentleman from Michigan stands here to-day championing this principle of assessing office-holders, the proof I have of it is that he denounces a bill which prohibits office-holders from being assessed as an infamous bill——

Mr. CONGER. This prevents voluntary contributions.

Mr. McLANE. No tyro who has ever touched a horn-book of logic but knows that the man who denounces a bill which forbids political assessments, and styles that bill an infamous bill, defends political assessments. That is what the gentleman from Michigan has done to-day, and his people have sense enough to understand it. He does them great dishonor and great injustice when he supposes he can throw dust into their eyes by denouncing secession.

Now, a word more. The gentleman from Michigan said further that he wanted no better text than to go to the people of Michigan and use this secession talk, that is, talk about anarchy. What did I say about the South? I said, sir, you corrupted the election system of Southern States, when the South was in anarchy, when the South was without civil law, when the South was, I might have added, under the bayonet rule of the republican Administration; I might have said when the voice of free men, white and black, was stifled. Where did you have any free men, white or black, in Louisiana, when you had the Federal Army at the door of the Legislature and at every crossing-place in the city? At that time I said you were able to defraud the people of their rights, and I said further, bad as that was, it was not as bad as your general fraud and your general corruption. And the reply the gentleman from Michigan makes to that is that he wants nothing better from me than that talk, provided he can say it comes from the solid South. In the first place he has not that advantage; I do not belong to the "solid South." I do not belong to the solid South in the sense in which the honorable gentleman speaks of it, although I might very much regret that I have not had the honor to live in that solid South and to vote with that solid South, for certainly there is no section of this country that I esteem and respect more than that South of which the gentleman speaks.

MEMBERS on republican side. We know that.

Mr. McLANE. There is no mistake about that, but when the gentleman from Michigan thinks that I can be imposed upon by his declaration that his constituents will wallow in the fraud and corruption that he is willing to wallow in, if he thinks he can impose that on me, I tell him I know the people of Michigan better, and neither republicans nor democrats will ever indorse any such atrocious sentiments. Never, sir. There is no man living in Michigan who has any intelligence who will indorse that observation. And that is why I say the honorable gentleman from Michigan does himself injustice. He is blinded by his political passions, more by political habit perhaps than by nature.

Mr. BURROWS. Will the gentleman yield to me for one question?

Mr. McLANE. For a question.

Mr. BURROWS. For one question only. I called at the Pension Office this morning to inquire about a pension claim of a wounded soldier in my district. I should like to know whether lines 9 and 10 on page 3, which read as follows: "That any person having any pending claim against the United States"——

Mr. McLANE. The gentleman knows that a pension right is a legal right, and not a claim.

Mr. BURROWS. That does not answer my question whether any person having a pending claim of the character I have referred to is included under the provisions of this bill. Is not that a pending claim?

Mr. McLANE. I answer no. And, what is far more to the point, if that gentleman whose vote I shall look for directly and the gentleman from Michigan think it does mean that, let them amend it. If it does mean that, let them correct the phraseology of the bill. Now, the reproach I address to that side of the House is that they will not consider the bill at all, that they denounce the bill as an infamous bill.

Mr. CONGER. The previous question was called and we could not consider it.

Mr. McLANE. But the previous question is withdrawn, and withdrawn for the very purpose of permiting me to ask the gentleman from Michigan if he would not agree to consider this bill, and if so, how and when; and he replied "No, not at all." And now I want to go on.

Mr. BURROWS. Will the gentleman allow me one other question?

Mr. McLANE. I want to go on.

Mr. BURROWS. Will the gentleman yield for one other question?

Mr. McLANE. Very well.

Mr. BURROWS. Are these applications for arrears of pensions claims?

Mr. McLANE. No, sir. They are bounties and rights fixed by law. The term claimant I have defined and there is no gentleman on that side of the House who does not understand the term and who does not know very well that if the term used in the bill requires any restriction he can have the restriction inserted. I have stated frankly to what class of claims the bill applies. And now, without going further into these questions which have been addressed to me, I want to conclude with my appeal to this House to consider this bill. I am not at all afraid that the people of Michigan or the people of any other Northern State can be deceived about this. The intelligent people of this country will understand this very well. They saw a splendid empire in Europe put under the feet of a corrupt, a wicked, a bad man. They saw him take the army in the one hand and the church in the other and then with the patronage of the empire they found him holding that country in manacles for twenty years.

Mr. HOUK. With three hands?

Mr. McLANE. I did not hear the gentleman.

Mr. HOUK. Where did he get the third hand?

Mr. McLANE. His own self and personal will controlled the pat-

ronage and constituted the third hand. [Laughter.] I say to the gentlemen on the other side of the House that we are anxious to pass this bill. Our own knowledge of American politics, our own experience in American politics show us that the republican party can find a man in no sense better or less capable of using those corrupt instruments than the man to whom I have referred. We have had at the head of the executive government in this country a man utterly indifferent to, if not absolutely ignorant of, civil life and duties—and that is as good a picture of Louis Napoleon as any man could paint—stolid, apathetic, reckless, and unscrupulous; careless of human life and careless of every moral principle. That is Louis Napoleon.

Mr. Speaker, need I write "horse" under that picture when applied to American politics? Do you not all recognize in it an American President that has been and who, if those honorable gentlemen could have their way, will be again?

Mr. HAYES and others. And he will be.

Mr. McLANE. Will be?

Mr. HAYES. Yes; all the efforts of the friends of Mr. Tilden to the contrary notwithstanding.

Mr. HUMPHREY. With his barrel of money.

Mr. McLANE. More shame to you if he is, and more shame to the country.

Mr. HAYES. Every man he whipped feels that way in regard to him.

Mr. McLANE. For whatever his distinction, however much he may be honored—and I am as free to honor him as the gentleman before me, and I do honor him as much as the gentleman before me; there is no man living in this country who honors his fame as a soldier more than I do, and all his qualities as a soldier—I want to make no qualification; but while I am thus ready to acknowledge the truth in regard to him, I have stated by this analogy what I conscientiously believe when I consider him as a civil ruler and compare him with any in this or in any other country——

Mr. HAYES. Did you ever know his like or his equal?

Mr. McLANE. No, sir; nor did the gentleman before me whose name I am not able to call and whose State I am not able to indicate.

Mr. HUMPHREY. Why, it is Mr. HAYES, of Illinois.

Mr. McLANE. Very well, the honorable gentleman from Illinois. [Laughter.] I think we were talking about General Grant. I did not name him, but I have always paid my homage to him as a soldier. But now I say to the gentleman from Illinois that never in the history of this country before the time of General Grant did he know the President of the United States sit in the White House having at his side a confessedly corrupt Secretary and regretting his enforced retirement.

Mr. McGOWAN. Has the morning hour expired?

The SPEAKER. The morning hour has almost expired, and the Chair recognizes the gentleman from Indiana [Mr. HOSTETLER] who has charge of the bill.

Mr. HOSTETLER. I demand the previous question.

The SPEAKER. The morning hour has expired unless it is continued by unanimous consent.

Mr. BAKER. I ask unanimous consent that the gentleman from Maryland [Mr. McLANE] be permitted to finish his remarks.

There was no objection.

Mr. McLANE. As I have made my concession to General Grant as a soldier, it is only fair I should be permitted to pass my reproach upon him as a statesman. I spoke of his apathetic indifference to all moral virtue, of his deadness to every high, honorable principle of morals; and in illustration of that I say——

Mr. HASKELL. May I ask the gentleman a question?

Mr. McLANE. I decline to yield at present.

Never did the gentleman from Illinois, as I have said to him, know of a President who sat in the White House and had at his side a confessed criminal, a man acknowledging himself to be corrupt, a man admitting he was a peculator, admitting to the President he was a peculator, that he had directly peculated in the public funds——

A MEMBER. Do you refer to Floyd?

Mr. McLANE. That he had conspired with a post-trader to cheat the Government, and confessing it all; because the records of the day tell us that he confessed his guilt to the President and asked to resign; and never before did you hear a President saying under such circumstances, "I accept the resignation with regret."

Mr. HAYES. As the gentleman has referred to me I wish to ask him a question. Was the gentleman asleep when James Buchanan occupied the presidential chair with Mr. Floyd and Mr. Cobb at his right hand?

Mr. HUMPHREY. And Thompson to boot.

Mr. McLANE. I shall deal with this question with all seriousness. I wonder at these gentlemen making such lame retorts. In the name of God what had James Buchanan and Messrs. Floyd and Thompson to do with the case of Grant and Belknap?

Mr. HAYES. You said you never knew so corrupt a President as Grant.

Mr. McLANE. I have to say to the gentleman from Illinois just what I said to the gentleman from Michigan, [Mr. CONGER,] that he cannot go to the people of his country with any such excuse; he cannot take the cases of Mr. Buchanan, Mr. Floyd, and Mr. Thompson and form any analogy to the case of Grant and Belknap. In the first place, Mr. Floyd and Mr. Thompson have the benefit of their unqualified and indignant denial and public acquittal. They stood before the country and denounced the political calumnies and demanded a thorough investigation. On the other hand, in the other case the guilt was confessed, and when not confessed, was absolutely proven, and you are indebted, gentlemen, to my forbearance that I do not extend the picture. [Loud cries of "Go on!" from the republican side.]

Mr. Speaker, General Grant's name was introduced into my remarks in the most incidental manner. I was frankly addressing myself to the honorable gentlemen on the other side of the House who constitute the republican party. I was reproaching them that they should oppose and misrepresent a bill that had so much virtue in it as this bill has, and I stated only what justified me in that reproach. I say, Mr. Speaker, in all candor that those honorable gentlemen are indebted to my forbearance if I stop with their Secretary of War. [Loud cries on the republican side of the House of "Go on!"] They know as well as I do that it does not lie in their mouths in speaking of the democratic party to call that kettle black.

Mr. HUMPHREYS. May I ask the gentleman one question?

Mr. McLANE. Now, sir, if I supposed that any gentleman on that side of the House wished me to go on, [loud cries of "Certainly, go on!" on the republican side of the House]—if I supposed that they really desired me to go on, although it would not be to my taste to go on, I would do so.

Mr. HUMPHREY. I desire to ask the gentleman one question. The republican party was made up in the North of democrats and whigs. I want to ask the gentleman who has referred to the Grant administration if he has forgotten in his prime or in his younger days the Swartwout scandal? I want to refresh his mind, to recall it back to the memories of his younger days.

Mr. McLANE. I felt almost sure while the gentleman from Michigan was asking about my association with Andrew Jackson that he mistook me for my father, [laughter;] and now I am perfectly sure that my honorable friend from Wisconsin takes me for my grandfather. [Renewed laughter.]

Mr. HUMPHREY. With the permission of the gentleman from Maryland, I would say a word. It is not unnatural that I should confound one generation with another when they follow up the same kind of business and are in the same line of statesmanship.

Mr. McLANE. The best answer I could make my friend would be to let the gentleman from Michigan [Mr. CONGER] repeat the very eloquent encomium he passed upon that heroic and immortal man, General Jackson. I understood him to speak in those terms of General Jackson.

Mr. CONGER. I do not claim that General Jackson was the gentleman's grandfather.

Mr. HUMPHREY. I merely wished to recall to the gentleman's mind the fact in that case, where Swartwout was a defaulter to the amount of $100,000, and there was a report of a democratic committee of this House that there was no use in replacing him by a second man, because the second man would steal more than the first. That was the report of a democratic committee of this House.

Mr. McLANE. I have some recollection of the case of Swartwout. I have not been so unmindful of the current political history as not to have noted it. I was going to say that the starry firmament of defaulters commenced and came into being during the last twenty years. There were defaulters in the parties that existed in the earlier and better days of the Republic; there were some defaulters, but I am proud to say that in the history of the country those parties that have passed away, the old Jacksonian party and the old whig party, counted their defaulters few and far between.

And when we come down to our own day, when we come down to the Government now in possession of the republican party, every man knows that he cannot find his way through any of the Departments of this Government without encountering defaulters or corrupt and wasteful expenditure of the public treasure at every step. That is the great trouble to-day. If there is any one thing more than another that attracts attention in this country to-day it is the degraded political condition of the administration of the Federal Government.

A MEMBER. That is true.

Mr. McLANE. A gentleman before me says that is true. Why of course it is true; it is absolutely notorious.

Mr. BAYNE. Will the gentleman allow me to ask him a question?

Mr. McLANE. As my time has been extended, I cannot refuse.

Mr. BAYNE. Will you be kind enough to name any republican defaulters that have not been prosecuted and punished?

Mr. McLANE. Why, sir, I have within reach——

Mr. HUMPHREY. And, in connection with that, name one under a former democratic administration that ever was punished.

Mr. SPRINGER. I can name one for the benefit of the gentleman.

Mr. McLANE. Let me go on. I would have closed before this time all that I have to say but for the call to go on and for the inquiries addressed to me. ["Go on!" "Go on!" from the republican side of the House.] It is only to-day that I have read of defaulters, and I think I could name of the one category or another more than a dozen instances.

As to the corruption that I am speaking of, I did not intend it all to be attached to one particular department. But you know, Mr. Speaker, and this House knows, that this administration, this Govern-

ment has been in the hands of the republican party for twenty years, and it has been in the habit of vaunting itself not only for the great service it rendered civilization and humanity—and I for one will never deny any service which it ever did render to civilization or humanity—it vaunts itself upon having saved this country and preserved this Union. I never will deny it all the credit which belongs to its success in saving this country and perpetuating this Union. If this were the question presented to me, I would not be wanting in the fullest acknowledgment of the truth.

But it does not lie with me to-day to expose to the world the virtues of the republican party. The question with me to-day is its vices. It is my right and it is the incident of the day that I should reproach that party with its vices and with its corruptions. It is a most humiliating spectacle for honorable gentlemen on that side of the House, like the gentleman from Illinois, to have no better answer to make me than to ask me if I recollect Floyd and Thompson and Buchanan, and for the honorable gentleman behind him there to ask me if I recollect Swartwout. Is that all they have to say when we talk of a dishonest government, of the scandal that has gone all over the world? When I look at the escutcheon of General Grant, honored as a soldier but degraded by his political associates, the corruption that existed and was exposed in the Executive Departments of the Government during his administration thereof——

Mr. HUMPHREY. Is the gentleman speaking to the judgment of this House?

Mr. McLANE. If I am not speaking to the judgment of the House I do not know to what I am speaking. [Laughter on the republican side.] You need not laugh, gentlemen; I am speaking to the judgment of the House. The issue is before the House, and the issue is this bill. It is because the republican party in this House will not consider this bill that I think it my right to reproach them with their political corruption.

Mr. CONGER. And we gave you additional time to do it.

Mr. McLANE. I am persuaded that there is no other motive—that is the point—there is no other motive but a corrupt political motive which deters honorable gentlemen on that side of the House from considering this bill.

Mr. CONGER. That is an infamous assertion from the gentleman; I say it to him here in my place.

Mr. McLANE. The honorable gentleman from Michigan is——

Mr. HAWLEY. I call the gentleman to order. I assert that no gentleman has a right under the rules to make that insinuation against gentlemen on this side of the House. I ask that the words be taken down, and that the gentleman be called to order.

Mr. TOWNSHEND, of Illinois. And I ask that the words of the gentleman from Michigan [Mr. CONGER] be also taken down.

Mr. HAWLEY. Very well.

Mr. McLANE. Oh, no; only my words.

Mr. TOWNSHEND, of Illinois. I insist upon it.

Mr. HAWLEY. In making the point of order I simply desire to remark——

Mr. McLANE. I wish to say——

Mr. HAWLEY. I have the floor now. I have called the gentleman to order, and I desire simply to remark that one wrong does not justify another. If there has been a wrong committed on this side of the House, let that wrong be punished. But I protest, as a member of this House and as one who claims to be an honorable man and a patriot, against that imputation upon gentlemen here.

Mr. McLANE. I am not out of order. Let the words be taken down.

Mr. GARFIELD. Let us have the words.

Mr. COBB (addressing Mr. HAWLEY) made a remark inaudible at the reporter's desk.

Mr. HAWLEY. I said that one wrong did not justify another.

Mr. MANNING. Does the desire of the gentleman from Connecticut [Mr. HAWLEY] to have the words taken down extend back to the remark of the gentleman from Michigan [Mr. CONGER] in the outset of the debate to-day?

Mr. HAWLEY. I think I made myself sufficiently clear in the remark that one wrong does not justify another.

Mr. MANNING. It is hardly probable the gentleman is willing to go back so as to have taken down the remark of the gentleman from Michigan in the outset of the debate.

Mr. HAWLEY. I made my point of order upon a remark of the gentleman from Maryland. The gentleman may make as many other points upon other gentlemen as he pleases.

The SPEAKER. Debate is not in order. The words will be taken down and read.

Mr. MANNING. I desire to know whether the gentleman from Connecticut desires or is willing that the words of the gentleman from Michigan in the outset of his speech to-day, in which he saw proper to denounce this proposition as "infamous," shall be taken down, or whether he only wants taken down the remark of the gentleman from Maryland, uttered a moment ago in response to the gentleman from Michigan. It seems to me that the gentleman from Connecticut is not so willing as he professes to be—— [Cries of "Order!"]

The SPEAKER. Gentlemen will suspend until the words are read, as the rule requires.

The Clerk read as follows:

Mr. McLANE. I am persuaded that there is no other motive—that is the point—there is no other motive but a corrupt political motive which deters honorable gentlemen on that side of the House from considering this bill.

Mr. CONGER. That is an infamous assertion from the gentleman. I say it to him here in my place.

The SPEAKER. The Clerk will now read Rule 61.

The Clerk read as follows:

If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call to order, in which case the member so called to order shall immediately sit down unless permitted to explain; and the House shall, if appealed to, decide the case, but without debate. If there be no appeal, the decision of the Chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, he shall not be permitted to proceed, in case any member object, without leave of the House.

The SPEAKER. Does the gentleman from Maryland desire to explain?

Mr. McLANE. I do, Mr. Speaker. In the earlier part of my remarks I made use of exactly that language, explaining at the time to the gentleman from Michigan that we were obliged everywhere in this life as honorable gentlemen to judge each other's motives by the facts, and from the facts to deduce the motive. I told him then that from the facts, from his own observations in opposition to this bill, I deduced the conclusion that his motive was a corrupt political motive. I told him that; and it is in this sense that I have used the remark now. At all events I invite attention to this qualification. That is the sense in which I used the remark. I have done it several times. I have said in the course of my remarks that I endeavored not only to use parliamentary expressions, but to justify, to make good, any assertion I made; and when I say that a political party on either side of this House is inspired by corrupt political motives all that I can be called on to do is to establish that as a reasonable conclusion from what they say and what they do. That is the parliamentary law of the world. Go if you choose to the British Parliament, where men have had the nerve not only to hear such language with patience, but to use it without fear or favor; and it is in that spirit that I have used this language to-day.

Mr. KEIFER. I rise to a point of order. I submit that the gentleman has no right to debate the question.

Mr. HENDERSON. I object to any further explanation.

Mr. KEIFER. The gentleman is going into a political discussion.

Mr. McLANE. There was no personality in my remarks.

Mr. KEIFER. I insist upon the point of order being decided whether the gentleman from Maryland can go on with this debate.

The SPEAKER. The Chair does not think that the language used by the gentleman from Maryland applies personally to any member of this House in his representative capacity; but he is willing to submit to the House the question whether the gentleman shall proceed in order.

Mr. HENDERSON. I would like to hear the language read again.

Mr. McLANE. I only want to be understood. I hope it is perfectly well understood by every man in this House——

Mr. HENDERSON. I object to further debate.

The SPEAKER. The Chair thinks that, to come within the rule, the language used must be personal in the proper sense. The Chair will, however, submit the question to the House.

Mr. GARFIELD and others. Let the language be read again.

The SPEAKER. The language will be read again for the information of the House.

The Clerk read as follows:

Mr. McLANE. I am persuaded that there is no other motive—that is the point—there is no other motive but a corrupt political motive which deters honorable gentlemen on that side of the House from considering this bill.

The SPEAKER. The Chair will now submit to the House whether the gentleman from Maryland shall proceed.

Mr. FINLEY. I desire to inquire whether there has been any appeal from the decision of the Chair?

The SPEAKER. This is the form prescribed by the practice, to submit questions of privileges of the House to the House to decide. The Chair desires to adhere thereto. As many as are in favor of allowing the gentleman to proceed will say "ay."

Mr. GARFIELD. It seems to me the question to be decided is whether these words were parliamentary—whether they were in order. That is the point to be ruled upon.

The SPEAKER. The Chair has said that in his own judgment he believes (and he is confirmed in this view by the explanation of the gentleman from Maryland) that the words in question were not intended to refer personally to any member of this House in his representative relation.

Mr. HUMPHREY. Will the Chair inform us whether a political motive is any less proper because it is political?

The SPEAKER. The Chair will not go into that branch of the subject.

Mr. BAYNE. I submit the shape in which this proposition is put makes some difference. So far as I am individually concerned I am willing the gentleman should go on, but at the same time I am not willing to say by my vote that words of that sort should be used in regard to members of this House.

The SPEAKER. Then the gentleman can vote against it.

Mr. SPRINGER. I rise to a question of order. The Chair has caused to be read Rule 61. I understand that rule to be that the Chair shall decide on the case whether the language used be parliamentary or not, and if the decision of the Chair be in favor of the

member called to order he shall be at liberty to proceed; if otherwise, he shall not be permitted to proceed, in case any member may object, without leave of the House. Now, the Speaker having decided that he was in order he has the right to proceed without submitting the question to the House, and if the Chair has decided his words were unparliamentary he shall not have the right to proceed without the consent of the House. So that condition has not arisen.

The SPEAKER. The Chair gave his judgment in reference to the language used, but prefers to submit the question to the House as to whether the gentleman shall proceed or not, because it involves the privileges of the House.

Mr. CALKINS. Many of us have no objection to the gentleman going on, but do object to his language being applied to us in whole or individually.

The SPEAKER. The gentleman can appeal from the judgment of the Chair.

Mr. CALKINS. I appeal from the decision of the Chair.

Mr. COX. I move to lay that appeal on the table.

Mr. GARFIELD. Let me say, Mr. Speaker——

Mr. COX. Is the motion to lay upon the table debatable?

The SPEAKER. It is not.

Mr. COX. Then why debate it?

Mr. GARFIELD. I do not understand it is parliamentary for any gentleman on the floor to say any one man or any body of men is acting from corrupt motives. I should be sorry to believe that the Chair had so ruled or would so rule, and I do not wish, therefore, an appeal taken unless we know distinctly what the decision of the Chair has been.

The SPEAKER. The Chair said in his judgment the language used was not intended to be personal, and he is confirmed in that position by the explanation made by the gentleman from Maryland, before the Chair gave his judgment thereon, that the language was not intended to be personal as against any member of this House in his representative relations. The Chair adheres to that decision, and the gentleman from Indiana takes an appeal from it.

Mr. COX. I wish to say a word in response to what fell from the gentleman from Ohio. There is no personality in this business.

The SPEAKER. This character of language has been used a hundred times in this House, even to-day.

Mr. COX. Allow me a word. I do not understand why gentlemen on that side, especially my distinguished friend from Connecticut, should be so sensitive about this peculiar language when he heard it charged by the gentleman from Michigan on the very committee which brought this bill in—when he heard a charge of infamy made against that committee, and yet never opened his mouth about it.

Mr. HUMPHREY. I beg your pardon. It was not on the committee, but on the bill.

Several MEMBERS. Regular order!

The SPEAKER. The regular order is demanded.

Mr. HAWLEY. One word. [Cries of "Regular order!"]

The SPEAKER. The regular order has been distinctly and persistently demanded.

Mr. HAWLEY. There have been a dozen explanations since the regular order was demanded.

The SPEAKER. The Chair is willing to hear the gentleman if there be no objection. The regular order is demanded, and the gentleman is not now in order.

Mr. KENNA. I demand the regular order.

Mr. HAWLEY. I have made the point of order, and I have not interfered in the discussion, and I think I might be heard to say a word now.

Mr. KENNA. I demand the regular order of business.

The SPEAKER. The Chair would hear the gentleman from Connecticut, [Mr. HAWLEY,] but is prevented by the demand for regular order, and hence will enforce the same. The gentleman from Indiana appeals from the decision of the Chair in reference to the language used, and the gentleman from New York moves to lay that appeal upon the table.

Mr. CALKINS. I withdraw the appeal.

Mr. McKENZIE. I object to its withdrawal.

The SPEAKER. The gentleman from Indiana withdraws the appeal; and the Chair will now submit the question whether the gentleman from Maryland shall proceed.

Mr. HAWLEY. I rise to make a point of order. Rule 61 reads as follows:

61. If any member, in speaking or otherwise, transgress the rules of the House, the Speaker shall, or any member may, call to order; in which case the member so called to order shall immediately sit down, unless permitted to explain; and the House shall, if appealed to, decide on the case, but without debate; if there be no appeal, the decision of the Chair shall be submitted to.

The Chair decides that the gentleman from Maryland has the right to go on, and no one appeals from his decision. Now, it puts some of us in an embarrassing position under those circumstances to have the Chair put a question not required by the rules. The Chair has ruled that the gentleman from Maryland may go on.

The SPEAKER. That he may go on in order; but the Chair, in the abundance of a wish to be exactly fair between the two sides, proposed to submit the question, which relates to the privilege of the House.

Mr. HAWLEY. I did not doubt the exact fairness of the Chair.

The SPEAKER. But if gentlemen on the left of the Chair do not desire the question submitted the Chair will not submit it. The gentleman from Maryland will proceed.

Mr. PRICE. Will the gentleman from Maryland allow me to ask him a question?

Mr. McLANE. I decline to yield at this time.

Mr. HENDERSON. I rise to a question of order. The morning hour has expired.

The SPEAKER. At the expiration of the morning hour unanimous consent was given that the gentleman from Maryland should proceed with and conclude his speech. When the morning hour expired the Chair recognized the gentleman from Indiana [Mr. HOSTETLER] who was in charge of the bill, and he demanded the previous question so as to continue in possession of the floor and charge of the bill. Then unanimous consent was given to the gentleman from Maryland to conclude his speech; and that consent having been given without restriction as to time, the rule gives the gentleman one additional hour.

Mr. HENDERSON. I would like to inquire what time the gentleman has occupied?

The SPEAKER. Thirty-two minutes of the second hour have been consumed.

Mr. McLANE. If the gentleman from Illinois had not raised the question of order I should have closed what I had to say before now.

Now I only wish to make my acknowledgments to the House, and explain again that from the beginning to the end I have made no allusion of a personal character. And I am amazed that my language should have been so considered by any intelligent gentleman who sat on that side of the House and heard the honorable gentleman from Ohio [Mr. GARFIELD] make a speech at the opening of this session in which he stigmatized this side of the House for its cowardly policy of starving the Government to death, commended the brave men who had drawn the sword upon it, and expressed his contempt, his scorn for those who would enter upon the policy we had adopted. We knew perfectly well that he referred to this side of the House. No man of truth would deny that he had reference to this side of the House. We bore with patience that reproach.

Mr. CALKINS. I rise to a point of order. I submit that the gentleman from Maryland should be called upon to discuss the pending question. Since this debate has been permitted to go on the gentleman should discuss the bill.

The SPEAKER. The Chair does not see the point as the gentleman from Indiana does.

Mr. McLANE. And not only did we bear the denunciation of the honorable gentleman from Ohio, and I need not say that nobody is better fitted than he to hurl denunciation on those to whom he is opposed, he was received on that occasion, as somebody on my left expresses it, as the great gun on the other side, and he gave us all the powder, all the thunder, he was capable of giving. It was impossible for any man to treat a political party with less respect than he treated the party on this side of the House. But, sir, we took our parliamentary resource, and we have through three long months contended upon the issues which he that day denounced; and we have put back upon him his denunciation, his anathemas, and we have proved from the record that whatever there was infamous in our policy, he set us the example, and that we were only following the same tactics that he, as the leader of the republican party, had initiated on this floor. And having put that back on him, and not believing him to be altogether infamous, we do not consider ourselves altogether destroyed by his denunciations.

And now comes the honorable gentleman from Connecticut [Mr. HAWLEY] who asked that my words be taken down. I wonder if that gentleman has ever read in the RECORD his own speech in the House. We all know him to be a courteous and honorable gentleman. Does he recollect the distinction which he made between honorable gentlemen on this side of the House individually and as they were politically associated together? Does he remember the terms of contempt and offensive denunciation in which he spoke of us as a political association, although he said, to soothe our souls, that we were a most amiable set of gentlemen when taken individually?

Mr. HAWLEY. Will the gentleman allow me to say that he does not quote correctly the little illustration which I brought into my speech to which he has referred? If he will go back and read it he will find——

Mr. McLANE. If the gentleman has a copy of his speech beside him he may read that portion.

Mr. HAWLEY. I can just as well repeat it. I stated in substance that a gentleman who had received an individual promise from every director of a bank that his note would be discounted, when they failed to discount he observed that individually they were very worthy and honorable gentlemen, but collectively they were a set of scoundrels. That was the illustration I used, but I could not pretend to apply that to the democratic party literally. But in the aggregate their actions have been such as to suggest the illustration.

Mr. McLANE. I have painted no picture to-day more offensive to the other side of the House than I felt the illustration of the gentleman from Connecticut to be; and if he had not been blinded, as the gentleman from Michigan seems also to have been, he would have taken, with the patience with which he ought to take it, what I said of him when associated with his political associates.

Mr. BUTTERWORTH. I desire to ask the gentleman from Maryland [Mr. McLANE] a question with the view of getting the gentleman's opinion as to the limit of the jurisdiction of Congress.

Mr. HERBERT. I call for the regular order; the morning hour has expired.

Mr. BUTTERWORTH. If the regular order is insisted on there is an end of my question.

The SPEAKER. By unanimous consent the gentleman from Maryland [Mr. McLANE] was permitted to proceed; does the gentleman yield for a question from the gentleman from Ohio, [Mr. BUTTERWORTH?]

Mr. McLANE. I will yield for that question.

Mr. BUTTERWORTH. Do I understand this bill as being intended to prohibit contributions for political purposes because that system is bad *per se* or simply bad when those contributions are made out of the pay which Federal employés receive for their service?

Mr. McLANE. I have already answered the gentleman's question.

Mr. BUTTERWORTH. Then I will ask another. I only want to get the gentleman's construction of this bill. I understand the salary which an employé of the Government receives is his individual property, which he holds as a citizen and distributes as a citizen, paying it out. Does the gentleman insist that we have a right by legislation to say what that employé may do or may not do with the salary he receives; and if so, if we have that jurisdiction, will he consent to an amendment extending the provisions to the officers of every State, county, and municipality?

Mr. FORT. That would cut off Mr. Tilden.

Mr. McLANE. I answer the gentleman from Ohio [Mr. BUTTERWORTH] that I would not consent to any such amendment. The gentleman knows perfectly well that in his own State of Ohio no such amendment is necessary.

Mr. BUTTERWORTH. That is not an answer to my question.

Mr. McLANE. And the gentleman from Illinois [Mr. TOWNSHEND] can tell him that no such amendment is necessary in the State of Illinois.

Mr. HAYES. I understand that the chairman of the committee has agreed that amendments may be offered to the bill.

Mr. BUTTERWORTH. There may be two States in the Union which in their wisdom have provided against such contributions, but that is not an answer to my question.

Mr. McLANE. I have answered the question; I would not consent to any such amendment.

Mr. BUTTERWORTH. Why not?

Mr. McLANE. Because we have no power. The gentleman from Ohio will not contend that we have any such power.

Mr. BUTTERWORTH. I want to make this efficacious as to employés. Under the doctrine of John C. Calhoun you can control their official action and their official duties, but you cannot say what they shall do with their private property.

Mr. McLANE. This bill is confined to Federal office-holders for the reason that we have not the power to extend it to State office-holders, but if this bill passes every State in the Union will have an opportunity to follow the example set by the General Government and adopt the same policy.

Mr. BUTTERWORTH. I would ask another question. Are you satisfied to include in this bill not only those who hold office under the Federal Government, and are supposed to be appointed with reference to fitness, but their competitors for office, and Members of Congress and Senators?

Mr. McLANE. My answer to the gentleman from Ohio might not be understood if I answered him by a simple negative. I answer him thus: that I would extend the law as far as it is possible to extend it. I would confine it to no party, and no office that I could reach constitutionally; but I have confined it in the original bill, and the substitute has not changed that feature, to Federal officers, because I believe we have no power to carry it further; and now I conclude with this declaration: that instead of asking me questions as to what I would do, or what I would not do, gentlemen on the other side should as honorable and conscientious Representatives of the people take up this bill and do what they are willing to do, and not concern themselves about what I am willing to do.

Mr. BUTTERWORTH. You are the author and finisher of this measure.

The SPEAKER. The morning hour has expired, and the regular order has been demanded.

JURORS' TEST OATH, ETC.

The House resumed the consideration of the bill (S. No. 375) in relation to jurors, and to repeal sections 820 and 821 of the Revised Statutes of the United States.

Mr. HERBERT. Before I move the previous question upon the bill and amendments, I desire to make a proposition. I desire to propose to gentlemen on the other side of the House that if they wish to discuss this question for any reasonable length of time an opportunity will be afforded, if we can only come to an agreement, and they can also have an opportunity to offer any amendments they desire. My purpose is to invite the fullest, freest, and fairest discussion on this question, and I only ask that some agreement shall be made that will bring us to a vote. That is all. I hope to hear from gentlemen on the other side how much time they desire.

The SPEAKER. The Chair understands the gentleman from Alabama, [Mr. HERBERT,] who has charge of the pending bill, to ask the question of those who are opposed to the passage of the bill what their wishes are as to debate thereon and amendment. Has the Chair correctly stated the proposition?

Mr. HERBERT. The Chair has stated it correctly.

Mr. CONGER. If this bill could be referred to the Committee of the Whole, not to be brought up until the next regular session of Congress, when we can have time to discuss and amend it, I presume that would be satisfactory to this side of the House.

Mr. HERBERT. As the gentleman well knows, I could not consent to that. We on this side of the House desire to reach a conclusion of this matter during this session. If gentlemen have no other proposition to make, then I will insist upon the previous question.

Mr. GARFIELD. I will ask the gentleman if this bill is not substantially contained in the judicial appropriation bill?

Mr. HERBERT. There are several substantial differences.

Mr. GARFIELD. I know; but the judicial appropriation bill will come back to us to-day from the Senate, and if the gentleman wants to make any modification of it so as to conform it to his ideas, it seems to me that he had better do it on that bill and not require us to consider and have pending at the same time two bills on substantially the same subject. While that judicial appropriation bill is pending in the Senate with amendments (we do not know what they are) it is hardly right for us to take up this bill, and thus be legislating at cross-purposes. I hope the gentleman will at least let this bill lie over until we can know what the other bill has in it.

Mr. HERBERT. In reply to the gentleman from Ohio [Mr. GARFIELD] I desire to state that the RECORD of this morning, which is before every gentleman of this House, states what amendments were offered and adopted by the Senate to the judicial appropriation bill. This is a different bill, differing in several respects from the Senate amendments to the judicial bill, and in one important particular. We present here, unincumbered by any question of legislation attached to an appropriation bill, a bill containing a plain provision for the drawing of a fair jury.

Now, there are many gentlemen on the other side of the House who have expressed to me privately during this session their desire to vote for such a bill. I wish to give them, I wish to give all gentlemen on the republican side of the House who wish to vote for a good jury bill, an opportunity to record themselves upon that issue. If there were no other reasons, that would be a sufficient one for insisting now upon the passage of this bill. If gentlemen on the other side have no proposition to make that looks to a determination of this question, to reaching a vote on this bill this session, I must insist upon the demand for the previous question.

Mr. CONGER. In answer to that I desire to say that on this side of the House we will wait until the bill very similar to this, which has passed the House and been considered and amended by the Senate, and which perhaps is here now, has been acted upon. We will then consider what we will do in regard to this bill.

Mr. HERBERT. Then I must insist upon the previous question.

The question was taken; and upon a division there were ayes 80, noes none.

Mr. CONGER. No quorum has voted.

Tellers were ordered; and Mr. CONGER and Mr. HERBERT were appointed.

Mr. CONGER. I wish the Chair would appoint another gentleman to act as teller in my place.

The SPEAKER. The Chair, then, will appoint the gentleman from Michigan, Mr. McGOWAN.

The House again divided; and the tellers reported that there were ayes 80, noes none.

Mr. CONGER. No quorum has voted.

Mr. DE LA MATYR. I move that the House now adjourn.

Mr. HERBERT. I move that there be a call of the House.

The SPEAKER *pro tempore*, (Mr. FINLEY.) The question is on the motion to adjourn.

The question was taken; and upon a division there were—ayes 52, noes 58.

Before the result of this vote was announced,

Mr. DUNNELL called for tellers.

Tellers were ordered; and Mr. DUNNELL and Mr. HERBERT were appointed.

The House again divided; and the tellers reported that there were—ayes 78, noes 79.

So the motion to adjourn was not agreed to.

Mr. HERBERT. I now demand a call of the House.

Mr. DUNNELL. Why have a call of the House? A quorum voted on the last vote.

Mr. HERBERT. Very well, I will withdraw my motion for a call of the House, and insist on a vote upon the previous question on the bill and amendment.

Mr. CONGER. That question has been tried in the only way it can be tried and no quorum voted. The only business now in order is a motion to adjourn or a call of the House.

The SPEAKER *pro tempore*. A quorum has just voted on the motion to adjourn, and the question now recurs on seconding the demand for the previous question on the bill and pending amendment.

The question was taken; and upon a division there were ayes 42, noes none.

Mr. CONGER. No quorum has voted.

Tellers were ordered; and Mr. McGOWAN and Mr. HERBERT were appointed.

The House again divided; and the tellers reported that there were ayes 66, noes none.

Mr. CONGER. No quorum has voted.

Mr. HERBERT. I move that there be a call of the House.

The question was taken; and upon a division there were—ayes 66, noes 43.

Before the result of this vote was announced,

Mr. DUNNELL called for tellers.

Tellers were ordered; and Mr. McGOWAN and Mr. HERBERT were appointed.

The House again divided; and the tellers reported that there were—ayes 64, noes 79.

Before the result of this vote was announced,

Mr. HERBERT called for the yeas and nays.

Mr. CLAFLIN. I move that the House now adjourn.

Mr. ATKINS. I hope the House will not now adjourn. We look for the return from the Senate in a few minutes of the legislative appropriation bill, and we want to get a conference on it this afternoon.

Mr. CLAFLIN. I will withdraw the motion to adjourn.

The SPEAKER *pro tempore*. The question recurs upon the motion for a call of the House, upon which the gentleman from Alabama [Mr. HERBERT] demands the yeas and nays.

The question was taken upon ordering the yeas and nays; and upon a division there were—ayes 45, noes 44.

So (one-fifth voting in the affirmative) the yeas and nays were ordered.

The question was taken; and there were—yeas 98, nays 84, not voting 104; as follows:

YEAS—98.

Acklen,	Dibrell,	King,	Simonton,
Aiken,	Dunn,	Klotz,	Singleton, O. R.
Armfield,	Elam,	Lowe,	Slemons,
Beale,	Ellis,	Manning,	Sparks,
Beltzhoover,	Evins,	Martin, Benj. F.	Springer,
Bicknell,	Finley,	Martin, Edward L.	Steele,
Blackburn,	Forney,	McKenzie,	Stephens,
Bliss,	Geddes,	McLane,	Stevenson,
Bouck,	Gibson,	McMillin,	Taylor,
Bright,	Goode,	Mills,	Thompson,
Buckner,	Hammond, N. J.	Morrison,	Tillman,
Caldwell,	Hatch,	New,	Townshend, R. W.
Clardy,	Henkle,	Nicholls,	Turner, Oscar
Clark, John B.	Henry,	O'Connor,	Upson,
Clymer,	Herbert,	Persons,	Vance,
Cobb,	Herndon,	Phelps,	Waddill,
Coffroth,	Hill,	Phister,	Warner,
Celerick,	Hooker,	Reagan,	Wellborn,
Converse,	Hostetler,	Richmond,	Whitthorne,
Cook,	House,	Robertson,	Williams, Thomas
Covert,	Hull,	Rothwell,	Willis,
Cox,	Hunton,	Ryon, John W.	Wise,
Cravens,	Johnston,	Samford,	Wright.
Davidson,	Kenna,	Sawyer,	
Davis, Joseph J.	Kimmel,	Scales,	

NAYS—84.

Aldrich N. W.	Davis, George R.	Jones,	Richardson, D. P.
Aldrich, William	Deering,	Jorgensen,	Russell, Daniel L.
Bachman,	De La Matyr,	Keifer,	Russell, W. A.
Baker,	Dunnell,	Marsh,	Sapp,
Barber,	Farr,	Mason,	Shallenberger,
Bingham,	Felton,	McCook,	Sherwin,
Blake,	Ferdon,	McGowan,	Smith, A. Herr
Bowman,	Field,	McKinley,	Stone,
Brewer,	Fisher,	Miller,	Thomas,
Briggs,	Ford,	Mitchell,	Tyler,
Browne,	Forsythe,	Monroe,	Updegraff, J. T.
Calkins,	Fort,	Morton,	Updegraff, Thomas
Cannon,	Godshalk,	Myers,	Urner,
Carpenter,	Hammond, John	Neal,	Van Aernam,
Caswell,	Harmer,	Norcross,	Voorhis,
Claflin,	Hawk,	O'Neill,	Ward,
Conger,	Hawley,	Orth,	Weaver,
Cowgill,	Hayes,	Osmer,	Williams, C. G.
Crapo,	Henderson,	Overton,	Willits,
Culberson,	Houk,	Pound,	Yocum,
Daggett,	Humphrey,	Price,	Young, Thomas L.

NOT VOTING—104.

Anderson,	Clark, Alvah A.	Heilman,	Martin, Joseph J.
Atherton,	Crowley,	Hiscock,	McCoid,
Atkins,	Davis, Loundes H.	Horr,	McMahon,
Bailey,	Deuster,	Hubbell,	Miles,
Ballou,	Dick,	Hurd,	Money,
Barlow,	Dickey,	James,	Morse,
Bayne,	Dwight,	Joyce,	Muldrow,
Belford,	Einstein,	Kelley,	Muller,
Bland,	Errett,	Ketcham,	Murch,
Blount,	Ewing,	Killinger,	Newberry,
Boyd,	Frost,	Kitchin,	O'Brien,
Bragg,	Frye,	Knott,	O'Reilly,
Brigham,	Garfield,	Ladd,	Pierce,
Burrows,	Gillette,	Lapham,	Poehler,
Butterworth,	Gunter,	Lay,	Prescott,
Cabell,	Hall,	Le Fevre,	Reed,
Camp,	Harris, Benj. W.	Lewis,	Rice,
Carlisle,	Harris, John T.	Lindsey,	Richardson, J. S.
Chalmers,	Haskell,	Loring,	Robeson,
Chittenden,	Hazelton,	Lounsbery,	Robinson.
Ross,	Speer,	Valentine,	Whiteaker,
Ryan, Thomas	Starin,	Van Voorhis,	Wilber,
Shelley,	Talbott,	Wait,	Wilson,
Singleton, J. W.	Townsend, Amos	Washburn,	Wood, Fernando
Smith, Hezekiah B.	Tucker,	Wells,	Wood, Walter A.
Smith, William E.	Turner, Thomas	White,	Young, Casey.

So the motion was agreed to.

During the roll-call the following announcements were made:

Mr. SMITH, of Georgia. I am paired with Mr. WILBER, of New York. If he were present, I should vote in the affirmative.

Mr. MANNING. My colleague, Mr. MONEY, who is absent by leave of the House, is paired with Mr. STARIN. If present, Mr. MONEY would vote in the affirmative.

Mr. MULDROW. I am paired with Mr. DWIGHT. If he were present, I should vote "ay."

Mr. COVERT. My colleague, Mr. FERNANDO WOOD, is paired with Mr. ROBESON, and my colleague, Mr. MULLER, is paired with the gentleman from Indiana, Mr. HEILMAN.

Mr. ROSS. I am paired with my colleague, Mr. BRIGHAM. If he were present, I should vote in the affirmative.

Mr. SHELLEY. I am paired with Mr. WAIT, of Connecticut, who is absent on account of sickness.

Mr. HILL. My colleague, Mr. ATHERTON, is paired with Mr. NEWBERRY, of Michigan.

Mr. SAWYER. Mr. DAVIS, of Missouri, is paired with Mr. McCOID, of Iowa.

Mr. DAVIS, of North Carolina. My colleague, Mr. KITCHIN, is paired with Mr. RICE, of Massachusetts.

Mr. HUNTON. My colleague, Mr. CABELL, is paired with Mr. FISHER, and my colleague, Mr. TUCKER, with Mr. LAPHAM.

Mr. TOWNSHEND, of Illinois. My colleague, Mr. SINGLETON, is paired with Mr. MILES, of Connecticut.

Mr. CALDWELL. Mr. CARLISLE is paired with Mr. MILLER, of New York.

Mr. STEVENSON. Mr. LADD, who is absent by leave of the House, is paired with his colleague, Mr. LINDSEY.

Mr. PHISTER. My colleague, Mr. THOMAS TURNER, is paired with Mr. WHITE, of Pennsylvania; and my colleague, Mr. KNOTT, with Mr. FRYE, of Maine.

Mr. AIKEN. My colleague, Mr. RICHARDSON, is paired with Mr. CAMP, of New York. If present, Mr. RICHARDSON would vote "ay" and I suppose Mr. CAMP would vote "no."

Mr. JOHNSTON. My colleague, Mr. HARRIS, is paired with Mr. CROWLEY, of New York.

Mr. BEALE. I am paired with my colleague, Mr. JORGENSEN.

Mr. ROBINSON. I am paired with Mr. HURD, of Ohio; and my colleague, Mr. MORSE, with Mr. KELLEY.

Mr. HARRIS, of Massachusetts. I am paired with Mr. LEWIS, of Alabama.

Mr. STONE. Mr. STARIN is paired with Mr. MONEY, and Mr. LAPHAM with Mr. TUCKER.

Mr. WARD. Mr. WAIT is absent on account of indisposition and is paired with Mr. SHELLEY, of Alabama.

Mr. McGOWAN. Mr. VALENTINE is paired with Mr. LE FEVRE.

Mr. COWGILL. Mr. HEILMAN is paired with Mr. MULLER.

Mr. WASHBURN. I am paired with Mr. POEHLER.

Mr. VAN AERNAM. My colleague, Mr. KETCHAM, who is absent on account of sickness, is paired with Mr. SMITH, of New Jersey.

Mr. FISHER. My colleague, Mr. DICK, is paired with Mr. LAY, of Missouri.

Mr. BAYNE. I am paired with Mr. FROST, of Missouri.

Mr. DICKEY. I am paired with Mr. BARLOW, of Vermont.

Mr. BRIGGS. My colleague, Mr. HALL, is paired with Mr. SPEER, of Georgia.

Mr. BLISS. Mr. WHITEAKER is paired with Mr. BUTTERWORTH.

The vote was then announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced that the Senate insisted on its amendments disagreed to by the House to the bill (H. R. No. 2251) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes, had disagreed to the amendments of the House to the amendments of the Senate, asked a conference with the House on the disagreeing votes of the two Houses, and had appointed as conferees on the part of the Senate Mr. BECK, Mr. DAVIS of West Virginia, and Mr. WINDOM.

The message further announced that the Senate had concurred in the resolution of the House providing for printing 100,000 copies of Special Report No. 12 of the Commissioner of Agriculture, containing the reports of the commissioners appointed to investigate diseases of swine, and contagious and infectious diseases incident to other classes of domesticated animals.

The message also announced that the Senate had passed a bill of the following title; in which the concurrence of the House was requested:

An act (S. No. 671) relating to vessels not propelled wholly by sail or internal motive power of their own.

The message further announced that the Senate had passed, without amendment, joint resolutions of the following titles:

Joint resolution (H. R. No. 34) to print 5,000 copies of the final re-

ports of the United States centennial commission upon the international exhibition and centennial celebration of 1876; and

Joint resolution (H. R. No. 87) relating to a bridge across the Detroit River at or near Detroit, Michigan.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ATKINS. I move by unanimous consent to take from the Speaker's table the message from the Senate asking for a conference on the disagreeing votes of the two Houses on the bill (H. R. No. 2251) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes, and to move that the conference asked for on the part of the Senate be agreed to.

There was no objection, and the message of the Senate was taken up, and the conference asked for was agreed to.

The SPEAKER. The Chair appoints as conferees on the part of the House on the disagreeing votes of the two Houses on the legislative, &c., appropriation bill, Mr. ATKINS, Mr. BLOUNT and Mr. BAKER.

JURORS' TEST OATH, ETC.

Mr. STEPHENS. I now move that all further proceedings under the call of the House which has just been ordered be dispensed with.

Mr. PRICE. And I move that the House do now adjourn.

GLOVER'S REPORT.

Mr. SINGLETON, of Mississippi. I ask, by unanimous consent, to make a report from the Committee on Printing.

Mr. CONGER. Let it be first stated what the report is about. I reserve the right to object.

The SPEAKER. That is the gentleman's right.

Mr. SINGLETON, of Mississippi. Let the Clerk read the report.

The Clerk read as follows:

The Committee on Printing, to whom was referred the petition of John M. Glover, chairman of the Committee on Expenditures——

Mr. CONGER. That is enough. [Laughter.] I have been watching that, and demand the regular order of business.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

To Mr. STONE, for ten days from the 19th instant, on account of important business;

To Mr. BLOUNT, for ten days from Friday next, on account of important business;

To Mr. POUND, for two days, on account of important business.

JURORS' TEST OATH, ETC.

Mr. HERBERT. The call of the House has not been dispensed with.

The SPEAKER. It has not; but pending the motion to dispense with all further proceedings under the call made by the gentleman from Georgia, [Mr. STEPHENS,] the gentleman from Iowa moved that the House adjourn, which motion is in order and is the first question to be put.

Mr. HERBERT. I demand the regular order of business.

Mr. CONGER. I demand the yeas and nays on the motion to adjourn.

The yeas and nays were ordered.

The question was taken; and there were—yeas 88, nays 97, not voting 101; as follows:

YEAS—88.

Aldrich, N. W.	Deering,	Jones,	Richardson, D. P.
Aldrich, William	De La Matyr,	Jorgensen,	Russell, Daniel L.
Baker,	Dunnell,	Keifer,	Russell, Wm. A.
Barber,	Errett,	Marsh,	Sapp,
Bicknell,	Farr,	Mason,	Shallenberger,
Bingham,	Felton,	McCook,	Sherwin,
Blake,	Ferdon,	McGowan,	Smith, A. Herr
Bowman,	Field,	McKinley,	Stevenson,
Brewer,	Fisher,	Miller,	Stone,
Briggs,	Ford,	Mitchell,	Thomas,
Browne,	Forsythe,	Monroe,	Tyler,
Burrows,	Godshalk,	Morton,	Updegraff, J. T.
Calkins,	Hammond, John	Murch,	Urner,
Cannon,	Harmer,	Myers,	Van Aernam,
Carpenter,	Harris, Benj. W.	Neal,	Voorhis,
Caswell,	Hawk,	Norcross,	Ward,
Claflin,	Hawley,	O'Neill,	Weaver,
Conger,	Hayes,	Orth,	Wells,
Cowgill,	Henderson,	Osmer,	Williams, C. G.
Crapo,	Horr,	Overton,	Willits,
Daggett,	Houk,	Pound,	Yocum,
Davis, George R.	Humphrey,	Price,	Young, Thomas L.

NAYS—97.

Acklen,	Clymer,	Evins,	Hostetler,
Aiken,	Cobb,	Ewing,	House,
Armfield,	Coffroth,	Finley,	Hull,
Atkins,	Colerick,	Forney,	Hunton,
Bachman,	Converse,	Geddes,	Johnston,
Beale,	Cook,	Gibson,	Kenna,
Beltzhoover,	Covert,	Goode,	Kimmel,
Blackburn,	Cravens,	Hammond, N. J.	King,
Bliss,	Culberson,	Hatch,	Klotz,
Blount,	Davidson,	Henkle,	Lowe,
Bouck,	Davis, Joseph J.	Henry,	Martin, Benj. F.
Bright,	Dibrell,	Herbert,	Martin, Edward L.
Caldwell,	Dunn,	Herndon,	McKenzie,
Clardy,	Elam,	Hill,	McLane,
Clark, John B.	Ellis,	Hooker,	McMahon,
McMillin,	Robertson,	Springer,	Warner,
Mills,	Rothwell,	Steele,	Wellborn,
Morrison,	Ryon, John W.	Stephens,	Whitthorne,
New,	Samford,	Taylor,	Williams, Thomas
Nicholls,	Sawyer,	Thompson,	Willis,
O'Connor,	Scales,	Tillman,	Wise,
Persons,	Simonton,	Turner, Oscar	Wright.
Phelps,	Singleton, O. R.	Upson,	
Phister,	Slemons,	Vance.	
Reagan,	Sparks,	Waddill,	

NOT VOTING—101.

Anderson,	Einstein,	Lewis,	Shelley,
Atherton,	Fort,	Lindsey,	Singleton, J. W.
Bailey,	Frost,	Loring,	Smith, Hezekiah B.
Ballou,	Frye,	Lounsbery,	Smith, William E.
Barlow,	Garfield,	Manning,	Speer,
Bayne,	Gillette,	Martin, Joseph J.	Starin,
Belford,	Gunter,	McCoid,	Talbott,
Bland,	Hall,	Miles,	Townsend, Amos
Boyd,	Harris, John T.	Money,	Townshend, R. W.
Bragg,	Haskell,	Morse,	Tucker,
Brigham,	Hazelton,	Muldrow,	Turner, Thomas
Buckner,	Heilman,	Muller,	Updegraff, Thomas
Butterworth,	Hiscock,	Newberry,	Valentine,
Cabell,	Hubbell,	O'Brien,	Van Voorhis,
Camp,	Hurd,	O'Reilly,	Wait,
Carlisle,	James,	Pierce,	Washburn,
Chalmers,	Joyce,	Poehler,	White,
Chittenden,	Kelley,	Prescott,	Whiteaker,
Clark, Alvah A.	Ketcham,	Reed,	Wilber,
Cox,	Killinger,	Rice,	Wilson,
Crowley,	Kitchin,	Richardson, J. S.	Wood, Fernando
Davis, Lourdes H.	Knott,	Richmond,	Wood, Walter A.
Deuster,	Ladd,	Robeson,	Young, Casey.
Dick,	Lapham,	Robinson,	
Dickey,	Lay,	Ross,	
Dwight,	Le Fevre,	Ryan, Thomas,	

So the motion to adjourn was not agreed to.

During the roll-call the following announcements were made:

Mr. SHELLEY. I am paired with Mr. WAIT, of Connecticut.

Mr. SMITH, of Georgia. I am paired with Mr. WILBER, of New York. If he were present, I should vote "no."

Mr. MULDROW. I am paired with Mr. DWIGHT, of New York.

Mr. SAWYER. My colleague from Missouri, Mr. DAVIS, is paired with Mr. MCCOID, of Iowa.

Mr. BLISS. Mr. BUTTERWORTH, of Ohio, and Mr. WHITEAKER, of Oregon, are paired.

Mr. LOUNSBERY. I am paired with my colleague from New York, Mr. BAILEY.

Mr. RICHMOND. I am paired with Mr. PRESCOTT, of New York. If he were present, I should vote "no."

Mr. AIKEN. My colleague from South Carolina, Mr. RICHARDSON, is paired with Mr. CAMP, of New York.

Mr. JOHNSTON. My colleague from Virginia, Mr. HARRIS, is paired with Mr. CROWLEY, of New York.

Mr. SINGLETON, of Mississippi. My colleague, Mr. CHALMERS, is paired with Mr. VAN VOORHIS, of New York.

Mr. ROBINSON. I am paired with Mr. HURD, of Ohio.

Mr. LAPHAM. Upon all political questions I am paired with Mr. TUCKER, of Virginia, and my colleague, Mr. STARIN, is paired with Mr. MONEY, of Mississippi.

Mr. WARD. Mr. MORSE, of Massachusetts, is paired with my colleague, Mr. KELLEY.

Mr. MCGOWAN. Mr. VALENTINE, of Nebraska, is absent by leave of the House, and is paired with Mr. LE FEVRE.

Mr. WASHBURN. I am paired with Mr. POEHLER.

Mr. BAYNE. I am paired with Mr. FROST.

Mr. DAVIS, of North Carolina. My colleague, Mr. KITCHIN, is paired with Mr. RICE, of Massachusetts.

Mr. HUNTON. My colleagues, Mr. TUCKER and Mr. CABELL, are paired with Mr. LAPHAM and Mr. FISHER.

Mr. TOWNSHEND, of Illinois. Mr. MULLER, of New York, is paired with Mr. HEILMAN, of Indiana.

Mr. MANNING. My colleague, Mr. MONEY, is absent by leave of the House, and is paired with Mr. RYAN, of Kansas.

Mr. KENNA. My colleague, Mr. WILSON, is still absent on account of serious illness in his family, and is paired with Mr. REED, of Maine.

Mr. HENRY. My colleague, Mr. TALBOTT, is paired with Mr. BALLOU.

Mr. HILL. My colleague, Mr. ATHERTON, is paired with Mr. NEWBERRY, of Michigan.

The result of the vote was then announced as above stated.

The question recurred upon the motion of Mr. STEPHENS to dispense with further proceedings under the call of the House; and being put, the motion was agreed to.

So all further proceedings under the call were dispensed with.

The question recurred on the demand for the previous question; and being put, there were ayes 76, noes none.

Mr. CONGER. No quorum has voted.

Mr. HERBERT. I move that there be a call of the House.

Mr. NICHOLLS. I move that the House do now adjourn.

The SPEAKER. No quorum having voted, the usual course is for the Chair to appoint tellers, but pending that the gentleman from Georgia moves that the House do now adjourn.

Mr. NICHOLLS. I withdraw the motion.

The question recurred upon seconding the demand for the previous question.

Mr. ALDRICH, of Illinois. Is it in order now to move to adjourn?

The SPEAKER. It is.

Mr. ALDRICH, of Illinois. Then I make the motion.

The question was taken; and on a division there were—ayes 84, noes 46.

Mr. HERBERT. I call for the yeas and nays.

The yeas and nays were ordered, 42 members voting therefor.

The question was taken; and there were—yeas 86, nays 79, not voting 121; as follows:

YEAS—86.

Aldrich, William	Errett,	Mason,	Sawyer,
Baker,	Evins,	McCook,	Shallenberger,
Barber,	Farr,	McGowan,	Sherwin,
Beale,	Felton,	McKinley,	Steele,
Bingham,	Ferdon,	Miller,	Stevenson,
Blake,	Field,	Mitchell,	Stone,
Bowman,	Fisher,	Monroe,	Thomas,
Briggs,	Ford,	Morton,	Tyler,
Bright,	Forsythe,	Murch,	Updegraff, J. T.
Browne,	Fort,	Myers,	Urner,
Calkins,	Hammond, John	Norcross,	Van Aernam,
Cannon,	Hawk,	O'Neill,	Vance,
Carpenter,	Hayes,	Orth,	Voorhis,
Caswell,	Horr,	Osmer,	Ward,
Colerick,	Houk,	Overton,	Weaver,
Conger,	Humphrey,	Pound,	Wells,
Cowgill,	Jones,	Price,	Williams, C. G.
Crapo,	Jorgensen,	Richardson, D. P.	Willits,
Davis, George R.	Keifer,	Russell, Daniel L.	Yocum,
Deering,	Kimmel,	Russell, W. A.	Young, Thomas L.
De La Matyr,	Marsh,	Ryon, John W.	
Dunnell,	Martin, Benj. F.	Sapp,	

NAYS—79.

Aiken,	Davis, Joseph J.	Kenna,	Scales,
Armfield,	Elam,	King,	Simonton,
Atkins,	Ellis,	Klotz,	Singleton, O. R.
Bachman,	Ewing,	Lowe,	Slemons,
Beltzhoover,	Forney,	Martin, Edward L.	Sparks,
Blackburn,	Geddes,	McKenzie,	Springer,
Bliss,	Goode,	McMahon,	Taylor,
Blount,	Hammond, N. J.	McMillin,	Thompson,
Caldwell,	Hatch,	Mills,	Tillman,
Clardy,	Henkle,	Morrison,	Townshend, R. W.
Clark, John B.	Henry,	New,	Turner, Oscar
Clymer,	Herbert,	Nicholls,	Upson,
Cobb,	Herndon,	O'Connor,	Waddill,
Coffroth,	Hill,	Persons,	Warner,
Converse,	Hooker,	Phelps,	Wellborn,
Cook,	Hostetler,	Phister,	Whitthorne,
Covert,	House,	Reagan,	Williams, Thomas
Cox,	Hull,	Robertson,	Willis,
Cravens,	Hunton,	Rothwell,	Wise.
Culberson,	Johnston,	Samford,	

NOT VOTING—121.

Acklen,	Dibrell,	Kitchin,	Robinson,
Aldrich, N. W.	Dick,	Knott,	Ross,
Anderson,	Dickey,	Ladd,	Ryan, Thomas
Atherton,	Dunn,	Lapham,	Shelley,
Bailey,	Dwight,	Lay,	Singleton, J. W.
Ballou,	Einstein,	Le Fevre,	Smith, A. Herr
Barlow,	Finley,	Lewis,	Smith, Hezekiah B.
Bayne,	Frost,	Lindsey,	Smith, William E.
Belford,	Frye,	Loring,	Speer,
Bicknell,	Garfield,	Lounsbery,	Starin,
Bland,	Gibson,	Manning,	Stephens,
Bouck,	Gillette,	Martin, Joseph J.	Talbott,
Boyd,	Godshalk,	McCoid,	Townsend, Amos
Bragg,	Gunter,	McLane,	Tucker,
Brewer,	Hall,	Miles,	Turner, Thomas
Brigham,	Harmer,	Money,	Updegraff, Thomas
Buckner,	Harris, Benj. W.	Morse,	Valentine,
Burrows,	Harris, John T.	Muldrow,	Van Voorhis,
Butterworth,	Haskell,	Muller,	Wait,
Cabell,	Hawley,	Neal,	Washburn,
Camp,	Hazelton,	Newberry,	White,
Carlisle,	Heilman,	O'Brien,	Whiteaker,
Chalmers,	Henderson,	O'Reilly,	Wilber,
Chittenden,	Hiscock,	Pierce,	Wilson,
Claflin,	Hubbell,	Poehler,	Wood, Fernando
Clark, Alvah A.	Hurd,	Prescott,	Wood, Walter A.
Crowley,	James,	Reed,	Wright,
Daggett,	Joyce,	Rice,	Young, Casey.
Davidson,	Kelley,	Richardson, J. S.	
Davis, Loundes H.	Ketcham,	Richmond,	
Deuster,	Killinger,	Robeson,	

So the motion to adjourn was agreed to.

During the call of the roll the following announcements were made:

Mr. HUNTON. My colleague, Mr. TUCKER, is paired with Mr. LAPHAM, of New York, and my colleague, Mr. CABELL, is paired with Mr. FISHER, of Pennsylvania.

Mr. SMITH, of Georgia. I am paired with Mr. WILBER, of New York. If he were here, I should vote "no."

Mr. SLEMONS. My colleague, Mr. DUNN, left the House a few minutes ago quite unwell.

Mr. YOUNG, of Tennessee. I am paired on all political questions with Mr. LORING, of Massachusetts. Two or three times to-day I have inadvertently passed between the tellers, voting on different questions. I decline to vote on this question.

Mr. MANNING. I am paired with Mr. RYAN, of Kansas.

Mr. MULDROW. I am paired with Mr. DWIGHT, of New York, and my colleague, Mr. MONEY, is paired with Mr. STARIN, of New York.

Mr. SAWYER. My colleague from Missouri, Mr. DAVIS, is paired with Mr. MCCOID, of Iowa.

Mr. KENNA. My colleague, Mr. WILSON, is still absent on account of sickness in his family, and is paired with Mr. REED, of Maine.

Mr. DAVIS, of North Carolina. My colleague, Mr. KITCHIN, is paired with Mr. RICE, of Massachusetts.

Mr. HILL. My colleague, Mr. ATHERTON, is paired with Mr. NEWBERRY, of Michigan.

Mr. SHELLEY. I am paired with Mr. WAIT, of Connecticut.

Mr. TOWNSHEND, of Illinois. I desire to announce that Mr. STEPHENS, of Georgia, is paired with Mr. NEAL, of Ohio; that Mr. SINGLETON, of Illinois, is paired with Mr. NILES, of Connecticut; and that Mr. MULLER, of New York, is paired with Mr. HEILMAN, of Indiana.

Mr. BLISS. I desire to state that Mr. BUTTERWORTH, of Ohio, is paired with Mr. WHITEAKER, of Oregon.

Mr. LOUNSBERRY. I am paired with my colleague, Mr. BAILEY.

Mr. HULL. My colleague, Mr. DAVIDSON, is paired with Mr. HARMER, of Pennsylvania.

Mr. RICHMOND. I am paired with Mr. PRESCOTT, of New York.

Mr. KING. My colleague, Mr. GIBSON, is paired with Mr. HAWLEY, of Connecticut.

Mr. JOHNSTON. My colleague, Mr. HARRIS, of Virginia, is paired with Mr. CROWLEY, of New York.

Mr. SINGLETON. My colleague, Mr. CHALMERS, is paired with Mr. VAN VOORHIS, of New York.

Mr. ROBINSON. I am paired with Mr. HURD, of Ohio, and my colleague, Mr. MORSE, is paired with Mr. KELLEY.

Mr. WASHBURN. I am paired with my colleague, Mr. POEHLER.

Mr. MCGOWAN. I desire to state that Mr. VALENTINE, of Nebraska, is paired with Mr. LE FEVRE, of Ohio.

Mr. BAYNE. I am paired with Mr. FROST, of Missouri.

Mr. HARRIS, of Massachusetts. I am paired with Mr. LEWIS, of Alabama.

Mr. STONE. Mr. STARIN, of New York, is paired with Mr. MONEY, of Mississippi.

LEAVE OF ABSENCE.

Pending the announcement of the result of the vote on the motion to adjourn, leave of absence was granted by unanimous consent as follows:

To Mr. RICHARDSON, of New York, for ten days, to attend court as a witness in an important case.

The result of the vote was then announced as above stated; and accordingly (at five o'clock and five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. ALDRICH, of Illinois: Papers relating to the claim of Washington L. Parvin and Henry A. Green, to be reimbursed moneys expended in raising troops in California in 1861—to the Committee on Military Affairs.

By Mr. FIELD: The petition of Mary Ann Murphy, for a pension—to the Committee on Invalid Pensions.

By Mr. GUNTER: Papers relating to the war claim of the Cave Hill (Arkansas) Presbyterian church—to the Committee on War Claims.

By Mr. KING: Memorial of the constitutional convention of Louisiana, for the passage of the bill establishing a United States district court for North Louisiana—to the Committee on the Judiciary.

Also, memorial of the constitutional convention of Louisiana, asking for the donation of military barracks, arsenal, and grounds in the city of Baton Rouge, for educational purposes—to the Committee on Public Buildings and Grounds.

By Mr. MARTIN, of Delaware: The petition of J. Turpin Moore and 70 others, citizens, vessel owners and captains, of Sussex County, Delaware, that the port of Seaford, in said county, be made a port of delivery—to the Committee on Commerce.

By Mr. MARTIN, of West Virginia: Papers relating to the claim of Samuel Kelly for pay for services as a scout and guide for the United States Army—to the Committee on Military Affairs.

IN SENATE.

WEDNESDAY, *June* 18, 1879.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. MCPHERSON. I present the memorial of George D. H. Gillespie and John Wolfe, executors of the will of Joseph L. Lewis, deceased, formerly of Hoboken, New Jersey, remonstrating against the passage of the bill (H. R. No. 2046) to authorize a compromise of the claims of the United States under the will of Joseph L. Lewis. As this is a very important case now pending before the Senate, I move that the memorial and accompanying papers be printed for the use of the Senate.

The motion was agreed to.

Mr. GARLAND. As the bill has been reported from the Committee on the Judiciary the memorial will lie on the table, I presume.

The PRESIDENT *pro tempore*. The memorial will lie on the table.

Mr. HARRIS. I present the petition of Mrs. R. P. Howell and many other citizens of the District of Columbia, praying for the passage of the bill (H. R. No. 1379) fixing the rate of interest upon arrearages of general taxes and assessments for special improvements, now due to the District of Columbia, and for a revision of assessments for special improvements, and for other purposes. I ask that it lie on the table, the Committee on the District of Columbia having already reported the bill back with the recommendation that it pass.

The PRESIDENT *pro tempore*. It will be so ordered.

Mr. ROLLINS. I present a petition of a like character to that just presented by the Senator from Tennessee.

The PRESIDENT *pro tempore*. The petition will lie on the table.

Mr. ROLLINS. It is the petition of Robert H. Ryan and others. It is very numerously signed by citizens of the District of Columbia.

Mr. EATON presented the petition of Edwin De Leon, late United States consul-general in Egypt, praying for compensation for judicial services rendered while acting as such from the year 1848 to the year 1852, as provided for by act of Congress of August 10, 1848; which was referred to the Committee on Foreign Relations.

Mr. LAMAR presented the petition of William A. Rogers, a soldier of the war of 1812, in the Virginia militia, praying for the passage of a law granting him a pension; which was referred to the Committee on Pensions.

REPORTS OF COMMITTEES.

Mr. McPHERSON, from the Committee on Naval Affairs, to whom was referred the bill (S. No. 696) for the relief of William Nephew King, jr., reported it without recommendation.

Mr. GARLAND, from the Committee on the Judiciary, to whom was referred the bill (H. R. No. 2274) concerning the Legislative Assembly of the Territory of Montana, reported it with an amendment.

DISTRICT CHURCH PROPERTY.

Mr. HARRIS. The Committee on the District of Columbia, to which was referred the bill (H. R. No. 1369) to relieve the churches of the District of Columbia, and to clear the title of the trustees to such property, have instructed me to report it with a recommendation that it pass. I ask for the present consideration of the bill, believing, as I do, that it will not take two minutes, the Senate having passed precisely a similar bill within a day or two of the end of the last session of Congress, and the House now sends this bill to us, it having passed the House.

The bill was read by its title.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. CONKLING. Let the bill be read, Mr. President.

The Chief Clerk read the bill, as follows:

Be it enacted, &c., That so much of an act of Congress entitled "An act for the government of the District of Columbia, and for other purposes," approved June 20, 1874, as was construed to authorize the commissioners of the District to set aside former exemptions from taxation of church property which was actually held and used for the purpose of divine worship, and to enforce a tax upon such property, be, and is hereby, repealed; and the title to such property is hereby declared to vest in the trustees, or such other persons as held the title to the same at the time of the passage of the act of 1874, or their successors in interest, notwithstanding the sale of such property for non-payment of taxes.

SEC. 2. That the commissioners of the District of Columbia be, and they hereby are, authorized and required to refund to the trustees or other proper officers of such church or churches as have paid the taxes assessed against them under the act of June 20, 1874, such sums respectively as were paid by each upon property actually held and used for the purpose of divine worship.

The bill was reported to the Senate without amendment.

Mr. CONKLING. May I ask the Senator who reported the bill to tell us what is the occasion of it? If I remember aright, this is the fourth bill that we have had within the last three or four years on this subject, and I should like to know why it is.

Mr. HARRIS. I will state to the Senator from New York that the Senate passed a bill exactly as this bill now stands, one precisely similar to it, during the last day or two of the last session of the Forty-fifth Congress. The House now sends us precisely the same bill that we sent them, but which was not acted upon in the House during that session. I will send to the Clerk's desk, if the Senator desires it, a report that I had the honor of making at the last session of Congress, that will develop all the facts. The report consists of only one page.

Mr. CONKLING. I do not desire it, since I learn that this is similar to the bill we passed. I supposed this was still an additional bill, and I hear bills of its title read here so often that I became very curious to know why there were so many of them.

Mr. BLAINE. Let the bill be read again.

The Chief Clerk again read the bill.

Mr. KIRKWOOD. I should like to ask the Senator from Tennessee a question. I understand that by the provisions of this bill, where a sale for taxes has taken place the proposed law declares the sale to be set aside. How can we do that?

Mr. HARRIS. The church property was bid off to the District of Columbia, I will state to the Senator.

Mr. KERNAN. The bill so states.

Mr. KIRKWOOD. Not to an individual?

Mr. KERNAN. No.

Mr. HARRIS. The bill so recites the fact; the fact is that way; not to an individual.

The bill was ordered to a third reading, read the third time, and passed.

ELECTIONS AND APPOINTMENTS IN RHODE ISLAND.

Mr. WHYTE. I am instructed by the Committee on Civil Service and Retrenchment to report the following resolution and ask its passage by the Senate. I ask for its immediate consideration.

The resolution was read, as follows:

Resolved, That the Committee on Civil Service and Retrenchment, to whom was referred the memorial of J. B. Greene and others, of Rhode Island, in relation to the alleged violation of sections 1754 and 1755 of the Revised Statutes, and of the alleged violation of civil-service reform in the State of Rhode Island, have leave to sit during the recess of the Senate, with power to employ a clerk and a stenographer, to appoint a sub-committee who may hold sessions at such place or places as may be deemed most convenient for the purposes of the investigation; and that the expenses thereof be paid out of the "miscellaneous items" of the contingent fund of the Senate.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. MORRILL. I do not rise to object to this proposition, but I should like to inquire of the Senator from Maryland how many committees have already been authorized to sit during the recess of Congress and at the expense of the contingent fund? I have noticed a considerable number of resolutions authorizing this to be done that have already passed; and I do not know but that every committee of the Senate has been authorized to sit during the recess.

Mr. WHYTE. I will state to the Senator from Vermont that the usual committees, the Committee on Printing, the Committee on Public Buildings and Grounds, and the Committee on the District of Columbia, are the only committees that I know of which have been authorized to sit during the recess of the Senate.

Mr. CONKLING. Will the Senator name the committees again?

Mr. WHYTE. The Committee on Printing regularly sits during the recess; the Committee on Public Buildings and Grounds——

Mr. JONES, of Florida. No; the Senator is mistaken.

Mr. WHYTE. It has heretofore done so, when I have been a member of it, and I took it for granted it will require leave to do so during this session. The Committee on Contingent Expenses of the Senate always sits during the recess so as to audit any accounts that may be presented by the Sergeant-at-Arms and the Secretary of the Senate. The Committee on the District of Columbia has been authorized to sit, though it will be but a few days, in regard to the water rates and in regard to the expenses heretofore created in laying the water-pipes throughout the city. That was done at the instance of the colleague of the Senator from Vermont. With the exception of the Wallace committee, the committee formerly known as the Teller committee, I know of no other committee than these that have been authorized to sit during the recess.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

BILLS INTRODUCED.

Mr. GARLAND asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 703) fixing the time of the next annual meeting of Congress; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. McPHERSON asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 704) to explain the Revised Statutes relative to duties on imported merchandise; which was read twice by its title, and referred to the Committee on Finance.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 705) relating to the hailing-port of vessels owned in the United States; which was read twice by its title, and referred to the Committee on Commerce.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 706) to amend an act for the relief of Joseph B. Collins, approved March 3, 1879; which was read twice by its title, and referred to the Committee on Military Affairs.

MISSISSIPPI RIVER COMMISSION.

Mr. LAMAR. I move to take up for consideration House bill No. 1847.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 1847) to provide for the appointment of a "Mississippi River commission" for the improvement of said river from the head of the passes near its mouth, to its headwaters.

The PRESIDENT *pro tempore*. The bill is reported from the Select Committee on the Improvement of the Mississippi River and its Tributaries, with amendments, none of which have been acted on by the Senate. The first amendment of the committee will be reported.

The CHIEF CLERK. In section 1, line 4, it is proposed to strike out "five" and insert "seven;" so as to read:

That a commission is hereby created, to be called "The Mississippi River commission," to consist of seven members.

Mr. BURNSIDE. Mr. President, I beg to call the attention of the Senate for a few moments to this amendment. The House of Representatives passed the bill creating a commission of five, to be composed of three engineer officers and two civil officers. The Senate committee proposes to increase the number of the commission to seven,

and place upon the commission one officer from the Coast and Geodetic Survey and three from civil life. At the last Congress a move was made to take from the Engineer department the surveys under the direction of Clarence King and others, and the following provision was inserted in the sundry civil appropriation act, approved June 30, 1878:

> And the National Academy of Sciences is hereby required, at their next meeting, to take into consideration the methods and expense of conducting all surveys of a scientific character under the War or Interior Department and the surveys of the Land Office, and to report to Congress, as soon thereafter as may be practicable, a plan for surveying and mapping the Territories of the United States on such general system as will, in their judgment, secure the best results at the least possible cost; and also to recommend to Congress a suitable plan for the publication and distribution of reports, maps, and documents, and other results of the said surveys.

The academy made a report which resulted in taking from the Engineer department the survey under Clarence King and placing that with other work in a general survey. I at that time thought that that was a wrong move; but it was deemed wise by Congress to make the move, and the Engineer department, of course, had to be content with it. The Academy of Sciences in their report used this language:

> The committee consider that the field of inquiry proposed to the academy is intended to embrace only such surveys as pertain to the public domain. They have not included in their plan of organization surveys and investigations, however scientific in method and character, which apply solely to engineering works, such as the improvements of rivers, harbors, lakes, &c.; the irrigation and drainage of public lands, reclamation of tidal lands, and protection of alluvial regions from floods. Such surveys and investigations being inseparably connected with engineering problems, should, in the judgment of the committee, be conducted by the Engineer Corps of the Army. Nor do the committee recommend any change in the organization of the survey of the great lakes, as this is now nearly completed.

Thus it will be seen that the same court to which the question as to surveys was submitted, that is the Academy of Sciences, and which took from the Engineer department the survey of Clarence King, strongly recommended that all matters appertaining to river and harbor improvements and reclamation of overflowed land should be left to the exclusive control of the Engineer department.

As the House passed this bill it created a commission of five, that commission to be formed of three engineers and two civilians. There is no objection to the commission thus constructed, in fact I think it is wise that two civilians should be placed upon it, but the majority should in my opinion be officers of the Engineer Corps, and in that opinion I am sustained by the Academy of Sciences, which had this whole subject under consideration. They in their report state that the whole thing should be in the control of the Engineer Corps; in other words, that this entire commission should be composed of engineer officers.

As the bill came from the House I shall not oppose it, but as it is proposed to change it by the committee of the Senate I shall oppose it. I do not deem it wise to connect two bureaus of the Government, that is the Coast Survey and the Engineer department, in the same work. The work of the commission appertains to engineering, and should be done by the Engineer department; and I say it is unjust to that department and to its officers to place them upon a board constituted as is proposed by the bill as reported from the Senate committee.

Mr. President, I shall not extend this debate any further than I can help, because I do not desire to have the bill defeated for lack of time. I am perfectly willing to have the bill pass in a proper shape. I am in favor of a Mississippi River commission, but I am not in favor of such a one as is recommended by the Senate committee.

Mr. MCMILLAN. Mr. President, I think the bill as it comes to us from the House is preferable and is in better form than it will be if this amendment of the Senate committee is adopted. All the improvements of the rivers and harbors of our country are under the charge and direction of the Engineer Corps of the Army. The bill as it passed the House permits that corps to have a majority on the commission and it introduces another element into the commission which will give all the advantages which may be claimed by the friends of the bill. I see no reason why the commission should be enlarged. I think that if it is so enlarged there may be elements introduced which would not be favorable for public improvements of this kind. I hope the amendment will not be adopted and that the bill as it came from the House will be passed.

Mr. WINDOM. Mr. President, I do not desire to detain the Senate more than a minute; I am anxious for a vote on this bill, but I want to say that this same amendment now reported by the committee was acted upon at the last session and received the approval of the Senate. I believe it to be in the interest of the improvement that the amendments reported by the committee should be adopted. I am sorry to disagree with my colleague [Mr. MCMILLAN] in this matter; but it is a very great work, and I believe that a mixed commission will give us a better plan for the improvement than we can procure in any other way. We have tried a mixed commission once before, and it was very successful, as I think. I see no injustice in the amendment to anybody, and I hope it will be agreed to. I certainly have no antagonism toward the Engineer Corps; I would do them no injustice. I recognize their great capacity and ability; but I believe that they will be aided also by the introduction of other elements in the commission. I am in favor of the amendment.

The PRESIDENT *pro tempore*. The question is on the first amendment reported from the select committee, to strike out "five" and insert "seven;" so that the commission shall consist of seven members instead of five.

The question being put, there were, on a division, ayes 27.

Mr. BURNSIDE. I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 36, nays 18; as follows:

YEAS—36.

Bailey,	Davis of W. Va.,	Ingalls,	Thurman,
Bayard,	Ferry,	Jonas,	Vance,
Beck,	Garland,	Kernan,	Vest,
Blaine,	Groome,	Lamar,	Voorhees,
Call,	Hampton,	McPherson,	Walker,
Cockrell,	Harris,	Maxey,	Wallace,
Coke,	Hereford,	Randolph,	Whyte,
Conkling,	Hill of Georgia,	Rollins,	Windom,
Davis of Illinois,	Houston,	Slater,	Withers.

NAYS—18.

Allison,	Cameron of Wis.,	Logan,	Ransom,
Anthony,	Carpenter,	McMillan,	Saulsbury,
Booth,	Chandler,	Morrill,	Saunders.
Burnside,	Gordon,	Paddock,	
Cameron of Pa.,	Hill of Colorado,	Platt,	

ABSENT—22.

Bell,	Farley,	Jones of Nevada,	Plumb,
Bruce,	Grover,	Kellogg,	Sharon,
Butler,	Hamlin,	Kirkwood,	Teller,
Dawes,	Hoar,	McDonald,	Williams.
Eaton,	Johnston,	Morgan,	
Edmunds,	Jones of Florida,	Pendleton,	

So the amendment was agreed to.

The PRESIDENT *pro tempore*. The next amendment reported by the committee will be read.

The next amendment was, in line 2, section 2, after the word "appoint," to strike out "five" and insert "seven."

The amendment was agreed to.

The next amendment was, in line 4, section 2, after the word "army," to strike out "and two from civil life" and insert "one from the Coast and Geodetic Survey, and three from civil life, two of whom shall be civil engineers."

Mr. BURNSIDE. I move to strike out the word "three" in line 3 of section 2 of the bill and insert "four."

Mr. COCKRELL. I would suggest that the amendments of the committee be acted on first. That is not an amendment of the committee. Let it wait until the amendments of the committee are acted on. The Senator seeks to amend the text of the bill.

Mr. BURNSIDE. Very well.

The PRESIDENT *pro tempore*. The question is on the amendment of the committee which has been read.

Mr. MORRILL. I am quite ready to agree to any measure of the most liberal character for the improvement of the Mississippi River; and yet it seems to me that the propositions embraced in this bill thunder so loud in the index that they are likely to involve the Government in a large expenditure beyond what any government with any ideas of economy could sustain.

It will be seen here that we are to appropriate $175,000 to begin with. In addition to that the bill places at the disposal of this commission a detail from the officers and men of the Army, as many as may be necessary to carry on the work; it makes over all the vessels of the Coast Survey that are now in use on the Mississippi; and in addition to that it authorizes the purchase or lease of such other vessels, boats, or instruments as may be necessary to carry on the work. In addition to all this it will be seen that the proposition is to make investigations and surveys, in addition to those in progress heretofore, topographical, hydrographical, and hydrometrical, of the river from its mouth to its very headwaters, and they are to be made so as to examine "the practicability and feasibility and probable cost of the various plans known as the jetty system, the levee system, and the outlet system, as well as such others as they may deem necessary.

It does seem to me that this is commencing a preparation for a work that will more than absorb all the money that can be devoted to internal improvements for the entire country. It looks to me rather extravagant.

Mr. SAULSBURY. What is the question?

The PRESIDENT *pro tempore*. On the third amendment of the committee, which will be read.

The Chief Clerk read the amendment, as follows:

In line 4, section 2, after the word "Army," strike out "and two from civil life" and insert "one from the Coast and Geodetic Survey, and three from civil life, two of whom shall be civil engineers."

Mr. BURNSIDE. Is it in order to move to amend this amendment?

The PRESIDENT *pro tempore*. It is.

Mr. BURNSIDE. I move to amend the amendment by striking out "one from the Coast and Geodetic Survey."

Mr. LAMAR. I hope that amendment to the amendment will not be adopted, and that the amendment reported by the committee will be adhered to.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Rhode Island to the amendment of the committee.

The amendment to the amendment was rejected.

The PRESIDENT *pro tempore*. The question recurs on the amendment reported by the committee, which has been read.

The amendment was agreed to.

The next amendment reported by the committee was, in line 11

of section 2, after the word "Army," to insert "and the Coast and Geodetic Survey;" so as to read:

The commissioners appointed from the Engineer Corps of the Army and the Coast and Geodetic Survey shall receive no other pay or compensation than is now allowed them by law.

The amendment was agreed to.

The next amendment of the committee was, in line 14 of section 2, after the word "other," to strike out "two" and insert "three;" so as to read:

And the other three commissioners shall receive as pay and compensation for their services each the sum of $3,000 per annum.

The amendment was agreed to.

The next amendment of the committee was, after the word "necessary," in line 15 of section 3, to insert:

And the Secretary of the Treasury shall, when requested by said commission, in like manner detail from the Coast and Geodetic Survey such officers and men as may be necessary, and shall place in the charge and for the use of said commission such vessel or vessels and such machinery and instruments as may be under his control and may be deemed necessary.

The amendment was agreed to.

The PRESIDENT *pro tempore*. The amendments of the committee are disposed of; and the amendment of the Senator from Rhode Island will now be in order.

Mr. BURNSIDE. I do not propose any amendment.

Mr. FERRY. I move to strike out, in lines 9 and 10 of section 2, beginning with the word "commission," in line 9, and going to the word "Army," in line 10; in other words, I move to strike out "appointed from the Engineer Corps of the Army;" so as to leave the President free to appoint the president of this commission from the whole commission. The President of the United States has the appointment of this commission, by and with the advice and consent of the Senate. This clause is rather a judgment that the Engineer Corps are not sufficiently qualified to fill the place of president, and is really a discrimination against them. As the appointing power of the presidency of this commission emanates from the same source that appoints the whole commission, I cannot see why there should be a restriction placed upon the President. It might be possible, for instance, that one of the civil appointees might be fitted for the presidency, having perhaps more efficiency and perhaps as much, if not more, practical knowledge, even if he had not as much scientific knowledge; and he might, in the judgment of the President as well as of the Senate, be better fitted to fill the place of president of the commission than those selected from the Engineer Corps of the Army. Therefore I think this discrimination should be removed, and I think the Senator from Mississippi, who has charge of the bill, will not object to this amendment.

Mr. LAMAR. I dislike very much to oppose any amendment offered by the Senator from Michigan, for I know that he is a friend to the object of this bill; but he is mistaken, I think, in both the intent and effect of this provision. It is not to discriminate against the Engineer Corps, and it was inserted in the bill by both Houses because it was deemed to be proper that that survey should be under the direction of an Army engineer. They will have to execute the work that is ultimately decided upon by the commission and by the Government, and therefore it is deemed proper to express the opinion of this body that it should be under the general direction of a president, vested with the powers conferred upon him in this bill, taken from the Engineer Corps of the Army.

Mr. FERRY. That may be so in a measure; and still the President is not relieved of his responsibility. It seems to me that as we have increased the number of the commission now from five to seven, it would be far better to let the President have the scope of the seven to select from. In making the nomination he will have that in view; but there may be a difficulty perhaps. There may be certain engineers better fitted for certain parts of the work, and he may find a civilian who would be better fitted perhaps for the presidency of the commission. By giving him the full scope and unrestricted power he might frame a better commission than if he were restricted by this clause. I hope the amendment will prevail.

Mr. LAMAR. I hope the amendment will be withdrawn.

Mr. FERRY. No; I want the judgment of the Senate.

Mr. McMILLAN. I think this amendment would not be favorable for this commission. This improvement proposed now is confined to a very limited portion of the Mississippi River but a short distance from the mouth. The Engineer Corps of the Army have had entire charge of the improvements of the rivers and harbors of the country; they have had charge of the improvement of the Mississippi River, and surveys have been made upon that river under their direction covering the whole body of the river. Now it is proposed to organize a commission in which the Engineer Corps of the Army shall be in the minority, so that the civil engineers, the laymen, and the members of the commission from the Geodetic and Coast Survey shall control the movements of the commission.

The PRESIDENT *pro tempore*. The morning hour has expired.

Mr. LAMAR. I think we shall get through with this bill in a few moments. I ask unanimous consent.

Mr. WITHERS. In view of the fact that I yesterday gave notice that I should ask for a vote on the Army bill to-day before adjournment, I cannot consent that it shall be withheld by the bill that has been under consideration unless it can be agreed to have a vote on that at once without further discussion.

Mr. ALLISON. In a few minutes.

Mr. WITHERS. If a vote can be had at once I will yield.

The PRESIDENT *pro tempore*. The Senator from Mississippi asks unanimous consent that the unfinished business, which is the Army appropriation bill, may be laid aside temporarily, subject to call, and that the bill under consideration may be proceeded with. Is there objection?

Mr. CONKLING. Are we to understand that notwithstanding this unanimous consent, if it is given, the Senator from Virginia will insist on a vote to-day on the other bill?

Mr. WITHERS. That is precisely the position I take. I shall ask the Senate to dispose of the Army bill before adjournment to-day.

Mr. CONKLING. If the Senator will hear a suggestion on that point, I should like to make one.

Mr. WITHERS. Certainly I will hear it.

Mr. CONKLING. The legislative, executive, and judicial bill is still in committee of conference——

Mr. DAVIS, of West Virginia. I will say to the Senator that the conference committee have agreed and the report is now in the House.

The PRESIDENT *pro tempore*. The Senator will suspend until the Chair ascertains whether or not there is unanimous consent.

Mr. CONKLING. On the contrary if the Chair will allow me I am calling on myself to ascertain whether for one I will give consent or not. That is what I am trying to do. If the Senator from West Virginia will allow me to proceed, I reiterate my statement that the legislative, executive, and judicial bill is in conference committee, as I said it is and as he says it is. It has not therefore been enrolled; it has not received even the signatures of the presiding officers of the two Houses, and has not gone to the President. The judicial-expenses bill has gone back to the House. Therefore there are two appropriation bills, the action on which is not concluded, waiting to be enrolled and carried to the Executive.

Now I submit to the Senator from Virginia that it is not at all likely that he will advance the ultimate completion of the Army bill by one hour if he succeeds in getting a vote this afternoon rather than a vote to-morrow; and further I say to him that I understand there are several Senators on this side of the Chamber who want to make some remarks upon the Army bill, not of course with a view to consuming time but simply to speak to certain features of that bill as it stands which they wish to discuss. Inasmuch as the Army bill has been before the Senate but one single day, and a considerable part of that day occupied by other business, I see no occasion for the Senator's demanding that the bill shall be concluded to-day. I see no occasion for a night session and no need of attempting to incommode or crowd any Senator on either side who wishes to submit remarks on that bill.

Therefore I suggest that the Senator from Mississippi had better have his unanimous consent to conclude the consideration of this bill; and if, when a reasonable hour of adjournment is reached to-day, there be other Senators who want to be heard on the Army bill, in place of trying to incommode each other and sitting out the bill in the night, it had better go over, and the more so because for reasons I have given I do not believe it will make one hour's difference in the end whether we vote this afternoon or whether we vote to-morrow upon the Army bill.

Mr. WITHERS. I have arrived myself at a different conclusion from that reached by the Senator from New York. I think it important that we should have a vote upon this bill to-day. He is mistaken, however, in supposing that I demanded a vote. I simply gave notice of a purpose to request the Senate to dispose of the bill before it adjourns. Of course the whole matter remains with the Senate. If they are in favor of an adjournment, when that motion is made they can adjourn. I shall, however, resist it as the organ of the Appropriations Committee.

Mr. CONKLING. Yes, sir; and if the Senator appeals to his party associates to stand with him, that makes a majority against adjournment. If we consent to take up the Mississippi bill, and two or three hours are devoted to it, then the result will be that Senators who want to make some observations about the Army bill will be driven into the night or denied the privilege altogether. I do not think that is fair.

Mr. GORDON. Mr. President, I have looked into the bill somewhat as to a number of amendments that have been acted on and those still pending on the bill now before the Senate. I am satisfied that, having acted on all the committee's amendments, as there is but one more to be acted on so far as the Senate has been advised, we can get through with it in ten or fifteen minutes.

The PRESIDENT *pro tempore*. The Senator from Mississippi asks that by unanimous consent the appropriation bill may be informally laid aside subject to be called up at any time, and that the Senate proceed with the Mississippi River bill. Is there objection?

Mr. CONKLING. For one Senator, I will give my consent, and trust to the courtesy of the other side of the Chamber when we reach an ordinary hour of adjournment, if any Senator wants to be heard, that he shall not be cut off or pushed into the night.

Mr. WITHERS. The Senator must not trust to my courtesy in the matter, if he alludes to me——

Mr. CONKLING. I did not indicate the Senator from Virginia as one to whose courtesy I would trust.

Mr. WITHERS. I am on "the other side of the Chamber," and as the bill is under my charge I supposed that perhaps I was alluded to.

Mr. CONKLING. I did not select the Senator from Virginia as the Senator to whose courtesy I intended to trust. Therefore I do not think there is any occasion for a reprimand from him.

Mr. HARRIS. I will say to the Senator from Virginia and the Senator from New York that I have the assurance of the Senator from Mississippi that he will not ask for more than twenty minutes. This bill can be passed in ten, I think; but he limits his request to twenty minutes' time.

Mr. LAMAR. I do.

Mr. HARRIS. I appeal to those two Senators to consent to the twenty minutes being devoted to this bill regardless of the notice given by the Senator from Virginia yesterday.

Mr. DAVIS, of West Virginia. I do not rise to object to the consideration of this bill even until half past one, but I want to say after what the Senator from Virginia has said that I think we ought to sit this bill out this evening, and there was a sort of general understanding yesterday that it should be done.

Mr. CONKLING. Oh, no; not at all.

Mr. DAVIS, of West Virginia. I think there was a sort of general understanding that we should remain and sit the bill out to-day. I do not know whether the Senator from New York agreed to it or not. I do not say he did; I do not say that other gentlemen did. But there is another view of it. The Senator from New York has said that it will not forward the appropriation bills to pass the Army bill to-day rather than to-morrow. I beg to differ with him on that. It will be one day in advance, I think, and that one day will count in the final adjournment. If we propose to adjourn, I think each day we stay here continues the time that much longer. The Appropriations Committee that has charge of the adjournment resolution from the House has been desirous for several days to propose a day and report the resolution back to the Senate; but they have thought they were not warranted in doing so until such time as all the appropriation bills had passed, and we hope to see them concluded here to-day.

The PRESIDENT *pro tempore*. Is there objection to the request made by the Senator from Mississippi?

Mr. LAMAR. For twenty minutes.

The PRESIDENT *pro tempore*. The Chair nears none, and the Mississippi River improvement bill is before the Senate as in Committee of the Whole, subject to be displaced by a call for the regular order. The question now is on the amendment offered by the Senator from Michigan [Mr. FERRY] to strike out of lines 9 and 10 of section 2 the words "appointed from the Engineer Corps of the Army."

Mr. McMILLAN. When I took my seat I was commenting on the amendment offered by the Senator from Michigan with reference to the appointment of a person to be the chairman of this commission. As I stated when I was on the floor before, the Engineer Corps of the Army have had under their supervision all the improvements of the Mississippi River during the whole history of those improvements. They have made very important and generous improvements. At the rapids large and important improvements have been constructed by which the navigation of that river has been greatly improved, and throughout the whole course of the river they have adopted a scheme which will result in the improvement of the navigation of the river so that the entire Mississippi Valley and the whole country will be benefited by it. As the commission was organized in the House bill the benefits of the surveys heretofore made and the benefits of the experience of the Engineer Corps of the Army will all be brought into action, and proper effect given to them in the survey proposed in this bill. The commission as proposed by the amendment of the Senate committee will not only be deprived, partially at least, of those benefits, but will have elements introduced into it which will be unwholesome. It is not to be concealed here that this is a part of the extension of the improvement by jetties at the mouth of the river, and this plan will be but a continuation of those jetties.

Now, while I concede the engineering ability of Mr. Eads I do not believe that the survey authorized by this bill should be under the control of influences outside of the Engineer Corps of the Army, because the laymen on the commission with the member of the commission from the Geodetic Survey will control the entire movements of the commission, and a system of expenditure will be undertaken here which will not be justified by the results of the labors of this commission, as I verily believe. If the president of this commission is taken from the Corps of Engineers we shall at least have the benefit in that position of an officer of the Army whose skill in the execution of his duties and in the control and direction of the movements of that body will assure us of some protection in the expenditures and labors of this commission.

I predict, Mr. President, that if this commission provided in the amendment of the Senate committee is adopted, a system of expenditures will be incurred here which will far exceed the anticipation at present entertained by those who have any knowledge of this bill. I do not intend to delay the Senate on the bill. I am heartily in favor of the improvement of the river, and if the bill as it came from the House had been presented to the Senate I should have supported it cordially. As it is I am opposed to this amendment.

Mr. FERRY. It must not be lost sight of by the Senate that they have changed the complexion of this commission from what it was formed by the action of the House. The House sent us a bill for five commissioners, three of them to be taken from the Engineer Corps. The Senate by the decided vote of 36 to 18 have enlarged that number to seven and changed its complexion entirely, taking three from the Engineer Corps and three from civil life and one from the Coast Survey. It would seem to me that in harmony with this expression of the Senate they ought to remove all restriction from the President of the United States in making selection of the president of this commission. I differ with my friend from Minnesota. He has alluded to Captain Eads. I have made no reference to any person. I have only argued this point, that the President, who makes the appointment, ought to be left free entirely, inasmuch as the commission has been enlarged to seven. Thus, by the expression of the Senate, the President has been informed that the Senate believes there ought to be a larger civil element in the composition of this commission. Now, I say, corresponding with this, in harmony with the expression of the Senate, we certainly ought to remove this restriction and leave the President who makes the nomination free to say who shall be president of the commission. In this respect there is no trammel by my amendment, there is no reflection either on the Engineer Corps or the engineers taken from civil life. It strikes me that the best method is to give the President this option, and he will certainly select from the seven the man most efficient, having the most practical mind, to stand at the head of the commission.

Mr. BURNSIDE. I did not propose to say anything on this amendment, because the chairman of the committee has already stated that the committee recommend no change in this respect. In other words, the chairman of the committee recommends that the president of this commission shall be appointed by the President of the United States. I will say, however, that you cannot expect to get for $3,000 a year engineers any one of whom is fit for president of a commission of this kind. It is an absurdity to think of such a thing. But inasmuch as the chairman of the committee objects to the amendment of the Senator from Michigan, I hope the Senate will find no trouble in voting it down.

Mr. SAULSBURY. I do not intend to consume the time of the Senate. I gave my views on this measure in the closing hours of the last session. I then expressed my opposition to this measure, which I regard as one which will prove very detrimental to the interests of the people of this country in the expenditure of money out of the Treasury.

The proposition in my judgment is one that ought to be more carefully and duly considered than it seems likely to be at present. It proposes the appointment of a commission for the purpose of ascertaining and determining what improvements shall be made in the Mississippi River and all its tributaries, a scheme which if carried out in the spirit in which it is conceived, in my judgment, will take more than $100,000,000 out of the public Treasury. It is true this bill appropriates but about $150,000 or $175,000 to defray the expenses of the commission; but that is simply the beginning. The appointment of this commission is simply the inception of a plan of improvements extending over half this continent, improvements which I now state, if carried out in the spirit in which they are conceived, will cost the Treasury of this country more money than has been expended on all the rivers and harbors of the country for the last twenty years.

Look at this bill, Mr. President. What does it propose? It proposes that this commission shall examine the Mississippi River from its mouth to its very headwaters, examine the surveys that have already been made, and make such additional surveys, examinations, and investigations, topographical, hydrographical, and hydrometrical, of said river and its tributaries, as may be deemed necessary by said commission to carry out the objects of this act.

The purpose is, therefore, to go and explore not only the Mississippi River but every river and creek entering into it, and to determine what improvement shall be made in order to insure the navigation of those rivers, and in the language of this bill determine and fix the channel—

> And protect the banks of the Mississippi River, improve and give safety and ease to the navigation thereof; prevent destructive floods.

I do not suppose it is contemplated to stop the winds of heaven and prevent the rains from coming down and overflowing the banks; but it is to guard against them by a system of levees over which these floods shall not roll. Then they are to take into view the "commerce, trade, and postal service" of the country, doing anything to advance either of those great interests, and submit their plan to the Secretary of War, and when approved come here and ask Congress for the money necessary to carry it out.

I wish here and now emphatically to enter my protest against a measure which in my judgment will cost the people of this country more than a hundred millions of dollars in the next ten years. Representing as I do a portion of the tax-payers of the country, I am unwilling to see a measure of this kind commenced when I know that the people of the country have got to pay the expense by taxation imposed upon them. Having submitted my views more at length, however, at the last session of Congress, I shall not trouble the Senate further on this measure, but content myself by recording my vote against the bill.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Michigan.

The amendment was rejected.

The bill was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time.

Mr. CHANDLER. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered; and being taken, resulted—yeas 47, nays 4; as follows:

YEAS—47.

Allison,	Conkling,	Houston,	Rollins,
Bailey,	Davis of Illinois,	Ingalls,	Saunders,
Bayard,	Davis of W. Va.,	Jonas,	Slater,
Beck,	Dawes,	Jones of Florida,	Thurman,
Blaine,	Ferry,	Kernan,	Vance,
Burnside,	Garland,	Kirkwood,	Vest,
Call,	Groome,	Lamar,	Voorhees,
Cameron of Pa.,	Hampton,	Logan,	Walker,
Cameron of Wis.,	Harris,	McMillan,	Whyte,
Carpenter,	Hereford,	Paddock,	Windom,
Cockrell,	Hill of Colorado,	Pendleton,	Withers.
Coke,	Hill of Georgia,	Randolph,	

NAYS—4.

Chandler,	Morrill,	Platt,	Saulsbury.

ABSENT—25.

Anthony,	Farley,	Kellogg,	Sharon,
Bell,	Gordon,	McDonald,	Teller,
Booth,	Grover,	McPherson,	Wallace,
Bruce,	Hamlin,	Maxey,	Williams.
Butler,	Hoar,	Morgan,	
Eaton,	Johnston,	Plumb,	
Edmunds,	Jones of Nevada,	Ransom,	

So the bill was passed.

The PRESIDENT *pro tempore*. The regular order is——

Mr. LAMAR. I ask unanimous consent that my colleague [Mr. BRUCE] be allowed to record his vote. He was detained at his house by sickness in his family, and was on his way here to vote on the bill just passed. I ask that he be permitted to record his vote on the bill just passed, House bill No. 1847.

The PRESIDENT *pro tempore*. The Chair believes that is against the rule.

Mr. CONKLING. It has been done.

Mr. BRUCE. Mr. President——

The PRESIDENT *pro tempore*. The Chair is of the impression that the rule which prohibits voting after the result has been announced cannot be suspended even by unanimous consent.

Mr. LAMAR. Not by unanimous consent?

Mr. CONKLING. May I remind the Chair and the Senator from Mississippi that near the close of the last session the senior Senator from Maine [Mr. HAMLIN] on the occasion, I think, of the passage of the so-called anti-Chinese bill, made a similar request he not being in the Chamber and by unanimous consent he was allowed to record his vote.

Mr. MORRILL. I will say that Senator HAMLIN asked consent.

Mr. CONKLING. That is the Senator to whom I refer, the senior Senator from Maine, and I think nobody objected to it.

Mr. BRUCE. I simply ask unanimous consent to be allowed to record my vote in favor of the bill. I was detained at home, and was on my way here and very nearly here when the vote was taken. Had I been here I should have voted for the bill. I was coming here for no other purpose than that.

The PRESIDENT *pro tempore*. There would certainly be no objection to that if the rule permitted it. The Chair will read the rule to the Senate:

18. When the yeas and nays shall be taken upon any question, no Senator shall, under any circumstances whatever, be permitted to vote after the decision shall have been announced from the Chair; but a Senator may, for special reasons assigned by him, with the unanimous consent of the Senate, change or withdraw his vote after such announcement. No motion to suspend this rule shall be in order.

Mr. LAMAR. I suggest to my colleague that his object is accomplished by making the request anyhow.

Mr. BRUCE. I am very well satisfied. I simply wanted it distinctly understood that I am in favor of the bill.

The PRESIDENT *pro tempore*. If it is desired, the Chair will submit the question to the Senate whether it can be done. The impression of the Chair is that the rule cannot be suspended, even by unanimous consent.

Mr. LAMAR. I withdraw the motion.

Mr. CONKLING. The Senator can state how he would have voted if he were here.

Mr. BRUCE. Certainly. I have stated that I would have voted "yea."

PAY OF CONGRESSIONAL EMPLOYÉS.

Mr. WALLACE. I wish to make a report from a committee of conference.

The PRESIDENT *pro tempore*. Does the Senator from Kentucky, who is entitled to the floor on the unfinished business, yield?

Mr. BECK. Yes, sir; I yield.

Mr. WALLACE. The committee of conference to whom was referred the difference between the two Houses on the joint resolution (H. R. No. 85) fixing the date on which the pay of the committee clerks, pages, and laborers of the House of Representatives who are paid during the session only shall begin for this session, and for other purposes, have instructed me to make a report.

The PRESIDENT *pro tempore*. Does the Senator ask for action on the report now?

Mr. WALLACE. No; let the report lie on the table for the present.

ARMY APPROPRIATION BILL.

Mr. WITHERS. Regular order.

The PRESIDENT *pro tempore*. The regular order is House bill No. 2175.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 2175) making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes.

The PRESIDENT *pro tempore*. The pending question is on the amendment offered by the Senator from Maine [Mr. BLAINE] to the amendment offered by the Senator from New York, [Mr. CONKLING,] on which the Senator from Kentucky [Mr. BECK] is entitled to the floor.

Mr. BECK. Mr. President, I stated yesterday evening that I had not expected to say anything more on the political questions now before the Senate; I intended to reserve what else I might have to say about them till I returned to my constituents in Kentucky, where I expect to be pretty fully and freely heard; and I desire to state now that if any gentlemen on the other side will consent to come to Kentucky to be heard in maintenance of their views or to controvert my statements, I will divide time with them and entertain them as well as I can while there.

Mr. CONKLING. Cannot we hear the Senator without going clear out there?

Mr. BECK. I think you will not care to hear me, but I am afraid you will have to for a few minutes, as I have something more to say in corroboration of what I said yesterday. When the Senator from Maine with great emphasis—I need not say that, because all that he says is said with great emphasis—announced that he believed—I will read his language:

I am very sure that there is no Senator on this floor who can say or pretend to say that any citizen of the United States was ever prevented from voting by a soldier of the United States.

And when the Senator from Virginia [Mr. WITHERS] gave him reasons for believing that he had reliable information which enabled him to say so, the Senator from Maine said:

I did not challenge the powers of lying of the whole American people. I said that no Senator on that side would say that anybody had ever been prevented.

Again he said:

What I asked was for that form of respectable and responsible testimony, whether a Senator knew or pretended to know that anybody had been prevented from voting by troops.

I stated that I had that character of respectable and responsible testimony which authorized me to say that in my judgment I could show that citizens, legal voters, men who had all the elements necessary to make them competent to go to the polls and cast their votes for whom they pleased, had been prevented from voting by the soldiers of the United States. I read the committee's reports of what occurred in August, 1865, in the State of Kentucky, in the county of Bath; and be it remembered that August, 1865, was months after the surrender of the last confederate soldier. No hostile arm was ever raised against the authority of the United States from the day of that surrender, and no decent excuse for martial law or its continuance existed in any Southern State, far less in Kentucky, in August, 1865.

Even the law that we have been for months seeking to repeal, and which gentlemen on the other side are so earnest to retain for partisan purposes on the statute-book, and which the President has taken the pains to veto the repeal of, was passed on the 21st day of February, 1865. That law declared it to be unlawful for any soldier to be present at the polls in any State except for the purpose of keeping the peace. Be it remembered that no act had been passed in August, 1865, authorizing supervisors, marshals, deputy marshals, or any of the present machinery of the Federal Government to be employed for any purpose, foul or fair, at the polls. The act of 1866 requiring a uniform day for the holding of elections for members of Congress, fixing it for bad purposes on a day in November, when men were required by the Constitution to vote for electors of President and Vice-President of the United States, and when nine-tenths of the States elected all their State officers, from the highest to the lowest—even that law had not then been devised. With the law of 1865 prohibiting soldiers from being sent to the polls except to keep the peace, when there was no war raging or rumor of war prevailing in the country, when the last rebel had surrendered, I repeat, by the testimony of as respectable a body of men as ever met together in any assembly—that is, by the recorded vote of the Kentucky Legislature and the report of one of its committees—in the county of Bath legal voters were driven from the polls by armed troops because they would not obey an illegal order of General Palmer, then pretending to control elections, because he was in command of Kentucky, or for some other equally bad purpose, which I believe he has long ago repented of.

I now propose to read what occurred in the county of Garrard, as stated in a report from the same committee, and I need not read again the names of the gentlemen who composed it. I said yesterday that Judge Benjamin F. Buckner was a man who fought through the war in the Federal Army; that Colonel Frank Wolford, who is well known, is one of the most gallant soldiers in the service; that the Kentucky Legislature was composed altogether of men not one of whom had ever joined the confederacy, twenty-odd of whom to my knowledge (and I presume there were many more) fought through the war on the side of the United States—five times as many as there are Senators on the

other side who fought in the same cause; and I suppose there were ten times as many if I knew them all personally as I do the twenty that I can speak for. That committee made this report:

On the first Monday in August, 1865, an election was held in Garrard County, at which W. J. Lusk and Daniel Murphy were candidates to represent that county in this branch of the Legislature—

I need not tell men who have ever been in that portion of Kentucky—there are men here who know him—that W. J. Lusk, who was the democratic candidate, was as loyal a man as there is in this Chamber on either side of it—

and were voted for by the people of the county for that office.

On the evening preceding the election a force of negro soldiers, fully armed, was sent into the county, and, on the morning of the election, were stationed at or near the various voting places, where they remained during the day.

I need not say in this or any other presence that if there was any body of soldiers who at that day were more offensive to the people of Kentucky regardless of party than any other, it was those who, having been their former slaves were armed and drilled and placed at the polls, in order to arrest and insult their former masters. The thirteenth amendment had not then passed, and the object of the military authorities at that election was to elect a Legislature that would vote for and adopt that amendment; hence it was that the soldiers, and especially the negro soldiers, were sent to the polls in order to prevent all men who were not willing to sustain the proposed thirteenth amendment from being elected to that Legislature. Alabama was the last State that ratified it on the 5th day of December, and the slaves of Kentucky were freed by the votes of Alabama and South Carolina and other States that were afterward driven out of the Union and told they never were States after the war, but were military satrapies, and yet Kentucky, Maryland, and Missouri, and other States, had all their slaves emancipated by the vote of those States, and the determination of the radicals was to make Kentucky do it or make it appear that she had done so, and to prevent the repeal of obnoxious laws which an insanely loyal Legislature had passed during the war.

On the evening preceding the election, a force of negro soldiers, fully armed, was sent into the county, and on the morning of the election were stationed at or near the various voting places, where they remained during the day. Many of the best citizens of the county were arrested by the officers commanding the various squads of negro soldiers at the different voting places, taken away from the polls by negro soldiers, and by them kept under arrest until the polls were closed.

That, be it remembered, is the report of a respectable committee, a highly respectable committee of the Legislature of Kentucky. Their report was sustained, and the man who professed to have been elected was rejected by a vote of 61 to 20 upon a call of the yeas and nays. Not one of the 61 that voted for his rejection was either in the confederate army or had any connection with it.

The committee proceed:

The proof shows that many qualified voters were warned by those acting with the soldiers and in the interest of the sitting member—

Mr. Murphy—

not to appear at the polls or attempt to vote, on pain of being arrested by the military and sent off under guard to Camp Nelson.

Camp Nelson was a large fortification on the edge of the county of Garrard, on the Kentucky River, between that and the county of Jessamine.

It is shown that the white men who commanded the negro troops, at several of the voting places stood at the polls with proscribed lists in their hands, and either drove from the polls or ordered the arrest of peaceable citizens and qualified voters, for no other offense than that their names appeared on said lists, and that they desired to vote for Lusk and against Murphy. These lists were used at almost all the voting places in the county, and numbered from forty to fifty names each, all of whom were prevented from voting by the military until late in the evening, when it was ascertained that Murphy was certainly elected. A few of those whose names appeared on the lists were permitted to vote.

Will Senators contend that this took place at a national election where United States troops were or are authorized or required to preserve the peace of the United States? It was at a county election for members of the Kentucky Legislature. Was not the law of 1865 then in force which provided that no officer should take troops to the polls in any State under any pretext, except to keep the peace? All the proof showed conclusively that the election was peaceable and that no man sought to make disturbance.

At Lancaster—

Say the committee—

George R. McKee—

He may not be known to many men in this Senate, but George R. McKee is known all over the West as one of the ablest and most eloquent members of the bar of Kentucky to-day, now living in Covington, practicing law in partnership with General John W. Finnell. His legal ability and eloquence and his standing as a gentleman are second to none in the State.

At Lancaster, George R. McKee, together with some thirteen or fourteen others, were arrested, placed in charge of negro soldiers, who marched them off to an old church in the town, where the most of them were kept under guard by the negroes until after the polls were closed, when they were released and permitted to go to their homes, no charge of any kind being preferred against any of them. This wholesale arrest and imprisonment of men deterred many persons from offering to vote, who otherwise would have voted for Lusk and against Murphy.

At Bryantsville precinct, soon after the polls were opened, and when but few votes had been polled, a Federal officer, accompanied by some four or five soldiers, walked up to the polls and in a haughty and commanding voice ordered those who were near the polls attempting in a peaceable, quiet manner to cast their votes to clear the polls, to stand back and let him in; that it was his intention to manage that election himself. He entered the room where the votes were being taken and ordered the judges of the election to poll no vote without his sanction, at the same time exhibiting a list of names, none of which he said would be permitted to vote and would arrest the first one of them who offered to vote. Under this order Mr. H. Smith, an aged citizen of high respectability and a qualified voter, was arrested and placed in the custody of negro troops, who held him until noon, when he was released, no charge being preferred against him.

Another citizen and qualified voter was arrested soon after Smith was, and held in custody, and was released when Smith was, on conditions that he would not attempt to vote, and would go straightway home, with which conditions he gladly complied.

The proof shows that from early in the morning until it was ascertained beyond a doubt that Murphy was elected, the friends of Murphy, acting in concert with the military, were busily engaged in deterring legal voters from going to the polls, by telling them they would certainly be arrested if they offered to vote; exciting their fears by telling them they would be sent off to some loathsome prison, to be held there for months, and finally be tried by a military commission.

Our people knew well what a trial by military commission meant. So did the people of the West generally.

By such intimidations and threats, both on the part of citizens and the military, many good citizens were prevented from casting their votes at the Bryantsville precinct.

Negro soldiers were stationed at all the voting places; arrests were made at all save one. The judges of the election at some of the polls publicly proclaimed that they were holding the election not under civil but military law. All the witnesses who have deposed state that the election was carried by fraud and violence, threats and intimidations, both on the part of soldiers and citizens.

The depositions from which the foregoing facts were derived were those of strictly Union men, and for the most part of men who had served in the Federal Army and been honorably discharged therefrom.

Not only were the committee men of that class, but the witnesses they examined, all of whom proved the facts I have read, were for the most part men who had served in the Federal Army and had been honorably discharged therefrom. All of them were strictly Union men.

The committee add:

From the facts elicited, the undersigned are of opinion that the election was not free and equal, and was not conducted in conformity to law; wherefore they recommend the adoption of the following resolution, namely:

Resolved, That Daniel Murphy is not entitled to a seat in this house as representative from Garrard County; that his seat be declared vacant, and the speaker directed to issue his writ for an election to fill said vacancy.

I. N. WEBB, *Chairman*.
B. F. BUCKNER.
FRANK WOLFORD.
M. JEFF. ROARK.

Mr. Finnie moved that the report and evidence be printed.

And the question being taken thereon, it was decided in the negative.

On motion of Mr. Stout, the evidence was read.

And the question being taken on the adoption of said report, it was decided in the affirmative.

The yeas and nays being required thereon by Messrs. Buckner and R. T. Davis, were as follows.

I do not care about giving the names of the representatives, but, as I said of Judge Buckner yesterday, there are those here who have heard him perhaps before the Supreme Court of the United States, men who know him as I do, know that there is no better lawyer or abler man; and R. T. Davis was for many years one of the leading lawyers of his section, the son of Hon. Garrett Davis, who served so long and so ably in this body. When the yeas and nays were called the affirmative vote was 61, the nays 20, and Mr. Murphy was expelled from his seat on the facts set forth in the report.

I have the report as to the counties of Clark and Madison and other counties of the State. Here is one from the county of Campbell, within gunshot of the city of Cincinnati, where there never was a rebel soldier in any organized body, where there never was a company of men with the confederate uniform on, that I ever heard of. In the county of Campbell the same proof was made. I will read only portions of it:

At the Cold Spring precinct, one citizen, whose right to vote was undoubted, voted before the military interfered, and went home. He was sent for and brought back, and kept under guard nearly all day. One citizen was met on the road a quarter of a mile from the place of voting and halted by a sergeant, with a cocked pistol presented at him, which he seized and took from the soldier; but, under the advice of friends, he yielded himself up; when he was taken before Captain Read, who, after shamefully abusing him, had him tied to a tree in full view of the voting place and the big road, and kept him thus tied all day—an act of infamy on the part of this captain which utterly disgraced the uniform he wore, and should bring disrepute upon those who continued him in office after so disgusting an exhibition of his petty tyranny. Another citizen was ordered off without being permitted to vote, and, although he went away in obedience to the order, yet, by command of Captain Read, he was followed and brought back, and tied to a tree in full view of the voting place and the public highway.

Mr. CONKLING. What year was that?

Mr. BECK. Eighteen hundred and sixty-five, in August, in a county where I suppose there never was a confederate soldier publicly seen.

The result of these acts of shameful lawlessness on the part of the military was to deter men from going to the polls to exercise the dearest right the freeman knows.

At Indian Spring precinct two citizens were arrested by the military, one while he was voting, and the other after he had voted.

The committee proceed to state cases of man after man of the most respected citizens of that country who were driven from the polls, all legal voters, and to give the circumstances and the conversations that were had; wherefore they recommend that the radical representatives should not be allowed to hold their seats, because they were elected by force, fraud, and military interference.

I said when I rose that I would read evidence that I thought would be satisfactory, even to the Senator from Maine, that citizens who were entitled to vote had been prevented from voting by the military. If I have not, I confess my inability to do so. Of course the

military officers who were in command in Kentucky at that time endeavored to make it appear by all sorts of reasons that they had authority to issue their military orders to show why they should seek to control the people at the polls; but every Senator knows that the courts were then open, the war had closed, the civil authorities prevailed and were in the undisputed exercise of all their functions. That election was held under the civil authorities, and all the efforts to declare or sustain the pretense for martial law were simply null and void; if the Senator from Illinois [Mr. DAVIS] had never done anything else, his decision in the Bowles and Milligan case would send his name down to posterity with imperishable honor.

Mr. KIRKWOOD. I should like to ask the Senator from Kentucky a question with his permission.

Mr. BECK. Yes, sir.

Mr. KIRKWOOD. Did not martial law prevail in Kentucky at that time?

Mr. BECK. Martial law prevailed only to the extent that General Palmer, in command at Louisville, had seen fit to issue an order to that effect, continuing an old order of President Lincoln issued during the war, Mr. Lincoln being then dead.

Mr. KIRKWOOD. And that General Palmer is who?

Mr. BECK. That General Palmer was after that governor of Illinois. He is now, I believe, a democrat. He was a gallant soldier during the war, but exceeded his duty and authority after the war was over, in my opinion. He came to see the error of his ways very soon, and is not like a good many of you—citizens in war and soldiers in peace—who got mad and warlike after the war was over and are getting madder and madder every day when there is no danger. General Palmer is not a man of that sort. General Palmer did wrong in 1865 in Kentucky, or wrongs were done in his name. He will say so, in my judgment, as promptly as I or any other man. I care nothing about that. The Supreme Court of the United States, Judge Davis delivering the opinion of the court, decided that he did wrong, whether he thinks so or not. Let me read what the Supreme Court did say about martial law in the Bowles-Milligan case, and that will make my position clear:

> If armies were collected in Indiana they were to be employed in another locality where the laws were obstructed and the national authority disputed. On her soil there was no hostile foot; if once invaded, that invasion was at an end, and with it all pretext for martial law. Martial law cannot arise from a threatened invasion. The necessity must be actual and present, the invasion real—such as effectually closes the courts and deposes the civil administration.

Was there anything of that sort in Kentucky? The courts were open, the civil authorities were in possession of full power. These very men who deprived citizens of the right to vote in August had been themselves judges of the election in November, 1864, when Mr. Lincoln and General McClellan were the candidates of the respective parties, and a committee of the Kentucky Legislature certified and proved that the very men who were not allowed to vote in August, 1865, had been allowed to vote, and voted for General McClellan in November, 1864, while war was flagrant, by these very same judges of election who deprived them of that right in 1865, under military orders.

I repeat that those men were declared not to be qualified to vote in 1865 under partisan military orders when they were decided to be qualified to vote in November, 1864, by the same men who rejected them in 1865. Mr. President, there is no trouble in knowing who votes in Kentucky. We vote *viva voce*. Each man, black and white, walks up to the polls and tells who he votes for, and his name and vote is publicly recorded. As I said the other day, and I repeat it again in the hearing of the Senate and the country, no man ever was displaced from office or position or interfered with in any way for the vote he gave, no matter for whom he voted, boldly, freely, and openly; we have no tissue ballots there, no cheating of any sort.

Mr. BLAINE. Where are the tissue ballots?

Mr. BECK. They are not in Kentucky. If they are in Maine it would be well for the people the Senator represents to see to it. I speak for my own people, and for them only. We had no ballots at all until we were forced by Congress to vote by ballot for members of Congress. I hope the Senator will help us to repeal that law, as far as Kentucky is concerned, and let us vote *viva voce* again, as we had always done.

It follows—

Says the court—

> from what has been said on this subject, that there are occasions when martial rule can be properly applied. If, in foreign invasion or civil war, the courts are actually closed, and it is impossible to administer criminal justice according to law, then on the theater of active military operations, where war really prevails, there is a necessity to furnish a substitute for the civil authority thus overthrown to preserve the safety of the army and society; and as no power is left but the military, it is allowed to govern by martial rule until the laws can have their free course. As necessity creates the rule, so it limits its duration; for if this government is continued after the courts are reinstated it is a gross usurpation of power. Martial rule can never exist where the courts are open and in the proper and unobstructed exercise of their jurisdiction. It is also confined to the locality of actual war. Because, during the late rebellion, it could have been enforced in Virginia, where the national authority was overturned and the courts driven out, it does not follow that it should obtain in Indiana, where that authority was never disputed and justice was always administered. And so in the case of a foreign invasion, martial rule may become a necessity in one State when in another it would be "mere lawless violence." We are not without precedents in English and American history illustrating our views of this question; but it is hardly necessary to make particular reference to them.
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> From the first year of the reign of Edward the Third, when the Parliament of England reversed the attainder of the Earl of Lancaster, because he could have been tried by the courts of the realm, and declared "that in time of peace no man ought to be adjudged to death for treason or any other offense without being arraigned and held to answer, and that regularly when the King's courts are open it is a time of peace in judgment of law," down to the present day, martial law, as claimed in this case, has been condemned by all respectable English jurists as contrary to the fundamental laws of the land and subversive of the liberty of the subject.
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> So sensitive were our revolutionary fathers on this subject, although Boston was almost in a state of siege when General Gage issued his proclamation of martial law, they spoke of it as an "attempt to supersede the course of the common law, and instead thereof to publish and order the use of martial law." The Virginia Assembly also denounced a similar measure on the part of Governor Dunmore "as an assumed power, which the King himself cannot exercise, because it annuls the law of the land and introduces the most execrable of all systems, martial law."

So in Virginia, so everywhere, as the court shows. If General Palmer or anybody else in August, 1865, declared martial law in Kentucky, as the courts in Indiana undertook to do in regard to Bowles and Milligan, as they attempted to do in many other cases, the act was illegal, null, and void; it was violative of the Constitution of the United States and of the law of February 18, 1865, about which we had so much controversy, that prevented soldiers from going to the polls except when they were there simply to keep the peace while elections were being held, and which prevented them from interfering when elections were being held for men to represent the counties in the lower branch of the State Legislature. This was so certified, so proved, so voted upon by men as loyal, I repeat, as gentlemen on either side of this Chamber or anywhere else, and it was because I knew these facts to be true from the records of my own State that I made the remark I did some days ago and repeated it yesterday when it was denied again by the Senator from Maine. I might speak as to what I know personally, but if I knew of a hundred cases I would not speak of them on this floor, for I am not as a witness to be catechised, nor will I volunteer testimony. I rely upon the record of the Kentucky Legislature to sustain my assertions, and it sustains them fully, as all impartial men will agree.

I have shown already in this debate, by the message of the governor of Pennsylvania, that elections in his great State had been interfered with by United States soldiers in 1872. I showed by the message of the governor of New York to his Legislature that elections in his still greater State had been so interfered with. Other gentlemen proved the same things elsewhere. I showed the outrages committed in my State during the war, when Mr. Wickliffe and Governor Bramlette were opposing candidates, how the polls were closed in many counties against the democratic candidate and opened to his opponent; and, I repeat, the judge of my district, Judge Buckner, himself a member of the Legislature, himself one of the committee that acted upon the contested-election cases, one of the leading lawyers in my State and as intelligent as any Senator here, sent to me those records which I have just read in order to prove, as they have, every word I have said to be true, which was that the military had interfered before the law of 1865, and after the law, under pretense, if you please, of martial law—in violation of all the rights of citizens and freemen. On these facts I have always maintained that it was the duty of the democratic party, whenever it had the opportunity, whenever it had the power, to repeal all laws which under any pretense seek to give to military commanders any such authority anywhere or under any circumstances. So far I admit we have not succeeded.

The bill that we passed first was vetoed. I said when I spoke upon that bill that I did not expect it would be vetoed. I was disappointed. I had seen the present President of the United States, when a member of Congress from Ohio, in 1866, on a rider or amendment to the Army appropriation bill vote to deprive Andrew Johnson, then President of the United States, of all control over the Army of the United States, and require the commanders of corps and companies to report to the General of the Army, U. S. Grant. I had seen him as a member of Congress, when he and his party had deprived eleven States and nine million people of the power to call upon or ask aid or benefit from their militia, when they were left by Congress to the mercy of their former slaves and the marauders sent there by Congress. I had seen him twice on a call of the yeas and nays, on the resolution offered by James M. Ashley, of Ohio, vote to impeach President Johnson because of his improper and so-called corrupt use of the veto power. Could I expect for a moment that the bill to keep soldiers from the polls would be vetoed by a man with such a record as that, backed by a cabinet nearly every one of whom had denounced every act that we denounce in language more emphatic than we have—from his prime minister, Mr. Evarts, and the Secretary of the Interior, Mr. Schurz, who has been often heard on this floor, to his Postmaster-General, himself unable to-day to sit on a jury in the State from which he came? Could I expect men with such records to advise and consent to the veto of such laws as we have sought to pass—laws merely repealing acts unjust, unconstitutional, and fraudulently inserted and retained upon the statute-books?

Of course I never suspected any such thing. It has been done, I admit it, done for what purpose I know not; or if I do, it may not be proper to state my belief; but I know this, that when I go before the people of Kentucky and the people of the West and tell them that we have made an honest and earnest struggle, knowing that we did not have two-thirds of both Houses, knowing that we could not pass any bill over a presidential veto, having the right to believe that we could not justly be deprived of the right to repeal laws in

the same way that they were placed upon the statute-books, and when I tell them what is the fact, that we are honestly and earnestly seeking to keep the soldiery from the polls, that we are seeking to keep the deputy marshals who are brought from the prisons and the slums and the rat-pits, as the Senator from New York calls them, to interfere with free election by the people, and that we demand honest juries in the jury-box, and that the ignorant and fraudulent ones now placed there shall be taken from them, every man in my region of country will say we were right, and the people of America will say we were right, if they desire to perpetuate their ancient rights and liberties.

Mr. CONKLING. Will the Senator from Kentucky let me ask him a question there?

Mr. BECK. Yes, sir.

Mr. CONKLING. May I inquire, perceiving entirely the spirit in which the Senator speaks why the effort is made to cover up by ambiguous words in this bill his intention? May I ask him what the purpose is of putting in the bill "as a police force," in order to deceive, (I do not speak of the intention but of the effect) those who read the bill and make them believe that the Senator and his associates were willing that the troops should be used to keep the peace at the polls, if they can say that they should not be used as a police force at the polls? What is the object of that? Why not say out flat-footed, as the Senator does now, what they mean?

Mr. BECK. I hold in my hand a speech, and I wish I knew how to express it, as the Senator from New York does so well, so as to keep within the rules. I have tried that experiment two or three times and always made a bungle of it, and I am afraid now to attempt it; but I hold a newspaper in my hand that is not as suspicious as the other, [laying his hand on the RECORD,] yet when compared with the other I think it will be found so much like it that it would be hard to tell them apart, in which the purposes of this bill were well stated by a man as distinguished elsewhere as the Senator from New York is in the Senate, and that is exhausting comparison, and who stands, I suspect, a good deal closer to the distinguished—officially distinguished—gentleman at the other end of the Avenue than the Senator from New York does.

Mr. CONKLING. I do not see how that can be.

Mr. BECK. I am not at liberty under the rules to say where the statement was made, but that distinguished gentleman said in a very distinguished place—and I think it answers the question put to me by the Senator from New York on this subject perhaps better than I can; it ought to have more weight with him than anything I can say:

> I do not know of a man in this House who is in favor of using the Army of the United States as an ordinary police force to run elections.

Mr. CONKLING. As what?

Mr. BECK. "As an ordinary police force to run elections."

Mr. CONKLING. But the "ordinary" has been left out of this bill.

Mr. BECK. He proceeds to say:

> That no one may misunderstand me, let me put the case thus: Suppose some one should offer the following as a substitute for this section:
> "*Be it enacted, &c.*, That it shall be lawful for the President of the United States to use the Army, or any portion of it, as a police force to keep the peace at the polls at any election held within any State."
> Is there a man in this House that would vote to make that a part of our law? If there is one, let him speak.

A gentleman by the name of FINLEY said:

> Did not the gentleman vote for a proposition substantially that?
> Mr. GARFIELD. Never in my life, nor anything like it.
> Mr. FINLEY. The vote of the gentleman last session was precisely that in effect.
> Mr. GARFIELD. The gentleman is utterly mistaken. Now, if no one would vote to enact into law the thing which this section says is not appropriated for, how can any one hold that the section prohibits anything that ought to be done? The proposition to use our Army as a police——

Mr. CARPENTER. Mr. President, I rise to a point of order.

The PRESIDING OFFICER, (Mr. EATON in the chair.) The Senator from Kentucky will suspend.

Mr. BECK. Let me finish the sentence.

Mr. CARPENTER. The point of order is against the sentence.

Mr. BECK. I want to read it.

Mr. CARPENTER. I have no objection in this particular instance. The rule of this body, however, prohibits Senators from alluding to what took place in the other House of Congress. If it is done on one side of the Chamber it will be done on the other, and the rule will be practically trampled under foot. I make the point of order.

Mr. BECK. I have read from a paper published in the city of Washington.

Mr. CARPENTER. What does the Chair rule on the point of order?

The PRESIDING OFFICER. The Senator from Wisconsin has made the point of order that the rules do not permit a member of the Senate to read and use the language of a member of the House. The Chair understands that to be the point of order which is raised by the Senator from Wisconsin.

Mr. CONKLING. Not to report what is said upon the floor of the House during the present session.

The PRESIDING OFFICER. In the opinion of the present occupant of the chair the point of order is well taken. The Chair thinks that the Senator from Kentucky ought not to allude by name to language used by a member of the other branch during the present Congress. Without looking at the rule, that is the opinion of the Chair at first view.

Mr. BECK. I will simply ask a question. Suppose that the gentleman had made the speech from which I am reading in front of Willard's Hotel or in Lincoln Hall, would that be a violation of the rule?

The PRESIDING OFFICER. When a point of order is made against an expression used in front of Willard's Hotel or at Lincoln Hall the Chair will rule on that point of order.

Mr. BECK. I desire to know of the Chair if I have said in the most remote possible way that this language was used in the House of Representatives?

Mr. CARPENTER. I rise to a point of order. I understand that after the Chair has ruled upon a point of order the only way that it can be debated is by an appeal. I do not understand the Senator to appeal, but he is proceeding to debate the point of order.

The PRESIDING OFFICER. The Chair did not know from what the Senator from Kentucky was reading, but the Senator from Kentucky had announced the names of two members of the House as having uttered in debate certain language, and therefore it was that the Chair ruled that the allusion was not in order.

Mr. BECK. Not having said that it was what occurred in the House and not being called upon to deny that it did occur in the House, I should like to have the proof that it did take place in the House, because without that being shown I suppose I am not out of order.

The PRESIDING OFFICER. Certainly not.

Mr. BECK. Then I can compare the paper I hold in my hand with the language that will be read as having been delivered in the House.

Mr. CARPENTER. The RECORD is published by authority of Congress, and is laid on our tables every day, containing the debates of the House of Representatives.

Mr. BECK. I will send to the Chair the newspaper from which I read.

Mr. CARPENTER. I do not care what the Senator read from; the Senator gave the substance of proceedings in the House, as shown in the RECORD of the proper date. That is out of order under the rules. I do not care anything about it in this particular instance except that if this course of proceeding is indulged in on one side of the Chamber, it will be on the other; and the rule is a proper one and ought to be enforced.

Mr. BECK. I will submit to the ruling of the Chair rather than take the time of the Senate, and will endeavor to see if I cannot ascertain hereafter exactly how to use language without being out of order. I am only sorry it prevents me, therefore, from answering as fully as I could have done the question of the Senator from New York; but if he will turn to the Post of Tuesday morning, June 17, 1879, he will find that a far abler man than I am, and one who knows far more about all those things than I do, and I will not call his name this time, said somewhere:

> The proposition to use our Army as a police, to send them out and station them one by one at the polls to run the elections as a police, is a fiction so absurd that I trust no man on this side of the House will give the least color to the assumption that he favors it by holding that this sixth section repeals, suspends, or modifies any existing statute.

Mr. CARPENTER. Mr. President, I rise to a point of order.

Mr. BECK. I am done now.

Mr. CARPENTER. I will, with the permission of the Chair, state the point of order.

The PRESIDING OFFICER. The Senator from Wisconsin will state the point of order.

Mr. CARPENTER. I made my first point of order merely out of respect to the rule. I make this point of order merely out of respect to the ruling of the Chair, that when the Chair and the Senate have ruled that the Senator is out of order in quoting in the Senate what was said in the other House of Congress by any member, he cannot evade it nor escape from the ruling by dropping the name and saying that it was somewhere, and then read from the very speech itself, which shows it to be language used in the House of Representatives.

Mr. BECK. Now, I will ask the Senator from Wisconsin how he knows that I have read from the same speech?

Mr. CARPENTER. I have read the speech in the RECORD. That is the way I know you read it correctly. I am speaking to you, not to the Chair, for I would not refer to what took place in the other House myself. [Laughter.]

The PRESIDING OFFICER. The Chair will state that he has no doubt the Senator from Kentucky will now proceed in order.

Mr. BECK. I will endeavor to proceed in order.

Mr. CONKLING. Why will not the Senator answer my question?

Mr. BECK. I have answered it as well as I know how.

Mr. CONKLING. If my friend will pardon me, I see that he has been sincere in trying, but I was not asking what such a man as he has been describing thought; I do not know of any such man on earth; but if I did I was not asking about him. I was asking the Senator from Kentucky, the Senator now on the floor, in the midst of his speech, why he does not legislate in the spirit of his argument, why he does not legislate to say that troops shall not be used to keep the peace at the polls on election day; and why he does cover up that idea, hide it away under a confused juggle of words, good

for nothing except to deceive somebody? That is my question. It is no answer to that to read what somebody else, who he says was a great man, said somewhere else.

Mr. BECK. The section speaks for itself, and it reads thus:

That no money appropriated in this act is appropriated or shall be paid for the subsistence, equipment, transportation, or compensation of any portion of the Army of the United States to be used as a police force to keep the peace at the polls at any election held within any State.

The language is unambiguous. We decline to make any appropriations for that purpose. That is all we do; and we assume that the various departments of the Government will have sufficient respect for the power and the authority and right of Congress to support and maintain armies, or to furnish appropriations for any other purpose, to obey the laws we pass, so that in view of the existing law that money shall be expended, and expended only for the purposes for which it is given; that it shall not be used for any other purpose; that when we say it shall not be used for this purpose we hope, trust, believe, and will endeavor to see to it that our will is obeyed. Whether we might not have gone further is another question. We have not. The section I have read shows all we have done. Whether we have done it properly, rightfully, or wrongfully, is to be determined hereafter.

But, Mr. President, while turning my attention to that paragraph a little while ago, and while waiting on the Senator from Wisconsin, another thing occurred to me, as I have said so much about supervisors and deputy marshals, and as so much has been said in their defense by the President and others, I propose to read from what I know to be a highly intelligent and respectable paper, published in my own State, one of the ablest newspapers, if not the ablest, in the South or the West, the Louisville Courier-Journal, of Monday morning, June 9, 1879, in regard to the character of the men who are and have been appointed to control State elections under the great desire of the powers at Washington to maintain the national peace at the polls and to maintain the purity of national elections, and all that sort of things that I do not believe in. I believe it is solely within the power of the States, and the authority of the States, to keep the peace at the elections of the State that it is their peace and their elections, not those of the United States. That is the objection I have, I may state by the way, to the amendment proposed by the Senator from Maine, because he is seeking by Federal authority to punish men who violate State laws and thus usurp State authority. I desire to say in this connection, before I read the paper to which I alluded, that whenever anything is required to be done by the Federal authority, whether it is to make war, or maintain foreign relations, or to regulate commerce between the States, or to do any great national act that no one State can perform, no man will go further than I to maintain the Federal authority; but when it comes to matters pertaining to elections in the States, to keeping peace at the polls in the States, to doing police duty for the States, without the request or consent of their authorities, then I maintain that all interference is a usurpation of and infringement upon the duty and the authority of the States. Much as I respect the Federal Army, if I thought it was to be prostituted for this purpose, I would vote millions to arm the militia of the States, I would vote millions to arm the men on the frontier to protect themselves against the Indians, I would reduce the Army of the United States down to the lowest possible point and remit its officers to civil life, hard as that might be, as I regard the liberties of this country and its people as being higher and above the maintenance of the highly respectable and, if let alone, patriotic Army we now have. This is an effort to see that those gallant men who do not desire to do that duty shall not be prostituted or used for such base purposes—purposes for which they were never intended. But as to the supervisors in 1872, it seems the New York papers published the history of the fellows we seek to get rid of, the set who were complained of by the governor of New York and the governor of Pennsylvania. Let me read again what the governor of New York said then:

A large number of United States deputy marshals and supervisors were appointed, many of whom were men of well-known disreputable character, and some of whom had been convicted criminals; a class of dangerous men never before chosen by any ruling authority, in any community, as conservators of the peace. They were instructed, under advice of the Attorney-General of the United States, to submit to no interference from any quarter under State or municipal authority. Orders were issued which authorized them, in the discretion of each one of them, to arrest at the polls citizens claiming the right to vote, as well as the inspectors who were charged by law with the custody of the ballot-boxes. These arrests were to be effected without process of law issued upon formal complaints.

To show that the governor of New York did not exaggerate, let me read. This is the character of the men, as the Courier-Journal furnishes the list, who were intrusted with this great duty:

Theodore, *alias* Mike, Anthony, *alias* Snuffy, of 24 Cherry street; a laborer, thirty-five years of age, married, and cannot read or write; Anthony was arrested by Detective James Finn, of the fourth precinct, on July 24, 1870, for larceny from the person, and was held in $2,000 bail for trial by Justice Hogan. He was indicted by the grand jury on the charge on the 22d of August last.

Henry Rail supervisor Eighth ward; one of the principals in the Chatham-street saloon murder; went off West to escape punishment, and has only been back a few weeks.

James Moran, supervisor third district, Eighth ward; arrested on Sunday last for felonious assault.

William, *alias* Pomp, Harton, colored, marshal Twenty-second; arrested a few days since for vagrancy.

James Miller is the keeper of a den of prostitution in the basement of 337 Water street.

James Sullivan, *alias* Slocum; keeps a house of prostitution at 330 Water street, which is a resort for desperate thieves.

Frank Winkle keeps a house of prostitution at 337½ Water street. The police are frequently called in to quell fights in Winkle's place, and it bears a hard reputation.

Richard O'Connor, supervisor seventh district, First ward; has been for years receiver of smuggled cigars from Havana steamers.

L. H. Cargill, supervisor ninth district, Ninth ward; tried in United States court for robbing the mail.

John Van Buren, supervisor twelfth district, Eighth ward; was at one time in sheriff's office and discharged for carrying a load of seized goods from the establishment of Richard Walters in East Broadway.

Mart Allen, marshal Eighth ward; served a term of five years in State prison; sentenced to Sing Sing for five years by Judge Bedford. His case was appealed, and while waiting for a decision he managed to get out on bail. His case has been decided against him, and he has fled to parts unknown to ply his vocation and help the radicals elsewhere.

John McChesney, supervisor fourth district, Ninth ward; associates with thieves; bears a bad character generally.

William Cassidy, supervisor twelfth district, Ninth ward; is a street bummer without any visible means of support.

Thomas McIntire, marshal Eighth ward; has been frequently arrested for beating his aged mother; sent several times to Blackwell's Island.

Timothy Lynch, marshal sixth district, First ward; a Washington market lounger.

Peter Mose, marshal Sixth ward; habitual drunkard.

John Conner, supervisor first district, First ward; keeps a disorderly gin-mill, resort of lowest characters.

Francis Jordan, supervisor sixth district, First ward; lives in New Jersey; was turned out of the post-office by Postmaster Jones for bad conduct.

Bernard Dugan, supervisor eighth district, First ward; habitual drunkard. His wife left him on account of his drunkenness, and procured a divorce on that ground.

John Tobin, supervisor ninth district, First ward; arrested about six months ago for grand larceny.

Patrick Murphy, supervisor fourth district, Sixth ward; two years ago distributed fraudulent naturalization papers, and would furnish them to anybody who would promise to vote for Grant.

Edward Slevin, jr., supervisor second district, Fourth ward; has an indictment now pending against him in court of general sessions, for cutting a boy named Kilkenny.

Michael Foley, supervisor fourth district, Fourth ward; well-known repeater, voting for anybody that will pay.

James F. Day, supervisor seventh district, Fourth ward; shot a man in a fight between the Walsh association and a gang from Water street.

John Conners, *alias* "Jockey," supervisor third district, Fourth ward; a well-known desperate character.

Michael Costello, marshal, Sixth ward; bounty-jumper during the war.

Harry Rice, supervisor thirteenth district, Sixth ward; was connected with the Chatham street concert-saloon murder, and fled to Nebraska to escape punishment.

Thomas Lane, supervisor seventeenth district, Sixth ward; formerly keeper of a notorious den at Five Points, headquarters of thieves and robbers.

John Lane, supervisor twenty-second district, same ward; was indicted for receiving stolen goods; has served a term in Sing Sing.

Edward Foley, supervisor sixth district, Ninth ward; arrested last year for stealing a watch.

Humphrey Ayers, supervisor eighteenth district, Ninth ward; arrested six years ago for robbing the United States mail.

John Dowling, supervisor nineteenth district, Ninth ward; arrested August 20, 1869, for till-tapping.

James Fitzsimmons, supervisor twentieth district, Ninth ward; arrested August 1, 1868, for robbery.

John Martin, supervisor fifth district, Twelfth ward; arrested a few years ago under an indictment for arson.

Samuel Bich, supervisor fourth district, Thirteenth ward; served a term of two years at Sing Sing for a felonious assault.

John *alias* "Bucky" McCabe, supervisor eighth district, Fifteenth Ward; charged with shooting a man with intent to kill, about a year ago.

William P. Burke, supervisor twentieth district, Eighth Ward; served his term in the State prison of Massachusetts, also two years in the New York State prison.

James McCabe, supervisor fourth district, Eighth Ward; now confined in the Tombs under indictment for highway robbery.

William Irving, supervisor fourteenth district, Eighth Ward; has served a term in Sing Sing for burglary committed in Eighth Ward, and never has been pardoned.

Patrick Henry Kily, *alias* Fred. Williams, supervisor twenty-second district, Eighth Ward; keeper of a house of ill-fame, resort of the lowest and vilest characters.

Patrick Hefferman, supervisor of the tenth district, Sixth Ward; arrested some time since for attempted murder.

Frederick Sterringer, supervisor Eighth Ward; has been arrested several times for keeping disorderly house.

J. F. Baderhop, supervisor Tenth Ward; arrested for murder a few years since.

Ed. Weaver, marshal in Eighth Ward; has been but a short time out of State prison, where he has been serving out his sentence.

Walter Prince, (colored,) marshal Eighth Ward; now in prison awaiting his trial for highway robbery.

Andrew Andrews, *alias* Hans Nicols, marshal; panel-thief, been sentenced two or three times to State prison, and has just returned from Blackwell's Island.

What a lot to keep the peace, preserve the purity of elections, and maintain the honor and dignity of the United States!

These are specimens of the so-called gentlemen who are to keep the national peace, and to preserve the purity of the polls! The States, even loyal New York, cannot be trusted. These creatures are guardians of the honor, dignity, character, and justice of the model Republic as published at the time, and heralded to the world.

I said when I rose I did not intend to say much, but one thing suggests another. I had some other things I intended to say, but the Senator from Vermont, [Mr. MORRILL,] to whom I intended to address some remarks, does not seem to be in his seat, and I do not like to say anything behind his back, such is my respect for his character and position. I regret that the Senator from Vermont, the former chairman of the Committee on Finance, is not in the Chamber now. In his speech made the other day, published in the RECORD of Friday, June 13, he makes a general attack upon the whole democratic party, first going over by name the Southern members of the House and then of the Senate, calling us by name and telling the world all we have done and what terrible fellows we are, how we are seeking to break up the Government of the United States. Among other things he

takes occasion (other gentlemen can speak for themselves) to call my name to show what horrible things I have done; and no doubt up in Vermont or somewhere else they will think when they read his speech, that I am a monster of iniquity, who devotes all his energies to break up the best government the world ever saw. What does the Senator say I have done?

Senate bill No. 31, (Senator BECK,) for the removal of all disabilities imposed by the fourteenth amendment to the Constitution.
This of course includes Jefferson Davis.

That is one of the horrid offenses the Senator says I have committed. I showed the other day that the Senator from Maine [Mr. BLAINE] six years ago, then the chairman of the Committee on Rules of the House, reported a bill for the removal of all political disabilities. [Mr. MORRILL entered the Chamber.] I am glad the Senator from Vermont has come in. I was just starting to read the enormities I was charged with in the speech of the Senator from Vermont. There are a great many of them, and among other terrible things I was charged with having introduced a bill to remove all disabilities imposed by the fourteenth amendment to the Constitution. This of course, he said, includes Jefferson Davis. Now I want the Senator from Vermont to know, and I want the people of Vermont to know, and the republicans generally to know, that the bill I introduced is precisely the bill that was passed by a vote of 141 to twenty-odd on the 8th of December, 1873, reported unanimously from the committee of which the Senator from Maine, [Mr. BLAINE,] then Speaker of the House, was chairman, including Jeff. Davis and all. Attention was then called to that fact by General Butler, of Massachusetts, Judge Hoar, of Massachusetts, and others. Instead of holding me up now in 1879 as having done a monstrous thing, why did not the Senator tell the country that his own party had in the House done what I now propose as early as December, 1873, by a vote of 141 to twenty-odd in the House of Representatives? Why did he not read a bill that passed the Senate on the 13th day of May, 1872, providing that all political disabilities imposed by the third section of the fourteenth article of the amendments to the Constitution of the United States shall be removed from all persons whatsoever except Senators and Representatives of the Thirty-sixth and Thirty-seventh Congresses, officers of the judicial, military, and naval services of the United States, heads of Departments and foreign ministers of the United States, which bill was then passed by a vote of 39 to 2, the Senator from Vermont [Mr. MORRILL] himself voting for it on a call of the yeas and nays. That bill relieved everybody—Mr. STEPHENS is in the House now under it—but those few who happened to be in those two Congresses and a few others. Now, I want the people of Vermont and the republicans generally to know that as early as 1872 the republican Senate and the republican Senator from Vermont [Mr. MORRILL] voted for the bill which I have just read. Again, I am arraigned by the same Senator for introducing another bill. He said:

S. 71, (Senator BECK,) to repeal section 1218 of the Revised Statutes of the United States, which provides that "no person who has served in any capacity in the military, naval, or civil service of the so-called Confederate States, or of either of the States in insurrection during the late rebellion, shall be appointed to any position in the Army of the United States."
This is intended to open the way for a restoration or appointment of officers lately in the service of the so-called Confederate States.

I had stated on this floor that I knew of cases making the repeal of this law proper, and I will refer to them again, showing that there is neither decency nor propriety in keeping a law of that sort upon the statute-book. The son of Jefferson Davis to-day, if he has one, then a boy, if you please, fourteen years old, or the sons of Robert Toombs, or the sons of any of those distinguished gentlemen now here who were in the army, if from twelve to eighteen years of age, and not old enough to take part in the service, can be appointed as officers in the Army and Navy of the United States and hold the highest places. It is only the poor boys of the South who had to work for a living—because none of the men who were old enough nineteen years ago to be officers in the Army are seeking promotion in the Army or Navy now—it is only the young men of the South who, like the young men of the North and West, are anxious to be in positions everywhere. The section as it now stands only excludes the sons of poor men who had to get places for their boys as pages on the floors of the Legislatures and to do other menial service in the employment of the Confederate States or in the employment of any of the States constituting the confederacy, they cannot enter the Army or Navy because they were so employed, while the sons of Mr. Davis or of Mr. Toombs or of any of the Senators here who were generals in the confederate army and could educate and support their sons can obtain places in the Army and Navy, and they do so obtain them. Am I to be told that I am a revolutionist because I want that section repealed? I am in favor of equal rights to all men. I am in favor of wiping out all distinctions between men North, South, East, and West, rich and poor. I am opposed to any law remaining upon the statute-book that is a disgrace to the country or discriminates against its humblest citizens.

I am charged again in the speech of the Senator from Vermont with introducing a bill to pay J. Milton Best $25,000 for his house destroyed by the commanding officer of the United States forces at Paducah, Kentucky, in 1864. The comment is that this claim was once vetoed by General Grant. That was a claim brought here years ago by Senator Davis, of Kentucky, advocated by him with great ability, and which passed both Houses; it is as honest a claim as Congress ever did pass. A republican House passed it, and a republican Senate passed it on the 8th day of April, 1872, on a call of the yeas and nays—27 yeas, 12 nays—Messrs. LOGAN, of Illinois, and WINDOM, of Minnesota, being recorded among the yeas. I ask the Senator from Vermont did he vote against that bill? I am charged with gross impropriety for again bringing it up, and yet the Senator from Vermont did not vote against it, although he was in his place in the Senate, and Senators as conscientious as he, and among them two now sitting before me, the Senator from Illinois [Mr. LOGAN] and the Senator from Minnesota, [Mr. WINDOM,] voted for it. The bill, I repeat, passed both Houses of Congress, and I am now to be arraigned because I have reintroduced it on behalf of one of my own constituents.

My friend from West Virginia [Mr. HEREFORD] who sits by my side is arraigned, and so am I, among other things for seeking to authorize the payment of customs dues in legal-tender notes. There has not been a session of Congress since I have been in Congress that I have not tried to have that done; we have tried to do it according to law. The Secretary of the Treasury, whom the Senator from Vermont is lauding so highly, is receiving these notes now for customs dues in violation of law, and he and his republican friends are resisting us when we try to pass a law to make the Secretary obey the law. He is lauded to the skies, and we are charged with embarrassing resumption because we are seeking to dispense with a sinking fund and other things that the Secretary is paying no attention to; in short, because we ask to have the law enforced.

Let me say here, whether I am right or wrong, I honestly believe that if the Secretary of the Treasury had consented to the receipt of the legal-tender notes of the country for customs dues five years ago paper money and gold would have been at par without going through all the distress and bankruptcy that the country has had to go through in the last five years to bring about what is now called resumption, which is assumed to be such a glorious result. If that Secretary had used the silver dollar that we gave him honestly to pay the debts of the country to bankers and bondholders, as the law requires, we would not have had any such trouble over the silver bill as we are now having; and if that Secretary had allowed the people to take the loans as they were offered, he would not have had to pay, as he has done in the last three years, $6,000,000 temporarily to increase the bonded debt of the United States $300,000,000, paying, as he has, half per cent. commission and ninety days' double-interest to syndicates and others who are the pets of the Secretary. The very moment he threw open the doors to the lowest loan of 4 per cent. certificates he had to employ policemen to drive the people away, so anxious were they to get it.

Yet, because I have seen fit to differ with the Senator from Vermont about these things, I am called out by name in the Senate as a dangerous revolutionist, and the bills I introduce are paraded by him here as though I had been guilty of a great criminal wrong. I do not intend to allow that speech to go on the record unchallenged. There are some gentlemen who are so in the habit of saying bad things that I let them go, but the Senator from Vermont is generally so careful and his statements produce such an impression, especially upon the financial world, that I desired the country to know and the Senate to know that the things I have done mean nothing except to carry out my honest convictions of what is best for the country.

But, Mr. President, I have spoken very much longer than I intended. My purpose when I arose yesterday evening was simply to satisfy the Senator from Maine if I could in contradiction of his statement that many citizens have been prevented by soldiers from voting, in clear violation of law, and believing I have done that, though I doubt whether he will admit it, I beg pardon for saying as much as I have.

PAY OF CONGRESSIONAL EMPLOYÉS.

Mr. BLAINE. Mr. President——

Mr. WALLACE. Will the Senator from Maine give way to allow me to have the action of the Senate upon a report of a committee of conference made a while ago?

Mr. BLAINE. Certainly.

Mr. WALLACE. I ask that the present bill be postponed temporarily that the report of the committee of conference on House joint resolution No. 85 may be taken up and considered.

The PRESIDING OFFICER. If there be no objection the bill will be postponed temporarily and the report will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the House resolution No. 85, entitled "Joint resolution fixing the date on which the pay of the committee clerks, pages, and laborers of the House of Representatives who are paid during the session only shall begin for this session," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment numbered 5, and agree to the same.

That the Senate recede from its amendments numbered 1 and 2.

That the House recede from its disagreement to the amendment numbered 3, and agree to the same, with the following amendment, namely:

In lieu of said amendment insert the following:

"SEC. 2. That the officers, clerks to committees, and employés of the Senate, including the Capitol police, who were employed previous to the 4th day of March, 1879, and who continued in said employment to and including the 4th day of April, who have since ceased to be so employed, or who may cease to be so employed prior to December 1, 1879, shall be paid a sum equal to one month's pay at the rate per annum they were paid when their employment ceased; and a sufficient sum for this

purpose is hereby appropriated out of any moneys in the Treasury not otherwise appropriated."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 4, and agree to the same, with the following amendment, namely:

After the word "under" in line 8 of said amendment insert the words "section two of."

And the Senate agree to the same.

WM. A. WALLACE,
H. G. DAVIS,
J. G. BLAINE,
Managers on the part of the Senate.
DANIEL M. HENRY,
E. L. MARTIN,
A. HERR SMITH,
Managers on the part of the House.

The report was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had concurred in the second and third amendments and non-concurred in the first amendment of the Senate to the bill of the House (H. R. No. 2252) making appropriations for certain judicial expenses.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 2251) making appropriations for legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880.

The message also announced that the House had passed the following bill and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. No. 2330) to correct an error in "an act making appropriations for the construction, repair, preservation, and completion of certain works on rivers and harbors, and for other purposes," approved March 3, 1879; and

A joint resolution (H. R. No. 104) defining the meaning of section 2 of the act of Congress entitled "An act making appropriations for the payment of arrears of pensions granted by act of Congress."

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled joint resolutions; and they were thereupon signed by the President *pro tempore*:

A joint resolution (H. R. No. 1) to repeal certain clauses in the sundry civil appropriation act approved March 3, 1879, and for other purposes;

A joint resolution (H. R. No. 34) to print five thousand copies of the final reports of the United States centennial commission upon the international exhibition and centennial celebration of 1876; and

A joint resolution (H. R. No. 87) relating to a bridge across the Detroit River at or near Detroit, Michigan.

APPROPRIATION FOR JUDICIAL EXPENSES.

The Senate proceeded to consider its amendments to the bill (H. R. No. 2252) making appropriations for certain judicial expenses disagreed to by the House of Representatives, and

On motion of Mr. WALLACE, it was

Resolved, That the Senate insist upon its amendments to the said bill disagreed to by the House of Representatives and ask a conference with the House of Representatives on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. WALLACE, Mr. DAVIS of West Virginia, and Mr. BOOTH.

ARMY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 2175) making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes.

Mr. BLAINE. Mr. President, I am sorry to say the honorable Senator from Kentucky has not satisfied me that I made a wrong statement yesterday. I then stated my belief that no Senator on that side could bring forward the name of any voter who ever had been deprived of his vote by the action of United States soldiers. The Senator from Kentucky took up the gauntlet and proceeded with some documentary proof, which he seemed to think entirely annihilated my position. But the Senator did exactly what every democratic Senator, with the single exception of the Senator from Virginia, [Mr. WITHERS,] has done in this debate—he located the interference of the military away back in the period of the civil war. If you ask the Senators on the opposite side of the Chamber when did soldiers interfere in elections, they reply in 1864. The Senator from Kentucky comes down one year later. He says he can prove that voters were interfered with in Kentucky in 1865.

In 1865, Mr. President, the State of Kentucky was under martial law, and the Senator from Kentucky will observe that it was not martial law proclaimed by General John M. Palmer; it was martial law proclaimed by Abraham Lincoln; and the State continued under martial law after that election to which the Senator refers had been over and gone for two months—I beg the Senator's attention to that fact—until the election to which he refers had been held and until two months' time had passed; and then in the October following Andrew Johnson issued a proclamation revoking the former proclamation of Mr. Lincoln and declaring Kentucky to be no longer under the domination of military law.

Mr. BECK. What day did Mr. Lincoln die, does the Senator remember?

Mr. BLAINE. Mr. Lincoln died on the 14th of April, 1865, and Andrew Johnson's proclamation revoking the martial law which Mr. Lincoln had proclaimed (I think I have the date of it right here) was October 23, 1865, I believe. The election to which the Senator from Kentucky refers in 1865, is one which if I were in his place I would not bring up. Of course the honorable Senator is a very independent man and he does not ask my advice, and he would not follow it if I gave it to him; but if I were a Kentuckian illustrating what I thought an election ought to be I would not bring up the election of 1865 and the events consequent thereon. What was the condition of Kentucky at that time? Her quota in the confederate army, I believe it was the Senator's precedessor, Mr. Powell, who boasted that Kentucky's quotas in both armies were full—her quota in the confederate army had just returned from the war. They got back, how many thousands of them I do not know, but a great many thousand confederate soldiers had returned, and it was not military authority that proceeded to arraign them—and I want the attention of the Senator from Kentucky—it was not military authority that proceeded to arraign those men and declare that they should not vote, but it was Governor Bramlette, a civil magistrate, a man who, I believe, stood high in the confidence of the democratic party of Kentucky. Governor Bramlette on the 19th of July, 1865, issued a proclamation, and I will read that proclamation; it is brief, and I will read it because it covers the case:

The purity of the elective franchise can only be preserved by a faithful enforcement of the laws governing the same. For their enforcement the officer will be held responsible. Every free white male citizen, twenty-one years of age, who has resided in Kentucky two years, and whose residence has been in the district where he offers to vote for sixty days preceding the election, and each male white citizen who, not having two years' residence in the State, but has resided one year in the county and sixty days in the precinct where he offers to vote, next preceding the election, is entitled to vote; provided he has not expatriated himself and lost the elective franchise by coming within the provisions of the following act:

And that act says:

SECTION 1. *Be it enacted, &c.*, That any citizen of this State who shall enter into the service of the so-called Confederate States in either a civil or military capacity, or into the service of the so-called provisional government of Kentucky, in either a civil or military capacity, or having heretofore entered such service of either the Confederate States or provisional government, shall continue in such service after this act takes effect, or shall take up or continue in arms against the military forces of the United States or the State of Kentucky, or shall give voluntary aid and assistance to those in arms against said forces, shall be deemed to have expatriated himself, and shall no longer be a citizen of Kentucky; nor shall he again be a citizen, except by permission of the Legislature, by a general or special statute.

And that excluded the entire list of Kentucky confederates. I do not know how many—forty thousand I have been told—forty thousand Kentucky democrats who went into the war, and when the war was over returned and demanded the right in the face of that law to vote, and Governor Bramlette issued his proclamation declaring that they had no right to vote, and should not be allowed to vote.

The election was held, and it was carried by the democrats; and not satisfied with having elected their men they proceeded to turn out of the Legislature men who were elected on the Union side; there was no republican ticket so called. They proceeded to turn out men who were elected on the Union side. I do not care what the Senator from Kentucky says about the character of those men who ruled the Legislature; I am not assailing the personal character of any gentleman. We all know where partisan votes will carry us on contested elections. The Kentucky Legislature proceeded to expel men and give the seats to the others because these men had been excluded from voting, and excluded under the laws of the State.

That is the history of that election, and the Senator from Kentucky was strangely oblivious of the facts of his own State when he said that in the election of 1865 men were refused the right to vote who were allowed to vote for McClellan at the presidential election the autumn before. The figures are entirely against the Senator. In the election of 1864, when McClellan was candidate for President, he only polled 27,786 votes against 64,301 votes for Mr. Lincoln; but in the election to which the honorable Senator refers, the democratic candidate got 57,562 votes, more than twice as many as before, and the republicans or Unionists got 54,002.

Therefore the Senator's allegation that in 1865, under bayonet law, citizens of Kentucky were refused the right to vote who had been accorded that right in 1864, is not sustained by the election returns of his own State. It is not for me to defend or vindicate John M. Palmer, but the proclamation of John M. Palmer which the honorable Senator from Kentucky has visited with such strong objurgation was nothing in the world but to carry into effect the proclamation of Governor Bramlette which I have read. It was simply bringing, in a time of martial law, the aid of the Army of the United States to uphold the civil proclamation of the governor of Kentucky. The concluding part of Palmer's proclamation was in these words:

It will be given to the civil authorities to enforce the laws and to preserve the peace. Any person who shall counsel, advise, or encourage any judge of any election, or any other person, to disregard or disobey—

What? "My orders?" The orders of the Army? The orders of any military authority? No, sir—

to disregard or disobey the law as declared in the proclamation of the governor of the State will be at once arrested.

The Senator from Kentucky has really been arraigning Governor

Bramlette and his policy and not the proclamation of John M. Palmer, for all that John M. Palmer did in that matter was to issue a proclamation to sustain what Governor Bramlette had issued in his capacity as a civil magistrate; and that was simply that the confederates who had gone from Kentucky and been four years fighting against the Government of the United States should not go home and carry Kentucky over into the hands of the ex-confederates on the eve of the reconstruction following the war.

Governor Bramlette deserves honor for standing by the Union of the States, and John M. Palmer as a military commander in a district that was under martial law by proclamation of Abraham Lincoln would have been guilty of a gross dereliction of official duty if he had not done precisely what he did do. So the Senator from Kentucky has not satisfied me that people in his State were deprived of their privilege of voting except those that ought to have been deprived of it; and I do not believe that he can show that a citizen of Kentucky entitled to vote under Governor Bramlette's proclamation was deprived of his vote.

I turn now to another point, and I regret that I do not see the honorable Senator from Virginia who has charge of this bill in his seat.

Mr. DAVIS, of West Virginia. I will try to answer for that Senator.

Mr. BLAINE. The Senator from West Virginia is willing to answer for him, and therefore we will take him as representing for the present East Virginia.

Mr. DAVIS, of West Virginia. I will say to the Senator from Maine that the Senator from Virginia has just stepped out of the Chamber and will be back again in a moment; and perhaps it will suit the Senator just as well to wait until the Senator who has charge of the bill comes in.

Mr. BLAINE. I would rather speak when he is here. I observe the honorable Senator from Indiana [Mr. VOORHEES] is present. Yesterday we had a very doleful account of the rough-shod manner in which the patriotic democrats in Indiana were trodden under the military hoof of despotic authority in 1864. You would have believed from the statements made here by the two Senators, and especially by the Senator whom I regret not to see in his seat, [Mr. MCDONALD,] that there was the merest shadow and mockery of an election in 1864 when the senior Senator from Indiana was the democratic candidate for governor. You would have believed from their statements and from certain affidavits sent here by one General Love that it required a good deal more nerve and pluck to vote the democratic ticket in Indiana in that year than it did to face confederates on the field of battle. Among other things, you know, there was a Massachusetts regiment let loose without arms.

Mr. CAMERON, of Wisconsin. Hundred-day men.

Mr. BLAINE. Hundred-day men, convalescents from the hospital, and according to this letter of General Love they so drove the democrats of Indianapolis that at one time in the election they had utterly given up and nobody pretended to make a stand and to vote. General Love asserts that any attempt to resist this wild, bloodthirsty regiment from Massachusetts would have been as reckless as it was for the bull to stand before the locomotive.

This narrative was so extraordinary and the statement of facts was so startling that I thought I would test it by the figures, and I merely went and looked at the election returns, and what is my surprise, my unfeigned astonishment, to find that in that very year the democrats of Indiana cast a heavier vote for JOSEPH E. MCDONALD, their candidate for governor, than they had ever cast since the organization of their party.

Mr. DAWES. And still the Senator will not be satisfied.

Mr. BLAINE. And still he will not be satisfied. I thought probably this vote might have been made up in the country districts, and that in the county where Indianapolis is situated this robbery of men's rights and this riotous conduct on the part of the troops had driven the democrats away from the polls; yet when I come down to Marion County—I believe Marion County is the one in which Indianapolis is situated—I find that in that county Mr. MCDONALD had 3,321 votes, when Stephen A Douglas, in a time of profound peace, four years before, when nobody was away in the war, and when Mr. Douglas certainly had as large and enthusiastic a following as any democrat ever had in this country and was the especial idol of the democratic party in Indiana—Mr. Douglas, I say, in this same county of Marion, had but 3,251 votes. So that in that very county in which all this outrage was committed the Senator from Indiana, [Mr. MCDONALD,] then running for governor, received a larger democratic vote right in Indianapolis than was given for Stephen A. Douglas. The intimidation practiced by this Massachusetts regiment must have been desperate in the extreme.

The Senator was impatient at the slightest idea that somebody was reflecting on the loyalty of Indiana and on the bravery and the character of Indiana's troops. I certainly intended nothing of the sort. I do not believe any State sent to the war a better class of troops than Indiana sent. They do not need my poor approval at this late day; their heroic deeds on the battle-field speak for them; and it was news to me that any person in the world was reflecting upon them until I got hold of a school-book from the South, one of those which we had the assurance from several Senators on that side did not exist at all. I hold in my hand a school-book in the form of a reader that is calculated and adapted entirely to southern latitudes; and to what it says, not of the late war, but of the war with Mexico, I beg the attention of the honorable Senator from Indiana. I read this. It is the only arraignment of the gallantry of Indiana troops that I have ever read. This reader is published in Baltimore, and the authors are Mr. J. S. Blackburn, principal of a high-school in Virginia, and Mr. W. N. McDonald, principal of a high-school in Louisville, Kentucky. In giving the account of the Mexican war, this school-book, which is intended to be put in the hands of the rising generation in the South to cultivate a spirit of amity and respect for all the States, says, in describing the battle of Buena Vista:

> The Mexicans, knowing that they had nearly five men to our one, fought more bravely than they had ever done before. At one time they broke General Taylor's left flank, completely routing the Second Indiana Regiment, which never rallied during the progress of the battle. Colonel Jefferson Davis commanded a Mississippi regiment just in rear of the Indiana regiment. When the latter broke and fled, Davis ordered his men to open their ranks and let the runaways through, and then closed their line to meet the enemy.

That is the stuff, the miserable, slanderous stuff, that is taught to southern children. Davis's bold and untamable regiment from Mississippi opened their ranks to let the runaways from Indiana get off the field, and then they closed their ranks and behaved of course with the prowess that belongs to them. Just think of it!

I have here a modern school-book which I got from the Library with the imprint of 1879. The honorable Senator from North Carolina [Mr. VANCE] was good enough to assure me that any books of that character belonged to a past day and had faded out. I am very sure that he would be the last Senator to make a misstatement.

Mr. VANCE. If the Senator will permit me, I assured him I did not know of the existence of any such literature.

Mr. BLAINE. Then I do. My information in regard to southern matters on that particular point is wider than that of the honorable Senator from North Carolina.

Mr. VANCE. Does the Senator from Maine say that he knows the book which he holds in his hand is used in the schools of North Carolina?

Mr. BLAINE. No, I do not know that this particular book has yet been introduced; but I know that at the very time the Senator from North Carolina was giving me the assurance that he did not know about it there was a very lively controversy going on in the town of Greenville in his own State between different members of the board of supervisors of schools as to whether this class of books should be kept in; and that was to me a very encouraging symptom, for it began to be the dawn of a better day in that respect. But here is a book published by A. S. Barnes & Co., of New York, Chicago, and New Orleans, as the imprint shows. They are a very large firm; they are a very respectable firm. It is a book called "The Southern Student's Handbook of Selections for Reading and Oratory," edited by John G. James, superintendent of the United States military academy at Austin, and is just now fresh from the press. Whether it is published as a mere amusing thing or whether it is intended for southern circulation the Senator himself will better inform me than I could inform myself.

Mr. VANCE. I have never seen the book before.

Mr. BLAINE. It is just from the press.

Mr. VANCE. I will take a glance at it as soon as I can. I see it comes from Chicago. I believe that is not a southern city.

Mr. BLAINE. It is published simultaneously in New York, Chicago, and New Orleans, that is the imprint, 1879. I suppose New Orleans ranks as a southern city still.

Mr. VANCE. Yes, but it is printed in the North for the purpose of meeting the prejudice of some people in the South, to make money out of it, just as the British manufacturers used to manufacture idols to send out to the Hindoos for sale in the same ship with the missionaries.

Mr. BLAINE. If the Senator will permit any such suggestion, I will state that generally the place where a book is printed does not tell of its character. I am quite free to maintain that this is one of the most remarkable books that I ever came across within the limited sphere of my own reading. It quite goes beyond this other book about the heroic conduct of Jefferson Davis and the bad conduct of the Indiana regiment at the battle of Buena Vista. It is a book for southern students, as though southern students needed and ought to have some other sort of English classic reading than belongs to those generally that speak the English tongue. The authors of the book evidently have a sovereign contempt for Addison, and Steele, and Johnson, and Thackeray, and Dickens, and Macaulay, and Carlyle, and all those illustrious writers who have been thought well of on the other side of the Atlantic, and a still greater contempt for Prescott, and Motley, and Longfellow, and Whittier, and Holmes, and Hawthorne, and Emerson, and Washington Irving; men whom we in our blindness in the North have supposed to have done something worthy of literary fame not only in their own generation but in the years to come. They have made this an exclusively southern book, and, not content with making it a southern book, they have made it a southern book of the era of the rebellion. They would not even take anything southern of the ancient and great days of the South. Here I find an index to the authors. Every one of these authors is taken from the Southern States. Let me read to you a list of those who are taken from Virginia: G. W. Bagby, James Barbour, B. J. Barbour, A. T. Bledsoe, J. Esten Cooke, P. P. Cooke, J. L. M. Curry, J. W. Daniel, M. Schele De Vere, F. R. Farrar, F. W. M. Holliday, R. M. T. Hunter, A. Hunter, Moses D. Hoge, J. P. Holcombe, W. W. Henry, J. B. Hope, John Janney, W. P.

Johnston, James L. Kemper, R. E. Lee, T. M. Logan, W. G. McCabe, W. H. Payne, Mrs. M. J. Preston, T. R. Price, B. Puryear, Innes Randolph, R. Stiles, W. H. Taylor, John R. Thompson, J. R. Tucker, T. D. Witherspoon. It is a book made up out of Virginia's celebrities, that yet found no place in a reader for the use of the South in anything ever written by Washington, or Jefferson, or Madison, or Monroe, or Chief-Justice Marshall, or Littleton W. Tazewell, or Benjamin Watkins Leigh, or John Randolph of Roanoke, that great and almost illimitable list of worthies who adorned the pages of Virginia in earlier generations. In Missouri I find they have taken D. C. Allen and T. G. C. Davis. I confess at once that my reading is not sufficiently extensive to take in the celebrity of those names.

I say, Mr. President, even at the risk of exposing my own ignorance, that I never heard of either of these persons. I know something of the State of Missouri. I think there is not a person who speaks the English tongue who has not heard of Thomas H. Benton and many other distinguished men who have adorned the annals of Missouri. If they had been selecting something worthy for a reading-book, if they had taken Mr. Benton's Thirty Years' View and merely transferred to its pages his magnificent description of the character of Nathaniel Macon, they would have done more for the southern youth than is contained within the four hundred pages of this volume.

Mr. VANCE. Will the Senator allow me to ask him if he makes that criticism as a Senator or as a schoolmaster as to what would be most conducive to the instruction of southern youth?

Mr. BLAINE. I do not understand the Senator.

Mr. VANCE. The Senator says that if the author of that book had inserted certain things from Benton's Thirty Years' View, he believed it would conduce more to the instruction of southern youth than all that it contains. I ask him if that advice is as a Senator or as a schoolmaster?

Mr. BLAINE. Either, as you choose to take it, if it will only lodge in the southern mind.

Mr. VANCE. Allow me to ask the Senator if he objects to what is in the book or to what is not in it?

Mr. BLAINE. I object to what is in it; and I will come to that.

Mr. VANCE. So far we have had nothing of the contents of the book except the names of some gentlemen from whom selections have been made.

Mr. BLAINE. If the Senator from North Carolina will accept the suggestion that I have the floor, and that I have under the rules of the Senate the right to speak as I choose myself, he will observe some law of courtesy which just at this moment he is not obedient to.

Mr. VANCE. I accept the suggestion with the greatest pleasure in the world, if the Senator will allow me to remark that I have observed it has been his invariable habit to interrupt any gentleman on the floor and to yield to any gentleman who desires to interrupt him.

Mr. BLAINE. Always, but not to have a caustic remark made as to what line of speech I shall take. I shall select that myself, with the Senator's permission.

Mr. VANCE. Of course I asked no permission. You had been reading the list of authors in the book, and were proceeding to deliver the South a lecture when you had read nothing from the book itself, and I asked if your objection was urged upon what was in it or what was not in it. If I have reflected on the gentleman I am sorry for it.

Mr. BLAINE. From the State of North Carolina—the Senator will permit me to proceed in my own way.

Mr. VANCE. Certainly, sir.

Mr. BLAINE. I observe the book is reading extracts from K. P. Battle, Mrs. M. B. Clarke, Miss F. Fisher, T. B. Kingsbury, J. M. Leach, A. W. Mangum, and then from two honorable Senators who are now upon this floor.

I do not find anything in that book from Chief-Justice Gaston, from the eminent Mr. Badger, from Willie P. Mangum, from William A. Graham, or from any of the great men of the past who have illustrated the annals of North Carolina. So I might go throughout this book. It is made up entirely of the South as it is related to the rebellion. I do not say entirely, for I do not mean that every page in it is political; but if the honorable Senator from North Carolina—to whom I will gladly pass the book over when I am through with it—will show me one solitary thing in this book intended or suggested to deepen in the minds of the southern youth any respect for the National Government, or any adherence to the Union, I shall be glad to hear it, unless I shall guard myself by excepting some expressions here and there from recent political debates in the Senate or the House in which in defense some members of both bodies have made declarations of that kind.

Let me give now for instance almost the very first thing in the book. Here is—

ROBERT E. LEE

INVESTED WITH THE COMMAND OF VIRGINIA'S FORCES.

And then follows the oration of John Janney in the hot and fiery period of secession, when Robert E. Lee stood at the bar of the Virginia Legislature to receive the commission of major-general of that State and commander of its forces. All that was heated and overheated in that period is put in that speech. Then I turn and find Mr. J. P. Holcombe, who gives a somewhat elaborate defense of the institution of slavery; and throughout the book, made up, as I say, exclusively of southern writers, made up exclusively of southern writers of the modern era, of the era connected with and pertinent to the rebellion, you find nothing national, nothing loyal, nothing patriotic.

There is not anything in it from Mr. Calhoun; there is not anything in it from Mr. Clay; there is not anything in it from the great men who are universally in the judgment of the Anglo-Saxon world entitled to that name who have illustrated in the past the history of the South. Now if the Senator considers that to be the proper kind of literary pabulum on which the rising generation of the southern children should be fed, I beg to say with all respect to him that I differ from him in judgment.

Mr. VANCE. May I be permitted to interrupt the Senator from Maine?

Mr. BLAINE. With great pleasure.

Mr. VANCE. I still am ignorant, as I presume the Senate is, of the character and contents of the book which the Senator holds in his hand, but I take it for granted that at all events it is such as meets his earnest disapprobation. Now, I should like to ask, taking it for granted that it is a very bad book, if any institution in the South of an official character—I mean any State school department—has indorsed the book and put it into the public schools of the State?

Mr. BLAINE. That I am not able to answer.

Mr. VANCE. Then have any private schools adopted it and put it into use?

Mr. BLAINE. I am as ignorant on that subject as the honorable Senator said he was himself. He said it was not to his knowledge.

Mr. VANCE. Then the Senator from Maine tries to hold the whole South responsible for the publication of a book by a private author, the publication of which was permitted by law, and which nobody could prevent, if it was a bad book. That is the position now the Senator stands in according to his own statement.

Mr. BLAINE. That is a very small quibble, if the honorable Senator chooses to indulge in it. Books are published in this country for the purpose of being sold. I bring one here published by southern men, known and respected among southern men as teachers of the youth, and I suppose this book was not published for mere fun. I suppose people do not get up books for the mere purpose of expending the money that is necessary to print them. They are published for a purpose, and if at the next session of Congress the honorable Senator will address me that question and in the mean time endeavor to accumulate a little information on it himself, I think that the joint efforts of himself and myself will be able to show that this book will be in a great many southern schools.

Mr. VANCE. I should like to say another thing with the Senator's permission.

The PRESIDING OFFICER. Does the Senator from Maine yield?

Mr. BLAINE. Certainly.

Mr. VANCE. The Senator certainly has too much regard for law and for common logic to hold the people of the South responsible for the individual enterprise of any man, as I certainly have too much respect for him and his constituents to hold him and them responsible for the obscene literature which is flooded from the presses of the North, the prosecutions for the circulation of which we frequently see in the newspapers. Nothing of that kind has come from the section of country in which I have the honor to reside; nor would I, as a logical and honest man, attempt to hold the body of the northern people, northern society, responsible for that. That is individual enterprise got up to make money.

Mr. BLAINE. But how would they make money if they were not sold? I ask the honorable Senator to inform me how they would make money if the books were not sold?

Mr. VANCE. They would not make money, as a matter of course, if they were not sold. The selling of the books has been prohibited by law, and many persons who have undertaken to circulate that kind of books have been indicted in the courts of the country, and therefore——

Mr. BLAINE. I am talking about these southern school-books. How would these publishers of books ever make money unless the books were sold?

Mr. VANCE. Of course the owner of the book could not make any money unless he sold it. That is taken for granted. How does the Senator know whether they are sold at all or not? He professes utter ignorance in relation to the book, except what he sees on the face of it. How does he know that anybody, privately or otherwise, has ever bought a single solitary copy of that book? I presume the copies which he holds in his hands are those sent to the library according to the act of Congress.

Mr. BLAINE. If that is the point the Senator has, I will excuse him.

Mr. VANCE. I beg leave to say further that I do not mean by anything that I have said here to condemn the book. I have not any doubt in the world but what it is a very good book, and that I will so find when I come to examine it. The Senator tells me the author has done me the honor to take an extract from some of my productions and publish it. [Laughter.] That is *prima facie* proof that it is a good and respectable book. [Laughter.]

Mr. BLAINE. I think the Senator is quoted not as a politician, but as a botanist, or lover of natural scenery, or something of that sort. I think the extracts from the honorable Senator are entirely harmless and do him great credit as a writer.

Mr. VANCE. I would not praise it first, but the Senator from

Maine was disposed to put some curious construction on it as against the Government of the United States, but it seems the author was very wise and judicious in selecting that which would not do anybody any harm who loved the union of the country. So far my impression seems to be in favor of the author and against the Senator from Maine.

Mr. BLAINE. Oh, no; the Senator from North Carolina appears in the book in charming and delightful colors. He appears in the book as a descriptionist of certain beautiful scenery in which he says:

Verily, it would seem that such magnificence was the joint work of both the celestial and the terrestrial powers,

As when some great painter dips
His brush in hues of earthquake and eclipse;

and that some truant rainbow, based on either mountain, had bestridden the glen with its radiant arch, and whilst in the zenith of its glory had been smitten by a thunderbolt into small, glowing dust, whose shining atoms had been scattered down upon the outstretched arms of the waiting forest!

[Laughter.]

The Senator does not appear at all as a hostile political force. He appears as a man who in the higher and beautiful field of rhetoric is capable of instructing the southern youth how to construct sentences and mix up "glowing dust," and "radiant arches," and "rainbows," and "thunderbolts," and waiting forests in a manner which I am free to say, so long as we are on sectional issue, was never heard of in the North! [Laughter.]

Mr. VANCE. Mr. President, the Senator from Maine will allow me. I have not heard such eloquence from the lips of the Senator from Maine since I have had the honor of sitting in this Chamber. [Laughter.]

Mr. BLAINE. And I am frank to say that in seventeen years in Congress I never read such eloquence before in either branch. [Laughter.]

Mr. VANCE. I indorse the book now fully, because it has absolutely improved the oratory of the Senator from Maine. [Laughter.]

Mr. BECK. I hope the Senator from Maine after that oratory as a member of the Committee on Appropriations will allow me to make a conference report.

Mr. BLAINE. Certainly we ought to take a rest after that extract from the Senator from North Carolina.

Mr. BECK. I present the report of a conference committee.

Mr. BLAINE. I yield for that.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. BECK submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 2251) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 11 and 13.

That the House recede from its disagreement to the amendments numbered 14, 26, 27, 28, 29, 31, and 34, and agree to the same.

That the House recede from its amendment to the amendment numbered 7, and agree to the same with an amendment as follows: After line 13, page 5, of the bill insert as a new paragraph the following:

"For two additional watchmen on the Capitol police force, at $900 each, $1800."

And the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment numbered 8, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment numbered 9, and agree to the same.

That the House recede from its disagreement to the amendment numbered 25, and agree to the same, with an amendment as follows:

In lieu of the sum named insert, "$800."

And the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment numbered 23, and agree to the same.

That the House recede from its disagreement to the amendment numbered 30, and agree to the same, with an amendment as follows: In lieu of the paragraph insert the following:

"Patent Office:

"For seven copyists, five assistant messengers, and one folder and paster, at $480; in all, $10,380."

And the Senate agree to the same.

That the House recede from its amendment to the amendment numbered 33, and agree to the same.

JAS. B. BECK,
H. G. DAVIS.
WM. WINDOM,
Managers on the part of the Senate.

JNO. D. C. ATKINS,
JAMES H. BLOUNT,
JOHN H. BAKER,
Managers on the part of the House.

Mr. CONKLING. I want to hear what those amendments are at some time before the vote is taken. When the Senator moved the conference committee the amendments had not been read, and to this hour we have never been permitted to know what it is that the Houses have differed about.

The PRESIDING OFFICER, (Mr. GARLAND in the chair.) Does the Senator from Kentucky desire immediate action on the report?

Mr. BECK. After I make a statement of one minute I think there will be no objection.

The House of Representatives agreed to nearly all the amendments of the Senate making this conform as nearly as possible to the vetoed bill. The only difference between the bills was this: A mistake was made whereby there was an increase required for the laborers on the public grounds of $4,000; the Patent Office library seems not to have been provided for; and that is covered by this report. The Sergeants-at-Arms of the two Houses got together and demanded two watchmen on the Capitol police for some reason or other; and we agreed to that. Ten thousand eight hundred dollars is the total addition.

The House thought we had given the General Land Office too much, and they required us to cut off two principal clerks we had added, being $3,600. My friend from Iowa, [Mr. ALLISON,] who was on the committee, induced us to make a depositary and postmaster out of one man at Tucson, Arizona. When we came to look to the amount he received as postmaster, we thought perhaps we had given him a little too much, and the House being a little stubborn, we cut that down $700, making it $500 instead of $1,200. In the Patent Office, after pretty full consultation, with some reluctance we were obliged to withdraw the increased force the Senate provided for there.

The result is that the decreases are $14,680 and the increases $10,800, so that the net reduction by the committee of conference is $3,880. All the important changes in the section regarding the workmen were stricken out. There is very little change in the bill as passed by the Senate.

Mr. McMILLAN. May I ask the Senator from Kentucky whether I understand him to say that the clerical force in the Land Office had been decreased?

Mr. BECK. Only two clerks. The Senate increase $68,000 in that office, which was a large increase. The Senate thought a large number of additional clerks was necessary, but the House would not agree, and we had to give part of it up.

Mr. McMILLAN. Only a reduction of two, I understand.

Mr. BECK. Two clerks diminished from the increase made by the Senate.

Mr. CONKLING. Shall we understand that all the amendments disagreed to relate to items of appropriation?

Mr. BECK. Every one of them.

Mr. CONKLING. Nothing else?

Mr. BECK. Nothing.

Mr. CONKLING. There is no general legislation in the bill and no political enactments of any kind there?

Mr. BECK. None of any character whatever.

The PRESIDING OFFICER. Does the Senator from New York desire the report read again?

Mr. CONKLING. I am willing to accept the statement of the Senator from Kentucky.

The report was concurred in.

ARMY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 2175) making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes.

Mr. BLAINE. Mr. President, I should not have referred to this matter of the school-books at all but for the fact that when I made an incidental reference to the subject the denials in southern newspapers became very widespread that no such literature as I referred to was known in the South, and when I came to look at the shelves of the Congressional Library I found the books to be more numerous and to be infinitely worse than I had supposed. And with these remarks I leave the subject.

The honorable Senator from Virginia, between whom and myself there has been once or twice a reference to the use of troops, has referred to the Petersburgh case. I come back now to the question before the Senate, being upon the amendment I offered myself, to the effect that if the democratic party insist that the United States troops shall not be seen anywhere at all on election day to keep the peace or as police or in any other capacity, we shall have a disarming all around; that State organizations and red-shirt clubs and white-league companies and individuals with pistols or bowie-knives shall not be allowed at the polls. If my honorable friend from Indiana [Mr. VOORHEES] is correct in suggesting that of all days in the year election day is the peaceful day, that is, the day when the might and majesty of the American people are abroad taking care that the laws be faithfully observed, there certainly is no reason why any one should go to the polls armed. Does not my friend from Indiana agree with me on that?

The Senator from Virginia has two or three times stated that troops were brought to the polls in the city of Petersburgh, in Virginia. I want to read for the benefit of the Senator from Virginia the testimony of one man on that question, and I want to see whether he will agree that this witness states it fairly. This is the book containing the testimony on that question. I want the honorable Senator from Virginia to state to me whether this testimony is truthful:

It is well understood that the presence of United States troops at polling places never prevented the free exercise of the franchise by any citizen, of whatever political faith.

Thus far the witness agrees with me.

Mr. WITHERS. I ask the Senator what is he reading from?

Mr. BLAINE. That will not affect the testimony. The testimony must be true or untrue in itself. I do not want to bias the judgment of the honorable Senator from Virginia by telling the name of the witness. I beg him to hear the testimony:

If, then, they have had any effect whatever upon the ballot cast it has been to insure protection to the citizen casting it, in giving it to the candidate of his unbiased choice without fear, and thus securing the very essence of liberty. It may be, the presence of twenty-four United States soldiers under the command of a captain and lieutenant, quartered in the custom-house, at Petersburgh, Virginia, on the 7th of November, at a considerable distance from any polling place, with-

out any interference on their part whatever, and without going near the polls during the election, may have secured a different result from what would have been obtained if they had not been there, (to maintain the peace in case of riot,) on the face of the returns.

Is that a true statement?

Mr. WITHERS. No, sir; it is not, so far as I understand it. I have not been able yet to ascertain from what the Senator is quoting.

Mr. BLAINE. That does not in the least affect the quotation.

Mr. WITHERS. It does very much in my estimation. If the Senator is unwilling to give me the authority, I have no desire to go into it.

Mr. BLAINE. It is a witness that with a large number of people of the United States is a competent witness; it is the testimony of U. S. Grant, as President of the United States, in a message to Congress.

Mr. WITHERS. I supposed it was probably from that source, and I wanted to ascertain the fact. The Senator will agree with me that there Mr. U. S. Grant does not testify at all of his own knowledge, but simply submits to Congress the report made by the subordinate officers of the military.

Mr. BLAINE. Who were there. The Senator from Kentucky went largely into affidavits. I will go very briefly into them. Here is the testimony of George F. Marble:

These facts I reported to the republican headquarters, and when an opportunity presented itself forwarded a duplicate of each ticket issued to headquarters, each one having attached a coupon showing the name of the party to whom the original ticket was issued. Between the hours of three and four o'clock, as well as I can remember, an organized company of men, armed as above stated, filed in front of the building of which I was the sole occupant, and halted, when one Emmet Richardson came to the door and demanded to know "what in hell I was doing in there?" I replied that I was issuing republican tickets. He said, "Hand me that book," referring to the book which I held in my hand, and which contained the republican tickets. I tore one from the book, which I handed him. He said, "I want to see the rest," when I handed him the coupon. The same he tore up and threw on the floor, saying, "God damn it, I want that book," which I refused him. He then went away and joined the company, and the order was given to forward march, the company going up the street a few rods, when, turning around so as to face the building I was in, started upon a run and made an immediate attack upon a few defenseless negroes, who were standing around the place from which I had been issuing tickets, with clubs and stones, which they used without the semblance of mercy, besides shooting one man in the face, after having knocked him down with a stone.

This was at the May election in Petersburgh; here are several affidavits of men, showing not merely the coming there of individuals with arms, but companies armed, men coming with the military step armed, and here are the witnesses to the fact. Now I ask the honorable Senator from Virginia, while he is so tenacious in warning the United States troops with their arms off the ground, what objections he has to warning off other people with arms on election day?

Mr. WITHERS. Does the Senator desire an answer now?

Mr. BLAINE. I will take an answer now.

Mr. WITHERS. What the Senator from Virginia desires is that the preservation of peace at the polls should be left where the Constitution placed it, in the hands of the State and municipal authorities; and if, as the circumstances in that case tend to show, a riot is precipitated from any cause that the officials of the locality of the town in which it occurs should be looked to to preserve the peace; and if the ordinary police authority shall not be sufficient, (as was the case in Petersburgh,) then if there should be a State military organization there, their aid should be invoked to protect the lives and property of citizens.

Mr. BLAINE. Then the honorable Senator from Virginia, as I understand him, does not object to having troops on hand, only that they shall not be United States troops.

Mr. WITHERS. The fourth section of the fourth article of the Constitution in my opinion embodies the only circumstances under which the use of the United States military in the States is authorized.

Mr. BLAINE. The Senator is not answering my question. I asked him a direct question.

Mr. WITHERS. I think I am answering the question very distinctly and very directly. I am not answering it perhaps as the Senator desires me to answer it, but I am answering it in accordance with what I conceive to be the Constitution and the law.

I will also state that the circumstances of the election to which the Senator has referred were made the subject of examination, inquiry, and investigation by the House of Representatives, and if the Senator is anxious for information he will find by reference to that report the testimony of not one, two, or a dozen witnesses, but more than that number, to the fact of the presence of the troops in Petersburgh in sufficient numbers and in sufficient proximity to the polls to influence and control the election.

Mr. BLAINE. Not quite so near as that. Let me read:

UNITED STATES OF AMERICA,
State of Virginia, ss:

Personally appeared before me, J. L. Waterman, a commissioner in and for the eastern district of Virginia, Edward Edwards, who, being duly sworn, deposes and says, that he is a resident voter in the Fifth ward of the city of Petersburgh; that, on the 25th day of May last, that being the day of election for the municipal officers of the city of Petersburgh, that a company of persons, about twenty-five to thirty in number, who seemed to be under the drill, as captain, of one James Eames, a resident of said ward, having on the day above cited been drilled in a field called Battersea, and within a distance of thirty yards of place of voting, made an attack on this deponent by first striking him with a rock, and before recovering shot this deponent in the head.

This company under the command of Eames was drilling within thirty yards of the voting place. What I wanted to get at from the Senator from Virginia was this: As I understand his ground, it does not make any odds how many arms you have at the election polls, nor how many military companies you have there, only provided that the United States shall not have any there, and that the United States shall not have any in the elections in which the National Government is primarily and specially interested. Is that the ground I understand the honorable Senator to take? Certainly the United States is interested primarily in the election of members to Congress. I am interested in the election of Representatives to Congress in Virginia; the Senator is interested in those elections in Maine. Now, am I to understand the Senator's ground to be that the State or the city or the county may bring troops there on the day that a Representative to Congress is being elected, but that the United States shall not do it? I shall be glad to hear from the Senator specifically and directly on that point.

Mr. WITHERS. I will meet the Senator's interrogatory by another. As he is an eastern man I suppose he cannot object to that system. Do I understand him to say that at the election about which he has read, where these soldiers were said to have been present, he considers that as a national election or one in which the nation is interested?

Mr. BLAINE. No, that was not.

Mr. WITHERS. That was a municipal election.

Mr. BLAINE. Right there, if the Senator pleases. That occurred on the 25th day of May. There was attempted violence, and republicans could not vote; and on the 7th of November a national election was to come off. Various affidavits coming before the President of the United States that this outrage would be repeated on the day when a Representative to Congress was to be elected, the President of the United States, at the request of the district attorney of Virginia and the marshal of Virginia, put, not in the polling places, not within thirty yards, but in the custom-house in that city, twenty-four United States troops, in order that the outrages that were committed at the municipal election should not be repeated at the election of a Representative to Congress. That is the point the honorable Senator must meet, whether the United States has not as much right to keep order when its officers are elected as the State had when its officers were elected?

Mr. WITHERS. If the Senator will suppress his irresistible propensity to spring up pending an explanation I will attempt to enter into it. He is such an oratorical trap-ball that it is impossible to keep him down. The point I wish to make now is this: that by the testimony from which he has read, as given in this instance in the case of the investigation of that election, the allegation was proven false by the testimony of numerous witnesses showing that no such thing ever occurred. So far from there being any disturbance at the election in Petersburgh, or any reason to anticipate a disturbance in the fall election, it was the testimony of republicans as well as of democrats that a more peaceful canvass never occurred, that there was no reason whatever for asking the presence of the military; but the real secret of it (as the Senator will ascertain by examining the report made in the case and the speeches on the case) arose in this way: there was a contest for member of Congress in that district. There were three candidates: the regular democratic candidate, the present incumbent, Mr. JORGENSEN in the House, and a negro by the name of De Mortie, represented to be a very intelligent and influential man. They were running for Congress. The republican voters in the district being composed almost exclusively of colored people, naturally rallied to the support of De Mortie, and he had every assurance that he would receive the united support of his color in many, if not all, the counties of that district. Finding that such would be the case, the managers of the canvass put forth the report that Mr. De Mortie's election would not be agreeable to General Grant, and in proof of it that he would send troops down there in order to compel them to vote for Mr. JORGENSEN. That was the report that was current through the country there; that is testified to by numerous witnesses, and it therefore became necessary in order to carry the election for Mr. JORGENSEN that troops should be there, and consequently the marshal of the eastern district of Virginia, who was himself a manager of the campaign for the republican party, sent on here to the Attorney-General's Office the necessary certificates asking that troops should be sent there in view of a probable breach of the peace. The troops came. As soon as it was announced through the country that these troops had been sent down to secure the election of Mr. JORGENSEN such negroes as had formerly determined and expressed their determination to support Mr. De Mortie, the candidate of their race, dropped him and voted for JORGENSEN, and many white persons, according to their own testimony, were debarred from attending the election and casting their votes on account of a fear of the military that it was rumored through the country were sent there to prevent the democrats from carrying the election. That is the whole case.

Mr. BLAINE. Well, it all comes to this, that the plea of intimidating voters is only by United States troops. The State troops do not intimidate. The Senator avows his readiness to have State troops present, if necessary.

Mr. WITHERS. I never avowed any readiness; I simply defended the action under certain contingencies of using military force to suppress a riot.

Mr. BLAINE. That is all that anybody ever spoke of using it for. Now the Senator thinks that if a United States squad should be present

to suppress a riot, that would be an intolerable oppression; but that a State force can be present to suppress a riot and that is a perfectly harmless matter.

Mr. WITHERS. My friend will bear in mind the distinction which I have endeavored to make and which he fails to appreciate.

Mr. BLAINE. Oh, no; I do entirely appreciate it.

Mr. WITHERS. But I have no objection whatever to either State or United States troops being used for the purpose, when properly called upon. When they attend under the restrictions and regulations of the Constitution, whether they are State troops or United States troops, if their object be to preserve the peace and suppress insurrection, I have no objection to their being there.

Mr. BLAINE. Then will the honorable Senator vote for the amendment I have offered if I put in "except when regularly called out by order of the executive of the State?" Will the Senator agree when he is disarming the United States to disarm other persons at the polls so that the elections may be free from violent control, as he alleges it should be?

Mr. WITHERS. Will the Senator from Maine agree to vote for the bill if I do?

Mr. BLAINE. No; I will not.

Mr. WITHERS. Then I will not make a bargain all on one side.

Mr. BLAINE. I will not, but that is a very different position the Senator puts me in. I am perfectly willing that both shall be withdrawn; the honorable Senator is not. I am perfectly willing you may strike out the entire section, and I will withdraw my amendment; but the Senator wishes to disarm the United States at its own elections and leave not only the State, city, and county free to use force but all manner of ruffianism that chooses to be there armed with violent intent to do just what they choose. Why, Mr. President, it does seem to me to be something which a man can hardly argue with patience. I have asked, and I have never yet received an answer, and I deny that any answer has been made to my question; I deny that any Senator here can relate an instance in which a single citizen in the United States entitled to vote was ever deprived of that vote by the military, not one; and those citizens who have been deprived of their votes by red-shirted organizations of private or individual ruffians and by men who appeared with revolvers and bowie-knives at the polls are numbered by the thousands and the tens of thousands. And now we see a great move to provide legislation for an evil that does not exist and to leave the evil that does exist entirely unprovided for. There never has been any interference by troops with voters at the polls. The Senators from Indiana signally failed to make that out; for in the very year that the Senator from Indiana said democrats were prevented from voting his State threw a larger democratic vote than she ever threw before, and in the very year the Senator from Kentucky said men were not allowed to vote because of the interference of the Army, the democratic party threw twice and a half as large a vote as in the year when he said they were not interfered with by the Army. Mr. President, Senators on that side can vote my amendment down, as I am sure they will, but it will be heard of hereafter, and the gentlemen who take the ground that in a national election for National Representatives to the National Congress, the National Government can be warned off the ground and that every ruffian in the land can go there armed as he chooses to endanger the rights of other voters, can take that issue, and we will meet it before the people.

Mr. VOORHEES. Mr. President, in the order of Divine providence nothing is made in vain, and in the physical world every object has its sphere. This is eminently true in the world of men, and having known the Senator from Maine a long time I had assigned him a higher, a better, and a more useful sphere in public affairs than he seems determined to occupy. For many years I have looked upon him as fitted by nature to fill that place among men which the eagle occupies among the birds of the air. I have fondly hoped to see him soar toward the sun in the clear, upper atmosphere of an exalted statesmanship; but if as a matter of choice he adopts the part of the scavenger bird, hunts for offal, the cast-off and putrefying matter of past years, I may deplore but I cannot prevent such a course. If he prefers to abandon the pursuits of the lion, and follow the habits of the hyena, to dig into the graves of the past for loathsome and offensive things, I deeply regret it but it is a matter for him alone to decide.

Mr. BLAINE. Offensive to whom?

Mr. VOORHEES. Offensive to the public interests, if not to common decency. The Senator from Maine has seen fit to resurrect an old, stale, and exploded charge against an Indiana regiment on the field of Buena Vista.

Mr. BLAINE. No, sir. One moment. I disclaim the charge. It was a scandal against the Indiana regiment, and I showed that the southern friends of the Senator from Indiana were perpetuating that and teaching it to their children.

Mr. VOORHEES. I have no such southern friends, and I find no such miserable literature. I do not burrow in the sewers where such cast-off slanders are to be found. I never saw such a book as the Senator holds in his hand; I never heard of it until the Senator, a few moments ago, sought to rescue it from its anonymous and oblivious condition, and confer upon it a certain respectability by his public mention. A Senator of the United States can give a calumny, however gross, an air of probability without a direct indorsement, if he is simply willing to pollute his fingers by bringing it into this presence. While the Senator from Maine may say that he does not make this charge against the troops of Indiana or indorse it, I know him too well to be deceived as to his purpose in parading it here.

Sir, it happened in the Mexican war—that great war which resulted in so much glory and wealth to this country—that one of Indiana's five regiments was placed in an exposed position on the field of Buena Vista; it was placed there before it was fully known, even by that great and sagacious military leader, Zachary Taylor, where the brunt of battle would fall. He was awaiting, not delivering battle. The Senator from Maine, although like myself wholly destitute of military experience, although like myself he fought the battles of his country by a substitute, (and I think mine was better than his from his account the other day,) must know how unexpectedly sometimes the full force of an enemy making attack falls on an exposed part of the line of battle. It happened so in this instance, and for the truth of history I appeal to the bloody record of that day. Within twenty minutes after battle was joined the Second Indiana Regiment suffered more in death and wounds than any other regiment that ever stood upon a field for no greater length of time. They were in a position that five regiments could not have held, their firing was rapid and determined, their ammunition almost exhausted; they broke. That is true. Some of them rallied afterward; a few did not. Of those who rallied was then Captain Nathan Kimball, afterward Major-General Kimball. With a large portion of the regiment he formed on one of the Mississippi regiments, perhaps the Fifth, I do not remember the numbers, and fought all through the conflict.

The Senator from Maine obtrudes that historical question here. Let me ask him why it is he presumes to criticise the conduct of Indiana troops, when there was not a single soldier there from Maine? Indiana behaved well, extremely, bravely well; and her blood bathed every battle-field in the subsequent war of the rebellion. She sent three times as many troops to the field in that war as Maine. The district that I represented in the other branch of Congress sent more troops than the entire State of Minnesota, from which we heard such a criticism through her Senator on Indiana last evening. Why does not the Senator from Maine learn a lesson of common prudence? Why does he not look behind him? Why does he not stop to inquire whether anybody represented Maine on that bloody and glorious field of Buena Vista, before he assails those who were there? Why, sir, not only Maine but New England was not there! All New England was absent with the exception of a regiment of regulars raised by the general act of Congress, of which that gallant and immortal spirit, now gone to his great reward, Thomas H. Seymour, was, as I remember, major—Thomas H. Seymour, whose counterpart for courage, high spirit, and fidelity to the Constitution is here on this floor in the person of the Senator from Connecticut, [Mr. EATON.] This is all, with the exception of a hired levy made in New York on money raised in Massachusetts by Caleb Cushing, who was then a democrat. Is it not a shame that Massachusetts and Maine and all New England were not better represented in that great conflict for national honor?

Mr. BLAINE. Where was Franklin Pierce, whom you made President of the United States?

Mr. VOORHEES. Ay, sir, how like retributive justice it sounds to hear the Senator from Maine call upon the name of Franklin Pierce to save the reputation of his own section! [Laughter.] I am rejoiced that New England is at last forced to shriek, "We had Franklin Pierce." I thought I would catch the Senator. I thought he would bite at the temptation of Pierce's name and services. I was waiting for him. [Laughter.] With what jeers and gibes and sneers this name has hitherto been mentioned by the Senator and his party; and yet, in his despair, like a noted character in ancient history who cried, "Help me, Cassius, or I sink," the Senator from Maine cries out, "Help me, oh, memory of Franklin Pierce, in the war with Mexico, or all New England sinks."

Mr. MORRILL. Will the Senator from Indiana allow me to remind him that he omits entirely a very gallant colonel from Vermont who lost his life, Colonel Ransom?

Mr. VOORHEES. In the regular Army?

Mr. BLAINE. No, sir.

Mr. MORRILL. The volunteers.

Mr. VOORHEES. Had Vermont altogether one volunteer soldier?

Mr. MORRILL. Certainly.

Mr. VOORHEES. I have examined this question at the Adjutant-General's office, and I say here, that with the exception of here and there a sporadic case not amounting to a whole regiment—I think not a company—all put together, there was no volunteering from New England.

Mr. BURNSIDE. The Senator from Indiana will allow me to state that from the State of Rhode Island I think there were as many soldiers in proportion to its size and as many officers as there were from the State of Indiana. Colonel Slocum, who was killed at the first battle of Bull Run, was an officer in a company from Rhode Island. General Pitman, who was in the late war, was captain of a company from Rhode Island. General Viall, one of the most prominent officers of the State of Rhode Island in the late war, was in a company from Rhode Island; and I think if the comparison was made, it would be found that Rhode Island sent as many soldiers and as many officers in proportion to its population to the Mexican war as the State of Indiana.

Mr. VOORHEES. I am sorry the Senator from Rhode Island comes

to the rescue of my opponents. He was born in Indiana, and started on his illustrious career from that State. A stab from him now might properly extort from me the exclamation, "*et tu Brute!*" I say to him, however, and I say to every other Senator, that there were not one thousand volunteers from New England in the Mexican war. There were not half that number, nor one-fourth. There were regular soldiers from those States in the Army before the war with Mexico, and they behaved well. I repeat, there were no volunteer troops, as such, from the six States of New England. They had regular troops in the Army before the Mexican war broke out who did their duty and did it well, many of whom fell illustriously upon the field of battle; but when the question arises whether the popular heart of New England responded to the call of the country in a war with a foreign foe, history records in no uncertain phrase, in no doubtful language, that she did nothing of the kind.

Otherwise why would Cushing have raised a regiment in New York, I speak from the record, to be somehow credited to New England? He recruited with the use of money a regiment nearly one thousand strong. They illustrated their venal character afterward in the fact that 25 per cent. of them deserted the service in the face of the enemy in a foreign country. Well they might. They did not belong to the substantial and worthy element of the people of New York; they were hired, hired with money; and I repeat that 25 per cent. of them deserted the colors of their country in the face of the foe. When hereafter a Senator from New England is disposed to gibe at a broken, bleeding, reeling western regiment, driven from the field by a force of ten to one, I think he will pause to reflect whether any man from his own State was there, even as a sutler, a camp follower, a mule driver, in any capacity whatever. When the roll of the living and the dead for Buena Vista is called, there is no answer for Maine except in the voice of the Senator from that State, with daring hardihood criticising the troops that were there. I see before me the gallant Senator from Illinois, [Mr. LOGAN.] Although political differences have divided us, although the tide of political events have broken up ancient political ties, I never look on him without respect for a brave and gallant soldier. He was in Mexico. He knows whether it well becomes New England Senators to flout at the misfortunes occurring in a bloody day to an Indiana, or an Illinois, or an Ohio regiment, or to the regiment of any other Western State.

Mr. BURNSIDE. Mr. President——

Mr. VOORHEES. I do not wish to prolong this debate on the question of Mexico, because I have to go on. I have other work before me.

Mr. BURNSIDE. Will the Senator allow me?

Mr. VOORHEES. The Senator from Rhode Island knows how willingly and how readily I would yield to him if I did not feel that I must get along with some things that I yet desire to say.

Mr. BURNSIDE. The Senator from Indiana does not desire to misrepresent——

Mr. VOORHEES. Oh, no.

Mr. BURNSIDE. I want to correct him.

Mr. VOORHEES. I will hear the Senator. What does he desire to say?

Mr. BURNSIDE. The troops to which I referred were raised for the war and had nothing to do with the regular Army before the war. They were raised to enter the service for the war.

Mr. VOORHEES. What war?

Mr. BURNSIDE. The Mexican war, and they were not in the regular Army before that war.

Mr. VOORHEES. I say to the Senator in all frankness, and with perfect respect for his large military experience, that I will go with him to-morrow to the Adjutant-General's Office and if he can find even one full company of volunteers raised in New England under the call of the Government for volunteers to fight Mexico, I will state that fact hereafter on this floor. I think that is fair.

Mr. BURNSIDE. Very well; I will go to the Adjutant-General's Office with the Senator from Indiana to-morrow.

Mr. VOORHEES. All right; we will go together.

Mr. EATON. I know my friend will allow me one word.

Mr. VOORHEES. Certainly I will.

Mr. EATON. He does not desire, of course, to misrepresent New England at all. I know he does not. Now, I wish to say here, the Ninth Regiment, which was called a regular regiment, was a regiment of New England men, mainly gotten up through the influence of the gentleman spoken of by the Senator from Vermont, Colonel Ransom, and my friend Colonel Thomas H. Seymour, of Connecticut, who was one of its majors.

Mr. VOORHEES. But they were not volunteers. In fact and in law they were regulars.

Mr. EATON. They were volunteers in one sense, for they were the bone and sinew of New England. They were troops that were enlisted through the influence of New England men.

Mr. VOORHEES. They were on the roll of the Army as regulars raised, as I understand, under the ten-regiment bill, and not all from New England.

Mr. EATON. As the Ninth Regiment.

Mr. BURNSIDE. Will the Senator from Indiana allow me a word more?

Mr. VOORHEES. I beg pardon for declining, but I must go on.

Mr. President, there is a reason for this hostility to the Mexican war which lies back even of that event. New England was never in favor of the extension of the boundaries of this country. The Mexican war grew out of the annexation of Texas. When I speak of New England my friend from Connecticut [Mr. EATON] must not understand that I am criticising the democracy of that section. I am assailing that nefarious sentiment which always opposed Jefferson, and the extension and glory of this Republic. The Puritan federalist of New England is the character I am speaking of. He opposed every step of progress the American people have ever taken.

The Mexican war grew out of one of the grandest progressive events the world has ever known. The annexation of Texas is really without a parallel in the history of nations, and arising out of that event behold what has happened since! We have acquired a wealth of States and Territories that rivals the grandest epoch of the Roman Empire. If, however, the predominant sentiment of New England had triumphed, nothing of this would have happened. Texas would either be to-day an independent government or subjugated to Mexico or some other foreign power. New Mexico would not be an American Territory; California, with her golden mines and silver mountains, would not be ours. San Francisco would belong to some distant nation; another flag would float upon the Pacific coast. All this would have happened if the policy of New England, whose brilliant representative is the Senator from Maine, had prevailed; and yet he feels it worthy of himself not merely aspiring to be, but actually believing himself and believed to be, a statesman—he finds it worthy of his public ideas to carp at and hold up to animadversion the conduct of one regiment on a glorious field where they struggled and bled to accomplish all the mighty results which have actually followed, while no man from Maine answered the roll-call on that stricken field either before or after the battle, either from the living ranks or from the dead. Maine was no such new-comer into the Union that she needed to be entirely exempted. She was admitted in 1820; she had enjoyed the protection of the laws of this country and the honor of its flag for more than a quarter of a century.

Sir, let us go back a little further. When Mr. Jefferson was President it was by his skill as a diplomatist, by his energy as an executive officer, by his prevision as a statesman, that the western boundaries of this country were extended from the Mississippi River to the Pacific Ocean. All that mighty region extending from the British Possessions to the Gulf of Mexico and from the Mississippi to the Pacific Ocean stands as an everlasting monument to the wisdom, foresight, and sagacity of Thomas Jefferson. The entire New England sentiment, however, now represented here by the Senator from Maine, denounced him and his policy. They would have left the mouth of the Mississippi River in the hands of a foreign power; they would have made us beg, dicker, and barter for our right of way down that great national channel if they had been successful.

Sir, there are no apologies to make for the Northwest, one of the central states of which is Indiana. We do not come here to bow down to those who come from the East, in many respects a more favored section. Last evening the Senator from Maine and the Senator from Minnesota vied with each other in disparaging the State of Indiana. The Senator from Maine saw fit to repeat to-day what he then said, that one Massachusetts regiment stampeded all the democrats in Indianapolis, and demoralized them. I have no reply to make to that.

Mr. BLAINE. I never said it at all.

Mr. VOORHEES. I so understood you; and my reply is that Indiana casts 165,000 more votes than Maine and Minnesota put together, and she sent twice as many troops to the field as both those States put together. She also casts more votes than Maine and Massachusetts put together, and she sent as many troops to the field as both Maine and Massachusetts. Allow me to say in this connection that the Senator from Maine does himself great injustice when he speaks, as he has often done, in derision of the influence which the presence of soldiers creates at the ballot-box or in any other part of a peaceful community. I once heard that well illustrated by a friend and kinsman of mine in New Orleans. I said to him, in view of the troubles there, "A single regiment can hold your State in absolute subjection." "Yes," said he, "not merely a single regiment, but one single soldier planting the flag, sticking the staff in the sand, with the flag aloft, will govern the State; the emblem of authority, the insignia of government is enough." The Senator from Maine knows this to be true as well as any Senator on this floor. He knows that his argument is spurious and absurd when he speaks of the paucity of numbers in connection with soldiers and free elections. One soldier as the emblem of power is as good as a thousand, and he knows it. When he rises here and repeats for the fourth or fifth time that it is absurd to cry out against the use of troops at the polls, because there are not enough to control all the elections, he commits a mockery, and there is not a fair-thinking man on this floor who does not know it. It is the merest trifling to say there are not enough troops to control all the elections, when we all know that the control is by virtue of the emblem of authority, and not by reason of the actual numerical force.

Mr. President, I turn now to another matter. The Senator from Maine, with his peculiar talent, thinking doubtless that nobody else would take the same pains, has, as it appears, hunted up the vote of Marion County, Indiana, for some years back. I will enlighten him still further on that point. He says that because in 1864 my col-

league, then the democratic candidate for governor of the State, received about 100 more votes—that is the result of his calculation, I believe—than Stephen A. Douglas in 1860, therefore there could have been no intimidation; therefore the alleged outrages committed by a military mob cannot be true. I have said there was a military mob in Indianapolis in the fall months of 1864. I repeat it. There was a disorganized, disorderly, demoralized military camp there at that time. Its condition can be accounted for from the fact that it was commanded by officers who never sought service at the front and who disgraced in many instances the uniform they wore. Those whom I mean will understand what I say. But let us examine the point raised by the Senator from Maine. I have facts here to submit. I have figures as well as he has. I have statistics here that the Senator from Maine would do well to attend to.

In 1862 the republican vote for secretary of State in Marion County was 4,844, and the democratic vote for the same office was 3,863, being a republican majority of 981 in that year. It is not long till we reach 1864. Two years is a brief period. Populations do not swell very enormously in that length of time. I will venture to repeat my statement of figures in order to emphasize conclusions.

In 1862 the vote in that county for the republican candidate for secretary of state was 4,844, for the democratic candidate 3,863, giving a republican majority of 981. In the year 1864, the year under discussion, the figures stand as follows: Governor Morton received 9,554 votes, and Senator MCDONALD received 3,221 votes, making a republican majority swollen from 981 in 1862 to 6,333 in 1864. How is this to be accounted for? Solely on the ground stated by my colleague yesterday, that there was a vote given that did not belong there, making the aggregate vote larger than one-half the ascertained population of Indianapolis, men, women, and children included. The Massachusetts troops spoken of, and perhaps others, voted illegally and as often as they pleased. How was it also in the district which I then represented? The personal view of the matter is nothing; that is of no consequence. I accept defeat without depression and success without elation.

In 1862 I received as the democratic candidate for Congress in the county of Vigo, of which the city of Terre Haute is the county seat, 2,121 votes, and my competitor, Mr. Scott, received 2,068. In 1864 I received 2,265, an increase of 144 votes. This was a natural and legitimate increase in two years; but what is the showing for the republican candidate? The gentleman who ran against me in 1864 was by no means so strong in Vigo County as Mr. Scott, who made the race in 1862, yet he received 2,856 votes in that county, showing a republican increase in the space of two years of 788 as against a democratic increase of 144. I presume the Senator from Maine will find some way to explain these figures to his own satisfaction, but to nobody else's. They fasten but one conclusion on every fair mind. The republican party cast a false and spurious vote in Vigo County in 1864. The leaders of that party took advantage of the disorders then prevailing to import repeaters from other States, some in the guise of Massachusetts soldiers, and some from other quarters. They did not intimidate anybody at Terre Haute; they drove no one from the polls at that place, for we made that city a free shire during the war; but they voted themselves and repeated as often as possible.

But, Mr. President, while I am on my feet I desire to pay some attention to another matter. We have heard so much clamor and persistent outcry from republican leaders in regard to the alleged hostility of the democratic party to the Federal soldier that I propose to say a few words on that subject.

A short time ago the republican party of Ohio, in nominating as their candidate for governor a man who staid at home during the entire war and never exposed himself to a moment's danger, saw fit in connection with that nomination to indulge in a hypocritical gush against the abuse which Federal soldiers were receiving from the democratic party. They passed the following resolution:

Resolved, That the memory of our dead heroes who gave their lives to save the nation from destruction protests against the expulsion of their living comrades from public offices to gratify the partisan purposes of the dominant party in Congress.

Sir, it so happened when the present session of Congress was organized that it became my duty as a member of a committee to look into the number and character of the Senate employés. I supposed, and had a right to suppose, from the loud pretense of republican love for the soldier that at least every other man officially connected with the Senate was a discharged and wounded veteran. Sir, I here state the fact, and it shall go to the country, that when the Senate was turned over to the control of the democratic party we found just six wounded soldiers on its rolls, and no more. Out of one hundred and fifty men in employment at this end of the Capitol you had six, and only six, who were crippled in the service. I wonder that you had that many considering how easy it would have been to keep up the false pretense without any at all. But where are those six now under democratic rule? They are all here now. It afforded me great pleasure with my humble influence to recommend that each one of them should be retained for the sake of the blood he had shed, and they are all here. Every man who bled under the flag and who was here on the 4th of last March is here now.

Mr. FERRY. The Senator from Indiana does not wish to misstate. I remind him of the late Postmaster of the Senate, who is a wounded soldier and has been discharged by the party of the majority in the Senate——

Mr. VOORHEES. He was not a wounded soldier. He may have been a soldier. He did not report himself as wounded.

Mr. FERRY. He is a wounded soldier, and was so reported and known as such.

Mr. VOORHEES. He was not so reported or known on this side of the Chamber. Every wounded soldier who reported himself as such is here to-day at these doors. I can name them all.

Mr. FERRY. I simply state that he is a wounded soldier, and his condition will prove the fact. Let that test the correctness of my statement.

Mr. MCDONALD. He did not make any complaint on that ground.

Mr. VOORHEES. The police board, composed of men of both parties, has removed the Chief of Police; but his place is filled by another soldier as good. Does the Senator want to talk about particular cases?

Mr. FERRY. No; but when the Senator from Indiana makes the broad statement that there were none of the wounded soldiers who were dismissed, I simply rise to state that, so far as the State of Michigan is concerned, represented in the case of the late Postmaster Creary, he is a wounded soldier and was discharged. I simply want to correct the Senator.

Mr. VOORHEES. Then the late Postmaster has more to complain of in the conduct of the Senator from Michigan than he has of anybody else; for this is the first time that fact has been communicated. It was a subject of investigation for the purpose of not allowing a single man who had felt lead in his body on the field to be removed, and the Senator from Michigan can only congratulate himself in informing the Senate and the country too late to do the man any good.

Mr. FERRY. I but repeat the fact, and it was stated throughout the press at the time, and I think Mr. Creary is entitled to a great deal of credit for his service here not only in having commended himself so generally to the approval of members of the Senate, but in not making the point of his wounds to shelter himself from dismissal. There were many others who did state it before and at the date of dismissal, and the press took it up; but, so far as he was concerned, he quietly acquiesced in the order of the authority here in control, believing, as the democratic party had the majority here, it was their political pleasure, it was certainly within their power, to remove him, and he accepted the situation. But so far as the statement that he was not a wounded soldier is concerned, I state the fact to be so, and his condition as well as his statement, his military record, and that of the press, will substantiate what I say.

Mr. VOORHEES. I do not dispute the fact if the Senator says it is a fact; but his is only another instance of republican infidelity to a wounded soldier in not having disclosed that fact sooner.

Mr. FERRY. That was stated to the Senator's colleague before dismissal, and he replied that he was not disabled, which is not the point the Senator seeks to make.

Mr. VOORHEES. I cannot yield further. My time will not permit.

Mr. FERRY. As I noticed the Senator's colleague [Mr. MCDONALD] was rising, I only wished to add that the reply of his colleague was that he was "not a disabled soldier." That, I repeat, was not the point. The point stated by the Senator from Indiana before me was that no wounded soldier was discharged.

Mr. CONKLING. Other disabled soldiers were discharged.

Mr. MCDONALD. I very cheerfully bear testimony to the fact that Mr. Creary, late postmaster, was a good officer, but he was not known as a wounded soldier until after this question had passed beyond the control of the committee to which it belongs. He did not make any claim on that ground at all.

Mr. FERRY. Mr. Creary has never paraded his wounds, has never boasted of his services; but when the chairman of the committee, the Senator from Pennsylvania, [Mr. WALLACE,] stated in his remarks prior to his dismissal that it was not the design of the democratic party to remove any wounded soldier, notwithstanding, Mr. Creary was removed on the next day, or the next day but one, it certainly then became generally known, if not before, that he was a wounded soldier; and inasmuch as such a statement had been made, it was a surprise not only to him, but to his friends and the country, that he, being a wounded soldier, had been dismissed. Since the Senator from Indiana [Mr. VOORHEES] has singled out the State which I in part represent, I desire to add, in justice to Michigan, that of the six employés of her citizens in this Capitol, kept in office by the republican party, four of the six were wounded soldiers—one, the late Postmaster of the House, (Mr. Sherwood,) having lost one leg; another, Mr. Bishop, having lost an arm; another, Mr. Coleman, with one arm, and the other, Mr. Creary, late Postmaster of the Senate, wounded defending the flag of the Union; and all these four wounded, and all have been dismissed from employment by the party now holding the majority in both Houses of Congress.

Mr. MCDONALD. It takes nothing from the statement of my colleague that this committee did make a thorough investigation for the express purpose of retaining every wounded soldier who was then in the employ of the Senate unless he should be removed for cause, and that fact was not known to them nor to the members of the majority on this side until the order for his removal had gone forth.

Mr. VOORHEES. The facts being as stated by the Senator from

Michigan, of which I have no doubt, he has only to blame himself for this removal because he did not do sooner what he has done to-day. Enough on that point.

In regard to the employés of the House I submit the following:

DOORKEEPER'S OFFICE,
HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., June 6, 1879.

I certify on honor that there are now upon the rolls of the Doorkeeper's department, House of Representatives, my appointees, twenty gentlemen who served in the "Union Army" during the late war. Of this number is Colonel Baker, chief of document-room, one of the most responsible positions in the House; a second is Captain Knight, assistant doorkeeper, appointed by me to that place for the reason that he was a Union soldier and fought against me during the war.

CHARLES W. FIELD.

ENGINEER'S DEPARTMENT, HOUSE OF REPRESENTATIVES,
June 5, 1879.

There are employed in the engineer's department of the House of Representatives two persons who served in the war for the Union, namely, William Lannan, chief engineer, who served in the Navy, and S. J. Davenport, who served in the Army.

WM. LANNAN,
Chief Engineer House of Representatives.

CLERK'S OFFICE,
HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., June 6, 1879.

There are employed in the office of the Clerk of the House of Representatives five ex-Union soldiers, among whom are Hon. George M. Adams, Clerk of the House, and Henry H. Smith, journal clerk.

GREEN ADAMS,
Chief Clerk House of Representatives.

Sir, the soldier roll at this hour, with the democratic party in the ascendency in both branches of Congress, under the control, if you please, to use a hackneyed phrase, of "confederate brigadiers," shows a better patronage bestowed on the Union soldier than it did when the republican party had unlimited sway.

But I come to another feature of this subject which constantly confronts us. I listened, as we all did, some time ago to the brilliant speech of the Senator from New York in which he fiercely arraigned the democratic party on account of the present composition of the Senate. Because a number of gentlemen on this side served in the confederate army and a less number on the republican side served in the Union Army, therefore in his opinion the democratic party was largely to blame, and therefore he launched all his powerful invective against us.

I call attention to the passage to which I allude in the speech of the Senator from New York. He said upon that occasion:

Twenty-seven States adhered to the Union in the dark hour. Those States send to Congress two hundred and sixty-nine Senators and Representatives. Of these two hundred and sixty-nine Senators and Representatives, fifty-four, and only fifty-four, were soldiers in the armies of the Union—

He is now speaking of the House as well as the Senate—

The eleven States which were disloyal send ninety-three Senators and Representatives to Congress. Of these, eight-five were soldiers in the armies of the rebellion, and at least three more held high civil station in the rebellion, making in all eighty-eight out of ninety-three.

Let me state the same fact, dividing the Houses. There are but four Senators here who fought in the Union Army. They all sit here now; and there are but four. Twenty Senators sit here who fought in the army of rebellion, and three more Senators sit here who held high civil command in the confederacy.

He says there are four Union soldiers sitting now on that side. I can count but three, but I will take his count.

Mr. CONKLING. Which three does the Senator mean?

Mr. VOORHEES. I count the Senator from Illinois, [Mr. LOGAN,] I count the Senator from Rhode Island, [Mr. BURNSIDE,] I count the Senator from Kansas, not now in his seat, [Mr. PLUMB,] and I never heard of anybody else. I do not know who the other is. Will the Senator from New York tell me? If I am doing any man injustice, let me know it; I would not do so for any consideration whatever. Shall I treat it as three or four? The Senator from New York says "four" in his printed speech, and there are four I am now told who were under the colors of the Union in the late war. Be it so. With powerful force, with vehement voice and gesture, and with a look of lofty reproach and menace, the Senator from New York called us to account for that state of affairs. He assailed us until we sat here looking at each other in a sort of bewildered way wondering which one among us was most to blame because there were not more members of the Senate on the republican side, chosen by republican Legislatures, who had served their country under the flag in the time of danger. The Senator so amazed me, and arrested my attention so thoroughly that I have looked into the subject somewhat since. Sir, I am the last man to indulge in a wanton personality; but the Senator from New York cannot complain—I will not say complain, for that he never does—but he cannot charge me with a want of fairness when I remind him, as I do now, that since the war closed there have been four Senators elected in the State of New York by republican Legislatures. Each time the party of which the Senator is so brilliant and distinguished a leader and ornament had an opportunity to send somebody here who had shed his blood or offered to shed it in the war for the Union. Four times they refused to do it, three times by sending the Senator himself, and once in sending a gentleman whom I presume I may mention as once his colleague, Mr. Fenton. Four times the party of which the Senator is leader and king in his own State had a chance to select as Senator some soldier who had adorned the history of New York by his valor, who had been conspicuous by his heroism, who had faced the belching batteries of the enemy, and yet each time the towering figure of the Senator himself intercepted the soldier's hopes. Those who wore the blue went to the rear while the tall plume of the civil chieftain went to the front; and yet he now rails at us for not filling the republican seats on this floor with Union soldiers! Amazing spectacle!

Was ever such daring displayed before in the Senate? Does the Senator assume that our forbearaace is illimitable? Behold him; the representative of a State which four times has had the opportunity to send some one of her many soldiers to this place, and which has persistently refused, arraigns others in that regard! The Senator from New York said and said well, as he says everything well, that New York sent a half million of her men to the field. So she did. I claim an interest in the glory of New York. She is the great metropolitan State of this Republic. New York City is the great commercial outlet for us all. The Senator from New York can never utter one word of praise adding to the distinction and glory of his State that will not meet with a warm response from me and from the western people. And I insist that in the vast population of that great State there are many soldiers who would make good Senators if the republican party would only give them a chance.

Firmly persuaded, however, Mr. President, that the Senator from New York by this time feels convinced and convicted in his own mind of his errors upon this point, I will pass to another State, a very busy State on this floor through its great-brained and warm-hearted Senator. If I have not heard the exact words fall from his lips which we heard from the Senator from New York, yet the same spirit has pervaded all he has said. He has made constant assault on the democratic party for its alleged hostility to Federal soldiers. He too has been disturbed because there are so many men on one side of this Chamber who periled their lives in battle and so few on the other. If this fact is to be deplored, then I ask why comes the Senator from Maine [Mr. BLAINE] here? Why does he not yield to some gallant soldier from the Pine Tree State? The Senator from Maine was just as good a soldier as I was, and no better. We both staid at home, and kept our seat in Congress; we paid our money to fill the quotas of our townships and in this way hired substitutes. Some of my kindred, perhaps it is not proper for me to say also some of my wife's kindred, went to the front, and some of them died from wounds in battle. How that may be with the Senator from Maine I seek no further to disclose.

But there have been in the State of Maine five elections for Senator since 1865, each time resulting in the choice of a republican Senator. Are there in fact no soldiers in that State to send to the Senate? Is there nobody there fit to be a member of this body who wore the blue during the war? If there is and he has been jostled aside by the superior ability and I will not say artifice but ingenuity of the Senator from Maine, certainly that Senator ought not to come here and reproach us for his own grievous fault. Five times the State of Maine has had the chance to do honor to some soldier in her borders, and five times she has done nothing of the kind, and thus she has added five conspicuous illustrations of the dire hypocrisy, the vile sham, and black, false pretense of the republican party in its pretended love for the Federal soldier.

We have now and then heard a rush of fervid sound from the State of Michigan. It comes sometimes as a hurricane of wrath. It invokes all the bloody memories of the past and wishes the country to feed on them. The Senator from Michigan [Mr. CHANDLER] is especially incensed at the presence of a democratic majority, and at the presence of more Senators who fought in the confederate than in the Union Army. The confederate soldier was sincere, for no man can deny the good faith of those who freely die for their principles. When such men pledge themselves to the Government, as they have since the war, I believe in their manhood and honor.

But what right has the Senator from Michigan to complain that Union soldiers are not here to meet them as Senators as they often did on the field?

Since 1865, the close of the war, four elections in Michigan have taken place for Senator. What soldier has been honored? Not one. My friend who sits opposite me [Mr. FERRY] knows that I am not complaining that he is here, or criticising the wisdom or the judgment of the Legislature that sent him; nor will the other Senator, [Mr. CHANDLER,] junior in rank but senior in years, misunderstand me. I intend, however, to silence those who reproach the present composition of the Senate, or compel them to explain why it is that their own States have so universally ignored the Federal soldier and sent men here who staid at home, never confronted the enemy nor encountered danger during the war. How well the gallant and brave Senator from Illinois [Mr. LOGAN] understands this. I think I can at this moment read his thoughts. The "home guards" are here in force. We see them all around us. The proper order of things is here reversed. The rear ranks are to the front, and the front ranks have gone to the rear. And now these rear men in war and front men in peace fill all the air with a dismal cry over the injustice which they themselves have inflicted on the soldier.

Mr. FERRY. Will the Senator allow me a moment?

Mr. VOORHEES. I do not believe that you ought to want to interrupt me, but I will yield of course.

Mr. FERRY. Since the Senator has volunteered allusion to the State of Michigan, which I have the honor in part to represent, I

would suggest to the Senator from Indiana that it is hardly in taste that he should criticise that State and other States as represented on this side of the Chamber when he does not himself as the representative of his State set an example. I fail to discover a Union soldier representing the State of Indiana now on this floor.

Mr. VOORHEES. I am as good a one as you were.

Mr. FERRY. The Senator will allow me——

Mr. VOORHEES. That is a fine point for a man to make who staid at home with such fidelity as the Senator from Michigan did. [Laughter.]

Mr. FERRY. I was not the one who raised the point. The Senator from Indiana made the criticism, and I will not follow him in that respect. I may, however, add that the Senator himself has no laurels earned on the battle-field. Nine-tenths of the Union soldiers of Michigan united in choosing me to represent them on the floor of the Senate, and that is more than the Senator from Indiana can say of the Union soldiers of his own State. I am merely replying to him and saying that it is not in good taste for the Senator from Indiana to criticise the State of Michigan and other States when there is not a man who served in the Union Army representing the State of Indiana; and more than that, I would state to the Senator that I have scanned the Senators who now face me, and there is not a Union officer or a man who served in the Union Army on the democratic side, and they are now in the majority on this floor.

Mr. VOORHEES. Mr. President, I did not raise this point; it was raised in enormous proportions by the Senator from New York and others on that side. The Senator from Michigan could not have misunderstood me. I stated that I had heard complaint from his own State on this subject. There is where the point came from. I am not for the first time raising it.

Mr. FERRY. When was it?

Mr. VOORHEES. I beg pardon. I cannot yield further. The point was raised by your own party in fierce declamation here with an appeal to the country against this side of the Chamber, and on account of what? On account of a state of things which was within your own party's control; on account of the fact that you have but four men in the Senate who were ever under the flag. I am pointing out that in common decency you ought to be silent on the subject, because you have had a hundred chances, taking all the States throughout the North together, to remedy the very evil you rail about, and you have not done it. The Senator from Michigan says that no Union soldier has been elected from Indiana. I reply, which is good enough as far as it goes, that I am as good a soldier as ever he was, and my colleague I will put against his colleague. So honors are easy in that regard.

Mr. FERRY rose.

Mr. VOORHEES. I cannot yield now. The Senator knows I do not decline out of personal disrespect, but I cannot go into a running controversy further on this point.

Mr. FERRY. But when the Senator from Indiana——

Mr. VOORHEES. The Senator from Michigan knows when I decline to yield he ought not to insist.

The PRESIDING OFFICER. The Senator from Indiana declines to yield.

Mr. VOORHEES. I do it without the slightest personal disrespect, but I laid out for myself a work this afternoon much of which yet remains to be done. A word more, however, in response to the Senator's remarks in regard to the fact that Indiana is not represented here at this time by Federal soldiers. Nor was she so represented when your party had the Indiana Legislature and sent Oliver P. Morton, Daniel D. Pratt, and that class of statesmen. The republican party in Indiana, with all its clamorous outcry about the soldier and its love for the soldier, always pushed the soldier aside, and sent men here who never faced the enemy. The Union Army is as well represented on this floor to-day, so far as Indiana is concerned, as it ever was. When the republican party was in power, before it was broken down by its crimes, its shams, and its hypocrisy, when it controlled Legislatures in that State it sent here men of ability and of whom I speak with entire respect, but they were just such distinguished veteran soldiers as the Senator from Maine and the Senator from New York, neither better nor worse. But to proceed.

Mr. BLAINE rose.

Mr. VOORHEES. I suppose I shall have to yield.

Mr. BLAINE. Do I understand the Senator from Indiana to maintain that himself and his colleague represent the soldier vote of Indiana just as much as Senator Morton did?

Mr. VOORHEES. Yes, sir, just as much.

Mr. McDONALD. I think more.

Mr. BLAINE. We doubt on that.

Mr. VOORHEES. Just as much, did as much individually for the safety and comfort of soldiers in hospital and field, more out of our own means; certainly as much as any other two men in the State, and I am willing for that statement to go home.

But let us go on. The senior Senator from Vermont [Mr. EDMUNDS] is not here. I hope prosperous gales are attending upon the ship that is bearing him abroad. I took a kindly leave of him, and I wish him a pleasant and safe voyage; yet if he were here I doubt not his voice would be swelling the chorus of assault, because there are more military men on this side of the Senate than on the other side. Sir, Vermont has held seven senatorial elections since the war closed. There could not have been any soldiers, I think, in that State, or some one might have been found in seven trials. The State is not large, the population is not extensive. Seven times a Senator was called and seven times a civilian answered and was chosen. Seven times the roll of public merit has been called of those who deserved well of their country; and seven times the eager, hungry, stay-at-home, home-guard politician has rushed to the front, seized the prize, and the soldier has staid at home. He comes not here from Vermont.

What I say of Vermont is likewise eminently true of the Old Bay State. There have been six senatorial elections in Massachusetts since the war, and where is the face of the bronzed veteran on this floor? Why comes he not? Why does he remain away from these Halls? Massachusetts sent, I believe, one hundred and fifty thousand troops to the field, and yet not one is honored by a seat on this floor, and the hearts of the two Senators from that State beat in unison with the heart of the bold Senator from New York as they all together charge on the democratic party in hot anger because the republican party, almost omnipotent all over the North, has sent here but four men who were Union soldiers, while the South has sent twenty or thirty—I do not know how many, nor do I care—who were soldiers on the other side.

Sir, I think perhaps I have illustrated this phase of hypocritical politics sufficiently for the present, and, if so, I may pass to another feature of the same general fraud. The cry is not only that there are too few soldiers of the Federal Army in Congress, but there is a great panic because there are too many of what are called confederate brigadiers. They are painted as very dangerous characters; they are held up to the country for the purpose of alarming it. We are to have a shrieking campaign in Ohio; it has now commenced in favor of a man who staid at home and put money in his purse, against two Federal soldiers traveling on three legs between them, and the issue is the danger of confederate brigadiers!

That is to be the battle-cry of the republican leaders in the great Ohio contest between two Union soldiers on the democratic side with three legs, and a "home-guard" who got rich by the opportunities of the war on the other side, the leader of the republican hosts. What a campaign it will be! I can see it now. With banners uplifted, with songs and battle-cries, drum and fife, it is expected to affright the souls of all the good people of Ohio into the support of Foster for fear the election of EWING and Rice will give over the State to the confederate brigadiers.

Let us see a little further, however, about this dangerous person called the confederate brigadier. Who first brought him here? Who is responsible for the introduction of the confederate brigadier to the theater of national politics? Southern gentlemen around me on this floor are here because they thought the country was restored to its normal relations; that the States were rehabilitated under the Constitution; that each State had the right to select its own representatives in both branches of Congress, and that they were not compelled to ask leave to come of any set of men from any part of the country.

Gentlemen, I welcome you. You are right in being here. You are met, however, by a party with a violent unwelcome, with abuse and denunciation hurled as a key-note to party warfare by the great Senator from New York, and followed up by all the Senators on that side of the Chamber. Sir, there is something due to history on this subject. Is the confederate soldier unfit to take part in the affairs of this Government; or is it in fact only the confederate soldier who votes the democratic ticket to whom you object? Is it the confederate soldier *per se*, or does the objection to him only arise when he votes the democratic ticket? If a confederate soldier votes the republican ticket, and indorses all the rascality that overwhelmed the South as a deluge during carpetbagism, do you not embrace him? Tell me when you have ever spewed such a one out of your mouths. Tell me where you ever repulsed him from your warmest and most affectionate political embrace. None such have ever been cast out by the republican party. On the contrary, all such have had seats of dignity and robes of honor assigned.

It is but a little while ago since a confederate brigadier first took part in the control of public affairs. He was invited to do so by the candidate of the stalwarts for the next Presidency, General Grant. Grant appointed Brigadier-General Amos T. Akerman, of Georgia, to a seat in his Cabinet. A majority of the republican Senators sitting here to-day on their oaths voted to confirm him as the first law officer of this Government. They gave it to him to construe the Constitution, to interpret the laws, to render decisions binding for years, and perhaps for all time. General Grant put into the hands of confederate Brigadier-General Amos T. Akerman the portfolio of justice, and a republican Senate confirmed him; and why? Not because he was greatly learned in the law. Nor did they object that he had carried a sword, and killed whom he could, under the confederate flag; he voted the republican ticket, and that was enough; it washed away all his sins, and made him clean and pure in their eyes, though his sins had been as scarlet before.

Another instance nearer home in time and place occurs next to my mind. I know what profound satisfaction I will afford to the Senator from New York [Mr. CONKLING] when I pause for a moment to pronounce a eulogy upon the present Administration. I know the appreciation which his robust intellect has of the patriotic and comprehensive capacities of the Administration now in power. I know, therefore, he will be grateful to me for calling attention to the fact that

although he has arraigned us for the disproportion of confederate brigadiers in this body to the Union brigadiers or major-generals, yet this favorite Administration of his has confided one of its very important Cabinet portfolios to another confederate brigadier, General Key, of Tennessee. I have no word of disparagement for General Key or General Akerman. I am not here to abuse or denounce these men for changing their politics; they had a right to do so. I do say, however, that Senators on the other side, after voting to confirm these men for positions of the very highest public importance, have not the shadow of a right to assail us for welcoming the southern Senators who are on this floor.

General Key drew his sword under the flag of the South and fought through the war. He then came to the Senate, and while here made a speech. I refer to it now principally to show how much the Senator from New York has forgiven, to exhibit that gracious phase of his character which some do not know of as well as I do, to illustrate that his forbearance and charity are as broad as the mantle that covers all sin. General Key spoke just before he was appointed to the place he now holds. Commenting upon that very memorable field of testimony wherein Eliza Pinkston covered herself and the republican party with infamy, and while arraigning John Sherman for being the patron of that paragon of falsehood, the present Postmaster-General on this floor, on the 18th day of December, 1876, used this language:

> And on this testimony, the falsehood of which is so apparent on its face, a State is to be disfranchised, and a President, whom the people never elected, is to be placed in office.

I told you, Mr. President, I would prove how generous the charity of the Senator from New York has been. Within but a few days of his appointment and confirmation, the present Postmaster-General not only announced that the present President of the United States was not elected President by the people at all, but further, that there was a plot to foist him into that office by disfranchising a State through the instrumentality of wholesale falsehood. He has never recanted this truthful statement that I know of. I suppose he has agreed to vote the republican ticket, and doubtless he does so. I presume it was on that condition that a republican Senate confirmed this confederate brigadier with an additional handicap in the shape of the speech I have read from.

Mr. CONKLING. How does the Senator stretch my charity over that?

Mr. VOORHEES. Because I have never heard that ringing voice which God has given the Senator from New York in denunciation of that appointment. I therefore supposed he had condoned the offenses enumerated by me. I think the word "condone" a fitter word in this connection, all things considered, than "forgive." The Senator has been unsparing in his assaults because of our affiliation with the men of the South, while the Administration of his party appoints not merely a confederate brigadier, but one who in this presence said that your President never was elected by the people, that his claim to that great office rested on wholesale falsehood and threatened the disfranchisement of a State.

Passing on, however, I invite Senators to take a walk with me through the South, starting from the Potomac. I will promise still further to illustrate the shameless, bare-faced, false pretensions of the republican party on this subject. As soon as we cross the Potomac we at once find a Federal judge holding an office for life in Virginia. I shall not seek to disparage his ability or his character, but he was an original secessionist and the editor of a secession paper when the war broke out. I allude of course to Judge Hughes. He is now where he construes the laws of the United States throughout a wide expanse of country and over a large and intelligent population. He was appointed by a republican Administration, confirmed by a republican Senate, confirmed by the voices of those who have since hurled their anathemas in our ears because we welcomed you, and you, Southern Senators, to this floor. They have welcomed confederate officers to the bench and to the cabinet; they have welcomed them to foreign missions; they have welcomed them to official positions of every description, on the one sole condition that they would vote the republican ticket. Party politics controls this whole matter. When they vote the republican ticket they are your brigadiers; when they vote the democratic ticket they are our brigadiers.

My purpose must not be misunderstood. I am not producing any of these names here to assault them; I am simply using them to illustrate a policy so crooked and so outrageous that it deserves exposure, and it shall have it.

Here, next, is another Virginian, John S. Mosby. Who was John S. Mosby? I know him well. I speak no unkind word of him, yet I can remember when it was a question whether his surrender would be received, whether he would be accepted as a prisoner of war, or whether he should be outlawed from that general amnesty which the Government was then extending. There was a time when the name of Mosby shook the fears of men in this Capitol. There was a time when it was supposed he fought under a black flag, and that it could sometimes be seen from the Dome in the soft sunlight of an afternoon. It was thought that his warfare partook of the nature of the guerrilla, and such a belief largely prevails to this hour. But all is forgiven now; not only forgiven, but verily this most offensive confederate warrior has his rich reward. He embraced radicalism, and it in turn embraced him. Instead of some wounded Federal soldier occupying the position this republican Senate has confirmed John S. Mosby as consul at Hong-Kong, and he is now an American representative to the oldest empire on earth; he is among the Celestials.

The traveler in passing through Virginia naturally visits North Carolina next. We will do the same. Thomas Settle, of North Carolina, is now a district judge of the United States, a life office of rank and importance. It is doubtless true that Judge Settle is a competent man; I am told he is by both the Senators from that State, but he was an officer of the confederate army. He was a secessionist; he fought the battles of secession; he turned to be a republican, and was made president of the republican national convention which nominated Grant, in 1872, at Philadelphia. Afterward he was made minister to Peru, and he now occupies a high judicial station. I proclaim here, as far as my voice will go, that the most profitable speculation a man who fought in the confederate army can now engage in is to advertise himself ready to enter the ranks of the republican party at a fair compensation.

Governor Holden, of North Carolina, was an original secessionist and a signer of the ordinance of secession which took North Carolina out of the Union. The republican party, as soon as he joined its ranks, its unhallowed ranks down there—I will not quite apply that word to it up here—made him governor of the State. He remained governor until he was impeached; but proven crimes did not seem to disgrace him with republicans. Since then he has been appointed postmaster at Raleigh and confirmed by the Senate, and he is there now at a good, wholesome salary. Every weak or treacherous man in the South who for shame or for love of gain desires to abandon his friends and prey upon his own people is thus rewarded.

Take the Barringers; one of them is a United States judge in Egypt. They were confederates; they are republicans now, and they are cared for.

The United States district attorney of North Carolina, Mr. Lusk, was an officer in the confederate army, and he was confirmed here. He was confirmed by Senators whose souls shrink from contact with a confederate officer unless he is a republican. Mr. Young was a confederate officer and he is now one of the revenue collectors of that State.

Going on down the Atlantic coast and we strike South Carolina, the land of the Marions, the Sumpters, the Hamptons, the Prestons, the Rutledges, the Butlers; the land of chivalric men. What has occurred here? James L. Orr was once Speaker of the House of Representatives and I speak of him with respect; he is dead. I knew him well. He went into secession, and armed rebellion, and was a confederate officer. He afterward joined the republican party; and what a place they gave him! They made him minister to Russia. If not one of the first-class missions, it is the foremost of the second-class. I believe it does not rank with the first.

Mr. CONKLING. It does.

Mr. BLAINE. It does now.

Mr. VOORHEES. Then it was one of the four first-class missions, England, France, Germany, and Russia; and this confederate officer received it as his reward for joining the republican party. I know what my friend from Illinois [Mr. LOGAN] is saying to himself. He is mentally exclaiming, "Would to God that some of my comrades who fought under the old flag could have a great place like that." I cannot be mistaken as to what is going on in the breast of that hard-fighting Federal soldier. I think even my genial friend from Rhode Island [Mr. BURNSIDE] has his conscience somewhat quickened if not entirely aroused on the subject by this time.

Colonel Northup, of South Carolina, is now United States district attorney; he was an officer in the confederate army.

We move on again and pause next in Mississippi, the land of the brave and the warm-hearted, as I know, for I have been there; the land of genius, because the Senator from Mississippi sitting behind me [Mr. LAMAR] has his home there. Let us see how the republican party has managed its affairs in that State. Major Morphis was the most prominent scout of General Stephen D. Lee's command and he is now the United States marshal for the northern district of Mississippi.

Captain G. W. Hunt was an aid to General Hardee, and he is now the United States marshal for the southern district of Mississippi. Ah! how the good things come to the regenerate! Thomas Walton—I knew him; he is in his grave, and peace to his ashes—was an aid to General Longstreet. He was appointed United States district attorney; and after his death he was succeeded by Green Chandler, a confederate officer who was at that time United States mail agent, and is now United States district attorney in the place of Walton deceased.

Colonel G. W. Henderson was a colonel of cavalry in General Chalmer's division. He is now receiving the reward of his services as a United States revenue collector; and in order to make you feel proud of your party in Mississippi and to finish up my work properly it only remains for me to state that the republican candidate for State auditor in 1875 was Captain Buchanan, captain in the Second Missouri Cavalry at Fort Pillow. He is said, according to all accounts, to have fought fiercely in that memorable battle. Yet he received all the votes the republican party had to give as well as the prayers of his northern friends who could not get to the polls to vote for him. With what devout aspiration the Senator from Maine hoped for his success, and I have no doubt he could get up now and prove that he would have been elected if his supporters had not been bulldozed. Yes, he was a captain fighting at Fort Pillow under the confederate flag. The leaders of the republican party standing here as the representatives of indignant loyalty against confederate brigadiers take to

their bosoms this confederate officer who bathed his sword in the blood of Fort Pillow!

I have heard of the means of grace. I used when a boy to attend camp-meetings. I have heard the richest outpourings of the gospel. I have heard grace described as a fountain flowing in boundless beauty and eternal and illimitable wealth. I have listened when it was claimed that this grace washed away all stains, cleansed the murderer's soul on the gallows, purified and gave peace to the guiltiest conscience ever called shivering and quaking with fear from this world to the world beyond; but I have never before heard of a fountain of grace so wide, so deep, so exhaustless, so spontaneous in its unceasing flow as that of the republican party to confederate officers if they will only vote the republican ticket!

Take next Louisiana, that fated region of riot, disorder, and stupendous unveracity. We have known it long as the land of the magnolia and the cypress; we know it now as the land also of stalwart liars, as disclosed within the last few weeks in this Capitol. Let the curtain be raised and let us look at some Federal officials in Louisiana. We see one who was long in office there and who has made a great and bloody figure in history; a man of commanding military capacity—General James Longstreet. General Grant made him surveyor of the port of New Orleans, took his bloody hand in his, not only forgave but rewarded him, not only welcomed him but said, "Come up higher." Who was Longstreet? I have heard one who commanded a corps in the Wilderness speak of that dreadful shock of battle when his corps encountered Longstreet's, and the blood ran in rivulets. No braver, harder fighter ever drew sword or encountered an enemy than Longstreet. He was educated for a soldier by his Government, and he cost it more lives than any other one man who commanded no more than a corps in the confederate army. Who was Longstreet at Gettysburgh and at Antietam? An educated American soldier fighting with desperate courage to establish an independent government.

When the history of the late sectional war shall be written, alongside of the names of GORDON and Stonewall Jackson, of JOSEPH E. JOHNSTON and Albert Sidney Johnston, will be written in living letters the military achievements of James Longstreet. Yet nothing stood between him and civil preferment the moment he was willing to turn his back upon his old comrades who had shared with him the bloody charge, the nightly bivouac, and the overwhelming disaster that fell upon them all at the close. And am I to sit still in my seat and hear hourly reproaches from the mouths of men who confirmed James Longstreet to a civil office because this side of the Chamber is composed in part of those who were in the same contest by his side? No, sir, I do not propose to do it. I propose to appeal for fairness, for common honesty, and common decency to the country upon this question. I do not intend that the record shall be made up in the interest of injustice. It is not in the power of republican Senators to make it up in the way they propose, for the truth is not their way. Their accusations shall recoil on their own heads. Their charges rest upon false foundations. If there is guilt at all on this subject the leaders of the republican party are themselves the guilty parties. Other officers may be cited in Louisiana. Colonel Wharton is United States marshal. He was a confederate officer. Colonel William H. Hough is a district judge, Mr. Leonard is a United States district attorney, Colonel Smith is postmaster at Baton Rouge, George B. Johnson was late auditor, Alexander Boarman is United States judge, General P. O. Hebert was in office as one of the levee commissioners under General Grant. All these were officers in the confederate army.

I cannot dwell, however, longer on Louisiana. I turn for a moment to Alabama. Who was Judge Humphreys, who is now of the judiciary of this District? Is there any office of more importance than a judicial office? Who was Judge Humphreys? He raised a regiment for the confederate service. He had, however, only to join the republican party and he was at once appointed one of the judges of the supreme court of this District, where he now sits. He was confirmed by republican Senators, who now prate about the presence of confederate brigadiers in the public service.

I could proceed on this theme almost without limit. I could dwell upon Federal appointees in other States and Territories, but I shall forbear for the present. Some days ago I received a newspaper, published at my own home by a gentleman whose birth, training, and education all make him a republican upon every issue between the North and South. He was himself a soldier, and no braver or better one than Major Smith went to the front from Indiana. He tasted all the horrors of the war on the field and in prison. In speaking of the political issues now presented he indulges in the following article, which I will venture to read:

THE CONFEDERATE BRIGADIER.

The confederate brigadier is looming up to considerable importance as a political issue in the North. Republican politicians are urging it with as much persistence as they did the false issue of "southern war claims" a few years ago. The timid ones—those who staid at home during the war and, on Government contracts, furnished the soldiers at the front with stale rations and shoddy clothing at full price—greatly fear the confederate brigadier. As all this trumpery about paying the rebel debt and pensioning the rebel soldiers was made use of in the political campaigns of the past, so will the confederate brigadier be utilized in those of the future. The campaigning on confederate brigadiers is a new style of bloody shirt—a new political issue intended for those whose fear, not understanding, influences their votes.

The fact that there are more rebel soldiers in Congress than Union soldiers shows that the South thinks more of her military heroes than the North does of hers. The North has as many brigadiers as the South, men, too, of eminent ability, and if she does not send them to Congress it is her own fault.

That is what I have been trying to impress on my patient listeners.

If there is danger to be apprehended from the southern brigadier in Congress, why not send the northern brigadier there to meet him? The northern brigadier met him successfully on the battle-field, and his ability to meet him in Congress cannot be doubted. But the North prefers to send national bankers to Congress to face them, and then cry "confederate brigadier" in the ears of the timid and ignorant.

The North has forty-four members in the Senate, and only four of them Union soldiers; the South has thirty-two, and nineteen were rebel soldiers. For a long time the North only had two Union soldiers in the Senate, and this, too, when she has so many whose abilities entitle them to any position. The North has only 9 per cent. of her representation in the Senate soldiers, while the South has 59 per cent. of hers. And a republican President has appointed nearly as many rebel soldiers to his Cabinet as he has Union soldiers.

Just the same in the Cabinet, one to one—the Interior and Post-Office Department. The head of one was in the Federal Army and the other in the confederate army.

Mr. CONKLING. What do you say of the Attorney-General?

Mr. VOORHEES. What do I say?

Mr. CONKLING. Of General Devens?

Mr. VOORHEES. I never heard of his doing anything particularly except returning a fugitive slave, for which Wendell Phillips scored him so unmercifully afterward.

Mr. BURNSIDE. General Devens was one of the most distinguished soldiers in the Army.

Mr. VOORHEES. He was? Then I beg his pardon and credit this Administration with having a majority of Federal soldiers in the Cabinet; that is a majority over the confederates. If there is any comfort in that, take it. This writer continues:

The chief inference to be drawn from this is that the republican party has not been extremely solicitous to put the Union soldier in office.

I think not. That is what I have been saying, and that all the outcry on the subject from republican sources is a sham:

The sure republican States have the smallest number of soldiers in Congress. Maine, Massachusetts, Rhode Island, New Jersey, Nevada, Colorado, Oregon, and Delaware have no soldiers in the House of Representatives, nor in fact in Congress at all, except Rhode Island, which persists in keeping BURNSIDE in the Senate.

Mr. BURNSIDE. One of the members in the House from Rhode Island was in the Army.

Mr. VOORHEES. All right. This writer continues:

It will be noticed that all but two of these States are republican, solidly so, and in them the soldier is pushed aside for the lawyer and the banker. New York, Massachusetts, and Rhode Island have a greater number of lawyers and bankers in Congress in proportion to representation than any other State.

Now I desire at this point to say a word for the comfort of my friend from Rhode Island. Of all the six New England States the little State of Rhode Island is the only one that does herself the honor to send a soldier to this body. I am glad to see him here; he adorns the position he occupies. It is refreshing in view of the conduct of republican Legislatures in New England that Rhode Island does send a soldier here. I have a kind feeling for Rhode Island for two reasons: She sheltered Roger Williams when he fled from the barbarism of bigotry in Massachusetts. Under his inspiration she established religious liberty, and maintained it afterward. This can only be said of the early history of two other States—Catholic Maryland and Quaker Pennsylvania. Roger Williams established the Baptist Church and free worship for all in Rhode Island. This is one reason for liking that State. The other is that she has sent my friend to the Senate, a conspicuous illustration of the general infidelity of the republican party in New England toward the Union soldier, for none comes from any other State.

Mr. President, I have detained the Senate much longer than I desired to do; but I did not intend, if I could help it, that this session should terminate until the country had placed before it, in my poor humble way though it be, the actual facts in regard to the treatment of the soldiers of both the Federal and confederate armies by the republican party. You have appointed a fewer number of Federal soldiers to office than the democratic party when it has had the power. There are more Federal civil officers to-day from the confederate army than there are Senators on this floor who served in that army, and they were appointed by republican administrations and confirmed by republican Senators.

Mr. CARPENTER. Mr. President——

Mr. ALLISON. I ask the Senator from Wisconsin to yield that I may make a motion to adjourn.

Mr. BLAINE. I want a few moments before that motion is made. I do not wish to occupy the floor to the exclusion of other Senators, but if no one else desires it now I will occupy it for a few minutes.

The honorable Senator from Indiana [Mr. VOORHEES] was not willing that I should interrupt him during his speech, or I should have made a correction in the body of his remarks. I know his speech is made for extensive circulation in Indiana, and I would have been glad to have inserted in the body of it by an interruption, had he permitted, a correction of a most obvious misrepresentation of what I stated in regard to the Indiana regiment. The Senator chose to hold me answerable for making an attack upon the Indiana regiment, when I expressly disclaimed it; and I expressly stated my disbelief in it. But such is the entire delusion of that Senator touching the southern men that he overlooks anything whatever that is said in the South touching Indiana, and when I read to him that his State was libeled in the prominent school literature of the South, and that the

military fame of Jefferson Davis was attempted in those books to be elevated and enhanced at the expense of Indiana, he entirely overlooks the actual source of the attack, and holds me answerable for making it. He will not escape in that way. I tell the honorable Senator that right at his door school-books are circulating holding up the soldiers of Indiana as having behaved in a cowardly manner, and representing Jefferson Davis as the man who came to their relief with a Mississippi regiment. I declare that it was a falsehood, and that is more than the honorable Senator has stated. The honorable Senator has not made that declaration for his State. I believe it to be, warp and woof, a falsehood; but it shows the extent to which a little capital would be made against any portion of the North by a misrepresentation of this kind; and I wish the honorable Senator would show some of his spirit in resenting the insult against the source from which it came.

Mr. President, the honorable Senator gave a very long list showing that he had been mousing around with a great deal of care for a very long time. He gave a long list of the men in the South who, having taken part in the confederate service, either civil or military, had since been rewarded with republican appointments at the hands of a republican administration. I thank him for it, and for two reasons. In the first place it answers conclusively the wide-spread accusation that the republican administration, particularly of General Grant, in the interest of the republican party had persecuted southern men. On the contrary, the Senator from Indiana has himself proved that any southern man at all who was willing to unite his fortunes with the republican party had no discrimination made against him on account of his previous record. On the other hand, the side of the picture which the Senator did not present was this, that the moment a southern man of any rank and standing ventured to change his political relations he was persecuted beyond human endurance. I ask the honorable Senator from Indiana to put General Longstreet on the stand. I ask him to put any conspicuous man in the South who having taken part with the confederate cause afterward took prominent part with the republican cause, and you will hear of a series of persecutions impossible to believe under a republican government and among a free people. Social ostracism; exclusion from all forms of business; disrespectful treatment, personal detraction, persecution, slander, and oppressive acts in every direction, until many have been compelled to flee the country as martyrs to the cause of free thought and free speech. That is a side of the question which the honorable Senator from Indiana takes care to exclude from the long list he has given. It is not in the power to-day of any Senator on that side of the Chamber from the South, high as they stand in the opinion of white men in their several communities, it is not in the power of any one of the democratic Senators on that side of the Chamber to change his political views and change his political affiliations and remain in the community that he now represents in this great body, or if he remains it will be with a social ban and degradation upon him that is worse, far worse, than exile.

And now the honorable Senator comes here with a taunt that a republican administration, seeing men who, having taken part in the rebellion, had come back to their senses and to their loyalty and were willing to let by-gones be by-gones—that a republican administration, seeing all this, was willing to go further and give them the hand of fellowship against the persecutions which they met at home. I trust a republican administration will always be ready to do that. I trust a republican administration will always be as magnanimous as the honorable Senator from Indiana has represented it to be, and I trust that the petty persecutions of falsehoods, of slanders, of outrages against men who merely want freedom of opinion and freedom of political action will be left to the democratic party, where they have always belonged. I trust that a republican administration will hold high the banner of free thought and of free speech, and that it may be exercised by every American citizen, whether he was in the Union Army or whether he was in the confederate army. If he will be tolerant of opinion, tolerant in others of the same liberty he asks for himself, he is a fellow-citizen to be embraced in the faith of American nationality and to be welcomed on the platform of equal rights the world over.

The Senator from Indiana in going through his long schedule about who was appointed here and who was appointed there, I think, read a document—I should be glad if he would send it to me—from a democratic officer of the House of Representatives, a Mr. Field, and Mr. Field sends the document to the Senator, and coming to one man's name, he could not remember exactly who, says, "I think he fought against us." "Us!" Whom did the Senator mean by "us?" Whom did his correspondent mean when he said "us?"

Mr. VOORHEES. General Field, with the frankness that becomes a soldier, wrote as having been in the confederate service; which is the fact.

Mr. BLAINE. Exactly, the officer of the House of Representatives, making out a minute for the honorable Senator to produce here as to the distribution of patronage, says "I think this man fought against US!"

Mr. VOORHEES. The Senator from Arkansas, [Mr. GARLAND,] who is more familiar with the handwriting of General Field than I am, corrects my reading of this letter. It was "against me," instead of "against us." I will hand it to the Senator.

Mr. BLAINE. Then he represented the whole southern confederacy.

Mr. VOORHEES. I will send it to you, and you can read it as you please. I do not dwell long on little things like that.

Mr. BLAINE. I do not myself, but we ought to dwell long enough on personal explanations to be correct.

Mr. VOORHEES. I thought it was "us," but I do not care.

Mr. BLAINE. I cannot myself make out which it is, but I do not see the sense of the Doorkeeper of the House of Representatives speaking about a Union soldier as "fighting" against "me." The honorable Senator does not deny that he read "us?"

Mr. VOORHEES. I did read it that way.

Mr. BLAINE. I think that it is the natural way to read it. I think it is a very extraordinary proceeding in the Senate of the United States that a confederate soldier, an officer of the House of Representatives, making up a series of political tables for a Senator to use for a campaign document, says in regard to this man: "I think he fought against us." It is a queer technology to introduce, the honorable Senator will pardon me for saying.

Mr. President, I have a telegram on my table, just come, from Indiana, in which Mr. E. B. Martindale—and both Senators know him—makes express denial that the Massachusetts regiment was in Indianapolis at all, and the documents can be produced to show it.

Mr. McDONALD. We will have the documents on both sides. I aver that they were there; and in that same connection I should like to ask the Senator if he examined the figures. I have been to the Library, and there learned that the Senator had been examining them. Can he state the increase from 1862 to 1864 of the republican vote in Indianapolis?

Mr. BLAINE. The honorable Senator from Illinois here [Mr. LOGAN] wants to make a suggestion, but I will make one first on my own account. In 1862 the republican vote was very small throughout the Union; it was very small everywhere; it was a bad year for us; it was a good year for the democratic party; because the Union cause was at a low ebb; our armies had been beaten in the field.

Mr. McDONALD. Let me ask——

Mr. BLAINE. I will answer one question at a time.

Mr. McDONALD. Let me ask the Senator if he supposes that the 9,554 votes cast for Governor Morton in 1864 in Marion County, when no more votes had ever been cast in that county for the republican ticket before that time than 4,942, were honest votes?

Mr. BLAINE. I do not know. The honorable Senator from Indiana and his colleague dwelt a good deal on that point.

Mr. McDONALD. I ask if that increase in two years of 4,710 votes in that county for the republican ticket was in the Senator's opinion an honest increase of vote?

Mr. BLAINE. I will answer that this way: Yesterday the accusation was that these soldiers had prevented democrats voting. Now, the figures show that that could not be so, because the democratic vote, as the honorable Senator himself stated it, was just as large as the most popular democrat in the United States had received. Now the Senator comes around and asks me to account, not for the decrease of the democratic vote, but why the republican vote was increased.

Mr. McDONALD. The democratic vote in 1864 was less than it was in 1862. The democratic vote was less in 1864 than it was in 1862. The republican vote was increased 4,700.

Mr. BLAINE. Well, I can very well imagine that in a great war excitement like that and in the overwhelming importance that hung on the election of 1864 the increase might come at a great business and military center like Indianapolis.

Mr. McDONALD. I will tell you how it was. It was because these soldiers of which I spoke voted not once, but as often as they pleased. A distinguished member of the House who was at that time in the military service, and who is now here in this Chamber, knows the fact and saw them vote.

Mr. BLAINE. I do not care about that.

Mr. McDONALD. I have said that what was stated by me was from my own view, and it makes no difference to me who undertakes to make a contradiction. But in addition to that, I am able to say that now in the Chamber is a distinguished officer of the United States, in the military service of the United States at that time, who was in Indianapolis on that day. He is now a distinguished member of the other branch of this Congress, and he knows that what I have stated is far less than the truth, the telegram to the contrary notwithstanding.

Mr. BLAINE. Very well. Nevertheless, the Senator does not wipe out this fact, that right in 1864, when all these oppressions were going on, when he says democrats were deprived of the right to vote, there was a heavier vote cast for him in Indiana than ever had been given to a democrat before in that State.

Mr. McDONALD. I will state to the Senator that notwithstanding I received in the election of 1864 some 10,000 votes more than were cast for the highest democrat in 1862, when we carried the State, yet I was beaten 20,000 votes.

Mr. BLAINE. That was a very natural and a very happy result, in my judgment, for the union of the States. But nevertheless the Senator cannot allege that he was greatly maltreated in the election of 1864, for he comes forward himself and acknowledges that he had ten thousand increase over the election of two years before when there was no attempt made to stop democrats voting. The figures are a little too strong for the honorable Senator. He may have a good many

figments in his imagination, he may have a good many dreams floating around in the upper chambers of his memory, but there stand the stubborn figures of the election returns, and they conclusively disprove the whole theory that anybody was prevented from voting.

Mr. McDONALD. I state again, and the Senator has the figures before him, that in that county the vote cast for me in 1864 was less than the vote cast for our secretary of state in 1862. It was a reduction, while the vote cast for Governor Morton in 1864 was 4,710 greater than that cast for the republican candidate for secretary of state in 1862.

Mr. BLAINE. Only 4,000?

Mr. McDONALD. In the county of Marion—we are talking now of one county, and of the vote at Indianapolis—I say again that there was a decrease of the democratic vote at that poll, although there was an increase in the State to the extent I have stated. There was a decrease of the democratic vote at the poll at Indianapolis in 1864, and an increase of nearly 5,000 votes on the republican poll; and the Senator from Maine had the books before him this morning when he was reading these figures, but he did not read them here.

Mr. BLAINE. Did not read what?

Mr. McDONALD. The vote.

Mr. BLAINE. I read as far as applied to the case. I read on the points that were in dispute; and I still say that the honorable Senator himself received the highest vote that up to that time had ever been given for a democratic candidate for governor. He says now that some subordinate officer running two years before had a higher vote.

Mr. McDONALD. No, sir.

Mr. BLAINE. I think the Senator is mistaken in regard to the figures.

Mr. McDONALD. I say he had a higher vote in Marion County.

Mr. BLAINE. Not in the State?

Mr. McDONALD. Not in the State.

Mr. BLAINE. Then it does still stand as the fact recorded of history that the honorable Senator in the year when the military oppressions were so great received the heaviest democratic vote that up to that time had ever been cast in Indiana for anybody. Is that so?

Mr. McDONALD. Yes, sir.

Mr. BLAINE. That is so. That is a very important admission.

Mr. McDONALD. And the republican vote was miraculously increased some twenty thousand greater than that party had ever received.

Mr. BLAINE. Oh, well, the grief of the Senator is that although he got the vote up so high, somebody else got a higher one. Well, I have been there myself. [Laughter.] I know how disagreeable that is; but I never yet turned around and disputed the accuracy of the returns, or fought the arithmetic. The best thing for a man to do when he is beaten is to submit, and I commend the honorable Senator to that grace, even fourteen or fifteen years after his defeat. I should hope the ache had quit hurting by that time. He was beaten by a man who at that day was irresistible in Indiana; and the Senator from Indiana who spoke at length this afternoon, [Mr. VOORHEES,] states that which is virtually farcical in the eye of history; states that which is so laughably ludicrous that I do not stop to contradict it seriously, when he pretends before the American people that the soldiers of Indiana are as cordial in their support of himself and his colleague as they were for Oliver P. Morton. Sir, I repeat, it is laughable and it is ludicrous; it is not worthy of serious contradiction. It would be laughed at in Indiana. In pronouncing it so, I am sending a good joke out there. It is not fair to be treated as anything else than a joke, absolutely not. It would be reversing the whole history of Indiana's great record in the war. It would be reversing the historical facts that are known, read, and believed everywhere. Oliver P. Morton, whoever may have liked him or disliked him, whatever may have been his faults or his virtues, however people may have agreed or disagreed with his political record in the Senate or as governor, I say Oliver P. Morton had the confidence, the attachment, almost the idolatry of the soldiers of Indiana; had all these in a greater degree than any governor that was in the gubernatorial chair of any State during the war. To come here now and pretend, on the part of the honorable Senator or his colleague, that the soldiers of Indiana are supporting them as they supported Morton, is to assert what will not be believed by any intelligent human being in the wide world.

Mr. McDONALD. The Senator from Maine will allow me to say that in this very canvass of 1864 the candidate on the ticket with me for lieutenant-governor was General Manson, who was then so far in the front that he could not get home to vote. He was with the Army in Tennessee. The candidate for Congress on our ticket on that day was General John Love, who was commander of the Indiana Legion, an organization for the purpose of protecting the Indiana border. I will say further to-day that of the State officers in Indiana our lieutenant-governor was a soldier in the war, Colonel Gray.

Mr. BLAINE. I am willing to let the honorable Senator occupy my time if he will tell me the bearing of all this.

Mr. McDONALD. I am merely showing that this adoration of which the Senator speaks of the soldiers of Indiana for Governor Morton and the republican party does not apply to a very large number of the soldiers and officers of that State.

Mr. BLAINE. When I speak of two hundred thousand men rallying with a wonderful unanimity to the support of one man, I do not mean that every solitary human individual of the two hundred thousand was there. The Senator will prove my rule by quoting a few exceptions; that is all.

Mr. McDONALD. But the gentleman will find that in that State the majority of the soldiers who were in the service are with the democratic party.

Mr. BLAINE. The honorable Senator cannot come into the Chamber, nor can his colleague, and reverse history. You might as well come in here and tell us that George Washington did not have the support of the people of the American colonies when he was fighting the battles of the Revolution as to tell this country that the soldiers of Indiana that were fighting for the Union did not support Morton. It is absurd; with all due respect to the honorable Senator, it is positively absurd, and nothing short of it. But when the honorable Senator from Indiana [Mr. VOORHEES] was going over his list which he seemed to think, from the amusement it afforded himself, was very conclusive and very cutting, that there were Senators on this side sitting here who were no more in the war than he, using me more than any other Senator at the moment, as an illustration, I wanted to remind him that, however that may be numerically as to the Senators that are here, it is true of the republican Senators that they have behind them in the proportion of seven out of ten, or even larger in many of the States, the soldiers who were in the Union Army, and if they are here as civilians they are here because those very soldiers chose them to come, chose them of their own right and their own free will.

Sir, I never twitted any Senator about his presence on this floor. The honorable Senator from Indiana has a right to come here with his votes, and so has any other Senator to come here with his votes. When a Senator has been voted in here, I consider it then to be the part of propriety to recognize his right to his seat, although I am sorry to say that is not the standard of conduct on the other side; and because of its violation to-day we are witnessing in one of the committee-rooms of this Capitol one of the most extraordinary spectacles ever seen since the history of the United States began. Sir, I challenge no man's right to his seat, and I permit no man to challenge mine; and if the Senator from Indiana had behind him the votes of the men who upheld the flag of the Union in the war as much as with confidence I know I have of the same class in the State I represent, I would congratulate him. But, sir, he has not. In all sincerity I tell him, he has not.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House insisted upon its disagreement to the first amendment of the Senate to the bill (H. R. No. 2252) making appropriations for certain judicial expenses, agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. J. A. McMAHON of Ohio, Mr. T. R. COBB of Indiana, and Mr. JAMES MONROE of Ohio, managers at the said conference on its part.

HOUSE BILLS REFERRED.

The bill (H. R. No. 2330) to correct an error in "An act making appropriations for the construction, repair, preservation, and completion of certain works on rivers and harbors, and for other purposes," approved March 3, 1879, was read twice by its title, and referred to the Committee on Commerce.

The joint resolution (H. R. No. 104) defining the meaning of section 2 of the act of Congress entitled "An act making appropriations for the payment of arrears of pensions," granted by act of Congress approved January 25, 1879, was read twice by its title, and referred to the Committee on Pensions.

ARMY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 2175) making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes.

Mr. CARPENTER. Mr. President——

Mr. CONKLING. Will the Senator from Wisconsin yield to a motion to adjourn?

Mr. CARPENTER. Certainly.

Mr. CONKLING. I will make that motion; but as the motion is not debatable I will say before making it that I take it for granted that after the Senator from Kentucky [Mr. BECK] who held the floor by right this morning, and the Senator from Indiana [Mr. VOORHEES] have occupied nearly the whole of the day, every moment of it when this bill has been considered except so far as one Senator on this side has participated in the debate, there will be no attempt made to hold the Senate here this evening, and to prevent Senators on this side, of whom there are several, who wish to speak not to the topics which have been discussed to-day but to the merits of this bill, having free opportunity to do so. No doubt we shall be able to get a vote in the course of to-morrow; but I hope the Senator from Virginia will not think now after six o'clock of resisting a motion to adjourn.

Mr. WITHERS. I ask the Senator to withdraw the motion a moment, until I make a statement.

Mr. CONKLING. Certainly.

Mr. WITHERS. I will take advantage of the opportunity to say

that the Senator from New York this morning, apparently with a good deal of irritation, to use his own term, stopped me in the midst of a sentence which I desired to complete, when I notified him that it was useless to appeal to my sense of courtesy in regard to this matter. I purposely used that expression, because I represented not myself but the committee of which I was the mouth-piece. The Senator's interruption of course prevented my saying that.

I wish now to say that I am not unmindful of the fact to which the Senator from New York has alluded, nor do I desire to suppress in any degree the legitimate discussion of the question which is now before the Senate. The day has been consumed, as I conceive, in discussion outside of the bill. I should be very glad to accommodate my friends on the other side of the Chamber by giving them such opportunity as they might desire to express their views on the subject; but acting as I do as the mouth-piece of the committee and in accordance with the wishes of a large majority if not every one of my party friends, and the notice previously given and repeated on two different days, I do not feel authorized to consent to a motion to adjourn now unless an hour can be fixed to-morrow at which the vote shall be taken and the debate closed. With that understanding, I shall be willing to consent to an adjournment.

Mr. CONKLING. Mr. President, I address the Chair for the purpose of saying that did I feel the irritation imputed to me, and incorrectly imputed by the Senator from Virginia, I might not seek by negotiation or appeal to prevent being driven myself and seeing others driven by discourtesy into a night session. If I felt irritated about this, I say to the Senator from Virginia that I think I have ingenuity enough to prevent the majority of this Chamber as it is situated at this moment, from attempting successfully such an act of discourtesy and aggression as would be done if after occupying the whole of the only day given to debate this bill, they should attempt to exclude Senators, almost as numerous as they are themselves, from any opportunity of debate. But I feel no irritation, and I hope neither I nor any other Senator will be driven to his reserved rights, whatever they may be, in order to get that opportunity supposed to exist in the Senate by reason of the absence of a previous question.

Therefore I will assume, having had that assurance from several democratic Senators, that they will vote for a motion to adjourn after what has occurred, notwithstanding the previous impression that the bill might be concluded to-night. I will submit a motion to adjourn and say to the Senator from Virginia that I am not willing for one to fix an hour to vote to-morrow although I am quite willing to vote to-morrow in the course of the day. We have tried that once or twice. I have myself several amendments that I want to offer to this bill, and I wish them to be fairly considered, and I do not care to bind myself, as I have done once or twice before, to an agreement to vote at a certain hour with some Senator taking the floor and speaking up to that time, and then being compelled to offer amendments without an opportunity to say one word in explanation of them.

So I think we had better leave it, there being a very strong probability, almost a certainty that we may conveniently vote during the day to-morrow unless my eloquent friend from Indiana or the Senator from Kentucky shall come in to-morrow and occupy another day by discussing matters which, with great respect to them, seem to me to have nothing in the world to do with the pending bill. But if to-morrow shall be occupied by listening to two more political speeches intended to be campaign documents on the democratic side, then we may not vote; but if Senators will allow us to discuss the bill, we can do so.

I move, Mr. President, that the Senate do now adjourn.

Mr. WITHERS. On that motion I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. HEREFORD, (when his name was called.) I am paired with the Senator from Massachusetts, [Mr. HOAR.] If he were here, I should vote "nay."

Mr. McMILLAN, (when his name was called.) I am paired with the Senator from New Jersey [Mr. McPHERSON] on political questions. If this is a political question, as it seems to me, I must observe that pair. I would vote "yea" if the Senator from New Jersey were present.

Mr. PADDOCK, (when his name was called.) I am paired with the Senator from Tennessee, [Mr. BAILEY.] If he were here, I should vote "yea."

The PRESIDENT *pro tempore*, (when the name of Mr. THURMAN was called.) I am paired with the Senator from Vermont, [Mr. EDMUNDS.]

Mr. VOORHEES, (when his name was called.) I ask permission to make a single word of explanation. I am entirely willing to stay here; but I have occupied this afternoon longer than I expected; I have occupied two hours of the time of the Senate; and I do not think it would be personally fair toward gentlemen on the other side who desire to be heard for me to vote against an adjournment. I shall therefore vote "yea."

The Secretary concluded the roll-call.

Mr. HARRIS. I desire to say that my colleague, [Mr. BAILEY,] as already announced by the Senator from Nebraska, [Mr. PADDOCK,] is paired with him. If he were present, my colleague would vote "nay."

The result was announced—yeas 22, nays 25; as follows:

YEAS—22.

Allison,	Chandler,	Hill of Colorado,	Rollins,
Blaine,	Conkling,	Ingalls,	Saunders,
Booth,	Davis of Illinois,	Kirkwood,	Voorhees,
Burnside,	Dawes,	Logan,	Windom.
Cameron of Wis.,	Eaton,	Morrill,	
Carpenter,	Ferry,	Platt,	

NAYS—25.

Bayard,	Hampton,	McDonald,	Walker,
Beck,	Harris,	Morgan,	Wallace,
Call,	Hill of Georgia,	Randolph,	Whyte,
Coke,	Jonas,	Ransom,	Withers.
Davis of W. Va.,	Jones of Florida,	Slater,	
Garland,	Kernan,	Vance,	
Groome,	Lamar,	Vest,	

ABSENT—29.

Anthony,	Farley,	Jones of Nevada,	Saulsbury,
Bailey,	Gordon,	Kellogg,	Sharon,
Bell,	Grover,	McMillan,	Teller,
Bruce,	Hamlin,	McPherson,	Thurman,
Butler,	Hereford,	Maxey,	Williams.
Cameron of Pa.,	Hoar,	Paddock,	
Cockrell,	Houston,	Pendleton,	
Edmunds,	Johnston,	Plumb,	

So the Senate refused to adjourn.

Mr. CHANDLER, (at six o'clock and twenty minutes p. m.) I move that the Senate proceed to the consideration of executive business, and on that motion I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

The PRESIDENT *pro tempore*, (when Mr. THURMAN'S name was called.) I am paired with the Senator from Vermont, [Mr. EDMUNDS.]

The roll-call was concluded; and the result was announced—yeas 4, nays 30; as follows:

YEAS—4.

Allison,	Blaine,	Davis of Illinois,	Windom.

NAYS—30.

Bayard,	Hampton,	McDonald,	Vance,
Beck,	Harris,	Maxey,	Vest,
Call,	Hill of Georgia,	Morgan,	Walker,
Coke,	Houston,	Pendleton,	Wallace,
Davis of W. Va.,	Jonas,	Randolph,	Whyte,
Eaton,	Jones of Florida,	Ransom,	Withers.
Garland,	Kernan,	Saulsbury,	
Groome,	Lamar,	Slater,	

ABSENT—42.

Anthony,	Cockrell,	Hoar,	Platt,
Bailey,	Conkling,	Ingalls,	Plumb,
Bell,	Dawes,	Johnston,	Rollins,
Booth,	Edmunds,	Jones of Nevada,	Saunders,
Bruce,	Farley,	Kellogg,	Sharon,
Burnside,	Ferry,	Kirkwood,	Teller,
Butler,	Gordon,	Logan,	Thurman,
Cameron of Pa.,	Grover,	McMillan,	Voorhees,
Cameron of Wis.,	Hamlin,	McPherson,	Williams.
Carpenter,	Hereford,	Morrill,	
Chandler,	Hill of Colorado,	Paddock,	

The PRESIDENT *pro tempore*. There is not a quorum voting.

Mr. EATON. I move a call of the Senate.

Mr. CARPENTER. I move that the Senate do now adjourn.

Mr. EATON. I move a call of the Senate.

The PRESIDENT *pro tempore*. The motion to adjourn takes precedence.

Mr. CARPENTER. I move to adjourn.

Mr. CONKLING. It does not take a quorum to adjourn.

Mr. EATON. Well, I call for the yeas and nays on that. I think I am right.

Mr. CONKLING. Very well, let us have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. McMILLAN, (when his name was called.) I am paired on political questions with the Senator from New Jersey, [Mr. McPHERSON.] If he were here, I should vote "yea" and he would vote "nay."

Mr. PADDOCK, (when his name was called.) I am paired with the Senator from Tennessee, [Mr. BAILEY.]

The PRESIDENT *pro tempore*, (when Mr. THURMAN'S name was called.) I am paired with the Senator from Vermont, [Mr. EDMUNDS.]

The Secretary concluded the roll-call; and the result was announced—yeas 21, nays 30; as follows:

YEAS—21.

Allison,	Carpenter,	Hill of Colorado,	Saunders,
Blaine,	Chandler,	Ingalls,	Voorhees,
Booth,	Conkling,	Kirkwood,	Windom.
Burnside,	Davis of Illinois,	Logan,	
Cameron of Pa.,	Dawes,	Morrill,	
Cameron of Wis.,	Ferry,	Platt,	

NAYS—30.

Bayard,	Hampton,	McDonald,	Vance,
Beck,	Harris,	Maxey,	Vest,
Call,	Hill of Georgia,	Morgan,	Walker,
Coke,	Houston,	Pendleton,	Wallace,
Davis of W. Va.,	Jonas,	Randolph,	Whyte,
Eaton,	Jones of Florida,	Ransom,	Withers.
Garland,	Kernan,	Saulsbury,	
Groome,	Lamar,	Slater,	

ABSENT—25.

Anthony,	Farley,	Jones of Nevada,	Sharon,
Bailey,	Gordon,	Kellogg,	Teller,
Bell,	Grover,	McMillan,	Thurman,
Bruce,	Hamlin,	McPherson,	Williams.
Butler,	Hereford,	Paddock,	
Cockrell,	Hoar,	Plumb,	
Edmunds,	Johnston,	Rollins,	

So the Senate refused to adjourn.

Mr. CONKLING. I move that the Senate now proceed to the consideration of executive business, and on that motion I demand the yeas and nays.

The PRESIDENT *pro tempore*. It is moved that the Senate do now proceed to the consideration of executive business, and on that motion the yeas and nays are demanded.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. VANCE, (when Mr. ROLLINS's name was called.) I am paired with the Senator from New Hampshire, [Mr. ROLLINS.] I was paired on the last vote, but forgot it. I ask leave to withdraw that vote, apologizing to the Senate for casting it, as I was paired.

The PRESIDENT *pro tempore*, (when Mr. THURMAN's name was called.) I am paired with the Senator from Vermont, [Mr. EDMUNDS.]

The roll-call was concluded.

Mr. HEREFORD. I am paired on all political questions with the Senator from Massachusetts [Mr. HOAR] who is absent. I have just informed his colleague [Mr. DAWES] that in order to form a quorum I am entitled to vote. For that reason, I now vote "nay."

The result was announced—yeas 4, nays 30; as follows:

YEAS—4.

Cameron of Pa.,	Davis of Illinois,	Morrill,	Voorhees.

NAYS—30.

Bayard,	Hampton,	Lamar,	Slater,
Beck,	Harris,	McDonald,	Vest,
Call,	Hereford,	Maxey,	Walker,
Cockrell,	Hill of Georgia,	Morgan,	Wallace,
Coke,	Houston,	Pendleton,	Whyte,
Davis of W. Va.,	Jonas,	Randolph,	Withers.
Eaton,	Jones of Florida,	Ransom,	
Garland,	Kernan,	Saulsbury,	

ABSENT—42.

Allison,	Chandler,	Hoar,	Plumb,
Anthony,	Conkling,	Ingalls,	Rollins,
Bailey,	Dawes,	Johnston,	Saunders,
Bell,	Edmunds,	Jones of Nevada,	Sharon,
Blaine,	Farley,	Kellogg,	Teller,
Booth,	Ferry,	Kirkwood,	Thurman,
Bruce,	Gordon,	Logan,	Vance,
Burnside,	Groome,	McMillan,	Williams,
Butler,	Grover,	McPherson,	Windom.
Cameron of Wis.,	Hamlin,	Paddock,	
Carpenter,	Hill of Colorado,	Platt,	

The PRESIDENT *pro tempore*. There is not a quorum voting.

Mr. WITHERS. I move a call of the Senate.

The PRESIDENT *pro tempore*. The Senator from Virginia moves a call of the Senate.

Mr. CONKLING. On that I demand the yeas and nays.

Mr. CARPENTER. I move that the Senate adjourn.

The PRESIDENT *pro tempore*. In the opinion of the Chair a motion for a call of the Senate is not necessary, but it is the duty of the Chair to order a call of the Senate.

Mr. CARPENTER. Pending which, I move that the Senate adjourn.

Mr. WHYTE. That motion is out of order. There has been no business transacted since the last motion to adjourn.

The PRESIDENT *pro tempore*. It is always in order to move to adjourn.

Mr. WALLACE. Is it in order to move to adjourn until you learn that there is a quorum or not?

The PRESIDENT *pro tempore*. But there is no quorum voting.

Mr. WALLACE. How is the Senate to determine that question?

The PRESIDENT *pro tempore*. The Chair understands that a motion to adjourn is always in order. It is moved that the Senate adjourn.

The question being put, it was declared that the noes appeared to prevail.

Mr. CARPENTER. I call for the yeas and nays.

The PRESIDENT *pro tempore* asked for a second to the call, and four Senators responded.

Mr. SAULSBURY. I rise to a point of order. The Chair announced that the noes had it before the yeas and nays were asked for. Is it proper to call for the yeas and nays after the decision has been announced by the Chair?

The PRESIDENT *pro tempore*. The custom of the Senate has been otherwise. It has universally been the custom of the Senate even after a vote is taken by sound or by a division that the yeas and nays may be demanded; but the demand for the yeas and nays was not seconded in this case.

Mr. CARPENTER. I called for the yeas and nays.

The PRESIDENT *pro tempore*. But there was no second, only four Senators rose.

Mr. CARPENTER. I understand that the hands up were enough.

The PRESIDENT *pro tempore*. There were only four up before. The Chair will put the question again. [Several Senators rose.] There is a second now, it seems. The Secretary will call the roll on the motion to adjourn.

The Secretary proceeded to call the roll.

Mr. VANCE. I am paired with the Senator from New Hampshire, [Mr. ROLLINS.] To keep the pair I shall not vote even to make a quorum as republican Senators do not seem to be voting.

The PRESIDENT *pro tempore*. Does the Senator wish his name called?

Mr. VANCE. No, sir.

The result was announced—yeas 2, nays 28; as follows:

YEAS—2.

Burnside,	Davis of Illinois.

NAYS—28.

Bayard,	Groome,	Lamar,	Saulsbury,
Call,	Harris,	McDonald,	Slater,
Cameron of Pa.,	Hereford,	Maxey,	Vest,
Coke,	Houston,	Morgan,	Walker,
Davis of W. Va.,	Jonas,	Pendleton,	Wallace,
Eaton,	Jones of Florida,	Randolph,	Whyte,
Garland,	Kernan,	Ransom,	Withers.

ABSENT—46.

Allison,	Cockrell,	Hoar,	Plumb,
Anthony,	Conkling,	Ingalls,	Rollins,
Bailey,	Dawes,	Johnston,	Saunders,
Beck,	Edmunds,	Jones of Nevada,	Sharon,
Bell,	Farley,	Kellogg,	Teller,
Blaine,	Ferry,	Kirkwood,	Thurman,
Booth,	Gordon,	Logan,	Vance,
Bruce,	Grover,	McMillan,	Voorhees,
Butler,	Hamlin,	McPherson,	Williams,
Cameron of Wis.,	Hampton,	Morrill,	Windom.
Carpenter,	Hill of Colorado,	Paddock,	
Chandler,	Hill of Georgia,	Platt,	

The PRESIDENT *pro tempore*. The Senate refuses to adjourn, but the vote discloses the lack of a quorum. The second rule reads as follows:

If either at the commencement of any daily session of the Senate, or at any time during its daily sessions, a question shall be raised by any Senator as to the presence of a quorum, the presiding officer shall forthwith direct the Secretary to call the roll of Senators, and shall announce the result to the Senate; and these proceedings shall be without debate.

Under this rule, in the opinion of the Chair, it is not necessary by a vote to order a call of the Senate, but it being suggested that there is not a quorum present the call must be made. The Secretary will proceed to call the Senate.

The Secretary proceeded to call the roll.

Mr. BURNSIDE. My colleague [Mr. ANTHONY] was called home to-day by the death of a friend.

Mr. HARRIS. I desire to say that my colleague [Mr. BAILEY] has retired to his room because of indisposition. He is paired on this bill with the Senator from Nebraska, [Mr. PADDOCK.]

On the call of the roll the following Senators answered to their names:

Bayard,	Ferry,	Logan,	Saunders,
Burnside,	Garland,	Maxey,	Slater,
Call,	Groome,	McDonald,	Thurman,
Cameron of Pa.,	Harris,	McMillan,	Vance,
Cameron of Wis.,	Hereford,	Morgan,	Vest,
Carpenter,	Hill of Colorado,	Morrill,	Voorhees,
Chandler,	Houston,	Paddock,	Walker,
Cockrell,	Ingalls,	Pendleton,	Wallace,
Coke,	Jones of Florida,	Platt,	Whyte,
Davis of Illinois,	Kernan,	Randolph,	Windom,
Davis of W. Va.,	Kirkwood,	Ransom,	Withers.
Eaton,	Lamar,	Saulsbury,	

The PRESIDENT *pro tempore*. Forty-seven Senators have answered to their names. There is a quorum present.

Mr. CARPENTER. I suppose the pending question is on the motion to go into executive session.

The PRESIDENT *pro tempore*. The Senator from Wisconsin moves that the Senate proceed to the consideration of executive business.

Mr. CARPENTER. I did not make that motion, but I ask if that is not the pending question? It was upon that question that it was ascertained there was no quorum. I suppose, as a quorum has been ascertained to be present now, the question is, Will the Senate proceed to the consideration of executive business?

The PRESIDENT *pro tempore*. The Senator is entirely right; but as it happened, in the confusion, after the motion had been made, it was ascertained there was no quorum, and then a motion to adjourn disclosed a quorum. Upon a quorum being disclosed, the Chair should have put the question upon the motion that had been previously made, but the Senator from New York moved that the Senate proceed to the consideration of executive business, and that question was put. The only difference is a mere matter of form. The Chair should have put the question on the motion of the Senator from Michigan instead of upon the motion of the Senator from New York.

Mr. CARPENTER. It is the pending question in either case.

The PRESIDENT *pro tempore*. It is not the pending question now, because it has been voted upon.

Mr. CARPENTER. Then I move to proceed to the consideration of executive business.

Mr. CONKLING. How is that, may I inquire? Did not the roll-

call on the motion to proceed to executive business disclose the absence of a quorum?

The PRESIDENT *pro tempore*. It did.

Mr. CONKLING. Does not that motion, then, no matter by whom made, remain the pending question before the Senate?

The PRESIDENT *pro tempore*. The Senator from New York probably did not hear the statement made by the Chair. The Chair will state it again.

Mr. CONKLING. I tried to hear the Chair; I listened to him carefully.

The PRESIDENT *pro tempore*. The Senator from Michigan moved that the Senate proceed to the consideration of executive business, and the yeas and nays were ordered. On that motion a quorum did not vote. Then a motion was made to adjourn, and on that motion a quorum did vote. Then before the Chair could put the question upon going into executive session, which was the proper question, for that question recurred, the Senator from New York rose and moved that the Senate proceed to the consideration of executive business, and that question was put and voted down, the Chair thinks.

Mr. CONKLING. Not at all; it was on that vote that the want of a quorum was ascertained.

The PRESIDENT *pro tempore*. If there was no quorum on the second vote, then the Senator is quite right and the question now before the Senate is, Will the Senate proceed to the consideration of executive business?

Mr. CONKLING and Mr. CARPENTER. That is the question.

The PRESIDENT *pro tempore*. The Chair was under the impression that the motion was voted down.

Mr. CONKLING. No, it was not.

Mr. DAVIS, of Illinois. Mr. President——

The PRESIDENT *pro tempore*. The question is not debatable.

Mr. BLAINE. By unanimous consent the Senator can be heard.

The PRESIDENT *pro tempore*. If no objection is made the Senate will hear the Senator from Illinois.

Mr. CONKLING. Nobody objects to hearing the Senator from Illinois.

Mr. DAVIS, of Illinois. I simply rose to appeal to both sides of the Chamber to quit this trifling, if I may call it so, with the public business and to fix an hour to-morrow when we can take the vote on the bill.

Mr. CONKLING. We cannot do that.

Mr. DAVIS, of Illinois. If you say so on behalf of all the Senators here, then I withdraw the proposition.

Mr. CONKLING. I say so on behalf of myself. I will object to any arrangement by unanimous consent after such an exhibition as we have had. We will see if we cannot stay here as long as other people.

Mr. DAVIS, of Illinois. If that spirit is displayed I do not care how much Senators vote on such questions; I do not share that spirit with the Senator from New York.

Mr. CONKLING. I do share the whole of it.

Mr. DAVIS, of Illinois. I want in good faith to have the vote taken on the bill some time to-morrow.

Mr. CONKLING. So do I.

Mr. DAVIS, of Illinois. I believe a majority of Senators on both sides of the Chamber desire that to be done; and I say also that if we are to be kept here all night both parties will regret it.

Mr. DAVIS, of West Virginia. We are willing to fix an hour on this side.

Mr. DAVIS, of Illinois. Senators say they are willing on this side to fix an hour. It seems to me that is reasonable, I do not care who objects to it.

Mr. LOGAN. That side has got through talking.

The PRESIDENT *pro tempore*. The question is on the motion to proceed to the consideration of executive business, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. GARLAND, (when Mr. BECK's name was called.) The Senator from Kentucky [Mr. BECK] has been called home, and is paired with the Senator from Michigan, [Mr. CHANDLER.] I make this announcement to apply to this and subsequent votes.

The PRESIDENT *pro tempore*, (when Mr. EDMUNDS's name was called.) I am paired with the Senator from Vermont.

The roll-call having been concluded, the result was announced—yeas 1, nays 29; as follows:

YEAS—1.

Davis of Illinois.

NAYS—29.

Bayard,	Hampton,	McDonald,	Vest,
Call,	Harris,	Maxey,	Walker,
Cockrell,	Hereford,	Morgan,	Wallace,
Coke,	Houston,	Randolph,	Whyte,
Davis of W. Va.,	Jonas,	Ransom,	Withers.
Eaton,	Jones of Florida,	Saulsbury,	
Garland,	Kernan,	Slater,	
Groome,	Lamar,	Vance,	

ABSENT—46.

Allison,	Booth,	Carpenter,	Ferry,
Anthony,	Bruce,	Chandler,	Gordon,
Bailey,	Burnside,	Conkling,	Grover,
Beck,	Butler,	Dawes,	Hamlin,
Bell,	Cameron of Pa.,	Edmunds,	Hill of Colorado,
Blaine,	Cameron of Wis.,	Farley,	Hill of Georgia.
Hoar,	Logan,	Platt,	Thurman,
Ingalls,	McMillan,	Plumb,	Voorhees,
Johnston,	McPherson,	Rollins,	Williams,
Jones of Nevada,	Morrill,	Saunders,	Windom.
Kellogg,	Paddock,	Sharon,	
Kirkwood,	Pendleton,	Teller,	

Mr. WHYTE. I call the attention of the Chair to the fact of the absence of a quorum, and ask that the roll be called.

The PRESIDENT *pro tempore*. No quorum has voted. The Secretary will call the roll of Senators.

Mr. HEREFORD. On the last vote I neglected to announce the pair between the Senator from Iowa [Mr. ALLISON] and the Senator from Ohio, [Mr. PENDLETON.] If the Senator from Ohio had been here, he would have voted "nay." I cannot say how the Senator from Iowa would have voted.

The Secretary called the roll, and the following Senators answered to their names:

Bayard,	Groome,	Kernan,	Thurman,
Burnside,	Hampton,	Lamar,	Vance,
Cockrell,	Harris,	McDonald,	Vest,
Coke,	Hereford,	Morgan,	Voorhees,
Davis of Illinois,	Hill of Colorado,	Randolph,	Walker,
Davis of W. Va.,	Houston,	Ransom,	Wallace,
Eaton,	Ingalls,	Saulsbury,	Whyte,
Ferry,	Jonas,	Saunders,	Withers.
Garland,	Jones of Florida,	Slater,	

Mr. SAUNDERS. The Senator from New Hampshire [Mr. BELL] is paired with the Senator from Kentucky, [Mr. WILLIAMS.]

The PRESIDENT *pro tempore*. Thirty-five Senators have answered to their names. There is no quorum and the absentees will be called.

The Secretary called the absentees, as follows:

Allison,	Cameron of Wis.,	Hoar,	Pendleton,
Anthony,	Carpenter,	Johnston,	Platt,
Bailey,	Chandler,	Jones of Nevada,	Plumb,
Beck,	Conkling,	Kellogg,	Rollins,
Bell,	Dawes,	Kirkwood,	Sharon,
Blaine,	Edmunds,	Logan,	Teller,
Booth,	Farley,	McMillan,	Williams,
Bruce,	Gordon,	McPherson,	Windom.
Butler,	Grover,	Maxey,	
Call,	Hamlin,	Morrill,	
Cameron of Pa.,	Hill of Georgia,	Paddock,	

Mr. COKE, Mr. MAXEY, and Mr. RANDOLPH appeared and answered to their names.

Mr. HARRIS. I desire to say that my colleague [Mr. BAILEY] is absent from the Senate by reason of indisposition. He is at his rooms unwell.

Mr. WITHERS. I desire to make a similar statement in regard to my colleague, [Mr. JOHNSTON,] who has gone home in consequence of indisposition.

The PRESIDENT *pro tempore*. Thirty-eight Senators have answered to their names. There is no quorum.

Mr. WHYTE. I move that the Sergeant-at-Arms be directed to request the attendance of the absent Senators.

Mr. BURNSIDE. I desire to state that my colleague [Mr. ANTHONY] was called home by the death of a friend.

Mr. CARPENTER. I understand that the pending question is on proceeding to the consideration of executive business.

The PRESIDENT *pro tempore*. The Chair does not know whether that is the pending question.

Mr. WHYTE. There is no pending question.

Mr. CONKLING. That is the question.

Mr. CARPENTER. That is the pending question. The roll-call on that motion disclosed the fact that no quorum was present. In the absence of a quorum, and it being late at night, I move that the Senate adjourn and ask for the yeas and nays on that motion.

Mr. WHYTE. I make the point of order that pending the call and the sending for absent Senators there can be no such motion.

Mr. CONKLING. That will not do. A motion to adjourn is always in order.

Mr. WHYTE. It is not in order during a call of the roll.

The PRESIDENT *pro tempore*. The third rule of the Senate reads as follows:

> No Senator shall absent himself from the service of the Senate without leave of the Senate first obtained. Whenever it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant-at-Arms to request, and when necessary, to compel the attendance of the absent Senators, which order shall be determined without debate; and pending its execution—

That is, the execution of the order requesting the attendance of absent Senators—

> and until a quorum shall be present, no motion, except a motion to adjourn, nor debate, shall be in order.

If a motion to adjourn would be in order after the Sergeant-at-Arms had proceeded to the execution of the order, it seems to the Chair very clear that it is in order before he starts out on that mission.

Mr. McDONALD. I wish to make an inquiry.

Mr. CARPENTER. I rise to a point of order.

The PRESIDENT *pro tempore*. What is the point of order?

Mr. CARPENTER. I have made a motion to adjourn, which I understand is not debatable.

The PRESIDENT *pro tempore*. It is not debatable.

Mr. McDONALD. Did the Senator from Wisconsin answer to his name on the roll-call?

Mr. CONKLING. The Senator from Indiana is out of order.

Mr. McDONALD. If the Senator did not, then he is absent.

Mr. WHYTE. Absent without leave.

Mr. McDONALD. I submit that no Senator who is shown to be absent on the roll-call can make a motion.

Mr. CARPENTER. I rise to a point of order.

The PRESIDENT *pro tempore*. The Senate will be in order. The Chair supposes a question of order may be made, even when a motion to adjourn is made.

Mr. McDONALD. I object to any motion being made by the Senator from Wisconsin, who is shown to be absent, until it is ascertained that he is present.

The PRESIDENT *pro tempore*. The Chair overrules the point of order of the Senator from Indiana. The Senator from Wisconsin is in his seat now, and he moves to adjourn. He has not lost any right to move an adjournment because he did not answer to his name before. The question is on the motion of the Senator from Wisconsin.

Mr. CARPENTER. I call for the yeas and nays on that motion.

The yeas and nays were ordered.

Mr. WHYTE. I want to understand the ruling of the Chair, because it strikes me as somewhat novel, and I say it with great respect. Until the question is taken whether a majority of the Senate determine that the Sergeant-at-Arms shall be sent for the absent Senators, a motion to adjourn is not in order. After they have so determined, and while the Sergeant-at-Arms is out, then a motion to adjourn is in order.

Mr. CARPENTER. I rise to a point of order.

The PRESIDENT *pro tempore*. The opinion of the Chair remains as it was before, that a motion to adjourn is at any time in order, whether there is a quorum present or not present. If there is a quorum present, of course it is in order. If there is no quorum present, it is in order because less than a quorum may adjourn, and the Chair does not think it is necessary that the Sergeant-at-Arms should have stepped out of the Chamber on his way to request Senators to attend for a motion to adjourn to be in order which would not be in order before he left the Chamber for that purpose. The question is on the motion to adjourn, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll, and having called the name of Mr. BLAINE——

Mr. EATON. I hope that the call will be suspended for one moment. Rule 16 provides that—

When the yeas and nays shall be called for by one-fifth of the Senators present——

Mr. CONKLING. The Senator is out of order.

Mr. EATON. I am not out of order.

Mr. CONKLING. Entirely.

Mr. CARPENTER. He is entirely out of order.

Mr. EATON. The rule proceeds:

Each Senator, when his name is called——

Mr. CONKLING. I rise to a point of order, and I call the Senator from Connecticut to order.

Mr. EATON. The Senator from Connecticut insists that he is in order in reading a rule of the Senate.

Mr. CONKLING. I submit to the Chair that during the roll-call the Senator is not in order.

Mr. EATON. I submit that I am.

Mr. CONKLING. Let the Chair decide that.

Mr. EATON. Very well, the Chair may decide.

The PRESIDENT *pro tempore*. The point is answered by the last clause of Rule 17:

And these proceedings—

That is, the proceedings to require Senators to account for not voting—

shall be had after the roll shall have been called and before the result of the vote is announced.

The Senator can raise the question, but he must wait until the roll is called through, and before the vote is announced. The Secretary will proceed with the call.

The Secretary resumed the call of the roll.

The PRESIDENT *pro tempore*, (when his name was called.) I am paired with the Senator from Vermont, [Mr. EDMUNDS.]

The Secretary resumed and concluded the call of the roll.

The names of those voting were read by the Secretary, as follows:

Bayard,	Harris,	Maxey,	Walker,
Call,	Hereford,	Morrill,	Wallace,
Cockrell,	Houston,	Randolph,	Whyte,
Coke,	Jonas,	Ransom,	Withers.
Eaton,	Jones of Florida,	Slater,	
Groome,	Kernan,	Vance,	
Hampton,	McDonald,	Vest,	

Mr. EATON. Before the announcement of the result I desire to call the attention of the Chair to Rules 16 and 17; and I ask that the rules be read by the Clerk.

The PRESIDENT *pro tempore*. The two rules will be read.

The Secretary read Rule 16, as follows:

When the yeas and nays shall be called for by one-fifth of the Senators present, each Senator, when his name is called, shall, unless for special reasons he be excused by the Senate, declare openly and without debate his assent or dissent to the question; and in taking the yeas and nays upon any question, the names of the Senators shall be called alphabetically.

Mr. EATON. Now, I desire to call attention to the fact (and I think I was entirely right before, but I bowed submissively to the decision of the Chair) that it was my time to call attention to this rule when honorable Senators declined to vote, because the rule says that when a Senator's name is called he "shall, unless for special reasons he be excused by the Senate, declare openly," &c. I called attention to that rule when the name of the honorable Senator from Maine was called, whom I noticed in his seat and he did not respond. I also noticed very many of my friends upon the other side who have paid no attention to this rule of the Senate.

Mr. BLAINE. In connection with what rule of the Senate has the Senator mentioned my name? I was not giving attention.

Mr. EATON. It has been read.

The PRESIDENT *pro tempore*. Rule 16.

Mr. EATON. I call the attention of the Chair to the fact that that rule, I will not say has been violated, for that might be discourteous, but it has not been complied with.

Mr. BLAINE. If it is not imposing on the good nature of the Senator, I should like to hear the rule read again.

Mr. CARPENTER. I rise to a point of order.

The PRESIDENT *pro tempore*. What is the Senator's point of order?

Mr. CARPENTER. The point of order is that there is no business pending before the Senate except the announcement of the vote taken by yeas and nays. The Senator from Connecticut makes no motion.

The PRESIDENT *pro tempore*. The Chair overrules the point of order. These two rules must be taken together. Rule 16——

Mr. CARPENTER. Do I understand the Chair to overrule the point of order?

The PRESIDENT *pro tempore*. Yes, sir.

Mr. CARPENTER. I appeal from that decision.

The PRESIDENT *pro tempore*. Will the Senator state his point of order distinctly again? Let it be distinctly made.

Mr. CARPENTER. It was the point of order which was overruled by the Chair.

The PRESIDENT *pro tempore*. The Senator from Wisconsin, as the Chair understood, made the point of order that the Senator from Connecticut could not call the attention of the Chair to these two rules with a view to their execution, because there was a call of the yeas and nays pending, the result of which had not been announced. Was that not the point?

Mr. CARPENTER. That was not the point at all.

The PRESIDENT *pro tempore*. Then the Chair wishes to hear what it was.

Mr. CARPENTER. The point of order was that the Senator from Connecticut had made no motion whatever. He had called the attention of the Chair to a rule. The attention of the Chair is supposed always to be directed to every rule there is in force. That is all the Senator from Connecticut did. He made no motion; he did not move to expel the Senator from Maine, or attach him, or to send him to jail, or anything else. Consequently, by calling the attention of the Chair to the rule he had done nothing more than was vivid in the mind of the Chair all the while; and the next business is to declare the result of the roll-call.

The PRESIDENT *pro tempore*. The Chair will state that the Senator from Connecticut called attention to Rules 16 and 17 and asked that they be read, as the Chair understood with a view of proceeding under those rules. The Secretary read Rule 16. It is necessary that we should understand what these rules mean. The Chair is not of opinion that the Senator from Connecticut was out of order in calling attention to these rules.

Mr. CARPENTER. The Chair will pardon me, I did not claim that he was, but after he got through and had taken his seat and had made no motion whatever, I then insisted that the next thing was to have the result of the roll-call declared.

The PRESIDENT *pro tempore*. The reason why the Senator from Connecticut made no motion, the Chair supposes, is that the Senator intended to submit whether it was the duty of the Chair to require a Senator to vote or whether it required a motion of the Senate.

Mr. CARPENTER. He did not submit anything.

Mr. BLAINE. I heard my name called by the honorable Senator from Connecticut. I imagined I was the victim of something, but I do not know what.

Mr. HARRIS. I rise to object to this discussion unless it is ruled to be in order, and I maintain that it is not in order.

Mr. BLAINE. If a Senator has been guilty of disorder and is called to account for that, it is not lawful to send him to prison without signifying the charge laid against him. I have a right to hear it.

Mr. CARPENTER. Mr. President——

The PRESIDENT *pro tempore*. The Chair must answer the proposition of the Senator from Connecticut.

Mr. BLAINE. What is the proposition of the Senator from Connecticut?

Mr. CARPENTER. If the Chair will allow me, I rise to a point of order. Does the Chair sustain the point of order or overrule it?

The PRESIDENT *pro tempore*. The Senator from Wisconsin will take his seat, and the Chair will state what is the question. The Chair understands the Senator from Connecticut to submit the question, he having brought to the attention of the Chair the fact that the Senator from Maine was here and did not vote, whether the Chair

has the power and it is the duty of the Chair to require the Senator to assign his reasons for not voting under Rule 16? The Chair was about to state that, in the opinion of the Chair, a Senator cannot be required to assign his reasons without a vote of the Senate requiring him to do so. If the Senator from Connecticut moves that the Senator from Maine be required to assign his reasons, that will be perfectly in order at this time before the announcement of the result of the roll-call.

Mr. EATON. That was not the motion that I proposed to make. I called the attention of the Chair to the sixteenth and seventeenth rules; first the sixteenth rule. I think I was entirely right in insisting that the roll-call should cease when I first discovered that my honorable friend from Maine had not voted. Rule 16 provides that—

When the yeas and nays shall be called for by one-fifth of the Senators present, each Senator, when his name is called, shall, unless for special reasons he be excused by the Senate, declare openly and without debate his assent or dissent to the question—

Then, not afterward, at the time when his name is called—

and in taking the yeas and nays upon any question the names of the Senators shall be called alphabetically.

The proposition that I wish to call to the attention of the Chair is this: Is it not the duty of the Chair that again under Rule 16 the names of the gentlemen who declined to vote be called?

Mr. BLAINE. The Senator misconstrues the rule. The rule is that a Senator shall vote at that time and that he shall not get up at some other time in an irregular manner and vote; but it is not compulsory upon him to vote.

Mr. EATON. It is, in my judgment, compulsory.

Mr. BLAINE. He shall not disturb the proceedings of the body by coming in at some irregular and odd time, but shall come in then. But the rule does not say that it is his duty to come in. Suppose I did not want to vote?

Mr. CONKLING. What is the question on which this debate proceeds?

The PRESIDENT *pro tempore*. This debate——

Mr. BLAINE. I want to ask the honorable Senator, with the permission of the President of the Senate, how you are going to construe a pair under that rigid enforcement of the rule? The Senator from Connecticut gets up very often and says he is paired with a certain Senator, and he declines to vote. Now, as he construes the rule, he is forced to vote; he shall vote.

Mr. EATON. Not very often do I make a pair.

Mr. BLAINE. But a great many Senators pair. Now, how does the Senator construe that with his rigid construction of the rule at the present time? Does not the Senator see that my construction of the rule harmonizes with the liberty of pairing, and his does not?

Mr. EATON. I do not think that that argument is strong, but still I will make my motion in accordance with the opinion of the Chair, surrendering my own opinion. I will read the seventeenth rule:

When a Senator, being present and declining to vote when his name is called, shall be required to assign his reasons therefor, and shall so assign them, the presiding officer shall thereupon submit the question to the Senate: "Shall the Senator, for the reasons assigned by him, be excused from voting?" which shall be decided without debate.

Therefore, I now move that the Senator from Maine be required to assign his reasons for not voting.

Mr. CONKLING. Mr. President, I rise to a question of order.

The PRESIDENT *pro tempore*. The Senator will state his question of order.

Mr. CONKLING. I submit that that motion is not in order, because the last vote taken in the Senate disclosed the absence of a quorum, and the rule declares that in that state of case no motion is in order except a motion to adjourn. I submit to the Chair that the absence of a quorum having been disclosed, and there being no motion possible under the rules save a motion to adjourn, the motion now proposed by the Senator from Connecticut is out of order.

Mr. EATON. Mr. President——

The PRESIDENT *pro tempore*. This question is not debatable. The Chair overrules the point of order made by the Senator from New York.

Mr. CONKLING. I appeal from the decision of the Chair, respectfully.

The PRESIDENT *pro tempore*. The Senator from New York appeals.

Mr. WHYTE. I move to lay the appeal on the table.

Mr. CONKLING. On that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. BLAINE. I rise to a parliamentary inquiry. I want to know what I am going to vote on, or whether I am to be permitted to vote? In the first place the Senator from Connecticut——

The PRESIDENT *pro tempore*. The Senator will suspend; no debate is in order. A motion is made to lay the appeal on the table.

Mr. BLAINE. What is the appeal from?

The PRESIDENT *pro tempore*. The appeal is from the decision of the Chair overruling the point of order made by the Senator from New York.

Mr. BLAINE. And what was the point of order made by the Senator from New York?

The PRESIDENT *pro tempore*. The Senator must recollect.

Mr. BLAINE. Oh, no. I have a right to inquire that from the Chair.

The PRESIDENT *pro tempore*. The point made by the Senator from New York was that no motion was in order now but a motion to adjourn or for a call of the Senate, as on a previous call there had not been a quorum voting. The Chair has overruled that point of order, and now an appeal is taken, and a motion is made to lay the appeal on the table, upon which the yeas and nays have been ordered. The Secretary will call the roll.

Mr. CARPENTER. I rise to a parliamentary inquiry. I took an appeal from the decision of the Chair a few moments ago, and the Chair ordered me to sit down, but what becomes of my appeal?

Mr. CONKLING. The Senator took it down with him. [Laughter.]

The PRESIDENT *pro tempore*, (to the Secretary.) Call the roll.

The Secretary proceeded to call the roll.

Mr. GARLAND, (when Mr. BECK'S name was called.] I make the announcement that the Senator from Kentucky [Mr. BECK] was compelled to go home, and is paired on all questions with the Senator from Michigan, [Mr. CHANDLER.]

Mr. BLAINE, (when his name was called.) As this decision affects my right, does the Presiding Officer rule that I have a right to vote?

The PRESIDENT *pro tempore*. The Senator has a right to vote. This is not a question affecting him.

Mr. BLAINE. Then I believe I will not vote. [Laughter.]

The Secretary resumed and concluded the call of the roll; and the result was announced—yeas 26, nays 0; as follows:

YEAS—26.

Bayard,	Harris,	McDonald,	Voorhees,
Call,	Hereford,	Morgan,	Walker,
Cockrell,	Houston,	Randolph,	Wallace,
Coke,	Jonas,	Ransom,	Whyte,
Eaton,	Jones of Florida,	Slater,	Withers.
Garland,	Kernan,	Vance,	
Hampton,	Lamar,	Vest,	

NAYS—0.

ABSENT—50.

Allison,	Chandler,	Hill of Georgia,	Pendleton,
Anthony,	Conkling,	Hoar,	Platt,
Bailey,	Davis of Illinois,	Ingalls,	Plumb,
Beck,	Davis of W. Va.,	Johnston,	Rollins,
Bell,	Dawes,	Jones of Nevada,	Saulsbury,
Blaine,	Edmunds,	Kellogg,	Saunders,
Booth,	Farley,	Kirkwood,	Sharon,
Bruce,	Ferry,	Logan,	Teller,
Burnside,	Gordon,	McMillan,	Thurman,
Butler,	Groome,	McPherson,	Williams,
Cameron of Pa.,	Grover,	Maxey,	Windom.
Cameron of Wis.,	Hamlin,	Morrill,	
Carpenter,	Hill of Colorado,	Paddock,	

The PRESIDENT *pro tempore*. No quorum has voted.

Mr. CONKLING. What becomes of the appeal, Mr. President?

The PRESIDENT *pro tempore*. It is not decided.

Mr. CONKLING. Then it is debatable, is it not?

The PRESIDENT *pro tempore*. The appeal remains unacted on, on the table, no quorum voting.

Mr. CONKLING. Then an appeal from the decision of the Chair is debatable, is it not?

Mr. HARRIS. Pending a motion to lay on the table it is certainly not debatable, I should say.

Mr. CONKLING. That will not do.

The PRESIDENT *pro tempore*. All the Chair can now do is to order a call of the Senate.

Mr. CONKLING. How can the Chair order a call of the Senate while an appeal from the decision of the Chair is pending?

The PRESIDENT *pro tempore*. That appeal is on the question of order, and the roll discloses that there is no quorum; so that the Chair shall forthwith order a call of the Senate.

Mr. CONKLING. But I believe I have a right to submit this to the Chair: A call of the Senate was proceeding. The Chair allowed the Senator from Connecticut to interpose this motion. A point of order was raised. The Chair held that despite the rule that motion was in order. From that decision an appeal was taken. There the right of debate existed. The Senator from Maryland, to cut off that right, moved to lay that appeal on the table. That motion fails. Now if the Chair were right in entertaining the original motion or in making the ruling, have we not a right to debate the appeal from that decision?

The PRESIDENT *pro tempore*. The Senator will understand, the Senator from Connecticut could make a motion that the Senator from Maine should be required to state his reason for not voting; but the Chair has not decided that less than a majority of a quorum could decide that it should be required at all. The Chair has only decided that that motion was in order, overruling the point of order made by the Senator from New York. From that decision an appeal was taken. A motion was made to lay the appeal upon the table *non constat*, because there was no quorum voting on the previous occasion, that there would not be a quorum when the yeas and nays were called on the motion to lay on the table. Now the call discloses a want of a quorum, and all the Chair can do is to order a call of the Senate.

Mr. CONKLING. May I ask a question of the Chair? Has the Chair ever a right to make a decision from which a Senator has not a right to appeal?

The PRESIDENT *pro tempore*. In respect to what?

Mr. CONKLING. In respect to anything.

Mr. WHYTE. Under Rule 2 he has positively.

Mr. CONKLING. In respect to anything, I do not care what. Is

not the right of appeal just as broad as the right to decide a question of order?

The PRESIDENT *pro tempore*. Rule 2 says:

If either at the commencement of any daily session of the Senate, or at any time during its daily sessions, a question shall be raised by any Senator as to the presence of a quorum, the presiding officer shall forthwith direct the Secretary to call the roll of Senators, and shall announce the result to the Senate.

In the opinion of the Chair that is a peremptory duty of the President of the Senate, and no appeal from his direction to the Secretary to call the roll can be taken.

Mr. CONKLING. I submitted a question to the President of the Senate in the form of a point of order; I understood the Chair to overrule it; and may I now inquire what call of the Senate is to proceed? Is it that call in the midst of which we were when this motion interrupted it, or is it a new call of the Senate?

The PRESIDENT *pro tempore*. It is a call of the Senate because it appears there is no quorum present.

Mr. CONKLING. Then it is to be a new call of the Senate.

The PRESIDENT *pro tempore*. The Secretary will proceed with the call.

Mr. CONKLING. With which call? I believe we have a right to know.

The PRESIDENT *pro tempore*. It will be a new call, certainly.

Mr. CONKLING. Then what becomes of the other call?

The PRESIDENT *pro tempore*. That we will inquire of when the time comes.

Mr. CONKLING. I make the point of order at this time that the Chair has no right to dismiss the proceedings under the other call of the Senate without a vote of the Senate.

The PRESIDENT *pro tempore*. Senators will come to order.

Mr. BAYARD. May I ask a question of the Chair?

Mr. CONKLING. What becomes of my point of order?

The PRESIDENT *pro tempore*. It is overruled.

Mr. CONKLING. Then I appeal from the decision of the Chair.

The PRESIDENT *pro tempore*. The Chair has already stated that from the order of the Chair to the Secretary to call the roll when no quorum appears, there can be no appeal.

Mr. CONKLING. I do not appeal from that decision. I appeal from the decision of the Chair that he has a right to dismiss the pending call of the Senate without a vote of the Senate.

The PRESIDENT *pro tempore*. The Chair has dismissed nothing.

Mr. CONKLING. Then what becomes of the other call?

The PRESIDENT *pro tempore*. When a quorum of the Senate is present we shall find out.

Mr. CONKLING. I propose to find out now.

The PRESIDENT *pro tempore*. The Secretary will proceed to call the roll.

Mr. BAYARD. I desire to ask a question of the Chair, if I may, to ascertain in regard to my vote, what has become of the perfection of the roll-call upon the motion which was interrupted by the reading of the rule by the Senator from Connecticut?

Mr. CONKLING. I should like to know what has become of that.

Mr. BAYARD. That was a question raised. The roll-call had proceeded——

The PRESIDENT *pro tempore*. The Chair will answer the Senator. A vote was being taken, and certain Senators did not vote. The Senator from Connecticut moved that one of them, naming him, be required to give his reasons for not voting. The Senator from New York made the point of order that that motion could not be made because, not the vote not yet announced, but the last preceding vote, showed no quorum present; that is, no quorum voting. The Chair overruled that point of order. The Senator from New York appealed from the decision of the Chair. Then the motion was made to lay the appeal on the table. On that the yeas and nays were ordered, and the vote was 26 yeas and no nays, showing a want of a quorum. Under those circumstances, although there was not a quorum at a previous vote, it did not follow that there would not be a quorum then; and the Chair sees nothing for it to do but to order a new call of the Senate.

Mr. BAYARD. May I state one fact? My desire is that it should be understood that these are the rules of the Senate, and I am sure that the personal respect of each Senator will induce him to obey them according to his conscience. I remember very well when these Rules 16 and 17 were put in force upon myself and by the honorable Senator from Wisconsin [Mr. CARPENTER] who then occupied the chair. I was present in the Senate and my name being called I did not respond. The fact was brought to the attention of the Chair.

Mr. CONKLING. Is this debate in order?

The PRESIDENT *pro tempore*. The Chair is trying to get the ear of the Senator from Delaware to say to him that if this debate proceeds it must be by unanimous consent.

Mr. BAYARD. I should like to make a statement because it will render the point of order clear.

Mr. CONKLING. I have no objection if we have the same right; I do object unless we have.

Mr. BAYARD. I thought the Senator had been arguing his own motion.

Mr. CONKLING. Not at all; I have simply been making a point of order. If the Senator from Delaware is going to be heard I insist on the same right. Otherwise I object.

Mr. HARRIS. I rise to a question of order, which I will state. The Senate proceeding to decide a question that it was competent for less than a quorum to decide, a question of order was raised by the Senator from Wisconsin I believe, which the Senator from Maryland moved to lay on the table. I maintain that it was competent for less than a quorum to determine that question of order, and I maintain that the vote of 26 yeas and no nays upon the motion of the Senator from Maryland was a decision of that question of order by laying the appeal on the table.

Mr. CARPENTER. It was not laid on the table.

The PRESIDENT *pro tempore*. The Chair is of opinion that the point of order made by the Senator from Tennessee [Mr. HARRIS] is not well taken.

Mr. HOUSTON. Mr. President, I want to see if I understand the question so that I can vote understandingly. The Senate was proceeding with business and found itself without a quorum on a vote. Then there was a call of the House; it proceeded until a gentleman moved to have certain members called to account for not voting. A point of order was raised which the Chair overruled. The Senator from New York appealed, and a motion is made to lay that appeal upon the table. If I have stated the case correctly the last vote was upon the motion to lay upon the table, and that was a business motion that required a quorum to carry it there. It cannot be carried by anything less than a quorum, and there was no quorum on that vote; and therefore under the rule it was the duty of the Chair to call the roll.

Mr. CONKLING. What becomes of the other call?

Mr. HOUSTON. The other call is in the rear, because it cannot be reached. The Senator's motion has got in front and has to be gotten out of the way before we can go back to the other call of the Senate.

Mr. CONKLING. "If two ride a horse, one must ride behind."

Mr. HOUSTON. I rather think so, and that is just what I want the Senator to do, to ride behind.

Mr. CARPENTER. Mr. President——

The PRESIDENT *pro tempore*. The Chair wishes it understood this discussion is proceeding only by unanimous consent.

Mr. CARPENTER, (at seven o'clock and fifty-five minutes p. m.) Mr. President, I move that the Senate do now adjourn.

The PRESIDENT *pro tempore*. The Senator from Wisconsin moves that the Senate do now adjourn.

Mr. BLAINE. Mr. President——

The PRESIDENT *pro tempore*. The motion is not debatable.

Mr. BLAINE. I know it is not, but I rise to a point of order; there is a motion pending.

The PRESIDENT *pro tempore*. There has been business since the last motion to adjourn.

Mr. BLAINE. But a motion is pending before the Senate and it was on that motion that the Senator from Connecticut arrested the proceeding of the Senate.

Mr. CARPENTER. I rise to a point of order.

The PRESIDENT *pro tempore*. The Senator from Maine is out of order and will take his seat. There has been business before the Senate since the last vote, and it does not matter that on a former occasion a motion was made to adjourn.

Mr. BLAINE. One single remark. I do not possess much knowledge of parliamentary law, but I think it will be novel in the history of parliamentary bodies that two motions to adjourn were pending before us at the same moment of time and ruled to be both in order.

The PRESIDENT *pro tempore*. The Senator from Wisconsin has moved that the Senate do now adjourn. The question is on that motion.

The question being put, there were on a division—ayes 19, noes 21.

Mr. CARPENTER. I call for the yeas and nays.

The yeas and nays were ordered and taken.

Mr. BURNSIDE, (after having voted in the affirmative.) I wish to withdraw my vote if I can. I would like to state for the RECORD that I voted out of misapprehension. [Laughter.]

The result was announced—yea 1, nays 23; as follows:

YEA—1.

Burnside.

NAYS—23.

Bayard,	Harris,	McDonald,	Vance,
Call,	Hereford,	Maxey,	Vest,
Cockrell,	Houston,	Morgan,	Walker,
Garland,	Jonas,	Randolph,	Whyte,
Groome,	Jones of Florida,	Ransom,	Withers.
Hampton,	Kernan,	Slater,	

ABSENT—52.

Allison,	Coke,	Hill of Georgia,	Pendleton.
Anthony,	Conkling,	Hoar,	Platt,
Bailey,	Davis of Illinois,	Ingalls,	Plumb,
Beck,	Davis of W. Va.,	Johnston,	Rollins,
Bell,	Dawes,	Jones of Nevada,	Saulsbury,
Blaine,	Eaton,	Kellogg,	Saunders,
Booth,	Edmunds,	Kirkwood,	Sharon,
Bruce,	Farley,	Lamar,	Teller,
Butler,	Ferry,	Logan,	Thurman,
Cameron of Pa.,	Gordon,	McMillan,	Voorhees.
Cameron of Wis.,	Grover,	McPherson,	Wallace,
Carpenter,	Hamlin,	Morrill,	Williams,
Chandler,	Hill of Colorado,	Paddock,	Windom.

The PRESIDENT *pro tempore*. There is not a quorum voting.

Mr. WHYTE. Now, Mr. President, I believe the motion I made is in order and is still pending.

The PRESIDENT *pro tempore*. The question recurs on the motion made by the Senator from Maryland to request the attendance of the absentees.

Mr. CONKLING. On that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. CONKLING. I rise now to a point of order, and I submit to the Chair that the only roll-call in order is the roll-call which has been ordered by the Senate.

The PRESIDENT *pro tempore*. It is disclosed that there is not a quorum present. Less than a quorum may request the attendance of absentees. The Chair overrules the point of order, and will now put the question on the motion of the Senator from Maryland.

Mr. CONKLING. Let the record show that the Chair overrules it.

The question being taken by yeas and nays, resulted—yeas 21, nays 0; as follows:

YEAS—21.

Bayard,	Hampton,	McDonald,	Walker,
Call,	Hereford,	Randolph,	Whyte,
Cockrell,	Houston,	Ransom,	Withers.
Davis of Illinois,	Jonas,	Slater,	
Garland,	Kernan,	Vance,	
Groome,	Lamar,	Vest,	

NAYS—0.

ABSENT—55.

Allison,	Coke,	Hoar,	Pendleton,
Anthony,	Conkling,	Ingalls,	Platt,
Bailey,	Davis of W. Va.,	Johnston,	Plumb,
Beck,	Dawes,	Jones of Florida,	Rollins,
Bell,	Eaton,	Jones of Nevada,	Saulsbury,
Blaine,	Edmunds,	Kellogg,	Saunders,
Booth,	Farley,	Kirkwood,	Sharon,
Bruce,	Ferry,	Logan,	Teller,
Burnside,	Gordon,	McMillan,	Thurman,
Butler,	Grover,	McPherson,	Voorhees,
Cameron of Pa.,	Hamlin,	Maxey,	Wallace,
Cameron of Wis.,	Harris,	Morgan,	Williams,
Carpenter,	Hill of Colorado,	Morrill,	Windom.
Chandler,	Hill of Georgia,	Paddock,	

The PRESIDENT *pro tempore*. The order is made and the Sergeant-at-Arms will now proceed to request the presence of the absentees.

Mr. CARPENTER. Mr. President, I move that the Senate do now adjourn.

The PRESIDENT *pro tempore*. The Chair is of opinion that no business has intervened since the last motion to adjourn.

Mr. BLAINE. This business just done has intervened.

Mr. WHYTE. I raise the point of order that the call discloses the absence of the Senator from Maine. He has been sent for and until the Sergeant-at-Arms reports where he is, he has no right to be here.

Mr. BLAINE. The Senator reports himself.

Mr. WHYTE. He cannot report himself. He is in contempt of the Senate.

Mr. CONKLING. May I ask a parliamentary question of the Chair? The last vote being an order that the Sergeant-at-Arms shall invite absent Senators, does the Chair rule that a motion to adjourn is not in order?

The PRESIDENT *pro tempore*. The rule is that—

Whenever it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant-at-Arms to request, and, when necessary, to compel the attendance of the absent Senators, which order shall be determined without debate; and, pending its execution, and until a quorum shall be present, no motion, except a motion to adjourn, nor debate, shall be in order.

Mr. CONKLING. Exactly. Is not a motion to adjourn in order?

The PRESIDENT *pro tempore*. A motion to adjourn is in order pending the execution of the order.

Mr. CARPENTER. I make that motion.

Mr. CONKLING. The Senator from Wisconsin has submitted that motion, and I demand the yeas and nays upon it.

Mr. WHYTE. I raise the point of order that the Sergeant-at-Arms has been directed to ask the attendance of that absent Senator, and he has no right to be constructively present and make motions to adjourn, until it is reported whether he is present or absent.

Mr. CARPENTER. I escaped from the Sergeant-at-Arms and got into the Chamber before he got out. [Laughter.] Now I move that the Senate adjourn. I understand the Chair to rule that motion to be in order.

Mr. WHYTE. It is not in order from that Senator.

Mr. CONKLING. How does the Chair rule?

Mr. EATON. Mr. President, I desire to say one word.

Mr. CONKLING. Is this question of order debatable?

The PRESIDENT *pro tempore*. It has been debated a good deal.

Mr. EATON. Suggestions have been made. I do not desire to debate.

Mr. CONKLING. I do not care to object to my honorable friend.

Mr. CARPENTER. I call for the rule on my motion to adjourn, and ask the Chair to decide whether it is in order or out.

Mr. EATON. Whenever Senators are absent and the Sergeant-at-Arms is directed to produce those gentlemen on the floor of the Senate, they are to be produced here by him, and until he brings them here they are constructively absent.

Mr. BLAINE. Then, Mr. President, if I understand the Senator from Connecticut, nobody can make a motion until the President of the Senate looks on that list to see if he answered to that call.

The PRESIDENT *pro tempore*. The Chair is of opinion that under the rule the motion to adjourn is in order, and it will be put.

Mr. CONKLING. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BELL, (when his name was called.) On this question I am paired with the Senator from Kentucky, [Mr. WILLIAMS.] Otherwise I should vote "yea."

Mr. CHANDLER, (when his name was called.) On this question I am paired with the Senator from Kentucky, [Mr. BECK.]

Mr. BOOTH, (when Mr. FARLEY'S name was called.) I wish to state in justice to my colleague, [Mr. FARLEY,] that he has been called home by very important business.

Mr. MCMILLAN, (when his name was called.) I am paired on all political questions with the Senator from New Jersey, [Mr. MCPHERSON.] I understand this to be a political question, and I would vote "yea" if Mr. MCPHERSON were here, and he, I presume, would vote "nay."

Mr. HEREFORD. Do I understand from the Senator from Minnesota that it is a political question here to break a quorum of the Senate?

Mr. CARPENTER. I rise to a question of order.

Mr. CONKLING. I call the Senator from West Virginia to order.

The PRESIDENT *pro tempore*. The roll-call will proceed.

Mr. HEREFORD. Mr. President——

Mr. CONKLING. I call the Senator to order.

Mr. HEREFORD. I have the floor.

The PRESIDENT *pro tempore*. The Senator cannot interrupt the roll-call.

Mr. HEREFORD. It has already been interrupted.

The Secretary resumed and concluded the call of the roll.

The result was announced—yeas 14, nays 25; as follows:

YEAS—14.

Blaine,	Conkling,	Kirkwood,	Rollins,
Booth,	Davis of Illinois,	Logan,	Windom.
Burnside,	Dawes,	Morrill,	
Carpenter,	Ferry,	Platt,	

NAYS—25.

Call,	Harris,	McDonald,	Vest,
Cockrell,	Hereford,	Maxey,	Walker,
Davis of W. Va.,	Houston,	Morgan,	Whyte,
Eaton,	Jonas,	Randolph,	Withers.
Garland,	Jones of Florida,	Ransom,	
Groome,	Kernan,	Slater,	
Hampton,	Lamar,	Vance,	

ABSENT—37.

Allison,	Chandler,	Ingalls,	Saunders,
Anthony,	Coke,	Johnston,	Sharon,
Bailey,	Edmunds,	Jones of Nevada,	Teller,
Bayard,	Farley,	Kellogg,	Thurman,
Beck,	Gordon,	McMillan,	Voorhees,
Bell,	Grover,	McPherson,	Wallace,
Bruce,	Hamlin,	Paddock,	Williams.
Butler,	Hill of Colorado,	Pendleton,	
Cameron of Pa.,	Hill of Georgia,	Plumb,	
Cameron of Wis.,	Hoar,	Saulsbury,	

The PRESIDENT *pro tempore*. The motion is disagreed to; the Senate refuses to adjourn.

Mr. CONKLING. A quorum has voted. Mr. President, I move that further proceedings under the call be dispensed with, and on that I ask for the yeas and nays.

The PRESIDENT *pro tempore*. The Senator from New York moves that further proceedings under the call be dispensed with and on that motion demands the yeas and nays.

The yeas and nays were ordered.

Mr. BLAINE. Is not that done by general consent when the presence of a quorum is disclosed? [Oh, no.]

The PRESIDENT *pro tempore*. No general consent was given. The Secretary will proceed with the call.

Mr. BLAINE. I ask unanimous consent that proceedings be dispensed with.

Mr. KERNAN. I object.

The PRESIDENT *pro tempore*. The roll-call will proceed.

The Secretary proceeded to call the roll.

Mr. MCMILLAN, (when his name was called.) I am paired with the Senator from New Jersey [Mr. MCPHERSON] on all political questions. If this is a political question I shall refrain from voting. If he were here, I should vote "yea." I do not know whether the question is regarded as political or not.

The roll-call was concluded; and the result was announced—yeas 4, nays 22; as follows:

YEAS—4.

Davis of Illinois,	Eaton,	Morrill,	Windom.

NAYS—22.

Bayard,	Hereford,	Lamar,	Vest,
Call,	Hill of Georgia,	Morgan,	Walker,
Cockrell,	Houston,	Randolph,	Whyte,
Davis of W. Va.,	Jonas,	Ransom,	Withers.
Hampton,	Jones of Florida,	Slater,	
Harris,	Kernan,	Vance,	

ABSENT—50.

Allison,	Beck,	Booth,	Butler,
Anthony,	Bell,	Bruce,	Cameron of Pa.,
Bailey,	Blaine,	Burnside,	Cameron of Wis.,

Carpenter,	Groome,	Logan,	Saulsbury,
Chandler,	Grover,	McDonald,	Saunders,
Coke,	Hamlin,	McMillan,	Sharon,
Conkling,	Hill of Colorado,	McPherson,	Teller,
Dawes,	Hoar,	Maxey,	Thurman,
Edmunds,	Ingalls,	Paddock,	Voorhees,
Farley,	Johnston,	Pendleton,	Wallace,
Ferry,	Jones of Nevada,	Platt,	Williams.
Garland,	Kellogg,	Plumb,	
Gordon,	Kirkwood,	Rollins,	

Mr. CARPENTER. Is there a quorum voting?

Mr. WHYTE. Has the Sergeant-at-Arms reported?

The PRESIDENT *pro tempore*. It does not require a quorum to vote on this question. The Sergeant-at-Arms will execute the order of the Senate, or, if he is ready to report, will report.

Mr. CARPENTER, (at eight o'clock and twenty minutes p. m.) Mr. President, it is now after eight o'clock, and I move that the Senate adjourn.

Mr. WHYTE. I object, and make the point of order that the Sergeant-at-Arms having been sent for the absent Senators, a Senator not voting is not entitled to stand in his seat and move an adjournment until a report is made by the Sergeant.

Mr. CONKLING. This is the third time the point has been made; and it has been twice overruled.

Mr. WHYTE. I shall make the point again whenever a motion is made by the Senator from Wisconsin until he is reported by the Sergeant-at-Arms.

Mr. BLAINE. Then a Senator cannot come in the Senate Chamber himself, but must come escorted by the Sergeant-at-Arms.

Mr. WHYTE. I say that he must be excused by the Senate.

Mr. CARPENTER. I rise to a point of order. I have made a motion to adjourn, which is not debatable.

The PRESIDENT *pro tempore*. The Senator from Maryland raised a point of order, and that is always in order unless the Senate is dividing. The Senate was not dividing, so the Senator from Maryland was in order.

Mr. CARPENTER. If that is the decision of the Chair, I appeal from it.

Mr. CONKLING. Mr. President——

Mr. WHYTE. I make the point of order, Mr. President.

The PRESIDENT *pro tempore*. The Senator from Wisconsin moves that the Senate do now adjourn. Everything turns, if the Chair may be permitted to say it, upon the question whether business has intervened since the last motion to adjourn. The Chair is compelled to say that, in the opinion of the Chair, a motion to dispense with further proceedings under the rule is business, and therefore the motion to adjourn is in order.

Mr. CARPENTER. I call for the yeas and nays on that motion.

The PRESIDENT *pro tempore*. On this motion the yeas and nays are demanded.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. McMILLAN, (when his name was called.) I am paired with the Senator from New Jersey [Mr. McPHERSON] on political subjects. This seems to be a political question, and I will not vote. I would vote "yea" if he were here.

The roll-call was concluded.

Mr. BAILEY. I am paired on all political questions with the Senator from Nebraska, [Mr. PADDOCK.] If he were here, I should vote "nay."

The result was announced—yeas 3, nays 24; as follows:

YEAS—3.

Booth,	Davis of Illinois,	Windom.

NAYS—24.

Bayard,	Hereford,	Lamar,	Slater,
Call,	Hill of Georgia,	Maxey,	Vance,
Davis of W. Va.,	Houston,	Morgan,	Vest,
Eaton,	Jonas,	Pendleton,	Walker,
Groome,	Jones of Florida,	Randolph,	Whyte,
Hampton,	Kernan,	Ransom,	Withers.

ABSENT—49.

Allison,	Cockrell,	Hoar,	Plumb,
Anthony,	Coke,	Ingalls,	Rollins,
Bailey,	Conkling,	Johnston,	Saulsbury,
Beck,	Dawes,	Jones of Nevada,	Saunders,
Bell,	Edmunds,	Kellogg,	Sharon,
Blaine,	Farley,	Kirkwood,	Teller,
Bruce,	Ferry,	Logan,	Thurman,
Burnside,	Garland,	McDonald,	Voorhees,
Butler,	Gordon,	McMillan,	Wallace,
Cameron of Pa.,	Grover,	McPherson,	Williams.
Cameron of Wis.,	Hamlin,	Morrill,	
Carpenter,	Harris,	Paddock,	
Chandler,	Hill of Colorado,	Platt,	

So the Senate refused to adjourn.

Mr. McMILLAN. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. That motion is not in order.

Mr. McMILLAN. May I inquire why?

The PRESIDENT *pro tempore*. It is not in order because the rule forbids all motions except a motion to adjourn.

Mr. McMILLAN. I think since that motion was made a vote on a motion to adjourn showed a quorum present.

The PRESIDENT *pro tempore*. A roll-call was ordered by the Senate, and it must be proceeded with unless overridden by a motion to adjourn.

Mr. CONKLING. Or to dispense with further proceedings.

The PRESIDENT *pro tempore*. Or to dispense with further proceedings.

Mr. CONKLING. I make that motion.

The PRESIDENT *pro tempore*. The Sergeant-at-Arms informs the Chair he is ready to make his report.

The Chief Clerk read as follows:

To the President of the Senate:

SIR: In obedience to the order of the Senate in regard to absent Senators, I would respectfully report that of the Senators reported absent by the Secretary I found present in the Senate the following, to wit:

Senators Bell, Blaine, Booth, Burnside, Carpenter, Chandler, Conkling, Davis of West Virginia, Dawes, Eaton, Ferry, Harris, Jones of Florida, Kirkwood, Logan, McMillan, Morgan, Morrill, Platt, Rollins, Vance, Vest, Voorhees, and Withers.

R. J. BRIGHT,
Sergeant-at-Arms.

Mr. BLAINE. Mr. President, I rise to inquire, since the Sergeant-at-Arms over his own signature has assured the Senate that I am here, and the Senator from Wisconsin, with others, is it now in order for a motion to come from any of us, against the point of order made by the Senator from Maryland? In other words, does that fact release us from the embargo under which the Senator from Maryland has been placing us all? I want to know another thing, whether I am a Senator from Maine or an embassador from Maine? [Laughter.]

Mr. WITHERS. I wish to make a statement simply that the report of the Sergeant-at-Arms is incorrect as far as I am concerned. I have not been reported absent.

Mr. CONKLING. This is out of order, Mr. President. I move that further proceedings under this call of the Senate be dispensed with.

Mr. EATON. I hope that my friend will withdraw the motion for a moment.

Mr. CONKLING. Certainly I will if the Senator from Connecticut wishes to say anything.

Mr. EATON. I simply want to say this: I am found by the report of the Sergeant-at-Arms in very good company generally, that of my friend from New York, my friend from Maine, and my friend from Wisconsin; but I should like to have that report amended, because I am not willing to be found with them in violation of the rules of the Senate, and therefore I desire my name erased, as I have not been out of the Chamber.

Mr. CONKLING. I am sorry I gave way to the Senator from Connecticut, because of the unkindness of his observation, and because of the fact that he has been absent just as much as any of us, and I object to his complaining standing in with the rest under the action of his party. Now I move to dispense with further proceedings under the call.

The PRESIDENT *pro tempore*. The Senator from New York moves to dispense with further proceedings under the call.

Mr. ALLISON. I call for the yeas and nays.

Mr. VEST. I wish to make an inquiry. I should like to know whether that report states that I am absent when I have voted on every question this evening? I have a right to make that inquiry.

Mr. CONKLING. Not now. If the Senator wants to discipline the Sergeant-at-Arms, he can do it some other time but not now, I submit.

Mr. McMILLAN. If that inquiry is in order, I should like to make an inquiry of the same character, for I am present and my pair has been announced on almost every vote. I have been present all the evening.

Mr. CONKLING. The whole report is a mistake, evidently.

Mr. HOUSTON. The Sergeant-at-Arms has a right to amend his report.

The PRESIDENT *pro tempore*. The Chair was on the point of stating that if the Senator rose to a question of privilege of this kind, to have the report corrected, he might do so, although probably the right time to do so would be to-morrow, if this report goes into the Journal, because then you can have the Journal corrected; but if there is no objection, it can be done now.

Mr. ALLISON. There will certainly be no objection.

Mr. LOGAN. I hope it will be corrected in reference to myself. I have been present all the evening.

Mr. ALLISON. I am present also.

The PRESIDENT *pro tempore*. The record is not to be corrected in that way, by gentlemen saying they were not absent when they do not answer to their names.

Mr. BURNSIDE. I voted under a misapprehension, but I voted nevertheless; and yet I am reported absent.

The PRESIDENT *pro tempore*. The question is, shall further proceedings under this call be dispensed with?

The motion was agreed to.

Mr. DAVIS, of West Virginia. Now, Mr. President, I wish to say a word. I noticed in the list which was handed in by the Sergeant-at-Arms that the Senator from West Virginia was stated to be absent. I have not been out of the Chamber nor missed a call I think to-night. I think that ought to be corrected. I call attention to it now.

Mr. CONKLING. That is the case with me; I believe it is with all of us.

Mr. DAVIS, of West Virginia. I believe I have the floor.

Mr. CONKLING. I thought the Senator had concluded.

Mr. DAVIS, of West Virginia. The roll-calls disclose that on many

calls the Senator from New York was not present so far as the roll was concerned. That is not the case with the Senator from West Virginia. He has answered to his name every time. Some of the calls the Senator from New York did not answer.

Mr. CONKLING. That is, the Senator thinks I omitted to vote. That is possible; it may be so; but I have been here all the time.

Mr. CARPENTER, (at eight o'clock and thirty-five minutes p. m.) I move that the Senate do now adjourn.

The PRESIDENT *pro tempore*. The Senator from Wisconsin moves that the Senate do now adjourn.

Mr. CARPENTER called for the yeas and nays; and they were ordered.

The Secretary proceeded to call the roll.

Mr. BELL, (when his name was called.) On this question I am paired with the Senator from Kentucky, [Mr. WILLIAMS.] If he were present, I should vote "yea."

Mr. MCMILLAN, (when his name was called.) I am paired with the Senator from New Jersey [Mr. MCPHERSON] on all political questions. If he were here, I should vote "yea" and he would vote "nay," as this seems to be a political question.

Mr. SAUNDERS, (when his name was called.) On this question I am paired with the Senator from Texas, [Mr. COKE.] If he were here, I should vote "yea."

The PRESIDENT *pro tempore*, (when Mr. THURMAN'S name was called.) I am paired with the Senator from Vermont, [Mr. EDMUNDS.]

The roll-call was concluded.

Mr. BURNSIDE. My colleague [Mr. ANTHONY] is paired with the Senator from Georgia, [Mr. GORDON.] My colleague, if he were here, would vote "yea."

The result was announced—yeas 17, nays 27; as follows:

YEAS—17.

Allison,	Davis of Illinois,	Kirkwood,	Rollins,
Blaine,	Dawes,	Logan,	Windom.
Burnside,	Ferry,	Morrill,	
Cameron of Wis.,	Hill of Colorado,	Paddock,	
Conkling,	Ingalls,	Platt,	

NAYS—27.

Bailey,	Hampton,	Kernan,	Slater,
Bayard,	Harris,	Lamar,	Vance,
Call,	Hereford,	Maxey,	Vest,
Cockrell,	Hill of Georgia,	Morgan,	Walker,
Davis of W. Va.,	Houston,	Pendleton,	Whyte,
Eaton,	Jonas,	Randolph,	Withers.
Groome,	Jones of Florida,	Ransom,	

ABSENT—32.

Anthony,	Chandler,	Hoar,	Saulsbury,
Beck,	Coke,	Johnston,	Saunders,
Bell,	Edmunds,	Jones of Nevada,	Sharon,
Booth,	Farley,	Kellogg,	Teller,
Bruce,	Garland,	McDonald,	Thurman.
Butler,	Gordon,	McMillan,	Voorhees,
Cameron of Pa.,	Grover,	McPherson,	Wallace,
Carpenter,	Hamlin,	Plumb,	Williams.

So the Senate refused to adjourn.

Mr. CONKLING. I rise to inquire of the Chair what is the pending motion and what has become of the question pending before the Senate when the absence of a quorum was disclosed?

The PRESIDENT *pro tempore*. The Chair will endeavor to find out what that question is. The Chair will consult the Journal and see.

Mr. WHYTE. The presence of a quorum having been disclosed, a motion to dispense with further proceedings under the call was adopted, and then a motion to adjourn was made.

Mr. CONKLING. Mr. President, what has become of the motion pending?

The PRESIDENT *pro tempore*. The Chair will state what the pending motion is. There was a vote taken in the Senate that has never yet been announced, which was on a motion to adjourn. Before the announcement of that vote the Senator from Connecticut [Mr. EATON] moved, under Rule 17, that the Senator from Maine [Mr. BLAINE] be required to give his reasons for not voting, he being present in the Senate; and that was followed by other motions for a call of the Senate and to dispense with the call. The last unfinished business is the motion of the Senator from Connecticut to require the Senator from Maine to give the reasons why he did not vote.

Mr. BLAINE. I have understood that heretofore Senators have been called on to give reasons why they were not voting upon a pending question. Now, according to the ruling of the Chair, I am called upon to give reasons why I did not vote on a motion that is not now before the Senate and which has never been submitted and which has been stamped out by three or four intervening motions that have since occurred.

The PRESIDENT *pro tempore*. The Chair may be in error.

Mr. BLAINE. If that is in order, I am willing to take the record and ask why all the absent Senators on the yeas and nays that have been taken since the session began this morning or yesterday—for I have the same right—did not vote. I may want to know why they did not cast their votes, and why they did not come forward and answer to their names. I have the same right to do it exactly. I do not care. That is not because it has any reference to the question, but I do not like to see the Senate, which has been sometimes called a dignified body—although that could not be proved by me within the last two hours—guilty of so obvious an absurdity as the motion of the Senator from Connecticut would lead to. I could discuss it with perfect *sang froid* because there is nothing in it that I am not willing to discuss, but the motion itself, if the Senator were in his seat, I should say was entirely absurd.

Mr. WHYTE. He is here.

Mr. BLAINE. Then I can say it as the Senator is within hearing. The motion itself is absurd. With all due respect to the Senator, it was absurd when made. There are some very few—I will admit very few—questions settled in parliamentary law, but one of those is that nothing shall interrupt a roll-call.

Mr. ALLISON. It was merely an inquiry.

Mr. BLAINE. There is no possible thing that can interrupt a roll-call.

Mr. ALLISON. I did not happen to be present in the Senate at the moment, but I understood there was only an inquiry.

Mr. BLAINE. There was a roll-call of the Senate solemnly interrupted to inquire why I did not vote.

Mr. HARRIS. Mr. President, I rise to a question of order.

Mr. BLAINE. Why was that? Am I on trial at the bar of the Senate?

Mr. HARRIS. Is there a debatable question before the Senate?

Mr. BLAINE. You will find it is susceptible of very considerable debate.

Mr. HARRIS. But I inquired of the Chair first to say. I am inclined to think there is no question before the Senate that is debatable.

The PRESIDENT *pro tempore*. It would seem to be necessarily debatable or to lead to debate, for the rule is that—

When a Senator, being present and declining to vote when his name is called, shall be required to assign his reasons therefor, and shall so assign them.

Mr. BLAINE. I will give the reasons. I want to give those reasons, and I am glad that I have got, with a quorum of the Senate here, the right to the floor.

The PRESIDENT *pro tempore*. The Chair will state that since the Chair announced that that was the question before the Senate, upon looking into the Journal he finds that the question which was pending, and upon which the Senator did not vote, was different from what the Chair supposed. It was on a motion to adjourn. It has been disclosed and announced since that, and it would be a very singular proceeding now if the Senator could be required to vote on a motion to adjourn, and when his vote might have carried an adjournment, the Senate had been doing business for an hour afterward. The Chair——

Mr. BLAINE. The Chair is anticipating my speech.

The PRESIDENT *pro tempore*. The Senator will suspend. That being the case, it being upon a motion to adjourn in view of what has taken place since, the opinion of the Chair is that the motion has fallen and is not now before the Senate. Then the question recurs on the motion of the Senator from Michigan [Mr. CHANDLER] that the Senate proceed to the consideration of executive business.

Mr. ALLISON. That I think we had better do.

Mr. BLAINE. Then there is nothing left for me to debate at this point.

The PRESIDENT *pro tempore*. Nothing at all.

Mr. BLAINE. The honorable Presiding Officer of the Senate made my speech.

The PRESIDENT *pro tempore*. The motion to go into executive session is not debatable.

Mr. BLAINE. The question is not debatable?

Mr. CONKLING. The yeas and nays have been ordered.

Mr. BLAINE. What motion is not debatable?

The PRESIDENT *pro tempore*. The motion to go into executive session is not debatable. That is the motion pending.

Mr. BLAINE. Then the decision of the Chair is—I want to get at this accurately—that a motion to adjourn can be arrested by a point of order being made that a Senator shall vote on it.

The PRESIDENT *pro tempore*. The Senator is out of order.

Mr. BLAINE. On what ground?

The PRESIDENT *pro tempore*. Because the motion to go into executive session is not debatable.

Mr. BLAINE. But nobody has made a motion since this question came up.

The PRESIDING OFFICER. That is the pending motion.

Mr. BLAINE. How does that happen?

The PRESIDENT *pro tempore*. It was a motion made by the Senator from Michigan to proceed to the consideration of executive business, on which the call of the roll disclosed the want of a quorum.

Mr. ALLISON, (at eight o'clock and fifty minutes p. m.) Pending that I move that the Senate do now adjourn.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Senate do now adjourn.

Mr. DAVIS, of West Virginia. I ask whether any business has intervened. That was the last motion voted upon.

The PRESIDENT *pro tempore*. If so, the motion is not in order.

Mr. CARPENTER. Well, let us go into executive session.

Mr. BLAINE. I understood that a motion was pending to proceed to executive business, and certainly it is in order pending that motion——

The PRESIDENT *pro tempore*. That motion to proceed to executive business was pending before the motion to adjourn was made. The

motion now is that the Senate proceed to the consideration of executive business, on which the yeas and nays have been ordered, and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. MCMILLAN, (when his name was called.) I am paired with the Senator from New Jersey, [Mr. MCPHERSON.] If he were here, I would vote "yea."

The roll-call having been concluded, the result was announced—yeas 4, nays 26; as follows:

YEAS—4.

Allison,	Burnside,	Ferry,	Kirkwood.

NAYS—26.

Bailey,	Hampton,	Kernan,	Vance,
Bayard,	Harris,	McDonald,	Vest,
Call,	Hereford,	Maxey,	Walker,
Davis of W. Va.,	Hill of Georgia,	Pendleton,	Whyte,
Eaton,	Houston,	Randolph,	Withers.
Garland,	Jonas,	Ransom,	
Groome,	Jones of Florida,	Slater,	

ABSENT—46.

Anthony,	Coke,	Johnston,	Rollins,
Beck,	Conkling,	Jones of Nevada,	Saulsbury,
Bell,	Davis of Illinois,	Kellogg,	Saunders,
Blaine,	Dawes,	Lamar,	Sharon,
Booth,	Edmunds,	Logan,	Teller,
Bruce,	Farley,	McMillan,	Thurman,
Butler,	Gordon,	McPherson,	Voorhees,
Cameron of Pa.,	Grover,	Morgan,	Wallace,
Cameron of Wis.,	Hamlin,	Morrill,	Williams,
Carpenter,	Hill of Colorado,	Paddock,	Windom.
Chandler,	Hoar,	Platt,	
Cockrell,	Ingalls,	Plumb,	

The PRESIDENT *pro tempore*. There is not a quorum voting.

Mr. WITHERS. I wish to say that in obedience to the instructions of the Appropriations Committee I have endeavored to progress this bill——

Mr. CONKLING. I rise to a question of order.

The PRESIDENT *pro tempore*. What is the question of order?

Mr. CONKLING. It is this: a call of the roll of the Senate having disclosed the absence of a quorum nothing is in order of business or of motion except a motion to call the Senate or a motion to adjourn; and I object to the Senator from Virginia debating when there is nothing before the Senate.

Mr. WITHERS. Mr. President, I simply say that I propose to make a motion, and until I submit that motion the point of order is not well taken.

Mr. CONKLING. I submit to the Chair that no business is in order until a quorum is present. I ask the Chair to rule on that.

Mr. WITHERS. I claim the right, being in possession of the floor, to make a motion.

Mr. CONKLING. Very well; I make the point of order.

Mr. WITHERS. I wish to make a remark relative to that motion before I submit it. If the decision of the Chair is that I cannot proceed, very well.

The PRESIDENT *pro tempore*. If the point of order is insisted upon the Chair will have to sustain it.

Mr. WITHERS. I have made no motion yet, but I propose to submit a motion. I proposed to make that motion when I was interrupted by the Senator from New York.

Mr. CONKLING. I object to the Senator doing anything except making a motion to adjourn, and I insist upon my point of order.

Mr. WITHERS. The Senator's objection will not prevent me making my motion, as the Chair has ruled that it is in order. I simply propose to make a motion, in view of the fact that the effort to secure the dispatch of business has failed, that the minority of the body have by their filibustering procedure obstructed business to such a degree——

Mr. CONKLING. Now, I call the Senator to order, and I insist that I have a right to a ruling on my point of order.

The PRESIDENT *pro tempore*. The Chair has already ruled it.

Mr. WITHERS. The ruling has already been made.

Mr. CONKLING. Does the Chair rule that it is in order for a Senator to stand here to debate and talk about filibustering?

Mr. WITHERS. The Senator from New York has done the same thing half a dozen times——

Mr. CONKLING. I call the Senator to order, and I insist upon it that debate is out of order.

The PRESIDENT *pro tempore*. The point of order is not debatable.

Mr. CONKLING. Why does not the Chair rule on the point of order?

The PRESIDENT *pro tempore*. The Chair has ruled on it twice.

Mr. CONKLING. What is the ruling of the Chair?

The PRESIDENT *pro tempore*. That the Senator from Virginia was not in order to debate, but to make a motion.

Mr. CONKLING. Very well, then I ask the Chair to enforce the rule.

Mr. WITHERS. I was not debating. I respectfully submit that I have a right to precede my motion by an explanation——

Mr. CARPENTER. I rise to a point of order.

Mr. WITHERS. I therefore say that we cannot procure action by a quorum. I move that the Senate do now adjourn.

Mr. CARPENTER. I rise to a point of order.

Mr. WITHERS. I have moved an adjournment.

Mr. CONKLING. Ah, well, that is all right.

The PRESIDENT *pro tempore*. Did the Senator from Virginia make a motion?

Several SENATORS. He moved to adjourn.

Mr. WITHERS. I withdraw the motion in view of the opposition to it.

The PRESIDENT *pro tempore*. The Senator from Virginia moves that the Senate do now adjourn.

Several SENATORS. He has withdrawn it.

Mr. ALLISON. I renew it.

The PRESIDENT *pro tempore*. The Senator from Iowa moves that the Senate do now adjourn.

The motion was not agreed to.

Mr. CONKLING. What is the question before the Senate, Mr. President?

The PRESIDENT *pro tempore*. There is no quorum voting.

Mr. CONKLING. What is the question before the Senate?

The PRESIDENT *pro tempore*. The only thing in order is a call of the Senate or a motion to adjourn. The Secretary will call the roll.

The Secretary called the roll; and the following Senators answered to their names:

Allison,	Dawes,	Jonas,	Ransom,
Bailey,	Eaton,	Jones of Florida,	Rollins,
Bayard,	Ferry,	Kernan,	Slater,
Bell,	Garland,	McDonald,	Thurman,
Blaine,	Groome,	McMillan,	Vance,
Call,	Hampton,	Maxey,	Vest,
Cameron of Pa.,	Harris,	Morrill,	Walker,
Carpenter,	Hereford,	Paddock,	Windom,
Chandler,	Hill of Georgia,	Pendleton,	Withers.
Conkling,	Houston,	Platt,	
Davis of W. Va.,	Ingalls,	Randolph,	

The PRESIDING OFFICER, (Mr. WHYTE in the chair.) The call of the Senate discloses forty-two Senators present; consequently a quorum.

Mr. ALLISON. Mr. President, it seems now that there is a quorum present; and I think, in view of the fact that it is after nine o'clock and that the Senator from Virginia was inclined to move an adjournment a few moments ago, we had better on all sides agree to adjourn. I am quite satisfied that we can proceed more rapidly with the real business in hand by adjourning now than by remaining here any longer. Therefore I move that the Senate adjourn.

Mr. DAVIS, of West Virginia. Will the Senator allow me a moment?

Mr. ALLISON. Certainly.

Mr. DAVIS, of West Virginia. With the general understanding—no bargain—that to-morrow we sit the bill out.

Mr. CONKLING. No understanding.

Mr. DAVIS, of West Virginia. With that kind of general understanding——

Mr. CONKLING. I beg to say "no unanimous consent."

Mr. WITHERS. I call the Senator to order.

The PRESIDING OFFICER. The Senator from West Virginia [Mr. DAVIS] is entitled to the floor; until he yields it no one else is in order. Does the Senator from West Virginia yield?

Mr. DAVIS, of West Virginia. No, sir. The Senator from Iowa yielded to me and I believe I am entitled to the floor. The Senator from Iowa has made a suggestion which I think is a very proper one, and I appeal to my friend who has charge of this bill to answer it and, if he thinks it best to do so, to consent to it. My own opinion is that we ought to agree to it with a general understanding; I do not ask unanimous consent, and I do not ask the Senator from New York to consent if he will not do it; therefore I make no appeal to him whatever——

Mr. CARPENTER. I rise to a point of order. What is the pending question?

The PRESIDING OFFICER. The Senator from West Virginia will suspend for a moment until the Senator from Wisconsin makes his point of order.

Mr. CARPENTER. My point of order is that there is no motion before the Senate.

The PRESIDING OFFICER. The bill is before the Senate; and the Senator from Iowa moved that the Senate adjourn. He withdrew that motion for a moment to enable the Senator from West Virginia to make an explanation or suggestion.

Mr. CARPENTER. May I inquire, then, of the Chair what is the pending question?

The PRESIDING OFFICER. The question is on the amendment of the Senator from Maine to the Army appropriation bill now before the Senate.

Mr. CARPENTER. No; the question, I understand, is on the motion to go into executive session.

The PRESIDING OFFICER. That has been voted down.

Mr. CONKLING. No, sir.

Mr. CARPENTER. No quorum voted on the question.

Mr. ALLISON. I think it is too late to go into executive session, and I will insist on my motion to adjourn, although of course I will yield briefly to the Senator from West Virginia if he wishes to be heard.

The PRESIDING OFFICER. The Senator from Iowa having withdrawn his motion temporarily, gave the floor by courtesy to the Senator from West Virginia.

Mr. CARPENTER. I raise the point of order that the pending question is the motion to go into executive session, which is not debatable.

Mr. CONKLING. No debate is in order.

Mr. ALLISON. Then I think the Senator from West Virginia has made a sufficient explanation, and I insist on my motion to adjourn.

The PRESIDING OFFICER. The Senator from Iowa moves that the Senate do now adjourn.

The question being put, a division was called for, and the ayes were called upon to rise.

Mr. ALLISON. I see our friends on the other side do not vote.

Mr. CARPENTER. Let us have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CAMERON, of Wisconsin, (when his name was called.) I am paired with the Senator from Missouri, [Mr. COCKRELL.]

Mr. CHANDLER, (when his name was called.) I am paired with the Senator from Kentucky, [Mr. BECK.]

Mr. GARLAND, (when Mr. COKE'S name was called.) The Senator from Texas is paired with the Senator from Nebraska, [Mr. SAUNDERS.] I announce this pair for the evening.

Mr. MCMILLAN, (when his name was called.) I am paired on political questions with the Senator from New Jersey, [Mr. MCPHERSON.] I should be glad to have this announcement taken for all the votes to-night, if it can be done. I would vote "yea" if he were here.

Mr. SAUNDERS, (when his name was called.) On this question I am paired with the Senator from Texas, [Mr. COKE.] If he were here, I should vote "yea."

Mr. WALLACE, (when his name was called.) I am paired with my colleague [Mr. CAMERON] on all political questions, and I infer this to be one. If he were here, I should vote "nay."

Mr. BLAINE. I should like to make a point of order that the Senator from Connecticut [Mr. EATON] did not vote on this motion.

Mr. EATON. What motion?

Mr. BLAINE. The pending motion.

Mr. EATON. I did. The Senator from Maine's ears are not sufficiently large; he did not hear my vote.

Mr. BLAINE. Is the Senator from Connecticut recorded?

The PRESIDING OFFICER. The name of the Senator from Connecticut does not appear on the roll-call.

Mr. EATON. I voted.

Mr. BLAINE. The Senator from Connecticut's ears seem to be the ones that are elongated slightly.

Mr. EATON. Not at all. I said I did vote; I did not say that the Clerk had taken down my vote.

Mr. BLAINE. That is, the Senator intended to vote.

Mr. EATON. I was standing conversing with my friend from Delaware, [Mr. BAYARD,] and I turned around as my name was called and voted.

Mr. BLAINE. I move that the Senator be requested to vote.

The PRESIDING OFFICER. The Senator from Connecticut having stated on his own authority that he had voted, the Clerk will record his vote.

Mr. ALLISON. That ought to be satisfactory to the Senator from Maine.

The PRESIDING OFFICER. It is satisfactory to the Chair.

Mr. BURNSIDE. How will the vote be recorded?

Mr. BLAINE. The Senator from Connecticut has not indicated on which side he voted. Will the Clerk record him the way——

The PRESIDING OFFICER. The Senator votes with such regularity on the democratic side that the Chair does not think there will be any difficulty in recording it. [Laughter.]

Mr. BLAINE. Is that a decision of the Chair which goes into the permanent record?

The PRESIDING OFFICER. I do not speak as the Chair now.

Mr. BLAINE. The Chair decides that as the Senator from Connecticut is a well-known, unvarying, dyed-in-the-wool democrat, his vote may be inferred upon any given case. [Laughter.]

The PRESIDING OFFICER. The Senator from Maine is not in order. The Senator from Connecticut said that he had voted——

Mr. BLAINE. But not on which side.

The PRESIDING OFFICER. When the Clerk reads the vote, if the Senator's name is not recorded properly, he will correct the roll.

Mr. EATON. If there be any doubt about it, record me on the other side from the way the Senator from Maine voted. [Laughter.]

Mr. BLAINE. That means that we get a decision that I am a dyed-in-the-wool republican.

The PRESIDING OFFICER. The Secretary will read the names as recorded on the yeas and nays.

The Secretary read the list of yeas and nays on Mr. ALLISON'S motion to adjourn, as follows:

YEAS—14.

Allison,	Carpenter,	Kirkwood,	Rollins,
Blaine,	Dawes,	Morrill,	Windom.
Booth,	Ferry,	Paddock,	
Burnside,	Hill of Colorado,	Platt,	

NAYS—26.

Bailey,	Garland,	Hereford,	Jones of Florida,
Bayard,	Groome,	Hill of Georgia,	Kernan,
Call,	Hampton,	Houston,	McDonald,
Eaton,	Harris,	Jonas,	Maxey,
Pendleton,	Saulsbury,	Vest,	Withers.
Randolph,	Slater,	Walker,	
Ransom,	Vance,	Whyte,	

Mr. BLAINE. I insist, although the point is of no value practically, that the Senator from Connecticut has not responded to his name; that as the Clerk has read the list he has assigned the Senator to a place arbitrarily; that it is in contravention of the rules of the Senate as palpably as anything in the world can be.

The PRESIDING OFFICER. The Senator from Maine called the attention of the Chair to the alleged fact that the Senator from Connecticut had not voted, and the Senator from Connecticut rose in his place and announced that he had voted.

Mr. BLAINE. But he did not say which way.

The PRESIDING OFFICER. The Clerk has called the roll and has him recorded in the negative.

Mr. BLAINE. By whose direction did the Clerk record it so?

The PRESIDING OFFICER. The Chair cannot tell by what authority the Clerk performs his duty.

Mr. BLAINE. The Clerk has no right whatever without the Senator responding——

Mr. SAULSBURY. I call the Senator from Maine to order.

The PRESIDING OFFICER. The Senator from Maine is not in order. The roll-call has been read by the Secretary and the Senator from Connecticut has accepted the roll-call as correct, and the Senator from Maine has no right to question it.

Mr. BLAINE. One moment. I insist I have——

Mr. SAULSBURY. I insist that the Senator shall not proceed out of order.

Mr. BLAINE. I am not going to proceed out of order. The Clerk himself stated——

Mr. SAULSBURY. The Senator has no right to occupy the floor, and I call him to order.

The PRESIDING OFFICER. The Senator from Delaware calls the Senator from Maine to order.

Mr. BLAINE. I will state my point: First, the Clerk stated to the Presiding Officer that the Senator from Connecticut had not voted. The Senator from Connecticut has given no response since then. Now by whose authority was that record made? I have the right to know.

Mr. SAULSBURY. I insist that the Senator is out of order.

The PRESIDING OFFICER. The Senator from Connecticut has indicated that his vote was in the negative.

Mr. BLAINE. By what?

The PRESIDING OFFICER. By what he has said from his chair approving the act.

Mr. BLAINE. By no means; I object to that. You might as well vote by holding up your hat or by raising your handkerchief.

Mr. DAVIS, of West Virginia. Nothing is in order while the roll-call is pending.

Mr. BLAINE. I want to know how the Clerk made that record.

The PRESIDING OFFICER. The Senator from Maine is out of order.

Mr. BLAINE. Not until I have that information am I out of order.

The PRESIDING OFFICER. The Senator from Maine has no right to inquire of the Chair anything that is not within the knowledge of the Chair.

Mr. BLAINE. Then I have the right to know where the Clerk got his information. I make the accusation that the Clerk has made a fraudulent entry of a name as voting that was not responded to.

The PRESIDING OFFICER. If the Senator from Maine charges that the Clerk has incorrectly recorded the vote of the Senator from Connecticut the Chair will have the roll-call corrected.

Mr. BLAINE. I insist that the Senator from Connecticut before his name is recorded there shall answer in open Senate how he votes.

The PRESIDING OFFICER. That there may be no mistake——

Mr. EATON. Oh, I shall answer you myself.

Mr. BLAINE. If your name is recorded there I insist——

Mr. EATON. Do not insist.

Mr. BLAINE. I do just exactly insist, and I insist that your name shall not be recorded there unless you answer the roll-call.

Mr. EATON. That answer has been made.

Mr. SAULSBURY. The Senator from Maine has been ruled out of order by the Chair, and I insist on order, sir, or that he shall be arrested by the Sergeant-at-Arms and taken into custody.

The PRESIDING OFFICER. The Senator from Maine will come to order.

Mr. BLAINE. I will state the point of order.

The PRESIDING OFFICER. The Senator from Maine——

Mr. BLAINE. One moment. The Senator from Connecticut made a point of order——

The PRESIDING OFFICER. The Senator from Maine will take his seat until the Chair passes on the question of order.

Mr. SAULSBURY. I move that the Sergeant-at-Arms be directed to make the Senator from Maine take his seat.

The PRESIDING OFFICER. The Senator from Delaware will take his seat as well as the Senator from Maine. There being a controversy as to the vote of the Senator from Connecticut, the Clerk will be directed to call the name of the Senator from Connecticut again.

Mr. BLAINE. That is right.

The Secretary called the name of Mr. EATON.

Mr. EATON. Mr. President, I have once voted.
Mr. BLAINE. No, sir.
Mr. EATON. It is not for the Senator from Maine to say "no," when I have said on my honor that I have voted. I do not take any language of that sort from the Senator from Maine. It is unbecoming him to use language of that character to a Senator on this floor when the Senator says he has voted. My friend from Delaware [Mr. BAYARD] was standing by me when I voted.
The PRESIDING OFFICER. The Senator from Connecticut will bear in mind that the accuracy of the Clerk has been called in question, and it is that the Clerk may be put right that the vote of the Senator is again requested, so that he may have the vote properly announced.
Mr. EATON. The Clerk is right.
The PRESIDING OFFICER. Then that settles the whole question.
Mr. BLAINE. It does not settle it, Mr. President.
Mr. BAYARD. The Senator from Connecticut voted audibly in the negative, standing by my desk.
Mr. BLAINE. Now this is to come in as a vote from another Senator telling how a Senator present voted.
Mr. HARRIS. Is the Senator from Maine in order?
The PRESIDING OFFICER. The Senator from Maine is not in order.
Mr. BLAINE. I insist, Mr. President——["Order!" "Order!"]
Mr. HARRIS. I insist upon the point of order.
Mr. BLAINE. I appeal from the decision of the Chair and say that that vote is not properly recorded, because the Senator from Connecticut did not respond so that the Clerk heard him and recorded it, and parol testimony like that the Senator from Delaware volunteers, is not within the competency of the Senate to receive.
Mr. SAULSBURY. That is *aliunde*, I suppose. [Laughter.]
Mr. McMILLAN. As I understand——
Mr. DAVIS, of West Virginia. I must submit that nothing is in order during the roll-call but the announcement of the result.
The PRESIDING OFFICER. A question of order has been raised in regard to the roll-call itself, and the decision of the Chair was that the point of order was not well taken, and upon that the Senator from Maine has taken an appeal. That is the question pending.
Mr. McMILLAN. I believe I have the floor.
The PRESIDING OFFICER. Upon that question the Senator from Minnesota has the floor.
Mr. McMILLAN. As I understand the facts transpiring here, the Senator from Maine, discovering that the vote of the Senator from Connecticut was not recorded, moved that he be requested to give his reasons for not voting.
Mr. BLAINE. Just as he had done to me.
Mr. McMILLAN. It was then said by the Senator from Connecticut that he had voted. The vote did not appear upon the record kept by the Clerk. The President directed that the vote of the Senator from Connecticut be recorded in the negative, the Senator from Connecticut not having responded——
The PRESIDING OFFICER. The Senator must come to order. He is mistaken when he says the Chair directed that the vote should be recorded in the negative.
Mr. McMILLAN. I will not say "directed." The occupant of the chair said that the vote of the Senator would be recorded. Is that correct? And subsequently the record of the Clerk showed that the vote of the Senator from Connecticut was recorded in the negative, no response from the Senator from Connecticut having been made to the call for his vote. That, as I understand it, is the case. The Senator from Connecticut said he did vote; the Senator from Delaware has also said that he voted; but the Clerk's record did not show it until the remark from the Chair and the subsequent notice made.
Mr. HOUSTON. The Senator forgets a very important fact, that the Senator from Connecticut said expressly that his vote was recorded correctly by the Clerk. Now what more could be asked?
The PRESIDING OFFICER. The Chair would also state for the information of the Senator from Minnesota that the Senator from Connecticut said that he voted in the opposite way from the Senator from Maine.
Mr. CONKLING. Has the Senator from Maine voted?
The PRESIDING OFFICER. He had voted "yea."
Mr. McMILLAN. That was not till after the fact appeared that his vote had been recorded.
Mr. BLAINE. The rule prescribes one way of voting. It does not say my vote is the opposite of that of the Senator over there with the light cravat, or that my vote is correctly understood by the Clerk or by any other words except "yea" or "nay."
Mr. HOUSTON. I rise to a point of order. I understand this question of order has been settled and there is nothing now before the Senate.
The PRESIDING OFFICER. An appeal was taken from the decision of the Chair.
Mr. HOUSTON. That is not debatable.
Several SENATORS. It is debatable.
Mr. HEREFORD. I move to lay the appeal of the Senator from Maine on the table.
Mr. BLAINE. Not while I have the floor.
Mr. HEREFORD. The Senator from Alabama had the floor.
Mr. BLAINE. Oh, no.
The PRESIDING OFFICER. The Senator from Maine.
Mr. BLAINE. What I insist is that by none of the forms that the Senator from Connecticut has alleged, do the rules recognize that mode of voting. He states that he said that vote is correctly recorded, and he states that he voted on the opposite side from that on which I voted. Now, does the Chair pretend to rule or would the Chair (who is as good a judge of the proprieties of debate and of all other proprieties as any Senator on this floor) rule that that mode of voting is permissible here? And the Chair himself—I wish to call the attention of the Chair to this—directed that the Senator from Connecticut should have his name called again; and he then, in absolute defiance of the rules of the Senate, refused to vote. When his name was called the second time by the direction of the Chair, the honorable Senator from Connecticut refused to respond.
The PRESIDING OFFICER. On the contrary he informed the Chair that he voted "nay."
Mr. BLAINE. Oh no, he did not. He said his vote was correctly recorded.
The PRESIDING OFFICER. That was "nay."
Mr. BLAINE. Does the Chair think that was a fair way to vote?
The PRESIDING OFFICER. Certainly.
Mr. BLAINE. Does the honorable Presiding Officer state that that is a permissible mode of voting in the Senate? I will state the whole proceeding, now that I am on the floor. The Senator from Connecticut, I thought, with some gratuitous forwardness, brought my name prominent as not having voted. Well, on that there became a certain confused proceeding which ended in smoke. When this last roll-call was going on I noticed myself distinctly that he did not respond to his name in such a manner as to be audible at the Clerk's desk, and that is the only test, for I was within ear-shot. I went to the Clerk's desk myself and saw his name was not recorded there. The Clerk afterward informed the President of the Senate that it was not there. All those facts are patent here in the eye of the Senate, and then the Senator from Connecticut, not relishing with as keen a zest as he might the medicine which he tried to commend to my palate, endeavored to put on a little high dudgeon and to be a little indignant that I should try on him exactly the thing he had tried ineffectually upon me.
Mr. EATON. It will be ineffectual on me.
Mr. BLAINE. That may be; I do not know but that I may not succeed in having the Senator made to respond and that he will be allowed to have a record without responding; but whether it be done by order of the Presiding Officer, for whom I need not express my respect, or whether it be done by a vote of this Chamber by laying the appeal on the table, it is my judgment that you will have to get a quorum of the Senate on the other side of the Chamber before you commit that outrage. That is my judgment. I merely guess at that My judgment is that that outrage upon the rules of this House will never go upon the Journal of the Senate until a quorum of the Senate composed of democratic members say it shall go there. Make the most of that.
Mr. McDONALD obtained the floor, but yielded to Mr. EATON at his request.
Mr. EATON. A single word, sir. There is a maxim which perhaps ought not to be applied and which I will not apply, about the old gentleman who resides below rebuking sin. The Senator from Maine who has sat here in absolute violation of the rules of this Senate for two hours, undertakes to rebuke me, and he has again said, standing here out of his place, near the seat of my friend from Indiana, that I did not vote.
Mr. BLAINE. Audibly to the Clerk.
Mr. EATON. How do you know? You are not the Clerk.
Mr. BLAINE. The Clerk says so.
Mr. EATON. I voted; my vote is correctly recorded, and the Senator from Maine says it will be an outrage to record the vote of a Senator who says that he voted and that the vote is correctly recorded. It is possible that every Senator on the other side of this Chamber will say that. If so, then we shall wait until we get a quorum, I trust, if it is until twelve o'clock to-morrow. But I have said I voted.
Mr. BLAINE. You have not got a quorum in the city of Washington of democratic Senators.
Mr. EATON. I have said I voted. The Senator from Maine has said I did not.
Mr. BLAINE. Audibly?
Mr. EATON. The Senator from Maine has said I did not. It is for the Senators on that side of the Chamber to choose upon a question of veracity between him and me. I say that I did vote; he says that I did not.
Mr. BLAINE. Mr. President——
Mr. EATON. Wait one moment, if you please. My friends, the republican Senators on this floor, may choose between the Senator from Maine and myself.
Mr. BLAINE. Mr. President, one moment. What I stated was this——
The PRESIDING OFFICER. The Senator from Indiana [Mr. McDONALD] is entitled to the floor.
Mr. McDONALD. As we have been informed it will take all night to settle this question, I move to lay the appeal on the table, and thus we shall commence now to settle it.
Mr. BLAINE. I want to make one remark.

The PRESIDING OFFICER. The Senator from Indiana moves to lay the appeal on the table.

Mr. CARPENTER. I ask for the yeas and nays.

Mr. ALLISON, (at nine o'clock and thirty-two minutes p. m.) I move that the Senate adjourn.

Mr. BLAINE. May I say a word? Does the Senator from Indiana make that motion to prevent my responding?

Mr. McDONALD. To bring this debate to an end.

Mr. BLAINE. Does the Senator make the motion to prevent my responding to the Senator from Connecticut?

Mr. McDONALD. I made it in order that we might start now on that long road we are told we have to travel.

Mr. BLAINE. Did the Senator make the motion to prevent me from responding to the Senator from Connecticut?

The PRESIDING OFFICER. Senators will address the Chair.

Mr. McDONALD. I made the motion in response to the threat made by the Senator from Maine that a vote should not take place to-night——

Mr. ALLISON. I rise to a question of order.

Mr. BLAINE. The Senator made that motion knowing——

Mr. ALLISON. I have moved to adjourn——

The PRESIDING OFFICER. The Senator from Maine will come to order. It is a violation of the rules of order in the Senate for the Senator from Maine, or any other Senator who proposes to speak, not to address the Chair and obtain the privilege of the floor from the Chair.

Mr. BLAINE. I ask, through the Chair, to have consent to speak one minute in answer to what the Senator from Connecticut has said.

Mr. McDONALD. For that one minute I withdraw my motion.

Mr. BLAINE. Mr. President——

The PRESIDING OFFICER. The Senator from Maine will suspend until the Senator from Iowa withdraws his motion to adjourn.

Mr. ALLISON. I also withdraw my motion for that purpose.

The PRESIDING OFFICER. Now the Senator from Maine is in order.

Mr. BLAINE. I only want one minute. The Senator from Connecticut may assert, and assert, and assert, but he cannot make this a question of veracity between me and him. What I said was that on the roll-call he did not answer so as to be audible to the Clerk. I am willing to have the Clerk put at the bar of the Senate and interrogated. That is what I asserted, and the Senator comes and states that it is a question of veracity between me and him. I said the Clerk stated so to me; I said he stated so to the President of the Senate. If the Senator wants a question of veracity on that point he can butt his head against the piers of truth as long as he pleases.

Mr. CARPENTER. Mr. President——

The PRESIDING OFFICER. The Chair will state——

Mr. CARPENTER. Mr. President——

The PRESIDING OFFICER. The Senator from Wisconsin will suspend until the Chair states a fact. The Senator from Connecticut did answer to the roll-call audibly, and so audibly that the Reporter took his vote down.

Mr. BLAINE. Did the Clerk take his vote down?

The PRESIDING OFFICER. I am not talking about whether the Clerk heard him; the Reporter heard him. It was audible enough for the Reporter to take down the vote as it was cast.

Mr. BLAINE. But that was not the point. I said the Clerk did not hear it; and I said the Clerk so informed the President of the Senate.

The PRESIDING OFFICER. The Clerk did so inform the President of the Senate.

Mr. BLAINE. And he also informed me.

The PRESIDING OFFICER. The acting President of the Senate had the Senator's name called again, and he responded, and it is so recorded.

Mr. BLAINE. He never responded audibly to the Clerk.

The PRESIDING OFFICER. The Chair will state to the Senate that the Senator did respond in a manner which indicated his vote.

Mr. BLAINE. "Indicated!"

The PRESIDING OFFICER. There is no rule of the Senate that requires any specific language to be used by a Senator in voting.

Mr. BLAINE. There is none?

The PRESIDING OFFICER. There is none whatever.

Mr. CARPENTER. He is required to answer "yea" or "nay."

Mr. BLAINE. Would the Chair consider that——

The PRESIDING OFFICER. The Chair will state that a Senator can say that he is in favor of a bill or against a bill, without saying "yea" or "nay."

Mr. CARPENTER. The Chair is mistaken; the rule is express; he must answer "yea" or "nay" without debate; unless the rule has been changed of late years.

Mr. ALLISON, (at nine o'clock and thirty-five minutes p. m.) I move that the Senate now adjourn.

Mr. BLAINE. Mr. President——

The PRESIDING OFFICER. The Senator from Iowa moves that the Senate adjourn. There is no other question pending before the Senate.

Mr. BLAINE. I thought there was an appeal and a motion to lay the appeal on the table.

The PRESIDING OFFICER. A motion to adjourn the Chair presumes takes precedence of an appeal.

Mr. BLAINE. But that will come up and will be found to have a good deal of life in it, if the Senate does not adjourn.

The PRESIDING OFFICER. The Senator from Iowa moves that the Senate adjourn.

The question being put, the motion was not agreed to.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Wisconsin that the Senate proceed to the consideration of executive business.

Mr. McDONALD. As the minute given to the Senator from Maine is up long since, I renew my motion to lay the appeal on the table.

The PRESIDING OFFICER. The question, then, is on the appeal of the Senator from Maine from the decision of the Chair on the point of order.

Mr. McDONALD. I move to lay that appeal on the table.

The PRESIDING OFFICER. The question is on the motion of the Senator from Indiana to lay on the table the appeal taken by the Senator from Maine from the decision of the Chair.

Mr. CONKLING. Let us have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. McMILLAN, (when his name was called.) I am paired on this subject with the Senator from New Jersey, [Mr. McPHERSON.]

The Secretary resumed and concluded the call of the roll.

Mr. BLAINE. I wish the ruling of the Chair on whether the honorable Senator from Connecticut [Mr. EATON] has the right to vote on this question, in the result of which he is directly interested.

The PRESIDING OFFICER. The Chair rules that the Senator from Connecticut is entitled to vote.

Mr. BLAINE. I merely wanted the ruling of the Chair.

The result was announced—yeas 27, nays 0; as follows:

YEAS—27.

Bailey,	Groome,	Jones of Florida,	Ransom,
Bayard,	Hampton,	Kernan,	Saulsbury,
Call,	Harris,	McDonald,	Slater,
Cockrell,	Hereford,	Maxey,	Vance,
Davis of W. Va.,	Hill of Georgia,	Morgan,	Walker,
Eaton,	Houston,	Pendleton,	Withers.
Garland,	Jonas,	Randolph,	

NAYS—0.

ABSENT—49.

Allison,	Coke,	Johnston,	Saunders,
Anthony,	Conkling,	Jones of Nevada,	Sharon,
Beck,	Davis of Illinois,	Kellogg,	Teller,
Bell,	Dawes,	Kirkwood,	Thurman,
Blaine,	Edmunds,	Lamar,	Vest,
Booth,	Farley,	Logan,	Voorhees,
Bruce,	Ferry,	McMillan,	Wallace,
Burnside,	Gordon,	McPherson,	Whyte,
Butler,	Grover,	Morrill,	Williams,
Cameron of Pa.,	Hamlin,	Paddock,	Windom.
Cameron of Wis.,	Hill of Colorado,	Platt,	
Carpenter,	Hoar,	Plumb,	
Chandler,	Ingalls,	Rollins,	

The PRESIDING OFFICER. No quorum has voted.

Mr. CONKLING. What becomes of the appeal?

Mr. BAYARD, (at nine o'clock and forty-five minutes p. m.) I move that the Senate adjourn.

Mr. BLAINE. I hope not; I hope the Senate is not going to adjourn.

The PRESIDING OFFICER. The question is on the motion of the Senator from Delaware that the Senate adjourn.

The motion was not agreed to.

Mr. CONKLING. What becomes of the appeal?

The PRESIDING OFFICER. The vote upon the appeal disclosing that there is no quorum present, the Presiding Officer will direct that the roll be called to see what Senators are absent.

Mr. CONKLING. Meanwhile I wish to ask a question of the Chair: what becomes of the appeal?

The PRESIDING OFFICER. The appeal falls as a matter of course, there being no quorum to vote upon it.

Mr. CONKLING. When we get a quorum will the appeal be the first question in order?

The PRESIDING OFFICER. It will.

Mr. CONKLING. That is right.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allison,	Dawes,	Kernan,	Rollins,
Bailey,	Eaton,	Kirkwood,	Saulsbury,
Bayard,	Garland,	Lamar,	Saunders,
Bell,	Groome,	McDonald,	Slater,
Blaine,	Hampton,	McMillan,	Vance,
Booth,	Harris,	Maxey,	Vest,
Burnside,	Hereford,	Morgan,	Walker,
Call,	Hill of Colorado,	Morrill,	Wallace,
Cameron of Wis.,	Hill of Georgia,	Paddock,	Whyte,
Carpenter,	Houston,	Pendleton,	Windom,
Chandler,	Ingalls,	Platt,	Withers.
Cockrell,	Jonas,	Randolph,	
Davis of W. Va.,	Jones of Florida,	Ransom,	

The PRESIDING OFFICER. Upon the call of the roll fifty Senators have answered, and a quorum is consequently present. The question now recurs on the motion to lay the appeal taken from the decision of the Chair upon the table, and on that the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 29, nays 0; as follows:

YEAS—29.

Bailey,	Harris,	McDonald,	Vance,
Bayard,	Hereford,	Maxey,	Vest,
Call,	Hill of Georgia,	Morgan,	Walker,
Davis of W. Va.,	Houston,	Pendleton,	Wallace,
Eaton,	Jonas,	Randolph,	Withers.
Garland,	Jones of Florida,	Ransom,	
Groome,	Kernan,	Saulsbury,	
Hampton,	Lamar,	Slater,	

NAYS—0.

ABSENT—47.

Allison,	Chandler,	Hill of Colorado,	Platt,
Anthony,	Cockrell,	Hoar,	Plumb,
Beck,	Coke,	Ingalls,	Rollins,
Bell,	Conkling,	Johnston,	Saunders,
Blaine,	Davis of Illinois,	Jones of Nevada,	Sharon,
Booth,	Dawes,	Kellogg,	Teller,
Bruce,	Edmunds,	Kirkwood,	Thurman,
Burnside,	Farley,	Logan,	Voorhees,
Butler,	Ferry,	McMillan,	Whyte,
Cameron of Pa.,	Gordon,	McPherson,	Williams,
Cameron of Wis.,	Grover,	Morrill,	Windom.
Carpenter,	Hamlin,	Paddock,	

The PRESIDING OFFICER. Upon the question of laying the appeal on the table, no quorum voted. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. MORRILL, (when his name was called.) After ten o'clock I am paired with the Senator from North Carolina, [Mr. RANSOM.]

The Secretary resumed and concluded the call of the roll, and the following Senators answered to their names:

Bailey,	Conkling,	Jones of Florida,	Rollins,
Bayard,	Davis of W. Va.,	Kernan,	Saulsbury,
Bell,	Dawes,	Kirkwood,	Slater,
Blaine,	Eaton,	Logan,	Vance,
Booth,	Garland,	McDonald,	Vest,
Burnside,	Groome,	McMillan,	Walker,
Call,	Hampton,	Maxey,	Whyte,
Cameron of Pa.,	Harris,	Morgan,	Windom,
Cameron of Wis.,	Hereford,	Pendleton.	Withers.
Carpenter,	Hill of Colorado,	Platt,	
Chandler,	Hill of Georgia,	Randolph,	
Cockrell,	Houston,	Ransom,	

The PRESIDING OFFICER, (Mr. COCKRELL in the chair.) The roll-call discloses forty-five Senators present, being a quorum to transact business.

Mr. WHYTE, (at ten o'clock p. m.) It seems to be manifest that there is to be no end of these proceedings in the nature of filibustering. Therefore, I move that the Senate adjourn.

Mr. BLAINE. I am opposed to adjourning until the appeal is settled.

The question being put, there were on a division—ayes 18, noes 16.

The PRESIDING OFFICER. The Senate stands adjourned——

Mr. BLAINE. I ask for the yeas and nays. We want to see who aids the motion over here.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHANDLER, (when his name was called.) On this question I am paired with the Senator from Kentucky, [Mr. BECK.]

Mr. MCMILLAN, (when his name was called.) I am paired with the Senator from New Jersey, [Mr. MCPHERSON.] I should vote "yea," if he were here.

Mr. PLATT, (when his name was called.) Upon this vote I am paired with the Senator from Maryland, [Mr. GROOME.]

Mr. RANSOM, (when his name was called.) I am paired with the Senator from Vermont [Mr. MORRILL] for to-night.

The roll-call was concluded.

Mr. THURMAN. I am paired with the Senator from Vermont, [Mr. EDMUNDS.]

Mr. CHANDLER. My colleague [Mr. FERRY] is paired with the Senator from Delaware, [Mr. SAULSBURY.]

The result was announced—yeas 12, nays 25; as follows:

YEAS—12.

Bayard,	Cameron of Wis.,	Hill of Georgia.	Morgan,
Booth,	Dawes,	Kernan,	Rollins,
Burnside,	Hill of Colorado,	Kirkwood,	Windom.

NAYS—25.

Bailey,	Garland,	Lamar,	Vance,
Blaine,	Hampton,	Logan,	Vest,
Call,	Harris,	McDonald,	Walker,
Cameron of Pa.,	Hereford,	Maxey,	Withers.
Carpenter,	Houston,	Pendleton,	
Conkling,	Jonas,	Randolph,	
Eaton,	Jones of Florida,	Slater,	

ABSENT—39.

Allison,	Davis of W. Va.,	Johnston,	Saulsbury,
Anthony,	Edmunds,	Jones of Nevada,	Saunders,
Beck,	Farley,	Kellogg,	Sharon,
Bell,	Ferry,	McMillan,	Teller,
Bruce,	Gordon,	McPherson,	Thurman,
Butler,	Groome,	Morrill,	Voorhees,
Chandler,	Grover,	Paddock,	Wallace,
Cockrell,	Hamlin,	Platt,	Whyte,
Coke,	Hoar,	Plumb,	Williams.
Davis of Illinois,	Ingalls,	Ransom,	

So the Senate refused to adjourn.

Mr. CONKLING. What is the question before the Senate now?

Mr. EATON and others. The roll-call.

The PRESIDING OFFICER. There being no quorum present, the Chair will direct a call of the Senate.

Mr. CONKLING. That is right.

The PRESIDING OFFICER. The Secretary will call the roll of Senators and ascertain those who are present and the names of the absentees.

The Secretary called the roll, and the following Senators answered to their names:

Allison,	Conkling,	Ingalls,	Randolph,
Bailey,	Davis of W. Va.,	Jonas,	Ransom,
Bayard,	Dawes,	Jones of Florida,	Saulsbury,
Bell,	Eaton,	Kernan,	Slater,
Blaine,	Garland,	Kirkwood,	Thurman,
Booth,	Groome,	Lamar,	Vance,
Burnside,	Hampton,	McDonald,	Vest,
Call,	Harris,	McMillan,	Walker,
Cameron of Wis.,	Hereford,	Maxey,	Withers.
Carpenter,	Hill of Colorado,	Paddock,	
Chandler,	Hill of Georgia,	Pendleton,	
Cockrell,	Houston,	Platt,	

Mr. BURNSIDE. My colleague [Mr. ANTHONY] was called home by the death of a friend; otherwise he would have been here to answer to his name.

Mr. ALLISON. I think I ought to announce that the Senator from Maryland [Mr. WHYTE] is called home by illness in his family; otherwise he would be here to answer to his name.

The PRESIDING OFFICER. A call of the Senate discloses the presence of forty-five Senators, a majority of the Senate, and the question now recurs on the motion of the Senator from Indiana [Mr. MCDONALD] to lay the appeal of the Senator from Maine [Mr. BLAINE] on the table, on which the yeas and nays have been ordered.

Mr. ALLISON. Pending that, in view of the last vote awhile ago, the rising vote, I move that the Senate do now adjourn.

The Senate refused to adjourn; there being on a division—ayes 13, noes 27.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Indiana to lay the appeal of the Senator from Maine on the table, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. ALLISON, (when his name was called.) I am paired on this question with the Senator from Maryland, [Mr. WHYTE.] If he were here, he would vote "yea" and I should vote "nay."

Mr. MCMILLAN, (when his name was called.) I am paired on this question with the Senator from New Jersey, [Mr. MCPHERSON.]

Mr. SAULSBURY, (when his name was called.) I am paired on political questions with the Senator from Michigan, [Mr. FERRY.]

The roll-call having been concluded, the result was announced—yeas 26, nays 0; as follows:

YEAS—26.

Bailey,	Groome,	Jones of Florida,	Slater,
Bayard,	Hampton,	Kernan,	Vance,
Call,	Harris,	Lamar,	Vest,
Cockrell,	Hereford,	McDonald,	Walker,
Davis of W. Va.,	Hill of Georgia,	Maxey,	Withers.
Eaton,	Houston,	Morgan,	
Garland,	Jonas,	Pendleton,	

NAYS—0.

ABSENT—50.

Allison,	Coke,	Johnston,	Rollins,
Anthony,	Conkling,	Jones of Nevada,	Saulsbury,
Beck,	Davis of Illinois,	Kellogg,	Saunders,
Bell,	Dawes,	Kirkwood,	Sharon,
Blaine,	Edmunds,	Logan,	Teller,
Booth,	Farley,	McMillan,	Thurman,
Bruce,	Ferry,	McPherson,	Voorhees,
Burnside,	Gordon,	Morrill,	Wallace,
Butler,	Grover,	Paddock,	Whyte,
Cameron of Pa.,	Hamlin,	Platt,	Williams,
Cameron of Wis.,	Hill of Colorado,	Plumb,	Windom.
Carpenter,	Hoar,	Randolph,	
Chandler,	Ingalls,	Ransom,	

Mr. CONKLING. What is the question before the Senate, Mr. President?

The PRESIDING OFFICER. There is no quorum of the Senate present. If the present occupant of the chair had to decide he would leave it to the Senate to say what would be the further pleasure of the Senate, it having been ascertained by the last roll-call that there is no quorum of the Senate present. The Chair understands, however, that it has been decided that in such a case a call of the Senate is first in order.

Mr. HILL, of Georgia, (at ten o'clock and twenty-five minutes p. m.) Mr. President, I have taken no part at all in these proceedings to-night. I have no doubt that every member of the Senate is actuated by a desire to do right. I think this whole proceeding is the result of an unnecessary misunderstanding. I desire to say for myself especially that the gentleman who has the floor on the bill is a gentleman who never occupies the time of the Senate either unwisely or unnecessarily. I think he ought to have the floor to-morrow, and I think he ought to have it without limitation or restriction of any kind or character. I think that is due to him as well as due to the Senate. I expect to hear him with a very great deal of pleasure myself. I regret that there is this misunderstanding; I think it is unnecessary all around; and with the kindest feelings for all sides, I move that the Senate adjourn.

The Senate refused to adjourn; there being on a division—ayes 17, noes 22.

Mr. BURNSIDE. If it is in order, I should like to ask why we are staying here. If it is very important, I should like to know it.

The PRESIDING OFFICER. The Chair is not competent to answer the question. What is the further pleasure of the Senate?

Mr. CARPENTER. The next thing is a call of the Senate, is it not?

Mr. BLAINE. There is a quorum.

Mr. CONKLING. What is the question before the Senate?

The PRESIDING OFFICER. There is a quorum of the Senate present, disclosed on the motion to adjourn.

Mr. CONKLING. What is the motion pending?

The PRESIDING OFFICER. The pending motion is the motion of the Senator from Indiana to lay upon the table the appeal of the Senator from Maine, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. ALLISON, (when his name was called.) On this question I am paired with the Senator from Maryland, [Mr. WHYTE.] I should vote on one side and he would vote on the other.

Mr. CHANDLER, (when his name was called.) On this question I am paired with the Senator from Kentucky, [Mr. BECK.]

Mr. McMILLAN, (when his name was called.) I am paired with the Senator from New Jersey, [Mr. McPHERSON.]

Mr. RANSOM, (when his name was called.) I am paired to-night with the Senator from Vermont, [Mr. MORRILL.] He would vote "nay" and I should vote "yea."

The roll-call having been concluded, the result was announced—yeas 27, nays 0; as follows:

YEAS—27.

Bailey,	Groome,	Jones of Florida,	Slater,
Bayard,	Hampton,	Kernan,	Vance,
Call,	Harris,	Kirkwood,	Vest,
Cockrell,	Hereford,	McDonald,	Walker,
Davis of W. Va.,	Hill of Georgia,	Maxey,	Windom,
Eaton,	Houston,	Pendleton,	Withers.
Garland,	Jonas,	Randolph,	

NAYS—0.

ABSENT—49.

Allison,	Coke,	Johnston,	Rollins,
Anthony,	Conkling,	Jones of Nevada,	Saulsbury,
Beck,	Davis of Illinois,	Kellogg,	Saunders,
Bell,	Dawes,	Lamar,	Sharon,
Blaine,	Edmunds,	Logan,	Teller,
Booth,	Farley,	McMillan,	Thurman,
Bruce,	Ferry,	McPherson,	Voorhees,
Burnside,	Gordon,	Morgan,	Wallace,
Butler,	Grover,	Morrill,	Whyte,
Cameron of Pa.,	Hamlin,	Paddock,	Williams.
Cameron of Wis.,	Hill of Colorado,	Platt,	
Carpenter,	Hoar,	Plumb,	
Chandler,	Ingalls,	Ransom,	

The PRESIDING OFFICER. No quorum has voted.

Mr. BURNSIDE, (at ten o'clock and thirty minutes p. m.) I move that the Senate now adjourn.

The PRESIDING OFFICER put the question and declared that the noes appeared to prevail.

Mr. BURNSIDE. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CHANDLER, (when his name was called.) I am paired with the Senator from Kentucky, [Mr. BECK.]

The roll-call having been concluded, the result was announced—yeas 10, nays 25; as follows:

YEAS—10.

Blaine,	Hill of Colorado,	Paddock,	Windom.
Burnside,	Hill of Georgia,	Platt,	
Cameron of Wis.,	Kirkwood,	Rollins,	

NAYS—25.

Bailey,	Garland,	Jones of Florida,	Vance,
Bayard,	Groome,	Kernan,	Vest,
Call,	Hampton,	McDonald,	Walker,
Carpenter,	Harris,	Maxey,	Withers.
Conkling,	Hereford,	Pendleton,	
Davis of W. Va.,	Houston,	Randolph,	
Eaton,	Jonas,	Slater.	

ABSENT—41.

Allison,	Davis of Illinois,	Jones of Nevada,	Saunders,
Anthony,	Dawes,	Kellogg,	Sharon,
Beck,	Edmunds,	Lamar,	Teller,
Bell,	Farley,	Logan,	Thurman,
Booth,	Ferry,	McMillan,	Voorhees,
Bruce,	Gordon,	McPherson,	Wallace,
Butler,	Grover,	Morgan,	Whyte,
Cameron of Pa.,	Hamlin,	Morrill,	Williams.
Chandler,	Hoar,	Plumb,	
Cockrell,	Ingalls,	Ransom,	
Coke,	Johnston,	Saulsbury,	

So the Senate refused to adjourn.

Mr. CONKLING. As no quorum has voted, what is the next question before the Senate?

The PRESIDING OFFICER. The Chair will decide that the question before the Senate is the motion of the Senator from Indiana [Mr. McDONALD] to lay on the table the appeal from the decision of the Chair taken by the Senator from Maine, [Mr. BLAINE.]

Mr. CONKLING. I rise to a question of order.

The PRESIDING OFFICER. The Senator from New York will state his question of order.

Mr. CONKLING. My point of order is founded upon the rule of the Senate which declares that, whenever the want of a quorum appears, all business shall cease except a motion to adjourn and a motion for a call of the Senate. If I understood the announcement aright, no quorum voted on the last vote.

Mr. ALLISON. That is the fact.

The PRESIDING OFFICER. Upon the motion last before the Senate to adjourn the yeas were 10 and the nays were 25.

Mr. CONKLING. Thirty-five is not a quorum.

The PRESIDING OFFICER. That vote does not disclose a quorum. Under Rule 2—

If, either at the commencement of any daily session of the Senate, or at any time during its daily sessions, a question shall be raised by any Senator as to the presence of a quorum, the presiding officer shall forthwith direct the Secretary to call the roll of Senators, and shall announce the result to the Senate; and these proceedings shall be without debate.

Rule 3 provides that—

Whenever it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant-at-Arms to request, and, when necessary, to compel the attendance of the absent Senators, which order shall be determined without debate.

As the Chair announced before, if it were left to the present occupant of the chair he would submit it to the Senate to determine whether there should be a call of the Senate or not, and the Chair would not take the responsibility of ordering the call himself. The Chair is advised that the President *pro tempore* of the Senate has decided otherwise, and he will adhere to that decision.

Mr. CONKLING. Then the first thing in order is a call of the Senate.

The PRESIDING OFFICER. A call of the Senate, under the ruling as stated by the Chair. There being no quorum of the Senate present, the Secretary will call the roll of Senators to ascertain the presence or absence of a quorum.

The roll was called, and the following Senators answered to their names:

Allison,	Garland,	Kernan,	Rollins,
Bayard,	Hampton,	Kirkwood,	Saulsbury,
Blaine,	Harris,	Lamar,	Slater,
Burnside,	Hereford,	McDonald,	Vance,
Call,	Hill of Colorado,	Maxey,	Vest,
Cameron of Wis.,	Hill of Georgia,	Paddock,	Walker,
Carpenter,	Houston,	Pendleton,	Windom,
Chandler,	Ingalls,	Platt,	Withers.
Davis of W. Va.,	Jonas,	Randolph,	
Eaton,	Jones of Florida,	Ransom,	

The PRESIDING OFFICER. On the call of the Senate there are only thirty-eight Senators present, which is not a quorum. What is the further pleasure of the Senate?

Mr. CONKLING. What is the next question, Mr. President?

The PRESIDING OFFICER. The pleasure of the Senate will indicate what shall be done.

Mr. CONKLING. In the absence of a motion, I ask the Chair what is the business in order?

Mr. SAULSBURY. Was my name called?

The PRESIDING OFFICER. The Senator's name is recorded.

Mr. BLAINE. The call has been announced.

The PRESIDING OFFICER. The business pending before the Senate is the motion of the Senator from Indiana, [Mr. McDONALD.]

Mr. CONKLING. But my inquiry, if the Chair will pardon me, is what, in the absence of a motion, is the next proceeding before the Senate, the absence of a quorum having been ascertained by a call of the roll?

The PRESIDING OFFICER. The Chair has no power to determine what course the Senate shall pursue in such an emergency. A majority of the Senators present must take action, and the Chair cannot decide what that action shall be.

Mr. CONKLING. Cannot the Chair advise the Senate what it would be well to do?

The PRESIDING OFFICER. The Chair is not empowered to advise.

Mr. CONKLING. I withdraw my request.

Mr. PADDOCK. If there is no other business before the Senate, I move that the Senate do now adjourn.

Mr. McDONALD. I ask what is now before the Senate? What is the result of the call of the Senate?

The PRESIDING OFFICER. The Chair announced that the call of the Senate disclosed that there was no quorum present, and asked what was the further pleasure of the Senate.

Mr. HOUSTON. Call the absentees, Mr. President.

The PRESIDING OFFICER. The call has already been made, and disclosed that there was no quorum present.

Mr. HOUSTON. Then I ask that the absentees be called.

Mr. CONKLING. Who has the floor?

The PRESIDING OFFICER. The Senator from Indiana [Mr. McDONALD] has the floor, and no other Senator will be heard or recognized.

Mr. McDONALD. I move that the doors be closed and absentees sent for.

Mr. CONKLING. I rise to a question of order.

The PRESIDING OFFICER. The Senator from Indiana moves that the doors of the Senate be closed, and that the absentees be sent for. Pending that motion, the Senator from New York rises to a question of order; and he will state it.

Mr. CONKLING. My point of order is this: If a call of the Senate is to take place, the next proceeding in order is to call the absentees, and until that is done the motion of the Senator from Indiana is not in order. After that has been done, I have another objection of order against the motion which the Senator makes.

Mr. McDONALD. I understood the Chair to say that the call of the Senate had disclosed that there was not a quorum. That being the case I insist on my motion.

Mr. CONKLING. You cannot do that.

Mr. BAILEY. I ask if my name was recorded on the last call?

The PRESIDING OFFICER. The Chair will decide that the motion of the Senator from Indiana is not in order, and the Chair will decide that the absent Senators shall be called.

The Secretary proceeded to call the list of absentees, and called the names of Messrs. ANTHONY and BAILEY.

Mr. BAILEY. I was present a little while ago when my name was called and answered.

The Secretary resumed the call of the list of absentees, and called the names of Messrs. BECK, BELL, BOOTH, BRUCE, BUTLER, CAMERON of Pennsylvania, COKE, CONKLING, and DAVIS of Illinois.

Mr. HILL, of Georgia, (when the name of Mr. DAVIS, of Illinois, was called.) Mr. President, on this call of the absentees I desire to state that the Senator from Illinois [Mr. DAVIS] is absent, owing to indisposition.

The Secretary called the names of Messrs. DAWES, EDMUNDS, FARLEY, FERRY, GORDON, GROOME, GROVER, HAMLIN, and JOHNSTON.

Mr. WITHERS, (when the name of Mr. JOHNSTON was called.) I wish to state that my colleague, [Mr. JOHNSTON,] is absent because of indisposition.

The Secretary called the name of Mr. JONES, of Florida, and he responded.

The names of Mr. JONES, of Nevada, and Mr. LAMAR were called.

Mr. LAMAR. I was present. If I did not answer to my name, it was because I did not hear it called.

The Secretary resumed and concluded the call of the absentees; as follows:

Messrs. LOGAN, McMILLAN, McPHERSON, MORGAN, MORRILL, PLUMB, SAUNDERS, SHARON, TELLER, THURMAN, VOORHEES, WALLACE, WHYTE, and WILLIAMS.

Mr. WINDOM. The Senator from Vermont [Mr. MORRILL] has gone home and is paired.

Messrs. BURNSIDE, PADDOCK, RANSOM, and WALKER announced that they were present.

Mr. BURNSIDE. My colleague [Mr. ANTHONY] is called home by the death of a friend; otherwise he would be here.

The PRESIDING OFFICER. The call of absentees discloses that there are now present forty-one Senators, a quorum. The question recurs——

Mr. HARRIS. Mr. President, I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators, notwithstanding there is a quorum present.

Mr. CARPENTER. On that motion I call for the yeas and nays.

Mr. CONKLING. Oh, yes; let us have the yeas and nays on that.

The PRESIDING OFFICER. Not until the question is stated and before the Senate. The Senator from Tennessee moves that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

Mr. HARRIS. That is the motion.

The PRESIDING OFFICER. Is the Senate ready for the question, upon which the yeas and nays have been demanded? Is the call for the yeas and nays sustained.

The yeas and nays were ordered.

Mr. BLAINE. I rise to a point of order. On the motion of the honorable Senator from Tennessee it will require a majority of the Senate to carry it. This is different from the absence of a quorum. This order which he moves cannot be adopted except by a majority of a quorum, a quorum being present.

Mr. CONKLING. Certainly not.

The PRESIDING OFFICER. That question is not before the Chair, and is not before the Senate to be debated.

Mr. BLAINE. I merely give warning.

The PRESIDING OFFICER. The question now is the motion of the Senator from Tennessee that the Sergeant-at-Arms be required to request the presence of absent Senators, upon which the yeas and nays have been ordered.

Mr. ALLISON. Mr. President, pending that, I desire to announce that the Senator from Maryland [Mr. WHYTE] is detained from the Senate by reason of sickness in his family, and requested that I should pair with him. Therefore I ask that the Senator from Maryland and also myself may be excluded from the operation of this direction—excepted from the call.

The PRESIDING OFFICER. The question is on the motion of the Senator from Tennessee.

Mr. ALLISON. Is it not in order for me to make this request of the Senate?

The PRESIDING OFFICER. The Chair did not understand the Senator from Iowa as making any request to be submitted to the Senate. The Chair thought he made an announcement.

Mr. ALLISON. I do make the request that the Senator from Maryland, who is absent by reason of sickness in his family, may be exempted from the motion of the Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Iowa moves——

Mr. CARPENTER. I move to amend the motion of the Senator from Iowa by adding to it the words "and all other absent Senators."

The PRESIDING OFFICER. The question is not before the Senate, and therefore is not amendable. When the Chair shall have stated the question to the Senate then the motion of the Senator from Wisconsin will be entertained.

Mr. CARPENTER. I appeal from that ruling of the Chair, and claim the right to make my motion.

The PRESIDING OFFICER. There is no ruling to be appealed from. The Chair will state the question to the Senate. The Senator from Iowa moves that the Senator from Maryland be excused from the operation of the motion of the Senator from Tennessee. That is the question now before the Senate.

Mr. CARPENTER. I move to amend the motion of the Senator from Iowa by adding after the words "the Senator from Maryland" the words "and all other absent Senators," there being a quorum of the body.

The PRESIDING OFFICER. The Senator from Wisconsin moves to amend the motion of the Senator from Iowa by adding after the name of the Senator from Maryland the words which he has stated to the Senate, "and all other absent Senators."

Mr. CONKLING. On that I demand the yeas and nays.

The PRESIDING OFFICER. That is the question now before the Senate, on which the Senator from New York demands the yeas and nays.

Mr. McDONALD. I rise to a point of order.

The PRESIDING OFFICER. A question of order is raised by the Senator from Indiana, which he will state.

Mr. McDONALD. It is this, that the motion of the Senator from Iowa is not now in order.

Mr. CONKLING. Why not?

Mr. McDONALD. And it cannot be made until the question of the excusing of absent Senators comes up after the order has been entered.

The PRESIDING OFFICER. There is a quorum of the Senate present. The Senator from Tennessee made a motion; that motion has been submitted to the Senate; and pending that motion the Senator from Iowa moves that an absent Senator be excused from the operation of the motion; that is, he be not required to be present at the Senate, and the Chair decides that that motion is in order.

Mr. HARRIS. Mr. President, the yeas and nays having been ordered upon my motion, it is not competent now, I imagine, for me to modify it. I would gladly, by the unanimous consent of the Senate, except from its operation not only the Senator from Maryland, but every Senator who is reported by another Senator to be absent on account of indisposition either of himself or his family.

Mr. CONKLING. Mr. President, what has become of the amendment of the Senator from Wisconsin?

The PRESIDING OFFICER. Nothing has become of it, for no action has been taken upon it.

Mr. CONKLING. When is the Senate likely to act upon it?

The PRESIDING OFFICER. As soon, I presume, as the Chair can state the question again, and the Senate shall vote upon it.

Mr. CONKLING. In the mean time I demand the yeas and nays.

The PRESIDING OFFICER. The Senator from New York demands the yeas and nays upon the amendment proposed by the Senator from Wisconsin. Shall that call be sustained?

The yeas and nays were ordered.

Mr. PADDOCK. What is that an amendment to—the motion of the Senator from Iowa?

The PRESIDING OFFICER. The question before the Senate now is the amendment offered by the Senator from Wisconsin to the motion of the Senator from Iowa, upon which the yeas and nays have been ordered.

Mr. PADDOCK. Well, Mr. President, is not the motion of the Senator from Iowa an amendment to the motion of the Senator from Tennessee? How can you entertain two motions of amendment at the same time to another motion?

Mr. CONKLING. Certainly you can entertain two amendments at the same time.

The PRESIDING OFFICER. Those in favor of the amendment offered by the Senator from Wisconsin will as your names are called answer "yea;" those opposed will answer "nay." The Clerk will call the roll.

Mr. CONKLING. Are these motions debatable, Mr. President?

The PRESIDING OFFICER. The Chair presumes they are.

Mr. CONKLING. That is my opinion; but I merely wanted the pleasure of coinciding with the Chair. I always like to agree with the present occupant of the chair. This motion is not made at all under Rule 3, for Rule 3 does not provide for any such case. It is the instance, the Senate being present in quorum, of a Senator proposing as a motion that the Sergeant-at-Arms shall be sent to invite other Senators to come in; and, therefore, it is not a call of the Senate under the rule at all. Like any other motion, it is debatable, if it is in order, which I think it is not.

Mr. CARPENTER. Of course not.

Mr. CONKLING. But if it is in order at all, it is debatable and is amendable. I do not wish to debate it, but I merely wish to concur, as I always find great pleasure in doing, with the Senator from Missouri, especially when he occupies the chair, and expresses an opinion which anybody can concur in.

The PRESIDING OFFICER. The Clerk will call the roll.

Mr. ALLISON. I ask the Chair to state the question again; I do not quite understand it.

The PRESIDING OFFICER. The question is upon the amendment offered by the Senator from Wisconsin [Mr. CARPENTER] to the motion of the Senator from Iowa, [Mr. ALLISON.]

The Secretary proceeded to call the roll.

Mr. PLATT, (when the name of Mr. CHANDLER was called.) The Senator from Michigan [Mr. CHANDLER] desired me to announce that he was paired with the Senator from Kentucky, [Mr. BECK.]

Mr. McMILLAN, (when his name was called.) I am paired with the Senator from New Jersey, [Mr. McPHERSON.]

Mr. RANSOM, (when his name was called.) I am paired with the Senator from Vermont, [Mr. MORRILL.]

Mr. SAULSBURY, (when his name was called.) I am paired with the Senator from Michigan, [Mr. FERRY.]

The result was announced—yeas 3, nays 25; as follows:

YEAS—3.

Kirkwood,	Pendleton,	Windom.

NAYS—25.

Bailey,	Groome,	Jones of Florida,	Vance,
Bayard,	Hampton,	Kernan,	Vest,
Call,	Harris,	McDonald,	Walker,
Cockrell,	Hereford,	Maxey,	Withers.
Davis of W. Va.,	Hill of Georgia,	Morgan,	
Eaton,	Houston,	Randolph,	
Garland,	Jonas,	Slater,	

ABSENT—48.

Allison,	Chandler,	Hoar,	Plumb,
Anthony,	Coke,	Ingalls,	Ransom,
Beck,	Conkling,	Johnston,	Rollins,
Bell,	Davis of Illinois,	Jones of Nevada,	Saulsbury,
Blaine,	Dawes,	Kellogg,	Saunders,
Booth,	Edmunds,	Lamar,	Sharon,
Bruce,	Farley,	Logan,	Teller,
Burnside,	Ferry,	McMillan,	Thurman,
Butler,	Gordon,	McPherson,	Voorhees,
Cameron of Pa.,	Grover,	Morrill,	Wallace,
Cameron of Wis.,	Hamlin,	Paddock,	Whyte,
Carpenter,	Hill of Colorado,	Platt,	Williams.

Mr. CONKLING. Is that a quorum?

The PRESIDING OFFICER. The Chair decides that it is not a quorum.

Mr. HEREFORD. I move, sir, under Rule 3 that the Sergeant-at-Arms be directed to request the attendance of the absent Senators.

The PRESIDING OFFICER. The Senator from West Virginia moves that the Sergeant-at-Arms be directed to request the presence of absent Senators.

Mr. CARPENTER. I rise to a point of order. As I understand, the Senator from Tennessee has already made that precise motion, which is still pending and undetermined.

The PRESIDING OFFICER. The Chair decided that there was a quorum, and distinctly announced that fact to the Senate, when the Senator from Tennessee made his motion. This motion of the Senator from West Virginia is made under the third rule, and in pursuance of the rule, and is in order; so the Chair decides.

Mr. CARPENTER. The motion being precisely the same?

Mr. CONKLING. Agreeing as I do with the Chair, I submit a question of order. The motion being under Rule 3 must conform to that rule. No absentees have been called; and the Chair having already ruled on the other motion for a call of the Senate that the first thing in order after the disclosure of the absence of a quorum was to call the absentees, I ask that they be called. I have been here myself all the time, for one, and I want an opportunity to answer that I am here.

Mr. HEREFORD. Mr. President——

The PRESIDING OFFICER. The Senator from West Virginia will please let the Chair state his decision on the question. The Chair has on several occasions asked what was the further pleasure of the Senate. This is the first time that immediately after the disclosure of the want of a quorum, the motion made by the Senator from West Virginia has been presented to the Chair.

Mr. HEREFORD. There is no right to insist on a call of the absentees.

The PRESIDING OFFICER. The Chair decides that the motion is now in order. Had the Chair announced the want of a quorum——

Mr. CARPENTER. Mr. President——

The PRESIDING OFFICER. The Senator from Wisconsin will wait until the Chair states his decision. If the Chair had announced his decision that there was no quorum, and no motion had been made, the only proceeding that the Chair could have taken on his own motion would have been to have ordered a call of the absentees. The Senator from West Virginia has now made the motion which has been stated.

Mr. HEREFORD. And it should be decided without debate.

The PRESIDING OFFICER. The Chair decides that the motion is in order.

Mr. CARPENTER. Mr. President——

Mr. HEREFORD. I call the Senator to order.

Mr. CONKLING. Mr. President——

The PRESIDING OFFICER. The Senator from Wisconsin is entitled to the floor until the Chair ascertains what he has to say.

Mr. CARPENTER. I wish simply to inquire how the Sergeant-at-Arms is to know whom he is to go for if it is not in some way ascertained who is absent. Nothing of that kind has been announced. The last call showed certain Senators present and who the absentees were, and whether they have not come into the Chamber while the roll-call was pending and failed or forgotten to vote are questions certainly to be settled in some form before the Sergeant-at-Arms is to know whom he is to go after.

Mr. HEREFORD. I rise to a question of order.

Mr. CONKLING. So do I.

Mr. CARPENTER. So did I.

The PRESIDING OFFICER. The Senator from New York rose before the Senator from West Virginia, and if he has a point of order he will state it.

Mr. CONKLING. I rise, Mr. President, to appeal respectfully from the decision of the Chair. That appeal is debatable, and on that I believe I have the floor.

The PRESIDING OFFICER. When it is pending before the Senate the Senator will have the floor.

Mr. CONKLING. That is all the time I want to have it.

The PRESIDING OFFICER. The Senator from New York appeals from the decision of the Chair, and that is now the question pending before the Senate. The Senator from New York is entitled to the floor.

Mr. CONKLING. Now, Mr. President, I understand the Chair to have ruled in deference to the decision of a prior occupant of the chair, that Rule 3 executes itself without a motion.

The PRESIDING OFFICER. Rule 2, it is the decision of the Chair, executes itself without a motion; but Rule 3 cannot execute itself unless there be a motion.

Mr. CONKLING. The Chair rules, then, if I may understand him, that Rule 2 executes itself without a motion. Did not the Chair rule also, as the President of the Senate *pro tempore* has ruled twice during this session, that the absentees were to be called and the Sergeant-at-Arms was to notify them to come in?

The PRESIDING OFFICER. The Chair, as stated before, ruled, as he understood the President *pro tempore* had ruled, that under Rule 2 a roll-call disclosing the want of the quorum of the Senate, and no motion being made, the Chair being left to decide what would be the further action of the Senate, the only action he could decide upon was the call of absentees. That was stated and so ruled by the Chair two or three different times. Now a question was raised, a roll was called, and that roll ascertained that a quorum of the Senate was not present. Before the Chair had taken any action the Senator from West Virginia moved, in pursuance of Rule 3, that the Sergeant-at-Arms be directed to request the presence of absent Senators.

Mr. CONKLING. Will the Chair allow me to interrupt him?

The PRESIDING OFFICER. And the Chair decided that that motion was in order.

Mr. CONKLING. Will the Chair allow me to correct him on a point of fact?

The PRESIDING OFFICER. With pleasure.

Mr. CONKLING. I submit that the Chair is very correct in saying that it was on a call of the Senate that the absence of a quorum was disclosed. It was on a call of the yeas and nays on the amendment offered by the Senator from Wisconsin.

The PRESIDING OFFICER. The Chair is aware of the fact that it was upon the call of that. The Chair stated that it was on a call of the yeas and nays. If he said "a call of the Senate," he did not mean that it was a formal call of the Senate. It was on a call of the yeas and nays which disclosed the absence of a quorum.

Mr. CONKLING. If I understand aright the ruling of the Chair I appeal from it for two reasons: in the first place I understand that other occupants of the chair have ruled otherwise; and in the next place, as I understand Rule 3, it cannot be executed in the mode proposed by the ruling from which I appeal:

No Senator shall absent himself from the service of the Senate without leave of the Senate first obtained. Whenever it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant-at-Arms to request, and when necessary, to compel the attendance of—

Of whom?

the absent Senators, which order shall be determined without debate; and pending its execution, and until a quorum shall be present, no motion, except a motion to adjourn, nor debate, shall be in order.

Now I submit to the Chair, and with much confidence, that it is not in order to send the Sergeant-at-Arms promiscuously among Senators or under this rule anywhere, except to those who are absent; and, as the Chair has ruled heretofore, occupied as it is now, and occupied by the regular Presiding Officer, until the absentees are called the Sergeant-at-Arms cannot know in point of fact, nor has he any right to know, who is absent and who is not. If during the roll-call, and too late to vote, a Senator has come in, the Sergeant-at-Arms is not to be sent after him. He has a right, under the usage of the House, under the usage of the Senate, to answer when the roll of absentees is called; and I think the Chair, on reflection, will see

that this mode of proceeding reverses both the general and necessary usage under the rule, and also the ruling which has prevailed heretofore.

As to Rule 2, it does not touch at all the matter of the Sergeant-at-Arms proceeding to do anything. Rule 2 provides merely:

If either at the commencement of any daily session of the Senate, or at any time during its daily sessions, a question shall be raised by any Senator as to the presence of a quorum—

That case has not arisen at all—

the presiding officer shall forthwith direct the Secretary to call the roll of Senators, and shall announce the result to the Senate; and these proceedings shall be without debate.

That is the customary case where we find during the latter hours of the day when looking about the seats seem largely empty, and some Senator (as we have frequently heard) calls the attention of the Chair to the fact and the Chair in practice counts the Senate by unanimous consent, and if a quorum is found present that ends it; but strictly according to the rule he directs the roll to be called. That is on the suggestion of a member of the Senate made to the Chair. But when on a call of the yeas and nays the record, the Journal, for such it is, shows that no quorum is here, then and then only Rule 3 operates, and under that rule I submit you cannot send out the Sergeant-at-Arms to any persons except, in the language of the rule, the absent Senators, and they are to be ascertained by being called.

Mr. HEREFORD. Mr. President, if the construction of the rule as contended by the Senator from New York is maintained, he very clearly sees what would be the result—this rule would be a mere nullity. The very moment you call the absentees, then, as occurred a moment ago, the call discloses the presence of a quorum, and when the presence of a quorum is disclosed then you can make any motion you please and you never do get a call of the Senate at all. You can move, as was done a moment ago, that the Senator from Maryland be excused. That is all proper; but then some other Senator, as the Senator from Wisconsin did, can move to amend so that all the absent Senators be excused, and that being done they are all excused and you never do get a call of the Senate at all. You are just going around in a circle as we have been doing all night. With all due deference to the Senate it is a simple absurdity, it is an endless chain.

Mr. CONKLING. It is a revolution. [Laughter.]

Mr. HEREFORD. Yes, sir; a revolution created by my friends on the republican side. They have been engaged in this revolution some time and we want to put a stop to it.

Now, the Senator says that you have no means of information as to who the absentees are. Why not? The Secretary calls the roll. Each one who is present answers. That roll-call is handed to the presiding officer, and he sees who has answered and who has not answered, and that is recorded, and that very document goes upon the records of this body. That is the way the presiding officer ascertains who the absentees are. How does he ascertain the absentees in the manner proposed by the Senator from New York? Exactly in the same way. You call over the same roll of absentees. It is partly called again; that is, you call the absentees and that is handed to the presiding officer, the same paper; and you ascertain it in the same way that you did before. Does the Senator from New York undertake to say in the presence of this Senate that when that roll is called and certain Senators do not answer and that roll is called and handed to the presiding officer, he has not the record of this body before him which shows who are absent and who are present? Any other construction of Rule 3, in my humble judgment, is an absurdity, and only serves to have the effect desired by my friend from Wisconsin and my friend from New York, that there never shall be a call of the Senate and that the absentees never shall be sent for; and if their construction is maintained the absentees never can be sent for. The ruling of the Chair is correct, and is not in contravention of any rule or any decision made by the presiding officer before this evening, for the question has not been raised before.

Mr. CARPENTER. Mr. President, the view taken of this subject by the Senator from West Virginia will be seen to be erroneous by a moment's reflection. He says you are to take the roll-call of the yeas and nays on the question that is pending, and then you are to assume that every man who does not vote is absent; and yet we know the practice of the Senate is to pair. Half a dozen Senators may be here who do not answer to their names and vote because they are paired; and yet they are Senators in their seats answering to make a quorum, but not voting on the pending question.

Mr. HEREFORD. Allow me a moment.

Mr. CARPENTER. Well, yes.

Mr. HEREFORD. The Senator says that they may have paired. Senators have no right to pair under the rule; it is their duty if they are present to answer; the rule says so, and Senators have no right to absent themselves from the Senate under the rule without the consent of the Senate, and no consent of the Senate has been given.

Mr. CARPENTER. Mr. President, I am greatly mistaken if the Senator who has just taken his seat did not announce here this evening that he was paired.

Mr. HEREFORD. I did, but I had no right to do it.

Mr. CARPENTER. He can now condemn himself as having done a very improper thing.

Mr. CONKLING. Move to expel him!

Mr. CARPENTER. I will not move to expel him, because I think he is mistaken in criminating himself. I think he has a perfect right to pair. At all events, if he has not, the whole Senate for forty years has been subject to a motion to be expelled. All have done this, and nobody ever before got up and publicly accused himself for doing it.

For instance, to see how correct the Senator is, we want to ascertain whom the Sergeant-at-Arms is to go after, to whom he is to make the request. The Senator says look at the roll-call. As that roll-call was taken I was conversing with the Senator from New York and did not vote; but I have not been out of the Senate Chamber this evening. I am not an absentee; and yet am I to be sent for as one of the absentees because I did not vote? What is the Sergeant-at-Arms to do? Where is he to go? He comes to my seat and requests me to stay here, I suppose. I have been staying all day and all night and propose to stay here until the democrats of this body who have control of it want to adjourn. When they do, of course they have got the power to adjourn, and we shall go home like loyal submissive republicans. If we can ever dispose of this interminable appeal of the Senator from Maine I want to go on and discuss the Army bill, and I have the floor to do so.

Mr. McDONALD. The Senator from New York read Rule No. 3:

3. No Senator shall absent himself from the service of the Senate without leave of the Senate first obtained. Whenever it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant-at-Arms to request, and, when necessary, to compel the attendance of the absent Senators, which order shall be determined without debate; and, pending its execution, and until a quorum shall be present, no motion, except a motion to adjourn, nor debate, shall be in order.

Now, Mr. President, as has been stated by the Chair, the last roll-call disclosed that there was no quorum of the Senate present.

Mr. CARPENTER. Not a quorum voting.

Mr. McDONALD. There is no mode of ascertaining the presence of Senators except their answer to the roll-call or upon a call of the Senate. There are no other modes officially of bringing that fact before the Senate. The motion of the Senator from West Virginia to enforce this rule, I apprehend will bring us, in the progress of that enforcement, to the consideration of Rule 16:

16. When the yeas and nays shall be called for by one-fifth of the Senators present, each Senator, when his name is called, shall, unless for special reasons he be excused by the Senate, declare openly and without debate his assent or dissent to the question; and in taking the yeas and nays upon any question, the names of the Senators shall be called alphabetically.

The roll-call upon the last motion does not determine the question on which that call was made, and I apprehend that if this order is enforced the Senators not voting, and therefore officially or in contemplation of this rule not present, will be brought by the Sergeant-at-Arms to the bar of the Senate, and their names will then be called and they will be required there to give their reasons for not voting on that vote and be excused or not according to the will of the Senate.

Mr. McMILLAN. Will the Senator from Indiana——

Mr. McDONALD. There must be some mode of giving force and effect to this call of the Senate, or else it is not a well-organized mob.

Mr. McMILLAN. Will the Senator from Indiana allow me ——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Minnesota?

Mr. McDONALD. Yes.

Mr. McMILLAN. I merely wish to ask the Senator from Indiana whether, under the rule he read, the announcement of a pair by a Senator on the floor of the Senate would not be one of the special reasons which would be embraced within that exception and be an excuse for not voting; and would not all such Senators be counted as present?

Mr. McDONALD. It would be for the Senate to determine whether that would be a sufficient reason or not. Of course, if the Senator so considered, he might be excused on that account; but I apprehend that the Senate might refuse to consider that a good excuse for not voting.

Mr. CARPENTER. Will the Senator allow me to ask him a question?

Mr. McDONALD. Yes, sir; certainly.

Mr. CARPENTER. I should like to ask the Senator this question: Suppose when the roll is called five Senators rise in their places and say they are paired, and that is entered on the record of the Senate and therefore they do not vote; the Senate makes no objection, passes on with the roll-call, and of course admits the excuse to be sufficient at the time. Now my question is, does that roll-call, which has not the names of five men who answered to the Chair when their names were called and said they were paired, stand on the record of the absent Senators?

Mr. McDONALD. Undoubtedly.

Mr. CARPENTER. And it shows that five who answered are absent?

Mr. McDONALD. They are for the purposes of legislation absent Senators. It will be remembered that some time ago when the Senator from Wisconsin who had been absent on several roll-calls, undertook to make a motion before the Senate, I insisted that, being absent as shown by the roll-call, he had no right to make a motion until his presence was properly ascertained.

Mr. CONKLING. The Chair overruled it.

Mr. McDONALD. The occupant of the chair at that time, I believe, overruled it, but that does not by any means decide that there is no force or effect in this attempt to secure a quorum who will be

required to decide their official duty so that legislation can progress. If these rules do not properly enforce and reach that result then they are of very little value indeed.

Of course, in looking around the Senate I know that there is a quorum of Senators present; my eyes tell me that fact as I look around; but when the roll is called, for reasons satisfactory perhaps to them but certainly not satisfactory to the Senate because the Senate has not been called upon to pass upon those reasons, they decline to vote, and in that way disclose the fact that there is not so far as the work of legislation is concerned a quorum. If they cannot be sent for, cannot be brought to the bar of the Senate, cannot be called upon to stay under the rules of the Senate, then we have rules that are not as good as ropes of sand.

The Sergeant-at-Arms will take the names given him as they have appeared from the last roll-call, and go to each Senator thus disclosed to be absent and bring him to the bar of the Senate; and I shall move an amendment that he be directed to compel the attendance of the absentees, I do not care where they are so that they are not present for the purposes of legislation; suppose they were in the ante-chamber or anywhere else, or suppose they sit here mute——

Mr. CARPENTER. Will the Senator allow me a word?

Mr. McDONALD. Certainly.

Mr. CARPENTER. I submit that to accomplish the purpose the Senator has in view it would be necessary to do something more than for the Sergeant-at-Arms to request Senators in their seats to stay. They are here now. He should go further and require the Sergeant-at-Arms to bring them to the bar of the Senate and make them vote; and if he cannot do that he cannot do anything in the line the Senator is now proposing.

Mr. McDONALD. In my opinion he may bring them to the bar, and then under the rule I have read they can be required either to vote or to give such reasons for not voting as will be satisfactory to the Senate.

Mr. BLAINE. With the permission of the Senator from Indiana, I wish to make an inquiry and a remark. I believe, although I am not well versed in the ancient usages of the Senate, that the compulsory attendance is a new feature in the Senate, and I submit to old Senators who have much larger experience than myself that it is a process entirely unadapted to the Senate. In the House of Representatives you have compulsory attendance. Why? Because you have there a previous question and can compel the member to come and vote. But here, suppose you scour the city and empty the beds and create discomfort, and bring the Senators in here, for what is it all? The Senator from Indiana rises and says we need not talk about that, and now you have got Senators here for a blank shot in the air. You cannot compel them to vote.

Mr. McDONALD. The Senator from Maine was firing a blank shot.

Mr. BLAINE. I never did that in my life. I am not traversing any view of the Senator's, but I am submitting one of my own. That rule, however much you may incorporate it in the system of rules of the Senate, is not adapted to the Senate until you have some rule that shall force Senators to vote, because it is a mere blank cartridge fired to bring Senators here and have nothing for them to do but sit down and listen. Are you going to have a rule that somebody shall be brought here to sit down and listen to somebody else talking? That is an undue punishment not adapted to any crime that any of us have committed. It is unusual punishment forbidden by the Constitution.

Before I sit down, I want one word further with the indulgence of my friend from Indiana. Can he not see, and cannot every Senator see that the trouble here is just one, that what we call the majority side of the Senate have not a majority. They are relying upon aid from the minority. If you had a constitutional majority here, if you had your forty-two Senators here, which is an absolute majority, we should be powerless; but here you are with twenty-eight or thirty——

Mr. McDONALD. We shall have them all.

Mr. BLAINE. When you have them, we shall bow with deference to their wishes and their will; but until you do have them you are, as I said, doing nothing but firing blank cartridges, for they amount to nothing.

My motion, based on the statement of the Senator from Indiana, is that 10,000 extra copies of to-morrow morning's RECORD be published and that it be sent to all the public libraries of the United States as a valuable contribution to the parliamentary knowledge of the United States.

Mr. WINDOM. Mr. President——

The PRESIDING OFFICER. The Senator from Indiana is entitled to the floor.

Mr. McDONALD. I yielded for a question and not a speech.

Mr. WINDOM. I move that the Senate do now adjourn.

The PRESIDING OFFICER. Does the Senator from Indiana yield?

Mr. McDONALD. I have not yielded the floor. I shall not yield for that motion. I shall yield for a question or a speech but not a motion to adjourn.

The Senator from Maine has read a very sharp lecture to the majority in this Chamber. This difficulty that we find ourselves involved in here perhaps grows out of the fact that the minority undertook to run this Senate to-night and up to this time they have not run it much; and if the majority who are here entertain the same opinion that I do we will continue running it on in this way until some time next week.

Mr. SAULSBURY. Will the Senator yield to me for a moment?

Mr. McDONALD. I yield to the Senator from Delaware.

Mr. SAULSBURY. I want to make a single remark in reference to the motion made by the Senator from Maine—that is, a motion to print 10,000 extra copies of the RECORD so that the parliamentary knowledge of the Senate may be understood in the country. I am opposed to that. I do not want to see any criticism made upon the action of the Senator himself who has presided with such distinguished ability over the House of Representatives. I am really afraid the country will be ashamed not only of the Senate but of the action of the Senator from Maine on this occasion. When I first came into the Senate this evening the Senator from Maine, clearly out of order, stood upon the floor and retained the floor when the Chair had ruled him out of order time and again. I do not want that record to go out.

Mr. BLAINE. That from a Senator who has admitted that he was absent.

Mr. SAULSBURY. Now I will say why I was absent. I had paired with one of the Senator's colleagues on that side of the House, and could not vote. But I have been compelled, because of the persistent refusal of the Senator from Maine and his associates to answer to their names when called, to write a note and send to the hotel asking the Senator from Michigan with whom I was paired to relieve me from the pair because of the action of his political associates in this body; that duty to my political associates required me to withdraw from the pair by his consent which I had agreed to make with him.

I am opposed to the publication of any extra copies of that record; it will go out to the country sufficiently if the usual number of copies of the RECORD are published. It shows that the minority on this floor have sat in their seats to-night and obstructed the business of the Senate by persistently refusing to vote. I will not say it is revolution, but I will say it is contrary to the ancient usages of this body. It is a new feature, so far as I can remember in my short experience in this body, for the minority to sit in their seats and persistently refuse to vote. I have seen gentlemen retire to the cloakroom, get out of the sight of the President, and thus absent themselves; but the Senator from Maine and his political associates have sat here in the presence of the President of the Senate, and have been mute when their names were called. Sir, I do not want to see that record printed in any extra numbers. I am fearful that the character of this body will suffer because of the action of the political associates of the Senator from Maine.

Mr. WINDOM. I rise to a point of order. What is the question before the Senate?

Mr. CONKLING. The question is the appeal which I have taken from the decision of the Chair.

Mr. SAULSBURY. The Senator from Minnesota went out when the Senator from New York took his appeal and spoke upon it.

Mr. WINDOM. I ask that the debate be confined to the question before the Senate.

Mr. CONKLING. Oh, no, let him make his speech as he wishes.

Mr. WINDOM. We have disgraced ourselves before the country, and I want to have the thing stopped.

The PRESIDING OFFICER. The Senator from Delaware is in order.

Mr. SAULSBURY. The Senator from Minnesota has had his full share in bringing the disgrace upon the Senate to which he refers.

Mr. WINDOM. I have, because I have been in the presence of the Senator from Delaware.

Mr. SAULSBURY. And I say now, Mr. President, that I join with the Senator from Indiana, in the determination to test the endurance of the factious opposition. I am good for one whole week with an occasional cup of coffee and a little something to eat—and I join the Senator from Indiana, and so we shall see how long this fight can last.

Mr. WINDOM. I rise to a question of order.

The PRESIDING OFFICER. The Senator from Delaware must wait until the question of order is stated.

Mr. WINDOM. I ask that I may be excused from further attendance on the Senate to-night if we are to have this sort of thing till morning.

The PRESIDING OFFICER. That is not a question which can be entertained while the Senator from Delaware is on the floor. The Senator from Delaware will proceed.

Mr. WINDOM. Then I raise the point of order, and insist he shall be confined to the question.

The PRESIDING OFFICER. The Chair has decided that the Chair has no power to make the remarks of any Senator pertinent to any question that may be before the Senate.

Mr. SAULSBURY. I think I am addressing myself pertinently to the question now under consideration.

Mr. CONKLING. Perfectly in order; no doubt of it.

Mr. SAULSBURY. I am commenting on the action of the republican minority on this floor. We are here, sir, anxious to transact the public business, anxious to vote supplies for the Army, anxious to pass this bill, and we would have passed it but for the action of the republican minority this evening.

We have been charged with the responsibilities of an extra session. That charge is wholly untrue. It originated from the disagreement between the two Houses at the last session. I do not say that the republican Senate was wholly responsible for the extra session, but

I maintain that the democratic party of the House of Representatives was no more responsible for the extra session than the Senate. It was because of the action of the two Houses in failing to agree that this extra session has been called. We have met in this session and attempted to pass bills, and have passed bills to supply the Government with necessary funds—a legislative bill, a judicial bill, and an Army bill. The President of the United States has seen proper to veto the bills which we have passed. We have passed other bills which we had hoped would meet his approval, but the republican minority in this Chamber have interposed by their votes and by their speeches, and are now interposing by their silence and refusals to vote, to defeat the honest attempt of the democratic party to pass the necessary appropriation bills. Who are responsible for this delay?

Mr. McMILLAN. Will the Senator from Delaware allow me to ask him a question?

Mr. SAULSBURY. Oh, yes. My friend from Minnesota is always entitled to be heard.

Mr. McMILLAN. When was the Army bill called up in the Senate?

Mr. SAULSBURY. Is the Senator's memory so short that he has forgotten it?

Mr. McMILLAN. I should like to know when it was, if the Senator can tell me; and I should like to ask him whether his side of the Chamber have not spent this whole day in discussing this bill, and not permitted the minority to express their views on the subject?

Mr. SAULSBURY. Not by a long shot. We should have been perfectly willing to take the vote on this bill without any debate.

But, Mr. President, it is not worth while to attempt to conceal the fact; the people of the country will understand that the democratic party of the Senate to-day have been perfectly willing to vote the necessary supplies for the Army of the country; but there sits the republican minority on the other side of this Chamber persistently refusing to vote and thereby defeating a quorum sitting in their seats, and for the purpose of defeating a vote refusing to respond when they are called, contrary to the ancient usages and law of this body.

Mr. President, I do not intend to enter into any discussion upon the merits of the bill or the appeal taken from the decision of the Chair, but I want to call the attention of the country more emphatically to the action of the minority than it will be called by the simple record of the facts. I want, in other words, to emphasize what the record will disclose, that the republican minority in this Chamber are responsible for the delay in passing the necessary appropriation bill for the Army. If they had seen proper to indulge in debate on the political features of that bill, no one on this side of the Chamber would perhaps have questioned their right to do so; but we do question their right—by attempting to filibuster, by refusing to vote, by a persistent determination—to delay the appropriation bills; we do question their right as Senators, not their right as politicians, but their right as Senators, bound to aid in the legislation of the country, to obstruct legislation, and we arraign them before the intelligent judgment of the people for sitting persistently in their seats and refusing to vote upon questions necessary and essential to carry on the business of the Senate. I shall leave gentlemen to their own reflections. I am sure that the Senator from Maine, unless he is lost to all proper reflections with reference to such action, will, when he comes to reflect, coolly and calmly, regret the part he has taken to-night. He is a prominent parliamentarian, a gentleman occupying a high position not only in the Senate, but in the country, and when he comes to reflect upon the course which he and his political associates have pursued this evening, he will have cause to regret it, whether he feel at liberty to confess it publicly or not.

Mr. CONKLING. Mr. President, differing as I do with the Senator from Delaware in almost everything he has said, I differ especially with his unwillingness to have the RECORD of to-day's proceedings go out in unusual numbers. I would be glad to have it go to every household in all this land; and I want now to put into it a statement which I would gladly have go with it.

Night before last, at the conclusion of the so-called judicial bill, more than the ordinary hour of adjournment of the Senate having been reached, the Senator from Virginia [Mr. WITHERS] rose and moved to take up the so-called Army appropriation bill. Inquiring his purpose, we found it was that yesterday morning it might be unfinished business. No Senator on this side objected, all promoted his purpose; and yesterday morning at the conclusion of the morning hour the Army bill was the unfinished business. The Senator from Virginia then requested that the reading of the bill be waived, that no preliminary reading take place, but that it be read by paragraphs and the amendments as reached considered. No Senator on this side objected. Then the Senator proposed that he and his committee should have precedence in considering their amendments and all of them. No Senator on this side objected; but during the whole day it was the right of the Senator from Wisconsin [Mr. CARPENTER] and of every other Senator to debate the Army bill, and yet the committee had the right of way, and every Senator belonging to the minority promoted and facilitated expedition with the bill. When the clock indicated one quarter of five, the amendments of the committee were concluded. I indicated that I had some amendments which I wished to offer to the bill; another Senator on this side indicated at least one; and we signified a wish briefly to assign some reasons of objection to the measure as it is. That having been done, a motion was made to adjourn at a quarter before five, and it was promptly voted down, the Senator from Virginia who had the bill in charge heading the hunt on that occasion and voting down the motion to adjourn. A member of the Committee on Appropriations, a democratic member of this body, one of the Senators from Kentucky, [Mr. BECK,] thereupon took the floor and proceeded in a general political speech to recite and read that in Kentucky, festering with disloyalty, and martial law there proclaimed, most wholesomely in my opinion, troops were present near the polls, and on one occasion, of which he read, an officer rose and said that disloyal men must cease to vote at that poll, and thereupon, in the language of the document, nearly all the voters left. I was not surprised at that, although I was somewhat surprised that the Senator should bring forward for political purposes a statement containing such a confession. However, the Senator from Kentucky continued for some twenty minutes, and then he yielded to a motion to adjourn which promptly took place, nobody on this side objecting, and the adjournment being carried by the votes of democratic Senators.

Thus on this day at the end of the morning hour, the democratic Senator from Kentucky, who had occupied twenty minutes in a political speech yesterday, was entitled to the floor. Then the democratic Senator from Mississippi [Mr. LAMAR] made to the Senate and made to me an appeal which for one I regret that I did not refuse. I have been annoyed since this monstrous and offensive proceeding which we have resisted, that I did not refuse an appeal which I was weak enough to listen to. He appealed to us to give way to allow him to proceed with his bill about levees upon the Mississippi. I rose and said that if time were to be subtracted from the beginning of the day, as we wished to debate the Army bill, I should repose on the courtesy of democratic Senators for the expectation and in the belief that no final vote would be pressed to-day. Looking to that side I received a nod, not from one, not from two, not from three, but from five democratic Senators. Thereupon the Senator from Virginia [Mr. WITHERS] cautioned me not to rely upon his courtesy, and I promptly informed him that his courtesy was not the reliance upon which I rested; and the Senator from Virginia no doubt had technically and individually the right to do what has followed.

When a little more than thirty minutes after the morning hour had been consumed by the bill about the levees of the Mississippi, the Chair announced that the unfinished business was to be taken up and that the Senator from Kentucky was entitled to the floor. Thereupon the Senator from Kentucky proceeded to devour one hour and forty minutes of the Senate's time in a democratic political speech which he said was designed for the hustings in his State, but which he would regale the Senate by delivering. That over, a Senator on this side, the Senator from Maine, [Mr. BLAINE,] as I am told by an associate—I did not observe the clock—occupied exactly twenty-two minutes, at the end of which time the ornate and eloquent Senator from Indiana [Mr. VOORHEES] proceeded with a very brilliant speech for something over two hours and sat down at ten minutes after six o'clock, the entire day save twenty-two minutes having been consumed by those two democratic speeches delivered, one by a democratic member of the Committee on Appropriations from which the bill came, and the other by the democratic Senator from Indiana.

Meanwhile the Senator from Wisconsin [Mr. CARPENTER] wished to address the Senate. I may remind the Senate how little time that Senator has consumed during this extra session. I may remind the Senate that that Senator has found himself suffering from ill-health, and I may remind the Senate that it was well known before he sought the floor that he wished to speak, not at undue length, upon the Army bill. I went to the Senator from Arkansas who now hears me, who then sat in the chair, [Mr. GARLAND,] and I said to him "if the Senator from Indiana is to occupy all day even to the hour of adjournment or afterward, I take it for granted no vote will be pressed to-day." If I do not quote that Senator correctly I hope he will set me right; he said "I suppose not; I wish myself to make a brief speech upon this bill, and if need be I will go down myself and see to it; I do not think there will be any such disposition." I spoke to three other Senators, two of whom are within the sound of my voice on the democratic side, and from each of them received assurance that there would be no question about an adjournment, the day having been occupied by these two democratic speeches. I so informed the Senator from Wisconsin who had borrowed the seat of his friend from Illinois [Mr. DAVIS] on which his books and papers were, and carried them away and dismissed his preparation, and assumed as he had a right to do, that after a day of fasting and more than an hour after the customary hour of adjournment when the democrats had swallowed the whole day, he should not be subjected to a proceeding so insulting as to say to him that he must go on and deliver his argument then or he should not deliver it at all.

The Senator from Wisconsin had the floor, yielded to the Senator from Maine to read something from a book, and resuming it I at his request made a motion to adjourn, prefacing it with a statement that we had had no opportunity to debate this bill whatever and that therefore I assumed that there would be no objection. The Senator from Virginia rose with such a disclaimer as he had a right to make in order that he might keep within the bounds of his instruction from the committee; but when I heard every democratic Senator vote to commit such an outrage as that upon the minority of this body and upon the Senator from Wisconsin, I do not deny that I felt my full share of indignation; and during this evening, Mr.

President, I wish to assume all my own responsibility and so much more as any republican Senator feels irksome to him for what has taken place. I have endeavored to show this proud and domineering majority, determined apparently to ride rough-shod over the rights of the minority, that they cannot and they should not do it. But I am ready to be deemed responsible in advance for the assurance that while I remain a member of this body, and at all events until we have a previous question, no minority shall be gagged down or throttled or insulted by such a proceeding as this. I say, Mr. President (and I measure my expression) that it was an act not only insulting but an act of bad faith. I mean that.

Now, sir, one other word, and I have done. What is this Army bill? It is a juggle, in my opinion a contemptible juggle and subterfuge. It is an attempt, by indirection, by stealth, by trick, by an act which is to operate as a fraud, to do that of which we had high-sounding proclamation at the end of the last session. It is to compel the Executive and to compel the minority to pay the democratic party of this country a price as the condition on which they will make appropriations and allow the Government to live. That is what it is.

On what did we in the minority stand at the beginning of this session? On two ideas and only two that I could ever comprehend. First, that no political party should be allowed to take the Government by the throat and say to it "surrender, conditions and terms, to us, or the Government shall not exist;" and second, we stood upon the idea that the laws which our fathers made, which their children had preserved, which were to be found in the statute-books, were just and wholesome laws and that they should not be cloven down by any majority and especially by such a majority coming into power by any such means as mark the history of majorities in the two Houses of Congress in the year 1879.

We went to war upon those two issues. We took the responsibility before the country of confronting the democratic party on both of them. And now what? After twelve weeks of agitation, of anxiety, of disturbance in the country, after twelve weeks during which bill after bill originated in the democratic caucus has struck the rock of the Constitution and gone down where nothing but the hand of the resurrection will reach it, when the time has come that this majority dare not—dare not adjourn this session leaving the Government or the Army to languish or to starve, now when the whole battle has been fought, it is proposed, by trick, by artifice, by a juggle of words, to accomplish that which we have said and which the nation has said these members and Senators, majority though they be, shall not accomplish.

They have put in one section of this bill that none of the money appropriated shall be used to maintain any part of the Army employed to keep the peace at the polls. I do not stop to talk about what is a "police" It is what astronomers would call point without magnitude. There is nothing in it but a cheat. The operative words are "to keep the peace at the polls." They have said no part of the money shall be used for that, and they have said in another bill what a statute that speaks to-day has said already, namely that without the money appropriated, no contract shall be made, no obligation shall be incurred by which it can be done. Taking the two things together, the Senator from Indiana [Mr. VOORHEES] said well to-day; he said well yesterday when he chose the word "negation" to describe what his associates had done. The Senator from Indiana said yesterday having been unable to accomplish the repeal of these laws, this bill was to accomplish their negation. That word is well chosen. "Negation" means to say no, to deny, to paralyze and it is for that that this sixth section was contrived. It was for that that men elsewhere were told and persuaded to believe that it was harmless for two reasons: first, because it said that troops should not be employed as a police, when for one hundred years in England, and always here, every lawyer has known and admitted that, except as a police, troops could not be used to enforce the laws at all—never until you get martial law as in Kentucky; and a great definer of words has said that martial law is the will of the commander. *Inter arma silent leges.* With martial law, troops as troops may act, an army as an army; but, the civil law speaking, troops are to act in the enforcement of laws as an auxiliary to the police; and were the hour earlier, I would read repeated decisions from the highest authorities both in England and in this country to show that the quality of the act, be the men soldiers or citizens, is identical, and the rights, the immunities, the liabilities are exactly the same in a given case whether the *posse* be of the yeomanry and the citizen or the militia or the regular soldiers of the realm. But for that reason it was said that this was harmless, and for another, and what was that? Why there are no national elections this year and no congressional elections known save in California and one in the Westchester district in New York. True, true.

Mr. President, it has been said that the devil is subtle but weaves a coarse web and this web when you come to look at it is coarse enough to be plainly discernible.

What is the purpose of these democrats? To induce as many republicans as possible in the House to vote for this bill with the sixth section; if possible to get republican votes for it here; but whether so or not, if possible to secure the executive signature. Then what? Next December the same majority is to be here, the same majority in the House, the same occupant of the executive chair; and when the same words for the fiscal year ending June 30, 1881, have been incorporated in the Army appropriation bill the President who signs it this year must sign it next; and thus for the year when all the elections in all the States for members of Congress and the presidential election, too, are to take place, the polls are to be naked to the State troops, the rifle clubs, the white-leaugers, the night-riders, and the demons who infest the Southern States, and they are to be exposed to all the thugs, the ruffians, and the mobs to be found in all the cities of the land.

That is this programme. That is what this majority means. That is what we mean to resist; that is what we mean to debate; and because we sought the privilege of uncovering this wrong, uncovering this act which in effect is to be a fraud if it succeeds, because we would debate it and expose it, we have been driven to that which Senators have been pleased to call filibustering. Mr. President, call it what you will; for one, I claim my part of the responsibility; for one I will take it as often upon a measure only half as iniquitous and monstrous as this is, I will take it as often as even half such a measure comes here and an attempt is made either by stealth to manage it through or by the brute force of numbers to gag it through the Senate.

So, Mr. President, I think with only these few moments for reflection, that I do not agree with the Senator from Delaware. I am quite content the RECORD should go out. I would be glad to have to-morrow's RECORD go containing what the Senator from Wisconsin, if he speaks like the lawyer he is, will say, what a pitiful attempt by introducing the word "police" to cheat and defraud the American people. I will vote for extra numbers of to-day's RECORD and to-morrow's RECORD.

So much, Mr. President, without having had the slightest purpose to do so or to say anything, I have been moved to say by the coaxing invitation of the Senator from Delaware.

Mr. LAMAR. Mr. President, I desire to make one statement personal to myself in reference to this matter. I do not intend to go into the discussion of the question concerning this measure that the Senator from New York has been discussing. I learn for the first time that an impression exists on the mind of any Senator on this floor that further time was to be extended for the discussion of the bill which the Senator from Virginia reported, based upon any proceedings or upon any occurrence connected with the measure that I had the honor of reporting this morning and asked unanimous consent to consider and have passed. I am not aware of anything that occurred which would produce such an impression. If I had, although I would not have been instrumental consciously in producing such an impression, I should have felt myself bound by it and would have made the motion myself for an adjournment, in order to give the Senator from Wisconsin an opportunity to discuss this bill.

I repeat, sir, that if I had imagined that any Senator had any such expectation from anything that occurred in the incidents of that proceeding, it would have been my pleasure to have made that motion. In fact, sir, I was not here. I was not aware of the fact that the Senator from Wisconsin had risen for the purpose of addressing the Senate. I came in at a later stage of these proceedings.

With reference to the charge of bad faith that the Senator from New York has intimated toward those of us who have been engaged in opposing these motions to adjourn, I have only to say that if I am not superior to such attacks from such a source, I have lived in vain. It is not my habit to indulge in personalities; but I desire to say here to the Senator that in intimating anything inconsistent, as he has done, with perfect good faith, I pronounce his statement a falsehood, which I repel with all the unmitigated contempt that I feel for the author of it.

Mr. CONKLING. Mr. President, I was diverted during the commencement of a remark the culmination of which I heard from the member from Mississippi. If I understood him aright, he intended to impute, and did in plain and unparliamentary language impute, to me an intentional misstatement. The Senator does not disclaim that.

Mr. LAMAR. I will state what I intended, so that there may be no mistake——

The PRESIDING OFFICER. Does the Senator from New York yield?

Mr. LAMAR. All that I——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Mississippi?

Mr. LAMAR. He appealed to me to know, and I will give——

The PRESIDING OFFICER. The Senator from New York has the floor. Does he yield to the Senator from Mississippi?

Mr. LAMAR. But the Senator declines to yield to me to know——

The PRESIDING OFFICER. The Senator from New York has the floor. Does he yield to the Senator from Mississippi?

Mr. CONKLING. And I am willing to respond to the Chair. I shall respond to the Chair in due time. Whether I am willing to respond to the member from Mississippi depends entirely upon what that member intends to say, and what he did say. For the time being, I do not choose to hold any communication with him. The Chair understands me now; I will proceed.

I understood the Senator from Mississippi to state in plain and unparliamentary language that the statement of mine to which he referred was a falsehood, if I caught his word aright. Mr. President, this not being the place to measure with any man the capacity to violate decency, to violate the rules of the Senate, or to commit any

of the improprieties of life, I have only to say that if the Senator,—the member, from Mississippi, did impute or intended to impute to me a falsehood, nothing except the fact that this is the Senate would prevent my denouncing him as a blackguard and a coward. [Applause in the galleries.]

The PRESIDING OFFICER. There shall be no cheering in the galleries. If there should be any more, the Chair will order the galleries to be cleared. The Senator from New York will proceed.

Mr. CONKLING. Let me be more specific, Mr. President. Should the member from Mississippi, except in the presence of the Senate, charge me, by intimation or otherwise, with falsehood, I would denounce him as a blackguard, as a coward, and a liar; and understanding what he said as I have, the rules and the proprieties of the Senate are the only restraint upon me.

I do not think I need to say anything else, Mr. President.

Mr. LAMAR. Mr. President, I have only to say that the Senator from New York understood me correctly. I did mean to say just precisely the words, and all that they imported. I beg pardon of the Senate for the unparliamentary language. It was very harsh; it was very severe; it was such as no good man would deserve and no brave man would wear. [Applause on the floor and in the galleries.]

The PRESIDING OFFICER. The Senate must be in order; and there can be no cheering upon the Senate floor.

Mr. CONKLING. What is the question before the Senate, Mr. President?

The PRESIDING OFFICER. The question before the Senate is the appeal of the Senator from New York from the decision of the Chair ruling the motion of the Senator from West Virginia to be in order. The Senator from West Virginia moved that the Sergeant-at-Arms be directed to request the attendance of absent Senators. The Senator from New York raised a question of order as to whether that motion was in order. The Chair decided that it was in order. The Senator from New York appealed from the decision of the Chair to the Senate, and that is the question now pending before the Senate.

Mr. HEREFORD. I move to lay the appeal of the Senator from New York from the decision of the Chair upon the table.

Mr. CARPENTER. I call for the yeas and nays upon that motion.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. ALLISON, (when his name was called.) The Senator from Maryland [Mr. WHYTE] is compelled to be absent this evening on account of illness in his family, and he requested me to pair with him, which I have done; and therefore I refrain from voting.

Mr. GORDON, (when his name was called.) On this question I am paired with the Senator from Rhode Island, [Mr. ANTHONY.] If he were here, I should vote "yea."

Mr. MCMILLAN, (when Mr. MCPHERSON'S name was called.) I am paired on this question with the Senator from New Jersey, [Mr. MCPHERSON.]

Mr. RANSOM, (when his name was called.) I am paired with the Senator from Vermont, [Mr. MORRILL.]

Mr. SAULSBURY, (when his name was called.) I am paired with the Senator from Michigan, [Mr. FERRY.] I have notified him that I desire to withdraw the pair, and have asked to be relieved. He sent me word that it was impossible for him to get here, and I observe the pair.

The roll-call having been concluded, the result was announced—yeas 25, nays 0; as follows:

YEAS—25.

Bayard,	Harris,	Lamar,	Vest,
Call,	Hereford,	McDonald,	Walker,
Davis of W. Va.,	Hill of Georgia,	Maxey,	Windom,
Eaton,	Houston,	Pendleton,	Withers.
Garland,	Jonas,	Randolph,	
Groome,	Jones of Florida,	Slater,	
Hampton,	Kernan,	Vance,	

NAYS—0.

ABSENT—51.

Allison,	Chandler,	Hoar,	Plumb,
Anthony,	Cockrell,	Ingalls,	Ransom,
Bailey,	Coke,	Johnston,	Rollins,
Beck,	Conkling,	Jones of Nevada,	Saulsbury,
Bell,	Davis of Illinois,	Kellogg,	Saunders,
Blaine,	Dawes,	Kirkwood,	Sharon,
Booth,	Edmunds,	Logan,	Teller,
Bruce,	Farley,	McMillan,	Thurman,
Burnside,	Ferry,	McPherson,	Voorhees,
Butler,	Gordon,	Morgan,	Wallace,
Cameron of Pa.,	Grover,	Morrill,	Whyte,
Cameron of Wis.,	Hamlin,	Paddock,	Williams.
Carpenter,	Hill of Colorado,	Platt,	

The PRESIDING OFFICER. Upon the question to lay the appeal taken by the Senator from New York on the table, the yeas are 25 and the nays none.

Mr. CONKLING. What is the next question before the Senate?

Mr. HEREFORD. The execution of the order, I presume.

Mr. MCMILLAN. Is there a quorum present?

Mr. HEREFORD. There is no necessity for a quorum to execute the order.

The PRESIDING OFFICER. Does the Senator from West Virginia make any motion?

Mr. HEREFORD. I did make the motion that the Sergeant-at-Arms be directed to request the attendance of the absent Senators.

The PRESIDING OFFICER. The Chair decides, as the Chair has decided twice before, that if there is no motion made to transact any other business or to proceed to the order, the Chair will direct a call of the Senate. The Chair will now direct a call of the Senate, there having been no motion made, and the last call of the roll having disclosed that there was no quorum. Unless some motion is made the Chair is compelled to execute the order.

Mr. HEREFORD. I did make a motion, and that is what we have been at for the last two hours. I renewed it; although I did not think there was any necessity for renewing it.

The PRESIDING OFFICER. The Chair has decided repeatedly that the only order the Chair can make of his own motion is to order a call of the roll. If the Senator desires another course to be taken, he must make a motion.

Mr. HEREFORD. I ask that the motion I made shall now be put to the Senate; that is, that the Sergeant-at-Arms be directed to request the attendance of the absent Senators. That is the motion I made some two hours ago, and I now renew it if necessary; but there is no necessity for a renewal, because if it should be renewed the same thing would occur that has just taken place—an appeal from the decision of the Chair and a motion to lay the appeal on the table. The Senator from New York appealed from the decision of the Chair. I made a motion to lay that appeal upon the table. It has been laid upon the table. The question now recurs upon my motion; that is, that the Sergeant-at-Arms shall be directed to request the attendance of the absent Senators, as disclosed by the roll-call. The motion has never been withdrawn.

Mr. CARPENTER. Nor has the appeal been withdrawn from the former ruling of the Chair.

Mr. HEREFORD. But, if the Senator from Wisconsin will allow me, the appeal was laid upon the table.

Mr. CARPENTER. No, it was not; there is the trouble.

Mr. HEREFORD. I beg your pardon.

Mr. CARPENTER. I beg yours. I understand that upon the question of laying the appeal upon the table no quorum voted. Consequently the appeal was never laid on the table, and is now pending before the Senate. I understand the facts of the proceeding to be that after the ruling made by the Chair the Senator from New York appealed; and then a Senator on the left moved to lay the appeal on the table.

Mr. HEREFORD. I made that motion.

Mr. CARPENTER. Yes. The yeas and nays were called, and no quorum voted, and of course nothing was accomplished. The appeal was, therefore, not laid upon the table, but is still before the Senate, and is the pending question now.

Mr. HEREFORD. I think the Senator from Wisconsin certainly will see that he is in error. If his view of this matter should be carried out, as I said in the first argument that I made on the question, this rule is a nullity.

Mr. CARPENTER. That may be.

Mr. HEREFORD. I do not think the rules of the Senate are a nullity. If so, you might as well blot them out. When this motion was made what was the condition of the Senate? We had no quorum. Then the Senator from New York had the power, which he exercised, to appeal from the decision of the Chair, there being no quorum here. Then I moved to lay that appeal upon the table. If it takes a quorum to do that we never can have a call of the Senate, because if I were to renew that motion now a similar appeal would be taken, another discussion would take place, another vote would be taken, and the absence of a quorum would be again disclosed in the body. So that it would be again an endless chain.

There is no way to enforce the third rule in this body if you require a majority. The very object of my motion is to secure a majority of a quorum in this body. If the Senator from New York by an appeal from the decision of the Chair can do away with that, it is mere folly to make the motion. The very object of this whole proceeding is to get a quorum into this body.

If the President of the Senate thinks it will be necessary to renew the motion, I now renew it; but I do not think it necessary. If the President holds with me that there is no necessity for renewing the motion, which I hope he will, we shall go back to my original motion and the order will be made. But if the President should disagree with me, I renew the motion that the Sergeant-at-Arms be directed to request the attendance of the absent Senators.

The PRESIDING OFFICER. The Chair desires to adhere to the ruling in the former cases. In this case when the announcement was made that the yeas were 25 and the nays were none, the Senator from New York, before any other proceedings had been taken, called attention to the want of a quorum. Under that call and the former ruling of the Chair, the Chair will decide that it is his duty to have a call of the Senate, and the Chair therefore directs a call of the Senate.

Mr. CONKLING. Is this to be a call of the roll to see who is here?

The PRESIDING OFFICER. A call of the Senate to ascertain whether there is a quorum present or not.

Mr. HOUSTON. I understand it to be a call of the roll and not a call of the Senate.

Mr. CONKLING A call to see who is here.

The PRESIDING OFFICER. It is not a call of the Senate ordered by the Senate, but it is a call of the roll ordered by the Chair to ascertain whether there is a quorum present or not. The roll-call will proceed.

The Secretary proceeded to call the roll.

Mr. RANSOM, (when his name was called.) I am paired with the Senator from Vermont, [Mr. MORRILL.]

The roll-call was concluded, the following Senators having answered to their names:

Bayard,	Davis of W. Va.,	Ingalls,	Randolph,
Blaine,	Eaton,	Jonas,	Rollins,
Burnside,	Groome,	Kernan,	Slater,
Call,	Hampton,	Logan,	Thurman,
Cameron of Pa.,	Harris,	McDonald,	Vance,
Cameron of Wis.,	Hereford,	McMillan,	Vest,
Carpenter,	Hill of Colorado,	Maxey,	Walker,
Cockrell,	Hill of Georgia,	Pendleton,	Windom,
Conkling,	Houston,	Platt,	Withers.

Mr. PLATT. I desire to announce that the Senator from Michigan [Mr. CHANDLER] is not here, and is paired with the Senator from Kentucky, [Mr. BECK.]

Mr. WITHERS. I wish again to announce that my colleague [Mr. JOHNSTON] is absent from the Senate in consequence of indisposition.

Mr. GORDON. I announce again that I am paired with the Senator from Rhode Island, [Mr. ANTHONY.]

Mr. BURNSIDE. I desire to announce that my colleague [Mr. ANTHONY] has been called home by the death of a friend. He is paired with the Senator from Georgia, [Mr. GORDON.]

The PRESIDING OFFICER. On this call of the Senate it is disclosed that there are thirty-six Senators present, which is not a quorum of the Senate.

Mr. HEREFORD. I move that the Sergeant-at-Arms be directed to request the attendance of absent Senators.

The PRESIDING OFFICER. The question is on the motion of the Senator from West Virginia.

Mr. MCMILLAN. Is it in order to have the absent Senators called first?

Mr. HEREFORD. I think not, Mr. President. The roll shows who the absentees are.

Mr. MCMILLAN. It shows no quorum, and I think the usual practice is to call the absentees.

Mr. HEREFORD. The rule says that all Senators present shall vote; and the presumption of law is that those who do not vote are absent.

The PRESIDING OFFICER. The roll of the absentees will be called, pending the motion of the Senator from West Virginia.

The Secretary called the names of the absentees, and the following Senators responded to their names:

Mr. BAILEY, Mr. GARLAND, Mr. GORDON, Mr. LAMAR, Mr. PADDOCK, and Mr. SAULSBURY.

The PRESIDING OFFICER. The call of the absentees discloses the presence of forty-two Senators, which is a quorum of the body.

Mr. CARPENTER. What is the pending question, Mr. President?

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Indiana [Mr. MCDONALD] to lay the appeal of the Senator from Maine [Mr. BLAINE] upon the table.

Mr. THURMAN. Mr. President, was there not a motion made by the Senator from West Virginia?

Mr. HEREFORD. The motion that I made has not been exhausted. There are still absent Senators. The fact that the last call shows there is a quorum here does not dispense with the motion I made to bring the other absent Senators here. There are seventy-six Senators in this body and there are still thirty-four absent. My motion was to require the Sergeant-at-Arms to request the attendance of the absent Senators, and the last call shows that there are thirty-four absent Senators still.

Mr. BLAINE. It requires a majority of a quorum to make the order the Senator from West Virginia now moves.

Mr. HEREFORD. It makes no odds how many it takes. The gentleman may decline to vote again; that makes no difference; that does not dispense with the motion I have made. If Senators choose to refuse to answer again they have the right to do it, but that does not dispense with my motion.

The PRESIDING OFFICER. The Chair will decide that when a call is ordered by the Chair and a quorum is disclosed, the Chair cannot put of his own motion a motion previously made to require the presence of absent Senators when there is a quorum competent to do business. If the motion is made the Chair will put it to the Senate.

Mr. HEREFORD. I made a motion that the Sergeant-at-Arms be directed to request the attendance of the absent Senators. That order has not yet been carried out, and it can only be stopped by a motion to dispense with the call. The call was proceeding. The rule says:

> No Senator shall absent himself from the service of the Senate without leave of the Senate first obtained. Whenever it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant-at-Arms to request, and, when necessary, to compel the attendance of the absent Senators, which order shall be determined without debate; and, pending its execution, and until a quorum shall be present, no motion, except a motion to adjourn, nor debate shall be in order.

The motion I made is not exhausted because there is at present a majority here. We still have a right to have that motion put to the Senators who are present. If not, there never can be a call of the Senate; it is an endless chain as I said before. If a minority is disclosed upon any vote and a motion is made similar to the one I made, and then the absentees are called, or the roll called again and a quorum is disclosed, as has been done on every occasion, then if the rule is correct that was invoked by the Senator from Maine a moment ago, we never can have a call of the Senate.

Mr. HOUSTON. Mr. President——

Mr. CARPENTER. I move to lay the motion of the Senator from West Virginia upon the table.

Mr. HOUSTON. If the gentleman moves to lay the motion upon the table it is not debatable. I wanted to say a few words upon the question.

Mr. CARPENTER. Is that motion debatable?

Mr. CONKLING. No, the Senator says it is not.

The PRESIDING OFFICER. It is not debatable.

Mr. HOUSTON. I rise to a point of order, and the point of order which I present is that it is not in order to move to lay upon the table a call of the Senate. A call of the Senate has been ordered, and the Senate cannot now lay it upon the table. There is but a single way to get clear of it, and that is by dispensing with further proceedings under the call of the Senate, but certainly it cannot be laid upon the table after the Senate have ordered the call.

The PRESIDING OFFICER. The Senator from Alabama will excuse the Chair in stating that the Senate has not yet been able to make any order touching that question. The Senate has not sustained any motion requiring the Sergeant-at-Arms to request the attendance of absent Senators.

Mr. CONKLING. That is the point exactly.

Mr. HOUSTON. The Presiding Officer, however, decides that a motion to lay on the table is in order.

The PRESIDING OFFICER. The Presiding Officer, under Rule 2, has ordered the roll of the Senate to be called.

Mr. HOUSTON. Before the Presiding Officer decides that a call of the Senate is not necessary to be made by the Senate itself——

Mr. CARPENTER. I rise to a point of order.

The PRESIDING OFFICER. The Senator from Wisconsin will please state his point of order.

Mr. CARPENTER. My point of order is that having made a motion to lay the pending motion upon the table, it is not debatable until decided by the Chair and that decision appealed from.

The PRESIDING OFFICER. The Chair is not to make rules, only to construe those already made. If sufficient power has not been vested in the Senate or the Chair by the rules now existing the Chair cannot amend them or increase them or add to them by its decision. The Chair decided under Rule 2 that when a question was raised as to the presence of a quorum, it was the duty of the Chair to direct a call of the roll of Senators. The Chair applied his decision to a case where upon a yea-and-nay vote or a call of the Senate a quorum is disclosed, under Rule 3, which says:

> Whenever it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant-at-Arms to request, and, when necessary, to compel the attendance of the absent Senators.

The Senator from West Virginia made the motion, and the Chair decided it to be in order. The Senator from New York appealed from the decision of the Chair, and the Senator from West Virginia moved to lay the appeal of the Senator from New York from the decision of the Chair upon the table. On the vote upon the latter question it was disclosed that there was no quorum. Then no motion having been made, the Chair having been left to take action upon his own motion, the Chair directed a call of the roll of Senators.

Mr. HEREFORD. Will the Chair allow me to correct him?

The PRESIDING OFFICER. When the Chair is through with the statement he will hear the Senator from West Virginia. Upon a roll-call it was disclosed that there was a quorum present. Then the Senator from West Virginia made a motion that the Sergeant-at-Arms be directed to request the attendance of absent Senators. The Senator from Wisconsin moved to lay that motion upon the table, and upon that the Senator from Alabama rose and raised a question of order, which the Chair has not decided. The Chair will now hear the Senator from West Virginia.

Mr. HEREFORD. That is where has arisen all the trouble, Mr. President.

Mr. CARPENTER. Must not the point of order raised by the Senator from Alabama be decided without debate?

The PRESIDING OFFICER. If there be no objection to debate, the Chair would like to have information upon that point.

Mr. CARPENTER. The rule says the question shall be decided without debate.

The PRESIDING OFFICER. I know the rule says the question shall be decided without debate. The Chair would like the Senator from Alabama to state his point of order distinctly so that the Senate can understand it. He has a right to state his point of order.

Mr. HOUSTON. I will not trespass upon the Senate on the subject, because my only purpose is to arrive at a proper construction of the rule. The point of order that I submit to the Chair is that there is nothing that can be laid upon the table. The Chair, if I may be allowed to state the facts with a view to make my point clear, decided, when a vote was taken and it was found that a quorum was not present, to have the roll called. When the Chair had directed the calling of the roll, even that did not disclose a quorum of the Senate. Then the Chair had complied with his construction of Rule 2, if that was all that was to be accomplished by calling the roll. But after that the Chair had the absentees called, which was really carrying out a call of the House. I ask, what is there that can be laid upon

the table? The call of the House cannot be, the call of the roll cannot be, and what is it that can be laid upon the table? In all sincerity I present the point.

Mr. CARPENTER. When the call of the absentees disclosed the fact that a quorum of the Senate was present, conceding that the Senator from West Virginia could make a motion to send for the absentees, (which I do not concede because I think under the rule the only power of the Senate in that regard is in case of the absence of a quorum,) if the motion of the Senator from West Virginia was a proper motion, is there any doubt whatever that the Senate having a quorum present can lay that motion upon the table? Can a man make a motion that the Senate cannot lay upon the table? Can there be a bill, a resolution, a report, any proceeding, any motion, anything, that a majority of the Senate cannot lay upon the table? If there can be, it is a new rule to me. I never heard of such a thing.

Mr. EATON. Several things.

Mr. CARPENTER. Several things cannot be laid on the table?

Mr. EATON. One is a motion to adjourn. You cannot lay that on the table.

Mr. CARPENTER. That may be. The wily Senator from Connecticut, I see, is lying in wait to catch me in some indiscretion, and he has caught me. But a motion made like that of the Senator from West Virginia, which is not a motion to adjourn, I submit, can be laid on the table. Now the point of order raised that such a motion cannot be laid upon the table must be disposed of by the Chair without debate under the rule. Then anybody who wishes to debate it and is dissatisfied with the decision can appeal from the decision of the Chair when the question is open to debate.

Mr. HOUSTON. Before the Senator takes his seat I should like to put a question to him. I do not intend to violate the rules, and I do not want to debate the question if I am not permitted to do so. Why did the Chair order the absentees to be called?

Mr. CARPENTER. For the purpose of ascertaining whether there was then a quorum present.

Mr. HOUSTON. Under what authority could that be done unless it were a call of the House?

Mr. CARPENTER. Suppose it was a call of the House, it resulted just as everybody wanted it to result, in showing a quorum of the Senate present.

Mr. HOUSTON. If it was a call of the House, I repeat the question, how can that call be laid upon the table? It may be dispensed with.

Mr. CARPENTER. I will answer.

Mr. HOUSTON. But the main question I propose to the Senator from Wisconsin is, suppose a motion has been made by the Senator from West Virginia to send for absent members, can that be laid upon the table? I think not. But admit that it can, then what is the condition of the question? Suppose you lay that upon the table, and I should like to hear the gentleman upon that point. There is a call of the House pending, in process of being executed. If the anomaly can be presented of laying on the table a motion to go on with the execution of such an order, it seems very strange to me.

Mr. THURMAN and Mr. CARPENTER addressed the Chair.

Mr. CARPENTER. I simply wish to answer the question put to me by the Senator from Alabama.

Mr. THURMAN. I ask unanimous consent to make some observations.

The PRESIDING OFFICER. Will the Senator from Ohio permit the Senator from Wisconsin to answer the question? He is entitled to the floor, and the Senator from Alabama asked him a question.

Mr. HOUSTON. The Senator from Wisconsin had the floor, and I interrupted him.

Mr. CARPENTER. I yield to the Senator from Ohio.

Mr. THURMAN. Then I ask unanimous consent to say a few words upon these rules upon which I have had to rule to-night. I do not know whether I have always ruled aright. It would be very strange if I had not sometimes fallen into error.

The PRESIDING OFFICER. In the absence of objection the Senator from Ohio will proceed.

Mr. THURMAN. The trouble in this case arises wholly from the fact that Senators who are present refuse to vote. That is all there is of it. Now we have certain rules upon this subject. In the first place, we have the Constitution, which provides in article 1, section 5, that—

> Each House shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each House may provide.

The first question that arose under that provision of the Constitution was, whether the "manner" here spoken of must not be previously provided. It never was contended that it must be provided by an act of Congress. Each House was obviously to decide for itself, but it was contended that the "manner" of compelling the attendance of absent members must be provided by some rule of the House, and then that rule must be observed, for the language is:

> But a smaller number may adjourn from day to day, and may be authorized—

"May be authorized;" that is a smaller number than a quorum—

> may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each House may provide.

It is not that less than a quorum had the inherent right to compel the attendance, but that when each House provided a manner for compelling the attendance of absent members, a manner which had been agreed upon by the House and not by a less number than a quorum, in that manner which had thus been provided, then a less number than a quorum might compel the attendance of absent members. That is the obvious meaning of the Constitution. It was not intended that less than a quorum should frame rules for the Senate, but when the Senate itself, having a quorum present, having provided rules for compelling the attendance of absent members, authorizing, in the language of the Constitution, less than a majority, less than a quorum, to compel that attendance, then less than a quorum might in pursuance of that authority—for that is the very word in the Constitution—compel attendance.

Mr. President, when I entered the Senate ten years ago no rule had been provided upon this subject. It was not until after I entered the Senate that a rule was provided prescribing any manner whatever. The Senate had gone upon the principle that every Senator would discharge his duty; that it was only necessary to call attention to the fact that his presence in the Senate was necessary to secure his attendance, if he had the physical ability to be here. Hence the universal practice from the foundation of the Government up to the adoption of the sixteenth and seventeenth rules, which are now in our Manual, and which were adopted only three years ago, was to send a message civilly requesting the attendance of an absent Senator. That was the practice of the Senate, and it usually had the effect of securing attendance. But when our rules were last revised the Committee on Rules saw fit to attempt to exercise the power conferred by the Constitution upon the Senate of prescribing the manner of authorizing (to use the language of the Constitution) less than a quorum to compel the attendance of absent Senators. How did they attempt to accomplish that purpose? They did it by Rule 3.

> No Senator shall absent himself from the service of the Senate without leave of the Senate first obtained. Whenever it shall be ascertained that a quorum is not present, a majority of the Senators present—

Which is a majority of less than a quorum—

> may direct the Sergeant-at-Arms to request, and, when necessary, to compel, the attendance of the absent Senators, which order shall be determined without debate; and pending its execution, and until a quorum shall be present, no motion, except a motion to adjourn, nor debate, shall be in order.

That was the rule which was adopted by the Senate in order to comply with the provision of the Constitution to which I have referred. I beg leave to refer to that provision of the Constitution again. After providing that a majority shall constitute a quorum it says:

> But a smaller number may adjourn from day to day, and may be authorized—

A smaller number may be authorized. Authorized by whom? Authorized by the House. And in order to give that authority to a smaller number we have Rule 3, which says that when—

> A quorum is not present, a majority of the Senators present may direct the Sergeant-at-Arms to request, and, when necessary, to compel, the attendance of the absent Senators, which order shall be determined without debate.

Then what is the mode of compelling the attendance of absent Senators? There is another rule that requires to be read, and that is Rule 2:

> If either at the commencement of any daily session of the Senate, or at any time during its daily sessions, a question shall be raised by any Senator as to the presence of a quorum, the presiding officer shall forthwith direct the Secretary to call the roll of Senators, and shall announce the result to the Senate; and these proceedings shall be without debate.

There no motion for a call is necessary; it is only necessary that a Senator shall suggest that there is no quorum present. Then it becomes the imperative duty of the President to order a call of the Senate. It is not the subject of a motion at all; it is a duty of the Chair to forthwith order a call of the Senate. He orders a call of the Senate; and suppose it appears that there is not a quorum of the Senate present upon that call; then comes Rule 3, which provides that—

> A majority of the Senators present may direct the Sergeant-at-Arms to request, and, when necessary, to compel, the attendance of absent Senators.

That does require an order of the majority of the Senators present. That is not in the power of the Chair. It was the duty of the Chair to order the roll to be called. It appearing that there is not a quorum present, then it is for a majority of those present to determine what shall be done. They may adjourn if they see fit to do so, or they may make an order directing the Sergeant-at-Arms to request the attendance of absent Senators.

Upon the point of order raised by my friend from Alabama, or my friend from Wisconsin, it seems to me that a majority of those present may vote down the order to request the attendance of absent Senators on a direct vote. They may do the same thing by laying the motion upon the table. I do not think, therefore, the point of my friend from Alabama is well taken upon that subject.

But that does not reach the difficulty at all. It is not the fact that there is not a quorum present. There is a quorum present. Then comes the question, what are you to do when a quorum does not vote? When Senators sit in their seats and do not vote, what are you going to do then? In order to provide for that case Rules 16 and 17 were adopted by the Senate.

Mr. President, perhaps I ought to make a confession. A confession, it is said, is sometimes good for the soul. I do not know but

that it was some rather contumacious conduct of mine some years ago that gave rise to Rule 17 as it now stands, when there were but seven or eight democrats in the Senate and sixty odd republicans. We would sit here night after night, (I do not mean successive nights, but again and again,) six or seven or eight democrats, who by our presence made a quorum, when a majority of the sixtv-odd republican Senators had gone to their beds. We got tired of it one night and the Senator from Delaware, [Mr. BAYARD,] the former Senator from California, (Mr. Casserly,) and myself refused to vote. We sat in our seats around there in the northwest corner and refused to vote when our names were called. The Senator from New York [Mr. CONKLING] rose in his place and called attention to the fact that we three had declined to vote. Had we voted there would have been a quorum; not voting there was not a quorum. The Senator from Delaware rose and inquired of the Chair whether under the rules it was his duty to vote. The Chair replied that in his opinion it was, and the Senator from Delaware thereupon voted.

Mr. BAYARD. I said I would not disobey the rule of the Senate.

Mr. THURMAN. Yes, the Senator said he would not disobey the rule of the Senate, however hard he thought it to be. My somewhat gallant Irish friend, Mr. Casserly, and I were obstinate and did not vote. We wanted to know what was to be done with us, and we did not vote. In the mean time the messengers went out. A quorum came into the Senate and nothing further was said upon the subject; the bill was passed, and there was an end of it. That called attention to the matter, because Senators began to reflect upon it and ask, "Is there any way of compelling a Senator to vote?" How can you compel a Senator to vote? You may censure him for not voting; in an extreme case you may expel him for not voting, perhaps, if you first prescribe a rule that he shall be subject to expulsion for not voting. It is not very well to make the law and the sentence in the same breath. If you have prescribed by a rule that a Senator who contumaciously refuses to vote shall be subject to expulsion, if that would be a constitutional rule, then you may enforce it. But I thought then, and I think yet, I am free to say, that you must make your law before you give judgment under it. But when they came to revise these rules our Committee on Rules undertook to provide for it, and they provided the sixteenth and seventeenth rules. The sixteenth rule had existed before substantially as it is now. The seventeenth rule was intended to compel Senators to vote. The sixteenth rule reads:

> When the yeas and nays shall be called for by one-fifth of the Senators present, each Senator, when his name is called, shall, unless for special reasons he be excused by the Senate, declare openly and without debate his assent or dissent to the question.

And that was the old rule before this revision, and that was all before the revision; and then came the seventeenth rule, which is the new rule that was introduced to meet cases of such contumacious fellows as Casserly and I:

> When a Senator, being present and declining to vote when his name is called, shall be required to assign his reasons therefor, and shall so assign them, the presiding officer shall thereupon submit the question to the Senate: "Shall the Senator, for the reasons assigned by him, be excused from voting?" which shall be decided without debate. And these proceedings shall be had after the roll shall have been called and before the result of the vote is announced; and any further proceedings by the Senate in reference thereto shall be after such announcement.

Now observe, "when a Senator, being present and declining to vote when his name is called," the sixteenth rule having declared that he shall vote unless he is excused, "shall be required to assign his reasons therefor"—that is, his reasons for not voting—the first question that arises under this rule is, who is to require him to assign his reasons? Manifestly the President of the Senate has no right to do it, it seems to me. I should think it was a usurpation of power on the part of the President to demand of a Senator why he did not vote, and to assign his reasons. The requirement upon him to assign his reasons must be by a vote; and, mark, this rule applies to the case of a full Senate, where a quorum has voted, just as much as it does to a case where there is less than a quorum. There are seventy-six Senators now in this body. If seventy-five of them had voted and one had sat in his seat and not voted, a Senator might rise and move that that Senator be required to state the reasons why he did not vote; and having stated the reasons, then comes the duty of the Chair to submit the question, "Shall the Senator, for the reasons assigned by him, be excused from voting?" It is not a question about the want of a quorum at all. It is a question about the performance of his duty by a Senator, his duty to vote. That is what this rule is.

Mr. BLAINE. I beg pardon of the Senator. You could not run a parliamentary body in the world on that construction.

Mr. THURMAN. That is the fault of the people who made our rule; but that is the rule.

Mr. BLAINE. That same rule exists elsewhere, but was never so construed. The point is that when a quorum votes, that is the end of the matter. All these are made as the measures to secure a quorum; but when the quorum has voted the end is reached. Apply that rule in this Senate; apply that rule to the House of Representatives.

Mr. THURMAN. I will show the Senator in two minutes that his rule will not do. We have a disability bill here. It requires two-thirds of the Senate to pass it; a quorum does vote, but it requires two-thirds. If all the Senators would vote there might be two-thirds to pass the bill, but a quorum does vote and there are not two-thirds. Why in the world cannot there be a requirement upon a Senator sitting in his seat and not voting, that he shall vote?

Mr. BLAINE. The honorable Senator does not vary it at all because the law requires that on questions of that kind two-thirds shall be a quorum.

Mr. THURMAN. No; it does not require it to be a quorum at all. It requires two-thirds to pass the bill. Less than two-thirds, a majority, is a quorum. So, Mr. President, upon that subject the question whether or not a Senator shall be required to state his reasons why he does not vote, is a matter to be determined by the Senate. But whether the Senator from Maine be right or whether I be right, we have not still got to the chief difficulty, and I want to call the attention of my friends to it. Suppose you have gone through all that these rules require, and a Senator gives his reasons and the Senate considers that those reasons are insufficient and refuses to excuse him, what then are you to do with that Senator? Can you without having previously provided, as the Constitution requires, any rule upon this subject, expel the Senator? What can you do in a case like that?

I say, Mr. President, that it does seem to me the case is perfectly clear. If the Senate intends to visit punishment upon Senators for not voting, the Senate must prescribe by rule what shall be the case that subjects them to the punishment and what the punishment shall be. That has been my idea, that was my idea when I was in a little minority eight years ago and refused to vote. It is my idea still. It is not changed at all by the change in the majority of the Senate. I do not deny the power of the Senate to visit with penalties the refusal of a Senator sitting in his seat to vote. I can conceive a case in which a Senator might well be excused from voting, and I have no doubt that in every case in which he ought to be excused the Senate would have the justice to excuse him. I can conceive of plenty of cases in which he would not be excused at all, in which the course that he takes is not the course that in the contemplation of the framers of the Constitution was the duty of an American Senate. That I can well enough conceive. But before you begin to visit penalties upon Senators for refusing to vote you must, in my judgment, prescribe the offense and prescribe the penalty. That is the way I look at it; and therefore I say to my friends here to-night, your rules are not such that you can compel these gentlemen to vote. You cannot do it under the existing rules. You may censure them in your thought, in your judgment, in your speeches before the people. You may hold them up for the condemnation of the American people for sitting in their seats here and refusing to discharge that duty for which the States sent them here, and which the Constitution intended they should perform. You may do that; but when it comes to punishment, when it comes to visiting a judgment of censure or expulsion upon them, you must first make your law before you give judgment.

That is the view I have of it, and I should not think that any legislative body would be safe if it were otherwise. Having once been guilty myself perhaps makes me a little sensitive about it, but I would not like a bare majority of the Senate of the United States, in a case in which I felt that I was justified in the course that I took, make the law and the punishment in the same breath. I do not think that would be right, sir.

Then we might as well understand this business first as last, and I speak from a somewhat long experience, Mr. President. I have been one of a very small minority who have delayed action upon bills here for a long time. I remember once when there were not a dozen of us here, when we held sixty-odd republican Senators for twenty-one hours before we let them pass a bill. I remember that very well; but this I will say in respect to that, that we did not do it by breaking a quorum, with the single exception which I have confessed, which was remedied in less than fifteen minutes by sending to the committee-rooms where republican members were lying on the lounges and asleep. With that single exception I recollect of no instance—it may be my memory is at fault—in which we delayed the passage of a bill by breaking up a quorum by sitting in our seats and refusing to vote. I recollect no such case as that. The way that we did was to do much talking. We talked upon the bill; we moved amendments to give us a chance to talk upon it, to get rid of the rule that said no Senator should speak more than twice on the same question; and we moved a still further amendment, and the Chair ruled, I remember extremely well for it was on my motion, that that made a new subject and we might speak twice on that; that was allowing indefinite debate, and we talked, we talked against time, we talked in every way until we had exhausted ourselves and the patience of everybody else and then the bill passed.

This is a new idea which has been inaugurated to-night, this thing which in slang language is called filibustering. I never saw it in the Senate of the United States before in the shape in which it has been practiced to-night, never, never. I have known bills talked to death by the hour all the long night and until way into the succeeding day; I have known much time consumed in that way to the infinite annoyance of the majority; but the course of first a motion to adjourn and a call of the yeas and nays on that, and then a motion to dispense with the call of the Senate and then the yeas and nays on that, and then this dilatory motion and that dilatory motion, has never belonged to this end of the Capitol, according to my knowledge or information, until this night.

I am very sorry, indeed, to see it. I have taken great pride in the Senate of the United States as not only a body of men of experience

and reputation and ability, and most of them well stricken in years, but a body that never saw it necessary to establish stringent rules, but relied upon the sense of duty, the honor, and the courtesy of its members, to conduct its business with decorum and for the public service. Such a thing as that filibustering, as the slang phrase is, which is said to take place elsewhere, is a stranger in this Chamber, as I think, until this night. But it is a matter for every Senator to decide for himself. He decides it on his responsibility to his own conscience and to his own constituents and to our common country. He must decide it for himself. All I have to say to my friends is, do what you will, enforce what rules you will, when you undertake to sit out a bill, it is simply a question of physical endurance, whether its passage is to be delayed by long speeches or by dilatory motions; try it any way you will, when you come to consider it, it is nothing but a question of physical endurance. If you have the endurance, well and good; sit out the bill. If the other side, those who are opposed to the bill have more physical endurance than you have, they will defeat you. If not, you will defeat them.

Mr. CONKLING. What is the question, Mr. President?

The PRESIDING OFFICER. The Senator from West Virginia, after it was announced that there was a quorum of the Senate present answering to the call, moved that the Sergeant-at-Arms be directed to request the presence of absent Senators. The Senator from Wisconsin moved to lay that motion on the table. A question of order was raised upon that motion by the Senator from Alabama, and by unanimous consent the discussion has been had which has taken place.

Mr. CONKLING. Has the Chair decided the question of order?

The PRESIDING OFFICER. The Chair has not decided the question of order. Does the Senator from Alabama insist upon his question of order?

Mr. HOUSTON. Yes, sir; I have no doubt of its correctness. A call, either ordered by the Senate or by call of the Presiding Officer, may be rejected, but it cannot be laid on the table.

The PRESIDING OFFICER. The Senator from West Virginia, after it was disclosed that there was a quorum, made his motion to direct the Sergeant-at-Arms to request the presence of the absent Senators, there already being a quorum present, as disclosed by the roll-call. Now there is a quorum to transact business, the business of the Senate to pass a law not requiring a two-thirds vote. The Senator from Wisconsin in that state of the case moves to lay that motion on the table. The Senator from Alabama raises a question of order, and the Chair overrules the question of order and decides that the motion of the Senator from Wisconsin is in order and is the pending question.

Mr. CARPENTER. On which the yeas and nays have been ordered.

The PRESIDING OFFICER. On which a call was made for the yeas and nays, but the Chair did not understand that the call had been sustained. The Chair will now put the question on seconding the call for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the motion of the Senator from Wisconsin to lay the motion of the Senator from West Virginia on the table, upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. MCMILLAN, (when his name was called.) I desire to state as my reason for not voting that I am paired with the Senator from New Jersey, [Mr. MCPHERSON,] and under the usages of the Senate it would be a breach of honor to vote in such a case.

Mr. SAULSBURY, (when his name was called.) Having paired with the Senator from Michigan, [Mr. FERRY,] who is not present, I shall not vote.

The roll-call was concluded; and the result was announced—yea 1, nays 25; as follows:

YEA—1.

Carpenter.

NAYS—25.

Bailey,	Hampton,	Kernan,	Slater,
Bayard,	Harris,	Lamar,	Vance,
Call,	Hereford,	McDonald,	Walker,
Cockrell,	Hill of Georgia,	Maxey,	Withers.
Eaton,	Houston,	Morgan,	
Garland,	Jonas,	Pendleton,	
Groome,	Jones of Florida,	Randolph,	

ABSENT—50.

Allison,	Conkling,	Johnston,	Saulsbury,
Anthony,	Davis of Illinois,	Jones of Nevada,	Saunders,
Beck,	Davis of W. Va.,	Kellogg,	Sharon,
Bell,	Dawes,	Kirkwood,	Teller,
Blaine,	Edmunds,	Logan,	Thurman,
Booth,	Farley,	McMillan,	Vest,
Bruce,	Ferry,	McPherson,	Voorhees,
Burnside,	Gordon,	Morrill,	Wallace,
Butler,	Grover,	Paddock,	Whyte,
Cameron of Pa.,	Hamlin,	Platt,	Williams,
Cameron of Wis.,	Hill of Colorado,	Plumb,	Windom.
Chandler,	Hoar,	Ransom,	
Coke,	Ingalls,	Rollins,	

Mr. CARPENTER. No quorum voting.

Mr. HEREFORD. I presume the question will now recur on my original motion that the Sergeant-at-Arms be required to request the presence of absent Senators.

The PRESIDING OFFICER. Does the Senator from West Virginia make that motion? The Chair decides that the question does not recur upon it unless the Senator renews the motion. There is no quorum now present.

Mr. HEREFORD. Then I suppose I shall have to renew the motion, and then the Senator from Wisconsin will move to lay that on the table, and then the result will be the same, and I shall have to make the same motion I first made, the motion which I have just indicated. The Senator from Wisconsin moved to lay that upon the table. It has always occurred to me when a member of the Senate makes a motion and another Senator moves to lay that on the table and that motion fails, the original motion recurs as a matter of course.

The PRESIDING OFFICER. If there were a quorum, it would. There is no question of that.

Mr. HEREFORD. A quorum! We are trying to get a quorum. We never can get a quorum on earth in this way.

Mr. CARPENTER. I rise to a point of order. I claim that this debate is not in order.

Mr. HEREFORD. I do not see why it is not in order.

Mr. CARPENTER. Because there is not a quorum here and no business can be done.

Mr. HEREFORD. There has been a great deal said to-night.

The PRESIDING OFFICER. The Senator from West Virginia moves that the Sergeant-at-Arms be required to request the attendance of absent Senators.

Mr. CONKLING. And that is not debatable.

The PRESIDING OFFICER. The motion is not debatable.

Mr. CARPENTER. I move to lay this motion on the table, and on that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. EATON. One word only. Is that motion in order? I simply wish to be permitted to make a suggestion. In the first place, what is the object of the rules?

Mr. CARPENTER. I object to debate.

Mr. EATON. They are to further public business. That is all; nothing else in the world.

Mr. CARPENTER. I rise to a point of order.

The PRESIDING OFFICER. What is the point of order?

Mr. CARPENTER. This motion to lay on the table is not debatable.

Mr. EATON. I am not discussing the motion.

The PRESIDING OFFICER. The Senator from Connecticut has risen to a point of order whether the motion of the Senator from Wisconsin to lay on the table is in order, and is stating the point of order.

Mr. CARPENTER. That is not any more debatable than this.

The PRESIDING OFFICER. He is stating the point of order, and the Chair cannot prescribe the number of words in which the statement shall be made.

Mr. EATON. I am stating my point of order. Under parliamentary rules I say this motion cannot be entertained. Why? Because it tends not to further, but to absolutely obstruct the public business, and, therefore, the rule that permits the laying of a motion on the table does not apply to a motion of that character. Hence I make the objection. I did not hear the ruling of the Chair. If I had, perhaps I would not have made the suggestion.

The PRESIDING OFFICER. The Chair will announce, as he has once announced before, that it is not for the Chair to make the rules of the Senate. It is simply for the Chair to decide under the rules which have already been made. The Chair decides as it has heretofore decided, that the motion of the Senator from Wisconsin is in order. The yeas and nays have been ordered on the motion of the Senator from Wisconsin to lay on the table the motion of the Senator from West Virginia.

The Secretary proceeded to call the roll.

Mr. ALLISON, (when his name was called.) I am paired with the Senator from Maryland, [Mr. WHYTE.] I do not know how he would vote on this question, and therefore I refrain from voting.

Mr. MCMILLAN, (when his name was called.) I am paired on this question with the Senator from New Jersey, [Mr. MCPHERSON.]

The roll-call was concluded, and the result was—yeas 0, nays 26; as follows:

YEAS—0.

NAYS—26.

Bailey,	Hampton,	Kernan,	Ransom,
Bayard,	Harris,	Lamar,	Slater,
Beck,	Hereford,	McDonald,	Vance,
Call,	Hill of Georgia,	Maxey,	Walker,
Cockrell,	Houston,	Morgan,	Withers.
Eaton,	Jonas,	Pendleton,	
Garland,	Jones of Florida,	Randolph,	

ABSENT—50.

Allison,	Conkling,	Ingalls,	Saulsbury,
Anthony,	Davis of Ill.,	Johnston,	Saunders,
Bell,	Davis of W. Va.,	Jones of Nevada,	Sharon,
Blaine,	Dawes,	Kellogg,	Teller,
Booth,	Edmunds,	Kirkwood,	Thurman,
Bruce,	Farley,	Logan,	Vest,
Burnside,	Ferry,	McMillan,	Voorhees,
Butler,	Gordon,	McPherson,	Wallace,
Cameron of Pa.,	Groome,	Morrill,	Whyte,
Cameron of Wis.,	Grover,	Paddock,	Williams,
Carpenter,	Hamlin,	Platt,	Windom.
Chandler,	Hill of Colorado,	Plumb,	
Coke,	Hoar,	Rollins,	

The PRESIDING OFFICER. The motion is lost.

Mr. MAXEY. I rise to a parliamentary inquiry. I do not pretend to understand the rules, but I should like to understand this. The fact was made known by the vote upon the pending measure that a quorum was not present. A motion was then made to direct the Sergeant-at-Arms to request the absent Senators to attend. A motion was made to lay that on the table. How is it possible for that motion to lay on the table to be in order where there is no Senate to act upon it? That is a point that it is impossible for me to understand.

Mr. HEREFORD. I now renew the motion that I made.

The PRESIDING OFFICER. The Chair has made no decision upon the point made by the Senator from Texas, but the Chair announced that the motion to lay on the table was lost, and the question now recurs upon the motion of the Senator from West Virginia.

Mr. HEREFORD. That is exactly the position I contended for some time ago. The question now recurs on my original motion.

Mr. CARPENTER. I understand that the last action showed the want of a quorum in this body, and the next step must be to call the roll to ascertain who is present and who is absent before any order can be made for the Sergeant-at-Arms to go for absent Senators.

Mr. MAXEY rose.

The PRESIDING OFFICER. The Chair will state its decision now.

Mr. MAXEY. I wish to answer what the Senator from Wisconsin said.

The PRESIDING OFFICER. The Senator from Texas will proceed.

Mr. MAXEY. There is nothing in Rule 3 which requires——

Mr. CONKLING. This is all out of order.

Mr. MAXEY. There is nothing in Rule 3 which requires the roll to be called——

The PRESIDING OFFICER. The Chair decided before upon the motion of the Senator from Tennessee and the motion of the Senator from West Virginia directing the Sergeant-at-Arms to request the presence of absent Senators, which motions were made by them after it was disclosed to the Senate that there was a quorum present, that it was necessary to have a quorum to carry such a motion. Now, here is the fact disclosed that there is no quorum present. The Senator from West Virginia then moves a call of the Senate. That call can be sustained by a majority of a minority of the Senate. The motion was made by the Senator from Wisconsin to lay that motion of the Senator from West Virginia on the table. A majority of a quorum of the Senate, 25 nays, decided not to lay that motion on the table, and the Chair decides that that majority prevailed; and, prevailing, the question recurs upon the motion of the Senator from West Virginia. In the cases where the Chair decided before that the motion did not prevail, it was where the motion made by the Senator from Tennessee and made by the Senator from West Virginia was made after it was disclosed that there was a quorum present. It is an entirely different state of facts from what now exists.

Mr. ALLISON. I ask the Chair to state the question.

Mr. HEREFORD. I believe it is to be decided without debate.

The PRESIDING OFFICER. The Senator from Iowa has a right to ask a parliamentary question, and the Chair will hear the question.

Mr. ALLISON. I desire the Chair to state the question that we may know what the motion of the Senator from West Virginia is. I have been absent from the Chamber for a few moments.

The PRESIDING OFFICER. It was disclosed that there was no quorum present in the Senate. The Senator from West Virginia then moved that the Sergeant-at-Arms be directed to request the attendance of absent Senators. The Senator from Wisconsin moved to lay that motion on the table, and upon that motion it was decided to be in order. The yeas and nays were ordered, and it was not laid upon the table, as the Chair stated, by a vote of 25, a majority of all the Senators present; and now the Chair has announced that the question recurs upon the motion of the Senator from West Virginia, which is still the pending motion, and that is the question now before the Senate.

Mr. ALLISON. Now I desire to ask a parliamentary question.

The PRESIDING OFFICER. The Senator from Iowa will proceed.

Mr. ALLISON. And that is, how the Sergeant-at-Arms can know under the motion of the Senator from West Virginia who are the absentees. Certainly that is not disclosed by the last vote, as I was present and stated distinctly that I did not vote because I was paired with the Senator from Maryland.

The PRESIDING OFFICER. I do not conceive that it is the duty of the Chair to answer all imaginable questions about the performance of duty, which may be submitted. Were he required to do so, he would state that the Sergeant-at-Arms is not blind and can very easily see who are present in the Senate and can tell from the roll-call those who did not answer to their names. The roll-call has already been made; that roll-call can be furnished to him; he will see there the names of those who did not answer. The record shows those who were present and announced themselves paired.

Mr. CONKLING. What record?

The PRESIDING OFFICER. The record which is being made.

Mr. CONKLING. Does the Sergeant-at-Arms understand shorthand?

The PRESIDING OFFICER. That can be furnished him if necessary for his information. It will show that a certain number of Senators announced their presence by their votes, a certain other number announced that they were paired, although present, and it will be the other Senators that the Sergeant-at-Arms will request the attendance of.

Mr. ALLISON. Is that a very satisfactory answer, Mr. President?

The PRESIDING OFFICER. The question before the Senate is the motion of the Senator from West Virginia.

Mr. CARPENTER. Is that debatable?

The PRESIDING OFFICER. It is not debatable.

Mr. HEREFORD. Rule 3 says it shall be decided without debate.

Mr. CARPENTER. All questions to-night that have not been debatable have been debated at the pleasure of everybody that wanted to debate them. Now, I ask permission of the Senator from West Virginia to say three words about this thing.

Mr. HEREFORD. Certainly, I yield.

The PRESIDING OFFICER. The Chair decides that this is not debatable, but anything can be done by unanimous consent. If there be no objection, the Senator from Wisconsin will proceed.

Mr. CARPENTER. The question here is whether the roll-call on my motion to lay this motion of the Senator from West Virginia on the table is a record conclusively showing who is here and who is not here. Of course it shows that those who voted were here; but does it show anything else? Does it show that those who did not vote are absent Senators?

The rule does not say that if any Senator being present refuses to vote the Sergeant-at-Arms shall collar him and make him vote, or request him to come into the Senate Chamber. It does not apply to the case at all. There is no case here of absent Senators ascertained, and cannot be until the Chair directs, or the Senate directs that absentees shall be called. The fact that gentlemen are in the Chamber and do not vote is, as the Senator from Ohio just said, in construing the rules, a case not provided for by the rules under which the Senate is now seeking to act. It is not that case at all. The men you want to reach are here; they are not absent, and a roll-call of the absentees will disclose that fact, and the Chair by simply opening its eyes and looking around the Chamber can see that they are not absent. What a farce then is it!

Mr. MAXEY. I ask the Senator from Wisconsin, if he will permit me, is it not the universal rule in making up the record that every one who does not vote is marked on the record as "absent?"

Mr. CARPENTER. No, sir; he is marked as "absent or not voting." It may be either; so that your record when it is made up to-morrow on these questions will simply show that I, for instance, was either absent or not voting, but it will not show which. Now, I say that fact must be ascertained; I say it is an absurdity to order the Sergeant-at-Arms to go out and request the attendance of Senators that the Chair can see in their seats; and that is not what is wanted here. What the majority want is to send the Sergeant out and request them to vote, not attend. They are attending. They are here now, and the Chair can see them now, as I am addressing the Chair now, and still the Senator from West Virginia proposes to have the Sergeant go out and request me to come in. It is an absurdity because it is a contradiction. It is dealing with a false pretense, a false case, a case that does not exist. If I was not here it would do to call me in, but when I am here and simply do not vote, what an absurdity it is to say that you can send the Sergeant out to ask me to come in! I have been in all night, been in all day.

Mr. MAXEY. That is the way it is marked on the RECORD. I only refer to what the RECORD shows "absent." I think you will find it everywhere that way.

Mr. CONKLING. The Journal is the record of the Senate.

Mr. CARPENTER. The Journal always shows, is required by law to show, how many vote "yea," how many vote "nay," and how many are "absent or not voting."

Mr. MAXEY. It is the same way it is there.

Mr. CARPENTER. No, this is a modern thing.

Mr. THURMAN. The Journal only shows the yeas and nays.

Mr. CARPENTER. On page 18 of this very RECORD handed to me it is called "yeas 36, nays 73, not voting 29."

Mr. HEREFORD. That is in the House where they have a very different roll.

Mr. CARPENTER. Then I am mistaken about that; but it does not touch the argument I have made here, to show that it is simply absurd to send the Sergeant out to ask me to come in when I am here protesting that I am here. When you bring me here you admit you have got through; I take the admission of the learned Senator from Ohio to be the correct statement of the law on this subject; I have no doubt of it. I always held that to be as he did when the things were reversed, and his little squad which he led here with such consummate ability and in such thorough discipline for so many sessions held the republican Senate at bay day after day and night after night, and when, as he says himself, driven to extremities he stood on his reserved rights and concluded that he would not vote.

Mr. THURMAN. Only once.

Mr. CARPENTER. Well once; and we all came to the conclusion that there was no way to compel him. Now the Senate is no stronger under its present rules than it was then; and when you want to make a man vote how absurd it is to make a motion that the Sergeant-at-Arms shall request him to come in when he is in! You have called his name; he hears it; but for some reason,—he has not perhaps made up his mind, or else he does not take any interest in the sub-

ject, he does not care which way it is decided,—he does not vote. You are not going to make him vote by asking the Sergeant-at-Arms to invite him in when he is in. That is simply absurd.

Mr. HEREFORD. That is a long three words. [Laughter.]

Mr. CARPENTER. I have stated my objection to this proceeding.

Mr. HEREFORD. I call for the vote. The rule is that it shall be decided without debate.

Mr. CARPENTER. I think I have the floor by unanimous consent. I do not want it understood that I am compelled to keep it for I do not want it.

Mr. HEREFORD. "Three words" were all the Senator from Wisconsin wanted.

Mr. CARPENTER. Three words are enough. Under this proceeding it is a farce on its face.

Mr. McMILLAN. I should like to make an inquiry of the Chair in reference to the decision which was announced.

The PRESIDING OFFICER. The Chair will hear the inquiry.

Mr. McMILLAN. As I understand the state of the facts, the Senator from West Virginia moved that the Sergeant-at-Arms be directed to request the presence of absent Senators; and the Senator from Wisconsin moved to lay that motion upon the table. Now, do I understand the Chair to decide that the motion to lay on the table voted upon by less than a quorum disposes of the motion to lay on the table?

Mr. HEREFORD That is exactly what is decided.

Mr. McMILLAN. As I understood the Chair on other occasions, he decided that the motion to lay on the table could not be disposed of by less than a majority of a quorum, but that the motion of the Senator from West Virginia might be disposed of in that way. The motion to lay on the table, as I understood the decision, was one that could only be disposed of when there was a quorum of the Senate present.

Mr. HEREFORD. Now, Mr. President, I ask that the rule be enforced.

The PRESIDING OFFICER. The Chair will answer the inquiry of the Senator from Minnesota as he has answered it on two or three occasions heretofore. The Senator from Tennessee made the first motion to direct the Sergeant-at-Arms to request the presence of absent Senators. That motion was made after it was announced by the Chair and disclosed by the roll-call that there was a quorum of the Senate present. The Senator from West Virginia, under precisely the same circumstances, made his motion to direct the Sergeant-at-Arms to request the presence of absent Senators when there was a quorum already in the Senate; and in those two cases the Chair decided that it took a majority to lay those motions on the table or to decide them. Now, in the case pending there was a roll-call, a vote, and it was disclosed that there was no quorum present. Then it was that the Senator from West Virginia, under Rule 3, made his motion. That rule declares:

> Whenever it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant-at-Arms to request, and, when necessary, to compel the attendance of the absent Senators, which order shall be determined without debate; and, pending its execution, and until a quorum shall be present, no motion, except a motion to adjourn, nor debate, shall be in order.

The Senator from Wisconsin made his motion to lay on the table, which the Chair decided was in order as in all cases, except probably in the case of a motion to adjourn, and upon the motion to lay on the table the yeas were none and the nays were 25, and the Chair decided that a majority of the Senators present voting in the negative the motion failed and that the question now recurs on the motion of the Senator from West Virginia, upon which the yeas and nays have been ordered.

Mr. WITHERS. May I make an inquiry of the Chair? The Chair has decided repeatedly, and I think correctly, that upon a motion to lay on the table a majority only can decide it. Am I correct in that?

The PRESIDING OFFICER. The Chair has decided, as he has three times now explained in the Senate, that when a motion is made to require the Sergeant-at-Arms to request the presence of absent Senators when there is already a quorum to transact the business of the Senate then any motion affecting that motion must be decided by a quorum of the Senate; but when we are proceeding under Rule 3 and the proceedings are confined to that, then a majority of the Senators present decide a motion to lay upon the table, or to adjourn, or any kindred question.

Mr. WITHERS. The point I wished to call the attention of the Chair to was this, that any question which it requires a majority vote to decide should not be considered in the absence of a majority, and that when the preceding vote disclosed no quorum and a motion is made to proceed under the rule to secure a quorum on that motion being submitted and it is then moved to lay that motion upon the table, you are asking a House which is not a House to transact business.

The PRESIDING OFFICER. The Chair has decided no such thing. As he now states for the fourth time, when such a motion was made with a quorum of the Senate present the Chair decided that it required a quorum to do any business, but when the motion was made in the absence of a quorum, as the rule requires a majority of the Senators present to make the direction, then a majority of those present can decide a motion to lay on the table, or a motion to adjourn, or a motion to go into executive session.

Mr. WITHERS. Mr. President, let us look at the facts as they occurred. A motion was made to adjourn——

Mr. CONKLING. Is this debate in order?

Mr. WITHERS. It is a parliamentary inquiry as to a question of order that I am propounding. Upon that motion to adjourn there was no quorum voting. The Senator from West Virginia moved then that the absentees be sent for, and the Senator from Wisconsin moved to lay that motion on the table. The last vote indicated no quorum. The motion of the Senator from West Virginia proposed to institute proceedings to secure a quorum, and the Senator from Wisconsin moved to lay that upon the table. I suppose that that motion is not in order according to my conception of parliamentary law, the fact being that you are proposing to submit it to a House in which it is disclosed that there is no quorum present——

The PRESIDING OFFICER. Will the Senator answer the Chair what motion is not in order?

Mr. WITHERS. The motion to lay on the table.

The PRESIDING OFFICER. That motion has long since been decided, and is not before the Senate.

Mr. WITHERS. I am speaking on that question. The question has been before the Senate half a dozen times to-night in the same form.

The PRESIDING OFFICER. Only once in the case just decided, and the Chair decided that a majority of the Senators present disposed of the motion just as the Chair would decide that a majority of the Senators present would dispose of a motion to adjourn or a motion to go into executive session.

Mr. HEREFORD. Now I hope we shall have a vote.

The PRESIDING OFFICER. Is the Senate ready for the question?

Mr. CONKLING. What is the question?

The PRESIDING OFFICER. The motion of the Senator from West Virginia that the Sergeant-at-Arms be directed to request the presence of absent Senators. That is the question.

Mr. CONKLING. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. ALLISON, (when his name was called.) I am paired with the Senator from Maryland, [Mr. WHYTE,] as I have stated several times, and therefore refrain from voting.

Mr. McMILLAN, (when his name was called.) I am paired with the Senator from New Jersey, [Mr. McPHERSON.]

Mr. RANSOM, (when his name was called.) I am paired on this question with the Senator from Vermont, [Mr. MORRILL.]

The roll-call was concluded.

Mr. GORDON. On this question I am paired with the Senator from Rhode Island, [Mr. ANTHONY.]

The result was announced—yeas 22, nays 0; as follows:

YEAS—22.

Bailey,	Harris,	Lamar,	Slater,
Call,	Hereford,	McDonald,	Vance,
Carpenter,	Hill of Georgia,	Maxey,	Walker,
Eaton,	Jonas,	Morgan,	Withers.
Garland,	Jones of Florida,	Pendleton,	
Hampton,	Kernan,	Randolph,	

NAYS—0.

ABSENT—54.

Allison,	Coke,	Houston,	Rollins,
Anthony,	Conkling,	Ingalls,	Saulsbury,
Bayard,	Davis of Illinois,	Johnston,	Saunders,
Beck,	Davis of W. Va.,	Jones of Nevada,	Sharon,
Bell,	Dawes,	Kellogg,	Teller,
Blaine,	Edmunds,	Kirkwood,	Thurman.
Booth,	Farley,	Logan,	Vest,
Bruce,	Ferry,	McMillan,	Voorhees,
Burnside,	Gordon,	McPherson,	Wallace,
Butler,	Groome,	Morrill,	Whyte,
Cameron of Pa.,	Grover,	Paddock,	Williams,
Cameron of Wis.,	Hamlin,	Platt,	Windom.
Chandler,	Hill of Colorado,	Plumb,	
Cockrell,	Hoar,	Ransom,	

The PRESIDING OFFICER. The motion prevails, and the Sergeant-at-Arms will proceed to its execution.

Mr. CARPENTER. Mr. President, I rise to ask a parliamentary question. What is he to proceed to execute; those who are shown absent by this roll-call, or those shown absent by some other roll-call, unless the absentees are called to ascertain?

The PRESIDING OFFICER. The Chair cannot decide all these questions until the officer's report is made, and then it will be for the Senate to determine whether he has properly executed the order of the Senate.

Mr. CARPENTER. He cannot notify me, I think.

Mr. HILL, of Georgia. I announce that the Senator from Illinois [Mr. DAVIS] is absent from the Senate by indisposition, and I hope he will not be disturbed by the Sergeant-at-Arms.

Mr. BAYARD. Mr. President——

The PRESIDING OFFICER. The vote has long since been announced by the Chair, and the Chair cannot receive votes.

Mr. GARLAND. I wish to ask that the Senator from Kentucky [Mr. BECK] and the Senator from Texas [Mr. COKE] be excepted from the absentees on account of sickness in their families.

The PRESIDING OFFICER. The Chair cannot make that order.

Mr. GARLAND. I make that request so that it may go on the record.

Mr. PLATT. I desire to announce that the Senator from Michigan

[Mr. CHANDLER] is paired with the Senator from Kentucky, [Mr. BECK.]

Mr. RANSOM. The Senator from Vermont [Mr. MORRILL] paired with me this evening. He was not strong enough to stay in the Senate all night.

Mr. BLAINE, (at two o'clock and forty minutes a. m., Thursday, June 19.) Mr. President, as nature abhors a vacuum, I ask what is the matter pending before the Senate?

The PRESIDING OFFICER. The Chair is waiting upon the report of the Sergeant-at-Arms in execution of the order of the Senate.

Mr. MCMILLAN. I understand the roll discovers the absence of a number of Senators on the other side of the Chamber who are at a great distance from Washington and cannot be here to-night. The Sergeant-at-Arms will have an opportunity of reporting to-morrow, and I move that the Senate adjourn.

The PRESIDING OFFICER. The Senator from Minnesota moves that the Senate do now adjourn.

The motion was not agreed to.

Mr. ALLISON. I move to take a recess until twelve o'clock to-morrow that we may get a little rest; I mean twelve o'clock to-day.

The PRESIDING OFFICER. The Senator from Iowa moves that the Senate take a recess until twelve o'clock noon. Is the Senate ready for the question?

The Chair put the question and declared the noes appeared to prevail.

Mr. ALLISON. I must ask for a division on that question.

The question being put, there were on a division—ayes 8, noes 13.

The PRESIDING OFFICER. The motion is lost.

Mr. ALLISON, (at two o'clock and forty-eight minutes a. m.) Mr. President, in order to complete the record I desire to state that about nine o'clock I made a motion to adjourn which I understand has never been announced by the Chair as having been decided. I merely want to complete the record and have it appear that a motion was made to adjourn and it still stands undecided. I should like to know of the Chair what ought to be done in such a case.

The PRESIDING OFFICER. The motion to adjourn was voted down.

Mr. ALLISON. But it was not so declared.

The PRESIDING OFFICER. It was distinctly and repeatedly declared by the Chair.

Mr. ALLISON. But I am speaking now about a motion made about five hours ago.

The PRESIDING OFFICER. The Chair does not remember the circumstance.

Mr. ALLISON. The Chair thinks it is hardly worth while to make any point upon that.

The PRESIDING OFFICER, (at three o'clock a. m.) The Chair will submit to the Senate the report of the Sergeant-at-Arms made in pursuance of the order of the Senate. It will be read by the Secretary.

The Chief Clerk read as follows:

To the President of the Senate:

SIR: In obedience to the order of the Senate in regard to requesting the attendance of absent Senators, I would respectfully report that the Secretary reported as absent the following Senators, to wit:

Messrs. Allison, Anthony, Bayard, Beck, Bell, Blaine, Booth, Bruce, Burnside, Butler, Cameron of Pennsylvania, Cameron of Wisconsin, Chandler, Coke, Conkling, Davis of Illinois, Davis of West Virginia, Dawes, Edmunds, Farley, Ferry, Gordon, Groome, Grover, Hamlin, Hill of Colorado, Hoar, Houston, Ingalls, Johnston, Kellogg, Kirkwood, Logan, McMillan, McPherson, Morrill, Paddock, Platt, Plumb, Rollins, Saulsbury, Saunders, Sharon, Teller, Thurman, Vest, Voorhees, Wallace, Whyte, Williams, and Windom.

I found in the Senate Chamber and adjoining cloak-room Senators Bayard, Blaine, Burnside, Cameron of Wisconsin, Cameron of Pennsylvania, Conkling, Davis of West Virginia, Gordon, Groome, Hill of Colorado, Houston, Ingalls, Logan, Paddock, Ransom, Rollins, Vest, and Windom.

Reported paired: Senators Allison, Edmunds, Ferry, McMillan, Saulsbury, and Thurman.

R. J. BRIGHT,
Sergeant-at-Arms.

Mr. BAYARD. I desire to state that there is some inaccuracy in regard to my absence from the Senate Chamber. At the time the call was made my name was called and I rose to answer and subsequently proposed to record my name. I desire merely to state the fact that I was not absent at any time from the Senate Chamber this evening.

Mr. BURNSIDE. I want to state the same fact.

Mr. BLAINE. For myself, I have not been absent.

The PRESIDING OFFICER. The Senator from Iowa has the floor, and the Chair cannot hear but one Senator at a time.

Mr. ALLISON. I desire to say that the report of the Secretary to the Sergeant-at-Arms was inaccurate in this, that I am reported, as appears there, as absent paired. I have been present all the time, and have as often as I thought necessary announced my pair with the Senator from Maryland, [Mr. WHYTE.] I do not wish to appear as being absent when I am present and paired. I hope the record will be corrected in that regard, Mr. President.

Mr. BLAINE. By a mere inadvertence, or some other cause similar thereunto, on some of the roll-calls I may not have answered to my name; but I have been within the walls of the Senate Chamber the entire evening, I believe, without being beyond the threshold; so that there is a very unaccountable mistake on the part of somebody, whether myself or others I do not now affirm.

Mr. MCMILLAN. I think the Secretary of the Senate in reporting me to the Sergeant-at-Arms as absent made a mistake. I was present in my seat. When my name was called I announced a pair with the Senator from New Jersey [Mr. MCPHERSON] and stated as the reason for not voting that pair. I supposed that would be a sufficient reason and would be an excuse on the part of the Senate. I was present in my seat and responded to the call of the Secretary when he called my name.

Mr. CONKLING. May I inquire, was I reported by the Sergeant-at-Arms as absent?

The PRESIDING OFFICER. The Senator was.

Mr. CONKLING. I was not absent. I stood exactly where I stand now when the Sergeant-at-Arms came to me.

The PRESIDING OFFICER. If the Senator will withhold a moment the Chair will state that the report was read, and if the Senators had been present they would have understood it definitely. The Sergeant-at Arms reports that—

In obedience to the order of the Senate in regard to requesting the attendance of absent Senators, I would respectfully report that the Secretary reported as absent the following Senators.

Among the names there mentioned the name of the Senator from New York appears. Then the Sergeant-at-Arms reports further:

I found in the Senate Chamber and adjoining cloak-rooms Senators Bayard, Blaine, Burnside, Cameron of Wisconsin, &c.

Mr. CONKLING. I wish merely to say that I was not found in an adjoining cloak-room, but I was found exactly where I now stand. The Sergeant-at-Arms inquiring of me if he should report that I was present my reply was "I am here." I suppose that makes me present. I merely wish to say that I was neither absent nor in an adjoining cloak-room, but within four feet of my seat.

Mr. SAULSBURY. I have announced several times in the course of the evening that I am paired with the Senator from Michigan, [Mr. FERRY.] I have been in the Senate Chamber nearly all the evening, and should have voted had I not been paired.

Mr. PADDOCK. Among the number of those reported as absent and not paired, as I remember, the name of my colleague [Mr. SAUNDERS] was read. I desire to state, on his behalf, that he is absent but is paired with the Senator from Texas, [Mr. COKE.] As far as I am concerned, I am here and expect to remain.

Mr. CAMERON, of Pennsylvania. I am announced as being absent. I have not been absent. I have been here the entire evening. Sometimes I have not voted, and probably I shall not hereafter vote at all times, but I have been here during the whole night, and I propose to remain as long as any one else remains.

Mr. WITHERS. I wish to state that my colleague [Mr. JOHNSTON] is detained from the Senate by indisposition, and in addition to that he is paired with the Senator from Colorado, [Mr. TELLER.]

Mr. BURNSIDE. I beg to state that my colleague [Mr. ANTHONY] was called home yesterday by the death of a friend. He is paired with the Senator from Georgia, [Mr. GORDON.]

Mr. PLATT. I see that my name is reported by the Secretary as one of those Senators who are absent. I believe I have not been absent at any roll-call of the Senate this evening.

Mr. LOGAN. Am I numbered among the dead or absent?

The PRESIDING OFFICER. The Senator is reported among the dead and living both, [laughter,] his name having been furnished to the Sergeant-at-Arms as absent from the list and having been found in the Senate Chamber or one of the cloak-rooms.

Mr. LOGAN. One or the other; I have been in one or the other all the evening.

Mr. GROOME. Since it seems to be extremely fashionable to designate the exact spot where we were, I wish to say that although I did not vote on the last roll-call I was in the Senate Chamber when summoned by the Sergeant-at-Arms to be present.

Mr. ALLISON. May I ask now if the report of the Sergeant-at-Arms discloses the presence of a quorum or the absence of a quorum?

The PRESIDING OFFICER. That question has not been determined.

Mr. ALLISON. I should be glad to have it determined.

Mr. MAXEY. Before that is announced I desire to state that my colleague [Mr. COKE] is paired with the Senator from Nebraska, [Mr. SAUNDERS.]

Mr. ALLISON. Is there a quorum present?

The PRESIDING OFFICER. The Chair could probably make an arithmetical calculation and ascertain the fact as to whether the members reported by the Sergeant-at-Arms and those answering to the roll-call constitute a quorum.

Mr. ALLISON. Assuming that a quorum is present, I move that all further proceedings under the call be dispensed with.

The motion was not agreed to

The PRESIDING OFFICER. What is the pleasure of the Senate?

Mr. HEREFORD. I presume we shall proceed with the further execution of the call and send for the other absentees.

Mr. ALLISON. I venture to make a motion that the Senator from Maryland [Mr. WHYTE] be excused.

The PRESIDING OFFICER. What is the motion of the Senator from West Virginia?

Mr. HEREFORD. The call has not been entirely executed yet, because there are Senators who have not been notified. I presume it will not take a motion to proceed further for the reason that the motion is unexecuted or only partially executed.

Mr. LOGAN. What does the Senator want to do now?

Mr. HEREFORD. To get more Senators in.

Mr. WINDOM. I suggest that we compromise this matter by taking a recess until twelve o'clock to-day while the Sergeant-at-Arms is ascertaining the whereabouts of absent members.

Mr. SLATER. I desire to state that my colleague [Mr. GROVER] is absent from the city on account of the sickness of a member of his family.

Mr. BLAINE. And is understood to be paired with my colleague, [Mr. HAMLIN.]

Mr. SLATER. He is paired with the Senator from Maine, [Mr. HAMLIN.]

Mr. WINDOM. I move that the Senate take a recess until twelve o'clock to-day.

Mr. HEREFORD. I rise to a point of order. No motion for a recess is in order during a call of the Senate.

Mr. WINDOM. I ask unanimous consent that we take a recess, if the Chair hears no objection..

Mr. WITHERS and others. I object.

The PRESIDING OFFICER. Objection is made.

Mr. PADDOCK, (at three o'clock and fifteen minutes a. m.) If my recollection serves me correctly I have not made a motion to adjourn during the present session, and in order that I may make a little record of that kind just once, I now move that the Senate adjourn.

The PRESIDING OFFICER. The question is on the motion of the Senator from Nebraska, that the Senate adjourn.

Mr. PADDOCK. It has been a long time since I have made a motion of this kind and I hope I shall be indulged.

The Senate refused to adjourn.

Mr. PADDOCK. I shall not indulge in any such experiment again, Mr. President.

Mr. CONKLING. What is the question before the Senate, Mr. President?

The PRESIDING OFFICER. The unexecuted order of the Senate in regard to absent Senators. The Sergeant-at-Arms has made one report, and is engaged in a further execution of the order.

After a delay of fifteen minutes,

The PRESIDING OFFICER. The Chair will submit to the Senate an additional report from the Sergeant-at-Arms. It will be read for the information of the Senate.

The Chief Clerk read as follows:

WASHINGTON, *June* 18, 1879.

To the President of the Senate:

The following Senators are reported to be absent from the city, to wit: Messrs. Anthony, Beck, Butler, Edmunds, Farley, Grover, Hamlin, Hoar, Jones of Nevada, McPherson, Plumb, Sharon, Teller, Whyte, and Williams. And as sick: Messrs. Davis of Illinois, and Johnston.

Messengers have been sent to notify Senators Bell, Bruce, Booth, Chandler, Coke, Dawes, Kellogg, Kirkwood, Morrill, Saunders, Wallace, and Voorhees of the order of the Senate.

Respectfully reported in obedience to the order of the Senate in regard to absent Senators.

R. J. BRIGHT,
Sergeant-at-Arms.

Mr. PADDOCK, (at five o'clock and twelve minutes a. m.) I move that the Senate do now adjourn.

The PRESIDING OFFICER. The Senator from Nebraska moves that the Senate do now adjourn.

The question being put, it was declared that the noes appeared to prevail.

Mr. PADDOCK. Let us have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. GORDON, (when his name was called.) On this question I am paired with the Senator from Rhode Island, [Mr. ANTHONY.]

Mr. MORGAN, (when Mr. HOUSTON's name was called.) I desire to say that my colleague [Mr. HOUSTON] has retired from the Senate on account of indisposition. Not being able to remain any longer, he has gone to his room.

Mr. MCMILLAN, (when his name was called.) I am paired with the Senator from New Jersey, [Mr. MCPHERSON.]

Mr. GROOME, (when Mr. ROLLINS's name was called.) I desire to state that the Senator from New Hampshire [Mr. ROLLINS] has left the Senate because of indisposition. He desired me to keep him right on the record. I therefore desire to say that he would vote "yea," if here.

The roll-call was concluded.

Mr. PLATT. I desire to state that the Senator from Michigan [Mr. CHANDLER] is paired with the Senator from Kentucky, [Mr. BECK,] who is absent on account of indisposition.

Mr. SAULSBURY. I am paired with the Senator from Michigan, [Mr. FERRY.]

Mr. PADDOCK. I think the Senator from Texas [Mr. COKE] has voted through inadvertence. As I understand, he has paired with my colleague, [Mr. SAUNDERS.]

Mr. COKE, (after having voted in the negative.) I desire to withdraw my vote. I had forgotten for the moment that I was paired with the Senator from Nebraska, [Mr. SAUNDERS.]

Mr. VANCE. My colleague [Mr. RANSOM] was compelled to leave the Senate Chamber on account of ill-health.

Mr. BELL. I am paired on all political questions with the Senator from Kentucky, [Mr. WILLIAMS.]

Mr. GROOME. I desire to announce that my colleague [Mr. WHYTE] is paired with the Senator from Iowa, [Mr. ALLISON.] If here, my colleague would vote "nay," and I doubt not the Senator from Iowa would vote "yea."

The result was announced—yeas 7, nays 21; as follows:

YEAS—7.

Burnside,	Kirkwood,	Paddock,	Windom.
Hill of Colorado,	Logan,	Platt,	

NAYS—21.

Call,	Hampton,	Kernan,	Vest,
Cockrell,	Harris,	Lamar,	Walker,
Davis of W. Va.,	Hereford,	Morgan,	Withers.
Eaton,	Hill of Georgia,	Randolph,	
Garland,	Jonas,	Slater,	
Groome,	Jones of Florida,	Vance,	

ABSENT—48.

Allison,	Carpenter,	Hoar,	Plumb,
Anthony,	Chandler,	Houston,	Ransom,
Bailey,	Coke,	Ingalls,	Rollins,
Bayard,	Conkling,	Johnston,	Saulsbury,
Beck,	Davis of Illinois,	Jones of Nevada,	Saunders,
Bell,	Dawes,	Kellogg,	Sharon,
Blaine,	Edmunds,	McDonald,	Teller,
Booth,	Farley,	McMillan,	Thurman,
Bruce,	Ferry,	McPherson,	Voorhees,
Butler,	Gordon,	Maxey,	Wallace,
Cameron of Pa.,	Grover,	Morrill,	Whyte,
Cameron of Wis.,	Hamlin,	Pendleton,	Williams.

The PRESIDING OFFICER. The Senate refuses to adjourn.

After an interval of twenty minutes,

The PRESIDING OFFICER. The Chair will lay before the Senate an additional report, a report of progress, by the Sergeant-at-Arms, which will be read for information.

The Chief Clerk read as follows:

WASHINGTON, *June* 18, 1879.

To the President of the Senate:

In obedience to the order of the Senate in regard to absent Senators, I would respectfully report that Senators Booth, Dawes, and Kellogg answer that they are too unwell to come to the Senate; Senator Wallace, not found.

Senators Morrill, Saunders, and Bruce answer that they will come immediately.

Senators Bell, Coke, and Kirkwood report in person.

R. J. BRIGHT,
Sergeant-at-Arms.

Mr. DAVIS, of West Virginia. I presume all the absentees will be notified. I suppose there is a continuation of the call. I notice all who have answered are not here.

The PRESIDING OFFICER. The Chair cannot tell how many have not answered and how many have. There have been three or four reports made.

Mr. PADDOCK. I move that all further proceedings under the call be dispensed with.

Mr. HEREFORD. I rise to a point of order, that no such motion can be made.

The PRESIDING OFFICER. It has been the universal custom of the Chair to sustain all such motions, and the present occupant of the chair will decide the motion in order. It has been decided time and again. I have half a dozen records before me sustaining that point.

Mr. PADDOCK. Is it not always in order after a report made by the Sergeant-at-Arms?

The PRESIDING OFFICER. The question before the Senate is the motion made by the Senator from Nebraska to dispense with further proceedings under the call of the Senate.

Mr. CONKLING called for the yeas and nays, and they were ordered and taken.

Mr. COKE. I am paired with the Senator from Nebraska, [Mr. SAUNDERS.]

Mr. MCDONALD. I am paired with the Senator from Wisconsin, [Mr. CARPENTER.] If he were here, I should vote "nay."

The result was announced—yeas 7, nays 23; as follows:

YEAS—7.

Burnside,	Hill of Colorado,	Paddock,	Windom.
Conkling,	Kirkwood,	Platt,	

NAYS—23.

Bayard,	Hampton,	Kernan,	Slater,
Call,	Harris,	Lamar,	Vance,
Davis of W. Va.,	Hereford,	Maxey,	Vest,
Eaton,	Hill of Georgia,	Morgan,	Walker,
Garland,	Jonas,	Pendleton,	Withers.
Groome,	Jones of Florida,	Randolph,	

ABSENT—46.

Allison,	Chandler,	Houston,	Rollins,
Anthony,	Cockrell,	Ingalls,	Saulsbury,
Bailey,	Coke,	Johnston,	Saunders,
Beck,	Davis of Illinois,	Jones of Nevada,	Sharon,
Bell,	Dawes,	Kellogg,	Teller,
Blaine,	Edmunds,	Logan,	Thurman,
Booth,	Farley,	McDonald,	Voorhees,
Bruce,	Ferry,	McMillan,	Wallace,
Butler,	Gordon,	McPherson,	Whyte,
Cameron of Pa.,	Grover,	Morrill,	Williams
Cameron of Wis.,	Hamlin,	Plumb,	
Carpenter,	Hoar,	Ransom,	

So the motion was not agreed to.

The PRESIDING OFFICER, (at five o'clock and forty-two minutes a. m.) The Chair will lay before the Senate a report from the Sergeant-at-Arms, made out on one of the roll-call lists, showing those

absent as furnished by the Clerk and those whom he has notified in pursuance of the order of the Senate.

Mr. DAVIS, of West Virginia. Will the Chair be kind enough to have it reported, so that the Senate can understand it?

The PRESIDING OFFICER. It will be read for the information of the Senate. The list of absentees will be read first.

The Chief Clerk read as follows:

Messrs. Allison, Anthony, Bayard, Beck, Bell, Blaine, Booth, Bruce, Burnside, Butler, Cameron of Pennsylvania, Cameron of Wisconsin, Chandler, Coke, Conkling, Davis of Illinois, Davis of West Virginia, Dawes, Edmunds, Farley, Ferry, Gordon, Groome, Grover, Hamlin, Hill of Colorado, Hoar, Houston, Ingalls, Johnston, Kellogg, Kirkwood, Logan, McMillan, McPherson, Morrill, Paddock, Platt, Plumb, Ransom, Rollins, Saulsbury, Saunders, Sharon, Teller, Thurman, Vest, Voorhees, Wallace, Whyte, Williams, and Windom.

The PRESIDING OFFICER. The Secretary will now read the names of those who have been requested to appear in the Senate.

The Chief Clerk read as follows:

Messrs. Allison, Bayard, Bell, Blaine, Booth, Bruce, Burnside, Cameron of Pennsylvania, Cameron of Wisconsin, Coke, Conkling, Davis of West Virginia, Gordon, Groome, Hill of Colorado, Houston, Ingalls, Kirkwood, Logan, McMillan, Morrill, Paddock, Platt, Ransom, Rollins, Saulsbury, Saunders, Thurman, Vest, and Windom.

Mr. Anthony is absent from the city.
Mr. Beck, out of the city.
Mr. Butler, out of the city.
Mr. Chandler, no answer.
Mr. Davis, of Illinois, sick.
Mr. Dawes, sick.
Mr. Edmunds, out of the city.
Mr. Farley, out of the city.
Mr. Grover, out of the city.
Mr. Hamlin, out of the city.
Mr. Hoar, out of the city.
Mr. Johnston, sick.
Mr. Kellogg, sick.
Mr. McPherson, out of the city.
Mr. Plumb, out of the city.
Mr. Sharon, out of the city.
Mr. Teller, out of the city.
Mr. Wallace, not found.
Mr. Whyte, out of the city.
Mr. Williams, out of the city.

Mr. CONKLING. How many are "out of the city?"

The PRESIDING OFFICER. Twelve "out of the city."

Mr. SAULSBURY. I desire to say, once for all, that I have been here all night. I could not vote because I was paired with the Senator from Michigan, [Mr. FERRY.]

Mr. DAVIS, of West Virginia. Part of the Senators called have paired, and I see no note made of those who have paired and answered to the call. I suggest that there are a number—myself among them—who have not been out of the Chamber, but who have responded to every call that has taken place. I know that the Senator from Delaware [Mr. BAYARD] has been in the Chamber all the time, and yet he is down as absent. I take it the list was furnished of those who did not vote on some particular call, though they might have been in the Senate.

Mr. PADDOCK. I desire to state, so far as I am concerned, that the report is inaccurate. I have been in the Chamber or near to the Chamber—in the cloak-room possibly, but not out of hearing of the Clerk when the roll-call was being proceeded with—since yesterday at twelve o'clock noon.

Mr. PLATT. It seems to me, Mr. President, that there is some mistake about the absentees, as also about those who have been notified. I believe I have not been absent and I have not failed to respond to my name when there has been a call of the Senate. Sometimes I have not voted; but when there has been a call of the Senate I believe I have without exception responded to my name, and I certainly have no recollection of having been requested by the Sergeant-at-Arms to present myself here. There is some mistake about it, evidently.

Mr. CONKLING. I can confirm the Senator from Connecticut. I have not been requested by the Sergeant-at-Arms to attend. I have been present, however, at all times since twelve o'clock yesterday not having been out of the Capitol, and not more than a few steps away from my seat at any time. I have not been absent.

The PRESIDING OFFICER. The Senate will remember that that report which was made by the Sergeant-at-Arms and was read in full in regard to the Senators who were found in the Senate Chamber includes the names of those as well as those who were notified outside of the Senate Chamber.

Mr. CONKLING. That explains it, no doubt.

Mr. PADDOCK. It seems to me that after so elaborate and satisfactory a report from the Sergeant-at-Arms, we can now dispense with further proceedings under the call. I therefore move that all further proceedings under the call be dispensed with.

The PRESIDING OFFICER. The Senator from Nebraska moves that further proceedings under the call be dispensed with.

The motion was not agreed to.

Mr. CAMERON, of Pennsylvania, (at six o'clock and five minutes a. m.) Mr. President, it is about time, I think, to proceed to business. Therefore I move that all further proceedings under the call be dispensed with; and upon that motion I call for the yeas and nays.

Mr. WITHERS. Was not that the last motion which was acted on by the Senate?

The PRESIDING OFFICER. The Chair does not know that that would be an objection to it if it were; and the Chair does not know that it was the last motion. The Chair will look at the record, as so many motions of that kind have been made.

Mr. EATON. I suggest to my friend from Pennsylvania that while he is removing disabilities he take them all and move that all proceedings under all the calls be suspended. I would not expect to vote for it, but yet it seems to me that it would be better if he would make all his associates loyal Senators.

The PRESIDING OFFICER. The question is on the motion of the Senator from Pennsylvania, on which the yeas and nays have been demanded.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. McDONALD, (when his name was called.) I am paired with the Senator from Wisconsin, [Mr. CARPENTER.] If he were present, I should vote "nay."

The roll-call was concluded; and the result was announced—yeas 5, nays 22; as follows:

YEAS—5.

Cameron of Pa.,	Paddock,	Platt,	Saunders.
Conkling,			

NAYS—22.

Call,	Hampton,	Kernan,	Slater,
Cockrell,	Harris,	Lamar,	Vance,
Coke,	Hereford,	Maxey,	Walker,
Davis of W. Va.,	Hill of Georgia,	Morgan,	Withers.
Eaton,	Jonas,	Pendleton,	
Garland,	Jones of Florida,	Randolph,	

ABSENT—49.

Allison,	Chandler,	Ingalls,	Saulsbury,
Anthony,	Davis of Illinois,	Johnston,	Sharon,
Bailey,	Dawes,	Jones of Nevada,	Teller,
Bayard,	Edmunds,	Kellogg,	Thurman,
Beck,	Farley,	Kirkwood,	Vest,
Bell,	Ferry,	Logan,	Voorhees,
Blaine,	Gordon,	McDonald,	Wallace,
Booth,	Groome,	McMillan,	Whyte,
Bruce,	Grover,	McPherson,	Williams,
Burnside,	Hamlin,	Morrill,	Windom.
Butler,	Hill of Colorado,	Plumb,	
Cameron of Wis.,	Hoar,	Ransom,	
Carpenter,	Houston,	Rollins,	

So the motion was not agreed to.

Mr. PADDOCK, (at seven o'clock a. m.) Would it be in order to call for another report from the Sergeant-at-Arms concerning absentees?

The PRESIDING OFFICER. The Sergeant-at-Arms will report as soon as he has anything to report, the Chair presumes.

Mr. PADDOCK. If he has nothing further to report, I think we might as well dispense with further proceedings under the call. It is a long time since we have had a call of the roll.

Mr. CONKLING. Does the Senator make that motion?

Mr. PADDOCK. I move that all further proceedings under the call be dispensed with.

The motion was not agreed to.

Mr. SAUNDERS, (at seven o'clock and thirty minutes a. m.) I move that further proceedings under the call of the Senate be dispensed with.

Mr. CONKLING. On that let us have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. PADDOCK, (when his name was called.) I believe the Senator from Tennessee [Mr. BAILEY] is not present, and if he is not here I am paired with him.

The roll-call was concluded.

Mr. BURNSIDE. My colleague [Mr. ANTHONY] is paired with the Senator from Georgia, [Mr. GORDON.] If my colleague were here, he would vote "yea."

The result was announced—yeas 6, nays 16; as follows:

YEAS—6.

Burnside,	Conkling,	Platt,	Saunders.
Cameron of Pa.,	Pendleton,		

NAYS—16.

Call,	Garland,	Hill of Georgia,	Slater,
Coke,	Groome,	Jones of Florida,	Vance,
Davis of W. Va.,	Harris,	Kernan,	Vest,
Eaton,	Hereford,	Morgan,	Withers.

ABSENT—54.

Allison,	Davis of Illinois,	Jonas,	Ransom,
Anthony,	Dawes,	Jones of Nevada,	Rollins,
Bailey,	Edmunds,	Kellogg,	Saulsbury,
Bayard,	Farley,	Kirkwood,	Sharon,
Beck,	Ferry,	Lamar,	Teller,
Bell,	Gordon,	Logan,	Thurman,
Blaine,	Grover,	McDonald,	Voorhees,
Booth,	Hamlin,	McMillan,	Walker,
Bruce,	Hampton,	McPherson,	Wallace,
Butler,	Hill of Colorado,	Maxey,	Whyte,
Cameron of Wis.,	Hoar,	Morrill,	Williams,
Carpenter,	Houston,	Paddock,	Windom.
Chandler,	Ingalls,	Plumb,	
Cockrell,	Johnston,	Randolph,	

So the motion was not agreed to.

Mr. DAVIS, of West Virginia. I judge now we can have an understanding that we shall take the vote to-day. If so, I ask general consent——

Mr. CONKLING. We can have no understanding. That is not what we have staid for.

The PRESIDING OFFICER. What proposition does the Senator from West Virginia make?

Mr. DAVIS, of West Virginia. I do not make any.

Mr. MORRILL, (at nine o'clock and ten minutes a. m.) Mr. President, I have not any doubt that the Senate on each side would be willing to have this bill disposed of during the day, and I take the liberty, therefore, of moving that we adjourn at the present time. I think that reasonable men can reach some proper conclusion about the matter. I move, therefore, that the Senate adjourn.

The PRESIDING OFFICER, (Mr. VANCE in the chair.) The Senator from Vermont moves that the Senate do now adjourn.

Mr. EATON. Not unconditionally, I hope.

Mr. MORRILL. I hope the Senator from Connecticut heard what I said. I said that I had not a particle of doubt, so far as the majority on this side is concerned, that this bill can be disposed of to-day.

Mr. PLATT. I want to say that I cannot consent to any arrangement that it shall be disposed of at any particular time.

Mr. MORRILL. I do not ask that.

The PRESIDING OFFICER. The motion is not debatable.

Mr. PENDLETON. I understood the Senator from Connecticut said he would not agree to any particular time. Will he agree that it shall be done during the day?

Mr. PLATT. I cannot agree that it shall be done at any time.

Mr. EATON. Neither to-day nor to-morrow? Vote down the motion.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont, that the Senate do now adjourn.

Mr. EATON. I desire it to be distinctly understood that so far as the democratic members are concerned we have been anxious all the while that there should be an adjournment if this matter could be settled to-day or, legislatively, to-morrow. I mean the legislative day of Thursday, no matter how long that may last, whether it be ten hours, or twelve hours, or twenty hours. I think I understand my colleague. The Senator from New York [Mr. CONKLING] will not agree to this, and therefore I do not blame my colleague for what he said.

The PRESIDING OFFICER. The question is on the motion of the Senator from Vermont, that the Senate do now adjourn.

Mr. MORRILL. I hope that there will be unanimous consent to adjourn.

The motion was not agreed to.

Mr. BURNSIDE, (at nine o'clock and twenty-four minutes a. m.) I move that the Senate take a recess for one hour.

The PRESIDING OFFICER. The Senator from Rhode Island moves that the Senate take a recess for one hour.

Mr. EATON. I hope not; we have been here so long.

Mr. PENDLETON. Make it two hours if there is to be a recess.

Mr. BURNSIDE. I hope gentlemen on the other side will consent to a recess.

The PRESIDING OFFICER. The Chair thinks the motion is not in order.

Mr. BURNSIDE. Is there no method under the rules by which I can ask that Senators be sent for, so that we can have a quorum here? I think it fair that Senators be sent for and brought to the Chamber.

The PRESIDING OFFICER. The Chair will inform the Senator from Rhode Island that the Sergeant-at-Arms is now endeavoring to get Senators here. That is the order of the Senate.

Mr. BURNSIDE. I ask for a report of the Sergeant-at-Arms. Has the motion prevailed directing the Sergeant-at-Arms to bring members here?

Mr. WITHERS. No; to request their attendance.

Mr. BURNSIDE. Then I move that the Sergeant-at-Arms be directed to bring Senators to the Chamber.

The PRESIDING OFFICER. That motion is in order.

Mr. BURNSIDE. That he proceed to bring members here promptly.

Mr. WITHERS. To carry out the rule which says the attendance of absent Senators may be requested or, if necessary, directed by the Senate.

Mr. BURNSIDE. And that he use a sufficient number of deputies to bring them here promptly.

The PRESIDING OFFICER. The motion of the Senator from Rhode Island is that the Sergeant-at-Arms be directed to compel the attendance of absent members.

Mr. BURNSIDE. And that he use a sufficient force of deputies to bring them here promptly.

The PRESIDING OFFICER. That will be understood. Is the Senate ready for the question?

Mr. EATON. What is the question?

The PRESIDING OFFICER. The motion of the Senator from Rhode Island is to direct the Sergeant-at-Arms to compel the attendance of absent members.

Mr. EATON. Before the motion is acted upon we ought to know who the absent members are, and therefore I move a call of the Senate, so that we may know who the absent members are.

Mr. BURNSIDE. I accept that, with the understanding that I will renew my motion after the call of the Senate.

The PRESIDING OFFICER. That does not require a motion in the opinion of the Chair. It can be ordered by the Chair. The Secretary will call the roll of the Senate.

The Secretary proceeded to call the roll.

Mr. BURNSIDE, (when Mr. ANTHONY's name was called.) My colleague [Mr. ANTHONY] was called home yesterday by the death of a friend; otherwise he would be present.

The roll-call was concluded; and the following Senators answered to their names:

Bayard,	Garland,	Kernan,	Vance,
Bell,	Gordon,	McDonald,	Vest,
Burnside,	Groome,	Morrill,	Walker,
Call,	Harris,	Pendleton,	Wallace,
Chandler,	Hereford,	Platt,	Withers.
Coke,	Hill of Georgia,	Randolph,	
Davis of W. Va.,	Jonas,	Rollins,	
Eaton,	Jones of Florida,	Slater,	

The PRESIDING OFFICER. The roll-call exhibits twenty-nine Senators present, not a quorum.

Mr. BURNSIDE. Now, I move that those who are found absent by this roll-call be compelled to attend by the Sergeant-at-Arms, and I hope the Chair will give such instructions to him as will make him send men off in carriages to bring Senators here.

The PRESIDING OFFICER. The motion to compel the attendance of the absent Senators is now in order.

Mr. BURNSIDE. I make that motion.

The PRESIDING OFFICER. The Senator from Rhode Island moves that the Sergeant-at-Arms be directed to compel the attendance of absent members, and to use the necessary force.

Mr. BURNSIDE. When I speak of "force" I do not speak of arms, but the force of numbers, so that Senators can be reached simultaneously.

Mr. ROLLINS. You do not mean a military force.

Mr. BURNSIDE. I do not mean an armed force, but a sufficient force in number to bring them here quietly.

The PRESIDING OFFICER. All necessary force is comprehended in the term "compel attendance."

Mr. ROLLINS. Perhaps, if convenient, the Army could be used as a police force!

Mr. RANSOM entered the Chamber and his name was recorded as present.

The PRESIDING OFFICER. The question is on the motion of the Senator from Rhode Island, that the Sergeant-at-Arms be directed to compel the attendance of absent members.

Mr. ROLLINS. I move to strike out the word "compel."

Mr. BURNSIDE. We have heretofore used the word "request."

Mr. ROLLINS. That is all we can do anyway.

Mr. HEREFORD. They have been requested and do not come. There is no use in it.

Mr. ROLLINS. That is all you can do. I move to strike out "compel" and insert "request."

Mr. BURNSIDE. If the Sergeant-at-Arms will send eight or ten carriages and a man with each carriage for these Senators, he can get them here very soon. They went away last night with the understanding that if certain members here would stand guard they would be here at a reasonable hour in the morning. I want those Senators brought here now. I want the understanding carried out.

The PRESIDING OFFICER. The question is not debatable.

Mr. ROLLINS. Allow me to suggest that when the Sergeant-at-Arms finds the Senators all he can do then is to request their attendance. He will not be able to compel them to attend.

Mr. BURNSIDE. Yes, he will.

The PRESIDING OFFICER. The question is on the amendment of the Senator from New Hampshire to the motion of the Senator from Rhode Island to strike out the word "compel" and insert "request."

Mr. THURMAN. In my judgment the best thing we can do is to get on as quietly as we can until Senators get their breakfasts and they will then come in a good humor. If you send for them now, they will come in a bad humor. I think the best thing is not to pass the resolution at all.

Mr. BURNSIDE. It is time they all had their breakfast; it is half past nine o'clock.

Mr. THURMAN. Oh, no; they have not. They left here so late that many of them have not had their breakfasts yet.

Mr. BURNSIDE. All Senators have not the luxurious habits of the Senator from Ohio.

Mr. THURMAN. The Senator from Ohio did not go to bed at all.

Mr. BURNSIDE. I have been called at my house at one o'clock by the Sergeant-at-Arms, and told that I was required to be at the Senate Chamber, and under an order to compel Senators' attendance. I obeyed the order of the Sergeant-at-Arms. I do not see why we cannot make Senators come. We shall not have a quorum at twelve o'clock unless we do something of this kind. I do not see why we should not try the experiment.

Mr. HEREFORD. I suggest to the Senator from Rhode Island that the difficulty is not that the Senators are not here, but that they will not vote although sitting in their seats. That is the trouble. If the Senator will compel his political friends, or induce those who act in harmony with him, to vote when they are in their seats, then the proper legislation can be carried on. It is now nearly the 1st day of July, when the regular appropriations fall, and the democratic party on this floor has been striving all night to carry out these appropriations and not stop the Government; yet the Senators on the opposite side of the Chamber have sat in their seats all night time after

time and time after time, and hour after hour when their names have been called have not answered but have declined to vote. The trouble is not that they are not here, but the trouble is that they will not vote.

Mr. BURNSIDE. It has been in the power of the majority to adjourn ever since a reasonable hour for adjournment was reached yesterday afternoon; and in view of the fact that they occupied the entire day of yesterday, or nearly so, it would have been proper and just in them to have adjourned when that time arrived. Then we could have met here to-day at twelve o'clock and gone on with the bill without any delay whatever, and the republicans would have voted as occasion required; but they did not care to go on with the understanding that they would be compelled to vote upon the bill to-day, whether the debate was finished or not. I do not think there is any question as to which side of the Chamber justice rests in this case. There is no question about it in my mind.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from New Hampshire to strike out the word "compel" and insert the word "request."

The amendment was rejected; there being on a division—ayes 7, noes 16.

Mr. ROLLINS. Is there a quorum?

The PRESIDENT *pro tempore*. No quorum is necessary, it being a question of compelling the attendance of absent members. The question is on the motion of the Senator from Rhode Island, that the Sergeant-at-Arms be directed to compel the attendance of absent members.

The motion was agreed to.

The PRESIDENT *pro tempore*. The Sergeant-at-Arms will proceed to execute the order.

Mr. CONKLING. Mr. President, I understand that during a few moments' absence from the Senate there was a call of the Senate, under what rule I cannot conceive, but that is not important.

The PRESIDENT *pro tempore*. The Chair cannot answer, for the Chair was not in himself.

Mr. CONKLING. I address the Chair merely to report myself as both here and present, and not absent.

Mr. WITHERS, (at eleven o'clock and fifty minutes a. m.) I rise to make a parliamentary inquiry. If the Senate adjourns before twelve o'clock to-day, will the legislative day of Thursday commence at twelve o'clock?

The PRESIDENT *pro tempore*. Certainly it will.

Mr. WITHERS. Then I move that the Senate do now adjourn.

Mr. CONKLING. On that I demand the yeas and nays.

The PRESIDENT *pro tempore*. Is there a second? There is not a sufficient number up.

Mr. CONKLING. Oh, yes, if the Chair will count.

The PRESIDENT *pro tempore*. There were but two Senators who rose to second the call. The Chair will count again.

Mr. DAVIS, of West Virginia. It requires one-fifth of the Senators present.

The PRESIDENT *pro tempore*. The Chair can only make six up.

Mr. CONKLING. I ask that the other side be counted, if the Chair thinks one-fifth have not risen.

The PRESIDENT *pro tempore*. It is obvious to the Chair that there are not one-fifth. The question is on the motion of the Senator from Virginia that the Senate adjourn.

The motion was agreed to; and (at eleven o'clock and fifty-one minutes a. m., Thursday, June 19, 1879,) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June* 18, 1879.

The House met at twelve o'clock m. Prayer by Rev. DAVID WILLS, D. D.

The Journal of yesterday was read.

CORRECTION.

Mr. DIBRELL. I am recorded as not voting on the motion to adjourn yesterday evening. I was present and voted "no."

The SPEAKER. The correction will be made.

The Journal was then approved.

CONWAY NATIONAL BANK.

Mr. NORCROSS, by unanimous consent, introduced a bill (H. R. No. 2329) authorizing the Conway National Bank, of Conway, Massachusetts, to change its location and name; which was read a first and second time, referred to the Committee on Banking and Currency, and ordered to be printed.

ADDITIONAL POST-ROUTES.

Mr. DAVIDSON. I ask unanimous consent to take from the Speaker's table, for consideration at this time, Senate bill No. 697, to establish additional post-roads in the State of Florida.

Mr. DAVIS, of North Carolina. I desire to offer an amendment to the bill.

Mr. McMILLIN. I have an amendment to offer.

Mr. CONGER. There may be other gentlemen who would like to have additional routes inserted in this bill.

The SPEAKER. The Chair will hear them.

Mr. CONGER. I would suggest that if the bill could be referred to the Committee on the Post-Office and Post-Roads those who desire additional post-routes could have them inserted in the bill, and there would be no objection to the committee reporting the bill at any time.

The SPEAKER. The adoption of the suggestion of the gentleman from Michigan [Mr. CONGER] would, the Chair thinks, facilitate business.

Mr. ACKLEN. There are some routes which I would like included in the bill.

Mr. STONE. The Committee on the Post-Office and Post-Roads have already during the present session reported two post-route bills; but there is no objection, I suppose, to their reporting another.

The SPEAKER. The Chair is aware of what the gentleman from Michigan [Mr. STONE] states; still, the suggestion of the gentleman from Michigan [Mr. CONGER] seems to the Chair a good one.

Mr. CONGER. I would like to insert a route in this bill; but I have not the data here now.

The SPEAKER. It had better be understood that the Committee on the Post-Office and Post-Roads shall have leave to report back the bill at any time; and gentlemen who wish to submit amendments which they have prepared had better send them to the committee at once.

Mr. STONE. If gentlemen who desire routes inserted in the bill will send them directly to the clerk of our committee, their propositions will be attended to.

Mr. DAVIDSON. If the committee is to have another meeting during this session, I have no objection to the reference of the bill.

The SPEAKER. It is understood that the committee shall have leave to report at any time; and there is no danger of the bill failing in the House.

Mr. TOWNSHEND, of Illinois. Why should we not pass this bill with the amendments now proposed, and let the committee report an additional bill if it be necessary?

Mr. CONGER. Let the bill be sent to the committee, and let amendments be sent to the Clerk, as my colleague [Mr. STONE] suggests.

Mr. TOWNSHEND, of Illinois. It will be just as easy to get up a new bill for additional routes as to send this bill to the committee for the purpose of having them included.

Mr. DAVIDSON. Having been assured by the gentleman from South Carolina [Mr. EVINS] that there will be another meeting of the committee and that this bill will be reported, I consent to the reference of the bill.

The SPEAKER. The bill will be referred to the Committee on the Post-Office and Post-Roads, with leave to report it back at any time, and gentlemen who desire post-routes inserted are requested to send them promptly to the clerk of the committee.

C. R. FAULKNER.

Mr. BARBER, by unanimous consent, reported from the Committee of Claims a joint resolution (H. R. No. 103) to pay C. R. Faulkner $32.50, in full for services as messenger in the Forty-fifth Congress; which was read a first and second time, referred to the Committee of the Whole on the Private Calendar, and, with the accompanying report, ordered to be printed.

PORTRAITS, ETC., FROM BUREAU OF ENGRAVING AND PRINTING.

Mr. HAYES. I ask unanimous consent that the bill (H. R. No. 1989) relating to printing impressions from portraits and vignettes be taken from the Speaker's table, for the purpose of concurring in the amendment of the Senate. The Senate has adopted a substitute for the bill.

Mr. BUCKNER. I object to any other disposition of this bill than a reference of it to the Committee on Banking and Currency.

Mr. HAYES. The Committee on Printing have considered the subject, and are unanimous in favor of immediate action.

Mr. BUCKNER. The bill refers to what shall be done with dies and plates in the Bureau of Engraving. It ought to be considered by the Committee on Banking and Currency, not by the Committee on Printing.

Mr. HAYES. I cannot see what the Committee on Banking and Currency has to do with the question.

The SPEAKER. The amendment of the Senate will be read, after which there will be opportunity for objection.

The Clerk read as follows:

Strike out all after the enacting clause and insert the following:

That the Secretary of the Treasury, at the request of a Senator, Representative, or Delegate in Congress, the head of a Department or bureau, art association, or library, be, and he is hereby, authorized to furnish impressions from any portrait or vignette which is now or may hereafter be a part of the engraved stock of the Bureau of Engraving and Printing, at such rates and under such conditions as he may deem necessary to protect the public interests.

The SPEAKER. Is there objection?

Mr. HAYES. The gentleman from Missouri [Mr. BUCKNER] had better not object. This is substantially the same proposition that passed the House a few days ago.

Mr. BUCKNER. I object to any other disposition of the bill than its reference to the Committee on Banking and Currency.

The SPEAKER. The gentleman cannot qualify his objection in that way.

Mr. BUCKNER. Well, I object absolutely.

SURVEY OF CHINCOTEAGUE INLET.

Mr. BEALE, by unanimous consent, reported from the Committee on Commerce a bill (H. R. No. 2330) to correct the reading of an act making appropriations for the construction, repair, preservation, and completion of certain works on rivers and harbors, and for other purposes, approved March 3, 1879; which was read a first and second time.

Mr. BEALE. I ask consent that this bill be considered and acted on now.

The bill was read. It provides that so much of the act named in the title as provides for the survey of Chincoteague Inlet, in the State of Virginia, be corrected so as to read "the channel from the wharf at Franklin to the island of Chincoteague, in the county of Accomac, in the State of Virginia."

Mr. BEALE. The purpose of this bill is simply to correct a misdescription of the place which is to be surveyed.

There being no objection, the bill was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. BEALE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The Chair suggests that the title of this bill be amended so as to read, "A bill to correct an error in the act," &c.

Mr. BEALE. I have no objection to that.

The SPEAKER. The title will be modified accordingly.

Mr. DUNNELL. I suggest a further amendment of the title. The date "March 4, 1879," should be "March 3, 1879," which the date of the approval of the act referred to.

The SPEAKER. If there be no objection the word "four" in reference to date will be struck out and "three" inserted.

There being no objection, the title was modified accordingly.

MICHAEL MEENAN.

Mr. MARTIN, of Delaware, by unanimous consent, introduced a bill (H. R. No. 2331) granting pensions to the widow and minor children of Michael Meenan, deceased; which was read a first and second time, and referred to the Committee on Invalid Pensions.

PENSIONERS UNDER SPECIAL ACTS.

Mr. NEAL. I ask unanimous consent, Mr. Speaker, to introduce for consideration at this time a joint resolution (H. R. No. 104) defining the meaning of section 2 of the act entitled "An act making appropriations for the payment of arrears of pensions granted by act of Congress approved January 25, 1879."

The SPEAKER. The joint resolution will be read, and the Chair will then ask for objection.

The Clerk read as follows:

Whereas doubts have arisen as to the proper construction of the second section of the above-recited act in this, to wit, whether it extends to and includes persons placed upon the pension-rolls by virtue of special acts of Congress: Therefore, to remove all doubts in this respect,

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That said section of said act of Congress shall be so construed and defined as to include within its provisions and entitled to its benefits all persons who may have been or who may hereafter be placed upon the pension-rolls by virtue of any special act of Congress by reason of wounds or injuries received or of disease contracted in the military service of the United States since the 4th day of March, 1861, or because of the death of any person while in said service.

There was no objection; and the joint resolution was received, read a first and second time, ordered to be engrossed and read a third time, and being engrossed, it was accordingly read the third time, and passed.

Mr. NEAL moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ALTERATION IN THE HOUSE WING.

Mr. KIMMEL. I am directed, Mr. Speaker, to report from the select Committee on Ventilation a resolution authorizing a change in the plan of the House, and to ask for its consideration at this time.

The SPEAKER. The resolution will be read, and the Chair will then ask for objection.

The Clerk read as follows:

Resolved, That the Speaker be, and he is hereby, authorized to make such change in the accommodations for committees and officers of the House as are rendered necessary by the alterations of the House and the rooms in the south wing of the Capitol provided for by the last Congress; and that he be, and is hereby, authorized to assign the reception-room of the House to the Committee on Appropriations, and to cause a door to be cut through the eastern wall of said room into the adjoining corridor for the accommodation of said committee: *Provided*, These changes can be made without interfering with the plans already adopted, and in accordance with existing laws in regard to the ventilation of the Hall of the House: *Provided also*, That in making connection between the reception-room and the room of the Committee on Appropriations no material obstruction shall be made to the admission of light and air into the corridor.

Mr. KIMMEL. I ask, Mr. Speaker, for the passage of the resolution.

Mr. WRIGHT. I rise for the purpose of moving an amendment.

The SPEAKER. Does the gentleman from Maryland yield for that purpose?

Mr. KIMMEL. I do.

Mr. CONGER. I object to the consideration of this if it is to be amended to include other matters.

The SPEAKER. The gentleman from Michigan objects unless the previous question is called.

Mr. COX. He cannot object conditionally.

The SPEAKER. The Chair knows that, but the gentleman makes his objection absolute, and for the information of the gentleman from Maryland the Chair thought proper to state the fact in manner as he did.

Mr. CONGER. If I can withhold my objection I will do so until after the reading of the amendment for information.

The SPEAKER. The amendment will be read.

Mr. KENNA. Let the amendment be read, and then let us have a right to object to the consideration of the whole subject.

Mr. WRIGHT. I offer the following amendment.

The Clerk read as follows:

Provided also, That the Committee on Public Buildings and Grounds be directed to consider the question of an elevator for the House of Representatives, and report by bill or otherwise.

Mr. CONGER. There is no objection to that.

Mr. WRIGHT. I hope the gentleman will accept that.

Mr. KIMMEL. I do.

The House divided; and there were—ayes 64, noes 21.

Mr. REAGAN. The amendment is a resolution which goes properly to the Committee on Public Buildings and Grounds. I suggest they should be considered separately.

The SPEAKER. The amendment is not germane, and would be out of place.

Mr. KENNA. That is the point the gentleman from Texas makes. I do not antagonize the resolution or any part of it, but I think the point of the gentleman from Texas is well taken. I suggest by unanimous consent the amendment offered by the gentleman from Pennsylvania and adopted be acted on separately.

The SPEAKER. The amendment of the gentleman from Pennsylvania merely provides for an inquiry into the expediency of having an elevator in this portion of the Capitol. If there be no objection the amendment offered by the gentleman from Pennsylvania will be withdrawn.

Mr. WRIGHT. I withdraw it with the understanding that I will be permitted hereafter to offer it as a distinct proposition.

There was no objection.

The resolution as reported by the committee was adopted.

Mr. KIMMEL moved to reconsider the vote by which the resolution was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

Mr. WRIGHT. I now offer the following resolution:

Resolved, That the Committee on Public Buildings and Grounds be directed to consider the question of an elevator for the House of Representatives and report by bill or otherwise.

The resolution was adopted.

ORDER OF BUSINESS.

Mr. DUNNELL. I ask unanimous consent to introduce at this time a bill for reference to the Committee on Public Lands.

Mr. SAMFORD. I call for the regular order.

The SPEAKER. Does the gentleman from Alabama object to the introduction of the bill of the gentleman from Minnesota?

Mr. SAMFORD. I do not know what it is. In this part of the Hall we do not hear what is going on.

Mr. SPARKS. I demand the regular order.

OFFICIAL CONTRIBUTIONS FOR POLITICAL PURPOSES.

The SPEAKER. The regular order being demanded, the morning hour begins at twenty-five minutes before one o'clock. The unfinished business of the morning hour is the bill (H. R. No. 2266) to prohibit Federal officers, claimants, and contractors from making contributions for political purposes. The pending question is the demand of the gentleman from Indiana [Mr. HOSTETLER] for the previous question on agreeing to the substitute recommended by the committee.

Mr. GARFIELD. In the debate yesterday on this bill I arose and addressed the Chair desiring to make some remarks. As an hour was granted to the other side, extended to nearly two hours, I should be glad to have the opportunity of making some remarks in reply.

Mr. HOSTETLER. Mr. Speaker, I should be very glad to extend to the gentleman from Ohio the courtesy which he asks. We have, however, twice made propositions to the gentlemen on the other side to make a special order for the consideration of this bill or to have it referred to the Committee of the Whole for consideration and for amendment. As yet that proposition has been refused, and I cannot consent to a discussion of this bill until some arrangement can be had by which we can come to a vote on this question. Whenever such an arrangement is made, I will agree to give to the gentlemen on the other side the fullest time necessary for the discussion and perfecting of this bill; but if such arrangement cannot be made, I shall have to insist on the demand for the previous question.

Mr. CLARK, of Missouri. That is right.

Mr. HAYES. The friends of this bill have had nearly two hours to discuss it; why should not we on this side, those who oppose the bill, have at least one hour?

Mr. HOSTETLER. In answer to the gentleman from Illinois I have this to say: that the gentleman from Maryland [Mr. McLANE] yesterday rose for the purpose of seeing whether an arrangement could not be made with the gentlemen on the other side with reference to this bill. It was thereupon denounced as an infamous bill and an insult to the other side, and it was stated that on that account no courtesy should be extended or arrangement entered into with regard to it. The gentleman from Maryland went on and gave an explanation designed to show that it was not the kind of bill intimated by the gentleman from Michigan.

Mr. CONGER. And failed to do it.

Mr. HOSTETLER. Failed to do it! Is the gentleman so blind that he cannot see?

The SPEAKER. The Chair understands the gentleman from Indiana to offer that discussion shall be permitted if a time shall be fixed for voting on the bill.

Mr. HOSTETLER. Whenever a time is fixed for the consideration of this bill in Committee of the Whole, or a day appointed when the bill can be considered in the House, and from day to day until disposed of, and a time fixed when the vote shall be taken, then the gentlemen on the other side can have all the time they want.

Mr. CONGER. I will say in reply to that, having spoken for this side of the House before, and I believe to their satisfaction, that we have offered to fix a day in January next when we would consider the subject.

Mr. HOSTETLER. I demand the previous question.

Mr. HOUK. I desire to ask the gentleman from Indiana a question.

Mr. HOSTETLER. I insist on the demand for the previous question.

Mr. CONGER. I demand the regular order.

The SPEAKER. The regular order is the demand for the previous question.

The question being taken on seconding the demand for the previous question, there were ayes 80, noes none.

Mr. CONGER. A quorum has not voted.

Mr. HOSTETLER. Was the gentleman from Michigan who makes the point that a quorum has not voted present when the vote was taken?

The SPEAKER. There is no record of the vote.

Mr. CONGER. I call for the regular order. The gentleman from Indiana is interfering with the business.

The SPEAKER. A quorum not having voted the Chair will order tellers; and appoints the gentleman from Michigan, Mr. McGOWAN, and the gentleman from Indiana, Mr. HOSTETLER.

The House again divided; and the tellers reported ayes 84, noes none.

Mr. CONGER. A quorum has not voted.

The SPEAKER. A quorum not having voted there are but two motions in order under the rules; a motion to adjourn and a motion for a call of the House.

Mr. BREWER. I move that we adjourn. There is evidently not a quorum here. We cannot do any business.

The question was taken on the motion to adjourn, and there were—ayes 27, noes 70.

Mr. CONGER. I call for the yeas and nays.

The yeas and nays were ordered, (forty-five members voting therefor.)

The question was taken; and there were—yeas 19, nays 161, not voting 106; as follows:

YEAS—19

Baker,	Daggett,	Hammond, John	Osmer,
Butterworth,	Deering,	Harmer,	Smith, A. Herr
Calkins,	Dunnell,	Hayes,	Thomas,
Carpenter,	Errett,	Henderson,	Updegraff, Thomas.
Cowgill,	Farr,	Mason,	

NAYS—161.

Acklen,	Covert,	Henkle,	Martin, Joseph J.
Aiken,	Cox,	Henry,	McCook,
Aldrich, N. W.	Crapo,	Herbert,	McKenzie,
Aldrich, William	Cravens,	Herndon,	McKinley,
Armfield,	Culberson,	Hill,	McLane,
Bachman,	Davidson,	Hooker,	McMillin,
Barber,	Davis, George R.	Horr,	Miller,
Beale,	Davis, Joseph J.	Hostetler,	Mills,
Beltzhoover,	De La Matyr,	Houk,	Monroe,
Bicknell,	Deuster,	House,	Morrison,
Bingham,	Dibrell,	Hull,	Morton,
Blackburn,	Elam,	Humphrey,	Murch,
Bouck,	Evins,	Hunton,	Myers,
Brewer,	Felton,	Hurd,	Neal,
Briggs,	Ferdon,	Johnston,	New,
Browne,	Finley,	Jones,	Norcross,
Buckner,	Fisher,	Joyce,	Orth,
Burrows,	Ford,	Keifer,	Overton,
Caldwell,	Forney,	Kenna,	Persons,
Caswell,	Forsythe,	Kimmel,	Phelps,
Claflin,	Fort,	King,	Phister,
Clardy,	Garfield,	Klotz,	Poehler,
Clark, John B.	Goode,	Lapham,	Price,
Clymer,	Gunter,	Le Fevre,	Reagan,
Cobb,	Hammond, N. J.	Lounsbery,	Richardson, D. P.
Coffroth,	Harris, Benj. W.	Lowe,	Richmond,
Colerick,	Haskell,	Manning,	Robinson,
Conger,	Hatch,	Marsh,	Rothwell,
Converse,	Hawk,	Martin, Benj. F.	Russell, W. A.
Cook,	Hazelton,	Martin, Edward L.	Ryan, Thomas
Samford,	Springer,	Upson,	Wellborn,
Sapp,	Steele,	Urner,	Wells,
Sawyer,	Stephens,	Van Aernam,	Whitthorne,
Scales,	Stevenson,	Vance,	Williams, C. G.
Shallenberger,	Taylor,	Voorhis,	Williams, Thomas
Shelley,	Thompson,	Waddill,	Willis,
Sherwin,	Tillman,	Wait,	Willits,
Simonton,	Townshend, R. W.	Ward,	Wright.
Singleton, O. R.	Turner, Oscar	Warner,	
Slemons,	Tyler,	Washburn,	
Sparks,	Updegraff, J. T.	Weaver,	

NOT VOTING—106.

Anderson,	Dickey,	Lay,	Ross
Atherton,	Dunn,	Lewis,	Russell, Daniel L.
Atkins,	Dwight,	Lindsey,	Ryon, John W.
Bailey,	Einstein,	Loring,	Singleton, J. W.
Ballou,	Ellis,	McCoid,	Smith, Hezekiah B.
Barlow,	Ewing,	McGowan,	Smith, William E.
Bayne,	Field,	McMahon,	Speer,
Belford,	Frost,	Miles,	Starin,
Blake,	Frye.	Mitchell,	Stone,
Bland,	Geddes,	Money,	Talbott,
Bliss,	Gibson,	Morse,	Townsend, Amos
Blount,	Gillette,	Muldrow,	Tucker,
Bowman,	Godshalk,	Muller,	Turner, Thomas
Boyd,	Hall,	Newberry,	Valentine,
Bragg,	Harris, John T.	Nicholls,	Van Voorhis,
Brigham,	Hawley,	O'Brien,	White,
Bright,	Heilman,	O'Connor,	Whiteaker,
Cabell,	Hiscock,	O'Neill,	Wilber,
Camp,	Hubbell,	O'Reilly,	Wilson,
Cannon,	James,	Pierce,	Wise,
Carlisle,	Jorgensen,	Pound,	Wood, Fernando
Chalmers,	Kelley,	Prescott,	Wood, Walter A.
Chittenden,	Ketcham,	Reed,	Yocum,
Clark, Alvah A.	Killinger,	Rice,	Young, Casey
Crowley,	Kitchin,	Richardson, J. S.	Young, Thomas L.
Davis, Loundes H.	Knott,	Robertson,	
Dick,	Ladd,	Robeson,	

So the House refused to adjourn.

During the roll-call the following announcements were made:

Mr. HENRY. My colleague, Mr. TALBOTT, is paired with Mr. BALLOU, of Rhode Island.

Mr. SMITH, of Georgia. I am paired with Mr. WILBER, of New York.

Mr. MANNING. Mr. YOUNG, of Tennessee, is paired with Mr. LORING, of Massachusetts. My colleague, Mr. MONEY, is absent by leave of the House, and is paired with Mr. STARIN, of New York.

Mr. SLEMONS. My colleague, Mr. DUNN, is absent on account of sickness.

Mr. MULDROW. I am paired with the gentleman from New York, Mr. DWIGHT.

Mr. KENNA. My colleague, Mr. WILSON, is still absent on account of sickness in his family, and is paired with Mr. REED, of Maine.

Mr. BAKER. Mr. HAWLEY, of Connecticut, is paired with Mr. GIBSON, of Louisiana.

Mr. DAVIS, of North Carolina. My colleague, Mr. KITCHIN, is paired with Mr. RICE, of Massachusetts.

Mr. CALDWELL. My colleague, Mr. CARLISLE, is paired with Mr. BAILEY, of New York.

Mr. STEVENSON. Mr. LADD, of Maine, is paired with his colleague, Mr. LINDSEY.

Mr. PHISTER. My colleague, Mr. THOMAS TURNER, is absent by leave of the House, and is paired with Mr. WHITE, of Pennsylvania. My colleague, Mr. KNOTT, is absent by reason of sickness, and is paired with Mr. FRYE, of Maine. If present, both of my colleagues would vote "no."

Mr. AIKEN. My colleague, Mr. RICHARDSON, is paired with Mr. CAMP, of New York.

Mr. SAWYER. My colleague, Mr. DAVIS, is paired with Mr. McCOID, of Iowa.

Mr. HUNTON. My colleagues, Mr. CABELL and Mr. TUCKER, are paired respectively with Mr. FISHER, of Pennsylvania, and Mr. LAPHAM, of New York.

Mr. TOWNSHEND, of Illinois. My colleague, Mr. SINGLETON, is paired with Mr. MILES, of Connecticut.

Mr. EVINS. My colleague, Mr. O'CONNOR, is detained from the House by sickness.

Mr. SINGLETON, of Mississippi. My colleague, Mr. CHALMERS, is absent by leave of the House, and is paired with Mr. VAN VOORHIS, of New York.

Mr. KING. My colleague, Mr. GIBSON, is paired with Mr. HAWLEY, of Connecticut.

Mr. WAIT. My colleague, Mr. MILES, is paired with Mr. SINGLETON, of Illinois.

Mr. COVERT. My colleague, Mr. FERNANDO WOOD, is paired with Mr. ROBESON, of New Jersey, and my colleague, Mr. MULLER, is paired with Mr. HEILMAN, of Indiana.

Mr. FISHER. My colleague, Mr. DICK, is paired with Mr. LAY, of Missouri.

Mr. HUMPHREY. My colleague, Mr. POUND, is paired with Mr. DUNN, of Arkansas.

Mr. ROSS. I am paired with my colleague, Mr. BRIGHAM.

The result of the vote was then announced as above stated.

The SPEAKER. The question recurs upon seconding the demand for the previous question on the pending bill.

The question was taken; and upon a division there were ayes 66, noes none.

Mr. CONGER. No quorum has voted.

Tellers were ordered; and Mr. HOSTETLER and Mr. HUMPHREY were appointed.

The House again divided; and the tellers reported that there were ayes 57, noes none.

Mr. CONGER. No quorum has voted.

The SPEAKER. The point of order is made that no quorum has voted. The only motion now in order is a motion for a call of the House or to adjourn.

Mr. STEPHENS. I move that there be a call of the House.

Mr. CALKINS. Pending that motion, I move that the House now adjourn.

Mr. STEPHENS. I call for the yeas and nays on the motion to adjourn.

The yeas and nays were ordered.

The question was taken; and there were—yeas 9, nays 169, not voting 108; as follows:

YEAS—9.

Aldrich, William	Butterworth,	De La Matyr,	Hammond, John
Brewer,	Carpenter,	Dunnell,	Updegraff, Thomas.
Browne,			

NAYS—169.

Acklen,	Elam,	Klotz,	Sawyer,
Aiken,	Errett,	Lapham,	Scales,
Armfield,	Evins,	Le Fevre,	Shallenberger,
Atkins,	Ewing,	Lounsbery,	Shelley,
Bachman,	Farr,	Lowe,	Sherwin,
Baker,	Felton,	Manning,	Simonton,
Barber,	Ferdon,	Marsh,	Singleton, O. R.
Beale,	Finley,	Martin, Benj. F.	Slemons,
Beltzhoover,	Fisher,	Martin, Edward L.	Smith, A. Herr
Bicknell,	Ford,	Martin, Joseph J.	Sparks,
Blackburn,	Forney,	Mason,	Springer,
Blake,	Forsythe,	McCoid,	Steele,
Blount,	Gillette,	McGowan,	Stephens,
Bouck,	Godshalk,	McKenzie,	Stevenson,
Briggs,	Goode,	McLane,	Taylor,
Bright,	Gunter,	McMillin,	Thomas,
Buckner,	Hammond, N. J.	Miller,	Thompson,
Burrows,	Harmer,	Monroe,	Tillman,
Caldwell,	Harris, Benj. W.	Morrison,	Townshend, R. W.
Calkins,	Haskell,	Morton,	Turner, Oscar
Cannon,	Hatch,	Murch,	Tyler,
Caswell,	Hawk,	Myers,	Updegraff, J. T.
Claflin,	Hayes,	Neal,	Upson,
Clardy,	Henkle,	New,	Urner,
Clark, John B.	Henry,	Nicholls,	Van Aernam,
Clymer,	Herbert,	Norcross,	Vance,
Cobb,	Herndon,	Orth,	Waddill,
Coffroth,	Hill,	Osmer,	Wait,
Colerick,	Hooker,	Overton,	Ward,
Conger,	Horr,	Persons,	Warner,
Converse,	Hostetler,	Phelps,	Washburn,
Cook,	Houk,	Phister,	Weaver,
Covert,	House,	Poehler,	Wellborn,
Cowgill,	Hull,	Price,	Wells,
Crapo,	Humphrey,	Richardson, D. P.	Whitthorne,
Cravens,	Hunton,	Richmond,	Williams, Thomas
Daggett,	Hurd,	Robinson,	Willis,
Davidson,	Jones,	Rothwell,	Willits,
Davis, George R.	Jorgensen,	Russell, W. A.	Wise,
Davis, Joseph J.	Joyce,	Ryan, Thomas	Wright.
Deering,	Keifer,	Ryon, John W.	
Deuster,	Kenna,	Samford,	
Dibrell,	King,	Sapp,	

NOT VOTING—108.

Aldrich, N. W.	Dunn,	Ladd,	Robertson,
Anderson,	Dwight,	Lay,	Robeson,
Atherton,	Einstein,	Lewis,	Ross,
Bailey,	Ellis,	Lindsey,	Russell, Daniel L.
Ballou,	Field,	Loring,	Singleton, J. W.
Barlow,	Fort,	McCook,	Smith, Hezekiah B.
Bayne,	Frost,	McKinley,	Smith, William E.
Belford,	Frye,	McMahon,	Speer,
Bingham,	Garfield,	Miles,	Starin,
Bland,	Geddes,	Mills,	Stone,
Bliss,	Gibson,	Mitchell,	Talbott,
Bowman,	Hall,	Money,	Townsend, Amos
Boyd,	Harris, John T.	Morse,	Tucker,
Bragg,	Hawley,	Muldrow,	Turner, Thomas
Brigham,	Hazelton,	Muller,	Valentine,
Cabell,	Heilman,	Newberry,	Van Voorhis,
Camp,	Henderson,	O'Brien,	Voorhis,
Carlisle,	Hiscock,	O'Connor,	White,
Chalmers,	Hubbell,	O'Neill,	Whiteaker,
Chittenden,	James,	O'Reilly,	Wilber,
Clark, Alvah A.	Johnston,	Pierce,	Williams, C. G.
Cox,	Kelley,	Pound,	Wilson,
Crowley,	Ketcham,	Prescott,	Wood, Fernando
Culberson,	Killinger,	Reagan,	Wood, Walter A.
Davis, Lowndes H.	Kimmel,	Reed,	Yocum,
Dick,	Kitchin,	Rice,	Young, Casey
Dickey,	Knott,	Richardson, J. S.	Young, Thomas L.

So the motion to adjourn was not agreed to.

During the roll-call the following announcements were made:

Mr. SMITH, of Georgia. I am paired with the gentleman from New York, Mr. WILBER. If he were present, I should vote "no."

Mr. MULDROW. I am paired with the gentleman from New York, Mr. DWIGHT. My colleague, Mr. MONEY, is paired with the gentleman from Michigan, Mr. STONE.

Mr. SAWYER. My colleague, Mr. DAVIS, of Missouri, is paired with the gentleman from Iowa, Mr. MCCOID.

Mr. DAVIS, of North Carolina. My colleague, Mr. KITCHIN, is paired with the gentleman from Massachusetts, Mr. RICE.

Mr. KENNA. My colleague, Mr. WILSON, is necessarily absent on account of sickness in his family, and is paired with the gentleman from Maine, Mr. REED.

Mr. AIKEN. My colleague from South Carolina, Mr. RICHARDSON, is paired with the gentleman from New York, Mr. CAMP. My colleague, Mr. O'CONNOR, is absent on account of sickness.

Mr. WAIT. My colleague, Mr. MILES, is paired with the gentleman from Illinois, Mr. SINGLETON, both gentlemen being absent by leave of the House. The gentleman from Massachusetts, Mr. MORSE, is paired with the gentleman from Pennsylvania, Mr. KELLEY.

Mr. BRIGGS. My colleague, Mr. HALL, is paired with the gentleman from Georgia, Mr. SPEER.

Mr. HARRIS, of Massachusetts. My colleague, Mr. LORING, is paired with the gentleman from Tennessee, Mr. YOUNG.

Mr. STONE. I am paired on all questions with the gentleman from Mississippi, Mr. MONEY. The gentleman from New York, Mr. STARIN, is paired with the gentleman from New Jersey, Mr. CLARK.

Mr. TOWNSHEND, of Illinois. The gentleman from New York, Mr. MULLER, is paired with the gentleman from Indiana, Mr. HEILMAN.

The result of the vote was announced as above stated.

The SPEAKER. The morning hour has expired.

Mr. STEPHENS withdrew the motion for a call of the House.

ORDER OF BUSINESS.

The SPEAKER. The Chair recognizes the gentleman from Georgia, [Mr. STEPHENS.]

Mr. STEPHENS. I am instructed by the Committee on Coinage, Weights, and Measures——

Mr. HERBERT. Mr. Speaker, does the jury bill come up next?

The SPEAKER. The unfinished business coming over from yesterday is the bill (S. No. 375) in relation to juries and to repeal sections 801, 820, 821, and part of 800 of the Revised Statutes of the United States.

Mr. STEPHENS. That bill does not take precedence of a privileged report from the Committee on Coinage, Weights, and Measures.

The SPEAKER. The gentleman from Georgia takes the floor under a recent rule to make a report from the Committee on Coinage, Weights, and Measures. The Chair will cause the rule to be read.

The Clerk read as follows:

That the Committees of Ways and Means, Banking and Currency, and Coinage, Weights, and Measures shall have leave to report at any time; and on motion of any member a majority of the House may fix a day for the consideration of any public bill reported by either of said committees; and the House may continue the consideration of such bill from day to day until disposed of.

The SPEAKER. Under the letter as well as the spirit of this rule the Chair thinks that the Committee on Coinage, Weights, and Measures have the right to report at this time. Otherwise the rule would be nugatory, and would fail of execution. The Chair follows the rule of construction laid down in standard authorities as to the construction of statutes, namely, that a statute must be construed as a whole, so as to make it harmonize if possible and give a reasonable and practical construction. In this instance any other construction would make the amended rule inoperative and ineffective, and in accordance with the general law of construction the Chair accepts the latest expression of the House on this point. The gentleman from Georgia is therefore recognized to make a report from that committee.

Mr. COLERICK. I ask the gentleman from Georgia to yield a moment in order that I may make a report from the Committee of Elections.

Mr. STEPHENS. I yield for that purpose.

The SPEAKER. The Chair is advised that the gentleman from Massachusetts [Mr. FIELD] and the gentleman from Indiana [Mr. COLERICK] desire to make reports from the Committee of Elections, which, the Chair is advised, will occupy but a few minutes. The gentleman from Georgia, as the Chair understands, yields for this purpose.

ELECTION CONTEST—BISBEE VS. HULL.

Mr. FIELD. I am directed by the Committee of Elections to report the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That thirty days' additional time be granted to contestee in the case of Bisbee *vs.* Hull to take additional evidence in the case, to begin July 8, 1879, and that fifteen days' additional time thereafter be allowed to the contestant to take evidence in rebuttal, and that each party during the time herein allowed may restore any evidence already taken which may have been lost or mislaid.

Mr. GARFIELD. I would like to hear a statement of the reason for this extension of time.

Mr. KEIFER. It is agreed to by both parties.

Mr. GARFIELD. That may be; but the House ought to know the reason. We do not grant as of course an extension of time in this way. It is proper that the records of the House should show why the extension is asked for.

Mr. BAKER. It ought to be shown that there has been reasonable diligence before any party should be allowed an extension of time.

The SPEAKER. The Chair supposed that had been shown to the committee.

Mr. BAKER. There ought to be some statement made to the House.

Mr. FIELD. These parties appeared before the committee and the application was heard. It appeared that two packages of papers belonging to the contestant and two belonging to the contestee, all of them containing evidence, had not been received by the Clerk of the House, and were lost or mislaid. Each party desired to restore or re-

take that evidence. It also appeared that, for reasons given before the committee, and which appeared to be satisfactory to all its members, Mr. Hull, the contestee, ought to have the thirty days' additional time asked for. Hence the committee unanimously instructed me to report this resolution.

Mr. KEIFER. It ought to be stated also that Mr. Bisbee was present before the committee and consented that this arrangement should be made. It is entirely satisfactory to him.

The resolution was adopted.

Mr. FIELD moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONTESTED-ELECTION PAPERS RECEIVED DURING RECESS.

Mr. COLERICK. I am directed by the Committee of Elections to submit the following resolution:

Resolved, That the Clerk of the House of Representatives is hereby directed to deliver to the clerk of the Committee of Elections all depositions and papers addressed to, or received by, him in vacation in all contested-election cases, immediately upon the receipt of the same by him; and that the clerk of said committee cause the same to be printed for the use of said committee.

Mr. ACKLEN. I should like to ask the chairman of the Committee of Elections whether this authorizes the clerk of the committee to open the sealed packages of papers forwarded here during the recess of Congress?

Mr. SPRINGER. This applies to such evidence as will be forwarded during the vacation, and especially to the case where an extension of time has just been allowed by the House—the case of Bisbee against Hull of Florida. There are several cases where the parties have agreed that the testimony shall not be taken until some future time, and consequently it will not arrive at Washington before the vacation, and it was thought proper by the committee that testimony should be put in under the direction of the clerk of the committee, the clerk to have the right to open the packages only in the presence of the parties, after having given them due notice.

Mr. ACKLEN. I suggest that be included in the resolution. There is no statement in that resolution that the clerk must have the presence of these parties when he opens the papers.

Mr. SPRINGER. The rule of the committee provides that such shall be the case. That rule has been in operation for many years, and never yet has been found to work any disadvantage or cause any dissatisfaction.

Mr. ACKLEN. I do not think there should be objection to the amendment I have suggested.

Mr. FIELD. The rule of the committee is that the party should be notified to attend the opening of the testimony, but it is also the rule that if the party should refuse to attend, or fail to appear at the opening of the papers, then the clerk should have authority to open the papers and print some or all of them as should be deemed best. It is not the rule and is not the intention of the committee, as I understand, that the printing of the papers should depend absolutely upon the presence of the parties. The parties are notified to attend the opening of the papers, but if they refuse to attend or fail to appear, then the clerk has the right to open the papers and cause such as may be deemed necessary to be printed for the use of the committee.

Mr. BAKER. I wish to ask the gentleman a question, and that is whether or not the adoption of the resolution would not make it imperative upon the clerk of the committee to cause to be published all papers and depositions received during the recess of Congress?

Mr. FIELD. I think not.

Mr. BAKER. I wish to say further that if that is to be the effect of the adoption of this resolution, then my experience upon that committee satisfies me it would be a very dangerous practice for this House to adopt. I remember on one occasion in the Forty-fourth Congress there came from a district in Massachusetts a mass of documentary evidence which filled a box three feet in length and twelve or fourteen inches in diameter.

Mr. BLOUNT. I should like to ask the gentleman a question.

Mr. BAKER. Certainly.

Mr. BLOUNT. The gentleman from Indiana has served upon the Committee of Elections, and I should like to ask him whether or not for all practical purposes this printing could not be postponed until Congress shall again meet and the Committee of Elections shall see from an examination of the papers what portion it is proper to print and what should not be printed?

Mr. BAKER. I desire to say in reference to that, from the experience I have had on that committee, that within a day or two, or within three days in ordinary cases, unless the testimony is exceptionally voluminous, the record could be printed.

Mr. CALKINS. Will my colleague answer me a question?

Mr. BAKER. Yes, sir.

Mr. CALKINS. I wish to ask the gentleman whether or not from his experience on the Committee of Elections nearly half of the time of Congress is not wasted in getting these election cases ready for trial—whether that was not the experience of the last Congress, and that many of the cases went over from sheer want of time and were not considered at all?

Mr. BAKER. Mr. Speaker, I have this to say in reference to that. My experience and observation on that committee satisfy me there need not be after the first record is printed at the commencement of the session a single hour's delay in procuring the printing of any record, however voluminous it may be. The first record might occasion a delay of two or three days in the action of the committee in procuring it to be printed, but when a single record has been printed during the time the committee will need to examine and decide upon that case, records of other cases can be opened and printed and be in the hands of the members of the committee, so that no delay need occur.

I desire to say that placing in the clerk of the Committee of Elections the discretion of printing vast masses of documentary as well as oral evidence in the form of records is calculated, in my judgment, to involve the House in the expenditure of larger amounts of money than would be productive of any useful or valuable result. In the case of Abbott *vs.* Frost, to which I particularly referred, there was a mass of evidence which would have cost several hundred dollars to be printed, which we did not wish to have printed at all, consisting of poll-books and tally-lists and other evidence which was of no value at all in the world to have printed; and yet, as I understand this resolution, all that vast mass of matter would be printed by the clerk without taking the judgment of the committee; and I think in every case it should be referred to the committee for its decision.

Mr. MANNING. Will the gentleman from Indiana [Mr. BAKER] permit me to correct a wrong impression under which he appears to labor? The clerk of the committee has not the absolute power to print whatever he thinks proper to print.

Mr. BAKER. Pardon me; if I understood correctly the reading of the resolution, it will, if passed, vest the clerk with the jurisdiction in this matter and impose the duty upon him.

Mr. MANNING. Not so. The parties interested are to be heard by the clerk. If they disagree as to what shall be printed, then upon that disagreement the committee must act. The committee reserves to itself very properly the jurisdiction of the whole subject.

Mr. BAKER. I would like to hear the resolution read again.

Mr. MANNING. Where the parties interested agree, the papers are printed, and whenever there is disagreement, the question of disagreement is referred to the action of the committee.

Mr. KEIFER. I desire, as a member of the committee, to suggest that the resolution as drawn and read from the Clerk's desk does not contain, in my judgment, exaclty what was designed. I have suggested that the words "under the rules of the committee" be inserted. That I think will meet the objection of the gentleman from Indiana, [Mr. BAKER.]

Mr. COLERICK. I have made the amendment in accordance with the suggestion of the gentleman from Ohio, [Mr. KEIFER.]

Mr. BAKER. I wish to hear the resolution read as now modified.

The Clerk read as follows:

Resolved, That the Clerk of the House of Representatives is hereby directed to deliver to the clerk of the Committee of Elections all depositions and papers addressed to or received by him in vacation in all contested-election cases immediately upon the receipt of the same by him, and that the clerk of said committee cause the same under the rule of said committee to be printed for the use of said committee.

The resolution, as modified, was agreed to.

Mr. COLERICK moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. COFFROTH, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled joint resolutions of the following titles; when the Speaker signed the same:

Joint resolution (H. R. No. 1) to repeal certain clauses in the sundry civil appropriation act approved March 3, 1879, and for other purposes;

Joint resolution (H. R. No. 34) to print 5,000 copies of the final reports of the United States centennial commission upon the international exhibition and centennial celebration of 1876; and

Joint resolution (H. R. No. 87) relating to a bridge across the Detroit River at or near Detroit, Michigan.

ORDER OF BUSINESS.

The SPEAKER. The gentleman from Ohio [Mr. MCMAHON] desires to make a report from the Committee on Appropriations. Does the gentleman from Georgia yield for that purpose?

Mr. STEPHENS. I cannot yield.

The SPEAKER. The Chair is informed that it will take but a moment.

Mr. STEPHENS. I will yield for one minute.

APPROPRIATIONS FOR JUDICIAL EXPENSES.

Mr. MCMAHON. I am instructed by the Committee on Appropriations to report back the bill (H. R. No. 2252) making appropriations for certain judicial expenses, with amendments by the Senate, and to move non-concurrence in one amendment and concurrence in two amendments.

The amendments of the Senate were read, as follows:

On page 2, at the end of line 18, insert "except as provided for in section 3732 of the Revised Statutes."

On page 3, line 8, strike out the words "of good standing."

On page 3, line 14, strike out "in a district in which such is now the practice."

Mr. MCMAHON. I move to concur in the second and third amend-

ments, and to non-concur in the first, and upon that I demand the previous question.

Mr. GARFIELD. What is the amendment in which the gentleman proposes to move non-concurrence?

Mr. McMAHON. We move to non-concur in order to perfect the section; not that we do not agree with the Senate, but to make the section more perfect. This is the unanimous report of the Committee on Appropriations.

Mr. GARFIELD. Then this is not a vote to make the exception in favor of the Army and Navy?

Mr. McMAHON. No, sir. It is with a view to make the exception still larger.

The previous question was seconded and the main question ordered.

The SPEAKER. The question will be first on the amendments in which concurrence is moved. The gentleman from Ohio moves that the second amendment be concurred in.

Mr. CONGER. Let that portion of the bill where this amendment occurs be read as it will be if amended.

The Clerk read as follows:

Shall be publicly drawn from a box containing, at the time of each drawing, the names of not less than three hundred persons, possessing the qualifications prescribed in section 800 of the Revised Statutes, which names shall have been placed therein by the clerk of such court and a commissioner, to be appointed by the judge thereof, which commissioner shall be a citizen of good standing residing in the district in which such court is held, and a well-known member of the principal political party opposing that to which the clerk may belong, the clerk and said commissioner each to place one name in said box alternately, without reference to party affiliations.

Mr. CONGER. Is it proposed to strike out the words "of good standing?"

Mr. McMAHON. The words "of good standing" were twice repeated in the same sentence. The amendment of the Senate strikes out the words where they occurred the second time. If the amendment be concurred in the bill will read as it has now been read from the Clerk's desk. The bill will stand as if the amendment of the gentleman from Ohio [Mr. GARFIELD] had prevailed in the shape in which he offered it in the House.

Mr. GARFIELD. That is right.

The second amendment of the Senate was concurred in.

The third amendment of the Senate was also concurred in.

The SPEAKER. The question recurs on the first amendment of the Senate, in which the Committee on Appropriations recommend non-concurrence.

The Clerk read as follows:

On page 2, at the end of line 18, insert: "except as provided for in section 3732 of the Revised Statutes."

Mr. McMAHON. I wish to repeat that the Committee on Appropriations recommend non-concurrence, not because it does not approve of the amendment made by the Senate, but with a view to extend the exception so as not to embarrass the Government, if it would be embarrassed, in other departments.

Mr. CONGER. To what does that refer?

Mr. McMAHON. It refers to the clothing, &c., of the Army and Navy, the provision for which is already embodied in the statutes, of course.

The amendment of the Senate was non-concurred in.

Mr. McMAHON moved to reconsider the votes just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

WITHDRAWAL OF PAPERS.

On motion of Mr. VAN AERNAM, by unanimous consent, leave was granted to withdraw from the files of the House the papers in the case of Jules Beauchery and the heirs of William H. Whitefield, no adverse report having been made.

On motion of Mr. JOHNSTON, by unanimous consent, leave was granted to withdraw from the files of the House the papers in the cases of Philip A. Wellford, William H. Harrison, and Richard M. Harrison, no adverse report having been made in either case.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted in the following cases:

To Mr. GODSHALK, until Tuesday next, on account of important business;

To Mr. CLAFLIN, for one week from Friday next, on account of important business; and

To Mr. HAYES, from Friday next until the close of the extra session of Congress, on account of sickness in his family.

EXCHANGE OF TRADE-DOLLARS.

Mr. STEPHENS. I now call up the report from the Committee on Coinage, Weights, and Measures on the bill (H. R. No. 913) to provide for the exchange of trade-dollars for legal-tender silver dollars.

The Clerk read the bill, as follows:

Be it enacted, &c., That the Secretary of the Treasury shall cause to be exchanged, at the Treasury and at all sub-treasuries of the United States, legal-tender silver dollars for trade-dollars at par; and shall recoin the said trade-dollars into legal-tender dollars, as now provided by law; and shall stop the further coinage of trade-dollars.

Mr. STEPHENS. This is a bill to provide for the exchange of the trade-dollar for the standard silver dollar.

Mr. KEIFER. Before the gentleman proceeds, I desire to have an understanding as to the time that shall be allowed for debate upon this bill.

The SPEAKER. The Chair understands that the gentleman from Georgia [Mr. STEPHENS] proposes to divide the time.

Mr. KEIFER. He has but one hour to divide if he moves the previous question. I would like to have some understanding as to the time that shall be allowed for debate.

The SPEAKER. There is no limitation as yet.

Mr. KEIFER. No; but the gentleman from Georgia [Mr. STEPHENS] at the end of his hour may move the previous question. I would like to have it understood, if he desires to limit debate upon this bill, that we shall have two hours, and that the gentleman shall have the right to move the previous question at the end of the two hours.

The SPEAKER. The suggestion of the gentleman from Ohio [Mr. KEIFER] is that the debate upon this bill shall continue for two hours, and that at the end of that time the previous question shall be considered as ordered, and that the two hours shall be equally divided between those who are in favor of the bill and those who are opposed to it.

Mr. BLOUNT. I hope my colleague will consent that this bill shall not interfere with reports from a committee of conference.

The SPEAKER. It cannot do it; the conference report can interrupt anything, even a motion to adjourn.

Mr. STEPHENS. I have no objection to the discussion of the bill, but I think two hours is long enough, and I suggest that by common consent we shall agree that the previous question shall be considered as ordered in one hour and three-quarters, and then I will conclude in fifteen minutes; I do not wish to speak longer.

The SPEAKER. The Chair hears no objection to the proposition of the gentleman from Georgia, that two hours shall be allowed for debate, and at the close of two hours the previous question shall be considered as ordered.

Mr. STEPHENS. No, I said one hour and three-quarters.

Mr. KEIFER. We desire also to have the right to offer an amendment and have it voted on.

Mr. STEPHENS. Two amendments are to be offered—one by my colleague on the committee [Mr. WARNER] and one by the gentleman from Pennsylvania on the committee, [Mr. FISHER,] and those are all the amendments that can come in in order.

The SPEAKER. The rule does not allow but two amendments.

Mr. STEPHENS. It does not.

Mr. CONGER. I think this bill ought to go to the Committee of the Whole.

The SPEAKER. The Chair thinks that the arrangement as to the limit of the debate has already been reached. The gentleman from Michigan will please state the point of order which will carry this bill to the Committee of the Whole.

Mr. CONGER. I suppose the bill is liable to a point of order.

The SPEAKER. In what respect?

Mr. CONGER. It authorizes the purchase of trade-dollars and the payment for them out of the Treasury.

The SPEAKER. It authorizes the exchange simply.

Mr. FORT. It is clear profit to the Government and no expense whatever.

Mr. STEPHENS. I desire to make another suggestion. I suggest that every member may submit amendments, and that when the previous question is ordered all of them shall be voted on in the order in which they are offered.

The SPEAKER. In the order in which they properly come in the bill.

Mr. KEIFER. That would be satisfactory, but any gentleman who offers an amendment may want two minutes to explain what the amendment is.

Mr. STEPHENS. I am willing that they shall have that privilege.

The SPEAKER. The understanding now is that two hours shall be allowed for general debate upon the bill, and then the previous question shall prevail on the bill and all amendments, notwithstanding the restriction of the rule, and that the amendments shall be voted upon in the order in which they appropriately come in the bill; and to that understanding the Chair hears no objection.

Mr. STEPHENS moved to reconsider the vote by which the order was made; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. STEPHENS. I will now yield a moment to the gentleman from Tennessee [Mr. ATKINS] to make a report from a committee of conference.

The SPEAKER. That is in order at any time, and would interrupt even a motion to adjourn.

LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. ATKINS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House (H. R. No. 2251) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 11 and 13.

That the House recede from its disagreement to the amendments numbered 14, 26, 27, 28, 29, 31, and 34, and agree to the same.

That the House recede from its amendment to the amendment numbered 7, and agree to the same with an amendment as follows: After line 13, page 5, of the bill insert as a new paragraph the following:

"For two additional watchmen of the Capitol police force, at $900 each, $1,800."

And the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment numbered 8, and agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 9, and agree to the same.

That the House recede from its disagreement to the amendment numbered 25, and agree to the same, with an amendment as follows: In lieu of the sum named insert $800.

And the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the amendment numbered 23, and agree to the same.

That the House recede from its disagreement to the amendment numbered 30, and agree to the same, with an amendment as follows: In lieu of the paragraph insert the following:

"Patent Office:

"For seven copyists, five assistant messengers, and one folder and paster, at $480; in all, $10,380."

And the Senate agree to the same.

That the House recede from its amendment to the amendment numbered 33, and agree to the same.

J. D. C. ATKINS,
J. G. BLOUNT,
JOHN H. BAKER,
Managers on the part of the House.

J. B. BECK,
H. G. DAVIS,
WM. WINDOM,
Managers on the part of the Senate.

Mr. ATKINS. I now call for the previous question upon agreeing to the report of the committee of conference.

Mr. CONGER. Will the gentleman state for the information of the House what particular changes are made in the bill by the conference report? I presume there will be no objection to the adoption of the report.

Mr. ATKINS. I will briefly state the points of difference. The House conferees have conceded most of the points of difference between the Senate and the House. I may state that most of the points of difference conceded by the House were embraced in what is known as the vetoed legislative appropriation bill. The Committee on Appropriations in preparing this bill did not put into it everything that was included in the vetoed bill. The Senate rather insisted upon embracing a great many things which were in the vetoed bill, and some of those items which were non-concurred in by the House have been conceded by the House conferees in this report, and we have agreed to most of them.

First, we have given two watchmen as an addition to the Capitol police force; we have done this upon the application of the Architect of the Capitol building, the Sergeant-at-Arms of the Senate, and the Sergeant-at-Arms of the House. This is deemed necessary for the protection of the Capitol and of the public property within the Capitol building.

The next point, and one of the most important perhaps, is this: the House made an appropriation for stationery for this extra session for members of the House. It was the intention to have embraced in that amendment stationery for Senators, but by accident that was left out. That made no difference, however, for the Senate non-concurred in that amendment, and it is left out by the conference report.

An amendment of the Senate gave $4,000 additional for the foremen and laborers on the public grounds. Last year the sum of $24,000 was appropriated for that purpose in the legislative appropriation bill. In the enrollment of the bill only $20,000 was inserted, and afterward in the sundry civil bill $4,000 was appropriated. In re-enacting this year the legislative appropriation bill of last year this item of $20,000 was inserted in this bill, although it really was intended to give $24,000 for that purpose. This report supplies that deficit.

We added $500 for the contingent expenses of the Court of Claims. The Senate insisted upon $5,000 for the Library of Congress for works of art, in which the House non-concurred. That item, however, the conferees have conceded.

The Senate insisted upon $1,500 additional pay for the postmaster at Tucson, Territory of Arizona, as a depositary for the Government. By the conference report that sum is reduced to $800. The salary of that postmaster is now $1,700 a year; but as there is no depositary for several hundred miles around that point, the conferees on the part of the House thought that we had probably better give that additional sum to him to act as a depositary for the Government.

In regard to the Patent Office, the Senate added fourteen additional copyists, some folders, and one or two laborers. The report of the committee of conference divides the number and gives half the proposed increase.

The Senate conferees receded from their demand for five principal clerks for the Land Office; they already have three. We give to the Secretary of the Interior, upon the very urgent demand of that officer, a stenographer, at $1,800 a year. Additional force is also allowed to the Assistant Attorney-General in the Interior Department. That force was provided in the vetoed bill, but was not embraced in the legislative bill which passed the House a few days ago. The Senate insisting upon it, the House conferees have agreed to it.

In the matter of the Bureau of Education, the Senate insisted upon $15,000 as necessary for the distribution of books and publications by the Bureau of Education to the various educational institutions of the country. Last year $8,000 was given for that purpose, but that was not considered sufficient, and the House conferees have agreed to the amendment of the Senate. These are the material points—I may say they are all the points—of difference, so far as money is concerned.

The House conferees agreed to the amendment of the Senate No. 33. That portion of the bill which the Senate struck out proposed to amend the law for the disbursement of the $75,000 appropriated in the sundry civil act, the last but one, for the laborers of the District of Columbia. That has always been considered by a great many gentlemen as a mere bonus to these laborers.

Our reason for doing this I will state: It seems that the parties representing these laborers disagree among themselves. The very counsel who have appeared before the committee of conference and who appeared before the Committee on Appropriations of this House have always disagreed as to the form in which a law on this subject should be drawn. Having had so much misunderstanding, being unable to arrive at any definite form of enactment by which the meritorious laborers should get their pay, if any is due them, or by which the persons to whom Congress intended to make a donation should receive their money, without the intervention of intermediaries or counsel receiving large fees, the committee on the part of the House agreed to the demand on the part of the Senate and struck out that section of the bill, leaving the law as it stands to-day in the sundry civil appropriation act.

Mr. Speaker, this bill, as agreed to by the committee of conference, embraces appropriations to the amount of $15,780,273.50. This amount is $332,879 in excess of the amount of the appropriation act for the legislative, executive, and judicial expenses of the Government for the current year. But this excess embraces items of $130,000 which have been included heretofore in the sundry civil appropriation act, and which may be regarded, so far as this bill is concerned, as extra appropriations. There is also included in this excess $150,000 for the payment of gaugers and storekeepers, necessitated by an increase of distilleries throughout some of the Southern States within the last few months. Deducting these several items, the appropriation as it now stands is only about $30,000 in excess of the legislative, executive, and judicial appropriation act for the current year. I will now yield to my colleague on the committee of conference, the gentleman from Indiana, [Mr. BAKER.]

Mr. CONGER. Before the gentleman from Tennessee takes his seat I wish to ask a question. There is nothing in any of these amendments that has relation to political legislation?

Mr. ATKINS. Nothing in the world. I assure my friend from Michigan that there is nothing of that kind.

Mr. BAKER rose.

The SPEAKER. How much time does the gentleman from Indiana require?

Mr. BAKER. Perhaps five minutes.

Mr. ATKINS. I yield to the gentleman.

Mr. BAKER. Mr. Speaker, I feel that it is due alike to the House and the Committee on Appropriations that I should say something on the subject of the House conferees having yielded to the demands of the Senate in receding from the item of appropriation for stationery, which was adopted in the House by an almost unanimous vote. Objections urged by certain members of the conference committee of the Senate indicated a doubt as to whether or not under the law we were entitled to our stationery allowance for the present session of Congress; the objection taking such form that if it is sound it would, in my judgment, show that in point of law neither members of the Senate nor members of the House are entitled to claim at any session of Congress, extra or regular, any allowance whatever for the purpose of covering their expenditures for paper, ink, envelopes, stamps, and other matters of that character which properly fall under the designation of stationery. I desire to say that the Committee on Appropriations of this body did not recommend the passage of an appropriation for this purpose without considering the question.

Mr. Speaker, the first regular provision of law which I have been able to find on the subject of stationery for members of Congress was passed in 1842; and it is unnecessary to go back to appropriation bills of prior date touching this subject. In the year 1842 there was inserted in an appropriation bill a provision of law, general in its nature, which continued in force during subsequent years, and for that matter is in force still, except as modified. By that provision the Clerk of each House was required to purchase upon public advertisement stationery for the use of Senators and members. Under that law, which continued without modification till 1868, Senators and Members were limited in the amount of stationery that they should take simply by their own judgment and discretion, some drawing more and some drawing less. This provision of law became perhaps the subject of abuse; certainly it became a matter of complaint that it was abused; that some members under this general privilege obtained a very much larger allowance of stationery than others did. To remedy this evil, in February, 1868, a clause was inserted in an appropriation bill limiting the amount of stationery that might be received by a Member of Congress or a Senator to $125.

Mr. BLOUNT. He might take the money as commutation, if he did not draw the stationery.

Mr. BAKER. I am coming to that. Under the law as it stood prior to that time a Member or Senator was allowed only to draw stationery

in kind; but inasmuch as members had been allowed to draw not only one hundred and twenty-five dollars' worth of stationery for a session, but frequently many hundreds of dollars in stationery, the amount of the allowance was limited to $125; and it was further provided that the party might receive a money commutation, either in whole or in part, not exceeding the sum of $125.

On the 24th of July, 1868, for the purpose of carrying into effect, so far as this House was concerned, that provision of law thus limiting the right of members, it was made the duty of the Clerk to honor the requisition of a member of Congress for stationery or commutation therefor to the amount of $125 at any session of Congress. The words of the law of 1868, which by their terms were to go into operation March 3, 1868, provided that this stationery or commutation therefor should be applicable to any session of Congress. In this respect the provision differed from the provision with reference to mileage. The law on the subject of mileage provides for mileage for each regular session of Congress, while stationery or commutation therefor is provided for any session of Congress. It was in consequence of this state of the law that the Committee on Appropriations recommended, and the House adopted with hardly a dissenting voice, this allowance of stationery for the extra session.

The difficulty which has been suggested by the committee of conference of the Senate, if I apprehend that difficulty, grows largely out of the fact that in some years where there was no extra session, only the one regular session of Congress during the year, the general appropriation act has appropriated $125 as the allowance of stationery for each Member or Senator for the year. It is obvious, however, on a moment's reflection, that the phraseology of the law naturally fell from the draughtsman in consequence of the fact it was foreseen or anticipated there would only be the regular session—a single one—during the fiscal year, and hence the amount of $125 was appropriated for the year.

As has been stated by the chairman of the committee, I believe there was a yielding on this point, not in consequence of any conviction on the part of the conference committee representing this House that it was in violation of law, but in consequence of the difficulty the members of the conference committee of the Senate professed in reference to what the true state of the law was. It was in consequence of those scruples, and feeling disposed to yield to those scruples, in order that they might have further time to examine the question and mature their own judgment, that we consented to agree to the report as it has been made, leaving the topic open for further consideration by them. If they should finally agree at the other end of the Capitol that the construction of the law is as I believe the law to be, then it could be rectified hereafter.

Several MEMBERS. Why not rectify it now?

Mr. BAKER. Some of my friends here ask why not rectify it now. That is for the House. If the House sees fit to stand by the law as they expressed it when they voted to put it into the bill, a view of the law which, after full examination, I am satisfied is the true one, I should be glad and should be willing to see that done.

Mr. BLOUNT. I wish to say a single word.

Mr. BAKER. The gentleman from Texas desires to ask me a question.

Mr. MILLS. I desire to know why this point was not raised when the allowance was made for the extra session in 1877?

Mr. BAKER. That matter was considered by the conference committee. It was spoken about, but no gentleman suggested the reason why it was not thought of then. I believe I can say in further answer that it has been the general judgment—I think myself the universal judgment at both ends of the Capitol—that under the law as it now exists we are entitled to stationery at any session of Congress, regular or extra. It is a fact that we did have it at the last extra session.

Mr. ATKINS. I now yield to the gentleman from Georgia, [Mr. BLOUNT.]

Mr. BLOUNT. Mr. Speaker, I ask indulgence but for a moment. I do not wish any misunderstanding on this question. The result reached was agreed to by the conferees on the part of the Senate and by the conferees on the part of the House. The conferees on the part of the House as well as the conferees on the part of the Senate were not prepared to assert what was the law on this question. The discussion brought about a doubt upon it. In the Committee on Appropriations of the House we reached the conclusion that the members of the House were entitled to $125 each session for stationery. Being bound by the law, in justice to the members of this House we inserted it in the appropriation bill. When it reached the Senate conferees the question was raised and we were not so well assured we were correct in what had been done. It was suggested and concurred in by the conferees, both on the part of the House and on the part of the Senate, that whatever was the law on this subject, we would, during the next session of Congress, when we had opportunity to assure ourselves that members of the House and Senate were entitled to this allowance, then certainly vote it in. But we had not time sufficient now to assure ourselves fully on that subject, and therefore this is a mere postponement of this whole question. I say the House conferees and the Senate conferees were alike agreed upon this subject.

Mr. TOWNSHEND, of Illinois. Will the gentleman allow me to ask him a question?

Mr. BLOUNT. Certainly.

Mr. TOWNSHEND, of Illinois. Is there any provision in the bill allowing stationery to members of the Senate?

Mr. BLOUNT. None at all.

Now, Mr. Speaker, one word more in reference to the pay of laborers in the District of Columbia. In addition to what my friend from Tennessee has already said I feel bound to say it was urged on the conference committee we should not assent to a proposition to pay again for work done by laborers in the District of Columbia when we had already paid contractors for the same work, and for that reason we agreed to concur in the proposition of the Senate to strike it out of the bill.

Mr. ATKINS. I wish to make one single remark. I do not doubt at all that Senators and Representatives under the law are entitled to stationery for each session of Congress; I do not doubt that at all myself; but the conferees on the part of the Senate objected to it and I did not feel willing, for one, to higgle about this bill on that account, and therefore signed the conference report.

Mr. AIKEN. Will the gentleman allow me to ask him a question?

Mr. ATKINS. Certainly.

Mr. AIKEN. Was not that action on the part of the Senate brought about by the failure to provide for stationery for the Senate?

Mr. ATKINS. No, sir; that was a mere clerical error. The Committee on Appropriations ordered it to be put in, but the clerk in drawing it up, through some mistake, did not insert it.

Mr. SCALES. Allow me to ask the gentleman a question.

Mr. ATKINS. Certainly.

Mr. SCALES. Was not the reason why the Senate did not agree to it that it considered it a doubtful point whether we were entitled to it or not, and being doubtful they preferred to err, if at all, on the safe side and against themselves?

Mr. ATKINS. That is what they thought.

Mr. SCALES. I think, then, that there can be no doubt as to what the action of this House should be. The report should be sustained and the allowance for stationery stricken out.

The previous question was seconded and the main question ordered.

Mr. STONE. Can a separate vote be had on amendment No. 7?

The SPEAKER. It cannot, for the reason that a conference report must be accepted or rejected as a whole.

Mr. STONE. Can that matter be reached otherwise than by voting down the entire report?

The SPEAKER. It cannot.

The question being taken on agreeing to the conference report, there were—ayes 85, noes 62.

Mr. ACKLEN. I call for the yeas and nays.

On the question of ordering the yeas and nays there were ayes 26; not one-fifth of the last vote.

Mr. ACKLEN. I call for tellers on the yeas and nays.

On the question of ordering tellers there were ayes 16; not one-fifth of a quorum.

So tellers were refused, and the yeas and nays were not ordered.

Mr. ACKLEN. I call for tellers on the question of agreeing to the report.

On the question of ordering tellers there were ayes 36; more than one-fifth of a quorum.

So tellers were ordered; and Mr. ACKLEN and Mr. ATKINS were appointed.

The House again divided; and the tellers reported—ayes 85, noes 66.

So the report of the committee of conference was adopted.

Mr. ATKINS moved to reconsider the vote by which the report of the committee of conference was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, informed the House that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the joint resolution (H. R. No. 85) fixing the date on which the pay of the committee clerks, pages, and laborers of the House of Representatives who are paid for the session only shall begin for this session.

The message also announced that the Senate had passed without amendment the bill (H. R. No. 1369) to relieve the churches of the District of Columbia, and to clear the titles of the trustees to such property.

The message further announced that the Senate had passed, with amendments in which the concurrence of the House was requested, the bill (H. R. No. 1847) to provide for the appointment of a "Mississippi River commission" for the improvement of said river from the head of the passes near its mouth to its headwaters.

TRADE-DOLLARS.

The House resumed the consideration of the bill (H. R. No. 913) to provide for the exchange of trade-dollars for legal-tender silver dollars.

The SPEAKER. To whom does the gentleman from Georgia yield?

Mr. STEPHENS. The gentleman from New York [Mr. MORTON] will first occupy the floor. Then, according to the understanding which has been come to, my colleague on the committee, the gentleman from Ohio, [Mr. WARNER,] will occupy the floor. He will be followed by some gentleman opposed to the bill on the other side.

A portion of the time will be occupied by my colleague on the committee, the gentleman from Pennsylvania, [Mr. FISHER.] The distribution of time, it is proposed, shall be about ten minutes to each, according to the number of speakers. I will state further that all amendments, according to the understanding, will be offered when the gentlemen who offer them have the floor. The gentleman from Ohio [Mr. WARNER] has an amendment, and other gentlemen have amendments.

Mr. MORTON. Mr. Speaker, a few weeks since the honorable gentleman from Ohio introduced a bill for the relief of the owners of silver mines and silver bullion in the United States and Europe, and now the distinguished gentleman from Georgia presents a bill for the relief of the subjects of the Emperor of China.

In February, 1873, when the act was passed authorizing the coinage of the trade-dollar, it was worth a fraction over $1.04 in gold. They were not coined as money or for circulation at home, but for export and as a measure of value in trade as their title indicates. They were, however, made a legal tender for $5 in any one payment; but the people of the Pacific States objected to their circulation, and on the 8th of May, 1876, the distinguished gentleman, now Speaker of the House, introduced a bill repealing the legal-tender quality of these coins.

On the 10th of June, 1876, my distinguished colleague from New York [Mr. COX] reported the measure, and it passed both Houses of Congress without an opposing vote or voice. All of these coins held at home were put in circulation months after they had, by the action of the present Speaker and the gentleman from New York, ceased to be a legal tender for any amount.

While I should favor an exchange of the legal-tender silver for the trade-dollar, which speculators have palmed off upon our own citizens, if that alone could be done, I am opposed to the passage of this bill, which discriminates against our own people and in favor of the owners of silver in China, and for other reasons. The Director of the Mint in his last annual report estimated that less than six millions of trade-dollars, all of which were coined for exportation, were held in the United States and about thirty millions in China, where they circulate as money, and are, I believe, a legal tender at their bullion value. The trade-dollar is worth to-day about ninety cents, which would make the value of the thirty millions held in China $27,000,000. Now, if this bill becomes a law, we shall, so long as the Government can maintain legal-tender silver dollars at par in gold, be paying the holders of trade-dollars in China $30,000,000 in gold for twenty-seven millions' worth of silver, or $3,000,000 more than we can buy the same quantity of silver of our own citizens.

The first silver bill which the honorable gentleman from Ohio presented proposed a discrimination in favor of silver mine and bullion owners in the United States and Europe of nearly 20 per cent., and now the gentleman from Georgia proposes a discrimination of 11 per cent. in favor of Chinese subjects. I shall be glad to know how the gentleman proposes to provide the thirty millions of gold necessary to carry out the provisions of this bill if it becomes law. The gentleman certainly cannot expect to exchange dollars of 412½ grains with the Chinese for trade-dollars of 420 grains.

Since the remonetization of silver in 1878 the Government has coined 33,485,950 of the "dollar of the fathers," which it was claimed would be eagerly sought for; and how many of these dollars does the gentleman suppose were in circulation on the 1st of June? One dollar for every family or party of six in the United States, a total of 7,304,915 in a country with a population of 45,000,000, leaving 26,181,045 stored in the vaults of the Treasury and carried by the Government.

At the end of the next fiscal year, without any new legislation, we shall have 59,485,950 silver dollars, and if the people have no more anxiety to secure them than heretofore, the Government will then be warehousing and carrying about 47,000,000.

If the 36,000,000 of trade-dollars are to be added, the appalling total on the 30th of June, 1880, will be over 95,000,000.

Do the gentlemen who favor this measure wish to donate $3,000,000 to the holders of trade-dollars in China? Do they wish, in view of the sale for gold coin since the demonetization of silver in 1873 of $1,299,000,000 of United States bonds, and the reduction since 1865 of nearly six hundred millions of principal and sixty-seven millions in the annual interest charge, to press the increased coinage of silver and hazard the credit of the Government by adding a sum to the amount of silver coin in the vaults of the Treasury which may force the Government to pay these bonds in depreciated silver or coin of less value than that which the Government demanded and received when the bonds were sold?

Mr. Speaker, I think our only safe way is, instead of increasing the coinage of silver, to stop it altogether and wait the result of the negotiations with European nations, for which we have made an appropriation. Let us secure such joint action with other nations as will restore silver to its old steadiness of value, and thus provide a market throughout the world for our silver product. I am in favor of a bimetallic currency whenever such joint action can be secured and a dollar's worth of silver is coined in a silver dollar. The distinguished gentleman from Georgia and those who act with him, on the contrary, aim to make this country a monometallic country, to drive all our gold to Europe, and to confine the silver market to the United States, thus limiting the demand, lowering the value of our silver product, and compelling us to be monometallists. We cannot maintain a double standard except upon a basis of absolute equality, for the cheaper, poorer money will always drive the best out of circulation.

The German government has within a few weeks withdrawn its silver from the market, the question of the remonetization of silver in Germany and England has been under discussion, and now the bullion value of the standard dollar which was recently at eighty-four cents is about eighty-eight and a half cents.

We can in my opinion only maintain a double standard by joint action with European nations, and any attempt to do it single-handed, or to largely increase the coinage of silver legal-tender dollars will, in my judgment, bring great disaster upon the business interests of the whole country.

I hope the gentleman will be willing to withdraw the bill or to defer its further consideration until joint action with European nations can be secured.

Mr. BUCKNER. Before the gentleman from New York takes his seat I desire to ask him a question. Suppose it to be a fact that a large portion of the silver dollars which have been coined remain in the Treasury of the United States unused by the people, to what cause does the gentleman from New York attribute that fact?

Mr. MORTON. To the fact that the people of the United States do not desire that coinage for circulation.

Mr. BUCKNER. I will ask the gentleman further, is there any more gold in circulation relatively than there is silver?

Mr. MORTON. That is a question I cannot answer.

Mr. BUCKNER. I suggest to the gentleman from New York it is not because the people do not want a silver coinage, but because the channels of circulation are already filled with paper. I submit this proposition: If you want to get silver money in circulation it is necessary to get rid of the one and two dollar bills. And it is the same as regards getting gold into circulation.

Mr. MORTON. The withdrawal of small bills would undoubtedly increase the circulation of silver.

Mr. BUCKNER. It is not that the people do not want it, but that they have something else filling its place.

Mr. WARNER. I offer this amendment which I send to the desk to be read.

The Clerk read as follows:

Add to the bill these words:

Provided, That trade-dollars recoined under this act shall not be counted as part of the coinage of silver required by the act of February 28, 1878: *And provided further*, That trade-dollars that have been "chopped" or restamped for circulation in China or other foreign countries shall be excluded from the provisions of this act.

Mr. WARNER. Before explaining the object of the amendment which I have offered I desire to say a few words with reference to the remarks made by my friend from New York, [Mr. MORTON.] I do not share in any degree the apprehensions which many gentlemen on that side of the House seem to entertain of the great danger to this country of having the silver of other countries sent here. I have no fear of the United States being made a "dumping-ground," as has been said, for the silver of the rest of the world. That is a mere scarecrow; there is nothing in it whatever. If our mints were open to the free coinage of silver it would be the absurdest nonsense to suppose that Europe or China and India would send here their millions of silver. What would it come here for?

Suppose, if you please, a hundred millions of silver bullion could be gathered up at once in Europe and sent here; what would it come for? For nothing? To be coined into silver dollars merely? Suppose a hundred millions in silver bullion should come here, or any other sum, and be coined, what would happen? What would be done with it? Will it buy any more commodities, any more wheat, any more cotton, any more of our products of any kind after it has been coined under free coinage than it will as bullion? Not a dollar's worth more; not a pound of anything more. Silver will come here, then, if commodities should fall lower, and on no other conditions. But if silver should come here to be coined and sent into circulation as money, or in any way be used for the purchase of commodities, then commodities certainly would not fall. If silver should come here under such conditions, commodities must necessarily rise. We cannot possibly have at one and the same time cheap money and cheap commodities. If money is cheap, then commodities must be dear, and labor must be dearer, too. Labor and all the products of labor under such conditions, I say, must become dearer. Is there any objection to that? The old mercantile theory, as it is called, dictated laws to keep money in a country and prevent its going out; to get all that could be got and then keep it in the country. Under the mercantile theory they fenced money in, but never out; they sold everything possible for money, and then held on to the money, as if it were the only thing that constituted wealth. But within the last few years we find a new and, if possible, a worse doctrine than the mercantile theory prevailing in this country.

We are told by the new doctors of political economy that the true policy, instead of getting money, is to exclude it, to force it out. Well, that is a strange doctrine, surely, and for one I cannot see any philosophy in it; there is no philosophy in it and no common sense. When the coinage bill was under discussion some weeks ago in this House I think we heard from the gentleman from New York that that bill would give 15 or 18 per cent. profit to the bullion-holders, while at the same time it would cheat the creditor out of from 15 to 18 per cent.; that is to say, in one man's hand it would be a big dollar

and in another man's hand it would be a small dollar. It would be a stick too long at one end and too short at the other. It does make heavy strains on logic to support the financial theories of some of our late doctors. They are afraid silver will come in on us like a flood. They are afraid there will be so much silver poured in here that commodities will not be worth anything! Why, we will have cheap money and cheap commodities at the same time! That would be the same thing as having a peck measure hold a bushel!

Should silver come here under free coinage it would come to be exchanged for commodities, and an increase in the quantity of silver must necessarily be attended with an increase in the price of commodities. Would that be a misfortune? If so, to whom? To the farmer, to the manufacturer, to the laborer? Certainly not. Why, there is no more danger of this country's having too much metallic money than there is that too much of the water of the Atlantic will accumulate on the American coast. Silver as well as gold is the money of the world, and if left to regulate itself under the laws of international trade it will be distributed over the world in proportion to the international trade of the different nations. It will go where prices are lowest and not where they are highest, and if silver under free coinage would come here it would be because prices of commodities were lower than elsewhere. Away, I say, with the nonsense of too much metallic money! It has no place in political economy, and ought to have no place in our national economy.

The gentleman from New York [Mr. MORTON] reminds us that the silver now being coined clings to the Treasury and will not go into circulation. He tells us also, and others are constantly telling us, that under Gresham's law the cheaper will drive out the dearer money. Is this an exception, or is silver the dearer money? The plain truth is, the Secretary does not pay out the silver. He does not offer to; at least he does not do it. I have not had a legal-tender silver dollar offered to me in this city. Let the Secretary pay them out. They will circulate. There need be no fear of that. If in quantities they become cumbersome the certificate can be had in their place. I should not be surprised if banks should prefer gold to silver. Very likely, indeed, and right here I apprehend lies the difficulty in paying out silver coins.

Now, Mr. Speaker, while what I have said is true in general of metallic money under free or unrestricted coinage, yet I confess that so long as the United States adheres to the policy of buying a certain amount of metal and making money of that and allowing no more, and by limiting the amount coined raising the value of coined silver—a pernicious practice, an erroneous policy; one which has no foundation in science or common sense, and which is an abandonment of every principle on which metallic money rests, a surrender of every advantage that metallic money possesses over paper money—so long, I say, as the United States stands committed to that policy, then I am opposed surely to admitting into this country from other countries a given quantity—so many pounds or tons of silver in the form of trade-dollars, or in any other form, that are now held in China to be coined into full legal-tender dollars—for the simple reason that it is giving a preference, giving a higher price or putting a greater value on silver in this form held in China than we give to that now being produced from our own mines. Hence, Mr. Speaker, I have offered my amendment excluding from the provisions of this act trade-dollars that have been "chopped," as it is called, or restamped for circulation in China.

Mr. BAYNE. Will the gentleman allow me to ask him a question?

Mr. WARNER. With pleasure.

Mr. BAYNE. I would like my friend to answer this question: Why is it that you argue that 412½ grains is the proper quantity of silver to put into a silver dollar?

Mr. WARNER. I shall be pleased to answer my friend.

Mr. BAYNE. Why not make it equivalent in value to a gold dollar?

Mr. WARNER. I will answer my friend. First, because the dollar of 412½ grains is the dollar that has been longest known to our laws. It is the unit that has not been changed from the foundation of the Government; it has always contained the same quantity of pure silver. Now, does my friend ask why we do not increase it in weight so as to give it the same purchasing power that a gold dollar has? I answer because you have changed the value of the gold dollar since 1873. Your gold dollar is a different dollar now from the gold dollar before 1873, or would be now but for the legislation on the statute-book in its favor, and you had no right to alter that dollar. Had you a right? Will you answer that?

Mr. BAYNE. The quantity of bullion has not been changed in the gold dollar nor the fineness of the metal.

Mr. WARNER. Oh, no; neither the size of the dollar, nor its form, nor the stamp, nor the fineness of the metal has been changed, I grant, but that subtle quality which lies behind all of these, the element of value, has been changed. The only thing worth considering in a dollar, its value, has been changed. The change, I know, has come under a disguise more or less impenetrable, but is a change nevertheless. You have decreased the value of silver as compared with gold by lessening the use of silver and increasing the use for gold, and having done that you have no right now to come before Congress and ask that the silver dollar shall be raised in value up to the present level of the gold dollar. That is my first answer; and next I say, that the dollar of 412½ grains has a greater value or purchasing power now than it had five or ten years ago. [Here the hammer fell.] I would like to have a moment more, that I may read an extract from the Financial Chronicle explanatory of the condition of trade-dollars in China.

The SPEAKER. The Chair hears no objection.

Mr. WARNER. I wish to say that trade-dollars that have been sent to China as soon as they are put into circulation there are restamped with the private marks, in Chinese characters, of the merchant who issues them, and that they soon become divided up into smaller pieces, and made into what is called sycee-money, which is nothing more than small pieces of silver that pass by weight. This fact proves that the trade-dollar never did give us any advantage in trade. Although it has been claimed that by the device of putting 420 grains of silver in a dollar, instead of 412½, we gained an advantage in our trade with China, nevertheless it must be now apparent, since we know that these same dollars are soon "chopped," restamped, and finally divided into bits of bullion, which are taken by weight, that the Chinese understand money as well as we do. The fact is, we never did get any more for one hundred and fourteen trade-dollars than we got or could get for one hundred and sixteen of the old dollars. So a pound of silver in China even is worth just as much and no more than twelve ounces are worth. Here is what the Financiel Chronicle says respecting trade-dollars in China, and I think, as I believe it to be true, that it ought to be conclusive on the question.

Mr. MORTON. Will the gentleman allow me to ask him a question?

Mr. WARNER. I will.

Mr. MORTON. Can you describe the nature, style, and character of the stamp?

Mr. WARNER. I was just proceeding to do that. The New York Financial Chronicle of May 24 says:

> China merchants tell us that there are very few trade-dollars at the present time; that as soon as any silver currency is introduced into the country each piece is stamped with the initials of the persons issuing it; and this process is repeated, so that soon the coins get broken up and are melted down and become what is called sycee-silver, little bars, or pigs, stamped as before, and then circulated again. Our informants tell us that one sees large baskets full of these broken coins constantly being brought in to be made up into pigs. If these facts are correct, it is clear that the Government has nothing to fear from the exported dollars, and would only have to provide for the six millions now in the country. We think we have the best of reasons for believing this would be the limit of the redemption, even if all now in circulation were brought in.

Even without the amendment which I have offered, I do not believe there would be a million of these trade-dollars that would come back to this country, and for reasons which I have stated. But I desire nevertheless that the amendment should be adopted.

Mr. BARBER. Will the gentleman allow me to ask him a question?

Mr. WARNER. Certainly.

Mr. BARBER. Has the Secretary of the Treasury made any recommendation on this point?

Mr. WARNER. He has not to me, and it is very possible that he does not want such a measure to pass. I do not know; but I think we should be the judges of that.

[Here the hammer fell.]

Mr. FISHER. I move to amend the bill now before the House by inserting after the word "States" in the fifth line the words "for the period of four months from and after the passage of this act." If that amendment shall be adopted the bill will then read as follows:

> That the Secretary of the Treasury shall cause to be exchanged, at the Treasury and at all sub-treasuries of the United States for the period of four months from and after the passage of this act, legal-tender silver dollars for trade-dollars at par; and shall recoin the said trade-dollars into legal-tender dollars, as now provided by law; and shall stop the further coinage of trade-dollars.

Now, what is the object of this bill? It is not denied that if a certain amount of these trade-dollars were not in circulation in the United States no such bill as this would have been introduced into this Congress. The object sought to be accomplished by this bill is simply to relieve our own people. If it shall be passed as now reported, and without amendment, I hold that the very object sought under the bill will be defeated.

In the first place, instead of these coins coming into the sub-treasury of the United States for redemption, the people will say that as they are as good as the standard dollar for circulation they will not present them for recoinage. In the second place, this bill as now proposed will have a tendency to bring in trade-dollars from abroad.

Now, I do not apprehend the difficulty which is foreseen by the gentleman from New York, [Mr. MORTON.] However, I will speak upon that point a little further on. I hold that we would never have had any trouble with the trade-dollar if it had not lost its legal-tender quality in 1876. From February, 1873, to July, 1876, the trade-dollar did have a legal-tender quality. During that period sixteen millions of trade-dollars were coined. Since that time twenty millions of trade-dollars have been coined. We know further that of the thirty-six millions of trade-dollars which have been coined in this country over twenty-eight millions have been exported, and only about eight millions have been left in the country.

I wish to call attention to the fact that we will not have these eight millions of trade-dollars to redeem or exchange for legal-tender dollars, because since the trade-dollar has been in circulation it has been used solely in the arts, and manifestly in preference to the dollar of 412½ grains, because it is intrinsically more valuable. Of course a silver-

smith or a worker in silver will take for his purpose a dollar of 420 grains and not the dollar of 412½ grains. Further, the composition of the dollar of 420 grains is such in its toughness as to make it desirable for those working in silver; and therefore bullion on account of its brittleness has not been used by them. It has been estimated that during the past two years about two millions yearly of these trade-dollars have been consumed in the arts in this country.

Now, I do not believe that if we pass this bill, limiting it as to time as I propose by my amendment, which will give sufficient time only to get in the trade-dollars which are in circulation in the United States—I do not believe that with that limit of time there will be three millions of trade-dollars presented for exchange.

In answer to the gentleman from Ohio [Mr. WARNER] who has offered an amendment shutting out the chopped or clipped dollars, I desire to say that that amendment will not answer the purpose. I have here in my hand a trade-dollar from China which bears the mark of the Chinese merchant. That mark can be removed in a moment, and it can be applied a hundred times and not mutilate the coin. We know that in anticipation of the passage of some such bill as this by the Forty-fifth Congress there were two shipments of trade-dollars from China to this country; one of about seven hundred thousand and another of about four hundred thousand, making, in all, eleven hundred thousand trade-dollars now lying in New York to receive the benefit of this bill.

Mr. CANNON, of Illinois, Let me ask the gentleman a question right there in connection with the marked dollar he has produced here.

Mr. FISHER. Unless it is important I would rather not, as I have only ten minutes' time.

Mr. CANNON, of Illinois. Is this mark upon the Chinese dollar mere paint that can be washed off?

Mr. FISHER. It is; and that is the reason I have offered my amendment.

Mr. CANNON, of Illinois. Does the gentleman understand that the bulk of the trade-dollars in China are marked that way?

Mr. FISHER. I will come to that in a moment. When the gentleman from New York speaks of these thirty million trade-dollars abroad, I want to say to him that they are not in existence. The Commercial Advertiser, of San Francisco, in an article which was copied into the Philadelphia Press of yesterday, giving an account of the interview of the Secretary of the Treasury with our Coinage Committee two or three weeks ago, states that of the twenty-eight million trade-dollars which have gone abroad, more than four-fifths have been converted into sycee-silver and are not now in existence. Still, we know these coins are there, because I have here a report of the Hong-Kong and Shanghai Banking Corporation Company, which says:

> Trade-dollars are current by count at Singapore, Penang, Bangkok, and Saigon; they are current by weight at Swatow, Amoy, Foochow, and Canton. In Hong-Kong they are not a legal tender, and the banks will only take them from each other by special arrangement; but the Chinese take them freely in Hong-Kong when they want coin of any description, which is very seldom, as they prefer bank-notes, and only take coin from the banks when they require to export it from the colony. In the south of China, the Straits and Cochin China, the trade-dollar is well known and passes without comment along with the clean Mexican dollars, but in Shanghai and the northern ports it is unknown, and is not likely to be current for a length of time.

Now, Mr. Speaker, we have sufficient evidence that a certain proportion of these $28,000,000 is liable to come in upon us unless we limit the time, and I offer my amendment with the view of fixing such a limit that we can take from our own people these trade-dollars, while we shut out those which are held abroad, where they have been bought at their commercial value.

[Here the hammer fell.]

Mr. MCLANE. Mr. Speaker, I am quite as much in favor of the coinage of the silver dollar as the honorable gentleman from Ohio [Mr. WARNER] himself. I have no idea that we shall ever dispense with the use of silver. I have no idea that we ought ever to dispense with the use of silver. I do not believe that any country, in the present condition of the world, with the present supply of the precious metals, can dispense with the use of silver. I have no doubt at all that the demonetization of silver in Germany lies at the root of all the present financial difficulty in that country; and I sympathize entirely with the honorable gentleman from Ohio, when he treats this question as one vital to the industrial interests of this country; when he maintains that we should not be dependent upon gold alone; that with the debt of this country, contracted when we had the two metals, we ought to have the two metals to the end, and that the Government should never depend upon one metal alone with which to pay either the principal or the interest of this debt.

But although it is wise and proper to have the two metals, it is equally wise and proper that these two metals should hold a proper relation to each other in value. This consideration has never at any time in the history of this country been overlooked. The gentleman from Ohio when he stated that the silver dollar has never been changed in value omitted altogether to remind the House that the gold dollar has been changed. The equality between the two metals can be preserved just as well by changing the gold dollar as by changing the silver dollar. The gentleman ought to know, and I have no doubt he does know, that from the foundation of this Government down to the year 1834 the silver dollar was overvalued, and that after 1834, when the value of the gold dollar was changed, gold was overvalued. So far is it from being sound in finance to say that the value of these metals has never been changed, the very opposite ought to have been said. It is the duty of the Government to change the values whenever they are not in equality.

Mr. WARNER. The gentleman will allow me to ask a question. Suppose we had changed the ratio between these metals at the beginning of this session——

Mr. MCLANE. I see the drift of the gentleman's question and I will answer it. Of course, Mr. Speaker, it is at times difficult to maintain this equality of value; and a condition of things may arise in which the fluctuation of one or the other metal may be so rapid, so violent, that some embarrassment may be created. Why, sir, the gentleman from Ohio knows very well that for several years following the discovery of gold in California in 1848 we had over $100,000,000 of gold produced annually——

Mr. WARNER. One hundred and fifty million dollars.

Mr. MCLANE. And he knows that for five years succeeding that discovery of gold there was no very great inequality in the value of the two metals because of the overproduction of gold.

Mr. WARNER. Oh, no; I cannot assent to that.

Mr. MCLANE. Why, sir, it is the fact that from 1848 to 1854 or 1855 we had a most extraordinary production of gold——

Mr. WARNER. But no change in the ratio between gold and silver in consequence.

Mr. MCLANE. So I understand, and we will come to that. There was a most extraordinary production of gold in California and in Australia during the period I have just indicated. It is very remarkable, in view of what is now occurring, that this extraordinary production of gold produced very little inequality between the metals. Then in 1855 we discovered the silver mines in Nevada, and there was a great decrease in the production of gold and a great increase in the production of silver; yet still there was very little inequality in the value of the two metals. It is thus shown that, if left to the ordinary course of nature and of trade and of commerce, the two metals do maintain their equality, so that it is rarely ever necessary for governments to interfere; and governments have very rarely interfered to any great extent.

Now, of late years we have been, and we are to-day, in a most anomalous condition. We have more than half the European world dispensing with the use of silver provisionally, temporarily. Italy has suspended specie payments for the last ten years, and it is a silver country. Austria has suspended specie payments. Finally America dispensed with specie payments, and then Germany demonetized silver altogether. Thus we have nearly one hundred millions of people dispensing with the use of silver; and this is the cause of the fall in its value. The cause is not overproduction of either metal. Both metals, I contend, are necessary, and neither is produced in excess. That was the argument of the gentleman from Ohio. I have no idea that we are producing either metal too rapidly. We consume all that is produced. I might venture to say we have not enough of these metals. When we take into consideration the amount of silver that is used in the arts and the quantity that goes to the East, there is none too much silver.

This brings me to notice the argument of my friend from New York, [Mr. MORTON.] If he is in truth a bimetallist, let him have patience. Let things adjust themselves. If we can remain with silver at 412½ grains to the dollar let us so remain, but do not say, as the gentleman from Ohio does, he never will change it, or that he will coin it without limit and even stimulate the coinage thereof.

Mr. WARNER. I would not initiate ourselves any change of the proportion of silver; I am willing at any time, however, whenever we have concurrent action on the part of other nations, to fix a common ratio.

Mr. MCLANE. Do not let him, as a silver man and as a sound financier, say he would give to the laboring-man of this country either silver or gold at less than its proper value. Do not let him go to the country, above all do not let him attempt to represent the democracy of this country and say that the laboring-man shall be paid in coin inferior to the coin that any other man has. [Applause.] He knows and we all know that the laboring-man of the country will be paid in silver, and I am with him in demanding we shall have the silver dollar, but I want the silver dollar to be as good as the gold dollar. There is no difficulty in having it so. Why, in 1834 we legislated for that very purpose.

A MEMBER. Bring down the gold.

Mr. MCLANE. Certainly, bring down the gold; take out a grain of gold or so much as the equalization requires, within certain limits, as we did in 1834.

Mr. WARNER. We will all agree to that, but the concurrence of other countries is necessary to keep the two metals together.

Mr. MCLANE. We always have done it. I am entirely with the advocates of silver if they propose that or any other satisfactory mode of equalizing it. All I ask is the two metals should be equalized, and until we have equalized them—now, Mr. Speaker, I want the attention of the gentleman from Ohio——

Mr. WARNER. Very well.

Mr. MCLANE. Until we have equalized them let him hold his soul in patience.

Mr. WARNER. Oh, I cannot do it. [Laughter and applause.] I must demand the immediate restoration of silver. [Applause.]

Mr. MCLANE. Mr. Speaker, there is no doubt that silver has been remonetized, and there is no man on this floor whose constituency is

more earnestly interested in this question than mine, not only because it is a commercial but because it is a manufacturing and industrial constituency, but they want the coins of the country to be adjusted and equalized by established correlative values in harmony with their intrinsic values. And I say to this House that there is not only no serious difficulty in so equalizing them, but our legislation is full of instruction. Why, when we enacted this dollar of which the gentleman from Ohio speaks we had in circulation other dollars like this trade-dollar. We had then a dollar worth 416 grains.

When Mr. Hamilton, the founder of our system of finance, said we must have silver as well as gold, he recommended that the gold and silver dollar should be maintained at the same value.

Mr. SPARKS. Will the gentleman allow me to ask him a question?

Mr. McLANE. Certainly.

Mr. SPARKS. What produced this want of uniformity in the two metals?

Mr. McLANE. I have no doubt it was the temporary disuse of silver.

Mr. SPARKS. It was caused, then, by the demonetization of silver?

Mr. McLANE. Yes, sir; and the disuse thereof in several European countries.

Mr. SPARKS. Then, when our legislation has produced this want of uniformity between the two metals, shall we stand here and say we will refuse all legislation to provide adequate remedy?

Mr. McLANE. No, sir; and though all the difficulty does not come from legislation, by legislation let us remedy it, and not necessarily wait on any other country in the world. [Applause.] Do it ourselves if other countries will not co-operate, as I hope they will, and if I object to the bill of the gentleman from Ohio it is because he has not done it. If he will take hold of this question in a practical way I will go with him and make the two metals of equal value, and then the democracy of the country will have their constitutional money, [applause,] which is coin with its value properly regulated by Congress.

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. WARNER. I wish to ask the gentleman a question right there.

The SPEAKER *pro tempore*. The gentleman's time has expired.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced that that body insisted on its first amendment to the bill (H. R. No. 2252) making an appropriation for certain judicial expenses disagreed to by the House of Representatives, and asked for a conference on the disagreeing votes of the two Houses thereon, and had appointed as conferees on its part Mr. WALLACE, Mr. DAVIS of West Virginia, and Mr. BOOTH.

TRADE-DOLLARS.

Mr. McLANE. Now, Mr. Speaker, I wish to say for myself——

The SPEAKER. The gentleman's time has expired.

Mr. McLANE. When I told the gentleman from Ohio to hold his soul in patience I was willing to place the same restraint upon myself and wait the course of trade and commerce to indicate the necessary regulation of these values, and to conform our coinage thereto.

Mr. FORT. We desire to hear the gentleman from Maryland. I hope his time will be extended.

Mr. STEPHENS. Oh, no, we cannot.

The SPEAKER *pro tempore*. Objection is made, and the gentleman's time has expired.

Mr. MORTON. Will my friend from Maryland allow me to ask him a question?

Mr. McLANE. Certainly.

Mr. MORTON. Did I understand the gentleman correctly as being in favor of reducing the quantity of gold in the gold dollar and equalizing it with silver by such reduction?

Mr. McLANE. Perfectly so. But of course within reasonable and proper limits, as was done in 1834.

APPROPRIATIONS FOR JUDICIAL EXPENSES.

Mr. McMAHON. I move that the House agree to the request of the Senate for a committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 2252) making appropriations for certain judicial expenses.

The motion was agreed to.

TRADE-DOLLARS.

The SPEAKER *pro tempore*. The gentleman from Ohio [Mr. KEIFER] is recognized.

Mr. KEIFER. I understood when I was trying to make an arrangement for the debate on this bill that I was to have twenty minutes and that the time that was desired by members of the committee was only one hour. In view of the time I desired I asked that the whole time be extended to two hours. Now I understand the time is so divided that I can have but ten minutes, and I feel as if under those circumstances I could not enter upon the discussion.

Mr. MONROE. I desire to occupy only a few moments in explaining my position in regard to this bill. I send to the desk an amendment I propose to offer and ask the Clerk to read it.

The Clerk read as follows:

At the end of the bill insert the following:

Provided, That nothing contained in this act shall be so construed as to increase the amount of legal-tender silver dollars to be coined per month under the limitations of existing law.

Mr. MONROE. Mr. Speaker, it will be seen that the amendment which I propose is the opposite of that offered by my colleague from Ohio, [Mr. WARNER.] This amendment is such that if it were adopted by the House I could then vote for the bill; and I think there are a number of other gentlemen in the same situation with myself. There are reasons, Mr. Speaker, why I should greatly desire to vote for a bill to redeem and recoin the trade-dollar. It has always seemed to me to be an anomalous coin, an irregular piece of money, if I may use that expression. It has proved to be a source of irritation to our people so far as they have been constrained to receive it in this country, and they have been so constrained to the extent of five or six millions of dollars and may be constrained to receive more.

We have too many kinds of dollars, in my judgment. I do not think this is a popular or comparatively useful form of the dollar, and I would be very glad to remove it from the number of our silver coins and to substitute the legal-tender silver dollar for it. I think this course would greatly simplify our currency system, would add to its popularity and acceptability among the people, would in some cases prevent losses and would remove some obstacles in the way of a solid and permanent system of specie payments.

But, Mr. Speaker, while I desire to vote for this bill, I cannot do so unless some amendment substantially like that which has just been read at the Clerk's desk shall be attached to it. I wish to provide that the silver dollars which shall be coined in pursuance of this bill which has been reported by the distinguished gentleman from Georgia shall not increase the amount of silver dollars already provided for under the limitations of existing law. I think we are now coining each month as many silver dollars as it is safe for us to do under present circumstances. I am quite willing that the Secretary of the Treasury shall recoin trade-dollars instead of coining bullion as a part of the amount per month which is to be added to our coinage. In that way the trade-dollars will gradually be called in and recoined; and there will be no disturbance of our financial system.

But I am unwilling to add to the total amount of coinage per month so large a quantity as I fear will soon have to be recoined provided we open the doors for the unlimited recoinage of trade-dollars in addition to the amount already provided for. There is more danger of a large quantity of these dollars coming to this country than my colleague from Ohio [Mr. WARNER] seems to suppose, and his amendment does not guard as effectually against such an inflow as he would wish.

I am of opinion that the stamping and chopping of trade-dollars in China is not as universal as my colleague supposes it to be. It is no doubt true that in those parts of China where the old-fashioned Chinese habits still prevail this marking and stamping and chopping, as it is called, has been carried on to a great extent. But I think it is by no means universal in the great commercial ports, and that there trade-dollars pass in large quantities from hand to hand in the transactions of business, unchanged, just as they left our own mints. I fear that in some crisis there will be a large influx of these dollars into this country, and that if we provide for the redemption and recoinage of them as fast as they shall be offered, we shall find that we are swelling by a large amount the aggregate number of silver dollars in the country.

I hope the time will come within a year when I should feel no solicitude on account of that. But the time has not yet come. I do not wish to double or treble the amount of our silver coinage until we can see the result of this general discussion and of these conferences which are going on in Europe. I do hopefully look forward to the result of those discussions. I am an earnest and confirmed bimetallist. I do not believe the world can get along without the use of both the metals. But I am anxious that this country in returning to the full and free use of silver should do it slowly enough and wisely enough not to bring embarrassment and disaster upon ourselves. I would rather defer it until we learn the result of the present transition of opinion which is going on in Europe. Plainly the safest course for us at present is to allow our silver-dollar law, as it is called, to remain upon the statute-book precisely as it is. I have announced that opinion once or twice before in this House, and I still hold it. I am as earnest a friend of the use of silver as any man here, but I cannot help thinking that the truest friendship for the free use of the silver dollar is that which proceeds so carefully that there shall be no danger of some reaction hereafter that shall overthrow all that we have thus far done.

[Here the hammer fell.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced that the Senate had agreed to the report of the committee of conference upon the disagreeing votes of the two Houses upon the amendments of the Senate to the bill (H. R. No. 2251) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes.

APPOINTMENT OF A COMMITTEE OF CONFERENCE.

The SPEAKER *pro tempore*. The Chair desires to announce that Mr. McMAHON, Mr. COBB, and Mr. MONROE have been appointed conferees on the part of the House on the disagreeing votes of the two Houses upon the amendments of the Senate to the judicial appropriation bill.

INTERCHANGE OF TRADE-DOLLARS.

Mr. PRICE. Mr. Speaker, I only wanted to say, in reference to this matter, what probably is very well known to every member of the

House, that we have three kinds of silver dollars, a silver dollar containing 384 grains, nine-tenths fine, which is a legal tender, and of which we have between forty and fifty millions in circulation; a silver dollar containing 412½ grains of the same kind of silver, which is a legal tender; and we have the singular fact presenting itself of a silver dollar of 420 grains of the same kind of silver which is at a discount.

This bill proposes simply to take up that silver dollar of 420 grains, nine-tenths fine, and replace it with the silver dollar of 412½ grains, the Government thereby making 7½ grains for the trouble of coining it.

I am at a loss from my little experience in this world in financial matters to see where by any possibility any damage can accrue to the Government from this measure.

The gentleman from Ohio [Mr. MONROE] who has just taken his seat is very much afraid, if I understood him correctly, that a flood of silver is going to ruin this country. I never heard of a country being ruined in that way, but I have heard of many countries being ruined by not having enough of it. I fail to see how taking a silver dollar containing 420 grains and putting it into a dollar of 412½ grains is increasing the quantity of silver in the country. The gentleman referred to Europe as an illustration of what we ought to do in reference to silver. Sir, that is the worst place in the world for any gentleman to refer to in arguing this matter.

A year ago when they legalized the dollar of 412½ grains they pointed to Europe and told us that Europe had done so and so in reference to this matter and that we ought to follow her lead. Europe is backing on that track, and considering seriously whether she will not take back all her legislation enacted in regard to this matter. They are refusing to sell silver in Germany. That is not all. Gentlemen talk about having too much silver. Wait until we get it. We have not one hundred millions of silver of all kinds in this country to-day. France has to-day five hundred millions of silver at par with gold, and interchangeable with it at 15½ to 1.

I am utterly astonished to find gentlemen who claim to be financiers and to know something about the commerce of the country standing upon this floor and lamenting the evil that is to befall this country when we have too many silver dollars.

Mr. CLAFLIN. Is France increasing this amount of silver circulation?

Mr. PRICE. I am not prepared to say, but I am prepared to say that she is not decreasing it. When we get up in the neighborhood of five hundred millions of silver, or get too much of it, I am willing to take the back track in this legislation; but until then, never.

I ought to have said in answer to my friend from Massachusetts, [Mr. CLAFLIN,] that France is coining in our ratio, and that is a fact in our favor and is in favor of this country having more silver dollars.

Mr. FORT. Mr. Speaker, I regret that the debate upon this bill has been limited to ten-minute speeches. Recently I made some remarks in this House relating to the trade-dollars. I do not think of anything just now that I desire to change in what I said at that time. I then said that the trade-dollar was properly authorized and coined for a particular purpose, for exportation, and when exported served that purpose well and was advantageous to the commerce of this country. It was in its inception intended to be a foreign coin, and to be coined only for export to China and Japan, and to serve our convenience and profit in our commerce with other nations; but, sir, in the course of time the trade-dollar was, for some reason unknown to me, adopted as one of the coins of the United States. I have not now time to read these statutes. Gentlemen can refer to them. They are in the acts of February, 1873, in the Revised Statutes, and in the laws of 1876.

By the Revised Statutes in 1874 Congress made the trade-dollar a legal tender, and it thereby became one of the coins of the United States, entitled to honorable and to enforced circulation within the realm, equal with other coin and equal to other money to the extent of the limit; and from that day every citizen became bound to honor it, and from thenceforward the Government could not disown it without dishonoring itself, and we are bound in honor to stand by it and circulate it at par, or redeem it in some dollar that is still a legal tender. We issued and put it in circulation at par when we made it legal tender in 1874, and we are bound to redeem it at par. It makes no difference how many or how few grains of silver it contains.

The question to-day is the question of redemption. That is the question that is presented by this bill, and it matters not whether gentlemen may be in favor of gold alone or of a bimetallic system, or whether they are in favor of paper money, still they are bound in honor to redeem this trade-dollar because it bears the superscription of the United States. It is called a dollar by recent acts of Congress, and was made a legal tender by law, and its depreciation does not relieve us from the obligation of redemption. We must give another dollar for it that is as good as we solemnly said by law the trade-dollar was when we issued it. Had we never made it a legal tender and enforced its circulation in payment of debts between citizen and citizen we might escape our obligation to redeem; but we cannot disown our own legal issue; we cannot escape without dishonor. It depreciated because we demonetized it. So by our own act, and only because of our own act of demonetization and because we discarded it, did it fall below par.

This Government issued paper money and made it legal tender in payment of debts. And that paper money, without any act of demonetization, without fault of the Government, depreciated and fell far below par; and did the fact of such depreciation and fall relieve us from our obligation in honor to redeem that paper money as soon as we could conveniently do so? And for one I rejoice that the day of redemption has come, and our paper dollar is to-day worth one hundred cents in silver or gold. I confess I did not desire to enforce resumption by contraction. I did not wish to decrease the amount of money in circulation. I did not wish to decrease the value of property and increase the value of the dollar. I did not wish to make it harder for the debtor to pay his debt than it was when he contracted his debt. I, however, always desired to return to resumption when it could in justice and fairness be done. I hoped we might reach it by the road of prosperity. It was determined to travel faster than I desired; and while the road was, I think, made unnecessarily rugged and distressful, still we have reached it, and I rejoice that we have accomplished the journey, and I turn a hopeful eye to coming prosperity.

If we were bound in honor to redeem the legal-tender paper dollar we are also bound in honor to redeem the legal-tender trade-dollar. At one time we could have purchased the paper dollar in the market at a great discount. Does my distinguished friend from New York [Mr. MORTON] claim that because the legal-tender paper dollar was below par it would have been honorable for this Government to have purchased it in Wall street at its market value and thus have avoided its redemption? Or, because it was below par, could we have honorably disowned it and refused to redeem it?

Mr. MORTON. Does the gentleman claim that trade-dollars were issued as legal-tender dollars?

Mr. FORT. I claim that the law of the United States provided for the coinage of a trade-dollar, and that in February, 1874, Congress made the trade-dollar a legal tender in payment of debts to the amount of $5. And millions of these dollars were issued while the law making them legal tender was still in force. If I had performed labor for my distinguished friend to the value of $5 he could have legally paid me with five trade-dollars. I would have had the right to have kept those five trade-dollars which he compelled me to take for my labor, and to present them to-day to the Government that issued them and called them dollars and made them legal tender and compelled me thus to take them, and to demand that in honor the Government should still make them legal tender or redeem them in what is to-day legal-tender dollars.

Mr. MORTON. At the time it was made a legal tender it was worth one hundred and four cents in gold.

Mr. FORT. No doubt, and down to 1876 it was a legal tender, which my distinguished friend seems to have forgotten. But in 1876, after the dollar of 412½ grains was demonetized, in pursuance of the same scheme the trade-dollar was also demonetized. Can we, however, in honor, by the simple act of demonetization, relieve ourselves from the moral obligation to make good what we have solemnly declared upon our statute-books is a dollar and with which labor was paid for at its equivalent upon that measure? Have I not a right to-day to go with my five trade-dollars, which I may have earned by hard labor for my distinguished and wealthy friend, and say to the Government that it must still make them legal tender or redeem them? And if the Government would not redeem them, I certainly would have a moral right to say to my friend, "You have paid me money which is not good and current."

But, as has been well stated, there will be no loss to the Government by this redemption and exchange under this bill. We will not lose a penny by being honest and honorable in this matter.. We can redeem every trade-dollar that is in America or in China and not lose a single cent by it. The trade-dollar has nearly two cents more silver in it than the legal-tender dollar has, and it will only cost one cent to recoin it. So the Government can be consistent, honorable, and honest, and still make 1 per cent. by the transaction. Who can complain of this?

But I hold that it makes no difference whether we lose or make; we are bound to redeem what we have placed the Government stamp upon and by law called a legal-tender dollar. These trade-dollars will not come back to this country in any great quantity. It is admitted on all hands that twenty-eight million of them have been exported to China. Many millions more have been carried abroad in the pockets of Chinamen returning to their country, which have not been counted. No doubt thirty-four or thirty-five millions of these trade-dollars have gone to China and Japan, and most of the remaining two or three millions have gone into the melting-pot, and are no longer in existence. They will never appear for redemption.

Further, Mr. Speaker, pass this bill and the trade-dollars will immediately come up to par and be equal to the legal-tender dollar, and then they will not be presented for redemption but will circulate as other silver dollars. The legal-tender paper dollar does not come to the Treasury for redemption in any amount; so, in my opinion, the trade-dollar would not.

Mr. McLANE. Why not make it a legal tender?

Mr. FORT. I am glad the gentleman asked the question, as I would have forgotten to give my reason. Because we would then have two coins of silver, each a dollar and each a measure of value and differing in weight one from the other. No, I would say to my friend from

Maryland, let us remain consistent, let us have but one dollar, let us redeem the trade-dollar by the legal-tender dollar, and then we will have one weight for our legal dollar, thus be consistent, not only in our own eyes but in the eyes of other nations. How would it look to provide in a law that 412½ grains of standard silver should be a legal-tender dollar and then a line or two further down on the statute-book provide that 420 grains of standard silver should also be a legal-tender dollar, and each thus be declared to be a true measure of value?

Mr. McLANE. That is exactly what we did when we passed the first coinage act of 1792, I think it was; we made a dollar of 416 grains and a dollar of 412½ grains both legal tender.

Mr. FORT. The gentleman is certainly mistaken. I refer him to history. We never did any such thing, I say to him with all respect. The first and only silver dollar, except the trade-dollar, was 371¼ grains pure silver, which is just equal to 412½ grains of standard silver. From 1792, when Alexander Hamilton was Secretary of the Treasury, we never had a silver dollar of any other weight; and if our fathers did have silver dollars differing in weight, it is no reason why we, their children, should be inconsistent now. In money matters let us have everything as simple and certain as possible, so that when any person has a dollar in his pocket, be it silver, gold, or paper, he may know he has one hundred cents, good for any purpose at any place.

[Here the hammer fell.]

Mr. FORT. Is my time out so soon?

The SPEAKER *pro tempore*. It is.

Mr. FORT. I certainly did not think I had occupied over about three minutes.

This is my bill, Mr. Speaker, and I have some more than usual interest in it on that account, and had looked up the law and the points relating to it somewhat, and I have not yet come to state the principal reasons why it should pass just as it is, without amendment; but of course I recognize the rule of the House which cuts me off in the midst of my thoughts, and yield to the Speaker's gavel.

Mr. LOUNSBERY. I send to the Clerk's desk a motion reduced to writing, which I shall ask to be considered by the House at the proper time.

The Clerk read as follows:

Ordered, That the bill be referred to the Committee on Banking and Currency.

Mr. LOUNSBERY. Mr. Speaker, I have discovered upon an examination of this question that there are difficulties attending the subject which cannot be reached by an amendment of the bill. I therefore propose to submit the motion which has been read by the Clerk. That motion is not prompted by any disrespect for the Committee on Coinage, Weights, and Measures, or any want of confidence in that committee, from which my distinguished friend, its chairman, has reported this bill. In order to present my point distinctly, I will ask the Clerk to read a portion of section 3520 of the Revised Statutes.

The Clerk read as follows:

Any owner of silver bullion may deposit the same at any mint, to be formed into bars or into dollars of the weight of 420 grains troy, designated in this title as trade-dollars.

Mr. LOUNSBERY. That provision is from the statute of 1873, which authorized the unlimited coinage of bullion into these trade-dollars. I now ask the Clerk to read section 2 of a joint resolution of July 22, 1876.

The Clerk read as follows:

SEC. 2. That the trade-dollar shall not hereafter be a legal tender; and the Secretary of the Treasury is hereby authorized to limit from time to time the coinage thereof to such an amount as he may deem sufficient to meet the export demand for the same.

Mr. LOUNSBERY. I call attention to the fact that though Congress in 1873 provided for an unlimited coinage of trade-dollars, it subsequently, by joint resolution of July 22, 1876, gave the Secretary of the Treasury power to limit the coinage of these trade-dollars to the actual demands of commerce.

Now, in connection with those two provisions of law, look at the amounts to which these dollars have been coined within the last few years. In 1876, the year in which this limitation on the part of the Secretary of the Treasury was authorized, there were coined 6,132,050 of these trade-dollars; in 1877, 9,162,900, and in 1878, 11,378,010. It will be observed that from the time that the Secretary of the Treasury was authorized by a joint resolution of Congress to limit the coinage of these dollars there has been a rapid increase in the amount of this coinage. Though he was authorized to limit this description of coinage so as merely to meet the demands of commerce, we find that during the last year he authorized the coinage of $11,000,000 of this currency. Yet we are told in this debate, and I believe the fact is reported by the Director of the Mint, that there are only between six and seven millions of these trade-dollars now in this country. Now, if the demands of commerce are absorbing this coinage so rapidly that, although during the last year eleven million trade-dollars were coined, only $6,000,000 of this currency is now left in the country, why is it necessary at this time, at the end of this extra session, to interfere with this coinage?

Mr. FISHER. Will the gentleman allow me a single remark? As I stated, the object of the bill is simply to gather in the few millions of trade-dollars scattered through this country. Can the gentleman indicate any way by which this form of currency can go to China except by the bill as I propose to amend it?

Mr. LOUNSBERY. I am not speaking on that subject. It will be observed that the last clause of the bill reported by the committee proposes to give to the Secretary of the Treasury the power to stop the further coinage of the trade-dollar. Why should we in this way restrict the power of the Secretary of the Treasury, when by the joint resolution of 1876 he was authorized to limit the coinage to the demands of trade? Why now deprive him of that authority?

From the bill there can be inferred only one of two propositions: either it is intended to authorize an unlimited coinage of the standard dollar, or else it is intended to deprive the Secretary of the Treasury of the option which he now has to allow the coinage of the trade-dollar to the extent justified by the demands of commerce. Putting either construction upon the bill, I am opposed to it.

Mr. WARNER. Is the Secretary of the Treasury causing any of the trade-dollars to be coined now?

Mr. LOUNSBERY. I assume that under the joint resolution of July 22, 1876, he is coining sufficient to meet the demands of commerce.

Mr. WARNER. The gentleman will allow me to call his attention to an extract from a recent interview of the Secretary of the Treasury with the Committee on Coinage, Weights, and Measures:

Question. Is there any longer any object in coining that piece at all for private parties?

The SECRETARY. No, sir; and I should refuse to do it now if such an application were made.

Mr. LOUNSBERY. The answer which the Secretary there makes does not change the situation which he occupies under the joint resolution of 1876. By that enactment he is authorized to permit the coinage so far as to meet the demands of commerce. Now, what objection has the committee to our manufacturing these coins to be used in China? I understood the gentleman from Ohio [Mr. WARNER] to say that there has been and is a constant, a continual demand for coins of this kind, to be used in China, where they are clipped and marked for the purposes of trade, and are used according to their bullion value.

Mr. WARNER. Is it necessary to coin silver pieces of 420 grains in order that they may be divided and melted up in China? Will not pieces of 412½ grains do just as well?

Mr. LOUNSBERY. I am not now arguing as to the necessity for creating such a coin. I am simply saying that this difficulty which we now meet in connection with our currency cannot properly be obviated in the manner proposed in this bill. And, Mr. Speaker, I now come to the particular point which I have made under my motion. The design of this coin undoubtedly came originally from the Committee on Coinage, Weights, and Measures, and it was a proper function of that committee; but after it had passed into circulation, and became a part of the currency of the country, if it were of any use here, then from that time forth it seems to me this subject no longer belonged legitimately to the Committee on Coinage, Weights, and Measures, but was a proper subject to be considered by the Committee on Banking and Currency. And I very much regret the gentleman from Illinois, [Mr. FORT,] who introduced this bill and who was a member of the Committee on Banking and Currency, should not have seen that it was sent to that committee.

I admit, sir, this trade-dollar now forms an embarrassment in our currency. I have in my district bank officers who tell me it was in their way, embarrassing their operations and loading their counters; and if there be a hidden meaning in this bill by which there shall be unlimited coinage and exchange of trade-dollars so as to result in the unlimited issue of standard dollars, then I am satisfied no bank officer in my district would ask me to support it.

The SPEAKER *pro tempore*. The gentleman's time has expired, and the chairman of the Committee on Coinage, Weights, and Measures now yields five minutes to the gentleman from Kansas, [Mr. HASKELL.]

Mr. HASKELL. I have listened to the arguments of the opponents of this bill to find some good reason why the trade-dollar should not be taken out of circulation among our people and the uniform standard dollar issued in lieu of it. There has been a great fear expressed by members of this House of unlimited coinage. I for one acknowledge having a great fear of unlimited coinage as expressed in the bill which was passed in this House some days ago known as the Warner bill because of the bullion-certificate feature which was attached to it and because of a great many dangerous details, as I regard them, of that measure, by which this whole coinage business would be left free in the hands of speculators and bullionists. And I desire to call the attention to-day of gentlemen who are afraid of unlimited coinage, pure and simple, to the fact that, however unlimited it may be by act of Congress, it is limited by mint capacity. I do not believe if you could open the Mint, as provided for by the amendment to the Warner bill of my colleague, to the coinage of silver dollars to the utmost capacity of the Mint that such a plethora of silver dollars would be produced inside of five years as would accomplish the result of driving the gold or the superior dollar out of the market.

This bill, Mr. Speaker, is not for the unlimited coinage of silver, nor can it be even under the mint capacity, for there are not enough of trade-dollars in existence in China, India, or the United States to produce any of the direful effects which have been held up before this House to come from the passage of this bill; $30,000,000 is the sum total which would be reached.

A MEMBER. Thirty-six millions!

Mr. HASKELL. Thirty-six millions, then. It is no more than fair, then, that the dollar issued by the Government of the United States and made a legal tender when scattered broadcast among our people should be redeemed when presented by a legal-tender dollar, and especially when that legal-tender dollar is worth less in bullion than the one taken up. There can be no harm in it that I can see. There can be no great influx of bullion in it. There is no possibility of their coming here in large numbers in any one time; but a troublesome, annoying, vexatious coin will be taken out of existence and lawful money of the United States substituted in place of it.

Let me state another fact. It has been wondered why in the last year trade-dollars were not taken up as bullion and coined into standard dollars of 412½ grains by the Secretary of the Treasury. The reason why the trade-dollar was not taken up is that although not a legal tender, having no place where it could be redeemed, yet it was worth a great deal more than the bullion in it. You cannot buy the trade-dollar to-day for its bullion value in the United States. They are worth more than bullion. They have been issued as coin and circulated among the people. The trade-dollar is a convenient disk of silver, and for the purpose of exchange the holders of it would not sell it for the same price they would sell that amount of bullion. Notwithstanding that fact, however, they are still subjected to the annoyance of a dollar that is worth at the bank just what the banker has a mind to offer for it, and it is to relieve that embarrassment I understand this bill has been proposed. It is simply to allow the people to get rid of a troublesome coin, one that is made use of but gives petty annoyance, and put in their hands in lieu of it a legal-tender dollar of the United States.

[Here the hammer fell.]

The SPEAKER *pro tempore*. The Chair assigns five minutes to the gentleman from Iowa, [Mr. WEAVER.]

Mr. WEAVER. It is really amusing to sit and listen to the conflicting views expressed upon this question of metal money. The distinguished gentleman from Maryland [Mr. MCLANE] thinks that the silver dollar of 412½ grains is not of equal value with the gold dollar, and to equalize them he would be willing to cut down the gold dollar. I do not know that I would have any very serious objection to that. But I would like to ask him how he would pay the bonds issued since the passage of the act of 1870? That act in effect provides that the bonds shall be paid in a gold dollar of 25.8 grains, or a silver dollar of 412½ grains. Now, if you reduce the quantity of metal in the gold dollar, the bondholder, who dictates the laws and interprets them after they are passed, will say at once, "You cannot pay me with a dollar that contains less than the stipulated amount of gold." This will leave them the silver dollar of 412½ grains the only legal tender for the bonds. That, I think, would be a capital joke on the bondholder, and I rather like it.

My friend from Iowa [Mr. PRICE] grows eloquent in the closing hours of this session in favor of unlimited coinage of silver, and says the country cannot have too much of it. And yet it is within the memory of every member present, though the gentleman seems to have forgotten it, that a few weeks ago the gentleman from Iowa voted against the passage of the Warner silver bill, knowing that it was the only silver bill that could be passed during this session to authorize unlimited coinage of silver.

Mr. PRICE. I suppose my colleague would not want to misrepresent me; and it would not be very safe for him to do it. [Laughter.] I will correct the gentleman by saying that I have never stated that I am in favor of unlimited coinage.

Mr. WEAVER. At the risk of my personal safety, then, let me put my colleague on record before the people of Iowa as being opposed to unlimited coinage. The gentleman may take that horn of the dilemma if he likes, and that will not be very safe for him in Iowa. [Applause.]

Mr. PRICE. I have stated my views on that question before the people of Iowa.

Mr. WEAVER. Then the gentleman from Illinois [Mr. FORT] says he is for the redemption of the trade-dollar with standard dollars; that it is purely a question of redemption. What! Propose to redeem a dollar of 420 grains with one of 412½ grains? Why will not the gentleman be consistent and come out and admit frankly before the House and before the country that it is the fiat that he wants and not more grains of metal? The dollar of 412½ grains has the fiat, and therefore it is worth more to the holder than the dollar of 420 grains.

Mr. HAZELTON. If you have no silver to pay with, would not paper be just as good with the fiat?

Mr. WEAVER. Certainly. But I have no doubt the gentleman from Wisconsin [Mr. HAZELTON] would sit by and see the Government "starved to death" if gold and silver were to give out rather than allow greenbacks to be issued.

Mr. HAZELTON. Then does the gentleman take the position that silver and gold are not necessary at all; that paper money can be made as good by the simple fiat of the Government as metal money?

Mr. WEAVER. I am in favor of gold, silver, and legal-tender paper money, of equal legal-tender qualities, and made so by the fiat of the Government. You, sir, are in favor of gold, silver, and national-bank currency—particularly the national bank part of it. That is a swindle, as every one knows.

Mr. HOUK. What do you want your greenback currency based upon?

Mr. WEAVER. I want it based on the gold, the silver, the wheat, the corn, and everything else in the country, including the public credit.

Mr. HAZELTON. Why talk of "fiat," then?

Mr. WEAVER. Does it alarm you?

Mr. BAKER. I wish to ask the gentleman a question.

Mr. WEAVER. One at a time, if you please. Verily, the voice of the greenbacker stirreth up my friends on the right. [Laughter.]

Now, there is great difficulty in regard to cutting down the amount of gold in the dollar. As I remarked, if you reduce the amount of metal in the gold dollar it will be said you cannot pay the bond in gold. And if you add to the amount of silver in the silver dollar, then you take away, for the third time, from the people the right to pay the bonded debt according to the contract. It is high time for this Government to do away with this bartering with creditors, and say, "There is one dollar for all, rich and poor alike; and it shall pay all debts to the rich and the poor, whether he be a bondholder or a bond-payer." We want a dollar of the Government established by law, and not by barter with crafty public creditors. You get "involved in involutions wild" in the discussion of the relative value of gold and silver. I adhere to the old standard of 412½ grains for a silver dollar and 25.8 grains for a gold dollar, and then I would have the royal loyal greenback as my paper dollar. It came to the rescue of the Government when silver and gold, like cowardly traitors, fled away and hid until the battle was over. [Applause.]

[Here the hammer fell.]

Mr. HOUK. I would like to ask the gentleman a question.

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. HOUK. Will the gentleman permit me to ask him how he would discharge the obligations of the Government?

Mr. WEAVER. I will tell the gentleman.

The SPEAKER *pro tempore*. The gentleman's time has expired.

Mr. MILLS. Some weeks ago we passed a bill through this House allowing all persons who hold the fractional silver coins to bring them to the Treasury and exchange them for lawful money. It was sought at that time by some members to embrace the trade-dollar in the proposition. But strangely enough, this House refused to grant that privilege to a dollar that contains 420 grains of silver while it granted the privilege to a dollar that contained 384 grains of silver. Large merchants in the cities who had this non-legal-tender money piled up in their coffers, coming in to them in small transactions, gained the ear of this House, so that if they should bring their money to the Government, the Government would give them a dollar in gold for 384 grains of silver. And now the trade-dollar, containing 420 grains of silver, comes in and you do not give the legal-tender Treasury note of the Government in exchange for it, but you take from the Treasury the only dollar which the Government can pay to the bondholder. You take away from the Government the only capacity that it has to extricate itself from the public burdens that rest upon the people. You take away a kind of dollar which you have given money functions to, and you take in lieu of it a silver dollar of less value. Why do you not give Treasury notes of the Government in exchange for the trade-dollar? Why not give a lawful-money dollar for a dollar of 420 grains coin? Why can you not afford to give it for a dollar worth 420 grains? Why shall we not do that, and then the holder will get a dollar just as good as a legal-tender silver dollar—practically as good—and the Government would at the same time retain in its coffers that dollar with which it can pay its public creditors?

Now, when the time comes to offer amendments, I shall move to strike out the words "silver dollars," where they occur in line 5, and insert "legal-tender notes," and I hope the House will give us a vote upon that amendment by yeas and nays.

I want the people of the United States to see another demonstration of the fact that the party on this side of the House at least are true to the interest of the public and do not want any trifling with this question. The silver question furnishes the key to unlock the doors of the prison house in which the people are confined, and by it a way of escape may be found from the valley of the shadow of death through which they are now wandering. It is well for us to look this question in the face and so legislate that they may be liberated from the embarrassments under which they are now suffering.

Mr. GODSHALK. I do not propose to detain the House with a discussion of this question. I am in favor of the bill pure and simple as reported by the committee. I notice that in the discussion of this question we generally drift off into questions of finance and political questions, but it seems to me that this is a very plain question here to-day. If other gentlemen's constituents are as much annoyed by these trade-dollars as I know my own are, they will be glad to vote for this bill and relieve the people from the circulation of these dollars. There is not now a place anywhere in the neighborhood of great cities but where the channels of trade are choked with this anomalous coin. The brokers sell it over their counters and it goes into the country, into the hands of the small traders, and they must get rid of it as best they can. The very prospect that there is a chance of Congress taking action upon this question has brought every trade-dollar from 5 per cent. up to 2 per cent. of par. I hope Congress will see the way plain to do what is right in this matter, and that is to relieve the people of this incumbrance.

It is a plain question for the people. What do we care about the bagatelle, five millions of silver coin? Suppose Congress would legis-

late so that that coined money would come back into the country. They will come here and they shall give something in exchange for them in our trade with China. I am in favor of the passage of the bill, and I think that if Congress passes this bill the people will thank them for it, and they can go home to their constituents and it will be something at least in their favor.

Mr. STEPHENS. I now yield for twenty minutes to the gentleman from Ohio, [Mr. KEIFER.]

Mr. KEIFER. Mr. Speaker, this bill, if enacted into a law, will compel the Secretary of the Treasury to exchange legal-tender silver dollars for trade-dollars at par, and to recoin the trade-dollars into legal-tender or standard silver dollars and to stop the further coinage of trade-dollars. I understand the Committee on Coinage, Weights, and Measures to recommend the passage of this bill.

Mr. FISHER. Do not say that the committee recommend this bill without amendments.

Mr. KEIFER. I understand them to report it back without amendment.

Mr. WARNER. The majority of the committee are in favor of amending the bill.

Mr. KEIFER. They have reported it without amendment, and I think my statement is correct.

I think the whole measure unwise, and if opportunity is afforded me I will move as a substitute for the bill the following:

That the silver coins of the United States known as the trade-dollars shall be a legal tender at their nominal value for any amount not exceeding $5 in any one payment.

The substitute proposed would restore the trade-dollar to the status it held in this country at the time it was first issued under the act of February 12, 1873, and which it held until totally demonetized by the act of July 22, 1876. This latter act was passed chiefly through the efforts of democrats in the Forty-fourth Congress and when this House was overwhelmingly democratic.

But for the demonetizing act of July 22, 1876, no trouble would ever have arisen in this country about the trade-dollar. But for that act no man in this country, rich or poor, would have suffered inconvenience or loss on account of the trade-dollars, and no banks or brokers would have attempted to speculate in them.

The trade-dollar, as is well known, was coined for the Asiatic or Chinese trade, and this Government did not issue them on its own account, but only coined them under the act of 1873, for private parties (on their paying the actual expense of coinage) from bullion deposited at the United States mints for that purpose.

These trade-dollars never were intended for circulation in the United States, but in various ways a portion of those coined came into general circulation. The Secretary of the Treasury possesses, under existing laws, the right and power to restrict the coinage of trade-dollars to the necessities of the actual export demand, and under this power he wholly suspended their coinage in April, 1878. The total coinage of trade-dollars since the passage of the act of 1873, which first authorized them, has been $35,959,360. Returns of customs collectors show that 25,703,950 of these dollars had been exported prior to November 1, 1878, in the Chinese trade alone, and after making a reasonable estimate of the number which have found their way out of this country through Chinese returning to their own country, and of the number smelted for manufacturing and other purposes, and as bullion at the mints, ($106,000 have been melted at the mints,) and making due allowance for those returned in various ways, there can hardly be found in this country five million of the trade-dollars.

Without making any allowance for those used for manufacturing purposes, the Director of the Mint, in his report dated November 1, 1878, estimates the number of trade-dollars then in the United States at five and a quarter millions, and these were held principally by California banks. On the 13th of June, 1879, the trade-dollar, notwithstanding it has no legal-tender character, had a commercial value in New York City of ninety-nine cents, and the standard silver dollar then had with its legal-tender character a commercial value of ninety-nine and seven-eighths cents. On that day the bullion in a trade-dollar could have been purchased for ninety-one cents. In view of these and other facts I would not withdraw the trade-dollar from circulation abroad at so great a cost to our Government. We can purchase the amount of bullion (and there is plenty of it, the product of our mines) in a trade-dollar for ninety-one cents, if desirable to have a more rapid coinage of standard silver dollars. The silver in the trade-dollar has already been utilized, and it would now be unwise to offer a premium for the return to this country of over thirty millions of the trade-dollars already absorbed in foreign commerce and not needed at home, and to take up and recoin at a loss to the United States of not less than nine cents on each of the five millions still in this country.

I appeal to those who favor a free coinage of silver dollars and to those who are interested in mineral districts not to favor this measure, as it will only tend to depreciate our own silver bullion and to widen the breach, at our present ratio, between the gold and the silver standard. It will also be ruinous, for a time at least, to our silver-mining interests in this country. There is plenty of bullion without melting the trade-dollar to occupy our mints indefinitely to their fullest capacity. There is no legal or moral obligation resting on this Government to take up these trade-dollars at above their value as bullion. The Chinese government has no mint and is not likely to have, and the trade-dollar is constantly increasing in favor there, hence I would not take away from the Secretary of the Treasury the right in his discretion to coin, under the original act, trade-dollars expressly to meet an export demand. Silver is the money standard of China and most of the oriental nations, and it will be largely to the interest of this country, as far as possible, from its inexhaustible silver mines to supply them with their coin or money.

Dr. Linderman, the late Director of the Mint, in his last report, speaking of the trade-dollar, very wisely says:

It will be to our advantage to furnish these coins, so far as we can without detriment to our own money system; and the trade-dollar having attained such a favorable position in China, it would not appear to be advisable to repeal the law authorizing its coinage.

No more trade-dollars will in any event be coined, unless it is to the interest of bullion-holders to have it done. They will not, with the approval of the Secretary of the Treasury, deposit at the United States mints bullion to be coined into trade-dollars, unless it will be more profitable than to sell it to the Government for coinage or to other parties. Why should this means of utilizing our silver productions be withdrawn, especially while silver bullion is so much depreciated in the markets of the world? No harm can come to anybody from the continued coinage of the trade-dollar under the restrictions stated already, provided my proposed substitute is adopted. As has already been stated, the trade-dollar never was intended to become one of the coins of our country to go into ordinary use; and notwithstanding the fact that it contains 6¾ grains more pure or 7½ grains more standard silver than the now legal-tender silver dollar, I would not give it a full legal-tender character. To do the latter would destroy the original purposes of the act of 1873.

The limited legal-tender character of that act should, however, never have been taken away, and should now be restored so as to protect all persons, laborers, and others from inconvenience and loss on account of those now in or which may come into their hands. Brokers or large dealers in trade-dollars can protect themselves by disposing of what they now have on hand for the continuing Asiatic export trade. Persons holding a few trade-dollars who have received them for wages or otherwise can use them in small sums, if they are only given a legal-tender quality for $5, as I propose. If employers should use them to pay their employés, the latter could buy without discount any of the necessaries of life with them. To make them a legal tender for $5 will not injure the Government to any extent, but it will prevent loss to that class of persons who cannot always protect themselves. The bill of the committee is against the interests of the Government and in the interest of the banks and brokers who have hoarded the trade-dollar.

The bullion in all the trade-dollars could be purchased by the Government for $32,725,017 at the present advanced price of silver bullion, but under this bill the Government would be required to pay $3,234,343 more than they are worth as bullion, thus opening a means of speculation at the expense of the Government and offering an inducement to parties to gather up at home and abroad and send to the mints all the trade-dollars hitherto minted. This bill is in the interest of those who have already hoarded in large sums the trade-dollars, purchased at eighty-five and ninety cents apiece. It provides a means of robbing the United States Treasury to the extent of millions of dollars in the interest of speculators, and affords no sort of relief to persons who hold trade-dollars in small quantities and who have received them for wages, produce, &c. It must be noted that the passage of this bill will give no relief to holders of small sums of trade-dollars. Such holders can only sell at a discount to speculators, to be sent off to the Treasury or sub-treasuries of the United States for exchange. To give such dollars a legal-tender quality only in sums not exceeding $5 will necessarily force those now in our country abroad, and will cause them not to circulate at home generally.

Let us coin our standard silver dollars to the extent of the capacity of our mints, if necessary; but out of fresh bullion, the product of our mines and the fruits of the toil and enterprise of our miners.

I am not speaking against the silver dollar or the silver standard, but I speak in favor of a silver dollar for our own home circulation which may never be dishonored, but held up abreast, for all purposes, of the gold or now paper dollar of this Government, and also in favor of finding an easy market and good price for a great and inexhaustible product of our country.

We have coined, prior to June 1, 1879, under existing law, 33,485,950 legal-tender silver dollars, which are now ready for or in circulation. Whoever prefers silver dollars can get them in any sums desired. The *per capita* of silver dollars in this country is much greater than at any other time in its history.

The democratic party were the pioneers in the work of destroying the "monetary power" of silver in the United States.

From the organization of the United States Mint (1793) to June 30, 1873, the total silver coinage was as follows:

Dollars	$8,045,838 00
Half dollars	99,845,235 50
Quarter dollars	22,001,218 50
Dimes	9,060,795 50
Half dimes	4,906,946 90
Three cents	1,281,850 20
Total silver coinage prior to 1873	145,141,884 60

On February 21, 1853, a Congress, democratic in both branches by large majorities, by legal enactment took away the thitherto full legal-tender character of all subsidiary silver coin, except in payment of debts for sums under $5. Upon the principle of this democratic law above $137,000,000 of our silver coinage were demonetized.

It is claimed that what remained at home and were not melted up for various uses of the $8,045,838 silver dollars coined prior to June 30, 1873, were by a republican Congress demonetized by the act of February 12, 1873. If true, this would be a comparatively small matter. A very large share of the responsibility of that act also belongs to prominent democrats in both the Senate and the House.

Until June 22, 1874, (the date of the taking effect of the Revised Statutes of the United States,) all silver dollars coined by authority of the United States were a legal tender, equal with gold coin. Section 3586 of said statutes demonetized all United States silver coinage, and made it a legal tender for only $5.

The act of February 12, 1873, provided only for limiting the legal-tender character to $5 of the silver coins issued under its provisions, including the trade-dollar.

Now that members of all political parties are in favor of a coinage of legal-tender silver dollars, and some of each of the two principal political parties are in favor of a free coinage of silver on the same terms and on an equal footing with gold, let us do nothing to bring discredit on a policy which tends to make coinage of silver dollars desirable in our country.

Above all, let us not, under the pretense of legislating in the interest of more silver dollars, make a law to give banks, bankers, brokers, and speculators millions of dollars at the expense of the United States Treasury, and without giving relief to the only persons in this country who have suffered from a circulation of silver (trade) dollars.

By the adoption of my proposed substitute for this bill full relief will come to this last class of persons, and the Government and other parties will suffer no loss.

No money or representative of money or obligation of any character which this Government is or has been in any degree responsible for passing into common circulation among the people should be allowed to be made the instrument of injury or loss to any citizen. The remedy proposed, so far as the trade-dollar is concerned, is easy, simple, and efficient.

I now send to the Clerk's desk my amendment, and ask that it be read.

The Clerk read the proposed amendment, as follows:

That the silver coins of the United States known as the trade-dollars shall be a legal tender at their nominal value for an amount not exceeding $5 in any one payment.

Mr. MILLS. I offer my amendment, which is to strike out, in line 5, the words "silver dollars" and insert in lieu thereof "Treasury notes."

Mr. STEPHENS. According to understanding had to-day, after one hour and three-quarters the previous question was to be considered as ordered, and then I was to have fifteen minutes to conclude the debate. The previous question, according to that understanding, is now considered to be ordered.

Mr. DEERING. Are amendments in order?

Mr. STEPHENS. I was going to say that I trust that all the amendments which are to be offered will be submitted now, and that they would be printed, and then we can adjourn until to-morrow, when I will conclude the debate in fifteen minutes.

Mr. DUNNELL. I desire to ask the gentleman from Georgia if he intends to allow a vote upon these different amendments?

Mr. STEPHENS. Upon every one of them.

Mr. DEERING. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

After the word "par" in line 6 of the bill insert:
Provided, The weight of said trade-dollars has not been reduced below the standard weight and limit of tolerance provided by law for the single piece.

Mr. BAKER. I would like to ask the gentleman from Georgia a question.

Mr. STEPHENS. I will hear it.

Mr. BAKER. Is it the intention of the gentleman to press this bill, with its amendments, to a vote to-night before adjournment?

Mr. STEPHENS. It is not. I have stated that my object is to have all the amendments offered to-night, and then, according to the arrangement made this morning, the previous question is to be considered as operating, and I will conclude the debate in fifteen minutes to-morrow.

Mr. BREWER. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Add to the bill the following:
But the Secretary shall not redeem such trade-dollars as have been clipped so as to decrease their bullion value, or which shall have been restamped by any individual or foreign country.

Mr. STEPHENS. I now move that the House adjourn.

Mr. SINGLETON, of Mississippi. I ask the gentleman to withdraw that motion until I can submit a privileged report.

Many MEMBERS. Regular order.

The SPEAKER *pro tempore*, (Mr. CONVERSE.) The regular order being called for, the question is upon the motion to adjourn.

Mr. STEPHENS. I withdraw that motion at the request of the gentleman from Mississippi, [Mr. SINGLETON.]

METRIC SYSTEM IN COINAGE.

Mr. SINGLETON, of Mississippi. The Committee on Printing, to which was referred a resolution of the House providing for the printing of 10,000 copies of House Report No. 14 of the first session of the Forty-sixth Congress, have directed me to report the same back with an amendment.

The SPEAKER *pro tempore*. The resolution will be read, and then the Clerk will read the amendment recommended by the Committee on Printing.

The resolution was read, as follows:

Resolved, That 10,000 extra copies of House Report No. 14, first session Forty-sixth Congress, be printed for the use of the House.

The amendment reported from the committee was to strike out the words "for the use of the House" and to insert in lieu thereof the words "at the Government Printing Office; 2,500 copies for the use of the Senate, and 7,500 copies for the use of the House of Representatives."

Mr. BAKER. What document is that?

Mr. SINGLETON, of Mississippi. The gentleman from Georgia [Mr. STEPHENS] will explain.

Mr. CONGER. That report should go to the Committee of the Whole.

Mr. SINGLETON, of Mississippi. There is no appropriation of money in it.

Mr. STEPHENS. It is an ordinary report.

Mr. SINGLETON, of Mississippi. Yes, it is the ordinary form of report.

Mr. CONGER. It requires the expenditure of money.

Mr. SINGLETON, of Mississippi. Will the gentleman listen to an explanation from the gentleman from Georgia?

Mr. CONGER. I will hear the statement.

Mr. STEPHENS. The report which this resolution provides for printing is a report of the Committee on Coinage, Weights, and Measures on the metric system in coinage. The last House ordered a large number of extra copies of this report to be printed; I forget how many.

Mr. SINGLETON, of Mississippi. The order was for 10,000 copies.

Mr. STEPHENS. That order passed the House, but did not pass the Senate on account of the lateness of the session. I suppose I would be within bounds if I said that there have been a thousand letters asking for copies of that report.

Mr. SINGLETON, of Mississippi. The amendment reported from the committee is simply in regard to the distribution of the report. It is the same resolution which passed the last House, but failed in the Senate.

Mr. CONGER. I dislike so much to have the metric system forced upon the honest people of the United States, with all its unnamable terms, changing the entire names even of the usual weights and measures of the country, that I feel like opposing it whenever I have an opportunity.

Mr. STEPHENS. Let the country have an opportunity to see the report. This resolution does not adopt the report; it simply provides for printing it.

Mr. CONGER. No man knows what it means.

Mr. SINGLETON, of Mississippi. This is a privileged report; I have a right to make it.

Mr. CONGER. The gentleman says he has a right to make this report.

Mr. SINGLETON, of Mississippi. Certainly, it is a privileged report.

Mr. CONGER. Then I make the point of order that it should go to the Committee of the Whole.

Mr. SINGLETON, of Mississippi. It does not order the expenditure of a dollar of money.

Mr. CONGER. It requires the expenditure of money.

Mr. SINGLETON, of Mississippi. I say that the gentleman cannot make that motion; he has not the floor to do it.

Mr. CONGER. I make the point of order.

The SPEAKER *pro tempore*. The Chair is of the opinion that the point of order is not well taken; the resolution appropriates no money.

Mr. CONGER. Does the Chair decide that this resolution does not involve any expenditure of money?

The SPEAKER *pro tempore*. The Chair decides that it does not make any appropriation, and that the point of order is not well taken.

Mr. BREWER. I move that the House now adjourn.

Mr. FORT. Let this report be first acted upon.

The motion of Mr. BREWER was agreed to; and accordingly (at four o'clock and fifty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By the SPEAKER: The petition of Francis A. Page, for compensation for services as messenger on the soldiers' roll of the House of Representatives, Forty-fifth Congress—to the Committee of Claims.

By Mr. ELLIS: Papers relating to the claim of J. W. Arthur & Co., of New Orleans, Louisiana, for compensation for cotton taken

from them by a United States Treasury agent at New Orleans, on the 24th of June, 1865, as tax, in kind, on cotton—to the Committee on War Claims.

By Mr. EWING: The petition of C. F. Rainey and A. R. Potts, for compensation for services rendered in the office of the Sergeant-at-Arms, House of Representatives, Forty-sixth Congress—to the Committee of Accounts.

By Mr. WILLIS: Communications from R. A. Robinson & Co. and Arthur Peter & Co., wholesale druggists, of Louisville, Kentucky, giving reasons why the law should not be changed imposing a duty on quinine—to the Committee of Ways and Means.

IN SENATE.

THURSDAY, *June* 19, 1879.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

THE JOURNAL.

The PRESIDENT *pro tempore* called the Senate to order and said: The Chair is informed by the journal clerk that owing to the length of the session yesterday and its prolongation during the night, the Journal has not been made up; that is, it has not been finished; and the Chair suggests that the reading of it be dispensed with until it be finished.

Mr. CONKLING. I object, Mr. President; and I insist upon the observance of the first rule of the Senate, which requires the Chair to cause the Journal to be read, first of all, after calling the Senate to order.

Mr. DAVIS, of West Virginia. I take it——

Mr. CONKLING. I object to all debate.

Mr. DAVIS, of West Virginia. I take it, that part of the Journal being made up, it need not all be made up. The part made up can be read, and by that time probably the other part will be ready.

The PRESIDENT *pro tempore*. The reading of the Journal cannot be dispensed with except by unanimous consent.

Mr. WITHERS. Certainly not.

The PRESIDENT *pro tempore*. The Journal can be read as far it is made up; but what is not made up cannot be read. The Clerk will read the Journal as far as it is made up.

Mr. DAVIS, of West Virginia. Yes, as far is it is made up. That is the suggestion I made.

Mr. CONKLING. I object to anything being done until the Journal is read.

The PRESIDENT *pro tempore*. The Journal will be read as far it is made up.

Mr. CONKLING. There will not be anything done until the rest of it is read.

The Journal of yesterday's proceedings was read in part.

The PRESIDENT *pro tempore*. Petitions and memorials are now in order.

Mr. CONKLING. Has the Journal been read?

The PRESIDENT *pro tempore*. All that is written up has been read.

Mr. CONKLING. I submit to the Chair that the rule requires that the Journal of the preceding day's proceedings shall be read. I demand the reading of the whole of those proceedings, and object to anything being done until the Journal is read. I ask for the reading of the first rule, that the Senate may know what it is.

The Chief Clerk read as follows:

1. The presiding officer having taken the chair, and a quorum (which shall consist of a majority of the Senators duly chosen and sworn) being present, the Journal of the preceding day shall then be read, and any mistake made in the entries may be corrected. The reading of the Journal shall not be suspended unless by unanimous consent; and when any motion shall be made to amend or correct the same, it shall be deemed a privileged question, and proceeded with until disposed of by the Senate.

The PRESIDENT *pro tempore*. It is the opinion of the Chair that the Senate cannot be prevented from transacting business by a failure to write up all the Journal, and that the rule does not require an impossibility. As far as the Journal has been written up it has been read. The rest of it, in the opinion of the Chair, must be read hereafter. Therefore the Chair overrules the point of order made by the Senator from New York.

Mr. CONKLING. From that decision of the Chair I appeal.

The PRESIDENT *pro tempore*. From that decision the Senator from New York appeals.

Mr. HOUSTON. I desire to make an inquiry.

Mr. CONKLING. Have I the floor on my appeal?

Mr. HOUSTON. I propose——

The PRESIDENT *pro tempore*. If the Senator from New York desires to speak upon the appeal, he has the floor for that purpose.

Mr. CONKLING. I am on my feet, and I wish to say a word.

Mr. HOUSTON. I have no objection to the Senator standing on his feet nor to his saying a word.

Mr. CONKLING. I wish to say that this is in parliamentary law and by the rules of the Senate, not a matter of order merely, but a matter of privilege. Before the Senate proceeds to do any business whatever, it is the right of every member to hear read the minutes of the preceding day's proceedings, and to make any motion to correct the record of proceedings, which motion is by the rule as well as by parliamentary law a matter of the highest privilege.

I submit that the idea that because the journal clerk has not been able to complete the Journal, owing either to his own indisposition or to the length of the session, the Chair can of its own motion or decision dispense with the rule asserting, as the rule does, a right of high privilege, is as dangerous as anything can be.

Therefore I have appealed from the decision of the Chair, and I ask for the yeas and nays upon the appeal; because without reference to the particular proceeding in which we are now engaged, fighting for the right to debate, as a matter of general precedent in the Senate, I conceive it to be very important. That is all I want to say.

Mr. HEREFORD. I move to lay the appeal of the Senator from New York on the table.

Mr. HOUSTON. I desire to make an inquiry of the Chair before the vote is taken on laying the appeal on the table.

Mr. HEREFORD. I withdraw my motion for the present, so as to allow the Senator from Alabama to proceed.

Mr. HOUSTON. I understand the decision of the Chair to be that the Senate shall not be delayed for the purpose of enabling the journal clerk to prepare the rest of the Journal, but that when it is prepared it will be read to the Senate, and the Senate will then have the same power over it that it would have if it were to be read to-day. Then certainly there can be no harm in the course proposed.

Mr. EATON. Mr. President, only a word. No rule of any legislative assembly, whether it be the Senate of the United States or any other, ever requires or admits impossibilities. The general rule in all parliamentary bodies is, I agree, that the journal of the previous day shall first be read; but if the previous day comes up to the moment of the succeeding day, then never can it be read; and therefore no impossibility is to be expected.

I understand perfectly well the motive of my honorable friend from New York. I do not say it is a part and parcel of the last twelve hours; I need not say that; I need only say that the honorable Presiding Officer of this body has adopted the only rule that common sense, which lies at the bottom of all rules, permits to be adopted.

Mr. CONKLING. Put that on record by your vote.

Mr. EATON. I will put it on record by my vote. So far as possible the Journal of yesterday shall be read. Suppose a fire had occurred, suppose this Journal had been destroyed, is the business of the session of the Congress of the United States to be stopped because of such an accident? Sir, the mere statement of it in itself is the argument. What cannot be done, what is an impossibility under a rule, excuses always the performance of the rule. Therefore I submit that the decision of the Chair is eminently right and proper.

Mr. CHANDLER. Mr. President, I submit to the Senator from Connecticut that all the rules of common sense were violated last night by holding an all-night session and doing nothing, and those rules having been violated it is too late for him to bring in the rules of common sense to bear upon common honesty. I insist upon the reading of the Journal and the whole of it. The next time when you hold an all-night session to do nothing you will have your Journal made up, or else you will not have it read until it is made up.

Mr. EATON. I do not know how the honorable Senator from Michigan knows anything about it; he was not here. [Laughter in the galleries.]

The PRESIDENT *pro tempore*. The Senator will suspend a moment. The Chair gives notice to the galleries that if applause or dissent is manifested in the galleries the rule to clear them will be enforced.

Mr. EATON. While other Senators were here, my honorable friends from New York, from West Virginia, from Ohio, and I may venture to say while I was here, attending to the duties of our office, that honorable gentleman was comfortably snoozing in his bed. Yet he undertakes to tell us what was done here at the night session! Sir, that is a good deal like the logic of my honorable friend from New York. It is an impossibility that what the one insists on can be done, and it is impossible that the other could know anything about it. [Laughter.]

Mr. CHANDLER. I will inform my honorable friend that I was paired with the honorable Senator from Kentucky, [Mr. BECK,] whose wife was ill. In my generosity and good nature I did pair with him, and was only here until midnight, but I had certainly a good reason for being paired and being absent.

The PRESIDENT *pro tempore*. The Senator from New York appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the Senate?

Mr. HEREFORD. I move to lay the appeal of the Senator from New York on the table.

Mr. CONKLING. On that I ask for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 33, nays 4; as follows:

YEAS—33.

Bailey,	Garland,	Kernan,	Vance,
Bayard,	Gordon,	Lamar,	Voorhees,
Beck,	Groome,	Maxey,	Walker,
Call,	Harris,	Morgan,	Wallace,
Cockrell,	Hereford,	Pendleton,	Whyte,
Coke,	Hill of Georgia,	Randolph,	Withers.
Davis of Illinois,	Houston,	Ransom,	
Davis of W. Va.,	Jonas,	Saulsbury,	
Eaton,	Jones of Florida,	Slater,	

NAYS—4.

Booth,	Burnside,	Morrill,	Windom.

ABSENT—39.

Allison,	Conkling,	Ingalls,	Platt,
Anthony,	Dawes,	Johnston,	Plumb,
Bell,	Edmunds,	Jones of Nevada,	Rollins,
Blaine,	Farley,	Kellogg,	Saunders,
Bruce,	Ferry,	Kirkwood,	Sharon,
Butler,	Grover,	Logan,	Teller,
Cameron of Pa.,	Hamlin,	McDonald,	Thurman,
Cameron of Wis.,	Hampton,	McMillan,	Vest,
Carpenter,	Hill of Colorado,	McPherson,	Williams.
Chandler,	Hoar,	Paddock,	

The PRESIDENT *pro tempore*. No quorum has voted. The Secretary will call the roll of Senators.

The Secretary called the roll, and the following Senators answered to their names:

Bailey,	Davis of Illinois,	Jones of Florida,	Slater,
Bayard,	Davis of W. Va.,	Kernan,	Thurman,
Beck,	Dawes,	Kirkwood,	Vance,
Bell,	Eaton,	Lamar,	Voorhees,
Booth,	Garland,	Logan,	Walker,
Bruce,	Gordon,	Maxey,	Wallace,
Burnside,	Groome,	Morgan,	Whyte,
Call,	Harris,	Morrill,	Windom,
Cameron of Wis.,	Hill of Colorado,	Pendleton,	Withers.
Chandler,	Hill of Georgia,	Ransom,	
Cockrell,	Houston,	Rollins,	
Coke,	Ingalls,	Saulsbury,	
Conkling,	Jonas,	Saunders,	

Mr. BURNSIDE. My colleague [Mr. ANTHONY] has been called home by the death of a friend. Otherwise he would be here to answer to his name.

The PRESIDENT *pro tempore*. The call discloses the presence of forty-eight Senators. There is a quorum present, and the question recurs on the motion of the Senator from West Virginia to lay the appeal of the Senator from New York upon the table, on which the yeas and nays were ordered.

The Secretary proceeded to call the roll.

Mr. GORDON, (after having voted in the affirmative.) I beg to recall my vote. I am paired with the Senator from Rhode Island, [Mr. ANTHONY.]

Mr. MCDONALD, (when his name was called.) I am paired with the Senator from Wisconsin, [Mr. CARPENTER.]

Mr. WALLACE, (when his name was called.) I am paired with my colleague, [Mr. CAMERON, of Pennsylvania,] whom I do not notice in the Chamber; and I decline to vote for the present.

The roll-call was concluded.

Mr. BAILEY, (after having voted in the affirmative.) I beg to withdraw my vote. I am paired with the Senator from Nebraska, [Mr. PADDOCK.]

Mr. BURNSIDE. My colleague [Mr. ANTHONY] is paired with the Senator from Georgia, [Mr. GORDON.]

The PRESIDENT *pro tempore*. I am paired with the Senator from Vermont, [Mr. EDMUNDS.]

The result was announced—yeas 26, nays 4; as follows:

YEAS—26.

Bayard,	Groome,	Lamar,	Vance,
Beck,	Harris,	Maxey,	Voorhees,
Call,	Hereford,	Morgan,	Walker,
Coke,	Hill of Georgia,	Pendleton,	Whyte,
Davis of Illinois,	Houston,	Ransom,	Withers.
Davis of W. Va.,	Jonas,	Saulsbury,	
Garland,	Kernan,	Slater,	

NAYS—4.

Allison,	Booth,	Burnside,	Morrill.

ABSENT—46.

Anthony,	Dawes,	Johnston,	Randolph,
Bailey,	Eaton,	Jones of Florida,	Rollins,
Bell,	Edmunds,	Jones of Nevada,	Saunders,
Blaine,	Farley,	Kellogg,	Sharon,
Bruce,	Ferry,	Kirkwood,	Teller,
Butler,	Gordon,	Logan,	Thurman,
Cameron of Pa.,	Grover,	McDonald,	Vest,
Cameron of Wis.,	Hamlin,	McMillan,	Wallace,
Carpenter,	Hampton,	McPherson,	Williams,
Chandler,	Hill of Colorado,	Paddock,	Windom.
Cockrell,	Hoar,	Platt,	
Conkling,	Ingalls,	Plumb,	

The PRESIDENT *pro tempore*. No quorum has voted.

Mr. BAYARD. Mr. President, I ask to have Rules 16 and 17 read.

The PRESIDENT *pro tempore*. The Secretary will read Rules 16 and 17.

The Secretary read as follows:

16. When the yeas and nays shall be called for by one-fifth of the Senators present, each Senator, when his name is called, shall, unless for special reasons he be excused by the Senate, declare openly and without debate his assent or dissent to the question; and in taking the yeas and nays upon any question, the names of the Senators shall be called alphabetically.

17. When a Senator, being present and declining to vote when his name is called, shall be required to assign his reasons therefor, and shall so assign them, the presiding officer shall thereupon submit the question to the Senate: "Shall the Senator, for the reasons assigned by him, be excused from voting?" which shall be decided without debate. And these proceedings shall be had after the roll shall have been called and before the result of the vote is announced; and any further proceedings by the Senate in reference thereto shall be after such announcement.

Mr. BAYARD. I call the attention of the Chair to the fact that Senators on the other side being present have declined to vote. I ask the enforcement of Rule 17, which has just been read, so that the Senators being present and declining to vote when their names have been called shall be required to assign reasons therefor, and that the Presiding Officer shall submit the question to the Senate, shall the Senator for the reasons assigned by him be excused from voting; which shall be decided without debate. I ask the enforcement of that rule.

Mr. CONKLING. I rise to a question of order and I will state my point. The rules of the Senate, like the parliamentary law, declare that when the absence of a quorum is disclosed no business shall be in order except a motion or a proceeding for a call of the Senate or a motion to adjourn. The Senator from Delaware now addresses to the Chair a motion which, whatever can be done with it, can be treated only by the House,—by the Senate. "The House" or "the Senate" means a quorum; and in the absence of that quorum I submit the point that nothing is in order but a motion to adjourn or a motion for a call of the House.

Mr. BAYARD. I ask that the name of the Senator from New York [Mr. CONKLING] be called under Rule 17, and that after assigning his reasons for declining to vote the question whether he shall be excused from voting be decided by the Senate.

Mr. CONKLING. Is my point of order debatable?

The PRESIDENT *pro tempore*. The Senator from Delaware has submitted a motion. The Chair ruled on the same motion last night.

Mr. MORRILL. Before the President of the Senate decides the question, I desire to suggest to the Chair that the motion of the Senator from Delaware cannot be in order after the vote has been declared.

Mr. CONKLING. But what has become of my point of order?

The PRESIDENT *pro tempore*. The Chair was just about to decide the point raised by the Senator from Delaware. The Chair decided the same question last night. It is the opinion of the Chair that the motion of the Senator from Delaware to require the Senator named to state his reasons for not voting is in order.

Mr. CONKLING. Then the Chair overrules the point of order?

The PRESIDENT *pro tempore*. The Chair does.

Mr. CONKLING. From that decision I respectfully appeal, and on that appeal ask for the yeas and nays.

Mr. WHYTE. The appeal is debatable, I think.

Mr. CONKLING. There is no doubt of it.

Mr. WHYTE. The point of order, as I understand it, made by the Senator from New York is that the vote has been declared.

The PRESIDENT *pro tempore*. No, that is the point made by the Senator from Vermont. The point made by the Senator from New York is that no quorum having voted no business is in order by Rule 3.

Mr. WHYTE. The ascertainment of a quorum is not to be made only by a call of the roll. The Chair has time out of mind decided that a quorum was present and proceeded to parliamentary business, both in this House and in the other House, without a call of the roll. The Chair can upon view or by a count tell whether a quorum of the Senate is present; and if the Chair ascertains that a quorum of the Senate is present, then other business can be proceeded with besides a motion to adjourn.

The Chair will remember a few years ago in the other House after an adjournment was had or a recess taken to a day certain, when that day certain arrived the Speaker of the House decided that a quorum was present without any count at all, and the House proceeded to discharge itself of a resolution which was pending before the House. The Chair now can ascertain that a quorum is present without any call of the roll, because there has been a call of the roll and a quorum has answered within the last few minutes. Simply because gentlemen in the discharge of what they think is their duty withhold their votes, is the Chair to say there is no quorum present when with his eyes the quorum is visible? Is it possible that the Chair is to be told that no quorum is present because Senators reserve their votes, and that a majority of those present in the Senate, altogether constituting a quorum, is not able to compel the minority either to vote or to give their reasons for not voting under the rules of the Senate? Is it possible that these rules are to apply in behalf of the minority when the Senator from New York rises and stops the business of the day by making a point that the rule requires that the Journal shall be read, when another rule requires that he shall vote, so that in his own case he sets the rule aside as a rope of sand not binding him to any duty and demands that we of the majority here shall obey the rule which says that the Journal shall be read?

I ask the Chair whether there can be such absurd rules as those governing this body? Whether it is possible that a Senator can rise here and stop the proceedings of the Senate and claim that under a rule we cannot proceed, and in the next minute stops our proceedings, although a rule of the Senate requires him to aid us in the prosecution of the public business either by voting or by giving a reason why he cannot vote?

Mr. President, it is against the rules of parliamentary law everywhere. No man in Parliament can sit still without voting when his name is called, or without announcing his reasons why he cannot vote. To do otherwise is a violation of the rules. In the House of Representatives no man is permitted to sit silent unless excused by the House; and so in the Senate, the rule is the same here. It is true that this body has never required any stringent rules of punishment for recreancy to duty, because that rarely, if ever, happens; but I

have never known an instance before in my experience, or in my reading of the past history of the Senate, when a quorum was present and a minority of that quorum steadily refused to cast a vote and stopped the wheels of legislation. I have never known an instance in which when a minority was fighting the measures put upon the South during the years after the war, when their votes were demanded to make a quorum, certainly never in my experience did any Senator of the minority decline to vote.

Mr. President, I make the point that under Rule 17 the names of the Senators present in the eye of the Chair should be called by the Clerk upon the vote which we have just had, they having declined to vote. Their reasons should be required why they have declined to vote. The rule is express. You cannot stop during the roll-call to make this inquiry; but the proceedings in ascertaining the reasons of Senators refusing to vote shall take place after the roll shall have been called.

The PRESIDENT *pro tempore*. The Senator from Maryland will suspend a moment. The Chair upon looking more carefully at the rule finds that the motion made by the Senator from Delaware came too late. It ought to have been made before the vote was announced. The rule requires the motion to be made before the vote is announced. The Chair is therefore obliged, on the point made by the Senator from Vermont, [Mr. MORRILL,] to sustain the point of order and rule that such a motion must be made before the vote is announced. Therefore the motion is not in order at this time. Rule 17 says:

And these proceedings shall be had after the roll shall have been called and before the result of the vote is announced.

Mr. CONKLING. Will the Chair be kind enough to read the two remaining lines of the rule?

The PRESIDENT *pro tempore*. Certainly.

And any further proceedings by the Senate in reference thereto shall be after such announcement.

Mr. CONKLING. I asked the Chair to read the clause for the purpose of emphasizing the words "by the Senate."

The PRESIDENT *pro tempore*. In respect to the fact whether the point made that no quorum voted applies, the Chair has no doubt in the world of the power of the Chair to count the Senate at any time. The Chair is satisfied there is a quorum present, but the Chair rules the motion of the Senator from Delaware out of order now because it came too late.

Mr. BAYARD. I desire to remark that I had not observed the point of the seventeenth rule that the proceedings to call a Senator's name when he may be obliged to assign his reasons for not voting must be before the result of the vote is announced. As I did not make my motion until after the vote was announced, I apprehend it is not within the rule. I will state to the Senate, (I may as well do it now) that I shall raise this question at the proper period should the proceedings we have had for the last twenty hours be continued.

Mr. WHYTE. I desire to inquire of the Chair what is the condition of the proceeding at the present moment?

The PRESIDENT *pro tempore*. The last vote was on the motion to lay the appeal of the Senator from New York on the table.

Mr. WHYTE. Does not the appeal fall with the decision of the Chair?

The PRESIDENT *pro tempore*. No quorum voting, all the Chair can do is to order a call of the list of Senators. The Secretary will call the Senate.

The Secretary called the roll, and the following Senators answered to their names:

Bailey,	Davis of W. Va.,	Jonas,	Rollins,
Bayard,	Dawes,	Jones of Florida,	Saulsbury,
Beck,	Eaton,	Kernan,	Saunders,
Bell,	Ferry,	Kirkwood,	Slater,
Booth,	Garland,	Lamar,	Thurman,
Burnside,	Gordon,	Logan,	Vance,
Call,	Groome,	McDonald,	Vest,
Cameron of Pa.,	Harris,	Maxey,	Voorhees,
Chandler,	Hereford,	Morgan,	Walker,
Cockrell,	Hill of Colorado,	Morrill,	Wallace,
Coke,	Hill of Georgia,	Pendleton,	Whyte,
Conkling,	Houston,	Randolph,	Windom,
Davis of Illinois,	Ingalls,	Ransom,	Withers.

Mr. SAUNDERS. I wish to state that my colleague [Mr. PADDOCK] is sick to-day in bed, and unable to be here. On political questions he is paired with the Senator from Tennessee, [Mr. BAILEY,] but he is unable to be here. Therefore I give this reason now why he does not answer to his name.

Mr. BURNSIDE. My colleague [Mr. ANTHONY] is called home by the death of a friend, and therefore is not able to answer to his name.

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) The roll-call develops the presence of fifty-two Senators. A quorum is present, and the question recurs on the motion of the Senator from West Virginia to lay the appeal of the Senator from New York from the decision of the Chair upon the table, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. BAILEY, (when his name was called.) On all political questions I am paired with the Senator from Nebraska, [Mr. PADDOCK.]

Mr. GORDON, (when his name was called.) On this question I am paired with the Senator from Rhode Island, [Mr. ANTHONY.]

The roll-call was concluded.

Mr. BURNSIDE. My colleague [Mr. ANTHONY] is absent, and is paired with the Senator from Georgia, [Mr. GORDON.]

The Secretary read the names of those voting, as follows:

YEAS—32.

Bayard,	Groome,	Lamar,	Slater,
Beck,	Harris,	McDonald,	Vance,
Call,	Hereford,	Maxey,	Vest,
Coke,	Hill of Georgia,	Morgan,	Voorhees,
Davis of Illinois,	Houston,	Pendleton,	Walker,
Davis of West Va.,	Jonas,	Randolph,	Wallace,
Eaton,	Jones of Florida,	Ransom,	Whyte,
Garland,	Kernan,	Saulsbury,	Withers.

NAYS—3.

Burnside,	Kirkwood,	Morrill.

Mr. BAYARD. Before the result is announced, I desire under Rule 17 to draw the attention of the Chair to the fact that there are Senators in the Chamber present and not voting. The Senator from New York [Mr. CONKLING] is not now in his seat, and I name to the Chair the honorable Senator from Michigan [Mr. CHANDLER] as one being present and not answering to his name. I ask under Rule 17 that he be required to assign his reasons therefor. [Mr. CONKLING entered the Chamber.] I observe now that the Senator from New York, whom I should have named before, is also here. If it would be proper to name one Senator after the other, I should name the Senator from New York also as having been in his seat and declined to vote, and ask under Rule 17 that he be required to assign his reasons therefor. I will name the Senator from Michigan first.

The PRESIDING OFFICER. The Chair directs the Secretary to call the name of the Senator from Michigan [Mr. CHANDLER] in order that he may comply with the requirements of the first clause of Rule 17, which provides that "When a Senator, being present and declining to vote when his name is called, he shall be required to assign his reasons therefor and shall so assign them." The Secretary will call the name of the Senator from Michigan.

The SECRETARY. Mr. CHANDLER.

Mr. CHANDLER. Mr. President——

The PRESIDING OFFICER. The Senator from Michigan.

Mr. CHANDLER. Mr. President, I look upon this as an attempt in an unconstitutional manner to overturn, violently overturn, a standing rule of this body that cannot be overturned except in the regular way, and I will not vote to make a quorum to do an unconstitutional and wrong act. [Applause in the galleries.]

The PRESIDING OFFICER. The Chair takes occasion to warn the galleries that if upon another occasion there is the slightest evidence of disorder or applause or dissent, the Chair will order the Sergeant-at-Arms to clear the galleries.

Under Rule 17, it becomes the duty of the Chair to put the question to the Senate, shall the Senator from Michigan, for the reasons assigned by him, be excused from voting?

Mr. LOGAN. I call the yeas and nays, Mr. President.

The PRESIDING OFFICER. On which question the yeas and nays are demanded. Is there a second?

The yeas and nays were ordered.

The PRESIDING OFFICER. Senators who favor excusing the Senator from Michigan, for the reason assigned by him, will, when your names are called, answer "yea;" those of a contrary opinion "nay." The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. GORDON, (when his name was called.) On this question I am paired.

The roll-call was concluded.

Mr. BAILEY, (after having voted in the negative.) I ask to withdraw my vote. I am paired with the Senator from Nebraska, [Mr. PADDOCK.]

The result was announced—yeas 0, nays 33; as follows:

YEAS—0.

NAYS—33.

Bayard,	Groome,	McDonald,	Vest,
Beck,	Harris,	Maxey,	Voorhees,
Call,	Hereford,	Morgan,	Walker,
Cockrell,	Hill of Georgia,	Pendleton,	Wallace,
Coke,	Houston,	Randolph,	Whyte,
Davis of Illinois,	Jonas,	Ransom,	Withers.
Davis, of W. Va.	Jones of Florida,	Saulsbury,	
Eaton,	Kernan,	Slater,	
Garland,	Lamar,	Vance,	

ABSENT—43.

Allison,	Carpenter,	Hill of Colorado,	Paddock,
Anthony,	Chandler,	Hoar,	Platt,
Bailey,	Conkling,	Ingalls,	Plumb,
Bell,	Dawes,	Johnston,	Rollins,
Blaine,	Edmunds,	Jones of Nevada,	Saunders,
Booth,	Farley,	Kellogg,	Sharon,
Bruce,	Ferry,	Kirkwood,	Teller,
Burnside,	Gordon,	Logan,	Thurman,
Butler,	Grover,	McMillan,	Williams,
Cameron of Pa.,	Hamlin,	McPherson,	Windom.
Cameron of Wis.,	Hampton,	Morrill,	

The PRESIDENT *pro tempore*. No quorum has voted. The Chair has counted the Senate. There is a quorum present, but no quorum voting.

Mr. HOUSTON. Mr. President, as I understand the construction of Rule No. 2 by the Presiding Officer, whenever it is disclosed on a vote that there is no quorum, he may have the roll called.

The PRESIDENT *pro tempore*. The Chair has usually taken the

fact of there being no quorum voting as evidence that there was no quorum present; but the Chair has not decided that it is not possible to ascertain otherwise whether there is a quorum. The Chair does not think the fact that a quorum has not voted is conclusive evidence that a quorum is not present. On the contrary, in the opinion of the Chair, he has a right to count the Senate. He has counted the Senate and found that a quorum is in attendance; but a quorum has not voted.

Mr. HOUSTON. I had not heard that point decided, and I was about to make that very point.

Mr. President, in counting the Senators present without a motion, or by a call of the roll, I submit to the Chair whether it is proper to receive the response or to count a Senator who is paired off?

Mr. SAULSBURY. Mr. President, I rise to an inquiry simply. I understand the Chair to say that, in the judgment of the Chair, there is a quorum present, though there has not been a quorum voting. I ask the Chair now whether the vote which says that the Senator from Michigan shall not be excused is not a vote as much as if there had been a quorum of the entire body voting?

The PRESIDENT *pro tempore*. That is a question on which the Chair has reflected very considerably and had consultation with some of the most experienced Senators some time ago. The conclusion at which they arrived and the conclusion at which the Chair arrived was, that less than a quorum voting could not pass a bill or adopt any measure, unless it was one of those things that can be done by less than a quorum, as to adjourn, or to have a call of the Senate, or the like. If Senators will reflect a moment, they will see how that would operate. Suppose all the seventy-six Senators were here, and one of them voted to pass a bill and the other seventy-five did not vote at all, it would hardly be contended that that bill had passed by one vote. The rules may be defective, but the Chair cannot help that. In the opinion of the Chair it requires a majority of a quorum, a quorum voting, to adopt any measure except one of those which may by the rules be adopted by less than a quorum.

Mr. HOUSTON. The point which I wish to address to the Chair is this: the rule requires that Senators who shall be in their places shall vote when their names are called. There seems to be a quorum here; yet when a vote is taken——

Mr. CARPENTER. I rise to a point of order. What question is there before the Senate?

Mr. HOUSTON. I am stating a point of order. The gentleman must not rise so quick.

Mr. CARPENTER. The Senator did not announce to the Chair that he rose to a point of order that I heard. If he did so, I did not hear him.

Mr. HOUSTON. I am presenting one now. I am calling the Chair's attention to a point of order; and it is this, whether, after the fact is developed that there is no quorum on a vote in the calling of the roll, it is permissible for Senators who have paired off to answer and be counted present? It is true they may be in the Senate, but it is not true that they are here for business purposes. The whole purpose and object of the rule that requires members to be called is that they shall be here to attend to and discharge business, and if a Senator has obligated himself not to vote, then he is not here for business purposes.

Mr. CARPENTER. I rise to a point of order.

The PRESIDENT *pro tempore*. The Senator from Wisconsin will state his question of order.

Mr. CARPENTER. The point is that the Senator from Alabama is not stating a point of order, but arguing something, I do not know what; I do not know what question is in order.

Mr. HOUSTON. The gentleman may not understand it; I do.

Mr. CARPENTER. The point of order I make is that the Senator from Alabama is out of order in not stating a point of order, but arguing something.

Mr. SAULSBURY. I make the point that the Senator from Wisconsin is out of order in endeavoring to take the Senator from Alabama off the floor when he is stating a point of order.

Mr. CONKLING. Mr. President, may I inquire of the Chair what is the business before the Senate?

The PRESIDENT *pro tempore*. The Chair is not aware of any question before the Senate. The question before the Senate was, shall the Senator from Michigan be excused? On that no quorum voted, although a quorum is obviously in the Chamber.

Mr. CONKLING. Did not vote, if I understand the Chair?

The PRESIDENT *pro tempore*. A quorum did not vote. The Chair does not perceive now what can be done until somebody moves something. [Laughter.]

Mr. CONKLING. Mr. President, I rise to make a parliamentary inquiry. Is a motion to adjourn now in order?

The PRESIDENT *pro tempore*. Undoubtedly.

Mr. CONKLING. I do not submit the motion, merely because on my motion it would not carry. I inquire, however, whether it is in order?

Mr. SAULSBURY. Mr. President, I rise to a privileged question, and I will state it. I came into this Senate some nine years ago, and I found sitting in this Senate several gentlemen who are now occupying seats in the Senate. I am entitled to a wholesome example in the observance of parliamentary rules from some of these gentlemen. I see my friend from Vermont [Mr. MORRILL] who was an experienced Senator when I came to this body. The Senator from Wisconsin [Mr. CARPENTER] was a Senator in this body when I came here. I have been entitled to their example in the observance of parliamentary rules of order; and I rise here, sir, to complain that those gentlemen, and others of greater experience than myself, have not set me that example in the observance of parliamentary rules to which I am entitled as a Senator.

Mr. CARPENTER. Mr. President, I rise to a point of order, and I will state the point if the Chair will permit me.

The PRESIDENT *pro tempore*. The Senator will state his point of order.

Mr. CARPENTER. The point of order is this: the Senator from Delaware is out of order. He has a right to make a personal explanation, but he has no right to make an explanation for me.

The PRESIDING OFFICER. The Senator from Delaware said he rose to a privileged question. The Chair cannot tell what the question will be until it is stated.

Mr. SAULSBURY. I simply stated a question of privilege for the purpose of calling the attention of these gentlemen to what they may deem an example worthy of commendation. I hope that in the future they may conduct themselves properly.

Mr. BECK. Mr. President, I move a call of the Senate.

The PRESIDENT *pro tempore*. The Senator from Kentucky moves that there be a call of the Senate.

Mr. EATON. Will the Senator for one moment withdraw that motion?

Mr. BECK. Yes, sir.

Mr. EATON. What business is before the Senate, Mr. President?

The PRESIDENT *pro tempore*. There is no business before the Senate.

Mr. EATON. Then I move to take up the unfinished business of yesterday, the Army bill.

Mr. BECK. I first moved a call of the Senate.

Mr. CONKLING. I rise to a question of order.

The PRESIDING OFFICER. The Senator from New York will state his question of order.

Mr. CONKLING. My point of order is that the last roll-call disclosed no quorum voting, and, that disclosure being made, the rule denotes the two motions which are in order, and a motion such as that proposed by the Senator from Connecticut, not being one of those motions, is not in order.

The PRESIDENT *pro tempore*. The Chair has already stated that, in the opinion of the Chair, the fact that no quorum voted is not conclusive evidence that there is not a quorum present. The Chair is obliged, if he would observe the rules strictly at the commencement of each day's session, to count the Senate and see that there is a quorum, and that was the practice of Vice-President King. He never would call the Senate to order until there was a quorum actually present by count. The Chair has no doubt that he has a right to count the Senate and see that there is a quorum. He has counted them, and thinks there is a quorum here present now.

Mr. EATON. Then, Mr. President, by every principle of parliamentary law which governs all representative assemblies, I say that I am in order in calling for the unfinished business of yesterday. If gentlemen choose to violate the rules of the Senate and not vote——

Mr. CONKLING. They do not.

Mr. EATON. If they do, I say. I understand my friend from New York to say they do not. I understand the Chair to say they do, because there is, as the Chair says, here now a quorum, and, therefore, there being a quorum, I move that the unfinished business of yesterday be taken up.

Mr. CONKLING. What becomes of the Journal and the ruling on that?

The PRESIDENT *pro tempore*. The Chair overrules the point of order made by the Senator from New York, and will put the question on the motion of the Senator from Connecticut that the Senate proceed to the consideration of the Army appropriation bill.

Mr. CONKLING. From that ruling I respectfully appeal.

The PRESIDENT *pro tempore*. The Senator from New York appeals from the decision of the Chair overruling his point of order.

Mr. CONKLING. And on that appeal I demand the yeas and nays.

The yeas and nays were ordered.

Mr. BECK. Mr. President, I thought I made the first motion for a call of the Senate before the Senator from Connecticut rose, and that motion was clearly in order.

The PRESIDENT *pro tempore*. The Senator did, but the Chair understood him to withdraw it in order that the Senator from Connecticut might make his motion.

Mr. BECK. No, sir; I never have withdrawn it. I made the motion, the last vote having disclosed no quorum and the President having declared that there was a quorum present, which I believe is true. I desire a call of the House now without explanation, so that the country may see, by comparing the last vote and the next one, who are the Senators not voting. That was my object, but I did not care to avow it until the vote was taken.

The PRESIDENT *pro tempore*. In the opinion of the Chair it is not necessary to move to take up the unfinished business. The morning hour has expired, and the unfinished business comes up as a matter of course.

Mr. HOUSTON. I was just about to make that very point.

The PRESIDENT *pro tempore*. The unfinished business is the Army appropriation bill, and it is now before the Senate as in Committee of the Whole.

Mr. CONKLING. May I make an inquiry of the Chair? What has become of the appeal taken from the ruling of the Chair, that upon the direction of the Chair alone the reading of the Journal may be dispensed with? The Chair so ruled, and I appealed from that ruling. That question is before the Senate. I beg to inquire what has become of it?

The PRESIDENT *pro tempore*. That question is before the Senate. If the Senator desires, the Chair will put the motion.

Mr. CONKLING. I insist upon the decision of that question, Mr. President.

The PRESIDENT *pro tempore*. That question will be put, then. The question is, Shall the appeal taken by the Senator from New York from the ruling of the President this morning be laid upon the table?

Mr. CONKLING. On which the yeas and nays have been ordered.

The PRESIDENT *pro tempore*. They have been ordered and taken once, but the call disclosed no quorum. The question now is on laying on the table the appeal taken by the Senator from New York.

The question being taken by yeas and nays, resulted—yeas 32, nays 2; as follows:

YEAS—32.

Bayard,	Garland,	Lamar,	Slater,
Beck,	Harris,	McDonald,	Vance,
Call,	Hereford,	Maxey,	Vest,
Cockrell,	Hill of Georgia,	Morgan,	Voorhees,
Coke,	Houston,	Pendleton,	Walker,
Davis of Illinois,	Jonas,	Randolph,	Wallace,
Davis of W. Va.,	Jones of Florida,	Ransom,	Whyte,
Eaton,	Kernan,	Saulsbury,	Withers.

NAYS—2.

Burnside,	Morrill.

ABSENT—42.

Allison,	Chandler,	Hill of Colorado,	Platt,
Anthony,	Conkling,	Hoar,	Plumb,
Bailey,	Dawes,	Ingalls,	Rollins,
Bell,	Edmunds,	Johnston,	Saunders,
Blaine,	Farley,	Jones of Nevada,	Sharon,
Booth,	Ferry,	Kellogg,	Teller,
Bruce,	Gordon,	Kirkwood,	Thurman,
Butler,	Groome,	Logan,	Williams,
Cameron of Pa.,	Grover,	McMillan,	Windom.
Cameron of Wis.,	Hamlin,	McPherson,	
Carpenter,	Hampton,	Paddock,	

The PRESIDENT *pro tempore*. There is no quorum voting, but there is a quorum in the Senate present.

Mr. CONKLING. In the opinion of the Chair.

The PRESIDENT *pro tempore*. There is; the Chair has counted. In the opinion of the Chair, upon reflection, the Chair was in error in causing this last vote to be taken. That matter belongs to the morning hour. It is very true that if a motion had been made to amend the Journal or to correct the Journal it would be a privileged question that would have to be continued until it was disposed of; but no such motion as that was made.

Mr. CONKLING. We had not an opportunity; we do not know what the Journal is.

The PRESIDING OFFICER. The Chair called for petitions and memorials. The Senator from New York made the point that they could not be called for until the Journal was read. The Journal was read as far as it was made up. No motion was made to correct or to amend it, and so no privileged question to override the morning hour existed. The Chair ought at one o'clock to have announced the unfinished business, and the Chair does it now. The business before the Senate is the Army appropriation bill, on which the Senator from Wisconsin [Mr. CARPENTER] is entitled to the floor.

Mr. CARPENTER. Mr. President, I suppose by this time it must be evident to the majority of the Senate that they cannot coerce the minority of the Senate to do what the minority think they do not want to do or ought not to do. This proceeding can go on just as long as the majority of the Senate choose to have it go on, and it may stop whenever they choose to stop it. The minority of every legislative body are driven at times to stand on their reserved rights, and as to those rights they are the exclusive judges. As was stated last night by the Senator from Ohio, the President *pro tempore* of the Senate, on a great occasion he found himself compelled to stand on his rights, and refused to vote, so as to break up a quorum of the Senate, and then understood and now understands that there was no power on earth to prevent his doing so. He did it upon his own conscience, upon his own responsibility, answerable to nobody but his own constituents. What was true then is true now; and we have in the minority here the great example of the leader of the democratic party, and now the presiding officer of the Senate.

We do not enjoy this thing any more than the majority do; but we have a few rights, and we propose to stand by them.

Yesterday, it will be recollected, this bill was before the Senate for discussion. The entire day, with the exception of less than half an hour, was occupied, not by debate upon the bill, but by campaign speeches from democratic Senators. They had a perfect right to make those speeches, and they took the entire day in making them; and no allusion was made to the details of this bill, and no discussion of it was had. It was a totally outside discussion of party politics for the country, so declared, so announced, so understood, and so in fact. Then, after six o'clock, it was insisted that we should proceed with the debate of this bill or not debate it at all. We thought it was an outrage, not using the word offensively, but a parliamentary oppression, and we thought we ought not to submit to it. We thought we ought to show the majority of the Senate here that if they proposed to treat us in that way we would show them that they could not do it.

Now, if the democrats of the Senate are willing to adjourn this session to-day and let us all have a sleep and a rest and come in here to-morrow to discuss this bill in the proper and the orderly way, there is no doubt a vote can be had upon it to-morrow. I find myself to-day utterly unable to speak; that is, too ill to attempt it. I was up here all night trying to do my duty in the way of executing parliamentary law, and I think we succeeded pretty well in enforcing all the rules of law applicable to the remarkable state of things that we found existing. If the democrats of the Senate will do that, if they will adjourn this body and let us have a night's rest and come in here to-morrow, cool in blood and refreshed by slumber, and take up this bill, which is confessed on all hands to be an important one and that involves very important considerations, I should like very much to be indulged in three-quarters of an hour or an hour's remarks on the subject, which I promise the Senate will not be a stump-speech, will not be an address to the people of Wisconsin or any other State, but an address to the Senate upon the details and the legal principles involved in the bill under consideration. I am in no condition to do that to-day, and we are none of us in any condition to proceed here in the good nature which, I submit to the Senate, should, without regard to majorities, always prevail.

Mr. DAVIS, of West Virginia. Will the Senator name an hour at which we shall vote?

Mr. CARPENTER. No, I will not name an hour, but there is no doubt a vote can be taken to-morrow, and with the understanding that the vote is to be taken to-morrow, my opinion is it will be taken by six o'clock.

Mr. DAVIS, of West Virginia. Does the Senator speak for all his associates on that side?

Mr. CARPENTER. I understand there is no dissent here on that proposition, and the belief is that if we have an understanding that we have a vote to-morrow, it will be taken before six o'clock, yet it possibly might run into the night; but there will be no attempt to put off proceedings or delay a vote on the bill beyond the necessities of legitimate and proper debate on the bill and on the amendments, and we will stay with the gentlemen and vote with them till they pass their bill.

Mr. DAVIS, of West Virginia. Does the Senator speak for himself only or for that side of the House?

Mr. CARPENTER. I understand it is consented to all around.

Mr. MORRILL. No dissent.

Mr. INGALLS and others. Agreed.

Mr. WITHERS. I have one word to say, sir. I am not at all more fully informed with regard to the powers of a minority now than I was yesterday evening at six o'clock. I was fully cognizant of the fact then, as I am now, that a minority of this legislative body or any other body with similar rules, can obstruct legislation for an indefinite length of time if they see proper to do so. I wish to state, however, that the Senator from Wisconsin has scarcely stated the position occupied by the democratic party in this Chamber with perfect fairness. I am not unadvised of the fact to which he alluded, that an undue proportion of the day yesterday was consumed until six o'clock by Senators on this side of the Chamber; but the opposition to the motion to adjourn was not made, as the Senator indicates, for the purpose of compelling the discussion to go on last night, or to cut them off from debate at all, but the effort was earnestly made to try to secure an assent of the minority to some period at which the question should be disposed of. That is done constantly, and has been done every session of the Senate since I have been a member of it; and the effort to sit out a bill, as it is called, was among my earliest experiences when I took my seat on this floor. Then during an executive session of the Senate a legislative resolution, legislative business was introduced, dictated by a republican caucus, put before this body, and the minority then were notified that an adjournment would be resisted at all hazards and to the last extremity until a vote was had, and the struggle was kept up for a considerable length of time—I forget how long—until a vote was had. Therefore it was no unheard of or outrageous proposition that the majority advocated when they suggested the importance of fixing some time when this vote should be taken. That is all we desired. So far from desiring to prevent the Senator from Wisconsin or any other Senator on that side from exercising his privileges as a Senator and debating the proposition, no such idea was ever entertained by the majority. On the contrary, I disclaim utterly any such purpose.

For the last twenty hours there has been no period of time at which the debate could not have proceeded at the will of any Senator on this floor. We have made an earnest, persistent effort to secure the passage of the appropriation bill for the support of the Army. We have indicated our desire to provide the necessary means for the support of the Army and the support of this Government, and for the last twenty hours we have been resisted by the republican party by a re-

sort to all the appliances known to parliamentary law. Now, it is very certain that the democratic party——

Mr. CARPENTER. Will my friend allow me to interrupt him a moment?

Mr. WITHERS. Certainly.

Mr. CARPENTER. If I said anything by alluding to democrats that troubles anybody, I regret it; I overstepped my limit. But let me suggest to my friend that if we are to quit now good-naturedly and go home with a quiet pulse and get a good sleep and come here good-naturedly to-morrow, all this discussion about who is in fault about this thing and that thing had better be put off until after we come back.

Mr. WITHERS. I think so.

Mr. CARPENTER. I rose for the purpose of apologizing.

Mr. EATON. You cannot make charges against us without hearing our reply.

Mr. CARPENTER. Then let it be understood that we have committed outrages on both sides, and the question is whether we shall continue to do so or stop.

Mr. WITHERS. I know the Senator from Wisconsin and myself can discuss this matter without any bad feeling arising out of it at all; and in response to his allegation of the right of a minority, I wish to call his attention to the fact that the majority have some rights also, among which has generally been conceded the right of shaping legislation; and while we concede to the minority the right to obstruct it if they think proper to do so, I think it is a singular spectacle presented to the country when the minority get up and declare their purpose of obstructing legislation unless it can be had in their own way and at their own time and in their own manner. That is where the whole question resolves itself at last.

Last night there was no time at which the majority of this body would not have consented to an adjournment on the expression of a desire on the part of Senators on the other side, if we could have had any assurance, not that a vote should be had at a particular hour, but even in the course of the day, before adjournment, whether it was to be at midnight, this morning, or to-day. At any rate, if we could have had any assurance that a vote would be had at all during the session of to-day, there would have been no opposition whatever to a proposition to adjourn; and as that proposition has been made now by the Senator from Wisconsin, I move that the Senate do now adjourn.

Mr. HARRIS. I ask the Senator to withdraw that motion for one moment, in order that I may suggest to him——

Mr. WITHERS. Certainly.

Mr. HARRIS. In order that I may suggest to him that I am informed by the journal clerk that the Journal of yesterday's proceedings will be completed in a few moments, and being so nearly completed, I think it is better that we have the Journal read of that day's proceedings before we adjourn.

Mr. CONKLING. Mr. President, I ask if the Senator from Virginia has taken his seat?

Mr. WITHERS. At the suggestion of the Senator from Tennessee I withdraw the motion.

Mr. CONKLING. Then I claim the floor, Mr. President——

The PRESIDENT *pro tempore*. The Senator from New York.

Mr. CONKLING. Mr. President, during the night last night I stated, as I then understood and as I now understand them, the facts of this transaction. I do not wish to repeat that statement, or any part of it. I think attention will fall upon the doings of the Senate yesterday and last night and to-day, which will put it beyond my power and beyond the power of any other member of the Senate to obscure, conceal, distort, or misread the nature of those proceedings. I am willing to trust to that.

I rose, however, to answer an observation made by the Senator from Virginia, which surprised me. He said, if I understood him, that could the majority have received at any time an intimation or assurance that the final vote on the bill could be taken, not at a fixed hour, but at some time, at any time during the day succeeding that on which the majority refused us so manifest a right, that refusal would not have been interposed. I allude to this to remind Senators, and I take every Senator to witness, (among others a democratic Senator now in my eye, who observed the occurrence to which I shall allude, and spoke of it to me afterward,) the truth of this statement: The motion to adjourn at ten minutes after six was made by me. I prefaced that motion by an inoffensive statement of the fact that all of the first day given to the Army bill had been surrendered to the request and disposition of the Committee on Appropriations, the Senator from Virginia speaking for that committee, and of the further fact that the second day, which everybody understood was to be allotted to us on this side to offer amendments and to debate, had been consumed by gentlemen on the other side save only twenty-two minutes, as a neighboring Senator tells me it was,—I did not observe the clock—occupied by the Senator from Maine, [Mr. BLAINE.] I called attention to the fact that all of the second day save only that little fraction had been consumed by the honorable Senator from Kentucky, [Mr. BECK,] and the eloquent Senator from Indiana, [Mr. VOORHEES,] in the delivery of what I trust I shall not offend them by designating as campaign or electioneering speeches; and having called attention to this treatment, unfair, illiberal, inadmissible utterly, as we thought it to be, if followed by a refusal to adjourn, I stated that could we adjourn there need be no doubt, I felt sure from expressions around me there could be no doubt, that on the next day the final vote could and would be taken, unless some other democratic Senator or Senators should again take the floor and again consume the day. The honorable Senator from Alabama farthest from me, [Mr. HOUSTON,] now in my eye, observed the statement, he quoted it to other democratic Senators and called attention to it, and so it was well understood. But we were met with an abrupt refusal, met with a statement that we should not adjourn and that Senators who had been here, some of them in committee for an hour and a half before the time of meeting, who had had nothing to eat since early morning, and then only a scanty meal, should be driven after six o'clock to submit their arguments to the Senate or they should be concluded altogether, not from the privilege, but from the common and constitutional right to do so.

Upon that refusal, Mr. President, we joined issue, and I beg to say that, having served in one House or the other for now twenty years, having witnessed many scenes of excitement and of hot and heedless partisan pursuit, never in either House, never in any deliberative body whose proceedings I have witnessed, has there fallen under my notice an attempt so tyrannous, so despotic, so full of denial of common right, to gag, to throttle, to disdain the rights of a minority, great or small, but especially, a minority numbering well-nigh half of the present Senate, a minority so great that when, acting upon its constitutional rights, it merely sits mute, the so-called majority, which has insisted upon this proceeding, finds itself paralyzed for lack of numbers. A minority so numerous, never within my observation was treated to anything coming near, anywhere near, the injustice and affront of this transaction.

Mr. President, one of the sections of the Army bill so called, as we believe generally, on this side of the Senate, as speaking for myself I declare my belief, violates the Constitution of the country. That is one objection to it. It seeks to abridge and paralyze the constitutional powers and to forbid the execution of the constitutional duty of the National Executive. More than that, we believe it is designed as the entering wedge, the forerunner, the bill to usher in for the next fiscal year a similar provision, the effect of which will be to do everything attempted in the appropriation bill and afterward in a separate bill, both smitten by the executive veto, in this same direction; and we believe that this proposed legislation, taken in connection with the so-called judicial bill, would in the end and in effect accomplish absolutely everything within the power of the two Houses which this needless extra session was brought on to achieve.

So believing, honorable Senators who exult in the fact that they belong to a majority must not forget that we have rights of conscience, that we have duties imposed by our oaths which we are not wont on this side to parade, and that we have rights and obligations which we are bound to defend by all the modes of parliamentary warfare customary for the protection of minorities. Senators must remember that in an exigency of injustice and denial of right never witnessed, in success or in attempt, in this Chamber during my service here before, we were moved as the honorable Presiding Officer of this body, the leader of this senatorial majority was moved on at least one occasion to which he referred, to which the Senator from Wisconsin has adverted, and of which I myself was an auditor and a witness.

I will not say that anything which has fallen from the Senator from Virginia comes with an ill or with a good grace. I will not now recite again the facts of this transaction; but I was unwilling to allow to go without a reminder to the Senator of his statement, if I caught his words aright, that at any time last evening or yesterday after the motion to adjourn was made—at any time and at all times, the majority would willingly have adjourned, willingly have allowed us the food and the sleep essential to our ability to debate this measure, had we only said somewhere, at some time, in some way, that a postponement to the next day would be sufficient and that a vote might be taken then. Explicitly, as the belated RECORD, which like the Journal lags behind, will show when it comes to be printed—explicitly, speaking of course only for myself and having no authority to speak for anybody else, but confirmed and permitted by the silence and assent of all my associates, I told the honorable Senator, his committee, and his associates in majority, that were we only allowed an adjournment for a single night undoubtedly during the next day the vote should be taken, and that they might rely upon it that no Senator on this side of the Chamber wished to consume one moment's time by procrastination or delay.

But, Mr. President, I will not prolong this debate. I am willing to agree entirely to what has been said by the honorable Senator from Wisconsin, and for the nonce letting by-gones as to these facts be by-gones, if the majority will move and carry a motion to adjourn, I am willing to consent that we come back to-morrow in such good temper as every man's experience in this proceeding shall insure to him, to go on to the consideration, and the final consideration, of this very important bill.

Mr. WITHERS. Mr. President, I think it necessary that I should state more explicitly my recollection of what passed yesterday evening. I reiterate my assertion that so far as I am apprized, there was no period of time after the question arose at which the arrangement now proposed could not have been carried out, as I understood it. It is true that the Senator from New York did state his convictions that

no dilatory procedures merely for the purpose of delaying the passage of the bill would be interposed by his side of the Chamber; but to every effort which I made to secure the acceptance of an understanding that the vote should be had during to-day, as it now is, I got only the expression of an opinion on the part of the Senator from New York that that was practicable. In further confirmation of what I say, I have in my mind's eye not one or two or three but half a dozen republican Senators to whom the declaration was made by me and who left me with the assurance that in their opinion such an arrangement would be practicable, but who failed utterly to secure it.

That is my recollection of what transpired, and whether I am right or the Senator from New York is right in the recollection of the words used I will abide the RECORD, to which he has appealed. I know that I am liable to err, and I presume the Senator from New York will hardly assume that he is so superior to the influences which control human minds as to be incapable altogether of an error of memory with regard to it. Truly, sir, we do to some extent no doubt exult in our novel condition of a majority in this body; and it is true that the Senator from New York particularly writhes under the unaccustomed calling of being changed to a minority in this body.

As to the temper with which we have considered the matter, and with which I hope we shall continue to consider it, so far as I am concerned, I have never had any bad temper in connection with it. I will take that back, Mr. President. For one moment, I will admit, at one time, I did lose my temper, but it was for a very short time; and since then I am sure I have been as calm and as placid as a May morning, and I hope to continue so during the further progress of the debate.

Mr. DAVIS, of West Virginia. Mr. President——

The PRESIDENT *pro tempore*. If the Senator will suspend a moment, if it is the pleasure of the Senate, the Chair will direct the remainder of the Journal to be read.

Mr. DAVIS, of West Virginia. I have only a word to say, and then I will let the Journal be read.

Mr. President, it will be recollected by Senators all around me, and I think by the Senator from New York, that last evening twice, certainly once, very distinctly I proposed that if an understanding could be reached to take the vote at any time to-day, this side of the Chamber, so far as I learned, was willing to adjourn. That was twice I believe, certainly once, said, but the Senator from New York said, "No understanding can be had." With this statement I am content that the whole matter shall rest there. I ask that the rest of the Journal be read.

The PRESIDENT *pro tempore*. The remainder of the Journal will now be read.

Mr. CONKLING. I rise to a parliamentary inquiry. Did not the Chair rule some moments ago that the subject of the Journal fell with the morning hour, no motion to correct or amend having been made? Such a motion, in the language of the Chair, would survive; but there being no motion, with the expiration of the morning hour the subject of the Journal would pass from the Senate. Am I not right in that?

The PRESIDENT *pro tempore*. The Senator is entirely right; and the Chair will correct an error into which the Chair fell. It was really the duty of the Chair when one o'clock came to lay the unfinished business before the Senate, because no motion had been made to amend the Journal or to correct it in any way, which would have created a privileged question that would have overridden the morning hour and extended it until it was disposed of. The Journal has been now completed, and the Chair asks unanimous consent of the Senate to have it read. If there is no objection the Chair will direct the Journal to be read.

Mr. CONKLING. Mr. President, I will not interpose an objection, but I will interpose, if I can, a safeguard. I believe, with great respect to the Chair, that the first rule is a valid rule and an explicit one. I believe that it is not within the power of the Chair to give dispensation of that rule. I believe that if the reading of the Journal was ever in order at the discretion of the Chair, it was in order when, and only when, the first rule says it shall be read, to wit, after the presiding officer takes the chair and calls the Senate to order and before other business is transacted.

By unanimous consent I am willing the Journal shall be read; but I am unwilling that by silence or by the action of the Senate any precedent shall be made tolerating the idea that the presiding officer of the Senate has the right to dispense with the reading of the Journal, whether the Journal is ready or not. The honorable Senator from Wisconsin asks me to read the rule which the Chair was kind enough to have read at my request at the desk before the Senator came in. I will read, at the request of that Senator, the latter part of this rule:

> The reading of the Journal shall not be suspended unless by unanimous consent; and when any motion shall be made to amend or correct the same, it shall be deemed a privileged question, and proceeded with until disposed of by the Senate.

I do not object, Mr. President, but I want it to appear on the Journal that this is done by unanimous consent.

Mr. DAVIS, of West Virginia. I move that the Journal be read, whether unanimous consent is given or not.

Mr. CONKLING. I will raise a point of order if the Senator moves that the Journal be read. If he is content to let the suggestion of the Chair be acquiesced in by unanimous consent, be it so; but a motion I will encounter with a point of order.

Mr. HOUSTON. There is no need of a motion.

Mr. EATON. Mr. President, one word. I cannot permit what has been said by the Senators from Wisconsin and New York to go to the country without a word. In the first place, we have been told that the action of the majority on this floor was an outrage; that the action of the majority on this floor was unworthy of the Senate of the United States. The honorable Senator from New York has said that if at any time—I will not say he, but the other side of the Chamber—could have had the assurance that they should have had their day in court, if I may use an expression that is so familiar to the legal profession, there would have been no difficulty.

Humble as I am as a member of this body, I have the honor to be a member of the Appropriations Committee; and I beg leave to say that I assured Senators upon the other side that if the Senator from Wisconsin would take his papers and proceed for a brief while yesterday an adjournment should be had. In that case I undertook to pledge myself that an adjournment should be had, and that all the time that was necessary should be given to my friends upon the other side. An excuse was made that the honorable Senator from Wisconsin was sick. Ah, Mr. President, he did not act like a sick man here for seven or eight hours last night, or this morning. [Laughter.]

Mr. CARPENTER. I rallied under the impulse.

Mr. EATON. I am glad my friend was well enough to take an active part in the obstructive business of last night. Mr. President, I desire it to go to the country that the majority on this floor were absolutely willing to adjourn, and so said to more than one member upon the other side, and that a simple commencement of the discussion last night by the Senator from Wisconsin was all that was asked.

Mr. CONKLING. But the Senator's side voted down so many motions to adjourn.

Mr. EATON. A motion to adjourn was once carried, as I understand; I was not on the floor, and therefore I speak simply from information; and then the yeas and nays were called by the other side in order to prevent the motion from prevailing.

Mr. WITHERS. They were called by the Senator from Maine.

Mr. EATON. I was not here; I had gone out at the time, and therefore I do not assert it of my own knowledge; but I so understand. I assert of my own knowledge, and I defy contradiction by the Senator from New York or the Senator from Wisconsin, that the majority on this side again and again said that all the time that was asked should be given by an adjournment. All that was asked over and over again last night was that the other side should indicate any hour, no matter when, no matter how late, whether it was after six, eight, ten, or twenty hours' session, and we said "we will give you all that time to discuss this question."

The honorable Senator from New York said that the Constitution is sought to be violated, and therefore they demanded the right to meet this question. I should be glad to meet the honorable Senator from New York either to-day or to-morrow, or any day, on that question. We deny the right of the President of the United States to use the Army of the United States upon the people of the United States without being required by the authority of the States. The Constitution of the United States provides how the troops shall be used, and they are to be used upon the call of the executive of the State when the Legislature thereof is not in session or cannot be convened in time to make the demand.

Mr. CONKLING. That is all, is it not?

Mr. EATON. I have not said it was.

Mr. CONKLING. I am inquiring.

Mr. EATON. I hold that whenever the State of New York desires the protection of the Federal arm the State of New York will ask for it, and then the President of the United States under the Constitution will respond to the demand of New York.

Mr. CARPENTER. Will the Senator allow me to ask him a question?

Mr. EATON. Certainly.

Mr. CARPENTER. Suppose the State of New York should call upon the General Government to preserve the peace at the polls in that State at the next election of governor or of any other State officer, could the President do it under this bill?

Mr. EATON. That is a supposition so absurd, so unworthy of consideration for a man of ordinary intelligence, that I decline to answer any question of that character. That the great State of New York, represented on this floor by my distinguished friend, a State that sent five hundred thousand men into the war a few years ago, requires a few epauleted gentlemen of the United States Army to go there and keep the peace, I say is an absurdity. It is unworthy of the Senate of the United States to talk about it.

Mr. CARPENTER. Suppose the troops are needed?

Mr. EATON. I say the State of New York can protect itself; I do not believe the honorable Senator from New York will deny that. I have not heard him yet say that the Army would be needed there, with all their shoulder-hitters, and I do not know what my friend from Georgia [Mr. HILL] did call them—with all those fellows that get about the slums of the city of New York. New York can take care of its own peace and New York will protect its own honor. So far as I am concerned the little State that I have the honor in part

to represent does not require the Army of the United States to protect its elections.

Mr. President, I have not risen to discuss this question, but simply to say that the majority upon this side were willing (and my friend from New York knows very well what I mean when I say so) that had any hour, no matter what the hour was, whether it was after a five hours', or a six hours', or a ten hours', or a twenty hours' debate, been named, an adjournment could have been had yesterday, last night. I do not mean at six o'clock, but after six o'clock.

Mr. CONKLING. The Senator does not mean any particular hour?

Mr. EATON. No, sir, I do not mean any particular hour. I mean to say, and I do not think it will be denied by Senators upon the other side, that the offer was made again and again to get you to fix some hour to-day, no matter whether it ran up so that there would be a ten hours' or a twenty hours' session, and an adjournment would have been had yesterday at once; but again and again the stalwart whom I have in my eye said, "never, never; no agreement; no arrangement."

Mr. MCMILLAN. "No coercion about it."

Mr. EATON. My friend, the Senator in charge of the bill, moved himself to adjourn.

Mr. CONKLING. And withdrew his motion.

Mr. EATON. It was defeated, as I understand.

Mr. CONKLING. Oh, no.

Mr. EATON. He did not like the temper which was exhibited by certain Senators as I understand, and therefore withdrew his motion. But I did not rise to discuss this question. I simply rose to let it go forth to the country that the republican Senators upon this floor were the obstructives.

Mr. CONKLING. The Senator does not mean that?

Mr. EATON. I mean exactly that, and the Senator from New York understands my meaning. This bill should either have been passed or defeated long before this time, and if my sick friend from Wisconsin, who I rejoice has so suddenly recovered, had only gone on for half an hour last night the whole matter would have been ended long ago.

Mr. WHYTE. Will the Senator from Connecticut allow me to remind him that at ten o'clock last night I moved to adjourn, and it was announced carried by the presiding officer, when the Senator from New York called for the yeas and nays and himself voted against the adjournment.

Mr. CONKLING. May I be allowed to state how that was? A Senator on my right had appealed from a decision of the Chair, had appealed on a point somewhat personal to him, as it was put by another Senator; and when the motion to adjourn was made the Senate was about to vote on that appeal. The Senator who had taken the appeal, as the RECORD will show, as the record already printed in the public newspapers does show, declared that before an adjournment he wanted a vote and the judgment of the Senate on that appeal. To give that vote certain republican Senators did unite with him and with a body of democratic Senators in refusing at that moment to adjourn. That was that transaction.

Mr. President, as I am on my feet, I will say a single word in reply to my very highly esteemed friend from Connecticut. He says that Senators, not excepting the Senator from New York, are aware that he gave assurances that an adjournment might take place. Let me say that when the Senator from Connecticut gives an assurance to me, I know past doubt that will be made good to the uttermost of his power, count for what it may. I never doubted the faith of the Senator from Connecticut in any suggestion he made, but as that honorable Senator knows and as other Senators who hear me know, I had received previously the assurance of several Senators that an adjournment should take place when the Senator from Wisconsin took the floor. I had communicated that fact to him and he had put away his books, his papers, and his preparation, and everybody on this side understood that by consent an adjournment should take place. I need not state our surprise when at half after six, despite these assurances, despite these circumstances, despite the understanding, for such it was, on which we had relied, we were told that we should have no adjournment and nothing should take place except the arbitrary endeavor by brute force and animal endurance to secure a final vote upon the passage of the bill. It is said that a burnt child fears the fire; and I will say to the honorable Senator from Connecticut that knowing as I do his leadership in his party and in this Chamber, confiding absolutely, as I always do, in his word and his honor, I had great doubt whether when the honorable Senator from Connecticut came to make, if he should make, which he did not, a motion to adjourn, that motion would command a majority of his democratic colleagues. Therefore it was that the Senator from Wisconsin, sick as he was, promised as he had been that an adjournment should take place, was not pushed to begin his argument upon the shadowy promise that if we should fix an hour the next day at some time before he had concluded an adjournment might take place.

Mr. President, I would not agree now to fix an hour to vote on this bill. More than once during this extra session we have been caught (I do not mean now designedly caught, but caught by the circumstances of such an agreement) by the fact that the Senator holding the floor would speak down to the hour, and then we were compelled to offer amendments without the opportunity for one moment to discuss or explain them. It was to avoid that, as explained to the Senator from Connecticut, and to other Senators, that I was unwilling to agree to fix an hour; but there never was a time when we were not willing to have it understood, as I stated, and I have inquired of the very accomplished and accurate Reporter before me, and learned from him that I stated accurately to-day what took place, when before moving to adjourn I took pains to state that we expected to vote, were willing to vote and to conclude the bill on the succeeding day.

Mr. President, I do not believe that all the ingenuity of gentlemen on the other side, or all the words that can darken council, will be able to convince anybody, even those Senators, that when we stood here respectfully and courteously asking that after six o'clock an adjournment might take place, that we might for the first time participate in discussing the bill after Senators on the other side had occupied nearly the whole of the occasion, that while so standing, so asking, being thus refused and thus repulsed, it was true all the time that we might have had an adjournment; and that really but for the unfortunate way we adopted of signifying our disposition so that the democrats did not find out that we were trying to adjourn, an adjournment might have taken place. I think that that idea will turn out to be too much for the credulity of Senators or spectators.

SENATOR BELL'S MILEAGE.

Mr. SAULSBURY. Mr. President, I have a resolution to offer which affects the compensation of a Senator on this floor who may leave here this evening. I desire to have the resolution adopted now, and therefore will send it to the table. It is a resolution for paying mileage to Hon. Mr. BELL, of New Hampshire. The Secretary of the Senate will not be at liberty to pay him mileage without a resolution of the Senate, as the mileage of the session will inure to his successor. I therefore offer a resolution allowing him mileage.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay Hon. CHARLES H. BELL mileage at the rate allowed by law for attendance at this session, the same to be paid out of the "miscellaneous items" of the contingent fund.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 18th instant approved and signed the following acts:

An act (S. No. 650) to remove the political disabilities of Arthur P. Bagby, of Texas;

An act (S. No. 670) to remove the political disabilities of William N. R. Beall, of Missouri; and

An act (S. No. 669) to remove the political disabilities of James F. Harrison, of Virginia.

The message also announced that the President had this day approved and signed the following joint resolutions:

A joint resolution (S. R. No. 6) accepting from Professor Edward Fontane, of Louisiana, certain maps, drawings, and explanations of the same; and

A joint resolution (S. R. No. 30) for the relief of Dr. C. W. Brink, bearer of dispatches from the United States minister at Mexico in 1869.

ARMY APPROPRIATION BILL.

Mr. HILL, of Georgia. Mr. President, I have no purpose of entering into the controversy to which the Senate has listened in regard to who is right or who wrong about the scenes through which we have passed. Senators on this floor on all sides will bear witness that I was no party to them. I desired that every gentleman on this floor should be perfectly accommodated as to his desire to speak so far as his personal wishes were concerned. Therefore I have no remarks to make criminating this side or the other as to the particular matters which have been discussed, and I rise simply to say one thing and I am not content the Senate shall adjourn to-day without entering that sentiment on record. I am one of the youngest members of this body. I have but a limited experience in the legislative business of the Government at best. I do not know whether I shall be here a short or a long period. But a doctrine has been uttered here to-day, and it is not the first time I have heard it, against which I desire simply to enter my protest. It was uttered by as distinguished a Senator as the Senator from Wisconsin, and I assume is indorsed by all the gentlemen on the opposite side of the Chamber, members of the republican party. The doctrine to which I allude is that any Senator and especially a party of Senators have the constitutional right to sit in their seats in this Hall and refuse to vote for the purpose of preventing the progress of legislation. That is the doctrine against which I enter my protest. I say that the Senators on this floor, not meaning to reflect on their motives in the slightest degree, are under as much obligation to perform a duty as they are to perform it correctly, and it is just as unconstitutional to refuse to perform a duty as it is to perform that duty improperly. The Constitution requires that this legislation shall be had, and if Senators have a right to sit in their seats and refuse to vote, intending thereby to prevent the progress of legislation for one hour, they have a right to do it for one day, and if they have a right to do it for one day they have a right to do it for an entire session and they have a right to do it all the time, and they have a right, therefore, by simple non-action, by a simple refusal to discharge the functions which they are charged to perform when they are sent to this body, to revolutionize and destroy the Government.

Mr. CARPENTER. Will the Senator allow me to make a suggestion to him?

Mr. HILL, of Georgia. Very well, I have no objection.

Mr. CARPENTER. While the Constitution requires that legislation shall be proceeded with, it does not require that a bill of this importance shall be passed Wednesday night after six o'clock.

Mr. HILL, of Georgia. I have heard those excuses offered for every revolution that has ever been perpetrated in this country, and they may be found of record as justification for every revolution that was ever perpetrated in any country. Men always plead something in the shape of constitutional right or personal right to justify revolution and the overthrow of government.

Here is a measure that has been debated at the last session of Congress, debated in the other House and debated in this. It has been debated at this session of Congress for weeks, and has actually gone to the President and been vetoed, and is before this session of Congress a second time. Gentlemen say that it is a constitutional right that they have to speak in their own way and in their own time, and if a majority of this body differed with them they have a right to sit in their seats and refuse to vote, and thereby prevent legislative action. That is the point which I say in my judgment is revolutionary, because there is no escape from it.

Mr. CARPENTER. It is the mildest possible form of revolution.

Mr. HILL, of Georgia. Ah, Mr. President, government may be destroyed just as effectually by non-action as by mal-action; and if one member of the Government is justified under the Constitution in refusing to perform his duty, every member of the Government is justified in refusing to perform his duty, and government becomes an instantaneous failure. It is no mild form of revolution; it is one of the most insidious forms of revolution possible. It is a revolution that you cannot meet by force and suppress by force.

Now, I want to say to the gentlemen on the other side that this idea is not original, though it may be original in this Senate; I do not know, but I understand from elder members of the Senate that for the first time in the history of this Senate the things which we witnessed last night have occurred; that is, gentlemen have sat here and refused to vote. I do not know whether it is true or not, and I do not state whether it is true or not. I am speaking now for myself——

Mr. CARPENTER. Let me correct the Senator.

Mr. HILL, of Georgia. Please excuse me, friend. I do not know whether it is so or not, and it does not make any difference whether it is so or not; but certainly it is the first time I have witnessed it. It is the first time I have heard of its being enacted on this floor. I have heard of it in the other House; I have heard of it in the other legislative bodies, and sometimes it has been excused and sometimes it has not been, and gentlemen generally excuse it to their own conscience by pleading that some other great end is to be accomplished. I speak for myself, and I want to enter now my protest upon this record against the idea that gentlemen have a right to sit in their seats and refuse to perform their affirmative, positive duty under the Constitution for the purpose of obstructing the legislation of the country one hour.

I said to the gentlemen that this idea was not original. I am not going to reopen the controversy. This is not the first time I have discussed it. It is not the first time I have considered it. A little over two years ago, for a higher and greater purpose than the purpose of allowing one or two members to make speeches, for a higher and greater purpose than allowing a debate to progress one day, and for the purpose, as was alleged, of preventing a gigantic fraud, the doctrine was advanced that gentlemen had the constitutional right, by dilatory motions and sitting in their seats, to prevent the accomplishment of a positive duty. That doctrine was asserted by intelligent gentlemen, and they said they violated no constitution in doing it; and if the doctrine is right they had as much right to sit in their seats and refuse to vote or to make dilatory motions to prevent the completion of the presidential count as the Senator from Wisconsin has or any of the gentlemen on the other side have to prevent the passage of a bill or to delay the passage of a bill. If you have a right to do it for one purpose you have a right to do it for any purpose; and the purpose then was avowed. I carefully considered it; I held it then to be revolutionary. I believed it to be revolutionary. I believed it would be revolutionary although it was to prevent an acknowledged and unmitigated fraud.

I felt it was my duty when I was sent to this body to discharge the functions that belong to me under the Constitution and not to evade them, and I have no more right to evade them than I have to perform them improperly.

I say this now, and I trust the time has come when the people will wake up to the fact, that there is more than one way of revolutionizing this Government. It may be revolutionized by a failure to perform duty as well as by a maladministration of duty. In the kindest feelings to all concerned, and without participating in this discussion, I simply rose for myself to enter my protest here and now against this doctrine.

Mr. THURMAN, (Mr. HARRIS in the chair.) Mr. President, I move that the Senate adjourn.

The motion was agreed to; and (at two o'clock and fifty-eight minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June* 19, 1879.

The House met at twelve o'clock m. Prayer by Rev. DAVID WILLS, D. D.

The Journal of yesterday was read and approved.

PAY OF HOUSE EMPLOYÉS.

Mr. HENRY, from the committee of conference on the joint resolution (H. R. No. 85) fixing the date on which the pay of the committee clerks, pages, and laborers of the House of Representatives, who are paid during the session only, shall begin, submitted a report; which was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the House resolution No. 85, entitled "Joint resolution fixing the date on which the pay of the committee clerks, pages, and laborers of the House of Representatives, who are paid during the session only, shall begin for this session," having met, after full and free conference, have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from its disagreement to the amendment numbered 5, and agree to the same;

That the Senate recede from its amendments numbered 1 and 2;

That the House recede from its disagreement to the amendment numbered 3, and agree to the same with the following amendment, viz: In lieu of said amendment insert the following:

"SEC. 2. That the officers, clerks to committees, and employés of the Senate, including the Capitol police, who were employed previous to the 4th day of March, 1879, and who continued in said employment to and including the 4th day of April, who have since ceased to be so employed, or who may cease to be so employed prior to December 1, 1879, shall be paid a sum equal to one month's pay at the rate per annum they were paid when their employment ceased; and a sufficient sum for this purpose is hereby appropriated out of any moneys in the Treasury not otherwise appropriated."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 4, and agree to the same with the following amendment, namely:

After the word "under," in line 8 of said amendment, insert the words "section 2 of."

And the Senate agree to the same.

DANIEL M. HENRY,
E. L. MARTIN,
A. HERR SMITH,
Managers on the part of the House.

WILLIAM A. WALLACE,
H. G. DAVIS,
J. G. BLAINE,
Managers on the part of the Senate.

Mr. GARFIELD. Will the gentleman submitting this report state whether it is a unanimous report.

Mr. HENRY. It is.

The question being on agreeing to the report,

Mr. SAMFORD called for the yeas and nays.

The yeas and nays were not ordered.

The report was adopted.

Mr. HENRY moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

POST-ROUTES.

Mr. COOK, from the Committee on the Post-Office and Post-Roads, reported, with amendments, the bill (S. No. 697) to establish additional post-routes in the State of Florida.

The SPEAKER. Does the gentleman from Georgia [Mr. COOK] desire the amendments read?

Mr. COOK. No, sir. The bill contains no legislation except post-routes.

Mr. DUNNELL. I ask the gentleman to yield to me that I may offer a single amendment.

Mr. COOK. I yield to the gentleman.

The SPEAKER. As the gentleman from Georgia gives the assurance that there is no legislation of any kind whatever in this bill except the establishment of post-routes, the reading of the bill and amendments will be omitted, according to custom, if there be no objection.

There being no objection, the reading was dispensed with.

Mr. DUNNELL. I move to amend the amendments of the committee by adding the following:

Minnesota: From Kenyon to Richland.

The amendment of Mr. DUNNELL was agreed to.

The amendments reported by the committee, as amended, were adopted.

The bill, as amended, was ordered to a third reading; was accordingly read the third time, and passed.

The SPEAKER. The Chair suggests that the title be amended so as to read: "An act to establish certain post-routes in the States therein named."

Mr. COOK. That modification should be made.

The title was amended accordingly.

Mr. COOK moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JUDICIAL EXPENSES.

Mr. MCMAHON. From the committee of conference on the dis-

agreeing votes of the two Houses upon the bill making appropriations for certain judicial expenses I submit the report which I send to the desk.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House No. 2252, making appropriations for certain judicial expenses, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment numbered 1, and agree to the same, with an amendment as follows:

Strike out the words proposed to be inserted by said Senate amendment and insert after the word "money," in line 16, page 2 of the bill, the following:

"Under any of the provisions of title 26 of the Revised Statutes of the United States authorizing the appointment or payment of general or special deputy marshals for services in connection with elections or on election day."

So that the section as amended shall read as follows:

"SEC. 2. That the sums appropriated in this act for the —— persons and public service embraced in its provisions are in full for such persons and public service for the fiscal year ending June 30, 1880; and no Department or officer of the Government shall, during said fiscal year, make any contract or incur any liability for the future payment of money under any of the provisions of title 26 of the Revised Statutes of the United States authorizing the appointment or payment of general or special deputy marshals for service in connection with elections or on election day until an appropriation sufficient to meet such contract or pay such liability shall have first been made by law."

And the Senate agree to the same.

J. A. McMAHON,
THOMAS R. COBB,
Managers on the part of the House.
WILLIAM A. WALLACE,
H. G. DAVIS,
Managers on the part of the Senate.

Mr. McMAHON. I demand the previous question.

Mr. GARFIELD. I hope before the gentleman does that he will allow some debate.

Mr. McMAHON. I will say to the gentleman from Ohio I will give time for discussion after the previous question has been seconded and the main question ordered.

Mr. GARFIELD. Very well.

Mr. McMAHON. I now demand the previous question on the adoption of the report.

Mr. CONGER. After the previous question is moved there is no hour for debate on this subject.

Mr. McMAHON. Yes, I am entitled to an hour before the main question has been ordered.

Mr. CONGER. That is, a member reporting a measure from a committee is entitled to one hour in which to close debate; but this is a conference report, and the gentleman I think is not entitled to his hour.

Mr. GARFIELD. The rule applies to conference reports.

Mr. CONGER. Does the Chair decide that the gentleman making this report is entitled to one hour before the main question has been ordered?

The SPEAKER. He is, either before or after.

Mr. CONGER. The rule says reports from committees, and that refers to the report of a bill, but does not include conference reports between the two Houses.

The SPEAKER. The rule will be read.

The Clerk read as follows:

The right of a member reporting a measure to open and close debate is not affected by an order either for the previous question or that debate shall cease in committee.

The SPEAKER. The practice has been to allow an hour for debate when claimed before or after the main question has been ordered on a report from a committee of conference.

Mr. CONGER. Reports from the committee of conference have a special privilege, and I do not remember when explanation was not allowed before the previous question was called.

The SPEAKER. The gentleman from Ohio demanded the previous question for the purpose of holding the floor.

Mr. McMAHON. That is all.

The SPEAKER. He states his willingness to yield for whatever time may be desired.

Mr. McMAHON. I will yield after I have made an explanation to my colleague on the committee, [Mr. MONROE.]

Mr. MONROE. I desire first to make an explanation myself.

The previous question was seconded and the main question ordered.

Mr. McMAHON moved to reconsider the vote by which the main question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. McMAHON. Mr. Speaker, the Senate and the House disagreed only in form in their proceedings in open House on the last clause of section 2. Both Houses were looking to the same result. The last clause of section 2, as it passed the House originally, read as follows:

And no Department or officer of the Government shall, during said fiscal year, make any contract or incur any liability for the future payment of money until an appropriation sufficient to meet such contract or pay such liability shall have first been made by law.

When the bill went to the Senate it was amended so as to add to the end of the section the words "except as provided for in section 3732 of the Revised Statutes," which says that certain expenditures in connection with the Army and Navy shall not be covered by the stringent provision of law contained in section 3679 of the Revised Statutes.

It is the law now and has been ever since we anticipated war in March, 1861, at which time section 3731 was passed. In the conference committee the House conferees, upon mature consideration, thought it advisable to change the broad and general language of this second section and to limit its application to the particular matters that might be said to be in controversy between the two political parties; or, which now seems to be the same thing, between the two Houses and the President. So we did not put this inhibition upon the Departments for all purposes, but confined it to the action of an officer under any of the provisions of title 26 of the Revised Statutes of the United States authorizing the appointment or payment of general or special deputy marshals for services in connection with elections or upon election day. Having in section 1 expressly refused to appropriate any money for any use whatever under title 26, we inhibit the incurring of any liability by section 2 for the employment or payment of deputy marshals for elections.

The House will observe that the limitation in section 2 is confined to the coming fiscal year; secondly, that it is confined to appointments or payments during that fiscal year, under the provisions of title 26, of deputy marshals, special or general. I want to deal frankly with the House and let it understand that the appointment or payment of "supervisors" is not prohibited in this section as amended, and the reason for that I will give. The amendment has not been narrowed by leaving out the "supervisors," but, on the contrary, the scope and spirit of it in this particular has been maintained. Supervisors, both chief and general, are paid out of a permanent annual appropriation fund. If supervisors are to be employed next year the money is now appropriated to pay those officers.

Mr. CLYMER. Special supervisors?

Mr. McMAHON. Any supervisors. I know the gentleman has debated that question with me; but in my judgment it does not admit of debate. The statute is explicit. All the fees of supervisors on election days are embraced in the permanent appropriation. I have the statute before me. On page 734 of the Revised Statutes, under the head of "Permanent annual appropriations," at the end of section 3689 we find the following:

Fees of supervisors of elections.

Not *chief* supervisors, but—

Fees of supervisors of elections.

When the law says "supervisors" it cannot be said it means only "*chief* supervisors." The election laws recognize "supervisors" and "chief supervisors," and when the permanent appropriation law provides for the payment of the fees of "supervisors" how can the gentleman claim that it means only "chief supervisors?"

And this construction is not only the law but the practice of the Government, as we have ascertained by inquiry there. There is no doubt that all the supervisors, ordinary and chief, are paid, and in my judgment paid properly, as the law now stands, out of the permanent annual appropriation.

Mr. CLYMER. Is not that only for fees, not for compensation?

Mr. McMAHON. The $5 a day are what I call fees, and ordinary supervisors can receive nothing else whatever in any case. You call jurors' per diem their fees. So I call supervisors' per diem "fees."

Mr. CLYMER. The gentleman calls them fees.

Mr. McMAHON. I beg the gentleman's pardon. The ordinary supervisors of elections who stay at the polls get only $5 a day and have no salary and no compensation except $5 a day, which is their "fees." The chief supervisor has certain other fees as a commissioner, which are provided for in that portion of our bill which provides for fees of commissioners.

The statute is in this language:

To pay supervisors of elections compensation apart from and in excess of all fees allowed by law for the performance of any duty as circuit court commissioner.

Now, it being the law and the practice to pay all supervisors out of the permanent annual appropriation fund, the second clause in section 2 of the bill as we passed it originally in the House would not have prevented the appointment of supervisors of elections, for the reason that the permanent annual appropriation had already provided for their payment, and this section in its original shape only inhibited the making of any contract or the incurring of liability for any person where those appropriations had not already been made.

We have retained the words "incur any liability." Whether this has added anything to the force of this section or not I do not now propose to argue. If it does not, it is harmless. If it does, it is a valuable addition. The law as it now stands reads as follows:

SEC. 3678. All sums appropriated for the various branches of expenditure in the public service shall be applied solely to the subjects for which they are respectively made, and for no other.

SEC. 3679. No Department of the Government shall expend in any one fiscal year any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract for the future payment of money in excess of such appropriations.

Now, what is the spirit of the law as now found upon our statute-books? It is that Congress (and particularly the House, which originates all these bills) shall have the absolute control of the amount and uses of all the expenditures of the Government. How has this control and our laws been evaded? By making contracts or incurring liabilities during the fiscal year beyond our appropriations, which the different Departments appeal to Congress to settle up subsequently when they send us estimates for deficiencies, and which we

do settle up sometimes when we pass deficiency bills. Yet the spirit of this law is this, that when Congress has appropriated a hundred millions of dollars to run the Government for a certain fiscal year, not one dollar of money should be spent nor one dollar of liability incurred in addition to what Congress had provided for by appropriation. Almost any deficiency is a violation of existing law.

Mr. ACKLEN. Is it not constantly violated?

Mr. McMAHON. It is constantly violated in some of the Departments. I believe some do not.

Now, when a deputy marshal, general or special, is appointed (and the appointment so as to incur a liability for money is all that is inhibited here) he is appointed by a ministerial officer—a marshal; and I think when he is thus appointed under the law a contract is made with him. If we have appropriated no money to pay deputy marshals under title 26, as we have not, I think no marshal would have authority to appoint a special deputy marshal to serve on election day, or a general deputy marshal whose only duty would be to be present on election day and interfere with voters and the elections. But we desire to make this prohibition more explicit; and therefore we have kept in the words "incur any liability;" and I confess I do not see how the liability is incurred except by an authorized officer making on the part of the Government an appointment which is a contract between the officer and the Government itself. And the law at present prohibits such contract in express language; and, for one, I can scarcely express the opinion that the words "incur any liability" add any strength, but only more clearness, to the law as it now stands. The practice may be different, but there are many wrong practices prevailing.

Now this appropriation bill, Mr. Speaker, was originally framed upon this fundamental idea, that the representatives of the people have control of the amount and uses of the money that shall be needed in any one fiscal year for the support of the Government; and when I assert that principle, I mean that we have that authority, not only over how much shall be actually disbursed, but over the extent of the indebtedness that may be incurred. It is of no use to limit the amount that may be expended in a year if the Government is at liberty to incur liabilities beyond that amount indefinitely to be paid at some future day. If our law does not mean that already, we should have one declaring that no money shall be spent, no contract made, no obligation assumed, no liability incurred, that has not been previously appropriated for by Congress. The reason why we modify the pending section in this respect and do not now insist that this general prohibition shall become a law is this: to a certain extent this may be a new departure, in practice if not in law the Departments have acted upon a different construction and have sent in all their estimates under the old practice, and if we adopt what would be to them or some of them a new system for the coming fiscal year by ordering that no Department shall incur a liability of any kind whatsoever without a previous appropriation we might hamper the Government in matters we do not at present desire to reach, especially as most of the appropriations for the coming fiscal year have been made upon the Administration's construction of the existing law. But in addition to this we have desired to confine the prohibitions of this bill to the cases that are within the appropriations provided for in it—upon the theory we have already spoken of—our right to say what uses shall be made of our money and what obligations may be incurred that will create a demand upon the Treasury of the people.

Mr. BAKER. I would like to ask the gentleman one question.

Mr. McMAHON. I cannot yield now; I would be glad to do so, but I want to finish what I have to say in this connection.

We have appropriated $600,000 for marshals and their deputies. But in section 1 of this bill we declare expressly that no part of this money is appropriated for any services or purposes to be found under title 26 of the Revised Statutes. It is conceded that we have a right to do this, and that our failure to appropriate for other purposes is no legitimate ground for executive veto. But our right to determine how much money is needed, and in what manner to be spent, is not limited to the mere matter of the disbursement of the money. It is a silly prerogative if it can be evaded by the indefinite multiplication of liabilities beyond the sum allowed by Congress. We do not say in this section that no officer shall appoint special deputy marshals, but that no officer shall make a contract or incur a liability for the Government in the making of such appointments, as we have appropriated no money for the payment of such persons, and do not propose to do so at any time. This is no interference with the supposed prerogative of the President. His peculiar friends claim that without appropriations for the courts the courts must stop, because he is not authorized to run them without the proper appropriations; yet his Treasury is overflowing with money, and much of it unappropriated to other uses. The same rule should hold with regard to special deputy marshals. No money is appropriated for their payment. Upon the principle which would shut up the courts of justice, the special deputies must be dispensed with. The failure to appropriate for them deprives the marshal of the power to appoint.

And the inhibition contained in section 2 as regards deputy marshals is only carrying out in express terms what has been the law and is the construction of it by the Departments in many instances. In other words, no money being appropriated under title 26, no appointment can be made which would involve the Government in a contract or agreement to pay for any purposes under it. I hope that the Administration will see its way clear to the same conclusion in regard to special deputy marshals as it arrives at when we are vigorously threatened with an extra session if we fail to appropriate money for the Federal courts.

To pass now to another point. In making no mention of supervisors of election in the second clause of the second section we have acted in harmony with the previous action of gentlemen on this side of the House.

I hold in my hand the legislative appropriation bill which was vetoed, and which was voted for by the whole body of the majority upon this side of the House. In that bill we included various provisions repealing parts of the election laws. But we allowed that portion of them to stand providing for the appointment of two supervisors of opposite political parties for each polling place to scrutinize the election, but with no other powers.

The House had already intimated its disposition to permit supervisors to remain. The appropriation bill does not recognize them and makes no appropriation for their fees in any shape or form. But the committee of conference was of opinion that the great grievance and wrong to the people consisted in the power of a marshal to appoint, as he can under the law as it now stands, any number of special deputies for election purposes, all of whom may be employed for ten days, or more where registration is required, at an expense to the people of $5 per day.

I desire to call the attention of the House to a point in this connection before I yield to my friend from Ohio, [Mr. MONROE.] There is a difference between deputy marshals; some are general, others are special. The special deputies are those appointed for election purposes only. But the general deputy marshals are instructed by the provisions of title 26 to be present at elections. They receive no compensation, however, specially for that purpose. Their compensation is of a general nature, for their general service as deputy marshals, and is merely such as may be agreed upon by them with the marshal. The marshal has an allowance under section 841 for his proper general deputies not exceeding three-fourths of what each may earn. He must report to the Department what he has earned, stating separately what he has earned in person and what by deputy. What compensation is allowed to the marshal or his general deputies for attendance on election day I am not able to say. There are no fees provided for general deputies for such special service unless they can be covered by the general law of fees. How far, therefore, the law as we propose to pass it will, if at all, interfere with the compensation of general deputies for election services I am at present unable to say. But if the marshal's accounts disclosed anywhere fees or charges for such service by him or his deputies, they could not be allowed; for no money is appropriated under this act for any such service. The unlimited power to appoint general deputies, who can be used under the law at elections, has been and probably will be most grossly abused. It will be our duty in the future to scrutinize the marshal's accounts more closely.

But one thing is clear. It will not be lawful under this and the first section to appoint special deputy marshals for election purposes unless they agree to serve without compensation. No appropriation is made for them and no right is conferred to incur a liability in their behalf. Upon this we stand. And I may be permitted to say here, and I want to say it fearlessly, that in doing this we are not exceeding the prerogatives that belong to us as the representatives of the people. If we surrender this much of our privileges to humor the whims of a President or the insolent demands of a party we do not deserve the trust of our people and should not hope to be returned to the House of Representatives if any of us have further ambition in that direction.

I speak of this matter because upon this one point there can be no controversy. We are united. Whatever may be thought of the employment of supervisors of elections, the course of the dominant party in regard to the employment of special deputy marshals is one of the greatest scandals of the Republic, an outrage upon fair elections, and one of the most indecent ever perpetrated. There is no similar precedent in the history of our Government. And if the law be carried out that special marshals may be employed during elections at $5 a day, thousands of them being employed in a single congressional district if needed to carry it—if this law is permitted to be executed by money which we have appropriated for that purpose, we do not deserve the confidence of our constituents, and I am very sure we will not retain it.

I yield now to my colleague on the committee of conference, [Mr. MONROE.]

Mr. MONROE. I shall not speak many minutes upon this question. After the very thorough debate to which the House has listened upon nearly every aspect of it, I do not propose to enter upon any general discussion. But I thought it incumbent upon me, as the only republican member of the conference committee on the part of the House, to say a word to indicate the position which I occupy and the view which I take of the report of the committee.

My colleague from Ohio and upon the conference committee [Mr. McMAHON] has correctly explained the limitation which is imposed by the report of the committee upon the prohibition contained in the bill in regard to the incurring of liabilities by officers and Departments of the Government.

The bill as it passed the House forbade any Department of the Gov-

ernment or any officer of the same to incur any liability whatever at any time or for any purpose in advance of an appropriation expressly made for the object. That of course is as broad as the whole land, as broad as all the spheres of duty of all the Departments of the Government. No man could say how wide the evil in that case might be or where it would strike.

My colleague has correctly explained that the committee of conference now propose to limit this prohibition upon the officers and Departments of the Government to the simple incurring of liability for the payment of general and special deputy marshals in connection with elections and on election day. That of course is a very great narrowing of the field of the prohibition. And if this bill were to become a law, of course, as one wishing well to my country, I would much prefer that it should pass in the form proposed by the conference committee than in the form in which it passed the House. There is unquestionably a large diminution of the dangers with which all the Departments of the Government were threatened by the limitation now placed upon the section.

The report of the conference committee, or of the majority of that committee, as it now stands, is no doubt a straightforward business-like proceeding; it is entirely a frank and open affair. We are not left in doubt at all as to what it means. There is no vague, general, unlimited threatening of trouble and disaster. We are told expressly what the majority of that committee, and the majority of the House if they adopt the report, propose to accomplish. Of course I rejoice in this frankness. Our friends have now given us exactly the issue which they wish to make under this bill, and have put it in very plain terms. This is just the issue which they wish to urge, and it happens also to be just the issue on which we should defeat them if we can. It is just such a form of bill, diminished indeed in extent and scope yet remaining the same in quality, as we have all along been opposed to, and, in principle and logical consistency, must continue to oppose.

What does it propose to accomplish? This section 2, taken in connection with the closing sentence of section 1, simply repeals—for that is what it virtually accomplishes—it simply repeals for one year all the safeguards thrown around elections and the right of suffrage by title 26 of the Revised Statutes. The difference between the bill, as made by this conference report and the one passed by the House, is that instead of repealing the law in regard to elections for all time, this report virtually repeals it for one year.

The closing portion of section 1 forbids the paying of any money in the way of salaries for any of the officers provided for by title 26, and this section 2, which has been in dispute between the two Houses, further forbids the incurring of any liability for general and special deputy marshals, the very officers provided for by title 26 to make the provisions of that title effective. Therefore the proposition before us, which I have already commended as a very frank, open, and plain proposition, is simply one to take from title 26 all the efficiency there is in it for one year. That is all; we know just what it is. It is a simple proposition to repeal that title for one year, instead of repealing it for all time to come, as was heretofore proposed.

And we now understand exactly what it is we have before us. There is no change of principle in the bill; there is no change in the object aimed at; there is no change in the quality of the issue, although there is a great change in the scope and extent of the evil which was threatened. But the thing meant, the whole issue that we fought over, is still here, and I do not know of any argument that was used on the republican side of the House against the original proposition which does not in logical consistency and in spirit apply to the proposition which is now before the House. I mention this simply that we all may have a thoroughly intelligent view of the situation. This is simply a proposition to repeal for one year those safeguards of the ballot-box which it was originally proposed by gentlemen on the other side to repeal permanently. I do not see how any republican can vote for it.

Mr. COX. Will the gentleman allow me to ask him a question?

Mr. MONROE. Certainly.

Mr. COX. Do I understand the gentleman to say that this bill will repeal for one year all supervisors as well as deputy marshals, and take from them their power to arrest? Is that suspended for one year?

Mr. MONROE. The last part of section 1 forbids the payment of any salaries to supervisors for one year.

Mr. COX. Does it repeal that section?

Mr. MONROE. I say that for one year this report proposes a virtual repeal of the safeguards of the ballot in that respect.

Mr. COX. Does it affect the supervisors as well as the deputy marshals?

Mr. MONROE. Section 1 forbids the payment of any salary to supervisors. Section 2 does not name the supervisors.

Mr. COX. Then it still allows supervisors?

Mr. MONROE. Section 2 simply forbids the incurring of any liability for the employment of general or special deputy marshals.

Mr. COX. Then the supervisors will remain for the one year, and under section 2022 will still have the same power as deputy marshals to make arrests?

Mr. MONROE. They may remain, but no provision is made for giving them any compensation.

Mr. COX. Does this bill suit my friend from Ohio?

Mr. MONROE. It does not.

Mr. COX. Does he propose to vote for the adoption of the conference report?

Mr. MONROE. I shall not vote for it.

Mr. COX. Very likely I shall agree with the gentleman in that respect. I want to see how the bill is going to operate.

Mr. MONROE. My colleague [Mr. GARFIELD] wishes to speak on this question. I yield him the remainder of my time.

Mr. GARFIELD. How much time has the gentleman remaining?

The SPEAKER. Thirteen minutes.

Mr. GARFIELD. Mr. Speaker, we do not insist that this House is obliged to vote all the money which some of us may think necessary for any given purpose. If the majority offers to appropriate for a particular purpose a part only of the money needed, we would not be justified in voting against such a bill merely because the amount is insufficient, for it might be your purpose to supply the deficiency hereafter. But it is certainly an objectionable mode of legislation so to cut down the appropriation bills as to make a deficiency inevitable. This bill is open to that objection; it does not appropriate enough, for it wholly omits a part of the usual supplies. But that objection alone would not prevent this side from voting for it.

The feature of this bill which is objectionable to us and to which we do not and cannot agree has been well stated by my colleague, [Mr. MONROE.] The bill goes beyond appropriations, and proposes by law to lay hold of the executive department of this Government and affirmatively prevent its officers from enforcing certain laws of the land. That is the attempt which we resist and shall continue to resist. The objectionable provision is now made definite and unmistakable in this conference report. The language of the clause as it first passed the House was somewhat vague, but here it is plain, and we perfectly understand its import. If any doubt remained my colleague who presented the report [Mr. MCMAHON] removed it by declaring the purpose of the clause. The issue is narrowed down to this: the gentleman tells us that he and his associates are determined that there shall be appointed no marshals, deputy marshals, or assistant marshals to execute the laws of the Union, as embodied in title 26 of the Revised Statutes; that they have devised and agreed on this clause in the conference between the two Houses so as to prevent the enforcement of that part of the existing law. This makes a sharp issue which everybody can understand.

Now, assuming that the gentlemen on the other side do not like these provisions of law relating to elections, (and we understand that to be their unanimous sentiment,) they ought to propose amendments to the law. My colleague who presents this report says that the law has been used for partisan purposes; that marshals, deputy marshals, and assistant marshals have been appointed merely to advocate and advance the political interest of one party at the elections. If that is so, it is a just criticism of the law, and an amendment ought to be offered to correct such an abuse. If my colleague will offer an amendment or allow us to offer an amendment so as to put the appointment of deputy and assistant marshals who are to serve in connection with congressional elections on the same basis as the appointment of supervisors—that is, that they shall be appointed by the courts and shall be chosen in equal numbers from the different political parties—we will aid him, and the abuse of which he complains can be corrected. But that is not in the line of the gentleman's wishes nor that of his party. They do wish not to better the law, but to annul it. They do not want the law executed so long as they have not the power to make the appointments and execute it in their own way.

Recent events have shown them that they cannot repeal these provisions of law. In the present situation of parties and opinions in Congress it is impossible to repeal them. Those who wish to repeal them have not the constitutional majority to do so. They can no more remove them from the statute-book than they can enact a law without a majority of votes. In short, they have not the constitutional majority to repeal these laws. Not being able constitutionally to repeal them, gentlemen on the other side say, "We will prevent their enforcement." And in attempting this they attack the Government in a very vital part. They know that the whole country, without regard to party, needs to have the courts of the United States open to all suitors. They know that justice ought to be administered in every district and circuit court of the United States. They know that United States prisoners are locked up, some under sentence of our courts, others awaiting trial, and that the Constitution provides that all who are held under charges shall have a speedy trial.

The great duty, the imperative obligation to provide for the speedy and prompt administration of justice rests upon members of Congress, republicans and democrats alike. But the majority of this House have segregrated from all the other appropriations of the year this one for the judicial expenses of the Government, and now offer this appropriation of two and a half millions of dollars, and say, not to us alone, but through us to the nation and to all the officers of the nation, that this money of the people which has been paid into the National Treasury for the very purpose of maintaining the courts shall not be used for that purpose, only on condition that the democratic party shall be permitted to couple with it a provision that certain laws of the land which they cannot repeal shall not be enforced; nay, more, that for the coming year these laws shall be nullified. In short, we are told that we must submit to the nullification of the

election laws, or the courts of the United States shall be closed, the prisoners awaiting trial shall be discharged or shall be held untried, against the constitutional provision in their behalf; and that no provision shall be made, even to feed our prisoners. It is to be made unlawful to try them, unlawful to keep them, and it is unlawful to discharge them. With those hard conditions you have fettered the appropriations, the use of which reaches to the very vitals of national justice. You say, "Take these appropriations, coupled with the nullification of certain laws, or you shall not have them at all."

Gentlemen, we earnestly desire to go home. We have borne the burden of this long, weary, and profitless session until we are anxious to go to our homes and rest, and give the country rest. But we cannot, even under the persuasive heat of the dog-star and the pressure of this weary and distasteful work, accept the dishonor which this bill offers. It is a moral bribe to us to consent to the nullification of laws which you seek, not to improve but to destroy. We cannot, we will not, consent.

You have retained in this bill a clause which, if it becomes a law, will place the President of the United States between two fires—the fire of this law if he disobeys it, and the fire of heaven if he violates his oath by obeying it.

Mr. MCMAHON. Will my colleague allow me to ask him how the President is at all interfered with?

Mr. GARFIELD. I will answer. The President has taken an oath that he will see to it that the laws be faithfully executed. You do not repeal the election laws, but you make it impossible for him to execute them without violating another. You seek to place him in reach of your impeachment on the one hand, or, on the other, compel him to neglect his duty and violate his oath. We have no legal or moral right to put the Chief Executive in such an attitude. The wisdom of the Old Testament proverb, "in vain is the net spread in the sight of any bird," may be fitly applied to this case. I do not see that there is the slightest probability you can catch a bird in this net.

Mr. HOUSE. Do I understand the gentleman from Ohio as threatening us with another veto?

Mr. GARFIELD. I did not hear the gentleman.

Mr. HOUSE. Do I understand the gentleman as threatening this side of the House with another veto?

Mr. GARFIELD. Mr. Speaker, we have heard of war and rumors of war in another quarter; but this House, this body whose members come directly from the people, the only real sovereigns in this country, has not only not come to blows, but so far as I know have not come to threats.

Mr. HOUSE. The gentleman talks about blows.

Mr. GARFIELD. I say neither blows nor threats. I am certainly indulging in no threats. I only say you offer a bill for the approval of the Executive which, if he approve, puts him in a position where he will be in conflict between the Constitution and the law you make.

Mr. HOUSE. What a very frank answer!

Mr. GARFIELD. It is both frank and just. I appeal to you, gentlemen, whether this kind of legislation meets the approval of your best judgment.

Now, I had some hope that when we were told yesterday by my colleague [Mr. MCMAHON] that the amendment which had come from the Senate was left open, so as to enable the conference committee to soften the asperities of this bill—I had some hope that we should see our way through the entanglements by finding a bill which gentlemen on this side could support, and that we might then adjourn, shake hands and go home. But I am compelled for the present to bid farewell to that pleasing prospect. WE STAY. [Applause from the republican side.]

Mr. MCMAHON. I yield ten minutes to the gentleman from Illinois, [Mr. SPRINGER.]

Mr. SPRINGER. I do not concur with the gentleman from Ohio before me [Mr. MCMAHON] in reference to the proper construction to be placed upon the provisions of the Revised Statutes in reference to a permanent appropriation for supervisors of elections. The provision of the statute upon that subject relates to the chief supervisors of elections so far as permanent appropriations are concerned. On page 734 of the Revised Statutes, among the miscellaneous appropriations made permanent, is the following in reference to supervisors of elections:

> Fees of supervisors of elections:
> To pay supervisors of elections compensation apart from and in excess of all fees allowed by law for the performance of any duty as circuit court commissioner.

That relates and can only relate to the fees of the chief supervsior as defined in section 2031 of the Revised Statutes, which provides as follows:

> There shall be allowed and paid to the chief supervisor, for his services as such officer, the following compensation, apart from and in excess of all fees allowed by law for the performance of any duty as circuit court commissioner, &c.

The section in reference to permanent appropriations recites almost the very words of this provision of the statute to which it refers. And then follows a list of the fees which he is to receive as compensation in addition to his compensation as chief supervisor, the fees he is to receive for particular services, such as for filing and caring for every return, report, record, document, &c.

Mr. ATKINS. Will the gentleman permit me to ask him a question?

Mr. SPRINGER. Certainly.

Mr. ATKINS. If the supervisors are not paid out of the permanent fund, will the gentleman cite the law by which they are paid?

Mr. SPRINGER. Unless there have been special appropriations from year to year, all payments to them have been out of funds not appropriated by law, or appropriated for other purposes and diverted to that object.

Mr. ATKINS. Then there is no law to pay them at all.

Mr. SPRINGER. I hope not; there never ought to have been.

Mr. ATKINS. There is none except the permanent appropriations.

Mr. SPRINGER. Then follows the other part of the section which relates to the pay of supervisors of elections and special deputy marshals of elections, whose compensation is fixed at the rate of $5 a day. Now "compensation at the rate of $5 a day" does not refer to the fees of supervisors in addition to their compensation as circuit court commissioners and has no relation to them whatever. Therefore I cannot agree with the construction of the gentleman from Ohio on the Appropriations Committee that there is a permanent appropriation for the two supervisors of elections who are appointed, one from each party, to supervise the elections at the polls. But while differing from the gentleman from Ohio in reference to that construction, I shall support the report of this conference committee for the reason that it does, so far as Congress is able to do it by an appropriation bill, meet the requirements of the present situation.

We have, Mr. Speaker, in this bill simply withheld appropriations for a particular purpose. Now, will any person say, will any gentleman on the other side say, that we are compelled to vote appropriations to carry out every law that we may find upon the statute-book? If so, the passage of a general law which involves the expenditure of money also requires Congress at every session held thereafter to appropriate all the money which was originally provided in the first act to carry it out. If that were true, there would be no necessity for the provision of the Constitution which says that no money shall be drawn from the Treasury except in pursuance of appropriations made by law. This provision of the Constitution runs with all existing laws and is over and above them, and it means this, that whatever may be the existing law, no money is to be drawn from the Treasury to carry out that law except in pursuance of appropriations made in the mode provided by law.

Then what becomes of the objections of the honorable gentleman from Ohio [Mr. GARFIELD] on the other side of the House, who said that it was unconstitutional to refuse to make this appropriation and that it was a nullification of the existing law to withhold appropriations for a purpose which the majority of this House deems unconstitutional and utterly subversive of the rights and liberties of the people of this country? The gentlemen upon this side of the House believe that the appointment of supervisors and special deputy marshals of elections under existing law is in violation of the Constitution of the United States; and the gentleman from Ohio says that unless we appropriate money for a purpose that we deem against the Constitution and in violation of the Constitution we are nullifying an act of Congress. I never knew before that nullification proceeded from the law-making power and that it was nullification to refuse to vote appropriations under unconstitutional laws that had been passed at previous sessions of Congress. Sir, if that be nullification, we are guilty of it on this side of the House, and gentlemen upon the other side may make the most of it.

We do not make appropriations here upon any conditions that the President shall do this or do that. We make appropriations under our duty, our sworn duty as Representatives. We make them for such purposes as we deem necessary for the good of society, for the protection of the rights and liberties of the people; and we make them no further. If the gentleman's speech is intended to imply that the President will veto this bill, or if he does veto it, he will place himself in the attitude of saying to the majority of Congress, "unless you appropriate money for the purpose for which I demand it, I will not let you have money to run the courts of the country or to carry on the necessary functions of the Government;" he will put himself in the attitude of dictating to the majority of Congress and demanding that we shall do that which we believe to be wrong,

Sir, we will not submit to executive dictation. We have gone as far in the matter of making appropriations as we can go, or will go.

Mr. BAKER. What! never?

Mr. HUMPHREY. Hardly ever.

Mr. SPRINGER. Not hardly ever, but never. We will never appropriate another dollar to pay supervisors and deputy marshals to be present at and control elections. [Applause on the democratic side of the House.]

Mr. CONGER. Never?

Mr. SPRINGER. I answer the gentleman, never.

The SPEAKER. The gentlemen desiring to interrupt the member occupying the floor had better rise from their seats. This mode of ejaculation is not in order.

Mr. MCMAHON. I think times have strangely changed, indeed, when upon every offer of an appropriation bill or of legislation intended to furnish money for the support of the Government in either House of Congress some one who seems to be very near to his fraudulency, commonly known by the title of President of the United States, seems to be charged with a special private commission to come upon the floor of the House to tell the Representatives of the people that this gentleman who crept into the Presidency by fraud, and was

never elected by the people whose will he intends to thwart, is not going to approve of that which the Representatives of the people desire to have passed. There was a time when even among the gentlemen who represent the party on the other side of the House there were some who regarded such a course of action as indecent and indecorous; but they have progressed in this branch of the public service as in many others. My friend and colleague, [Mr. GARFIELD,] who leads off as the spokesman of the hurler of vetoes, was good enough to tell us that it was unconstitutional to repeal these election laws which were passed as recently as 1872. What a discovery! Our glorious revolutionary fathers and all the fathers of the old whig and democratic parties, even the fathers of the republican party, were therefore guilty of unconstitutional conduct because they never saw fit to pass a law like this pet of radicalism, which all of them would have denounced as corrupting and vicious. It is only modern republicanism which has developed this new constitutional light and brought gentlemen up to this high standard, that we are guilty of unconstitutional conduct if we attempt to repeal their iniquitous laws when we are in a majority in both Houses.

And we are denounced as revolutionists, and then again as nullifiers. What has been the conduct of the gentlemen who talk about our constitutional duties and revile us in this way? Who are they? Gentlemen who a year and a half ago voted in the House for the Bland silver bill, for the free coinage of silver for the benefit of the bullion-holder; and then only a few weeks ago, under the call of the swallow-tailed leader from Michigan, [laughter,] withheld their votes from a more innocent bill, and violated their duties by filibustering for a whole night to prevent a majority of the House from passing a bill. Gentlemen who but yesterday and the day before and for many days have pursued the same improper course in resisting a vote upon the bill of the gentleman from Indiana to prevent office-holders and Government contractors from contributing money to corrupt the people at the polls; a bill innocent on its face, but so dangerous to the republican party that the extraordinary announcement was made that it was the most infamous bill that had ever been offered. Gentlemen who up to this time have resisted in the same way all efforts to repeal the test oath and to enact a uniform and equal law for the drawing of impartial juries in the Federal courts.

Yes, gentlemen, and this is not all. When we offered for your consideration some weeks ago another bill—which may have been extreme in its changes, but was only therefore more beneficial to constituents of gentlemen from the Northwestern States as well as my own—to prevent the removal of causes to the Federal courts from the State courts, we find you again filibustering and refusing to perform your duty for weeks at a time; and as if the whole party had resolved itself into revolutionary practices we find the same thing has taken place under republican lead. I will not say where, for that would be unparliamentary, but it is not more than a thousand miles from where I now speak.

These gentlemen who claim that we are nullifiers and are not obeying the Constitution refuse, upon almost every occasion, to vote and make a quorum, and deny to a majority the right to have a vote upon any bill that does not suit their fancy. Do you call this performing your duty? Are you in a position to read us lectures?

I have here an extract from a speech of my colleague, [Mr. GARFIELD,] made in the closing days of the last Congress, in which he said he was bound in honor not to interpose revolutionary obstacles to the passage of a pending bill, meaning that he had no right to resort to "filibustering." But the gentleman from Michigan, unmindful of the conservative lessons of my colleague, with his wonderful tenacity and his high capacity for leadership, leads the other side of the House into these revolutionary proceedings, notwithstanding that my colleague [Mr. GARFIELD] has got the advantage of longer service and otherwise; and it is no disparagement to draw the distinction.

Mr. Speaker, the democratic party is in a majority in both Houses. I want that fact impressed on the mind of the House and of the people, as I said the other day. We represent a majority of the people. We are entitled to rule here. If our laws are bad we are responsible to the people only. Only extraordinary emergencies entitle gentlemen to withhold their votes in a body.

There was an emergency when, under the lead of the gentleman who now occupies the chair, the democratic party was justified, in my judgment and that of the people, in doing so. [Laughter on the republican side of the House.] But to make such contests upon all bills which do not suit gentlemen is only a prostitution of constitutional duty to partisan purposes, and has led to the length of this session.

My colleague expressed great solicitude about the failure of the judicial bill. He betrayed great anxiety about the courts and the prisoners and all that. He threatened us with the dog-star as well as a veto in the same breath. Now, all this solicitude and anxiety can be easily allayed. We have the same feelings as he has. We want the appropriations made for the courts of justice. We have as much, if not more, interest in the speedy administration of justice than gentlemen on that side. We have a million more white voters than they, and must have, therefore, a larger interest in the litigation of the country. We are anxious to have this bill passed; but we propose to show our anxiety in a substantial, honest way. We have voted for every appropriation bill, and we wish to see this one passed. We will vote for it again, as we have done twice. Who is it that does not wish them passed? Men must be judged by their actions, not their words. If this bill does not pass, gentlemen on the other side will be responsible, for I can pledge every vote on this side of the House; and if it does not become a law after it passes both Houses, as it will, it will be the fault of the gentlemen on the other side who have the contract for stiffening that portion of the Executive's membrane commonly called "backbone." The President will sign this bill if you will let him, gentlemen. But one congressional election will be held in this country before the next fiscal year terminates, and that is the election in California.

The Attorney-General asked us, in his estimates, for $20,000 for the employment of special deputy marshals, &c., to control the election. We have declined to furnish him the money, and we decline to permit him to have the power to involve us in an agreement to pay money for such purposes at any future day. We say in this bill that he shall not have this money to spend and he shall not contract for its expenditure. We say this as the representatives of the people who control appropriations and the expenditure of their money. And any interference with our right is an unwarranted assumption of executive power and an attempted interference in our privileges.

I want the gentlemen on the other side to make their record on this question. Let us see if they will vote against this appropriation bill because deputy marshals are not provided for in the election to take place in the State of California. If the people want to judge of our fidelity to the Government they will have an opportunity to do so. They will find the "revolutionists" and "nullifiers," so called, voting in a body to support the Government, and the self-styled loyalists voting in a body to starve the judicial branch of it. They will see that you prefer to carry four Congressmen, or three, or two, or whatever number you can seize upon in California by corrupt means rather than to have the courts open and justice done between the people. Is this your patriotism? Your professions are lip-service only.

Mr. BAYNE. Mr. Speaker——

Mr. MCMAHON. I do not submit to any interruption. You prefer to have no appropriations, to have no courts of justice, no trials, no verdicts, rather than to have a free and fair election in California. We welcome you upon that field of battle before the people of the United States. We invite the conflict; we ask no better issue. We want the people to find out who are the nullifiers, who are those who refuse to perform all their constitutional duties, who are those who say that we shall have no courts unless elections can be controlled, and who prefer that prisoners shall be locked up, (in the dismal language of my distinguished colleague from Ohio, [Mr. GARFIELD,]) that district attorneys shall have no authority to proceed with cases, that marshals shall have no power to carry out the orders of the courts, and that the whole country shall run riot, rather than give up the means of corrupting elections in California. We welcome that contest as one which will forever extinguish your capacity for evil in this country. [Applause on the democratic side.]

The SPEAKER. The question is now upon agreeing to the report of the committee of conference.

Mr. MONROE. I call for the yeas and nays. We may as well have them ordered now.

The yeas and nays were ordered.

The question was taken; and there were—yeas 102, nays 81, not voting 103; as follows:

YEAS—102.

Acklen,	Elam,	Manning,	Slemons.
Armfield,	Ellis,	Martin, Benj. F.	Sparks,
Atkins,	Evins,	Martin, Edward L.	Springer,
Bachman,	Felton,	McKenzie,	Steele,
Beale,	Finley,	McLane,	Stephens,
Beltzhoover,	Forney,	McMahon,	Stevenson,
Bicknell,	Geddes,	McMillin,	Taylor,
Blackburn,	Goode,	Mills,	Thompson,
Blount,	Gunter,	Morrison,	Tillman,
Bouck,	Hatch,	Myers,	Townshend, R. W.
Bright,	Henkle,	New,	Turner, Oscar
Caldwell,	Henry,	O'Connor,	Upson,
Clardy,	Herbert,	Persons,	Vance,
Clark, John B.	Herndon,	Phelps,	Waddill,
Clymer,	Hill,	Phister,	Warner,
Cobb,	Hooker,	Reagan,	Wellborn,
Coffroth,	Hostetler,	Richardson, J. S.	Whiteaker,
Colerick,	House,	Robertson,	Whitthorne,
Cook,	Hull,	Rothwell,	Williams, Thomas
Cravens,	Hunton,	Ryon, John W.	Willis,
Culberson,	Hurd,	Samford,	Wilson,
Davidson,	Johnston,	Sawyer,	Wise,
Davis, Joseph J.	Kimmel,	Scales,	Wright,
Davis, Loundes H.	King,	Shelley,	Young, Casey.
Deuster,	Klotz,	Simonton,	
Dibrell,	Lounsbery,	Singleton, O. R.	

NAYS—81.

Aldrich, N. W.	Calkins,	Fisher,	Jorgensen,
Aldrich, William	Carpenter,	Fort,	Joyce,
Anderson,	Caswell,	Garfield,	Keifer,
Baker,	Claflin,	Harmer,	Killinger,
Barber,	Conger,	Harris, Benj. W.	Marsh,
Bayne,	Cowgill,	Haskell,	Martin, Joseph J.
Bingham,	Crapo,	Hawk,	Mason,
Blake,	Daggett,	Hayes,	McCoid,
Bowman,	Davis, George R.	Hazelton,	McCook,
Brewer,	Deering,	Henderson,	McGowan,
Briggs,	Dunnell,	Horr,	McKinley,
Browne,	Errett,	Houk,	Miller,
Burrows,	Farr,	Hubbell,	Mitchell,
Butterworth,	Field,	Humphrey,	Monroe,

Morton,	Price,	Sherwin,	Voorhis,
Neal,	Richardson, D. P.	Smith, A. Herr	Wait,
Norcross,	Robinson,	Thomas,	Williams, C. G.
O'Neill,	Russell, W. A.	Tyler,	Willits.
Orth,	Ryan, Thomas	Updegraff, J. T.	
Osmer,	Sapp,	Updegraff, Thomas	
Overton,	Shallenberger,	Van Aernam,	

NOT VOTING—103.

Aiken,	Dunn,	Ladd,	Ross,
Atherton,	Dwight,	Lapham,	Russell, Daniel L.
Bailey,	Einstein,	Lay,	Singleton, J. W.
Ballou,	Ewing,	Le Fevre,	Smith, Hezekiah B.
Barlow,	Ferdon,	Lewis,	Smith William E.
Belford,	Ford,	Lindsey,	Speer,
Bland,	Forsythe,	Loring,	Starin,
Bliss,	Frost,	Lowe,	Stone,
Boyd,	Frye,	Miles,	Talbott,
Bragg,	Gibson,	Money,	Townsend, Amos
Brigham,	Gillette,	Morse,	Tucker,
Buckner,	Godshalk,	Muldrow,	Turner, Thomas
Cabell,	Hall,	Muller,	Urner,
Camp,	Hammond, John	Murch,	Valentine,
Cannon,	Hammond, N. J.	Newberry,	Van Voorhis,
Carlisle,	Harris, John T.	Nicholls,	Ward,
Chalmers,	Hawley,	O'Brien,	Washburn,
Chittenden,	Heilman,	O'Reilly,	Weaver,
Clark, Alvah A.	Hiscock,	Pierce,	Wells,
Converse,	James,	Poehler,	White,
Covert,	Jones,	Pound,	Wilber,
Cox,	Kelley,	Prescott,	Wood, Fernando
Crowley,	Kenna,	Reed,	Wood, Walter A.
De La Matyr,	Ketcham,	Rice,	Yocum,
Dick,	Kitchin,	Richmond,	Young, Thomas L.
Dickey,	Knott,	Robeson,	

So the report of the committee of conference was adopted.

During the roll-call the following announcements were made:

Mr. HENRY. My colleague, Mr. TALBOTT, is paired with the gentleman from Rhode Island, Mr. BALLOU.

Mr. NICHOLLS. I decline to vote for this bill because it does not repeal the deputy marshal's election laws.

Mr. BLISS. For the same reason, I decline to vote.

The SPEAKER. Debate is not in order.

Mr. SMITH, of Georgia. I am paired with the gentleman from New York, Mr. WILBER. If he were present, I should vote in the affirmative.

Mr. HILL. My colleague, Mr. ATHERTON, is paired with the gentleman from Michigan, Mr. NEWBERRY.

Mr. HAMMOND, of Georgia. I am paired with the gentleman from Illinois, Mr. CANNON. If at liberty to vote, I should vote "ay."

Mr. MULDROW. I am paired with the gentleman from New York, Mr. DWIGHT. My colleague, Mr. CHALMERS, is paired with the gentleman from New York, Mr. VAN VOORHIS.

Mr. ROSS. I am paired with my colleague, Mr. BRIGHAM.

Mr. KENNA. I am paired with the gentleman from Ohio, Mr. YOUNG. If he were present, I should vote "ay;" I presume he would vote "no."

Mr. DAVIS, of North Carolina. My colleague, Mr. KITCHIN, is paired with the gentleman from Massachusetts, Mr. RICE.

Mr. POEHLER. I am paired with my colleague, Mr. WASHBURN. If he were present, I should vote "ay."

Mr. FORNEY. My colleague, Mr. LEWIS, is paired with the gentleman from Massachusetts, Mr. LORING.

Mr. CALDWELL. My colleague, Mr. CARLISLE, is paired with the gentleman from New York, Mr. BAILEY.

Mr. HURD. I am paired with the gentleman from Massachusetts, Mr. CLAFLIN. If at liberty to vote, I should vote in the affirmative.

Mr. STEVENSON. The gentleman from Maine, Mr. LADD, is paired with his colleague, Mr. LINDSEY. Mr. LADD, if present, would vote "ay."

Mr. MCKENZIE. The gentleman from Wisconsin, Mr. POUND, is paired with the gentleman from Arkansas, Mr. DUNN, who, if present, would vote "ay."

Mr. PHISTER. My colleague, Mr. THOMAS TURNER, is absent by leave of the House, and is paired with the gentleman from Pennsylvania, Mr. WHITE. My colleague, Mr. KNOTT, who is absent by reason of sickness, is paired with the gentleman from Maine, Mr. FRYE. My colleagues, if present, would both vote "ay."

Mr. AIKEN. I am paired with the gentleman from Pennsylvania, Mr. WARD. If he were present, I should vote in the affirmative and he would vote in the negative.

Mr. RICHMOND. I am paired with the gentleman from New York, Mr. PRESCOTT. Were he present, I should vote in the affirmative.

Mr. LE FEVRE. I am paired with the gentleman from Nebraska, Mr. VALENTINE.

Mr. GIBSON. I am paired with the gentleman from Connecticut, Mr. HAWLEY. If he were here, I should vote "ay."

Mr. WELLS. I am paired with the gentleman from New York, Mr. HISCOCK. If at liberty to vote, I should vote in the affirmative.

Mr. SINGLETON, of Mississippi. My colleague, Mr. CHALMERS, who is paired with the gentleman from New York, Mr. VAN VOORHIS, would, if present, vote "ay." My colleague, Mr. MONEY, is paired with the gentleman from Michigan, Mr. STONE, and would, I have no doubt, vote "ay."

Mr. JOHNSTON. My colleague from Virginia, Mr. HARRIS, is paired with the gentleman from New York, Mr. CROWLEY.

Mr. ROBINSON. My colleague, Mr. MORSE, is paired with the gentleman from Pennsylvania, Mr. KELLEY.

Mr. LAPHAM. On all political questions I am paired with the gentleman from Virginia, Mr. TUCKER.

Mr. BUTTERWORTH. My colleague, Mr. YOUNG, is paired with the gentleman from West Virginia, Mr. KENNA, on all political questions.

Mr. DUNNELL. My colleague, Mr. WASHBURN, is paired with my colleague, Mr. POEHLER.

Mr. BRIGGS. My colleague, Mr. HALL, is paired with the gentleman from Georgia, Mr. SPEER.

Mr. HARRIS, of Massachusetts. My colleague, Mr. LORING, who is paired with the gentleman from Alabama, Mr. LEWIS, would, if present, vote "no."

Mr. STONE. I am paired with the gentleman from Mississippi, Mr. MONEY. If he were present, I should vote "no." The gentleman from New York, Mr. STARIN, is paired with the gentleman from New Jersey, Mr. CLARK.

Mr. MCCOOK. My colleague, Mr. EINSTEIN, is paired with the gentleman from New York, Mr. O'BRIEN.

Mr. HUMPHREY. My colleague, Mr. POUND, is paired with the gentleman from Arkansas, Mr. DUNN.

Mr. WAIT. My colleague, Mr. MILES, is paired with the gentleman from Illinois, Mr. SINGLETON, both gentlemen being absent by leave of the House.

Mr. BREWER. My colleague, Mr. NEWBERRY, is paired with the gentleman from Ohio, Mr. ATHERTON.

Mr. BLAKE. My colleague, Mr. ROBESON, is absent by leave of the House.

Mr. KETCHAM. I am paired with the gentleman from New Jersey, Mr. SMITH.

Mr. FISHER. My colleague, Mr. DICK, is paired with the gentleman from Missouri, Mr. LAY.

Mr. TOWNSHEND, of Illinois. The gentleman from New York, Mr. MULLER, is paired with the gentleman from Indiana, Mr. HEILMAN.

Mr. HUNTON. My colleague, Mr. TUCKER, is paired with the gentleman from New York, Mr. LAPHAM; and my colleague, Mr. CABELL, with the gentleman from Illinois, Mr. BOYD.

Mr. BUCKNER. I am paired with the gentleman from New York, Mr. CHITTENDEN. If he were present, I should vote in the affirmative.

The result of the vote was announced as above stated.

Mr. MCMAHON moved to reconsider the vote by which the conference report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

J. W. POLK.

Mr. SAWYER. I ask by unanimous consent, Mr. Speaker, to introduce for reference only to the Committee on Reform in the Civil Service a resolution of inquiry as to the claim of John W. Polk, late Doorkeeper House of Representatives, for pay of employés advanced by him. At the last session this matter was referred to the Committee on Reform in the Civil Service, but the committee failed to complete the work, and this is merely for the purpose of having completed what then was left undone.

Mr. STEPHENS. I cannot yield and must demand the regular order of business.

Mr. SAWYER. This is only for reference to the Committee on Reform in the Civil Service.

Mr. STEPHENS. I do not object to its introduction for reference.

The resolution was received, and referred to the Committee on Reform in the Civil Service.

J. RUSSELL BARBEE.

Mr. SHELLEY. I ask by unanimous consent to introduce joint resolution (H. R. No. 105) for the relief of J. Russell Barbee, for passage at this time.

The joint resolution, which was read, provides that there shall be paid, out of any money in the Treasury not otherwise appropriated, to J. Russell Barbee the sum of $184 for services as special messenger to the Committee on War Claims for the third session of the Forty-fifth Congress.

Mr. SPARKS. I am willing it shall be introduced for reference, but not for action.

Mr. BREWER. I object, if the resolution is to be put upon its passage, although I do not object to its reference. I should like to know whether we are ever to get through with paying the employés of the Forty-fifth Congress. [Laughter.]

The joint resolution was received, read a first and second time, and referred to the Committee of Claims.

TRADE-DOLLAR.

The SPEAKER. The House resumes the unfinished business coming over from yesterday, being the bill (H. R. No. 913) to provide for the exchange of trade-dollars for legal-tender silver dollars, on which the main question has been ordered.

Mr. SINGLETON, of Mississippi. Does that take precedence over the subject coming from the Committee on Printing which was up just at the adjournment last evening?

The SPEAKER. The gentleman's report from the Committee on

Printing was allowed to come in by unanimous consent, and not being finished it was cut off by the motion to adjourn. As the main question has been ordered on the trade-dollar bill, it comes up this morning under operation of the previous question and cannot be interfered with.

Mr. SINGLETON, of Mississippi. When does the unfinished business of last evening come up?

The SPEAKER. The report from the Committee on Printing which was up last evening lost its position by adjournment.

Mr. CONGER. But what about the morning hour, Mr. Speaker?

The SPEAKER. The reason there is no morning hour at this time is because the main question was ordered and is operating on the bill (H. R. No. 913) to provide for the exchange of trade-dollars for legal-tender silver dollars.

Mr. CONGER. I thought the Chair decided we could not cut off the regular order of business in the morning hour unless under the new rule two-thirds consented thereto.

The SPEAKER. In the decision to which the gentleman refers, as the gentleman will remember, the Chair made a reservation of business coming over on which the main question had been ordered. The Chair has that decision before him and will refer to it. It was called out by a suggestion of the gentleman from Michigan himself. Here it is:

It was clearly the purpose of the House, in the adoption of the amendment to Rule 51, to prevent the cutting off of the morning hour for reports from committees unless by a two-thirds vote the House should assent to such vacation of the morning hour. The words "upon any day for any purpose" are positive and unequivocal terms. The Chair thinks, therefore, that to allow a majority to evade this rule would be contrary to the purpose of the House in the adoption of the amendment cited. Thus to prevent a morning hour for reports from committees at an interlocutory point in the consideration of a bill, or at a point of decision on an interlocutory motion, would violate the said action of the House. Had the main question been ordered, instead of there being a pending demand for the previous question, then the Chair would decide under Rule 132 that the main question must execute itself before entering on the morning hour; but as soon as executed, the morning hour should be at once entered upon, unless, as heretofore, two-thirds should determine to dispense therewith.

The Chair holds, therefore, that the main question having been ordered, it postpones the morning hour until after the execution of the order of the House that the main question shall be put and previous question exhausted, when, of course, the morning hour will begin in regular order.

Mr. CONGER. I thought the previous question only was seconded.

Mr. STEPHENS. The main question was ordered.

The SPEAKER. The Chair thinks it was agreed to that after certain time allowed for debate the main question should be considered as having been ordered. The Chair will go to the RECORD for that, but in the mean time will have Rule 132 read.

The Clerk read as follows:

132. The previous question shall be in this form: "Shall the main question be now put?"—April 7, 1789. It shall only be admitted when demanded by a majority of the members present—February 24, 1812; and its effects shall be to put an end to all debate, and to bring the House to a direct vote upon a motion to commit, if such motion shall have been made; and if this motion does not prevail, then upon amendments reported by a committee, if any; then—August 5, 1848—upon pending amendments, and then upon the main question.—January 14, 1840.

Mr. SINGLETON, of Mississippi. Just one word. I would like to know my status in this matter.

The SPEAKER. The gentleman has no status at present. The Chair recognized the gentleman twice heretofore but the action of the House in both instances cut him off. The Chair will recognize the gentleman again to make reports from the Committee on Printing, which has the right to report at any time, whenever he can do so. The previous question on the trade-dollar bill now prevents.

Mr. SINGLETON, of Mississippi. The question was whether the report should be referred to the Committee of the Whole.

The SPEAKER. The gentleman only came in by unanimous consent yesterday and that was vacated by the motion to adjourn. He has to start *de novo*. The Clerk will read what appears in the RECORD as to the point in controversy on the trade-dollar bill.

The Clerk read as follows:

The SPEAKER. The understanding now is that two hours shall be allowed for general debate upon the bill, and then the previous question shall prevail on the bill and amendments, notwithstanding the rule, and that the amendments shall be voted upon in the order in which they appropriately come in the bill; and to that understanding the Chair hears no objection.

Mr. STEPHENS moved to reconsider the vote by which the order was made; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. Part of that order, which was clinched, was that the previous question should be prevailing.

Mr. GARFIELD. There is one other question, whether the two hours have been taken up. If they have, then the previous question is ordered. If they have not, then the time has not arrived when the previous question is prevailing. The previous question was not to be considered as pending until after the two hours' debate. If we adjourned before the two hours were up, then the previous question has not been reached yet.

The SPEAKER. The present occupant of the chair was not in the chair at the end of the session yesterday. The gentleman from Georgia can answer the question of the gentleman from Ohio.

Mr. STEPHENS. Will the Clerk read just before, what I proposed as the understanding.

The Clerk read as follows:

Mr. STEPHENS. I have no objection to the discussion of the bill, but I think two hours is long enough, and I suggest that by common consent we shall agree that the previous question shall be considered as ordered in one hour and three-quarters, and then I will conclude in fifteen minutes; I do not wish to speak longer.

The SPEAKER. The Chair hears no objection to the proposition of the gentleman from Georgia.

Mr. STEPHENS. That is all I desire to have read at that point. That was my proposition, that the previous question should be considered as ordered in one hour and three-quarters. Now let the Clerk read what I have marked on page 27 of the RECORD, first column.

The Clerk read as follows:

Mr. STEPHENS. According to understanding had to-day, after one hour and three-quarters the previous question was to be considered as ordered, and then I was to have fifteen minutes to conclude the debate. The previous question, according to that understanding, is now considered to be ordered.

Mr. STEPHENS. That was said after one hour and three-quarters of the two hours I proposed for debate had been occupied. One hour and three-quarters had been given to other members, some for and some against the bill, and fifteen minutes I reserved to myself. But the previous question was to be ordered after one hour and three-quarters, and that was done yesterday.

The SPEAKER. The Chair understood that at the end of the debate last evening it was announced that the previous question was prevailing.

Mr. STEPHENS. It was.

The SPEAKER. That is the reason why the Chair allowed this to interrupt the morning hour.

Mr. KEIFER. The gentleman from Georgia being entitled to fifteen minutes this morning.

Mr. STEPHENS. After the ordering of the previous question.

Mr. CLAFLIN. The understanding was that two minutes should be allowed for and two minutes against each amendment.

The SPEAKER. Such debate will come in afterward when the amendments come to be re-read and voted upon. The Chair will recognize that understanding. The gentleman from Georgia [Mr. STEPHENS] is recognized for fifteen minutes.

Mr. SPRINGER. Will the gentleman yield to me five minutes?

Mr. STEPHENS. I have promised three minutes to the gentleman from New York, [Mr. COX.] and now yield to him.

Mr. COX. My colleague from New York [Mr. MORTON] made this statement in the remarks which he addressed to the House yesterday:

In February, 1873, when the act was passed authorizing the coinage of the trade-dollar, it was worth a fraction over $1.04 in gold. They were not coined as money or for circulation at home, but for export and as a measure of value in trade as their title indicates. They were, however, made a legal tender for $5 in any one payment; but the people of the Pacific States objected to their circulation, and on the 8th of May, 1876, the distinguished gentleman, now Speaker of the House, introduced a bill repealing the legal-tender quality of these coins.

On the 10th of June, 1876, my distinguished colleague from New York [Mr. COX] reported the measure, and it passed both Houses of Congress without an opposing vote or voice.

I have great respect for my colleague who represents the honorable money of New York. What he says may or may not be correct as to the conclusion of the business which he refers to. Surely he has not studied all that occurred at that time. The repeal of the legal-tender quality of the trade-dollar has not been understood. The business begun then had not the ending suggested. It is, however, the fact that Mr. Speaker RANDALL did introduce a bill for that purpose. It is true also that I did report it back, as chairman of the Committee on Banking and Currency, and that after other vicissitudes it was adopted. The legal-tender quality of the trade-dollar to the amount of $5 was first established by the coinage act of February 12, 1873. What was the reason therefor? Because the trade-dollar was authorized for a special purpose. It was a convenience; not an economical principle. It grew out of the Orient. It was a demand from abroad. It was to be used as a part of our marvelous product. It was silver. It sought, like beef or goods, a market abroad. Its market was in Cathay where its use was almost a romance.

Silver had become disused here in the home arts and in ordinary life. In consequence of our financial distress its value had been depreciated. Not less by its disuse in Europe and its demonetization in this country was it degraded.

It was never intended, Mr. Speaker, that we should have two coins of one denomination as a legal tender, one having 420 and the other 412½ grains. It was intended to prepare the way by the act, for which the Speaker and myself are held accountable, for the old standard dollar of the Constitution and commerce of 412½ grains. The Bland bill accomplished that object, and for this our House voted, amid much reproach. We thus paved the way, by taking away the legal-tender quality of the trade-dollar, for the good old dollar. Confusion became imminent by our having silver dollars of different values but of one and the same denomination. I stated the reasons for the conduct of the committee and House at the time I reported this measure on the 10th June, 1876, as follows:

We have a coin, legalized, of peculiar quality and for a peculiar purpose. In the last section of this bill we propose to discourage the trade-dollar. It answers no wise purpose except for export. There is a reason why our bill should take away from that trade-dollar its legal-tender quality. It is not our standard. Its uses at home are not now as valuable as they were. But for export its demand may continue, and the Secretary of the Treasury is authorized, from time to time, to coin such trade-dollars, so as to fill the export demand. By this all know is meant the demand in our Japanese and Chinese trade.

In a letter which Dr. Linderman, Director of the Mint, wrote to me in June, 1876, he gave his reasons why the trade-dollar should lose its legal-tender quality. I have only time in the three minutes allowed to ask for its insertion.

TREASURY DEPARTMENT,
OFFICE OF THE DIRECTOR OF THE MINT,
June 8, 1876.

SIR:

* * * * * * *

The section relating to the trade-dollar is necessary if its coinage on private account is to be continued, and principally for the reason that under existing laws and the reduced value of silver bullion a seigniorage or gain arises in its coinage, which is realized by the depositor instead of accruing to the Government.

The section, if passed as it now stands, will prevent any person from being compelled to receive this coin at its nominal value, and the provision placing its coinage under the control of the Secretary of the Treasury will enable that officer to restrict the amount of coinage to the actual requirements of the export trade.

In this connection I take the liberty of suggesting that it would be better to coin the trade-dollar exclusively on Government account in the mode proposed and with the powers and functions which a bill now pending in the Senate confers upon a new dollar of the weight of 412.8 grains of standard silver, instead of issuing two silver dollars so near alike in value.

Very respectfully,

H. R. LINDERMAN, *Director.*

Hon. S. S. COX,
Chairman Committee on Banking and Currency,
House of Representatives.

I quote this in justice to the distinguished Speaker, who introduced the bill, and to the committee who authorized me to report it for passage through the House. This letter is justification enough.

We never intended that silver should be outside of the category of coin. The word "silver" philologically and historically means coin. The word "gold" may mean coin, but silver surely does. It is the historic coin of the ages. It is good coin—is the white metal—either for contracts or commerce. We know who object to it, and their why and wherefore. I believe most humbly in having two metals, not to speak now of paper credits, for our currency. I believe resumption of business, as well as other resumption, demands it.

Why, in going over a stream is it not safer to have two planks to walk upon than one? Should we not prefer two legs instead of one in a walk or race. Bimetallic currency is better than one or none. The bill passed in July, 1876, never proposed to do anything except to prepare the way for the old silver dollar so long known to our laws, commerce, and history.

[Here the hammer fell.]

Mr. STEPHENS obtained the floor.

Mr. SPRINGER. I ask the gentleman from Georgia [Mr. STEPHENS] to yield me a moment of his time that I may correct a statement made by the gentleman from New York, [Mr. MORTON,] and I think I can do it in a minute if he will allow me.

Mr. STEPHENS. If the gentleman has unanimous consent to occupy two minutes before my time commences I have no objection.

No objection was made.

Mr. SPRINGER. The bill to which the gentleman from New York [Mr. COX] referred, and which was introduced by the present Speaker of the House when a member of the Forty-fourth Congress, never became a law and was never heard of after the vote upon it in the House. There was a joint resolution, however, pending in the House during the first session of the Forty-fourth Congress, for the purpose of authorizing the coinage of $10,000,000 of subsidiary coins for the redemption of fractional currency. It passed the House. It went to the Senate, and in the Senate the present Secretary of the Treasury, John Sherman, moved the following amendment to it, which was adopted by that body:

SEC. 2. That the trade-dollar shall not hereafter be a legal tender; and the Secretary of the Treasury is hereby authorized to limit, from time to time, the coinage thereof to such an amount as he may deem sufficient to meet the export demand of the same.

It was by this Sherman amendment that a provision demonetizing the trade-dollar got into the joint resolution which finally became a law.

Senators Sargent and BOOTH, from California, explained that the difficulty in reference to this coin was exclusively upon the Pacific coast; that it was an annoyance to the merchants there if a legal tender, and the amendment was adopted by the Senate on their arguments, supplemented by the earnest appeal of Mr. Sherman and the Director of the Mint, Mr. Linderman, whose communication on the subject has been quoted by the gentleman from New York, [Mr. COX.]

The bill or joint resolution came to the House and we had a square vote upon the Senate amendment, and every gentleman who was a member of the Forty-fourth Congress can examine the RECORD and see how his vote is recorded on that question. I have the RECORD before me. You will remember that on the 28th day of June, 1876, the House took a vote upon concurring in Mr. Sherman's Senate amendment to that section. The yeas were 59 and the nays 108. The gentleman from New York [Mr. COX] and the Speaker of the House and many others whom I see now upon the floor voted against concurring in the Senate amendment. I find my own name recorded in the negative. After this emphatic vote, on motion of the present Speaker of this House, the vote was reconsidered, his purpose, as stated then, being "to move that the House concur with an amendment." The present Speaker then moved to concur in the Senate amendment with an amendment which I will not take the time of the House to read. It is printed in the RECORD of June 28, 1876, page 4214, and relates to coinage of subsidiary coins and the purchase of bullion therefor. He yielded to Mr. Landers, of Indiana, who moved as an amendment to the amendment the following:

And it is further provided that the Secretary of the Treasury is directed to authorize the coinage of the standard silver dollar of the same weight and fineness in use January 1, 1861, [412½ grains Troy;] and said dollar shall be a legal tender in payment of all debts, public and private.

The yeas and nays were taken on the Landers amendment, and it was adopted by a vote of 111 to 55. I call the attention of gentlemen to that record, made in the summer of 1876, during the first session of the Forty-fourth Congress, in favor of the unlimited coinage of the old silver dollar and making it a full legal tender. It will be found on page 4214 of the RECORD of that session. The amendment, as amended, was then agreed to—yeas 110, nays 45.

The joint resolution, as thus amended, went back to the Senate, where the House amendments were non-concurred in, and a conference committee was appointed by both Houses; and when the report of that committee came in, there were not a dozen members of this House who knew that it embraced the Sherman section demonetizing the trade-dollar.

Gentlemen will find the report of the committee of conference on page 4550 of the RECORD of July 13, 1876. From a careful reading of the report of the conference committee it could not be discerned that the section demonetizing the trade-dollar was a part of it. It was not discovered until two years afterward that the trade-dollar was demonetized. At that time trade-dollars were as unknown to the people of this country as the Russian "rouble" or the German "mark." We had never seen the coin, but regarded it as a Pacific slope coinage, designed for the Chinese trade. Hence but little importance was then attached to the subject. But upon a square vote in the House the proposition to demonetize the then unknown coin was voted down by two to one.

The report of the committee of conference is as follows:

The committee of conference on the disagreeing votes of the two Houses, on the amendments to the joint resolution (H. R. No. 109) for the issue of silver coin, having met, after full and free conference have agreed to recommend, and do recommend, to their respective Houses as follows:

That the House recede from its disagreement to the first amendment of the Senate to said joint resolution, and agree thereto amended as follows:

In line 4 strike out the word "now" and insert "at any time."

And the Senate agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the second amendment of the Senate to said joint resolution, and agree to a substitute for said House amendment as follows: Add to the second amendment of the Senate the following:

"SEC. 3. That in addition to the amount of subsidiary silver coin authorized by law to be issued in redemption of the fractional currency it shall be lawful to manufacture at the several mints, and issue through the Treasury and its several offices, such coin to an amount that, including the amount of subsidiary silver coin and of fractional currency outstanding, shall in the aggregate not exceed at any time $50,000,000.

"SEC. 4. That the silver bullion required for the purposes of this act shall be purchased from time to time at market rate by the Secretary of the Treasury, with any money in the Treasury not otherwise appropriated; but no purchase of bullion shall be made under this act when the market rate for the same shall be such as will not admit of the coinage and issue as herein provided without loss to the Treasury; and any gain or seigniorage arising from this coinage shall be accounted for and paid into the Treasury, as provided under existing laws relative to the subsidiary coinage: *Provided*, That the amount of money at any one time invested in such silver bullion, exclusive of such resulting coin, shall not exceed $200,000."

And the House agree to the same.

H. B. PAYNE,
SAM'L J. RANDALL,
Managers on the part of the House.
JOHN SHERMAN,
GEORGE S. BOUTWELL,
LOUIS V. BOGY,
Managers on the part of the Senate.

The discussion which followed upon the adoption of this conference report in the House was lengthy, covering fourteen pages of the RECORD, not including the speech of Mr. Holman, of Indiana, which was printed in the Appendix. The whole debate related to the coinage of the standard dollar of 412½ grains and other matters than the depriving of the trade-dollar of its legal tender quality—a subject scarcely referred to and not discussed at all. The gentleman from New York, [Mr. COX,] then chairman of the Committee on Banking and Currency, participated in the debate, but he evidently did not know that the concurrence in the conference report embraced a provision demonetizing the trade-dollar. Just before moving the previous question, he said:

I hope the House will vote on the measure pure and simple. It is, a measure for the accommodation of the people between now and December next; that is to pursue the policy begun of issuing silver coin in the place of fractional paper currency for the business of the public, whether North or South, East or West.

The measure was understood to be one of coining and substituting subsidiary coins for fractional currency—nothing more and nothing less.

Mr. MORRISON. Yes, and there were not three members of this House who knew that we were demonetizing the trade-dollar, and we never found it out for nearly two years thereafter.

Mr. SPRINGER. I quite agree with my colleague on the subject. I know I did not know at the time, and did not learn for more than two years thereafter, that we had deprived the trade-dollar of its legal-tender quality. The only occasion upon which that question, during that Congress, was squarely voted upon was the time to which I have referred, and then the RECORD shows that two-thirds of the House were opposed to demonetizing the trade-dollar.

Now I ask that the trade-dollar be put back where it was, or at least that this bill do pass, in order that we shall not have two coins in circulation one of which is a dollar and the other is merely bullion, and between which it would take an expert to tell the difference.

Mr. STEPHENS. I have, Mr. Speaker, but a short time reserved to myself upon this question. I do not think it will take long, however, to set forth its great merits after what has been so well said by several in advocacy of the bill.

I wish in the first place to say in answer to the arguments on either side of the House or elsewhere what this bill does not do, and in the next place what it does do.

In the first place, if my honorable friend from New York [Mr. MORTON] who addressed the House first yesterday will hear me, it is not at all in the interest of the Chinese. It confers no benefit upon the Emperor of the Celestial Empire or his subjects. It confers no benefit on any speculator in bullion. It does no wrong to any mortal man on earth or to any class. It hurts nobody. It may prevent some people dealing in silver and acting as brokers from making profit on their operations. There may be such a class in society who deal in the hard earnings of the poor; it may prevent that class from making gain out of their blood or sweat money which they otherwise would make, but it hurts nobody. It does not hurt the Government.

The gentleman from New York [Mr. MORTON] yesterday intimated that it would cost the Government $3,000,000 more to take up the trade-dollar than to pay for the bullion in this country.

It pays out no money to anybody; it directly benefits the Government. What does this bill say? There are 420 grains of silver in the trade-dollar, and this bill provides that the Government shall exchange it upon presentation for a silver dollar of 412½ grains. By that operation the Government will make 7½ grains upon the dollar. Whom does it hurt; whom does it wrong? I say it wrongs nobody, neither the Government nor any one else.

Now, what does it do? It does two things. It does justice to the people and it vindicates the honor, integrity, and good faith of the Government, which ought to be done. Some gentlemen yesterday spoke of this matter as if the trade-dollar was issued as bullion for China. I was amazed to hear that statement. Issued as bullion! Mr. Clerk, read for me section 3513 of the Revised Statutes.

The Clerk read as follows:

The silver coins of the United States shall be a trade-dollar, a half dollar ot fifty-cent piece, a quarter dollar or twenty-five-cent piece, a dime or ten-cenr piece——

Mr. STEPHENS. That is enough. That is from the act of 1873. Does that say that the trade-dollar shall be bullion for China? The language of that act is that the trade-dollar shall be one of the silver coins of the United States. And the next clause of that act says that the trade-dollar shall consist of 420 grains of silver. I say that the faith of the country is solemnly pledged by that act, and its stamp is upon every trade-dollar which it has issued. The object of this bill is that the faith of this Government shall be kept. Ought it not to be?

The trade-dollar was declared by law a legal tender for the payment of debts in the sum of $5, just the same as subsidiary silver coins were. There was an obligation on the part of the Government to take them. Since then the trade-dollars have been demonetized. Yet they are afloat in the country, and the honest laborer is receiving them. How the trade-dollar became demonetized the gentleman from Illinois [Mr. SPRINGER] and the gentleman from New York [Mr. COX] have just explained. But the faith of the Government never could be obliterated by that act of demonetization. The statute just read declared, and the faith of the Government is pledged, that the trade-dollar should be one of the coins of the United States.

Now, I am not here to designate anything as a cheat or a fraud. The trade-dollar was demonetized in 1876. I do not know how it was done. But before that time there had been coined and issued several millions of trade-dollars. The faith of the country had been pledged that these millions of trade-dollars should be received in sums of $5 for the payment of debts. All I have to say, all that the friends of this bill say, is that the Government should redeem that pledge, should keep its faith, should take up these trade-dollars and exchange them for other silver dollars of 412½ grains. The Government will make 7½ grains on every dollar by that operation. Whom will it hurt? No one.

Whom will it benefit? It will benefit thehonetst, toiling, laboring millions. There is hardly a class in society that it will not benefit. The merchant, the banker, the shopkeeper, the traders, the laborers; almost every class of the community will be benefited by it. The Government of the United States has issued this coin; it bears upon its face the stamp of the Government. The poor, ignorant laboring-man seeing that stamp of the Government upon it believes that it is a coin of his country, and relying upon that stamp takes it in payment of his debt. When he comes to pay his debts, when he comes to pay his tobacco tax—yes, the poor humble black man who lives as a tenant upon my farm, when he goes to pay his tobacco tax with that trade-dollar which has upon it the stamp of this Government, is refused. Is that not wrong? I do not care who may have this trade-dollar. I am no respecter of persons. Whoever takes it, the honest laborer, the banker, the shopkeeper, the ferryman, whoever takes it should have it redeemed by the Government. That is enough about this bill, except some of the amendments which I wish to refer to.

There are some other things, however, to which I want to refer very briefly. Some gentlemen have argued that if we pass this bill we will have twenty-eight millions of these trade-dollars returned to us from China. By adopting an amendment which is to be offered to the bill, no one need apprehend any such danger. But I am free to say that I wish it would bring back all the millions of trade-dollars that are now in China. It is said there are about twenty-eight millions of them there. I would say to every silver coin afloat with the American eagle on it, "Homeward; we want you."

But how is it going to effect any such result? Do you suppose that a Chinaman will bring over here 420 grains of silver and give it to our Government for 412½ grains? Never—or hardly ever. [Laughter.] The Heathen Chinee is hardly childlike enough for that. He will never do it—or hardly ever. [Renewed laughter.] What! Bring over here from China 420 grains of silver in order to get 412½ grains for it from our Government? No, sir. No, sir. Even the Heathen Chinee will see that that will not pay the expense of the operation.

I wish that could be done. I will tell you that I am not afraid of the silver glut that frightens members so much. I want all the silver that we can get. The trade-dollar is now under discussion I know. But upon the general silver bill, which is now in the other branch of Congress, and which was here before us a short time ago, I will say that I wish we would obtain all the silver bullion in the world possible and coin it into silver dollars.

Then as to the influx of silver from Germany and other countries under our policy. Since we passed the silver bill Germany has changed her policy. The nations of Europe are beginning to see the great error they committed some years ago. I make the prediction here today that in less than six months England, France, Germany, and the Latin states will be striving to rectify the mistake they have committed. There will be a revolution of public sentiment in those countries upon the silver question. That revolution is going on already. Why, sir, as I have said, since we passed the silver bill Germany has changed her policy and refuses to allow any more silver to be sold; so that if we pass this bill we shall not receive that $75,000,000 of silver from Germany which gentlemen anticipated we would be flooded with, and the silver from all the other countries of the world. I have in my hand an editorial of the New York World of a recent date, which I will not read but hand to the reporters to be put in full in these remarks, showing a great revolution going on even in England on this subject. The New York World has, up to a recent date, been opposed to the policy of the silver bill. This is the editorial to which I refer:

THE SILVER QUESTION IN ENGLAND.

When Secretary Evarts advised the appointment of our delegates to the monetary conference of last summer in Paris he cleverly characterized their mission as a "reconnaissance." Such in fact it proved to be, and the result was a report showing that monometallic England held the fort and gave no sign of a wish to parley. A year has not passed and the situation is changed. Many signs show this, but no sign more clearly than a paper written by Mr. Williamson, of the great Liverpool house of Balfour, Williamson & Co., upon the discrediting of silver, in the last number of the Contemporary Review. Mr. Williamson is moved to discourse, not because he has any cherished convictions to maintain, like Cernuschi and the philosophic bimetallists; still less because he thinks the monetization of silver the "burning question" which it has not yet become in England. He writes simply as a man of business who is seeking in a practical way to adjust means to ends. His special end is the revival of British trade, which is undeniably in need of revival. An important and indeed essential means to it, according to him, is the remonetization of silver. Although he admits that overproduction and excessive credits will account for the panic of 1873 and for the depression of the two succeeding years, and although he admits further that competition, particularly that of the United States, has narrowed the market for British products, he insists that neither of these causes will account for the depression of British trade in markets of which Great Britain retains the monopoly. He explains this depression in great part by the demonetization of silver, just as he explains the great extension of commerce which followed the discoveries of gold in California and Australia by the fact of those discoveries. Upon this point Mr. Williamson challenges pretty much the whole of recent economic literature:

"We have in this, our late national experience, a direct contradiction to the theories of some political economists who assert that, after all, international commerce is only barter, and that money has little or nothing to do with its extent or volume. The very small measure of truth underlying this assertion has led many intelligent minds astray. It is because the largely increased supply of money had guaranteed to men and nations the payment of large international balances that the volume of the world's trade, prior to 1874, had augmented with such marvelous rapidity. And now it is in great measure because the world has of late greatly restricted and diminished the capacity of its money reservoir that distress and calamity augment and intensify around us."

The effective metallic capital of the world of late years Mr. Williamson puts at £1,400,000,000, divided not far from equally between gold and silver, or, approximately, into £750,000,000 of gold coins and bullion and £650,000,000 of silver coins and bullion. The lessening of this volume of metallic currency began with the English legislation of 1816 which deprived silver of its legal-tender quality. "For years," he says, "we played upon the currencies of Europe, and often swept away large quantities of silver for transmission to India, where, with an admirable contradiction in our monetary legislation, we have enforced a silver currency. While availing ourselves of the stores of silver belonging to our continental neighbors, we constantly vaunted about the superiority of our gold currency, and stimulated them to follow our short-sighted example." Germany demonetized silver in 1874, and thus put upon France the absolute compulsion under which that nation suspended the free coinage of silver. By this series of acts the metallic currency of the world has been reduced from £1,400,000,000 to £800,000,000 according to Mr. Williamson's estimate, and he expresses his surprise that in the face of this reduction men should be at a loss to account for the greatly reduced interchange of commodities and the greatly reduced prices now paid for property, for goods, and for labor.

Mr. Williamson speaks not for himself alone, be it observed, but for the great commercial community in which he lives. A special committee of inquiry appointed by the Liverpool Chamber of Commerce to consider the silver question has reported the following conclusions:

"First. That the recent shrinkage in value of the world's silver money, measured in gold, is very large, and there is every reason to fear that, with the prospect before us, the depreciation will continue to increase.

"Second. That there has been, besides, much diminution in the value of investments of English capital in the public funds, railways, &c., of silver-using countries.

"Third. That we are now compelled to look upon the silver of the world as in

large measure cut off from its previous sphere of usefulness as one of the two agents for the liquidation of international indebtedness.

"Fourth. That the serious diminution of the world's money caused by the disuse of silver may in the future lead to frequent panics through the inadequate supply of gold for the world's wants.

"Fifth. That the uncertainty regarding the course of exchanges in the future largely prevents the further investment of English capital in the public funds of silver-using countries or in railways, industrial enterprises, and commercial credits.

"Sixth. That the friction and harassment now attending business with silver-using countries, as India, China, Java, Austria, Chili, Mexico, and others, naturally lead merchants to curtail their operations in the export of our manufactured goods and to restrict the employment of English capital in such business.

"Seventh. That this is a most serious question for India, which many believe to be so impoverished as not to be able to bear increased taxation.

"Eighth. That the depreciation of silver seriously affects the power of silver-using States to purchase English manufactures and leads to increased taxation, thus further curtailing the trade which has hitherto been carried on in English commodities."

In two additional resolutions the committee assert that the fall in silver is attributable to the suspension of free coinage in France, which in turn was produced by demonetization in Germany; and that the bimetallic system of France and the Latin union before 1875 tended to give stability to all exchanges between England and silver-using countries.

Mr. Williamson's conclusion will be clear enough from our statement of his premises. It is, of course, that silver should be remonetized by an international agreement between England, France, the states of the Latin union, the United States, and India, and he discusses both the practical and the theoretical difficulties in the way of this remonetization. He finds the practical difficulties in the asserted reluctance of the English people to change their currency, and the theoretical in the objections of the monometallic economists. As to the first, Mr. Williamson denies that English opinion is so obstinate as to be really opposed to a change in the currency, if good grounds can be shown for it; and declares that the press, led by the late Mr. Bagehot and the Economist, has misrepresented that opinion. But for the assumption which the press has encouraged that the English people are opposed to a change which they have never even considered, Mr. Williamson insists that the instructions to the delegates from Great Britain to the monetary conference at Paris not to take part in any vote which would call in question the maintenance of a single gold standard would never have been issued. In that case the conference might have been more than a mere reconnaissance. He insists also that a continuance of the present distress in England will rapidly bring recruits to the bimetallists. He reports the saying of one of the British deputies to the Paris conference, that he found in the city "much less opposition to the restoration of silver than he had expected," and cites the report of Mr. Griffen, the statistician of the board of trade, that while the yield both of gold and silver is diminishing, that of gold is diminishing in the more marked degree. This fact has induced Mr. Griffen himself to deprecate the further disuse of silver. The yield of gold and silver from America last year was precisely the same in value—$37,000,000 of each—and the curious fact is noted that the ore of the Nevada mines yields at the rate of fifteen or sixteen ounces of silver to one of gold, or in the ratio established by the Latin union between the two metals.

The more important of the objections to the remonetization of silver with which Mr. Williamson deals are that it is beyond the prerogative of nations to fix a ratio of exchange between the two metals; that the establishment of a ratio, with unlimited legal tender for both metals, may wrong creditors, since debtors will always pay with the cheaper money; that the double standard is an arbitrary and artificial arrangement, and that the volume of currency is a matter of supply and demand, to interfere with which would violate a principle of free trade. To these objections, familiar enough on our side of the water, it is answered that nations have as much right to choose two metals for money as to choose one, and that there is no way of using both without fixing a ratio; that this ratio once fixed by all the great commercial nations would remain constant, since even the ratio adopted by the nations of the Latin union alone has prevented any violent oscillations; that consequently neither metal would be cheaper and neither dearer than the other, and the creditor could not be put at a disadvantage; that all legal-tender or currency laws or limitations are arbitrary and artificial in the same sense as the establishment of a ratio, and that the question is distinctly not one of "supply and demand," but simply one of law.

These are the opinions of an intelligent English man of business. They have a particular interest for Americans, as showing that the silver question is now coming to be considered abroad, as we have steadily urged that it should be considered here, not from the point of view of "inflation" or "expansion" or "contraction," still less from the point of view of senatorships or presidencies, but simply and altogether as a question of business vital to the welfare of the masses of civilized mankind.

Now, Mr. Speaker, five or six years ago there were in the world about $8,000,000,000 of metal money—gold and silver—which have been the money of the world from a period long anterior to Herodotus, long anterior to Grecian history—which were the money of the world even long before the time of the patriarchs. Of these $8,000,000,000 of metal money $4,500,000,000 were silver, the rest gold. What was done by those nations that demonetized silver? At one fell swoop they deposed from its functions more than half of the metal money of the world. Then began monetary revolutions. What has been our business history since the United States adopted the policy? Why, sir, the first year following demonetization there were upward of seven thousand failures in this country with upward of $200,000,000 of liabilities; the next year upward of nine thousand of the sturdiest houses in the country failed with near $200,000,000 of liabilities; the next year there were upward of eight thousand failures with near $200,000,000 liabilities; and the last year ten thousand failures and upward with a still larger amount of liabilities, over $200,000,000.

From 1874 until the close of last year thirty-six thousand houses, considered the stanchest in the country, failed with liabilities amounting to over $800,000,000—almost one-third of the public debt of the United States. What was the cause of this? The gentleman from Ohio [Mr. GARFIELD] entertained us the other day with an interesting description of a scene that he witnessed on the Ohio River of a hay-stack with a dog fast asleep upon it floating down the river, while the dog was totally unconscious of the flood or his danger. It seems to me that many people of this country are floating down upon this tremendous tide of ruin, and are just as unconscious as that sleeping pointer, setter, terrier, hound, or cur as to what has happened. [Laughter and applause.] I do not know whether the dog in question was a pup or a grown-up dog; but they say, and I believe it is true, that it takes a pup nine days to get its eyes open. Some people, who are going down upon this flood with their eyes closed, may require nine years to get their eyes open; but they will see the truth after a while. A large part of the cause of these disasters was the striking down as currency of more than half of the real money of the world.

But it is said we must await the action of European nations. This is what we were told yesterday. Sir, I predict a change in the policy of European nations in this regard. I venture to predict that by the next meeting of this Congress there will be such a tide in favor of what is known as our silver bill that it will sweep everybody in this country, pretty much as the haystacks were swept down the Ohio River.

[Here the hammer fell.]

Mr. STEPHENS. I trust I may be allowed a few moments more——

The SPEAKER. The Chair is aware that members desire to hear the gentleman from Georgia, and he will proceed if no gentleman objects. The Chair hears no objection.

Mr. STEPHENS. Mr. Speaker, I say as an American that for us to await the action of a European conference upon the change of the relative values of gold and silver is chimerical. Why, sir, we have a debt which will forever prevent it. We have a debt of over $2,200,000,000 which by the terms of the contract is to be paid in coin of the standard value existing at the time the debt was contracted. At that time the gold dollar contained 25.8 grains and the silver dollar 412½ grains. Now, the gentleman from Maryland [Mr. MCLANE] said yesterday that he was in favor of bimetallic money. Nearly everybody on the other side of the House has said the same. Now, if we are to have bimetallic money, that is, if we are to have both silver and gold as money, this standard must be preserved. We cannot change the silver dollar. Suppose we increase it as was proposed by the gentleman from Maryland [Mr. KIMMEL] to 460 grains. That would increase the public debt about 11 per cent. and virtually add over two hundred million dollars increase on the public debt. I have not made out exact figures. Suppose the silver dollar should be increased to 485 grains, as another gentleman [Mr. GARFIELD] suggested; that would be an increase of the public debt to the extent of 19 per cent., or over $400,000,000, with an annual increase of interest of about $16,000,000. Can this country do anything like that? We must consider it as a fixed, immutable fact that we cannot increase the silver dollar until at least the public debt is discharged. That debt must be discharged, every dollar and every cent of it, in good faith according to the contract. The standard silver dollar when that contract was made was 412½ grains. Therefore I say it would be chimerical for us to join in any European monetary conference to change the present standard of the legal-tender dollar of the United States. Such a proposition is preposterous.

Mr. MCLANE. Do I understand the gentleman from Georgia to say that because the existing debt of the country is to be paid in coin at the standard value when the debt was contracted, therefore this country cannot under any circumstances regulate by its legislation the relative value of gold and silver coin?

Mr. STEPHENS. It cannot without the consent of the parties to the contract.

Mr. MCLANE. I understand the contract with the bondholder to be that the bondholder shall receive his payment in coin of that standard, and that the contract shall be respected; but do I understand the gentleman from Georgia to say if through the fluctuation of either metal it became necessary in order to keep the two coins in harmony that we are deprived of the right to do it by law? Does not the contract with the bondholder remain still good, although we may change the value of our standard coin?

Mr. STEPHENS. It does not, because the contract is "coin according to the then standard."

Mr. MCLANE. To pay according to the then standard?

Mr. STEPHENS. In the coin of the then standard.

Mr. MCLANE. Does that interfere with the right of the nation in pursuance of the Constitution of the United States and in view of its general trade and commerce to alter the relative value of its gold and silver coin when and how it pleases?

Mr. STEPHENS. It does so far as the bondholder is concerned unless he consents.

Mr. MCLANE. So far as the bondholder is concerned?

Mr. STEPHENS. Yes. By our contract we can pay in either silver or gold at the then standard. We of course have the right to pay in silver at 412½ grains to the dollar, and the bondholder is required to take it. Now, then, to proceed——

Mr. MCLANE. I have no issue with the gentleman on that point. I am sorry to interrupt him, but I presume he would not have it go to the country we are through all time prevented from adjusting the relative value of gold and silver, whether it may be to raise the silver or to depress the gold I care not for the moment. And I do not think the gentleman from Georgia means to assert we have deprived ourselves of the constitutional right to regulate the value of gold and silver coin. If he does, I with all due submission differ from him *in toto*.

Mr. STEPHENS. Mr. Speaker, so long as you have an anterior creditor you cannot do it either in justice to your own people or to your creditor. You cannot diminish the value of gold without injustice to the creditor and you cannot increase the silver without detriment to your own people.

Mr. MCLANE. I have no issue with the gentleman from Georgia.

as to our obligation to the bondholder. Our obligation to the bondholder is complete and perfect. In the answer which I gave to the gentleman from New York yesterday in reference to the increase of the standard value of the silver dollar or the decrease of the standard value of the gold dollar, I had no idea of questioning that; but the general absolute right at all times to regulate the value of the gold and silver coin is the constitutional right of this country which no law of Congress can interfere with, and which was exercised by law in 1834 in decreasing the value of the gold coin for the reason that it had lost its proper relative value to the silver coin, that mode of regulating the value being thought wiser and more expedient at that time than to increase the value of the silver coin—the mode being exclusively in the discretion of the law-making power, which naturally would be exercised with reasonable judgment and perfect good faith.

Mr. STEPHENS. That regulation was right and proper when there was no debt, but it cannot be done in reference to antecedent debts unless you repudiate or the creditor shall consent to the decrease of the more valuable metal, as was done with gold in 1834. I concur in what the gentleman from Maryland said on that point yesterday.

Mr. McLANE. The gentleman from Georgia certainly understands me to exclude the obligation of our debt.

Mr. SPRINGER. You are together.

Mr. STEPHENS. We are right together, then on that basis——

Mr. McLANE. The gentleman from Georgia must not put me in the position of taking any stand here which repudiates our debt.

Mr. STEPHENS. Then we are together entirely, as I understand the gentleman.

Now, then, I shall come to the point. If with the consent of the creditor the gold coin can be reduced while it is up, we have the right to do it because we can pay to the creditor in silver coin. We have the right to do it, according to the contract.

Next as to the question of the great difference between gold coin and silver bullion. That is the bugbear throughout the whole controversy; it is all in reference to the present price of silver bullion. Some gentlemen said our bill (the silver bill that passed the House the other day) was in favor of the bullionists; that it was a speculation of the bullionists. On this view I wish now to make a few remarks. Why is it, Mr. Speaker, that there is a discrepancy between the silver dollar, the trade-dollar, and the gold dollar to-day? That is the great question. My own opinion is if we pass this bill to-day and our silver bill passes the Senate six months will not elapse, ninety days will not elapse, before they will be about as near together as they ever were before. What brought silver down? You degraded it. You deprived it of its money quality, its debt-paying power. You left it purely as a commodity passing for its intrinsic worth. Silver, when it was demonetized, when it was thus degraded, was 2 or 3 per cent. above gold.

Mr. CLAFLIN. Will the gentleman from Georgia answer the question why it is an object for anybody to demonetize silver?

Mr. STEPHENS. I cannot imagine, or at least I can assign no rational motive for it. The fact is that Europe led off in it in the interest perhaps of some of the money-holders; this country followed, and the moment you struck down one-half of the metallic money of the world from the functions it served, you naturally enhanced the other more than double. Government creditors may for this reason have induced it; I do not know——

Mr. CLAFLIN. Mr. Speaker——

Mr. STEPHENS. Wait a moment. If you have four hundred houses in a town to rent and you strike off two hundred, the other two hundred will raise more than four times the amount. And when you have a certain amount of money in the world and you strike half of it off you enhance the value of the other half more than four times.

Mr. CLAFLIN. But the gentleman does not give us the reason; he merely gives us the result. Taking his own premises now, I will ask him to state to the House the reason which induced the German government and the Latin union to discontinue the coinage of silver.

Mr. STEPHENS. It would be hard for me or any other rational man on this earth to account for the reasons of legislation or the follies of legislation in Germany or even in this country. [Laughter.]

Mr. CLAFLIN. I think as a rule legislation is based on reason.

Mr. STEPHENS. I do not know what was the reason, but I do know what has been the result. Ruin! ruin! continued ruin! and every year it is getting deeper and deeper. [Applause.] Next year will be worse than this if we do not do something to arrest the downward progress.

Mr. WEAVER. And yet they resist remonetization.

Mr. CLAFLIN. Will the gentleman allow me one moment?

Mr. STEPHENS. Certainly.

Mr. CLAFLIN. While the gentleman was stating the reasons, I wished to know if he had the reasons in his mind rather than the results? Now, as I have stated, governments do not do these things without deep, solid, and sound reasons. The German government must have had a reason for discontinuing the use of silver. The Latin union must have had reasons. But I do not wish to take the gentleman's time or tax his strength.

Mr. STEPHENS. Go on.

Mr. CLAFLIN. I simply wish to call the attention of the House to the fact that these things were not done without reason. It is very well to say they were done in the interest of bondholders; but the whole of the governments of Europe which are in debt do not do these things for the benefit of bondholders. The bondholders may make some efforts and may have some reasons, but the reasons lie deeper than are stated by the gentleman, in my opinion. The reasons lie in the great production of silver on the one hand—I will answer so much—and in the next place in the disuse of it to a certain extent by the government and by the people of India, who are the great consumers of silver. They ceased to take silver from England and from France. I think that must be patent to every gentleman's mind. Another reason——

Mr. STEPHENS. I do not want the gentleman to ask too much at once. I wish to answer the gentleman so far as he has gone, and will then hear him again.

Mr. MORTON. I wish to ask the gentleman a question.

Mr. STEPHENS. I will first answer the gentleman from Massachusetts, [Mr. CLAFLIN.] I have stated I do not know what reasons actuated the German government and the Latin union. They may be what the gentleman supposes. But I do know that we should not follow their example when they are already retracing their course. No, sir. I have referred to a paper before me, showing that in England as well as in Germany and in all Europe, whether these men are influenced by correct reasons, or governed and led on by some *ignis fatuus* I do not know. It is enough for us to know they are changing their course and we should follow them no longer.

Mr. CLAFLIN. And yet in the English Parliament the other day Mr. Goshen, who is the great mouth-piece of financial circles in England, said England was not going to change her position.

Mr. WARNER. And at the same time Mr. Lowe proposes to substitute legal-tender paper in India for silver.

Mr. CLAFLIN. He said the reasons for England's changing her position had passed away, and among the reasons given was the demonetization of silver in the United States.

Mr. STEPHENS. The gentleman to whom my friend from Massachusetts refers may not be a party man and yet he may not be the leader of thought. When England has had ministers who held out for a time they have had to yield to public sentiment, the enlightened sentiment of the country as expressed through the press, the reviews, and otherwise. The intellect of England is now being moved and stirred up and it is all set against the continuance of that policy, as will be seen from this paper referred to. I will now hear my friend from New York, [Mr. MORTON.]

Mr. MORTON. I understood my friend from Georgia to express the opinion that within six months after the passage of this bill the bullion value of the standard silver dollar will rule between 2 and 3 per cent. of that of the gold dollar. Am I right?

Mr. STEPHENS. Yes; and the passage also of the silver bill which is now in the Senate. I said it would rise within 2 and 3 per cent., not of the bullion value but of the real *bona fide* gold value; up almost to an equality with it.

Mr. MORTON. Then how does the gentleman, in view of the coinage of some thirty-four millions of standard silver dollars within the past sixteen months, explain the fact that the gold value of the silver dollar has fallen from ninety-two or ninety-three cents, which was its value at the time it was authorized, to eighty-four cents, its value thirty days ago?

Mr. STEPHENS. You mean the value of bullion.

Mr. MORTON. The bullion in the silver dollar was worth ninety-two or ninety-three cents when the dollar was authorized. That was its value in gold. Within thirty days its value has been under eighty-four cents. How does the gentleman account for that?

Mr. STEPHENS. Do you mean the value of silver bullion?

Mr. MORTON. I mean the value of the bullion in the dollar of 412½ grains.

Mr. STEPHENS. Not the value of the silver coin?

Mr. MORTON. No; because the Government has so far been able to maintain it at par in gold.

Mr. STEPHENS. You speak only of uncoined silver bullion. Pass the free-coinage bill, and silver bullion would soon rise to a point nearly equal to the coinage value. Silver bullion sold four days ago in London 52½ per cent. higher than it had been for a year.

Mr. MORTON. I grant that.

Mr. STEPHENS. The silver dollar when it was struck from the list of money was 2 or 3 per cent. premium. It and bullion fell when they were degraded by law. It was because you had degraded, had demonetized it that it went down.

Mr. MORTON. I agree with the gentleman. In my judgment the cause of the advance in the price of silver is in consequence of some anticipated arrangements to be made by and with the leading powers of Europe.

Mr. STEPHENS. That exactly shows what has been the fact in Europe of what we have been doing in this country. That is my interpretation of it. Now the gentleman from New York speaks of the fact that we had coined $36,000,000 since the Bland bill passed while we now have only a little over $181,000 in circulation.

Mr. MORTON. The amount is about $34,000,000, and about $7,000,000 of the $34,000,000 are in circulation.

Mr. STEPHENS. And he asks, if there is any great demand for silver coins why do the people not go and get them? They are in the Treasury.

Now, I have stated upon this floor before, and I repeat it now, what

we want is not coin for circulation, either gold or silver. We have lived beyond that age in civilization. We want representative paper money instead of coin or that which is equivalent to coin. The people want coin certificates. They want when they receive a paper dollar to know that there is a silver or a gold dollar in the vaults of the Treasury of the Government to meet it dollar for dollar. That is what we want, and hence if we get all the bullion from Europe we can and all from our own mines and put it all into coin the people do not want the coin, they want a true representative of it. They want to know that there is a dollar in coin or its equivalent in the Treasury for every dollar that they have in their pockets in paper money.

Mr. McGOWAN. I call for the regular order.

The SPEAKER. The regular order is now proceeding. The gentleman from Georgia asked permission to proceed with his remarks. That entitles him to one hour if he chooses to occupy it.

Mr. McGOWAN. The gentleman asked for only a few minutes.

Mr. STEPHENS. My time is unlimited except by the hour rule and so long as the House seems to be willing to hear me. I wish to say only a few things more.

The SPEAKER. The gentleman was permitted to proceed with his remarks without any restriction. That means he is entitled to one hour.

Mr. McGOWAN. I should have objected to that arrangement if I had known that the gentleman was to occupy an hour.

The SPEAKER. The Chair cannot help that.

Mr. STEPHENS. How many minutes have I been speaking beyond the fifteen minutes?

The SPEAKER. Twenty minutes.

Mr. FIELD. About six months' trade with China would take away all the trade-dollars we have in circulation.

Mr. STEPHENS. I answer that the people of China would not take in lieu of a dollar of 420 grains one of 412½ grains. What would they do it for? All that the bill secures is that the trade-dollars of 420 grains shall be exchanged for a dollar of 412½ grains. The provisions of the bill are that the trade-dollar shall be taken up and be exchanged for legal-tender silver dollars.

Mr. FIELD. But you will send them to China for the purchase of merchandise if the trade goes on as it has done in the past.

Mr. STEPHENS. No, for we stop their coinage. But if they did, you ought not to complain.

Mr. FIELD. It would only stop coinage and let the Chinese trade take what we have already got in circulation.

Mr. STEPHENS. This bill stops the coinage of the trade-dollar. It provides for taking up all those which are now in the country, and which are producing so much distress among the people, and on account of which they ask relief.

A very few words more only. There is one other subject to which I wish to allude, and that is the opposition that was made to the silver bill which passed the House some time ago, on account of the profit that the bullion-holders would make by bringing in the silver bullion to be converted into coin. It was said that the amount of bullion in a silver dollar of 412½ grains was worth eighty-five cents, and the bullionist would make fifteen cents profit on each dollar. I know that many honest people opposed that bill on that ground. We changed the bill in that particular. But if the Senate should restore it as it was at first reported to the House I should like it better. Suppose the miner should make fifteen cents on every dollar of his bullion, would that hurt anybody?

Mr. MARSH. Will the gentleman allow me to ask him a question?

Mr. STEPHENS. Certainly.

Mr. MARSH. If the Government should make fifteen cents on the dollar, would that help anybody?

Mr. STEPHENS. Not much; neither the Government nor anybody else. The Government makes by whatever adds to the prosperity of the country. Suppose that there were one hundred million dollars' worth of silver bullion, and that we had unlimited free coinage, which I am in favor of, but which the bill that we passed the other day does not exactly carry out. Suppose that the owners of that bullion should make fifteen cents on every dollar's worth of it, who would be hurt? That is the question. Would the Government be hurt? No. The Government would convert it into silver coin and issue it or certificates for it. The Government would lose nothing, though the bullionist would make 15 per cent. on that amount. That would add so much to the general wealth of the country. Who would be injured? Nobody. The bullionist would be benefited. Who else would be benefited? Every man who owned a dollar of real property in this country would be benefited by it by a rise in his property.

Mr. MARSH. Will the gentleman permit me to ask him another question?

Mr. STEPHENS. Certainly.

Mr. MARSH. Would not the silver dollar be worth just as much in the hands of the laboring-man if the Government should make the difference between the bullion value and the legal-tender value, instead of the bullionist or the miner making it?

Mr. STEPHENS. Just as much, every bit, and no more. But I would offer an inducement for the coinage of silver bullion. We want the bullion; we want the silver; we want the money. Hence, as I said awhile ago, I would call out, "Ho! every man who has silver bullion, bring it to this country and have it coined." We want to offer an inducement to bring it here. That is the difference, and a very wide one. If we give an inducement of fifteen cents profit on the dollar, then the holders of the silver bullion from all countries will bring it here, not otherwise; and our own miners will have a new impulse given to their energy and industry.

Mr. MARSH. Does the gentleman think it necessary for the Government to give the holders of the bullion 15 per cent. profit in order to induce them to bring their bullion here for coinage?

Mr. STEPHENS. We give them nothing; we do not give them that profit. They make it. Let me illustrate: Some years ago there was a great drought in my section of the State of Georgia. Corn was scarce, and it went up to $1.75 a bushel. A few holders of the corn were making a great profit on it. An enterprising young man in my town got together a sum of money, say, for illustration, $3,000, went up to Indiana or Illinois, or some place out West, and bought corn at I think about sixty cents a bushel. The freight and expense upon that corn was such that, laid down in the village where he lived, it cost him one round dollar a bushel. He offered it for sale at a dollar and twenty-five cents a bushel, and in thirty days made 25 per cent. upon his investment. But every man in the country that was buying corn made fifty cents on the bushel by that operation. Who was injured by it? Nobody but the corn-holders. So in this case. The bullionists might by enterprise make at least 15 per cent. and all be benefited but the gold-holders.

Mr. MORTON. Will the gentleman allow me to interrupt him for a moment?

Mr. STEPHENS. Certainly.

Mr. MORTON. If we pass this free coinage bill, I will tell the gentleman what he can do. He can borrow $100,000 of his banker, take $85,000 or $90,000 of that amount, whatever may be required to buy silver bullion enough to make one hundred thousand silver legal-tender dollars. Then he could take that bullion across the street, obtain for it a certificate of deposit, return to his banker, and with that certificate of deposit pay the $100,000 that he borrowed and keep $10,000 or $15,000 in his pocket. And he could continue that operation as long as he chose.

Mr. STEPHENS. Just as long as bullion was at eighty-five cents that, sir, would be making the profit I speak of; and whom would he hurt? Why, sir, that young man who went West and bought corn made 25 per cent. in thirty days, and he benefited everybody, who was buying corn in that country, at the rate of fifty cents a bushel. Whom did it hurt? It hurt those men who had been hoarding corn and selling it at $1.75 a bushel, because they had then to come down and sell it for a dollar and twenty-five cents. The enterprising young man made money on his capital, and the public was greatly benefited at the same time. He made in the same way and perhaps did repeat his operation several times while corn remained scarce.

And so it would be with the bullionist. He would make a profit, and that would add to the public as well as his own wealth. That is all I intended to say on that subject. I would have voted for unlimited free coinage, because I want an inducement offered for the production of silver. I want this vast industry of ours which is now being developed, silver mining, to present such an inducement that men will work the mines and bring forward the product for coinage. I do not care how much they make, whether it is 15 per cent. or 20 per cent. or 50 per cent., if the public is being benefited at the same time. All they make will be so much added to the wealth of the country.

Mr. WARNER. With the permission of the gentleman from Georgia [Mr. STEPHENS] I would like to ask the gentleman from New York——

Mr. McGOWAN. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. McGOWAN. My point of order is that time was granted to the gentleman from Georgia [Mr. STEPHENS] to speak, and not to the gentleman from Ohio, [Mr. WARNER.]

The SPEAKER. The gentleman from Georgia, as the Chair presumed, yielded for a question.

Mr. McGOWAN. No, sir; the gentleman from Georgia was making a speech, and the gentleman from Ohio undertakes in the time of the gentleman from Georgia to make a speech in reply to the gentleman from New York, [Mr. MORTON.]

The SPEAKER. The gentleman from New York was allowed by the gentleman from Georgia to ask a question, and the gentleman from Ohio was allowed to reply to what the gentleman from New York said. The Chair thinks it was not an unusual mode of debate, the gentleman from Georgia having yielded to both gentlemen.

Mr. WARNER. Under free coinage no such transaction as the gentleman from New York supposes could take place. The borrower could not then buy with eighty-five cents a dollar any more than he can now. He will have to give one hundred cents for what will pay a hundred cents.

Mr. MORTON. I differ with the gentleman entirely.

Mr. MARSH. When the gentleman from New York speaks of the free-coinage bill, what does he mean?

Mr. MORTON. I understood the gentleman from Georgia to be discussing the bill which was before the House a few weeks ago, the free-coinage feature of that bill as originally introduced, not as passed.

Mr. McGOWAN. I raise the point of order whether this is legitimate discussion under the leave granted to the gentleman from Georgia.

The SPEAKER. The Chair has answered that question. The floor

is under the control of the gentleman from Georgia, and if he yields, the Chair has no right to interfere.

Mr. McGOWAN. Certainly the point of order will lie that gentlemen are not discussing the bill under consideration, and have gone off to another bill.

The SPEAKER. It is impossible for the Chair to draw such a distinction as that in reference to arguments which gentlemen may employ. The gentleman from Georgia will proceed without interruption.

Mr. STEPHENS. I will proceed but a few moments longer.

Mr. FORT. Will the gentleman allow me a single question?

Mr. STEPHENS. Yes, sir; with pleasure.

Mr. FORT. Does the gentleman believe that if this bill should pass, any considerable amount of trade-dollars will come in for redemption? Does he not think that the trade-dollars will immediately rise to par, and will float as currency in the same way as a legal-tender note floats?

Mr. STEPHENS. I do think so if we vote down the amendment offered by the gentleman from Pennsylvania, [Mr. FISHER.] That is the next topic to which I wish to refer. I prefer the bill pure and simple.

Mr. FISHER. I did not understand the remark of the gentleman from Georgia.

Mr. STEPHENS. I said in answer to the question of the gentleman from Illinois [Mr. FORT] that the trade-dollar would rise to par if your amendment should not be adopted. I am opposed to the amendment.

Mr. FISHER. I understood that the object of the bill was to do away with the trade-dollar—to recoin it.

Mr. STEPHENS. It is. I am only stating what I think will be the immediate effect of the bill on the trade-dollar—it will bring it to par at once, or near it. I want the trade-dollars taken up and recoined. Still, if restored to par they will be slow in coming in.

Mr. FORT. One argument against the bill is that it will cost so much to redeem these trade-dollars, and there are very few of them in the country.

Mr. STEPHENS. Now, Mr. Speaker, I have a few words to say upon the amendment of the gentleman from Pennsylvania [Mr. FISHER] and that of my other colleague on the committee, the gentleman from Ohio, [Mr. WARNER.] To the latter amendment I shall offer no objection, though I would prefer to have the bill pass without it. One part of that amendment, the provision that the Secretary of the Treasury shall not count the legal-tender dollars to be issued under this bill as a part of the $2,000,000 to be coined monthly under existing law, is covered, I think, by the bill itself. The other object of the amendment of the gentleman from Ohio is to exclude the Chinese "chopped" dollars; but I do not think those will ever come in at any rate. The amendment of my colleague on the committee, the gentleman from Pennsylvania, [Mr. FISHER,] limiting the time within which this redemption shall take place, I am opposed to. The other amendments amount to little or nothing. With these remarks I conclude what I have to say, thanking the House for its indulgence.

The SPEAKER. The first question is on the amendment of the gentleman from Pennsylvania, [Mr. FISHER,] which will be read.

The Clerk read as follows:

Insert after the words "United States," in the fifth line, the words "for the period of four months from and after the passage of this act," so as to read:

That the Secretary of the Treasury shall cause to be exchanged at the Treasury and at all sub-treasuries of the United States for the period of four months from and after the passage of this act, legal-tender dollars for trade-dollars, at par, &c.

The SPEAKER. The gentleman from Pennsylvania [Mr. FISHER] is entitled, according to the agreement, to two minutes to discuss his amendment.

Mr. FISHER. Mr. Speaker, I offered this amendment in order to perfect the bill and carry out what I understand to be its object. It simply proposes to do justice to our own people. The fact exists that we have from five to six millions of these trade-dollars in circulation throughout the United States. This bill was introduced ostensibly for the relief of our people, and to do away with the complaint in regard to this form of currency. Now, the foreigners who hold twenty-eight millions of these trade-dollars, or such portions of this amount as have not been remelted, have received the full value. Yet this bill without amendment proposes that the United States shall receive these dollars and give in exchange legal-tender dollars to these foreigners or to American speculators in the trade-dollar.

My amendment limiting the period of redemption to four months is designed to give sufficient time to all the people of this country to present trade-dollars at the sub-treasuries for redemption and at the same time to preclude the presentation for redemption of such of these coins as are now held in foreign countries.

If this amendment is adopted, we answer the argument of the gentleman from New York [Mr. MORTON] that this is a bill in the interest of the Emperor of China. I am surprised to hear the gentleman from Georgia [Mr. STEPHENS] say that he opposes this amendment. It cannot be affirmed that the amendment is not in the interest of the poor men of this country, because it shuts out the trade-dollars held in foreign countries. In the desire of the gentleman to pile up silver in this country without regard to the price paid for it, he is willing to give 10 per cent. more for $30,000,000 of silver than the bullion can be bought for in open market.

[Here the hammer fell.]

Mr. WARNER. I hope this amendment will not be adopted. The reason will be just as good four months hence for taking up a coin that bears the stamp of the Government—the certificate of the United States that it is a dollar—as now. I say the same reason for exchanging this trade-dollar for a legal-tender dollar will exist then that exists now, and therefore this amendment I think ought not to be adopted. Why, sir, the people on the borders of the Western States will hardly have time, if they knew it, to send their dollars to the Treasury for exchange, and it is mainly in the Western States that the trade-dollar is in circulation.

The question recurred on Mr. FISHER'S amendment.

The House divided; and there were—ayes 41, noes 89.

Mr. FISHER. I demand the yeas and nays.

Mr. WARNER. Oh, no.

The House divided; and there were ayes 13, not a sufficient number.

So the yeas and nays were not ordered.

The amendment, therefore, was disagreed to.

Mr. WARNER moved to reconsider the vote by which the amendment was rejected; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The Clerk will read the next amendment offered by the gentleman from Texas, [Mr. MILLS.]

The Clerk read as follows:

In line 5 strike out the words "silver dollars" and insert "Treasury notes," so, if amended, the bill will read:

That the Secretary of the Treasury shall cause to be exchanged at the Treasury and at all sub-treasuries of the United States legal-tender Treasury notes for trade-dollars, at par.

The SPEAKER. The gentleman from Texas is entitled to two minutes on his amendment.

Mr. MILLS. I do not desire to discuss it.

The SPEAKER. By the sound the noes appear to have it.

Mr. MILLS. I demand the yeas and nays.

Mr. CLAFLIN. Silver-tender Treasury notes are not known to the law.

Mr. BAKER. Why does not the gentleman say legal-tender Treasury notes?

Mr. MILLS. It does say so.

Mr. BAKER. No; we understand it to say silver legal-tender Treasury notes.

Mr. MILLS. No; it says legal-tender Treasury notes.

Mr. MITCHELL. There is no such thing as legal-tender Treasury notes, but there are legal-tender United States notes.

Mr. MILLS. The language of my amendment is perfectly right, and I will let it stand as it is.

Mr. BAKER. It says United States legal-tender notes.

Mr. MILLS. It is right as it is.

The yeas and nays were not ordered.

The amendment was rejected.

Mr. WARNER moved to reconsider the vote by which the amendment was rejected; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The vote next recurs on the amendment offered by the gentleman from Iowa, [Mr. DEERING.]

The Clerk read as follows:

After the word "par," in line 6 of the bill, insert:

Provided, The weight of said trade-dollars has not been reduced below the standard weight and limit of tolerance provided by law for the single piece.

So that, if amended, the bill will read:

That the Secretary of the Treasury shall cause to be exchanged at the Treasury, and at all sub-treasuries of the United States, legal-tender silver dollars for trade-dollars, at par: *Provided*, The weight of said trade-dollar has not been reduced below the standard weight and limit of tolerance provided by law for the single piece.

Mr. WARNER. That question is already covered by the law. I see no objection to it, however, if there is any doubt on the subject.

The amendment was adopted.

Mr. CONGER moved to reconsider the vote by which the amendment was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. The Chair understands, although not in the chair at the time, that the gentleman from New York [Mr. LOUNSBERY] entered a motion to refer this bill to the Committee on Banking and Currency. If that be correct, it is not cut off by the previous question being seconded, and the question will now be put.

The House divided; and there were—ayes 44, noes 106.

So the motion was disagreed to.

Mr. WARNER. I ask for a vote on my amendment.

The Clerk read as follows:

Add to the bill these words:

Provided, That trade-dollars recoined under this act shall not be counted as part of the coinage of silver required by the act of February 28, 1878: *And provided further*, That trade-dollars that have been "chopped" or restamped for circulation in China or other foreign countries shall be excluded from the provisions of this act.

Mr. MITCHELL. I call for a division of the amendment.

Mr. GARFIELD. What is the law to which my colleague from Ohio refers?

Mr. WARNER. The coinage law of 1878.

Mr. GARFIELD. The one that limits coinage?

Mr. WARNER. The Bland bill.

Mr. GARFIELD. Does this remove the limitation contained in that bill?

Mr. WARNER. The recoinage of trade-dollars will be in addition to the coinage provided for under the act of 1878. There are five or six million, it is estimated, of these trade-dollars in partial circulation—a sort of quasi circulation—in this country, and I am opposed to any contraction whatever of our metallic circulation.

Mr. MITCHELL. Will there be any contraction if legal-tenders are put in the place of the trade-dollars taken up?

Mr. WARNER. There will be. The law now requires the coinage of at least $2,000,000 per month. That is, the future coinage must be not less than two millions a month independent of the present circulation. These trade-dollars, to the extent they circulate, amounting to five or six millions, are part of the existing circulation. If they were made a part of the two-million coinage, required by law now per month, there would be contraction to the extent trade-dollars were taken up, for they form part of the present circulation.

Mr. GARFIELD. One portion of the gentleman's amendment, it seems to me, is entirely right.

Mr. BROWNE. If the trade-dollar now circulates it simply circulates as bullion, and will it not continue to circulate as bullion?

Mr. WARNER. They do not circulate as bullion, but as dollars.

Mr. GARFIELD. There are two distinct propositions in the amendment of my colleague, [Mr. WARNER,] one of which is to prohibit the receiving at par of stamped and mangled coins that have undergone that treatment in China. That I think is right and ought to be put in this bill, but there is in part a limitation upon the amount of silver coinage per month which in my judgment ought not to be agreed to. I shall therefore demand a division of the amendment. I think it is separable inasmuch as it contains two distinct propositions.

Mr. WARNER. I object to any division of the amendment.

Mr. GARFIELD. I think we should not determine the silver question in this incidental way. The trade-dollar was never intended for circulation here, and has no business here; it will be cheating and defrauding the men who get them, especially the laboring-men. We do not want to invite back from China nearly thirty millions of trade-dollars and pay 10 per cent. more for them. I therefore ask for a division of the amendment.

The SPEAKER. The Chair decides that there are two provisos in fact which are entirely substantive propositions which can be separated, and a division is in order under the rules. The question will first be upon the first branch of the amendment:

The Clerk read the first branch of the amendment, as follows:

Provided, That the trade-dollars recoined under this act shall not be counted as part of the coinage of silver required by the act of February 28, 1878.

The question was taken upon the first branch of the amendment; and on a division there were—ayes 91, noes 48.

So the first branch of the amendment was agreed to.

Mr. WARNER moved to reconsider the vote by which the amendment was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

The question recurred upon the second branch of the amendment; which was read, as follows:

And provided further, That trade-dollars that have been chopped or restamped for circulation in China or other foreign countries shall be excluded from the provisions of this act.

The question was taken; and the second branch of the amendment was agreed to.

Mr. WARNER moved to reconsider the vote by which the amendment was agreed to; and also moved to lay the motion to reconsider upon the table.

The latter motion was agreed to.

The next question was upon the amendment offered by Mr. MONROE, to add to the bill the following:

Provided, That nothing contained in this act shall be so construed as to increase the amount of legal-tender silver dollars to be coined per month under the limitations of the existing law.

Mr. MONROE. I desire to say just a word. I suppose that my amendment has been virtually anticipated by the action of the House on the amendment of my colleague, [Mr. WARNER.] I do not know that there is any advantage now in asking a vote upon my proposition. I will only occupy a moment to say that some of us considered the bill of the gentleman from Georgia [Mr. STEPHENS] doubtful in meaning as regards the question whether the silver to be recoined under it would be in addition to the amount already provided for by law or would be included in that amount. I wished to have that question settled in a satisfactory manner by the House, and for that reason I offered my amendment.

The amendment of my colleague [Mr. WARNER] is directly the opposite of mine, and I understand that the House by adopting it has decided that the amount of silver recoined under this bill, should it become a law, shall be so much in addition to the amount provided for by what is known as the silver-dollar law of a former Congress. If I have any clear opinion on the question of our currency, it is that we should not disturb the settlement of the silver question which we have on our statute-book. I wish to leave it there without change until we can ascertain the result of the movement now going on in Europe for the remonetization of silver. Hence I shall be compelled to vote against this bill on its final passage, because of the adoption of the amendment of my colleague. I now withdraw my amendment.

The next amendment was the one offered by Mr. BREWER, to add to the bill the following:

But the Secretary shall not redeem such trade-dollars as have been clipped so as to decrease their bullion value, or which shall have been restamped by any individual or foreign country.

Mr. BREWER. I only wish to say that this amendment in substance has been adopted by the House already, and I do not desire to press it to a vote. I therefore withdraw it.

The last amendment pending was the following, offered as a substitute by Mr. KEIFER for the entire bill:

That the silver coins of the United States known as the trade-dollars shall be a legal tender at their nominal value for an amount not exceeding $5 in any one payment.

Mr. KEIFER. I have proposed this substitute for the purpose of bringing us back to the point from which we started. The trade-dollar was originally legal tender for $5. A democratic House and a republican Senate in 1876 demonetized the trade-dollar. We are now asked to enact a bill which provides that that trade-dollar, which only three years ago was supposed to be of a character that ought to pass for nothing in this country, must now be bought in at more than it is worth. The proposition is now that the trade-dollar is too good to circulate in this country, that it has too much bullion in it, and therefore the United States must pay nine cents on each dollar more than it is worth as bullion, and take it up at a cost of over $3,000,000, if all the trade-dollars issued by this Government shall be presented for redemption.

Already they are gathering up on the Asiatic coast and shipping these trade-dollars to New York City in order to speculate in view of the legislation proposed here to-day. I am opposed to such a policy as utterly unwise. Now, if you will simply make these trade-dollars legal tender in sums of $5, they will circulate everywhere. If we had not passed the act of 1876 demonetizing the trade-dollar we would not have heard on the political rostrum all this talk about the trade-dollars. Let us go back to where we were before the act of 1876 was passed, and the trade-dollar will then circulate everywhere throughout the country.

Mr. FORT. I would like to ask the gentleman a question.

Mr. KEIFER. Certainly.

Mr. FORT. Does the gentleman think that making the trade-dollar a legal tender will bring it up to par?

Mr. KEIFER. Undoubtedly it will, as the subsidiary silver coins which the gentleman uses every day are at par.

Mr. FORT. Then why should there not be the same inducement to send the trade-dollars back here from China and put them in circulation at par?

Mr. KEIFER. Because by this bill it is proposed to buy them up as bullion and pay nine cents on each dollar more than they are worth as bullion.

Mr. FORT. Your amendment would make them legal tender without recoinage.

Mr. KEIFER. Only for $5, and therefore they will not become current to any great amount.

Mr. WARNER. I have no objection to making the trade-dollar a legal tender for $5 pending its exchange for the standard legal-tender dollar. On the other hand, I would favor that. [Laughter.] I think that would be right. But to make the trade-dollar a legal-tender dollar, to be continued permanently as one of the coins of the country, is something to which I must object. Two dollars of the same metal and the same nominal value—one of 412½ grains and one of 420 grains, one in the ratio of sixteen to one of gold and the other of sixteen and one-half to one—would certainly be an anomaly which we ought not to desire to perpetuate. The legal-tender quality, I understand, was taken away from the trade-dollar at the request of the Director of the Mint and the Secretary of the Treasury. I think it was a mistake. But the way to correct the error now is not to perpetuate these dollars, but to recoin them into legal-tender dollars. When we make them exchangeable for legal-tender dollars we equalize the market value of the two kinds of coins, and trade-dollars will circulate by the side of the legal-tender dollar until they go to the mints.

The question was then taken upon the substitute offered by Mr. KEIFER, and it was not agreed to.

Mr. HAZELTON. I ask unanimous consent to offer an amendment at this time.

Mr. WARNER. Let it be read.

Mr. HAZELTON. I desire to strike out the word "par," in the sixth line, and to insert in lieu thereof the words "their bullion value." In that case the legal-tender dollar would be exchanged for the trade-dollar at its bullion value and no more.

Mr. WARNER. I object to that.

The SPEAKER. It requires unanimous consent, and objection is made.

The bill, as amended, was ordered to be engrossed and read a third time.

Mr. HAYES. Let the bill be read as amended.

The bill, as amended, was read, as follows:

Be it enacted, &c., That the Secretary of the Treasury shall cause to be exchanged, at the Treasury and at all sub-treasuries of the United States, legal-tender silver dollars for trade-dollars at par: *Provided*, The weight of said trade-dollars has not been reduced below the standard weight and limit of tolerance provided by law for the single piece; and shall recoin the said trade-dollars into legal-tender dollars, as now provided by law; and shall stop the further coinage of trade-dollars: *Pro-*

vided, That trade-dollars recoined under this act shall not be counted as part of the coinage of silver required by the act of February 28, 1878: *And provided further*, That trade-dollars that have been "chopped" or restamped for circulation in China or other foreign countries shall be excluded from the provisions of this act.

The bill was then passed.

Mr. STEPHENS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had approved and signed joint resolutions and bills of the following titles:

Joint resolution (H. R. No. 72) authorizing the Secretary of the Navy to place vessels and hulks at the disposal of commissioners of quarantine or other proper persons at the ports of the United States;

Joint resolution (H. R. No. 94) directing a monument to be erected to mark the birth-place of George Washington;

Joint resolution (H. R. No. 95) to pay Patrick Doran for services as messenger, House of Representatives;

An act (H. R. No. 435) to correct an error in "an act making appropriations for the construction, repair, preservation, and completion of certain works on rivers and harbors, and for other purposes," approved March 4, 1879;

An act (H. R. No. 1363) providing compensation to E. E. Rice for property transferred by him to the Government of the United States for the use of the diplomatic and consular representatives at Hakodadi, in Japan;

An act (H. R. No. 1478) to authorize the Secretary of the Treasury to negotiate for the purchase at private sale, or, if necessary, procure by condemnation, a site for a post-office in the city of Baltimore, State of Maryland;

An act (H. R. No. 1734) to authorize the Secretary of War to use certain moneys appropriated by act of Congress approved March 3, 1879, "for the protection of the high sand-banks on the Chippewa River," in the completion and protection of improvements in and near the mouth of said Chippewa River;

An act (H. R. No. 1841) to remove the political disabilities of James H. North, of Culpeper County, Virginia;

An act (H. R. No. 1842) to remove the political disabilities of J. C. Pemberton, of Philadelphia, Pennsylvania; and

An act (H. R. No. 2263) supplemental to "an act to establish post-routes."

Mr. DAVIDSON. I move that the House adjourn.

The motion was agreed to; and accordingly (at three o'clock and forty-five minutes p. m.) the House adjourned.

IN SENATE.

FRIDAY, *June* 20, 1879.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

THE JOURNAL.

The PRESIDENT *pro tempore*. The Secretary will proceed with the reading of the Journal of Wednesday's proceedings, which was read in part yesterday.

The remainder of the Journal of Wednesday's proceedings was read, and the Journal was approved.

The PRESIDENT *pro tempore*. The Journal of yesterday's proceedings will now be read.

The Journal of yesterday's proceedings was read and approved.

SENATOR FROM NEW HAMPSHIRE.

The PRESIDENT *pro tempore*. The Chair is informed that the newly elected Senator from New Hampshire [Mr. Blair] is in the Chamber.

Mr. ROLLINS. I present the credentials of Hon. Henry W. Blair, elected by the Legislature of the State of New Hampshire a Senator from that State. I ask that the credentials be read, and that the oath prescribed by law be administered to him.

The PRESIDENT *pro tempore*. The credentials will be read.

The Secretary read the credentials, as follows:

STATE OF NEW HAMPSHIRE,
Executive Department.

To all persons to whom these presents shall come, greeting:

Know ye that Henry W. Blair, of Plymouth, New Hampshire, was by the concurrent votes of the two houses of the Legislature of this State, on the 17th day of June, 1879, duly elected in conformity to the provisions of the Constitution and laws of the United States and the State of New Hampshire, a Senator to represent the State of New Hampshire in the Senate of the United States for the unexpired portion of the term of six years, commencing on the 4th day of March, in the year of our Lord 1879; and on the 18th day of said June, at twelve o'clock meridian, the members of the said two houses being convened in joint assembly and the journal of each house being then read, and the said Henry W. Blair having been found to have received a majority of the votes in each house was declared duly elected Senator as aforesaid.

Witness his excellency, Natt Head, governor of New Hampshire, and our seal hereunto affixed, at Concord, this 18th day of June, in the year of our Lord, 1879, and of the Independence of the United States of America the one hundred and third.

[SEAL.] NATT HEAD,
Governor.

By his excellency the governor:

A. B. THOMPSON,
Secretary of State.

The PRESIDENT *pro tempore*. The Senator-elect will please come forward and be sworn.

Mr. BLAIR advanced to the desk, escorted by Mr. ROLLINS, and the oath prescribed by the act of July 2, 1862, having been administered to him, he took his seat in the Senate.

ARREST OF CHEROKEE INDIANS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Secretary of War, transmitting, in answer to a resolution of the Senate of the 4th instant, certain papers and correspondence containing all the facts relating to the subject of the arrest of J. M. Bell and other Cherokee Indians.

Mr. GARLAND. In the absence of the Senator from Indiana, [Mr. VOORHEES,] who offered the resolution that brought these papers to the Senate, I move that they be printed and referred to the Committee on Indian Affairs.

The motion was agreed to.

MEMORIAL.

Mr. KERNAN presented the memorial of Warnick & Brown and others, tobacco manufacturers of New York, remonstrating against the passage of any act modifying the laws preventing the sale of leaf-tobacco for consumption without the payment of tax; which was referred to the Committee on Finance.

FINAL ADJOURNMENT.

Mr. DAVIS, of West Virginia. I will state that the Committee on Appropriations have further considered the resolution of final adjournment sent over by the House, and they are of opinion that the business of the Senate has not progressed to such an extent that we can name a date, but we hope at an early day that we shall be able to fix a certain day for adjournment, and to report the resolution for the action of the Senate.

REPORTS OF COMMITTEES.

Mr. DAVIS, of West Virginia, from the Committee on Appropriations, to whom was referred the bill (H. R. No. 2002) making additional appropriations for the service of the Post-Office Department for the fiscal years ending June 30, 1879, and June 30, 1880, and for other purposes, reported it with amendments.

SURVEYS OF THE ROCKY MOUNTAIN REGION.

Mr. WHYTE, from the Committee on Printing, to which was referred the following concurrent resolution of the House of Representatives, reported it without amendment, and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed at the Government Printing Office 5,000 copies of volume 2 of the geological series of the reports of the geographical and geological survey of the Rocky Mountain region, entitled, The Geology of the Henry Mountains, with the necessary illustrations and charts; 3,000 copies of which shall be for the use of the House of Representatives, 1,000 for the use of the Senate, 500 for the use of the Department of the Interior, and 500 for the use of the survey; the illustrations and charts to be made by the Public Printer under the direction of the Joint Committee on Public Printing.

Mr. WHYTE. I am also instructed by the Committee on Printing to report back a Senate concurrent resolution on the same subject. Inasmuch as the resolution which has just passed covers the same printing and in a larger degree, I report the resolution unfavorably and move its indefinite postponement.

The motion was agreed to.

Mr. WHYTE, also, from the Committee on Printing, to which was referred the following concurrent resolution submitted by Mr. HEREFORD on the 22d of May, reported it without amendment, and the resolution was considered by unanimous consent, and agreed to, as follows:

Resolved by the Senate, (the House of Representatives concurring,) That there be printed at the Government Printing Office 2,000 copies of volume 4 of the geological series of the reports of the geographical and geological survey of the Rocky Mountain region, entitled, Geology of the Black Hills of Dakota, with the necessary illustrations and charts; 1,000 copies of which shall be for the use of the House of Representatives, 500 for the use of the Senate, and 500 for the use of the Department of the Interior; the illustrations and charts to be made by the Public Printer under the direction of the Joint Committee on Public Printing.

EUROPEAN WORKING CLASSES.

Mr. WHYTE, from the Committee on Printing, to which was referred the following concurrent resolution of the House of Representatives, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the House of Representatives, (the Senate concurring,) That there be printed 15,000 copies of the consular reports, with the letters of the Secretary of State transmitting the same, showing the rates of wages, hours of labor, prices of food, and general condition of the working classes in the several countries of Europe; 8,000 copies for the use of the House, 4,000 copies for the use of the Senate, and 3,000 copies for the use of the Department of State; that of the said 15,000 copies 5,000 shall be bound in cloth and 10,000 shall be bound in paper.

EVANS'S COMPILATION OF IMPORTS.

Mr. WHYTE, from the Committee on Printing, to which was re-

ferred the following resolution, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved, That there be printed the usual number of the compilation of the imports of the United States and the rates of duties thereon prepared by Charles H. Evans for the use of Congress.

WASHINGTON MONUMENT.

Mr. JONES, of Florida. I am instructed by the Committee on Public Buildings and Grounds to report back without amendment the joint resolution (H. R. No. 32) authorizing the completion of the foundation of the Washington Monument. I ask for its present consideration.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the joint resolution?

Mr. CONKLING. I do not wish to object to it, but I would like to know before we appropriate more money for the Washington Monument something about it. If the Senator has no objection, suppose he let the joint resolution lie over until to-morrow morning, so that we may see what it is.

The PRESIDENT *pro tempore*. It requires unanimous consent to consider the joint resolution at this time.

Mr. CONKLING. I do not interpose any objection, but if the Senator from Florida has no special preference to have it considered to-day I should like to read it before voting upon it.

The PRESIDENT *pro tempore*. The joint resolution will be placed on the Calendar.

Mr. DAVIS, of West Virginia. The Senator from New York will allow me to say that the object is to finish the foundation of the monument. It takes part of the appropriation fund of the monument to finish the foundation. It does not appropriate any additional money.

Mr. CONKLING. I wish to say to the Senator that I do not wish to object, but yet if the committee has no special preference about it I should be glad to read it before we act upon it. But I do not interpose any particular objection.

Mr. DAWES. While this is not in name an additional appropriation, it is in reality. It is taking part of the appropriation to be applied to the completion of the monument and diverting it to putting a new bottom under the monument; and it will require just so much more for the completion of the monument. I am not here to oppose it now; I was not in the committee——

The PRESIDENT *pro tempore*. The joint resolution not being under consideration, debate is out of order.

YOUNG MEN'S CHRISTIAN ASSOCIATION OF WASHINGTON.

Mr. VANCE. I am directed by the Committee on the District of Columbia to report favorably and ask for its present consideration the bill (H. R. No. 2327) to authorize the renewal of a loan therein named by the joint stock company of the Young Men's Christian Association of Washington. It is merely to authorize the Young Men's Christian Association to refund their present debt or to make a mortgage upon their real estate in this city at a lower rate of interest than in its present form, the proceeds to be used exclusively in payment of the existing loan.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NATIONAL BOARD OF HEALTH.

Mr. GARLAND. I move that the Senate proceed to the consideration of Senate bill No. 675, to provide office rooms for the National Board of Health——

The PRESIDENT *pro tempore*. It is not a matter for a motion yet; we are not through with the routine business of the morning hour. It requires unanimous consent.

Mr. GARLAND. I ask unanimous consent of the Senate, then, to take the bill up.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 675) to provide office rooms for the National Board of Health, and for the publication of its reports and papers, and for other purposes.

Mr. GARLAND. I am authorized by the select committee to investigate and report the best means of preventing the introduction and spread of epidemic diseases to offer an amendment to the bill in the nature of a substitute. We had better have the original bill reported first, I suppose.

The PRESIDENT *pro tempore*. Not if the amendment is in the nature of a substitute.

Mr. GARLAND. The substitute has been printed and laid upon the desks of Senators for some days.

The PRESIDENT *pro tempore*. The substitute will be read.

The CHIEF CLERK. It is proposed to strike out all after the enacting clause of the bill, and in lieu thereof to insert the following:

That the National Board of Health is hereby authorized and empowered to procure suitable and sufficient offices in the city of Washington for the transaction of its business, at a rental not to exceed the sum of $1,800 per annum. And said board is also authorized to pay the sum of $225 for the rent of building No. 1405 G street northwest, in the city of Washington, used by the National Board of Health for offices, from the 3d day of April, 1879, to the 3d day of June, 1879.

SEC. 2. That the necessary printing of the National Board of Health be done at the Government Printing Office, upon the requisition of the secretary of the board, in the same manner and subject to the same provisions as other public printing for the several Departments of the Government: *Provided*, That the cost of said printing shall not exceed the sum of $10,000 per annum.

SEC. 3. That the National Board of Health is hereby authorized and empowered to have printed and bound 10,000 copies of the Report of the Board of Medical Experts created by former act of Congress, which report shall include the report of Drs. Bemiss and Cochran and Engineer Hardee upon the yellow-fever epidemic of 1878; 6,000 copies of the same to be furnished the House of Representatives, 2,000 copies to the Senate, and the residue to the National Board of Health: *Provided*, That the cost of publication and binding said report shall not exceed the sum of $7,500. And the said board is hereby authorized to pay Drs. Bemiss and Cochran and Engineer Hardee $10 per day, for the preparation of their said report, for the period of two months: *Provided*, That the same shall be completed and submitted to the board within that time.

SEC. 4. That the National Board of Health is hereby authorized and directed to pay to Frank J. Taylor, for services as stenographer to the Board of Medical Experts in reporting evidence of medical men and others touching the causes, introduction, and spread of epidemic diseases within the United States, and for preparing the same for publication, the sum of $540, said sum being the amount allowed him by the Committee on Epidemic Diseases.

SEC. 5. That the chief clerk of the National Board of Health shall act as disbursing agent for the board, and shall give bond, conformably to section 176 of the Revised Statutes, for the faithful performance of that duty, and for such service he shall receive $300 per annum, in addition to his salary as chief clerk.

SEC. 6. That section 3 of the act approved June 1, 1879, entitled "An act to prevent the introduction of contagious or infectious diseases within the United States," be amended as follows: At the end thereof insert: "And the Board of Health shall have power, when they may deem it necessary, as a means of preventing the importation of contagious or infectious diseases into the United States, or into one State from another, to erect quarantine buildings and to acquire titles to real estate for that purpose, or to rent houses, if there be any suitable, at such points and places as are named in such section."

SEC. 7. That all the money hereinbefore authorized to be expended by the National Board of Health shall be paid out of the appropriation of $500,000 made in the act of Congress entitled "An act to prevent the introduction of contagious or infectious diseases into the United States," approved June 2, 1879.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the committee which has just been read.

Mr. MORRILL. I should like to hear some explanation of this substitute.

KANSAS SENATORIAL INVESTIGATION.

Mr. SAULSBURY. If the Senator from Arkansas will give way, I send to the desk a resolution which I am instructed to report from the Committee on Privileges and Elections, and I ask its adoption.

The PRESIDENT *pro tempore*. If there is no objection, this being morning business, the Chair will receive the resolution.

The resolution was read, as follows:

Resolved, That the Committee on Privileges and Elections, to which has been referred memorials in relation to the election of Hon. J. J. INGALLS a Senator by the Legislature of the State of Kansas, be, and said committee is hereby, authorized and instructed to investigate the statements and charges contained in said memorials; and for that purpose said committee is empowered to send for persons and papers, administer oaths, employ a stenographer, clerk, and sergeant-at-arms, and do all such acts as are necessary and proper in the premises. And said committee may appoint a sub-committee of its members to take testimony in Kansas or elsewhere in the case, which shall report the testimony taken to the committee in December next; and such sub-committee shall have the same authority to administer oaths and do other necessary acts as are herein conferred upon the full committee; and the said committee, and the sub-committee which it may appoint, may sit during the recess of the Senate for the purpose of making the investigation hereby authorized.

The PRESIDENT *pro tempore*. The resolution will be placed on the Calendar.

Mr. SAULSBURY. I ask for the adoption of the resolution.

The PRESIDENT *pro tempore*. The bill moved by the Senator from Arkansas having been taken up by unanimous consent, it cannot be displaced now.

NATIONAL BOARD OF HEALTH.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. No. 675) to provide office rooms for the National Board of Health and for the publication of its reports and papers, and for other purposes.

Mr. MORRILL. I desire to call the attention of the Senator having charge of the bill to some of its provisions which I have not heretofore had an opportunity of seeing. I was not aware that such an amendment was pending. It seems that we made most liberal appropriations for this Board of Health at an earlier day of the session, and now it is proposed that this board shall have a perpetual office here in the city, permanently rented, and we are to pay back rent for whatever buildings they have used heretofore. In addition to that they are not to pay their expenses for printing out of the sums that have been already appropriated, but it is proposed to publish certain books in addition for distribution at a cost of $7,500, and the bill authorizes the Government Printing Office to do all their printing at an expense of not exceeding $10,000. Beyond that, there seems to be a most marvelous provision here authorizing the Board of Health to purchase lands and buildings for their use without any limitation as to the expense. It strikes me that the bill ought to go over until we can have an opportunity to examine it more particularly than we can in the morning hour. Certainly this bill would seem to place it in the power of this board of medical gentlemen to involve the country in a very large sum of expenditure.

Mr. GARLAND. Does the Senator from Vermont suppose we are making additional appropriations in this bill? I will state to him that every expenditure provided for in this bill must be paid out of the appropriations already existing. There is no new appropriation. If the Senator will direct his attention to section 9, on page 4, he will see that there is an express provision that the appropriation already

made shall cover all these expenditures, if that is the point the Senator is making.

Mr. MORRILL. That is one point. But we make appropriations for the Public Printing Office, for instance, to furnish them with a certain amount of stock, with a certain amount to be paid for labor, and here is an additional burden upon that department.

Mr. GARLAND. I think not, because under section 2, if the Senator from Vermont will notice, he will see that this is done like all the public printing, with a proviso that it shall not exceed the sum of $10,000. It is like all other public printing, and I think that office is the proper place for the printing to be done. It was the opinion of the committee that the proper place to have it done is the Public Printing Office; and the $10,000, and every other sum of expenditure that is to be incurred, is to come out of the appropriations already made.

Mr. MORRILL. The section which struck my ear in the reading of it as one of extraordinary latitude was section 6, which authorizes the commission "to erect quarantine buildings and acquire title to real estate for that purpose, or to rent houses, if there be any suitable, at such points and places as are named in such section."

Mr. GARLAND. I will explain that as the committee understand it. Under the bill that has already passed there was no express power given to the board to establish quarantine at the different places or ports. The Treasury Department has decided that it cannot pay any accounts of this character for the want of the express authority which is given in the bill. Quarantine buildings must necessarily at times be wanted at different places for hospital and other purposes. The Secretary of the Treasury having declined to pay the accounts for these buildings, and no authority existing, it was thought by the committee that it was proper to give the board the express authority, holding that they could not without the authority of law in express language either rent or purchase real estate. As a matter of course, the Senator from Vermont will observe that while they incur the rent or make the purchase, as the case may be, it is for the use and benefit of the United States; in other words, it is United States property. If there is any obscurity in the language in that respect we are willing to accept an amendment.

If the Senator from Vermont thinks that a restriction as to the maximum of expenditures can be placed in that section, the committee has no objection to it; but he will see at once that it is very difficult to do that, for a building of one size or of one cost at one point will not do for a building or the cost of a building at another point. That matter was duly considered by the committee, and it was thought best to leave that to the discretion of these gentlemen, as many things must necessarily be left to their discretion.

Mr. MORRILL. I will merely say that on a hasty examination of the bill I am not prepared to suggest an amendment; but if the Senator will allow the bill to go over until to-morrow morning, I think it can be arranged.

Mr. GARLAND. With the express understanding that the bill is to come up regularly to-morrow morning, I shall agree to that suggestion.

Mr. MORRILL. I shall not object, certainly.

The PRESIDENT *pro tempore*. The Chair understands that the bill is postponed until to-morrow.

Mr. KERNAN and others. Until to-morrow.

BILL INTRODUCED.

Mr. SLATER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 707) for the relief of William W. Ross; which was read twice by its title, and referred to the Committee on Claims.

PAPERS WITHDRAWN.

On motion of Mr. BAILEY, it was

Ordered, That Asa Faulkner and others be permitted to withdraw their papers, in a case asking compensation for a cotton-mill, from the files of the Senate.

INTERNATIONAL SILVER CONFERENCE OF 1878.

Mr. ALLISON submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of State be directed to communicate to the Senate copy of the proceedings and accompanying papers of the international silver conference held in Paris in 1878.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the joint resolution (H. R. No. 85) fixing the date on which the pay of the committee clerks, pages, and laborers of the House of Representatives who are paid during the session only shall begin for this session.

The message also announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 2252) making appropriation for certain judicial expenses.

The message further announced that the House had passed the bill (S. No. 697) to establish additional post-roads in the State of Florida, with amendments in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. No. 913) to provide for the exchange of the trade-dollars for legal-tender silver dollars; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 2251) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes; and

A bill (H. R. No. 1369) to relieve the churches of the District of Columbia and to clear the title of the trustees to such property.

POST-ROADS IN FLORIDA.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House of Representatives to the bill (S. No. 697) to establish additional post-roads in the State of Florida; and they were referred to the Committee on Post-Offices and Post-Roads.

PUBLIC GROUNDS AT PLATTSBURGH.

Mr. COCKRELL. I move that the Senate proceed to the consideration of Senate bill No. 243. This is a bill in regard to granting the right of way to the State of New York over a small tract of a military reservation along Lake Champlain. It passed the Senate at the last session.

The PRESIDENT *pro tempore*. The Senator from Missouri asks unanimous consent that the Senate proceed to the consideration of the bill (S. No. 243) to authorize the Secretary of War to release certain lands of the United States to the people of the State of New York.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It empowers the Secretary of War, in his discretion, to release to the people of the State of New York, their successors and assigns, a right of way, not exceeding six rods in width, upon and across the land owned and possessed by the United States, in the town of Plattsburgh, Clinton County, New York, for railroad purposes, and also a lot or piece of land in the northeast corner of that land, owned by the United States, for depot and other railroad purposes, not to exceed, however, two acres, together with the right to occupy the shore of Lake Champlain opposite the premises for the purpose of discharging, receiving, and storing ore and other freights, subject to such restrictions as the Secretary of War may think necessary to protect the interests of the United States.

The bill was reported from the Committee on Military Affairs with an amendment, at the end of section 2 to add the following:

And to grant, sell, and convey the small tract and parcel of said reservation, situate north of said Hamilton street extended, for such price and sum as may be fair and reasonable.

So as to make the section read:

SEC. 2. That the Secretary of War be authorized and empowered, in his discretion, to lay out and continue Hamilton street, in the said town of Plattsburgh, across the said lands of the United States, to the lot or piece of land which the Secretary of War may release to the people of the State of New York by the first section of this act, and to dedicate the same to the public use as a public highway; and to grant, sell, and convey, &c.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

KANSAS SENATORIAL INVESTIGATION.

Mr. SAULSBURY. I ask for the adoption of the resolution which I reported just now.

The PRESIDENT *pro tempore*. The Senator from Delaware asks unanimous consent to proceed to the consideration of the resolution reported by him from the Committee on Privileges and Elections. Is there objection?

Mr. CAMERON, of Wisconsin. The resolution had better go over until to-morrow.

The PRESIDENT *pro tempore*. Objection is made.

APPROPRIATION FOR JUDICIAL EXPENSES.

Mr. WALLACE. I rise to a privileged question. I present a report from a committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 2252) making appropriations for certain judicial expenses.

The PRESIDENT *pro tempore*. The report will be read.

The Chief Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House No. 2252, making appropriations for certain judicial expenses, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment numbered 1, and agree to the same, with an amendment as follows:

Strike out the words proposed to be inserted by said Senate amendment and insert after the word "money," in line 16, page 2 of the bill, the following:

"Under any of the provisions of title 26 of the Revised Statutes of the United States authorizing the appointment or payment of general or special deputy marshals for services in connection with elections or on election day."

So that the section, amended, shall read as follows:

"SEC. 2. That the sums appropriated in this act for the persons and public service embraced in its provisions are in full for such persons and public service for the fiscal year ending June 30, 1880; and no Department or officer of the Government shall, during said fiscal year, make any contract or incur any liability for

the future payment of money under any of the provisions of title 26 of the Revised Statutes of the United States authorizing the appointment or payment of general or special deputy marshals for services in connection with elections or on election day until an appropriation sufficient to meet such contract or pay such liability shall have first been made by law."

And the Senate agree to the same.

WILLIAM A. WALLACE,
H. G. DAVIS,
Managers on the part of the Senate.
J. A. McMAHON,
THOMAS R. COBB,
Managers on the part of the House.

Mr. CONKLING. Mr. President, I wish to reserve all points of order in the case of that report from a committee of conference. I do not understand how far the managers have confined themselves to the differences between the two Houses and how far they have gone beyond. I want to see the report in print, and in the mean time, objecting as I do to its present consideration, I reserve all points of order in reference to it.

Mr. WALLACE. I do not know that a single objection can prevent the consideration of a conference report.

Mr. CONKLING. On the same day that it is made?

Mr. WALLACE. On the same day that it is made. I understand it to be a privileged report, one that can be considered at once, excluding all other business. If I am in error in this regard, I shall be glad to be corrected.

The PRESIDENT *pro tempore*. This is not subject to debate. The forty-ninth rule settles this question:

> The presentation of reports of committees of conference shall always be in order, except while the Journal is being read or a question of order or a motion to adjourn is pending, or while the Senate is dividing; and when received, the question of proceeding to the consideration of the report shall immediately be put, and shall be determined without debate.

This report was presented at a time when it could be received under this rule; and then the rule is that when received the question of proceeding to the consideration of the report shall immediately be put and shall be determined without debate. The question is, Will the Senate proceed to the consideration of the report made by the committee of conference?

Mr. CONKLING. When I ask a question of the Chair, the morning hour having expired the unfinished business is in order but for this. If the motion shall prevail to proceed to the consideration of this report, does the Chair hold that it supersedes the unfinished business?

The PRESIDENT *pro tempore*. It would seem so from this rule:

> When received, the question of proceeding to the consideration of the report shall immediately be put, and shall be determined without debate.

Senators, as many as are in favor of proceeding to the consideration of this report of the conference committee will say "ay," of a contrary opinion "no," [putting the question.] The Chair cannot decide, and will divide the Senate.

The question being again put, there were, on a division—ayes 28, noes 18.

Mr. CONKLING. Mr. President, I demand the yeas and nays.

The yeas and nays were ordered.

Mr. CONKLING. Mr. President, before the roll is called I beg to make one suggestion to the Chair. On the motion of the present Presiding Officer, the Senate adjourned yesterday with the understanding that the Army bill was to proceed to-day and proceed to a vote. Now the Chair will observe that a Senator on the other side of the Chamber interposes this report, and if this motion prevails we are to proceed to consider it, thus consuming the time by agreement allotted to another subject; so that if this side of the Chamber shall not feel themselves bound by the agreement thus about to be displaced, the Senator from Pennsylvania and his associates, and not we, will be responsible for the second misunderstanding in this regard. I think the Senator had better withhold his report and let us observe, while he observes, the understanding.

Mr. WALLACE. If the report shall be taken up, I will at once yield to the Senator from Wisconsin, [Mr. CARPENTER,] in order that he may proceed.

Mr. CONKLING. What is the object of having it taken up now? It is a privileged report; the Senator can call it up at any time.

Mr. WALLACE. In order that when we get through with the Army bill, this shall be the first business in order.

Mr. CONKLING. So it will be under the rule as it is a privileged matter. The Senator gains nothing by this.

Mr. WALLACE. If it will not trouble the Senator to let it be taken up as moved now, then we will lay it aside informally and proceed with the Army bill.

Mr. CONKLING. Then we shall be under the difficulty that the rule requires that if taken up it shall be proceeded with, whereas if the Senator will simply allow his report to lie he can call it up as soon as the Army bill is disposed of. I wish now in good nature to caution the Senator, if he and his associates disturb this understanding, they must not impute to us any dereliction if we find ourselves in another difficulty.

Mr. WALLACE. I rose in order with the consideration of a privileged question, which was about being proceeded with without debate under the rule. I do not think a privileged question of this character, affecting another appropriation bill, passed upon by the other House finally, could have been included in any consideration that entered into the agreement of yesterday.

Mr. CONKLING. May I ask the Senator one question?

Mr. WALLACE. Very well.

Mr. CONKLING. Does he think that if this report is taken up and if we proceed to debate it and occupy the day or a part of the day with it, he can ask us on this side to observe the understanding by which the Army bill was to be debated to-day and voted upon?

Mr. WALLACE. I have expressly said that immediately on its being taken up I will agree to lay it aside informally and yield the floor to the Senator from Wisconsin.

Mr. CONKLING. We do not want it taken up to-day.

Mr. WALLACE. That will not interfere with the progress of the Army bill.

Mr. EATON. Let me ask my friend from Pennsylvania what earthly difference is made. I wonder my friend from New York does not consent at once that this be taken up, for it will not take one minute to do that; but if he thinks it would be in violation of the agreement, why not let it go over and take it up at some time hereafter?

Mr. CONKLING. We want to know what this report is. If a statement made to me about it is true, the report is out of order, and I propose to raise that question before it is taken up at all; and therefore we do not want to waive anything about it.

Mr. WALLACE. If the Senator from New York makes that point on proceeding to the consideration of the report, then we yield if he is not to debate it on the merits.

Mr. CONKLING. Let us go on with the understanding.

Mr. WALLACE. If it be an objection to the report itself that is to be presented, of course it must be considered upon the subject of proceeding to the consideration of the report, and there is something therefore in the objection of the Senator from New York, and I yield.

The PRESIDENT *pro tempore*. What does the Senator say?

Mr. WALLACE. I yield for the present, and ask that the report be printed.

Mr. CONKLING. That is right.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania, then, does not ask for the present consideration of the report?

Mr. WALLACE. No, sir.

The PRESIDENT *pro tempore*. In the opinion of the Chair, it is not a matter of discretion.

Mr. CONKLING. If I may suggest, let the Senator withdraw his report, withhold it; let it lie on the table and be printed, and he can call it up hereafter.

The PRESIDENT *pro tempore*. By unanimous consent that can be done.

Mr. CONKLING and others. No objection.

Mr. WALLACE. I do that simply because it is to the matter of the form of the report that the Senator from New York objects.

Mr. CONKLING. To the substance of it.

Mr. WALLACE. The substance will be considered after it is taken up. As to the matter of form, that is preliminary, and therefore I yield.

Mr. CONKLING. The Senator misunderstood my answer to the question. I say the preliminary objection which is reported to me is on the form to be sure, but also on the substance. That preliminary objection is——

Mr. WALLACE. Very well.

Mr. CONKLING. It may not exist at all when we come to read the report.

The PRESIDENT *pro tempore*. If the report be taken up, it is perfectly competent to make it the special order for to-morrow. There is no special order for to-morrow, and the Army bill being out of the way, it will come up to-morrow as the special order.

Mr. WALLACE. I ask that it be made the special order after the Army bill is disposed of.

Mr. CONKLING. The simple way is to let it lie and have it printed, and then it is a privileged question, and the Senator can call it up at four o'clock to-day if we get through the Army bill by that hour.

Mr. WALLACE. I ask that the report lie on the table and be printed.

The PRESIDENT *pro tempore*. That course will be taken.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. No. 2019) for the relief of Daniel M. Cook;

A bill (H. R. No. 2329) authorizing the Conway National Bank of Conway, Massachusetts, to change its location and name; and

A joint resolution (H. R. No. 106) providing for the payment of John E. Kelly as messenger to the Committee of Ways and Means.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled joint resolution (H. R. No. 85) fixing the date on which the pay of the committee clerks, pages, and laborers of the House of Representatives, who are paid during the session only, shall begin for this session, and for other purposes; and it was thereupon signed by the President *pro tempore*.

ARMY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 2175) making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes.

The PRESIDENT *pro tempore*. Before proceeding with the business, the Chair wishes to announce that the rule prohibiting applause or dissent in the galleries or on the floor of the Senate has been too frequently violated; and that if it is violated again those guilty of the offense will be arrested or the galleries will be cleared. There must be, and there shall be, perfect order.

The Chair lays before the Senate the unfinished business, which is the Army appropriation bill, on which the Senator from Wisconsin [Mr. CARPENTER] is entitled to the floor.

Mr. CARPENTER. Mr. President, it has been so long since I got the floor to speak upon this bill, since which so many exciting scenes have passed, and the President having announced that there must be no applause, it might be supposed that I was prepared to make and intended to make a tremendous and terrible speech. I have no such purpose. I have made as many stump-speeches as any man of my years and capacity in this country, but I always make them from the stump. My purpose to-day is to discuss some of the provisions of the bill before the Senate, and nothing else. There will be nothing in my remarks to provoke applause in the Senate or the galleries. I shall not endeavor to blame any one, or excite any one, or provoke any one, but shall ask the attention of the Senate to the bill under consideration on account of the magnitude of interests which it involves.

This bill makes appropriations for the Army, and is the only bill contemplated for that purpose, for the year commencing on the 1st of July next. The fifth section of the bill is as follows:

SEC. 5. That no money appropriated in this act is appropriated or shall be paid for the subsistence, equipment, transportation, or compensation of any portion of the Army of the United States to be used as a police force *to keep the peace at the polls at any election held within any State.*

It is to this section, and this alone, that I intend to speak for a very few minutes. It is proper in construing one section of a statute to examine all its sections, for the purpose of ascertaining the intention of the law-makers. It is also quite common for courts construing a statute to refer to other statutes enacted at the same session. Therefore, all the appropriation acts passed by this session may well be compared together, to ascertain the meaning of this section 5, if this bill shall pass.

An appropriation bill which has just passed the two Houses of Congress provides—I quote from memory—that no Department or officer of the Government shall incur any obligation or enter into any contract binding on the Government unless a previous appropriation to cover it has been made, except as provided for in section 3732 of the Revised Statutes. I will read that section:

SEC. 3732. No contract or purchase on behalf of the United States shall be made, unless the same is authorized by law or is under an appropriation adequate to its fulfillment, except in the War and Navy Departments, for clothing, subsistence, forage, fuel, quarters, or transportation, which, however, shall not exceed the necessities of the current year.

There would be no difficulty in ascertaining the meaning of this section if there were no other section of the Revised Statutes seemingly in conflict with it; but section 3679, a prior section, provides as follows:

No Department of the Government shall expend, in any one fiscal year, any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract for the future payment of money in excess of such appropriations.

In construing section 3732, the section which I have just read, 3679 must be compared with it. I do not assert it with perfect confidence, yet I am inclined to think this, that section 3732, construed together with section 3679, would be held to authorize contracts for clothing, subsistence, transportation, &c., which were in excess of the appropriations made by law therefor, that is, a deficiency in the appropriations might be supplied in the particulars mentioned in this section; and I think that section 3732 does not go beyond that. So, if I am right in that, the appropriation bill which has just passed both Houses provides that no Department or officer of the Government shall enter into any contract, or involve the Government in any liability, except for deficiencies in appropriations made. If this be so, it must follow that, inasmuch as Congress has made no appropriation whatever for a particular subject and has expressly declared that the appropriations contained in this bill shall not be used for that purpose, section 3732 would not help the case at all, and under the previous section of the Revised Statutes, which I have read, and under the broad provision of the appropriatien bill already passed, that no Department or officer of the Government could make any contract, or incur any liability, or do anything whatever with a view to preserving the peace at the polls at any election in a State.

If this be so, this section is subject to very serious objection. The appropriation bill which was passed, and which the President vetoed, although it declared that the President should not use the troops to preserve the peace at the polls, yet it expressly saved out of the provisions of that act the case under the fourth section of the fourth article of the Constitution, so that the President could employ the troops at the polls if called upon by a State. Under this section and under this bill, I maintain he could not do it if a State should call upon him for that purpose. Suppose the State of Delaware, or the State of Rhode Island, or the State of Nevada, or the State of Connecticut, or any other State, should call upon the President informing him that an organization had been formed to prevent the general election in that State, and thus suspend the functions of the State government, on the election day fixed for November next, and should call upon him to forward troops to be there to preserve the peace in that State on that day. I take it no one would doubt that that would be a case fairly arising under the fourth section of the fourth article of the Constitution, and that it would be the duty of the President to send the troops there for that purpose, and yet this section says:

That no money appropriated in this act is appropriated, *or shall be paid, for* the subsistence, equipment, transportation, or compensation of any portion of the Army of the United States to be used as a police force *to keep the peace at the polls at any election held within any State.*

It may be said in reply, that the words "*as a police force*" redeem the section from this criticism. I do not think so. I think the operative and controlling words in the sentence are "*to keep the peace.*" Suppose the bill had read that he should not use the Army as "clever fellows" to keep the peace, he should not use them as "white men" to keep the peace, or any other qualification you choose to employ. The controlling provision of this section is, and we all know it is intended to be, that the peace shall not be preserved at the polls by military force. There is no escape from this conclusion on the act itself. The words "police" and "police force" have, in the law, various significations. I will ask the Clerk to read the definition of the word "police" in Bouvier's Law Dictionary.

The Chief Clerk read as follows:

POLICE. That species of superintendence by magistrates which has principally for its object the maintenance of public tranquillity among the citizens. The officers who are appointed for this purpose are also called the police.

2. The word *police* has three significations, namely: 1. The first relates to the measures which are adopted to keep order, the laws and ordinances on cleanliness, health, the markets, &c. 2. The second has for its object to procure to the authorities the means of detecting even the smallest attempts to commit crime, in order that the guilty may be arrested before their plans are carried into execution, and delivered over to the justice of the country. 3. The third comprehends the laws, ordinances and other measures which require the citizens to exercise their rights in a particular form.

3. Police has also been divided into *administrative police*, which has for its object to maintain constantly public order in every part of the general administration; and into *judiciary police*, which is intended principally to prevent crimes by punishing the criminals. Its object is to punish crimes which the administrative police has not been able to prevent.

Mr. CARPENTER. Of course the familiar and most common use of the word "police" relates to the government of a municipality. We understand police and policemen as about the same thing, the policeman being the officer of a municipality which is engaged in preserving the peace; but the word "police," used in its broad sense, found in an act of Congress relating to the regular Army of the United States, means something more than it would in an ordinance passed by the common council of a city regulating the conduct of policemen in that city. It would be taken here in its broadest signification.

Now, what is the Army in time of peace in this Republic? This is a government of law; this is a government where the military must always be in strict subordination to the civil power. The Army of this country in time of peace is *the police force of the nation;* it is the *administrative police* of this great Republic, nothing more, and nothing less. It goes in its capacity as administrative police, when properly ordered, to preserve the peace of a State, to restore tranquillity there when disturbed by domestic violence, riot or insurrection; it is the police of the nation; and yet this section provides that no money is appropriated, and none shall be paid to any portion of the Army to be used as a police force to keep the peace at the polls on election day.

It was said in some of the speeches that I have listened to that what is intended here is to prevent stationing a soldier here and a soldier there to act like ordinary civil policemen in a city to see that the peace is preserved; but that in case of a riot or tumult or revolution or any great commotion you may use the Army; but the soldiers must be marched in close order, in military array, and cannot be stationed separately like ordinary policemen to preserve the peace. And it is said by some that the President might employ the troops in this way on election day notwithstanding this fifth section.

Now to this there are several answers. The question is how will the President be compelled to construe this section? In the first place, as nobody ever proposed to use the soldiers as ordinary policemen, and they never were so used, that is not an evil that needs correction. Nor does any man in his senses entertain the slightest apprehension that soldiers would ever be so employed.

The President and every officer under him must in construing this section give effect to the intention of its makers, if that intention can properly be ascertained. Now, everybody knows, as matter of fact, what is in the mind and what is the intention of the democratic Senators by whose votes this bill will be passed. At the close of the last session it was openly declared from the democratic side of this Chamber that the power of the President to employ the Army to preserve peace at the polls must be given up or no appropriations would be made to carry on the Government. This compelled the extra session. Again in the appropriation bill which has passed and when provision should have been made for the execution of the election laws passed by Congress—laws passed to secure a peaceable election, and an honest canvass of votes cast,—no appropriation has been made for the purpose.

In the Army appropriation bill which was passed by the two Houses

at this session, and was defeated by the President's veto, the intention of the democrats to prevent the preservation of the peace at the polls by the employment of troops when necessary for that purpose, was declared in express words; except in a case arising under the fourth section of the fourth article of the Constitution.

This well-known and often-manifested intention of the democrats in both Houses must control the construction of the fifth section of this bill unless its language is such as to be wholly inconsistent with such intention; such as to show that the democrats in Congress have abandoned their intention and have concluded to permit the President to employ the troops when necessary to preserve the peace at the polls on election day as well as at any other place or on any other day.

I maintain that this section so far from showing that the democrats have abandoned their purpose of preventing the preservation of peace at the polls, have merely employed artful and cunning phraseology for the purpose of deceiving the republicans in Congress and inducing them to vote for the bill and the President to approve it. They hope that the words in this section "as a police force" will deceive everybody while in fact they mean nothing. In the first place the attempt by jugglery of words to create doubt in the construction of a law, and embarrassment to the executive department in executing it is unworthy of Congress. Our laws should be plainly written. Any attempt on the part of Congress to frame a law so ambiguous that the President might be entrapped into a violation of its provisions as they might be construed by a subsequent democratic House of Representatives, and thereby make himself amenable to impeachment by the House would be disgraceful.

Again, it must be borne in mind that in this debate the democratic members of the Appropriations Committee have refused to inform the Senate whether in the opinion of the committee this section does or does not forbid the employment of troops as a military force, or whether the prohibition is directed against the employment of the soldiers as ordinary civil policemen; while other Senators, and especially the Senator from Indiana, [Mr. VOORHEES,] rest their support of this bill upon the broad and express declaration that they are opposed to the employment of troops even to suppress a riot at the polls.

Under these circumstances and in view of the fact, as I have already shown, the Army can never be used in time of peace *except as a police force*,—that the Army, however employed in time of peace, is a police force and cannot be anything else, I submit that the President would be compelled to construe this section as an expression of the well-known intention of a majority of both Houses of Congress to prevent any use of the troops at the polls for any purpose, even to suppress a riot, and that the President would be impeachable for using the troops to suppress a riot at the polls; provided this section be constitutional, which I shall consider hereafter.

The phraseology of this section is remarkable in many particulars:

No money appropriated in this act is appropriated or shall be paid for the subsistence, equipment, transportation, or compensation of any portion of the Army of the United States *to be* used—

Not "any portion which shall have been used;" nor does it say "any portion of the Army when used, or while being used;" but any portion of the Army "to be used" shall not be supported by this appropriation. Suppose, now, the President intends on the first Monday in November next, to see to it that the peace of the city of New York is preserved, and that riots are prevented on election day, then the Army is to be used to preserve the peace on that day, and the President and those under him have no authority whatever under that section to use the money appropriated, even for their subsistence and compensation up to that time. I see the Senator from Delaware [Mr. BAYARD] smiles; he probably thinks this is a small point. It is a small point compared with the other objections to this section. But what is the meaning of these words? It certainly contemplates that the use of the Army, for this purpose, is an act to be done in future, in the future, of course, to the application of this appropriation to the subsistence and compensation of the Army. That is the grammatical sense of it; it is the only sense of it. But, of course, that was not intended by anybody. But suppose, again, on the 1st day of November the President should use a regiment of troops for that purpose, what is to be done with them afterward? Can the President clothe them or compensate them after that with this money?

But, Mr. President, these, of course, are small objections, objections sticking in the bark, criticisms upon the phraseology of this section. The grand and conclusive objection to it is that it is intended to, and in my opinion, as it is cunningly constructed, it does forbid the President of the United States to preserve the peace by the use of the Army on the election day. If we are wrong about this, the Senator from New York has prepared several amendments which he will offer during the consideration of this bill to-day, which will make it perfectly plain whether democratic Senators mean what I think they do by this bill, or whether they mean simply to say that the soldiers shall not be degraded from their military character to serve as mere ordinary civil policemen. We will make that thing perfectly plain by amendments that will be proposed; and then, when the democratic Senators shall have determined by their votes upon those amendments, what is the precise meaning of this section and have determined it, as I have no doubt they will, that they mean what I say this section means, that the President shall not, under any circumstances, employ troops to preserve the peace on election day, then the objection will stand out to the section, and be reason enough why it should never be passed by an American Congress, or approved by an American President.

Mr. President, why is it? What look has this bill on its face? The President of the United States may use the money appropriated to clothe, equip, transport, and compensate troops to keep the peace everywhere in the nation on three hundred and sixty-four days of the year, but one day in the year riot shall have full sway, one day in the year the administrative police force of this nation shall be manacled. It is said every dog shall have its day, and the democratic Senators have made up their minds that riot shall have its day, and that that day shall be the election day. All the unruly elements of society, all desperadoes and scoundrels have notice that election day is to be their carnival; and the national power shall not be permitted to oppose or resist them.

Why is this? It was said by the Senator from Indiana [Mr. VOORHEES] that there was no need of troops on election day, because on that day the people were out in their might, assembled in their sovereign capacity; and abundantly able to preserve the peace without assistance of troops. If this were true then election day would be the only day of the year when the troops could not be dangerous to the liberties of the citizen. If the assemblies of the sovereign people could by a look awe riot into submission, they could easily restrain the regular Army within its proper sphere.

But is this true? Who does not know that on an election day when party spirit runs high and rivalry, emulation and every human passion is excited to its utmost, one party attempting to overthrow the other, one candidate to defeat another, and when a year's anxiety for political success has culminated in the crisis of a day, men are found engaged in fights and riots who are peaceable and law-abiding on every other day in the year. The Senator from Indiana gives expression to pure theory, and ignores what we have all seen time and again on election day. It is well known that from these strifes, when they ripen into the exercise of physical force, the best men steal away to their homes, and rowdies and ruffians maintain the field. There have been elections in many of our large cities when it was as much as a citizen's life was worth to cast a vote against the democratic party.

In evidence of this in all our large cities the sale of intoxicating liquors is prohibited on that day. If the argument of the Senator from Indiana were sound, and the assembled sovereigns were capable of meeting every emergency it would follow that that was the safest day of the year to give whisky unobstructed flow.

I have not heard it charged from any quarter, neither in this Chamber nor from the press or the stump that any election was ever interfered with, or any voter intimidated or disturbed in voting by any portion of the regular Army of the United States. During the war, and the year in which the war closed, before the angry passions engendered by that contest were allayed it is said that some *volunteer* troops in some parts of the country did what they were not authorized to do. We all know that the employment of volunteer forces like everything else has its advantages and disadvantages. There is less discipline and less self-control in the volunteer force than in the regular Army. While with proper training they have no superiors on the battle-field after the battle is over they are restive of restraint, impatient of discipline. But the regular Army its Commander-in-Chief the President of the United States a civilian charged with civil administration. General Sherman General-in-Chief, and other generals in command schooled in their profession, and obedient to the law, who entertains the slightest fear that the regular Army will be employed at the polls or elsewhere save in the interest of that peace and good order which is essential to a free and fair election.

But we were told the other day by the Senator from Indiana, that the people of every State in this Union was so fearful that their elections would be broken up and prevented that they had passed laws forbidding the marshaling of a single company or regiment of the militia for drill, for instruction, anywhere at or near the polls; and the Senator from Indiana went out as he said upon an expedition to enlighten the minds of the public, and especially to relieve the darkness that enveloped my mind, in regard to the laws of Wisconsin, which State, he said, had in its wisdom—and the Senator from Indiana said he bowed to the wisdom of that State—forbidden a muster of its militia on election day. It happens that there never was a teacher volunteering for missionary service who was so utterly ignorant of the subject he intended to teach as in this instance.

The revised statutes of Wisconsin—and I refer to this subject because I believe it has been made a very great argument in this Chamber, that the States have been wise enough to prevent military interference with their own elections. In the course of the remarks of the Senator from Indiana, I suggested to him what I thought the true purpose of this statute was; that is that it was designed to prevent oppression of the soldier of the militia; designed to prevent their being called away from home so that they could not vote themselves; and the Senator charged me with unfairness in giving that construction. He commended me as a lawyer for the purpose of saying that I had been unjust and unfair even to suggest such a construction, and that it was totally and absolutely absurd.

Mr. VOORHEES rose.

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) Does the Senator from Wisconsin yield to the Senator from Indiana.

Mr. CARPENTER. Certainly.

Mr. VOORHEES. I did not intend the remarks I made to have the personal force and bearing that the Senator now gives to them. I disclaim any such purpose as that. I think perhaps I said that I did not regard his construction as a fair one; but as to being personally unfair or charging any want of candor, I did not intend that.

Mr. CARPENTER. I accept, of course, the disclaimer; and it only illustrates how a great man like the Senator from Indiana, great intellectually, great physically, with a strong mind, with a robust form of speech at his command and with locomotive, physical, power in him, is apt to overstep the bound he fixes for himself. Let me read a few quotations now from the Senator, which I have marked, to show how completely he deceived himself in that particular and did what he was determined not to do. Referring to this statute he says:

And let me call the attention of the Senator from Wisconsin to a law of his own State that with all his legal acumen and well-recognized and highly appreciated legal learning he may have overlooked. I state to the Senator and to the country that in the wisdom of the Legislature of Wisconsin—and I make my profound bow to her wisdom—a regiment of soldiers can not only not approach the polls on election day, but they cannot be mustered in the county where an election is going on. Is the Senator aware of that?

And, again, he says, when I suggested to him the construction which I have mentioned:

I am making no mistake, for I have examined it quite recently, and I thought as likely as not an opportunity would be had to instruct and enlighten the public mind as well as the mind of the Senator from Wisconsin, for with all his great liberality and great legal learning (for which nobody has a greater admiration than I have) I thought the traces of party might keep him voting for these unjust, iniquitous, and outrageous measures that menace the free ballot-box of the country, and it gave me great pleasure to find in examining the statutes of every State in this Union that Wisconsin had gone beyond all of them. If the Senator from Wisconsin had given the true reason here that they were not to be mustered because they might be taken away from the polls, it would be queer that the law says they shall not be mustered near the polls.

There again the Senator was at fault, for the word "polls" is not mentioned in the section at all, as I will show him.

There would be a good chance for them to vote, an excellent chance, which would contradict the reason given by the Senator from Wisconsin. I would not say a disrespectful word of the Senator from Wisconsin, for I have the greatest possible respect for his abilities and for his general fairness, but I do not think that he has treated this question at all fairly or justly.

I do not care to read further, but will proceed at once to reciprocate the kindness of the Senator from Indiana. He said he was going to enlighten me, and if I had with the faith of a child submitted to his enlightenment I should have gone dreadfully astray. Now, let me reciprocate and try to inform him what the law of Wisconsin on this subject is. A part of the militia law of Wisconsin, not the election law, is section 646 of our present Revised Statutes. It reads as follows:

SEC. 646. No muster or assembly for instruction, review or parade shall be held or called in any county on any day during which a general or special election shall be held therein, nor within five days before such election, except in case of riot, invasion, insurrection or imminent danger thereof; and if any officer shall order any such muster or assembly, he shall forfeit $100.

Does anybody suppose that the people of Wisconsin were so afraid of their own militia that, if they were mustered for review or instruction on one day the people would not so far regain their senses and their pluck that they could vote within five days afterward? Does any man, looking back to the state of our militia before the war, think it was so terrible that the people in the locality where there had been a muster would be shivering and shaking with fear for five days thereafter? The very purpose and object of that statute was to prevent their being called out for service on that day and thus deprive them of their right to vote. Now see section 647 which confirms this view.

SEC. 647. On the days of military parade, the militia so called out and doing military duty shall be considered to be under military discipline, from the rising to the setting of the sun; and no officer, non-commissioned officer, musician, artificer, or private belonging to the same during the time aforesaid, shall be subject to be arrested on any civil process.

Not a very excellent chance to vote as the Senator from Indiana suggested. They are to be under military discipline; that is, they are to be under martial law from sunrise to sunset, and they might be called to do duty far from their homes so that they could not get back on election day. The idea that the people of Wisconsin were afraid of their militia, bearing in mind that when these States passed these statutes they were dealing, not with the regular Army of the Union, foreign to their soil and unacquainted with their people, as they would be, but they were dealing with the militia of their own State; and the body of the militia and the body of the voters are the same individuals.

There is one authority which my friend from Indiana might have quoted in favor of the idea that the people of Wisconsin were afraid of their militia. We had many years ago—my colleague will recollect him—an exceedingly illiterate, witty, and in many respects excellent man, who was adjutant-general of our State. Some of the wags of Madison got hold of him on one occasion and drew for him his report to the Legislature. They made him recommend an organization of the militia much more severe in its details than that of the regular Army. He recommended the purchase of cannon and muskets and pistols and everything else; and then, after going through the details of an organization as he would have it, he concluded his report by saying, that, thus organized, armed, and equipped, the militia of Wisconsin would be a terror to the world and to themselves also. [Laughter.] If my friend from Indiana had happened to have that report by him, he might have read that in connection with the militia law of our State to show that it was passed for the purpose of not having people terrified at the polls. [Laughter.]

But further answering my suggestion as to the purpose of the law of Wisconsin the Senator from Indiana proceeded as follows:

I will tell you when this statute was born—

Speaking of the statute of Wisconsin——

Mr. VOORHEES. Will the Senator allow me?

Mr. CARPENTER. Certainly.

Mr. VOORHEES. I will say, frankly, that I was mistaken as to the date of the law. I attributed it to a period when the public mind of Wisconsin was moved, as I thought, on kindred questions. The date of the law I find is far back of that to which I attributed it. That was an error on my part.

Mr. CARPENTER. In corroboration of the last statement of the Senator from Indiana, I will read what he did say and supply him with authority to sustain his present admission on the subject:

I will tell you when this statute was born. I have no fear of speaking plainly.

Let me stop here in candor and sincerity and applaud that Senator for that trait of his character. He does always speak plainly; he does always say what he means; he is never under the bush; he never need be hunted for; you know where to find him; you know what he is in favor of; you know where he is; and when he means that the President shall not suppress a riot at the polls by the use of the troops, he says so. I thank him for it. So far as he is concerned, we are relieved from all anxiety as to what is the meaning of this section. But the Senator proceeded:

I have no fear of speaking plainly. It was when that great sentiment for the liberty of another race sprang up in Wisconsin, when the fugitive-slave act in the Booth case was shaking the public mind, agitating the law-makers that were assembling together, exciting stalwart sentiments of liberty, when the Kansas trouble which invoked the use of the Army from another party that was then here in power gave warning to the young and rising State of Wisconsin, and her legislators went to a stout extreme the other way. That was the cause of this legislation that confronts the Senator from Wisconsin and compels him to make such an explanation as I regret to hear from his instructive lips.

Now, in point of fact, that act was embodied in the revision of our laws, in 1839. The section is not in precisely the same words; but in the revised statutes of 1839 it is as follows:

No parade or rendezvous of the militia shall be ordered on any day during which a general or special election shall be held, nor within five days previous to such election, except in cases of invasion or insurrection, or of imminent danger thereof; and if any officer shall order any such parade or rendezvous, he shall forfeit and pay to the people of this Territory the sum of $500.

The word "riot" is not in the act of 1839; it is in the last revision; and in 1839, speaking of that statute, it is to be borne in mind that that was the first attempt at any revision of our laws. We had lived before, subject to the jurisdiction of Michigan, indeed a part of the Territory of Michigan. Afterward the Territory of Wisconsin was organized, and this was the first revision ever attempted under the territorial authority of Wisconsin; but it was not original with us. It is copied almost verbatim from the Revised Statutes of New York. So that I will refer to that. The section in the New York law was passed in 1801, and is exactly the section found in the revision of 1878 of Wisconsin, except that the penalty is $500 in New York and is only $100 in Wisconsin. With that exception, the two sections are word for word identical. This is found, too, not in the New York election law, but in the laws of that State regulating the militia; providing for their being called out and drilled and disciplined and instructed, their going into camp, their training, and all that; and then comes a proviso that they shall not be mustered on any election day, nor five days previously thereto. In other words, this militia duty was not so important as to require citizens to be called away from the polls on election day, except in case of invasion or insurrection. The statute of Wisconsin excepts the case of a riot; and of course in such case, under the statute of Wisconsin, the troops could be marched to the polls. That is fairly implied from the section I have read. They could not be mustered or called out on election day, *except in case of a riot*, insurrection, or invasion; but in such case they could be called; and if that riot happens to be at the polls they could be called to assemble at the poll under that statute of Wisconsin. So that the Senator was entirely mistaken as to the time when the law of Wisconsin was passed, and he is entirely mistaken as to the purpose of that law.

Let me turn now to another provision of the Revised Statutes of New York. On page 427 of the first volume of Banks and Brothers' second edition of Revised Statutes of New York is the following:

SEC. 4. Whenever an election shall be held in any city or town, pursuant to this chapter, no declaration by which a suit shall be commenced, or any civil process, or proceeding in the nature of civil process, shall be served on any elector entitled to vote in such city or town, on the day on which such election shall be held.

SEC. 5. No court shall be opened, or transact any business, in any city or town, on the day such election shall be held therein, unless it be for the purpose of receiving a verdict or discharging a jury, and every adjournment of a court in such city or town, on the day next preceding the day any such election shall be held therein, shall always be to some other day than the day of such election, except such adjournment as may be made after a cause has been committed to a jury.

What was the object of that provision in the Revised Statutes of New York? Does anybody suppose the people of New York would be terrified by the sitting of a judicial court, appalled, overwhelmed, driven to shivering with fear, and would run away and not vote? No. The purpose of the provision was to let jurymen and witnesses

and everybody in necessary attendance have that day to go to the polls and vote. Then when you get to the militia law of the State of New York, you find the provision that the troops may be called out and mustered and drilled and instructed, but they shall not be so called out on election day, nor for five days prior thereto. They might otherwise be called away from their homes to a distance, and this five days was to enable them to get back and transact their necessary business and be ready to go the polls. The most casual examination of these statutes taken in connection with the fact that they were passed in 1801, before any of these difficulties which have made us so loyal to the Government had occurred, and before any trouble existed, or had been heard of, or was apprehended in New York, or in any other State of the Union; long before the Kansas troubles, long before the troubles about the fugitive-slave law, and that they were passed as mere regulations of the militia, had nothing to do with the election laws, will establish the view I have taken of them. They are not classed as a part of the election laws in any State which I have seen. They are a part of the militia law of every State and they are a regulation of the power of these officers to call militiamen from their homes so as to prevent their attending the elections.

Now, Mr. President, passing to another subject. My learned friend sitting in front of me, the Senator from Georgia, [Mr. HILL,] read me yesterday a very wholesome lecture on the subject of loyalty, and informed me of the ways in which this Government could be destroyed. I always listen to a teacher with attention and reverence just in proportion to his familiarity with the subject which he tries to teach. That Senator voted for the secession of Georgia, voted for the ordinance which took Georgia out of the Union; to do him justice, though, as he has stated and as I believe, after the convention had determined upon secession; so that he only participated in giving form and apt expression to the determination of the convention.

Mr. HILL, of Georgia. Only after it was settled.

Mr. CARPENTER. I say so, after it was settled; but the Senator did not stop with that. I am not blaming the Senator or criticising him. I am simply alluding now to the fact of his great qualification to instruct us as to what may break up a government. After Georgia seceded, if I am not mistaken, he became a leading member in the confederate senate. He was one of the advisers of Jeff. Davis as president of the confederacy. He was one of his right-hand men and bowers. For four years he had his hand on all the springs, and to be loyal to his position had to do everything in his power to break up this Government. It would be remarkable if, during those four years' experience, he had not learned the best ways to destroy this Government. I should, therefore, be a bad scholar, I should not exhibit that tractable disposition which every disciple should exhibit who would learn, if I did not sit at his feet and listen patiently when he enters upon the theme of the best way to break up this Government. The Senator thinks the best way to do it is not to fire on Fort Sumter. He is eminently sound there. That was the first lesson he got on the subject. The firing on Fort Sumter was the first thing that roused this nation, that fired the blood and stimulated the nerve and muscle of every northern man to the fixed purpose that that flag, which rebellion had fired upon, should be replaced upon the battlements of Fort Sumter and should wave as long as there was a man left to defend it. That was not a good way to break up this Republic. That was the Senator's first lesson on this subject.

If the Senators from the South had withdrawn from this body and the Representatives from the other House of Congress; had made no forcible opposition, had sat like school-boys, snlking with their fingers in their mouths, let the Government take them their mails, protect them from the Indians, aid them in facilitating commerce, they might have broken up this nation. It might have taken some time to do it; but they would have embarrassed the Government, worn out the people, and succeeded much better than they did when they fired on Fort Sumter and rallied in military array all over the South to put down the Government. And so the Senator says. He says you are to destroy this Government when you want to by non-action. That advice is entitled to great consideration, considering the source from which it comes. Non-action is to break up the Government, and we were informed here that, because we did not vote for this Army bill on Wednesday night after six o'clock, our refusing to vote was a revolutionary act, one step toward destroying this Government.

Mr. President, I entirely concur with the learned Senator, in regard to the manner in which this Government might be broken up, that it cannot be by action; it might be by non-action when applied to the proper subjects. If it be a question, for instance, of whether we shall enable the President to preserve the peace of the land on every day and every hour and in every place, if it be a question whether these Halls shall be filled with the representatives of all the States, then mere non-action is a means to break up the Government; but if the question be merely, whether we shall pass an appropriation bill on Wednesday or Thursday, which is not to take effect for two weeks yet, merely voting to adjourn on Wednesday after six o'clock would hardly be called unconstitutional, although it would obstruct legislation, because the Senate could not legislate after it had adjourned and dispersed. It would not be called an attempt to break up the Government. What took place was merely forcing an adjournment. The usual way of obtaining an adjournment failed. We tried that several times and it could not be carried. Most of the day had been employed by democrats in mere campaign speeches. After six o'clock had been reached we were required to go on with the discussion of this question that night. We wanted an adjournment. We could not get it in the usual way. We thought there was a way to get it, and we merely resorted to that way. We sat up with our democratic friends through the weary watches of the night, and on the following day, they returned to the traditional courtesy of the Senate; an adjournment was granted; and now we are able to discuss and vote upon this bill, with cool blood and in good temper.

I submit there was nothing revolutionary in that. And I submit to my learned friend from Georgia that he need have no apprehension that the Government is endangered by the fact that we are discussing this bill to-day instead of Wednesday night at midnight. But, Mr. President, let us come now to apply the sound and healthy doctrine of the Senator from Georgia [Mr. HILL] to the case in hand. Is there in this bill a studied attempt by non-action, by refusing to make appropriations, to take away from the President the power to perform any one function of the executive office? If that can be shown, then the Senator's authority is conclusive and his remarks entirely applicable to this bill; and such I maintain, and shall very briefly attempt to show, will be the effect of this bill if it shall be passed.

I believe the bill to be unconstitutional for that reason. If a State should refuse, contumaciously, persistently neglect, to send a Senator to this body, such non-action would be as unconstitutional as it would be for such State to pass a law that there should never be a Senator elected from the State. You may violate the Constitution by silence and by non-action as effectually as you can by action and by positive provisions in conflict with the provisions of the Constitution. A law of any State saying that no Senator should ever thereafter be elected to the Senate of the United States from that State, would be unconstitutional, because it would be in conflict with the provisions of the Constitution; but the non-action, the contumacious refusal to send a Senator, would produce the same effect and would be just as unconstitutional.

The provisions of the Constitution applicable to this subject omitting immaterial words are as follows:

The Constitution, article 1, section 8, provides "the Congress shall have power to raise and support armies;" "to provide and maintain a Navy;" "to provide for calling forth the militia *to execute the laws of the Union.*"

Article 2, section 2, provides that "the President shall be Commander-in-Chief of the Army and Navy of the United States, and of the militia of the several States," *when called out to execute the laws of the Union.* And that the President "*shall take care that the laws be faithfully executed.*"

These are the provisions of the Constitution. Now, should Congress refuse to raise an Army to protect the frontier of this country and to preserve peace within our dominions and to execute the laws, they would as palpably violate the Constitution as they could do by an affirmative act which came in direct conflict with the express provisions of the Constitution. The Constitution lays upon Congress a duty, and whether Congress *refuses* to perform it or *neglects* to perform it, makes no difference. In either case Congress has violated the Constitution, by omitting to perform a constitutional duty.

The section in regard to the militia shows that it was contemplated, and understood, to be constitutional to enforce the laws by military force when necessary. Referring back to the definition of the police powers, which was read from Bouvier's Law Dictionary, an administrative police is to prevent crime; a judiciary police is to punish those crimes which the administrative police have been unable to prevent. The cases falling within the jurisdiction of each police, are perfectly well understood. Suppose a mob to assemble around the house of any citizen in Washington for the purpose of murdering him, must the President, charged with the execution of the laws, wait until the laws are violated before his face, wait until the murder is committed, before he can intervene? He is the Commander-in-Chief of the military forces of the nation, and he may use them all, if necessary, to prevent such violation of the law as the commission of a murder here in the District of Columbia. Take a case in the States. Suppose a mob had assembled to prevent the transmission of the mail; does anybody doubt that the President could send a military force to disperse that mob? After a man had committed a murder and had been tried and sentenced to be hanged, and a mob should assemble to prevent his execution, nobody doubts the power of the President to call out the troops and employ as many as might be necessary to quell that riot and disperse that mob, and carry the sentence of the court into effect.

Suppose a riot in California, or suppose an organization armed and equipped for the purpose of driving every Chinaman out of that State in violation of our treaty with China, does anybody suppose that it would be the duty of the President to sit by and see that carried into effect, and see the Chinamen murdered, driven into the Pacific, or sent in any other way out of the State? Would it not be his duty to interfere by military force, if necessary, to disband such an organization and to execute the terms of our treaty with China?

There are things which, of course, cannot be done by military force. A murder may be committed. After its commission, it cannot be prevented. All that can be done is to punish it by the judiciary, and the military may be used, if necessary, to execute the punishment; but while it is a question of preventing the violation of law, and if

the violation can be prevented then, it is as much the duty of the President to use military force to prevent a violation of the law as it is to execute any other law of the Union. So that, the employment of military force may be entirely proper and entirely constitutional to execute laws.

Now, Mr. President, I maintain that the first, the primal condition of executing the laws of any State or country is the preservation of the public peace. There is no doubt, I believe no question has been raised, of the constitutionality of those acts of Congress which regulate the time, place, and manner of holding elections for members of the House of Representatives. Nobody, it seems to me, can question the power of Congress to pass the laws which we have passed. They are as much laws of the United States as any others. They are laws which the President, by the Constitution, is charged with the duty of seeing executed; and, to enable him to execute those laws, he is made by the Constitution Commander-in-Chief of the Army and of the Navy and of the militia of the States, when they are called out to execute those laws. He is by law authorized to use the Army and Navy instead of calling the militia, as he was authorized to do by the early acts on this subject; and those laws are of the kind which can only be executed by previous care, and precaution. For instance, the election is to be held on a certain day: if there is an organization to prevent its being held on that day, it cannot be done on the next day, or in the next week. It is to be done that day, or never; and if the President is informed that there is a purpose to prevent its being held, by lawless violence, and to defeat the operation of the laws of Congress in that regard, it is his duty to preserve the peace at that place and to break up any such organization or combination to violate the laws, or at least to resist it in such attempt.

But, say our democratic friends here—and I treat them now as all deserving of the candor which the Senator from Indiana claims for himself and which must be awarded to him—the President shall not use the military of the nation to preserve the peace on election day, and yet the Constitution says the President shall take care that the laws of Congress in regard to elections shall be executed and carried into effect; and that he shall be Commander-in-Chief of the Army and Navy to enable him to do so. Yet our democratic friends say that on election day riot may have its own way, and the President shall not be permitted to use the military power of the Government, to use the police force of the Republic, for the purpose of executing the laws in regard to elections! That they will not make, and in the bill before us they say they have not made, any appropriation to enable the President to perform this undoubted constitutional duty.

This is unconstitutional non-action. The very thing the Senator from Georgia [Mr. HILL] from the depths of his experience on this subject, and after four years of constant effort to destroy this Government, says is the most effective way to accomplish that end.

Sir, I am willing to go to the people of Wisconsin and to the people of this country upon this question, whether the President shall have the power to preserve the peace and to suppress a riot on election day as well as on any and every other day of the year. That is the day above all others when we are interested in having the peace preserved.

Our democratic friends either go too far, or they do not go far enough. If, in this country, with all the safeguards of law and public sentiment that surround it, the Army of the nation is dangerous to free institutions, then they should cut it up by the roots and abolish it. When they refuse to abolish the Army, or neglect to do it, they admit that the Army is not dangerous to our liberties. If it be not, why may it not be used safely on election day as well as any other day? Why will our democratic friends insist here that, on that one day of the year no military force shall be called out or used to put down riot and rebellion, and the confusion and violence that may exist at the polls for the purpose of breaking up or controlling an election? Why, with all the charity that a Christian can have for a Christian, there is not a child ten years old that would not answer, because they do not wish to have peaceable elections. There can be no other answer. To say that the people are afraid, that the people dare not vote because soldiers are there to prevent violence, suppress a riot, and enable every man to do as he pleases, is trifling with the good sense of even the children of this land.

Mr. INGALLS. For a while, Mr. President, it appeared that the degraded device known to history as the electoral commission, which was accepted by each party with the hope that it would cheat the other, had resulted in defrauding both. But the events of the last two years, and notably of the present session of Congress, have unexpectedly vindicated the wisdom of that policy which, when it was adopted, was regarded by many as a surrender of principle, an abandonment of friends, and a falsification of history.

President Hayes has been the object of much assault during this debate; but he has at last rendered one signal and inestimable service to his party and his country. He has shown that the democracy in their professions and protestations are insincere and implacable. If he designed the result that has been accomplished, he is a consummate master of political strategy. If the end has been attained through the inexorable logic of events, our debt to him is not less. Whether he made the opportunity or the opportunity made him, is immaterial now.

Immediately upon his accession he began the labor of reconciliation. He announced that he was President of the country, and not of a party, and that he served his party best who served his country best. Surrounded by political visionaries and dreamers, sycophantic mercenaries and apostates from both parties, and subtle enemies in the disguise of advisers and friends, he yielded promptly to their suggestions that it was his mission to restore to the Republic the halcyon days of concord, harmony, and peace. He alienated the great body of his supporters by undisguised and futile efforts to propitiate his adversaries. Though Packard and Chamberlain received more votes in their States than the republican presidential electors in their respective States, yet he recognized Nicholls and Hampton as the lawful governors of Louisiana and South Carolina. He withdrew the soldiers from the conquered capitals to their barracks and garrisons.

He placed a representative southern democrat in his Cabinet; he appointed democrats to many important offices in Southern States; he extended the olive-branch; he preached the gospel of reconciliation, of forgiveness, of forgetfulness, and of love rather than that of hatred; he fanned no dying embers; he revived no dead issues; he appealed to no sectional animosity; he boldly recognized the courage and sincerity of the southern soldiery in their attack on the Union; he ceased to consult with the aggressive, stalwart leaders of northern opinion, and forfeited their confidence by his apparent concessions to the South.

Under his administration there has been no military or civil interference with elections in the South or elsewhere in this country. There have been no bayonets at the polls; local self-government, so called, in every State and locality has been restored; the last vestige of national intervention has been withdrawn; every complaint has had an attentive ear; every wrong has been redressed, and the "iron heel of depotism," about which we have heard so much, has been lifted from the prostrate and bleeding liberties of the people.

But what has been his recompense? How have his advances been met? What response has been made to his appeals for reconciliation? This debate may answer. The history is too recent to need rehearsal. When proceedings were instituted with the avowed purpose of impeaching his title to the Presidency, not a democrat, with perhaps a solitary exception, in either House of Congress denounced or voted against them. No censure has been too extravagant, no epithet too coarse, no comparison too degrading, no insult too intolerable to be addressed to him. And now when he presumes to exert an undeniable constitutional function in returning bills without his approval he is courteously described in debate and by the press as a fraud, a *de facto* President; that man; Rutherford the First; the man at the other end of the Avenue; and threatened with the non-payment of his salary if he refuses to surrender his convictions!

Congress has now been in session nearly three months, having been summoned by the President for the single purpose of making appropriations for the support of the Army and for the payment of the legislative, executive, and judicial expenses of the Government for the year beginning July 1, 1879.

These bills were allowed to fail at the previous session, not for want of time—for there was an abundance of that—nor because there was factious opposition by republicans. But it was necessary upon some plausible pretext to profit without delay by the opportunity offered to the democrats to control the organization and patronage of the two Houses of Congress for the first time in eighteen years. They could not wait till December. So it was suddenly discovered that the liberties and rights of the people were in imminent danger and peril; that sundry despots and tyrants, notably, R. B. Hayes, Charles Devens, and John Davenport, were abroad in the land, trampling down the liberties of the people, destroying State governments, corrupting the fountains of justice, consolidating and centralizing our political system, and paving the way for despotism. There was much parade of English history in search of precedents and the Senator from Ohio finally formulated the situation by declaring that appropriations should not be granted unless grievances were redressed.

The grievances finally selected for redress were three in number, and found in certain provisions of the statutes of the United States permitting—

First. The challenge of jurors who aided, abetted, or sympathized with the rebellion, under the discretion of the court, in cases where justice would be promoted by their rejection. This grievance was formulated as the "exclusion of intelligence from the jury-box."

Second. The constitutional employment by the President of the armed forces of the United States to keep the peace at elections, whenever their use was necessary and lawful. This grievance was denominated as the use of "bayonets at the polls."

Third. The supervision of elections for members of Congress and presidential electors by the civil authorities of the United States for the prevention of fraud and violence. This grievance was denounced as "an invasion of the sovereignty of the States."

Those who have insisted upon the repeal of these provisions contend that they are irritating remnants of war legislation; that they have been perverted to partisan purposes and have been used to thwart rather than promote the expression of the popular will.

But it is evident, and the country will not fail to observe, that even were all these allegations true to the utmost that has been claimed by those who have sought to justify their attempted defeat of appropriations unless these obnoxious statutes were annulled, yet that the issue as presented at this time has been feigned and unreal, because there are no elections at which either the military or civil forces of

the Government could be used during the period over which the appropriations would extend. They expire June 30, 1880, and there will be no elections of members of Congress or of presidential electors till November of that year. It is not pretended, it should be observed, that there has ever been any Federal intervention at purely municipal or State elections since the commencement of the present Administration.

The repeal of the statutes indicated has been opposed—

First. Because it was legislation upon general appropriation bills. But I attach no importance to this objection. The precedents are too numerous, and the practice too well established to admit of question now.

Second. Because the method of repeal was menacing to the minority in Congress, deprived the Executive of his independence, and abrogated a constitutional prerogative.

Third. Because the statutes themselves were beneficent and essential to the preservation of the essence as well as the form of civil liberty, and to the maintenance of the covenants of freedom and justice contained in the war amendments to the Constitution.

Upon these issues the bills were vetoed by the President, and failed to receive the majority required to pass them upon reconsideration. Thereupon a bill was passed extending the legislative and executive appropriations of the former fiscal years, with no political features whatever; a confused, incongruous measure, apologized for by its advocates; a weak device intended to conceal the defeat of the attempt to coerce the President.

A second bill was passed making appropriations for certain judicial expenses, as a separate measure; an unprecedented course, containing mischievous provisions, which have been aptly characterized as indecent and degrading to the administration of justice.

The third bill is now under consideration, making appropriations for the support of the Army for the ensuing fiscal year, and containing among other objectionable features the following section:

SEC. 6. That no money appropriated in this act is appropriated or shall be paid for the subsistence, equipment, transportation, or compensation of any portion of the Army of the United States to be used as a police force to keep the peace at the polls at any election held within any State.

The corresponding section in the vetoed bill is in these words:

SEC. 6. That section 2002 of the Revised Statutes be amended so as to read as follows:

"No military or naval officer, or other person engaged in the civil, military, or naval service of the United States, shall order, bring, keep, or have under his authority or control any troops or armed men at the place where any general or special election is held in any State, unless it be necessary to repel the armed enemies of the United States: *Provided*, That nothing contained in this section, as now amended, shall be held or deemed to abridge or affect the duty or power of the President of the United States, under section 5297 of the Revised Statutes, enacted under and to enable the United States to comply with section 4 of article 4 of the Constitution of the United States, on application of the Legislature or executive, as provided for in said section."

And that section 5528 of the Revised Statutes be amended so as to read as follows:

"Every officer of the Army or Navy, or other person in the civil, military, or naval service of the United States, who orders, brings, keeps, or has under his authority or control any troops or armed men at any place where a general or special election is held in any State, unless such force be necessary to repel armed enemies of the United States, shall be fined not more than $5,000, and suffer imprisonment at hard labor not less than three months nor more than five years."

In the one section are five lines and in the other section are twenty-seven lines. There is the same difference between these two sections that there is between a highway robber and a pickpocket. Both have larceny for their object, but their methods are unlike. One is open, courageous, and manly, and the other is not. The section in the first bill forbids an act, makes it illegal, and affixes a penalty. The second, now under consideration, endeavors to reach the same result by withholding appropriations, and concealing the purpose by the interpolation of a senseless sentence.

The words in this section claimed to be controlling are, "to be used as a police force," but in reality they are meaningless and delusive. They are thrown in as a sop to Cerberus. If those words were omitted the section would mean just the same as it does now, for neither under the Constitution nor under any law can the Army "be used as a police force" in the technical sense for any purpose whatever. The Army appropriation bill of last year prevents the Army from being used as a *posse comitatus* even to assist the civil authorities in case of open and violent resistance. The principle involved, therefore, is the same as that contained in the bill that has already been vetoed, and he who opposed one cannot consistently support the other.

Mr. President, the scenes that we have witnessed during the debate which has arisen on these issues have a dark and ominous significance. The discussion has been intense and violent beyond precedent. Its scope has embraced the whole theory and practice of our government from its inception through all its vicissitudes of war and peace. To the country it has been a revelation. The sonorous clamor and roaring declamation about the iron heel of Federal despotism, intelligence excluded from the jury-box, bayonets at the ballot-box, and the use of the Army to control elections has not deceived nor alarmed the people. They are aware that this combat between Congress and the Executive is not waged upon a point of legislative etiquette, and cannot be ended by an exchange of courtesies or compliments or apologies on either side. They regard the struggle as the initiation of a contest for political supremacy in the presidential campaign of 1880, which will be characterized by convulsive violence hitherto unknown in our history, and the last, I believe, to be waged between the two parties which now divide the country.

But because we opposed the repeal of the sections sought to be abrogated in the appropriation bills it is not true that we favor the exclusion of intelligence from the jury-box nor that we intend to use the Army or marshals or supervisors to control elections. The employment of the Army to control elections in Kansas did more to dethrone democracy and render it odious to the people than any other feature of its policy, and we should not be wise were we to fail to profit by the instruction of history.

It is not true that the sections sought to be repealed permitted the exclusion of intelligence from the jury-box, nor that they allowed the use of the Army at the polls, nor that they interfered with the right of any citizen to vote; nor is there evidence anywhere that any man entitled to vote has ever been prevented from voting by any soldier, marshal, or supervisor.

Thousands of aliens, repeaters, and felons have been arrested and punished for frauds attempted and perpetrated at elections; great cities and States have been rescued from degraded misrule, rapacious and ruffianly despotism, and threatened anarchy, by the operation of these beneficent statutes; but if any citizen has been denied under these statutes the opportunity to cast an honest ballot, by the Army or by the civil authorities of the United States, his name though often demanded has not yet appeared in this debate.

We have had surfeit of froth and rant about centralization, resistance to tyrants, and redress of grievances, but it has all been under the general count. Specifications are wanting. There is not a man in the United States, outside of Congress and the lunatic asylums, who believes that the liberties of forty-five million people are or can be endangered by the national Army. The brazen effrontery and hardihood of the pretense is only equaled by its grotesque and preposterous absurdity.

The American people have given too many convincing proofs of their vigilant love of liberty, of their capacity for self-government, and their unconquerable passion for justice, to require admonition from any quarter. If they are convinced that the effect of these statutes has not been wholesome and salutary; if it can be shown that they have been detrimental to society, or that they menace the rights of the humblest citizen, they will be eager to destroy them.

The senior Senator from Illinois, [Mr. DAVIS,] in a speech that he made during the debate, said truly that the people of this country want peace and prosperity. So they do, Mr. President, but there is one thing they want more than either, and that is—justice. They have hitherto made incredible sacrifices for justice. If need be, they are prepared to make still greater sacrifices hereafter. They are patient. They will not be persuaded by partisan assertions. They are slow to anger, but when discontent changes to resentment, nothing can retard the steps of vengeance and retribution.

They venerate constitutions; they obey laws; but above charters and statutes they revere the rights and liberties which these were ordained to establish and maintain. These rights have cost too much; they have been purchased too dearly to be surrendered, or compromised, or bartered, or jockeyed. There is no danger of bayonet rule, or Cæsarism, or the "man on horseback." They read the history of the past twenty years to little purpose who fail to learn that the American people prefer the wildest excesses of popular liberty to the calm stagnation of despotism, in whatever shape it may come or however placid, prosperous, and gilded it may be.

There is one great reservation of power to which reference has not been made in this debate, and which politicians are prone to omit in their calculations. The tenth article of amendments to the Constitution declares that "the powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." Not, as the Senator from Maryland said, to the people "thereof," or "the people of the States," but *to the people*. This is the great power underneath and above and outside of and beyond the Constitution, competent to determine all questions that may arise and to deal with every exigency. It exists always, and at the proper moment will be invoked. Its exercise may be moderate and gradual, or it may be violent and excessive; but it will not fail in any emergency to announce and register the nation's will. When the Constitution ceased to express their convictions they amended it; and when its capacity for peaceful amendment was exhausted, the people amended it by the sword.

The amendments so secured were expensive. They cost 335,000 lives and billions of gold. They embody four fundamental ideas; universal freedom, national citizenship, the indissoluble union of the States, the supremacy of the nation. These are the ideas for which the people fought and against which the South contended, both claiming warrant under the Constitution. When the war closed we believed that the great arbitrament had decided that every man was free; that citizenship was a national attribute; that the Union was permanent; and that the authority of the nation was paramount and supreme.

We have lately read elaborate accounts of the dedication of a monument to the confederate dead at Winchester. It is stated that the confederate flag was conspicuously borne in the procession, and that the graves were profusely decorated with this emblem. The utterances of the orator, a Senator of the United States from the State of Alabama, which justified the objects and designs, and eulogized the leaders of the South, were loudly applauded and excited responsive enthusiasm.

No generous heart could refuse its tribute of sympathy to those who sought to commemorate valor and perpetuate the memory of heroes who fell in defense of any cause, whether right or wrong. But these solemnities had a wider scope. One of the monuments is said to be inscribed with the declaration that it is erected to the memory of those "who fell in defense of constitutional liberty and the sovereignty of the States between 1861 and 1865."

The orator of the occasion, among many similar declarations, said:

The demand of the South was simply that these rights and guarantees should be faithfully observed. They made no aggression upon the legal, moral, social, or political rights of any other section or State. Nothing that they demanded was liable to just censure. It was their homes and their wives and children and friends that were their stake in the war. Their homes they defended against desecration; their wives and children against insult and humiliation; their friends against wrong and injustice, and their country against invasion. For these they died. This is the whole story.

If this is the whole story, as told by the orator of the occasion at Winchester; if these brave but misguided men fell in defense of constitutional liberty, for what did the Union dead give up their lives? If the South were the champions of constitutional liberty, then when they surrendered, constitutional liberty fell. If the war was fought for the sovereignty of the States, as the inscription upon that monument declares, and its results are acquiesced in by the South, why is the dogma again asserted with such open and aggressive vigor and the supremacy of the nation so strenuously assailed and denied?

If the exercises at Winchester reflect the true sentiments of the southern people, and if the ideas there advanced are to be enforced by the triumph of the democracy, then the reaction will be complete. The dreams of Calhoun will be realized, posterity will revise the contemporaneous estimate of Wilkes Booth, and the war waged in defense of the Union and of the authority of the nation will be justly stigmatized as the greatest crime in the history of the human race.

The people of the North believe that the United States are a nation, not a mere association of incoherent political societies. The nation exists not at the pleasure of a State, nor of a majority of the States, nor of all the States, but by the will of a majority of all the people. Behind every citizen, black or white, at home or abroad, on land or sea, stands the nation, a potential, beneficent energy, pledged to protect him in the unrestricted exercise of all the rights of manhood and citizenship. None can be so humble, so obscure, so remote as to be alien from its blessings. If his rights are denied or infringed and reparation is refused, he can confidently appeal to the nation for restitution and redress.

The republican party does not deny nor assail the rights of the States. Had we desired to destroy the States, the war gave us the opportunity. There was a strong sentiment at the North that desired the obliteration of the revolted States, and demanded that they should be reduced to a territorial condition, to be readmitted to the Union under new names and with other boundaries. But the republican leaders conducted the war upon the constitutional theory that the States were indestructible and the Union indissoluble, and that when armed resistance to national authority ceased, the States would resume their wonted relations to the Government, subject to certain conditions, which were to be obligatory when voluntarily accepted in the manner prescribed by the Constitution.

The independence of the States is indispensable to our political system. To preserve national unity there must be both local self-government and personal liberty, for we are not a homogeneous people. The diversities of birth, climate, soil, production, and temperament forbid it. Maine and Louisiana have little in common. They require different social and political institutions. They are as unlike as England and Italy. A mean annual temperature of seventy degrees and a mean annual temperature of fifty degrees do not allow the same social, moral, intellectual, or political conditions. No rigid inflexible rule, emanating from centralized power, could be successfully applied to our vast and diverse dominions, and our political history has always moved in an orbit defined by the conflict between State and national authority. The contest arose when our Constitution was framed. It gave birth to our political system, which is unique and has neither model nor prototype. The questions growing out of slavery, finance, revenue, internal improvements, tariff, territorial acquisition, foreign policy, war, reconstruction, have all been incidental to the great strife which is still going on, and which will survive so long as our Government shall endure.

Many Senators have said that secession and the other sequences of the doctrine of State sovereignty for which the South contended were settled by the war and were dead. But I have listened carefully and sedulously to hear some one say that secession was wrong or that it had no warrant in the Constitution. But I have not heard that. If the right of secession existed before the war under the Constitution, it must exist now, for the Constitution has not been changed in this respect.

Men are not convinced because they are vanquished. Ideas are immortal and cannot be extinguished by force. War proves nothing except which side has the most endurance and men and money. It does not change the convictions of the combatants, and I doubt whether a State south of the Ohio River would vote for an amendment to the Constitution declaring that the Union is perpetual and indissoluble, and that the authority of the nation is the supreme law of the land. Secession was a mistake, not because it was unconstitutional but because it was unsuccessful; and the people observe with alarm the renewed assertion of those pernicious doctrines which have resulted in such immeasurable disaster and ruin.

Much has also been said in this discussion about sectional hate and the resurrection of issues that were in their grave. But there is no sectional hate in the North; nothing but cordial kindness and goodwill, and an earnest, heartfelt desire for fraternity, union, and peace.

Mr. RANSOM. Would it interrupt the Senator for me to call his attention to the constitution of North Carolina?

Mr. INGALLS. No, sir; I would be glad to hear it.

Mr. RANSOM. It is not in reference to what the Senator is now saying, but in regard to a proposition he stated a moment ago. This is the constitution of North Carolina which was ratified in 1868, and this part of it reaffirmed in 1875:

SEC. 4. That this State shall ever remain a member of the American Union; that the people thereof are a part of the American nation; that there is no right on the part of this State to secede, and that all attempts, from whatever source or upon whatever pretext, to dissolve said Union or to sever said nation ought to be resisted with the whole power of the State.

Mr. INGALLS. Mr. President, I am exceedingly glad to hear that, and I am obliged to the Senator from North Carolina for calling my attention to it. It gives me sincere pleasure to know that in the constitution of one of the revolted States there has been a recognition of the indissolubility of the American Union, of the supremacy of the national authority.

If it be true that that is the case, then the representatives upon this floor and in the other House from the State of North Carolina could not, it appears to me, logically deny the authority of Congress to pass an act authorizing the President under proper circumstances not only to use the Army but all the national authority for the purpose of maintaining the Constitution and preserving the laws of this country upon election day and at the polls as well as upon every other day in the year and at every other place in the land.

The observation that I made with regard to the condition of public sentiment in the South was derived from conversations with several Senators upon that subject, who assured me in response to an expression of wonder when this great question was before the people of the country, when it was admitted that the war was fought for the preservation of the Union and to denounce and destroy the idea that the Union could be destroyed, why it was that an amendment had not been offered to the Federal Constitution declaring that the Union of States was permanent, indestructible, and indissoluble, stated to me that in case such an amendment were now to be offered they believed it would be rejected by the people of their States as a device on the part of the republicans for the purpose of accomplishing some political result.

But to return, Mr. President, I was saying that there is no sectional animosity or hatred in the North toward the people of the South. What has the North ever done that could be said to have been actuated by sectional hate? To what appeal for aid or sympathy have they not responded? What southern man has ever been abused, or insulted, or maltreated in the North, as multitudes of northern men have been in the South, before and since the war? What sectional hate was exhibited in the terms of capitulation, in amnesty, in restoration to forfeited political rights, in the rehabilitation of the State governments? What just cause of complaint to-day can be urged by the South? What right is denied them? How are they oppressed? In what respect are they not the peers and equals of the loyal States? They have absolute control of their local affairs. They have practically a majority in both Houses of Congress. The chieftains who led their legions with insolent menace against the capital of the nation now sit in its legislative Halls, control its revenues, direct its policy, and claim to be the exclusive champions of constitutional liberty, the preservers of the Union, and the sole guardians of the rights of the people. They eulogize Jefferson Davis as the equal of Lincoln and the peer of Washington and Hampden, and then ask us to let by-gones be by-gones and the dead past bury its dead. New England is denounced as the birth-place of slavery and secession. The republican party is habitually assailed with loose, coarse, and intemperate denunciation, and any attempted reply is characterized as preaching the gospel of hatred. There is a touch of grim humor about the proceeding, like that engendered by the spectacle of the intimidated southern voter who, with a mask upon his face, a pair of revolvers at his waist, a bowie-knife in each boot, and a double-barreled shot-gun over his shoulder, indignantly insists upon the adoption of the sixth section of the Army bill and protests against armed interference at the polls!

No, Mr. President, there is no hate at the North, and no fear, and no prejudice. There is much patient toleration. But this session of Congress has engendered a very grave and serious distrust of the methods, the tendencies, and the purposes of the apostles of this new political dispensation. There is no disposition to judge the South harshly. It was not to be expected that the tremendous passions aroused by the war, the trepidation of the vanquished, the baffled ambitions of its leaders, and all the baleful agitations of that awful tragedy should instantaneously subside and disappear. The South has exhibited many high qualities of courage and endurance. There has been less of turbulence and disorder than might have been anticipated. The conditions of restoration have been ostensibly accepted. The revolted States have resumed their relations to the Government and, with their obsequious allies, have obtained control of both Houses of Congress.

If these results have been reached through constitutional, just, and lawful means, if suffrage has been protected, if education has been universal, if freedom of speech and opinion has been maintained, if equal rights have been enforced and justice impartially administered, there can be no cause for discontent in the loss of political supremacy. Majorities must rule. We made the terms. We must accept the consequences.

But the events of the past two years have begun to provoke incredulity. There are some who suspect that the sacred covenants of freedom and the solemn guarantees of the Constitution have not been observed with absolute fidelity. It is vaguely rumored that under the pernicious pretext of State sovereignty bloody tyrannies have been builded on the ruins of liberty, and that white minorities have suppressed black majorities by premeditated violence and systematic slaughter and assassination. Evidence has been offered tending to show that "home rule," literally interpreted, means the right to murder with impunity, and "local self-government" the right to reduce the freedmen to a servile condition that has all the horrors with none of the alleviations of slavery. The only answer to these allegations has been a denial or a sneer. All attempts to invoke the intervention of the nation in behalf of those whom it is under the most sacred obligation to protect are denounced as an invasion of the rights of the States. The purpose is boldly avowed to deprive the Federal courts of their jurisdiction, to practically annihilate the Army, and to hinder, hamper, impede, embarrass, and obstruct the exertion of the Federal authority in every manner within the limits of the States; to strip and divest the Government of all national attributes; to make it a name, a shadow, an effigy,

An idle Jove,
With painted thunder in its hand.

There is one other topic to which I will advert in closing, craving the indulgence of the Senate for trespassing so far upon their patience at this period of the debate; but I do this because the subject is one that peculiarly affects my own State and people, and because they have been unjustly stigmatized during this debate as participants in a political scheme to harass and injure the South—a statement which I mention only to denounce and deny. I allude to the departure of the negro from the South, popularly known as "the exodus." Several Senators have taken the opportunity to say that the movement was stimulated for sinister purposes by northern politicians who had dispatched their emissaries into the Southern States, pandering to the ignorance and cupidity of their victims.

Against these assertions I will call the attention of the Senate to the statements of leading democratic newspapers recently published in relation to the causes and consequences of this migration. I read from the New Orleans Times. I do not know whether that is a strictly democratic paper, but I suppose it to be. It says:

Why in the world can we not be honest and truthful to ourselves about this matter? Why not recognize the evil, acknowledge its causes, appreciate its seriousness, understand the necessity of averting and checking the movement which threatens to impoverish the fairest portion of the State? The Times has already pointed out the necessity of local organization of the planters in parishes interested, with the view of inspiring confidence in the minds of the people who are affected by this epidemic, for in every sense it is that. When a prudent physician desires to remove a disease from the body he seeks the cause of the ailment and aims to remove that. Let our planters understand that the negroes are leaving their homes because they fear and believe that their political, civil, and personal rights are in danger. Let these suspicions be removed, and the exodus will cease.

In a late editorial the same paper says:

We might ask them—

That is, the people of Mississippi—

We might ask them whether there are no fertile and favored districts liable to be abandoned by the laboring classes because the solid and substantial citizens, whose interests are at stake, are too blind or too timid to do what the people of Lincoln County have just done? There are landless and penniless office-seekers who have nothing to lose, and who can afford to say of the negroes "let them go." But we are not addressing our suggestions to them. We have heard enough, and far more than enough, from them. It is our sorrow and our curse that such men have been doing the bulk of the talking for lo these many years. What we desire is that the men who own the property, who represent the interests, and who bear the risks and the consequences, shall consider whether there are not some neighborhoods where it behooves them to take pattern by "Beat Five" and to take up arms against the ruffians and cut-throats who are ruining them and disgracing civilization.

The Memphis Avalanche, a Tennessee paper, said to be democratic, referring to the movement of the colored people, says:

The incendiary teachings of the Bourbon press and politicians have furnished in great part the material now feeding the emigration movement that so alarms the planters of the Mississippi Valley. These presses and politicians have taught only bitterness. They marked for social proscription all who refused to submit without question to their partisan guidance. This became the partisan creed. The brunt of their denunciation fell on the colored people. The lawless classes were but too ready to begin the dastardly work of persecution. They found it a certain means of suppressing the ballot. They inaugurated reigns of terror, shot and killed where shooting became necessary, and so preyed on the fears of the unprotected blacks as to practically disfranchise them in every locality where the bulldozing programme was adopted. And the Bourbon presses and publications, instead of demanding protection for all classes under the laws, pronounced all charges falsehoods, and at least indirectly encouraged the dastards to further deeds of violence. This is the truth, and the truth should be told.

The Vicksburgh Herald, another democratic paper, in an article concerning the late Vicksburgh convention and the fears expressed lest it should drift into politics, said just before the convention assembled:

These gentlemen are distressed lest the convention drift into politics. We want to ask them what politics has to do with a pernicious credit system, or a gambling system of furnishing supplies on a growing crop. They know the systems of which we speak; let them answer. We want them to tell us what politics has to do with armed men going about at night-time forcing laborers to leave their homes, as was recently done in Hinds and Wilkinson Counties, and has been done in several of the counties and parishes of this State and Louisiana. If putting down this sort of thing will hurt either party, we say let it hurt.

Senator BRUCE, of Mississippi, the only colored member of the present Congress, has written a letter on this subject, in which he says:

The causes promoting this movement are complex and multiplied; but from the best information that I can obtain the exodus of the colored people from the South is referable mainly to two considerations: first, the feeling of insecurity and uneasiness among the colored classes springing from the unfortunate race collisions and violence that have sometimes existed in certain southern localities; and, second, from the fact that the colored laborers have not in many instances received satisfactory returns from the products of their labor.

Of similar import is this statement from the Charleston News and Courier:

When three thousand negroes are on the bank at one place on the Mississippi awaiting transportation to Kansas it is useless to speak of the movement as sporadic and unimportant. Like an army, the negroes will pass over the bodies of those who fall by the way and make of the vanguard a bridge to bear the rest of the column in safety. In freedom confronted by hard work and small pay they long for a new deliverance, whether it shall come in the shape of Liberia with its molasses trees or Kansas with its golden grain. It will take time to overcome this fallacy, if it can ever be overcome; for to the negroes the supremacy of the democrats in the South is a cause for uneasiness, if not of alarm. Curiously enough, there is a steady flow of colored people from other counties to Beaufort County, the only county in this State which the democrats did not carry at the last election.

Against the assertions that have been made here as to the origin of this movement, I place these declarations from well-known newspapers published in the localities where these outrages have occurred. If these declarations are true, then the exodus of the negro is a fact of supreme significance. He is not needed for political purposes in the States to which he goes. The republican majority in Kansas is too large for the good of the party now. He does not belong to the North; left to himself, he would remain in the tropics.

Migration is governed largely by climate, and the negro would gravitate naturally toward the equator rather than toward the poles. The tranquil and orderly dignity with which he has accepted the trusts and responsibilities of citizenship has defeated the prophecies and challenged the admiration of mankind. Had he been turbulent and disorderly when enfranchised, our system could not have endured the introduction of such an element of uneducated suffrage. During the war he was loyal and faithful. He did not pillage nor plunder the estates that he tilled, nor insult nor wrong the helpless women and children who were at his mercy while his masters were delivering desperate battle to rivet more firmly the fetters that bound him. Emancipated, he has retained the typical virtues of his race and has gradually discarded the vices that were engendered by the cruel code of which he was the reluctant victim. He has been patient of labor and obedient to law. He has in many instances acquired home and property. His domestic relations have become more definite and he has sought with avidity the rudiments of education for himself and his children.

Probably there is not a former master nor a freedman who wishes slavery restored; but there are many who believe, and I am one of them, that the Africans are in a worse condition now than when they were slaves. Emancipation has been a curse to them. The promise of freedom has been kept to their ear, but broken to their hope. When they were property they had some guarantee of protection in the selfishness of their owners. Now that they are men, they are denied the right to protect themselves and refused the protection of the nation. Land monopoly, a vicious credit system, social intolerance, and political proscription have combined to render their servitude unendurable, and when they attempt to escape, their flight is obstructed, and those who would welcome the fugitives and insure them the free enjoyment of citizenship are denounced as incendiaries and characterized as the enemies of the southern people.

Mr. President, the present aspect of affairs is in many respects deplorable. Were it to continue for any protracted period the gravest consequences might be apprehended. But the admirable flexibility and strength of our Government and the wisdom of its framers receives a new illustration at this serious juncture.

The next census will readjust the social and political forces of this country upon a basis which will finally determine the sectional controversies which have so long disturbed its peace and delayed its prosperity.

Upon the present ratio of representation the great interior States drained by the Missouri River and its affluents will gain under the next apportionment not less than fifty-two members of Congress and presidential electors.

Ohio, Illinois, Michigan, Wisconsin, Iowa, Nebraska, Colorado, and Kansas alone will have at least twenty Representatives more than all the Southern States combined. Under a just distribution of political power among the States, as contemplated by the Constitution, the issues would have been entirely changed. Had a new apportionment been made operative in 1875 even, the condition of the nation at this time would have been radically different.

There would have been no electoral commission. There would have been no "solid South," for when southern solidity cannot secure democratic ascendency, the South will cease to be solid. Political cohesion will end. Parties will divide there as elsewhere upon economic and practical, rather than emotional questions, affecting the whole people rather than a section or a State.

We are on the threshold of a new epoch. With the close of the Forty-seventh Congress the seat of political power will be transferred from the seaboard to that vast region between the Appalachians and the Cordilleras, extending from Manitoba to the Gulf. Upon this theater the great drama of American civilization is to be enacted, and there its ultimate destiny will be accomplished.

Hitherto the controlling influences have proceeded from the circumference of the continent. They will emanate hereafter from its center. Relieved from exterior causes of estrangement, the States of that great basin, united by twenty-five thousand miles of navigable inland waters, by indissoluble ties of mutual interest, and by patriotic devotion to the welfare of the country, will inevitably coalesce and give a new impulse and direction to national growth and development.

It is idle to anticipate revolution, separation, or disunion. Geography has much to do in shaping the destiny of political societies and kingdoms. This continent was formed to be the abode of one nation, a people indivisible, one in language, motive, and impulse, having one civilization and absolute political liberty. Local causes may distract and delay the accomplishment of this great design, but at last the coalition will be complete; from diversity will come unity, from conflict will come strength and peace.

Mr. HAMPTON. Mr. President, I did not wish to interrupt the Senator from Kansas in the course of his remarks, but I should like now to ask him a question. Before I do so, I should be glad to correct a mistake into which he has fallen. I can do that best by reading one or two articles from the constitution of South Carolina:

Every citizen of this State owes paramount allegiance to the Constitution and Government of the United States, and no law or ordinance of this State in contravention or subversion thereof can have any binding force.

SEC. 5. This State shall ever remain a member of the American Union, and all attempts, from whatever source, or upon whatever pretext, to dissolve the said Union, shall be resisted with the whole power of the State.

Mr. INGALLS. May I ask the Senator from South Carolina the date of the constitution from which he reads?

Mr. HAMPTON. It is the constitution of the State.

Mr. INGALLS. What is the date of the instrument from which the Senator reads? When was it adopted?

Mr. HAMPTON. In 1868.

Mr. INGALLS. I apprehend that constitution was framed by the negroes of South Carolina, and was adopted when the republican party was in power.

Mr. HAMPTON. It is the constitution of the State now. If the Senator will allow me, I will now give a few words from the oath of office which every one has to take there:

I recognize the supremacy of the Constitution and laws of the United States over the constitution and laws of any State; and that I will support, protect, and defend the Constitution of the United States and the constitution of South Carolina, as ratified by the people on the 16th day of April, 1868. So help me God.

I took that oath when I was elected governor. It was upon that point I wished to ask the Senator from Kansas one question.

Mr. INGALLS. Before the Senator proceeds, will he allow me to ask if that oath is not the same oath that was taken by the citizens of South Carolina elected to office before the war?

Mr. HAMPTON. I do not know whether it is exactly the same or not. I have only read from the constitution to show that the objection the Senator made was not valid in regard to what had been put into the constitution of South Carolina.

But if I understood the Senator aright, and if not I hope he will correct me, he said in the course of his remarks that Mr. Chamberlain received more votes than myself for governor, and that Mr. Hayes received less than Mr. Chamberlain.

Mr. INGALLS. What I said was that although Mr. Chamberlain and Mr. Packard received more votes in their respective States than the republican electors for President and Vice-President, after his accession to office President Hayes promptly recognized Mr. HAMPTON and Mr. Nicholls, respectively, as governors of the States of South Carolina and Louisiana.

Mr. HAMPTON. I think if the Senator will refer to his remarks as he had them written, he will find that he said also that Mr. Chamberlain received more votes than I did.

Mr. INGALLS. Oh, no; I beg the Senator's pardon.

Mr. HAMPTON. Very well; I accept that.

Mr. INGALLS. I spoke with great deliberation and with a design to be accurate, because the statement was one of considerable importance and referred to a historical matter about which I could not well afford to be inaccurate.

Mr. HAMPTON. I am very glad the Senator has said that; and I propose to show him how inaccurate he was. Mr. Chamberlain received 91,127 votes; I received 92,261; and the average vote of the republican electors was 92,104. That was the average: some of them received more than that. Thus by that showing Mr. Hayes received more votes than Mr. Chamberlain did.

Mr. INGALLS. From what return does the Senator from South Carolina read? I understand there was a very material change made in the return as compared with the actual vote that was cast.

Mr. HAMPTON. I am reading from the returns of the committee that went down there and from the official returns.

Mr. INGALLS. I still believe as a matter of history that Mr. Chamberlain received more votes for governor of South Carolina than the presidential republican electors received in that State at that election.

Mr. HAMPTON. I have given the returns of the vote. There never was any claim anywhere on the face of the earth that Mr. Chamberlain received more than 91,127 votes. Upon that there could be no mistake, because in that State the returns for governor and lieutenant-governor are sent sealed to the speaker of the house, opened by him and announced by him, and those votes did not go before the returning board. The returning board had nothing to do with those returns, but did give the return of the presidential electors, and if that return had been fairly made it would have shown a very different result.

Mr. INGALLS. I understand that there were two counts in South Carolina, one made by the returning board, and one made under the direction of the Legislature, and that the disclosure of the actual number of votes cast at the polls at the election will verify the statement that I made.

Mr. VEST. Mr. President, in order to vindicate the truth of history by the facts, and the real facts, in regard to the negro exodus, I venture at this late stage of the debate to inject a slight amount of testimony in addition to that already given to the country by the Senator from Kansas. I live in the immediate vicinity of that Senator; I live upon the borders of the State of Kansas; and it was upon my city, the place of my residence, that this exodus from the Southern States was thrown with all its fury. I happen to know personally something in regard to the true inward history of this remarkable movement. The Senator from Kansas has painted to us in glowing terms, as was done once before on this floor, the misery and the wrong inflicted upon the colored people of the South. Southern men, armed with shot-guns, rusty sabers, bowie-knives of the most fabulous length and ferocity, are paraded until the terrible picture drawn by the Scotch poet in Tam O'Shanter of the witch's den sinks into insignificance compared with the terrible and monstrous picture drawn also by the imagination.

I assert that it is simple and pure fancy. I assert, before I read the evidence, that the negroes were induced to leave the South and flee to Kansas under false representations made to them that the Government of the United States had provided an Arcadia flowing with milk and honey, filled with fat opossums and accessible 'coons, and no labor—everything that makes up a negro's Utopia. They went there believing that Kansas was an ideal land in which there was sunshine and eternal exemption from labor. I send to the Clerk's desk a circular which I received on a late visit to the State of Kansas, in the town of Wyandotte, from one of the leaders of the negro exodus, a colored man, who told me with his own lips that this induced him to go to Kansas, and who denounced the miserable villainy that had been perpetrated upon him. Let the Secretary read that circular, which was distributed throughout the South.

The Chief Clerk read as follows:

[Strictly private.]

ATTENTION COLORED MEN!

OFFICE OF COLORED COLONIZATION SOCIETY,
Topeka, Kansas, February 2, 1872.

Your brethren and friends throughout the North have observed with painful solicitude the outrages heaped upon you by your rebel masters, and are doing all they can to alleviate your miseries and provide for your future happiness and prosperity. President Hayes, by his iniquitous southern policy, has deserted you, while the democrats, who now have control of Congress, will seek to re-enslave you if you remain in the South, and to protect you from their designs, the Colonization Society has been organized by the Government to provide land for each head of a family, which will be given in bodies of one hundred and sixty acres gratuitously. This land is located in the best portion of Kansas, in close proximity to Topeka, and is very productive. Here there is no distinction in society, all are on an equality. Leave the land of oppression and come to free Kansas.

LYCURGUS P. JONES, *President.*

Show this circular to none but colored men and keep its contents secret.

Mr. INGALLS. I pronounce that paper a forgery, a fabrication, and a fraud invented for precisely the same purpose for which it has been used to-day, and that statement is susceptible of abundant proof. No such document as that ever emanated from Topeka or from any part of the State. The whole thing is simply a secondary invention, thrown out for the purpose of casting suspicion and imputation upon the people of my State and others where these men have been welcomed. In reply to it, and in reply to the assertion of the Senator from Missouri that these men were beguiled away by the promise of a land where

Softer suns dispense serener light,
And milder moons imparadise the night,

I want to call the attention of the Senator to the declaration in those newspapers that I read, that are not denied, whose authority is admitted, and that stand as reputable representatives of the democratic party in the States of Mississippi, Louisiana, and Tennessee. Look upon this picture and then on that.

Mr. VEST. Mr. President, for the first time in my political life I hear from a politician and a lawyer of experience quotations from partisan papers to prove facts.

Mr. INGALLS. On your own side.

Mr. VEST. If one-tenth part of what the gentleman's own papers say about him in the State of Kansas is true, he would occupy a very different position.

Mr. INGALLS. That is the retort courteous.

Mr. VEST. No, sir; it is a retort proper, because they have said the same thing of every Senator, I presume, upon this floor. I simply go to the very marrow of the gentleman's statement by saying that

what a newspaper in these days will not assert cannot be conjectured by mortal man. It is no answer, sir.

Mr. McMILLAN. Will the Senator from Missouri allow me to ask his attention to a statement?

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) Does the Senator from Missouri yield?

Mr. VEST. Certainly.

Mr. McMILLAN. Will the Senator allow me to direct his attention to the statement of a southern man resident in New Orleans, Mr. Foote, eminent throughout the country, addressing a southern labor convention at Vicksburgh?

Mr. VEST. Did I catch the name? Was it Governor Foote?

Mr. McMILLAN. Foote.

Mr. VEST. Henry S. Foote?

Mr. McMILLAN. Yes, sir.

Mr. VEST. Yes, sir; we have heard of Governor Foote.

Mr. McMILLAN. Before a convention in regard to this very southern labor in a Southern State and assented to and recognized in their resolutions——

Mr. VEST. I had the honor, whatever gentlemen may think of it on the other side, of serving in the confederate congress with Governor Foote. He had the same extraordinary facility then of being on one side and talking on the other side, that he has now. [Laughter.] He is now an appointee of President Hayes, confirmed by a confederate Senate, and has taken up his residence in the city of New Orleans as director of the mint.

Mr. BLAINE. "Confirmed by a confederate Senate?" [Laughter.]

Mr. VEST. By this Senate. [Great laughter.]

The PRESIDING OFFICER. Senators will observe order.

Mr. BLAINE. The Senator says he was confirmed by a confederate Senate.

Mr. VEST. Mr. President, if I have heard one thing since I have been on this floor, it has been from the Senator from Maine that this was the confederate Senate.

Mr. BLAINE. And the gentleman now owns that it is. [Laughter.]

Mr. VEST. No, sir.

Mr. BLAINE. I am glad to be vindicated by the testimony of so valuable a witness.

Mr. VEST. I used the word "confederate" in juxtaposition to my statement that Governor Foote had been a member of the confederate congress, and I answer the gentleman by stating that he has made the charge over and over again that this was the confederate Senate and controlled by confederate influence. I know that it is not true, and I know that the gentlemen on this side of the Chamber who sit around me are as true to their oaths to support the Constitution and the Union of the States as the gentleman from Maine or any Senator who sits upon that side of the Chamber. The Senator from Maine is apt in his play upon words, and he seeks nothing better than a syllable out of which to make a harangue to fire the Northern heart and bring about a republican victory.

Mr. BLAINE. I hope the honorable Senator from Missouri will never say that I called this a confederate Senate. I said it was the United States Senate controlled by confederates. That is what I said.

Mr. VEST. Yes, sir; I understand. If it were ruled by the true and gallant and honest men who risked their lives and all they had for the people with whom they lived, what a slur that would be upon this Senate! It would be ruled by gentlemen, by true men, and by brave men, and the country would be safe in their hands under their oaths of office.

Mr. President——

Mr. WINDOM. Before the Senator leaves the question of the exodus, I should like to get back to it a moment and ask him if he ever read a memorial prepared by citizens of Saint Louis and signed by many of its leading citizens?

Mr. VEST. Yes, sir, I read it. It was referred to on this floor by the Senator from New York, who stated at the time that the democratic mayor of Saint Louis had signed it.

Mr. CONKLING. Did he not?

Mr. WINDOM. Does the Senator dispute it?

Mr. VEST. He was never a democrat, never any more a democrat than the Secretary of the Interior. [Laughter.] He belongs to the same party with the Secretary of the Interior. If the Secretary of the Interior is a democrat, the mayor of Saint Louis is. That is the nearest approach he ever made to our party.

Mr. WINDOM. Has he not frequently acted with the democratic party, and is he not recognized generally as a democrat?

Mr. VEST. He was elected mayor of the city of Saint Louis upon what was called the people's ticket.

Mr. WINDOM. Was it mainly composed of democrats or of republicans?

Mr. VEST. Well, sir, he was elected by both democrats and republicans, but never as a democrat; I speak of his distinctive political character.

Mr. WINDOM. I will ask the Senator if he observed that Judge Dillon and a very large number of leading citizens of Missouri signed that memorial?

Mr. VEST. If Judge Dillon was ever a democrat, I have always been a republican.

Mr. WINDOM. I did not ask if he was a democrat.

Mr. VEST. I speak of Judge Dillon with great respect, for I take now this opportunity of saying that I have practiced law before him for years, and no words could express my high admiration for his virtue and his official character; but he is a strong partisan, belonging to the stalwart school to which the gentleman belongs.

Mr. WINDOM. Then the gentleman would believe him if he happened to be a republican even?

Mr. VEST. Not in politics; no, sir. [Laughter.] I would take his personal statement just as soon as that of any man; but not where the great banner of the republican party is unfurled.

Mr. WINDOM. So the Senator does not believe the statement made by a hundred leading citizens of Saint Louis on this subject?

Mr. VEST. I read that statement and I know how it happened to be got up; and since the gentleman has alluded to it, I take pleasure in giving him information. In this very Senate Chamber, sitting within a very few feet, at the time, of the Senator from Maine, I asked Ex-Senator Henderson, who was named also as one of the signers of that instrument, in regard to the truth of the instrument, how he happened to sign it; and he said to me that he never saw the negroes, that he knew nothing personally about the facts, and he signed it upon the request of political associates, notably General John W. Noble, of the city of Saint Louis, a most devoted partisan. That paper was got up, and I charge it here, for political purposes; and I charge more, that the men, whether they are here or elsewhere, who induced these negroes to leave their homes in the South, where God and nature intended them to live——

Mr. WINDOM. Where men will not permit them to live in safety.

Mr. VEST. If the gentlemen would let the negroes alone, they would stay there in peace and plenty; but for political purposes they go to the South or send their emissaries there to teach the negroes that there is another land where no labor will be required, where peace and plenty are to prevail the whole year throughout, and they tell them if they remain in the South they are to be sold into slavery, and that this Congress proposes to sell them into slavery.

The Senator from Kansas denounces this circular as a fraud and forgery. Sir, I doubt very much the correctness of that assertion. I state here that I obtained it from a negro who said it was delivered to him. I will not go further, and imitate the example of distinguished Senators on that side of the Chamber, and quote the testimony of these negroes. Various reports have been read from by distinguished Senators, in which field-hands at the South, semi-barbarous negroes, took away the character of the southern people, and stamped them as assassins, and scoundrels, and murderers. I will not emulate that example. If I did, I have the testimony of the leaders of this negro exodus, who stated that they were induced to go to Kansas by Senators on this floor, and that they were induced to go there under false representations. Now, sir, the Senator from Kansas says that this picture of mine in regard to the representations of an Arcadia existing in Kansas is simply my own imagination. Mr. President, it is easy for the gentleman to denounce this circular; it is easy for him to tell me that it is a fraud and a forgery of Lycurgus P. Jones.

Mr. INGALLS. There is no such man.

Mr. VEST. Very good. He stated that as an evidence of the fact that it is a forgery. If so, it was manufactured and sent to the South for the purpose of inducing the negroes to go to Kansas when there was not one particle of truth in it at the time.

But I now come to another document, and I want to hear the gentleman denounce this as a forgery. I live within a few hundred yards of the town of Wyandotte; I know the men who signed this paper, and I ask the Secretary now to read in corroboration of what I have said, the following proclamation signed by leading republicans in the town of Wyandotte, showing under what representations the negroes were induced to go to Kansas, and branding as a fraud, branding as a piece of unadulterated villainy, the whole scheme from beginning to end. Let the Secretary read that proclamation. I know the men who signed it.

The Chief Clerk read as follows:

A protest of the people of Wyandotte, Kansas, concerning the negro immigration.

To the people of the United States:

Within the past two weeks over a thousand negroes direct from the South have been landed at Wyandotte. None of them have money to carry them further west or to purchase the wherewithal to supply their most urgent necessities for food or shelter. But few of them are sufficiently protected from the inclemency of the weather, and on account of exposure, want of proper food, care, and medicine they suffer severely, and a terrible mortality affects them. Large numbers have died, and at least 5 per cent. of the whole number are sick with pneumonia and kindred complaints. In a word, over a thousand paupers have within a brief space of time been thrown into a town of about five thousand people, who are unable to properly provide for their wants.

These people are possessed of the most visionary ideas concerning what they must confront by coming to Kansas. Their sole idea seems to be to get West where Government lands can be occupied, but they are wholly destitute of means to improve it or to sustain themselves until they can cultivate a crop. Go where they will in Kansas, they must be provided and cared for or they will perish. We have reliable information that thousands more are coming. If so, the situation will soon be a very serious one for the deluded, helpless, and ignorant negroes who are thus blindly rushing to Kansas, and a mighty burden will be thrown upon our people. There is not sufficient demand for farm labor to give employment to such a mass of people. They must become virtually a public charge upon the communities where they may happen to be cast.

In view of this state of facts we, the undersigned, citizens of Wyandotte, Kansas denounce those who are encouraging these people to come to Kansas as really their

worst enemies, whatever their intentions may be. We call upon humane and reflecting people everywhere to use their best efforts to check this most disastrous movement on the part of the negro population of the Southwest, and to correct the utterly baseless and visionary ideas concerning what is before the negro immigrant in Kansas, which seems to have taken hold on the minds of the thousands who are leaving their southern homes. We further say that the sentiments of this protest and memorial are those of the people of Kansas without regard to party; and we request papers throughout the country to publish this, our protest and warning.

J. S. Stockton, mayor of Wyandotte; Ant. Kuhls, Catholic priest; V. J. Lane; R. E. Cabe, probate judge; N. Cree, attorney; James S. Gibson, county attorney; William Albright, deputy county treasurer; S. Perkins, county commissioner; Perley Pike, county commissioner; E. R. Emmons, county clerk; W. H. Ryus, sheriff; G. H. Miller, superintendent institution for blind; J. S. Clark, register of deeds; H. M. Northrup, banker; George W. Betts, clerk of district court; J. A. Hale, city attorney; R. B. Armstrong, member of Kansas Legislature; E. L. Buesche, merchant; S. F. Mather, druggist; B. Judd, ex-senator; I. B. Sharp, attorney; F. B. Anderson, justice of the peace; J. M. C. Louther; W. P. Brush, school-teacher; H. L. Alden, attorney; E. Sprague; Byron Sherry, attorney; H. J. Armstrong, route agent; C. Hains, ex-mayor; O. D. Burt, jeweler; G. P. Nelson, ex-senator; L. Cook, councilman; H. H. Sawyer; Gottlieb Knipfer; D. S. Young, farmer; A. Caley, Times reporter; A. G. Walcott, lumber merchant; G. W. Bishop, merchant.

Mr. INGALLS. The great majority of those names are obdurate, indurated democrats, into whose head you could not drive the slightest idea of justice to the negro with a beetle and wedge.

Mr. VEST. I should like to ask the Senator from Kansas if the mayor of Wyandotte is not a republican of the strictest sort?

Mr. INGALLS. I am not going to select names.

Mr. VEST. Ah! That is the sort of republican argument we hear here every day. I assert that that paper is signed by the leading republicans of the town of Wyandotte, in the gentleman's own State. I assert that Mr. Stockton is an indurated radical of the stalwart sort, acceptable to the most stalwart of the republican party, elected on that ticket, and the gentleman knows as well as I know that a large majority of the men signing that paper are republicans of the strictest sect. I assert that as a fact, and I leave to the Senator from Kansas and to his people the settlement of this question as to the negro exodus. They say these negroes were drawn from home by false pretenses, and they denounce the men who have thrown them upon Kansas.

I might go further, and read the statements of these negroes themselves in regard to the miserable fraud that is practiced upon them. The Senator from Kansas himself upon this floor says that "bleeding Kansas," "free Kansas" extended her snowy arms to embrace all the oppressed and persecuted people who came on her soil and welcomed them to hospitable homes. They welcome them very much like Tom Corwin advised the people of Mexico to receive the American Army, with hospitable hands to bloody graves. They have not given them bloody graves, but they will give them frozen graves in the next winter. That will be the extent of Kansas charity and the love that Kansas has for this exodus. Why, sir, the city of Atchison—and I have here the ordinance of that city passed for the very purpose of excluding these negroes from landing within the corporate limits——

Mr. INGALLS. The ordinance of a democratic mayor and council.

Mr. VEST. Ah, yes, sir; and it has also a large republican population that indorse it.

Mr. INGALLS. And which people welcomed them and gave them good cheer.

Mr. VEST. Yes, sir; and passed this ordinance putting a fine of $500 on a railroad that landed a negro inside the corporate limits, even for the purpose of peddling peanuts. [Laughter.] That is the sort of charity and hospitality Kansas is giving them.

Why, sir, when I visited my home recently upon professional business, I visited Wyandotte to see for myself the real truth, the exact truth in regard to this negro exodus. I found these miserable creatures, two hundred of them, living in holes in the ground upon the river bank, one-tenth of them having died with diseases produced by the want of acclimation, produced by hunger, starvation, and the want of sufficient clothing; and while I was there, to give the whole truth, two boxes of clothing coming from the charitable in Boston and Chicago arrived there for distribution. I have seen in my Western life upon the plains the cayotes as they tore each other in attempting to get at the carcass of a fresh-slaughtered buffalo; I have heard the shrieks of famished wolves, but I never expect to see anything again like what took place then when these negroes gathered around these boxes and clamored for the distribution, screaming and yelling that they were entitled to those goods, that the Government of the United States had sent them there for distribution. The poor, miserable, ignorant, semi-barbarous creatures had been taught to believe that this Government had stretched out its arm to carry them to Kansas and that they were indeed what the republican party has long proclaimed them in imagination to be, the wards of the nation. And they have been wards! The Freedman's Bank is a standing monument of that wardship. The republican party never recollects them except at an election or when it chooses to use them for political examples in order to set off the bloody picture of the southern bravo with his bowie-knife in his boot and his double-barreled shot-gun on each shoulder and ten six-shooters stuck in his belt. Then only does our colored friend and brother come to the front.

Sir, without the negro the radical play would be Hamlet with the character of Hamlet left out; no one would parade him here. The exodus has come because the fuel on which the fire of civil hate has been fed was fast being exhausted; it was necessary to get up something else upon which to fire the northern heart and champion the truly loyal to the polls in 1880; and for that purpose these poor, miserable, degraded creatures were dragged from their homes in the South and carried to a land where I assert now that the frost will kill them without assistance from the snow.

Mr. INGALLS. Why did they want to make Kansas a slave State, then, if it would kill all the negroes?

Mr. VEST. Why did we want to make it a slave State! [Laughter.] We desired, Mr. President, not to make Kansas a slave State but we desired that Kansas should come into the Union like the other States, with its own institutions, under the Constitution and laws of this whole country. When the gentleman says we desired to make Kansas a slave State I assert to him now what he and I both know to be the fact that under climatic influences the State which I have the honor in part to represent on this floor was fast becoming free soil, because we found—and it was a case of dollars and cents—we found that slave property was not remunerative in Missouri; we found its natural home was in the South in the production of cotton, the great staple of the country. I assert that the men who are carrying the negroes now to Kansas are carrying them there to destitution and death. They are now returning, all that can get transportation; one hundred and eighty-eight have passed down the river to their former homes and were received there with joy and acclamation. The balance desire to return and the men who are now carrying them to Kansas are carrying them there for political capital and not from any love for the negro.

Mr. LOGAN obtained the floor.

Mr. INGALLS. May I have a moment?

Mr. LOGAN. Yes, sir.

Mr. INGALLS. Mr. President, before this debate closes I wish, for the purpose of setting this matter right, to ask the Senator from Louisiana, if he is in the Chamber, whether the New Orleans Times is a reputable democratic paper?

Mr. JONAS. No, sir. The New Orleans Times is an independent paper. It prides itself on being independent of all political connections.

Mr. INGALLS. Let me ask the other Senator from Louisiana his opinion of the New Orleans Times.

Mr. KELLOGG. The New Orleans Times has the largest circulation of any paper in Louisiana or in the Southwest, and I believe it is accredited in the forefront in its advocacy of democratic doctrine.

Mr. INGALLS. A democratic paper with the largest circulation of any paper in the State. Now, will the honorable Senator from South Carolina oblige me with his opinion as to whether the Charleston News and Courier is a reputable newspaper?

Mr. JONAS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas, with the permission of the Senator from Illinois, yield to the Senator from Louisiana?

Mr. INGALLS. Certainly.

Mr. LOGAN. Not for a speech.

Mr. INGALLS. As I have quoted these newspapers, I desire to know whether they are reputable or not.

Mr. JONAS. In answer to the question I would say that the Senator from Louisiana sitting on the other side of the floor is a very poor authority for a description as to anything democratic in the State of Louisiana. I say that the New Orleans Times is not a paper of the largest circulation, and is a paper of small influence in the State of Louisiana. I say that according to popular report it is owned and controlled by the gentleman who was auditor elected upon the same State ticket—no, not elected but counted in—upon the same ticket with the gentleman when he became governor of the State of Louisiana. It is owned and controlled by Mr. Charles Clinton, a leading republican. It is edited by a republican formerly from the city of Saint Louis; and it is in no respect either a democratic paper or a democratic organ, and it is not regarded as such in the State of Louisiana.

Mr. KELLOGG. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the other Senator from Louisiana?

Mr. INGALLS. I did not desire to provoke any colloquy upon the subject; I merely wanted by the testimony of Senators present to authenticate the character of the evidence I had given, for the purpose of offsetting it against the circular issued by Lycurgus P. Jones.

Mr. KELLOGG. One moment.

Mr. INGALLS. Yes, sir.

Mr. KELLOGG. Mr. President, some two or three weeks since, if my memory serves me aright, my colleague published a card in response to certain strictures that appeared in the Baltimore Gazette denouncing the repudiation element of Louisiana. In that card my colleague stated over his signature that there was no repudiation sentiment in Louisiana worthy of consideration, that the gentlemen who had charge of the financial policy of the State, composing a committee of eighteen members of the present constitutional convention of the State, were his friends and represented his financial view and policy. Of that committee within the past few days twelve have signed a report repudiating the entire debt of the State except $4,000,000, a large proportion of which is held in the city of New Orleans or in the State, and for a portion of which the State never received any consideration whatever. Nearly all the debt owned abroad and without the State, and for which the State received eighty or ninety cents on

the dollar, and which was used for the purpose of building and repairing the levees and preserving and redeeming the alluvial lands of the State from overflow, is repudiated in the interest of a few holders of bonds, for a portion of which as I have said, the State received no consideration whatever. Every one of the twelve members of that committee who signed this repudiating report are democrats, Bourbons to the backbone, two independents and four republicans, among the latter Ex-governor Warmoth, signing a minority report in favor of maintaining the credit of the State unsullied and unimpaired.

Now, I should like to ask the Senator who is the best authority to speak as to the sentiment of the State of Louisiana? At that time I said that the convention would repudiate in all human probability, and I said that I believed the majority of the convention were in favor of repudiation. My colleague said no; there was no sentiment entitled to any consideration whatever in the entire State in favor of repudiation. My colleague was evidently mistaken. The democratic party of Louisiana is in favor of repudiation. The republican party is not. I prefer to represent the party opposed to repudiation—the healthy and honest sentiment of the State. Now a word regarding what my colleague has said as to the New Orleans Times. This journal has taken the lead of all our papers in the city of New Orleans upon that issue, earnestly opposing repudiation and in favor of maintaining the honor and credit of the State. Upon this issue and others calculated to benefit the State it has increased its circulation between three and four thousand, I believe, in the past four or five months, and I assert to-day that it wields more influence than any other one paper in all the Southwest. It is not a republican paper, is opposed to me politically, but it is opposed to repudiation and in favor of maintaining the credit of the State, and is honestly, I think, endeavoring to promote the best interests of the State.

The Senator from Kansas read a short time since an extract from that paper. The extract that he read was a portion of an editorial published some eight or ten days after my colleague made a speech on the floor of the Senate. It will be recollected that my colleague in that speech dwelt upon the question of the exodus, and stated then as one of the principal reasons why the exodus was not occasioned by any maltreatment of the colored people on the part of the whites, that the exodus was chiefly confined to the parishes of Madison and Carroll, where the colored people are largely in the majority, and where there is comparative peace and quiet. That is true, as my colleague put it, namely, that the colored people left those parishes. Why? Because they were compelled to embark from those parishes; but most of them came from the parishes where violence and disorder had reigned during the election of 1876, the two parishes of Morehouse and Ouachita, that lie directly to the west and in the rear of the parishes of Carroll and Madison. These colored people were compelled in leaving those parishes to embark on a steamboat, to go up the Mississippi, to cross the parishes of Madison and Carroll, and embark from those parishes. His statement was true in that respect. Some of those men came from Carroll and Madison, but the best proportion, the majority, came from the rear parishes, and where there had been much violence. I only refer to this as an additional evidence of his vaunted accuracy of statement as to the condition of things in Louisiana.

I will conclude by saying, in reply to the statement of my colleague that the New Orleans Times is owned by the gentleman who was my auditor, if it be true that the New Orleans Times takes the lead and has the largest circulation and influence of any paper published in New Orleans, that is pretty good evidence that a member of my administration, so much denounced, is beginning to be pretty popular. But, Mr. President, this paper is not owned by my old auditor. He owns, I believe, a few shares in the paper, but the paper is published and edited by a corps of men who are, for the most part, democrats; and you have I think only to scan the columns of that paper to be convinced of it so far as its political articles are concerned.

Mr. LOGAN and Mr. JONAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is entitled to the floor. Does the Senator from Illinois yield to the Senator from Louisiana on the right?

Mr. JONAS. For a moment, if the Senator pleases, I should like the floor.

Mr. LOGAN. What does the Senator mean by "a moment?"

Mr. JONAS. Not over five minutes, in answer to the gentleman.

Mr. LOGAN. When I get through the Senator and his colleague can have their quarrel out; but I do not desire to yield for the purpose of having a colloquy go on here of an offensive character between two Senators.

Mr. JONAS. I only ask this because I was drawn into this controversy unwittingly in answer to a question of the Senator from Kansas, and I only wanted to make my answer fully understood.

Mr. LOGAN. I will yield, then, if the gentleman will take but five minutes.

Mr. JONAS. But five minutes. I only desire to say, while the question of bonds and repudiation is altogether foreign to the question which was addressed by the Senator from Kansas to my colleague and myself, that the bonded debt of Louisiana was about $6,000,000 when the war ended, and it was increased to twenty-odd million dollars during the administrations of Governor Warmoth and Governor KELLOGG, an administration never elected or chosen by the people of Louisiana. I wish to say that debt (which I believe will not be repudiated) was created by a class of individuals sitting in the Legislature whose peers and whose exemplars testified in a committee-room of this Senate during the last two weeks; and almost every bond issued and every debt created was created by those individuals by the passage of acts which received the sanction and approval of the gentleman over the way who professed and claimed to be governor of Louisiana, although never chosen by her people.

I say that that debt the people of Louisiana may well question and may well scrutinize, since not one dollar of it was ever expended for the public welfare of that State or of her citizens; but the debt was created by a carpet-bag government, which the gentleman over the way in large represented, and the proceeds passed into the pockets of his friends in the country, without benefiting or doing any good to the people. I say that while I was willing and advised that my people should shoulder the interest of that debt and pay the principal of the debt, if possible, I believe that debt has no official or moral obligation on which to rest. It was plundered from their pockets and their treasury by a government never elected, never recognized by that people, and the people have never received one dollar's worth of benefit from it.

I say again that the New Orleans Times is no representative of popular opinion among the people of Louisiana. I say that the auditor, not elected but counted in on the ticket with the honorable gentleman opposite, is owner of a part of that paper. He was extremely fortunate in acquiring wealth during a few brief years when he was auditor of that State to enable him to purchase it; but I say that the fact that he is recognized as one of its owners, that he is recognized as its director, is sufficient alone to prevent that paper from being a popular exponent of the people, and to prevent it from being recognized as an organ either of the democracy or of the people of Louisiana, and I say that the gentleman over the way, claiming to represent the people of Louisiana, is as thoroughly unacquainted with their feelings, their interests, their opinions upon any question of public interest as any gentleman who represents any other State upon this floor.

Mr. KELLOGG. Mr. President——

Mr. LOGAN. Mr. President——

Mr. KELLOGG. I will state to the Senator from Illinois——

The PRESIDING OFFICER. Does the Senator from Illinois yield to the Senator from Louisiana?

Mr. LOGAN. I yield one minute and no more, and ask the President to note the clock.

Mr. KELLOGG. Mr. President, the statements just made by my colleague are fair samples of the statements so often made in regard to the condition of Louisiana by him and others like him. Let me make a plain statement that he cannot deny and that will fairly test the accuracy of his statements. During my administration not one dollar was added to the State debt of Louisiana under any law passed during my administration. The State debt was reduced one-third in amount, and the taxes were also reduced one-third during my administration. No bonds were issued during my administration of any kind whatever, except the consolidated bonds, under any law passed during my entire administration. No other bonds were issued by me save to a limited extent, less than $700,000, and these bonds were issued under a law passed prior to the time when my administration came into power, and in obedience to a mandate predicated upon a unanimous decision of the supreme court of the State, a democratic member of that court being the organ of the court.

The entire present consolidated debt of the State represents less than $400,000 of bonds issued during my entire administration, and these, as I have already stated, were issued under a law passed before I became governor. The State debt was nearly fourteen millions when the republican party came into power; and so far from the present consolidated debt representing, as my colleague says, chiefly the debt incurred under my predecessor, Governor Warmoth, and myself, it represents and is mainly composed of bonds which were issued before and since the war, under laws passed by democratic Legislatures.

The PRESIDING OFFICER. The one minute has expired that the Senator from Louisiana insisted upon.

Mr. KELLOGG. Just one other minute.

The PRESIDING OFFICER. Does the Senator from Illinois yield further?

Mr. LOGAN. I appeal to the Senator to let me go on.

Mr. KELLOGG. Just wait a minute.

The PRESIDING OFFICER. Does the Senator from Illinois yield?

Mr. LOGAN. I cannot do it. The Senator can have an hour after I am through.

Mr. KELLOGG. I will take but a moment.

Mr. LOGAN. Well, go on for half a minute.

The PRESIDING OFICER. Does the Senator from Illinois yield to the Senator from Louisiana?

Mr. LOGAN. For one half minute. [Laughter.]

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. KELLOGG. Now, in reference to my identification with the State of Louisiana, I was not born in the State of Louisiana; neither was my colleague born in the State of Louisiana. He is a carpet-bagger and so am I, [laughter,] with this difference, he is a democratic carpet-bagger and I am a republican carpet-bagger; but I venture to say that during my residence in the State I have paid more taxes there in five years than he ever did in ten. In answer to just such

intimations I was in the habit of saying from the stump, when I ran for governor in 1872, that I paid more taxes on property owned by me in the State than the candidates on the democratic ticket, including the governor. I did not make it there; I took it there. I invested it there; I lost a good deal of it there; and my interests are as identical with that State as his are, and I think even greater. As to the statement that I and others have been counted in, I have only to say I prefer even to be counted into office than to be put in by fraud and violence.

Mr. LOGAN. I cannot yield longer.

The PRESIDING OFFICER. The half minute has expired.

Mr. LOGAN. Mr. President, I desire the attention of the Senate for a short time only, and I hope that I shall confine myself to the question that is before the Senate. I have heard, but with one or two exceptions, almost everything discussed except the question that is presented to the Senate for consideration.

I am sorry that, so far, the democratic side of this Chamber has discussed nearly everything outside of the question and but little touching the bill. In fact there has not been an argument made by a Senator on that side of the Chamber except in opposition to the use of the troops at the polls, where no necessity required it, at the same time charging a desire on the part of the republicans to have the Army at the polls for the purpose of preventing persons from exercising the elective franchise rightfully.

Now, sir, I desire in the few moments that I shall detain the Senate to say that there is no desire on the part of the republican party, nor has there ever been to my knowledge, to use the Army or any part of the Army for the purpose of preventing any citizen from exercising the elective franchise; and all that has been said by the Senator from Kentucky [Mr. BECK] in reference to the question in 1865 in his State, and all that has been said by the two Senators from Indiana in reference to the election in 1864 in their State, is, I must say, going a long way back for the purpose of making charges against the republicans, and is poor evidence to prove that they desire to prevent the exercise of the elective franchise by citizens entitled thereto. I desire, in but one moment, to say to the Senator from Kentucky, that in reference to the election in 1865 in his State, he knows well, and it has been said on this floor, that what was done was in pursuance of the laws of his own State, enacted by his own State Legislature, and in pursuance of the proclamation of his governor, based upon those laws, and in pursuance of an order of the commanding-general at the time, who now stands side by side with him in the democratic ranks. He took occasion to say that Governor Palmer, who issued that order, had been getting mad ever since, and had joined the democratic party.

Mr. BECK. Oh, no.

Mr. LOGAN. That he was a gallant soldier.

Mr. BECK. Not that he got mad.

Mr. LOGAN. Then I misunderstood the Senator.

Mr. BECK. One word.

The PRESIDING OFFICER, (Mr. GARLAND in the chair.) Does the Senator from Illinois yield to the Senator from Kentucky?

Mr. LOGAN. Certainly.

Mr. BECK. I said that General Palmer was a gallant soldier during the war; that he violated the Constitution immediately after the war under orders; but that he had got into a good humor, while my friend from Iowa was a peace patriot, and had been getting mad ever since.

Mr. LOGAN. I beg the Senator's pardon. I misunderstood him.

Mr. ALLISON. What Senator from Iowa?

Mr. BECK. The senior Senator, Governor KIRKWOOD.

Mr. LOGAN. Let it go that way. I say that, without exception, in my judgment the Senator cannot name a commanding officer of high reputation in the armies of the United States during the war who ever attempted to use the Army in any other way than for legitimate purposes that is not to-day in the ranks of the democratic party, from General McClellan down. From the days of Mr. Buchanan in the use of the Army in Kansas down to General Palmer with the use of the Army in Kentucky, there is no man to-day in my mind that is in the republican party. You may take all instances of alleged arbitrary use of the Army in this country during its whole history, in the pursuit of slaves and in the suppression of the voice of the people in a free Territory of Kansas, and it has been either under a democratic Administration or wielded under the influence of a democratic officer.

Now, sir, what is the position of the republican party? It is not that we desire the use of the Army at the polls to suppress the rights of citizens. That is the attempt on the part of democrats to bring before the people a false issue. Our proposition is that you shall not deprive the Executive of this nation of the exercise of his right under the Constitution in the execution of the laws which he has taken an oath to see to their faithful execution—not that he shall exercise power arbitrarily, not that he shall outside of the law exercise power or use the Army as a *posse* or in any other way unnecessarily, but that you shall not prevent him, in pursuance of the law and the Constitution, from the protection of citizens in their rights guaranteed to them by the laws and the Constitution of our country. That is the position of the republican party.

Now, sir, let me see. I take the message of the President of the United States and I say that he announces before this country the doctrine upon which and by which the republican party stands, and I indorse every word of it; and to-day your bill, as I will attempt in a short time to demonstrate, has gone outside of the proposition of the President of the United States in reference to his views in the exercise of this power. The President says in his message of May 13, 1879:

> No intimidation or coercion should be allowed to control or influence citizens in the exercise of their right to vote, whether it appears in the shape of combinations of evil-disposed persons, or of armed bodies of the militia of a State, or of the military force of the United States.

There should be no intimidation or coercion at the polls, whether it be by evil-disposed persons, by the militia of a State, or by the armies of the United States. What does that mean? It means this, that every man who has a right to exercise the elective franchise as a citizen of the United States should, without molestation, be permitted to vote; that when he has voted that it should end; that he should be permitted to vote not a dozen times, not a hundred times with tissue ballots, but he should be permitted to cast his vote, and there he should stop. Further, that neither you nor I nor any one else should interfere with him to deprive him of that right or to coerce him to exercise that right in any particular way. The President means by this, that you shall not organize rifle-clubs to coerce a citizen; that you shall not have night-riders to coerce a citizen; that you shall not organize your ku-klux to coerce citizens; that you shall not organize a militia to coerce citizens; that your militia shall not be a cloak for the purpose of coercing citizens; that all should be left free without restraint to exercise this right which is vouchsafed to them under the Constitution of the United States and the constitutions of the different States. What further, sir? He means that the States should keep the militia from the polls where it is not warranted for the purpose of suppressing riot or tumult, or protecting the citizen, and we should keep the Army from the polls where it is not warranted for the purpose of protection and where it is intended to be used for any improper purpose. I agree to that. He says:

> The elections should be free from all forcible interference, and, as far as practicable, from all apprehensions of such interference. No soldiers, either of the Union or of the State militia, should be present at the polls to take the place or to perform the duties of the ordinary civil police force. There has been and will be no violation of this rule under orders from me during this administration.

Now, what is the meaning of that sentence? It is this: that the Army will not be used by him, and ought not to be by any other Executive, as an "ordinary civil police" to keep the peace at the polls. To that I agree. I say here in the presence of this Senate that I am opposed to the use of the Army as an "ordinary civil police" to keep the peace at the polls. What is an "ordinary civil police?" The ordinary civil police is well understood in the law. It is not the police force of the Army. There are two kinds of police. The Army might be called a police, the Army to-day is but a national police in time of peace. It is the police force in part of the nation for what purpose? To suppress riot, to repel invasion, to put down insurrection, to aid the civil authority in the execution of the law. It is the military police of the nation, so to speak. Hence when you use the language "police," it applies in full force. You do not use the language in this section of the bill "as a civil police;" you do not use the language "ordinary police" or "ordinary civil police," but the word "police" is employed, which covers the Army as a police, covers it in every capacity for which it may be used by the President of the United States for the purpose of protecting citizens at the polls or suppressing riots on the day of election. As was well said by the Senator from Wisconsin, [Mr. CARPENTER,] the police has always been divided into administrative police and judiciary police, one for the prevention of crime and the other for the punishment of crime.

The Army of the United States in time of peace is the administrative police of the nation for what? For the purpose of preventing violations of the law, for the purpose of patrolling and guarding our border and preventing attacks upon our frontier people, and at all times to be used by the Executive under the authority of law. It is also the administrative police of the nation for the purpose of aiding the civil authorities in the enforcement of the law, for the purpose of aiding in preventing crimes. When crimes are committed then the judiciary police comes in for the purpose of punishing crime. The Army, as the military police, becomes an adjunct or aid to the civil even in the execution of its authority as a judiciary police when the civil or judiciary police cannot carry out the law for want of force to resist attempts to overawe it. This is the distinction, as I understand it, between the military police and the civil police of this nation.

The President of the United States said in plain language that the Army ought not to be used as an "ordinary civil police." That is to say, it ought not be used for the purpose of patrolling the streets with policemen's bludgeons for the purpose of arresting people in the streets, for the purpose of carrying out municipal regulations, for the purpose of carrying out the orders of mayors of cities or executing town ordinances. It ought not to be used on the day of an election in that position or as a substitute for the "ordinary civil police;" but when riot or bloodshed shall occur in city or town, or shall be threatened at the polls or elsewhere, where the civil police are not competent to suppress it or protect the citizens on the day of a national election, the President, under his oath to faithfully execute the laws, should not be restricted, if it should become necessary to resort to the use of the military arm of the service as a military police or administrative police for the purpose of executing the laws and preventing crime; he should, for the benefit of good government and

in the interest of peace, be permitted to exercise all the power of the nation.

Sir, believing as I do in the exercise of all the powers of the Government when it becomes necessary for the purpose of executing the laws, for the purpose of preventing crime, or for the purpose of protecting the citizens of this nation, I say that any attempt to restrict this authority, either by positive law or by a negation of the laws as they now exist, is an abridgment of the rights, privileges, powers, and prerogatives of the Executive.

Let us see for a moment, then, whether or not this Army bill as it now stands differs with the Army bill recently vetoed, and in what particular, if any. The fifth section is as follows:

That no money appropriated in this act is appropriated or shall be paid for the subsistence, equipment, transportation, or compensation of any portion of the Army of the United States to be used as a police force to keep the peace at the polls at any election held within any State.

That is to say, the Army cannot be moved, or any part of it, on election day. Why? Because transportation is denied. No part of the Army shall go. Why? Because food and raiment are inhibited by the law. No part of the Army shall be subsisted, shall be moved, transported, or taken to any place where an election shall be held in any State as a police, not as a civil "police," not as an "ordinary civil police," but as a police—you may call it administrative police, judiciary police, or a military police—it shall not go as either on the day of an election; it cannot be used on that day, because the supplies are denied.

Oh, but we are told that it makes no difference about the supplies being denied for a day; that amounts to a very small thing; Congress only denies supplies for the day of an election or for two or three days; hence we can get around that. Let us see. I ask Senators to-day as reasonable men if you have a right by an act nullifying the laws of this country to deny food, raiment, and transportation to the Army for one day, have you not the right to deny them for a year? It is an admission of the right to do it; the admission of the power to do it; the admission of the propriety of doing it. If you can do it for one day, you can do it for a year; and you are only marching in the path that has been opened for you in this particular by your political adversaries. Why, then, I ask, if the President of the United States may admit the proposition that Congress can withhold supplies for one day and refuse him the power to exercise his prerogative for that one day, and he admits that proposition, does he not admit the proposition that it may be done with the same propriety for a whole year?

But, as was well said by the Senator from Wisconsin, the word "police" in this section is not the controlling word of the sentence; "to keep the peace at the polls" is the language that controls the sentence. In other words, the Army shall not be used, or any part of it, on the day of an election anywhere to keep the peace at the polls. You may protect the citizen, suppress riot, enforce law, prevent bloodshed, disperse mobs on every day in the year save one, and that is on an election day, the day above all others, in my judgment, when the authority should be given to do so. Suppose at an election in the city of Chicago, where I reside, one thousand armed men should be led to the polls and take possession, how then is the President of the United States, if he should be called upon by the governor of the State under the fourth section of article 4 of the Constitution, to comply with the request? If he does, he violates this law; for the law plainly intimates to him you shall not use the troops on that day at the polls.

But it is said he may do it. If he does, when you say supplies shall not be granted for that day or that time the denial of the supplies is a notice to him that he shall not use the troops at that time and at that place. If he does, and they cannot be used without being supplied, how are the supplies to be furnished? They may be furnished by citizens, it is said. Then you incur liability, because the citizens may apply to the Government for pay for the supplies thus furnished. The Government accepting supplies for the benefit of the Army but for one hour or for one day incurs a liability for the full amount of the value of those supplies. Then by incurring a liability the President violates a law of the United States, plain and imperative. If he does that act, he may be impeached for the violation of a plain provision of the statutes of the United States.

Sir, speaking honestly my sentiments and views, I would rather vote for a bill repealing the law out and out (which I would not do) than vote for a bill saying that the law shall not be executed. It is a manner of nullifying a law; it is the negation of a law, though not repealing it. For the purpose of putting the minds of some of our democratic friends at ease, because this whole question has been argued by them from their own stand-point, there has been much declamation against the Army, against the oppression, and tyranny in the use of the Army at the polls during an election, and much has been said about the exercise of the right of a free citizen; "tyranny" and "oppression" have been thrown in our teeth. Why? Because we assert the power, and not because we have the desire that it shall be used unnecessarily. But that the power exists, and we say you shall not deny that power if we can prevent it; and the very moment we say the troops will not be used except where it is necessary to put down a riot, prevent bloodshed, and for the purpose of protecting the citizens in the enjoyment of their rights where they are not otherwise protected either by State or by some other authority, it is said we desire to oppress the people, we desire to use this power for the purpose of preventing free elections. There is no such desire, and no foundation for the statement.

Now, Mr. President, I have said on this subject nearly all that I care to say. But there is one thing I want to call the attention of the Senate and my democratic friends to, and that is that their whole attempt at legislation during this session of Congress has been with a kind of bravado toward the Executive, a kind of defiant attitude, determined to coerce him into signing some law or other that shall to a certain extent abridge his powers and cut off his authority; not that they believed the Army will ever be used for the purpose of preventing any citizen of their States from properly exercising his rights under the law, but for the purpose of driving the republican party, as an attempt was made years ago to drive everybody before them, and make the President, with all others, bow to their behests and become willing tools or subservient instruments in their hands.

You denounce the President of the United States for first signing laws and then for refusing to sign laws; you denounce the republican party; you almost declared you would tear down the temple of liberty rather than submit unless certain things were done; you were going to repeal all of these laws. Why? Not because they were oppressive, but because they were passed during a time when you did not exercise your power and authority here as a party, and that, merely because you had no part or lot in the enactment of these laws, you wanted to obliterate them; and it seemed that you were determined that our statute-books should hold naught except that which was in accordance with your theories and your views and placed there by yourselves.

Why, Mr. President, from that side of the Chamber the republican party has been denounced in all the various forms that the English language is capable of. We have been told that our time had come, that we were oppressive. The year 1862 has been cited, the year 1863, the year 1864, and my friend, not now in his seat, from Indiana [Mr. VOORHEES] declaimed loudly about the loyalty of the State of Indiana. Of course a majority of the people of Indiana were loyal; many good soldiers from that State did their duty; but I want to say to him that while he was attempting to make it appear that some of our Senators had insinuated a want of valor in the troops of Indiana during the war with Mexico, he knows it well that there was in that State during the late war an organization in sympathy with the rebellion for the purpose of overturning the authorities of the State, and for the purpose of setting a "fire in the rear," if I may so speak, at least such has been the belief of the country, founded on seemingly good authority. I ask in all conscience and in all kindness with what kind of taste, with what kind of grace does it come from the lips of Senators on this floor to denounce the republican party for their conduct during this war, to denounce the republican party for the use of troops in 1864, to denounce the republican party as it was this morning denounced by the Senator from Missouri [Mr. VEST] about the Freedman's Bank. That was put in operation here during the war, or shortly after. All these little taunts are thrust at us. Why, sir, many of the very men who do it went forth themselves and made the earth resound with the hoof of war in an attempt to destroy this Government, and with a flaming sword in one hand and a torch in the other they went forth trying to fire the temple of liberty; and yet they come here and talk to republicans about what they did in 1864, what they did at a time when a million of men were in arms against the Government, when everything was to be done and every power was to be exerted for the purpose of protecting this country and preserving it against men who attempted to destroy it; and yet we are to be told day by day about the wrongs that were committed by the republican party during this time.

These very men are every few days talking to us about stirring up strife. They say the republican party is trying to arouse the North against the South. If a republican happens to allude to the rebellion, if a Senator happens to speak of some battle or happens to speak of the Army in rebellion crossing the Potomac somewhere or invading a State, we are told we are trying to arouse northern feeling against southern men. We dare mention no wrong that was done by the party that stood against us without being called to account; but you gentlemen can stand up here and denounce the republican party from one day to another and it is all right. Now I say to you that this must stop, or else you will hear the history of this country every day in this Chamber and your own histories as well. I say this in no offensive sense, but it had as well be understood by all. I mean by that that as long as you continue your denunciation of men that stood by this country while you were trying to destroy it, just so long we will defy you and we will denounce your attempt against civil liberty and against this Government.

Our friend the distinguished "embassador" from Georgia, [Mr. HILL,]—I believe he recognizes himself only as an "embassador" here, and therefore will not object to the title he gives to himself as well as to all others on this floor—said:

Oh, but you say the South is solid. That is true. And you intimate to the North that we are solid against the Union. That is not true. There is not a word of truth in it. We are solid. Solid how? Solid against whom? Solid against the republican party. Why should we not be? Do you wonder? The past is enough to make us solid. But let that go.

"The past." What "past" is it that is enough to make the South solid? You have been solid, you were solid during the war, you are solid now. You are solid against the republican party, just as solid

against the party that saved this country as you were against the Government, and just as determined to destroy the party that saved the country as you were to destroy the country when you were making war against the liberties of this people. And the distinguished "embassador" from Georgia the other day said to the Senate that he did not say that the democratic party saved the country, that he only said it helped to save it. Now I wish to read a word or two from his speech, in which I think he will find that he did not interpret it correctly in his explanation. Hear him:

> No, my good northern democratic brethren, you saved the country at last; you saved the Union in the hour of its peril; not the republican party. You who had showed devotion to your flag saved the Union, and now it is for you to go before your people and tell them that the solid North must never become a fact against the solid South. If so, disunion will be accomplished.

If the North ever becomes solid, says the distinguished "embassador," disunion will be accomplished; yet at the same time he acknowledges that the South is solid, and yet that does not accomplish disunion. The South was solid and it did not accomplish disunion; the South is solid and it does not accomplish disunion; but if the North ever becomes solid, then disunion is accomplished! That may be logical, but I cannot understand it. That is the logic of an "embassador," however. The distinguished "embassador" from Georgia says the democratic party saved the Union. Now, sir, the democratic party is on that side of the Chamber; how many of them during four years of war exerted themselves to save the Union? Now, let me give the distinguished "embassador" from Georgia a little history of the democracy of the North.

I say the republican party did save the Union; I say the democratic party did not save the Union. I say the democratic party as a party never aided to any great extent in saving the Union. Individuals of the democratic party did; individuals went into the Army and fought bravely and well, and I honor them for it, but the democratic party as a party never sympathized with the Union to any great extent; and the distinguished "embassador" from Georgia cannot name a solitary convention held in the Northern States where the democratic party adopted resolutions squarely in favor of the Union. He cannot show such a thing as a democratic State convention ever adopted a resolution during the whole war that did not declare that the war was a failure or that did not find fault with the manner of the prosecution of the war. Why, sir, every obstruction was thrown in the way that was possible, according to my reading and understanding. The democratic party in my own State as late as 1863, by a resolution introduced by a distinguished member of Congress, a democrat from that State now, declared the war a failure. So the democratic convention of the nation in 1864 declared the same thing, and you cannot show in one solitary instance that the democratic party as a party ever indorsed the prosecution of the war for the Union. So the distinguished "embassador" is not borne out by the history of the country.

When Senators continually point over to this side of the Chamber and speak of the wrongs that have been committed, I say to them, so far as I am concerned, I am willing to let by-gones be by-gones as far as we can; but it cannot be so as long as you yourselves are the irritators. You gentlemen who during the war indorsed all kinds of wrong, you gentlemen who indorsed acts that would make civilized mankind shudder, men who indorsed conduct in warfare that was not according to the civilization of the age, men who indorsed the attempts to disseminate small-pox and disease in the North and to fire northern cities, to tell us that we must stop talking about rebellion! And you censure and criticise republicans on this floor every day because of something that transpired during the war, and say we are trying to arouse the northern sentiment. I say to you unless you yourselves stop this you will have a solid North, and when the North becomes solid again, it will be solid to remain so.

Mr. President, I have digressed for a few moments in this line because I have had no other opportunity of saying just this much. I desired when I rose merely to discuss a single proposition, and I say now in conclusion I do not know what the President may do, or what he may not do in reference to this bill, but I am free to say, and I want the country to understand, that the only difference between this and a repeal positive of the laws, is that one was a proper way of legislating and the other is not. But the effect is the same; one repeals the law; the other nullifies the law and prevents its execution. The more honorable mode is the repeal. I would vote to-day as readily for the repeal of the law as I would vote for this section; and the man who votes for this section to-day must not explain to his constituents that it means nothing, that it amounts to nothing, that it is only for a day, that it does not stop the supplies of the Army but for a day; it means just as much as if it said you should not supply the Army for a year; the principle is the same; this bill as it stands to-day is just as pernicious as the repeal of the law would be. I would consider myself in voting for this section as backing down from what I have said when I opposed the repeal in the other bill, which was vetoed by the President.

I say to Senators on the opposite side of the Chamber that there is a way in which this country can have quiet; there is a way in which we can legislate as legislators without attempting to irritate one another or to excite the country. How shall we do it? If you want to let by-gones be by-gones, show it by your "walk and conversation." If you want to arouse the feelings of the North, continue to act as you have done; continue to denounce the North as tramps, as you have done; continue to denounce them as dishonest as you have done; continue to denounce them as vampires and oppressors; continue that, and you will not have the quiet that the country desires. Whenever you are willing to come forward and take an appropriate part of the burdens of this country; whenever you are willing to act fairly with the people of the Northern States, they will act fairly with you. Whenever you will concede rights to those people they will concede rights to you. Whenever you will treat them fairly they will treat you fairly; whenever you quit distressing the people in your country they will respect you. Whenever you desist from riot and bloodshed you will be more respected than you are now. Whenever you protect the poor man as you do the rich man, our people will respect you more. Whenever you protect the colored man as you do the white man, we will respect you more. Whenever you will quit insinuating that the men of wealth in your country are the only ones that have a right to legislate, the only ones that have a right to vote, the only ones that have a right to hold office, then we will respect your political principles more. We in the North believe that each and every citizen has a right to vote, each and every citizen has a right to hold office where he has not forfeited that right, if his constituents choose him; that each and every man stands upon the same broad platform; that all stand equally before the people, to be judged of by the people. We deny no right to one man that we do not deny to another; we give no right to one man that we do not give to another. Whenever you people of the South are willing to stand upon this platform and carry it out, protect all alike, then we say to you we are willing to meet you half way. We are willing then to say this country as a whole gives the same rights to one man as it does to another, and that the legislators are bound by that principle and are willing to carry it out. Until that time comes you cannot expect that the North will recognize you as standing upon the same platform in reference to the rights of the people, in reference to liberty, in reference to law, in reference to justice, as the people of the North, and until then you ought not to expect it.

Mr. President, for three months the majority have labored not to make laws that are beneficial, but have labored to repeal laws to restrict the powers of the Executive of the nation. You have labored to that end, and to none other. You have failed so far to do it. I hope you will still fail to accomplish it. So far as I am concerned, by my vote you certainly will fail; and I propose that when the amendments are offered which are proper, we will test your sincerity and see whether you desire that fair laws shall be enacted, that the executive department of the Government shall not be restricted within narrower limits than are intended by the Constitution of our country. This will be the test that will decide my action.

Mr. KIRKWOOD Mr. President, I propose, with the indulgence of the Senate, to consume a short time in discussing the question that I apprehend to be involved in the amendment under consideration. That amendment raises the question under what circumstances, if any, the Government of the United States can use its troops to keep the peace at the polls on the occasion of electing Representatives in Congress. That is the question; and that question, in my judgment, depends upon the answer to another question, which is this: Is there any valid law of Congress which on election day may be obstructed, may be hindered in its execution, may be resisted by force and violence at the polls? If that be so, then not only, in my judgment, can the Government of the United States use the Army to put down that resistance, but it is its bounden duty so to do. That we have a law on the statute-book regulating elections for Representatives in Congress no man will deny. We know that, if we knew it in no other way, from the efforts made at this session to repeal that law.

But it has been suggested that that law is not a constitutional law, and, therefore, not binding. I will examine that question briefly. If it is proper to call the position held by a Representative in Congress an office and him an officer, then I say that the office of Representative in Congress is an office of the United States and not of the State. The Representative is a United States officer and not a State officer. The Constitution of the United States creates the office. Until that instrument was formed there was no such office. The office is not created by the State from which the Representative comes; it is the creation of the United States. The Constitution of the United States says who may hold the office; the State constitution cannot say anything touching that question. The Constitution of the United States says who may vote for the officer, fixing a qualification, to which the State cannot add, and from which it cannot take. The Constitution of the United States prescribes how the compensation for the officer shall be ascertained, by the action of Congress and not by the action of the State from which he comes; and when the amount of his compensation has been ascertained, it is drawn from the Treasury of the United States and not from the treasury of the State. He has certain powers given to him, certain duties are imposed upon him. They all arise under the Constitution of the United States, and not under the constitution of the State. When he is elected he brings to the House in which he claims a seat a certificate from the governor of the State from which he comes, which certificate gives him a *prima facie* right, as it is termed; but whether he is entitled to hold it or not depends, not upon the action of his State, but upon the decision of the House of which he claims to be a member. Certain privileges are conferred upon him by the Constitution of the United States solely, not by the

State from which he comes. When he has been elected and taken his seat he may be expelled from that seat without asking the leave or permission of the State from which he comes.

He is an officer of the United States, then, if it is proper to apply that term to the position. It seems to me that any one examining our Constitution and seeking to learn its meaning, having ascertained that much in regard to these officers, would naturally look into the same instrument to see whether or not there was any provision made there as to the manner in which these officers should be chosen. He would do that. Why? Because it is peculiarly appropriate, I think; because it seems to be in accordance with the eternal fitness of things that every government should determine the manner in which its own agents shall be selected. Looking at our Constitution, then, with that end in view, we find that there is a provision made there upon that subject; and that provision is substantially this: the States shall, in the first place, prescribe the times, places, and manner in which Representatives in Congress shall be elected. That the people who formed our Constitution said for themselves, but they said in addition that at any time the Congress representing the United States might make such regulations or might alter such as it found to exist.

Now, it seems to me that certain propositions are too plain for argument. One of them is this: Whatever power the States have on this subject is given to them by the Constitution of the United States, and whatever power the States have by that instrument is reserved to be exercised by the United States whenever the United States shall so choose to exercise it. There cannot be any dispute about this. Let me make an illustration: suppose that when we meet on the 1st day of December next we are here without rules for our government; we cannot transact business; we raise a Committee on Rules, and say by resolution that they shall prepare rules for the government of this body in order to the orderly transaction of its business; but the Senate may at any time make or alter such rules. Is not the power reserved to the Senate just as broad as the power conferred upon the committee? Must it not be so necessarily? And when the people of the United States wrote in their Constitution that the States might regulate the times, places, and manner of voting in these elections, but the Congress might at any time make or alter those regulations, they did precisely what I have supposed in the case of making rules for the Senate by a committee of the body.

If this be so, then it follows that the Congress of the United States has the right to place upon our statute-books laws regulating the manner of the election of Representatives in Congress. They have done so. Some fault is found with some of the details of that law. It is said in regard to the deputy marshals that we have too many of them. That may be true; but what remedy do our democratic statesmen propose? To abolish the office of deputy marshal; not to reduce the number but to abolish the office totally. It is said that the compensation of these officers is too high. That may be; but the remedy proposed, again by democratic statesmanship, is not to reduce the compensation, but to abolish the office. Some people think that our compensation here is too high. I do not believe it is; but I never heard the wildest reformer yet propose as a remedy that the office of Senator in Congress, if it be an office, should be abolished. It would be more difficult still, I think, to get the approval of that remedy than it would the approval of the remedy of a reduction of compensation.

Again, gentlemen say in regard to these deputy marshals that they are not men of good character. It may be; there may be bad and improper men among them; it would be strange if there were not. It has been said that bad men get in here sometimes. The old remedy comes back; and our democratic friends insist that the cure for the fact that some bad men have been selected is not to make precautions that better men may be selected in the future, but that the office shall be abolished. Is there not a dearth of statesmanship in our democratic friends when they have but the one remedy for all evils. I remember, (it has been so long since that I may have forgotten very much about it,) in reading the good old novel of Don Quixote, perhaps; there was a doctor in it, Dr. Sangrado, who had one cure for all diseases, and but one. It seems to me our democratic friends have been reading that book a little and have fallen into the ideas entertained by him.

Mr. DAVIS, of Illinois. It was in Gil Blas.

Mr. KIRKWOOD. I had forgotten; I have been so busy for a great many years that I have not had the opportunity of indulging in general reading to the extent that I should like to have done.

Last Sunday I bought a copy of the New York Herald, and I propose to read a few extracts from an editorial contained in that paper:

> Within about a fortnight we have had to report on an average two cases a day either of assault by the police upon citizens in their houses or in the streets, or of the arraignment of policemen before justices on charges of assault or personal outrages of an even graver nature. Upon trivial differences within the limit of the rights of the people it is dangerous to exchange a word with a policeman.

This of course refers to the policemen of the city of New York.

Mr. HILL, of Georgia. You are not reading that against us of the South now?

Mr. KIRKWOOD. I will make the application after awhile. The article from which I quote proceeds:

> Not only is it perilous to bandy words with these guardians of the public peace, but the citizen who does not quietly submit to invasions of his domicile is in a fair way to get to the nearest hospital in a cart.
>
> In a tenement-house row an officer came upon the scene in a passage on the level of the street, presumably to pacify the row. He was saluted with unpleasant language from an upper window. Immediately his duty was forgotten. The dispute which had brought him to the scene became suddenly trivial in his eyes and unworthy attention. He mounted the stairs and clubbed the poor creature above, so that he now lies in a bad way with a leg in splints. But this person had been guilty of no breach of the peace and was in his own house. No act had been committed that would in any circumstance have justified his arrest. Only the dignity of the policeman had been offended, and that must be revenged at any cost. And that is a type of the dealings of the police with these people. The average policeman is simply a champion bully, ready to enforce with his club, not order, but the recognition of his personal supremacy on his beat.

Here is a little more from the same editorial:

> It is shown by the trial of the Manhattan Bank robbers that honesty is regarded as of so little account on the police that theft does not disqualify a man for holding a place. An officer is now in custody on the charge that he was an accomplice of those robbers, and if this is true it is the fourth robbery in which he is believed to have been concerned, as the police authorities know. He was a gambler before he went on the police, and as he was found out by one captain after another in his various exploits, what was done with him? He was removed each time to some other precinct where the captain did not know him.

Here is another extract:

> Some time ago a couple of detectives were caught in predatory operations also, and they were not dismissed either. They were made roundsmen.

I do not know what that term means.

Mr. CONKLING. Patrolmen, walking around.

Mr. KIRKWOOD. And it concludes:

> So that this is a part of the system.

And now for the application. If it be true that there is found occasionally upon a police force improper men, dishonest men, brutal men, is that a good cause for abolishing the police? Has it ever occurred to the authorities or the people of New York City to abolish the whole number of policemen in that city? That is the remedy our democratic friends insist upon in regard to the deputy marshals, that because some of them have been ascertained to be improper persons, therefore the whole body shall be abolished. But I do not think the good people of the city of New York, because bad men get upon the police of that city, would be willing to abolish the police force of the city. If the things that are alleged here in regard to the police of the city of New York be true, and if things equally as bad were proven to be true in regard to these deputy marshals, how the eloquence of the Senator from Indiana [Mr. VOORHEES] would be heard in this Chamber denouncing the brutality of intrusting the keeping of the peace at the polls to such men. And yet it is precisely to such men as have charge of the preservation of the peace in the city of New York that the democrats desire to submit wholly the elections. This is outside of my line of argument, however.

A very pertinent question was asked by the Senator from South Carolina [Mr. HAMPTON] a few days ago. I do not see him in his seat, and yet I will refer to the matter, because it involves nothing but what can be referred to either in his presence or in his absence. He made the statement that until within a few years last past Congress had never exercised the power to regulate the manner in which these elections shall be held; and he asked the pertinent question why now it should be done. He was not entirely accurate I think in his statement. A good many years ago, how long I cannot remember, but before the republican party had an existence, Congress commenced the work of regulating the manner of the election of members of Congress. For many years, when I was a much younger man than I am now, some of the States of this Union elected their members of Congress by general ticket, and they continued in that practice until Congress, believing it to be a bad practice, remedied it by providing that the elections should be held by single districts and not by general ticket.

Mr. HILL, of Georgia. That was in 1842, I think.

Mr. KIRKWOOD. I had forgotten the date, but it was long ago. But the question still recurs what reason was there why this custom that had prevailed so long should not be allowed to continue? It strikes me that there are two good and sufficient reasons why it should be so. There are in the city of New York about one-third as many people as the entire population of the original thirteen States at the time we achieved our independence. There are, I apprehend, in half a dozen of our large cities as great a number of people as the entire population of the old thirteen colonies was at that time. While this brings advantages, it brings disadvantages also with it. As wealth is concentrated in the hands of comparatively few in our large cities, and ease and luxury and all the accompaniments of wealth go with wealth, it also happens that vice grows as well. I do not pretend to give from official data what I am about to say, but I believe I am correct in saying that there are to-day in the city of New York more professional criminals—and by that I mean men who make their living by the commission of crime as their business—than the entire population of that city contained at the time our independence was achieved; and the same holds largely true as to all our large cities. This is a condition of affairs that did not exist when the custom that is so much honored now, about leaving the elections solely to the States, originated. In many localities in these large cities four-fifths of the voting population are men with whom no gentleman who hears me would trust either life or property if he thought either could be taken from him without detection. A different system is required, a different supervision is required, different care is required in dealing

with such men than was required in dealing with the men who gave their votes at the time when our Government was formed. That is one reason.

Another reason is that, as a consequence of the civil war through which we passed, the war of the rebellion, some four million people who were formerly slaves are now free men. That has produced and must for years to come produce difficulty, trouble, trial, hardship in the communities where this great change has occurred. It could not be otherwise, unless we could change human nature, and we cannot do that. The men who were formerly masters will not consent, if by any means they can avoid it, to be ruled by the men who were formerly their slaves. This produces a condition of things there that does require supervision not merely by those who live there and of the master race, but by others as well; so that I contend there is good cause for saying to-day that the old system that obtained for so many years should be changed and a different and, we hope, a better system substituted for it.

But to come back, if I am correct in holding that Congress has the right to make an election law and that the laws on that subject upon our statute-book are constitutional, then the question arises, what power has Congress to enforce its own law? Must it depend upon some other power, some other authority, or must it rely upon its own power and its own authority to carry into effect and put down opposition and resistance to the laws of its own enactment? I have no doubt upon that subject, Mr. President. A government that cannot do that is an incomplete and an inefficient government, as much so as a human being who is born with one leg or with one arm, or who is born blind or mute or dumb, is an incomplete person. A government that has to rely upon something else than itself, upon some power other than its own to enforce its own law, is not a government; and if ours is such the sooner we abandon it and substitute for it something better, the better for it and for us.

Let me make myself understood now. There is a great deal of talk about the Government of the United States interfering in the States to keep the peace. Nobody claims that it has the right to do that ordinarily; but it is claimed that whenever a constitutional law is passed by Congress it goes of its own power, not by favor, not by permission from anybody, but of its own constitutional vigor it goes through the whole length and breadth of our land and attaches to and becomes part, so to speak, of every inch of our soil.

That is my theory. It attaches not only to the soil but to every man living upon it, unless by special provision he is a foreigner representing his own country here as an embassador, or in some such way is exempted from its operation. I care not where it may be, wherever that law of this Government goes the agents of this Government to enforce it have the right to go, again not by favor, not by permission, but because the law has gone before them and opened the way for them. They ask no permission of any man, or of any State, or of any power. They ask no power of any man, or of any State, or of any authority. They go by the same power and authority that the law itself goes, and when those engaged in the administration of the law, the power of this Government, civil and military, the power of forty-five millions of people stands with them, above them, below them, behind them, around them, to guard and protect them against any and all power that may oppose them in the lawful execution of that law.

Let me make the distinction. Two years ago it happened that in the city of Pittsburgh, in the State of Pennsylvania, there occurred a great riot. For many days, I do not know how many, all traffic and travel was suspended. Immense amounts of property were destroyed. People from the State in which I live beyond the Mississippi River wished to go to New York. They could not go there by that route. They had property being transported from one State to the other, but it could not reach its destination by that route, and the United States Government could not help them. Why? Because there was not what there should be, there was no law of Congress protecting interstate trade. I hope to see the day in my time here when we shall have such a law. Therefore the question whether our people should travel through Pennsylvania, or whether their goods should go through Pennsylvania, depended not upon the Government of the United States but upon the government of the State of Pennsylvania, and the Government of the United States in that regard could not interfere until called upon by the governor of the State of Pennsylvania to aid him in putting down the riot so as to let people again travel through the State and traffic again be carried on.

But while that is true, it is also true on the other hand that there were laws of the United States at that time that were obstructed and resisted; laws providing for the transportation of the mails were upon our statute-book. My belief is that just as soon as it became apparent to the President of the United States that the local authorities were insufficient to protect the mails of the United States in being carried over those roads, it was not only his privilege but it was his duty to see to it that the local authorities, the civil authorities of the Government being inefficient to protect the carrying of the mails of the United States and the enforcement of the United States laws for their protection—it was his business to see to it that the Army of the United States was sent there, and that every man found resisting the transmission of the mails in accordance with law, obstructing their transmission, should be swept out of the way.

Mr. MAXEY. Will the Senator yield to me a moment?

Mr. KIRKWOOD. Certainly.

Mr. MAXEY. I want to understand the proposition of the Senator from Iowa on this point. Does the Senator mean to say to the Senate that the United States could have sent an army to Pittsburgh without a legislative call if the Legislature of Pennsylvania were in session, or an executive call in the absence of the Legislature, under the fourth section of the fourth article of the Constitution, outside of that article, independent of that article? Does the Senator mean to say the Army could have been sent there independent of that?

Mr. KIRKWOOD. Certainly I do.

Mr. MAXEY. I merely wanted to understand the Senator.

Mr. KIRKWOOD. If that is not true, then the question whether the laws of the United States shall be enforced depends not upon the Government of the United States but upon the government of Pennsylvania.

Mr. MAXEY. The point I wanted to make, I will state to the Senator from Iowa, was this: that the Federal Government has no power except that which is granted upon the face of the Constitution. The mode and manner in which a riot can be stopped in a State is laid down in the Constitution, and the point at which the power of the Federal Government can be brought into exercise to suppress a riot or an insurrection is laid down on the face of the Constitution in the fourth section of the fourth article, and nowhere else. That being the case, and the only case, in which the Federal troops can be called out upon a demand by the Legislature, if it be in session, or if it cannot be convened, then by the State executive, can the United States Government, *ex mero motu*, send its troops there without a call from the Legislature or the executive of the State when the Legislature is not in session?

Mr. KIRKWOOD. Clearly in my judgment it can, and I have been trying to explain why I think so. I have said that if there had been no law of the United States resisted there, no violent, forcible opposition to the laws of the United States there, nothing but a breach of the peace of the State of Pennsylvania there, of course the Army could not be sent there until invited by the authorities of the State of Pennsylvania; but whenever in the State of Pennsylvania or in any other State (this is my theory, I do not pretend to speak for anybody other than myself; I have no authority to do so) the laws of the United States are resisted and overborne, then the Government of the United States has power to use the whole force of this nation to enforce them.

Mr. MAXEY. I want to understand the Senator. I do not interrupt him for any other purpose.

Mr. KIRKWOOD. Of course not.

Mr. MAXEY. Does not the Constitution point out how the Government of the United States is to be advised of the fact that the suppression of an insurrection is beyond the power of a State to suppress it? Can the United States bring its strong hand down upon the State until the State calls for aid in the mode pointed out by the Constitution? That is the point upon which I want to understand the Senator.

Mr. KIRKWOOD. The provision to which the Senator from Texas alludes is the provision for the protection of a State and the enforcement of the peace of the State. It has nothing to do with the laws of the United States; it has nothing to do with their enforcement or their execution. It is when the laws of the State of Pennsylvania cannot be enforced by the authority of the State of Pennsylvania that the State of Pennsylvania has the right to call upon the President of the United States to enforce her own laws in her own limits. It does not touch the question of the execution of the laws of the United States.

Mr. MAXEY. Then, if the Senator will pardon me, I understand his position to be, and I want to understand it, that the laws of the United States are required to be exercised within the limits of the State; that a law itself, in *proprio vigore*, goes along with it; and if it is necessary for the Army to enforce that law, that too goes along with it.

Mr. KIRKWOOD. Certainly it does go with that law.

Mr. MAXEY. There I differ with the Senator, so far as that is concerned.

Mr. KIRKWOOD. Take the case cited by the Senator from Virginia a few days ago, of an election in his State that caused some excitement and feeling in that State, I apprehend. It will illustrate my idea. As I said before, it is only my idea; it binds nobody but myself; it may be totally wrong, but I believe it to be right. In the spring of a certain year, I do not remember the year, an election was held in Petersburgh, Virginia. What year was that?

Mr. ALLISON. In 1876.

Mr. KIRKWOOD. In the spring of that year an election was held for local officers or State officers, I do not remember which.

Mr. WITHERS. For municipal officers merely.

Mr. KIRKWOOD. The United States had nothing to do with that. It affected the State of Virginia only and solely. It was the business of the State of Virginia to maintain peace at the polls on the day of the election; but if the State of Virginia should be unable to maintain the peace on that day, if riot occurred, if the State laws were resisted, then Virginia had the right to call upon the President of the United States, to do what? To send troops there to aid Virginia in enforcing her own laws in her own limits. But afterward, during the same year, there was an election to occur there at which there was a

member of Congress to be elected, and then the law of the United States prescribing rules for the election of members of Congress was in force at that place in Virginia just as much as at the preceding spring the laws of the State in regard to the election of municipal officers had been in force there. When the President was informed, upon information on which he relied, that there was danger that the Federal laws were then to be resisted there, he did a wise and a prudent thing in sending troops, not to go to the polls, but in case a collision occurred for them to be there in case the State could not enforce the law and keep the peace, to see to it that the United States power was there to enforce the United States law there as well as every place else.

I wish to say a few words more on this subject, Mr. President. When I first read this bill before its passage in the other House, I said in consultation or rather in conversation with some of my colleagues from my State in the House that I thought the section of the bill upon which this debate proceeds was a mere excrescence on the bill itself, an impertinence, so to speak, meaning no disrespect to those who favor the section. It was just as senseless, in my judgment, as if it had provided that no part of the appropriation should be used to pay the Army if the Army were used as a professional base-ball club or a traveling circus or a Pinafore company; because I had never heard it claimed by any one, democrat or republican, that it was intended by the Government of the United States to send men to the polls to take the place of police officers, bailiffs, and constables there.

Let me illustrate again my meaning, sir. We have in the State in which I live courts of the United States; we have doorkeepers and bailiffs, and I do not know what other officers to execute the mandates of the courts, marshals among others. I never understood anybody to claim that we ought to turn these men out of office and place an armed soldier carrying a musket with a bayonet at the door to act as doorkeeper, and another beside the judges on the bench as their bailiff, and other armed soldiers all through the building to do the duties ordinarily performed by marshals and their deputies. I never understood that to be claimed by any one, but I did understand it to be claimed that if an armed force of rioters should go into the courthouse in the State of Iowa, and imperil the execution of the laws of the United States there so as to interfere with the orderly administration of justice by the United States officers, and the civil authorities there were not sufficient to put down that violence, then the President could call from San Francisco or New York, or elsewhere, wherever there may be a regiment or a company of troops, all the armed force necessary to see to it that peace and law and good order shall be maintained about the building, and that the men who are charged there with the enforcement and execution of the laws of the United States, just as everywhere else where they are so charged, shall be allowed to proceed in an orderly and a quiet way to do it, and that all the men who are disposed to obstruct must get out of the way.

Mr. President, I come to the main cause of my troubling the Senate upon this occasion, a thing that I very seldom do. I want to find out what our democratic friends mean by this bill. I have repeated here what I said to my colleagues in the other House. I was bound to do so. The respect of those gentlemen is of value to me, and my own respect is of more value to me than their respect, and having said it to them I was bound to let any man who chooses to inquire about it know that I had done so. Now I want to know just precisely what is the meaning of this section. It is claimed by some gentlemen, it was believed by myself, that the only meaning of it was, that when election day comes around the President shall not surround any of the polls in the city of New York, for example, with armed soldiers, so that the men who go there to exercise the right to vote shall not be compelled to pass through files of armed soldiers. I supposed that to be the meaning of it, and aside from its impertinence I saw no harm in it, because no man ever claimed that troops could be used for that purpose, so far as my knowledge went, or that they should be used to make the arrests ordinarily made by policemen there. No man ever claimed that. It was only when disturbance and violence occurred and the peace officers could not put it down that the United States with its armed soldiers in aid of the civil officers should put down that disturbance and violence on the day when members of Congress were being elected, under the laws of the United States.

Now I say, in all kindness and all frankness, it is not for the Senate of the United States to pass a law the meaning of which is shown to be doubtful. Am I right? Is it a becoming thing in this body, said to be the most dignified, deliberative body in the world—ah, well we will continue to say so—is it becoming in this body, when the fact is brought to its attention, that upon the face of a bill pending before it for action uncertainty, doubt, dispute exists as to what is the true meaning of that bill, that it shall not be made clear? Is it just to ourselves that we should allow that doubt to continue? Is it just to other departments of the Government that we should allow that doubt to continue? Is it just to the people of this country that we should allow that doubt to continue and perhaps cause further strife and confusion and bitterness through the length and breadth of our land? Does it not become us as honest men, as intelligent men, does it not become us as Senators, to remove all doubt as to what the meaning of this thing is, and say whether it means that the troops shall not go to the polls on election day to exercise the duties commonly performed by ordinary policemen, or whether it is intended to say that the United States troops shall not go there, when the ordinary civil power is insufficient to protect the people at the polls, to furnish that protection?

That is one question to be determined by the Senate, Mr. President, and if Senators will not inform us by speeches of what they understand this language to mean, we, on this side, have the privilege of testing them in the way of amendments, and I apprehend that unless they pursue the policy we did a night or two ago and fail to vote, we shall get to know just what they mean before this bill is finally passed.

There is another matter I propose to notice, and I shall be very brief. At various times, when political excitement ran somewhat high during the session, I had made up my mind that I would make a political speech. I was saved the necessity of doing so by having it done by gentlemen much abler than myself to do it. But there is one thing to which I wish to allude in a single remark. Much has been said here about the desire of the republican party to revive the bitter feelings engendered by the war for political purposes in the North. It has been said by gentlemen, not from the South perhaps as much as by gentlemen from the North, upon the other side of the Chamber, that the people of the North, the republicans of the North especially, hate the people of the South. Mr. President, that is not true. They do not either hate them or fear them. I speak the latter word in the worse sense of the term. They wish the prosperity of the people of the South as well as they do of any other section of our country. They wish that prosperity because the people of the South are part of our great family, and if you will not believe that we wish you prosperity for that reason, then believe it for a worse, lower, more selfish reason. We have common sense enough to know that your prosperity is the prosperity of the country of which we are a part. Give us credit for selfishness at least, if for nothing else but that. We do desire your prosperity, and we know, we think we know, that that is to be obtained on the sole condition of peace, quiet, and good order among you.

There has been within the last three months considerable feeling, and there is to-day in the North, more than there was six months ago. In my judgment we on this side of the Chamber are not responsible for it. The people of Iowa (and I can speak for them, I think, having had a long acquaintance with them) love the Union of these States. They sacrificed much to perpetuate it. It is with us not merely a matter of sentiment but a matter of necessity. We raise a large surplus of produce that must go abroad, and I tell you we do not intend to ask any man's leave to go abroad with it if we can help it. We want to go through New York. We are perfectly willing to go there and shake hands with that people and deal with them, but we do not ask their permission to go through New York to Liverpool with our produce. The good city of New Orleans is at the mouth of the Mississippi River. We send some—I wish we sent more—of our products abroad through that city; and I say to the Senators from the State of Louisiana, we do not intend to ask anybody's permission to go down the Mississippi River and out of the mouth of that river just where we please. They foolishly attempted to obstruct the navigation of that river a few years ago, and we wrestled with them about it for a long time until we got it cleared out, and we intend to keep it open. We want to go to China. We do not want to ask the permission of men living on the Pacific slope whether we may go through their country to go there.

We are bound, as I said, not only by sentiment but by necessity, to the maintenance of this Union; but we have doubts and fears and distrust in regard to its perpetuity since we had the struggle for its perpetuation. Senators say (and I am bound to take their statements as true) that they are now as warmly attached to this Union as we are. I cannot dispute that question with them; but the preservation of this Union depends somewhat upon the strength of this Government. The complaint I have to make, and the complaint that is working its way all through the northern country, is that there is a steady and persistent effort in every direction and in every way to weaken this Government, to tear off a power here, a power there, and a power elsewhere, one by one, session after session, year after year, until you would leave it incapable of its own preservation.

We passed a law, assented to by myself with much distrust, a year ago containing the *posse comitatus* clause. I said nothing about it, because gentlemen to whose judgment I am in the habit of deferring here thought it best to let it go. I wish it were back again. Bills have been laid upon our desks here that we shall have to act upon some day, taking, as I understand, from the courts of the United States the power to declare whether or not the officers of the United States in the execution of their duties have violated the laws. An effort is being made during this extra session to deprive the people of the United States of the power of supervising the election of their Representatives at the other end of the Capitol. This bill is here to-day either meaning nothing or meaning that in the conduct and management of the election of officers of the United States the people of the United States shall have nothing to do, traveling surely, slowly, sapping one by one as we think the powers necessary to enable this Government to maintain itself.

During the pendency of the yellow-fever bill, so called, I went to the desk of the Senator from Tennessee [Mr. HARRIS] to look at a decision of the Supreme Court of the United States, and in looking through it I found what I wish to read to the Senate. It expresses

much better than I can, much more clearly than I can, my opinion, and it comes from a source that carries with it infinitely more power and authority than anything I can say. I will read the concluding paragraph in the opinion of Chief-Justice Marshall in the case of Gibbons *vs.* Ogden:

Powerful and ingenious minds, taking, as postulates, that the powers expressly granted to the government of the Union are to be contracted by construction into the narrowest possible compass and that the original powers of the States are retained, if any possible construction will retain them, may, by a course of well-digested but refined and metaphysical reasoning founded on these premises, explain away the Constitution of our country and leave it a magnificent structure, indeed, to look at, but totally unfit for use. They may so entangle and perplex the understanding as to obscure principles which were before thought quite plain and induce doubts where, if the mind were to pursue its own course, none would be perceived. In such a case it is peculiarly necessary to recur to safe and fundamental principles to sustain those principles, and when sustained to make them the tests of the arguments to be examined.—9 *Wheaton's Reports*, 222.

The people of our Northern States are afraid that that process is going on to-day. They are afraid that the results of that process will be precisely such as are herein written and that I have read. It is because of that feeling, because they fear that in the future the time may come that that which has cost them so much to maintain may be lost. I tell you kindly and frankly they intend to see to it carefully, earnestly, prudently, that that result shall not follow. And now when our democratic friends—I hate to use the term in this Chamber—when our friends on the other side of the Chamber shall have explained by their votes, if they will not explain otherwise, whether this section 6 that was, and section 5 that is now, is a mere excrescence, a mere wart, so to speak, on this bill, a senseless impertinence, meaning no offense to any one—when they shall have explained to us by their votes whether that is the case, or whether it means that much larger and greater thing, that in no case shall the Government of the United States have power to enforce election laws anywhere and everywhere in the limits of our country, I shall be prepared to cast my vote.

Mr. HILL, of Georgia. Mr. President, I rise to say a few words only. First of all, I want to express to the Senator from Iowa [Mr. KIRKWOOD] the great gratification I have felt in listening to his speech. He has made an able, a dignified, and an excellent speech, worthy of a Senator anywhere and in any age. If all the speeches made on this floor were made in the same spirit and with the same clearness and patriotic temper which the Senator has exhibited, I think that what he intimated as doubtful would never be doubtful again, and that is, whether this is a dignified body. But I do not agree to all the doctrines of the Senator, and I want to call his attention, for he is an able lawyer—my friend shakes his head; yes, he is a good lawyer; I know from the way he talks; he cannot deceive me on that subject—I want to call his attention to the fact that he has made one mistake in the fundamental proposition on which he set out. Whether and to what extent it might change the conclusions to which he arrived is another question, and I will not now discuss it. I shall deal with the Senator with the exact fairness that he himself so elegantly exhibited. In speaking of the power to prescribe the times, places, and manner of electing Representatives and Senators, he spoke of it as a power delegated to the States with a reservation to Congress. I wish to say, what my distinguished friend will recognize, that it is very dangerous for a lawyer, a constitutional lawyer, or anybody else, to talk about the term "reserved powers" as applicable to the Federal Government. The General Government has no reserved power. There is no such thing as a reserved power in the Congress of the United States or in the General Government. My friend may not have used the term in the sense of an original reserved power, but he will see the danger; for that word has a technical and constitutional meaning, and when he spoke of this power to prescribe the times, places, and manner of electing Senators and Representatives, and thereby passing election laws, as a power delegated to the States but reserved to the General Government, he has evidently made a mistake, and I think it is a material mistake, as he will see if he will reflect a moment.

I will say to my friend that clearly this power to regulate the elections of members of Congress is not a reserved power anywhere. It is not a reserved power in the States; because, as the Senator correctly said, until the Constitution was framed, the States themselves did not possess the power, and that far he is right; and until the Constitution was framed neither did Congress possess the power. The Congress had no existence until the Constitution was framed and ratified. Therefore, in literal truth, so far as this particular power is concerned, it is a delegated power altogether; it is nothing but a delegated power. I want to call my friend's attention to that; for he will see the force of it. This power to prescribe the times, places, and manner of electing Senators and Representatives to Congress is not delegated to the States, nor is it delegated to the United States in one sense; but the language is peculiar:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof.

I have noticed a great many arguments, which I am not going to stop to criticise, which confound the government of a State with the State. There is a vast difference between the government of a State and the Legislature of a State and a State; a distinction, by the way, which ought to be kept always in mind in reading the speeches of Mr. Webster. Here the people of the United States were framing this Constitution, which was nothing but a proposition until it was adopted by the people through the States, each State acting for itself, as Mr. Webster and Mr. Madison both conceded. In other words, the same authority which created the State constitution for a State, created this Constitution for the Federal Government, except that in the States it was created by the people of one State and in this case it was created by the people of all the States. Mark you the difference again; not by all the people of the States, but by the people of all the States, is the language of Mr. Webster and the language of constitutional law.

Then the people of all the States in framing the Constitution delegated the power to prescribe the times, places, and manner of holding elections for Senators and Representatives primarily, to use the forcible language of Mr. Madison, to the Legislature of the State, each State through its Legislature for itself, and ultimately to the Congress. You see the difference between this and delegating it to the State and reserving it to the Congress. The analogy which my friend gave would mislead. He says the Senate delegates to a committee power to make rules for the government of this body, but declares that the Senate shall have power to make or alter those rules; and asks, is not there a power reserved in the Senate over the rules as made by a committee? Unquestionably. But, mark you, Congress did not delegate to the States or the Legislatures of the States the power to hold elections for Representatives. That power did not come from Congress; it did not come from the General Government; it comes from the people who framed both. It was placed here by the people of the States as a delegated power both to the State Legislatures and the Congress; a reserved power to neither, a reserved power in neither, but a power delegated primarily to the State Legislatures and ultimately to the Federal Legislature.

Now, then, by all the rules of law you must construe this power according to the intent and meaning of those who delegated it. How is it delegated? It is delegated in the Constitution by the people through the Constitution. It is delegated primarily to the Legislatures of the States. The language is:

The times, places and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof.

That is the delegation by the people of the United States through the Constitution to the Legislature of the State; and Mr. Madison says that is the primary power, and very correctly; but there is not a reserved power, there is an ultimate power—mark the difference between primary and ultimate always—an ultimate power, delegated by the people through the Constitution in the Congress of the United States to make or alter those regulations, and that is a right Congress possesses as an ultimate power.

Why was it thus made primarily a power in the State Legislature? Why was it delegated primarily to the State Legislature and only ultimately to the Congress? For the very plain reason that the framers of the Constitution thought it better, as Mr. Madison correctly says, and as all the writers upon constitutional law have agreed, that it should be left primarily with the States. Why did you delegate, then, the ultimate power to the General Government or to the Congress? The reason is given and it is just as explicit as the other. It is because the States in the future might for some reason be unwilling or unable to execute the primary power. As Mr. Madison correctly says, and as my friend argues with great force on another branch of the argument (every word of which I want to say to him I indorse) it was important that this Government should have the ultimate power lodged in itself of providing for those elections in order to preserve and to continue its own existence. That is right.

Therefore the ultimate power is with the Congress; the primary power is with the States. The reason is that it was most proper to leave the election to the State, but it might become necessary that the power should be exercised by the General Government, and therefore, and for those reasons expressly, it was so delegated.

My friend will ask, is not Congress to be the judge of when it shall exercise the ultimate power? Unquestionably; it must be put upon its good faith and it must judge and it is the only judge, I grant, of when the time has arrived to exercise the ultimate power to make or alter the times, places, and manner of holding the elections. Congress is the judge; I admit it. In my judgment, the time does not now exist when this ultimate power ought to be exercised by the Congress, because I know of no inability on the part of any Legislature of any State in the Union to exercise this power in good faith. I think the States are able to exercise this power; I think the States are willing to exercise this power; and I think, with the framers of the Constitution, that having been delegated primarily to the States, because it was best under the character of our Government that they should have it, it is best they should continue it. That is my judgment.

I say to my friend, therefore, and that is the criticism I make, that it is wrong to talk about this power as a reserved power to the Congress and a delegated power to the States. It is a delegated power to both, because it is an office created by the Constitution. It did not exist in the States before the formation of the Constitution, for they had no such thing as a Representative in Congress except by the Constitution. The Senator is perfectly right about that. But it is a delegated power to both, primarily to the Legislatures of the States, ultimately to Congress, which Congress must be the judge of as to the times and manner of exercising that ultimate power. Congress has exercised it partially on several occasions. The history of its ex-

ercise is very interesting. In 1842 Congress thought it best that it should have a uniform system of electing Representatives to the other House, and that it should be by the district system. So there have been some other changes made. Congress may make or alter the regulations prescribed by the States; it may make its own regulations or alter those prescribed by the States. Congress made a few alterations, but never sought to take control of the elections until 1870, and it is this control we denounce as unwise and unnecessary.

Then I simply repeat that I think these election laws ought to be repealed, because I think that in the present condition of the country the States being both able and willing to exercise this power, and it having been by the Constitution primarily delegated to them, there is no necessity for Congress to interfere to exercise the ultimate power.

Mr. CONKLING. At that point may I understand the Senator?

Mr. HILL, of Georgia. Yes.

Mr. CONKLING. I understand the Senator that this being in each case a delegated power, Congress becomes the judge of the time when it shall exercise its part of the delegation.

Mr. HILL, of Georgia. Not a part.

Mr. CONKLING. Sir?

Mr. HILL, of Georgia. I say the word "part" I do not like; but go on.

Mr. CONKLING. The power delegated to it?

Mr. HILL, of Georgia. Yes; the ultimate power.

Mr. CONKLING. The ultimate power, as the Senator likes to call it?

Mr. HILL, of Georgia. Yes, the ultimate power.

Mr. CONKLING. Congress is the judge of the exercise of that power. It has judged it; it has exerted the power; the statutes are on the statute-book; and here stands the Senator and here I stand in the presence of those statutes. Now the Senator says that he thinks those statutes should be repealed. He and others in the two Houses have attempted to repeal them, have failed because they were unable to get the concurrence of the law-making power so as to effect the repeal. Shall I now understand the Senator, as the next step in his process of reasoning, that he, because he thinks the laws ought to perish or be repealed, finding them on the statute-book, and having failed to secure their repeal, will so vote as to nullify them, to negative them, to paralyze them, to prevent their execution?

Mr. HILL, of Georgia. I understand your question perfectly.

Mr. CONKLING. I should like to hear the Senator's answer.

Mr. HILL, of Georgia. I will say to the Senator from New York that I do not wish to go into an argument. I understand his question, and I decline to go into it for two reasons. In the first place, I did not get up to make an argument. I simply got up to call the attention of the Senator from Iowa to one great mistake that I thought he made in his constitutional argument so far; and for another reason, that the bill to which the Senator alludes is not before us. But I say to the Senator from New York frankly, as I try to answer everything frankly as a general rule, that while the laws are on the statute-book they ought to be supported, but there may be laws in the execution of which more damage would be done to the country by supporting them or enforcing them than by not doing so. I will say to the Senator from New York frankly that if I believed that the failure to provide money to enforce these election laws would result in preventing the election of members to the other House, would impair the efficiency and fairness of those elections in any degree, I would go with him; but as those laws are upon the statute-book they are very unnecessary, and I think the States will elect their Representatives to Congress better without those laws and without this appropriation than with it. I am willing to leave it to the States, knowing that the object of the Constitution will be thereby perfectly accomplished.

Mr. CONKLING. May I interpose for one moment?

Mr. HILL, of Georgia. I do not want to get into an argument.

Mr. CONKLING. I do not want to get into an argument either; but the Senator rose as I understood him to reply to the Senator from Iowa, to correct some mistakes into which that Senator had fallen. Now, if the Senator from Georgia will allow me, understanding as I do so far his remarks, I should be glad to understand him on this point exactly. Shall I understand the Senator to claim for himself the right, to argue or imply the right of a man as an individual or as an individual legislator, to decide for himself upon his individual judgment which laws shall be supported, what part of a law shall be supported, to go behind the fact that the laws stand upon the statute-book and himself as a matter of independent judgment or preference or taste discriminate between those which he will nullify and those which he will support?

Mr. HILL, of Georgia. The Senator will understand, I do not pretend to nullify any law.

Mr. CONKLING. I do not use that word any more than another.

Mr. HILL, of Georgia. That is the word the Senator used. In talking on these constitutional questions we ought to be very exact in the use of words.

Mr. CONKLING. "To withhold support" from them; I change the word.

Mr. HILL, of Georgia. I will state to the Senator that I will exercise the power of a Senator of the United States, or, if the Senator from Illinois [Mr. LOGAN] will have it so, embassador—there is but little in it, but that is what he calls it—I shall exercise the power of a Senator of the United States from the State of Georgia on this question precisely as I would any other. I look upon the State laws upon the subject of these elections, and upon the Federal laws both, as intended to secure peaceable and fair elections of members to the other House. That is the object, that is the purpose of both laws. Now, I think the purpose will be better accomplished and therefore the law itself better observed by leaving it to the States than by the General Government interfering. I think, although the law is upon the statute-books, when the object is completely accomplished, and better accomplished without appropriating money to execute it than by appropriating money to execute it, it is my duty as a Senator not to appropriate it, I say frankly. But I say to the Senator if the election of Representatives in the other House depended upon these laws, if the fairness and efficiency of those elections depended upon these Federal laws, I should feel that I had failed in my constitutional duty if I were not to appropriate the money to execute them; but when I believe the object of those laws will be better accomplished by leaving the matter where it always was left until 1870, and that so far from doing damage to the public good the public good will be benefited, then I say it is wise to husband the resources of the people and not expend their money unnecessarily or injuriously. Now, I have answered that question.

I want to say one more thing to my friend from Iowa, for it does me good to listen to him; and the Senator must pardon me. The Senator has no idea with what gratification in every sense I listen to such speeches as he has made. The Senator said that he wanted to live in a country where he had a right to carry his produce from Iowa to foreign countries without asking the favor of New York or of Louisiana, or of any other State or people. I respond to that sentiment; the Senator is right. He said, and said forcibly, that his people were in favor of the Union, not simply as a sentiment but as a necessity. That is true; and therefore he thought we ought to credit him with sincerity when he took the position he did, that he should maintain the Union at all hazards in all its powers. I concur with him; I respond to every sentiment; but he said to us of the South in the same connection, with a great deal of meaning, and we receive it as such, for there was not an unkind word in that Senator's speech, that we must remember that the peace must be preserved and all citizens must enjoy their rights in peace under the Union. I am not using his exact language. We admit that peace must be preserved. We ought not to live in the Union unless we are willing that peace shall be preserved; we are unfit to be members of any union either with Iowa or any other State if we are unwilling to preserve the peace. Now I ask the Senator, and I put it to his good sense, is it not the interest of the southern people to keep the peace? Do not their own interests and welfare demand it?

Mr. KIRKWOOD. Undoubtedly.

Mr. HILL, of Georgia. Undoubtedly. Is it not the interest of the southern people to deal justly with their own citizens? Does he not know that our own industrial energies, our prosperity, our society itself, that the protection and safety of all our rights would be endangered by war and a disturbance of the peace, by denying to any their political and civil rights under the Constitution and laws and forcing the necessity of Federal interference? Does not the Senator know that? Now, I ask that Senator to take that thought with him home to his constituents, ponder it well, and weigh these charges against us in the light of that great natural truth. Does he believe that we are guilty of the wanton outrages, the reckless disturbances of the public peace that the newspapers and individuals interested in misrepresenting us charge upon the country? We are just as much interested and more interested in preserving the peace in the South than the gentleman is interested in having the right to carry his produce to market; and would I believe any slanderer who would come and tell me that the Senator from Iowa, or the people of Iowa, were trying to destroy and impair their own egress to the sea with their products? Yet that would be just as reasonable as a thousand and one slanders that these walls echo every day against the people of the South in relation to their temper and purpose about keeping the peace and the treatment of their own citizens.

Another remark I want to make to the Senator and I am done; and my apology is the interest I felt in the sensible and strong speech that he made—yes, I will add patriotic speech, patriotic from beginning to end. He says the people of the North are alarmed for fear there is a purpose over here to take away from the Federal Government inch by inch the powers that have been conferred upon it, with a view of weakening it; and he read a most admirable extract from the decision of Chief-Justice Marshall on that very subject. I weigh well every word the Senator said, but I want to remind him that it is true that from the day Chief-Justice Marshall made that decision until now the tendency with a large portion of the people has been to an enlargement of the powers of the Federal Government. Here even in this very case upon which the Senator made his speech, he is seeking to exercise as a reserved power in Congress what by the Constitution was given to it only as an ultimate power; he is seeking to take away from the States a power which by the Constitution was primarily lodged in the States, and to exercise it solely by the Government that only had it as an ultimate power. How are we weakening the Government by repealing these election laws? Was there such a law in the days of Chief-Justice Marshall? Was there such a law in the early history of this Government? No. How are we weaken-

ing the Federal Government by taking away the Army from the polls? Was there such a law in the early history of the Government? Was there such a law previous to 1865? No, sir.

I tell my friend that from our stand-point we think the war naturally caused the Government to exercise a great many powers under the strain of necessity which it is not necessary for it to exercise in time of peace; and we feel that the tendency which originated because of the war, because of the extraordinary powers the General Government was then called upon to exercise, is not to consolidate the powers of this Government, but to consolidate the Government itself by weakening and absorbing the just powers of the States. Now I want to ask my friend, while he will never give up and the people of Iowa will never give up the right to go to New York and through New York and through New Orleans to the sea and thence to foreign countries with their produce, and it is of inestimable value to them, will the people of Iowa give up the reserved rights which they retained for the purpose of protecting their own citizens? Will you give up the right of the people of Iowa and Iowa alone to protect her citizens in making those crops that they want to carry to foreign countries, in administering the laws for the protection of personal liberty and personal security and private property?

The delegated powers were vested in the General Government for general purposes. All powers in relation to specific purposes and local purposes were reserved by the States and to the States or the people thereof. Now, I say to my friend we insist on the one hand that while we concede to the General Government all the powers delegated to it by the Constitution and are willing that they should be exercised with all proper vigor, we at the same time wish to secure to the States the right to exercise all their reserved powers without interference on the part of the General Government; and as this power of electing members of Congress is primarily vested by the Constitution in the States and only ultimately in the Federal Government and the contingencies which the framers said should exist before the ultimate power could be exercised do not now exist, we simply say it is better and more constitutional to adhere to the Constitution, regarding it as a primary power in the States which they are both able and willing to exercise, and therefore it ought not to be exercised by the General Government.

I want my friend to know and I want his people to know that the patriotic, the manly, the catholic, the national, the unsectional sentiments which fell from his lips, and which I know animate his bosom, meet with a warm and hearty response in mine and in the bosoms of my people. He and such as he, whether republicans or democrats, we can take to our arms and hearts and call our fellow-citizens forever.

Mr. THURMAN, (Mr. GARLAND in the chair.) Mr. President, I did not expect to say one word on this bill, but the spirit moves me to say a very few words now. I shall not weary the Senate.

The opposition to this bill proceeds upon a principle that is utterly, absolutely indefensible. It proceeds upon the ground that it is the duty of Congress to make appropriations to execute every law that is upon the statute-book, whether that law be constitutional or not, whether it be politic or not, whether it be just or not, whether it be condemned by the American people or not, yet that it is our duty to make the appropriations to carry it into effect. The principle upon which this bill is opposed would require Congress to make appropriations to carry into effect the alien and sedition law if it were in force now; it would require Congress to make appropriations to carry into effect the fugitive slave law if slavery still existed and that law was in force; it would require Congress to make appropriations to carry the most detrimental or the most unconstitutional law that ever was enacted into effect by appropriation if that law had not been repealed. Sir, such a principle never obtained in this or any other government that had a legislative body that made appropriations. I would like to know how I am bound or how any member of the Senate is bound to regard a law as constitutional because some former Congress enacted that law. Take your election laws that have been spoken about. I never was clearer in my life upon any proposition than that those laws are unconstitutional. I have not the slightest doubt about it; I cannot raise a doubt in my mind as to their unconstitutionality; and am I to be forsworn by voting money to carry them into execution? If I do, I make myself *particeps criminis*. That is the amount of it, that is the result of it. No, sir. A law is passed; that law is a good law or a bad law; it is an unconstitutional law or it is a constitutional law. A subsequent Congress may be unable to repeal it, but that subsequent Congress has an absolute right to use all the powers the Constitution confers upon it upon the question whether that law shall be executed or not, and if that law cannot be executed without appropriating the people's money to execute it, then a man who believed it unconstitutional and votes to expend the people's money to execute it is a perjured man and nothing less. That is the truth of the matter.

Sir, this is no new question. A treaty is a law. The Constitution of the United States declares that this Constitution and the laws made under it and treaties made in pursuance of it are the supreme law of the land; and yet it is three-quarters of a century ago since the House of Representatives asserted its right, notwithstanding a treaty had been negotiated and signed by the President and ratified by the Senate and confirmed by Great Britain, to refuse to appropriate money to carry that treaty into execution; and the best writers on constitutional law——

Mr. BLAINE. When was that?

Mr. THURMAN. The Jay treaty.

Mr. BLAINE. Did not Congress do it?

Mr. THURMAN. Congress did ultimately do it.

Mr. BLAINE. The Senator certainly does not quote that as showing that Congress did not vote the money. Congress did it.

Mr. THURMAN. I say they asserted the right——

Mr. BLAINE. I know a minority asserted the right.

Mr. THURMAN. I will bring in the record if the Senator wants it, and I will show him that the very writers on the Constitution have intimated the right of the House of Representatives to refuse it, and I heard the late Senator from Maine, Mr. Fessenden, in one of the last speeches he ever made in this body declare that that was his judgment upon the Constitution of the United States.

Mr. MAXEY. I will refer the Senator from Ohio to the case of the minister to Portugal in 1867, when the republican party had control of both Houses. That mission was established by law in 1856; and in 1857 by a clause in the law Congress in terms refused to pay that minister his salary so long as a particular person was minister.

Mr. THURMAN. I remember it perfectly well. I know the gentleman who was minister.

Mr. MAXEY. I would call attention to one other law passed at the same session, which was that cadets from States declared to be in rebellion against the Government appointed after the 1st of January, 1867, should not receive pay or subsistence. They were refused the benefit of the appropriation. They were not turned out of the Army. By section 1094 of the Revised Statutes they were made part of the Army; they were not dismissed, but the appropriation act in terms declared that no part of the money should be used for the payment of those cadets. That law was passed in 1867 also.

Mr. THURMAN. I am not vindicating the action of Congress in either of those cases, either in respect to the minister to Portugal or in respect to those cadets; but I do say that nothing is fairer than that if a majority of Congress are opposed to a law and cannot repeal it, yet they are not bound to vote the money of the people, which is in their keeping, to execute that law which they believe to be unconstitutional. Nay, I go further than that and say if they believe the law to be impolitic——

Mr. BLAINE. And therefore the citizen is not bound to obey the law by the same reasoning!

Mr. THURMAN. Well, now, the Senator from Maine would not make his bread at the practice of the law, or he never would ask me such a question as that. [Laughter.] Absolutely he would not make his bread at the practice of the law.

Mr. President, what is this body? Is this Congress bound by a decision of a former Congress as to what is constitutional? Can anybody say that? And if a law is passed that is unconstitutional, are we to stultify ourselves and become *participes criminis* in the violation of the Constitution by voting the people's money to execute that law? No, sir, nothing of the kind.

But, leaving that, I come to another matter. Here is a new idea started, forsooth, and that is that if an appropriation bill does not appropriate for everything, it ought to be vetoed or it ought to be voted down. Is there in all this bill an appropriation that is objectionable? Is there in all this bill an appropriation of the people's money that is not pursuant to the Constitution? No man will say so. Has there been a motion to strike out an appropriation in the bill, to lessen it? No, sir; the only motion that has been made was to increase one of them. The appropriations are unexceptionable; no man denies it. Who, then, has a right to vote against the bill, much more to veto the bill, because it does not appropriate for something else? Suppose this bill did not appropriate for the Ordnance department at all—certainly it is our duty to appropriate for the Ordnance department, as it is a necessary part of the Army; but suppose the bill made no appropriation for the Ordnance department, we should have to take the responsibility; but would that justify anybody in voting against the bill? Would that justify anybody in vetoing the bill? What right would anybody have to say that in due time according to our judgment we would not appropriate for the Ordnance department?

This bill does not appropriate for troops when they are used as a police force at the polls. Put any construction you please upon that language; I do not care what construction you place upon it; put any construction upon it you please, it is a failure to appropriate for the Army when used for a particular purpose, just precisely as the republicans said they would not appropriate for the Army if it were used out in Kansas many years ago. Suppose you do it, suppose you put that construction upon the bill, it is a simple case of a failure to appropriate, and nothing else; it repeals no law; it leaves the law to stand; it is a simple case of a failure to appropriate, and nothing more or nothing less than that; and no man who says that it is his duty here to support the Government by appropriations, if he is a sane man, can for one moment defend his vote against this bill because it does not appropriate for that specific purpose if the other appropriations in the bill are right. That is what this is.

Mr. President, I grant it is our duty to make appropriations to support the Government. There might be a question whether or not the

Army is necessary to support the Government in these piping times of peace. There are people who think that an Army is not necessary at all; I am not one of them. I am not an enemy of the Army; but there are people who think that an Army is not necessary at all, and if they were to bring about the disbandment of the Army by refusing all appropriations for it, all that could be said would be that they had given effect to their opinion by exercising their constitutional right to refuse to appropriate for an institution that is not necessary to carry on the Government. It is a single question of judgment.

There was a time when a large party in this country thought a Navy was not necessary, and now if Congress were to refuse appropriations for a Navy—it would be bad policy I admit; it might be very unjust, I admit, to some people who are in the Navy; but who can say that Congress could not lawfully and constitutionally refuse to appropriate for a Navy if it thought there ought not to be a Navy?

This idea that if all acts that could possibly be conceived had been placed on the statute-book, every succeeding Congress is obliged to vote the people's money, to tax the people and pour out their treasure, to support these unconstitutional or oppressive or impolitic laws—to sustain such a view as that is to deal a harder blow at this Government than ever has been dealt to it yet; it is to utterly destroy the constitutional power of Congress—no, I will not say utterly destroy, because I do not like big words, I do not like exaggeration, but it is to weaken it so that it would hardly be worth having.

Mr. President, I have heard some questions put by my friends, what does this section or that section or the other section of this bill mean? That reminded me of the passage of a certain measure of great moment in this body. I remember when a bill came out of the bowels of a republican caucus, and was laid on our desks in print one morning——

Mr. WITHERS. The republicans do not do that, do they? [Laughter.]

Mr. THURMAN. Oh, yes, it came out of a republican caucus; it came ostensibly from the Committee on Finance, but the democrat on that committee was never summoned to attend the meeting of the committee, if any such meeting ever took place. I have his own word for that, and he was the only democratic member who was on the committee. That bill came into this body, was printed and laid on our tables in the morning, and before the sun set that day, against all our expostulations, against all our entreaties for time to consider it, that bill to resume specie payments in the United States—one of the worst measures, in some respects, in its effect on the people that ever was enacted by Congress—that bill, by party discipline, and without debate on the republican side, was pressed to its passage before the sun set; yes, sir, long before the sun set that day; and when we demanded of the chairman of the Finance Committee "what does this mean in this bill?" when I demanded it, he quietly turned to me—I do not pretend to use his exact words, but perhaps the RECORD will bear me out in them, certainly the amount of it was, "Judge THURMAN, you are better able to judge of that than I am; you are an abler lawyer than I." I demanded the meaning of the bill upon a most important provision in it. The Senator from Delaware [Mr. BAYARD] who was a member of the Finance Committee, but had not been consulted about the bill, demanded "what does that mean?" The chairman of the committee refused to answer. The Senator from Missouri, now the Secretary of the Interior, demanded "what does this language mean?" but no answer was given; no answer ever was given; and without one word of explanation of the meaning of that bill, it was simply said to us, "you can judge as well as we can what that language means," and that bill was forced through this body in that way.

After that, I think I am entitled to say to the gentlemen who assisted in that performance, study the language of this bill for yourselves; it is not language depending upon facts to be ascertained and brought in by a committee; it is language that speaks for itself; it requires no extraneous fact to understand it; interpret that language for yourselves, for statutes are not construed by what was said in the Legislature that passed them.

I have this further to say to my friend from Virginia who has this bill in charge who has been questioned, that since the day has come when the language of Senators and Representatives in Congress is quoted in veto messages of the President in order to interpret the action of Congress by it, quoting what no court would permit to be quoted in construing a statute—since the language uttered in this Chamber and in the other Chamber is quoted to stop the legislation of this country by executive vetoes, let those who are opposed to this bill interpret it for themselves and let the Executive interpret it for himself. I do not think any of you, my friends, have any ambition to appear to figure in an executive message. Let those who are opposed to this bill interpret its language. They speak the English language; they know the English language; nine-tenths of them are lawyers; the President is a lawyer. Let them interpret the bill for themselves. I do not propose to give to the President any more occasion to immortalize me if I could be immortalized by—no, I will not finish that sentence; I will let that alone. "Sober second thought" tells me to stop.

Mr. President, one remark more about this bill. I sat in the chair and I did not want to make myself very conspicuous and I did not want to be jumping up and running out of the chair making speeches and then running back. I sat in the chair and I saw this bill amended in various particulars. It pained me to see it. I do not want to negative one single letter, and I hope it will not be amended in a single letter. I will vote against every amendment without the slightest regard to the merits of the amendment. I say it openly, I do not propose to send this bill back to the other end of the Capitol after last night's experience, if I can help it. I do not propose anything of that sort. I do not propose to prolong this session, already too long prolonged, by delaying the passage of this bill. I will vote against every amendment to this bill no matter what it is, without the least regard to its merits, and vote to pass this bill precisely *verbatim et literatim* as it came from the House of Representatives. That is what I propose to do. If there were another temper in the city of Washington—I will not say where—if there was that deliberate temper that ought to attend the enactment of all laws, I myself would have an amendment to offer to this bill; I do not know that it would make it any better; I think certainly it would make it no worse; but I will not move it. I will not move to cross one *t* or dot one *i* of this bill. I propose to vote for it just as it came from the House.

Mr. BLAINE. I only want a moment or two, Mr. President. The honorable Senator from Ohio is never modest about parading himself as a great lawyer nor in saying discourteous things to other persons who may not be so well skilled in the law as he; but I think it will stand as a very remarkable declaration, whether coming from a great lawyer or from an ignorant lawyer, that a subsequent Congress is under no obligation whatever to regard the enactment of a previous Congress as constitutional so long as it has not been pronounced unconstitutional by the Supreme Court, and that if the Senate is under the control of the democratic party and the House is under the control of the republican party, one body, the Senate, has the right, according to the doctrine laid down by the Senator from Ohio, to stop the appropriation for any object provided for by law if, in the judgment of its majority, that law is not constitutional, although no power has said it was unconstitutional, and it was enacted under all the forms of law.

Let me suppose a case and let me see where the honorable Senator's logic would lead to. Suppose we change by law the mode of collecting customs, and the next House of Representatives coming in believe that mode of collecting customs is unconstitutional, and they do not appropriate any money for it. When the honorable Senator stated his position, I put a question to him drawing his attention to the fact that it implied that if Congress was not bound to obey the laws of the land, neither was an individual. I say that the very moment Congress should refuse to appropriate money for the collection of the customs under a law which one House might deem unconstitutional, the importer could just on the same ground refuse to pay fhe duties.

Mr. THURMAN. May I interrupt the Senator?

Mr. BLAINE. Certainly.

Mr. THURMAN. Suppose that the law imposing the duties is unconstiutional.

Mr. BLAINE. Ah! I am not saying that; I am talking about one branch of Congress determining its unconstitutionality. If it is not constitu tional, it is void. But the Senator stands here and says that Congressmay f or itself, without the repeal of a law, this one branch of Congress in opposition to the other branch may refuse to appropriate to carry out a law that is on the statute-book, that has never been repealed, that has never been adjudged unconstitutional; he says that if in the simple personal judgment of the majority that sit in these seats it is unconstitutional, they may refuse to vote the appropriations.

Mr. THURMAN. And they are perjured if they do not.

Mr. BLAINE. Then you perjured yourself three or four times in voting for this very law.

Mr. THURMAN. Never knowingly.

Mr. BLAINE. Knowingly! Ignorance of the law excuses no man, [laughter,] especially a great lawyer, and especially a Senator. You have once, twice, three times, four times, five times voted appropriations for that which you say now perjured yourself.

Mr. THURMAN. TheSenator is entirely mistaken.

Mr. BLAINE. Oh, no, that will not do.

Mr. THURMAN. I never voted for an appropriation in my life for the Army specifically to be used at the polls, and every use of the Army at the polls was a violation, in my judgment, of the law.

Mr. BLAINE. You voted for appropriations for supervisors and deputy marshals and the Army without any regard to that, right straight along——

Mr. THURMAN. Never.

Mr. BLAINE. And I say that the position the Senator from Ohio has announced here to-day will justify every law-breaker in this country to stand right up and say, "I do not believe this law is constitutional, and my authority is Judge THURMAN; he is a great lawyer, for he says it himself, [laughter,] says it himself in the Senate of the United States, and says that anybody else who pretends to dispute his position is not a man who can possibly get his living in the practice of the law, [laughter,] says it with that kind of senatorial courtesy and dignity that impresses the whole country, and therefore I am going to break this law." That is the doctrine the Senator lays down here to-day, that we are not bound to appropriate money to

carry out a law if in our individual judgment that law is not constitutional; and then the Senator from Texas [Mr. MAXEY] aids him by bringing up the case of the minister to Portugal, an appropriation for whom the late Mr. Stevens by his great personal influence in the House of Representatives was enabled to keep out. The same republican Congress, or a Congress both branches of which were republican, afterward paid the salary of Mr. Harvey in full, and there never was any doubt in the world that he ought to have drawn it right along. They made haste to let him have it. For one I have it on record that I never voted except to pay it all the time, and whether I approve of a mission or not, whether I think a mission is sound constitutionally or not, if both branches of Congress have passed a law establishing it and the salary is his by law, I am bound by my oath to vote money to pay it, because on the oath of the Senator from Ohio and myself that law of Congress is constitutional which has not been adjudged otherwise, and your individual opinion, great a lawyer as you may be, is no better than that page's, not one bit. The highest official and the humblest citizen of this country alike are governed by the law while it is a law; and the position that the Senator took is simply paradoxical. He says we go on here, Congress after Congress, appropriating for a law that is unconstitutional. If the people want it repealed, it will be repealed. No law can remain on the statute-book over four years in this country against the will of the people; and until the will of the people, exercised through constitutional means of electing Representatives to Congress and Senators by the States and the President through the electors is made manifest, whatever is on the statute-book is law, and the Senator from Ohio is but breathing sedition and violation of plain constitutional duty when he talks as he has this afternoon.

Mr. MAXEY. Mr. President, I did, when the Senator from Ohio [Mr. THURMAN] was on the floor, refer to the case of the minister to Portugal. That mission was established in 1856. On the 25th of July, 1866, in the consular and diplomatic appropriation bill the name "Portugal" was dropped out of the list of missions appropriated for in the bill. On the 27th of February, 1867, in the appropriation bill for the consular and diplomatic expenses of the Government, when it comes to Portugal it says:

Provided, That no money shall be paid to the present minister resident at Portugal out of any fund whatever, and this provision shall continue in force until repealed by Congress.

And in the same act it is said:

And no money hereby or otherwise appropriated shall be paid for the support of an American legation at Rome from and after the 30th day of June, 1867.

Then you will find on the 28th, the very next day, in the bill making appropriations for the support of the Military Academy, section 4:

That no part of the money appropriated by this or any other act shall be applied to the pay or subsistence of any cadet from any State declared to be in rebellion against the Government of the United States, appointed after the 1st day of January, 1867, until such State shall have been restored to its original relations to the Union.

These cadets were lawfully appointed; the President had a right to appoint ten at large from any portion of the United States that he pleased. When they were appointed they became by operation of law, section 1094 of the Revised Statutes, a part and parcel of the Army, and subject to the rules and articles of war and to punishment for violation thereof. They were not dismissed from the academy; they were not discharged from the academy; they were not tried by court-martial and dismissed for any offense whatever. They were appointed there lawfully, sent there lawfully; but that section declared that they should not be paid, although bound to serve and punishable for neglect of duty. The sins of the fathers were visited on the heads of the sons. Again, I have been taught by republicans to suppose that Charles Sumner was a great constitutional lawyer; and upon the very point to which the Senator from Maine referred in relation to the minister to Portugal I venture to read a very few lines from what that Senator said in this Chamber on the 18th of February, 1867, in the progress of that debate:

The only question before us now is whether we can, so far as this minister is concerned, refuse all appropriations.

That was the direct issue joined.

There I believe the rule is clear and absolutely beyond question. If it were not clear and absolutely beyond question, I think that Congress would be shorn of one of its best powers. It is no answer to say that it is a power that in our history has been rarely exercised, for the occasion for its exercise happily has been very rare; but Congress has exercised it now, and I submit that it is a power beyond question. It was a power, as the Senator from Maine has reminded you, recognized in English history. It was perfectly familiar to the framers of the Constitution of the United States, for it had been proclaimed in a work of authority which had been read at that time by all of our fathers. I hold in my hand the work of Delolme on the British Constitution, from which, with your permission, I will read a few words, for they seem to settle this constitutional question. I read as follows—

And this is from Delolme:

"The King of England, therefore, has the prerogative of commanding armies"—

I am coming down to the point we have here—

"and equipping fleets, but without the concurrence of his Parliament he cannot maintain them."

That is from Delolme. Then Mr. Sumner says:

Just the same as our President has the power of commanding armies and of equipping fleets; but what can he do without the power of Congress? Delolme then goes on:

"He can bestow places and emoluments"—

So can the President—

"but without his Parliament he cannot pay the salaries attending on them."

Is not the position of Congress in this regard at least as high as that of the British Parliament?

Then Delolme says:

"In a word, the royal prerogative, destitute as it is of the power of imposing taxes, is like a vast body which cannot of itself accomplish its motion, or, if you please, it is like a ship completely equipped, but from which the Parliament can at pleasure draw off the water and leave it aground, and also set it afloat again by granting subsidies."

Then Mr. Sumner says:

Now, all that Congress proposes to do at this moment, so far as I understand, is, according to the language of this writer, to draw off the water and leave the ship aground.

Clearly, emphatically, distinctly asserting the power of Congress to refuse to make an appropriation to carry out an existing law, and this too without repeal of the existing law.

Mr. Sumner adds:

Perhaps the time may come when, again adopting the language of this writer, Congress may set the ship afloat again. That time has not yet arrived.

That was in 1867, when the two Houses of Congress were under the control of the republican party. They have set the example; they have enforced it here by one of the strongest constitutional lawyers that the republican party has ever had in this body, and he re-enforced himself by a writer whose authority upon great questions of that kind is regarded by all good constitutional lawyers as of the highest importance.

Then, sir, I have read the law passed by a republican Congress which in terms absolutely, where the mission to Portugal had been established by law, which law Congress did not pretend to repeal, but prohibited any portion of the money appropriated for diplomatic purposes being paid to that minister out of any fund whatever, and that provision was to continue in force until repealed by Congress. I have read also the law passed by a republican Congress declaring that where cadets were at West Point, constitutionally, lawfully appointed, serving the country, not tried by court-martial, not dismissed, but in the full exercise of their privileges and rights as cadets, should be left without pay, and so to remain there without pay until the States which were declared to be in rebellion on the 2d of March, 1867, should be restored to their original relations with the Union. The fathers have eaten sour grapes, and the children's teeth are set on edge.

Then, so far as the republican party are concerned, they are estopped from denying the position which is laid down in the bill which came from the House to us; their mouths are gagged; and when the Senator from Maine says that there is no authority for it and brands this as he has done this evening, I bring up not only the laws passed by Congress when both Houses were in the possession of the republican party, but their greatest lawyer sustained the absolute propriety of those laws. Now somebody else's ox is gored. We can stand it if you can.

Mr. THURMAN. Mr. President, I am very sorry that a remark which I made and which I intended to be jocose, (but somehow or other my jocose remarks do not seem very agreeable in the opinion of some people,) was considered by the Senator from Maine as discourteous to him. I certainly intended nothing of the kind; and if there was any discourtesy in it, I wish to withdraw it. I intended nothing of the kind whatever. I have done all I could to allay passion and ill-feeling and heat in the discussion of this bill. I thought there was too much of it already, and I would not certainly willingly throw another firebrand into a fire that is burning brightly enough already.

The Senator from Maine said that on my theory I had done wrong myself in voting for divers appropriation bills. He is entirely mistaken if he will look at the bills. If there is one single one of them that ever appropriated money specifically to carry out these laws, one single one of them that ever specifically appropriated money for the use of the Army at the polls, I never saw it. I could not vote against an appropriation bill general in its terms, because the President or the Secretary of War might misuse the appropriations. I was bound to presume they would use the appropriations pursuant to the Constitution. I was not bound to suppose that they would misuse them. Therefore I am not conscious of ever having voted for an appropriation bill that contained any appropriation specifically in the bill that made it obnoxious to the Constitution.

As to the matter of supervisors of election, I am quite sure that I never voted for the act putting them upon the permanent appropriation list; but if I had done it inadvertently it would prove nothing except that we do not always pay that attention to appropriation bills which we ought to do. In fact, until the last session I do not recollect, although it may be a defect of memory at present, a case of the yeas and nays being called on an appropriation bill. There may have been such an instance, but I cannot recall it, it made so little impression on me. These bills usually pass as a matter of course. I never shall forget the surprise with which I saw an appropriation bill, making appropriations, according to my recollection, of about $2,000,000, pass this body at the first session that I had a seat here. There were in this Senate at the time that bill passed just four Senators. There was the Senator from Maine, (Mr. Fessenden,) the chairman of the Committee on Appropriations, who sat, if I recollect aright, where the Senator from New York now sits. There was the Senator from Iowa, (Mr. Harlan,) chairman of the Committee on Indian Affairs. It was the Indian appropriation bill. I went over and sat by the side of Mr. Fessenden while the bill was under consideration, and my friend from Minnesota (Mr. Ramsey) sat in his seat over yonder and wrote letters. We four were all.

Mr. CONKLING. He was writing to the Indians no doubt. [Great laughter.]

Mr. THURMAN. I do not know what he was writing about. There were four of us, and we voted away $2,000,000 of the people's money at that sitting.

Mr. CARPENTER. Five hundred thousand dollars apiece. [Laughter.]

Mr. THURMAN. Five hundred thousand dollars apiece. [Laughter.] We did not vote that exactly, for there sat Mr. Fessenden with the bill before him and there sat the Senator from Iowa, the chairman of the Committee on Indian Affairs, with a long list of amendments to offer; and when he offered an amendment Mr. Fessenden, if he approved it, would nod, and then it went in; if he shook his head it did not go in, for there could not be a vote; there was no quorum. And so they two with their nods and their shakes shook out of the Treasury $2,000,000. [Laughter.] That is the way appropriation bills too often pass and generally do pass; but now and then when you can get a little bit of Cayenne pepper in a bill in the shape of politics you can have more yeas and nays than ever were called perhaps on the greatest measure that ever passed Congress.

So much for that. Now the Senator from Maine thinks, if I understood his proposition aright, that no citizen has a right to resist an act of Congress, no matter how unconstitutional it may be, until some court has decided it to be unconstitutional, and his logic must require that it shall have been decided to be unconstitutional by the Supreme Court, because the decision of an inferior court would not bind.

Mr. BLAINE. Does the Senator say as a lawyer that the decision of an inferior court is not conclusive until it has been reversed by the court above?

Mr. THURMAN. The decision of no inferior court can be binding in respect to the constitutionality of an act of Congress if the question can be taken to the Supreme Court. It is the decision of the Supreme Court that is alone absolutely binding. That doctrine will not do at all. Why, bless my soul, that doctrine has been repudiated. Men have been executed in England for violations of law for executing statutes that the English courts held to be violations of the British constitution. It will not do at all. Let me call the attention of the Senator from Maine to a few provisions of the Constitution to see whether or not a man is bound to obey a law until it is declared by the Supreme Court of the United States to be unconstitutional. Article 3 of the amendments to the Constitution says:

> No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

Suppose in this year of grace, 1879, Congress should pass a law quartering troops of the United States in the residence of the Senator from Maine, would he be bound to let them come in, would he be bound to wait, to get out of his house, he and his family and his wife and his children, "and his cousins and his uncles and his aunts," [laughter,] all get out of the house, and bring an action and carry it to the Supreme Court of the United States and have it decided there in order to know whether this provision of the Constitution should be obeyed? If he were to slay the soldier that attempted under such an unconstitutional law to come into his house, I appeal to every lawyer in this Senate Chamber if it would not be a clear case of justifiable homicide. There is not one of us but would answer that question in that way.

Furthermore:

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

Now, suppose Congress passes a law in plain violation of that, and authorizes the Army, or the supervisors of election, or anybody else, to go and search the Senator from Maine and take out of his pocket all his correspondence. Must he go to the Supreme Court to find out whether this man has a right to stop him on the street or to go into his house and search his pockets? Must he do that before he resists? Not much, Mr. President. Painful as it would be to him, painful as it is to any man to shed blood, he would not be a man if he did not take blood in defense of his constitutional rights.

It is a perilous thing for a man to resist the execution of an act of Congress on the ground that it is unconstitutional. He takes great responsibility on himself——

Mr. BLAINE. I thought the honorable Senator would review his own argument.

Mr. THURMAN. I am not changing it at all. The Senator ought not to interrupt me in that way. The Senator ought not to sit in his seat and interrupt me right in the midst of a sentence in that way.

I say that it is a perilous thing to do. Why? Because the presumption is that the laws we pass here are constitutional. We know they are not all so, and many a one of them has been declared——

Mr. BLAINE. Will the Senator allow me to ask a question on my feet?

Mr. THURMAN. I will finish this sentence first and then I will. Many and many a law we have passed has been declared unconstitutional by the Supreme Court of the United States. Still it is a perilous thing for a man to attempt to resist a law of Congress on the ground that it is unconstitutional. It may be that the decision will be against him, and he stakes perhaps everything upon the decision that may be made about that law.

Mr. BLAINE. Now——

Mr. THURMAN. Wait till I am through. But some of the greatest historic characters in this world have staked everything upon that issue. It was precisely that that has made the name of John Hampden immortal as long as liberty shall have a dwelling-place on this globe. Now I will hear the Senator from Maine.

Mr. BLAINE. I was going to ask the honorable Senator this: I suppose there is nothing more repugnant to the Anglo-Saxon sense of liberty than unreasonable search, but by that I understand the honorable Senator's construction to be that every man is to be the judge of what is an unreasonable search.

Mr. THURMAN. I did not say anything——

Mr. BLAINE. I thought the honorable Senator said, if an unreasonable search was made, the man ought to resist unto blood, and could be the judge. Now I am prepared to discuss that particular clause of the Constitution with the honorable Senator a little.

Mr. THURMAN. The Senator must not misrepresent me. I know the Senator's skill at that. He puts words into my mouth when I never said anything of the kind. If that is the kind of criticism the Senator is going to make, I must ask him to resume his seat.

Mr. BLAINE. I will take the liberty of following the Senator, then.

Mr. THURMAN. I never said that a man was to be the judge of last resort. I was not speaking the language of the resolutions of 1798 with the interpretation placed on them by my predecessor in this Senate, and who was also my predecessor in the chair that I now am *locum tenens* of, and who said he stood by the resolutions of 1798, and that he would never surrender the proper interpretation of them, that a State was the judge for itself in the last resort, both of the grievance and of the mode and measure of redress. I am not saying that everybody is to be the judge in his own cause. The first principle of law I learned was against that. But I do say that if a man, however humble he may be, shall take that responsibility and shall resist the execution of the law, and it shall turn out that he is right, as the Supreme Court shall decide he is right, that man is a village Hampden, though he be the humblest man who lives on the face of this Republic. This is not preaching a disregard of the law at all; this is plain, simple doctrine, that the Constitution and the laws made in pursuance thereof are the supreme law of the land, but that a law that is in violation of the Constitution is null and void.

Mr. President, let us go back to the other question about which the Senator from Maine thinks that I have preached bad doctrine. I allude to the decision of the House of Representatives upon Jay's treaty. The Senator said I was wrong.

Mr. BLAINE. Historically wrong.

Mr. THURMAN. Let us see whether I am historically wrong. I know that ultimately the money was voted after a long time, but let us see what kind of a resolution the House of Representatives passed on that subject. On the 7th day of April, 1796, they passed this resolution:

> *Resolved*, That it being declared by the second section of the second article of the Constitution "that the President shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur," the House of Representatives do not claim any agency in making treaties; but that when a treaty stipulates regulations on any of the subjects submitted by the Constitution to the power of Congress, it must depend for its execution as to such stipulations on the law or laws to be passed by Congress; and it is the constitutional right and duty of the House of Representatives in all such cases to deliberate on the expediency or inexpediency of carrying such treaty into effect, and to determine and act thereon as in their judgment may be most conducive to the public good.

Mark it, a treaty is declared by the Constitution itself to be the supreme law of the land; yet this resolution passed the House of Representatives by a vote of 57 to 35. Let me read a few of the names of the men who voted for the resolution. They will not be strange names to you, Senators. Their names will live perhaps longer than those of any of us; they are not strange names at all. Among those who voted for the resolution I have read were Albert Gallatin, William B. Giles, Nicholas Gilman, Edward Livingston, Nathaniel Macon, James Madison, Frederick A. Muhlenberg, the first Speaker of the House of Representatives, I believe; John Nicholas; you know who he was; a better lawyer never practiced at any court in this land; Joseph B. Varnum, Abraham Venable. Those are not obscure names. Those are names that will go down in American history as long as the history of America is read. They voted by nearly two to one that the House of Representatives would not appropriate money to carry out a treaty which the Constitution declared was the supreme law of the land, unless in the judgment of the House of Representatives it was expedient so to do. They did not say the treaty was unconstitutional, but upon the bare question of expediency they said it was for the House to decide. They did not say that both the House and Senate must concur in refusing the appropriation; they said it was for the House to decide for itself, just as it would be for the Senate to decide for itself whether it would be expedient to make a treaty.

Mr. President, nobody who will calmly consider this matter can doubt upon it at all. Here is Congress clothed with the power of appropriating the people's money, the sole power in the Government that can appropriate the people's money; clothed with the power of taking money from the people and of saying to what uses the money thus taken from the people shall be applied. Here is Congress that

has that power. To say that Congress must, under all circumstances, without regard to expediency, without regard to the constitutionality of previous laws, take money from the people and spend that money in the execution of every enactment on the statute-book, however unconstitutional or however improvident that law may be, is, I will not say an absurd proposition, for I do not want to use offensive words, but is an utterly untenable proposition. Suppose in the great struggle that this country went through in the war, when it needed every dollar to maintain its troops in the field, that then there had been some law that required an expenditure of five, or ten, or fifteen, or twenty million dollars (and I do not know but there was) upon some other matters that might be postponed——

Mr. BLAINE. A postponement is very different.

Mr. THURMAN. How very different?

Mr. BLAINE. Entirely different.

Mr. THURMAN. Very different! I know what the Senator will say. He will say that was a case of war, and that *salus populi suprema est lex.*

Mr. BLAINE. Will the Senator permit me an interruption there?

Mr. THURMAN. Yes.

Mr. BLAINE. He says to postpone is the same thing as to refuse. I may owe the Senator a thousand dollars; I may go to him and say, "This is a just debt; I am not able to pay it; I pray you extend it two years." That is a very different thing from going and saying that although I owe you the money I will not pay you a dollar of it.

Mr. McDONALD. I should like the consent of the Senator from Ohio to ask the Senator from Maine a question.

Mr. THURMAN. I would rather answer the question he has asked me first.

Mr. McDONALD. It is in your line.

Mr. THURMAN. Go ahead.

Mr. McDONALD. I ask the Senator if he voted for the bill to pay the five and a half million dollars award under the Washington treaty?

Mr. BLAINE. I rather think that in an incautious moment, after making all the stand I could, I voted for it; but I have been very sorry for it ever since, because I believe, as I originally took the ground, that that treaty had not been complied with. It was not refusing to pay the money in pursuance of a treaty that was the supreme law of the land, but I based my opposition to it on the ground that that award had not been made in pursuance of law, an entirely different ground of opposition, the honorable Senator will observe.

Mr. THURMAN. Mr. President——

Mr. BECK. Before the Senator goes on, will he allow me to say one word?

Mr. McDONALD. Then the Senator from Maine decided for himself that that law was not binding?

Mr. BECK. One word, Mr. President. On the 20th day of April, 1871, while the Senator from Maine was Speaker of the House of Representatives, and questions relative to Indian treaties were up, I moved in the House an exact copy of the resolution passed in 1796 just read by the Senator from Ohio, which was voted for by the gentlemen named by him; and McPherson in his Manual states the exact truth when he says that that resolution passed the House without a division, no man, not even the Senator from Maine, voting against it.

Mr. THURMAN. I did not expect that.

Mr. BECK. Not one voted against it.

Mr. THURMAN. Now, in regard to what the Senator says as to there being a distinction between the case I supposed and the other case respecting the word "postpone," I think I did not use any word "postpone." It is a simple case in which you have failed to appropriate. That is all there is of it. That brings me to another observation, and with that I close for I have spoken too long, both for my own health and for the time of the Senate.

Mr. CARPENTER. Before the Senator closes I want to ask him a question——

Mr. THURMAN. I will hear it.

Mr. CARPENTER. Because I am always surprised and am always grieved when I find the Senator from Ohio getting wrong on a question of law; he is so usually and so generally right. Do I understand him to say that where both Houses of Congress have passed and the President has approved a law which requires the payment of money, and the act is conceded to be constitutional, one House of Congress would be justified in refusing to obey that law and not making the annual appropriation simply because they wished the law had not been passed?

Mr. THURMAN. When the Senator takes his seat I will answer his question. In the first place, the Senator has no right to say anything about supposing I say this. Take the case of a law, as the Senator supposes, which passed both Houses of Congress and was approved by the President, as many an unconstitutional law has been passed——

Mr. CARPENTER. But I say one that is conceded to be constitutional.

Mr. THURMAN. Now the Senator says a constitutional law; and he asks may Congress refuse to appropriate to execute that law. To be sure they may.

Mr. CARPENTER. May rightfully, I mean.

Mr. THURMAN. Yes, they may rightfully. They may do it wrongfully or they may do it rightfully. If the circumstances are such as justify them *in foro conscientiæ*, as justify them in the sight of the people, in the judgment of all good men they would be justified. Certainly they may refuse to do it. Suppose there is no money in the Treasury. Suppose they would have to borrow money and increase the bonded debt in order to survey Goose Creek somewhere up in the country where there was no water eight months in the year in order to make slack-water navigation on Goose Creek.

Mr. BLAINE. How could there be a law requiring that to be done annually?

Mr. THURMAN. We pass a river and harbor act every year.

Mr. BLAINE. But we do not pass a law saying we shall pass it. That is not a law requiring an annual appropriation. That is in the discretion of Congress each recurring year. The Senator does not pretend to say there is a law on the statute-book requiring an annual appropriation for Goose Creek, or any other creek?

Mr. THURMAN. But we pass a law for surveying this, that, and the other, and we appropriate afterward for the improvement of the streams that have been surveyed.

Mr. CARPENTER. Mr. President——

Mr. THURMAN. Let me get through. The Senator has the good sense to put the case of a constitutional law. I say that for any good and sufficient cause Congress may refuse to appropriate money for the execution of that law, at this session, at the next session, or the next after that, and what is a good and sufficient reason is a question with the discretion and judgment of Congress; no other body has any power over it. It is within the discretion of Congress; it is submitted to the judgment of Congress. Certainly it is not pretended that one Congress can bind another forever. How can you do that? You cannot do it at all. It may be that Congress would refuse an appropriation without just cause. Then it would incur the condemnation of the people, because we all assume, you know, that the people always decide right. It has been said about the English laws that they are assumed to be the perfection of human wisdom, while in point of fact they are not, nevertheless the presumption obtains. So we all presume as a matter *juris et de jure* that the people always decide right. Therefore if we should without sufficient cause refuse to appropriate money to execute a law standing on the statute-book, the presumption is that the people would resent it; if we had sufficient cause the presumption is the people would say we were right. Now, I will hear the Senator from Wisconsin.

Mr. CARPENTER. The Senator consents to be interrupted for a moment, and I will interrupt him but a moment. I understand him to lay down the rule of law that a private citizen may judge for himself and at his peril upon the constitutionality of an act of Congress; if he thinks it unconstitutional he may refuse obedience to it, taking the consequences if the courts shall differ with him upon the question of the constitutionality of the act. Now, I want to ask the Senator if the rule in conscience and morals is not precisely the same with the legislator. Take this case: Congress has by law promised every Supreme Court judge seventy years of age and ten years in service that if he will retire and let a younger man take his place the United States will pay him $10,000 a year annually. Upon that proposition by Congress a judge retires. Now I want to ask the learned Senator if he maintains in conscience and morals applied to a legislator, that if he believed it was bad policy to pass that law pensioning retired judges, he is excusable and can be approved and applauded for voting against a bill making the appropriation?

Mr. THURMAN. I will answer the question. If I understood the last question, the Senator is assuming the law to be unconstitutional.

Mr. CARPENTER. No.

Mr. THURMAN. I believe it to be a constitutional law?

Mr. CARPENTER. No; you believe it to be constitutional, but not liking the principle of pensioning retired judges. It is a simple question.

Mr. THURMAN. The Senator might as well ask me on the question of voting to repudiate the public debt.

Mr. BLAINE. To put the question a little more edged——

Mr. CARPENTER. Let me hear an answer.

Mr. THURMAN. I cannot answer two catechists at the same time

Mr. BLAINE. I will withdraw.

Mr. CARPENTER. I have put the question. I hope the Senator from Ohio will answer.

Mr. THURMAN. I will when the Senator takes his seat.

Mr. CARPENTER. I hope the Senator does not fear being bulldozed.

Mr. THURMAN. He does. The Senator from Wisconsin looks too aggressive. [Laughter.] Mr. President, to refuse to vote the salary to those judges who have retired on the faith of our act of Congress that they should be paid, if we have the money to pay them would be a simple case of dishonesty.

Mr. BLAINE. Now, one moment——

Mr. THURMAN. Does not the Senator think he had better let me answer the question?

Mr. BLAINE. The Senator has answered, and I want him to answer a little more——

Mr. THURMAN. If the Senator seriously in his conscience thinks he ought to interrupt me I will sit down

Mr. BLAINE. I simply want to put the question with the edge on it. Suppose in your individual conscience in private you believed that the pensioning of the judges was unconstitutional. I want the edge put in the question. Suppose in your private conscience you

believed that the act passed pensioning judges who had served ten years was unconstitutional? That is what I want to put to the honorable Senator.

Mr. THURMAN. Sit down, and I will answer that. If I believed that; and there was an appropriation needed to pay——

Mr. BLAINE. As an individual, merely as an individual.

Mr. THURMAN. All my thoughts are individual thoughts. I have no senatorial thoughts and individual thoughts; I am only made with one mind, such as it is. I say to the Senator that if I thought the law was unconstitutional I would not vote a dollar, not one, because I have sworn to obey the Constitution of the United States. When the Supreme Court should decide that the law was constitutional, I might give way my judgment, although let me tell the Senator that the chairman under whom I served nine years in this body, the Senator from Vermont, [Mr. EDMUNDS,] (and there is no abler lawyer on this floor,) has again and again announced in the Senate the old Jackson doctrine that the decisions of the Supreme Court itself did not bind him when he was voting.

Mr. BLAINE. In a question that affected his individual conscience to do some act.

Mr. THURMAN. No, on a question of the Constitution.

Mr. BLAINE. Then I understand the honorable Senator to take this ground: after twenty years, though this has been adjudged upon an appeal before the Supreme Court to be a constitutional law, if an accidental majority in the Senate should believe it to be an unconstitutional law they would be justified in breaking the faith of the Government with its retired public servants. That is the whole ground.

Mr. THURMAN. The Senator said nothing of the sort; not a thing of the kind did the Senator from Ohio say; and that little stump speech will not have the slightest effect in the world when it is read in to-morrow's RECORD—not the least bit in the wide world.

Mr. BLAINE. That will depend on the answer of the Senator from Ohio.

Mr. THURMAN. I do not think it will, but on the presumption I stated awhile ago, that the people decide right. Now, I have one word more——

Mr. BLAINE. The honorable Senator does not answer the question.

Mr. THURMAN. I do not answer the question! I said that I have bowed to more than one decision of the Supreme Court of the United States where they thought one way and I thought another. I govern my action by them, and yet the Senator must recollect that when we come here to decide what shall be the law of the land——

Mr. BLAINE. In the making of a law of course.

Mr. THURMAN. Yes; the making of a law involves the construction of the Constitution of the United States. There was precious little respect paid to the decision of the Supreme Court of the United States in the Dred. Scott case by the men who made the laws for many years afterward. Precious little respect was paid then, one of the best men, and purest men, and most upright men, and most learned and able judges that ever graced the bench of this or any other country, was hounded to the last day of his life as a traitor to the country, to the Constitution he had sworn to support and the principles of common humanity, by people who did not hold themselves bound by the decisions of the Supreme Court of the United States.

I want to say once more, no sophistry can cloud this bill. This is simply a case in which a bill does not appropriate money for one particular purpose. It does appropriate money for purposes that are admitted to be right and to be constitutional, and to which there is no single objection; but there is one purpose for which it makes no appropriation; it does not repeal any law; it simply fails to make an appropriation for one single purpose.

Mr. President, I say again, and I say it in conclusion, the argument against this bill would be just as strong if the section which I speak of were stricken out of the bill, and the bill did not contain an appropriation for the Ordnance department of the Army—just as strong in the one case as in the other; they stand on precisely the same footing. There is an appropriation for certain objects; for one object there is no appropriation. We in the majority take the responsibility of not appropriating for that object. We are willing to take it. If we have not sufficient reason for not making that appropriation our constituents will condemn us. If we have sufficient reason, yet if this people are willing to have less liberty than the people of Great Britain, if this people are willing to say that they cannot guard their own polls, while the people of Great Britain and Ireland and Scotland can guard theirs; if they are willing to say that while no British soldier shall be within two miles of a polling place on the day of election, our polls shall be surrounded by the bayonets of the Federal Army; if they are willing to say that, they will condemn us. But if they have any of that spirit of liberty which achieved the independence of our country, any of that which achieved the independence of that older country, which produced the statute of George II, then of course the majority in Congress will not fail, and we shall have the satisfaction of knowing that we have done what was right and what we ought to have done.

Mr. BLAINE. Mr. President, I only want two minutes. The honorable Senator stated, I thought with needless emphasis, to myself that he would consider himself a perjured man if he voted for a law that was unconstitutional. I pointed out five distinct instances in which he voted for that law. His answer is that no yeas and nays were called. Why did he not call them? If the Senator sits here and permits a vote to be had *nem. con.*, he is just as guilty, if there be guilt in it, as though the roll were called and he voted "yea." That is no excuse. In answer to the two clauses the Senator quoted in regard to quartering soldiers in time of peace, and his question what I would do if Congress should pass a law and a squad of soldiers should come to my house, I should like to return the question; being a Yankee I have that privilege.

Mr. THURMAN. You are not a Yankee, but a Pennsylvanian.

Mr. BLAINE. What would the honorable Senator do if a squad came to his house?

Mr. THURMAN. It would depend upon circumstances.

Mr. BLAINE. Would the honorable Senator go out and shed blood?

Mr. THURMAN. It would depend entirely upon whether discretion was the better part of valor on that particular occasion. [Laughter.]

Mr. BLAINE. My impression is that the course of the Senator from Ohio and my course would be precisely the same.

Mr. THURMAN. Not at all.

Mr. BLAINE. We would give way to the soldiers, and carry the case into the courts. I should not want to confront a sergeant's guard with an umbrella.

Mr. THURMAN. Nor I either.

Mr. BLAINE. I think I should walk out if a sergeant's guard presented themselves with an order from a commanding officer, and take my remedy in the courts. In regard to the question which the Senator brought up on the other clause of the Constitution, the right of the people to be secure in their persons, houses, and papers, against unreasonable searches and seizures, I presume we have had as much litigation under that clause (which is precisely *in totidem verbis* the clause in the bill of rights in the constitution of Maine) in the State of Maine, of judicial arbitrament, as any State in this Union. I will tell the honorable Senator that there are a good many hundred men in my State who have attempted to construe that clause of the Constitution for themselves greatly to their subsequent regret. I do not know any more pernicious doctrine that can be preached anywhere than that it is the right of the citizen to construe the law for himself so long as judicial remedy is in his hands and the courts are open for arbitrament.

In regard to constitutional laws, I hold with the Senator that if I sit here in my seat and vote for a law that I believe to be unconstitutional, and thus aid in its enactment, I am perjured; I commit perjury; but if against my vote and against my protest that law is passed, is passed by the two Houses, and is signed by the President, it is the supreme law of the land until the Supreme Court of the United States decide otherwise, and regardless of my individual opinion that governed my individual vote, I am bound as a citizen to obey it; I am bound as a Senator to carry it out. That is the whole of it.

Mr. BECK. Mr. President——

Mr. THURMAN. I want to mention to my friend from Maine one thing. The Senator is certainly aware that a great many questions cannot get up to the Supreme Court. If the Senator should have the misfortune to commit a homicide, although he might do it in defense of his constitutional rights, that question never could be settled by the Supreme Court.

Mr. BLAINE. But all this class of questions get up. The Senator need not bring in a class of questions we have not been arguing about at all.

Mr. THURMAN. The Senator quotes me before I get through. I say that a question cannot be decided there that may involve the liberty of every man in this country; it never can get up to the Supreme Court; because a writ of error in criminal cases does not lie to that court.

Mr. BLAINE. Take the actual case.

Mr. THURMAN. I will take the case of a soldier who goes into a house and quarters himself there in time of peace under an unconstitutional law. The Senator slays him; the Senator is indicted for it. He can never get that case to the Supreme Court.

Mr. BLAINE. Then that shows the great absurdity of my slaying him. I could get a constitutional remedy if I did not slay the man; but if I slay him and pursue this outrageous course that the Senator indicates, then I am deprived of a remedy. The Senator convicts himself of the absurdity of his logic. But if, as a quiet citizen, I walk out and go to the courts of the United States and show that that clause of the Constitution is violated to my detriment, I can put the military officer who did it through a pretty heavy punishment.

Mr. THURMAN. The Senator has shown that "discretion is the better part of valor;" there is no doubt of that; and it would not be very wise in him to slay the man. But I must inform the Senator that according to my reading, the principles of civil liberty all the world over have been sustained by slaying the trespasser in such a case.

Mr. BLAINE. The Senator commends me to a course that shall slaughter the soldier, and give me no remedy. It is just as valuable a kind of glory as to be slaughtered on the battle-field and have your name spelled wrong in the report of the battle. [Laughter.]

Mr. BECK. Mr. President, I rose to ask the Senator from Maine a question, but was interrupted. My question was this: I understand him to say that whatever act Congress passes is absolutely binding upon everybody until the Supreme Court reverses it. I propose to put a case, of course an absurd case, because absurd cases illustrate

principles. Suppose Congress should pass a law authorizing the seizure of all the women and children of the State of Maine, that they should be seized and sold into slavery, and a soldier of the United States should come to the Senator's house to take his wife and children, would he not slay the man who came to do it?

Mr. BLAINE. Then we should fall back on what the sensible men of the South said, who admitted that they had no right of secession under the Constitution, but they had the right of revolution; and Maine would revolutionize. That is all. We would go outside the law; outside the case.

Mr. BECK. Then there could be a law passed so absolutely unconstitutional that even the Senator from Maine would resist it?

Mr. BLAINE. Of course, so utterly tyrannical that a people would rise against it, just as the thirteen American colonies did when they threw off the laws of the mother country. When the honorable Senator supposes an extreme case of that kind he throws himself outside of the law, and outside of the case we are arguing.

Mr. BECK. That simply illustrates the principle that each man acts on his own responsibility; if the Supreme Court sustains him he is right; if it decides against him he is wrong.

Mr. BLAINE. Old Dr. Whately, in his Logic, winds up by saying that the man who presents an extreme case, and an impossible case, gives up the argument.

Mr. MAXEY. I want to ask the Senator from Kentucky if it is not a fact that if the Supreme Court declare a law to be unconstitutional it is null and void from the beginning?

Mr. BECK. Certainly.

Mr. MAXEY. If it would be null and void from the beginning, what force did it ever have after its passage?

Mr. VANCE. It never was a law.

Mr. CONKLING. Mr. President, at some time before the vote upon the pending bill is taken, should there be a space which no other Senator wishes to occupy, I shall make some observations indicating my objections to one of the sections of the bill. I wish, however, much more earnestly to obtain that which I deem of far greater value than anything I could say,—an expression by a majority of Senators touching the meaning of the nondescript and unheard-of provision in the bill to which I have alluded. I do not make this remark in inadvertence of the sudden and radical change in the face of the enemy which the lines of the other side have undergone within a few moments. It did not escape me that the honorable Senator from Ohio, the corps commander not only but the generalissimo of the democratic forces, issued an order a few moments ago which indicates much in respect of the future process of this proceeding. That honorable Senator having heard the very persuasive and noticeable remarks of the Senator from Iowa [Mr. KIRKWOOD] and having seen, as I infer, some other signs in the political zodiac, concluded, as did others, that it would not be safe to trust the brethren who make up the majority here, either in a profession of faith orally or even with permission to answer "yea" or "nay" when their names are called upon proposed amendments. Accordingly, that astute and veteran commander has spoken, not I imagine without a council of war having been held. It is said that councils of war do not fight, but councils of war do manage, do treat, do consider carefully; and I know right well that the brain of the Senator from Ohio is not the loom upon which was woven this new disguise in which our friends appear. I will jeopard my reputation as a guesser by affirming that since we dispersed yesterday a conference or consultation has been had; I do not like to say "caucus;" first, because our friends dread that word; and, second, because I presume they have managed to put this in such form that it could be said that a caucus technically did not do it. But I will venture the guess that my long-headed friend from Connecticut [Mr. EATON] and the other sachems of the democracy concluded that it would not be wise to vote upon amendments; and the mouth-piece of the democracy, the leader of the Spartan band, engaged now in protecting the country on the theories laid down, first by the Senator from Georgia [Mr. HILL,] and reiterated since by the Senator from Ohio, [Mr. THURMAN]—these Spartans do not mean to vote for any amendment, and they do mean (now I am going to expose myself as a prophet still further) to vote down in the Senate every amendment which has been adopted in Committee of the Whole. I will appeal to the RECORD to-morrow to vindicate or to overthrow my pretensions to the reputation of a political prophet. Before the morning of this night the democratic Committee on Appropriations will be repudiated, with the first lord of the treasury from West Virginia [Mr. DAVIS] at its head, the great financial authority constituting that committee, the heroic Senator from Kentucky [Mr. BECK] and all, incarnating the infallibility of the democratic party both in respect of political faith and safe appropriations, will be whistled down the wind. The targe of the Senator from Kentucky will sink before the order which has been issued by the Senator from Ohio, and every amendment they recommended,—amendments voted for by every democrat in the Senate, will receive in the Senate when this bill passes from the Committee of the Whole, the brand of democratic disapprobation. That is what is sometimes called hedging. Why do they hedge? Why does the Senator from Ohio hedge? Why does he make haste twice over to inform all his followers that not a *t* is to be crossed, not an *i* is to be dotted, but that accepting the House, as the Medes and Persians accepted their laws, every democrat, no matter if in committee he voted and certified that amendments were necessary, is on his oath to stand up and say that the bill, only the bill, and the bill unchanged in all its details as it came from the House, is the bill which, if possible, must become a law.

Why is this? He must be a tyro in party politics, or he must wink so hard as not to see, who fails to discover what all this means. The dexterous players of party chess, (and I do not mean in the House alone; I am not alluding to the doings of the House; I do not mean in the Senate alone; but I mean these astrologers and star-gazers at the political and presidential firmament who cut out the work for the democratic party, who study all the angles of incidence and reflection, who do all these things which brought on the extra session, and which have continued it)—these players, as cunning phrase-mongers, contrived some words which every lawyer knows mean nothing. In place of saying that the Army should not be used to keep the peace at the polls, they imported the words "as a police force;" and on this little hinge they thought they could swing a great majority of the House of Representatives. How great that majority was, I have no right to say; how it came to be so large, the rules of propriety here deny me the privilege of inquiring; but here is the bill passed by that House and certified by its Clerk, and therefore I have a right to know that the consent of a majority, and of a quorum too, and that means a majority of all those elected to the House, was obtained to this proposed legislation.

Mr. President, I more than suspect, I think I may say without violating any rules that I know, that assent to this language was obtained in the House by the magic, (if magic it be,) by the trick, (if trick it be,) by the cunning, (if cunning it be,) of these four words; and I suspect that it was supposed the Executive of the nation would assent to these four words "as a police force." My honorable friend from Illinois [Mr. DAVIS] laughs. He has a right to laugh. He did not sit on the bench all those years and administer and expound the law all those years without having sharpened those faculties which see through the juggle of these words; and no wonder that when he hears them again he laughs. But it was thought that these four little words might make a place not only large enough for a dove to put down the sole of her foot, but large enough for an entire President of the United States to stand on and approve the bill.

Sir, how much of a compliment to the intelligence of the Executive and his constitutional advisers this expectation was, I will not venture to say. However, they were put there for that purpose; and when it came to be known, as it was made known after this debate began, that we on this side would propound to our friends, not the Westminster Catechism or any difficult or troublesome conundrums, but that we would offer amendments which we indicated we had, to search and test the meaning of these words, it became very apparent to the democratic apprehension that nobody would be able to go and say to the President, as possibly somebody said in the House, and privately to the members of the House, "This language as it is now does not mean to nullify existing laws, because it is only to the effect that money may not be used to maintain, equip, transport, pay, or feed the Army to be used as a police force. As a police force, don't you see?" Such is the way, I am told, it was put elsewhere. "It is only a police force, don't you see;" and nobody argues that soldiers are to be used as roundsmen, in the language of the newspaper editorial which my friend from Iowa read, or constables, or watchmen, or ordinary civil police, to use the phrase of the President; nobody pretends that. This only says that that shall not be done, and as I believe it was said by some eminent statesman, "Who objects to a tub being thrown to the whale?" "Just a little sugar-plum to please the political children and gratify their palate—who objects to that?"

It was thought that if by voting down every amendment here tending to make the lurking, actual, and as was thought latent and hidden meaning of these words, plain, the device would be spoiled for use at the other end of the Avenue. It was thought that no Executive carelessness of reading, no stupidity or obtuseness on the part of constitutional advisers could be so great that the President would sign this bill because of these words after the trick and artifice had been exposed. Therefore, in marches the Senator from Ohio, and he says, "I want it understood," and there was great force in this. At that point the honorable Senator appeared with that breezy affluence of dash which seems to grow upon him of late. He said, "I want it understood," as if he intended to absorb all the responsibility of both sides of the Chamber, "that I will vote down every amendment, regardless of its merits; I do not care what its merits may be." And then he proceeded with some railing accusation against the practice which he seemed to deem bad, of reading to the Executive, or of the Executive reading himself, debates in the two Houses accompanying votes upon legislation. Evidently the Senator expects the Executive to read these sayings of his with that deliberation and respect with which all should read the words of the honorable Senator from Ohio, with that peculiar respect which the Executive might be supposed to feel for the words of his alleged and expecting successor in office. Evidently he expects the President to read his words, that he will vote, regardless of the merits of amendments, against them all, in the hope that by just hedging he may convince the Executive that although amendments were rejected tending to define the meaning of this language, still they were rejected on account of a chronic and indiscriminate hatred of amendments, no matter what the merits of those amendments might be.

That, as to the Executive, is the object of this sudden change of

front. That is the reason why the democratic Committee on Appropriations is to be repudiated, overthrown, and despitefully used. That is the reason why a majority in this Senate is to vote down amendments adopted by the same majority in Committee of the Whole.

But, Mr. President, there was another object in all this. It is inferred now on one side of the Chamber that should this innocent little provision ever go back to the House of Representatives, although the previous question may be applied to it, although all the means may be taken which were taken before, if they were taken—I have no right to say that they were because I cannot allude to what took place in the House; but if it were true in the House that an hour had been allowed for debate on this bill and then if it were true that that hour was parceled out, half an hour to one side and half an hour to the other, and then if it were true that three men were selected from the republican side all of whom would speak for this measure and that nobody was permitted to speak against it—I do not affirm that this is so; I have no right to say what took place in the House;—but I say if that were so and that it should happen again, the bill being sent back, I think it has come to the knowledge of a majority of this Chamber that possibly a great many members of the House who relied, as they thought they safely might, upon assurances as to the meaning of these words, might upon being recorded again be found in recorded disapproval; and thus that any advantage which has been obtained, if one has been, in winning the votes of the political party with which the Executive is supposed to sympathize might be lost and thrown away.

For these reasons, as I infer, it has gone out to the lowlands and the hill-country among the democrats, all the dwellers in Mesopotamia who vote on the democratic side in this Chamber have been told that they are to vote against all amendments. Nevertheless, Mr. President, as I began by saying and as I intended to conclude saying in a moment and not to detain the Senate as I have done by so particular a statement, I would like to have a vote upon an amendment pending which I offered; an amendment to it offered by the Senator from Maine is pending also, and the vote is first on the latter amendment of course unless some arrangement is made about the order of these votes. I would like to vote on that amendment and to vote on four other amendments which I wish to offer, to the end that we may see, as far as we shall be permitted to see after this latter indication of intention on the other side, what these words are designed to mean, what office they are designed to perform, should they ever find a place in the legislation of the country.

And now, although as I say I would like to make some observations upon the bill, I will not do it at this moment if by leaving the floor I can obtain a vote upon the pending amendment and the others to which I have referred and which I should like to offer. If any of them are adopted it will of course discredit my prediction, and of course change what I should feel warranted in saying in criticism of the bill. It seems to me that whatever of further discussion there is to be would be conducted more intelligently if we could know that the bill is to stand as it is, or that such modifications as we think should take place may be made.

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) The question is on the amendment of the Senator from Maine to the amendment of the Senator from New York. Is the Senate ready for the question?

Mr. BLAINE. No yeas and nays have been called for, and it may probably simplify the nature of the amendments and the voting upon them if I shall reserve my amendment to be a direct amendment to section 6 rather than an amendment to the amendment of the Senator from New York. For the present I withdraw my amendment in order that the vote may come directly upon the amendment of the Senator from New York.

The PRESIDING OFFICER. Then the question is on the amendment proposed by the Senator from New York, [Mr. CONKLING,] to come in at the end of section [6] 5.

Mr. CONKLING. Let it be reported, and let us have the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. At the end of section [6] 5 it is proposed to insert "except in aid of the civil authorities;" so as to make the section read:

SEC. [6] 5. That no money appropriated in this act is appropriated or shall be paid for the subsistence, equipment, transportation, or compensation of any portion of the Army of the United States to be used as a police force to keep the peace at the polls at any election held within any State, except in aid of the civil authorities.

The Secretary proceeded to call the roll.

Mr. ALLISON, (when his name was called.) Early in the evening I paired for a brief time with the Senator from Indiana, [Mr. VOORHEES.] I do not see him in his seat, therefore I refrain from voting. Otherwise I should vote for this amendment.

Mr. BURNSIDE, (when Mr. ANTHONY'S name was called.) My colleague [Mr. ANTHONY] is paired with the Senator from Georgia, [Mr. GORDON.] My colleague if here would vote "yea."

Mr. KERNAN, (when Mr. BAYARD'S name was called.) The Senator from Delaware [Mr. BAYARD] was called from the Senate for a little time this evening, and I was informed that he had paired with the Senator from Michigan, [Mr. CHANDLER.]

Mr. BLAIR, (when his name was called.) I am informed that an arrangement was made by which Mr. BELL, my immediate predecessor, was paired with the Senator from Kentucky, [Mr. WILLIAMS,] and I am desired to carry out that arrangement until to-morrow night. I feel bound to do so. I would vote "yea" if at liberty to do so.

Mr. BRUCE, (when his name was called.) On this question I am paired with my colleague, [Mr. LAMAR.] If he were here, my colleague would vote "nay" and I should vote "yea."

Mr. CAMERON, of Pennsylvania, (when his name was called.) On this question I am paired temporarily with my colleague [Mr. WALLACE] who is now absent from the Senate. If he were present, I should vote "yea."

Mr. CHANDLER, (when his name was called.) I am temporarily paired with the Senator from Delaware, [Mr. BAYARD.]

Mr. DAVIS, of Illinois, (when his name was called.) I am paired on this bill with the Senator from Wisconsin, [Mr. CARPENTER.] I should vote against this amendment and he would vote for it, if he were present.

Mr. HEREFORD, (when his name was called.) On this subject I am paired with the Senator from Massachusetts, [Mr. HOAR.] If he were here, I should vote "nay."

Mr. DAWES, (when Mr. HOAR'S name was called.) My colleague, [Mr. HOAR,] if he were here, would vote "yea;" but he is absent and paired, as has been stated by the Senator from West Virginia, [Mr. HEREFORD.]

Mr. WITHERS, (when Mr. JOHNSTON'S name was called.) My colleague [Mr. JOHNSTON] is absent from the Senate in consequence of indisposition, but is paired on all political questions with the Senator from Colorado, [Mr. TELLER.] My colleague, if present, would vote "nay."

Mr. JONAS, (when Mr. LAMAR'S name was called.) The Senator from Mississippi [Mr. LAMAR] is paired with his colleague, [Mr. BRUCE.] If present, the Senator from Mississippi [Mr. LAMAR] would vote "nay."

Mr. McMILLAN, (when his name was called.) The Senator from New Jersey [Mr. MCPHERSON] has been in the Chamber during the day, but was compelled a short time since to retire from indisposition. I am paired with that Senator. If he were here, I would vote "yea." He would vote "nay," I presume.

Mr. PADDOCK, (when his name was called.) On this question I am paired with the Senator from South Carolina, [Mr. HAMPTON.] If he was here, I should vote "yea" and he would vote "nay."

Mr. SAUNDERS, (when his name was called.) I am paired for a little while with the Senator from Delaware, [Mr. SAULSBURY.]

Mr. HILL, of Colorado, (when Mr. TELLER'S name was called.) My colleague [Mr. TELLER] is paired with the Senator from Virginia, [Mr. JOHNSTON.] If he were here, my colleague would vote "yea."

Mr. MORRILL, (when Mr. THURMAN'S name was called.) The Senator from Ohio [Mr. THURMAN] is paired with my colleague, [Mr. EDMUNDS.]

The result was announced—yeas 15, nays 28; as follows:

YEAS—15.

Blaine,	Conkling,	Kellogg,	Platt,
Booth,	Dawes,	Kirkwood,	Rollins,
Burnside,	Hill of Colorado,	Logan,	Windom.
Cameron of Wis.,	Ingalls,	Morrill,	

NAYS—28.

Bailey,	Garland,	Jones of Florida,	Ransom,
Beck,	Groome,	Kernan,	Slater,
Call,	Grover,	McDonald,	Vance,
Cockrell,	Harris,	Maxey,	Vest,
Coke,	Hill of Georgia,	Morgan,	Walker,
Davis of W. Va.,	Houston,	Pendleton,	Whyte,
Eaton,	Jonas,	Randolph,	Withers.

ABSENT—33.

Allison,	Davis of Illinois,	Johnston,	Sharon,
Anthony,	Edmunds,	Jones of Nevada,	Teller,
Bayard,	Farley,	Lamar,	Thurman,
Blair,	Ferry,	McMillan,	Voorhees,
Bruce,	Gordon,	McPherson,	Wallace,
Butler,	Hamlin,	Paddock,	Williams.
Cameron of Pa.,	Hampton,	Plumb,	
Carpenter,	Hereford,	Saulsbury,	
Chandler,	Hoar,	Saunders,	

So the amendment was rejected.

Mr. CONKLING. I now offer an amendment which I hope will commend itself more to the kindness of the majority of this Chamber. I move to strike out in the bill the words "as a" in line 4 of this section and insert the words "instead of the ordinary civil" so that it will read:

Any portion of the Army of the United States to be used instead of the ordinary civil police force, to keep the peace at the polls.

My hope that that will strike our brethren on the other side more favorably is founded on this fact: In the veto message sent on the 12th of May, 1879, giving objections to the approval of a bill to prevent military interference, I observe these words:

No soldiers, either of the Union or of the State militia, should be present at the polls to take the place or to perform the duties of the ordinary civil police force.

I imagine that the words found in this bill were suggested by those words in the veto message; and that the bill may conform to the views of the Executive I have offered the amendment which I ask the Secretary to read.

The PRESIDING OFFICER. The Secretary will report the amendment of the Senator from New York.

The SECRETARY. In section [6] 5, line 4, it is proposed to strike out the words "as a" and insert the words "instead of the ordinary civil;" so as to make the section read:

That no money appropriated in this act is appropriated or shall be paid for the subsistence, equipment, transportation, or compensation of any portion of the Army of the United States to be used, instead of the ordinary civil police force, to keep the peace at the polls at any election held within any State.

Mr. WITHERS. I move to lay that amendment on the table.

Mr. CONKLING. I ask the Senator to withdraw that motion for a single moment.

Mr. WITHERS. For a moment.

Mr. CONKLING. As I infer, there is no intention on this side to debate these amendments. A motion to lay on the table is valuable to cut off debate; but as the amendments are not to be debated, a vote can be taken just as quickly the other way. If the Senator has no objection, we would rather take a square vote, as it is called, on the amendments. Of course if he moves to lay them on the table and the motion is sustained, we get no direct vote, and in that event everybody will understand that the motion to lay on the table is a test question. But as there is to be no debate, I submit to the Senate that we ought to be allowed to have a vote on our amendments on their merits.

Mr. WITHERS. With that understanding, I am perfectly willing to have a vote.

Mr. CONKLING. Then I would ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. The question is on the adoption of the amendment proposed by the Senator from New York, on which the yeas and nays are demanded.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BRUCE, (when his name was called.) I am paired with my colleague [Mr. LAMAR] on this question. Were he here, he would vote "nay" and I should vote "yea."

Mr. CAMERON, of Pennsylvania, (when his name was called.) On this question I am paired with my colleague, [Mr. WALLACE.]

Mr. CHANDLER, (when his name was called.) On this question I am temporarily paired with the Senator from Delaware [Mr. BAYARD] until nine o'clock.

Mr. DAVIS, of Illinois, (when his name was called.) I am paired with the Senator from Wisconsin, [Mr. CARPENTER.]

Mr. MORRILL, (when Mr. EDMUNDS's name was called.) My colleague [Mr. EDMUNDS] is paired with the Senator from Ohio, [Mr. THURMAN.]

Mr. BOOTH, (when Mr. FARLEY's name was called.) My colleague [Mr. FARLEY] is absent on important business. On all political questions he is paired with the Senator from Nevada, [Mr. JONES.] I make this announcement once for all this session.

Mr. JONES, of Florida, (when Mr. GORDON's name was called.) The Senator from Georgia [Mr. GORDON] is paired with the Senator from Rhode Island, [Mr. ANTHONY.] The Senator from Georgia, if here, would vote "nay."

Mr. HEREFORD, (when his name was called.) I am paired with the Senator from Massachusetts, [Mr. HOAR.] If he were present, I should vote "nay."

Mr. JONAS, (when Mr. LAMAR's name was called.) The Senator from Mississippi [Mr. LAMAR] is paired on all political questions with his colleague, [Mr. BRUCE.] If he were present, the Senator from Mississippi [Mr. LAMAR] would vote "nay."

Mr. MCMILLAN, (when his name was called.) I am paired with the Senator from New Jersey, [Mr. MCPHERSON,] who is absent on account of illness. If he were here, I should vote "yea" and he would vote "nay."

Mr. PADDOCK, (when his name was called.) On this question I am paired with the Senator from South Carolina, [Mr. HAMPTON.]

Mr. SAUNDERS, (when his name was called.) I am paired until nine o'clock with the Senator from Delaware, [Mr. SAULSBURY.] If he were here, I should vote "yea."

Mr. HILL, of Colorado, (when his name was called.) My colleague [Mr. TELLER] is paired with the Senator from Virginia, [Mr. JOHNSTON.] If he were here, my colleague would vote "yea."

The roll-call was concluded.

Mr. GROOME. The Senator from Ohio [Mr. PENDLETON] has been called from the Chamber for a few moments, and he requested me to say that, if present, he would vote "nay" on this amendment.

Mr. PADDOCK. The Senator from Kansas [Mr. PLUMB] is paired on all political questions with the Senator from South Carolina, [Mr. BUTLER.] I announce this for the session.

The result was announced—yeas 16, nays 28; as follows:

YEAS—16.

Allison,	Cameron of Wis.,	Ingalls,	Morrill,
Blaine,	Conkling,	Kellogg,	Platt,
Booth,	Dawes,	Kirkwood,	Rollins,
Burnside,	Hill of Colorado,	Logan,	Windom.

NAYS—28.

Bailey,	Coke,	Groome,	Houston,
Beck,	Davis of W. Va.,	Grover,	Jonas,
Call,	Eaton,	Harris,	Jones of Florida,
Cockrell,	Garland,	Hill of Georgia,	Kernan,
McDonald,	Randolph,	Vance,	Walker,
Maxey,	Ransom,	Vest,	Whyte,
Morgan,	Slater,	Voorhees,	Withers.

ABSENT—32.

Anthony,	Davis of Illinois,	Hoar,	Plumb,
Bayard,	Edmunds,	Johnston,	Saulsbury,
Blair,	Farley,	Jones of Nevada,	Saunders,
Bruce,	Ferry,	Lamar,	Sharon,
Butler,	Gordon,	McMillan,	Teller,
Cameron of Pa.,	Hamlin,	McPherson,	Thurman,
Carpenter,	Hampton,	Paddock,	Wallace,
Chandler,	Hereford,	Pendleton,	Williams.

So the amendment was rejected.

Mr. CONKLING. I offer as an amendment to come in at the end of the section the words which I will send to the Secretary to read.

The PRESIDING OFFICER. The Secretary will report the amendment proposed by the Senator from New York.

The CHIEF CLERK. At the end of section [6] 5 it is moved to insert:

Provided, Nothing herein shall be construed to affect the right to employ any part of the Army to execute the laws in such cases and under such circumstances as such employment of said force may be expressly authorized by the Constitution or by act of Congress.

Mr. CONKLING. I wish to say of that amendment that it is the language reported by the Judiciary Committee in the House, adopted by the House and by the Senate, known as the *posse comitatus* clause in 1878. It simply provides that this section shall not be construed so as to defeat that section.

Mr. WITHERS. As it is already on the statute-book, I presume there is no necessity for putting it back there again, and I suggest that we shall likely vote down a good many things that may be offered as amendments. It is likely the Ten Commandments would be voted down if offered as an amendment.

Mr. CONKLING. Although I do not want to argue this, our understanding is that these words but for this saving clause repeal the statute giving the President the right to employ troops on election day according to this act of 1878. To save that, the amendment is offered.

The PRESIDING OFFICER. The question is on the adoption of the amendment proposed by the Senator from New York.

Mr. CONKLING. Let us have the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. BLAIR, (when his name was called.) I desire to say that I am paired on all political questions with the Senator from Kentucky [Mr. WILLIAMS] until to-morrow night; and I make the announcement thus particularly because if he were present I suppose he would vote in the negative and I should vote in the affirmative.

Mr. BRUCE, (when his name was called.) I am paired with my colleague, [Mr. LAMAR.] Were he here, he would vote "nay" and I should vote "yea."

Mr. CAMERON, of Pennsylvania, (when his name was called.) On this question I am paired with my colleague, [Mr. WALLACE.] If he were here, I should vote "yea" and he would probably vote "nay."

Mr. CHANDLER, (when his name was called.) On this question I am paired with the Senator from Delaware [Mr. BAYARD] temporarily.

Mr. DAVIS, of Illinois, (when his name was called.) I am paired with the Senator from Wisconsin, [Mr. CARPENTER.]

Mr. JONES, of Florida, (when Mr. GORDON's name was called.) The Senator from Georgia [Mr. GORDON] is paired with the Senator from Rhode Island, [Mr. ANTHONY.] If he were here, the Senator from Georgia would vote "nay."

Mr. HEREFORD, (when his name was called.) I am paired with the Senator from Massachusetts, [Mr. HOAR.] If he were here, I should vote "nay."

Mr. PLATT, (when his name was called.) Upon this question I am paired with my colleague, [Mr. EATON,] who is necessarily absent from the Chamber a few moments. If he were present, I should vote "yea" and he would vote "nay."

Mr. HILL, of Colorado, (when Mr. TELLER'S name was called.) My colleague [Mr. TELLER] is paired with the Senator from Virginia, [Mr. JOHNSTON.] If my colleague were here he would vote "yea."

The roll-call was concluded.

Mr. BURNSIDE. On this question my colleague [Mr. ANTHONY] is paired with the Senator from Georgia, [Mr. GORDON.] If my colleague were here he would vote "yea."

Mr. PADDOCK. On this question I am paired with the Senator from South Carolina, [Mr. HAMPTON.]

The result was announced—yeas 15, nays 27; as follows:

YEAS—15.

Allison,	Cameron of Wis.,	Ingalls,	Rollins,
Blaine,	Conkling,	Kellogg,	Saunders,
Booth,	Dawes,	Kirkwood,	Windom.
Burnside,	Hill of Colorado,	Morrill,	

NAYS—27.

Bailey,	Groome,	Kernan,	Slater,
Beck,	Grover,	McDonald,	Vance,
Call,	Harris,	Maxey,	Vest,
Cockrell,	Hill of Georgia,	Morgan,	Voorhees,
Coke,	Houston,	Randolph,	Walker,
Davis of W. Va.,	Jonas,	Ransom,	Withers.
Garland,	Jones of Florida,	Saulsbury,	

ABSENT—34.

Anthony,	Eaton,	Johnston,	Plumb,
Bayard,	Edmunds,	Jones of Nevada,	Sharon,
Blair,	Farley,	Lamar,	Teller,
Bruce,	Ferry,	Logan,	Thurman,
Butler,	Gordon,	McMillan,	Wallace,
Cameron of Pa.,	Hamlin,	McPherson,	Whyte,
Carpenter,	Hampton,	Paddock,	Williams.
Chandler,	Hereford,	Pendleton,	
Davis of Illinois,	Hoar,	Platt,	

So the amendment was rejected.

Mr. CONKLING. I have two more amendments to offer, one of which I send to the Secretary.

The PRESIDING OFFICER. The amendment will be read.

The CHIEF CLERK. At the end of section [6] 5 it is proposed to add the following words:

Provided, That nothing in this section shall be construed to affect the power of the President of the United States to employ such parts of the land and naval force of the United States as he may deem necessary to enforce the faithful execution of the laws of the United States or to suppress such rebellion, in whatever State or Territory thereof, where the laws of the United States may be forcibly opposed or the execution thereof forcibly obstructed.

Mr. CONKLING. That amendment is the act of Congress of 1792, 1795, and 1807 as those statutes now stand in the Revised Statutes, being section 5298. It is a proviso declaring only that what the President is authorized to do in those acts shall not be forbidden by this section 6 or 5. I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. LOGAN. Before the question is put I desire to say that I was not in the Chamber when my name was called on the preceding amendment. Of course I cannot vote now; but I desire to mention the fact that I would have voted for the amendment had I been in the Senate Chamber.

Mr. WINDOM. Before the vote is put I desire to say also that my colleague [Mr. MCMILLAN] was paired with the Senator from New Jersey, [Mr. MCPHERSON.] My colleague on leaving the Chamber desired me to announce his pair on each vote. He would have voted "yea," had he been present.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from New York, which has been read.

The Secretary proceeded to call the roll.

Mr. BURNSIDE, (when Mr. ANTHONY'S name was called.) My colleague [Mr. ANTHONY] is paired with the Senator from Georgia, [Mr. GORDON.] My colleague, if he were here, would vote "yea."

Mr. BRUCE, (when his name was called.) I am paired with my colleague, [Mr. LAMAR.] Were he here, he would vote "nay" and I should vote "yea."

Mr. CHANDLER, (when his name was called.) I am paired with the Senator from Delaware, [Mr. BAYARD.]

Mr. JONES, of Florida, (when Mr. GORDON'S name was called.) The Senator from Georgia [Mr. GORDON] is paired with the Senator from Rhode Island, [Mr. ANTHONY.] Were he here, the Senator from Georgia would vote "nay."

Mr. DAWES, (when Mr. HOAR'S name was called.) Upon all these votes my colleague [Mr. HOAR] is paired with the Senator from West Virginia, [Mr. HEREFORD.] If he were present, my colleague would vote "yea" on this amendment.

Mr. PLATT, (when his name was called.) On this question I am paired with my colleague, [Mr. EATON.]

Mr. HILL, of Colorado, (when Mr. TELLER'S name was called.) My colleague [Mr. TELLER] is paired with the Senator from Virginia, [Mr. JOHNSTON.] If my colleague were here, he would vote "yea."

The roll-call was concluded.

Mr. PADDOCK. On this question I am paired with the Senator from South Carolina, [Mr. HAMPTON.]

Mr. WINDOM. On this vote my colleague [Mr. MCMILLAN] is paired with the Senator from New Jersey, [Mr. MCPHERSON.] If my colleague were present, he would vote "yea."

Mr. JONAS. The Senator from Mississippi [Mr. LAMAR] is paired with his colleague [Mr. BRUCE] on all these questions. If he were present, the Senator from Mississippi [Mr. LAMAR] would vote "nay."

The result was announced—yeas 16, nays 30; as follows:

YEAS—16.

Allison,	Cameron of Pa.,	Ingalls,	Morrill,
Blaine,	Cameron of Wis.,	Kellogg,	Rollins,
Booth,	Dawes,	Kirkwood,	Saunders,
Burnside,	Hill of Colorado,	Logan,	Windom.

NAYS—30.

Bailey,	Grover,	Maxey,	Vest,
Beck,	Harris,	Morgan,	Voorhees,
Call,	Hill of Georgia,	Pendleton,	Walker,
Cockrell,	Houston,	Randolph,	Wallace,
Coke,	Jonas,	Ransom,	Whyte,
Davis of W. Va.,	Jones of Florida,	Saulsbury,	Withers.
Garland,	Kernan.	Slater,	
Groome,	McDonald,	Vance,	

NOT VOTING—30.

Anthony,	Davis of Illinois,	Hereford,	Platt,
Bayard,	Eaton,	Hoar,	Plumb,
Blair,	Edmunds,	Johnston,	Sharon,
Bruce,	Farley,	Jones of Nevada,	Teller,
Butler,	Ferry,	Lamar,	Thurman,
Carpenter,	Gordon,	McMillan,	Williams.
Chandler,	Hamlin,	McPherson,	
Conkling,	Hampton,	Paddock,	

So the amendment was rejected.

Mr. CONKLING. I move to add at the end of this section these words:

Except when necessary in aid of the civil authorities, and then only on application by the civil authorities.

So that it will read:

Any portion of the Army of the United States to be used as a police force to keep the peace at the polls at any election within any State, except when necessary in aid of the civil authorities, and then only on application by the civil authorities.

And on that I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Secretary will report the amendment proposed by the Senator from New York.

The Chief Clerk read the amendment.

The PRESIDING OFFICER. The question is on the amendment.

The Secretary proceeded to call the roll.

Mr. BURNSIDE, (when Mr. ANTHONY'S name was called.) On this question my colleague [Mr. ANTHONY] is paired with the Senator from Georgia, [Mr. GORDON.] My colleague, if he were here, would vote "yea."

Mr. BRUCE, (when his name was called.) I am paired with my colleague, [Mr. LAMAR.] Were he here, he would vote "nay" and I should vote "yea."

Mr. CHANDLER, (when his name was called.) I am paired with the Senator from Delaware, [Mr. BAYARD.]

Mr. DAVIS, of Illinois, (when his name was called.) On this bill and all the amendments that may be proposed to it I am paired with the Senator from Wisconsin, [Mr. CARPENTER,] who will be absent during the night, and so shall I. I make this announcement once for all, and shall not make it again. I am in favor of the bill as it came from the House, and the Senator from Wisconsin [Mr. CARPENTER] is in favor of all these amendments.

Mr. MORRILL, (when Mr. EDMUNDS'S name was called.) My colleague [Mr. EDMUNDS] is paired with the Senator from Ohio, [Mr. THURMAN.]

Mr. HEREFORD, (when his name was called.) I am paired with the Senator from Massachusetts, [Mr. HOAR.] If he were present, I should vote "nay."

The roll-call was concluded.

Mr. PADDOCK. I am paired with the Senator from South Carolina, [Mr. HAMPTON.]

The result was announced—yeas 18, nays 29; as follows:

YEAS—18.

Allison,	Cameron of Wis.,	Kellogg,	Rollins,
Blaine,	Conkling,	Kirkwood,	Saunders,
Booth,	Dawes,	Logan,	Windom.
Burnside,	Hill of Colorado,	Morrill,	
Cameron of Pa.,	Ingalls,	Platt,	

NAYS—29.

Bailey,	Groome,	McDonald,	Vance,
Beck,	Grover,	Maxey,	Vest,
Call,	Harris,	Morgan,	Voorhees,
Cockrell,	Hill of Georgia,	Pendleton,	Whyte,
Coke,	Houston,	Randolph,	Withers.
Davis of W. Va.,	Jonas,	Ransom,	
Eaton,	Jones of Florida,	Saulsbury,	
Garland,	Kernan,	Slater,	

ABSENT—29.

Anthony,	Edmunds,	Johnston,	Teller,
Bayard,	Farley,	Jones of Nevada,	Thurman,
Blair,	Ferry,	Lamar,	Walker,
Bruce,	Gordon,	McMillan,	Wallace,
Butler,	Hamlin,	McPherson,	Williams.
Carpenter,	Hampton,	Paddock,	
Chandler,	Hereford,	Plumb,	
Davis of Illinois,	Hoar,	Sharon,	

So the amendment was rejected.

Mr. BLAINE. I now offer as a proviso at the end of the sixth section the amendment which I withdrew a few moments ago.

The PRESIDING OFFICER. The Senator from Maine offers an amendment which will be reported by the Secretary.

The CHIEF CLERK. At the end of section [6] 5, the amendment is to add:

Provided, however, That any person who shall carry a deadly weapon of any kind, openly or concealed, at the polls, at any election for Representative in Congress, shall, on conviction thereof, be punished with a fine not less than $500 nor more than $5,000, or with imprisonment for a period not less than six months nor more than five years, or with both fine and imprisonment, at the discretion of the court.

Mr. BLAINE. I should like to have the yeas and nays on that.

The yeas and nays were ordered.

Mr. BLAINE. I have nothing to say about this except that I hope democratic Senators on the stump this coming campaign will not say that is an amendment they would have voted for except that it came at such an inopportune time as to prevent them.

Mr. EATON. The democratic members of the Senate will say no such thing. Their claim is that this Congress has no power whatever to legislate upon subjects of that character. It rests with the Legislatures of the States to determine what the laws shall be to protect their citizens.

Mr. BLAINE. This Congress has no power to do anything but warn off the United States!

Mr. SAULSBURY. I take this occasion to say that democratic Sen-

ators are responsible for their votes to their constituents and not to the Senator from Maine.

Mr. BLAINE. That is the best reason I have heard given.

The Secretary proceeded to call the roll.

Mr. BRUCE, (when his name was called.) I am paired with my colleague, [Mr. LAMAR.] Were he here, he would vote "nay" and I should vote "yea."

Mr. CHANDLER, (when his name was called.) I am paired as before stated.

Mr. MORRILL, (when Mr. EDMUNDS's name was called.) My colleague [Mr. EDMUNDS] is paired with the Senator from Ohio, [Mr. THURMAN.]

Mr. HEREFORD, (when his name was called.) I am paired with the Senator from Massachusetts, [Mr. HOAR.] If he were here, I should vote "nay."

Mr. WITHERS, (when Mr. JOHNSTON'S name was called.) My colleague, [Mr. JOHNSTON,] if present, would vote "nay." He is paired with the Senator from Colorado, [Mr. TELLER.]

The roll-call was concluded.

Mr. WINDOM. On this and the last preceding vote my colleague [Mr. MCMILLAN] was paired with the Senator from New Jersey, [Mr. MCPHERSON.] If present, my colleague would have voted "yea."

Mr. PADDOCK. On this question I am paired with the Senator from South Carolina, [Mr. HAMPTON.]

Mr. VOORHEES, (who had voted in the negative.) I have a somewhat embarrassing duty to perform. I have been voting for the last quarter of an hour, I think I have voted three or four times, in utter forgetfulness that I was paired with the Senator from Michigan, [Mr. FERRY,] who desired to go to New York last evening. If my vote to-day made any difference in the result, I should not know how to make reparation; but as it has not, all I can say is in this public way to regret my forgetfulness of a fact that I ought to have remembered. I was paired with the Senator from Michigan, [Mr. FERRY,] and I am now on this vote. I therefore withdraw my vote.

The result was announced—yeas 18, nays 29; as follows:

YEAS—18.

Allison,	Cameron of Wis.,	Kellogg,	Rollins,
Blaine,	Conkling,	Kirkwood,	Saunders,
Booth,	Dawes,	Logan,	Windom.
Burnside,	Hill of Colorado,	Morrill,	
Cameron of Pa.,	Ingalls,	Platt,	

NAYS—29.

Bailey,	Groome,	McDonald,	Vest,
Beck,	Grover,	Maxey,	Walker,
Call,	Harris,	Morgan,	Wallace,
Cockrell,	Hill of Georgia,	Pendleton,	Whyte,
Coke,	Houston,	Ransom,	Withers.
Davis of W. Va.,	Jonas,	Saulsbury,	
Eaton,	Jones of Florida,	Slater,	
Garland,	Kernan,	Vance,	

ABSENT—29.

Anthony,	Edmunds,	Johnston,	Sharon,
Bayard,	Farley,	Jones of Nevada,	Teller,
Blair,	Ferry,	Lamar,	Thurman,
Bruce,	Gordon,	McMillan,	Voorhees,
Butler,	Hamlin,	McPherson,	Williams.
Carpenter,	Hampton,	Paddock,	
Chandler,	Hereford,	Plumb,	
Davis of Illinois,	Hoar,	Randolph,	

So the amendment was rejected.

Mr. WINDOM. I offer the following to come in at the end of section 5:

Except as authorized by the Constitution of the United States.

I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. HEREFORD, (when his name was called.) I am paired with the Senator from Massachusetts, [Mr. HOAR,] otherwise I should vote "nay."

The roll-call was concluded.

Mr. PADDOCK. I am paired with the Senator from South Carolina, [Mr. HAMPTON.]

Mr. BURNSIDE. My colleague [Mr. ANTHONY] is paired with the Senator from Georgia, [Mr. GORDON.] My colleague, if he were here, would vote "yea."

Mr. BRUCE. I am paired with my colleague, [Mr. LAMAR.] If he were here, I should vote "yea."

Mr. WINDOM. On this question my colleague [Mr. MCMILLAN] is paired with the Senator from New Jersey, [Mr. MCPHERSON.] If he were present, my colleague would vote "yea."

Mr. SAULSBURY. My colleague [Mr. BAYARD] is paired with the Senator from Michigan, [Mr. CHANDLER.]

Mr. THURMAN. I am paired with the Senator from Vermont, [Mr. EDMUNDS.]

The result was announced—yeas 18, nays 30; as follows:

YEAS—18.

Allison,	Cameron of Wis.,	Kellogg,	Rollins,
Blaine,	Conkling,	Kirkwood,	Saunders,
Booth,	Dawes,	Logan,	Windom.
Burnside,	Hill of Colorado,	Morrill,	
Cameron of Pa.,	Ingalls,	Platt,	

NAYS—30.

Bailey,	Groome,	McDonald,	Vance,
Beck,	Grover,	Maxey,	Vest,
Call,	Harris,	Morgan,	Walker,
Cockrell,	Hill of Georgia,	Pendleton,	Wallace,
Coke,	Houston,	Randolph,	Whyte,
Davis of W. Va.,	Jonas,	Ransom,	Withers.
Eaton,	Jones of Florida,	Saulsbury,	
Garland,	Kernan,	Slater,	

NOT VOTING—28.

Anthony,	Davis of Illinois,	Hereford,	Paddock,
Bayard,	Edmunds,	Hoar,	Plumb,
Blair,	Farley,	Johnston,	Sharon,
Bruce,	Ferry,	Jones of Nevada,	Teller,
Butler,	Gordon,	Lamar,	Thurman,
Carpenter,	Hamlin,	McMillan,	Voorhees,
Chandler,	Hampton,	McPherson,	Williams.

So the amendment was rejected.

Mr. CONKLING. I move, unless some Senator has further amendments to perfect the text, to strike out section 6 as it was, section 5 as it has come to be, of the bill; and I ask, to save time, not for the yeas and nays, but for a division unless some Senator wants the yeas and nays on that motion.

The PRESIDING GFFICER. The question is on the motion of the Senator from New York to strike out the section.

The question being put, the ayes were 15.

Mr. ROLLINS. Let us have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BURNSIDE, (when Mr. ANTHONY'S name was called.) On this question my colleague [Mr. ANTHONY] is paired with the Senator from Georgia, [Mr. GORDON.] If my colleague were here, he would vote "yea."

Mr. BRUCE, (when his name was called.) As I have stated before, I am paired with my colleague, [Mr. LAMAR.]

Mr. CHANDLER, (when his name was called.) I am paired with the Senator from Delaware, [Mr. BAYARD.]

Mr. HEREFORD, (when his name was called.) I am paired on this question with the Senator from Massachusetts, [Mr. HOAR.] If he were here, I should vote "nay."

Mr. WINDOM, (when Mr. MCMILLAN'S name was called.) My colleague [Mr. MCMILLAN] is paired with the Senator from New Jersey, [Mr. MCPHERSON.] If he were present, my colleague would vote "yea."

Mr. THURMAN, (when his name was called.) I am paired with the Senator from Vermont, [Mr. EDMUNDS.]

The roll-call having been concluded, the result was announced—yeas 18, nays 30; as follows:

YEAS—18.

Allison,	Cameron of Wis.,	Kellogg,	Rollins,
Blaine,	Conkling,	Kirkwood,	Saunders,
Booth,	Dawes,	Logan,	Windom.
Burnside,	Hill of Colorado,	Morrill,	
Cameron of Pa.,	Ingalls,	Platt,	

NAYS—30.

Bailey,	Groome,	McDonald,	Vance,
Beck,	Grover,	Maxey,	Vest,
Call,	Harris,	Morgan,	Walker,
Cockrell,	Hill of Georgia,	Pendleton,	Wallace,
Coke,	Houston,	Randolph,	Whyte,
Davis of W. Va.,	Jonas,	Ransom,	Withers.
Eaton,	Jones of Florida,	Saulsbury,	
Garland,	Kernan,	Slater,	

ABSENT—28.

Anthony,	Davis of Illinois,	Hereford,	Paddock,
Bayard,	Edmunds,	Hoar,	Plumb,
Blair,	Farley,	Johnston,	Sharon,
Bruce,	Ferry,	Jones of Nevada,	Teller,
Butler,	Gordon,	Lamar,	Thurman,
Carpenter,	Hamlin,	McMillan,	Voorhees,
Chandler,	Hampton,	McPherson,	Williams.

So the amendment was rejected.

The bill was reported to the Senate as amended.

The PRESIDENT *pro tempore*. Will the Senate concur in the amendments made as in Committee of the Whole?

Mr. WITHERS. Mr. President, I move non-concurrence in the amendments adopted in Committee of the Whole.

Mr. CONKLING. That motion is not in order.

The PRESIDENT *pro tempore*. The motion is not necessary.

Mr. WITHERS. Then I move to strike out the amendments which have been made in committee.

Mr. CONKLING. That is not necessary. The question is simply on concurring or non-concurring.

Mr. WITHERS. I know that; but my object was simply, if it met with no objection on the part of other members of the Senate, by one vote to act on all the amendments.

Mr. CONKLING. Will the Senator indulge me? One single negative vote non-concurs in all the amendments.

Mr. BLAINE. Not if one Senator demands a separate vote.

Mr. CONKLING. Unless some Senator demands a separate vote.

The PRESIDENT *pro tempore*. The question is on concurring in the amendments made as in Committee of the Whole. Is the Senate ready for the question?

Mr. CONKLING. I think we had better have the yeas and nays.

The yeas and nays were ordered.

Mr. BLAINE. We had a very prolonged debate on some of the sections relative to the organization of matters at West Point, and I was led to believe by some of our democratic friends that the amendments were of great importance to the healthy organization of that institution. My friend from Virginia who has charge of the bill, and who in all non-partisan matters I follow, with great zeal and confidence told us so. I followed him in this case and voted with him.

Mr. WITHERS. I hope you will continue to do so.

Mr. BLAINE. Now, if he will give me any reason for backing out so suddenly, changing front, untying the knot that we took so much trouble to tie yesterday——

Mr. WITHERS. It is not tied yet.

Mr. BLAINE. Now we are to down the hill or roll down the hill that we climbed up with such arduous labor yesterday or the day before. Surely my friend from Virginia who has charge of this bill, and the embassador from West Virginia, [Mr. DAVIS,] who is the leader of us all in appropriations, do not expect us to take this sudden turn without reasons given. The Senator from Connecticut, [Mr. EATON,] I see, is eager to give some reasons. He is a member of the Committee on Appropriations also. I do not think of appealing to any other than my fellow-members on that committee. My friend from Minnesota, [Mr. WINDOM,] who was the former chairman, says of course we must stand by the committee. We always do that; but you must not lead us into these devious ways without giving a reason, or we shall lose all confidence in you as leaders. [Laughter.]

Mr. PENDLETON. We do not ask you to change.

Mr. BLAINE. There is the Senator from Ohio, who is not a member of the Appropriations Committee, and does not know anything about the Masonic rites and ritual and ceremonies that pertain to that committee, and he says he does not ask us to vote with the majority. He does not know the pain it will give the Senator from Connecticut, the Senator from Pennsylvania, and Senator from Virginia to see a divided vote of the members of that committee. Other members outside of that charmed circle may vote as they please; but the members of the Appropriations Committee must have some special instruction or they cannot change. Does the Senator from Connecticut want the floor? [Laughter.]

Mr. EATON. Look at the clock.

Mr. BLAINE. No complaint yet; plenty of time.

Mr. EATON. I have not made any complaint. If I commenced I could not stop in half an hour. I want to hear the speech, though, of my friend from Maine.

Mr. BLAINE. No, you will not have that; I have no more speeches to make this session; I am talked out; I merely want to know what I shall do in the way of voting.

Mr. LOGAN. I think I can suggest, if the Senator will allow me, a way to relieve the situation.

Mr. BLAINE. Certainly; I am wanting a suggestion.

Mr. LOGAN. I suggest that unanimous consent of the Senate be given to the Appropriations Committee to withdraw their speeches in favor of these amendments. [Laughter.]

Mr. BLAINE. That might do; I think that would simplify the matter a good deal. We are learning something every day. I am every day amazed at the extent and variety of democratic resources and democratic tangles and democratic untangles in matters of this sort. Here we were led into a long series of amendments. We were told that they were very important; we were told that the very health and happiness of the Military Academy demanded this; and then the honorable Presiding Officer comes down out of his chair and says that the Constitution of the United States and the laws thereof will suffer great violence if an *i* is dotted or a *t* crossed in the whole of this bill; and those *i's* that have been dotted and those *t's* that have been crossed must be erased from the record. We have got to take the bill just as the House sent it, and without one reason given. After the honorable Senator left his chair and came down on the floor, he never gave us a reason for that course which he suggested. Has there grown up a sort of lurking distrust of the democratic House? Is it shaky? Has the margin of majority, by reason of pairs and absences, been a good bit disturbed? Is there a fear that if the bill is again committed to that maelstrom it may in some form get mashed by some side or the other on the rocks that lay along it? I wish the honorable Senator from Ohio would condescend once more to leave the chair and explain to us this mistake, which in vain we seek an explanation of from the members of the Appropriations Committee. Do not leave us in the dark; especially do not leave the country in the dark. Do not leave a waiting and wishing world ungratified with the information which is locked up in your breast, Mr. President. [Laughter.] Come, give it. I have appealed in vain to the Appropriations Committee, and now my last resort is to the President of the Senate.

Mr. WINDOM. Mr. President, I am troubled as my friend from Maine is. When the last bill was pending in this Senate, the legislative appropriation bill, not having been present at the meeting of the Committee on Appropriations, I ventured to vote as I thought proper, and I received a pretty severe lecture for it in the committee-room from the honorable chairman of that committee that I had been a little disposed to bring the committee into disrepute, and I must have a lecture on the subject and be disciplined. I submitted to that discipline very kindly, and when a certain vote was taken, the chairman will recollect, it was agreed that we should stand together upon these amendments.

Mr. WITHERS. I hope the agreement will be carried out.

Mr. WINDOM. The Senator from Virginia stated that the committee itself would lose its influence in the Senate if we did not vote together. Is it possible, does the Senator from Maine mean to insinuate, that the democratic members of this committee are now going to go back on their reports? Do you mean to insinuate anything of that kind?

Mr. BLAINE. I was just showing why they would not? [Laughter.]

Mr. WINDOM. Of course they are not going to do it. Now, I want to call attention of the Senate to one amendment which was made by that committee in section 3. That section of the House bill provided:

SEC. 3. And the examiner of State claims in the office of the Secretary of War shall have while on such duty the pay, emoluments, and allowances of mounted officers one grade higher than that held by him in his regiment or corps.

The committee discovered that that would give to this officer back pay for the last two or three years, and the Committee on Appropriations inserted the word "hereafter;" so that it would read:

And the examiners of State claims in the office of the Secretary of War shall hereafter have, while on such duty, the pay, emoluments, and allowances, &c.

Is it possible that the Committee on Appropriations will turn around now and vote back pay to that officer for the last two or three years?

Mr. BLAINE. Eight thousand dollars.

Mr. WINDOM. Some $8,000 to be thrown away rather than send this bill back to the House.

Mr. CONKLING. Perhaps they do not believe in a hereafter. [Laughter.]

Mr. WINDOM. I suppose it is on the ground suggested by the Senator from New York that they do not believe in a hereafter. I should think they did not, from these votes.

Take another amendment. Section 5 reads, as the House sent the bill to the Senate:

SEC. 5. That each member of the graduating classes of the Military Academy, of 1879 and 1880, after graduation, may elect, with the assent of the Secretary of War, to receive the gross sum of $750 and mileage to his place of residence; and the acceptance of this gross sum shall render him ineligible to appointment in the Army, except in the event of war, until two years after his graduation; and the amount required to defray the expenditure herein provided for shall be paid out of any money in the Treasury not otherwise appropriated.

The Senator from Virginia showed the other day by a report from the Secretary of War that during the last six years the number of cadets at West Point was one hundred and thirty-three less than the number of vacancies in the Army, and yet with that demand for the services of educated officers it is now proposed to pay these men that we have educated four years for the express purpose of making them competent officers $720, if they will get out of the way and allow some inexperienced men to be appointed in their places. The Senator from Illinois [Mr. LOGAN] informs me there are some thirty vacancies this year; I think there are about twenty. He and I do not remember the number exactly alike. There are sixty-six graduates this year, and I believe about ninety vacancies. Now the Senator from Virginia proposes by voting for this amendment of the committee that we shall pay these young men whom we have spent $3,000 or $4,000 apiece in educating $720 each, if they will not fill those places which we have prepared them for, and give them to men who are entirely unprepared for them.

Mr. EATON. Not if your Secretary of War does his duty.

Mr. WITHERS. The Secretary of War is the power that can determine that.

Mr. WINDOM. So far as the declaration of the Senate is concerned, by voting down the amendment proposed by the committee we do just that thing which I have stated.

Mr. DAVIS, of West Virginia. I ask my friend from Minnesota whether he and all on that side of the Chamber did not vote for this very provision last year?

Mr. WINDOM. I did, because at the time I was not aware of the facts I have now stated; but the Senator will bear in mind that when in the Committee on Appropriations I myself brought these facts to the knowledge of the committee—that the number of graduates was far less than the number of vacancies. I cannot say what happened in the committee, but I will say that not one gentleman who will to-night vote against this proposition has heretofore voted against it on this bill. The reason was deemed to be sufficient. We did not think it desirable to pay $3,000 or $4,000 to educate a young man and then pay him $720 if he would not perform the duty for which he was educated, in order that we might take a man who never had had any education in that direction. I cannot conceive it possible that upon these two amendments which I have suggested the Committee on Appropriations is going back upon its own record.

Mr. EATON. Only a word. The great dramatist has made one of his characters say that if reasons were as plenty as blackberries he would not give them on compulsion, but I will give one reason. On reflection I ought not to speak, I suppose, at any length of what has been done elsewhere, but I like to see unanimity, and I believe the other branch of this Federal Legislature, who were so unanimous one

way, would be very well pleased if the Senate was equally unanimous in favor of this bill; and that is enough.

Mr. ALLISON. I ask for a separate vote on the amendment on page 9, line 193, and also a separate vote on the amendment on page 10, line 213. These are amendments to the text in order that the text may make sense.

Mr. WITHERS. Those amendments rectified clerical errors, which can be corrected in the enrolled bill.

Mr. ALLISON. No, they cannot be corrected except by the action of this body. They are errors that cannot be corrected except by the Senate.

The PRESIDENT *pro tempore*. What is the first amendment the Senator from Iowa refers to?

Mr. ALLISON. To strike out the word "purchase" and insert the word "purpose" on line 193.

Mr. EATON. That is merely a clerical error.

Mr. ALLISON. The other is in line 213, to strike out "charge" and insert "change."

The PRESIDENT *pro tempore*. These are the amendments the Senator from Iowa wants reserved?

Mr. ALLISON. Yes, sir.

Mr. WINDOM. I should like to have an amendment reserved also on page 13, to see whether the Senate will deliberately pay back pay to the officer there named, for the last three or four years amounting to some eight or ten thousand dollars.

Mr. BLAINE. Eight thousand dollars is the price of not crossing a *t* or dotting an *i*!

Mr. DAVIS, of West Virginia. My friends each know that in the last Congress and this we voted and passed in each of the Army bills that did not finally become laws the identical words which this bill proposes.

Mr. BLAINE. No, we had "hereafter" in.

Mr. DAVIS, of West Virginia. No; that section has been passed twice just as it is in the House bill.

Mr. WINDOM. Whatever may have been the action heretofore, now that the Senate is advised of the point, and every Senator who will read this section will agree with me that it does give back pay unless we insert the word "hereafter," we ought to guard against such a construction.

Mr. WITHERS. The Senator is certainly mistaken, and I will not say that he knows it; but I am of opinion that the fact was well understood that the provision as it stood did not provide for back pay; but to prevent a possible criticism upon it which had been once made, we put in the word "hereafter," to make it beyond all controversy, while all of us, so far as I knew, were of opinion that the section without that amendment did not carry back pay with it.

Mr. CONKLING. Has the Senator any new light now that changes his opinion on that subject?

Mr. WITHERS. Yes, sir.

Mr. WALLACE. The Senator from Minnesota surely understands that the bill speaks from the date of its passage.

Mr. WINDOM. But unfortunately the bill says:

> The examiner of State claims in the office of the Secretary of War shall have, while on such duty, the pay, &c.

It does not confine it to "hereafter." I will say that the Committee on Appropriations, in inserting the word "hereafter," deliberately expressed its opinion that it needed that word to prevent back pay.

Mr. WALLACE. The Senator surely knows that unless there is a retroactive clause in the section it does not retroact. Certainly it speaks for the future.

Mr. WINDOM. There has been a good deal of retroaction in the way of back pay.

Mr. WALLACE. I believe the Senator knows all about that; I do not; but surely this regulation has no reference to back pay.

Mr. WINDOM. I know nothing about it except that I have heard that my democratic colleagues took it heretofore; I never did.

The PRESIDENT *pro tempore*. Three amendments have been reserved.

Mr. HOUSTON. It is evident that our side will vote against all the amendments. Then why vote separately on them? It just requires the consumption of time, and the yeas and nays are already ordered I believe on the amendments, and we shall have the same response on each one. The object is to put the responsibility on this side of the Chamber, and to accomplish no good at all. Why not vote on all at once?

Mr. ALLISON. If the Senator will allow me, I do not desire the yeas and nays on the amendment that I have reserved. I merely want the sense of the Senate to see whether these essential corrections are to be made. If the bill is to go without them, be it so.

Mr. BLAINE. I felt sure when the honorable Senator from Alabama rose that we were to have an explanation of this extraordinary change, which the Appropriations Committee refused to give us.

Mr. WALLACE. The Senator from Maine knows we want to save his friends on the other side from a change of front.

Mr. CONKLING. I think the yeas and nays should be taken upon concurring or non-concurring with the amendments made in Committee of the Whole, and I am not able to see myself why they should not be voted upon *en masse;* and unless some Senator thinks it is really desirable to divide them, I ask that we may have the yeas and nays once for all on these amendments in group; and if the Senators on the other side are going to reverse their votes that will appear as well by once taking the yeas and nays as by repeating them it seems to me. I make that suggestion.

Mr. WINDOM. As this matter has been distinctly stated to the Senate and every one understands precisely what is the effect of a vote in gross, I have no objection to taking the vote on them all together.

The PRESIDENT *pro tempore*. Does the Senator from Iowa withdraw his demand?

Mr. ALLISON. I have no desire to delay the Senate. I only asked for a separate vote in order that these amendments might be read, in order that we might see the utter absurdity of agreeing to this bill without changing the two words. I withdraw my call.

The PRESIDENT *pro tempore*. The Chair understands the demand for a separate vote is withdrawn. The question now is, will the Senate concur in the amendments made as in Committee of the Whole, upon which the yeas and nays have been ordered?

The Secretary proceeded to call the roll.

Mr. CHANDLER, (when his name was called.) I am paired with the Senator from Delaware, [Mr. BAYARD.]

Mr. HEREFORD, (when his name was called.) I am paired with the Senator from Massachusetts, [Mr. HOAR.] If he were present, I should vote "nay."

The roll-call was concluded.

Mr. JONAS. The Senator from Mississippi [Mr. LAMAR] is paired with his colleague, [Mr. BRUCE.]

Mr. WITHERS. My colleague [Mr. JOHNSTON] is paired with the Senator from Colorado, [Mr. TELLER.] My colleague, if present, would vote "nay."

Mr. BURNSIDE. My colleague [Mr. ANTHONY] is paired with the Senator from Georgia, [Mr. GORDON.] My colleague, if here, would vote "yea."

Mr. DAWES. My colleague, [Mr. HOAR,] as has been repeatedly stated, is paired with the Senator from West Virginia, [Mr. HEREFORD.]

Mr. MORRILL. My colleague [Mr. EDMUNDS] is paired, as a very enthusiastic friend says, with the next President of the United States, [Mr. THURMAN.] [Laughter.]

Mr. WINDOM. My colleague [Mr. MCMILLAN] is paired with the Senator from New Jersey, [Mr. MCPHERSON.] If present, my colleague would vote "yea."

Mr. PADDOCK. I am paired with the Senator from South Carolina, [Mr. HAMPTON.] The Senator from Kansas [Mr. PLUMB] is paired with the Senator from South Carolina, [Mr. BUTLER.]

Mr. BRUCE. I am paired with my colleague [Mr. LAMAR] on this and all other questions connected with this bill. Were he here, he would vote "nay" and I should vote "yea."

The result was announced—yeas 17, nays 29; as follows:

YEAS—17.

Allison,	Cameron of Wis.,	Kirkwood,	Saunders,
Blaine,	Conkling,	Logan,	Windom.
Booth,	Dawes,	Morrill,	
Burnside,	Hill of Colorado,	Platt,	
Cameron of Pa.,	Ingalls,	Rollins,	

NAYS—29.

Bailey,	Grover,	Maxey,	Vest,
Beck,	Harris,	Morgan,	Walker,
Call,	Hill of Georgia,	Pendleton,	Wallace,
Cockrell,	Houston	Randolph,	Whyte,
Coke,	Jonas,	Ransom,	Withers.
Davis of W. Va.,	Jones of Florida,	Saulsbury,	
Eaton,	Kernan,	Slater,	
Garland,	McDonald,	Vance,	

ABSENT—30.

Anthony,	Edmunds,	Hoar,	Plumb,
Bayard,	Farley,	Johnston,	Sharon,
Blair,	Ferry,	Jones of Nevada,	Teller,
Bruce,	Gordon,	Kellogg,	Thurman,
Butler,	Groome,	Lamar,	Voorhees,
Carpenter,	Hamlin,	McMillan,	Williams.
Chandler,	Hampton,	McPherson,	
Davis of Illinois,	Hereford,	Paddock,	

So the amendments made as in Committee of the Whole were non-concurred in.

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) The bill is still in the Senate and open to amendment.

The bill was ordered to a third reading, and was read the third time.

The PRESIDING OFFICER. The question now is, Shall the bill pass?

Mr. BLAINE and Mr. CONKLING called for the yeas and nays, and they were ordered.

Mr. CONKLING. Mr. President, a well-worn maxim says "it is wise to learn from an enemy." In the spirit of this saying I quote a political adversary, not an enemy, I hope. I read an article of political faith from the eloquent and distinguished Senator from Indiana now before me, [Mr. VOORHEES.] That Senator recently used these words:

> I would not vote * * * to surround the ballot-box and interpose troops to control elections on election day.

Again:

> I would not on any consideration, earthly or beyond, vote for a bill which by implication or construction allowed the President of the United States to order the military—infantry, cavalry, and artillery—with shotted guns and fixed bayonets to surround the polls on election day.

This doctrine sometimes ruthlessly trampled under foot by the

democratic party, is one of the jewels in the republican faith. From the birth of the republican party—and it had its origin in the need to resist wrongs against freedom at the ballot-box and elsewhere—it has abhorred interference with or control of elections by the military or by anybody else. In Kansas, the nation saw the democratic party interfere with the bayonet and the saber to cleave down popular right and dominate popular elections by fraud and force. The purpose was to plant slavery in Kansas; yet we heard to-day from a Senator who boasted his proximity and intimate acquaintance with Kansas and its climate, that slaves, or rather the race which it was proposed to hold as slaves would perish from the frosts of Kansas, even without the snows. The Army was employed under democratic direction to disperse the Legislature of Kansas, and the Army did this sad work with all the enginery enumerated by the Senator from Indiana—"fixed bayonets, infantry, cavalry, and shotted guns" trained on the doors of the state-house.

Here in the capital city of the nation, here in Washington, under democratic authority, soldiers, regular soldiers of the United States, shot down in the streets, on election day, peaceable and blameless voters; and other acts of crime against the ballot disfigure the chapter of history which chronicles the achievements of the democratic party. By republican authority, by republican consent, no election was ever dominated by military force. No election in time and place of peace was ever dominated, controlled, or interfered with by military authority at the behest or with the consent of republican officials.

History, tradition, and fable have during these twelve stormy weeks alike been exhausted, to produce an instance of republican interference with an election by military force.

No instance has been found—not one. Kentucky in 1865 was not such an instance. Kentucky was a border State, a State lying between contending forces and sections, during the greatest war of modern times. It was the boast of one of Kentucky's Senators that her quota in both armies was full. In 1865 that great body of the men of Kentucky who had fought in the armies of rebellion for the overthrow of the Government, the Government having triumphed and the attempt to overthrow it having failed, came back to Kentucky to participate in the affairs and elections of that State. Abraham Lincoln was President—the same President who on the day when Robert E. Lee marched his army into Pennsylvania, was denounced by the democrats of Pennsylvania in State convention assembled. On the day or the day before Lee invaded Pennsylvania, with the soil of their Commonwealth quaking under the tramp of armed men, marching under the uplifted banners of revolt, striving without provocation and without cause to prostrate the fairest, freest, greatest government mankind had seen, with an army bent upon this fell purpose invading their State, the democratic party—the same party which we have heard from the Senator from Georgia [Mr. HILL] saved the Union—assembled in delegated State convention in Pennsylvania, and denounced Lincoln and the measures by which he and those with him were engaged in an attempt to crush that bloody treasonable attempt. Seeing the condition of things in Kentucky in 1865 Mr. Lincoln issued, and authorized generals of the Union Army to issue, proclamations and orders which placed portions of Kentucky virtually under martial law. It was at that time, with civil authority temporarily suspended, and swarming with those who had fought in the armies of rebellion, that Kentucky became the theater of occurrences of which her distinguished Senator complains.

He reads numerous documents, one of them to prove that at a precinct, Mud Lick—

> There were ten or fifteen armed soldiers present at the voting place, and one of their number, named Rogers, proclaimed in a loud voice, near the polls, that the next "illegal voter" who presented himself would be arrested and carried to "headquarters."

"The next illegal voter;" that was, the man who had drawn sword against the flag of his country. The narrative proceeds:

> This was about nine or ten o'clock in the morning, and the proof shows that most of the voters present left the polls immediately after this announcement was made, without making any attempt to vote.

From which I think it is fairly, if not indisputably inferable, that these much-abused citizens who had flocked about that poll intending to do the voting, were disloyal men, rebels; and when the man whose uniform typified the authority of the nation rose and said, "This is an election at which disloyal men freshly in arms against the Union are not to vote, and the next such an one who attempts it will be arrested," it was deemed by every rebel present a notice to quit served individually upon him, and they withdrew.

That, Mr. President, is not, I repeat, an instance of an election held in time and place of peace, although technically the war was over and the rebel armies had surrendered; nor is it an instance of an election dominated, controlled, or in any unjust or illegal sense interfered with by military force.

There have been wrongs at elections—grievous wrongs in time of peace—for many years in many places. The stealthy foot of fraud has crept to the polls, and achieved that which open violence could not gain. This was true long years ago in the State which I have the honor in part to represent. It has been true not only, as I have had occasion before to say, in recent times, but before many who sit before me were born. In April, 1838, forty years ago, before my youthful friend from Connecticut [Mr. EATON] saw the light, the judiciary committee of the assembly of the State of New York, not a special committee, but the regular judicial committee of the popular house of the Legislature of New York, submitted to that house a report, in which stand these words:

> Men vote who do not reside in the ward; often not in the State; aliens are frequently brought to the polls and their votes imposed upon the inspectors, although many of them have not been a week in the country, and voters are not unfrequently taken from poll to poll, voting in three or four different wards at the same election. *These are the frauds constantly practiced at our elections—*
>
> Constantly practiced at elections—
>
> to the disgrace of the State and to the manifest wrong of the whole country.

Those were democratic times; William L. Marcy was governor; and in later democratic times, more than this has been true, more than this has been avouched and proved out of the mouths of multitudes.

The Senator from Kentucky can find no doubt in his own State and in every State, unless it be the more youthful ones, instances of fraud, of irregularities, of violence not done by military force, at elections; but all of them, all that preceded 1866 put together, are insignificant and unworthy of attention compared with the violence and fraud practiced at elections in the Southern States since the war closed, and in the Northern States also since that time.

It is because such things have been, because such things still may be, that the republican party holds a clear and simple faith in this regard. It holds that the laws of the Union are to be faithfully executed everywhere, on every day; and if there be a choice of days, on election day more than on others, because that day is sacred to popular right and popular liberty more than any other day—because on that day a solemn proceeding takes place, a proceeding which concerns the birthright of every American citizen—his right, by his vote, to shape those laws by which he is to be governed. On such a day the republican party believes that all the power of all the laws, all authority and all influence should be brought to bear to insure to every man, be he high-born or humble, the right, without let or hinderance, fear or danger, to go to the election precinct in which his vote may be cast, to vote, to vote once, without molestation, and to have that vote honestly counted, every other vote being honestly counted also. The whole purpose of the republican party and of its creed in this respect, is achieved when the right I have endeavored to describe is enjoyed by every democrat and every republican, be he home-born or a foreigner.

We maintain that the national jurisdiction is adequate to this purpose at all national elections. Disclaiming as existing statutes do, the right to interfere with a State, a county, or a municipal election, they assert the national right under the provision of the Constitution so clearly stated by the honorable Senator from Iowa before me, [Mr. KIRKWOOD;]—clearly stated, whether the honorable Senator from Georgia [Mr. HILL] be right or not when he says the national power is an ultimate power and the power of the States a primary power.

The republican party holds that under any construction of this provision of the Constitution the national authority has the right by statute to declare, and by administration to secure the preservation, the purity, and the sanctity of the ballot-box at a national election, so as to insure to every citizen entitled to vote the exercise of that right without molestation and without danger. We hold that the national power dwells everywhere, in every State, on every day when, according to the Constitution and the laws, an act is to be done by national authority. In an arsenal, in a dock-yard, in a fort, the national jurisdiction dwells three hundred and sixty-five days in the year. To superintend there, to reign there, to possess authority there, is the prerogative and function always of national jurisdiction; but beyond the forts, dock-yards, and the like, and also the District in which we sit, that too being exclusively subject to national law—beyond these enumerated places, in the States, in the city of Cincinnati, the home of my honorable friend, [Mr. PENDLETON,] in every city and every hamlet, on every hill-top, and in every vale, in all the States of the Union, we hold that the national jurisdiction obtains, that the national jurisdiction of right is, whenever an instance exists for the performance of a national act.

Such an instance or occasion is the holding of a national election, an election for the choice of the Representatives who together constitute the greatest repository of national power—the Representatives constituting the House which is endowed, which alone is endowed, with some of the most exalted and fundamental of all the attributes of sovereignty. The House of Representatives, and it alone, has power to originate what in Great Britain are called money bills. We call them revenue bills. The House of Representatives, and it alone, has the power of impeachment; it is the grand inquest of the nation, and upon its accusation no officer is so high, no officer is so panoplied with power, that he may not be dragged to the bar of the Senate to answer for all the high crimes and misdemeanors with which he stands charged. When an election occurs to choose in all the States the national officers who united are to wield powers so great as these, we believe an occasion arises which invokes the national solicitude, which deserves the national protection, which finds recognition in the words of the Constitution referred to by the Senator from Iowa.

How long, Mr. President, since the democratic party, its leaders, its organs of public sentiment, held that the United States had a duty to perform in protecting the ballot-box against violence and wrong?

In 1876, a presidential election was to occur, a parliamentary election also. All the members of the House were to be chosen. The land resounded with narratives of frightful, cruel, atrocities in the

South. Not only newspapers, but private letters, written by northern visitors traveling in the South, and by residents of the South adopting all the safeguards which can be employed in transmitting matter by mail—giving oftentimes a caution to destroy the signature if not the letter lest intelligence of it should return to the place whence it came and bring chastisement or assassination upon its writer; not only by such channels of information, but from oral narratives delivered by people who fled from the South, and also by persons who went there to investigate, came tidings of disorder and violence. From these sources, not to speak of reports of congressional committees, came statements which convinced not only republicans of the North, but democrats of the North, that a condition of things existed in the South which amounted practically to a suspension of elective government in various parts of several States. At that time there sat in the House of Representatives, from the district in which I live, a democrat of some prominence, a democrat selected, if I remember aright, by a democratic House, or by the democratic portion of the House, as chairman of the board of managers sent here to conduct the trial of articles of impeachment. The Representative of whom I speak, Mr. Scott Lord, on the 10th of August, 1876, introduced into the House a preamble and resolution which may fresco the checkered and unique record of the Senate for this day and for two or three recent days.

Mr. LORD. I ask unanimous consent to have a resolution read.

The Clerk read as follows:

"Whereas the right of suffrage prescribed by the constitutions of the several States is subject to the fifteenth amendment of the Constitution of the United States, which is as follows: "'ARTICLE XV.

"'SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

"'SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.'

"And whereas the exercise of the right of suffrage so prescribed and regulated should be faithfully maintained and observed by the United States and the several States and the citizens thereof;

"And whereas it is asserted that the exercise of the right of suffrage is in some of the States, notwithstanding the efforts of all good citizens to the contrary, resisted and controlled by fraud, intimidation, and violence, so that in such cases the object of the amendment is defeated—

So that in such cases the object of the amendment is defeated—

"And whereas all citizens, without distinction of race, or class, or color, are entitled to the protection conferred by such article: Therefore,

"*Be it resolved by the House of Representatives*, That all attempts by force, fraud, terror, intimidation, or otherwise to prevent the free exercise of the right of suffrage in any State should meet with certain, condign, and effectual punishment, and that in any case which has heretofore occurred or that may hereafter occur in which violence or murder has been or shall be committed by one race or class upon the other, the prompt prosecution and punishment of the criminal or criminals in any court having jurisdiction is imperatively demanded, whether the crime be one punishable by fine or imprisonment or one demanding the penalty of death."

This resolution produced, as the record shows, great consternation in the House, and when it was moved to put it on its passage no quorum voted. That dreadful condition of things existed which the evening before last so shocked the tender sensibilities of honorable Senators. No quorum voted, a call of the House took place, and I observed that a large number of members, many of whom were really present, did not respond to their names even on the call. Eventually, after a great deal of finesse and evasion, and some dexterous attempts to avoid having this resolution brought to a direct vote, it passed on a call of the yeas and nays. But two men in the House voted against it: one was Mr. BLAND and the other was Mr. REAGAN, and one hundred and nine members did not vote at all, although a large number of them, as appears by the record, before and afterward were present in the House.

The passage of this resolution was received with great applause by two classes of the people: first by democrats—such democrats as conceived the pending bill, democrats who keenly relish the cunning and smartness of doing, in show and appearance, a thing which in reality they do not mean. The second class who applauded loudly were the people with republican proclivities who, for variety, sometimes vote the democratic ticket, people professing to be republicans, but usually finding an occasion if they can, to fear we shall be too partisan, and vote the democratic ticket or a portion of it, or at least praise the democratic party unduly whenever it does a thing, however empty, which is not atrociously, flagitiously wrong.

The applause and sensation was so great that it was thought there should be an order issued by the executive branch of the Government to emblazon and promulgate this great legacy of condensed, patriotic, and humane democratic sentiment. So, amid the applause of politic democrats and shaky republicans, the resolution went up to the executive department. There sat my honorable friend from Pennsylvania, [Mr. CAMERON.] He was Minister of War: he was the uncrowned despot, the *deus ex machina*, at the head of our countless colossal army of twenty thousand men, most of them scattered beyond the abodes of civilized man. Whether he wore war-paint and feathers when he issued the order I am going to read, I do not know, but he issued an order as he and everybody else understood, to carry out and coincide with this regenerated, kind-hearted gospel of the democratic party; here is the order:

WAR DEPARTMENT,
Washington, August 15, 1876.

General W. T. SHERMAN, *Commanding United States Army.*

SIR: The House of Representatives of the United States, on the 10th instant, passed the following preamble and resolution, viz.

I have read it, and will not read it again.

The President directs that, in accordance with the spirit of the above—

I stop here to ask any Senator, if there be one on either side of the Chamber who supposes that the Army of the United States can be employed in time of peace to enforce the laws on election day except as a police, who supposes that the Army as an army, either in corps, brigades, regiments, batalions, companies, anything as the Army distinguished from the police force of the country, can act in the enforcement of civil laws,—I stop to beg him to listen to this order and judge from it how the administration of President Grant, the Cabinet including the Attorney-General, and everybody else, at that time understood the capacity in which the Army could be employed to enforce civil law:

The President directs that, in accordance with the spirit of the above, you are to hold *all the available force under your command* (not now engaged in subduing the savages of the western frontier) *in readiness to be used upon the call or requisition of the proper legal authorities for protecting all citizens, without distinction of race, color, or political opinions, in the exercise of the right to vote as guaranteed by the fifteenth amendment, and to assist in the enforcement of certain, condign, and effectual punishment upon all persons who shall attempt by "force, fraud, terror, intimidation or otherwise to prevent the free exercise of the right of suffrage"* as provided by the law of the United States, *and have such force so distributed as to be able to render prompt assistance in the enforcement of the law.* Such additional orders as may be necessary to carry out the purposes of these instructions will be given from time to time after consultation with the law officer of the Government.

Very respectfully, your obedient servant,

J. D. CAMERON,
Secretary of War.

Here was a resolution demanding the arrest of these offenders, demanding that the disturbance and violence which they caused on election day should be overcome and beaten down, that the perpetrators should be handed over to the courts afterward to be tried; and here is an order directing the General of the Army to so dispose his forces that soldiers could hastily on emergency aid the civil authorities, and among other things arrest the doers of these wrongs and hand them over for trial. This outburst of democratic virtue was passed off all over the country by democratic orators and democratic organs, the resolution and the action taken under it, to show how faithful the democratic party was in executing the thirteenth, fourteenth, and fifteenth amendments. The proceeding was the favorite proof during that campaign that the democratic party and the democratic party in Congress was just as faithful, just as ready, just as zealous as anybody else in the maintenance of right, in the observance of the constitutional amendments, and in the execution of the national laws. It was the ambition and effort of democrats then to seem to take the lead in guarding elections by national authority; now democrats have discovered that guarding elections is the province of the individual States, and that the United States has nothing to do with it.

Mr. President, the view of national right and duty presented by this democratic resolution, the view embodied in the acts of Congress known as the election laws, and embodied in other acts of Congress, some of them passed in the time of Washington, authorizing the President to use the Army to enforce the law, is the view now held and always held by the republican party.

When this extra session began, and before it began, the democratic majority in the two Houses held a very well understood and clearly exposed position. They refused to pass the appropriation bills to carry on the Government. Why? Because they said as condition of making appropriations they would have the repeal of certain laws, the election laws, the jury laws, and the laws under which the President may, by the military arm in aid of the civil authorities, execute the law on election day. The honorable Senator from Kentucky [Mr. BECK] who has the courage of his convictions and the ability to state them, standing where he now sits, informed the Senate and the country of all that I say and more; and from that hour to this moment he has proved the prophet, the John the Baptist of his party. It has done from step to step what he then foretold. The Senator stopped predicting before reaching the final action in the drama, and therefore the last movement of his party, which will be a retreat, will not discredit him as a seer.

On the other hand, the minority in the two Houses maintained two positions, and only two. One was this: to make no terms, to pay no price, to surrender no laws as the conditions on which a political party would allow the Government to live. The minority in the two Houses said that the people under laws originated or continued by democrats had paid, and were hereafter to pay revenue for well known purposes—revenue to maintain their Government and enforce their laws, and the minority said that the money thus paid and to be paid should be applied to those purposes without condition. Again, they said as their second position that these threatened laws are ancient, wholesome laws, that they should not be repealed or palsied. On these two positions we have stood. We still stand upon them.

I come now to inquire how any Senator who holds these positions or either of them, can vote for the pending bill.

The honorable Senator from Indiana [Mr. VOORHEES] told the Senate day before yesterday that the majority, having failed to secure a repeal of certain laws, was determined now to secure their "negation." No doubt it is to secure the negation of existing laws that section 6 of the pending bill is proposed. There should be no negation by Congress of permanent statutes save by repeal. Congress can do few things more vicious than to frustrate, nullify, and bring into contempt, laws which Congress does not repeal. To repeal a law, even a wholesome and wise law, is one thing; but because you cannot repeal it, or because you have not repealed it, by

indirection to nullify it, to make it a dead letter, to make it an object of contempt, is a bad, pernicious example, and a crime against order and against the Constitution. If a law be hurtful or unwise, no mode of ascertaining its vice and want of merit is so certain and safe as to execute it. Every student of law and of history knows that. But the idea that laws on the statute-book are by legislators and by individuals to be observed, defied, or evaded, each acting upon his individual judgment, is indeed amazing.

When the bill first reached the Senate, there was some inquiry and coy reticence about the meaning of section 6. After the record made to-night, there will probably be little difficulty in finding out sufficiently what it is understood to mean by those who labor to enact it. It seems to me plainly designed to nullify these acts of Congress, and therefore to overthrow one of the positions maintained by the minority from the outset of this session. Surely it does impose conditions on which the Army may be allowed to live and move; and therefore it overthrows the other position held by the minority from the beginning.

The honorable Senator from Ohio said that this bill has no unusual feature except that it omits one object of appropriation. I quote him justly when I report him as saying that the question and the instance was exactly as it would be had the bill made appropriations for the Army generally and omitted the Ordnance department; and he asked, how can anybody vote against a bill, much more how can the Executive veto a bill, on the ground that an object of appropriation has been omitted? Let us test this a moment.

The Constitution says Congress shall have power to raise and maintain armies and a navy. I grant that it is within the constitutional power of Congress to maintain or not to maintain a navy. I admit that Congress has the power, saying nothing of the wisdom of its exercise, to say "It is not necessary to maintain one ship or gun-boat in ordinary." I admit the power to decide that no army at all should be maintained, or that if the Army is to be maintained no ordnance department shall be maintained. The bill before us does quite another and different thing.

The laws providing as they do for a navy, suppose the two Houses were to pass a bill appropriating money enough to keep the Navy afloat and keep it in repair, but providing that the Navy and its ships should not be used to defend the harbors of the nation or to protect the rights of American citizens abroad. Would this be a mere omission to appropriate money to maintain the Navy, or would it be a provision forbidding the President to do his constitutional duty? The Constitution makes the President Commander-in-Chief of the Army and of the Navy; and the Constitution says he shall take care that the laws are faithfully executed. The Constitution says some things too about the common defense: the harbors and the shores of the Republic, the honor of the flag, the rights of American citizens in foreign lands and on foreign seas—these and other things are affairs to be guarded by the Navy. When a single citizen, an adopted citizen, the child of a foreign nationality was imprisoned in the land of his birth, an American commander with a squadron demanded his release as the only condition on which he would refrain from bombarding a town. Suppose we had a provision in an appropriation bill appropriating money for the Navy and then interdicting the use of the Navy for such purposes as I have indicated—we should then have a parallel to the present instance; yet the experienced and illustrious jurist from Ohio speaking as the leader of his party tells us that no exception could be taken to such a bill save only that it had omitted an item of appropriation! That honorable Senator is fond of saying "that won't do;" and were he here I should venture to quote to him that celebrated saying.

Let me put another case. The Constitution says that treaties and laws made in pursuance of the Constitution shall be the supreme law of the land. Here are treaties and here are statutes which provide that the frontiers in the West, the frontiers of the State represented by the Senators who sit here, the frontiers represented by the Senators who sit there, shall be defended by the national arms against the red men of the desert, against the Sioux and the other savage tribes that roam over western plains. Suppose this Army bill provided that the money should not be used for any portion of the Army to be employed in repelling Indian hostilities or in protecting the white men, women, children and homes of the West, against the scalping-knives and tomahawks of the savage, would the honorable Senator from Ohio rise and say, "That is no objection to the bill on which a vote or a veto could rest; that is merely an instance in which one item of appropriation has been omitted?" An army of twenty thousand men maintained more than half of it to guard against Indian incursions, and an appropriation bill ties up that army and ties up the executive hand, and says it shall not be done; and yet treaties and laws say it shall be done; and the Constitution above all human laws says that the President shall take care that the laws, and all the laws, be faithfully executed.

Look at this provision, and along with it look at a provision of existing law. Read the two together; and answer if you can, that they do not forbid the President to do the very duties which the Constitution denotes, and which his oath of office embraces.

Section 6 provides that no money given by this bill is given "or shall be paid for the subsistence, equipment, transportation, or compensation of any portion of the Army of the United States to be used as a police force to keep the peace at the polls at any election within any State."

Section 3679 of the Revised Statutes, already law, to speak at the same time with this act, if act it shall become, declares:

No Department of the Government shall expend, in any one fiscal year, any sum in excess of appropriations made by Congress for that fiscal year—

Now mark—

or involve the Government in any contract for the future payment of money in excess of such appropriation.

The two provisions taken together are, the one, that this money shall not be employed for the purpose; the other, that no other money shall be employed for the purpose; so that no money shall be employed; and in no way, by no legal device, in so far as Congress can tie his hands, can the Executive execute his oath of office or his constitutional duties.

And what is the pretext for this? The honorable Senator from Ohio says that a law which defies the Constitution is no law at all, and he intimates that the election laws do violate the Constitution. He did not tell us that the act of 1792, the act of 1795, and the act of 1807, enacted by the men who made the Constitution and to which every authority civil and military, executive, judicial, and legislative has bowed for three-quarters of a century, are unconstitutional, but he intimated that the election laws were unconstitutional. These laws, enacted in 1870, challenged by the most astute lawyers in court after court, pronounced constitutional by the circuit court of the United States, pronounced constitutional as far as they have ever been drawn into question by the Supreme Court of the United States, never pronounced unconstitutional by any judicial tribunal whatever, the honorable Senator from Ohio has voted for appropriations to execute year after year; but now he thinks that they are unconstitutional, and therefore he says it is right for him to vote for such a bill, and that it would be right for the Executive, who already on his oath in repeated veto messages has affirmed the competency and the validity of these laws, to sign a bill which undertakes to frustrate, annul, and paralyze them.

Not content with the existing prohibition against incurring any pecuniary obligation unless the money has been actually appropriated, the majority propose yet more rigid restrictions.

I have in my hand a copy of the report made from a committee of conference a few hours ago by the Senator from Pennsylvania. The managers of the two Houses despite the action of the Senate have changed the judicial bill so as, if possible, to render this now pending provision a more effectual handcuff and fetter upon the Executive. It will be remembered that the Senate amended a provision in the judicial bill so as to except, as does a section of the Revised Statutes, the War and Navy Departments from the operation of the restriction in respect of certain exigencies touching which they might make contracts although the money was not appropriated. Here comes what the Senator from Pennsylvania has reported to us, agreed to by him and his associate manager from the Senate, agreed to by the democratic managers of the House, to be passed of course under a drill and discipline as perfect as Carnot ever knew—a discipline so absolute that when the members of a committee, with the brave Senator from Kentucky among them, on their oath and their honor report that certain changes of substance are needed to be made in a bill before it is fit to be adopted, after they have come into the Senate with that report, and on the yeas and nays voted for it after their reasons have been stated and stereotyped for their children to read, turn round at the beck and gesture of their party leader, and in the twinkling of an eye, on the call of the yeas and nays, voting upon all these recommended and adopted amendments in block, reverse the judgment they pronounced, reverse the vote they twice recorded, and the statement they first sent out to their countrymen, that these amendments were necessary, just, and right. A discipline like that will no doubt carry in both Houses a provision like this:

That the sums appropriated in this act for the persons and public service embraced in its provisions are in full for such persons and public service for the fiscal year ending June 30, 1880; and no Department or officer of the Government shall, during said fiscal year, make any contract or incur any liability for the future payment of money—

Now, I beg Senators to notice—

under any of the provisions of title 26 of the Revised Statutes of the United States authorizing the appointment or payment of general or special deputy marshals for service in connection with elections or on election day until an appropriation sufficient to meet such contract or pay such liability shall have first been made by law.

That is the provision which you have, or are to have so far as democratic votes go, in lieu of that other provision which was adopted in the Senate even by democratic votes. If I could see the Senator, or to use his own *sobriquet* the embassador from Georgia, [Mr. HILL,] I would be glad to submit a reflection to him: he is the Christopher Columbus of another extraordinary doctrine. He has discovered a constitutional continent, and owning it by right of discovery, I suppose, he made it a present to the honorable Senator from Iowa [Mr. KIRKWOOD] who I consider now the largest landed proprietor of whom history gives note.

The honorable Senator from Georgia does not say, as the Senator from Ohio says that if a law is unconstitutional in the judgment of a legislator, then he is to refuse to execute or uphold it, then he is to give it the go-by and provide for its evasion. The Senator from Ohio confines his doctrine to cases where the individual thinks the law is unconstitutional. The Senator from Georgia, however, rising high into constitutional space leaves the Senator from Ohio absolutely nowhere as a constitutional expounder. What does he say? He says that

every legislator is to consider not only whether a law is constitutional or not, but even if it is constitutional whether in his judgment it is an expedient law; and unless he thinks it is, then he is not bound to carry it out; and he says that looking the ground all over, taking a general range and average of the whole subject, he has concluded with himself that the members of Congress can be elected better, and the election, and I suppose the result, will be more satisfactory to him without executing the national election laws than if they are executed. He says having so determined for himself, that is a reason why he should vote to nullify these laws because he has tried to repeal them and he cannot. Now I see the honorable Senator from Ohio here. I wish he had come in before, and if I could do so without inflicting a repetition upon others I would bring to his notice the fact that although his constitutional doctrine is somewhat heroic, the Senator from Georgia has laid down a doctrine so far beyond and so high above the doctrine of the Senator from Ohio in novelty and intrepidity, that really it looks by comparison as if the Senator from Ohio is lacking in party daring or constitutional valor; and that we know he is not.

I have said, Mr. President, that the pending section 6 taken in connection with existing statutes, nullifies laws by which the President is empowered to act in given cases, and I will try briefly to prove that they do so. I ask Senators first of all to remember that although this bill is for only one year, and that a year in which congressional elections do not occur, every Senator who votes for the bill this year of course would be compelled by consistency to vote for the same bill next year. The Executive who signs the bill this year would be compelled to sign a bill in the same words next year, and next year is the year in which all the elections in all the congressional districts are to take place.

It has been said that section 6 has not the force I have ascribed to it because of the words "as a police force." This is the only argument I have heard.

I am told that gentlemen have argued or rather asserted that if those words become statute law, still the President will have the power, if occasion requires, to employ military force to keep the peace at the polls. The convenient mode of examining the question is to inquire whether national troops employed in time of peace to enforce civil law do necessarily act as police or not. Of course, everybody knows that they do not, in the language of one of these veto messages, perform the duties of the "ordinary civil police force." I take it there is nobody beyond the walls of a lunatic asylum who supposes that the Army does, that the Army can, or that anybody ever proposed the Army should do duty as ordinary civil police. I shall read authorities, however, to show, as until this bit of legislation was conceived I supposed had never been doubted, that both in England and in this country the Army and any portion of the Army acting merely to enforce laws, acts as police, as a police force, as a force auxiliary to the civil police. No matter how stated, the truth is all the time the same, as I understand it, that the Army proceeding in time of peace, when martial law has not been proclaimed, to enforce municipal or civil law, acts as a police force, with all the liabilities, all the immunities, all the prerogatives, and none other, attaching to civil officers doing the same thing.

I read first from a careful and highly commended text-book, Wise on Riots. I read for the sake of the author's opinion, and also for the opinions he cites. Says this publicist:

> The jealousy which has always been evinced in this country of any approach to military government, was probably the foundation of the erroneous notion in 1780, that soldiers were powerless without the authority of the civil magistrates; and the surprise expressed in 1832, at that part of Lord Chief Justice Tindal's charge which was specially directed to this subject, showed that the error was far from being extinguished. Mr. Justice Holroyd had indeed stated, in Redford *vs.* Birley, (3 Stark. N. R. 101; see also Burdett *vs.* Abbott, 4 Taunt. 401,) that the military were citizens no less than soldiers, and instances occurred in the Luddite disturbances of their acting alone, in accordance with what is unquestionably the law of this country; but never was it so clearly expounded as in the following extract from that charge:—
>
> And while I am stating the obligation imposed by the law on every subject of the realm, I wish to observe that the law acknowledges no distinction in this respect between the soldier and the private citizen. The soldier is still a citizen, lying under the same obligation, and invested with the same authority, to preserve the peace of the king as any other subject. If the one is bound to attend the call of the civil magistrate, so also is the soldier; if the one may interfere for that purpose when the occasion demands it, without the requisition of the magistrate, so may the other too; if the one may employ arms for that purpose, where arms are necessary, the soldier may do the same. Undoubtedly, the same exercise of the discretion which requires the private subject to act in subordination to and in aid of the magistrate, rather than upon his own authority, before recourse is had to arms ought to operate in a still stronger degree with a military force. But, where the danger is pressing and immediate; where a felony has actually been committed, or cannot otherwise be prevented; and from the circumstances of the case, no opportunity is offered of obtaining a requisition from the proper authorities,—the military subjects of the king, like his civil subjects, not only may, but are bound to do their utmost, of their own authority, to prevent the perpetration of outrage, to put down riot and tumult, and to preserve the lives and property of the people.

Now the text resumes:

> Prudence and regard to public opinion will keep back the military, even more than mere private individuals, from voluntary interference, and the instances are happily very rare of such interference being necessary. But a question occurs, which cannot be passed over in a legal work, although it is one of a most delicate nature, and upon which only broad principles can be laid down. It is the degree of justification the military will have by law for acts done by them, while aiding the civil power. If they are engaged in executing a warrant, then they will be protected in enforcing that which it is their legal duty to enforce, to the same extent as constables.

I read one other extract:

> Like all other ministers of the law, whether executing warrants or obeying parol orders, which in cases of riots seem to have, under 34 Edw. 3, c. 1, the force of warrants, (see 1 Hawk, c. 65, s. 18,) they are exposed to an indictment or a court-martial for disobedience, or, if death ensues, are liable to be indicted for manslaughter or murder.

Again:

> Here, too, it may be remarked, that the military are constables, being engaged in a lawful purpose, would not collectively be answerable for any misconduct. Not so, the mob. In the one case each must take the consequences of the act of any one, while in the other no person will be answerable for the improper act of one, except that one only.

He says further:

> The knowledge of these principles will exercise a wholesome influence both over the military and the civilians. Not forgetting their responsibility to the laws, they will honestly and manfully do their duty, quite satisfied that even if the prejudices or angry passions of the people should from accidental circumstances expose them to temporary difficulty.

I read next from the third volume of Wharton's Criminal Law the words of this author and also the language used by Judge King of Philadelphia on the occasion of the Philadelphia riots of 1844. He says:

> Those who love law and order should not shrink or hesitate in striking an honest blow for their protection, when threatened by lawless violence. When such a timid and feeble spirit prevails the days of the Republic are numbered. This general duty, this universal obligation, extends to the citizen soldiers who, in common with all other members of the community, are required to be assistant in the maintenance of the public peace on the call of the civil magistrate. They are subject to the same penalties in case of neglect or refusal to appear, as any other citizen summoned by the sheriff.

Let me stop to remind the Senate that by a national statute all the powers possessed by sheriffs to summon the *posse*, whether the civil or the military *posse*, are conferred upon the marshals of the United States; so that *mutatis mutandis* this authority is applicable to the case we have in hand—the case of quelling riot and tumult on a national election day and enforcing on that day peace at the polls and the national election laws:

> They do not—

I beg Senators to observe the words I am about to read:

> They do not, on such occasions, act in their technical character as military When assembled, they are but part of the sheriff's posse, and act in subordination to, and in aid of, that officer, who is the true and responsible chief of all forces summoned under his authority. If the soldiers act in any manner not authorized by law, they are amenable for such acts, not to the military but the civil law. In brief, as to all rights and authorities, they stand on the same footing with the other citizens summoned by the sheriff, and composing with them his posse.

Let me read another authority—the words of an eminent lawyer, one largely instructed, a democrat, an Attorney-General of the United States. I read first the head-note of the opinion of Caleb Cushing delivered on the 27th of May, 1854:

> A marshal of the United States, when opposed in the execution of his duty, by unlawful combinations, has authority to summon the entire able-bodied force of his precinct, as a *posse comitatus*.
>
> This authority comprehends, not only bystanders and other citizens generally, but any and all organized armed force, whether militia of the State, or officers, soldiers, sailors, and marines of the United States.

He traces first as found in the common law the doctrine he announces, and then observes:

> Such being the law as to the marshals and their deputies, there was no absolute need, in the fifth section of the act of 1850, to introduce a clause to authorize them to command all requisite assistance in the execution of the warrants and precepts mentioned in that act, which should be directed to them. In this respect the act is declaratory merely.

Further on he says:

> These considerations—

After stating the prerogatives, permissions, restrictions, liabilities of all men acting as a posse or aiding to keep the peace—

> These considerations apply as well to the military as to the civil force employed; for the *posse comitatus* comprises every person in the district or county above the age of fifteen years, (Watson's Sheriff, page 60,) whatever may be their occupation, whether civilians or not; and including the military of all denominations, militia, soldiers, marines, all of whom are alike bound to obey the commands of a sheriff or marshal. The fact that they are organized as military bodies—

I beg Senators to observe these words—

> The fact that they are organized as military bodies, under the immediate command of their own officers, does not in any wise affect their legal character. They are still the *posse comitatus*.

Here he cites the twenty-first volume of Parliamentary History containing a judgment of Lord Mansfield.

Now, Mr. President, let me put one case and only one, and I shall do it very briefly. In the city of Cincinnati, in the city of New York, where you will, on the next national election day when two or three o'clock has come and one party, in the language of the primary, having succeeded in getting in its votes, thinks it would be just as well to hinder all after-comers from depositing their ballots, men crowd about the polls, they throng the way, they fill up the approaches, they make a corral of roughs, and peaceable citizens stand in the rear while a half hour is wasted in a mock challenge to some perfectly well-known voter, the object being to wear out the time so that the sun shall descend before all the ballots are received. A deputy marshal, if our friends will allow one to be there which I rather think they will——

Mr. EATON. Not if I can help it.

Mr. CONKLING. Oh, no; not if you can help it. I am aware of that. If there were no rights allowed in this country except what

the democratic party would respect, a great many rights would be missing.

Mr. EATON. No right.

Mr. CONKLING. I am aware not if you can help it; but if the Executive remembers the Constitution and does his duty, you cannot help it.

Mr. EATON. We will try.

Mr. CONKLING. I know you will, you have tried and tried in vain so far.

Mr. EATON. The Senator ought to know that the language he has been reading applies to the militia of the States, not to the Army of the United States.

Mr. CONKLING. Which book is that?

Mr. EATON. The book you read from.

Mr. CONKLING. Wharton's Criminal Law?

Mr. EATON. Yes, sir. It has no reference whatever to the Army.

Mr. CONKLING. I wish my friend had not said that. It does not disparage him in my estimation as a lawyer at all, but it does something else: it convinces me that he is looking through that mist sometimes called passion. In the quaint old language of the law it is *furor brevis*. Sudden and short passion, nothing else, could lead the honorable Senator from Connecticut to such carping technicality.

Mr. EATON. I beg to say again, with the Senator's permission, that that book from which the Senator read and that chapter from which he read has reference simply to the militia of a State and not to the organized Army of the United States. Read the chapter.

Mr. CONKLING. If my honorable friend should commit a homicide now and employ me to defend him, I should certainly defend him on the ground of *furor brevis*, that heat of passion which would reduce his offense below the grade of murder. The Scripture says a contented mind is great riches. I trust my friend from Connecticut can contain himself while I complete the remark I had begun when he interrupted it?

Mr. EATON rose.

Mr. CONKLING. Cannot the Senator wait?

Mr. EATON. I can wait.

Mr. CONKLING. Will you wait?

Mr. EATON. I desire to make one suggestion.

Mr. CONKLING. Mr. President, I remind the honorable Senator that "they also serve who only stand and wait."

Mr. EATON. I should like to make a suggestion, if there is no objection.

Mr. CONKLING. Then I will sit and wait.

Mr. EATON. It is, that if a contented mind be greatness, I have no doubt of the wealth of my friend from New York. [Laughter.]

Mr. CONKLING. Having listened to that very luminous and entertaining observation, I will stop to make the reply which his criticism requires.

Great indeed must be the forgetfulness of a trained and practiced lawyer when he makes, as of any value, or pertinent at all, such a cavil as has fallen from the honorable Senator from Connecticut.

In the first place, a sheriff obtains all his powers from the common law as declared in sundry statutes. In the next place, in that volume of national laws is a section which I will stop and find should my friend require, declaring that all the powers to summon a *posse comitatus*, whether that *posse* be civil or military, possessed by the sheriff of a county, is vested in the marshals of the United States and they are clothed with all of them.

Mr. EATON rose.

Mr. CONKLING. My friend said awhile ago that he could wait. I begin to doubt his power to wait.

The power of a marshal in his district is identical with the power of a sheriff in his bailiwick. That granted, does the Senator tell me that the one has not the same permission and right to call upon the national military that the other has upon the State military? If he does tell me so, I will read him down by authorities in the very book to which I have referred him.

This authority—

Says Cushing, dealing with the authority to summon the *posse comitatus*—it

comprehends, not only bystanders and other citizens generally, but any and all organized armed force, whether militia of the State, or officers, soldiers, sailors, and marines of the United States.

Is that the militia of a State?

Mr. EATON. Are you asking for information?

Mr. CONKLING. I always need information.

Mr. EATON. I was not speaking of that, but was speaking of the other book from which you read.

Mr. CONKLING. This is the third time my friend has interrupted to say that he is talking about Wharton's Criminal Law. I read from it as I stated, the language of Judge King in the case of the Philadelphia riots in 1844. Does not everybody know that those cases involved the State authorities and that Judge King was a State judge and was talking about the power of the sheriff to command the services of the military force of the State? All this appears from what I read. Having read it, I followed it by reading from Cushing to show that the same powers which the sheriff had touching the State militia, the marshals had touching the soldiery of the United States. My honorable friend will not misunderstand me when I say that I think there was more of asperity than was necessary when he called my attention to the fact that I had read from a book touching the powers of a sheriff, inasmuch as I so stated, and the language itself so showed, and inasmuch as I followed it with an authority to prove that what was true as there announced as to State militia on the order of State officers was equally and as broadly true touching the marshals and their deputies in respect of the soldiery of the United States.

Mr. President, the honorable Senator interrupted me in the midst of an illustration which I suppose the Senate has forgotten and I will not inflict it again. I will endeavor to complete it notwithstanding the division and confusion which my honorable friend has introduced into it by the very valuable contribution he made to the Senate's stock of information when he said I had read what every one who listened knew I had read.

I was saying, suppose on election day a mob of men acting in concert at two or three o'clock are wedging out and fencing out all voters, and a marshal—such as I repeat I think we shall have at the polls on the next national election day, and all in despite of the honorable Senator and his party,—goes up to these law-breakers and bids them desist. They take this marshal and do what is called "hustling him," one turns him around and another catches him and turns him around and in a few moments he finds himself on the outskirts of the crowd bringing up the very latter end of the assemblage. The marshal calls on the bystanders to arrest those who maltreat him and block the way to the polls. There may be a large company of roughs—I will not describe them particularly because when we come to specify the different denominations of democrats the honorable Senator from Kentucky does not like it, and other leaders seem to take umbrage; therefore I will say nothing about shoulder-hitters or the graduates of rat-pits or of any of the nurseries of modern democracy—but these roughs refuse to be governed by law or to heed the marshal, and there they are practically paralyzing the law and baffling the election. The bystanders are called on, the honorable Senator from Kentucky is there, I am there, and the marshal says "I command you to take hold and help me." The honorable Senator from Kentucky would be brave enough to do it, but it would be quite like me to say "Well I do not know, I do not care to be knocked down by a slungshot or stabbed with a dirk-knife, and I am not going into this motley crowd to cope with it, and you must get somebody else." Thereupon he goes down and finds a recruiting officer or somebody else in charge of a squad of soldiers, and they having had authority and permission from their commanding officer to answer a summons if the marshal calls upon them, he goes and says "I want you to go down there with your shoulder-straps if you have them, or with your blue coat and brass buttons which typify the national authority, and bid these men desist," and they go along with the marshal, three or ten as you please, and they are as large and swelling as the Senator from Kentucky can make them with all the accouterments and appalling machinery which soldiers carry. The marshal goes up and says "they are the men who threw me out of this crowd and who threatened me and who as you see are choking the mouth of this thoroughfare, and refusing to let people vote." Thereupon the sergeant if he is there, the corporal if he is there, the private if he is the head man in this portentous array of military pomp and power, goes up to these law-breakers and says "You must desist," and he says to the marshal "Which is the man who knocked you down if you were struck?" He says "That is the man." The military man says "You arrest him, and we will protect you." He does arrest him and takes him to the station-house and he swears out a warrant against him and he summons the witnesses the next day against him.

Now, I inquire, do these soldiers act as an army and not as a police? What term in the nomenclature of the art of war describes these three men or five men; what are they? Not an army corps, I judge, nor a regiment, nor a brigade, nor a battalion, nor a company, nor a park of artillery—a squad perhaps; in some sense a squad, one single man perhaps. He is a squad, possibly he might be an awkward squad, [laughter,] but does he move as an army? One drill or recruiting sergeant with a lame leg hobbles up and says, "I am a military officer, and I tell you that if you knock that man down again, he being a civil officer, I will arrest you; I will go and call other soldiers to arrest you." Is this lame sergeant an army or a navy? What is he? He is a man of war no doubt. He is a police officer; he is a man acting as auxiliary to the ordinary civil police; he is an individual belonging to the power of the county, in State phrase, or belonging to the power of the United States, in national phrase. He is a member of the *posse comitatus*. If in the city of Cleveland a military company in its armory drills to-night, and a police officer, not even a sheriff, rushes in and says, "A horrid murder is freshly done in the street, three men have done it, and I cannot cope with them, and they are robbing the body of the man they murdered; I speak to you as the captain of this company; I command you to come out here with your men, and form a corral of muskets around these homicides while I put handcuffs upon them;" the company under an order from their captain, under an order from the colonel of the regiment if he is there, the general of the brigade if he is there, march out and form a hollow square, or surround these culprits and with their own hands pinion them, or reduce them to submission by use of their bayonets or their sabers; I ask every lawyer who hears me in what quality, in what capacity, do they act? As Attorney-General Cushing, as Judge

King says, as the chief-justice of England said, as the commentator whose book is in my hand says, they act in aid of the civil authority. If they go out and unnecessarily slay a citizen, the man who does it is triable, as I am triable, on indictment for murder before a civil tribunal. In aiding the lawful authority, every man is responsible only for what he does himself. There is a broad distinction between a mob and the authorities who resist a mob. Every man in a mob is liable for what every other man does, and in trials growing out of the Lord George Gordon riots the judges of England ruled that the cry of the mob, no matter who uttered it, could be given in evidence against every man who was acting and taking part in that mob. Why? Because if what they were doing was a misdemeanor all were principals, if it was a felony all were principals in the second degree who were present aiding and abetting. Thus it is that, in ventures of violence and disorder, every accomplice, every conspirator runs the risk of the acts of all his co-conspirators; if a man on the verge of a mob with which I am acting does a murder, I run the risk of answering myself the penalty of the law. But in the law's favor, for the sake of order and authority, it is one of the maxims and principles of the law that they who are engaged in maintaining it, in arresting tumult, in quelling violence, are to answer severally, each for himself, and not jointly one for another.

Mr. President, I beg pardon of the Senate for occupying all this time. I have in my hand, and I intended to notice, one of the veto messages sent to the House by the President. I will not detain the Senate longer. In lieu of reading as I intended to do some of its passages and commenting upon them, I wish to say that if a veto message could assign reasons applicable to the pending bill, in my judgment this message assigns them. Should it be rewritten in order to show the abridgment, the paralysis which this provision enacts against existing laws, it could scarcely be more substantially adapted to this purpose than it is. And yet the majority here, about to pass an act in the teeth of this argument, tell us through their leader that they will not allow this bill to return to the House because of their anxiety to bring to an immediate close this hurtful, needless session.

Sir, let me say that if economy of time were to be studied, it might have been well to adopt some of the amendments, wise and wholesome as they were, which have been offered to this bill; it might have been wise to except from the destruction it works two acts of Congress signed by George Washington, one act signed by Thomas Jefferson, and a section of the Revised Statutes embodying them all passed recently by both Houses of Congress and signed by the then Executive.

The edict of partisan authority denied us permission to reconcile in some measure this act with existing laws, not the election laws but some of the most ancient and wholesome laws of the Republic. Whether that refusal consults time wisely, whether it will conduce to a speedy and wholesome termination of this extra session, we shall all know before long. Meanwhile having run the risk of ruining my reputation as a prophet once to-night by predicting what the votes of democrats would be, and having escaped shipwreck in that instance by turning out to be right, I will wait for events to display the next phase of this changeful comedy.

The PRESIDING OFFICER. The question is, Shall the bill pass? upon which the yeas and nays have been ordered.

Mr. EATON. Mr. President, only a word. I said something which called from my friend from New York some rather sharp language that in my judgment was utterly unnecessary and utterly uncalled for. The Senator from New York read from Wharton on Criminal Law, and, if I understood him aright in that reading, he did not say one word with regard to the militia or the citizen soldiers; and thus it was, knowing as I did what those riots were in Philadelphia and what those remarks applied to, that I went and took the book and examined it for myself. Nobody doubts, nobody can doubt, that the sheriff of a county has a right to call out the *posse comitatus*. Nobody doubts, nobody desires to doubt the great fact that the military of the State, whether they be organized or unorganized, are subject to the call of the sheriff. That is all there is in that authority which the Senator from New York read, and it was unnecessary that he should have exhibited some little temper because I saw fit to interrupt him in his very delightful speech, not to say argument.

And now, sir, I desire to say one word in regard to a remark or two that was uttered a great many hours ago by the Senator from Wisconsin, [Mr. CARPENTER.] He found fault with this clause in the bill which we have before us:

> That no money appropriated in this act is appropriated or shall be paid for the subsistence, equipment, transportation, or compensation of any portion of the Army of the United States to be used as a police force to keep the peace at the polls at any election held within any State.

And this question was put by the honorable Senator from Wisconsin: suppose the President of the United States desired to send troops to New York on the 1st day of November to be in readiness to prevent riot which in his opinion might occur on election day, what then? That very question of the honorable Senator from Wisconsin contains the pith of this whole matter. We deny, we utterly deny that the Constitution of the United States gives to the President of the United States any such power as this—a President sitting here in the White House to determine that in his opinion a month hence there may be a riot in the city of New York that would require the armed force of the United States. The very question of the honorable Senator from Wisconsin smacks of tyranny and oppression, and every lawyer, every sane man knows it. What! Has it come to this, that a President of the United States, a month in advance of an election, is to apprehend a riot and take the Army of the United States, against all law and against all right, and move that Army into a State in this Union without being called for either by the executive of the State or by the Legislature of the State? That is the very thing that the democratic party find fault with, and that is the very thing that the republican party demand.

Mr. BLAINE. Does my friend mean that the President cannot move part of the Army into a State until the governor invites him to do it?

Mr. EATON. For the purpose of protecting the people of the State?

Mr. BLAINE. Oh, no, but for any purpose he chooses?

Mr. EATON. For the purpose of protecting the people of a State against insurrection, riot, or violence, no, a thousand times no; and no Senator ought to ask a question of that character of other Senators.

Mr. BLAINE. For what purpose is the President at liberty to move an army into and within the States?

Mr. EATON. For what purpose is the President at liberty to do it? He is at liberty to do it when he is called upon by the Legislature of the State or the executive of the State; or he may move, if it happens to be in a fortress in Rhode Island, or New York, or Connecticut, a squad of men to take charge of it. Undoubtedly a squad of men may be moved to take care that the rammers of the guns are kept properly dressed, and that the touch-holes of the guns are properly cleaned out.

Mr. BLAINE. Then my friend only permits the President to move the Army of the United States where there are some rammers to be dressed and some touch-holes of cannon to be attended to. Is that all?

Mr. EATON. It is about all so far as I choose to say it in answer to the question of the Senator from Maine; just about all.

Mr. BLAINE. Very well.

Mr. EATON. We are talking here about the right of the President to interfere with regard to an election in a State, to move a portion of the Army of the United States in apprehension of violence into Maine or New York, to take care of the people of those States a month hence when an election is coming on. I deny any such power. I vote no money to give the President any such power.

Said the honorable Senator from Wisconsin, the democratic Senate has made up its mind that riot shall run one day in the year and that on the other three hundred and sixty-four days in the year the President may keep the peace in a State. Why, sir, is it possible? There is not one day in the year that the President of the United States can send the Army of the United States upon the soil of a State to keep the peace; not one day. There is no such power; none whatever, either on election day or any other day. Three hundred and sixty-four days in the year, said the honorable Senator from Wisconsin, the President of the United States has the right to keep the peace with the Army on the soil of a State. Where does the authority come from? Late as it is, I will give my time to any gentleman who will look at the Constitution of the United States and show me any such authority given to the President by that instrument. There is no such authority. He cannot move the troops of the United States on to the soil of Massachusetts in order to protect the people of Massachusetts without being requested either by the Legislature or the executive of that State. Such I have been taught; such is my belief; such has been the belief of old Massachusetts, in my judgment, from 1776 down to to-day.

The honorable Senator from Wisconsin hazarded another opinion with regard to the democratic Senators; he said they did not wish for peaceable elections. I use his words. Is it possible that there is a single member of the Senate on that side of this floor who believes that the democratic Senators do not desire peaceable elections as much as the republican Senators? Can it be possible? Now, I undertake to say that I do not believe there is a single Senator upon that side of the Chamber who does not desire peaceable elections. God forbid that I should permit any spirit of party to induce me to so vilify gentlemen who are worthy of seats on this floor; and I confess that I regretted to hear a remark of that character come from the honorable Senator from Wisconsin. If he had said that the views or the purposes or the conduct of the democratic Senators, in his judgment, would tend to produce elections not peaceable, I should have found no fault with him; I should have believed his judgment was in error; but when he or any other Senator on this floor makes a wholesale charge of that character against the democratic members of this Senate, he does no injury to them, but he does great injury to his own reputation for fairness.

Sir, I will detain the Senate but a moment longer, for I cannot argue this question, even in my poor way, at this late hour. The honorable Senator from New York said that this was a negation or nullification of a law, and he volunteered to say—true he kept as near the wind as he could; he has a way of steering his bark very near the wind—he said he did not mean it offensively to anybody, but it was a crime against the Constitution. A crime against the Constitution for his peers and his equals to take the course that they deem best in order to maintain in its purity the Constitution of our fathers! It does not become the Senator from New York or any other Senator to charge this portion of the Senate with being guilty of a crime against the Constitution.

But my friend from Kansas [Mr. INGALLS]—I hope he is here—in that part of his speech which alluded to the southern majority on this floor, used this language, and I wrote it down, speaking of the South, he spoke of its obsequious allies at the North. I thought we had about got through with trash of that character. The northern Senators on this floor "the obsequious allies of the South!"

Mr. President, the northern democratic Senators on this floor are the equals and peers of the Senators from the South; jointly they meet, jointly and together they meet for the purpose of getting up proper laws to govern the whole of this country. "Obsequious allies of the South!" Mr. President, my relations with the Senator from Kansas have been kindly and friendly, and I did not expect to hear him or any other man charge my honorable friend from Ohio, now in the chair, [Mr. THURMAN,] my other honorable friend from Ohio, [Mr. PENDLETON,] the two Senators from Indiana, the two Senators from New Jersey, my honorable friend from New York, [Mr KERNAN,] my honorable friend from California, [Mr. FARLEY,] and the honorable Senators from Oregon, as "the obsequious allies of the South."

I suppose that the northern Senators on this floor are the peers and equals of the southern Senators on this floor, as independent, as honorably exercising their own judgment operating upon the minds, if possible, (and it is not impossible,) of their southern friends; and I beg to say this, and I have a right to say it, I take great pleasure in saying it, that if there is anything in these laws that the honorable Senator from Kansas does not quite like or the honorable Senator from Maine does not quite like, or my good friend from Minnesota, I beg to say to them, excuse our southern friends and lay as much of that charge as they please to us, the northern branch, and we will try to bear our full share of that difficulty, if there is any difficulty attending it. But let us be done with this talk about "the obsequious allies of the south!" I will not characterize language of that character as I might do with propriety, I rather say that I regret it; I rather say that I trust we shall never again hear on this floor language of that character. It is an insult to your equals, an insult to your peers.

I suppose the time has not yet come when a man who happens to represent Indiana or Connecticut on the floor of this Senate cannot exercise his own judgment; the time has not yet arrived when he cannot follow out the dictates of his own conscience without being insulted upon the floor of the Senate.

Mr. President, I think we have done our full duty with our republican friends. We have given from one o'clock until twelve o'clock, and there certainly hereafter will be no fault found with the democratic members of this Senate, northern and southern, that they have not permitted fair and frank and full debate. And now, Mr. President, I am ready to vote upon this question; and I trust that the gentleman at the other end of the Avenue will put his name to this bill, that it will become a law, and that the fierce wrath of my honorable friend from New York, or my honorable friend from Maine, I cannot quite quote his words, but I think somebody really desired the President in signing this bill to write himself down an ass.

Mr. BLAINE. No; that was the judicial bill; I am responsible for that phrase. I said that in regard to the judicial bill; but with my full and complete assent——

Mr. EATON. I beg pardon. I withdraw it.

Mr. BLAINE. With my full and complete assent the Senator from Connecticut may apply it also to this bill.

Mr. EATON. Very well. The President in signing this bill, for we believe he will sign it, will not write himself down an ass, an Ensign Stebbins, or any other production of the pine forests of Maine, [laughter,] but that he will when he signs the bill write himself down a pure statesman, a man who desires to see good done to every portion of his common country.

Mr. BURNSIDE. Mr. President, I will detain the Senate but a few minutes. In view of the vote I propose to cast upon the Army appropriation bill I deem it proper to accompany it with a very few remarks.

The bill, as it is about to pass, purports to appropriate money for the support of the Army in performance of all its duties except that of acting as police at election polls. Section 6 of the bill provides that no portion of the appropriation shall be used as compensation for "any portion of the Army of the United States to be used as a police force to keep the peace at any election held within any State." I shall not attempt, at this late hour, to make an argument, but will simply state some general views. I disagree with Senators on both sides of the Chamber, especially the Senator from Indiana [Mr. VOORHEES] and the Senator from New York [Mr. CONKLING] in their definition of the term "police force," and also in their announcements that this bill if passed will be a negation of existing laws. The Army, as it has been occasionally used on election days, has not acted as a police force, and I do not believe any skilled military man would call the troops referred to in the order of the late Secretary of War, Mr. CAMERON, which has just been read by the Senator from New York, a police force, nor do I believe it can be so designated or described from a legal stand-point, nor do I believe the duty they were ordered to perform was police duty. Each soldier was all the time under the military command of his military superior, and in case of dereliction was subject to punishment under the articles of war.

Now, Mr. President, I am not speaking as a lawyer, but as a man somewhat skilled in military terms and definitions, and their relation to civil affairs, and I say again that I believe no man skilled in military affairs would ever designate the force contemplated by the order of Mr. CAMERON a police force; and I will go further, and say that I do not believe the military force of the United States ever has been, should be, or need be called upon to act as a police force at the polls. Under this view, the prohibition as to the use of any part of this appropriation for the purpose of policing the polls amounts to nothing. Although not a lawyer, I will venture to say, in passing, that I do not believe the term "*posse comitatus*," so often referred to in this debate as being synonymous with the term "police force," is so. The police may be summoned like others to the *posse*, but a *posse* never becomes a police force. The police force is regular, continuous, and specially manned; the "*posse*" never exists except in an emergency, and every man in the Republic can be called to it. Of this subject, Mr. President, you are better informed than I am. This expression of my opinion refers to the common acceptation of the terms, and I believe that of men who think on such subjects ninety-nine out of every hundred, as they are met upon the streets, would, if asked the definition of these terms, agree with me.

But suppose I am entirely wrong in these views. Suppose that a body of troops used in any way to keep peace at the polls becomes thereby a police force. Suppose that the Army used as was contemplated by the order of Secretary Cameron was a police force, still this bill would not prevent the President from using a like police force; it simply provides that no money appropriated by it shall be used for paying, clothing, transporting, or subsisting that force. Now, the President can sign the bill, knowing that it does not appropriate money in an objectionable way, and is good as far as it goes; it may not appropriate money to pay for the maintenance of the Army while it is on a certain specific duty, but he can take what this bill gives, because it surely provides for the Army to a great extent, and does not restrict his power, as President, to order the Army upon any duty necessary to the just and efficient execution of the laws of the nation; and if it does not supply him with all the money necessary to provide for the Army in all emergencies, two courses are open to him: he can ask Congress for more money, or he can try to get along without it.

If he asks for more, and we decline to give it, or, in other words, if Congress should adjourn without appropriating the money asked for, he can, if he thinks proper, call its members together again and inform them that the interests of the public service require that money should be appropriated for the specific service to which the prohibition in this bill refers, or if he does not deem the matter of sufficient importance, in view of all attending circumstances, to warrant a call for an extraordinary session of Congress, he can wait until the regular session comes around; and if in the mean time an emergency should arise to necessitate the use of military force to aid in the execution of the law on election day he can order such forces as he thinks necessary to that duty, and call upon Congress at the next session for means to pay any deficiency that may be made by the emergency. Mr. President, I believe the appropriation is ample, and available for all purposes and duties appertaining to the Army, and if we send him no other bill which stands in the way of the Constitution or the best interests of the country, the President will, in my opinion, be glad to allow this bill to pass, to allow us to go home, and to allow the country to have the rest it so much needs and so much desires.

Now, Mr. President, we have before us the report of the conference committee on what is called the "*little judiciary bill*." I have a right upon this occasion to speak of that report, as my reference to it will be in connection with what I have said upon the bill now before the Senate. Section 2 of this report reads as follows:

SEC. 2. That the sums appropriated in this act for the persons and public service embraced in its provisions are in full for such persons and public service for the fiscal year ending June 30, 1880; and no Department or officer of the Government shall, during said fiscal year, make any contract or incur any liability for the future payment of money under any of the provisions of title 26 of the Revised Statutes of the United States authorizing the appointment or payment of general or special deputy marshals for service in connection with elections or on election day until an appropriation sufficient to meet such contract or pay such liability shall have first been made by law.

Our friends on the other side of the Chamber cannot expect us to support this section of the bill because the very terms of it forbid the President making appointments of deputy marshals during the ensuing fiscal year, which he has a right to make under the law. If he approves this section, he can incur no liability, he can make no contract. He cannot appoint such officers without making an implied contract with them, and giving them a claim upon the Government for services, thus incurring a liability. The passage and approval of this section would be a negation of existing law, not a repeal. It would be a restriction of the authority of the President conferred upon him by the Constitution and the laws, an act which I would under no circumstances consent to, if I could help it. I do not desire to refer to the President improperly, but I will venture to say that he ought not to sign any bill which has a clause of this kind in it. In that opinion I am very fixed.

Now, Mr. President, I am free to say that I am very glad of the opportunity to give a vote to show to my constituents that I do not believe in the use of troops at the polls as a police force. Such use is not in accordance with the spirit of our institutions. I am as firm a believer in the powers of the President to enforce all the laws of the United States as the Senator from New York, and I agree almost

entirely in all he has said to-night, in reference to the exercise of that authority, which, in my opinion, covers all matters touching Federal laws, whether they relate to elections or other national affairs.

Mr. President, the people of the United States are not afraid of the Army; they are not afraid of soldiers. The Army is made up of the people. We have certainly seen enough of soldiers within the last eighteen years not to be afraid of them, as disturbers of the peace. During the war, many misgivings were expressed as to what would become of the enormous armies after the war was over; but when a million of armed men were mustered out and absorbed by the industries of the country, and willingly made peaceable citizens, the people were ashamed of their distrust of the soldiers. The survivors of the war returned to their homes and their families, and are counted among our best citizens and most faithful civil officers. The people have no misgivings in reference to the Army; they have no fear of it. If it were disposed to be bad, it is too small to harm this great country; but it is not disposed to be bad; its rank and file are law-abiding men.

Mr. President, I am not unmindful of the fact that Senators on the other side of the Chamber have failed to place themselves in a proper position, by the adoption of amendments which have been proposed to-night to the Army bill, by our side. The amendments would have made the bill no stronger as an appropriation bill, but I think they would have made it look better. The President has ample authority under it to enforce the laws of the United States, but I think it would have been better for Senators on the other side to have agreed to some, or all of our amendments. Nor am I unmindful of the fact that the democratic party is in a majority in both Houses of Congress, and that we must not expect to have their legislation shaped to suit us in every particular. Neither can the President expect to have everything in the way of legislation shaped to correspond exactly with his views and wishes. But our friends on the other side of the Chamber should remember that they have not a two-thirds majority. They should remember that they cannot pass laws without the President's approval, and they should not expect the President to sign bills which he, as a conscientious and upright officer, cannot approve. All this talk about curtailing the authority of the President is unfair and unwise, to say the least of it. The democratic majority in the two Houses of Congress should remember that they are not supreme in power. I say again they cannot pass laws over the President's veto. He will have something to say about the enactment and repeal of laws, and if he possesses the mettle that I think he does—but I should not use an if, because he has demonstrated that he has the mettle—and such laws are presented as this little judicial bill recommended by the conference committee, it will be found that he will have something to say about them that will not be pleasing or complimentary to the majority in Congress. I am only expressing my opinion, and am without authority to speak for any one else.

Mr. President, I shall cast my vote for the Army appropriation bill, because I believe that, as far as it goes, it provides for the Army without infringing upon the rights of the Executive. Some amendments heretofore agreed upon in Committee of the Whole which I favored have been stricken out by the other side, as a matter of party policy. I am sorry they were not left in the bill, but I shall not allow that action to swerve me. One amendment I am very much interested in, the last one. I hope there will be fairness enough in both branches of Congress to pass that as a separate bill or joint resolution. If it is not so passed, then, as a matter of course, the Engineer Corps must wait for a chief until the next session. The other amendments which the majority have chosen to throw overboard are not of importance enough to warrant an effort for a separate bill. Mr. President, I shall cast my vote for the Army bill, as it stands, believing that by so doing I am consulting the best interests of the country.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass? on which the yeas and nays have been ordered.

Mr. BAYARD. I should like to say one word in response to the remarks of the Senator from Rhode Island, [Mr. BURNSIDE.] He calls upon the majority in this Chamber to remember that they have not a two-thirds vote by which they could pass a bill over the disapproval of the Executive. Sir, it was not necessary for that honorable Senator to say it, for I think I have as much right to speak as knowing the sentiments of that party as any other one member of that party, and I do wish to disabuse his mind and the mind of every other man as candid and as fair as I hold him to be, of the idea that there has ever been the intent upon the part of the majority to whom he speaks to apply any duress, any coercion upon any other branch of this Government.

Sir, the only coercion that was sought to be applied was the coercion of duty to the country, the coercion of duty to the Constitution, that the great powers reposed elsewhere in this Government should not be exercised except in the high spirit of public usefulness, in the same spirit in which I trust we are voting. It is our duty to propose laws, it is our duty to frame those laws in such form as we believe the welfare and the happiness of our country require. It is the duty of the co-ordinate branches to exercise their prerogatives and their judgment according to their constitutional power and according to their conscience. We have sought to do no more. Before the people of this country we shall go, telling them from first to last that the appropriation bills of this Government have been framed amply to supply every need that the Government has with economy and with necessity, to supply them in full, to supply them according to the public safety, according to the public need, to put in those bills that which we thought the country needed, to withhold nothing that we thought the country needed, but not to signify that under any circumstances we sought collision with an independent branch of the Government which might in any degree disturb the orderly proceeding of the Government. It never was the intent, it never was the declaration; it is not now. There is no petty idea—God forbid it should be—of creating collision when we knew collision so easily could be created. We deprecate the suggestion of collision. We will do all that can be done to avoid it; nay, sir, we will do everything to prevent it; and should it be intended and should it be effected, we propose that the responsibility shall stand, before all intelligent men, where it belongs. There neither is the ambition, nor is there the desire, that the good and orderly government of this country should be disturbed one instant, by the majority that stand on this side of the Chamber; I cannot speak of that which may stand elsewhere. We have but one object in view, amply and perfectly to supply this Government with all that it needs for its just defense within and without, to avoid all collision and friction with the co-ordinate branches of this Government and to administer its affairs with that high spirit of comity, of mutual consideration, that shall prevent that which Alexander Hamilton well called a dishonorable stagnation in our public affairs.

Mr. BLAINE. Mr. President, I do not quite understand the language of the honorable Senator from Delaware. Does he mean to imply that Senators standing as high as himself in the democratic party have not made threats as palpably and as plainly as he disclaims them? Does the honorable Senator from Delaware this evening express the ability to point to a single declaration of a democratic caucus or a democratic gathering disclaiming that? He comes now and says that they will do everything to avoid a collision. Sir, that is "paltering in a double sense" with the average patriotism of the country, because there is not a child between the two oceans who does not know that if the democratic party had assembled and passed the appropriation bills as they were bound to pass them, this session need not have lasted a week; and the honorable Senator from Delaware is careful now not to say that he will pass the appropriation bills clean and simple.

Mr. BAYARD. Do what?

Mr. BLAINE. That you will pass the appropriation bills clean of all possible political riders.

Mr. BAYARD. I mean to say this: I mean to say that as far as I am concerned——

Mr. BLAINE. And you speak for your party?

Mr. BAYARD. Yes, I do as much as any man can speak for a party, for I know their intent and I know they do not intend that a false, dishonest, disingenuous issue shall be thrust in between the people of this country and the conduct of this Congress. [Applause in the galleries.] They do not intend that the charge shall rest which is sought to be so unjustly, so falsely placed upon them, that by their conduct confusion should be brought into our public affairs. We do intend that the people of this country should understand distinctly that which we think is wholesome and right and safe for the country. We do intend that the people of this country should understand that we propose that our elections shall be held free from the presence of military force, whether of a State or of the United States. We do propose that. If that shall be forbidden, if the President of the United States shall say again that which he has said before that the Army shall not have its supplies unless he shall be able to use it for partisan purposes at the polls under the bare and bald pretext of a police force to keep the peace, then we intend still that he shall not starve the Army, but he shall answer to the people of this country for polluting the ballot-box by the presence of an armed force.

Mr. BLAINE. Then am I to understand the honorable Senator as saying distinctly for his party that if the President should veto this bill they will pass the Army appropriation bill without any riders of any kind whatever?

Mr. BAYARD. Sir, it is not becoming for the Senator from Maine to put to me the coercion of a threat of what I will do when the President shall veto a bill. Sir, let him do his duty, and we will do ours.

Mr. BLAINE. Yes, the Senator ends by an evasion, as I supposed he would end. The Senator got up here like the Euphuist in The Monastery, of whose language it was said:

> "Brave words, very brave words, very exceeding pyet words," answered the miller; "nevertheless, to speak my mind, a lippy of bran were worth a bushel of them."

I wanted to put the Senator to the test whether, after these fine declarations that read well and telegraph well, he is willing to say in the hearing of the Senate and in the eye of the country that, come to the last test, he would be willing to vote supplies for the Army without condition and without qualification, as the law requires he should.

Mr. BAYARD. Mr. President, it is not for the Senator to require me to say what I do in the eye of the country or for telegraphing. I am not good at that; I do not talk here or legislate for mere Buncombe effect; but I simply repeat the fact, that which I have heretofore repeated: this Government may safely rely upon the democratic majority to be maintained in every just power that it possesses.

Mr. BLAINE. "Every just power;" and the democrats reserve to themselves to define what the "just power is."

Mr. BAYARD. We find our powers under the Constitution, and we confine ourselves to that.

Mr. BLAINE. The Senator still evades, and does not say, and I want to nail it that he does not say, that he will vote supplies to the Army without conditions. This Congress came here under the double-fisted loud declaration made openly by Senators on the floor, made by the press of the democratic party everywhere, that the appropriation bills were to be passed with conditions, and if the conditions were not accepted supplies would be withheld. The great democratic leader who sits in the chair, whom I have the honor to address, made an elaborate argument to sustain the right of the democratic party to do that; and now at the end of the session the honorable Senator from Delaware, who disclaims speaking to the public notwithstanding the position he has held here for so many years, desires to pronounce a benediction and sing a democratic doxology over the patriotism that they are willing to show. I want him to tell what that patriotism is, and whether they are willing to have the test put to them which is the real test and the real demand of the hour. Nay, I want to ask the honorable Senator from Delaware whether in the judicial bill he is ready, as I see it now everywhere proclaimed that the democratic party are ready, to say if the President will not take the bill under the restriction that no possible liability shall be incurred for marshals, and so the courts shall be closed. It is said here, there, and everywhere, that the courts shall be closed if the bill is not approved.

Mr. SAULSBURY. Who said it here?

Mr. BLAINE. It has been the temper of this debate clear through.

Mr. SAULSBURY. I ask if anybody has uttered it on the floor of the Senate?

Mr. BLAINE. Will the honorable Senator say that if the President vetoes that bill he will vote for the courts irrespective of that provision? Will the honorable Senator say that? Will the honorable Senator from Delaware take the floor and say it?

Mr. SAULSBURY. I am not going to send that bill by my vote to the President with any threat. When the bill comes back, if the President vetoes it, I will deal with it according to the facts and according to my own judgment of what is right.

Mr. BLAINE. Then the other honorable Senator from Delaware will not pledge himself. We have a brace of Senators from Delaware who will not do it. The honorable Senator from Delaware farthest from me [Mr. BAYARD] will not say he will not oppose a clean Army bill. The honorable Senator from Delaware next me [Mr. SAULSBURY] will not give the assurance that he will oppose a clean court bill. Gentlemen, take your positions. The honorable Senator from Delaware has an independent vote. I am speaking of the one to whom I first referred. I do not question his right to vote as he chooses.

Mr. SAULSBURY. I will say in the very best humor to the Senator from Maine, that when the democratic party recognize him as the high priest to whom we must confess, then I will make a confession to him of what we intend to do, and not before.

Mr. BLAINE. I should like any member of the democratic party who feels in a confessing mood, not to me but to the country, to state whether he is willing to pass these appropriation bills without any political riders. I have not yet heard one make the avowal. I have never heard of but one who did make the avowal, and I desire to state it for his credit. He is a Senator whose personal acquaintance I do not enjoy. It has been said throughout the country that the honorable Senator from South Carolina, [Mr. HAMPTON,] the only one here now on the floor, stated that he would vote for the supplies regardless of conditions. I do not know whether that is correct, but so far as I know he stands this night before the country as the only democratic Senator who has ever said that.

Mr. BAYARD. That shows the Senator has not read the debates.

Mr. BLAINE. Does the honorable Senator tell us now that he does say that?

Mr. BAYARD. I have said it.

Mr. BLAINE. Vote them without any condition whatever?

Mr. BAYARD. I have said that we propose that this Government should receive supplies, despite the action of the honorable Senator's party or the action of the President.

Mr. BLAINE. The Senator deals in riddles. I still do not understand his answer. I profess my utter inability to comprehend his answer. I ask him the direct question, will you vote for supplies for the Army without condition?

Mr. BAYARD. And I do not answer because I do not choose to be catechised in that manner.

Mr. BLAINE. Then the Senator does not choose to give a direct answer. Let it stand in that way.

Mr. BAYARD. I have answered plainly, I think.

Mr. BLAINE. Mr. President, I have nothing more to say. Let these bills take their course, let the country judge of the votes that are given; but while the Senate stands in an attitude of demanding conditions it is not for the honorable Senator from Delaware to preach to this side of the Chamber what is the line of patriotism.

Mr. THURMAN. Mr. President, I should not have left the chair, certainly not at this late hour of the night, and unwell as I am, had it not been for the direct personal allusion of the Senator from Maine, [Mr. BLAINE.]

The Senator from Maine saw fit to charge the democratic party or certain democrats, and certainly me, whom he must have intended by his personal allusion to me, as having threatened to withhold appropriations for the support of this Government unless there was an acquiescence by the Executive in certain legislation that we placed upon the appropriation bills. I believe I state his proposition fairly.

Sir, I have sat here ever since the close of the last session and heard that charge made against me. I heard it made at the close of the last session. I heard it made in an elaborate speech by my then colleague, (Mr. Matthews,) who did me the justice not to attribute that purpose to me, but who spoke upon the broad constitutional question of the powers of Congress, and of each branch of Congress, without one word of offense toward me. I heard the same thing in an elaborate, carefully prepared speech, written out in vacation, by the Senator from Massachusetts [Mr. HOAR] not now in his seat; and still more remarkable, and for the first time in the history of this country, I saw the same thing in a message of the President of the United States to the Congress of the United States.

There never was a more unfounded charge made against a man. About three o'clock on the morning of the 4th day of March last I, who had lain down after a long and fatiguing session of the Senate to get a little rest, was awakened out of the sleep into which I had fallen to come into the Senate, because I was told that my presence was necessary here. I came down, and my political friends told me that I must speak upon the bill that was then before the Senate, and upon the question that has been mooted. I did speak. I spoke out of the fullness of thought and of years of thought; not of momentary thought, not of an hour's thought, not of a day's thought, but out of the thought of long years upon this Government that I love so well and that I have done my best to support. I did say then that we were perhaps (no, I do not know that I used the word "perhaps," and if I did I do not use it now) upon the eve of a controversy which might last longer than the life of any man in this Senate Chamber, the question whether the people's representatives would vote the people's money without a redress of grievances. That is what I said. I did not say that under the Constitution as it now exists the House of Representatives had a right to coerce the Senate or to coerce the Executive, but I did say that we were on the eve of a contest that might last longer than the life of any man in this country. I did say, not that the democratic party, not that I, not that the democratic Senators here, but that the House of Representatives in time, in this controversy which I foresaw, might say, "We represent the tax-payers of the United States; we vote their money; we take their money from their pockets and vote it; and we will not permit that we who represent the tax-payers of the country shall see money taken from the pockets of the people and appropriated against the will of the people because it is the will of one man." That I did say, and I stand by it. The man who cannot see that that is forecoming in this country is in my judgment a short-sighted man.

I did not say that that idea could triumph without a change or an amendment of the Constitution of the United States. I know very well that changes, and such fundamental changes as that in our Government, are not to be effected without alterations in its fundamental law. I never uttered one single word that, properly understood, could have been interpreted as a threat that under the Constitution as it now is, and under our duties as they now are, we would refuse to vote supplies unless our opinion upon public laws was complied with by the Executive. I made no threat of the kind whatsoever; and yet that speech of mine, made between three and four o'clock in the morning, waked up out of a sleep as I was, and exhausted and tired as I was, has been dignified by a reply from the Lord knows how many Senators, and finally by being incorporated in a message of the President of the United States.

Sir, let me call your attention to the fact that the Senators from the State of New York represent four millions and more of people, who pay more taxes than any other four million perhaps on the face of this Republic. Perhaps the time may come when they will say that two Senators from Nevada representing not as many people as there are in the little city of Columbus, where I live, shall not thwart the will and the interests and taxes of the four million people of New York at their pleasure. I say that time may come. I have said that I do not wish it to come. I said so in that very speech. I said then that I did not wish at all to disturb the representation in this Senate. I have not forgotten, though others may who seek to make this a consolidated government, that the equal representation in the Senate that gives to the gallant State of Delaware two Senators on this floor, that gives to Nevada two Senators on this floor, was a necessity to the formation of the Constitution of the United States. That was conceded by the great States; and, mark it, the great States then were the Southern States. If that equality of representation in the Senate had not been conceded by the great States of Virginia and North Carolina, and other Southern States, we should have had no Constitution and we should have had no Union. This Republic exists by the magnanimity and wise policy and the patriotism of the large States of the Union which agreed that the smallest State in the Union should have an equal representation with the largest in the Senate of the United States. I do not want to disturb it; but yet I beg Senators not to press their advantage too far. I beg them to remember that a Senator from the State of Nevada represents but fifty thousand people who are taxed to support this Government, and a Senator from

the State of Ohio represents three million people who are taxed to support this Government, and a Senator from the State of New York represents four million people and more who are taxed to support this Government. Do not press your advantage too far, Senators from the small States; and above all things, do not press the one-man power too far.

Sir, we are most of us descended from the people of that little group of islands called the British islands—Great Britain and Ireland; and let me call your attention to the fact that a British administration cannot exist one day after an adverse vote of the House of Commons. Yes, it can; it can dissolve Parliament and appeal to the people; but it must dissolve Parliament and appeal to the people, unless it resigns at once. This Administration that now rules us, if we were in England and under her system, in that monarchy of England, after an adverse vote which elected three times a democratic majority to the House of Representatives, could not have lasted an hour. We have not that thing in this country. We have no responsible administration that an adverse vote of the House of Commons, or the House of Representatives, can turn out of power in an hour or compel the administration to appeal to the people once more. Under our system of government we are fast locked up for four years. Whether it is the best system or not is a question about which political statesmen will differ; but I do tell you, do not press that thing too far. While in England and in France no administration can stand for an hour against the adverse vote of the people's representatives, in the United States of America, the most advanced of all people in the doctrine of individual liberty, of free government, do not press too far this power of the Senate and the power of one man in the White House. That is all I meant; and if anybody finds fault with it, let him find fault with it; I shall not quarrel with him about it.

This is no new idea with me. The same thing has been said for fifty years and more, and by much wiser men than I am. The same thing has been said by distinguished foreigners who have written upon the American Constitution. The same thing has occurred to every man that can rise above mere petty party politics and take a philosophical and statesmanlike view of the institutions of America.

That is all I said, and for saying that, for saying what had been said again and again from the foundation of this Government to this time by man after man who was a philosophical student of history, I have been denounced as advocating a perfect overthrow of the Constitution, an overthrow of the independence of the Senate, an overthrow of the independent power of the Executive, and preaching a sort of red-handed communism in this country that I never dreamed of and that I am as far from advocating as any man in this Chamber.

Now, the Senator from Delaware is perfectly right. We have none of us ever said that we would not vote the necessary supplies to carry on this Government. But if the Senator from Maine by his question whether we would vote a bill pure and simple means that when Congress shall appropriate for nine objects perfectly constitutional, the President of the United States shall say, "I approve of those nine appropriations, but I will not approve the bill unless you put in a tenth," then I say to him, I will not submit to that dictation. I say to him, the President has no more right to coerce me to make appropriations than I have to coerce him to sign appropriations that he does not like—not the least bit in the world.

Use all the sophistry you will, cover it up in words, try to mislead people as much as you please, here is the whole question. Here is a bill that appropriates for certain objects. No man denies that the objects for which it appropriates are constitutional; no man denies that the appropriations are proper; but it does not appropriate for one single purpose. If the President can say, "I will veto these appropriations which are proper because the bill does not appropriate for something else that I want appropriated for," the responsibility is on him; it is not on me. That is all there is in this question.

I do not care how much gentlemen may talk: they may talk until all the hairs of their heads are gray, or until all the gray hairs have disappeared and they will have no hairs at all, but they cannot obscure the fact that this bill is an appropriation for all purposes for which Congress sees fit to appropriate, and that the objection to it is simply that it does not appropriate for one other purpose that the minority in Congress say ought to be appropriated for.

If the President of the United States shall see fit to say that when the majority in Congress have appropriated, for every proper object in their opinion, ample appropriation to support the Army, all that could be asked to support the Army, all that the Secretary of War has estimated as necessary for the support of the Army, he will not let the Army be supported unless we appropriate for something else that we do not want to appropriate for, but that he thinks ought to be appropriated for, then I have to say that the responsibility is on him; and I have to say to the Senator from Maine and to everybody else that it is not for the minority in Congress and it is not for the President of the United States to coerce the majority into appropriating the people's money for that for which the majority in Congress do not think money ought to be appropriated.

Mr. WINDOM and Mr. BLAINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. BLAINE. With a single remark in reply to the Senator from Ohio I shall have done with this debate forever. The honorable Senator from Ohio in explaining his position touching the speech he made just before the adjournment of the last Congress, says now that he did not expect that redress of grievances to be a practicable thing without some amendments to the Constitution. If he had explained his speech at that time that in his judgment he had some theoretical idea about what the Government ought to be and what powers we ought to have, he would have been allowed certainly to theorize until the end of time without anybody saying "nay" to him. If he had said to the House that sent over a bill with this menace in it, "Why, young gentlemen, you are a little too ardent; what you are purposing to do cannot be done until you have an amendment to the Constitution," they would have taken a retreat very rapidly under the advice of the Nestor of democracy, and there would not have been a particle of feeling on this whole question. But however much that may have been in the mind of the honorable Senator at that time, however much it may have been his matured reflection since, I am sure he will acknowledge himself that the CONGRESSIONAL RECORD contains no possible allusion from him to a theory of the kind, which required a constitutional amendment.

I will venture to say to him that this whole matter which has held the country now for three months and Congress here for that period in a session which this side deem unnecessary, the whole theory which has called this Congress together, took its rise and its origin, gathered its force and its volume from that speech which he made with the great authority as a political leader which he enjoys. If he had not made that speech, or if he had made that speech with the explanation he has added to-night, we should in my judgment have been spared this extra session of Congress with all its evils to the country, with all its irritations, both public and personal.

Mr. THURMAN. As to this extra session of Congress and its evils to the country, I am of the impression, although I may be self deceiving, that one of the pleasantest things that I shall recollect in after life as occurring in my public service will be the fact of this extra session. I know very well that my friend from Maine may have a different opinion, but that is mine. I think this extra session has done no small service for American liberty. That is my opinion about it.

In regard to what the Senator said, that if I had not started that theory there would not have been this extra session and there would have been no criticism, I am sorry to say that I can claim no originality in what I said between three and four o'clock in the morning on the 4th day of March after a fourteen or fifteen hours' session, fatigued and worn down as I was; I am sorry to say I cannot claim any originality for that. To go no further back than the celebrated controversy as to Kansas, I might quote and read here to the Senate the language of my predecessor in the Senate, the language of Mr. Seward, the language of Mr. Fessenden, the language of republican Senator after republican Senator, who in the strongest language and, without intimating any change in the Constitution of the United States, asserted that the House of Representatives had the right to demand a redress of grievances before they voted the people's money. It will not do at all to hold me up as a Catiline before the American people. The only thing that I am ashamed of is that I seem to be the imitator of men whom I never admired very much and whom I opposed in all my political life. I have no claim to originality in this business at all.

Sir, I spoke as I said, waked up as I was at three o'clock in the morning after that long and fatiguing session, coming into the Senate and being told at once what was the question and that I was expected to speak upon it. Perhaps if I had been refreshed by sleep and food, as my friend from New York [Mr. CONKLING] thought was very necessary for an intellectual performance, and I agree with him, I might have spoken more guardedly. But I have been somewhat of a student of history, somewhat of a student of the science of government according to my poor, humble faculty, and out of the fullness of my heart, of my reading and of my reflection, I poured forth my true thoughts on that night. I have not the least thing in the wide world to take back; and it may, or it may not, be that when I am laid in my grave and another generation shall sit in this Hall it shall be found that two Senators representing fifty thousand people can tax four million people represented by only two Senators, and that one man in the White House for four years can set the will of the American people at utter defiance and dictate to Congress what shall be the bills that are to support the Government.

Mr. WINDOM. Mr. President, I rose a few moments ago for the purpose of refreshing the recollection of the honorable Senator from Ohio by reading some brief extracts from the speech made on the occasion to which he refers. The remarks made by him when last upon the floor, however, make it seem somewhat unfair to read them. The honorable Senator tells us he was waked up at three o'clock in the morning, and leaves us to infer that he was not very wide awake at that time.

Mr. THURMAN. I was quite awake.

Mr. WINDON. I want to say that the honorable Senator has had three months to wake up, and until to-night, although that speech has been very often interpreted as interpreted by the Senator from Maine, we have never yet heard the waking thoughts of the honorable Senator from Ohio. I confess I like them very much better than those uttered by him on that night when he was so suddenly roused from that deep sleep. I think it would be unkind to suggest that possibly the elections in various parts of the country within the last few months have tended to awaken the Senator a little, and perhaps

may have modified the speech. I will, however, read a brief extract from it.

Mr. DAVIS, of West Virginia. What elections have we had in the last few months?

Mr. WINDOM. Quite a number last spring.

Mr. THURMAN. They have been mainly democratic victories as far as I have heard.

Mr. CONKLING. Are those all the elections the Senator has heard of this spring?

Mr. WINDOM. How was it in the honorable Senator's own city?

Mr. THURMAN. That had nothing to do with politics whatever; it had no political significance.

Mr. WINDOM. That is mere side-play. The conditions under which the Senator made the speech on that occasion were something like these: The conference committees had reported disagreement; it was three or four o'clock in the morning, and it was known that the bills could not pass. It was understood perfectly that an extra session would be called for the purpose of acting upon these measures. The honorable Senator from Kentucky [Mr. BECK] had announced what we all understood to be the programme of the democratic party, to wit, that separate bills embodying the proposed legislation should be passed when the new Congress met, they should be presented to the President, and if the President did not sign them that he should bear the responsibility of blocking the wheels of government. Then the honorable Senator from Ohio immediately followed with an argument a portion of which was as follows:

Perhaps no greater question in the form we are brought to consider it was ever considered by the American Congress in time of peace; for it involves not merely the merits or demerits of the laws which the House bill proposes to repeal, but involves the rights, the privileges, the powers, the duties of the two branches of Congress and of the President of the United States. It is a vast question; it is a question whose importance can scarcely be estimated; it is a question that never yet has been brought so sharply before the American Congress and the American people as it may be now. It is a question which sooner or later must be decided, and the decision must determine what are the powers of the House of Representatives under the Constitution, and what is the duty of that House in the view of the framers of that Constitution according to its letter and its spirit.

Mr. President, I should approach this question, if I were in the best possible condition to speak and to argue it, with very grave diffidence, and certainly with the utmost anxiety, for no one can think of it as long and as carefully as I have thought of it without seeing that we are at the beginning perhaps of a struggle that may last as long in this country as a similar struggle lasted in what we are accustomed to call the mother land. There the struggle lasted for two centuries before it was ultimately decided. It is not likely to last so long here, but it may last until every man in this Chamber is in his grave.

Then the Senator proceeded to state what the question was:

It is the question whether or no the House of Representatives has a right to say "We will grant supplies only upon condition that grievances are redressed. We are the representatives of the tax-payers of the Republic; we, the House of Representatives alone have the right to originate money bills; we, the House of Representatives, have alone the right to originate bills which grant the money of the people; the Senate represents States; we represent the tax-payers of the Republic; we, therefore, by the very terms of the Constitution"—

Not by some amended Constitution; but—

"by the very terms of the Constitution, are charged with the duty of originating the bills which grant the money of the people. We claim the right, which the House of Commons in England established after two centuries of contest, to say that we will not grant the money of the people unless there is a redress of grievances."

Mr. President, under the circumstances in which the speech was delivered, after the speech of the honorable Senator from Kentucky, when it was known that the bills could not pass at that time, that a democratic Senate was to be organized in a few days, and that these bills then would be presented to the President, every one upon this floor, I think, understood the honorable Senator from Ohio to mean that an issue had been inaugurated between Congress and the President, because he said it "involves the rights, the privileges, the powers, the duties of the two branches of Congress and of the President of the United States," which he thought might last until we were all in our graves. I think we were justified in understanding from the Senator at that time that he did mean that a contest was inaugurated between Congress and the Executive. The country so understood it; the Senate so understood it. The honorable Senator from New York, [Mr. CONKLING,] if I remember aright, at once took the floor and denounced this programme as revolutionary; and nobody, I believe, at that time pretended to answer that the programme which had been laid down was not the one which we understood to have been adopted by the democratic party.

Mr. THURMAN. Mr. President, I am perfectly delighted that my friend from Minnesota carries my speech around in his pocket. I commend that practice. I hope he will carry more of them around to show to his people out in Minnesota. I think it would be productive of good.

Mr. WINDOM. I had arranged it for that purpose, to take through the next campaign.

Mr. THURMAN. I hope the Senator will, but I hope he will interpret it fairly.

Now let me say to the Senator that immediately after speaking, and perfectly worn out and exhausted, I left the Senate Chamber and did not come in again until toward the close of the speech made by my then colleague, (Mr. Matthews.) I did not know at all what was said by other Senators while I was absent; but I am willing that the Senator shall take that speech just as he pleases, he may put his own interpretation upon it, and I tell him now that the time will come before he dies, perhaps—he is a much younger man than I am—when the people of the United States, the numerical majority, the taxpayers in the United States, will not submit that their Representatives in the House of Representatives shall vote to take money out of their pockets and vote it away without a redress of grievances, and it will be no greater change in the interpretation of the Constitution than has been made since 1861. You have changed this Constitution of ours by interpretation since 1861; you have made it what the framers of it never dreamed of; you have made it what the thirteen States which adopted it would have rejected with scorn and horror. That is what you have done by interpretation, and what has been done by interpretation can be done again. I do not want to see an interpretation that overthrows the plain and obvious meaning of the Constitution. I do not want to see any such thing as that occur; but I tell you, gentlemen of the Senate, that it will not do to trifle with this question too much. It will not do for two men in the Senate representing but fifty thousand people to stay the will of four million people. It will not do for one man in the White House to hold the American people for four years in a vise when a ministry in Great Britain cannot hold the people for four hours. That won't do.

The Senator says that I have not answered all these imputations upon that speech which have been made ever since the speech was delivered. Mr. President, if I were to take up my time in answering all the false interpretations of what I have said in a long course of public life, I should have to ask the Lord for a prolongation of my existence greatly beyond the average duration of human life.

Mr. WINDOM. My very great regard for the honorable Senator from Ohio, and the fact that he has advised me to carry this speech with me, induces me to ask him a question as to what he meant by one or two expressions in it. He said:

Perhaps no greater question in the form we are brought to consider it was ever considered by the American Congress in time of peace. for it involves not merely the merits or demerits of the laws which the House bill proposes to repeal. but involves the rights, the privileges, the powers, the duties of the two branches of Congress and of the President of the United States.

What did he mean by involving the powers of the President?

Mr. THURMAN. I advise the Senator to go and read Seward's speech, Fessenden's speech——

Mr. WINDOM. I have more faith in my honorable friend's speech.

Mr. THURMAN. Read Seward's speech, Fessenden's speech, Ben. Wade's speech on the Kansas bill. Go and read John Sherman's speech, now Secretary of the Treasury, on whose motion it was put on the bill that no part of the money appropriated by the bill should be used to sustain the government in Kansas. Go and read their speeches, which said that the House of Representatives had a right to put that condition on the appropriation bill; that they had a right to say the money of the people should not be used without a redress of grievances. Go and read them.

Mr. WINDOM. No, Mr. President, I do not intend to carry any of those speeches with me; and I do not want to misrepresent this one.

Mr. THURMAN. The Senator carries my speech around and represents me as a revolutionist, but he will not carry John Sherman's speech, or Ben. Wade's speech, or Seward's speech, or Fessenden's speech. He will not do anything of that kind. He will go up in the swamps of Minnesota and read my speech.

Mr. WINDOM. It is for the express purpose that I may not misrepresent the Senator, and because I do not intend to carry those other speeches with me and do intend to carry this that I again repeat my question. The Senator said:

Perhaps no greater question in the form we are brought to consider it was ever considered by the American Congress in time of peace; for it involves not merely the merits or demerits of the laws which the House bill proposes to repeal, but involves the rights, the privileges, the powers, the duties of the two branches of Congress and of the President of the United States.

I want to know how it involved the rights and privileges and powers of the President of the United States in the form we were then called to consider it?

Mr. THURMAN. If the Senator cannot understand that, it would be utterly impossible for me to enlighten him. That is all there is of it. I never attempt impossibilities.

Mr. WINDOM. If the Senator considers the answer to this question an impossibility, of course I shall not press it; but perhaps I shall try an easier one. He proceeded in that speech, speaking of the question upon which we had entered and the great issue, to say:

No one can think of it as long and as carefully as I have thought of it without seeing that we are at the beginning perhaps of a struggle that may last as long in this country as a similar struggle lasted in what we are accustomed to call the mother land. There the struggle lasted for two centuries before it was ultimately decided. It is not likely to last so long here, but it may last until every man in this Chamber is in his grave.

What was that question? I cannot understand what that question was in view of the Senator's talk to-night. I thought the Senate understood it before.

Mr. THURMAN. Upon my word, I have always entertained a very high opinion of my friend from Minnesota——

Mr. WINDOM. I entertain a very high opinion of my friend now.

Mr. THURMAN. And the principal reason was because he was born in Ohio. [Laughter.] If after reading the preceding part of the speech he cannot understand that, I give him up in utter desperation.

Mr. WINDOM. I think, then, I shall be at liberty when I take this speech with me to construe it as best I can, for I certainly can get no

help from the honorable Senator from Ohio, although I have tried in two ways, first asking him a hard question and then an easy one. If the Senator says the first is impossible, and if he answers the second by saying he respects me because I was born in Ohio, I cannot get very much light on that question.

The PRESIDING OFFICER. The question is, Shall the bill pass? on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. BLAINE, (when his name was called.) I am paired on this question with the Senator from Maryland, [Mr. WHYTE.] If he were here, I should vote "nay."

Mr. BLAIR, (when his name was called.) The pair before announced as existing between myself and the Senator from Kentucky [Mr. WILLIAMS] has been so arranged that I am at liberty to vote, and I therefore vote in the negative.

Mr. BRUCE, (when his name was called.) On this and all political questions I am paired with my colleague, [Mr. LAMAR.] If he were here, he would vote "yea" and I should vote "nay."

Mr. CAMERON, of Wisconsin, (when Mr. CARPENTER's name was called.) My colleague [Mr. CARPENTER] is paired on this vote with the Senator from Illinois, [Mr. DAVIS.] If my colleague were here, he would vote "nay."

Mr. MORRILL, (when Mr. EDMUNDS's name was called.) My colleague [Mr. EDMUNDS] is paired with the Senator from Ohio, [Mr. THURMAN.]

Mr. FERRY, (when his name was called.) On this question I am paired with the Senator from Indiana, [Mr. VOORHEES.] Were he here, I should vote "nay."

Mr. HEREFORD, (when his name was called.) I have been paired until now with the Senator from Massachusetts, [Mr. HOAR,] but the pair has been transferred to allow the Senator from New Hampshire [Mr. BLAIR] also to vote. He has been paired with the Senator from Kentucky, [Mr. WILLIAMS.] The Senator from Kentucky and the Senator from Massachusetts will now be paired, so that the Senator from New Hampshire and myself can vote. I vote "yea."

Mr. DAWES, (when Mr. HOAR's name was called.) My colleague [Mr. HOAR] has been announced as paired with the Senator from Kentucky, [Mr. WILLIAMS.] If my colleague were here, he would vote "nay."

Mr. JONAS, (when Mr. LAMAR's name was called.) The Senator from Mississippi [Mr. LAMAR] is paired with his colleague, [Mr. BRUCE.] If present, the Senator from Mississippi [Mr. LAMAR] would vote "yea."

Mr. INGALLS, (when Mr. PLUMB's name was called.) My colleague [Mr. PLUMB] is unavoidably absent from the city and is paired with the Senator from South Carolina, [Mr. BUTLER.] If present, my colleague would vote "nay."

Mr. HILL, of Colorado, (when Mr. TELLER's name was called.) My colleague [Mr. TELLER] is paired with the Senator from Virginia, [Mr. JOHNSTON.] If my colleague were here, he would vote "nay."

Mr. THURMAN, (when his name was called.) I am paired with the Senator from Vermont, [Mr. EDMUNDS.] If he were here, I should vote "yea."

Mr. GROOME, (when Mr. WHYTE's name was called.) The pair of my colleague [Mr. WHYTE] has been already announced, but it has not been stated how he would vote if here. I complete the announcement by saying that he would vote "yea."

The roll-call was concluded.

Mr. BURNSIDE. My colleague [Mr. ANTHONY] is paired with the Senator from Georgia, [Mr. GORDON.] If my colleague were here, I suppose he would vote "nay."

Mr. HEREFORD. The Senator from California [Mr. FARLEY] is paired with the Senator from Nevada, [Mr. JONES.] If the former were present, he would doubtless vote "yea."

Mr. WITHERS. My colleague [Mr. JOHNSTON] is paired with the Senator from Colorado, [Mr. TELLER.] If present, my colleague would vote "yea."

Mr. WINDOM. My colleague [Mr. MCMILLAN] is paired with the Senator from New Jersey, [Mr. MCPHERSON.] If my colleague were present, he would vote "nay."

Mr. WALLACE. I desire to announce that the Senator from Oregon [Mr. GROVER] is paired with the Senator from Maine, [Mr. HAMLIN.] If present, the Senator from Oregon would vote "yea."

The result was announced—yeas 32, nays 19; as follows:

YEAS—32.

Bailey,	Eaton,	Jonas,	Ransom,
Bayard,	Garland,	Jones of Florida,	Saulsbury,
Beck,	Groome,	Kernan,	Slater,
Burnside,	Hampton,	McDonald,	Vance,
Call,	Harris,	Maxey,	Vest,
Cockrell,	Hereford,	Morgan,	Walker,
Coke,	Hill of Georgia,	Pendleton,	Wallace,
Davis of W. Va.,	Houston,	Randolph,	Withers.

NAYS—19.

Allison,	Chandler,	Kellogg,	Platt,
Blair,	Conkling,	Kirkwood,	Rollins,
Booth,	Dawes,	Logan,	Saunders,
Cameron of Pa.,	Hill of Colorado,	Morrill,	Windom.
Cameron of Wis.,	Ingalls,	Paddock,	

ABSENT—25.

Anthony,	Bruce,	Carpenter,	Edmunds,
Blaine,	Butler,	Davis of Illinois,	Farley,
Ferry,	Johnston,	Plumb,	Whyte,
Gordon,	Jones of Nevada,	Sharon,	Williams.
Grover,	Lamar,	Teller,	
Hamlin,	McMillan,	Thurman,	
Hoar,	McPherson,	Voorhees,	

So the bill was passed.

Mr. BECK. If it is not too late I desire to announce that my colleague [Mr. WILLIAMS] on this question is now paired with the Senator from Massachusetts, [Mr. HOAR.] Mr. Bell, of New Hampshire, was his former pair, and the Senator from Massachusetts is now substituted in his place. My colleague, if present, would have voted "yea" on this bill.

PARIS MONETARY CONFERENCE.

Mr. WHYTE submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate, (the House of Representatives concurring) That 12,000 extra copies of the report and proceedings of the Paris monetary conference, held in August last, be printed and bound in cloth, of which number 6,000 copies shall be for the use of the House, 3,000 for the use of the Senate, and 3,000 for the use of the Department of State.

CHINESE RESIDENTS AND VISITORS.

Mr. SLATER. I desire to give notice that to-morrow after the morning hour I shall call up the bill (S. No. 622) regulating intercourse with the subjects of the Chinese Empire visiting or residing in the United States, and for other purposes, with a view of submitting some remarks upon it.

Mr. WALLACE. I move that the Senate adjourn.

The motion was agreed to; and (at two o'clock a. m., Saturday, June 21, 1879) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June* 20, 1879.

The House met at twelve o'clock m. Prayer by Rev. DAVID WILLS, D. D.

The Journal of yesterday was read.

JUDICIAL EXPENSES.

Mr. GARFIELD. I desire to inquire of the Chair how the Journal stands as to the report of the committee of conference on the bill (H. R. No. 2252) making appropriations for certain judicial expenses. I do not ask that the report as recorded in the Journal be read at length; but I ask for the reading of the last clause. In the report as printed on page 49 of the RECORD of this morning there seems to be an omission of a word, which, as I understand, was included in the report as read at the desk. I ask the attention of my colleague [Mr. MCMAHON] to the point.

The SPEAKER. The gentleman from Ohio [Mr. MCMAHON] who submitted the report of the committee of conference is not now in his seat.

Mr. GARFIELD. The Journal will show the error, if there is one. I will read the sentence:

And no Department or officer of the Government shall, during said fiscal year, make any contract or incur any liability for the future payment of money under any of the provisions of title 26 of the Revised Statutes of the United States authorizing the appointment or payment of general or special deputy marshals for service in connection with elections or on election day until an appropriation sufficient to meet such contract or pay such liability shall have first been made by law.

As I understood the reading of the report yesterday, by the Clerk, the word "by" occurred after the words "United States" and before the word "authorizing," so that it would read "by authorizing the appointment or payment of general or special deputy marshals for service in connection with elections," &c.

The SPEAKER. The Chair has sent for the original conference report.

Mr. GARFIELD. If the Journal is to be corrected at all it must be done now, and the insertion or the omission of the word makes considerable difference in the meaning of the paragraph.

The SPEAKER. The original report will be here in a moment. [At this point Mr. MCMAHON entered the Hall.] The gentleman from Ohio [Mr. MCMAHON] will please give his attention. His colleague on the left [Mr. GARFIELD] has directed the attention of the Chair to the report of the committee of conference, printed on page 49 of the RECORD, in relation to the bill making appropriations for certain judicial expenses, and has raised the question whether the word "by" should be inserted after the words "United States" and before the word "authorizing" in the second section of the bill.

Mr. GARFIELD. I raise the question because from the reading yesterday (the report was read from manuscript; it was not in print) I understood that the word "by" occurred after the words "United States" and before the word "authorizing." I wish to ask my colleague whether the report as printed in the RECORD is not incorrect in this, that the word "by" has been omitted? If so, the Journal should be made to correspond to the fact.

The SPEAKER. The official paper showing the report of the committee of conference will settle the matter.

Mr. MCMAHON. The word "by" I think was not inserted before the word "authorizing."

Mr. GARFIELD. I understood from the reading that it was.

Mr. McMAHON. I think the remarks which I made indicated very clearly that it was not.

Mr. GARFIELD. On the contrary, I thought that the remarks of the gentleman indicated that the word "by" was there. I certainly understood, both from his remarks and from the reading of the report, that the word "by" was used in the place to which I have referred.

Mr. McMAHON. I thought when the gentleman made his remarks that he did not fully understand the bearing of the amendment as we had presented it.

Mr. GARFIELD. The Journal should conform to the fact, whatever it may be.

Mr. McMAHON. I should like to see the official paper. That will settle it of course. I am sure the print here is in accord with the original paper.

The SPEAKER. The matter will be passed over for the present, as the Chair has sent for the original papers now in the Clerk's room, and in the mean time he will recognize the gentleman from Virginia for a moment to ask unanimous consent.

Some time subsequently,

The SPEAKER said: The Chair now has before him the original conference reports, both that submitted to the Senate and that submitted to the House. He also has the short-hand notes of the reporter of the RECORD, and a transcript made from those notes by another reporter of the RECORD, and in none of those papers does the word "by" appear between the words "United States" and the word "authorizing."

Mr. GARFIELD. Then, of course, the Journal and the RECORD need no correction.

Mr. McMILLIN. In addition to what has been stated by the Chair, I have here an exact copy of the report of the committee taken yesterday morning while the debate was going on, and the word "by" does not appear in that paper.

The SPEAKER. If there be no objection, the Journal as read will be considered as approved.

There was no objection, and it was so ordered.

QUARANTINE HOSPITAL.

Mr. GOODE. I have been directed by the Committee on Epidemic Diseases to report back as a substitute for House bill No. 1489 a bill (H. R. No. 2332) to provide for the establishment of a quarantine hospital in Hampton Roads, Virginia.

The SPEAKER. The substitute will be read for information, when the Chair will hear objection.

The Clerk read as follows:

Be it enacted, &c., That the National Board of Health be, and is hereby, authorized and directed to establish a quarantine hospital in Hampton Roads, Virginia, on some suitable site to be selected by said board; and the sum of $25,000, or so much thereof as may be necessary, is hereby appropriated for that purpose out of any money in the Treasury not otherwise appropriated: *Provided, however*, That the money hereby appropriated shall not be available until a valid title to the site of said hospital building shall be vested in the United States, and until the State of Virginia shall relinquish to the United States all right to levy taxes on said site or the property thereon while the United States shall remain the owner thereof.

Mr. CONGER. Reserving the right to make objection, I should like to have an answer to an inquiry whether the proposed site for this hospital is in the neighborhood of Fortress Monroe, or of the Hampton Institute or any of the public educational and other institutions? I am not familiar enough with the geography of the place to tell. If it should be in close proximity to any of those institutions I certainly should object to the introduction of the proposition.

Mr. GOODE. I will explain to the gentleman from Michigan, if he will permit me, and I think after a word or two of explanation he will not object to the passage of the bill reported from the Committee on Epidemic Diseases.

Mr. CONGER. I am not familiar enough with the geography of Hampton Roads to know exactly the location in reference to these educational and other institutions.

Mr. GOODE. Mr. Speaker, the object of this bill is to establish a quarantine hospital in Hampton Roads. It is recommended unanimously by the Committee on Epidemic Diseases and by the National Board of Health.

I will say for the information of the gentleman from Michigan that Hampton Roads is a harbor of refuge for merchant vessels coming along the coast from the Southern States and from the West Indies. There is also in the vicinity of Hampton Roads a large naval station, and it frequently happens that Government vessels call at that station for orders, and it likewise very often occurs on these merchant vessels and on Government vessels which call at this naval station there are sick men, who, when the vessels are stopped at the quarantine station, are too sick to be transported to the marine hospital within the limits of the town, so that they are necessarily confined on board the merchant vessel or the man-of-war, as the case may be. The result is that very great suffering has ensued on account of it. The men have not proper accommodation for sick people, and the whole object of this bill is to provide a convenient and commodious quarantine hospital in the Hampton Roads.

I will say further there is no educational institution anywhere in the vicinity except the Hampton Normal Institute, which perhaps may be about ten miles away from the proposed location of this hospital.

Mr. CONGER. I suppose the Hampton Roads proper to be that strip from Fortress Monroe to Newport News and running up past the Hampton Institute.

Mr. GOODE. The Hampton Roads proper is formed by a line running from Tanner's Point to Newport News and from there to Fortress Monroe and then back, making a triangle.

Mr. CONGER. Where is this hospital to be located with reference to Newport News?

Mr. GOODE. The location under this bill is left to the National Board of Health, but a commission appointed by the Secretary of the Navy recently made examination and recommends Sewell's Point, at a distance of some ten or twelve miles from Fortress Monroe and the Hampton Normal Institute and seven and a half from the marine hospital at Norfolk. The object is to establish a hospital in the neighborhood of Sewell's Point.

Mr. CONGER. On which side of the James River?

Mr. GOODE. On the left hand as you go down at a place called Sewell's Point.

Mr. Speaker, this bill is in the interest of humanity, and I hope it will be passed without objection.

Mr. CONGER. I have no objection to the measure, but I do object to the establishment of any hospital for yellow-fever patients in the neighborhood either of Norfolk, Fortress Monroe, the Hygeia Hotel, or the Hampton Normal Institute.

Mr. GOODE. As I have already stated to the gentleman from Michigan, it is proposed to establish this quarantine hospital some ten miles distant from the places he has mentioned.

Mr. ATKINS. I ask the gentleman from Virginia whether the sum of $25,000 appropriated under this bill could not be taken from the $500,000 already appropriated for the purposes of this yellow-fever commission?

Mr. GOODE. It might if the House should so order, but the committee thought it best to appropriate it out of money in the Treasury not otherwise appropriated. As many demands have already been made on the fund appropriated for the National Board of Health from the Southern States, we thought it would be more agreeable if we should make a definite appropriation. I am sure it is much needed, and money could not be better expended than to the object here proposed. It is in the interest of humanity.

Mr. FARR. I wish to ask the gentleman from Virginia whether there is not a hospital at Norfolk?

Mr. GOODE. There is a hospital near the limits of the city. But as regards these people on board the merchant vessels and the Government vessels who are sick of contagious and infectious diseases, it is considered unsafe to remove them so near to the corporate limits of the city.

Mr. FARR. Is there a marine hospital?

Mr. GOODE. There is a marine hospital in Portsmouth, seven and a half miles distant from this point; but it is considered unsafe to carry to that point persons sick of yellow fever or ship-fever. The local authorities object to it.

Mr. FORT. The marine hospital is on the opposite side of the river?

Mr. GOODE. Only a few yards from the city of Portsmouth, not more than twenty from its outside limits.

Mr. FORT. How near to the city of Norfolk?

Mr. GOODE. It is separated from Norfolk by the Elizabeth River.

Mr. FARR. How does the gentleman propose to sustain this hospital? Here is an appropriation of $25,000 asked to build a hospital. How is it afterward to be maintained? Is it to be at the Government expense?

Mr. GOODE. No, sir. The citizens of that locality undertake, if the Government build a hospital, that they will take care of the sick in the interest of humanity. Those sick people belong to the North and to the South, and where they are brought to the quarantine station they cannot be taken care of on board the vessels, nor can they safely be brought within the city limits, or to the marine hospital. It is proposed that if the Government build a hospital, the local authorities shall provide for the sick.

Mr. FARR. The records of the House should show that the local parties propose to do this.

Mr. GOODE. I ask the Clerk to read for the information of the House the memorial which I send to the desk.

Mr. FARR. While I am not opposed to any appropriation that may be reasonable in the interest of humanity, it seems to me we have already been very liberal in appropriating a half million of dollars, largely, if not entirely, to be spent in the South. Thirty thousand dollars also have been appropriated for a marine hospital at Memphis, Tennessee. If the local parties are willing to assume the responsibility of taking care of the people sent to this hospital, I think we ought to have it so stated on the records of the House.

Mr. GOODE. I ask that the communication be read.

The Clerk read as follows:

To the Senate and House of Representatives of the United States in Congress assembled:

The undersigned citizens of the cities of Norfolk and Portsmouth, and the county of Norfolk, in the State of Virginia, respectfully represent:

That, while ample provision is made at the port of Norfolk and Portsmouth for seamen suffering from non-contagious diseases, there is no provision whatever made for those suffering from contagious diseases; that merchant vessels from the West Indies and Gulf ports bound to the northern and eastern ports, having yellow fever on board, frequently put into Norfolk for assistance; that they have to be

kept at the quarantine station, which is four miles distant from the city, and while all is done by the local authorities that is possible, much suffering and doubtless loss of life ensues from the necessity of keeping patients pent up in the limited quarters of merchant vessels, many of them not larger than coasting craft; that Hampton Roads is a great central port of call for orders, and that vessels are constantly arriving there from various parts of the world; that Norfolk being a great naval station, ships of war of our own and of foreign nations not infrequently put into Hampton Roads with yellow fever on board, and in times past it has been customary to bring patients suffering from such fever to the naval hospital of the station, but that since the dreadful scourge from yellow fever to the cities of Norfolk and Portsmouth in 1855, this has been prohibited by the local authorities, inasmuch as the hospital is but a few hundred yards distant from these cities; that while we are willing and able to take care of such patients as would rightfully come to us in course of trade with our own port, we are not able to care for, in a proper manner, the number of sick which vessels in passing by our harbor stop to deliver to us.

In view of these facts, your memorialists respectfully ask that a quarantine hospital be established on one of the shoals or flats about the entrance to the Elizabeth River. It is believed that "Boushe's Bluff Shoal" is the most eligible site for the erection of such a structure on screw piles, and if on examination this should be found to be the case, a light and fog-signal put on the structure would make access to this important naval station easy at all times and supply a want long felt by pilots bringing vessels to Norfolk during thick weather.

Your memorialists, therefore, respectfully ask that the sum of $25,000, or such sum as may be found necessary, be appropriated for the purpose of establishing this hospital, light, and fog-signal.

Mr. CONGER. Let the bill be again read.

The bill was again read.

Mr. CONGER. There should be a clause ceding jurisdiction from the State of Virginia to the United States.

Mr. GOODE. The bill provides for that.

Mr. CONGER. No, sir; it is only provided that the State of Virginia shall not levy taxes. I suggest that the bill be amended by inserting the words "and shall cede jurisdiction over the same to the United States."

Mr. GOODE. I have no objection to that.

Mr. DUNNELL. I would like to ask the gentleman from Virginia a question: whether there are to be buildings erected under the operation of this bill?

Mr. GOODE. Yes, sir.

Mr. DUNNELL. The bill simply provides that the National Board of Health shall establish a hospital; but there is no provision at all for the construction of buildings. It is usual that the construction of such buildings shall be under the direction of the Secretary of the Treasury.

Mr. GOODE. The committee thought it better as we had a National Board of Health to vest in them the authority to select the site and erect the buildings.

Mr. DUNNELL. There is no authority in this bill for the National Board of Health to erect any building.

Mr. GOODE. To meet the suggestion of the gentleman, I will insert the words "and erect" after the word "established."

Mr. DUNNELL. If it is proposed to allow the National Board of Health to undertake the erection of public buildings I shall be very much inclined to vote against this bill. It is an entire departure from the usual course of proceeding in the history of the Government. The National Board of Health might oversee the erection of buildings. But all of our public buildings are erected under the direction of the Secretary of the Treasury and the plans are drawn by the supervising architect of the Treasury. It is now proposed to let the National Board of Health go into the erection of public buildings for that branch of the service and employ whom they please. There is no provision made as to how these public buildings shall be erected.

Mr. SPRINGER. Is it too late to make the point of order?

The SPEAKER. The Chair does not recollect whether the point of order was reserved or not.

Mr. CONGER. The point of order was reserved until an explanation should be given of the bill.

Mr. DUNNELL. I hope the bill will be amended and made to conform to our usual legislation.

Mr. GOODE. The object of the bill is simply to provide a place for the accommodation of sick people. It is a very modest proposition. It does not involve the expenditure of much money. It is true that heretofore buildings have been erected under the supervision either of the Treasury Department or of the War or Navy Department. But the gentleman will bear in mind that until recently we never had a National Board of Health to surpervise matters of this sort. Now it occurred to me and to the committee that of all people on the face of the earth the members of the National Board of Health would be the most competent to decide upon a site for this hospital and to select a plan for the building. It must be necessarily a very modest building. There is no large sum of money provided. It is intended merely as a place of refuge for those sick people who cannot be properly cared for elsewhere.

Mr. GIBSON. Is it intended by this bill that the Board of Health shall make the contract for the erection of this hospital building?

Mr. GOODE. That was the idea.

Mr. DUNNELL. I trust, then, the bill will be voted down.

Mr. GIBSON. I hope the gentleman from Virginia [Mr. GOODE] will accept the modification suggested by the gentleman from Minnesota, [Mr. DUNNELL.]

Mr. GOODE. The only wish we have——

Mr. SPRINGER. I must insist upon the point of order.

Mr. GOODE. What is the point of order?

Mr. SPRINGER. The point of order is that this bill makes an appropriation of money and must receive its first consideration in Committee of the Whole.

Mr. GOODE. I trust the gentleman will not insist upon that point of order. If agreeable to the House the erection of these buildings can be placed under the direction and supervision of the Secretary of the Treasury.

Mr. DUNNELL. I think the bill had better be recommitted and put in proper shape.

Mr. ALDRICH, of Illinois. That is what is wanted.

The SPEAKER. The bill might be recommitted, with permission to the committee to report it back at any time.

Mr. GOODE. I hope the gentleman will indicate his amendment now and let it be acted upon.

Mr. SPRINGER. It is subject to that point of order, and also it is a very important measure and should have its first consideration in Committee of the Whole for that reason. I think if we pass this bill we will be entering upon a most dangerous precedent in the erection of quarantine hospitals at the various ports of the United States. It will, of course, follow that hospitals will be erected at other places, if we commence here; and if we are to put up quarantine hospitals in all the ports of the United States it will involve an illimitable expenditure of money. I hope we will not enter upon a precedent of this kind without the most mature deliberation.

Mr. CONGER. In order that this matter may have full consideration, I think the point of order should be insisted upon.

Mr. SPRINGER. Besides making an appropriation of money and establishing a most dangerous precedent in that regard, the bill provides that the Board of Health shall enter upon the business of erecting public buildings generally, and that class of officers are not accustomed to that kind of work.

Mr. DUNNELL. That is the point.

Mr. SPRINGER. We cannot tell what kind of buildings doctors would erect.

Mr. McGOWAN. They would be very likely to build good hospitals.

Mr. GOODE. That difficulty can be remedied in a moment. I hope the gentleman will not take advantage of that technicality to defeat a bill which is brought here in the interest of humanity. It is not for the interest of the people of Norfolk that this measure is brought forward, but in the interest of people on board merchant vessels coming from the South to the North and going from the North to the South, who go into Hampton Roads as a harbor of refuge. It is in their interest that the humane people of that community have asked the Government to do this. I do not care whether the building is put under the supervision of the Secretary of the Treasury or the Board of Health.

The SPEAKER. That is not the point of order which has been raised, and would not, the Chair thinks, be a good point of order. The point of order raised is that the bill makes an appropriation and must have its first consideration in Committee of the Whole.

Mr. GOODE. I am appealing to gentlemen to withdraw that point of order, in consideration of the facts I have mentioned.

The SPEAKER. And the Chair is listening, but does not hear any affirmative response to the appeal.

Mr. GOODE. I assure gentlemen on both sides of the House that it is a species of barbarism to confine these sick men on board of merchant vessels, as they are confined now at quarantine stations.

Mr. CONGER. I cannot see how that barbarism has been permitted in the great State of Virginia since 1855.

Mr. GOODE. It has not been permitted.

The SPEAKER. The Chair sustains the point of order, and the bill accordingly goes to the Committee of the Whole.

ENROLLED BILLS SIGNED.

Mr. KENNA, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 2251) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes.

Mr. COFFROTH, from the same committee, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 1369) to relieve the churches of the District of Columbia, and to clear the title of trustees to such property.

DANIEL M. COOK.

Mr. WARD and others demanded the regular order.

The SPEAKER. The morning hour begins at thirty-five minutes after twelve o'clock. This being Friday, the unfinished private business coming over from the morning hour of last Friday is the bill (H. R. No. 2019) for the relief of Daniel M. Cook, which was reported from the Committee on Patents by the gentleman from Pennsylvania, [Mr. WARD.] The pending question is on the demand of the gentleman from Pennsylvania for the previous question on the passage of the bill.

Mr. ACKLEN. I desire, if the gentleman from Pennsylvania [Mr. WARD] will allow me, to offer an amendment to the bill; and if this amendment is assented to, I think all objection to the bill will be obviated.

The SPEAKER. The Chair will cause to be read the amendment which the gentleman from Louisiana asks consent to offer.

The Clerk read as follows:

Strike out the proviso in the bill as reported, and insert the following:

Provided, That no suit or legal proceedings of any nature whatever shall be instituted, continued, or maintained by said Daniel M. Cook, his heirs or assigns, or by any one claiming under this patent, for infringement of the same prior to this act, in the manufacture, use, or sale, by any person or persons, of any apparatus or process covered by said patent.

Mr. ACKLEN. Mr. Speaker, as this bill has been ordered to be engrossed and read a third time, the question being now on its passage, this amendment will have to come in by unanimous consent or the vote ordering the bill to be engrossed and read a third time must be reconsidered.

Mr. VANCE. I hope there will be no objection to the amendment indicated by the gentleman from Louisiana, [Mr. ACKLEN.] In fact it was the impression of the committee that such a proviso as the gentleman proposes was already in the bill. It is our custom to insert such a proviso in bills of this kind.

Mr. WARD. The principle of the gentleman's amendment is already embodied in the bill, though probably the amendment amplifies it and places the construction beyond all question. I can see no objection to the amendment. I believe it carries out exactly the principles contained in the bill.

Mr. ACKLEN. Then, Mr. Speaker, I wish merely to state why it was I had to resort to dilatory motions in the morning hour of last Friday in order to postpone the consideration of this bill until such an amendment as I have now presented should be accepted. The bill as presented by the committee contains this proviso:

Provided, That no suit shall be maintained for any infringement of this patent made prior to the passage of this act, except upon proof of actual knowledge of said patent on the part of the person or persons so infringing, and for the continued use by any person or persons of any apparatus or process covered by said patent and purchased prior to the passage hereof.

In my judgment this proviso would open the flood-gates for innumerable lawsuits because it contains the words "except upon proof of actual knowledge of said patent on the part of the person or persons so infringing." It is a well-known fact that a lawsuit was instituted by Daniel M. Cook in order to have issued to him by the Department a patent covering not only the apparatus but the process which he likewise desired to have patented. This lawsuit was a public notice; and hence in my view the proviso contained in the bill reported was very objectionable. On this account I opposed as vigorously as I could the passage of the bill with that proviso. The amendment I now offer strikes out that proviso and offers ample security to all persons who may have infringed this patent. Under these circumstances, if my amendment is assented to, I no longer object to the passage of the bill, though I do object as a general thing to the reissuing of patents.

This is a very peculiar case—a case of great hardship. In 1858 Mr. Cook made his first application for a patent. He abandoned that application, as it was insufficient, and again applied in 1859. But the Department issued to him a patent for his apparatus only and not for his process. After that he was involved in a large number of lawsuits; and it was only in 1878 that he secured a patent covering both the apparatus and the process. Under these circumstances, and in view of the hardships thus entailed upon Mr. Cook, I think this patent should be reissued.

Mr. WARD. I ask that the amendment of the gentleman from Louisiana be adopted by unanimous consent.

The SPEAKER. The regular mode of procedure would be to reconsider the vote by which the bill was ordered to be engrossed for a third reading.

Mr. WARD. But time will be saved if unanimous consent is given to the adoption of the amendment.

The SPEAKER. If there be no objection the amendment proposed by the gentleman from Louisiana will be considered as part of the engrossed bill.

There was no objection, and it was ordered accordingly.

The question recurring on the demand of Mr. WARD for the previous question upon the passage of the bill, the previous question was seconded and the main question ordered; and under the operation thereof the bill was passed.

Mr. WARD moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PAY OF DISCHARGED HOUSE EMPLOYÉS.

Mr. HENRY. The Committee of Accounts, to whom were referred petitions of William H. Prescott, Robert E. Hedian, and Eugene McSweeny, asking one month's pay from the date of their discharge from the soldiers' roll of the Doorkeeper of the House of Representatives, have directed me to report the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay out of the contingent fund of the House to William H. Prescott and Robert E. Hedian, who were discharged from the disabled soldiers' roll on the 1st day of April, 1879, and to Eugene McSweeny, who was discharged from said roll on the 9th day of May, 1879, each a sum equal to one month's pay from the date of his discharge.

Mr. CONGER. I would inquire if this resolution refers to disabled soldiers upon the soldiers' roll of the House?

Mr. HENRY. Yes, sir.

Mr. CONGER. They were discharged in April?

Mr. HENRY. Yes, sir; during the present session.

Mr. CONGER. They were a part of the persons on what is known as the disabled soldiers' roll?

Mr. HENRY. Yes, sir.

Mr. CONGER. Have their places been supplied by other disabled soldiers?

Mr. HENRY. I take it for granted that disabled soldiers have been appointed in their places; I take it for granted because the law requires it.

Mr. CONGER. I think the Committee of Accounts ought to know that fact.

Mr. HENRY. I do not know that it is particularly their duty to do so.

The SPEAKER. It would not affect these claims; but the law controls the appointing officer and compels him to fill these places with disabled soldiers.

Mr. HENRY. From the fact that the matter is regulated by law, I take it for granted that the law has been complied with; but these discharged officers of the House are entitled under the usage of the House to one month's pay.

Mr. DUNNELL. Let me ask the gentleman from Maryland [Mr. HENRY] why the regular appropriation does not provide for these men if they have served as officers of the House?

The SPEAKER. This is to provide for the extra month's pay, and not for the regular pay.

Mr. HENRY. This is the extra month's pay which is usually allowed in such cases.

The SPEAKER. Is the report a unanimous one?

Mr. HENRY. Yes, sir; it is unanimous.

The question was taken on the resolution; and it was agreed to.

Mr. HENRY moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

THOMAS P. BEALL.

Mr. MARTIN, of Delaware, from the Committee of Accounts, reported the following resolution:

Resolved, That Thomas P. Beall be paid $60 out of the contingent fund of the House, for services rendered during the month of November, 1878.

Mr. CONGER. Is not this a proposition to pay for services during the last Congress?

The SPEAKER. This is to pay a colored person who has been an employé about the Capitol for twenty years, perhaps longer.

Mr. CONGER. That fact would appeal to my sympathies as it does to the Speaker's.

The SPEAKER. It does appeal to my sympathies, because he is a very worthy man.

Mr. CONGER. I was simply asking if it was not a proposition to pay for services rendered in the last Congress, and if so, whether under the ruling of the Speaker it must not come from the Committee of Claims?

The SPEAKER. The ruling of the Chair was based upon the fact that the Committee of Accounts had declared that they would consider no such claims.

Mr. MARTIN, of Delaware. I would state that these services were rendered during the present fiscal year, and that was why the committee took cognizance of the claim. This is the unanimous recommendation of the committee. This person is regarded as an expert in his profession of tacking down carpets, and was employed in tacking down the carpets in this building. That is all there is about it.

The question was taken on the resolution; and it was agreed to.

Mr. MARTIN, of Delaware, moved to reconsider the vote by which the resolution was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JOHN E. KELLY.

Mr. SMITH, of Pennsylvania, from the Committee of Accounts, reported a joint resolution (H. R. No. 106) to pay John E. Kelly for services as messenger to the Committee of Ways and Means; which was read a first and second time.

The joint resolution authorizes and directs the Clerk of the House to pay, out of the contingent fund of the House, John E. Kelly for services as messenger to the Committee of Ways and Means during the present session of Congress at the rate of $1,000 per annum.

Mr. SMITH, of Pennsylvania. There was no provision or resolution of the House authorizing this matter.

The SPEAKER. The Chair thinks it had better be treated as new matter. Originally it was a House resolution; but the committee reported a joint resolution.

Mr. CONGER. I dislike to permit the Senate, by this being made a joint resolution, to control the contingent fund of the House. They may take it as a precedent.

The SPEAKER. The gentleman from Michigan [Mr. CONGER] is right about that; it had better be made an appropriation instead of coming out of the contingent fund. It is better that you should provide that so much money be appropriated out of any money in the Treasury not otherwise appropriated.

Mr. ATKINS. I desire to ask the gentleman from Pennsylvania [Mr. SMITH] if the services of this man have heretofore been authorized by a resolution of the House?

Mr. GARFIELD. If the gentleman from Pennsylvania [Mr. SMITH] will allow me, I will say that this messenger has been employed for four years by the Committee of Ways and Means in pursuance of a resolution of the House. At each time the resolution was unanimously passed, and the committee authorized the chairman to report to the House a resolution to pay this man. He has served during the present session, but in consequence of the illness of the chairman of the committee the resolution was overlooked and was not passed. He has done all the service. He has done his duty for four years and has been paid regularly, except that the usual resolution for this session was not acted on for the reason I have stated.

Mr. SMITH, of Pennsylvania. We have paid him regularly at that rate just what is now proposed to be paid.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. SMITH, of Pennsylvania, moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHANGE OF REFERENCE.

Mr. SMITH, of Pennsylvania. I have been directed by the Committee of Accounts to move they be discharged from the further consideration of the following resolutions, and that they be referred to the Committee of Claims.

The Clerk read as follows:

Resolved, That there be paid to John Ellis out of the contingent fund of the House the sum of $60 per month from October 15, 1877, to February 1, 1878, for services as messenger to the Committee of Claims.

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay to Jacob D. Hutton out of the contingent fund of the House the amount of one month's salary as messenger on the soldiers' roll from the date of his discharge on said roll.

Mr. SMITH, of Pennsylvania. These subjects do not properly belong to the Committee of Accounts, and therefore it has been thought proper to move their reference to the Committee of Claims, where they do properly belong.

The motion was agreed to.

Mr. SMITH, of Pennsylvania, moved to reconsider the vote by which the resolutions were referred to the Committee of Claims; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CONGRESSIONAL PRINTER.

Mr. SINGLETON, of Mississippi. I have been directed by the Committee on Printing to report back as a substitute for what is known as Mr. KNOTT'S bill, a bill to provide for the election of a Congressional Printer.

Mr. CONGER. That is public business, and not in order to-day.

Mr. DUNNELL. Is it in order to report a public bill on private bill day?

The SPEAKER. Does the gentleman from Mississippi withdraw the bill?

Mr. SINGLETON, of Mississippi. I do, as it is objected to.

METRIC SYSTEM.

Mr. SINGLETON, of Mississippi. I have been directed by the Committee on Printing to report back the resolution to print 10,000 copies of House report No. 14, first session Forty-sixth Congress, with amendments.

Mr. ACKLEN. Is that subject to the same rule?

The SPEAKER. The Chair has not heard what it is about.

Mr. SINGLETON, of Mississippi. This is the same resolution that was before the House evening before last when the point of order was made upon it.

The SPEAKER. The Clerk will read the report of the committee.

The Clerk read as follows:

Resolved, That 10,000 extra copies of House Report No. 14, first session Forty-sixth Congress, be printed for the use of the House.

The Committee on Printing respectfully report back the above resolution with the following amendments:

Strike out all after the word "printed," in line 5, and insert in lieu thereof the following:

"At the Government Printing Office, 2,500 copies for the use of the Senate and 7,500 for the use of the House of Representatives."

In line 3, after the word "resolved," insert the following:

"By the House of Representatives of the United States, the Senate concurring."

And with the said amendments, they recommend the resolution do pass.

Mr. CONGER. What is that report about?

Mr. SINGLETON, of Mississippi. It is the same report from the Committee on Coinage, Weights, and Measures which the gentleman from Georgia explained a few evenings ago. It is a report in reference to the metric system.

Mr. CONGER. Was there any delicacy in the resolution referred to the committee?

Mr. SINGLETON, of Mississippi. I suppose not.

Mr. CONGER. I made the objection to that report from the committee once before, but after hearing in regard to it I do not know I shall persist in my objection to the report being printed.

The amendments were again read.

Mr. SINGLETON, of Mississippi. As the printing of this report would involve an expenditure of over $500, it was necessary, under the law, to change the resolution into a concurrent resolution. The first amendment recommended by the committee and the second amendment relates to the distribution of the report printed between the two Houses, 2,500 for the Senate and 7,500 for the House.

The amendments were agreed to; and the concurrent resolution, as amended, was then adopted.

Mr. SINGLETON, of Mississippi, moved to reconsider the vote by which the concurrent resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

GLOVER'S REPORT.

Mr. SINGLETON, of Mississippi. The Committee on Printing, to whom was referred the petition of John M. Glover, chairman of the Committee on Expenditures in the Treasury Department in the Forty-fifth Congress, asking the execution of the order of the last House for the printing of the report of said committee, with the accompanying evidence, report thereon as follows——

Mr. CONGER. There is no necessity of reading that report, as it is public business and liable to the point of order. I make the point of order, Mr. Speaker, that it relates solely to public business and cannot be received to-day, this day being set apart under the rules for the consideration of private business.

The SPEAKER. The gentleman will explain in what respect he claims that it is public business. It is a resolution of the House to print a certain document.

Mr. SINGLETON, of Mississippi. If the gentleman will allow me I will make a word of explanation.

Mr. FINLEY. This is the petition of a private individual.

The SPEAKER. The petition is the basis on which the committee reports.

Mr. SINGLETON, of Mississippi. Let the report of the committee be read.

Mr. CONGER. I make the point of order that this provides for public printing and cannot be received, if objection be made, on private bill day. It is part of the public business of this House. It is for the printing of a public document.

The SPEAKER. The resolution will be read.

The Clerk read as follows:

Resolved, That the order of the House, March 3, 1879, for the printing of the report of the Committee on Expenditures in the Treasury Department with the accompanying evidence, be executed, and that said report and evidence take their place in the series of reports of the committees of the House in the Forty-fifth Congress.

Mr. SINGLETON, of Mississippi. If I can be allowed to make a word of explanation for a moment I think there will be no objection.

Mr. CONGER. If this is public business, as it evidently must be so held, it cannot be received, objection being made. The recital of the resolution is, that this report was ordered to be printed in the last Congress, and in that respect it is not true.

Mr. SINGLETON, of Mississippi. If the gentleman will allow me to make an explanation; it is just this——

Mr. CONGER. I hope the permitting of discussion will not cut off the right to make points of order.

The SPEAKER. The Chair will reserve points of order.

Mr. SINGLETON, of Mississippi. At the last session of Congress this resolution was passed without, I believe, a dissenting voice. My friend from Michigan, who is now upon the floor, made a motion to reconsider the vote by which the resolution was passed. That motion to reconsider was pending when Congress adjourned. The Clerk of the House decided that he had not power; that it was not within his province to have the publication made while the motion to reconsider was pending. Now, the proposition embraced in this resolution is simply to carry out the order of the House at the last session.

The SPEAKER. The Chair desires to state, as allusion has been made to the Clerk of the House, that the Clerk submitted the question to the Committee on Rules of this House whether he was authorized under the proceeding had at the last session of the last Congress to print that testimony; and the Committee on Rules decided unanimously, whatever hardship there may have been about it, in reference to the publication the Clerk acted correctly; that the entering of the motion to reconsider the vote by which the printing was ordered was conclusive on him, and that he had no power while that motion was undisposed of to direct the printing. And the Clerk further stated that he never had had the testimony in his possession.

Mr. CONGER. I ask the gentleman from Mississippi whether he has the testimony in his possession?

Mr. SINGLETON, of Mississippi. I have not. It is in the possession of the party who proposes to have it printed.

Mr. CONGER. I shall demand its reading if there is to be any action upon it taken by the House. I presume there is no gentleman who desires that manuscript to be printed and to go to the country as it is now, if I understand its contents truly. The gentleman from Mississippi himself, I think, does not want to be an advocate of the sending forth to the country of the material of that manuscript if he has ever read it.

Mr. SINGLETON, of Mississippi. The committee was raised by Congress, and they were ordered to investigate. The committee have

made their report, and it is customary to print reports of committees raised by the House.

Mr. CONGER. I insist on my point of order that this is public business.

Mr. SPRINGER. I desire to make a statement, with the leave of the gentleman from Mississippi, with regard to the question of order which was submitted by the Clerk to the Committee on Rules. As an individual, I want to enter my protest against the decision of the Committee on Rules being regarded as a precedent.

Mr. SINGLETON, of Mississippi. I do not feel inclined to yield to the gentleman for that purpose.

Mr. SPRINGER. It will be seen on page 301 of the Manual that it was decided by Speaker Banks that a motion to reconsider died with the session.

The SPEAKER. It never was so decided. The committee looked that up. The Manual is incorrect in that respect. The decision was made by an officer of the House after Congress had adjourned.

Mr. SPRINGER. I merely wanted to enter my protest against the decision of the Committee on Rules being considered a precedent.

The SPEAKER. The Committee on Rules gave very elaborate consideration to the question.

Mr. SPRINGER. That ruling would enable any one member the very moment before the final adjournment to enter a motion to reconsider every bill passed in the last days of the session and defeat the action of the House, a motion to reconsider being of the highest privilege, so that it can be entered at any moment.

The SPEAKER. The rule nevertheless allows it.

Mr. COX. That question does not come up now.

Mr. WILSON. I do not quite understand the gentleman from Michigan when he intimates that gentlemen on this side do not desire to have that report printed. The remark of the gentleman does not apply to me. The Committee on Printing have never examined it. We do not know anything about it except what we find by the record. I have called for the manuscript on several occasions, but never got it before the committee. We predicated our action on the fact that the committee reported that it should be printed and that the House at the last session of the last Congress ordered that it should be printed. I have never read it, and do not know its contents.

Mr. CONGER. I venture to say no gentleman on that side of the House will be willing, after reading that report, to advocate its printing or to father some parts of it in any respect.

Mr. SINGLETON, of Mississippi. Why not?

Mr. CONGER. Because I believe they will feel it is an unseemly thing to issue from the House of Representatives.

Mr. FINLEY. Has the gentleman read the report himself?

Mr. CONGER. I have read some portions of it. Some portions I have not read.

Mr. FINLEY. Does the gentleman like it so far as he has gone?

Mr. CONGER. I will tell the gentleman in the cloak-room when we go out there and talk the matter over.

Mr. COX. It would be an unexampled thing to refuse to print the report of a committee raised by the House.

Mr. CONGER. I think not. I cannot find one member of the old committee who is willing to be responsible for the report; and no member of the present House is willing to take the responsibility of it.

Mr. COX. It would not be a report unless somebody was responsible for it.

Mr. SPRINGER. I am willing to take the responsibility of ordering the printing of this report or any other report made by a committee of this House.

Mr. CONGER. That is a different thing.

Mr. REAGAN. I do not know of anything that deserves more to be printed.

Mr. COX. It is full of meat and it hurts the other side of the House.

Mr. CONGER. I insist upon the point of order that it is public business, and is not in order to-day.

The SPEAKER. The Chair will cause the rule defining the difference between public and private business to be read.

The Clerk read the rule, as follows:

The line of distinction between public and private bills is so difficult to be defined in many cases that it must rest on the opinion of the Speaker and the details of the bill. It has been the practice in Parliament, and also in Congress, to consider as private such as are "for the interest of individuals, public companies or corporations, a parish, city, or county, or other locality." To be a private bill, it must not be general in its enactments, but for the particular interest or benefit of a person or persons. A pension bill for the relief of a soldier's widow is a private bill; but a bill granting pensions to such persons as a class, instead of as individuals, is a public bill. Bills for the incorporation of companies and whose operations are confined within the District of Columbia, have been treated as private; but where such companies are authorized to have agencies and transact business outside of the limits of the District, they are treated as public. Bills granting lands for railroads have been always held to be public; while a bill authorizing the extension of a railroad into the District of Columbia, or conferring certain privileges upon such an incorporation, has been held to be private.

The SPEAKER. The Chair inclines to the opinion that the objection has weight, but will submit the question to the House.

Mr. CONGER. If it is a point of order it is for the Chair to decide.

The SPEAKER. The Chair is inclined to believe that this is a public matter; but the practice of the House has uniformly been to allow resolutions to print testimony to be introduced at any time.

Mr. CONGER. What, on private bill day and during the morning hour of private bill day? I hope the Chair will consider that we are now in the morning hour.

The SPEAKER. The Chair is advised of that; but the Chair prefers to submit the question to the House.

Mr. SINGLETON, of Mississippi. I want to say one word. The gentleman from Michigan intimates that there is something in the report that perhaps we would be ashamed of. Now, if it is a report of a committee authorized by this House, I cannot imagine that the report has anything in it that ought not to go to the country. I do not propose to cover up anything that may affect my friends or allow others to escape who are not my friends, if their action be brought in question by this report. I have no desire to punish an enemy or to favor a friend. I simply propose to carry out the order of the last Congress which was suspended.

Mr. CONGER. The last House refused to let this report be printed.

Mr. SPRINGER. Oh, no, the House ordered it to be printed.

Mr. SINGLETON, of Mississippi. The last House ordered it to be printed, and the gentleman moved to reconsider it.

Mr. CONGER. By the rules of the House the printing was stopped by the motion to reconsider.

Mr. ACKLEN. Is it the point of order we are to vote on or the question whether the report shall be printed? If we are to vote upon the point of order I shall vote to sustain the point of order made by the gentleman from Michigan.

The SPEAKER. It is the point of order that is to be voted upon, whether the House considers this business public or private.

Mr. CONGER. I ask for the reading of the report which it is proposed to have printed so that members may know whether they desire it to be printed or not, or whether it is public or private business. We cannot tell whether it is public or private business until we hear it read.

Mr. SINGLETON, of Mississippi. The simple point is just this: the House having at one time declared that this report should be printed the question is whether we will adhere to that decision. When the original resolution was adopted it might have been proper to demand the reading of the report, but the House having once ordered it to be printed and that order having been suspended, it seems to me the reading of the report cannot be called for now.

The SPEAKER. The report is not here and cannot be read.

Mr. CONGER. Then how can the House act intelligently upon a matter which they have not before them?

Mr. SPRINGER. The gentleman has no right to call for the reading of the report that is to be printed under this resolution. Suppose an order should be pending for printing additional copies of the CONGRESSIONAL RECORD, would the gentleman have the right to have the CONGRESSIONAL RECORD read?

Mr. COX. If the gentleman has the report read it will go into the RECORD.

Mr. CONGER. I do not propose to dally about this matter. If under the ruling of the Chair the House has a right to hear the document read upon a point of order, so as to ascertain whether it is private or public business, then I demand the reading of the report.

The SPEAKER. It is usual to have the testimony accompany a resolution of this sort, but the Chair thinks it is never usual to read the testimony.

Mr. CONGER. Well, the report——

Mr. SINGLETON, of Mississippi. I think I have reported hundreds of resolutions to print of this character, and never before has it been the custom to ask that the testimony be read.

Mr. CONGER. I claim that it is within the rule.

The SPEAKER. The Chair overrules the latter point of order and decides that the testimony need not be read. It would be an obstruction to business, destructive to due legislation.

Mr. CONGER. I call for the reading of the report, not of the testimony.

The SPEAKER. This resolution is the report of the committee.

Mr. CONGER. I mean the report which it is proposed to print.

Mr. COX. If the gentleman has the report read, it will be printed in the RECORD, and I understand he objects to printing the report.

Mr. CONGER. Very well; let it be read.

Mr. ACKLEN. If the gentleman is willing to take the decision of the Chair on the first point of order which he made, that settles the question.

Mr. CONGER. I am willing to have the decision on this point of order; one thing at a time.

Mr. SINGLETON, of Mississippi. In order to relieve the Chair of any embarrassment, and also the House——

The SPEAKER. The Chair has no embarrassment upon the subject. He will submit it to a vote of the House.

Mr. SINGLETON, of Mississippi. Very well.

Mr. COX. I would suggest to my friend from Mississippi [Mr. SINGLETON] to withdraw this report for the present. There seems to be some doubt about its being a public measure, and it can be brought up to-morrow.

Mr. ATKINS. I hope it will be withdrawn.

Mr. COX. Evidently they do not want it printed.

Mr. CONGER. We do want it printed.

Mr. SINGLETON, of Mississippi. I will withdraw the report.

Mr. COX. Suppose that we do it by unanimous consent.

Mr. WHITE. It cannot be done that way; that is all.

Mr. COX. It cannot be done by your consent, I know.

The SPEAKER. The report is withdrawn. Reports are still in order from the Committee on Printing.

EULOGIES ON J. E. LEONARD.

Mr. WILSON, from the Committee on Printing, reported back the following resolution, together with a substitute therefor:

Resolved, That the usual number of the eulogies delivered on the late J. E. Leonard, a member of the Forty-fifth Congress, be printed for the use of the members of this House and the Senate.

The substitute was as follows:

Resolved by the House of Representatives, (the Senate concurring,) That 8,000 copies of the eulogies delivered on the late J. E. Leonard, a member of the Forty-fifth Congress from the State of Louisiana, together with a portrait of the deceased, executed under direction of the Joint Committee on Printing, be printed; 6,000 copies thereof for the use of the House of Representatives and 2,000 copies for the use of the Senate.

The question was upon agreeing to the substitute.

Mr. SINGLETON, of Mississippi. That resolution was passed by the House during the last session, and failed in the Senate for want of time. It should have been passed before.

Mr. WHITE. It should have been passed by the last Congress.

Mr. WILSON. It provides only for printing the usual number of such documents.

The substitute was agreed to; and the resolution, as amended, was adopted.

INTERNAL-REVENUE LAWS AND MANUAL.

Mr. WILSON also, from the Committee on Printing, reported back, with a favorable recommendation, the bill (H. R. No. 2267) providing for the printing of the internal-revenue laws and manual.

The bill authorizes the Public Printer to bind in cloth 3,000 copies of the compilation of internal-revenue laws and 3,500 copies of the internal-revenue manual, for the use of the Internal-Revenue Bureau.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

TRANSIT OF VENUS.

Mr. WILSON also, from the Committee on Printing, reported back, with a favorable recommendation, the following Senate concurrent resolution:

Resolved by the Senate, (the House of Representatives concurring,) That 250 additional copies of the Observations of the Transit of Venus, made under the direction of the Navy Department, in December, 1874, be printed for the use of the Naval Observatory.

Mr. CONGER. How many copies have been printed for the use of the House, if any?

Mr. WILSON. I am not informed on that point.

Mr. SINGLETON, of Mississippi. Only the regular number, 1,900.

Mr. CONGER. I have no objection to this resolution, but I did not know whether there had been any printed for distribution by members of the House.

Mr. SINGLETON, of Mississippi. The regular number has been printed for the House. This is to print 250 additional copies, at a small expense.

Mr. WILSON. At a cost of only $2 per copy.

The resolution was adopted.

COLONIAL CHARTERS AND CONSTITUTIONS OF THE UNITED STATES.

Mr. WILSON also, from the Committee on Printing, reported back, with a favorable recommendation, the following Senate concurrent resolution:

Resolved by the Senate, (the House of Representatives concurring,) That the Public Printer be, and he is hereby, directed to deliver to the Secretary of the Interior ten copies of the Colonial Charters and Constitutions of the United States from those remaining in his possession.

The resolution was adopted.

Mr. WILSON moved to reconsider the various votes just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED JOINT RESOLUTION.

Mr. UPSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a joint resolution of the following title; when the Speaker signed the same:

A joint resolution (H. R. No. 85) fixing the date on which the pay of the committee clerks, pages, and laborers of the House of Representatives who are paid during the session only shall begin for this session, and for other purposes.

CONWAY NATIONAL BANK, MASSACHUSETTS.

Mr. CRAPO, from the Committee on Banking and Currency, reported back, with a favorable recommendation, the bill (H. R. No. 2329) authorizing the Conway National Bank of Conway, Massachusetts, to change its location and name.

The bill was read, as follows:

Be it enacted, &c., That the Conway National Bank of Conway, now located in the town of Conway and State of Massachusetts, is hereby authorized to change its location to the city of Holyoke, in said State. Whenever the stockholders representing two-thirds of the capital of said bank, at a meeting called for that purpose, determine to make such change the president and cashier shall execute a certificate, under the corporate seal of the bank, specifying such determination, and shall cause the same to be recorded in the office of the Comptroller of the Currency, and thereupon such change of location shall be effected and the operations of discount and deposit of said bank shall be carried on in the city of Holyoke.

SEC. 2. That nothing in this act contained shall be so construed as in any manner to release the said bank from any liability or affect any action or proceeding in law in which the said bank may be a party or interested; and when such change shall have been determined upon as aforesaid, notice thereof, and of such change, shall be published in two weekly papers, one in Greenfield and one in Springfield, in the State of Massachusetts, not less than four weeks.

SEC. 3. That whenever the location of said bank shall have been changed from the town of Conway to the city of Holyoke, in accordance with the first section of this act, its name shall be changed to the City National Bank of Holyoke, if the board of directors of said bank shall accept the new name by resolution of the board, and cause a copy of such resolution, duly authenticated, to be filed with the Comptroller of the Currency.

SEC. 4. That all the debts, demands, liabilities, rights, privileges, and powers of the Conway National Bank of Conway shall devolve upon the City National Bank of Holyoke whenever such change of name is effected.

SEC. 5. That this act shall take effect and be in force from and after its passage.

Mr. CRAPO. This bill has been carefully examined and considered by the Committee on Banking and Currency, and is unanimously reported by that committee. It has also been examined by the Comptroller of the Currency and has his approval. The object of this change in the location of the bank is the accommodation of the patrons of the institution. The manufacturing and business interests of that locality will be promoted by the change. The bank is in good condition, and the interests of the public, as well as the stockholders, are protected by the provisions of the bill. There can be no objection to its passage.

The bill was ordered to be engrossed for a third reading, was accordingly read the third time, and passed.

Mr. CRAPO moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

RAILROAD BRIDGE ACROSS WABASH RIVER.

Mr. CLARDY, from the Committee on Commerce, reported, with a favorable recommendation, the bill (H. R. No. 1627) to authorize the construction of a railroad bridge across the Wabash River.

The bill was read, as follows:

Be it enacted, &c., That the Bloomfield Railroad Company, organized under the laws of the State of Indiana, and the Quincy, Payson and Southeastern Railroad Company, a corporation organized under the laws of the State of Illinois, or either of them, is hereby granted the right to construct an iron or wooden bridge, for railroad purposes, or for railroad and highway purposes, and as a public highway, either with a draw or continuous span, as it may determine, across the Wabash River, at any point said corporation may select, at or within six miles of the town of Merom, in Sullivan County, State of Indiana: *Provided*, That the bridge to be constructed under the authority hereby granted shall not interfere with the free navigation of said stream beyond what is necessary in order to carry into full effect the rights and privileges hereby granted, and shall be built at right angles with the current of the stream where said bridge may be erected, and that a span of at least one hundred and seventy feet over the main channel of said stream shall be left between the piers of said structure: *And provided further*, That if said bridge shall be built with a draw of not less than one hundred feet in width and said draw is kept in repair for the passage of boats at all times, the detention of passing said bridge shall not be construed as interfering with the navigation of the stream: *And it is further provided*, That said bridge shall be, and be considered, a legal structure, and shall be a post-road for the transmission of the United States mails: *And provided further*, That in case said bridge is built with a continuous span, the bridge shall be built at such height as not to interfere with the navigation of said river by steamboats.

SEC. 2. That any bridge authorized to be constructed under this act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and to secure that object the said company or companies, corporation or corporations, or either of them, shall submit to the Secretary of War, for his examination and approval, a design and drawing of the bridge, and a map of the location, giving for the space of one mile above and one mile below the proposed location, the topography of the banks of the river, the shore-lines at high and low water, the direction and strength of the currents at all stages, and the soundings, accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War, the bridge shall not be built. And the Secretary of War shall determine the proper length of the spans of said bridge and the height thereof above high-water mark, and as to the plan of the bridge in all respects; and if it shall be found at any time that such bridge unnecessarily or materially obstructs navigation, he shall require the necessary changes to be made therein, in the interest of such navigation, at the expense of said company or companies; and said company or companies shall maintain, at its or their own expense, from sunset until sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe.

The question being on ordering the bill to be engrossed for a third reading,

Mr. CLARDY called for the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to be engrossed for a third reading. Being engrossed, it was accordingly read a third time, and passed.

Mr. CLARDY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BRIGHT. Mr. Speaker, has the morning hour expired?

The SPEAKER. It has.

Mr. BRIGHT. I move, then, that the House resolve itself into Committee of the Whole on the Private Calendar.

NATIONAL BOARD OF HEALTH.

Mr. YOUNG, of Tennessee. I desire to ask unanimous consent that the bill (H. R. No. 2273) to provide office rooms for the National Board of Health and for the publication of its reports and papers, and for other purposes, be made a special order for to-morrow after the morn-

ing hour and from day to day until disposed of. It is very important that this bill should be acted on. and I do not think its consideration will occupy five minutes. It is simply designed to give the National Board of Health power to execute certain provisions of the act creating the board.

Mr. WHITE. Why not pass it to-day?

Mr. YOUNG, of Tennessee. I do not want to interfere with the motion of my colleague, [Mr. BRIGHT,] or I would be glad to do so.

Mr. CONGER. I suppose this bill will be subject to——

The SPEAKER. It will be subject to all points of order.

Mr. CONGER. And to amendment?

Mr. YOUNG, of Tennessee. Oh, yes, sir.

Mr. CONGER. I may desire to offer some amendments.

There being no objection, the order proposed by Mr. YOUNG, of Tennessee, was made.

PROTECTION OF SULLIVAN'S ISLAND.

Mr. ACKLEN. I ask unanimous consent to report from the Committee on Commerce a joint resolution authorizing the Secretary of War to use $5,000 of the appropriation for Charleston Harbor for the protection of Sullivan's Island from the inroads of the sea.

The joint resolution was read. It authorizes the Secretary of War to use a sum not exceeding $5,000 out of the $200,000 already appropriated by act of March 3, 1879, for the improvement of Charleston Harbor to protect Sullivan's Island in said harbor.

Mr. CONGER. That should go to the Committee of the Whole.

Mr. ACKLEN. On what ground?

Mr. CONGER. Because it makes an appropriation.

Mr. ACKLEN. The gentleman is mistaken; it does not make any appropriation. I will state the purposes of the resolution. The Engineer Corps are at present constructing jetties in Charleston Harbor, which are about one mile from a former jetty called Bowman's Jetty, a part of which was removed. The appropriation of $200,000 made in the last river and harbor act, approved March 3, 1879, is for the specific purpose of completing the jetties now in course of construction in Charleston Harbor. A part of the jetty, known as Bowman's Jetty, was removed during the construction of the other jetties which were for deepening the harbor. The removal of this portion of Bowman's Jetty has caused the tides to so cut into Sullivan's Island that now each recurring tide threatens to sever this island in two. If this should occur it would seriously affect the work now in progress on the other jetties, which are intended to deepen the channel of the harbor.

This bill has the unanimous approval of the Committee on Commerce, and its passage is earnestly desired by the Engineer Corps, because it is believed that under the existing law the $5,000 required for this particular purpose cannot be diverted from the specific appropriation of $200,000 for the improvement of Charleston Harbor.

Mr. CONGER. Does this divert a part of the money appropriated for Charleston Harbor?

Mr. ACKLEN. Exactly.

Mr. CONGER. And it does not interfere with the appropriation made for any other harbor?

Mr. ACKLEN. Not at all.

Mr. CONGER. Very well; I have no objection.

There being no objection, the joint resolution (H. R. No. 107) was reported from the committee, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. ACKLEN moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ALCOHOLIC LIQUOR TRAFFIC.

Mr. PRICE, by unanimous consent, presented a memorial of the National Division of the Sons of Temperance of North America; which was read as follows, and ordered to be referred to the Select Committee on the Alcoholic Liquor Traffic when appointed:

SONS OF TEMPERANCE, NATIONAL DIVISION OF NORTH AMERICA,
Washington, D. C., January 19, 1879.

To the honorable the House of Representatives
of the United States in Congress assembled:

Your petitioners, the National Division of Sons of Temperance of North America, now in session in this city, respectfully pray your honorable body to appoint a commission of inquiry into the results of the alcoholic liquor traffic in this country, that the people may be officially informed on this important subject.

By order of the National Division of North America, Sons of Temperance.

GEORGE W. ROSS, *M. W. P.*
SAMUEL W. HODGES, *M. W. S.*

TREATY WITH THE REPUBLIC OF MEXICO.

Mr. WILSON. Mr. Speaker, I have been instructed by the Committee on Foreign Affairs to report back joint resolution (H. R. No. 28) providing for a treaty with the Republic of Mexico, with amendments, and to ask for its passage at this time.

Mr. SPRINGER. I reserve all points of order.

Mr. WILSON. I hope no gentleman will object. Let it be read.

Mr. SPRINGER. I reserve all points of order until I hear the resolution read.

The SPEAKER. If it is to be objected to it might as well be objected to now.

Mr. FINLEY. Does it require unanimous consent?

The SPEAKER. It does.

Mr. ATKINS. I demand the regular order of business.

The SPEAKER. The demand for the regular order of business is equivalent to an objection.

Mr. WILSON. I wish to be heard for but one moment. Our relations with the Republic of Mexico are now in a very feverish condition, and it is costing the Government of the United States millions of dollars every year to keep the peace along the borders. One reason why so much disturbance has occurred is because of a defect in our treaty of extradition. Mexican raiders cross the border, spoliate our property, murder our people, commit all sorts of crimes, return to Mexico, and they cannot be extradited, they cannot be returned to this Government because of a defect in the existing treaty with the Republic of Mexico.

The State Department attaches large importance to this report being made now. The President and Secretary of State have opened diplomatic correspondence with Mexico. The President and State Department desire, and it would be more respectful to the Republic of Mexico to have, an expression from the American Congress on this subject. This joint resolution will cost the Government nothing except the pay of a commissioner to act under the order of the President.

In view of these facts, Mr. Speaker, I hope at this day no gentleman will object. It will not take twenty minutes to pass the resolution. It simply recommends that the President, on behalf of the Government, shall open diplomatic correspondence with Mexico with a view to a further treaty to secure peace along that border and to save to this Government millions of dollars every year.

Mr. SPRINGER. Does it authorize the President to appoint a commissioner to be paid a salary to go to Mexico for that purpose?

Mr. WILSON. It does.

Mr. SPRINGER. Then I object.

ORDER OF BUSINESS.

Mr. BRIGHT. I move to go into the Committee of the Whole House on the Private Calendar.

Mr. WHITE. I move that the House do now adjourn, as we have no Private Calendar.

The SPEAKER. The Chair will suggest there are bills on the Private Calendar.

Mr. SPRINGER. I will withdraw my objection if the gentleman from West Virginia will withdraw provision for pay of special commissioner.

Mr. FINLEY. I object.

Mr. BRIGHT. I hope the gentleman from Pennsylvania will withdraw his motion to adjourn.

Mr. WHITE. I do.

The SPEAKER. The question recurs on the motion that the House resolve itself into the Committee of the Whole House on the Private Calendar.

The motion was agreed to.

The SPEAKER. The gentleman from Tennessee [Mr. BRIGHT] will take the chair.

Mr. HILL. I ask unanimous consent to submit a report.

The SPEAKER. The House has decided to go into committee.

Mr. COX. May not the gentleman by unanimous consent submit his report and place his bill on the Private Calendar?

The SPEAKER. The House is now in Committee of the Whole House.

Mr. COX. Not until the honorable Speaker leaves the chair.

Mr. FINLEY. The order is executing itself.

PRIVATE CALENDAR.

So the House resolved itself into the Committee of the Whole House on the Private Calendar, (Mr. BRIGHT in the chair.)

The CHAIRMAN. The Chair is informed that it is objection day, and the Clerk will read the first bill on the Calendar.

J. P. ZIMMERMAN AND H. P. SNOW.

The first business on the Private Calendar was the bill (H. R. No. 2003) for the relief of J. P. Zimmerman and H. P. Snow, of Clinton County, Kentucky.

The bill, which was read, directs the Secretary of the Treasury to pay, out of any money in the Treasury not otherwise appropriated, the sum of $100 to J. P. Zimmerman and H. P. Snow, citizens of Clinton County, Kentucky, being the amount of a forfeited mail-route bond paid by them.

Mr. WHITE. I must object to this bill.

Mr. McKENZIE. No, let the report be read.

Mr. WHITE. Very well, I withhold my objection until the report is read.

The report of the committee was read, as follows:

The Committee on the Post-Office and Post-Roads, to whom were referred the petition and bill for relief of J. P. Zimmerman and H. P. Snow, having had the same under consideration, find that L. L. Shelby, of the county of Clinton and State of Kentucky, was a bidder for mail-route No. 20372, in said State of Kentucky, and that said route was awarded to said Shelby for $49.50 per annum for four years; that said Zimmerman and Snow were guarantors in the bid of said Shelby for said mail-route; and that said Shelby, after notice from the Post-Office Department of their award in the premises, made and forwarded to said Post-Office Department a bond in due form, with other sureties, for the proper performance of the service on said route; that for want of proper attestation said bond was returned by the Department to the makers thereof and their sureties to be perfected, but said bond was not perfected, nor was it returned to the Department, and a subsequent letting of said route was made for the sum of $50 per annum, and therefore the said Department demanded of the said guarantors, Zimmerman and Snow, the penalty of their

bond, as such guarantors, amounting to $100, which said sum was paid by Zimmerman and Snow on the 2d day of July, 1878. On the 6th day of July, 1878, the account of the Department against said guarantors was adjusted by the Auditor at $2, being the damage sustained by the Department by reason of the failure of the said Shelby to perform service awarded to him. The said sum of $100 having been paid into the Treasury of the United States before notice of the adjustment of the account, the Post-Office Department could give no relief. The committee, therefore, report the said bill back with the following amendment: Strike out the words "one hundred dollars" and insert "ninety-eight," and with said amendment recommend the passage of the bill, and submit this their report and ask to be discharged from the further consideration thereof.

Mr. McKENZIE. I ask the gentleman from Pennsylvania to withdraw his objection.

Mr. WHITE. I withdraw my objection.

The amendment of the committee was agreed to, and the bill as amended was laid aside, to be reported in the House with the recommendation that it do pass.

CHARLES OLIVIER DUCLOZEL.

The next business on the Private Calendar was the bill (H. R. No. 2004) to confirm the title of Charles Olivier Duclozel to certain lands in the State of Louisiana; reported by Mr. MARTIN, of West Virginia, from the Committee on Private Land Claims.

The bill was read, as follows:

Be it enacted, &c., That a certain tract of land, of ten arpents front by forty arpents in depth, on the west side of Bayou Teche, situated in township ten south, range six east, southwestern district, Louisiana, and known on the plat of the United States consolidated land office, district of Louisiana, as section seventy-nine, claim of Olivier Duclozel, be, and the title to the same under the provisions of the fourth section of the act of Congress approved June 22, 1860, and extended by the act of Congress approved June 10, 1872, is hereby, confirmed to the said Charles Olivier Duclozel, his heirs or assigns.

Mr. CONGER. Let the report be read.

The report was read, as follows:

The Committee on Private Land Claims, to whom was referred the bill (H. R. No. 2004) to confirm the title of Charles Olivier Duclozel to certain lands in the State of Louisiana, beg leave to submit the following report:

The parcel of land described in the bill is part of a tract of land alleged to have been granted by the Spanish government to Barnard Dauterive in 1775. The said grant to Dauterive has been recognized by the confirmation of claims to several portions thereof by several different claimants at different times. (See American State Papers, Duff Green's edition, vol. 2, p. 703, and vol. 3, pp. 136,137, and 171.) Said Duclozel claims title through this grant. In his chain of title there are some defects, but such defects consist only in the fact of the loss of some title papers, and this prior to 1834. Valery Veillon conveyed said land to Charles Olivier Duclozel June 14, 1836. Said Duclozel conveyed said land, by warranty deed, to William B. Sproule in November, 1869. On the 5th day of February, 1873, the register and receiver of the United States land office in the district of Louisiana recommended that the title of said Duclozel to said land be confirmed. On the 3d day of June, 1874, the Commissioner of the General Land Office recommended that said title be not confirmed, because there was not a complete chain of title shown from said Dauterive; but the Commissioner, in such recommendation, says: "Had the present claimant shown actual corporeal possession of the tract of land claimed from the date of his purchase in 1836, it would, in my opinion, in connection with the documents filed, have given him an equitable claim upon Congress for relief, notwithstanding he had failed to complete all the links in his chain of title." Proof has, since said Commissioner's recommendation, been furnished that said Duclozel entered into actual possession of said land at the time of his purchase, and has ever since continued in the actual possession thereof, and cultivated the same until he sold the same to said Sproule in 1869.

Owing to the length of time which has elapsed since the alleged transfers were made of the said land which are necessary in the chain of paper title, and the further fact that said Duclozel and those claiming under him have been in actual possession of said land since 1836, and forasmuch as no other parties have made any claim to said land, the committee reach the conclusion that the said title to the parcel of land hereinafter more particularly described should be confirmed in the said Charles Olivier Duclozel, his heirs, assigns or transferees, with the limitations and restrictions which the committee have hitherto adopted in similar cases.

Said Duclozel sold said Sproule, with some other lands, a parcel of twelve arpents front on the river Teche by forty arpents depth, being section 79 in township 10 south, of range 6 east, in the southwest district of Louisiana. This is the parcel the title to which is desired to be confirmed. When said Duclozel sold said parcel of land to Sproule, he, by his contract, engaged that the title to said parcel of land should be perfected by act of Congress or otherwise. For said land Mr. Sproule executed his notes, which are unpaid. Said Sproule is dead. Said Duclozel is also dead. Legal proceedings are now pending to subject said lands for the benefit of the creditors of said Sproule. The widow of Duclozel is administratrix of the succession of her deceased husband's estate. She cannot collect the purchase money due on said notes executed by Sproule unless and until the title to said land is in some manner confirmed; and there seems to be no other means to obtain confirmation except by act of Congress.

The Government of the United States is in no manner interested in this matter. It is simply a question whether the estate of Charles Olivier Duclozel shall have the money due from Sproule, to be collected by his widow and administratrix, Mrs. Olivier Duclozel, or whether the creditors of said Sproule shall have the benefit of the proceeds of the sale of said land to her exclusion.

The committee are of the opinion that the purchase-money due from said Sproule should be first paid out of the proceeds of the sale of said land, and therefore recommend the passage of the accompanying bill.

Mr. MARTIN, of West Virginia. There is a misprint in the bill. Where it reads "ten arpents" it should be twelve arpents. I ask that that correction be made.

Mr. CONGER. I object to the consideration of the bill. I have no objection to the amendment, if entertaining the amendment would not be considering the bill.

The CHAIRMAN. The Chair understands that the rule observed in the committee is that an amendment may be entertained and voted on upon objection day without debate.

Mr. ACKLEN. I hope the gentleman from Michigan will not object to this amendment being made. It is simply to correct a misprint in the bill.

Mr. CONGER. I have no objection to the amendment, but I do not wish to be considered as withdrawing my objection to the consideration of the bill.

The CHAIRMAN. Without objection, the amendment will be made as indicated.

There was no objection, and the amendment was made.

The CHAIRMAN. Without objection, the bill, as amended, will be laid aside and reported favorably to the House.

Mr. CONGER. I have objected to the consideration of this bill.

The CHAIRMAN. The Chair misunderstood the gentleman from Michigan. The bill will be passed over.

Subsequently,

Mr. GUNTER said: The gentleman from Michigan agrees to withdraw his objection to the bill. Unless there is further objection, I ask that the bill be reported favorably to the House.

Mr. CONGER. The amount of land is much smaller than I supposed, and after looking at the papers I agree to withdraw the objection.

There being no further objection, the bill, as amended, was laid aside, to be reported favorably to the House.

JAMES H. REEVE.

The next business on the Private Calendar was the bill (H. R. No. 2180) granting a pension to James H. Reeve; reported by Mr. COFFROTH from the Committee on Invalid Pensions.

The bill was read. It grants and allows to James H. Reeve, late captain and brevet major in the Third Regiment New York Volunteer Infantry, from June 26, 1865, a pension at the rate of $24 per month; and authorizes and directs the Secretary of the Interior to place the name of said James H. Reeve on the pension-roll at said rate, in lieu of the pension now paid him, deducting therefrom the amounts already paid him.

The CHAIRMAN. Is there objection to this bill?

Mr. WARNER. I rise to make an inquiry. Is this a unanimous report from the Committee on Invalid Pensions?

Mr. COFFROTH. It is a unanimous report. It is all proper and right.

Mr. WARNER. What is the nature of the disability?

Mr. WHITE. I object to debate.

Mr. COFFROTH. This man lost his leg at Fort Fisher.

Mr. WARNER. I do not object.

Mr. BREWER. I desire to hear the report.

The report was read, as follows:

The Committee on Invalid Pensions, to whom was referred the bill (H. R. No. 2180) granting an increase of pension to James H. Reeve, late a captain of Company H, Third Regiment of New York Infantry, and brevet major United States Volunteers, report:

That Major Reeve is now in receipt of a pension at $20, and asks that it be increased to $24, to date from the date of his original certificate.

He bases his claim for increase on section 4698, Revised Statutes, which provides that "all persons who have lost a leg above the knee, and are so disabled thereby that they cannot use an artificial limb, shall be rated in the second class, and receive $24 per month." In this case it is shown that claimant lost his leg at Fort Fisher, January 13, 1865, by the explosion of a shell fired from one of the confederate gunboats lying in Cape Fear River, while leading his regiment to the attack on Fort Fisher, he being the ranking officer present. The lower part of the leg was carried entirely away by a piece of shell, and amputation had to be performed immediately to prevent death from loss of blood. Under these circumstances it was performed hurriedly and improperly, and it was afterward found that the bone was shattered to the knee-joint and should have been cut off above the knee.

The nature of his disability and incapabilities to perform manual labor appears in the report of the board of medical referee, and transmitted by the Commissioner of Pensions, and which is now on file with the committee, as follows, to wit:

Examining surgeon's certificate.

DISTRICT OF COLUMBIA,
Washington, April 23, 1879.

We hereby certify that we have carefully examined James H. Reeve, late a captain of Company H, Third Regiment New York Infantry Volunteers, in the service of the United States, who is an applicant for an invalid pension by reason of alleged disability resulting from amputation of left leg below the knee.

In our opinion the said James H. Reeve is incapacitated for obtaining his subsistence by manual labor from the causes above stated.

A more particular description of the applicant's condition is subjoined:

We find amputation of the left leg six inches below the knee; the stump is flexed at an obtuse angle on the thigh, and it cannot be straightened, but can be fully flexed. A bad stump, with deficient covering to bone, the result of sloughing of the whole of the anterior and a portion of the posterior flaps at the time of the operation. The remnant of the tibia is uneven and enlarged, the result of splitting of the bone at the time of wound or the result of subsequent inflammation and thickening. The fibula was also, we believe, fractured at a point above the amputation. Owing to the permanent flexion of the stump, the insufficient covering of the bones, and to tenderness, clearly this man is unable to wear an ordinary artificial limb and is compelled to go on crutches.

So far as his ability to perform manual labor is concerned, he is as badly off as if he had lost his leg above the knee.

N. F. GRAHAM, M. D.
T. B. HOOD, M. D.,
Medical Referee.

Believing the case of Major Reeve to be an exceptional one, and the fact being fully established by the report of the medical referee of his utter inability to wear an artificial limb, and believing his disability is much greater, as it compels him to walk on crutches, having no use of his hands while walking to perform any manual labor whatever, the committee are therefore of the opinion that he should have originally received $24 per month, and recommend that the bill do pass.

Mr. BROWNE. The bill ought to pass.

The CHAIRMAN. Is there objection to the bill?

Mr. WHITE. None whatever.

There being no objection, the bill was laid aside to be reported favorably to the House.

BARK MARY TERESA.

The next business on the Private Calendar was the bill (H. R. No. 2262) for the relief of Juliet Leef, widow, and the heirs of Henry Leef, deceased, owner of the bark Mary Teresa, illegally seized by Alexan-

der H. Tyler, consul of the United States at Bahia, Brazil; reported by Mr. BEALE from the Committee on Commerce.

The bill was read.

Mr. BREWER. Let the report be read.

The report was read.

Mr. WHITE. I object to the bill.

Mr. BEALE. I appeal to the gentleman from Pennsylvania to withdraw his objection.

The CHAIRMAN. Debate is not in order.

Mr. WHITE. I do not withdraw the objection.

CHARLES CLINTON.

The next business on the Private Calendar was the bill (H. R. No. 1542) for the relief of Charles Clinton, of New Orleans, late assistant treasurer at New Orleans; reported by Mr. CARLISLE from the Committee of Ways and Means.

The bill was read.

Mr. ATKINS. Let the report be read.

The report was read.

Mr. SPARKS. I object to the bill.

Mr. GIBSON. I hope the gentleman will withdraw his objection. This bill has been twice examined thoroughly by the Committee of Ways and Means, and the gentleman from Kentucky [Mr. CARLISLE] was again instructed to report it.

The CHAIRMAN. Debate is not allowed. Is the objection withdrawn?

Mr. SPARKS. It is not.

SAMUEL LORD.

The next business on the Private Calendar was the bill (S. No. 62) for the delivery to Samuel Lord, jr., receiver, of certain bonds now in the Treasury of the United States.

The bill was read.

Mr. DUNNELL. Is that a Senate bill?

The CHAIRMAN. It is.

Mr. DUNNELL. Have we not passed through the House a similar bill?

Mr. EVINS. There was some discussion on this bill in the House on a point of order.

Mr. WHITE. I object, and I can give my reasons for the objection if necessary.

CALVIN BRONSON.

The next business on the Private Calendar was the bill (H. R. No. 2269) for the relief of Calvin Bronson; reported by Mr. GIBSON from the Committee of Ways and Means.

The bill was read.

Mr. WHITE. Let the report be read.

The report was read.

Mr. WHITE and Mr. HERBERT objected.

PAY OF EXPERTS.

The next business on the Private Calendar was the (bill H. R. No. 2270) to pay for expert services relating to the metric system rendered the Forty-fifth Congress.

Objected to by Mr. SPARKS.

JOHN N. REED, A. D. ANDERSON, AND OTHERS.

The next business on the Private Calendar was the bill (H. R. No. 2271) for the relief of John N. Reed, A. D. Anderson, John A. Dugan, E. T. Keightley, and George T. Rogers.

The bill was read. It provides that the sum of $2,852.43 be, and the same is hereby, appropriated out of any money in the Treasury not otherwise appropriated, to enable the Clerk of the House of Representatives of the United States to pay the claims hereinafter named: to John N. Reed, $1,215.77; to A. D. Anderson, $534; to John A. Dugan, $756; to E. T. Keightley, $166.66; to George T. Rogers, $180; all of the said claims being for services rendered by the claimants to the House of Representatives during the Forty-fifth Congress. And that, whenever the said amount is available, the Clerk of the House of Representatives pay out the said amounts to said claimants respectively.

Mr. BREWER. I call for the reading of the report.

The report was read.

MESSAGE FROM THE SENATE.

Here the committee rose informally, Mr. SPRINGER having taken the chair as Speaker *pro tempore*.

A message from the Senate, by Mr. BURCH, its Secretary, announced that the Senate had passed a concurrent resolution of the House of Representatives to print 5,000 copies of volume 2 of the geological series of the Geological and Geographical Survey of the Rocky Mountain Region, entitled The Geology of the Henry Mountains, with the necessary illustrations and charts.

The message further announced that the Senate had agreed to the resolution to print 15,000 copies of the consular reports showing the rates of wages, hours of labor, prices of food, and general condition of the working classes in the several countries of Europe.

The message further announced that the Senate had passed, without amendment, the bill (H. R. No. 2327) to authorize the renewal of the lease therein named by the joint stock company of the Young Men's Christian Association of Washington, District of Columbia.

The message further announced that the Senate had passed a bill (S. No. 243) to authorize the Secretary of War to release certain lands of the United States to the people of the State of New York; in which he was directed to ask the concurrence of the House.

The message further announced that the Senate had passed a concurrent resolution for the printing of 2,000 copies of volume 4 of the geological series of the reports of the Geographical and Geological Survey of the Rocky Mountain Region; in which he was requested to ask the concurrence of the House.

ORDER OF BUSINESS.

The Committee of the Whole on the Private Calendar then resumed its session.

The CHAIRMAN. The Chair wishes to make a statement to the committee. He feels it to be his duty to state to the committee that the Chair was mistaken in announcing that this was objection day. The Chair was misinformed, and as soon as he is advised of the mistake he embraces the earliest opportunity of correcting it. This is consideration day and the statement of the Chair was erroneous.

Mr. SPRINGER. What will become of the bills that have been passed upon?

Mr. McLANE. I call up the bill which was first objected to.

Mr. CONGER. We have gone nearly through the Calendar as on objection day, and gentlemen upon both sides have left the House on the supposition that this was objection day. I think, therefore, that it would be better that we treat it as objection day for the remainder of the Calendar.

Mr. ATKINS. That can be done by unanimous consent.

The CHAIRMAN. The Chair is of opinion that the committee cannot give that consent; it is a suspension of the rules.

Mr. McLANE. Of course the first bill which was passed over on an objection will take precedence of the other bills. The logical course, from the statement of the Chair, is to go back to the first bill that was objected to.

The CHAIRMAN. The Chair would state to the gentleman from Maryland [Mr. McLANE] that the bill before the committee is now pending.

Mr. McLANE. It is pending, but I make the point of order that its consideration must necessarily be arrested.

Mr. SPARKS. I move that the committee do now rise.

The question was taken; and the Chair announced that the "ayes" appeared to have it.

Mr. SPRINGER. I desire to offer an amendment to the pending bill.

The CHAIRMAN. The Chair would entertain the amendment to the pending bill, but there is a motion now made that the committee rise.

Mr. SPRINGER. In case the committee rise I wish to have my amendment printed.

Mr. ATKINS. What would be the status of the bills which have been considered by the committee?

The CHAIRMAN. They certainly have not been considered, but they have been acted upon under a mistake.

Mr. ATKINS. Well, what is their status?

The CHAIRMAN. That would be for the House to determine under the rules; it is not a question for the committee to determine.

Mr. MILLS. If a bill has received unanimous consent, that covers all errors and it might be reported to the House because the indorsement of the majority would have recommended it to the House, and therefore certainly unanimous consent can do it.

Mr. SPARKS. The fact is that the House was acting under the impression that this was objection day, and therefore a great many members were not here, under that impression.

Mr. MILLS. That does not alter the fact.

Mr. SPARKS. That is what I say. The House has been acting under a false impression, under an erroneous statement from the Chair. Now, will that prevent those gentlemen who were not in their seats——

The CHAIRMAN. The Chair holds that when the report of the Committee of the Whole is made to the House then will be the time for the point of order to be raised upon the action of the committee, and that will be decided under the rules of the House by the Speaker of the House. It is not for the Chairman of the Committee of the Whole to pronounce upon that question.

Mr. BREWER. Has not the committee voted to rise?

Mr. COVERT. I call for a division upon that question.

Mr. WHITE. It is too late to call for a division now.

The CHAIRMAN. The Chair will entertain the call.

The question was taken upon the motion that the committee rise; and upon a division there were—ayes 76, noes 9.

Before the result of the vote was announced,

Mr. SPRINGER said: It is agreed that my amendment may be received and printed.

Many MEMBERS. "Regular order!"

The CHAIRMAN. The regular order is called for. The committee has decided to rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BRIGHT reported that the Committee of the Whole, pursuant to the order of the House, had had under consideration the Private Calendar and had directed him to report sundry bills to the House, some with amendments and one without amendment.

Mr. MARTIN, of Delaware. I now move that the House resolve itself into Committee of the Whole on the state of the Union.

The SPEAKER. After the report of the Committee of the Whole on the Private Calendar has been disposed of, the Chair will recognize the gentleman to make that motion.

CHARLES OLIVIER DUCLOZEL.

The first bill reported from the Committee of the Whole was the bill (H. R. No. 2004) to confirm the title of Charles Olivier Duclozel to certain lands in Louisiana, reported with an amendment.

The amendment was, in line 3, to strike out the word "ten" and insert the word "twelve" before the word "arpents."

Mr. SPARKS. Was that bill approved by the Committee of the Whole?

The SPEAKER. It was, with an amendment.

Mr. SPARKS. The action taken in Committee of the Whole was upon the statement of the Chair that the House was in Committee of the Whole as of objection day.

Mr. FINLEY. This bill was acted upon by unanimous consent.

The SPEAKER. The Chair is advised that the gentleman from Michigan [Mr. CONGER] objected to the bill, and subsequently withdrew his objection.

Mr. CONGER. That is correct.

The SPEAKER. And no further objection being made, the bill was acted upon by unanimous consent.

The amendment reported from the Committee of the Whole was agreed to.

The bill, as amended, was then ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. BRIGHT moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

JAMES H. REEVE.

The next bill reported from the Committee of the Whole was the bill (H. R. No. 2180) granting an increase of pension to James H. Reeve, reported without amendment.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. COFFROTH moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

J. P. ZIMMERMAN AND H. P. SNOW.

The last bill reported from the Committee of the Whole on the Private Calendar was the bill (H. R. No. 2003) for the relief of J. P. Zimmerman and H. P. Snow, of Clinton County, Kentucky; reported with an amendment.

The amendment was to strike out "$100" and insert in lieu thereof "$98;" so as to direct the Secretary of the Treasury to pay the sum of $98 to J. P. Zimmerman and H. P. Snow, &c.

The amendment was agreed to; and the bill, as amended, was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. FINLEY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. MARTIN, of Delaware. I move that the House now resolve itself into Committee of the Whole on the state of the Union.

Mr. WHITE. I move that the House now adjourn.

Mr. COX. I hope not; let us do a little business in Committee of the Whole; there is nothing political in it.

Mr. WHITE. I must insist upon the motion to adjourn.

The question was taken upon the motion of Mr. WHITE; and upon a division there were—ayes 70, noes 27.

VETO MESSAGES OF THE PRESIDENT.

Pending the announcement of the result of the vote upon the motion to adjourn,

Mr. LAPHAM said: I ask unanimous consent to present the views of the minority of the Judiciary Committee in reference to the veto messages of the President; and I move that they be printed with the majority report, and recommitted to the Committee on the Judiciary.

The SPEAKER. That is in accordance with the former understanding of the House.

There being no objection, it was so ordered.

TESTIMONY IN CONTESTED-ELECTION CASES.

The SPEAKER, by unanimous consent, laid before the House the following, received by the Clerk of the House:

Testimony and papers in the contested-election case of Horatio Bisbee, jr., *vs.* Noble A. Hull, of the second congressional district of Florida; and

Testimony and papers in the contested election of Jesse J. Yeates *vs.* J. J. Martin, of the first congressional district of North Carolina.

Mr. SPRINGER. I move that those papers be referred to the Committee of Elections.

The motion was agreed to.

WITHDRAWAL OF PAPERS.

By unanimous consent, leave was granted for the withdrawal of papers, as follows:

To Mr. MITCHELL, in the case of F. G. Bishop; no adverse report.

LEAVE OF ABSENCE.

The SPEAKER. The Chair has been requested to ask for leave of absence—

To Mr. ALDRICH, of Rhode Island, for one week, on account of important business;

To Mr. SMITH, of Georgia, indefinitely, on account of important business;

To Mr. MORTON, indefinitely, from the 20th instant, on account of important business;

To Mr. WELLS, indefinitely, on account of important business;

To Mr. BEALE, for four days, on account of important business;

To Mr. VANCE, indefinitely, on account of sickness in his family; and

To Mr. STEELE, indefinitely, from Monday, on account of important and absolutely necessary business.

Mr. DUNNELL. If the leave of absence is granted in these cases it will leave us without a quorum.

Mr. ATKINS. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. ATKINS. I would like to inquire of the Chair if all these leaves of absence are granted, will there be a quorum left in the House?

The SPEAKER. The Chair cannot state definitely.

Mr. DUNNELL. The largest vote yesterday was 161.

Mr. SPRINGER. I must object to all leaves of absence except on account of sickness.

Mr. DUNNELL. All asked for now are for important business.

The SPEAKER. There is but one on account of sickness.

Mr. CONGER. If there is any more important business than for members to stay here and finish the work of this Congress, I would like to have some gentleman state what it can possibly be.

Mr. COX. I call for the regular order.

Mr. ATKINS. These leaves of absence have not been granted yet.

Mr. COX. That is why I call for the regular order.

The SPEAKER. If there be no objection, the one on account of sickness will be granted, and the rest will not be granted.

There was no objection.

The result of the vote was then announced as above stated; and accordingly (at three o'clock p. m.) the House adjourned.

PETITIONS.

The following petitions were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. ALDRICH, of Illinois: The petition of Spaulding & Merrick and other manufacturers of tobacco, of Chicago, Illinois, against the passage of the bill (H. R. No. 1570) known as the free-leaf tobacco bill—to the Committee of Ways and Means.

By Mr. KLOTZ: The petition of Robert E. Hedian, for one month's pay from the date of his discharge from the soldiers' roll of the Doorkeeper, House of Representatives, Forty-sixth Congress—to the Committee of Accounts.

IN SENATE.

SATURDAY, *June* 21, 1879.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILLS REFERRED.

The bill (H. R. No. 913) to provide for the exchange of the trade-dollars for legal-tender silver dollars was read twice by its title, and referred to the Committee on Finance.

The bill (H. R. No. 2019) for the relief of Daniel M. Cook was read twice by its title, and referred to the Committee on Patents.

The joint resolution (H. R. No. 106) providing for the payment of John E. Kelly as messenger to the Committee of Ways and Means was read twice by its title, and referred to the Committee on Appropriations.

CONWAY NATIONAL BANK, MASSACHUSETTS.

The bill (H. R. No. 2329) authorizing the Conway National Bank of Conway, Massachusetts, to change its location and name was read twice by its title.

Mr. DAWES. That is a bill of a local character, and I have submitted it to all the members of the Committee on Finance, to which such bills go; and at the suggestion of the chairman of the committee, who is entirely satisfied, as are the other members, with the provisions of the bill, I ask the favor that it may be put on its passage at once.

The PRESIDENT *pro tempore*. Is there unanimous consent to proceed to the consideration of this bill? The Chair hears no objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Secretary of the Navy, transmitting, in answer to a resolution of the Senate of June 17, 1879, the report of the board of naval engineer officers in relation to plans and specifications of refrigerating ships and machinery; which was ordered to lie on the table, and be printed.

PETITIONS AND MEMORIALS.

Mr. WITHERS presented the petition of William H. Harrison, of Virginia, praying that his claim for compensation for the use and occupancy of certain property in Virginia by United States troops during the late war be referred to the Court of Claims for adjudication; which was referred to the Committee on the Judiciary.

He also presented the petition of Richard M. Harrison, of Virginia, praying that his claim for compensation for the use and occupancy of certain property in Virginia by United States troops during the late war be referred to the Court of Claims for adjudication; which was referred to the Committee on the Judiciary.

He also presented the petition of P. A. Welford, praying that his claim for compensation for certain cotton seized by the United States authorities during the late war be referred to the Court of Claims; which was referred to the Committee on the Judiciary.

Mr. PENDLETON presented a letter of Joseph C. G. Kennedy in relation to the law for taking the tenth census; which was referred to the Select Committee to make provision for taking the Tenth Census, and ordered to be printed.

REPORTS OF COMMITTEES.

Mr. GARLAND, from the Select Committee on the Freedman's Savings and Trust Company, to whom the subject was referred, reported a bill (S. No. 711) amending the charter of the Freedman's Savings and Trust Company, and for other purposes; which was read twice by its title.

Mr. SAULSBURY. I desire to call up the resolution which I reported yesterday.

The PRESIDENT *pro tempore*. The Chair will state to the Senator from Delaware that that resolution will come up during the morning hour as soon as the routine morning business is through with. Are there further reports from committees?

AMENDMENTS TO BILLS.

Mr. COKE, from the Committee on Indian Affairs, reported an amendment intended to be proposed to the bill (H. R. No. 2002) making additional appropriations for the service of the Post-Office Department for the fiscal years ending June 30, 1879, and June 30, 1880, and for other purposes; which was referred to the Committee on Appropriations.

Mr. DAVIS, of Illinois, submitted an amendment intended to be proposed by him to the bill (H. R. No. 2002) making additional appropriations for the service of the Post-Office Department for the fiscal years ending June 30, 1879, and June 30, 1880, and for other purposes; which was referred to the Committee on Appropriations.

POST-ROADS IN FLORIDA.

Mr. MAXEY. I am instructed by the Committee on Post-Offices and Post-Roads, to whom were referred the House amendments to the bill (S. No. 697) to establish additional post-routes in the State of Florida, to report the same back and ask that certain amendments reported by the committee to the House amendments be adopted and that the amendments of the House, as amended, be concurred in.

I will state that there is nothing in the world in the bill except merely establishing post-routes. I ask that the amendments be considered now.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none.

Mr. MAXEY. The Senate committee propose certain amendments to the House amendments.

The PRESIDENT *pro tempore*. The amendments reported by the committee will be read.

The CHIEF CLERK. It is proposed to amend the amendments of the House of Representatives by adding:

MARYLAND.

From Oakland to Fort Pendleton.

TENNESSEE.

From Erin, via William Edwards' on White Oak Creek, to McEwen.

TEXAS.

From Seguin to San Marcos.

From Weatherford, via Dry Creek, Amita, and Black Springs, to Christian, and thence, via Bellew Springs, back to Weatherford.

ALABAMA.

From Town Creek to Bellevue.

The amendments to the amendments of the House of Representatives were agreed to.

The amendments of the House, as amended, were concurred in.

PROFESSOR PETER COLLIER.

Mr. BAYARD. The Committee on Finance instruct me to report a joint resolution to pay Professor Peter Collier for services as chemist in the prosecution of the evasions of the duties on sugar. I ask unanimous consent that it be now considered and put on its passage.

By unanimous consent, the joint resolution (S. R. No. 38) to pay Professor Peter Collier for services as chemist in the prosecution of the evasions of the duties on sugar was read three times, and passed. It authorizes the Secretary of the Treasury to settle and pay the account of Professor Peter Collier, out of the appropriation for defraying the expenses of collecting the revenue from customs, to an amount not exceeding $1,500 for services as a chemist in the prosecution by the Government of parties charged with evasions of duties on sugar.

PARIS MONETARY CONFERENCE.

Mr. WHYTE. I am directed by the Committee on Printing to report back favorably a concurrent resolution without amendment, and I ask its immediate consideration by the Senate.

The resolution was read, as follows:

Resolved by the Senate, (the House of Representatives concurring,) That 12,000 extra copies of the report and proceedings of the Paris monetary conference, held in August last, be printed and bound in cloth; of which number 6,000 copies shall be for the use of the House, 3,000 for the use of the Senate, and 3,000 for the use of the Department of State.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution? The Chair hears none.

Mr. ALLISON. I should like to suggest to the Senator from Maryland that possibly in order to cover all it might be well to add the words, "and accompanying papers." I know there are some valuable papers which ought to be printed. If the words inserted in the resolution are sufficient to cover them I do not propose to amend it.

Mr. WHYTE. The words used are sufficient.

Mr. ALLISON. I only want it understood that these valuable papers shall be printed.

Mr. WHYTE. I think the word "proceedings" covers all the papers that are connected with the report.

The resolution was agreed to.

BILLS INTRODUCED.

Mr. DAVIS, of Illinois, asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 708) to authorize the State of Illinois to commence and prosecute suits against the United States in the Supreme Court of the United States; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. COKE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 709) for the relief of E. J. Gurley; which was read twice by its title, and referred to the Committee on Claims.

Mr. CHANDLER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 710) for the relief of Henry P. Seymour, W. A. Frazer, Alvan N. Sabin, and the heirs of Percy S. Leggett, late supernumerary second lieutenant of the Fifth Michigan Cavalry; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. KELLOGG (by request) asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 713) to provide ocean mail steamship service between the United States and South America; which was read twice by its title, and referred to the Committee on Commerce.

Mr. GROVER asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 714) for the relief of William H. Barnhart; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. RANSOM asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 715) for the relief of N. Boyden; which was read twice by its title, and, with the papers on file relating to the case, referred to the Committee on Claims.

Mr. BECK asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 39) in relation to committee clerks, pages, and other employés of the Senate and House of Representatives; which was read twice by its title, and referred to the Committee on Appropriations.

Mr. VANCE asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. No. 40) authorizing the issue of certain guns and artillery equipments to the State of North Carolina; which was read twice by its title, and referred to the Committee on Military Affairs.

WITHDRAWAL OF PAPERS.

On motion of Mr. BAYARD, it was

Ordered, That the papers in the case of the widow and minor children of Michael Meenan, deceased, (Senate bill No. 1359, Forty-fifth Congress, second session,) be withdrawn from the files.

COMMITTEE SERVICE.

Mr. ROLLINS. I move that the President *pro tempore* be authorized to fill the vacancies upon the Committee on Agriculture and the Committee on Transportation Routes to the Seaboard.

The motion was agreed to by unanimous consent.

The PRESIDENT *pro tempore*. The Chair appoints the Senator from New Hampshire [Mr. BLAIR] to fill the vacancy on both those committees in place of the retiring Senator, (Mr. Bell.)

REFRIGERATING SHIP FOR DISINFECTION.

Mr. McDONALD. I submit the following resolution:

Resolved, That the Secretary of the Treasury be, and is hereby, required to report to this body all action and proceedings taken by the National Board of Health under or in connection with "an act to authorize the Secretary of the Treasury to contract for the purchase or construction of a refrigerating ship for the disinfection of vessels and cargoes, and for other purposes," approved April 18, 1879, to

gether with copies of all papers, plans, specifications, and correspondence relating thereto submitted to said board up to the time such report is made.

I ask for its present consideration.

Mr. SAUNDERS. Let it say "directed." That is the language we use.

Mr. McDONALD. That is the language.

Mr. SAUNDERS. No; it says "required" now.

Mr. GARLAND. I wish to call the attention of the Senator from Indiana to the fact that there was a communication on that subject laid on the table this morning from the Secretary of the Navy, which I presume embraces all the information that is called for by this resolution.

Mr. McDONALD. Does it cover all that this resolution calls for?

Mr. GARLAND. I have not had time to look over it, but I would suggest that the resolution lie on the table until we have time to look at it.

Mr. McDONALD. I consent to that.

The PRESIDENT *pro tempore*. The resolution will lie on the table.

SENATOR FROM LOUISIANA.

Mr. HILL, of Georgia. I offer the following resolution:

Resolved, That the Committee on Privileges and Elections, or a sub-committee of the same, be, and are hereby, authorized to sit during the recess of the Senate for the purpose of continuing the investigation in the Spofford-Kellogg contest.

The committee omitted to put in the original resolution authority to sit during the recess. This simply covers that defect. I ask for the present consideration of the resolution.

Mr. SAUNDERS. I think that had better go over.

The PRESIDENT *pro tempore*. The resolution will go over.

Mr. HILL, of Georgia. It is only to authorize the committee to sit during the recess.

Mr. CAMERON, of Wisconsin. I will say to the Senator from Nebraska that there certainly cannot be any objection to the passage of this resolution. The object of it is to correct a defect in the original resolution.

Mr. HILL, of Georgia. That is all.

Mr. CAMERON, of Wisconsin. I ask the Senator from Nebraska to withdraw his objection to the present consideration of the resolution.

Mr. SAUNDERS. Has the matter been considered by the committee? Does the resolution come from the committee?

Mr. CAMERON, of Wisconsin. The subject-matter of it was considered by the committee.

Mr. SAUNDERS. I supposed it was a new matter just coming up and that we had no time to consider it.

Mr. CAMERON, of Wisconsin. Not at all.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution? The Chair hears none.

The resolution was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the concurrent resolution of the Senate directing the Public Printer to deliver to the Secretary of the Interior ten copies of the Colonial Charters and Constitutions of the United States from those remaining in his possession.

The message further announced that the House had passed the concurrent resolution of the Senate for the printing of 250 additional copies of the Observations of the Transit of Venus, made under the direction of the Navy Department in December, 1874, for the use of the Naval Observatory.

The message also announced that the House had passed a concurrent resolution providing for printing 8,000 copies of the eulogies delivered on the late J. E. Leonard, a member of the Forty-fifth Congress from the State of Louisiana, together with a portrait of the deceased; in which it requested the concurrence of the Senate.

The message further announced that the House had passed a concurrent resolution providing for the printing of 10,000 extra copies of House Report No. 14, first session of the Forty-sixth Congress; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

A bill (H. R. No. 1627) authorizing the construction of a railroad bridge across the Wabash River;

A bill (H. R. No. 2267) providing for the binding of the internal-revenue laws and manual;

A bill (H. R. No. 2003) for the relief of J. P. Zimmerman and H. P. Snow, of Clinton County, Kentucky;

A bill (H. R. No. 2004) to confirm the title of Charles Olivier Duclozel to certain lands in the State of Louisana;

A bill (H. R. No. 2180) granting an increase of pension to James H. Reeve; and

A joint resolution (H. R. No. 107) authorizing the Secretary of War to use $5,000 of the appropriations for Charleston Harbor for the protection of Sullivan's Island from inroads of the sea.

JAMES H. REEVE.

Mr. VOORHEES. In listening to the announcement of the Clerk of the House I heard a bill granting a pension to James H. Reeve. A bill for the same purpose passed this body at the last session and failed then in the other House for want of time. It was reported by a committee of this body and passed this body; the bill has now passed the House, and I hope there will be no objection to taking it up and passing it and enabling it to become a law. The man is now on the eve of another amputation growing out of the wound he received. The case is exceedingly just and meritorious, and I ask that the House bill be read.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the bill (H. R. No. 2180) granting an increase of pension to James H. Reeve. The Senator from Indiana asks unanimous consent to proceed to the consideration of this bill. Is there objection?

Mr. DAVIS, of West Virginia. Let it be read for information.

The bill was read twice by its title.

Mr. VOORHEES. All the explanation necessary is that the Senate passed the bill at the last session on the report of the Committee on Pensions. We passed it through the committee at the last session, and it then passed the Senate, but failed to become a law for want of time. The result is that both branches of Congress have passed this claim for an increase of pension after an examination by the proper committees. All I want is, if possible, to have it pass both branches at the same session so that it may become a law. I am credibly informed that this man is now, perhaps at this very time, suffering or will within the next few years suffer another amputation on account of the wound for which this increase of pension is asked. I like to do things practical. We theoretically helped this man through this branch of Congress and through the other, and now we can in three minutes pass the bill through this body and then we shall practically help him.

Mr. KIRKWOOD. I wish to say a word.

The PRESIDENT *pro tempore*. If the Senator objects the bill cannot be considered.

Mr. KIRKWOOD. I wish to say that I shall be compelled to interpose an objection aside from the general rule that bills of this kind should go to the proper committee.

Mr. VOORHEES. Of course if an objection is made that stops it.

Mr. KIRKWOOD. This bill contains a provision that the pension shall commence from June 26, 1865.

The PRESIDENT *pro tempore*. The Senator from Iowa objects to the present consideration of the bill, and it will be referred to the Committee on Pensions.

Mr. KIRKWOOD. Very well.

INDIAN WARS.

The PRESIDENT *pro tempore*. If there be no resolutions to be offered, the Chair lays before the Senate the resolution submitted by the Senator from Arkansas [Mr. WALKER] on the 16th instant, calling on the President for information as to how many soldiers and civilians were killed and wounded, the estimated value of property destroyed, with the expenses incurred by the United States, in certain named Indian wars. The Chair does not see the Senator from Arkansas present.

Mr. COKE. I was requested by the Senator from Arkansas to ask for the present consideration of that resolution when called up.

The PRESIDENT *pro tempore*. It comes up now in the regular order of business. The question is on the resolution.

Mr. McMILLAN. What is the matter presented?

The PRESIDENT *pro tempore*. A resolution submitted some time ago by the Senator from Arkansas, which will be read.

The resolution was considered, and agreed to, as follows:

Resolved, That the President of the United States be requested to inform the Senate, if not incompatible with the public interest, how many soldiers and civilians were killed and wounded; the estimated value of property destroyed, with the expenses incurred by the United States in the following-named Indian wars, namely: The war in Southern Oregon and Idaho and northern parts of California and Nevada in 1865-'68; war against the Cheyennes, Arapahoes, Kiowas, and Comanches, in Kansas, Colorado, and the Indian Territory, in 1868-'69; the Modoc war, in 1872-'73; the war against the Apaches of Arizona, in 1873; the war against the Kiowas, Comanches, and Cheyennes, in Kansas, Colorado, Texas, Indian Territory, and New Mexico, in 1874-'75; the war against the Northern Cheyennes and Sioux, in 1876-'77; the Nez Percé war, in 1877; the Bannack war, in 1878; and the war against the Northern Cheyennes, in 1878-'79. And that he be requested further to inform the Senate, as nearly as he may be able, how many Indians have been killed in each of the wars mentioned.

KANSAS SENATORIAL INVESTIGATION.

The PRESIDENT *pro tempore*. The Chair now lays before the Senate——

Mr. DAVIS, of West Virginia. I ask unanimous consent of the Senate, as I understand the President now has gone through the morning business and is on the Calendar——

The PRESIDENT *pro tempore*. No, there is still a resolution in the morning hour, the resolution reported yesterday by the Committee on Privileges and Elections, in relation to the investigation of charges against Senator INGALLS; that is now the business regularly before the Senate.

Mr. DAVIS, of West Virginia. I give way to that.

The PRESIDENT *pro tempore*. Is the Senate ready for the question?

Mr. ALLISON. I think in the absence of Senators that had better be laid aside for a moment. I do not wish to interfere with the consideration of it.

Mr. SAULSBURY. I supposed it was generally understood it would come up.

Mr. ALLISON. I did not know that; I do not wish to interpose any objection.

The PRESIDENT *pro tempore*. Is the Senate ready for the question?

Mr. CAMERON, of Wisconsin. I think, although I am not certain, that the Senator from Kansas desires to say a word before the adoption of the resolution.

Mr. SAULSBURY. If the Senator from Kansas desires to be heard upon it, I certainly shall not ask for its present consideration, but I supposed he was absent because he supposed it might come up.

Mr. CAMERON, of Wisconsin. Not at all.

Mr. SAULSBURY. Then I will wait until he comes in. I desire to say, however, that I shall endeavor to call up the resolution at the first opportunity.

Mr. CAMERON, of Wisconsin. There will be no objection to taking up the resolution as soon as the Senator from Kansas comes into the Chamber.

NATIONAL BOARD OF HEALTH.

Mr. GARLAND. I move that the Senate proceed to the consideration of the bill (S. No. 675) to provide office rooms for the National Board of Health and for the publication of its reports and papers, and for other purposes, which went over yesterday morning with the understanding that it should come up this morning. It will take but a very short time. The amendment suggested by the Senator from Vermont [Mr. MORRILL] has been agreed upon, and it will take but a little while, I apprehend, to dispose of the bill.

The PRESIDING OFFICER. The Senator from Arkansas [Mr. GARLAND] moves that the Senate proceed to the consideration of Senate bill No. 675.

The motion was agreed to; and the Senate, as in Committee of the Whole, resumed the consideration of the bill.

Mr. GARLAND. In section 6 of the substitute, at the suggestion of the Senator from Vermont, the committee agree to accept an amendment in the following words: After the word "necessary," in line 6, insert "with the consent and approval of the Secretary of the Treasury;" so as to read:

And the Board of Health shall have power, when they may deem it necessary, with the consent and approval of the Secretary of the Treasury, as a means of preventing the importation of contagious or infectious diseases into the United States, or into one State from another, to erect, &c.

And in line 8, after the words "to erect," to insert "temporary;" and in line 9, after the word "acquire," to insert "on behalf of the United States;" so as to read:

To erect temporary quarantine buildings and to acquire on behalf of the United States titles to real estate for that purpose, or to rent houses, if there be any suitable, at such points and places as are named in such section.

The PRESIDENT *pro tempore*. The question is on the amendments of the Senator from Arkansas to the amendment of the committee.

The amendments to the amendment were agreed to.

Mr. GARLAND. Now, in section 7, line 2, after the word "expended," I move to insert "and all contracts made and liabilities incurred;" so as to read:

That all the money hereinbefore authorized to be expended, and all contracts made and liabilities incurred by the National Board of Health, shall be paid out of the appropriation of $500,000, &c.

The amendment to the amendment was agreed to.

Mr. GARLAND. In the first section there is a verbal error in line 12. It reads the "3d day of June." "June" should be changed to "July." I move to make that change.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question is on the amendment of the committee as amended.

Mr. MORRILL. The Senator from Arkansas having accepted amendments which I think most important, I hardly feel willing to intrude another amendment, and yet so important do I consider it that I will suggest it at least.

It is only a few years since we adopted the policy of abolishing all our marine hospitals, one in San Francisco, one in Illinois; and in various places of the country the Government has been disposed to part with all the hospitals it has had in its possession. Now, I do not like immediately to again go into the business of having so many of these hospitals on hand as the property of the United States. I would therefore suggest to the Senator from Arkansas the propriety of limiting the amount to be appropriated for the purposes of these hospitals. Evidently it is understood by all having any knowledge upon the subject that the cheap pavilion hospitals, one story, made of boards, are altogether the best hospitals in the world for the purposes that will be required under this bill. I suggest, therefore, an amendment, in line 10 of section 6 to insert "to an amount not exceeding an aggregate of $50,000." I do not offer it as an amendment unless the Senator from Arkansas will accept it. I merely offer it as a suggestion, and hope the Senator from Arkansas will accept it.

Mr. GARLAND. That matter has given the committee a great deal of labor, the very suggestion the Senator has made, and the committee concluded after the best consideration it was capable of giving to the subject that it was impossible to limit this as to amount, because it will be seen at once that from the ravages of this disease at various points the expenditure needed to erect a building at one point would not be adequate at another point; and the board might find themselves with the limitation expended and then not one-half the building erected for the purposes which this bill contemplates. We have agreed to accept the amendment which is already incorporated that this is not to be done unless the consent and approval of the Secretary of the Treasury is given. That is a restriction, to begin with, that we think will secure everything that can possibly be secured in this matter, and further in line 8 we insert words requiring that all the buildings are to be temporary.

The PRESIDENT *pro tempore*. The morning hour has expired.

Mr. GARLAND. It will take but a few minutes to finish this bill, and I ask the consent of the Senate to dispose of it. I have no more to say upon it. I cannot accept the amendment. Let us take a vote.

Mr. WALLACE. The conference committee report is pending, and it is important to get through with it.

Mr. SLATER. Mr. President——

The PRESIDENT *pro tempore*. The Senator from Oregon gave notice of his desire to address the Senate to-day, and the Chair will recognize him.

Mr. MORRILL. I hope the Senate will consent to the disposal of this bill, as I pledged myself that I would not object to its consideration this morning, and I presume it will not take five minutes to close it.

The PRESIDENT *pro tempore*. The Senator from Vermont suggests that the consideration of the bill taken up on motion of the Senator from Arkansas be continued for five minutes. Is there objection?

Mr. SLATER. If I can have the floor at the end of that time, I will yield.

The PRESIDENT *pro tempore*. Is there objection to continuing the consideration of this bill for five minutes? The Chair hears none.

Mr. HARRIS. At the end of section 5 I offer, with the consent of the Senator from Arkansas, this amendment:

And the Board of Health may, with the approval of the Secretary of the Treasury, pay to its secretary such sum, in addition to his pay as a member of the board, as it may deem proper, not exceeding $100 per month.

The only reason why I offer the amendment is that it may become absolutely necessary under certain contingencies for some small additional allowance beyond the measure of pay of a member of the board. The duties of the office of secretary are exceedingly heavy, requiring the entire time of that officer day and night. That is all I have to say.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Tennessee to the amendment of the committee.

The amendment to the amendment was agreed to.

Mr. ANTHONY. I would ask the Senator from Arkansas if there is any appropriation in this bill?

Mr. GARLAND. Not a cent. I stated yesterday that the appropriation was already made, and they cannot spend another dollar.

Mr. ANTHONY. I see by the title that there is provision made for printing the proceedings.

Mr. GARLAND. And that is to be paid out of the appropriation already made.

Mr. ANTHONY. Made for this purpose; not out of the general printing appropriation?

Mr. GARLAND. The appropriation already made, not the general printing appropriation at all.

Mr. ANTHONY. All right.

The PRESIDENT *pro tempore*. The question recurs on adopting the amendment reported by the committee as a substitute as it has been amended.

The amendment, as amended, was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

APPROPRIATION FOR JUDICIAL EXPENSES.

Mr. SLATER. Mr. President——

Mr. WALLACE. Will the Senator from Oregon yield to me for the purpose of calling up the conference report, which I believe is a privileged report.

Mr. SLATER. Very well.

Mr. WALLACE. I ask that it be taken up and read.

The PRESIDENT *pro tempore*. The Senator from Pennsylvania calls up the report of the committee of conference on an appropriation bill, which is a privileged question, and it is now before the Senate. The question is, Will the Senate concur in the report?

Mr. WINDOM. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. WINDOM. Will the Chair state; I do not know that the Senate understands distinctly what the question is. I should like to have the Senator from Pennsylvania, who has charge of it, state distinctly what the question before the Senate is.

Mr. WALLACE. The question before the Senate is the adoption of the report of the conference committee by which the second section of the bill (H. R. No. 2252) making appropriation for certain judicial expenses was changed from the form in which it passed the Senate

Mr. WINDOM. That is the judicial appropriation bill?

Mr. WALLACE. The judicial expenses appropriation bill. As it passed the Senate there was a controlling of the power of any Department or officer of the Government to make any contract or incur any liability for the future payment of money until an appropriation to meet such contract or pay such liability shall have first been made

by law, except as provided for in section 3732 of the Revised Statutes, which allows the War and Navy Departments to make contracts in certain cases. The committee of conference have amended that section so as to restrict the operation of the section to the cases occurring under title 26 of the Revised Statutes; that is, it controls the Departments and officers of the Government in regard to making contracts or incurring liabilities for the appointment and payment of general or special deputy marshals for service at elections or on election day. That is the whole scope of the amendment. It is restrictive and controlling of the section as it was before. By the section as it now stands, there is no interference whatever with the supervisors, either general or local; they are paid under the general permanent appropriation laws which are found in the Revised Statutes. This simply emphasizes and makes distinct the provision found in the first section of the bill which denies appropriations for special deputies, and it is confined in its scope to that purpose alone.

Mr. WINDOM. I only wanted the Senate to understand distinctly what the issue was, and I think the Senator has stated it so clearly that I need say nothing.

The Secretary proceeded to call the roll.

Mr. ANTHONY, (when his name was called.) I am paired on political questions with the Senator from Georgia, [Mr. GORDON,] who is absent. I should vote "nay," if he were here.

Mr. MORRILL, (when the name of Mr. EDMUNDS was called.) My colleague [Mr. EDMUNDS] is paired with the Senator from Ohio, [Mr. THURMAN.]

Mr. GROVER, (when his name was called.) I am paired with the senior Senator from Maine, [Mr. HAMLIN.] If he were here, I should vote "yea."

Mr. WHYTE, (when his name was called.) Upon all political questions I am paired with the junior Senator from Maine, [Mr. BLAINE.] Consequently I cannot vote. If I could, I should vote "yea."

The roll-call was concluded.

Mr. WITHERS. My colleague [Mr. JOHNSTON] is absent. If present, he would vote "yea."

Mr. ALLISON. I desire to announce that the Senator from Maine [Mr. HAMLIN] is paired with the Senator from Oregon, [Mr. GROVER.]

Mr. JONAS. The Senator from Mississippi [Mr. LAMAR] is paired with his colleague, [Mr. BRUCE.] If he were here, Mr. LAMAR would vote "yea."

Mr. BECK. My colleague [Mr. WILLIAMS] is paired with the Senator from Massachusetts, [Mr. HOAR.] My colleague, if present, would vote "yea."

Mr. PENDLETON. The Senator from California [Mr. FARLEY] is paired with the Senator from Nevada, [Mr. JONES.]

Mr. BAILEY, (after having voted in the affirmative.) I withdraw my vote and announce that I am paired with the Senator from Nebraska, [Mr. PADDOCK.]

The result was announced—yeas 31, nays 17; as follows:

YEAS—31.

Bayard,	Garland,	Kernan,	Slater,
Beck,	Groome,	McDonald,	Vance,
Call,	Hampton,	McPherson,	Vest,
Cockrell,	Harris,	Maxey,	Voorhees,
Coke,	Hill of Georgia,	Morgan,	Walker,
Davis of Illinois,	Houston,	Pendleton,	Wallace,
Davis of W. Va.,	Jonas,	Randolph,	Withers.
Eaton,	Jones of Florida,	Saulsbury,	

NAYS—17.

Allison,	Cameron of Wis.,	Hill of Colorado,	Platt,
Blair,	Chandler,	Kirkwood,	Rollins,
Booth,	Dawes,	Logan,	Saunders,
Burnside,	Ferry,	McMillan,	Windom.
Cameron of Pa.,			

ABSENT—28.

Anthony,	Edmunds,	Ingalls,	Plumb,
Bailey,	Farley,	Johnston,	Ransom,
Blaine,	Gordon,	Jones of Nevada,	Sharon,
Bruce,	Grover,	Kellogg,	Teller,
Butler,	Hamlin,	Lamar,	Thurman,
Carpenter,	Hereford,	Morrill,	Whyte,
Conkling,	Hoar,	Paddock,	Williams.

So the report was concurred in.

CHIEF OF ENGINEERS.

Mr. MAXEY. I ask the Senator from Oregon to yield to me for a moment. I desire to make a report on behalf of the Committee on Military Affairs.

The PRESIDENT *pro tempore*. The Senator from Texas, from the Committee on Military Affairs, reports a bill which will be read.

By unanimous consent, the bill (S. No. 712) providing for filling vacancies in the Office of Chief of Engineers, United States Army, was read twice. It proposes to repeal so much of the act of June 10, 1872, chapter 426, volume 17, page 382, Statutes at Large, as prohibits promotion in the Corps of Engineers above the rank of colonel, and all other acts prohibiting said promotion.

Mr. MAXEY. I beg to put the bill on its passage with a simple statement that I think will be satisfactory to everybody. The case is thus presented by the Secretary of War and the Chief of the Corps of Engineers:

WAR DEPARTMENT,
Washington City, December 12, 1878.

The Secretary of War has the honor to transmit to the United States Senate copy of a communication from the Chief of Engineers dated the 6th instant, in which he states that "under the law as it now stands, if the office of the Chief of Engineers of the Army should become vacant, no appointment to fill that vacancy could be made, although the law requires that there shall be a Chief of Engineers; that his rank shall be that of a brigadier-general, and that he shall do certain acts."

To remedy this, a draught of a bill is herewith transmitted, which is respectfully recommended to the favorable consideration of Congress at this session.

GEO. W. McCRARY,
Secretary of War.

The PRESIDENT OF THE UNITED STATES SENATE.

OFFICE OF THE CHIEF OF ENGINEERS,
Washington, D. C., December 6, 1878.

SIR: Under the law as it now stands, if the office of the Chief of Engineers of the Army should become vacant, no appointment to fill that vacancy could be made, although the law requires that there shall be a Chief of Engineers; that his rank shall be that of brigadier-general; and that he shall do certain acts. (See section 1151, and others, Revised Statutes.)

This prohibitory provision should be repealed. It came to be enacted in this way:

Section 6 of the act making appropriation for the support of the Army (3d March, 1869, chapter 124, volume 15, page 318) prohibited promotion and new appointments in the Engineers, the Ordnance, and all staff departments. The act of 10th June, 1872, (chapter 426, volume 17, page 382,) repealed that prohibition so far as it affected the Corps of Engineers; provided that no promotion should be made in that corps beyond the grade of colonel.

I believe that this single prohibition was retained for reasons which no longer exist. It would be unjust and injurious to the engineer service to retain this provision any longer. All the provisions of section 6 of the act of 3d March, 1869, prohibiting promotions and new appointments in the Ordnance and in the staff departments have been repealed since 1872, and the only remaining provision of that section is the one prohibiting promotion in the Corps of Engineers above the rank of colonel. This remaining provision should also be repealed.

I have added the project of a bill for the purpose, which also includes the removal of the prohibition of promotion enacted in the last Army appropriation bill so far as it may apply to the Chief of Engineers.

Should these views meet your approval, I beg leave to ask that the subject be brought to the attention of Congress with your favorable recommendation.

Very respectfully, your obedient servant,

A. A. HUMPHREYS,
Brigadier-General, Chief of Engineers.

Hon. GEORGE W. McCRARY,
Secretary of War.

The whole purpose of this bill is to remedy that evil. The bill was reported at the last session unanimously by the Committee on Military Affairs, and was only not passed for want of time. It comes up now to do a simple act of justice to the acting chief of engineers, who has been doing the duty for a considerable time.

Mr. McMILLAN. I should like to inquire of the Senator from Texas whether this was not an amendment to the Army bill, which was rejected?

Mr. MAXEY. It was offered as an amendment to the Army bill, and was rejected.

Mr McMILLAN. Did not the Senator vote against it last night?

Mr. MAXEY. I voted against all the amendments adopted in Committee of the Whole and in favor of passing the Army bill precisely as it came from the House. That was the way I voted. But I desire to say to the Senator from Minnesota that he has the perfect power to stop a good officer from getting his proper rank.

Mr. McMILLAN. I did not rise for the purpose of objecting; I merely wished to inquire the state of the facts, whether the Senator had voted against this meritorious measure last night.

Mr. MAXEY. The record states the fact as correctly as it can be stated, and I always stand by the record; I never back from that. I ask that the bill be put on its passage.

The bill was read at length.

Mr. ALLISON. That was on the Army bill last night and voted down.

The PRESIDENT *pro tempore*. The question is, will the Senate by unanimous consent proceed to the consideration of this bill.

Mr. ALLISON. I do not object.

The PRESIDENT *pro tempore*. The Chair hears no objection, and the bill is before the Senate as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MAXEY. I desire to return my thanks to the Senate.

KANSAS SENATORIAL INVESTIGATION.

Mr. SAULSBURY. The Senator from Oregon consents that I may now call up the resolution reported from the Committee on Privileges and Elections. I understand the Senator from Kansas [Mr. INGALLS] does not wish to be heard upon it.

The PRESIDENT *pro tempore*. The Senator from Delaware asks that the Senate proceed to the consideration of the resolution reported by the Committee on Privileges and Elections in reference to charges against Mr. INGALLS.

The Secretary read the resolution; and it was agreed to, as follows:

Resolved, That the Committee on Privileges and Elections, to which has been referred memorials in relation to the election of Hon. J. J. INGALLS, a Senator by the Legislature of the State of Kansas, be, and said committee is hereby, authorized and instructed to investigate the statements and charges contained in said memorials: and for that purpose said committee is empowered to send for persons and papers, administer oaths, employ a stenographer, clerk, and sergeant-at-arms, and do all such acts as are necessary and proper in the premises. And said committee may appoint a sub-committee of its members to take testimony in Kansas or elsewhere in the case, which shall report the testimony taken to the committee in December next; and such sub-committee shall have the same authority to administer oaths and do other necessary acts as are herein conferred upon the full committee; and the said committee, and the sub-committee which it may appoint, may sit during the recess of the Senate for the purpose of making the investigation hereby authorized.

HOUSE BILLS REFERRED.

The following bills and joint resolution from the House of Representatives were severally read twice by their titles and referred as indicated below:

A bill (H. R. No. 1627) authorizing the construction of a railroad bridge across the Wabash River—to the Committee on Commerce.

The bill (H. R. No. 2267) providing for the binding of the internal-revenue laws and manual—to the Committee on Printing.

A bill (H. R. No. 2003) for the relief of J. P. Zimmerman and H. P. Snow, of Clinton County, Kentucky—to the Committee on Post-Offices and Post-Roads.

A bill (H. R. No. 2004) to confirm the title of Charles Olivier Duclozel to certain lands in the State of Louisiana—to the Committee on Private Land Claims.

A joint resolution (H. R. No. 107) authorizing the Secretary of War to use $5,000 of the appropriations for Charleston Harbor for the protection of Sullivan's Island from inroads of the sea—to the Committee on Commerce.

PRINTING OF A REPORT.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution of the House of Representatives; and it was referred to the Committee on Printing:

Resolved by the House of Representatives of the United States, (the Senate concurring,) That 10,000 extra copies of House Report No. 14, first session, Forty-sixth Congress, be printed at the Government Printing Office; 2,500 copies for the use of the Senate and 7,500 copies for the use of the House of Representatives.

EULOGIES ON THE LATE REPRESENTATIVE LEONARD.

The PRESIDENT *pro tempore* laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives, (the Senate concurring,) That 8,000 copies of the eulogies delivered on the late J. E. Leonard, a member of the Forty-fifth Congress from the State of Louisiana, together with a portrait of the deceased, executed under direction of the Joint Committee on Printing, be printed; 6,000 copies thereof for the use of the House of Representatives and 2,000 copies for the use of the Senate.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (H. R. No. 2175) making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes; and

A bill (H. R. No. 2327) to authorize the renewal of a loan therein named by the joint stock company of the Young Men's Christian Association of Washington.

CHINESE RESIDENTS AND VISITORS.

Mr. SLATER. Mr. President——

Mr. DAVIS, of West Virginia. I do not suppose the Senator from Oregon wishes a vote on his bill to-day, and I know it has always been a courtesy extended to Senators heretofore to give them the floor when they wish to speak to a bill; but I desire to say to the Senate that the appropriation bill known as the letter-carriers bill is ready, and at the expiration of the speech of the Senator from Oregon I shall call it up.

The PRESIDENT *pro tempore.* The Senator from Oregon has the floor.

Mr. SLATER. I move to take up Senate bill No. 622.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 622) regulating intercourse with the subjects of the Chinese Empire visiting or residing in the United States, and for other purposes.

Mr. SLATER. I ask that the bill be read.

The bill was read, as follows:

Be it enacted, &c., That from and after the 1st day of July, 1880, it shall not be lawful for any citizen or subject of the Chinese Empire, then resident or thereafter becoming resident in the United States, to engage in, carry on, or work at any manufacturing or mechanical business, or to own or lease, carry on, or work any mine, or to own or lease any real estate for any purpose other than that of lawful commerce and for places of residence, or to conduct any farm, garden, vineyard, or orchard for agricultural, horticultural, or other like purpose, or to own, have, or keep any herd of cattle, horses, sheep, goats, or swine for the purpose of making profit by the increase, product, or use thereof, or to keep any hotel or restaurant for public entertainment, excepting for the use and accommodation of the citizens and subjects of China, or to work or engage to work as mechanic, artisan, laborer, waiter, servant, cook, clerk, or messenger, or in any other capacity, or at any other kind of labor, skilled or unskilled, except for and in the employ of citizens and subjects of China lawfully engaged in commerce in the United States or traveling or residing therein. And any person being a citizen or subject of the Empire of China who shall, after the 1st day of July, 1880, engage in, carry on, or work at any manufacturing or mechanical business, or who shall own, lease, carry on, or work any mine, or own or lease any real estate for any purpose other than that of lawful commerce or for places of residence, or shall conduct any farm, garden, vineyard, or orchard for agricultural, horticultural, or other like purpose, or shall own, have, or keep any herd of cattle, horses, sheep, goats, or swine for the purpose of making profit by the increase, product, or use thereof, or of either, or shall keep any hotel or restaurant for public entertainment, excepting for the use and accommodation of citizens and subjects of China, or shall work or engage to work as a mechanic, artisan, laborer, waiter, servant, cook, clerk, or messenger, or in any other capacity, or at any other kind of labor, skilled or unskilled, except in the employ of citizens or subjects of China visiting, residing, or engaged in lawful commerce in the United States, or as teacher or interpreter, shall, upon indictment and conviction thereof, be fined in a sum not less than $100 or by imprisonment in the penitentiary for not more than six months, or both fine and imprisonment, at the discretion of the court; and all persons convicted of violating any of the provisions of this act shall, in addition to the fine or imprisonment inflicted by the court, forfeit to the United States all property used or invested in the prohibited business in which such convicted person shall have been engaged at the time of his conviction: *Provided,* That the citizens of China, as respects the right to travel or reside in the United States, shall enjoy the same privileges, immunities, and exemptions, while so traveling or residing in the United States, and shall be protected in person and property in the same manner, as the citizens of foreign nations are entitled to by treaty stipulations had and made with such foreign nations, and not otherwise.

That from and after the 1st day of July, 1880, it shall not be lawful for any person, corporation, or company to employ any Mongolian being a citizen or subject of China, to work as a skilled laborer at any manufacturing business or mechanical art, or in any department thereof, or as a common laborer, or waiter, servant, cook, or messenger, or in any other capacity, or at any other kind of labor, skilled or unskilled, except as interpreter or teacher of the Chinese language; and any person, corporation, or company who shall, after said date, hire or have in their employ any Mongolian, being at the time a subject of China, laboring as a skilled laborer at any manufacturing business or mechanical art, or in any department thereof, or as a common laborer, or waiter, servant, cook, or messenger, or in any other capacity, or laboring at any other kind of labor, skilled or unskilled, except as interpreter or teacher of the Chinese language, shall, upon conviction thereof upon indictment found, be fined in any sum not less than $100 for each offense: *Provided,* That nothing contained in this act shall be construed to prevent citizens or subjects of China residing or traveling in the United States from employing citizens or subjects of China in any business or for any purpose not declared unlawful in section 1 thereof.

The district courts of the United States shall have jurisdiction to try and determine all violations of this act, and of all actions or proceedings for the recovery of forfeitures thereunder.

The President of the United States shall, as soon as may be after the passage of this act, notify the government of China of the provisions of the same in such manner and form as he may determine.

Mr. SLATER. Mr. President, this bill, which was introduced the 22d of last month, has for its object the regulation of the intercourse of the Chinese now residing, or who may hereafter come to reside, in this country with our own people, and thereby the prevention of that hurtful competition in the labor market, wherever these people have come and which is pressing so severely upon the laboring classes of the Pacific States and Territories. The provisions of the bill are, as I conceive, based upon acknowledged and recognized principles of the law of nations, as drawn from the usage and practice of nations, and upon the strong and urgent necessities growing out of the coming of large numbers of cooly emigrants among our people of the Pacific coast. I doubt not the provisions of this bill will be regarded as novel, and, possibly, objectionable to some; but, sir, the main question involved—that which is really sought to be accomplished—is not new here, and I am sure that every Senator regards it as one of very grave importance; and that is, the placing of some limit to Chinese cooly immigration into the United States.

From the very first the coming of this people was met with disapprobation and opposition on the Pacific, not, however, from anticipation of immediate evil, but from a firm conviction that if their first colonists were permitted to gain permanent foothold they would invite a constantly increasing stream of emigration, which in the end would antagonize our civilization and endanger its permanency. Time has only intensified this opposition, which was manifested upon the arrival of the first Chinese immigrants, for it has only served to demonstrate, if demonstration was needed, that, to the body of our population, the commingling of these people with ours in any considerable numbers has been, and is, an unmixed evil, and as such demands, in the interest of society and good order, to be restricted, if not entirely abated; and this bill, if it shall become a law, will most effectually eradicate the evils complained of, as respects the obtrusion of the Chinese into all the channels of labor in the Pacific States and Territories or elsewhere in the United States, and this is precisely what is sought.

Under the Constitution the power to deal with all questions of intercourse with foreign nations is confided to the Federal Government. In the power to grant naturalization and the power to prohibit the "migration or importation" of foreigners after 1808 may be found ample authority to regulate and prescribe the relations of aliens who have been or may be admitted within our limits in any manner or for any purpose.

It is the settled law of nations that each sovereignty has full power and authority to control and regulate its intercourse with other nations according to its own best interest. The safety, integrity, and often the very existence of a people as a separate, distinct, and independent nation or sovereignty, depend upon the assertion and exercise of this highest attribute of sovereign power. Every treaty, which is entered into between sovereign States, is but an additional proof of this proposition. Every concession, by one people constituting a nation to another people or nation, is based upon the admitted fact that the conceding power might refuse to grant the concession made; and this, too, whether the concession respects commercial intercourse, the rendition of criminals, the right of expatriation, the descent of property, or the permission for the citizens of one nation to freely emigrate to, settle, or abide within the territories of the other. As an illustration of this we may take at random any treaty between the United States and any foreign power; as, for instance, our treaty with the Swiss Confederation of 1850—a treaty perhaps the most favorable to foreigners of any we have with any foreign power—the first article of which is as follows:

The citizens of the United States of America and the citizens of Switzerland shall be admitted and treated upon a footing of reciprocal equality in the two countries, when such admission and treatment shall not conflict with the constitutional or legal provisions, as well as state and cantonal, of the contracting parties. The citizens of the United States and the citizens of Switzerland, as well as the members of their families, subject to the constitutional and legal provisions aforesaid

and yielding obedience to the laws, regulations, and usages of the country wherein they reside, shall be at liberty to come, go, sojourn temporarily, domiciliate, or establish themselves permanently, the former in the cantons of the Swiss Confederation, the Swiss in the States of the American Union, to acquire, possess, and alienate therein property, (as is explained in article 5,) to manage their affairs, to exercise their professions, their industry, and their commerce; to have establishments; to possess warehouses; to consign their products and their merchandise, and to sell them by wholesale or retail, either by themselves or by such brokers or other agents as they may think proper; they shall have free access to the tribunals and shall be at liberty to prosecute and defend their rights before courts of justice in the same manner as native citizens, either by themselves or by such advocates, attorneys, or other agents as they may think proper to select. No pecuniary or other more burdensome condition shall be imposed upon their residence or establishment or upon the enjoyment of the above-mentioned rights than shall be imposed upon citizens of the country where they reside, nor any condition whatever to which the latter shall not be subject.

The foregoing privileges, however, shall not extend to the exercise of political rights nor to a participation in the property of communities, corporations, or institutions of which the citizens of one party, established in the other, shall not have become members or co-proprietors.

Here, sir, we find the citizens of the contracting parties have conceded to them the most extensive rights and privileges, not merely of commerce, but respecting their personal relations, professions, industries, and business; the right to come and go at pleasure, and to sojourn or permanently abide in the territories of the other with like security and protection as the native citizen. The right to make these concessions presupposes the right to deny them or to grant them upon conditions. The existence of these treaty stipulations have no other or different basis whereon to rest. It is true, that in modern times, civilized nations have rarely exercised the right to exclude the commerce of other nations from their ports, but their treaties and statutes are full of restrictions and conditions based upon the right to do so if interest or necessity required it. Nor has it been customary to shut out emigration or refuse to foreigners the right of entry, settlement, occupation, and naturalization, but in this as in matters of a commercial character in many ways these rights are permitted to be enjoyed only under restrictions and upon conditions.

The same reason which requires that commerce should be permitted, controlled, and regulated with foreign nations by the supreme authority of the State, also requires that the right of foreigners to come, sojourn, or permanently abide within the territories of a nation to whom they are alien should be regulated, controlled, or even denied by the same authority. The right to deny the admission of foreigners upon sufficient reason is beyond question, or if admitted at all, such admission may be conditional or subject to restrictions, such as, that they shall not visit or go into certain parts of the country to which they may be admitted; or will not go beyond certain limits; or that they shall not carry on certain industries, professions, or callings; or to attach any other condition to their admission in the interest of the body of the people or of the State where they seek to come. Upon this point Vattel says:

The sovereign may forbid the entrance of his territory either to foreigners in general or in particular cases, or to certain persons, or for certain particular purposes, according as he may think it advantageous to the state. There is nothing in all this that does not flow from the right of domain and sovereignty. Every one is obliged to pay respect to the prohibition, and whoever dares to violate it incurs the penalty decreed to render it effectual.

And Woolsey, an American author, says upon the same point:

They may be obliged to pay a residence tax; may be restricted as to the power of holding land; may have no political rights; may be obliged to give security in suits where the native is not; may be forbidden to enter certain callings; may be subjected to special police regulations without any grounds of complaint that they are oppressive. But most restrictions upon foreigners have disappeared with the advance of human feeling and the increasing frequency of intercourse between nations, until they are in almost all Christian countries, in all rights excepting political, nearly on a level with native-born persons. It is but just that all private rights be accorded to them as to the native-born citizen for collecting debts and redressing injuries.

It is true, as stated in the last part of the quotation, that the customary course in later times has been to admit the alien, resident in another country, to very nearly the full measure of rights as there enjoyed by the native-born citizen or subject, excepting only such as are merely political, but the author clearly and distinctly affirms the precise point as claimed, that aliens may be subjected to conditions and restrictions.

Mr. President, the law of self-preservation and self-defense is as applicable to nations as to individuals. In fact, the highest duty which the sovereign authority owes to its citizens, individually and collectively, is the preservation of the political entity made up of the body of citizens, called the State or nation, not only as to territorial limits, but in the vastly more important functions and powers which shall enable the nation of collected individuals to work out the highest good to each and all the members of which it is composed, saving and protecting them from foreign oppression, warding off, suppressing, and removing as far as possible all foreign influence and relations out of which evil might come, whether such influence come from the acts or customs of a foreign nation, or from the intrusion of aliens whose race differences, habits, moral instincts, or other characteristics render them obnoxious and dangerous to the prosperity, peace, and good order of the people among whom they come.

To what lengths will not a nation go to protect its citizens from contagions and epidemics when their introduction are threatened from foreign ports through the usual channels of commercial intercourse? The exercise of precautionary power to the extent of interrupting all intercourse with infected foreign districts is often resorted to without hesitation or question, and will it be said that there is no power in the State to prevent the introduction of the seeds of discord, strife, and moral death, to come from the migration and settlement of aliens within her territorial limits, whose very touch is pollution, whose presence is a constant menace to the life of the nation, because of the impossibility of their assimilation into the body-politic and because of the settled and unchanging antagonisms of race distinctions and civilization? The power in the one case is the same as in the other, and is derived from the inherent right in every sovereignty to ward off, suppress, and protect its citizens from evil, whether of a physical or political character, whether coming suddenly or by insidious approaches, in the form of pestilence and contagion, or as aliens who seek settlement and residence within its territories, whose presence for any cause tends to weaken or destroy the State or to the oppression of its citizens. Vattel says on this point:

In vain does nature prescribe to nations as well as to individuals the care of self-preservation and of advancing their own perfection and happiness, if she does not give them the right to preserve themselves from everything that might render this care ineffectual; this right is nothing more than a moral power of acting; that is, the power of doing what is morally possible—what is proper and conformable to our duties. We have, then, in general, a right to do whatever is necessary to the discharge of our duties. Every nation as well as every man has, therefore, a right to prevent other nations from obstructing her perfection and happiness; that is, to preserve herself from all injuries. And this right is a perfect one, since it is given to satisfy a national and indispensable obligation; for when we cannot use constraint to cause our rights to be respected, their effects are very uncertain. It is this right to preserve herself from all injury that is called the right of security.

And Wheaton, speaking of this same matter, says:

Every State has certain sovereign rights, to which it is entitled as an independent moral being; in other words, because it is a State. These rights are called absolute international rights of States, because they are not limited to particular circumstances. * * * Of the absolute international rights of States, one of the most essential and important, and that which lies at the foundation of all the rest, is the right of self-preservation. It is not only a right with respect to other States, but a duty with respect to its own members, and the most solemn and important which the State owes to them. This right necessarily involves all other individual rights, which are essential as means to give effect to the principal end.

Could language be used more decisive than this? A right so high, so valuable and important that "necessarily," says Wheaton, it involves all other individual rights which are essential as means to effect the principal end, because all rest upon the one great right of self-preservation.

But, Mr. President, it may be urged that as we have permitted many thousands of these Chinese to come and scatter themselves through several of the States and Territories, and to enter very many of the industrial avocations, now to deprive them of the means of supporting themselves, by declaring it unlawful for them to engage in or pursue them in this country, would be unreasonable if not cruel and inhuman. Waiving for the present the question of having permitted them to come, I admit that they are here and have obtruded themselves into many of the industrial pursuits of the country. What then? Are they to be to us the old man of the sea? Is there no power, human or divine, that can relieve us from this alien people whom we, as it is claimed, have permitted to come among us and who have fastened themselves upon our country and will not depart from us? Are we, Mr. President, to sit quietly and idly down, fold our hands, and let thousands of white men, to the manner born, be deprived of the means of making an honorable and honest support for themselves and families, by the competition of these hordes of China cooly laborers, who, in their own country do well to get from three to six cents a day, and here in this country can and do work at prices so low as to drive our own people out of many lines of labor into which they obtrude themselves, because, forsooth, if we shall pass this or any other measure of relief which would give back to these thousands of deserving American citizens the means of obtaining a living by honest labor, which was their birthright and of which they have been dispoiled by cooly labor, for fear some John might go hungry or even starve? No, Mr. President, a thousand times no. The very statement of such a proposition ought to be its own refutation. If war was to intervene between the United States and China, what, sir, would be the power of this Government over the hundred thousand of Chinese now in the country, rightfully acting through its proper departments? It will not be doubted or questioned that, in such an event, if the interest of the country required it, they might be put under surveillance, arrest, or even expelled the country. And if this emigration had for its purpose the gathering in this country of immense numbers of the subjects of China in time of peace, to be, at some future day organized into an army of occupation, having for its purpose the subjugation of a portion of it, does any one doubt that their expulsion would be at once determined upon, and that, without regard to whether the Johns might get hungry or even suffer in a worse degree? But, sir, there is no prospect of a war with China, and the cooly subjects of that empire do not come with the avowed purpose of constituting an army of occupation in this country, in a military sense. Nevertheless, sir, her hundred thousand able-bodied cooly men now in the Pacific States and Territories are an army of occupation in a more dangerous sense than if they were armed and drilled for military service. They come to seize upon the industrial pursuits and resources of the country, without the parade of arms or military display, by insinuating themselves into all the industrial avocations of the country at wages which effectually displace our own people. Their success, in thus possessing themselves of the control of the labor of the sections where they are the most numerous, is even now in many departments complete, and their final and complete success in every respect in all the departments of industry and labor is but a question of time.

Sir, if by the acts and management of the Chinese government and its subjects, or either, our merchants were being despoiled of their business or commerce and its profits were being transferred to alien hands, and the evil could be reached by legislation or even by the military arm of the Government, how long, sir, would it be before these halls would resound with eloquent appeals for relief, even to the letting "slip the dogs of war?" In such a case there would be no lack of precedent or authority to preserve the life of the nation. And here, let me ask, has this Government of which we are all so justly proud no powers to be exerted, no offices to be performed, except in behalf of the men who sail their ships and grow rich out of the profits of our commerce, while the honest toiler whose labor loads these self-same ships with the product of his industry, is to be left to shift, as best he may against a crushing and demoralizing competition with alien, cooly labor, without relief or aid from the government that claims his allegiance? No sir, and every laboring-man in America will indignantly answer no.

Mr. President, foreigners do not acquire rights by their use, however long-continued such use may be; prescription has no application between nations or in favor of the citizens or subjects of one residing within the territories of another. Upon this point Vattel says:

As, then, every nation has a right to choose whether she will or will not trade with another, and on what conditions she is willing to do it; if one nation for a time permitted another to come and trade in the country, she is at liberty whenever she thinks proper to prohibit that commerce to restrain it, to subject it to certain regulations; and the people who before carried it on cannot complain of injustice.

And again he says:

A simple permission to carry on commerce with a nation gives no perfect right to that commerce. For, if I merely and simply permit you to do anything, I do not give you any right to do it afterward in spite of me; you may make use of my condescension as long as it lasts; but nothing prevents me from changing my will. As, then, every nation has a right to choose whether she will or will not trade with another, and on what conditions she is willing to do it, if one nation has for a time permitted another to come and trade in the country, she is at liberty whenever she thinks proper to prohibit that commerce, to restrain it, to subject it to certain regulations; and the people who before carried it on cannot complain of injustice.

Now, sir, if it be true that this Government may, in the interest of its commerce and for the protection of its merchants, for sufficient reason, prohibit foreign merchants, who have become domiciled in the United States for the purpose of more effectually carrying on their foreign commerce, from continuing a business in which they have been permitted to engage and in which they may have invested their capital, may it not, for like sufficient reason, protect the laborers of the country by prohibiting alien cooly laborers being employed in competition with them? And again, sir, if the foreign merchant engaged in commerce may not complain, if he be prohibited from continuing a business which has proved detrimental to our interests, ought we to be deterred from passing this measure because the coolies may suffer some hardship, when our own people are so vitally interested in securing the relief it will bring them? There can be but one answer to this question, and that is that the same power which may be exerted in behalf of our merchants engaged in commercial matters is full and complete enough to grant protection to any citizen who suffers by the agency of foreign nations or from their subjects within our own territory as much as if they were on the sea.

Mr. President, I come now to the consideration of another question, which I am very well aware must arise in the discussion of this measure, and that is, whether it conflicts with the rights of the subjects of China as fixed by its treaty with the United States. Thus far I have discussed the question apart from any consideration of treaty stipulations for the purpose of establishing, as far as I might be able to, that aside from the treaty there are no reasons why this measure should not become a law so far as the customs and usages of nations are to be relied upon for such reasons. Now, I shall endeavor to show that, so far as the provisions contained in our treaties with China are concerned, they furnish no sufficient reason which ought not to be overcome by the necessity which calls for the passage of this bill, of which necessity I shall speak more particularly hereafter. In order to a complete understanding of our treaty relations, without cumbering the RECORD to too great an extent, a short statement will be necessary.

The first treaty between the United States and China was concluded on the 3d day of July, 1844. This treaty related wholly to concessions granted to the citizens of the United States, to be exercised by them in China, and to the manner of their exercise and the relations thereby created between the citizens of the United States and the subjects of China. By the terms of this treaty the citizens of the United States were to be permitted to visit and carry on commercial ventures at five ports, therein named, in that empire, and at such others as might be, at any time thereafter, opened to foreign commerce by treaty with any other power. They were granted the right to reside with their families at these ports, and to proceed at pleasure with their vessels and merchandise, from any foreign port to any of the five ports named in China, and from any of these five ports to any other of them, or to any foreign port; that they should be privileged to engage pilots to bring their vessels into port and take them out again, to hire at pleasure servants, compradors, linguists, and writers, passage and cargo boats, laborers, seamen, and persons for whatever necessary service they might desire, and they, while residing or sojourning at any of these ports open to foreign commerce, were to enjoy all proper accommodations in obtaining houses for residence and places of business, or sites upon which to construct them, and also places for hospitals, churches, and cemeteries. They, with their vessels and property, were not to be subject to any embargo or seizure, or to be forcibly detained for any pretense of the public service, but were to be permitted to prosecute their commerce in quiet, without molestation or embarrassment. But if they attempted to trade clandestinely with the ports of China not open to foreign commerce, or to trade in opium or other contraband articles, they were subject to be dealt with by the Chinese government without any countenance from the United States.

Provisions were made for the establishment of consulates of the United States at the ports opened to foreign commerce, clothed with the usual powers conferred upon such establishments. Citizens of the United States peacefully attending to their own affairs were to receive and enjoy for themselves and their property the special protection of the Chinese government, which also engaged to defend them from insult or injury, and their dwellings and property from mobs and incendiaries and other lawless persons. Such, sir, in brief, was the extent of the concessions made in this treaty by the Chinese government to the United States and to her citizens; but we look in vain through its provisions for any concessions to the subjects of China by the United States, to be exercised or enjoyed within the territories of the Union. The concessions are all upon the side of China to citizens of the United States visiting, trading, and residing at the ports of China open to foreign commerce.

On the 18th of June, 1858, there was a new treaty concluded between China and the United States, in which all the former concessions made by China were renewed and other and new ones made. The number of ports open to our citizens was increased to eight. Our ministers were to be permitted to visit the Chinese capital and there confer with the privy council; but such visits were restricted to one each year, and he was not to take advantage of trivial occasions to visit the capital, and his suite, exclusive of Chinese servants, was not to exceed twenty persons, none of whom were to be engaged in trade. Merchants, seamen, and others were to be allowed to freely pass and repass in the immediate vicinity or neighborhood of where their ships were allowed to anchor or our citizens to reside, but they were not to be permitted to go into the country or to the villages or marts to sell goods or carry on trade, and religious toleration was conceded to Protestants and Roman Catholics, their professors, teachers, and converts, whether citizens of the United States or subjects of China. In this treaty, as in the former, we find no concessions to China or its subjects to be exercised or enjoyed within the United States, although at that date very many of them had found their way to the Pacific coast, and were there engaged in mining for gold and in other pursuits; but the treaty is wholly oblivious to that fact, and ignores them in every particular. On the 15th of August of the following year, 1859, another treaty was concluded with China, but as it relates only to a tariff to be charged on merchandise entering China I need not notice its terms here.

On the 18th day of June, 1868, additional articles were concluded between the United States and China, commonly known as the Burlingame treaty. For the first time, in this treaty, concessions were made to the subjects of China on the part of the United States, but the United States acquired no new or valuable concessions from China. That portion of this treaty which has any bearing upon the subject I am endeavoring to present is contained in articles 5, 6, and 7, and is as follows:

ARTICLE V.

The United States of America and the Emperor of China cordially recognize the inherent and inalienable right of man to change his home and allegiance, and also the mutual advantage of the free migration and emigration of their citizens and subjects respectively from one country to the other for purposes of curiosity, of trade, or as permanent residents. The high contracting parties therefore join in reprobating any other than an entirely voluntary emigration for these purposes. They consequently agree to pass laws making it a penal offense for a citizen of the United States or Chinese subjects to take Chinese subjects either to the United States or to any other foreign country, or for a Chinese subject or citizen of the United States to take citizens of the United States to China or to any other foreign country without their free and voluntary consent, respectively.

ARTICLE VI.

Citizens of the United States visiting or residing in China shall enjoy the same privileges, immunities, or exemptions in respect to travel or residence as may there be enjoyed by the citizens or subjects of the most favored nation; and, reciprocally, Chinese subjects visiting or residing in the United States shall enjoy the same privileges, immunities, and exemptions in respect to travel or residence as may there be enjoyed by citizens of the most favored nation. But nothing herein contained shall be held to confer naturalization upon citizens of the United States in China, nor upon subjects of China in the United States.

ARTICLE VII.

Citizens of the United States shall enjoy all the privileges of the public educational institutions under control of the government of China; and, reciprocally, Chinese subjects shall enjoy all the privileges of the public educational institutions under the control of the Government of the United States, which are enjoyed in the respective countries by the citizens or subjects of the most favored nations. The citizens of the United States may freely establish and maintain schools within the Empire of China at those places where foreigners are by treaty permitted to reside; and, reciprocally, the Chinese subjects may enjoy the same privileges and immunities in the United States.

Mr. President, in my judgment articles 5 and 7, though relating to mutual obligations and concessions, do not in any way touch or affect the subject involved in the pending measure or bill; that is, they do not affect or relate to the right, if such right there be, of the subjects

of China visiting or residing in the United States to engage in the avocations sought to be prohibited. In the fifth article each of the contracting powers acknowledges the right of man to change his place of residence and also the mutual advantage of the free as against the forced migration and emigration of their citizens, and having made this declaration proceed to enter into reciprocal obligations to pass laws prohibiting other than free and voluntary immigration. There is no concession that the one country shall furnish an asylum and home for the citizens of the other who may come, but that those who do come shall come freely and voluntarily and not through force. And if we look into the history of that time we shall find abundant evidence that it was an effort upon the part of Secretary Seward to check coolies being brought into the United States, and to that end he procured the obligation of the Emperor of China to prohibit other than the voluntary immigration of his subjects, and the enactment of our statute restraining this class of immigration is clearly in support of this view. The seventh article relates to concessions of reciprocal rights in the public schools under the control of the respective powers and has really nothing to do with this question.

The conflict, if any there be, arises out of the provisions of article 6, and out of this clause:

> Chinese subjects visiting or residing in the United States shall enjoy the same privileges, immunities, and exemptions in respect to travel or residence as may there be enjoyed by citizens of the most favored nations.

This, sir, is the clause upon which the question must necessarily turn. And now, sir, it is important to determine, in the first place, what is to be the measure of the rights or "privileges, immunities, and exemptions" of Chinese traveling or residing in the United States. The clause says that they "shall enjoy the same privileges, immunities, and exemptions in respect to travel and residence as may there be enjoyed by citizens of the most favored nations." Are these rights to be determined by reference to the treaties of this with foreign countries alone, or may they claim to enjoy any and all privileges which are enjoyed by the citizens of most foreign nations who come among us by our sufferance, or, in other words, because we have not forbidden them; such privileges, for instance, as to fish, hunt, labor, work our mines, enter into the industrial avocations, many of the professions, and to contract marriage with our people? These are not ordinarily subjects of treaty stipulations.

It can be readily understood that if we find a stipulation in any one of our treaties with foreign nations conceding the right to travel at pleasure through all parts of the country to foreign citizens, then and in that case such a stipulation would inure to the benefit of the Chinese, or if it was stipulated that foreign citizens might reside wherever they desired throughout the country, this would also in that respect enable the Chinese to reside anywhere they liked, for in the one case it would be "in respect to travel," and in the other "in respect to residence," and it must be remembered that the concession is coupled with the restriction that the privileges, immunities, and exemptions shall be such as may there be enjoyed by the citizens of the most favored nation, and be always "in respect to travel and residence."

Is the privilege of taking gold from our mines, whether granted by treaty stipulation or enjoyed by sufferance, a privilege in respect to residence? Is the right of a foreigner to contract marriage in the United States a privilege having respect to residence? Is the right to work at carpentry, in a manufacturing establishment, as a cook, a servant, or in any other capacity, a privilege "in respect to residence?" If it be claimed that the right to enter all or any of the industrial pursuits of the country is to be considered as a privilege pertaining to, or "in respect to residence," then, sir, I ask, what purpose do the restrictive words in the treaty serve? Why should it not have been put thus: "Chinese subjects visiting and residing in the United States shall enjoy the same privileges, immunities, and exemptions as may there be enjoyed by the citizens of the most favored nation?" This form, the words of restriction being left out, would have entitled the Chinese to just what rights or privileges could be shown were granted to other foreign nations, but as it stands they are not, for it must not only have been granted, but must be in respect to travel or residence.

Sir, an examination of our treaties with foreign nations will show, I am quite sure, that none of the industrial avocations are ever referred to as in any way relating to residence. We have many instances in our commercial treaties where the right to come with ships and merchandise to our ports is granted. There is but little difference in the wording of them, all being formed, so far as the language is concerned, after one general model, and in all of them the right of residence is drawn to the right to trade, and the calling is not drawn to residence as a privilege depending upon residence or as a consequence of residence. An example may be found in the first article of our treaty with Russia, as follows:

> There shall be between the territories of the high contracting parties liberty of commerce and navigation. The inhabitants of the respective states shall mutually have liberty to enter the ports, places, and rivers of the territories of each party wherever foreign commerce is permitted. They shall be at liberty to sojourn and reside in all ports whatsoever of said territories in order to attend to their affairs; and they shall enjoy, to that effect, the same security and protection as natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing, and particularly to the regulations in force concerning commerce.

We have treaties in which it is reciprocally conceded that the citizens or subjects of each shall enjoy, in the territories of the other, all the "privileges, immunities, and exemptions of the most favored nation, in respect to commerce and navigation;" but the treaty with China is, I believe, the only one we have in which its peculiar phraseology is used. And, so far as I have been able to learn, no decisions have been made in the courts upon like terms from which light can be drawn. But, sir, it is a recognized rule that in construing treaties some respect is to be paid to the equality or inequality of rights and benefits to be derived by the contracting parties under different constructions in case of doubt. Now, sir, by this treaty the citizens of the United States are permitted to reside at eight ports only of China. The Chinese get an unlimited privilege of residing in any part of the United States; and it must be remembered that the citizens of the United States are not permitted to travel beyond the limits of the cities open to foreign commerce in China, but Chinese are permitted to go everywhere in the United States.

Under the provisions of this bill the Chinese will be restricted to trade and commerce, but may resort to any port or city of the United States. Our citizens are not permitted to enter into the industrial pursuits of their country, certainly not by the terms of the treaty, and why should we put an interpretation upon the treaty that shall give the Chinese that right in the United States, which can only be done by enlarging the import of the express words of the treaty by implication? Upon this point I quote from Vattel, as follows:

> Everything that tends to the common advantage in conventions or that has a tendency to place the contracting parties on a footing of equality is favorable. The voice of equity and the general rule of contracts require that the conditions between the two parties should be equal. We are not to presume without very strong reason that one of the contracting parties intended to favor the other to his own prejudice; but there is no danger in extending what is for the common advantage. * * * For the same reason everything that is not for the common advantage, everything that tends to destroy the equality of a contract, everything that onerates only one of the parties, or that onerates the one more than the other, is odious.

And again:

> The party who endeavors to avoid a loss has a better cause to support than he who aims at obtaining an advantage.

And Woolsey says:

> If two meanings are admissible, that is to be preferred which is least for the advantage of the party for whose benefit a clause is inserted. For in securing a benefit he ought to express himself clearly.

From these considerations, Mr. President, I conclude that the terms of this treaty do not entitle, and are not to be construed by any rule as entitling, the Chinese to enter the avocations from which it is proposed to exclude them. They certainly are not included in the direct terms of the treaty, and no rightful or proper construction can draw them within its purview. To do so, there must be an unwarranted enlargement of the terms by implication, contrary to every rule of interpretation applicable to the construction of treaties, as I understand those rules and their application. Then, sir, if there be no reason based upon the law of nations against the passage of this measure and no provision in our treaty which conflicts with it, the remaining question is one which relates to the necessity of the measure.

Mr. President, it will doubtless be urged, as it was on a former occasion, by those who oppose restrictive measures against Chinese immigration, that there is no need of such measures, that these people do not come to permanently remain in this country, that of late years they have not come in such numbers as formerly, and are constantly returning. But, sir, the facts do not bear out the statement, at least it falls very far short of the true state of the case. It is true, sir, that of late the arrivals have not been so numerous as in some previous years, but there are causes which make this exceptional. It is also true that there are some constantly returning; that, of course, will always be the case, but those returning make no diminution of the numbers in the country, as the influx is always greater than the returning tide. The statistics of emigration from 1851 to 1860 show that 41,379 Chinese arrived in the United States; that from 1861 to 1870 the arrivals of Chinese were 68,059, an increase of more than 40 per cent. over the preceding decade; that from 1871 to 1878, a period of eight years, the arrivals were 106,336, an actual increase of 68 per cent. in eight years as compared with the ten preceding years and at the rate of 85 per cent. for the decade.

It is true that in the last two years, 1877 and 1878, there was a large falling off in the arrivals; but that was wholly owing to the fact of serious opposition which assumed a threatening aspect in those years. It was the same in 1871 before the Burlingame treaty had the effect to reassure China against the opposition which through Staté laws had made it very uncomfortable for John in both California and Oregon. But these statistics, startling though they be, do not reveal all the facts which give significance to the coming of these hordes from the sinks and slums of China. From the very commencement of this emigration it has been in the face of a most persistent and bitter opposition exhibited against the Chinese on the part of the people of the Pacific States and Territories, which was made effective under the operation of statutes imposing severe and onerous taxes prior to 1869, when the Burlingame treaty was ratified, and since then this opposition has been intensified in every conceivable way.

This tide of emigration substantially began in 1851, when the arrivals were 2,716, which was swelled to 18,434 the next year, which produced great excitement and opposition, causing it to drop to 4,316 the following year, 1853; but it rose again to 15,063 in 1854. From that time until after the concluding of the Burlingame treaty the resist-

ance met with kept it between 3,212, the lowest, in 1855, and 7,620, the highest point, reached in 1860—in several of those years the return tide equaling the arrivals. The effect of the treaty which was concluded in 1868 and ratified in 1869 was to excite anew the tide of emigration, reaching 10,642 in 1872 and 19,033 in 1875, when, owing to the threatening character of the opposition, it again declined. But now, sir, since the veto of the bill passed by the last Congress, limiting this emigration, a marked increase is reported by the press to have already set in.

And here let me say, this treaty was entered into in the face of the statutes of the States of California and Oregon, and in the face of the provisions of the constitution of Oregon, which are as follows:

Whites who are or may hereafter become residents of this State, shall enjoy the same rights in respect to the possession, enjoyment, and descent of property as native-born citizens, and the Legislative Assembly shall have power to restrain and regulate the immigration to this State of persons not qualified to become citizens of the United States.

No Chinaman not a resident of the State at the adoption of this constitution shall ever hold any real estate or mining claim, or work any mining claim therein.

All these fell before this treaty and the interpretation placed on it. But your treaty was powerless to control or suppress public sentiment against the Chinese, and year after year, as the evils resulting from the coming of these hordes of cooly laborers have become more and more felt and seen, the higher has risen popular resentment and opposition, threatening at times to break out in uncontrolled fury. This antipathy and opposition is not confined to one party or to any particular class of society, but it pervades all parties and permeates all classes of society. It is not merely the outcry of the rabble, hoodlums, or communistic elements, as some suppose, but the well-considered and thoughtful opposition of the best and the most intelligent representative men and women of that whole section. As an illustration of this fact I have here the address of the Portland Board of Trade to the President of the United States. This organization is composed of gentlemen of the highest social standing and character in that city and State—men of wealth, engaged in commercial pursuits, merchants, brokers, bankers, and other avocations of equal importance—just the class of men one would seek to learn of, in respect to a matter affecting the general interests of the community in which they live, and whose statements and opinions are always entitled to weight. This address is as follows:

To the President of the United States:

Your memorialists, the Portland Board of Trade, would respectfully represent that the people of this State have for a number of years greatly suffered by the unlimited and unrestricted immigration of Chinese; that the Chinese who have thus come into our State cannot be classed as immigrants in the meaning of the term generally accepted by the people of the United States, as the great majority do not come of their own free will and accord, but are brought in hordes, and in a condition of at least semi-slavery, being obliged to perform a term of servitude to the companies or masters who bring them; that they seriously interfere with all free labor, as they are able to exist upon a pittance that does not suffice for the merest support of a white laborer and his family; that their crimes and pauperism are a continual source of expense to the State; that they do not in any manner add to the wealth or prosperity of this State by the acquisition of real property, the payment of taxes, or the development of any of its resources; that every dollar they earn that is not absolutely necessary for their support is sent out of the country; and that they have introduced diseases and crimes in our midst entirely unknown prior to their advent.

That while we deprecate and censure any and all forms of violence toward the Chinese or any other class of people brought or immigrating to this country, your memorialists would assure you that the feeling against and opposition to the Chinese are not entertained, as seems to be the prevailing opinion in the Eastern States, by the so-called hoodlum element only, but is held by all classes of our population.

For these and various other reasons your memorialists would respectfully urge upon your Excellency and the Senate of the United States that the interests of this State, as well as all the other States and Territories on this coast, imperatively demand that the now existing treaties with China be so modified and revised as to restrict and decrease the landing upon our shores of these people, and would earnestly ask that steps be at once inaugurated to accomplish that end.

We would also respectfully call your attention to and ask your favorable consideration of the memorial upon this subject adopted by the Legislature of this State at its last session.

And your memorialists will ever pray.

Mr. President, this opposition to the Chinese has been recently crystallized in California in her new constitution in a form at once decisive and emphatic, exhibiting the full and set determination of that Commonwealth to suppress this tide of cooly immigration, and also to rid its people of the evils which arise from the oppressive and exasperating pressure of those already within the State. Article 19 of the new constitution of California is as follows:

ARTICLE XIX.

CHINESE.

SECTION 1. The Legislature shall prescribe all necessary regulations for the protection of the State and the counties, cities, and towns thereof from the burdens and evils arising from the presence of aliens who are or may become vagrants, paupers, mendicants, criminals, or invalids afflicted with contagious or infectious diseases, and from aliens otherwise dangerous or detrimental to the well-being or peace of the State, and to impose conditions upon which such persons may reside in the State, and to provide the means and mode of their removal from the State upon failure or refusal to comply with such conditions: *Provided*, That nothing contained in this section shall be construed to impair or limit the power of the Legislature to pass such police laws or other regulations as it may deem necessary.

SEC. 2. No corporation now existing or hereafter formed under the laws of this State shall, after the adoption of this constitution, employ, directly or indirectly, in any capacity, any Chinese or Mongolian. The Legislature shall pass such laws as may be necessary to enforce this provision.

SEC. 3. No Chinese shall be employed on any State, county, municipal, or other public work, except in punishment for crime.

SEC. 4. The presence of foreigners ineligible to become citizens of the United States is declared to be dangerous to the well-being of the State, and the Legislature shall discourage their immigration by all the means within its power. Asiatic coolyism is a form of human slavery, and is forever prohibited in this State, and all contracts for cooly labor shall be void. All companies or corporations, whether formed in this country or any foreign country, for the importation of such labor, shall be subject to such penalties as the Legislature may prescribe. The Legislature shall delegate all necessary power to the incorporated cities and towns of this State for the removal of Chinese without the limits of such cities and towns, or for their location within prescribed portions of those limits, and it shall also provide the necessary legislation to prohibit the introduction into this State of Chinese after the adoption of this constitution. This section shall be enforced by appropriate legislation.

It will be seen, Mr. President, from these facts that this sentiment of opposition and antagonism is steadily increasing, that time serves only to intensify and crystallize it, and that the current is sweeping on with resistless tide to more serious complications. And, sir, it must continue so, for it is a conflict between different races, between different and antagonistic civilizations, and is as irrepressible as that other conflict which has caused so much trouble and disaster in this country. Let Senators not deceive themselves in regard to the nature, character, or magnitude of this question. The history of cooly immigration into the United States for the past twenty-eight years most clearly shows that they are not only anxious to come, but are set on coming. Within that time more than two hundred thousand have come, and to-day there are not less than one hundred thousand in the United States, probably very many more, and the tide is constantly swelling in a constantly accelerated ratio, and that, too, in the face of and in opposition to the determined efforts of the people of the Pacific States and Territories to check and restrain it. These facts, and the further fact that they are now coming by every ship that comes to our coast from the open ports of China, in spite of the opposition which they meet, and which is becoming more and more threatening, demonstrates that they are set upon coming. The necessities of an overcrowded population are impelling the Chinese to seek in other climes that sustenance which is so difficult to procure in their own.

It is true, sir, that in past centuries China has been averse to the emigration of her people, but in the light of the events occurring since the opening of the present century, and particularly within the last thirty years, it is not prudent to rely upon the indisposition of her government or her people to seek settlement in foreign lands. Why, sir, she has inundated Cochin China, Anam, Siam, and threatens the Empire of Japan—has invaded Australia, the Sandwich Islands, and Polynesia. Sir John Browning, in his work on The Kingdom and People of Siam, published in 1857, says:

The extraordinary diffusion of the Chinese over all the regions from the most western of the islands of the Indian Archipelago, in the straits settlements, in Siam and Cochin China, and now extending over a considerable portion of Western America, particularly California, and reaching even Australia and Polynesia, is one of the most remarkable of the events of modern history, and is likely to exercise a great influence on the future condition of man; for the Chinese do not migrate to mingle with and be absorbed among other tribes and people; they preserve their own language, their own nationality, their own customs and religious usages, their own traditions, habits and social organization. * * * It is estimated that in the Kingdom of Siam there are more than a million and a half of Chinese settlers; in the city of Bangkok alone there are supposed to be two hundred thousand. In fact all the active business appears to be in their hands.

Mr. President, the evidence is constantly accumulating that they are pressing into every country where they can find a lodgment, even in the face of opposition from the people among whom they thrust themselves. And it is not strange that they are so pressing into other countries, and particularly into the Pacific States and Territories, when it is remembered that even the lowest wages the commonest laborer gets in this country would be a munificent income in China. No, Mr. President, they are eager to come, and to come in much greater numbers than heretofore, whenever all restraining influences shall be removed. If there were no restraint in the shape of a threatening adverse public opinion to their emigration, our shores would be darkened as it were with their coming. The hundred thousand now here is but the vanguard of a million, or ten millions, or may be one hundred millions behind, who want to come and will come, if the most stringent and effective legislation is not had prohibiting them from coming, or annexing such conditions to their coming or staying as will most effectually shut them out from all industrial pursuits of every class and description when here. And this, sir, is precisely what is proposed in the pending bill.

It will doubtless be urged that the provisions of this bill are unusual and harsh. It is true, sir, that in the history of this country no such measure, so far as I am informed, has ever been proposed. We have thrown the doors wide open to the world and invited emigrants from every land to partake of our hospitality. And so long as the emigrants coming to us possessed like characteristics with our people and readily conformed to our institutions, our customs and habits, and possessed the capability and will to become a part of our people, yielding a ready assent and obedience to our laws, no objection was ever made, and none is now made to that class of emigration. But now, our people carrying their institutions and civilization with them, have crossed the continent and find themselves confronting the oldest nation and the oldest civilization of the world. The antagonism of race and civilization forbids any blending of these people of the two nations, and when brought in contact and competition in the race of life, irritation and discontent is the result.

While, then, it is true that no such measure as this has ever been offered in Congress before, it is also true that no like state or condition has ever before existed calling for the exercise of like legislative power. If, then, this measure is unusual, the occasion which de-

mands it is equally exceptional; and whatever of harshness to the Chinese there may be in the proposed legislation, it is inseparable from the condition and the evils proposed to be provided against. The Chinese are here in great numbers. Thousands of deserving white people have been, and now are, deprived of the means of earning an honest livelihood by being driven out of employment by these hordes of Mongolians. What kind of humanity is it that turns a deaf ear to the appeals of our own race for succor and protection from this curse of Asiatic competitors in our labor markets, which is pressing so many of our own people down in the scale of human society to a condition worse than slavery or Russian serfdom, but is ever ready to lend a willing ear to appeals in behalf of these instruments of oppression who are alien to our shores and between whom and our people there is an impassable gulf of race distinction, to say nothing of the vices of their peculiar civilization which they seek to set up in antagonism to our own?

No, Mr. President, the proposed measure is not unnecessarily harsh or proscriptive, it does not go further than the necessity requires it should go; for let me assure Senators that any measure which does not make it unlawful for the Chinese to enter the industrial avocations and the labor markets in competition with our own people, or prohibit their emigrating to this country, will be of no service to our people, and even the prohibition of further immigration would bring no relief against the disastrous influence of the many thousands already here.

Mr. President, I will not detain the Senate longer in the discussion of this measure, but earnestly asking for it that consideration which its importance demands I ask that it may be referred to the Committee on Foreign Relations.

The PRESIDING OFFICER, (Mr. GROOME in the chair.) If there be no objection, the bill will be so referred. It is so referred.

INTERNAL-REVENUE LAWS AND MANUAL.

Mr. WHYTE. The Committee on Printing, to whom was referred the bill (H. R. No. 2267) providing for the binding of the internal-revenue laws and manual, instruct me to report it back without amendment, and with a recommendation that it pass. I ask for the immediate consideration of it.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Public Printer to bind in cloth 3,000 copies of the compilation of the internal-revenue laws and 3,500 copies of the internal-revenue manual for the use of the Internal Revenue Bureau.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. No. 2252) making appropriations for certain judicial expenses; and it was thereupon signed by the President *pro tempore*.

SPECIAL IMPROVEMENT ASSESSMENTS.

Mr. HARRIS. I move that the Senate do now proceed to the consideration of House bill No. 1379, and I desire to say——

Mr. INGALLS. What is the title of the bill?

Mr. HARRIS. It is a bill (H. R. No. 1379) fixing the rate of interest upon arrearages of general taxes and assessments for special improvements now due to the District of Columbia, and for a revision of assessments for special improvements, and for other purposes.

I desire to say in connection with my motion that if the Senate shall consent now to proceed to the consideration of the bill I will at any moment, if it shall take up any time, (I do not think it will beyond half an hour or three-quarters of an hour,) on the demand of the Committee on Appropriations consent that it be informally laid aside in order that that committee shall have whatever time it needs for the consideration of any one of its bills.

Mr. DAVIS, of West Virginia. I gave notice this morning that after the conclusion of the speech of the Senator from Oregon I would call up what is known as the letter-carriers bill, a House bill reported from the Committee on Appropriations. I shall give way, though, to the Senator from Tennessee for a reasonable time with the distinct understanding that if his bill should extend to any considerable length of time I shall ask that the appropriation bill be taken up.

Mr. HARRIS. I will say that on the demand of the Senator from West Virginia I will at any time consent that it may be informally laid aside, but it is important in my judgment that the bill should be acted on.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1379) fixing the rate of interest upon arrearages of general taxes and assessments for special improvements now due to the District of Columbia, and for a revision of assessments for special improvements, and for other purposes.

The bill was reported from the Committee on the District of Columbia with amendments.

The first amendment was, in line 5 of section 1, after the word "which," to strike out the word "they;" so as to read:

That the rate of interest to be collected of any person owing arrearages of general taxes or assessments for special improvements now due to, and the liens for which are held by, the District of Columbia, shall be 6 per cent. per annum, in lieu of the rate and penalties now fixed by law: *Provided*, This provision shall apply only to taxes and assessments paid on or before the 1st day of October, 1879.

The amendment was agreed to.

The next amendment was to strike out section 2 of the bill in the following words:

SEC. 2. Where property has been sold under tax sales and bought in by any other party than the District of Columbia, or where any third person has acquired tax-lien certificates or special-assessment certificates, the parties owning the property thus sold, or on which such certificates may have been acquired, may tender to the purchaser or holder of said certificates, on or before the 1st day of October, 1879, the amount due and 6 per cent. interest, which, when received, shall be in full of principal, interest, and penalties attached thereto by law.

The amendment was agreed to.

The next amendment was in section [3] 2, after the word "assessments," in line 15, to strike out the words "for which no special assessment certificates have been issued, and which are not pledged for any existing obligation;" so as to make the section read:

That the commissioners of the District of Columbia are hereby authorized and directed, upon written complaint being made to them, within sixty days from the passage of this act, by any person or persons who had prior to June 19, 1878, paid their special improvement taxes, prepared under an act of the Legislative Assembly of said District of August 10, 1871, that their said assessment or assessments were erroneous or excessive, to revise and correct such assessment so complained of; and in case the amount of any such assessment is found to be erroneous or excessive, the commissioners shall issue to the person entitled to the same a drawback certificate for the amount of such excessive or erroneous charge, which certificate shall be received in payment of all special assessments and for all general taxes due before the 1st day of July, 1877: *Provided*, That complaints filed under the act of June 19, 1878, (paid or unpaid,) by a property-holder, his agent or attorney, need not be refiled under this act.

The amendment was agreed to.

Mr. HARRIS. Those are all the amendments of the committee.

Mr. CONKLING. I suggest to the Senator from Tennessee, before we adopt the bill it might be well for him, at least in general terms, to tell us what ground it covers. I do not know, and I presume other Senators do not.

Mr. HARRIS. As the Senator will see by looking at the bill, the first section provides that any person owing general or special taxes, where the liens for the same are not held by third persons, may discharge the same by paying the amount of such taxes with 6 per cent. interest thereon, if the payment is made on or before the 1st day of October next. As a matter of fact there is a large amount of taxes, general and special, due the District of Columbia, that have been due for many years, and there is a large amount of accrued interest, the rate of interest being 10 per cent. under the law as it now stands. It is believed by the commissioners of the District of Columbia that if this favor is extended the tax-payer, to relieve him from the excessive rate of interest, to relieve him from penalty and enable him to pay the amount of the taxes with 6 per cent. interest thereon, it will enable many persons to pay who are wholly unable to pay now the large amount that the existing rate of interest and penalty have reached. It will benefit the tax-payer to that extent, and benefit the revenues of the District by enabling the commissioners to make collections that they could not make otherwise.

The second section of the bill as it now stands amended—it was the third section in the bill as it came from the House—provides for the revision of any special assessments which have been heretofore paid where the party paying the same feels that the assessments were excessive or erroneous. Upon the written application of such person it is made the duty of the commissioners to revise that assessment, and where the assessment made is found to have been erroneous, where the assessing power had no right to make it, or where the party had the power to make it and the assessment was excessive, in either of these cases it is made the duty of the commissioners of the District of Columbia to revise that assessment, and, where found erroneous or excessive, to issue to the parties so assessed a drawback certificate for the amount of such error.

These are the two operative sections in the bill. The other section in the bill simply provides for the advertising for the sale of property in arrears, to conform to the provisions made in the two former sections. The second section as it came from the House, which is stricken out upon the recommendation of the committee, was stricken out because of the fact that if it was intended to require the holder of tax-lien certificates, or the purchaser of property at tax sales, to receive the amount of taxes and 6 per cent. thereon it was what, in the opinion of the committee, Congress had no power to do; if it was intended simply to pass an act of Congress to authorize two persons interested in a business transaction to compromise the matter between themselves, the committee thought it was not necessary to pass an act of Congress for any such purpose, as all persons have at all times and under all circumstances enjoyed the right to do that by contract or agreement whenever they saw fit so to do.

While the bill, in the opinion of the committee, does not go as far as the committee thinks it is necessary to go in dealing with many of the questions growing out of the assessments for taxes in the District of Columbia, it was quite as far as the committee felt authorized to go within the short time they have had for the investigation of the general question. Being right in itself the committee hope that the bill may be passed so that the parties benefited by it may avail themselves of the benefits that it offers, with the hope that at the coming session of Congress the committee may be able to take up the general subject, investigate it thoroughly, and report such measure as may

do full justice to all parties in the District of Columbia in reference to the various complications and wrongs that have grown out of general and special assessments in the District of Columbia during the last five, six, or seven years.

Mr. CONKLING. The statement of the Senator from Tennessee certainly does not invite opposition to this bill. On the contrary those who listened to it will be compelled, I think, to agree with him that it is right as far as it goes. I venture, however, not in criticism of anything the Senator says, nor in criticism of the bill, which I must confess I have not even read, to make a suggestion.

The Senator thinks, and I agree with him, that it is right to allow those who have paid excessive taxes to have a proceeding and a mode providing for the return to them of the excess they have paid. The argument which proves that will certainly prove, as I know the Senator from Tennessee thinks because of a previous observation of his, that other persons who have paid excessive assessments, who paid them at an earlier day than those referred to in the pending bill, who received long ago a certificate that they had paid excessive assessments and that they were entitled of their own money to receive back a definite sum, are in point of equitable priority entitled to even more consideration than these, justly treated, no doubt, according to the Senator's statement, in the pending bill.

Therefore I venture once more (I say "once more" because this was the topic of one previous reference, I think) to express the hope that persons who have been reported, who stand tabulated in the official statements made to the Senate, one of which was produced the other day by a neighboring Senator and I read from it to the Senate, as having long ago paid excessive assessments, that fact having been certified, the exact amount which they were entitled to receive having been ascertained, and a certification having been furnished to them, upon which certificate they have not been permitted to receive anything, either of principal or interest, which certificate they have not even been permitted to use to liquidate taxes upon the ground of offset, will some time or other, and that before long, be permitted in some form to receive back not the public money but their own money which they paid and which has all this time belonged to them. If you can put any case of a creditor speaking aloud of equity and of right, I humbly conceive that is the case; and the honorable Senator from Tennessee signified on a previous occasion that he quite agreed with me.

Mr. HARRIS. I do quite agree with the Senator in that expression, and at the earliest day possible, I take pleasure in saying to the Senator, I shall devote my energies and my best efforts to dealing with the question with a hope of arriving at something like justice to that and other classes who have suffered by reason of various complications and irregularities.

Mr. HOUSTON. I desire to ask the attention of the Senator from Tennessee to a point in what is the second section of the bill as it is now altered. This section provides that upon the complaint of any party who has paid his special assessment prior to June 19, 1878, he shall have a remedy by authorizing a settlement or adjustment of the case and the issue of certificates. I desire to ask the chairman of the committee why that limitation is confined to those who have paid their special assessment, under the act of the Legislative Assembly of the District of 1871, prior to June 19, 1878. It is all very proper if the assessment is erroneous to issue the certificates to correct the error; but suppose the assessment is erroneous and the party did not pay it previous to the 19th of June, 1878, ought not that also to be corrected just as well?

Mr. HARRIS. If the Senator will allow me I will call his attention to the act of June 19, 1878, which provides that the commissioners of the District of Columbia shall proceed to enforce collection under the general laws as they stand, with the following proviso:

Provided, That upon complaint being made to the commissioners, within thirty days from the passage of this act, of erroneous or excessive charges in respect to any of said assessments which remain unpaid, said commissioners are hereby authorized to revise such assessments so complained of, and to correct the same; and where certificates of assessment have been issued, they shall issue to the holder of such certificate a drawback certificate for the amount of such erroneous or excessive charges.

Mr. HOUSTON. Will the honorable Senator state to the Senate what taxes and special assessments are included in the act of the Legislative Assembly of August 10, 1871, to which this bill now refers?

Mr. HARRIS. I will state briefly to the Senator, and I suppose satisfactorily——

Mr. HOUSTON. I do not want to delay action on the bill at all.

Mr. HARRIS. There was organized under an act of Congress and an act of the Legislative Assembly of the District of Columbia in 1871 what was known as the board of public works, with discretionary powers to improve the streets and highways and alleys of this city and authority to assess the private property benefited by any street improvement. The private property on either side of the street was assessed to the extent of one-sixth of the cost of such improvement. In the exercise of that power the board of public works proceeded to make very extensive and extremely expensive works of improvement. They proceeded to assess all the property upon the street without very much regard to whether the property was improved or injured by the work, and without very much regard to actual value in the assessment. In other words, in very many instances where they had a perfect right to assess, their assessments were excessive, possibly 50 or 100 per cent. higher than they ought to have been. In some instances assessments were made which it is believed were wholly unauthorized by any act of Congress or any act of the Legislative Assembly. Very many of these assessments are still outstanding and unpaid. This bill is intended to facilitate the settlement of those long-standing unsettled accounts.

Mr. HOUSTON. The thirty days allowed in the act of 1878, to which the Senator has referred, seems to me to need correction and elongation, as well as a similar limitation in the bill now proposed. A property-owner who may not live in the city would not know probably what the assessment was until after the expiration of thirty days; and the relief that will be obtained by those who are upon the spot and who learned the fact of the assessment in time to file their application within thirty days should be extended to them.

Mr. HARRIS. If the Senator will allow me, the thirty-day limitation applies to the filing of the complaint.

Mr. HOUSTON. I know that.

Mr. HARRIS. Allow me to state to the honorable Senator that I am informed by the commissioners of the District of Columbia that at the end of thirty days almost the entire amount of these unpaid assessments were filed formerly. Hence that limitation of thirty days need not be extended. The applications are on file in almost every case in which the payment will be made, if not in all cases, so that the commissioners will meet and determine who have suffered under the malpractice of the board of public works.

Mr. HOUSTON. I do not understand the Senator now as saying that relief will be given in a case where the party had not filed his complaint within thirty days, and the word "almost" as used by the Senator indicates that there are some such cases still out. If there are, the limitation should be extended so as to include them.

Mr. HARRIS. I am not prepared to state that every individual against whom special assessments were made has filed his complaint; but it is believed that almost the entire body of them, if not every one, has so filed his application. I have already stated that the general subject is one that the Committee on the District of Columbia propose to take up and thoroughly review at the beginning of the next session of Congress, because there are kindred subjects that are not revised and will require revision. I promise the Senator from Alabama that in December next, provision will be made to meet all the cases that require correction; but for the present it is believed that there is no account that is not amply provided for by the legislation of June, 1878, and the present bill that is pending.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

PROPOSED EXECUTIVE SESSION.

Mr. WHYTE. I move that the Senate proceed to the consideration of executive business.

Mr. DAVIS, of West Virginia. Mr. President——

Mr. HILL, of Georgia. I wish to move to take up a bill for consideration.

Mr. WHYTE. I have moved to go into executive session.

Mr. HILL, of Georgia. I desire to have action on a small bill.

Mr. DAVIS, of West Virginia. I have a word to say——

The PRESIDING OFFICER. A motion for an executive session has preference.

Mr. DAVIS, of West Virginia. I gave way to the Senator from Tennessee for the purpose of taking up the bill that has just passed. It is well known to the Senate that the appropriation bill is the regular order.

Mr. HILL, of Georgia. Have you an appropriation bill ready?

Mr. DAVIS, of West Virginia. Certainly, ready now.

Mr. HILL, of Georgia. Are you going to insist on it?

Mr. DAVIS, of West Virginia. Certainly.

Mr. HILL, of Georgia. Then you will not give way to me?

Mr. DAVIS, of West Virginia. I ought not to have given way to the Senator from Tennessee. I would do anything for the Senator he asks at a proper time; but this is an appropriation bill, and I must insist on it.

The PRESIDING OFFICER. Does the Senator from Maryland, under the circumstances, insist on his motion?

Mr. HILL, of Georgia. I have a private bill here which I have tried to get up at various times during this session.

The PRESIDING OFFICER. Does the Senator from Maryland insist on his motion?

Mr. WHYTE. I will only withhold the motion for the purpose of taking up an appropriation bill. If the Senator from West Virginia, the chairman of the Committee on Appropriations, holds the floor and insists upon his appropriation bill, I will give way, but I will not give way for other bills.

The PRESIDING OFFICER. Does the Senator from West Virginia insist on taking up the appropriation bill?

Mr. HILL, of Georgia. I have a little bill that I do not think will take many minutes.

Mr. DAVIS, of West Virginia. The appropriation bill of course ought to be passed. I am perfectly willing to submit the question of an executive session to the Senate, but I cannot give way to other bills. My committee has directed me to call this bill up. If the Sen-

ate desires to go into executive session, I will not antagonize the motion, and therefore I will give way to test the sense of the Senate, but I wish the appropriation bill to be considered to-day.

Mr. WHYTE. As I understand, the bill that the Senator from West Virginia has in charge is not a regular appropriation bill, but only a bill in regard to letter-carriers or some other employés of the Government.

Mr. DAVIS, of West Virginia. I will state to the Senator that it embraces half a dozen items on different matters.

Mr. WHYTE. But it is not one of the general appropriation bills?

Mr. DAVIS, of West Virginia. It is not one of the general appropriation bills.

Mr. WHYTE. It is a special appropriation bill. I therefore insist on my motion to go into executive session.

The question being put, there were on a division—ayes 24, noes 18.

Mr. GARLAND. I call for the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 24, nays 25; as follows:

YEAS—24.

Allison,	Cameron of Pa.,	Ferry,	Platt,
Anthony,	Cameron of Wis.,	Ingalls,	Randolph,
Blair,	Chandler,	Logan,	Saunders,
Booth,	Conkling,	McMillan,	Wallace,
Bruce,	Davis of Illinois,	Morrill,	Whyte,
Burnside,	Eaton,	Pendleton,	Windom.

NAYS—25.

Bayard,	Hampton,	Kernan,	Vance,
Beck,	Harris,	Maxey,	Vest,
Call,	Hereford,	Morgan,	Voorhees,
Coke,	Hill of Georgia,	Ransom,	Walker.
Davis of W. Va.,	Houston,	Rollins,	
Garland,	Jonas,	Saulsbury,	
Groome,	Jones of Florida,	Slater,	

ABSENT—27.

Bailey,	Farley,	Jones of Nevada,	Plumb,
Blaine,	Gordon,	Kellogg,	Sharon,
Butler,	Grover,	Kirkwood,	Teller,
Carpenter,	Hamlin,	Lamar,	Thurman,
Cockrell,	Hill of Colorado,	McDonald,	Williams,
Dawes,	Hoar,	McPherson,	Withers.
Edmunds,	Johnston,	Paddock	

So the motion was not agreed to.

Mr. DAVIS, of West Virginia. Mr. President——

Mr. CAMERON, of Pennsylvania. I move that the Senate adjourn.

Mr. DAVIS, of West Virginia. That it is impossible for me to consent to. There is an appropriation bill ready to be acted on.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Pennsylvania that the Senate adjourn.

Mr. CAMERON, of Pennsylvania. I ask for the yeas and nays.

Mr. DAVIS, of West Virginia. It looks queer if we should adjourn with an appropriation bill right here ready to be passed.

The PRESIDENT *pro tempore*. The motion is not debatable.

Mr. DAVIS, of West Virginia. I understand that it is not debatable.

The PRESIDENT *pro tempore*. Is the demand for the yeas and nays seconded?

The yeas and nays were ordered; and being taken, resulted—yeas 11, nays 40; as follows:

YEAS—11.

Anthony,	Chandler,	Ingalls,	Platt,
Cameron of Pa.,	Conkling,	Logan,	Windom.
Cameron of Wis.,	Davis of Illinois,	Paddock,	

NAYS—40.

Allison,	Ferry,	Kellogg,	Rollins,
Bayard,	Gordon,	Kernan,	Saulsbury,
Beck,	Groome,	McMillan,	Saunders,
Blair,	Hampton,	McPherson,	Slater,
Booth,	Harris,	Maxey,	Vance,
Burnside,	Hereford,	Morgan,	Vest,
Call,	Hill of Colorado,	Morrill,	Voorhees,
Coke,	Hill of Georgia,	Pendleton,	Walker,
Davis of W. Va.,	Jonas,	Randolph,	Wallace,
Eaton,	Jones of Florida,	Ransom,	Whyte.

ABSENT—25.

Bailey,	Edmunds,	Johnston,	Teller,
Blaine,	Farley,	Jones of Nevada,	Thurman,
Bruce,	Gordon,	Kirkwood,	Williams,
Butler,	Grover,	Lamar,	Withers.
Carpenter,	Hamlin,	McDonald,	
Cockrell,	Hoar,	Plumb,	
Dawes,	Houston,	Sharon,	

So the Senate refused to adjourn.

Mr. McMILLAN. I think there is important executive business that we should transact. I move that the Senate proceed to the consideration of executive business.

Mr. DAVIS, of West Virginia. Mr. President, there is an appropriation bill ready.

The PRESIDENT *pro tempore*. The question is not debatable.

Mr. DAVIS, of West Virginia. I know it is not debatable, but this is a strange proceeding indeed.

The PRESIDENT *pro tempore*. The question is on the motion to proceed to the consideration of executive business.

Mr. McMILLAN. I ask for the yeas and nays.

The yeas and nays were not ordered.

The motion was not agreed to.

POST-OFFICE APPROPRIATIONS, ETC.

Mr. DAVIS, of West Virginia. I move that the Senate proceed to the consideration of House bill No. 2002, which is an appropriation bill.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 2002) making additional appropriations for the service of the Post-Office Department for the fiscal years ending June 30, 1879, and June 30, 1880, and for other purposes.

The bill was reported from the Committee on Appropriations with amendments.

Mr. DAVIS, of West Virginia. I suggest that we act upon the amendments as they are reached in the reading of the bill. It will save time.

The PRESIDENT *pro tempore*. If there is no objection that course will be pursued.

The Chief Clerk proceeded to read the bill.

The first amendment of the Committee on Appropriations was, in line 13, to strike out "$415,000" and insert "$400,000;" so as to read:

For payment to letter-carriers for the fiscal year ending June 30, 1880, and to extend the service of such carriers for said year, under the provisions of the act approved February 21, 1879, entitled "An act to fix the pay of letter-carriers," in addition to the sum heretofore appropriated, $400,000.

Mr. PADDOCK. I should like to have the Senator in charge of the bill explain this amendment and state what the effect of it is, whether it is to reduce the salaries of the letter-carriers.

Mr. DAVIS, of West Virginia. I thought it hardly worth while to make an explanation of the bill unless some Senator should request it. The Senator from Nebraska has made that request in regard to this amendment, and I will make a short explanation of it. This item, as it came from the House, is intended to carry out the provisions of the act of February last, which increased the salaries of letter-carriers. No adjustment up to the present time has been made by the Department, so that this is the first appropriation to carry out the law of the 21st of February. No adjustment has taken place in the Department, and the current fiscal year is nearly ended, so that the appropriation is made for the next fiscal year.

The estimate of the Department for the maximum increase of salaries for the coming year was $437,050, and the minimum $377,450. What is meant by the maximum and minimum, as stated by the Post-Office Department, is that the law of February last left it discretionary whether there should be one-half or two-thirds advanced to the increased salary. It should not be less than one-half nor more than two-thirds; so that if two-thirds of the letter-carriers' salaries are advanced it will be $437,000 in round numbers for the coming year, and if but one-half the salaries shall be advanced it will be $377,000. The committee thought, and it was suggested, too, by a letter from the Department, that $400,000 would probably be sufficient to cover the wants of the Department in this respect for the coming year. Therefore the sum was fixed at $400,000 instead of $415,000, as was provided in the bill as it came from the House.

The amendment was agreed to.

The next amendment of the Committee on Appropriations was to strike out from line 14 to line 17, inclusive, in the following words:

For payment of increased salary to letter-carriers, under the provisions of existing law, for the fiscal year ending June 30, 1879, $71,000.

The amendment was agreed to.

The next amendment was, after line 17, to insert:

To enable the Commissioner of the General Land Office to adjust and settle the claims of the several States under the act of Congress approved September 28, 1850, and the act supplemental thereto and amendatory thereof, for swamp lands, including all claims for swamp-land indemnity under the acts of March 2, 1855, and March 3, 1857, and other acts, $15,000.

The amendment was agreed to.

The next amendment was, after line 25, to insert:

For payment of judgments of the Court of Claims, $100,000, or so much thereof as may be necessary.

The amendment was agreed to.

Mr. COKE. If it is in order, I should like to offer an amendment.

Mr. DAVIS, of West Virginia. I suggest to the Senator from Texas to wait until the amendments of the committee are finished, and then offer his amendment.

Mr. COKE. Very well.

The next amendment of the Committee on Appropriations was, after line 28, to insert:

For salary of the additional associate justice of the supreme court of the District of Columbia, appointed under the act of Congress approved February 25, 1879, from the date of his appointment to and including June 30, 1879, $1,122.22, or so much thereof as may be necessary; and the paragraph relating to Reform School, in section 3 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes," is hereby amended by inserting, after the word "improvements," in said paragraph the words, "and support of boys sent to said school."

The amendment was agreed to.

The PRESIDENT *pro tempore*. This concludes the amendments of the Committee on Appropriations.

Mr. DAVIS, of West Virginia. I suggest now to the Senator from Texas that the amendment he wishes to offer would be in order.

Mr. CONKLING. Before we leave the committee amendments may I ask a question of the chairman? Does the bill as it stands now make provision for the increased pay of the letter-carriers?

Mr. DAVIS, of West Virginia. I will explain that it makes an appropriation for the coming fiscal year, but not for the present fiscal year, as no adjustment up to the present time has taken place. The appropriation of $400,000 is for the next fiscal year, which the Postmaster-General thinks will cover the full amount that will be required.

Mr. CONKLING. For the next year?

Mr. DAVIS, of West Virginia. For the coming year.

Mr. CONKLING. What becomes of the same measure of compensation for the fiscal year about to expire?

Mr. DAVIS, of West Virginia. The act, as the Senator probably knows, was passed in February last, and no appropriation being made at the time no adjustment has taken place since the passage of the act. There has been no classification of the letter-carriers, and for that reason the committee thought it best to make no appropriation for the current year.

Mr. CONKLING. Then, if I understand the Senator aright, it is owing to the action or non-action of the Post-Office Department that the letter-carriers have not been able to avail themselves of the act passed in February last?

Mr. DAVIS, of West Virginia. That is nearly so, with this exception, that the act did not contain an appropriation at the time. The Postmaster-General in a communication to the committee stated that he had made no classification from the fact that he had no money to pay the letter-carriers the increased salary under that act.

Mr. CONKLING. I do not inquire the reason, if the Senator will pardon me, and I will give my reason for asking the question. I received a great number of communications, I received a letter only yesterday signed I think by some thirty or forty persons, seeking my attention urgently to this matter,—persons who believe that the letter-carriers perform very hard service and under recent legislation have received inadequate and reduced pay; and they advised me and begged me to exert myself to have this injustice corrected. If the injustice, provided it be an injustice, has resulted from the omission of the two Houses of Congress in legislation, I should like to know that, and I should like to accept my share of blame. If, on the contrary, it has resulted from departmental action, I should like to be exonerated, and I should like to have the other members of the Senate and of the House exonerated from any measure of blame that might otherwise be ascribed to them.

With this explanation I will leave the matter, if I can state aright the understanding of the Senator from West Virginia, who no doubt knows whereof he speaks. Had the Post-Office Department proceeded, after the act of February last, to make a classification of the letter-carriers, then that act would have taken effect; but inasmuch as the Post-Office Department did not make that classification it has not taken effect. Am I right so far?

Mr. DAVIS, of West Virginia. Yes, sir.

Mr. CONKLING. And now the Senator and his committee propose to make appropriations for the coming fiscal year, expecting that the Post-Office Department will make this classification?

Mr. DAVIS, of West Virginia. The Senator is right in that respect.

Mr. CONKLING. And when the next fiscal year has run out, if it shall turn out that the Post-Office Department has not made the classification, then the letter-carriers will not receive their extra pay, and it will be because of that departmental action and not because of any neglect here. Is that right?

Mr. DAVIS, of West Virginia. In substance that is right. The committee would have felt it to be their duty to have made the appropriation of $71,000 to pay the letter-carriers for the current fiscal year if the classifications and adjustments had taken place and the money had been due; but no classification having been made, the committee thought they ought not to make the appropriation.

Mr. BECK. Mr. President, I only desire to say a word. I am not perfectly clear that the Senator from New York understands precisely what the chairman of the Committee on Appropriations has said or that they have got the question fairly stated, if I understand it aright. The law of February 21, 1879, provides for the classification of letter-carriers; and a certain class of letter-carriers, not exceeding two-thirds and not less than one-half, are to receive a salary at the rate of $1,000 a year, while the rest are to receive $800; and after the expiration of a year's service those of the lower grade may be promoted for meritorious service. The act of February 21, 1879, made no appropriation to carry that law into effect. We have laws upon our statute-books prohibiting the Postmaster-General from expending any money in excess of what we have appropriated and from doing anything except in accordance with an appropriation made by Congress. Up to this time there has been no appropriation made to enable him to pay the increased salaries, and therefore he claims that he has had no right to attempt to make classifications of the letter-carriers so as to pay some of them increased salaries over what the present law requires him to pay. If the deficiency appropriated by the paragraph which has been stricken out had been passed he would have been required to make that classification and to pay the increased salaries for the current fiscal year; but not having made the classification at all and as the 1st of July will be here before he can make it now, if we were to make any appropriation for the remainder of the current fiscal year, he could only arbitrarily pay some letter-carriers and refuse to pay others, and that would make heart-burning and bad feeling among many of them. Congress has failed to make the appropriation, and the Postmaster-General was prohibited by law from making the payment and did not order the classification to be made because no appropriation was made to carry it out, and therefore he thought it was best to let it stand until Congress should make the appropriation. That is the way I understand it.

Mr. CONKLING. May I ask the Senator a question?

Mr. BECK. Yes, sir.

Mr. CONKLING. Was the act to be done by the Postmaster-General in making this classification such an act as the Senator thinks he was restrained from doing by the prohibitory statute to which he has referred?

Mr. BECK. I think he was unable to do it, because there was no money appropriated to enable him to do it. The law was passed but there was no money supplied to him, and under the limitation of existing law he could not exceed the appropriations that had been made for his Department.

Mr. CONKLING. So that in short the Senator thinks the Postmaster-General had no legal right?

Mr. BECK. I do; and I think he is not to blame.

Mr. CONKLING. Then, the Senator will allow me, in place of the blame, if blame there be, resting on the Post-Office Department, it does after all rest on the law-making power?

Mr. BECK. I may differ with the chairman of the committee in this matter. I do not know that there is very much blame to be attached anywhere. The Senator will recollect that this act was passed on the 21st of February, 1879, a very few days before the adjournment of Congress. We happened not to make an appropriation then. After the 18th of March perhaps it could have been hurried through a little faster; but to get an appropriation through both Houses is a thing that takes some time, especially at this extra session when there have been some entanglements. The only blame is a delay in not getting the appropriation bills through more promptly so as to enable the Department to comply with the law. That is not unusual in matters of legislation.

I desire to say now that we thought we were right in making the amount for the next fiscal year $400,000 instead of $415,000 or any other greater sum, because by the fourth section of the act of February 21 the provision is that the Postmaster-General may increase the salaries of the letter-carriers in the large cities to a thousand dollars, not exceeding two-thirds nor less than one-half, and he is to fill up those who receive $1,000 from those who receive $800 who are meritorious. If we had placed them all up to two-thirds it would have closed the door against promotions of meritorious men. Therefore we do not appropriate such a sum as will put the number down to one-half nor allow the salaries of two-thirds to be increased; but we put it in between, at $400,000, so as to leave a margin for men who endeavor to exert themselves to get promotion by meritorious conduct. I rather think that the bill now appropriates what is the fair medium between two-thirds and one-half. That is the idea the committee have. I may differ with the chairman on some points about this matter, but I have stated what was my understanding about the matter.

Mr. COKE. I offer the following amendment by direction of the Committee on Indian Affairs:

After the word "necessary," in line 28, insert:

For interest due Osages on avails of diminished-reserve land in Kansas for the fiscal year ending June 30, 1880, this amount to be expended for the Osage Indians in accordance with section 12 of the act of July 15, 1870, being interest at 5 per cent. per annum from March 1, 1879, to March 1, 1880, on $1,206,557.29, aggregate of net avails of Osage trust and diminished-reserve lands sold prior to March 1, 1879, as provided for by section 2 of the act approved May 9, 1872, $60,312.86.

I send to the Clerk's desk to have read letters in explanation of that.

The PRESIDENT *pro tempore*. The letters will be read.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
Washington, May 1, 1879.

SIR: I have the honor to transmit herewith copy of a letter from Hon. E. A. Hayt, Commissioner of Indian Affairs, to this office, dated March 17, 1879, inclosing an estimate of appropriation for interest, at 5 per cent., due the Osages from March 1, 1879, to March 1, 1880, on $1,206,257.29, being the aggregate of net avails of their lands sold by the United States prior to March 1, 1879, amounting to the sum of $60,312.86.

As it appears that provision is made by the second section of the act of Congress approved May 9, 1872, for the payment of the above amount to said Indians, the estimate of appropriation is respectfully submitted for the appropriate action of Congress.

The Commissioner, for certain reasons given in his letter, recommends that Congress be requested to amend the act of May 9, 1872, by changing the date up to which interest on the sales of Osage lands shall be calculated from March 1 to July 1, which latter date shall be the basis of future calculations, and I respectfully request that said act may be so amended.

Very respectfully,

C. SCHURZ, *Secretary.*

Hon. RICHARD COKE,
Chairman Committee on Indian Affairs, United States Senate.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
Washington, March 17, 1879.

SIR: In accordance with the second provision of section 2 of the act approved May 9, 1872, (Stats. 17, p. 91,) I have the honor to inclose herewith, for transmittal to Congress, an estimate for interest at 5 per cent. due the Osages from March 1, 1879, to March 1, 1880, on $1,206,257.29, being the aggregate of net avails of Osage trust and diminished-reserve lands sold by the United States prior to March 1, 1879, amounting to the sum of $60,312.86.

The act of May 9, 1872, requires that interest shall be calculated upon the net proceeds of these lands up to March 1 of each year. Every other session of Con-

gress closes on the 4th day of March; therefore in those years it is impracticable for this office to submit the required estimate in time to receive the necessary action of Congress thereon before adjournment. For this reason, and in order to enable this office at the proper time to submit the annual estimates for the period of one year, I very respectfully recommend that Congress be requested to amend the act of May 9, 1872, by changing the date up to which interest on the sales shall be calculated from March 1 to July 1, which latter date shall be the basis of future calculations.

Very respectfully,

E. A. HAYT, *Commissioner.*

Hon. SECRETARY OF THE INTERIOR.

Mr. DAVIS, of West Virginia. This is a letter-carriers bill and I doubt whether it ought to be loaded down.

Mr. ALLISON. My friend will allow me to suggest that I trust he will make no objection to this appropriation being put on the bill.

Mr. DAVIS, of West Virginia. I will state that the amendment is subject to objection as gentlemen know; but I am disposed to let the Senate deal with it upon its merits. At least for the present I will not make objection.

Mr. ALLISON. This matter had entirely escaped my attention or I assure the Senator from Texas that I would have brought it to the attention of the Committee on Appropriations. I had charge last winter of the Indian appropriation bill, and finding that in the bill as it came from the House there was no provision for the payment of this interest, I called upon the Secretary of the Interior in person to know why, and he said under the law the interest account could not be made up until the 1st of March, and inasmuch as that bill was going through in the month of February the exact amount could not be ascertained.

Now, we are indebted to these Indians for this interest absolutely, and they are entitled to receive it during the coming fiscal year, and it is usually paid to them along through the year. It is an obligation which we cannot escape. It was not put in the Indian appropriation bill for the reason that I have named, and therefore I trust, as this seems to be almost the only opportunity, that we shall not do injustice to these Indians, to whom we cannot explain these difficulties by talking of an omission in an appropriation bill.

Mr. DAVIS, of West Virginia. The amendment hardly comes in place on this bill. The Committee on Appropriations has not considered the amendment, and I am myself probably a little better disposed toward it than some of the other members of the committee. It is subject to objection as I said, but at present I do not make the objection, though any Senator can if he thinks proper.

This is a bill that the House is very anxious about, and it relates entirely to subjects foreign to this matter. I will say to Senators that there is another bill referred to the Appropriations Committee paying certain salaries belonging to the House. Probably gentlemen had better let this matter go to the Committee on Appropriations, and it can be considered on Monday morning, and if the committee think it proper it may be considered in connection with that bill and recommended by the committee. I make that suggestion to the friends of the measure, and submit to them whether they had not better let this bill pass as it is, and, as there has been another appropriation bill from the House referred to the committee to-day, let this be considered in connection with that bill.

Mr. COKE. I cannot accept the suggestion of the Senator from West Virginia. The questions involved have been fully considered in the Committee on Indian Affairs, and the amendment is recommended by the Secretary of the Interior and the Commissioner of Indian Affairs, as shown by the letters read, and I can see no necessity for referring it to the Committee on Appropriations.

Mr. DAVIS, of West Virginia. My friend had better not be positive about it, because his amendment is subject to objection; but I will listen to the Senator for the reasons.

Mr. COKE. What is the objection of the Senator? Will he state any objection he can make?

Mr. DAVIS, of West Virginia. The committee has not considered it. I have not made any objection. I do not desire to make any fight on the amendment at all. Therefore I said I would not for the present make the objection which it is subject to, but I would hear what the Senator had to say.

Mr. COKE. I have this to say about it, that the Committee on Indian Affairs have maturely considered the proposition in this amendment, and they directed me unanimously to report it and place it upon this bill, if it can be done. It is for interest that has accrued upon the Osage trust fund to the 1st of March last, which could not be included in the appropriation bill of the last session of Congress.

Mr. MCMILLAN. Will the Senator from Texas allow me to ask him whether this difficulty has not occurred in previous years? If so, how has it been avoided heretofore?

Mr. COKE. It has not been avoided. It is a difficulty in the law which we shall propose to amend at the proper time, but not now. But as this extra session of Congress has intervened and affords an opportunity of remedying the injustice of the existing law at this time, we have availed ourselves of it. The interest is due, already accrued to the 1st day of March last, and we have asked, because Congress is now in session, that this act of justice be done by making the appropriation now instead of waiting until the next regular session.

The PRESIDENT *pro tempore*. The question is on the amendment fo the Senator from Texas.

Mr. MCMILLAN. The amendment seems to be for interest due for the fiscal year ending June 30, 1880. How, then, was interest due on the 1st of March?

Mr. COKE. Due up to the 1st of March last, as the amendment says.

Mr. MCMILLAN. I do not see that.

Mr. ALLISON. I will explain to the Senator from Minnesota a little further. This diminished reserve is being sold year by year, and as the lands are sold the money is paid into the Treasury. On the 1st of March in each year the Secretary of the Interior by the statute which I have before me is required to make up an account of the amount in the Treasury arising from this fund, and upon that account the interest is to be paid for the year. This account was made up on the 1st of March last, stating the amount, and it is to pay the interest for the second year that this appropriation is to be made. It has been made ever since 1872, and of course the amount varies with each year, because as land is sold the amount is increased. It is a perfectly proper amendment, and ought to be passed.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Texas.

The amendment was agreed to.

Mr. DAVIS, of Illinois. The Secretary of the Treasury, in compliance with a Senate resolution, on the 28th of April last reported a list of accounts of contractors for transporting the mails prior to the 1st of July, 1878, that had not been paid. The accounts were audited, but not paid. I understand that an amendment that was offered by the Senator from Missouri [Mr. COCKRELL] has been before the Committee on Appropriations, and they have not reported it. I therefore propose to amend the bill by adding:

To pay the balances which have been duly audited and allowed for transporting the mails prior to July 1, 1876, $22,386.

There is a list of them here which the Secretary can read. I suppose it is in order to offer that amendment.

Mr. DAVIS, of West Virginia. I dislike to interpose an objection. I say to my friend from Illinois that those items were considered in committee and we declined to put them on this bill, thinking they ought not to go on this bill. It is not a deficiency bill, not in the nature of a deficiency bill. Those items are of the nature of deficiencies, and in the same document with them there was probably twenty times as much as the Senator selects. If one goes on, all ought to go on.

Mr. DAVIS, of Illinois. Will the Senator allow me a word? Will he tell me why the Committee on Appropriations refused to report this amendment? When the accounts have been audited by the Department and they are due, why should they not be paid? Why should we put the various other provisions on this letter-carriers bill and not put this? The item in relation to letter-carriers is but a small portion of the whole bill.

Mr. DAVIS, of West Virginia. I call my friend's attention to the fact that so far as my knowledge goes there is nothing in the line of a deficiency on this bill. This is a deficiency of last year and other years. There are two railroads entitled to certain amounts. They are deficiencies. There are a large number of cases in just the same condition, and they were considered by the committee and I believe a decided majority thought this was not the proper place for them, even if they ought to be provided for now. We have passed a deficiency bill, and that was the proper bill on which to place all items of this kind. I suppose there were twenty deficiencies that came before the Appropriations Committee and all were refused on the ground that this was not a deficiency bill and that we ought not to take them up now.

Mr. DAVIS, of Illinois. In reply to the chairman of the Committee on Appropriations, I would say that in the twenty-ninth line is a deficiency for the salary of the additional associate justice of the supreme court of the District of Columbia. Why did you select that? That is a deficiency.

Mr. DAVIS, of West Virginia. I will say to my friend that that is hardly a deficiency.

Mr. DAVIS, of Illinois. Clearly.

Mr. DAVIS, of West Virginia. Let me state to my friend what the circumstances are and see if we agree. The act of February last made an additional justice of the supreme court of the District of Columbia. He is now serving.

Mr. DAVIS, of Illinois. I have no objection to it; but it is a deficiency.

Mr. DAVIS, of West Virginia. It is for the salary of a judge now upon the bench in this District under an act of Congress passed in February last.

Mr. DAVIS, of Illinois. Still it is a deficiency for this fiscal year. That comprises about one-fourth of this bill. The amounts due these gentlemen for carrying the mails are in the same condition. They have earned the money, and their accounts are allowed.

Mr. DAVIS, of West Virginia. When I state that the appropriation is for the salary of a judge now on the bench, I mean that it is for the present salary which he is now earning. It is hardly a deficiency; at least the committee hardly thought so. Of course it is with the Senate to determine whether or not to add these railroad deficiencies, for I believe most of them are due railroad companies, small balances from previous years. I hardly think the Senate is disposed to take up that question.

The question of the entire mail service in the Southern States dur-

ing 1861 came up at the same time, and it was insisted that if we took up one of these mail deficiencies, we ought to provide for them all. The committee thought, and I still think, that we ought not now to provide for a chosen few out of that large number.

Mr. DAVIS, of Illinois. The deficiencies in the mail service during the war in the Southern States have been controverted. They are totally different things from the moneys due for service on these mail-routes in the Northern States.

The PRESIDENT *pro tempore*. The question is on the amendment offered by the Senator from Illinois.

The amendment was agreed to.

The bill was reported to the Senate as amended.

Mr. MAXEY. In line 13, in Committee of the Whole, the words "and fifteen" were stricken out, making that appropriation $400,000, and then lines 14, 15, 16, and 17 were stricken out, as follows:

For payment of increased salary to letter-carriers, under the provisions of existing law, for the fiscal year ending June 30, 1879, $71,000.

Now, by reference to an act approved February 21, 1879, and which is now the law, these amounts were computed by the House and the bill passed there in order to comply with existing law in respect to the pay of letter-carriers; and there is therefore no good reason—none has yet been assigned—why that should be stricken out, and it is cutting these letter-carriers out of what, after the most mature consideration, Congress decided they should have, as any one will see by looking simply to the debates pending the progress of that bill.

I ask the Senate to non-concur, believing it to be an act of injustice to a worthy and deserving set of men who have done this work.

Mr. DAVIS, of West Virginia. The committee and the Senate both almost unanimously voted that these amendments should be made.

Mr. MAXEY. I will say to the Senator from West Virginia that I am chairman of the Committee on Post-Offices and Post-Roads, and when the question was up I was not here. My attention had been called to it, and had I been here I should have opposed the proposition of the Committee on Appropriations.

Mr. DAVIS, of West Virginia. The bill came here from the committee, as we thought, in a form to which there would be no objection. I have given way both to my friend from Texas [Mr. COKE] and my friend from Illinois [Mr. DAVIS] when both of their amendments were subject to objection. I thought it best not to object; and probably because I have given way to them the other amendments of the committee which the committee had properly considered and to which they ask the Senate now to adhere, because we believe them to be right, are to be overthrown. I hope that no further amendments will be made to the bill in any form or manner.

Mr. FERRY. I desire to ask the Senator from West Virginia if because those two amendments have been adopted by the Senate that is any reason why the committee which reported this bill should refuse to provide to carry out a law which increased the salary of letter-carriers?

Mr. DAVIS, of West Virginia. The Senator could not have been in when this question was discussed. Was he here when the question was discussed very intelligently by the Senator from Kentucky [Mr. BECK] and the Senator from New York, [Mr. CONKLING,] not saying a word about myself?

Mr. FERRY. I was not in the Senate at the time the Senator alludes to. I participated in the debate when the act of February 21 was passed, and I know that, after a thorough consideration by the Senate, that letter-carriers bill was passed; and it is but just that the Government should provide for the pay of the carriers. This bill, as amended, prevents payment for the past time since that act was approved and only provides for the future fiscal year.

Mr. DAVIS, of West Virginia. I ask the Senator, has there been any classification or adjustment in the Post-Office Department for the present year?

Mr. FERRY. I cannot answer as to that. That is not the fault of the statute; that is not the province of the legislative department. The Post-Office Department should take care of its branch, and doubtless will. The head of that Department is perfectly competent to do so. If the Senator from West Virginia desires to relieve him of his duty, that is one thing. Our responsibility is to provide an appropriation for carrying out a statute that we have passed upon due deliberation.

Mr. DAVIS, of West Virginia. There has been no classification, and there is no one to pay the money to unless you go to work now and make a classification which would date back. It is back pay or a gratuity, whichever you choose to call it. We have appropriated fully for the next fiscal year up to what the Department believe ought to be appropriated.

Mr. LOGAN. Allow me to ask the Senator a question. Under the appropriation as now made there is to be a classification, and that classification, as I understand it, rests upon the meritorious conduct or services of these letter-carriers for the number that will be put up. If that be true, when the statute was passed before authorizing these men that are meritorious men that will now be designated by the classification to receive the amount provided for in this bill, why will they not be the ones that would be entitled to this appropriation for the current year had it been made? It is merely a classification to ascertain who of the letter-carriers are entitled to this appropriation that is to meet the larger salary. If that classification is made it will apply as well to the current year as it does to the next year, and there is no reason why this appropriation should not be made.

Now, without referring to the action of the House, the Senator will remember, I presume, by reading the proceedings of Congress that there has been quite a contest over this very provision, and no one has ever denied before that these letter-carriers were entitled to the money that would have been provided by an appropriation under a classification made by the Department under the law. Now the classification has not been made by the Department. The Senator has said it was the duty of the Post-Office Department to make it. I do not so understand——

Mr. DAVIS, of West Virginia. I did not quite say that.

Mr. LOGAN. The Senator said it was on account of a failure of the Post-Office Department to make the classification that no appropriation should be made for the current year.

Mr. DAVIS, of West Virginia. Yes, but I did not say there was any fault.

Mr. LOGAN. Perhaps I used too strong a term; but we will use the word "failure." I do not see very much difference, when a law requires a thing to be done, between saying that the officer fails to do it and saying that he refuses to do it, so far as fault is concerned; but that is immaterial.

It is impossible for the Post-Office Department here at Washington to make this classification, except by communicating with the postmasters at the different cities where letter-carriers are permitted under the law. When this selection is made it can be made with a view to this appropriation, and the appropriation if made for the last year just as well. These men have already by the postmasters in the different cities been appointed, are already known. Although the classification has not been made and they have not been designated by orders for promotion, yet the men who will be placed ahead on this classification are just as well known as they will be after the 1st day of July. They have performed the duty, and they have perhaps made extraordinary exertion for the purpose of being classified number one or whatever it may be, and they are just as much entitled to this money that they have earned under the law as if the appropriation had been made at the time the law was passed. The law requires that they should be paid; and I believe it is the duty of Congress now to make the appropriation, and if the Post-Office Department fails to make or cannot make the classification, that is no fault of Congress; but it will be the fault of Congress if the law stands on the statute-book and we fail to make the appropriation needed to carry it out. I say it is right for us to perform our duty in reference to these men under the law.

Mr. BECK. But one word to the Senator from Illinois, if he will allow me.

Mr. LOGAN. Certainly.

Mr. BECK. The view I took of it, as one member of the committee, was, that if we appropriated this money for the year ending the 30th of June, when there had been no classification made and no determination by the Postmaster-General as to what men the money should be paid to, there might be arbitrary payments made by him that might be unsatisfactory. I thought that at the next session of Congress when the classification had been made justly, then we could make the appropriation. For example, suppose the Postmaster-General should say that A, B, and C were meritorious and D, E, and F not meritorious, and those men could show they were more meritorious than those to whom he paid the money. While the thing was yet unsettled, while the classification was not made, we thought it safer to withhold the appropriation until the fact was ascertained and the justice of the thing was determined, because if men who were not proper persons were once paid we could not get it back, and when once done and examined then would be the proper time to make the appropriation of $70,000, if it should become necessary for the current fiscal year. That was the idea I had.

Mr. LOGAN. I do not precisely agree with the Senator, for this reason: it is just as easy for the Postmaster-General to suggest to the postmasters of the different cities and towns now to report to him who the persons were who should be classified for the purpose of receiving this appropriation, as it will be next year or any other time. It is just as easy now, and easier. So far as complaint is concerned, there never will be a classification made of persons employed by the Government where one is voted a larger salary than another, without having complaint, and you might as well have it now as at any other time. If these men are entitled to this money, there is no reason why they should not be paid.

I live in a city where we have a great number of letter-carriers. I said nothing awhile ago because I wanted to understand fully what objection there was to this appropriation. I have received a great many letters; there has been a committee here; the matter has been explained before the regular committees of the two Houses, and it seems that it is just and proper that they should have this appropriation, so that the money may be disbursed to them at once, or as soon at least as it can be done. Many of these men may drop out of the service; many things may occur between now and the next year that would prevent a number from receiving that to which they are entitled now under the law. My theory is that when a law provides that a thing shall be done, and requires an appropriation to be made for the purpose of doing it, certainly, at least when there is no conscientious scruple, as has sometimes been said—I have no criticism to

make on that—we ought to do it the session when we have the power to do it, and when we can do it. There is no better time to do this than now.

I shall support the proposition of the chairman of the Committee on Post-Offices and Post-Roads to retain this provision in the bill.

Mr. MAXEY. If I can get the attention of the Senate for a very few moments I think I can make the reason which induced me to move to non-concur with the action of the Committee on Appropriations tolerably plain to Senators.

Section 3866 of the Revised Statutes, approved on the 8th of June, 1872, provides the mode of paying letter-carriers:

The salary of letter-carriers shall be fixed by the Postmaster-General, and shall not exceed $800 per annum; but, on satisfactory evidence of diligence, fidelity, and experience, he may increase their salary to any sum not exceeding $1,000 a year each, &c.

That was regarded as not the right figure. The Committee on Post-Offices and Post-Roads thought there should be some incentive, some inducement to get the best class of letter-carriers, and therefore the act of June 8, 1872, was on that point superseded by the act of February 21, 1879, and which was passed in a bill reported by my predecessor as chairman of the Committee on Post-Offices and Post-Roads, the Senator from Michigan, [Mr. FERRY.] That, I state here in the presence of the Appropriations Committee, was carefully considered, and the entire theory of paying these letter-carriers was changed by that act so as to put an inducement out for men to do their very best. Hence you will find that instead of the limit of $800 under any state of the case as by the act of June 8, 1872, the second section of the act of February 21, 1879, declared that "the salaries of the carriers of the first class who shall have been in service at least one year shall be $1,000 per annum, and the salaries of letter-carriers of the second class shall be $800 per annum." There is a clear increase of $200 in the first class. Then there is provision made whereby there may be even a third class, drawing not exceeding $400, which it is not necessary to read. That act became the law of this country the very day that it was passed, February 21, 1879.

It is assumed, upon what authority I am not prepared to state, that they have not been classified by the Postmaster-General. I do not know how that is. That, as was well stated by the Senator from Michigan, is not our business. We passed this law and we authorized the rearrangement, and the presumption of the law is that the head of the Post-Office Department has done his duty about it. If so, then these men are entitled under this new law of the 21st of February, 1879, to their pay, the first class $1,000, the second class $800 a year, whereas under the old law the highest pay to anybody was $800 a year. Clearly, I say, the House is right about this. There can be no doubt about it in my judgment. I asked the chairman of the Committee on Appropriations why strike that out of the House bill?

Some complaint was made that amendments had been tacked on by other gentlemen in the Senate. This is nothing of the kind. We simply ask that what was done by the House shall stand. The House fixed $415,000 for the payment of letter-carriers for the fiscal year ending June 30, 1880, and then the other appropriation, in lines 14 to 17, for the payment of the increased salary to letter-carriers for this current fiscal year. Why should that have passed the House unless the Postmaster-General had classified the letter-carriers under the act of February 21, 1879? The presumption is that he did do so, and the pay is due to them if it was done.

Mr. DAVIS, of West Virginia. Allow me to say to my friend——

Mr. MAXEY. In a moment, because I have not finished the explanation I want to make.

Mr. DAVIS, of West Virginia. I want to make a correction in one particular.

Mr. MAXEY. Very well.

Mr. DAVIS, of West Virginia. It was stated by the Department to the Committee on Appropriations that they have not classified the carriers.

Mr. MAXEY. How did that come before the committee?

Mr. DAVIS, of West Virginia. The gentleman in charge of this division came before the committee and stated that. We also had a communication from the Department to the committee stating that no classification had taken place.

Mr. MAXEY. Now I will go into a little law, and I think I know a little more about that than the Senator from West Virginia. He can beat me on banking and mining and making money, but I think I can beat him on a question of law.

Now, in point of fact, although there may have been no formal classification in the act of February 21, 1879, if in point of fact these men have done their work as such, and for want of time or other good cause or in order that the Postmaster-General might determine their relative merits the classification has not yet been made, if it is now made it will retroact and go back to the date of the passage of the act of February 21, 1879, if they were then performing the duties; or, if they were not on that day performing the duties, from and after the day when they did begin to perform the duties. Then, as was stated by the Senator from Illinois, as I think very correctly, if these men are entitled to their money we should pay them, and the mere fact that there has not been a formal classification does not in the slightest degree change the principle, for if they have done the work they are now entitled to the money.

Mr. CONKLING. Without venturing to state the ground on which we ought to stand, I feel warranted in pointing out one ground on which it seems to me we cannot stand. We cannot take the ground that the Post-Office Department does not classify because we fail to pass a law under which it can classify, and then at the same time take the ground that we will not pass any law under which the classification can be made. I submit that that ground is not tenable. To say that because we do not legislate we cannot classify, and we will not legislate because he has not classified, will not hold.

I want to make two other observations only. In the first place, if there be a class of public agents or servants who are meritorious, hard-worked, and underpaid, it is the letter-carriers in the cities. They tramp, tramp, tramp wearily, and earn by hard work and faithful service the money they receive.

Mr. MAXEY. Will the Senator from New York permit me to call his attention to one thing by way of supporting his view.

Mr. CONKLING. If the Senator will hear me one moment I will anticipate him.

The other observation I want to make—and I am quite sure it is to that the Senator from Texas rises—is this: the act which the Senator has before him and which I have before me—having sent for it after the colloquy with the Senator from West Virginia and the Senator from Kentucky, and which I had not before me at that moment—in my judgment, and I think that is the judgment of the Senator from Texas, the chairman of the Committee on Post-Offices and Post-Roads, itself classifies. The act makes the classification. How?

The salaries of letter-carriers of the first class—

Who are they?—

who shall have been in service at least one year, shall be $1,000 per annum.

Is there any further classification about that? It is a maxim of the law that that is certain which can be rendered certain; and wherever there is a letter-carrier that had been in service one year he is classified and belongs to the first class because the act says so.

Now let me read the first section and the second section of this act. The first section is in these words:.

That for the more equitable compensation of letter-carriers there shall be in all cities which contain a population of seventy-five thousand or more two classes of letter-carriers to be fixed by the Postmaster-General.

If it stopped there, certainly the Senator from West Virginia would be well warranted in saying that a classification must precede the fixing of rates; but I call the attention of that Senator to the fact that the very next section proceeds to declare—

The salaries of letter-carriers of the first class—

Who are they?—

who shall have been in service at least one year, shall be $1,000 per annum.

It seems to me—I will not state it stronger than that—that there is at least a doubt, and a serious doubt, about whether this act does itself make the classification so far that the right has attached that these men by the act itself, without anything more occurring, became entitled to the rate of compensation here fixed. With that doubt, if there be a doubt, with that statutory right, if there is no doubt, I submit again that the Senator is not warranted in taking the ground that the Postmaster-General has not classified, because we passed no law under which he could classify; and now we will not pass any law, because he has not classified. It seems to me that position confutes itself. It is a paradox on which the law-making power of the Government is not warranted in standing. That is all I have to say about it.

Mr. MAXEY. I wish to add one word only to what has been said. In the next paragraph, in section 2, which was read, you will find this:

In all cities containing a population of less than seventy-five thousand there shall be one class of letter-carriers who shall receive a salary of $850 per annum.

The old salary was $800 per annum. There is an absolute demand that that class of letter-carriers in cities under seventy-five thousand inhabitants shall receive $850, which is an increase per carrier of $50 per annum, and therefore it becomes absolutely necessary under the law to make this appropriation.

Mr. CONKLING. That confessedly requires no classification.

Mr. MAXEY. Certainly not.

Mr. CONKLING. That is a classification itself.

Mr. PADDOCK. And this sum of $71,000 was undoubtedly predicated upon exactly that classification which the law makes.

Mr. FERRY. An additional reason why this amount should be appropriated, which I suggest to the chairman of the committee and other Senators, is that under the former economy of the democratic House in the Post-Office Department, as well as other Departments of the Government, the Postmaster-General, in order to come within the appropriation for the Department, was compelled arbitrarily to cut down the pay of these letter-carriers, cutting them down one year $25 each, the next year adding $5, making the reduction $30 each. The average paid to the letter-carriers before was less than $800, for which they do the vast amount of labor detailed by the Senator from New York. We know that in large cities they earn their money, serving twelve to fourteen hours each day of the secular week and making two collections each Sunday in addition.

It seems but a matter of justice that this appropriation to cover the time since the law was passed up to the close of the fiscal year should be made for these letter-carriers, in order to make up what has been taken from them rightly by the Postmaster-General, because it was his duty to keep within the appropriation for his Department. He

was forced to do it by the legislation of Congress. Now there seems to be a disposition to do better justice to these letter-carriers. Their service should be properly recognized. Why now take from them this pittance when it has, perhaps not unlawfully, but probably unjustly, been taken from them? Let us be just and make up this amount, which will be no more than making up what they should have received before.

Mr. MAXEY. I will call the attention of my colleague on the Post-Office Committee to the fact that it is not necessary to go into the question of whether this has been economical or not; it is the law of the land and we ought to make the appropriations accordingly.

Mr. ALLISON. I think this discussion shows that there is very great doubt about the construction of this law as to whether or not these letter-carriers will not be entitled to this pay at some time whether we appropriate for it now or not. I think there is great force in what has been stated by the Senator from Michigan, that owing to the small appropriations, hitherto these letter-carriers have been cut down below their reasonable salary. I think there will be no difficulty in carrying out the House bill in this regard. On a more careful examination of this law than I could make the other day, I think the Postmaster-General can pick out the meritorious letter-carriers who have been in the service more than a year, and properly distribute this money. He must make the selection at some time; he must say who shall be entitled to this increased compensation; and when he makes the selection it is quite as easy for him to say that it shall begin on the 1st day of April or the 21st day of February as to say it shall begin the 1st day of July. I appeal to my colleagues on the committee to let this go.

Mr. BECK. The committee of course had to look at this hurriedly. We had a number of communications from the Postmaster-General varying a good deal in their terms, because it is a very difficult thing for him to obtain accurate information. In one of them he tells us $415,000, the amount allowed by the House bill, is required. He then makes a revised estimate and says it will take $430,000, if they are all put up. He has one estimate in which he says $71,000 will be required as a deficiency for this year; in the last estimate he tells us it will require from $108,000 as the maximum to $87,154 as the minimum to make up the amount. We ascertained that condition of things to exist, because there had been no effort made to classify the carriers because there was no money to pay the increase. I think the idea of the committee was that with those statements, somewhat conflicting, the House having given very full discussion to it, especially on the part of a gentleman by the name of BINGHAM, who seemed to have more intelligence about it than anybody and who explained it very well, we had better make some change here so that if it got into conference we could ascertain what the exact facts were.

There was no disposition on the part of the Committee on Appropriations to cut down the letter-carriers or not comply with this law. The Senator from Minnesota [Mr. WINDOM] and myself examined the matter. On comparing all these laws and these letters, we were not sure whether the House was right or that the entire increase was necessary. I am inclined to think the House is too low. According to the last estimate we have, the Postmaster-General says it will require not less than $87,000 and perhaps $108,000, instead of $71,000, as the House bill has it for this year, and that it will require, if they are all brought up, $437,000 instead of $415,000. Our real object was, in view of the non-adjustment, in view of all these matters, to make some amendment here, so that we could look into the matter and put it right in conference.

Mr. FERRY. If I understand the Senator from Kentucky the communication was in reference to the next fiscal year, the future. I do not take exception so far as I am concerned to the medium struck by the committee in regard to the future; but that has no reference to the past since the act of February last became the law. That the committee have not regarded at all, simply because of the difficulty, as stated, of classification. Now it seems to me there is no difficulty. Let this present classification be retroactive, let the same rule be applied to the past that does to the future, simply from the time of the passage of that law from February 21, to the 30th of June.

Mr. BECK. The Senator from Michigan will allow me to say one more word. The Postmaster-General in his last letter says:

> The amount ($71,000) stated in my letter is required to pay the increased salaries from the date of the approval of the act (February 21, 1879) to the end of this fiscal year was found to be erroneous, and was corrected in the revised estimate (a copy of which is inclosed) submitted to the sub-committee of the House. From this estimate it will appear that the maximum required is $108,166, and the minimum $87,154.
>
> Very respectfully, &c.,
>
> D. M. KEY,
> *Postmaster-General.*
>
> Hon. H. G. DAVIS,
> *United States Senate.*

We struck out that $71,000 so as to open it for a conference, when $87,164 or $108,116 may be inserted. The effort we had was to see how an adjustment could be made and have it made properly and reach the proper men. The Senate will observe that if we agree to the $71,000 the House has given, there will be a deficiency of the difference between that and $87,000 or $108,000 according to the estimate sent us the other day. We thought with these various papers before the committee something should be done by a committee of conference to ascertain what was the true thing to do. I believe every member of the committee desires to carry out the law of February 21, 1879, and not to deprive a man of a dollar in any shape that has been put in. Our amendments will enable the House and Senate to get together. I hope the Senator from Texas [Mr. MAXEY] or the Senator from Michigan [Mr. FERRY] will be one of the conferees. I do not know enough about it, but I see there was a mistake somewhere and we were endeavoring to get the bill into a shape where we could do justice to all.

Mr. DAVIS, of West Virginia. The Senator from Kentucky has so well stated the facts before the committee that it is hardly worth while to add anything further than that I agree with what he has said. But if the friends who wish the letter-carriers paid for the current year think it better to let the $71,000 stand, instead of having a conference and making the amount according to the estimate, the Committee on Appropriations will make no objection. The Committee on Appropriations only desire to know what is best, what is right. They have no feeling of course. It is their desire to do for the letter-carriers what is just, and it was thought that the action of the committee would give full control both over the sums for the present year and for the coming year, and therefore they amended each of the sections. Now, I submit to the friends of the letter-carriers' increased pay under the act of February 21 that if they desire to pass the bill just as it came from the House I shall make no objection.

Mr. MAXEY. If the chairman will permit me, I will say that we do not ask one single dollar additional to what the House gave. All we ask is that the bill as it came to us from the House in the regards which I pointed out shall remain as it is; in other words, that the Senate Appropriations Committee's amendment striking out those words shall be non-concurred in. We do not ask any more.

Mr. DAVIS, of West Virginia. As I have stated on the part of the Committee on Appropriations, they will make no objection if that is the desire of the friends of the letter-carriers.

The PRESIDING OFFICER, (Mr. DAWES in the chair.) The question is on concurring in the first amendment of the Committee of the Whole.

Mr. SAUNDERS. I hope the Senate will not agree to the report of the committee. The Senator from West Virginia, who has charge of this bill and who is chairman of the Committee on Appropriations, I think is a little mistaken, to say the least of it, in saying that this is back pay that we are voting from the Treasury. It is in no sense back pay, because it is to be recollected that a large majority of the Senate voted in favor of this measure in February, and it is owing to some mistakes that have been made that the men have not had their pay. I do not think it is in the nature of back pay, but it is money as justly due to them as any money can possibly be due to any parties connected with the Government. I think there are no parties probably who earn more honestly the money that they would receive by this bill and this additional amount than the letter-carriers, so far at any rate as I know.

I only rose to say that I did not view it as back pay at all; if I did I might consider it differently. I believe it was the intention a year ago to give this money, and therefore it is really their due. They have been expecting it, and they would have had it before but for mistakes that have occurred.

The PRESIDING OFFICER. The question is on concurring in the first amendment made as in Committee of the Whole.

The amendment was non-concurred in.

The PRESIDING OFFICER. The question is on concurring in the second amendment, striking out lines 14 to 17.

The amendment was non-concurred in.

The PRESIDING OFFICER. The question is on concurring in the remaining amendments made as in Committee of the Whole. The Chair will put the question in gross unless a separate vote be demanded.

The amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had concurred in the amendments of the Senate to the bill (H. R. No. 1847) to provide for the appointment of a "Mississippi River commission" for the improvement of said river from the head of the passes near its mouth to its headwaters.

The message also announced that the House had concurred in the amendments of the Senate to the amendments of the House to the bill (S. No. 697) to establish additional post-roads in the State of Florida.

WASHINGTON CITY POST-OFFICE BUILDING.

Mr. DAVIS, of West Virginia. Mr. President, some time ago there came from the House a joint resolution looking to the selection of a building for a post-office in the city of Washington. On the 19th of May last it was postponed by a vote of the Senate until December. The day after, I moved a reconsideration of that action, and I now ask that the Senate consider that motion to reconsider the vote by which it was postponed.

The PRESIDING OFFICER. The Senator from West Virginia calls up a motion made by him on the 20th of May last, to reconsider the vote by which the joint resolution (H. R. No. 71) authorizing the appointment of a commission to lease a building for a city post-office in the city of Washington, District of Columbia, was postponed until December next.

Mr. DAVIS, of West Virginia. Now, I wish to say, as the chairman of the Committee on Public Buildings and Grounds is not in his seat, who requested me to make this motion, that I give notice that on Monday next, immediately after the morning business is through, I will ask that this motion be considered.

The PRESIDING OFFICER. The Senator from West Virginia asks that the consideration of the motion be laid aside informally. The Chair hears no objection.

THOMAS LANGTON.

Mr. GARLAND. There is a bill for the relief of Thomas Langton, of Dundee, Michigan, Senate bill No. 594, reported from the Judiciary Committee unanimously. I move that the Senate proceed to its consideration. It is a bill in reference to the succession tax on a piece of land.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. No. 594) for the relief of Thomas Langton, of Dundee, Michigan. It proposes to discharge the southeast fractional quarter of the northeast fractional quarter of section 23, in township 6 south, of range 6 east, in the county of Monroe, State of Michigan, from all lien, claim, or title, on the part of the United States thereon and thereto, under and by virtue of the levy of a succession tax upon the estate of Alfred Potter, deceased, and the sale of the land to the United States for the tax.

The bill was reported from the Committee on the Judiciary with an amendment to insert at the end of the bill the following proviso:

Provided, The amount of the tax assessed against said land upon the non-payment of which said land was sold, and interest thereon at 6 per cent. per annum from the day of the sale, be paid into the Treasury of the United States within ninety days from the passage of this act.

Mr. GARLAND. In the year 1871 there was what was called under the law a succession tax assessed against the estate of one Potter, of which there were four heirs. In default of the payment of the tax upon the property the ceremonies provided by law were gone through with in order to reach a sale of that property. When the sale was had the interest of one of these four heirs alone was sold. The whole tax, in other words, was levied upon that, and that was made responsible. There were no bidders, and the United States purchased the property. This bill is simply an effort to relieve that property of the tax upon payment of the amount that is due. Since the committee made the report the Senator from Florida [Mr. CALL] who introduced the bill has brought the facts to my attention, and upon them he will offer amendments, to which, upon his statement, I shall make no objection.

The PRESIDING OFFICER. The question is on the amendment proposed by the Committee on the Judiciary.

Mr. CALL. I offer the following as a substitute for the amendment of the committee:

In line 3, after the word "that," insert "fifty-two acres of;" in line 5, after the word "Michigan," insert "belonging to Thomas Langton;" in line 10, after the word "provided," strike out the word "the" and insert "that one-half of the;" so as to read:

That fifty-two acres of the southeast fractional quarter of the northeast fractional quarter of section 23, in township 6 south, of range 6 east, in the county of Monroe, State of Michigan, belonging to Thomas Langton, be discharged of and from all lien, claim, or title, on the part of the United States thereon and thereto, under and by virtue of the levy of a succession tax upon the estate of Alfred Potter, deceased, and the sale of the above-described land to the United States for said tax: *Provided*, That one-half of the amount of the tax assessed against said land upon the non-payment of which said land was sold, and interest thereon at 6 per cent. per annum from the day of the sale, be paid into the Treasury of the United States within ninety days from the passage of this act.

I will explain the relation which these amendments have to the bill, in order that the Senate may vote upon them understandingly. The original transaction was the sale, as stated by the Senator from Arkansas, of fifty-eight acres of land in the State of Michigan, near the town of Monroe; fifty-two acres of the land belonged to a minor, an heir of the estate. The land was bought by the Government, and recently there have been proceedings commenced in ejectment against the share owned by this minor. The amendments now proposed authorize the release by the Government of fifty-two of the fifty-eight acres of land which had been bought upon the payment by this minor of his portion of the succession tax, and they leave four acres of improved land in the vicinity of a town, worth more than the whole amount of the tax to the Government. They leave four acres of the fifty-eight in possession of the Government. The bill as reported by the committee releases the whole fifty-eight acres of land, and the amendments now offered change the bill in so far that they allow the minor heir to take his fifty-two acres of land, leaving the other four, and with the condition attached that he pay his share of the tax.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Florida.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

WASHINGTON MONUMENT FOUNDATION.

Mr. THURMAN. I move that the Senate adjourn.

Mr. JONES, of Florida. I hope the Senator will withdraw that for a moment.

Mr. DAVIS, of West Virginia. I hope the Senator from Florida will be allowed to make a motion.

Mr. THURMAN. I withdraw the motion.

Mr. JONES, of Florida. I move that the Senate proceed to the consideration of the joint resolution (H. R. No. 32) authorizing the completion of the foundation of the Washington Monument.

The PRESIDING OFFICER. It is moved that the Senate proceed to the consideration of this joint resolution.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It authorizes the joint commission for the construction of the Washington Monument, created by the act of August 2, 1876, to expend, for the completion of the foundation of the monument now in progress, so much of the appropriation made by that act as may be necessary for that purpose, not exceeding $64,000 above the sum now authorized.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. THURMAN. I renew my motion that the Senate adjourn.

Mr. BURNSIDE. I hope the Senator from Ohio will give way for an executive session.

The PRESIDING OFFICER. The question is on the motion of the Senator from Ohio.

The motion was agreed to; and (at four o'clock and forty-eight minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June* 21, 1879.

The House met at twelve o'clock m. Prayer by Rev. DAVID WILLS, D. D.

The Journal of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, informed the House that the Senate had passed, without amendment, a bill of the House of the following title:

A bill (H. R. No. 2175) making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes.

NEW YORK SHIPPING COMMISSIONERS.

Mr. COVERT. I ask unanimous consent to submit, for reference to the Committee on Commerce, the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That a special committee of three members of this House be appointed by the Speaker to investigate the conduct of the shipping commissioner's office at the port of New York; and that the said committee is hereby empowered to send for persons and papers necessary to the pursuit of the inquiry.

Mr. CONGER. I object to the introduction of that resolution. We have committees enough to examine that subject; the Committee on Commerce have examined it a great many times.

RETURN OF THE TWIGGS SWORD.

Mr. ELLIS introduced a joint resolution (H. R. No. 108) to authorize the President of the United States to return the Twiggs sword to Mrs. Rowena Guedella; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CONTRACT FOR REFRIGERATING SHIP.

Mr. ELLIS. I also ask unanimous consent to introduce for reference a resolution of inquiry asking for information as to proceedings had by the National Board of Health in the matter of awarding the contract for constructing the refrigerating ship.

Mr. CONGER. Let it be read.

The Clerk read as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to report to this body within three days from the passage of this resolution a detailed statement of all action and proceedings taken by the National Board of Health under or in connection with an act to authorize the Secretary of the Treasury to contract for the purchase or construction of a refrigerating ship for the disinfection of vessels and cargoes, and for other purposes, approved March 18, 1879, together with all action and proceedings of the board of engineer officers appointed to examine and report on that subject, with copies of all papers, plans, specifications, details, and correspondence relating thereto, submitted to each of said boards up to the time such report is made.

Mr. CONGER. I object to the appointment of another committee to investigate this matter. If the object is to refer it to the committee on the subject of yellow fever, I have no objection.

Mr. ELLIS. This resolution contemplates the appointment of no committee. It is a mere resolution of inquiry for the purpose of bringing before the House——

Mr. CONGER. Inquiry by what committee?

Mr. ELLIS. It is offered for reference to the standing committee charged with the duty of inquiring into the origin and prevention of epidemic diseases in this country.

Mr. YOUNG, of Tennessee. I will say to the gentleman from Michigan that I have examined the resolution, and think it a proper one. I see no objection to it.

Mr. CONGER. If the National Board of Health so recently appointed and as yet scarcely organized is so soon to be investigated, I greatly fear it will drive every good man from that board.

Mr. ELLIS. Oh, no. We only want to know what that board and the board of engineers have been doing.

Mr. CONGER. I think it must be from the enemies of the Board of Health and those who do not desire to suppress the yellow fever that such a proposition comes.

The SPEAKER. Is there objection?

Mr. CONGER. I object.

Mr. ELLIS. I repel the insinuation of the gentleman from Michigan [Mr. CONGER] as totally unwarranted. If there be a friend of that board and a friend of the cause in which it is organized, I certainly am one. It is simply to find out what these boards have been doing and to get the truth before the House that I propose this resolution. [Cries of "Regular order!"]

PERSONAL EXPLANATION.

Mr. COBB. I rise to a privileged question if I can have the attention of the House.

The SPEAKER. Is it a question of personal privilege?

Mr. COBB. Yes, sir. I send to the Clerk to be read an editorial from the Indianapolis Journal of Friday, June 13, 1879.

The Clerk read as follows:

Representative COBB, of the second district, took the opportunity to reiterate that threadbare lie about the Massachusetts regiment interfering with voters at the elections in this city in October, 1864, on the floor of the House, Wednesday. He found the republican members prepared for him. Representatives BAKER and BROWNE made things quite warm for him.

Mr. COBB. Mr. Speaker, the foundation for that article was a discussion which took place upon this floor on the 11th instant between my colleagues [Mr. BROWNE and Mr. BAKER] and myself. In order to present to the House and the country the questions here involved, I send to the Clerk's desk, and ask to have read, a portion of that discussion.

The Clerk read as follows:

Mr. COBB. Mr. Chairman, I did not desire to speak upon this occasion at all, and what I shall say will be impromptu of course. I must say that I was very much surprised at the statements of the gentleman from Ohio, [Mr. GARFIELD,] who, if I understood him correctly, stated substantially that at no time in the history of this country had the Army been used at the polls except during the war on special occasions. If I understand the history of this country, this statement so made by the distinguished gentleman from Ohio is a very remarkable one. Why, sir, in my own State—it is a historical fact which is true—during the war, in 1864, there was a Massachusetts regiment quartered in the capital of the State when we were in profound peace; and it is a well-kown fact and a matter of history that that regiment voted at the polls in the city of Indianapolis. And the further fact is well known and a matter of history that that regiment stationed there, together with men in sympathy with the republican party, drove democrats from the polls and prevented them from voting, who were as loyal as they were.

Mr. BROWNE. Will my colleague allow me to interrupt him?

Mr. COBB. I will allow my colleague to ask me a question.

Mr. BROWNE. Do I understand the gentleman to say it is a conceded fact in Indiana that a Massachusetts regiment voted in 1864 or in any manner interfered in the election at the city of Indianapolis?

Mr. COBB. I did not say it was a conceded fact; for I do not suppose my colleague will concede it; but I say it is a matter of history and a matter of fact that this Massachusetts regiment did what I have stated.

Mr. BROWNE. Let me say to my colleague——

Mr. COBB. I cannot allow my colleague to inject a speech into mine. I will answer his question, but I cannot allow him to make a speech which will come out of my time. I will state further that a distinguished gentleman at the other end of the Capitol, whose word for truth will not be questioned, stated in his place in the Senate, and his speech in which he made the statement is on record, that he knew as a matter of fact, which was within his own knowledge and which occurred under his eye, that these facts did take place as I have stated them.

Mr. BROWNE. I am aware of that. But notwithstanding that, I undertake to say it is not a fact that that did occur.

Mr. COBB. I do not yield. I never heard it disputed before; and I say the gentleman does not know the history of his State and of the times, or he would not say that these facts did not take place.

Mr. BROWNE. I put my denial on record here.

The CHAIRMAN. The gentleman from Indiana [Mr. COBB] has the floor.

Mr. COBB. Now I want to state one other thing. I have stated what is the fact, notwithstanding my distinguished colleague's denial. He was not there nor was I. The history of the times will prove the correctness of the facts I have stated.

Mr. COBB. I now ask that a portion of the remarks of my colleague [Mr. BAKER] be read.

The Clerk read as follows:

Mr. Chairman, my colleague from Indiana [Mr. COBB] seems to be affected with a nightmare that has haunted him for the last fifteen years in consequence of some terrible outrages that he claims the voters of Indiana were subjected to by reason of the fact that some "boys in blue" from the State of Massachusetts had the impudence to vote at an election somewhere in Indiana during the war and interfere with some democrats who desired to vote.

I wish to say, with all respect to my colleague, that I do not believe a single word of his story. I never heard of it in the part of the State in which I live. I never heard of it until it was retailed by my colleague on the authority of a gentleman speaking elsewhere. My friend has fallen into error, while laboring under this nightmare, by mistaking for Union soldiers from the State of Massachusetts the "Knights of the Golden Circle" led by Milligan, Hersey, and other democratic leaders of Indiana. [Applause on the republican side.]

I think that if in 1864 there were any outrages perpetrated on the voters of Indiana it was by the twenty thousand men, Knights of the Golden Circle, all democrats banded together by oath-bound obligations for the purpose of liberating the confederate prisoners at Camp Morton, sacking the city of Indianapolis and turning the State over to the enemies of the Union. [Applause and cries of 'Vote!" "Vote!"] I have said all I desire to say on that point.

Mr. COBB. I now send to the desk to be read a statement made by Senator MCDONALD on the 26th of May, 1879.

The Clerk read as follows:

In my State, in 1864, a regiment of Massachusetts volunteers stationed at Indianapolis were permitted to leave their encampment on the day of election, and, with arms in their hands, suffered to surround the polls and not only exclude citizens from voting but were permitted to vote themselves, a privilege that they used most freely. This was done in my own view, and I saw these non-resident armed men insult and drive from the polls citizens of the State as loyal as themselves. Similar scenes were enacted in other parts of the State, as I have good reason to know.

Mr. COBB. I now ask the Clerk to read a letter written by John Love to Senator MCDONALD.

The Clerk read as follows:

INDIANAPOLIS, *June* 14, 1879.

DEAR SIR: Your letter of the 11th with reference to our general election in this city on the 11th of October, 1864, is just received. Until recently there has been no question among such of our citizens as were eye-witnesses on that day that a regiment of Massachusetts soldiers held, for the greater part of the day, as complete possession of the election grounds as do our legal voters at ordinary elections, and that they voted as often as they pleased. There was nothing to indicate that they were soldiers of Massachusetts or Indiana. I only know that the general understanding was that they were Massachusetts soldiers. Frequent acts of violence occurred, such as taking tickets by force from democrats, and by the use of abusive language.

John R. Elder, esq., one of our most useful citizens then, as now, was driven from the polls because he was trying to exercise his legal right of challenge, was chased through the streets, and his life saved only through the intervention and assistance of personal friends. My own experience recalls some soldiers who, about the middle of the day, attempted by force to wrest my ticket from me; that on each attempt, when a crowd of excited men would quickly assemble, I would retreat, and that finally I was enabled to leave the ground only under cover of a squad of veteran reserves, whose commander I was fortunate enough to impress with the idea that my order (to form his men in line and permit no one to pass) should be obeyed. Under this cover I left the ground. For a democrat, under the circumstances, to have attempted to assert his rights as a citizen would have been of the same order of courage as the bull who faced the coming locomotive.

I have talked to-day with Judge H. C. Newcombe, whose high character you well know. He came to my house very soon after the events just mentioned with a message from Governor Morton, (with whom I had been so long associated in the military affairs of the State,) and with his own assurance that if I would return to the court-house I should have protection. To have returned then would have been useless, as a complete demoralization had taken place, and, as it was reported to me by friends, that there was no longer a democrat on the ground; that is, a democrat in the sense of one contesting the election.

If it is important to you, all that I have said can be corroborated by hundreds of our best citizens.

Very truly and respectfully,

JOHN LOVE.

Senator JOSEPH E. MCDONALD,
Washington, D. C.

Mr. COBB. I now ask to have read a letter upon this subject from John Brooks, addressed to Senator MCDONALD.

Mr. BROWNE. Whose letter is that?

Mr. COBB. It is a letter from John Brooks of Newburyport, Massachusetts.

The Clerk read as follows:

NEWBURYPORT, MASS., *June* 13.

SIR: Seeing this printed piece in the Boston Journal, I take the liberty of sending it to you, and to say that I belonged to the Sixtieth Massachusetts Regiment and was in Indianapolis when MCDONALD and Morton ran on their respective tickets, and am conversant of many things that occurred that day and there is good evidence that I can get that will agree with my own, and I think that the Journal is mistaken when it says that you have drawn on your imagination. If you think it worth while to inquire into this I should like to hear from you.

Yours, truly,

JOHN BROOKS.

Senator MCDONALD.

Mr. COBB. I now send up to be read a letter addressed to me from the reporters' gallery by C. T. Murray.

The Clerk read as follows:

REPORTERS' GALLERY.

Mr. COBB: I will make oath that I was present, stationed on military duty, at headquarters at Indianapolis at the time the Massachusetts regiment voted, and saw soldiers, in squads and singly, vote—not once, but over and over again, in uniform—and saw the same assault and drive democrats away from the vicinity of the polls for peddling democratic tickets.

C. T. MURRAY.

Mr. COBB. I desire also to have read a short article from the Boston Gazette of June 15.

The Clerk read as follows:

It won't be pleasant to look too closely into the Indianapolis election of 1864 which Senator MCDONALD is talking about in the Senate. We have heard Massachusetts soldiers say that they voted there six times apiece in that year.

Mr. CONGER. Now, Mr. Speaker——[Cries of "Sit down!"]

Mr. COBB. I believe I have the floor.

Mr. CONGER. I rise to a point of order. Gentlemen on the other side, with an impertinence that is to be expected from them, say "Sit down!"

Mr. CALKINS. I beg the gentleman from Michigan not to interpose.

Mr. COBB. I did not say "sit down;" and I did not hear it on this side of the House.

Mr. CONGER. I do not care whence the remark comes. When I rise in a parliamentary way to address the Chair, remarks of that kind are unparliamentary.

The SPEAKER. What remarks does the gentleman refer to?

Mr. CONGER. Telling a member to "sit down."

The SPEAKER. The Chair did not hear such a remark, and does not think, if such was made, it was intended in any offensive sense.

Mr. CONGER. Now, I make this point of order——

Mr. CALKINS. I beg the gentleman not to interpose.

Mr. CONGER. I desire to say that if under the head of "personal explanation" the opinions or judgments of any number of men on political questions can be introduced in this way, there is no end to the amount of hearsay and conjecture that may be brought in under that guise.

Mr. COBB. I insist that the gentleman is not speaking to the point of order.

The SPEAKER. The gentleman from Indiana [Mr. COBB] stated, in rising, that he desired to make a personal explanation, and he is proceeding under that condition, although, in fact, no objection was made; and the Chair has already inquired of the gentleman who desired to reply how much time he proposed to take in order to be exactly fair to the two sides by allowing equal time to each side on this question precipitated upon the House during this morning's session.

Mr. CONGER. I do not object to the other side being heard, but I do object to this being any question of personal privilege, because it is no such question, and it does encroach on the time and business of the House.

The SPEAKER. The Chair asked distinctly of the gentleman from Indiana when he took the floor whether it related to a question of personal privilege, and he understood the gentleman from Indiana to reply that it was such a question of personal privilege.

Mr. CONGER. I so understood the gentleman that it was a question of personal privilege, but I do not believe it is proper for the gentleman, taking the floor on a question of personal explanation, to take the course he is now pursuing. This is a last year's bird's-nest. [Laughter.]

The SPEAKER. The gentleman will confine himself to the question of personal privilege.

Mr. COBB. Mr. Speaker, I say that the republicans of Indiana are better judges of the propriety of this than the gentleman from Michigan, and I trust he will now allow me to go on with what I have to say.

The SPEAKER. The gentleman will proceed.

Mr. COBB. Mr. Speaker, I desire to say now in connection with this short article which I had read from the Boston Gazette that the editor of that paper is Colonel Henry G. Parker, who, I presume, is well known to the republican members on this floor from the State of Massachusetts. He is now, as I have already stated, the editor of the Boston Gazette, from which the extract was read, and he was on the staff of Governor Rice, the late governor of that State, and is at present on the staff of Governor Talbott, the present governor. It will be admitted, therefore, I presume, he is pretty good authority, and I shall not comment any further upon it.

But in connection with this I desire to state one further matter as to the vote in Marion County, in which the city of Indianapolis is located. In 1862, in the vote for secretary of state, and I give the vote of the candidates for secretary of state, the highest office voted for that year, the republican vote in that county was 4,844 and the democratic vote 3,863, making a total of 8,707, or a republican majority of 908. In 1864, the year when I insist these soldiers and others illegally voted, the late Senator Morton was the republican candidate for governor, and the present Senator from Indiana, Mr. MCDONALD, on the democratic ticket, and that Morton's total vote was 9,554, while MCDONALD'S was 3,221, being a total vote of 12,775, or a republican increase of 4,710, and a democratic decrease of 642 votes.

I maintain, Mr. Speaker, that vote of itself on its face shows an extraordinary state of facts. It shows an extraordinary increase of the vote in that county during a period when many of the voters must necessarily have been in the war and when they were away from home and of course could not cast their votes. Yet notwithstanding all that we find this large increase in the total vote.

I may state that in 1866, two years afterward, that vote was diminished more than two thousand, although as we have already seen, there was an increase in the figures of more than four thousand votes from 1862 to 1864. These facts are sufficient proof of the truth of all that I have stated. And, besides, sir, it must be remembered that the soldiers, in 1866, had returned to their homes from the war and voted, and yet notwithstanding that the vote of 1866 was two thousand less than it was in 1864 during the absence of these soldiers in the war.

In further vindication of the declarations I have made I may state, Mr. Speaker, there is now upon this floor a distinguished gentleman whom I had the pleasure of meeting during the war at Indianapolis, where he was stationed as an officer, discharging his duties as commander of the post at that place. I remember with great pleasure his action in behalf of my friends and those who needed and deserved his kind treatment. I only regret, sir, I did not know until yesterday morning he was the gentleman who had treated my people with such kindness. I will yield now to him to make such statement with regard to the facts which he may know occurred at that election as he may feel disposed to make. I allude to General WARNER, of Ohio, who I believe is in his seat; he was, I know, when I commenced my remarks.

A MEMBER. Here he is.

Mr. COBB. I should be glad if the gentleman from Ohio [Mr. WARNER] would make a statement in regard to the facts which may be within his knowledge.

Mr. WARNER. My friend from Indiana has appealed to me in relation to certain matters——

Mr. KEIFER. I rise to a point of order.

The SPEAKER. Please state it.

Mr. KEIFER. I submit that it is not in order for a gentleman to take the floor to make a personal explanation and then to appeal to his friends all around him and yield the floor to them to make it for him.

The SPEAKER. It may be a part of the explanation. The gentleman from Indiana has occupied thirty minutes in the personal explanation, and he will be kind enough to remember that two members of the other side are to have the same time in which to make reply.

Mr. SPARKS. When a gentleman has the floor to make a personal explanation has he not the right to call upon a colleague in verification of the fact he states?

Mr. BAKER. Mr. Speaker, I desire to make a suggestion. I trust that there may be no limitation imposed on my colleague in any statement he may desire to make for the purpose of setting himself right in respect to political events in the State of Indiana during that very memorable year 1864. I ask, however, that whatever time may be accorded to him a like time may be accorded to gentlemen representing the opposite party.

Mr. COBB. Certainly, I have no objection to that.

Mr. SPARKS. Nobody can object to that.

Mr. COBB. If the Chair has not ruled against it, I desire that the gentleman from Ohio [Mr. WARNER] be now heard.

The SPEAKER. The Chair thinks the gentleman can yield to a fellow-member and call upon him to corroborate what he has stated, in the same manner in which he might have a paper read in corroboration.

Mr. COBB. The question here is one simply of veracity between members. I have had the statements made by my colleague and myself read for the purpose of presenting that question. There is a question of veracity between myself on the one hand and my colleagues, Mr. BROWNE and Mr. BAKER, on the other.

The SPEAKER. The Chair understood the question of veracity to be between the gentleman himself and the newspaper.

Mr. COBB. That was the foundation on which I proceeded.

The SPEAKER. The Chair did not think it was so serious a matter as a question of veracity between members.

Mr. COBB. I ask the gentleman from Ohio [Mr. WARNER] to proceed with his statement.

Mr. WHITE. Mr. Speaker, I press the point of order. I submit, with all respect to the gentleman interested in this question, that its discussion is a waste of the public time. We can get up controversies of this nature in all the States. I can in the form of a personal explanation get up a controversy with some of my colleagues in Pennsylvania on matters which have occurred there. I press the point on the Chair that this is not in order.

Mr. SPARKS. As I understand this matter, the gentleman from Indiana [Mr. COBB] has charged as a fact that soldiers not belonging to the State of Indiana voted at Indianapolis. That statement has been questioned. Now the gentleman from Indiana whose statement has been questioned calls upon a Union soldier then present to declare that that was the fact. And these gentlemen do not want to have that fact established.

Mr. WHITE. I will not allow the gentleman from Illinois to make a statement of that kind. I have no objection to these gentlemen fighting their battles on the stump *ad nauseam* if they want to do so. But we are here to-day to do the business of the country as business men.

The SPEAKER. The personal explanation ought to be confined within reasonable limits. There are gentlemen here desirous of having a morning hour. There are others who desire to have a motion submitted to go to business on the Speaker's table. Others desire to move that the House resolve itself into Committee of the Whole, and yet others desire to be recognized to make reports from committees, which committees may have the right to be recognized at any time. Under those circumstances the Chair reminds gentlemen on both sides that there ought to be some limitation to this debate.

Mr. COBB. So I understand that the gentleman from Ohio [Mr. WARNER] is not allowed to make a statement?

The SPEAKER. The Chair has not said so.

Mr. WARNER. My friend from Indiana [Mr. COBB] has appealed to me as to the truth of certain matters which occurred at Indianapolis in the year 1864——

Mr. KEIFER. I rise to a question of order. Do I understand correctly the Chair as having ruled that the gentleman from Indiana [Mr. COBB] while making a personal explanation is entitled to yield to the gentleman from Ohio, [Mr. WARNER.] If that is so I think the same time should be allowed to gentlemen on the other side.

The SPEAKER. Whatever is granted to the one side shall be granted to the other as far as the Chair is able to control the matter.

Mr. WHITE. What has become of the point of order?

The SPEAKER. What point of order?

Mr. KEIFER. That it is not proper when one gentleman is making a personal explanation for another gentleman to be called in to testify on his behalf.

The SPEAKER. The gentleman from Ohio [Mr. WARNER] speaks in corroboration as a paper would be read in corroboration of the statements of the gentleman from Indiana.

Mr. PRICE. Is it greenback paper? [Laughter.]

Mr. BROWNE. If the gentleman will allow me I desire to make a suggestion. I am exceedingly anxious to hear what my friend from Ohio [Mr. WARNER] has to say. If these gentlemen who manifest so great an anxiety to proceed with the public business will not interrupt this very pleasant proceeding, we will be through in a very short time. We would have been through already perhaps had it not been for the anxiety of gentlemen to be heard who have such infrequent opportunities of obtaining the ear of this House.

Mr. KEIFER. Consent was given that the gentleman from Indiana [Mr. COBB] should be heard, not that the gentleman from Ohio [Mr. WARNER] should be heard. And if one gentleman from Ohio is to be heard, I suggest that I may be heard also.

Mr. HUMPHREY. The gentleman from Ohio ought to be heard.

Mr. FINLEY. I think Ohio should have a fair hearing.

Mr. WARNER. In answer to my friend from Indiana, I will confine myself strictly to matters of fact as they came under my own observation or came to me in an official way. I was on duty in the city of Indianapolis at the time referred to. I was not present at the polls myself, at the elections in question, although I believe I passed by the voting place once or twice during the day.

Mr. HAZELTON. Then you are not a competent witness.

Mr. WARNER. You can judge of the evidence when you hear it. Certain reports were made to me.

Mr. HAZELTON. That is hearsay evidence.

Mr. WARNER. The facts were made known to me officially. I am not stating that the facts came under my own observation, because they did not. I am only stating what not only was currently reported at the time, but what came to me in an official way through reports of subordinate officers.

I remember of issuing an order on that day to the guard on duty under my command in the city of Indianapolis prohibiting any interference whatever with the elections.

Mr. HAZELTON. Produce that order.

Mr. WARNER. I could produce the order, I think. But let me proceed. It was reported to me and it was, I think, unquestioned at the time, that men belonging to a certain Massachusetts regiment—the Sixtieth Massachusetts, I believe—not under my command, but on duty near the city, at one of the camps, did vote on that day at the polls, and some of them at least, more than once. Some of these men, too, as reported to me, had arms with them. I say this fact came to me in an official way and was, so far as I know, not denied at the time. One thing in particular I remember about it. It was said that when some of them first went to the polls one of the soldiers asked a well-known officer where they were to vote; he told them, pointing to the voting places, "All along there at all those windows,"—I believe there were then six or seven there where the votes were handed in.

Mr. BAKER. I desire to ask the gentleman a single question. Does he not know, having been conversant with matters at Indianapolis, that there was only one voting precinct, and hence, whether, when he heard that soldier's story, he did not know that it was simply a canard?

Mr. WARNER. My friend is mistaken, there were boxes at six or seven windows in the court-house; that at least was my understanding, and that is my recollection.

Mr. TOWNSHEND, of Illinois. Was the gentleman from Indiana [Mr. BAKER] in the city of Indianapolis on the day of election?

Mr. WARNER. I only state what was reported to me and what was current at the time. I know there was much complaint and many republicans denounced it. I remember, too, that report was made of some disturbances, but nothing serious, I believe. I have simply felt it my duty on being called upon, now that this matter has come up as a thing of history, to state what I believe to be true. I think at this distance, when the truth of history is involved, it is better that the truth should stand, no matter who is hurt. I think in all matters relating to the history of the war that we should be willing to have only facts go down to history. Posterity is concerned in that. For my part I prefer that when the history of the war is written it shall be a correct history; not distortions and discolorings of the truth for party purposes.

Mr. CONGER. That is better than hearsay.

Mr. FORT. Then will the gentleman give the facts of what he saw, and not of what has been told to him by a soldier who was perhaps drunk?

The SPEAKER. The gentleman from Illinois [Mr. FORT] is not entitled to the floor and is not in order.

Mr. WARNER. I think that what I have said is true. I think that what I have stated are the facts, and I think they were unquestioned at the time when they were talked about and all the circumstances were known.

Mr. FORT. Why not correct the circumstances now, if they occurred under your own command?

Mr. WARNER. I remember that I issued a very strict order to the troops under my command not to interfere in any way in the election, or to be at the polls with arms, but to confine themselves to the regular duty of preserving order on the part of the military in the city.

Mr. TOWNSHEND, of Illinois. I would ask the gentleman how he came to issue that order?

Mr. WARNER. I did it from a sense of duty as commander of the post and commander of the troops there. Indianapolis at that time was a sort of general rendezvous for troops. Regiments were organized there and troops were constantly passing to and fro, and at that time I remember there were a large number of soldiers in and about the city. The duty of the guards under my command was to do guard duty and to preserve order on the part of the military, and there was danger I thought of disturbance, and extra precautions were taken on that day. I have answered my friend as to the presence of soldiers at the polls at Indianapolis in 1864, and as to their voting, giving the nature and source of my information. In doing so I have not sought to take any part in the controversy which I think has unhappily been brought here.

But before taking my seat I wish to add that I believe it to have been the experience of every officer during the war that when armed bodies of men or men with arms in their hands anywhere are brought in contact with the civil authority or with civilians there is constant danger that the military will not stand always completely subordinated to the civil authority, and I give it as my solemn testimony, derived from my experience during the war, that the dominion or power of arms ought not to be, and cannot safely be, extended in this country. There is no danger that men in arms in time of war will not assume power enough and authority enough. We need no additional laws to that end.

Mr. ROBINSON. I rise to a point of order. I want to know if a discourse upon the right to use the Army to aid the civil power is a part of the personal explanation of the gentleman from Indiana, [Mr. COBB.]

The SPEAKER. The Chair thinks not; the Chair thinks the gentleman from Indiana [Mr. COBB] should confine himself to the personal explanation.

Mr. WARNER. I will yield to the gentleman from Massachusetts [Mr. ROBINSON] if he desires it.

Mr. ROBINSON. I do not want the floor, and I think that if the gentleman had kept off the floor it would have been better for him.

Mr. WARNER. My friend seems very anxious on my account. Is all his concern for me?

Mr. HUMPHREY. Let him confine himself to the discussion of the silver bill.

Mr. COBB. In my remarks made on the 11th instant, I stated that it was a matter of history that the Massachusetts soldiers did interfere with the election in Indianapolis in 1864, and that I believed that statement to be a fact. That is the substance of what I said at that time. My colleague, Mr. BROWNE, denied that statement, and my colleague, Mr. BAKER, said that he had never heard of it. Now, I take it that from the high character of the evidence I have presented here and of the witnesses to whom I have referred, I am fully vindicated in what I then asserted. I may state that I am not in the habit of asserting as facts what I do not believe to be true. I then believed what I stated was true, and I think I have shown to the House by the evidence I have introduced that it was true.

I therefore shall not trespass further upon the time of the House, and I thank the House for its kind indulgence toward me. I trust that if my colleagues desire to be heard upon this question the House will hear them.

Mr. BROWNE. I shall ask the indulgence of the House if I can get its attention for but a few minutes. The issue out of which this controversy sprung is this: it has been urged by my colleague, [Mr. COBB,] who simply repeats what was said by a distinguished gentleman in the other end of the Capitol, that at the October election of 1864 the Sixtieth Massachusetts Regiment of Infantry appeared at the polls at that place with arms in their hands, and not only voted themselves but forcibly interfered with legal voters who were seeking to exercise the right of suffrage.

Now I have no desire and I disclaim any purpose to raise an issue of veracity with my distinguished colleague. I do not understand him to assert that he knew personally that the statements he made were true, but he simply made them as a matter of public history which he believed. Now I take issue upon the historical fact, and I am here in the presence of this House, in the presence of the country, and in the presence of thousands of men who still survive and who were at Indianapolis on that day, to deny the truth of those statements.

Mr. COBB. If my colleague will allow me——

Mr. BROWNE. Certainly.

Mr. COBB. I desire to state to him that I read it in as many as a dozen newspapers, and especially in the Indiana State Sentinel published at the capital of the State. I read in those papers the facts in substance as I have stated, but much more in detail of course than I have stated them. I admit that it was denied on the part of the republican journals and is still being denied by the Indianapolis Journal, a leading republican paper published in Indiana.

Mr. BROWNE. I certainly cannot controvert the statement of the gentleman when he says that it was alleged in democratic newspapers all over the country that such statements were true; but I desire now to proceed to the facts.

The House will remember that this controversy originated during the discussion upon the propriety of allowing troops to keep the peace at the polls. The purpose of the statement then made, the object of it, was to have it go to the country with a view of impressing upon the public mind the fact that whatever troops were at Indianapolis were there for the purpose of interfering with the election; that they were taken there by republican authority with the view not only that

they should themselves vote illegally, but that they should intimidate others who sought to exercise the right of suffrage.

Now, the fact is, and it forms a chapter in the history of Indiana that my friend will not controvert, that during the preceding spring a conspiracy of the most gigantic proportions had been unearthed, by which it was proposed that at a certain time during the coming summer the confederate prisoners at Camp Douglas, in the State of Illinois, and at Camp Morton, in the State of Indiana, should be released; that the State arsenal should be raided and the arms therein placed in the hands of these confederate prisoners; and that they, acting in conjunction with those who sympathized with them, should proceed to subvert the State government.

Mr. COBB. I rise to a question of order.

Mr. BROWNE. And to turn it over into the embraces of the rebellion.

Mr. COBB. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. COBB. I deny the fact.

The SPEAKER. That is not a point of order.

Mr. COBB. I rise to a question of order.

The SPEAKER. The gentleman will state his point of order.

Mr. COBB. It is that this has nothing to do with the question now pending before the House, or with my explanation. If the gentleman will allow me, I did not charge, in anything that I have said, that troops were sent there by the authorities with the purpose of interfering with the elections. I simply stated the fact that they were there and that they did interfere, and that is the question at issue here. I take it that what the gentleman is now asserting has nothing to do with that question.

Mr. BROWNE. Does my friend deny the truth of the history I have stated?

Mr. COBB. I do state that it is not true, so far as I know. I will state to the gentleman that so far as I am concerned, I never belonged to any such organization as that to which he alludes. I do not believe there was any such organization in my State, having the purpose to perpetrate what the gentleman states, the overthrow of the Government.

Mr. BAKER. My colleague should wait until he is charged before he denies.

Mr. COBB. My distinguished colleague [Mr. BAKER] who has just spoken never saw anything right except on the republican side; he never saw anything good in a democrat.

Mr. BROWNE. I think my friend is through.

Mr. COBB. I do not allude to the gentleman now occupying the floor.

Mr. BROWNE. I asked my friend if he denied the truth of the history to which I have referred. He says he does not believe it. I ask him now if it was not established by such distinguished democrats as Joseph J. Bingham, the former editor of the Indiana Sentinel, a democratic paper——

Mr. COBB. I will answer the gentleman.

Mr. BROWNE. And honest Horace Heffern, for a long time State senator from the county of Washington, and now a constituent of my colleague, [Mr. BICKNELL;] and I see that my colleague during this session has introduced a bill to give Heffern a pension, which I hope is not because of any service he rendered the cause of the Knights of the Golden Circle.

Mr. COBB. I will answer the question the gentleman has put, if he will allow me.

The SPEAKER. Does the gentleman from Indiana [Mr. BROWNE] yield?

Mr. BROWNE. No, sir. I will get through in a moment.

Mr. COBB. The gentleman ought not to ask a question, and then refuse to let me answer.

The SPEAKER. The gentleman declines to yield.

Mr. BROWNE. I will allow my colleague an opportunity presently.

Mr. Speaker, I was referring to these facts simply to show the reason why the Sixtieth Massachusetts Regiment was quartered at the city of Indianapolis at that time. It was because we were almost in a state of insurrection in the State of Indiana. It was because more than forty thousand men capable of bearing arms had entered into a conspiracy to subvert the State government and turn its power over to the rebellion. It was because the governor of the State believed it necessary that he should bring troops there in order to keep Indiana in line. This is history. I do not say that these conspirators were democrats. I say the proof of the conspiracy was given by distinguished democrats in Indiana; and I say that all those who were arrested, convicted, and sentenced to death were democrats. I say more, that no republican was implicated.

Mr. COBB. Now, if the gentleman will allow me, I will state——

The SPEAKER. Does the gentleman yield?

Mr. BROWNE. I will yield for two minutes.

Mr. COBB. Now, I want to state this fact: the evidence taken before the military commission to which my colleague alludes, the commission before which Milligan and Bowles were tried and convicted, shows that a man by the name of Stidger, who was in the employ of Governor Morton and his republican friends in Indiana, went about organizing this organization called the Knights of the Golden Circle, to which my colleague alludes. He would go into Southern Indiana, organize them there, then go into Kentucky and organize them there, and would then return, as the evidence shows, to Heffern and Bowles, find out what they had done, and then go directly to Governor Morton and report to him all that he had learned. This is what the evidence shows in the case of Bowles and Milligan. When the gentleman says that republicans as well as democrats may have engaged in this matter, or that he does not charge that democrats alone were engaged in it, he speaks truly, because republicans were engaged in it as well as democrats. I have not time to explain the matter further.

Mr. BROWNE. My colleague shall not put words into my mouth that I did not employ. I did not say that republicans were engaged in this conspiracy. I said I should not charge that it was a democratic conspiracy; but I distinctly said that every man who was arrested, every man who was tried, every man who was convicted, every man who was sentenced to death, was a democrat. I said more, that no republican was implicated directly or indirectly in this conspiracy.

Mr. COBB. If the gentleman will allow me——

The SPEAKER. Does the gentleman yield?

Mr. BROWNE. I did not interrupt my colleague.

The SPEAKER. The gentleman declines to yield.

Mr. BROWNE. I say that the existence of that conspiracy is not controverted to-day in Indiana by any man of any party, the proof was so conclusive, coming as it did from gentlemen who were themselves implicated in the conspiracy and who were prominent and distinguished members and leaders of the great party to which my friend belongs.

Now, I did not intend to dwell so long upon this point in this controversy. I simply state these facts to show why the Sixtieth Massachusetts Regiment was encamped at Indianapolis at the time of the October election in 1864. Now I come to the question, did they interfere?

Mr. COBB. Will my colleague allow me to ask him one question? [Cries of "Sit down!" on the republican side.]

The SPEAKER. The gentleman has declined to yield.

Mr. BROWNE. The first evidence my colleague introduces on that subject is the fact that the vote was largely increased from 1862 to 1864. Why, sir, my friend is too familiar with Indiana politics to have forgotten the fact that 1862 was what we call in common parlance an "off year." It was not the presidential year. In that "off year" the vote uniformly falls off—especially the republican vote—sometimes to the extent of 20 or 25 per cent.

I desire to call my colleague's attention to another fact which he will remember when I state it: that in 1862 the election was held just under the shadow of the first draft, when many, including a large number of republicans, refused to vote. Eighteen hundred and sixty-six was another "off year"—not the presidential year. If I had anticipated this controversy this morning I could bring statistics before the House to show that the difference between the vote of 1862, 1864, and 1866 was by no means remarkable in the history of Indiana politics.

What next? A letter is introduced from General Love, a very excellent gentleman. I know him well, and I would not challenge his veracity for a moment. Now, it is true that General Love was a candidate for Congress in that year on the democratic ticket. It is equally true that at the election, and in the latter part of the day, he was interfered with. It is equally true that this interference was by persons wearing the United States uniform. The city of Indianapolis was a military camp during most of the year 1864. It was the point of rendezvous for all the Indiana regiments. They were almost all of them organized there. It was the point where were stationed our convalescent soldiers, and on that day and on every day during that year hundreds of soldiers wearing the United States uniform were in the streets of that city. And my friend ought to know another fact, that in 1864 all of the soldiers who could be spared from the Army were allowed to return to their homes, for the purpose of voting the republican ticket, if you please. They were allowed to come home, sir, to Indianapolis, for Indianapolis had contributed a large quota of troops to the Union Army, and hundreds of men on that day were about the polls and in the streets of that city wearing the uniform of the Government but who belonged to that city.

Now, what were the facts? I ask the Clerk to read two extracts from the paper which I have marked. I send up a statement, published next day after this election of 1864, to show what brought about the interference General Love speaks of in his letter at the time when it was fresh in his mind. General Love gave the following account of it over his own signature on the day after that election.

The Clerk read as follows:

Understanding that a suggestion has been made to some of my personal friends that the cause of the attempt to mob me at the polls yesterday was the distribution by me of spurious tickets, I feel called upon briefly to state the facts. While engaged in pleasant and friendly conversation with two gentlemen of the opposite party I was approached by a crowd headed by one whom I thought from his appearance to be drunk, (and I blush when I say that several of those insulting me were dressed in the uniform I have myself worn for many years with pride,) who demanded the surrender of the tickets in my possession. I told them they could have one each if they would vote it, but no more. Nor did they get more. Seeing a guard of the veteran corps, I claimed the protection I knew I would receive. After the guard were marched from the ground, and having no security of protection from further insult and violence, I left the ground and did not return.

The day after the election the Sentinel, the democratic organ, said:

On yesterday, while the election was progressing quietly, the republicans, seeing

the democrats were polling a large vote, commenced crowding round those holding democratic tickets, with the cry of "Take the tickets," "Go for them," &c., and soon compelled such well-known citizens as W. H. Talbott, General Love, Sam Delzell, and others to leave the ground or quit distributing tickets.

Mr. BROWNE. I wish to call the attention of the House particularly to this statement, not that I conceive it in any essential particular differs from the statement General Love has made in his letter; I do not call it in for the purpose of contradicting what he has written, but I do it for the purpose of showing that on the day after the election, over his own signature, all he charged was that on that day it was alleged by some person that in the after part of the day he was peddling spurious tickets, and that some persons wearing the uniform of the United States came to him and demanded he should surrender those tickets. He said he would give to each one a ticket if he would vote it, and he did no more than that; and then that a controversy arose by which it became necessary for him to leave the ground.

It is a fact of history, not to be controverted by General Love or anybody else, that the difficulty between him and the soldiers, whether of an Indiana or Massachusetts regiment, but perhaps some Indianapolis soldiers who knew the facts, was that it was alleged he had taken and printed the regular republican ticket, leaving off the name of the republican candidate for Congress and inserting his own in place of it, and that that created the controversy. It was charged by the republicans that General Love did it. I do not say he did it; I say it was charged that he did it, that he was peddling these tickets, and that led to the controversy by which he was driven from the ground under the circumstances he states.

Now, the second paragraph which was read by the Clerk was not from General Love's card, but is an extract of an editorial of the Indianapolis Sentinel, the leading democratic paper of Indianapolis and of Indiana—a statement which my friend will not controvert. I will read again:

> On yesterday, while the election was progressing quietly, the republicans, seeing the democrats were polling a large vote, commenced crowding around those holding democratic tickets with the cry of "Take the tickets!" "Go for them!" &c., and soon compelled such well-known citizens as W. H. Talbott, General Love, Samuel Delzell, and others, to leave the ground or quit distributing tickets.

The election, said the Sentinel, was progressing quietly. What next? The democrats were polling an unusually large vote. This occurred in the after part of the day at the time when the Sixtieth Massachusetts Regiment was there under arms for the purpose of deterring democrats from voting! That is what the Indianapolis Sentinel says, and the gentleman will not for a moment question its orthodoxy. What next?

Mr. COBB. What paper are you reading from?

Mr. BROWNE. I have the Indianapolis Journal, sir. I am not asking the gentleman or any other gentleman in the House to credit what it says except so far as they may believe its statement to be true. It is hardly probable any paper would publish forged cards and pretended interviews with distinguished citizens of Indianapolis right within sight of their residences and business houses. The gentleman will not insist any paper would publish under the circumstances that which never occurred.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced the Senate had passed a resolution that 12,000 extra copies of the report and proceedings of the Paris monetary conference held in August last be printed and bound in cloth; in which concurrence was requested.

It further announced it had agreed to the amendments of the House to a bill (S. No. 697) to establish additional post-routes in Florida, with amendments, in which concurrence was requested.

It further announced it had passed a bill (H. R. No. 2329) authorizing the National Bank of Conway, Massachusetts, to change its location and name.

It further announced the adoption of the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 2252) making appropriations for certain judicial expenses.

PERSONAL EXPLANATION.

Mr. BROWNE. Before I refer to the statements of these distinguished gentlemen of Indianapolis, I desire to allude to another fact to which my attention was called by the distinguished gentleman from New York, [Mr. MCCOOK.]

General Love himself states that when he became involved in this controversy about the charge that was made against him of peddling spurious tickets, when he sought protection he fled under the shadow of the Veteran Reserve Corps soldiers of the Union Army who were present on that occasion and about the polls at the city of Indianapolis.

Now, Mr. Speaker, in conclusion, I will say that I hold in my hand a copy of the Indianapolis Journal of June 19, in which there are to be found interviews with such gentlemen as John C. S. Harrison, one of the leading bankers of the city of Indianapolis; E. G. Cornelius, of the wholesale house of Bryan, Cornelius & Co., on Pearl street, and Mr. Bryan, of the same firm; A. L. Wright, head of the firm of A. L. Wright & Co.; George Sloan, of the firm of Browning & Sloan, the principal wholesale druggists of the city of Indianapolis; W. G. Smock, for a long time clerk of the Marion County circuit court; Colonel W. R. Holloway, postmaster; Colonel Fred. Boggs, present collector of internal revenue; Mr. Vanlaningham, secretary of the Citizens Gas-Light and Coke Company; Hon. Samuel Hanway, treasurer of Marion County; Mr. E. W. Halford, for a long time one of the editors of this paper. My colleague knows many of these men. I know the gentleman who has the honor to represent the metropolitan district of Indiana will bear testimony that, barring their politics, they are most exemplary and reliable gentlemen. They are republicans; they have that political bias which my friend General Love has, and other gentlemen who have testified on the other side, and no more. But they are the peers in all respects of any of the gentlemen whose letters or statements have been put before the House since the beginning of this controversy. And these men are old citizens of Indianapolis. Many of them were born there. They had lived there for years and had taken an interest in the politics of the State. They were present at the polls on that election day from early morning until late in the evening. They state that they saw all that happened in the court-house yard and in that vicinity, and that it was a quiet, orderly, peaceable, well-conducted election, in all respects equal to any that has been held in Indianapolis or any other city, East or West, within a decade.

I do not read their statements; I do not care to encumber the RECORD with them. My friend has them before him. There were simply two disturbances on that day: one which has been spoken of by General Love in regard to peddling the alleged spurious tickets, and another between a soldier and a man who voted a ticket with a butternut attached to it. When this man had put the ticket with the butternut attached to it into the ballot-box, without having been interfered with, he said, "Them's my sentiments;" and the soldier walked up and, hitting him in the butt of the ear, said, "And them's mine." [Applause.] I do not know that the soldier did right; but when a man dared to parade the insignia of disloyalty in the presence of a soldier who was periling his life in the defense of the Government I think he might be pardoned for a little indiscretion of the kind.

I have said all I desire to say. I disclaim any purpose of raising any question of personal veracity with my distinguished colleague, who is as incapable of stating an untruth as I believe myself to be. He has stated what he supposes to have been the facts. I have given some of the evidence on which I base my denial of the imputation made against the Sixtieth Massachusetts Regiment, or any other soldier who was at Indianapolis during the election of that year.

Mr. BAKER rose.

Mr. HERBERT. I demand the regular order.

Mr. HUMPHREY. There is no call of States to-day, and I hope the gentleman from Indiana will be permitted to proceed.

The SPEAKER. The understanding was when this debate commenced that when one side had been heard, the other side should be heard also. It is no more than fair that that understanding should be carried out.

Mr. HERBERT. I thought both sides had been heard.

Mr. BAKER. Charges have been distinctly made against me by name, and remarks made by me on a former occasion have been quoted and animadverted upon on the other side. Under those circumstances does the gentleman from Alabama think it perfectly fair, courteous, and proper that I should not be permitted to say a word in response?

The SPEAKER. The gentleman from Indiana on the right [Mr. COBB] held the floor for forty-five minutes. There have been already consumed on the other side thirty minutes.

Mr. HERBERT. I wish to say this, that I have no intention or desire to be discourteous to gentlemen on either side of the House. I only demanded the regular order because I supposed both sides had been heard from. According to the intimation of the Chair, the gentleman from Indiana who is now on the floor has fifteen minutes. The time will then have been equally divided between the two sides. At the end of the fifteen minutes, I give notice that I shall demand the regular order.

Mr. BAKER. I desire to say that I hardly think I shall want five minutes. My colleague [Mr. BROWNE] has already gone at length into the question that is involved in the matter brought forward by the gentleman from the Vincennes district, and I have no disposition to go into that matter particularly. But I desire to say, Mr. Speaker, that when the gentleman complains about any statement that I made on a former occasion in respect to interference with voters in the State of Indiana I think the mass of the people in Indiana will bear witness to the fact that if there was an interference with the right of the people to vote, that interference did not grow out of the use of armed men wearing the uniform and bearing the colors of the United States.

I have no doubt, Mr. Speaker, that at the city of Indianapolis and at other points in the State of Indiana in the year 1834, in consequence of the soldiers of Indiana not being enabled by any law to vote in the Army as they were permitted to vote in other States, soldiers were seen at the polls voting. They were sent home by thousands and tens of thousands—soldiers who had been republicans and soldiers who had been democrats in the year 1862 were sent home—and they were found at every polling-place from one end of the State to the other. They were not found armed, but they were found wearing the Army blue. They were democrats and republicans who were wearing the Army blue, and they came back and voted for that great man, the soldiers' friend, Senator Morton, as against that other man, Senator MCDONALD, a gentleman who, whatever he may be called now, was not then claimed to be the soldiers' friend. It was then

believed, and I am making this statement for the purpose of showing why a larger vote was polled for Mr. Morton in 1864 than the republican party had polled in 1862, it was believed then, not only by the republicans, but by thousands and thousands of democrats who were in the Army fighting for the flag, that the organization of the Knights of the Golden Circle, if not actually led by the men who are the leaders of the democracy to-day, was known of and sympathized in by the leaders of that party. That was the belief in Indiana at that time. And is it surprising that when men who were fighting to put down treason came home to vote, although they had gone into the Army as democrats, and on thus coming back to our State found the belief was universal that the leaders of the old party to which they had belonged were endeavoring to carry the State into the arms of the rebellion, they should have changed and voted for the man who was giving all his transcendent powers to uphold the flag of the Union?

I read from the RECORD of June 18, 1879, to show what was the belief at that time and what accounts for the change in the vote, so that my friend and colleague need not have been surprised at it:

Jake Thompson thought that sending those soldiers into Indiana prevented the uprising of the "Sons of Liberty" at that particular time, and we have the complaint made here to-day that a Massachusetts regiment was in Indiana for that purpose. Thompson proceeds:

"A large sum of money has been expended in fostering these operations, and it now seems to have been to little profit."

The treason so discovered was exposed in the campaign of 1864, and the democratic party was borne down by the damning and treasonable record that was made by those Knights of the Golden Circle.

And that is not all, Mr. Speaker. The Legislature of Indiana, a democratic Legislature, in the winter of 1863 undertook to pass a resolution for the purpose of sending commissioners to treat with the confederate government with a view to the neutrality of the State of Indiana and the withdrawing of her soldiers from the battle-field in the defense of the country.

A MEMBER. Who was the author of that resolution?

Mr. BAKER. It was George S. Brown, of Wells County, if my memory serves me right.

Mr. COBB. I want to ask whether it is in order for the gentleman to make statements which are not in reply to anything which I said?

The SPEAKER. It is impossible for the Chair to run the line to say what is in the argument and illustrations of the gentleman.

Mr. COBB. But I did not allude to the subject to which the gentleman refers.

The SPEAKER. Oh, that is not a point of order.

Mr. BAKER. The gentleman cannot get up an issue of veracity with me, although he may get up such an issue with history. Those historical facts are too well known. The question is why the democratic party polled a less vote in Indiana in 1864 than it did in 1862.

Mr. COBB rose.

Mr. BAKER. I cannot yield to the gentleman; I am not saying anything about the gentleman.

Mr. COBB. But the gentleman insists that I made a statement which I did not make.

Mr. BAKER. The RECORD will show about that.

The SPEAKER. The gentleman from Indiana [Mr. BAKER] declines to yield to his colleague.

Mr. BAKER. The point made against me grew out of the fact that more votes were polled for the republican party in 1864 than in 1862; and I will undertake to show the reason why more votes were polled in one year than the other.

I was undertaking to show the reason why there were more republican votes then polled. There are other reasons I might mention, but it is enough for me to say that whenever the democratic politicians of Indiana want to go back to the war period for the purpose of obtaining garments of loyalty with which to clothe themselves in order to hide their nakedness, they have chosen a time that is peculiarly unfortunate for them. If there ever was a State where there was imminent danger of its being torn from its orbit in the Union and plunged into the mad gulf of rebellion by treason, by conspiracy, by the use of confederate money, it was the State of Indiana under the manipulation of men who then trained in the democratic party and who have voted solidly the democratic ticket from that time to this.

Mr. WARNER. Was confederate money current in Indiana then?

Mr. SAPP. Oh, keep still.

Mr. BAKER. My friend always is speaking on the financial question. If my friend would only give testimony in reference to the arrest of some of his present democratic associates, with whom he then disagreed—I mean the democratic Knights of the Golden Circle—if he had given that testimony when he was giving his testimony to aid my colleague on the other side he would have said something that might have been valuable to history.

Mr. WARNER. If the gentleman will allow me——

Mr. BAKER. I cannot yield. It may be troublesome for my friend from Ohio [Mr. WARNER] to give testimony on that subject, and I will not be guilty of the cruelty of asking him to do it.

Mr. WARNER. It is no cruelty.

Mr. BAKER. But it would have been fair on his part if he had given the names and pedigree of those eminent Knights of the Golden Circle, those democrats whom, when he was wearing the loyal blue, he arrested among the cohorts of democracy in Indiana. But he could not find time to talk about that.

Mr. WARNER. Will the gentleman allow me now one word on that?

Mr. BAKER. Sit down, please; you have had your day in court. No, my friend could not talk about that; but he had to give a backhanded blow, and hurl a parting dart at the soldiers, the loyal men in blue, with whom he was then acting.

Mr. WARNER. Let me state a fact.

Mr. BAKER. Sit down, if you please; I cannot yield to the gentleman. I regret to see that my friend has so far forgotten the lofty inspirations by which he was actuated at that time that now, in order to put himself on terms of good-fellowship with those he was fighting against then, he must get down humbly before them and hurl back over his shoulders his darts against the loyal soldiers with whom he was then associated.

[Here the hammer fell.]

Mr. WARNER. I claim the right, Mr. Speaker, to the floor to reply to the gentleman——[Cries of "Regular order!" "Regular order!"]

The SPEAKER. The regular order is called for.

Mr. WARNER. I demand it as a personal privilege——

Mr. DE LA MATYR. As Indianapolis is my home——[Cries of "Regular order!"]

The SPEAKER. The gentleman from Indiana [Mr. DE LA MATYR] desires to be heard.

Mr. SPARKS. Common fairness requires that the gentleman from Ohio [Mr. WARNER] should have a few minutes.

The SPEAKER. The gentleman from Indiana [Mr. DE LA MATYR] desires a moment.

Mr. SPARKS. To reply to the speech, full of venom, of the gentleman from Indiana, [Mr. BAKER.]

The SPEAKER. The Chair has nothing to do with the controversy.

Mr. DE LA MATYR. As Indianapolis is my home and the center of the district I represent, I have listened to this controversy with special interest and intensest pain. I have not risen to add a single word to this controversy, but to utter my earnest protest against uncovering the dead.

A MEMBER. Ah! that is too bad.

Mr. DE LA MATYR. Yes, I say it. I gave three years of earnest, devoted work to the war. I have not been fighting ghosts since, and I despise and loathe this fighting of ghosts. [Applause on the democratic side.]

Mr. WARNER. As a question of privilege——

Many MEMBERS. Regular order! Regular order!

Mr. WARNER. I claim the floor on a question of personal privilege.

The SPEAKER. The Chair will submit the question to the House.

Mr. WARNER. I ask for only five minutes.

The SPEAKER. Is there objection?

Several members objected.

Mr. WARNER. The gentleman from Indiana [Mr. BAKER] has charged that in bearing the testimony I have borne here this morning——

Mr. ALDRICH, of Illinois. Objection is made, unless time is given to reply.

The SPEAKER. The Chair thinks this personal explanation has occupied a good deal of the time of the House.

Mr. WARNER. The gentleman from Indiana [Mr. BAKER] has placed me in a false position, and I ought to be allowed a moment to reply.

Mr. TOWNSHEND, of Illinois. There have been reflections cast upon the gentleman from Ohio, [Mr. WARNER,] and the House should grant him that privilege.

The SPEAKER. The Chair has no objection.

Mr. ALDRICH, of Illinois, and others. Regular order!

Mr. WARNER. My friend from Indiana [Mr. BAKER] has sought to place me in a false position. [Renewed cries of "Regular order!"] In rising to answer the appeal of my friend from Indiana [Mr. COBB] as to a matter of fact I deny that I said—— [Cries of "Regular order!"]

Mr. KEIFER. I insist upon the regular order.

The SPEAKER. The gentleman from Ohio [Mr. WARNER] will suspend for a moment. Objection is made to his proceeding. [Cries of "Regular order!"] The regular order is demanded.

Mr. KENNA. I rise to a point of order. I submit that if the gentleman from Ohio rises to a question of personal privilege, as he states, the objection of his colleague [Mr. KEIFER] cannot take him off the floor.

The SPEAKER. The understanding was that each side should have equal time. Each side has had forty-five minutes, making one hour and a half in all. The Chair thinks this is the extent to which the House gave its consent.

Mr. KENNA. I have no reference whatever to any understanding on the part of the House heretofore. I refer to the attitude of the gentleman from Ohio in rising now to a question of personal privilege. I submit that if he does so at this time he is entitled to the floor.

Mr. WARNER. An attack of a personal nature has been made upon me.

Mr. SHELLEY. I move that the House adjourn.

The question being taken on the motion of Mr. SHELLEY, it was

not agreed to; there being—ayes 66, noes 78. [Cries of "Regular order!"]

Mr. WARNER. I rise to a privileged question.

The SPEAKER. The gentleman from Ohio claims the privilege of rising to a personal explanation. How much time does he desire?

Mr. WARNER. Three minutes.

Mr. HENDERSON. I object.

Mr. ACKLEN. The objection cannot avail in a case of this kind. The gentleman from Ohio distinctly states that he rises to a question of personal privilege. That is a right possessed by every member of the House which no other member can take from him.

The SPEAKER. The Clerk will read from the rule on this subject.

The Clerk read as follows:

A matter of privilege arising out of any question, or from a quarrel between two members, or any other cause, supersedes the consideration of the original question, and must be first disposed of.—Manual, p. 75.

Whenever the Speaker is of the opinion that a question of privilege is involved in a proposition, he must entertain it in preference to any other business.—Journal, 1, 29, p. 724. [Such opinion, of course, being subject to an appeal.] And when a proposition is submitted which relates to the privileges of the House, it is his duty to entertain it, at least to the extent of submitting the question to the House as to whether or not it presents a question of privilege.

The SPEAKER. The Chair will submit to the House the question whether this is a question of personal privilege.

Mr. CONGER. And I suppose the question of consideration at this time can be raised?

Mr. KENNA. I would like to know what question the Speaker is to submit to the House?

The SPEAKER. The question whether the gentleman from Ohio shall be heard.

Mr. KENNA. Upon what?

The SPEAKER. On a question of privilege.

Mr. KENNA. The question to be submitted to the House should be whether the question is one of privilege, and how can that question be submitted to the House until the gentleman has stated it?

The SPEAKER. The gentleman stated it.

Mr. KENNA. He simply stated that he rose to a question of personal privilege; he has not yet stated what that question is.

The SPEAKER. The House heard the statement.

Mr. KENNA. I do not know whether the House heard it or not.

The SPEAKER. It was made in the presence of the House.

Mr. KENNA. The gentleman from Ohio has not made such a statement. I do not know, and the House cannot know, what the gentleman's question of privilege is.

The SPEAKER. The gentleman from West Virginia [Mr. KENNA] was not here, perhaps, when the statement was made.

Mr. KENNA. I have heard what has happened; but I do not know and the House cannot know whether the question of privilege on which the gentleman now rises is the question that has been before the House or another question.

The SPEAKER. The Chair thinks this matter has already occupied the full extent of the time which the House wished to give to it; and the House, if it wants further time occupied in the discussion of the subject, must take the responsibility. The Chair is unwilling longer to do it.

Mr. KEIFER. I understand the question of privilege insisted upon to be this: my colleague [Mr. WARNER] put himself into the jaws of a discussion, and somebody disputed something he said. Now he wants to get up and carry on the controversy upon the claim that it is a question of privilege.

Mr. WARNER. No, sir; I ask no such privilege.

Mr. HAZELTON. The gentleman has had his day in court as a volunteer witness; and he cannot come in here now as a matter of privilege to explain what he has said. He is discharged from further attendance upon the court.

Mr. WARNER. A gentleman on the floor has made a charge which I denounce as untrue and unfair. Do gentlemen on the other side think they can afford to take the position of refusing me three minutes to answer that charge?

The SPEAKER. The Chair will submit the question to the House.

Mr. HAWLEY. The gentleman from Ohio wishes only three minutes; I hope he may have that time.

The SPEAKER. Is there objection to allowing the gentleman three minutes?

Mr. CONGER. With the understanding that there shall be three minutes for a reply.

Mr. KEIFER. I make no objection if an equal time be allowed for a reply.

The SPEAKER. The Chair hears no objection.

Mr. WARNER. Mr. Speaker, the gentleman from Indiana, [Mr. BAKER,] because in response to an appeal made to me by his colleague as to the truth of certain matters in controversy I stated what I believed to be the facts, and nothing more, has taken it upon himself to reflect upon the consistency of my doing so, if not upon my motives. I repel the imputation as uncalled for. I am quite willing to compare records with the gentleman, both during the war and since. Is it because the truth hits or because facts militate against the gentleman's present notions of what his party requires that he objects to having the truth stated? Does he prefer that what is not true should go down to history as the truth? I know nothing of the gentleman's military record, or whether he has any or not, but I have noted often that the less conspicuous one was during the war the more ready he is likely to be to charge inconsistency upon those who chance to differ with him now.

I prefer to have those who knew me then and have known me since to judge of my course. I stand now where I stood then, the reflections of the gentleman to the contrary notwithstanding. As to other matters which the gentleman has referred to in connection with the presence of troops at the polls, I said nothing.

Mr. HAZELTON. What were the tenets of the order? [Laughter on the republican side.]

Mr. WARNER. If I could go into that matter, or if called upon to state what I knew respecting it, I think I should be able to establish some facts and at the same time to dispel a vast amount of fiction. But as the mere mention of these incidents is so likely to give the nightmare to gentlemen on that side I think that it better be left to the cooler treatment of the historian rather than be brought in here. This is all I wish to say now.

Mr. BAKER rose.

Mr. HAWLEY. Let us have the regular order. [Cries of "Regular order!"]

Mr. ACKLEN. Let the other side have three minutes.

The SPEAKER. The understanding was that the other side should have three minutes to reply.

Mr. BAKER. I am not going to occupy three minutes nor one minute. All I wish to say is that the gentleman is in the condition of a man who, waking from a sleep, thinks he occupies the precise situation to-day he did in 1864; that there are very few men in this country who will not regard him simply as a political Rip Van Winkle who has gone to sleep in the vanguard of liberty in the ranks of the republican party and waked up on the other side. [Laughter and applause on the republican side.]

PROHIBITION OF POLITICAL CONTRIBUTIONS.

The SPEAKER. The regular order having been demanded, the morning hour now begins at two minutes past two o'clock, and the unfinished business is the bill (H. R. No. 2266) to prohibit Federal officers, claimants, and contractors from making contributions for political purposes.

Mr. WILSON. Is it in order to move to refer the bill to the Committee of the Whole on the state of the Union?

The SPEAKER. The gentleman from Indiana in charge of the bill has demanded the previous question, and the Chair recognizes that gentleman as having charge.

Mr. WILSON. Is it in order for me to make that motion?

The SPEAKER. It is not, as the previous question is pending.

Mr. HOSTETLER. I have no objection, Mr. Speaker, to the reference of this bill to the Committee of the Whole on the state of the Union. I have made the proposition on several occasions.

Mr. CONGER. I object to discussion.

Mr. HOSTETLER. Let it go to the Committee of the Whole on the state of the Union, where it can be discussed. I have made that motion several times, but I understand gentlemen on the other side object to it. I now withdraw the demand for the previous question and move the reference of the bill to the Committee of the Whole on the state of the Union, if that be the wish of the other side.

Mr. CONGER. Has the gentleman from Indiana the right to make that motion?

The SPEAKER. He has a right to withdraw the demand for the previous question, and then to make the motion which he has made.

Mr. HOSTETLER. And on that motion I demand the previous question.

Mr. CONGER. We will take the previous question on that as well as the other, or we will try. [Laughter.]

The House divided; and there were—ayes 80, none in the negative.

Mr. CONGER. There is no quorum voting.

The SPEAKER. The gentleman from Michigan makes the point there is no quorum voting, and in consequence the Chair will order tellers, and appoints Mr. HAYES and Mr. HOSTETLER.

Mr. SPRINGER. It is unnecessary to go through this formula again.

The SPEAKER. Debate is not in order.

Mr. SPRINGER. I desire to make a proposition to the other side that if this bill goes to the Committee of the Whole on the state of the Union it cannot be reached for consideration at this session.

Mr. CONGER. I demand the regular order of business.

The SPEAKER. The regular order will be proceeded with.

Mr. SPRINGER. The gentleman wishes, then, to obstruct all general business.

The SPEAKER. The regular order is demanded, and that cuts off debate.

Mr. CONGER. I object to the gentleman interjecting remarks when the regular order is demanded.

The House divided; and there were ayes 66, and none in the negative.

Mr. CONGER. I make the point there is no quorum.

The SPEAKER. The point of order being made of the want of a quorum there are two motions only in order, one that the House adjourn and the other that there be a call of the House.

Mr. SPRINGER. I again renew the request to the other side that this bill be referred to the Committee of the Whole on the state of the Union.

Mr. WHITE. I object to debate.

Mr. SPRINGER. I am not debating it at all, but I wish to make

the proposition that this bill be referred to the Committee of the Whole House [cries of "Regular order!"] until next session.

Mr. WHITE. I demand the regular order.

The SPEAKER. No motion has been made.

Mr. FINLEY. I move there be a call of the House.

The SPEAKER. By the sound the "ayes" appear to have it.

Mr. WHITE. I call for a division.

The House divided; and there were—ayes 48, noes 5.

So a call of the House was ordered.

The Clerk proceeded to call the roll, when the following members failed to answer to their names:

Aldrich, N. W.	Dick,	Ladd,	Singleton, J. W.
Atherton,	Dickey,	Lay,	Smith, Hezekiah B.
Bailey,	Dunn,	Le Fevre,	Speer,
Ballou,	Dwight,	Lewis,	Starin,
Barlow,	Einstein,	Lindsey,	Stephens,
Belford,	Fisher,	Loring,	Stone,
Beltzhoover,	Frost,	Miles,	Talbott,
Bingham,	Frye,	Miller,	Thomas,
Bland,	Gibson,	Mitchell,	Tucker,
Bliss,	Godshalk,	Money,	Turner, Thomas
Blount,	Goode,	Morse,	Valentine,
Boyd,	Hall,	Morton,	Van Voorhis,
Bragg,	Harmer,	Muller,	Waddill,
Brigham,	Harris, John T.	Newberry,	Washburn,
Buckner,	Hawk,	O'Brien,	Weaver,
Butterworth,	Hayes,	O'Reilly,	Wells,
Cabell,	Heilman,	Pierce,	White,
Camp,	Hooker,	Prescott,	Wilber,
Carlisle,	Hunton,	Reed,	Williams, C. G.
Chalmers,	James,	Rice,	Williams, Thomas
Chittenden,	Kelley,	Richardson, D. P.	Wood, Fernando
Claflin,	Ketcham,	Robeson,	Wood, Walter A.
Clark, Alvah A.	Killinger,	Rothwell,	Young, Thomas L.
Cox,	Kitchin,	Ryan, Thomas	
Crowley,	Knott,	Sherwin,	

The SPEAKER *pro tempore*, (Mr. CLYMER.) The call of the roll shows that 189 members are present.

Mr. CONGER. Have the names been read?

The SPEAKER *pro tempore*. It is not usual to report the names. The names of the absentees have been called. The Doorkeeper will now close the door.

Mr. BRIGHT. I move that all further proceedings under the call be dispensed with.

The question being put, the Speaker *pro tempore* announced that from the sound the "noes" had it.

Mr. CONGER. I call for a division.

The House divided; and there were—ayes 63, noes 52.

So the motion to dispense with further proceedings under the call was agreed to.

PROPOSED ADJOURNMENT OVER.

Mr. ATKINS. I move that when the House adjourns to-day it be to meet on Tuesday next.

The question being put, the Speaker *pro tempore* announced that by the sound the "ayes" appeared to have it.

Several members called for a division.

Mr. ATKINS. I withdraw the motion.

ORDER OF BUSINESS.

Mr. CONVERSE. I ask leave to make a report from the Committee on Public Lands. The purpose of the bill is to equalize citizens and soldiers in their rights to the public lands.

The SPEAKER *pro tempore*. No request of that kind is entertained during the morning hour.

Mr. CONVERSE. If I can get unanimous consent, would it not be in order to make such a report?

The SPEAKER *pro tempore*. It is not in order even to ask unanimous consent during the morning hour.

ENROLLED BILL SIGNED.

Mr. KENNA, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 2252) making appropriations for certain judicial expenses.

PROHIBITION OF POLITICAL CONTRIBUTIONS.

The SPEAKER *pro tempore*. The question recurs on seconding the demand for the previous question upon the motion of the gentleman from Indiana [Mr. HOSTETLER] to refer the bill he has reported to the Committee of the Whole on the state of the Union.

Mr. THOMPSON. I move that the House do now adjourn.

The SPEAKER *pro tempore*. By the sound the "ayes" appear to have it.

Mr. YOUNG, of Tennessee. I call for a division.

The House divided; and there were—ayes 96, noes 57.

Mr. COVERT and Mr. SPRINGER called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 83, nays 100, not voting 103; as follows:

YEAS—83.

Aldrich, William	Barber,	Bowman,	Carpenter,
Anderson,	Bayne,	Brewer,	Caswell,
Armfield,	Bicknell,	Briggs,	Conger,
Atkins,	Blake,	Browne,	Cook,
Baker,	Bouck,	Cannon,	Cowgill,
Crapo,	Hawk,	Mills,	Ryon, John W.
Culberson,	Hazelton,	Mitchell,	Shallenberger,
Daggett,	Henderson,	Myers,	Shelley,
Davis, George R.	Herndon,	Neal,	Sherwin,
Deering,	Horr,	Norcross,	Slemons,
Errett,	Hubbell,	O'Connor,	Thomas,
Farr,	Humphrey,	Orth,	Thompson,
Field,	Joyce,	Osmer,	Updegraff, Thomas
Forney,	Lapham,	Overton,	Upson,
Forsythe,	Marsh,	Poehler,	Urner,
Fort,	Martin, Joseph J.	Pound,	Voorhis,
Garfield,	Mason,	Price,	Wait,
Hammond, John	McCoid,	Reagan,	Wellborn,
Hammond, N. J.	McCook,	Richardson, D. P.	White,
Harris, Benj. W.	McKenzie,	Russell, Daniel L.	Yocum.
Haskell,	McKinley,	Russell, W. A.	

NAYS—100.

Acklen,	Evins,	Manning,	Singleton, O. R.
Aiken,	Felton,	Martin, Benj. F.	Smith, A. Herr
Bachman,	Ferdon,	Martin, Edward L.	Smith, William E.
Beale,	Finley,	McGowan,	Sparks,
Blackburn,	Geddes,	McLane,	Springer,
Bliss,	Gibson,	McMahon,	Steele,
Bright,	Gillette,	McMillin,	Stevenson,
Burrows,	Gunter,	Monroe,	Talbott,
Caldwell,	Hatch,	Morrison,	Taylor,
Clardy,	Hawley,	Murch,	Tillman,
Clark, John B.	Henkle,	New,	Townshend, R. W.
Clymer,	Henry,	Nicholls,	Turner, Oscar
Cobb,	Herbert,	O'Neill,	Updegraff, J. T.
Colerick,	Hill,	Persons,	Van Aernam,
Converse,	Hiscock,	Phelps,	Vance,
Covert,	Hostetler,	Phister,	Ward,
Cravens,	Houk,	Richardson, J. S.	Warner,
Davidson,	House,	Richmond,	Whiteaker,
Davis, Joseph J.	Hull,	Robertson,	Whitthorne,
Davis, Loundes H.	Johnston,	Robinson,	Willis,
De La Matyr,	Jones,	Ross,	Willits,
Deuster,	Jorgensen,	Samford,	Wilson,
Dibrell,	Keifer,	Sawyer,	Wise,
Dunnell,	Klotz,	Scales,	Wright,
Elam,	Lowe,	Simonton,	Young, Casey.

NOT VOTING—103.

Aldrich, N. W.	Dick,	Kimmel,	Rothwell,
Atherton,	Dickey,	King,	Ryan, Thomas
Bailey,	Dunn,	Kitchin,	Sapp,
Ballou,	Dwight,	Knott,	Singleton, J. W.
Barlow,	Einstein,	Ladd,	Smith, Hezekiah B.
Belford,	Ellis,	Lay,	Speer,
Beltzhoover,	Ewing,	Le Fevre,	Starin,
Bingham,	Fisher,	Lewis,	Stephens,
Bland,	Ford,	Lindsey,	Stone,
Blount,	Frost,	Loring,	Townsend, Amos
Boyd,	Frye,	Lounsbery,	Tucker,
Bragg,	Godshalk,	Miles,	Turner, Thomas
Brigham,	Goode,	Miller,	Tyler,
Buckner,	Hall,	Money,	Valentine,
Butterworth,	Harmer,	Morse,	Van Voorhis,
Cabell,	Harris, John T.	Morton,	Waddill,
Calkins,	Hayes,	Muldrow,	Washburn,
Camp,	Heilman,	Muller,	Weaver,
Carlisle,	Hooker,	Newberry,	Wells,
Chalmers,	Hunton,	O'Brien,	Wilber,
Chittenden,	Hurd,	O'Reilly,	Williams, C. G.
Claflin,	James,	Pierce,	Williams, Thomas
Clark, Alvah A.	Kelley,	Prescott,	Wood, Fernando
Coffroth,	Kenna,	Reed,	Wood, Walter A.
Cox,	Ketcham,	Rice,	Young, Thomas L.
Crowley,	Killinger,	Robeson,	

So the House refused to adjourn.

During the roll-call the following announcements were made:

Mr. COVERT. My colleague, Mr. FERNANDO WOOD, is paired with Mr. ROBESON, of New Jersey, and my colleague, Mr. MULLER, is paired with Mr. HEILMAN, of Indiana.

Mr. BEALE. My colleague, Mr. HUNTON, is paired with Mr. ALDRICH, of Rhode Island.

Mr. MULDROW. I am paired with Mr. DWIGHT, of New York.

Mr. WHITEAKER. I am requested to announce that Mr. COX, of New York, is paired with his colleague, Mr. MORTON.

Mr. DAVIS, of North Carolina. My colleague, Mr. KITCHIN, is paired with Mr. RICE, of Massachusetts.

Mr. FORNEY. My colleague, Mr. LEWIS, is paired with Mr. LORING, of Massachusetts.

Mr. CALDWELL. My colleague, Mr. CARLISLE, is paired with Mr. MILLER, of New York.

Mr. LOUNSBERY. I am paired with my colleague, Mr. BAILEY.

Mr. STEVENSON. Mr. LADD, of Maine, is absent by leave of the House, and is paired with his colleague, Mr. LINDSEY.

Mr. HURD. I am paired with the gentleman from Massachusetts, Mr. CLAFLIN. If he were here, I should vote "no."

Mr. TOWNSHEND, of Illinois. My colleague, Mr. SINGLETON, is paired with Mr. MILES, of Connecticut.

Mr. HILL. My colleague, Mr. ATHERTON, is paired with Mr. NEWBERRY, of Michigan.

Mr. ELLIS. I am paired with the gentleman from Pennsylvania, Mr. HARMER. If he were present, I should vote "no."

Mr. PHISTER. My colleague, Mr. THOMAS TURNER, is absent by leave of the House, and is paired with Mr. WHITE, of Pennsylvania. My colleague, Mr. KNOTT, is absent from the House by reason of sickness, and is paired with Mr. FRYE, of Maine.

Mr. KENNA. I am paired with Mr. YOUNG, of Ohio.

Mr. RICHARDSON, of South Carolina. Mr. ATHERTON, of Ohio, is paired with Mr. NEWBERRY, of Michigan.

Mr. MANNING. My colleague, Mr. MONEY, is paired with Mr. STONE, of Michigan.

Mr. RICHMOND. My colleague, Mr. GOODE, is paired with Mr. GODSHALK.

Mr. JOHNSTON. My colleague, Mr. HARRIS, is paired with Mr. CROWLEY, of New York.

Mr. SINGLETON, of Mississippi. My colleague, Mr. CHALMERS, is paired with Mr. VAN VOORHIS, of New York.

Mr. WAIT. My colleague, Mr. MILES, is paired with Mr. SINGLETON, of Illinois; both gentlemen are absent by leave of the House.

Mr. HARRIS, of Massachusetts. My colleague, Mr. LORING, is paired with Mr. LEWIS, of Alabama.

Mr. HASKELL. My colleague, Mr. RYAN, is paired with Mr. CONVERSE, of Ohio.

Mr. ROBINSON. I desire to announce that Mr. FINLEY is paired with his colleague, Mr. BUTTERWORTH, and also that my colleague, Mr. MORSE, is paired with Mr. KELLEY.

Mr. McGOWAN. My colleague, Mr. STONE, is paired with Mr. MONEY, of Mississippi; and Mr. STARIN, of New York, is paired with Mr. CLARK, of New Jersey.

Mr. WARD. My colleague, Mr. GODSHALK, is paired with Mr. GOODE, of Virginia.

Mr. DUNNELL. My colleagues, Mr. WASHBURN and Mr. POEHLER, are paired.

Mr. PHISTER. I was requested this morning by Mr. COX, of New York, to announce to the House that he has been called home because of the illness of his mother.

Mr. CLARK, of Missouri. My colleague, Mr. FROST, is detained at home by sickness in his family.

Mr. SAPP. I am paired with Mr. WILLIAMS, of Alabama.

Mr. BREWER. My colleague, Mr. NEWBERRY, is paired with Mr. ATHERTON, of Ohio.

Mr. ALDRICH, of Illinois. I desire to announce that Mr. ALDRICH, of Rhode Island, is paired with Mr. HUNTON, of Virginia.

Mr. GUNTER. My colleague, Mr. DUNN, is confined to his room by sickness.

The result of the vote was then announced as above stated.

ENROLLED BILLS SIGNED.

Mr. KENNA, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 2175) making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes; and

An act (H. R. No. 2327) to authorize the renewal of a loan therein named by the joint stock company of the Young Men's Christian Association of Washington.

MESSAGE FROM THE PRESIDENT.

A message from the President, by Mr. PRUDEN, his secretary, informed the House that the President had approved and signed bills and joint resolutions of the House of the following titles:

An act (H. R. No. 1369) to relieve the churches of the District of Columbia and to clear the title of the trustees of such property;

An act (H. R. No. 2251) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes;

A joint resolution (H. R. No. 1) to repeal certain clauses in the sundry civil appropriation act, approved March 3, 1879, and for other purposes;

A joint resolution (H. R. No. 34) to print 5,000 copies of the final reports of the United States centennial commission upon the international exhibition and centennial celebration of 1876; and

A joint resolution (H. R. No. 87) relating to a bridge across the Detroit River, at or near Detroit, Michigan.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, informed the House that the Senate had passed, without amendment, a bill of the House of the following title:

A bill (H. R. No. 2267) providing for the binding of the internal-revenue laws and manual.

The message further announced that the Senate had passed, and requested the concurrence of the House in, bills and a joint resolution of the following titles:

A bill (S. No. 675) to provide the necessary room for the National Board of Health and for the publication of its reports and papers, and for other purposes;

A bill (S. No. 712) providing for filling vacancies in the office of Chief of Engineers, United States Army; and

A joint resolution (S. R. No. 38) to pay Professor Peter Collier for services as chemist in the prosecution of the evasions of the duties on sugar.

ORDER OF BUSINESS.

Mr. CLARK, of Missouri. Has the morning hour expired?

The SPEAKER *pro tempore*. It has.

Mr. ROBERTSON. I move now to proceed to the consideration of business on the Speaker's table.

Mr. McGOWAN. I rise to a point of order.

The SPEAKER *pro tempore*. The gentleman will state it.

Mr. McGOWAN. The House, by unanimous consent, yesterday ordered that to-day (after the morning hour) should be for the consideration of the bill reported from the Committee on Infectious and Contagious Diseases. That is now the regular order, and I ask that it be taken up.

The SPEAKER, (having resumed the chair.) The Chair thinks that when that order was made yesterday, unanimous consent was not given that it should cut off the motion to go to business on the Speaker's table. The rule, which will be read, provides that at the expiration of the morning hour shall be the only time when the motion of the gentleman from Louisiana, [Mr. ROBERTSON,] to proceed to business on the Speaker's table shall be in order; and it provides that it shall be in order at that time, even to the extent of taking a member off the floor. The rule will be read.

The Clerk read as follows:

After one hour shall have been devoted to reports from committees and resolutions, it shall be in order, pending the consideration or discussion thereof, to entertain a motion that the House do now proceed to dispose of the business on the Speaker's table.—*Rule* 54. [The "hour" known as the "morning hour" is construed to begin from the announcement by the Speaker to the House that reports of committees are in order, and it is not necessary that resolutions shall have been called for. It is an invariable practice, too, to permit a member, upon the expiration of the morning hour, to take the floor, even though another may be occupying it, to make the motion to proceed to business on the Speaker's table.]

The motion to go to business on the Speakers's table being decided in the affirmative, the Speaker shall dispose of it in the following order.

The SPEAKER. In the order prescribed by Rule 54.

Mr. McGOWAN. Then I raise the question of consideration.

The SPEAKER. The proper way to do that is to vote down the motion to go to business on the Speaker's table. Those who are opposed to proceeding to business on the Speaker's table of course will vote "no;" and that will raise practically the question of consideration.

Mr. YOUNG, of Tennessee. After we get to the Speaker's table, is there any way of raising the question of consideration as between two bills?

The SPEAKER. No, sir; the bills will be taken up in their order on the Speaker's table; in the order prescribed by rule 54.

Mr. WHITE. I move that the House adjourn.

The motion was not agreed to.

The question being taken on the motion to go to business on the the Speaker's table, there were—ayes 70, noes 42; no quorum voting.

Tellers were ordered; and Mr. VAN AERNAM and Mr. ROBERTSON were appointed.

The House divided; and the tellers reported—ayes 107, noes 38.

So the motion was agreed to.

POST-ROADS.

The first business on the Speaker's table was the amendments of the Senate to the amendments of the House to the bill (S. No. 697) to establish additional post-roads in the State of Florida.

Mr. COOK. I move that the amendments of the Senate to the amendments of the House be concurred in.

Mr. BAKER. Is there any legislation in this bill except the establishment of post-roads?

Mr. COOK. None whatever.

The amendments of the Senate to the amendments of the House were concurred in.

Mr. COOK moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. DUNNELL. I believe the title of this bill was amended when last before the House so as to read "An act to establish post-roads in certain States therein named."

The SPEAKER. That amendment to the title is now concurred in.

PORTRAITS, ETC., FROM BUREAU OF ENGRAVING AND PRINTING.

The next business on the Speaker's table was the amendment of the Senate to the bill (H. R. No. 1989) relating to printing impressions from portraits and vignettes.

The amendment of the Senate was read, as follows:

Strike out all after the enacting clause and insert the following:

That the Secretary of the Treasury, at the request of a Senator, Representative, or Delegate in Congress, the head of a Department or bureau, art association, or library, be and he is hereby authorized to furnish impressions from any portrait or vignette which is now or may hereafter be a part of the engraved stock of the Bureau of Engraving and Printing, at such rates and under such conditions as he may deem necessary to protect the public interests.

Mr. McMAHON. I desire to ask whether this measure meets the approbation of the Treasury Department?

Mr. DUNNELL. It does.

Mr. McMAHON. I think it would be very dangerous indeed to allow impressions of these vignettes to go out for any purpose whatever. I know that a proposition of this kind, when made some ten years ago, did not meet the approbation of Mr. Clark, then the head of the Bureau of Engraving and Printing, who entered his protest against it, stating that to allow these impressions to be issued would be in the interest of counterfeiters. I move that the bill be laid on the table.

Mr. ATKINS. I move that the bill be referred to the Committee on Banking and Currency.

Mr. CANNON, of Illinois. I ask permission to make a single statement. A week or two ago I was at the Treasury Department, and speaking to the chief of this bureau, I expressed my desire for a set

of these vignettes for the library of an institution in my own district. He replied that if this bill passed he would be very happy to furnish them, but that he could not do so otherwise. I understood him to say that he thought the bill a very proper one. This is all I know about the matter. I cannot see any impropriety in the passage of the bill.

Mr. McMAHON. In 1867 this matter was brought to the attention of a Senate committee then investigating the Bureau of Engraving and Printing; and the report of that committee embraces a letter from Mr. Clark to Senator EDMUNDS denouncing this proposition as very dangerous. I do not think we ought to allow these impressions or vignettes to go out. There have been some rumors, at any rate, about some of these impressions going out and about some plates being missing. We ought not to authorize by law anything of this kind.

Mr. CANNON, of Illinois. This is nothing more than any one can get by getting a bank-bill.

Mr. McMAHON. But there is this difference, (and that is the very point which Mr. Clark makes:) If, for example, a man wants to counterfeit a five-thousand-dollar gold note, he must, in order to get a genuine impression to be used in connection with that counterfeit, invest $5,000 in a genuine note. That makes the difference.

Mr. CANNON, of Illinois. These will be printed on different paper.

Mr. McMAHON. I think this is a dangerous bill to be passed in this shape.

Mr. CANNON, of Illinois. It is only proposed to print the picture, not the whole note.

Mr. McMAHON. I withdraw my motion to lay on the table, and move that the bill be referred to the Committee on Banking and Currency.

The SPEAKER. The gentleman from Tennessee [Mr. ATKINS] has already made that motion.

The motion of Mr. ATKINS was agreed to; and the bill was referred to the Committee on Banking and Currency.

Mr. McMAHON moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced the passage of a bill (H. R. No. 1379) fixing the rate of interest upon arrearages of general taxes and assessments for special improvements now due to the District of Columbia and for a revision of assessments for special improvements, and for other purposes, with amendments in which concurrence was requested.

MISSISSIPPI RIVER COMMISSION.

The next business on the Speaker's table was the bill (H. R. No. 1847) to provide for the appointment of a "Mississippi River commission" for the improvement of said river from the head of the passes near its mouth to its headwaters, with amendments.

The SPEAKER. The amendments of the Senate will be read.

The Clerk read as follows:

Page 1, line 2, strike out the word "five" and insert "seven."

Page 1, line 4, strike out "five" and insert "seven."

Page 1, line 6, strike out "and two from civil life" and insert "one from the Coast and Geodetic Survey, and three from civil life, two of whom shall be civil engineers."

Page 1, line 11, after the word "Army," insert "and the Coast and Goedetic Survey."

Page 1, line 13, strike out "two" and insert "three."

Page 2, line 8, after the word "necessary," insert "and the Secretary of the Treasury shall, when requested by said commission, in like manner detail from the Coast and Geodetic Survey such officers and men as may be necessary, and shall place in the charge and for the use of said commission such vessel or vessels and such machinery and instruments as may be under his control and may be deemed necessary."

Page 2, line 8, after the word "necessary," strike out the word "and" and insert "And."

Mr. CONGER. I ask, Mr. Speaker, those amendments be read in connection with the bill as amended, so we may understand them.

Mr. SPARKS. I ask that the bill be read as amended.

The SPEAKER. The bill will be read as it is proposed to be amended by the Senate.

The Clerk read as follows:

Be it enacted, &c., That a commission is hereby created to be called "The Mississippi River commission," to consist of seven members.

SEC. 2. The President of the United States shall, by and with the advice and consent of the Senate, appoint seven commissioners, three of whom shall be selected from the Engineer Corps of the Army, one from the Coast and Geodetic Survey, and three from civil life, two of whom shall be civil engineers. And any vacancy which may occur in the commission shall in like manner be filled by the President of the United States; and he shall designate one of the commissioners appointed from the Engineer Corps of the Army to be president of the commission. The commissioners appointed from the Engineer Corps of the Army and the Coast and Geodetic Survey shall receive no other pay or compensation than is now allowed them by law, and the other three commissioners shall receive as pay and compensation for their services each the sum of $3,000 per annum; and the commissioners appointed under this act shall remain in office subject to removal by the President of the United States.

SEC. 3. It shall be the duty of said commission to direct and complete such surveys of said river between the Head of the Passes near its mouth to its headwaters as may now be in progress, and to make such additional surveys, examinations, and investigations, topographical, hydrographical, and hydrometrical, of said river and its tributaries, as may be deemed necessary by said commission to carry out the objects of this act. And to enable said commission to complete such surveys, examinations, and investigations, the Secretary of War shall, when requested by said commission, detail from the Engineer Corps of the Army such officers and men as may be necessary, and shall place in the charge and for the use of said commission such vessel or vessels and such machinery and instruments as may be under his control and may be deemed necessary. And the Secretary of the Treasury shall, when requested by said commission, in like manner detail from the Coast and Geodetic Survey such officers and men as may be necessary, and shall place in the charge and for the use of said commission such vessel or vessels and such machinery and instruments as may be under his control and may be deemed necessary. And the said commission may, with the approval of the Secretary of War, employ such additional force and assistants, and provide, by purchase or otherwise, such vessels or boats and such instruments and means as may be deemed necessary.

SEC. 4. It shall be the duty of said commission to take into consideration and mature such plan or plans and estimates as will correct, permanently locate, and deepen the channel and protect the banks of the Mississippi River; improve and give safety and ease to the navigation thereof; prevent destructive floods; promote and facilitate commerce, trade, and the postal service; and, when so prepared and matured, to submit to the Secretary of War a full and detailed report of their proceedings and actions, and of such plans, with estimates of the cost thereof, for the purposes aforesaid, to be by him transmitted to Congress: *Provided*, That the commission shall report in full upon the practicability, feasibility, and probable cost of the various plans known as the jetty system, the levee system, and the outlet system, as well as upon such others as they deem necessary.

SEC. 5. The said commission may, prior to the completion of all the surveys and examinations contemplated by this act, prepare, and submit to the Secretary of War, plans, specifications, and estimates of costs for such immediate works as, in the judgment of said commission, may constitute a part of the general system of works herein contemplated, to be by him transmitted to Congress.

SEC. 6. The Secretary of War may detail from the Engineer Corps of the Army of the United States an officer to act as secretary of said commission.

SEC. 7. The Secretary of War is hereby authorized to expend the sum of $175,000, or so much thereof as may be necessary, for the payment of the salaries herein provided for, and of the necessary expenses incurred in the completion of such surveys as may now be in progress, and of such additional surveys, examinations, and investigations as may be deemed necessary, reporting the plans and estimates, and the plans, specifications, and estimates contemplated by this act, as herein provided for; and said sum is hereby appropriated for said purposes out of any money in the Treasury not otherwise appropriated.

Mr. BAKER. I rise to a parliamentary inquiry.

The SPEAKER. State it.

Mr. BAKER. And that is whether that bill is open to amendment now.

The SPEAKER. The gentleman from Louisiana [Mr. ROBERTSON] has charge of the bill, and the Chair does not know what motion he submits.

Mr. ROBERTSON. I move the amendments of the Senate be concurred in, and on that motion I demand the previous question.

Mr. BAKER. I observe by this bill seven commissioners are created who are given a life tenure of office, and I should like to amend so this motion should not run for more than one year without further legislation. I think it is a dangerous precedent, involving the country in the expenditure of millions of dollars of money.

Mr. GIBSON. It is competent for the next session of Congress to repeal this law if it be deemed necessary so to do.

Mr. SPARKS. Why not correct this and have it right at the beginning.

Mr. BAKER. This creation of seven commissioners with a life tenure of office involves an annual expenditure of $21,000 and is dangerous in its character.

Mr. GIBSON. The gentleman is entirely mistaken.

Mr. BAKER. The commissioners are to remain in office during the discretion of the President, and that means life tenure.

Mr. GIBSON. The gentleman is mistaken; some are to be taken from the Army and the Coast and Geodetic Survey, and those commissioners are to receive no additional pay.

Mr. ELAM. My colleague has demanded the previous question, which is not debatable.

The SPEAKER. The question is on the motion to concur in the amendments of the Senate, on which the previous question has been demanded.

Mr. BAKER. I move to lay the bill and amendments upon the table.

Mr. GIBSON. I hope the gentleman from Louisiana will withdraw the demand for the previous question, so we may have some explanation of these amendments.

Mr. ROBERTSON. I have no objection to that, and will withdraw the demand for the previous question. I will yield to the gentleman from Indiana. How long does he want?

Mr. BAKER. I desire first to hear some explanation of the bill.

Mr. GIBSON. I can explain it in a few moments.

Mr. DUNNELL. This bill underwent a very thorough discussion.

The SPEAKER. How much time does the gentleman from Louisiana want?

Mr. GIBSON. Five minutes will be enough.

Mr. ROBERTSON. I yield to my colleague for five minutes.

Mr. GIBSON. Mr. Speaker, I will endeavor in a very few words to explain the scope of the bill as originally passed by this House and the modifications made by the amendments of the Senate.

Let me say that the bill was passed by this House nearly three weeks ago, with only twenty votes against it, and was returned to us from the Senate with only four adverse votes of that body. As it passed the House, it provided for the appointment of a commission to be called "The Mississippi River commission" to consist of five members, three of whom were to be selected from the Engineer Corps of the Army and two from civil life, and the President was authorized to designate one of the commissioners from the Engineer Corps to be the president of the commission. Now, the amendments made by the Senate provide that in addition to these five members one shall

also be appointed from the Coast and Geodetic Survey and one from civil life.

It is proposed to concur in these amendments of the Senate. I should prefer the bill as originally drawn, but I can see no weighty objections to the proposed alterations. It will be seen that they relate merely to the commission, increasing its number from five to seven members. No changes have been made in the duties imposed upon the commission.

Mr. Speaker, I am persuaded that every gentleman in this House who has made himself acquainted with the vast interests of the Mississippi Valley and with the difficulties to be overcome in the protection and advancement of those interests will hesitate long before he will throw himself in opposition to this bill.

The Mississippi River is a national river, the grandest highway of commerce in the world. And yet while the Federal Government has with unstinted liberality made appropriations for our ocean front and lakes and upland rivers, nothing has been done for our great inland sea. You have expended enormous sums for harbors and water-gaps upon our eastern seaboard and you support a navy to protect our foreign commerce upon every sea under the sun. You have established sheltering harbors and piers upon the lakes at the cost of millions. You appropriated ten millions to unite the Wisconsin and Fox Rivers and four and a half millions to build a canal around the Des Moines Rapids. These are but a few instances. I believe every dollar so expended adds to the wealth, comfort, and happiness of the American people.

But why is it that nothing, absolutely nothing, in comparison with the interests involved, has been done for the Lower Mississippi, from Cairo to New Orleans, a distance of one thousand miles, making a coast front of two thousand miles on our great inland sea, whose commerce and trade even now exceed in value our whole foreign commerce? It is only within the last three years that we have been able to secure deep water at the mouth of the river. Experiment after experiment was made until finally a plan was suggested and adopted that proved successful. We are to-day confronted with difficulties apparently as invincible along the route of the river as those that barred its gateway. What are they?

In the first place, official reports show that during several months in every year immense sand-bars and snags close the navigation of the river as effectually as if artificial dams were constructed across its channel.

In the second place, official reports show that at other seasons the river rises over its banks throughout the alluvial region and spreads out over the country for forty to sixty miles—becomes a mighty, roaring torrent—destructive not only to human life and property upon its borders, but destructive to the commerce and trade upon its waters. The report of the engineers show that these floods cause changes of the channel itself, and the towns of Vicksburgh, Vidalia, and Natchez are now threatened with being cut off entirely from the main channel of the river, and unless something be done to correct its course these once thriving towns will be isolated and become interior towns, not on the banks of the river, but upon quiet inland lakes without communication with the river.

In such seasons the largest boats propelled by steam are sometimes destroyed and often detained several days by the extraordinary obstacles they encounter, but that countless fleet of smaller boats, barges, and flatboats, propelled by the current of the river itself, are absolutely at its mercy and are sometimes borne into the adjacent forests and wrecked, or whelmed and destroyed in the furious eddies and counter-currents.

At night and in storms, there is absolutely no protection. It is estimated that these extraordinary perils impose a tax of not less than $10,000,000 annually in the increased rates of insurance alone. We know what the difficulties are. They have been surveyed and reports made of them to Congress. But no complete and comprehensive system for their removal has been submitted to this House or to the country.

This commission is created with the hope that they may devise some plan, economical, feasible, and complete, that shall give us deep water at all seasons of the year and prevent these destructive floods so ruinous not only to the country through which it flows, but to the mighty commerce that carries the productions of the teeming millions who inhabit the great valley to the markets of the world and brings back in exchange the wealth of other countries.

Mr. Speaker, I do not, I cannot believe any gentleman will be disposed to vote against reasonable and just appropriations for wing-dams, jetties, and levees, should this commission, after a thorough and scientific examination of the subject, report that these are the appropriate and necessary instrumentalities to deepen and correct the channel, to prevent destructive floods, to afford safety and ease to navigation, and facilities to trade and commerce upon our great inland sea; that they are, in fact, to the Mississippi River what water-gaps, sheltering piers and harbors, and light-houses and beacons and buoys are to the sea and lake coasts.

Would you decline such appropriations so clearly constitutional under the power to regulate commerce, when they are smaller in proportion to the commercial interest at stake than upon the ocean or the lake, because at the same time they would protect the hard-working and industrious people in the mighty valley against overflows, or because they would reclaim the most productive region on this continent and secure to it a busy, vigorous, population to develop its inexhaustible resources and contribute to the strength and glory of our country?

Mr. ROBERTSON. I now yield five minutes to the gentleman from Indiana, [Mr. BAKER.]

Mr. BAKER. I trust I may have a little more than five minutes allowed me. I may possibly get through in ten minutes.

Mr. ROBERTSON. I yield the gentleman ten minutes.

Mr. BAKER. I am one of those who believe that it is the duty of Congress and within its constitutional competency to make improvements of rivers and of harbors where those improvements are of national concern. I believe in the improvement, the proper improvement, of the navigation of the Mississippi River, of the Missouri, of the Ohio, and of all great national river thoroughfares that we have within the limits of the United States. But I desire here, Mr. Speaker, to enter my solemn protest against any attempt at a gigantic system of internal improvements looking to the reclamation of swamp and overflowed lands.

Mr. GIBSON. There is not a word about overflowed lands in this bill.

Mr. BAKER. I will speak about that presently; but under the guise of improving the navigation of the Mississippi River this scheme is presented. I want to say to the gentlemen here that they have, in my judgment, studied the laws governing the deposit of matter in the bottom of the Mississippi River and other navigable rivers in vain if they believe that any permanent improvement can be effected by keeping up levees along its banks from the source to the mouth of the river. Sir, that will occasion a deposit of material in it, and there will be a necessity of continuing the improvements by raising the dikes higher and higher as the years go by. It is starting a scheme which will be as endless as the flow of the river, and I say that there is no more justice, no more wisdom, in putting our hands into the Federal Treasury either in initiating or in carrying out this scheme for the protection by levees of the lowlands of the Lower Mississippi than there is in appropriating money for the purpose of taking the mountain streams and bringing them into the desert lands all over the interior part of the continent by immense ditches carried through those lands, and reclaiming them and bringing them within the domain of cultivation.

I say that this scheme of a survey from the headwaters to the mouth of the Mississippi looks (and that is the primary object of it) to a system of dikes and levees that will not improve the navigation of the river, but will relieve the States from the duty which belongs to them of protecting and reclaiming their own overflowed lands.

Mr. McCOOK. I desire to ask the gentleman one question. Does this bill appropriate any money except for the payment of the commissioners?

Mr. GIBSON. Not a dollar.

Mr. BAKER. I have lived to little purpose if I have not learned that it is the first step that costs.

Mr. ATKINS. Does this bill contemplate any particular plan of improvement of the Mississippi River.

Mr. BAKER. Oh, no, sir; it looks to a survey with the end in view of recommending a general levee system or some other system for the improvement of the Mississippi River and the reclamation of the lands along its borders from its headwaters to its mouth.

Mr. KENNA. Will the gentleman allow me to ask him whether he is in favor of any system for the improvement of the Mississippi River?

Mr. BAKER. The gentleman has listened to me to very little purpose, indeed, if he has not heard me lay down what I believe is the old democratic doctrine on the subject of internal improvements.

Mr. KENNA. The gentleman can answer my question very easily.

Mr. BAKER. My answer is this: I am in favor in respect to rivers and harbors that are national in their character of using for the single purpose of improving them for navigation so much of the money of the people, having reference each year to the wants of other departments of the Government, as may be requisite. I would not spend a dollar for reclaiming swamp and overflowed lands except it might be incidentally accomplished in making necessary improvements to the navigation of the river.

Mr. KENNA. My question is whether the gentleman is in favor of any general system for the improvement of the Mississippi River, and I propose to follow that question up by another, and it is: If he is in favor of such a system, what better system can be suggested for ascertaining the best plan to be adopted than by the passage of this bill?

Mr. BAKER. I cannot yield further. It is not a matter of very much moment to the country either what my views in reference to a system of internal improvements may be or the views of the gentleman from West Virginia; hence I will not detain the House by talking about what my views are and contrasting them with the views of the gentleman.

I have stated what I believe is the true constitutional rule on the subject, and I say that this bill proposes to go far beyond that and launch this country into a system of improvements not limited to the improvement of the navigation of the river, but looking to the

reclamation of the swamp and overflowed lands bordering the river, a measure which if carried out in accordance with the gigantic system projected here will cost hundreds of millions of dollars; and, when you have expended that amount, other millions will have to follow in order to keep raising and raising the dikes along the river's banks.

So far as surveys for the improvement of the navigation of the river are concerned, I want to say that it has been surveyed time and time again. The committee-rooms of this House are filled with the reports on that subject. So far as that is concerned, there is absolutely no use for a survey having that single object in view. No, no, it is not that you want; you do not want a further survey for the purposes of navigation. The Engineer Corps of the Army, who are competent to perform that duty, have surveyed it repeatedly and have repeatedly reported the result of their surveys. Nay, more; you have passed special bills directing special surveys, and the reports of those surveys lie as dead and idle matter here. And now we have before us another—I will not say job, although I confess it looks like that to me, but another scheme for another survey to draw more money out of the people's Treasury. Why not use the information you have got? Wherein is the information you now have defective? In what respect have the Army engineers shown themselves to have been misinformed in their former surveys? No, gentlemen, you do not want to pass this bill for the purpose of obtaining information so that you can improve the navigation of the Mississippi River. It is but the entering-wedge of a scheme to dike and dam that river so that, at the expense of Uncle Sam, the swamp lands may be made productive of sugar and cotton in order that southern planters may be enabled to cultivate a larger area of those crops. If you want to pass this bill, all right; I have done my duty when I have protested solemnly here against this gigantic scheme that looks, I will not say to the robbery of the people, but to taking the people's money by the million for a purpose which I believe in their righteous wrath they will rise up and condemn.

The SPEAKER. The Chair now recognizes the gentleman from Mississippi, [Mr. HOOKER.]

Mr. ROBERTSON. I believe I have charge of the bill, and I desire to yield to the gentleman from Ohio, [Mr. GARFIELD.]

The SPEAKER. The gentleman from Mississippi [Mr. HOOKER] first applied to the Chair to be recognized, and the Chair notified the gentleman from Louisiana [Mr. ROBERTSON] of that fact, and the gentleman acquiesced, as the Chair understood. The Chair will afterward recognize the gentleman from Ohio, [Mr. GARFIELD.]

Mr. HOOKER. I desire to say but a few words in reference to this bill as it comes to us from the Senate. As I understand, it has been amended by the Senate with a view of giving additional scientific aid for the purpose of furthering the objects of the bill. It proposes that a gentleman from the Coast Survey of the Government of the United States shall be made one of the board of engineers who are to determine the question as to what is the proper method of developing the resources of this great river.

I think I may be pardoned if I say that the information has come to me that a gentleman will probably be indicated for this service by the Government, should this bill become a law, who to-day occupies in American science and in American engineering a position as distinguished as that of any other man in this country. I allude to Professor Hilgard, occupying a position second in the Coast Survey of the country to that of Captain Patterson, its head.

The Coast Survey originated when men frowned upon it with contempt and contumely, as the gentleman from Indiana [Mr. BAKER] has just done upon this proposition, and who said that a survey of the Atlantic and Pacific coasts, North and South, was an idle scheme. Yet to-day that survey stands among the scientific achievements of this country so pre-eminent with regard to the development of the great resources of the country and the protection of the commerce which lines our shore, both on the Atlantic and on the Pacific, that the Old World has copied our system and made it its own. And there is no man who has rendered so distinguished service in the Coast Survey as the gentleman who stands at its head, Captain Patterson, and his second in command, Professor Hilgard, of that Survey.

This is simply a proposition to ascertain how we may utilize not only the Mississippi River from its sources among the mountains to where it debouches with the waters of its thousand tributaries into the Gulf of Mexico, but it is a question as to how we shall utilize all the great streams that flow into that river.

I remember that some years ago it was my fortune to be in the city of New Orleans when a commercial convention was assembled there. As delegates to that convention there were men from the mountains of Virginia, from Pennsylvania, from Tennessee, from regions of country where they never lived except in sight of some lofty mountain pointing its summit to the skies, or some gigantic hill, evidencing the fact that no flood had ever gone over it. In company with members of that convention I proceeded to the mouth of the river; and as we went down past the magnificent plantations which lined its bank we saw it pouring out on either side vast floods which devastated the orange groves and the rice and cotton plantations. The question was then suggested, long before Eads had conceived the idea of confining the river by jetties into a narrow channel, what could be done to make its commerce of universal importance?

When we got to the mouth of the river we found that the bar which formed there at the meeting of the waters of the river with the great Mexican flood-tide that came up to its shores presented an impediment to commerce which not only affected the mouth of the Mississippi River itself, but affected every tributary along its course.

This is a simple proposition as to how we shall make this great highway a universal highway of travel for ships and vessels, so far as they enter the mouths of the many channels of the river. It was said in former times, by a great and eminent politician of Mississippi, in order to illustrate something about which he was speaking, that there were some things which were subject to the laws of science: that there were some things which could be controlled by man's ingenuity and man's devices; but that the Mississippi was not one of those things. He said that God Almighty, when he made the Mississippi River and bade its great floods flow from the mountains to the sea, said, "Let her rip; there is no law to govern it." [Laughter.] But I say that since his demonstration there has been established in our day the law that man's ingenuity and man's science can answer the question as to how that river can be best navigated, and as to whether the tributaries of that great stream can be made navigable.

Allow me to say that this is not a question of the navigation of the Mississippi River alone, but a question of the navigation of the Mississippi River and its tributaries, with fifteen thousand miles of navigable waters flowing into that great current, and five thousand miles of operative railroads contributing to its commerce.

Allow me to say, Mr. Speaker, in answer to the argument of the gentleman from Indiana, [Mr. BAKER,] that this is not a question as to the development of a single stream; it is a question of the development of the resources of twenty-five great States of this Union and six Territories, embracing in the aggregate nine-tenths of the population of this country.

[Here the hammer fell.]

Mr. ROBERTSON. I yield ten minutes to the gentleman from Ohio, [Mr. GARFIELD.]

Mr. GARFIELD. Mr. Speaker, I should oppose this bill very decidedly if it committed us at this time to any plan or theory of managing the Mississippi River; and I think the remarks of the gentleman from Indiana [Mr. BAKER] warning us against committal in any such direction are wise. But I have looked the bill over with what care I could, and it does not seem to me that by its passage we commit ourselves to anything further than the purpose to obtain accurate official information touching the present condition and needs of this great stream. I admit that we have already had examinations and explorations of the Mississippi, some of them scientific and very valuable; but everybody will concede that one important experiment has been made in recent years which, though against the opinion of the majority of engineers, has proven, apparently, a great success. I mean the jetty system at the mouth of that river. I say "apparently," because it is possible that in the long run it may not prove a success; but at the present moment it appears to be a great and striking success in the management of the mouths of that river. If it prove to be permanently so, all our calculations and indeed all our theories concerning the improvement and management of other portions of that river need to be reconsidered in view of the new light that the jetty system will throw upon the question. Hence a proposition to turn on the light, to get information, and to get it from the best scientific advisers that we can call to our aid, is a step in the right direction. I have always favored measures which will result in giving us information upon all questions about which we are called upon to legislate. What shall be done with this knowledge when it comes, will be for us or our successors to say. We do not commit ourselves or them to any scheme at this time. But for myself, I believe that one of the grandest of our material national interests—one that is national in the largest material sense of that word—is the Mississippi River and its navigable tributaries. It is the most gigantic single natural feature of our continent, far transcending the glory of the ancient Nile, or of any other river on the earth. The statesmanship of America must grapple the problem of this mighty stream. It is too vast for any State to handle; too much for any authority less than that of the nation itself to manage. And I believe the time will come when the liberal-minded statesmanship of this country will devise a wise and comprehensive system that will harness the powers of this great river to the material interests of America, so that not only all the people who live on its banks and the banks of its confluents, but all the citizens of the Republic, whether dwellers in the central valley or on the slope of either ocean, will recognize the importance of preserving and perfecting this great natural and material bond of national union between the North and the South—a bond to be so strengthened by commerce and intercourse that it can never be severed. [Applause.]

One of our early Presidents went so far as even to exceed his early preconceived opinions of the constitutional power of the Executive in order to buy from France a mighty empire to be added to the Union; and he did it for this reason chiefly, that the young Republic could not permanently endure as a nation without owning and controlling the mouths of that mighty stream. The whole continent west of the Mississippi was bought to make the Union perpetual by bringing every foot of the shore of the Mississippi under our flag. If I did not think it almost unworthy of so great a theme I would say that if there had been no patriotic impulse higher than any consid-

eration of material welfare which moved twenty millions of Americans to resist the attempt to break the Union in pieces, and impelling them to hold it together by all the cost of blood and treasure that our late war cost, if there had been no higher national sentiment inspiring them, the immense material stake which the people of the great north and west and center of this country had in the free use of that river from its sources to its mouth, that their commerce might go southward to the sea under the one flag unvexed by conflicting nationalities, this material stake alone would have made all the people of the upper valley of the Mississippi forever resist to the last the dismemberment of the Union.

This great river which our fathers made such sacrifices to acquire, and which the present generation made so much costlier sacrifices to redeem from disunion and to hold within the grasp of the nation, we have held, not in obedience to mere sentiment alone, not with a view of keeping it as a vast and worthless waste of water, but to utilize it by making it the servant of all the people of this country. How shall we utilize it, unless at some time and in some wise way we bridle it by the skill of man and make it subservient to the interests of commerce?

Now, Mr. Speaker and gentlemen of the House, there is another reason why I am in favor of this measure. I rejoice in any occasion which enables Representatives from the North and from the South to unite in an unpartisan effort to promote a great national interest. [Applause.] Such an occasion is good for us both. And when we can do it without the sacrifice of our convictions, and can benefit millions of our fellow-citizens, and can thereby strengthen the bonds of the Union, we ought to do it with rejoicing; for in doing so we inspire our people with larger and more generous views, and help to confirm for them and for our children to our latest generations the indissoluble Union and the permanent grandeur of this Republic. I shall vote for this bill. [Applause on both sides of the House.]

Several MEMBERS. Vote! Vote!

Mr. ROBERTSON. Mr. Speaker, I simply desire to say, so many gentlemen have desired to speak on this occasion, and while it has been my desire to accommodate them, that I cannot yield to any other gentleman for fear I might be considered partial. Therefore, as the House is ready for the vote, I must consequently insist on my demand for the previous question.

The previous question was seconded and the main question ordered.

The SPEAKER. The question recurs on the amendments of the Senate.

Mr. BAKER. Unless by consent we can have a yea-and-nay vote, I shall be compelled to ask for adjournment. [Cries of "Vote!" "Vote!"]

The SPEAKER. What is the gentleman's question?

Mr. BAKER. I ask that the gentleman from Louisiana allow a yea-and-nay vote on the passage of this bill. [Cries of "Vote!" "Vote!"]

The SPEAKER. It is for the House to determine whether the yeas and nays shall be called.

Mr. BAKER. I move, then, that the House adjourn.

Mr. GARFIELD. I hope the request of the gentleman from Indiana will be granted, and that we take a yea-and-nay vote.

The SPEAKER. If there be a sufficient number to demand the yeas and nays, they can be ordered.

Mr. BAKER. With that understanding I withdraw the motion to adjourn, and I will state further that I shall make no point on there not being a quorum present.

The SPEAKER. The call of yeas and nays rests under the Constitution with one-fifth of those present. The question is on concurring in the Senate amendments.

Mr. BAKER. I demand the yeas and nays only on the passage of the bill.

The SPEAKER. The only question before the House is on concurrence in the Senate amendments. If the amendments are concurred in that passes the bill.

Mr. BAKER. Very well; then I demand the yeas and nays on concurring in the Senate amendments.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 166, nays 11, not voting 109; as follows:

YEAS—166.

Acklen,	Conger,	Farr,	Henry,
Anderson,	Converse,	Felton,	Herbert,
Armfield,	Cook,	Ferdon,	Herndon,
Atkins,	Covert,	Field,	Hill,
Bachman,	Cowgill,	Finley,	Hiscock,
Barber,	Crapo,	Ford,	Hooker,
Beale,	Cravens,	Forney,	Horr,
Bicknell,	Culberson,	Forsythe,	Hostetler,
Blake,	Daggett,	Garfield,	House,
Bliss,	Davidson,	Geddes,	Hubbell,
Brewer,	Davis, George R.	Gibson,	Hull,
Bright,	Davis, Joseph J.	Gillette,	Humphrey,
Burrows,	Davis, Loundes H.	Gunter,	Hurd,
Caldwell,	Deering,	Hammond, John	Jones,
Cannon,	De La Matyr,	Hammond, N. J.	Jorgensen,
Carpenter,	Dibrell,	Harris, Benj. W.	Keifer,
Caswell,	Dunnell,	Haskell,	King,
Clardy,	Elam,	Hatch,	Klotz,
Clark, John B.	Ellis,	Hawk,	Lowe,
Clymer,	Errett,	Hawley,	Manning,
Coffroth,	Evins,	Hazelton,	Marsh,
Colerick,	Ewing,	Henderson,	Martin, Benj. F.
Martin, Joseph J.	Overton,	Scales,	Updegraff, J. T.
Mason,	Persons,	Shallenberger,	Updegraff, Thomas
McCoid,	Phelps,	Shelley,	Upson,
McCook,	Phister,	Sherwin,	Van Aernam,
McGowan,	Poehler,	Simonton,	Vance,
McKenzie,	Pound,	Singleton, O. R.	Voorhis,
McKinley,	Price,	Slemons,	Wait,
McMahon,	Reagan,	Smith, A. Herr	Ward,
McMillin,	Richardson, D. P.	Smith, William E.	Warner,
Mitchell,	Richardson, J. S.	Sparks,	Weaver,
Monroe,	Richmond,	Springer,	Wellborn,
Morrison,	Robertson,	Steele,	White,
Murch,	Robinson,	Stevenson,	Whiteaker,
Myers,	Ross,	Talbott,	Whitthorne,
New,	Rothwell,	Taylor,	Willis,
Nicholls,	Russell, W. A.	Thomas,	Wilson,
Norcross,	Ryon, John W.	Thompson,	Wise,
O'Connor,	Samford,	Tillman,	Young, Casey.
Orth,	Sapp,	Townsend, Amos	
Osmer,	Sawyer,	Townshend, R. W.	

NAYS—11.

Aldrich, William	Bowman,	Cobb,	Turner, Oscar
Baker,	Briggs,	Fort,	Yocum.
Bouck,	Browne,	Neal,	

NOT VOTING—109.

Aiken,	Deuster,	Knott,	Russell, Daniel L.
Aldrich, N. W.	Dick,	Ladd,	Ryan, Thomas
Atherton,	Dickey,	Lapham,	Singleton, J. W.
Bailey,	Dunn,	Lay,	Smith, Hezekiah B.
Ballou,	Dwight,	Le Fevre,	Speer,
Barlow,	Einstein,	Lewis,	Starin,
Bayne,	Fisher,	Lindsey,	Stephens,
Belford,	Frost,	Loring,	Stone,
Beltzhoover,	Frye,	Lounsbery,	Tucker,
Bingham,	Godshalk,	Martin, Edward L.	Turner, Thomas
Blackburn,	Goode,	McLane,	Tyler,
Bland,	Hall,	Miles,	Urner,
Blount,	Harmer,	Miller,	Valentine,
Boyd,	Harris, John T.	Mills,	Van Voorhis,
Bragg,	Hayes,	Money,	Waddill,
Brigham,	Heilman,	Morse,	Washburn,
Buckner,	Henkle,	Morton,	Wells,
Butterworth,	Houk,	Muldrow,	Wilber,
Cabell,	Hunton,	Muller,	Williams, C. G.
Calkins,	James,	Newberry,	Williams, Thomas
Camp,	Johnston,	O'Brien,	Willits,
Carlisle,	Joyce,	O'Neill,	Wood, Fernando
Chalmers,	Kelley,	O'Reilly,	Wood, Walter A.
Chittenden,	Kenna,	Pierce,	Wright,
Claflin,	Ketcham,	Prescott,	Young, Thomas L.
Clark, Alvah A.	Killinger,	Reed,	
Cox,	Kimmel,	Rice,	
Crowley,	Kitchin,	Robeson,	

So the amendments of the Senate were concurred in.

During the call of the roll the following announcements were made:

Mr. SLEMONS. My colleague from Arkansas, Mr. DUNN, is absent on account of sickness.

Mr. COVERT. My colleague from New York, Mr. FERNANDO WOOD, is paired with Mr. ROBESON, of New Jersey. My colleague, Mr. MULLER, is paired with Mr. HEILMAN, of Indiana.

Mr. WHITEAKER. Mr. COX, of New York, is paired with his colleague, Mr. MORTON.

Mr. HERBERT. My colleague from Alabama, Mr. LEWIS, is paired with Mr. LORING, of Massachusetts.

Mr. DAVIS, of North Carolina. My colleague, Mr. KITCHIN, is paired with Mr. RICE, of Massachusetts.

Mr. TALBOTT. My colleagues from Maryland, Mr. MCLANE and Mr. URNER, are paired. If present, both would vote "ay."

Mr. CLARK, of Missouri. My colleague, Mr. FROST, is paired with Mr. BAYNE, of Pennsylvania. I presume if present both would vote "ay." I know my colleague would do so.

Mr. DICKEY. I am paired with Mr. BARLOW, of Vermont. If he were present, I would vote "ay."

Mr. COFFROTH. My colleague from Pennsylvania, Mr. BELTZHOOVER, is paired with my colleague, Mr. BINGHAM.

Mr. TAYLOR. I am paired with my colleague from Tennessee, Mr. HOUK. If he were here, Mr. HOUK would vote "ay," and I therefore vote "ay."

Mr. KENNA. I am paired with Mr. YOUNG, of Ohio. If he were present, I would vote "ay."

Mr. STEVENSON. Mr. LADD, of Maine, is absent by leave of the House. If present, he would vote "ay."

Mr. HURD. I am paired with Mr. CLAFLIN, of Massachusetts. Nevertheless, I vote "ay," as I know that, if present, he would vote "ay."

Mr. LOUNSBERY. I am paired with my colleague from New York, Mr. BAILEY.

Mr. ELLIS. I am paired with Mr. HARMER, of Pennsylvania. I know him to be a friend of this measure, and on consultation with some of his colleagues I vote "ay."

Mr. RICHMOND. My colleague from Virginia, Mr. GOODE, is paired with Mr. GODSHALK, of Pennsylvania. My colleague, if present, would vote "ay," and I presume the other gentleman would do so likewise.

Mr. BEALE. My colleague from Virginia, Mr. HUNTON, is paired with Mr. ALDRICH, of Rhode Island. Mr. MULDROW, of Mississippi is paired with Mr. DWIGHT, of New York.

Mr. MANNING. My colleague from Mississippi, Mr. MONEY, is absent by leave of the House. He is paired with Mr. STONE, of Michi-

gan. If Mr. MONEY were here, he would vote "ay." I do not know how Mr. STONE would vote.

Mr. HARRIS, of Massachusetts. My colleague, Mr. LORING, is paired with Mr. LEWIS, of Alabama. I believe if they were present they would both vote "ay."

Mr. SINGLETON, of Mississippi. My colleague, Mr. CHALMERS, is absent by leave of the House. He is paired with Mr. VAN VOORHIS, of New York. If present, Mr. CHALMERS would vote "ay."

Mr. O'NEILL. I am paired with Mr. HENKLE, of Maryland. If he were present, I would vote "ay," and I think he would also vote "ay."

Mr. WARD. My colleague from Pennsylvania, Mr. GODSHALK, is paired with Mr. GOODE, of Virginia. If present, I believe both would vote "ay."

Mr. McGOWAN. Mr. STARIN, of New York, is paired with Mr. CLARK, of New Jersey.

Mr. SAPP. I am paired with Mr. WILLIAMS, of Alabama, on all political questions, but as this is not a political question I vote "ay."

Mr. WILLITS. I am paired with Mr. BLACKBURN, of Kentucky.

Mr. KEIFER. Mr. HOUK, of Tennessee, is paired with his colleague, Mr. TAYLOR. If present, Mr. HOUK would vote "ay."

Mr. DUNNELL. My colleague, Mr. WASHBURN, is paired with my colleague, Mr. POEHLER, on all political questions. Mr. POEHLER has voted "ay;" Mr. WASHBURN, if present, would also vote "ay."

Mr. BREWER. My colleague from Michigan, Mr. NEWBERRY, is absent by leave of the House. He is paired with Mr. ATHERTON, of Ohio.

Mr. POUND. On all political questions I am paired with Mr. DUNN, of Arkansas. Not regarding this as a political question I have voted "ay."

Mr. ROBINSON. Mr. MORSE, of Massachusetts, and Mr. KELLEY, of Pennsylvania, are paired.

The result of the vote was then announced as above stated.

Mr. ROBERTSON moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILL SIGNED.

Mr. WARD, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 2329) authorizing the Conway National Bank of Conway, Massachusetts, to change its location and name.

LEAVE OF ABSENCE.

The SPEAKER. The Chair submits the following requests for leave of absence:

To Mr. MORTON, indefinitely, on account of important business;

To Mr. PRICE, for one week.

Mr. DUNNELL. I object to any leave of absence being granted.

WITHDRAWAL OF PAPERS.

On motion of Mr. HAZELTON, by unanimous consent, leave was given to withdraw from the files of the House papers in the case of A. C. Helmenstine, there being no adverse report thereon.

On motion of Mr. BLACKBURN, by unanimous consent, leave was given to withdraw from the files of the House the papers in the case of Dr. Locky Murray, no report having been made to the House.

REFORM SCHOOL, DISTRICT OF COLUMBIA.

The SPEAKER. The Chair announces the appointment of Mr. DAVIDSON, of Florida, as trustee for the Reform School of the District of Columbia.

Mr. McMILLIN. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at four o'clock and thirty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BUTTERWORTH: The petition of the Union Labor Trades' Assembly of Cincinnati, Ohio, against the passage of the bill (H. R. No. 1505) which permits the payment of employés of tobacco manufacturers in tobacco or cigars—to the Committee of Ways and Means.

Also, the petition of T. R. Spencer and 30 others, manufacturers and dealers in tobacco, of Cincinnati, Ohio, against the passage of the bill known as the free-leaf tobacco bill—to the same committee.

By Mr. CASWELL: The petition of M. E. Mosher and 99 others, citizens of Columbia County, Wisconsin, for a commission to investigate the alcoholic liquor traffic—to the Committee on the Alcoholic Liquor Traffic.

By Mr. DEUSTER: The petition of Myra Grange, No. 402, of Washington County, Wisconsin, for the passage of the Reagan interstate-commerce bill—to the Committee on Commerce.

By Mr. JOYCE: Papers relating to the claim of David Ward for reimbursement of amount of a Treasury note destroyed by fire—to the Committee on Claims.

Also, papers relating to the claim of Merritt Barber to be released from a charge of $50 alleged to be improperly charged against him on the books of the Third Auditor of the Treasury—to the same committee.

By Mr. MONROE: The petition of Wehrle, Werk & Son, to be refunded moneys collected from them as income tax—to the Committee of Ways and Means.

By Mr. ROBINSON: The petition of Leopold Karpeles, for arrears of bounty—to the Committee on Military Affairs.

IN SENATE.

MONDAY, *June* 23, 1879.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of the proceedings of Saturday last was read and approved.

PETITIONS AND MEMORIALS.

Mr. INGALLS presented the petition of John E. Wiley and others, citizens of Edwards County, Kansas, praying for the passage of a law permitting homestead and pre-emption settlers to be absent for one year without losing their liens; which was referred to the Committee on Public Lands.

REPORTS OF COMMITTEES.

Mr. WITHERS, from the Committee on Appropriations, to which was referred the joint resolution (S. R. No. 39) in relation to committee clerks, pages, and other employés of the Senate and House of Representatives, reported it with amendments.

STEAMER B. P. CHENEY.

Mr. ALLISON. I report from the Committee on Appropriations the bill (H. R. No. 2264) to amend section 1, page 234, volume 20, of the United States Statutes at Large, Forty-fifth Congress, and, as it is very brief, I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It repeals so much of section 1, page 234, of the twentieth volume of the United States Statutes at Large, passed at the Forty-fifth Congress, and approved June 20, 1878, as relates to the steamer B. P. Cheney.

Mr. COCKRELL. Let the Senator explain the object of the bill briefly. I should like to hear the reasons why this bill should pass.

Mr. ALLISON. In 1878 an appropriation was made in the sundry civil act covering certain items of claims. After the appropriation was made, and during the same session of Congress, the Secretary of the Treasury sent a letter to the Committee on Appropriations of the House, saying that this claim or allowance ought not to be made; and the Congress at that session passed a provision in the legislative bill prohibiting payment for this steamer until further action of Congress. That was a year ago at the session in June. Since that time the claim has been re-examined by the Third Auditor and the Second Comptroller, and they recommend its payment. The Secretary of the Treasury sent a letter to the Speaker of the House of Representatives recommending its payment.

Mr. HEREFORD. The bill has passed the House.

Mr. ALLISON. It passed the House at this session, was referred to the Committee on Appropriations of the Senate, has been carefully considered and examined by that committee, and they unanimously recommend its passage.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DISTRICT COURT IN CONNECTICUT.

Mr. DAVIS, of Illinois. The Committee on the Judiciary have had under consideration the bill (S. No. 498) changing the time of holding the November term of the United States district court in the district of Connecticut, and have instructed me to report it back with an amendment striking out the last five words. It is merely for holding terms of the court, and it is very important that it should pass now, as well as one or two other bills that I have here from the same committee.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment reported from the Committee on the Judiciary was, after the word "December" in line 6, to strike out "as now provided by law;" so as to make the bill read:

That the term of the United States district court for the district of Connecticut, at Hartford, now held on the fourth Tuesday in November, shall hereafter be held on the first Tuesday of December.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

COURTS IN KENTUCKY.

Mr. DAVIS, of Illinois. I am instructed by the Committee on the Judiciary to report a similar bill to prescribe the times for holding the circuit and district courts of the United States in the district of Kentucky, with two amendments striking out the second and fourth sections.

The PRESIDENT *pro tempore*. Does the Senator ask for the present consideration of the bill?

Mr. DAVIS, of Illinois. Yes, sir. I ask for its present consideration. It is merely as to the time of holding courts.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 609) to prescribe the times for holding the circuit and district courts of the United States in the district of Kentucky.

The first amendment reported by the Committee on the Judiciary was to strike out section 2 in the following words:

SEC. 2. Either of said courts may be adjourned from time to time to meet the necessities and convenience of business.

The amendment was agreed to.

The next amendment was to strike out section 4, in the following words:

SEC. 4. By consent of all parties interested, either of said courts may be held at any time or place for the trial of civil suits at law or in equity.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

Mr. DAVIS, of Illinois. A similar bill on this subject, Senate bill No. 391, to regulate the holding of the circuit and district courts of the United States in the State of Kentucky, and for other purposes, the Senator from Kentucky [Mr. BECK] introduced, and it was referred to the Judiciary Committee. Inasmuch as we have passed the House bill, I move that this Senate bill be postponed indefinitely.

The motion was agreed to.

FINAL ADJOURNMENT.

Mr. WALLACE. I am instructed by the Committee on Appropriations to report back the concurrent resolution of the House of Representatives fixing the day for the final adjournment of Congress, with an amendment, and ask that it be put upon its passage.

The PRESIDENT *pro tempore*. The resolution will be reported as proposed to be amended for information.

The CHIEF CLERK. It is proposed to strike out "twelve o'clock noon on Tuesday, the 17th," and insert "five o'clock on Wednesday, the 25th;" so as to read:

Resolved by the House of Representatives, (the Senate concurring,) That the President of the Senate and the Speaker of the House of Representatives declare their respective Houses adjourned *sine die* at five o'clock p. m. Wednesday, the 25th of June instant.

Mr. WINDOM. I object to the consideration of the resolution to-day.

The PRESIDENT *pro tempore*. Objection being made, the resolution goes over until to-morrow.

Mr. WALLACE. Does a single objection carry over a resolution for adjournment?

The PRESIDENT *pro tempore*. The resolution requires the concurrence of both Houses, and goes over upon objection.

Mr. HEREFORD. This is the report of a committee.

The PRESIDENT *pro tempore*. The rule is express that no report of a committee shall be considered on the same day it is made, except by unanimous consent.

Mr. WALLACE. This is a privileged question, so held, I believe, in all parliamentary works. Questions of adjournment are questions of privilege; and I believe the resolution does not come within the rule referred to by the Chair, but that it comes within the same rule that a simple adjournment resolution would come.

The PRESIDENT *pro tempore*. A simple adjournment may be different; but in the opinion of the Chair a concurrent resolution fixing a day for the final adjournment of the two Houses does come within the rule. But the Chair will submit the question to the Senate, if it be desired.

Mr. WALLACE. I will let the resolution lie over, if that is the opinion of the Chair.

PRIVILEGE OF THE FLOOR.

Mr. MORGAN. I am directed by the Committee on Rules to report back the following resolution, and I ask for its adoption:

Resolved, That Rule No. 60 of the standing rules of the Senate be amended by adding thereto "judges of the Court of Claims."

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the resolution?

Mr. CONKLING. Let us hear it read.

The PRESIDENT *pro tempore*. It simply gives judges of the Court of Claims the privilege of the floor of the Senate.

Mr. CONKLING. I make no objection to it. I think the judges of the Court of Claims ought to have the privilege of the floor.

The resolution was considered by unanimous consent, and agreed to.

NUMBER AND SALARIES OF SENATE EMPLOYÉS.

Mr. HILL, of Georgia. I am instructed by the Committee to Audit and Control the Contingent Expenses of the Senate to ask the adoption of the following resolution:

Resolved, That the Committee to Audit and Control the Contingent Expenses of the Senate have authority to print the testimony and statements taken in relation to the number of the employés of the Senate and the equalization of their salaries.

There will be no objection to this resolution. The statements referred to comprise but a few pages, and the committee prefer to have them in print.

The resolution was considered by unanimous consent, and agreed to.

EULOGIES ON THE LATE REPRESENTATIVE LEONARD.

Mr. ANTHONY, from the Committee on Printing, to which was referred a concurrent resolution of the House of Representatives authorizing the printing of copies of eulogies delivered on the late J. E. Leonard, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved by the House of Representatives. (the Senate concurring,) That 8,000 copies of the eulogies delivered on the late J. E. Leonard, a member of the Forty-fifth Congress from the State of Louisiana, together with a portrait of the deceased, executed under direction of the Joint Committee on Printing, be printed; 6,000 copies thereof for the use of the House of Representatives and 2,000 copies for the use of the Senate.

PRINTING OF REPORT ON METRIC SYSTEM.

Mr. WHYTE. I am instructed by the Committee on Printing to report favorably a concurrent resolution of the House of Representatives and recommend its passage. I ask for its immediate consideration.

The resolution was read, as follows:

Resolved by the House of Representatives of the United States, (the Senate concurring,) That 10,000 extra copies of House Report No. 14, first session Forty-sixth Congress, be printed at the Government Printing Office; 2,500 copies for the use of the Senate and 7,500 copies for the use of the House of Representatives.

Mr. CONKLING. What report is it? I should like to know.

Mr. WHYTE. I will state for the information of the Senate that it is a short report made by the chairman of the Committee on Coinage of the House in regard to the metric system. It is a brief matter; it will take but two or three hundred dollars.

The resolution was considered by unanimous consent, and agreed to.

INTERNAL-REVENUE LAWS AND MANUAL.

Mr. WHYTE. I am instructed by the Committee on Printing, to whom was referred the following resolution, to report back the same and to ask for its indefinite postponement, because a similar resolution from the House has already been adopted by the Senate.

The resolution was read, as follows, and postponed indefinitely:

Resolved by the Senate, (the House of Representatives concurring,) That the Public Printer is hereby authorized to bind in cloth 3,000 copies of the compilation of internal-revenue laws and 3,500 copies of the internal-revenue manual for the use of the Treasury Department.

BILLS INTRODUCED.

Mr. BURNSIDE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 716) to provide for the conveyance of the low grounds in the city of Washington, under the provisions of the act of Congress, chapter 96, approved May 7, 1822; which was read twice by its title, and referred to the Committee on the District of Columbia.

He also asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 41) authorizing Rear-Admiral John J. Almy, United States Navy, to accept a decoration from the King of the Hawaiian Islands; which was read twice by its title, and referred to the Committee on Foreign Relations.

Mr. LOGAN asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 42) to provide for the speedy payment of the workingmen of the District of Columbia; which was read twice by its title, and ordered to lie on the table.

Mr. LOGAN. There is a letter accompanying the joint resolution, and I move that it be printed.

The motion was agreed to.

COMMITTEE ON PRINTING.

On motion of Mr. ANTHONY, it was

Ordered, That the Committee on Printing have leave to sit during the recess of Congress.

CONWAY NATIONAL BANK, MASSACHUSETTS.

Mr. MORRILL. I desire to move a reconsideration of the vote by which the bill (H. R. No. 2329) authorizing the Conway National Bank of Conway, Massachusetts, to change its location and name was passed on Saturday. I am informed that there is a slight mistake in the title of the bank.

Mr. DAVIS, of Illinois. What is it?

Mr. MORRILL. It is a change of the location of a bank at Holyoke, and there is a misnomer about the name of the bank.

The PRESIDENT *pro tempore*. The question is on the motion to reconsider the vote by which the bill was passed.

The motion was agreed to.

Mr. MORRILL. I move that a message be sent to the House of Representatives requesting the return of the bill.

The motion was agreed to.

REFRIGERATING SHIP FOR DISINFECTION.

The PRESIDENT *pro tempore*. If there is no further routine business the Chair lays before the Senate a resolution submitted by the Senator from Indiana [Mr. MCDONALD] on the 21st instant requiring the Secretary of the Treasury to furnish certain information.

Mr. MORRILL. Let it be read.

The resolution was read, as follows:

Resolved, That the Secretary of the Treasury be, and is hereby, required to report to this body all action and proceedings taken by the National Board of Health under or in connection with "An act to authorize the Secretary of the Treasury to

contract for the purchase or construction of a refrigerating ship for the disinfection of vessels and cargoes, and for other purposes," approved April 18, 1879, together with copies of all papers, plans, specifications, and correspondence relating thereto submitted to said board up to the time such report is made.

Mr. GARLAND. Last Saturday, at my suggestion, the resolution went over. I was then under the impression that the report already submitted from the Navy Department covered the inquiry that is made; but I find I was mistaken, and I have no objection to the resolution.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution.

The resolution was agreed to.

WILLIAM NEPHEW KING, JR.

Mr. HILL, of Georgia. If there is no further morning business, I ask the Senate to take up the bill (S. No. 696) for the relief of William Nephew King, jr. It is a small matter.

The bill was read.

Mr. ALLISON. From what committee does that come?

Mr. HILL, of Georgia. From the Committee on Naval Affairs.

Mr. COCKRELL. Not reported favorably.

Mr. HILL, of Georgia. The bill was not reported favorably; but I have the indorsement of the Secretary of the Navy.

Mr. COCKRELL. It was reported without recommendation.

Mr. HILL, of Georgia. I can state to the Senate, if it is desired, the facts. This young man with fifteen others——

The PRESIDENT *pro tempore*. The question is, will the Senate proceed to the consideration of the bill?

Mr. HILL, of Georgia. I hope there will be no objection.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to empower the President of the United States to allow William Nephew King, jr., to withdraw his resignation, and to restore him to the Naval Academy at Annapolis as a cadet-midshipman in the Navy of the United States.

Mr. HILL, of Georgia. I will state that this young man entered the Naval Academy by appointment from the first district of Georgia in 1875. He remained there three years, and in 1878, under a misapprehension as to the marks of demerit against him, he and fifteen others resigned. The other fifteen were restored by the Secretary of the Navy because they acted in consequence of a misapprehension. There were a certain number of marks of demerit that they thought would cause their dismissal, but it turned out on investigation that the marks of demerit were trival and immaterial, and that therefore they had resigned under a misapprehension. In consequence of that, the Secretary of the Navy restored the other fifteen. This young man was not restored because in the mean time his father had moved to the State of New York and Mr. Hartridge, the then member from the first district, filled the appointment from the first district of Georgia, thinking that he ought not to restore this man as his father had removed from the State. In consequence of that, this young man alone was not restored. I hold in my hand a statement of these facts, and the following indorsement by the Secretary of the Navy:

NAVY DEPARTMENT, *June* 17, 1879.

I have read the accompanying statement and I find that, in so far as it refers to the action of this Department, it is correct.

The statement to which he refers is that the Secretary of the Navy desired to restore him but for the action I speak of.

If the vacancy occasioned by Cadet-Midshipman King's resignation had not been filled by the Representative in Congress from his district, I should have revoked my acceptance of it and permitted him to return to the Academy. I did this in other cases and was not aware of any reason why the same indulgence should not be extended to him. Nothing prevented his return but the fact of the vacancy having been filled.

R. W. THOMPSON,
Secretary of the Navy.

It occurred in that case alone, because, as I said, the father of this gentleman had removed to the State of New York after his appointment, and Mr. Hartridge filled the vacancy. He has but one year to remain. He is a very promising young man, very much devoted to his profession, and is anxious to return and complete his studies. The Secretary desires that he should return, but he says in consequence of this reappointment it cannot be done except by permission of Congress. The bill simply authorizes the President to restore him to his class for one year. He is a most promising young man, very anxions to return, most exemplary in every respect. I hope, therefore, the Senate will pass the bill without objection.

Mr. COCKRELL. How did he get so many marks of demerit, and why has he been so long in applying for permission to return, over a year, now?

Mr. HILL, of Georgia. The reason is because he did not know there was any way for him to be returned. He did not know that he had to apply to Congress for permission until recently. The facts are here set forth, and I can read them to the Senate, explaining everything to the entire satisfaction of the Secretary of the Navy. The young man did not know that having lost his place by this accident he could be restored; but he was informed by the Secretary that he can be restored in this way. He is exceedingly anxious that he may be restored.

The bill was reported to the Senate without amendment.

Mr. ALLISON. I should be glad to know of the Senator from Georgia if there is any precedent for this action? This evidently adds one to the regular number of cadet-midshipmen at the academy, and if we restore this young man by act of Congress, and place him back where he would have been if he had not resigned, it seems to me it will make a precedent that may trouble us hereafter.

Mr. HILL, of Georgia. I will say to the Senator that I do not think the precedent can trouble us, for the reason that it is an unprecedented accident that causes the difficulty.

Mr. ALLISON. It was simply an accident by which a young man resigns, and another young man took his place; then he comes back a year or two afterward, and wants to re-enter the academy. That may occur at any time.

Mr. HILL, of Georgia. After he was appointed from the State of Georgia, and before his resignation under a misapprehension, his father removed to another State, to the State of New York. That was the reason why he was left out, and the Representative from the district filled the appointment with another. But he is only to remain one year. The Secretary desires him to be restored, and it is purely from this accident that the misfortune occurred. It would be a hardship on a young man, a most promising young man, anxious to be restored and exemplary in every respect. The bill only authorizes the President to restore him under all the statement of the facts. It is an accident that cannot do harm, because it cannot be repeated perhaps in ten years. It is desired to correct that mistake. It would be unfortunate for the young man if he should not be restored. It will do the public service no harm whatever. The bill only authorizes the President to restore him; it does not require him to do it.

Mr. ALLISON. Is there a report? I should like to hear the report of the Committee on Naval Affairs read.

Mr. HILL, of Georgia. The committee made no report at all.

Mr. ALLISON. They made no report upon the case?

Mr. HILL, of Georgia. No, sir; because the matter was before them only a short while. I am authorized by several members of the committee to say that had they seen this statement of the Secretary of the Navy they would have reported the bill favorably. We could not get a meeting except here in the Chamber; but this indorsement of the Secretary of the Navy was procured, which has satisfied every member of the committee that I have seen. The committee now do favor the bill, so far as my information goes, without exception.

Mr. MAXEY. It seems to me that this case does present an equity that should be considered by the Senate. A young man being under twenty-one years of age, his father's domicile is the son's. If his father chooses to change his domicile, his son's domicile necessarily goes along with it. Therefore without volition on his part it seems his residence was changed. The statement of the Secretary of the Navy to my mind is very conclusive upon that point. The nature and character of the demerits were laid before the Secretary of the Navy; and the fact that they were trivial and not important is stated by him. I can say myself that if getting demerits was any thing to condemn a man I should have gone by the board long ago when I was a cadet at West Point, because I was remarkably good at getting them, being in almost every party to Benny Havens; and I know this thing of getting demerits as a boy at the Naval Academy amounts to very little. My friend from Rhode Island [Mr. BURNSIDE] "knows how it is himself," for he and I were at West Point together, and his demerit-roll was not much better than mine. The very fact that the Secretary of the Navy desired to restore this young man is conclusive that his shortcomings for which he received demerits were trivial. I trust the young man will be restored.

Mr. COCKRELL. I do not desire to delay or postpone action on the bill. I simply desire to say that I consider the principle involved in it an exceedingly vicious one and exceedingly improper for the Senate to act upon. The bill has been before a committee. That committee has refused to take any responsibility whatever. That committee has handed it back to the Senate and said to the Senate "do as you please with this bill;" and we are called upon to vote on the bill.

Mr. HILL, of Georgia. I think that is not exactly fair, because the committee have told me since that they have no objection to the bill after seeing the indorsement of the Secretary of the Navy.

Mr. COCKRELL. I understand the Senator from Georgia has made the statement, and I do not dispute it; but I refer to the committee officially as a committee. This is not the proper way I think to take action upon such cases. I simply state that I am opposed to it for one.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

TERRITORIAL LEGISLATURES.

Mr. GARLAND. I move that the Senate proceed to the consideration of House bill No. 2274.

The motion was agreed to; and the bill (H. R. No. 2274) concerning the Legislative Assembly of the Territory of Montana was considered as in Committee of the Whole.

An amendment was reported by the Committee on the Judiciary to strike out all after the enacting clause and insert:

That the provisions of an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes," approved June 19, 1878, pertaining to government in the several Territories of the United States, shall not be so construed as to impair or shorten the tenure of office of any member of such legislative assemblies until the redistricting and reapportionment of such Territories as is therein provided, nor until at the next regular election thereafter the twelve members of the council and twenty-four members of the house of representatives of such Territories shall have been elected and their term of office begun.

Mr. COCKRELL. I ask for an explanation from the Senator reporting the bill.

Mr. McMILLAN. I should like to hear from the chairman of the Committee on Territories the effect of this bill.

Mr. GARLAND. In the general legislative appropriation act of June last this provision was inserted under the head of "Government in the Territories:"

That from and after the adjournment of the next session of the several territorial Legislatures the council of each of the Territories of the United States shall not exceed twelve members and the house of representatives of each shall not exceed twenty-four members, and the members of each branch of the said several Legislatures shall receive a compensation of $4 per day each during the sessions provided by law, and shall receive such mileage as the law provides; and the president of the council and the speaker of the house of representatives shall each receive $6 per day for the same time. And the several Legislatures at their next session are directed to divide their respective Territories into as many council and representative districts as they desire, which districts shall be as nearly equal as practicable, taking into consideration population, except "Indians not taxed:" *Provided*, The number of council districts shall not exceed twelve and the representative districts shall not exceed twenty-four in any one of said Territories; and all parts of sections 1847, 1849, 1853, and 1922 of the Revised Statutes of the United States in conflict with the provisions herein are repealed.

That provision was a general one relating to all the territorial governments. It seems that in the Territory of Montana the Legislature failed to comply with that provision and did not redistrict or reapportion the Territory so as to have the representation provided by this act, and a bill has passed the House relating solely to the Territory of Montana. But it transpired within the knowledge of a number of us that the Territory of Idaho is in exactly the same condition, and for fear there may be other Territories situated in that way the Judiciary Committee that reported this bill brings in a substitute extending the provisions that are set forth in this House bill to all the Territories that may be similarly situated, which is, in short, extending this provision in the appropriation bill of last June until another meeting of the Legislative Assemblies that they may then make the reapportionment and redistricting. That is all there is in the bill.

Mr. BECK. I remember we had a good deal of trouble about that last session. Suppose when these Legislatures meet again they still refuse to do it, what then? Why strike out the House provision which gives the governor the authority? The Legislatures do not want to do it, and they only meet once in two years. The Senate committee's amendment, as I understand, makes no provision for its being done otherwise than by the Legislature of the Territory, and they may continue to do as they have been doing. Why not give power to somebody to force them to act?

Mr. GARLAND. I was coming to that.

Mr. BECK. I thought the Senator was done.

Mr. GARLAND. The House bill, after reciting that the provisions of the legislative, executive, and judicial act of last year shall not be so construed as to impair or shorten the tenure of office of any member of the Legislative Assembly of the Territory of Montana until the redistricting and reapportionment of the Territory, goes on to say:

And if in any case the reapportionment and redistricting of any Territory shall not be done by the Legislative Assembly thereof, it shall be the duty of the governor of such Territory, before the next general election to be held in such Territory, to divide such Territory into proper council and representative districts, upon the basis of the census of A. D. 1880.

The PRESIDENT *pro tempore*. The morning hour has expired.

Mr. GARLAND. I ask but a little while to dispose of this bill.

The PRESIDENT *pro tempore*. The Senator from Arkansas asks unanimous consent to continue the consideration of this bill until it is disposed of. Is there objection? The Chair hears none.

Mr. GARLAND. The Committee on the Judiciary were unanimously of the opinion that this was not a proper power to vest in the executive of a Territory—the redistricting and reapportioning of the Territory under this act. If it were such a power as could be vested in the executive, the committee were very doubtful of the propriety of leaving to any one who might be the executive of a Territory the power to make up a Legislature to suit his own convenience or his own purposes.

My proposition would be—but that was not discussed particularly before the committee—if these Legislatures do not perform this duty at the next meeting, let Congress perform it itself, which it has the power to do, to redistrict and reapportion these Territories on the information which it may get here. I would not vote and I do not believe any member of the committee who investigated this would vote to give this power to the executive. After this opportunity twice given them, if the Legislatures fail to do it, my proposition would be that Congress should make the reapportionment and redistricting itself.

Mr. BECK. Is that in the bill?

Mr. GARLAND. No, it is not. We meet in December in time to remedy the difficulty if such a failure takes place.

Mr. McMILLAN. I should like to ask the Senator from Arkansas whether this bill extends the term of office of the present Legislature of Montana?

Mr. GARLAND. It extends the term of office with the same power which was given them under the act of last June.

The PRESIDENT *pro tempore*. The question is on the amendment reported by the Committee on the Judiciary as a substitute for the original bill.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill concerning the Legislative Assemblies of the several Territories of the United States."

CONVEYANCE OF LOW GROUNDS.

Mr. WHYTE. If there is no objection I should like to make a report from a committee. I am instructed by the Committee on the District of Columbia to report back, without amendment and favorably, the bill (S. No. 716) to provide for the conveyance of the low grounds in the city of Washington, under the provisions of the act of Congress, chapter 96, approved May 7, 1822.

Mr. BURNSIDE. I ask for the present consideration of that bill. It is a bill that passed the Senate once before on the recommendation of the committee, and now has been recommended by the committee again. I ask for its present consideration. It simply authorizes the Secretary of the Interior to sign a deed for a widow lady who desires to convey a piece of property, and it is found by the committee to be all right.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The powers and duties heretofore in and by the third section of the act of Congress approved May 7, 1822, devolved upon and vested in "the mayor of the city of Washington for the time being," are by the bill vested in and devolved upon the Secretary of the Interior, who shall execute the deeds thereby required, under his hand and official seal, when it shall appear to him that the persons applying for such deeds are duly entitled to have the same.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

WASHINGTON CITY POST-OFFICE BUILDING.

The PRESIDENT *pro tempore*. The Senate resumes the consideration of its unfinished business, which is the motion made by the Senator from West Virginia [Mr. DAVIS] on the 20th of May last to reconsider the vote by which the joint resolution (H. R. No. 71) authorizing the appointment of a commission to lease a building for a city post-office in the city of Washington, District of Columbia, was postponed until December next.

Mr. MORRILL. I hope the motion to reconsider will prevail. The proposition is indorsed by the Postmaster-General. The resolution was reported by a meeting of the Joint Committee on Public Buildings and Grounds unanimously, passed by the House, and came here, and I trust now that it will be reconsidered and passed as a proper thing to be done.

The PRESIDENT *pro tempore*. The question is on the motion to reconsider the vote by which this joint resolution was postponed to December next.

The motion was agreed to.

The PRESIDENT *pro tempore*. The joint resolution is now before the Senate as in Committee of the Whole, and open to amendment.

The joint resolution was reported to the Senate, ordered to a third reading, read the third time, and passed.

CONWAY NATIONAL BANK, MASSACHUSETTS.

Mr. MORRILL. On further examination, I move that the order of the Senate of this day, requesting the House of Representatives to return the bill (H. R. No. 2329) authorizing the Conway National Bank of Conway, Massachusetts, to change its location and name, be rescinded.

The motion was agreed to.

EXECUTIVE SESSION.

The PRESIDENT *pro tempore*. If there is nothing further moved, the Calendar is before the Senate. The Secretary will report the first bill on the Calendar.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After two hours and ten minutes spent in executive session the doors were reopened, and (at three o'clock and twenty-two minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *June* 23, 1879.

The House met at twelve o'clock m. Prayer by Rev. DAVID WILLS, D. D.

The Journal of Saturday last was read and approved.

ORDER OF BUSINESS.

The SPEAKER. The morning hour begins at fifteen minutes past twelve o'clock. This being Monday, the first business in order is the call of States and Territories, commencing with the State of Maine, for the introduction of bills and joint resolutions for reference to appropriate committees, not to be brought back on a motion to recon-

sider. Under this call joint resolutions and memorials of State and territorial Legislatures are in order. Under this call, also, resolutions calling upon the Executive Departments for information will be in order for reference to appropriate committees.

Mr. DUNNELL. I ask unanimous consent that the call be continued until all the States and Territories shall have been called.

Mr. CONGER. Let us see whether we shall need any more time than the hour for that purpose.

THOMAS SIGGINS.

Mr. ROBINSON introduced a bill (H. R. No. 2332) granting an increase of pension to Thomas Siggins, late of Company D, Forty-ninth Regiment Infantry, Massachusetts Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

NOAH D. CLARK.

Mr. VAN AERNAM introduced a bill (H. R. No. 2334) granting a pension to Noah D. Clark, of Fredonia, Chautauqua County, New York; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JOHN HAMER.

Mr. COFFROTH introduced a bill (H. R. No. 2335) granting a pension to John Hamer, of Company B, Fifty-fourth Regiment, Pennsylvania Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JOHN THOMAS.

Mr. COFFROTH also introduced a bill (H. R. No. 2336) granting a pension to John Thomas; which was read a first and second time, and referred to the Committee on Invalid Pensions.

REPORT OF CENTENNIAL COMMISSION.

Mr. COFFROTH also introduced a joint resolution (H. R. No. 109) to print additional copies of the report of the centennial commission; which was read a first and second time, and referred to the Committee on Printing.

IMPORTATION OF CATTLE.

Mr. TALBOTT introduced a bill (H. R. No. 2337) to allow John Merryman and Frank Brown, of Maryland, to import and land cattle for breeding purposes; which was read a first and second time, and referred to the Committee on Agriculture.

PAY DEPARTMENT OF THE ARMY.

Mr. JOHNSTON introduced a bill (H. R. No. 2338) to correct an appointment in the Pay department of the Army; which was read a first and second time, and referred to the Committee on Military Affairs.

DUTY ON QUININE.

Mr. HERBERT introduced a bill (H. R. No. 2339) to remove the duty on quinine, and all materials for its manufacture; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

Mr. SAMFORD introduced a bill (H. R. No. 2340) to remove the duty on quinine imported into the United States; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

COMMITTEE ON MISSISSIPPI LEVEES.

Mr. GIBSON introduced a resolution to change the title of the Committee on the Levees and Improvement of the Mississippi River, and to extend the jurisdiction thereof; which was referred to the Committee on Rules.

Mr. ACKLEN. How does that resolution come in under this call?

The SPEAKER. The Chair understands that it is an amendment to one of the rules.

Mr. ACKLEN. Is it proper to introduce a resolution to amend the rules under this call?

The SPEAKER. It is.

Mr. ACKLEN. All right; I have one that I will introduce hereafter.

WEHRLE WERK & SON.

Mr. MONROE introduced a bill (H. R. No. 2341) for the relief of Wehrle Werk & Son, of Middle Bass Island, Ohio; which was read a first and second time, and referred to the Committee of Ways and Means.

LIEUTENANT BENJAMIN H. BUCKINGHAM.

Mr. McKINLEY introduced a joint resolution (H. R. No. 110) authorizing Lieutenant Benjamin H. Buckingham, of the United States Navy, to accept a decoration conferred upon him by the President of the French Republic; which was read a first and second time, and referred to the Committee on Foreign Affairs.

EDWARD DEMPSEY.

Mr. McMAHON introduced a bill (H. R. No. 2342) granting an increase of pension to Edward Dempsey; which was read a first and second time, and referred to the Committee on Invalid Pensions.

MRS. SALLIE B. M'CAMPBELL.

Mr. CALDWELL introduced a bill (H. R. No. 2343) for the relief of Mrs. Sallie B. McCampbell of Jessamine County, Kentucky; which was read a first and second time, and referred to the Committee on Appropriations.

JOHN A. LOUDON.

Mr. CALDWELL also introduced a bill (H. R. No. 2344) to place on the pension-roll the name of John A. Loudon, a private in Company A, Twelfth Regiment Kentucky Cavalry; which was read a first and second time, and referred to the Committee on Invalid Pensions.

He also introduced a bill (H. R. No. 2345) for the relief of John A. Loudon, of Butler County, Kentucky, a private in Company A, Twelfth Regiment Kentucky Cavalry; which was read a first and second time, and referred to the Committee on Military Affairs.

LOUISA CHEEK.

Mr. KNOTT introduced a bill (H. R. No. 2346) for the relief of Mrs. Louisa Cheek, of Breckinridge County, Kentucky; which was read a first and second time, and referred to the Committee on War Claims.

WILLIAM A. WALTHEN.

Mr. KNOTT also introduced a bill (H. R. No. 2347) for the relief of William A. Walthen, of Marion County, Kentucky; which was read a first and second time, and referred to the Committee on War Claims.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. PRUDEN, his Secretary; who also informed the House that the President had approved and signed a bill of the following title:

An act (H. R. No. 2175) making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes.

PER DIEM OF SENATORS AND REPRESENTATIVES.

Mr. DIBRELL introduced a bill (H. R. No. 2348) to prevent the payment of per diem to Senators and Representatives in Congress when absent, except in case of sickness; which was read a first and second time.

Mr. CONGER. Let that bill be read.

The bill was read at length, and referred to the Committee on Reform in the Civil Service, and ordered to be printed.

SAMUEL GILL.

Mr. TAYLOR introduced a bill (H. R. No. 2349) for the relief of Samuel Gill; which was read a first and second time, and referred to the Committee on War Claims.

DAVID C. JACKSON.

Mr. HOUK introduced a bill (H. R. No. 2350) granting a pension to David C. Jackson, of Morgan County, Tennessee; which was read a first and second time, and referred to the Committee on Invalid Pensions.

JAMES A. DOUGHTY.

Mr. HOUK also introduced a bill (H. R. No. 2351) granting a pension to James A. Doughty, of Sneedville, Tennessee; which was read a first and second time, and referred to the Committee on Invalid Pensions.

HENRY BINNAMON.

Mr. CALKINS introduced a bill (H. R. No. 2352) to increase the pension of Henry Binnamon, of Porter County, Indiana; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ST. MARY'S RIVER, MICHIGAN.

Mr. HUBBELL presented a joint resolution of the Legislature of the State of Michigan, asking Congress to appropriate money for the improvement of St. Mary's River, in that State.

Mr. CONGER. Let that resolution be read.

The resolution was read, and referred to the Committee on Commerce.

HOMESTEAD SETTLERS IN MICHIGAN.

Mr. HUBBELL also presented a joint resolution of the Legislature of the State of Michigan for protection of settlers under the general homestead laws in the counties of Oceana, Mason, Charlevoix, and Emmet, in said State.

Mr. CONGER. Let that be read.

The joint resolution was read, and referred to the Committee on Public Lands.

RIVER AU SABLE, MICHIGAN.

Mr. HUBBELL also presented a joint resolution of the Legislature of the State of Michigan, asking an appropriation to improve the navigation at the mouth of the river Au Sable, Iosco County, Michigan.

Mr. CONGER. I would like to have that read.

The joint resolution was read, and referred to the Committee on Commerce.

SARATOGA NATIONAL MONUMENT.

Mr. HUBBELL also presented a joint resolution of the Legislature of the State of Michigan, asking for an appropriation of condemned cannon to aid in the construction of the Saratoga national monument.

Mr. CONGER. Let that be read.

The joint resolution was read, and referred to the Committee on Military Affairs.

EDWARD BRADEN AND J. W. ANGUS.

Mr. UPSON introduced a bill (H. R. No. 2353) for the relief of

Edward Braden and J. W. Angus; which was read a first and second time, and referred to the Committee on Military Affairs.

GEORGE H. BAILEY.

Mr. CULBERSON introduced a bill (H. R. No. 2354) for the relief of George H. Bailey, of Texas; which was read a first and second time, and referred to the Committee of Claims.

WILSON A. GREEN.

Mr. CULBERSON also introduced a bill (H. R. No. 2355) for the relief of Wilson A. Green; which was read a first and second time, and referred to the Committee of Claims.

IMPORTATION OF QUININE.

Mr. CULBERSON also introduced a bill (H. R. No. 2356) to make the introduction of quinine free of duty; which was read a first and second time, referred to the Committee of Ways and Means, and ordered to be printed.

TIMBER ON PUBLIC LANDS.

Mr. DUNNELL introduced a bill (H. R. No. 2357) to increase the growth of timber upon the public lands of the United States under the homestead and pre-emption laws; which was read a first and second time.

Mr. CONGER called for the reading of the bill; and it was read at length.

The bill was then referred to the Committee on Public Lands, and ordered to be printed.

ESTATE OF JOHN COOK.

Mr. DUNNELL also introduced a bill (H. R. No. 2358) for the relief of the estate of John Cook; which was read a first and second time, and referred to the Committee on Indian Affairs.

WILLIAM D. OYLER.

Mr. RYAN, of Kansas, introduced a bill (H. R. No. 2359) for the relief of William D. Oyler; which was read a first and second time, and referred to the Committee on Public Lands.

C. H. HOWARD.

Mr. HASKELL introduced a bill (H. R. No. 2360) for the relief of C. H. Howard, postmaster at Osage Mission, Kansas; which was read a first and second time, and referred to the Committee of Claims.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, requested the House of Representatives to return to the Senate the bill (S. No. 2329) authorizing the Conway National Bank of Conway, Massachusetts, to change its location and name.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

An act (S. No. 498) changing the time for holding the November term of the United States district court in the district of Connecticut; and

An act (S. No. 594) for the relief of Thomas Langton, of Dundee, Michigan.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House was requested, a bill (H. R. No. 2002) making additional appropriations for the service of the Post-Office Department for the fiscal years ending June 30, 1879, and June 30, 1880, and for other purposes.

The message also announced that the Senate had passed without amendment the joint resolution (H. R. No. 32) authorizing the completion of the foundation of the Washington Monument.

REORGANIZATION OF THE ARMY.

Mr. MARTIN, of West Virginia, introduced a bill to reduce and reorganize the Army of the United States and to make rules for its government and regulation.

Mr. CONGER, and Mr. MARTIN of West Virginia, called for the reading of the bill.

The Clerk proceeded to read the bill. Before the reading was concluded,

Mr. MARTIN, of West Virginia, said: Mr. Speaker, in order to save time, as this bill is very long, I withdraw it.

The call of States having been concluded,

The SPEAKER said: Gentlemen who were not in their seats when their States were called will now be recognized for the introduction of bills, joint resolutions, &c.

WATER-FLUME OVER UMATILLA INDIAN RESERVATION.

Mr. BRENTS introduced a bill (H. R. No. 2361) granting the right of way for a water-flume over the Umatilla Indian reservation to William S. Byers, Lot Livermore, and William M. Beagle; which was read a first and second time, referred to the Committee on Indian Affairs, and ordered to be printed.

AMENDMENT OF THE RULES.

Mr. ACKLEN submitted the following resolution to amend Rule 112; which was referred to the Committee on Rules:

Resolved, That Rule 112 be, and the same is hereby, amended as follows:
Insert after the closing words of said rule:
Provided, however, That the provisions of this rule shall not apply to any use of the contingent fund of this House by any order or resolution thereof.

Mr. ACKLEN also submitted the following resolution to amend Rule 79; which was referred to the Committee on Rules:

Resolved, That Rule 79 be, and the same is hereby, amended as follows:
After the closing words of said rule add:
And this committee is hereby authorized to have printed such reports or matters referred to them as they may deem necessary for the use of the committee without special order or leave of the House.

Mr. ACKLEN also submitted the following resolution to amend Rule 52; which was referred to the Committee on Rules:

Resolved, That Rule 52, and any other rule of this House which requires the Speaker to begin with the State of Maine and end with the Territory last organized, be, and the same is hereby, amended to read: "That the Speaker shall call the States in alphabetical order, and then afterward the Territories in the same order."

WILLIAM B. CONNER.

Mr. WISE introduced a bill (H. R. No. 2362) granting a pension to William B. Conner, a soldier in the late war; which was read a first and second time, and referred to the Committee on Invalid Pensions.

REPORTER OF SUPREME COURT.

Mr. FINLEY introduced a bill (H. R. No. 2363) defining the duties of reporter of the Supreme Court; which was read a first and second time, referred to the Committee on the Judiciary, and ordered to be printed.

CONTRACT FOR REFRIGERATING SHIP.

Mr. ELLIS submitted the following resolution; which was referred to the Committee on the Introduction and Prevention of Epidemic Diseases:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to report to this body within three days from the passage of this resolution a detailed statement of all action and proceedings taken by the National Board of Health under or in connection with an act to authorize the Secretary of the Treasury to contract for the purchase or construction of a refrigerating ship for the disinfection of vessels and cargoes, and for other purposes, approved April 18, 1879, together with all action and proceedings of the board of engineer officers appointed to examine and report on that subject, with copies of all papers, plans, specifications, debates, and correspondence relating thereto, submitted to each of said boards up to the time such report is made.

SOLDIERS' MONUMENT, SALTSBURGH, PENNSYLVANIA.

Mr. WHITE introduced a bill (H. R. No. 2364) donating condemned cannon and cannon-balls to the Soldiers' Monument Association at Saltsburgh, Indiana County, Pennsylvania; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

G. W. GRIFFIN.

Mr. WHITE also introduced a bill (H. R. No. 2365) for the relief of G. W. Griffin, late second lieutenant Sixty-seventh Regiment Pennsylvania Volunteers; which was read a first and second time, and referred to the Committee on Military Affairs.

ORDER OF BUSINESS.

Mr. REAGAN. I offer a resolution by instruction of a committee, and move the suspension of the rules for the purpose of putting it on its passage.

The SPEAKER. It is not now in order, as the morning hour has not yet expired.

SOLDIERS' MONUMENT, FRANKLIN, PENNSYLVANIA.

Mr. OSMER introduced a joint resolution (H. R. No. 111) granting condemned cannon to the Monumental Association of Franklin, Pennsylvania; which was read a first and second time, referred to the Committee on Military Affairs, and ordered to be printed.

CYRUS B. INGHAM.

Mr. CARPENTER introduced a bill (H. R. No. 2366) for the relief of Cyrus B. Ingham; which was read a first and second time, and referred to the Committee on Public Lands.

SUSAN TAYLOR.

Mr. HAZELTON introduced a bill (H. R. No. 2367) granting a pension to Susan Taylor; which was read a first and second time, and referred to the Committee on Invalid Pensions.

CHRISTOPHER SCHOLL.

Mr. HAZELTON also introduced a bill (H. R. No. 2368) for the relief of Christopher Scholl; which was read a first and second time, and referred to the Committee on Invalid Pensions.

D. G. STREETER.

Mr. HAZELTON also introduced a bill (H. R. No. 2369) for the relief of D. G. Streeter; which was read a first and second time, and referred to the Committee of Claims.

CHRISTOPHER SILVER.

Mr. HAZELTON also introduced a bill (H. R. No. 2370) granting a pension to Christopher Silver, survivor of the war of 1812; which was read a first and second time, and referred to the Committee on Revolutionary Pensions.

SAMUEL HAYS.

Mr. HAZELTON also introduced a bill (H. R. No. 2371) to grant a pension to Samuel Hays; which was read a first and second time, and referred to the Committee on Invalid Pensions.

PUBLIC BUILDING, MILWAUKEE.

Mr. DEUSTER introduced a bill (H. R. No. 2372) for the purchase of a site and the erection of a custom-house and bonded warehouse at Milwaukee, Wisconsin; which was read a first and second time, referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

LEWIS HOLMES.

Mr. OVERTON introduced a bill (H. R. No. 2373) granting a pension to Lewis Holmes, of Ulster, Bradford County, Pennsylvania; which was read a first and second time, and referred to the Committee on Invalid Pensions.

FIRST LIEUTENANT HENRY METCALFE.

Mr. HAWLEY introduced a joint resolution (H. R. No. 112) authorizing First Lieutenant Henry Metcalfe, of the Ordnance department, United States Army, to accept a decoration from the Sultan of Turkey; which was read a first and second time, and referred to the Committee on Foreign Affairs.

A. S. BLOOM.

Mr. BLACKBURN introduced a bill (H. R. No. 2374) for the relief of A. S. Bloom, late a major in the Seventh Kentucky Volunteer Cavalry; which was read a first and second time, and referred to the Committee on Military Affairs.

ORDER OF BUSINESS.

Mr. RYON, of Pennsylvania. I move to suspend the rules for the purpose of taking from the Speaker's table——

The SPEAKER. The gentleman from Pennsylvania makes the point of order that the mornnig hour has expired, and the Chair recognizes the gentleman from Ohio [Mr. CONVERSE] to move to suspend the rules. Pending that the Chair will present a message from the President of the United States.

VETO OF JUDICIAL EXPENSES BILL.

The SPEAKER laid before the House the following message from the President of the United States.

The Clerk read as follows:

To the House of Representatives:

After careful examination of the bill entitled "An act making appropriations for certain judicial expenses," I return it herewith to the House of Representatives, in which it originated, with the following objections to its approval:

The general purpose of the bill is to provide for certain judicial expenses of the Government for the fiscal year ending June 30, 1880, for which the sum of $2,690,000 is appropriated. These appropriations are required to keep in operation the general functions of the judicial department of the Government, and if this part of the bill stood alone there would be no objection to its approval. It contains, however, other provisions, to which I desire respectfully to ask your attention.

At the present session of Congress a majority of both Houses favoring a repeal of the congressional election laws embraced in title 26 of the Revised Statutes, passed a measure for that purpose, as part of a bill entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes." Unable to concur with Congress in that measure, on the 29th of May last I returned the bill to the House of Representatives, in which it originated, without my approval, for that further consideration for which the Constitution provides. On reconsideration the bill was approved by less than two-thirds of the House, and failed to become a law. The election laws, therefore, remain valid enactments, and the supreme law of the land, binding not only upon all private citizens, but also alike and equally binding upon all who are charged with the duties and responsibilities of the legislative, the executive, and the judicial departments of the Government.

It is not sought by the bill before me to repeal the election laws. Its object is to defeat their enforcement. The last clause of the first section is as follows:

And no part of the money hereby appropriated is appropriated to pay any salaries, compensation, fees, or expenses under or in virtue of title 26 of the Revised Statutes, or of any provision of said title.

Title 26 of the Revised Statutes, referred to in the foregoing clause, relates to the elective franchise, and contains the laws now in force regulating the congressional elections.

The second section of the bill reaches much further. It is as follows:

SEC. 2. That the sums appropriated in this act for the persons and public service embraced in its provisions are in full for such persons and public service for the fiscal year ending June 30, 1880, and no Department or officer of the Government shall, during said fiscal year, make any contract or incur any liability for the future payment of money under any of the provisions of title 26 of the Revised Statutes of the United States authorizing the appointment or payment of general or special deputy marshals for service in connection with elections or on election day, until an appropriation sufficient to meet such contract or pay such liability shall have first been made by law.

This section of the bill is intended to make an extensive and essential change in the existing laws. The following are the provisions of the statutes on the same subject which are now in force:

SEC. 3679. No Department of the Government shall expend, in any one fiscal year, any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract for the future payment of money in excess of such appropriations.

SEC. 3732. No contract or purchase on behalf of the United States shall be made unless the same is authorized by law or is under an appropriation adequate to its fulfillment, except in the War and Navy Departments, for clothing, subsistence, forage, fuel, quarters, or transportation, which, however, shall not exceed the necessities of the current year.

The object of these sections of the Revised Statutes is plain. It is, first, to prevent any money from being expended unless appropriations have been made therefor; and, second, to prevent the Government from being bound by any contract not previously authorized by law, except for certain necessary purposes in the War and Navy Departments.

Under the existing laws the failure of Congress to make the appropriations required for the execution of the provisions of the election laws would not prevent their enforcement. The right and duty to appoint the general and special deputy marshals which they provide for would still remain, and the executive department of the Government would also be empowered to incur the requisite liability for their compensation. But the second section of this bill contains a prohibition not found in any previous legislation. Its design is to render the election laws inoperative and a dead letter during the next fiscal year. It is sought to accomplish this by omitting to appropriate money for their enforcement and by expressly prohibiting any Department or officer of the Government from incurring any liability under any of the provisions of title 26 of the Revised Statutes authorizing the appointment or payment of general or special deputy marshals for service on election days until an appropriation sufficient to pay such liability shall have first been made.

The President is called upon to give his affirmative approval to positive enactments which in effect deprive him of the ordinary and necessary means of executing laws still left in the statute-book, and embraced within his constitutional duty to see that the laws are executed. If he approves the bill and thus gives to such positive enactments the authority of law, he participates in the curtailment of his means of seeing that the law is faithfully executed while the obligation of the law and of his constitutional duty remains unimpaired.

The appointment of special deputy marshals is not made by the statute a spontaneous act of authority on the part of any executive or judicial officer of the Government, but is accorded as a popular right of the citizens to call into operation this agency for securing the purity and freedom of elections in any city or town having twenty thousand inhabitants or upward. Section 2021 of the Revised Statutes puts it in the power of any two citizens of such city or town to require of the marshal of the district the appointment of these special deputy marshals. Thereupon the duty of the marshal becomes imperative, and its non-performance would expose him to judicial mandate or punishment, or to removal from office by the President, as the circumstances of his conduct might require. The bill now before me neither revokes this popular right of the citizens nor relieves the marshal of the duty imposed by law, nor the President of his duty to see that this law is faithfully executed.

I forbear to enter again upon any general discussion of the wisdom and necessity of the election laws or of the dangerous and unconstitutional principle of this bill, that the power vested in Congress to originate appropriations involves the right to compel the Executive to approve any legislation which Congress may see fit to attach to such bills, under the penalty of refusing the means needed to carry on essential functions of the Government. My views on these subjects have been sufficiently presented in the special messages sent by me to the House of Representatives during their present session. What was said in those messages I regard as conclusive as to my duty in respect to the bill before me. The arguments urged in those communications against the repeal of the election laws and against the right of Congress to deprive the Executive of that separate and independent discretion and judgment which the Constitution confers and requires are equally cogent in opposition to this bill. This measure leaves the powers and duties of the supervisors of elections untouched. The compensation of those officers is provided for under permanent laws, and no liability for which an appropriation is now required would therefore be incurred by their appointment. But the power of the National Government to protect them in the discharge of their duty at the polls would be taken away. The States may employ both civil and military power at the elections, but by this bill even the civil authority to protect congressional elections is denied to the United States. The object is to prevent any adequate control by the United States over the national elections by forbidding the payment of deputy marshals, the officers who are clothed with authority to enforce the election laws.

The fact that these laws are deemed objectionable by a majority of both Houses of Congress is urged as a sufficient warrant for this legislation.

There are two lawful ways to overturn legislative enactments. One is their repeal; the other is the decision of a competent tribunal against their validity. The effect of this bill is to deprive the executive department of the Government of the means to execute laws which are not repealed, which have not been declared invalid, and which it is, therefore, the duty of the Executive and of every other department of Government to obey and to enforce.

I have in my former message on this subject expressed a willing-

ness to concur in suitable amendments for the improvement of the election laws; but I cannot consent to their absolute and entire repeal, and I cannot approve legislation which seeks to prevent their enforcement.

RUTHERFORD B. HAYES.

EXECUTIVE MANSION, *June* 23, 1879.

Mr. MCMAHON. I move we proceed to the consideration of the vetoed bill immediately; and on that I demand the previous question.

The previous question was seconded and the main question ordered.

The SPEAKER. The question before the House is, Will the House on reconsideration agree to pass the bill? on which the Constitution requires the yeas and nays shall be taken; and, in obedience thereto, the Clerk will now call the roll.

The question was taken; and it was decided in the negative—yeas 102, nays 78, not voting 106; as follows:

YEAS—102.

Acklen,	Deuster,	King,	Simonton,
Aiken,	Dibrell,	Klotz,	Singleton, O. R.
Armfield,	Dickey,	Manning,	Slemons,
Atkins,	Elam,	Martin, Benj. F.	Sparks,
Bachman,	Evins,	Martin, Edward L.	Springer,
Beale,	Ewing,	McKenzie,	Steele,
Bicknell,	Felton,	McMahon,	Stephens,
Blackburn,	Finley,	McMillin,	Stevenson,
Bliss,	Forney,	Mills,	Talbott,
Bouck,	Gibson,	Morrison,	Taylor,
Bright,	Goode,	Myers,	Thompson,
Caldwell,	Gunter,	New,	Tillman,
Clardy,	Hammond, N. J.	O'Connor,	Townshend, R. W.
Clark, John B.	Hatch,	Persons,	Turner, Oscar
Clymer,	Henkle,	Phelps,	Upson,
Cobb,	Henry,	Phister,	Vance,
Coffroth,	Herbert,	Reagan,	Waddill,
Colerick,	Herndon,	Richardson, J. S.	Wellborn,
Converse,	Hill,	Robertson,	Whiteaker,
Cook,	Hooker,	Ross,	Whitthorne,
Covert,	Hostetler,	Rothwell,	Williams, Thomas
Cravens,	House,	Ryon, John W.	Willis,
Culberson,	Hull,	Samford,	Wilson,
Davidson,	Hunton,	Sawyer,	Wise.
Davis, Joseph J.	Johnston,	Scales,	
Davis, Lowndes H.	Kimmel,	Shelley,	

NAYS—78.

Aldrich, William	Davis, George R.	Humphrey,	Richardson, D. P.
Anderson,	Deering,	Jorgensen,	Robinson,
Baker,	Dunnell,	Joyce,	Russell, W. A.
Barber,	Errett,	Keifer,	Ryan, Thomas
Bayne,	Farr,	Killinger,	Sapp,
Blake,	Ferdon,	Marsh,	Shallenberger,
Bowman,	Field,	Martin, Joseph J.	Sherwin,
Brewer,	Fisher,	Mason,	Smith, A. Herr
Briggs,	Fort,	McCoid,	Thomas,
Browne,	Garfield,	McCook,	Townsend, Amos
Burrows,	Hammond, John	McGowan,	Tyler,
Butterworth,	Harris, Benj. W.	McKinley,	Updegraff, J. T.
Calkins,	Haskell,	Mitchell,	Updegraff, Thomas
Cannon,	Hawk,	Monroe,	Van Aernam,
Carpenter,	Hawley,	Neal,	Wait,
Caswell,	Henderson,	Norcross,	Ward,
Conger,	Hiscock,	O'Neill,	Williams, C. G.
Cowgill,	Horr,	Orth,	Willits.
Crapo,	Houk,	Osmer,	
Daggett,	Hubbell,	Overton,	

NOT VOTING—106.

Aldrich, N. W.	Einstein,	Lewis,	Russell, Daniel L.
Atherton,	Ellis,	Lindsey,	Singleton, J. W.
Bailey,	Ford,	Loring,	Smith, Hezekiah B.
Ballou,	Forsythe,	Lounsbery,	Smith, William E.
Barlow,	Frost,	Lowe,	Speer,
Belford,	Frye,	McLane,	Starin,
Beltzhoover,	Geddes,	Miles,	Stone,
Bingham,	Gillette,	Miller,	Tucker,
Bland,	Godshalk,	Money,	Turner, Thomas
Blount,	Hall,	Morse,	Urner,
Boyd,	Harmer,	Morton,	Valentine,
Bragg,	Harris, John T.	Muldrow,	Van Voorhis,
Brigham,	Hayes,	Muller,	Voorhis,
Buckner,	Hazelton,	Murch,	Warner,
Cabell,	Heilman,	Newberry,	Washburn,
Camp,	Hurd,	Nicholls,	Weaver,
Carlisle,	James,	O'Brien,	Wells,
Chalmers,	Jones,	O'Reilly,	White,
Chittenden,	Kelley,	Pierce,	Wilber,
Claflin,	Kenna,	Poehler,	Wood, Fernando
Clark, Alvah A.	Ketcham,	Pound,	Wood, Walter A.
Cox,	Kitchin,	Prescott.	Wright,
Crowley,	Knott,	Price,	Yocum,
De La Matyr,	Ladd,	Reed,	Young, Casey
Dick,	Lapham,	Rice,	Young, Thomas L.
Dunn,	Lay,	Richmond,	
Dwight,	Le Fevre,	Robeson,	

So (two-thirds not voting in the affirmative) the bill was not passed.

During the roll-call the following announcements were made:

Mr. NICHOLLS. For reasons I have already given, I decline to vote.

Mr. SMITH, of Georgia. I am paired with Mr. WILBER, of New York. If he were present, he would vote "no" and I should vote "ay."

Mr. HILL. My colleague, Mr. ATHERTON, is paired with Mr. NEWBERRY, of Michigan; and my colleague, Mr. WARNER, is paired with Mr. ALDRICH, of Rhode Island.

Mr. MANNING. Mr. MONEY is absent by leave of the House, and is paired with Mr. STONE, of Michigan. If Mr. MONEY were present, he would vote "ay."

Mr. MULDROW. I am paired with Mr. DWIGHT, of New York. If he were present, I would vote "ay."

Mr. COVERT. My colleague, Mr. FERNANDO WOOD, is paired with Mr. ROBESON, of New Jersey; and my other colleague, Mr. MULLER, is paired with Mr. HEILMAN, of Indiana.

Mr. DICKEY. My colleague, Mr. GEDDES, is paired with Mr. BARLOW, of Vermont.

Mr. WRIGHT. I am paired with the gentleman from Iowa, Mr. PRICE. If he were here, I should vote "ay" and he would vote "no."

Mr. COX. I am paired with my colleague, Mr. MORTON. If he were present, I should vote "ay" and he would vote "no."

Mr. DAVIS, of North Carolina. My colleague, Mr. KITCHIN, is paired with Mr. RICE, of Massachusetts.

Mr. HURD. I am paired with the gentleman from Massachusetts, Mr. CLAFLIN. If he were present, I should vote "ay."

Mr. CALDWELL. My colleague, Mr. CARLISLE, is paired with Mr. MILLER, of New York. If Mr. CARLISLE were present, he would vote "ay."

Mr. COFFROTH. My colleague, Mr. BELTZHOOVER, is paired with my other colleague, Mr. BINGHAM. If Mr. BELTZHOOVER were present, he would vote "ay."

Mr. MCLANE. I am paired with my colleague, Mr. URNER. I suppose he would vote "no;" I should vote "ay."

Mr. TOWNSHEND, of Illinois. My colleague, Mr. SINGLETON, is paired with Mr. MILES, of Connecticut. If Mr. SINGLETON were present, he would vote "ay."

Mr. STEVENSON. Mr. LADD, of Maine, is absent by leave of the House. If he were here, he would vote "ay."

Mr. ELLIS. I am paired with the gentleman from Pennsylvania, Mr. HARMER. If he were present, I should vote "ay."

Mr. KENNA. I am paired with Mr. YOUNG, of Ohio. If he were present, I should vote "ay."

Mr. LOUNSBERY. I am paired with my colleague, Mr. BAILEY. If he were here, I should vote "ay."

Mr. PHISTER. My colleague, Mr. THOMAS TURNER, is paired with Mr. WHITE, of Pennsylvania. If present, my colleague would vote "ay."

Mr. KNOTT. I am paired with the gentleman from Maine, Mr. FRYE.

Mr. HUNTON. My colleagues, Messrs. TUCKER and CABELL, are detained from the House by sickness and are paired respectively with Messrs. LAPHAM, of New York, and BOYD, of Illinois.

Mr. CLARK, of Missouri. My colleague, Mr. BUCKNER, is paired with Mr. CHITTENDEN, of New York. If present, Mr. BUCKNER would vote "ay."

Mr. RICHMOND. I am paired with Mr. PRESCOTT, of New York. If he were present, I should vote "ay."

Mr. BOUCK. My colleague, Mr. BRAGG, is paired with Mr. JAMES, of New York. If Mr. BRAGG were present, he would vote "ay."

Mr. JOHNSTON. My colleague, Mr. HARRIS, is paired with Mr. CROWLEY, of New York. If Mr. HARRIS were present, he would vote "ay."

Mr. SINGLETON, of Mississippi. My colleague, Mr. CHALMERS, is paired with Mr. VAN VOORHIS, of New York. If present, Mr. CHALMERS would vote "ay."

Mr. YOUNG, of Tennessee. I am paired with Mr. LORING, of Massachusetts.

Mr. POUND. I am paired with Mr. DUNN, of Arkansas. If he were present, I should vote "no."

Mr. ROBINSON. My colleague, Mr. MORSE, is paired with Mr. KELLEY, of Pennsylvania.

Mr. LAPHAM. On all political questions I am paired with Mr. TUCKER, of Virginia.

Mr. HISCOCK. My colleague, Mr. WALTER A. WOOD, is paired with Mr. LEWIS, of Alabama, and Mr. REED, of Maine, is paired with Mr. WELLS, of Missouri. If present, Messrs. WOOD and REED would vote "no;" and Messrs. LEWIS and WELLS "ay."

Mr. WAIT. My colleague, Mr. MILES, is paired with Mr. SINGLETON, of Illinois.

Mr. MCGOWAN. My colleague, Mr. STONE, is paired with Mr. MONEY. If present, Mr. STONE would vote "no." Mr. STARIN, of New York, is paired with Mr. CLARK, of New Jersey.

Mr. DUNNELL. My colleagues, Messrs. WASHBURN and POEHLER, are paired.

Mr. MCCOOK. My colleague, Mr. EINSTEIN, is paired with my other colleague, Mr. O'BRIEN. If Mr. EINSTEIN were present, he would vote "no."

Mr. HAWK. My colleague, Mr. HAYES, is absent by leave of the House.

Mr. LE FEVRE. I am paired with Mr. VALENTINE, of Nebraska.

Mr. SAPP. My colleague, Mr. PRICE, is paired with Mr. WRIGHT, of Pennsylvania. If Mr. PRICE were present, he would vote "no."

Mr. TYLER. Mr. BRIGHAM, of New Jersey, is absent by leave of the House. If he were present, he would vote "no."

Mr. WHITE. I am paired with Mr. THOMAS TURNER, of Kentucky. If he were present, I would vote "no."

Mr. COWGILL. My colleague, Mr. HEILMAN, is absent by leave of

the House, and is paired with Mr. MULLER, of New York. If present, Mr. HEILMAN would vote "no."

Mr. BLAKE. My colleague, Mr. ROBESON, is paired with Mr. FERNANDO WOOD, of New York.

Mr BREWER. My colleague, Mr. NEWBERRY, is paired with Mr. ATHERTON, of Ohio. If present, Mr. NEWBERRY would vote "no."

Mr. BAYNE. Mr. FROST, of Missouri, is paired with Mr. BRIGHAM, of New Jersey.

Mr. POEHLER. I am paired with my colleague, Mr. WASHBURN.

Mr. FISHER. My colleague, Mr. DICK, is paired with Mr. LAY, of Missouri. If present, my colleague would vote "no."

Mr. ALDRICH, of Illinois. Mr. ALDRICH, of Rhode Island, is paired with Mr. WARNER, of Ohio; if present, Mr. ALDRICH would vote "no."

Mr. HAMMOND, of New York. My colleague, Mr. DWIGHT, is paired with Mr. MULDROW, of Mississippi; if present, my colleague would vote "no."

Mr. BRIGGS. My colleague, Mr. HALL, is paired with Mr. SPEER, of Georgia; if present, Mr. HALL would vote "no."

Mr. HAZELTON. I am paired on this bill with Mr. BLOUNT, of Georgia; if he were present, I should vote "no."

The result of the vote was then announced as above stated.

Mr. ATKINS. I move that the House do now adjourn.

Mr. NICHOLLS. I move that the House do now adjourn *sine die*.

Mr. KLOTZ. I hope we will not adjourn until we clear off the business on the Speaker's table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced that the Senate had passed bills of the following titles; in which the concurrence of the House was requested:

A bill (S. No. 716) to provide for the conveyance of the low grounds in the city of Washington under the provisions of the act of Congress, chapter 96, approved May 7, 1822; and

A bill (S. No. 696) for the relief of William Nephew King, jr.

The message also announced that the Senate had passed, without amendment, the joint resolution (H. R. No. 71) authorizing the appointment of a commission to lease a building for a city post-office in the city of Washington, District of Columbia.

The message also announced that the Senate had passed, without amendment, the resolution of the House of Representatives providing for the printing of 10,000 extra copies of House report No. 14, first session, Forty-sixth Congress; and the resolution of the House of Representatives providing for printing 8,000 copies of the eulogies delivered on the late J. E. Leonard, a member of the Forty-fifth Congress from the State of Louisiana, together with a portrait of the deceased.

ENROLLED BILL SIGNED.

Mr. KENNA, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (S. No. 697) to establish post-roads in certain States therein named.

ORDER OF BUSINESS.

Mr. STEPHENS. I ask unanimous consent to take from the Speaker's table for consideration at this time the bill just received from the Senate for the relief of William Nephew King.

Mr. WHITTHORNE. I object.

Several members called for the regular order.

The SPEAKER. The regular order is the motion of the gentleman from Tennessee, [Mr. ATKINS,] that the House do now adjourn.

Mr. KLOTZ. I call for the yeas and nays.

The yeas and nays were not ordered, only twenty-four members voting therefor.

Mr. McKENZIE. I call for a division.

The House divided; and there were—ayes 103, noes 44.

So the motion was agreed to; and accordingly (at two o'clock and five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. BOUCK: The petition of Captain Samuel Neff and others, for the erection of a light-house at the mouth of Fox River, Wisconsin—to the Committee on Commerce.

By Mr. BREWER: The petition of Walker, McGraw & Co. and other manufacturers of tobacco in Detroit, Michigan, against the passage of the free leaf-tobacco bill—to the Committee of Ways and Means.

By Mr. BRIGGS: The petition of Adaline M. Osgood, for a pension—to the Committee on Invalid Pensions.

By Mr. CLARDY: The petition of citizens of Saint Genevieve, Missouri, for an appropriation for an improvement of the harbor at that place—to the Committee on Commerce.

Also, the petition of citizens of Missouri, that a duty be imposed on sulphate of barytes—to the Committee of Ways and Means.

By Mr. FORNEY: The petition of Samuel Shafer, for a pension—to the Committee on Invalid Pensions.

By Mr. GARFIELD: The petition of Paul H. Elvers, that action be taken by Congress in regard to an alleged discovery he has made to prevent the spread of hog cholera—to the Committee on Agriculture.

By Mr. RYAN, of Kansas: The petition of citizens of Kansas, for a post-route from Cimarron to Grinnell, via Buffalo Center and Dighton, Kansas—to the Committee on the Post-Office and Post-Roads.

By Mr. SINGLETON, of Mississippi: Papers relating to the war claims of Walter L. Campbell, John Cleary, Samuel W. Lancaster, Horace D. Mead, Consider Parish, and Nelson Potter—to the Committee on War Claims.

Also, a paper relating to the claim of William P. Baggett, for payment of a certain check issued to him by the United States before the war, payment of which was suspended by reason of his residence in Mississippi during the rebellion—to the Committee of Claims.

Also, a paper relating to the claim of James M. Lyles for compensation for cotton alleged to have been improperly seized by United States officials in Newton County, Mississippi, August 1, 1865—to the same committee.

By Mr. VAN AERNAM: Papers relating to the war claims of Jules Beauchery and the heirs of William H. Whitefield—to the Committee on War Claims.

By Mr. WHITEAKER: The petition of Mary J. Francis, for a pension—to the Committee on Revolutionary Pensions.

By Mr. WILLIS: The petition of W. G. Meier & Co. and 50 other tobacconists of Louisville, Kentucky, against the passage of the free leaf-tobacco bill—to the Committee of Ways and Means.

IN SENATE.

TUESDAY, *June* 24, 1879.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. CALL presented the petition of R. L. Black and others, citizens of Lake City, Florida, soldiers in the late war, praying for the passage of a law for the equalization of bounties; which was referred to the Committee on Military Affairs.

Mr. JONAS. I present a memorial of the State constitutional convention of Louisiana, in favor of the establishment of a naval and marine school in the city of New Orleans. I ask that it be read and referred to the Committee on Naval Affairs.

The memorial was read, and referred to the Committee on Naval Affairs, as follows:

To the honorable the Senate and House of Representatives of the United States in Congress assembled:

We, your memorialists, the people of Louisiana, in constitutional convention assembled, would respectfully petition your honorable body to direct the Secretary of the Navy to establish a naval and marine school at the port of New Orleans, in which to educate and fit boys of a proper age for the naval service or the merchant marine.

Your memorialists are deeply impressed with the necessity that the marines engaged in the merchant service between the ports of the West Indies, the Spanish Main, and of South America should be fully acclimated against yellow fever, thereby diminishing the danger of importing this dreadful scourge on our shores. In the city of New Orleans there are a large number of youths who are proof against the disease, and who with proper training and tuition would become valuable sailors.

Your memorialists are fully convinced that the manifold advantages that will ensue from the establishment of this proposed naval school will greatly overbalance the comparatively small annual outlay that will be requisite for its maintenance.

Wherefore they pray that this memorial be favorably considered and acted upon by your honorable body and for the speedy establishment of such naval school.

And, as in duty bound, they will ever pray.

LOUIS A. WILTZ,
President Constitutional Convention of the State of Louisiana.
WM. H. HARRIS,
Secretary.

JOSEPH B. COLLINS.

Mr. LOGAN. I am instructed by the Committee on Military Affairs, to which was referred the bill (S. No. 706) to amend an act for the relief of Joseph B. Collins, approved March 3, 1879, to report it without amendment. This is merely an amendment to a bill that has already passed, and I ask its consideration by the Senate at the present time. It will take but a moment. It is very important to this man that it should be passed.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill?

Mr. DAVIS, of West Virginia. I do not know that I have any objection to the bill, but I should like to know whether it comes from a committee?

Mr. LOGAN. It does. It is reported from the Committee on Military Affairs; and if the Senator will hear me one-half minute I will explain it. A few days ago (I do not remember the date now) we passed an amendment to the law of March 3, 1879, that prohibited this man from receiving pay during the time he was out of the service. When that was presented to the Pay department they said that under the law they did not understand whether he was to retain the year's pay that he received when he was mustered out of the service. The only object of this bill is to make that clear. It declares that he shall receive no pay for the time he was out of the service, but he shall retain the year's pay that he did receive at the time of being mustered out. That is all there is of it.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill. It amends an act for the relief of

Joseph B. Collins, approved March 3, 1879, so as to strike out all after the words "mustered out" and insert:

Provided, That he shall receive no pay or allowance whatever for the time he has been out of the military service of the United States, and shall not be required to refund to the United States the year's pay and allowance received by him at the time he was mustered out of the service.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

KANSAS SENATORIAL INVESTIGATION.

Mr. BAILEY. By direction of the Committee on Privileges and Elections I offer the following resolution and ask for its present consideration:

Resolved, That the expenses of the investigation ordered by the Senate to be made by the Committee on Privileges and Elections in relation to certain matters connected with the election of Hon. J. J. INGALLS, a Senator from the State of Kansas, be paid out of the "miscellaneous items" of the contingent fund of the Senate, to be disbursed upon vouchers approved by the chairman of the committee or the chairman of the sub-committee that may be designated by said committee to take testimony in the case.

Mr. DAVIS, of West Virginia. I have no objection to the consideration of the resolution, but I suggest to the Senator that the expenses ought to be paid subject to the control of the Committee on Contingent Expenses of the Senate, and not merely upon the vouchers of the chairman of the committee. Such a course would be unusual; and I know the Senator does not intend that it shall be taken from the control of the Committee to Audit and Control the Contingent Expenses in that way; but that the expenses should go to the Committee on Contingent Expenses, as all other resolutions of the kind provide.

Mr. SAULSBURY. I should like to inquire of the Senator how the Committee on Contingent Expenses could know anything about the necessary expenses of a committee in Kansas.

Mr. DAVIS, of West Virginia. Of course they cannot; but the Senator well knows that when a payment is made on his order or the order of the chairman of the sub-committee it must then go to and must be indorsed, according to the rules of the Senate, by the Committee on Contingent Expenses before the account can be paid or certified properly at the Treasury Department.

Mr. BAILEY. How can that committee pass upon it?

Mr. SAULSBURY. I will state to the Senator from West Virginia that the cashier of the Secretary of the Senate himself suggested this particular mode of proceeding. I consulted the Secretary and the cashier of the Secretary, who made this very suggestion as to the way it should be done.

Mr. DAVIS, of West Virginia. There is no practical difference between the Senator and myself on the subject. We all agree. The only question is whether by a resolution of this kind the vouchers will go through the regular course after being certified by the chairman of the Committee on Privileges and Elections, or the chairman of a sub-committee of that committee.

Mr. SAULSBURY. The Senator knows that no claim can be paid until it is approved by the chairman. While we are out in Kansas in a little town there how could a bill be paid if we had to wait until it should be approved by the chairman of the Committee on Contingent Expenses? The resolution is right.

Mr. DAVIS, of West Virginia. The Senator and I will agree——

Mr. SAULSBURY. There is no trouble about that.

Mr. DAVIS, of West Virginia. If the Senator will allow me a minute I will explain further. The Senator says that he has consulted the cashier or the financial clerk of the Senate, and this is the form adopted. It is unusual, because the money under this resolution can be paid upon the voucher of the chairman, to which I have no objection; and nobody has objection if it is necessary to passing a special resolution to cause it to be paid in that way; but there is a rule of the Senate in force which provides that money shall only be paid after the approval of the Committee on Contingent Expenses. Under the circumstances it is evident that the money may be drawn in advance by the chairman of the Committee on Privileges and Elections; but when the accounts come back here they should go regularly through the Committee to Audit and Control the Contingent Expenses of the Senate; otherwise you ignore that committee entirely. This has been the case in several instances, notably, and the first one probably, in the Oregon investigation, when the then Senator from Indiana (Mr. Morton) was caught out there without money to pay his expenses. It was afterward changed by an amendment to one of the appropriation bills so that the chairman might pay out money, but that on the return of the committee the accounts should go regularly through the Committee on Contingent Expenses of the Senate. That is all I wanted to say.

Mr. SAULSBURY. If the Senator will look at the law he will find that it requires the money to be paid upon the draft or order of the chairman of the committee. The money is disbursed upon vouchers approved by him; and the law requires him to file those vouchers with the Committee on Contingent Expenses. There is no difficulty at all about it.

Mr. DAVIS, of West Virginia. That is what I stated to the Senate a moment ago.

Mr. SAULSBURY. The resolution simply provides that the money shall be disbursed upon vouchers approved by the chairman; but the law requires that the chairman shall take the vouchers and file them with the Committee on Contingent Expenses of the Senate. So there is not a particle of difference or difficulty about it.

The PRESIDENT *pro tempore*. The Chair dislikes to interrupt Senators in the discussion; but he begs leave to call the attention of Senators to the fact that a motion to proceed by unanimous consent in the morning hour to the consideration of a bill or resolution is not debatable. If it were, the whole morning hour might be consumed by a single motion of that sort. The question is, Will the Senate give unanimous consent to the consideration of this resolution? Is there objection? The Chair hears none, and the resolution is before the Senate.

The resolution was agreed to.

BILLS INTRODUCED.

Mr. MAXEY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 717) authorizing the Secretary of War to repair the United States barracks and arsenal at Austin, Texas, and making an appropriation for the same; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. SAUNDERS asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 718) to repeal section 3 of chapter 225, Statutes at Large, approved July 24, 1876; which was read twice by its title, and referred to the Committee on Military Affairs.

PAPERS WITHDRAWN.

On motion of Mr. WALLACE, it was

Ordered, That P. Ahl & Brother have leave to withdraw their papers from the files of the Senate.

CASE OF FITZ JOHN PORTER.

Mr. BAYARD submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Senate resolution agreed to May 12, 1879, authorizing the printing of papers in the case of General Fitz John Porter, be amended so as to give authority to the Committee on Military Affairs to have the usual number of copies for the use of the Senate printed, including all papers relating to the case that may be submitted to the consideration of the Committee on Military Affairs.

EXECUTIVE COMMUNICATIONS.

The PRESIDENT *pro tempore* laid before the Senate a letter of the Secretary of War, transmitting a copy of correspondence to accompany the report to the Senate on the 17th instant in reply to a resolution calling for information as to the circumstances which led to the arrest and removal of J. M. Bell and other Cherokee Indians from the Cherokee Nation.

Mr. GARLAND. In the absence of the Senator from Indiana [Mr. VOORHEES] who introduced the resolution calling for that information, I move that the communication be referred to the Committee on Indian Affairs and printed.

The motion was agreed to.

FINAL ADJOURNMENT.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the resolution on the Calendar reported by the Senator from Pennsylvania [Mr. WALLACE] yesterday from the Committee on Appropriations fixing the time for the final adjournment of the present session of Congress.

The resolution was read.

Mr. DAVIS, of West Virginia. I move to recommit the resolution to the Committee on Appropriations.

The motion was agreed to.

DISTRICT DOMESTIC ANIMALS.

Mr. VANCE. I ask unanimous consent to take from the Calendar a bill authorizing the commissioners of the District of Columbia to extend the area for taking up and impounding of domestic animals in the District.

The PRESIDENT *pro tempore*. The morning business having been concluded it does not require unanimous consent, but a majority can take up the bill.

Mr. VANCE. I move, then, that the Senate proceed to the consideration of House bill No. 1856.

The motion was agreed to; and the bill (H. R. No. 1856) authorizing the commissioners of the District of Columbia to extend the area for the taking up and impounding of domestic animals in the District of Columbia was considered as in Committee of the Whole. It authorizes the commissioners of the District of Columbia to prescribe rules for taking up and impounding of domestic animals found running at large in the District of Columbia.

Mr. VANCE. I ask to have read at the Clerk's desk a brief letter from the health officer of the District, showing the necessity for the passage of the bill.

The PRESIDENT *pro tempore*. The communication will be read.

The Chief Clerk read as follows:

DISTRICT OF COLUMBIA, OFFICE OF HEALTH OFFICER,
Washington, June 13, 1879.

DEAR SIR: In the brief conversation had with you yesterday at the Capitol I was not enabled to explain satisfactorily the object to be accomplished by the passage of the bill relative to the extension of the area for taking up and impounding domestic animals in the District of Columbia.

As the law now stands, the impounding of animals found running at large is confined to the limits of the two cities—Washington and Georgetown. Since the enactment of the law the suburbs have become very thickly populated, and the people throughout the county of Washington, which includes all that portion of the District lying beyond the city limits, suffering from the depredations of domestic animals are constantly calling upon the authorities to afford them the same protection as is granted their brethren in the more densely populated districts.

The bill merely grants authority to the commissioners of the District to extend the area for taking up animals to such portions of the county as in their judgment may require it. I do not think objection to it could come from any source, and I

hope its passage may be secured at the present session; it passed the House without objection.

Very respectfully, your obedient servant,

SMITH TOWNSHEND, M. D.,
Health Officer District of Columbia.

Hon. Z. B. VANCE, *U. S. S.*

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PAYMENT OF DISTRICT WORKINGMEN.

Mr. LOGAN. I ask leave of the Senate to take a joint resolution from the table introduced by me yesterday; and I think after its reading it will take but a moment. It is merely to amend the section of the statutes of 1878 in one particular, and provides the clerical force to comply with that law. If there is no objection to it I should be very glad to have the Senate consider it.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Illinois.

The motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (S. R No. 42) to provide for the speedy payment of the workingmen of the District of Columbia.

Mr. DAVIS, of West Virginia. In hearing the resolution read hastily from the desk, I do not comprehend the full scope of it; but it appears to me to be a very complicated question, and unless some committee has examined it and recommend it, I think it rather dangerous to start upon such a course and to undertake to pass a resolution without having it properly examined. I appeal to the Senator to know whether that is the case or not.

Mr. LOGAN. I will state that this question has been before the committees of both Houses. A very different proposition, extending much further, was stricken out, as I understand, from the legislative appropriation bill in the Senate. This resolution provides that under the section of the act of 1878 referred to, which appropriates for the payment of these men, there shall be payment made to the men whose claims are due and unpaid. It provides that if the $75,000 is not sufficient to pay in full, then there shall be a *pro rata* distribution, so as to pay all a certain proportion; and that ends it. Then it provides for the clerks to make up these accounts. That is all there is in this proposition. It is based on this section of the law whereby the appropriation is made, and merely provides for paying those to whom the claims are due and unpaid—determined claims, and the Secretary is authorized to provide clerks for the purpose of doing this business. That is all there is in this proposition. It does not change the law at all. It stands on the law as it is, but provides for this payment. If the Senator will read the resolution he will see that it is drawn precisely with the view I have stated. I drew it with that view; and it is merely to authorize this payment.

Mr. DAVIS, of West Virginia. This question has been discussed for two or three sessions, or perhaps for two or three Congresses. There is a law now upon the statute-books that appears to cover the ground as thoroughly as any amendment to it that has yet been offered. As the Senator has said, the Committee on Appropriations several times have considered the question whether or not a change could take place that would be of greater advantage to the District, to the Government, and to the employés whom it contemplates paying; and each time some question came up and there was a division among those interested—one wanted this thing, others wanted that thing, and others wanted the law to remain as it is. The Committee on Appropriations, after having considered the matter and hearing the parties representing different interests, came to the conclusion that it was best to let the law remain as it now stands.

In addition to this, I see from the reading of the joint resolution that there are additional clerks to be employed. That matter has not been considered by the Committee on Appropriations further than that the Committee on Appropriations did at this session grant the clerks asked by the Department for this purpose and other purposes relating to the District. The Committee on Appropriations increased the number of clerks.

Mr. LOGAN. The Senator will allow me to say that this joint resolution does not provide for increased clerks at all. It only directs the Secretary to use his clerks for the purpose of making up these accounts. If the Senator will read the joint resolution, he will see that it does not ask for any increase of clerks. I will state the reason of this provision if the Senator will allow me.

Mr. DAVIS, of West Virginia. Certainly.

Mr. LOGAN. I talked with the Secretary myself on this very question, and with the Auditor, and they said to me that they had not a sufficient number of clerks to go on and make this distribution. After the amendment failed that was on the legislative appropriation bill, I looked over the law and examined it carefully. It is a law susceptible, I think, of construction. I drafted this resolution so as to make no change whatever in the law, and to provide, as the law provides, that a *pro rata* distribution shall be made. The law of 1878 provides for that, and the joint resolution only amends it so that that distribution shall be carried out, and that the Secretary shall use clerks for the purpose of making these accounts up. That is all there is in the resolution. If the Senator will read it he will find that is all there is of it. This was the very objection made to me by the Auditor and the Secretary, that they could not have the accounts made up to see if there was anything due. If there is nothing due, as a matter of course nothing will be paid; but the appropriation stands there under the law providing that it shall be done; and they said the reason it could not be done was the reason I have given. This joint resolution provides for it, and that is all there is of it.

Mr. DAVIS, of West Virginia. It really appears to me that this joint resolution ought to go to the Committee on the District of Columbia and be looked into and examined and reported upon. It is a dangerous question. The Senator speaks of the Department and of having consulted them. I ask him, is there anything here from the Department recommending a change in the law of 1878?

Mr. LOGAN. I do not wish to take up the time of the Senate. I did not suppose there would be any objection to this measure. Inasmuch as the matter was before the Committee on Appropriations, I supposed there would be no objection to it in this form, for I struck out everything that was objectionable as developed here in the Senate as appearing in the appropriation bill, and supposed there would be no objection. But there is a letter from the Auditor, and if the President of the Senate will indulge me by having the clerk read it, the Senator will find the Auditor states the reasons why this cannot be done as the law now stands. I ask that the Clerk read the letter I sent up to the Clerk's desk yesterday with the joint resolution.

The PRESIDENT *pro tempore*. The Chair is informed by the journal clerk that the letter has gone to the Printing Office to be printed under the order of the Senate, and has not yet been returned.

Mr. ALLISON. I ask the Senator, then, to allow the joint resolution to lie over until to-morrow.

Mr. LOGAN. I will certainly do so. The letter from the Auditor explains the whole thing. I sent it up with the joint resolution yesterday.

Mr. DAVIS, of West Virginia. I ask the Senator if we had not better have it referred to the Committee on the District of Columbia and let them make a report to-morrow? It relates to a matter within their province, as the Senator knows. The matter belongs to the District, and that committee has not examined it. So the chairman informs me. I have just asked the chairman whether it had been before his committee, and he answered in the negative.

Mr. LOGAN. Of course I have no objection to a reference if Senators desire it. I introduced the joint resolution and asked that it lie on the table so that it could be taken up this morning and disposed of. It is a matter that, it seems to me, is easily understood.

Mr. HARRIS. I really am not prepared to express any opinion upon the joint resolution, but if it involves any question at all, I think the better way would be to let it go to the committee.

Mr. LOGAN. The Senate can do what they please with it. It involves no question in the world except it provides that the Secretary shall pay this money if it is due, and it provides that he shall detail clerks in his own Department, already provided for, to attend to making up the accounts. That is all there is in the resolution.

Mr. HARRIS. I suggest to the Senator to let it be referred to the committee. I will look at it to-day, and if I find it so simple as the Senator seems to think, there will be no objection to reporting it back at once.

Mr. LOGAN. If the Senator asks for a reference, of course I shall make no objection. The committee can report it back to-morrow, as a matter of course.

Mr. DAVIS, of West Virginia. Yes; of course. Let it be referred.

Mr. ALLISON. Before the motion is carried I should like to call the attention of the Senator from Illinois to some phraseology that I see here in the joint resolution that I do not quite understand. It reads:

That the sum of money therein appropriated to pay the workingmen of said District shall be paid to those whose claims are due and unpaid.

Mr. LOGAN. Certainly.

Mr. BECK. To whom?

Mr. ALLISON. As I understand the origin of this appropriation, it is to pay workingmen who actually performed service in the District of Columbia under certain contractors.

Mr. LOGAN. Certainly; and their payment is provided for in the law, and this joint resolution is an amendment to the law, and both taken together explain the whole thing perfectly.

Mr. ALLISON. I only wanted to have attention called to this phraseology, to learn what changes it made in the law.

Mr. LOGAN. The Senator by reading the law will see that the persons are named in the law and that the joint resolution refers to the persons named in the law.

Mr. ALLISON. I think the Senator will agree with me that it is rather a complicated question.

Mr. LOGAN. When we understand the law upon which it is based, there is no difficulty in understanding this resolution.

The PRESIDENT *pro tempore*. The question is on the motion to refer the joint resolution to the Committee on the District of Columbia.

The motion was agreed to.

JOINT COMMITTEE ON PUBLIC SERVICE.

Mr. BECK submitted the following concurrent resolution:

Resolved by the Senate, (the House of Representatives concurring,) That a joint committee composed of five Senators and seven Representatives be appointed in such manner as each House may determine to examine and report at an early day of the next December session of this Congress what changes, if any, ought to be made in the mode of guarding or collecting the revenue either from customs or internal

taxation or in the management of the various Departments and bureaus of the Government, with a view to efficiency in service and economy in appropriations of the public money. Said committee shall report whether changes from permanent to annual appropriations would be advantageous or otherwise, in whole or in part; it shall have power to sit during the recess, to examine witnesses, send for persons and papers, administer oaths, appoint sub-committees, and visit such places as will enable it to obtain such information as it may desire; and the expenses of the committee shall be paid out of the contingent fund of the two Houses in the proportion of the number of the members of each.

Mr. BECK. I ask that the resolution may be allowed to lie on the table until to-morrow, when I may say a few words explaining why I offer it, and then the Senate can do as they please with it.

The PRESIDENT *pro tempore*. The resolution will lie on the table and be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its clerk, announced that the House had non-concurred in the amendments of the Senate to the bill (H. R. No. 1379) fixing the rate of interest upon arrearages of general taxes and assessments for special improvements now due to the District of Columbia, and for a revision of assessments for special improvements, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. EPPA HUNTON of Virginia, Mr. GILBERT DE LA MATYR of Indiana, and Mr. HENRY S. NEAL of Ohio, managers at the conference on the part of the House.

The message also announced that the House non-concurred in the amendments of the Senate to the bill (H. R. No. 2002) making additional appropriations for the service of the Post-Office Department for the fiscal years ending June 30, 1879, and June 30, 1880, and for other purposes, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. S. S. COX of New York, Mr. HIESTER CLYMER of Pennsylvania, and Mr. JOSEPH G. CANNON of Illinois, managers at the conference on the part of the House.

The message further announced that the House had passed a joint resolution (H. R. No. 113) to provide for the purchase of the stereotype plates of the final reports upon the centennial exhibition of 1876; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. No. 697) to establish post-roads in certain States therein named; and

A bill (H. R. No. 2329) authorizing the Conway National Bank of Conway, Massachusetts, to change its location and name.

SPECIAL IMPROVEMENT ASSESSMENTS.

The Senate proceeded to consider its amendments to the bill (H. R. No. 1379) fixing the rate of interest upon arrearages of general taxes and assessments for special improvements now due to the District of Columbia, and for a revision of assessments for special improvements and for other purposes, disagreed to by the House of Representatives.

On motion of Mr. HARRIS, it was

Resolved, That the Senate insist upon its amendments to the said bill disagreed to by the House of Representatives, and ask a conference with the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the committee on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. HARRIS, Mr. WHYTE, and Mr. ROLLINS.

POST-OFFICE APPROPRIATIONS, ETC.

The Senate proceeded to consider its amendments to the bill (H. R. No. 2002) making additional appropriations for the service of the Post-Office Department for the fiscal years ending June 30, 1879, and June 30, 1880, and for other purposes, disagreed to by the House of Representatives.

On motion of Mr. DAVIS, of West Virginia, it was

Resolved, That the Senate insist upon its amendments to the said bill disagreed to by the House of Representatives, and ask a conference with the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the committee on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. DAVIS, of West Virginia, Mr. MAXEY, and Mr. ALLISON.

APPROPRIATIONS FOR VARIOUS PURPOSES.

Mr. DAVIS, of West Virginia. I move that Senate joint resolution No. 39 be taken up. It is in the nature of an appropriation bill reported yesterday from the Committee on Appropriations.

The motion was agreed to; and the joint resolution (S. R. No. 39) in relation to committee clerks, pages, and other employés of the Senate and House of Representatives was considered as in committee of the Whole.

The joint resolution was reported from the Committee on Appropriations with amendments.

The first amendment was, in line 9, to strike out "thirty" and insert "fifteen."

Mr. DAVIS, of West Virginia. The object of that amendment is to allow only fifteen days' extra pay instead of thirty.

Mr. ANTHONY. I believe the customary donation to officers has been thirty days' pay after the adjournment.

Mr. BECK. I introduced the resolution thinking that was the fact; but after a careful examination we found this to be the fact, that thirty days was the additional allowance at each regular session of Congress; but at each of the extra sessions it has varied from twelve to twenty days, sometimes seventeen, sometimes sixteen, none beyond twenty. Mr. Nixon, the financial clerk, went back to 1866 or 1867, going over each extra session.

Mr. ANTHONY. Were these employés paid the customary allowance after the close of the regular session?

Mr. BECK. All; they get thirty days' pay at the close of each regular session.

Mr. DAVIS, of West Virginia. I understand the Senator from Rhode Island to ask whether or not at the end of the last regular session the thirty days' usual allowance had been made.

Mr. ANTHONY. Yes, sir.

Mr. DAVIS, of West Virginia. Yes, sir, it was made.

The PRESIDENT *pro tempore*. The question is on this amendment.

The amendment was agreed to.

The PRESIDENT *pro tempore*. Unless a separate vote be demanded, the Chair will put the question on the other amendments reported by the committee in gross, after they shall have been read.

Mr. DAVIS, of West Virginia. I shall propose some amendments to section 3, not by the committee, but after consultation with certain members of the committee.

Mr. ALLISON. I think the Senator might say they were intended to be included, but by the phraseology it seems they are not.

Mr. DAVIS, of West Virginia. Section 2 can be voted on in gross, and then section 3.

The PRESIDENT *pro tempore*. The Chair will put the question on the amendment reported by the committee as section 2.

The following amendment, proposed as section 2, was read:

SEC. 2. That the following sums be, and the same are hereby, appropriated out of any money in the Treasury not otherwise appropriated, namely:

To enable the Clerk of the House of Representatives to pay Jonn E. Kelley, for services as messenger to the Committee of Ways and Means during the present session of Congress, at the rate of $1,000 per annum.

To supply a deficiency in the appropriation for stationery and newspapers for the House of Representatives for the fiscal year 1879, $800.

To supply a deficiency in the appropriation for pay of folders for the Senate for the fiscal year 1879, $100.

To enable the Secretary of the Senate to pay Wilbur F. McDaniel for services as messenger to Senate document-room, under resolution of the Senate of May 20, 1879, for the fiscal year 1879, $80, and for the fiscal year 1880, $720; in all, $800.

The next amendment of the Committee on Appropriations was to insert as an additional section the following:

SEC. 3. That the Secretary of the Senate be, and he is hereby, directed to pay, out of the miscellaneous items of the contingent fund of the Senate, to the following officers and employés of the Senate whose services have ceased since the beginning of the present session, and who were not embraced in the provisions of the "joint resolution fixing the date on which the pay of committee clerks, pages, and laborers of the House of Representatives, who are paid during the session only, shall begin for this session, and for other purposes," namely, the chief clerk, the executive clerk, the chaplain, the assistant postmaster, and the clerks to committees receiving annual salaries, a sum equal to one month's pay at the rate per annum they were paid respectively when their employment ceased.

Mr. DAVIS, of West Virginia. I move to amend in line 5, after the word "session," by inserting:

And who are not now in the employ of the Senate.

The amendment to the amendment was agreed to.

Mr. DAVIS, of West Virginia. Now, in line 11, after the word "postmaster," I move to insert:

The clerk to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. ALLISON. I suggest that that should be put in after the word "salaries," in line 12.

Mr. DAVIS, of West Virginia. I think I have got it in the right place.

Mr. ALLISON. I do not care about pressing the matter if the chairman is satisfied he has got it right.

The amendment to the amendment was agreed to.

Mr. ALLISON. I move to add after line 14 at the end of the section:

And that there be paid, out of any moneys in the Treasury not otherwise appropriated, one month's pay to each of the persons discharged from the Treasury Department by reason of reduction in the force under the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes."

I desire to make a brief explanation of this amendment. In the legislative bill, which has just become a law, there was a provision deducting from the force in one of the bureaus of the Treasury twenty-eight female employés, of which twenty-eight there were transferred seven to one bureau and five to another, leaving sixteen employés who will be absolutely discharged on the 1st of July, in a few days. Happening in the Treasury Department this morning, this matter was called to my attention by the Assistant Secretary saying that we had failed to make the usual provision for the one month's pay to these employés. That has been usual; at any rate it has been done in several instances where there has been a permanent reduction

of the force. Of course I have had no opportunity of presenting this matter to the Committee on Appropriations. I think it is a meritorious thing to do. It is the customary thirty days' additional pay to a meritorious class of employés. I have a letter from the Assistant Secretary, in which he says:

I send you herewith a draught of an amendment to the bill which you spoke of this morning as pending in the Senate Committee on Appropriations. If it can be passed, it will be a great relief to a number of poor women who will be discharged during this week.

I think there are twelve or fourteen in all.

Mr. DAVIS, of West Virginia. In the first place, this is subject to objection——

Mr. ALLISON. I do not think it is subject to objection. This is not a regular appropriation bill. It is a joint resolution originating in the Senate. I have a right to offer any amendment I choose.

Mr. DAVIS, of West Virginia. That is a question. However, on the merits, the measure ought not to be put on this resolution. There is not a day that there is not some one discharged from some one of the Departments; there has not been a day in the last ten years, I presume, that something of that kind has not occurred. What is the case here? They had more clerks in the Treasurer's office than were necessary; they had less in other offices; consequently the Appropriations Committee in the regular bill named less for the Treasurer's office and more for other offices. As the Senator has said, seven have been transferred to one office and five to another.

Instead of this being usual, it is very unusual, I think. During my service of eight years I do not think a single case of the kind has occurred. If we are to go through the Departments and give thirty days' extra pay to all persons who are dismissed or dropped, when will it end and where will it go? This is a new thing entirely, so far as my experience goes. It may have been done many years ago, possibly, but I think the Senator will admit that within the last ten years, at any rate, it has not been done. If you begin, where will you stop? To-morrow fourteen other clerks may be dismissed, equally meritorious, and we shall have to provide for them. The Department has not asked this, as I understand. It is true the Senator has a letter which has not been read yet.

Mr. ALLISON. I will hand it to the Senator and he can read it.

Mr. DAVIS, of West Virginia. I want Senators to hear it. Let it be read from the desk.

Mr. ALLISON. I have read it all.

Mr. DAVIS, of West Virginia. I understand the Assistant Secretary says in that letter that if this is done fourteen in number of meritorious persons will get thirty days' extra pay. That could be said every day in the year. I think it a very dangerous thing. It is something that never has been done and never ought to be done. The Departments can take care of themselves, and they do not ask Congress to make special appropriations for their employés. They have a contingent fund. It is true they cannot pay such things from that, but they usually, as I understand, allow the employés certain privileges. That is a matter of departmental regulation and not of law, as I understand. I think this will be a precedent that will cost I hardly know what in time and in money; therefore I think upon the merits, though I believe the amendment is subject to objection, which I will reserve, it ought not to be done.

The PRESIDENT *pro tempore*. Does the Senator make a point of order that the amendment is out of order? Because now is the time to make it if the Senator intends to make it.

Mr. DAVIS, of West Virginia. I understand that under the usage the point can be reserved, and I certainly will make the point of order unless the Senator wants to say something. If so, I do not want to cut him off; I want him to be heard.

The PRESIDENT *pro tempore*. In the opinion of the Chair, after the amendment has been adopted the point of order would come too late.

Mr. DAVIS, of West Virginia. Of course I agree with the Chair, after it is adopted; the point must be made before it is adopted. But the Senator from Iowa wishes to be heard, and if so, he would rather be heard probably before the point of order is made.

Mr. ALLISON. I, of course, have no interest in this matter. I do not know a single person to be affected by it; I have no knowledge of these persons whatever. I only know that within a day or two we have passed a bill which cuts off a few meritorious employés in the Treasury without giving them notice. Now, the Senator from West Virginia says that people are being discharged every day from the Treasury. That is true. If they are discharged for cause, they are discharged without extra pay, but I think I can state without fear of contradiction that in every Department of this Government where persons are discharged, ordinarily they have thirty days' leave always given to them; that is, they are allowed thirty days' additional pay. That is the uniform custom in all the Departments.

Mr. KERNAN. Does my friend think that should be so uniform a practice? What reason is there for it?

Mr. ALLISON. I think the Secretary of the Treasury or the Secretary of the Interior would not find it very difficult to find a reason for such a measure, when from the beginning of the Government we have given this extra pay to our own employés; and the reason why it applies to those of the two Houses should naturally apply to those of the Departments.

The Senator says there is no precedent. I remember a marked precedent, and the Senator will when his attention is called to it. In 1876, when we had a long controversy with reference to the employés in the Treasury and a reduction of the force, we gave every one of the discharged employés sixty days' pay. They were cut off immediately by the bill without notice, and it was said that most of them had not money enough to go to their homes in the States, and we passed a law giving them sixty days' pay instead of thirty.

It is an almost uniform rule. I cannot of course call attention now to the particular instances; but I know of a great many instances in my own recollection during my service here where, when we reduced the force, we have allowed thirty days' additional pay. We have reduced the force here in one particular bureau of this Government by cutting off twenty-eight female employés and then provided for twelve of them in another, leaving, I believe, sixteen who will be compelled to go out in a few days without any compensation and without any notice. All that is proposed is to give these people thirty days' pay. It is a meritorious thing; it is a just thing. I do not know one of these employés; I have no knowledge on the subject except that I am not willing, when my attention is called to it, not to provide for them, or at least not to call the attention of the Senate to the fact. I trust the Senate will adopt this amendment and provide for them in the way I propose.

Mr. BECK. I think the only difficulty in the way of the merits of this case is that the Treasurer of the United States last December told Congress that he had that many more people than he needed, that he did not want them, and yet he has kept them from that day to this when he had no use for them, doing nothing, and now he wants thirty days' extra pay for them. He told us in his report that he had no use for them in that Department and did not want them. So he said, and yet he has had them five months absolutely doing nothing.

Mr. ALLISON. These people are now employed, and the force is reduced by reason of our action.

Mr. BECK. I beg pardon. We reduced it because the Treasurer in his report last December told us he had no use for them.

Mr. ALLISON. For the next fiscal year.

Mr. DAVIS, of West Virginia. I think the amendment is subject to a point of order: first, it is not estimated for by any Department; and, secondly, it comes from no committee.

The PRESIDENT *pro tempore*. The Chair will rule that the Senate decided it on the 1st day of May of this present year on a motion by the Senator from Kansas to amend House bill No. 1343. The Senate by a vote of 33 to 23 decided that that bill was not a general appropriation bill. If that bill was not an appropriation bill, *a multo fortiori* this is not; and therefore the Chair overrules the point of order; and the question is on the amendment offered by the Senator from Iowa.

Mr. DAVIS, of West Virginia. I was in great doubt about it myself, but I am satisfied now that according to the decision of the Senate at that time the Chair is right. Upon the facts in the case, however, I thought the Senate was wrong then.

The PRESIDENT *pro tempore*. So did I, but the majority thought the other way.

Mr. DAVIS, of West Virginia. I have no desire to prolong this debate. It is so clear to me that this precedent is dangerous that I think it hardly necessary to add anything to what the Senator from Kentucky and myself have said. Even the Senator that proposes the amendment tells you it was a sort of sympathetic move of his. Being at the Treasury Department this morning and learning that some ladies were to be discharged, for whom he has great sympathy, in his goodness of heart he comes here and offers the amendment in the Senate. There is something in that; but when we are voting on our judgment of what is right or wrong, leaving out of the question for the time being our sympathies, I think it hardly possible the Senate will think of adopting such a proposition. I submit the matter to the Senate.

The PRESIDING OFFICER, (Mr. COCKRELL in the chair.) The question is on the amendment proposed by the Senator from Iowa.

The question being put, there were on a division—ayes 23, noes 15; no quorum voting.

Mr. EATON and Mr. HARRIS called for the yeas and nays, and they were ordered.

Mr. BECK. I have only one word to say as the yeas and nays are to be taken. This just establishes the principle that everybody discharged from the Government employment under any circumstances shall be entitled to thirty days' pay, from this time on. This is a case where the Treasurer of the United States himself in his report to us said he had that many more people than he needed. He has had them ever since December. They have been drawing pay when there was no use for their work, I suppose, from that time; and now they are to get thirty days' pay when they go out, and if they happen to be favorites they will be in somebody else's place in less than twenty-four hours after they are out, because he can dismiss whom he pleases and appoint whom he pleases. You pay them for the thirty days, and they will get somebody else's place in less than twenty-four hours, in all probability. If that is to be the rule established by the Senate, let it be done on the yeas and nays.

Mr. ALLISON. I do not wish to prolong the debate. This amendment provides for those who are discharged from the Treasury because of a reduction of the force.

Mr. KIRKWOOD. Discharged by operation of law.

Mr. ALLISON. Discharged by operation of law, and not by operation of a law giving them notice of their discharge, but by the operation of a law passed within two or three or four days of the time of their discharge. If they had been notified a month ago, I should have been the last person to propose paying them; but when persons are suddenly dropped from the roll, not on account of any fault of their own but because of congressional action or for other reasons, it has been the uniform custom to pay in such cases.

The Secretary proceeded to call the roll.

Mr. INGALLS. I am paired on all questions for the remainder of the session with the Senator from Virginia, [Mr. WITHERS,] who has been compelled to leave the city. I should be glad to vote for this amendment, but as I do not know how he would vote I refrain from voting.

Mr. McMILLAN. I do not understand this to be a political question, and therefore I vote.

The result was announced—yeas 26, nays 15; as follows:

YEAS—26.

Allison,	Cameron of Pa.,	Kirkwood,	Ransom,
Anthony,	Cameron of Wis.,	Logan,	Rollins,
Blair,	Chandler,	McMillan,	Saunders,
Booth,	Conkling,	Maxey,	Whyte,
Burnside,	Davis of Illinois	Morrill,	Windom.
Butler,	Garland,	Paddock,	
Call,	Groome,	Platt,	

NAYS—15.

Beck,	Eaton,	Jones of Florida,	Vest,
Cockrell,	Harris,	Pendleton,	Wallace,
Coke,	Hereford,	Randolph,	Williams.
Davis of W. Va.,	Houston,	Slater,	

ABSENT—35.

Bailey,	Gordon,	Jonas,	Saulsbury,
Bayard,	Grover,	Jones of Nevada,	Sharon,
Blaine,	Hamlin,	Kellogg,	Teller,
Bruce,	Hampton,	Kernan,	Thurman,
Carpenter,	Hill of Colorado,	Lamar,	Vance,
Dawes,	Hill of Georgia,	McDonald,	Voorhees,
Edmunds,	Hoar,	McPherson,	Walker,
Farley,	Ingalls,	Morgan,	Withers.
Ferry,	Johnston,	Plumb,	

So the amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on the amendment reported by the committee as section 3, as amended.

Mr BECK. I call for the yeas and nays.

The yeas and nays were ordered.

Mr. DAVIS, of West Virginia. This is an important question, but I do not intend to detain the Senate longer than a moment. We are now setting a precedent that may cost the country a great many million dollars. The Senator from Iowa has offered an amendment which I do not recollect the words of, but I would amend it by adding "provided that they have served up to the time of dismissal," for I believe these very employés who have been out of the service for some time will be paid.

Mr. ALLISON. I have no objection to such a proviso.

Mr. DAVIS, of West Virginia. I am opposed to it even with that amendment, but that amendment ought to be added.

Mr. CONKLING. What does the Senator mean? I do not think I understand him.

Mr. DAVIS, of West Virginia. The Senator of course has not listened to the discussion. The amendment of the Senator from Iowa pays certain employés of the Treasury who are dismissed by the legislative bill passed a few days ago. If we are to establish that precedent, if we are to pay all the employés who are dismissed from any Department, it will cost in time many millions of dollars.

The Senator from Iowa says he has no objection to an amendment adding a proviso:

Provided, That the persons discharged have remained in the service up to the 30th of June.

Mr. DAVIS, of Illinois. The letter of the Assistant Secretary to the Senator from Iowa would be a fraud and a deceit if they were discharged before.

Mr. DAVIS, of West Virginia. The amendment I suggest can do no harm.

Mr. DAVIS, of Illinois. But I cannot see any necessity for it.

The PRESIDING OFFICER. Will the Senator from West Virginia please indicate his amendment?

Mr. DAVIS, of West Virginia. Let it come in at the end of the amendment of the Senator from Iowa:

Provided, The clerks so dismissed are in the service on the 30th of June.

Mr. ALLISON. I submit to the Senator from West Virginia that the present language covers what he desires:

And that there be paid out of any money in the Treasury not otherwise appropriated one month's pay to each of the persons discharged from the Treasury Department by reason of the reduction in the force under the act entitled, &c.

Mr. DAVIS, of West Virginia. I submit to my friend from Iowa that any one struck from the rolls during the present month will get pay under that, and it may be they have had the usual thirty days' leave of absence knowing that they would be dismissed on the 30th of June, because this was recommended last December. The Treasurer recommended this reduction last December, and it has been contained in each of the three legislative appropriation bills that have been passed.

The PRESIDING OFFICER. The proviso offered by the Senator from West Virginia will now be read for information.

The CHIEF CLERK. At the end of the last amendment it is proposed to insert:

Provided, That this additional month's pay shall only be allowed to such of the said Treasury employés as are in the service on the 30th of June, 1879.

Mr. BECK. I understand this clause now simply to mean that as the Treasurer had no sort of use for these employés on the 1st day of January or perhaps on the 1st day of December—they have been drawing their pay with great regularity I have no doubt, but I have not the least idea that any one of them has done any work for the last six months except drawing their pay—they shall now get a bonus of a month's extra pay. I desire to vote against the section anyhow, and am glad that the yeas and nays are ordered; perhaps mine will be the only vote against it.

The original resolution made provision for the pages and for the men who were only getting $2 a day and the laborers during the session who had to go home and pay their railroad fare and had to come back, all at their own expense. That was wise, it being supposed that the Chief Clerk, who was receiving $3,000 a year salary; the Executive Clerk, who was receiving $2,592 a year; clerks of committees, who were receiving an annual pay, even if they were only three months employed, of $2,220; the assistant postmaster, receiving $2,100, could get along without thirty days' extra pay. The addition of these men did not seem to me to be necessary. A man who is receiving $2,100, or $3,000, or $2,500 a year is not very much an object of charity. Therefore I did not see that there was much merit in section 3 even as to those worthy people who have been drawing pay for six months and are entitled to draw it for another month, and that is why I should like a yea-and-nay vote.

Mr. ALLISON. The force in this bureau was reduced twenty-eight, it being a large force. The Treasurer notified Congress that he could reduce his force for the next fiscal year twenty-eight, and therefore he did not ask an appropriation for as many employés next year as this year. It is perfectly manifest that up to this hour the people who are there employed do not know whether they are to go or not, and there will not be a practical selection of the people who must go until within the next few days, so that it has been impossible for them to have notice that they were to go. That is all there is of that.

As to the other proposition of the Senator from Kentucky, I have nothing to say. That is part of the bill reported by the Committee on Appropriations, and I shall vote for it with pleasure.

Mr. BECK. It was reported by a majority of the committee. I have nothing to say as to who voted one way or the other. I desire to vote against it now. The same law that enabled the Treasurer to tell us last December that he had no use for these people has been in force for a whole year, and yet he has kept all these supernumeraries under the pay of the Government, notwithstanding his own statement that he had no use for them, no work for them to do, no service for them to render. Instead of dismissing them he has kept them.

Mr. DAVIS, of Illinois. Suppose all that to be so, these ladies who are to be discharged did not know that they were the ones who were to be discharged. The point is whether these particular persons knew, or can tell even now, who will be discharged and who not?

Mr. BECK. I cannot say whether they knew or not. I cannot answer that question.

Mr. DAVIS, of Illinois. Of course they did not know.

Mr. BECK. But the Treasurer could very well let that number know, if he desired.

Mr. DAVIS, of Illinois. But that is not the point, whether the Secretary of the Treasury or the Treasurer did wrong. The question is whether this allowance should not be made to the ladies who are to be notified on the 30th of June that they will not be longer needed. By the operation of law twenty-eight female clerks are to be discharged, and the Secretary of the Treasury selects them. We give our employés here fifteen and thirty day's pay, grown men. I think it is a small business to refuse it to these ladies when they are discharged in this way without notice.

Mr. BECK. He has the absolute right and he will exercise it, I have no doubt in many instances, to reappoint these very people the next morning to the exclusion of anybody he does not like quite as well.

Mr. DAVIS, of West Virginia. I want to say only one word to my friend from Illinois. He stated that we give our Senate employés thirty days' extra pay. We do so provide for the Senate employés who get a per diem, but not for those who have annual salaries. The thirty days' allowance never reaches the annual employés.

Mr. DAVIS, of Illinois. Because you never turn them out.

Mr. DAVIS, of West Virginia. Oh, yes, they are often changed.

Mr. DAVIS, of Illinois. I would rather these ladies should have some money when they are discharged so that they can get out of town. Their salaries are barely enough to support them, and when they are turned out in this way some allowance should be made.

Mr. KIRKWOOD. I happen to know that the persons who are to be relieved have not been designated; they do not know yet who is to go. The Assistant Secretary whose duty it is to make the discharges does not know yet whom he will discharge. It was only on Saturday last that the bill requiring the discharge became a law.

The PRESIDING OFFICER. The question is on the amendment of the Senator from West Virginia to the amendment.

The amendment to the amendment was agreed to.

The PRESIDING OFFICER. The question is on the amendment reported as section 3, as amended.

Mr. INGALLS. If the motion should prevail, will the bill be still open to amendment?

The PRESIDING OFFICER. Certainly.

Mr. INGALLS. I shall desire to offer an amendment.

The question being taken by yeas and nays, resulted—yeas 30, nays 10; as follows:

YEAS—30.

Allison,	Cameron of Pa.,	Hereford,	Platt,
Anthony,	Cameron of Wis.,	Jones of Florida,	Ransom,
Bayard,	Chandler,	Kirkwood,	Rollins,
Blair,	Conkling,	Logan,	Saunders,
Booth,	Davis of Illinois,	McMillan,	Whyte,
Burnside,	Garland,	Maxey,	Windom.
Butler,	Groome,	Morrill,	
Call,	Grover,	Paddock,	

NAYS—10.

Beck,	Davis of W. Va.,	Slater,	Williams.
Cockrell,	Harris,	Vest,	
Coke,	Houston,	Walker,	

ABSENT—36.

Bailey,	Gordon,	Jones of Nevada,	Randolph,
Blaine,	Hamlin,	Kellogg,	Saulsbury,
Bruce,	Hampton,	Kernan,	Sharon,
Carpenter,	Hill of Georgia,	Lamar,	Teller,
Dawes,	Hill of Colorado,	McDonald,	Thurman,
Eaton,	Hoar,	McPherson,	Vance,
Edmunds,	Ingalls,	Morgan,	Voorhees,
Farley,	Johnston,	Pendleton,	Wallace,
Ferry,	Jonas,	Plumb,	Withers.

So the amendment, as amended, was agreed to.

Mr. INGALLS. I offer the following as an additional section:

That for the purpose of providing for certain judicial expenses of the Government for the fiscal year ending June 30, 1880, the following sums are hereby appropriated out of any money in the Treasury not otherwise appropriated:

For payment of district attorneys and their assistants, $300,000;
For fees of clerks, $160,000;
For fees of United States commissioners, $140,000;
For fees of United States marshals and their deputies, $600,000;
For fees of jurors, $400,000;
For fees of witnesses, $550,000.
For support of United States prisoners, $193,000.
For rent of United States court-rooms, $67,000.

For expenses of bailiffs, criers, stationery, fuel, lights, furniture, watchmen and janitors, cleaners and sweepers, extra meals for impaneled jurors, transportation of prisoners, moving of records, salaried officers of the Government summoned as witnesses, travel in collecting evidence in United States cases, for holding seizures, for fees of justices of the peace acting as United States commissioners, for stenographers, for *post-mortem* examinations, for expenses of judges holding extra terms of court outside their districts, of interpreters, fees to township officers in summoning jurors, extra pay to experts as witnesses, for storage for surveys required as evidence, and for all other necessary miscellaneous expenditures, $250,000; making, in all, the sum of $2,690,000.

Mr. WHYTE. I inquire of the Senator from Kansas if this is not the same bill that the President vetoed yesterday?

Mr. INGALLS. No, sir; it is the same bill that passed the House making appropriations for certain judicial expenditures, divested of all political features, and all modifications of the jury law.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Kansas as an additional section to the joint resolution.

Mr. DAVIS, of West Virginia. I did not catch what the Senator said about it exactly. Will he be kind enough to explain what his amendment contains?

Mr. INGALLS. It contains the provisions and items of appropriation of the bill that passed the House making appropriations for certain judicial expenses of the Government; it contains no political features, and is divested of all attempted modification of the jury system. It is strictly in accordance with the estimates that have been furnished to the Senate by the Department of Justice, and has already been acted upon favorably by the Appropriations Committees of both Houses.

Mr WALLACE. I move to amend the amendment by adding the following:

That the sums appropriated in this act for the persons and public service embraced in its provisions are in full for such persons and public service for the fiscal year ending June 30, 1880; and no Department or officer of the Government shall, during said fiscal year, make any contract or incur any liability for the future payment of money under any of the provisions of title 26 of the Revised Statutes of the United States authorizing the appointment or payment of general or special deputy marshals for service in connection with elections or on election day until an appropriation sufficient to meet such contract or pay such liability shall have first been made by law.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Pennsylvania to the amendment of the Senator from Kansas.

Mr. CONKLING. Is this in order?

The PRESIDING OFFICER. No point of order has been made upon it.

Mr. CONKLING. I make the point. This amendment is general legislation.

Mr. DAVIS, of West Virginia. This has been decided by the Chair this morning not to be a regular appropriation bill. If it was I should object to the whole thing, because the original amendment comes from no committee and from no Department in this shape. The question of order as to this being legislation would not apply, this not being a general appropriation bill.

The PRESIDING OFFICER. The Senator from New York has not stated his question of order yet; the Chair will hear it.

Mr. CONKLING. The rule is:

No amendment which proposes general legislation shall be received to any general appropriation bill—

It is to that part of the rule that the Senator from West Virginia has been speaking—

nor shall any amendment not germane or relevant to the subject-matter contained in the bill be received; nor shall any amendment to any item or clause of such bill be received which does not directly relate thereto; and all questions of relevancy of amendments under this rule, when raised, shall be submitted to the Senate and be decided without debate; and any amendment to a general appropriation bill may be laid on the table without prejudice to the bill.

Does the Senator from West Virginia say that the Senate to-day ruled that this pending bill is not a general appropriation bill?

Mr. DAVIS, of West Virginia. I do not think the Senator from New York was in his seat at the time.

Mr. CONKLING. I will take the Senator's word for it, if he says so.

Mr. DAVIS, of West Virginia. Yes, sir.

Mr. CONKLING. Then I do not think my point of order is a good one, Mr. President.

The PRESIDING OFFICER. The Chair agrees with the Senator from New York.

Mr. CONKLING. I thought I should be able to gain the assent of the Chair to that proposition.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Pennsylvania to the amendment of the Senator from Kansas.

Mr. CHANDLER called for the yeas and nays, and they were ordered; and the Secretary proceeded to call the roll.

Mr. ANTHONY, (when his name was called.) I am paired on this question with the Senator from Georgia, [Mr. GORDON.] If he were here, I should vote "nay."

Mr. BUTLER, (when his name was called.) On all political questions I am paired with the Senator from Kansas, [Mr. PLUMB.] If he were here, he would vote "nay" and I should vote "yea."

Mr. GROVER, (when his name was called.) On political questions I am paired with the senior Senator from Maine, [Mr. HAMLIN.] If he were present, I should vote "yea."

Mr. INGALLS, (when his name was called.) I am paired with the Senator from Virginia, [Mr. WITHERS.]

Mr. McMILLAN, (when his name was called.) I am paired on political questions with the Senator from New Jersey, [Mr. MCPHERSON.] I am not advised as to whether this is a political question or not. If it is not, I desire to vote "nay."

Mr. WALLACE. I am satisfied that if the Senator from New Jersey were here, he would vote "yea."

Mr. McMILLAN. Then on the statement of the Senator from Pennsylvania I withhold my vote. I would vote "nay" and the Senator from New Jersey would vote "yea" if he were present.

Mr. WHYTE, (when his name was called.) On all political questions I am paired with the Senator from Maine, [Mr. BLAINE.] If he were present, I would vote "yea."

The roll-call was concluded.

Mr. CAMERON, of Pennsylvania, (after having voted in the negative.) I withdraw my vote. I inadvertently voted. I am paired with the Senator from Indiana, [Mr. VOORHEES,] he being absent to-day.

Mr. CAMERON, of Wisconsin. On this vote I am paired with the Senator from Louisiana, [Mr. JONAS.] I am requested also to announce that the Senator from Connecticut [Mr. PLATT] is paired with the Senator from North Carolina, [Mr. RANSOM.]

Mr. PADDOCK. The Senator from Kansas [Mr. PLUMB] is paired on political questions with the Senator from South Carolina, [Mr. BUTLER.]

Mr. McDONALD. I desire to state that my colleague [Mr. VOORHEES] is paired with the Senator from Pennsylvania, [Mr. CAMERON.]

Mr. HEREFORD, (after having voted in the affirmative.) Some time ago, when the Senator from Massachusetts [Mr. HOAR] left here, he asked me to pair with him for a week on political questions. The week has expired, but I will nevertheless decline to vote and ask that my vote be not recorded. If I were at liberty to vote, I should vote "yea."

Mr. ROLLINS. The Senator from Massachusetts [Mr. DAWES] is paired with the Senator from Georgia [Mr. HILL] on all political questions. The Senator from Massachusetts, if present, would vote "nay."

The result was announced—yeas 27, nays 15; as follows:

YEAS—27.

Bailey,	Eaton,	Kernan,	Slater,
Bayard,	Garland,	McDonald,	Vance,
Beck,	Groome,	Maxey,	Vest,
Call,	Hampton,	Morgan,	Walker,
Cockrell,	Harris,	Pendleton,	Wallace,
Coke,	Houston,	Randolph,	Williams.
Davis of W. Va.,	Jones of Florida,	Saulsbury,	

NAYS—15.

Allison,	Chandler,	Kirkwood,	Rollins,
Blair,	Conkling,	Logan,	Saunders,
Booth,	Ferry,	Morrill,	Windom,
Burnside	Hill of Colorado	Paddock	

ABSENT—34.

Anthony,	Edmunds,	Johnston,	Ransom,
Blaine,	Farley,	Jonas,	Sharon,
Bruce,	Gordon,	Jones of Nevada,	Teller,
Butler,	Grover,	Kellogg,	Thurman,
Cameron of Pa.,	Hamlin,	Lamar,	Voorhees,
Cameron of Wis.,	Hereford,	McMillan,	Whyte,
Carpenter,	Hill of Georgia,	McPherson,	Withers.
Davis of Illinois,	Hoar,	Platt,	
Dawes,	Ingalls,	Plumb,	

So the amendment to the amendment was agreed to.

Mr. WALLACE. I move to further amend the amendment of the Senator from Kansas, as follows:

And no part of the money hereby appropriated is appropriated to pay any salaries, compensation, fees, or expenses under or in virtue of title 26 of the Revised Statutes, or of any provision of said title.

SEC. —. That the per diem pay of each juror, grand or petit, in any court of the United States, shall be $2, and that the last clause of section 800 of the Revised Statutes of the United States, which refers to the State of Pennsylvania, and sections 801, 820, and 821 of the Revised Statutes of the United States, are hereby repealed; and that all such jurors, grand and petit, including those summoned during the session of the court, shall be publicly drawn from a box containing, at the time of each drawing, the names of not less than three hundred persons, possessing the qualifications prescribed in section 800 of the Revised Statutes, which names shall have been placed therein by the clerk of such court and a commissioner, to be appointed by the judge thereof, which commissioner shall be a citizen of good standing, residing in the district in which such court is held, of good standing, and a well-known member of the principal political party opposing that to which the clerk may belong, the clerk and said commissioner each to place one name in said box alternately, without reference to party affiliations, until the whole number required shall be placed therein. But nothing herein contained shall be construed to prevent any judge in a district in which such is now the practice from ordering the names of jurors to be drawn from the boxes used by the State authorities in selecting jurors in the highest courts of the State; and no person shall serve as a petit juror more than one term in any one year, and all juries to serve in courts after the passage of this act shall be drawn in conformity herewith: *Provided*, That no citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States on account of race, color, or previous condition of servitude.

The PRESIDING OFFICER. The question is on the adoption of this amendment proposed by the Senator from Pennsylvania to the amendment of the Senator from Kansas.

Mr. WINDOM called for the yeas and nays; and they were ordered.

Mr. DAVIS, of West Virginia. I move that the Senate do now adjourn.

Mr. CONKLING. Let us have the yeas and nays on that.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BUTLER, (when his name was called.) I should like to inquire if this is a political question.

The PRESIDING OFFICER. The Chair cannot answer.

Mr. BUTLER. I am paired with the Senator from Kansas [Mr. PLUMB] on political questions. I shall withhold my vote for the present.

Mr. CAMERON, of Wisconsin, (when his name was called.) I am paired for this day with the Senator from Louisiana, [Mr. JONAS.] I would vote "nay" if at liberty to do so.

Mr. CONKLING, (when his name was called.) The honorable Senator from Connecticut [Mr. EATON] is absent—absent as I understood him to say upon the service of his country. He requested me to pair with him upon all political questions; I am informed this is one; therefore I do not vote.

Mr. GROVER, (when his name was called.) I am paired with the senior Senator from Maine, [Mr. HAMLIN.] If he were here, I should vote "yea."

Mr. McMILLAN, (when his name was called.) I am paired on all political questions with the Senator from New Jersey, [Mr. MCPHERSON.] He would vote "yea" and I should "nay" if he were here.

Mr. RANDOLPH, (when his name was called.) I am paired on all political questions with the Senator from Maine, [Mr. BLAINE,] and shall be for the remainder of the session.

Mr. McDONALD, (when Mr. VOORHEES's name was called.) I will state that my colleague [Mr. VOORHEES] is paired with the Senator from Pennsylvania, [Mr. CAMERON.]

Mr. WHYTE, (when his name was called.) I have been paired up to the present vote with the Senator from Maine, [Mr. BLAINE,] but by an arrangement the pair has been transferred to the Senator from New Jersey, [Mr. RANDOLPH,] and therefore I am free to vote. I shall vote "yea."

The roll-call was concluded.

Mr. CAMERON, of Pennsylvania. I am paired with the Senator from Indiana, [Mr. VOORHEES.]

Mr. ANTHONY. This question seems to have taken a political turn; I do not know how. Therefore I decline to vote, being paired with the Senator from Georgia, [Mr. GORDON.]

Mr. ROLLINS. The Senator from Massachusetts [Mr. DAWES] is paired with the Senator from Georgia, [Mr. HILL.] The Senator from Massachusetts, if present, would vote "nay."

The result was announced—yeas 28, nays 14; as follows:

YEAS—28.

Bailey,	Davis of W. Va.,	Kernan,	Slater,
Bayard,	Garland,	Maxey,	Vance,
Beck,	Groome,	McDonald,	Vest,
Call,	Hampton,	Morgan,	Walker,
Cockrell,	Harris,	Pendleton,	Wallace,
Coke,	Houston,	Ransom,	Whyte,
Davis of Illinois,	Jones of Florida,	Saulsbury,	Williams.

NAYS—14.

Allison,	Chandler	Logan,	Rollins,
Blair,	Ferry,	Morrill,	Windom.
Booth,	Hill of Colorado,	Paddock,	
Burnside,	Kirkwood,	Platt,	

ABSENT—34.

Anthony,	Eaton,	Ingalls,	Randolph,
Blaine,	Edmunds,	Johnston,	Saunders,
Bruce,	Farley,	Jonas,	Sharon,
Butler,	Gordon,	Jones of Nevada,	Teller,
Cameron of Pa.,	Grover,	Kellogg,	Thurman,
Cameron of Wis.,	Hamlin,	Lamar,	Voorhees,
Carpenter,	Hereford,	McMillan,	Withers.
Conkling,	Hill of Georgia,	McPherson,	
Dawes,	Hoar,	Plumb,	

So the motion was agreed to; and (at two o'clock and eleven minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June* 24, 1879.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate withdrew the request heretofore made of the House for the return of the bill (H. R. No. 2329) authorizing the Conway National Bank of Conway, Massachusetts, to change its location and name.

The message further announced that the Senate had passed, without amendment, a bill of the House of the following title:

A bill (H. R. No. 2264) to amend section 1, page 234, volume 20, United States Statutes at Large, Forty-fifth Congress.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House was requested, bills of the following titles:

A bill (H. R. No. 609) to prescribe the time for holding the circuit and district courts of the United States for the district of Kentucky; and

A bill (H. R. No. 2274) concerning the Legislative Assembly of the Territory of Montana.

LETTER-CARRIERS.

Mr. COX. I ask unanimous consent to take from the Speaker's table a bill known as the letter-carriers bill, being the bill of the House No. 2002, making additional appropriations for the service of the Post-Office Department for the fiscal years ending June 30, 1879, and June 30, 1880. The bill has been returned from the Senate with amendments. My object is to move a non-concurrence in the amendments of the Senate, and to ask for a committee of conference.

Mr. GARFIELD. That is right.

Mr. HAWLEY. As there are many additions to the bill made by the Senate in the form of appropriations, I would suggest that perhaps it would be quite proper to refer the bill and amendments to the Committee on Appropriations.

Mr. COX. I think we have an understanding about the matter. There are a great many amendments to the bill which are entirely irrelevant, and we want a conference upon it. I move a non-concurrence in the Senate amendments.

Mr. O'NEILL. I hope the amendments will be non-concurred in.

There being no objection, the bill, with the Senate amendments thereto, was taken from the Speaker's table and the amendments of the Senate were non-concurred in.

Mr. COX moved to reconsider the vote by which the amendments of the Senate were non-concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. COX moved that a conference be requested of the Senate on the disagreeing votes of the two Houses on the bill.

The motion was agreed to.

The SPEAKER subsequently announced the appointment of Mr. COX, Mr. CLYMER, and Mr. CANNON of Illinois, as the conferees on the part of the House.

REPORTS OF CENTENNIAL COMMISSION.

Mr. HAWLEY. I am authorized unanimously by the Committee on Appropriations to introduce the joint resolution which I send to the Clerk's desk.

Mr. TOWNSHEND, of Illinois. I desire to reserve all objections until the joint resolution is read.

The SPEAKER. That is the right of the gentleman.

The joint resolution to provide for the purchase of the stereotype plates of the final reports of the centennial commission upon the centennial exhibition of 1876 was read. It appropriates the sum of $8,600 to purchase the stereotype plates of the final reports of the centennial commission upon the centennial exhibition of 1876, as transmitted by the United States centennial commission, said plates being now in the hands of the centennial board of finance, the plates,

with the copyright duly assigned, to be delivered to the Public Printer.

There being no objection, the joint resolution (H. R. No. 113) was received and read a first and second time.

The question was upon ordering the joint resolution to be engrossed and read a third time.

Mr. HAWLEY. If an explanation is needed by the House, I shall be happy to give it. I will say that this joint resolution has the approval of the Committee on Printing, (Mr. SINGLETON, chairman,) and the unanimous approval of the Committee on Appropriations.

Mr. BRIGHT. I would like to hear a brief explanation of the joint resolution.

Mr. HAWLEY. I will give it in a few words. The law constituting the centennial commission provided that it should from time to time make reports of its progress, and on the conclusion of the exhibition should make a full and final report of the results of that exhibition. The commission has done so.

The centennial board of finance, which was the associate financial corporation, having possession of all the property of the commission and being sustained by private and corporate subscriptions, prepared the stereotype plates for these reports. The plates make eleven volumes. We have consulted with the Public Printer and he is of the opinion that they can be condensed into eight volumes. The plates from which the centennial commission and the board of finance have printed a few hundred copies, chiefly that foreign governments might obtain early copies of the work, are the private property of the board of finance. That board is a private corporation, its stock having been taken by private subscription.

The centennial commission made its full and final report last March to the President. Both Houses have already ordered the printing of a limited number of these reports. In order to carry out that direction of Congress, as a matter of economy Congress should obtain these stereotype plates. They have been prepared at a cost of $60,000, by reason of the long time required and many corrections, and contain many valuable illustrations.

The Government Printer says that the plates could be reproduced by the Government only at a cost of some $35,000. The board of finance offers them to the Government for $8,600. Why that precise figure? Because the board has been offered by private publishers the sum of $8,500 for the plates; but being required to account to their stockholders for all the property, the board has put an additional hundred dollars to the amount offered by private publishers, because they desire the Government to have the plates and do not desire that they shall be sold to private parties. The type cannot be reset and the plates reproduced at a less cost than $35,000. They are elegantly illustrated, and are now ready to be put in the hands of the Public Printer. He cannot do the work already ordered by Congress without an expenditure of at least $25,000 more than it would cost if we buy these plates.

Mr. BRIGHT. What would be the advantage to the Government in purchasing these plates?

Mr. HAWLEY. I have tried to explain what would be the advantage to the Government. If the Government should now go on and print these volumes, (which have been already ordered,) without using these plates, the entire matter must be set up and new plates made, which cannot be done without an expense much greater than the cost of these plates, which are now ready, so that the work of printing from them can at once begin.

Mr. BRIGHT. How much will the Government save by buying these plates?

Mr. HAWLEY. As to that matter, I might refer the gentleman from Tennessee to the gentleman from Mississippi, [Mr. SINGLETON,] chairman of the Committee on Printing, to whom an explanation has been made by the Public Printer.

Mr. SINGLETON. Just a word of explanation in behalf of the Committee on Printing. It certainly will be a matter of economy to purchase these stereotype plates. It would cost the Government, I suppose, about $35,000 for the composition and the stereotype plates if these plates be not purchased. They are now offered to us at $8,600. The saving to the Government will be the difference between $8,600 and $35,000. We have already ordered these reports to be printed. As we have ordered the printing of reports of exhibitions abroad where this country has been represented, it would be very strange not to publish these reports of our own exhibition.

Mr. TOWNSHEND, of Illinois. Has Congress already authorized the printing of these reports?

Mr. SINGLETON, of Mississippi. Yes, sir; 5,000 copies have been ordered to be printed.

Mr. ACKLEN. I would like to ask one question. Is it not a fact that these plates have been offered to the Government at a lower price than $8,600.

Mr. HAWLEY. There is some difference of opinion on that point. I think not, though some gentlemen of the committee thought the fact was otherwise. At any rate, even if they have heretofore been offered at a lower price, it would be unjust on the part of the Government to insist upon paying a smaller sum than that now asked, because I have now in my hand a letter from an eminent publishing house in Philadelphia, well-known to members from that city, offering $8,500 for these plates. Hence the board of finance representing private stockholders would not be justified in accepting a less sum.

Mr. ACKLEN. Have the Committee on Appropriations assured themselves that the offer referred to is a *bona fide* offer?

Mr. HAWLEY. I have submitted the letter to the Speaker of this House who knows the firm well, and says that they are an eminently responsible, respectable house, which agrees with my own knowledge concerning them.

Mr. ACKLEN. If it is a *bona fide* offer, then of course I can see no possible objection to a purchase on the part of the Government by paying $100 additional.

Mr. HAWLEY. The $100 is added merely for the sake of naming a price above the private bid.

Mr. SINGLETON, of Mississippi. As a member of the Committee on Appropriations I will say that the committee regard this offer as *bona fide*, and have instructed the gentleman from Connecticut to make this report. I hope there will be no objections.

Mr. HAWLEY demanded the previous question.

The previous question was seconded and the main question ordered; and under the operation thereof the joint resolution was ordered to be engrossed for a third reading; and it was accordingly read the third time, and passed.

Mr. HAWLEY moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ARREARAGES OF TAXES IN THE DISTRICT OF COLUMBIA.

Mr. HUNTON. I am directed by the unanimous action of the Committee for the District of Columbia to ask that the amendments of the Senate to House bill No. 1379 be taken from the Speaker's table and non-concurred in, so that the matter may go to a committee of conference.

The amendments of the Senate to the bill (H. R. No. 1379) fixing the rate of interest upon arrearages of general taxes and assessments for special improvements now due to the District of Columbia, and for a revision of assessments for special improvements, and for other purposes, were taken from the Speaker's table, and read, as follows:

On page 1, line 3, strike out "they;"
Strike out section 2;
Change section 3 to section 2;
On page 2, strike out all after the word "assessments," in line 4, down to and including the word "obligation," in line 6;
Change section 4 to section 3.

Mr. HUNTON. I move that the amendments be non-concurred in.

Mr. DE LA MATYR. I move that the House concur.

The SPEAKER. The question will be taken on concurrence. Those who desire to non-concur will vote in the negative.

Mr. HUNTON. I desire to say that the Committee for the District of Columbia have unanimously instructed me to ask that the amendments be non-concurred in and sent to a committee of conference, so that the differences between the two Houses may be adjusted.

Mr. DE LA MATYR. I have the assurance that two out of the three commissioners of the District are anxious that this bill should pass just as it has come from the Senate. I have also the assurance that the business men of the city are anxious that it should be passed in this form. I would like the Clerk to read a statement of the reasons for these amendments, as given by Senator HARRIS.

The Clerk read as follows:

Mr. HARRIS. As the Senator will see by looking at the bill, the first section provides that any person owing general or special taxes, where the liens for the same are not held by third persons, may discharge the same by paying the amount of such taxes with 6 per cent. interest thereon, if the payment is made on or before the 1st day of October next. As a matter of fact there is a large amount of taxes, general and special, due the District of Columbia, that have been due for many years, and there is a large amount of accrued interest, the rate of interest being 10 per cent. under the law as it now stands. It is believed by the commissioners of the District of Columbia that if this favor is extended the tax-payer, to relieve him from the excessive rate of interest, to relieve him from penalty and enable him to pay the amount of the taxes with 6 per cent. interest thereon, it will enable many persons to pay who are wholly unable to pay now the large amount that the existing rate of interest and penalty have reached. It will benefit the tax-payer to that extent, and benefit the revenues of the District by enabling the commissioners to make collections that they could not make otherwise.

The second section of the bill as it now stands amended—it was the third section in the bill as it came from the House—provides for the revision of any special assessments which have been heretofore paid where the party paying the same feels that the assessments were excessive or erroneous. Upon the written application of such person it is made the duty of the commissioners to revise that assessment, and where the assessment made is found to have been erroneous, where the assessing power had no right to make it, or where the party had the power to make it and the assessment was excessive, in either of these cases it is made the duty of the commissioners of the District of Columbia to revise that assessment, and, where found erroneous or excessive, to issue to the parties so assessed a drawback certificate for the amount of such error.

These are the two operative sections in the bill. The other section in the bill simply provides for the advertising for the sale of property in arrears, to conform to the provisions made in the two former sections. The second section as it came from the House, which is stricken out upon the recommendation of the committee, was stricken out because of the fact that if it was intended to require the holder of tax-lien certificates, or the purchaser of property at tax sales, to receive the amount of taxes and 6 per cent. thereon it was what, in the opinion of the committee, Congress had no power to do; if it was intended simply to pass an act of Congress to authorize two persons interested in a business transaction to compromise the matter between themselves, the committee thought it was not necessary to pass an act of Congress for any such purpose, as all persons have at all times and under all circumstances enjoyed the right to do that by contract or agreement whenever they saw fit so to do.

While the bill, in the opinion of the committee, does not go as far as the committee thinks it is necessary to go in dealing with many of the questions growing out of the assessments for taxes in the District of Columbia, it was quite as far as

the committee felt authorized to go within the short time they have had for the investigation of the general question. Being right in itself the committee hope that the bill may be passed so that the parties benefited by it may avail themselves of the benefits that it offers, with the hope that at the coming session of Congress the committee may be able to take up the general subject, investigate it thoroughly, and report such measure as may do full justice to all parties in the District of Columbia in reference to the various complications and wrongs that have grown out of general and special assessments in the District of Columbia during the last five, six, or seven years.

Mr. DE LA MATYR. It seems to be the conviction of the Senate that the section which has been struck out assumed a power that Congress does not possess, and I presume that judgment is correct. The next amendment simply affects the First National Bank of the city of New York. It is a matter of importance that this measure pass at the present session. It is not all that is desired; but there is no time to investigate thoroughly so as to bring forward a measure embracing everything that is desired. So far as the bill goes with these amendments, it is right and ought to pass—it ought to pass now. I hope it will.

Mr. HUNTON. I will say but a word——

Mr. GARFIELD. I wish to ask the gentleman in charge of this bill a question as to its bearing.

Mr. HUNTON. I yield to the gentleman.

Mr. GARFIELD. I ask the gentleman in charge of this bill whether a certain class of hardships in this District are reached in this bill or in any of the amendments. I do not know whether the gentleman from Virginia [Mr. HUNTON] has had his attention called to a class of cases of which there are many examples in the city. Under the old Washington City government, prior to the existence of the board of public works, a Belgian pavement was ordered to be put down on certain streets, but the work was not finished until perhaps a month after the board of public works came into existence, though it was authorized and contracted for under the old city government. But it was done under the old city government. When the board of public works came in they adopted a different plan for the treatment of the streets; they established a different grade on some of the streets which had been newly paved; thereupon they took up the Belgian pavement, carted away the material, and used it at other places as they chose, and put down there a concrete or asphalt pavement; and the people along that street were charged by special assessment first for the Belgian pavement, and second for the asphalt pavement; some paid for the Belgian pavement, and some for asphalt, which was more expensive, and a few unfortunately paid for both. The first pavement had not been down two months when it was taken away and its materials used by the board of public works for other improvements in the city.

Now, it was a mooted and it is still a mooted question whether the citizens were bound to pay both assessments. Some have paid the one and refused to pay the other; and whether their property has been proceeded against I do not know. That is one of the unsettled questions, and there are a number of such in this city. I ask the gentleman from Virginia whether this bill provides for that kind of case. If it does not it ought to.

Mr. HUNTON. I would say to the gentleman from Ohio, if any one could provide in one bill for all the difficulties growing out of the acts of prior governments of the District of Columbia, he would be one of the most talented men I ever came across in my life.

Mr. GARFIELD. That is true.

Mr. HUNTON. And all the District Committee can do is to proceed step by step in this matter and go as far as it is possible to get the Congress of the United States to go to correct the errors of the previous governments of the District of Columbia. I believe the case the gentleman has cited would be covered by the bill, because, according to his statement, it would be an erroneous assessment; and this bill in the third section as it passed the House and the second as amended by the Senate provides for a reconsideration and a readjustment of all erroneous assessments. According to the gentleman's statement of the case that would be an erroneous assessment.

Mr. GARFIELD. I hope it does embrace such cases. But let me ask the gentleman from Virginia, suppose it does not? Is there anything in this bill that directs the commissioners to proceed to a final collection of all assessments not corrected by this bill?

Mr. HUNTON. This only provides for erroneous assessments where the parties have actually paid. There was a previous bill passed by the last Congress which provided for errors in assessments which had not been paid.

Mr. GARFIELD. I presume this bill is all right as far as it goes.

Mr. HUNTON. I think it is. In regard to the amendments of the Senate I desire to say only a word or two. The two Houses agree upon the main features of this bill, and only differ as to some of the details. Now, in regard to the first amendment—I mean the first of any consequence, the others being only verbal—which is striking out the second section, there appear to be two classes of certificates outstanding. When these assessments were made and the parties failed to pay, some of the certificates of assessment were transferred in payment of debts due by the District of Columbia to outside parties, and in numberless cases sales took place under the assessments and the District of Columbia became the purchaser. Where those certificates are still in the hands of the District government, or where there has been a sale and a purchase by the District government, there is no difficulty in getting relief. But there was a class of certificates that had found their way in payment of debts of the District of Columbia into the hands of *bona fide* purchasers of those certificates, and the difficulty felt by the District commissioners was how to meet those cases; and it was attempted not to enforce but to express the legislative will as to how those outstanding certificates should be settled; and the gentleman in the Senate whose remarks have been read at the instance of the gentleman from Indiana [Mr. DE LA MATYR] was mistaken if he supposed this House in passing the second section of this bill undertook to enforce this mode of settlement upon *bona fide* holders of these certificates now outstanding. It was an effort to go as far as the two Houses of Congress could go in expressing the sentiments of Congress—the legislative will—that it was a just mode of settling these matters between these holders of certificates and the owners of the property. And it was an indication still further that those who held these certificates need not look to Congress for any aid in collecting any more than is provided for in this bill. Hence the second section of the bill as it passed the House.

It has been said—I do not know how truly, for I do not know who holds these certificates; I do not know who holds one of them, and I am glad I do not know—it has been said on this floor and elsewhere that many of these outstanding certificates are in the hands of some bank in the city of New York; and if there is anything in the second section, it is to indicate to the banks holding these certificates, "You must take action in accordance with what is provided in the second section, or you get no aid from Congress in order to enforce a settlement." That second section I suppose would be considered legislation against the banks.

Mr. DE LA MATYR. Will the gentleman allow me to ask him a question?

Mr. HUNTON. With pleasure.

Mr. DE LA MATYR. Is there not in that idea a phase of repudiation?

Mr. HUNTON. Not at all.

Mr. DE LA MATYR. These certificates have been bought in good faith, and now a proposition is made to pay the contract under the pressure of refusing appropriations to meet it unless they comply with the proposition.

Mr. HUNTON. There is no repudiation asked for or dreamed of.

Mr. TOWNSHEND, of Illinois. Is my friend from Indiana [Mr. DE LA MATYR] the "next friend" of the First National Bank of New York

Mr. DE LA MATYR. I am not; but I am in favor of paying debts according to the bargain, however severe that may be. [Applause.]

The question was taken on the motion of Mr. DE LA MATYR to concur in the amendments of the Senate; and upon a division there were—ayes 24, noes 62.

No further count being called for, the amendments were not concurred in.

Mr. HUNTON. I move that a conference be asked with the Senate upon the disagreeing votes of the two Houses on this bill.

The motion was agreed to.

The SPEAKER subsequently appointed Mr. HUNTON of Virginia, Mr. DE LA MATYR of Indiana, and Mr. NEAL of Ohio, as the conferees on the part of the House.

FINAL ADJOURNMENT.

Mr. HOUSE. I send up to the Clerk's desk a privileged resolution, upon which I call for the previous question.

The Clerk read as follows:

Resolved by the Senate and House of Representatives, That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on Wednesday, the 25th day of June, 1879, at five o'clock p. m.

Mr. NICHOLLS. I desire to offer a substitute for that resolution.

Mr. CONGER. I call for the yeas and nays on it.

The SPEAKER. The gentleman from Tennessee [Mr. HOUSE] has called the previous question upon his resolution, which, if sustained, will cut off amendment. The substitute of the gentleman from Georgia [Mr. NICHOLLS] will be read for information.

The substitute was read, as follows:

Resolved by the House of Representatives, (the Senate concurring,) That the President of the Senate and the Speaker of the House of Representatives declare their respective Houses adjourned *sine die* at seven o'clock this p. m., June 24th instant.

Mr. HOUSE. I do not yield for that amendment, and insist upon the previous question.

The previous question was seconded and the main question ordered.

Mr. HOUSE moved to reconsider the vote by which the main question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. CONGER. I now ask for the yeas and nays on agreeing to the resolution.

Mr. GARFIELD. I ask unanimous consent that the gentleman who introduced this resolution may state to the House whether he thinks that we can get through with the judicial appropriation bill by the time he has fixed? If so, we will not object.

Mr. TOWNSHEND, of Illinois. I object to debate.

The yeas and nays were ordered.

The question was taken; and there were—yeas 83, nays 102, not voting 101; as follows:

YEAS—83.

Aiken,	Davis, Joseph J.	Johnston,	Scales,
Armfield,	Davis, Loundes H.	Klotz,	Shelley,
Bachman,	Deuster,	Manning,	Simonton,
Beale,	Dibrell,	Martin, Benj. F.	Singleton, O. R.
Beltzhoover,	Dickey,	Martin, Edward L.	Slemons,
Bicknell,	Ewing,	McKenzie,	Smith, Hezekiah B.
Blackburn,	Finley,	McLane,	Sparks,
Bright,	Forney,	McMahon,	Springer,
Caldwell,	Goode,	McMillin,	Talbott,
Clardy,	Gunter,	Mills,	Tillman,
Clark, John B.	Hammond, N. J.	Morrison,	Townshend, R. W.
Clymer,	Hatch,	Nicholls,	Turner, Oscar
Cobb,	Henkle,	Phelps,	Waddill,
Coffroth,	Henry,	Reagan,	Wellborn,
Colerick,	Herndon,	Richmond,	Whiteaker,
Converse,	Hill,	Robertson,	Whitthorne,
Cook,	Hooker,	Ross,	Williams, Thomas
Covert,	Hostetler,	Ro hwell,	Willis,
Cravens,	House,	Ryon, John W.	Wilson,
Culberson,	Hull,	Samford,	Wise.
Davidson,	Hunton,	Sawyer,	

NAYS—102.

Acklen,	Elam,	Jorgensen,	Russell, W. A.
Aldrich, William	Evins,	Keifer,	Ryan, Thomas
Anderson,	Farr,	King,	Sapp,
Baker,	Felton,	Lowe,	Shallenberger,
Barber,	Field,	Marsh,	Sherwin,
Bayne,	Fisher,	Mason,	Smith, A. Herr
Bingham,	Ford,	McCook,	Stephens,
Blake,	Forsythe,	McGowan,	Stevenson,
Bouck,	Fort,	McKinley,	Thomas,
Bowman,	Garfield,	Mitchell,	Thompson,
Brewer,	Gibson,	Monroe,	Townsend, Amos
Briggs,	Gillette,	Murch,	Tyler,
Browne,	Godshalk,	Myers,	Updegraff, J. T.
Burrows,	Hammond, John	Neal,	Updegraff, Thomas
Butterworth,	Harris, Benj. W.	New,	Upson,
Cannon,	Haskell,	O'Neill,	Urner,
Carpenter,	Hawk,	Orth,	Van Aernam,
Caswell,	Hawley,	Osmer,	Voorhis,
Conger,	Henderson,	Overton,	Wait,
Cowgill,	Herbert,	Persons,	Ward,
Crapo,	Hiscock,	Phister,	Weaver,
Daggett,	Horr,	Pound,	White,
Davis, George R.	Houk,	Prescott,	Williams, C. G.
Deering,	Hubbell,	Richardson, D. P.	Yocum.
De La Matyr,	Humphrey,	Richardson, J. S.	
Dunnell,	Jones,	Robinson,	

NOT VOTING—101.

Aldrich, N. W.	Dwight,	Lay,	Russell, Daniel L.
Atherton,	Einstein,	Le Fevre,	Singleton, J W.
Atkins,	Ellis,	Lewis,	Smith, William E.
Bailey,	Errett,	Lindsey,	Speer,
Ballou,	Ferdon,	Loring,	Starin,
Barlow,	Frost,	Lounsbery,	Steele,
Belford,	Frye,	Martin, Joseph J.	Stone,
Bland,	Geddes,	McCoid,	Taylor,
Bliss,	Hall,	Miles,	Tucker,
Blount,	Harmer,	Miller,	Turner, Thomas
Boyd,	Harris, John T.	Money,	Valentine,
Bragg,	Hayes,	Morse,	Vance,
Brigham,	Hazelton,	Morton,	Van Voorhis,
Buckner,	Heilman,	Muldrow,	Warner,
Cabell,	Hurd,	Muller,	Washburn,
Calkins,	James,	Newberry,	Wells,
Camp,	Joyce,	Norcross,	Wilber,
Carlisle,	Kelley,	O'Brien,	Willits,
Chalmers,	Kenna,	O'Connor,	Wood, Fernando
Chittenden,	Ketcham,	O'Reilly,	Wood, Walter A.
Claflin,	Killinger,	Pierce,	Wright,
Clark, Alvah A.	Kimmel,	Poehler,	Young, Casey
Cox,	Kitchin,	Price,	Young, Thomas L.
Crowley,	Knott,	Reed,	
Dick,	Ladd,	Rice,	
Dunn,	Lapham,	Robeson,	

So the resolution was not agreed to.

During the roll-call the following announcements were made:

Mr. SMITH, of Georgia. I am paired with Mr. WILBER, of New York. If he were present, I should vote "ay" and he would vote "no."

Mr. HILL. My colleague, Mr. ATHERTON, is paired with Mr. NEWBERRY, of Michigan, and my other colleague, Mr. WARNER, is paired with Mr. ALDRICH, of Rhode Island.

Mr. MANNING. My colleague, Mr. MONEY, is absent by leave of the House, and is paired with Mr. STONE, of Michigan.

Mr. KENNA. I am paired with Mr. YOUNG, of Ohio. If he were present, I should vote in the affirmative.

Mr. MULDROW. I am paired with Mr. DWIGHT, of New York. If he were present, I would vote "ay."

Mr. STEELE. I am paired with Mr. NORCROSS, of Massachusetts. If he were present, I should vote "ay" and I presume he would vote "no."

Mr. CLARK, of Missouri. My colleague, Mr. BUCKNER, is paired with Mr. CHITTENDEN, of New York.

Mr. VANCE. I am paired with my colleague, Mr. MARTIN. If he were present, he would vote "no" and I should vote "ay."

Mr. McMILLIN. My colleague, Mr. TAYLOR, is absent by leave of the House, and is paired with Mr. CALKINS, of Indiana.

Mr. POEHLER. I am paired with my colleague, Mr. WASHBURN. If he were present, I should vote "ay."

Mr. DAVIS, of North Carolina. My colleague, Mr. KITCHIN, is paired with Mr. RICE, of Massachusetts.

Mr. FORNEY. My colleague, Mr. LEWIS, is paired with Mr. WALTER A. WOOD, of New York.

Mr. COVERT. My colleague, Mr. FERNANDO WOOD, is paired with Mr. ROBESON, of New Jersey.

Mr. HURD. I am paired with Mr. CLAFLIN, of Massachusetts. If he were present, I should vote "ay."

Mr. CALDWELL. My colleague, Mr. CARLISLE, is paired with Mr. MULLER, of New York. If present, Mr. CARLISLE would vote "ay."

Mr. KING. I vote "no," and shall continue to do so until the repeal of the test oath.

Mr. LOUNSBERY. I am paired with my colleague, Mr. BAILEY. If he were present, I should vote "ay."

Mr. KNOTT. I am paired with Mr. FRYE, of Maine. If he were present, I should vote "ay."

Mr. TOWNSHEND, of Illinois. My colleague, Mr. SINGLETON, is paired with Mr. MILES, of Connecticut. If Mr. SINGLETON were here, I should vote "ay."

Mr. GUNTER. My colleague, Mr. DUNN, is absent on account of sickness. If he were present, he would vote "ay."

Mr. GIBSON. My colleague, Mr. ELLIS, is paired with Mr. HARMER, of Pennsylvania.

Mr. JOHNSTON. My colleague, Mr. HARRIS, is paired with Mr. CROWLEY, of New York.

Mr. SINGLETON, of Mississippi. My colleague, Mr. CHALMERS, is paired with Mr. VAN VOORHIS, of New York. I do not know how either of them would vote.

Mr. MULLER. I am paired with Mr. HEILMAN, of Indiana. If he were present, I should vote "ay."

Mr. YOUNG, of Tennessee. On all political questions I am paired with Mr. LORING, of Massachusetts.

Mr. WHITE. I was paired with Mr. THOMAS TURNER, but he is now paired with Mr. KETCHAM, of New York.

Mr. ROBINSON. My colleague, Mr. MORSE, is paired with Mr. KELLEY, of Pennsylvania; and Mr. HALL is paired with Mr. SPEER, of Georgia.

Mr. DUNNELL. My colleague, Mr. WASHBURN, is paired with my other colleague, Mr. POEHLER.

Mr. LAPHAM. On all political questions I am paired with Mr. TUCKER, of Virginia, and as this seems to be such, I decline to vote.

Mr. HISCOCK. Mr. REED, of Maine, is paired with Mr. WELLS, of Missouri.

Mr. WAIT. My colleague, Mr. MILES, is paired with Mr. SINGLETON, of Illinois.

Mr. HAZELTON. I am paired with Mr. BLOUNT, of Georgia. If he were present, I should vote "no."

Mr. TYLER. Mr. BRIGHAM is paired with Mr. FROST, of Missouri.

Mr. McCOOK. My colleagues, Messrs. EINSTEIN and O'BRIEN, are paired. If Mr. EINSTEIN were present, he would vote "no."

Mr. HAWK. My colleague, Mr. HAYES, is absent by leave of the House and is paired with Mr. DUNN, of Arkansas. If he were present, Mr. HAYES would vote "no."

Mr. SAPP. My colleague, Mr. PRICE, is paired with Mr. WRIGHT, of Pennsylvania. If present, Mr. PRICE would vote "no."

Mr. McGOWAN. My colleague, Mr. STONE, is paired with Mr. MONEY, of Mississippi; my colleague, Mr. NEWBERRY, is paired with Mr. ATHERTON, of Ohio; and Mr. STARIN, of New York, is paired with Mr. CLARK, of New Jersey.

Mr. COWGILL. Mr. HEILMAN is paired with Mr. MULLER, of New York. If Mr. HEILMAN were present, he would vote "no."

Mr. FISHER. My colleague, Mr. DICK, is paired with Mr. LAY, of Missouri. If Mr. DICK were present, he would vote "no."

Mr. ALDRICH, of Illinois. Mr. ALDRICH, of Rhode Island, is paired with Mr. WARNER, of Ohio. If present, Mr. ALDRICH would vote "no."

Mr. DICKEY. My colleague, Mr. GEDDES, is paired with Mr. BARLOW, of Vermont. If he were present, Mr. GEDDES would vote "ay."

The result of the vote was then announced as above stated.

PERSONAL EXPLANATION.

Mr. SINGLETON, of Mississippi. I rise to a personal explanation. I ask to have read from the New York Sun of yesterday a paragraph alluding to myself in no very complimentary terms.

The Clerk read as follows:

THE GLOVER REPORT—SINGULAR BEHAVIOR OF MR. SINGLETON, OF MISSISSIPPI—MR. GLOVER'S PRUDENCE.

WASHINGTON, *June* 22.

There is much comment here on the course of Mr. SINGLETON, of Mississippi, chairman of the House Printing Committee, in withdrawing the resolution for printing the suppressed Glover report on the Treasury. CONGER demanded the reading of the report, which he had no right to do, and which SINGLETON should have resisted, as the report was not before the House, having been presented to the last House. The report of the Printing Committee recommending a resolution directing the execution of the order to print made by the last House, but as yet not obeyed, was the only report before the House for action, and of this CONGER had a right to demand the reading. But he did call for the reading of the Glover report, and SINGLETON withdrew the resolution, on the pretext that that document was not in his possession, instead of pressing the resolution to its passage. It is freely said that SINGLETON'S course, taken together with his long delay to report the resolution and his captious objections to it in committee, show that he is not in earnest to have it passed. Mr. Glover has uniformly refused to give up the report unless satisfactorily assured that it will be printed, saying that he is resolved

that the country shall have the facts, and that the report shall not be pigeonholed like some such documents, nor stolen from the Capitol like the Hot Springs reservation appropriation. He has given notice that if the report is finally suppressed he will give to the public the whole secret history of the plots to defeat any investigation of the Treasury, which will be very interesting.

Mr. SINGLETON, of Mississippi. Mr. Speaker, I believe this is the first time in my obscure legislative career that I have ever sought the floor for the purpose of making a personal explanation; and I would not do so now if I thought this article came from the editor of the paper. But I think I discover ear-marks about it which indicate another origin. I come to this conclusion from the fact that a short time ago I received from the author of the report referred to, Mr, Glover, a letter containing a threat that unless the report should be printed, and that speedily, he would resort to the newspapers by way of setting himself right before the country. Well, he has gotten himself there, [laughter,] and I hope he is satisfied with what he has done.

Now, a word of explanation. This House knows how I have endeavored, in season and out of season, to have that report printed, having made three attempts to that end; not because I know what is in it—I know not one word or syllable of its contents; but the last House ordered the printing of the report, and I have simply sought to present from the Committee on Printing a resolution requiring that order to be executed. I wish now to say to the House that, although my colleague on the committee [Mr. WILSON] and myself have endeavored to get from this Mr. Glover that report in order that we might examine it and see whether it was of such importance as to be published, we have never been able to get our hands upon it. Indeed you find it stated in the article just read (and I have no doubt the statement comes from the author of the report) that he would not surrender it unless he knew it was going to be printed, lest it should be pigeonholed or stolen from the Capitol.

Mr. HAZELTON. It sounds just like him. [Laughter.]

Mr. SINGLETON, of Mississippi. Why, sir, if he is not crazy, he is upon the verge of insanity; and his friends ought to look after him. [Laughter.]

Now, if he intends to say that I have any disposition to suppress anything in that report, to cover up the sins of anybody upon the other side of the House, or shield anybody from exposure on this side, he is altogether mistaken; for I do not know a single word that is contained in the report. The author has never allowed us to get our fingers upon it; yet he rushes into print, as he threatened to do, undertaking to show that the Committee on Printing has been dilatory and unfair about this matter. Why, sir, it is true that in the committee I did object to making a favorable report in regard to the publication until the manuscript had been laid before us. Was I not right as a careful and prudent member of the committee? [Cries of "Certainly!"]

Now, sir, I wish to say, in conclusion of this whole matter, that I can have no other feeling than that of contempt for the man who would rush to the press with such a statement as that read to the House; and I believe his late constituents and the members of this House will share very largely in this feeling toward that gentleman when they know the facts of the case. [Laughter.]

Mr. YOUNG, of Tennessee. I call for the regular order.

Mr. CONGER. Mr. Speaker, my name was mentioned in the communication read at the Clerk's desk. [Laughter.]

The SPEAKER. Does the gentleman from Michigan desire to make a personal explanation?

Mr. CONGER. Yes, sir; one word. I have no time in the performance of my duties as a member of this House to notice one out of ten thousand of these personal squibs to which members of the House, including myself, are subjected as to their conduct. But it is a source of peculiar gratification to me that my friend from Mississippi has given such a perfect, complete, and triumphant vindication of the course I have pursued in regard to that report. [Laughter.] This is all I desire to say.

Mr. SINGLETON, of Mississippi. One word. I am very fond of my friend from Michigan, but he has really misapprehended my purpose. [Laughter.] I would undertake a task greater than I could accomplish if I should attempt a vindication of the gentleman from Michigan. [Laughter.]

Mr. CONGER. I knew, Mr. Speaker, or at least I feared, that this tribute of the gentleman from Mississippi to my persistency in opposing the printing of this report was involuntary; but I am none the less grateful to him for it. [Laughter.]

Mr. SINGLETON, of Mississippi. One word more as to what I intended to say. [Laughter.] [Cries of "Regular order!"] Just a word. I have intended all the while, whenever by the rules of this House I should have an opportunity, to offer this resolution to the House for the printing of that report, leaving the House to decide upon it as it pleases. I shall do so hereafter as a matter of duty, and not to please Mr. Glover. This is all I intended to say.

ALCOHOLIC LIQUOR TRAFFIC.

The SPEAKER. The Chair announces the following Committee on the Alcoholic Liquor Traffic:

Mr. LOWNDES H. DAVIS, of Missouri; Mr. GABRIEL BOUCK, of Wisconsin; Mr. JOHN C. NICHOLLS, of Georgia; Mr. C. B. SIMONTON, of Tennessee; Mr. THOMAS WILLIAMS, of Alabama; Mr. MARK S. BREWER, of Michigan; Mr. AMASA NORCROSS, of Massachusetts; Mr. WARNER MILLER, of New York; and Mr. J. T. UPDEGRAFF, of Ohio.

CONGRESSIONAL ELECTION IN CINCINNATI.

The SPEAKER. The Chair also announces the appointment of the gentleman from New Hampshire, Mr. BRIGGS, in place of the gentleman from New York, Mr. MCCOOK, as member of the select committee to investigate the late congressional election in Cincinnati.

LEAVE OF ABSENCE.

The SPEAKER. The Chair also submits the following requests for leave of absence:

To Mr. WRIGHT, indefinitely, on account of sickness;

To Mr. FERDON, indefinitely, on account of sickness in his family;

To Mr. MARTIN, of North Carolina, indefinitely, to attend the taking of depositions in obedience to a notice of contestant;

To Mr. MULDROW, for two weeks, on account of important business;

To Mr. MCKINLEY, for the remainder of the week, on account of important business;

To Mr. KIMMEL, for one day, on account of sickness; and

To Mr. RICHMOND, indefinitely, on account of sickness.

Mr. SPRINGER. I object to any leave of absence being granted except on account of sickness.

Mr. ROBINSON. I wish to suggest there should be no objection to the request of the gentleman from North Carolina, [Mr. MARTIN,] who has to attend the taking of depositions under a notice of contestant in regard to his seat in this House.

Mr. SPRINGER. I do not object to that.

Some time subsequently,

Mr. MULDROW said: The gentleman from Illinois [Mr. SPRINGER] withdraws his objection to my request for leave of absence.

Mr. SPRINGER. I do, and also my objection to the request of the gentleman from Ohio, [Mr. MCKINLEY.]

The SPEAKER. The objection might as well be withdrawn as to all.

Mr. SPRINGER. I withdraw the objection to all the requests.

Several members called for the regular order.

PROHIBITION OF POLITICAL CONTRIBUTIONS.

The SPEAKER. The regular order having been demanded, the morning hour begins at twenty-five minutes past one o'clock, and the unfinished business is the bill (H. R. No. 2266) to prohibit Federal officers, claimants, and contractors from making contributions for political purposes. The gentleman from Indiana [Mr. HOSTETLER] who reports the bill has moved that it be referred to the Committee of the Whole on the state of the Union, and the pending question is the demand for the previous question upon that motion.

Mr. HOSTETLER. I wish to make an inquiry of the Chair as to whether or not a motion to pass over this bill informally for the present with the understanding that it shall not lose its status in the morning hour would be in order?

The SPEAKER. The gentleman from Indiana asks unanimous consent that this bill may be passed over, continuing to hold its place in the morning hour, the effect of which the Chair will state would be that the House would proceed to other business.

Mr. CONGER. I object.

Mr. HOSTETLER. I have moved to refer the bill to the Committee of the Whole on the state of the Union for the purpose of debate and amendment. Upon that motion I have demanded the previous question, and if gentlemen are unwilling to take the bill out of the morning hour, or to pass it over for the present so as to give other committees an opportunity to report, the fault certainly is not mine.

Mr. TOWNSHEND, of Illinois. Do I understand the gentleman from Indiana to be willing the bill should lie over till next session if it should be sent to the Committee of the Whole on the state of the Union?

Mr. HOSTETLER. No, sir; that is not my proposition.

The SPEAKER. What the gentleman from Indiana proposed was that the bill should be passed over for the present, retaining its place as unfinished business in the morning hour. To that the gentleman from Michigan [Mr. CONGER] objected. Now the gentleman from Indiana insists upon the demand for the previous question on his motion to refer the bill to the Committee of the Whole on the state of the Union.

The question being put, the Speaker stated that the "ayes" appeared to have it.

Mr. CONGER. I call for a division.

The question being taken; there were ayes 72, noes none.

Mr. CONGER. A quorum has not voted.

The SPEAKER. A quorum not having voted, the Chair will order tellers, and appoints the gentleman from Indiana, Mr. HOSTETLER and the gentleman from Michigan, Mr. BURROWS.

The House again divided; and the tellers reported ayes 62, noes none.

Mr. CONGER. A quorum has not voted.

The SPEAKER. A quorum not having voted, only two motions are in order, a motion to adjourn and a motion for a call of the House.

Mr. RYON, of Pennsylvania. I move there be a call of the House.

Mr. HUMPHREY. And I move that the House do now adjourn.

The SPEAKER. The question will be first on the motion of the gentleman from Wisconsin, that the House do now adjourn.

Mr. MARTIN, of Delaware. Upon that motion I call for the yeas and nays.

The question being put on ordering the yeas and nays, there were ayes 24; not one-fifth of the last vote.

Several MEMBERS. Count the other side.

The other side being counted, there were 12 votes in the negative.

So the yeas and nays were ordered.

The question was taken; and there were—yeas 38, nays 134, not voting 114; as follows:

YEAS—38.

Baker,	Daggett,	Herndon,	Richmond,
Barber,	Deering,	Hooker,	Russell, W. A.
Beale,	Dunnell,	Humphrey,	Shelley,
Bingham,	Felton,	Jones,	Sherwin,
Bouck,	Field,	Martin, Benj. F.	Simonton,
Browne,	Fisher,	Mason,	Smith, A. Herr
Carpenter,	Forney,	Mitchell,	Urner,
Coffroth,	Godshalk,	Myers,	Williams, Thomas.
Crapo,	Harris, Benj. W.	New,	
Cravens,	Haskell,	Osmer,	

NAYS—134.

Acklen,	De La Matyr,	Lounsbery,	Scales,
Aiken,	Dibrell,	Lowe,	Shallenberger,
Aldrich, William	Dickey,	Manning,	Slemons,
Anderson,	Elam,	Martin, Edward L.	Smith, Hezekiah B.
Armfield,	Evins,	McCoid,	Smith, William E.
Bachman,	Ewing,	McCook,	Sparks,
Bayne,	Farr,	McGowan,	Steele,
Beltzhoover,	Finley,	McKenzie,	Stephens,
Blackburn,	Ford,	McLane,	Stevenson,
Blake,	Forsythe,	McMillin,	Talbott,
Bliss,	Gibson,	Mills,	Thomas,
Bowman,	Gillette,	Monroe,	Thompson,
Brewer,	Gunter,	Morrison,	Tillman,
Briggs,	Hammond, John	Muller,	Townshend, R. W.
Bright,	Hammond, N. J.	Murch,	Turner, Oscar,
Burrows,	Hatch,	Neal,	Tyler,
Butterworth,	Hawk,	Nicholls,	Updegraff, J. T.
Caldwell,	Hawley,	O'Connor,	Updegraff, Thomas
Cannon,	Henderson,	O'Neill,	Upson,
Caswell,	Henry,	Orth,	Van Aernam,
Clardy,	Herbert,	Overton,	Voorhis,
Clark, John B.	Hill,	Persons,	Waddill,
Cobb,	Horr,	Phister,	Ward,
Colerick,	Hostetler,	Prescott,	Weaver,
Conger,	Houk,	Richardson, J. S.	Wellborn,
Converse,	House,	Robertson,	Whiteaker,
Cook,	Hubbell,	Robinson,	Whitthorne,
Covert,	Hull,	Ross,	Williams, C. G.
Cowgill,	Hunton,	Rothwell,	Willis,
Culberson,	Johnston,	Ryan, Thomas	Wilson,
Davidson,	Jorgensen,	Ryon, John W.	Wise,
Davis, George R.	Keifer,	Samford,	Yocum.
Davis, Joseph J.	King,	Sapp,	
Davis, Loundes H.	Klotz,	Sawyer,	

NOT VOTING—114.

Aldrich, N. W.	Einstein,	Lapham,	Robeson,
Atherton,	Ellis,	Lay,	Russell, Daniel L.
Atkins,	Errett,	Le Fevre,	Singleton, J. W.
Bailey,	Ferdon,	Lewis,	Singleton, O. R.
Ballou,	Fort,	Lindsey,	Speer,
Barlow,	Frost,	Loring,	Springer,
Belford,	Frye,	Marsh,	Starin,
Bicknell,	Garfield,	Martin, Joseph J.	Stone,
Bland,	Geddes,	McKinley,	Taylor,
Blount,	Goode,	McMahon,	Townsend, Amos
Boyd,	Hall,	Miles,	Tucker,
Bragg,	Harmer,	Miller,	Turner, Thomas
Brigham,	Harris, John T.	Money,	Valentine,
Buckner,	Hayes,	Morse,	Vance,
Cabell,	Hazelton,	Morton,	Van Voorhis,
Calkins,	Heilman,	Muldrow,	Wait,
Camp,	Henkle,	Newberry,	Warner,
Carlisle,	Hiscock,	Norcross,	Washburn,
Chalmers,	Hurd,	O'Brien,	Wells,
Chittenden,	James,	O'Reilly,	White,
Claflin,	Joyce,	Phelps,	Wilber,
Clark, Alvah A.	Kelley,	Pierce,	Willits,
Clymer,	Kenna,	Poehler,	Wood, Fernando
Cox,	Ketcham,	Pound,	Wood, Walter A.
Crowley,	Killinger,	Price,	Wright,
Deuster,	Kimmel,	Reagan,	Young, Casey.
Dick,	Kitchin,	Reed,	Young, Thomas L.
Dunn,	Knott,	Rice,	
Dwight,	Ladd,	Richardson, D P.	

So the motion to adjourn was not agreed to.

During the roll-call the following announcements were made:

Mr. DUNNELL. My colleague, Mr. WASHBURN, is paired with my other colleague, Mr. POEHLER.

Mr. McMILLIN. My colleague, Mr. TAYLOR, is paired with Mr. CALKINS.

Mr. SCALES. My colleague, Mr. VANCE, is absent by leave of the House and is paired with my other colleague, Mr. MARTIN.

Mr. MANNING. My colleague, Mr. MONEY, is paired with Mr. STONE, of Michigan.

Mr. COVERT. My colleague, Mr. FERNANDO WOOD, is paired with Mr. ROBESON, of New Jersey.

Mr. DAVIS, of North Carolina. My colleague, Mr. KITCHIN, is paired with Mr. RICE, of Massachusetts.

Mr. HILL. My colleague, Mr. ATHERTON, is paired with Mr. NEWBERRY, of Michigan; and my colleague, Mr. WARNER, is paired with Mr. ALDRICH, of Rhode Island.

Mr. MULDROW. I am paired with Mr. DWIGHT, of New York.

Mr. KENNA. I am paired with Mr. YOUNG, of Ohio. If he were here, I should vote "no."

Mr. HAWK. My colleague, Mr. HAYES, is absent by leave of the House, and is paired with Mr. DUNN, of Arkansas.

Mr. McGOWAN. Mr. STONE, of Michigan, is paired with Mr. MONEY, of Mississippi; Mr. NEWBERRY is paired with Mr. ATHERTON, of Ohio; and Mr. STARIN, of New York, is paired with Mr. CLARK, of New Jersey.

Mr. MARSH. I am paired with Mr. SPRINGER, of Illinois.

Mr. LAPHAM. I am paired on all political questions with the gentleman from Virginia, Mr. TUCKER.

Mr. HARMER. I am paired with the gentleman from Louisiana, Mr. ELLIS.

Mr. ALDRICH, of Illinois. Mr. ALDRICH, of Rhode Island, is paired with Mr. WARNER, of Ohio.

The result of the vote was then announced as above stated.

The question recurred upon the motion of Mr. RYON, of Pennsylvania, that there be a call of the House; and being taken, upon a division there were—ayes 14, noes 18.

Before the result of the vote was announced,

Mr. CONGER called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 81, nays 74, not voting 131; as follows:

YEAS—81.

Acklen,	Davis, Joseph J.	Klotz,	Sawyer,
Aiken,	Davis, Loundes H.	Martin, Benj. F.	Shelley,
Armfield,	Dibrell,	McCoid,	Singleton, O. R.
Bachman,	Dickey,	McGowan,	Smith, Hezekiah B.
Blackburn,	Elam,	McKenzie,	Sparks,
Bliss,	Evins,	McLane,	Stevenson,
Bouck,	Ewing,	McMahon,	Thompson,
Bright,	Felton,	McMillin,	Tillman,
Caldwell,	Finley,	Morrison,	Townshend, R.W.
Clardy,	Forney,	Myers,	Turner, Oscar
Clark, John B.	Goode,	New,	Updegraff, Thomas
Clymer,	Gunter,	O'Connor,	Upson,
Cobb,	Hammond, N. J.	Phelps,	Wellborn,
Colerick,	Hatch,	Reagan,	Whiteaker,
Conger,	Henry,	Richardson, J. S.	Williams, Thomas
Cook,	Herbert,	Richmond,	Willis,
Covert,	Herndon,	Robertson,	Wilson,
Cravens,	Hostetler,	Rothwell,	Wise.
Culberson,	Hull,	Ryon, John W.	
Daggett,	Hunton,	Samford,	
Davidson,	King,	Sapp,	

NAYS—74.

Aldrich, William	De La Matyr,	Jones,	Shallenberger,
Anderson,	Deering,	Jorgensen,	Sherwin,
Baker,	Dunnell,	Manning,	Slemons,
Barber,	Farr,	Mason,	Smith, A. Herr
Bayne,	Field,	McCook,	Smith, William E.
Beale,	Fisher,	McKinley,	Stephens,
Bingham,	Fort,	Mitchell,	Thomas,
Blake,	Garfield,	Monroe,	Townsend, Amos
Bowman,	Gillette,	O'Neill,	Tyler,
Brewer,	Godshalk,	Orth,	Updegraff, J. T.
Briggs,	Hammond, John	Osmer,	Urner,
Browne,	Harris, Benj. W.	Overton,	Van Aernam,
Butterworth,	Hawk,	Pound,	Voorhis,
Cannon,	Hawley,	Prescott,	Ward,
Carpenter,	Henderson,	Richardson, D. P.	Weaver,
Caswell,	Hiscock,	Robinson,	Whitthorne,
Cowgill,	Horr,	Ross,	Yocum.
Crapo,	Hubbell,	Ryan, Thomas	
Davis, George R.	Humphrey,	Scales,	

NOT VOTING—131.

Aldrich, N. W.	Ellis,	Ladd,	Rice,
Atherton,	Errett,	Lapham,	Robeson,
Atkins,	Ferdon,	Lay,	Russell, Daniel L.
Bailey,	Ford,	Le Fevre,	Russell, W. A.
Ballou,	Forsythe,	Lewis,	Simonton,
Barlow,	Frost,	Lindsey,	Singleton, J. W.
Belford,	Frye,	Loring,	Speer,
Beltzhoover,	Geddes,	Lounsbery,	Springer,
Bicknell,	Gibson,	Lowe,	Starin,
Bland,	Hall,	Marsh,	Steele,
Blount,	Harmer,	Martin, Edward L.	Stone,
Boyd,	Harris, John T.	Martin, Joseph J.	Talbott,
Bragg,	Haskell,	Miles,	Taylor,
Brigham,	Hayes,	Miller,	Tucker,
Buckner,	Hazelton,	Mills,	Turner, Thomas
Burrows,	Heilman,	Money,	Valentine,
Cabell,	Henkle,	Morse,	Vance,
Calkins,	Hill,	Morton,	Van Voorhis,
Camp,	Hooker,	Muldrow,	Waddill,
Carlisle,	Houk,	Muller,	Wait,
Chalmers,	House,	Murch,	Warner,
Chittenden,	Hurd,	Neal,	Washburn,
Claflin,	James,	Newberry,	Wells,
Clark, Alvah A.	Johnston,	Nicholls,	White,
Coffroth,	Joyce,	Norcross,	Wilber,
Converse,	Keifer,	O'Brien,	Williams, C. G.
Cox,	Kelley,	O'Reilly,	Willits,
Crowley,	Kenna,	Persons,	Wood, Fernando
Deuster,	Ketcham,	Phister,	Wood, Walter A.
Dick,	Killinger,	Pierce,	Wright,
Dunn,	Kimmel,	Poehler,	Young, Casey
Dwight,	Kitchin,	Price,	Young, Thomas L
Einstein,	Knott,	Reed,	

So the motion for a call of the House was agreed to.

During the roll-call the following announcements were made:

Mr. SCALES. My colleague, Mr. VANCE, who is absent by leave of the House, is paired with my colleague, Mr. MARTIN, of North Carolina.

Mr. DAVIS, of North Carolina. My colleague, Mr. KITCHIN, is paired with the gentleman from Massachusetts, Mr. RICE.

Mr. FORNEY. My colleague, Mr. LEWIS, is paired with the gentleman from New York, Mr. WALTER A. WOOD.

Mr. LOUNSBERY. The gentleman from Louisiana, Mr. ELLIS, is paired with the gentleman from Pennsylvania, Mr. HARMER. I am paired with my colleague, Mr. BAILEY.

Mr. THOMPSON. My colleague, Mr. PHISTER, who is paired with the gentleman from Ohio, Mr. KEIFER, would, if present, vote "ay."

Mr. SAPP. My colleague, Mr. PRICE, is paired with the gentleman from Pennsylvania, Mr. WRIGHT.

Mr. KEIFER. I am paired temporarily with the gentleman from Kentucky, Mr. PHISTER.

Mr. HAWK. My colleague, Mr. HAYES, who is absent by leave of the House, is paired with the gentleman from Arkansas, Mr. DUNN.

Mr. DUNNELL. My colleague, Mr. WASHBURN, is paired with my colleague, Mr. POEHLER.

Mr. FISHER. My colleague, Mr. HARMER, is paired with the gentleman from Louisiana, Mr. ELLIS; my colleague, Mr. DICK, with the gentleman from Missouri, Mr. LAY.

Mr. MCMILLIN. My colleague, Mr. TAYLOR, is paired with the gentleman from Indiana, Mr. CALKINS.

Mr. ALDRICH, of Illinois. The gentleman from Rhode Island, Mr. ALDRICH, is paired with the gentleman from Ohio, Mr. WARNER.

Mr. MANNING. My colleague, Mr. MULDROW, is paired with the gentleman from New York, Mr. DWIGHT; my colleague, Mr. MONEY, with the gentleman from Michigan, Mr. STONE, and my colleague, Mr. CHALMERS, with the gentleman from New York, Mr. VAN VOORHIS.

Mr. STEVENSON. The gentleman from Maine, Mr. LADD, who is absent by leave of the House, is paired with his colleague, Mr. LINDSEY.

The result of the vote was announced as above stated.

Mr. CONGER. I rise to a privileged motion. I move to reconsider the vote by which a call of the House was ordered.

Mr. RYON, of Pennsylvania. I raise the question whether the gentleman from Michigan [Mr. CONGER] voted in the affirmative.

The SPEAKER *pro tempore*. He did.

Mr. CONGER. The gentleman from Michigan generally votes so that he can take advantage of his desire to make a motion.

The question being taken on the motion to reconsider, there were—ayes 29, noes 23.

Mr. CONGER. I call for the yeas and nays.

Mr. YOUNG, of Tennessee. If the gentleman from Michigan will yield for a moment, I wish to make a request of the House. I desire the House to take up a Senate bill now on the Speaker's table—a very important matter involving great public interests. It makes no appropriations; and I imagine there will be little or no objection to its passage.

The SPEAKER *pro tempore*. The morning hour has not expired; the proposition of the gentleman from Tennessee [Mr. YOUNG] is not in order.

Mr. CONGER. If by unanimous consent the morning hour be considered as expired, I have no objection to the request of the gentleman from Tennessee.

The SPEAKER *pro tempore*. By unanimous consent the bill indicated can be taken up. Does the gentleman from Michigan withdraw his motion?

Mr. CONGER. I do not, unless by unanimous consent the morning hour be dispensed with.

Mr. YOUNG, of Tennessee. I desire to ask unanimous consent that the House occupy the remainder of the morning hour with the consideration of the bill to which I refer.

The SPEAKER *pro tempore*. Debate is not in order.

Mr. CONGER. Very well; I demand the yeas and nays on the motion to reconsider.

The yeas and nays were ordered.

The question was taken; and there were—yeas 39, nays 116, not voting 131; as follows:

YEAS—39.

Aldrich, William	Daggett,	Henderson,	Prescott,
Anderson,	Davidson,	Hooker,	Richmond,
Baker,	Davis, George R.	Humphrey,	Robinson,
Bayne,	Deering,	Jones,	Ryan, Thomas
Bingham,	Dunnell,	Jorgensen,	Stephens,
Blake,	Field,	Mitchell,	Tyler,
Brewer,	Fisher,	Monroe,	Updegraff, Thomas
Burrows,	Fort,	O'Neill,	Urner,
Butterworth,	Godshalk,	Osmer,	Voorhis.
Caswell,	Haskell,	Overton,	

NAYS—116.

Acklen,	Bouck,	Colerick,	Davis, Loundes H.
Aiken,	Briggs,	Conger,	De La Matyr,
Armfield,	Bright,	Converse,	Deuster,
Bachman,	Caldwell,	Cook,	Dibrell,
Barber,	Cannon,	Covert,	Dickey,
Beale,	Clardy,	Cowgill,	Elam,
Beltzhoover,	Clark, John B.	Cravens,	Evins,
Blackburn,	Cobb,	Culberson,	Farr,
Bliss,	Coffroth,	Davis Joseph J.	Felton,
Finley,	Martin, Benj. F.	Phelps,	Talbott,
Ford,	Martin, Edward L.	Richardson, D. P.	Thompson,
Forney,	Mason,	Richardson, J. S.	Tillman,
Goode,	McCoid,	Rothwell,	Townsend, Amos
Gunter,	McCook,	Ryon, John W.	Townshend, R. W.
Hammond, John	McGowan,	Samford,	Turner, Oscar
Hammond, N. J.	McKenzie,	Sapp,	Updegraff, J. T.
Harris, Benj. W.	McKinley,	Sawyer,	Upson,
Hatch,	McLane,	Scales,	Van Aernam,
Hawk,	McMahon,	Shallenberger,	Waddill,
Hawley,	McMillin,	Shelley,	Wait,
Henkle,	Morrison,	Sherwin,	Weaver,
Henry,	Murch,	Simonton,	Wellborn,
Herbert,	Myers,	Singleton, O. R.	Whiteaker,
Herndon,	Neal,	Slemons,	Whitthorne,
Hill,	New,	Smith, A Herr	Williams, Thomas
Hostetler,	Nicholls,	Smith, Hezekiah B.	Willis,
Hunton,	O'Connor,	Smith, William E.	Wilson,
Klotz,	Orth,	Sparks,	Wise,
Lowe,	Persons,	Stevenson,	Yocum.

NOT VOTING—131.

Aldrich, N. W.	Ellis,	King,	Rice,
Atherton,	Errett,	Kitchin,	Robertson,
Atkins,	Ewing,	Knott,	Robeson,
Bailey,	Ferdon,	Ladd,	Ross,
Ballou,	Forsythe,	Lapham,	Russell, Daniel L.
Barlow,	Frost,	Lay,	Russell, W. A.
Belford,	Frye,	Le Fevre,	Singleton, J. W.
Bicknell,	Garfield,	Lewis,	Speer,
Bland,	Geddes,	Lindsey,	Springer,
Blount,	Gibson,	Loring,	Starin,
Bowman,	Gillette,	Lounsbery,	Steele,
Boyd,	Hall,	Manning,	Stone,
Bragg,	Harmer,	Marsh,	Taylor,
Brigham,	Harris, John T.	Martin, Joseph J.	Thomas,
Browne,	Hayes,	Miles,	Tucker,
Buckner,	Hazelton,	Miller,	Turner, Thomas
Cabell,	Heilman,	Mills,	Valentine,
Calkins,	Hiscock,	Money,	Vance,
Camp,	Horr,	Morse,	Van Voorhis,
Carlisle,	Houk,	Morton,	Ward,
Carpenter,	House,	Muldrow,	Warner,
Chalmers,	Hubbell,	Muller,	Washburn,
Chittenden,	Hull,	Newberry,	Wells,
Claflin,	Hurd,	Norcross,	White,
Clark, Alvah A.	James,	O'Brien,	Wilbur,
Clymer,	Johnston,	O'Reilly,	Williams, C. G.
Cox,	Joyce,	Phister,	Willits,
Crapo,	Keifer,	Pierce,	Wood, Fernando
Crowley,	Kelley,	Poehler,	Wood, Walter A.
Dick,	Kenna,	Pound,	Wright,
Dunn,	Ketcham,	Price,	Young, Casey
Dwight,	Killinger,	Reagan,	Young, Thomas L.
Einstein,	Kimmel,	Reed,	

So the House refused to reconsider the vote by which a call of the House was ordered.

During the call of the roll the following announcements were made:

Mr. SCALES. My colleague from North Carolina, Mr. VANCE, is absent by leave of the House. He is paired with my colleague, Mr. MARTIN.

Mr. STEELE. I am paired with Mr. NORCROSS, of Massachusetts.

Mr. MULDROW. I am paired with Mr. DWIGHT, of New York. If he were present, I should vote "no."

Mr. KENNA. I am paired with Mr. YOUNG, of Ohio. If he were present, I should vote "no."

Mr. COVERT. My colleague from New York, Mr. FERNANDO WOOD, is paired with Mr. ROBESON, of New Jersey.

Mr. POEHLER. I am paired with my colleague from Minnesota, Mr. WASHBURN.

Mr. LOUNSBERY. I am paired with my colleague from New York, Mr. BAILEY.

Mr. ELLIS. I am paired on all questions with Mr. HARMER, of Pennsylvania.

Mr. MCMILLIN. My colleague from Tennessee, Mr. TAYLOR, is paired with Mr. CALKINS, of Indiana.

Mr. HAWK. My colleague from Illinois, Mr. HAYES, is absent by leave of the House. He is paired with Mr. DUNN, of Arkansas.

Mr. KEIFER. I am paired temporarily with Mr. PHISTER, of Kentucky.

Mr. WAIT. My colleague from Connecticut, Mr. MILES, is paired with Mr. SINGLETON, of Illinois. How those two distinguished gentlemen would vote if bodily present is more than I am able to state.

Mr. DUNNELL. My colleague from Minnesota, Mr. WASHBURN, is paired with my colleague, Mr. POEHLER.

Mr. ROBINSON. My colleague from Massachusetts, Mr. MORSE, is paired with Mr. KELLEY, of Pennsylvania.

Mr. WARD. I am paired with my colleague from Pennsylvania, Mr. CLYMER.

Mr. HENDERSON. Mr. HAZELTON, of Wisconsin, is paired with Mr. BLOUNT, of Georgia.

The result of the vote was then announced as above stated.

ENROLLED BILLS SIGNED.

Mr. KENNA, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

An act (H. R. No. 1847) to provide for the appointment of a "Mississippi River commission" for the improvement of said river from the head of the passes near its mouth to its headwaters;

An act (H. R. No. 2264) to amend section 1, page 234, volume 20, of the United States Statutes at Large, Forty-fifth Congress;

An act (H. R. No. 2267) providing for the binding of the internal revenue laws and manual;

Joint resolution (H. R. No. 32) authorizing the completion of the foundation of the Washington Monument; and

Joint resolution (H. R. No. 71) authorizing the appointment of a commission to lease a building for a city post-office in the city of Washington, District of Columbia.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate insisted upon its amendments to the bill (H. R. No. 1379) fixing the rate of interest upon arrearages of general taxes and assessments for special improvements now due to the District of Columbia and for a revision of assessments for special improvements, and for other purposes, disagreed to by the House of Representatives, agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed as managers of the conference on the part of the Senate Mr. HARRIS, Mr. WHYTE, and Mr. ROLLINS.

The message further announced that the Senate insisted upon its amendments to the bill (H. R. No. 2002) making additional appropriations for the service of the Post-Office Department for the fiscal years ending June 30, 1879, and June 30, 1880, and for other purposes, disagreed to by the House of Representatives, agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed as managers of the conference on the part of the Senate Mr. DAVIS of West Virginia, Mr. MAXEY, and Mr. ALLISON.

The message further announced that the Senate had passed, without amendment, the bill (H. R. No. 1856) authorizing the commissioners of the District of Columbia to extend the area for the taking up and impounding of domestic animals in the District of Columbia.

The message further announced that the Senate had passed a bill (S. No. 706) to amend an act for the relief of Joseph B. Collins, approved March 3, 1879; in which the concurrence of the House was requested.

PROHIBITION OF POLITICAL CONTRIBUTIONS.

The SPEAKER *pro tempore*, (Mr. FINLEY.) The House having refused to reconsider the vote by which a call of the House was ordered, the Clerk will proceed to call the roll.

Mr. CLARK, of Missouri. I move to dispense with all further proceedings under the call.

Mr. ACKLEN. I make the point of order that that has to be done by unanimous consent.

The SPEAKER *pro tempore*. Not at all.

Mr. ACKLEN. A call of the House has been ordered. A motion was made to reconsider the vote ordering a call of the House; that motion to reconsider has been lost. I submit, therefore, that under those circumstances further proceedings under the call can only be dispensed with by unanimous consent.

The SPEAKER *pro tempore*. The House has control over the matter and can dispense with the call if it chooses.

Mr. CLARK, of Missouri. I insist on my motion.

Mr. ACKLEN. Is the request that the call be dispensed with by unanimous consent out of order?

The SPEAKER *pro tempore*. The Chair holds that further proceedings under the call can be dispensed with by a majority vote.

Mr. ACKLEN. Or by unanimous consent.

The SPEAKER *pro tempore*. Yes.

Mr. ACKLEN. Very good; that is what I wanted to know.

The question was taken upon dispensing with further proceedings under the call; and the motion was agreed to.

Mr. CLARK, of Missouri. I ask for unanimous consent to take from the Speaker's table Senate bill 674, "An act for the benefit of the widow and children of General James Shields, and to increase the pension of Caroline S. Webster."

Mr. McGOWAN. I object.

Mr. STEVENSON. I suggest that we go to the business on the Speaker's table.

Mr. McGOWAN. I call for the special order fixed for to-day in the House by unanimous consent.

Mr. CLARK, of Missouri. I move that the House now proceed to the business on the Speaker's table.

The question was taken; and there were—ayes 67, noes 24.

Mr. HOOKER. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. HOOKER. It is this: that the House bill 2273, entitled "A bill to provide rooms for the National Board of Health," was by the action of the House set for consideration this day, and by unanimous consent this bill was to be considered. It is an important matter that the bill should be brought up, and I believe it would only take a few moments to dispose of it. It involves a question of the powers of the Board of Health to use the sum appropriated.

The SPEAKER. The Chair has frequently ruled on this question. This is the only time when a motion to go to the business on the Speaker's table is properly in order, and the Chair therefore confirms the decision made by the Speaker *pro tempore*.

Mr. McGOWAN. I call for the yeas and nays upon the pending motion.

The SPEAKER The Chair would suggest to the gentleman from Michigan that the longer time is taken on this question the further off his measure will be.

Mr. McGOWAN. Provided the House votes me down, of course.

The SPEAKER. The Chair only made that suggestion in kindness.

Mr. McGOWAN. I appreciate the motive of the Chair.

The yeas and nays were not ordered, only six members voting therefor.

So the motion to proceed to the business on the Speaker's table was agreed to.

LEGISLATIVE ASSEMBLIES OF THE TERRITORIES.

The first business on the Speaker's table was the bill (H. R. No. 2274) concerning the Legislative Assembly of the Territory of Montana returned from the Senate with amendments. The amendments of the Senate were read, as follows:

To strike out all after the enacting clause and insert:

"That the provisions of an act entitled 'An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1879, and for other purposes,' approved June 19, 1878, pertaining to government in the several Territories of the United States, shall not be so construed as to impair or shorten the tenure of office of any member of such Legislative Assemblies until the redistricting and reapportionment of such Territories as is therein provided, nor until at the next regular election thereafter the twelve members of the council and twenty-four members of the house of representatives of such Territories shall have been elected and their term of office begun."

Amend the title so as to read: "An act concerning the Legislative Assemblies of the several Territories of the United States."

Mr. MAGINNIS. I move that the amendments of the Senate be concurred in.

The amendments of the Senate were concurred in.

Mr. STEPHENS moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

PRINTING OF GEOLOGICAL SURVEYS.

The next business on the Speaker's table was the following concurrent resolution of the Senate:

Resolved by the Senate, (the House of Representatives concurring,) That there be printed at the Government Printing Office 2,000 copies of volume 4 of the geological series of the reports of the geographical and geological survey of the Rocky Mountain region, entitled Geology of the Black Hills of Dakota, with the necessary illustrations and charts; 1,000 copies of which shall be for the use of the House of Representatives, 500 for the use of the Senate, and 500 for the use of the Department of the Interior; the illustrations and charts to be made by the Public Printer under the direction of the Joint Committee on Public Printing.

Mr. STEVENSON. I ask that that resolution be concurred in.

There being no objection, the resolution was taken from the Speaker's table and concurred in.

Mr. STEVENSON moved to reconsider the vote by which the resolution was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PARIS MONETARY CONFERENCE.

The next business on the Speaker's table was the following concurrent resolution of the Senate:

Resolved by the Senate, (the House of Representatives concurring,) That 12,000 extra copies of the report and proceedings of the Paris monetary conference, held in August last, be printed and bound in cloth; of which number 6,000 copies shall be for the use of the House, 3,000 for the use of the Senate, and 3,000 for the use of the Department of State.

Mr. TOWNSHEND, of Illinois. I move that that resolution be concurred in.

The question was taken; and the resolution was concurred in.

Mr. TOWNSHEND, of Illinois, moved to reconsider the vote by which the resolution was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CHANGE OF NAME.

The next business on the Speaker's table was the bill (S. No. 506) to change the name of the steam propeller Nuhpa to Metropolitan.

Mr. COVERT. I move that that bill be put upon its passage.

Mr. CONGER. I hope the gentleman will state the character of this vessel.

Mr. COVERT. I make the motion at the request of my colleague, [Mr. MULLER.] I do not know anything about the circumstances of the case.

Mr. CONGER. If this is a large passenger steamboat, the name of which it is proposed to change in this way, then the bill ought to go to the Committee on Commerce for consideration. If any gentleman here knows the character of the steamboat, whether it is such as the House has heretofore passed bills to change the names of, I have no objection to it. But if it be a large passenger boat, and the name is to be changed to deceive the public and make it appear to be a new boat, then I desire to have it go to the Committee on Commerce. At all events I ask that it be passed over informally for the present.

The SPEAKER *pro tempore*. If there be no objection the bill will be passed over informally.

There was no objection.

GENERAL JAMES SHIELDS AND MRS. CAROLINE S. WEBSTER.

The next bill upon the Speaker's table was the bill (S. No. 674) for

the benefit of the widow and children of General James Shields, and to increase the pension of Caroline S. Webster.

The bill was read, as follows:

Be it enacted, &c., That payment of the pension of $100 monthly granted to James Shields, late a brigadier-general of United States volunteers, by an act of Congress approved June 18, 1878, be continued to his widow and children, the full amount of said pension to be paid said widow during her widowhood, and at the expiration thereof, if the same should occur whilst said children or any of them are under the age of sixteen years, then the said pension shall be paid to such of said children as may then be under the age of sixteen years, in equal parts, until they respectively arrive at that age.

SEC. 2. That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension-rolls, subject to the provisions and limitations of the pension laws, the name of Caroline S. Webster, widow of Fletcher Webster, late colonel of the Twelfth Massachusetts Regiment, who was killed at the second battle of Bull Run, Virginia, at the rate of $50 per month; said pension to be in lieu of that she now receives.

Mr. CLARK, of Missouri. I call the previous question on the third reading and passage of that bill.

Mr. VAN AERNAM. I know how ungracious it is to stand in the way of passing such a bill as this. But it contains such extraordinary provisions that I must move that it be referred to the Committee on Invalid Pensions.

Mr. CLARK, of Missouri. I insist upon my call for the previous question.

The SPEAKER *pro tempore*. The previous question, if sustained, will cut off the motion to refer.

The previous question was seconded, on a division—ayes 85, noes 3.

The main question was then ordered; and the bill was ordered to a third reading, read the third time, and passed.

Mr. CLARK, of Missouri, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DRAFTS IN POSSESSION OF STATE DEPARTMENT.

The next business on the Speaker's table was the joint resolution (S. R. No. 5) relative to certain accepted drafts and other papers in the Department of State; which was taken from the Speaker's table, and read a first and second time.

The joint resolution was read, as follows:

Resolved, &c., That the Secretary of State be, and he hereby is, directed to deliver to the person justly entitled to the possession thereof three several drafts for the sum of $5,000 each, dated New York, August 2, 1859, and drawn by Santiago Vidaurri, governor of Nuevo Leon and Cohahuila, by Ignatius Gulindo, agent, on J. M. Mata, Mexican minister, Washington, District of Columbia, and accepted by said J. M. Mata, and made payable at the Bank of the Republic, New York, and all other papers relating to said drafts, the same having been deposited in the Department of State by error.

Mr. LAPHAM. I am instructed by the unanimous vote of the Committee on the Judiciary to ask that this joint resolution be considered and passed at this time.

Mr. CONGER. I ask that the report be read.

Mr. LAPHAM. In support of the joint resolution, I will ask to have printed in the RECORD a statement of the facts upon which this joint resolution is based.

There was no objection, and it was so ordered.

The statement is as follows:

It appears from the RECORD that this subject has been fully investigated by the Committee on the Judiciary of the Senate, and the main facts connected therewith have been stated by the Senator making the report.

The facts are briefly these: Some time in the summer of 1859—about the time of the date of the drafts referred to in the resolution—an arms manufacturing company of this country sold to the Republic of Mexico a quantity of fire-arms for which these drafts were given in settlement. They were drawn by the duly authorized agent of the government of Mexico upon J. M. Mata, at that time the agent and minister from Mexico to this Government. They are not only accepted by Signor Mata in his official capacity as minister from Mexico, but are also indorsed by him in his private character as a citizen, thereby adding his individual responsibility to that of his government.

These drafts were not met at maturity by Mexico, and under the circumstances in which she was then placed, her failure to meet her liabilities should reflect no dishonor upon her. It was a time eventful in the history of our sister republic. Her capitol was in the hands of a foreign usurper. A scion of the royalty of Europe, a son of the house of Hapsburg, the brother of an emperor, held regal sway in the ancient city of the Aztecs and Incas, and upon the ruins of a republic he sought to establish the forms and the power of a monarchy. The throne of the Austrian invader was sustained and protected by the imperial bayonets of France. A large portion of the territory of Mexico was under the iron heel of her oppressors. Her loyal and gallant sons had been driven to the mountains, and the republican government administered by that stern and unflinching patriot, the gallant Juarez, was in the midst of the camp of his small but resolute army.

We need not follow the history of this struggle for Mexican independence, of the victories achieved, of the overthrow of the empire of Maximilian, and of the final preservation of their liberties and nationality. She emerged from the contest with a united but impoverished people, victorious in arms but bankrupt in resources. The payment of her liabilities under these circumstances was a matter of impossibility. The owner of the drafts in question was among her creditors, and like others was compelled to await the advent of more auspicious times for Mexico.

In the order of events the "mixed commission" was established between the United States and Mexico in pursuance of the articles of the convention of the 4th of July, 1868, for the purpose of adjusting all questions of damages claimed by the citizens of the one against the government of the other.

Under a misapprehension as to the scope, powers, and jurisdiction of this tribunal the owner of these drafts placed them before this commission under the supposition that they belonged to a class of claims that must be acted upon by the commission before they could be paid. The commission held that this being an adjusted, liquidated, and closed account they had no jurisdiction whatever over the matter—had nothing to do with it, and they took no action in regard to it. "Therefore," says the Judiciary Committee of the Senate, in speaking of this subject, "for this purpose it is as if no reference had ever been made to the commission." The drafts should have been withdrawn or returned to the owner, but they were not. They were permitted to remain there until the commission had closed its labors and were then turned over to the Department of State, where they still remain. The Mexican authorities have never disputed the validity of these drafts, the amount due, or their obligations to pay. On the contrary, they are ready and willing to pay them.

"The American citizens are entitled," so the Senate committee finds, "to receive the money, and the whole object and purpose of the resolution is to empower the Secretary of State to deliver over the drafts to those to whom they belong."

The joint resolution was ordered to a third reading, read the third time, and passed.

Mr. LAPHAM moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

CANAL-BOATS, ETC.

The next business on the Speaker's table was the bill (S. No. 671) relating to vessels not propelled wholly by sail or internal motive power of their own.

The bill was read, as follows:

Be it enacted, &c., That the provisions of title 50 of the Revised Statutes of the United States shall not be so construed as to require the payment of any fee or charge for the enrolling or licensing of vessels built in the United States and owned by citizens thereof, not propelled wholly by sail or by internal motive power of their own, and not in any case carrying passengers, whether navigating the internal waters of a State or the navigable waters of the United States, and not engaged in trade with contiguous foreign territories.

Mr. RYON, of Pennsylvania. I am instructed to ask that that bill be put upon its passage at this time, and I therefore call the previous question upon it.

Mr. ACKLEN. I trust the gentleman will withdraw his demand for the previous question. I am satisfied that the House does not understand the full weight and purpose of this bill, and that it would be better to have the information of one or two members of the Committee on Commerce who have investigated this subject. I for one was appointed by the Committee on Commerce to see the Attorney-General and the Secretary of the Treasury and obtain their opinions upon the subjects affected by this bill. I have given the matter some attention, and I think it would be best for the House to hear the opinions of those who have investigated this subject before they vote upon this bill.

The SPEAKER *pro tempore*. Does the gentleman from Pennsylvania withdraw the demand for the previous question?

Mr. RYON, of Pennsylvania. No, sir. I desire to say that this bill——

Mr. ACKLEN. If the gentleman insists on the demand for the previous question, then I object to his debating the bill. I think that if he wishes to debate it he should have no objection to other gentlemen doing so.

Several members objected to debate.

The SPEAKER *pro tempore*. Debate is not in order.

Mr. ACKLEN. I rise to a parliamentary inquiry.

Mr. O'NEILL. My colleague [Mr. RYON] understands the merits of this bill as well as the Committee on Commerce.

Mr. RYON, of Pennsylvania. If the gentleman from Louisiana will allow me a single moment, the probability is he can get all he wants, if he does not want too much.

Mr. ACKLEN. Very good. I yield with the understanding that I shall have an opportunity to reply.

Mr. RYON, of Pennsylvania. Mr. Speaker, this bill which now comes before us for action was passed in the Senate after careful consideration and thorough discussion. As understood by those who supported it in the Senate, and also by the Secretary of the Treasury, it embraces no other vessels than canal-boats or flats engaged in navigating the internal waters of the States or the waters of the United States. However, if the gentleman from Louisiana desires to discuss the bill and will agree to do so within a limited time, I have no objection to a discussion for ten or fifteen minutes on each side——

The SPEAKER *pro tempore*. Does the gentleman withdraw the demand for the previous question?

Mr. RYON, of Pennsylvania. And for the purpose of discussing the bill I will allow the gentleman from Louisiana ten minutes.

Mr. ACKLEN. Mr. Speaker, this question——

Mr. SPARKS. Mr. Speaker——

Mr. ACKLEN. I have the floor, and I object to being taken from it. The gentleman from Pennsylvania has withdrawn the demand for the previous question; the Speaker has recognized me, and there is no member has the power to take me off the floor.

Mr. SPARKS. We can object to the consideration of the bill.

Mr. ACKLEN. The gentleman's objection is null and void so far as I am concerned. I have been recognized by the Speaker, I am on the floor, and am entitled to be heard.

Mr. RYON, of Pennsylvania. I made a proposition to allow the gentleman to discuss the bill for ten minutes.

The SPEAKER *pro tempore*. The Chair desires to state his understanding. The gentleman from Pennsylvania had demanded the previous question. The Chair asked him if he withdrew the demand, to which there was no response so far as the Chair heard. It was then understood by unanimous consent that the gentleman from Louisiana [Mr. ACKLEN] should occupy ten minutes. Is that the understanding?

Mr. RYON, of Pennsylvania. If the gentleman agrees to the ar-

rangement I will yield him that length of time to discuss the bill; but if he does not agree to it I insist on my demand.

Mr. ACKLEN. I shall probably not occupy ten minutes; but as a question of order the gentleman does not hold the floor and cannot yield to me.

Mr. Speaker, this bill came from the Senate, and having been placed on the Speaker's table——

Mr. RYON, of Pennsylvania. Debate is not in order, unless under an arrangement.

Mr. ACKLEN. The bill has received informally the consideration of the Committee on Commerce. Mr. Richards, representing one of the large canal companies, appeared before that committee and made a statement——

Mr. RYON, of Pennsylvania. Debate is not in order, and I object to it, unless in pursuance of an agreement.

The SPEAKER *pro tempore*. If the gentleman demands the previous question, debate is not in order.

Mr. ACKLEN. Mr. Speaker, I agree to take ten minutes.

The SPEAKER *pro tempore*. The gentleman from Louisiana can proceed only by unanimous consent.

Mr. ACKLEN. I was recognized by unanimous consent as entitled to the floor for ten minutes.

The SPEAKER *pro tempore*. Unless the gentleman from Pennsylvania withdraws the demand for the previous question, which the Chair understands he does not do, the gentleman from Louisiana can proceed only by unanimous consent.

Mr. ACKLEN. The gentleman did withdraw his demand.

Mr. RYON, of Pennsylvania. I stated distinctly that I did not withdraw the demand.

Mr. RANDALL, (the Speaker.) The gentleman from Pennsylvania was on the floor with the purpose of demanding the previous question; but before doing so, he agreed to yield ten minutes to the gentleman from Louisiana. It was in order for him to do so.

The SPEAKER *pro tempore*. But the gentleman from Pennsylvania has stated that he did not withdraw his demand for the previous question.

Mr. RANDALL, (the Speaker.) The gentleman from Pennsylvania simply claims his right to hold the floor for an hour, giving notice that at the end of the hour he will call the previous question. In the mean time he yields ten minutes to the gentleman from Louisiana, which that gentleman accepts on the terms indicated.

The SPEAKER *pro tempore*. The Chair desires to ask the gentleman from Pennsylvania [Mr. RYON] whether he has yielded ten minutes to the gentleman from Louisiana?

Mr. ACKLEN. He certainly did.

Mr. RYON, of Pennsylvania. I demanded the previous question and yielded ten minutes to the gentleman under an arrangement that if he wished to discuss the bill for that length of time he should do so. But at the same time I did not withdraw my demand for the previous question.

Mr. ACKLEN. I agree to that.

The SPEAKER *pro tempore*. The gentleman from Louisiana cannot proceed except by unanimous consent. The question is on seconding the demand for the previous question.

Mr. ACKLEN. I make the point that the gentleman can yield whenever he pleases, if he has charge of this bill. He has yielded ten minutes to me, and by unanimous consent of the House I hold the floor, for there was not a single objection to my proceeding for ten minutes.

The SPEAKER *pro tempore*. The Chair does not so understand.

Mr. ACKLEN. And furthermore I had commenced my remarks. Now I claim as a matter of right that I am not to be interrupted for ten minutes. On that question of order I demand the ruling of the Chair. [Cries of "Regular order!"]

The SPEAKER *pro tempore*. The question is on seconding the demand for the previous question.

Mr. ACKLEN. Will the Chair rule on my point of order? [Cries of "Regular order!" "Vote!" "Vote!"] I insist on my point of order. What is the ruling of the Chair?

The SPEAKER *pro tempore*. The Chair has already ruled that pending the demand for the previous question no arrangement of that kind can be made unless the demand for the previous question be withdrawn.

Mr. RYON, of Pennsylvania. I cannot withdraw the demand.

The previous question was seconded and the main question ordered.

Mr. RYON, of Pennsylvania. I yield now ten minutes to the gentleman from Louisiana, [Mr. ACKLEN.]

Mr. ACKLEN rose.

Mr. CONGER. I submit this bill is not reported by a committee, and therefore the gentleman from Pennsylvania has not any hour of which to give away a part. I ask that the rule be read. The rule only gives an hour when a bill has been reported from a committee. This has not been to a committee at all.

The SPEAKER *pro tempore*. The Chair supposes the gentleman from Louisiana has unanimous consent to proceed.

Mr. CONGER. If it is done by unanimous consent I have no objection.

Mr. ACKLEN. I think that was the understanding.

Mr. CONGER. I understood the gentleman to claim the floor as a right.

Mr. ACKLEN. I claimed it originally as a right.

Mr. CONGER. But now, how?

Mr. ACKLEN. I claim it now because the gentleman from Pennsylvania has yielded to me, and I claim it also by unanimous consent.

The SPEAKER *pro tempore*. The Chair understands that this is by unanimous consent.

Mr. CONGER. The gentleman from Louisiana accepts it by unanimous consent and not as a right.

Mr. ACKLEN. I accept it by unanimous consent or in any way I can get it.

Mr. DUNNELL. I ask that before the gentleman from Louisiana proceeds the bill be read.

The bill was again read.

Mr. ACKLEN. Now, Mr. Speaker, Mr. Richards, who came before the Committee on Commerce, made a distinct statement in substantially the following words. I had his words taken down at that time by my secretary, who is a stenographer. He said:

Prior to 1874 canal-boats had been construed by the Treasury Department as exempt from the provisions of the law of 1793; but during the early part of that year the collector at the port of Philadelphia so construed the law as to bring canal-boats within the action of the law. The case was then brought before Congress and the present law, now known as the law of 1874, was passed in order that this class of boats might be exempt.

That law reads as follows:

That the act to which this is a supplement shall not be so construed as to extend the provisions of said act to canal-boats or boats employed on the internal waters or canals of any State; and all such boats, excepting only such as are provided with sails or propelling machinery of their own, adapted to lake or coastwise navigation, and excepting such as are employed in trade with the Canadas, shall be exempt from the provisions of said act and from the payment of all customs and other fees under any act of Congress.

Bear in mind this is the act of April 18, 1874, which is an amendment to the original act of 1793, and, in order that the House may understand it fully, I now read this act of 1793, which is as follows:

Every vessel of twenty tons or upward, other than registered vessels found trading between district and district, or between different places in the same district, or carrying on the fishery without being enrolled and licensed, or if less than twenty tons and not less than five tons, without a license, in the manner provided by this title, if laden with merchandise the growth or manufacture of the United States only, distilled spirits excepted, or in ballast, shall pay the same fees and tonnage in every port of the United States at which she may arrive as vessels not belonging to a citizen of the United States; and, if she have on board any articles of foreign growth or manufacture, or distilled spirits, other than sea stores, she shall, together with her tackle, apparel, and furniture, and the lading found on board, be forfeited.

Now, he further stated—

That from the passage of the act of 1874, until about the 26th of August, 1878, there was no trouble; but on that date the collector of the port of Perth Amboy, New Jersey, began seizing boats for enrolling, admeasurement, and licensing. The question was then submitted to Secretary Sherman as to whether under the law the collector at Perth Amboy had any right in law to seize the boats. Judge French, who is the Second Assistant Secretary of the Treasury, decided at that time that canal-boats and barges plying on the waters of New York Bay, Hudson River, and points adjacent to New York city, were exempt under the law of 1874, and Secretary Sherman instructed the collector at Perth Amboy to cease seizing these boats.

Within the last three weeks Attorney-General Devens has rendered a decision on the question. Under the decision of the Attorney-General the law becomes a discriminating one, because boats running from one point in a jurisdiction to another in the same jurisdiction are exempt; but in running from one jurisdiction into another jurisdiction they are subject to customs charges.

You will see from his statement that the desire on the part of the advocates of this bill was substantially this: they wished to exempt from enrollment and admeasurement and all of the license fees boats that are employed either wholly or in part upon canals; and they propose to do it under the bill which is now before the House. But is there a necessity for any such enactment? Does the law not already exempt boats that are employed wholly or in part upon canals from any enrollment or license? It clearly and unequivocally does. On that point I will have the opinion of the Attorney-General read.

I send to the Clerk's desk and ask that the decision of the Attorney-General, and afterward the instructions from the Secretary of the Treasury to the collector at the port, be read, which will clearly and unequivocally show that the very boats which they propose to exempt under this bill are already exempted from enrollment and license fees under the present law, or by the decision of the Attorney-General under that law, and with the addition of instructions from the Secretary of the Treasury himself to the collectors of the different ports. And then I propose to show to the House that the bill now under consideration has an ulterior motive in it; that it does not propose to act upon the class of boats for which relief is desired at all, but that it is intended to go further and to exempt from enrollment and license an entirely different class of boats which will compete with the present sailing vessels in domestic trade on our navigable waters, and which will substantially work a very great change in the maritime laws of this country. The House does not understand this bill. When they do understand it I know they will vote it down or vote to recommit it to the Committee on Commerce.

Mr. RYON, of Pennsylvania. Will the gentleman yield to me for a question?

Mr. ACKLEN. Not if it comes out of my time.

Mr. RYON, of Pennsylvania. I want to ask the gentleman just a single question. Does he not know there are at least fifty or sixty canal-boats now tied up at Perth Amboy and seized by the Government?

Mr. ACKLEN. I have no knowledge of the fact. It has been stated to me; but whether they are canal-boats or the class of barges this bill proposes to exempt I cannot say.

Mr. O'NEILL. Will the gentleman from Louisiana [Mr. ACKLEN] allow me to ask him a question?

Mr. ACKLEN. First let the Clerk read what I have sent up; after that I will yield for a question.

The Clerk read as follows:

DEPARTMENT OF JUSTICE,
Washington, D. C., January 13, 1879.

SIR: Upon the 5th of September last you submitted the following question:

Whether, under Revised Statutes, section 4371, as amended by the act of April 18, 1874, a boat answering to the description of a canal-boat, of more than five tons burden, is required to be documented as a vessel of the United States if found trading between different ports or districts, on navigable waters of the United States, provided such boat has never been used upon a canal, was not intended for such use, and does not in its present employment enter a canal? You explain that your inquiry relates to such craft devoted wholly to the transportation of coal from Perth Amboy, New Jersey, to New York City.

In my opinion, it was the intention of Congress that such vessel, so used, should be treated, if laden with domestic freight, as a foreign vessel; and if loaded with foreign goods, should be forfeited, (under Revised Statutes, section 4371,) unless licensed as provided by the laws regulating the coasting trade, and the documenting of vessels engaged in such trade. The act of April 18, 1874, dispenses with the necessity of such a license "to canal-boats or boats employed on the internal waters or canals of any State. (18 Stats., 31.)

It is the use made of the vessel, and not its mechanical structure, that determines whether or not it is entitled to the exemption allowed by this statute.

Vessels employed as stated in your question are not excepted from the operation of Revised Statutes, section 4371, by the act of April 18, 1874.

Very respectfully,

CHAS. DEVENS,
Attorney-General.

Hon. JOHN SHERMAN,
Secretary of the Treasury.

TREASURY DEPARTMENT, *May* 17, 1879.

SIR: Your letter of the 14th instant is received, in which you direct attention to a contradiction between printed decision No. 3717, September 5, 1878, in relation to documenting canal-boats, and Department letter of the 30th ultimo, to you, on the same subject.

Decision No. 3717 was based upon the opinion of the Attorney-General, dated October 19, 1875, (synopsis 2478,) which in effect construed the law of April 18, 1874, (Statutes at Large, volume 13, part 3, page 31,) to exempt from enrollment and license all vessels "answering to the description of a canal-boat" which were not provided with propelling machinery of their own and not engaged in trade with Canada.

This decision was not deemed satisfactory, and on September 5, 1878, the question was again submitted to the Attorney-General, and a copy of his reply, dated January 13 last, is inclosed.

In his latter opinion the Attorney-General takes the ground that a vessel is not entitled to be designated as a canal-boat within the meaning of the law of April 18, 1874, unless she is employed in whole or in part upon a canal.

This ruling is in consonance with the opinion of this Department, and the following rules are laid down for your future guidance in relation to these vessels:

1. Canal-boats having no propelling machinery of their own and not engaged in trade with Canada, but which are employed wholly or in part upon canals or the internal waters of a State, are exempted from enrollment and license by act of April 18, 1874.

2. Canal-boats, so called, which are engaged in the coasting trade exclusively within the navigable waters of the United States, are not exempted by the act cited, and, unless they fall within the provisions of section 4385, Revised Statutes, should be provided with marine documents.

Very respectfully,

JOHN SHERMAN, *Secretary.*

SURVEYOR OF CUSTOMS, *Albany, New York.*

The SPEAKER *pro tempore*. The time of the gentleman from Louisiana [Mr. ACKLEN] has expired.

Mr. ACKLEN. I was interrupted on several occasions, and I think the House can have no desire to vote upon this important question without some discussion upon it.

Mr. DUNNELL. I ask that the gentleman may be allowed five minutes to continue his remarks.

Mr. ACKLEN. Say ten; this is an important matter, and the House ought not to vote upon it without understanding it.

Mr. COFFROTH. I object to allowing the gentleman ten minutes.

The SPEAKER *pro tempore*. The Chair hears no objection to allowing the gentleman five minutes, and he will proceed.

Mr. ACKLEN. I now desire to call the attention of the House, as I am cut down to five minutes, to the following portion of the instructions from the Secretary of the Treasury. Speaking of the opinion of the Attorney-General, which has just been read by the Clerk, the Secretary of the Treasury says, under date of May 17, 1879, last month:

This ruling is in consonance with the opinion of this Department, and the following rules are laid down for your future guidance in relation to these vessels:

1. Canal-boats having no propelling machinery of their own, and not engaged in trade with Canada, but which are employed wholly or in part upon canals or the internal waters of a State, are exempted from enrollment and license by act of April 18, 1874.

2. Canal-boats, so called, which are engaged in the coasting trade exclusively within the navigable waters of the United States, are not exempted by the act cited, and, unless they fall within the provisions of section 4385 Revised Statutes, should be provided with marine documents.

Now, could anything be plainer or clearer than these instructions to the collectors of the different ports from the Secretary of the Treasury himself? That disposes finally and conclusively of the idea that canal-boats employed either wholly or in part upon canals and our internal waters are subject to enrollment and license. There can be no doubt about that whatever.

Now, what does this bill propose to do? It proposes to exempt a totally different class of vessels. It proposes to exempt all barges that are constructed in a shape similar to canal-boats, and which navigate our navigable waters, and are engaged in the coast trade of the United States. What would be the result of the passage of such a law? It would result simply in evading many of the restrictions of our maritime laws which have been so wisely placed by this Government on boats and vessels connected with our coasting trade. It would go even further than that, and enable these boats to engage in the greatest amount of smuggling, because these boats under the law would have no enrollment and no license, and the result would be that substantially they would be subjected to no correct or proper inspection. But this act goes even further than that.

I will read it again. It is as follows:

That the provisions of title 50 of the Revised Statutes of the United States shall not be so construed as to require the payment of any fee or charge for the enrolling or licensing of vessels built in the United States and owned by citizens thereof not propelled wholly by sail or by internal motive power of their own, and not in any case carrying passengers, whether navigating the internal waters of a State or the navigable waters of the United States, and not engaged in trade with contiguous foreign territory.

The House will note the following words: "not propelled wholly by sail or by internal motive power of their own." Let members of this House bear the words which I have just quoted carefully in mind; for under the provisions of this act containing them if vessels or boats are propelled in part by internal motive power of their own and in part by sails, under this law they would be exempt. There can be no doubt of that. The word "wholly" has been put into the bill for a specific purpose, and I say again that there is an ulterior motive in this bill, and that it should be subjected to the most careful consideration, because it proposes to change a law matured by the experience of years and which places proper restrictions upon boats and vessels engaged in our coasting trade.

[Here the hammer fell.]

Mr. ACKLEN. I had much more to say, but as my time has expired I yield the floor.

Mr. RYON, of Pennsylvania. I yield five minutes to the gentleman from Texas, [Mr. REAGAN.]

Mr. REAGAN. I desire at some stage of the proceedings upon this bill to have a few moments to discuss it.

The SPEAKER. The gentleman can have whatever time he desires by unanimous consent.

Mr. REAGAN. I do not ask that it be taken out of the time of the gentleman from Pennsylvania, but I desire a few moments to discuss the bill.

Mr. FORT. This bill is a very important one, and it ought to be committed to a committee. The questions which the gentleman from Louisiana has discussed show that it ought to go to a committee and that a committee ought to consider it.

Mr. REAGAN. I desire only five minutes.

The SPEAKER *pro tempore*. Is there unanimous consent that the gentleman from Texas [Mr. REAGAN] may speak upon the pending bill for five minutes?

There was no objection.

Mr. BAYNE. I would inquire who has the floor now?

The SPEAKER *pro tempore*. The gentleman from Texas by unanimous consent is entitled to the floor for five minutes.

Mr. BAYNE. I understood my colleague from Pennsylvania [Mr. RYON] to yield to me for five minutes.

Mr. REAGAN. I will not interfere with the gentleman if he desires to speak now.

Mr. BAYNE. Perhaps the suggestions which I may make will come within the line of the remarks of the gentleman from Texas. I know that this bill is very important to our people and to the commerce of the Ohio and Mississippi Rivers, and that it is calculated to remove the obstacles put upon that commerce by the construction given to the present law by the Secretary of the Treasury. I know that our people who do business on those rivers will favor this measure. I do not know how it may operate on the seaboard, whether it be open or not to the objections which have been urged by the gentleman from Louisiana, [Mr. ACKLEN.] But I do know that it is important to our people, and in that view of the case I desire to say a word or two upon the bill.

Mr. BREWER. I ask unanimous consent that five minutes be granted each of these gentlemen, the gentleman from Texas [Mr. REAGAN] and the gentleman from Pennsylvania, [Mr. BAYNE.]

Mr. FORT. I think we had better have the regular order.

The SPEAKER *pro tempore*. Is there objection to the proposition of the gentleman from Michigan, [Mr. BREWER.]

Mr. FORT. If the members of the House are advised what they want to do, they can vote on this bill; otherwise I think it should be sent to the Committee on Commerce. I demand the regular order.

The SPEAKER *pro tempore*. The regular order being called for, the gentleman from Texas [Mr. REAGAN] will proceed, having been given five minutes upon this bill.

Mr. REAGAN. I suppose I must try to say what I can in five minutes, although it is impossible to consider this subject as it deserves of itself, or as is due to the House, in that time. It is provided in the act of 1792 that—

Every vessel of twenty tons or upward, other than registered vessels, found trading between district and district, or between different places in the same district, or carrying on the fishery without being enrolled and licensed, or if less than twenty tons and not less than five tons, without a license, in the manner provided by this title, if laden with merchandise the growth or manufacture of the United States only, distilled spirits excepted, or in ballast, shall pay the same fees and

tonnage in every port of the United States at which she may arrive as vessels not belonging to a citizen of the United States; and, if she have on board any articles of foreign growth or manufacture, or distilled spirits, other than sea stores, she shall, together with her tackle, apparel, and furniture, and the lading found on board, be forfeited.

There was a class of vessels coming under this statute known as canal-boats, which for the convenience of commerce passed out of the canals and into public navigable waters, perhaps going from the end of the canal to some near port. Those boats passing out of canals and upon these public waters were subject to the provisions of this statute. To obviate this, and to relieve the class of vessels known as canal-boats, the act of 1874 was passed, which is as follows:

That the act to which this is a supplement shall not be so construed as to extend the provisions of the said act to canal-boats or boats employed on the internal waters or canals of any State; and all such boats, excepting only such as are provided with sails or propelling machinery of their own adapted to lake or coastwise navigation, and excepting such as are employed in trade with the Canadas, shall be exempt from the provisions of the said act, and from the payment of all customs and other fees under any act of Congress.

Now I will not read again the opinion of the Attorney-General and the instructions of the Secretary of the Treasury, as read a few moments ago by my friend from Louisiana, [Mr. ACKLEN.] It is sufficient to say that in the opinion of the Attorney-General and by the instructions of the Secretary of the Treasury all boats run wholly or partly in canals are now exempt from registrations and license fees.

When this pending bill was brought informally before the Committee on Commerce, (for it has never been formally before that committee,) it was explained to us that the object was to relieve that precise class of vessels from the expense of registration and license fees. An examination of the two provisions of law to which I have just referred, and of the opinion of the Attorney-General upon which the Secretary of the Treasury issued his instructions, shows that that could not be the object of this bill, for the very vessels which it is professed are to be relieved from these burdens by this bill are now relieved from them by the existing law.

But it is still insisted that there is some misunderstanding about the subject. No one can examine the law and the opinion of the Attorney-General and the instructions of the Secretary of the Treasury without seeing that any one aggrieved by violations of the law or a disregard of the instructions of the Secretary of the Treasury upon this subject can undoubtedly have relief by applying for it.

[Here the hammer fell.]

The SPEAKER. The five minutes of the gentleman have expired.

Mr. REAGAN. I desire to ask the indulgence of the House for a few moments longer.

Mr. DUNNELL. I hope the gentleman will have additional time.

Mr. O'NEILL. I move that the gentleman have five minutes more.

There was no objection.

Mr. O'NEILL. Now will the gentleman from Texas let me ask him a question?

Mr. REAGAN. I cannot be interrupted in five minutes' time to answer questions.

Mr. O'NEILL. Will the gentleman read the letter of the Secretary of the Treasury?

Mr. REAGAN. I have read the letter of the Secretary of the Treasury, and I venture the statement that the Secretary signed it formally, without knowing what was in it. But I cannot enter upon that sort of colloquy now. I think the law of the land as contained in the statute-book, the former opinion of the Attorney-General, and the explicit instructions of the Secretary of the Treasury, to which I call attention——

Mr. O'NEILL. This subsequent letter of the Secretary of the Treasury does away with all those instructions.

Mr. REAGAN. I cannot yield to the gentleman from Pennsylvania. The instructions of the Secretary of the Treasury, which are dated May 17, are embodied in two paragraphs:

1. Canal-boats having no propelling machinery of their own and not engaged in trade with Canada, but which are employed wholly or in part upon canals or the internal waters of a State, are exempted from enrollment and license by act of April 18, 1874.

2. Canal-boats, so called, which are engaged in the coasting trade exclusively within the navigable waters of the United States, are not exempted by the act cited, and, unless they fall within the provisions of section 4385, Revised Statutes, should be provided with marine documents.

Now, whenever the facts of this case come to be examined, I believe it will be found to be true that persons engaged, not in the canal trade, but in the coasting trade, desire to be relieved of the expense and burdens placed upon the shipping of the country by the laws of the land regulating the licensing of vessels engaged in the coasting trade; and it is proposed to take vessels that can be towed by tug-boats, put them in the coasting trade, and thus relieve them from the payment of license. If that be done, you substantially drive from the service all vessels propelled by sail or steam which are required by law to meet these expenses. If that is not the object of the bill, then it is utterly incomprehensible to me.

This bill should not be passed without deliberation; it has not been investigated as it deserves to be; impartial opinion has not been brought to bear upon it; and if we pass it we shall, in my opinion, commit a fatal blunder.

The bill proposes to go far beyond the act of 1874 by extending its provisions to vessels "not wholly propelled by steam or machinery of their own." Who can explain the meaning of those words, "not wholly." Are they intended to exempt not only canal-boats and other boats of that description, but those partly propelled by sail and partly propelled by steam? That construction, it seems to me, would be entirely in consonance with the purpose of the bill.

One further point to which I ask the earnest attention of the House. If this bill be passed we exempt from inspection, from enrollment, from license, vessels engaged in the coasting trade and open wide the door to smuggling upon the great lakes and on the Rio Grande frontier, thus doing infinite damage to the commerce of the United States. If we mean to revise the laws relating to river navigation, let us do so intelligently; but if my friend from Pennsylvania thinks that the bill applies to the rivers, he wholly misapprehends the character of the measure.

[Here the hammer fell.]

Mr. O'NEILL. Let the gentleman read the letter of the Secretary of the Treasury which was sent to the Committee on Commerce.

Mr. RYON, of Pennsylvania. I yield to my colleague [Mr. KLOTZ] for three minutes.

The SPEAKER *pro tempore*. The gentleman from Pennsylvania [Mr. RYON] cannot yield any time.

Mr. KLOTZ. I desire to occupy only three minutes.

Mr. FORT. When the bill came up, it was assumed that the House knew all about it and did not need any debate. I think it is now high time the bill should go to the appropriate committee. I demand the regular order.

Mr. RYON, of Pennsylvania. I have charge of this bill, and I desire to say a few words in reply to what has been said by gentlemen on the other side.

Mr. FORT. When the bill was brought in the gentleman thought the bill did not need any debate. As it now appears that there is great diversity of opinion upon the merits of the measure, it is clear the bill ought to go to a committee.

Mr. GARFIELD. I ask gentlemen on both sides to agree to an adjournment that we may see the bill in print before we proceed further with its consideration. It will be resumed to-morrow.

Mr. RYON, of Pennsylvania. The bill has been in print for several days.

Mr. GARFIELD. Not before us.

Mr. RYON, of Pennsylvania. Yes, sir; it was printed in the RECORD.

Mr. GARFIELD. The bill is too important to be acted on in this hasty way. I move that the House adjourn.

Mr. DUNNELL. I ask unanimous consent that the bill be referred to the Committee on Commerce, with instructions to report to-morrow morning.

Mr. RYON, of Pennsylvania. I object.

The question being taken on the motion of Mr. GARFIELD, there were—ayes 52, noes 47.

LEAVE TO PRINT.

The SPEAKER *pro tempore*. Before announcing the result of the vote on the motion to adjourn, the Chair desires to lay before the House certain requests.

The Clerk read as follows:

Mr. STEPHENS asks leave to print in the RECORD some remarks on the political questions which have been agitated in Congress during the present session.

There being no objection, leave was granted. [See Appendix.]

The Clerk read as follows:

Mr. MCCOID asks leave to have printed in the RECORD remarks upon the subject of extending the judicial appropriations.

The SPEAKER *pro tempore*. Is there objection to this request?

Mr. MCMAHON. We do object. There has been enough literature on these subjects.

The result of the vote on the motion of Mr. GARFIELD was then announced; and accordingly (at three o'clock and forty-five minutes p. m.) the House adjourned.

PETITIONS.

The following petitions were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. JOHNSTON: The petition of Z. W. Pickrell, that her claim for rent of her factory and for tobacco taken by the United States authorities be referred to the Court of Claims—to the Committee on War Claims.

Also, the petition of William S. Kemball & Co., Hamberger Brothers & Lorain and others, for the refunding of the additional tax assessed on manufactured tobacco under the ruling of Commissioner Douglass on the act of 3d of March, 1875, which has been shown to be illegal under a decision of the Supreme Court of the United States—to the Committee of Ways and Means.

By Mr. MCMAHON: The petitions of Michael Dunning and John H. Gleason, for pensions—to the Committee on Invalid Pensions.

By Mr. MONROE: The petition of Mrs. E. A. Nichols and 864 other ladies of Oberlin, Ohio, and vicinity, against the passage of any laws that will promote the interest of dealers in liquors—to the Committee on the Alcoholic Liquor Traffic.

By Mr. VOORHIS: The petition of Allen & Dunning and other manufacturers of tobacco, of Paterson, New Jersey, against the passage of the free leaf-tobacco bill—to the Committee of Ways and Means.

By Mr. WELLBORN: The petition of Mary E. Purnell, for such legislation as will enable her to sue in the United States Court of Claims for the proceeds of certain captured and abandoned property—to the Committee on the Judiciary.

IN SENATE.

WEDNESDAY, *June* 25, 1879.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

NAMING OF A PRESIDING OFFICER.

The Chief Clerk (Hon. F. E. SHOBER) called the Senate to order.

Mr. CHANDLER. Mr. Clerk, I move that the honorable Senator from Connecticut [Mr. EATON] take the chair as presiding officer in the absence of the President *pro tempore* of the Senate.

The CHIEF CLERK. The following communication addressed by the President *pro tempore* to the Secretary of the Senate I will read:

WEDNESDAY, *June* 25, 1879.

SIR: I am prevented by illness from attending the Senate to-day. I therefore, in accordance with Rule 4, name Senator EATON to perform the duties of the Chair until the adjournment to-day.

Very respectfully,

A. G. THURMAN.

Colonel BURCH,
Secretary United States Senate.

Mr. EATON thereupon took the chair as Presiding Officer of the Senate for to-day.

The Journal of yesterday's proceedings was read and approved.

HOUSE BILL REFERRED.

The joint resolution (H. R. No. 113) to provide for the purchase of the stereotype plates of the final reports upon the centennial exhibition of 1876 was read twice by its title, and, on motion of Mr. DAVIS, of West Virginia, referred to the Committee on Appropriations.

REFRIGERATING SHIP FOR DISINFECTION.

The PRESIDING OFFICER laid before the Senate a communication from the Secretary of the Treasury, transmitting, in compliance with a resolution of the Senate of the 23d instant, a report of the proceedings of the National Board of Health, and papers and correspondence relative to the purchase or construction of a refrigerating ship for the disinfection of vessels.

Mr. HARRIS. I move that the communication be referred to the select committee to investigate and report the best means of preventing the introduction and spread of epidemic diseases, and that it be printed.

The PRESIDING OFFICER. Does the Senator desire that all the papers accompanying the communication, which are very voluminous, shall be printed?

Mr. HARRIS. The Senator from Indiana not now in his seat [Mr. MCDONALD] was the mover of the resolution. I suppose he will desire that the accompanying papers be printed. I would suggest to him if he were in his seat, however, that quite a voluminous paper, containing the report of the naval experts, was communicated to the Senate from the Navy Department a few days since, in answer to another resolution, and it has been printed as a part of that communication. How far it may be necessary to print it again as a part of this communication I am not prepared to say; but I suppose the Senator who moved the resolution will desire the accompanying papers printed.

The PRESIDING OFFICER. The question is on the motion of the Senator from Tennessee.

The motion was agreed to.

REPORTS OF COMMITTEES.

Mr. ANTHONY. I am instructed by the Committee on Printing, to which was referred the bill (S. No. 343) relating to printing impressions from portraits and vignettes, to report it back and ask to be discharged from its further consideration. An act of the same character from the House has passed.

The bill was postponed indefinitely.

Mr. PADDOCK. The Committee on Public Lands having had under consideration the bill (H. R. No. 2275) extending the provisions of an act entitled "An act for the relief of certain settlers on the public lands," approved March 3, 1877, until the 1st day of October, 1880, have instructed me to report it back with an amendment in the nature of a substitute, and recommend the passage of the substitute. I give notice that I shall ask the Senate to consider the bill to-morrow morning. It is an important matter that should have immediate attention.

DARIEN CANAL—MONROE DOCTRINE.

Mr. BURNSIDE asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 43) in relation to the construction of a canal across the Isthmus of Darien by European powers; which was read the first time by its title.

Mr. BURNSIDE. I ask that the joint resolution be read at length.

The joint resolution was read the second time at length, and referred to the Committee on Foreign Relations, as follows:

Whereas the people of this Union have for upward of fifty years adhered to the doctrine asserted by President Monroe "as a principle in which the rights and interests of the United States are involved, that the American continents, by the free and independent condition which they have assumed and maintain, are henceforth not to be considered as subjects for future" occupation "by any European power:" Therefore,

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the people of these States would not view without serious inquietude any attempt by the powers of Europe to establish under their protection and domination a ship-canal across the Isthmus of Darien, and such action on the part of any European power could not be regarded in any other light than as the manifestation of an unfriendly disposition toward the United States.

REMONETIZATION OF SILVER.

Mr. VEST submitted the following concurrent resolution; which was ordered to lie on the table and be printed:

Resolved by the Senate of the United States, (the House of Representatives concurring,) That the complete remonetization of silver, its full restoration as a money metal, and its free coinage by the mints of the United States are demanded alike by the dictates of justice and wise statesmanship.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had concurred in the amendments of the Senate to the bill (H. R. No. 2274) concerning the Legislative Assembly of the Territory of Montana.

The message also announced that the House had agreed to the concurrent resolution of the Senate for the printing of 2,000 copies of volume 4 of the geological series of the reports of the geographical and geological survey of the Rocky Mountain region, entitled Geology of the Black Hills of Dakota, with the necessary illustrations and charts.

The message further announced that the House had agreed to the concurrent resolution of the Senate for the printing of 12,000 extra copies of the report and proceedings of the Paris monetary conference, held in August last.

The message also announced that the House had passed the following bill and joint resolution:

A bill (S. No. 674) for the benefit of the widow and children of General James Shields, and to increase the pension of Caroline S. Webster; and

A joint resolution (S. R. No. 5) relative to certain accepted drafts and other papers in the Department of State.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions:

A bill (H. R. No. 1847) to provide for the appointment of a "Mississippi River commission" for the improvement of said river from the head of the passes near its mouth to its headwaters;

A bill (H. R. No. 2264) to amend section 1, page 234, volume 20, of the United States Statutes at Large, Forty-fifth Congress;

A bill (H. R. No. 2267) providing for the binding of the internal-revenue laws and manual;

A joint resolution (H. R. No. 32) authorizing the completion of the foundation of the Washington Monument; and

A joint resolution (H. R. No. 71) authorizing the appointment of a commission to lease a building for a city post-office in the city of Washington, District of Columbia.

JOINT COMMITTEE ON PUBLIC SERVICE.

Mr. BECK. If there are no other resolutions, I should be glad to call up and say a few words about the resolution I submitted yesterday which is printed as Miscellaneous Document No. 48.

The Senate, by unanimous consent, proceeded to consider the resolution submitted by Mr. BECK yesterday, as follows:

Resolved by the Senate, (the House of Representatives concurring,) That a joint committee, composed of five Senators and seven Representatives, be appointed, in such manner as each House may determine, to examine and report at an early day of the next December session of this Congress what changes, if any, ought to be made in the mode of guarding or collecting the revenue, either from customs or internal taxation, or in the management of the various Departments and bureaus of the Government, with a view to efficiency in service and economy in appropriations of the public money. Said committee shall report whether changes from permanent to annual appropriations would be advantageous or otherwise, in whole or in part; it shall have power to sit during the recess, to examine witnesses, send for persons and papers, administer oaths, appoint sub-committees, and visit such places as will enable it to obtain such information as it may desire, and the expenses of the committee shall be paid out of the contingent funds of the two Houses in the proportion of the number of the members of each.

Mr. BECK. Mr. President——

Mr. ANTHONY. If the Senator from Kentucky will permit me, before he proceeds to the discussion of this resolution, I will call his attention to the fact of the unequal number of the members of the two Houses which he proposes to place upon the committee, seven from the House and five from the Senate, which would enable the House members of the committee to vote down the Senate members. I think a joint committee should always be composed of an equal number on the part of each House.

Mr. BECK. I thought it was usual to have a larger number on the part of the House of Representatives. If it is not, it would be far better to have five each, or seven each, if that is the usual mode.

Mr. ANTHONY. It was once customary to have a larger number from the House, but the attention of the Senate has been called to the

inequality, and latterly I think upon joint committees the number has been made equal. I think it should be so at all events.

Mr. BECK. I can only say that I would greatly prefer it if that is the sense of the Senate. I can say in a few moments all I desire to say about the resolution. I do not design to make a speech about it at all.

Mr. DAVIS, of West Virginia. If my friend from Kentucky will give way for a moment I will state that I concur with the Senator from Rhode Island, and I hope we shall make the number equal. It is a subject upon which each House should be consulted alike. I suggest that to the Senator from Kentucky, although of course I shall follow what are his wishes.

Mr. BECK. I should prefer myself to say five each, or seven each, or any other equal number. If the resolution meets with any favor I am content to have it changed in any form that Senators wish. I desire to state the reasons, however, for introducing the resolution.

The PRESIDING OFFICER. The Senator from Kentucky is entitled to the floor.

Mr. BECK. Mr. President, I had a single object in view in introducing the resolution now before the Senate, and that was to endeavor to ascertain if possible whether the present mode of collecting our revenues could not be improved, and whether there could not be greater efficiency obtained with less expenditure of the public moneys in the various departments of the Government. I have delayed introducing it perhaps longer than I ought, because I do not desire to be a member of the committee. I am afraid I will not have the time this summer, for various reasons unnecessary to state here, to permit me to serve on it. Perhaps it had better go to some committee of the Senate to look into it and see whether the suggestions in my resolution meet with favor. If the Committees on Finance, Appropriations, or Commerce should report against the resolution I offer, I would doubt the correctness of my own views.

Mr. President, I have seen, in the course of a number of years' service, a great many difficulties and losses growing out of the present mode of collection of internal revenue and of customs dues. I laid before the Senate some time ago a table showing the number of custom-houses in the United States that were not paying their expenses, a very large number of them—thirty odd—and very many others that are barely collecting a sum sufficient to pay their expenses. I showed that we have, for example, in operation along the coast, which ought all and each to be a coast guard, four fleets, one known as the Revenue Marine, another as the Light-House Board, another the Coast Survey, another the Wrecking or Life-Saving Service, all under independent heads, none being required to aid the other, and none but the Revenue Marine fleet seeming to do much towards guarding the coast in the collection of the revenues, unless it be the Life-Saving Service, which aids the Revenue Marine in some important particulars.

I had heard the present Secretary of the Treasury, or rather I had read a very able speech made by him in August or September, 1877, nearly two years ago, in which he undertook to show that the amount of expenditure in the various custom-houses of the country was altogether in excess of and wholly unwarranted by the necessities of the service. He tried to show how, in many instances, he had endeavored to reform these abuses, but that there was no legislation that enabled him to do it, and that he needed the aid of Congress in so doing. I have not his speech before me and therefore speak from recollection. I am well satisfied that in the internal-revenue service there is an immense amount of improper and unnecessary expenditure. For example, the Commissioner of Internal Revenue has advised us that he has in the last two years licensed or opened some two hundred and fifty new distilleries, many of them very small, many of them not paying the expenses of the gaugers and storekeepers that are employed and paid by the United States to watch them. Those officials have to be sustained at great expense to the tax-payers of the country. When a distillery quits running, say on the 1st of June in each year and lies idle until November, we continue to pay four or five dollars a day to keep watchmen in the still-houses over a few barrels of whisky, doing nothing, when by the same system adopted in California in regard to domestic wines, by consolidating the products of many producers in one fire-proof warehouse for the benefit alike of the producer and the Government, one man could do the work that perhaps thirty are now doing and being paid for. In that regard it seems to me that a great saving could be had and the public service be benefited.

In the speech I referred to as having been made by the Secretary of the Treasury in 1877, my recollection is that he showed that a great saving could be made by a change of the law relative to contracts for public buildings. In one public building alone at the other end of the Avenue, there was a saving, if I recollect aright, of nearly half a million dollars, and with the number of great buildings in process of construction all over the United States it seemed to me that changes and regulations could be made that would inure to the good of the public service, that would save a vast amount of money and at the same time enable Congress to have these important subjects under its control.

Mr. FERRY. The Senator from Kentucky will allow me just there to ask him a question for information as he has given considerable attention to this subject. He has cited a case where a change of a contract under the direction of the Secretary of the Treasury saved to the Treasury nearly half a million dollars. I ask him whether under present authority the Secretary of the Treasury is not fully charged to make these reformatory changes to which he now alludes, and which he proposes to reach by a resolution appointing a joint committee of the two Houses?

Mr. BECK. My impression is that he is not as fully authorized as he ought to be; at least I think he claims that he is not. My desire is not to find fault with anything that has been done in the past, but to have an intelligent committee of the two Houses ascertain what the facts are, to see whether all has been done that can be done. If the Secretary has full power to do what is necessary now, then the committee will so report. Believing that not to be the case, however, and believing that it is important we should know whether it is so or not, I thought a committee of the two Houses ought to look into it with care. The Senator from Michigan is well aware, and so are all Senators, of the difficulty we have had in regard to the proper expenditures of the appropriations that are made for rivers and harbors and many other things that perhaps improvements could be made in, if the matters were looked into and carefully examined by intelligent Senators and Representatives of the leading committees, regardless of their political status.

My idea is that if the committee should be composed say of two members from the Committee on Appropriations, the chairman for example, and its late chairman [Mr. WINDOM] with the chairman of the Committee on Finance [Mr. BAYARD] and its late chairman, or the Senator from Michigan who has long been and now is a distinguished member of that committee, and the chairman of the Committee on Commerce, aided by members of the leading committees of the House, selected to take charge of this matter, and look into it as carefully as they can between now and December, in my judgment they would ascertain that great improvements could be made, that great saving of the public money could be had. I am not blaming the Departments at present for anything that has happened in the past; that is not my object in making this statement; my resolution has nothing to do with anything that has happened. New systems and modes of taxation have grown up in the last ten or twelve years. Our internal-revenue system was unknown to the country comparatively before the war. Great changes have been made in it of late years, and improvements have been made no doubt, but many more can yet be made. The system is much better guarded and protected now than it was eight or ten years ago when we received comparatively nothing from it, notwithstanding the heavy taxes imposed. It is obvious, from looking over the custom-houses of the country, that great improvements and reductions of expenditures could be made there. I could go on and cite wherein, but I do not care to do that, because I want the committee I seek to have appointed to do it, and I will not embarrass the members of it by any suggestions in advance as to the methods to be employed.

So with many other things, Mr. President. It may not be amiss to say that I never saw a more favorable time than this to make such examinations and changes. The parties are nearly equally balanced The President, if you please, differs with the majority of the two Houses. There can be no legislation had on these subjects that will be injurious to the service; none such will be recommended. The idea in my mind is to have the committee composed of the leading representatives of the leading committees who have to deal with those subjects, regardless of party, so that after those gentlemen have obtained the necessary information they may on the floor of their respective Houses tell exactly what the facts are. No outside committee, however intelligent, not composed of gentlemen of that character and position, would do us any good, however carefully their report might be prepared and presented. The information ought to be in the minds of men who have to act upon it, and it ought to be in the minds of the leading committee-men who have charge of the respective subjects, as they could answer all questions put to them by members of either House.

I desire to have this done now for another reason, which is that after we meet in December the men who ought to attend to this work will be at once engaged to the limit of their capacity. The Committee on Finance, perhaps the very moment they meet in December, will have to consider great and important subjects growing out of the relation of gold and silver and paper, tariffs, taxes, and other things; they cannot spare a moment. I know that the chairman of the Committee on Appropriations and the leading members of that committee in both Houses will at once have to begin considering the bills necessary to provide for the ordinary expenditures of the Government. The Committee on Commerce will at once have its hands full with the great interests confided to it. But if a joint committee be appointed now, although I know it is very late in the season and the duties of this extra session have been onerous, it can during the months of October and November in some way that it will devise, perhaps without much labor or much expense, put itself in connection with the leading officers of the Government and the leading business men of the country and obtain the information necessary to make a thorough and radical reform in whatever is wrong. They can at least do this if there are wrongs that are merely imaginary or that cannot be improved; their report will go far to satisfy us in that regard.

In every particular it seemed to me to be an important thing that we should obtain during this summer such information as would en-

able the committees of the two Houses when they met in December to intelligently and carefully look over all these great questions, because there are no greater questions connected with the Government than those guarding the revenue, either in customs or internal taxes, and limiting the expenditures down to the lowest point consistent with the efficiency of the service.

There are questions growing out of the permanent appropriations that have been made from time to time, and are not well understood, amounting to many millions: for example, all fines collected are appropriated by law, not subject to revision by Congress, in a lump, for the aid of the custom-house service and to pay its officials. There are a great many other matters which I need not speak of over which Congress has no annual revisory power. Perhaps the joint committee might think it best not to give Congress that revisory power. I think in very many cases it ought to have it. I think when the Congress makes appropriations it ought not to make them in a lump by the $50,000,000 or $100,000,000, but it ought to see how the money is spent, and be able to control its expenditure as the good of the country may seem to require. Many of the permanent, indefinite, and other appropriations that never come before us ought to have the scrutiny of intelligent representatives who represent States and people, instead of turning them over to departments and bureaus in gross, as is done now. Many of the most important branches of the Government service are run almost wholly by permanent appropriations that no Representative or Senator ever knows anything about, and when the account is made out it is given in some obscure manner, in some obscure pamphlet, that nobody ever reads, and thus all sense of responsibility is lost or utterly ignored.

Perhaps the committee might come to the conclusion that they could not change many of these things, bad as I think they are. I think they will come to the conclusion that in many instances the system ought to be changed. I believe that in many instances the Departments themselves would sanction a change. Whether so or not, it is a matter that ought to be looked into. I believe that this cannot be done by the committees of the two Houses if they do not look into it during vacation. There may be members of the two Houses who have the time, but those members who have the time, either because of their want of length of service or because they are not on important committees, are not generally in a position to influence legislation in regard to these subjects. It is perfectly certain that the men who ought to look into all those questions cannot after Congress meets in December devote any time to them. The result will be, we will go on in the old routine way, cutting off a clerk here, adding one there, and nibbling about, without looking at the great evils that I think exist, where millions of money can be saved in the general regulation and collection of the revenue, both of customs and internal revenue, and in many of the matters pertaining to contracts which the Committee on Commerce could look into, which the Committee on Finance could look into, and the Committee on Appropriations could look into; and, as I believe, they could make important changes, with the consent of nine-tenths of the representatives in both Houses, in regard to many of these things, and with the sanction, I believe, of the heads of the Departments themselves.

In saying that, I mean that I am not now finding fault particularly with the Administration, but rather with the system; necessities perhaps have existed for not sooner seeking a change. I know how hard it is to build up systems and make them work harmoniously and expand in the proper direction without change. I know how hard it is, when a number of supernumeraries are employed for men belonging to their own party to turn them out, and, if you please, reform within their own party lines; both parties can do it much better. Now, when both parties, as I said, are nearly equally balanced, and when each can look into the matter carefully, without much bias or knowledge of what will happen in the near future, we can have a carefully selected committee composed of the leading members of the committees of both political parties, which would enable this Congress to do more good in the way of securing efficient service, of lopping off supernumeraries, stopping whatever there is of corruption, and in saving large amounts—and when I speak of large amounts I mean millions of dollars—to the tax-payers of this country, and still the service would go on well, than we have had for a long time past or may have very soon hereafter.

Mr. President, as I said, I am not going to make a speech in support of the resolution I have offered. I do not desire that the resolution shall be adopted upon my suggestion without careful examination. I think that one of the committees ought to look at it, and I would be glad if I thought an early report could be made to send it to any of the three committees, the Committee on Appropriations, the Committee on Finance, or the Committee on Commerce. Perhaps the Committee on Appropriations or the Committee on Finance would be better, as the chairman of the Committee on Commerce [Mr. GORDON] is absent, and I understand he is not coming back any more at this session. Let the resolution be referred to either of the other committees, and let them look at it, examine it carefully, and make such report as in their judgment will best conduce to the good of the country and the economy of the service.

I believe I have said about all I care to say in regard to it except this, that on the suggestion of the Senator from Rhode Island, I shall amend the resolution before it is referred by saying either five members of the Senate and five members of the House or seven members of the Senate and seven members of the House, so as to have an equal number of Senators and Representatives.

Several SENATORS. Five.

Mr. BECK. Five members of the Senate and five of the House.

The PRESIDING OFFICER. The modification will be made.

Mr. BECK. The resolution can either be referred or acted on by the Senate as the Senate thinks best.

Mr. MORRILL. I hope the Senator from Kentucky will allow this resolution to be referred to either the Committee on Finance or the Committee on Appropriations, I care not which. It seems to me that the resolution may require some amendment. Whether it is as extensive as it ought to be if it is to pass, I am not certain. I do not rise to object to the passage of the resolution or to its reference; but I would state to the Senator from Kentucky that there will not be time for any members of the Senate and House to make that thorough investigation of the subject which its importance really requires. If it was only the 4th day of March instead of the 25th day of June, there would be time; but now it will be utterly impossible to impose this duty upon any willing members of the Senate and members of the House with any expectation that they will be able to pay any attention to it for two or three months to come, but that the time will be too limited to properly investigate all the topics that are included in this resolution.

Why, Mr. President, we already have nine committees of this body who are authorized to sit during the recess which will take forty or fifty members of the Senate. How can you expect that so many members of the Senate will impose upon themselves the labor required by this resolution? I agree to its importance. I only think that it is too late in the year to have it very effectual. I move that it be referred to the Committee on Finance.

Mr. DAVIS, of West Virginia. Mr. President, I think the resolution of the Senator from Kentucky is a long step in the right direction, and it ought to have been passed many years ago. There are to-day in my judgment many millions that ought to be and would be saved if we knew just where to touch. There are no doubt Departments of this Government that are hard-worked and need more clerical aid. There are others, in my judgment, which are extravagantly provided for and ought to be pruned. I believe that the resolution of the Senator from Kentucky will result in great good.

Now let me say to the Senate that taking the permanent appropriations alone, to those who have not thought of the subject they seem very large and much more than is generally anticipated. During the war and for five or six years afterward the permanent appropriations were greater than the regular annual appropriations, leaving out the interest on the public debt. I believe that that ought to be untouched, that it ought to be a permanent appropriation, and I suppose no one desires to touch or interfere in the least with that portion of the permanent appropriations.

Between the years 1870 and 1878, the last eight years, in the War Department the annual appropriations have been $309,000,000 and the permanent appropriations have been $56,000,000. In that Department about one-fifth of the entire expenditures for the last eight years have been paid from what is known as permanent appropriations which Congress has no control over and which it has not passed upon during that whole period of eight years.

Now take the miscellaneous. The miscellaneous items for the last eight years that have been appropriated for by annual appropriations are $265,000,000, while from the permanent appropriations there have been $56,000,000—I am speaking in round numbers—showing that at this time there are many million dollars paid from the permanent appropriations which Congress in no way passes upon, exclusive of the public debt. I have no desire to interfere or prevent the interest on the public debt being provided for by permanent appropriations; and I hope it will be understood that I always except the public debt. I have a list here of the annual and permanent appropriations in the several departments of the Government for the last eight years; and what I have given has been since 1870, showing that there are great reforms needed in that particular. Now, take the expenses of collecting the customs. The Senator from Kentucky has spoken of that item. Let us see what that has been for the last eight years. The annual appropriations for customs in those eight years have amounted to $62,000,000. The permanent appropriations in which Congress has had no voice, which neither House has passed upon in the last eight years, have been $104,000,000, nearly double. The permanent appropriations which have not been supervised by Congress to any extent whatever have been $104,000,000, and the annual appropriations have been $62,000,000, showing largely more permanent appropriations than annual appropriations. Many of these things no one of us has any idea of. It will be recollected by the Senate that until very recently many of us were not aware that the supervisors of elections were paid out of permanent appropriations and not by annual appropriations; yet that is the case, and no matter whether we appropriate or not they are paid out of the permanent appropriations.

I hope this resolution will not be referred. It is late in the session, as the Senator from Vermont has well said; but if it is referred, before it can get back to the Senate and pass and go to the House and there be properly passed upon the session will, I hope, have passed off, for I trust it will not last many days more. Therefore it ought

not, in my judgment, to be referred. If there is any amendment needed, we have plenty of time now for Senators to consider amendments. I hope the resolution will be passed this morning, so that it may go to the House for a conference, and this fall gentlemen will have a month or six weeks, or whatever time may be thought necessary, before Congress meets again, when the committee can meet here and determine how it is best to make the examination. It is possible, and even probable, that all can be done at Washington, and that the expense will be a matter of almost nothing compared with the great importance of the committee.

I agree with the Senator from Kentucky, that when we meet at the next regular session in December all the regular committees of the Senate and the members of them will be so engaged that this examination cannot properly be done by them. The subject needs attention, and especially attention from a committee when Congress is not in session. I therefore suggest that a time may be agreed upon by the committee early in the fall, and possibly they can do all that is to be done in Washington and make a report to the next session of Congress which, in the words of the Senator from Kentucky, would save millions to the country.

The PRESIDING OFFICER. The question is on the motion to refer the resolution to the Committee on Finance.

Mr. MORRILL. I merely desire to say that this proposition of reference will only cost one day. If the resolution is referred to the Committee on Finance or the Committee on Appropriations it will undoubtedly be acted upon and reported back to-morrow. I think the resolution is too important to be acted upon without some reference.

Mr. DAVIS, of West Virginia. Upon the suggestion of the mover of the resolution I withdraw my opposition to its reference, as I understand the Committee on Finance meets to-morrow morning, and it may be reported back. It will only cause a delay of one day.

Mr. BECK. I prefer that, because I should like the judgment of one of the leading committees as to whether the resolution ought to pass or not.

The PRESIDING OFFICER. It is moved that the resolution be referred to the Committee on Finance.

The motion was agreed to.

CHANGE OF NAME OF A FERRY-BOAT.

Mr. RANSOM. I ask unanimous consent to introduce a bill and put it on its immediate passage.

By unanimous consent, leave was granted to introduce a bill (S. No. 719) to change the name of the ferry-boat James Fisk, jr., to Passaic.

Mr. RANSOM. I beg leave to state that the members of the Committee on Commerce have examined the bill and it has their approval. The statement has been made that all the requirements which are insisted on by the Committee on Commerce before they consent to the passage of such a bill, have been fulfilled.

There being no objection the bill was read three times, and passed.

APPROPRIATIONS FOR VARIOUS PURPOSES.

The PRESIDING OFFICER. If there is no further business of the morning hour the Chair will declare it closed, and lay before the Senate the unfinished business, which is the joint resolution (S. R. No. 39) in relation to committee clerks, pages, and other employés of the Senate and House of Representatives. The question is on the amendment of the Senator from Pennsylvania [Mr. WALLACE] to the amendment of the Senator from Kansas, [Mr. INGALLS.]

Mr. DAVIS, of West Virginia. I move that the joint resolution——

Mr. BLAIR. Mr. President, I wish to move an amendment to the joint resolution providing for the payment of one month's extra pay to certain disabled soldiers who have been discharged from the soldier's roll in the House. I do not intend to offer it at this time.

Mr. DAVIS, of West Virginia. The Senator can offer his amendment, but I was about to make a motion to pass by informally the present joint resolution, to let it lie on the table for the present. The Senator can present his amendment, however.

The PRESIDING OFFICER. The Chair would state to the Senator from New Hampshire that the amendment now would not in the opinion of the Chair be in order, for there are two amendments now pending, one an amendment to an amendment.

Mr. BLAIR. I suggest that I propose to offer it informally.

Mr. DAVIS, of West Virginia. The Senator can give notice of it and have it printed and offer it when it shall be in order.

Mr. BLAIR. I send it to the desk to be read.

The PRESIDING OFFICER. The amendment will be read for information.

The Chief Clerk read as follows:

To enable the Clerk of the House of Representatives to pay a sum equal to one month's pay from the date of their discharge from the disabled soldiers' roll of the House of Representatives, respectively, to William H. Prescott, Eugene McSweeney, and Robert E. Hedian.

Mr. BLAIR. I wish to give notice that at the proper time I will move the amendment at the close of the seventh line of the second section.

The PRESIDING OFFICER. Does the Senator desire the amendment to be printed?

Mr. BLAIR. I presume there is no occasion for it. There will be no controversy in relation to it.

The PRESIDING OFFICER. It will lie on the table.

Mr. DAVIS, of West Virginia. I move that the joint resolution lie on the table for the present subject to call.

Mr. WINDOM. Is there anything else the Senator desires to bring before the Senate now?

Mr. DAVIS, of West Virginia. This has not been disposed of. I have no other measure that I desire to call up at present.

Mr. WINDOM. I thought the Senator asked to have this joint resolution laid on the table.

Mr. DAVIS, of West Virginia. Yes, sir, that is my motion.

Mr. WINDOM. I was going to say to the Senator that as this joint resolution now covers almost every conceivable subject, and as I wish to make a few remarks of a somewhat general character, occupying about thirty minutes, I think they will be very applicable to the pending resolution; and if the Senator has no objection I will make them now.

Mr. DAVIS, of West Virginia. Then I withdraw the motion.

Mr. WINDOM. There is a little political tendency in the remarks I have to make; and as this measure is general, I think they will fit it better than any other bill that could be called up.

The PRESIDING OFFICER. The motion of the Senator from West Virginia is withdrawn.

Mr. BECK. Before the Senator from Minnesota proceeds I desire to give notice of and ask to have printed two amendments that I will offer to this bill at some proper time.

Mr. ALLISON. I should like to have them read.

The PRESIDING OFFICER. The proposed amendments will be read.

The Chief Clerk read as follows:

SEC. — Whereas section 3678, Revised Statutes of the United States, provides that "All sums appropriated for the various branches of expenditure in the public service shall be applied solely to the objects for which they are respectively made, and for no others;" and

Whereas section 3679 of said statutes provides that "No department of the Government shall expend, in any one fiscal year, any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract for the future payment of money in excess of such appropriations:" Therefore,

It is hereby enacted, That any Department or officer of the United States who shall order, direct, or cause to be expended, or make, cause, or permit any contract to be made for the expenditure of any of the money appropriated by Congress in violation of the provisions of the sections above recited, shall be guilty of a misdemeanor of which all district and circuit courts of the United States shall have jurisdiction; and on conviction thereof shall be fined in any sum not exceeding $5,000, and shall immediately be dismissed from the office held by him, and shall be forever thereafter disqualified from holding any office of honor, profit, or trust under the United States.

Mr. BECK. That is one. The other amendment relates to different subjects.

The Chief Clerk read as follows:

SEC. —. That it shall not be lawful for any person holding any office under, or receiving any compensation for services rendered to, or under any contract with the United States, to contribute or pay to any committee or person, or into any fund, any money, property, or valuable thing for any election or other political purpose whatsoever, or to pay any assessment or percentage upon the income or emoluments of his office, compensation, or contract, for any political purpose, or to give, lend, advance, or pay any money, property, or valuable thing with the intent, or with the assent, permission, or understanding that the same may be applied to, or for any election or other political purpose whatsoever, nor shall he or she apply the same personally to any political purpose. No head of a Department or other superior officer shall himself collect, or permit or allow any other person to collect or receive, from any officer or other employé in his Department, or under his supervision, or from any other person whatsoever, any assessment, percentage, contribution, gift, loan, or advance of any money, property or valuable thing with the intent, understanding, or permission that the same shall or may be used for any political purpose; and it shall not be lawful for any person or association of persons to collect or attempt to collect, directly or indirectly, from any such official, employé, or contractor with the United States, any money, property, or other things of value, for any election or other political purpose. Any person who shall violate any provision of this act shall be deemed guilty of a misdemeanor, and, on conviction thereof in any court of the United States, shall be punished by a fine not exceeding $5,000, in the discretion of the court; and any person who shall violate any provision of this act shall, in addition to such fine, be deemed and taken to have vacated the office by him held, and shall be forever thereafter disqualified from holding any office of honor, profit, or trust under the United States.

Mr. BECK. That is carrying out the President's inaugural message; that is all.

Mr. CONKLING. May I inquire, is that piece of composition in print?

Mr. BECK. It will be in the morning.

Mr. CONKLING. It was to express that hope that I rose.

The PRESIDING OFFICER. The proposed amendments will be printed.

Mr. WINDOM. Mr. President, since this session began we have heard, almost daily, that the political and industrial interests of the country are suffering from republican misrule, and that the only way to restore purity and prosperity is to reinstate democracy in power. A stranger to our history, listening to the speeches from the other side, might conclude that the country had always been peaceful, united, and prosperous under democratic rule, and that political and industrial ills came only with the advent of republicanism, and can be cured only by its overthrow. It is my purpose to review in the briefest terms and in the most direct manner I can command, a few prominent and well-known facts bearing upon this assumption. In doing so I shall contrast the political, financial, and industrial condition of the country under democratic and republican rule.

DEMOCRACY IN 1860—REPUBLICANISM IN 1879.

Prior to March 4, 1861, democracy had held substantial sway for more than thirty years. True, the whigs had twice elected their Pres-

ident, but in both instances death and democracy had soon captured the Administration. Since March 4, 1861, republicanism has governed the country. The principles and policies of the respective parties, during these long periods of uninterrupted administrative power bore their legitimate fruits. We may, therefore, very properly contrast the results of republicanism, as exhibited in 1879, with the results of democracy as shown in 1860. By their fruits ye shall know them.

Democracy assumed control of a nation strong, united, and prosperous, respected at home and honored abroad. Having ruled for thirty years, it surrendered to the republican administration a country distracted by civil war, dismembered by secession, dishonored by treason in high places, and bankrupt in money and in credit. Do I state this too strongly? Look at the record *prior* to March 4, 1861!

Seven States had seceded.

A hostile government had been fully organized within our borders.

A hostile congress had been in session for a month at Montgomery, Alabama.

A president and vice-president of the confederacy had been inaugurated.

Levies of troops for the overthrow of the Union had been made, and hostile armies were marching upon our national capital.

Fort Moultrie, Castle Pinckney, Fort Pulaski, Fort Morgan, Fort Jackson, Fort Philip, Fort Pike, and Fort McRea had all been captured by rebel troops, more than six weeks, before the last democratic administration expired.

The United States arsenal at Mount Vernon, Alabama, with two hundred thousand stand of arms, had been captured two months before the republicans came into power.

The Pensacola navy-yard, the Baton Rouge arsenal, the New Orleans mint and custom-house, and the Little Rock arsenal had all been seized by confederate troops, more than four weeks before Lincoln's inauguration.

The United States steamer Star of the West had been fired into by rebel batteries, when attempting to furnish supplies to starving United States soldiers at Fort Sumter.

The rebel General Twiggs had surrendered the United States troops, and transferred the United States property in Texas to the State authorities.

A rebel Secretary of War had sent the arms of the nation south to arm its enemies.

A democratic Secretary of the Navy had ordered our ships to the ends of the earth, so that they should not be available to defend the Union against its foes.

And, most disgraceful of all, a democratic President, backed and indorsed by the great body of his party, had proclaimed to the world the dishonor and impotency of the nation, by declaring in his annual message that no power had been delegated to Congress, nor to any other department of the Federal Government, to coerce a seceded State.

Mr. President, all those crimes had been committed by democrats under a democratic administration, and with the sanction of the very men to whom the guardianship of the Republic had been so long intrusted.

What had democracy done to save a nation, thus falling to pieces, through the rottenness of treason, and the distractions of civil war? Nothing; absolutely nothing. To a nation in the agony of despair, and rapidly nearing the vortex of utter ruin, what word of hope or courage had it uttered? Not one. For the enemies of the country what words of rebuke had it spoken? None. Its condemnation had been only for those who sought to save; its encouragement for those who would destroy.

Such was the legacy of treason, civil war, secession, national impotency, and dishonor, bequeathed from thirty years of democratic rule! Such were the conditions under which republicanism took control of the Government, and the extreme peril from which it rescued the nation! Three months more of democratic rule, at that time, would have been utterly fatal, and the great Republic would have been numbered among the things of the past.

From these perilous depths of treason, imbecility, and dishonor, the republican party has, through eighteen years of incessant struggle with the evil spirit of democracy, brought the country to its present condition.

Contrast the grandeur, greatness, and glory of the Republic in 1879 with its impotency and shame in 1860, and you will, to some extent, measure the relative claims and merits of the two parties.

A FINANCIAL CONTRAST.

Mr. President, I next invite attention to the *financial* contrast presented by democracy in 1860, and republicanism in 1879.

Let me read a letter from the Secretary of the Treasury, which states, in concise form, the results of democratic financiering:

TREASURY DEPARMMENT,
WASHINGTON, D. C., *September* 25, 1878.

SIR: I am in receipt of your letter of this date, asking for a "statement of the loans made by the United States in the fall of 1860 or the winter of 1861, describing the bonds, the amount sold, and the sum per cent. the Government realized.

In reply thereto, I have to inform you that under the act of December 17, 1860, (12 Stats., 121,) Treasury notes were issued, redeemable at the expiration of one year from date, bearing interest as follows: $70,200, at 6 per cent.; $5,000, at 7 per cent.; $24,500, at 8 per cent.; $31,000, at 8½ per cent.; $10,000, at 8¾ per cent.; $65,000, at 9 per cent.; $10,000, at 9¼ per cent.; $160,000, at 9½ per cent.; $77,000, at 9¾ per cent.; $1,027,500, at 10 per cent.; $266,000, at 10½ per cent.; $623,000, at 10¼ per cent.; $1,367,000, at 10¾ per cent.; $1,432,700, at 11 per cent.; $4,840,000, at 12 per cent.—making a total of $10,010,900.

Additional offers were received, ranging from 15 to 36 per cent., which were refused.

Under the act of February 8, 1861, (12 Stats., 129,) authorizing a loan of $25,000,000 bonds of the United States, bearing 6 per cent. interest, having twenty years to run, were disposed of to the amount of $18,415,000, at an aggregate discount of $2,019,776.10, or an average rate of $89.10 per $100.

So low had the credit of the Government fallen that the Secretary of the Treasury, in January, 1861, suggested to Congress, as a financial resource, that the several States be asked, as security for the repayment of any money the Government might find it necessary to borrow, to pledge the deposits received by them from the Government under the act for the distribution of the surplus revenues in 1836; the Secretary believing that a loan contracted on such a basis of security, superadding to the plighted faith of the United States that of the individual States, could hardly fail to be acceptable to capitalists.

Very respectfully,

JOHN SHERMAN,
Secretary.

Hon. C. H. GROSVENOR,
Washington, D. C.

Mr. President, let me say in parenthesis that I hope you will not fail to note this climax of the dogma of "State rights." When the nation, dishonored and humiliated through democratic misrule, had sunk so low that it could no longer raise money to meet its current expenses, it was solemnly proposed to ask the States to become its indorser. I doubt if the present "State-rights" majority in Congress could ask more than this by way of national dependency and humiliation. Even the distinguished "embassador from the sovereign and independent State of Georgia" [Mr. HILL] must have been content.

Pause and think of it for a moment! This great nation unable to borrow the needed funds for current expenditures even at 12 per cent. interest! A 6 per cent. twenty-year bond selling at 89.1 cents on the dollar, and but few bidders even at that ruinous discount! The great Republic, in its extremity and humiliation, seeking an indorser for its dishonored paper! Then turn from these shameful consequences of democratic misrule and disloyalty, as exhibited in 1860, to the grand financial triumphs of republicanism in 1879.

Mark the contrast. In 1860 this nation, under democratic rule, sold its 6 per cent. bonds at 89.1 cents on the dollar. In 1879 the same nation, under republican rule, is selling its 4 per cent. bonds at 103.

In 1860 this Republic was begging an indorser for its dishonored credit. In 1879 the financial world is begging for a chance to buy its 4 per cent. bonds.

Think of this disgraceful national bankruptcy in 1860, and then remember the crowds of people who recently stood in line, extending from the center of Pennsylvania Avenue to the Treasurer's office, waiting from sunrise until sunset, to obtain those coveted bonds.

Democracy denounces the "bloated bondholder," but pays him 12 per cent. interest for his money. Republicanism demands justice for all, but pays the bondholder only 4 per cent. interest.

If, in 1861, a 6 per cent. one-hundred-dollar United States bond, having twenty years to run, sold for $89.10, upon the same basis of investment, a one-hundred-dollar twenty-eight-year 4 per cent. bond should now sell for only $48.81, instead of $103, the present market price. The verdict of the financial world therefore is that the credit of this nation has advanced over 100 per cent. under republican rule. This statement, however, falls very far short of the whole truth, for in 1860, upon a proposed loan of $25,000,000 only $18,415,000 could be sold, while in 1879 offers have been received amounting to over $150,000,000 in a single day.

Do you say this contrast is unfair because a great war was impending in February, 1860? I reply that both the war and the bankruptcy were the fruits of democratic rule. No republican had either inaugurated or threatened war. No republican had voted for secession or committed treason. The democratic policy was a unit, and history will so treat it. Democracy cannot excuse the dishonered national credit because a war was then impending, any more than an incendiary can avoid responsibility for destruction of property, by pleading that the fire did it.

This contrast between our financial condition in 1860 and in 1879 is unjust to the republican rather than to the democratic party. The latter governed in a time of peace, and whatever of trouble or disaster threatened, came wholly from its own partisans. The former rescued the nation when in the very throes of civil war, and in order to save its life raised and expended at least $5,000,000,000. To the demoralization and business disturbances of a great war were superadded the crushing taxation necessary to carry it on. And yet all these difficulties have been bravely encountered and triumphantly overcome. Already three-fifths of the war expenditures have been paid, and the Republic, redeemed from disunion and dishonor, has been placed financially and politically in the very front rank of nations.

From 1857 to 1861, in a time of peace, democracy trebled the national debt to meet current expenditures, while in the last eighteen years republicanism has paid at least $3,000,000,000 of the cost of saving the Union. Of the bonded debt, existing at the close of the war, we have paid on the principal and reduced the rate of interest until the annual charge is now only about one-half what it was in 1866.

The world affords few, if any, instances of financial triumph as grand as those which have thus been achieved by the republican party. And let it not be forgotten that at every step which led to these magnificent results, it has encountered the most virulent and determined

opposition from the democracy. Even resumption, now an acknowledged success, was denounced less than a year ago as a wicked and disastrous failure.

I commend all these facts to the careful consideration of those who think that the political and financial interests of the country will be safer, and more prosperous, in democratic than in republican hands.

MARVELOUS INDUSTRIAL AND MATERIAL PROGRESS UNDER REPUBLICAN RULE.

In reply to the allegations that our material and industrial interests have suffered from republican misrule, I beg to submit a few facts drawn from official documents.

Notwithstanding the depression of the last few years, I am confident that the census of 1880 will show the most astonishing advance ever made by this or any other country. I am not unmindful that during the last five years financial disorders, resulting from the war, have produced widespread disaster and suffering, nor of the fact that more than a million men were withdrawn from productive industry, and for four years devoted to carnage and destruction. And yet, notwithstanding all this, I assert that every line of statistics, which may be taken as an index to the material and industrial progress of the people and of the nation, proves that the advance, since 1860, has been without a parallel in our history.

I invite the attention of the Senate to some statistical comparisons between 1860 and 1878, indicating our industrial progress during the eighteen years of republican rule. In making these comparisons it will be borne in mind, that the increase in population has not been more than 50 per cent. since 1860.

Total exports of agricultural products.

In 1878	$536,038,954
In 1860	256,560,972
	279,477,982

Increase, over 100 *per cent.*

This statement does not fairly represent the general agricultural progress during that period, because the cotton product, which was the chief export in 1860, has not materially changed since that time. The exports of raw cotton in 1860 were $191,806,555, and in 1878 $180,031,489. Deducting these amounts from the total exports of their respective years, the following statements will indicate the

PROGRESS OF GENERAL AGRICULTURAL INDUSTRY.

Exports of agricultural products other than cotton.

In 1878	$356,038,954
In 1860	55,754,317
	300,284,637

Increase, over 538 *per cent.*

Take a few of the leading items of agricultural industry:

Exports of bread and breadstuffs.

In 1878	$181,777,841
In 1868	24,422,310
	157,355,531

Increase, 644 *per cent.*

The increase of the two principal commodities embraced under the head of "bread and breadstuffs" is shown in the two following statements:

Exports of wheat and wheat flour.

	Bushels.
In 1878	92,141,626
In 1860	17,213,133
	74,928,493

Increase, 430 *per cent.*

Exports of corn and corn-meal.

In 1878	87,192,110
In 1860	4,248,991
	82,943,119

Increase, 1,952 *per cent.*

Exports of provisions.

In 1878	$123,556,323
In 1860	16,612,443
	106,943,880

Increase, over 643 *per cent.*

"Provisions" embrace bacon and hams, beef, butter, cheese, condensed milk, eggs, fish, lard, preserved meats, mutton, oysters, pickles, sauces, pork, onions, potatoes, and vegetables, prepared or preserved, and other vegetables, but do not embrace "bread or breadstuffs."

PROGRESS OF OUR MECHANICAL AND MANUFACTURING INDUSTRIES.

Total domestic exports of manufactured articles.

In 1878	$135,171,921
In 1860	42,408,934
	92,762,987

Increase, 218 *per cent.*

Pig-iron produced in the United States.

	Tons.
In 1878	2,577,361
In 1860	919,770
	1,657,591

Increase, 180 *per cent.*

Railroad bars of all kinds produced in the United States.

	Tons.
In 1878	882,685
In 1860	205,038
	677,647

Increase, 330 *per cent.*

TOTAL DOMESTIC EXPORTS.

If we turn to the *total* domestic exports, we find that the aggregate since 1860 is greater by $601,739,072 than the total aggregate of domestic exports for the seventy-one preceding years, as will appear from the following statement compiled from the reports of the Treasury Department:

Aggregate exports of domestic merchandise.

From 1861 to 1878, inclusive, (18 years,)	$6,616,068,596
From 1790 to 1860, inclusive, (71 years,)	6,014,329,524
	601,739,072

In other words, *during the eighteen years of republican rule the country has exported an aggregate surplus of the products of labor, more than six hundred millions greater than during all the previous existence of the Government!*

TESTIMONY OF THE POST-OFFICE DEPARTMENT.

The business of the Post-Office Department is one of the best attainable exponents of the activities which constitute national and individual progress, and the most reliable index to our commercial, industrial, social, and intellectual advancement. What do the statistics of that Department teach?

Receipts of the Post-Office Department.

In 1878	$29,277,517
In 1860	8,518,067
	20,759,450

Increase, 243 *per cent.*

Aggregate receipts of the Post-Office Department for the periods stated below.

From 1790 to 1860, inclusive, (71 years)	$174,501,521
From 1860 to 1878, inclusive, (18 years)	341,700,059
From 1872 to 1878, inclusive, (6 years)	182,487,906

These statistics reveal the astonishing facts:

First. That *in eighteen years of republican administration, the aggregate receipts of the Post-Office Department have been nearly double the entire aggregate for the seventy-one preceding years.*

Second. That *the aggregate receipts, for the last six years, exceed by* $8,986,385 *the entire receipts from the foundation of the Government to* 1860.

TESTIMONY OF INTERNAL COMMERCE.

Turn next to the evidences of industrial progress presented by our internal commerce. It is impossible to state accurately the increase since 1860, because there are no available statistics on this subject, but it can be estimated approximately from certain known facts.

About 90 per cent. of our internal commerce is conducted upon railroads. The New York Central, and the New York and Erie Railroads both being in an old State, may be taken as fair exponents of the increase in railway transportation, and hence of the increase of internal commerce. I think it will be found that a like proportionate increase has been made on all the other railroads of the country.

Tonnage moved one mile by the New York Central and the New York and Erie Railroads.

	Tons.
In 1878	3,309,119,805
In 1860	418,315,787
	2,890,804,018

Increase, 690 *per cent.*

"Tonnage moved one mile" is the formula adopted by the leading railroads to compare the business of one year with another. The *percentage* of increase is doubtless larger on many of the new roads than on those I have selected, but these probably present the fairest illustration of the general increase throughout the country.

Railroad mileage of the United States.

	Miles.
In 1878	81,955
In 1860	30,635
	51,320

Increase, 167 *per cent!*

The reduction in rates of transportation has more than equaled the increase in railway mileage and freights. In 1860, wheat and

corn could not be carried by rail from the Mississippi Valley to the Atlantic seaboard at such rates as would afford the western farmer a fair compensation for his capital and labor employed in their production. In fact they were not carried by rail at all to any considerable extent. The lake and canal line was almost wholly relied upon for this kind of transportation, and even by that line the charges averaged about 28 cents per bushel. As late as 1868 the charges by rail from Chicago to New York were 42.6 cents per bushel. Both of these rates were substantially prohibitory and rendered the permanent prosperity and progress of the far West impossible. In 1878 the average water rates from Chicago to New York had been reduced from 28 cents to 8.6, and the all-rail rates from 42.6 cents to 16 cents. Much of this reduction is due to the system of internal improvements that has prevailed under republican administrations, by which the lake route and the Mississippi River have been improved and brought into active competition with each other and with the railroad system of the country. I am informed that the rates this year are even lower than in 1878, and that a thousand car-loads of wheat have recently been carried from Saint Louis to New York at the rate of 7 cents per bushel. This was brought about through competition created by the jetty improvements at the mouth of the Mississippi River.

By reason of the policy of internal improvements and the consequent reductions in rates, the farmers of the Mississippi Valley are practically as near market, to-day, as the farmers of Central New York, or Pennsylvania, were in 1860. Indeed the Minnesota farmer, in 1879, can transport his products to the wharfs at New York City as cheaply as could the farmer who in 1860 lived within ten miles of that city, but who was compelled to use the common wagon road. It cost the latter at least 8 cents per bushel, and the Minnesota farmer can ship from Duluth to New York at that rate.

Thus while the cost of transportation has been reduced to less than one-third of the rate in 1860, the tonnage has increased over 690 per cent.

These facts account, in great part, for the astonishing increase in our exportations of agricultural products, to which I have referred. They account, almost wholly, for the large exportations of corn which, as just stated, have increased 1,952 per cent. since 1860.

This wise system of internal improvements, adopted and carried on by republican administrations, together with other measures for the benefit of agriculture and commerce, have given us the control of foreign markets, which resulted last year in a balance of trade *in our favor* amounting to $257,815,234. The balance against us in 1860 was $20,040,062. To the same causes may also be attributed the unparalleled progress of the new States and Territories west of the Mississippi River.

Mr. President, this material and industrial progress, under republican rule, which I have tried to exhibit, will be better understood and appreciated by comparing the following summary of results with the increase in population:

Since 1860 the population of the United States has increased only about 50 per cent.

Within the same period, the official statistics I have quoted exhibit the following remarkable results:

	Per cent.
Increase in general agricultural exports	538
Increase in exports of bread and breadstuffs	644
Increase in exports of wheat and wheat flour	430
Increase in exports of corn and corn-meal	1,952
Increase in exports of provisions	643
Increase in exports of manufactured articles	218
Increase in production of pig-iron	180
Increase in production of railroad bars	330
Increase in revenues of the Post-Office Department	243
Increase in railway mileage	167
Increase in internal commerce	690

These statistics, embracing all the principal industries of the country, indicate that our material and industrial advance has been from three and one-half up, to thirty-nine times, greater than our increase in population.

They prove conclusively that our industrial and material progress, for the last eighteen years, is without a parallel in any period of our history.

It was in view of these astonishing results, achieved under republican rule, that Mr. Gladstone recently said:

> The huge figure, £1,000,000,000, which may be taken roundly as the annual income of the United Kingdom, has been reached at a surprising rate. * * * But while we have been advancing with this portentous rapidity *America is passing us by in a canter.*

These remarkable exponents of national progress, under republican rule, are submitted without comment. Words would only weaken their irresistible logic. The people will not fail to apply them.

Our democratic friends will do well to consider these facts in connection with their oft-repeated charge that the country is going to ruin from republican misrule and corruption. They will also do well to bear in mind the fact that this progress—by far the most marvelous in our national history—has been achieved under the most difficult and disadvantageous circumstances. Let them not forget that they surrendered to republican control a country rotton with treason and rent by civil war; a Treasury without funds, and a Government without credit; and that the flames of civil strife, kindled and fed by democratic hands, consumed a million of our bravest and noblest men, and many billions of property.

Let them ponder well this democratic legacy of treason, civil war, bankruptcy, and dishonor; and then remember the rescue of the Republic, the triumph of nationality, the magnificent financial success, and the marvelous industrial and material progress achieved under republicanism, and they will be able to contrast the fruits of republican rule as exhibited in 1879, and of democracy as shown in 1860.

Mr. President, these political, financial, and industrial contrasts embrace all I intended to say, but we have heard so much during this session about republican hatred and persecution of the "foreigner" that I am tempted to step aside from my original purpose, in order to briefly contrast the treatment which he has received at the hands of the two parties. Democracy has always been profuse in expressions of friendship for the "foreigner," especially at election time. Republicanism has been content to confer upon him substantial benefits and advantages, without trying to secure his vote by extravagant pretensions.

Review this record for a moment.

One of the very first acts of the republican party was to give to every "foreigner," who should declare his intention to become a citizen of the United States, one hundred and sixty acres of land under the homestead act. Your last democratic President vetoed the homestead bill, and thereby denied to the immigrant, as well as to our own citizens, a free home on the public lands.

Again, on the 29th of May, 1869, the republican party began another series of "persecutions" by concluding a treaty between the United States and the King of Sweden and Norway, in the interest and for the protection of foreign-born citizens, from which I quote:

> Citizens of Sweden and Norway who have resided in the United States of America for a continuous period of at least five years, and during such residence have become naturalized citizens of the United States, shall be held by the government of Sweden and Norway to be American citizens, and shall be treated as such.

Treaties in almost the same words, and of precisely the same import, were subsequently concluded with Great Britain and nearly every other nation represented in this country by naturalized citizens.

What had you done for the "foreigner," in this regard, during all the years of your power? You had accepted his oath of allegiance, but you had done nothing whatever to secure a recognition of his citizenship by his native country. You had placed him where he was liable to be drafted into our armies, and to perform all the other duties and obligations of citizenship; but never, until the republicans secured it, was that citizenship recognized by the government from which he came. Never, under any democratic administration, could the naturalized citizen return to his native land without subjecting himself to her claims of citizenship, including military service.

Another illustration as to how republicans "hate and persecute the foreigner" will be found in the revision of our postal treaties. In 1860 the single rate of letter postage to Great Britain and Ireland was twenty-four cents, to Prussia thirty cents, to Sweden thirty-four cents, and to Norway thirty-eight cents, and like rates to all other distant countries. By treaties negotiated under a republican administration all these rates have been reduced to five cents.

If the German, the Scandinavian, the Irishman, or other foreign-born citizen in this country wished to write to the Fatherland, democracy said he must pay from twenty-four to thirty-eight cents for each letter. Republicanism said he should pay only five cents for that privilege.

Thus the republican party has given a free home to every "foreigner" who will accept it under the homestead act.

It has reduced his postage to merely nominal cost, and thereby invited free communication with his friends in the old country.

It has vindicated the citizenship of the naturalized citizen, and thereby thrown about him the full protection of the American flag, wherever he may be.

What practical benefits has democracy conferred upon him? It consented to his oath of allegiance and made him a citizen, so far as obligation and duties were concerned, but it was left for republicanism to honor and dignify that citizenship by placing upon his naturalization papers the seal of perfect equality with the native-born American. By reason of this act of a republican administration, every naturalized citizen, who now revisits his native land, carries with him all the protection, dignity and honor which are enjoyed by the native American.

Mr. President, there are a great many more similar contrasts that I could make between democracy in 1860 and republicanism in 1879, but as I limited myself to half an hour, and I have now occupied forty minutes, I will desist.

Mr. SAULSBURY. I always listen with great pleasure to that speech of my friend from Minnesota [Mr. WINDOM] eulogistic of the republican party of which he is a distinguished member. On this occasion he has taken special pains to dilate in the hearing of the Senate upon the prosperity of this country, the increase of its agricultural productions, and the increased exportations of the agricultural products of the country, and he has spoken of the increased postal service of the country, he has spoken of the increased internal com-

merce of the country, and has gravely attempted to tell the people of this country that he thinks all this is the result of republican rule!

I must express my gratification to the Senator from Minnesota for the industry with which he has collected so much statistical information in reference to the increase of the agricultural products and of the agricultural exports of the country; but I must beg leave to dissent from the conclusions at which he arrives that this increase has been directly or remotely the result of republican rule in this land. Does he attribute nothing to the indomitable energy and industry of the people? Are they not to be credited for their industry and enterprise? Are the American people to be credited with nothing as the results of their own economy and toil? Must it all be credited to the policy of the republican party? Verily, I say to my friend from Minnesota that if he had not said that it was the result of republican rule in this land, there is not a man, woman, or child in all America that would have believed it. Of course we are bound to accept it now, because the Senator from Minnesota says that it is the result of republican rule.

Why, sir, the people of this country have been looking on another picture of republican rule in this land. They have remembered that the republicans came into power when this country was united in affection and interest; that they initiated a policy which resulted in civil war and filled the land with sadness and woe. I will not point to the thousands of untimely graves that are seen in every part of this land as the fruits of that policy, but I may point to the enormous debt which the republican party has entailed on the country, and the consequent burden it imposes and the depression of business resulting therefrom. While my friend talks of republican prosperity I might point him to the mortgages and incumbrances upon the private estates of individuals who would not appreciate the Senator's effort to magnify the prosperity of this country.

I am told that in some of the Western States, in that section of the country in which the gentleman lives and which he represents with such distinguished honor upon this floor, the estates of many of the farmers are covered to their full value with mortgages. Why? Because the policy which the republican party has pursued in inflating values and stimulating speculation beyond all propriety and encouraging excess in the expenditure of private means has brought disaster on private fortunes, as well as an enormous public debt upon the country.

Sir, there are some things perhaps that we might commend in the republican party, but there are very many things which the judgment of this country has and must condemn. The people have condemned nothing more decidedly and emphatically than the extravagant expenditures of the public money which have taken place under republican rule. I think I venture nothing in asserting that they have extorted from the people during their period of eighteen years' rule not less than five billion dollars by taxation, a large per cent. of which has been squandered recklessly and without regard to the public interest, and much of it has been bestowed in jobs as rewards to party favorites.

We had a resolution this morning asking for the privilege to inquire into the management of the collection and disbursement of the customs and internal revenues of this country. If such an inquiry had been made years ago, if official scrutiny had been instituted into the manner in which the public service has been performed in those departments, I have no doubt that an honest application of the revenues would have saved millions upon millions to the people of this country.

My friend from Minnesota blames the democracy for everything wrong, and praises his own party for many things, and now he comes in at last and claims to be the especial friend of the foreign-born citizens of the country. Why, sir, the foreign population of this country are not such fools that they are going to believe any such statements as that. Do they not remember the know-nothing times of the party of the gentleman from Minnesota? Do they not remember that that party not only wanted to deprive them of the privilege of voting on account of their being foreign-born citizens, but wanted to apply to them a religious test to disqualify them from voting because of their religious faith? And in a republican State to-day, ruled for years by republicans, the State of Rhode Island, I am told that there are over fifty thousand men born in other lands in that State to-day denied the privilege of voting which has been so generously conferred upon the negro population of the South. And yet, with such a record staring the Senator from Minnesota in the face, he gets up now and claims that he and his party are the especial friends and protectors of the rights of the foreign-born population of this country.

Mr. WINDOM. May I ask the Senator a question right there?

Mr. SAULSBURY. No, sir; I beg pardon; I want to comment on what the Senator has said. Why, sir, that Senator has assumed the guardianship and protection over a portion of the colored people of this country. It has not been a very great while since he introduced a resolution here in reference to the rights of the colored people, proposing to provide for their exodus from the South to the free Territories of this country. But perhaps that may be a delicate subject for the Senator at the present time. He has seen the effect of this proposition of his to remove the colored people from the South to the Territories, in their exodus to free Kansas. He has heard from the eloquence of the Senator from Missouri, [Mr. VEST,] the other day, who depicted in such glowing terms the wrongs that had been done to the poor negroes under the policy, if I may be permitted to say it, of the Senator from Minnesota; I call it his policy because he is the only Senator on this floor who introduced measures looking to the enticement of the negroes from their homes in the South.

My friend had better confine himself for the present, at least, to the wards of the nation and not assume too many offices of friendship to the foreign populations. He should devote the balance of his days in devotion to the colored population of the South that he has caused to leave their homes and go to free Kansas. He had better become the Moses to lead that people back again to the sunny climate of the South and not leave them in the frigid climate of Kansas where under his leadership they have been induced to go. A suggestion has been made that perhaps he had better take them over to Africa. We could not well dispense with the presence of the Senator from Minnesota so long as that; but if he would only take them back to the sunny plains of the South, where they were found when he introduced his resolution in the Senate which was the inception of the movement that led to that exodus of these people from their homes, he will have rendered a valuable service, not to the people of the South, but he will have rendered a valuable service to the deluded and misguided men that have been induced by his resolution, and by improper action for political purposes on the part of others, to leave their homes and go into a strange and uncongenial land.

The Senator was very careful not to speak of the wrongs that had been inflicted on this country by his own party. He has forgotten to tell us of the infractions of the Constitution by his party. Why, sir, where I ask is there a single amendment of the first twelve amendments of the Constitution that has not been ruthlessly and violently disregarded and violated by the republicans since they have been in power? Have they not violated that amendment which declares that no man shall be arrested without due process of law? Have they not trampled under foot almost every amendment of the Constitution of the twelve amendments specially designed to secure protection to the private rights of citizens? Have they not all been abrogated and set at defiance during the domination of the republican party?

Then, again, where was such a cloud ever brought upon the name of the American people as has been brought upon it by the corruptions of the party which have been revealed by investigations in the other House and in this Senate in the last few years? Our fair name has been tarnished by the corruptions that have existed in almost every department of the Government under republican rule. I remember, when I first came into the Senate, when the minority were protesting against your odious laws designed to be oppressive to the people of the South, we were laughed to scorn. Some of them have been set aside, declared unconstitutional by the Supreme Court of the United States. Even those very odious election laws against which the people of this country at this day are protesting with such vehemence were placed upon the statute-book by you; and now when the people demand through their representatives in both Houses of Congress an abrogation and repeal of those nefarious election laws by which you seek to control the elections of this country, we are antagonized by the republicans on the other side of the Senate and antagonized by the veto of the man that has been placed in the White House through the fraudulent action of returning boards. But let me say that the firm resolve of the American people has gone forth that those nefarious laws shall be wiped from the statute-book, and I stand here as a humble member of the democratic party and pledge the other side of the Senate Chamber that the edict and decree of the American people in that regard shall be registered and obeyed. You may interpose with your executive veto to defeat temporarily the will of the people, but their verdict shall be heard; even the dull, cold ears of the White House shall hear and obey the mandate of the people of this country.

I remember when I came into the Senate there were only eight democratic Senators in this body holding over. The republican party on the other side of the Chamber were reveling in luxury and riotous living; they were clothed in purple and fine linen, faring sumptuously on the spoils of power, and supposed that they were going to maintain their hold on place forever. But times have changed, and power has departed from the arrogant majority of that day because the honest judgment of the American people has decided that they had betrayed the trust which had been reposed in them. The people have heard the appeal from the democratic party throughout the country warning them against the tendencies to centralization in the republican party, warning them against the corruptions of that party, against the extravagance of that party, and they have listened to our appeals and have displaced from power in this Chamber and in the other House the men who had been recreant to their trust.

I am proud, sir, of the history of the democratic party which is arraigned by the Senator from Minnesota. I say to him that I am proud to look upon its every page. It came into power in resistance to the alien and sedition law, which attempted to restrict the liberties of the people of the country. The appeal against these laws was made by Jefferson and his compeers, and the people of this country pronounced their righteous verdict against the federal party, the progenitor of the republican party in this country; and in every page of our country's history the action of the democratic party commends itself to the intelligent people of the land.

We have sought by a strict construction of the Constitution to defeat that tendency to centralization which was first attempted by a latitudinarian construction of the Constitution, and, secondly, by open disregard of its provisions. There is no period in the history of the democratic party of which I am ashamed, and there is no period in its history of which I am more proud than that which has been presented in this Senate at the present extra session. What have we done? We have stood here manfully fighting for the liberties of the people at the polls. We have demanded that the people, according to their ancient usages and rights and according to the ancient laws of the land, should be allowed to go to the ballot-box and deposit their ballots without let or hinderance. We have used every effort in our power to accomplish that purpose. When we were met by a veto, and were unable to repeal the law absolutely, we sought to deprive you of the means of using the Army for political purposes, and said: "We will give you no money for the Army to be used at the polls. We will give you no money for the particular business. We will appropriate for the Army for all the legitimate purposes of the Army, but we will not give you money to spend in using your Army as a police at the polls." Sir, contrary to the expectation of every Senator on the other side of the House, contrary to the earnest protest of the republican members of the Senate, your President has yielded that much, and he has signed the bill which we have passed declaring that no part of the money shall be used for that purpose.

Now, in reference to your deputy marshals who are to go around and superintend the elections of the people, we say to you, you may interpose vetoes, but you will get no money to be appropriated to deputy marshals. We intend not to give the people's money away to pay agents to destroy the liberties of the American people.

Mr. President, I had not expected to say anything on this occasion; I had not expected to say a single word when I came to the Senate this morning; but after listening perhaps for the twentieth time to the eulogies of the Senator from Minnesota on the republican party, I could not restrain myself from replying thus *impromptu* to some of the assertions of the Senator in reference to and in glorification of his own party and in disparagement of the party to which I belong. The Senator no doubt feels comfortable because he has succeeded with the aid of his associates on the other side of the Senate Chamber in thwarting once again the will of the people in reference to the repeal of these obnoxious election laws; but at the same time perhaps that joy and that glorification is somewhat modified by the reflection that, contrary to his wishes, contrary to his protests, the President of the United States has signed a bill which if obeyed will acomplish the purpose at which we aimed, so far as the Army is concerned.

Mr. WINDOM. Mr. President, I do not take the floor for the purpose of occupying any considerable time, but only with intent to ask the Senator from Delaware two or three questions which he would not permit me to ask him while he was on his feet. If the Senator will do me the favor to inform me on two or three points I wish to suggest to him, I shall be greatly obliged to him.

He says the corruptions of the republican party have been a great disgrace to the country, and that—I have forgotten how many, but a great many million every year had been stolen. Three years ago I had the honor to ask the Senator from Delaware to name a single individual, a single republican official, whom the thirty-three democratic investigating committees had proven to have stolen one dollar from this Government. He failed to do so at that time; he has had three years to think it over; I repeat the question.

Mr. SAULSBURY. I say if the Senator from Minnesota is so blind that he cannot see, cannot realize, and cannot find out and ascertain and know the various corruptions which have existed under republican administrations, then any effort of mine to enlighten his mind would be hopeless. There is none so blind as he who will not see.

Mr. WINDOM. Now, Mr. President, the democratic party have had control of the House of Representatives for four years; it had during one Congress thirty-three committees in the field investigating every conceivable thing; it had to back it all the money of the Treasury, for nobody withheld appropriations; it could summon witnesses from the ends of the earth to testify to republican corruption.

In view of all these facts and in view of the fact that the honorable Senator from Delaware has to-day again reiterated upon this floor, in his place, and as a Senator and upon his official responsibility, as I take it, that millions have been stolen by republican officials, I ask him if it is quite fair, if it is quite the thing to do, to refuse to name a single instance. I assert here that the Senator from Delaware declines to answer, because he cannot name one man whom these committees have proved to have stolen one dollar. And I state further that if the Senator from Delaware can be induced by any possibility to venture upon the effort to name one man, I will show to him that his democratic committees have squandered more than a thousand dollars for every dollar they have proved to have been stolen by any republican official. I make that challenge in my place. I challenge the Senator from Delaware to answer if he can. If he cannot; if he insists upon keeping his seat without attempting a reply, I insist that the country will answer that the Senator from Delaware has been drawing upon his imagination, and that he cannot answer.

Mr. DAVIS, of West Virginia. Will the Senator allow me?

Mr. WINDOM. I will allow any Senator on that side of the House who can try it.

Mr. DAVIS, of West Virginia. I will say to the Senator that I have stated here more than once, and the Department has tried to answer, that there are many millions unaccounted for. I hold in my hand a statement of the public debt which shows alterations; and I only speak now of what has occurred heretofore in the Senate. There is a committee now investigating the Treasury accounts that will in the course of time make a report. That I do not intend to refer to at present, for the reason that the committee has agreed to keep confidential all its doings until a report shall be made. I wish I were at liberty to state at this time what has occurred and what has been proven by Treasury officials. That is out of the question, however.

Mr. WINDOM. I ask unanimous consent of the Senate that the Senator from West Virginia may have permission to state any thieving that he knows of or has proved in two years' investigation.

Mr. DAVIS, of West Virginia. The Senator knows too well that nobody can give unanimous consent to a revelation of the proceedings of a committee. He knows that, and he ought not to propound to me or to the Senate a question of that kind. He knows too much of the duties of committees for that.

Mr. WINDOM. I know that unanimous consent can do anything.

Mr. DAVIS, of West Virginia. Oh, no; the Senate cannot do everything by unanimous consent.

Mr. WINDOM. It can authorize its committees to do anything.

Mr. DAVIS, of West Virginia. No, it cannot do any such thing, and the Senator well knows it. I have stated that there was a resolution of the Committee on Treasury Accounts to keep confidential all their proceedings. I have endeavored to do so, and I mean to do so. The Senator knows that the Senate cannot in this informal way authorize any such thing.

Mr. WINDOM. Before the Senator leaves that point, let me ask my good friend if it is quite fair to insinuate what he is not at liberty to state?

Mr. DAVIS, of West Virginia. Yes, sir; it is quite fair, under all the circumstances.

Mr. WINDOM. That certainly is a new rule—one I never heard before.

Mr. DAVIS, of West Virginia. The Senator gets up in his place and challenges every Senator on this side to point out one cent that had been stolen—I will not say stolen, and I will not name any individual. I might talk about your Belknaps and your Babcocks and your other officers. I might talk about your whisky rings and the persons who were sent to the penitentiary and who were pardoned out by the President, but I do not wish to go into individual cases.

Mr. WINDOM. Right at that point, before the Senator leaves it, will he not let me say that not one of those men he has named, if they were guilty of anything, was discovered by those thirty-three democratic investigating committees. I challenge any Senator, on that side, to name to me one man whom those thirty-three committees proved guilty of stealing one cent from the Government.

Mr. DAVIS, of West Virginia. The Senator cannot hide himself behind certain committees. I thought he wished to be informed of fraud from any source.

Mr. WINDOM. If the persons of whom the Senator speaks have been guilty of wrongs, those wrongs were discovered by republican committees and they were brought to justice by republicans, and not one of them by any democratic committee that has been investigating all these questions for four years.

Mr. DAVIS, of West Virginia. But the Senator will admit that there were wrongs committed, that the perpetrators were sent to the penitentiary, and that even a Cabinet officer was impeached and tried here for what?

Mr. WINDOM. He did not steal a penny from the Government.

Mr. DAVIS, of West Virginia. Whom did he steal it from?

Mr. WINDOM. I do not know that he stole it from anybody, but he did not from the Government; and if he did, the thirty-three democratic investigating committees that have spent a quarter of a million dollars did not discover it.

Mr. DAVIS, of West Virginia. I should like the Senator to state the fact whom he did steal from, if he did not steal from the Government. The Senator says he did not steal from the Government, which is as much as to say that he stole from somebody.

Mr. WINDOM. The Senator does not bring in that case, then, for he said he did not know that this man stole anything.

Mr. DAVIS, of West Virginia. Let me give my friend the benefit of a statement that has heretofore been made in the Senate. I want to refer to it now. I have a statement of the public debt which shows in the single year, 1869, $94,000,000 difference between the statement sent to the Senate and to the House, the official statement sent there, and the official statement published to the country, and what are the real facts. In other words, in a year after that it was changed and the debt increased $94,000,000 for a single year.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed a joint resolution (H. R. No. 114) donating granite blocks to Mower Post, Grand Army of the Republic, of New Orleans, Louisiana; in which it requested the concurrence of the Senate.

The message also announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 1379) fixing the rate of interest

upon arrearages of general taxes and assessments for special improvements now due to the District of Columbia, and for a revision of assessments for special improvements, and for other purposes.

ENROLLED BILLS.

The message further announced that the Speaker of the House had signed the following enrolled bills:

A bill (H. R. No. 1856) authorizing the commissioners of the District of Columbia to extend the area for the taking up and impounding of domestic animals in the District of Columbia; and

A bill (H. R. No. 2274) concerning the Legislative Assemblies of the several Territories of the United States.

SPECIAL IMPROVEMENT ASSESSMENTS.

Mr. HARRIS. If the Senator from West Virginia will yield to me a moment to make a report from a committee of conference, I should like to make a report and ask concurrence in it.

The PRESIDING OFFICER. Does the Senator from West Virginia yield?

Mr. DAVIS, of West Virginia. Certainly.

Mr. HARRIS submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 1379) fixing the rate of interest upon arrearages of general taxes and assessments for special improvements now due to the District of Columbia and for a revision of assessments for special improvements, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House agree to the first amendment of the Senate, in line 3, page 1, striking out the word "they," and to amendment 4, on page 2, striking out all after "assessments," in line 4, down to and including "obligation," in line 6.

That the Senate recede from its amendment numbered 2, striking out section 2, and from its amendment numbered 3, changing section 3 to section 2, and from its amendment numbered 5, changing section 4 to section 3, and agree thereto.

ISHAM G. HARRIS,
WM. PINKNEY WHYTE,
E. H. ROLLINS,
Managers on the part of the Senate.

EPPA HUNTON,
HENRY S. NEAL,
GILBERT DE LA MATYR,
Managers on the part of the House.

Mr. HARRIS. I move to concur in the report of the committee of conference.

Mr. WINDOM. What is it? I did not hear the report.

Mr. HARRIS. It is on a bill reducing the rate of interest upon past-due taxes in the District of Columbia.

Mr. WINDOM. I have no objection if it does not lead to debate, but I have yielded to the Senator from West Virginia to answer a question, and I want to get the answer before we leave the subject.

The PRESIDING OFFICER. The question is on concurring in the report of the committee of conference.

The report was concurred in.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on the 24th instant approved and signed the act (S. No. 625) for the relief of the Farmers and Merchants' Bank, Paris, Texas.

PARIS MONETARY CONFERENCE.

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States:

To the Senate of the United States:

I transmit herewith to the Senate a report from the Secretary of State in response to a resolution of that body of the 20th instant, calling for the proceedings and accompanying papers of the international silver conference, held in Paris in 1878.

R. B. HAYES.

WASHINGTON, *June* 23, 1879.

To the President:

The Secretary of State, to whom was addressed a resolution of the Senate of the 20th instant, directing him to communicate to that body "a copy of the proceedings and accompanying papers of the international silver conference, held in Paris in 1878," has the honor to report that the papers in question were submitted by him to the President, who in turn communicated them to the Senate, on the 6th of February last, and that by a resolution of that body of the same day they were ordered to be printed, as appears from the RECORD.

Respectfully submitted,

WM. M. EVARTS.

DEPARTMENT OF STATE,
Washington, June 23, 1879.

The message was ordered to lie on the table, and be printed.

APPROPRIATIONS FOR VARIOUS PURPOSES.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. R. No. 39) in relation to committee clerks, pages, and other employés of the Senate and House of Representatives.

Mr. WINDOM. Before the Senator from West Virginia goes on I want to direct his attention to one or two points. I said I challenged any Senator on the other side to name a single republican official whom the thirty-odd democratic committees had proved guilty of stealing anything from the Government. The Senator from West Virginia now brings in his Treasury matter, of which we have heard so often, and intimates that there is something wrong there. He has intimated that a great many times during the last few years. I want the Senator when he takes the floor to state how long his committee has been investigating the Treasury, during how many recesses of Congress, how many clerks it has had, and when it probably will be ready to report. Before the Senator takes his seat, if he will answer the question upon unanimous consent being given, I will ask unanimous consent that he be authorized to state the name of any individual whom he has found to have stolen any money from the Government in all his investigation. Now, I would be glad to hear the Senator on those points.

Mr. DAVIS, of West Virginia. The Senator from Minnesota has referred to unanimous consent. That I dismiss, because he knows as well as I do that that cannot be explained to the Senate. He knew that before he asked the question. I know enough of that Senator to know that he understands better than that the working of a committee of investigation conducted as that committee is.

Mr. WINDOM. Then I understand the Senator is the only one who objects to unanimous consent on that subject?

Mr. DAVIS, of West Virginia. Certainly the Senator's own honor would prevent it. What belongs to the committee is there, it belongs there, and it will stay there, so far as the Senate is concerned, until the committee is prepared to make its report.

Mr. WINDOM. Ought it not, then, to stay there by way of intimation as well as by direct statement?

Mr. DAVIS, of West Virginia. We will give the Senator all he wants, and it will be a little more than intimation.

Mr. WINDOM. About when shall we get it?

Mr. DAVIS, of West Virginia. Just wait your time; you will get it in time enough for yourself. Wait your time, my friend.

The Senator has asked how long the Committee on Treasury Accounts has been at work. I will tell that Senator. This is the second session in which they are at work; one session has passed. He asked how many clerks it has. It has two clerks. What are the duties of that committee? The duties of that committee are to examine sixteen years' work of probably five thousand clerks; I do not recollect the exact number, but I think it is the work of about five thousand clerks in the Treasury Department. This committee has two clerks to examine and go over the work of those five thousand, if that is the proper number; I do not recollect the exact number, but I estimate that that is about the number; I have some idea that that is about the number. They are going over it, and they are going over it pretty rapidly. There has been testimony taken, and I will state here in my place as a Senator, and I will state it publicly, and state it to the Senator from Minnesota especially, that I have never uttered a single charge of alterations, discrepancies, or changes of the books that will not be borne out clear and clean, and more too. I do not state this as coming from the committee; I state it upon my own responsibility, which was an exception from the rule. We were to keep confidential the proceedings of the committee, but that was an exception; and I state that here now, and I have stated heretofore, that every single sentence and every figure, including the one that the debt of the Government had been largely increased, and in a single year nearly $100,000,000, will be and is true.

Mr. ALLISON. Mr. President——

Mr. WINDOM. Does the Senator mean to say that a hundred million dollars——

Mr. DAVIS, of West Virginia. I will listen to my former colleague on the committee, [Mr. ALLISON.]

Mr. WINDOM. I have the floor.

Mr. DAVIS, of West Virginia. If the Senator from Minnesota has the floor, let him take it.

Mr. ALLISON. I want to ask the Senator from West Virginia a question, inasmuch as he has been stating the findings of the committee.

Mr. WINDOM. Very well, ask the question.

Mr. ALLISON. Do I understand the Senator from West Virginia to state that there has been a single particle of testimony taken by the committee of which he is a member and the chairman showing the slightest discrepancy in the statements with reference to the public debt? If so, that testimony has been taken since I ceased to be a member of the committee, because until the 4th of March last there was not a scintilla of evidence, so far as I could see, that in the slightest degree affected the statements with reference to the public debt. Of course there were two different methods of stating that debt, but nothing more.

Mr. DAVIS, of West Virginia. I should hardly be justified in replying to my former colleague upon the committee as to what testimony has been taken by the committee. I should be glad if I could do so under the circumstances.

Mr. ALLISON. But the Senator makes a statement here that his charges or statements heretofore made with reference to the public debt will be borne out. Now, if they are to be borne out, it cannot be by reason of any testimony that has been taken thus far.

Mr. DAVIS, of West Virginia. How does the Senator know? He has not been a member of the committee at this Congress. How does he know?

Mr. INGALLS. Will the Senator allow me to interrupt him a moment?

Mr. DAVIS, of West Virginia. Certainly; I would be glad to hear the Senator from Kansas, who is a member of the committee.

Mr. INGALLS. The observation the Senator from West Virginia has just made in regard to the Senator from Iowa does not at least

apply to me, for I have been a member of that committee since it was organized, and am a member to-day. It has been understood that this subject was not to be referred to until the committee had completed their examination and was ready to report; and it appears to me, with all justice to the Senator, that he is acting a very disingenuous part, after his allegations have been referred to a committee with instructions to examine and report, and they have been at work for several years and have been unable to complete their labors, for him to come into the Senate now and repeat the allegations upon which that committee was created and say that the testimony will substantiate every single allegation that he has made.

Mr. President, that is an injurious assertion. It is a statement that in my opinion the Senator ought not to have made. Inasmuch as he is the chairman and organ of that committee, and has repeated that assertion, I feel myself as a member of the committee authorized to say that the testimony taken up to this time utterly fails to substantiate a single allegation that he has made. It absolutely fails to substantiate one of the allegations. On the contrary, the testimony that has been taken shows that every discrepancy that exists is one that has arisen in consequence of a change in the method of stating the accounts upon the books of the Treasury, and not in consequence of any malappropriation of public funds or misconduct on the part of any public officer. It is, as I said, simply a question of book-keeping. It is a question that has arisen in consequence of the transferring of running balances from year to year. If the Senator desires to have it understood, even by inference, even by insinuation, that there has been any proof taken that inculpates any officer of the Treasury, that inculpates any clerk of the Treasury, that inculpates any republican official in malappropriation of the public funds, I venture to say that his statement is not borne out by the testimony taken by that committee.

Mr. DAVIS, of West Virginia. The Senator, who is a member of the committee and has been a member of the committee, has made some statements relating to the testimony taken by the committee, to which I will not refer. Whether other Senators do so or not, I intend not to refer to the testimony the committee has taken. There is a wide difference between what the Senator says and what I know to be the fact. When it was understood in the committee that the testimony before the committee was to be confidential, it was expressly understood that what had already taken place in the Senate was public property and could be referred to. In that the minutes of the committee will bear me out. But it is not worth while to go any further with that. The Senator says that there has been no testimony taken which will show the facts that I have stated in the Senate, that the public debt has been largely increased.

Mr. INGALLS. Does the Senator refer to me? I made no such statement.

Mr. DAVIS, of West Virginia. I am glad the Senator did not. I understood the Senator to say that there had been no testimony taken to show the facts I stated.

Mr. INGALLS. I said the charges the Senator had made in regard to malappropriation of public funds, increase of the public debt, or the misconduct of any official of the Treasury.

Mr. DAVIS, of West Virginia. I have always avoided making a charge against any individual in the Treasury, and I have not done so. Senators who have heard the charges will bear me out that I have in no instance done that, but I have avoided it always. I do not intend to do so now, nor do I intend to do so until the report comes, unless under different circumstances.

Mr. CARPENTER. Mr. President——

Mr. DAVIS, of West Virginia. The Senator ought to allow me to go a little further, and then I will hear him with pleasure. As to the action of the committee as far as testimony has been taken, that, as I said, belongs to the committee, and I shall not refer to what the facts are; but as to the statements I have heretofore made in the Senate and the reply of the Treasury Department, which have been printed and belong to the Senate, and were printed for the public, I state now that in no single instance to my knowledge did I misstate a single figure. Neither of the Senators on the other side can say that I misquoted or misstated a figure in the Senate while making statements heretofore. Neither of the Senators can say that what I have heretofore stated as to a large increase, an apparent increase, in the public debt is not the fact. It is the fact, and they well know it. Now I will listen to my friend from Wisconsin.

Mr. CARPENTER. I understand the Senator to-day to say that there are some very serious charges that he has heretofore made in the Senate which will be sustained, are sustained, by testimony taken.

Mr. DAVIS, of West Virginia. Not charges; I said changes, alterations, &c., of the finance reports and books.

Mr. CARPENTER. Did the Senator mean by that to say it was anything more than a mere question of bookkeeping, or whether there was any dishonesty in it?

Mr. DAVIS, of West Virginia. That will be a question when the report comes in. It will show for itself.

Mr. CARPENTER. I submit the Senator ought not to arouse our curiosity here and then turn around and refuse us the information he says he has got. I understood him to say—I think the Senate so understood him—that various charges that had been made would be sustained.

Mr. DAVIS, of West Virginia. Changes, not charges.

Mr. CARPENTER. And the insinuation was that the republicans were going to be troubled with the testimony when it came. I am not a member of that committee, and was not in the Senate when the Senator made his charges, or his changes; and I therefore ask for information what are the charges of changes, or the changes of charges, that are to overwhelm us when this report comes?

Mr. DAVIS, of West Virginia. If the Senator will wait until the report of the committee comes in, he will probably find out.

Mr. CARPENTER. That is too long to wait. Life is short, and I may die, and not know at all.

Mr. DAVIS, of West Virginia. The Senator will have to wait.

Mr. CARPENTER. I will ask the Senator in that connection why he does not wait until the report comes in? If he states that the report of this committee is upon his side, let us know what these bomb-shells are that are expected to explode in vacation, or some time. We want to get our nerves steadied; we want to prepare ourselves.

Mr. DAVIS, of West Virginia. The Senator ought to get them prepared, for he will hear something that he has not heard before. I hope he will content himself until the report comes. Now I will listen to my friend from Minnesota.

Mr. WINDOM. The question when the honorable Senator took the floor, when I yielded the floor to him, was what republican official the thirty-odd democratic investigating committees had proved to have stolen money from the Government. The Senator takes the floor and reiterates some of his old charges as to changes in the accounts of the Treasury Department, and he is even so very particular now not to allege that there is any corruption about it that he insists that he said "changes" not "charges." He also insists that he has not heretofore and has not now named any person as having been guilty of corruption in connection with them. The very challenge which I made was that he should name some person, and he took the floor for that purpose. I submit to the Senator that he has utterly failed to do it, as utterly as the Senator from Delaware. The Senator from Delaware has been very busy with the help of his friends, since I called on him before, in hunting up something. I hope he may be able to enlighten me now.

Mr. SAULSBURY. I will state to the Senator from Minnesota that I shall not be betrayed into a repetition before the Senate of individual names. I could give the Senator names of individuals, if I saw proper to do so, who have defrauded the Government; but I do not desire to specify individual names in the discussion. I do not desire when a man has been disgraced and has fallen under the ban of public opinion to be constantly dragging him into the debates of the Senate of the United States. But I will refer the Senator to subjects. I will give him some subjects that he may ponder well upon and examine them himself to ascertain whether there has been any defalcation or any mismanagement and loss to the Government.

Mr. WINDOM. Thank you; I shall be glad to have them.

Mr. SAULSBURY. I refer to defalcations and peculations committed by those who were intrusted by the republican party with public affairs. The Senator remembers the San Domingo job. I commend a re-examination of that subject to his consideration, and suggest to him that he may possibly find in that some evidence of the manner in which the public money has been squandered by his political associates. I will commend to him the Sanborn frauds, and ask if there was nothing revealed by the investigations of the committee to the prejudice of republican officials in connection with that subject. I will refer him to the whisky rings and ask him if there is nothing in connection with that subject prejudicial to his party.

Mr. WINDOM. What was the last subject that the Senator mentioned?

Mr. SAULSBURY. The whisky rings in Saint Louis, Chicago, and other points. I will give the Senator subjects and not refer to individual names. It has been said that a Secretary of the Treasury, acknowledged to be an honest, faithful, public servant, was dismissed the public service for the energy and devotion with which he prosecuted those claims to protect the Government against the wrongs and robberies that were committed by these whisky rings.

There is one matter of such public notoriety that I must refer to it. I presume that I will not do injustice to an individual, although I dislike to refer to names, because it was a matter so widely known, and the trial of the person alluded to took place right in this Senate, that I may be allowed to speak in reference to one who was ably defended by the Senator from Wisconsin now before me; and yet without mentioning his name, I suppose a simple reference to the occasion will call to mind a man who was a Cabinet officer, and who escaped conviction on impeachment because he resigned his position in the Cabinet, and whose resignation, in the judgment of a great many, should not have been accepted while he was liable to impeachment, but who should have been suspended until his trial had been had.

But I desire now, in connection with the case of this Cabinet officer who had resigned to escape impeachment, to call attention to what was said by a Senator upon this floor upon the occasion of that impeachment, the Senator from Massachusetts, [Mr. HOAR,] in connection with this very subject. He is a gentleman who is not wanting, as a general rule, in fidelity to his party, who generally takes up the

cudgel and comes to the rescue of his party when he finds that it is pressed on any point. The Senator from Massachusetts said in his speech on the Belknap case:

> My own public life has been a very brief and insignificant one, extending little beyond the duration of a single term of senatorial office; but in that brief period I have seen five judges of a high court of the United States driven from office by threats of impeachment for corruption or maladministration. I have heard the taunt, from friendliest lips, that when the United States presented herself in the East to take part with the civilized world in generous competition in the arts of life, the only product of her institutions in which she surpassed all others beyond question was her corruption.

This is republican authority.

> I have seen in the State in the Union foremost in power and wealth four judges of her courts impeached for corruption, and the political administration of her chief city become a disgrace and a by-word throughout the world. I have seen the chairman of the Committee on Military Affairs in the House, now a distinguished member of this court, rise in his place and demand the expulsion of four of his associates for making sale of their official privilege of selecting the youths to be educated at our great military school. When the greatest railroad of the world, binding together the continent and uniting the two great seas which wash our shores, was finished, I have seen our national triumph and exaltation turned to bitterness and shame by the unanimous reports of three committees of Congress—two of the House and one here—that every step of that mighty enterprise had been taken in fraud. I have heard in highest places the shameless doctrine avowed by men grown old in public office that the true way by which power should be gained in the Republic is to bribe the people with the offices created for their service, and the true end for which it should be used when gained is the promotion of selfish ambition and the gratification of personal revenge. I have heard that suspicion haunts the footsteps of the trusted companions of the President.
>
> These things have passed into history. The Hallam or the Tacitus or the Sismondi or the Macaulay who writes the annals of our time will record them with his inexorable pen. And now, when a high Cabinet officer, the constitutional advisor of the Executive, flees from office before charges of corruption, shall the historian add that the Senate treated the demand of the people for its judgment of condemnation as a farce and laid down its high functions before the sophistries and jeers of the criminal lawyer? Shall he speculate about the petty political calculations as to the effect on one party or the other which induced his judges to connive at the escape of the great public criminal? Or, on the other hand, shall he close the chapter by narrating how these things were detected, reformed, and punished by constitutional processes which the wisdom of our fathers devised for us, and the virtue and purity of the people found their vindication in the justice of the Senate?

I should think the Senator from Minnesota, when charges of corruption are made against his party, after that authority, coming from his own side of the Chamber, has been read in his hearing, would not insist upon specifications, upon the giving of particular names.

But the Senator from Minnesota perhaps may remember something in connection with the Freedman's Bank. Who had the control of that matter? Who was it that originated that institution, and who were its trusty agents? Was it not the child of the republican party, and watched by its fostering care? Yet it is a matter of public notoriety that even the poor negroes out of the petty earnings which they deposited in that institution have been defrauded, robbed, not by the democrats, but by republicans intrusted with its management. Perhaps the Senator from Minnesota may have some explanation, but I cannot conceive what explanation he can give or what apology he can make for the wrong which was perpetrated upon the wards of the nation of whom he has become of late the champion and the leader.

I referred to the Freedman's Bank. I will now call attention to the Navy and to the management of the funds appropriated to the Navy. I have said before upon the floor of the Senate that during the administration of President Grant from $175,000,000 to $200,000,000 were appropriated to the Navy. What has become of that money? I propound that question to the Senator from Minnesota to answer after I am through. What has become of the large appropriations to the Navy of the country? We had in 1860 a respectable Navy, one that could cope with the naval power of most of the nations of the earth, yet after having spent during the administration of President Lincoln nearly $400,000,000 upon the Navy, and afterward made appropriations averaging about $20,000,000 annually during the whole term of President Grant, aggregating during his administration from $175,000,000 to $200,000,000.

Yet our Navy is a reproach to this great country, not in the character of its officers, not in the character of its men, for there are as brave men to-day who tread our rotten hulks as ever trod the decks of an American Navy; I have no fault to find with the men of the Navy, with the brave men and officers of the Navy, but with the management of the Navy Department of this Government and with the squandering and wasting of public money whereby these brave men have been deprived of that class of vessels which would enable them to meet any foreign power on the high seas on equal terms. With our present Navy, a third-class power is our superior; and this is the result of waste in the money appropriated to that arm of the service.

Can the Senator account for that large expenditure of public money upon any other ground than that it was wasted in jobs, that it was given to party favorites? Does he not know that investigations of the two Houses of Congress have revealed the fact that large amounts of money were expended in placing men at the navy-yards just before the elections with a view of controlling their votes? Does he not know that large amounts of money were given in contracts to special favorites? Do not these investigations reveal the fact that one Mr. Grant, a brother of the late President himself, was given a contract to furnish materials to the Navy, a contract for knees for vessels, which he purchased for $9 each and he turned them over to the Government for $27 or $28 apiece?

Mr. WINDOM. I do not know anything about it.

Mr. SAULSBURY. That is shown by the reports of the committee that investigated that subject, and it is contained in the reports of the committee of the other House. The Senator is oblivious to everything that makes against his party, and he rises in his place and calls for particular names. We point him to stubborn facts, and he turns from them, or is oblivious to the facts that are revealed in these investigations, and seeks to draw gentlemen into a controversy about the names of particular individuals.

Perhaps it may be an unpleasant reminder, but as the Senator from Minnesota wants information I will remind him of the Credit Mobilier. Has he forgotten that? Did not that reveal corruption in high places? Did it not disgrace the American name? Yet the Senator affects to know nothing about the corruption that has existed in his party in the last eighteen years. I call upon him as an honest man to acknowledge the wrongs that his party has done, and join with the democrats in seeking to correct and prevent abuses of this kind in the future.

But the Senator has sought for years to parry the force and effect of these investigations, as I shall have occasion hereafter to show, and now he rises and before the whole American people affects to be utterly ignorant of the corruptions and stealings and wrongs that have been done by his party. I give his party credit for the good they have done, but I stand in my place and assert that they are not the immaculate party which the Senator from Minnesota would attempt to make the people of this country believe.

Sir, even the graves of the poor soldiers that we honor cannot be marked with a head-stone or a foot-stone but that some republican must make money out of the job. The investigations upon that subject have revealed even jobs and stealing connected with the grave-stones that mark the resting-places of the poor soldiers who died in battle.

Yet with such a record the Senator from Minnesota, I will not say with unbecoming audacity, but I will say with an affected ignorance upon these subjects which he does not possess, rises here and attempts to make the Senate and the country believe that his party is pure and stainless and free from all charges of corruption and peculation. But this is not a new business of the Senator in attempting to whitewash and to defend his party against these accusations of corruption and wrong. The Senator made a speech in August, 1876, in which he says that the losses to the Government by defalcation, &c., during the whole republican *régime* had been but $1,276,882.60. His speech is found in the CONGRESSIONAL RECORD of August 12, 1876. But an inquiry was made at the Treasury Department in reference to this very thing, and I now propose to show what that report from Secretary Bristow reveals. I suppose coming from a republican Secretary of the Treasury the Senator will not question its accuracy and truth, though it may contrast very strongly with his own statements in that regard.

That report shows that there were balances due from postmasters indebted to the Government at that time, $373,371.74; balances due from ex-United States marshals on account of expenses of courts from 1869 to June 19, 1876, $249,260.01; balances due from officers of the courts on account of official emoluments from 1869 to June 19, 1876, $58,067.83; defalcation of H. B. Swoope, $20,000; balances due the United States from governors and secretaries of Territories, $10,788.22; balances due from sundry public officers, &c., out of service from 1869 to June 19, 1876, $265,713.12; balances due the United States from late assessors of internal revenue, $1,469.50. I will ask the permission of the Senate, without reading all these items, to put them into my speech, giving the aggregate as shown by the report of Secretary Bristow of $5,500,595.93, a very different estimate and figure from that which the Senator from Minnesota in his speech of August 12, 1876, made and published to the world.

The recapitulation is as follows:

Balances due from postmasters indebted to the United States whose accounts have terminated since 1869 up to June 19, 1876	$373,371 74
Balances due from ex-United States marshals on account of expenses of courts, from 1869 to June 19, 1876	249,260 01
Balances due from officers of courts on account of official emoluments, from 1869 to June 19, 1876	58,067 83
Defalcation of H. B. Swoope	20,000 00
Balances due the United States from governors and secretaries of Territories	10,788 22
Balances due from sundry public officers, &c., out of service, from 1869 to June 19, 1876	265,713 12
Balances due the United States from late assessors of internal revenue	1,469 50
Balances due from ex-collectors of internal revenue on their accounts as disbursing agents, from 1869 to June 19, 1876	33,518 10
Balances due the United States from late stamp agents, from 1869 to June 19, 1876	69,306 94
Balances due the United States from diplomatic and consular officers, from 1869 to June, 1876	41,333 09
Balances due from United States bankers (C. H. & Co)	130,178 84
Balances due the United States on account of Indian service by officers out of service from 1869 to June, 1876	38,872 04
Balances due the United States from pension agents out of service from 1869 to June, 1876	228,824 80
Balances due the United States from ex-collectors of internal revenue appointed by President Grant from 1869 to June, 1876	2,312,544 20
Balances due the United States by ex-officers of the customs, since 1869	73,752 67
Balances due the United States from receivers of public money, disbursing agents, surveyors, general registers of land offices, &c., from 1869 to 1876	103,636 65

Balances due the Government by ex-commissioners of direct taxes for the insurrectionary States of Arkansas, Georgia, Louisiana, Mississippi, North Carolina, Texas, and Virginia, from 1864 to 1867	$82,665 21
Balances due from ex-officers of the United States Navy and others on the books of the Fourth Auditor, from the year 1869 to June, 1876	623,208 79
Balances due from Army officers out of service, from the year 1869 to June, 1876	784,553 07
Total	5,500,595 93

The Senator from Minnesota cannot escape another fact of which I must remind him. He remembers that we have been apropriating here for the Department of Justice. He remembers that in 1876 his own party employed over $200,000 of that money for deputy marshals to aid the republican party.

Mr. ALLISON. When was that?

Mr. SAULSBURY. In 1876.

Mr. ALLISON. Over $200,000?

Mr. SAULSBURY. That is my information.

Mr. ALLISON. Toward deputy marshals?

Mr. SAULSBURY. Election officers.

Mr. ALLISON. Toward deputy marshals?

Mr. SAULSBURY. I do not say they were all deputy marshals, but the machinery by which the republican party, the Senator's own party, sought to control the election, and to defeat the will of the people. It was part of that machinery which resulted in defeating the will of the people of this country for their President and in installing in the White House a gentleman who has never received the approval of the people of this country by their votes. It was a part of that very machinery which enabled the Senator and his party to commit a great fraud upon the American people by defeating their will and installing in the executive office a man who never was elected by the votes of the people of this country, but who on the contrary was a minority candidate by more than a quarter million votes of the freemen of this land.

Then in 1878 they used large sums of money (I do not remember the precise amount used in 1878) for the same purpose—the employment of deputy marshals to control elections and to perpetuate the republicans in power. Let me say that in the judgment of the people of this country it is for the purpose of accomplishing the same improper object by the same improper means that the republican Senators upon the other side of this floor have resisted so strenuously the efforts of the democracy of the country and of democratic Senators to wipe from the statute-book the nefarious laws by which it is possible to do such great wrong and commit such frauds upon the American people.

Mr. WINDOM. I want to suggest that if the Senator is still hunting for the names——

The PRESIDING OFFICER, (Mr. GARLAND in the chair.) Does the Senator from Delaware yield to the Senator from Minnesota?

Mr. WINDOM. I do not ask the Senator to yield; I have the floor.

Mr. SAULSBURY. The Senator will have the floor when I am through, and can make his own comments.

Mr. WINDOM. I have the floor. I yielded to the Senator for him to answer my question; and I want to say if he is still searching for the names of individuals I will yield further.

Mr. SAULSBURY. I have not understood myself as trespassing at all on the time of the Senator, for I should not have done so. He took his seat and I rose to reply.

Mr. WINDOM. The Senator has been answering my question. I asked him to answer it.

Mr. SAULSBURY. I beg pardon; the Senator cannot take me off the floor in that kind of style. I will yield the floor in a very few minutes.

Mr. WINDOM. I do not ask the Senator to yield; I insist that I have the floor; but I want the Senator to answer my question.

The PRESIDING OFFICER. Which Senator yields to the other?

Mr. WINDOM. I yield to the Senator to answer my question.

Mr. SAULSBURY. I beg the Senator's pardon; I do not accept his courtesy. I am entitled to the floor because the Senator had abandoned it.

Mr. WINDOM. I had not.

Mr. SAULSBURY. I have not been speaking in the Senator's time. I certainly will extend all proper courtesy to the Senator, but I observe that he is very reluctant at times to have questions put to himself.

Mr. WINDOM. I would not have reminded the Senator of the fact that he was speaking in my time, if he had answered my question.

Mr. SAULSBURY. I will say that as I belong to the dominant party in the Chamber perhaps it is becoming in me to extend courtesy to the other side. If the Senator claims that he had the floor I will yield without further comment and let him go on.

Mr. WINDOM. I thank the Senator; but I do not wish to take the Senator off the floor if he will answer my question.

Mr. SAULSBURY. I will let the Senator make his comments on my speech when I am through.

Mr. WINDOM. I shall yield to the Senator for a while longer, to see if he will answer my question.

Mr. SAULSBURY. I simply wanted to remind the Senator of some things he seemed to forget. That was all.

In the course of the debate on the measures we have proposed for getting clear of the obnoxious laws which deprive the people of the right to free elections, I have noticed that republican Senators do not seem to comprehend the high purpose which actuates the democracy. They say we have a small Army and therefore there is no danger of interference with elections by the Army.

It has been said also that there were very few points at which deputy marshals could be employed. They seem to measure the character of these laws by the use that is made of them. Why, sir, the democracy of this land rise to a higher view of that question. Suppose your Army is west of the Rocky Mountains, suppose your deputy marshals should not interfere at the next election, that does not meet our view of the case. We say to you that we want the statute-book purged from laws that make it possible to deprive the people of this land of their liberty, which make it possible for an Army under President Hayes, or "the man on horseback" if he should come back into power, to interfere with the rights of the people. Our fathers went to war upon a sentiment, it has been said, but it was a sentiment of liberty and right. They did not and would not consent that any claim should be recognized made on the part of the British government that would deprive them of their just rights. So the democratic party, even if we knew that your Army would not be used at the polls at the next election, or at any other election, if we knew that your deputy marshals would not interfere with the proper exercise of the elective franchise in any city of this land, would insist on a repeal of these laws, because they are a standing menace to the liberty of the people of this country, and we propose to wipe them out; and hence our efforts at this session. It is because your laws are an offense, a stench in the nostrils of the American people, and because you have in the past and still propose to exercise, through the Army and deputy marshals, the right to deprive freemen of their just rights, that we protest against them. And, sir, we intend to hold your party responsible for the continuance of these laws. We call on our republican friends to avow their purpose honestly, and to put it in the platform of their party, that the people of this country are to be controlled by bayonets, and to be controlled by marshals appointed by Federal power, so far as they can secure that result.

We on our side intend to insert in our platforms and adopt as our creed equal and just rights to all persons to vote according to the dictates of their own judgment, without let or hinderance from Federal power. We want no files of soldiers to come to the ballot-box, and we want no overseers or deputy marshals to question the right of the freemen of this land to vote, and arresting and incarcerating them because they see proper to exercise their rights. If the Senator from Minnesota had the test applied to his own locality, if his neighbors should come up to vote, he would feel indignant to see one of these deputy marshals arrest his neighbor and carry him off and lodge him in some dungeon until election day was passed. If some young man, the son of his friend, just come to manhood, inspired with the feeling which animates all young men to take part in public affairs, some young man of promise in his community, should be arrested by some scalawag that had been appointed a deputy marshal, and incarcerated, and deprived of the privilege of casting his vote as a freeman, the indignation of the Senator would be aroused.

The Senator would not be willing to see it applied to his own immediate constituents, but he stands up here and insists upon a law which makes it possible to do it in other communities; and when the record is produced and when John Davenport and his nefarious acts are brought to his attention, he becomes the defender and excuser of such practices in New York and elsewhere.

Sir, for one, and I think I speak for all democrats, I want every man that the law has clothed with the right to cast a ballot, to do it unhindered by anybody; and I am therefore in favor of repealing every Federal statute that makes it possible through Federal power to interfere with the people in the exercise of their right to cast their votes as they please, unawed and unintimidated by Federal bayonets and without the supervision of Federal officials or interference of deputy marshals.

Mr. WINDOM. Mr. President, I will occupy only three or four minutes in reply to the Senator from Delaware, and I will call the attention of the Senator again to the question which I asked him and asked every other Senator on that side, namely, to point out one individual whom all their investigating committees, thirty-odd in number, at a cost of a quarter to half a million dollars, had proven to have stolen any money from the Government. The Senator from Delaware has tried it; the Senator from West Virginia has made his effort. The Senator from Delaware has been advised by his friends who have given him their assistance on the subject, and the result is that up to this time not one man has been named as having been discovered by these thirty-three committees, unless it be that the Senator named Orville Grant, I believe, who sold some ship-knees for more than he paid for them. Whether that was a fraud or not, he has not informed the Senate. We all remember distinctly the investigations, which extended during three or four months, into the Navy Department, and that everybody regarded them as a dead failure; and that Secretary of the Navy is to-day a member of the House of Representatives, and not one of the men who followed him and hounded him for months would dare mention that question in his presence to-day. That is the only man who has been named.

The Senator from Delaware attempts to hedge behind his disinclination to name individuals. Why, Mr. President, if these parties have been proven guilty of fraud, if they have stolen money from

the Government, who would hesitate to name them? The Senator from Delaware does not hesitate to name one gentleman, and names him as the brother of an ex-President of the United States. If he is so free to name that gentleman, he would be equally free to name others if he or his friends on that side could give him one name which he could utter in answer to my question. I say then that all the money expended by these thirty-odd committees has been thrown away in an effort to prove corruption, that they have utterly failed to prove it, and if the Senator from Alabama, whom I see rising, has a man, I will yield to him to give his name.

Mr. MORGAN. I thought I could refresh the memory of the Senator from Minnesota with one name, Secretary Belknap.

Mr. WINDOM. Ah, Mr. President, these committees did not discover that Mr. Belknap had stolen one dollar from this Government, and I challenge the Senator to say that he did. I say nobody has ever charged that the Government lost a dollar by Mr. Belknap.

Mr. MORGAN. The Government did not! I understand he made some money by the sale of offices.

Mr. WINDOM. I do not know; it was not proven; the Senate did not convict him; but if he did that, I want the Senator to stick to the text and remember the question; it was not even alleged that the Government lost one cent by Belknap.

Mr. MORGAN. No; but he made a good deal.

Mr. WINDOM. The Senators on the other side are loud in their charges of corruption and of what wonderful things the democratic party has accomplished by the expenditure of two or three hundred thousand dollars in these investigations. The point I have made here to-day, which thus far no Senator on the other side has met or attempted to meet, is that with all your expenditure in four years of searching, with thirty-three committees armed with all the powers Congress could give them, backed by all the money in the Treasury, you have not by those committees proved that one republican official stole one dollar from this Government, and all the efforts to show it to-day have utterly failed.

The Senator from Delaware has named a number of things; he has spoken of "the San Domingo job," of "the Sanborn frauds." None of these were discovered by your investigating committees, whatever they may have been. I am not here to admit that there was anything wrong in them; but your committees did not discover them, if there was. "The whisky ring" the Senator from Delaware alludes to. No democratic investigating committee discovered the transactions of the whisky ring; they were discovered by a republican Secretary of the Treasury. Now I come to Mr. Belknap, of whom you speak.

I may say, as is suggested by another Senator, that even in the whisky ring there were more democrats than republicans convicted of rascality; but your committees did not discover them, nor any of them. In the Belknap case, I have just said not a dollar was stolen from the Government. Take the Freedmen's Bank. Whatever there was wrong in it, the Government did not lose a cent. Take the case of "gravestones." I am informed by the Senator from Pennsylvania [Mr. CAMERON] who was Secretary of War for some time, that the only complaint made was that republicans bid cheaper for that work than democrats did, and, therefore, democrats did not get the job and thought there was a swindle. They wanted to make more than republicans did. The post-traderships the Senator has mentioned, and he has also paraded here the unadjusted balances from the Internal Revenue department. I submit to the Senate and to the country (if any portion of the country should ever read this debate) that these gentlemen have utterly failed, on the broadest challenge I could make, to name one man or one dollar that your two or three hundred thousand dollars of expenditure have found of corruption by republican officials.

The Senator from Delaware has been pretty free in his attempts to find these names. I would like with his consent to publish a list of defaulters in amounts exceeding $10,000, as taken from an official report, giving the names of delinquent officers, and the amounts in which they were short from 1830 to 1861, being the thirty years of which I spoke to-day of democratic rule in this country, the total being $6,874,302.38, and the names are all given and the dates, purporting to be taken from an official document. It will take some time to read it; I can do it, if Senators prefer; otherwise I should like to publish it in the RECORD.

Mr. DAVIS, of West Virginia. I do not want to assert——

Mr. WINDOM. Is there any objection to my publishing the statement?

DEMOCRATIC DEFAULTERS.

List of defaulters in amounts exceeding $10,000 *in connection with the various departments of the Government from* 1830 *to* 1861.

Name.	Rank.	Locality.	Period.	Am't due.
I. V. Fowler	Postmaster	New York	1853-1860	$170,947 67
W. H. Kerr	do	New Orleans	1830-1838	39,604 67
F. S. Marks	do	do	1858-1860	17,346 53
Jonathan Ritter	do	Sacramento, California	1850	18,857 76
D. F. Douglass	United States marshal	California	1851-1853	10,651 59
J. L. Robinson	do	Indiana	1858-1860	10,082 53
E. S. Davis	do	Kansas	1857-1858	13,337 42
W. P. Fain	do	do	1858-1859	13,226 89
J. M. Kennedy	do	Louisiana	1853-1860	18,551 65
A. Miller	do	Mississippi	1841-1845	42,120 75
B. P. Rankin	do	Nebraska	1856-1858	10,248 35
J. M. Mott	do	New York	1837-1841	21,758 85
H. F. Tallmadge	do	do	1849-1853	11,843 98
A. F. Hillyer	do	do	1853-1857	24,855 57
F. M. Wynkoop	do	Pennsylvania	1853-1857	10,773 22
J. P. Anderson	do	Washington Territory	1853-1855	14,418 90
Samuel Swartwout	Collector	New York	1829-1838	1,205,030 60
Jesse Hoyt	do	do	1838-1841	248,871 86
John B. Hogan	do	Mobile, Alabama	1840-1841	14,381 50
Thomas G. Morgan	do	New Orleans	1841-1843	212,232 34
Thomas Barrell	do	do	1843-1844	41,376 64
C. L. Russell	do	Cleveland	1849-1853	29,796 07
O. M. Hyde	do	Detroit	1850-1853	13,544 75
T. B. King	do	San Francisco	1850-1852	46,974 39
F. W. Latham	do	Brownsville, Texas	1858-1861	15,264 16
Harlow Case	do	Sandusky, Ohio	1851-1853	31,308 83
D. A. Boker	Naval officer	New York	1853-1853	22,133 76
B. C. Sanders	Collector	San Francisco	1853-1853	92,256 42
R. P. Hammond	do	do	1853-1855	372,122 54
William A. Linn	do	Saint Louis, Missouri	1854-1859	20,407 87
Amos Binney	Purser in the Navy		1834	70,562 07
J. W. Bronought	Contractor in the Navy		1846	11,341 53
James Brooks	Purser in the Navy		1834	59,346 90
B. F. Brown	do		1830	32,569 69
Uriah Brown	do		1848	10,000 00
W. Badger	Navy agent		1857-1861	12,329 92
Josiah Colston	Purser in the Navy		1839	33,369 18
G. W. Clark	Paymaster in the Navy		1858-1861	16,762 30
N. Denby	Navy agent	Marseilles	1854	135,378 22
T. H. Easton	do		1841	28,669 04
S. C Gonzales	Naval storekeeper		1854	109,606 32
J. C. Holland	Purser in the Navy		1838-1842	23,696 83
Do	Paymaster in the Navy		1838-1841	19,336 64
William McMurtrie	Purser in the Navy		1835	12,644 25
E. McCall & Co	Navy agents		1857-1860	82,671 19
F. A. Parker	Commander in the Navy		1844	13,145 33
G. H. Ritchie	Paymaster in the Navy		1859-1861	13,155 00
P. A. Southall	Purser in the Navy		1836-1840	40,550 08
Edward Storer	do		1856	21,574 94
J. A. Semple	Paymaster in the Navy		1855-1860	57,771 33
C. Swackhamer	Navy agent		1853-1857	33,234 06
D. F. Thornton	Purser in the Navy		1850	26,454 84
J. B. Timberlake	do		1856	10,747 23
J. N. Todd	do		1847	26,637 07
P. M. Whitmore	Navy agent		1851	87,000 21
M. T. Woolsey	Captain in the Navy		1837	14,935 10

DEMOCRATIC DEFAULTERS.

List of defaulters in amounts exceeding $10,000 *in connection with the various departments of the Government from* 1830 *to* 1861—Continued.

Name.	Rank.	Locality.	Period.	Am't due.
G. W. Hawkins	Quartermaster, War Department		1849-1853	$71,721 17
E. H. Harris	do		1848-1849	43,896 69
H. W. Halleck	do		1847-1849	14,137 85
A. R. Hetzel	do		1838-1858	15,495 16
P. H. Mumphries	do		1850-1853	10,541 57
R. M. Hundle	do		1846-1848	13,965 07
C. E. Erwin	do		1849-1851	59,662 56
Thos. Gordan	do		1847-1861	17,9?2 33
E. R. Kane	do		1847-1853	38,773 16
W. Kearney	do		1855-1860	24,898 88
James Lea	Quartermaster and Subsistence department		1846-1849	68,954 28
L. Loeser	do		1850-1856	13,933 19
H. Lowery	do		1847-1848	11,2?2 11
T. D. Martin	do		1847-1848	17,666 92
L. H. Marshall	do		1852-1861	13,964 77
W. M. D. McKessack	do		1847	44,092 08
I. McClure	Quartermaster, War Department		1846	26,704 53
L. Hill	do		1848-1856	10,416 33
H. Randall	do		1856-1861	17,125 55
A. W. Reynolds	do		1850-1860	46,374 91
T. S. Russell	Quartermaster and Subsistence department		1848-1851	60,219 96
W. R. Stevens	Engineer and Subsistence department		1855-1861	16,023 30
H. B. Sears	Quartermaster, War Department		1847-1848	28,727 12
Thomas Tupper	do		1837	22,496 03
F. Richards	Storekeeper, War Department		1858-1860	176,858 06
Murphy Dennis	Ordnance Office		1858-1861	81,901 13
H. R. Selden	Recruiting officer		1854-1857	21,049 77
A. J. Coffee	Paymaster, War Department		1848-1849	52,312 26
T. Y. Daskeill	do		1855-1858	19,050 55
A. W. Gaines	do		1857-1860	22,318 41
S. Macklin	do		1857-1861	32,764 14
A. B. Ragan	do		1857-1861	15,904 87
T. J. Rhett	do		1858-1861	49,367 87
F. S. Armstrong	Quartermaster, War Department		1856-1860	10,138 91
J. O. Bradshaw	do		1837-1847	18,755 27
Charles Leslie	do		1847-1850	74,235 65
T. F. Chapman	do		1849-1850	11,319 32
C. M. Creamer	do		1847-1848	66,972 48
R. C. D. Collins	do		1835-1839	17,262 24
Freeman Cross	do		1846-1853	16,762 60
R. R. Cunn	do		1836-1837	294,729 15
Do	Captain Quartermaster's Department		1847-1849	39,243 89
B. Edwards	Quartermaster, War Department		1836-1844	28,324 32
J. B. Grayson	do		1834-1861	63,740 40
Samuel Gulley	do		1856-1857	25,730 95
Luther Blake	Indian agent		1851-1852	45,060 00
R. D. C. Collins	Subsistence agent		1830-1839	68,878 21
Milton C. Dickey	Indian agent		1859-1861	18,956 57
H. L. Fort	Subsistence agent		1857-1860	27,194 21
A. B. Greenwood	Commissioner of Indian Affairs		1859-1860	28,906 23
J. B. F. Russell	Captain and commissary		1834-1836	47,464 50
Jacob Thompson	Secretary of the Interior Department		1857-1861	871,000 00
Robert Temple	Pension agent	Rutland, Vermont	1838-1857	100,424 07
				6,874,302 38

Defaulting depository and other banks and bankers, from 1830 *to* 1861.

Name and locality.	Period.	Amount due.
Manufacturers' Bank, Chillicothe, Ohio	1830-1845	$$29,729 45
Bank of Vincennes	1830-1833	168,511 30
Agricultural Bank, Mississippi	1830-1837	583,404 30
Franklin Bank, Massachusetts	1830-1837	12,331 25
Franklin Bank, Alexandria, District of Columbia	1830-1839	48,000 00
Bank of Edwardsville	1830-1839	46,973 00
Farmers and Merchants' Bank, Cincinnati, Ohio	1830-1845	36,966 01
Bank of Missouri, St. Louis, Missouri	1830-1839	159,199 87
Bank of Steubenville, Ohio	1830-1843	300,056 33
Elkton Bank, Maryland	1830-1844	25,372 19
Bank of Somerset, Maryland	1830-1844	62,420 36
City Bank, Columbus, Ohio	1830-1853	100,000 00
Bank of Columbia, Georgetown, District of Columbia	1830-1845	610,115 42
Virginia Saline Bank	1830-1845	10,121 00
T. P. Crutchfield, depositary, Little Rock, Arkansas	1855-1856	68,000 28
W. M. Harrison, depositary, Richmond, Virginia	1854-1856	14,071 97
J. J. Simkins, depositary, Norfolk, Virginia	1858-1861	11,795 58
J. A. Guirot, assistant treasurer, New Orleans	1857-1861	146,226 74
Charles W. Morgan, contractor to Army	1837-1839	13,446 55
Edmund Randolph, Secretary of State		61,355 07
Green W. Caldwell, treasurer, branch mint, Charlotte, North Carolina	1853-1860	34,960 46
J. A. Guirot, treasurer, branch mint, New Orleans	1858-1861	415,959 22
R. Hutchinson, clerk in mint, Philadelphia, Pennsylvania	1830-1847	16,018 31
George Kellogg, treasurer branch mint, Georgia	1830-1860	28,853 54
Joseph Dunbar, surveyor	1830-1831	16,633 13
Thomas Freeman, surveyor	1830-1839	24,446 91
J. P. Turner, surveyor	1830-1832	10,889 27
Harszthy, melter and refiner in mint	1854-1855	152,327 03
William S. Smith, agent General Land Office	1831-1837	10,383 44
		3,218,619 34
		6,874,302 38
Sums total		10,092,921 72

Mr. DAVIS, of West Virginia. In connection with that, I hold here a statement published over the signature of Secretary Boutwell of the delinquencies in one Department, making over $120,000,000, and I should like this to go in too.

Mr. WINDOM. Everybody knows what those delinquencies were. That list has been discussed over and over again in the Senate. Everybody knows it does not represent losses to the Government, but simply uncollected balances, nearly all of which have since been collected and accounted for.

Mr. DAVIS, of West Virginia. They were out of office at that time,

and they are called delinquencies by Secretary Boutwell and he names the men name after name with just the exact amount; and I should like to have this go with my friend's list.

Mr. WINDOM. I ask the Senator from West Virginia if he does not know that the amounts were assessed by the assessors in each district, are charged up to the collector and that they remain charged to him until collected, and that the amounts on that list are simply uncollected balances that the Senator is attempting to present here as $20,000,000 of losses? I ask him if he does not know that?

Mr. DAVIS, of West Virginia. Oh, no; here is what it is, under the signature of Secretary Boutwell. It was published on the 18th of February, 1871, and it was a list of collectors out of office on the 1st day of July, 1870, and every one of these balances was then due by these men who were then out of office.

Mr. WINDOM. But collected by their successors.

Mr. DAVIS, of West Virginia. Just one minute. Here are the different amounts each one owed, how long it had been owing, some of them several years, some of them going back to 1864, and every officer named here on this list was a defaulter at the time, and so published in this report. These defalcations in one bureau alone amount to over $20,000,000.

Mr. WINDOM. I know, and I think the Senator knows, that these are not defaulters at all. Whenever the assessor assesses a certain amount, it is charged up to the collector. If it is uncollectable, it appears charged until finally stricken off the books as uncollectable. All over the United States assessments were made, the books turned over, and charged to the collector. All the millions that were uncollected from the democratic moonshine distillers down in Kentucky where my friend over yonder lives, down in Georgia, and all through that mountain region, were included; I presume there were more than $20,000,000 of uncollected taxes from those whisky distillers, who have been robbing the Government ever since and killing our officers when they go down to collect those taxes. All those were charged up as part of this $20,000,000.

Mr. BECK. The Senator from Minnesota names the State of Kentucky; he wants to call me up I suppose. I will just take one case on the list my friend from West Virginia has before him, that of Joshua F. Bailey, collector of internal revenue in the fourth district of New York, a defaulter for $603,951, who was transferred afterward by President Grant to the thirty-second district of New York, and turned out in that district to be a defaulter for $586,201.46, and who absconded March 15, 1870, without paying a dollar of either sum. Henry Clews, George Opdyke, and some other leading men, who were afterward placed in power and position by the President, were sureties on his bond, and they were not sued, certainly not for years afterward, and they have not been sued to this day, so far as I know. Not a dollar has been paid. Each one of these cases is of the same sort.

Mr. WINDOM. Mr. President——

Mr. WALLACE. Will the Senator from Minnesota yield?

Mr. WINDOM. I shall be through in a minute and will then yield.

Mr. BECK. Only one word. After that default was made and those men were on that bond, resolutions were offered in the House inquiring why those men had not been sued, and the answer came that they had not been sued. They may have been sued since, but I am not aware of it.

Mr. CONKLING. Mr. President——

Mr. WINDOM. I yield a moment to the Senator from New York.

Mr. CONKLING. The honorable Senator from Kentucky is not an accurate historian now. The case of Joshua F. Bailey is a familiar case in New York, very familiar to the Committee on Finance as that committee was constituted at the time. Joshua F. Bailey was appointed by Andrew Johnson. It was one of those acts so free from the influence of politicians that it won great applause from the party which the honorable Senator from Kentucky leads. It was a striking illustration of what had then begun to be called "civil-service reform."

Mr. Bailey was recommended by two or three very good men; I do not care to name them. They never distinguished themselves by practical sagacity although they were very high authorities in the civil-service-reform church everywhere. Mr. Bailey having been recommended as I have said, was appointed by Mr. Johnson, appointed to the fourth district if I remember aright.

Mr. BECK. To the fourth district by Johnson and to the thirty-second by Grant.

Mr. CONKLING. I will come to that. Subsequently a district was created arbitrarily, known as the thirty-second district. It was a very important district. It covered much manufacture of tobacco and spirits, and was conspicuously an important district. The same influences which had so glorified Mr. Bailey selected him and commended him as soon as General Grant came in as a collector the like of whom could not be found anywhere. The "machine politicians" in New York as they are called thought they knew better. They advised strongly against the selection of Mr. Bailey. They had reasons for doing it, outward appearances pretty conspicuous to everybody; but they were overborne by the persons and the sentiment which I have sufficiently referred to, and Mr. Bailey was transferred to this thirty-second district.

Mr. Opdyke, whom the Senator has named, and other gentlemen were sureties upon the bond of Mr. Bailey. It turned out when it was too late (not to the surprise of those who had remonstrated but I am bound to believe to the surprise of those who had pushed this individual as such a very competent man) that he was a defaulter in a large amount; and upon investigation it turned out that his defalcation dated back behind the time when this bond to which the Senator has referred was given. Thereupon these gentlemen, very excusably as I think, employed counsel to know whether they were liable to make good a default concealed from them and antedating the time when they so generously but unwisely became his sureties. They were advised that they had a defense. There was a good deal of delay in the way of negotiation, offers being made to pay something of this large amount rather than to have the vexation and distress of a litigation; and the time which elapsed, elapsed in consequence of this question which I now state to the Senator. Exactly how it resulted finally, I am not sure enough to venture to state; but my impression is that it turned out in law and in fact that these sureties were not liable, and therefore the case stands, so far as it is instructive at all, like some other cases to which reference might be made, as one illustrating the danger of selecting officers under this somewhat emotional sort of sentiment which appeals to those, honestly decrying no doubt, established methods, enthusiastic about novel ways of doing things, and possessed with the idea that by as much as they have little to do with politics and little knowledge of it, therefore their judgment of men is more likely to be discreet and pure and wholesome than the judgment of other people.

You remember, Mr. President, that even as early as that it came to be a belief by a class of persons that, although the Senator of Kentucky as a man of honor, a man of intelligence, a man of practical wisdom, might be an excellent judge of who should be selected for an office in Kentucky if he was not a Senator or if he was not a Member of the House, yet when he came to be a Senator or Member, immediately it must be supposed that he would have some sinister purpose, some ambition, some obliqnity of mental or moral vision, something or other which would render it unsafe to rely upon him. That idea had started then, and Mr. Bailey was one of the first fruits of them who thought that great reform would be brought about by going to somebody else, anybody rather than a man belonging to that class, officially or otherwise, who it had been supposed were referred to, and somewhat relied upon in the selection of officers. Mr. Bailey is a conspicuous example of the wisdom of that sort of thing. Some of the men who have been referred to as connected with the whisky frauds are almost equally conspicuous. I might mention one who came from the State of Missouri who was put in an official position, if I remember aright, against the united protest of the entire congressional delegation from that State, possibly with one exception. If there was any member of the delegation from Missouri who assented to this appointment, there was, if I am correctly informed, but one. But beyond the delegation, excellent people, clergymen, members of the bench, the most estimable people in the world, whose judgment would have been of the utmost value but for the circumstance that they did not know much about it, recommended this man; and as an example of an opportunity to select office-holders by going beyond the politicians for information, this man was selected, and he brought disgrace upon himself, great injury upon himself. The Senator who sits behind me, [Mr. CARPENTER,] owing to his proximity, knows much more about it than I do; I believe one of the indictments in which he was concerned was tried in the State of Wisconsin.

So I might give other illustrations of what I say; but I repeat that the case of Mr. Bailey is valuable as one; it is not valuable to show anything of the kind which the Senator from Kentucky had in mind when he cited it, except that having been appointed by Andrew Johnson when Andrew Johnson was not a republican President, he was continued by General Grant under such advice as I have stated. He proved to be a defaulter, and a defaulter under such circumstances that his sureties had, as they were advised, a good defense in law; and like any other men, however honorable they might be, they made that defense. That is all there is of it.

Mr. WINDOM. I will take but one minute, unless the Senator from Kentucky wishes to take it from me.

Mr. BECK. I would not have risen at all, I took no part in this debate, except that intimations were made that all these men had settled up their accounts, and that the Kentucky distillers, &c., were responsible for the defalcations. That suggestion about my State led to my interference. I took out the one case that I happened to know something about, not accurately as the Senator from New York does, wherein there was a defalcation of $1,200,000 according to the report—it may have been collected afterward, I do not know—by Joshua F. Bailey, first in the fourth district of New York, appointed by President Johnson, and then in the thirty-second district, appointed by General Grant. That was lost to the Government, when very prominent men who were trusted very largely were his sureties. I happened to name them; George Opdyke and Henry Clews were two of them, and two years afterward they had not been even sued to make good that default. While I was a member of the House I inquired why they had not been sued, and no good excuse was ever given. The Senator from New York says they made defense afterward. Perhaps they did, but I did not know it. That $1,200,000 had no connection with Kentucky distillers, or anything except the default of men who were supposed to be good, but who were allowed to go free because they seemed to be pets of the Administration. I hope the Government has obtained it since. But the statement made

by the Senator from West Virginia, so far as Bailey is concerned, was exactly correct as he stated it; and many other cases no doubt could be stated in the same way. That one I happened to know about.

Mr. WINDOM. The Senator's case was not a very fortunate one so far as his party is concerned. But I want before I take my seat to suggest to my good friend from Delaware that I should be obliged if he would devote his leisure hours between now and the meeting to-morrow, when we take up this bill, to ascertaining the name of some one republican official whom his thirty-three democratic committees have proven to have stolen money from the Government; and having said that, I will merely give in one minute the percentage of losses under various administrations. During Jackson's administration the loss was $10.55 per $1,000; under Van Buren's administration, $21.15 per $1,000; under Harrison's administration, $10.37 per $1,000; under Polk's administration, $8.34 per $1,000; under Taylor's and Fillmore's administrations, $7.64 per $1,000; under Pierce, $5.86; under Buchanan, $6.98 per $1,000; under Lincoln, $1.41 per $1,000. You see how it dropped as soon as the republicans came into power. Under Johnson it was forty-eight cents to the thousand dollars. We had a republican Congress at that time and watched him. Under Grant's first administration the percentage was forty cents on the thousand dollars, and his second administration twenty-six cents on the thousand dollars disbursed. This is a document prepared at the Treasury Department, and no doubt is correct.

Mr. WALLACE. I move that the Senate do now adjourn.

Mr. ANTHONY. Will the Senator allow me to make a parliamentary inquiry which may——

Mr. WALLACE. No, sir; I move that the Senate do now adjourn, and insist on my motion.

The motion was agreed to; and (at three o'clock and twenty-four minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June* 25, 1879.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

TREATY WITH MEXICO.

Mr. WILSON. I do not desire to be regarded as importunate; but I must again call the attention of the House to the importance of action being taken on the joint resolution (H. R. No. 28) providing for a treaty with the Republic of Mexico. And I ask that some day be fixed for its consideration.

The SPEAKER. What day?

Mr. WILSON. I will say to-morrow immediately after the reading of the Journal.

Mr. REAGAN. I understand the object of the gentleman's request is merely to get consent for the consideration of the joint resolution.

The SPEAKER. The gentleman from West Virginia asks that the consideration of the joint resolution be assigned for to-morrow, before the morning hour, immediately after the reading of the Journal. That requires unanimous consent.

Mr. WILSON. I will say after the morning hour.

Mr. YOUNG, of Tennessee. Not to interfere with the existing order.

Mr. COX. This joint resolution ought to be considered; let it be after the existing order, as the gentleman from Tennessee suggests.

Mr. CONGER. What is the request of the gentleman from West Virginia?

The SPEAKER. The Chair will repeat it. The gentleman from West Virginia asks that to-morrow after the morning hour be assigned for the consideration of the joint resolution which he is instructed to report from the Committee on Foreign Affairs in reference to further treaty intercourse between Mexico and the United States.

Mr. CONGER. If the gentleman will except the consideration of appropriation bills and the special order, the National Board of Health bill, I have no objection.

The SPEAKER. Does the gentleman agree to that exception?

Mr. WILSON. I do.

There being no objection, the order was made.

RIGHTS OF RELIGIOUS DENOMINATIONS IN INDIAN RESERVATIONS.

Mr. SCALES. I am instructed by the Committee on Indian Affairs to ask unanimous consent that the bill (H. R. No. 1370) giving to all religious denominations equal rights and privileges in the Indian reservations be made a special order for consideration on the third Thursday of January next. I hope the bill will then be considered and disposed of.

The SPEAKER. Does the gentleman request that the bill be assigned for consideration in the Committee of the Whole on the state of the Union?

Mr. SCALES. No, sir; in the House.

Mr. CONGER. Under this order can the bill come back on a motion to reconsider?

The SPEAKER. The gentleman from North Carolina asks that the bill be made a special order for the third Thursday in January. It will not come back on a motion to reconsider.

There was no objection, and the order was made.

MONUMENT TO UNION DEAD AT CHALMETTE.

Mr. ELLIS. I ask unanimous consent to introduce for consideration at this time a joint resolution, to which I think no gentleman on either side of the House will make the slightest objection. I ask that the resolution be read.

The joint resolution was read, as follows:

Be it resolved, &c., That the Secretary of War be, and he is hereby, authorized and directed to donate to Mower Post Grand Army of the Republic at New Orleans, certain blocks of granite now lying at Fort Livingston, Louisiana, and which are of no use to the Government, for the purpose of completing a monument for the Union dead at Chalmette National Cemetery, near New Orleans.

Mr. ELLIS. In remodeling Fort Livingston a few years ago certain blocks of granite which had formed a part of the construction of the fort, and which were used for the traverse circles of the fort, were thrown out by the Government as useless. That granite is now lying on the shores of the Gulf of Mexico, and, in the opinion of gentlemen familiar with the locality, the waves will soon wash it into the Gulf and it will be totally lost. The Union soldiers who constitute Mower Post Grand Army of the Republic are erecting at Fort Chalmette a beautiful monument to the Union dead who sleep there. They ask that this granite, which is of no use to the Government, be donated to them for the purpose of completing that monument to the gallant dead.

There being no objection, the joint resolution (H. R. No. 114) donating certain granite blocks was read three times, and passed.

COMMITTEE ON RULES.

Mr. BLACKBURN. I rise to make a privileged report. I am directed by the Committee on Rules to report the resolution which I send to the desk and to which I ask the assent of the House.

The Clerk read as follows:

Resolved, That the Committee on Rules be, and it is hereby, authorized to sit during the recess, at Washington or elsewhere, for the purpose of revising, codifying, and simplifying the rules of the House; and the journal clerk of the House shall act as clerk to the said committee; and the necessary actual expenses incurred in the execution of this order shall be paid out of the contingent fund of the House.

Mr. CONGER. I wish the gentleman from Kentucky to state before I make objection where the committee wish to travel this summer.

Mr. BLACKBURN. I will state it is not the intention of the committee, if this resolution is adopted, to travel anywhere.

Mr. CONGER. Why put in the words "or elsewhere?"

Mr. BLACKBURN. I will answer the question of the gentleman after I have made a brief statement to the House. I am directed by the Committee on Rules unanimously to make this report. As the members of this House know, our rules now number one hundred and sixty-six. They have become very voluminous, and in more instances than one different rules may be found which at least in part conflict with each other. It is impossible for the Committee on Rules during a session of Congress to be able to effect a general revision or modification of this bunglesome and overgrown system under which we now suffer. I appeal to every gentleman on this floor if it is not the fact that these rules, which constitute the implements by means of which every member here must do his work, are so voluminous, so conflicting, even so crude, as to render it almost impossible for any one to arrive at a clear comprehension of their purpose and scope.

As I have said, the resolution which the Committee on Rules have directed me to report has received the indorsement of every member of that committee. I cannot say that the committee itself, or any member of it, will be the beneficiary of the action of the House should this resolution be adopted. Of course there is no additional compensation provided. In the judgment of the committee it will take probably one month, or nearly so long, to effect something like a revision of these rules.

I may call the attention of the House to the further fact that a concurrent resolution has been passed by the Senate, which has by the action of this House been sent to its Committee on Rules for consideration, looking to a revision of the joint rules of the two Houses. It is for this House to determine whether it will instruct and authorize its Committee on Rules during the coming recess to sit for such length of time as may be necessary to consider both propositions—the Senate proposition to revise the joint rules of the two Houses and the proposition to revise the rules of the House itself.

This resolution provides that the committee shall sit for such length of time as may be necessary to do the work "in Washington or elsewhere." Now, so far as I am concerned, as a member of that committee, it is a matter of perfect indifference to me; and if it be the pleasure of the gentleman from Michigan [Mr. CONGER] to have stated in the resolution where the committee shall sit, I for one at least will have no objection to that. It is for the House to determine whether it desires to have this work of revision and codification of its rules undertaken or not; that is all.

The SPEAKER. Does the gentleman from Michigan [Mr. CONGER] desire to move to strike out the words "or elsewhere?"

Mr. CONGER. I do not.

The SPEAKER. The Chair desires to state in reference to this proposition——

Mr. CONGER. If I did move to strike out those words I should

also move to insert in lieu thereof the words "in some cool and comfortable place."

The SPEAKER. That is just the point. In case the committee should determine to sit immediately, and it should get to be too warm here, the committee should have the right to hold its meeting in some other place where it would be more comfortable, without extra expense.

Mr. CONGER. I think the committee should sit in the most convenient and comfortable place on the continent. I do not wish to strike out the words "or elsewhere." My objection is simply to the proposition itself.

For eighty years we have acted under a system of rules, modifying them as occasion arose. As the Speaker properly and pertinently once remarked, no committee can beforehand prepare a set of rules for this body; but as the occasion arises, if we have a Speaker in the chair capable of discriminating in regard to the necessities of business and the proprieties of rules, he will necessarily himself work into the best system of rules that can be obtained.

I object to this resolution because, although not so intended, it is a reflection upon our present Speaker. It has been my pleasure and my duty very often to call the attention of the Chair to the construction of the rules and to raise points of order for the Chair to determine. I have been very happy in the belief that our Speaker is adequate to every emergency of that kind [laughter] and that his decisions from time to time have been satisfactory to the House.

If he alone were designated to make this revision of the rules, I might perhaps have no objection to it. But there are to be associated with him gentlemen who are not thoroughly familiar with the rules of the House, [laughter,] who are not thoroughly aware of the best kind of rules for this House, as I have noticed by the amendments which they have from time to time proposed to the rules. [Renewed laughter.] Now, if it were possible that this committee would forego the pleasure of sitting together and would invest our Speaker with all the powers which this resolution proposes to confer upon the whole committee, I should anticipate a recommendation for the change of any of the rules which seem to need change without any political considerations being brought into the question, because the Speaker cannot in his decisions here indulge in political preferences without attempting to introduce new rules that would curb and confine the minority for the brief time they are in the minority. [Laughter.] He would leave the old rules of the House, of long standing and sufficient for all purposes, sufficient to hold this House in order and manage its business, when the majority here were opposed by the acute leadership of the present Speaker, and when the rules are now enforced here by such feeble efforts as we on this side, following the example that the present Speaker of the House set us in the days when he led the minority, and which have been sufficient to control the business of the House without hinderance and without interruption.

But if the Committee on Rules desire to undertake the revision of the rules—if they think they can improve these rules—if the majority think we have become so turbulent that a new set of restrictions is necessary to control this side of the House, I am the last one to prevent them undertaking that office; and if when the report is made we are not adequate to the emergency, it will be our own fault. I will not object to the resolution.

The SPEAKER. The Chair has no wish about this matter one way or another, because he can conform himself to any rules, trying to get common sense and equity out of them. But if the gentleman from Michigan supposes that the committee would report anything which would be final, that idea is a mistake. The committee could only submit its action to the House for adoption or rejection; and if the report contained anything objectionable, the power of correction would be with the House.

Mr. CONGER. But the Chair will bear witness to the correctness of my remark when I say that if we authorize the Committee on Rules to revise the rules and to report as they may at any time, we place ourselves in the power of the majority to pass whatever rules they may choose.

The SPEAKER. The notable rules which have heretofore been adopted to restrict and chain the minority were introduced when the present occupant of the chair did not hold the position of presiding officer, but when he was a member on the floor. As soon as the party now in the majority obtained control in the House, they immediately repealed those clauses of the rules which fettered the minority as they thought unduly; and those restrictions have never been re-enacted since. The Chair refers particularly to former Rules 165 and 166, now vacated.

Mr. CONGER. Is it proposed that this committee may report at any time?

The SPEAKER. The committee has generally been conceded that right until it has grown into a practice.

Mr. CONGER. Well, I think we will run the risk of a struggle on this matter when it comes. I will not object.

Mr. BLACKBURN. I trust, Mr. Speaker, that the reminder which the Chair has anticipated me in giving the gentleman from Michigan will serve to quiet his apprehensions. It was in the Forty-fourth Congress, when the party on this side had a majority on this floor, as they have had in the Forty-fifth and Forty-sixth Congresses, that the rule enacted by a former republican House restricting the powers and rights of the minority here was repealed. The gentleman need not be apprehensive. The republican, the minority, side of this House is represented, I am sure, very ably on this committee. The distinguished gentleman from Ohio [Mr. GARFIELD] and the equally distinguished gentleman from Maine [Mr. FRYE] constitute two of the five members of the Committee on Rules; and if our friend from Michigan feels that this fact does not give ample security and protection to the interests and rights of that side of the Chamber, I for one would have no objection to having his good company in this work and amending the resolution so as to constitute him a member *ex officio* of the Committee on Rules, thus giving us the benefit of his counsel.

The gentleman undertakes to complain, and doubtless very justly, (I am sure in one instance without any injustice,) of the want of familiarity of some of the members of the committee with the rules of the House; but he shows that his own information is at fault when he states that these rules have stood for eighty years. The gentleman should brighten his recollection. There was a revision of the rules of this House in 1860. Two decades have not passed since these rules were revised; and it is a question not for the Committee on Rules but for the House to determine whether there is now a necessity for a revision, simplification, and codification of the rules. Personally I am content to leave them as they are. But there are now numerous amendments to the rules pending before the committee. In the course of nineteen years these rules have become a piece of patchwork. It is for the House to determine whether it desires an effort made to simplify these rules. Surely this task is not a matter of pleasure for the committee. I imagine that no member who has been here during this long and tedious session will find it an enticing thing to come back here, away from his home and business, to spend one month in this gratuitous service. But whether this work shall result successfully or not, no harm can come of it. The committee under the resolution can simply report the result of its work for the adoption of the House.

In justice to the republican members of the committee, one of whom is absent and the other of whom I see has just entered the Chamber, I wish to say that in the discussions which have led up to the adoption of this resolution by the committee there has never been one atom of disagreement, nor one scintilla of political controversy, nor any division whatever among the members of the committee.

It was believed by the committee that the result of this effort would be beneficial, and they were led to submit the proposition in consequence of the complaints made by members as to the voluminous nature of the rules and in some cases their conflicting character. Numerous amendments to the rules which have been brought to the attention of the committee they have not been able to adopt, because of the incongruous provisions found in other portions of the book of rules. Hence they determined to make to the House this tender of service. If it be not the pleasure of the House to impose this duty upon them, I am very sure that I speak the sentiment of the committee when I say that, having discharged what they conceive their duty, they will take no offense in the world at any action the House may see fit to adopt.

The SPEAKER. It may not be uninteresting to state the fact that the present Committee on Rules have never, so far as the Chair recollects, been divided politically on any subject, and almost every report made by them, except in two instances, (the report on the liquor traffic and that on the woman's rights question,) has been unanimous.

Mr. CONGER. There was no need of any personal remarks on the part of the gentleman from Kentucky, [Mr. BLACKBURN.] I did not intend to make any. I did not desire to reflect at all upon the Committee on Rules. I have no fault to find with the committee or its members. I believe them well qualified for their duties; and I think the republican side of the House is well represented on the committee.

I have said nothing that would warrant the remarks of the gentleman that I envied a position upon that committee, or desired to fill it. I simply said that although there were revisions of the rules from time to time, yet any one who takes up our Manual will find under each rule the date of its adoption. And whatever revision there may have been the rules remain as they have been adopted from the commencement of the Government, as the necessities of the case required, and the revision will unquestionably leave all the rules unchanged. There may be changes suggested by the committee, but I know very well that some amendment to the rules, which are complained of by this side of the House, were introduced by the committee and sustained by the party majority, which were thought to be objectionable. I know, and the gentleman knows, that however intelligent the members of the committee from this side of the House may be, yet they cannot control the subject of a report from the Committee on Rules, because they are in a minority, and whatever they may or may not do, they have no controlling power in the committee.

The point I wish to make is that whatever is done by this committee in remodeling or codifying the rules could be done in one report, and could be passed by a majority of this House; whereas if we met rule by rule, each one with proper time to discuss it, the House at least could act advisedly in each case. I have no objection, as I said before, to the committee meeting here or elsewhere to see if the rules can be amended. There has been some restiveness under the present rules,

and some members of the House have thought that there ought to be some rule to compel the minority to stop dilatory motions, and stop what we call filibustering, and compel members to vote as the rule requires them to do.

Now, I do not know but that this proposition arose from the suggestion which was made here that the rules ought to be so modified that when a recusant republican member refuses to vote, or do what the rules require him to do, a strong hand ought to be laid upon him, and pains and penalties inflicted for political contumacy on his part.

Mr. SPARKS. So as to keep the peace in the House?

Mr. CONGER. Yes: to keep the peace in the House without the presence of an armed force.

Mr. BLACKBURN. I will suggest to the gentleman from Michigan [Mr. CONGER] that whenever a revision of the rules is had the report is referred to the Committee of the Whole on the state of the Union, and is there subject to debate, rule by rule, just as a general appropriation bill is considered, clause by clause, so I do not think there was any just grounds for the apprehension that the minority of the House will be cut off from a fair consideration of every proposed alteration or change in the rules.

Mr. GARFIELD. I was not present in the Committee on Rules when this report was adopted, but I know that the subject-matter has been talked over in the committee a number of times when I was present. As I understand the purpose of the resolution, it meets my hearty concurrence.

We have a body of rules which are the accretion of ninety years' practice. Almost every Congress had added some modification or made some new rules or repealed some old ones. There have been a variety of rulings by different Speakers on nearly all the rules, and the result is that the House, by a simple cumulation of parliamentary practices, has thrown them together by a mere accident of time and place where the change may have happened to come, so that as they now stand they are not thrown together in any distinct form. The thing most needed is to simplify the present rules of the House, and if we did not make a single material change in the rules, we might get them put in order and when any collision of the rules is found to rectify that collision and make them clear and plain. That would be of very great value.

I suppose it has been the experience of every member here that when he first came into the House he found the rules of the House were an inexplicable mystery, and supposed to be known only to some of the older members; but some gentlemen who have been here many years have never so far mastered the rules as to feel in any degree certain of themselves.

Now, I do not suppose we can ever make a body of rules that is simple, because of the complicated nature of our business; but I am satisfied that they can be made much simpler than they are now; and with the understanding that the report of the Committee on Rules is to be referred to the Committee of the Whole on the state of the Union where no advantage can be taken of a privileged report to bring it to a vote without the fullest consideration of the rights of the minority, I hope this resolution will prevail. I say that, although I know it will entail a large amount of work on the committee, and I say it also with the strong probability that I shall not be able to do my share of it if the committee do meet, but I do hope that somebody will be patriotic enough to do this work.

Mr. MILLS rose.

Mr. BLACKBURN. As pertinent to the remarks of the gentleman from Ohio, and with the permission of the gentleman from Texas, I will just interject the statement that about a half dozen rules of this House as they stand in this Manual now, rules 20, 24, 97, 154, and 156, though they stand here in the present codification of rules for the government of this House, are positively obsolete, having been repealed by existing statute law; so that we have this number of rules here which have been repealed, which fact can be ascertained by searching through the statutes. They are actually and positively obsolete, and yet under our present codification they are given to us here for our government and guidance.

Now, as to one point suggested by the gentleman from Michigan, I will say I do not think there is any danger, I do not think there can be any danger, of this committee undertaking to abridge the rights of the minority in the matter of dilatory motions any further than the existing rules do. If the gentleman will take Rule 31 he will see that it makes it absolutely obligatory on every member in this House, when the question is put, to give his vote unless excused by the House; and no motion for such excuse shall be made after the House is dividing or after the call of the yeas and nays has begun. So that the right of the minority in that regard cannot be abridged by any thing within the power of human expression made plainer or more obligatory than the rule is now. And yet under that rule we know very well what the practice of the House is; and I cannot for the life of me see there is any danger of the minority party in the House suffering anything in the shape of abridgment of privileges by reason of the revision of the rules.

Mr. CONGER. I do not quite understand the gentleman from Kentucky when he says our rules have been repealed by law. The right to make its own rules is a constitutional right of the House, and I do not understand how any law can repeal rules of the House.

Mr. BLACKBURN. If the gentleman from Michigan will refer to the statutes he will find that the rules I have named are absolutely obsolete, and that in virtue of their repeal by positive law existing to-day.

Mr. MILLS. I simply desire to say that I appreciate fully the force of what has been said about the difficulty of understanding our rules. It was said of John J. Crittenden, who spent a life-time in Congress, that he never did understand when he was entitled to the floor, even to make a motion to adjourn, and he had to consult his friends on the subject. It must have occurred to every one who has spent any time in the House how difficult it is to understand anything about the rules.

There are two points in reference to a revision of the rules of the House, one or the other of which must be observed. One is to make rules to obstruct legislation, and the other is to revise the rules so that a majority of this House can crystallize the will of the American people into law. Now, if the committee is to take that view and simplify the rules, then it is well that the committee should be authorized to sit in vacation that they may so simplify the rules that the majority can control the legislation of this House. If they are not going to do that, the revision is wholly unnecessary in my opinion. The difficulty that the rules now throw in the way of a majority of the House, it makes no difference which party has it, of giving its views the force of law, is almost insurmountable.

Now here is the morning hour. All committees have to report in the morning hour; and there is only one hour. It has been called the "nine holes." A bill comes in which is distasteful to the minority and they can delay it a whole Congress if they want, keeping it in the morning hour and preventing other committees from reporting. They ought not to have that power. We should have the rules so drawn that all the committees can report; that their reports may go on the Calendar, and that the Calendar shall be called in regular order and the business disposed of.

I hope if the House grants permission to the committee to sit during recess the committee will take that part of the subject into consideration and endeavor so to simplify the rules that the majority can make their will the law so far as the action of the House is concerned.

Mr. HOOKER. I desire to say a single word about this proposition now before the House, and but a single word.

On the first day of this session I had occasion to offer in common with other gentlemen propositions modifying the rules of this House in regard to the work which was to be performed by certain committees. The resolutions which I then had the honor to offer proposed to leave to the various committees of the House, to the Committee on Military Affairs, the Committee on Naval Affairs, &c., to make the estimates for the expenditures of the respective Departments of the Government. I hope the resolution offered by my friend from Kentucky will receive a favorable consideration from the House, and that these propositions will be acted upon. They were referred to the Committee on Rules and have never been acted upon during the entire session; and we have gone on for the three or four months of this extra session under the rules as they formerly existed. But, Mr. Speaker, I hope if this resolution is adopted by the House and the Committee on Rules is authorized to sit during the vacation to consider the general question of the revision of the rules of this House, that they will not only consider the various propositions offered by the gentleman from Illinois, [Mr. SPRINGER,] by myself, and by others, but that they will go still further and simplify the rules of the House by returning to the general parliamentary law by which all other deliberative assemblies in Christendom are governed in their proceedings.

If you would abolish every single rule in the House except such as are pertinent to its organization, and return to the general parliamentary law as laid down by Mr. Jefferson in his Manual, or more elaborately still by Mr. Cushing in his work on parliamentary law, you would then be able to have a system of rules for the government of this House easily stated and comprehended by every member; whereas now, under the existing rules, as was said by the gentleman from Ohio, [Mr. GARFIELD,] and under the precedents which have grown up under the various Speakers in reference to them, there seems to be no written parliamentary law, and all our proceedings are governed by the precedents which have been established under the rules as they stand. I hope the resolution will be adopted and that the committee, if they adopt a new set of rules, will adopt them in accordance with the parliamentary law as it has existed time immemorial.

The question was taken on the resolution, and it was agreed to.

HENRY CONARD.

Mr. HILL, by unanimous consent, from the Committee on Foreign Affairs, reported back, with a favorable recommendation, bill (S. No. 681) for the relief of the estate of Henry Conard; which was referred to the Committee of the Whole on the Private Calendar, and ordered to be printed.

RICHARD DILLON.

Mr. PRESCOTT, by unanimous consent, introduced a bill (H. R. No. 2375) granting a pension to Richard Dillon, of Utica, Oneida County, New York; which was read a first and second time, and referred to the Committee on Invalid Pensions.

WILLIAM GILFOIL.

Mr. PRESCOTT also introduced a bill (H. R. No. 2376) for the relief of William Gilfoil; which was read a first and second time, and referred to the Committee on Military Affairs.

CATHARINE I. GILLIS.

Mr. KNOTT, by unanimous consent, from the Committee on the Judiciary, reported a bill (H. R. No. 2377) for the relief of Catharine I. Gillis; which was read a first and second time, and referred to the Committee of the Whole on the Private Calendar.

ISAAC S. LYON.

On motion of Mr. COFFROTH, the Committee on Invalid Pensions was discharged from the further consideration of the bill (H. R. No. 2315) for the relief of Isaac S. Lyon, and the same was referred to the Committee on Public Lands.

PAY OF EMPLOYÉS OF THE HOUSE.

Mr. COFFROTH, by unanimous consent, submitted the following resolution; which was read, and referred to the Committee of Accounts:

Resolved, That the Clerk of the House of Representatives be, and he is hereby authorized and directed to pay to each of the following persons, to wit, William T. Revels, Harry C. Acton, Joseph F. Knipe, Charles M. Henry, Richard Granger, Walter H. Robertson, John J. Tytherleigh, Perry S. Goodsell, the sum of $114 28, being in payment for services rendered by them as messengers in the House Post-Office from March 4, 1879, to April 4, 1879. And the Clerk of the House is hereby further directed to pay said amounts out of the moneys heretofore appropriated for session messengers in the House Post-Office for the first session of the Forty-sixth Congress.

HOUSE OF REPRESENTATIVES POST-OFFICE,
Washington, D. C., June 19, 1879.

I do hereby certify that the above-named messengers were on duty between the dates as above stated, and that their services were required.

J. M. STEWART,
Postmaster House of Representatives.

CHANGE OF NAME.

Mr. LOUNSBERY, by unanimous consent, introduced a bill (H. R. No. 2378) to change the name of the ferry-boat James Fisk, jr., to Passaic; which was read a first and second time, and referred to the Committee on Commerce.

Mr. CONGER moved to reconsider the various votes by which these bills had been referred; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SPECIAL TAXES OF THE DISTRICT OF COLUMBIA.

Mr. HUNTON submitted the following report of a committee of conference:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1379) fixing the rate of interest upon arrearages of general taxes and assessments for special improvements now due to the District of Columbia, and for a revision of assessments for special improvements, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House agree to the first amendment of the Senate in line 3, page 1, striking out the word "they," and to amendment 4 on page 2, striking out all after "assessments," in line 4, down to and including "obligations," in line 6.

That the Senate recede from its amendment numbered 2, striking out section 2, and from its amendment numbered 3, changing section 3 to section 2, and from its amendment numbered 5, changing section 4 to section 3; and agree thereto.

EPPA HUNTON,
HENRY S. NEAL,
GILBERT DE LA MATYR,
Managers on the part of the House.

ISHAM G. HARRIS,
WM. PINKNEY WHYTE,
E. H. ROLLINS,
Managers on the part of the Senate.

The report of the committee of conference was agreed to.

Mr. HUNTON moved to reconsider the vote by which the report was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

DEPREDATIONS ON THE MEXICAN FRONTIER.

Mr. UPSON, by unanimous consent, submitted the following resolution; which was read and agreed to:

Resolved, That the Secretary of War be requested to instruct, if not incompatible with the public interest, Brigadier-General E. O. C. Ord, commanding the military department of Texas, to inform, through the Secretary of War, as early as practicable, the House of Representatives of the United States what massacres, raids, and depredations, if any, have been committed by Indians and Mexicans, or either, or by other lawless bands, within said department, since the 1st day of January, 1878; also, to report, through the Secretary of War, the number and class of troops under his command and where and how stationed or quartered, the services performed by said troops during said period; whether or not any additional troops and expenditures in the construction of posts, roads, wells, and tanks, or otherwise, and if so, what, are needed to give security and efficient protection to the lives and property of American citizens upon the Texas frontier, and generally to give such information as will show the condition and character of, and tend to secure peace and safety upon, said frontier.

C. S. HENRY.

Mr. MULDROW, by unanimous consent, introduced a joint resolution (H. R. No. 115) for the payment of C. S. Henry, a page in the Forty-fifth Congress; which was read a first and second time, and referred to the Committee of Accounts.

ORDER OF BUSINESS.

Mr. ACKLEN. I ask unanimous consent to submit a report from the Committee on Commerce which it is important shall be considered during this present session.

Mr. MANNING. I call for the regular order.

Mr. FINLEY. I desire to have a bill referred.

Mr. MANNING. I do not object to bills for reference, but I object to action upon any bill.

Mr. BREWER. Then I object to everything not in order.

Mr. FINLEY. I hope the gentleman will withdraw his objection.

Mr. ACKLEN. If my matter is to be cut out by objection, I must object to everything.

Mr. MANNING. Then I call for the regular order.

ENROLLED BILLS SIGNED.

Mr. KENNA, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (H. R. No. 1856) authorizing the commissioners of the District of Columbia to extend the area for the taking up and impounding of domestic animals into the county of Washington; and

An act (H. R. No. 2274) concerning the Legislative Assemblies of the several Territories of the United States.

LEAVE TO PRINT.

Mr. McCOID. A request was submitted yesterday just before adjournment on behalf of the gentleman from Georgia [Mr. STEPHENS] and myself for leave to have printed in the RECORD some remarks prepared by us as a portion of the debates of the House. Objection was made, which was intended to be, and really was, against both applications. I notice by the RECORD of this morning that it is there stated that the request of the gentleman from Georgia [Mr. STEPHENS] was granted without objection, but that objection was made to my request. I ask to have that corrected. I understand that the objection is now withdrawn and that the request for leave to print will not be opposed.

The SPEAKER. The gentleman from Ohio [Mr. MCMAHON] made the objection yesterday.

Mr. KEIFER. I understand that the gentleman from Ohio, [Mr. MCMAHON,] who with myself objected, now withdraws his objection as to both requests. The RECORD need not be corrected, but the request can now be granted.

Mr. McCOID. The objection really was made as to both requests.

The SPEAKER. Yesterday the gentleman from Ohio [Mr. MCMAHON] objected to the requests of the gentleman from Georgia [Mr. STEPHENS] and the gentleman from Iowa [Mr. MCCOID] to have remarks prepared by them printed in the RECORD. Does that gentleman now withdraw his objection?

Mr. MCMAHON. I heard but one request made yesterday and I objected to that, not as a personal matter, but because I was opposed to the further printing of remarks in the RECORD. I have reconsidered that matter and now withdraw objection to either request.

The SPEAKER. The Chair hears no further objection; and leave is granted to the gentleman from Georgia [Mr. STEPHENS] and the gentleman from Iowa [Mr. MCCOID] to have printed in the RECORD remarks as indicated by them. [See Appendix.]

LEAVE OF ABSENCE.

The Chair submits requests for leave of absence as follows:

To Mr. KIMMEL, indefinitely, on account of illness;

To Mr. URNER, for one week, on account of sickness in his family; and

To Mr. COLERICK, indefinitely, on account of the dangerous illness of his mother.

Mr. O'NEILL. I think it would be a good plan to secure the services of a physician for our sick members.

Mr. GARFIELD. I would inquire of the Chair how near we have become reduced to a bare quorum?

The SPEAKER. The votes yesterday——

Mr. GARFIELD. I know what the vote on yesterday was; but if these leaves of absence are granted how will we then stand?

The SPEAKER. There were recorded as not voting one hundred and thirty-one members on two propositions yesterday. That would leave one hundred and fifty-five as voting. There are about sixty members absent on leave.

Mr. GARFIELD. Showing only five or six more than a quorum in the city. If the Speaker is satisfied that the granting of these leaves of absence will not leave us without a quorum, I have no objection.

The SPEAKER. The Chair has no agency in the matter, but submits the request to the House.

Mr. GARFIELD. I have made inquiries as to the knowledge of the Speaker upon the subject.

WILLIAM NEPHEW KING, JR.

Mr. FINLEY. I ask unanimous consent to have taken from the Speaker's table and referred to the Committee on Naval Affairs, not to be brought back on a motion to reconsider, the bill (S. No. 696) for the relief of William Nephew King, jr.

Mr. STEPHENS. I trust the gentleman from Tennessee [Mr. WHITTHORNE] who objected yesterday——

Mr. WHITTHORNE. I will agree to have that bill acted on at once.

Mr. GARFIELD. I wish to ask a question about this bill. The young lad, King, called upon me a day or two ago and stated a case that appealed very strongly to my sympathy. If this bill does not pass at this session it will be comparatively of no use at all to him. It is a question whether he shall be permitted again to enter the Naval Academy.

The SPEAKER. Then the committee can be authorized to report the bill at any time.

Mr. GARFIELD. If the bill is to be referred to the Committee on Naval Affairs I wish to have it understood that it shall report it back to the House to-morrow.

Mr. WHITTHORNE. I am willing for that.

The SPEAKER. That requires unanimous consent.

Mr. GARFIELD. I ask unanimous consent that the committee be authorized and directed to report the bill back to-morrow.

The SPEAKER. If there be no objection, the bill will be referred to the Committee on Naval Affairs with leave to report it back at any time.

There was no objection; and accordingly the bill was taken from the Speaker's table, read a first and second time, and referred to the Committee on Naval Affairs, with leave to report at any time.

Mr. MANNING. I call for the regular order.

Mr. ACKLEN. I move to dispense with the morning hour.

CANAL-BOATS, ETC.

The SPEAKER. The regular order coming over from yesterday as unfinished business is the bill (S. No. 671) relating to vessels not propelled wholly by sail or internal motive power of their own. On this bill the main question was ordered.

Mr. ACKLEN. Mr. Speaker, I move to reconsider the vote by which the main question was ordered. I make this motion in order to reach a stage when a motion to refer the bill to the Committee on Commerce will be in order. At present such a motion cannot be entertained.

The SPEAKER. What motion does the gentleman make?

Mr. ACKLEN. I move to reconsider the vote by which the main question was ordered. I have stated my reason for the motion, in order to enable the House to refer the bill to the Committee on Commerce.

Mr. O'NEILL. I think the House can amend the bill without sending it to the Committee on Commerce.

Mr. RYON, of Pennsylvania. I think that all objection to this bill can be obviated by an amendment which seems to be satisfactory to the members of the House. I hope, therefore, the motion to reconsider will not be adopted with the view of referring the bill.

Mr. FINLEY. I move that the motion to reconsider be laid on the table.

Mr. CONGER. If this motion to lay on the table be adopted, it will compel us to act on the bill in its present shape, when I presume there are not five men in the House who desire to pass it in that shape.

The SPEAKER. The gentleman from Pennsylvania [Mr. RYON] has stated that the intention is to modify the bill.

Mr. GARFIELD. I hope my colleague [Mr. FINLEY] will withdraw the motion to lay on the table, so that we may have a chance to modify the bill.

Mr. BAYNE. I suggest that by unanimous consent an amendment to the bill can be made which will make it unobjectionable. I ask that unanimous consent be given to strike out the word "wholly," leaving the text of the bill otherwise as it stands.

Mr. ACKLEN. I wish the Chair would be kind enough to state to the House the object of my motion to reconsider.

The SPEAKER. The gentleman himself has stated that he desired the reference of the bill to the Committee on Commerce.

Mr. ACKLEN. Or to allow amendments, if the House shall choose. As the main question has been ordered, amendments would not now be in order.

The SPEAKER. The gentleman from Pennsylvania on the left [Mr. BAYNE] asks unanimous consent that the word "wholly" be struck from the bill.

Mr. FINLEY. That is a mere verbal amendment, and I think it ought to prevail.

Mr. ACKLEN. Upon a careful examination of the bill, and upon consultation both with the Secretary of the Treasury and the Second Assistant Secretary of the Treasury I think this whole matter should undergo a thorough revision by the Committee on Commerce.

The SPEAKER. Is there objection to the amendment suggested by the gentleman from Pennsylvania, [Mr. BAYNE?]

Mr. ACKLEN. I object to it.

Mr. RYON, of Pennsylvania. I think it unfair after the gentleman has discussed the bill and given to the House his construction of it, which construction I apprehend is not in accordance with its spirit and meaning, that he should attempt now to cut off any explanation or amendment of the measure.

Mr. FORT. Why the very effect of the gentleman's motion is to open the bill to discussion and amendment.

Mr. KENNA. I would like to make a brief statement in order to set right a misapprehension into which I fell myself yesterday. I was apprehensive from the reading of this bill, as I understood it, that its effect would be to impose additional burdens upon flatboats and barges navigating the inland waters of the United States. The Secretary of the Treasury and the Attorney-General have heretofore construed existing laws so as not to impose such burdens. I was apprehensive that, as this bill undertook to state the exemptions existing under previous laws, it would be held that no other exemptions existed than those embraced within the limits of this particular bill. In order to ascertain what would be the construction of the Department upon that question, I telegraphed this morning to the Secretary of the Treasury. His answer (which I have not at this moment in my possession, having handed it to another gentleman who is interested in this subject) states that this bill, if passed, will be construed to effect nothing further than the releasement of the fees and obligations which the bill itself names. This being the case, I see no objection to the bill.

Mr. ACKLEN. One word. There has evidently been a misapprehension on the part of the gentleman from Pennsylvania [Mr. RYON] as to the effect and purport of my motion to reconsider. I desire to say that if this motion be adopted, I shall withhold a motion to refer the bill to the Committee on Commerce until ample opportunity shall have been had to discuss it; and it will then remain in the discretion of the House whether the bill shall be referred or passed.

The question being taken on the motion of Mr. FINLEY to lay on the table the motion to reconsider, it was not agreed to.

The question recurring on the motion to reconsider the vote by which the main question was ordered, it was agreed to.

Mr. RYON, of Pennsylvania, rose.

Mr. REAGAN. I desire now to move to refer the bill to the Committee on Commerce.

Mr. RYON, of Pennsylvania. I was recognized by the Speaker and have the floor.

Mr. ACKLEN. I desire to say to my friend from Texas [Mr. REAGAN] that in his absence from the House I agreed that the motion to refer the bill should be withheld until the gentleman from Pennsylvania should be heard.

Mr. FORT. The House has the right to refer the bill.

The SPEAKER. Undoubtedly.

Mr. REAGAN. I gave no authority to any gentleman to speak for me in this matter.

Mr. RYON, of Pennsylvania. I believe I have the floor.

The SPEAKER. The gentleman from Pennsylvania [Mr. RYON] moves to amend the bill, and is entitled to the floor.

Mr. RYON, of Pennsylvania. I move to strike out the word "wholly" from the bill where it occurs in the fourth line, after the word "propelled." I ask the Clerk to read the bill as it will be if amended.

The Clerk read as follows:

Be it enacted, &c., That the provisions of title 50 of the Revised Statutes of the United States shall not be so construed as to require the payment of any fee or charge for the enrolling or licensing of vessels built in the United States and owned by citizens thereof, not propelled by sail or by internal motive power of their own, and not in any case carrying passengers, whether navigating the internal waters of a State or the navigable waters of the United States, and not engaged in trade with contiguous foreign territories.

Mr. REAGAN. If the bill is adopted in that form it will impose on public officers——

The SPEAKER. The gentleman from Pennsylvania [Mr. RYON] has the floor.

Mr. O'NEILL. Why does not the gentleman from Texas have read the letter which the Secretary of the Treasury wrote to the Committee on Commerce in which he assents to the passage of the bill?

Mr. REAGAN. I have not that letter.

Mr. O'NEILL. You know where it is.

Mr. REAGAN. I do not.

Mr. O'NEILL. I hope it will be read.

Mr. RYON, of Pennsylvania. Mr. Speaker, this bill was introduced into the Senate for the purpose of correcting a construction that was placed upon the act of 1792 so far as it related to the class of boats engaged in the transportation of coal to the port of New York and adjacent ports from the anthracite coal-fields. For a number of years there has been from time to time a difficulty in the Departments of the Government in construing the act of 1792 so far as it related to that class of vessels. Whenever they have been required by an order of the Department to be enrolled and to take out license, applications have been made to the Departments and they have been relieved, until recently.

In order to fully understand how the coal trade is affected by the recent opinion of the Attorney-General it will be necessary for me to occupy a few moments in explaining to this House how this trade is carried on. The coal regions of Pennsylvania, particularly the anthracite regions, are reached by great lines of railway extending from the seaboard to the coal basins of Pennsylvania. In connection with those railway lines there are two or three canals also extending from the anthracite coal basins to the sea-coast on the eastern coast of New Jersey and terminating upon the waters of the Hudson River. Within about eight miles on the coast of New Jersey there are eight coal stations where the coal product of the anthracite regions, amounting to fifteen or twenty millions of tons annually, is brought by these railways and canals. Three of these coal stations are in the district known as the New York district; two of them are in the Newark district; two more of them in the Perth Amboy district. The coal is taken from these stations by means of barges and canal-boats and carried along the coast behind Staten Island and behind Long Island and along the Sound to the places of distribution. These vessels have no means of propelling themselves, but are carried along up the coast to the places of distribution by the employment of tug-power.

As I have said before, these boats have never been subject to these charges and impositions until by a recent decision of the law officer

of the Government those boats engaged in the transportation of coal from these coaling stations along the coast are required to pay the charges incident to enrollment, to surveys, and to license.

Mr. REAGAN. Will the gentleman allow me to ask him a question?

Mr. RYON, of Pennsylvania. Yes, sir.

Mr. REAGAN. Does the gentleman from Pennsylvania or anybody else know of a single boat, wholly or partly engaged in a canal, that has been stopped? Has not every boat that has been stopped been wholly engaged in the coasting trade?

Mr. RYON, of Pennsylvania. I will answer the gentleman's question, not directly, but I will answer it fully and perfectly in the explanation which I propose to give of the scope of this bill.

Those boats engaged in transporting coal from the coal regions to the city of New York and elsewhere along the coast under the construction given to the act of 1874, as they were engaged partly upon the internal waters of the State were not subject to these charges while thus engaged. But, sir, the boats that are thus engaged are a part of the time engaged in transporting coal from the railway terminus along the coast and the navigable waters of the United States to the points of distribution at New York and places eastward of New York. The very moment they leave the internal waters of their State and engage in this coastwise trade, the same boats which are exempt while engaged in the internal waters of the State become subject to these charges; and many of the boatmen, finding it more to their advantage to engage in transporting coal along the coast only for a few miles to the points of distribution, are made subject to these charges, and their boats are seized because they are not licensed. There are now seized at Perth Amboy sixty-five of those canal-boats and barges engaged in that trade. By no construction that has ever been put upon this act of 1792 were they required to pay these duties until the opinion of the present Attorney-General was delivered and made public on the 18th of May. These charges fall upon a class of men that are ill able to bear them.

They are men of limited means. All they possess in the world is a single boat, which gives them occupation and affords them the means of subsistence. Their boats are required to be enrolled, and they are required to pay license-fees from the time their boats have been in the service, thus piling upon them in the shape of fees, penalties, and fines, from year to year, a sum of money that virtually amounts to a confiscation of their property; and it is to relieve that class of boatmen that this bill was introduced in the Senate of the United States and received the approval of the members of that body.

I have this morning submitted to an amendment in order to meet objections which have been made by gentlemen on the floor of this House, although the final passage of the bill may be put in jeopardy and leave the people engaged in this trade liable to have their property confiscated.

How much of this money thus charged to these boats goes into the coffers of the Federal Government? Nothing but the license fee, which amounts to a dollar and a half; the balance of all these charges imposed upon these boat-owners goes into the pockets of the officers, who are already receiving an adequate salary from this Government.

Since the depression of the coal business the business of transporting coal by this mode has afforded but a bare subsistence, and when the condition of this trade was made known to the Secretary of the Treasury he ordered the collector at the port of Perth Amboy to suspend further proceedings in the seizure of these vessels until the people could get relief through this Congress.

This bill meets the approval of the Secretary of the Treasury, and I have here his letter which was written in response to an application and a presentation and examination of this very bill by him. He wrote in answer to my application, and addressing the chairman of the Committee on Commerce of this House said that he was in favor of the passage of this bill, in order that this difficulty might be relieved. I ask the Clerk to read it.

The Clerk read as follows:

TREASURY DEPARTMENT, *June* 20, 1879.

SIR: My attention has been called by members of your committee to the draught of a bill entitled "An act relating to vessels not propelled wholly by sail or internal motive power," (S. 671,) which has already received the favorable action of the Senate. This bill, as introduced in the Senate on the 16th instant, as reported in the CONGRESSIONAL RECORD, in effect exempted the classes of boats described therein from enrollment and license. The bill now proposes to suffer the enrollment and licensing of these boats to stand as provided in the act of April 17, 1874, (volume 18, part 3, United States Statutes, chapter 106,) but to abolish any fee or charge for such enrollment or license.

In its present form the bill will relieve the Department from much embarrassment in the execution of the law of 1874, and I offer no objection to its passage.

I return herewith the draught of the bill.

Very respectfully,

JOHN SHERMAN, *Secretary.*

Hon. JOHN H. REAGAN,
Chairman Committee on Commerce,
House of Representatives.

Mr. RYON, of Pennsylvania. Now, Mr. Speaker, the construction given to the act of 1792 and the act of 1874 by the Attorney-General, whose views of the question were embodied in the instruction by the Secretary of the Treasury to the collectors of these ports, changes the construction previously given to that law as applicable to barges and canal-boats navigating the public waters of the United States. As the construction of that act to-day stands, there is not a barge in the United States navigating exclusively the public waters of the United States—the great rivers of this country—engaged in the transportation of domestic commerce without sail and without steam, without any means of propulsion except the employment of hired power, but that under this construction of the law given by the Attorney-General is liable to pay these dues, and upon their neglecting to pay their property becomes forfeited to the United States.

Coal barges on the western waters of Pennsylvania, coal barges upon the Ohio and Mississippi Rivers, and on the navigable tributaries of these great rivers, engaged in the transportation of the commerce of the country are subject to these charges, and it is to relieve these vessels from these impositions that this bill was introduced and passed through the Senate.

Now I will refer for a single moment to the view taken of that act of 1874 by the Secretary of the Treasury in his report made in 1877. Speaking of this act of 1874 he says:

In this connection I would call attention to the fact that a large number of vessels, as defined by section 3 of the Revised Statutes, propelled neither by steam nor sails, go to make up the tonnage of enrolled and licensed vessels, while a large class of vessels with no internal appliances for propulsion is exempt from enrollment and license under the act of April 18, 1874. These vessels consist mainly of barges and open flats engaged in the transportation of coal and lumber on the large navigable rivers of the country. For many years this class of vessels has been increasing, and the water-transportation of merchandise upon such rivers has been gradually passing from steam-vessels to barges and other craft of temporary structure, which are towed or propelled by steam or sail-vessels. The act of 1874 exempted canal-boats and boats employed on the internal waters of States from enrollment, so that a discrimination now practically exists between vessels propelled neither by steam nor sails, as regards their liability to enrollment, dependent simply upon the question whether they are or are not usually employed on the internal waters of a State in connection with their employment on navigable waters of the United States. The purely temporary character of many of these vessels renders it difficult to apply to them the provisions for enrollment that are applicable to vessels propelled by steam or sails, especially as they are so constructed as to admit neither of a permanent crew nor of a master who remains on board.

The discrimination as regards enrollment is, besides, a gratuitous cause of dissatisfaction among that portion of the mercantile community which makes use of craft not propelled directly by steam or sails. All these vessels should be subjected to a system of license and enrollment different from that now in force, or all should be exempted from enrollment.

Now it will be seen that under the act of 1874 a boat engaged in commercial transactions, partly upon the internal waters of a State and partly upon the navigable waters of the United States, was not subject to any of these charges. It will further be seen that there was a discrimination between classes of boats, so that a certain portion engaged upon the waters of the United States, owing to their temporary character, were not subject to these charges.

But how does it stand now? How is the question presented by the recent opinion of the Attorney-General? It does not depend, he says, upon the nature of the craft, but upon the use to which it is put. Therefore, if it be a craft that under the construction put upon the act of 1874 was not liable to these charges, yet if it is employed anywhere upon the public waters of the United States in the transportation of domestic commerce it becomes chargeable with these dues, without regard to the character of the craft employed for that purpose.

Now, Mr. Speaker, this bill was attacked by the gentleman from Texas [Mr. REAGAN] upon the ground that its tendency was to relieve vessels of the class intended to be exempted from its operation, from inspection, and from the necessity of a survey, enrollment, and taking out of a license. I do not understand this act to accomplish any such thing. On the contrary, the gentleman is entirely mistaken in his construction of it as will appear from an examination of the bill itself. It provides:

That the provision of title 50 of the Revised Statutes of the United States shall not be so construed as to require the payment of any fee or charge for the enrolling or licensing of vessels built in the United States and owned by citizens thereof, not propelled by steam or by internal motive power of their own, &c.

Does that exempt any vessel or any boat from taking out a license that is required by the provisions of the act of 1792 to take out a license?

Mr. REAGAN. If the gentleman will allow me, the objection was that the bill exempts those boats from the payment of fees, which other vessels must pay; not to the taking out of a license.

Mr. RYON, of Pennsylvania. I will read from the gentleman's remarks upon that point:

One further point to which I ask the earnest attention of the House. If this bill be passed we exempt from inspection, from enrollment, from license, vessels engaged in the coasting trade and open wide the door to smuggling upon the great lakes and on the Rio Grande frontier, thus doing infinite damage to the commerce of the United States.

It may be possible that the reporter misunderstood the remarks of the gentleman; but if he is correctly reported he did say to this House that the purpose of this bill was to exempt these boats from enrollment and from the taking out of a license; and it was upon that allegation that he predicated his charge here that it would open the door to smuggling.

I propose to answer both of those propositions and to show that the gentleman is entirely mistaken, and then to ask him as an honest man, and I know him to be one, to support this bill. It does not exempt any vessel from the necessity of taking out a license, if by the act of 1792 it is required to take out one. The only exemption is from those impositions and those charges made by the collector and put into his own pocket, and which never by law reach the Treasury of the United States or are required to go there.

But even if it were true that these boats would not be required to take out licenses, I deny that it would affect the question in the view

that the gentleman has presented it, in the slightest degree whatever. Coasting vessels have no right as licensed vessels to engage in the transportation of foreign merchandise or the products of foreign labor or the products of foreign countries. A coasting vessel with or without a license that should engage in that trade would fall under the laws relating to foreign importations, to be found upon the statute-book. A vessel, even though licensed, that engages in the transportation of foreign goods, would be subject to seizure and forfeiture with its entire outfit.

A vessel has a right to carry domestic goods, the products of the industry, energy, and enterprise of the American people. If my friend intended to embrace that kind of business, then I ask him why it is not true that every train of cars that loads in Chicago and goes into New York City loaded down with the products of the industry of this country is not engaged in a contraband trade? I believe they are not required to take out a license; they are not required to be enrolled; they are not subject to these impositions. The hundred thousand miles of railway in this country, extending everywhere, built for the purpose of facilitating trade and commerce among the people of this country, are not taxed; and they are not engaged in smuggling, although they carry and distribute everywhere in this country the products of the labor and the capital of this land, adding to the comfort and convenience and wealth of this great nation.

Yet when a poor man with his little boat, loaded perhaps with the toil of men deep down in the bowels of the earth, with a few hundred tons of coal, seeks a market somewhere along the great national arteries of trade and commerce, his little boat is seized and confiscated. And I am sorry to say that we have gentlemen in this House who will hardly vote to relieve him from that imposition and injustice.

Mr. O'NEILL. Will my colleague be kind enough to state to the House the amount of money paid by the boatmen for enrollment and admeasurement, specifying how much goes into the pocket of the surveyor and how much into the Treasury of the Government.

Mr. RYON, of Pennsylvania. I have here a statement taken from the books of the collector's office at Perth Amboy. The fee for admeasurement amounts to $16.50; for license, $1; for enrollment, fifty cents; making a total of $18 on each boat.

Mr. RYAN, of Kansas. How much of that does the Government get?

Mr. RYON, of Pennsylvania. One dollar—merely the fee for license.

Mr. WILSON. Where does the rest of the money go?

Mr. RYON, of Pennsylvania. The rest of the money is a part of the perquisites going into the pockets of the collector.

Mr. HUBBELL. Does the gentleman intend that the provisions of this bill shall apply to those large barges of one thousand tons or more used on the lakes?

Mr. RYON, of Pennsylvania. I think the bill as amended will not apply to them; but as it stood before, I believe it would. I will ask the gentleman whether those barges take out license now.

Mr. HUBBELL. They are obliged to do so now; but under this bill they would not. Now I wish to make a suggestion to the gentleman so as to see whether we cannot get some bill which will cover all these cases. In the last Congress this subject was referred to the Committee on Commerce, and the question of exempting these barges from these heavy taxes naturally arose. A bill prepared by the committee with the concurrence of the Secretary of the Treasury was, upon a very exhaustive report, passed by the House.

Mr. ACKLEN. I have the bill here.

Mr. HUBBELL. But that bill was not allowed to pass in the Senate. I think a bill containing the provisions which at that time received the sanction of the House would meet every objection which gentlemen are now urging as to the hardships of the existing law, while it would at the same time afford all necessary safeguards for the protection of the Government against smuggling.

Mr. RYON, of Pennsylvania. I will give the gentleman very briefly my views on that question.

Mr. HUBBELL. Will the gentleman allow me to read that bill?

Mr. RYON, of Pennsylvania. I know what it is. The objection to the passage of that bill at the present time is simply that by its passage, instead of relieving the people who are suffering these hardships, you would put it beyond the ability of the Government to relieve them. Proceedings against those boats, as I have already stated, have been suspended for twelve days in order to enable those people to get relief from Congress. I cannot agree to substitute for this bill another which must start here as an original bill and which cannot get through the two Houses before the day of final adjournment.

Mr. HUBBELL. This bill will have to go to the Senate.

Mr. RYON, of Pennsylvania. It will go to the Senate for concurrence only in the amendments.

Mr. HUBBELL. The substitute I suggest would go in the same way.

Mr. RYON, of Pennsylvania. But I cannot consent to it. If I did I should abandon those people for whose relief I am pleading in favor of the passage of this bill.

Mr. HUBBELL. Will the gentleman allow the report which was made on the former bill to be read?

Mr. RYON, of Pennsylvania. I cannot yield for that purpose.

Mr. HUBBELL. The pending bill is a very dangerous measure, I think.

Mr. RYON, of Pennsylvania. There is no sort of difficulty in regard to this bill. The idea that it will open the door to smuggling is the merest chimera. Whatever laws may be passed, smuggling will no doubt continue, as stealing and murder will. It is only by the vigilance of the Government officials that smuggling can be suppressed; and if you strike from the statute-book the entire act of 1792 there would still remain in full force every essential provision for the prevention of smuggling. Gentlemen mistake when they confound domestic commerce and the laws regulating domestic commerce with foreign commerce, out of which the practice of smuggling grows. Suppose you bring goods from a foreign country in a canoe, or as they used to bring them from Pembina, in a cart drawn by oxen. There is no enrollment, no license; how do you prevent goods from being brought in without the payment of duties? You subject the goods to forfeiture and the owner of them to fine and imprisonment, if he does not report his goods at the first collection office in the district that he reaches. The laws on that subject are as nearly perfect as they can be made; and it is idle twaddle for any one to say that the omission to give a coasting vessel a license is a free charter for that vessel to engage in foreign commerce. The bill before the House provides an exemption from these charges in respect only to boats owned by citizens of the United States and engaged in domestic commerce. This restriction ought to satisfy gentlemen that there is no risk of encouraging smuggling by the passage of the bill.

Another objection taken to the phraseology of this bill I will briefly notice. My friend from Louisiana [Mr. ACKLEN] seems to think that because the bill speaks of sail-vessels and of vessels propelled in part by steam-power within themselves, it therefore includes vessels propelled by both steam and sail. Although in the bill the words are used in the alternative, divided by "or," he says that vessels possessing both sailing-power and steam-power will come within the scope of the bill, and be exempt from the payment of license.

Mr. ACKLEN. Does not the gentleman think that a construction which would be readily placed upon the bill?

Mr. RYON, of Pennsylvania. Not by any lawyer under the sun.

Mr. ACKLEN. Why, then, did the gentleman make the motion to strike out?

Mr. RYON, of Pennsylvania. I have moved to strike out the word "wholly."

Mr. ACKLEN. That is what I had reference to.

Mr. RYON, of Pennsylvania. I have moved to strike out the word "wholly" for the simple reason that I was informed by gentlemen in this House that there was a class of boats navigating the upper lakes which sometimes used temporary masts, and I thought possibly the word "wholly" would exempt them from the necessity of paying dues to the Government; and for that reason I agreed to strike out the word "wholly," so as to exclude them from the operation of this law and to leave them, as they are now, liable to pay dues.

Mr. FIELD. Will the gentleman yield to me for a question?

Mr. RYON, of Pennsylvania. Yes, sir.

Mr. FIELD. Why do you put in the word "contiguous?"

Not engaged in trade with contiguous foreign territory.

Why should the law not apply to trade with all foreign territories, the island of Cuba, for example? That is my first question. My second question is, if these vessels are to be enrolled and licensed, that are required by law to be enrolled and licensed, why should they not pay the customary fees?

Mr. RYON, of Pennsylvania. In answer to the gentleman's first question I will say, for the simple reason that a vessel without sails or without steam-power never could navigate the open ocean, and there is no possibility of its ever reaching any foreign territory unless it be contiguous territory. I hope, sir, that no member of this House would be guilty of the infinite folly of putting in the form of a law a declaration that a boat, an open boat, a flat, a canal boat, a barge, would ever be likely to find its way to any foreign territory not contiguous to this country.

Mr. HUBBELL. We have barges on the upper lakes which would come under this law that can go to Europe as well as any sail-boat ever constructed; vessels carrying two thousand tons.

I will answer the gentleman's other question. I want to know why a barge that has no motive power of its own, but is compelled to purchase its motive power wherever it moves, should have the same burden imposed upon it which you would impose upon a steam-vessel? That is my reason for exempting a barge that has no means of propulsion within itself; and it is a good and substantial reason.

Mr. CONGER. Will the gentleman allow me an opportunity of making a few remarks upon this bill? I desire to have two or three minutes.

Mr. RYON, of Pennsylvania. I will in a few moments give the gentleman as much time as he wants.

I was referring, in bringing to a conclusion my remarks on this bill, to the attitude of my friend from Louisiana, [Mr. ACKLEN,] who, in my judgment, instead of reaching the meat of this questton, has stuck fast in the bark. It is neither the province of a lawyer nor of a judge, in putting a construction on a statute, to take out two or three words and make the whole meaning of the statute turn upon them. He has to ascertain the spirit and the intent and purpose of the law and from that to determine its true meaning and purport. Now, the gentleman says that vessels propelled by sail or by steam would be subject to these charges; but if propelled by both steam

and sail, then they would not be—they would be exempt. Is that the meaning and purport of this law? Would any court on earth put such a construction as that upon it—that the small sail-vessel shall pay these charges, that the large steamer shall pay these charges, but that the larger steamer that had both sail and steam shall be exempt? Do you think that would be a sensible construction? No, sir. If a vessel employs both sail and steam, then it is part of the time, perhaps, running by sail, part of the time by steam, and part of the time by both. Is not that a vessel propelled by steam or by sail within the meaning, spirit, and intent of this law?

Now, sir, I give you a notable example which is right before me in the construction which the Department put upon the act of 1874. If we take the literal words of that act, it does not apply to boats doing business partly in the interior waters of the State and partly in the public waters of the United States. I will give you the language of the act:

That the act to which this is a supplement shall not be so construed as to extend the provisions of said act to canal-boats or boats employed in the internal waters of any State.

The Department was asked to put a construction upon that act that the very moment the boat left the internal waters of the State, which it might be necessary to do in order to reach its place of destination, it would be subject to these charges; but that was not the purpose of this law. The Department knew that it was not the intent and meaning of this statute; that it was intended to embrace all boats engaged in trade upon the internal waters of a State where they might be required and were required to go beyond the internal waters to reach the point of the distribution of their cargoes; and in that view the Department has extended the literal provisions of this act in order to meet its spirit and intent.

Therefore, I apprehend that the Secretary of the Treasury with this bill before him understood it as lawyers would understand it and construed it to mean as lawyers would construe such a law in order to carry out its purpose, which was to exempt a certain class of boats that had neither sails nor steam, engaged in the transportation of domestic commerce along the coast of the United States; not from enrollment, but to exempt them from paying these excessive charges which in times of great financial depression such as exist in this country now bear heavily on the owners of that class of boats. It is to relieve them from these burdens that we ask the passage of this bill. I now yield to the gentleman from Michigan, [Mr. CONGER.]

Mr. REAGAN. Has the gentleman from Pennsylvania [Mr. RYON] the right to control the floor?

The SPEAKER *pro tempore*. The gentleman from Pennsylvania has not occupied his hour. He has a right to yield a portion of his hour.

Mr. ACKLEN. I would like to make a parliamentary inquiry. I understood from the Chair yesterday that this debate was proceeding by unanimous consent. I know that the gentleman from Texas [Mr. REAGAN] and myself had both to proceed for a very short time by unanimous consent.

Mr. RANDALL, (the Speaker.) That was after the main question was ordered; but the main question has been lifted from the bill to-day.

The SPEAKER *pro tempore*. The debate is now open; and the gentleman from Pennsylvania [Mr. RYON] has not occupied the whole of his hour.

Mr. RYON, of Pennsylvania. I yield to the gentleman from Michigan [Mr. CONGER] whatever time he desires, and if he does not occupy the whole of the residue of my hour, I shall claim the right to control it.

Mr. CONGER. I desire to make a remark or two upon this subject. The object of the law of 1874 when it was reported from the Committee on Commerce, of which I was then a member, was to exempt canal-boats and barges, used partly on canals and partly in passing from canals to other places, from the payment of these dues and fees.

For a long time there was no trouble in regard to this matter in the construction of the law, but there has been within the last few years a number of material changes all over the United States in the mode of ship-building and transportation; notably so, upon our great inland lakes, on the Hudson, and in the coasting trade upon our waters between the Atlantic, the bays of New York, and Long Island Sound.

There are now used, and necessarily used, to secure cheaper transportation for our own productions on our inland waters, a class of vessels unknown formerly. They have come into use within the last six or seven years. On the great lakes there are now propellers of ten, twelve, fourteen, and sixteen hundred tons burden, with propelling machinery of steam and with the power to go by sail or by wind, constructed for these lakes.

There are also constructed what are called consorts of these vessels. Immense barges are constructed, or the hulls of old steamboats are taken for the purpose, and immense barges of ten, twelve, fifteen, and eighteen hundred tons burden, with no masts at all, some of them with only a jury-mast, on which a sail can be used in case the line is broken during a storm, and which enables them to work their way to the shore or away from the breakers.

Now, that class of transportation on the lakes, and on the waters along our coasts, on Long Island Sound, and on our great bays, and on the sounds lying south of Norfolk and the inland waters there, and also upon our great interior rivers, is becoming, and from the very nature of the case will become, the mode of transportation of probably five-sixths of the internal productions of this country. Grain will be taken from Duluth, Chicago, Milwaukee, Buffalo, and Cleveland at cheaper rates than ever before, by means of these immense barges, towed by one barge, having propelling power.

There are scarcely any vessels built on our lakes with masts, and rigged either as a bark or schooner, or vessels of that kind.

Our commerce on the lakes has become almost entirely the commerce of these immense barges. You see towed together down the straits between the lakes a barge carrying two or three million feet of lumber, or carrying an immense freight of grain or corn or wheat, or coal upward and iron downward.

On the Mississippi River it is proposed to construct iron barges of light draught, with a great power of carriage, to take from Saint Louis and places higher up the river corn and grain destined for the foreign markets; to take it on these vessels to New Orleans, and there with the additional depth of water which the jetties have afforded for the entrance and passage of deep-draught vessels, take the products of the Mississippi Valley, in that direction, by barges to New Orleans and by vessels carrying immense freights to foreign countries. It is so all over this country.

Any one who has examined into this question will find that the entire mode of transshipment of articles of produce on our inland lakes, upon our inland rivers, and all up and down what is called the inland line of communication upon our coast from Maine to the Rio Grande, is changing every year.

Now there is no reason why these great barges, which are as helpless as cradles by themselves, with no power of locomotion within themselves, either by wind or steam, dependent entirely on another vessel to take them from port to port, should be hampered and subjected to the payment of these old-fashioned fees and duties for enrollment and tonnage which have for so many years crippled our commerce and forced upon the producers all over this broad land the necessity of paying these fees and exactions which have made transportation so troublesome and so expensive to the land.

I have hailed with great satisfaction the fact that our inland commerce had been from year to year exempted from unnecessary taxation; that the transportation and freight upon our inland waters of grain, of iron, of lumber, of coal, and all those products that can be carried in this class of vessels, were year by year and one by one relieved from these impositions.

Upon our great lakes there is an absolute necessity to the producers of our immense harvests there that there shall be cheap transportation to the seaboard. Our committees in this House have been laboring for years to devise some means by which this transportation of our inland waters, and up and down the inland waters of our coasts, may be cheapened. Report after report has been made, and silently, while all these efforts were being made, a new kind of ship-building has been established, a new mode of transportation has been found out by the seamen themselves for the transportation of freight at lower rates, thereby saving from one to five cents upon every bushel of wheat and corn transported to the seaboard; and also a great saving made upon the transportation of coal along the inland waters of our Atlantic coast.

Now, as there is no necessity for all these exactions, let this Congress in a spirit of justice as well as of liberality remove as far as can be done with safety everything which taxes both the producer and the consumer of this vast amount of material which is distributed up and down and back and forth throughout all our land.

One word more and I will not longer detain the House. This bill does not prevent the enrollment of these vessels, it does not do away with any of the safeguards providing for identifying these vessels; it does not do away with numbering the vessels, with registering them, with enrolling them, or with any of the means by which they can be identified and traced and followed for any violation of the law. They can be described just as well under this bill, if it should pass, as they can be now. It merely removes the unnecessary taxation upon the commerce, upon the transportation, upon the products of the country.

Mr. HUBBELL. Will my colleague yield to me for a question?

Mr. CONGER. Certainly.

Mr. HUBBELL. I want to ask the gentleman——

[Here the hammer fell.]

The SPEAKER *pro tempore*, (Mr. MCLANE.) The time of the gentleman from Michigan [Mr. CONGER] has expired, and the Chair recognizes the gentleman from West Virginia [Mr. KENNA] as next entitled to the floor.

Mr. KENNA. Mr. Speaker——

Mr. CONGER. My colleague [Mr. HUBBELL] wishes to ask me a question. Will the gentleman from West Virginia [Mr. KENNA] yield for that purpose?

Mr. KENNA. For a question only.

Mr. CONGER. My colleague represents so much of this great interest on our upper lakes——

Mr. KENNA. I will yield for a question.

Mr. HUBBELL. I concur with my colleague [Mr. CONGER] in the necessity of putting barges on the same basis as canal-boats. But I wish to ask him if there ought not to be some restrictions imposed by which the Treasury Department can be furnished with statistics of the amount of commerce transacted in this way?

Mr. CONGER. I can answer that question in a moment. Under

the present law every vessel of every description on our lakes and inland waters and engaged in our coasting trade is required to have its manifest, upon which is stated whatever is received on the craft in the way of freight, whether it be baked beans or anything else.

Mr. HUBBELL. That is a licensed vessel.

Mr. CONGER. No. Each vessel must have a manifest, and whenever it takes on a cargo the items of that cargo are entered upon that manifest and the manifest is sworn to. Every addition to the cargo which is made during the voyage is entered upon the manifest, and everything taken from the cargo during the voyage is also noted on the manifest, and when the trip is finished the master of that vessel, of whatever kind it may be, must swear to the truth of the manifest.

Mr. HUBBELL. Now, I want to ask the gentleman, in all fairness, if he does not know that this matter of manifest applies only to enrolled and licensed vessels?

Mr. CONGER. This bill applies to enrolled licensed vessels.

Mr. HUBBELL. But it exempts them from enrollment.

Mr. CONGER. Not from enrollment or license; but it exempts them from fees, from those customary exactions which amount sometimes to three hundred or four hundred or five hundred dollars a trip on our lakes. It provides that those exactions shall not be imposed upon the transportation of the products of our people.

Mr. KENNA. As is known to such members of the House who paid any attention to the debate upon this subject on a former occasion, I stated at the time my opposition to this bill in its present form. My opposition was based upon this view of the bill: as I understand the facts, the Secretary of the Treasury, supported by the opinion of the Attorney-General upon the act of 1874, which has been alluded to, and the opinion of the Attorney-General in interpreting and construing the Revised Statutes, has heretofore held that the law operated to exempt from enrollment and license and the payment of fees all of the classes of vessels named in this bill. Under a recent decision of the Attorney-General, however, which reverses that construction of the statutes, it has been held that certain vessels named in this bill are not exempt by the act of 1874. This opinion was respected by the Secretary of the Treasury, who instructed his subordinates accordingly.

Now, my apprehension was that this bill, which undertakes to define the exemptions and exceptions that have existed heretofore under our laws, would be construed to embrace the only authorized exemptions, and that therefore, under the construction which would be placed upon it, flatboats, barges, coal-boats, &c., on our inland waters would be compelled to be enrolled and licensed. In my previous remarks to-day I referred to a telegram which I had received this morning from the Secretary of the Treasury, stating that such would not be his construction of the bill, and I then announced that my difficulty in regard to the measure was at an end. I have, however, since received from the Secretary of the Treasury another telegram, in which he states substantially that under the act of 1874, according to the recent interpretation of it by the Attorney-General, every flatboat, barge, or boat of any character not propelled by steam or sail on any of the inland waters of the country, would be required to be registered and enrolled.

Mr. Speaker, this is a new interpretation of the law, and would impose upon that class of craft which carry nine-tenths of the heavy commerce of our inland waters a burden which they have never heretofore suffered. With the view of remedying this difficulty (and it was in this connection that I felt interested in the bill) I desire to offer the following amendment, to be inserted at an appropriate place:

Nor shall this or any existing law be construed to require the enrolling, registering or licensing of any flatboat, barge, or like craft for carriage of freight, employed on the interior waters of the United States.

The whole object and scope of this amendment is to give such construction to the navigation laws of the country as they have always received from the Department up to the time of the rendering of this recent decision. This amendment will in no wise affect the other objects of the bill in reference to vessels engaged in the coasting trade.

Mr. BARBER. Will the gentleman have the kindness to read the latest communication from the Secretary of the Treasury, to which he has referred.

Mr. KENNA. I will read it:

Coal-boats and barges on that part of the Kanawha River—

The inquiry addressed to the Department referred particularly to the Kanawha River; but this ruling of the Department would apply as well to the Ohio and other rivers—

Coal-boats and barges on that part of the Kanawha River not made navigable by locks and dams—

And this would apply to the whole river, because it is all naturally navigable, and always has been for the shipping of heavy freight by this class of boats—

would not be exempt from enrollment or license under the act of April 17, 1874.

Now, Mr. Speaker, I wish to say that there can be no reason for imposing this burden on boats of that character on inland waters; for the only object of the enrollment and license is that vessels may not improperly and unlawfully engage in a class of business upon which the laws of the country have imposed restrictions. That consideration cannot apply to these inland waters, because in that case there is no such danger.

Mr. HUBBELL. Will the gentleman allow me to add to his amendment the following proviso?

Provided, however, That the masters of registered, enrolled, or licensed vessels towing or propelling vessels of the character herein described, shall be liable to produce manifests of the cargoes of vessels so towed or propelled to the collector at the port of entry, or the surveyor or collector at any port of delivery nearest the place at which the delivery of any cargo of a vessel so towed or propelled shall be completed.

Mr. KENNA. I am not prepared to say that I would be hostile to that proposition; but it has no relation to the amendment which I desire to offer, and I would very much prefer that the gentleman should submit it as an independent amendment to some other part of the bill.

Mr. WARD. Under the amendment of the gentleman from West Virginia, [Mr. KENNA,] would not vessels propelled by steam be exempt from enrollment and licensing?

Mr. KENNA. Certainly not. If such could be the construction of my amendment, I am very willing to change the phraseology. That was certainly not the purpose of the language. It is designed merely to exempt from enrolling and licensing "any flatboat, barge, or like craft."

Mr. DUNNELL. Will the gentleman explain what he means by the phrase "like craft?"

Mr. KENNA. I will change the phraseology of my amendment so as to relieve it of all doubt. I yield to the gentleman from Texas [Mr. REAGAN] with the understanding that my time shall not all be consumed.

Mr. REAGAN. Mr. Speaker, if under existing laws any unnecessary burden is imposed upon the commerce of the country, I would cheerfully join in removing such burden. I feel somewhat perplexed in this discussion from the earnestness with which gentlemen urge this bill as a matter of justice. It is certainly very far from my desire to interpose an obstacle to the enactment of any proper law. I am compelled, however, to believe that there is something which does not fully come to the surface in this debate. It is urged that the passage of this bill is necessary, in the language of the gentleman from Pennsylvania, for the relief of those engaged in transporting by canal minerals dug from the bowels of the earth to markets on the sea-coast. I wish to show that persons engaged in that business are not affected by this legislation. In this connection I wish to read the telegram which was read by my friend from West Virginia, [Mr. KENNA,] and to comment upon the construction which he places on that telegram. There must be some egregious misunderstanding if his interpretation of that telegram is correct. I will read it:

Coal boats and barges on that part of the Kanawha River not made navigable by locks and dams would not be exempt from enrollment or license under the act of April 17, 1874.

Coal boats and barges would not be exempt from license. Why? They would not be exempt from license when propelled by sail or by steam.

Mr. KENNA. There is not a boat of that kind on those waters.

Mr. REAGAN. Now, in regard to both those questions, I beg the attention of the House for a moment to the law as it stands to-day for the purpose of demonstrating that it is not the object of this bill to relieve the class of persons referred to. I think I can show it has an entirely different object.

Mr. RYON, of Pennsylvania. Will the gentleman allow me to ask him a question?

Mr. REAGAN. I would be glad to go through with my statement; but I will hear the gentleman's question and answer it if I can.

Mr. RYON, of Pennsylvania. Do you contend that canal-boats engaged in carrying coal from the terminus of the railroad on the eastern coast of New Jersey along the coast of New Jersey up the inland bay of New York to the port of New York are by the terms of that act of 1874, or by any construction that has ever been put upon it, exempt from these dues?

Mr. REAGAN. I do not so contend. On the contrary, I contend that they are subject to these dues and that it was the intention of this bill to relieve that class and other classes of vessels engaged in the coast trade from the obligation to be enrolled and licensed. I am endeavoring to get at that point, and I will be just as brief as I can; but it seems I cannot come to the discussion of this subject without being hedged in at both ends and all around. I will read from the act of 18th February, 1793:

Every vessel of twenty tons or upward, other than registered vessels found trading between district and district, or between different places in the same district, or carrying on the fishery without being enrolled and licensed, or if less than twenty tons and not less than five tons, without a license, in the manner provided by this title, if laden with merchandise the growth or manufacture of the United States only, distilled spirits excepted, or in ballast, shall pay the same fees and tonnage in every port of the United States at which she may arrive as vessels not belonging to a citizen of the United States; and if she have on board any articles of foreign growth or manufacture, or distilled spirits, other than sea stores, she shall, together with her tackle, apparel, and furniture, and the lading found on board, be forfeited.

Now, it was thought that that act of 1793 imposed undue burdens on boats engaged in the canal trade and in the trade in the internal waters of the United States. That means in waters inside of the headlands of the sea as contradistinguished from the waters outside the headlands of the sea. Now, then, to relieve that trouble the act

of 1874 was passed, to which I beg attention for one moment. That provides:

That the act to which this is a supplement—

The one I have just read—

shall not be so construed as to extend the provisions of said act to canal-boats or boats employed on the internal waters or canals of any State—

Clearly exempting all the boats that any of the gentlemen have spoken of—

and all such boats, excepting only such as are provided with sails or propelling machinery of their own, adapted to lake or coastwise navigation, and excepting such as are employed in trade with the Canadas, shall be exempt from the provisions of said act and from the payment of all customs and other fees under any act of Congress.

Now, sir, that exempts by law all canal-boats and other light boats trading on canals and in the waters of a State, in all the internal waters, whether it be the rivers or the bays or the lakes, wherever they are internal waters within a State. And to show that that construction is maintained both by the Attorney-General and by the Secretary of the Treasury I shall tax the patience of the House while I again call attention to the opinion of the Attorney-General of January 13, 1879, and to the instructions of the Secretary of the Treasury of May 17, 1879. The letter of the Attorney-General is as follows:

DEPARTMENT OF JUSTICE,
Washington, D. C., January 13, 1879.

SIR: Upon the 5th of September last you submitted the following question:

Whether, under Revised Statutes, section 4371, as amended by the act of April 18, 1874, a boat answering to the description of a canal-boat, of more than five tons burden, is required to be documented as a vessel of the United States if found trading between different ports or districts, on navigable waters of the United States, provided such boat has never been used upon a canal, was not intended for such use, and does not in its present employment enter a canal? You explain that your inquiry relates to such craft devoted wholly to the transportation of coal from Perth Amboy, New Jersey, to New York City.

That is, boats not engaged in the canal trade at all.

In my opinion, it was the intention of Congress that such vessel, so used, should be treated, if laden with domestic freight, as a foreign vessel; and if loaded with foreign goods, should be forfeited, (under Revised Statutes, section 4371,) unless licensed as provided by the laws regulating the coasting trade and the documenting of vessels engaged in such trade. The act of April 18, 1874, dispenses with the necessity of such a license "to canal-boats or boats employed on the internal waters or canals of any State." (18 Stats., 31.)

It is the use made of the vessel, and not its mechanical structure, that determines whether or not it is entitled to the exemption allowed by this statute.

That is, it depends on whether it is used as a canal-boat or is used in the coasting trade.

Vessels employed as stated in your question are not excepted from the operation of Revised Statutes, section 4371, by the act of April 18, 1874.

Very respectfully,

CHAS. DEVENS,
Attorney-General.

Hon. JOHN SHERMAN,
Secretary of the Treasury.

Upon that the Secretary of the Treasury writes a letter addressed to the surveyor of customs, at Albany, New York:

TREASURY DEPARTMENT, *May* 17, 1879.

SIR: Your letter of the 14th instant is received, in which you direct attention to a contradiction between printed decision No. 3717, September 5, 1878, in relation to documenting canal-boats, and Department letter of the 30th ultimo, to you, on the same subject.

Decision No. 3717 was based upon the opinion of the Attorney-General, dated October 19, 1875, (synopsis 2478)—

A different opinion from what I have just read—

which in effect construed the law of April 18, 1874, (Statutes at Large, volume 13, part 3, page 31,) to exempt from enrollment and license all vessels "answering to the description of a canal-boat" which were not provided with propelling machinery of their own and not engaged in trade with Canada.

This decision was not deemed satisfactory, and on September 5, 1878, the question was again submitted to the Attorney-General, and a copy of his reply, dated January 13 last, is inclosed.

That is the one I have just read.

In his latter opinion the Attorney-General takes the ground that a vessel is not entitled to be designated as a canal-boat within the meaning of the law of April 18, 1874, unless she is employed in whole or in part upon a canal.

This ruling is in consonance with the opinion of this Department, and the following rules are laid down for your future guidance in relation to these vessels:

Canal-boats having no propelling machinery of their own and not engaged in trade with Canada, but which are employed wholly or in part upon canals or the internal waters of a State, are exempted from enrollment and license by act of April 18, 1874.

2. Canal-boats, so called, which are engaged in the coasting trade exclusively within the navigable waters of the United States, are not exempted by the act cited, and, unless they fall within the provisions of section 4385, Revised Statutes, should be provided with marine documents.

Very respectfully,

JOHN SHERMAN, *Secretary.*

SURVEYOR OF CUSTOMS, *Albany, New York.*

Upon that it is perfectly clear that any canal-boat or like boat engaged not only on canals but on the inland waters of the States is not subject to these license fees nor to enrollment, because they are exempted from it.

A word now in relation to the point presented in the telegram which has been read by the gentleman from West Virginia, [Mr. KENNA.] Under our laws the system of enrollment, registration, and licensing and a system of inspection to give security to life and property have been adopted, which in part apply to vessels engaged on the rivers and on the inland lakes, whether propelled by sail or steam, not to vessels not propelled by sail or steam. Another part of the system applies to the enrollment, registration, and licensing of the class of vessels engaged in the coasting trade of the United States, and the third part of the regulations relate to the enrollment, registration, and licensing of vessels engaged in the foreign trade.

It was said by the gentleman from Pennsylvania [Mr. RYON] that of the large fees collected out of this inspection not one dollar goes into the Treasury. That was a very grievous mistake. It has been repeated over and over again, and gentlemen who have not examined the subject may believe it to be true that this money does not go into the Treasury.

A MEMBER. Where does it go?

Mr. REAGAN. I will tell you. We have a board of supervising inspectors with a Supervising Inspector-General at an expense, I believe, of three or four hundred thousand dollars a year. It is not paid out of the general fund of the Treasury. The salaries of these officers and the expenses of keeping up the board and of licensing, enrolling, and registration of vessels are paid out of the funds charged upon the vessels, which are paid into the Treasury for the purpose of meeting the expenses of keeping up this board of inspection. I call attention to a single section of the Revised Statutes, section 4461, which is as follows:

SEC. 4461. The salaries of the supervising inspector-general, of all supervising inspectors, local inspectors, assistant inspectors, and clerks, provided for by this title, together with their traveling and other expenses when on official duty, and all instruments, books, blanks, stationery, furniture, and other things necessary to carry into effect the provisions of this title, shall be paid for, under the direction of the Secretary of the Treasury, out of the revenues received into the Treasury from the inspection of steam-vessels, and the licensing of the officers of such vessels, which revenues, or so much of them as may be necessary for these purposes, shall be permanently appropriated therefor.

Each member of the board of supervising inspectors makes a report of all the revenues received there for licensing vessels or the officers who command the vessels, and that fund goes into the Treasury to meet the expenses of this board of inspectors and their assistants and clerks. This system was brought about by the demands of the commerce of the country for the purpose of giving greater security to life and property on vessels that navigate the lakes and bays of this country. It overcomes the dangers to life and property. It reduces the amount of insurance required upon these vessels. This system of supervising inspectors was adopted and applied to the three different classes of shipping to which I have referred—the river shipping, the coastwise shipping, and the ocean shipping. That system with all its advantages is kept up and preserved by the fees which the gentlemen seem to suppose go into the pockets of the officers.

Mr. WARD. Will the gentleman allow me to call his attention to section 4461 of the Revised Statutes?

Mr. REAGAN. The truth undoubtedly is, and it is referred to in the finance report for 1877, to which I call attention, that a new condition of things has grown up, in this, that a large part of the coasting trade of this country is now being done by vessels which are not licensed and are not authorized to be run without license, and some legislation may be necessary to designate their positions and the circumstances under which they shall be enrolled and licensed. It is no doubt true, as is said here in this report:

The discrimination as regards enrollment is, besides, a gratuitous cause of dissatisfaction among that portion of the mercantile community which makes use of craft not propelled directly by steam or sails. All these vessels should be subjected to a system of license and enrollment different from that now in force or all should be exempted from enrollment.

It may be, sir, that legislation is necessary, and I think from all I can learn that legislation is necessary—not that sort of legislation which comes up and is acted upon without mature examination by a committee to ascertain how far the internal commerce of the country is to be affected by it.

It often happens in the history of legislation that, with the very best intentions and at a time when we are meaning to do that which is best for the people, we really do the very worst thing for the people. And my apprehension now is that hasty legislation on this subject would result, like many other things done with good intentions, in great calamity to the commercial interests of the country.

I do not oppose giving relief so far as the justice of the case requires it; I shall be glad to aid in doing it. But in doing it I do not wish to disregard and overthrow the present system of laws, to produce confusion in the laws now existing for the licensing and enrollment of vessels of the three classes to which I have referred.

I must say again that my attention was called to this subject more by the fact that upon reading the law and examining the opinion of the Attorney-General and the instructions of the Secretary of the Treasury I discovered that what was asked for was certainly not placed upon the true ground and not upon the tenable ground. I confess that that surprised me. It was stated that the relief asked was for the benefit of canal-boats, while the law and the instructions of the Secretary of the Treasury are clear and specific that it cannot be for the relief of canal-boats or for other boats navigating the internal waters of the country.

The very explanation made in response to my question by the gentleman from Pennsylvania [Mr. RYON] shows what I have no doubt is the truth, that this bill is intended to relieve from license or registration vessels engaged solely in what we designate as the coasting trade. It may be true that relief should be had, but it should be a relief which will not commit any wrong while we are extending the relief desired.

Suppose, in view of the things mentioned by the gentleman from Michigan [Mr. CONGER] of the growing up of a class of vessels upon which a vast amount of commerce is being transported by means of tug-boats, we open the whole coasting trade to that class of vessels; I mean the trade along the Atlantic coast, the Gulf coast, and the coasts of the lakes. Suppose that we bring unlicensed vessels of large tonnage and free from these expenses into competition with other vessels propelled by sail or by steam, and compel those vessels licensed under the law to submit to an expense which we do not impose upon this other class of vessels, which can be run at less expense in identically the same trade, would that be right? Can any one imagine that that would be right and just? Does any one believe the next session of Congress would not witness the presenting here of protests from the shipping interests all along our coasts against the injustice inflicted upon our coastwise shipping, and asking that the same relief be extended to vessels on our rivers propelled by steam, and to vessels on the coasts and on our lakes propelled by steam or sail, in order to place them on an equal footing.

Again, as was correctly stated by the gentleman from Pennsylvania, [Mr. RYON,] this bill does not exempt these vessels from enrollment; it requires the enrollment and licensing to be gone through with, but makes no provision to pay for the licensing and enrollment. Now, the Congress of the United States may be competent to command our revenue officers to license and enroll these vessels without compensation; but when we do that we must expect, upon every ground of right and justice, that at the next session of Congress these officers will present a bill of their fees, as specified under the law, and demand that Congress shall pay them from the general revenues of the country, because they have been compelled to perform this service without charge upon the vessel or its owner.

Mr. RYON, of Pennsylvania. Are not all these revenue officers salaried officers—officers who receive salaries from the Government?

Mr. REAGAN. Some of these officers are salaried officers.

Mr. RYON, of Pennsylvania. Is not the collector of a port a salaried officer?

Mr. REAGAN. But many of these fees go to a purpose which I have mentioned, to sustain, as I understand, the board of supervisory inspectors, a board wisely created by the law in the past in order to give greater security to life and property, and which has done much in the interest of humanity, and much to secure the progress and success of our American shipping both inland and ocean.

There are other features of this bill which I desired to discuss, but I will not detain the House longer, except to say that I would be glad if it would accord with the feelings and views of those gentlemen who are interested in this matter to consent to the reference of this bill to a committee. When I see the sincere interest manifested in this subject by good men, I sometimes suspect my position; yet when I read the law and listen to the arguments upon the subject, I cannot doubt that the purpose is different from the one stated to the House. I cannot doubt that this bill has for its object a change of the law and its relations to the coastwise navigation, and that it deserves careful investigation at our hands. I would hope that gentlemen interested in this bill would consent to a reference of this bill to the Committee on Commerce.

Mr. KLOTZ. Never.

Mr. REAGAN. The gentleman says "never." But if he wants a fair and just bill, one that will subserve the general commercial interest of the country; if we do not wish to give class advantages, to give unjust advantages, would he say "never?" I think it is because this bill does give class advantages, because it will be wrong legislation, because it imposes burdens upon some for the benefit of others, that this persistent effort is made to rush this bill through the House without the deliberate investigation of a committee. If there is anything from which this country has suffered which is worse than others it is the unjust discriminating and class legislation which loads one part of the American people with burdens and debts and poverty for the benefit of other parts. It is because I believe this bill belongs to that category that I contest with gentlemen for whom I have the greatest respect the desirability of passing the bill.

Mr. O'NEILL. I would like to put a question to the gentleman from Texas, not to embarrass him. I suppose he does not doubt that the Treasury Department knows what legislation it needs in order to carry out the laws fairly and properly. He must know that there have been embarrassments in regard to the construction of the act of 1874, and out of those embarrassments came the instructions to collectors and surveyors of ports relative to the enrollment and admeasurement of these vessels. Now, those instructions having been given, and the Treasury Department being desirous that this bill be passed, can we not safely pass it in the interest of commerce? Can it do any harm?

Mr. REAGAN. All I have to say in reply to that question is this: I respect very much the ability of the Secretary of the Treasury, and any opinion of his upon a question of this kind, where he had given his opinion deliberately with the facts before him, would command my respect. But here we stand with the law of the land and his own constructions confronting us, and draw out arguments to the effect that the Secretary of the Treasury knows what he is doing, knows that he is limiting the act of 1874 to boats used wholly or partly in canals.

I cannot see the need of the relief which gentlemen are demanding; it seems to me that they really want a law which will affect the coastwise trade. I wish I could remember the passage about him who does not come in at the front door but climbeth up the back way. I do not like this manner of approaching subjects by the back way—by indirection—especially great subjects like this. I would rather see them met frankly. If gentlemen come here and say, "We desire a modification of the laws in reference to the coastwise navigation of the United States," I will join with them in considering any proposed modifications necessary to give relief. But I do not like this way of changing the navigation laws in relation to the coastwise trade under the pretense that they have reference to canal-boats, which, in fact, need no legislation for protection.

Mr. O'NEILL. The objectionable word "wholly" has been struck out from this bill, which shows that the friends of the bill are ready and willing to put it in proper shape.

Mr. KENNA. If the gentleman from Texas [Mr. REAGAN] is right in his position in reference to the interior waters of the country, the amendment which I have already indicated cannot by any possible construction do harm to any one. If, on the other hand, the gentleman be wrong and the Secretary of the Treasury right in his construction, then the amendment is necessary. I ask the Clerk to read the amendment.

The Clerk read as follows:

Nor shall this or any existing law be construed to require the enrolling, registering or licensing of any flatboat, barge, or like craft for carriage of freight, not propelled by sail or by internal motive power of its own, on the interior rivers of the United States.

Mr. GARFIELD. There are no exterior rivers. I suggest that the gentleman omit the word "interior."

Mr. KENNA. I will accept the gentleman's suggestion. The original draught contained the words "interior waters;" and the word "rivers" was afterward substituted. Let the amendment be modified by striking out the word "interior."

Mr. ACKLEN. Mr. Speaker, I believe that, being recognized in my own right, I have one hour.

The SPEAKER *pro tempore*. The Chair does not understand that the gentleman from Louisiana is recognized in his own right.

Mr. ACKLEN. How does the Chair understand the matter?

The SPEAKER *pro tempore*. The Chair understood that the gentleman from West Virginia yielded the floor to the gentleman.

Mr. ACKLEN. The gentleman from West Virginia said that he closed his remarks. I then appealed to the Chair for recognition, and have been recognized.

The SPEAKER *pro tempore*. The gentleman from Louisiana is certainly entitled to one hour, if the gentleman from West Virginia surrendered the floor.

Mr. ACKLEN. Very good. Now, Mr. Speaker, I move to refer the bill to the Committee on Commerce; and I demand the previous question on that motion.

Mr. RANDALL, (the Speaker.) And on the bill and amendments.

Mr. ACKLEN. Yes, sir.

Mr. RYON, of Pennsylvania. I hope the House will vote down the motion to refer.

Mr. ACKLEN. Allow me to explain to the gentleman from Pennsylvania that I make this motion for the purpose of——

The SPEAKER *pro tempore*. The Chair suggests to the gentleman from Louisiana that debate is not in order.

Mr. ACKLEN. I presume that by unanimous consent I can make an explanation.

Mr. RYON, of Pennsylvania. I object. I want a vote.

The question being taken on seconding the demand for the previous question, there were—ayes 21, noes 25.

Mr. REAGAN. Mr. Speaker, the question was not understood.

Mr. ACKLEN. I hope the Chair will restate the question.

The SPEAKER *pro tempore*. Does the gentleman make the point of order that no quorum voted?

Mr. ACKLEN. I must do so, and insist on a count by tellers unless the Chair will be kind enough to restate the question.

The SPEAKER *pro tempore*. The Chair will restate the question by unanimous consent.

Mr. REAGAN. The question was not understood.

The SPEAKER *pro tempore*. The question is on seconding the demand for the previous question.

Mr. RANDALL, (the Speaker.) On what?

The SPEAKER *pro tempore*. On the motion to refer.

Mr. RANDALL, (the Speaker.) And upon the bill and amendments.

Mr. COX. I move that the House now adjourn.

The motion was agreed to; and accordingly (at two o'clock and fifty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. KING: Memorial of the constitutional convention of Louisiana, asking for the establishment of a naval and marine school at the port of New Orleans—to the Committee on Naval Affairs.

By Mr. MONROE: The petition of F. B. Case and others, of Norwalk, Ohio, against the passage of the free leaf-tobacco bill—to the Committee of Ways and Means.

By Mr. UPDEGRAFF, of Iowa: Papers relating to the claim of Homer Fellows, for services rendered as a messenger, Doorkeeper's department, House of Representatives, Forty-fifth Congress—to the Committee of Claims.

By Mr. WARNER: The petition of Mrs. Isabella Kortz and 110 others, against any change in the revenue laws that will promote the interest of dealers in spirituous liquors—to the Committee of Ways and Means.

IN SENATE.

THURSDAY, *June* 26, 1879.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

NAMING OF A PRESIDING OFFICER.

The CHIEF CLERK [Mr. F. E. SHOBER] called the Senate to order and said: I read a communication this day received from the President *pro tempore*, addressed to the Secretary of the Senate:

THURSDAY, *June* 26, 1879.

SIR: Being still too unwell to attend the Senate to-day, I name, under Rule 4, Senator EATON to perform the duties of the Chair until the adjournment of the Senate to-day. I expect to be in attendance to-morrow.

Very respectfully,

A. G. THURMAN.

Colonel BURCH,
Secretary United States Senate.

Mr. EATON thereupon took the chair as Presiding Officer of the Senate for to-day.

The Journal of yesterday's proceedings was read and approved.

THE GRASSHOPPER PLAGUE.

Mr. PADDOCK. I desire to renew the notice I gave yesterday morning, that after the conclusion of the morning business I shall ask the Senate to proceed to the consideration of the bill (H. R. No. 2275) extending the provisions of an act entitled "An act for the relief of certain settlers on the public lands," approved March 3, 1877, until the 1st day of October, 1880.

PETITIONS AND MEMORIALS.

Mr. SAULSBURY. I present the petition of Seth Griggs, praying to be allowed a rehearing and re-examination of his claims against the Republic of New Grenada. I move that it be referred to the Committee on Foreign Relations and that it be printed.

The motion was agreed to.

Mr. SAULSBURY. I desire to say that I have presented the petition by request, and without knowing anything in regard to the merits of the matter.

Mr. FERRY presented the memorial of Julia A. Upton and 250 other women, citizens of Michigan, remonstrating against the repeal of the amended internal-revenue law of March 1, 1879, or any change or modification of the same to promote the interest of dealers in spirituous liquors; which was referred to the Committee on Finance.

CENTENNIAL COMMISSION REPORTS.

Mr. WINDOM. I am directed by the Committee on Appropriations to report back without amendment the joint resolution (H. R. No. 113) to provide for the purchase of the stereotype plates of the final reports of the centennial commission upon the centennial exhibition of 1876, which the committee recommend shall pass.

The PRESIDING OFFICER. Does the Senator desire immediate action?

Mr. WINDOM. I should like immediate action. I think there will be no objection to the joint resolution.

Mr. PADDOCK. I must interpose an objection to immediate action, for I have given notice already that I desire to call up a bill.

Mr. WINDOM. This will not take two minutes, I think.

Mr. PADDOCK. My bill will not take any time.

Mr. WINDOM. I give notice that at the earliest moment I shall call up the joint resolution for action. The Senator from Nebraska objects to its present consideration.

Mr. PADDOCK. I withdraw my objection on the representation of the Senator from Minnesota that it will take no time.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It appropriates $8,600 to purchase the stereotpye plates of the final reports of the centennial commission upon centennial exhibition of 1876, as transmitted by the United States centennial commission, the plates being now in the hands of the centennial board of finance, to be delivered, with the copyright duly assigned, to the Public Printer.

Mr. WINDOM. I will explain the joint resolution in one minute. The Senate and House have already passed a resolution ordering the printing of these reports. The board of finance have, at their own expense, printed a large number of them, and the stereotype plates are all prepared and ready for use. As we are informed, it cost to produce these plates some $60,000. I hold in my hand an estimate from the Public Printing Office, stating that to reproduce them, to set the type and to stereotype the plates, would cost from thirty to thirty-five thousand dollars. They can be purchased for $8,600. It will be a clear saving to the Government of the difference between the cost of setting them up and what we are to pay for them, a difference of about $25,000.

Mr. CAMERON, of Wisconsin. And it will save a year's time.

Mr. WINDOM. It would take a year's time to place them in the condition they now are. In other words, the passage of this joint resolution will save some $25,000 and one year's time in doing a work which we have already directed to be done by act of Congress. The committee are unanimous in reporting the bill.

The joint resolution was reported to the Senate without amendment.

Mr. SAULSBURY. Let the joint resolution be read again.

The joint resolution was read.

Mr. SAULSBURY. Has the joint resolution come from the Committee on Printing? Does it come from any committee?

Mr. WINDOM. I do not know that it has been referred to the Committee on Printing.

Mr. SAULSBURY. I think it had better go to that committee. It is a matter that properly belongs to that committee and I think it had better be referred to the Committee on Printing for their consideration.

Mr. WINDOM. It came from the Committee on Appropriations, to whom it was regularly referred, and unless there is some special objection made to it I think it had better be acted upon now. Of course it is subject to the objection of the Senator from Delaware.

Mr. SAULSBURY. It ought to be referred to the Committee on Printing. Of course they are familiar with that subject, and know what the value of these plates will be to the Government. I think, therefore, it would be better for the joint resolution to follow the regular order and go to that committee.

Mr. WINDOM. It is a regular appropriation, and I think no rule requires such a measure to go to the Committee on Printing. The Senate may send it there if it desires, but it will take time and may defeat the object, and it will cost the Government $25,000 more if action is not taken in this matter.

Mr. DAVIS, of West Virginia. The joint resolution under consideration was referred regularly to the Committee on Appropriations. As to whether that reference was right or wrong, it is not necessary now to speak. The chairman of the Committee on Appropriations consulted the chairman of the Committee on Printing. He considered the subject to some extent and told me this morning that he was in favor of it. I see no occasion whatever for its reference to the Printing Committee. If it had been referred to the Committee on Printing when it came here, I should have made no objection; and I may have thought it proper that it should go there; but it has been considered by the Committee on Appropriations. It makes an appropriation for a specific thing, and I presume that is the reason why it was referred to the Committee on Appropriations. I know nothing about that, however; I had nothing to do with the reference; but I see no necessity whatever now for its reference to the Committee on Printing.

Mr. WINDOM. I will add to what the Senator says that it is not a question whether these reports shall be printed, for we have already by an act approved June 20, 1878, directed them to be printed. It is a mere question whether you will set up the type and stereotype the plates at a cost of from $30,000 to $35,000 to do the work which has been ordered to be done, or whether you will buy the same thing for $8,600. The board of finance is a private corporation and has been offered $8,500 for these plates. They desire that the Government shall have them rather than that they should go into private hands.

Mr. SAULSBURY. If the joint resolution has been considered by the Committee on Appropriations, I do not know that I shall insist upon its going to any other committee. I was not aware when I made the inquiry whether it had come from any committee. I supposed it had not been considered by any committee, but I understand from the chairman of the Committee on Appropriations that it has been considered and reported by his committee, and therefore I interpose no objection.

Mr. WINDOM. I stated when I reported the joint resolution that it came from the Committee on Appropriations.

Mr. SAULSBURY. I did not hear the Senator.

The joint resolution was ordered to a third reading, read the third time, and passed.

CLASSIFICATION, ETC., OF PUBLIC LANDS.

Mr. McDONALD. I send to the Secretary's desk a communication from the Commissioner of the General Land Office, and I ask that it be read.

The Chief Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., June 23, 1879.

SIR: In the act passed at the third session of the Forty-fifth Congress, approved March 3, 1879, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes," approved March 3, 1879, (pamphlet laws, chapter 182, page 377,) provision is made for a commission to consist of the Commissioner of the General Land Office, the Director of the United States Geological Survey, and other civilians to be appointed by the President. It is provided that "it shall be the duty of this commission to report to Congress within one year from the time of its organization: first, a codification of the present laws relating to the survey and disposition of the public domain; second, a system and standard of classification of public lands, as arable, irrigable, timber, pasturage, swamp, coal, mineral lands, and such other classes as may be deemed proper, having due regard to humidity of climate, sup-

ply of water for irrigation, and other physical characteristics; third, a system of land-parceling surveys adapted to the economic uses of the several classes of lands; and, fourth, such recommendations as they may deem wise in relation to the best method of disposing of the public lands of the western portion of the United States to actual settlers."

The language above quoted from the act will, I think, warrant me in saying that the work of this commission is of great importance to the country, and may result in a radical change in the methods of surveying and disposing of the public lands, which amount to more than one thousand millions of acres, the value of which may, with reason, be variously estimated at from one thousand to many thousand millions of dollars, depending upon the classification and the value given to each class; and the manner of disposal and any action having in view proper legislation in regard to the classification, valuation, and disposal of such an amount of property cannot fail to be a matter of great moment to the people of the United States, who own it.

Entertaining the views above expressed, I venture to suggest to you and through you to Congress the opinion that it would be very desirable for that body to appoint a sub-committee from the Committees on Public Lands in the Senate and House of Representatives to co-operate, as far as may be consistent and practicable, in view of their other duties, with the commission.

If such committee were appointed and should visit the various portions of the country wherein the public lands are situated and investigate the subjects which it is made the duty of the commission to report upon, wise legislation and consequent good would result from their labor.

Hoping that the suggestions herein contained may meet with your approval, I have the honor to be, with great respect, your obedient servant,

J. A. WILLIAMSON,
Commissioner.

(A communication similar to this has been addressed to the chairman of the House Committee on Public Lands.)

Hon. JOSEPH E. MCDONALD, *United States Senate,*
Chairman Senate Committee on Public Lands.

Mr. McDONALD. The Committee on Public Lands of the Senate have had that communication under consideration, and have also interchanged views with the Committee on Public Lands of the House. The result is that the committee direct me to report to the Senate a concurrent resolution. I desire before any action is taken upon the resolution to have it read for information. As desired by the chairman of the Committee on Mines and Mining, [Mr. HEREFORD,] I send to the desk a similar communication from the Commissioner of the General Land Office to that committee, embracing the same subject. It will not be necessary to read it, as the communication already read fully sets forth the views of the Commissioner of the General Land Office; and this communication I accompany with a similar resolution providing for a sub-committee of the Committee on Mines and Mining.

I ask that the resolution I have sent to the Secretary's desk providing for a sub-committee of the Committee on Public Lands, in response to the communication of the Commissioner of the General Land Office, may be now read.

The PRESIDING OFFICER. The resolution will be read.

The Chief Clerk read as follows:

Resolved by the Senate of the United States, (the House of Representatives concurring therein,) That the Committee on Public Lands of the Senate and Committee on Public Lands of the House be each authorized to appoint a sub-committee, to consist of not exceeding three members of said committees, to act in aid of the commission, authorized under the "act of March 3, 1879, charged with the duty of codifying the laws relating to the survey and disposition of the public domain, and provide for the classification and sale of the public lands, and other duties therewith connected," with power to sit in vacation. And any expenses incurred in the discharge of said duties shall be paid out of the contingent funds of the Senate and House respectively upon the certificate of the chairmen of said committees.

The PRESIDING OFFICER. What disposition does the Senator from Indiana desire shall be made of the resolution?

Mr. McDONALD. I ask for the present consideration of the resolution.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. CONKLING. I should like to inquire of the Senator from Indiana how many committees and sub-committees of the two Houses have been now authorized to sit during the vacation, if he can tell me?

Mr. McDONALD. I am entirely unable to answer that inquiry. I can simply say to the Senator from New York that this resolution is absolutely necessary to carry out a suggestion made by the Commissioner of the General Land Office in connection with the commission which the act of Congress of last session authorized to be organized; and in the opinion of the Commissioner of the General Land Office it is very proper. The communication has been read to the Senate. The Senator from New York was not present at the time; but if attention was paid to it, it would be seen very clearly I think that this is proper, however many other sub-committees may have been authorized to sit during the vacation.

Mr. CONKLING. I have been present in the Senate every moment since coming from a meeting of one of the committees of the Senate which I was this morning attending. The Senator from Indiana is right in saying that I did not hear the communication read. It was not my purpose at all to impugn the propriety or the motive of this resolution, far from it. I rose, however, to call attention to a fact (I believe it is a fact) that the number of committees and sub-committees of the Senate and the House already authorized to sit in vacation, many of them authorized to proceed here or there or everywhere, to make the tour of the continent if they choose, during the vacation, exceeds in number very much anything of the sort that has happened before. That is my belief and impression. I do not know how many of these committees have been thus authorized, but reading day after day of authority given now to one committee and then to another, and then to a sub-committee, to sit in vacation, and to proceed to different places, it strikes me as being something far beyond anything that has occurred before. Of this particular resolution I do not venture to say anything.

Mr. McDONALD. If it is the desire of any Senator, I will ask that the communication be again read. As it was read quite early in the session, it may not have been fully noticed.

Mr. CONKLING. I do not ask for its reading. I know the Senator from Indiana well enough to presume without evidence that he does not offer a resolution of this sort unless he has some reason for doing it. I say again, I do not rise to aim any remarks at this particular resolution, but to call attention to what seems to me a policy far exceeding anything of the sort we have ever had before in the experience of Congress.

Mr. McDONALD. I would rather that the whole subject should be fully understood by the Senate and by every Senator. The communication from the Commissioner of the General Land-Office was caused by the formation of a commission charged with the duty of classifying the public lands and codifying the present land laws, and also of examining into the condition of the public lands with reference to the question whether in regard to those lands still unsold there is not a necessity for some very decided change in our system of surveys and sales.

It is well known, of course, to all Senators that a very great portion of the public lands is still in those States and Territories embracing the western and central portion of the continent, and that they are divided into lands that can only be cultivated by irrigation, into timber lands, and into mineral lands; that the water-fronts in those sections of the country that require irrigation are of the very utmost importance; and that the ordinary modes of survey by which we simply divide off into sections and quarter sections the public domain does not meet the wants of that section of country and will not furnish a proper mode of disposing of the public lands. These duties this commission is charged with in connection with the codification of the land laws. The Commissioner of the General Land Office, who is the chairman of that board, has thought that the concurrence and aid and assistance of those who represent the Senate and the House in that class of business would be of benefit to the public. It was for that purpose that he communicated with us upon the subject, and also with the Committee on Mines and Mining. A resolution of a similar import has been sent to the desk by me at the request of the chairman of that committee, who is not present this morning.

Mr. MORRILL. Mr. President, I merely desire to call the attention of the Senate for a moment to the very large number of committees that are going to be authorized to sit during the recess. I believe that the committee asked for yesterday by the Senator from Kentucky [Mr. BECK] will be granted, as it has already been agreed to be reported upon by the Committee on Finance favorably. That I may say is one of the most important and least objectionable of all the committees that will be authorized to sit during the recess. I understand the committee investigating Treasury accounts, of which the Senator from West Virginia [Mr. DAVIS] is chairman, is continued, and that, with the one that is now proposed by the Senator from Indiana, will make twelve committees that are to sit during the recess.

Mr. CONKLING. Twelve for the Senate alone?

Mr. MORRILL. Twelve for the Senate alone. I may say, however, that there are three of these committees that always sit during the recess, and I think never subject the country to any amount of expense—the Committee to Audit and Control the Contingent Expenses of the Senate; the Committee on Public Buildings and Grounds, and the Committee on Printing. Those always sit during the recess and are never in the habit of making up bills for expenses, so far as I am aware. But it seems to me that this is a very extraordinary number to be authorized; and it will certainly occupy the attention of about fifty or sixty Senators during the recess if they attend to the duties proposed. If it is merely for the purpose of allowing these committees to have a deputy sergeant-at-arms and to go over and all about the country, and to have a good time, I can understand it; but I do not understand that the public interest is very much consulted in having so many of these peripatetic committees.

Mr. McDONALD. I will state that it is not the purpose of the committee here proposed to have any sergeant-at-arms or special powers or anything of that kind. They are to sit with, or to act in aid of, a commission which is to be formed now within a few days under an act passed at the last Congress. It is for the Senate, of course, to determine whether in the examination by the commission of which the Commissioner of the General Land Office is the head, it would be proper for the two Houses to be represented by their committees so as to examine the work as it progresses.

The PRESIDING OFFICER. The question is on the passage of the resolution.

Mr. ALLISON. I do not object to the passage of the resolution, but I think if we are to provide for this sub-committee we ought also to provide means whereby it shall live. From some little knowledge of the contingent fund of the two Houses respectively, and the drafts that have already been made upon that fund, I am quite satisfied that we must add largely to the fund if these committees are to have their expenses provided for. Therefore I suggest that the sum of

$5,000 be appropriated out of any money in the Treasury not otherwise appropriated.

Mr. DAVIS, of Illinois. You had better leave that for the present and we can make provision for the whole of them when the amount required is ascertained.

Mr. ALLISON. The commission of which the Senator from Indiana speaks is a commission that is to go anywhere and everywhere, to suit its own convenience and purposes.

Mr. DAVIS, of Illinois. It is to go to the arid country.

Mr. ALLISON. The arid country is a very broad region, I submit to my friend, and if this sub-committee or these two sub-committees are to be of service to the nation they must accompany the commission to the arid region of the West and Northwest.

Mr. McDONALD. That is the design of the Commissioner of the General Land Office.

Mr. ALLISON. The commission consists of five persons, and six persons are proposed to be added to it, making a commission of eleven persons, who are to visit the arid country. Of course they will not have a special car or anything like that, but they will come very near occupying one car when the commission is completed. It seems to me that if we are to have these sub-committees engaged in this service we ought to provide in this resolution for the payment of the expenses. We shall be obliged to have a deficiency in the contingent expenses of the Senate as well as of the House, if we do not provide here for the payment of their expenses.

Mr. McDONALD. I have no objection to such an amendment.

The PRESIDING OFFICER. The question is on the passage of the resolution.

Mr. CONKLING. Did not the Senator from Iowa offer an amendment?

Mr. ALLISON. On a moment's reflection I find that this is a concurrent resolution; and of course if an amendment is offered making an appropriation it would have to be a joint resolution.

Mr. CONKLING. That would be a change of terms merely.

Mr. ALLISON. I will not offer the amendment; I merely make the suggestion.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

The resolution was agreed to; ayes 24, noes not counted.

The PRESIDING OFFICER. The other resolution offered by the Senator from Indiana will now be reported.

The Chief Clerk read as follows:

Resolved by the Senate, (the House of Representatives concurring,) That the Committee on Mines and Mining of the Senate and the Committee on Mines and Mining of the House be each authorized to appoint a sub-committee, to consist of not exceeding three members of said committees, to act in aid of the commission authorized under the act of March 3, 1879, charged with the duty of codifying the laws relating to the survey and disposition of the public domain, and provide for the classification and sale of the public lands, and other duties therewith connected. And any expenses incurred in the discharge of said duties shall be paid out of the contingent funds of the Senate and House respectively upon the certificate of the chairman of said committees.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. ALLISON. That will make this commission consist of seventeen persons.

Mr. McDONLAD. I stated at the time the first resolution was brought up that a similar communication had been submitted to the chairman of the Committee on Mines and Mining, and at the request of that chairman, who is not present this morning, I would submit a similar resolution to the one I had offered as directed by the Committee on Public Lands; and this is the resolution to which I had reference.

Mr. MORRILL. This is the thirteenth junketing committee, is it not, Mr. President?

Mr. McDONALD. If there is any objection to the resolution, I would rather it should stand over until the chairman of the Committee on Mines and Mining is present. He will be in the Senate to-morrow morning.

The PRESIDING OFFICER. Does the Senator from Indiana make any motion?

Mr. McDONALD. I say if there is any objection to the passage of the resolution now, I prefer that it should stand over until the chairman of the Committee on Mines and Mining is present. I did not have an opportunity to see him before he left, and am simply acting upon his written request. If the resolution is to encounter opposition, I would rather it should wait until he is here.

The PRESIDING OFFICER. The question is on the passage of the resolution.

Mr. COCKRELL. I desire to say that for myself I vote against all these resolutions. I do not believe in the policy of having peripatetic committees running all over the country, and I am opposed to this proposition.

Mr. DAVIS, of Illinois. The resolution had better lie on the table until to-morrow morning.

Mr. COCKRELL. I will not obstruct its passage; I shall simply vote against it.

Mr. McDONALD. I do not want the resolution voted down in the absence of the chairman of the committee to whom it properly belongs.

Mr. DAVIS, of West Virginia. As a vote on the resolution would be probably uncertain, and as the chairman of the Committee on Mines and Mining is not present, I ask that it be laid on the table until he is here. The chairman of that committee is my colleague, [Mr. HEREFORD,] but I know nothing of the resolution now before the Senate. I make that suggestion, if it is agreeable to the Senator from Indiana.

Mr. McDONALD. Entirely.

The PRESIDING OFFICER. If there be no objection, the resolution will lie on the table.

BILLS INTRODUCED.

Mr. BURNSIDE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 720) to amend section 2763 of the Revised Statutes; which was read twice by its title, and referred to the Committee on Commerce.

Mr. FERRY asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 721) to amend an act entitled "An act to provide for the appointment of a Mississippi River commission for the improvement of said river from the head of the passes, near its mouth, to its headwaters," approved June —, 1879; which was read twice by its title, and referred to the Committee on the Improvement of the Mississippi River and its Tributaries.

Mr. CONKLING (by request) asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 45) authorizing the restoration of Thomas H. Lawrence to the revenue marine; which was read twice by its title, and referred to the Committee on Commerce.

NARRATIVE OF THE POLARIS EXPEDITION.

Mr. WHYTE submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved by the Senate, (the House of Representatives concurring,) That whenever the Public Printer shall have received a sufficient number of orders for copies of the Narrative of the Polaris Expedition, accompanied by the cost price thereof with 10 per cent. additional, to warrant, in his opinion, the expense of putting the plates to press, he shall cause an edition thereof to be published: *Provided, however,* That the number of copies thus at any time printed shall not exceed the number ordered and paid for in advance of said publication.

Mr. WHYTE subsequently, from the Committee on Printing, reported the resolution; and it was considered by unanimous consent, and agreed to.

REFRIGERATING SHIP FOR DISINFECTION.

Mr. HARRIS. There was an order to print a communication from the Secretary of the Treasury, with certain accompanying documents, made yesterday morning. I find upon examination that the report of certain naval engineers and constructors made to the Board of Health was sent to the Senate on the 20th of June by the Secretary of the Navy, and is already printed and laid upon our tables this morning. I ask to have the order to print of yesterday morning modified so as to exclude from it that report which is already printed accompanying the letter of the Secretary of the Navy.

The PRESIDING OFFICER. If there be no objection, the order will be so modified. The Chair hears no objection, and it is so modified.

MORTON'S REPORT ON CHINESE IMMIGRATION.

Mr. ANTHONY. I offer the following resolution——

Mr. DAVIS, of West Virginia. I rise to a privileged question, a conference report.

Mr. ANTHONY. A conference report is not a privileged question.

Mr. DAVIS, of West Virginia. I have never yet known a conference report refused when there was no question before the Senate.

Mr. ANTHONY. I have never known one refused, but it is not a privileged question. It is a privileged question in the House, but not in the Senate.

Mr. DAVIS, of West Virginia. I may have used the wrong word. I have no objection to the Senator's resolution being presented.

The PRESIDING OFFICER. The resolution of the Senator from Rhode Island will be read.

Mr. FERRY. If the Senator from West Virginia puts it on a question of courtesy, we will all sit down and yield to him.

Mr. ANTHONY. I have no objection to the report being received.

Mr. DAVIS, of West Virginia. I will not detain the Senate with any matter of mine.

Mr. ANTHONY. I offer the following resolution for reference:

Resolved, That the report of the late Oliver P. Morton on Chinese immigration be printed, and that 500 additional copies be printed for the use of the Senate.

The resolution was referred to the Committee on Printing.

POST-OFFICE APPROPRIATIONS, ETC.

Mr. PADDOCK. I move that the Senate proceed to the consideration of House bill No. 2275.

Mr. MAXEY. I should be glad to have the conference report of the Senator from West Virginia taken up and acted upon. It is necessary, and I think we shall all agree to it.

Mr. PADDOCK. I yield to the Senator from West Virginia for that purpose.

Mr. ALLISON. Mr. President, I desire to call the attention of the Chair to Rule 49.

Mr. ANTHONY. A conference report is always in order, but it is not a privileged question.

Mr. PADDOCK. I had the floor and yielded it to the Senator from West Virginia.

Mr. DAVIS, of West Virginia. I stated to the Senate that it was a privileged question. I was certainly in order then; and, as I un-

derstand, a gentleman rising to a conference report is always in order, even if another Senator is speaking.

The PRESIDING OFFICER. The Senator from West Virginia is now in order.

Mr. DAVIS, of West Virginia. I think I was in order when I rose before; but the question is not worth debating; let it go.

Mr. ANTHONY. I think the Senator from West Virginia was correct. The new rule has been added latterly. The report of a committee of conference is always in order. It was not until latterly; but by the last revision of the rules it has been added.

Mr. CONKLING. It is always in order; but it is not a privileged question. According to the rules of the House, it is always in order for the Committee on Appropriations to report; but that does not make the matter reported a privileged question. So here the report of a conference committee is always in order whenever the chairman can get the floor to make it, except when the Journal is being read; but that does not make it a privileged question.

Mr. DAVIS, of West Virginia. The committee of conference on the disagreeing votes of the two Houses on House bill No. 2002 have considered the same and have agreed on the report which I send to the Chair.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. No. 2002) making additional appropriations for the service of the Post-Office Department for the fiscal years ending June 30, 1879, and June 30, 1880, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 5, and 7.

That the House recede from its disagreement to the amendments numbered 1, 3, and 6, and agree to the same.

That the House recede from its disagreement to the amendment numbered 2, and agree to the same with an amendment as follows: Add at the end of said amendment the following:

"*Provided*, That no judgment shall be paid until the right of appeal has expired."

And the Senate agree to the same.

H. G. DAVIS,
S. B. MAXEY,
W. B. ALLISON,
Managers on the part of the Senate.

S. S. COX,
HIESTER CLYMER,
Managers on the part of the House.

Mr. DAVIS, of Illinois. I ask the chairman of the committee of conference why the conferees refused to retain the provision for paying audited accounts of railroad mail transporters.

Mr. DAVIS, of West Virginia. I have no objection to answering the Senator's question, and I think it a very proper question. The committee on the part of the Senate insisted, but after the second conference with the House finally yielded to the House. The House committee were positive that they would not sign the report with the provision referred to by the Senator from Illinois a part of it.

Mr. CONKLING. What was that about?

Mr. DAVIS, of West Virginia. The payment of certain deficiencies in the Post-Office Department.

Mr. DAVIS, of Illinois. For railroad transportation, audited accounts.

Mr. DAVIS, of West Virginia. They were deficiencies running from 1876 to 1878, belonging to the Post-Office Department, reported by the Department regularly. There was no question about that; but the House insisted that the matter belonged to a deficiency bill and not to this bill; and I would say to my friend from Illinois that the Senate committee at first and up to the last, even till this morning, after having had more than one meeting of the conference, finally yielded that point.

Mr. CONKLING. Will the Senator state what the disposition is of the provisions of the bill about letter-carriers?

Mr. DAVIS, of West Virginia. Just as it passed the House originally and as agreed to by the Senate, not as reported by the Committee on Appropriations. That part of the bill is just as it came from the House.

Mr. MAXEY. The action of the Committee of the Whole was voted down in the Senate and the amendments of the Committee on Appropriations were non-concurred in and the bill passed the Senate in that respect just as it passed the House. It is just in that way in the bill as reported by the conference committee.

The report was concurred in.

THE GRASSHOPPER PLAGUE.

Mr. PADDOCK. I move that the Senate proceed to the consideration of House bill No. 2275. It is a short bill and I think will meet with no objection.

The motion was agreed to.

Mr. BECK. I desire to present a report from the Committee on Finance. I am instructed by the Committee on Finance to ask the immediate consideration of the resolution I send to the Chair to take the place of the one referred yesterday.

Mr. PADDOCK. I cannot yield for that. If the Senator will wait five minutes, I think he will have his opportunity.

Mr. BECK. It cannot be considered to-day except by unanimous consent I know.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 2275) extending the provisions of an act entitled "An act for the relief of certain settlers on the public lands," approved March 3, 1877, until the 1st day of October, 1880.

The Committee on Public Lands proposed an amendment to strike out all after the enacting clause of the bill and insert:

That it shall be lawful for homestead and pre-emption settlers on the public lands or pre-emption settlers on Indian reservations, where crops have been or may be destroyed or seriously injured by grasshoppers, to leave and be absent from said lands, under such rules and regulations, as to proof of the same, as the Commissioner of the General Land Office shall prescribe; but in no case shall such absence extend beyond one year continuously; and during such absence no adverse rights shall attach to said lands, such settlers being allowed to resume and perfect their settlement as though no such absence had occurred.

SEC. 2. That the time for making final proof and payment by pre-emptors whose crops shall have been destroyed or injured as aforesaid, may, in the discretion of the Commissioner of the General Land Office, be extended for one year after the expiration of the term of absence provided for in the first section of this act; and all the rights and privileges extended by this act to homestead and pre-emption settlers shall apply to and include the settlers under an act entitled "An act to encourage the growth of timber on western prairies," approved March 3, 1873, and the acts amendatory thereof.

Mr. ALLISON. I wish to ask the Senator from Nebraska what is the object of inserting in line 4 of section 1 "or pre-emption settlers on Indian reservations?"

Mr. PADDOCK. I will state to the Senator that several Indian reservations or parts of Indian reservations have been authorized to be sold upon the pre-emption principle to actual settlers. There is one in my State, part of which extends into the State of Kansas, and another one which is entirely in my State, and in order to cover them it was thought best to insert those words. This bill came from the House, being passed there in that form, and we adopted the form as it came from the House.

Mr. ALLISON. I do not know of any Indian reservations where authority is given to pre-empt lands.

Mr. PADDOCK. The Senator perhaps does not remember the act passed authorizing the sale of a part of the Otoe and Missouria reservation.

Mr. ALLISON. I remember it perfectly well.

Mr. PADDOCK. The pre-emption principle was applied to that.

Mr. ALLISON. Yes, the pre-emption principle is applied; these lands are only sold to actual settlers at an appraised valuation; but this seems to imply that pre-emption may be made on Indian reservations. I do not like the phraseology.

Mr. PADDOCK. I do not think it implies any such thing. I think the Senator is altogether mistaken about that. It applies simply to those lands that are considered by the Commissioner of the General Land Office and treated by that department as pre-emption lands under the acts passed authorizing the sale of Indian reservations. It applies exclusively to matters past, and not matters prospective.

Mr. ALLISON. Allow me to suggest to the Senator to make the bill read:

That it shall be lawful for homestead and pre-emption settlers, in all cases where pre-emptions are authorized by law.

Mr. PADDOCK. Very well; I do not object to that.

Mr. ALLISON. Strike out "on the public lands or pre-emption settlers on Indian reservations," and say "in all cases where pre-emptions are authorized by law.

Mr. PADDOCK. I think those words are in the original act and that the amendment is superfluous.

The PRESIDING OFFICER. The morning hour has expired.

Mr. DAVIS, of Illinois. There cannot be any objection to those words being repeated.

Mr. PADDOCK. I have no objection.

Mr. DAVIS, of Illinois. The amendment would obviate the other point.

The PRESIDING OFFICER. The unfinished business is Senate joint resolution No. 39.

Mr. PADDOCK. I ask unanimous consent to continue the consideration of House bill No. 2275. I think it will take but a very few minutes.

The PRESIDING OFFICER. The Senator from Nebraska asks unanimous consent to lay aside informally the unfinished business and continue the bill which is before the Senate.

Mr. DAVIS, of West Virginia. Subject to call.

The PRESIDING OFFICER. If informally laid aside it will be subject to call. It is laid aside informally, and House bill 2275 is continued before the Senate as in Committee of the Whole.

Mr. ALLISON. I move to amend by inserting after the words "public lands," in line 4 of section 1, the words "and in all cases where pre-emptions are authorized by law," and by striking out "or pre-emption settlers on Indian reservations."

Mr. PADDOCK. I make no objection to that. Let the amendment be reported from the desk.

The PRESIDING OFFICER. In line 4, section 1, it is proposed after the word "lands" to insert "and in all cases where pre-emptions are authorized by law," and to strike out the words "or pre-emption settlers on Indian reservations."

Mr. PADDOCK. I think the Senator does not mean to have the words "on Indian reservations" stricken out.

Mr. ALLISON. Oh, yes; I mean to have them stricken out. If pre-emptions are authorized by law on Indian reservations, of course this provision will apply to them.

Mr. PADDOCK. Very well.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Iowa to the amendment submitted by the Committee on Public Lands.

The amendment to the amendment was agreed to.

The amendment, as amended, was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill for the relief of settlers on the public lands in districts subject to grasshopper incursions."

JOINT COMMITTEE ON PUBLIC SERVICE.

Mr. BECK. I am instructed by the Committee on Finance, to whom was referred the resolution which was submitted by me yesterday for the appointment of a joint committee to examine and report what changes, if any, ought to be made in the mode of guarding or collecting the revenue, &c., to report a joint resolution.

The joint resolution (S. R. No. 44) appointing a joint committee of the two Houses of Congress to take into consideration what changes, if any, ought to be made in the mode of guarding or collecting the revenue, and appropriating the money so collected, was read as follows:

Resolved, &c., That a joint committee, composed of three Senators and three Representatives, be appointed, in such manner as each House may determine, to examine and report at an early day of the next December session of this Congress what changes, if any, ought to be made in the mode of guarding or collecting the revenue, either from customs or internal taxation, or in the management of the various Departments and bureaus of the Government, with a view to efficiency in service and economy in appropriations of the public money. Said committee shall report whether changes from permanent to annual appropriations would be advantageous or otherwise, in whole or in part; it shall have power to sit during the recess, to examine witnesses, send for persons and papers, administer oaths, appoint sub-committees, and visit such places as will enable it to obtain such information as it may desire, and the sum of $6,000, or as much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the chairman of the said committee.

Mr. CONKLING. When was this resolution reported?

Mr. BECK. This morning. I ask unanimous consent to consider it.

Mr. CONKLING. I do not like for one to object to any request that the Senator from Kentucky makes, and seeing members of the Committee on Finance here, I do not hold it my business to object to this resolution.

Mr. BECK. It is a unanimous report of the Finance Committee.

The resolution was read three times, and passed.

SURVEYS OF THE MISSISSIPPI RIVER.

Mr. RANSOM. I am instructed by the Committee on Commerce to report favorably the joint resolution (H. R. No. 102) authorizing a survey of the Mississippi River near Lake Concordia, Louisiana, and Cowpen Bend, Mississippi, and I ask the Senate to consider it now by unanimous consent.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution; which directs the Secretary of War to order a survey, and recommendations thereon, of the Mississippi River, near Lake Concordia, Louisiana, and of Cowpen Bend, Mississippi, looking to the protection of the harbors of Natchez and Vidalia, by restraining the river from cutting into Lake Concordia, and of the Charenton Canal in Saint Mary's Parish, Louisiana.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REPORT OF FISH COMMISSION.

Mr. BURNSIDE submitted the following concurrent resolution; which was referred to the Committee on Printing:

Resolved, (the House of Representatives concurring,) That 2,000 copies of the report of the United States Commission on Fish and Fisheries be printed and bound for distribution under direction of the Commissioner.

REMONETIZATION OF SILVER.

Mr. VEST. I move that the Senate now proceed to the consideration of the resolution which I offered yesterday and which is lying on the table.

The PRESIDING OFFICER. The Senator from Missouri asks unanimous consent that the resolution offered by him yesterday——

Mr. COCKRELL. No; he moves to proceed to the consideration of it.

The PRESIDING OFFICER. He asks unanimous consent because the unfinished business is now before the Senate.

Mr. ROLLINS. Let the resolution be reported.

The PRESIDING OFFICER. The resolution will be read for information.

The Chief Clerk read as follows:

Resolved by the Senate of the United States, (the House of Representatives concurring.) That the complete remonetization of silver, its full restoration as a money metal, and its free coinage by the mints of the United States are demanded alike by the dictates of justice and wise statesmanship.

Mr. CONKLING. What is the purpose, to refer it to a committee?

The PRESIDING OFFICER. The Chair cannot answer.

Mr. CONKLING. I should like to inquire of the mover what his wish or purpose is,—to speak to the resolution, to have action upon it, or to refer it to a committee?

Mr. VEST. I have no disposition to speak to the resolution. I will state very frankly what my purpose is. The Senate knows very well that a couple of days ago an attempt was made to instruct the Committee on Finance to report what is known as the Warner silver bill which came from the House. That proposition was defeated by a majority of one. Many of us feel great interest in the question of the free coinage of silver. We think it a very important question. I have received at least a hundred letters from my constituents in regard to the silver question, and very few in regard to these political questions. We feel more interest in this silver question really than in any question now pending before the Senate or before Congress. When this vote was taken some days ago various Senators on both sides of the Chamber stated that they voted then against instructing the committee for various reasons, some because it was a subject of delicacy to instruct a committee; others because they did not believe the silver bill should be now considered; others, professing that they were friends to the free coinage of silver, for various reasons peculiar to themselves and their people did not propose now to take up the question for discussion.

My only object, Mr. President, is to disabuse the public mind in regard to what I believe to be the real sentiment of Senators and of Congress upon this question. I believe a majority of the Senate to be in favor of the free coinage of silver. I know that the Senators from the West are almost unanimous in its favor, without regard to political divisions. It is not a question of political opinion. The democratic party is divided upon it; the republican party is divided upon it. All I seek to do is to make a fair, square, bold, open, issue, and find out who is in favor of the free coinage and full remonetization of silver and who is opposed to it. For one I desire this issue to come now; I desire it to be made and to be met; and I propose simply to say that we want the yeas and nays to see who will stand by the principle of the free coinage of silver and who is against it.

Mr. McMILLAN. Allow me to ask the Senator whether he refers to the sentiments of the Senate as revealed on the floor of the Senate or in some other assembly. I was not aware that there was any discussion of the silver bill on the floor of the Senate. I have seen something of the discussions of it in another assembly adverted to, and I do not know whether the Senator refers to the exhibitions in the Senate or in some other place.

Mr. VEST. I did not state that my information came from any particular source. I simply stated as my impression derived from personal intercourse with Senators and from their public expressions at different times that a majority of the Senate do hold that opinion. At any rate, I want to ascertain whether that be so or not.

Mr. CHANDLER. I object.

The PRESIDING OFFICER. Objection is made to the present consideration of the resolution. The unfinished business is before the Senate, being Senate joint resolution No. 39.

Mr. DAVIS, of West Virginia. I believe the Senator from Minnesota [Mr. WINDOM] has the floor, or had when we adjourned.

APPROPRIATIONS FOR VARIOUS PURPOSES.

The Senate, as in Committee of the Whole, resumed the consideration of the joint resolution (S. R. No. 39) in relation to committee clerks, pages, and other employés of the Senate and House of Representatives, the pending question being on the amendment of Mr. WALLACE to the amendment of Mr. INGALLS.

Mr. WINDOM. I do not desire to prolong the discussion of yesterday, but I want to call the attention of the Senate for a moment to one or two facts. The Senator from West Virginia [Mr. DAVIS] yesterday said:

In connection with that, I hold here a statement published over the signature of Secretary Boutwell of the delinquencies in one Department, making over $120,000,000, and I should like this to go in too.

The Senator was misreported in that, as he informs me. He meant to state that the delinquencies were only $20,000,000. I want to correct that in the RECORD, so that the Senator may not go to the country as saying that it was reported by Secretary Boutwell that there were delinquencies to the amount of $120,000,000.

Mr. DAVIS, of West Virginia. The Senator has been kind enough to refer to and correct a statement, if I made it—I am not sure whether the Reporter or myself made the mistake—but the Senator will notice a little further on in the discussion that I repeated and restated it at $20,000,000, and it is so reported in the RECORD. The true amount in one Department alone for eight years was $20,000,000 and a little over; not only $20,000,000, but upward.

Mr. WINDOM. I am somewhat surprised that the Senator from West Virginia, after I have tried to correct him, should fall into an error nearly as bad as the one which I have corrected.

It is true that technically, in response to a resolution of the 13th of December, 1870, Secretary Boutwell did report delinquencies amounting to $20,700,986.33; but the Senator from West Virginia, who is so conversant with the affairs of the Treasury Department, must have known when he read to the Senate and published to the country a statement that there were $20,000,000 of delinquencies on the 13th of December, 1870, that a subsequent report had been made by the Treasury Department, under a resolution dated April 16, 1878, which read as follows:

Whereas on the 18th day of February, 1871, the Secretary of the Treasury, in obedience to a resolution of the House of Representatives, adopted December 13, 1870, made a statement (Executive Document 140, third session Forty-first Congress) showing balances due from collectors of internal revenue who were out of

office on the 30th day of June, 1870, from which it appears there was due on that day from collectors not in office the sum of $20,700,983.33: Therefore,

Be it resolved, That the Secretary of the Treasury be, and he is hereby, directed to report to the Senate what amount or portion of this sum has been since collected and paid into the Treasury; what amount, if any, has been settled by compromise, and the facts touching each compromise made, by whom recommended, and the amount realized; what amount or portion of said sum of $20,700,983.33 remains unpaid, and, if any balance is still due, what steps have been taken to enforce payment of the same. Also to report the amounts due by internal-revenue collectors on the 1st day of July, 1875, and how much, if any, of such amounts remains unpaid, and also the nature of the items of indebtedness.

In answer to that resolution Secretary Sherman, on the 11th day of June, 1878, made the report which I hold in my hand, and that report shows, without going into details, that the amount of balances, after deducting unadjusted credits, was only $3,760,249.44; and yet the Senator from West Virginia, who is or ought to be so well informed about the internal workings of the Treasury Department, parades before the Senate a statement, which he says purports to be an official statement, for the purpose of convincing the Senate and the country that there were over twenty millions of deficiencies, to leave the impression that they were still outstanding, and that the Government had lost that amount by the collectors named in the report of 1871.

Mr. DAVIS, of West Virginia. Will the Senator allow me?

Mr. WINDOM. The Senator is entitled to the floor for a moment.

Mr. DAVIS, of West Virginia. The Senator says that I want to leave the impression on the country that there was an official statement which said there were twenty millions of revenue due the Government from the collectors then out of office. Does the Senator deny the fact that such a report was made and over the signature of the then Secretary of the Treasury. Does he deny the fact?

Mr. WINDOM. I do not deny the fact.

Mr. DAVIS, of West Virginia. Then the Senator from West Virginia stated the truth and just as it came from the Department.

Mr. WINDOM. Does the Senator from West Virginia insist, in the presence of the Senate, when he stated that in 1870 there were over $20,000,000 balance due, and left the statement there, with the fact that here is another report showing only about $3,760,000, that he stated the whole truth upon this subject?

Mr. DAVIS, of West Virginia. I read from the document and stated that the then Secretary of the Treasury, Mr. Boutwell, had made the statement to the House of Representatives, which was an official statement. I went no further and made no statement beyond that, and left to the country and to the Senate the fact that I was talking of the fact that the statement had been made. The Senator now admits that it was made, but he says some of the money has been paid. I know a little about how some of these settlements took place; and if the Senator would take the time to go to the Department and ask how very many of these settlements had taken place, he would find that probably out of this $20,000,000 that was then due the Government, not $1,000,000 has been paid. I risk the statement here now that out of the $20,000,000 that Secretary Boutwell reported due in 1870, the Government has not received $1,000,000 in money from the whole list; but they have compromised and adjusted, as they call it, the amounts, and very many of the persons who are named here as defaulters or delinquents have been relieved, not by the payment of the money, but by adjustment, as it is termed, of the accounts.

Mr. WINDOM. Mr. President, the Senator is as much mistaken in that as he was in the other statement.

Mr. DAVIS, of West Virginia. Does my friend question the statement that probably not a million has been received from this $20,000,000? Has he any information on that point?

Mr. WINDOM. I hold in my hand an analysis of this table; I have not had time yet to verify it, but I have no doubt of its truth, in which I find this statement:

We find in this report—

That is the report of 1878—

We find in this report that in closing the accounts of the two hundred and twenty-four ex-officers there was paid into the Treasury in cash $9,129,087.80, being nearly one-half the whole amount outstanding in 1870.

Mr. DAVIS, of West Virginia. The Senator does not mean to say that that $9,000,000 came out of this $20,000,000; I know he does not mean any one to have that impression. This $9,000,000 was what out of the entire indebtedness up to that time had been paid in cash.

Mr. WINDOM. I do understand that the payments were made on the deficiencies reported in 1871; and more than that, I hold in my hand a statement that the amounts compromised were $336,412.81. Whatever may have been the fact, and the Senator has offered no evidence that there was any impropriety in these settlements, it is a broad statement without any proof to sustain it. The fact as shown by official documents is that of those $20,000,000 and upward which it was sought yesterday to show to the country had been lost, only $3,760,249.44 remained in 1878 uncollected and unsettled; the balance due was that amount.

Mr. DAVIS, of West Virginia. The Senator has just stated to us that the Secretary says $9,000,000 has been collected.

Mr. WINDOM. Yes, sir.

Mr. DAVIS, of West Virginia. He says now there are but $3,000,000 now due on these defaults. Nine and three are twelve. Where are the other $8,000,000?

Mr. WINDOM. I have attempted to state that a large portion of that was uncollectible. I have shown the Senate that over $9,000,000 in cash was paid, some $300,000 was compromised, and a large amount was uncollectible.

Mr. DAVIS, of West Virginia. What is the difference between "compromised" and "uncollectible?" Will the Senator tell me? The money was due the Government and the Government did not receive it, and it is gone; the Government is the loser. I do not care how the Senator and the Treasury Department try to fix it up, nevertheless the fact is so. Now, I should like to call the attention of the Senator to a statement he made yesterday.

Mr. WINDOM. Wait until I get through with this matter. I yield to the Senator from Iowa a moment.

Mr. ALLISON. On that point I desire to make a single remark. I have heard that report so often discussed in this Chamber that I am rather amazed that my friend from West Virginia does not seem yet to understand it. My attention was early called to that report from the fact that three or four or five collectors in Iowa were reported there as defaulters, and I had occasion to go to the Treasury Department to see how the facts were, and I found that in every instance in the case of Iowa collectors, instead of their owing the Government the Government owed them. I have not looked at that report for three or four years.

Then again it was my fortune to have had charge of a bill here two or three years ago for the relief of a collector in Georgia, I think, or perhaps it was in Kentucky—one of those States. The Committee on Finance reported a bill paying that collector three or four thousand dollars—I have forgotten the exact sum—being a balance due him from the Government, and it turned out in debate here that this man was one of the defaulters for four or five thousand dollars according to that report. I have not looked at it lately, but instead of his being a defaulter to the Government, the Government owed him three or four thousand dollars. That is all there is of that report. It was simply a report at the time of the condition of the accounts as shown by the accounting officers of the Treasury, and in most cases the collectors' accounts were then unsettled.

Mr. DAVIS, of West Virginia. But they were out of office.

Mr. ALLISON. Undoubtedly out of office.

Mr. DAVIS, of West Virginia. These different statements of the Senators show what the Treasury books do not. Here the Secretary of the Treasury sends us a statement that there is such a number of internal-revenue officers—for this is confined to the Internal Revenue department alone—out of office who owe the Government over $20,000,000, running eight years. Each of the Senators who have spoken here tells us that the accounts were not right, and that after going to the Department they found that the Government owed these collectors instead of the collectors owing the Government. If these be facts, it would show that the Treasury books would make up any kind of statement that was necessary to be made. The Secretary of the Treasury in an official communication to Congress tells us that A, B, and C in the Internal Revenue department owed the Government $20,000,000 on a certain day, and they were out of office; not one of them was then in office; their accounts had all been turned over and, as far as those men were concerned, they had no running accounts, because they had been out of office some time. And yet the Senators now tell us they go to the Department and find a different state of things from the same books. Is not that a comment on the Treasury books? Is it not a rather singular thing that the Senator from Minnesota can get one statement from them, the Senator from Iowa another statement, and the Secretary of the Treasury sends a third one to Congress? Which one are we to take?

Mr. WINDOM. Mr. President, I had some hopes yesterday that we might get some light from the Treasury Department through the efforts of the honorable Senator from West Virginia; but when he finds discrepancies in that Department because $20,000,000 was reported uncollected in 1870, and in 1878 a balance of only $3,700,000, the balance having been collected; and when he cites this as an evidence of discrepancies which he finds in the Treasury Department, I have lost all hope of getting much light from the Treasury books through the honorable Senator's committee.

Mr. DAVIS, of West Virginia. I should think you had.

Mr. WINDOM. Allow me to finish my sentence.

Mr. DAVIS, of West Virginia. My friend will allow me. He told us a minute ago there had been $9,000,000 collected in round numbers and there are $3,000,000 yet due, and this document says there were $20,000,000. Where is the balance? What has become of it?

Mr. WINDOM. I have already answered that question.

Mr. DAVIS, of West Virginia. No; you have not told me, my friend.

Mr. WINDOM. The only discrepancy in these accounts is that since 1870 the Treasury officers find and report that all of these unadjusted balances had been settled and paid, except three million seven hundred odd thousand dollars. That is all there is of it, and I will not take the time of the Senate longer on that subject. If the Senator from West Virginia does not see it, everybody else does, I think.

Mr. VANCE. Will the Senator kindly yield for a question?

Mr. WINDOM. Certainly.

Mr. VANCE. I find by the RECORD this morning that the Senator from Minnesota said yesterday that the officers reported as defaulters by the Secretary of the Treasury were not defaulters at all; that there were simply accounts charged up by the assessors against the col-

lectors, and that when the collectors could not collect them the amount was charged and then they were on settlement stricken off.

Mr. WINDOM. I said a large portion of them were, or meant so to say.

Mr. VANCE. The Senator also went on to say in the same paragraph of his remarks:

All the millions that were uncollected from the democratic moonshine-distillers down in Kentucky where my friend over yonder lives, down in Georgia, and all through that mountain region, were included.

Mr. WINDOM. If I did the Senator any injustice by not mentioning North Carolina, I will insert it.

Mr. VANCE. You did the Senator from North Carolina no injustice whatsoever; but I would be obliged to the Senator if he would wait until I propound my question.

Mr. WINDOM. I beg pardon; I thought I understood it.

Mr. VANCE. I read further:

I presume there were more than $20,000,000 of uncollected taxes from those whisky distillers, who have been robbing the Government ever since and killing our officers when they go down to collect those taxes. All those were charged up as part of this $20,000,000.

Now my question, which I ask the Senator to be kind enough to answer, is if these moonshine-distillers were distilling spirits without the knowledge and consent of the Government, how did the assessors know what amount to charge up to the collectors on their accounts?

Mr. WINDOM. I think I was mistaken in that; and wherever I find that I was mistaken I will admit it most frankly. I think there has been a vast amount of that kind of thing in North Carolina, Georgia, Tennessee, Kentucky, and elsewhere, never charged up to collectors; and in the haste of debate I think I made a mistake on that point, and I acknowledge it to the Senator.

Mr. VANCE. Yes, sir.

Mr. WINDOM. But if we could get at the entire amount of Government loss from those moonshiners and others that I referred to, you would find it vastly greater than the unsettled balances I have referred to.

Mr. VANCE. If the Senator will be kind enough to correct one other mistake he made in the same statement, I will agree to subside; and that is that they are democratic moonshiners. I presume he has some knowledge on that subject which I have not, but I take pleasure in informing the Senator that the large majority of the moonshiners brought before the United States courts in North Carolina vote the republican ticket straight out.

Mr. WINDOM. I am surprised at that, Mr. President, because I supposed from the character of the business in which they were engaged that they were democrats. I only assumed it on that ground. They were doubtless engaged in furnishing democratic supplies for North Carolina, [laughter,] and I supposed they were democrats.

I want to say further about this report made in 1870, to my honorable friend from West Virginia, that it was mainly a report of the delinquencies of Andrew Johnson's administration. It was made just about the time General Grant was inaugurated President, you will remember; and all of these delinquencies, whatever they were, covering the twenty millions, were in existence before that time, and largely incurred during an administration over which republicans do not claim to have had much influence. It was a legacy from Johnson's administration. So it does not prove anything, even if his facts had been correct, which they are not.

Mr. DAVIS, of West Virginia. Did you not elect him?

Mr. WINDOM. Yes; but you seduced him.

Mr. DAVIS, of West Virginia. You counted him in, my friend back here says.

Mr. WINDOM. You captured him. I find in this document that the Senator desired to have printed yesterday (the report made on the 18th of February, 1871) as a part of this twenty million that James B. Steedman, a collector in Louisiana, had charged to him $614,754.95 of that $20,000,000, and I do not find that this later document mentions any payment made by him; but I have another document here that I will refer to for a moment. As late as 1878 there still remained due from James B. Steedman $359,104.01. That was about one-tenth of the whole uncollected balance as reported in 1878. Now, I am informed that Mr. James B. Steedman is a very prominent democrat in the State of Ohio. I am informed also—if I am not correct the Senator from Ohio [Mr. PENDLETON] will correct me—that he was an officer of the late democratic convention in the State of Ohio. If I am misinformed in that I shall be glad to be corrected. It appears, therefore, that of the alleged delinquency of $20,000,000, $614,754.95 were chargeable to that gentleman, who is one of the most prominent members of the democratic party in the State of Ohio, as I understand, and should hardly be charged to the republican party. So far as I can discover from these reports nearly $400,000 of it remained unpaid in 1878. I do not mean to say that he was a defaulter, for I think a very few, if any, of the amounts embraced in this $20,000,000 can be so called.

Mr. President, I do not desire to say anything more on the subject of this $20,000,000 of reported delinquences, but on one other point, if I do not weary the Senate, I should like to make one or two very brief remarks. The Senator from Delaware——

Mr. DAVIS, of West Virginia. If the Senator is going to leave the Senator from West Virginia, the Senator from West Virginia would be glad to pay his respects to him.

Mr. WINDOM. Does the Senator want to ask me a question?

Mr. DAVIS, of West Virginia. I want to make a statement.

Mr. WINDOM. The Senator can make his statement after I get through. The Senator from Delaware [Mr. SAULSBURY] yesterday was kind enough to say, speaking of myself:

My friend had better confine himself for the present, at least, to the wards of the nation and not assume too many offices of friendship to the foreign populations. He should devote the balance of his days in devotion to the colored population of the South that he has caused to leave their homes and go to free Kansas.

And in another place he said:

But perhaps that may be a delicate subject for the Senator at the present time.

Now I want to say to my friend from Delaware that it is by no means a delicate subject for the Senator from Minnesota. If there is any one act of my public life that I am proud of, it is that I may have aided in placing in the mind of the colored people of the South the thought that when by reason of oppression and intolerance their homes became intolerable, they have the right, which appertains to all American citizens, to remove to some other State where their personal and political rights will be respected. That is all that I have ever done. I have never urged any man to leave any State. I have argued upon the floor of the Senate that the only solution of this troublesome race question, which has created so much sectional strife in the country, will be found in withdrawing from those States of the South where the colored people are in the majority enough of the colored population so that it would not be deemed necessary by the white people to arm themselves upon "the color line" in order to prevent those colored people from voting. I withdraw not one word I said upon that subject.

It has been urged that these people who have gone to Kansas have encountered terrible privation and suffering. The Senator from Missouri [Mr. VEST] drew a picture the other day of the distress, the privations, the starvation which these people have encountered. If I were upon that side of the Chamber I would never utter one word on the subject of the sorrows, the sufferings of these poor and helpless people who, by oppression and by outrages never before practiced upon any free people on the face of the earth, have been compelled to flee from their homes and to seek an asylum among strangers in a strange land.

Now I want to say to our honorable friends on that side, and particularly to my friend from Missouri, that I hold in my hand a memorial of the people of Saint Louis, his own constituents, signed by more than one hundred leading citizens in that city. It is signed by Gustavus St. Gem, surveyor of customs; Samuel Hays, postmaster at Saint Louis; William H. Bliss, United States district attorney; Enos Clark, judge in bankruptcy; John F. Long, ex-surveyor of customs; Henry P. Wyman, deputy collector; Nathan Cole, David P. Dyer, L. S. Metcalfe, and G. A. Finkelnburg, ex-members of Congress; John B. Henderson, ex-United States Senator; David Wagner, judge of the supreme court of Missouri; John F. Dillon, judge of the United States circuit court; John W. Noble, ex-United States district attorney; A. G. Edwards, United States assistant treasurer; Thomas C. Fletcher, ex-governor of Missouri; Eugene T. Weigel, ex-secretary of state of Missouri; Henry Overstolz, mayor, elected partly by democrats, of the city of Saint Louis; J. Milton Turner, ex-United States minister to Liberia; John H. Johnson, esq., John W. Wheeler, Rev. Samuel P. Anderson, and a large number of other prominent citizens, independent of party, station, and race. What do these men say in answer to the statements of the Senator from Missouri and the Senator from Delaware? I will read a part of the memorial:

The condition of the great majority is absolute poverty; they are clothed in thin garments for the most part, and while here have been supported to some extent by public, but mostly by private, charity. The older ones are the former slaves of the South—all now entitled to life and liberty.

The weather from their first advent in this northern city has been unusually cold, attended with ice and snow, so that their sufferings have been greatly increased, and if there was in their hearts a single kind remembrance of their sunny southern homes they would naturally give it expression now.

We have taken occasion to examine into the causes they themselves assign for their extraordinary and unexpected transit, and beg leave to submit herewith the written statements of a number of individuals of the refugees, which were taken without any effort to have one thing said more than another, and to express the sense of the witness in his own language as nearly as possible.

The story is about the same in each instance—great privation and want from excessive rent exacted for land, connected with murder of colored neighbors and threats of personal violence to themselves. The tone of each statement is that of suffering and terror. Election days and Christmas, by the concurrent testimony, seem to have been appropriated to killing the "smart" men, while robbery and personal violence in one form and another seem to have run the year round.

Bear in mind, Mr. President, that these are statements of the most prominent citizens of Missouri who in the presence and from the lips of these refugees have ascertained the causes of their flight. Though they reached that city in the midst of a severe snow-storm, and suffered the most extreme distress from want of provisions and shelter, yet not one word do they say about returning to their homes. Their only purpose seemed to be to get away from conditions and perils which they deem more dreadful than even starvation and the snow-storms of Kansas, to which we have heard reference. The memorial goes on:

We submit that the great migration of negroes from the South is itself a fact that overbears all contradiction, and proves conclusively that great cause must exist at the South to account for it. Here they are in multitudes, not men alone, but women and children, old, middle-aged, and young, with common consent leaving their old homes in a natural climate and facing storms and unknown dangers to go to Northern Kansas. Why? Among them little is said of hope in the future; it is all of

fear in the past. They are not drawn by the attractions of Kansas; they are driven by the terrors of Mississippi and Louisiana. Whatever becomes of them, they are unanimous in their unalterable determination not to return. There are others coming. Those who have come and gone on to Kansas must suffer even unto death, we fear; at all events more than any body of people entitled to liberty and law, the possession of property, the right to vote, and the pursuit of happiness should be compelled to suffer under a free government from terror inspired by robbery, threats, assaults, and murder.

The occasion is, we think, a fit one for us to protest against a state of affairs thus exhibited in those parts of the Union from which these negroes come, which is not only most barbarous toward the negro, but is destructive to the constitutional rights of all citizens of a common country.

It is intolerable to believe that with the increased representation of the Southern States in Congress those shall not be allowed freely to cast their ballots upon whose right to vote that representation has been enlarged.

We believe no government can prosper that will allow such a state of injustice to the body of its people to exist, any more than society can endure where robbery and murder go unchallenged.

We protest against the direful necessities impelling this exodus and against the violation of common rights, natural and constitutional, proven to be of most frequent occurrence in places named, and we ask such action at the hands of our representatives and our Government as shall investigate the full extent of the causes leading to this unnatural state of affairs and protect the people from its continuance, and not only protect liberty and life, but enforce law and order.

Mr. CONKLING. Is that the whole of that memorial?

Mr. WINDOM. This is substantially all the memorial except the affidavits which set out the facts upon which this memorial is based.

Now, Mr. President, I submit to the Senator from Delaware that, in view of all these facts, stated by responsible citizens of Missouri, I can hardly claim the distinguished honor of having been the cause of the exodus of these oppressed and terror-stricken people.

I want to read a brief extract also from a speech of an ex-United States Senator and a formerly distinguished member of the democratic party, but now I believe not in full sympathy with them, Ex-Governor Henry S. Foote, a speech delivered recently in the city of New Orleans and in the presence of a very large number of people. He said:

It is a most startling and alarming fact connected with this subject [he continued] a circumstance well calculated to make the exodus movement universal in the South, that democratic leaders in Congress have been fiercely and perseveringly laboring for several months to obtain the passage of bills which would tear away from every colored voter in the South all hope of being permitted to vote hereafter in elections of any descriptions; to lay open the polls in all Federal elections here to bulldozing, violence, and fraud of every kind; while the honest and unmeddling Federal soldier would be prohibited from coming near the place of voting even to prevent the perpetration of the most diabolical frauds, and ruffianly violence of every species judged necessary by these accursed agents of iniquity to the success of what they would call the democratic cause. [Loud applause.]

After all I have said * * * it is hardly necessary to do more than bring together in conclusion, in a somewhat more condensed manner, the leading considerations which belong to this subject.

And he thus enumerates the causes of the exodus in the presence of the people of New Orleans:

1. The grievances of every kind admitted to have been imposed by the resolutions of the convention at Vicksburgh.

2. The significant avoidance on the part of that body of all consultation with persons not concerned in getting up the convention.

3. The deliberate preclusion of all colored delegates present from joining in the adoption of the resolutions.

4. The refusal even to consider the expediency of providing remedial agencies of any kind.

* * * * * * *

5. The innumerable acts of bulldozing and fraud alleged so strongly to have been heretofore perpetrated, by which all independent voting was prevented, whole communities transformed in their political character, and the most valued civil rights rendered valueless.

6. The portentous and undeniable fact that within the last three months certain leading men of the democratic party in Congress have declared in the most emphatic manner their determination never to rest satisfied until every act of national legislation growing out of the war should be obliterated from the Federal statute-book.

7. The circumstance that other members of Congress of equal rank have thundered forth that their allegiance is first due to the States represented by them, respectively, and afterwards only to the General Government.

8. The fact that others with equal impudence and stupidity have been heard unblushingly to assert that during the late civil war there were no loyal persons save those who had struggled for the subversion of the Government.

9. The alarming fact that in a convention now sitting in this city, claiming to represent the embodied sovereignty of the State of Louisiana, a majority of the members thereof a few days ago deliberately refused to take an oath to support the Constitution of the United States.

10. The significant and deplorable fact that in this same august body resolutions are at this instant pending which assert its right at its own pleasure to regulate and modify the whole system of suffrage.

11. Now blend these facts, if you please, with the particulars already mentioned connected with the fierce struggle which has been going on in the two Houses of Congress for several months, looking to the taking from the President the only means he possesses of securing purity in Federal elections, the putting down of ruffianism at the polls, and the protection of the white and colored voter alike from the loss of their most valued civil rights, and then decide at your leisure whether it is better that this exodus should or should not go on, unless some such guarantees of future safety and protection as I argued at Vicksburgh shall be at last supplied.

I have read this paper showing the views of these gentlemen on the ground as to the cause of the exodus. I have in my possession a great many other statements of a similar character, including letters from all parts of the South from leading white men as well as colored, stating the reasons why they are compelled to leave their homes. Senators have sometimes asked why I have become more radical of late. I say to them it is because I have heard the pitiful stories of those poor people; I have received hundreds of letters from all parts of the country, not written for political effect, but containing the most touching appeals, and the stories they tell of their wrongs and sufferings would stir the blood of any man who has a sympathy for the oppressed, or any sense of justice or regard for human rights.

Mr. President, we have been told that a number of these people have returned. I suppose some of them have; it would naturally be so. A very few of them have returned. I have letters from gentlemen in the South; I cannot vouch for their truth, but they state the fact that agents have been paid by the planters to go into the Northwest, pretending to act as agents for the colored people for the purpose of hunting homes for them, who go back and report that the country is uninhabitable in order to dissuade them from going. I do not know whether it is true or not; but these stories came to me and they are certainly as reliable as Mr. Lycurgus P. Jones's forged document that was read in the presence of the Senate the other day.

Now, Mr. President, for the reasons stated by these gentlemen from Saint Louis, for the reasons stated in New Orleans by public speakers, from letters I have received by the hundred from all parts of the country, and from many other sources of information, I am perfectly satisfied that unless there is a change in the treatment of the colored citizens at the South the exodus will change to a stampede within the next two or three years; and I say that there is no way, in my humble opinion, by which the exodus can be stopped but to treat those people as American citizens ought to be treated, when they will prefer to stay in their homes at the South. But I say to Senators on the other side that if the treatment of 1876 is repeated in 1880, just so certainly will they find a stampede from all sections of that country of the colored citizens who have just as much right to vote as you and I have.

Let me suggest to the honorable Senator from Delaware that if he has anything more to say about the exodus I beg he will not consider that I am at all sensitive on the subject.

Mr. VANCE. Mr. President, I was about to ask the Senator from Minnesota before he sat down if he had received any letters from North Carolina complaining that the colored people there were deprived of their right to vote?

I desire, as the subject is pertinent, to have read at the Secretary's desk a letter or statement which I received more than a month ago from two prominent colored men who were formerly members of the Legislature in North Carolina, who wrote this letter to me voluntarily, and authorized me to use it if I saw proper.

The PRESIDING OFFICER, (Mr. ROLLINS in the chair.) Does the Senator desire to have the letter read?

Mr. VANCE. Yes, sir.

The PRESIDING OFFICER. The letter will be read if there be no objection.

The Chief Clerk read as follows:

NEW BERNE, NORTH CAROLINA,
April 28, 1879.

To the Hon. Messrs. CONKLING, BLAINE, and others, in the Senate of the United States, who so strenuously oppose the repeal of certain laws now being debated in Congress:

GENTLEMEN: We are all personally acquainted with the honorable Governor Vance, and we do take the liberty through him to state that to the best of our knowledge and belief there never was a black man prevented from voting in North Carolina on account of race. We speak knowingly for this county and district, notwithstanding all that you have said on the subject. We are both of dark complexion, and have represented this county in the Legislature of North Carolina.

Respectfully and truly,

RICHARD TUCKER.
H. H. SIMMONS.

Mr. WINDOM. About how dark?

Mr. LOGAN. About as dark as I am. [Laughter.]

Mr. VANCE. Fully dark enough to belong to the republican party beyond any mistake. [Laughter.]

Mr. CONKLING. Mr. President, am I right in hearing my name read as the first of those to whom that letter was addressed?

Mr. VANCE. Yes, sir; as one of them.

Mr. CONKLING. I wish only to say that I never heard of it before, and the complexion of the letter seems, therefore, more doubtful than the complexion of those who wrote it. It is rather unusual, as far as I have observed, to address a letter to one Senator or to three Senators, and then in place of sending the letter to them or to either of them to send it to somebody else. As somebody suggests, perhaps it was intended to deliver it in escrow. I do not know how that is. I merely wish to say that I never heard of such a letter before.

Mr. VANCE. The letter was accompanied by a note authorizing me to make use of it in the manner which I have done.

Mr. LOGAN. Mr. President, yesterday in the course of this debate the Senator from Delaware [Mr. SAULSBURY] referred to what he deemed proper to term the whisky rings of the city of Chicago, Saint Louis, and other places. I have no defense to make of any whisky ring either in Chicago, in my State, or in Delaware, if one should exist there; but in order that the Senator and others interested may know exactly the difference in the execution of the laws of this country in reference to the collection of the taxes on distilled spirits, and the manner in which they are executed in democratic States and in republican States, the amount of money necessarily expended in the execution of those laws in democratic States and the amount expended in republican States, and the violence that has been used in opposition to the execution of the laws in certain democratic States, and that the difference may be perfectly understood by the country, I ask—and I am very glad that the opportunity has been afforded me—that the Clerk read a document which I send to the desk, being a letter addressed by the Commissioner of Internal Revenue to the Secretary of the Treasury. This is an official document giving the number of seizures, the number of persons arrested, the counties and the States

in which persons have been arrested, the counties and States in which seizures have been made, the number of persons pleading guilty, the number of persons showing by their own acknowledgment that they had been guilty of frauds upon the Government, and their complexion so far as politics is concerned. I ask the Clerk to read for the benefit of the Senate the document which I send to the desk, that it may go into the RECORD.

The PRESIDING OFFICER. The document will be read.

The Chief Clerk proceeded to read. Having read for some time,

Mr. WHYTE. I would suggest to the Senator from Illinois that probably unanimous consent would be given to print that long letter in the RECORD without taking up the time of the Senate in reading it in full.

Mr. LOGAN. I have no objection as far as I am concerned; only it is a rule of the Senate to read everything. I have no desire to have it read.

Mr. WHYTE. By unanimous consent it can go in the RECORD.

Mr. LOGAN. My object was to have it in the RECORD.

The PRESIDING OFFICER. The Senator from Maryland asks unanimous consent that the document being read shall be published in the RECORD without further reading. Is there objection? The Chair hears no objection, and the reading will be suspended.

Mr. LOGAN. That is all I desire, to have this made part of the RECORD of Congress merely to show the distinguished Senator from Delaware that he was very much mistaken in his accusation against the Northern States in reference to the improprieties of certain individuals. That was the only object I had. If it is to be printed in the RECORD, that is all I desire.

The document is as follows:

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, May 1, 1879.

SIR: I have the honor to transmit a brief statement of the operations for the suppression of illicit distillation in several of the States where it has prevailed to the greatest extent since July 1, 1876, to the present time.

I have consolidated the work by districts, giving the number of stills seized, persons arrested, and casualties occurring in each district, with a summary of the condition of affairs therein from time to time.

You will observe that a force has been specially employed for the discovery and seizure of illicit distilleries. This force has been engaged wholly upon this work, and not upon general duties.

District of Arkansas.

Number of special deputies employed.	Time of employment.	Cost of same.
14	7 months.	$2,314 15

Number of illicit stills seized.	Persons arrested.	Officers and employés killed.	Officers and employés wounded.
34	33	1	0

May 4, 1878, Collector Wheeler reported that Deputy Marshal Thomas E. Rogers was shot from the bushes and killed, Monday, the 29th of April. Mr. Rogers was the party who furnished the information which led to the capture of two illicit stills in Clay County in March last. It was supposed that he was killed by Frank Gatlin, who was the owner of the stills above referred to.

October 3, 1878, Collector Wheeler reported "a bad state of affairs in Baxter County," and that Deputy Marshal Wood had met with resistance so formidable from illicit distillers that he was unable to make arrests. He reported that the illicit distillers had organized, and had inclosed their stills with a formidable earthwork on Bennett's River, and defied the United States officers; that they were well armed with rifles, and that it would be impossible to capture the stills without a formidable force. Collector Wheeler was authorized to employ a force strong enough to seize the stills without bloodshed, if possible, but was instructed to enforce the laws at all hazards. Collector Wheeler organized a force of twenty-five men to support his deputy collectors and deputy marshals, and sent them to Baxter County. The illicit distillers, supposing the force was accompanied by United States troops, as had been publicly stated in the papers, sunk their stills in the bayou, and destroyed their works. The force, however, was resisted in attempting to arrest some of the distillers, shots were exchanged, and one man killed. One prisoner escaped.

Second District, Alabama.

Number of special deputies employed.	Time of employment.	Cost of same.
46	25 months.	$7,730 82

Number of illicit stills seized.	Persons arrested.	Officers and employés killed.	Officers and employés wounded.
172	778	1	0

It has been with great difficulty that the internal-revenue laws could be enforced in the northeastern portion of Alabama, notably in Cherokee and Cleburne Counties. In May, 1875, Deputy Collector Holman Leatherwood, while attempting to seize an illicit distillery in Cherokee County, was brutally murdered.

In September, 1876, a force of officers, headed by Deputy Marshal James H. Bone, went into Cleburne County for the purpose of arresting distillers. This force was met by an organized force of about eighty men, headed by one Roberts, a notorious illicit distiller, and driven out of the county. So well organized were they that they successfully resisted the officers, and openly and defiantly continued to carry on illicit distillation for a year.

February 4, 1878, Collector Booth reported that his deputies, accompanied by a marshal's force, had been met in Winston County with armed resistance by illicit distillers in overpowering numbers, and that he was unable to enforce the laws. An increased force was given him, and he was enabled to make a few arrests.

In June, 1878, Collector Booth organized a force and made a determined attempt to arrest those law-breakers. After they had secured the arrest of several persons they were met by Roberts's band thoroughly armed, forced to release their prisoners, and driven out of the county. Collector Booth was again directed to organize a force sufficiently large to enforce the laws, and after considerable difficulty he was enabled to make some arrests. So defiant were the illicit distillers in that portion of the State that they sent word that no revenue officer should be permitted to come into the county.

In July, 1878, and after a demonstration in force had been made by the Government, some of the violators of law against whom warrants had been issued proposed to surrender. They were permitted to do so, and sentence was suspended against them during good behavior.

November 28, 1878, Collector Rapier telegraphed that his force in Cherokee County, near the State line, while seizing an illicit still, was fired upon, but he succeeded in accomplishing the seizure.

April 7, 1879, Collector Rapier reports that his force has met with resistance in Cherokee and Cleburne Counties.

On the 1st of April, 1879, a force under Deputy Collector Shouse, while attempting to seize a distillery in Cleburne County, near the State line, was attacked and several shots were fired by the assailants.

Second District, Kentucky.

Number of special deputies employed.	Time of employment.	Cost of same.
6	5 months.	$1,250 00

Number of illicit stills seized.	Persons arrested.	Officers and employés killed.	Officers and employés wounded.
35	92	0	2

May 7, 1877, Deputy Collector Whedon and his assistants were resisted while endeavoring to arrest illicit distillers near Glasgow.

February 10, 1878, Deputy Collector Landram, while searching for illicit distilleries in Calloway County, was resisted, and he and his assistant were wounded by illicit distillers. In the same month a force composed of about thirty men accompanied by deputy collectors and deputy marshals was sent into Wayne County where illicit distilling was carried on to a great extent, and the distillers were very bold and defiant. They were met by armed bodies, but were in sufficient force to overcome all resistance.

In June, 1878, the marshal's force, in attempting to arrest illicit distillers at the distillery operated in Hart County by Ham. Choate and Harrison Ramsey, was met by a force of nine men armed with rifles, and driven off.

In September, 1878, Deputy Collector Ray's force in Allen County, near Long Creek, was overtaken by a body of armed men and forced to retire from the county.

October 3, 1878, Revenue Agent Whitfield, reporting the result of the operations of a deputy collector's force in Monroe and Allen Counties, says as they were seizing the second still they were fired upon from a bluff near by, and after leaving were again attacked. They went to the third still-house, but before reaching it were again bushwacked. On leaving the fourth still they were fired upon by a party concealed near the road, and had one man wounded and one horse killed. The firing at this point grew so hot that the men dismounted and returned the fire, with what result it is not known. He adds: "The feeling in this county is bitter in the extreme, and the people are almost a unit in upholding the illicit distillers and rallying to their support whenever a movement is made against them. They will resist to the bitter end any attempt to seize their stills. A general engagement and loss of life in the late raid was only prevented by the coolness of our men and their strict obedience to orders to capture the stills at all hazards, but to forbear bringing on or engaging in any conflict after the work was accomplished. They left the county in good order, although they were followed nearly to Glasgow by an armed band who threatened to release the prisoners."

Under date of April 28, 1879, Collector Woodcock, of the fifth Tennessee district, informs this office that Deputy Collector Ray, of the second district of Kentucky, reports that the illicit distillers are again resisting him in Allen County, and asks him to send his force to his assistance.

Fifth district, Kentucky.

Number of special deputies employed.	Time of employment.	Cost of same.
2	2 months.	$500 00

Number of illicit stills seized.	Persons arrested.	Officers and employés killed.	Officers and employés wounded.
54	69	1	1

In December, 1877, Thomas Moore shot and killed Deputy Marshal Ellis, in Casey County, who had a warrant for his arrest for illicit distilling.

June 6, 1878, Revenue Agent Whitfield reported the operations of a force sent into Hardin County for the purpose of seizing stills, and said that it resulted in the capture of two stills and the arrest of three prisoners. The friends of the prisoners organized and pursued the revenue officers and marshal, but failed to overtake them. Disappointed in their attempts to rescue the prisoners, they returned and burnt the house of B. F. Clark, whom they had reason to believe acted as a guide. Mr. Clark was afterward driven from the county, and has not been able to return since that time on account of threats made against him.

In September, 1878, Collector Buckner reported that he sent a force into La Rue County to seize the distillery of Johnson Brothers. They were forcibly resisted and driven off, and Deputy Marshal John Wyatt very severely wounded.

On the 21st of September, 1878, the Johnson Brothers, with their friends, sent word to the officers that they were armed and ready for any emergency and would resist any attempt to seize their distillery or to secure their arrest. Revenue

Agent Whitfield made requisition for breech-loading carbines, which were furnished to him, and in connection with Collector Buckner organized a force sufficiently strong to overcome the distillers, and they succeeded in seizing the still.

Eighth district, Kentucky.

Number of special deputies employed.	Time of employment.	Cost of same.
7	7 months.	$1,560 00.

Number of illicit stills seized.	Persons arrested.	Officers and employés killed.	Officers and employés wounded.
36	46	0	1

A good deal of lawlessness has prevailed in the mountainous part of this district.

In January, 1878, it was found necessary to organize a large force, which was done by Collector Landram, and it was sent into Wayne County. A most determined resistance on the part of illicit distillers was made; the force was met by an organized body, a fight ensued, and Deputy Collector Logan was severely wounded and his horse killed. The law-breakers, however, were overcome, and most of them fled the county. No serious difficulty has occurred in this district since that moment.

First district, West Virginia.

Number of special deputies employed.	Time of employment.	Cost of same.
0	0	0

Number of illicit stills seized.	Persons arrested.	Officers and employés killed.	Officers and employés wounded.
40	32	0	1

June 27, 1877, Collector Duval inclosed a report from Deputy Collector Schofield, giving an account of occurrences in Roane County, in which he stated that on the Wednesday night previous fifteen disguised men came to the house of one of the witnesses who had appeared against illicit distillers, broke down the doors, dragged him from his bed, blindfolded him, put a rope around his neck, and led him to the woods and demanded that he take an oath that he would not again appear in the case. He refused, when they passed the rope over a limb and suspended him until he was almost unconscious. He still refused, and they told him that if he was found in the State after ten days he would be killed on sight; that they had banded together to prevent the prosecution of any man for violation of internal-revenue laws.

On the 23d of August, 1877, Collector Duval informed this office that his force of deputy collectors in the lower part of his district had been attacked by illicit distillers and Deputy Collector L. Doolittle was seriously wounded. Mr. Doolittle was from this wound badly crippled for life.

November 15, 1878, Collector Duval reported that eight hundred and twenty indictments had been found by the grand jury in the district court for the district of West Virginia against persons in the first collection district, West Virginia, for illicit distilling and other violations of the internal-revenue laws.

On the 1st of January, 1879, a movement was made by Collector Duval through the counties in the lower part of his district in connection with Collector Landram, of Kentucky, and Collector Rives, of Virginia. In McDowell County his force was met by a party of illicit distillers and fired into; it was strong enough, however, to overcome the opposition and successfully prosecute the work.

Fifth district, Virginia.

Number of special deputies employed.	Time of employment.	Cost of same.
14	14 months.	$4,971 93

Number of illicit stills seized.	Persons arrested.	Officers and employés killed.	Officers and employés wounded.
105	180	1	2

There has been serious resistance to the enforcement of the laws in several portions of this district, especially in Lee County, where, on the 11th of April, 1877, the officers, having arrested six illicit distillers, while conveying their prisoners to Jonesville, were intercepted by a body of armed men, who demanded the release of the prisoners. On the next day, while the persons who had assisted the officers were at work in their field, they were attacked by an armed force numbering twenty-six men, by whom they were fired upon, and one of their number, Jesse Vanderviter, was killed. The illicit distillers arrested were placed in jail at Jonesville, after which their friends surrounded the jail and demanded their release.

On the 9th of April, 1878, the officers were resisted by an armed force in Scott County. They were fired upon, but succeeded in getting away with two prisoners.

On the 1st of May, 1878, the officers were resisted by a body of armed men while attempting to seize an illicit distillery in Franklin County, and two deputy collectors were wounded.

On the 6th of September, 1878, the officers in this district were resisted while attempting to seize an illicit distillery, shots were exchanged between the parties, and one of the illicit distillers was killed.

March 18, 1878, Collector Rives made requisition for breech-loading carbines and ammunition, stating that arms were actually necessary in his district to protect his officers in the discharge of their duties in connection with the seizure of illicit stills.

Fourth district of North Carolina.

Number of special deputies employed.	Time of employment.	Cost of same.
16	6 months.	$3,740

Number of illicit stills seized.	Persons arrested.	Officers and employés killed.	Officers and employés wounded.
94	66	1	4

December 13, 1878, Revenue Agent Kellogg reports that the force of deputy collectors under his direction operating in Chatham and Moore Counties had seized twenty-eight illicit distilleries. They were attacked by an armed force; a sharp fight ensued, but the attacking party was repulsed with the wounding of two of their number. January 11, 1878, that his force sent into Stanley County to seize illicit distilleries had been attacked by illicit distillers, and a deputy collector shot.

March 5, 1879, Collector Young reports that Deputy Collector Moore's party, in Moore County, was resisted by the illicit distillers and a person named Seawell, who acted as guide, was killed. April 1, 1879, Collector Young reports that Deputy Collector Pennington's party, while looking for illicit stills, was attacked by armed men and driven out of the county. On the same day another force in Orange County was fired upon.

February 13, 1879, Revenue Agent Kellogg reports that stills and illicit spirits seized by him in Montgomery County were recaptured by the illicit distillers, and adds: "A detachment of my party was followed and fired upon by the illicit distillers;" and he says: "This county is infested by a lawless set of men, who bid defiance to law, but I routed them completely, destroyed their stills, and drove them into the mountains."

Under date of January 12 a deputy collector reports to Collector Young from Stanley County, as follows:

"After the first three days the moonshiners made it very warm for us, and kept it up until we were forced to leave the woods for the protection of our lives. We left under a volley fired at us from the hill-side. One of my men received two wounds in his head. The deputy marshal was also wounded. It is impossible for me to give you any idea of the condition of Stanley County and the danger to one or a dozen men in attempting to enforce the revenue laws there."

On the 14th of January Collector Young asked to be supplied with carbines and sufficient ammunition to enable his deputy collectors to enforce the revenue laws in his district.

Fifth District, North Carolina.

Number of special deputies employed.	Time of employment.	Cost of same.
18	15 months.	$7,465 25

Number of illicit stills seized.	Persons arrested.	Officers and employés killed.	Officers and employés wounded.
237	114	0	2

On the 16th of May, 1877, James M. Gray, while assisting Deputy Collector Crosbie in seizing a still in Guilford County, was seriously wounded by persons concealed in the woods.

August 23, 1878, Collector Wheeler reported while Deputy Collector Reid was engaged in the seizure of an illicit distillery in Randolph County the party was fired upon several times by persons in ambush. Two horses were killed. He also writes that the deputy collector's life has been threatened, and that there is much lawlessness in that county.

April 18, 1879, Collector Wheeler reported that his force of deputy collectors, while near the illicit distillery of one James Smith, was fired upon, and Deputy Collector Joyce wounded.

Under date of April 26, 1879, Collector Wheeler asks that he may be furnished with arms to enable his deputies to protect themselves while enforcing the internal-revenue laws in his district.

In 1877 it became apparent to this office that frauds were being practiced in North Carolina in connection with the sale of manufactured tobacco. The loss to the Government was estimated at from $600,000 to $1,000,000 a year.

It was with a good deal of difficulty that these frauds were discovered, but by patient and discreet work Revenue Agents Wagner and Brooks succeeded in developing the violations of law, and there were seized, during the year 1877, and early in 1878, in the fifth district of North Carolina, sixteen large tobacco factories, the proprietors of fourteen of which pleaded guilty. One was convicted, and one libel is now pending.

It is well known that North and South Carolina and a portion of Georgia are infested with what are known as "blockade tobacco" peddlers, who travel through sparsely settled portions of the country selling fraudulent tobacco. To protect the Government and honest dealers against these violators of law requires the constant vigilance of officers in those districts.

Sixth district, North Carolina.

Number of special deputies employed.	Time of employment.	Cost of same.
86	24 months.	$25,488 60

Number of illicit stills seized.	Persons arrested.	Officers and employés killed.	Officers and employés wounded.
427	673	1	2

February 9, 1877, Revenue Agent Wagner informed this office that District At-

torney Lusk writes to Marshal Douglass that at the trial of a distiller before Commissioner Morris, in Henderson County, North Carolina, twenty armed men attacked the court, fatally wounding Deputy Marshal Haskins. The other officers escaped.

October 8, 1877, Collector Mott reported that Deputy Collector Gillespie, accompanied by Deputy Marshals Patterson and McDowell and two assistants, while searching for illicit stills in the South Mountains, was suddenly fired upon by persons concealed in bushes and behind trees and rocks. The number of assailants was estimated at twelve. The officers having previously arrested two persons for illicit distilling, retreated with their prisoners out of the mountains, and were met at every turn of the narrow road by the attacking party, who, out of sight and range of the officers, kept up a persistent fire. One deputy marshal and Deputy Collector Gillespie were seriously wounded. One horse was killed.

December 10, 1877, Collector Mott requested to be furnished with ten repeating carbines and a sufficient quantity of ammunition for the purpose of arming his force, to enable them to enforce the revenue laws in his district.

On the 15th of June, Collector Mott reports that his force captured five prisoners, one of whom had been forcibly released from the Pickens County jail, South Mountain. The force was attacked by a large body of armed men, with intent to rescue the prisoners. A fight ensued, and the assailants were driven off.

September 30, 1878, Deputy Collector Bryan's force in the South Mountains was fired upon by illicit distillers, and Deputy Collector Long's horse killed.

April 12, 1879, Collector Mott reports that the jail in Rutherfordton, in which illicit distillers were confined, was attacked by an armed body of men for the purpose of releasing the prisoners.

Under date of April 18, 1879, Revenue Agent Chapman reports that during the month of January a man named Tieg, in Alexander County, who was suspected of having given information in relation to illicit distillers, was dragged from his house at night and severely beaten by six disguised men, and that B. F. Kedder, who had made himself obnoxious to the illicit distillers in his section by assisting Deputy Collector Bryan, was informed that a bullet fired at one Johnson while riding through the Brushy Mountains was intended for him.

Third district, Georgia.

Number of special deputies employed.	Time of employment.	Cost of same.
28	13 months.	$6,965 25

Number of illicit stills seized.	Persons arrested.	Officers and employés killed.	Officers and employés wounded.
60	33	1	3

April 1, 1878, Collector Wade reports that J. E. Cummings, who had furnished information against illicit distillers, was, on the 30th of March, shot at his house by disguised parties.

May 28, 1878, Collector Wade reports that a colored man, acting as a guide to Deputy Collector A. B. Smith, was seriously wounded by illicit distillers.

September 12, 1878, Collector Wade reports that a deputy marshal was shot in Baldwin County, while endeavoring to arrest parties complained of for illicit distilling.

November 16, 1878, Collector Wade reports that his force was resisted by an armed band, in Glasscock County, and one of the assailants was wounded.

January 27, 1879, Collector Wade reports that an armed force attacked his deputies in Jasper County, twelve miles from Covington, and recaptured illicit whisky which had been seized.

April 28, 1879, Collector Wade reports that his force had been resisted in the discharge of their duties, in Elbert County, and asks for arms to enable them to enforce the laws.

Second district, Georgia.

Number of special deputies employed.	Time of employment.	Cost of same.
19	18 months.	$6,594 40

Number of illicit stills seized.	Persons arrested.	Officers and employés killed.	Officers and employés wounded.
411	1,440	4	5

February 8, 1877, a party was sent into Northern Georgia for the seizure of stills and the arrest of violators of the law, accompanied by a detachment of the United States troops under the command of Lieutenant McIntyre. The force met with formidable resistance, and Lieutenant McIntyre was shot and instantly killed.

In July, 1877, one McKinney, for giving information against illicit distillers in Gordon County, was fired upon and killed.

In July of the summer of 1877, a party of gentlemen went out deer hunting, taking for their guide a man by the name of Dearing. Dearing was shot and killed by some unknown parties who, it is supposed, thought him to be guiding a party of revenue officers.

In December, 1877, Deputy Collector George reports that in attempting to seize a still in Butts County he found the distillery strongly guarded, and in attempting to approach the same fire was opened upon his force, and he was held at bay for some time, but finally succeeded in capturing the still.

January, 1878, a deputy marshal's force, in attempting to arrest illicit distillers in Campbell County, was resisted, and the guide, named John Moore, was seriously wounded.

April 27, 1878, Collector Clark reports that Deputy Collector Hendricks's force was attacked by a body of armed citizens, and his guide, named Middleton Neal, was captured, and when attempting to escape was seriously wounded.

In July, 1878, a man named Eason, living in Campbell County, who had been a witness against illicit distillers before the court at Atlanta, was called out of his house at midnight and murdered.

During the same month Deputy Marshal Montgomery had prisoners released from him by an armed force in Chattooga County.

January 30, 1877, Collector Clark reports that Deputy Collector Fox's party, in Cherokee County, while driving along the road was fired into from the woods and the roadside. One guide was instantly killed, and the driver of the team was badly wounded.

The collector, in reporting this, says that he sincerely deplores the existence of such a state of affairs as renders the officers of the law liable to be assassinated at any turn of the road, but as matters of fact they are compelled to appear on the record.

March 3, 1879, he reports that Deputy Collector Shepherd informs him that a person who acted as guide for his party in Raven County was shot, and it is thought fatally.

District of South Carolina.

Number of special deputies employed.	Time of employment.	Cost of same.
64	23 months	$22,067

Number of illicit stills siezed.	Persons arrested.	Officers and employés killed.	Officers and employés wounded.
199	267	2	6

January 17, 1877, Collector Carpenter reported that Deputy Collector Barton and one Hendrix, while attempting to arrest Lewis Redmond, a notorious illicit distiller, were shot and almost fatally wounded. On the 20th of January, Redmond, accompanied by some twenty of his friends, surrounded Deputy Collector Barton's house early in the morning and compelled him, under the threat of instant death, to pay him $100 for the seizure he had recently made from him, and, at the same time, in addition to this, took away as a reprisal one of Barton's horses.

On the 11th of June, 1877, Revenue Agent Wagner reported that James Ledford was brutally murdered by a party of men under the lead of James Weaver at Landram railroad station. Ledford had rendered some assistance a few days previous to the revenue officers in attempting to arrest Weaver for illicit distilling. This murder was committed in the presence of a large number of citizens.

Under date of August 6, 1877, Lieutenant John Anderson, of the Eighteenth United States Infantry, who was in command of a detachment of troops stationed at Greenville, who had been called upon to assist the officers in the execution of the revenue laws, reports that in the northern part of the State, the mountainous portion of it, about 90 per cent. of the adult male population are engaged in the manufacture and sale of corn whisky, paying no tax, and wholly ignoring the United States laws. He says that the civil officers have been powerless to suppress this business, and in nearly every case when they have gone to the mountains in the execution of their duties without the protection of troops they have met with resistance and some lives have been lost in attempting to enforce the laws.

November 2, 1877, Collector Brayton reports that Thomas Bryson and Joseph Hunter were arrested and their teams seized in the town of Woodruff, Spartanburgh County, while removing illicit whisky. A crowd of their friends at once gathered, the team was forcibly recaptured, and the prisoners were released.

On the 20th of December, 1877, Deputy Collector Daniels, with two assistants, had seized a wagon from which illicit spirits were being sold by one Ira Langston. They were attacked and the property recaptured.

On the 27th of December, 1877, Deputy Collectors Kane and Cummings, assisted by Deputy Marshal Durham, seized a wagon containing fraudulently removed tobacco and arrested the owner, upon whose person were found some internal-revenue stamps which had been removed from packages. While the officers were proceeding with the prisoners and property to the United States commissioner, and near West's Store, in Union County, they were met by a rifle company, numbering about one hundred men, armed with Winchester rifles, and a portion of them mounted and uniformed. The officers were immediately surrounded by the militia company, who shouted "Release those prisoners!" After some resistance, the prisoners were released, and the property recaptured by the militia. Joseph Gibbs, a trial-justice, and B. A. Gregory, a State constable, were the principal persons in authority, and demanded the release. The deputy collector in reporting this affair says: "The offenders are persons of means and influence, and will make, no doubt, a determined resistance to arrest, backed as they are by a community hostile to the revenue laws of the United States." Subsequently warrants were issued for the arrest of the parties. They refused to be arrested by United States officers, but finally consented to appear before the commissioner.

January 29, 1878, Collector Brayton reported that the store of Mr. W. J. Roberts, at Whitaker Station, in Spartanburg County, was raided by a crowd, on account of a suspicion that he had given information of the illicit distillery of Peter Mabry. The store was broken open, and his stock of goods either stolen or destroyed. On the following night his dwelling was surrounded by a crowd of men, who fired off guns and pistols, and threatened his life. He was protected, however, by persons who happened to be spending the night with him. He was obliged to flee to Spartanburg for safety.

On the 12th of March, 1878, Collector Brayton reported that all the prisoners committed to Pickens County jail for illicit distillation had been forcibly released by an armed mob supposed to be led by Redmond. The mob also surrounded the house of one William Gray, whom they suspected of having assisted the revenue officers, demanded his surrender, and threatened his life. Finding Gray absent, they started in pursuit of him, stating that they intended to drive every revenue officer out of the county. Authority was given to the collector to employ one hundred men, if necessary, to assist in maintaining the majesty of the law. Under this authority he employed twenty-five men as a posse.

On the 10th of April, 1878, Deputy Marshal Spriggs, while engaged with the collector's force, who were in pursuit of illicit stills, was shot and instantly killed by parties concealed in the brush.

Under date of June 28, 1878, Collector Brayton reports that on the 27th of June Deputy Collector Hoffman received information that a cattle dealer named Griffin had been killed, under the supposition that he was a revenue officer, at East Fork shortly after the departure of Hoffman's force from that locality.

November 21, 1878, the collector's force, operating in Abbeville, South Carolina, had retired for the night to a farm-house; during the night it was surrounded by an armed mob and at least forty shots were fired and the officers ordered to leave.

December 11, 1878, a quantity of illicit spirits which had been seized near Walhalla by Collector Brayton's force was rescued by a party of armed Georgians.

On the 10th of February, 1879, Collector Brayton reports that Deputy Collector White, assisted by one Childers, seized a wagon containing illicit whisky, and attempted to arrest the driver, one Smith. He was forcibly resisted, and both White and Childers were wounded, and the property released.

On the 16th of April, 1879, Collector Brayton reported that his force was fired upon while seizing a still on Chattooga River, eighteen miles from Walhalla.

April 19, 1879, Collector Brayton reports that while his force was seizing a still, twelve miles from Spartanburgh, it was fired upon and Deputy Collector Byron was wounded.

Second district, Tennessee.

Number of special deputies employed.	Time of employment.	Cost of same.
9	3 months.	$1,672 20

Number of illicit stills seized.	Persons arrested.	Officers and employés killed.	Officers and employés wounded.
159	663	4	2

June 24, 1877, Collector Cooper reported that his force was fired upon by an armed party in Union County.

July 6, 1877, Collector Cooper reported as the result of the operations of his force in Hancock County the seizure of the distillery of Dol. Ray, where his force was resisted and fired upon by the assailants and driven to the woods.

October 24, 1877, Revenue Agent Brownlow telegraphs that "Dol. Ray has again attacked, and shot and killed Rains for the reason that he believed Rains gave the information which led to the seizure of his distillery."

In the fall of 1877, two men named Legers were killed in Grainger County for having given information leading to the seizure of an illicit distillery.

January 24, 1878, Floyd Collins was shot by illicit distillers. Soon afterward, in an attempt to arrest the parties, a fight ensued which resulted in the killing of Rhea, and Cobb, an officer.

June 17, 1878, Collector Cooper reported that his deputy collectors operating in Union County were fired upon by illicit distillers, and prisoners whom they had arrested were rescued.

August 6, 1878, Deputy Collector Cooper, a son of the collector, while attempting to seize the illicit distillery of Hut. Amarine, which was strongly guarded by armed men, was fired upon by the distillers and fatally wounded.

March 30, 1879, Collector Cooper reported that his force in Hancock County was attacked by a party of nine men, who opened fire on them. His officers promptly returned the fire and put the attacking party to flight.

April 19, 1879, Collector Cooper's force of deputy collectors was fired on from ambush near the headwaters of Citico Creek and Deputy Collector Lindsay severely wounded.

Fifth district, Tennessee.

Number of special deputies employed.	Time of employment.	Cost of same.
42	17 months	$11,013 46

Number of illicit stills seized.	Persons arrested.	Officers and employés killed.	Officers and employés wounded.
196	322	2	3

In June, 1877, Deputy Collector Elder seized several illicit distilleries in Jackson and other counties. A month afterward a deputy marshal went to Gainesborough, and the report going out that it was Elder, a number of men gathered in to kill him, but found their mistake before proceeding to violence.

October 1, 1877, Deputy Collector Hughes telegraphed from Columbia that Thomas J. Williams, who acted as a guide for him against illicit distillers in Lawrence County, was taken from his house the Monday night previous by disguised men and murdered.

February 11, 1878, Collector Woodcock reported that Deputy Collector Davis, with a force, started out to seize illicit distillers in Jackson and Macon Counties. Soon they discovered the distillery of Campbell Morgan, located in a hollow surrounded by densely wooded hills. The distillery was constructed with double-lined doors and port-holes on every side. When the officers had reached within one hundred yards of the distillery, Morgan declared if they continued to advance he would kill every one of them. As they approached, Morgan opened fire through the port-holes. His gun was shattered, but he immediately brought out another and continued to fire very rapidly at Davis's party. Some of the party succeeded in firing at Morgan through the other port-hole, and he finally surrendered. In this distillery they found two double-barreled shot-guns, two muskets, and two pistols.

May 22, 1878, while attempting to seize an illicit distillery in Grundy County, Deputy Collecter Davis was attacked by seven armed men who fired upon him, and in defending himself one of his assailants was killed.

June 24, 1878, Deputy Collector Phillips reported that on the 12th of that month in De Kalb County, while destroying a distillery said to belong to English and Johnson, he was fired upon from the bushes; and again at a distillery said to belong to J. R. Richmond, three miles from Cookville, he was fired upon; and on the 19th, while traveling on the public road seven miles east of Cookville in Putnam County, his party was fired upon from the timber. He also stated that, from talking with some of the citizens in the different counties through which his course was taken, he found it was the determination of the illicit distillers and their sympathizers, if they could not stop their operations by armed resistance, to have them arrested in every county on some kind of charge and brought before the State courts, and to require a bond larger than they could give.

Collector Woodcock, under date of July 18, 1878, says:

"The opposition to the enforcement of the laws has taken a new turn, and it appears to be systematic. It seems that law violators have determined to have a warrant in the hands of the State authorities to arrest my deputies or some of their number as soon as they shall have arrived in a given county. A short time since I had to go to Tracie City to give bail for Davis, and this afternoon I received a telegram asking me to come to Cookville on next train, as Phillips had been arrested."

August 26, 1878, Collector Woodcock sent copy of the following telegram from Deputy Collector Ayres:

"LEBANON, TENNESSEE, *August* 4, 1878.

"W. M. WOODCOCK,
Collector, Nashville:

"We were attacked yesterday at 6 p. m. by Campbell Morgan and band, and under heavy fire for forty-five minutes. Phillips, Tippins, and Smith were wounded."

Collector Woodcock subsequently reported that his force, consisting of nine deputies and United States Commissioner Mather, were attacked in Overton County, nine miles from Cookville. The fight lasted nearly an hour, and the officers were forced to retire with three of their number badly wounded. Collector Woodcock was directed to organize a party of sufficient strength to overcome all opposition and to enforce the laws. He organized a force of sixty men, who left Nashville in September for operations in that county. His deputy collector, under date of October 5, reports that one portion of the force, on the West Fork of Bia River, was met by an armed body and fired into. The other portion, attempting to cross Roaring River, found a large body of men on the cliff to oppose them. They succeeded, however, in crossing at another ford, when fire was opened upon them and they were compelled to retire. The nature of the country was such that they were unable to cope with the enemy, and withdrew. They succeeded, however, in seizing nine distilleries.

On the 18th of September, 1878, Deputy Collector Davis, who had been indicted in the State court, went to Tracie City to appear at the court, and while he and some of his friends were walking from the court-house to their boarding-house, they were fired upon by some persons concealed in a thicket in the outskirts of the village, and James Spears, who was at Davis's side, was fatally wounded.

In November, 1878, I directed Collector Woodcock to organize a force to seize all the stills in Fentress and Jackson Counties, and to be careful that it was sufficiently strong to enforce the law at all hazards. I, at the same time, directed Collectors Landram, of the eighth district of Kentucky, and Cooper, of the second district of Tennessee, to organize a force to co-operate with Collector Woodcock in the counties bordering upon his district. The operations of the combined forces were eminently successful, and I think the illicit distillers became satisfied that it was the intention of the Government to enforce the laws. However, on the 15th of March, 1879, Collector Woodcock reported that fifty-two armed men attacked the jail in Hartsville and released a prisoner committed there for illicit distilling, and also recaptured a still stored in the vicinity.

Since March 1, 1877, in several of the districts in the Southern States while operations for the suppression of illicit distillation were being vigorously prosecuted, many of the illicit distillers against whom warrants had been issued expressed an earnest desire to abandon their fraudulent practices and by direction of the honorable Attorney-General, with your approval, they were permitted to come into court, plead guilty, and have their sentences suspended during good behavior. Pleas of guilty with suspension of sentence have been taken as follows:

In Georgia	792
In South Carolina	378
In North Carolina	370
In Alabama	114
In Tennessee	426
Total	2,080

The pleas of guilty in Tennessee have been taken at the term of court now in session at Nashville, where a very large number of indictments are pending, and from the best information I can obtain I think the number of pleas of guilty with suspension of sentence will reach nearly, if not quite one thousand.

Statement of expenditures from the appropriation for "punishment for violations of internal-revenue laws," covering the period from January 1, 1877, to May 1, 1879, for the discovery and punishment of frauds upon the internal-revenue laws, exclusive of expenses of collections, &c.

States.	*Amounts expended.*
Arkansas	$1,203 07
Alabama	5,313 34
California	551 47
Georgia	20,907 17
Iowa	227 60
Illinois	4,209 81
Indiana	1,343 40
Kentucky	20,643 79
Louisiana	4,379 55
Maryland	383 00
Missouri	3,179 21
Mississippi	500 00
New York	7,457 24
New Jersey	100 00
North Carolina	27,478 33
Nebraska	250 00
Ohio	3,166 49
Pennsylvania	2,548 57
Rhode Island	50 00
South Carolina	16,029 37
Tennessee	22,543 06
Texas	450 00
Virginia	8,858 22
Vermont	130 00
Wisconsin	250 00
West Virginia	3,518 96
Total	155,671 65

Statement of illicit stills seized and persons arrested for illicit distillation in the United States from July 1, 1876, to April 1, 1879.

State.	Stills seized.	Persons arrested.	Officers or employés killed.	Officers or employés wounded.
Alabama	172	778	1	
Arkansas	34	33	1	
California	6	2	.....	
Connecticut	1	1	.....	
Georgia	471	1,473	5	8
Illinois	12	10	.....	
Indiana	13	1	.....	
Kentucky	140	284	1	4
Louisiana	6	1	.....	
Maine	.....	1	.....	
Maryland	3	2	.....	
Massachusetts	2	2	.....	
Mississippi	21	13	.....	
Missouri	52	130	.....	
New Jersey	17	10	.....	
Nebraska	1	1	.....	
North Carolina	758	853	2	8
New York	68	54	.....	1
Ohio	19	20	.....	
Pennsylvania	11	9	.....	
South Carolina	199	267	2	6
Tennessee	417	993	6	5
Texas	9	5	.....	
Vermont	2	2	.....	
Virginia	126	267	1	2
Wisconsin	5	3	.....	
West Virginia	73	47	.....	1

Summary.

Amount expended for special deputies for the purpose of suppressing illicit distillation, $109,135.53.

Number of illicit stills seized in Southern States, 2,485.
Number of illicit stills seized in all other States, 153.
Number of persons arrested in Southern States for illicit distilling, 5,281.
Number of persons arrested in all other States for illicit distilling, 141.
Number of persons killed in suppressing illicit distillation, 19.
Number wounded, 35.

Two important facts remain to be stated:

First. A very serious embarrassment to the enforcement of the laws of the United States has resulted from the institution of numerous unjust criminal prosecutions in the State courts against the officers of the United States by violators of the internal-revenue laws and their friends. Especially has this been the case in North Carolina, South Carolina, and Tennessee, where in some instances the State officers and even judges on the bench have lent the weight of their influence to weaken the authority of the officers and laws of the United States.

Second. The State officers and State courts, while often invoked to arrest and punish United States officers for alleged offenses, have rarely ever taken any steps to arrest or indict persons guilty of assaulting or murdering the officers of the United States.

I have entered into the details of this branch of the public service so as to show you its magnitude and importance, and to call your attention to the fact that the efforts for the suppression of frauds in the manufacture and sale of spirits and tobacco, for the want of a sufficient amount of funds, have been periodical, and not continuous.

The practice of defrauding the Government and resisting its officers has become so firmly fixed that it is impossible to enforce the laws against such offenders without the presence of a force of armed men sufficiently strong to deter resistance and, if necessary, to overcome it.

As will be seen, in a number of the collection districts the efforts to suppress frauds have been so vigorous that large bodies of men have become convinced of the determination and power of the Government to enforce its laws, and, through influential citizens, have prevailed upon the Government to pursue a lenient course toward them by allowing them to plead guilty of their offenses and have their sentences suspended during good behavior. I am advised by officers in whose judgment and experience I rely that while this course has had the effect of producing a better state of public sentiment, yet it will be necessary to maintain a strong force of deputy collectors for the purpose of policing those districts from month to month as a measure of repression, so as to prevent these violators of the law from relapsing into their old habits; and to provide for the payment of a proper number of deputy collectors there should be an appropriation for the next fiscal year of at least $1,900,000 for "salaries and expenses of collectors of internal revenue" instead of $1,800,000, as is proposed by the bill now pending in the Senate.

At the commencement of the present fiscal year, after the needful allowances were made for the ordinary expenses of collecting the revenue, but little more than $50,000 of the aforenamed appropriation could be set apart for this repressive service, and I found that sum totally inadequate to make proper provision for the enforcement of the laws.

So much has been done, however, that I am satisfied that we are on the eve of the extirpation of these great frauds, and if sufficient appropriation is made to enable the employment of a suitable force to thoroughly police the infected districts during the ensuing fiscal year, I am satisfied that the illicit manufacture of tobacco and spirits will be reduced to a minimum and the revenues greatly augmented by the establishment of legal distilleries and factories.

It must be borne in mind that an increased collection of revenue invariably follows the enforcement of the laws, and in a number of the districts where the illicit manufacture of spirits and tobacco has greatly prevailed and has been measurably suppressed the receipts have increased from ten to fifteen thousand dollars per month, so that money judiciously expended in this way is returned more than tenfold in the collection of taxes.

I have the honor of making the foregoing statements of facts the basis of the following recommendations:

First. I recommend that an act of Congress be passed for the punishment in the courts of the United States of the crime of murder, and assault to murder, when perpetrated upon an officer of the United States during or for the performance of his official acts as an officer.

Second. I recommend that the appropriation for "salaries and expenses of collectors of internal revenue" for the next fiscal year shall be $1,900,000, and if you concur in these views I have to request that this communication be laid before the proper committee of Congress.

Very respectfully,

GREEN B. RAUM,
Commissioner.

Hon. JOHN SHERMAN,
Secretary of the Treasury.

Mr. WHYTE. I move that the Senate proceed to the consideration of executive business.

Mr. VEST. I ask the Senator to yield.

Mr. WHYTE. I give way to the Senator from Missouri.

Mr. VEST. Mr. President, the Senator from Minnesota [Mr. WINDOM] in concluding his address to the Senate this morning, said there would be an entire and complete stampede of the negroes from the South in 1880 unless a change in their treatment, as he was pleased to express it, was brought about in the mean time. Sir, if that stampede or exodus should occur, I hope for no more just retribution on the Senator from Minnesota than that his State may be filled up with the refugees. I ask that the gentleman may have a full and complete dose of his own physic, and then he will find whether the Northern States will esteem this population as the blessing they seem now to think it.

Mr. President, the gentleman reiterates the charge made by the Senator from Kansas that the circular of Lycurgus P. Jones read here in the Senate was an absolute forgery. Sir, I care not whether it was a forgery or not; I charge that that document was distributed among the negroes of the South, and, if a forgery, it adds simply to the crime that was perpetrated. It was used exactly as chromos painted in garish colors to catch the negro imagination, were distributed through the South, portraying homes surrounded by honeysuckles and wild prairie flowers, and the game of the western prairies, no work, no labor, exemption from all the ordinary cares of life, and the only thing to be done in return, to vote the straight republican ticket. [Laughter.] That was the picture distributed among the negroes of the South; and in addition to that, they were threatened with the tomahawk and scalping-knife of the savage; they were told that the democratic party intended to enslave all of them it could and then turn the wild Indians of the plains loose upon the remainder in order that a wholesale massacre might exterminate the race.

The Senator from Minnesota has read to the Senate the full text of that remarkable document published in the city of Saint Louis. I listened attentively—and I had read it before—to the list of names appended to that instrument. I repeat here to-day from my place in the Senate and to the people of the United States that that document was a political invention. I charge that not one single democratic name is affixed to it; I charge that it contains principally the names of Federal office-holders and ex-Federal office-holders, men who have lived upon salaries obtained from the Federal Government. In that list are the names of the men who are distinguished most in Missouri by their proscription of democrats and of the tax-paying citizens of the State. In that list are the names of those who invented that miserable scheme which disfranchised the body of the people of Missouri and that gave the elective suffrage to the ignorant, the degraded, and the debased. In that list is an ex-judge of the supreme court of Missouri who decided on the supreme bench of Missouri in favor of those laws which have stamped infamy upon the legislation of the republican party of my State—laws so infamous, decisions so iniquitous that the Supreme Court of the United States, republican as it was, was called upon, in the interest of common decency and civilization, to reverse and stamp out those infamous decisions. Those are the men that signed that proclamation or statement to the people of the country. Not one democratic name is upon it. It is a political invention; and I state here now that Ex-Senator John B. Henderson, for whom I have the highest respect, stated to me in this Senate Chamber, when I inquired of him in regard to his signature to that paper and in regard to the true condition of these negroes, that he had never seen them, and that he had signed it upon the request of political associates and upon that request alone.

But, sir, what does that instrument state? It says what the gentleman from Minnesota knows and what I know, that these negroes brought from a semi-tropical climate, clothed in cotton goods, and brought to the northern latitudes, were there shivering, without money and without food, upon the pier in the city of Saint Louis. Is that anything strange, I ask my friends on the other side of the Chamber? Was it not to be expected? I state here now that the men who are bringing the negroes from the South to the frosty plains of Kansas are bringing them there to certain destitution and certain death; and I say more, that the men to-day who are proclaiming themselves to the country the best friends of the negroes will be the first to leave them when they cease to be food for political capital and political uses.

Sir, I am a better friend this day to the negroes of this country than the gentleman from Minnesota. I was born with them, nursed by them, owned them, never sold one for profit, and treated them as I did the members of my own family, as they were; and to-day my former slaves in the State of Missouri come to me in every adversity, come to me for pecuniary assistance; and I speak it to-day without wishing to make any personal statement, simply that two of them, one the old nurse who fondled me in her arms, are to-day the recipients of my daily bounty, and live upon the means that I provide for them. How many has the gentleman assisted and so been the friend of? How many? He will go down to posterity as the father of the exodus, I suppose, along-side the Father of his Country, only second in peace and in war to that illustrious statesman and patriot. He boasts that he is the originator of this exodus!

Mr. President, the gentleman from Minnesota has brought these people from the latitude and clime where God and nature placed them, and has put them where they will become the victims of climate and the victims of what I conceive to be a fraud upon them perpetrated in the interest of a great political party. Now, sir, I have here a document sent me by the mayor of Kansas City on April 25, when he applied to the Secretary of War for the use of the Government grounds at Fort Leavenworth in order to place these negroes upon them. I will state here that these negroes came to Kansas City, where I live, absolutely destitute, almost starving, and the question then placed before our people was whether we should extend to them the ordinary charity due from one human being to another or permit them to die in the streets. Democrats furnished the money that fed them; democrats furnished the money that clothed them. The mayor of my city, a democrat, used from the contingent fund of the city enough money to give them relief and send them to the Arcadia in Kansas to which they had been allured. I ask the Secretary now to read the statement in answer to a telegram I myself sent to know the real facts.

The PRESIDING OFFICER. The paper will be read.

The Chief Clerk read as follows:

KANSAS CITY, MISSOURI, *April* 25, 1879.

DEAR SIR: Answering yours of 22d, concerning negro emigration, can only give you information which I have gathered from personal examination and inquiry since their arrival at this point. The arrivals so far number about two thousand; all from Mississippi and Louisiana, and seemingly from a district of country within seventy-five miles of Vicksburgh. The majority of them are either old uncles and aunties or pickaninnies; never saw so many people with no middle-aged among them. They are all, except the infants, field-hands; no house servants in the lot; of course the most ignorant of their race, with the crudest notions of liberty or freedom. Their reason for coming to Kansas is, to use their own expression, "Kansas is where everything is free."

My reason for wiring the Secretary of War was to get the use of the Government reservation at Fort Leavenworth for a few days, until we could relieve ourselves of the unusual burden. Since that time aid has been rendered in sufficient amount to enable the authorities to transport them to various places in the State of Kansas; and if there is no further shipments from the South, we don't wish any appropriation or legislation.

The conversation referred to in the press occurred betweed two colored men from Saint Louis who were here attending the shipment of negroes, and said they were carrying out a plan laid out by WINDOM, Garrison, BLAINE, and others with whom they were in daily communication. I have no proof except the statements of these two parties, who were well posted and financially well fixed.

Respectfully,

GEO. M. SHELLEY.

Hon. GEORGE G. VEST,
United States Senate, Washington, D. C.

Mr. VEST. That is the statement made by the mayor of Kansas City, who has been as active and zealous in giving relief to these people, and more so, than any other man I know of, either in the State of Missouri or the State of Kansas. I vouch not for the correctness of the statements made by those negroes in regard to this scheme or plan of the Senator from Minnesota, the Senator from Maine, and others; but I have this to say, that this evidence is exactly what has been used by those gentlemen in debates in the Senate to prove the southern people to be assassins, murderers, thieves, and scoundrels. If we have heard one page here we have had a hundred, of the testimony or statements of field hands in the South charging outrages by the ku-klux night-riders, as they have been called, and the assassins who went through the South murdering the colored population. If such testimony is good against the people of the South, crushed by the force of arms, whose country is almost devastated by the crash and ruin of a terrible war—if that testimony is good in the mouths of gentlemen on the opposite side of this Chamber, I commend to them the same testimony to prove that this is a political plan got up by leading republicans for the purpose of making political capital.

Who sent these negroes to Kansas? They either went, driven by persecution, driven by the intolerable condition to which they were forced by the people of the South, or they went there lured by false promises and false hopes; and to-day upon the plains of Kansas they lift up their ebony hands to heaven and invoke the vengeance of God upon the men who took them from happy homes and have used them for their own purposes. I saw them myself standing upon the wharf at Wyandotte, waiting and praying for the means of transportation to that land where the bowie-knife, the revolver, and the shot-gun, according to these gentlemen, reign supreme. One hundred and eighty-eight of them went in a boat down the turbid waters of the Mississippi, and when they landed in that terrible land of oppression below Vicksburgh, they landed with shouts of joy and welcomed again the revolver, the shot-gun, the bowie-knife, in preference to dear, sweet, hospitable Kansas.

That, sir, is the history of the negro exodus, and I commend to the gentleman the advice of Fred Douglass, of the Senator from Mississippi, [Mr. BRUCE,] and the intelligent and leading men of the colored race in the United States to their people to remain at home, to remain where God has placed them, and there by industry, by thrift, by educating themselves and their children they can build up a future worthy of themselves and the inheritance which God has given them. But if they wander after these strange gods, if they are lured away under promises that there is a land where they will be exempt from labor and the ordinary ills of human life, they will doubtless find that it is Dead Sea fruit that turns to ashes upon their lips, and they and their children will curse political jugglers who—

> Keep the word of promise to the ear,
> But break it to the hope.

Mr. WINDOM. Mr. President, only a single word. To begin where the Senator left off, I will say that Mr. Douglass, whom he quotes, did not practice upon that theory himself which my friend from Missouri says he advises other colored people to adopt. The Senator also speaks of the exultant joy with which these people returned to their southern homes. If that is so, I ask the Senator why he is so nervous about the exodus? If they are so glad to get back again from this terrible Kansas, he need give himself no anxiety about the exodus in the future.

Mr. VEST. Will the gentleman permit me?

Mr. WINDOM. Certainly.

Mr. VEST. I have simply to say in the name of the people of the State of Missouri, that there are some fifty or seventy-five thousand probably of these negroes in my State, and we are willing to give them transportation to any State in the Union to which they propose to go. Nervous! My God, sir, I am not affected, except that I do not propose to stand or sit on this floor and hear day after day charges made against the democratic party and the people of the South which I know myself personally to be not true.

Mr. WINDOM. Mr. President, I have only a word more to say. The Senator says that he has contributed largely to the support of these negroes, and he asks how much I have contributed. I presume I have contributed as much as he; but, whether I have or not, no human being ever worked for me all his life as my slave, and I am under no such obligation as the Senator is of remunerating the men whose unrequited labor he has lived upon so long.

Mr. VEST. I will inform the Senator again, if he pleases, that my negroes brought me in debt.

Mr. WINDOM. I apprehend, then, if the Senator's negroes brought him in debt he was in a very helpless condition, for as a general thing those who owned slaves relied upon slave labor for their support. If his negroes brought him in debt he had a hard time of it. The Senator says I threatened in my former remarks that there would be a general exodus in 1880. I made no threat, and my chief purpose in taking the floor now is to say that I made no threat. If anybody understood me as making a threat I was wholly misunderstood. I simply entered a prophecy based upon the condition of things which I know to exist.

I will say to the Senator that I do not desire this general exodus. I hope it may not take place. I believe if the colored people can be fairly treated, as American citizens ought to be treated, they are better off in the South than they are in the North or West. I hope there may be a change in their condition, so that they will stay there. I do not desire the exodus. I will do all I can, if the Senator and others who have control of them in the South will treat them fairly, to induce them to remain where they are. And I will go as far as any other Senator in aiding by all proper means to build up the waste places of the South, and secure the return of prosperity to that section by securing to every citizen all his rights under the Constitution.

Mr. DAVIS, of West Virginia. Mr. President, I shall detain the Senate but a very few moments, and I should be glad to have the attention of my friend from Minnesota. Yesterday he had inserted in the RECORD, by general consent, a statement of the defaulters from 1830 to 1861, and he has styled them "democratic defaulters." That Senator certainly knows that in the period named there were administrations not democratic.

Mr. WINDOM. How many?

Mr. DAVIS, of West Virginia. Several.

Mr. WINDOM. What were they?

Mr. DAVIS, of West Virginia. I believe opposition Presidents were elected in 1840, in 1848, and perhaps there were some other administrations that were not democratic.

Mr. WINDOM. Was not Tyler's administration slightly democratic?

Mr. DAVIS, of West Virginia. Tyler's?

Mr. WINDOM. Tyler's administration, that came in after the election of 1840?

Mr. DAVIS, of West Virginia. Tyler came in in 1840, I understand, like some of the Senator's statements, under false pretenses.

Mr. WINDOM. I said yesterday that during those thirty years the Whigs had twice elected their President, but that death and democracy had in both instances captured the administration.

Mr. DAVIS, of West Virginia. My friend—I call him my friend because I so regard him——

Mr. WINDOM. I hope the Senator will not think of me in any other light.

Mr. DAVIS, of West Virginia. I have the greatest respect for him and I consider him a personal friend, though politically we differ very widely. My friend, instead of heading his list of defaulters as it should have been headed, "Defaulters while in Government service between 1830 and 1861," has a heading "Democratic Defaulters." That of itself is not right; it is improper; but that is not the thing especially to which I want to call attention.

In the whole of that period of thirty-one years to what do the defalcations amount? Six million dollars in round numbers is all that could be figured up in a period of thirty-odd years. Then the Senator adds the bank defaulters, and that makes a total of about $10,000,000.

Mr. WINDOM. Let me correct the Senator right there.

Mr. DAVIS, of West Virginia. Certainly.

Mr. WINDOM. This is a list of defaulters in amounts exceeding $10,000 each. The thousands of smaller defalcations, under $10,000, are not given.

Mr. DAVIS, of West Virginia. If there had been any of them worth naming, my friend would have had them in. This list no doubt was gotten up for a political purpose, and I am going to refer to it directly and tell where it came from. If there had been any other defalcations worth naming, they would have been there. Of course there were some little ones that are probably not here, but for thirty years my friend gets up $6,000,000 of defalcation. I presented to him the fact (and he is trying to get rid of it, but cannot do it) that in a single department, the Internal Revenue department, for eight years we had upwards of $20,000,000 of defalcation; $20,000,000 for eight years in a single department under the present political administration, while $10,000,000, including the banks, is all that can be raised for thirty years under other administrations. That is a pretty fair showing of democratic administrations, and it would be better for the country if they were continued. If for thirty years of democratic administrations the defalcations, according to the statement furnished by the Senator, were $10,000,000, including the banks, and $6,000,000 exclusive of the banks, I think that is a pretty fair showing, especially when in a single department for eight years under the present political administration we have $20,000,000 of defalcations.

Mr. WINDOM. Does the Senator insist upon repeating that the amount is $20,000,000 in view of the report I have read here?

Mr. DAVIS, of West Virginia. I ask the Senator again if it is not an official document, if it did not come from the Department, and if it was not taken from the books? He so said. It is said that it was taken from the books of the Treasury Department relating to the transactions of officers of the internal-revenue service, then out of office, and it amounts to more than $20,000,000, and the Senator cannot get rid of it.

Mr. President, another word. The Senator read yesterday as to the amount of losses to the Government commencing with the early administrations, showing that in Washington's administration, for in-

stance, the losses of the Government from defaulters, &c., were much greater than under General Grant. That was the statement of the Senator yesterday, and he read from a document of which I presume I have a copy now, though they are printed in a different form. This document is headed "Treasury Department, Washington, D. C., August 10, 1876," and I received it from the Department this morning. The Senator having referred to it yesterday, I went there and asked for it, and they were kind enough to furnish it to me, as it was a public document. Now, what does that show? Let me state the condition of things it shows. I do not believe it is correct; but according to this document the administration of General Grant for six years cost this Government more than seventy-two years of democratic and whig rule cost. If this document be true, and if the statement that the Senator made yesterday be true, then General Grant expended more money, exclusive of the payment of interest on the public debt, in six years than was expended in seventy-two years of whig and democratic administration.

Now, what are the figures? For the seventy-two years named by me the total disbursements of the Government were $2,230,000,000. What were they for General Grant's administration for six years, and this only takes in six years of the eight years he was President, $4,007,000,000, showing nearly double as much in six years under the Grant administration as was expended in seventy-two years of democratic and whig rule, from the beginning of the Government down to 1860. In other words, the Grant administration in six years cost this Government more money, exclusive of the payments for the public debt, than the entire Government cost from the beginning down to 1860, including the debt incurred by the revolutionary war, by the Indian wars, the Mexican war, and all the pensions that grew out of them. That is the case if this document be true, and I say that it comes from the Treasury Department, and was quoted by my friend yesterday.

Mr. WINDOM. Will the Senator allow me to interrupt him just at that point?

Mr. DAVIS, of West Virginia. Certainly. I should be glad to have an explanation.

Mr. WINDOM. I will say that the pensions we were compelled to pay on account of a democratic rebellion cost in one year more than two or three years of the expenses of the General Government at that time.

Mr. DAVIS, of West Virginia. That is no come-off at all; it amounts to nothing. The pensions have never cost over about $30,000,000, we all know, and they were never up to $30,000,000 during General Grant's administration.

Mr. WINDOM. There were many years in the earlier history of the Government when the entire expenses of the Government did not cost $10,000,000.

Mr. DAVIS, of West Virginia. Of course there were, and that was when we had much better days than we have now. I see my friend is leaving the Chamber. I think he ought to leave. He is having poured into him hot shot, and he ought to leave. [Laughter.]

Mr. WINDOM. I am only going to get a drink of water. I must cool off. [Laughter.]

Mr. DAVIS, of West Virginia. Mr. President, I have a word more to say, and then I shall have done. My friend from Minnesota yesterday stated that the losses to the Government in General Washington's administration were $2.20 per thousand dollars, and in Grant's administration thirty-four cents per thousand. If that be so what must have been the difference in the expenditures of those two administrations? I hope Senators will bear in mind that I am reading official figures given by the Treasury Department. The total disbursements in the administration of Washington were $55,000,000 in eight years. What were the total disbursements of General Grant's administration for six years? Four billions seven millions of dollars. That is the way in which the comparison stands. When you take eight years of Washington's administration you have $55,000,000. When you take six years of Grant's administration you have upward of $4,000,000,000. Who does not know that if you make a comparison of the percentage of loss every time a Treasury note or a bond happened to come into the Department or to go out in any form or manner, and if you call that a handling of money or a disbursement by the Government, it is all done with the intention of getting down the percentage of losses very low.

What else do we find here? If this document be true, in seventy-two years of democratic and whig rule the total loss to the Government in round numbers was $4,730,020.24. I am talking now of receipts. Let us see what the losses were from receipts in fourteen years from 1861 to 1875. You will find they were $4,348,198.10. So it is shown from this document that the losses from receipts were but a little less in the fourteen years of republican rule than they were in seventy-two years previous.

What else? The losses from the beginning of the Government down to 1860, according to this document, in disbursements were $18,000,000 in round numbers. For the fourteen years of republican rule they were $9,000,000; showing plainly that the Senator got on the wrong track when he undertook to show that in the Washington administration the loss was $2.20 per thousand, and in the Grant administration only thirty-four cents per thousand.

One word further and then I will have done, for there is other business to be attended to. I want to let the Senate know what the difference in the expenditures has been in the last few years. The Senator from Minnesota referred yesterday to the amount of expenditures under the different administrations recently. It is well known that in 1875 the House became democratic for the first time in recent years. At that time the net ordinary expenses of the Government, exclusive of the payment of interest on the public debt, were $194,000,000; the next year they were $171,000,000. I ask Senators just to notice what difference it makes whether the Houses are democratic or whether they are republican. See the difference in the expenditures. In 1874, as I said, the net ordinary expenditures of the Government were $194,000,000, in 1875 $171,000,000, in 1876 $161,000,000, in 1877 $144,000,000, in 1878 $134,000,000, showing a decrease in the expenditures of this Government, exclusive of the payments on account of the public debt, of about $60,000,000 in the four years of democratic rule as compared with what they formerly were. The saving has been about as much as it cost in 1860 to run the Government. In 1860 the expenses of the Government were about $60,000,000. That saving has taken place in the last four years under democratic rule in the House. The saving per annum has been about $60,000,000, or equal to the whole expenses of the Government in 1860.

Mr. President, I have a number of figures here and a number of documents to which I had intended to call the attention of the Senate, but I refrain from doing so, and will yield now to my friend from Maryland, [Mr. WHYTE.]

SOLDIERS' MONUMENT AT CHALMETTE, LOUISIANA.

Mr. WHYTE. I now move that the Senate proceed to the consideration of executive business.

Mr. JONAS. If the Senator will yield a moment, I should like to have taken from the table a joint resolution from the House, which it will not take five minutes to pass.

Mr. WHYTE. If it does not lead to debate I will yield.

The PRESIDING OFFICER, (Mr. ROLLINS.) The Chair will lay before the Senate a joint resolution from the House of Representatives which the Senator from Louisiana asks to take up for present consideration.

The joint resolution (H. R. No. 114) donating granite blocks to Mower Post, Grand Army of the Republic, of New Orleans, Louisiana, was read three times, and passed.

EXECUTIVE SESSION.

Mr. CARPENTER. Mr. President——

Mr. WHYTE. I renew my motion that the Senate proceed to the consideration of executive business.

The PRESIDING OFFICER. The Senator from Maryland is entitled to the floor, and moves that the Senate proceed to the consideration of executive business. Does the Senator withdraw the motion?

Mr. WHYTE. I should like to know for what purpose the Senator from Wisconsin desires me to do so.

Mr. CARPENTER. I did not understand that the Senator from Maryland had the floor.

Mr. WHYTE. Yes, sir; I made the motion for an executive session, and only yielded a moment to the Senator from Louisiana.

Mr. CARPENTER. The Senator from Maryland gave away the floor; other legislative business had been transacted since, and I then first addressed the Chair.

Mr. WHYTE. I yield to the Senator from Wisconsin if he wishes to bring forward some matter of short duration.

Mr. CARPENTER. I do not ask any favor about it; I thought I was entitled to the floor.

Mr. WHYTE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After two hours and ten minutes spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had concurred in the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 2002) making additional appropriations for the service of the Post-Office Department for the fiscal years ending June 30, 1879, and June 30, 1880, and for other purposes.

The message also announced that the House had passed a bill (H. R. No. 2381) making appropriations for certain judicial expenses for the Government for the fiscal year ending June 30, 1880, and for other purposes; in which it requested the concurrence of the Senate.

The message further announced that the House had passed the bill (S. No. 506) to change the name of the steam propeller Nuhpa to Metropolitan.

ENROLLED BILLS.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions:

A bill (S. No. 674) for the benefit of the widow and children of General James Shields, and to increase the pension of Caroline S. Webster;

A bill (H. R. No. 1379) fixing the rate of interest upon arrearages of general taxes and assessments for special improvements now due to the District of Columbia, and for a revision of assessments for special improvements, and for other purposes;

A joint resolution (S. R. No. 5) relative to certain accepted drafts and other papers in the Department of State; and

A joint resolution (H. R. No. 113) to provide for the purchase of the stereotype plates of the final reports of the centennial commission upon the centennial exhibition of 1876.

JUDICIAL APPROPRIATION BILL.

Mr. DAVIS, of West Virginia. I ask that the judicial appropriation bill, which has just come from the House, be laid before the Senate for reference.

The bill (H. R. No. 2381) making appropriations for certain judicial expenses for the Government for the fiscal year ending June 30, 1880, and for other purposes, was read the first time by its title.

The PRESIDING OFFICER, (Mr. ROLLINS.) The bill will be read the second time, and referred to the Committee on Appropriations if there be no objection.

Mr. WINDOM. It has been read once. I object to the second reading. I am willing it should be read once and referred, if that can be done under the rules.

Mr. DAVIS, of West Virginia. I am certainly surprised to hear my friend object to the second reading of the bill. Is it possible——

Mr. WINDOM. I do not know what the bill contains.

Mr. DAVIS, of West Virginia. My friend is a member of the Committee on Appropriations, and he will see it to-morrow morning.

Mr. WINDOM. It is for that very reason that I want it referred.

Mr. CONKLING. I should like to rise to a question of order.

The PRESIDING OFFICER. The Senator from New York rises to a question of order, which he will state.

Mr. CONKLING. The rule declares that no bill can be read more than once on one day except by unanimous consent. A Senator has risen and objected to the second reading of the bill, and I inquire, as a matter of order, whether it is in order for the Senator from West Virginia or anybody else to proceed to debate the bill.

The PRESIDING OFFICER. The Chair sustains the point of order made by the Senator from New York.

Mr. DAVIS, of West Virginia. There is no question about the right of the Senator from Minnesota to object to the second reading of the bill, and there is no question about the right of the Senator from New York to make the point of order that he has made.

Mr. CONKLING. What is the question before the Senate?

Mr. DAVIS, of West Virginia. There is objection to the bill being read the second time; I understand that.

Mr. GARLAND. What is before the Senate?

The PRESIDING OFFICER. The Senator from West Virginia is proceeding by the unanimous consent of the Senate.

Mr. GARLAND. What is the question before the Senate?

The PRESIDING OFFICER. There is no question before the Senate.

Mr. CONKLING. Then debate is out of order.

Mr. DAVIS, of West Virginia. Not on the regular order?

Mr. CONKLING. The Chair differs with the honorable Senator. The Chair says there is no question before the Senate. In that the Chair is manifestly right.

Mr. DAVIS, of West Virginia. There is the regular order; which is before the Senate.

Mr. CONKLING. There is no regular order yet before the Senate.

Mr. GARLAND. That has not been resumed.

Mr. DAVIS, of West Virginia. It is resumed naturally.

Mr. GARLAND. Oh, no.

Mr. DAVIS, of West Virginia. Mr. President, I call for the regular order.

Mr. ALLISON and others. Let us have the regular order.

Mr. WINDOM. Has the appropriation bill been referred to the Committee on Appropriations? There is no objection to that, that I know of.

The PRESIDING OFFICER. It has not been referred. The bill has been read once, and the question is on the second reading of the bill, to which the Chair understands the Senator from Minnesota to object.

Mr. WINDOM. Can it not be referred without a second reading?

The PRESIDING OFFICER. It cannot be referred without a second reading.

Mr. DAVIS, of West Virginia. Do I understand that the regular order is now before the Senate?

The PRESIDING OFFICER. It is.

Mr. DAVIS, of West Virginia. I now appeal to my friend from Minnesota, and I should like to have his ear for a moment. Does my friend from Minnesota object to the second reading and reference to-day of the judicial appropriation bill?

Mr. WINDOM. I have no objection to the reference.

Mr. DAVIS, of West Virginia. Does my friend object to the second reading? It must be read the second time before it can be referred.

Mr. WINDOM. Is there any rule requiring it to be read the second time before a reference? I do not remember such a rule.

Mr. DAVIS, of West Virginia. Oh, yes; the rule requires it to be read the second time.

Mr. INGALLS. The rule requires a second reading of any bill before a motion to refer it can be entertained.

The PRESIDING OFFICER. Does the Senator from Minnesota withdraw his objection to the second reading of the bill?

Mr. WINDOM. Not at present.

The PRESIDING OFFICER. The objection is not withdrawn.

Mr. EATON. I hope the Senator will withdraw his objection.

The PRESIDING OFFICER. The regular order is before the Senate, which is Senate joint resolution No. 39.

Mr. EATON. If the Chair will permit me a moment, I hope the Senator from Minnesota, with whom I have the honor to be associated on the committee, will let the bill be read the second time and go to the Committee on Appropriations to be considered to-morrow.

Mr. WINDOM. I do not know what the bill is; I am anxious to know.

Mr. EATON. I will say that the Senator shall have all the time required, so far as I have any power to give it, not only to read the bill but to discuss it on its merits; but if we can really further the public business a little by its reference to-day, I think we ought to refer it at once.

Mr. WINDOM. I will look over the bill in a moment and see. Perhaps I shall withdraw my objection to its second reading.

Mr. DAVIS, of West Virginia. Do I understand my friend from Minnesota to withdraw his objection?

The PRESIDING OFFICER. The Senator from Minnesota declines to withdraw his objection for the present.

Mr. CONKLING. Regular order.

APPROPRIATIONS FOR VARIOUS PURPOSES.

The PRESIDING OFFICER. The regular order is Senate joint resolution No. 39, which is now before the Senate as in Committee of the Whole.

Mr. DAVIS, of West Virginia. I will move that the Senate proceed to the consideration of executive business, in order that the Senator from Minnesota may consider the judicial appropriation bill, and I hope it will be referred to-day. An objection to its second reading is in the nature of delay; it is in the nature of a day's continuation of this session.

Mr. CONKLING. Is the motion to go into executive session debatable?

Mr. DAVIS, of West Virginia. My friend from New York need not be in a hurry; he will get time enough to discuss all these questions. I understand the regular order to be before the Senate, and upon that I am at liberty to speak to what I please within the rules of the Senate.

The PRESIDING OFFICER. The Chair did not understand the Senator from West Virginia to make a motion to proceed to the consideration of executive business, but to suggest that he would make such a motion.

Mr. DAVIS, of West Virginia. For the purpose of giving my friend from Minnesota an opportunity of looking at the judicial appropriation bill, I suggested that we go into executive session. I want the Senate to wait for that purpose, and I am occupying the floor to see what he may determine to do. My purpose is to see what the gentleman from Minnesota intends doing. Of course the regular order is before the Senate until such time as the Senate may take up the judicial bill. This morning, before the motion was made to go into executive session, I was presenting some figures to the Senate as to the expenses of the Government. I desire now to go on further in that line.

Mr. ALLISON. Before the Senator proceeds to that point I should be glad to have him explain something he said yesterday.

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Iowa?

Mr. DAVIS, of West Virginia. Oh, yes, sir.

Mr. ALLISON. I should be glad to have the Senator explain a paragraph that I find in the RECORD of yesterday's proceedings. I do not quite understand what the Senator meant when he used this language:

> We were to keep confidential the proceedings of the committee—
>
> Referring to the committee of which my friend is chairman—
>
> but that was an exception; and I state that here now, and I have stated heretofore, that every single sentence and every figure, including the one that the debt of the Government had been largely increased, and in a single year nearly $100,000,000, will be and is true.

The impression that I gathered yesterday from the Senator's statement was, that he meant to state that there had been an increase of the public debt improperly in some way. We all know, of course, that the public debt has been frequently increased more than a hundred millions in a single year. I should like to have the Senator explain whether he means that the country is to understand, (because of course the country watches with great care the investigations being made by the Senator from West Virginia,) and whether we are to understand that this hundred millions of increase is one that appears now upon the Treasury books and did not appear there formerly?

Mr. DAVIS, of West Virginia. I intended to say to the Senate, and repeat now, that in the year 1869, long after the debt ought to have been increased for any purpose whatever, when it was published that the debt was being decreased, the Secretary of the Treasury sent to Congress an official communication stating that the public debt in round numbers was $2,489,000,000. That was in the year 1869. In the year 1870 it was repeated that the public debt in round numbers was $2,480,000,000. So it was reported to the Senate for two years. But in 1871, when the report came from the same Secretary of the Treasury who had made

the preceding reports, he reported to Congress that the debt was $2,588,000,000, an increase of $99,000,000 in round numbers over what it had been reported the two previous years; and, as I understand, it remains to-day upon the books of the Department and in the report sent to the last Congress the same amount of increase, that is $2,588,000,000, the statement still holding the increase of $99,000,000 over the previous years.

I will say in addition to what I have stated to my friend, that in the year 1862 Secretary Chase sent to Congress his annual official report, in which he said that the public debt in round numbers was $514,000,000. Mr. Fessenden, who succeeded Mr. Chase, and Mr. McCulloch, who came afterward, agreed that the debt was $514,000,000 on June 30, 1862. All the books of the Department, so far as we know, show it, and the different reports to Congress show it. Mr. Chase, in reviewing the indebtedness of the country in 1863, repeated that it was $514,000,000; Mr. Fessenden, in talking of the condition of the country and in reviewing the public debt, again stated that it was $514,000,000. But in 1871, when the report came to Congress, it had been changed and it was stated at $524,000,000, in round numbers. There was a statement sent to Congress for eight consecutive years, stating that the debt on June 30, 1862, was $514,000,000; but in 1871, when the report came to Congress, these figures had been changed and made $524,000,000, and it stands so to-day. There, I say, was a clear increase of about $10,000,000, speaking in round numbers, and that remains so to-day. I could continue and give probably eight or ten examples of the same kind of changes in the figures, and in each case that I cite they have been largely increased.

Mr. ALLISON. Mr. President——

Mr. WINDOM. I will say to the Senator from West Virginia that I am willing to withdraw my objection and have the judicial bill read the second time and referred, if we may adjourn immediately afterward.

The PRESIDING OFFICER. Does the Senator from Iowa yield?

Mr. ALLISON. Certainly. I think this matter of the public debt will keep until to-morrow. I hope the Senator from West Virginia will not go on further with his lucid explanation until to-morrow.

Mr. DAVIS, of West Virginia. Without reference to what the Senator from West Virginia will do to-morrow, I yield for the purpose the Senator from Minnesota has indicated.

JUDICIAL APPROPRIATION BILL.

Mr. WINDOM. I interposed the objection a moment ago for the purpose of having time to examine the bill. I am now willing to withdraw the objection and let the bill be read the second time in case we may have a vote to adjourn immediately afterward.

The bill (H. R. No. 2381) making appropriations for certain judicial expenses for the Government for the fiscal year ending June 30, 1880, and for other purposes, was read the second time by its title, and referred to the Committee on Appropriations.

Mr. DAVIS, of West Virginia. I move that the Senate adjourn.

The motion was agreed to; and (at five o'clock and six minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June* 26, 1879.

The House met at twelve o'clock m. Prayer by Rev. DAVID WILLS, D. D.

The Journal of yesterday was read and approved.

LEAVES OF ABSENCE.

Mr. ARMFIELD. I ask unanimous consent to offer for consideration at this time the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That all leaves of absence heretofore granted to members of the House of Representatives of the Forty-sixth Congress, which are unexpired, be, and the same are hereby, revoked; and that the Sergeant-at-Arms is directed immediately to notify every absent member to return at once to his post of duty in this Congress.

Mr. MORRISON and Mr. BAKER objected.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. SYMPSON, one of its clerks, informed the House that the Senate had passed a bill (S. No. 719) to change the name of the ferry-boat James Fisk, jr., to Passaic; in which the concurrence of the House was requested.

The message further announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. No. 1379) fixing the rate of interest upon arrearages of general taxes and assessments for special improvements now due to the District of Columbia, and for a revision of assessments for special improvements, and for other purposes.

DUTIES ON IMPORTED MERCHANDISE.

Mr. LAPHAM, by unanimous consent, from the Committee on the Judiciary, reported back, with a favorable recommendation, the bill (H. R. No. 167) to explain the Revised Statutes relative to duties on imported merchandise; which was referred to the Committee of the Whole on the state of the Union, and the accompanying report ordered to be printed.

Mr. HERBERT. I ask that I may be allowed to present the views of the minority in reference to the bill just reported, and that they be printed with the report of the majority.

There was no objection, and it was so ordered.

CODIFICATION OF DISTRICT LAWS.

Mr. HUNTON. With the concurrence of the members of the Committee for the District of Columbia who are present, I ask unanimous consent to offer for present consideration the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That the Committee for the District of Columbia, by sub-committee, be authorized to sit during the recess for the purpose of considering the bill of the House (H. R. No. 2061) providing for the codification of the municipal laws and affairs of the District of Columbia, with the authority to employ the clerk of said committee and send for persons and papers; and the expenses necessarily incurred in the execution of this order shall be paid out of the contingent fund of the House.

Mr. CONGER. Will the gentleman explain what he means by "power to send for persons and papers?"

Mr. HUNTON. By the law passed in the Forty-fifth Congress the commissioners of the District of Columbia were directed to report to the House at its next session such laws as might be necessary for the government of the District in the shape of a codification of existing laws. That was reported at the next session and referred to the Committee for the District of Columbia. As it was the short session no effort was made to act upon it then. It is a book of four hundred and odd pages.

Mr. CONGER. If the gentleman will allow me to interrupt him I will say that he did not understand me. My question was what necessity there is for power to send for persons and papers.

Mr. HUNTON. I do not know there is any. We will sit here in the District and everybody will be convenient; but it was thought advisable to have that power if the necessity for it should arise.

Mr. CONGER. It is not, then, an investigating committee?

Mr. HUNTON. Oh, no; except into the laws of the District of Columbia.

There being no objection, the resolution was adopted.

Mr. HUNTON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. COFFROTH, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill and joint resolution of the following titles; when the Speaker signed the same:

An act (S. No. 674) for the benefit of the widow and children of General James Shields, and to increase the pension of Caroline S. Webster; and

Joint resolution (S. R. No. 5) relative to certain accepted drafts and other papers in the Department of State.

SALE OF LIQUORS IN THE CAPITOL.

Mr. BREWER, by unanimous consent, introduced a bill (H. R. No. 2379) to prevent the sale of intoxicating liquors in the Capitol building of the United States, and for other purposes; which was read a first and second time, referred to the Select Committee on the Alcoholic Liquor Traffic, and ordered to be printed.

MAJOR D. WILLIAMS.

Mr. VALENTINE, by unanimous consent, introduced a bill (H. R. No. 2380) granting a pension to Major D. Williams, Geneva, Fillmore County, Nebraska; which was read a first and second time, and referred to the Committee on Invalid Pensions.

CHANGE OF NAME OF STEAM-PROPELLER NUHPA.

The SPEAKER. The Chair desires to state that the other day when the House went to the Speaker's table there was informally passed over the bill (S. No. 506) to change the name of the steam-propeller Nuhpa to Metropolitan. The gentleman from New York [Mr. MULLER] who was absent at that time and who has charge of the bill asks unanimous consent that it be now taken from the Speaker's table for consideration.

Mr. CONGER. I objected when that bill was reached in the consideration of business on the Speaker's table because I wanted some explanation in regard to it. Much as I am opposed to the change of name of such vessels I learn that this is a good substantial boat and that it is to run upon the same route hereafter, so that the public will not be deceived by a change of name. I therefore withdraw my objection.

Mr. MULLER. The boat is perfectly safe, and the parties owning it are reliable and responsible men.

There being no objection, the bill was taken from the Speaker's table, read three times, and passed.

Mr. MULLER moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

LEAVE OF ABSENCE.

The SPEAKER. The Chair submits the following requests for leave of absence:

To Mr. SPARKS, indefinitely, on account of the sickness of his wife; and

To Mr. LADD, indefinitely, on account of important business.

Mr. DUNNELL. I object.

Mr. SPRINGER. I hope the gentleman will not object to the request of my colleague, [Mr. SPARKS,] who has been called home by the sickness of his wife.

Mr. DUNNELL. I withdraw the objection in that case. I may remark, however, that it is remarkable how sickness has increased in this House within the last few days.

NAVAL AND MARINE SCHOOL AT NEW ORLEANS.

The SPEAKER, by unanimous consent, laid before the House a memorial of the constitutional convention of the State of Louisiana, praying for the establishment of a naval and marine school at the port of New Orleans; which was referred to the Committee on Naval Affairs.

INCOME CASE, UNITED STATES VS. JOHN S. DICKERSON.

Mr. SPRINGER, by unanimous consent, from the Committee on Expenditures in the Department of Justice, reported back the memorial of Fred Wallroth, of New York City, praying an investigation into the matter of the income case of the United States against John S. Dickerson; which was ordered to be printed and recommitted, not to be brought back on a motion to reconsider.

ORDER OF BUSINESS.

Mr. ACKLEN. I have a matter which I have been instructed unanimously by the Committee on Commerce to report to the House for its consideration at this time. It is very important that it should pass during this extra session. It will not involve the Government in any extra expense.

Mr. YOUNG, of Tennessee. I call for the regular order.

Mr. ACKLEN. I hope the gentleman will withdraw that demand; this will not detain the House many moments.

Mr. YOUNG, of Tennessee. I must insist upon the regular order.

The SPEAKER. The regular order being called for, the morning hour will begin at twenty minutes past twelve o'clock.

Mr. ACKLEN. I move to dispense with the morning hour for to-day.

The SPEAKER. That will require a two-thirds vote.

Mr. CLYMER. If the morning hour is dispensed with will that put out of place the bill in reference to canal-boats which was pending yesterday?

The SPEAKER. The Chair thinks that bill would come over as business after the morning hour. It would be subject, however, to the special order in relation to epidemic diseases.

Mr. CONGER. If the morning hour be dispensed with would not the unfinished business of yesterday be first in order?

The SPEAKER. The unfinished business of yesterday would be subject to the special order made by unanimous consent.

Mr. CONGER. Then the regular order after the morning hour, or should the morning hour be dispensed with, would be the National Board of Health bill?

The SPEAKER. The Chair thinks that by unanimous consent of the House that is made the first business in order after the morning hour to-day. After that bill shall have been disposed of in some way, then the joint resolution providing for treaty intercourse with the Republic of Mexico, reported from the Committee on Foreign Affairs by the gentleman from West Virginia, [Mr. WILSON,] and which was made subordinate to the National Board of Health bill, will next be in order.

Mr. ACKLEN. I understand that it will rest with the majority of the House to decide what business it will take up for consideration after the morning hour.

The SPEAKER. Yes; but the Chair merely indicates the subjects that will come up in their order.

Mr. ACKLEN. The Chair indicates the order in which those subjects will come up, but not what the House will take up.

The SPEAKER. The Chair does not undertake to control the matter of actual consideration; that is for the House to determine. The Chair submits the motions in due order.

Mr. ATKINS. Will the gentleman waive that motion to allow me to make a report from the Committee on Appropriations?

Mr. ACKLEN. I have no objection.

JUDICIAL APPROPRIATION BILL.

Mr. ATKINS, from the Committee on Appropriations, reported a bill (H. R. No. 2381) making appropriations for certain judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes; which was read a first and second time.

Mr. ATKINS. I move that the bill be recommitted to the Committee on Appropriations and ordered to be printed; and upon that I call the previous question.

Mr. CONGER. Does the gentleman call the previous question on the bill?

Mr. ATKINS. On the motion to print and recommit.

Mr. HOUSE. The contents of that bill are so well known to the House that it does not seem to me it is necessary to have it printed.

Mr. ATKINS. I have made the usual motion. It is for the House to determine.

The SPEAKER. The House can refer the bill to the Committee of the Whole on the state of the Union.

Mr. STEVENSON. I move that the bill be referred to the Committee of the Whole on the state of the Union. I think members can become advised of what the bill contains by hearing it read.

Mr. ATKINS. I trust the gentleman will allow my motion to prevail. I can report the bill back again. However, I do not care much whether it goes to the Committee of the Whole or the Committee on Appropriations. My purpose is to try and get the floor in order to call up the bill for consideration as soon as it can be printed. I think it had better be printed.

Mr. STEVENSON. At the suggestion of members I will withdraw my motion.

Mr. HOUSE. I think the bill had better be referred to the Committee of the Whole.

Mr. ATKINS. Very well. I will move that the bill be referred to the Committee of the Whole on the state of the Union, and that it be printed; and on that motion I call the previous question.

The motion of Mr. ATKINS was agreed to; and the bill was accordingly referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

ORDER OF BUSINESS.

The SPEAKER. The question recurs upon the motion of the gentleman from Louisiana [Mr. ACKLEN] to dispense with the morning hour for to-day.

Mr. GARFIELD. If the morning-hour business is to be taken up, I desire to claim the floor.

Mr. ACKLEN. I wanted to dispense with the morning hour for to-day.

Mr. GARFIELD. I will remind gentlemen that when the last debate was had in the morning hour I rose and claimed the floor. Since that time there has been no debate in the morning hour upon the pending bill in relation to what is termed political contributions. There was a speech by a gentleman on the other side, who had his time extended, so that he spoke for nearly two hours. It seems to me it would be nothing more than fair to allow a speech to be made on this side, and I would be glad to have the opportunity to submit now what remarks I desire to make.

Mr. ACKLEN. The chairman of the committee from which that bill was reported [Mr. HOSTETLER] is absent. The previous question has been demanded upon the bill, and it cannot be debated unless the previous question shall be withdrawn or voted down.

Mr. GARFIELD. I think there will be no objection to withdrawing the demand for the previous question.

Mr. ACKLEN. Then I will withdraw the motion to dispense with the morning hour.

The SPEAKER. The morning hour now begins at twenty-seven minutes past twelve o'clock.

Mr. HOUSE. Has the morning hour commenced?

The SPEAKER. It has. The pending question is the demand for the previous question upon the bill reported from the Committee on the Revision of the Laws (H. R. No. 2266) to prohibit Federal officers, claimants, and contractors from making contributions for political purposes.

Mr. GARFIELD. I ask the gentleman who has charge of this bill to withdraw the demand for the previous question.

Mr. ACKLEN. He is not here.

The SPEAKER. The Chair has been notified that the gentleman from Tennessee [Mr. HOUSE] has been left in charge of the bill.

Mr. HOUSE. I must decline to withdraw the demand for the previous question.

Mr. CONGER. I desire to say that there was a distinct understanding, if gentlemen will recollect, when the debate was carried on before for an hour and twenty-five minutes I think by the other side of the House, that this side of the House should have an opportunity to be heard upon this bill.

Mr. TOWNSHEND, of Illinois. The gentleman from Michigan [Mr. CONGER] was heard the other day.

Mr. HOUSE. There was no such understanding.

Mr. FINLEY. On the contrary, when the gentleman from Michigan [Mr. CONGER] was asked to say whether his side of the House would vote or not he declined to do so.

Mr. CONGER. If gentlemen refuse to allow a word to be said by this side of the House on this question, we are prepared to prevent the passage of the bill.

Mr. ACKLEN. I think it is only courtesy to allow the gentleman from Ohio [Mr. GARFIELD] to be heard.

Mr. GARFIELD. I make this suggestion to the House. There was an hour allowed to gentlemen on the other side and it was extended to two hours without any condition or arrangement whatever, but certainly it was the universal belief that the same courtesy, or a part of the courtesy at least, would without objection be allowed to this side to reply. It was on that understanding that the gentleman from Maryland [Mr. MCLANE] was allowed the floor, and his time extended.

I make no appeal to gentlemen on the other side, but I ask them in view of that fact, if it is not fair to allow gentlemen on this side to reply?

Mr. HOUSE. There was no such understanding that I know of at all. The gentleman from Michigan [Mr. CONGER] made a speech on this bill. There have been two propositions made to the other side of the House which would have given the utmost latitude to debate on the bill, both of which were objected to, and the last was objected to by the gentleman from Michigan [Mr. CONGER] in terms not at all courteous to the gentleman who made the proposition and who had

charge of the bill. I know of no understanding by which the other side, rejecting both propositions by which the gentleman would have the amplest debate, obtains; but if there was such understanding, I certainly would not violate it; but I know that we had no such understanding. The friends of the bill never agreed to such an understanding in view of the attitude of gentlemen upon the other side in reference to this bill.

Mr. GARFIELD. I do not say that there was any formal agreement to that effect, but I do say that according to a tacit understanding, which was manifested by the consent given to the gentleman from Maryland [Mr. McLANE] to proceed, there was unanimous consent granted by this side of the House to the other side. Now, if gentlemen on the other side do not see the equity of reciprocating that, if they see no moral or equitable consideration, of course we cannot insist upon it, but it strikes me that most men will see what amounts to an agreement, or at least to a moral obligation.

Mr. HOUSE. I do not see that there is any equity in that proposition, when gentlemen on the other side of the House by dilatory motions prevent the majority from acting on this bill. I do not see where they can get the right to defeat action on a bill by dilatory motions and still have time to discuss it.

Mr. CONGER. It was because of the refusal to have any discussion on the bill, and because the previous question was demanded without the right to debate and amendment, that we have prevented, and do intend to prevent, the seconding of the previous question.

Mr. HOUSE. The chairman of the Committee on Civil Service Reform withdrew the demand for the previous question, and the gentleman from Maryland [Mr. McLANE] got the floor and made a proposition that this bill go to the Committee of the Whole, and it was on that proposition that the gentleman from Michigan [Mr. CONGER] replied.

Mr. CONGER. But the other side refused to agree to any length of time that should be allowed for debate in the Committee of the Whole, as the majority can control it there as well as in the House. They have refused to allow debate.

Mr. KENNA. I call for the regular order of business.

CANAL-BOATS, ETC.

Mr. RYON, of Pennsylvania. I move to dispense with the morning hour and take up the bill (S. No. 671) relating to vessels not propelled wholly by sail or internal motive power of their own.

Mr. ACKLEN. That motion is not in order.

The SPEAKER. It is not, as the morning hour has already commenced.

FEES OF UNITED STATES MARSHALS.

Mr. COBB reported from the Committee on Appropriations a bill (H. R. No. 2382) making appropriations to pay the fees of United States marshals and their general deputies; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

PROHIBITION OF POLITICAL CONTRIBUTIONS.

The SPEAKER. The regular order having been demanded is the bill (H. R. No. 2266) to prohibit Federal officers, claimants, and contractors from making contributions for political purposes. The gentleman from Indiana [Mr. HOSTETLER] who reports the bill has moved that it be referred to the Committee of the Whole on the state of the Union, and the pending question is the demand for the previous question upon that motion.

The question being taken on seconding the demand for the previous question, there were 79 in the affirmative, none in the negative.

Mr. CONGER. I make the point that no quorum has voted.

Tellers were ordered; and Mr. HOUSE and Mr. BARBER were appointed.

The House divided; and the tellers reported 74 in the affirmative, none in the negative.

Mr. CONGER. I make the point that a quorum has not voted.

The SPEAKER. The only business now in order is a motion for a call of the House or to adjourn.

Mr. FINLEY. I move a call of the House.

The question being taken on the motion of Mr. FINLEY, there were ayes 22, noes none.

Mr. CONGER called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 112, nays 53, not voting 121; as follows:

YEAS—112.

Acklen,	Clymer,	Forney,	House,
Aiken,	Cobb,	Fort,	Hull,
Armfield,	Coffroth,	Frost,	Hunton,
Atkins,	Converse,	Garfield,	Johnston,
Bachman,	Cook,	Gibson,	Jorgensen,
Beale,	Covert,	Gillette,	Joyce,
Bicknell,	Cravens,	Godshalk,	Keifer,
Blackburn,	Davidson,	Goode,	King,
Bouck,	Davis, Joseph J.	Gunter,	Klotz,
Brewer,	Davis, Loundes H.	Hammond, N. J.	Le Fevre,
Bright,	Deuster,	Haskell,	Lounsbery,
Browne,	Dibrell,	Hatch,	Lowe,
Burrows,	Dickey,	Herbert,	Manning,
Caldwell,	Elam,	Herndon,	Martin, Benj. F.
Caswell,	Evins,	Hill,	McKenzie,
Clardy,	Felton,	Hiscock,	McMahon,
Clark, John B.	Finley,	Hooker,	McMillin,
Mills,	Reagan,	Smith, William E.	Waddill,
Morrison,	Richardson, J. S.	Springer,	Weaver,
Muller,	Rothwell,	Stephens,	Wellborn,
Murch,	Ryon, John W.	Stevenson,	Whiteaker,
Myers,	Samford,	Talbott,	Whitthorne,
New,	Sawyer,	Taylor,	Williams, Thomas
O'Connor,	Scales,	Thompson,	Willis,
Persons,	Shelley,	Tillman,	Willits,
Phelps,	Simonton,	Townshend, R. W.	Wilson,
Phister,	Smith, A. Herr	Turner, Oscar	Wise,
Pound,	Smith, Hezekiah B.	Upson,	Yocum.

NAYS—53.

Aldrich, William	Deering.	Hubbell,	Sherwin,
Anderson,	De La Matyr,	Jones,	Siemons,
Baker,	Dunnell,	Lapham,	Thomas,
Barber,	Errett,	Mason,	Tyler,
Bayne,	Farr,	Mitchell,	Updegraff, J. T.
Blake,	Field,	Monroe,	Updegraff, Thomas
Briggs,	Fisher,	Nicholls,	Valentine,
Calkins,	Ford,	O'Neill,	Van Aernam,
Cannon,	Forsythe,	Orth,	Voorhis,
Carpenter,	Harmer,	Osmer,	Wait,
Conger,	Harris, Benj. W.	Russell, W. A.	Ward.
Culberson,	Hawk,	Ryan, Thomas	
Daggett,	Henderson,	Sapp,	
Davis, George R.	Horr,	Shallenberger,	

NOT VOTING—121.

Aldrich N. W.	Dwight,	Lindsey,	Robeson,
Atherton,	Einstein,	Loring,	Robinson,
Bailey,	Ellis,	Marsh,	Ross,
Ballou,	Ewing,	Martin, Edward L.	Russell, Daniel L.
Barlow,	Ferdon,	Martin, Joseph J.	Singleton, J. W.
Belford,	Frye,	McCoid,	Singleton, O. R.
Beltzhoover,	Geddes,	McCook,	Sparks,
Bingham,	Hall,	McGowan,	Speer,
Bland,	Hammond, John	McKinley,	Starin,
Bliss,	Harris, John T.	McLane,	Steele,
Blount,	Hawley,	Miles,	Stone,
Bowman,	Hayes,	Miller,	Townsend, Amos
Boyd,	Hazelton,	Money,	Tucker,
Bragg,	Heilman,	Morse,	Turner, Thomas
Brigham,	Henkle,	Morton,	Urner,
Buckner,	Henry,	Muldrow,	Vance,
Butterworth,	Hostetler,	Neal,	Van Voorhis,
Cabell,	Houk,	Newberry,	Warner,
Camp,	Humphrey,	Norcross,	Washburn,
Carlisle,	Hurd,	O'Brien,	Wells,
Chalmers,	James,	O'Reilly,	White,
Chittenden,	Kelley,	Overton,	Wilber,
Claflin,	Kenna,	Pierce,	Williams, C. G.
Clark, Alvah A.	Ketcham,	Poehler,	Wood, Fernando
Colerick,	Killinger,	Prescott,	Wood, Walter A.
Cowgill,	Kimmel,	Price,	Wright,
Cox,	Kitchin,	Reed,	Young, Casey
Crapo,	Knott,	Rice,	Young, Thomas L.
Crowley,	Ladd,	Richardson, D. P.	
Dick,	Lay,	Richmond,	
Dunn,	Lewis,	Robertson,	

So a call of the House was ordered.

During the call of the roll the following announcements were made:

Mr. BELTZHOOVER. I am paired with my colleague from Pennsylvania, Mr. BINGHAM. If he were present, I should vote "ay."

Mr. TALBOTT. My colleague from Maryland, Mr. HENKLE, is paired with Mr. NEAL, of Ohio.

Mr. COVERT. My colleague from New York, Mr. FERNANDO WOOD, is paired with Mr. ROBESON, of New Jersey.

Mr. STEELE. I am paired with Mr. NORCROSS, of Massachusetts. If he were present, I should vote "ay."

Mr. CLARK, of Missouri. My colleague, Mr. BUCKNER, is paired with Mr. CHITTENDEN, of New York.

Mr. SCALES. My colleague from North Carolina, Mr. VANCE, is paired with my colleague, Mr. MARTIN.

Mr. MULDROW. I am paired with Mr. DWIGHT, of New York.

Mr. MANNING. My colleague from Mississippi, Mr. MONEY, is paired with Mr. STONE, of Michigan.

Mr. YOUNG, of Tennessee. I am paired with Mr. LORING, of Massachusetts.

Mr. ROSS. I am paired with Mr. CRAPO, of Massachusetts.

Mr. POEHLER. I am paired with my colleague from Minnesota, Mr. WASHBURN. If he were present, I should vote "ay."

Mr. DAVIS, of North Carolina. My colleague, Mr. KITCHIN, is paired with Mr. RICE, of Massachusetts.

Mr. FORNEY. My colleague from Alabama, Mr. LEWIS, is paired with Mr. WILLIAMS, of Wisconsin.

Mr. CALDWELL. My colleague from Kentucky, Mr. CARLISLE, is paired with Mr. MILLER, of New York.

Mr. DICKEY. My colleague from Ohio, Mr. GEDDES, is paired with Mr. BARLOW, of Vermont.

Mr. LOUNSBERY. My colleague from New York, Mr. BAILEY, is paired with Mr. HARRIS, of Virginia.

Mr. TOWNSHEND, of Illinois. My colleague, Mr. SINGLETON, is paired with Mr. MILES, of Connecticut.

Mr. McLANE. I am paired with my colleague from Maryland, Mr. URNER, who is absent on account of sickness.

Mr. COBB. My colleague from Indiana, Mr. COLERICK, is absent on account of sickness in his family. He is paired with Mr. HUMPHREY, of Wisconsin; and my colleague, Mr. HOSTETLER, who is confined to his room by sickness, is paired with Mr. McCOOK, of New York.

Mr. JOHNSTON. My colleague from Virginia, Mr. HARRIS, is paired with Mr. BAILEY, of New York.

Mr. LAPHAM. My colleague from New York, Mr. RICHARDSON, is paired with Mr. TUCKER, of Virginia.

Mr. KENNA. I am paired with Mr. YOUNG, of Ohio.

Mr. HILL. My colleague from Ohio, Mr. ATHERTON, is paired with Mr. NEWBERRY, of Michigan.

Mr. WARNER. I am paired with Mr. ALDRICH, of Rhode Island.

Mr. DUNN. I am paired with Mr. HAYES, of Illinois.

Mr. BRIGGS. My colleague from New Hampshire, Mr. HALL, is paired with Mr. SPEER, of Georgia.

Mr. WARD. My colleague from Pennsylvania, Mr. KELLEY, is paired with Mr. MORSE, of Massachusetts.

Mr. TOWNSEND, of Ohio. My colleague, Mr. MCKINLEY, is paired with Mr. SPARKS, of Illinois. I am paired with my colleague, Mr. EWING.

Mr. NEAL. I am paired with Mr. HENKLE, of Maryland.

Mr. SAPP. My colleague from Iowa, Mr. PRICE, is paired with Mr. WRIGHT, of Pennsylvania.

Mr. FISHER. My colleague from Pennsylvania, Mr. DICK, is paired with Mr. LAY, of Missouri.

Mr. POUND. My colleague from Wisconsin, Mr. HUMPHREY, is paired with Mr. COLERICK, of Indiana.

Mr. TYLER. Mr. BRIGHAM, of New Jersey, is paired with Mr. FROST, of Missouri.

Mr. DUNNELL. My colleagues, Mr. WASHBURN and Mr. POEHLER, are paired.

Mr. PRESCOTT. I am paired with Mr. RICHMOND, of Virginia.

Mr. HAZELTON. My colleague from Wisconsin, Mr. WILLIAMS, is paired with Mr. LEWIS, of Alabama. I am paired with Mr. BLOUNT, of Georgia. If he were present, I should vote "no."

Mr. WAIT. My colleague from Connecticut, Mr. MILES, is paired with Mr. SINGLETON, of Illinois. Mr. ROBINSON, of Massachusetts, is paired with Mr. ROBERTSON, of Louisiana.

The result of the vote was then announced as above stated.

Mr. KEIFER. I move to reconsider the vote by which a call of the House was ordered.

Mr. SPRINGER. I think this is a very proper time to settle the question as to whether the motion just submitted by the gentleman from Ohio is in order. The Constitution provides that when the House finds itself without a quorum it shall have power to compel the attendance of absent members. It has now been ordered that there be a call of the House.

Mr. CONGER. I call for the regular order.

The SPEAKER. The gentleman from Illinois has risen to a question of order.

Mr. CONGER. We do not hear what the gentleman is saying.

Mr. SPRINGER. When the House finds itself without a quorum only two motions are in order; a motion for a call of the House and a motion that the House adjourn. We have ordered that there be a call of the House. Can that order be interfered with otherwise than by a motion to dispense with proceedings under the call?

The SPEAKER. The roll-call has disclosed the presence of a quorum.

Mr. SPRINGER. That does not alter the case.

The SPEAKER. The Chair thinks it has some relation to the subject.

Mr. SPRINGER. I submit that the only motions in order are a motion to adjourn and a motion for a call of the House. Now a call of the House was ordered and can only be dispensed with by a motion to dispense with further proceedings under the call.

Mr. FINLEY. But the vote has disclosed the fact that there is a quorum present.

The SPEAKER. There is a quorum present, and the House has a right to reconsider the vote by which a call of the House was ordered.

Mr. SPRINGER. The proper motion would be to dispense with further proceedings under the call.

Mr. COX. It is presumed that if there is a quorum present they will do their duty.

The question was put upon the motion to dispense with further proceedings under the call; and on division there were—ayes 10, noes 20.

Mr. CONGER. I call for the yeas and nays.

Mr. FINLEY. I understood my colleague from Ohio [Mr. KEIFER] to say that the yeas and nays would not be demanded. In making that statement did he speak by the authority of the other side of the House?

Mr. KEIFER. I have not demanded the yeas and nays.

Mr. CONGER. The gentleman from Ohio did not understand the matter rightly.

Mr. STEPHENS. I move that the House take a recess for twenty minutes.

The SPEAKER. There does not appear to be a quorum present, and therefore a motion to take a recess is not in order.

Mr STEPHENS. It is in order certainly to take a recess for half an hour while we are trying to get a quorum, but I will not press the motion.

Mr. ALDRICH, of Illinois. It was a good motion anyhow.

The yeas and nays were ordered.

The question was taken; and there were—yeas 33, nays 120, not voting, 133; as follows:

YEAS—33.

Aldrich, William	Cowgill,	Jones,	Tyler,
Anderson,	Davis, George R.	Keifer,	Updegraff, Thomas
Barber,	Deering,	Mitchell,	Valentine,
Bayne,	Dickey,	Osmer,	Van Aernam,
Blake,	Dunnell,	Pound,	Voorhis,
Bowman,	Farr,	Russell, W. A.	Wait.
Calkins,	Fisher,	Ryan, Thomas	
Cannon,	Ford,	Sapp,	
Conger,	Horr,	Thomas,	

NAYS—120.

Acklen,	Dibrell,	Jorgensen,	Ryon, John W.
Armfield,	Elam,	Joyce,	Samford,
Atkins,	Errett,	King,	Sawyer,
Baker,	Evins,	Klotz,	Scales,
Beale,	Felton,	Lapham,	Shallenberger,
Bicknell,	Field,	Le Fevre,	Shelley,
Blackburn,	Finley,	Lounsbery,	Sherwin,
Bouck,	Forney,	Lowe,	Simonton,
Brewer,	Forsythe,	Manning,	Slemons,
Briggs,	Fort,	Martin, Benj. F.	Springer,
Bright,	Frost,	Mason,	Stevenson,
Browne,	Gibson,	McKenzie,	Talbott,
Burrows,	Gillette,	McMillin,	Taylor,
Caldwell,	Godshalk,	Mills,	Thompson,
Carpenter,	Goode,	Monroe,	Tillman,
Caswell,	Gunter,	Morrison,	Turner, Oscar
Clardy,	Hammond, N. J.	Muller,	Updegraff, J. T.
Clark, John B.	Harmer,	Murch,	Upson,
Clymer,	Harris, Benj. W.	Myers,	Waddill,
Coffroth,	Hatch,	New,	Ward,
Converse,	Hawley,	Nicholls,	Weaver,
Cook,	Henderson,	O'Connor,	Wellborn,
Covert,	Herbert,	O'Neil,	Whiteaker,
Cravens,	Herndon,	Orth,	Whitthorne,
Culberson,	Hill,	Persons,	Williams, Thomas
Davidson,	Hooker,	Phelps,	Willis,
Davis, Joseph J.	House,	Phister,	Willits,
Davis, Loundes H.	Hubbell,	Reagan,	Wilson,
De La Matyr,	Hull,	Richardson, J. S.	Wise,
Deuster,	Johnston,	Rothwell,	Yocum.

NOT VOTING—133.

Aiken,	Einstein,	Lindsey,	Ross,
Aldrich, N. W.	Ellis,	Loring,	Russell, Daniel L.
Atherton,	Ewing,	Marsh,	Singleton, J. W.
Bachman,	Ferdon,	Martin, Edward L.	Singleton, O. R.
Bailey,	Frye,	Martin, Joseph J.	Smith, A. Herr
Ballou,	Garfield,	McCoid,	Smith, Hezekiah B.
Barlow,	Geddes,	McCook,	Smith, William E.
Belford,	Hall,	McGowan,	Sparks,
Beltzhoover,	Hammond, John	McKinley,	Speer,
Bingham,	Harris, John T.	McLane,	Starin,
Bland,	Haskell,	McMahon,	Steele,
Bliss,	Hawk,	Miles,	Stephens,
Blount,	Hayes,	Miller,	Stone,
Boyd,	Hazelton,	Money,	Townsend, Amos
Bragg,	Heilman,	Morse,	Townshend, R. W.
Brigham,	Henkle,	Morton,	Tucker,
Buckner,	Henry,	Muldrow,	Turner, Thomas
Butterworth,	Hiscock,	Neal,	Urner,
Cabell,	Hostetler,	Newberry,	Vance,
Camp,	Houk,	Norcross,	Van Voorhis,
Carlisle,	Humphrey,	O'Brien,	Warner,
Chalmers,	Hunton,	O'Reilly,	Washburn,
Chittenden,	Hurd,	Overton,	Wells,
Claflin,	James,	Pierce,	White,
Clark, Alvah A.	Kelley,	Poehler,	Wilber,
Cobb,	Kenna,	Prescott,	Williams, C. G.
Colerick,	Ketcham,	Price,	Wood, Fernando
Cox,	Killinger,	Reed,	Wood, Walter A.
Crapo,	Kimmel,	Rice,	Wright,
Crowley,	Kitchin,	Richardson, D. P.	Young, Casey
Daggett,	Knott,	Richmond,	Young, Thomas L.
Dick,	Ladd,	Robertson,	
Dunn,	Lay,	Robeson,	
Dwight,	Lewis,	Robinson,	

So the motion to reconsider was not agreed to.

During the call of the roll the following announcements were made:

Mr. DICKEY. My colleague, Mr. GEDDES, is paired with Mr. BARLOW, of Vermont.

Mr. HILL. My colleague, Mr. ATHERTON, is paired with Mr. NEWBERRY, of Michigan.

Mr. BELTZHOOVER. I am paired with my colleague, Mr. BINGHAM. If he were present, I should vote "no."

Mr. POEHLER. I am paired with my colleague, Mr. WASHBURN.

Mr. WAIT. My colleague, Mr. MILES, is paired with Mr. SINGLETON, of Illinois; Mr. ROBINSON, of Massachusetts, is paired with Mr. ROBERTSON, of Louisiana; and Mr. MORSE, of Massachusetts, is paired with Mr. KELLEY, of Pennsylvania.

Mr. HARRIS, of Massachusetts. I desire to announce that Mr. WILLIAMS, of Wisconsin, is paired with Mr. LEWIS, of Alabama.

Mr. LAPHAM. My colleague from New York, Mr. RICHARDSON, is paired with Mr. TUCKER, of Virginia.

Mr. PRESCOTT. On all political questions I am paired with Mr. RICHMOND, of Virginia, and I understand this to be one.

Mr. SAPP. My colleague, Mr. PRICE, is paired with Mr. WRIGHT, of Pennsylvania.

Mr. SMITH, of Pennsylvania. I am paired with Mr. MARTIN, of Delaware.

Mr. POUND. My colleague, Mr. HUMPHREY, is paired with Mr. COLERICK, of Indiana.

Mr. SCALES. My colleague, Mr. VANCE, is paired with my colleague, Mr. MARTIN.

Mr. SMITH, of Georgia. I am paired with Mr. WILBER, of New York. If he were present, I should vote "no."

Mr. WARNER. I am paired with Mr. ALDRICH, of Rhode Island.

Mr. WHITE. I am paired with Mr. THOMAS TURNER, of Kentucky.

Mr. HAZELTON. I am paired with Mr. BLOUNT, of Georgia, and my colleague, Mr. WILLIAMS, is paired with Mr. LEWIS, of Alabama.

The result of the vote was then announced as above stated.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses upon the amendments of the Senate to the bill (H. R. No. 2002) making appropriations for the service of the Post-Office Department for the fiscal years ending June 30, 1879, and June 30, 1880, and for other purposes.

The message further announced that the Senate had passed without amendment the joint resolution (H. R. No. 113) to provide for the purchase of the stereotyped plates of the final reports of the centennial commission upon the centennial exhibition.

ORDER OF BUSINESS.

Mr. WILSON. Has the morning hour expired?

The SPEAKER. It has.

Mr. FINLEY. Is it in order now to move to go to the Speaker's table?

The SPEAKER. It is.

Mr. FINLEY. Then I make that motion.

Mr. CONGER. Before that is done, it is necessary to move to dispense with further proceedings under the call of the House which has been ordered; and I make that motion.

The motion of Mr. CONGER was agreed to.

The SPEAKER. The gentleman from Ohio [Mr. FINLEY] moves to proceed to business on the Speaker's table.

Mr. RYON, of Pennsylvania. The regular order is the unfinished business of yesterday, as I understand.

LETTER-CARRIERS, ETC.

Mr. COX. I rise to make a privileged report, which I send to the Clerk's desk.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill of the House No. 2002, making additional appropriations for the service of the Post-Office Department for the fiscal years ending June 30, 1879, and June 30, 1880, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 4, 5, and 7.

That the House recede from its disagreement to the amendments numbered 1, 3, and 6, and agree to the same.

That the House recede from its disagreement to the amendment numbered 2, and agree to the same with an amendment as follows: Add at the end of said amendment the following:

"*Provided*, That no judgment shall be paid until the right of appeal has expired."

And the Senate agree to the same.

S. S. COX,
HIESTER CLYMER,
Managers on the part of the House.

H. G. DAVIS,
S. B. MAXEY,
W. B. ALLISON,
Managers on the part of the Senate.

Mr. COX. I move the previous question upon agreeing to the report.

Mr. CANNON, of Illinois. I hope the gentleman will yield to me for a few minutes. I want to make a statement about the report, as I did not concur in it.

The SPEAKER. How much time does the gentleman want?

Mr. CANNON, of Illinois. Only a few minutes.

Mr. COX. I will yield to the gentleman for two minutes.

Mr. CANNON, of Illinois. Perhaps more time than that; I do not want much time. It is due to myself, not having signed this conference report, that I should very briefly state the reasons for withholding my signature.

It will be recollected that this was originally a bill making additional appropriations for the service of the Post-Office Department. The Senate passed the bill without amendment in that respect, so that that portion of the subject was not in the conference. The Senate, however, put on the bill a number of amendments which were not germane to it, amounting to several hundred thousand dollars; among others an amendment making an appropriation of $60,000, in round numbers, for interest on the Osage trust fund. That provision I suppose properly belongs to the Indian appropriation bill or the sundry civil bill. The Senate put on another amendment appropriating $100,000 to pay judgments of the Court of Claims, a provision which belongs properly to the sundry civil bill. There were several other important amendments that belong upon the general bills.

Now, Mr. Speaker, it is not good policy to make appropriations in this way. These amendments have never been considered by the House in the Committee of the Whole, nor reported and recommended by any committee of this House. They were attached by the Senate to the House bill making appropriations for letter-carriers, and in that way avoided the point of order which should have sent them to the Committee of the Whole for consideration and amendment. Now they are agreed to by a conference committee, and the desire of members to pay the letter-carriers will probably help drag these amendments through, when they might not get through by their own strength if they stood alone.

It may be true that these amendments of which I have spoken are right, yet I cannot rise in my place here and say that I know from my own investigation that they are right. Perhaps other gentlemen upon the conference committee may be able to do so. I apprehend, however, from the reading of the debates in the Senate and from what various gentlemen have said, that some of the amendments are right. Yet no committee of this House, except this conference committee, has ever said that these amendments are right, as would be said if they came in upon the ordinary bills—the sundry civil appropriation bill and the Indian appropriation bill.

But there is one amendment to which I could not and did not agree. Perhaps I might have signed this conference report if that amendment had not been agreed to. I desire that the first amendment be read.

The Clerk read as follows:

In line 12 insert the following:

To enable the Commissioner of the General Land Office to adjust and settle the claims of the several States under the act of Congress approved September 28, 1850, and the acts supplemental thereto and amendatory thereof, for swamp lands, including all claims for swamp land indemnity under the acts of March 2, 1855, and March 3 1857 and other acts, $15,000.

Mr. CANNON, of Illinois. Mr. Speaker, ever since I have been in Congress, bills touching this subject have been introduced in great numbers and referred to the Committee on Public Lands, or in some cases to the Committee on Private Land Claims. The controversy is one growing out of the swamp-land legislation of 1850. The courts have held that the title to those lands passed by that act. But between the time of the passage of the act and the selection of those lands, in many of the States, in fact, in all of the States, a portion of the swamp lands were entered by the payment of cash and a portion by land warrants; so that in 1855 and 1857 the indemnity acts, as they are called, were passed authorizing payment of the money where the lands had been entered with money from the United States to the States, or where warrants had been located, by the issue of scrip, which authorized the States to locate the same upon public lands subject to entry. The Interior Department about the same time made a decision that this scrip could only be located upon lands within the State to which it was issued.

Many of the States, like my own State of Illinois, had no lands within their borders subject to entry so that the scrip remains worthless property in the possession of such States, and their lands are gone without any chance for indemnity unless there is further legislation. Now, some of the States, like Missouri and Arkansas, have United States lands within their borders subject to entry, so that the scrip issued to such States is valuable, as it can be located. The Secretary of the Interior has lately made a regulation that he will not pay the States the money indemnity or issue scrip to them in lieu of swamp lands sold or entered, or will not patent to the States lands under the swamp-land act, until he has sent an agent to examine the lands and see whether they are swamp lands in the meaning of the original act. So if this appropriation is not made, no indemnity of any kind will be made for the next fiscal year, for there is no appropriation for agents.

There is in round numbers thirteen million acres claimed by the States under the act which await examination and many millions of acres for which indemnity is claimed. This amendment only proposes to appropriate $15,000 for this purpose, which is not sufficient for use except to some favored State or part of a State, and in no event could be of any use to the older and more equitable claims of States situated as my own State of Illinois is. The truth is that this whole matter should be fully considered by the Committee on Public Lands and legislation reported to and discussed and passed by the House finally settling all the claims of all the States as to swamp lands, and I desire to state now that if we enter upon the policy of making these small appropriations from year to year as the Senators or Members from some State may be vigilant in pushing them, that we not only legislate with partiality, doing partial justice to some States and failing to do anything for other States, but that such a policy will keep these indemnity claims before Congress for the next half century, and we will have paid out in the end immense sums for agents and machinery that might be saved.

I cannot, in the limited time I have and with the great desire of the House for a final adjournment, go into the merits of this question, and will have to content myself, in conclusion, with again stating that all legislation touching this subject should be postponed until the whole matter can be fully considered by the House in the usual way. And I ask the House to not agree to this conference report, so that this bill will go back to another conference committee and this amendment be stricken out in another conference report.

Mr. COX. Mr. Speaker, the very amendment which the gentleman from Illinois [Mr. CANNON] opposes is an economical measure intended to cut off any sort of opportunity to get these lands improperly. The appropriation of $15,000 is to close up this business. It is an economical measure—so certified by the Land Office and so understood by all who care to understand it. The only objection made to this conference report is based upon that amendment. Now does the gentleman want to kill this bill?

Mr. CANNON, of Illinois. Oh, no, sir.

Mr. COX. Why, sir, we have agreed on everything except this one item, and my friend from Illinois will not sign the report because of this swamp-land business; yet that is a perfectly fair measure for the purpose of getting at the facts in regard to these swamp lands.

Mr. SPRINGER. I would like to ask the gentleman a question. I see in the bill as amended by the Senate a large number of amendments making payments to individuals and railroad corporations——

Mr. COX. They are all stricken out. The Senate receded from all of them. Every one is stricken out.

Mr. SPRINGER. Is the appropriation of the interest on $1,000,000 to the Osage Indians stricken out?

Mr. COX. No, sir; that is not stricken out for the reason I will state. I referred that matter to the chairman of the Committee on Indian Affairs, [Mr. SCALES,] who reports that that amount ought to have been paid before. Next year it will be paid in order. This year it is not paid in order. It should have been paid last year. Everybody acknowledges that that is correct.

Mr. SPRINGER. The amount, I believe, is $60,300.

Mr. COX. That is the interest at 5 per cent. on the avails of sales of lands which should have been paid to these Indians before.

Mr. KEIFER. It is the interest on $1,200,000.

Mr. COX. The gentleman from North Carolina [Mr. SCALES] will give the gentleman from Illinois [Mr. SPRINGER] whatever information he wants in regard to this.

Mr. SCALES. This is interest on the proceeds of sales of lands which the Government has undertaken to sell for these Indians. By treaty of September 29, 1865, statutes 17, page 91, and by section 2 of act of May 9, 1872, the Government undertook to sell these lands and to pay interest at the rate of 5 per cent. A short calculation will show that this is the amount that is due them. The matter has been before the committee of the Senate and the committee of the House, and the reports show that the payment of this amount is in accordance both with law and treaty.

Mr. SPRINGER. Was it before the Committee on Indian Affairs or the Committee of Claims?

Mr. SCALES. Before the Committee on Indian Affairs. It was not included in the last appropriation bill because the estimate could not be made before the 1st of March. By law the estimate must be made to the 1st of March, while the last Indian appropriation bill was reported in February.

Mr. TOWNSHEND, of Illinois. I desire to move that the committee be instructed to amend the bill by including the State of Illinois.

The SPEAKER. This is a conference report. It must either be accepted or rejected.

Mr. TOWNSHEND, of Illinois. I understand there is a special discrimination made in favor of Missouri.

Mr. COX. Nothing of the kind.

Mr. ATKINS. I observe there is an appropriation of $100,000 in this bill to pay for judgments of the Court of Claims. Is it provided that that shall only be available after the time shall elapse for appeals to be made?

Mr. COX. Not a dollar of that money can be paid until after the time expires for appeal. There is a proviso to that effect.

Mr. KEIFER. Could it have been paid even if there had been no such proviso.

Mr. COX. It could not have been; but we put that in out of abundant caution.

Mr. SPRINGER. I would like to hear the bill read just as it will stand if passed as now recommended by the committee of conference. It is so mixed up with amendments that we do not understand what is in the bill.

The SPEAKER. The Clerk will read the bill as it will stand if the report of the committee of conference be adopted.

The Clerk read as follows:

Be it enacted, &c., That in addition to the amounts heretofore appropriated the following sums be, and the same are hereby, appropriated out of any money in the Treasury not otherwise appropriated, namely:

For payment to letter-carriers for the fiscal year ending June 30, 1880, and to extend the services of such carriers for said year under the provisions of the act approved February 21, 1879, entitled "An act to fix the pay of letter-carriers," in addition to the sum heretofore appropriated, $415,000.

For payment of increased salary to letter-carriers under the provisions of existing law for the fiscal year ending June 30, 1879, $71,000.

To enable the Commissioner of the General Land Office to adjust and settle the claims of the several States under the law of Congress approved September 28, 1850, and the acts supplemental thereto and amendatory thereof for swamp lands, including the claims for swamp-land indemnity under the acts of March 2, 1855, and March 3, 1857, and other acts, $15,000.

For payment of judgments of the Court of Claims, $100,000, or so much thereof as may be necessary: *Provided*, That no judgment shall be paid until the right of appeal has expired.

For interest due Osages on avails of diminished-reserve lands in Kansas for the fiscal year ending June 30, 1880; this amount to be expended for the Osage Indians in accordance with section 12 of the act of July 15, 1870, being interest at 5 per cent. per annum from March 1, 1879, to March 1, 1880, on $1,206,257.29, aggregate of net avails of Osage trust and diminished-reserve lands sold prior to March 1, 1879, as provided for by section 2 of the act approved May 9, 1872, $60,312.86.

For salary of the additional associate justice of the supreme court of the District of Columbia, appointed under the act of Congress approved February 25, 1879, from the date of his appointment to and including June 30, 1879, $1,122.22, or so much thereof as may be necessary. And the paragraph relating to reform school in section 3 of the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes," is hereby amended by inserting after the word "improvements" in said paragraph the words "and support of boys sent to said school."

Mr. COX. That last amendment is simply to correct a clerical mistake of the old bill. I move the previous question.

Mr. CANNON, of Illinois. I desire to ask a parliamentary question?

Mr. COX. I insist on the demand for the previous question.

The SPEAKER. It is the right of the gentleman to make a parliamentary inquiry.

Mr. CANNON, of Illinois. My inquiry is this: If the report of the committee of conference is not agreed to, would it be then in order to ask for another conference committee?

The SPEAKER. Undoubtedly it would.

The question being put on agreeing to the report of the committee of conference, there were—ayes 97, noes 25.

Mr. CANNON, of Illinois. I call for the yeas and nays.

Several MEMBERS. Oh, no!

Mr. TOWNSHEND, of Illinois. There is over a half million dollars involved in this bill.

The question being taken on ordering the yeas and nays, there were ayes 14.

So (the affirmative not being one-fifth of the last vote) the yeas and nays were not ordered.

Mr. CANNON, of Illinois. I make the point that a quorum did not vote on the question of agreeing to the report.

The SPEAKER. The Chair will order tellers, and appoints the gentleman from Illinois, Mr. CANNON, and the gentleman from New York, Mr. COX.

The House again divided; and the tellers reported ayes 102.

Before the "noes" were counted,

Mr. COX (one of the tellers) said: The gentleman from Illinois [Mr. CANNON] desires the yeas and nays upon agreeing to this report and I will consent that they be taken, as that will avoid any trouble about the want of a quorum.

The yeas and nays were ordered.

The question was taken; and there were—yeas 132, nays 38, not voting 116; as follows:

YEAS—132.

Acklen,	Deering,	Hurd,	Ryon, John W.
Aldrich, William	De La Matyr,	Johnston,	Sapp,
Anderson,	Deuster,	Jones,	Sawyer,
Armfield,	Dibrell,	Jorgensen,	Scales,
Atkins,	Dunnell,	Joyce,	Shallenberger,
Bachman,	Ellis,	Keifer,	Shelley,
Barber,	Errett,	Lapham,	Sherwin,
Bayne,	Evins,	Le Fevre,	Simonton,
Bicknell,	Farr,	Lounsbery,	Slemons,
Blackburn,	Field,	Manning,	Smith, William E.
Blake,	Finley,	Mason,	Stephens,
Bowman,	Fisher,	McCoid,	Stevenson,
Briggs,	Ford,	McLane,	Talbott,
Bright,	Frost,	McMahon,	Taylor,
Butterworth,	Gibson,	Mitchell,	Thomas,
Carpenter,	Goode,	Monroe,	Townsend, Amos
Clardy,	Gunter,	Muller,	Tyler,
Clark, John B.	Hammond, John	Murch,	Updegraff, J. T.
Clymer,	Hammond, N. J.	Myers,	Updegraff, Thomas
Cobb,	Harmer,	New,	Upson.
Coffroth,	Harris, Benj. W.	Nicholls,	Valentine,
Converse,	Haskell,	O'Connor,	Van Aernam,
Cook,	Hatch,	O'Neill,	Voorhis,
Covert,	Hawley,	Orth,	Waddill,
Cowgill,	Hazelton,	Osmer,	Wait,
Cox,	Herndon,	Persons,	Ward,
Cravens,	Hill,	Phelps,	Wellborn,
Culberson,	Hiscock,	Poehler,	White,
Daggett,	Hooker,	Pound,	Whiteaker,
Davidson,	Horr,	Prescott,	Willis,
Davis, George R.	House,	Richardson, J. S.	Willits,
Davis, Joseph J.	Hull,	Russell, W. A.	Wilson,
Davis, Loundes H.	Hunton,	Ryan, Thomas	Young, Casey.

NAYS—38.

Aiken,	Elam,	Klotz,	Thompson,
Baker,	Felton,	Marsh,	Tillman,
Beale,	Forney,	Martin, Benj. F.	Townshend, R. W.
Bouck,	Forsythe,	McKenzie,	Turner, Oscar
Brewer,	Fort,	McMillin,	Weaver,
Browne,	Gillette,	Morrison,	Whitthorne,
Caldwell,	Hawk,	Phister,	Williams, Thomas
Cannon,	Henderson,	Reagan,	Yocum.
Conger,	Herbert,	Samford,	
Dickey,	Hubbell,	Springer,	

NOT VOTING—116.

Aldrich, N. W.	Claflin,	Humphrey,	Mills,
Atherton,	Clark, Alvah A.	James,	Money,
Bailey,	Colerick,	Kelley,	Morse,
Ballou,	Crapo,	Kenna,	Morton,
Barlow,	Crowley,	Ketcham,	Muldrow,
Belford,	Dick,	Killinger,	Neal,
Beltzhoover,	Dunn,	Kimmel,	Newberry,
Bingham,	Dwight,	King,	Norcross,
Bland,	Einstein,	Kitchin,	O'Brien,
Bliss,	Ewing,	Knott,	O'Reilly,
Blount,	Ferdon,	Ladd,	Overton,
Boyd,	Frye,	Lay,	Pierce,
Bragg,	Garfield,	Lewis,	Price,
Brigham,	Geddes,	Lindsey,	Reed,
Buckner,	Godshalk,	Loring,	Rice,
Burrows,	Hall,	Lowe,	Richardson, D. P.
Cabell,	Harris, John T.	Martin, Edward L.	Richmond,
Calkins,	Hayes,	Martin, Joseph J.	Robertson,
Camp,	Heilman,	McCook,	Robeson,
Carlisle,	Henkle,	McGowan,	Robinson,
Caswell,	Henry,	McKinley,	Ross,
Chalmers,	Hostetler,	Miles,	Rothwell,
Chittenden,	Houk,	Miller,	Russell, Daniel L.

Singleton, J. W.	Starin,	Vance,	Williams, C. G.
Singleton, O. R.	Steele,	Van Voorhis,	Wise,
Smith, A. Herr	Stone,	Warner,	Wood, Fernando
Smith, Hezekiah B.	Tucker,	Washburn,	Wood, Walter A.
Sparks,	Turner, Thomas	Wells,	Wright,
Speer,	Urner,	Wilber,	Young, Thomas L.

So the report of the committee of conference was agreed to.

During the roll-call the following announcements were made:

Mr. BEALE. My colleague, Mr. RICHMOND, is detained from the House on account of sickness, and is paired with Mr. PRESCOTT.

Mr. MARTIN, of West Virginia. Mr. KENNA is paired with Mr. YOUNG, of Ohio.

Mr. BELTZHOOVER. I am paired with my colleague, Mr. BINGHAM.

Mr. TALBOTT. My colleague, Mr. HENKLE, is paired with Mr. NEAL, of Ohio.

Mr. HILL. My colleague, Mr. ATHERTON, is paired with Mr. NEWBERRY, of Michigan.

Mr. ROBERTSON. I am paired with Mr. ROBINSON, of Massachusetts.

Mr. HUNTON. My colleagues, Mr. TUCKER and Mr. CABELL, are detained from the House on account of severe sickness, and are absent by leave of the House, and are, respectively, paired with Mr. FISHER and Mr. LAPHAM.

Mr. HURD. I am paired with Mr. CLAFLIN, of Massachusetts, on political questions; but I understand from his colleagues that if he were here, he would vote "ay," and I therefore vote.

Mr. DUNN. I am paired with Mr. HAYES, of Illinois.

Mr. McLANE. I am paired with Mr. URNER; but I have voted, considering this not a political question, and because it seems to me that my colleague would also vote "ay."

Mr. COVERT. My colleague, Mr. FERNANDO WOOD, is paired with Mr. ROBESON, of New Jersey.

Mr. COBB. My colleague, Mr. COLERICK, is paired with Mr. HUMPHREY, of Wisconsin, and my colleague, Mr. HOSTETLER, is paired with Mr. McCOOK.

Mr. DIBRELL. My colleague, Mr. HOUK, is absent on account of sickness, and I understand is paired with Mr. SPARKS, of Illinois.

Mr. WARD. My colleague, Mr. KELLEY, is paired with Mr. MORSE, of Massachusetts.

Mr. SMITH, of Pennsylvania. I am paired with Mr. MARTIN, of Delaware. If he were here, I should vote "ay." My colleague, Mr. OVERTON, is paired with Mr. ROSS, of New Jersey.

Mr. SAPP. My colleague, Mr. PRICE, is paired with Mr. WRIGHT, of Pennsylvania.

Mr. TOWNSEND, of Ohio. I am paired with my colleague, Mr. EWING, on all political questions. As I do not regard this as a political question I vote "ay." My colleague, Mr. McKINLEY, is paired with Mr. SPARKS, of Illinois.

Mr. TYLER. I desire to announce that Mr. BRIGHAM, of New Jersey, is paired with Mr. FROST, of Missouri.

Mr. HARRIS, of Massachusetts. Mr. WILLIAMS, of Wisconsin, is paired with Mr. LEWIS, of Alabama.

Mr. BREWER. My colleague, Mr. NEWBERRY, is paired with Mr. ATHERTON, of Ohio; and my colleague, Mr. STONE, is paired with Mr. MONEY, of Mississippi.

Mr. NEAL. I am paired with Mr. HENKLE, of Maryland.

Mr. DICKEY. My colleague, Mr. GEDDES, is absent on account of sickness, and is paired with Mr. BARLOW, of Vermont.

Mr. FISHER. My colleague, Mr. DICK, is paired with Mr. LAY, of Missouri.

Mr. FIELD. My colleague, Mr. ROBINSON, is paired with Mr. ROBERTSON, of Louisiana.

Mr. LAPHAM. My colleague, Mr. RICHARDSON, is paired with Mr. TUCKER, of Virginia.

Mr. MANNING. My colleague, Mr. CHALMERS, is paired with Mr. VAN VOORHIS, of New York.

Mr. DUNNELL. My colleagues, Mr. WASHBURN and Mr. POEHLER, are paired.

Mr. ALDRICH, of Illinois. I desire to state that Mr. ALDRICH, of Rhode Island, is paired with Mr. WARNER, of Ohio.

The result of the vote was then announced as above stated.

Mr. COX moved to reconsider the vote by which the report of the committee of conference was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

THE NATIONAL BOARD OF HEALTH.

Mr. YOUNG, of Tennessee. I call for the regular order.

The SPEAKER. The Chair thinks that unanimous consent was given yesterday that the National Board of Health bill should come up to-day.

Mr. FINLEY. I withdraw my motion to proceed to business on the Speaker's table.

The House then resumed the consideration of the bill (H. R. No. 2273) to provide office-room for the National Board of Health and for the publication of its reports and papers, and for other purposes.

The SPEAKER. The Chair understands that the gentleman from Tennessee [Mr. YOUNG] desires to substitute the Senate bill for the House bill. That requires unanimous consent.

Mr. YOUNG, of Tennessee. I am instructed by the committee to ask that the Senate bill be considered in lieu of the House bill. They are identically the same, with the exception of one word, which I will explain when we get to it.

The SPEAKER. If there be no objection, the Senate bill will be taken from the Speaker's table and considered instead of the House bill.

Mr. CONGER. I had an amendment which I desired to offer to the House bill. I wish to offer it to the Senate bill.

Mr. YOUNG, of Tennessee. The gentleman can do that.

The Senate bill was then taken from the Speaker's table, being a bill (S. No. 675) to provide office-rooms for the National Board of Health and for the publication of its reports and papers, and for other purposes.

The Clerk began the reading of the bill, but before concluding,

Mr. WHITE said: Unanimous consent was not given for the substitution of the Senate bill for the House bill.

The SPEAKER. It was given.

Mr. WHITE. It was not, I think.

The SPEAKER. What does the gentleman desire?

Mr. WHITE. I want to object to this bill; I am opposed to it.

Mr. FINLEY. The gentleman is too late.

Mr. WHITE. Oh, no.

Mr. FINLEY. Consent was given, and the bill is being read.

Mr. WHITE. The bill is being read for information only.

Mr. FINLEY. Oh, no.

Mr. WHITE. I am opposed to the passage of this bill, because I think it is paying too much. It looks to me as if there was a job in the bill, as if it were intended to build up a big bureau.

The SPEAKER. Does the gentleman make the point of order upon substituting the Senate bill for the House bill at this time?

Mr. WHITE. I make the point of order that this bill is not before the House by unanimous consent.

The SPEAKER. That is a question of fact.

Mr. WHITE. The substitution of the Senate bill for the House bill is not by unanimous consent.

The SPEAKER. The Chair heard no objection.

Mr. YOUNG, of Tennessee. Who objected to it?

Mr. WHITE. I objected to it.

Mr. YOUNG, of Tennessee. No, you did not.

Mr. MANNING. No one objected at the time that unanimous consent was asked.

The SPEAKER. The Chair thinks that is correct.

Mr. WHITE. I understood that this bill was being read for information only.

The SPEAKER. In order to settle this controversy the Chair will have written out the notes of the official reporters touching this point.

Mr. ACKLEN. I understood that amendments would be in order to this bill; and I supposed it was to be considered in the House as in Committee of the Whole, section by section.

The SPEAKER. That was not a part of the agreement.

Mr. WHITE. This is too important a bill to be passed in this way. It commits the Government to a policy which I as a member of this House am not willing to sanction. If the Chair does not recognize my right to object, I will raise another point of order which will take the bill to the Committee of the Whole at all events.

The SPEAKER. The Journal and the report for the RECORD both show that the Chair is correct in his understanding—that unanimous consent was asked and that no objection was made to the substitution of the Senate bill.

Mr. WHITE. When the request for unanimous consent was submitted, the gentleman from Michigan [Mr. CONGER] rose and some colloquy ensued. That is the reason I did not press my objection at that time.

The SPEAKER. The gentleman from Michigan rose and asked whether he could offer an amendment. The Chair stated that amendments could be offered to the Senate bill.

Mr. WHITE. I remember that very well; but——

The SPEAKER. The reporter of the RECORD will write out the whole proceeding touching this point; and the Chair will then have it read. In the mean time the reading of the bill will be completed.

The Clerk resumed the reading of the bill; and when he had read to the close of the sixth section,

Mr. CONGER said: I have an amendment which I desire to offer to this section.

The SPEAKER. The reading of the bill is not yet concluded.

Mr. WHITE. I desire to raise a point of order that the bill must receive its first consideration in the Committee of the Whole.

The SPEAKER. The Chair will first dispose of the point of order previously made; but before doing so would prefer to have the report of the RECORD read.

Mr. WHITE. Very well; I will withhold my point.

The Clerk then resumed and concluded the reading of the Senate bill, which is as follows:

Be it enacted, &c., That the National Board of Health is hereby authorized and empowered to procure suitable and sufficient offices in the city of Washington for the transaction of its business, at a rental not to exceed the sum of $1,800 per annum. And said board is also authorized to pay the sum of $225 for the rent of building No. 1405 G street, northwest, in the city of Washington, used by the National Board of Health for offices from the 3d day of April, 1879, to the 3d day of July, 1879.

SEC. 2. That the necessary printing of the National Board of Health be done at the Government Printing Office, upon the requisition of the secretary of the board, in the same manner and subject to the same provisions as other public printing for the several departments of the Government: *Provided*, That the cost of said printing shall not exceed the sum of $10,000 per annum.

SEC. 3. That the National Board of Health is hereby authorized and empowered to have printed and bound 10,000 copies of the report of the board of medical experts, created by former act of Congress, which report shall include the report of Doctors Berniss and Cochran and Engineer Hardee, upon the yellow-fever epidemic of 1878; 6,000 copies of the same to be furnished to the House of Representatives, 2,000 copies to the Senate, and the residue to the National Board of Health: *Provided*, That the cost of publication and binding said report shall not exceed the sum of $7,500. And the said board is hereby authorized to pay Doctors Berniss and Cochran and Engineer Hardee $10 per day, for the preparation of their said report, for the period of two months: *Provided*, That the same shall be completed and submitted to the board within that time.

SEC. 4. That the National Board of Health is hereby authorized and directed to pay Frank J. Taylor, for services as stenographer to the board of medical experts in reporting evidence of medical men and others touching the causes, introduction, and spread of epidemic diseases within the United States, and for preparing the same for publication, the sum of $540, said sum being the amount allowed him by the Committee on Epidemic Diseases.

SEC. 5. The chief clerk of the National Board of Health shall act as disbursing agent for the board, and shall give bond, conformably to section 176 of the Revised Statutes, for the faithful performance of that duty, and for such services shall receive $360 per annum in addition to his salary as chief clerk; and the Board of Health may, with the approval of the Secretary of the Treasury, pay to its secretary such sum, in addition to his pay as a member of the board, as it may deem proper, not exceeding $100 per month.

SEC. 6. That section 3 of the act approved June 2, 1879, entitled "An act to prevent the introduction of contagious or infectious diseases within the United States," be amended as follows: At the end thereof insert: "And the Board of Health shall have power, when they may deem it necessary, with the consent and approval of the Secretary of the Treasury, as a means of preventing the importation of contagious or infectious diseases into the United States, or into one State from another, to erect temporary quarantine buildings and to acquire on behalf of the United States titles to real estate for that purpose, or to rent houses, if there be any suitable, at such points and places as are named in such section."

SEC. 7. That all the money hereinbefore authorized to be expended and all contracts made and liabilities incurred by the National Board of Health shall be paid out of the appropriation of $500,000 made in the act of Congress entitled "An act to prevent the introduction of contagious and infectious diseases into the United States," approved June 2, 1879.

The SPEAKER. The proceedings which took place at the time of the substitution of the Senate bill for the House bill will now be read. Members will please give their attention.

The Clerk read as follows:

The SPEAKER. The Chair understands that the gentleman from Tennessee desires to substitute the Senate bill for the House bill. That requires unanimous consent.

Mr. YOUNG, of Tennessee. I am instructed by the committee to ask that the Senate bill be considered in lieu of the House bill. They are identically the same with the exception of one word, which I will explain when we get to it.

The SPEAKER. If there be no objection the Senate bill will be taken from the Speaker's table and considered instead of the House bill.

Mr. CONGER. I had an amendment which I desired to offer to the House bill. I wish to offer it to the Senate bill.

Mr. YOUNG, of Tennessee. The gentleman can do that.

The Senate bill was then taken from the Speaker's table, being a bill (S. No. 675) to provide office-rooms for the National Board of Health and for the publication of its reports and papers, and for other purposes.

The Clerk began the reading of the bill.

The SPEAKER. The Chair thinks that the point of order comes too late.

Mr. WHITE. One moment, Mr. Speaker, in order to be correct upon the record——

The SPEAKER. The point of order was made that unanimous consent was not given for the substitution of the Senate bill for the House bill. The RECORD report shows that such consent was given.

Mr. WHITE. I remember very well what occurred. I remember when the Chair asked for objection the gentleman from Michigan [Mr. CONGER] rose in his place to make objection, and a colloquy occurred. The Clerk then commenced to read the bill. I did not want to be obtrusive. I understood that I would have the right to object after the bill was read.

The SPEAKER. Did the gentleman object?

Mr. WHITE. I did. I did not say so. [Laughter.]

The SPEAKER. Did not the gentleman say a few moments ago that he would have objected but that he saw the gentleman from Michigan [Mr. CONGER] rise in his place?

Mr. WHITE. I would have objected.

The SPEAKER. Then there was really no objection.

Mr. WHITE. There is no difference between the Chair and myself as to the question of fact. I intended to object. Does the Chair decide against me?

The SPEAKER. The Chair decides that the gentleman's objection comes too late.

Mr. WHITE. Now I make the point of order that the bill must receive its first consideration in Committee of the Whole.

The SPEAKER. That point the Chair sustains.

Mr. YOUNG, of Tennessee. The bill does not make any appropriation.

The SPEAKER. The Chair thinks it does.

Mr. YOUNG, of Tennessee. Not at all. I call the attention of the Chair to the last section.

The SPEAKER. The last section of the bill will be again read.

The Clerk read as follows:

SEC. 7. That all money hereinbefore directed to be expended and all contracts made and liabilities incurred by the National Board of Health shall be paid out of the appropriation of $500,000 made in the act of Congress entitled "An act to prevent the introduction of contagious or infectious diseases into the United States," approved June 2, 1879.

The SPEAKER. The Clerk will now read Rule 112.

The Clerk read as follows:

RULE 112. All proceedings touching appropriations of money and all bills making appropriations of money or property or requiring such appropriations to be made, or authorizing payment out of appropriations already made, shall first be discussed in Committee of the Whole House.

The SPEAKER. Under the last clause of the rule the bill must be referred to the Committee of the Whole.

Mr. YOUNG, of Tennessee. I move that the bill be considered in the House as in Committee of the Whole.

The SPEAKER. That involves a change of the rules of the House, and would require unanimous consent.

Mr. YOUNG, of Tennessee. Then I move that the House go into Committee of the Whole for the consideration of this bill.

The SPEAKER. The motion in that form is not in order. If the House should go into Committee of the Whole, the bills in committee must be taken up in their order.

Mr. FINLEY. The bills prior to this can be laid aside.

The SPEAKER. That of course can be done.

Mr. WHITE. I give notice that it cannot be done by unanimous consent.

Mr. ACKLEN. I understand that the Committee of the Whole can decide what business it will take up.

The SPEAKER. The Chair has not said anything to the contrary of that. The Chair has said that the motion must be to go into the Committee of the Whole simply. When the House is in Committee of the Whole the rule provides the order in which the business shall be proceeded with.

Mr. FINLEY. That motion has been made.

Mr. HOOKER. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOOKER. Would it not be in order for the House now, on the motion of the gentleman from Tennessee that the House go into Committee of the Whole, to direct what subject-matter shall be considered in Committee of the Whole?

The SPEAKER. It would not; because that alters the rule of the House which provides that when the House is in Committee of the Whole bills shall be taken up in their order; therefore, that would not be in order except by unanimous consent.

Mr. YOUNG, of Tennessee. The question of consideration can be raised as to prior bills.

The SPEAKER. When the House gets into the Committee of the Whole it will be governed by the rules of the House.

The question being taken on the motion of Mr. YOUNG, of Tennessee, that the House resolve itself into Committee of the Whole on the state of the Union, the Speaker stated that in the opinion of the Chair the "ayes" had it.

Mr. WHITE. I call for a division.

The House divided; and there were—ayes 76, no 1.

So (further count not being called for) the motion was agreed to, and the House resolved itself into Committee of the Whole on the state of the Union, Mr. SPRINGER in the chair.

The CHAIRMAN. The House is now in the Committee of the Whole on the state of the Union for the consideration of business on the public Calendar. The Clerk will report the title of the first business on the Calendar.

The Clerk read as follows:

1879, *March* 19.—Message from the President of the United States, communicating the estimates of appropriations needed which were sent to Congress by the Secretary of the Treasury at the opening of the last session.

Mr. McKENZIE. Let that be read.

Mr. BRIGHT. I move that that item be laid aside informally.

There was no objection.

The CHAIRMAN. The Clerk will read the title of the next business on the Calendar.

The Clerk read as follows:

A bill (H. R. No. 1493) defining the duties of reporter of the Supreme Court of the United States, fixing his compensation, and providing for the publishing and distribution of said reports.

Mr. FINLEY. I move that that bill be passed over.

Mr. WHITE. I object.

Mr. TOWNSHEND, of Illinois. Mr. Chairman, I think it will take but a moment to dispose of that bill. It is one I have no doubt every member will be in favor of as soon as he becomes acquainted with its effect. It will not take five minutes to dispose of it.

Mr. FINLEY. There is opposition to that bill. If it is taken up, I desire to make some remarks upon it.

Mr. TOWNSHEND, of Illinois. Where is the opposition to it? I have never heard of any.

Mr. FINLEY. The gentleman will find when the bill is discussed that there is opposition to it.

The CHAIRMAN. Debate is not in order on the question of the order of business.

Mr. TOWNSHEND, of Illinois. I object to this bill being laid aside.

The CHAIRMAN. The gentleman can object by voting against the motion to lay it aside.

Mr. YOUNG, of Tennessee. This matter has been discussed a little on the one side, and I would like to be heard as long at least as the gentleman from Illinois, [Mr. TOWNSHEND.] I simply want to say that the bill we desire to reach is an exceedingly important one.

We have been legislating for more than six months at an expense of many thousands of dollars to acquire the information upon which this legislation was based. We have created a National Board of Health; but without the enactment of this law they are completely powerless to execute the law upon which they are acting. I feel assured that if gentlemen will allow me twenty minutes to explain the bill there are not twenty members of the House who would vote against it.

Mr. TOWNSHEND, of Illinois. I desire to be heard for a moment.

The CHAIRMAN. The Chair directs Rule 114 to be read.

The Clerk read as follows:

In Committee of the Whole on the state of the Union, the bills shall be taken up and disposed of in their order on the Calendar; but when objection is made to the consideration of a bill, a majority of the committee shall decide, without debate, whether it shall be taken up and disposed of, or laid aside.

Mr. TOWNSHEND, of Illinois. One word, if the Chair pleases.

The CHAIRMAN. This motion is not debatable.

Mr. TOWNSHEND, of Illinois. I merely wish to say a word. I do not desire to antagonize the other bill, that which is in charge of the gentleman from Tennessee.

The CHAIRMAN. Debate is not in order. The question is on the motion of the gentleman from Ohio [Mr. FINLEY] that the bill (H. R. No. 1493) be passed over.

The question being put, there were—ayes 84, noes 14.

Mr. WHITE. A quorum has not voted.

The CHAIRMAN. The Chair will appoint tellers.

Mr. MCKENZIE. I move that the committee rise.

Mr. TOWNSHEND, of Illinois. I do not wish to antagonize the other bill, and withdraw the motion. I did not suppose that it would take two minutes to dispose of the bill No. 1493.

The CHAIRMAN. The gentleman from Illinois did not make any motion. The question is on the motion of the gentleman from Ohio [Mr. FINLEY] that this bill be passed over, upon which the ayes were 84 and the noes 14. The point of order being made that a quorum has not voted, the Chair will order tellers, and pending that the gentleman from Kentucky [Mr. MCKENZIE] moves that the committee rise. The question will be first upon that motion.

The question being put on the motion that the committee rise, it was not agreed to.

Mr. YOUNG, of Tennessee. If the House will listen for a moment, I will submit a statement with a view of facilitating the public business.

The CHAIRMAN. Is there consent to the gentleman from Tennessee making a statement?

Mr. WHITE. There is not.

Mr. BAKER. We want to get at the appropriation bill.

Mr. YOUNG, of Tennessee. So far as I am concerned I will let you get at the appropriation bill. What I desire to suggest will meet exactly what you want to do.

Mr. WHITE. What does the gentleman propose? I am opposed to considering this bill, and wish to prevent its consideration.

Mr. YOUNG, of Tennessee. If I can get unanimous consent to let the Senate bill go back to the Speaker's table whence it came, I will let you take up the appropriation bill.

Mr. WHITE. I have no objection to that.

Mr. ACKLEN. I would like to ask the gentleman if he will permit amendments to the bill.

Mr. YOUNG, of Tennessee. Oh, yes.

Mr. HOUSE. I move that the committee do now rise.

The CHAIRMAN. Unanimous consent cannot be given by the Committee of the Whole. The only way is for the committee to rise.

The question was taken on Mr. HOUSE's motion; and it was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. SPRINGER reported that the Committee of the Whole on the state of the Union had had under consideration the business on the public Calendar, and had come to no resolution thereon.

Mr. YOUNG, of Tennessee. I desire to get the action of the Committee of the Whole ratified by the House in reference to the proposition I made there.

The SPEAKER. The gentleman from Tennessee [Mr. YOUNG] asks consent that the proceeding be vacated which took place by unanimous consent authorizing the substitution of the Senate bill for the House bill, so that the Senate bill may go back upon the Speaker's table, from which it was taken by unanimous consent a short time since.

There was no objection, and it was so ordered.

IMPROVEMENT OF THE MISSISSIPPI RIVER.

Mr. GIBSON, by unanimous consent, introduced a bill (H. R. No. 2383) to amend an act entitled "An act to provide for the appointment of a Mississippi River commission for the improvement of the said river from the head of the passes near its mouth to its headwaters," approved June —, 1879; which was read a first and second time, referred to the Committee on the Levees and Improvement of the Mississippi River, and ordered to be printed.

JUDICIAL APPROPRIATION BILL.

Mr. ATKINS. I move that the House resolve itself into Committee of the Whole on the state of the Union, the object being the consideration of the bill reported this morning providing for the judicial expenses; and pending that motion I move that all general debate on the bill be closed in ten minutes. [Cries of "Say five minutes!"]

Mr. RYAN, of Kansas. I trust the gentleman will move to close debate in one minute.

Mr. ATKINS. I will move, then, that all general debate will be closed in one minute.

The motion was agreed to.

The question was then taken on the motion to go into Committee of the Whole, and it was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. BLACKBURN in the chair,) and proceeded to the consideration of the bill (H. R. No. 2381) making appropriations for the judicial expenses for the fiscal year ending June 30, 1880.

Mr. BAKER. I ask that the first reading of the bill be dispensed with.

There was no objection, and the first reading of the bill was dispensed with.

Mr. ATKINS. I will occupy the minute allowed for general debate to explain to the House that the first bill that was distributed this morning was a copy which was printed for the Committee on Appropriations, and there are two lines in that bill with regard to the fees of jurors in the Territories, making them $3 instead of $2. They are not in the bill now reported to the House. I wish gentlemen to understand that fact; it was a misprint in the bill. The bill now before the House is correct.

The CHAIRMAN. The time fixed by the House for general debate has expired. The bill will now be read by clauses for amendment.

The Clerk proceeded to read the bill, and read as follows:

For support of United States prisoners, $193,000.

Mr. BAKER. I offer the following amendment, to come in after the clause just read:

For fees of United States marshals and their deputies, $600,000, to be expended for the direct and legal expenses of conducting the business of the district, circuit, and supreme courts of the United States.

Mr. Chairman, I do not offer this amendment for the purpose of antagonizing at all the political questions that the majority of the House has seen fit in this Congress to precipitate upon the country. The amendment that I have offered is offered for the sole purpose of enabling the majority, which is charged with the responsibility of making the needful appropriations for the administration of justice in the United States courts, to make such appropriations as shall be necessary to carry on those courts and dispatch the ordinary business of these courts, leaving untouched and outside of the amendment the whole of the political question that is in issue between the respective parties to-day.

The amendment that I have offered, Mr. Chairman, simply proposes to appropriate $600,000 to be expended for the single purpose of meeting the direct and legitimate expenses of conducting the business of the district, circuit, and supreme courts of the United States. I offer this amendment, I say very frankly, with the distinct purpose in view of bringing before the country squarely and directly the question as to whether or not the majority that is responsible for the maintenance of these courts are in good faith disposed to make the needful appropriation in order that justice may be administered, or whether or not they desire under the disguise of political motives to strike at the administration of justice in the courts of the United States.

If our friends on the other side are desirous in good faith (as I believe them to be, permit me to say) that justice shall be administered in the courts, they cannot hesitate to join with us in voting this sum of money to be expended for the direct and legitimate expenses of the ordinary business of the Federal courts of justice. If it should be voted down I think the country will agree with me that it shows a purpose on the part of the other side, under the guise of a political question, to stab one of the departments of the Government in a vital part; because it must be apparent to every man who has any knowledge of the administration of justice in the Federal courts that in order that the business of those courts may be properly conducted the marshals of necessity must have placed under their control the money essential to the execution of the duties of their offices.

It is possible that without this appropriation the courts of justice will not be absolutely blocked; but it must be apparent to every intelligent man that the administration of justice will be seriously crippled and hampered to such an extent that public justice and private rights alike will be, if not sacrificed, at least very seriously interfered with. It is for that reason that I have offered this amendment in good faith.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman has expired.

Many MEMBERS. Vote! Vote!

Mr. ATKINS. I will detain the Committee of the Whole but a single moment. I know the patience of members is wearied and the whole subject has become threadbare.

I rise merely for the purpose of saying that the proposition of the gentleman from Indiana, [Mr. BAKER,] by way of amendment to this bill, is embodied in a bill reported this morning from the Committee on Appropriations by the gentleman from Indiana, [Mr. COBB,] a member of that committee, and will therefore be considered by the House when that bill is taken up. It is not necessary to have that question considered as an amendment to this bill.

Mr. KEIFER. Will the gentleman allow me to ask him a question?

Mr. ATKINS. I trust the gentleman will not interrupt me now.

Mr. KEIFER. I desire to ask a question in relation to the statement just made by the gentleman.

Mr. ATKINS. I am aware the gentleman desires to ask me a question; but I prefer to get through with my statements first.

Mr. KEIFER. I want to ask it before the gentleman passes from this point.

Mr. ATKINS. Very well.

Mr. KEIFER. I want to know of the gentleman whether the bill reported this morning by the gentleman from Indiana [Mr. COBB] does not contain the political matter which has been vetoed by the President?

Mr. ATKINS. He vetoed it once, but whether he will veto it again or not I do not know. [Laughter.] I do not think he ought to.

Mr. KEIFER. I expect the gentleman can have assurances on that point, if he desires.

Mr. ATKINS. Very well; be that as it may, I trust it will have no effect upon the action of the House in regard to this amendment. There is no necessity for this amendment at all, because the matter is provided for in another bill.

As to the courts not getting along without this appropriation for the marshals, I can say that it has been very frequently the case that they have got along without ample provision being made for the marshals, because not unseldom they come in with deficiency bills for the payment of the marshals. Besides the salaries of the marshals have been provided for in the legislative bill, which is already the law of the land. I do not suppose that a single one of the marshals or their general deputies would be so unpatriotic as to resign because he did not have provision made in this bill for all the fees he might be authorized to collect by law.

Mr. CONGER. Then the gentleman admits that he does not propose to pay the marshals.

Mr. ATKINS. I do not admit any such thing. I have already stated that we propose to pay them, but to make the appropriation for the purpose in another bill.

Mr. BAKER. And a bill in such form that the President must veto it. [Cries of "Vote!" "Vote!"]

Mr. CANNON, of Illinois. I move to strike out the last word for the purpose of making a single remark touching the amendment offered by the gentleman from Indiana, [Mr. BAKER.] If I understand his amendment, it proposes to appropriate the same amount that has been heretofore recommended by the Committee on Appropriations to be appropriated for the marshals of the Federal courts.

I understand further that the amendment is so drawn that the money hereby appropriated, if the amendment should be adopted, cannot under existing law be used for any other purpose except for the payment of marshals in the performance of their duties in the district, circuit, and Supreme courts of the United States; that not a dollar, not a cent of the amount, can be used for enforcing the election laws of the United States.

I understand that the bill which is to follow this, the one reported by the gentleman from Indiana, [Mr. COBB,] proposes to appropriate this same amount of money for the payment of marshals, but it has tacked to it as conditions not only the political provisions which have met with the veto of the President, but provisions still more radical and objectionable. Therefore, if that bill is relied upon, no appropriation will be made for the expenses of the marshals.

This amendment is germane to the pending bill. The law entitles the marshals to their compensation, and the business of the courts cannot be properly conducted unless this appropriation is made.

I do hope that whatever may be the action of Congress in regard to making appropriations for the expenses of deputy marshals to carry out the election laws of the United States, this amendment will be adopted and the courts given a proper amount to enable them to conduct their business satisfactorily. [Cries of "Vote!" "Vote!" "Vote!"]

Mr. SPRINGER. I desire to move an amendment to the amendment.

Many MEMBERS. Vote! Vote!

Mr. SPRINGER. I will withdraw my amendment for the present.

The question was then taken upon the amendment of Mr. BAKER; and upon a division there were—ayes 63, noes 82.

Before the result of the vote was announced,

Mr. BAKER said: I think I will have tellers on my amendment, if I can get them.

Tellers were ordered; and Mr. BAKER and Mr. ATKINS were appointed.

The committee again divided; and the tellers reported that there were—ayes 68, noes 81.

So the amendment was not agreed to.

The Clerk, resuming the reading of the bill, read as follows:

SEC. 2. That the per diem pay of each juror, grand or petit, in any court of the United States, shall be $2; and that the last clause of section 800 of the Revised Statutes of the United States, which refers to the State of Pennsylvania, and sections 801, 820, and 821 of the Revised Statutes of the United States, are hereby repealed; and that all such jurors, grand and petit, including those summoned during the session of the court, shall be publicly drawn from a box containing, at the time of each drawing, the names of not less than three hundred persons, possessing the qualifications prescribed in section 800 of the Revised Statutes, which names shall have been placed therein by the clerk of such court and a commissioner, to be appointed by the judge thereof, which commissioner shall be a citizen of good standing, residing in the district in which such court is held, and a well-known member of the principal political party opposing that to which the clerk may belong, the clerk and said commissioner each to place one name in said box alternately, without reference to party affiliations, until the whole number required shall be placed therein. But nothing herein contained shall be construed to prevent any judge from ordering the names of jurors to be drawn from the boxes used by the State authorities in selecting jurors in the highest courts of the State; and no person shall serve as a petit juror more than one term in any one year, and all juries to serve in courts after the passage of this act shall be drawn in conformity herewith: *Provided*, That no citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States on account of race, color, or previous condition of servitude.

Mr. DUNNELL. I move to amend by striking out the word "two," in the second line of this section, and inserting "three;" so as to make the clause read, "that the per diem pay of each juror, grand or petit, in any court of the United States shall be $3."

Mr. Chairman, when a former bill relating to this subject was before the Committee of the Whole, I offered an amendment similar to this, and at that time stated the reasons why in my view it should be adopted. I think it must be evident to every member of the House that the sum of $2 a day is wholly inadequate as compensation for the men who serve on the juries in the United States courts throughout the country, and in many cases will not cover their actual outlay. In many States where much travel is required of the jurors it will be impossible for men to serve at this rate. The circuit and district courts of the United States are generally held in the larger cities where it is not easy to obtain ordinary board at $2 a day. I insist there is no necessity that the class of men who ought to be, and I suppose will be, selected under this law to serve as jurors should be required by the Government to do so for the meager, the insignificant, the unworthy compensation of $2 a day.

I offer this amendment in good faith, hoping that the committee will see the propriety of its adoption. Three dollars a day is, I understand, the present compensation.

Mr. ATKINS. This matter has already been passed upon by the House, and I do not propose to detain the committee by discussion. Let the vote be taken.

The question being taken on the amendment of Mr. DUNNELL, there were—ayes 69, noes 82.

Mr. DUNNELL called for tellers.

Tellers were ordered; and Mr. DUNNELL and Mr. ATKINS were appointed.

The committee divided; and the tellers reported—ayes 63, noes 81.

So the amendment was not agreed to.

Mr. BAYNE. I move to amend by inserting after the words "two dollars" in the second line of this section, the words "and fifty cents;" so as to make the *per diem* of jurors $2.50. This is the *per diem* which we pay our jurors in Pennsylvania, and I believe the same amount is paid in many other States. Jurors in the United States courts incur necessarily a great many expenses which jurors in the State courts do not incur. They have to travel a very considerable distance; they are obliged to board usually at hotels; and if only $2 a day be allowed them, the amount they will be required to expend in order to sustain themselves will exceed the amount they receive.

Two dollars and a half a day is a very small compensation for men who will efficiently and capably serve in this capacity. It seems to me the spirit of the times demands that men should receive adequate compensation for any services they may perform. It tends to keep them out of the way of temptation; it is an inducement (and all possible inducement should be employed for that purpose) for men to do what is right. If there be one place where men should be actuated by pure and high motives, where they should be free from all sorts of temptation, it is the jury-box.

I therefore submit this amendment to the Committee of the Whole in good faith, hoping that it will be accepted as a compromise of opposing views on this subject. The amendment if adopted will afford only such compensation as gentlemen serving in this capacity are fairly entitled to.

Mr. ATKINS. The House has twice acted on this proposition and fixed the pay of jurors at $2. [A Voice: "Both Houses."] I do not suppose there is any disposition on the part of the House to change its mind. I therefore call for a vote.

The amendment of Mr. BAYNE was not agreed to, there being—ayes 54, noes 73.

Mr. OSCAR TURNER. I move to amend by striking out the proviso at the end of the section.

The Clerk read the proviso, as follows:

Provided, That no citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States on account of race, color, or previous condition of servitude.

Mr. GARFIELD. I wish to ask the gentleman offering this amendment whether it is his purpose to exclude persons of color from juries in the United States courts?

Mr. OSCAR TURNER. I understand it is urged by some that this is a provision of law as it now stands. If so, there is no use in adding the proviso. If it was not the existing law, it would not be made so by my vote.

MESSAGE FROM THE SENATE.

The committee rose informally; and the Speaker having resumed the chair, a message from the Senate, by Mr. SYMPSON, one of its clerks, announced that the Senate had passed, and requested the concurrence of the House in, a resolution authorizing the Committee on Public Lands of the Senate and the Committee on Public Lands of the House to appoint a sub-committee to act in aid of the commission

authorized under act of March 3, 1879, charged with the duty of codifying the laws relating to the survey and disposition of the public domain; and a resolution to print an edition of the Narrative of the Polaris Expedition.

The message further announced that the Senate had passed, without amendment, joint resolutions of the following titles:

Joint resolution (H. R. No. 102) authorizing a survey of the Mississippi River near Lake Concordia, Louisiana, and Cowpen Bend, Mississippi; and

Joint resolution (H. R. No. 114) donating granite blocks to Mower Post, Grand Army of the Republic of New Orleans, Louisiana.

The message also announced that the Senate had passed, with amendments in which the concurrence of the House was requested, the bill (H. R. No. 2275) extending the provisions of an act entitled "An act for the relief of certain settlers on the public lands," approved March 3, 1879, until the 1st day of October, 1880.

The message also announced that the Senate had passed a joint resolution of the following title; in which the concurrence of the House was requested:

Joint resolution (S. No. 44) appointing a joint committee of the two Houses of Congress to take into consideration what changes, if any, should be made in the mode of guarding and collecting the revenue and appropriating the moneys as collected.

ENROLLED BILL SIGNED.

Mr. WARD, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill and joint resolution of the following titles; when the Speaker signed the same:

Joint resolution (H. R. No. 113) to provide for the purchase of the stereotype plates of the final reports of the centennial commission upon the centennial exhibition of 1876; and

An act (H. R. No. 1379) fixing the rate of interest upon arrearages of taxes and assessments for special improvements now due to the District of Columbia, and for a revision of assessments for special improvements, and for other purposes.

APPROPRIATIONS FOR JUDICIAL EXPENSES.

The Committee of the Whole resumed its session.

Mr. ATKINS. Does the gentleman from Kentucky [Mr. OSCAR TURNER] desire to speak to his amendment?

Mr. OSCAR TURNER. I offer the amendment upon my own motion, not as representing the views of any one else on this floor, and I desire a vote upon it.

Mr. ATKINS. I have only this to say: [Cries of "Vote!" "Vote!"] I hope I have not overstepped the proper bounds; I am as anxious to vote as anybody.

Mr. Chairman, I trust that amendment will not receive the sanction of the Committee of the Whole. I have no idea indeed that it will. I hardly believe there is any one who will support it except it be my honorable friend the mover of the amendment, for whom I have very great respect. And if the gentleman had considered for a moment I think he would not have offered the amendment. For it proposes to abrogate a part of the Constitution of the United States itself. The fifteenth amendment of the Constitution of the United States guarantees what is here provided.

Mr. OSCAR TURNER. Will the gentleman allow me a question?

Mr. ATKINS. With pleasure.

Mr. OSCAR TURNER. If that is part of the Constitution of the United States, which is the paramount law of the land, why put it into this bill as a proviso?

Mr. ATKINS. Very good. We enact a great many laws that are in accordance with the Constitution. We put that proviso in there to show we do not design this law shall be construed so as to deny to colored citizens the right to serve upon juries. [Applause.]

The question being put on Mr. OSCAR TURNER'S amendment, the Chairman stated that in the opinion of the Chair the "noes" had it.

Several members called for a division.

The CHAIRMAN. Gentlemen who call for a division will please rise.

Mr. CONGER and Mr. MCKENZIE rose and called for a division.

The committee divided; and there was one vote in the affirmative. [Cries of "No further count!"]

So (further count not being insisted upon) the amendment was not agreed to.

Mr. LOWE. I offer the amendment which I send to the desk.

The Clerk read as follows:

After the word "belong," in line 19, second section, insert:
Provided, That membership and good standing in said principal political party shall be verified by a certificate, in writing, from the executive committee of the precinct, or voting district, in which said commissioner may reside.

Mr. ATKINS. Who offered that?

The CHAIRMAN. The gentleman from Alabama, [Mr. LOWE.]

Mr. ATKINS and Mr. GIBSON asked that the amendment be again read.

The amendment was again read.

Mr. LOWE. Mr. Chairman, now for the first time in the history of the country partisan politics is introduced by law into the jury-box. Juries, no doubt, have been sometimes packed, but contrary to law—never before by statute. This section does it. I am opposed to the whole thing in principle and practice. But if it must be done, let it be well done. If this provision is proper to be in the law at all it is proper that it shall be perfected and made effective and complete. It is for the purpose of perfecting the section that I offer the proviso. Any member who has studied the philosophy of the section sought to be amended will see that this proviso tends to complete its sense.

The question being put on agreeing to Mr. LOWE'S amendment, the Chairman stated that in the opinion of the Chair the "noes" had it.

Mr. LOWE. I call for a division.

The committee divided; and there were—ayes 58, noes 84.

So the amendment was not agreed to.

Mr. BUTTERWORTH. I offer the amendment which I send to the desk.

The Clerk read as follows:

Amend section 2 by striking out all after the word "held," in line 17, down to and including the word "belong," in line 19, namely, these words:
A well-known member of the principal political party opposing that to which the clerk may belong.

Mr. BUTTERWORTH. Mr. Chairman, I desire to say a single word on this amendment. I am aware that a few days ago this amendment, proposed by my colleague from Ohio, [Mr. GARFIELD,] was voted down. In a conversation with several gentlemen on the other side of this Chamber, I was impressed with the idea that they deprecated the introduction of party politics into our jury system as much as I certainly do; and I was led to believe by that conversation that they would vote to exclude this provision from this bill whenever the opportunity might be again offered.

I am aware that the clause introduced by my colleague from Ohio [Mr. WARNER] provides that the clerk and commissioner shall select jurors or the names to be placed in the box "without reference to party affiliations." Of course such a provision made with the view of excluding politics from the jury-box is what would be designated by Governor Allen of my State as a barren ideality, qualified by an energetic adjective. It introduces party politics at the very source, and therefore it is nonsense to talk about purifying the waters further down the stream. I trust that that clause of this bill will be stricken out. It was fully discussed the other day. I simply desire to have an opportunity now to ascertain whether any progress has been made in the sentiment upon this question.

Mr. ATKINS. I desire to say only a word. I commend the principle which the amendment of the gentleman from Ohio suggests; that is, that we should not have partisan politics mixed up with the administration of justice. But it so happens, Mr. Chairman, that in some of the States of this Union this very provision will secure less partisanship in the administration of justice than if you were to strike these words from the bill. I do not desire to go into the question. I will not go into the question; but I can state to the gentleman who offers the amendment to-day that there is now in session a district court of the United States in one of the Southern States in which not a single democrat has been summoned upon the jury. Every one of them is a republican.

Mr. BUTTERWORTH. I desire to say just a single word further. I would suggest to my friend from Tennessee that the cure will not be to make the whole system vicious because some practice that is vicious has grown up under it. It is to avoid vitiating the system that I move to strike this out.

Mr. WARNER. The words now in the bill, "without reference to party affiliations," is affirmative legislation prohibiting politics from entering the jury-box.

The question being put on Mr. BUTTERWORTH'S amendment, it was not agreed to.

Mr. BRENTS. I offer the following amendment:

Insert after the word "dollar" "except in the Territories of the United States, where the per diem pay of each juror shall be $3."

Mr. Chairman, when the former bill was under consideration in the Committee of the Whole this amendment was adopted. It was lost, however, when it came back into the House. I hope it will be adopted now and will be retained when it comes into the House.

Mr. ATKINS. I hope it will not.

Mr. BRENTS. In the Territories, as we all know, everything is more expensive than in the old and settled States. Travel is more expensive, yet United States jurors only receive five cents a mile for travel in the discharge of their functions; and in a territorial court they receive ten cents per mile and a greater per diem than they do when they discharge their duties in United States courts.

Mr. ATKINS. We ought not to disturb the equality between the citizens of the Territories and those of the States in this respect.

The question was taken upon Mr. BRENTS'S amendment; and it was not agreed to.

Mr. HISCOCK. I move to strike out all of the section after line 7 down to the end of the section. The effect of the amendment will be to leave the section so that it will repeal the two sections of the Revised Statutes which contain the test oath and then repeal that part of the section into which political legislation enters, for the purpose of determining who shall be in the jury-box.

I do not desire to say more. Nothing need be said or can be said to strengthen the arguments made upon the amendment offered by my friend upon this side of the House, [Mr. LOWE.] I believe that that part of the section which provides for the manner in which jurors should be drawn should go to the Committee on the Judiciary, and that that committee should report a provision that shall be perfect in all its features.

Mr. SPRINGER. We have a bill of that kind coming from the Committee on the Judiciary, but the gentleman's friends will not let us consider it.

Mr. HISCOCK. At the proper time we shall be ready to consider it.

Mr. SPRINGER. But that will be too late for the purposes of justice.

Mr. ATKINS. Twenty octavo volumes would not more than contain the speeches which have been already made upon this question, and I think the House fully understands it and that its judgment is made up. I will not therefore detain the House by any remarks of my own.

The question was taken on Mr. HISCOCK's amendment; and on a division there were—ayes 61, noes 82.

So the amendment was not agreed to.

Mr. HISCOCK. I move now to strike out the whole of the second section.

The question was taken; and the amendment was not agreed to.

Mr. WEAVER. I move to insert after the word "party," in line 18, the words "in the district in which the court is held."

Mr. Chairman, this amendment is only intended to make certain that which was the object of the bill. These words ought to be inserted. If the commissioner is to be selected from the party opposing the clerk, then he ought to be selected from the principal party in the district. The amendment is in harmony with the purpose of the bill, and certainly will not be objected to, otherwise you have no limitation in the mind of the clerk, and he may say the principal party of the United States or in the State. It ought to be the principal party in the district in which the court is held. That is certainly the object and scope of the bill, and if this feature is to be retained in the bill at all, then this limitation ought to be added so as to perfect the section and make its meaning certain.

Mr. HUNTON. I desire to call the attention of the committee to the fact that in line 16 the very idea is embodied that is contained in the amendment of the gentleman from Iowa, [Mr. WEAVER.]

Mr. WEAVER. Will the gentleman read it?

Mr. HUNTON. I will read it:

To be appointed by the judge thereof, which commissioner shall be a citizen of good standing, residing in the district in which such court is held.

A man could not reside in that district without being attached to one or the other of the political parties.

Mr. WEAVER. He may reside in the district, but he may be selected by the clerk from the principal party opposed to the clerk, not in the district, but in the State or in the United States. The amendment is certainly in harmony with the very object of the bill.

The question was taken on Mr. WEAVER's amendment; and on a division there were—ayes 62, noes 55.

No further count being insisted upon, the amendment was agreed to.

Mr. LAPHAM. I move to strike out all after the word "thereof," in line 15, down to and including the word "held," in line 17; as follows:

Which commissioner shall be a citizen of good standing, residing in the district in which such court is held.

That will leave the section providing that the clerk in the court and the commissioner shall place in the box the names of three hundred persons, leaving out all in the section in regard to the political proclivities of jurors, and stripping the section entirely of that feature.

The question was taken upon Mr. LAPHAM's amendment; and on a division there were—ayes 68, noes 86.

So the amendment was not agreed to.

Mr. CASWELL. I move to strike out all of section 2 after line 2, so that it will read as follows:

SEC. 2. That the per diem pay of each juror, grand or petit, in any court of the United States, shall be $2.

If the substance of this section were placed in a separate bill I will not say that I would not support it, but I am totally and wholly opposed to attaching political or general legislation to appropriation bills; and if we settle nothing else at this session we ought to settle that question. We have made some progress in that direction, but when the House first convened, every appropriation bill was literally loaded with political and general legislation.

Mr. TOWNSHEND, of Illinois. I desire to ask the gentleman a question.

The CHAIRMAN. Does the gentleman from Wisconsin [Mr. CASWELL] yield?

Mr. CASWELL. Not now. We have made such progress that we have reduced this political and general legislation here down to two supplemental bills, and the greater portion of it is embodied in this small bill. We have made such reform in legislation of that kind at this session that I want to see it completed. And I now ask my democratic friends to join hands with us and establish a precedent for our guidance in the future. I now yield to the gentleman from Illinois, [Mr. TOWNSHEND.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. TOWNSHEND, of Illinois. I wish to ask my friend——

Mr. RANDALL, (the Speaker.) Is the gentleman not aware that the House has refused to proceed to the consideration of this subject in a separate bill? Now, surely there is no sincerity in asking us, after the House has refused to proceed to the consideration of the subject in a separate bill, to strike this provision from this bill for the purpose of going back and considering it in a separate bill. Members of this committee can see at once that if this should be done we will fall between the two, and fail to secure any legislation in relation to jurors. We must of necessity consider it here and now, because you on this side [the republican side] will not allow us to vote for it in a separate bill.

Mr. CASWELL. I want to say, in reply to the gentleman from Pennsylvania, [Mr. RANDALL,] that this side of the House is not responsible for what this House has determined to do. But I ask him now at this time to join hands with us to strike out from appropriation bills all legislation of a general character.

Mr. RANDALL, (the Speaker) None of those here are responsible for those who are absent, but your side of the House is responsible for taking advantage of absentees.

Mr. CASWELL. But you have fought us step by step from the beginning of this session, insisting that this political legislation should be put upon appropriation bills, and with the aid of the President we have succeeded in striking it all out except this.

Mr. SPRINGER. I want to ask the gentleman from Wisconsin [Mr. CASWELL]——[Cries of "Vote!" "Vote!"] I desire to ask a question of the gentleman——[Renewed and continued cries of "Vote!" "Vote!" "Vote!"] Very well; I insist upon a vote.

Mr. CONGER. I demand that order shall be preserved.

The CHAIRMAN. The Chair is doing his best to have the committee preserve order.

Mr. CONGER. I thought the Chair might exert himself a little more.

Mr. SPRINGER. I insist upon a vote.

The CHAIRMAN. The Chair will not allow any business to be transacted until order is restored.

After a pause,

The question was taken upon the amendment of Mr. CASWELL; and upon a division there were—ayes 56, noes 77.

So the amendment was not agreed to.

Mr. CONGER. I move to strike out the last word.

Mr. ATKINS. I ask that the amendment of the gentleman from Michigan [Mr. CONGER] be reported by the Clerk.

The Clerk read the amendment, as follows:

In lines 32 and 33 of section 2, strike out the word "servitude."

[Laughter.]

Mr. CONGER. It is not unexpected to me, nor will it be to the country, that gentlemen on the other side should object to striking out the word "servitude."

I rise, however, to remark upon a statement made by the Speaker of this House, for whom, as I am bound parliamentarily to say, I have great respect. [Laughter.] That gentleman took occasion to say that some of the provisions of this section had been embodied in a separate bill, and that this House had refused to consider that bill, had objected to its consideration.

Now, when common members of the House like myself and my friend from Tennessee, [Mr. ATKINS,] who has charge of this bill, and other men make statements of that kind for political effect no one here pays any particular attention to them, neither does the country; but when the Speaker of this House leaves the chair and announces to the country that the House has refused and does refuse to consider a bill having in it the provisions of this section 2, I feel that that statement is of importance enough not to be allowed to go to the country unchallenged.

Sir, we have taken the very bill to which the gentleman alludes and placed it in Committee of the Whole, where this bill is, for the very purpose of having a full, free, and fair consideration of it.

Mr. LAPHAM. And put it into Committee of the Whole before this was put in.

Mr. CONGER. And put it into Committee of the Whole before this was put in. Now, I know that in Committee of the Whole the Speaker of this House does not have such control of that bill as he would have in the House. But we have placed that bill just where we place all these bills, that they may receive full, free, and fair consideration. But I desire the country to know that this House, of which the majority are democrats, has not tried to suppress such a bill, the remarks of the Speaker of this House to the contrary nevertheless notwithstanding. [Laughter] When we again reach that bill in Committee of the Whole—and I for one with an eagerness peculiar to my nature long to reach that bill in Committee of the Whole—we will consider it. But let not the country understand that even a democratic House, as the Speaker said, refuses to consider any bill presented here.

The bill is in the Committee of the Whole. It is where it can be considered—in the place where it ought to be considered—if I understand its position aright.

[Here the hammer fell.]

Mr. RANDALL, (the Speaker.) In reply to the gentleman's criticism on my remarks in connection with the position I occupy, I must remind him that I am a member of this Committee of the Whole. I did not leave the chair for the purpose of speaking on this bill. I was on the floor, was entitled to speak as a member of the Committee of the Whole, and it was quite appropriate that I should do so. But the gentleman is inaccurate in his statement; and I reaffirm all that

I uttered a moment ago. The bill to which the gentleman alludes as being in the Commiteee of the Whole is not there. It is unfinished business in the House; and its consideration has been obstructed many times by the minority. Moreover, gentlemen who advocated that bill on this floor repeatedly made propositions to the other side looking to a vote on the bill; but those propositions have never been acceded to. That is an unvarnished history of the facts, and with that I am content to leave the matter.

Mr. CONGER. I may be mistaken; but I understood——

Mr. RANDALL, (the Speaker.) The gentleman not only "may be," but is, mistaken.

Mr. CONGER. I understood that by unanimous consent the bill was referred to the Committee of the Whole. [Cries of "Oh, no!"]

Mr. RANDALL, (the Speaker.) The gentleman is mistaken. I would not like to be personal; I never am so; but I do not recollect that the gentleman, although in his seat, voted upon the question when the bill was up.

Mr. CONGER. I do not know what the gentleman may have seen.

Mr. RANDALL, (the Speaker.) The gentleman and his friends did not vote; otherwise there would have been a quorum, and the majority on this side would in such event have been enabled to pass the bill.

Mr. CONGER. The gentleman will not deny that whenever that bill has been before the House the previous question has been demanded without an opportunity for one word of debate or for a single amendment. That statement must stand unchallenged.

Mr. RANDALL, (the Speaker.) On the contrary, I appeal to the gentleman from Alabama [Mr. HERBERT] to say whether he did not make a proposition looking to debate on the bill to any extent that might be desired.

Mr. HERBERT. I desire to state that as the bill referred to happened to be in my charge, I from my place here on two separate days made a proposition to gentlemen on the other side, as the RECORD will show, that they might have as much time as they wanted to debate the question and the fullest opportunity to offer amendments, if they would allow a vote to be taken upon the bill. I went further. I went privately to gentlemen on that side, especially to the gentleman from Michigan [Mr. CONGER] who was leading the fillibustering movement which prevented us from getting a vote upon the measure——

Mr. CONGER. The gentleman uses unparliamentary language.

Mr. HERBERT. My memory is accurate. I did go to the gentleman.

Mr. CONGER. The gentleman uses unparliamentary language, whatever the truth may be.

Mr. McMILLAN. It is not unparliamentary to tell the truth.

[Here the hammer fell.]

Mr. RANDALL, (the Speaker.) I only wish to say that I took the floor in the first instance to protect the House against a dilemma into which it might fall by voting to strike out these clauses in this bill. If they should be struck out now with the expectation of their being passed in a separate bill, we might hereafter be met in the same way as we have been; and the separate bill might be prevented from passing.

Mr. HERBERT. I made every possible effort to come to some understanding with gentlemen on the other side.

Mr. CONGER. If I cannot have a vote upon the amendment, I withdraw it.

Mr. MITCHELL. I move to amend this section by striking out in line 6 the words "and 821." If these words be struck out of this repealing provision, section 821 of the Revised Statutes will still remain in force. That section is as follows:

At every term of any court of the United States the district attorney, or other person acting on behalf of the United States in said court, may move, and the court, in their discretion, may require the clerk to tender to every person summoned to serve as a grand or petit juror, or venireman or talesman, in said court, the following oath or affirmation, namely: "You do solemnly swear (or affirm) that you will support the Constitution of the United States of America; that you have not, without duress or constraint, taken up arms or joined any insurrection or rebellion against the United States; that you have not adhered to any insurrection or rebellion, giving it aid and comfort; that you have not, directly or indirectly, given any assistance in money, or any other thing, to any person or persons whom you knew, or had good grounds to believe, to have joined, or to be about to join, said insurrection or rebellion, or to have resisted, or to be about to resist, with force of arms, the execution of the laws of the United States; and that you have not counseled or advised any person to join any insurrection or rebellion against, or to resist with force of arms, the laws of the United States." Any person declining to take said oath shall be discharged by the court from serving on the grand or petit jury, or venire, to which he may have been summoned.

The effect of this section is to allow, in the discretion of the court, challenges of jurors who have participated in the rebellion. While section 820, as I understand, was upon one occasion repealed (and to that for my part I have no objection) I am unwilling to favor the repeal of section 821 at this time, for I do not believe it wise to remove from the statute-book any provision that it may be necessary to resort to on any occasion for the protection of the Government.

The amendment of Mr. MITCHELL was not agreed to.

The Clerk read the last section of the bill, as follows:

SEC. 3. That the Attorney-General shall include in his annual report a statement of all payments or expenditures during any fiscal year out of any appropriation fund subject to requisitions by him.

Mr. ATKINS. I move that the committee rise and report the bill as amended to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BLACKBURN reported that the Committee of the Whole on the State of the Union had had under consideration the bill (H. R. No. 2381) making appropriations for certain judicial expenses for the Government for the fiscal year ending June 30, 1880, and for other purposes, and had directed him to report the same as amended with the recommendation that it pass.

Mr. ATKINS. I demand the previous question on the bill and amendments.

The previous question was seconded and the main question ordered.

Mr. ATKINS moved to reconsider the vote by which the main question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The first question was upon the amendment reported by the Committee of the Whole, to insert in line 18 of the second section, after the word "party," the words "in the district in which the court is held."

The question was taken; and on a division there were—ayes 76, noes 61.

So the amendment was agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The question then recurred upon the passage of the bill.

Mr. CONGER. I demand the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The question was taken; and there were—yeas 99, nays 67, not voting 120; as follows:

YEAS—99.

Acklen,	Dibrell,	King,	Shelley,
Aiken,	Dickey,	Klotz,	Simonton,
Armfield,	Elam,	Le Fevre,	Slemons.
Atkins,	Ellis,	Lounsbery,	Smith, Hezekiah B.
Beale,	Evins,	Lowe,	Springer,
Bicknell,	Felton,	Manning,	Stephens,
Blackburn,	Finley,	Martin, Benj. F.	Stevenson,
Bouck,	Ford,	McKenzie,	Talbett,
Bright,	Forney,	McMahon,	Taylor,
Caldwell,	Frost,	McMillin,	Thompson,
Clardy,	Gibson,	Morrison,	Tillman,
Clark, John B.	Gillette,	Murch,	Townshend, R. W.
Clymer,	Goode,	Myers,	Turner, Oscar
Cobb,	Gunter,	New,	Upson,
Coffroth,	Hammond, N. J.	Nicholls,	Waddill,
Converse,	Hatch,	O'Connor,	Weaver,
Cook,	Herbert,	Persons,	Wellborn,
Covert,	Herndon,	Phelps,	Whiteaker,
Cravens,	Hill,	Phister,	Whitthorne,
Culberson,	Hooker,	Reagan,	Williams, Thomas
Davidson,	House,	Richardson, J. S.	Willis,
Davis, Joseph J.	Hull,	Ryon, John W.	Wilson,
Davis, Loundes H.	Hunton,	Samford,	Wise,
De La Matyr,	Johnston,	Sawyer,	Yocum.
Deuster,	Jones,	Scales,	

NAYS—67.

Aldrich, William	Daggett,	Hawley,	Pound,
Anderson,	Davis, George R.	Henderson,	Russell, W. A.
Baker,	Deering,	Hiscock,	Ryan, Thomas
Barber,	Dunnell,	Horr,	Sapp,
Bayne,	Errett,	Hubbell,	Shallenberger,
Blake,	Farr,	Jorgensen,	Sherwin,
Bowman,	Field,	Keifer,	Thomas,
Brewer,	Fisher,	Ketcham,	Tyler,
Briggs,	Forsythe,	Lapham,	Updegraff, J. T.
Browne,	Fort,	Marsh,	Updegraff, Thomas
Burrows,	Garfield,	Mason,	Valentine,
Butterworth,	Godshalk,	McCoid,	Van Aernam,
Cannon,	Hammond, John	Mitchell,	Voorhis,
Carpenter,	Harmer,	Monroe,	Wait,
Caswell,	Harris, Benj. W.	O'Neill,	Ward,
Conger,	Haskell,	Orth,	Willits.
Cowgill,	Hawk,	Osmer,	

NOT VOTING—120.

Aldrich, N. W.	Dwight,	Martin, Edward L.	Robinson,
Atherton,	Einstein,	Martin, Joseph J.	Ross,
Bachman,	Ewing,	McCook,	Rothwell,
Bailey,	Ferdon,	McGowan,	Russell, Daniel L.
Ballou,	Frye,	McKinley,	Singleton, J. W.
Barlow,	Geddes,	McLane,	Singleton, O. R.
Belford,	Hall,	Miles,	Smith, A. Herr
Beltzhoover,	Harris, John T.	Miller,	Smith, William E.
Bingham,	Hayes,	Mills,	Sparks,
Bland,	Hazelton,	Money,	Speer,
Bliss,	Heilman,	Morse,	Starin,
Blount,	Henkle,	Morton,	Steele,
Boyd,	Henry,	Muldrow,	Stone,
Bragg,	Hostetler,	Muller,	Townsend, Amos
Brigham,	Houk,	Neal,	Tucker,
Buckner,	Humphrey,	Newberry,	Turner, Thomas
Cabell,	Hurd,	Norcross,	Urner,
Calkins,	James,	O'Brien,	Vance,
Camp,	Joyce,	O'Reilly,	Van Voorhis,
Carlisle,	Kelley,	Overton,	Warner,
Chalmers,	Kenna,	Pierce,	Washburn,
Chittenden,	Killinger,	Poehler,	Wells,
Claflin,	Kimmel,	Prescott,	White,
Clark, Alvah A.	Kitchin,	Price,	Wilber,
Colerick,	Knott,	Reed,	Williams, C. G.
Cox,	Ladd,	Rice,	Wood, Fernando
Crapo,	Lay,	Richardson, D. P.	Wood, Walter A.
Crowley,	Lewis,	Richmond,	Wright,
Dick,	Lindsey,	Robertson,	Young, Casey
Dunn,	Loring,	Robeson,	Young, Thomas L.

So the bill was passed.

During the roll-call the following announcements were made:

Mr. SMITH, of Georgia. I am paired with Mr. WILBER, of New York. If he were present, I should vote "ay" and he would vote "no."

Mr. SLEMONS. My colleague, Mr. DUNN, is absent on account of sickness and is paired with Mr. HAYES, of Illinois.

Mr. HILL. My colleague, Mr. ATHERTON, is paired with Mr. NEWBERRY, of Michigan.

Mr. SCALES. My colleagues, Mr. VANCE and Mr. MARTIN, are paired. If present, Mr. VANCE would vote "ay" and I suppose Mr. MARTIN would vote "no."

Mr. MANNING. My colleague, Mr. MONEY, is paired with Mr. STONE, of Michigan; my colleague, Mr. CHALMERS, is paired with Mr. VAN VOORHIS, of New York, and my colleague, Mr. SINGLETON, who is absent by reason of sickness, is paired with Mr. CALKINS, of Indiana. If present, my colleagues would vote "ay."

Mr. WARNER. I am paired with Mr. ALDRICH, of Rhode Island.

Mr. TALBOTT. My colleague, Mr. HENKLE, is paired with Mr. NEAL, of Ohio, and my colleague, Mr. MCLANE, is paired with my colleague, Mr. URNER.

Mr. YOUNG, of Tennessee. I am paired with Mr. LORING, of Massachusetts. If he were present, I should vote "ay."

Mr. BEALE. My colleague, Mr. RICHMOND, is paired with Mr. PRESCOTT, of New York.

Mr. MULDROW. I am paired with Mr. DWIGHT, of New York. If he were present, I should vote "ay."

Mr. COVERT. My colleague, Mr. FERNANDO WOOD, is paired with Mr. ROBESON, of New Jersey.

Mr. STEELE. I am paired with Mr. NORCROSS, of Massachusetts; otherwise I should vote "ay." Mr. KNOTT, of Kentucky, is absent and paired with Mr. FRYE, of Maine. My colleague, Mr. KITCHIN, is paired with Mr. RICE, of Massachusetts.

Mr. BACHMAN. I am paired with my colleague, Mr. OVERTON; otherwise I should vote "ay."

Mr. COX. I am paired with my colleague, Mr. MORTON. If he were present, he would vote one way and I would vote another. [Laughter.]

Mr. ROSS. I am paired with Mr. CRAPO, of Massachusetts.

Mr. BELTZHOOVER. I am paired with my colleague, Mr. BINGHAM. If he were present, he would vote "no" and I should vote "ay."

Mr. ROBERTSON. I am paired with Mr. ROBINSON, of Massachusetts. If he were present, I should vote "ay."

Mr. POEHLER. I am paired with my colleague, Mr. WASHBURN. If he were present, I should vote "ay."

Mr. DICKEY. My colleague, Mr. GEDDES, is absent and paired with Mr. BARLOW, of Vermont.

Mr. STEVENSON. I desire to announce that Mr. LADD, of Maine, is absent and paired with his colleague, Mr. LINDSEY. If present, Mr. LADD would vote "ay."

Mr. HURD. I am paired with Mr. CLAFLIN, of Massachusetts.

Mr. HUNTON. My colleagues, Mr. TUCKER, Mr. CABELL, and Mr. RICHMOND are detained from the House by sickness, and paired respectively with Mr. RICHARDSON, of New York, with Mr. BOYD, of Illinois, and with Mr. PRESCOTT, of New York.

Mr. TOWNSHEND, of Illinois. My colleague, Mr. SINGLETON, is paired with Mr. MILES, of Connecticut.

Mr. COBB. My colleague, Mr. HOSTETLER, is paired with Mr. MCCOOK, of New York, and my colleague, Mr. COLERICK, is paired with Mr. HUMPHREY, of Wisconsin.

Mr. BOUCK. My colleague, Mr. BRAGG, is paired with Mr. JAMES, of New York. If present, Mr. BRAGG would vote "ay."

Mr. KENNA. I am paired with Mr. YOUNG, of Ohio. If he were present, I should vote "ay."

Mr. JOHNSTON. My colleague, Mr. HARRIS, of Virginia, is paired with Mr. BAILEY, of New York.

Mr. MULLER. I am paired with Mr. HEILMAN, of Indiana. If he were here, I should vote "ay."

Mr. HARRIS, of Massachusetts. I desire to announce that Mr. WILLIAMS, of Wisconsin, is paired with Mr. LEWIS, of Alabama. If present, Mr. LEWIS would vote "ay" and Mr. WILLIAMS "no."

Mr. WAIT. My colleague, Mr. MILES, is paired with Mr. SINGLETON, of Illinois; Mr. ROBINSON, of Massachusetts, is paired with Mr. ROBERTSON, of Louisiana; and Mr. KELLEY, of Pennsylvania, is paired with Mr. MORSE, of Massachusetts.

Mr. HAZELTON. I am paired with Mr. BLOUNT, of Georgia. If he were here, I should vote "no." My colleague, Mr. WILLIAMS, is paired with Mr. LEWIS, of Alabama.

Mr. LAPHAM. My colleague, Mr. RICHARDSON, of New York, is paired with Mr. TUCKER, of Virginia.

Mr. PRESCOTT. I am paired with Mr. RICHMOND, of Virginia.

Mr. BREWER. My colleague, Mr. STONE, is paired with Mr. MONEY, of Mississippi. If he were here, Mr. STONE would vote "no." My colleague, Mr. NEWBERRY, is paired with Mr. ATHERTON, of Ohio. If present, Mr. NEWBERRY would vote "no." Mr. STARIN, of New York, is paired with Mr. CLARK, of New Jersey. If they were here, Mr. STARIN would vote "no" and Mr. CLARK would vote "ay." My colleague, Mr. MCGOWAN, is detained from the House by reason of a death in the family of a friend.

Mr. HISCOCK. I desire to announce that Mr. REED, of Maine, is paired with Mr. WELLS, of Missouri.

Mr. SAPP. My colleague, Mr. PRICE, is paired with Mr. WRIGHT, of Pennsylvania. If present, Mr. PRICE would undoubtedly vote "no."

Mr. TOWNSEND, of Ohio. I am paired with my colleague, Mr. EWING. If he were here, I should vote "no." My colleague, Mr. MCKINLEY, is paired with Mr. SPARKS, of Illinois.

Mr. NEAL. I am paired with Mr. HENKLE, of Maryland. If he were present, I should vote "no."

Mr. WHITE. I am paired with Mr. THOMAS TURNER, of Kentucky. If he were present, he would vote "ay" and I should vote "no."

Mr. BLAKE. My colleagues, Mr. BRIGHAM and Mr. ROBESON, are absent by leave of the House. Mr. ROBESON is paired with Mr. FERNANDO WOOD, of New York, and, if present, would vote "no."

Mr. SMITH, of Pennsylvania. I am paired with Mr. MARTIN, of Delaware. If he were here, I should vote "no."

Mr. FISHER. My colleague, Mr. DICK, is paired with Mr. LAY, of Missouri. If present, Mr. DICK would vote "no."

Mr. FIELD. My colleague, Mr. ROBINSON, is paired with Mr. ROBERTSON, of Louisiana.

Mr. POUND. My colleague, Mr. HUMPHREY, is paired with Mr. COLERICK, of Indiana.

Mr. MORRISON. My colleague, Mr. SPARKS, is absent by leave of the House, because of sickness in his family. During his absence he is paired with Mr. MCKINLEY, of Ohio.

Mr. CLARK, of Missouri. My colleague, Mr. BUCKNER, is paired with Mr. CHITTENDEN, of New York.

The result of the vote was then announced as above stated.

Mr. ATKINS moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

PAY OF UNITED STATES MARSHALS, ETC.

Mr. COBB. I move that the House resolve itself into Committee of the Whole for the consideration of the bill (H. R. No. 2382) making appropriations to pay the fees of United States marshals and their general deputies. Pending that motion, I move that all general debate in Committee of the Whole on this bill be limited to one minute.

Mr. BAKER. I move to amend the motion of my colleague [Mr. COBB] by striking out "one minute" and inserting "one hour and a half." I think it will facilitate business if three-quarters of an hour be allowed for debate on each side. On our side we desire it.

The question being taken on the motion of Mr. BAKER, there were—ayes 55, noes 69.

Mr. CONGER. I wish to see who votes against allowing any discussion on this bill. I call for the yeas and nays.

Mr. REAGAN. Pending that, I move that the House adjourn.

Mr. BAKER. If gentlemen on the other side will give us on this side half an hour, it will be satisfactory.

The SPEAKER. The yeas and nays are demanded, pending which the gentleman from Texas [Mr. REAGAN] moves that the House adjourn.

Mr. FINLEY. I understand that gentlemen on the other side will be entirely satisfied with half an hour for debate. I hope no objection will be made.

Mr. ATKINS. I trust that my colleague on the committee [Mr. COBB] will yield to the request of his colleague [Mr. BAKER] for half an hour.

Mr. COBB. I cannot yield now.

Mr. BAKER. I desire to say that if half an hour be given to this side for debate, we will sit out the passage of the bill to-night.

The SPEAKER. The gentleman from Indiana, [Mr. BAKER,] if the demand for the yeas and nays be withdrawn, can move an amendment to that effect.

Mr. CONGER. I withdraw the demand for the yeas and nays.

Mr. HOOKER. I move that the House adjourn.

The question being taken on the motion of Mr. HOOKER, there were—ayes 26, noes 95; no quorum voting.

Mr. ATKINS and Mr. HOOKER called for tellers.

Tellers were ordered; and Mr. BAKER and Mr. COBB were appointed.

Mr. ATKINS. I withdraw the demand for tellers.

Mr. HOOKER. I do not withdraw my demand.

Mr. STEPHENS. I wish to know whether the chairman of the Committee on Appropriations [Mr. ATKINS] wishes the House to adjourn. My vote will be governed by his answer.

The SPEAKER. The gentleman from Tennessee [Mr. ATKINS] withdrew the demand for tellers; but it was insisted on by the gentleman from Mississippi, [Mr. HOOKER.]

The House divided; and the tellers reported—ayes 44, noes 79.

Mr. HOOKER. I call for the yeas and nays.

The question being taken on ordering the yeas and nays, there were ayes 19, less than one-fifth of the last vote.

Mr. HOOKER. I call for tellers on ordering the yeas and nays.

Tellers were not ordered.

So the motion to adjourn was not agreed to.

The SPEAKER. The question is now on the motion of the gentleman from Indiana [Mr. BAKER] to amend the motion of his colleague [Mr. COBB] so as to allow thirty minutes for general debate.

Mr. TALBOTT. Thirty minutes on each side.

The SPEAKER. The question is on agreeing to the proposition to allow thirty minutes for general debate on each side.

The question being taken, there were—ayes 107, noes 24.

Mr. CLARK, of Missouri. I make the point that no quorum has voted.

Tellers were ordered; and Mr. BAKER, and Mr. CLARK of Missouri, were appointed.

Pending the count by tellers,

Mr. SIMONTON said: I move that the House adjourn.

The SPEAKER. The Chair will recognize the gentleman in a moment. The House is now dividing.

The House divided; and the tellers reported—ayes 127, noes 32.

So the motion of Mr. BAKER was agreed to.

Mr. HOOKER. I move that the House do now adjourn.

The SPEAKER. The gentleman from Tennessee [Mr. SIMONTON] has already indicated that motion.

Mr. SIMONTON. I make the motion that the House do now adjourn.

Mr. KLOTZ. I rise to a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KLOTZ. I want to know how long it requires for a new member to be here before he gets the floor.

The SPEAKER. The gentleman has been recognized by the Chair whenever asked. The Chair thinks the gentleman has had recognition as often as required that the Chair should recognize him by parliamentary practice. The gentleman's question is hardly a parliamentary inquiry.

The question being taken on Mr. SIMONTON'S motion, there were—ayes 101, noes 30.

So the motion was agreed to; and accordingly (at four o'clock and fifty minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. ACKLEN: Memorial of the Louisiana constitutional convention, relative to the establishment of a marine school at New Orleans, Louisiana—to the Committee on Naval Affairs.

By Mr. BRENTS: The petition of Alfred N. Marion, for compensation for services rendered while in charge of the Tulalip Indian agency, Washington Territory—to the Committee on Indian Affairs.

By Mr. FIELD: Papers relating to the war claim of Samuel M. Blair—to the Committee on War Claims.

By Mr. LOWE: Papers relating to the application of William A. Hammond to be placed on the retired list of the Army as Surgeon-General—to the Committee on Military Affairs.

By Mr. OSMER: The petition of 67 citizens of Pennsylvania, against the extension of the Birdsell clover-huller patent—to the Committee on Patents.

By Mr. RYAN: The petition of citizens of Hampton, Kansas, for a post-route from La Crosse to Wakeeny, via West Point, Hampton, Elm Valley, and Bright Spring Creek, Kansas—to the Committee on the Post-Office and Post-Roads.

By Mr. TALBOTT: The petition of Frank L. Donnelly, for compensation for services rendered as a page for the House of Representatives, Forty-fifth Congress—to the Committee of Claims.

IN SENATE.

FRIDAY, *June* 27, 1879.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

ENROLLLED BILLS SIGNED.

The PRESIDENT *pro tempore* signed the following enrolled bills and joint resolutions, which had previously received the signature of the Speaker of the House of Representatives:

A bill (S. No. 674) for the benefit of the widow and children of General James Shields, and to increase the pension of Caroline S. Webster;

A bill (S. No. 697) to establish post-roads in certain States therein named;

A bill (H. R. No. 1379) fixing the rate of interest upon arrearages of general taxes and assessments for special improvements now due to the District of Columbia, and for a revision of assessments for special improvements, and for other purposes;

A bill (H. R. No. 1847) to provide for the appointment of a "Mississippi River commission" for the improvement of said river from the head of the passes near its mouth to its headwaters;

A bill (H. R. No. 1856) authorizing the commissioners of the District of Columbia to extend the area for the taking up and impounding of domestic animals in the District of Columbia;

A bill (H. R. No. 2264) to amend section 1, page 234, volume 20, of the United States Statutes at Large, Forty-fifth Congress;

A bill (H. R. No. 2267) providing for the binding of the internal-revenue laws and manual;

A bill (H. R. No. 2274) concerning the Legislative Assemblies of the several Territories of the United States;

A bill (H. R. No. 2329) authorizing the Conway National Bank of Conway, Massachusetts, to change its location and name;

A joint resolution (S. R. No. 5) relative to certain accepted drafts and other papers in the Department of State;

A joint resolution (H. R. No. 32) authorizing the completion of the foundation of the Washington Monument;

A joint resolution (H. R. No. 71) authorizing the appointment of a commission to lease a building for a city post-office in the city of Washington, District of Columbia; and

A joint resolution (H. R. No. 113) to provide for the purchase of the stereotype plates of the final reports of the centennial commission upon the centennial exhibition of 1876.

REMONETIZATION OF SILVER.

Mr. VEST. I move that the Senate proceed to the consideration of the concurrent resolution I offered in regard to the free coinage of silver.

Mr. KERNAN. I inquire whether the Senator from Missouri or any other Senator desires to discuss that concurrent resolution at this time? We hardly want to vote on it now. I move that it be referred to the Committee on Finance, rather than to vote upon it now. It comes from no committee.

The PRESIDENT *pro tempore*. The resolution will come up under the rule at the conclusion of the routine morning business.

Mr. ANTHONY. I rise to morning business.

The PRESIDENT *pro tempore*. The Senator from Rhode Island.

REPORT OF FISH COMMISSION.

Mr. ANTHONY. I am instructed by the Committee on Printing, to which was referred a concurrent resolution for printing two thousand copies of the report of the United States Commission on Fish and Fisheries, to report it without amendment and recommend its passage. I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the following concurrent resolution:

Resolved, (the House of Representatives concurring,) That 2,000 copies of the report of the United States Commission on Fish and Fisheries be printed and bound for distribution under direction of the Commissioner.

Mr. ALLISON. May I ask the Senator from Rhode Island if there is any provision for copies to be distributed by Senators and Representatives?

Mr. ANTHONY. There has been a resolution passed ordering copies to be distributed by Senators and Members of the House of Representatives.

Mr. ALLISON. Of this same report?

Mr. ANTHONY. Of this same report. The Commissioner of Fish and Fisheries has frequent applications for them and the edition is entirely exhausted. These copies are exclusively for his use. Senators can undoubtedly obtain copies by application to the Commissioner.

The resolution was agreed to.

MORTON'S REPORT ON CHINESE IMMIGRATION.

Mr. ANTHONY. By the same committee, to which was referred a resolution to provide for printing the report of the late Oliver P. Morton on Chinese immigration, I am directed to report the resolution without amendment, and I ask for its present consideration.

The resolution was considered by unanimous consent, and agreed to, as follows:

Resolved, That the report of the late Oliver P. Morton on Chinese immigration be printed, and that 500 additional copies be printed for the use of the Senate.

REMONETIZATION OF SILVER.

Mr. HEREFORD. During my absence yesterday the Senator from Indiana [Mr. MCDONALD] was kind enough to introduce a resolution from the Committee on Mines and Mining, which I see was laid on the table. If this is the proper time, I will move now to take that resolution up.

The PRESIDENT *pro tempore*. That resolution is on the Calendar of morning business, and after the disposition of the previous resolution introduced by the Senator from Missouri, [Mr. VEST,] that resolution will be in order.

Mr. ALLISON. Is it not in order for the Senator from West Virginia to move to take it up?

The PRESIDENT *pro tempore*. In the opinion of the Chair, it would require unanimous consent to take it up until the resolution of the Senator from Missouri is disposed of. The Chair lays before the Senate the concurrent resolution offered by the Senator from Missouri [Mr. VEST] on the 25th instant, which will now be reported for information.

The Chief Clerk read the resolution, as follows:

Resolved by the Senate of the United States, (the House of Representatives concurring,) That the complete remonetization of silver, its full restoration as a money metal, and its free coinage by the mints of the United States are demanded alike by the dictates of justice and wise statesmanship.

Mr. ALLISON. I move to refer the resolution to the Committee on Finance.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Iowa.

Mr. VEST. I ask for the yeas and nays. I shall accept that as a test vote.

The yeas and nays were ordered.

Mr. CONKLING. My vote upon the motion will be governed by the convenience of the Senator who offered the resolution, if his con-

venience is in question. I should therefore like to inquire whether the Senator wishes to speak to the resolution?

Mr. VEST. No, sir.

Mr. CONKLING. So that the Senator's convenience will be as well served by this course as any other?

Mr. VEST. Yes, sir; I shall take the vote on the motion to refer as a test of the sense of the Senate.

Mr. FERRY. I was called out of the Chamber and did not hear the resolution read this morning, but from my recollection of its reading yesterday it is simply a declaratory one covering the question of the free coinage of silver. I merely wish to state that this subject is now before the Committee on Finance, and on account of the special session and lack of time to give proper consideration to the matter, it has been postponed until the next December session, at which time, and at the first meeting then of the committee, as I understand, the subject is to be taken up, considered, and a report upon the measure made at the earliest practicable moment. I believe I state substantially and I may say correctly the conclusion of the committee, which I have a parliamentary right to state.

That being the case, Mr. President, aside from the question of opinion upon the measure, and deeming it eminently proper that the Senate and its committee charged with so important a subject should give ample time to its consideration and discussion, both in committee and in the Senate, and as this special session will doubtless close early next week, leaving certainly not time enough to consider a subject of such grave interest and importance to the country, I shall vote to postpone the subject until then, so that the whole question of free silver coinage may at that time be fully considered and reported upon to the Senate and the Senate then take deliberate action thereon.

Mr. VEST. I call attention to the fact that this is simply an abstract declaration of opinion in regard to the principle involved in the free coinage of silver. I do not propose now to enter into any details or to ask the indorsement of any specific particular legislation, the Warner bill or any other; but I ask the adoption of the resolution because the Committee on Finance of the Senate have refused to report the Warner bill, which has come here indorsed by the representatives of the people in the House, and which I believe is demanded by the public opinion of the country, and I know it is demanded by the public opinion of the West. It is for that very reason that I ask for this declaration of opinion. It is because I protest against the action of that committee; it is because I say they have no right to refuse to us full expression upon the record of our sentiments in regard to this great question; and it is because I propose to allay the anxiety in the public mind and to say to the people of the United States that the Senate as well as the House of Representatives are in favor of the free coinage of silver and that we propose to denounce the fraud—and I proclaim it such here to-day—by which silver was demonetized and surreptitiously struck out of the money of the land. That is my reason for bringing forward the resolution, and I have no hesitation in declaring it. As to the details, we can arrange them hereafter; as to who shall receive the price of coinage at the mints, we can arrange that hereafter; but I propose to put in letters of living light, if I can do it, before the people of the United States the assertion affirmatively that the representatives of the people in both branches of Congress are in favor in some shape of the free coinage of silver.

Mr. KERNAN. I do not rise to debate this question, but I rise to say a word which I believe is just to the Committee on Finance. There has been no action in that committee intending to smother any bill as to silver coinage or to prevent proper consideration and action upon any of them. The bill alluded to came to the committee late in this extra session; it came after that committee as well as others had time and again notified parties who wanted to come before them to press matters which they believed of importance that they would act in accordance with what they believed to be the sense of the Senate and best for the country, that is, not to enter at this extra session upon the consideration of questions of general legislation and of great importance, and which required time and deliberation to determine what the majority of the committee and the Senate should decide to be for the interest of the country. They therefore postponed the consideration of that bill and another bill involving the coinage of silver to the session of Congress in December next. The Senator from Michigan [Mr. FERRY] states correctly that the decision of the committee was to postpone these measures until the next session and then take them up and act upon them promptly, and report upon them promptly to the Senate, that there might be action upon them by the Senate according to the will of the majority after an opportunity for full discussion.

As allusion has been made to the so-called Warner bill, let me say that nobody pretended that that bill should be passed in the shape it was in. Nay, sir, members of the House who favored the bill came to me saying there would have to be some important amendments made to it. Now, sir, the committee has intended and does intend to act upon it, intends to report upon it and afford the Senate an opportunity to do whatever is thought wise by the majority; but a majority of the committee thought it was not wise, especially as the bills came to us toward the close as we hoped of this extra session, to attempt in committee to agree upon the bills to be reported and then bring them here for discussion at this extra session.

I wish to say this much in vindication of the Committee on Finance of which I am an humble member. The majority of its members believed that this great question could best be discussed and best matured and best acted upon at the next session of Congress when there would be time, particularly as there came to us from every side indications that a little time might aid us in maturing a bill and adopting legislation as to silver that would enable it to be coined and kept at par with gold. There was no intention on the part of the committee of smothering these silver bills, no intention of doing anything wrong, but simply an intention of doing what was believed to be best for the subject itself and for the country.

Mr. FERRY. With the Senator from Missouri I also protest, but I protest against the Senate's proposed action upon a declaratory resolution on a subject which is now pending before a committee of the body, the more so when that committee has had insufficient time for its consideration; in the face also of two facts: one, that what is known as the Warner silver bill having been referred to that committee, for want of time to properly consider it the committee has postponed its consideration until the next December session; and what is known as the trade-dollar bill, covering in measure the same subject of the free coinage of silver, has also been partially considered by the committee and postponed until next December for fuller deliberation. I say that the proposition of the Senator from Missouri is simply a declaration of opinion in advance of the consideration of the committee of this body specially charged with the consideration of financial subjects, and in advance of the deliberate action of the Senate. I cannot reasonably see the object sought to be obtained by this declaration of opinion; certainly no legislative action; and in the face of the fact that the committee holds the subject, as was well stated by the Senator from New York, not for the purpose of postponing and finally suppressing action, but to give ample time for its consideration. I state here, as I have stated before, that I have been and am an advocate of free coinage under wise restrictions, so far at least as to exclude the surplus cheap silver coin and bullion of foreign nations and confined to the bullion product of our own country. I was an advocate of remonetization of silver. I was as earnest as the Senator from Missouri proposes to be active on his resolution of opinion on free coinage. Therefore I am not an enemy of free coinage; I am not here to antagonize it; but I have risen simply to vindicate the conclusion for the time of the Committee on Finance, and to speak in behalf of a reasonable opportunity for the expression of the deliberate judgment of this body upon a subject so grave as a question that affects the whole financial interests of the country and indirectly involves the great industries of this nation.

Mr. ALLISON. Mr. President, I hope the resolution will be referred to the Committee on Finance, for the reasons stated by the Senator from Michigan, in order that that committee may consider fully and carefully the whole question; but whether it is referred or not I hope the Senate will not commit itself to the resolution proposed by the Senator from Missouri. The Warner bill itself is a mild-mannered affair compared to the resolution of the Senator from Missouri, which proposes now to open the mints of the United States to the unlimited free coinage of silver, thus placing in the hands of the bullion-owners, foreign and domestic, the profits that are to arise from the coinage. No House of Representatives to my knowledge has ever committed itself to that proposition, and yet the Senator from Missouri seeks now within a day or two of the end of the session to instruct our Committee on Finance—because that is substantially what the resolution is—to bring in a bill here at the next session of Congress providing for the free coinage of silver, which means that this Government shall coin all the silver that is brought to the mints of the United States at its own expense, giving the profit and advantage, amounting now to ten or twelve cents upon the dollar, to the owners of the silver bullion.

I hope that we will be able to refer the resolution in order that it may be perfected and its language carefully guarded so that when the Committee on Finance is instructed upon that question it may be instructed in such a way as that the profits of coinage, for the present at least, shall go to the Government of the United States and not to the bullion-owners.

Mr. HOUSTON. Mr. President, I do not agree with the Senator from Michigan, [Mr. FERRY,] who deems it necessary to state that he is in favor of free coinage and yet is afraid to express an opinion by a vote for the resolution. Furthermore, he seems to argue that it is necessary that the Committee on Finance shall have time to consider such a measure. At the last Congress that committee reported a like measure to the Senate, and that Senator I presume voted for the bill which was passed during the last Congress. If he understood it then, and if he knew enough about it then to vote for it, how has it happened that he has forgotten the matter now and that he does not now know whether he is ready to vote on the question or not?

Mr. FERRY. If the Senator puts that as a question and desires a reply, I am ready to reply to him.

Mr. HOUSTON. I am willing to hear it; but I did not ask for any reply at all; I am simply making an argument.

Mr. FERRY. Right there I will state to the Senator from Alabama that I did vote for what was known as the silver bill during the last Congress, and that bill restricted the coinage to a maximum of $4,000,000 a month. This proposition is for free coinage, including foreign bullion as well as our domestic product. One was limited and the other is unlimited.

Mr. HOUSTON. I think the Senator is mistaken when he attempts

to set up a distinction of that sort between the two measures. My friend from New York [Mr. KERNAN] and others have referred to what is called the Warner bill. I do not think that bill is before the Senate and open to discussion; but if it were I should say that when the Senator from Iowa [Mr. ALLISON] asserts that it will put it in the hands of bullion-owners to make a great traffic upon the Government, 10, 12, or 15 per cent., he is totally mistaken. The Warner bill does no such thing.

Mr. ALLISON. The Senator from Alabama misapprehended what I said. I said that this resolution proposes that, and that the Warner bill proposes no such thing. The Warner bill of course, I know, gives the profit of coinage to the Government.

Mr. HOUSTON. Neither does this resolution propose any such thing. It does not go into details, nor propose to go into details, and the Senator ought to have known it. It is a resolution merely expressing the opinion of Senators and Representatives that free coinage is necessary to the country.

Mr. ALLISON. Will the Senator yield for a moment?

Mr. HOUSTON. Certainly.

Mr. ALLISON. I should be glad to have the Senator explain what he understands by "free coinage."

Mr. HOUSTON. I do not know that it is proper or necessary to answer that question. I will do it in brief, however, for I do not intend to be led off into a discussion of the merits of the proposition. What I understand by free coinage of silver is to put it upon the basis of gold, and nothing more. This resolution does not pretend to say what the Senator from Iowa charges upon it; there is nothing of the sort in the resolution. Gentlemen who at the last Congress advocated and voted for the coinage bill of that Congress now come forward and ask for time to consider the merits of the proposition when the only difference they seem to draw is, as my friend from Michigan states, that one measure limited the coinage to $4,000,000 a month and the other is for the coinage of all the bullion that may come to the mints. That is a question that does not require twelve or eighteen months to consider. If it is a mere question of difference between the amounts, it does seem to me that the committee could have made up its mind long ago. But I have nothing to say about the committee. I am not now attempting to discuss that committee at all, and I regret that Senators have been drawn into an allusion to it.

I propose to say that my mind is made up on the subject of the coinage of silver. I propose to put the coinage of silver upon an equality with the coinage of gold. Do the Senator from Iowa and the Senator from Michigan agree with me or do they disagree with me? Are they disposed to discriminate against the coinage of silver, and thereby indorse the misconduct of those who demonetized silver? Are they willing to indorse that even to the extent that a vote against this proposition now would seem to do it? Why shall we ask the Committee on Finance for an opinion? Will the Senator from Iowa tell me why I should go and consult the Committee on Finance as to what opinion I am to have in relation to the free coinage of silver? I have got an opinion and I propose to express it.

I had nothing to do with bringing the resolution here, but it is now before the Senate. I have an opinion upon it, and I presume the Senator from Iowa and the Senater from Michigan have an opinion upon it. If they have, why not express it? Why shall we smother up an expression of an opinion upon a great subject like this, when our minds are made up? I presume the gentlemen who have discussed this question at the previous Congress, who voted for the measure then enacted, and who understood the question then, can hardly say that they do not understand it now, and claim that as an excuse why they want this resolution to go to the committee.

I do not know that the mere expression of an opinion of the Senate or of the House amounts to much. It is simply an expression of the opinion the Houses entertain at the time. It may have little or nothing to do with the legislation of the country. If it had been left to me, I should have introduced no such resolution; but it is here before the body, and being before the body it is in my judgment the duty of the members of the body to say what they think of the resolution. I do not want to ask the Finance Committee what opinion I must have, nor do I want to ask that committee to instruct me as to what opinion I shall have, or what opinion I do have upon the subject. It is true they have before them the bill which has been named, and as far as the details of the bill are concerned they can arrange them to suit themselves, subject of course to the action of the Senate; but as far as this resolution is concerned that committee has nothing to do with it, and it ought not to have anything to do with it. It is exceedingly strange in my view of the case that gentlemen should argue that Senators here cannot express an opinion without referring it to the Committee on Finance to know whether they have got an opinion and if they have got one to know whether they can express it.

Mr. President, I entertain no such views, and I shall vote for the resolution.

Mr. MAXEY. Mr. President, to my mind the Committee on Finance have nothing whatever to do with this resolution. It is a concurrent resolution; does not propose inquiry by the finance with the view to a bill; is not in the nature of a bill; is not a joint resolution, and is not in the nature of legislation; it is calling for the deliberate judgment, expression of opinion if you prefer, of the Senate of the United States upon this proposition: "that the complete remonetization of silver, its full restoration as a money metal, and its free coinage by the mints of the United States, are demanded alike by the dictates of justice and wise statesmanship." The Finance Committee could not throw any light upon that. That is a question which addresses itself to the deliberate judgment of every Senator, and there is no question in the entire range of politics which is so thoroughly well understood in the United States, or which has been so fully and freely discussed here and elsewhere, as that embodied in the resolution offered by the Senator from Missouri; and I therefore believe that it is right and proper to act upon this resolution and act upon it now; and I submit that this in no wise interferes with the Finance Committee or with the courtesy due to it. They have made no report on the measures now before them. They say that the bill from the House which was submitted to them has not been maturely considered and digested by them, and that therefore they have not reported upon it. I have nothing to say about that. They have not reported it; I know they have not. But this resolution demands no report from the Finance Committee. That committee cannot throw any additional light upon this subject; it would be difficult for any one to present a new thought upon it—next to impossible—and in my judgment it is calling for that which the American people to-day have a right to know, what is the sentiment of this Senate upon this great question.

Mr. ALLISON. Will the Senator from Texas answer a question which I desire to put to him?

Mr. MAXEY. Certainly.

Mr. ALLISON. He says this is a mere expression of opinion. If the Senate should express the opinion——

Mr. MAXEY. I would call the attention of the Senator from Iowa to the fact that I am looking at the minute-hand of the clock, and I do not want to be detained beyond one o'clock, when, or before that, a vote, if had to-day, must be taken.

Mr. ALLISON. I was looking at it myself, Mr. President. The Senator says the views of the Committee on Finance will not be affected by the passage of this resolution.

Mr. MAXEY. I did not say the views of the Committee on Finance would not be affected. I say the views of the Senate will not be affected by any report made by the Finance Committee on this resolution.

Mr. ALLISON. I presume that is true, but this resolution is a declaration that the free coinage of silver is a desirable thing at this moment.

Mr. MAXEY. I so believe, and so expressed myself here when the silver bill was up.

Mr. ALLISON. Undoubtedly, I know the Senator believes that; but if that be true, then the Committee on Finance is substantially instructed to bring in a bill providing for the free coinage of silver. Is it not?

Mr. MAXEY. I do not think the Committee on Finance would obey that instruction against what they believe to be their conscientious duty in the premises. I presume they will make their report some time or other—when I do not know. But, however, I think in the mean time the American people have a right to know what the Senate of the United States believe on this great question; and I for one, with all deference to the Finance Committee, do not care to hear what they have got to say about it, for the reason that the same means of information, the same light which that committee has to guide them in their judgment guides me, and so I say of every other Senator here. It is an abstract question, upon which the Finance Committee can throw no light.

Mr. ALLISON. But the point with me is this: here is a declaratory resolution, which says that the free coinage of silver is a desirable and proper thing, dictated alike by sound policy and wise statesmanship. If that be true, the Committee on Finance ought to bring in a bill at this moment for the free coinage of silver.

Mr. MAXEY. I think that is true.

Mr. ALLISON. And that involves the whole silver question, whether it shall be done now, or next year, or the year after, whether or not we shall so legislate here with reference to silver at this moment as to drive all the gold in the United States out of the United States and place us at once upon a silver currency—not a silver currency alone because that is not the proposition.

Mr. MAXEY. Will the Senator permit me to interrupt him?

Mr. ALLISON. Certainly.

Mr. MAXEY. Mr. President, we were told when the silver bill was up that it was going to drive all the gold away from the country. Has it had that effect? We know it has not. We were told that it was going to depress the credit of this Government. On the contrary, the credit of the Government has gone constantly up. Every single one of these gloomy predictions which were made by the opponents of silver before have been proven by history to be false in judgment, as I believe the predictions now will be.

I have no earthly fear of too much gold coin or silver coin in this country. I would like to see the flood of coin come, and prosperity with it.

Mr. ALLISON. Undoubtedly, I quite agree with the Senator as to what was the effect of the silver bill as it passed at the last Congress; but it was because the coinage of silver was restricted that our gold did not go out of the country. Is it not perfectly apparent to any one who will study the question that if we open our mints to the free

coinage of silver, the silver that is now in foreign countries will come here where it will find the best market and that our gold will go abroad to supply its place? Every one who studies this question know that it is impossible for the mints of the United States to coin more than from three to four or five million a month of silver coinage.

Mr. HEREFORD. Will the Senator allow me to ask him a question?

Mr. ALLISON. Certainly.

Mr. HEREFORD. Why does not the gold leave France. If gold would leave the United States, why does it not leave France?

Mr. ALLISON. It does not leave France because they have a double standard in France, and their mints are not open to the free coinage of silver.

Mr. HEREFORD. But they have twenty times as much silver there as we have here.

Mr. ALLISON. Undoubtedly; and I agree with the Senator from West Virginia that I believe we can float upon a limited coinage from one hundred to one hundred and fifty millions of silver in this country if you give the Government the control of the coinage. But when we open our mints to the free coinage of silver, and also to the proposition embodied in all these measures, that certificates shall be issued upon silver bullion, that moment the Treasury will become the great reservoir of all the silver of Europe and of all the silver of our own country in the shape of silver bullion, and instead of having a coinage of silver we shall simply have a paper money based upon silver bullion, and only exchangeable for bullion having a constantly changing value. Every man knows that we cannot coin the amount of silver necessary to take the place of our gold coinage in this country within four or five years without enlarging our mints beyond the possibility of enlargement within a year or two.

Now, the proposition of the Senator from Alabama, when he declares himself in favor of the free coinage of silver, is a proposition to banish gold from the United States, and to place in the hands of every bullion-owner, whether in this country or abroad, from ten to fifteen cents upon the dollar of every dollar of the circulating medium of the country. That is his proposition.

Mr. HOUSTON. I take it for granted the Senator knows that that is not my proposition.

Mr. ALLISON. Did I not so understand the Senator?

Mr. HOUSTON. I expressly denied that that was indicated or contained in the resolution. I stated without any hesitation, broadly, that it was neither in the Warner bill nor involved in this resolution.

Mr. ALLISON. Undoubtedly; but the Senator from Alabama proclaimed himself in favor of the free coinage of silver; and whoever is in favor of the free coinage of silver is in favor of giving to the bullion-owners at the expense of the people of the United States the difference between the silver bullion and the metal when coined and made a legal tender.

Mr. HOUSTON. Does the Senator mean to say that I said that?

Mr. ALLISON. I do not mean to say that the Senator from Alabama said that. I am endeavoring to draw an inference from what he said and from what appears in this resolution, which proclaims the doctrine that there shall be a free coinage of silver, which means that it shall be done without cost to the owner who may bring the bullion to the mints of the United States and have it coined into dollars.

Mr. HOUSTON. The Senator says he is endeavoring to do that, and he is laboring very hard to do it; but I want to say that the Warner bill expressly gives to the Government for the coinage of silver the difference between the value of the standard money and the value of the bullion, and that is the bill that is before the country; that is the bill which is in the minds of the Senate; and the resolution does not touch that matter at all.

Mr. VEST. In order to obviate any discussion as to the verbiage of the resolution by the use of the word "free," my colleague has prepared an amendment which I am willing to accept as a substitute. I send it to the desk to be read, and I think all the friends of free coinage of silver can certainly agree upon that.

Mr. ALLISON. I shall be glad to hear the modification.

The PRESIDING OFFICER, (Mr. GARLAND in the chair.) The substitute will be read for information.

The substitute was read, as follows:

That the complete remonetization of silver and its restoration to a perfect equality with gold, both as coin and bullion, are demanded alike by the dictates of justice and wise statesmanship.

The PRESIDING OFFICER. Does the Senator from Missouri accept that as a substitute? The yeas and nays have been ordered, and if there is objection it cannot be accepted.

Mr. ALLISON. I should like to hear that read again.

The substitute was read.

Mr. ALLISON. I do not object to that.

Mr. McMILLAN. Now let the original resolution be read, so that we may see the difference.

The PRESIDING OFFICER. The original resolution will be reported.

The Chief Clerk read as follows:

Resolved by the Senate of the United States, (the House of Representatives concurring,) That the complete remonetization of silver, its full restoration as a money metal, and its free coinage by the mints of the United States are demanded alike by the dictates of justice and wise statesmanship.

The PRESIDING OFFICER. Is there objection to the amendment being accepted?

Mr. ALLISON. I do not object.

Mr. MORRILL. I withhold my assent to the proposition, at least for the present. At the commencement of this session it was the general understanding, Mr. President, of the Senate, so far as I could ascertain, that there should be no general legislation at this session; that we should discharge the duties for which we came here, and then adjourn and go home. All of the committees of which I have been a member have therefore refused or declined to report any measures of any consequence—without reference to their merits—unless there was some pressing emergency that required immediate action; they have, as have other committees, refused to consider all matters in relation to general legislation, and yet here at the very heel of the session it is proposed by a resolution to take up a measure which is perhaps more vexing the administration of governments throughout the world than any other, and we are asked to decide it instanter.

Why, Mr. President, this is a proposition that calls for the coolest, the most diligent, intelligent investigation of any subject that can come before an American Congress. If I know myself, I am very desirous that a solution of this question shall be had which shall introduce silver as a permanent currency on a par with gold. But I am not disposed at this moment to decide instanter upon a resolution popped in here within a day or two of the end of the session, nor am I disposed to accept the amendment proposed.

The amendment proposes the free coinage of silver because we happen to have the free coinage of gold. Therefore it is nothing less than a proposition to allow anybody who has silver bullion to go to the mints of the United States and have it coined and make whatever profit there may be in the difference between the price of bullion and legal-tender coin. This amendment proposed does not change the original resolution, as it seems to me. It leaves it precisely in such a condition that the owners of silver bullion, whether domestic or foreign, will have an opportunity to get it coined and save all the profit, whether 12 or 15 per cent., to themselves.

I had hoped this question would come up at a time when we could give the subject some considerable attention—such attention as its great importance demands—but I do not think at this moment that we ought to be called upon to take any action at all upon this question or any other outside of those for which we were called here, certainly not upon this, for the session is too near its end for us to reach, as I think, an intelligent conclusion upon the subject.

The proposition embraced in this resolution, it seems to me, covers the legislation that we have already had. Does anybody pretend to say that silver has not been already remonetized; that it is not made a legal tender, 412½ grains to the dollar, as much as the gold dollar? So far as I understand it, the silver remonetization has already taken place; it is being coined at the rate of from two to four millions a month, and all there is in the resolution in relation to that matter, therefore, is superfluous.

Then the original resolution provides for silver, "its free coinage." Of course nobody can understand anything else than that it is to be done, so that the owners of bullion are to have a profit, 12 or 15 per cent., and that at the expense of the Government.

Mr. President, I should hope for another reason that this resolution would be referred to the Committee on Finance. I am certain that there has been no disposition on the part of that committee to assume any undue advantages by a postponement of any bills that have been referred to them. It has only been from a sincere purpose of having a correct and intelligent conclusion arrived at.

Mr. BECK. Mr. President——

The PRESIDING OFFICER. The morning hour has expired.

Several SENATORS. Regular order.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which is Senate joint resolution No. 39.

Mr. VEST. I move to lay aside the regular order and take a vote on this resolution. It is altogether too important to be postponed.

Mr. DAVIS, of West Virginia. I suggest to my friend from Missouri that as this and another appropriation bill are now ready for action and his resolution can come up to-morrow morning in morning hour, he had better let us go on with the regular order.

The PRESIDING OFFICER. Does the Senator from Missouri insist on his motion?

Mr. VEST. No, sir, with the understanding that the resolution comes up in the morning.

APPROPRIATIONS FOR VARIOUS PURPOSES.

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, being the joint resolution (S. R. No. 39) in relation to committee clerks, pages, and other employés of the Senate and House of Representatives. The pending question is on the amendments offered by the Senator from Pennsylvania [Mr. WALLACE] to the amendment proposed by the Senator from Kansas, [Mr. INGALLS.]

Mr. EATON. This resolution is covered up with amendments, which it seems to me are somewhat improper. I feel authorized myself in the absence of the Senator from Pennsylvania [Mr. WALLACE] to ask leave of the Senate to withdraw the amendment which he moved to the amendment of my honorable friend from Kansas, [Mr. INGALLS,] and I trust my friend from Kansas will withdraw his amendment, and let us take a vote upon this little resolution without further delay.

Mr. INGALLS. I understand that, under the rules of the Senate, after an amendment has been amended it cannot be withdrawn even by unanimous consent. I believe that would be a fair interpretation of the forty-fourth rule of the Senate.

Mr. ALLISON. Can it not be done by unanimous consent?

Mr. INGALLS. Let the forty-fourth rule be read.

Mr. DAVIS, of West Virginia. If the Senator from Kansas has objection to withdrawing his amendment, I suggest that we proceed to vote it down.

Mr. INGALLS. Let the rule be read.

The PRESIDING OFFICER. Rule 44 will be read.

The Chief Clerk read as follows:

44. Any motion or resolution may be withdrawn or modified by the mover at any time before a decision, amendment, or ordering of the yeas and nays, except a motion to reconsider, which shall not be withdrawn without leave of the Senate.

Mr. EATON. I do not think that rule prevents the withdrawal of an amendment by unanimous consent.

Mr. DAVIS, of West Virginia. Of course not.

Mr. EATON. It seems to me that it does not. I have much confidence in the opinion of my friend from Kansas, who has paid great attention to the rules; but it seems to me that an amendment may be withdrawn. It is different from a resolution.

Mr. INGALLS. I suppose it is in the power of the Senator and his friends, if they do not desire the adoption of this amendment to reject it; but unless there is some special reason given why the amendment should be withdrawn, I should feel some reluctance to taking that course. But if there is any reason, if justice will be subserved or the public business will be facilitated, of course I should not wish to place any obstacle in the way of the passage of the joint resolution.

Mr. DAVIS, of West Virginia. Now, if my friend will ask unanimous consent, as it is his amendment, no doubt he will get it. I would suggest, though, to the Senator, that this joint resolution proposes to pay some of the employés of the two Houses fifteen days' extra pay which has been usual at all extra sessions, and it is an act of justice to the per diem employés of both Houses. There are also one or two other items upon it in the same direction. For instance, an amendment was added by the Senator from Iowa [Mr. ALLISON] to make an allowance to a few Treasury clerks who are to be dismissed. It looks to me to be an act of justice to the employés of the Senate and others, and I would ask my friend to withdraw his amendment by unanimous consent, so as to let the resolution pass, as it has yet to go to the House and be acted on. If he prefers it, of course it can be voted down.

Mr. INGALLS. It is very difficult, indeed, to refuse to yield to an application that is urged with so much force by the Senator from West Virginia, and I will, therefore, withdraw the amendment, if there is no objection.

Mr. EATON. I am authorized to withdraw the amendment to the amendment.

The PRESIDING OFFICER. The amendment of the Senator from Pennsylvania to the amendment of the Senator from Kansas and the amendment of the Senator from Kansas are withdrawn, the Chair hearing no objection to that course. The joint resolution is still open to amendment.

Mr. DAVIS, of West Virginia. In line 10, the resolution now reads:

Fifteen days from the date of the adjournment of this Congress.

It should be:

This session of Congress.

I suggest that this verbal amendment be made, inserting "session of" before "Congress."

The PRESIDING OFFICER. If there be no objection, that amendment will be considered adopted. The Chair hears no objection. The amendment is agreed to.

Mr. DAVIS, of West Virginia. I now move an amendment to come in after line 7 of section 2, which is sent over from the Committee on Appropriations of the House, they having omitted one employé there whom they wish inserted:

To pay one additional laborer in the engineer's department, House of Representatives, for the fiscal year 1880, $820.

The amendment was agreed to.

Mr. MORRILL. I have an amendment that I desire to offer, and it is so necessary for the Senate that I hope the Committee on Appropriations will accept it, to come in at the end of the bill:

For suitable and necessary rooms for the use and accommodation of the Court of Claims, which the Secretary of the Interior is hereby authorized and directed to procure, $5,000, or so much thereof as may be necessary.

For arranging and furnishing as committee-rooms for the use of the Senate the rooms in the Capitol now occupied by the Court of Claims, the sum of $2,000.

I desire to say that this matter has been before the Senate several times, and I believe the measure has always met with the approval of the Senate. I do not know of any other bill upon which it can be incorporated. The Court of Claims occupies rooms that would furnish several committee-rooms for the use of the Senate. We have now at least three or four committees that are destitute of committee-rooms, and one committee that is compelled to sit outside of the Capitol building. This is for the accommodation of the Senate mainly, as the House have already encroached upon the Court of Claims so as to take the rooms mainly on the House side of the building.

Mr. DAVIS, of West Virginia. I would ask the Senator whether this has been considered by the Committee on Public Buildings and Grounds?

Mr. MORRILL. It has been, and is unanimously reported.

Mr. DAVIS, of West Virginia. That being the case, the only objection I would have (and I do not know that that is a serious one) is that it may delay the resolution and prevent its passage in the House. If that should be the case, the employés who, I think, are entitled to their fifteen days' pay, might lose it. But if the Senator insists upon putting it on this resolution, as it comes from his committee after thorough consideration, I will not object.

Mr. MORRILL. I did not see the Senator from Florida [Mr. JONES] in his place or I should have had him offer it himself. I think there can be no objection to it in the House or Senate.

The PRESIDING OFFICER. The question is on the adoption of the amendment offered by the Senator from Vermont.

The amendment was agreed to.

Mr. McDONALD. I offer an amendment to the third section, to come in at the end of that section:

To pay to H. T. Burrows for his services as a special messenger of the Senate during the fiscal year ending June 30, 1879, the sum of $511.30, the same being the salary of a messenger less the amount already received by him on account of said services.

I wish to state that this same allowance was passed at the close of the last session, but too late to receive the signature of the President.

Mr. DAVIS, of West Virginia. I agree with the Senator that a provision for Burrows did pass at the last session. The only question with me is as to the amount that ought to be paid. Now, I ask my friend whether he has examined it?

Mr. McDONALD. I have cut it down to the pay the lowest-class messenger of the Senate is receiving.

Mr. DAVIS, of West Virginia. I ask my friend whether the sum in the resolution which passed at the last Congress was larger.

Mr. McDONALD. It was larger than this.

Mr. DAVIS, of West Virginia. That was my recollection.

Mr. McDONALD. This is $511.30. That amounted to about $1,200.

Mr. DAVIS, of West Virginia. I think it is a just claim. My only objection is that I am afraid it is loading down the resolution, but I will not press an objection.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Indiana.

The amendment was agreed to.

Mr. BLAIR. I move the adoption of the following amendment, to be inserted after line 7 of section 2:

To enable the Clerk of the House of Representatives to pay a sum equal to one month's pay from the date of their discharge from the disabled soldiers' roll of the House of Representatives, respectively, to William H. Prescott, Eugene McSweeney, and Robert E. Hedian.

These are three disabled discharged soldiers whose names were borne on the soldiers' roll of messengers of the House of Representatives. Two of them were discharged in the month of April, the remaining one in the month of May of the present session. It has always been customary to pay to these discharged employés one month's extra pay after their discharge. This proposition has been considered by the Committee of Accounts of the House, reported unanimously to the House, and adopted unanimously by the House; but it is necessary that it should be adopted in the Senate at the present time in order to avoid the bill being returned to the Senate by the House with this amendment, or these men must lose their extra pay. It is simply in accordance with custom, and has the unanimous sanction of the House in the way I have stated.

Mr. DAVIS, of West Virginia. My understanding is that we have already voted thirty days' pay to all discharged employés, both of the House and of the Senate. The Senator does not want these men to have double pay.

Mr. BLAIR. It could hardly be so, even if a general act of the kind mentioned had been passed, but of that I have no knowledge. This only proposes to give them one month's extra pay, and I suppose it to be essential to their rights that the amendment be adopted, because it has been sent to me from the House of Representatives with a strong and urgent request that it be adopted by the Senate.

Mr. DAVIS, of West Virginia. I certainly should not wish to prevent the payment of these three men, but I submit to the Senator and to the Senate that the Committee on Appropriations knew nothing of it whatever, and my impression is that it will be found that thirty days' pay has been allowed to all the discharged employés. That was a general provision, and I do not see how these men could be missed, and if we vote this it may give double pay.

Mr. BLAIR. I do not think that can possibly be so. This matter has been very recently considered in the House, and in the RECORD of June 21 the Senator will find a full account of what transpired there in regard to it. I do not know that it is strictly proper to allude to the proceedings of the House, but precisely this same phraseology which I use here as an amendment was passed in the form of a resolution by the House after having been examined and reported unanimously by the Committee on Accounts of that body. It merely provides for the payment of thirty days' pay from the time of discharge. There is no possibility of their getting pay for more than thirty days in any event.

Mr. EATON. I should like to suggest to the Senator from New Hampshire that I should be very glad to have him add then "unless

they had been paid." If he would add that proviso, there would be no objection to his amendment.

Mr. BLAIR. Then add phraseology saying, "provided that they have not been previously paid," or words to that effect.

Mr. EATON. "Provided the thirty days' extra pay shall not have been allowed and paid."

Mr. BLAIR. Add, "provided that such payment is not previously provided by law."

Mr. DAVIS, of West Virginia. I am reminded by my friend from Maryland that on the 9th of the present month the House passed a resolution giving all discharged employés thirty days' extra pay.

Mr. BLAIR. That may be so, but there is no law providing for the payment of this thirty days' extra pay. There is no general law providing for it. It cannot be paid upon the resolution of the House alone. It is necessary that there should be a law enacted by both branches and approved by the President to accomplish that. Precisely this same thing has been attempted to which the Senator aludes. The resolution alluded to passed the House, but the accounting officers of the Treasury declined payment upon that resolution, giving as their reason this specific one, that it was necessary the appropriation should be made by authority of law, and therefore the amendment is offered here to this bill.

The PRESIDING OFFICER. The Secretary will report the amendment as now proposed to be amended.

The Secretary read as follows:

To enable the Clerk of the House of Representatives to pay a sum equal to one month's pay from the date of their discharge from the disabled soldiers' roll of the House of Representatives, respectively, to William H. Prescott, Eugene McSweeney, and Robert E. Hedian: *Provided*, Such pay has not been already provided for by law.

Mr. BLAIR. That is right.

The PRESIDING OFFICER. The amendment of the Senator from New Hampshire will be thus modified. The question is on the amendment as modified.

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendments made as in Committee of the Whole were concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended to read:

A joint resolution in relation to committee clerks, pages, and other employés of the Senate and House of Representatives, and for other purposes.

JUDICIAL APPROPRIATION BILL.

Mr. EATON. I am instructed by the Committee on Appropriations to report back the bill (H. R. No. 2381) making appropriations for certain judicial expenses for the Government for the fiscal year ending June 30, 1880, and for other purposes. I move that that bill be taken up.

The title of the bill was read by the Secretary.

Mr. EATON. I ask for the immediate consideration of that bill. I want to say now to my friends on the other side who very kindly did not object to its reference yesterday, that so far as I know, and I believe I know the feeling of this side of the Chamber, there will be no attempt whatever to shorten or cripple debate in any way; and if there is not time enough between this hour and the ordinary hour of adjournment for all Senators to express their views on this subject freely, I will myself make a motion to adjourn, so that there shall be no night session. I trust that under these circumstances the Senate will proceed at once to the consideration of the bill.

Mr. ALLISON and others. No objection.

The PRESIDING OFFICER. There is no objection, and the Senate will proceed to the consideration of the bill just reported by the Senator from Connecticut. The bill is before the Senate as in Committee of the Whole.

Mr. EATON. Perhaps I should say that the bill is reported back as it came from the House, without amendment. I ask that the bill be read.

The PRESIDING OFFICER. The bill will be read at length.

The bill was read.

Mr. EATON. After a careful examination of this bill I think I am authorized in saying to the Senate that the only difference between this and the bill which has already passed the Senate is first in line 33 of the first section the words "six hundred" are stricken out, so that it reads "$2,090,000" instead of "$2,690,000," that $600,000 being applicable to another purpose which is not in this bill but was in the bill that formerly passed the Senate, to wit, payment of marshals, deputy marshals, &c.; that clause being stricken from the old bill that was previously before the Senate.

Then again this addition is made, in the sixteenth line of the second section:

Residing in the district in which such court is held.

The commissioner to be appointed by the judge for the purpose of selecting jurors, by this bill, must be a resident of the district in which the court is held. In the old bill those words were not contained. I think that is an improvement in the bill. The commissioner under the old bill might have been taken from any part of the State where there was more than one district, but here it must be from the district in which the court is held.

Mr. CONKLING. Is there not another change also?

Mr. EATON. If there is, I should be obliged to my friend if he would suggest it.

Mr. CONKLING. I will look it up in a moment. My impression is that the other bill did not speak of a political party in the district.

Mr. HARRIS. Line 18.

Mr. EATON. Line 18:

And a well-known member of the principal political party in the district in which the court is held opposing that to which the clerk may belong.

I have not the old bill by me, but the same principle was there, that the clerk should be of one of the opposing political parties and the commissioner of the other.

Mr. HARRIS. I would suggest to the Senator from Connecticut that the words "in the district" are added, which were not in the former bill.

Mr. CONKLING. That is my understanding; and although I do not feel very competent to give information about such a thing, I will say that I am told that this was a tribute of recognition of that denomination of democrats in the House and elsewhere known as greenbackers; that their organization being a little localized, being sometimes in that nature which physicians call circumscribed and not prevailing all over States, it was thought to be a little better for them to have it by judicial districts which divide States, so that if in a judicial district the greenbackers were numerous, though not in the State, that would be the principal political party opposed to the clerk.

Mr. EATON. It not being my good or ill fortune to belong to that distinguished wing of what my friend calls the democratic party, I was not aware before that there was any greenback-democratic party anywhere. I had understood there was a greenback party. I would not have been as likely to have arrived at the information as my friend from New York; but I really do not think that that need make any particular difference. The commissioner is to be of the principal opposing party in the district to that to which the clerk belongs; and if it happens to be that the republican party in some district may be divided, as doubtless it is divided in a great many districts, so that they form when divided the two principal parties in that district, then I suppose we shall be compelled to take two republicans at that time.

Mr. WINDOM. I should like to ask the Senator from Connecticut what the court would do in case the clerk, for instance, should happen to be a republican and the greenback party and the democratic party should be very evenly balanced? Would he have to call an election in order to ascertain which of these was the principal party before appointing the commissioner, or how would he arrive at it?

Mr. EATON. I really do not think my friend intends an answer to that.

Mr. WINDOM. I should like an answer, indeed, because in case parties are evenly divided I do not know how the court will comply with this law.

Mr. EATON. I will say this to my friend: The clerks of nearly all the courts of the United States are republicans. I know one or two States where the clerks are democrats; but I apprehend there will be no difficulty under this provision. I apprehend it will be found that the principal opposing political party in any district in any State in this Union will be, if the clerk is a republican, the democratic party; if the clerk is a democrat, the republican party. That is my belief, and therefore I do not desire to change this bill in the slightest particular in that regard.

Mr. WINDOM. The difficulty I apprehended was in the practical application of this law.

Mr. EATON. I shall leave it to the judge to apply the law, and I do not think he will have any difficulty in arriving at a proper solution of the matter.

Mr. CONKLING. The honorable Senator from Connecticut was kind enough in answer to an inquiry of mine to tell me something. Now by way of reciprocating, I want to tell him something. The honorable Senator said that the bill originally omitted the words "residing in the district in which such court is held," as applicable to the commissioner; for he says the former bill was that the commissioner should be a citizen of good standing, and now he says have been added the words "residing in the district in which such court is held."

Here is the bill for which my honorable friend voted, the bill which has been considered so much heretofore, and from that bill I read to the Senator the very words which he thinks are added to this bill:

Which commissioner shall be a citizen of good standing residing in the district in which such court is held.

But in one version of the bill they added the words again "of good standing" by way perhaps of the ornaments of discourse. "Of good standing" was in twice. These words were in all the time, "residing in the district in which such court is held," and "and a well-known member of the principal political party opposing that to which the clerk may belong." This is the former bill. Now the words which have been interpolated into this bill, as indicated by the Senator from Tennessee a few moments ago, are "a well-known member of the principal political party in the district in which the court is held;" and it will be seen that the introduction of these words does not refer at all to the residence of the commissioner, because that is provided for before in line 16 "which commissioner shall be a citizen of good

standing residing in the district in which such court is held." That is in one sentence, and separately are the words "and a well-known member of the principal political party in the district in which the court is held opposing that to which the clerk may belong." So that the change is this: It is proposed now not only as it was before that a jury shall be drawn as matter of politics, one from one side and one from the other, but that this political division shall take place not in respect of the great divisions of political parties in the country, but in respect as well of those local divisions found in judicial districts. So that if in Maine, for example,—I refer to Maine because I believe the Senator from Connecticut the other day jocosely referred to that—it turns out that in a particular judicial district——

Mr. EATON. There is but one in Maine.

Mr. CONKLING. I am aware of that. There is but one in Maine, but in many States there are two, in some three, and there are likely to be more than three hereafter if a certain bill already introduced shall be adopted. If, I say, in a judicial district it turns out that that denomination of democrats more modern and supposed by some members of that body to be more improved than any species of democrats pre-existing, that species of democrats known as the greenbacker happens to be in a majority over the former and if I may so say obsolete democratic party there, then this commissioner (provided the clerk of the court be a republican) must be a greenbacker, and then juries are to be made up upon that grand idea and issue!

Think of it a moment, Mr. President—I say, "Mr. President," [Mr. GARLAND in the chair,] because you are a lawyer practiced and instructed—think now in a judicial district where the greenback vote chances to be strong, where there is a strong feeling in favor of paper inflation, and think of selecting a jury to pass upon all issues of life, liberty, property, all the questions drawn into litigation, by ascertaining their views touching the greenback question, whether they think that fiat money is the true theory of currency, or whether they think that paper money should be the mere symbol of actual value behind it! Think of drawing a jury with reference to that!

I do not mean, Mr. President, at this moment to trespass upon the indulgence of the Senate. I did not know until I heard the reading of the bill by the Secretary that these words were here, and in entire innocence I asked for a second reading, for I supposed it was because of some haste of utterance in the Clerk and that these words "in the district" referred to the residence of the commissioner; but when I came to see from the printed bill and from its second reading that the design really is not only to make up juries composed of two political parties, but to ascertain which is the prominent party in the particular judicial district in the half, or third, or quarter of a State, and then have the juries selected in reference to that,—when I found that was so, I confess I felt renewed astonishment.

Even if you were to assume that the jury laws were defective, that they were greatly in need of amendment, the whole idea of setting up a contrivance by which politicians, selected political and partisan representatives are to be culled out and put in the jury-box, seems to me, and I must believe any time before this excitement arose it would have seemed to you, Mr. President, about the last mode of selecting a jury in the name of fairness and of reason. But when you come now to go further, and provide that not only the general political divisions of the country shall determine who shall and who shall not sit on juries, but that the particular political divisions, ephemeral as they may be, in a particular fragment or section of a State constituting a judicial district shall be observed in constituting a jury, if I were not employing terms which might seem too strong I should say that amazement is the sensation awakened by such a proposition.

Why, Mr. President, it is only a short time, a very short time in the life of a nation, since a great body of men in some of the States of the Union became not only excited but frenzied over matters of religious belief, and a party was organized called the know-nothing party—I do not know but that it had other names—and there were secret lodges; and in the nature and intent of the thing they were secret. There were many judicial districts in which not for one year only but for a longer time than that the organization to which I refer was, counted by numbers, the principal political organization opposing the one next stronger to it; and here we are to put upon the statute-book as a permanent statute a provision under which such a party as that rising again in the State of Maryland, in the State of New York, in a particular judicial district in the State of New York, is to select half the men to sit on all the juries; and that in the name of a fair and impartial jury trial; that excused, apologized for, or justified—if that is the better word—by the complaint that the present jury system is defective! And with the light of six or eight centuries of experience in selecting juries before us, a mode never resorted to before, a mode always condemned by courts, by statesmen, by jurists whether seeking for political or religious distinctions—that mode is commended to us!

Mr. President, one other illustration I venture to present to the honorable Senator from Connecticut. Look at the State of California; look at the principal political parties there. There was a party known as the anti-corporation or the anti-railway party; there is a party very numerous, very strong, very determined, known as the anti-Chinese party. Now does the Senator from Connecticut, lawyer as he is, and thinker as he is, and patriot as he is, mean to say (unless he is constrained by party fealty silently to say) that it is wise or justifiable or tolerable in the State of California to allow juries to be made up by taking the men who are actively against Chinese immigration or by taking men who are violently for or violently against the corporations whose interests have come to make up political issues in that State, and putting them on all juries indiscriminately to pass upon all questions arising?

Mr. EATON. Mr. President, it is not the intention of any member of the Committee on Appropriations on this side of the House to discuss at any length the principles involved in this bill, and I hope it is not the intention of any member of the Senate on this side, for we have discussed and discussed day after day and week after week the principles involved in this bill. I do not propose, therefore, to enter into any discussion of this bill; but a word or two with regard to a point that has been made by the Senator from New York, playfully to begin with—not so playfully I agree at the end—playfully when he spoke of the know-nothing party, because nobody knows better than my honorable friend from New York that the great body of the know-nothing party in every State in the Union was composed of one political party then called the whig party. The great body of the know-nothing party I say was composed of that party known as the whig party, and it did run all over this country until it struck the grand old democratic State of Virginia, and there that organization was burst in pieces. But it was the whig party in fact. I know very well how it was in my State, and I think I know how it was in other States. If this law had been in existence at that time, in the State of New York—not that this law will ever be exercised in the State of New York or the State of Connecticut, for they have other ways of drawing fair and impartial juries in both those States—but if this law or one similar had been in operation during the time of which my friend speaks, the know-nothing time, and the clerk of the court had been a democrat, then from the whig party in that State would have been the commissioner appointed because doubtless——

Mr. CONKLING. Will my friend pardon me a moment?

Mr. EATON. Certainly.

Mr. CONKLING. At one election the know-nothing party of which he has been speaking actually carried the State of New York; it was in a majority over either of the other parties. How can my honorable friend say that had the clerk been a democrat, the other commissioner would have been a whig and not a know-nothing?

Mr. EATON. My impression is that I am entirely right. There may be a single instance; but I think I cannot be mistaken about it, I hardly think it will be denied that the great body of the so-called know-nothing organization was composed of whigs.

Mr. MCMILLAN. The Senator from Connecticut will allow me to say that I do not believe that was the state of affairs in the section of country in which I live, at that time.

Mr. EATON. The section of the country from which my distinguished friend comes, and the State which he represents upon this floor did not have perhaps at that time as many voters, either whigs or democrats, as it has now.

Mr. MCMILLAN. Still parties were organized.

Mr. EATON. I do not know that it was a State at that time. My impression is it was a Territory.

Mr. MCMILLAN. It was a Territory; but parties were organized there.

Mr. EATON. I am not talking about the organization of parties in a Territory, but I speak of what I know; I speak of Massachusetts, of Vermont, of Maine, of Connecticut, of Rhode Island, and measurably of New York, and I say under this bill there would have been no difficulty in finding a commissioner that was opposed to the clerk of the court in politics. That is the point about which we are talking. There can be, in my judgment, no difficulty on that one point. I am not now defending the principle. I am not now defending the principle of the bill, which was put through such a severe course by my friend from New York. I propose to vote for this bill. I propose to vote for this bill with the principle in it that those who draw the juries shall represent the two great political parties. I have in my poor way defended that once before, and I do not propose on a hot day to do it again. Once will answer. I should prefer to have jurors selected in some other way, I am frank to say. They will never be selected in this way in the State of my friend or mine, but there are sections of the Union where it is necessary to do something, and therefore this bill I shall vote for, though it embodies the principle which the Senator considers so objectionable.

Mr. WINDOM. Does not this bill apply to Connecticut and New York as well as every other State? Have my friends got up an exception for their benefit?

Mr. EATON. It will not apply to my State, because on lines 23, 24, 25, 26, and 27 of section 2, it is provided:

> But nothing herein contained shall be construed to prevent any judge from ordering the names of jurors to be drawn from the boxes used by the State authorities in selecting jurors in the highest courts of the State.

Mr. CONKLING. How does the Senator know that that exemption is to be made of Connecticut or New York?

Mr. EATON. I do not know it, but thank God I believe it. I have no idea that the judge of the district court of the State of Connecticut, whom I know right well, a gentleman, a lawyer, an honest man, and a republican—perhaps it is rare that we find all these things combined, [laughter]——

Mr. CONKLING. If you had put "republican" before the other

words, we should have known they were all combined. [Laughter.]

Mr. EATON. I have no idea he will go into this machinery in order to draw jurors in the State of Connecticut; nor will judges in New York, nor does my friend apprehend that any district judge in the State of New York will adopt this system of drawing jurors.

Mr. LOGAN. I should like to ask my friend from Connecticut in what way does the bill provide for payment to this commissioner for his services?

Mr. EATON. I suppose he will be paid.

Mr. LOGAN. I want to know where it is provided for.

Mr. EATON. You asked my opinion and therefore I was about to give it.

Mr. LOGAN. The reason I made the suggestion was not by way of any improper criticism.

Mr. EATON. I think that is provided for or will be by the other bill.

Mr. LOGAN. What other bill?

Mr. EATON. There is another bill coming here.

Mr. SAULSBURY. The first section, after providing specifically for various purposes, says:

And for all other necessary miscellaneous expenditures, $280,000.

Mr. EATON. I have no doubt the judge of the court would order the marshal to pay out of the fund which the marshal draws from the United States the expense to the commissioner as he would any officer for the serving of process.

Mr. LOGAN. I would suggest to the Senator that although there may be a fund there is no per diem fixed, no amount fixed by law, and certainly there must be some means by which the court shall ascertain what Congress intended should be paid. A per diem is fixed for jurors, but no per diem is fixed for these commissioners, and I do not see how the court is going to determine outside of the law as to the per diem that an officer of the court is to have if the law does not provide for it.

Mr. EATON. I have no doubt the same per diem will be allowed as is allowed for other United States commissioners, and it will be paid out of the miscellaneous fund which is here granted, $280,000.

Mr. LOGAN. I merely suggest this, not to find fault with the bill, but in order that it may be made certain. I understand, so far as fees are allowed to commissioners and marshals and other officers of the courts, that they are provided for in the law, and the court approves or disallows according to whether the accounts are made out in accordance with the statute. Hence my view of it was that unless there was some provision giving a fee or a salary or per diem in some way the court would not be justified in making an allowance out of the contingent fund where the law has not provided for it.

Mr. EATON. I have no doubt it is fully provided for.

Mr. LOGAN. I do have doubt.

Mr. SAULSBURY. It seems to me that there is a total misapprehension of the spirit and purpose, and of what I think will be the result, of the provision that has been under consideration. The idea seems to prevail that there is a provision here for the selection of jurors which will result in the selection of persons because of their political views and opinions. I think a fair construction of this provision makes it entirely free from any such objection. I think a fair construction of this provision will show that it is inserted for the purpose of preventing the selection of jurors because of their political views and opinions. What is the provision? That jurors shall be selected by two men, one the clerk of the court, and the other a commissioner of different political views. It seems to me that with an arrangement of that kind a jury would not be selected because of their political views, but the two united would select proper men from all political parties without reference especially to their political views. It would be a concurring of two men differing in politics in the selection of jurors; and therefore, instead of having a jury of one political party, or selected because of their political views, the effect would be that the jury selected by these two men different in politics would be a jury selected without reference to politics.

I do not intend to enter into discussion. The question has been amply discussed. I simply rose to express my view of the fair construction of this provision, that instead of being designed to promote or insure a political complexion to the juries the effect must necessarily be to have a fair jury selected, and selected without reference to their political views.

Mr. ALLISON. Then, if the Senator from Delaware will allow me, the whole purpose of this provision has been changed, because when it was first reported it provided that these men should put names in the box, alternating between these two political parties. The original report from the committee with reference to this jury provision—I have not got it before me, but I remember it perfectly well—was that jurors should be selected from the two different political parties. I speak of the bill as originally reported and originally agreed upon in caucus in the early part of the session. Afterward I know it was changed; and now the interpretation given by the Senator from Delaware shows that the whole purpose has been changed.

Mr. SAULSBURY. No, sir, the whole purpose of this bill is to accomplish what the original purpose of the other bill was. The purpose of this bill is to repeal a practice which has given a partisan character to the jury. We all know what has been the effect on the character of juries in certain sections of the country under existing legislation, that a certain class of men, the most intelligent class of men, have virtually been excluded from the jury-box. The object of this bill is to remedy that great wrong which has been perpetrated. That is the purpose of the bill, and we have not sought in doing that to give any political advantage to one party over another.

Mr. ALLISON. That is what I say. Therefore the whole purpose has been changed, because the original purpose was to see to it that every jury selected should be alternately selected from the democrats and the republicans.

Mr. SAULSBURY. No, sir, that was never the intention.

Mr. ALLISON. That was the exact language of the original bill reported from the caucus.

Mr. SAULSBURY. That was never advocated by any man on this floor.

Mr. ALLISON. I will get the other bill and see.

Mr. SAULSBURY. Even if that was the case, I do not know that the Senator from Iowa ought specially to object to it. Why should he object to it because a jury is to be composed of an equal number of men from the two political parties? It certainly would be as fair a jury as where a jury is selected all of one political party.

Mr. ALLISON. I am not objecting to it at all; I am merely stating that, as I understand the Senator from Delaware now, the whole purpose of this jury clause has been changed from what it was a few weeks ago.

Mr. SAULSBURY. The Senator misapprehends the purpose of the original bill. The purpose of the original bill was the same as of this bill. It may have differed a little in phraseology, but the purpose was to secure fair juries; the purpose was to repeal laws which operated to the exclusion of fair juries. That was the object and purpose of the original measure. I do not know that any valid objection against this provision of the bill can be or has been made.

Mr. HOUSTON. Mr. President, there has been a good deal of criticism as to the features of this bill, and the Senator from Iowa has just made charges against the original bill. That Senator knows as well as every other intelligent gentleman knows, that it is exceedingly difficult to regulate the minutiæ of the drawing of juries, or any other matter where there is much detail, so as to have it all suitable to everybody. The purpose of the original bill, as I understood it, and as I have no doubt it was, and as is also the purpose of this measure, is to prevent political juries. This measure does not introduce politics into the court-room or into the jury-box further than the mere fact of appointing a commissioner of a political party opposite to the party to which the clerk of the court belongs, and the clerk and the commissioner are to put alternately a name into the box.

The Senator from Iowa seems to take it for granted that the bill requires each commissioner and clerk to select a member of his own party. That is not a just construction; it is in express violation of the language of the bill itself. The introduction of the principle of politics, as far as the commissioners may be concerned, is simply to prevent political juries and to keep politics out of the courts. If it may be regarded that it is an evil to appoint a commissioner under the phraseology of this bill, it is a wrong that good may come of it; because it is a universal complaint (and I have no doubt of the truth of it in large portions of the country) that the juries in the United States courts are all now of a political character, and they are almost all of them of one political party. That is the complaint that comes up from all sources in various States of the Union. I do not know the fact, but I believe it.

With a view to remedy that and to prevent the introduction of politics into the jury-box, it is provided that a commissioner shall act with the clerk and that they shall not select the jurors all of one party. Instead of giving the bill a fair construction and making its language prominent, Senators undertake to say that it is introducing politics, when the bill as proposed now expressly provides that the jurors shall be selected "without reference to political affiliations" or bias. If that is true, what else could be said? We find an evil in the country; at least we believe it exists; complaint assures us it exists; and with a view to remedy that, and as probably the only fair and just remedy, the only efficient remedy that can be applied, we put a commissioner in association with the clerk to provide that they shall make a selection of good men qualified to serve upon the juries of the country, and that they shall make those selections without reference to political party or bias in any way whatever. It will be as much the duty of the clerk or of the commissioner to select a jury of the party to which he does not belong as of the party to which he does belong, and such is almost the express language of the bill which is now before the Senate.

Therefore, I think Senators ought not to complain or follow the lead of the distinguished Senator from New York, [Mr. CONKLING,] who proposes to make it appear that it is introducing politics into the jury-box, when in truth the whole purpose and language of the proposed law is that you shall exclude politics from the jury-box. Let the language of the bill that is proposed to be matured into a law have its place; give it the construction to which it is entitled; and there can be no doubt about the object of the measure; and such was the object of the original bill passed through this body some time since. The object was that we should not have politics in the jury-box, and with a view to prevent that you are compelled to consider the political affinities of the clerk and the commissioner, and compel them by power of law to select jurors without regard to party bias or party organization.

Mr. CONKLING. May I ask the Senator from Alabama a question?
Mr. HOUSTON. Yes, sir.
Mr. CONKLING. Was I right or wrong in understanding the Senator a few moments ago to say that in Alabama juries have been composed almost wholly of one political party?
Mr. HOUSTON. I do not know what the Senator understood me to say; I never said a word about Alabama at all.
Mr. CONKLING. I beg the Senator's pardon; I was diverted for a moment in conversation with a Senator, and another Senator understood the Senator from Alabama to refer to his own State.
Mr. HOUSTON. I did not say a word about Alabama.
Mr. CONKLING. May I inquire of the Senator, then, has it been true in Alabama that juries have been composed chiefly of one political party?
Mr. HOUSTON. That is the complaint that reaches us from almost all the United States courts in the State.
Mr. CONKLING. May I inquire to which party, according to these complaints, the jurors belong?
Mr. HOUSTON. To the republican party.
Mr. CONKLING. May I ask the Senator one other question for information?
Mr. HOUSTON. Yes, sir.
Mr. CONKLING. Are the jury laws of Alabama general laws and uniform throughout the State?
Mr. HOUSTON. I think so.
Mr. CONKLING. There are no special jury laws applicable to particular sections more than to others?
Mr. HOUSTON. I think not.
Mr. CONKLING. I have no doubt the Senator knows; and I apply to him supposing that he does know.
Mr. McMILLAN. Mr. President, I do not rise to discuss at length the provisions of this bill, but merely to express my disapprobation of the principle recognized and incorporated as one of the provisions of this bill, that which makes partisans of officers connected with the administration of justice. It seems to me that this is the first step to corrupting the administration of justice in this country. This bill makes a requisite qualification of these officers that they shall belong to different political organizations. It gives them notice that they are appointed to these positions, at least so far as the commissioners are concerned, because they are opponents in politics to the clerk of the court in the district for which a commissioner is appointed. It advertises to these men that they are to select according to their partisan opinions the persons who are to constitute the jurors of the courts of which they are officers. The Senator from Alabama is mistaken in saying that this measure, by any of its provisions, secures impartiality in the selection of juries. The only provision affecting that question is the proviso at the conclusion of the second section:

Provided, That no citizen, possessing all other qualifications which are or may be prescribed by law, shall be disqualified for service as grand or petit juror in any court of the United States on account of race, color, or previous condition of servitude.

Notwithstanding that, the commissioner is to be appointed because he is of opposite politics to the clerk, and he is to be appointed for the specific purpose of selecting jurors. What will these men understand from their appointment under this proposed law? What will the clerks and commissioners regard as their duty when placed in their position to select jurors to serve in the court of which they are officers? That they are put there for a political purpose, that they are put there for the purpose of securing upon the jury persons of opposite politics, and each one of them will select according to his preferences and political opinions. Therefore the jurors to serve in the United States courts are to be politicians; they are to come into the jury-box with notice that they are selected as partisans. These officers placed there for the selection of juries will understand that they are to select persons belonging to their own party, and where any political question is involved as to the parties to a suit or any question involving considerations of a political character in the remotest degree, the jurors will partake in their sympathies with the shades of opinion represented by the respective sides engaged in the litigation. You cannot exclude from the court political partisan questions so that the jurors will be unaffected by them if this principle is acted upon.

I have never seen any step in any court in this direction before, and I regard it as unsafe to every citizen. I regard it as a violation of the very first principles of the administration of justice, because introducing these partisan feelings tends to destroy all impartiality.

This bill provides that the commissioner "shall be a citizen of good standing residing in the district in which such court is held, and a well-known member of the principal political party in the district in which the court is held opposing that to which the clerk may belong." I submit to the Senator from Connecticut having charge of this bill that there is an ambiguity arising out of this language which it seems to me it would be necessary to correct; that is, with reference to whether it is a judicial district or a congressional district. The court will of course sit within a State divided into congressional districts. The bill does not specify whether the commissioner shall reside within the congressional district or the judicial district. There is no designation of the character of the district; and there should be such a designation. The districts recognized by the statutes of the United States as affecting the jurisdiction of the courts are judicial districts; but the districts electing members of Congress are recognized of course by the courts of the United States; and the judge required to perform this duty would not be able to determine whether it is the congressional district or the judicial district which is to determine the residence of the commissioner.

Mr. EATON. I hardly think the criticism of my friend will stand. The bill does not mean congressional districts; it does not mean school districts; it means just exactly what it says. We are making a law with regard to drawing jurors for the courts of the United States; and, therefore, without amplification at all, it refers most undoubtedly to the district over which the judge presides.
Mr. CONKLING. How with a circuit judge? He presides over several districts.
Mr. EATON. He does not at one time preside over more than one district.
Mr. CONKLING. Oh, yes he does.
Mr. EATON. Not at one time. When he is holding court he is presiding over but one district. When he is holding a court in the southern district of New York, or the eastern or the northern district, he will be governed by this statute with regard to the district in which he is holding court.
Mr. ALLISON. I should like just here to ask the Senator from Connecticut how he understands this bill with reference to these districts? We have a judicial district in my State and a district court in that State. We have also in the same district a circuit court. Do I understand from this bill that there must be three hundred names put in a box for the district court and three hundred other names put in a box for the circuit court, and a commissioner of a different political party selected for each of these courts? Is that the idea?
Mr. EATON. How many districts have you in your State?
Mr. ALLISON. One.
Mr. EATON. Very well, then there is but one district.
Mr. ALLISON. There is but one district; but we have two courts; we have a circuit court and a district court. The bill provides that the judge of the court shall appoint the commissioners. Is it the circuit judge who is to appoint the commissioner, or is it the district judge who is to appoint him?
Mr. EATON. Really, if my friend addresses his inquiry to me——
Mr. ALLISON. I do.
Mr. EATON. It seems to me with all kindness that this is carping. Let me suggest that the bill provides that the "names shall have been placed therein by the clerk of such court." The clerk of the court is the clerk of both courts, I apprehend.
Mr. ALLISON. Not at all. That is very different. In my State we have a clerk of the district court and a clerk of the circuit court.
Mr. EATON. It is not so in my State; there is but one clerk there.
Mr. McMILLAN. There are two clerks in my State.
Mr. CONKLING. The clerks are different in each district in the State of New York.
Mr. EATON. Undoubtedly it is so if my friend says so; but I apprehend there will be no trouble or difficulty.
Mr. PLATT. Mr. President——
The PRESIDING OFFICER. Does the Senator from Connecticut yield to his colleague?
Mr. EATON. Not until I answer the question of my friend from Iowa, and then I will yield with a great deal of pleasure. A circuit judge holds a court in any district of the United States, I do not care where it may be, whether in Iowa, Connecticut, or New York, where this law is to be in force. When jurors are drawn and placed in the box for the trial of causes in the United States courts, I apprehend that they will answer either in the district court or the circuit court.
Mr. PLATT. I simply desire to remind my colleague that until recently the clerk of the circuit court and the clerk of the district court had been different persons in Connecticut.
Mr. EATON. I know it was so, but it is not the case now.
Mr. ALLISON. This provision reads, "the clerk of such court, and a commissioner to be appointed by the judge thereof." Of course in the case of a district court the district judge must appoint a commissioner; in the case of a circuit court, it seems to me, the circuit judge must appoint a commissioner. Otherwise you would get into interminable confusion, because it happens in my State that the clerk of the circuit court is a republican, and the clerk of the district court is a democrat. So, also, with the judges; the circuit judge is a republican and the district judge is a democrat. It seems to me that in States like Iowa where we have these two courts running at different places and at different times, with two different judges, unless the bill is made more specific there will be very great confusion in the selection of the jurors.
Mr. CONKLING. I wish to offer an amendment to the bill. I move to strike out the third section.
The PRESIDING OFFICER. The question is on the amendment of the Senator from New York.
Mr. CONKLING. On that I should like the yeas and nays.
The yeas and nays were ordered.
Mr. WHYTE. Is that the section which requires a report of disbursements by the Attorney-General?
Mr. ALLISON, (to Mr. CONKLING.) You mean the second section.
Mr. CONKLING. My motion is right according to the print of the bill which I have.

The PRESIDING OFFICER. The bills are printed differently.

Mr. CONKLING. I move to strike out all the provisions about the jury clause which in the bill in my hand is section 3.

Mr. EATON. It is section 2 of this bill, section 3 of the other.

The PRESIDING OFFICER. It is section 2 of the bill under consideration.

Mr. CONKLING. I acted on the bill before me. It is section 2, and I should like if the Chair will indulge me a moment to see the correct print of the bill.

Mr. WHYTE. "June 26, 1879," is the last one.

Mr. ALLISON. House bill No. 2381.

Mr. CONKLING. Now I have the print on which we are acting; I see it is section 2. I move to strike out that section, and before the vote is taken I wish, in a few words, to assign my reasons for the motion.

The PRESIDING OFFICER. It is moved to strike out section 2 of the bill, on which the yeas and nays have been ordered. The section will be reported.

The CHIEF CLERK. It is proposed to strike out section 2 of the bill in the following words:

SEC. 2. That the per diem pay of each juror, grand or petit, in any court of the United States, shall be $2; and that the last clause of section 800 of the Revised Statutes of the United States, which refers to the State of Pennsylvania, and sections 801, 820, and 821 of the Revised Statutes of the United States, are hereby repealed; and that all such jurors, grand and petit, including those summoned during the session of the court, shall be publicly drawn from a box containing, at the time of each drawing, the names of not less than three hundred persons, possessing the qualifications prescribed in section 800 of the Revised Statutes, which names shall have been placed therein by the clerk of such court and a commissioner, to be appointed by the judge thereof, which commissioner shall be a citizen of good standing, residing in the district in which such court is held, and a well-known member of the principal political party in the district in which the court is held opposing that to which the clerk may belong, the clerk and said commissioner each to place one name in said box alternately, without reference to party affiliations, until the whole number required shall be placed therein. But nothing herein contained shall be construed to prevent any judge from ordering the names of jurors to be drawn from the boxes used by the State authorities in selecting jurors in the highest courts of the State; and no person shall serve as a petit juror more than one term in any one year, and all juries to serve in courts after the passage of this act shall be drawn in conformity herewith: *Provided*, That no citizen possessing all other qualifications which are or may be prescribed by law shall be disqualified for service as grand or petit juror in any court of the United States on account of race, color, or previous condition of servitude.

Mr. CONKLING. Mr. President, I am in favor of every part of this bill which makes appropriations to carry on the Government. Although several subjects of needed appropriation are omitted, still as far as the appropriations go, I am for the bill; and, "with all its imperfections on its head," I do not wish to delay for one moment needlessly the final action of the Senate on the bill. I am opposed to the section I have moved to strike out, the section which relates in various ways to the matter of juries. My reasons of opposition to that section are more numerous than I shall state to-day. I infer from a remark made by the honorable Senator from Connecticut that I have on some previous occasion stated objections to this bill. Knowing the tenacity of recollection of the Senator, how closely he observes the business of the Senate, I must conclude that he is right in that respect. I have therefore no disposition to bring in my own recollection either to confirm or to dispute his. By as much as I have heretofore attempted to state reasons against this legislation, I shall be brief in stating reasons now.

I am opposed, in the first place, to making regular annual appropriation bills the vehicles for general legislation. I am opposed to the whole business of attempting to do by riders on an appropriation bill that which, if done at all, should be done otherwise. Much more, however, am I opposed to making conditions, terms, on which a majority in either House will allow appropriations to take place. I am most emphatically opposed, so much opposed that I will never yield assent tacitly or otherwise, for one, to the idea that any majority or combination in this Government shall be tolerated in saying that they will stop the wheels of Government, refuse and withhold appropriations, unless they are permitted as the condition of allowing, to prostrate, change, or negative existing laws. I believe the principle, if it be a principle,—and it is not—the dogma, (for such it is) pernicious and utterly indefensible. It constitutes a reason for opposition to what is proposed now.

Again, I am opposed to overthrowing at one swoop several of the most ancient laws of the Republic, laws enacted by men as wise as we are, some of them enacted by the very men who framed the Constitution, and which have received the support, the approval, and the respect of more than three generations. Further, I am opposed to striking down the modes, the only modes, in which a grand or petit jury can in instances of political prosecutions and occasions be purged of the men violently, vehemently biased on one side of the issue which enters into consideration.

That constitutes a reason for opposing this section, because in the respect of which I now speak its effect is twofold: First, it repeals a section of the statutes which stands there by an oversight, which should be repealed, which the Senate voted to repeal, passed a bill to repeal, which bill went to the House, then as now democratic, and lay not only neglected but refused for seventy-four legislative days. It repeals that section which for some reason has been saved up in order that it might add a grain, act as a make-weight, in that budget of grievances which we have heard so often ought to be redressed.

If that were the only section at which it strikes, no objection would come from me; but in the second place it repeals another and different section, the only one in virtue of which the court in its discretion, for cause shown in open court, may require that a jury shall be made up of men unbiased, unheated, uncommitted, touching the questions called political,—miscalled; they would be better known by names which might be deemed offensive here, but questions inwrought in the history, and the most stormy passages as well as the most bloody passages in the history of recent years. I am opposed to this section because it does that.

Again, I am opposed to it because it seeks to turn the jury-box into a political caucus. Disguise it as you may, cover it up with phrases as you may, the purpose, as the Senator from Connecticut having charge of this bill admitted, (because candor compelled him to admit and no obligation to party compelled him to express his approval of it either,) is to introduce into the jury-box a counterpoise and offset of partisan consideration.

That, Mr. President, has heretofore been proposed only to be denounced. It has been suggested only to receive the abhorrent opposition of all the writers, of all the historians, of all the judges, of all the statesmen whose words have come to us and been received as weighty touching such things. To keep religious and sectarian passion and bigotry, to keep political and partisan bias and bigotry out of the jury-box, has ever till now been considered in the forefront of needs and just requirements. I am opposed to this section because of the offense it does in this regard against reason and experience.

Mr. President, there are one or two questions which I wish to submit to the Senator from Connecticut, either for an answer if he will favor me with an answer, or for such consideration without answer from him as he may think they deserve. Certain lines of this bill provide:

That all such jurors, grand and petit, including those summoned during the session of the court, shall be publicly drawn from a box containing, at the time of each drawing, the names of not less than three hundred persons.

I stop there. Although that is not the whole of the ground of objection at that point, I stop there. Suppose it turns out during a trial, especially a criminal trial, and still more especially a trial for a capital offense, because the honorable Senator will remember that the courts have decided in favor of certain rigorous exactions touching a jury in capital cases which have never been applied in other cases—suppose in a capital case it turns out that when the jury in that case was drawn there were not three hundred names in the box, I inquire of the Senator whether that fact would not be fatal to a verdict?

Mr. EATON. I do not care to be drawn into a discussion——

Mr. CONKLING. It will not be long.

Mr. EATON. I do not care to be drawn into a short discussion, I shall not go into a discussion, as to questions of criminal law that may be supposed to be involved. My friend asks, suppose there should be less than three hundred names in the box? The supposition is not admissible. Were my friend the judge of a court and were I the clerk of the court and were my friend sitting near me [Mr. JONES, of Florida] the commissioner, we should know that there were three hundred names in the box before we proceeded to draw therefrom. Therefore, in my judgment, the question is hardly admissible. If it were admissible, at once my friend would perceive it would require a somewhat thoughtful argument in order to meet the question, for it is a wide question which is put to me.

Mr. CONKLING. Mr. President, I was not aware, even after listening to the honorable Senator from Connecticut, that a wide inquiry is needed to answer the question I put to him. The honorable Senator will see, if he scans this bill at all, that instead of this being an impossible case, it is a case so probable that for aught I see it is certain to occur. My friend smiles. Let me suggest the case to him and see whether he will smile. It always occurs in practice at a *nisi prius* court that more than one jury is impaneled at the same time. Why does that occur? Because when one cause has been tried the jury retires to consult and agree if it can agree upon its verdict. The court does not wait until that jury has come in with a verdict, before proceeding to draw another jury, but another jury is drawn immediately. Now here is a provision that the box shall contain three hundred names, "which names shall have been placed therein by the clerk of such court and a commissioner, to be appointed," &c., "and that all such jurors, grand and petit, including those summoned during the session of the court, shall be publicly drawn from a box, containing, at the time of each drawing, the name of not less than three hundred persons."

Are the commissioner and the clerk to put three hundred names in the box? So we have all understood until now. If they are, how are there to be three hundred names in the box when each drawing takes place? Are they to put more than three hundred names in the box? If so, they are to fill the box *ad libitum*. In one district there may be three hundred, in another three thousand, if that is what the Senator means. Therefore, unless he is driven to that extreme of construction, I think it would hardly do for him to say to me that such a case as I supposed could not happen. I respectfully say to the Senator that such a case as I supposed can happen unless there is something in this bill which I have not been able to understand.

But, Mr. President, look again. Is it true, and does the Senator mean, that every time a jury is to be drawn, three or four times a day, the court is to have three hundred bits of paper counted over in

this box to ascertain that there are three hundred there? The Senator said if he were clerk of the court, and his friend from Florida were commissioner, and somebody else,—I do not know but he assigned me a place in the cast——

Mr. EATON. At the head of the court.

Mr. CONKLING. I bow in humility and thankfulness to the honorable Senator for assigning me to a place in such a distinguished selection of *dramatis personæ;* but even with the honorable Senator from Connecticut there, is he to stop every time a jury is drawn and have a public ceremony of counting to find out if there are the names of three hundred men in the box? Therefore I think the honorable Senator will see I am not roving in the field of imagination; I am not, as he said of another Senator a moment ago, carping; I am not wandering far and wide to find objections, when I ask him to state to me how it is that three hundred names are certainly, or even probably, to be found in the box at each drawing, and to state to me whether, if they are not there, that would vitiate a verdict, because I am prepared, without receiving information from that Senator, to say that if it would vitiate a verdict at any stage of the proceedings, however early, it would vitiate a verdict to the end. That is an objection which would never be waived, and the court of last resort in the State of New York has held that an objection of the same nature cannot be waived, but certainly it would not be waived by not taking advantage of it by a preliminary motion.

Mr. President, when the honorable Senator is not diverted I want his attention to another inquiry; and before leaving this point perhaps I ought to leave with it my acknowledgment for the very full, satisfactory, and frank disclosure of his views which the honorable Senator has made. I bring to his attention another thing in the hope that he may be equally willing and equally copious in his explanations. The bill provides that every jury shall be drawn from a box, as I have said, in which there are to be three hundred names; and it provides that those names shall be put there by the clerk of the court and a commissioner appointed in a certain way, which commissioner shall be of the principal political party opposed to the clerk, of the district. The honorable Senator said in answer to the Senator from Minnesota [Mr. MCMILLAN] that that means the judicial district. I inquire of the Senator, suppose it turned out in a given case that that did not happen; suppose the commissioner and the clerk were of the same politics, if the clerk had any, or the commissioner were selected from a party which was not of the principal opposing political party, will the Senator tell me whether under this bill a jury so drawn would or would not be a valid jury, whether a challenge to the array would lie, and whether the proceedings which took place before a jury drawn without the observance of all these requirements would be defective or not? Perhaps the honorable Senator will say that that would cover a wide field of discussion. I want no long discussion about this measure. I assure the honorable Senator from Connecticut that I am not going to consume one moment unnecessarily in the discussion of this bill, nor many moments, necessarily or otherwise; but as we go along, as the bill is in the hands of a competent lawyer, I should like to know what his understanding is upon questions of this sort, which it seems to me are grave questions. If they are questions at all, they stand in the front of the bill, they lie at the threshold of the proceeding; we are bound to take notice of them; and I think it will hardly do for the honorable Senator to say, "Well, in the first place, such things are not likely to happen, and in the next place, if they do I do not wish to express any opinion about the case. I will let it go, as I let it go in the case of a bill which I have already said myself on the floor of the Senate is a rough bill." I think the Senator used that very word or its equivalent. Now, I submit to him that a bill which deserves to be characterized in that way by him is one that should be looked at far enough to see whether in addition to the vicious and as I think unseemly principle which it introduces, it is likely to breed litigation, to introduce confusion, to lead to all sorts of harm and injury to private litigants; and we are bound to make inquiries such as these even in these high party times, in which the trial by jury has become a shuttlecock to be knocked about in a game of political battledoor.

My honorable friend makes no answer. I suppose he thinks it is not worth while to make one. If he were in a more communicative mood, I could ask him several other such questions, touching which with my poor apprehension I entertain the gravest doubt. Without reference to party politics, supposing myself as far as that is possible a democrat for the moment, if the questions which I addressed to the honorable Senator were addressed to me, I do not believe that my party faith, however enthusiastic it might be, would enable me to answer clearly in favor of this bill. I think that in its details, in its omissions and in its provisions, apart from the fallacy on which it is based, it is very defective, a very unfit bill to go into the statutes, even if by some bill you were going to do the thing which it is intended to do.

Keeping my promise to the honorable Senator not to consume much time, I want before taking my seat to draw attention for a moment to another topic. The other day one of the Senators from Alabama, I think the Senator now on my left [Mr. MORGAN] discoursed somewhat upon the condition of juries in the State of Alabama, and to-day the other Senator from Alabama [Mr. HOUSTON] stated, if I understood him aright, that the laws under which juries are drawn in Alabama are general laws, applicable alike to all parts of the State, and that there are no special laws in Alabama under which juries are drawn. The Senator to whom I first adverted made mention with some particularity of statement, and some production of papers, of affidavits possibly, and the like, of the doings of the marshal of Alabama. Since that time I have received from the marshal a communication, the more material parts of which I propose to read to the Senate, not only because it seems to be the wish of the writer that they should be read, but because of the contribution which this letter makes to the Senate's stock of information. We have heard a great deal of railing accusation about juries; we have not heard much particularity of specification. I notice that most of the Senators who deal in this are more eloquent and apparently more largely instructed touching the grievance of other States than their own, and I have noticed that it usually happens that when we are able to locate these accusations, to find the venue somewhere, there comes some statement or contradiction which is very damaging to the effect which they were intended to produce. This marshal who writes to me from Alabama on the 23d of June, 1879, writes thus:

> DEAR SIR: During the recent debate in the Senate on the bill making appropriations for certain judicial expenses, Senator MORGAN, of Alabama, in a speech advocating the passage of said bill, read certain affidavits and made certain statements of pretended facts with reference to the administration of justice in the Federal courts of this State. The statements and affidavits were submitted by the Senator for the purpose of showing that the individual now holding the office of United States marshal for the southern and middle districts of Alabama is a bad and unscrupulous person, and that it is unwise to continue in his hands the selection in part of Federal jurors in the courts of which he is marshal as is now provided by the laws of the United States and the rules of said courts.

He then follows with some statement indicative of his sense of injustice in not receiving what is done to him in this respect, and comes to what pertains more immediately to the subject before the Senate, and I pass on to that:

> I will simply say that the affidavits read by the Senator were presented by him to the Department of Justice, some of them more than two years ago, in support of an application for my removal, and that the charges in them contained were investigated by an agent of that Department, at that time an entire stranger to me and then and now enjoying the entire confidence of the Department, and said agent pronounced them to be false in every particular.
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> They were afterward submitted by Senator MORGAN to the Judiciary Committee of the Senate, as a reason for the confirmation of a gentleman who had been nominated by the President to succeed me in the office of marshal, and they were at that time fully and completely refuted by evidence submitted to the committee in my behalf. They are now revamped and made to do duty in open Senate notwithstanding the conclusive refutation which they have twice received. One of the affidavits is from a person named Robinson living in the city of Mobile. Robinson is the man who made an affidavit pretending to know of certain corrupt transactions connected with the election of Senator Spencer to the Senate in 1872, and thereby induced Senator MORGAN to have him summoned to Washington at the expense of the Government to testify against Senator Spencer, and who upon being examined by Mr. MORGAN denied absolutely every fact stated in his preliminary affidavit. I cannot believe the Senator credited the statements made against me by Robinson at the time.
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> It was one of the charges by Senator MORGAN from which I received a complete vindication as the result of the investigation by the Department of Justice and by the Judiciary Committee of the Senate.

Now I come to what I want more especially to bring to the notice of Senators, and especially the honorable Senator from Ohio [Mr. PENDLETON] and the honorable Senator from Kentucky, [Mr. BECK,] both of whom I observe at this moment are deeply interested in this question.

> That jurors were improperly selected in the courts of the United States of which I was the marshal. The charge is unfounded now as it was then proved to be. By the rules of court and in compliance with the Statutes of the United States the methods for the selection of jurors in the Federal courts for Alabama are made to conform substantially to those prescribed by the laws of the State for the State courts.

The PRESIDING OFFICER, (Mr. HARRIS in the chair.) Will the Senator give way to receive a message from the House of Representatives?

Mr. CONKLING. Certainly.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed a bill (H. R. No. 2382) making appropriations to pay the fees of United States marshals and their general deputies; in which it requested the concurrence of the Senate.

ENROLLED BILLS.

The message also announced that the Speaker of the House had signed the following enrolled bill and joint resolutions:

A bill (H. R. No. 2002) making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1880, and for other purposes;

A joint resolution (H. R. No. 102) authorizing a survey of the Mississippi River near Lake Concordia, Louisiana, and Cowpen Bend, Mississippi; and

A joint resolution (H. R. No. 114) donating granite blocks to Mower Post, Grand Army of the Republic, of New Orleans, Louisiana.

JUDICIAL APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. No. 2381) making appropriations for certain judicial expenses for the Government for the fiscal year ending June 30, 1880, and for other purposes.

Mr. DAVIS, of West Virginia. I ask my friend from New York to

give way a moment for the purpose of having the bill which has just come from the House read twice and referred.

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator frem West Virginia?

Mr. CONKLING. Suppose the Senator allows the bill to lie for a few minutes so that we may know what it is. I am going to conclude presently, and I would be glad for one to look at it. I have no purpose to interpose any delay, but I would like to know what the bill is; in the mean time I will finish this letter. The writer has stated that in Alabama by the rules of the court the mode of drawing juries is made, as near as possible the mode of drawing State juries. He says:

I refer to the general laws of the State providing for the selection of jurors; but there are special laws—

To this I beg the attention of the Senator from Alabama farthest from me, [Mr. HOUSTON;] it was the point of my inquiry this morning—

but there are special laws upon this subject applicable to particular locations which are worthy of attention, laws which received the official sanction of one of the Senators from Alabama, who was then governor of the State—

I infer that was the distinguished Senator more immediately in front of me, [Mr. HOUSTON]—

and which have not been condemned by the other Senator so far as we are informed by any of his public utterances.

The general laws of the State impose the duty of selecting jurors upon the probate judges, sheriffs, and clerks of the several counties, who are to meet biennially for the purpose. Intending to conform as nearly as possible to the State laws, the United States circuit court has provided by rules that the marshal, the clerk, and the probate judge of the county where court is held shall meet biennially and select five hundred persons whose names are to be put in a box and drawn from for the succeeding two years. It is impossible to compare the juries in the State and Federal courts in this State and not see that the balance of fairness is largely on the side of the Federal courts. In many counties in the State—

I am reading this especially for the honorable Senator from Kentucky, the Senator so near me [Mr. BECK,] and I beg the Senator from Ohio [Mr. PENDLETON] not to distract his attention.

Mr. PENDLETON. I was directing it.

Mr. CONKLING. I am obliged to my friend for conspiring with me to compel the Senator from Kentucky to listen to me, because the Senator from Kentucky recently in one of those outbursts of democratic eloquence wherewithal he does not only startle but electrify the Senate now and again, was just full of emotion, of righteous and virtuous indignation, when he thought how these juries are drawn, especially in the South, how republicans sit on them, and how democrats do not. Therefore, hoping to temper this great grievance more to his tender endurance than it has been tempered before, I commend to him this statement:

In many counties in the State the republicans outnumber the democrats more than five to one, and yet it is a rare thing to see a republican on the grand or petit juries in those counties.

The special laws to which I have referred apply only to those counties in the State in which republicans fill the offices of probate judge, sheriff, and clerk of the court, or a majority of them. They provide for the appointment by the governor of five persons for each of said counties to be known as jury commissioners, who are charged with the duty of selecting jurors for the courts of their several counties. This law does not apply to a single county in which the democrats had possession of the local offices at the time of its passage, and no concealment of the fact that it was intended to deprive the republican county officers of the power of selecting republican citizens of the several counties as jurors was attempted by the supporters of the bill inside or outside of the legislative halls of the State.

The character of this partisan act has only been surpassed once in the history of misrule in Alabama, and that was when the last Legislature passed an act providing that ballots cast at elections in Alabama should no longer be numbered, in order, as it was stated by Senators and Representatives, that the Federal courts should be unable to procure evidence for the indictment of officers of election and persons who should violate the election laws of the United States at Federal elections.

The reason for the passage of the special jury laws and the effect of their operation in excluding republicans and colored men from the jury-box in the State courts will be found stated (under the appropriate head of "Operation of the Election Laws") on page——

And so on, of the report to which he refers.

A reference to these pages will show the evidence upon which the conclusion of the committee was in part based.

I can say truthfully for the special jury laws referred to, that, while apparently divergent from the general system prevailing in the State, and while providing one system for democratic counties and another for republican counties, that in reality they secure uniformity—uniformity in both republican and democratic counties—as to the color and political predilections of those summoned as jurors.

An appreciation of the value of your time warns me to bring this letter to a conclusion. My apology for addressing you must be that the one hundred thousand republicans of Alabama are without a representative in either branch of Congress.

Your obedient servant,

GEORGE TURNER.

Mr. President, I know how that shocks the Senator from Kentucky——

Mr. HOUSTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Alabama?

Mr. CONKLING. Oh, yes.

Mr. HOUSTON. An inquiry was propounded to me by the Senator from New York which I understood to apply to the mode of selecting jurors for the United States courts. I did not know that he was asking as to the uniformity or the want of it in the obtaining of jurors in the State courts. Hence I answered as I did. I thought he applied his question to the United States courts.

Mr. CONKLING. Mr. President, I never feel any certainty that I am not unfortunate and confused in expressing myself, and therefore I have no right to be surprised at my failure to make known to the honorable Senator from Alabama the point of my inquiry. I asked him, as I supposed, as I intended, pointedly whether the jury law or the laws under which juries were drawn in Alabama were uniform throughout the State, or whether there were special laws applicable to some parts of the State and not to others. I supposed that that language was such as to exclude the inference that I was inquiring about the statutes of the United States, which are of course the same for all parts of Alabama and for other States as well.

Mr. HOUSTON. The discussion between the Senator from New York and myself had been exclusively in relation to the jurors in the United States courts; nothing at all had been said between us in regard to the jurors in the State courts; and therefore I had no others in mind. Of course the natural conclusion to which any mind would arrive, I think, was that the question propounded by the Senator related to the matter about which he and I had been talking. I never supposed he was asking about the mode of obtaining jurors in the courts of the State.

Mr. CONKLING. If the honorable Senator will allow me, I have already assumed all the blame, if blame there is, or carelessness, if carelessness there was, in not making myself sufficiently understood; and now, if the honorable Senator from Alabama will indulge me, I should like to repeat in another form the question which he misunderstood. I should like to inquire of him whether it is true that laws do exist in the State of Alabama for the drawing of juries under which laws in certain counties they are drawn in one way and in the residue of the State in another way?

Mr. HOUSTON. Mr. President, there is a law in the State of Alabama under which the mode of drawing jurors in a few counties, probably not amounting to half a dozen, is changed from the general mode, and the drawing is done by a body of commissioners appointed by the governor, from names put in the box.

Mr. CONKLING. Does the Senator refer now to an act which was passed during the administration as governor of the Senator himself?

Mr. HOUSTON. I do.

Mr. CONKLING. It is to that that I referred. Now may I ask the Senator in how many counties the sheriff, the probate judge, and the clerk are allowed to draw the juries in Alabama?

Mr. HOUSTON. They are allowed to draw the juries in all the counties in the State except the few included in that bill, I do not think amounting to half a dozen, probably three or four, very few. The others, as I now remember, are uniform, drawn under the same method.

Mr. CONKLING. Drawn under laws which have existed a long time, I suppose?

Mr. HOUSTON. Yes, sir, and the jurors in the county to which reference is now made are drawn by a commission appointed by the governor. I appointed the commission in each of those counties, and in the appointment of nearly all of them—I am not sure as to all—I sought to divide the commissioners between the parties. I appointed a majority of democrats, and I appointed republicans; I do not remember exactly as to the various counties how many of each.

Mr. CONKLING. Will the honorable Senator state to me how many commissioners there are in a county?

Mr. HOUSTON. My recollection is five.

Mr. CONKLING. Five in a county. Will the honorable Senator name to me any one of those counties in which the commissioners are not democratic in majority?

Mr. HOUSTON. In all the democrats have a majority. I appointed a majority of democrats in all of them, and in several of them—I do not remember now whether in all or not—I appointed some republicans on each commission; but I appointed a majority of democrats.

Mr. CONKLING. Well, Mr. President, I am very glad to have Mr. Turner corroborated by the Senator so as to show that he had not fallen into any error. The case, then, as I understand it, is this: Alabama had jury laws like other States, applicable there as elsewhere to all counties regardless of political persuasion or locality. During the administration of the honorable Senator as governor an act was passed or acts were passed applicable to some and not to other counties, changing as to them the mode of drawing jurors. In all the counties except those specified, the probate judge, the sheriff, and the clerk did the drawing of the juries, or more correctly speaking selected, those from whom juries were to be drawn. In these counties thus picked out and segregated, the act declared that the governor should appoint in each five commissioners, and that they, and not these ancient and customary officers, should select those from whom the juries were to be drawn; and as this marshal states, and as I have other evidence in my hand to show, the counties thus selected and carved out were republican counties. They were counties in which the regular jury officers were republican in politics; and therefore they were selected and therefore the always-prevailing mode was overthrown, and therefore in those counties the selection of juries was committed to commissioners; and now the honorable Senator from Alabama says he has no doubt that in all those counties he made a majority of the commissioners democratic although he thinks that in some of them he gave the republicans a representation on the minority of the commission; but if I understand him aright, his rec-

ollection is not so distinct to that point that he can trust it to be positive.

Mr. HOUSTON. As to the number.

Mr. CONKLING. The honorable Senator thinks that he did not exclude in all the counties republicans altogether, that he did not make the commissioners unanimously democratic, but he knows that in every one of the counties he did make a democratic commission so that the work was just as effectually done if there was one republican permitted to participate as if there was no republican at all. Take it so. Now I want to read to the Senate from the report of one of its committees something to show the workings of this system, this system prevailing and set up in a State the product of a sentiment which finds its expression here in the attempt to overthrow jury laws a century old and put in their place a contrivance for the selection of political strikers and political hacks on the one side and the other to constitute juries. I read now first from the testimony of a sheriff in Alabama:

Question. As sheriff of the county you, with the clerk of the circuit court, select juries?

Answer. Yes, I do.

Q. And it has been your duty to select the juries since you became sheriff in 1874?

A. It has been that way ever since I knew anything about it. It has been the duty of the sheriff, the clerk, and the judge of probate.

Q. How did you select juries; that is to say, as the result of your selection, what proportion of colored men and what proportion of white men were put upon the juries, and also what proportion of those were democrats and what republicans?

A. Very few of them are colored men, and there are but few white republicans in that county. The juries have almost, in the main, been made up of democrats—both the grand and petit juries.

Q. But you have always had a few republicans?

A. We have always had from one to three, and sometimes as high as four, colored men on a jury.

Q. Do you think you ever had more than that?

A. I do not remember that we ever had, since I have been sheriff, more than four colored men on a jury.

* * * * * * *

Q. Did you ever in any way hear complaints on the part of lawyers and litigants of the court, or of any of the officers of the court, of the character of the juries whom you selected?

A. I have heard that one or two men complained somewhat, but the mass of the people there, since I have been sheriff, are satisfied. My predecessor was a democrat, but the mass of the people and lawyers generally have said, and told me, and I have heard it from various sources, that I, though a republican sheriff, have given them better and more competent juries than my predecessors have done. I have been complimented upon that by men who have been very bitterly opposed to me, and who charged even that if I were made sheriff of the county I would put inefficient juries upon them.

Q. In selecting colored men for jurors, what class of colored men do you select?

A. We place into this box the names of those who are thought competent to discharge the duties fairly and impartially—only such colored men as we believed to be of that class, and there are but very few, I must say—so that the proportion was about 4 to 1.

Now I pass on to read about one of these counties.

Mr. HOUSTON. What was the name of that sheriff and the county that the Senator has been reading from?

Mr. CONKLING. Unless the Senator wishes it now, I will not give it at this moment, because I shall have to turn back several pages to find it, but I will do it anon or hand the Senator the book to do it for himself if that will be equally agreeable to him.

Mr. HOUSTON. Go ahead.

Mr. CONKLING. I come now to a county which is named on the page from which I read, Bullock County, I infer that it was one of these particular counties selected by this special bill, in which the sheriff, the judge of probate, and the clerk were no longer to be allowed to draw jurors:

Question. This jury bill takes the selection of jurors entirely out of your hands and gives it to five persons, to be appointed by the governor?

Answer. It gives it to five persons, and those persons have been appointed by the governor in my county, and have made their list. They make their list in the same way that the clerk, the judge of probate, and the sheriff did, selecting those that in their judgment are competent to discharge the duties. I have not seen the list, but I am informed by those who have seen that there are very few colored men on it, and there is not a white republican name on it, as I understood. The colored men whose names are on it almost all vote the democratic ticket. In one beat in which there are six or seven hundred colored voters, I am informed by Mr. Mabson, who saw the list, that there was but one colored man in the precinct who, in their opinion, is competent to discharge the duties of grand or petit juror, and he is a man that always voted the democratic ticket.

By the CHAIRMAN:

Q. What are the politics of the commissioners of jurors in your county?

A. Four of them are democrats and the other is a republican. There was one republican appointed. This republican gentleman did not intend to serve, but I urged and begged him to serve and gave him my reasons why I wanted him to serve, and he finally came up and did serve.

Q. The majority of the commission, of course, governs?

A. Yes. I have complained of other legislation.

I stop here to say—and it may serve as a memorandum to refresh the memory of the honorable Senator from Alabama—that this is one of the instances in which, with that kind and magnanimous consideration so customary with democrats, when he came to deal with a republican county, a county having a large republican majority, where the county officers were republican, determined not to be mean about a little matter of that sort, in place of making all five of the commissioners democratic, generously, in a large-hearted way said "Now let one of them be a republican;" and one of them is a republican!

There is other information here about the working of the jury laws of Alabama, but I am not going to detain the Senate by reading it. It is all cogent commentary upon what we have heard of the wrongs which that State suffers.

I have one other thing to say about this bill; indeed I have several others, but I will say but one other, and that in answer to an observation which fell from my distinguished friend from Connecticut. He read with commendation, indeed with eulogy, a provision in the bill declaring that nothing shall be construed to prevent any judge from ordering the names of jurors to be drawn from the box used by the State authorities in selecting jurors in the highest courts of the States; and thereupon, with a firmness of faith sure-footed as he always is, he said that in the State of Connecticut and in the State of New York no such proceedings as those provided for in this bill would ever take place, and I believe he returned thanks to the Throne of Grace that he did so believe. That shows a grateful disposition in the Senator, an inclination to be thankful for very small favors. I should like to know what the honorable Senator from Connecticut knows legally from this bill on that point. Nothing in the world that we have heard except that he is acquainted with the judge (as of course he is) in his own district, and he esteems him, and with a singular tautology for the Senator he went on to say that he was a fit man, an upright man, an honorable man, a gentleman, and then concluded by saying "and a republican," when if he had simply reversed his sentence and employed that last word at first he might have dismissed the others and conveyed the whole idea. [Laughter.]

Well, now, Mr. President, I should like to know whether it commends this bill that a dispensing power is granted respectively to all the judges in the country? Does it commend the bill that it is subject to what the law calls the *jus disponendi* of every judge? The Senator says in Connecticut it will be dispensed with. He consoles me by saying that in the State of New York it will be dispensed with, although neither he nor I know anything about it. Is it to be dispensed with in the Southern States? In the State of Alabama is it to be dispensed with, and are the juries to be drawn by these commissioners making such juries as are here sworn? Had I not heard the honorable Senator from Connecticut commend the bill for that reason I should say that there is danger and objection to allowing a judge, depending upon his political proclivities, depending upon his political affiliations, depending upon his surroundings and persuasions, to determine of his own *ipse dixit*, beyond the reach of motion to correct him or of an appeal, that in any district, in any circuit he may please, the jury shall be drawn not only in accordance with the State laws but taken out of the box, from among the names put there by such a proceeding as is chronicled and characterized in the congressional document and in this marshal's letter from which I have read.

No, Mr. President, that is not an impartial jury. Such an act as the honorable Senator from Alabama has referred to, and as the writer of this letter describes, is not calculated to produce an impartial jury; it is inconceivable that it was designed for such a purpose; and to say that in that case of which we happen thus accidentally to have knowledge, and in all the other cases of which we have no knowledge, in which the local law has laid a partial, an invidious, and a discriminating hand upon the machinery for the selection of juries, each judge, in the language of the German philosopher evolving it out of his own consciousness, without any proceeding before him or cause assigned, is to determine that the jury at a particular term or all the terms of the court shall be made up in accordance with the contrivances and arrangements studiously devised, as in the instance before us, to introduce into the jury-box men of a particular complexion, political or personal—to so declare is not, in my judgment, a wise course of legislation.

Mr. President, the honorable Senator from Iowa [Mr. KIRKWOOD] brings to my notice a kindred instance, one between which and this from Alabama there is striking resemblance, the case of the State of Louisiana, in which, I understand from his hasty statement, a statute clothes the governor with the power at his option, when he chooses, and where he chooses, to appoint for a parish—which means a county—agents of his, I care not what they are called, to make up the body of men and the selection from which the jurors are to be drawn.

Mr. KIRKWOOD. The Senator will allow me a moment to state that.

Mr. CONKLING. I wish you would state it.

Mr. KIRKWOOD. By the law of Louisiana jurors are selected by a body of men, five in each parish, called police jurors. It so happened, of course, that in republican parishes a portion at least of those police jurors were republicans. At the first session of the Legislature after the advent of Governor Nicholls to office a law was passed authorizing him to add to the number of police jurors in any parish in which he chose to do so five additional police jurors of his own selection; the result of which was that in parishes where there was a majority of republican police jurors the additional five were added, giving to our democratic friends the control of the body.

Mr. CONKLING. This dispensing clause gives permission to any judge, whoever he may be, to resort to the State boxes for juries when those boxes have been filled by the most licentious exercise of the power described by the honorable Senator from Iowa; and thus, upon the option of any judge, questions of the last moment, questions involving the national right, questions involving the national right with foreign nations, as questions submitted to a jury very often do, all questions involving rights of citizenship, the rights of citizens of all races and all colors, are to be submitted to a jury picked and culled under State authority and under the inspiration of sectional,

of partisan, and of other local prejudice; and that is one of the ornaments of this bill!

Mr. President, under the exigency of party occasion for political and party purposes, the danger is and the design is that the jury system of eighty years shall be overthrown, that it shall be supplanted by laws based upon a theory abhorrent to every principle of enlightened jurisprudence, that the ancient laws of the Republic shall give way to the unenacted dogmas which have been held dangerous and have been condemned by all men of all parties who were patriotic, in England for centuries, and in this country always. The danger and the design is to sweep the trial by jury, the jury-box, the courts, the machinery of justice into the maelstrom of partisan politics, and to bear away upon the headlong tide of partisan pursuit the ancient landmarks of the Republic. For one I am against it. I am against it for all the reasons which the honorable Senator from Connecticut says I have assigned heretofore. I am against it for all the reasons to which I have adverted to-day. I am against it for still other reasons with which at this hour I will not detain the Senate.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from New York [Mr. CONKLING] to strike out the second section of the bill, upon which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. BUTLER, (when his name was called.) On all political questions I am paired with the Senator from Kansas, [Mr. PLUMB.] If he were here, I should vote "nay" on this motion.

Mr. HILL, of Georgia, (when his name was called.) I agreed to pair with the Senator from Massachusetts [Mr. DAWES] on all political questions, provided it was not necessary for me to vote to make a quorum. If he were present, I should vote "nay."

Mr. INGALLS, (when his name was called.) I am paired on this question with the Senator from Virginia, [Mr. WITHERS.] If he were here, I should vote "yea."

Mr. MCMILLAN, (when his name was called.) I am paired with the Senator from New Jersey [Mr. MCPHERSON] on all political questions. If he were here, I should vote "yea" and he would vote "nay."

The roll-call was concluded.

Mr. WHYTE. I desire to state that I was paired with the Senator from Maine [Mr. BLAINE] on political questions. Since he left the city, however, the pair has been transferred to the Senator from New Jersey, [Mr. RANDOLPH.] The Senator from New Jersey, if he were present, would vote "nay" and the Senator from Maine would vote "yea."

Mr. ALLISON. I desire to say that the Senator from Maine [Mr. HAMLIN] is paired with the Senator from Oregon, [Mr. GROVER.]

Mr. MCDONALD. On all political questions I am paired with the Senator from California, [Mr. BOOTH.] If he were present, I should vote "nay."

Mr. ANTHONY. I am paired on political questions with the Senator from Georgia, [Mr. GORDON.] If he were present, I should vote "yea."

Mr. CAMERON, of Pennsylvania. I am paired with my colleague, [Mr. WALLACE,] who is necessarily absent from the city. If he were here, I should vote "yea" and he would probably vote "nay" on this question.

Mr. COCKRELL. I desire to announce that the Senators from Virginia [Messrs. JOHNSTON and WITHERS] are both absent unavoidably. Mr. JOHNSTON is paired with the Senator from Colorado [Mr. TELLER] and Mr. WITHERS is paired with the Senator from Kansas, [Mr. INGALLS.]

The result was announced—yeas 16, nays 30; as follows.

YEAS—16.

Allison,	Chandler,	Kirkwood,	Platt,
Blair,	Conkling,	Logan,	Rollins,
Burnside,	Ferry,	Morrill,	Saunders,
Cameron of Wis.,	Hill of Colorado,	Paddock,	Windom.

NAYS—30.

Bailey,	Eaton,	Jones of Florida,	Vance,
Bayard,	Garland,	Kernan,	Vest,
Beck,	Groome,	Maxey,	Voorhees,
Call,	Hampton,	Morgan,	Walker,
Cockrell,	Harris,	Pendleton,	Whyte,
Coke,	Hereford,	Ransom,	Williams.
Davis of Illinois,	Houston,	Saulsbury,	
Davis of W. Va.,	Jonas,	Slater,	

ABSENT—30.

Anthony,	Edmunds,	Johnston,	Randolph,
Blaine,	Farley,	Jones of Nevada,	Sharon,
Booth,	Gordon,	Kellogg,	Teller,
Bruce,	Grover,	Lamar,	Thurman,
Butler,	Hamlin,	McDonald,	Wallace,
Cameron of Pa.,	Hill of Georgia,	McMillan,	Withers.
Carpenter,	Hoar,	McPherson,	
Dawes,	Ingalls,	Plumb,	

So the amendment was rejected.

Mr. MCMILLAN. I move to amend the bill by striking out all after the word "held," in line 17, to and including the word "belong," in line 20 of section 2.

The words proposed to be stricken out were read, as follows:

And a well-known member of the principal political party in the district in which the court is held opposing that to which the clerk may belong.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Minnesota to strike out the words just read.

Mr. MCMILLAN. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BUTLER, (when his name was called.) On all political questions I am paired with the Senator from Kansas, [Mr. PLUMB.] If he were present, I should vote "nay" on this motion.

Mr. HILL, of Georgia, (when his name was called.) I am paired with the Senator from Massachusetts, [Mr. DAWES.] If he were present, I should vote "nay."

Mr. INGALLS, (when his name was called.) I repeat the announcement of my pair with the Senator from Virginia, [Mr. WITHERS.]

Mr. MCMILLAN, (when his name was called.) I repeat the announcement of my pair with the Senator from New Jersey, [Mr. MCPHERSON.] If he were here, I should vote "yea" and he would vote "nay."

The roll-call was concluded.

Mr. ANTHONY. I am paired on political questions with the Senator from Georgia [Mr. GORDON] who is absent. If he were here, I should vote "yea."

Mr. CAMERON, of Pennsylvania. On all political questions I am paired with my colleague, [Mr. WALLACE,] who is necessarily absent from the city.

Mr. COCKRELL. I desire to repeat the statement of the pair which I announced a moment ago of the Senators from Virginia, Mr. JOHNSTON with Mr. TELLER, and Mr. WITHERS with Mr. INGALLS. Neither of the Senators from Virginia will be here for some time. I should also announce that the Senator from Mississippi [Mr. LAMAR] is paired with his colleague, [Mr. BRUCE.]

Mr. WHYTE. I think it due to the Senator from Maine [Mr. BLAINE] and the Senator from New Jersey [Mr. RANDOLPH] to renew the statement that they are paired on political questions.

The result was announced—yeas 16, nays 30; as follows:

YEAS—16.

Allison,	Chandler,	Kirkwood,	Platt,
Blair,	Conkling,	Logan,	Rollins,
Burnside,	Ferry,	Morrill,	Saunders,
Cameron of Wis.,	Hill of Colorado,	Paddock,	Windom.

NAYS—30.

Bailey,	Eaton,	Jones of Florida,	Vance,
Bayard,	Garland,	Kernan,	Vest,
Beck,	Groome,	Maxey,	Voorhees,
Call,	Hampton,	Morgan,	Walker,
Cockrell,	Harris,	Pendleton,	Whyte,
Coke,	Hereford,	Ransom,	Williams.
Davis of Illinois,	Houston,	Saulsbury,	
Davis of W. Va.,	Jonas,	Slater,	

ABSENT—30.

Anthony,	Edmunds,	Johnston,	Randolph,
Blaine,	Farley,	Jones of Nevada,	Sharon,
Booth,	Gordon,	Kellogg,	Teller,
Bruce,	Grover,	Lamar,	Thurman,
Butler,	Hamlin,	McDonald,	Wallace,
Cameron of Pa.,	Hill of Georgia,	McMillan,	Withers.
Carpenter,	Hoar,	McPherson,	
Dawes,	Ingalls,	Plumb,	

So the amendment was rejected.

The bill was reported to the Senate without amendment.

Mr. WINDOM. I do not know whether an amendment such as I am about to offer has been proposed, but I want to suggest to the Senator from Connecticut who has charge of the bill that there is evidently an oversight, for I discover that the clause which we formerly acted upon appropriating $600,000 for marshals and their deputies is wholly omitted from this bill. I should like to offer that as an amendment to this bill if it has not been already proposed. I was out during a part of the day.

Mr. EATON. It is not an oversight, because it is in another bill, and that bill is now on the table.

Mr. WINDOM. We can save the trouble of acting on the other bill by inserting these words in this, and get through to-day.

Mr. EATON and others. Oh, no.

Mr. WINDOM. We shall then be ready to adjourn by to-morrow.

Mr. EATON. My friend is very kind; but we will keep that for another day.

Mr. WINDOM. Then I will suggest to add to the first section:

For fees of United States marshals and their deputies, $600,000.

I do this because it completes the bill and will enable us to adjourn to-morrow if we make this amendment.

Mr. EATON. We can take up the bill which is now on the table after the passage of this, which contains that very amount, $600,000, that my friend from Minnesota wishes to add here.

Mr. WINDOM. It will be impossible to act on that to-day; and in order to save time, as I know the Senate is very anxious to adjourn, I suggest the amendment.

The PRESIDING OFFICER. The Senator from Minnesota moves an amendment.

Mr. KIRKWOOD. Let it be read.

The PRESIDING OFFICER. The amendment will be reported.

The CHIEF CLERK. It is proposed at the end of line 20 of the first section to insert:

For fees of United States marshals and their deputies, $600,000.

Mr. McMILLAN. I should like to inquire of my colleague if that will complete the appropriations.

Mr. WINDOM. That completes the appropriations, and I believe will enable Congress to adjourn to-day or to-morrow; to-morrow without difficulty, if this bill should be signed.

Mr. WHYTE. We can attend to that in the other bill.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Minnesota, [Mr. WINDOM.]

Mr. WINDOM called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. ANTHONY, (when his name was called.) I am paired on this question with the Senator from Georgia, [Mr. GORDON.] I should vote "yea" if he were here.

Mr. BUTLER, (when his name was called.) I am paired with the Senator from Kansas [Mr. PLUMB] on all political questions. If he were present, I should vote "nay."

Mr. CAMERON, of Pennsylvania, (when his name was called.) I am paired with my colleague [Mr. WALLACE] on all political questions. If he were here, I should vote "yea," and he would vote "nay," probably.

Mr. HILL, of Georgia, (when his name was called.) As already stated, I shall vote whenever it is necessary to make a quorum; but I am paired with the Senator from Massachusetts, [Mr. DAWES.]

Mr. INGALLS, (when his name was called.) On this question I am paired with the Senator from Virginia, [Mr. WITHERS.] If he were here, I should vote "yea."

Mr. McDONALD, (when his name was called.) I am paired on this question with the Senator from California, [Mr. BOOTH.] If he were present, I should vote "nay."

Mr. McMILLAN, (when his name was called.) I am paired on political questions with the Senator from New Jersey, [Mr. McPHERSON.] If he were here, I should vote "yea" and he would vote "nay."

The roll-call was concluded.

Mr. WHYTE. I desire to say that the Senator from Maine [Mr. BLAINE] is paired with the Senator from New Jersey [Mr. RANDOLPH] on all political questions.

Mr. COCKRELL. I will announce again, and will not take occasion to announce it any more, that the Senator from Mississippi [Mr. LAMAR] is paired with his colleague, [Mr. BRUCE,] and the Senator from Virginia [Mr. JOHNSTON] is paired with the Senator from Colorado, [Mr. TELLER,] and the other Senator from Virginia [Mr. WITHERS] is paired with the Senator from Kansas, [Mr. INGALLS.]

Mr. HEREFORD. The Senator from California [Mr. FARLEY] is paired with the Senator from Nevada, [Mr. JONES.] The Senator from California, if here, would vote "yea."

The result was announced—yeas 16, nays 30; as follows:

YEAS—16.

Allison,	Chandler,	Kirkwood,	Platt,
Blair,	Conkling,	Logan,	Rollins,
Burnside,	Ferry,	Morrill,	Saunders.
Cameron of Wis.,	Hill of Colorado,	Paddock,	Windom,

NAYS—30.

Bailey,	Eaton,	Jones of Florida,	Vance,
Bayard,	Garland,	Kernan,	Vest,
Beck,	Groome,	Maxey,	Voorhees,
Call,	Hampton,	Morgan,	Walker,
Cockrell,	Harris,	Pendleton,	Whyte,
Coke,	Hereford,	Ransom,	Williams.
Davis of Illinois,	Houston,	Saulsbury,	
Davis of W. Va.,	Jonas,	Slater,	

ABSENT—30.

Anthony,	Edmunds,	Johnston,	Randolph,
Blaine,	Farley,	Jones of Nevada,	Sharon,
Booth,	Gordon,	Kellogg,	Teller,
Bruce,	Grover,	Lamar,	Thurman,
Butler,	Hamlin,	McDonald,	Wallace,
Cameron of Pa.,	Hill of Georgia,	McMillan,	Withers.
Carpenter,	Hoar,	McPherson,	
Dawes,	Ingalls,	Plumb,	

So the amendment was rejected.

The bill was ordered to a third reading, and was read the third time.

Mr. CONKLING. I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

Mr. WINDOM. Only one word. The Senator from Connecticut in charge of this bill has expressed his gratitude that it does not apply and will not apply to the States of Connecticut and New York. If the bill is so bad that it fills him with gratitude that it does not apply to two States, is it not bad enough to vote down? I hope it will not apply to any.

Mr. EATON. Only a word. I ought to say that I did not state that it was because it was a very bad bill that I was glad it did not apply to Connecticut and New York. It was simply because of the perfectness of our jury system in those States. This bill will absolutely better the condition in many of the States of this Union, and therefore I think we had better vote it up and not vote it down.

The PRESIDING OFFICER. The question is, Shall the bill pass?

The Secretary proceeded to call the roll.

Mr. BUTLER, (when his name was called.) I am paired with the Senator from Kansas, [Mr. PLUMB.] If he were present, I should vote "yea."

Mr. HILL, of Georgia, (when his name was called.) I am paired with the Senator from Massachusetts, [Mr. DAWES.] If he were here, I should vote "yea."

Mr. INGALLS, (when his name was called.) I am paired on this question with the Senator from Virginia, [Mr. WITHERS.] If he were here, I should vote "nay."

Mr. McDONALD, (when his name was called.) If I were not paired with the Senator from California, [Mr. BOOTH,] I should vote "yea."

Mr. McMILLAN, (when his name was called.) I desire to repeat that I am paired with the Senator from New Jersey [Mr. McPHERSON] on political subjects. If he were here, I should vote "nay" and he would vote "yea."

Mr. MORRILL, (when Mr. THURMAN'S name was called.) The Senator from Ohio [Mr. THURMAN] is paired with my colleague [Mr. EDMUNDS] on all political questions.

The roll-call was concluded.

Mr. ANTHONY. I am paired on all political questions with the Senator from Georgia, [Mr. GORDON,] and I presume by the perversity with which the Senators on the other side have voted for this monstrous bill that it is regarded as a political question. If he were here, I should vote "nay."

Mr. HILL, of Colorado. My colleague [Mr. TELLER] is paired with the Senator from Virginia, [Mr. JOHNSTON.] If he were here, my colleague would vote "nay."

Mr. JONAS. The Senator from Mississippi [Mr. LAMAR] is paired with his colleague [Mr. BRUCE] on all political questions. If he were here, the Senator from Mississippi [Mr. LAMAR] would vote "yea."

Mr. CAMERON, of Pennsylvania. On this question I am paired with my colleague, [Mr. WALLACE,] who is necessarily absent.

Mr. PENDLETON. On this question my colleague [Mr. THURMAN] is paired with the Senator from Vermont, [Mr. EDMUNDS.]

The result was announced—yeas 29, nays 16; as follows:

YEAS—29.

Bailey,	Eaton,	Jones of Florida,	Vance,
Bayard,	Garland,	Kernan,	Vest,
Beck,	Groome,	Maxey,	Walker,
Call,	Hampton,	Morgan,	Whyte,
Cockrell,	Harris,	Pendleton,	Williams.
Coke,	Hereford,	Ransom,	
Davis of Illinois,	Houston,	Saulsbury,	
Davis of W. Va.,	Jonas,	Slater,	

NAYS—16.

Allison,	Chandler,	Kirkwood,	Platt,
Blair,	Conkling,	Logan,	Rollins,
Burnside,	Ferry,	Morrill,	Saunders,
Cameron of Wis.,	Hill of Colorado,	Paddock,	Windom.

ABSENT—31.

Anthony,	Edmunds,	Johnston,	Randolph,
Blaine,	Farley,	Jones of Nevada,	Sharon,
Booth,	Gordon,	Kellogg,	Teller,
Bruce,	Grover,	Lamar,	Thurman,
Butler,	Hamlin,	McDonald,	Voorhees,
Cameron of Pa.,	Hill of Georgia,	McMillan.	Wallace,
Carpenter,	Hoar,	McPherson,	Withers.
Dawes,	Ingalls,	Plumb,	

So the bill was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the bill (S. No. 696) for the relief of William Nephew King, jr.

The message also announced that the House had passed a concurrent resolution providing that the President of the Senate and Speaker of the House of Representatives declare their respective Houses adjourned *sine die* at four o'clock p. m. on Monday, the 30th of June instant; in which the concurrence of the Senate was requested.

COMMITTEE SERVICE.

Mr. McDONALD. I ask to be excused from serving upon the Committee on Mines and Mining.

By unanimous consent, Mr. McDONALD was excused, and the President *pro tempore* was authorized to fill the vacancy, and Mr. VEST was appointed.

Mr. CAMERON, of Wisconsin. I ask the Senate to excuse me from further service upon the Select Committee to inquire into alleged frauds in the late elections, commonly called the Wallace committee.

By unanimous consent, Mr. CAMERON, of Wisconsin, was excused, and the President *pro tempore* was authorized to fill the vacancy, and Mr. BLAIR was appointed.

HOUSE BILL REFERRED.

Mr. DAVIS, of West Virginia. I ask that House bill No. 2382 be taken from the table.

The bill (H. R. No. 2382) making appropriations to pay the fees of United States marshals and their general deputies was read the first time by its title.

Mr. WHYTE. May I suggest, if the Senator from West Virginia will allow me, to our friend from Minnesota that we take this bill up now and pass it without the necessity of a reference. It covers the appropriation which he just suggested ought to be added to the other bill.

Mr. WINDOM. The trouble is that this is very much mixed up with political matters. Were it not, we could have passed it on the other bill very readily and be through as soon as that bill is signed;

but there is a good deal of politics in this one and I think it should be considered. I am willing that it should be read a second time and referred to the committee.

The bill was read the second time by its title, and referred to the Committee on Appropriations.

FINAL ADJOURNMENT.

Mr. DAVIS, of West Virginia. There is a resolution on the table received from the House to-day fixing Monday next for adjournment. I desire to have it referred to the Committee on Appropriations, and I will state in this connection that we are not without hope that we may agree with the House; but at this time it is best not to do so. Therefore I ask that the resolution be referred to the Committee on Appropriations.

The PRESIDING OFFICER, (Mr. HARRIS.) The Chair lays before the Senate a resolution from the House of Representatives, which will be read.

The resolution was read, as follows:

Resolved by the House of Representatives, (the Senate concurring,) That the President of the Senate and the Speaker of the House of Representatives declare their respective Houses adjourned *sine die* at four o'clock p. m. on Monday, the 30th of June instant.

The resolution was referred to the Committee on Appropriations.

CLASSIFICATION, ETC., OF PUBLIC LANDS.

Mr. HEREFORD. Yesterday the Senator from Indiana [Mr. MCDONALD] introduced a resolution, which is on the Secretary's table, allowing the Committees on Mines and Mining of the Senate and of the House to appoint a sub-committee, to act in conjunction with the commission appointed under the law of March 3, 1879, charged with the duty of codifying the laws relating to the survey and disposition of the public domain, &c. The resolution was laid on the table. I ask now that that resolution be taken up. I understand that there is no objection to the passage of the resolution on either side of the House.

The PRESIDING OFFICER. The Senator from West Virginia [Mr. HEREFORD] moves that the Senate proceed to the consideration of the resolution mentioned by him. Is there objection? The Chair hears none.

The Senate proceeded to consider the following resolution, yesterday submitted by Mr. MCDONALD:

Resolved by the Senate, (the House of Representatives concurring.) That the Committee on Mines and Mining of the Senate and the Committee on Mines and Mining of the House be each authorized to appoint a sub-committee, to consist of not exceeding three members of said committees, to act in aid of the commission authorized under the act of March 3, 1879, charged with the duty of codifying the laws relating to the survey and disposition of the public domain, and provide for the classification and sale of the public lands, and other duties therewith connected. And any expenses incurred in the discharge of said duties shall be paid out of the contingent funds of the Senate and House respectively upon the certificate of the chairmen of said committees.

The resolution was agreed to.

TREASURY ACCOUNTS COMMITTEE.

Mr. EATON. I move that the Senate do now adjourn.

Mr. ALLISON. I ask the Senator to withdraw that motion a moment. I desire to offer a resolution.

Mr. EATON. Very well.

Mr. ALLISON. I offer the following resolution:

Resolved, That all the testimony taken by the select committee investigating Treasury accounts be reported to the Senate and printed for the use of the Senate.

Mr. DAVIS, of West Virginia. That resolution will probably need some explanation.

Mr. EATON. Let it lie on the table until to-morrow.

Mr. ALLISON. Very well, I will consent that it lie over.

Mr. DAVIS, of West Virginia. I wish now to state that I desire to be present when that resolution is called up. There is a question whether the Senate ought to act upon it or not; therefore, I hope I shall be present whenever it is called up.

Mr. ALLISON. I give notice to the Senator from West Virginia that I will endeavor to call it up to-morrow morning.

Mr. DAVIS, of West Virginia. I will say to my friend that I shall be obliged to be out of the Senate to-morrow morning.

Mr. WINDOM. Then I hope the resolution may be taken up to-day. If the Senator is compelled to be absent to-morrow, he certainly ought not to object to having the resolution acted on now, so that he can make his explanation.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution offered by the Senator from Iowa?

Mr. DAVIS, of West Virginia. I have no objection to its consideration myself.

Mr. ALLISON. I do not wish to take any advantage of the Senator from West Virginia; but he announces in advance that he will not be here to-morrow, and the resolution ought to pass before adjournment, and if the Senator from West Virginia will not be here to-morrow we may not have an opportunity of passing it before adjournment unless we act now.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution? The Chair hears none, and it is before the Senate.

Mr. BECK. I object to its consideration now. I was appointed by the Senate as a member of that committee. There has been a good deal said by the Senator from Iowa and the Senator from Minnesota, who were also members of that committee, relative to what took place in the committee and relative to the testimony taken——

Mr. WINDOM. I am not a member of the committee.

Mr. BECK. That is so; the Senator from Kansas [Mr. INGALLS] I should have said, who is a member of that committee.

I have up to this time declined to say one word on the subject, because I believed it was indecorous to speak about the action of the committee when its labors had not been completed. The committee has been at work; what it has done I am not at liberty to say. Some explanations of very extraordinary things have been made by the officials of the Treasury Department; and now, with only their explanations in, an effort is made to publish to the country the fact that the investigation has been a failure. If there is a motion made to discharge the committee, well; if there is a motion to require it to report on a given day, well; but to require a few explanations made by a few Treasury officials to be published to the world when the whole facts are not in, I object to. I do not pretend to say now whether anything has been proved against the Treasury Department or not, but I do say, in the hearing of the Senator from Kansas and the Senator from Iowa, that the attempt now to publish an *ex parte* statement in partial explanation of things that look on those books very bad, is indecorous, and I object to it.

Mr. INGALLS. I have been a member of that committee since it was created, and the Senate will bear me witness that never upon any occasion have I volunteered any statement whatever in regard to the testimony that had been taken before that committee; but in instances quite numerous, not only at this but at preceding sessions, whenever there has been a discussion in regard to the iniquities and transgressions of the republican party, the Senator from West Virginia, [Mr. DAVIS,] as if he were the Christopher Columbus of some new continent of radical rascality, has volunteered to bring in repeatedly reiterations of what has been disclosed in regard to the alleged discrepancies in the accounts of the Treasury Department, not always by statement, but with a shrug and an innuendo and an intimation and an insinuation, as if "if I would I could," as if there had been misappropriation, malapplication of public funds to the extent of hundreds of millions of dollars.

Now, sir, if there was indecorum, was not the indecorum on the part of the chairman of the committee, who upon his own allegations of wrong had required the establishment of a committee for the purpose of investigating these matters, and then upon repeated instances comes in here and states that these matters are of grave import and that various things have been proven of great detriment to the republican administration of the Treasury. Sir, I repel the insinuation that there has been any indecorum. The chairman of that committee has been the one who has repeatedly brought this matter in here. It never has been alluded to by any person on this floor with the single exception of the Senator from West Virginia, the chairman of the committee. Every allegation made by any member of that committee has been in response to insinuations, damaging insinuations, in regard to what had been done by republican officials while they have had control of the affairs of the Treasury.

Mr. President, I insist that the motion of the Senator from Iowa is a proper motion. It is one that ought to be adopted; it is one that is called for by the exigencies of the case, because no longer ago than yesterday the Senator from West Virginia stated that changes had been made and that there were discrepancies of hundreds of millions of dollars between the statements of the Treasurer and of the Register, and that he was not at liberty to state what had been proven before the committee, but the country might be ready for some damaging disclosures.

It is time, sir, that these things should stop and that the country should know what has been proven; and the country should know that with the single exception of one duplicate warrant that was paid by mistake, amounting to less than $250, there is not a single cent of discrepancy between the statements made by the Register and the Secretary of the Treasury—not one cent; and all these allegations about thousands of millions having been misappropriated, about the incorrect statement of accounts, about the maladministration of republican officials, are utterly baseless. They rest upon nothing further than the fact that there have been, by different officials of the Treasury, different methods of stating the accounts of this Government. That is all there is of it; and it is due to the country, it is due to the Treasury, it is due to the republican party that is assailed in this manner, that the testimony which has been taken should be published, and published without delay, in order that if the statements of the Senator from West Virginia can be sustained proceedings should be had against guilty officials, and if they cannot be sustained these invidious and unjust aspersions upon the public credit, these assaults upon the national honor, should be placed where they ought to be by the testimony that has already been taken before the committee.

Mr. BECK. Mr. President, I desire to repeat again that I as a member of that committee from the beginning to now have attended ten times where the Senator from Kansas has attended once, and I have gone through these matters as carefully as I know how to examine anything. And when he states that there has not been anything wrong except one item of less than $250 he is making a statement wholly unwarranted by the examinations that I have made. I make no charges and will make none until the report of the committee is

had; but if any gentleman of the Senate will go to the books of that Department and hold up any leaf of a public ledger to the sun, if he does not find from one to ten scratches and alterations made his eyes will not be as good as they ought to be.

Mr. KIRKWOOD. Will the Senator inform the Senate and the country how long that committee has been in existence?

Mr. BECK. That committee was in existence during the greater part of the last Congress, not the whole of it; but if any gentleman will consider the amount of labor necessary to ascertain the total amount of the public debt, to understand the changes of system made in 1870, the condition of things before that time, and the condition of things since, all the questions between the Treasurer, the Register, and the Secretary of the Treasury, the three sets of books that have been kept in the three different offices since the changes were made, and to ascertain how and by what authority those changes were made, and seek to do justice to the officials of the Treasury and at the same time do justice to the country, he will see what an immense labor is involved. I am obliged to say for one that the more I have examined the subject and the more statements I have had made to me, the more difficult it has appeared.

I want to do injustice to no officer, if I know it, and the erasures I speak of may be all right; I hope for the honor of the country they may be proved to be so. It is better for us all, republicans and democrats alike, that it should be shown to the world, shown to the democratic party, shown to the republican party, that whatever changes were made were made because they were necessary in order to correct simple errors, and not because of frauds which were sought to be covered up. If I can make a report of that sort, I will do it most cheerfully and most gladly. I shall be glad to be able to say that whatever of changes were made were made because of erroneous entries, and not because of fraudulent transactions. To begin to publish the testimony now and tell what we are doing, might in the face of the present condition of things tend either to shake the confidence of the world or to give the world undue confidence, I will not say which.

If this testimony is to be published before the work is done, then I hope the Senate will put somebody else on that committee in my place, because until the full investigation is made I do not want one word said, and the Senator from Kansas will bear me out in saying that I have never in any form, directly or indirectly, before this moment, said one word in regard to it, because it is one of those great questions that reach to the very root of the good faith of the American Government.

Mr. MAXEY. I desire to ask the Senator from Kentucky, in connection with the question asked by the Senator from Iowa, has there been any unreasonable neglect or delay in the prosecution of the investigation by the committee?

Mr. BECK. I have gone while Congress was in session and when Congress was not in session, taking time that belonged to myself, in order to endeavor to expedite this matter, and I have found the Senator from West Virginia there, in season and out of season, endeavoring to do all that one man could do—for he has been there many, many times when I was not—in what appeared to me to be an honest effort to ascertain the truth. He may in the present condition of his mind arrive at conclusions that, when the facts are all known, he may not be justified in; I do not know; I may perhaps have arrived at conclusions that will not be sustained when all the facts are known; but I desire to say that there has been as honest, as earnest, as competent an endeavor to get to the bottom of this thing as I knew how to make, and I am only sorry I was placed in that position. I do not know how long it will take to complete the work; but if I find that I cannot understand it, I shall be obliged to retire and ask somebody else to take my place, as I fear I shall have to do. I shall, if I find it necessary, come before the Senate and make that confession fairly and frankly. But until the work is done, it is better for the Treasury Department, better for the country, better for everybody that the whole matter should remain as it is in the hands of the committee, unless the Senate ask us to make a report, or discharge us, or do something else; but do not take it by scraps, do not take this statement, that statement, and the other, all of which may be governed by party bias, because the Treasury Department is too important to the whole country to have it handled in the way it would be if we were to report the testimony now.

Mr. ALLISON. In offering this resolution I certainly meant no discourtesy to the committee. I was a member of the committee during the last Congress, and endeavored as well as I could to be present on all occasions of the meetings of the committee, as the chairman will bear me witness, and I would not now offer the resolution except for the fact that on yesterday and the day before the Senator from West Virginia who is chairman of the committee very clearly indicated to the Senate and to the country that there were wrongs in the Treasury which in due time would be exposed to public view, that there had been increases of the public debt appearing upon the books of the Treasury, and improperly appearing there.

Now what I want to know is what is disclosed by the testimony, and I can see no harm to come from publishing it. I can see no harm to come to the people of this country by turning on the light in reference to this matter. It is an unusual thing for a committee to sit in secret, session after session, without disclosing the testimony taken by it. I remember here on an occasion at the last session of Congress when the Senator from Maine [Mr. BLAINE] introduced a resolution providing for an investigation in the Southern States, a vote was taken upon that question, and as I remember every democrat in this Chamber not only insisted that the testimony should be published day by day, but that that committee should sit in the light of day, that the doors should be open everywhere and at all times to public gaze. Now we have a committee sitting since December, 1877, examining into the question of the public debt, whether or not the public debt had been improperly increased, whether or not there had been maladministration by former occupants of the Treasury.

It does seem to me that no harm can result to anybody by publishing the testimony already taken; and that is all my resolution proposes. I simply propose that the testimony taken shall be reported to the Senate and that it shall be published for the use of the Senate and for the consideration of the Senate. Is there any objection to permitting every Senator on this floor to see what testimony this committee has taken? Is it discourteous to the committee to ask that this testimony shall be printed for the use of the Senate? It seems to me not. It seems to me that a proper vindication of the committee, and of the Senate itself, as well as of the Treasury, requires that this testimony shall be read by whoever chooses to read it in this Chamber.

Several SENATORS. The resolution is not before the Senate; let us adjourn.

Mr. DAVIS, of West Virginia. I withdrew the objection to the consideration of the resolution.

Mr. BECK. I made objection.

Mr. HILL, of Georgia. I understand there was objection to considering the resolution. Then why waste time on it this hot day?

The PRESIDING OFFICER. The question was put and the Chair announced that the Chair heard no objection and the resolution was before the Senate. The question is on the adoption of the resolution.

Mr. DAVIS, of West Virginia. The Senator who has just taken his seat [Mr. ALLISON] stated that he was a member of the committee and condemned closed doors or secret sessions. Now I want to ask that Senator if he did not vote for that course and if he did not request it himself?

Mr. ALLISON. My friend from West Virginia will allow me to say that I did not condemn secret sessions of the committee. I made no such statement.

Mr. DAVIS, of West Virginia. Did you or did you not in this particular instance originally say that the sessions ought not to be public?

Mr. ALLISON. I have no doubt that I concurred with the committee in the fact that we should not sit, if we did sit in the Treasury Department building, with open doors.

Mr. DAVIS, of West Virginia. Then why condemn it?

Mr. ALLISON. I would not have offered this resolution, as I stated, except for the fact that the Senator from West Virginia, the chairman of this committee had, prematurely as I believed, stated on the floor of the Senate what the testimony would disclose. Now, I want the testimony to speak for itself in order that we may see what it does disclose.

Mr. DAVIS, of West Virginia. Will the Senator state what the Senator from West Virginia did say in that regard?

Mr. ALLISON. I have not the RECORD before me.

Mr. DAVIS, of West Virginia. Has not the Senator a remembrance of what the Senator from West Virginia said?

Mr. WINDOM. I can tell the Senator if he wishes to know. The Senator said the day before yesterday, speaking of the committee and the evidence——

Mr. BECK. I made objection to the consideration of the resolution, and I shall adhere to it.

Mr. ANTHONY. It comes too late now.

Mr. SAULSBURY. We want to go home. We do not want to stay here any longer to-day.

Mr. WINDOM. The Senator from West Virgina said:

> There has been testimony taken, and I will state here in my place as a Senator, and I will state it publicly, and state it to the Senator from Minnesota especially, that I have never uttered a single charge of alterations, discrepancies, or changes of the books that will not be borne out clear and clean, and more too. I do not state this as coming from the committee; I state it upon my own responsibility——

Mr. DAVIS, of West Virginia. That is it.

Mr. WINDOM. Let me go on:

> which was an exception from the rule. We were to keep confidential the proceedings of the committee, but that was an exception; and I state that here now, and I have stated heretofore, that every single sentence and every figure, including the one that the debt of the Government had been largely increased, and in a single year nearly $100,000,000, will be and is true.

And again, in reply to the Senator from Wisconsin, [Mr. CARPENTER]—the Senator from Wisconsin having asked him when we might expect this report, that "we want to get our nerves steadied; we want to prepare ourselves"—the Senator from West Virginia said:

> The Senator ought to get them prepared, for he will hear something that he has not heard before. I hope he will content himself until the report comes.

That looks very much like an intimation that there is something dreadful coming, and I want to know what it is.

Mr. DAVIS, of West Virginia. I am glad the Senator has read the RECORD. It bears me out in what I intended to state to the Senate. My recollection is that the suggestion came from my republican friends on the committee. It may not be so, but I know that they concurred, and I know that the Department wished that there should

be no public investigation. I was much surprised when my friend from Iowa said to me this morning—I thought in a joking way—that he was going to offer such a resolution; but he has offered it, and I accept the issue.

I said yesterday and I repeat that while all testimony was to be confidential, I excepted at the time such statements as I had already made in the Senate, and the record bears me out, and I mean to speak to that now and to nothing else. I have not heretofore referred to what the testimony will be, nor do I wish now to do it. You cannot in a proper way offer such a resolution in the Senate without giving the committee an opportunity to act.

Now, what are the facts? I repeat that all the assertions I made in the Senate as to the increase of the public debt, in some years nearly $100,000,000, are facts, and no Senator on that side, let him belong to the committee or not, can deny it.

Mr. INGALLS. That the public debt has been increased?

Mr. DAVIS, of West Virginia. Yes, sir, increased.

Mr. INGALLS. I deny it absolutely on the testimony taken.

Mr. DAVIS, of West Virginia. I mean statements of the public debt. The figures show it, and here they are. Take the year 1869——

Mr. HILL, of Georgia. I should like to have the point of order settled. The Senator from Kentucky objected to the consideration of the resolution.

The PRESIDING OFFICER. The Chair will state that the Chair distinctly asked if there was objection to the present consideration of the resolution. The Chair distinctly announced that the Chair heard none, and that the resolution was before the Senate. If the Senator from Kentucky objected, the Chair was unfortunate in not hearing the objection.

Mr. BUTLER. Will the Senator from West Virginia yield for a motion to adjourn?

Mr. DAVIS, of West Virginia. I should like to say a word or two. I will give way in a moment. It is hardly fair now that statements should go unanswered, and I ought to answer their statements. I shall give way in five minutes, and I think I ought to have that much time.

I ask either one of the Senators whether or not it is a fact that in the year 1869 the public debt was stated to Congress to have been $2,489,000,000 in round numbers, and when it was restated in 1871 the statement was $2,588,000,000, ninety-nine million difference? That is a fact that stands to-day.

Mr. McMILLAN. Mr. President——

Mr. DAVIS, of West Virginia. The Senator from Minnesota ought to take his time.

Mr. McMILLAN. I merely wish to make an inquiry, from what the Senator reads, whether it is from testimony taken or not? I see he is reading from a document.

Mr. DAVIS, of West Virginia. The Senator knows that I have said more than once that I made no reference to the testimony.

Mr. McMILLAN. The Senator read from a document before him.

Mr. DAVIS, of West Virginia. I read figures from the official reports of the Government, the official reports sent to Congress, and what I have stated are facts. I could go on with half a dozen years, and state the same thing as to the public debt, but all this has been stated by me several times in the Senate, and I defy contradiction from any Senator that it is not so. He may make the contradiction, but that is all he can do.

In the report of 1870 the payment of pensions for 1864-'65 was set down at $16,347,621.34; but if you take up the report of each of the years from 1864 to 1870, it is there $9,291,610.48, an increase in the year 1870 of over $7,000,000 in the Pension Bureau. That is a fact, and no Senator on that side will deny it, notwithstanding the assertion of the Senator from Kansas that $250 is the only thing that has been found.

Again, in the naval expenditures there is a difference between the Treasury and Navy Departments of several million dollars. Take the pensions from 1860 to 1870, and the Treasury Department has the Pension Office charged with $13,000,000 more than they say they ever received, and I have official documents to show it.

So I might go on from now until to-morrow morning; and yet the Senator from Kansas says the only thing discovered has been $250. If there has been a warrant for $250 discovered, the Senator from Kansas knows something about a warrant that I know nothing of. I never heard of it before.

Mr. INGALLS. Will the Senator look on page 71 of the printed testimony taken before the committee?

Mr. DAVIS, of West Virginia. No, sir, I will not.

Mr. INGALLS. The Senator says he never heard about it before. I ask him to look on page 71 of the printed testimony of the committee.

Mr. DAVIS, of West Virginia. I have not got the printed testimony here; I do not carry it in my pocket, and if the Senator observes what he has voted for and agreed to himself, he will not refer to it.

Mr. INGALLS. The Senate will bear me witness that the Senator from West Virginia has always brought this before the Senate first.

Mr. DAVIS, of West Virginia. If the Senator will look to the statement at the head of the printed document he has, the Senator will not refer to it in public because he knows as well as I do——

Mr. INGALLS. If the Senator will allow me, I shall refer to it in public and in private whenever it is necessary to refute assertions that are not borne out by the testimony.

Mr. DAVIS, of West Virginia. I have said nothing about $250. Now, if the Senator wants a word about the $7,000,000 discrepancy in the Pension Office or the $100,000,000 in the public debt for one year, I will listen to him.

Mr. INGALLS. I should be glad to do it. An explanation has been made in regard to the reason why in that single year the statement of the public debt made by the Secretary of the Treasury and by the Register differed so widely.

It will be recollected by the chairman of the committee that the statement has been made, and reference in order to substantiate that has been made also to the books of the Treasury, showing that where the outstanding public debt was reported at $2,489,002,480.58 by one officer, and by the other officer at $2,597,722,983·37, the difference arose from the fact that in one case the debt was reported less the amount of cash in the Treasury, to which was added the amount of cash and sinking fund, and that the amount of Pacific Railroad bonds was also omitted.

The outstanding debt was reported by the Register that year at		$2,489,002,480 58
Which was the amount of the debt less cash and sinking fund in the Treasury, which should be added	$156,167,813 58	
Less accrued interest	47,447,310 79	
		108,720,502 79
Which added to the Register's report makes		2,597,722,983 37

That is a full explanation of the fact that the statement of one officer differed from that of the other.

Mr. DAVIS, of West Virginia. Then the Senator admits that the facts are as I stated them, and he now undertakes to explain them. I spoke of 1869. No such explanation was made until perhaps very lately. I will say nothing about that, however. Will the Senator now tell me a little about the $75,000,000 difference in 1864? There is a difference in the statements of the Treasury Department in 1864 of $75,000,000.

Mr. INGALLS. There is not a single discrepancy between the statements made by the Secretary in any one year and any other year, or between the Secretary and any other officer of the Government, that is not explicable upon precisely this same basis, that either one officer has made the debt statement less the amount of cash in the Treasury, or has omitted to state as an obligation of the Government some one of the classes of bonds that have been issued to different railroad corporations.

Mr. SAULSBURY. If the Senator from West Virginia will give way to me——

Mr. DAVIS, of West Virginia. I will give way to my friend in a moment. I learn that there is an agreement or understanding among Senators to have an early adjournment. I have no wish, of course, to delay the Senate if an adjournment is desired.

Mr. WINDOM. It is so easy to settle the controversy by just publishing the evidence, that I hope the Senator will not object to it.

Mr. VOORHEES. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia yield?

Mr. DAVIS, of West Virginia. For one moment.

WABASH RIVER RAILROAD BRIDGE.

Mr. VOORHEES. In the interest of progress and the development of the country, I desire to have a little bill which has twice passed the House, and which was once reported from the Committee on Commerce of this body favorably, providing for the building of a railroad bridge over the Wabash River at Merom, Indiana, taken up and passed.

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Indiana for the purpose indicated by him?

Mr. DAVIS, of West Virginia. I yield for a moment.

Mr. VOORHEES. It is a local bill.

Mr. FERRY. Does the Senator from Indiana intend to bridge the Senator from West Virginia over this dilemma by the bill which he proposes to take up?

Mr. VOORHEES. To bridge over nobody, nothing except the Wabash River.

Mr. FERRY. Then I do not object.

Mr. VOORHEES. It is to build a little railroad bridge over the Wabash River, which is of a good deal of importance to the local interests there.

Mr. FERRY. Then it is the Wabash River, instead of the dilemma which the Senator from West Virginia has got into that the Senator proposes to bridge over?

Mr. VOORHEES. Yes. It has been approved by General Humphreys, the Chief of Engineers, and it is all right.

The PRESIDING OFFICER. The Clerk calls the attention of the Chair to the fact that the Senator must move to discharge the Committee on Commerce from the further consideration of the bill.

Mr. VOORHEES. That is my motion.

The PRESIDING OFFICER. Is there objection to the considera-

tion of the bill? The Chair hears none; and the question is, will the Senate discharge the Committee on Commerce from the further consideration of the bill? The Chair hears no objection, and it is so ordered.

Mr. WINDOM. The bill contains no political legislation, I suppose?

Mr. CONKLING. Nothing to be used at the polls?

Mr. VOORHEES. Nothing. It was once reported by the Committee on Commerce, or I would not have asked that the committee be discharged. It was once considered by the Senator from New York, as he will remember.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. No. 1627) to authorize the construction of a railroad bridge across the Wabash River.

Mr. KIRKWOOD. Is this intended for a railroad bridge?

Mr. VOORHEES. Yes, sir.

Mr. KIRKWOOD. Does the bill provide that any company other than the one proposing to build the bridge may upon any terms have the use of the bridge for railroad purposes, for passengers passing over the river?

Mr. VOORHEES. I think it does. The bridge is to be built under the supervision of the War Office and is subject to their exceptions. This bill has been approved by General Humphreys, Chief of Engineers, and emanates to that extent from the War Department, where this subject is placed by law.

Mr. KIRKWOOD. The particular point that I wished to arrive at was whether or not the bill provides in terms that any other railroad company desiring to pass the river may use this bridge upon equitable terms to be determined in some way. The reason I make the inquiry is that we have one bridge across the Mississippi River in regard to which there is no such provision, and the result is that no other railroad company can use that bridge, and we shall be compelled to build another bridge beside it.

Mr. VOORHEES. I will say to the Senator from Iowa with perfect frankness that this bridge will be built on such terms and conditions as may be prescribed by the War Department.

Mr. KIRKWOOD. That is as to the construction of the bridge, but it does not touch the question whether or not another railroad company may, by contributing to the company who built it equitable compensation, use it for railroad purposes.

Mr. VOORHEES. I would have to read again the bill to answer accurately the Senator, but I will say that from my knowledge of the matter there will be no objection whatever to the use of the bridge by other railroad companies. The river at this point is the dividing line between Illinois and Indiana, and corporations belonging to these two States conjointly are building upon understood terms. This is not a new subject. It has been before the Committee on Commerce of this body and was reported favorably twice. A similar bill passed the House by the concurrent action of Members and Senators from Illinois and Indiana, not during the present session, since the Senator from Illinois immediately before me [Mr. LOGAN] was here; but his predecessors have understood this matter.

Mr. LOGAN. This is a House bill?

Mr. VOORHEES. It is a House bill, but it is the same bill that was before us at the last session. The only apology that I have to make for asking the attention of the Senate to it just now is because they are building a road each way from Illinois and from Indiana, and they want to cross the river, and if we fail here in giving them this privilege it will throw them back until next winter. It is a legitimate public enterprise. The House have sent this bill here. I apologize to the Senate because of these reasons for asking action at this time; otherwise I would not be justified in doing so. I think it ought to be done.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH B. COLLINS—VETO MESSAGE.

Mr. SAULSBURY. I move that the Senate adjourn.

The PRESIDING OFFICER. Before entertaining the motion the Chair will lay before the Senate a message from the President of the United States.

Mr. DAVIS, of West Virginia. I ask my friend from Delaware to allow me to say just one word before he submits a motion to adjourn.

The PRESIDING OFFICER. The message will be read.

The Chief Clerk read as follows:

To the Senate of the United States:

I return without approval Senate bill No. 505, with the following objection to its becoming a law:

Doubts have arisen, upon consideration of the bill, as to whether Major Collins will be required under it to refund to the United States the pay and allowances received by him at the time he was mustered out of the service. Believing that it was not the intention of Congress to require such repayment, the bill is returned without my signature to the House in which it originated.

R. B. HAYES.

EXECUTIVE MANSION,
June 27, 1879.

Mr. LOGAN. I move that the message of the President, with the bill, be referred to the Committee on Military Affairs, and printed.

The motion was agreed to.

BILLS INTRODUCED.

Mr. BURNSIDE. Will the Senator from West Virginia give way until I present some morning business?

Mr. DAVIS, of West Virginia. Certainly.

Mr. BURNSIDE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 722) granting a pension to Sarah Dayton; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 723) granting a pension to H. R. Hershberger; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

TREASURY ACCOUNTS COMMITTEE.

Mr. FERRY. The resolution of the Senator from Iowa [Mr. ALLISON] is the pending question, and will be the unfinished business, of course, for to-morrow. Therefore I move that the Senate do now adjourn.

Mr. BECK. I desire to say that my objection was entered to the consideration of the resolution, and I did not withdraw it, and have not done so.

Mr. CONKLING. It is too late.

Mr. FERRY. Unless the Senator from West Virginia desires to make a statement, as the resolution will be the unfinished business, I move——

Mr. DAVIS, of West Virginia. The Senator from West Virginia has stated——

The PRESIDING OFFICER. Does the Senator from Michigan withdraw the motion to adjourn?

Mr. FERRY. If the Senator from West Virginia desires it.

Mr. DAVIS, of West Virginia. The Senator from West Virginia has stated that he is obliged to be away to-morrow.

Mr. FERRY. I withdraw the motion to adjourn.

Mr. CONKLING. Let the resolution be passed to-night.

The PRESIDING OFFICER. The question is on agreeing to the resolution.

Mr. DAVIS, of West Virginia. I wish to be heard upon this question, but there has been an understanding all around to adjourn, and Senators have thought hard of me for taking up as much time as I have. I yield now, and if Senators choose to give it up, let them allow the resolution to come to a vote.

Mr. BUTLER. I now renew my motion to adjourn.

The motion was agreed to; and (at five o'clock and five minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June* 27, 1879.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

ENROLLED BILLS SIGNED.

Mr. KENNA, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill and joint resolutions of the following titles; when the Speaker signed the same:

An act (H. R. No. 2002) making additional appropriations for the service of the Post-Office Department for the fiscal years ending June 30, 1879, and June 30, 1880, and for other purposes;

Joint resolution (H. R. No. 102) authorizing a survey of the Mississippi River near Lake Concordia, Louisiana, and Cowpen Bend, Mississippi;

Joint resolution (H. R. No. 114) donating granite blocks to Mower Post, Grand Army of the Republic, of New Orleans, Louisiana.

ORDER OF BUSINESS.

Mr. TOWNSHEND, of Illinois. I call for the regular order.

The SPEAKER. The regular order being demanded, the morning hours begins——

Mr. COBB. I move to dispense with the morning hour to-day.

Mr. WILSON. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILSON. There is a special order assigned for consideration after the morning hour, a report from the Committee on Foreign Affairs.

The SPEAKER. That is a public bill. This is private-bill day.

Mr. WILSON. Dispensing with the morning hour to-day, I presume, will not interfere with the status of the special order.

The SPEAKER. It will not.

Mr. KENNA. I understand the object of the gentleman from Indiana [Mr. COBB] in moving to dispense with the morning hour is to proceed with the bill reported by the Committee on Appropriations.

The SPEAKER. That is the gentleman's object, the Chair is advised.

The question being put, the morning hour was dispensed with, two-thirds voting in favor thereof.

TERMS OF COURT AT FORT WAYNE, INDIANA.

Mr. NEW, by unanimous consent, from the Committee on the Judiciary, reported a bill (H. R. No. 2384) amendatory of and supplementary to the act providing for the holding of terms of the district and circuit courts of the United States at Fort Wayne, Indiana, approved June 18, 1878; which was read a first and second time, referred to the Committee of the Whole on the state of the Union, and ordered to be printed.

LANDING OF CATTLE FOR BREEDING PURPOSES.

Mr. FORSYTHE. I ask unanimous consent to report a bill from the Committee on Agriculture. It will not take three minutes to dispose of it.

The SPEAKER. Does the gentleman desire to report the bill for consideration?

Mr. TALBOTT. Yes, sir; that is the gentleman's object.

The SPEAKER. The title of the bill will be read.

The Clerk read as follows:

A bill (H. R. No. 2337) to allow John Merryman and Frank Brown, of Maryland, to import and land cattle for breeding purposes.

Mr. BREWER. It seems to me there has been a bill passed which covers that.

The SPEAKER. The Chair is unadvised as to that.

Mr. BREWER. If we are to have a law of that kind it should be made to apply to the whole country, and not merely to individuals.

Mr. TALBOTT. I will state that a bill did pass this House which applied generally, but there is some difficulty about getting it through the Senate. This bill is to allow two gentlemen in my congressional district to import cattle from Europe and land them. They cannot land them because there is a proclamation issued by the President prohibiting the landing of cattle. This bill meets the approval of the Secretary of the Treasury. I hope no gentleman will object to its passage. It is the unanimous report of the Committee on Agriculture.

Mr. BREWER. I object to the passage of any bill of this kind which is for the benefit merely of two individuals.

Mr. TOWNSHEND, of Illinois. If the bill is objected to, let us go on with the public business.

Mr. TALBOTT. The other bill to which the gentleman from Michigan refers cannot meet this case because it cannot possibly get through this session.

Mr. BREWER. I object to the reporting of any bill of this kind that is not for the benefit of the country at large.

MRS. MARIA LEAKE.

Mr. KNOTT, by unanimous consent, introduced a bill (H. R. No. 2385) to place the name of Mrs. Maria Leake, widow of Jeremiah Leake, late a private in Company H, Sixth Regiment Kentucky Volunteer Cavalry, on the pension-roll; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ORDER OF BUSINESS.

Mr. ACKLEN. I move that the House now resolve itself into the Committee of the Whole on the Private Calendar. I make that motion that it may be voted down, and that we may proceed to the consideration of the appropriation bills.

The question was put, and the motion was not agreed to.

FEES OF UNITED STATES MARSHALS.

Mr. COBB. I now move that the rules be suspended and the House resolve itself into Committee of the Whole for the purpose of considering the bill making appropriations for fees of marshals, &c.

Mr. BLACKBURN. Pending that motion, I desire to submit a proposition which I have reason to believe will meet with acceptance on both sides of the House. It is to the effect that general debate on this bill shall be limited to one hour on each side, after which it shall be agreed that the bill shall be proceeded with under the five-minute rule without the interposition of any dilatory motions.

Mr. FINLEY. As I understand it, the House agreed yesterday to limit general debate to half an hour on each side.

The SPEAKER. This can be done by unanimous consent.

Mr. BLACKBURN. The gentleman from Ohio [Mr. FINLEY] will bear in mind the fact that I do not stop with the motion to limit debate to one hour on each side, but I couple with it two other conditions to be accepted by unanimous consent.

Mr. CONGER. Which the gentleman has no right to make in his motion.

Mr. BLACKBURN. I ask unanimous consent to have it so understood.

Mr. CONGER. I do not think there is any necessity for such conditions. They are a reflection that somebody would make dilatory motions, before there is any evidence of such a disposition.

Mr. BLACKBURN. I ask the gentleman from Michigan [Mr. CONGER] if he does not think I had good reason to anticipate something of that kind?

Mr. CONGER. No, sir; I think not.

Mr. ATKINS. I object to the proposition. Let the general debate go on for one hour.

The SPEAKER. There being objection to the proposition of the gentleman from Kentucky, [Mr. BLACKBURN,] the question recurs upon the motion of the gentleman from Indiana, [Mr. COBB,] to go into Committee of the Whole.

Mr. GARFIELD. Before that is done, I move to reconsider the vote limiting general debate to one hour; and I also move that the motion to reconsider be laid upon the table.

The latter motion was agreed to.

The motion of Mr. COBB was then agreed to.

The House accordingly resolved itself into Committee of the Whole, (Mr. BLACKBURN in the chair,) and proceeded to consider the bill (H. R. No. 2382) making appropriation to pay fees of United States marshals and their general deputies.

The bill was then read at length.

The CHAIRMAN. By order of the House all general debate upon the pending bill is limited to one hour. The gentleman from Indiana [Mr. COBB] is entitled to the floor.

Mr. COBB. I yield to the other side, to the gentleman from Ohio, [Mr. GARFIELD,] for a half hour.

Mr. GARFIELD. "To this favor" it has come at last. The great fleet that set out on the 18th of March with all its freightage and armament is so shattered that now all the valuables it carried are embarked in this little craft, to meet whatever fate the sea and the storm may offer. This little bill contains the residuum of almost everything that has been the subject of controversy at the present session. I will not discuss it in detail, but will speak only of its central feature and especially of the opinions which the discussion of that feature has brought to the surface during the present session. The majority in this Congress have adopted what I consider very extreme and dangerous opinions on certain important constitutional questions. They have not only drifted back to their old attitude on the subject of State sovereignty, but they have pushed that doctrine much further than most of their predecessors ever went before, except during the period immediately preceding the late war.

So extreme are some of these utterances that nothing short of actual quotations from the RECORD will do their authors justice. I therefore shall read several extracts from debates at the present session of Congress, and group them in the order of the topics discussed:

Senator WALLACE (RECORD, June 3, pages 3 and 5) says:

The Federal Government has no voters, it can make none, it can constitutionally control none. * * * When it asserts the power to create and hold "*national elections*" or to regulate the conduct of the voter *on election day*, or to maintain *equal suffrage*, it tramples under foot the very basis of the Federal system and seeks to build a consolidated government from a democratic republic. This is the plain purpose of the men now in control of the Federal Government, and to this end the teachings of leading republicans now are shaped.

* * * * * * *

There are no national voters. Voters who vote for national Representatives are qualified by State constitutions and State laws, and national citizenship is not required of a voter of the State by any provision of the Federal Constitution nor in practice.

* * * * * * *

If there be such a thing, then, as a "national election," it wants the first element of an election—a national voter. The Federal Government, or (if it suits our friends on the other side better) the nation, has no voters; it cannot create them, it cannot qualify them.

Representative CLARK, of Missouri, (RECORD, April 26, page 60,) says:

The United States has no voters.

Senator MAXEY, Texas, (RECORD, April 21, page 72,) says:

It follows as surely as "grass grows and water runs," that under our Constitution the entire control of elections must be under the State whose voters assemble; whose right to vote is not drawn from the Constitution of the United States, but existed and was freely exercised long before its adoption.

Senator WILLIAMS, Kentucky (RECORD, April 25, page 8,) says:

The Legislatures of the States and the people of the several districts are the constituency of Senators and Representatives in Congress. They receive their commissions from the governor, and when they resign (which is very seldom) they send their resignations to the governor and not to the President. They are State officers and not Federal officers.

Senator WHYTE (RECORD, May 21, page 14) says:

There are no elections of United States officers and no voters of the United States. The voters are voters of the States, they are the people of the States, and their members of the House of Representatives are chosen by the electors of the States to represent the people of the States, whose agents they are.

Mr. MCLANE. Do I understand him to say that the Government of the United States has the right to keep the peace anywhere within a State? Do I understand him to say that there is any "peace of the United States" at all recognized by the Supreme Court of the United States?

Mr. ROBESON. Certainly I do.—*Congressional Record*, April 4, page 14.

Mr. MCLANE (RECORD, April 4, page 15) says:

I believe that the provision of law which we are about to repeal is unconstitutional; that is to say, that it is unconstitutional for the United States to "keep the peace" anywhere in the States, either at the polls or elsewhere; and if it were constitutional I believe in common with gentlemen on this side of the House that it would be highly inexpedient to exercise that power.

* * * * * * *

When that law used the phrase "to keep the peace" it could only mean the peace of the States.

* * * * * * *

It is not a possible thing to have a breach of the United States peace at the polls.

Senator WHYTE (CONGRESSIONAL RECORD, May 21, page 18) says:

Sovereignty is lodged with the States, where it had its home long before the Constitution was created. The Constitution is the creature of that sovereignty. The Federal Government has no inherent sovereignty. All its sovereign powers are drawn from the States.

The States were in existence long before the Union, and the latter took its birth from their power.

* * * * * * *

The State governments are supreme by inherent power originally conceded to

them by the people as to the control of local legislation and administration. The Federal Government has no part or lot in this vast mass of inherent sovereign power, and its interference therewith is utterly unwarrantable.

Senator WALLACE (RECORD, June 3, pages 3 and 4) says:

Thus we have every branch of the Federal Government, House, Senate, the executive and judiciary departments, standing upon the State governments, and all resting finally upon the people of the States, qualified as voters by State constitutions and State laws.

Senator WHYTE (RECORD, May 21, page 15) says:

No, Mr. President, it never was declared that we were a nation.

* * * * * * *

In the formation and adoption of the Constitution the States were the factors.

These are the declarations of seven distinguished members of the present Congress. They set forth what may be fairly regarded as the doctrines of the democracy as represented in this Capitol.

They are, in brief: First, there are no national elections; second, the United States has no voters; third, the States have the exclusive right to control all elections of members of Congress; fourth, the Senators and Representatives in Congress are State officers, or, as they have been called during the present session, "embassadors" or "agents" of the State; fifth, the United States has no authority to keep the peace anywhere within a State, and in fact, has no peace to keep; sixth, the United States is not a nation endowed with sovereign power, but is a confederacy of States; seventh, the States are sovereignties posssessing inherent supreme powers. They are older than the Union, and as independent sovereignties the State governments created the Union and determined and limited the powers of the General Government.

These declarations embody the sum total of the constitutional doctrines which the democracy has avowed during this extra session of Congress. These propositions form a body of doctrines which I do not hesitate to say are more extreme than was ever before held on this subject, except perhaps at the very crisis of secession and rebellion.

And these have not been put forth as abstract theories of government. True to the logic of their convictions the majority have sought to put them in practice by affirmative acts of legislation.

Let me summarize their attempts. First, they have denounced as unconstitutional all attempts of the United States to supervise, regulate, or protect national elections and have tried to repeal all laws on the national statute-book enacted for that purpose. Second, following the advice given by Calhoun in his political testament to his party, they have tried to repeal all those portions of the venerated judiciary act of 1789, the act of 1833 against nullification, and the act of 1861, and the acts amendatory thereof, that provide for carrying to the Supreme Court of the United States all controversies which relate to the duties and authority of any officer acting under the Constitution and laws of the United States.

Third. They have attempted to prevent the President from enforcing the laws of the Union, by refusing necessary supplies and by forbidding the use of the Army to suppress violent resistance to the laws, by which, if they had succeeded, they would have left the citizens and the authorities of the States free to obey or disobey the laws of the Union as they might choose.

This, I believe, Mr. Chairman, is a fair summary both of the principles and the attempted practice to which the majority of this House has treated the country during the extra session.

Before quitting this topic, it is worth while to notice the fact that the attempt made in one of the bills now pending in this House to curtail the jurisdiction of the national courts is in the direct line of the teachings of John C. Calhoun. In his Discussion on the Constitution and Government of the United States, published by authority of the Legislature of South Carolina in 1851, he sets forth at great length the doctrine that ours is not a national government, but a confederacy of sovereign States, and then proceeds to point out what he considers the dangerous departures which the Government has made from his theory of the Constitution.

The first and most dangerous of these departures he declares to be the adoption of the twenty-fifth section of the judiciary act of 1789, by which appeals were authorized from the judgments of the supreme courts of the States to the Supreme Court of the United States. He declares that section of the act unconstitutional, because it makes the supreme court of a "sovereign" State subordinate to the judicial power of the United States; and he recommends his followers never to rest until they have repealed not only that section but also what he calls the still more dangerous law of 1833, which forbids the courts of the States to sit in judgment on the acts of an officer of the United States done in pursuance of national law. The present Congress has won the unenviable distinction of making the first attempt since the death of Calhoun to revive and put in practice his disorganizing and destructive theory of government.

Firmly believing that these doctrines and attempted practices of the present Congress are erroneous and pernicious, I will state briefly the counter-propositions:

I affirm, first, that the Constitution of the United States was not created by the governments of the States, but was ordained and established by the only sovereign in this country—the common superior of both the States and the nation—the people themselves; second, that the United States is a nation, having a government whose powers, as defined and limited by the Constitution, operate upon all the States in their corporate capacity and upon all the people; third, that by its legislative, executive, and judicial authority the nation is armed with adequate power to enforce all the provisions of the Constitution against all opposition of individuals or of States at all times and all places within the Union.

These are broad propositions, and I take the few moments left to me to defend them. The constitutional history of this country, or rather the history of sovereignty and government in this country, is comprised in four sharply defined epochs:

First. Prior to the 4th day of July, 1776, sovereignty, so far as it can be affirmed of this country, was lodged in the Crown of Great Britain. Every member of every colony (the colonists were not citizens but subjects) drew his legal rights from the Crown of Great Britain. "Every acre of land in this country was then held mediately or immediately by grants from that Crown," and "all the civil authority then existing or exercised here flowed from the head of the British Empire."

Second. On the 4th day of July, 1776, the people of these colonies, asserting their natural inherent right as sovereigns, withdrew the sovereignty from the Crown of Great Britain and reserved it to themselves. In so far as they delegated this national authority at all, they delegated it to the continental congress assembled at Philadelphia. That congress, by general consent, became the supreme government of this country—executive, judicial, and legislative in one. During the whole of its existence it wielded the supreme power of the new nation.

Third. On the 1st day of March, 1781, the same sovereign power, the people, withdrew the authority from the continental congress and lodged it, so far as they lodged it at all, with the confederation, which was declared to be a perpetual union.

Fourth. When at last our fathers found the confederation too weak and inefficient for the purposes of a great nation, they abolished it and lodged the national authority, enlarged and strengthened by new powers, in the Constitution of the United States, where, in spite of all assaults, it still remains. All these great acts were done by the only sovereigns in this Republic, the people themselves.

That no one may charge that I pervert history to sustain my own theories, I call attention to the fact that not one of the colonies declared itself free and independent. Neither Virginia nor Massachusetts threw off its allegiance to the British Crown as a colony. The great declaration was made not even by all the colonies as colonies, but it was made in the name and by authority of "all the good people of the colonies" as one people.

Let me fortify this position by a great name that will shine forever in the constellation of our southern sky—the name of Charles Coatsworth Pinckney, of South Carolina. He was a leading member of the constitutional convention of 1787, and also a member of the convention of South Carolina which ratified the Constitution. In that latter convention the doctrine of State sovereignty found a few champions; and their attempt to prevent the adoption of the Constitution because it established a supreme National Government was rebuked by him in these memorable words. I quote from his speech as recorded in Elliot's Debates:

This admirable manifesto, which for importance of matter and elegance of composition stands unrivaled, sufficiently confutes the honorable gentleman's doctrine of the individual sovereignty and independence of the several States. In that declaration the several States are not even enumerated, but after reciting, in nervous language and with convincing arguments, our right to independence and the tyranny which compelled us to assert it, the declaration is made in the following words: "We, therefore, the representatives of the United States of America, in general congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name, and by the authority of the good people of these colonies, solemnly publish and declare that these united colonies are, and of right ought to be, free and independent States."

The separate independence and individual sovereignty of the several States were never thought of by the enlightened band of patriots who framed this declaration. The several States are not even mentioned by name in any part of it, as if it was intended to impress this maxim on America, that our freedom and independence arose from our union, and that without it we could neither be free nor independent. Let us, then, consider all attempts to weaken this union by maintaining that each is separately and individually independent as a species of political heresy, which can never benefit us, but may bring on us the most serious distresses.

For a further and equally powerful vindication of the same view I refer to the Commentaries of Justice Story, vol. 1, p. 197.

In this same connection, and as a pertinent and effective response to the democratic doctrines quoted in the outset, I quote from the first annual message of Abraham Lincoln, than whom no man of our generation studied the origin of the Union more profoundly. He said:

Our States have neither more nor less power than that reserved to them in the Union by the Constitution, no one of them ever having been a State *out* of the Union. The original ones passed into the Union even *before* they cast off their British colonial dependence, and the new ones each came into the Union directly from a condition of dependence, excepting Texas. And even Texas, in its temporary independence, was never designated a State. The new ones only took the designation of States on coming into the Union, while that name was first adopted for the old ones by the Declaration of Independence. Therein the "united colonies" were declared to be "free and independent States;" but, even then, the object plainly was not to declare their independence of *one another*, or of the *Union*, but directly the contrary, as their mutual pledge and their mutual action before, at the time, and afterward abundantly show.

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The States have their status in the Union, and they have no other legal status. If they break from this, they can only do so against law and by revolution. The Union, and not themselves separately, procured their independence and their liberty. By conquest or purchase, the Union gave each of them whatever of independence and liberty it has. The Union is older than any of the States, and in fact

it created them as States. Originally some dependent colonies made the Union, and in turn the Union threw off their old dependence for them and made them States, such as they are. Not one of them ever had a State constitution independent of the Union. Of course it is not forgotten that all the new States framed their constitutions before they entered the Union; nevertheless, dependent upon and preparatory to coming into the Union.

In further enforcement of the doctrine that the State governments were not the sovereigns who created this Government, I refer to the great decision of the Supreme Court of the United States in the case of Chisholm *vs.* The State of Georgia, reported in 2 Dallas, a decision replete with the most enlightened national spirit, in which the court stamps with its indignant condemnation the notion that the State of Georgia was "sovereign" in any sense that made it independent of or superior to the nation. Mr. Justice Wilson said:

> As a judge of this court I know, and can decide upon the knowledge, that the citizens of Georgia, when they acted upon the large scale of the Union as a part of the "people of the United States," did not surrender the supreme or sovereign power to that State; but, as to the purposes of the Union, retained it to themselves. As to the purposes of the Union, therefore, Georgia is not a sovereign State.
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> Whoever considers in a combined and comprehensive view the general texture of the Constitution will be satisfied that the people of the United States intended to form themselves into a nation for national purposes. They instituted for such purposes a national government, complete in all its parts, with powers legislative, executive, and judiciary, and in all those powers extending over the whole nation. Is it congruous that, with regard to such purposes, any man or body of men, any person, natural or artificial, should be permitted to claim successfully an entire exemption from the jurisdiction of the National Government?

Mr. Chairman, the dogma of State sovereignty which has reawakened to such vigorous life in this Chamber has borne such bitter fruits and entailed such suffering upon our people that it deserves more particular notice. It should be noticed that the word "sovereignty" cannot be fitly applied to any government in this country. It is not found in our Constitution. It is a feudal word, born of the despotism of the middle ages, and was unknown even in imperial Rome. A "sovereign" is a person, a prince who has subjects that owe him allegiance. There is no one paramount sovereign in the United States. There is no person here who holds any title or authority whatever except the official authority given him by law. Americans are not subjects, but citizens. Our only sovereign is the whole people. To talk about the "inherent sovereignty" of a corporation—an artificial person—is to talk nonsense; and we ought to reform our habit of speech on that subject.

But what do gentlemen mean when they tell us that a State is sovereign? What does sovereignty mean in its accepted use but a political corporation having no superior? Is a State of this Union such a corporation? Let us test it by a few examples drawn from the Constitution. No State of this Union shall make war or conclude a peace. Without the consent of Congress it cannot raise or support an army or a navy. It can make no treaty with a foreign power, nor enter into any agreement or compact with another State. It cannot levy any imposts or duties on imports or exports. It cannot coin money. It cannot regulate commerce. It cannot authorize a single ship to go into commission anywhere on the high seas; if it should that ship would be seized as a pirate or confiscated by the laws of the United States. A State cannot emit bills of credit. It can make no law which makes anything but gold and silver a legal tender. It has no flag except the flag of the Union. And there are many other subjects on which the States are forbidden by the Constitution to legislate. How much inherent sovereignty is left in a corporation which is thus shorn of all these great attributes of sovereignty?

But this is not all. The Supreme Court of the United States may declare null and void any law or any clause of the constitution of a State which happens to be in conflict with the Constitution and laws of the United States. Again, the States appear as plaintiffs and defendants before the Supreme Court of the United States. They may sue each other; and, until the eleventh amendment was adopted, a citizen might sue a State. These "sovereigns" may all be summoned before their common superior to be judged. And yet they are endowed with supreme, inherent sovereignty?

Again, the government of a State may be absolutely abolished by Congress, in case it is not republican in form. And finally, to cap the climax of this absurd pretension, every right possessed by one of these "sovereign" States, every inherent sovereign right except the single right to equal representation in the Senate, may be taken away without its consent by the vote of two-thirds of Congress and three-fourths of the States. And yet, in spite of all these disabilities, we hear them paraded as independent, sovereign States, the creators of the Union and the dictators of its powers. How inherently "sovereign" must be that State west of the Mississippi which the nation bought and paid for with the public money, and permitted to come into the Union a half century after the Constitution was adopted! And yet we are told that the States are inherently sovereign and created the National Government.

Read a long line of luminous decisions of the Supreme Court. Take the life of Chief-Justice Marshall, that great judge, who found the Constitution paper and made it a power, who found it a skeleton and clothed it with flesh and blood. By his wisdom and genius he made it the potent and beneficent instrument for the government of a great nation. Everywhere he repelled the insidious and dangerous heresy of the sovereignty of the States in the sense in which it has been used in these debates.

Half a century ago this heresy threatened the stability of the nation. The eloquence of Webster and his compeers, and the patriotism and high courage of Andrew Jackson, resisted and for a time destroyed its power; but it continued to live as the evil genius, the incarnate devil of America; and in 1861 it was the fatal phantom that lured eleven millions of our people into rebellion against their Government. Hundreds of thousands of those who took up arms against the Union stubbornly resisted all inducements to that fatal step until they were summoned by the authority of their States.

The dogma of State sovereignty in alliance with chattel slavery finally made its appeal to that court of last resort where the laws are silent and where kings and nations appear in arms for judgment. In that awful court of war two questions were tried. Shall slavery live? And is a State so sovereign that it may nullify the laws and destroy the Union? Those two questions were tried in the thousand battle-fields of the war, and if war ever "legislates," as a leading democrat of Ohio once wisely affirmed, then our war legislated finally upon those subjects and determined beyond all controversy that slavery never should again live in this Republic, and that there is not sovereignty enough in any State to authorize its people either to destroy the Union or nullify its laws.

I am unwilling to believe that any considerable number of Americans will ever again push that doctrine to the same extreme; and yet, in these summer months of 1879, in the Congress of the reunited nation, we find the majority drifting fast and far in the wrong direction by reasserting much of that doctrine which the war ought to have settled forever. And what is more lamentable, such declarations as those which I read at the outset are finding their echoes in many portions of the country which was lately the theater of war. No one can read the proceedings at such recent public celebrations without observing a growing determination to assert that the men who fought against the Union were not engaged in treasonable conspiracy against the nation, but that they did right to fight for their States, and that, in the long run, the lost cause would be victorious. These indications are filling the people with anxiety and indignation; and they are beginning to inquire whether the war has really settled these great questions.

I remind gentlemen on the other side that we have not ourselves revived these issues. We had hoped they were settled beyond recall, and that peace and friendship might be fully restored to our people.

But the truth requires me to say that there is one indispensable ground of agreement on which alone we can stand together, and it is this: The war for the Union was right, everlastingly right, [applause;] and the war against the Union was wrong, forever wrong. However honest and sincere individuals may have been the secession was none the less rebellion and treason. We defend the States in the exercise of their many and important rights, and we defend with equal zeal the rights of the United States. We insist not only that this is a nation but that the power of the Government within its own prescribed sphere operates directly upon the States and upon all the people. We insist that our laws shall be construed by our courts and by our Executive. Any theory which is inconsistent with this doctrine we will resist to the end.

Applying these reflections to the subject of national elections embraced in this bill, I remind gentlemen that this is a national House of Representatives. The people of my congressional district have a right to know that a man elected in New York City is elected honestly and lawfully, for he joins in making laws for forty-five millions of people. Every citizen of the United States has an interest and a right in every election within the Republic where national representatives are chosen. We insist that these laws relating to our national elections shall be enforced, not nullified; shall remain on the statute-books, and not be repealed; and that the just and legal supervision of these elections ought never again to be surrendered by the Government of the United States. By our consent it never shall be surrendered. [Applause.]

Now, Mr. Chairman, this bill is about to be launched upon its stormy passage. It goes not into unknown waters; for its fellows have been wrecked in the same sea. Its short and disastrous, and I may add ignoble, voyage is likely to be straight to the bottom. [Applause.]

Mr. COBB. I now yield to the gentleman from Ohio [Mr. HURD] as much as he desires of the time remaining to me.

Mr. HURD. Mr. Chairman, a session of unusual excitement appears to be drawing to a close. Questions of the greatest interest to the people of the United States have been from the first day until now the subject of discussion, and it seems a proper thing at its termination to inquire into the result of it, and inquire whether or not the action of the majority of this House meets with the approval of the American people.

My colleague from Ohio [Mr. GARFIELD] who has just taken his seat has seen fit, in answer to the positions which have been maintained by the democratic party in the progress of the argument, to enter upon a disquisition as to the nature of the Federal Government and the relations of the States to that Government under the Constitution which they created. Never in all my studies of the political history of this country, never in all my knowledge of the political debates which have taken place in the Congress of the United States have I heard such views of consolidation advanced as have been suggested to-day by that gentleman.

He advanced the extraordinary proposition that the Union pre-

ceded the States, when the seventh article of the Constitution declares:

The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

[Applause on the democratic side of the House.]

But in order that all doubt might be removed upon the subject, that the Constitution and the Union was the creature of the States, it was declared in the tenth amendment of the Constitution:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Nor is the opinion of the highest judicial tribunal in this country wanting upon this proposition. In the case of Lane County *vs.* Oregon, the following is the decision of Chief-Justice Chase, to be found on page 76 of 7 Wallace:

The people of the United States constitute one nation, under one government, and this government within the scope of the powers with which it is invested is supreme. On the other hand the people of each State compose a State having its own government, and endowed with all the functions essential to separate and independent existence. *The States disunited might continue to exist. Without the States in union there could be no such political body as the United States.*

But, Mr. Chairman, for the purpose of the present discussion it is not necessary to enter into an elaborate consideration of the doctrine of State rights or the powers of the Federal Government. It is sufficient for the bill now under consideration that we should inquire as to whether it is within the scope and the powers of the Federal Government to pass laws to interfere with elections in the States, and only so far as this question is involved do I propose to discuss the doctrine of State rights at all.

At the beginning of this session of Congress the democratic party declared three propositions. We insisted that the Army should be kept away from the polls; that the test oath should be repealed, and that laws should be enacted for the impartial drawing of jurors; and that the Federal Government should not exercise authority over elections held within the States. We insisted and maintained that because of and by virtue of the constitutional provision that the House of Representatives alone shall originate money bills the representatives of the people had the right to insist that the grievances of which they complained should be remedied before appropriations should be made for the support of the Government.

In the discussion which has continued for three months, one of the most earnest and able that has ever occurred in an American Congress, the democratic party has maintained these propositions. It is not necessary to enter into the details of the argument; it is sufficient for my purpose to briefly recapitulate them.

We said that the measures to which we objected were unconstitutional; we said that there was no such person as a voter of the United States as such; that every man who had a right to vote had it because of State authority and under State laws, and that therefore the Federal Government, not creating the voter, had no power to interfere with him in the exercise of his rights of franchise.

We insisted that under the laws, as they now stand, there is no such thing as a national election; that under the provisions of the Constitution in order that there should be a national election it was fundamental that Congress should fix the places, times, and manner of holding such election. In that event there might be a national election, but that is not this case, for in every instance the times, places, and manner of holding elections are fixed by the constitution and the laws of the States, except in a single instance as to the time. The States having exercised power upon the subject there is no occasion for the exercise of power by the United States, and to say that the United States and each State at the same time possess the power of fixing the time, place, and manner of holding elections is to say that two sovereignties possess the power to do the same thing at the same time on the same subject-matter, which is itself an absurdity. We maintain as to the Army that it being a creature of Congress it has no power to be within the limits of the sovereign States except as the Constitution of the United States provides, and then only for the purpose of suppressing domestic insurrection or repelling the armed enemies of the United States, and then only at the request of the Legislature thereof, or the executive of the State if the Legislature be not in session.

More than that. We have referred to decisions of the Supreme Court of the United States approving all these propositions and declaring that the voters were voters of the State and that the Federal Government has nothing to do with them. To these decisions gentlemen on the other side, with one or two exceptions, have absolutely refrained in this debate from referring. In addition to that we urged the argument that the laws we sought to repeal enabled the supervisors to come into the State and interfere with State elections for the selection of State officers, and we also referred to the fact that in the State of New York and other States the greatest outrages had been committed by the arrest of citizens without warrant by officers who had not seen them commit any offense against the laws and who, upon bare suspicion that an offense was intended, had arrested them. We showed from experience how in the South justice had been made a farce; that jurors were drawn in the interests of partisanship and that cases were decided in the interests of partisanship, and that the courts had absolutely failed to administer justice to the people in that great section. We referred to the city of New York, where on an election day more than five thousand American citizens were imprisoned by the authority of supervisors of election and afterward discharged by a judge of the United States court who decided that there was no authority to arrest and that they had been guilty of no crime. More than that, we referred in our argument to the great doctrine of civil liberty and maintained that the measures we sought to repeal were inimical to freedom, un-American in spirit, and in the end would prove subversive of free government.

No more manly, no more dignified, no more logical debate so far as the democratic side of this House is concerned was ever conducted on this floor; but in what way were our arguments treated by gentlemen on the other side of the House? With the exception of half a dozen speeches the pretended answers to our arguments might as well have been made on any other subject as upon the bill now before the House for consideration. When we said that these measures were violative of the Constitution of the United States republican orators replied that on this side of the House the majority were confederate brigadiers who had attempted to overthrow the Constitution of the United States.

When we referred to the fact of the outrages committed on American citizens they replied by citing the outrages committed at Andersonville and other prisons in the South during the war, and when we urged that the powers of the Army should be so limited and qualified that it might not be used to overthrow the liberties of the people, they said, your side was whipped by that Army, and therefore you are opposed to it. Never in all my knowledge has a debate been so honestly conducted as this has been upon our side of the House; never have arguments been more unfairly met than have our arguments by gentlemen on the other side. There are honorable exceptions, of course. It would be invidious to name them, but I will venture to mention the names of two, and I refer to the distinguished gentleman from Connecticut [Mr. HAWLEY] and the gentleman from New Jersey, [Mr. ROBESON.] As the result of this debate bills have been passed and sent to the President of the United States and have been vetoed. The veto power was designed by the Constitution as a power to prevent unconstitutional legislation or hasty or ill-considered legislation or to enable the executive to protect itself against encroachments from other branches of the Government. I defy any gentleman to point me to any argument in the debate upon the adoption of the Constitution which did not give in favor of this provision one or the other of these reasons.

And in the history of this Government, from the day of its foundation until now, the veto power was never before exercised to prevent the repeal of a law or to prevent the enactment of a general appropriation bill. Certainly never before was the veto power exercised to practically take away from one of the two Houses of Congress a power which is conferred upon it separately by the provisions of the Constitution itself. The power to originate bills of revenue is a power which belongs to us, and it is a power which, if the President interferes with it as he has done by this veto, in this case he can absolutely take away from us.

What reasons have been urged for these extraordinary vetoes? Chiefly that the bills we sought to pass took away from the executive authority the power to enforce the law. Because we would not let him use the Army on election day to keep the peace at the polls he said we took away from him the power to enforce the laws.

Sir, the Army is the creature of Congress. The Constitution declares that the Congress may raise an army. The Constitution declares that appropriations for the Army shall not last longer than two years. The Constitution declares that Congress may make rules and regulations for the government of the Army; rules and regulations, "rules" coming first, "regulations" afterward. Therefore the Army is absolutely the creature of Congress. Whether it shall be used to execute the laws or not is for Congress to say and not for the President. [Applause on the democratic side.] He must take the Army as we give it to him, for the purposes which we declare it shall be used for, we being the power to create it.

Strange to say, the President and his advisers and the gentlemen on the other side of the House seem to have lost sight of the constitutional provision which gives the President the power to execute the laws. The language of that instrument is that the President of the United States may call upon the militia of the several States to execute the laws. There is the power given to him for the execution of the laws; not the Army, unless Congress says so, but the militia of the States, because the Constitution so provides.

Never for an instant did our bills interfere with the power of the President over the militia of the States, but only over the Army—this creature of ours. The President has the militia of the States from one end of the United States to the other to aid him in executing the laws on election day or at any other time, at the polls or anywhere else.

What is the result now after the vetoes? Some gentlemen have said that the democratic party has backed down, has surrendered. Sir, when we entered upon this fight we did not expect to gain the victory in a day. When power has for twenty years been intrenching behind all possible legislation, we cannot dislodge it in a moment. We entered upon this contest knowing that many a battle must be fought, many a victory be gained, before the ultimate triumph could be achieved.

In the Forty-fifth Congress we said to the President, your Army—

our Army I mean—our Army shall not be used as a *posse comitatus*. In the Forty-sixth Congress we have said our Army shall not be used as a part of the police force. And before the Forty-sixth Congress shall have closed its term I say to gentlemen that we will have taken from the statute-book every law which proposes to use this creature of ours at the polls to intimidate American citizens in the exercise of their highest prerogative. [Great applause on the democratic side.]

I would have gentlemen on the other side and the country remember that there has been no surrender of the principle with which we began this contest. We claim that the Representatives of the people, by virtue of their power to originate appropriation bills, can secure redress of their grievances by stopping the supplies for the support of the Government, either of the President or of any other branch of the Government, unless our views on the subjects to which the appropriations relate are carried out. I say to gentlemen on the other side and to the country that so long as the democratic party is in a majority in this House it will never surrender that grand, healthful power which more than any other made England a free nation, and which was put into our Constitution in order that the legislative authority might have a wholesome method of controlling executive power.

Mr. Chairman, this extra session has made up the issue between the two parties. The democratic party declare that the Army shall be kept from the polls; that juries shall be impartially drawn; that the test oath shall be repealed, and that the Federal authority shall not interfere in elections within the States. Upon that question the republican party takes issue with us. Confidently appealing only to the patriotism of the country, the democratic party goes into this contest. Never in all the history of this land have more important questions been submitted to the American people for their determination. They relate to the pure administration of justice; they concern the gravest questions of constitutional law; they affect the fundamental principles of civil liberty. Every man who runs for any office in any State and every citizen who goes to the polls to deposit his ballot is interested. The whole method of ascertaining the popular will in the Republic is involved in the issue.

So far-reaching are these principles that if upon this issue the republican party shall be succesful, then all the power over elections in States would be drawn to the central government. The States would lose their places in the federative system, and whether the Army shall be used at the polls or not would be a question not of right and of constitutional law but of executive discretion. Such a result means the end of the republic and the uplifting of the empire. Can there be any doubt as to a controversy like this? In Russia where absolute despotism silences individual opinion, it might be doubtful. In Germany where imperial power sustains itself by an immense standing army, it might be doubtful. In France where the people under monarchs and emperors for ages have slumbered, it might be doubtful. But here in free America, with the traditions of our English ancestors, and with the sacrifices and triumphs of our American forefathers in behalf of civil liberty, it cannot be doubtful. [Applause.] Shall civil liberty perish upon its own threshhold and by its own fireside? Shall the beacon-light which has shown from our shores for the encouragement of struggling freemen everywhere flicker in its socket and go out even as they are gazing upon it? Shall the sun of free government in this continent ere it reaches the meridian sink into night? Shall the shadow and the cloud of the Army darken our free fields and free rivers and free lakes and free prairies, and pollute the air so that a freeman can not breathe it? The century of triumph just ended protests; the bright prospects of our future protest; the hopes of the world protest; and what is practically of more value, the democratic party, with its majority of half a million of American people, protests.

Gentlemen, the contest will soon begin. Ay, it has already begun. I hear the whispering of American inquiry; I hear the mutterings of Anglo-Saxon resolve. I hear the tread of the legions forming, with the banner of civil liberty above them. The contest has already begun; and God give victory to freedom and the right! [Loud applause.]

Mr. COBB. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. Five minutes of the time allowed by the House for general debate remains unexpired.

Mr. COBB. I will yield the remainder of my time to the gentleman from Georgia, [Mr. STEPHENS.]

Mr. STEPHENS. I do not care to occupy it. Let us have a vote.

Mr. COBB. I yield, then, to the gentleman from Texas, [Mr. REAGAN.]

Mr. REAGAN. Mr. Chairman, I desire for a moment only to call attention to the suggestion made by the distinguished gentleman from Ohio, [Mr. GARFIELD,] that the Union is older than the States. Within five minutes I cannot, of course, enter into any elaborate argument. I desire only to call attention to a few expressions in the Declaration of Independence, the articles of confederation, and the Constitution of the United States.

I have no issue with the gentleman from Ohio on the question where sovereignty resides. I agree with him that it resides in the people of the United States. But certain attributes of sovereignty are by the people, through their constitutions, conferred upon the States and upon the Federal Government. The powers not conferred upon the Federal Government by the Constitution of the United States were reserved to the States respectively or to the people, while the powers not conferred upon the State governments by the respective State constitutions are reserved to the people themselves.

But that is a little apart from the point I wish to make. I confess that once before some years ago I was a good deal surprised by the annunciation of a great statesman that the Union was older than the States. That this declaration should now be made again surprises me once more, especially when made by a gentleman of such distinguished ability and learning as the gentleman from Ohio. The Declaration of Independence contains this language:

> We, therefore, the representatives of the United States of America in general congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do in the name and by the authority of the good people of these colonies, solemnly publish and declare that the United Colonies are and of a right ought to be free and independent States; that they are absolved from all allegiance to the British Crown, and that all political connections between them and the State of Great Britain is and ought to be totally dissolved, and that as free and independent States they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent States may of right do.

Here, sir, the colonies were converted into States. These States are declared to be "independent States," with all the powers and rights and sovereignty of independent States.

I refer next to the articles of confederation. These are entitled "Articles of confederation and perpetual union between the States." Articles of union! Union of what? Union of the States which existed, to form the United States, created through the agency of these States. What other intelligent conclusion can be reached?

Mr. STEPHENS. Read the clause in which the States are named.

Mr. REAGAN. I read the opening paragraph of these articles of confederation.

> To all to whom these presents shall come, we the undersigned delegates of the States affixed to our names, send greeting. Whereas, the delegates of the United States of America in Congress assembled did on the 15th day of November, in the year of our Lord 1777, and in the second year of the Independence of America, *agree to certain articles of confederation and perpetual union between the States* of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina, and Georgia, in the words following.

[Here the hammer fell.]

Mr. REAGAN. I ask the House to give me about five minutes more. I want to refer to two or three passages in the articles of confederation and the Constitution of the United States. I shall not enter into any argument.

Mr. GARFIELD. If agreeable to the gentleman from Texas, the five minutes debate can now begin. I will move to strike out the last word of the first section, and yield the floor to him.

The CHAIRMAN. The bill has not yet been read.

Mr. GARFIELD. That arrangement might be made by common agreement.

The CHAIRMAN. If there be no objection, that will be the understanding. The Clerk will read the first paragraph of the bill, after which the gentleman from Texas will be regarded as entitled to the floor.

The Clerk read as follows:

> *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the sum of $600,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the payment, during the fiscal year ending June 30, 1880, of the fees of United States marshals and their general deputies. And no part of the money hereby appropriated is appropriated to pay any compensation, fees, or expenses under any of the provisions of title 26 of the Revised Statutes of the United States authorizing the appointment, employment, or payment of general or special deputy marshals for services in connection with registration or elections on election day.

Mr. REAGAN. The preamble to the articles of confederation and the whole of the articles or those parts of them which it may be necessary to refer to in this connection, show that they were articles entered into by the representatives of the different States, as States, for the purpose of enabling them to conduct the common defense and preserve the welfare of these States lately colonies of Great Britain. The second of the articles of confederation may be referred to with profit:

> Each State retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right which is not by this confederation expressly delegated to the United States in Congress assembled.

Retain what? Retain from the powers to be delegated to the Congress of the United States, the States united, because the pre-existing States were combined together in union for this purpose. How, then, can the thing created, the Union, be older than the elements, the States, which combined, united together form that Union?

But, sir, the third article of confederation is as follows:

> The said States hereby severally enter into a firm league of friendship with each other—

That was before the Union had been proclaimed in the articles of confederation, in the very articles which created the first Union—

> for their common defense, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other, against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretense whatever.

I have not time, sir, to comment on this. The fourth article goes with the same general idea indicating the same existence of the States which had formed the confederation.

I cannot comment in the five minutes allowed me, but I call atten-

tion to the first section of the first article of the Constitution of the United States:

All legislative powers herein granted—

Granted by whom? By the States that sent their representatives to the convention which formed this Constitution.

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Why, sir, the Constitution was being formed, which was the bond of union, which was the forming of the Union itself by the representatives from the pre-existing free and independent States, so declared by the Declaration of Independence, with the declaration repeatedly reiterated in the articles of confederation. I regret I have no time to comment. I will call attention to another paragraph or two. Article 7 of the Constitution provides:

The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Showing that the agency of pre-existing States was invoked to secure the establishment of the Union and to form what is called the United States.

[Here the hammer fell.]

Mr. GARFIELD rose.

Mr. REAGAN. Just one moment more. Before the gentleman from Ohio proceeds I desire to call attention to another article of the Constitution of the United States. In the tenth article of amendment to the Constitution it is provided:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

Mr. GARFIELD. Two points were made by my colleague from Ohio [Mr. HURD] to which I desire to call attention. To strengthen his position, that the United States has no voters, he has quoted, as other gentlemen have quoted, the case of Minor *vs.* Happersett, 21 Wallace, page 170.

The question before the court in that case was whether a provision in the State constitution which confines the right of voting to *male* citizens of the United States is a violation of the fourteenth amendment of the Constitution. The court decided that it was not, and in delivering his opinion the chief-justice took occasion to say that "the United States has no voters in the States, of its own creation." Now, all the gentlemen on the other side who have quoted this decision have left out the words "*of its own creation*," which makes a very essential difference. The Constitution of the United States declares who shall vote for members of Congress, and it adopts the great body of voters whose qualifications may be or have been prescribed by the laws of the States. The power of *adoption* is no less a great governmental power than the power of *creation*.

But the second point to which I wish to refer, and which has been made by several gentlemen, and very markedly by my colleague, [Mr. HURD,] is this: He says that the contemporaneous construction of that clause of the Constitution which provides that Congress may at any time make or alter the regulations in regard to the time, place, and manner of holding elections has determined that Congress can never exercise that right so long as the States make provisions for it. So long as the States do not neglect or refuse to act, or are not prevented by rebellion or war from acting, it was their exclusive right to control the subject. That is what my colleague says. That is what is said in the RECORD of June 3 by a distinguished member of the Senate.

Now, mark how plain a tale shall put that down.

On the 21st day of August, 1789, in the first House of Representatives that ever met, Mr. Burke, a member from South Carolina, offered the following as one of the amendments to the Constitution. I will read it:

Congress shall not alter, modify, or interfere in the times, places, or manner of holding elections of Senators or Representatives, except when any State shall refuse or neglect, or be unable by invasion or rebellion to make such elections.

That was the very proposition which my colleague says is the meaning of the Constitution as it now stands. This amendment was offered in a House of Representatives nearly one-half of whose membership was made up of men who were in the convention that framed the Constitution. That amendment was debated; and I hold in my hand the brief record of the debate, Fisher Ames, of Massachusetts, approving of the clause as it now stands:

He thought this one of the most justifiable of all of the powers of Congress. It was essential to a body representing the whole community that they should have power to regulate their own elections, in order to secure a representation from every part, and prevent any improper regulations, calculated to answer party purposes only. It is a solecism in politics to let others judge for them, and is a departure from the principles upon which the Constitution was founded. * * * He thought no Legislature was without the power to determine the mode of its own appointment; * * * that such an amendment as was now proposed would alter the Constitution; it would vest the supreme authority in places where it was never contemplated.

Mr. Madison was willing to make every amendment that was required by the States which did not tend to destroy the principles and efficacy of the Constitution; he conceived that the proposed amendment would have that tendency, he was therefore opposed to it.

Mr. Sherman observed that the convention was very unanimous in passing this clause; that it was an important provision, and if it was resigned it would tend to subvert the Government.

Mr. Goodhue hoped the amendment never would obtain. * * * Now, rather than this amendment should take effect, he would vote against all that had been agreed to. His greatest apprehensions were that the State governments would oppose and thwart the general one to such a degree as finally to overturn it. Now, to guard against this evil, he wished the Federal Government to possess every power necessary to its existence.

After a full debate, in which the doctrine of State rights was completely overwhelmed so far as this subject was concerned, the vote was taken and 23 voted in favor of the amendment, and 28 voted against it. It did not get even a majority, much less a two-thirds vote in the House; and it never was called up in the Senate at all.

Now who were the men that voted against it? Let me read some of their honored names; Fisher Ames, of Massachusetts; Charles Carroll, of Carrollton; Clymer, of Pennsylvania, whose distinguished descendant is a member of this House; Fitzsimmons, of Pennsylvania; Muhlenberg, of Pennsylvania, who was the Speaker of the first House of Representatives; Lee and Madison, of Virginia; Trumbull and Sherman, of Connecticut—all those great names are recorded against the very construction of the Constitution which my colleague defends as the correct interpretation of the existing clause on that subject. That is all I desire to say.

Mr. COX. The gentleman quotes from some of the old records on matters as to the abstract nature of the Constitution. I propose to quote something more fresh, something more recent.

In March, 1876, we had a vote upon some resolutions here, on which the gentleman from Ohio, [Mr. GARFIELD,] however, did not vote, but some gentlemen on the other side of the House did—some one way, and some the other.

I propose to show, in answer to this discussion on abstract politics, what the gentlemen on the other side of the House since the civil war voted to be the nature of our Constitution, and on the question as to whether we were a nation or not. I send to the Clerk's desk and ask to have read some resolutions offered by myself in March, 1876. I wanted the House to agree to those resolutions, and many republican members and all the confederate brigadiers voted for them.

Mr. GARFIELD. How many of them were there in 1867?

Mr. COX. I said in 1876.

Mr. GARFIELD. I misunderstood the gentleman.

The Clerk read as follows:

Resolved, That the people of the United States constitute a nation in the sense, to the extent, and for the purposes defined in the Federal Constitution.

Resolved, That the Government of the United States is a Federal Union, and was formed by the people of the several States in their sovereign capacity; that the rights and powers of the United States Government are defined and limited by the Federal Constitution, and these rights and powers cannot be enlarged nor diminished except by an amendment to the Constitution.

Resolved, That the rights of the States have the same sanction and security in the Constitution as the rights and powers of the Federal Government, and that local domestic government by the several States within the limits of the Constitution is absolutely necessary for the preservation of the liberties of the citizen and the continuance of our republican system of government.

Resolved, That the doctrine that a State has a right to secede from the Union is in conflict with the idea of a "perpetual union" as contemplated by the Constitution and should be regarded as being forever extinguished by the results of the recent civil conflict.

Mr. COX. Now, why do not the gentlemen on the other side take that as an honorable thing?

Mr. CONGER. What was the date on which these resolutions were adopted?

Mr. COX. On March 13, 1876; and the gentleman from Michigan [Mr. CONGER] voted against them.

The following are the names of those who voted for and against the resolutions, and also those who did not vote:

YEAS—Messrs. Ainsworth, Anderson, Ashe, Atkins, John H. Bagley, jr., Banning, Bass, Beebe, Blackburn, Bland, Blount, Boone, Bright, John Young Brown, Buckner, Cabell, John H. Caldwell, William P. Caldwell, Campbell, Cannon, Cason, Cate, Caulfield, John B. Clarke of Kentucky, John B. Clark, jr., of Missouri, Clymer, Cochrane, Cook, Cowan, Cox, Cutler, Davy, De Bolt, Dibrell, Douglas, Durand, Eden, Ellis, Faulkner, Felton, Forney, Fort, Franklin, Fuller, Glover, Goode, Goodin, Andrew H. Hamilton, Robert Hamilton, Hancock, Hardenbergh, Benjamin W. Harris, Henry R. Harris, Hartridge, Hartzell, Hendee, Henkle, Goldsmith W. Hewitt, Hill, Holman, Hooker, Hopkins, House, Hunton, Hurd, Jenks, Thomas L. Jones, Kehr, Kelley, Knott, Franklin Landers, George M. Landers, Leavenworth, Levy, Lewis, Lord, Luttrell, Lynde, L. A. Mackey, Maish, McDill, McFarland, Meade, Milliken, Morgan, Morrison, Neal, New, O'Brien, O'Dell, Parsons, Payne, Phelps, John F. Philips, William A. Phillips, Pierce, Piper, Poppleton, Potter, Randall, Rea, Reagan, John Reilly, James B. Reilly, Rice, Riddle, John Robbins, William M. Robbins, Roberts, Miles Ross, Sampson, Savage, Sayler, Scales, Schleicher, Sheakley, Singleton, William E. Smith, Southard, Sparks, Strait, Stenger, Stevenson, Stone, Teese, Terry, Thompson, Throckmorton, Washington Townsend, Tucker, Tufts, Turney, John L. Vance, Robert B. Vance, Waddell, Charles C. B. Walker, Walling, Walsh, Ward, Warren, Wike, Willard, Alpheus S. Williams, James D. Williams, Jeremiah N. Williams, Willis, James Wilson, Woodburn, Yeates, and Young—150.

NAYS—Messrs. John H. Baker, Blaine, Bradley, Horatio C. Burchard, Conger, Denison, Dunnell, Egbert, Evans, Farwell, Foster, Hoar, Hubbell, Hyman, Lapham, Lawrence, Lynch, Magoon, MacDougall, McCrary, Monroe, Nash, Norton, Oliver, Packer, Page, Plaisted, Platt, Purman, Robinson, Rusk, Seelye, Sinnickson, Smalls, Thornburgh, Van Vorhes, Alexander S. Wallace, John W. Wallace, White, Andrew Williams, Alan Wood, jr., and Woodworth—42.

NOT VOTING—Messrs. Adams, Bagby, George A. Bagley, William H. Baker, Ballou, Banks, Barnum, Bell, Blair, Bliss, Bradford, William R. Brown, Samuel D. Burchard, Burleigh, Candler, Caswell, Chapin, Chittenden, Collins, Crapo, Crounse, Culberson, Danford, Darrall, Davis, Dobbins, Durham, Eames, Ely, Freeman, Frost, Frye, Garfield, Gause, Gibson, Gunter, Hale, Haralson, John T. Harris, Harrison, Hatcher, Hathorn, Haymond, Hays, Henderson, Hereford, Abram S. Hewitt, Hoge, Hoskins, Hunter, Hurlbut, Frank Jones, Joyce, Kasson, Ketcham, Kimball, King, Lamar, Lane, Edmund W. M. Mackey, McMahon, Metcalfe, Miller, Mills, Money, Morey, Mutchler, O'Neill, Powell, Pratt, Rainey, Sobieski Ross, Schumaker, Siemons, A. Herr Smith, Springer, Stowell, Swann, Tarbox, Thomas, Martin I. Townsend, Waldron, Gilbert C. Walker, Walls, Erastus Wells, G. Wiley Wells, Wheeler, Whitehouse, Whiting, Whitthorne, Wigginton, Charles G. Williams, James Williams, William B. Williams, Wilshire, Benjamin Wilson, and Fernando Wood—97.

I find that there are but a half dozen republican gentlemen who voted for these resolutions, and the whole body of the democratic party in the House in the Forty-fourth Congress voted for them, including the confederate brigadiers, who said that the war was ended and secession was done, perpetual Union wiped it all out, now then and forever.

Who voted "no?" Not the gentleman from Ohio, [Mr. GARFIELD,] for he did not cast his vote. The gentleman from Maine, Mr. Hale, then a member of the House, and the gentleman from Michigan [Mr. CONGER] voted "no." He held that we were not a nation in that sense. He held that secession was still extant, and that the Union was not perpetual.

I ask every man on both sides of the House to see what a position the other side of the House is in, when they undertake now to define what is the abstract nature of the Federal system.

[Here the hammer fell.]

Mr. STEPHENS. Mr. Chairman, I move to strike out the word "six," in line 2 of the bill, and insert "seven;" so that it will read "$700,000." I make the motion *pro forma* in order to reply to some remarks just made by the gentleman from Ohio, [Mr. GARFIELD,] to which the gentleman from Ohio [Mr. HURD] and the gentleman from Texas [Mr. REAGAN] have not replied.

I must be brief, for I have only five minutes. I intend only to correct some errors of fact in history into which the distinguished gentleman fell in the remarks he made.

First, as to the Declaration of Independence. He said it was made by the sovereign people, as I understood him, of the colonies, through their delegates appointed for that purpose, and thus in effect made by the mass of the people of the colonies in one political body. Now, the record is in these words:

> In Congress, July 4, 1776, the unanimous declaration of the thirteen United States of America.

How could he say the Union was older than the States. The truth is they were twin-born. The States united in forming the Union. The declaration of the independence of each was jointly made by the whole of the original thirteen, and the articles of confederation made soon after, as quoted by the gentleman from Texas, [Mr. REAGAN,] affirmed the sovereignty of each. Can those records be ignored or forgotten?

Again, the gentleman from Ohio referred to a case decided in the Supreme Court—the case of Chisholm *vs.* the State of Georgia—as settling the point of his assumption that the States were never sovereign. The sequel of that decision was the eleventh amendment to the Constitution of the United States, which is in these words:

> The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State or by citizens or subjects of any foreign State.

Since that amendment of the Constitution the decisions of the Supreme Court have been in conformity to it, and in accordance with the views of Webster in his letter to the Barings, that a State of this Union is no more amenable to a suit in court than the United States or Great Britain, or any other sovereign power.

Again, slavery was not abolished by the General or Federal Government, or nation so called, but by the States acting severally or separately. The thirteenth amendment of the Constitution was not proclaimed as part of the Constitution until it was held to have been duly ratified by three-fourths of the States, as provided by that instrument. Nor have the thirteenth, fourteenth, and fifteenth amendments to the Constitution changed the nature or character of the Federal Government. This has been distinctly asserted by the Supreme Court. It was so decided in the celebrated Louisiana Slaughter-house cases. Additional restraints have been put upon the States by their own assumed action. Whether these amendments were sanctioned by the voluntary action of three-fourths of the States or not, yet the proclamation of the validity of these amendments was based upon the assumption that they were so ratified. The federative character of the Government has not been changed by them. This is the whole of it.

Again, the gentleman alluded to what Mr. Pinckney said in the South Carolina convention. The gentleman quoted correctly the remarks of Mr. Pinckney, but the South Carolina convention did not sustain his position. In their ratification of the Constitution of the United States they expressly affirmed the contrary, as the protocol of their ratification, which I have here, expressly declares. In that protocol they declare that the right to control their State elections should ever be maintained as all sovereign States have a right to control them.

Again, the gentleman went on to say that the several States cannot coin money. This was asserted as evidence that they were never sovereign. Sir, they could coin money until 1787, when they entered into a covenant with each other that the United States should alone coin money. They voluntarily put this restriction in the Constitution upon their sovereignty in this particular. During the revolutionary struggle, under the first articles of confederation, the States could coin money.

So in regard to the regulation of commerce under the first articles of union, the States each separately did regulate commerce. What was the first impulse to changing and remodeling these first articles of confederation entered into soon after the Declaration of Independence? It sprang from the fact that each State, as a sovereign power, did regulate commerce for itself. New York had her regulations of commerce; Virginia had her regulations, Maryland, and all the States had their several and different regulations. The first convention at Annapolis at the instance of Virginia was for the purpose of getting rid of these different regulations of commerce, and so remodeling the articles of union as to give the regulation of foreign commerce to all the States in Congress assembled.

Again, the gentleman from Ohio [Mr. GARFIELD] quoted Judge Marshall as authority for his doctrine that the States were never sovereign. Now, Judge Marshall expressly said, in the case of Gibbons *vs.* Ogden, that the States under the articles of confederation were completely sovereign and independent.

Another thing. The gentleman spoke of our being a nation. Mr. Chairman, we are a nation, the grandest nation that ever existed. We are a nation of States; we present a government the like of which never was conceived by statesmen or philosophers in past ages. It is a wonderful system, a complex nation; one in which members are not subjects, but each is an integral and equal part of the whole.

Lord Brougham said of our matchless system that "it is the very greatest refinement in social policy to which any state of circumstances has ever given rise or to which any age has ever given birth."

We are indeed, Mr. Chairman, a nation, and have ever been since the first articles of union were entered into by the States. Our Union is one of States, and our nation is a nation, not of individuals, but a nation of States, or, if you please, a nation of nations.

[Here the hammer fell.]

Mr. CONGER. On the 13th of March, 1876, the very same day that the resolutions referred to by the gentleman from New York [Mr. COX] were introduced, and but a few minutes before those resolutions were presented, and when the gentleman from New York was present, this resolution was offered in this House:

> *Resolved*, That the people of the United States constitute one nation and not a mere confederacy of States or nations; that the Constitution was formed by the people acting in their primary and individual capacity through their delegates thereto duly constituted; that the Government under the Constitution is one of the people, by the people, and for the people; that in its appropriate sphere the Government of this nation is sovereign and supreme; that in its nature it is permanent and indissoluble except by the act and consent of the whole people; that no State has the right or authority to judge of the constitutionality of the laws enacted by it, and to nullify or resist the execution of the same; and that all overt acts by any State or the people thereof of secession therefrom, or of rebellion against the same, constitute treason; and that the late war of the rebellion for the dismemberment of the Union was causeless and indefensible on any theory of right or constitutional law.

Now, sir, let gentlemen say what they will about how southern gentlemen and democrats voted, there is a proposition which they to-day admit in theory and say they never denied. Yet on the record of the yeas and nays upon that resolution every democrat who then voted in this House voted against the adoption of that resolution. My friend from New York [Mr. COX] immediately after the resolution was read said:

> I hope this resolution will be referred. It may be very good; but it will take up a good deal of time.

The gentleman was there at the very moment the reading of the resolution was completed. Just before the yeas and nays were called upon the resolution, and after they were ordered, the gentleman from New York [Mr. COX] said:

> I rise to a parliamentary inquiry. Is this motion divisible?

But when the representatives of the people were called upon to vote for or against a proposition which was intended to define and settle the powers of this Government and the States of this Government and people as a nation, the gentleman from New York did not vote. Of the gentlemen alluded to just now by the gentleman from New York, very uncourteously I thought, as brigadiers, as confederate brigadiers, reviving the old passions of the war, [laughter,] seventy-five voted against that resolution, and are so recorded. One hundred and seventeen, including the gentleman from New York, who made the last remark before the vote was taken and almost the first remark after the vote, and therefore he was here, did not vote upon that proposition. The gentleman from New York voted neither yea nor nay. But seventy-five gentlemen then in this House, many of whom are now before me, voted "no" on that plain, clear, distinct proposition. I shall ask to have printed with my remarks the vote upon that resolution.

The vote is as follows:

YEAS—Messrs. Ainsworth, Anderson, John H. Baker, Ballou, Bass, Blaine, Bradley, William R. Brown, Horatio C. Burchard, Campbell, Cannon, Cason, Caswell, Chittenden, Conger, Danford, Davy, Denison, Dobbins, Dunnell, Durand, Eames, Evans, Farwell, Fort, Foster, Frost, Goodin, Andrew H. Hamilton, Hardenbergh, Benjamin W. Harris, Hathorn, Haymond, Hendee, Henderson, Hoar, Hoskins, Hubbell, Hunter, Hyman, Jenks, Joyce, Kasson, Kehr, Kelley, Lapham, Lawrence, Leavenworth, Lynch, Magoon, MacDougall, McCrary, McDill, Miller, Monroe, Nash, New, Norton, Oliver, O'Neill, Packer, Page, Phelps, William A. Phillips, Pierce, Plaisted, Platt, Potter, Powell, James B. Reilly, Robinson, Rusk, Sampson, Seelye, Sinnickson, Smalls, A. Herr Smith, Strait, Stevenson, Teese, Thornburgh, Washington Townsend, Tufts, Van Vorhes, John L. Vance, Alexander S. Wallace, John W. Wallace, White, Willard, Andrew Williams, Alpheus S. Williams, Charles G. Williams, William B. Williams, James Wilson, Alan Wood, jr., Woodburn, and Woodworth—97.

NAYS—Messrs. Ashe, Atkins, Beebe, Blackburn, Bland, Blount, Boone, Bright, John Young Brown, Cabell, John H. Caldwell, William P. Caldwell, Candler, Cate, John B. Clarke of Kentucky, Cook, Cowan, Culberson, De Bolt, Dibrell, Douglas, Ellis, Faulkner, Felton, Forney, Franklin, Glover, Goode, Gunter, Hancock, Henry R. Harris, Hartridge, Goldsmith W. Hewitt, Hill, Hooker, House, Hunton, Hurd, Thomas L. Jones, Knott, Levy, Lewis, Lord, Meade, Milliken, Mutchler, Odell, Parsons, Payne, John F. Philips, Piper, Rea, Reagan, Rice, Riddle, John Robbins, William M. Robbins, Miles Ross, Scales, Sheakley, Singleton, William E. Smith,

Stone, Terry, Throckmorton, Tucker, Robert B. Vance, Waddell, Charles C. B. Walker, Ward, James D. Williams, Jeremiah N. Williams, Willis, Yeates, and Young—75.

NOT VOTING—Messrs. Adams, Bagby, George A. Bagley, John H. Bagley, jr., William H. Baker, Banks, Banning, Barnum, Bell, Blair, Bliss, Bradford, Buckner, Samuel D. Burchard, Burleigh, Caulfield, Chapin, John B. Clark, jr., of Missouri, Clymer, Cochrane, Collins, Cox, Crapo, Crounse, Cutler, Darrall, Davis, Durham, Eden, Egbert, Ely, Freeman, Frye, Fuller, Garfield, Gause, Gibson, Hale, Robert Hamilton, Haralson, John T. Harris, Harrison, Hartzell, Hatcher, Hays, Henkle, Hereford, Abram S. Hewitt, Hoge, Holman, Hopkins, Hurlbut, Frank Jones, Ketchum, Kimball, King, Lamar, Franklin Landers, George M. Landers, Lane, Luttrell, Lynde, Edmund W. M. Mackey, L. A. Mackey, Maish, McFarland, McMahon, Metcalfe, Mills, Money, Morey, Morgan, Morrison, Neal, O'Brien, Poppleton, Pratt, Purman, Rainey, Randall, John Reilly, Roberts, Sobieski Ross, Savage, Sayler, Schleicher, Schumaker, Slemons, Southard, Sparks, Springer, Stenger, Stowell, Swann, Tarbox, Thompson, Thomas, Martin I. Townsend, Turney, Waldron, Gilbert C. Walker, Walling, Walls, Walsh, Warren, Erastus Wells, G. Wiley Wells, Wheeler, Whitehouse, Whiting, Whitthorne, Wigginton, Wike, James Williams, Wilshire, Benjamin Wilson, and Fernando Wood—117.

Now, what is the difference between that resolution and the one for which gentlemen on the democratic side did vote, and for which the gentleman from New York [Mr. COX] untruly—unintentionally perhaps—said that I voted? I find my name recorded in the negative on a proposition which that gentleman introduced a few moments after the vote which I have referred to.

Mr. COX. How was it untrue, if I quoted you right? You voted "no."

Mr. CONGER. I understood the gentleman to say I voted for the proposition.

Mr. COX. I said you voted against it.

[Here the hammer fell.]

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. COX. The gentleman has expired, too. [Laughter.]

Mr. CONGER. I did not hear what the gentleman said.

Mr. STEPHENS withdrew his formal amendment.

Mr. MCMAHON. Mr. Chairman, I move to strike out the last word. My colleague from Ohio [Mr. GARFIELD] is troubled about recent utterances on this floor, he says, and he thinks he sees the same danger that threatened us in 1860 in the dogmas of State rights, State sovereignty, nullification, &c.

Mr. Chairman, my colleague is unnecessarily alarmed. There have been two extreme parties in this country on the doctrine of State rights, one denying that the States have any rights worth mentioning and the other pushing the rights of the States to the extremes of nullification and secession. Nullification has been taught and practiced in all sections of the country and by most if not all parties; but it has never met with much practical success, and was long ago abandoned as an abstraction even by those who believed in it. It consisted in the claim made that a Federal law could be abrogated or nullified by the action of a State Legislature or a State convention. Nobody claims or urges this doctrine now. I know that my colleague uses the term "nullifier" as a term of reproach to us because we do not appropriate money for what we believe to be unconstitutional purposes. But it is our right and our duty as legislators to refuse money, which is under our legislative control, to these improper uses.

Secession, which was the second resort of the extreme State-rights men, had a long, severe, and bloody trial. It was not successful. It, too, had been taught in all sections and by nearly all parties. But only the South had the courage of its convictions on this point, and after four years of fearful war it was vanquished. As my colleague says, war legislated, and many of the Southern States in their new constitutions have declared for an *indissoluble Union* and against secession and nullification. They have repeatedly done so by their Representatives upon this floor.

Now, stripped of secession and nullification, its only dangerous extremes, the doctrine of State rights cannot but be valuable to this country. It will be particularly so to great States like Ohio, New York, and Pennsylvania. We want to attend to our own domestic affairs. We do not want constant Federal interference. Too much will lead to trouble.

My colleague takes exception to the use of the term "sovereignty" as applied to the States, and even to the Federal Government. I do not see why. But he is specially opposed to its use as applied to the States. Now, I have great respect for my colleague. But there are other republican statesmen beside himself. Some of them have found their way upon the Supreme Bench of the United States. And these questions have come before them. What have they decided? My colleague from Ohio [Mr. HURD] has already alluded to one of their decisions. Let me give the committee an extract from several others. I quote from Collector *vs.* Day, 11 Wallace, page 124:

> It is a familiar rule of construction of the Constitution of the Union that the sovereign powers vested in the State governments by their respective constitutions remained unaltered and unimpaired, except so far as they were granted to the Government of the United States.
>
> * * * * * * *
>
> The General Government and the States, although both exist within the same territorial limits, are separate and distinct sovereignties, acting separately and independently of each other within their respective spheres.

A MEMBER. What decision is that?

Mr. MCMAHON. It is a decision in the case of the Collector *vs.* Day, in which it was held that the United States Government cannot levy a tax upon the salary of a State officer, because such officer is the representative of a sovereign government, and if such taxation were admissible, the General Government might tax the State government out of existence.

Let me quote now from a decision by Chief-Justice Waite in the Supreme Court of the United States in the recent case of the United States *vs.* Cruikshank, 92 U. S. Rpts., page 553:

> The rights of life and personal liberty are natural rights of man. "To secure these rights," says the Declaration of Independence, "governments are instituted among men, deriving their just powers from the consent of the governed." The very highest duty of the States, when they entered into the Union under the Constitution, was to protect all persons within their boundaries in the enjoyment of these "inalienable rights with which they were endowed by their Creator." Sovereignty, for this purpose, rests alone with the States. It is no more the duty or within the power of the United States to punish for a conspiracy to falsely imprison or murder within a State, than it would be to punish for false imprisonment or murder itself.

In both of the above decisions the sovereignty of the States in their respective spheres is most clearly announced. Such utterances upon this floor my colleague considers dangerous; yet it is the settled law of the land.

Now, whom am I to follow, Mr. Chairman? My training as a lawyer compels me to give great weight to the repeated declarations of the Supreme Court of the United States in precisely the language I have quoted. In all the fluctuations of party upon that bench, from the beginning of the Government to the present time, there has been no other doctrine. Shall the people surrender this at the bidding of my colleague? What have they to gain in so doing? Nothing whatever. Nullification and secession are dead and buried. No resurrection exists for either doctrine. Hence we have the simple and pure doctrine of the fathers, that each government is supreme within its sphere; and the real rights of the one will be as sacred to the true patriot as those of the other.

My colleague makes special application of his denunciation of the doctrine of State rights to our denial of the right of Congress to interfere in elections. We have argued that there are no United States voters. This is a heresy, says my colleague—and a dangerous one. Now, this question has been before the Supreme Court of the United States in several cases. After the late amendments to the Constitution were adopted, there was a respectable lady in Missouri, by name Mrs. Virginia Minor, who reasoned as my colleague does. She thought that the right to vote was one of the rights of a United States citizen—she was a citizen, and therefore entitled to vote. The law of Missouri did not permit her. She took her case to the Supreme Court of the United States, and the decision is reported in 21 Wallace, against her claim. The following extract will throw down the argument of my colleague:

> If the right of suffrage is one of the necessary privileges of a citizen of the United States, then the constitution and laws of Missouri confining it to men are in violation of the Constitution of the United States, as amended, and consequently void. The direct question is therefore presented whether all citizens are necessarily voters. The Constitution does not define the privileges and immunities of citizens. For that definition we must look elsewhere. In this case we need not determine what they are, but only whether suffrage is necessarily one of them. It certainly is nowhere made so in express terms. The United States has no voters in the States of its own creation. The elective officers of the United States are all elected directly or indirectly by State voters.

Can language be more explicit? "There are no United States voters," says the Court, "and all officers of the United States are elected by State voters." This decision of the court has been several times confirmed recently; and I think my colleague [Mr. GARFIELD] carried this doctrine to a very great extreme himself, as a member of the electoral commission, when he joined in numerous decisions refusing to go behind the certificates of State officers and to open up on any charge the election for electors.

Mr. Chairman, the republican party must find some other tack upon which to attempt their usual game of presuming upon the ignorance of the voters. Gentlemen, you may cry nullification, secession, revolution, but the points in this controversy are few and simple and easily understood.

[Here the hammer fell.]

Mr. COBB. I do not want to cut off this debate; but I desire to say to gentlemen on the other side that we are very anxious to have this bill passed as speedily as possible. I am informed by Senators that if the bill be sent to that body within an hour, it can be passed there to-day, so as to go to the President this evening. I make this announcement so that gentlemen may bring this discussion to a close as soon as possible.

Mr. CONGER. I desire to make one correction. I find that the gentleman from Indiana [Mr. NEW] and the gentleman from Illinois, [Mr. STEVENSON,] members of the present House, voted for the resolution which I read. I think I inadvertently said that no gentleman on the democratic side voted in the affirmative. I wish to be fair; and I make this correction.

Mr. HAWLEY. The fate of this bill depends upon the difference of opinion among us as to the right of the National Government to protect the people in their right to elect national representatives. It is denied on that side of the House that there are any national voters, and it is affirmed on this side there are such. It is denied there that the National Government is under any obligations whatever to take care that the people are protected in their right of electing representatives. That is emphatically denied there; it is emphatically asserted here.

Many gentlemen on the other side have said that the National

Government has made no voters and makes none. I am well aware of the bearing of a decision of the Supreme Court in that direction. Nevertheless as a legislator I claim the right to believe that the National Government has made voters. The Constitution of the United States says that electors of this House of Representatives in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature. Now simply because the State Legislature defines the qualifications of those who vote for its most numerous branch those gentlemen affirm that the States give those men the right to elect members of the national House of Representatives. Let me illustrate.

There are numbers of persons holding high offices in the country who have a right to the privileges of this Hall. We say that the governors of the several States while in office shall have the right to come in here and enjoy the privileges of the floor. Who gives them that right? Those who elect them governors or this House in making its rules? I claim that to be a precisely analogous case. Who gives the members of the Supreme Court of the United States the right to come in upon this floor? This House of Representatives and nobody else. The President and the Senate of the United States by making judges bring them within the reach of our rules. So the State Legislatures in defining the qualifications of those who may elect the most numerous branch, bring those citizens within the reach of this grander power of the National Government. A State Legislature can prevent nobody from voting for Representatives in Congress who has a right to vote for the most numerous branch of the State Legislature. Nor can a State Legislature make the list of electors of Congressmen greater than the list of electors of the lower house of the Legislature. It would be utterly in vain for a State Legislature to say that a certain portion of these men who may vote for the most numerous branch of the State Legislature shall not have a right to vote for members of Congress. Their right to say this is cut off by this constitutional provision. No State constitution, no State statute pretends to say who may vote for members of this House.

It seems to me, then, absolutely unquestionable that the right to vote for members of this House is given by the national Constitution, and cannot be taken away by any inferior power. But the right and the duty of protecting all citizens in the exercise of that right is absolutely indispensable to a national existence. Gentlemen freely acknowledge that this is a nation. Gentlemen upon both sides acknowledge it. Nobody can deny, whatever we may say about some minor differences, that as a nation the United States Government has all the chief elements of sovereignty. But having that national power, that national sovereignty, if it be a sovereignty worth naming, it must have the right to defend and protect itself, in order to continue its national existence. The name of national sovereignty is utterly useless and idle unless it can protect those people who elect this national House of Representatives. That I understand to be substantially the republican doctrine; not that in the failure of a State to make proper regulations for holding an election we can come in and protect the people in voting. We say it is not only the privilege, but emphatically the constitutional duty of the National Government to protect the people in their right to vote at national elections. Otherwise, as Madison, Hamilton, and others have argued, a condition of the public sentiment unfavorable to the National Government might prevent the people from electing Representatives. The people of a whole State might fail to elect; those of many States—of a section—might fail to do so. Those holding the power in a State, though in a small minority, might prevent the people from electing national Representatives. Those citizens, few or many, who desire to vote for Representatives in the National Government, should be guided and protected in so doing by the whole power of the nation though the State government might fail to provide the means or even forbid the voting.

I want to speak for a moment, before my five minutes expire, of the bearing of this bill on depriving the United States Government of the power of employing these officers in the enforcement of its laws. If this bill shall fail—it has been tried before, and we have no reason to expect it will become a law—if it shall fail to become a law and you fail to appropriate for marshals, you do what is analogous to depriving a State of every sheriff and deputy sheriff and constable and render it practically impossible to enforce the collection of duties or internal revenue, save through the charity of marshals and deputies working upon faith.

[Here the hammer fell.]

Mr. COBB. I move the committee rise for the purpose of closing debate.

Mr. GILLETTE. I hope the gentleman will not make that motion just now. I believe there are only two or three other gentlemen who desire to speak.

The CHAIRMAN. The gentleman from Iowa is mistaken. The Chair has a long list of gentlemen who desire to speak.

The motion was agreed to.

The committee accordingly rose; and Mr. FINLEY having taken the chair as Speaker *pro tempore*, Mr. BLACKBURN reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 2382) making appropriations to pay the fees of United States marshals and their general deputies, and had come to no resolution thereon.

Mr. COBB. I move that the House resolve itself into the Committee of the Whole to resume the consideration of the bill (H. R. No. 2382) making appropriations to pay the fees of United States marshals and their general deputies. Pending that motion, I move that all debate on the pending section and amendments thereto be limited to one minute.

The motion to limit debate was agreed to.

The motion to go into Committee of the Whole was agreed to.

The House accordingly resolved itself into Committee of the Whole on the state of the Union, (Mr. BLACKBURN in the chair,) and resumed the consideration of the bill (H. R. No. 2382) making appropriations to pay the fees of United States marshals and their general deputies.

Mr. NICHOLLS. I offer the amendment which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Strike out all of the first section from the end of the seventh line, and insert:

That title 26 of the Revised Statutes of the United States authorizing the appointment, employment, or payment of general or special deputy marshals be, and the same is hereby, repealed.

Mr. NICHOLLS. This question has been so thoroughly discussed that I do not now desire to say anything.

The question was taken; and on a division there were ayes 4, noes not counted.

So the amendment was not agreed to.

Mr. HISCOCK. I move to strike out the whole of the section after line 7, as follows:

And no part of the money hereby appropriated is appropriated to pay any compensation, fees, or expenses under any of the provisions of title 26 of the Revised Statutes of the United States authorizing the appointment, employment, or payment of general or special deputy marshals for services in connection with registration or elections on election day.

The question was taken; and on a division there were—ayes 40, noes 62.

So the amendment was not agreed to.

The Clerk read the second section of the bill, as follows:

SEC. 2. That the sums appropriated in this act for the persons and public service embraced in its provisions are in full for such persons and public service for the year ending June 30, 1880; and no Department or officer of the Government shall, during said fiscal year, make any contract or incur any liability for the future payment of money under any of the provisions of title 26 mentioned in section 1 of this act until an appropriation sufficient to meet such contract or pay such liability shall have first been made by law; and that any officer of the Government or any other person who shall violate any of the provisions of this section, or of sections 3678, 3679, 3680, 3681, 3682, 3683, and 3690 of the Revised Statutes of the United States, shall, on conviction, be punished by a fine of not exceeding $5,000, or by imprisonment for not exceeding five years, or by both such fine and imprisonment, in the discretion of the court.

Mr. NICHOLLS. I offer the amendment which I send to the Clerk's desk, to come in at the end of the second section.

The Clerk read as follows:

Nothing herein contained shall exempt any of said officers from punishment by impeachment as now provided by law.

The question was taken, and the amendment was not agreed to.

Mr. GILLETTE. I move to strike out the last word.

Mr. Chairman, the gentleman from Ohio [Mr. HURD] has just intimated that this session was about drawing to a close, and we have already voted upon one resolution to adjourn at once. If it closes now it will close just as the last Congress closed, just as this Congress opened, with these walls echoing back speeches calculated to inflame anew the prejudices and sectional issues of the war, and the gentleman from Ohio [Mr. HURD] says plainly that this contest is to continue indefinitely, and the retorts on this side give force to his prediction. I wish to protest against the immediate adjournment of this House. This session has lasted over three months, and from its earliest hour our ears have tingled with ceaseless demands from leading metropolitan papers and prominent republicans on this floor that we adjourn. One would think the salvation of the country, the restoration of business, the long-promised return of prosperity, which like an *ignis fatuus* we have followed desperately for six years, would come to the country if this Congress would only adjourn. The most disrespectful language has been heaped upon us by the organs and agents of Wall street rings, national-bank and other monopolies.

In 1876 we were advised that prosperity never came during presidential campaigns, but always followed them. With outstretched hands and upturned faces the people waited until after election, when told that the returns were not satisfactory, and all would be well after the presidential commission had done its work. With bated breath the people waited until the most notorious count of all time was made, but prosperity did not follow. We were then assured that resumption was the one thing needful; if we could only hold out until the Almighty wheeled in January 1, 1879, and John Sherman wheeled in a mountain of gold and silver coin in return for a mountain of new coin bonds the commercial millenium would surely come. But January 1, 1879, has come and gone, the piles of gold and silver have arrived, the people's interest-bearing bonds are safely in the hands of the determined advocates of bond inflation and money contraction, but the good time promised does not come, and the prophets now try to make it appear that this session of Congress is the lion in the way.

The majority of these two Houses, for the first time in eighteen years, is democratic, and as the people had been promised by this party a change of policy and the repeal of the ruinous financial legislation of the republican party, the monopolies and privileged classes

were alarmed, and hence the cry of their organs against this session and for immediate adjournment. If we now adjourn, all their fears are shown to be groundless, and all the hopes of the wronged, robbed laborers and producers of the land are shown to be equally groundless. By no act of this democratic Congress have we ever cried "hands off!" to the corporations and privileged classes whose hands are elbow-deep in the pockets of the people.

Bills have been introduced in profusion that would, if passed, at once relieve our country and bring hope and courage to forty millions of people by reviving our depressed industries. All but one of them have been quietly buried in that sepulcher of American hopes, the committees of this House. That one, the silver bill, after being shorn of its virtues, and ruined as a free coinage measure, leaving the gold standard practically undisturbed, was quietly laid in its little bed by the Senate Finance Committee, with the consent of the democratic Senate, a complete surrender to Wall street! Never in the history of the country did our Republic require more careful, nursing legislation than now. Our very civilization is in jeopardy. No prior Congress ever met having more solemn, more necessary work to do.

I appeal to the majority. Are you determined to adjourn this Congress with the record you have made? Without the passage of a single measure of relief for the people? Can you face the just indignation of your wronged constituents, after all your pledges, when all that they demand could be done in a few hours? As a member of the national party I insist that Congress remain in continuous session until measures of relief are adopted, and we can return to the people to find them imbued with new hope and new courage. For one, I will vote against every motion to adjourn so long as I occupy a seat in this House, or until Congress obeys the demands of the country and lifts the burdens that have been heaped without mercy upon a long-suffering people. Then our land will become free and prosperous, a veritable Eden, which it would be now but for misgovernment.

If this resolution shall be adopted and we go home without further action, the men and the organizations that are fastened like leeches on the people by republican legislation may well cheer in Bacchanalian revels over the result, may well conclude that their immunities and grants are as safe in the hands of a democratic as of a republican Congress, may well shout their triumph in all their purchased organs; but the toiling millions will sink almost in despair and conclude justly that they are as likely to obtain relief from the Czar of Russia as from a democratic Congress.

The indifference of this Congress thus far to the wrongs under which the people are sinking is as impudent and as treacherous as was that of the court of French monarchs who reveled in their positions in the calm preceding the revolution. They were wise enough to foresee the future, but lulled their fears with the heartless, "After us, the deluge!" The deluge came, and come it will in this country if this indifference is long continued. Infatuated men may imagine that because they do not hear the thunder of the cataract they are safe. They may hope this old serio-comic play of the "Red-shirt," or section against section, which they have revised and put upon this congressional stage, will draw so well as to make the people forget the wrongs under which our common country is suffering. Never was there a greater mistake. The people realize the emergency of the age, and will look forward, not backward. It is the cries of the living present rather than the sorrows of the past that now absorb their attention. Once more I demand in the name of a party that knows no North, no South, but pleads for just laws for all, that this Congress before adjourning shall take a few hours at least to enact laws for the benefit of the sinking industries of the country. If you refuse, before God and man I arraign you as decreeing that industry shall still languish; that labor shall still rot in idleness; that want and destitution shall prevail.

Mr. COBB. I move that the committee do now rise.

Mr. CONGER. I ask the gentleman from Indiana if he wishes the committee to rise without some gentleman on the other side answering these last remarks? [Laughter.]

The question was taken on Mr. COBB'S motion, and it was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. BLACKBURN reported that the Committee of the Whole had had under consideration the bill (H. R. No. 2382) making appropriations to pay fees of United States marshals and their general deputies, and had come to no resolution thereon.

Mr. COBB. I move that the House resolve itself into the Committee of the Whole on the state of the Union, and pending that motion I move that all debate upon the second section of the bill now pending in the committee and on the amendments thereto shall be closed in one minute.

The question was taken upon the motion to close debate, and it was agreed to.

The question was then taken upon the motion to go into the Committee of the Whole on the state of the Union, and it was agreed to.

The House accordingly resolved itself into the Committee of the Whole on the state of the Union, (Mr. BLACKBURN in the chair,) and resumed the consideration of the bill (H. R. No. 2382) making appropriations to pay fees of United States marshals and their general deputies.

Mr. HISCOCK. I move to strike out all of the second section after the word "eighty" in line 4; as follows:

And no Department or officer of the Government shall, during said fiscal year, make any contract or incur any liability for the future payment of money under any of the provisions of title 26 mentioned in section 1 of this act until an appropriation sufficient to meet such contract or pay such liability shall have first been made by law; and that any officer of the Government or any other person who shall violate any of the provisions of this section, or of sections 3678, 3679, 3680, 3681, 3682, 3683, and 3690 of the Revised Statutes of the United States, shall, on conviction, be punished by a fine of not exceeding $5,000, or by imprisonment for not exceeding five years, or by both such fine and imprisonment, in the discretion of the court.

The question was taken; and on a division there were—ayes 62, noes 71.

So the amendment was not agreed to.

Mr. COBB. I move that the committee rise and report the bill to the House.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the Chair, Mr. BLACKBURN reported that the Committee of the Whole on the state of the Union had had under consideration the bill (H. R. No. 2382) making appropriations to pay fees of United States marshals and their general deputies, and had directed him to report the same to the House without amendment and with the recommendation that it be passed.

Mr. COBB. I move the previous question on the engrossment and third reading of the bill.

The previous question was seconded.

Mr. CONGER. I move to reconsider the vote by which the previous question was seconded, and I desire to speak upon that question.

The SPEAKER. The gentleman from Indiana is recognized as being the member in charge of the bill.

Mr. CONGER. I have made a motion on which I desire to speak.

The SPEAKER. The Chair is submitting a motion and cannot be interrupted.

The main question was ordered.

Mr. COBB moved to reconsider the vote by which the main question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. CONGER. The Chair has helped the gentleman from Indiana to get the bill through.

The SPEAKER. The gentleman from Michigan has nothing to do with the bill. The gentleman from Indiana [Mr. COBB] is in charge of it, and according to all parliamentary practice was entitled to be recognized by the Chair.

Mr. CONGER. I hope the Chair will not prevent me from voting on the bill.

The SPEAKER. The Chair wishes the gentleman from Michigan would vote on bills oftener than he does. [Laughter and applause.]

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

Mr. COBB. I ask for the previous question on the passage of the bill.

The previous question was seconded and the main question was ordered, being upon the passage of the bill.

Mr. CONGER. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 89, nays 69, not voting 128; as follows:

YEAS—89.

Acklen,	Deuster,	Kimmel,	Shelley,
Aiken,	Dibrell,	King,	Slemons,
Armfield,	Dickey,	Le Fevre,	Smith, Hezekiah B.
Atkins,	Elam,	Lounsbery,	Springer,
Beale,	Ellis,	Manning,	Stephens,
Bicknell,	Evins,	Martin, Benj. F.	Stevenson,
Blackburn,	Felton,	McKenzie,	Talbott,
Bouck,	Finley,	McMahon,	Taylor,
Bright,	Forney,	McMillin,	Thompson,
Caldwell,	Gibson,	Mills,	Tillman,
Clardy,	Goode,	Morrison,	Townshend, R. W.
Clark, John B.	Gunter,	Myers,	Turner, Oscar
Clymer,	Hammond, N. J.	New,	Upson,
Cobb,	Hatch,	Persons,	Waddill,
Coffroth,	Henkle,	Phelps,	Wellborn,
Converse,	Herbert,	Phister,	Whiteaker,
Cook,	Herndon,	Reagan,	Williams, Thomas
Covert,	Hill,	Richardson, J. S.	Willis,
Cravens,	Hooker,	Rothwell,	Wilson,
Culberson,	House,	Ryon, John W.	Wise.
Davidson,	Hull,	Samford,	
Davis, Joseph J.	Hunton,	Sawyer,	
Davis, Lowndes H.	Johnston,	Scales,	

NAYS—69.

Aldrich, William	Carpenter,	Ford,	Jorgensen,
Anderson,	Caswell,	Fort,	Joyce,
Baker,	Conger,	Garfield,	Keifer,
Barber,	Cowgill,	Godshalk,	Lapham,
Bayne,	Crowley,	Hammond, John	Marsh,
Blake,	Daggett,	Harmer,	Mason,
Bowman,	Davis, George R.	Haskell,	McCoid,
Brewer,	Deering,	Hawk,	McGowan,
Briggs,	Dunnell,	Hawley,	Mitchell,
Browne,	Errett,	Henderson,	Monroe,
Burrows,	Farr,	Hiscock,	Neal,
Butterworth,	Field,	Horr,	O'Neill,
Cannon,	Fisher,	Hubbell,	Orth,

Osmer,	Shallenberger,	Valentine,	White,
Pound,	Sherwin,	Van Aernam,	Willits.
Russell, W. A.	Thomas,	Voorhis,	
Ryan, Thomas	Tyler,	Wait,	
Sapp,	Updegraff, J. T.	Ward,	

NOT VOTING—128.

Aldrich, N. W.	Ewing,	Lowe,	Ross,
Atherton,	Ferdon,	Martin, Edward L.	Russell, Daniel L.
Bachman,	Forsythe,	Martin Joseph J.	Simonton,
Bailey,	Frost,	McCook,	Singleton, J. W.
Ballou,	Frye,	McKinley,	Singleton, O. R.
Barlow,	Geddes,	McLane,	Smith, A. Herr
Belford,	Gillette,	Miles,	Smith, William E.
Beltzhoover,	Hall,	Miller,	Sparks,
Bingham,	Harris, Benj. W.	Money,	Speer,
Bland,	Harris, John T.	Morse,	Starin,
Bliss,	Hayes,	Morton,	Steele,
Blount,	Hazelton	Muldrow,	Stone,
Boyd,	Heilman	Muller,	Townsend, Amos
Bragg,	Henry,	Murch,	Tucker,
Brigham,	Hostetler,	Newberry,	Turner, Thomas,
Buckner,	Houk,	Nicholls,	Updegraff, Thomas
Cabell,	Humphrey,	Norcross,	Urner,
Calkins,	Hurd,	O'Brien,	Vance,
Camp,	James,	O'Connor,	Van Voorhis,
Carlisle,	Jones,	O'Reilly,	Warner,
Chalmers,	Kelley,	Overton,	Washburn,
Chittenden,	Kenna,	Pierce,	Weaver,
Claflin,	Ketcham,	Poehler,	Wells,
Clark, Alvah A.	Killinger,	Prescott,	Whitthorne,
Colerick,	Kitchin,	Price,	Wilber,
Cox,	Klotz,	Reed,	Williams, C. G.
Crapo,	Knott,	Rice,	Wood, Fernando
De La Matyr,	Ladd,	Richardson, D. P.	Wood, Walter A.
Dick,	Lay,	Richmond,	Wright,
Dunn,	Lewis,	Robertson,	Yocum,
Dwight,	Lindsey,	Robeson,	Young, Casey,
Einstein,	Loring,	Robinson,	Young, Thomas L.

So the bill was passed.

During the roll-call the following announcements were made:

Mr. NICHOLLS. I decline to vote for this bill because it does not repeal the deputy-marshals election law.

Mr. SMITH, of Georgia. I am paired with the gentleman from New York, Mr. WILBER. If he were here, he would vote in the negative and I should vote in the affirmative.

Mr. YOUNG, of Tennessee. I am paired with the gentleman from Massachusetts, Mr. LORING. If at liberty to vote, I should vote in the affirmative.

Mr. ROBERTSON. I am paired with the gentleman from Massachusetts, Mr. ROBINSON. If he were here, I should vote "ay."

Mr. BEALE. My colleague, Mr. RICHMOND, is absent on account of sickness, and is paired with the gentleman from New York, Mr. PRESCOTT. Mr. RICHMOND, if present, would vote "ay."

Mr. COVERT. My colleague, Mr. FERNANDO WOOD, is paired with the gentleman from New Jersey, Mr. ROBESON.

Mr. BACHMAN. I am paired with my colleague, Mr. OVERTON. If he were present, I should vote in the affirmative.

Mr. MANNING. My colleague, Mr. CHALMERS, is paired with the gentleman from New York, Mr. VAN VOORHIS; my colleague, Mr. MONEY, with the gentleman from Michigan, Mr. STONE; my colleague, Mr. MULDROW, with the gentleman from New York, Mr. DWIGHT; and my colleague, Mr. SINGLETON, who is detained at home to-day by sickness, is paired with the gentleman from Indiana, Mr. CALKINS. All my colleagues, if present, would vote "ay."

Mr. STEELE. I am paired with the gentleman from Massachusetts, Mr. NORCROSS. If present, he would, I presume, vote "no." I should vote "ay." My colleague, Mr. KITCHIN, is paired with the gentleman from Massachusetts, Mr. RICE.

Mr. POEHLER. I am paired with my colleague, Mr. WASHBURN. If he were present, I should vote "ay."

Mr. SCALES. My colleague from North Carolina, Mr. VANCE, is paired with my colleague, Mr. MARTIN. Mr. VANCE, if present, would vote "ay."

Mr. McLANE. I am paired with my colleague, Mr. URNER, who is absent on account of sickness. If present, he would vote "no" and I should vote "ay."

Mr. TOWNSHEND, of Illinois. My colleague from Illinois, Mr. SINGLETON, who is paired with the gentleman from Connecticut, Mr. MILES, would, if present, vote "ay."

Mr. HUNTON. My colleague, Mr. CABELL, is paired with the gentleman from Illinois, Mr. BOYD, and my colleague, Mr. TUCKER, with the gentleman from New York, Mr. RICHARDSON. My colleague, Mr. RICHMOND, is detained from the House by severe indisposition, and is paired with the gentleman from New York, Mr. PRESCOTT.

Mr. HURD. I am paired with the gentleman from Massachusetts, Mr. CLAFLIN. If at liberty to vote, I should vote in the affirmative.

Mr. CALDWELL. My colleague, Mr. CARLISLE, is paired with the gentleman from New York, Mr. MILLER. My colleague, if present, would vote "ay."

Mr. DICKEY. My colleague, Mr. GEDDES, who is absent on account of sickness, is paired with the gentleman from Vermont, Mr. BARLOW.

Mr. STEVENSON. The gentleman from Maine, Mr. LADD, who is paired with his colleague, Mr. LINDSEY, would, if present, vote "ay."

Mr. KNOTT. I am paired with the gentleman from Maine, Mr. FRYE.

Mr. DUNN. I am paired with the gentleman from Illinois, Mr. HAYES.

Mr. O'CONNOR. I am paired with the gentleman from New York, Mr. KETCHAM. If present, he would vote in the negative and I should vote in the affirmative.

Mr. COBB. My colleague, Mr. COLERICK, is paired with the gentleman from Wisconsin, Mr. HUMPHREY, and my colleague, Mr. HOSTETLER, with the gentleman from New York, Mr. MCCOOK.

Mr. BOUCK. My colleague, Mr. BRAGG, is paired with the gentleman from New York, Mr. JAMES. Mr. BRAGG, if present, would vote "ay."

Mr. MULLER. I am paired with the gentleman from Indiana, Mr. HEILMAN. If he were present, I should vote in the affirmative.

Mr. JOHNSTON. My colleague from Virginia, Mr. HARRIS, is paired with the gentleman from New York, Mr. BAILEY. My colleague, if present, would vote "ay."

Mr. WARNER. I am paired with the gentleman from Rhode Island, Mr. ALDRICH. If he were present, I should vote "ay" and I presume he would vote "no."

Mr. POUND. My colleague, Mr. HUMPHREY, is paired with the gentleman from Indiana, Mr. COLERICK. Mr. HUMPHREY, if present, would vote "no."

Mr. LAPHAM. My colleague, from New York, Mr. RICHARDSON, is paired with the gentleman from Virginia, Mr. TUCKER.

Mr. WARD. My colleague, Mr. KELLEY, is paired with the gentleman from Massachusetts, Mr. MORSE.

Mr. PRESCOTT. I am paired with the gentleman from Virginia, Mr. RICHMOND. If present, he would vote "ay" and I should vote "no."

Mr. DUNNELL. My colleague, Mr. WASHBURN, is paired with my colleague, Mr. POEHLER.

Mr. KENNA. I am paired with the gentleman from Ohio, Mr. YOUNG. If he were present, I should vote "ay."

Mr. HARRIS, of Massachusetts. I am paired with the gentleman from Tennessee, Mr. WHITTHORNE, who is confined to his room by sickness. If present, he would vote "ay" and I should vote "no." The gentleman from Wisconsin, Mr. WILLIAMS, is paired with the gentleman from Alabama, Mr. LEWIS. Mr. LEWIS, if present, would vote "ay" and Mr. WILLIAMS "no."

Mr. CLARK, of Missouri. My colleague, Mr. BUCKNER, is paired with the gentleman from New York, Mr. CHITTENDEN. Mr. BUCKNER, if present, would vote "ay."

Mr. HAZELTON. I am paired with the gentleman from Georgia, Mr. BLOUNT. If he were present, I should vote "no."

Mr. SAPP. My colleague, Mr. PRICE, is paired with the gentleman from Pennsylvania, Mr. WRIGHT. Mr. PRICE, if present, would vote "no."

Mr. TOWNSEND, of Ohio. I am paired with my colleague, Mr. EWING. If he were present, I should vote "no." My colleague, Mr. MCKINLEY, is paired with the gentleman from Illinois, Mr. SPARKS. If present, Mr. MCKINLEY would vote "no."

Mr. HISCOCK. The gentleman from Maine, Mr. REED, is paired with the gentleman from Missouri, Mr. WELLS. Mr. REED would vote "no" and Mr. WELLS "ay."

Mr. COWGILL. My colleague, Mr. CALKINS, who is paired with the gentleman from Mississippi, Mr. SINGLETON, would, if present, vote "no." My colleague, Mr. HEILMAN, who is paired with the gentleman from New York, Mr. MULLER, would, if present, vote "no."

Mr. BLAKE. My colleagues, Mr. ROBESON and Mr. BRIGHAM, would, if present, vote "no." Mr. ROBESON is paired with the gentleman from New York, Mr. FERNANDO WOOD, and Mr. BRIGHAM with the gentleman from Missouri, Mr. FROST.

Mr. BREWER. My colleague, Mr. STONE, who is paired with the gentleman from Mississippi, Mr. MONEY, would, if present, vote "no." My colleague, Mr. NEWBERRY, is paired with the gentleman from Ohio, Mr. ATHERTON, and would, if present, vote "no." The gentleman from New York, Mr. STARIN, who is paired with the gentleman from New Jersey, Mr. CLARK, would, if present, vote "no."

Mr. HAMMOND, of New York. My colleague, Mr. DWIGHT, is paired with the gentleman from Mississippi, Mr. MULDROW.

Mr. SMITH, of Pennsylvania. I am paired with the gentleman from Delaware, Mr. MARTIN. If he were present, I presume he would vote "ay;" I should vote "no."

Mr. FIELD. My colleague, Mr. ROBINSON, is paired with the gentleman from Louisiana, Mr. ROBERTSON. Mr. ROBINSON would vote "no."

Mr. BAYNE. My colleague, Mr. DICK, is paired with the gentleman from Missouri, Mr. LAY; and the gentleman from New Jersey, Mr. BRIGHAM, with the gentleman from Missouri, Mr. FROST. Mr. DICK and Mr. BRIGHAM, if present, would vote "no."

Mr. FORD. Mr. RUSSELL, of North Carolina, is paired with my colleague, Mr. BLAND. Mr. RUSSELL, if present, would vote "no."

Mr. HARMER. My colleague, Mr. BINGHAM, is paired with my colleague, Mr. BELTZHOOVER. Mr. BINGHAM would vote "no," and Mr. BELTZHOOVER "ay."

Mr. TALBOTT. My colleague, Mr. HENRY, is absent by leave of the House, and is paired—I do not know with whom. If present, he would vote "ay."

Mr. HAWK. My colleague, Mr. HAYES, who is absent by leave of

the House, is paired with the gentleman from Arkansas, Mr. DUNN. Mr. HAYES, if present, would vote "no."

Mr. WHITE. The gentleman from Kentucky, Mr. THOMAS TURNER, is paired with the gentleman from New York, Mr. FERDON.

Mr. ROSS. I am paired with the gentleman from Massachusetts, Mr. CRAPO.

Mr. WAIT. My colleague, Mr. MILES, is paired with the gentleman from Illinois, Mr. SINGLETON; the gentleman from Massachusetts, Mr. ROBINSON, with the gentleman from Louisiana, Mr. ROBERTSON; the gentleman from Pennsylvania, Mr. KELLEY, with the gentleman from Massachusetts, Mr. MORSE. Mr. ROBINSON and Mr. MILES, if present, would vote "no."

The result of the vote was then announced as above stated.

Mr. COBB moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BRIGHT. I move that the House now resolve itself into Committee of the Whole on the Private Calendar. There are some bills upon the Calendar which should be disposed of, and which will take but a little time.

Mr. HARRIS, of Massachusetts. I ask the gentleman to yield to me for a moment.

Mr. BRIGHT. I will do so.

Mr. HARRIS, of Massachusetts. Two days ago a bill of the Senate, No. 696, authorizing the President to restore to the Naval Academy a young man by the name of King, was referred to the Committee on Naval Affairs. It was understood that the committee should report the bill back immediately; and I ask consent to do so now and that it be considered at this time.

Mr. MILLS. How long will it take?

Mr. HARRIS, of Massachusetts. Not more than five minutes.

Mr. STEPHENS. Hardly that.

Mr. TOWNSHEND, of Illinois. The chairman of the Committee on Naval Affairs [Mr. WHITTHORNE] desired me to interpose an objection to that bill until he could be here; and I must do so.

Mr. HARRIS, of Massachusetts. I had a consultation with the chairman of the Committee on Naval Affairs last night, and he assured me that he would make no objection to this bill. He is sick this morning, and sent word to me to pair with him to day; but no message was sent in reference to this bill.

Mr. TALBOTT. I will state to the House that the chairman of the committee came to me yesterday and stated this matter was in charge of the gentleman from Massachusetts, and that the report was a proper one to make.

Mr. TOWNSHEND, of Illinois. Upon that statement I withdraw my objection.

The SPEAKER. At any rate the committee has the right to report at any time upon this bill.

WILLIAM NEPHEW KING, JR.

Mr. HARRIS, of Massachusetts. Objection having been withdrawn, I now report from the Committee on Naval Affairs the bill (S. No. 696) for the relief of William Nephew King, jr.

The bill was read. It authorizes and empowers the President of the United States to let William Nephew King, jr., withdraw his resignation and to restore him to the Naval Academy at Annapolis as a cadet midshipman in the Navy of the United States.

The bill in its second section provides that upon the withdrawal of the said resignation and the restoration of the said William Nephew King, jr., to the Naval Academy of the United States, he shall be placed in such class as the Secretary of the Navy may deem expedient and designate; and that the position and pay of said William Nephew King, jr., shall forever hereafter be as if no such resignation had ever been accepted. The third section repeals, for this particular case, all laws or parts of laws conflicting with this act.

The bill was ordered to be read a third time; and it was accordingly read the third time, and passed.

Mr. HARRIS, of Massachusetts, moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. MILLS. I ask unanimous consent to take from the Speaker's table for consideration and passage at this time a joint resolution of the Senate for the appointment of a joint committee to investigate what changes are necessary in the revenue laws.

Mr. CLYMER. I desire to report from the Committee on Appropriations a bill to correct the Army appropriation act.

Mr. MILLS. It is a matter of great importance that the joint resolution should pass. It is desired that the joint committee shall be authorized to sit during the vacation.

The SPEAKER. The gentleman from Tennessee [Mr. BRIGHT] has been recognized for a motion to go into Committee of the Whole on the Private Calendar. Does he yield?

Mr. BRIGHT. I do.

The SPEAKER. The Chair then will recognize both the gentleman from Pennsylvania and the gentleman from Texas. But he can only recognize one at a time. The Chair first recognizes the gentleman from Texas, [Mr. MILLS.]

GUARDING AND COLLECTING THE REVENUE.

Mr. MILLS. I ask unanimous consent to take from the Speaker's table for consideration at this time the joint resolution (S. R. No. 44) appointing a joint committee of the two Houses of Congress to take into consideration what changes, if any, ought to be made in the mode of guarding or collecting the revenue and appropriating the money so collected.

The SPEAKER. The joint resolution will be read, after which the Chair will ask for objections.

The joint resolution was read.

The SPEAKER. Is there objection to the present consideration of this joint resolution?

Mr. GARFIELD. I object.

Mr. MILLS. The joint resolution was reported by the Senate Finance Committee and passed the Senate unanimously.

Mr. RYON, of Pennsylvania, and Mr. WHITE also objected.

Mr. GARFIELD. Let the resolution go to the Committee of the Whole.

Mr. MILLS. Objection having been made to the present consideration of the joint resolution, I ask that it be referred to the Committee of Ways and Means.

There was no objection, and the joint resolution was taken from the Speaker's table, read a first and second time, and referred to the Committee of Ways and Means.

MESSAGE FROM THE PRESIDENT.

A message from the President of the United States, by Mr. PRUDEN, one of his secretaries, announced that the President had approved and signed a bill and joint resolution of the following titles, namely:

An act (H. R. No. 2327) to authorize the renewal of a loan therein named by a joint-stock company to the Young Men's Christian Association of Washington; and

A joint resolution (H. R. No. 85) fixing the date on which the pay of the committee clerks, pages, and laborers of the House of Representatives who are paid during the session only shall begin for this session, and for other purposes.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced that the Senate had passed the concurrent resolution to print and bind 2,000 copies of the report of the United States Commission on Fish and Fisheries, under the direction of the Commission.

The message further announced that the Senate had passed the joint resolution (S. No. 39) in relation to committee clerks, pages, and other employés of the Senate and House of Representatives, and for other purposes; in both of which the concurrence of the House of Representatives was requested.

CORRECTION OF ARMY APPROPRIATION ACT.

Mr. CLYMER, by unanimous consent, from the Committee on Appropriations, reported a bill (H. R. No. 2386) to amend the act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes," approved June 23, 1879, by correcting two clerical errors therein; which was read a first and second time.

The bill was read. It amends the act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1880," approved June 23, 1879, as follows:

Strike out the word "purchase" where it last occurs in the last proviso relating to the sum appropriated for the construction of a storehouse and depot building at Omaha, Nebraska, and insert the word "purpose" in lieu thereof.

And strike out the word "charge" where it occurs in the clause relating to the regulation stone to be used by the board of managers of the National Home for Disabled Soldiers, and insert the word "change" in lieu thereof.

Mr. GARFIELD. Does this change the law in any way?

Mr. CLYMER. These are mere clerical errors. The bill only corrects two words.

The bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. CLYMER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

FINAL ADJOURNMENT.

Mr. MORRISON. I offer the resolution which I send to the desk.

The Clerk read as follows:

Resolved by the House of Representatives, (the Senate concurring,) That the President of the Senate and the Speaker of the House of Representatives declare their respective Houses adjourned *sine die* at four o'clock p. m., on Monday, the 30th June, instant.

Mr. MORRISON. I demand the previous question.

The previous question was seconded and the main question ordered.

The question being put on agreeing to the resolution,

The SPEAKER stated that in the opinion of the Chair the "ayes" had it.

Mr. CONGER. I call for a division.

The House divided; and there were—ayes 80, noes 45.

Mr. VALENTINE. A quorum has not voted.

The SPEAKER. A quorum not having voted, the Chair will order tellers.

Mr. SPRINGER. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 93, nays 73, not voting 120; as follows:

YEAS—93.

Aiken,	Dibrell,	Le Fevre,	Simonton,
Armfield,	Dickey,	Lounsbery,	Slemons,
Atkins,	Elam,	Manning,	Smith, Hezekiah B.
Beale,	Ellis,	Martin, Benj. F.	Smith, William E.
Bicknell,	Evins,	McKenzie,	Springer,
Blackburn,	Felton,	McMahon,	Stephens,
Bliss,	Finley,	McMillin,	Talbott,
Bouck,	Forney,	Mills,	Taylor,
Bright,	Gibson,	Morrison,	Thompson,
Caldwell,	Goode,	Myers,	Tillman,
Clardy,	Gunter,	New,	Townshend, R. W.
Clark, John B.	Hammond, N. J.	Nicholls,	Turner, Oscar
Clymer,	Hatch,	O'Connor,	Upson,
Cobb,	Henkle,	Persons,	Waddill,
Coffroth,	Herbert,	Phelps,	Warner,
Converse,	Herndon,	Phister,	Wellborn,
Cook,	Hill,	Reagan,	Whiteaker,
Covert,	Hooker,	Richardson, J. S.	Williams, Thomas
Cravens,	House,	Rothwell,	Willis,
Culberson,	Hull,	Ryon, John W.	Wilson,
Davidson,	Hunton,	Samford,	Wise.
Davis, Joseph J.	Johnston,	Sawyer,	
Davis, Loundes H.	King,	Scales,	
Deuster,	Klotz,	Shelley,	

NAYS—73.

Acklen,	Daggett,	Henderson,	Sapp,
Aldrich, William	Davis, George R.	Jones,	Shallenberger,
Anderson,	Deering,	Jorgensen,	Sherwin,
Baker,	Dunnell,	Joyce,	Stevenson,
Barber,	Errett,	Keifer,	Thomas,
Bayne,	Farr,	Lapham,	Tyler,
Blake,	Field,	Lowe,	Updegraff, J. T.
Bowman,	Fisher,	Marsh,	Updegraff, Thomas
Brewer,	Ford,	Mason,	Valentine,
Briggs,	Forsythe,	McCoid,	Van Aernam,
Browne,	Fort,	McGowan,	Wait,
Burrows,	Garfield,	Monroe,	Ward,
Butterworth,	Gillette,	Murch,	Weaver,
Cannon,	Godshalk,	Neal,	White,
Carpenter,	Hammond, John	O'Neill,	Willits,
Caswell,	Harmer,	Orth,	Yocum.
Conger,	Haskell,	Osmer,	
Cowgill,	Hawk,	Russell, W. A.	
Crowley,	Hawley,	Ryan, Thomas	

NOT VOTING—120.

Aldrich, N. W.	Einstein,	Lewis,	Robertson,
Atherton,	Ewing,	Lindsey,	Robeson,
Bachman,	Ferdon,	Loring,	Robinson,
Bailey,	Frost,	Martin, Edward L.	Ross.
Ballou,	Frye,	Martin, Joseph J.	Russell, Daniel L.
Barlow,	Geddes,	McCook,	Singleton, J. W.
Belford,	Hall,	McKinley,	Singleton, O. R.
Beltzhoover,	Harris, Benj. W.	McLane,	Smith, A. Herr
Bingham,	Harris, John T.	Miles,	Sparks,
Bland,	Hayes,	Miller,	Speer,
Blount,	Hazelton,	Mitchell,	Starin,
Boyd,	Heilman,	Money,	Steele,
Bragg,	Henry,	Morse,	Stone,
Brigham,	Hiscock,	Morton,	Townsend, Amos
Buckner,	Horr,	Muldrow,	Tucker,
Cabell,	Hostetler,	Muller,	Turner, Thomas
Calkins,	Houk,	Newberry,	Urner,
Camp,	Hubbell,	Norcross,	Vance,
Carlisle,	Humphrey,	O'Brien	Van Voorhis,
Chalmers,	Hurd,	O'Reilly,	Voorhis,
Chittenden,	James,	Overton,	Washburn,
Claflin,	Kelley,	Pierce,	Wells,
Clark, Alvah A.	Kenna,	Poehler,	Whitthorne,
Colerick,	Ketcham,	Pound,	Wilber,
Cox,	Killinger,	Prescott,	Williams, C. G.
Crapo,	Kimmel,	Price	Wood, Fernando
De La Matyr,	Kitchin,	Reed,	Wood, Walter A.
Dick,	Knott,	Rice,	Wright,
Dunn,	Ladd,	Richardson, D. P.	Young, Casey
Dwight,	Lay,	Richmond,	Young, Thomas L.

So the concurrent resolution was agreed to.

During the roll-call the following announcements were made:

Mr. MANNING. My colleague, Mr. MULDROW, is paired with Mr. DWIGHT, of New York. My colleague, Mr. SINGLETON, is paired with Mr. CALKINS, of Indiana. My colleague, Mr. MONEY, is paired with Mr. STONE, of Michigan, and my colleague, Mr. CHALMERS, is paired with Mr. VAN VOORHIS, of New York. All of my colleagues are absent by leave of the House, and, if present, would vote "ay."

Mr. TALBOTT. My colleague, Mr. MCLANE, is paired with my other colleague, Mr. URNER. If present, Mr. MCLANE would vote "ay." My colleague, Mr. HENRY, is paired with some gentleman on the other side, I do not know who it is, but if Mr. HENRY were present, he would vote "ay." Both of my colleagues are absent by leave of the House.

Mr. ROBERTSON. I am paired with the gentleman from Massachusetts, Mr. ROBINSON. If he were present, I would vote "ay."

Mr. SCALES. My colleague, Mr. VANCE, is absent by leave of the House, and is paired with my other colleague, Mr. MARTIN. If Mr. VANCE were present, he would vote "ay."

Mr. DICKEY. My colleague, Mr. GEDDES, is paired with Mr. BARLOW, of Vermont.

Mr. POEHLER. I am paired with my colleague, Mr. WASHBURN.

Mr. STEELE. I am paired on all political questions with Mr. NORCROSS, of Massachusetts. If he were present, I should vote "ay;" and if my vote is needed to make a quorum, I will vote "ay" any way.

Mr. HILL. My colleague, Mr. ATHERTON, is paired with Mr. NEWBERRY, of Michigan.

Mr. COX. I am paired with my colleague, Mr. MORTON.

Mr. HURD. I am paired with Mr. CLAFLIN, of Massachusetts.

Mr. HUNTON. My colleague, Mr. CABELL, is paired with Mr. BOYD, of Illinois; my colleague, Mr. TUCKER, with Mr. RICHARDSON, of New York; and my colleague, Mr. RICHMOND, who is detained from the House by severe sickness, is paired with Mr. PRESCOTT, of New York.

Mr. LOUNSBERY. My colleague, Mr. MULLER, is paired with Mr. HEILMAN, of Indiana. If present, my colleague would vote "ay."

Mr. GUNTER. My colleague, Mr. DUNN, is paired with Mr. HAYES, of Illinois. If present, Mr. DUNN would vote "ay."

Mr. TOWNSHEND, of Illinois. My colleague, Mr. SINGLETON, is paired with Mr. MILES, of Connecticut.

Mr. JOHNSTON. My colleague, Mr. HARRIS, of Virginia, is paired with Mr. BAILEY, of New York.

Mr. HARRIS, of Massachusetts. As I have before announced to-day, I am paired with Mr. WHITTHORNE, of Tennessee. If he were present, I should vote "no" and he would vote "ay." I desire also to announce that Mr. WILLIAMS, of Wisconsin, is paired with Mr. LEWIS, of Alabama. If these gentlemen were present, Mr. LEWIS would vote "ay" and Mr. WILLIAMS would vote "no."

Mr. KENNA. I am paired with Mr. YOUNG, of Ohio. If he were present, I should vote "ay."

Mr. KNOTT. I am paired with Mr. FRYE, of Maine. If he were here, I should vote "ay."

Mr. PRESCOTT. I am paired with Mr. RICHMOND, of Virginia.

Mr. COVERT. My colleague, Mr. FERNANDO WOOD, is paired with Mr. ROBESON, of New Jersey.

Mr. TOWNSEND, of Ohio. I am paired with my colleague, Mr. EWING. If he were here, I should vote "no." My colleague, Mr. MCKINLEY, is paired with Mr. SPARKS, of Illinois.

Mr. HARMER. My colleagues, Mr. BINGHAM and Mr. BELTZHOOVER, are paired.

Mr. SMITH, of Pennsylvania. I am paired with Mr. MARTIN, of Delaware. If he were here, I should vote "no." I desire to announce also that my colleagues, Mr. OVERTON and Mr. BACHMAN, are absent and paired.

Mr. BRIGGS. My colleague, Mr. HALL, is paired with Mr. SPEER.

Mr. HAZELTON. I am paired with Mr. BLOUNT, of Georgia. If he were here, he would vote "ay" and I should vote "no." My colleague, Mr. WILLIAMS, is paired with Mr. LEWIS, of Alabama.

Mr. FIELD. My colleague, Mr. ROBINSON, is paired with Mr. ROBERTSON, of Louisiana.

Mr. WHITE. Mr. THOMAS TURNER, of Kentucky, is paired with my colleague, Mr. OVERTON, instead of with myself as for some time past.

The result of the vote was then announced as above stated.

Mr. MORRISON moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. BRIGHT. I now renew my motion to go into Committee of the Whole on the Private Calendar.

The motion was not agreed to, upon a division, ayes 28, noes not counted.

Mr. FINLEY. I move to proceed to business on the Speaker's table.

Mr. MCKENZIE. I move that the House now adjourn.

LEAVE OF ABSENCE.

Pending the motion to adjourn, leave of absence was granted, by unanimous consent, as follows:

To Mr. BRIGHAM, indefinitely, on account of the sickness of his wife; and

To Mr. SAPP, indefinitely, on account of sickness in his family.

WITHDRAWAL OF PAPERS.

Unanimous consent was given for the withdrawal of papers as follows:

To Mr. WILLIS, in the case of Krantz & Co.; no adverse report.

To Mr. SPRINGER, papers filed by the parties in interest or their attorney, to accompany House bill No. 2370, Forty-fifth Congress, to authorize the United States to secure a title to certain military and timber reservations; no adverse report.

NEGRO EXODUS.

The SPEAKER. The Chair has been requested by the gentleman from Tennessee [Mr. WHITTHORNE] to ask consent of the House that he have leave to print in the RECORD, as a portion of the debates, some remarks prepared by him "on the causes of the negro exodus, so called."

Mr. KEIFER. What bill would those remarks apply to?

The SPEAKER. They could be considered as made in Committee of the Whole on the state of the Union.

Mr. KEIFER. I must object unless they relate to some bill pending in the House.

ORDER OF BUSINESS.

Mr. BRENTZ. I ask consent to introduce a bill for reference. [Cries of "Regular order!"]

The SPEAKER. The regular order being called for, the question is upon the motion of the gentleman from Kentucky, [Mr. McKENZIE,] that the House now adjourn.

The motion was agreed to; and accordingly (at three o'clock and twenty-five minutes p. m.) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. O'CONNOR: The petition of Rudolph Lobsiger, a citizen of the Swiss Confederation, for compensation for property taken by the United States Army—to the Committee on Foreign Affairs.

By Mr. SHELLEY: Papers relating to the war claim of John T. Armstrong—to the Committee on War Claims.

By Mr. YOUNG, of Tennessee: The petition of R. L. McElwee, for compensation for property destroyed during the late war by the United States Army—to the same committee.

IN SENATE.

SATURDAY, *June* 28, 1879.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of yesterday's proceedings was read and approved.

ENROLLED BILLS SIGNED.

The PRESIDENT *pro tempore* signed the following enrolled bill and joint resolutions, which had previously received the signature of the Speaker of the House of Representatives:

A bill (H. R. No. 2002) making additional appropriations for the service of the Post-Office Department for the fiscal years ending June 30, 1879, and June 30, 1880, and for other purposes:

A joint resolution (H. R. No. 102) authorizing a survey of the Mississippi River near Lake Concordia, Louisiana, and Cowpen Bend, Mississippi; and

A joint resolution (H. R. No. 114) donating granite blocks to Mower Post, Grand Army of the Republic, of New Orleans, Louisiana.

AUTOMATIC SIGNAL TELEGRAPH SYSTEMS.

The PRESIDENT *pro tempore* laid before the Senate a communication from the Commissioner of Patents, and the Secretary of the Smithsonian Institution, submitting a statement on the subject of automatic signal telegraph systems as a supplement to their report on that subject of May 16, 1879; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. INGALLS presented the petition of J. W. Goltra and others, citizens of Anderson County, Kansas, praying for the passage of a law granting a pension to Thomas J. Rumbly, late of Company D, Ninth Regiment Kansas Volunteers; which was referred to the Committee on Pensions.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the following bills:

A bill (S. No. 498) changing the time of holding the November term of the United States district court in the district of Connecticut; and

A bill (S. No. 719) to change the name of the ferry-boat James Fisk, jr., to Passaic.

The message also announced that the House had passed a bill (H. R. No. 2386) to amend the act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes," approved June 23, 1879, by correcting two clerical errors therein; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. No. 506) to change the name of the steam-propeller Nuhpa to Metropolitan;

A bill (S. No. 696) for the relief of William Nephew King, jr.; and

A bill (H. R. No. 2381) making appropriations for certain judicial expenses for the Government for the fiscal year ending June 30, 1880, and for other purposes.

AUSTIN-TOPOLOVAMPO SURVEY.

Mr. VEST. By request, I offer the following resolution, and ask for its present consideration:

Resolved, That the Secretary of State be requested, if not incompatible with the public interests, to communicate to the Senate any correspondence the State Department may have had with the Republic of Mexico in regard to the proposed Austin-Topolovampo Railroad survey across the northern states of that country.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. FERRY. Ought not "directed" to be used instead of "requested?"

The PRESIDENT *pro tempore*. In the opinion of the Chair it ought to read "directed." The President is "requested."

Mr. FERRY. It is addressed to the head of a Department, and should read "directed."

Mr. DAVIS, of Illinois. Let it be changed so as to read "the President" instead of "the Secretary of State."

Mr. MAXEY. "That the President be requested" is the usual form.

Mr. VEST. Very well; let it be so modified.

The PRESIDENT *pro tempore*. The resolution will be so modified if there be no objection. The question is on agreeing to the resolution as modified.

The resolution, as modified, was agreed to.

REFRIGERATING-VESSEL FOR DISINFECTION.

Mr. HARRIS asked, and by unanimous consent obtained, leave to introduce a joint resolution (S. R. No. 46) authorizing the Secretary of the Navy to construct at the Washington and Norfolk navy-yards the steam-vessel and refrigerating-machine recommended by the National Board of Health, and for other purposes; which was read the first time by its title.

Mr. HARRIS. I ask that the joint resolution be read at length.

The joint resolution was read the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and hereby is, authorized to construct at the Washington and Norfolk navy-yards the steam-vessel and refrigerating-machine which the National Board of Health recommended to the Secretary of the Treasury to be used in the disinfection of vessels engaged in commerce, and that the same be constructed under the supervision and according to the plans of the inventor, Professor John Gamgee, and his engineers; and that the said John Gamgee be allowed the actual cost of said plans and specifications, not to exceed $5,000, and a reasonable compensation for his services and that of his engineers while superintending the construction of said vessel and machine. And that the appropriation of $200,000 made by act approved 18th April, 1879, entitled "An act to authorize the Secretary of the Treasury to contract for the purchase or construction of a refrigerating-ship for the disinfection of vessels and cargoes, and for other purposes," or so much thereof as may be necessary, is hereby applied to the construction of said vessel and machine by the Navy Deprrtment.

Mr. HARRIS. If the Senate will indulge me a single moment in explanation of the resolution, I shall hope that there will be no objection to its adoption. By the act approved the 18th of April, the Secretary of the Treasury was authorized to contract for the construction of such vessel and refrigerating-machine as the National Board of Health should recommend. Under that act some eighteen plans were submitted to the National Board of Health. The board asked the Secretary of the Navy to detail a board of naval engineers and constructors to sit in conference with the Board of Health for the purpose of thoroughly investigating the various plans that had been submitted. After a careful examination, running through about three weeks of constant labor, these naval experts and the Board of Health decided against all the plans submitted, except the plan of Professor John Gamgee. That plan they approve and recommend. But the plan of Professor Gamgee is based in part upon some two or three patents that he claims to own, and to a large extent based upon inventions of his own not yet patented. Hence he submitted his plans to the Board of Health for the information of the board, but with the express condition that they should not be copied, should not be published, should not be used by any person other than himself. Owing to these restrictions the Secretary of the Treasury cannot advertise, and he declines to let this contract in any other than the ordinary way of advertising for bids and letting the contract to the lowest responsible bidder.

In view of that fact Professor Gamgee addressed me a note on yesterday authorizing me to make this proposition; that is, that the vessel and refrigerating-machine recommended by the Board of Health and these naval experts shall be constructed by the Government itself, at its own navy-yards, for the smallest amount of money that the Government can construct it, requiring only that it shall be constructed according to the plans so recommended, and under the supervision of himself and his engineers, and that he is to be paid the actual cost of his plans and specifications, and paid a reasonable compensation for his own time and that of his engineers while engaged in superintending the construction of the vessel and machine.

This is the only mode by which this refrigerating ship and machine can be constructed under the circumstances which now confront us. It is impossible for the Secretary of the Treasury to advertise, because Professor Gamgee cannot afford to allow his invention, which has cost him years of scientific research, and which he has not yet patented, to be published or to be used by others than himself. He does not seek to make money out of it. He is willing to allow the Government to use his invention and his patents free of charge so far as this one vessel is concerned. All that he asks is that the Government shall build the vessel and machine, he cares not at how little cost, so they are perfectly constructed, allowing him only the actual cost of producing these plans and specifications, and a reasonable compensation for his time while actually engaged in superintending the construction of the vessel.

Mr. HEREFORD. Did we not pass an act making provision for all this?

Mr. HARRIS. The bill that was passed and approved on the 18th of April appropriated $200,000 for the purpose of constructing this vessel, authorizing the Secretary of the Treasury to contract for its construction. The Secretary of the Treasury cannot contract for its construction in the ordinary method, by advertising and letting the contract to the lowest bidder, because of the fact that the plan is based to a large extent upon an invention of Professor Gamgee not yet patented. Professor Gamgee submitted his plans, requiring that they should not be published, should not be copied, and should not be used by any person other than himself; these restrictions being imposed, not only to protect his right to patent his invention, but because he was not willing for his invention to be experimented upon by any contractor unless absolutely controlled by himself. Therefore the vessel cannot be built under the act of April 18 at all unless the Secretary of the Treasury would contract with the inventor without advertising, or unless we pass this resolution authorizing the Secretary of the Navy to build it at the Government navy-yards under the supervision of the inventor, his supervision being necessary to the perfect success of the plan. That is the whole case, and in view of it I ask that the letter from Professor Gamgee authorizing me to make this proposition may be read, and I shall ask the Senate to proceed to the consideration of the resolution.

The PRESIDENT *pro tempore*. The letter will be read for information.

The Chief Clerk read as follows:

RIGGS HOUSE,
Washington, D. C., June 27, 1879.

SIR: Whatever may be the obstacles in the way of the prompt construction of my refrigerating ship, they shall not be increased or encouraged by any act of mine.

To prove to the world how the mercantile marine of the Atlantic seaboard of this entire continent may be maintained free from yellow-fever infection, and hence cease to be a standing menace to the fair cities of the Southern States, I am prepared for my full share of responsibility.

You have therefore my authority to announce as and when you think best from your seat in the Senate that I forego all profit under the contract for construction, which I have fairly earned, and present the right to my patents, plans, and specifications for the building of this first experimental ship to the United States of America

But, sir, I must stipulate, as follows:

First, for the construction under my supervision at the navy-yards of Washington and Norfolk of the steam-vessel and refrigerating-machinery in accordance with my plans and specifications as already recommended by the National Board of Health.

Second, for the employment of my superintending engineer, Mr. William Eli Ludlow, and the competent staff which has been engaged on our plans up to this time.

Third, that I be protected from actual money loss by the payment of all expenses incurred by me since the commencement of this work on the 20th of last December and by a reasonable allowance, with necessary traveling expenses, until the construction of the ship is completed.

Leaving myself entirely in your hands, I trust that the spontaneity and heartiness of my resolve may induce Congress to accede to any reasonable request you may make for the speedy fruition of this enterprise.

I remain, sir, your obedient servant,

JOHN GAMGEE.

Hon. ISHAM G. HARRIS,
United States Senate.

The PRESIDENT *pro tempore*. The Senator from Tennessee asks unanimous consent to proceed to the consideration of the resolution. Is there objection?

Mr. VOORHEES. I object.

The PRESIDENT *pro tempore*. The Senator from Indiana objects, and the resolution goes on the Calendar.

Mr. VOORHEES. I desire, out of respect to the Senator from Tennessee, from whom I have not differed on any subject heretofore that I know of since we have met in the Senate, to state my reasons for objecting to the resolution. At this late hour of the session, I think this question is too complicated for a full understanding of it. I desire to say that I have had about as much of this Gamgee business as will do me during this session. He may be a very wise man, a very wonderful man, but he has had a refrigerating influence upon me that I think will bring me to a standstill even in this hot weather until I can look into the matter a little further than I could on such an occasion as this. I therefore feel impelled from a sense of public duty to object to the consideration of the resolution at this time; and I wish to say to the Senator from Tennessee that the only regret I have on the subject of objecting is because it compels me to differ from him.

Mr. HARRIS. I beg to be allowed to say one word in answer to my friend from Indiana.

The PRESIDENT *pro tempore*. This discussion proceeds by unanimous consent.

Mr. ALLISON. There is no objection.

Mr. HARRIS. All I desire to say is that I have no prejudices against or partialities for any individual connected with any of these plans. There were eighteen plans submitted to the hardest test to which they could be subjected, to the rigid scrutiny of a board of naval experts, engineers, and constructors, and the National Board of Health consisting of eleven scientists. They have carefully examined all of these plans, and one by one every plan submitted went down under the condemnation of these scientists, there being fatal objections to each and every one of them. Gamgee's plan alone met their approval. I do not look to Gamgee or any other individual in connection with this matter; I look to that plan which has met the approval of all scientists who have examined it, and which promises the great benefit, the great security, that I confidently believe will be found in its perfection and execution. I regret exceedingly that my friend from Indiana feels called upon to object, because this has been subjected to the severest test that it was possible to subject it, and stands approved by the highest scientific authority. I give notice that I will to-morrow morning, the next legislative day, ask the Senate to consider the resolution. I move that the resolution be printed.

The motion was agreed to.

REMONETIZATION OF SILVER.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the concurrent resolution submitted by the Senator from Missouri [Mr. VEST] on the 25th instant, which will be reported.

The Chief Clerk read the resolution, as follows:

Resolved by the Senate of the United States, (the House of Representatives concurring,) That the complete remonetization of silver, its full restoration as a money metal, and its free coinage by the mints of the United States are demanded alike by the dictates of justice and wise statesmanship.

The PRESIDENT *pro tempore*. The pending question is on the motion of the Senator from Iowa [Mr. ALLISON] to refer the resolution to the Committee on Finance, on which the yeas and nays have been ordered.

Mr. VEST. Let the substitute be read.

Mr. KIRKWOOD. I think that the resolution as read is not the one before the Senate. The Senator from Missouri I think substituted for that another resolution.

Mr. VEST. I have just asked the Secretary to read it.

Mr. KIRKWOOD. I wish to know which is before the Senate.

The PRESIDENT *pro tempore*. The Chair is informed that the substitute was not admitted because the yeas and nays had been ordered on the original resolution.

Mr. DAVIS, of Illinois. But there was no objection, I think.

Mr. KIRKWOOD. No objection was made to the proposition.

Mr. COCKRELL. There was no objection; it was agreed that the substitute should be taken for the original resolution.

Mr. FERRY. There was no objection, Mr. President.

The PRESIDENT *pro tempore*. There was no objection, the Chair understands. Then the substitute will be reported, the resolution having been modified by the Senator from Missouri by unanimous consent, as the Chair is informed.

The Chief Clerk read the substitute, as follows:

Resolved by the Senate of the United States, (the House of Representatives concurring,) That the complete remonetization of silver and its restoration to a perfect equality with gold, both as coin and bullion, are demanded alike by the dictates of justice and wise statesmanship.

Mr. MORRILL. I desire to call the attention of the Senate to the phraseology of this substitute.

The PRESIDENT *pro tempore*. Will the Senator suspend one moment? On reflection there is some little difficulty about this being substituted by unanimous consent after the yeas and nays have been ordered. What is to become then of the ordering of the yeas and nays? On what are they ordered?

Mr. GARLAND. The question is whether the substitute shall be referred to the Committee on Finance.

The PRESIDENT *pro tempore*. There was a motion made to refer the original resolution. *Non constat* that the mover of the reference of the original resolution would want to refer the substitute.

Mr. GARLAND. The mover of the resolution adopted the substitute as his own, and by unanimous consent, after the yeas and nays were ordered, he was permitted to do that, as the RECORD will show. Now I suppose the question will be on the motion to refer the substitute.

Mr. FERRY. As I understand, the Senator from Missouri modified the resolution himself. Although the rule states that a proposition cannot be changed after the yeas and nays have been ordered, still by unanimous consent the Senate permitted the change to be made. The change was made by the Senator who offered the original resolution and accepted as such, and the yeas and nays would apply upon it just as upon the resolution if it had been amended in regular form.

Mr. MORRILL. Mr. President——

Mr. ALLISON. If the Senator from Vermont will yield to me a moment I think that the question of substituting was not finally decided yesterday.

The PRESIDENT *pro tempore*. The present incumbent of the chair was not here at the time.

Mr. MORRILL. I will say that it is a fact that I withheld my assent to making the change. I do not now desire to present any objections to the modification, if it is the unanimous wish of the Senate; but at the moment after the modification was proposed it will be noticed that I observed that I withheld my assent from the proposition. But I do not now object to the modification if the Senate so desire.

The PRESIDENT *pro tempore*. After the statements made on this subject by Senators experienced in the rules of the Senate, the Chair will consider the substitute as before the Senate and the motion to refer as applying to that as well as to the original resolution, and also the order for the yeas and nays. The question is, Shall the resolution be referred to the Committee on Finance? on which the yeas and nays have been ordered.

Mr. MORRILL. Now, Mr. President, as I began before to say, I

desire to call the attention of the Senate to the phraseology of the proposition as modified by the Senator from Missouri, which is:

That the complete remonetization of silver and its restoration to a perfect equality with gold, both as coin and bullion, are demanded alike by the dictates of justice and wise statesmanship.

The Senator undoubtedly intends by these words to have a change made in relation to silver so that its coinage shall be just as free as that of gold, and that the charge made therefor shall be only ½ of 1 per cent. Under the existing laws anybody can take gold to the mints for coinage, and the only charge made is ½ of 1 per cent. Therefore it is a direct proposition for a free coinage, and that all profits arising thereon shall accrue to the owner of silver bullion. There is no doubt but what the present law in relation to gold bullion is just what I have stated, and I therefore refrain from reading the sections to be found in the Revised Statutes. A Senator suggests that I read them:

SEC. 3519. Any owner of gold bullion may deposit the same at any mint, to be formed into coin or bars for his benefit.

Then section 3524 reads as follows:

The charge for converting standard gold bullion into coin shall be ½ of 1 per cent.

It is therefore manifestly clear that under the terms of this resolution as it is proposed to be modified it will provide that silver shall be placed precisely upon the same level with gold, and that if there is any difference between the price of silver bullion and standard legal-tender silver coin it shall entirely accrue to the owner of silver bullion, whether he be an American with domestic productions or whether he be a speculator dealing in foreign gold from Germany or any other country.

Mr. CONKLING. What, if the Senator pleases, does the resolution imply as to the number of grains the coinage is to contain?

Mr. MORRILL. It does not say anything about it.

Mr. CONKLING. I know it does not say anything about it, but what does it imply?

Mr. MORRILL. Many constructions might be put on a resolution of this character. I deem it unfortunate that any discussion of this subject should arise at this time, when the truth is that time is settling this question to the satisfaction of us all. I take it that there is no one here who does not desire the speedy return of silver to its ancient value. It seems that already the trade-dollar, about which we were agitated only a day or two ago, has risen in consequence of the foreign demand, so that it is worth to-day in New York ninety-nine and one-eighth cents; and the last sale in San Francisco was at par for the purpose of exportation. Nearly all of the silver of that stamp, of the trade-dollar, has already been exhausted by the present demand for its export to China. It is even supposed that there will spring up a demand for a further coinage of the trade-dollar for exportation in order to compete with the Mexican dollar. Therefore that question seems to have settled itself; and now the agitation of the silver question in France, among all the nations of the Latin union, in Germany and in England, tends in the direction of a more complete and extended use of silver throughout all commercial nations. All we have to do is to wait, and the good time will come.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Iowa [Mr. ALLISON] to refer the resolution to the Committee on Finance.

Mr. BUTLER. One word of explanation, Mr. President. Does the effect of this motion carry the substitute to the Committee on Finance?

The PRESIDENT *pro tempore*. The substitute is all that is before the Senate, having been accepted by the mover of the resolution, and it is the resolution now.

Mr. BUTLER. I shall vote for the substitute.

Mr. KIRKWOOD. I desire to offer an amendment.

Mr. MORRILL. I desire to state that I was at the moment unmindful of an act passed since the revision of the statutes by which we have even repealed the charge of ½ of 1 per cent. on the coinage of gold. There is no charge at all upon the coinage of gold at the present time.

The PRESIDENT *pro tempore*. The amendment of the Senator from Iowa [Mr. KIRKWOOD] will be read.

The CHIEF CLERK. After the word "bullion" it is proposed to insert:

At as early a day as these objects can be accomplished consistently with the public welfare.

Mr. VEST. I hope the amendment will be voted down. It is entirely unnecessary. I just ask for an expression of opinion in regard to the abstract proposition without regard to conditions at all—the full remonetization of silver.

Mr. CONKLING. Does the Senator want it done before it can be consistently with the public welfare?

Mr. VEST. That is simply "leather and prunella." It amounts to nothing. Nobody wants to do what is inconsistent with the public welfare.

Mr. KIRKWOOD. I am sorry the mover of the resolution does not agree to the amendment offered by myself. I think that the resolution as offered by him, amended as I propose, will receive perhaps a majority of the votes of the Senate.

Mr. HEREFORD. I ask if this amendment is in order, the yeas and nays having been ordered, and this resolution being a substitute for what preceded it?

The PRESIDENT *pro tempore*. The Chair was having the rules looked over. The first impression of the Chair was in respect to the substitute yesterday that after the yeas and nays were ordered it was not amendable; but the Chair was informed by more experienced Senators that by unanimous consent it could be done. The Chair will take a moment to look into the rules to see whether this amendment is in order after the yeas and nays have been ordered on the motion to refer. In the mean time, the Chair will allow the Senator from Iowa to proceed.

Mr. KIRKWOOD. I was about to say that I have found this to be true as a rule. There is a great deal of sound philosophy in some old maxims about not being in too much of a hurry to accomplish any desired end. One of them is that "the greater hurry, the less speed;" another is "to hasten slowly;" and beyond the Mississippi we have condensed them both into two words: "go slow." There is a great deal of sound philosophy in it, I think. If our democratic friends had acted upon that philosophy during this extra session, they would have been happier to-day, I apprehend, than they are.

Mr. COCKRELL. We are perfectly happy as we are.

Mr. KIRKWOOD. I am glad to hear it.

Mr. HEREFORD. A very happy family.

Mr. KIRKWOOD. They would not have demonstrated the incorrectness of a saying of a somewhat celebrated person that there is but one step from the sublime to the ridiculous. They have proven that there are several steps between the two; they have made the journey, and the final goal is on our table and to be acted on when this resolution is disposed of. I am afraid their anxiety in regard to the subject of silver will lead to the same result. We passed in the last Congress the silver bill, the Allison bill, so called, and I desire to say—I wish my colleague was not present when I say it—that I think the country owes a great deal to him, as the author of that bill, for his sound sense and practical sagacity and good statesmanship. The country has awarded him credit already for that act, and will award him more in the future.

Now, what is the condition of things? The predictions of those who opposed that bill have failed as many other predictions in regard to financial affairs have failed. It was predicted to us at the last long session that if resumption were persisted in the country would be ruined. It was persisted in, and the country is to-day more prosperous than it has been for years. All signs show that the business of the country is improving. We get that word from all over the country. Even in the far West we find it to be so. Everything is moving in the right direction. Is not that a time, in western phrase, to go slow—to hasten slowly? If things were as they were a year ago, at the lowest, instead of improving, we might try the experiment; but as things are improving to-day contrary to the predictions of many men upon both sides of the Chamber, as signs of that improvement are before the country in every direction, is it not the part of wisdom to wait and see what shall be the outcome? As has been said by the Senator from Vermont, [Mr. MORRILL,] the signs indicate the restoration of silver by slow and sure processes. Germany has taken no backward step as I believe toward a gold basis, but has stopped going forward. In England there are decided indications that their policy is about to be modified in regard to the use of silver as money. The price of silver bullion is rising. Everything appears to tend, all the signs look in the direction of the accomplishment by gradual, slow, safe modes of that which a large majority of this Chamber desire to accomplish. I repeat, is it not then under these circumstances the part of wisdom to wait?

Six months hence we shall know more about this matter than we know to-day; six months hence we shall know more what is the disposition of foreign governments to move in the direction we desire to move than we know to-day. May we not embarrass that movement by hasty action here? May we not retard instead of expediting that which we desire to have accomplished? I am as strongly in favor of the equalization of silver with gold as any man who hears me. I supported as earnestly in my quiet way the bill named from my colleague as any Senator who hears me. I am as firmly to-day in favor of all that is intended to be accomplished by those who are in favor of the restoration of silver as coin as any Senator who hears me. But I do not believe that the accomplishment of that can be hastened at all by the passage of the resolution now pending before the Senate, especially if there shall not be added to it the amendment that I have offered.

In regard to that amendment, let me say a word. It proposes that the restoration to an equality of gold and silver both as coin and bullion shall take place as rapidly as the public welfare will permit. Does any one want it to come sooner than that at the expense of the public welfare? It is known that the silver men, so called, differ as to the best means to accomplish this end. Some men are in favor of the free coinage of silver, so called, letting the men who hold silver bullion or the men who may choose to speculate in it reap all the profit from its coinage. Other silver men are opposed to that. Some are in favor of issuing certificates for silver bullion deposited in the mint, giving to the holder of such a certificate the legal value of the coined silver instead of the bullion value of it, and others are opposed to that. Is it wise for the men who favor silver, in the present condition of affairs, when nothing practical is suggested, to divide their forces? It seems to me not to be so. It seems to me the best thing is to wait and do nothing until we come together in regular session again; and

if that should not be the conclusion, it seems perfectly clear to me that we ought to say that while we desire the restoration of silver and gold to their proper relations to each other, we should not in endeavoring to bring it about jeopardize in any way the public welfare for its accomplishment.

The PRESIDENT *pro tempore*. In reference to the question of order made by the Senator from West Virginia, [Mr. HEREFORD,] the Chair has carefully examined the rules and finds nothing in them to prevent the motion to amend being made. It is a wholly different question from the right of the mover of a resolution to modify it after the yeas and nays have been ordered. The Chair therefore overrules the point of order.

Mr. ALLISON. If it is necessary in order to take a vote on the amendment of my colleague, if I can do so, I should be glad to withdraw the motion to refer, so that a vote may be taken on that amendment.

The PRESIDENT *pro tempore*. The Chair has overruled the point of order. Is the Senate ready for the question? The question is on the amendment offered by the Senator from Iowa, [Mr. KIRKWOOD.]

Mr. KIRKWOOD. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SAULSBURY. Let the amendment be reported.

The PRESIDENT *pro tempore*. The amendment will be read.

The CHIEF CLERK. After the word "bullion" it is proposed to insert:

At as early a date as those objects can be accomplished consistently with the public welfare.

Mr. BECK. Will not the Senator from Iowa make it a little more distinct by saying "as soon as the present Secretary of the Treasury chooses to allow it to be done?" Would not that make it more distinct?

Mr. KIRKWOOD. I do not think so. I think we are the judges of what the public welfare requires to be done.

The Secretary proceeded to call the roll.

Mr. ANTHONY, (when his name was called.) As I have announced that I was paired with the Senator from Georgia [Mr. GORDON] on political questions, I now say, in justice to myself, that financial questions were excepted from the pair. I vote "yea."

Mr. HARRIS, (when his name was called.) On this question I am paired with the Senator from Nebraska, [Mr. PADDOCK.] If he were here, I should vote "nay."

Mr. INGALLS, (when his name was called.) I am paired on all questions with the Senator from Virginia, [Mr. WITHERS.]

Mr. MCPHERSON, (when his name was called.) Upon this subject I am paired with the Senator from Oregon, [Mr. GROVER.] If he were here, I should vote "yea."

The PRESIDENT *pro tempore*, (when the name of Mr. THURMAN was called.) I am paired with the Senator from Vermont [Mr. EDMUNDS] on all questions except what are commonly called silver questions. On this I believe he obtained a pair with some other Senator; but whether or not I reserve my vote.

Mr. MORRILL. I understand that the other pair only extended to the Warner bill; therefore I supposed the Senator from Ohio was paired with my colleague on all other questions.

Mr. COCKRELL. I will state that I paired with the Senator from Vermont [Mr. EDMUNDS] on the Warner bill just before he left. I announced the pair when motions affecting that bill were before the Senate. I do not consider that the pair has anything to do with this question or the trade-dollar bill or any other question.

The PRESIDENT *pro tempore*. If the Senator from Vermont [Mr. EDMUNDS] left with the impression that I had only reserved the Warner bill, of course I withhold my vote. Otherwise I should vote "nay."

Mr. WINDOM, (when his name was called.) I am paired with the Senator from West Virginia, [Mr. DAVIS.] If he were present, I should vote "yea."

Mr. HEREFORD. The Senator from West Virginia [Mr. DAVIS] would have voted "nay," if present.

The roll-call was concluded.

Mr. CAMERON, of Wisconsin. I desire to announce that the Senator from Colorado [Mr. TELLER] is paired on this vote, and on all votes that may be taken on the silver question, with the Senator from Virginia, [Mr. JOHNSTON.] If the Senator from Virginia were here and the Senator from Colorado were present and at liberty to vote, the Senator from Colorado would vote in favor of the amendment offered by the Senator from Iowa.

Mr. HILL, of Georgia. I announced yesterday that I was paired with the Senator from Massachusetts, [Mr. DAWES.]

The result was announced—yeas 20, nays 21; as follows:

YEAS—20.

Allison,	Cameron of Wis.,	Hill of Colorado,	Morrill,
Anthony,	Chandler,	Kernan,	Platt,
Blair,	Conkling,	Kirkwood,	Rollins,
Burnside,	Eaton,	Logan,	Saulsbury,
Butler,	Ferry,	McMillan,	Saunders.

NAYS—21.

Bailey,	Garland,	Morgan,	Voorhees,
Beck,	Hampton,	Pendleton,	Walker,
Call,	Hereford,	Ransom,	Williams.
Cockrell,	Houston,	Slater,	
Coke,	Jonas,	Vance,	
Davis of Illinois,	Maxey,	Vest,	

ABSENT—35.

Bayard,	Farley,	Johnston,	Randolph,
Blaine,	Gordon,	Jones of Nevada,	Sharon,
Booth,	Groome,	Jones of Florida,	Teller,
Bruce,	Grover,	Kellogg,	Thurman,
Cameron of Pa.,	Hamlin,	Lamar,	Wallace,
Carpenter,	Harris,	McDonald,	Whyte,
Davis of W. Va.,	Hill of Georgia,	McPherson,	Windom,
Dawes,	Hoar,	Paddock,	Withers.
Edmunds,	Ingalls,	Plumb,	

So the amendment was rejected.

ERRORS IN ARMY APPROPRIATION ACT.

The PRESIDENT *pro tempore*. The morning hour has expired, and the unfinished business is a resolution submitted by the Senator from Iowa [Mr. ALLISON] that all the testimony taken by the select committee investigating Treasury accounts be reported to the Senate and printed for the use of the Senate. Pending that question the Chair asks leave to present to the Senate a bill from the House of Representatives.

The bill (H. R. No. 2386) to amend the act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes," approved June 23, 1879, by correcting two clerical errors therein, was read twice by its title.

Mr. BECK. I ask unanimous consent of the Senate to proceed to the consideration of that bill now without a reference. The Committee on Appropriations have looked at it, and it only changes two words, restoring the amendments inserted by the committee originally, changing the word "purpose" for "purchase," on page 9 of the Army bill, and the word "change" for "charge," on page 10, as we failed to amend the bill at all in the Senate for reasons known to everybody.

Mr. CONKLING. What are they?

Mr. BECK. The bill has been approved, and now it is better that these two words should be changed.

Mr. MORRILL. I desire to ask the Senator from Kentucky if he did not object when the bill was on its passage to the correction of these very errors?

Mr. BECK. I do not remember whether I did or not, but objection was made because it was thought by those in charge of the bill that it was better to pass it without sending it back to the House. I do not think there can be any objection to this bill.

Mr. ALLISON. I hope there will be no objection. This is to correct some manifest errors in a bill that was pushed through here by a party vote a few days ago.

Mr. BECK. That is so.

Mr. ALLISON. I think we ought to consent to having the errors corrected in order that the Army bill may in all its parts agree with what it was intended to express.

Mr. BECK. I think so. That is all there is of it.

Mr. CONKLING. Seeking arduously, as I do, to follow wherever I should the lead of the distinguished Senator from Kentucky, I feel a little embarrassed at the present moment. My recollection is that both these amendments were reported from the Committee on Appropriations of the Senate, the distinguished Senator from Kentucky himself, I believe, being the organ of the committee.

Mr. BECK. No, that is a mistake. I think the Senator from Virginia [Mr. WITHERS] had charge of the bill.

Mr. CONKLING. The Senator is right; it was the Senator from Virginia, [Mr. WITHERS.]

Mr. BECK. He is now absent, and that is the reason I urge this bill.

Mr. CONKLING. But the honorable Senator from Kentucky gave him the force and effect of his influence and counsel so emphatically that for the moment it was my impression that the honorable Senator from Kentucky was himself in the lead, and not merely the coadjutor of the Senator who had charge of the bill. At all events the Committee on Appropriations reported in favor of both these amendments. The Senator from Kentucky indorses them now as to their propriety, but he indorsed them then, and a majority of the Senate under his advice voted in Committee of the Whole in favor of both these amendments. Up to that time I could not doubt that they were proper amendments; the advice and judgment of the Senator from Kentucky alone would have convinced me on that point; but when we came into the Senate, under the tuition, not only with the consent but by the advice of the honorable Senator from Kentucky, on the yeas and nays, these two amendments, both of them specifically, were voted down as improper amendments to be made to the bill. Now, the honorable Senator from Kentucky comes in and says, as he said at first the other day, that these amendments are proper; but in the mean time, on a call of the yeas and nays, the Senator from Kentucky—that is what weighs with me—declared that these amendments ought not to be made; that they were not proper amendments. Now, the Senator from Kentucky has said somewhat vaguely, somewhat in the nature of an enigma, which may be understood by other Senators, but I do not understand it,—that there were reasons for this which all knew. If the honorable Senator from Kentucky would indulge me and the few who know no better than I do what those reasons were and tell us why these very amendments were voted down on the yeas and nays in the Senate and yet he holds them proper amendments, I should feel entirely relieved; but as it is I am mystified; I am groping trying to follow my leader; and he leads in one direction and then in the other direction, and I do not know

from day to day which direction I am to go in order to observe his advice, which I wish to do.

Mr. BECK. One word——

The PRESIDENT *pro tempore*. The Senator from Kentucky will suspend for a moment. It has always been the opinion of the Chair that on a question, Will the Senate unanimously consent to proceed to the consideration of a bill? no debate is in order; but the Chair allows debate to go on by unanimous consent. On a motion to proceed to the consideration of a bill, a motion that does not require unanimous consent, debate is admissible under the rules, but not in regard to the merits of the measure. The Chair thinks that debate is not in order where unanimous consent is asked for to proceed to the consideration of a bill; and, unless the Senator from Kentucky desires to speak, the Chair will put the question.

Mr. BECK. I only desire to say a word. This is a very small matter. I believe the law can be executed very well just as it is. I believed these were proper amendments when they came before the Senate originally; I believe they are proper amendments now. The House has sent them over to us. When the Army bill was up before, in charge of the Senator from Virginia, I understood that as there was barely a quorum of the House, and an adjournment was being pressed, it was thought better to pass it even with these slight imperfections rather than send it back to the House and run the risk of not having a quorum and of having filibustering and more trouble. The result was that we sent it to the President; he signed it; it is now the law; but there are two words wrong that we knew were wrong at the time, but we let them go, believing that *de minimis*, an old maxim in our profession, would apply. But the House seems to have thought they were of sufficient importance to send us over a bill to correct them, and I think we ought to pass it at once. No hurt will be done if we do not pass the bill, because these words do not seriously affect the bill; but it is better to correct the errors. If we did wrong before, that is no reason why we should persist now.

The PRESIDENT *pro tempore*. Is there objection to the present consideration of the bill? The Chair hears none. The bill is before the Senate as in Committee of the Whole, and open to amendment.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the bill (S. No. 712) providing for filling vacancies in the office of Chief of Engineers, United States Army.

The message also announced that the House had passed a bill (H. R. No. 2337) to allow John Merryman and Frank Brown, of Maryland, to import and land cattle for breeding purposes; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. No. 1627) authorizing the construction of a railroad bridge across the Wabash River; and it was thereupon signed by the President *pro tempore*.

REPORT OF FISH COMMISSION.

Mr. ANTHONY. I move that a message be sent to the House of Representatives asking for the return of a concurrent resolution passed yesterday, ordering the printing of the report of the Commission on Fish and Fisheries. There was an error in the resolution.

The motion was agreed to.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had on this day approved and signed the following acts:

An act (S. No. 697) to establish post-roads in certain States therein named;

An act (S. No. 674) for the benefit of the widow and children of General James Shields, and to increase the pension of Caroline S. Webster; and

A joint resolution (S. R. No. 5) relative to certain accepted drafts and other papers in the Department of State.

TREASURY ACCOUNTS COMMITTEE.

The PRESIDENT *pro tempore*. The unfinished business is the resolution submitted by the Senator from Iowa, [Mr. ALLISON,] which will be reported:

The Chief Clerk read the following resolution submitted by Mr. ALLISON on the 27th instant:

Resolved, That all the testimony taken by the select committee investigating Treasury accounts be reported to the Senate and printed for the use of the Senate.

Mr. BECK. I hope that in the absence of the chairman of the committee, who is necessarily absent, the Senator from Iowa will allow this resolution to go over, as we have one more appropriation bill that we can consider to-day. I wish to ask the Senate to consider an appropriation bill, which the Committee on Appropriations have ordered me to lay before the Senate, making appropriations to pay the fees of the United States marshals and their general deputies. Of course if objection is made the bill must go over; but if none is made, it can be considered now. I should like to be allowed to have it presented before the Senate.

Mr. ALLISON. On the request of the Senator from Kentucky, and in the absence of the Senator from West Virginia, the chairman of the committee having charge of this subject, and inasmuch as considerable opposition was developed yesterday to the passage of the resolution on the democratic side of the Chamber, I am quite willing it shall go over for the present.

Mr. BECK. That being the case, I desire to make a report.

The PRESIDENT *pro tempore*. The Senator from Kentucky moves to postpone the resolution which has been read.

The motion was agreed to.

APPROPRIATIONS FOR MARSHALS.

Mr. BECK. I am directed by the Committee on Appropriations to report back the bill (H. R. No. 2382) making appropriations to pay fees of United States marshals and their general deputies. The recommendation of the committee is that the bill be passed without amendment. I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was read at length.

Mr. CONKLING. I beg the Senator from Kentucky to state to us—for one I have not the bill before me—what are the sections of the statutes on which denunciations of felony and imprisonment and so on are founded?

Mr. BECK. They are as follows:

SEC. 3678. All sums appropriated for the various branches of expenditure in the public service shall be applied solely to the objects for which they are respectively made, and for no others.

Section 3679 provides:

No Department of the Government shall expend, in any one fiscal year, any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract for the future payment of money in excess of such appropriations.

Section 3680 provides:

No part of the appropriations which may be at any time made for the contingent expenses of either House of Congress shall be applied as extra allowance to any clerk, messenger, or attendant of the two Houses, or either of them, or as payment or compensation to any clerk, messenger, or other attendant of the two Houses, or either of them, unless such clerk, messenger, or other attendant be so employed by a resolution of one of the Houses; or to any other than the ordinary expenditures of the Senate and House of Representatives.

Section 3681 provides:

No accounting or disbursing officer of the Government shall allow or pay any account or charge whatever, growing out of, or in any way connected with, any commission or inquiry, except courts-martial or courts of inquiry in the military or naval service of the United States, until special appropriations shall have been made by law to pay such accounts and charges. This section, however, shall not extend to the contingent fund connected with the foreign intercourse of the Government, placed at the disposal of the President.

Section 3682 provides:

No moneys appropriated for contingent, incidental, or miscellaneous purposes shall be expended or paid for official or clerical compensation.

Section 3683 provides:

No part of the contingent fund appropriated to any Department, bureau, or office, shall be applied to the purchase of any articles except such as the head of the Department shall deem necessary and proper to carry on the business of the Department, bureau, or office, and shall, by written order, direct to be procured.

Section 3690 provides:

All balances of appropriations contained in the annual appropriation bills and made specifically for the service of any fiscal year, and remaining unexpended at the expiration of such fiscal year, shall only be applied to the payment of expenses properly incurred during that year, or to the fulfillment of contracts properly made within that year; and balances not needed for such purposes shall be carried to the surplus fund. This section, however, shall not apply to appropriations known as permanent or indefinite appropriations.

These are all, I believe, as the Senator from New York will observe, to which the bill refers.

Mr. CONKLING. Has the Senator title 26 before him?

Mr. BECK. Yes, sir; title 26 will be found on page 352.

Mr. CONKLING. Now I should like to make an inquiry about that. If the Senator will turn to page 354 of the Revised Statutes he will see section 2012 and I call his attention to that and to the two or three succeeding sections as the foundation of my inquiry. I find in this bill:

And no part of the money hereby appropriated is appropriated to pay any compensation, fees, or expenses under any of the provisions of title 26 of the Revised Statutes of the United States authorizing—

And so on. The Senator will observe by the sections to which I have referred him that they direct court to be opened, to remain open from day to day, and one of them directs that—

Whenever, from any cause, the judge of the circuit court in any judicial circuit is unable to perform and discharge the duties herein imposed, he is required to select and assign to the performance thereof, in his place, such one of the judges of the district courts within his circuit as he may deem best; and upon such selection and assignment being made, the district judge so designated shall perform and discharge, in the place of the circuit judge, all the duties, powers, and obligations imposed and conferred upon the circuit judge by the provisions hereof.

And the next section provides:

The preceding section shall be construed to authorize each of the judges of the circuit courts of the United States to designate one or more of the judges of the district courts within his circuit to discharge the duties arising under this title.

So that provision is made covering every contingency for keeping open the court from day to day and from time to time. I wish to inquire of the Senator whether his understanding of the pending bill

is that it forbids the expenditure of money to pay marshals, deputy marshals, officials, clerks, in the language of these various sections to which the Senator has called attention to enable this portion of the statute to be executed. I do not know that I make my question plain.

Mr. BECK. Perfectly so to my mind.

Mr. CONKLING. I will thank the Senator to give me his view upon that.

Mr. BECK. My view of it is worth no more than that of any other Senator, and not so much as that of some who have examined it more carefully. It is by mere accident that I have charge of the bill to-day, owing to the absence of the chairman and senior members of the committee.

My understanding of this bill is that it does not in any way interfere or seek to interfere with the duties imposed upon the courts by sections 2011, 2012, 2013, 2014, and so on, referred to by the Senator from New York, and all appropriations for the pay of supervisors are made in the permanent annual appropriations, and therefore there is no money appropriated by this bill for the payment of the officers appointed by the courts under the sections referred to.

I understand that this means that the money hereby appropriated shall not be applied—

To pay any compensation, fees, or expenses under any of the provisions of title 26 of the Revised Statutes of the United States authorizing the appointment, employment, or payment of general or special deputy marshals for services in connection with registration or elections on election day.

The provisions for the payment of general and special deputy marshals for such services seem to me to begin at section 2030 of title 26. All that this bill seeks to do is to prohibit the payment of the money hereby appropriated as compensation or as expenses for general and special deputy marshals whose services are provided for from section 2021 on to and including perhaps section 2031. All the other clauses in the statutes, so far as the courts are concerned, for the appointment of supervisors and the other machinery directed by that title, I understand this bill does not in any regard interfere with. The true meaning of it is not to repeal everything in title 26, nor to repeal any part of it, and not to fail to make appropriations for all that is provided for in title 26, but only distinctly to say that no part of the money appropriated by this bill shall be applied to the payment of general and special deputy marshals who may be appointed under certain sections of that title in connection with registration and election. That is the class of marshals referred to. That is the way I understand it.

Mr. CONKLING. I thought of this question and looked at it some days ago when another bill was before the Senate; and when I asked the Senator from Kentucky my question, I did not anticipate the answer he has given. I think if he will review these sections for a moment he will reverse his opinion. A section of the Revised Statutes to be found on page 729 contains these words:

Fees of supervisors of elections:

To pay supervisors of elections compensation apart from and in excess of all fees allowed by law for the performance of any duty as circuit court commissioner.

That is the permanent appropriation to which the honorable Senator referred as existing in respect of supervisors. That section of the statutes reveals an accident or an error by which in the statute an arbitrary distinction was made, not made at all in the act from which it was codified, between supervisors and deputy marshals. If the honorable Senator will look at page 438 of volume 16 of the Statutes at Large, which I will send him in a moment, he will find a section which is the foundation of this permanent appropriation section, the latter half of which I will read:

And there shall be allowed and paid to each and every supervisor of election, and each and every special deputy marshal who shall be appointed and shall perform his duty under the provisions of this act, compensation at the rate of $5 per day for each and every day he shall have actually been on duty, not exceeding ten days.

The Senator will see that that is the act of Congress which is codified at page 729 of the Revised Statutes.

Mr. BECK. What is the date of that law?

Mr. CONKLING. It was approved on the 28th of February, 1871, and the Senator will see by looking at the margin that it is the act and the section of the act to which the codifiers refer as the foundation warrant of this section as it now stands in the Revised Statutes. For some reason—I am bound to suppose by accident, although I have a remark to make about that—in the Revised Statutes a distinction is made, wholly arbitrary, in respect of the permanent appropriations, between the deputy marshals and the supervisors, both of whom are on a footing and mentioned in the same breath for the same purpose in all respects in this act to which I have referred. I said I had a remark to make about it; it is this: once or twice it has occurred, as in the case of section 820 touching juries, that something had crept into the Revised Statutes or been left out which was not in accordance with the views of the honorable Senator from Kentucky and of other gentlemen holding the political sentiments he holds, and we have heard, without much temperance of phrase I think I may say, strong animadversions upon the fact. There has been scant courtesy to the committees and the various other persons who had this codification in charge on every occasion when an omission has been found or an error has been found distasteful to Senators on the other side. I take pleasure, therefore, in reminding the Senator from Kentucky and other Senators, that here is a marked instance of substance omitted, and omitted in warm accordance with the wishes of Senators now in the majority, and omitted to the surprise and to the regret of Senators on this side, from which remark I hope the Senator from Kentucky, if he differs with me in everything else, will agree that these statutes show that there seems to have been not much favor or partiality in the commission of such errors as occurred.

Enough upon that subject. Here is the permanent appropriation as I say. That takes care, the Senator says and I agree with him, of the pay of supervisors, as much of the pay of supervisors as it provides for. Now my inquiry does not relate to that at all. I will try to make clear the point of my inquiry. Section 2012 enacts that—

The court, when so opened by the judge, shall proceed to appoint and commission, from day to day and from time to time, and under the hand of the judge, and under the seal of the court, for each election district or voting precinct in such city or town, or for such election district or voting precinct in the congressional district, as may have applied in the manner hereinbefore prescribed, and to revoke, change, or renew such appointment from time to time, two citizens, residents of the city or town, or of the election district or voting precinct in the county or parish, who shall be of different political parties, and able to read and write the English language, and who shall be known and designated as supervisors of election.

That is a prescription of the duty of the court, and subsequent sections more particularly enable and require the judge to comply with this provision because they enact that other judges may and shall be called in; so that, in brief, the court is to be kept open all the time between the day which is indicated here and the election day, between a certain number of days preceding registration where registration is required, and the election day. Thus the Senator from Kentucky will see that here is a considerable period of time provided for on every occasion when an election is to take place, to which these sections refer, during which some judge or more than one judge, they succeeding and relieving each other, are to see to it that the court is kept open all the time. Certainly there must be an attendance here of the clerk, of a deputy marshal, of the tipstaff, of the janitor, of the officers whose business it is to provide accommodations for the court and to attend upon the court.

Now, as I understand the language of this bill, these sections which I have read being a part of title 26, it expressly forbids the expenditure of any money or the auditing by anybody of any account to any person, be he a deputy marshal or any other factotum great or small, for any service rendered or to be rendered under these provisions. Let me see—

And no part of the money hereby appropriated is appropriated to pay any compensation, fees, or expenses—

"Expenses" cover fuel, light, rent, if there were such things, and there are rents in some of the districts to pay—

or expenses under any of the provisions of title 26 of the Revised Statutes.

Can anything be more specific than that? And then you turn to page 2 of the bill and you find a fine of $5,000 or imprisonment not exceeding five years, or both, made the penalty of a violation of any one of the several sections referred to here, all of which sections with more or less of breadth prohibit the diversion of money, the incurring of obligations, the auditing of accounts, the doing of anything in short on the credit of the Government save only in respect of two accounts in the War and Navy Departments, neither of which has any application to this case. So, then, as I understand this provision, as I did understand it in another bill when I looked at it with more care than I have done now and for the purpose of calling the attention of the Senate to it then but in the rapidity of other things it passed out of my mind, whatever may be the design, the effect of this bill should it become law will be to lay hands upon all the courts and their officers and forbid them to discharge any of the duties required by any of the sections of the title 26 of the Revised Statutes.

Mr. President, to be entirely candid, assuming my construction to be right, whether it be very important or substantially important at all may well be doubted because if supervisors are to be allowed to exist but to be deprived of every potentiality to effectuate the object for which they are allowed to exist or were designed to exist, it is a mere dumb show, it is mere shadow without substance; and in that view, if the effect of this shall be even to strike down the power of the court to go through the form of nominating or appointing these authorized witnesses, one of one party and one of the other, to stand by and see fair play as far merely as witnesses can—if that shall be stricken down, how much greater will be the impairment of the right existing under the Revised Statutes than it would be if they were allowed to go is a question upon which opinions might differ. Be that as it may, I submit to the Senator from Kentucky with some confidence that if he takes the trouble to read these sections he must conclude that, except by a violation of this bill should it become a law, a court cannot thus be kept open, the marshal and the officers cannot attend for the purpose named, except the Senator might say upon condition that they all act as volunteers, act without compensation, without presenting accounts and having them audited or making payment. I mean that it prohibits their being kept open in the ordinary way with the ordinary recompense and with the ordinary administration of affairs, and I think the Senator from Kentucky and every other Senator who will take the trouble to look will find that that is one of the curious effects, designed or undesigned, of this embroidered species of bills,—appropriation bills affirming that certain sums are necessary for certain purposes, and then having ingrafted upon that affirmation widespread penal statutes, drawn not as a law-

yer would draw one to answer a legal purpose, but drawn as a dexterous or skillful politician might draw one to avoid the point of a past or expected presidential veto, to steer between Scylla and Charybdis as a phrasemonger enterprising and sharp in keen discrimination between words.

It is a vicious species of legislation, Mr. President, and I think this particular instance of it is not calculated to elevate it in the scale of just consideration.

Mr. BECK. Mr. President, I have only one word to say in answer to the question of the Senator from New York. Section 3689 to which he referred as part of title 26, as he and I both agree, makes permanent appropriations for the pay of supervisors of election. I agree that it is wrongfully inserted there, that the Revised Statutes in that instance have made another of the very numerous mistakes, to call them by the mildest name, that are found within the pages of that volume. There are so many of them and they are so flagrant that I am one of the men who have occasionally spoken of these mistakes with not much respect, and I desire to say (though it is not connected with this debate) that if I mistake not I shall be able to show when we meet here in December that in these Revised Statutes there were either two hundred or very nearly two hundred—I think a fraction over two hundred—increases of tariff duties made in plain violation of law and the pledges of the men who revised the statutes, and not one decrease anywhere. All the tracks are in the same direction, and the fastening of supervisors on the permanent appropriation list is only another in the same line, seeking to prevent Congress from interfering with or having any power over them, and it was never brought to the attention of Congress until the Attorney-General in a message sent to us this spring happened to say that he wanted $150,000 to pay deputy marshals and others employed under certain sections of the Revised Statutes, and added "the expenses of supervisors not being paid through the judiciary fund." Then we began to inquire where they were paid and found that the statutes had been so altered by the revision as to put them into the permanent appropriations and that they were paid without saying to Congress "by your leave."

Now, as to the other criticisms, the Senate will observe that the penalties prescribed for violations of this law are confined to sections 3678, 3679, 3680, 3681, 3682, 3683, and 3690, none of which are in title 26, and all of which I have read in the hearing of the Senate. The Senate will further observe that section 1 of this bill, which provides the sum of $600,000 for fees of marshals and their general deputies, provides:

And no part of the money hereby appropriated is appropriated to pay any compensation, fees, or expenses under any of the provisions of title 26 of the Revised Statutes of the United States authorizing the appointment, employment, or payment of general or special deputy marshals for services in connection with registration or elections on election day.

We repeal nothing; we change no existing law; we close no court; we deny no compensation to anybody connected with the courts in the exercise of their legitimate business; we do not interfere with the appointment of supervisors. We simply say what we think is our legitimate right, that the appropriation thus made shall not be applied to the payment of general or special deputy marshals connected with service on election day. It is specifically confined to those men and that class of duties; everything else goes on in its ordinary way; the courts are held, the appointments may be made, fees are to be paid for whatever is to be done by law. We simply withhold payment out of this appropriation for a particular service, seeking to repeal nothing and changing nothing except to withhold from these deputy marshals their compensation. That is the way I understand it.

Mr. CONKLING. Will the Senator allow me to ask a question?

Mr. BECK. Certainly.

Mr. CONKLING. Are not the sections requiring the court to be kept open a part of title 26?

Mr. BECK. I would say to the Senator from New York that according to my construction of this bill we do not interfere with them.

Mr. CONKLING. But my friend does not answer the question.

Mr. BECK. I will answer it.

Mr. CONKLING. I will ask him are they not a part of title 26?

Mr. BECK. They are.

Mr. CONKLING. Do they not relate to the elections?

Mr. BECK. No, sir; they relate to the appointment of supervisors and persons who may be employed during the election, of course.

Mr. CONKLING. Certainly, that is what I say. Now, one thing more. Does my honorable friend know of any authority in the statutes except in those sections for the court to sit and be kept open for this purpose?

Mr. BECK. I do not.

Mr. CONKLING. Then how can the Senator say that these words do not forbid expenditures under those sections?

Mr. BECK. My understanding——

Mr. CONKLING. The Senator will pardon me. The language here prohibits payment of—

Any compensation, fees, or expenses under any of the provisions of title 26 of the Revised Statutes of the United States authorizing the appointment, employment, or payment of general or special deputy marshals.

How can the Senator say that those words do not apply to these sections and expenses under them?

Mr. BECK. There are a great many sections of title 26. Some apply to general and special deputy marshals, some apply to supervisors, some apply to many other things. We interfere with no action taken under any of them except in this one regard: we withhold all payment either as compensation or as fees or as expenses that these deputy marshals may seek to set up against the United States for any services rendered by them at elections. Of course the judges are provided for, and everything else is provided for. That is my construction of it; that I think is the legal construction of it; and it does not intend to interfere with any other part of that title except so far as the pay (whether in the shape of fees, compensation, or expenses, traveling or otherwise) that might be claimed by these deputy marshals in connection with elections. If it extends beyond that, my construction is wrong.

Mr. CONKLING. If the honorable Senator will bear with me one moment more, I will promise him not to trouble him again. I present this case to him: Suppose a marshal in the district in which I live rents a room for the court, provides lights and stationery and attendance for the court to be kept open during the month or whatever time it might be, which these sections would cover, I ask the Senator, should this bill become a law what would be the liability of that marshal under these words:

And no Department or officer—

The marshal is certainly an officer—

or officer of the Government shall, during said fiscal year, make any contract or incur any liability for the future payment of money under any of the provisions of title 26 mentioned in section 1 of this act until an appropriation sufficient to meet such contract or pay such liability shall have first been made by law?

Can any man doubt that a marshal who, during this next fiscal year, should incur such liability as I speak of, would do it in the very teeth of that prohibition?

Mr. BECK. I can only say that in going over the judicial bill we have taken great care to provide for all necessary rents, lights, fuel, and other expenses of the courts, marshals, and everybody connected with the courts by appropriations already made, and we prohibit as the law now prohibits, and we have prescribed penalties for increased expenditures beyond and for other purposes than those provided for by law. They have sufficient money for all proper purposes.

Mr. WINDOM. I have no disposition to discuss this bill; but I should like to ask the Senator from Kentucky one or two questions, as he has it in charge, and doubtless will be able to explain its meaning. He referred a moment since to the fact that we have general appropriations for the expenses of the courts, including fuel, lights, &c., and for the pay of their respective officials. I wish to ask the Senator whether any portion of that fuel or light, or any of the other general appropriations, can be used, during the ten days' session of the court which is required to be held, for the appointment of supervisors without incurring an "expense" under title 26, and are not the persons who incur such expense subject to a fine of $5,000 and to five years' imprisonment in the penitentiary? I think the bill clearly prohibits the court from incurring any expense whatever or any liability whatever for such purpose, and that therefore its effect will be to prevent the appointment of supervisors as well as deputy marshals.

Mr. BECK. I cannot answer the Senator further than I did the Senator from New York. My construction of it is that there is no penalty for any one of the things suggested by the Senator.

Mr. WINDOM. That is not my construction by any means.

Mr. BECK. I endeavored to answer the Senator from New York as well as I could, and I can only repeat it.

Mr. WINDOM. In order to get the Senator's construction, let me call his attention to section 2021, page 356, which I take to be the section at which this bill is especially aimed, and I ask the Senator if that section will be repealed by this bill if it becomes a law?

Mr. BECK. I do not understand that we have repealed anything in this bill.

Mr. WINDOM. Is it repealed either directly or by implication, I ask the Senator.

Mr. BECK. I think we absolutely withhold compensation from certain officials in the performance of certain duties as named therein.

Mr. WINDOM. Then I understand the Senator's construction to be that section 2021 is not to be repealed but is to stand in full force. Now I want to ask another question. Is a United States marshal an officer of the Government?

Mr. BECK. That I do not answer.

Mr. WINDOM. The Senator of course knows.

Mr. BECK. I decline to answer any question that really answers itself.

Mr. WINDOM. Of course I knew the Senator would answer me, if at all, that a marshal is an officer of the Government. Now, put these two or three propositions together. The Senator says that this section 2021 is not repealed. We all know that a marshal is an officer of the Government. What does section 2021 require?

Whenever an election at which Representatives or Delegates in Congress are to be chosen is held in any city or town of twenty thousand inhabitants or upward, the marshal for the district in which the city or town is situated shall, on the application in writing of at least two citizens residing in such city or town, appoint special deputy marshals, whose duty it shall be, when required thereto, to aid and assist the supervisors, &c.

By this law, upon the application of two citizens, the marshal is

imperatively required to make the appointment. What does the pending bill provide? It says:

And no part of the money hereby appropriated is appropriated to pay any compensation, fees, or expenses under any of the provisions of title 26 of the Revised Statutes of the United States authorizing the appointment, employment, or payment of general or special deputy marshals for services in connection with registration or elections on election day.

This clause expressly recognizes the existence as law of section 2021, and yet in the very next paragraph of the bill we find that if the marshal shall appoint the deputies which he is imperatively required by law to appoint, he shall be subject to heavy fine, and to imprisonment for five years, or both.

Mr. President, I am sure that such an act as this is without a parallel in the history of this or any other civilized country. You recognize by this bill the existence of the law which requires the marshal to make the appointment upon demand of any two citizens, and in the same bill you say that if the marshal shall comply with the law he shall incur the penalty of fine and imprisonment for so doing.

If the existing law be wrong, repeal it. You can repeal as easily as you can nullify it. Is it right to expose your officers to punishment on the one side if they do not obey your law, and to the penitentiary on the other side if they do obey your law? That is precisely the position, as I understand it, in which this bill proposes to place the marshals of the United States.

I shall not attempt, Mr. President, to discuss the purpose which this bill has in view; that has been discussed over and over again, until the Senate, and perhaps everybody else, is tired of it; but I do want to appeal to the Senator from Kentucky to join with me in resisting a measure so utterly indefensible as this.

I will repeat again very briefly what I said a moment ago, and I hope the Senator will answer. He admits that this section is not repealed; we all know the marshal is an officer; this section requires the officer to perform certain duties; he may be punished by existing law if he does not perform those duties, and yet this bill says he may be sent to the penitentiary for five years and pay $5,000 fine if he does perform the duties required. Is that right? Is it defensible on any conceivable ground? Shall we not dishonor our legislation by its passage?

Mr. LOGAN. Mr. President, I would not detain the Senate one moment at this time, but, sir, I cannot allow this bill to pass without at least entering my protest. If we will only reflect in reference to the lesson that we are being taught by this legislation, we must certainly come to the conclusion that it is new at least to the citizens in our Government, who have been taught that our first duty is obedience to the laws. This lesson, however, is that the first duty of a citizen is to disobey the laws of his country; that the laws now upon the statute-books, unless they are such as are deemed proper by a certain portion of our representatives, are not to be obeyed but are to be rendered nugatory.

The first thing that the President of the United States does when he is elected and enters upon the duties of his office is to take an oath to obey the Constitution of the United States. Then, in obedience to that Constitution, it becomes his duty, by another provision of that instrument, "to see that the laws are faithfully executed." The Constitution certainly does not mean that the President shall see that a portion of the laws are "faithfully executed" and a portion not; but when he takes the oath to obey the Constitution and that same Constitution requires that he shall see that "the laws are faithfully executed," it becomes his imperative duty, as Chief Magistrate of the nation, to see that all the laws of a national character are enforced; that all the laws shall be executed faithfully and honestly, as well against one of the citizens as against another, in one part of the country as well as another.

There is another provision of the Constitution which provides that the Constitution and the laws made in pursuance thereof shall be the supreme law of the land. Of what land? The supreme law of the United States, over every inch of territory within the confines of this Government. The laws passed in pursuance of the Constitution are supreme, and that the President shall see that they are faithfully executed is the mandate of the Constitution.

Then we find upon our statute-books laws requiring the courts of the United States to be kept open for ten days prior to an election, and upon the request of a certain number of citizens certain officers shall be appointed for the purpose of seeing that the registration is correct, for the purpose of watching the polls and seeing that the voting is fair and honest. Not only that, but certain officers shall be appointed for the purpose of protecting citizens at the polls, for the purpose of making arrests, for the purpose of having persons tried for offenses, for violating the election laws, for false voting, for improper conduct at the polls. All of these things are provided for in the statute that is to be nullified by this proposed act of Congress.

We have, as I said, laws for the protection of electors, for the protection of candidates in their rights, under the Constitution, where they are entitled to an election by fair votes and not by unfair votes. The courts are authorized to appoint not only supervisors but they are authorized to direct the marshals and their deputies in the execution of the laws for the purposes that I have mentioned. In this connection let me read the bill that is now before the Senate.

That the sum of $600,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the payment, during the fiscal year ending June 30, 1880, of the fees of United States marshals and their general deputies. And no part of the money hereby appropriated is appropriated to pay any compensation, fees, or expenses under any of the provisions of title 26 of the Revised Statutes of the United States authorizing the appointment, employment, or payment of general or special deputy marshals for services in connection with registration or elections on election day.

SEC. 2. That the sums appropriated in this act for the persons and public service embraced in its provisions are in full for such persons and public service for the fiscal year ending June 30, 1880; and no Department or officer of the Government shall, during said fiscal year, make any contract or incur any liability for the future payment of money under any of the provisions of title 26, mentioned in section 1 of this act, until an appropriation sufficient to meet such contract or pay such liability shall have first been made by law, &c.

That is, that no part of the acts of Congress under title 26 shall be enforced so far as applicable to any of the machinery known as that of the deputy marshals, or the power which appoints them, the power which controls them or in the exercise of their duty, or in the performance of that which the law requires that they shall do as officers of the Government. Hence the President of the United States, although required to execute the laws of Congress pertaining to the election of members of Congress from the different States and Delegates from the different Territories, and the law provides that where citizens shall apply for their protection at the ballot-box on election day the courts shall order, in accordance with this law, that these officers shall be appointed, and the marshal is required in accordance with this law to make the appointments of his deputies.

For the purpose of having it fairly understood by those who may have a desire to understand this question, I wish to refer to the statutes under title 26. I presume that there is not a Senator here but who well understands what he is going to do when he votes. All Senators have examined this question, and especially these on the opposite side of this Chamber must well understand it. Section 2011 of title 26 provides that:

Whenever, in any city or town having upward of twenty thousand inhabitants, there are two citizens thereof, or whenever, in any county or parish, in any congressional district, there are ten citizens thereof, of good standing, who, prior to any registration of voters for an election for Representative or Delegate in the Congress of the United States, or prior to any election at which a Representative or Delegate in Congress is to be voted for, may make known, in writing, to the judge of the circuit court of the United States for the circuit wherein such city or town, county or parish, is situated, their desire to have such registration, or such election, or both, guarded and scrutinized, the judge, within not less than ten days prior to the registration, if one there be, or, if no registration be required, within not less than ten days prior to the election, shall open the circuit court at the most convenient point in the circuit.

By this section 2011, on the request of citizens, the judge is bound to open the court ten days preceding the registration, if any registration is to be; if not, then preceding the election where a Member or Delegate in Congress is to be chosen, for the purpose of having that registration fairly made; but this provision, as I remarked, applies to the court, to the opening of the court prior to the registration for so many days; and when open it is open for all purposes under this law so far as relates to the election concerned; and this is one of the provisions that is nullified by this bill, as I construe it. How? It is nullified because it declares that no money not appropriated by this act (and none is appropriated for that purpose in this bill) shall apply to any of the section in title 26 in reference to marshals or deputy marshals for services in connection with registration or elections. The opening and keeping open the court is a part of the very machinery in connection with the marshals that perform the duty or a part of it under the law.

The Constitution of the United States provides that the judges of the courts in every State shall be bound by the laws. What laws? The laws of Congress. It is not Congress, sir, that binds the courts, but the Constitution binds them and requires in so many words obedience to the acts of the legislative department of the Government. Then you have the Constitution requiring the courts of the United States to obey the laws of the Congress of the United States, and the Congress of the United States telling the courts they shall not obey the laws of the United States.

This is the position in which you place the courts. Under the Constitution they are bound to obey the law, but by your act you say they shall not obey this law, and yet you do not repeal the law. In the first place, the sworn duty of the judge under the Constitution is to obey the laws as they are made by Congress. If he fails to obey the law on an application of two or more citizens under the statutes of the United States that judge becomes impeachable before the Congress for violating his duty or for disobedience to the law. At the same time that he becomes impeachable for a violation or disobedience of the law that he is required to obey by the Constitution, you say that if he does obey the law he shall be imprisoned or fined, or both. In the first place, you demand of the courts to perform a duty; and in the next place, you say that if they perform the duty you will send them to the penitentiary.

I appeal to the common sense of any people as to the character of this legislation, emanating as it does from men who claim to be wise and educated in statesmanship. It does seem to me that of all the legislation that has been known in history, both past and present, no such principle as this has been found in the legislation of any country.

Now let us go a little further with this title 26. Section 2012 provides that—

The court, when so opened by the judge, shall proceed to appoint and commission, from day to day and from time to time, and under the hand of the judge, and

under the seal of the court, for each election district or voting precinct in such city or town, or for such election district or voting precinct in the congressional district, as may have applied in the manner hereinbefore prescribed, and to revoke, change, or renew such appointment from time to time, two citizens, residents of the city or town, or of the election district or voting precinct in the county or parish, who shall be of different political parties, and able to read and write the English language, and who shall be known and designated as supervisors of election.

Under this section the court is required to appoint, on the application of two citizens in a town or in a district, two supervisors who shall be of different political views, so that both parties may be represented by the supervisors at the polls. Suppose a judge of a court under this section 2012, which provides that two persons shall be appointed of opposite political opinions, should knowingly and willfully appoint two persons of like political opinions. Suppose that he should appoint two republicans in direct violation of this law, as I say knowingly and willfully, I ask if that judge would not be liable to impeachment for having violated this section of the statutes?

This provision in reference to appointing supervisors is a part of title 26; and you provide in this bill that no money shall be applied to the carrying out of any of these laws under title 26. You say supervisors are not affected, but yet the courts are to be open for the purpose of filling vacancies or for the purpose of making these appointments.

Mr. EATON. The Senator having the bill in charge is not present.

Mr. LOGAN. I see he is not present.

Mr. EATON. I will simply say as one of the members of the committee that none of this money shall be used for that purpose.

Mr. LOGAN. That is exactly what I am saying, if the Senator will allow me.

Mr. EATON. If there be any permanent appropriation, that is quite another matter; but we appropriate this money for certain purposes.

Mr. LOGAN. I understand exactly what the Senator means. None of this money shall be applied to what? None of this money shall be applied to the supervisors. You say that is a permanent appropriation. What is a permanent appropriation? A permanent appropriation for the pay of the supervisors, but not a permanent appropriation for keeping the courts open under title 26 of this statute. That is the point I desire to make. Hence I say that the permanent appropriation applicable to the supervisors will not keep open the court for filling vacancies and trying culprits, issuing writs, &c., in connection with the service of marshals under the law. The court open under this law is open for all purposes in the enforcement of the law, so that when you provide that this appropriation shall not apply to marshals, or deputies, or their duties in connection with elections, you close the courts so far as their duties pertaining to any matters connected with the elections, or the violation of the laws pertaining thereto. I say this bill applies to all that pertains to the marshal, the deputies, or to the courts in performing the various duties assigned them.

Then section 2013 provides that:

The circuit court, when opened by the judge as required in the two preceding sections, shall therefrom and thereafter, and up to and including the day following the day of election, be always open for the transaction of business under this title, and the powers and jurisdiction hereby granted and conferred shall be exercised as well in vacation as in term time; and a judge sitting at chambers shall have the same powers and jurisdiction, including the power of keeping order and of punishing any contempt of his authority, as when sitting in court.

So down to section 2015, applicable to the courts, keeping open the courts not only ten days prior to the election, but in chambers, for the purpose of punishing contempt and trying offenses against the election laws. So that by this bill you render nugatory and as a blank all the election laws of the United States so far as any power to enforce them is concerned; every particle of the authority which is given to the courts for the purpose of enforcing the law or having their marshals or the machinery of the court so it can be made useful in enforcing the law, or aiding in keeping the peace, or bringing offenders to justice, you have entirely destroyed by this act of nullification.

Mr. President, I will ask the Clerk to read from the United States Statutes, commencing at section 2021.

The Chief Clerk read as follows:

SEC. 2021. Whenever an election at which Representatives or Delegates in Congress are to be chosen is held in any city or town of twenty thousand inhabitants or upward, the marshal for the district in which the city or town is situated shall, on the application, in writing, of at least two citizens residing in such city or town, appoint special deputy marshals, whose duty it shall be, when required thereto, to aid and assist the supervisors of election in the verification of any list of persons who may have registered or voted; to attend in each election district or voting precinct at the times and places fixed for the registration of voters, and at all times and places when and where the registration may by law be scrutinized, and the names of registered voters be marked for challenge; and also to attend, at all times for holding elections, the polls in such district or precinct.

SEC. 2022. The marshal and his general deputies, and such special deputies, shall keep the peace, and support and protect the supervisors of election in the discharge of their duties, preserve order at such places of registration and at such polls, prevent fraudulent registration and fraudulent voting thereat, or fraudulent conduct on the part of any officer of election, and immediately, either at the place of registration or polling place, or elsewhere, and either before or after registering or voting, to arrest and take into custody, with or without process, any person who commits, or attempts or offers to commit, any of the acts or offenses prohibited herein, or who commits any offense against the laws of the United States; but no person shall be arrested without process for any offense not committed in the presence of the marshal or his general or special deputies, or either of them, or of the supervisors of election, or either of them, and, for the purposes of arrest or the preservation of the peace, the supervisors of election shall, in the absence of the marshal's deputies, or if required to assist such deputies, have the same duties and powers as deputy marshals; nor shall any person, on the day of such election, be arrested without process for any offense committed on the day of registration.

SEC. 2023. Whenever any arrest is made under any provision of this title, the person so arrested shall forthwith be brought before a commissioner, judge, or court of the United States for examination of the offenses alleged against him; and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in case of crimes against the United States.

SEC. 2024. The marshal or his general deputies, or such special deputies as are thereto specially empowered by him, in writing, and under his hand and seal, whenever he or either or any of them is forcibly resisted in executing their duties under this title, or shall, by violence, threats, or menaces, be prevented from executing such duties, or from arresting any person who has committed any offense for which the marshal or his general or his special deputies are authorized to make such arrest, are, and each of them is, empowered to summon and call to his aid the bystanders or *posse comitatus* of his district.

Mr. LOGAN. I have had these sections read for the purpose of showing that it was the duty of the court to be open for the purpose, if arrests are made, of giving trial or examination; not only that, but for the purpose of showing exactly the duties of the marshals or the deputy marshals who are appointed under these provisions, that their duty is not to interfere with elections, it is not to interfere with the quiet and good order of the people, that their duties are not to see that persons vote or that persons do not vote; but that it is their duty in an orderly and proper manner to execute what? The orders that they are required to execute in reference to keeping the peace and protecting citizens in the right that they are attempting to exercise at the polls.

I do not wish to discuss this question as to the propriety of keeping the peace at the polls or the good order of society. That has been discussed over and over again in this Chamber, but it does seem to me that any member of Congress or any constituency that will nullify a law that provides for keeping the peace with peace officers by protecting citizens on the day of an election or on any other day, preventing murder, bloodshed, and crimes of various kinds from being committed, must act upon a theory strange and novel indeed. But if the peace cannot be kept in any other way and a marshal shall undertake to exercise his authority on that day to make arrests, either from view or under a warrant that may be given him directed against an individual, if he does it under one of these sections of the statutes, he is liable to confinement in the penitentiary and to pay a heavy fine.

You may search the laws I believe of every nation, and you cannot find on their statute-books anywhere a provision where a man is punishable by imprisonment and by fine as an officer for keeping the peace by authority or for executing the law. You can find no such instance in the history of all the enactments of any government. It at least has been understood by us heretofore that it was the duty of peace-officers to see that the peace was preserved. It is their duty to see that the laws are obeyed and are faithfully executed. It is their duty to protect citizens and to make arrests where violence is used or where violations of the law are wantonly perpetrated. And yet we are told distinctly in this bill to-day that wherever the peace is broken on election day you shall not restore it; that is to say, if the peace is kept, there is no necessity then for an attempt to keep it, but if the peace is not kept, then you shall make no more effort to keep it than if it were perfectly preserved, that is, the United States shall not do it; in other words, if a murder is about to be committed it is all well enough to stop it, but if the life is to be preserved by an officer of the United States it will be better to let the murder be committed; no marshal, no deputy marshal, under any of these sections in title 26, shall enforce the law or protect the citizen against violence or in the exercise of a plain and constitutional duty. This, sir, is strange legislation indeed. It is even strange legislation for democrats; it would be exceedingly strange legislation for republicans. Why, sir, it would be strange legislation for the Fiji Islanders. We boast of our civilization; we boast of our country, of our institutions, of the freedom of thought, the freedom of speech, the free exercise of the rights of the citizen in this glorious land of ours. We say it is the freest land on earth, and we glory in the name of free America. Yet to-day you propose to place upon the statute-books of the United States a declaration that the Government shall not enforce the law by one of its marshals for the purpose of protecting its citizens and keeping the peace. I did not know that we were running at railroad speed into nullification and anarchy, and against the peace and good order of society. Why, sir, soon we will be in the very midst of confusion and disobedience to law, in the very midst of violence and tumult, the abridgment of rights and the destruction of great and fundamental principles. The nullification and disobedience of law is one of the first steps in the direction of disintegration and dissolution.

Such legislation is calculated to bring our country and our laws into disrepute and make us a laughing-stock in the eyes of the civilized nations of the earth.

I do not know whether this bill is to become a law or not. If so, I can only characterize it as surpassing all attempts that have yet been made by any Congress since this Government was formed, to show an utter determination to defy the laws, to nullify them by legislation. In other words, it is a rebellious spirit and act against the enforcement of the laws. That is the least you can make out of it.

I tell Senators that this legislation will come home to plague the inventors very soon. You may imagine that in your wisdom in these Halls, where statesmanship ought to dwell, you have managed and manipulated so that the country will sustain you in that which

you have done; but I tell you when the people understand that you have torn down every guarantee to the protection of their rights at the ballot-box, that you have disarmed the President of the United States and destroyed a portion of his power, that you have refused appropriations to exercise that authority for the purpose of protecting the peace of the people at the polls, and then by a second law that you have demanded that no civil officer shall enforce the laws under the mandates of the courts or under the orders of the Executive of the United States for the purpose of keeping the peace in this country—when they understand that you will find, even among the hot-bloods in this country, even among the people who think they ought to be exasperated on account of some imaginary offense that has been perpetrated against them, even among the people who may think they are maltreated and much abused in every respect, that their rights are trampled under foot—even among this class of unthinking people, in their sober moments they will never agree to any such proposition as this, but they will say to you, "The theory of our Government is that the Constitution shall be obeyed; that the laws made in pursuance thereof shall be executed; that if the laws are bad laws they shall be repealed, but until they are repealed no party has a right to nullify them and deny their enforcement."

Sir, the idea that American citizens shall deny any authority for the enforcement of the laws is a theory never taught by the statesmen of this land before. It has never been taught by your Clays, your Websters, and your leading men. Revolution may have been taught, but there is a difference between revolution and nullifying a law. Where people may believe that oppression is bearing them down and they undertake to throw off the yoke or throw off the laws by revolution, it is very different from denying the power of the Government to enforce the laws that you yourselves enact and are required to observe. The very laws that you yourselves have taken an oath to support, the very laws that you are bound to aid the Executive in enforcing, are the very laws that you tell the citizen shall not be obeyed.

If the law in reference to protecting the citizens by a marshal on the day of an election shall not be enforced, although it remains upon the statute-book, I want you to tell me why the law against murder shall be enforced, and why a citizen should be subject to the law? Why shall the law against larceny be enforced? Why shall the law against arson be enforced? Why shall the law against robbing the Treasury be enforced? Why shall the law against defrauding the revenues be enforced? Why shall the law against perjury be enforced? Why shall the law against any of the offenses known in the catalogue of crime be enforced? You have as much right to deny the enforcement of the law against any crime as you have to deny the enforcement of the laws for the preservation of the peace at the polls. The man who teaches the doctrine to-day that the citizen shall not obey the law, but it shall be nullified by withholding appropriations and by making it a penal offense to execute the law, teaches a doctrine that finally will become revolutionary and will produce the same treasonable course that we have heretofore witnessed, for it leads to that. It leads to refusing to obey any law unless you yourselves have written it, unless you yourselves have enacted it. It leads to disobedience of the power and supremacy of the Government; and finally it will find its results in disobedience to all laws, and the citizens, taught to take the power in their own hands, will execute that which serves their purpose and disobey that which does not serve their purpose. In that way we are taught the lessons of Mexico, we are taught the lessons of the South American republics—the lesson of revolution, riot, and bloodshed against the peace and stability of our country.

Mr. President, in my judgment there will be a still voice that will come up from the midst of the people of this country ere long that will be a warning to some of our friends in the future; the whisperings of that voice will be that the teachings of the good men, the honest men, and patriots has been and is obedience to the laws and the Constitution of their country. Men who teach otherwise than this are bad teachers for a community, are false teachers for a rising generation, and are sowing the seeds of destruction in their own Government.

Mr. KIRKWOOD. I should like to ask the Senator from Kentucky a question or two in regard to this bill.

Mr. BECK. I have stated about all I know. I think the Senator had better make a speech of his own.

Mr. KIRKWOOD. It is on a subject a little different from that which has been mentioned that I propose to make inquiry. I desire to call attention to the last few lines of the bill imposing a penalty of fine and imprisonment for a violation of the second section of this bill, and for a violation of sundry sections of the Revised Statutes, and I wish to ask a question or two about it, because I really do not know touching the idea upon which I am about to inquire. We are so much in the habit of trusting the Committee on Appropriations in regard to what are the ordinary appropriations that very few of us outside of that committee know what is appropriated and what is not. We are perhaps too much in the habit of doing that; but my question relates to the appropriations made for contingent expenses in regard to our public buildings, keeping them in order and repair. It sometimes happens, it did happen a year or two ago in regard to the Interior building, that extraordinary damage is done to some of our public buildings. As I understand, if an accident such as did occur to the Interior Department should occur to some other departmental building, involving a large outlay of money, there would be no fund out of which repairs could be made.

Mr. BECK. The Senator from Iowa will observe that under the laws as they now stand, section 3678 and section 3679, no money can be expended for those contingencies, however proper they may be.

Mr. KIRKWOOD. I understand that perfectly well, but there is no provision of law that makes it a penal offense if anything of that kind should be done; and that is supplied, as I understand, by this bill.

Mr. BECK. Oh, yes, there are provisions of law. I will call attention to them in a moment; as soon as I find the law.

Mr. KIRKWOOD. If there is such a law in existence I of course am in error, and I am led into that error by finding a provision of that kind in this bill. If there is an existing law of that kind I do not see any necessity for its re-enactment here. I will wait until the Senator finds such a law, because if I am in error I have nothing further to say; if I am not in error, I have a few words to say.

Mr. BECK. I am not able to lay my hands on these acts at once; but I desire to say that there are acts, and in my judgment imposing more stringent penalties perhaps than are applied in this bill. The bill only applies a maximum but no minimum, either of fine or imprisonment. My recollection of the law as it now exists is that there are minimum punishments that are quite severe, and I think quite improper. I have always been opposed to minimum punishments, because there may be a violation of the law about which the judge ought to have some discretion. If I am not mistaken, the present law punishing those things fixes a minimum; and that ought not to be applied. I will endeavor to look it up and if I can call attention to it, I will do so.

Mr. KIRKWOOD. But I do not want to say anything unless I am right.

Mr. BECK. The act of 1846 was very broad, covering everything, if I can lay my hands on it.

Mr. KIRKWOOD. I was about to say, Mr. President, (and if I am in error you will consider it, if you choose, not said,) that it frequently happens in States, and sometimes under the United States Government, that emergencies arise in which the executive of a State or of the United States must do one of two things; either make contracts or incur liabilities not authorized by law, or he must leave the State government or the National Government to suffer. I will illustrate the case by citing one or two instances. I had the honor to serve the State from which I come as its executive; and there are two occasions to which I will refer; to other occasions I need not refer. At one time an extensive fire occurred in one of the penitentiaries of the State. At another time a fire occurred in one of the insane asylums of the State. In the first case, the fire occurring in the workshops, the question was presented whether the prisoners should be kept in their cells and left idle for months because there was no appropriation to make repairs of the workshops, or whether they should be built without authority of law. In the other case, the question arose whether the inmates of the insane asylum should be discharged and sent home, or whether repairs to the building without authority of law should be made and means taken to care for them. Whether rightly or wrongfully, I assumed the responsibility of seeing that the proper repairs were made in both cases. I knew that in doing so I was not acting in accordance with law; my recollection now is that I was acting in violation of law. Of course so doing I acted upon my responsibility, and if the General Assembly of the State when it met, and I submitted to it the details, had not approved of what had been done, I should have been censurable and censured; but they did approve of what had been done, and instead of receiving censure, certainly what I did was approved. Now, if there had been a law upon the statute-book of the State making it a penitentiary offense for me to do those things, I perhaps should have hesitated a long time before doing them, and perhaps I would not have done them at all. Such a thing may happen here. A tornado such as we had in Kansas recently may destroy the Chamber in which we hold our sessions. It would certainly be very important that when we meet here in December there should be a room in which we could do business; but if under the penalty of the penitentiary, not the penalty of submitting to our judgment but the penalty fixed by the court and prescribed by us, the officers whose duty it would be to see that we have a building suitable to meet in would be liable to punishment for doing that, it would be asking too much of them to take the responsibility at that risk.

If the Senator has found the law to which he referred, I shall be glad to hear it.

Mr. BECK. The section to which I refer as having a minimum punishment for all offenses was, among others, section 5488, which provides that—

> Every disbursing officer of the United States who deposits any public money intrusted to him in any place or in any manner, except as authorized by law, or converts to his own use in any way whatever, or loans with or without interest, or for any purpose not prescribed by law withdraws from the Treasurer or any assistant treasurer, or any authorized depository, or for any purpose not prescribed by law transfers or applies any portion of the public money intrusted to him, is, in every such act, deemed guilty of an embezzlement of the money so deposited, converted, loaned, withdrawn, transferred, or applied; and shall be punished by imprisonment with hard labor for a term not less than one year nor more than ten years, or by a fine of not more than the amount embezzled or less than $1,000, or by both such fine and imprisonment.

The Senator will perhaps observe that it reads thus:

Every disbursing officer of the United States who * * * for any purpose not prescribed by law transfers or applies any portion of the public money intrusted to him—

Shall be—

deemed guilty * * * and shall be punished.

Mr. KIRKWOOD. Yes; but that does not cover the cases I put, as I understand it.

Mr. BECK. All officers are disbursing officers to whom money is intrusted and whose duty it is to pay it out.

Mr. KIRKWOOD. That does not cover the cases that I have supposed at all.

Mr. BECK. In the cases supposed by the Senator from Iowa, such as the burning of a public building or any calamity like that which befell the Patent Office, I take it for granted Congress would have to be called together. There is no power under any existing law for any public officer to expend money not appropriated for the purpose. If there is, I do not know it.

Mr. KIRKWOOD. It would be a penal offense, then, for an officer to repair a public building? This would make it a penal offense?

Mr. BECK. I think the present law would do it. They cannot use any money except in the manner prescribed by law, and unless that contingency has been provided for, it would subject them to the penalty.

Mr. KIRKWOOD. That is a different thing. In the cases I have supposed and which I related as occurring in my own State, no money was drawn from the Treasury at all until it was eventually appropriated by the General Assembly; but there was an equitable liability incurred.

Mr. BECK. The Senator will observe that section 3679 provides that—

No Department of the Government shall expend, in any one fiscal year, any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract for the future payment of money in excess of such appropriations.

So that under section 3679 it is illegal now.

Mr. KIRKWOOD. I understand that under the section read here it is illegal now, but the doing of the act does not incur the penalty prescribed by the bill under consideration.

Mr. BECK. But it prescribes a penalty more severe than we are now prescribing, because it says he shall be fined not less than $1,000 and imprisonment not less than one year.

Mr. KIRKWOOD. The Senator mistakes the application. Clearly that refers to an accounting officer paying out money. In the cases I supposed, wherein I myself acted, there was no money paid out of the Treasury at all, but work was done for the State, the payment for which the persons who did the work had to take the risk of eventually getting, and which risk was taken and the money was eventually paid by appropriation.

Mr. EATON. Were you not the responsible person there?

Mr. KIRKWOOD. That was a question that never arose in the case.

Mr. EATON. I have no doubt you were.

Mr. KIRKWOOD. The question that I wish to submit to the Senator from Kentucky is precisely whether in case an accident of that kind should occur to this room in which we are, and there is no appropriation for repairing the damage, it must remain until we are called here in extra session to make an appropriation to meet it.

I think I have made clear what I have endeavored to do. While the law remained as it was without this concluding clause, if an officer in a pressing emergency of the kind I have suggested should, not expend any money from the Treasury, but should permit persons at their risk to do work for the United States the doing of which was an absolute necessity, and the doing of which would be largely in the interest of economy, I should dislike very much to have them do that at the risk of going to the penitentiary; but, as I said, I have accomplished what I have desired; I have found out what the meaning of this provision is. Nothing of the kind can be done without the persons that do it being liable to the punishment contained in the section.

Mr. ALLISON. I should like to ask the Senator from Kentucky a question with reference to the particular penal statute read by him. Do I understand him to say that the section covers substantially what is provided for in this bill?

Mr. BECK. My attention was called to this question first asked me a moment ago, and I have not had time to look over the statutes and see what other sections apply. If I had time I could do so, but it is impossible to do it here now. I read this to show that wherever money was applied otherwise than as authorized by law, it was embezzlement; and as this is simply an appropriation bill directing how the money appropriated by it shall be applied, it seems to me any application of it for any purpose other than that to which it is directed by the appropriation bill itself brings it within the embezzlement statute. That is the view that occurred to me on the first reading.

Mr. ALLISON. Then I move to strike out so much of the second section of this bill as follows the word "law," in line 10. I think this ought to be struck out for the reason that it is an entirely new provision. It has never appeared before in any of these bills. We have never had an opportunity of examining and comparing it with the sections of the existing law. It is a matter really that does not belong to the Appropriations Committee. The Senator from Kentucky has read one section of the statutes. He says he has not had time to examine to see whether it interferes with other sections of the statutes. I am very much afraid that if we allow this sweeping provision here, penal in its character, to stand in this law, it will conflict not only with the section read by the Senator from Kentucky but with many other penal provisions in existing laws; and inasmuch as it is an entirely new provision, a provision that for the first time appears in this bill, not having been attached to any former bills which have been debated over and over again, it seems to me no harm can result and a great deal of good will result from striking out those penal provisions as applied to officers of the Government who are in the faithful discharge of their duties. I have yet to hear a single statement made by a Senator that any department of this Government or any officer of this Government has so conducted himself as to justify these sweeping penal provisions upon this little bill. Therefore I move to strike out what I have indicated.

The PRESIDING OFFICER, (Mr. SAULSBURY in the chair.) The question is on the amendment of the Senator from Iowa, [Mr. ALLISON,] to strike out all of the second section of the bill after the word "law," in line 10, as follows:

And that any officer of the Government or any other person who shall violate any of the provisions of this section, or of sections 3678, 3679, 3680, 3681, 3682, 3683, and 3690 of the Revised Statutes of the United States, shall, on conviction, be punished by a fine of not exceeding $5,000, or by imprisonment for not exceeding five years, or by both such fine and imprisonment, in the discretion of the court.

The question being put, a division was called for.

Mr. EATON. We might as well have the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BRUCE, (when his name was called.) On all political questions I am paired with my colleague, [Mr. LAMAR.] Were he here, he would vote "nay" and I should vote "yea."

Mr. CHANDLER, (when his name was called.) I am paired with the Senator from Delaware, [Mr. BAYARD.] I should vote "yea," if he were present.

Mr. INGALLS, (when his name was called.) I am paired on this and all other questions with the Senator from Virginia, [Mr. WITHERS.]

The roll-call was concluded.

Mr. BAILEY, (after having voted in the negative.) I beg to withdraw my vote. I forgot for the moment that I was paired with the Senator from Nebraska, [Mr. PADDOCK.]

Mr. ALLISON, (after having voted in the affirmative.) I forgot at the moment that I was paired on political questions with the Senator from Maryland [Mr. WHYTE] for to-day. I therefore withdraw my vote.

Mr. ROLLINS. The Senator from Massachusetts [Mr. DAWES] is paired with the Senator from Georgia, [Mr. HILL.] The Senator from Massachusetts, if present, would vote "yea."

Mr. ANTHONY. I am paired on this question with the Senator from Georgia, who is absent, [Mr. GORDON.] If he were here, I should vote "yea."

Mr. WINDOM, (after having voted in the affirmative.) When I voted I forgot that I was paired with the Senator from West Virginia, [Mr. DAVIS.] I ask to withdraw my vote and say that, if the Senator from West Virginia were present, I should vote "yea" and he would vote "nay."

Mr. BUTLER. On this question I am paired with the Senator from Kansas, [Mr. PLUMB.] If he were present, I should vote "nay."

The result was announced—yeas 13, nays 23; as follows:

YEAS—13.

Blair,	Ferry,	McMillan,	Saunders.
Burnside,	Kellogg,	Morrill,	
Cameron of Wis.,	Kirkwood,	Platt,	
Conkling,	Logan,	Rollins,	

NAYS—23.

Beck,	Groome,	McPherson,	Slater,
Call,	Hampton,	Maxey,	Vance,
Cockrell,	Hereford,	Morgan,	Vest,
Coke,	Houston,	Pendleton,	Walker,
Eaton,	Jones of Florida,	Ransom,	Williams.
Garland,	Kernan,	Saulsbury,	

ABSENT—40.

Allison,	Chandler,	Hill of Colorado,	Plumb,
Anthony,	Davis of Illinois,	Hill of Georgia,	Randolph,
Bailey,	Davis of W. Va.,	Hoar,	Sharon,
Bayard,	Dawes,	Ingalls,	Teller,
Blaine,	Edmunds,	Johnston,	Thurman,
Booth,	Farley,	Jonas,	Voorhees,
Bruce,	Gordon,	Jones of Nevada,	Wallace,
Butler,	Grover,	Lamar,	Whyte,
Cameron of Pa.,	Hamlin,	McDonald,	Windom,
Carpenter,	Harris,	Paddock,	Withers.

The PRESIDING OFFICER. There is not a quorum voting.

Mr. ANTHONY. In my pair with the Senator from Georgia [Mr. GORDON] I reserved the right to vote to make a quorum. I vote "yea."

The PRESIDING OFFICER. It is too late; the result has been announced.

Mr. JONAS. I wish to vote.

The PRESIDING OFFICER. The vote has been announced.

Mr. COCKRELL. I move that the roll be called.

Mr. CONKLING. I hope the Senator from Missouri will not make that motion. It is competent for the Chair to count the Senate.

The PRESIDING OFFICER. There is evidently a quorum in the Senate.

Mr. ALLISON. Let the roll be called again on the amendment.

The PRESIDING OFFICER. That course will be pursued if no objection be made.

The Secretary proceeded to call the roll.

Mr. ALLISON, (when his name was called.) I am paired for to-day with the Senator from Maryland, [Mr. WHYTE.] I will vote "yea," if necessary to make a quorum, withdrawing my vote if it makes any difference.

Mr. BRUCE, (when his name was called.) I am paired with my colleague, [Mr. LAMAR.] If here, he would vote "nay" and I should vote "yea."

Mr. BUTLER, (when his name was called.) I am paired with the Senator from Kansas, [Mr. PLUMB;] but for the purpose of making a quorum I vote "nay."

Mr. CHANDLER. I am paired with the Senator from Delaware, [Mr. BAYARD.]

The roll-call was concluded.

Mr. HILL, of Georgia. I am paired with the Senator from Massachusetts, [Mr. DAWES,] but with the distinct understanding between us that if my vote was necessary to make a quorum I should vote.

Several SENATORS. A quorum has voted.

Mr. HILL, of Georgia. Then I will not vote; but if it was necessary to make a quorum I should vote.

The result was announced—yeas 14, nays 27; as follows:

YEAS—14.

Allison,	Conkling,	Logan,	Rollins,
Blair,	Ferry,	McMillan,	Saunders.
Burnside,	Kellogg,	Morrill,	
Cameron of Wis.,	Kirkwood,	Platt,	

NAYS—27.

Beck,	Groome,	Kernan,	Slater,
Butler,	Hampton,	McPherson,	Vance,
Call,	Harris,	Maxey,	Vest,
Cockrell,	Hereford,	Morgan,	Voorhees,
Coke,	Houston,	Pendleton,	Walker,
Eaton,	Jonas,	Ransom,	Williams.
Garland,	Jones of Florida,	Saulsbury,	

ABSENT—35.

Anthony,	Davis of Illinois,	Hill of Georgia,	Randolph,
Bailey,	Davis of W. Va.,	Hoar,	Sharon,
Bayard,	Dawes,	Ingalls,	Teller,
Blaine,	Edmunds,	Johnston,	Thurman,
Booth,	Farley,	Jones of Nevada,	Wallace,
Bruce,	Gordon,	Lamar,	Whyte,
Cameron of Pa.,	Grover,	McDonald,	Windom,
Carpenter,	Hamlin,	Paddock,	Withers.
Chandler,	Hill of Colorado,	Plumb,	

So the amendment was rejected.

Mr. McMILLAN. I move to strike out all after the word "deputies," in the seventh line of the first section, to the end of the bill. That will leave this bill, as I understand it, as an appropriation bill for the payment of the officers designated in the portion of the section which remains.

This session of Congress was called for the special purpose of passing two appropriation bills, which Congress at the close of the last session refused to pass, the democratic party having the majority in both branches of Congress. We have been here——

Mr. BECK. Will the Senator repeat that again? Did the democratic party have a majority in both branches of Congress at the last session?

Mr. McMILLAN. In this Congress. They had a majority in the House of Representatives at the last session of Congress, and the passage of the appropriation bills was refused, the House refusing to concur in the action of the Senate. This extra session of Congress was called for the express purpose of making appropriations for the purposes which were refused at that session. The democratic party have had control of both Houses of Congress throughout this extra session. These questions have been presented in various forms; bills embracing a large portion of the provisions contained in this bill have been vetoed, and now, having shifted their position from one bill to another, the majority in Congress come to the last ditch, and on the executive arm of the courts of the United States they have made their last attack. The marshals of the United States are the arm of the courts; nothing can be done without them, and this is an attempt to paralyze the courts. The edicts of the courts, the orders of the courts, the processes of the courts cannot be executed except by the marshals. The appropriations for them are embraced in this bill, but the bill is encumbered with such provisions that if the officers attempt to execute the law they render themselves liable to punishment by fine and imprisonment. Under such circumstances the laws of the United States would be nullified if this act should go into operation.

The bill amended as I now propose will leave the appropriation complete; the courts will have power to administer the laws and to execute their processes and decrees. It is now for the majority of the Senate to say whether they will make this amendment; and upon the democratic party in the two branches of Congress will rest the responsibility of refusing to make this appropriation unless this nullification of law shall take place, if you refuse this amendment.

The PRESIDING OFFICER. The question is on the amendment of the Senator from Minnesota to strike out all of the bill after the word "deputies" in line 7 of section 1.

Mr. McMILLAN called for the yeas and nays, and they were ordered; and the Secretary proceeded to call the roll.

Mr. BRUCE, (when his name was called.) As I stated before, I am paired with my colleague, [Mr. LAMAR.] If he were here, he would vote "nay."

Mr. BUTLER, (when his name was called.) I am paired with the Senator from Kansas, [Mr. PLUMB.] If he were present, I should vote "nay," and I reserve the right to vote "nay" to make a quorum.

Mr. CHANDLER, (when his name was called.) I am paired with the Senator from Delaware, [Mr. BAYARD.]

Mr. WINDOM, (when his name was called.) I am paired with the Senator from West Virginia, [Mr. DAVIS.] I would vote "yea" if he were present.

The roll-call was concluded.

Mr. WINDOM. I am satisfied that the Senator from West Virginia would desire me to vote to make a quorum, and therefore on consultation with his colleague I vote "yea."

Mr. BUTLER. For the purpose of making a quorum I vote "nay," though I am paired with the Senator from Kansas, [Mr. PLUMB.]

Mr. ANTHONY. For the purpose of making a quorum according to my reserved right, I vote "yea."

Mr. ALLISON. For a like purpose I vote "yea."

Mr. ROLLINS. The Senator from Massachusetts [Mr. DAWES] is paired with the Senator from Georgia, [Mr. HILL.] The Senator from Massachusetts would vote "yea," if present.

Mr. ANTHONY. The two Senators from Pennsylvania [Mr. CAMERON and Mr. WALLACE] are paired with each other.

The result was announced—yeas 15, nays 27; as follows:

YEAS—15.

Allison,	Cameron of Wis.,	Kirkwood,	Rollins,
Anthony,	Conkling,	Logan,	Saunders,
Blair,	Ferry,	McMillan,	Windom.
Burnside,	Kellogg,	Morrill.	

NAYS—27.

Beck,	Groome,	Kernan,	Slater,
Butler,	Hampton,	McPherson,	Vance,
Call,	Harris,	Maxey,	Vest,
Cockrell,	Hereford,	Morgan,	Voorhees,
Coke,	Houston,	Pendleton,	Walker,
Eaton,	Jonas,	Ransom,	Williams.
Garland,	Jones of Florida,	Saulsbury,	

ABSENT—34.

Bailey,	Davis of W. Va.,	Hoar,	Randolph,
Bayard,	Dawes,	Ingalls,	Sharon,
Blaine,	Edmunds,	Johnston,	Teller,
Booth,	Farley,	Jones of Nevada,	Thurman,
Bruce,	Gordon,	Lamar,	Wallace,
Cameron of Pa.,	Grover,	McDonald,	Whyte,
Carpenter,	Hamlin,	Paddock,	Withers.
Chandler,	Hill of Colorado,	Platt,	
Davis of Illinois,	Hill of Georgia,	Plumb,	

So the amendment was rejected.

The bill was reported to the Senate without amendment, and ordered to a third reading.

The bill was read the third time.

Mr. CONKLING. Let us have the yeas and nays on the question of the passage.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BUTLER, (when his name was called.) I am paired with the Senator from Kansas, [Mr. PLUMB.] If he were present, I should vote "yea."

Mr. CHANDLER, (when his name was called.) On this question I am paired with the Senator from Delaware, [Mr. BAYARD.] I should vote "nay" if he were present.

Mr. HILL, of Georgia, (when his name was called.) I am paired with the Senator from Massachusetts, [Mr. DAWES.] If he were present, I should vote "yea."

The PRESIDENT *pro tempore*, (when Mr. THURMAN'S name was called.) I am paired with the Senator from Vermont, [Mr. EDMUNDS.]

The roll-call was concluded.

Mr. JONAS. The Senator from Mississippi [Mr. LAMAR] is paired with his colleague, [Mr. BRUCE.]

Mr. WINDOM. I am paired with the Senator from West Virginia, [Mr. DAVIS,] but believing that he would desire me to vote to make a quorum and as it does not change the result, I will vote "nay."

Mr. HILL, of Georgia. As I have announced, I am paired with the Senator from Massachusetts, [Mr. DAWES,] with the understanding that I should vote if it was necessary to make a quorum. There is no quorum now, so I vote.

Mr. ROLLINS. I understand that to be the arrangement.

Mr. HILL, of Georgia. I therefore vote "yea."

Mr. ROLLINS. If it does not affect the result.

Mr. INGALLS. I am paired on this and all other questions with the Senator from Virginia, [Mr. WITHERS.] If he were present, I should vote "nay."

Mr. HILL, of Colorado. My colleague [Mr. TELLER] is paired with the Senator from Virginia, [Mr. JOHNSTON.] If he were present, my colleague would vote "nay."

Mr. ALLISON. I am paired for the day with the Senator from Maryland, [Mr. WHYTE.] I would vote against this measure and he for it. And I desire while I am up to announce that the Senator from Maine [Mr. BLAINE] is paired with the Senator from New Jersey, [Mr. RANDOLPH,] and the Senator from Maine [Mr. HAMLIN] is paired with the Senator from Oregon, [Mr. GROVER.]

Mr. SAULSBURY. The Senator from Pennsylvania [Mr. WALLACE] is paired with his colleague, [Mr. CAMERON.]

Mr. ANTHONY. I am paired on this question with the Senator from Georgia, [Mr. GORDON.]

Mr. HILL, of Georgia, (after having voted in the affirmative.) As there is a quorum without my vote I withdraw it, being under pair with the Senator from Massachusetts, [Mr. DAWES.]

The result was announced—yeas 26, nays 15; as follows:

YEAS—26.

Beck,	Hampton,	McPherson,	Vance,
Call,	Harris,	Maxey,	Vest,
Cockrell,	Hereford,	Morgan,	Voorhees,
Coke,	Houston,	Pendleton,	Walker,
Eaton,	Jonas,	Ransom,	Williams.
Garland,	Jones of Florida,	Saulsbury,	
Groome,	Kernan,	Slater,	

NAYS—15.

Blair,	Ferry,	Logan,	Rollins,
Burnside,	Hill of Colorado,	McMillan,	Saunders
Cameron of Wis.,	Kellogg,	Morrill,	Windom.
Conkling,	Kirkwood,	Platt,	

ABSENT—35.

Allison,	Carpenter,	Hamlin,	Plumb,
Anthony,	Chandler,	Hill of Georgia,	Randolph,
Bailey,	Davis of Illinois,	Hoar,	Sharon,
Bayard,	Davis of W. Va.,	Ingalls,	Teller,
Blaine,	Dawes,	Johnston,	Thurman,
Booth,	Edmunds,	Jones of Nevada,	Wallace,
Bruce,	Farley,	Lamar,	Whyte,
Butler,	Gordon,	McDonald,	Withers.
Cameron of Pa.,	Grover,	Paddock,	

So the bill was passed.

Mr. ALLISON. I move to amend the title by adding "and for other purposes." The title ought to be amended, clearly.

Mr. KERNAN. Would not that require it to go to the House again?

The PRESIDENT *pro tempore*. It would.

Mr. KERNAN. I think there is no need of that. That is all its object.

Mr. ALLISON. No, there are "other purposes" in the bill.

Mr. KERNAN. I hope that amendment will be voted down. We do not want to stay here while the House is considering this question.

The PRESIDENT *pro tempore*. The question is on the amendment to the title.

The amendment was rejected.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed a joint resolution (H. R. No. 116) to amend the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes;" in which it requested the concurrence of the Senate.

The message also returned to the Senate, in compliance with its request, the concurrent resolution of the Senate providing for the printing of 2,000 copies of the report of the United States Commission on Fish and Fisheries.

The message further announced that the House had passed the bill (S. No. 671) relating to vessels not propelled wholly by sail or internal motive power of their own, with amendments in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. No. 712) providing for filling vacancies in the Office of Chief of Engineers, United States Army;

A bill (S. No. 719) to change the name of the ferry-boat James Fisk, jr., to Passaic; and

A bill (S. No. 498) changing the time of holding the November term of the United States district court in the district of Connecticut.

REPORT OF FISH COMMISSION.

Mr. ANTHONY. I ask the Chair to lay before the Senate the resolution returned from the House of Representatives.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the following concurrent resolution, returned from the House of Representatives in pursuance of the request of the Senate:

Resolved, (the House of Representatives concurring,) That 2,000 copies of the report of the United States Commission on Fish and Fisheries be printed and bound for distribution under direction of the Commissioner.

Mr. ANTHONY. I move that the resolution be referred to the Committee on Printing.

The motion was agreed to.

HOUSE BILL REFERRED.

The joint resolution (H. R. No. 116) to amend the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes," was read twice by its title, and referred to the Committee on Appropriations.

ENROLLING OF CANAL-BOATS AND BARGES.

The PRESIDENT *pro tempore*. The Chair lays before the Senate the bill (S. No. 671) relating to vessels not propelled wholly by sail or internal motive power of their own, which has been returned from the House of Representatives with amendments.

Mr. McPHERSON. I move that the Senate take up the bill, and that the House amendments be concurred in.

Mr. FERRY. I shall oppose concurrence.

Mr. CONKLING. The subject ought to be referred to a committee.

Mr. McPHERSON. I ask to have it taken up at any rate.

Mr. CONKLING. It is up.

Mr. FERRY. I move its reference to the Committee on Commerce.

Mr. McPHERSON. The Senate must see that it will be very difficult to get the committee together for the purpose of reporting on these slight amendments. The amendments can be considered just as well in the Senate as by a committee.

Mr. FERRY. It is now nearly four o'clock of the last day of the week, and I trust the Senator will not press the matter. I shall oppose one of the amendments, if I understand it as stated to me by the Senator.

The PRESIDENT *pro tempore*. The Senator from New Jersey moves that the Senate proceed to the consideration of the bill just laid before the Senate, returned from the House of Representatives with amendments.

The question being put, there were on a division—ayes 21, noes 17; no quorum voting.

Mr. McPHERSON. I call for the yeas and nays.

Mr. CHANDLER. I move that the Senate do now adjourn.

Mr. RANSOM. I appeal to the Senator from Michigan to give way to me for one second. I desire to make a formal motion.

Mr. CHANDLER. Will the Senator renew the motion to adjourn?

Mr. GROOME. I should like to call up a matter.

Mr. CHANDLER. I will not withdraw the motion unless it is to be renewed.

Mr. McPHERSON. I do not think it will take five minutes to dispose of this bill.

The PRESIDENT *pro tempore*. The question is not debatable. The Senator from Michigan moves that the Senate do now adjourn.

REPORT OF FISH COMMISSION.

Mr. ANTHONY. Will the Senator from Michigan give way to me to offer a resolution?

Mr. CHANDLER. I will, if the Senator will renew the motion to adjourn

Mr. ANTHONY. I will. The Committee on Printing direct me to offer the following resolution as a substitute for one recalled from the House, and I ask for its present consideration.

The PRESIDENT *pro tempore*. There is other business pending, and it requires unanimous consent.

Mr. ANTHONY. I ask unanimous consent.

The PRESIDENT *pro tempore*. The Senator from Rhode Island asks unanimous consent for the present consideration of a resolution which he reports.

Mr. COCKRELL. Let it be read for information.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read as follows:

Resolved, (the House of Representatives concurring,) That 2,000 additional copies of the reports of the United States Commissioner on Fish and Fisheries prior to 1877, embracing four volumes, be printed and bound for distribution under direction of the commissioner.

The resolution was considered by unanimous consent, and agreed to.

Mr. ANTHONY. Now, Mr. President, I move that the resolution recalled from the House be indefinitely postponed.

The PRESIDENT *pro tempore*. That order will be made.

PROPOSED ADJOURNMENT.

Mr. ANTHONY. In pursuance of my promise to the Senator from Michigan, I move that the Senate adjourn.

Mr. BECK. Will the Senator from Rhode Island yield a moment so that I may say a word? A bill has just passed the Senate and already gone to the House and it will be back here enrolled in twenty minutes. I suppose every Senator on each side wants to get away, and we can save some time by having the bill just passed, enrolled and signed to-day.

Mr. ANTHONY. I made the motion in pursuance of my promise to the Senator from Michigan. I understand he assents to its being withdrawn. I withdraw the motion.

ENROLLING OF CANAL-BOATS AND BARGES.

The PRESIDENT *pro tempore*. The question is upon the demand for the yeas and nays on the motion of the Senator from New Jersey to proceed to the consideration of the bill laid before the Senate, returned from the House of Representatives with amendments.

The yeas and nays were ordered.

The PRESIDENT *pro tempore*. The question is on proceeding to the consideration of Senate bill No. 671, returned from the House with amendments.

Mr. GARLAND. I ask that the bill be read in full, so that the Senate

may know what it is. I think when they know what it is there will be no objection to taking it up.

The PRESIDENT *pro tempore*. The bill will be read with the amendments made by the House of Representatives.

Mr. CONKLING. If the Senator from Arkansas will hear the amendments made in the House first, I think that is all he will need.

Mr. McPHERSON. I believe if Senators hear the amendments, no one will object to the passage of the bill as amended.

The PRESIDENT *pro tempore*. The amendments will be read.

The Chief Clerk read the amendments of the House of Representatives, as follows:

1. In line 5, strike out the word "wholly."
2. Add at the end of the bill the following:

Nor shall this or any existing law be construed to require the enrolling, registering, or licensing of any flatboat, barge, or like craft for the carriage of freight, not propelled by sail or by internal motive power of its own, on the rivers of the United States.

3. Amend the title so as to read as follows:

An act relating to vessels not propelled by sail or internal motive power of their own, and for other purposes.

Mr. CONKLING. On a motion to take up a bill the merits of that bill are not in order for discussion. Observing that rule, I think I shall be permitted to state the nature and effect of these House amendments.

It will be remembered that on the motion of the Senator from Michigan nearest me [Mr. FERRY] the word "wholly" was introduced in the bill in order that the exemptions and permissions which it gave should be confined entirely to unrigged vessels; that is vessels wholly propelled without either sails or motive power of their own. The first amendment is to strike out that word, so as to enlarge the effect of the bill and make it apply not only to vessels wholly propelled without sail or steam, but to vessels propelled only in part in that way.

The next amendment is much broader, much more substantial as I think than even this. It will be remembered that a communication was read by me, although addressed I believe to my colleague, calling attention to the wide open door for smuggling which would be found if vessels plying upon arms of the sea and boundary waters between us and other nationalities were acquitted of all obligation to be registered, to be licensed or enrolled. Accordingly an amendment was introduced and agreed to by the Senator from New Jersey and everybody else, to guard against that objection.

Now what is the effect of the second amendment? It provides that no register, license, or enrollment shall be required of any flatboat, barge, or other similar craft plying on rivers of the United States. It does not say "plying only on rivers," or "plying on rivers alone;" but every such craft if it plies on a river, according to this amendment, need not be licensed or enrolled. Mr. President, look at all the vessels plying on the St. Lawrence, all the vessels plying on the Hudson River which go as well upon the sea. The same vessels of this description that ply upon the Hudson River ply on Long Island Sound, and the boats that ply on the St. Lawrence River, particularly below Quebec and indeed I might say below Ogdensburgh, going through the canals which make the rounding of the rapids go out to the sea. And thus the Senate must perceive that if in the first place you extend this immunity not only to non-rigged vessels but to vessels only partly non-rigged, and then if you extend it to the barges, flatboats, and similar craft provided they only a part of the time ply on rivers and the rest of the time on the external waters, you have done exactly that which the Senate, according to my recollection by an almost if not quite unanimous vote after a hearing, pronounced it unsafe and unsuitable to do. As to all these boats the fees by the bill as it stands are canceled; they are to pay no fees whatever. As to boats on the inland waters, another and previous statute exempts them from the obligation to enroll. But this section introduced by the House is broader than has been seriously proposed before, and it is obnoxious to the objections which were heard in the Senate, listened to in the Senate, and adjudged by the Senate to be valid.

Mr. McPHERSON. This bill is practically now the bill which was reported by the Committee on Commerce to the Senate. When the bill was reported by the committee, the Senator from New York desired to amend it so as to require vessels of a certain class to be enrolled, claiming it to be right and proper that they should be enrolled. At that time the Senator from West Virginia [Mr. HEREFORD] objected to the amendment offered by the Senator from New York upon the ground that it was onerous to the people of the West, those living along the line of and doing business upon the western rivers. Owing to the paucity of time and the danger that the bill might not pass, I agreed to accept the amendment offered by the Senator from New York because it was better in my opinion to pass the bill in that form than to leave things as they are. It omitted the payment of fees as now required by the enrolling officers. The bill has gone to the other House, and it has there been amended so that it practically comes back to us the same bill reported by our committee.

And, sir, I can see no objection whatever to the bill in its present form. It only requires further that upon the western rivers, the internal water-courses of the country, no enrollment of boats shall be necessary. Flatboats, I understand, are used largely in the transportation of merchandise upon the Mississippi River, upon the Tennessee River, upon the Missouri, upon the Ohio, and upon all the western waters. Cheap structures in the shape of boats are thrown together for the purpose of taking one load down to tide-water or to some port along the river. Under the bill as it left the Senate those boats would be required to be enrolled, but no fee could be exacted for enrolling them. As the bill now comes to us from the House the enrollment itself is not required upon all boats of that kind, and there is no objection that the Senator from New York has offered which in my opinion is valid.

He raises one point which, perhaps, it is well for me to advert to, speaking of the dangers of smuggling. It is known to every Senator on this floor that if you enroll a vessel forty times over and require forty fees to be paid for enrollment and license that would not stop smuggling. Smuggling must be stopped by the revenue officers of the country, and it is not accomplished by enrolling a boat or by non-enrolling a boat. Therefore it seems to me that the objection of the Senator from New York is entirely baseless.

Mr. HEREFORD. If the second amendment of the House referred to by the Senator from New York is not adopted, what will be the result? I will read the language of the amendment:

Nor shall this or any existing law be construed to require the enrolling, registering, or licensing of any flatboat, barge, or like craft for carriage of freight, not propelled by sail or by internal motive power of its own, on the rivers of the United States.

If that amendment be not put into this bill, the result will be that all the freight-boats and barges used for carrying coal, wheat, or anything of that kind on the rivers of the United States will have to be enrolled and registered.

Mr. CONKLING. Do they now under the act of 1874?

Mr. HEREFORD. Yes, sir; under the construction placed on the law by the present Attorney-General of the United States.

Mr. McPHERSON. Never by any former Attorney-General.

Mr. HEREFORD. From the passage of the original law, which I believe was in 1793, down to within a few months that class of boats never has had to be enrolled or registered; but the present Attorney-General has construed the law to compel all those freight boats and barges to be enrolled and registered. This amendment only brings us back to where we have been from the foundation of the Government down to the present time, until the present Attorney-General has put this singular construction upon the law of 1793 and that of 1874.

As I said, if this amendment is not put in the bill all the freight boats and barg s floating up and down the Mississippi River and all its tributaries, the Ohio, the Tennessee, the Cumberland, the Wabash, &c., will have to be enrolled and registered upon every river in the United States. It may be said that they will be enrolled and registered without cost, but that does not meet the objection.

Mr. CONKLING. Why not?

Mr. HEREFORD. For this reason: Here are plenty of these flatboats that are two or three hundred miles up one of the internal rivers of the United States; they are loaded with coal or they are loaded with corn or with wheat; those men have to have those boats enrolled or registered before they can start; and what do they have to do? They either have to take the boats to the proper place where they are to be enrolled and registered and let them there be examined before they can get a register, before they can get a certificate, or they have to get the officer to go three or four hundred miles to where the boats are to examine them before they can be enrolled or registered, and somebody has to pay that expense.

Mr. CONKLING. Will the Senator allow me to understand him? In that respect is it his impression that boats have to be enrolled at every trip or annually?

Mr. HEREFORD. They make but one voyage.

Mr. CONKLING. Then is it not true that during the period of non-service all that is to be done is to send in the name of the boat? The Senator talks about inspection. All that is required is that the owners send in the list of their boats, and they are enrolled.

Mr. HEREFORD. The Senator and I disagree as to the law. The boats have to be inspected and measured and licensed; and why do you license a boat? You will not license it until it is found to be river or sea-worthy. That is the object of having a certificate. The Senators of the great West and Northwest know that many of these flatboats go a thousand or twelve hundred miles and that is the last of them. They are destroyed; they never go up the rivers again. Why, then, should you compel the enrollment of a vessel that makes but one trip when it is torn to pieces and sold for lumber? Why should such a hinderance be thrown around it?

The PRESIDENT *pro tempore*. The Senator will suspend. The Chair will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed a joint resolution (H. R. No. 79) to supply Congress with Heyl's United States Import Duties; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore*:

A bill (H. R. No. 2382) making appropriations to pay fees of United States marshals and their general deputies; and

A bill (H. R. No. 2386) to amend the act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes," approved June 23, 1879, by correcting two clerical errors therein.

ENROLLING OF CANAL-BOATS AND BARGES.

The PRESIDENT *pro tempore*. The question is on the consideration of the amendments of the House of Representatives to the bill (S. No. 671) relating to vessels not propelled wholly by sail or internal motive power of their own. The Senator from West Virginia is entitled to the floor.

Mr. HEREFORD. That is all I have to say. I hope that the amendments placed upon the bill by the House will be agreed to by the Senate and that the bill will go to the President.

Mr. FERRY. When this bill was before the Senate on its passage, I called the attention of Senators——

Mr. CHANDLER. Will my colleague give way for a motion to adjourn?

Mr. FERRY. Let me make my statement first. I called the attention of Senators to the fact, which might not have been known to them, that on the northwestern lakes there are a large number of barges employed in the commerce of those lakes, and it was stated that the object of this bill was to exclude those from the expense of license and enrollment. I stated the fact that those barges used more or less mast and sails, not for the purpose of propelling them wholly by sail, but to aid them on their passage when the wind was free and fair. Their propelling power is steam—steam-tugs. Those tugs are enrolled and pay their license and other expenses; and there was no intention to infringe on that. But these barges are towed by steam, and, as I say, sometimes they raise a storm-sail. Now unless this word "wholly" is retained, which was thoroughly discussed before and thoroughly understood, those may be included, and the object of the bill is to exclude them from these expenditures. For the Senator from New Jersey to press concurrence with the House by a rejection of that amendment by which these barges will be taxed, I say is unjust to the object, unjust to the discussion on the passage of the bill, and I certainly must protest against it.

Mr. BURNSIDE. I move that the Senate proceed to the consideration of executive business and I will state that there are two nominations——

Mr. McPHERSON. I hope the Senator will not press his motion. Let us take a vote on this question and decide it once for all.

Mr. CONKLING. Why not non-concur in the amendments and have a committee of conference?

The PRESIDENT *pro tempore*. Does the Senator from Rhode Island insist upon his motion?

Mr. BURNSIDE. I do not think the Senator from New Jersey can get a vote on his bill very soon. If he thinks he can, I will withdraw my motion to let the Senator try.

The PRESIDENT *pro tempore*. It is moved to proceed to the consideration of the House amendments to Senate bill No. 671, and upon this motion the yeas and nays have been ordered.

The question being taken by yeas and nays, resulted—yeas 29, nays 5; as follows:

YEAS—29.

Allison,	Garland,	Kernan,	Thurman,
Bailey,	Groome,	Logan,	Vance,
Burnside,	Hampton,	McPherson,	Vest,
Butler,	Harris,	Maxey,	Walker,
Call,	Hereford,	Morgan,	Williams.
Cockrell,	Houston,	Pendleton,	
Coke,	Jonas,	Ransom,	
Eaton,	Jones of Florida,	Slater,	

NAYS—5.

Blair,	McMillan,	Morrill,	Saunders.
Ferry,			

ABSENT—42.

Anthony,	Davis of Illinois,	Ingalls,	Rollins,
Bayard,	Davis of W. Va.,	Johnston,	Saulsbury,
Beck,	Dawes,	Jones of Nevada,	Sharon,
Blaine,	Edmunds,	Kellogg,	Teller,
Booth,	Farley,	Kirkwood,	Voorhees,
Bruce,	Gordon,	Lamar,	Wallace,
Cameron of Pa.,	Grover,	McDonald,	Whyte,
Cameron of Wis.,	Hamlin,	Paddock,	Windom,
Carpenter,	Hill of Colorado,	Platt,	Withers.
Chandler,	Hill of Georgia,	Plumb,	
Conkling,	Hoar,	Randolph,	

The PRESIDENT *pro tempore*. No quorum has voted.

Mr. BURNSIDE. I move that the Senate proceed to the consideration of executive business.

The PRESIDENT *pro tempore*. That is not now in order.

Mr. FERRY. I move that the Senate adjourn.

Mr. BURNSIDE. I think it very important that we should have an executive session of fifteen or twenty minutes.

Mr. FERRY. I would not have made the motion but that there is no quorum——

Mr. BURNSIDE. Cannot the Senator from New Jersey withdraw his motion?

Mr. RANSOM. There is a quorum present, I think.

Mr. BURNSIDE. There is a quorum present, as the Chair will see by a count.

The PRESIDENT *pro tempore*. The Chair will count the Senate to ascertain that fact; but a quorum being present would not prevent a motion to adjourn being made.

Mr. BURNSIDE. The Senator from Michigan will withdraw his motion if there is a quorum.

The PRESIDENT *pro tempore*. Does the Senator from Michigan withdraw his motion?

Mr. FERRY. Only in the event of a quorum being present.

The PRESIDENT *pro tempore*. The Chair will count the Senate. [After counting.] There are just thirty-nine Senators present. The question is, will the Senate proceed to the consideration of the bill named by the Senator from New Jersey?

Mr. FERRY. I move that the Senate adjourn, and on that I call for the yeas and nays to see whether there is a quorum.

PRINTING OF A REPORT.

Mr. RANSOM. I ask the Senator from Michigan to withdraw that motion for a second while I make a formal motion which will not require half a minute. My motion is simply to ask that the report of the engineers on the improvement of the Yadkin River, North Carolina, be printed for the use of the Senate.

Mr. FERRY. I have no objection to that.

The motion was agreed to.

Mr. FERRY. Now I renew my motion.

Mr. BRUCE. May I be allowed to introduce a bill?

Mr. FERRY. I withdraw the motion for that purpose.

BILL INTRODUCED.

Mr. BRUCE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 724) referring the claim of John W. Robinson, of Hinds County, Mississippi, to the Court of Claims; which was read twice by its title, and referred to the Committee on the Judiciary.

HOUSE BILL REFERRED.

The joint resolution (H. R. No. 79) to supply Congress with "Heyl's United States Import Duties" was read twice by its title, and referred to the Committee on Finance.

INTRODUCTION OF BREEDING CATTLE.

The bill (H. R. No. 2337) to allow John Merryman and Frank Brown, of Maryland, to import and land cattle for breeding purposes; was read twice by its title.

Mr. GROOME. This bill is a purely local one and is only intended to authorize the importation into the port of Baltimore of three blooded cattle which were bought before the President's proclamation forbidding the importation of cattle from England. I ask unanimous consent that the bill may be put on its passage.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which is in the following words:

Whereas John Merryman, of Baltimore County, and Frank Brown, of Carroll County, in the State of Maryland, are now largely engaged in producing and raising choice Hereford and Devon cattle; and

Whereas they have purchased in England two head of Hereford and one head of Devon cattle for breeding purposes; and

Whereas under the provisions of sections 2493 and 2494 of the Revised Statutes the landing of cattle for any purpose is prohibited upon the proclamation of the President of the United States; and

Whereas the President has issued his proclamation to that effect, which is still in force, and in order to permit the importation and landing of said cattle for breeding purposes, special legislation is necessary: Therefore,

Be it enacted, &c., That the collector of the port of the city of Baltimore, in the State of Maryland, is authorized to permit the importation of and landing at said port of three head of cattle for breeding purposes by John Merryman, of Baltimore County, and Frank Brown, of Carroll County, in said State, subject to such terms, conditions, and restrictions as may be imposed by the Secretary of the Treasury of the United States.

The bill was reported to the Senate, ordered to a third reading, read the third time, and passed.

ENROLLING CANAL-BOATS AND BARGES.

The PRESIDENT *pro tempore*. The question now recurs on the motion of the Senator from New Jersey to proceed to the consideration of Senate bill No. 671, with the amendments of the House of Representatives, upon which the yeas and nays have been called, a quorum not voting. There is now a quorum present, and the Secretary will again call the roll.

The Secretary proceeded to call the roll.

Mr. WINDOM. I am paired with the Senator from West Virginia, Mr. DAVIS; but to make a quorum I vote "nay."

The result was announced—yeas 30, nays 6; as follows:

YEAS—30.

Allison,	Coke,	Kernan,	Thurman,
Anthony,	Garland,	McPherson,	Vance,
Bailey,	Groome,	Maxey,	Vest,
Beck,	Hampton,	Morgan,	Voorhees,
Bruce,	Harris,	Pendleton,	Walker,
Burnside,	Hereford,	Ransom,	Williams.
Butler,	Houston,	Rollins,	
Cockrell,	Jonas,	Slater,	

NAYS—6.

Blair,	McMillan,	Platt,	Windom.
Ferry,	Morrill,		

ABSENT—40.

Bayard,	Booth,	Cameron of Pa.,	Carpenter.
Blaine.	Call,	Cameron of Wis.,	Chandler,

Conkling,	Grover,	Jones of Nevada,	Randolph,
Davis of Illinois,	Hamlin,	Kellogg,	Saulsbury,
Davis of W. Va.,	Hill of Colorado,	Kirkwood,	Saunders,
Dawes,	Hill of Georgia,	Lamar,	Sharon,
Eaton,	Hoar,	Logan,	Teller,
Edmunds,	Ingalls,	McDonald,	Wallace,
Farley,	Johnston,	Paddock,	Whyte,
Gordon,	Jones of Florida,	Plumb,	Withers.

The PRESIDENT *pro tempore*. There is not a quorum voting.

Mr. FERRY. I move that the Senate do now adjourn.

The question being put, the Chair declared that the noes appeared to prevail.

A division was called for.

Mr. MAXEY. I am satisfied there is a quorum, which will appear on view. I ask that the motion to adjourn be withdrawn in order that the Senate may go into executive session.

The PRESIDENT *pro tempore*. The motion for an executive session would not now be in order.

Mr. MAXEY. I have suggested that the President of the Senate may upon view determine whether or not there be a quorum.

The PRESIDENT *pro tempore*. The Chair is of opinion that there is not a quorum present unless the Chair could count those in the cloak-room. In the opinion of the Chair the noes have it on the motion to adjourn.

Mr. CONKLING. Then a division was called for and pending the division the Senator from Texas rose.

The PRESIDENT *pro tempore*. The Chair will divide the Senate on the motion to adjourn.

The question being put, there were on a division—ayes 10, noes 20; no quorum voting.

Mr. BURNSIDE. There are five Senators in the cloak-room.

Mr. MAXEY. I move a call of the Senate.

The PRESIDENT *pro tempore*. The Senator from Texas asks for a call of the Senate. It must be made. The roll will be called.

The Secretary proceeded to call the roll.

The PRESIDENT *pro tempore*. Forty-four Senators have answered to their names. There is a quorum present, and the question recurs on the motion made by the Senator from New Jersey.

Mr. McPHERSON. I think we are ready to take the vote.

The PRESIDENT *pro tempore*. On that the yeas and nays have been ordered.

Mr. BURNSIDE. I hope the Senator from New Jersey will allow the motion to go over now until Monday.

Mr. McPHERSON. I cannot allow it to go over; there is a quorum present. I should think perhaps a standing vote would determine this question, without calling the yeas and nays.

Mr. BURNSIDE. Is it in order now to move to go into executive session?

Mr. CONKLING. Certainly it is.

The PRESIDENT *pro tempore*. The motion is in order.

Mr. BURNSIDE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; there being on a division—ayes 29, noes 10.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed a joint resolution (H. R. No. 117) providing for a treaty with the Republic of Mexico; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the joint resolution (S. R. No. 39) in relation to committee clerks, pages, and other employés of the Senate and House of Representatives, and for other purposes, with amendments in which it requested the concurrence of the Senate.

APPROPRIATIONS FOR VARIOUS PURPOSES.

The PRESIDENT *pro tempore* laid before the Senate the amendments of the House to the joint resolution (S. R. No. 39) in relation to committee clerks, pages, and other employés of the Senate and House of Representatives, and for other purposes.

On motion of Mr. BECK, it was

Resolved, That the Senate disagree to the amendments of the House of Representatives to the said bill, and ask a conference with the House on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the committee on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. EATON, Mr. BECK, and Mr. ALLISON.

HOUSE BILL REFERRED.

The joint resolution (H. R. No. 117) providing for a treaty with the Republic of Mexico was read twice by its title, and referred to the Committee on Foreign Relations.

EXECUTIVE SESSION.

The Senate proceeded to the consideration of executive business. After one hour spent in executive session the doors were reopened, and (at five o'clock and forty minutes p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June* 28, 1879.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced that the Senate had passed, without amendment, bills of the following titles:

An act (H. R. No. 2381) making appropriations for certain judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes; and

An act (H. R. No. 1627) to authorize the construction of a railroad bridge across the Wabash River.

The message also announced that the Senate had adopted the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate, (the House of Representatives concurring,) That the Committee on Mines and Mining of the Senate and the Committee on Mines and Mining of the House be each authorized to appoint a sub-committee, to consist of not exceeding three members of said committees, to act in aid of the commission authorized under the act of March 3, 1879, charged with the duty of codifying the laws relating to the survey and disposition of the public domain, and providing for the classification and sale of the public lands and other duties therewith connected. And any expenses incurred in the discharge of said duties shall be paid out of the contingent funds of the Senate and House, respectively, upon the certificate of the chairmen of said committees.

FERRY-BOAT JAMES FISK, JR.

Mr. LOUNSBERY. Mr. Speaker, I introduced in this House a bill to change the name of the ferry-boat James Fisk, jr., to Passaic. The Senate has passed a bill exactly like the one I introduced, and it is now upon the Speaker's table. I ask unanimous consent that it be taken up for consideration now.

There being no objection, the bill was taken from the Speaker's table and read a first and second time.

Mr. CONGER. Before this bill passes I desire to say a single word. It is stated, I understand, that this boat will run as a ferry-boat upon the same route where it has been running heretofore, so that the change of name cannot mislead the public. In view of this fact I make no objection.

The bill was ordered to a third reading, read the third time, and passed.

Mr. LOUNSBERY moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

IMPORTATION OF CATTLE FOR BREEDING PURPOSES.

Mr. FORSYTHE. I ask unanimous consent to report from the Committee on Agriculture for present consideration the bill (H. R. No. 2337) to allow John Merryman and Frank Brown, of Maryland, to import and land cattle for breeding purposes. The gentleman from Michigan [Mr. BREWER] who objected yesterday is willing to withdraw his objection.

The bill was read, as follows:

Whereas John Merryman, of Baltimore County, and Frank Brown, of Carroll County, in the State of Maryland, are now largely engaged in producing and raising choice Hereford and Devon cattle; and

Whereas they have purchased in England two head of Hereford and one head Devon cattle for breeding purposes; and

Whereas, under the provisions of sections 2493 and 2494 of the Revised Statutes the landing of cattle for any purpose is prohibited upon the proclamation of the President of the United States; and

Whereas the President has issued his proclamation to that effect, which is still in force, and in order to permit the importation and landing of said cattle for breeding purposes special legislation is necessary: Therefore,

Be it enacted, &c., That the collector of the port of the city of Baltimore, in the State of Maryland, is authorized to permit the importation of and landing at said port of three head of cattle for breeding purposes by John Merryman, of Baltimore County, and Frank Brown, of Carroll County, in said State, subject to such terms, conditions, and restrictions as may be imposed by the Secretary of the Treasury of the United States.

Mr. WHITE. We would like to have some explanation of this bill.

Mr. TALBOTT. I will make an explanation in a moment.

Mr. BREWER. Yesterday morning I objected to the consideration of this bill for the reason, as I then stated, that I thought there ought to be a general law applicable to such cases. But I learn that these cattle were contracted for and purchased before the proclamation of the President forbidding such importation was issued. Therefore it would seem just that there should be some relief; and I have consented to withdraw my objection, although I do not approve of this class of legislation, and would feel inclined to object mentally, as my friend from Pennsylvania [Mr. WHITE] did the other day.

The SPEAKER. Is there objection to the consideration of the bill?

Mr. ERRETT. I object.

Mr. TALBOTT. I would like the gentleman to listen for one moment to an explanation.

Mr. ERRETT. I have no objection to withholding the objection till the gentleman makes a statement.

Mr. TALBOTT. Mr. Speaker, yesterday I stated to the House that these cattle were bought before the President's proclamation had

been issued; and such was my impression at the time. Having since seen Mr. Merryman, who is a constituent of mine, I learn that the facts are these: He went to Europe last fall; and in December, I believe, contracted for and purchased these cattle in England, expecting to ship them very shortly afterward. A few days after he had paid his money he was notified through the newspapers that a proclamation of the President had been issued prohibiting the importation and landing of cattle. He at once wrote to the collector of the port of Baltimore asking him to intercede with the Secretary of the Treasury and induce him to allow the landing of these cattle. The collector of the port failed to attend to the matter. When Mr. Merryman came home he called upon the Secretary of the Treasury, who said he could not allow the cattle to land without a special act of Congress. Some time ago this House passed a bill, which is now pending in the Senate, allowing the Secretary of the Treasury, in his discretion, to permit cattle to land. That bill, I am informed, does not meet the views of the Senator from New York, [Mr. CONKLING;] there is some trouble about it; and it is suggested that a special bill of this character be passed.

Mr. Merryman in good faith purchased these cattle and paid his money. He has incurred heavy expense. It is impossible for him either to import or to land these cattle unless this bill passes. He is engaged largely in breeding cattle, which are shipped all over the West. I hope the gentleman from Pennsylvania will withdraw his objection, and that the bill will pass.

Mr. ERRETT. I ask the gentleman to state whether this is a bill to relieve the importers from paying duty?

Mr. TALBOTT. No, sir. The importation is made subject to such restrictions as the Secretary of the Treasury may impose.

Mr. ERRETT. The object is simply to permit the importers to land the cattle?

Mr. TALBOTT. Yes, sir.

Mr. ERRETT. All right; I withdraw my objection.

Mr. CONGER. All cattle imported into this country that are intended for the improvement of stock are admitted free of duty; but the regulations in regard to diseased cattle prevent these from being landed.

There being no further objection, the bill was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time, and passed.

Mr. FORSYTHE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. HAWLEY. I ask unanimous consent to take from the Speaker's table for present consideration a bill changing the time of holding a term of United States district court in my State.

Several members called for the regular order.

The SPEAKER. The Chair has already recognized two gentlemen on his right. To make it exactly even he should be permitted to recognize two gentlemen on the other side before the regular order is insisted on.

Mr. ATKINS. Before the regular order is insisted on I hope the gentleman from Connecticut will be allowed to submit his motion. I desire also to make a request for unanimous consent.

DISTRICT COURT IN CONNECTICUT.

On motion of Mr. HAWLEY, by unanimous consent, the bill (S. No. 498) changing the time of holding the November term of the United States district court in the district of Connecticut was taken from the Speaker's table, and read a first and second time.

The bill was read. It provides that the term of the United States court for the district of Connecticut at Hartford, now held on the fourth Tuesday in November, shall hereafter be held on the first Tuesday of December.

The bill was ordered to be read a third time; and it was accordingly read the third time, and passed.

APPROPRIATIONS FOR VARIOUS PURPOSES.

Mr. ATKINS. I ask unanimous consent that the joint resolution (S. R. No. 39) in relation to committee clerks, pages, and other employés of the Senate and House of Representatives, and for other purposes, be taken from the Speaker's table for reference to the Committee on Appropriations.

There was no objection, and the joint resolution was taken from the Speaker's table, read a first and second time, and referred to the Committee on Appropriations.

Mr. TOWNSHEND, of Illinois. Will it be in order for me to offer an amendment to that joint resolution?

The SPEAKER. The joint resolution has been referred to the Committee on Appropriations. The gentleman can send his amendment to that committee.

ENROLLED BILLS SIGNED.

Mr. KENNA, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

An act (S. No. 506) to change the name of the steam-propeller Nuhpa to Metropolitan;

An act (S. No. 696) for the relief of William Nephew King, jr.; and

An act (H. R. No. 2381) making appropriations for certain judicial expenses for the Government for the fiscal year ending June 30, 1880, and for other purposes.

ORDER OF BUSINESS.

Mr. WHITE. I ask unanimous consent to take from the Speaker's table for present consideration the Senate bill providing for filling vacancies in the office of the Chief of Engineers.

Mr. MILLS. I rise to make a privileged motion.

Mr. HOOKER. I call for the regular order.

The SPEAKER. The regular order being called for, the morning hour begins——

Mr. FINLEY. I move to dispense with the morning hour.

Mr. WHITE. I understand that I was recognized a moment ago to have a bill taken from the Speaker's table.

The SPEAKER. The regular order was demanded, and a demand for the regular order is equivalent to an objection.

Mr. WHITE. We are all interested in having this bill passed, and I trust the demand for the regular order will not be now insisted upon.

GUARDING AND COLLECTING THE REVENUE.

Mr. MILLS. I believe that my motion is a privileged one. I move to reconsider the vote by which the joint resolution (S. R. No. 44) appointing a joint committee of the two Houses of Congress to take into consideration what changes, if any, ought to be made in the mode of guarding or collecting the revenue and appropriating the money so collected was referred yesterday to the Committee of Ways and Means.

The SPEAKER. The effect of that will be to take the resolution back to the Speaker's table.

Mr. MILLS. That is where I want it to go.

The motion to reconsider was agreed to.

The Committee of Ways and Means was discharged from the further consideration of the joint resolution, and it was returned to the Speaker's table.

PROMOTIONS IN THE CORPS OF ENGINEERS.

Mr. WHITE. I now ask unanimous consent to take from the Speaker's table the Senate bill in relation to promotions in the Engineer Corps.

Mr. HOOKER. I withdraw the call for the regular order to permit the consideration of that bill.

The SPEAKER. The bill will be read, after which the Chair will ask for objections.

The Clerk read as follows:

A bill (S. No. 712) providing for filling vacancies in the office of Chief of Engineers, United States Army.

Be it enacted, &c, That so much of the act of June 10, 1872, chapter 426, volume 17, page 382, of the Statutes at Large, as prohibits promotion in the Corps of Engineers above the rank of colonel, and all other acts prohibiting such promotion, be, and the same are hereby, repealed.

Mr. COFFROTH. I object to the present consideration of the bill.

Mr. WHITE. Will my colleague not withhold his objection while I say a word in explanation of the bill?

Mr. MILLS. It is important that this bill should pass. I hope the objection will not be insisted on.

Mr. WHITE. I appeal to my colleague to withdraw his objection.

Mr. COFFROTH. I withdraw it.

Mr. McMILLIN. I renew the objection.

Subsequently,

Mr. McMILLIN withdrew his objection.

There being no further objection, the bill was taken from the Speaker's table and read a first and second time.

The bill was ordered to a third reading; and it was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. McMILLIN. Upon that I call for the yeas and nays.

On the question of ordering the yeas and nays there were ayes 11; not a sufficient number.

So the yeas and nays were not ordered, and the bill was passed.

Mr. WHITE moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. FINLEY. I move that the morning hour to-day be dispensed with.

The motion was agreed to, two-thirds voting in favor thereof.

Mr. MILLS. I now move that the House proceed to the consideration of business on the Speaker's table.

Mr. BRIGHT. Pending that I move that the House resolve itself into the Committee of the Whole on the Private Calender.

The SPEAKER. The motion of the gentleman from Texas [Mr. MILLS] has priority.

Mr. KENNA. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KENNA. Is not the unfinished business now in order the consideration of business on the Speaker's table?

The SPEAKER. The motion of the gentleman from Texas to proceed to the consideration of business on the Speaker's table is in order after one hour has been allowed for reports from committees. This

morning we are in the situation of having dispensed with that hour. The Chair thinks, the opportunity having been presented for the House to have such morning hour, (although dispensed with by two-thirds,) it is right now to entertain the motion to go to the Speaker's table as a fair construction of the rule and equitable.

Mr. KENNA. I do not wish to antagonize the motion of the gentleman from Texas [Mr. MILLS] or to raise any point of order upon it. My suggestion is that the unfinished business from the Speaker's table will be the first business that will come up.

The SPEAKER. If this motion should be voted down, the Chair thinks the first business that will come up, if his memory is correct, will be the proposition of the gentleman from West Virginia [Mr. WILSON] in regard to treaty relations between the Republic of Mexico and the United States. The Chair understands that unanimous consent was given that that proposition should be considered after the morning hour, from day to day.

Mr. TOWNSHEND, of Illinois. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TOWNSHEND, of Illinois. If the proposition to go to business on the Speaker's table is voted down, will it then be in order to move to go into Committee of the Whole on the state of the Union?

The SPEAKER. The Chair will entertain such motion.

Mr. TOWNSHEND, of Illinois. Then I give notice that I will make that motion, should the motion of the gentleman from Texas [Mr. MILLS] be voted down.

Mr. BRIGHT. I have already submitted a motion to go into Committee of the Whole on the Private Calendar.

The SPEAKER. Both of the other propositions will have priority over the motion of the gentleman from Tennessee, [Mr. BRIGHT,] as this is Saturday and not private bill day.

Mr. BRIGHT. I desire to give notice that I shall insist upon my motion.

Mr. YOUNG, of Tennessee. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. YOUNG, of Tennessee. The National Board of Health bill was made a special order for Thursday last and was called up, and by unanimous consent the Senate bill on the same subject was substituted for its consideration. On a point of order the bill was sent to the Committee of the Whole, but afterward the proceedings of the House in relation to that bill were vacated by unanimous consent.

The SPEAKER. As the Chair understands it, the situation of that bill is this: it was made a special order. It came up a few days since, and by unanimous consent the Senate bill upon the same subject was substituted for it. Subsequently adverse action of the House was had on the Senate bill, and it was then asked that instead of the point of order being enforced against it, which would have sent it to the Committee of the Whole, the Senate bill be allowed to resume its place on the Speaker's table. That was done by unanimous consent. The Chair is of opinion that that special order having had a consideration in the House, and there having been adverse action upon it by the House, it is not now a special order in any fair construction of the rule or in equity as against other special orders, or as against privileged motions. In fact the House bill, by reason of the substitution, went to the table as is the practice in such cases.

Mr. YOUNG, of Tennessee. I desire to read from the RECORD the statement of the Speaker on Thursday last:

> The gentleman from Tennessee asks consent that the proceedings be vacated which took place by unanimous consent authorizing the substitution of the Senate bill for the House bill.

Now, if all the proceedings are vacated, does not that affect the proceedings of the substitution of the Senate bill for the House bill?

The SPEAKER. It was not asked to vacate anything except the substitution of the Senate bill for the House bill.

Mr. YOUNG, of Tennessee. I will read further:

> The SPEAKER. The gentleman from Tennessee [Mr. YOUNG] asks consent that the proceeding be vacated which took place by unanimous consent authorizing the substitution of the Senate bill for the House bill, so that the Senate bill may go back upon the Speaker's table, from which it was taken by unanimous consent a short time since.

The SPEAKER. Well, that is a vacation of the substitution of the Senate bill for the House bill, and the Senate bill then went back to the Speaker's table.

Mr. YOUNG, of Tennessee. I do not care very particularly about that point. I will move, then, to go to business on the Speaker's table.

The SPEAKER. That is the pending motion made by the gentleman from Texas, [Mr. MILLS.]

Mr. YOUNG, of Tennessee. Does the Chair decide that the House bill has lost its place as a special order?

The SPEAKER. The House bill had a hearing, and that hearing was this: By unanimous consent, the Senate bill was substituted in its place, and a point of order was made against it which would have taken it out of the House and sent it to the Committee of the Whole. By consent, that point of order against the bill was waived so as to allow the Senate bill to go back to the Speaker's table. The Chair thinks the House bill cannot now be taken up from the table as a special order, to interfere with other special orders and with the rights of other members and of committees. The Chair would add for the information of the gentleman that the action taken by the House at his request was intended to rely for the passage of this legislation on the Senate bill on the Speaker's table, and not to rely on the House bill, and has really placed the bill in a better situation than if it had been left in the House subject to the point of order. The question is now on the motion of the gentleman from Texas [Mr. MILLS] to proceed to business on the Speaker's table.

The question was taken; and upon a division there were—ayes 47, noes 32.

Mr. TOWNSHEND, of Illinois. No quorum has voted.

Tellers were ordered; and Mr. MILLS, and Mr. TOWNSHEND of Illinois, were appointed.

The House again divided; and the tellers reported that there were—ayes 71, noes 39.

Mr. ROSS. No quorum has voted.

The SPEAKER. The tellers will resume their places, and gentlemen are requested to vote on one side or the other, so that the House may not find itself without a quorum.

The tellers resumed their places and proceeded with the count, during which,

Mr. FINLEY said: Is it in order to move that the House do now adjourn?

The SPEAKER. It is.

Mr. FINLEY. We do not seem to be doing anything.

Mr. AIKEN. While the House is hesitating whether or not it will proceed with legislation, I desire to inquire if it is in order for me to ask unanimous consent of the House to take a bill from the Speaker's table?

The SPEAKER. The House is now dividing upon a proposition to proceed to business on the Speaker's table.

Mr. WHITE. I will move that the House adjourn, by way of variety.

Mr. WILSON. Do not do that. That is very ungracious on the part of my friend, who obtained but a few minutes ago unanimous consent to have some bill that he was interested in taken from the Speaker's table

Mr. HAWLEY. I wish to try to assist the House to get out of this temporary dead-lock. I think it can be done if the House could understand the earnest desire of many gentlemen here to pass the bill concerning canal-boats and barges. Very extensive interests are being embarrassed by want of action upon that bill. The bill is now in a shape which I think will make it satisfactory to a majority of the House, if they can only get at it.

The SPEAKER. The Chair would suggest to the gentlemen who desire to go to business on the Speaker's table, and the gentleman having charge of the canal bill, that they should come to some understanding as to proceeding with each of the measures.

Mr. MILLS. There is but one time when we can move to go to the Speaker's table, and that is after the morning hour.

Mr. HAWLEY. Let us first consider the canal-boat bill; we can then agree to go to the Speaker's table.

The SPEAKER. The point of order, then, is insisted upon.

Mr. O'NEILL. I suggest that by unanimous consent we dispose of the canal-boat bill and then agree to go to business on the Speaker's table. By doing that there will be no time lost.

Mr. RYON, of Pennsylvania. I will call the previous question on the bill when it comes up.

Mr. ACKLEN. I think the suggestion made by the gentleman from Pennsylvania [Mr. O'NEILL] is worthy of attention; it is that by unanimous consent we dispose of the canal-boat bill, and then go to business on the Speaker's table. It will take only fifteen or twenty minutes to pass the canal-boat bill, and the friends of the bill are very anxious that it shall be considered and disposed of at this session, and unless we do it to-day it is evident that the bill cannot be passed at this session.

Mr. RYON, of Pennsylvania. I ask unanimous consent to take up that bill and dispose of it.

Mr. MILLS. Why not let us have unanimous consent to proceed in obedience to the rules of the House to the business on the Speaker's table?

Mr. RYON, of Pennsylvania. If we go to that business we shall never reach the canal-boat bill this session.

Mr. HAWLEY. Perhaps the House will agree to take up the canal-boat bill, and then go to the Speaker's table.

Mr. TOWNSHEND, of Illinois. I shall object to any unanimous consent; I want to go into Committee of the Whole.

Mr. RYON, of Pennsylvania. I ask unanimous consent to proceed with the consideration of the canal-boat bill.

Mr. FINLEY. It must be with the understanding that it shall be disposed of without further debate, and that the vote shall be taken.

The SPEAKER. The gentleman from Pennsylvania [Mr. RYON] asks that the canal-boat bill shall be disposed of, and that on the disposal of that bill it shall be understood that the motion has been carried to go to business on the Speaker's table.

Mr. FINLEY. With the understanding that there shall be no further debate upon the canal-boat bill.

Mr. TOWNSHEND, of Illinois. I object.

The SPEAKER. The Chair would suggest a compromise. The canal-boat bill shall be first disposed of, and thereafter the House shall proceed to business on the Speaker's table.

Mr. FINLEY. I object.

Mr. WILSON. It is important that we should have action upon the bill in relation to a new treaty with Mexico.

Mr. O'NEILL. The shortest way is the easiest way to dispose of this matter.

Mr. MILLS, (one of the tellers.) So far as I am concerned, I will remove the difficulty by withdrawing the motion to go to the Speaker's table.

ENROLLED BILL SIGNED.

Mr. COFFROTH, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. No. 1627) to authorize the construction of a railroad bridge across the Wabash River.

ORDER OF BUSINESS.

Mr. ACKLEN. The gentleman from Texas [Mr. MILLS] has withdrawn his motion to go to business on the Speaker's table.

The SPEAKER. The Chair so understands.

Mr. ACKLEN. I believe it is the understanding of the House that the canal-boat bill shall now be taken up.

Mr. FINLEY. That is not the understanding, unless it can be agreed that an immediate vote shall be taken, without further debate.

The SPEAKER. The Chair thought it was the understanding on the part of the House that the report of the Committee on Foreign Affairs made by the gentleman from West Virginia [Mr. WILSON] was first to come up, but the House can alter the order of business by raising the question of consideration.

Mr. WILSON. It will only take twenty minutes.

Mr. WHITE. What is it?

The SPEAKER. It is a bill creating a commission for treaty intercourse between Mexico and the United States.

Mr. CONGER. What is supposed to be done with it?

Mr. FINLEY. I understand that the bill is to be voted upon without further debate; otherwise I must object.

The SPEAKER. The gentleman has no right to object if the bill gets up in its regular order.

Mr. FINLEY. I am speaking as to the agreement if we proceed to the consideration of the canal-boat bill.

Mr. KENNA. That is the regular order.

The SPEAKER. It comes up as the regular order.

Mr. CONGER. That order was made subject to conditions.

The SPEAKER. What were the conditions?

Mr. CONGER. The conditions were that it should be subject to the consideration of appropriation bills. That was the special order, and it is subject to those conditions.

The SPEAKER. The Chair will cause to be read the order making the report from the Committee on Foreign Affairs submitted by the gentleman from West Virginia [Mr. WILSON] a special order.

The Clerk read as follows:

On motion of Mr. WILSON, by unanimous consent,

Ordered, That House resolution No. 28, a joint resolution providing for a treaty with the Republic of Mexico, be made a special order for to-morrow after the morning hour, not to interfere with appropriation bills and the Board of Health bill.

The SPEAKER. The Chair is advised from the reading of this order that the bill was made a special order for one day only, and not from day to day as he supposed.

Mr. WILSON. I desire to say one word if the House will hear me. After examining this question and corresponding with the State Department I am satisfied of the importance of taking immediate action upon this measure.

The SPEAKER. Is there objection?

Mr. ACKLEN. I call for the regular order, which is the canal-boat bill.

CANAL-BOATS, ETC.

The SPEAKER. The regular order being called for, the House resumes as unfinished business the consideration of the bill (S. No. 671) relating to vessels not propelled wholly by sail or internal motive power of their own.

Mr. RYON, of Pennsylvania. I demand the previous question on the bill and amendments.

Mr. REAGAN. I move that the bill be referred to the Committee on Commerce.

The SPEAKER. That motion will be in order if the previous question should not be ordered.

Mr. ACKLEN. When this bill was last up I had been recognized and had made the motion to refer the bill to the Committee on Commerce, upon which the demand for the previous question was pending.

The SPEAKER. The Chair finds the demand for the previous question applied not only to the motion to commit, but to the bill and amendments.

Mr. ACKLEN. Now, Mr. Speaker——

The SPEAKER. The demand for the previous question is not debatable.

Mr. ACKLEN. I withdraw the demand for the previous question, and I am entitled to the floor for one hour.

The SPEAKER. When the gentleman from Louisiana took the floor, the demand for the previous question was pending.

Mr. ACKLEN. I had the floor by the ruling of the Speaker *pro tempore*.

The SPEAKER. The gentleman from Louisiana did not make the original demand for the previous question. He only made the motion to reconsider the vote by which the main question was ordered. The motion to reconsider being carried, the House was brought back to the question whether the previous question should be seconded; and that is not debatable.

Mr. ACKLEN. But the gentleman from Pennsylvania withdrew the demand for the previous question, which was a demand for a vote on the bill and amendments. I had made the motion to reconsider, and the Chair recognized me for one hour. I said that I moved to refer the bill to the Committee on Commerce.

The SPEAKER. The House having reconsidered the vote by which the main question was ordered, it now comes back to the question on seconding the demand for the previous question.

Mr. KENNA. In the mean time I offered an amendment, which is pending.

The SPEAKER. That was done by consent.

Mr. RYON, of Pennsylvania. I insist on my demand for the previous question.

Mr. FINLEY. The gentleman from Louisiana, in the first instance, demanded the previous question upon the motion to recommit, and then enlarged his demand so as to cover the question upon the bill and amendments.

The SPEAKER. The present occupant of the chair, being then on the floor, made such a suggestion.

Mr. ACKLEN. I want the ruling of the Chair on the motion to commit.

The SPEAKER. The Chair has admitted that motion.

Mr. ACKLEN. I made that motion, and I now withdraw it.

The SPEAKER. That does not affect the demand for the previous question, which was pending when the gentleman took the floor.

Mr. REAGAN. If the motion to commit is withdrawn, I renew it.

Mr. ACKLEN. I do not yield the floor for that purpose.

The SPEAKER. But the demand for the previous question is pending, and is not debatable.

Mr. RYON, of Pennsylvania. I believe I was recognized to make that motion, and made it.

The SPEAKER. It is not necessary for anybody to be recognized for the motion. It is a pending motion which comes over. The Chair will cause the proceedings to be read.

The Clerk read as follows:

The regular order being demanded, the Speaker stated the same to be the bill (S. No. 671) relating to vessels not propelled wholly by sail or internal motive power of their own, pending when the House adjourned on yesterday; the pending question being on ordering the bill to its third reading; pending which,

Mr. ACKLEN moved to reconsider the vote by which the main question was ordered; pending which,

Mr. FINLEY moved that the said motion do lie on the table; which motion was disagreed to.

The question recurring on the motion of Mr. ACKLEN, and being put, the same was agreed to.

The question recurring on ordering the main question; pending which,

Mr. RYON, of Pennsylvania, and Mr. KENNA, by unanimous consent, submitted amendments; pending which,

Mr. ACKLEN, by unanimous consent, moved that the bill and amendments be referred to the Committee on Commerce.

The SPEAKER. It will be observed that both these amendments as well as the motion to commit came in by unanimous consent. The House, having reconsidered the vote by which the main question was ordered, must go immediately back to the question of seconding the demand for the previous question, the effect of which is to cut off debate.

Mr. ACKLEN. Now I call the attention of the Chair—— [Cries of "Regular order!"]

The SPEAKER. Does the gentleman rise to a point of order?

Mr. ACKLEN. I call the attention of the present occupant of the chair to the statement made by the gentleman from Maryland, [Mr. MCLANE,] who occupied the chair at the time I was recognized for the purpose of making the motion to refer this bill to the Committee on Commerce. I desired to know whether I had one hour. The statement of the Chair was that I had one hour. Now, this bill coming up as unfinished business, I am certainly entitled to my hour in virtue of the recognition of the Chair when the bill was last under consideration.

Mr. O'NEILL. What does the gentleman want with an hour?

Mr. ACKLEN. I do not want to occupy an hour; but I want to get this thing right.

The SPEAKER. The Chair thinks that the gentleman from Maryland did not adhere to the opinion which the gentleman from Louisiana has indicated; and if he did the present occupant of the chair is bound by the Journal.

Mr. ACKLEN. Then I simply call the attention of the present occupant of the chair to the statement that he made to me on the floor that I would be entitled to one hour.

The SPEAKER. Who stated that?

Mr. ACKLEN. Did not the present occupant of the chair so state to me?

The SPEAKER. Not if he was advised that the question was pending on seconding the demand for the previous question; and the gentleman from Maryland [Mr. MCLANE] now states to the Chair that he did not so hold.

Mr. ACKLEN. Does the Chair say that the gentleman from Maryland did not state that I had one hour?

Mr. O'NEILL. Does the gentleman from Louisiana want one hour this warm day?

Mr. ACKLEN. This raises a question of fact that I intend to settle. It is a question of fact as between the gentleman from Maryland and myself.

The SPEAKER. The Chair cannot rule on that.

Mr. ACKLEN. I rise to a privileged question. I submit that this is a privileged question. [Cries of "Regular order!" "Vote!" "Vote!"]

Mr. SAMFORD. I understand the gentleman from Louisiana to insist that he is entitled to one hour, and yet to say that he does not want it.

The SPEAKER. Then we are fighting a shadow.

Mr. SAMFORD. That is what I think.

Mr. ACKLEN. No, sir; we are fighting a question of fact.

Mr. KENNA. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. KENNA. I think the misapprehension of the gentleman from Louisiana arises from the fact that the House reconsidered the vote ordering the main question. Does not that leave the pending question on seconding the demand for the previous question?

The SPEAKER. That is the precise condition of the case; and upon that question the Chair is not at liberty to allow debate.

Mr. ACKLEN. I am not discussing that question. The question I raise is as to what was stated by the Chair, that the gentleman from Maryland [Mr. MCLANE] said he had not stated I was entitled to one hour. It is upon that question I desire to be heard.

The SPEAKER. The Chair will recognize the gentleman to make his statement upon that question at some other time.

Mr. ACKLEN. I think the Chair will recognize the gentleman at any time for a privileged question.

The SPEAKER. Not now, while the House is voting or desirous of voting.

Mr. DAVIS, of North Carolina, and Mr. KLOTZ rose.

Mr. KLOTZ. I want to return thanks to the Chair for forty thousand of my constituents——

The SPEAKER. The gentleman from Pennsylvania [Mr. KLOTZ] can be recognized by unanimous consent only.

Mr. KLOTZ. I am very much obliged to the Chair for having recognized me. Mr. Speaker, I want to return thanks for forty thousand of my constituents, who for two weeks have been waiting for the gentleman from Louisiana [Mr. ACKLEN] to get into line on this bill. The bill is so meritorious that it should not meet with a single objection from the House. The only question is whether the gentleman from Louisiana shall control this bill and get his name into the RECORD that he has passed it, or whether the House shall control the bill. I propose that the House shall now take up the bill and pass it, without regard to the objection of the gentleman from Louisiana. [Applause and laughter.]

Mr. ACKLEN. The gentleman from Pennsylvania is very kind. He has certainly made a great success and raised a great laugh on his first recognition.

The SPEAKER. The Chair has recognized the gentleman from Pennsylvania repeatedly before.

Mr. ACKLEN. I merely wish to read these two lines from the RECORD, and having done so I shall not insist on the attention of the House any longer. [Cries of "Vote!" "Vote!"]

Mr. RYON, of Pennsylvania. I call for the regular order. I think the gentleman has had his hour.

Mr. ACKLEN. Here is what the gentleman from Maryland said:

The gentleman from Louisiana is certainly entitled to one hour if the gentleman from West Virginia surrendered the floor.

[Cries of "Regular order!"]

Mr. ACKLEN. You cannot howl me down.

The SPEAKER. The Chair rises to a point of order, that gentlemen be seated.

Mr. MITCHELL. I ask the Chair whether I have a right to be heard on a point of order?

The SPEAKER. There is one point of order, or what seems to be a point of order, now pending. The Chair is not at liberty to entertain two points of order at the same time.

Mr. ACKLEN. I will continue what I have to say on the question of privilege. If the House will hear two lines of the RECORD I will have nothing more to say. The gentleman from Maryland who occupied the chair at that time said:

The gentleman from Louisiana is certainly entitled to one hour, if the gentleman from West Virginia surrendered the floor.

Mr. ACKLEN. Very good. Now, Mr. Speaker, I move to refer the bill to the Committee on Commerce; and I demand the previous question on that motion.

Mr. RANDALL, (the Speaker.) And on the bill and amendments.

Mr. ACKLEN. Yes, sir.

Mr. RYON, of Pennsylvania. I hope the House will vote down the motion to refer.

It will be seen, Mr. Speaker, that the gentleman from Maryland who occupied the chair recognized me, the gentleman from West Virginia having yielded the floor, and stated that I was entitled to one hour. But the Chair stated a short time ago that the gentleman from Maryland came to him and privately informed him he had made no such statement. Then I rose to a question of privilege, to settle the question of fact by an appeal to the RECORD, and I think I have done so.

The SPEAKER. The Chair has a word to say. It is the uniform practice when a motion to reconsider has been passed in the affirmative the question immediately recurs on the question reconsidered. That has been the ruling of the Chair accepted by the House, and the uniform practice. The Chair rules, therefore, that the question now recurs on seconding the demand for the previous question on the bill and amendments, and the motion to commit.

The question being taken, the previous question was seconded and the main question was ordered.

The SPEAKER. The question is first on the motion to refer the bill to the Committee on Commerce.

The question being taken, the Speaker stated that the "noes" appeared to have it.

Mr. REAGAN. I ask for a division.

The House divided; and there were ayes 9.

So (further count not being insisted on) the motion to refer the bill to the Committee on Commerce was not agreed to.

The SPEAKER. The question now recurs on the amendments. The first amendment is that offered by the gentleman from Pennsylvania, [Mr. RYON.]

The Clerk read the amendment, as follows:

In line 5 of the bill strike out the word "wholly."

The amendment was agreed to.

Mr. RYON, of Pennsylvania, moved to reconsider the vote by which the amendment was agreed to; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The next amendment was to add the following to the end of the bill:

Nor shall this nor any existing law be construed to require the enrolling, registering, or licensing of any flatboat, barge, or like craft, for the carriage of freight, not propelled by sail or by internal motive power of its own on the rivers of the United States.

The amendment was agreed to.

Mr. RYON, of Pennsylvania, moved to reconsider the vote by which the amendment was agreed to; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

The bill was ordered to be engrossed and read a third time; and being engrossed, was accordingly read the third time.

The question was then taken on the passage of the bill; and on a division there were ayes 114, noes not counted.

So the bill was passed.

Mr. RYON, of Pennsylvania, moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

Mr. CONGER. I move to amend the title of the bill by striking out the work "wholly" and adding to it the words "and for other purposes."

The amendment to the title was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced that the Senate had passed, without amendment, the bill (H. R. No. 2386) to amend an act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes," approved June 23, 1879, by correcting two clerical errors therein.

The message also requested that the House return to the Senate the concurrent resolution of the Senate providing for printing 2,000 copies of the report of the Commission on Fish and Fisheries for distribution by the commissioners.

GEOLOGICAL SURVEY.

Mr. ATKINS, from the Committee on Appropriations, reported a joint resolution (H. R. No. 116) to amend the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes."

The joint resolution was read. It provides that the first clause under the heading of geological surveys, in the act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes, approved March 3, 1879, and providing for said survey, is hereby amended by inserting after the words "national domain," in said clause, the words "and the States;" so that, as amended, it would read:

Provided, That this officer shall have the direction of the geological survey and classification of the public lands and the examination of the geological structure and mineral resources of the national domain and the States.

Mr. KEIFER. I would like to understand the necessity of putting in the words "and the States."

Mr. ATKINS. Just this: the law officers of the Department construe the words "national domain" to be confined to the Territories and the States where there are public lands. The Geological Director desires to make surveys of the mineral resources of the entire country, not only in the Territories and in the States where there are public lands, but also in all the States. He desires to make a survey of all the mineral resources, and the words "and the States" are added to the words "national domain" in order that he may be enabled to do so. If the Legislature or the executive of any State shall object, the Geological Director will not go into that State.

Mr. McGOWAN. I would like to ask what is the necessity of making geological surveys in States which have already made arrangements for such surveys by their own officers.

Mr. ATKINS. He certainly will not go into any such State to make surveys.

Mr. McGOWAN. He will probably go wherever he has an opportunity to go.

Mr. HAWLEY. I do not understand that he has any idea of making a geological survey in States that have already provided for surveys, but under the rules of the Department technically they cannot use the money in collecting such surveys as the States may have made, because the words "national domain" are construed to mean only public lands remaining unsold.

Mr. REAGAN. Is it the object of the amendment to extend the geological surveys through the States?

Mr. ATKINS. The object is to enable the geological director to make surveys of the mineral deposits in all the States.

Mr. HAWLEY. And to collect what the States have already done for themselves. The Treasury Department is confined now to the survey of public lands, but in order to make a correct estimate of the mineral resources of the country it is necessary that the information which has already been collected by the States themselves shall be secured.

Mr. ATKINS. Tennessee has a large deposit of coal and iron, and would be glad to have accurate information as to it.

Mr. REAGAN. If there is one thing I do not like it is to see the Constitution trampled down and disregarded in everything as it has been in the past.

Mr. WHITE. I want to know whether this joint resolution prohibits these officers from going into a State which is now carrying on geological surveys of its own. In my State we have appropriated over half a million of dollars for the geological surveys, and a report upon them has been submitted by Professor Rogers, and we do not want to be embarrassed by anything of this kind. Let it go on the record, let it be understood that it is not intended that these surveys shall go into States which are now carrying on geological surveys.

Mr. HAWLEY. It may be necessary for an officer of this department to go to Harrisburgh for two months to ascertain what has been done by the State.

Mr. WHITE. I am opposed to it. We want to have our reports harmonious; we want to have but one report of the surveys of the State.

Mr. WARNER. We should know, before acting on this measure, whether or not this is a proposition for a general geological survey of the States of this Union. I apprehend that no State will object to any scientific survey of its territory, and therefore it is a question whether or not we are now to begin a general geological survey of the States. I do not know that I should oppose it, but I think we should know the effect of the step which we are asked to take.

Mr. REAGAN. It is said that the States may consent. Gentlemen know that it is claimed here by some that when a Federal officer is called upon to execute a Federal law he is not called upon to respect any State law. That is one of the advanced positions of the time, and if that theory is true, then by this joint resolution you will authorize an officer of a government outside of the States to go into the States and take charge of the surveys of those States, and thus exercise one of the rights of eminent domain.

Mr. WARNER. The question of eminent domain is not involved in this proposition at all.

Mr. ATKINS. Not at all. The object that I had in offering this joint resolution was simply to enable the Geological Director to make in his next report a practical presentation of the mineral resources of the States of the Union so far as they relate to coal and iron. When the law creating the Coast Survey was passed, I understand that no objection was made to authorizing the superintendent of the Coast Survey to make his geodetic surveys in the different States.

Mr. REAGAN. There was constitutional authority for that.

Mr. ATKINS. I think my friend from Texas [Mr. REAGAN] is straining the point considerably when he introduces the question of State rights into a matter of this kind, which proposes simply to make provision for a practical scientific report by the Geological Director of the United States upon the mineral resources of the country.

Mr. REAGAN. The Coast Survey is made under the authority of the Constitution, which authorizes the regulation by the United States of commerce among the States and with foreign countries. But the law authorizing a geological or other scientific survey of the States would execute no provision of the Constitution, either expressed or implied. This is a Government of limited powers.

Mr. ATKINS. Does the gentleman mean to say that the law creating the office of Geological Director is unconstitutional? If so, he is about four months too late.

Mr. REAGAN. I do not say that at all. That was a law for the creation of an officer to do what he might properly do in territory in regard to which we may properly legislate. But this is a proposition to authorize him to go where the Constitution does not permit him to go without the authority of the States.

Mr. ATKINS. I am very willing that the gentleman from Texas, if he desires to do so, shall offer an amendment providing that this may be done by the consent of the Legislature or the executive of any State.

Mr. WARNER. I object to that. I do not think that a scientific examination of the rocks of any State is very much of an infringement of the doctrine of State rights.

Mr. ATKINS. Nor do I.

Mr. BAYNE. I only want to say that I cannot concur in the suggestion made by my colleague, [Mr. WHITE.] I am very certain that Pennsylvania and Pennsylvanians will be anxious to enjoy the fruits of the knowledge to be attained by a general survey of the whole country. Notwithstanding the fact that the State of Pennsylvania has made a very good scientific and geological survey of that State, yet I am sure she will join her sister States of the Union in any measure to have a scientific geological survey made of the entire territory of the United States. If the knowledge which we have acquired in our State by our own survey can be made available in this behalf, of course we will not object to it.

Mr. WHITE. Will my colleague allow me to ask him a question?

Mr. BAYNE. Certainly.

Mr. WHITE. Does my colleague not know that at this very moment the engineers are traveling over our State, and that annually the Legislature of our State makes large appropriations of money for that object, and that they are publishing their results by piecemeal and sending them out in pamphlets?

Mr. HAZELTON. What difference does that make?

Mr. WHITE. Let me alone. Does my colleague understand that it would be any advantage to our State, so far as its mineral resources are concerned, to have one set of reports made by our own geologist and another set of reports made by the United States geologist? Would it not get our people into confusion, and instead of advancing our interests would it not retard our progress in that respect? We are proud of our Pennsylvania reports.

Mr. BAYNE. I have only to say in reply to my colleague that if Pennsylvania can get the benefit of two surveys I think she would be perfectly willing to have them. If she can have her reports quoted by the United States geologist, I think she would be proud of the fact; and if she can obtain a knowledge of surveys in other States to compare with the reports of our own geologists, I think she would be willing to do so.

Mr. WILSON. Mr. Speaker, my people are anxious for the geological survey. The vast mineral wealth locked up in our mountains should be developed. I preferred that this bill should have had limitations and restrictions upon it, but upon reflection I am of the opinion that the Government surveyors can violate no rights of property of any citizen, nor can they do any act under the laws and Constitution without the authority of the State. No contest, however, can arise upon this subject. The Government do not usurp any authority, and the people everywhere in mineral districts would be only too glad to have the developments which this survey would produce. I shall therefore vote for the bill.

Mr. ATKINS. I now call the previous question.

Mr. REAGAN. I make the point of order that this joint resolution must be first considered in Committee of the Whole.

Mr. ATKINS. Why? There is no appropriation in it.

Mr. REAGAN. If the Speaker will refer to the rule in regard to appropriations——

The SPEAKER. This resolution does not appropriate any money.

Mr. ATKINS. Not a cent.

Mr. REAGAN. It is not necessary, under Rule 112, that it shall absolutely appropriate money.

The SPEAKER. Will the gentleman indicate the clause of the rule upon which he would base his point of order against this joint resolution?

Mr. ATKINS. The point of order comes up too late, at any rate.

Mr. GARFIELD. The bill has been debated.

Mr. REAGAN. Rule 112 provides that—

All proceedings touching appropriations of money and all bills making appropriations of money or property, or requiring such appropriations to be made, or authorizing payments out of appropriations already made, shall be first discussed in a Committee of the Whole House.

Now, this bill, as I understand, authorizes the application of an appropriation already made. If I have misunderstood the bill, then the point does not apply.

The SPEAKER. The joint resolution will be again read, and the Chair will ask the gentleman from Texas to pay close attention to the reading so that he may point out to the Chair which part of the bill he thinks is liable to a point of order under the provisions of Rule 112.

The Clerk again read the joint resolution.

Mr. REAGAN. Now, the point I make is that this is the extension of the provisions of a bill appropriating money for a geological survey to purposes not embraced in the original bill; it directs the expenditure of an appropriation of money already made, and hence comes under the latter part of Rule 112, which provides that bills authorizing the payment of appropriations already made shall be first discussed in Committee of the Whole.

The SPEAKER. The Chair does not think that this joint resolution appropriates any money; nor does it change the amount of any money already appropriated.

Mr. REAGAN. But it is in relation to the application of an appropriation already made.

The SPEAKER. It only refers to an appropriation bill and provides that certain words shall be added. The Chair does not see that the point of order, even if made in time, would be good. But it was

not made in time because the bill had been introduced and was under discussion for a long time before any effort was made to raise the point of order.

Mr. BRIGHT. Mr. Speaker, I have ever been the advocate of the development of the resources of the whole country. I have ever been the advocate of applying the lever of science wherever it can be successfully and properly applied. But on a slight examination of this bill I find that its provisions are not only directory but mandatory. I find in the bill language which instructs the national geological surveyor to take charge not only of the national surveys but of the State surveys. In this provision I see a possibility of conflict between the Federal and the State officers; and I call the attention of the House to this important provision.

If I am correctly informed, nearly every State in this Union has its own geological survey, conducted by the authority and under the laws of the State. In the State of Tennessee there exists, I know, a system of survey under State authority; and if I mistake not, there has been a geological surveyor or geologist of that State for the last forty years. But if the direction of State surveys is to be assumed by the United States, then a conflict of authority is imminent. I do not see that it is necessary to precipitate such a conflict, or that any such provision is necessary as a part of this bill.

I am not opposed to geological surveys when made in a proper way. I wish a stream of light poured in upon all the resources not only of the Territories but of every State in the Union; but I really do not see the necessity for incurring the expense of duplicate surveys. If it is merely the information that the Government of the United States wishes, I maintain that from geological surveys and reports of State officers the United States will be in full possession of all the information which may be desired.

Mr. ATKINS. If the gentleman will allow me I will offer an amendment which I think will meet his views and those of other gentlemen. I will move to insert after the word "domain" the words "and may extend his examinations into the States."

Mr. GARFIELD. I think the amendment suggested by the gentleman from Tennessee [Mr. ATKINS] will remove all possible doubt. The language, as amended, will provide that this officer—

Shall have the direction of the geological survey—

Whose survey? Ours, that we have created by law—

and the classification of the public lands—

That is, our public lands—

and the examination of the geological structure, mineral resources, and products of the national domain.

Now, the gentleman proposes to provide that this geological examination may be extended into the States, the object being to connect the geology of our national domain with that of the States—an important scientific object.

Mr. BRIGHT. I think the amendment does not meet my objection, which is that the direction of the geological surveys is conferred upon the national geologist or surveyor, and that this direction is extended through the States, so as necessarily to bring the national officer in conflict with the State officer. I cannot conceive that the language of the resolution can mean anything else than what I have indicated. If the word "direct" be struck out, and the officer of the United States Government be merely authorized to extend the surveys to the States by permission of the State governments, I shall have no objection.

Mr. ATKINS. The amendment which I offer, my colleague will notice, changes the form of the sentence. I propose to add, after the words "national domain," the words "and he may extend his examinations into the States."

Mr. BRIGHT. I suggest the addition of the words "with the permission of the State governments."

Mr. ATKINS. I have no objection to that.

Mr. BRIGHT. The words I have suggested will avoid any conflict between the officers of the United States and the authorities of the States.

Mr. WHITE. I desire to offer an amendment.

Mr. ATKINS. I offer my amendment in the form I have suggested. If there are any other amendments to be offered let them be offered separately and independently.

Mr. WHITE. Let the amendment of the gentleman from Tennessee [Mr. ATKINS] be read.

The Clerk read as follows:

After the words "national domain" insert the words "and he may extend his examinations into the States."

Mr. WHITE. Now I move to add "not to interfere, however,"——

Mr. ATKINS. Will the gentleman extend to me the usual courtesy of permitting me to perfect my own bill? That is usual, I believe.

The SPEAKER. The gentleman from Tennessee is on the floor.

Mr. WHITE. I wish to offer an amendment.

Mr. ATKINS. I ask the gentleman from Pennsylvania to allow me to perfect my own bill, and then he can offer his amendment.

Mr. WHITE. Very well; I want to help you.

The question was taken on the amendment offered by Mr. ATKINS; and it was agreed to.

Mr. BRIGHT. I now move to amend by inserting after the word "States" the words "with the consent of the States."

Mr. WHITE. I move to amend the amendment of my friend from Tennessee by striking out the word "necessary" and inserting the words "not to interfere, however, with surveys being made by State authorities." It is substantially the same idea.

Mr. HASKELL. Mr. Speaker, I desire to say a word upon this.

The SPEAKER. The gentleman from Pennsylvania [Mr. WHITE] is on the floor.

Mr. HASKELL. How did the gentleman from Pennsylvania obtain the floor?

The SPEAKER. By recognition from the Chair. The gentleman from Kansas is not on the floor.

Mr. WHITE. The gentleman from Tennessee [Mr. BRIGHT] has offered an amendment which requires the consent of the State authorities. The phraseology there employed may be objectionable to some. My amendment strikes out those words and provides that these surveys shall not interfere with surveys being conducted by the States.

Mr. ATKINS. I have no objection to that.

Mr. WHITE. Very well; that is all right.

Mr. CANNON, of Illinois. I object to it.

Mr. WHITE. Then I wish to be heard upon it for a single moment. My amendment is in the direction of the remarks I had the honor to address to the House a few moments ago. In the State of Pennsylvania, as I stated, we are conducting a survey at great expense, and it is about being completed. Now there is no desire to interfere with the investigations by the General Government if it is deemed proper that these should be made; but we do not want—at least I as a citizen of that State interested in this survey do not want—to have confusing sets of reports nor to have anything done here which will interfere with a well-organized and efficiently conducted survey that is now going on in that State. My amendment is in the direction of having everything harmonious.

Mr. CANNON, of Illinois. Will the gentleman yield to me for a question?

Mr. WHITE. Certainly.

Mr. CANNON, of Illinois. I want to know if the gentleman from Pennsylvania claims or supposes that the United States has any power or disposition to interfere directly or indirectly with any survey that is being conducted in his State under the authority of his State?

Mr. WHITE. In reply to my friend from Illinois, I will say that I do not know that there is any such disposition. I prefer, however to have it written in the law so that there will be no dispute hereafter on the subject.

Mr. CANNON, of Illinois. I object to any such amendment in a national law as this, which to my mind shows the gentleman's want of knowledge concerning the plainest principles of law.

Mr. WHITE. I will not allow my friend from Illinois to make a criticism of that kind upon me without a reply. I admit the superior intelligence of my friend from Illinois on these subjects. I am a plain man, desiring to do my duty as a public servant. I know my State has taken great pains in this matter, and I want to conserve for the people of my State and the public at large the work we are paying for.

Mr. BAYNE. Will my colleague yield to me for a question?

Mr. WHITE. Yes, sir.

Mr. BAYNE. If the survey of our State be a correct one, and the survey made for the United States also be a correct one, how can confusion be produced in the minds of those who examine the two reports?

Mr. WHITE. Let me illustrate. In the gentleman's county of Allegheny surveys are going on now. Does he want the Coast Survey here to go up and invade his county and interfere with the work that is being conducted by the geological survey?

Mr. ATKINS. I demand the previous question.

Mr. HASKELL. Will the gentleman from Tennessee yield to me for a moment?

Mr. ATKINS. I will yield to the gentleman from Kansas [Mr. HASKELL] and to the gentleman from Texas, [Mr. REAGAN,] and then I will demand the previous question.

Mr. HASKELL. I desire to state that this amendment, which compels the work of the geological survey to wait until an expression may be had from each of the States where it becomes necessary to do that work, is simply to postpone it indefinitely, or at least to postpone it in the case of my State for about two years. I desire to call attention further to the fact which has been alluded to upon the floor that this order of Congress in no way can interfere with any geological survey of any State, or take the place of it or incommode any officer of any State.

You might as well object to getting up any national agricultural reports, because every State gets up agricultural reports, as to refuse to give these officers the privilege of going into the States, if need be, for a compilation only of the data which they have secured.

Again, nearly all of the States west of the Mississippi River containing a portion of the public domain of the United States were ordered to make a survey of the public domain, and in order to make a survey of the public domain our officers must go into the States of Kansas, Nebraska, and I presume also into Iowa, Minnesota, and the Territories, in order to make anything like an extended survey of the public domain in the western country where it is especially needed.

This provision of the gentleman from Tennessee [Mr. ATKINS] is intended to cover the entire case, and the fear expressed by the gen-

tleman from Pennsylvania [Mr. WHITE] is entirely unfounded, from the fact that if they go into a State for the purpose of completing their work and find there State surveys, in no way can they stop it or interfere with it; in no way can they discommode any officer charged with the conduct of that survey.

Congress does not possess the power to oust the State surveys from their work under the State laws, and this is simply to give free and full power and opportunity to give us what we need—a geological survey of the United States. This law would allow an officer of the department to go to the State of Pennsylvania and copy the reports of those admirable surveys.

Mr. WHITE. I have no objection to that.

Mr. HASKELL. This provision of the gentleman from Pennsylvania will postpone the work in my State for two years, and it will require a law to be passed by the Legislature of each State permitting the United States geologist to confer merely with State geologists and get permission to copy some of their work. Now, what is the necessity of cumbering this bill with that provision?

Mr. WHITE. My friend, who is usually very cautious, has not read my amendment. The amendment I offered does not propose to interfere with the surveys now being conducted by State authorities.

Mr. HASKELL. There is no power in Congress, however we may vote here to-day, that will permit a Federal officer, by any construction of any law, to go into the State of Pennsylvania and interfere with the surveys ordered by that State, and therefore his provision is entirely unneeded and absolutely impossible.

Mr. ATKINS. I yield now for a moment to the gentleman from Texas, [Mr. REAGAN.]

Mr. REAGAN. I shall vote against this bill, either with the amendment or without the amendment, inasmuch as it proposes to extend the geological surveys of the United States into the States.

I shall do it because I do not believe that the Constitution enables us to pass such a law, and I shall do it for another reason. The expenditures of the Government are very heavy and burdensome to the people, yet we are year by year building up new lines of expenditure.

We have had here a law authorizing the establishment of a bureau to make sanitary regulations in the States and between the States. Now we are asked to build up another great bureau, and spend ten or twenty millions of dollars to extend the geological survey into the States, as if the burdens of the people were not already too much, and if the Federal jurisdiction had not been extended far enough by our predecessors. We, day by day, and step by step, in advance of them, proceed without the authority of the Constitution, in creating new sources of expenditure, and entailing new burdens upon the people.

Mr. ATKINS. I now yield a moment to the gentleman from Tennessee, [Mr. BRIGHT.]

Mr. BRIGHT. I rise for the purpose of withdrawing the amendment which I offered to the bill, and at the same time for the purpose of defining, in a few words, the position I occupy.

I think the amendment of the gentleman from Pennsylvania [Mr. WHITE] covers the idea which I had in view in offering my amendment, and will obviate the difficulty in relation to the bill. The idea that I had was not that Congress had a right to interfere with the laws of a State passed by the proper authorities of the State, but the idea was this: that here was a direction to a national officer to take charge of certain machinery within the State, and that that officer in construing the extent of his authority might come in conflict with the administration of the State officer—not that he might have the right to do so; not that you intend to confer upon him the power to do so; but by the unfortunate verbiage you employed in the law you might induce him to believe that such authority was conferred upon him; hence conflicts might take place. But as to the authority of the State, and as to the power of Congress to give a Federal officer the authority to enter a State for the purpose of making a survey, I maintained that it would be very little delay if every State Legislature were to pass an act to authorize a State to throw open its gates and invite officers of the Federal Government to investigate all the resources concealed beneath its soil or wrapped in its bosom. I withdraw my amendment.

Mr. ATKINS. I now move the previous question.

Mr. WHITE. What did the gentleman say about my amendment?

Mr. HAZELTON. He says that it is entirely frivolous, and that no one but an insane person would offer it.

Mr. BRIGHT. I believe the amendment of the gentleman from Pennsylvania [Mr. WHITE] covers the idea embodied in mine, and therefore I have withdrawn my amendment.

The previous question was seconded and the main question ordered upon the joint resolution and amendment.

The first question was upon the amendment of Mr. WHITE, to insert after the word "States" the words "not to interfere, however, with any geological survey now being made by the States;" so that the proviso will read as follows:

Provided, That this officer shall have the direction of the geological survey and the classification of the public lands and examination of the geological structure, mineral resources, and products of the national domain, and he may extend his examination into the States, not to interfere, however, with any geological survey now being made by the States.

Mr. ATKINS. Perhaps the gentleman from Pennsylvania [Mr. WHITE] had better modify his amendment by inserting after the word "made" the words "or hereafter to be made;" so that it will read "geological survey now being made or hereafter to be made by the States."

Mr. WHITE. I will do that.

Mr. HAZELTON. I object to any modification of the amendment after the previous question has been ordered.

Mr. ATKINS. Let the gentleman perfect his amendment.

Mr. HAZELTON. It does not perfect anything, and we want to vote it down.

The question was taken upon the amendment of Mr. WHITE without modification; and upon a division there were—ayes 25, noes 51.

No further count being called for, the amendment was not agreed to.

The question was then taken on ordering the joint resolution to be engrossed and read a third time; and upon a division there were—ayes 56, noes 24.

Mr. ROTHWELL. No quorum has voted.

Mr. ATKINS. If that point is insisted upon, then I think this will be about the end of legislation for this session; there will be no more bills passed.

The SPEAKER. Is the point of order insisted upon that no quorum voted?

Mr. ROTHWELL. I will not insist upon it.

No further count being called for, the joint resolution was ordered to be engrossed and read a third time; and it was accordingly read the third time.

The question was taken upon the passage of the joint resolution; and upon a division there were—ayes 52, noes 31.

Mr. BLACKBURN. No quorum has voted.

Tellers were ordered; and Mr. ATKINS and Mr. BLACKBURN were appointed.

MESSAGE FROM THE PRESIDENT.

A message from the President, by Mr. PRUDEN, his Secretary, informed the House that the President had approved and signed bills and joint resolutions of the following titles:

An act (H. R. No. 1379) fixing the rate of interest upon arrearages of general taxes and estimates for special improvements now due to the District of Columbia and for a revision of estimates for special improvements and for other purposes;

An act (H. R. No. 1856) authorizing the commissioners of the District of Columbia to extend the area for the taking up and impounding of domestic animals in the District of Columbia;

An act (H. R. No. 1847) to provide for the appointment of a Mississippi River commission for the improvement of said river from the head of the passes near its mouth to its headwaters;

An act (H. R. No. 2329) authorizing the Conway National Bank of Conway, Massachusetts, to change its location and name;

An act (H. R. No. 2267) providing for the binding of the internal-revenue laws and manual;

A joint resolution (H. R. No. 32) authorizing the completion of the foundation of the Washington Monument;

A joint resolution (H. R. No. 71) authorizing the appointment of a commission to lease a building for a city post-office in the city of Washington, District of Columbia; and

A joint resolution (H. R. No. 113) to provide for the purchase of the stereotype plates of the final reports of the centennial commission upon the centennial exhibition of 1876.

GEOLOGICAL SURVEY.

The House resumed the consideration of the joint resolution in relation to the geological survey.

The SPEAKER. The pending question is upon the passage of the joint resolution, upon which tellers have been ordered.

The House again divided; and the tellers reported that there were—ayes 72, noes 34.

Mr. BLACKBURN. No quorum has voted.

The SPEAKER. The Chair suggests that the yeas and nays might be called on the passage of the joint resolution. The Chair thinks that there has not been a quorum in the House to-day.

Mr. ATKINS. I move that the House now adjourn.

Mr. BLACKBURN. I second that motion.

The SPEAKER. The Chair thinks that the test of a quorum had better be made on the passage of this joint resolution.

Mr. WHITE. Does any one raise the point of order that a quorum has not voted?

The SPEAKER. The gentleman from Kentucky, [Mr. BLACKBURN,] one of the tellers, has raised the point that a quorum did not vote.

Mr. ATKINS. I withdraw the motion to adjourn.

Mr. KLOTZ. I call for the yeas and nays on the passage of the joint resolution.

The question was taken upon ordering the yeas and nays; and there were 24 in the affirmative.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

The question was taken; and there were—yeas 92, nays 53, not voting 141; as follows:

YEAS—92.

Aldrich, William	Brewer,	Carpenter,	Coffroth,
Atkins,	Burrows,	Caswell,	Conger,
Bayne,	Butterworth,	Clardy,	Converse,
Blake,	Cannon,	Clymer,	Covert.

Cravens,	Hawk,	Murch,	Stevenson,
Culberson,	Hawley,	Neal,	Taylor,
Daggett,	Hazelton,	New,	Thomas,
Davis, George R.	Henkle,	O'Connor,	Townsend, Amos
Davis, Joseph J.	Herbert,	Osmer,	Tyler,
Deering,	Hill,	Phelps,	Updegraff, J. T.
Dibrell,	Horr,	Pound,	Updegraff, Thomas
Dunn,	Hubbell,	Prescott,	Valentine,
Elam,	Hull,	Russell, W. A.	Van Aernam,
Farr,	Jones,	Ryan, Thomas	Voorhis,
Field,	Joyce,	Scales,	Waddill,
Ford,	Keifer,	Shallenberger,	Wait,
Forsythe,	King,	Sherwin,	Ward,
Fort,	Lowe,	Slemons,	Warner,
Garfield,	Mason,	Smith, A. Herr	Weaver,
Gillette,	McGowan,	Smith, Hezekiah B.	Williams, Thomas
Hammond, N. J.	Mitchell,	Smith, William E.	Willits,
Haskell,	Monroe,	Steele,	Wilson,
Hatch,	Muller,	Stephens,	Wise.

NAYS—53.

Acklen,	Davis, Loundes H.	McCoid,	Shelley,
Aiken,	Errett,	McMillin,	Simonton,
Armfield,	Evins,	Mills,	Springer,
Beale,	Felton,	Myers,	Thompson,
Bicknell,	Forney,	Nicholls,	Tillman,
Blackburn,	Gibson,	Orth,	Turner, Oscar
Briggs,	Godshalk,	Persons,	Upson,
Bright,	Henderson,	Phister,	Wellborn,
Caldwell,	Herndon,	Reagan,	Willis,
Clark, John B.	House,	Richardson, J. S.	Yocum,
Cobb,	Hunton,	Rothwell,	Young, Casey.
Cook,	Klotz,	Ryon, John W.	
Cowgill,	Manning,	Samford,	
Davidson,	Marsh,	Sawyer,	

NOT VOTING—141.

Aldrich, N. W.	Dick,	Kimmel,	Rice,
Anderson,	Dickey,	Kitchin,	Richardson, D. P.
Atherton,	Dunnell,	Knott,	Richmond,
Bachman,	Dwight,	Ladd,	Robertson,
Bailey,	Einstein,	Lapham,	Robeson,
Baker,	Ellis,	Lay,	Robinson,
Ballou,	Ewing,	Le Fevre,	Ross,
Barber,	Ferdon,	Lewis,	Russell, Daniel L.
Barlow,	Finley,	Lindsey,	Sapp,
Belford,	Fisher,	Loring,	Singleton, J. W.
Beltzhoover,	Frost,	Lounsbery,	Singleton, O. R.
Bingham,	Frye,	Martin, Benj. F.	Sparks,
Bland,	Geddes,	Martin, Edward L.	Speer,
Bliss,	Goode,	Martin, Joseph J.	Starin,
Blount,	Gunter,	McCook,	Stone,
Bouck,	Hall,	McKenzie,	Talbott.
Bowman,	Hammond, John	McKinley,	Townshend, R. W.
Boyd,	Harmer,	McLane,	Tucker,
Bragg,	Harris, Benj. W.	McMahon,	Turner, Thomas
Brigham,	Harris. John T.	Miles,	Urner,
Browne,	Hayes,	Miller,	Vance,
Buckner,	Heilman,	Money,	Van Voorhis,
Cabell,	Henry,	Morrison,	Washburn,
Calkins,	Hiscock,	Morse,	Wells,
Camp,	Hooker,	Morton,	White,
Carlisle,	Hostetler,	Muldrow,	Whiteaker,
Chalmers,	Houk,	Newberry,	Whitthorne,
Chittenden,	Humphrey,	Norcross,	Wilber,
Claflin,	Hurd,	O'Brien,	Williams, C. G.
Clark, Alvah A.	James,	O'Neill,	Wood, Fernando
Colerick,	Johnston,	O'Reilly,	Wood, Walter A.
Cox,	Jorgensen,	Overton,	Wright,
Crapo,	Kelley,	Pierce,	Young, Thomas L.
Crowley,	Kenna,	Poehler,	
De La Matyr,	Ketcham,	Price,	
Deuster,	Killinger,	Reed,	

So the joint resolution was passed.

During the call of the roll the following announcements were made:

Mr. SCALES. My colleague from North Carolina, Mr. VANCE, is paired with my colleague, Mr. MARTIN.

Mr. ROBERTSON. I am paired with Mr. ROBINSON, of Massachusetts.

Mr. BACHMAN. I am paired with my colleague from Pennsylvania, Mr. OVERTON.

Mr. COVERT. My colleague from New York, Mr. FERNANDO WOOD, is paired with Mr. ROBESON, of New Jersey.

Mr. DAVIS, of North Carolina. My colleague, Mr. KITCHIN, is paired with Mr. RICE, of Massachusetts.

Mr. CALDWELL. My colleague from Kentucky, Mr. CARLISLE, is paired with Mr. MILLER, of New York. My colleague, Mr. MCKENZIE, is paired with Mr. SAPP, of Iowa.

Mr. MANNING. My colleague from Mississippi, Mr. MULDROW, is paired with Mr. DWIGHT, of New York. My colleague, Mr. MONEY, is paired with Mr. STONE, of Michigan. My colleague, Mr. CHALMERS, is paired with Mr. VAN VOORHIS, of New York. My colleague, Mr. SINGLETON, is paired with Mr. CALKINS, of Indiana. I do not know how any of my colleagues would vote if present.

Mr. DUNN. I am paired with Mr. HAYES, of Illinois, on political questions. This is not a political question, and I am informed Mr. HAYES would probably vote for the joint resolution. Being in favor of it myself I vote "ay."

Mr. BEALE. My colleague from Virginia, Mr. RICHMOND, is paired with Mr. PRESCOTT, of New York.

Mr. LOUNSBERY. I am paired with my colleague from New York, Mr. BAILEY.

Mr. WILSON. My colleague from West Virginia, Mr. KENNA, is absent in his committee-room, engaged on official business.

Mr. WAIT. My colleague from Connecticut, Mr. MILES, is paired with Mr. SINGLETON, of Illinois. Mr. ROBINSON, of Massachusetts, is paired with Mr. ROBERTSON, of Louisiana. Mr. KELLEY, of Pennsylvania, is paired with Mr. MORSE, of Massachusetts.

Mr. MASON. My colleague from New York, Mr. HAMMOND, is confined to his room by sickness.

Mr. MCGOWAN. My colleague from Michigan, Mr. STONE, is absent by leave of the House. He is paired with Mr. MONEY, of Mississippi. Mr. STARIN, of New York, is paired with Mr. CLARK, of New Jersey.

Mr. POUND. My colleague from Wisconsin, Mr. HUMPHREY, is paired with Mr. COLERICK, of Indiana.

Mr. TOWNSEND, of Ohio. My colleague, Mr. MCKINLEY, is paired with Mr. SPARKS, of Illinois.

Mr. DEERING. My colleague from Iowa, Mr. SAPP, who is absent by leave of the House, is paired with Mr. MCKENZIE, of Kentucky. My colleague, Mr. PRICE, is paired with Mr. WRIGHT, of Pennsylvania.

Mr. COWGILL. My colleague from Indiana, Mr. BAKER, I understand is paired with Mr. MCMAHON, of Ohio. My colleague, Mr. CALKINS, is paired with Mr. SINGLETON, of Mississippi.

Mr. HARRIS, of Massachusetts. I am paired with Mr. WHITTHORNE, of Tennessee.

Mr. VAN AERNAM. My colleague from New York, Mr. LAPHAM, is paired with Mr. TUCKER, of Virginia.

Mr. BREWER. My colleague from Michigan, Mr. NEWBERRY, is paired with Mr. ATHERTON, of Ohio.

Mr. ALDRICH, of Illinois. Mr. ALDRICH, of Rhode Island, is paired with the distinguished gentleman from Ohio, Mr. EWING.

Mr. ELLIS. I am paired with Mr. HARMER, of Pennsylvania.

Mr. WARD. I ask the Clerk to call my name.

The Clerk called the name of Mr. WARD.

Mr. WARD. I vote "ay."

Mr. BLACKBURN. I desire to know whether any gentlemen are voting who have come into the Hall since the roll-call was completed.

The SPEAKER. The Chair understands that the gentleman from Pennsylvania [Mr. WARD] had a right to vote, being within the bar before the last name on the roll was called.

Mr. BLACKBURN. I desire that gentlemen shall only vote on the assurance that they come within the provisions of the rule.

The SPEAKER. The Chair understands that the gentleman from Pennsylvania was in the Hall during the roll-call, and that gives him the right to vote.

Mr. HUNTON. I ask leave to vote.

The SPEAKER. Is there objection?

There was no objection, and Mr. HUNTON voted "no."

Mr. HUNTON. I desire now to account for a few of my colleagues.

Mr. WHITE. Was the gentleman present during the roll-call?

The SPEAKER. The gentleman has voted.

Mr. HUNTON. My colleague from Virginia, Mr. TUCKER, is paired with Mr. LAPHAM. My colleague, Mr. CABELL, is paired with Mr. DWIGHT. My colleague, Mr. GOODE, is paired with Mr. FISHER. My colleague, Mr. RICHMOND, is absent (sick) by leave of the House.

The result of the vote was then announced as above recorded.

Mr. BLACKBURN. Has a quorum voted?

The SPEAKER. A quorum has voted.

Mr. BLACKBURN. I have no point to make.

Mr. ATKINS moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. KENNA, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

A bill (S. No. 498) changing the time of holding the November term of the United States district court in the district of Connecticut;

A bill (S. No. 712) providing for filling vacancies in the Office of Chief of Engineers, United States Army; and

A bill (S. No. 719) to change the name of the ferry-boat James Fisk, jr., to Passaic.

PERSONAL EXPLANATION.

Mr. HERBERT. I rise to a question of personal privilege. My attention was called this morning to an article in the Cincinnati Enquirer, written by a Washington correspondent, in the paper dated the 27th instant, in which the statement is made that some party understanding or agreement was had between certain southern democrats upon this floor and republican gentlemen on the other side of the House representing the President, and the name of the gentleman from Ohio [Mr. GARFIELD] was mentioned, to the effect that the President might have all the appropriations he desired if we on our side could get the test oath repealed or the jury bill enacted and the bill passed and approved which was before the House last week appropriating a certain sum of money for the survey of the Mississippi River. I was mentioned as one of the southern democrats, as one of the parties to this bargain. I merely wanted to say that so far as I am concerned, and every one else so far as I know, the statement is itself simply an unvarnished falsehood.

The information, if the correspondent had any given him on that subject, was also absolutely false. For myself, with the majority of the democratic party, I was in favor of presenting the bills as they

were last presented to the President, because I believed that would secure, as I think it has, absolute unanimity in the democratic party.

Mr. McGOWAN. A good reason.

Mr. HERBERT. Secondly, because I believed it would be of no avail whatever to throw away the jury laws, because that would not strengthen us upon the issue made.

On the question of deputy marshals, I am in full accord with the democratic party, and will by my vote cling to it with a tenacity not second to that of any gentleman upon this floor.

RETURN OF A RESOLUTION TO THE SENATE.

The SPEAKER, by unanimous consent, laid before the House the following message from the Senate of the United States:

IN THE SENATE OF THE UNITED STATES,
June 28, 1879.

Ordered, That the Secretary be directed to request the House of Representatives to return to the Senate the resolution of the Senate providing for the printing 2,000 copies of the report of the United States Commission on Fish and Fisheries for distribution by the Commissioner.

The SPEAKER. The uniform practice of the House has been to accede to these requests of the Senate.

There was no objection, and the Clerk was ordered to return the resolution to the Senate.

PERSONAL EXPLANATION.

Mr. GIBSON. I rise to a question of personal privilege. The gallant and distinguished gentleman from Alabama [Mr. HERBERT] called my attention a few moments ago to certain dispatches from this city published in the Cincinnati Enquirer of the 27th instant.

I desire, sir, in my own behalf and in behalf of the southern Representatives accused of having made some bargain or compact by which they sought to secure the repeal of the test oath and appropriations for southern improvements, to say that the dispatches themselves are unqualifiedly and absolutely false, and that they rest upon an authority, if any, equally false.

The statement of the gentleman from Alabama was amply sufficient without a word from me to repel the falsehood.

I desire, in closing, Mr. Speaker, to commend these dispatches, which reflect so unjustly upon the Representatives of the South, or a certain number of them, to the Representatives of the democracy of Ohio.

ORDER OF BUSINESS.

Mr. TOWNSHEND, of Illinois. I move that the House resolve itself into Committee of the Whole on the state of the Union.

Mr. WILSON. I was not present at the last call of the Committee on Foreign Affairs, and I ask unanimous consent to submit a report from that committee to the House.

Mr. CONGER. I hope the gentleman will first yield to the gentleman from Louisiana [Mr. GIBSON] to present a resolution for the printing of some documents for the use of the House.

Mr. WILSON. I will yield for that purpose.

Mr. GIBSON. I offer the resolution which I send to the Clerk's desk.

Mr. WARNER. What has become of the motion of the gentleman from Illinois [Mr. TOWNSHEND] to go into Committee of the Whole on the state of the Union?

The SPEAKER. The Chair will entertain it when this matter shall have been disposed of.

HEYL'S UNITED STATES IMPORT DUTIES.

Mr. GIBSON. I am instructed unanimously by the Committee of Ways and Means to report back the resolution which I send to the Clerk's desk and ask for its consideration at this time. I will say one word in reference to it and in explanation of it. It proposes to purchase for each member of Congress a copy of Heyl's Digest; that is a digest of all the tariff and revenue laws of the country, prepared in convenient form, and bears the same relation to that class of laws that Brightley's Digest does to the Federal laws. It is joint resolution No. 79, to supply Congress with Heyl's United States Import Duties.

The joint resolution was read, as follows:

Resolved by the Senate and House of Representatives, &c., That the Secretary of the Senate and Clerk of the House of Representatives be, and they are hereby, directed to purchase and procure, as early as practicable, for the use of Congress, five hundred copies of Heyl's United States Duties on Imports, edition of 1879, to wit, one copy for each Senator, Representative, and Delegate, and the residue for the use of the committees of the Senate and House of Representatives; the price to be the same as was paid for a like number of copies purchased for the Forty-fourth Congress, namely, $2.50 per copy. And the sum of $1,250 is hereby appropriated for the same, to be paid out of any money in the Treasury not otherwise appropriated, and to be available immediately.

Mr. GIBSON I now ask that a letter from the Treasury Department, addressed to the chairman of the Committee on Finance of the Senate, be read.

The Clerk read as follows:

TREASURY DEPARTMENT, OFFICE OF SECRETARY,
Washington, D. C., May 14, 1879.

SIR: I learn that a proposition is pending before Congress for the purchase of a supply of a new edition of Heyl's United States Import Duties. While I have no disposition to intrude my opinions in a matter which concerns Congress alone, I desire to say generally in regard to this work that it has been heretofore purchased for the use of this Department in such numbers as have been found necessary from time to time for the use of customs officers.

Its author is one of our general appraisers, and the work has been prepared with great care and accuracy, and it has been revised from year to year to conform to judicial and departmental rulings. I am satisfied that it has been of great service to customs officers (having an alphabetical index of articles and rates of duties thereon) in procuring uniformity in assessments of duty at the various ports.

Repeated applications have been made to this Department by Senators and members of Congress to be furnished with this book for the use of their constituents; but as it was purchased only for the use of our customs officers, the Department has been unable to comply with such requests. The Forty-fourth Congress, however, ordered 500 copies for their use. The book is not in any considerable demand outside of its use for government purposes, and I am inclined to believe that the cost of issuing the various editions from year to year is so considerable as to leave little margin for profit to its author in view of the limited demand for it. And the purchase of a supply of this work by Congress for its use would be a merited act toward its author and a public benefit.

Very respectfully,

H. F. FRENCH,
Assistant Secretary.

Hon. THOMAS F. BAYARD,
Chairman Finance Committee of the United States Senate.

Mr. COFFROTH. I object to that joint resolution.

The SPEAKER. Does the gentleman from Louisiana [Mr. GIBSON] report it by direction of the Committee of Ways and Means?

Mr. MORRISON. Yes, sir; it is the unanimous report of that committee.

The SPEAKER. Under the new rule that committee has the right to report at any time.

The joint resolution was then ordered to be engrossed and read a third time; and it was accordingly engrossed and read the third time.

The question was taken upon its passage; and the Speaker announced that the ayes had it.

Mr. CONGER moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. MILLS. Is it in order now to move to go to business on the Speaker's table.

The SPEAKER. The Chair thinks that was the understanding of the House earlier in to-day's proceedings.

Mr. COFFROTH. I demanded a division in time on the passage of the joint resolution purchasing that book.

Mr. KEIFER. I thought the vote passing the joint resolution was reconsidered and tabled.

The SPEAKER. The Chair will direct that order to be vacated on the statement of the gentleman from Pennsylvania [Mr. COFFROTH] that he demanded a division in time.

The question was again taken upon the passage of the joint resotion; and upon a division there were—ayes 83, noes 2.

Mr. COFFROTH. No quorum has voted.

The SPEAKER. The point being made that no quorum has voted, the Chair will order tellers; and appoints the gentleman from Louisiana, Mr. GIBSON, and the gentleman from Pennsylvania, Mr. COFFROTH, to act as tellers.

Mr. COFFROTH. I will withdraw the point of order.

No further count being called for, the joint resolution was passed.

Mr. CONGER moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

Mr. MILLS. I now move that the House go to business on the Speaker's table.

The SPEAKER. The Chair will entertain that motion in due time. The Chair desires to ascertain what the gentleman from West Virginia [Mr. WILSON] desires to report from the Committee on Foreign Affairs.

COMMERCIAL TREATY WITH MEXICO.

Mr. WILSON. I sent to the Clerk's desk just now a substitute for a report from the Committee on Foreign Affairs. I desire to state that I was not here when that committee was last called; I was detained at my home in consequence of sickness in my family. In view of the great importance of this measure I ask the House now to consider it as in Committee of the Whole.

Mr. TOWNSHEND, of Illinois. If it will not take up much time I will not object; but I desire to move to go into Committee of the Whole on the state of the Union.

The SPEAKER. The substitute for the joint resolution will be read.

The substitute for the House joint resolution No. 28, being a joint resolution (H. R. No. 117) providing for a treaty with the Republic of Mexico, was received and read a first and second time.

The substitute joint resolution was as follows:

Whereas it is the desire and wish of the Government and people of the United States of America to maintain the most amicable relations with the Republic of Mexico, as exemplified and set forth by the twenty-first and twenty-second articles of the treaty of Guadalupe Hidalgo, of February 2, 1848, and reaffirmed by article 7 of the Gadsden treaty of December 30, 1853; and

Whereas it is believed to be manifestly to the interests of the peoples of both governments to extend and increase by all proper means the exchange of products and to facilitate and foster the most liberal commercial relations between the peoples of the two governments; and

Whereas many citizens of the United States have invested their capital, and others are desirous of investing, in the Republic of Mexico, in mining, the construction of railroads, banking, farming, stock-raising, and merchandising, and in other enterprises, and in this view, with the purpose of increasing said investments,

which are believed to be mutually beneficial to the peoples of both governments, a treaty is deemed necessary; and

Whereas the territory known as the "Free Zone" on the Mexican border has been the source from which violations of treaty stipulations, avoidance of tariff duties, and other irregularities have proceeded, and to maintain proper commercial and friendly relations between the two countries this Free Zone, or "Zona Libre," should be abolished; and

Whereas the present extradition treaty between the two countries has proved inadequate for the purposes for which it was made and entered into, and with a view to the prompt rendition and punishment of fugitives from justice, further and more stringent treaty stipulations in this regard are necessary; and

Whereas citizens of either government residing in the other should be exempted from forced loans and illegal and onerous taxation or exactions: Therefore,

Resolved by the House of Representatives, (the Senate concurring,) That the President of the United States be, and he is hereby, requested to open diplomatic correspondence with the government of the Republic of Mexico, with the view to enter into further treaty negotiations with said government for the purposes indicated in the foregoing preambles; and that if in his opinion this object can be best accomplished by the appointment of one or more commissioners, not to exceed three, he be requested to make such appointment, and the compensation of each of such commissioners so appointed shall not exceed $5,000 in addition to necessary expenses, to be allowed by the Secretary of State.

Mr. WILSON. If no gentleman desires to make any inquiry upon this resolution I will call for the previous question.

Mr. REAGAN. Before that is done, I desire to move to amend the joint resolution by striking out that portion of it which provides for the appointment of commissioners.

Mr. WILSON. It has been the custom of this country from the beginning, whenever the Executive has been authorized to correspond with foreign governments on the subject of treaty stipulations, to give to that Executive the power to appoint commissioners if he should think it right and proper to do so. I hope that at this late day, after that practice has worked so well, this House will not depart from it.

Mr. REAGAN. We have a minister at Mexico fully empowered to conduct correspondence with that government; and I do not see the necessity of appointing three commissioners to do what he is there to do.

Mr. KING. This proposition has the recommendation of the Committee on Foreign Affairs, who have had it under consideration for many months. We do not propose to prevent our minister at Mexico from co-operating in the negotiations with that government; indeed he will no doubt be included as one of the commissioners. I understand that is the intention.

Mr. GIBSON. Mr. Speaker, I had the honor to submit resolutions similar to these in the Forty-fourth Congress, and again in the Forty-fifth Congress, and again in this Congress. I rejoice that the Committee on Foreign Affairs have brought them before the House for consideration. They inaugurate a new policy. They propose that we shall for a brief season at least turn our thoughts from questions of internal administration, from party and sectional strife, to the contemplation of our intercourse with foreign nations. The highest statesmanship is that which brings the nations of the earth into closer and more friendly communication, which shall enable the people of our country to exchange the products of their labor with the least possible expense and delay for the commodities of other nations. Exchange is wealth.

But there are political as well as economical considerations that should induce us to seek a close alliance with the people of Mexico. They are our neighbors. They constitute a sister republic. We cannot remain indifferent or disinterested spectators of their fortunes or of the destiny of the nine millions of people whose possessions adjoin our borders for more than two thousand miles.

In the few minutes allowed me by the honorable gentleman from West Virginia I cannot cross the threshold of this question.

Our domestic exports to Mexico average about five millions per annum, and have been steadily increasing. They amount to about fifty cents *per capita* of the population of that country. Our imports from Mexico average about twelve millions—showing an annual excess of imports over exports of about six millions per annum. Such are our business relations with a people whose internal commerce is estimated to exceed five hundred millions per annum. This brief statement shows the necessity for extraordinary effort on our part, and justifies the importance of this extraordinary commission. Diplomatic representatives have so far failed either to improve the channels of trade between the two republics or to secure those relations of peace and harmony along the borders so much desired. Our territory has been invaded, our citizens outraged, and the perpetrators of these wrongs have sought and found a refuge upon Mexican soil within the jurisdiction of the Mexican government. For one, sir, I fear that this local strife, these dissensions along the borders, unless arrested, may lead to further and more serious complications.

Let this extraordinary commission be appointed. It will represent not merely the executive and treaty-making powers, but the direct representatives of the people of the country, who shall thereby, in the most imposing manner, manifest their good-will for the people of Mexico, their desire to cultivate fuller and freer commercial intercourse, and their determination to protect our fellow-citizens dwelling upon our own territory and under our flag from invasion or spoliation.

Mr. ACKLEN. I desire to ask how much salary these commissioners are to receive?

Mr. WILSON. Not to exceed $5,000.

Mr. KING. I will state that this resolution is reported with the unanimous concurrence of the Committee on Foreign Affairs.

Mr. HOUSE. I wish to ask the gentleman from Louisiana [Mr. GIBSON] who has just taken his seat what powers are to be conferred upon these commissioners which our minister in Mexico has not? How will these commissioners represent the Government of the United States more fully than our minister now represents it?

Mr. WILSON. The powers of these commissioners will be purely advisory. The appointment of such a commission accords with the theory of our Government. To refuse the appointment of them would be a departure from the established practice, which I hope this House will not sanction.

Mr. GIBSON. I will say in reply to the honorable gentleman from Tennessee [Mr. HOUSE] that any communications made by an extraordinary commission will be more likely to attract attention and command respect than those made through the ordinary channels of diplomatic intercourse. Sir, I chance to know that under ordinary circumstances important communications from our ministers to foreign governments, while received with every mark of politeness, have remained for years substantially unanswered; and it is not only customary with foreign nations, but our own custom, to appoint a commission when circumstances of sufficient gravity have arisen to require special attention.

Sir, I repeat I hope this commission may be authorized. If wisely conducted it will accomplish great good. It will induce the people of Mexico to look upon us as friends and allies. It is far from my intention to intimate an aggressive, much less a hostile policy. Far from it. For one, I desire the happiness and prosperity of the people of Mexico. This very commission will furnish the best evidence of the appreciation which the people of this country have for the people of Mexico.

Mr. HOUSE. Does the gentleman mean to say that any demands we may make through our minister are not to be respected by the people of Mexico?

Mr. YOUNG, of Tennessee. In answer to the question of my colleague [Mr. HOUSE] I will make a statement. I introduced this resolution and I had a conversation on the subject with the Secretary of State, who assured me that it is almost impossible to conclude any treaty with the Republic of Mexico unless it be done by the method proposed in this resolution. Every effort which has been made for years through our minister to secure the establishment of treaty stipulations between this Government and Mexico has resulted in failures

Mr. WILLIS. What assurance have we in the light of history that any government in Mexico will stay together long enough for our Government to make a treaty with it?

Mr. YOUNG, of Tennessee. In answer to the question I will say, let us make a treaty with Mexico; and if the government of that country is not able to enforce its stipulations, then let this Government enforce them.

Mr. MCMILLAN. What is the reason that our present representative in Mexico, who is paid to represent us there, cannot be empowered to do this work, without the appointment of an extraordinary commission?

Mr. YOUNG, of Tennessee. I have just explained that matter; and it has been more forcibly explained by the gentleman from Louisiana, [Mr. GIBSON.] We have made efforts in that direction for years, and have failed. The appointment of this commission will have more prestige and influence with the Mexican people than any other measure that can be adopted to secure treaty stipulations with that government.

Mr. WILSON. Without repeating what I said the other day, I will say that one of the great causes of trouble between this country and Mexico is a defect in the existing treaty of extradition. Our commissioners in negotiating that treaty failed to require that citizens of either government who committed crimes in the other country should be surrendered for trial. The Mexican government has honestly regarded and executed this treaty, but it has a radical defect which the appointment of this commission we hope may correct.

Mr. MCMILLIN. That is not the point of my inquiry. I wish to know why we cannot authorize our present diplomatic representative in Mexico to act for us, instead of appointing these commissioners?

Mr. WILSON. Of course our minister will co-operate with this commission. To decline to appoint such commission will be a departure from a line of policy that has worked satisfactorily during the whole history of this Government. Let this commission consist of eminent gentlemen of either party; and such I have no doubt will be the case. That has been the practice. I am not afraid to intrust this authority to the present distinguished Secretary of State, by whom I am sure it will be wisely executed.

Mr. Speaker, if I had time I should like to explain to the House some of the more important reasons which induced the Committee on Foreign Affairs to make this report; but I do not desire to hazard the passage of the resolution by any extended remarks. It will at once strike the mind of every fair man who is at all familiar with the subject that the United States are largely interested in the perpetuation of a separate republican form of government in Mexico. It is not to the interest of this Government now and will not be hereafter to acquire an acre of their domain. This Government looks upon Mexico as a sister republic—a friendly power and not a rival. By the doctrines adopted by our fathers in the early days of this Republic, and proclaimed by President Monroe, it is our duty and will be our interest to protect her from foreign invasion. The two republics are

divided by nothing but an imaginary line for fifteen hundred miles and more. The commerce and products of each should naturally flow to the other and be a source of mutual profit. This is not the case. Mexican commerce to a large extent goes to England and Germany, notwithstanding the fact that diplomatic relations between Great Britain and Mexico are suspended by Great Britain and have been ever since the fall of Maximilian.

It may be interesting to this House to know that during the last ten years our exports to Mexico have been in round numbers $68,000,000, and imports from that country slightly in excess of $135,000,000; and that during the same decade the balance of trade against the United States and in favor of the West Indies, Central and South America, has been over $700,000,000. Now, nearly all the commodities that we purchase from these last-named countries can be produced by Mexico, but cannot be made available to us without more direct communication; and it is the opinion of experienced gentlemen that this communication can best be secured by a railroad connecting the two countries. As stated in one of the preambles to this resolution, Mr. Speaker, large capitalists are ready to invest in such a railroad enterprise if a proper treaty between the two countries can be inaugurated. This would open up a new line of trade over which the commerce of the two republics could pass. Adopt such a treaty as the interests of the two countries require and the railroad of which I have spoken will follow as a natural, necessary consequence; and I predict that in ten years products will be shipped from the city of Mexico to the city of Saint Louis without change of cars.

Mr. Speaker, the citizens of the two countries are alive to the importance of this subject. It has been but a few months since a commercial convention was holden in the city of Mexico, at which various business interests of this country were represented; and it is the concurrent testimony of gentlemen who attended that convention that such treaty stipulations as are contemplated by this resolution will have the effect of producing more intimate social and business relations between the people of the two countries, to the great benefit of both.

Mr. REAGAN. Existing treaties with Mexico, as I understand, instead of providing that a citizen of the United States violating the law in Mexico or a citizen of Mexico violating the law within the United States shall be tried in the country whose laws are violated, require that such offenders be sent to their own country for trial. I do not think there is any mistake about that. I think it is a matter of deliberate policy. I do not know whether the government of Mexico is determined to change that policy or whether the Government of the United States is determined to change that policy. It would be certainly a somewhat dangerous policy to adopt. It was adopted, as I understand the transaction, upon deliberate consideration.

If we have public ministers and have to maintain them at considerable expense, I think we should exact from them the duties properly devolving upon them in the conducting of such negotiations. It is said it has been usual to send out commissions notwithstanding that we may have public ministers abroad. That has been done on a few great and marked occasions, but never in any instance except when there was an unusual condition of facts presented that required an unusual course to be taken.

I have no objection to the resolution if it be thought advisable; but it does hardly seem to me necessary to incur this expense for what may as well be done by the Secretary of State and the resident minister.

Mr. WILSON. I demand the previous question.

Mr. McMILLIN. Will the gentleman from West Virginia yield to me that I may offer an amendment?

Mr. WILSON. I cannot. This is the unanimous report of the Committee on Foreign Affairs. It has been twice reported.

The previous question was seconded and the main question ordered.

Mr. WILSON moved to reconsider the vote by which the main question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The question was first on Mr. REAGAN'S amendment, as follows:

Strike out the concluding portion of the joint resolution, as follows:

That if in his opinion this object can be best accomplished by the appointment of one or more commissioners, not to exceed three, he be requested to make such appointment, and the compensation of each of such commissioners so appointed shall not exceed $5,000 in addition to necessary expenses to be allowed by the Secretary of State.

Mr. REAGAN. I desire that that portion of the joint resolution shall be stricken out.

Mr. KING. If that is done it destroys the joint resolution. I hope the amendment will fail.

The question being put on Mr. REAGAN'S amendment, there were—ayes 29, noes 49.

So (further count not being called for) the amendment was not agreed to.

The SPEAKER. The question recurs on the engrossment and third reading of the joint resolution.

The question being put, there were—ayes 58, noes 37.

So (further count not being called for) the joint resolution was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time.

The SPEAKER. The question is on the passage of the joint resolution.

Mr. HOUSE. Upon that I call for the yeas and nays.

On the question of ordering the yeas and nays there were—ayes 27.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

The question was taken; and there were—yeas 81, nays 66, not voting 139; as follows:

YEAS—81.

Aldrich, William	Field,	Martin, Benj. F.	Talbott,
Anderson,	Forney,	Mason,	Thomas,
Atherton,	Garfield,	Mills,	Townsend, Amos
Bicknell,	Gibson,	Mitchell,	Updegraff, Thomas
Blake,	Harris, Benj. W.	Monroe,	Upson,
Brewer,	Haskell,	Muller,	Valentine,
Carpenter,	Hawk,	Myers,	Voorhis,
Caswell,	Hazelton,	Nicholls,	Waddill,
Conger,	Henderson,	Orth,	Wait,
Converse,	Herbert,	Osmer,	Ward,
Covert,	Herndon,	Pound,	Warner,
Cowgill,	Hill,	Prescott,	Wellborn,
Cravens,	Hooker,	Robertson,	Whitthorne,
Culberson,	Horr,	Ryan, Thomas	Williams, Thomas
Daggett,	Hubbell,	Ryon, John W.	Willits,
Davis, George R.	Hurd,	Sawyer,	Wilson,
Davis, Joseph J.	Jones,	Shelley,	Wise,
Deering,	Keifer,	Sherwin,	Young, Casey.
Elam,	King,	Slemons,	
Ewing,	Le Fevre,	Smith, Hezekiah B.	
Farr,	Manning,	Springer,	

NAYS—66.

Aiken,	Cook,	Hunton,	Shallenberger,
Armfield,	Davidson,	Johnston,	Simonton,
Atkins,	Davis, Lourdes H.	Lowe,	Smith, A. Herr
Bayne,	Dibrell,	Marsh,	Smith, William E.
Blackburn,	Dickey,	Martin, Edward L.	Stevenson,
Bouck,	Errett,	McGowan,	Taylor,
Briggs,	Evins,	McMillin,	Thompson,
Bright,	Felton,	Murch,	Tillman,
Browne,	Ford,	Neal,	Townshend, R. W.
Burrows,	Fort,	New,	Turner, Oscar
Caldwell,	Gillette,	Persons,	Updegraff, J. T.
Cannon,	Godshalk,	Phister,	Weaver,
Clardy,	Gunter,	Reagan,	White,
Clark, John B.	Hammond, N. J.	Richardson, J. S.	Willis,
Clymer,	Hatch,	Rothwell,	Yocum.
Cobb,	Hawley,	Samford,	
Coffroth,	House,	Scales,	

NOT VOTING—139.

Acklen,	Dick,	Kitchin,	Reed,
Aldrich, N. W.	Dunn,	Klotz,	Rice,
Bachman,	Dunnell,	Knott,	Richardson, D. P.
Bailey,	Dwight,	Ladd,	Richmond,
Baker,	Einstein,	Lapham,	Robeson,
Ballou,	Ellis,	Lay,	Robinson,
Barber,	Ferdon,	Lewis,	Ross,
Barlow,	Finley,	Lindsey,	Russell, Daniel L.
Beale,	Fisher,	Loring,	Russell, W. A.
Belford,	Forsythe,	Lounsbery,	Sapp,
Beltzhoover,	Frost,	Martin, Joseph J.	Singleton, J. W.
Bingham,	Frye,	McCoid,	Singleton, O. R.
Bland,	Geddes,	McCook,	Sparks,
Bliss,	Goode,	McKenzie,	Speer,
Blount,	Hall,	McKinley,	Starin,
Bowman,	Hammond, John	McLane,	Steele,
Boyd,	Harmer,	McMahon,	Stephens,
Bragg,	Harris, John T.	Miles,	Stone,
Brigham,	Hayes,	Miller,	Tucker,
Buckner,	Heilman,	Money,	Turner, Thomas
Butterworth,	Henkle,	Morrison,	Tyler,
Cabell,	Henry,	Morse,	Urner,
Calkins,	Hiscock,	Morton,	Van Aernam,
Camp,	Hostetler,	Muldrow,	Vance,
Carlisle,	Houk,	Newberry,	Van Voorhis,
Chalmers,	Hull,	Norcross,	Washburn,
Chittenden,	Humphrey,	O'Brien,	Wells,
Claflin,	James,	O'Connor,	Whiteaker,
Clark, Alvah A.	Jorgensen,	O'Neill,	Wilber,
Colerick,	Joyce,	O'Reilly,	Williams, C. G.
Cox,	Kelley,	Overton,	Wood, Fernando
Crapo,	Kenna,	Phelps,	Wood, Walter A.
Crowley,	Ketcham,	Pierce,	Wright,
De La Matyr,	Killinger,	Poehler,	Young, Thomas L.
Deuster,	Kimmel,	Price,	

So the joint resolution was passed.

During the roll-call the following announcements were made:

Mr. SCALES. My colleague, Mr. STEELE, is paired with Mr. NORCROSS, of Massachusetts; and my colleague, Mr. VANCE, is paired with my other colleague, Mr. MARTIN.

Mr. TALBOTT. My colleague, Mr. HENRY, is absent by leave of the House, and is paired with some gentleman on the other side of the House.

Mr. MANNING. My colleague, Mr. CHALMERS, is paired with the gentleman from New York, Mr. VAN VOORHIS; my colleague, Mr. MONEY, with the gentleman from Michigan, Mr. STONE; my colleague, Mr. MULDROW, with the gentleman from New York, Mr. DWIGHT; and my colleague, Mr. SINGLETON, who is detained at home to-day by sickness, is paired with the gentleman from Indiana, Mr. CALKINS. All my colleagues, if present, would vote "ay."

Mr. CLARK, of Missouri. Mr. McMAHON is paired with Mr. BAKER, of Indiana.

Mr. COVERT. My colleague, Mr. HAMMOND, is absent on account of sickness; and my colleague, Mr. FERNANDO WOOD, is paired with Mr. ROBESON.

Mr. McLANE. I am paired with my colleague, Mr. URNER, and, not knowing how he would vote, I abstain from voting.

Mr. LOUNSBERY. I am paired with my colleague, Mr. BAILEY.

Mr. WILSON. My colleague, Mr. KENNA, is paired with Mr. YOUNG, of Ohio, being absent necessarily in his committee-room.

Mr. HUNTON. My colleague, Mr. CABELL, is paired with the gentleman from Illinois, Mr. BOYD, and my colleague, Mr. TUCKER, with the gentleman from New York, Mr. LAPHAM. My colleague, Mr. RICHMOND, is detained from the House by severe indisposition, and my colleague, Mr. GOODE, is paired with Mr. FISHER.

Mr. HOSTETLER. I am paired with Mr. McCOOK, of New York.

Mr. KING. My colleague, Mr. ELLIS, is paired with Mr. HARMER.

Mr. JOHNSTON. My colleague, Mr. HARRIS, is paired with Mr. CROWLEY, of New York.

Mr. YOCUM. Mr. FORSYTHE, of Illinois, is absent on account of sickness.

Mr. HARRIS, of Massachusetts. I am paired with Mr. WHITTHORNE. If he were here, I should vote "ay."

Mr. WARD. My colleague, Mr. KELLEY, is paired with Mr. MORSE, of Massachusetts.

Mr. POUND. My colleague, Mr. HUMPHREY, is paired with Mr. COLERICK, of Indiana.

Mr. TOWNSEND, of Ohio. My colleague, Mr. McKINLEY, is paired with Mr. SPARKS, of Illinois.

Mr. DICKEY. My colleague, Mr. GEDDES, is paired with Mr. BARLOW, of Vermont.

Mr. ACKLEN. I am paired with Mr. FINLEY, of Ohio.

Mr. TOWNSHEND, of Illinois. My colleague, Mr. SINGLETON, is paired with Mr. MILES, of Connecticut.

The result of the vote was then announced as above stated.

Mr. WILSON moved to reconsider the vote by which the joint resolution was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

ORDER OF BUSINESS.

The SPEAKER. The question is on the motion of the gentleman from Texas, [Mr. MILLS,] that the House proceed to business on the Speaker's table.

Mr. TOWNSHEND, of Illinois. I renew the motion to go into Committee of the Whole on the state of the Union, and I think that motion has priority.

The SPEAKER. The Chair thinks not.

Mr. TOWNSHEND, of Illinois. I yielded to the gentleman from West Virginia, [Mr. WILSON.]

Mr. SCALES. I move that the House do now adjourn.

Mr. HOUSE. I rise to a parliamentary inquiry, and it is whether a quorum voted on the last vote?

The SPEAKER. A quorum voted—one hundred and forty-five members.

Mr. HOUSE. Is that a quorum?

The SPEAKER. One hundred and forty-four members constitute a quorum.

Mr. HOUSE. How many members are there?

The SPEAKER. Two hundred and eighty-seven. There are four vacancies in California, one by death in Iowa, and one in the Westchester district of New York.

Mr. HOUSE. I think that those districts in which vacancies exist should be counted in ascertaining a quorum.

The SPEAKER. The Chair thinks not. That question has been repeatedly decided in recent years.

Mr. SCALES. I withdraw the motion to adjourn.

The SPEAKER. Upon the point raised by the gentleman from Tennessee [Mr. HOUSE] the Chair will have read an extract from the Digest.

The Clerk read as follows:

"The House of Representatives shall be composed of members chosen every second year by the people of the several States"—Const., 1, 2, 5—and "a majority of each House shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each House may provide."—Const., 1, 5, 8.

In view of the foregoing clauses of the Constitution, it was decided, during the Thirty-seventh Congress, to which several of the States had failed to send Representatives, that a majority of the members chosen constituted a quorum to do business.—Journal, 1, 37, page 117.

Mr. CONGER. The case does not now arise, perhaps, that would make it necessary for the Chair to decide in regard to vacancies which have been created by the deaths of members who were chosen to this Congress, and therefore that point should be excluded from the decision of the Chair. I do not know that it has ever arisen and been passed upon; in any event the present case does not involve a decision of that question, and until it shall arise and there can be discussion upon it, I suppose it does not call for any decision on the part of the Chair.

As to the ruling that a quorum consists of a majority of the members chosen to this House, I suppose there can be no dispute upon that point. I do not find, however, that the question has ever arisen in regard to a vacancy caused by the death of a member chosen to the House, whether or not that should be included in the number for a quorum.

Mr. SPRINGER. I do not think that has any bearing upon this case.

Mr. CONGER. I say it has no bearing upon this case, and therefore I do not want that involved in this question.

The SPEAKER. It is not involved in this question. In this case one hundred and forty-five members have voted, and the Chair himself did not vote.

Mr. MILLS. I now call for a vote on my motion to proceed to business on the Speaker's table.

Mr. TOWNSHEND, of Illinois. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. TOWNSHEND, of Illinois. Have I not the right to move to go into Committee of the Whole?

The SPEAKER. The Chair thinks that by reason of what occurred in the House this morning he is bound to recognize the gentleman from Texas [Mr. MILLS] to make the motion to proceed to business on the Speaker's table. If the House does not want to go to business on the Speaker's table, or if the House prefers to go into Committee of the Whole on the state of the Union, then it can vote down the motion of the gentleman from Texas. The whole matter is within the control of the House. The Chair thinks, however, that in view of what occurred this morning he is bound to entertain first the motion of the gentleman from Texas. Should that motion be voted down, then the Chair will recognize the gentleman from Illinois [Mr. TOWNSHEND] to make his motion.

Mr. THOMAS. I move that the House now adjourn.

Mr. CONGER. The House having for itself fixed the time for final adjournment, would it be well to adjourn now while we are waiting for bills from the Senate?

The SPEAKER. The final adjournment of this session of Congress is not fixed until both Houses concur as to the time. The Chair has heard of no action on the part of the Senate upon that subject; certainly none has been communicated to the House. Until both Houses concur as to the time for the final adjournment the action of the House is ineffective.

Mr. CONGER. I would ask the Speaker whether it is necessary for the House to be in session in order that bills which have passed both the Senate and the House can be signed by the Speaker?

The SPEAKER. The House must be in session for that purpose. The Chair is just advised that the bill making appropriations for payment of fees of marshals will probably be here in the course of ten minutes, as the Senate is now engaged in voting upon its passage.

Mr. THOMAS. I withdraw the motion to adjourn.

The SPEAKER. The question is upon the motion of the gentleman from Texas [Mr. MILLS] to proceed to business upon the Speaker's table.

The question was taken; and upon a division there were—ayes 79, noes 5.

Mr. WHITE. There is no quorum voting.

Mr. FORT. Then let us have tellers.

The SPEAKER. The Chair will order tellers.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, informed the House that the Senate had passed, without amendment, a bill of the House of the following title:

A bill (H. R. No. 2382) making appropriations to pay fees of United States marshals and their general deputies.

ORDER OF BUSINESS.

The SPEAKER. Upon the motion of the gentleman from Texas, [Mr. MILLS,] to proceed to business on the Speaker's table, no quorum voted, and the Chair will appoint the gentleman from Texas, Mr. MILLS, and the gentleman from Pennsylvania, Mr. WHITE, to act as tellers.

The House again divided; and the tellers reported that there were—ayes 93, noes 4.

Mr. WHITE, (one of the tellers.) That is not quite enough for a quorum.

The SPEAKER. The tellers will resume their places and continue the count. The Chair requests that gentlemen who are present will vote on one side or the other, so that the House will not find itself without a quorum.

Mr. MILLS, (one of the tellers.) I call for the yeas and nays on my motion.

The question was taken upon ordering the yeas and nays; and upon a division there were—ayes 16, noes 55.

So (one-fifth voting in the affirmative) the yeas and nays were ordered.

Mr. WILLIS. I move that the House now adjourn.

Mr. ATKINS. I hope the gentleman will withdraw that motion.

Mr. WILLIS. Why?

Mr. ATKINS. We want to have the marshals' fees bill signed by the Speaker before we adjourn.

Mr. WILLIS. I will withdraw the motion to adjourn.

ENROLLED BILLS SIGNED.

Mr. KENNA, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the House of the following titles; when the Speaker signed the same:

An act (H. R. No. 2382) making appropriations to pay fees of United States marshals and their general deputies; and

An act (H. R. No. 2386) to amend the act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes," approved June 23, 1879, by correcting two clerical errors therein.

ORDER OF BUSINESS.

The SPEAKER. The question recurs upon the motion of the gentleman from Texas, that the House now proceed to business upon the Speaker's table, upon which the yeas and nays have been ordered.

The question was taken; and there were—yeas 109, nays 24, not voting 153; as follows:

YEAS—109.

Aiken,	Dickey,	Martin, Edward L.	Simonton,
Anderson,	Elam,	Mason,	Slemons,
Atkins,	Evins,	McGowan,	Smith, A. Herr
Bayne,	Ewing,	McLane,	Smith, Hezekiah B.
Blackburn,	Farr,	McMillin,	Smith, William E.
Blake,	Felton,	Mills,	Springer,
Bowman,	Field,	Monroe,	Stephens,
Bright,	Ford,	Muller,	Stevenson,
Browne,	Forney,	Myers,	Talbott,
Butterworth,	Gibson,	Neal,	Taylor,
Caldwell,	Godshalk,	New,	Thompson,
Carpenter,	Gunter,	Nicholls,	Tillman,
Caswell,	Hammond, N. J.	Persons,	Townsend, Amos
Clardy,	Haskell,	Phister,	Turner, Oscar
Clark, John B.	Hatch,	Pound,	Upson,
Clymer,	Hawley,	Prescott,	Valentine,
Conger,	Henderson,	Reagan,	Van Aernam,
Converse,	Herbert,	Richardson, J. S.	Voorhis,
Cook,	Herndon,	Rothwell,	Waddill,
Covert,	Hooker,	Russell, W. A.	Warner,
Cravens,	House,	Ryan, Thomas,	Williams, Thomas
Culberson,	Hunton,	Ryon, John W.	Willits,
Davidson,	Jones,	Samford,	Wilson,
Davis, George R.	Keifer,	Sawyer,	Wise,
Davis, Joseph J.	King,	Scales,	Young, Casey.
Davis, Loundes H.	Klotz,	Shallenberger,	
Deering,	Le Fevre,	Shelley,	
Dibrell,	Manning,	Sherwin,	

NAYS—24.

Aldrich, William	Cannon,	Hawk,	Osmer,
Armfield,	Cobb,	Hill,	Thomas,
Bicknell,	Coffroth,	Hubbell,	Townshend, R. W.
Brewer,	Cowgill,	Martin, Benj. F.	Updegraff, J. T.
Briggs,	Daggett,	Murch,	Updegraff, Thomas
Burrows,	Fort,	Orth,	Yocum.

NOT VOTING—153.

Acklen,	Einstein,	Kitchin,	Richmond,
Aldrich, N. W.	Ellis,	Knott,	Robertson,
Atherton,	Errett,	Ladd,	Robeson,
Bachman,	Ferdon,	Lapham,	Robinson,
Bailey,	Finley,	Lay,	Ross,
Baker,	Fisher,	Lewis,	Russell, Daniel L.
Ballou,	Forsythe,	Lindsey,	Sapp,
Barber,	Frost,	Loring,	Singleton, J. W.
Barlow,	Frye,	Lounsbery,	Singleton, O. R.
Beale,	Garfield,	Lowe,	Sparks,
Belford,	Geddes,	Marsh,	Speer,
Beltzhoover,	Gillette,	Martin, Joseph J.	Starin,
Bingham,	Goode,	McCoid,	Steele,
Bland,	Hall,	McCook,	Stone,
Bliss,	Hammond, John	McKenzie,	Tucker,
Blount,	Harmer,	McKinley,	Turner, Thomas
Bouck,	Harris, Benj. W.	McMahon,	Tyler,
Boyd,	Harris, John T.	Miles,	Urner,
Bragg,	Hayes,	Miller,	Vance,
Brigham,	Hazelton,	Mitchell,	Van Voorhis,
Buckner,	Heilman,	Money,	Wait,
Cabell,	Henkle,	Morrison,	Ward,
Calkins,	Henry,	Morse,	Washburn,
Camp,	Hiscock,	Morton,	Weaver,
Carlisle,	Horr,	Muldrow,	Wellborn,
Chalmers,	Hostetler,	Newberry,	Wells,
Chittenden,	Houk,	Norcross,	White,
Claflin,	Hull,	O'Brien,	Whiteaker,
Clark, Alvah A.	Humphrey,	O'Connor,	Whitthorne,
Colerick,	Hurd,	O'Neill,	Wilber,
Cox,	James,	O'Reilly,	Williams, C. G.
Crapo,	Johnston,	Overton,	Willis,
Crowley,	Jorgensen,	Phelps,	Wood, Fernando
De La Matyr,	Joyce,	Pierce,	Wood, Walter A.
Deuster,	Kelley,	Poehler,	Wright,
Dick,	Kenna,	Price,	Young, Thomas L.
Dunn,	Ketcham,	Reed,	
Dunnell,	Killinger,	Rice,	
Dwight,	Kimmel,	Richardson, D. P.	

During the roll-call the following announcements were made:

Mr. BACHMAN. I am paired with my colleague, Mr. OVERTON.

Mr. KENNA. I am paired with the gentleman from Ohio, Mr YOUNG.

Mr. COBB. My colleague, Mr. COLERICK, is paired with the gentleman from Wisconsin, Mr. HUMPHREY, and my colleague, Mr. HOSTETLER, with the gentleman from New York, Mr. MCCOOK.

Mr. HARRIS, of Massachusetts. I am paired with the gentleman from Tennessee, Mr. WHITTHORNE.

Mr. MCGOWAN. My colleague, Mr. STONE, is paired with the gentleman from Mississippi, Mr. MONEY, and the gentleman from New York, Mr. STARIN, with the gentleman from New Jersey, Mr. CLARK.

Mr. MCLANE. I am paired with my colleague, Mr. URNER; but I do not understand the pair as applying to this vote. Therefore I vote "ay."

Mr. ACKLEN. I am paired with the gentleman from Ohio, Mr. FINLEY.

The SPEAKER. On the motion to go to the Speaker's table the yeas are 109, the nays 24.

Mr. WHITE. I make the point that no quorum has voted.

Mr. HOOKER. I move that the House take a recess until Monday morning at ten o'clock.

The SPEAKER. Less than a quorum cannot take a recess.

Mr. HOOKER. I move, then, that the House adjourn.

Mr. ATKINS. There is some little business to be transacted, and I hope the House will not adjourn.

Mr. HOOKER. I withdraw the motion.

PAY OF CONGRESSIONAL EMPLOYÉS.

Mr. BLACKBURN. I ask unanimous consent to report from the Committee on Appropriations a Senate joint resolution with amendments.

A MEMBER. What is it?

Mr. BLACKBURN. It has reference to the pay of employés of the two Houses, and other matters.

Mr. MILLS. I must object to this subject being disposed of in the absence of a quorum. It is a question of importance.

Mr. BLACKBURN. Will the gentleman from Texas [Mr. MILLS] permit me to say that the Senate is now waiting to receive the action of the House on this joint resolution? Neither I nor the Committee on Appropriations have any interest in the world in this resolution except to expedite business.

Mr. ATKINS. I ask the gentleman from Texas to withdraw his objection.

Mr. MILLS. Very well; I withdraw the objection.

The SPEAKER. The gentleman from Kentucky, [Mr. BLACKBURN,] on behalf of the Committee on Appropriations, asks consent, as the Chair understands, that the vote on the motion to go to business on the Speaker's table be held in abeyance until the Committee on Appropriations can make a report.

There being no objection, the Clerk proceeded to read the amendments of the Committee on Appropriations, as follows:

In line 7, page 1, strike out "15" and insert "30."
On page 2, strike out lines 8 to 14 inclusive.
Strike out sections 3 and 4; and insert in lieu thereof the following:
That so much of the act making appropriations for the payment of claims reported allowed——

Mr. BLACKBURN, (interrupting the reading.) If it meet the concurrence of gentlemen who have desired the reading of the amendments proposed by the Committee on Appropriations I will, to save time, state that the action of the Committee on Appropriations has been taken without division and is unanimous. It looks to an agreement with amendments, but to a substantial rejection of every material feature of this joint resolution, and provides also for the repeal of an existing law authorizing the payment of $6,666 upon a claim which the Secretary of the Treasury recommends should not be adjusted. The report which I make to the House with the unanimous concurrence of the Committee on Appropriations is practically a disagreement to the joint resolution of the Senate and will simply result in necessitating a committee of conference.

The amendments of the Committee on Appropriations were adopted, and the joint resolution, as amended, was read the third time, and passed.

SETTLEMENT WITH THE STATE OF GEORGIA.

Mr. STEPHENS. I ask unanimous consent to present and have put upon its passage a joint resolution.

The SPEAKER. The joint resolution will be read for information.

The Clerk read as follows:

Resolved by the Senate and House of Representatives, &c., That the Secretary of War, in concluding a settlement with the State of Georgia under the authority of the act of March 3, 1877, on account of purchases made for the Western and Atlantic Railroad, be authorized at his discretion, in view of the rights and equities of the parties, to allow said State credit for any services of transportation, the payment or credit of which was illegally withheld or contrary to the stipulations of the executive orders under which purchases were made for said railroad by the State; and that the time of adjustment of said account under the act of March 3, 1877, is extended for a period of sixty days from the passage of this resolution, during which the provisions of said act shall remain in force.

Mr. KEIFER. I hope this will go to a committee.

Mr. WHITE. It is too dangerous a bill to be passed at this time.

Mr. STEPHENS. If the House will hear me for three minutes——

Mr. KEIFER. There is no objection to hearing the gentleman, if the right to object be reserved.

The SPEAKER. It will be understood that the right to object is reserved till the gentleman from Georgia has made his statement.

Mr. STEPHENS. If this resolution be sent to a committee it cannot be passed at this session. The resolution, I think I may affirm, meets the approbation—certainly not the dissent—of the Secretary of War, whose letter (sent to Senator GORDON who submitted the resolution to him) I will ask the Clerk to read.

Before that is read, however, allow me to state that unless the resolution be passed now, so as to take effect before the 30th of this month, it will be useless, for at that time the appropriation made by the act of 1877 will lapse and be covered into the Treasury. The resolution proposes barely that the time may be extended, giving the Secretary of War absolute jurisdiction to make such settlement as he may deem proper in view of the rights and equities of both parties. I ask the Clerk to read the letter.

The Clerk read as follows:

WAR DEPARTMENT,
Washington City, June 25, 1879.

SIR: I return the draught of joint resolution inclosed by you with your favor of the 20th instant.

It does not seem to be proper for this Department to commit itself, in advance of further legislation by Congress, concerning the merits of the claim of the State of Georgia to which you refer.

The form of joint resolution submitted by you seems to accomplish the object of conferring full jurisdiction upon the Secretary of War to consider and determine the question of the merits of said claim.

A suitable title should, of course, be added.

Very respectfully, your obedient servant,

G. W. McCRARY,
Secretary of War.

Hon. J. B. GORDON,
United States Senate.

A true copy.

H. T. CROSBY, *Chief Clerk.*

Mr. WHITE. The gentleman from Georgia [Mr. STEPHENS] must excuse me for raising the question that this resolution cannot be considered at this time in the absence of a quorum.

The SPEAKER. Objection being made, the resolution is not before the House.

MESSAGE FROM THE SENATE.

A message from the Senate by Mr. BURCH, its Secretary, announced that the Senate had passed a resolution (in which the concurrence of the House was requested) directing that 2,000 additional copies of the reports of the United States Commission on Fish and Fisheries prior to 1877, embracing four volumes, be printed and bound for distribution under the direction of the commissioners.

ALCOHOLIC LIQUOR TRAFFIC.

Mr. BREWER, by unanimous consent, introduced a bill (H. R. No. 2387) providing for the appointment of a commission on the subject of the alcoholic liquor traffic; which was read a first and second time, referred to the Select Committee on the Alcoholic Liquor Traffic, and ordered to be printed.

GARRETT G. GARRISON.

Mr. LE FEVRE, by unanimous consent, introduced a bill (H. R. No. 2388) granting a pension to Garrett G. Garrison; which was read a first and second time, and referred to the Committee on Invalid Pensions.

RANK OF RETIRED ARMY OFFICERS.

Mr. LE FEVRE also, by unanimous consent, introduced a bill (H. R. No. 2389) to fix the rank of officers of the Army hereafter retired by reason of wounds received in action; which was read a first and second time, referred to the Committee on Invalid Pensions, and ordered to be printed.

ALFRED N. MARION.

Mr. BRENTS, by unanimous consent, introduced a bill (H. R. No. 2390) for the relief of Alfred N. Marion, of Washington Territory; which was read a first and second time, and referred to the Committee on Indian Affairs.

Mr. CONVERSE. I ask unanimous consent to take from the Speaker's table——

Mr. NEAL. I object, unless we go to the Speaker's table generally.

And then, on motion of Mr. HOOKER, (at four o'clock and twenty-five minutes p. m.,) the House adjourned.

PETITIONS, ETC.

The following petitions, &c., were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. JOHNSTON: The petition of John M. Brooke, for the removal of his political disabilities—to the Committee on the Judiciary.

By Mr. THOMPSON: Papers relating to the war claim of the Somerset (Kentucky) Baptist church—to the Committee on War Claims.

By Mr. WILLITS: The petition of D. Timms and 50 others, citizens of Hillsdale County, Michigan, for legislation to protect innocent purchasers of patented articles—to the Committee on Patents.

IN SENATE.

MONDAY, *June* 30, 1879.

Prayer by the Chaplain, Rev. J. J. BULLOCK, D. D.

The Journal of Saturday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. CARPENTER presented the petition of Albert Grant and others, citizens of Washington, District of Columbia, praying for such legislation by Congress as will abolish the offices of commissioners of the Freedman's Savings and Trust Company; which was referred to the Select Committee on the Freedman's Savings and Trust Company.

BILL INTRODUCED.

Mr. WHYTE asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 725) to incorporate "The Columbia Historical Society;" which was read twice by its title, and referred to the Committee on the District of Columbia.

REMONETIZATION OF SILVER.

The PRESIDENT *pro tempore*. If there be no further routine morning business, the Chair lays before the Senate the resolution——

Mr. HARRIS. I desire to call up the joint resolution that I introduced on Saturday and to ask the Senate to proceed to its consideration this morning.

The PRESIDENT *pro tempore*. That can only be done by postponing this resolution, which is on the Calendar as a resolution pending in the morning hour. The Chair lays before the Senate the following resolution, introduced by the Senator from Missouri [Mr. VEST] on the 25th instant:

Resolved by the Senate of the United States, (the House of Representatives concurring,) That the complete remonetization of silver and its restoration to a perfect equality with gold, both as coin and bullion, are demanded alike by the dictates of justice and wise statesmanship.

The pending question is on the motion to refer this resolution to the Committee on Finance, on which the yeas and nays have been ordered.

Mr. KIRKWOOD. I think my colleague, [Mr. ALLISON,] who is not in his seat at this moment, desires to be heard upon the resolution a short time this morning.

Mr. COCKRELL. He was in his seat a moment ago.

Several SENATORS. Let us vote.

The PRESIDENT *pro tempore*. Is the Senate ready for the question?

Mr. MORRILL. Is there a quorum present?

Mr. CONKLING. I hear the Senator from Iowa [Mr. KIRKWOOD] say that his colleague wants to be heard, and I hear some other Senators say "vote." I do not wish to be heard, but I would rather inflict myself for a few moments upon the Senate to enable the Senator from Iowa to come in than to have him lose his opportunity. He was here a moment ago.

Mr. CARPENTER. He is in the Committee on Appropriations.

Mr. CONKLING. My friend behind me says he has gone into the room of the Committee on Appropriations. I think it would be rather hasty to vote before he comes back.

Mr. DAVIS, of Illinois. Send for him.

[Mr. ALLISON entered the Chamber.]

Mr. CONKLING. Here he is.

Mr. ALLISON. What is the question?

The PRESIDENT *pro tempore*. The question is on the motion to refer the resolution to the Committee on Finance, on which the yeas and nays have been ordered.

The Secretary called the roll.

Mr. HEREFORD. My colleague [Mr. DAVIS, of West Virginia] is paired with the Senator from Minnesota, [Mr. WINDOM.] If my colleague were present he would vote "nay."

Mr. ROLLINS. The Senator from Massachusetts [Mr. DAWES] is paired with the Senator from Georgia [Mr. HILL] on this question.

Mr. CAMERON, of Pennsylvania. On this question I am paired with my colleague, [Mr. WALLACE,] who is absent.

Mr. McPHERSON, (after having voted in the affirmative.) I desire to withdraw my vote. I am paired with the Senator from Oregon [Mr. GROVER] on this question. Were he here, I should vote "yea."

The PRESIDENT *pro tempore*. I will state that I am paired with the Senator from Vermont, [Mr. EDMUNDS.] If he were here, I should vote "nay."

The result was announced—yeas 23, nays 22; as follows:

YEAS—23.

Allison,	Carpenter,	Kellogg,	Platt,
Anthony,	Chandler,	Kernan,	Rollins,
Bayard,	Conkling,	Kirkwood,	Saunders,
Blair,	Eaton,	Logan,	Whyte,
Burnside,	Ferry,	Morrill,	Windom.
Cameron of Wis.,	Hill of Colorado,	Paddock,	

NAYS—22.

Beck,	Garland,	Maxey,	Vest,
Butler,	Harris,	Morgan,	Voorhees,
Call,	Hereford,	Pendleton,	Walker,
Cockrell,	Houston,	Saulsbury,	Williams.
Coke,	Jonas,	Slater,	
Davis of Illinois,	Jones of Florida,	Vance,	

ABSENT—31.

Bailey,	Farley,	Ingalls,	Randolph,
Blaine,	Gordon,	Johnston,	Ransom,
Booth,	Groome,	Jones of Nevada,	Sharon,
Bruce,	Grover,	Lamar,	Teller,
Cameron of Pa.,	Hamlin,	McDonald,	Thurman,
Davis of W. Va.,	Hampton,	McMillan,	Wallace,
Dawes,	Hill of Georgia,	McPherson,	Withers.
Edmunds,	Hoar,	Plumb,	

So the resolution was referred to the Committee on Finance.

ENROLLING CANAL-BOATS AND BARGES.

Mr. McPHERSON. I move that the Senate proceed to the consideration of Senate bill No. 671, in order to concur in the amendments of the House.

The motion was agreed to; and the Senate proceeded to consider the amendments of the House of Representatives to the bill (S. No.

671) relating to vessels not propelled wholly by sail or internal motive power of their own.

The PRESIDENT *pro tempore*. The question is upon concurring in the amendments made by the House of Representatives.

Mr. CONKLING. I wish to move an amendment to the second House amendment. The bill is not before me, but the Secretary will no doubt be able to place the amendment I offer. I move to insert at the proper place the words "plying exclusively" so that the amendment will read "boats of like kind plying exclusively on the rivers of the United States." If the Secretary will put it in the proper place and read it I will occupy but one instant in mentioning the reason.

The PRESIDENT *pro tempore*. The Clerk will report the amendment.

The CHIEF CLERK. It is proposed to insert after the word "own" the words "plying exclusively," so that the clause will read:

Nor shall this or any existing law be construed to require the enrolling, registering, or licensing of any flatboat, barge, or like craft for the carriage of freight, not propelled by sail or by internal motive power of its own, plying exclusively on the rivers of the United States.

Mr. McPHERSON. I hope that amendment will not be adopted.

Mr. CONKLING. I believe I have the floor; and I do not wonder that the Senator from New Jersey avails himself of a moment, when no reason has been assigned for the amendment, to declare vehemently that he hopes it will be voted down. There seems to be a little disposition to have this bill go through hit or miss, and when a proper amendment is offered—perhaps this is a proper one—it is easier for a Senator to say he hopes it will be voted down before he stops to reflect on the reasons for it or hears them stated, than it would be afterward.

Now let me state the reasons for this amendment. The other amendment of the House has stricken out the word "wholly." The effect of that is to extend the operation of this provision not only to unrigged vessels, but to half-rigged vessels as well, and the Senate will see how many it takes in. The other amendment, with which we are dealing at this moment, speaks of the vessels described as vessels on rivers. Any Senator looking at the amendment will observe that, as it stands, it applies to every vessel which plies on rivers although it may ply elsewhere as well; so that all the boats which ply on the Hudson River of this description, and then come down and go through Long Island Sound, all the boats which ply on the river Saint Lawrence and go through the Canadian canals, and out to the mouth of the river, are within the provision; whereas no doubt the design was, as indicated by the Senator from West Virginia, [Mr. HEREFORD,] on one or two occasions when he has made remarks on this subject, to exempt boats plying on the internal rivers of the United States and nowhere else.

The effect of my amendment will be to point the meaning in that respect, and to confine it to vessels of the description here given, plying on the rivers of the United States and plying nowhere else. That is what these Senators mean; that is what I submit we ought to say. But "no," says the Senator from New Jersey, "I hope this amendment will be voted down." Very well, if it is voted down and the Senate concurs with the House the effect will be this: all vessels unrigged, all those which carry storm-sails, all those which are only partly rigged, whether flatboats, barges, or kindred craft of any kind, plying on the rivers and plying on external waters as well, will go from place to place carrying no marine documents; that is, without any trace of those boats of record, without any enrollment, without anything in the world by which they can be tracked as to their ownership, their hailing place, or any of the circumstances upon which their accountability depends.

If the Senate mean that, I certainly shall have done my duty when I have called attention to it, which I do chiefly in consequence of the fact that those largely skilled in this matter, who have for years been engaged in the collection of customs duties, have brought it to my notice, and have pointed out to me the very wide door to danger and to smuggling which such a provision would open.

I beg, Mr. President, before I sit down, to request every Senator not to suppose that this has anything to do with the question whether boats in one part of the country or in another part of the country are to be chiefly favored. The Senator from New Jersey is interested in boats belonging to his constituents engaged in carrying coal. The Senator from West Virginia is interested in a class of boat-owners owning perhaps the same kind of craft. I have no point to make upon either of these interests or any others; I simply object to a provision, which, doing them no good that would not be done by a properly regulated provision, will have the effect to open the door for smuggling on other waters to other boats of a different kind, and which nobody proposes when he comes to consider the real thing to exempt or to embrace within this provision.

Mr. McPHERSON. Do I understand the Senator from New York to urge that, if the amendment which he proposes is not agreed to, there is no requirement whatever in the bill as it is at present requiring vessels plying on external waters to be enrolled?

Mr. CONKLING. No, I did not say that, Mr. President.

Mr. McPHERSON. I understood the Senator to say so.

Mr. CONKLING. As the Senator now proposes it, it would have been about as absurd as anything I could well have said. I will try to restate myself. I said that under the House amendments as they stand, all vessels falling within the description there given, that is to say, unrigged or half-rigged vessels, being either flatboats, barges, or boats of a similar kind,—all those boats, if they ply on rivers, although they may ply on external waters as well, are within the intendment and meaning of the language. That I said. Does the Senator deny that?

Mr. McPHERSON. I do not deny it.

Mr. CONKLING. That is all I said, at least it is all I intended to say. If I said anything other or different, I was unfortunate in stating it.

Mr. McPHERSON. The only alteration as I understand the House have made in the bill is that it simply provides that vessels of a certain class upon the rivers of the country shall not be required to be enrolled and licensed. The bill as it passed the Senate and was sent to the House required all kinds of craft to be enrolled and licensed, but did not require that any enrollment or license-fee should be paid for the same. Now, the House of Representatives have made an amendment in which they declare that boats upon the rivers of the country shall not be required to have an enrollment. I would like to ask the Senator from New York a question. He wishes, if I understand his amendment aright, to confine it strictly to rivers. A lake is only a river of a little larger growth, and I wish to ask the Senator from New York why the invidious distinction he undertakes to draw between vessels upon Lake Ontario, for instance, or Lake Erie, or any of the western lakes, plying along the shore of that lake, engaged in transporting all kinds of merchandise along the shore of the lake to tide-water, and vessels engaged upon the great interior rivers of the country?

Mr. CONKLING. Does the Senator wish me to answer that question?

Mr. McPHERSON. I should like to have an answer.

Mr. CONKLING. I shall be very glad to answer it. My first answer is a denial, because the Senator uses the word "invidious." I do not want any invidious distinction, but I waive that to come to the point of the question, which I answer frankly and gladly, because the Senator now puts the case of boats owned by constituents of mine, and therefore it will not be supposed that I am trying to strike at somebody else. I have many constituents who are owners of craft plying on Lake Ontario, which is a boundary sheet of water between the British realm and ours, and the Senator wants to know why I would be more careful in requiring those boats to carry marine documents than I would a vessel plying on the Passaic River alone or running up and down the Mississippi? I will tell him, because we have custom-houses——

Mr. McPHERSON. May I suggest a different illustration to the Senator which will better meet the question?

Mr. CONKLING. Suppose the Senator allows me to answer this as I have gotten almost through with my answer.

Mr. McPHERSON. Very well.

Mr. CONKLING. We have custom-houses and a cordon of customs police stretching all along the northern frontier of the State of New York and so on as far as our frontier goes. The object is to enforce our revenue laws, to collect our customs duties; and therefore the same vessel plying under the same circumstances which might do no harm whatever on the Schuylkill River or the Passaic, if she is to go and come without let or hinderance to and fro across Lake Ontario, can bring over all the high wines, the brandies, the whiskies, the meats, the productions that she pleases from Canada, and run them in without paying customs duties, and therefore looking at it as a practical question I should say that although I would be very glad my constituents should have just the same liberty that your constituents, Mr. President, have in running their steamboats up and down the Ohio, yet inasmuch as they are running on Lake Ontario I should say it is necessary to put other and different restrictions upon them. That is all. If the Senator wants to apply this to the lakes, let him say "the lakes," and then he will not include the coastwise vessels that go up and down the Atlantic; and when he comes to say "the lakes" I will endeavor to suggest an amendment to that which will prevent on the lakes what I have endeavored to describe. That is all.

Mr. McPHERSON. I wished to interrupt the Senator in order that he might not wander quite so far for an illustration. I wished to have him illustrate the difference between Lake Ontario and the river Saint Lawrence lying between the United States and Canada. Some portions of that river I suppose are about a quarter or half a mile wide. The lake is from fifty to one hundred miles wide. Now he proposes himself in his own amendment to restrict it to rivers; he is perfectly willing that the river Saint Lawrence shall be left open to smuggling throughout three-fourths of the line of the territorial limits of the United States bordering on Canada, while he is unwilling to have it apply to the lakes.

Mr. CONKLING. Will the Senator allow me to interrupt him? He is certainly wrong as far as he has gone.

Mr. McPHERSON. I will be through in a moment, and then the Senator can go on.

The river Saint Lawrence being half a mile wide where smuggling can be carried on *ad libitum*, thousands of boats may cross the river Saint Lawrence and deliver their goods; but on the great Lake Ontario or Lake Erie or the other lakes, he says you must not permit a raft, a barge, a canal-boat, any kind of a boat to be exempt, while upon the river Saint Lawrence all may be.

Mr. CONKLING. Will the Senator allow me to interrupt him?

Mr. McPHERSON. I yield.

Mr. CONKLING. I want to correct both the Senator's law and his geography. In the first place the river Saint Lawrence is not within the meaning of the law one of the rivers of the United States; it is not one of the national highways; and for that reason what the Senator is imputing to me as an inconsistency does not obtain. In the next place as a matter of geography it does not. That is the answer to the Senator's question; whereas when he has so modified his bill as the House propose, any craft that comes down any river into the lakes and then goes through the lakes and the Welland Canal or in any form gets into the Saint Lawrence, then goes out to the Bay of Fundy and down coastwise all the way to the city of Charleston, is all the time one of those described here. Why? Because she plies on a river. She does not ply exclusively on a river, but she runs on a river somewhere, and that is enough. She runs on the Detroit River, she may come all the way down, and her character attaches to her as fixed by this amendment. That is what I am trying to object to, and I am appealing to the Senator and but for the fact that he is afraid that this bill may be lost in the last hours I should not appeal in vain, for that Senator must see the propriety of it. I appeal to him to restrict the amendment to vessels to which he means it to apply, namely those vessels which not only ply on rivers but ply nowhere else. That is what he means. Why not say so?

Mr. McPHERSON. I would not object to the amendment offered by the Senator from New York, if there were more time, and I would not have objected to the bill if it also included the lakes as well as the rivers. I believe it is perfectly fair and proper to apply the provisions of this bill to the lakes, to extend to vessels of like character and of like class plying along the shores of the lakes the same privileges that are given upon the larger rivers of the country. I should have been perfectly willing to accept the House amendments provided they had also inserted the word "lakes" after "rivers."

Mr. FERRY. I hope the Senate will not concur in the amendment proposed by the Senator from New York. I agree with the Senator from New Jersey that the amendment if concurred in by the Senate is a discrimination against the lakes. It was my object to have offered an amendment inserting the words "or lakes" after "rivers" in the last line but one of the House amendment.

Mr. CONKLING. That can be done after my amendment prevails. Then it would be confined exclusively to vessels plying on rivers and lakes.

Mr. FERRY. Then I have no objection, with that understanding. I propose to follow the Senator's amendment with the amendment "or lakes."

Mr. McPHERSON. I do not understand what the amendment is at present, Mr. President.

The PRESIDENT *pro tempore*. The amendment will be again reported.

Mr. McPHERSON. Do I understand the Senator from New York as modifying his amendment?

Mr. CONKLING. Not at all. I said that my amendment had nothing to do with the question of lakes; if my amendment was adopted, that of the Senator from Michigan would be in order as much afterward as before. If my amendment should be adopted, and then the Senator from Michigan should move his and that should be adopted, it would read "plying exclusively on the rivers or lakes."

Mr. FERRY. That will be satisfactory.

Mr. CONKLING. But I have said nothing about "lakes" except in answer to the Senator's question. I shall say when the Senator from Michigan or any other Senator moves to put in "or lakes," that being especially in the interest of my constituents, that it would be well to have some restriction about that which would prevent these half-breed boats without being registered going anywhere and touching the Canadian shore wherever they can do it and coming back and forth carrying dutiable goods without there being any mode of tracing them. But that is a separate thing from this. I am now simply on the question whether these river boats should be properly described as boats plying on rivers alone, or whether we should use such language as would include and cover them and all manner of other boats.

Mr. FERRY. I cannot offer my amendment as an amendment to the amendment of the Senator from New York, because there is a part of the text intervening. For that reason his amendment would be inconsistent with the one I propose to offer; but if his amendment is adopted and mine also adopted, there will then be a consistency. Then if the Senator from New York desires further to restrict it to the American shore or excluding foreign vessels, I am willing to listen to any modification that he may offer; but I protest against any invidious discrimination against the lakes. Similar craft should ply on the lakes on the same terms as those that ply on the rivers, with the same privileges.

Mr. McPHERSON. I object to any invidious or unjust discrimination against Long Island Sound and the harbor of New York. I hope the amendment will not be agreed to.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from New York to the second amendment of the House, to insert the words "plying exclusively" after the word "own."

Mr. CONKLING. I call for the yeas and nays.

The yeas and nays were ordered.

Mr HEREFORD. I desire to say one word. This amendment sends the bill back to the House; Congress is to adjourn to-day, and the whole bill will be defeated. Perhaps on a more opportune occasion, at an earlier period, I should have had no objection to it; but if this amendment goes on now, the bill has to go back to the House and it will certainly be lost.

Mr. HOUSTON. I desire to make an inquiry of the Senators interested in this bill, and it is this: In the present condition of affairs in the two Houses, if you put an amendment to this bill and thereby send it back to the House of Representatives, will not those interested in the bill lose the whole of it—the bill and all the amendments? Is it not better to take the bill as the House has sent it here, as the best that can be done under the circumstances, and rely upon the future to accomplish that which seems to be desired by other Senators? I suggest that I believe the adoption of the amendment will result in the loss of the whole bill.

Mr. CONKLING. May I inquire why that is? What is the difficulty in the House concurring in the amendment?

Mr. HEREFORD. One objection will carry the whole thing over.

Mr. HOUSTON. One difficulty is that the House was down to a quorum on Saturday, or with but one above a quorum on the last yea-and-nay vote on Saturday, and the opinion is very prevalent—I do not know whether it is to be relied upon—that there will be no quorum in the House to do business to-day; and certainly on the eve of adjournment it will be very difficult to get the attention of members to any amendment. It would be difficult even if there was a quorum there, as to which I know only what I have learned from rumors. If there is an undoubted quorum present, expecting to adjourn so very soon, it would be almost impossible to get the bill up there. I may say that, without having any prejudices or any disposition to vote against any of the amendments, I want the gentlemen interested to pass the bill if they can.

Mr. CONKLING. The Senator from Alabama, if he has assigned an objection to anything, as I understand him, has made objection to proceeding with legislation. If the Senate or the House or both are not in a condition to do business properly, that is a reason why we should not do it. It certainly cannot be a reason for our doing it improperly, or passing an improper bill. The Senator from West Virginia says one objection in the House would carry it over. Not so. After the morning hour a motion to go to business on the Speaker's table is in order—if we may allude to the rules of the House; and during the last ten days preceding an adjournment——

Mr. HEREFORD. The Senator will allow me. In five minutes the morning hour will have passed.

Mr. CONKLING. But after the morning hour it is in order to move to proceed with business on the Speaker's table—not during the morning hour, but afterward. Again, during the last ten days of the session a motion is perpetually in order to suspend the rules. There is no difficulty in getting at this in the House, if there be a House. But the honorable Senator from Alabama says—I believe he speaks from rumor—that there may not be a quorum in the House. Very well, if there is no quorum to do business we cannot do it properly, and we ought not to attempt it. But shall it be said that that is a reason for enacting into a law a provision that every Senator must see is vicious, a provision which was discussed in the Senate days ago, and which by a very large majority the Senate changed to mean that which the House proposes now it shall not mean?

Mr. HOUSTON. If the Senator from New York will allow me, I desire to remark that I said I believed that the present bill as far as it went was a good bill. The bill with the amendments of the House is good as far as it goes; but the amendment of the Senator from New York proposes to extend it. Now if the Senate bill with the House amendments is good as far as it goes, then my opinion is that it would be better for the country and better for the friends of the bill to take it as it stands by concurring in the House amendments. If its features are wrong, of course it ought not to be passed at all. That is what I think about it.

Mr. CONKLING. If I can have the attention of the Senator from Alabama for one minute I think I can correct one misapprehension into which he has fallen. The Senate passed after consideration and debate upon the question whether these boats are to carry marine documents or not, and adopted by a large majority an amendment affirming that they should, but allowing them to do so without paying fees or charges. Now the House has proposed to reverse that action of the Senate, that action taken with deliberation by a large majority and for good reasons. How, then, can the Senator say that his understanding is that this is all right as far as it goes? It has reversed the action of the Senate, and the purpose of my amendment is to reduce, to narrow the action of that reversal. That is all.

Mr. McPHERSON. May I interrupt the Senator a moment?

Mr. CONKLING. Certainly.

Mr. McPHERSON. The Senator affirms that the Senate has pronounced judgment upon this bill; that the Senate by a very large majority accepted the amendment. The Senate will understand that the bill as it is to-day before the Senate with the House amendments is practically the bill reported by the committee originally. The Senator from New York offered an amendment to the bill which I, who had charge of the bill, accepted, simply because there was a very short time in which to get it to the House and to have the House act upon the bill. I agreed to the amendment, and many of the Sena-

tors on this side of the Chamber, I suppose, agreed to it, simply because of the lack of time. It was a betterment of the existing law; but I think the Senate, if they had had a sufficient amount of time, would perhaps have taken a little different action in respect to the Senator's amendment.

Mr. CONKLING. How easy it is for the best of Senators, as the Senator from New Jersey, to be mistaken. I did not offer the amendment; it was offered by the Senator from Pennsylvania, [Mr. CAMERON.] In place of its being accepted in haste, the Senator from New Jersey objected to it; the bill went over for two or three days; he considered it; we came back to it afterward, and the Senator from West Virginia [Mr. HEREFORD] opposed the amendment. I did suggest a verbal alteration or rather I suggested in place of coming in at the end of the bill it had better come in at a prior place. So much I did suggest; but the amendment itself was offered by the Senator from Pennsylvania, and it went over for two or three days.

Mr. McPHERSON. But your modification was accepted.

Mr. CONKLING. Wait a moment; my friend will pardon me. It was debated on the day it was offered; after the lapse of two or three days it was debated again *pro* and *con*, the Senator from West Virginia making the same objection to it that he has made to-day and on Saturday; and after all that the Senate voted upon it. Now my honorable friend thinks, if I understand him, that he rather for peace sake accepted it as an amendment of mine when I did not offer it, when it was offered by another Senator, when it was fully debated, twice, and when finally he himself on deliberation voted for it. No, Mr. President, business of this sort ought not to be done in this way. The Senator from Alabama stated what he had heard upon rumor about the condition of the House. Perhaps it is equally proper for me to say that I hear upon rumor that on a call of the yeas and nays this very day now the House has a quorum; so that that part of the objection falls to the ground.

As I understand this provision—I do not speak of its design by those who promote it but its effect as it is believed to be by those much more skilled in such subjects than I am—it will open the door to smuggling which will cost the Government millions of revenue; and when the proposition is of that nature, I for one will not consent, for fear there might be some mistake in the House about concurring in an amendment, to forego an amendment to close that door.

The yeas and nays were taken.

Mr. HILL, of Georgia. I am paired on all political questions with the Senator from Massachusetts, [Mr. DAWES.] I do not know whether the Senator from New Hampshire, [Mr. ROLLINS,] who is umpire, will say this is a political question or not.

Mr. ROLLINS. I do not see how it is possible this can be considered a political question.

Mr. HILL, of Georgia. Then I shall vote.

The result was announced—yeas 17, nays 32; as follows:

YEAS—17.

Allison,	Chandler,	Kirkwood,	Rollins,
Blair,	Conkling,	McMillan,	Saunders.
Burnside,	Davis of Illinois,	Morrill,	
Cameron of Wis.,	Eaton,	Paddock,	
Carpenter,	Hill of Colorado,	Platt,	

NAYS—32.

Bailey,	Ferry,	Jonas,	Slater,
Bayard,	Garland,	Kellogg,	Thurman,
Beck,	Groome,	Kernan,	Vance,
Butler,	Hampton,	Logan,	Vest,
Call,	Harris,	McPherson,	Voorhees,
Cameron of Pa.,	Hereford,	Maxey,	Walker,
Cockrell,	Hill of Georgia,	Morgan,	Whyte,
Coke,	Houston,	Saulsbury,	Williams.

ABSENT—27.

Anthony,	Farley,	Jones of Florida,	Ransom,
Blaine,	Gordon,	Jones of Nevada,	Sharon,
Booth,	Grover,	Lamar,	Teller,
Bruce,	Hamlin,	McDonald,	Wallace,
Davis of W. Va.,	Hoar,	Pendleton,	Windom,
Dawes,	Ingalls,	Plumb,	Withers.
Edmunds,	Johnston,	Randolph,	

So the amendment to the amendment was rejected.

Mr. FERRY. I now move to insert the words "or lakes" after "rivers," in the House amendment, in order to avoid the discrimination against the lakes.

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Michigan to the amendment of the House of Representatives.

The amendment to the amendment was agreed to.

The PRESIDENT *pro tempore*. The question now is on concurring in the amendments of the House as amended.

Mr. CONKLING. The effect of it now is that all boats which ply either on rivers or lakes, no matter where they ply, are to be exempt. On that amendment as it now stands, I beg to ask the yeas and nays. I think it so important that we ought to have the vote by yeas and nays.

The PRESIDENT *pro tempore*. That requires the vote to be taken on the amendments of the House separately, and the Chair will put the question on the first amendment of the House, and then on the second the call for the yeas and nays will be put.

The first amendment of the House is, in line 5, to strike out the word "wholly." Will the Senate concur in this amendment?

The amendment was concurred in.

The PRESIDENT *pro tempore*. The second amendment which has been amended in the Senate is to insert at the end of the bill:

Nor shall this or any existing law be construed to require the enrolling, registering, or licensing of any flatboat, barge, or like craft for the carriage of freight, not propelled by sail or by internal motive power of its own, on the rivers or lakes of the United States.

Upon the question of concurring in this amendment as amended by the Senate, the Senator from New York demands the yeas and nays.

The yeas and nays were ordered; and being taken, resulted—yeas 41, nays 4; as follows:

YEAS—41.

Allison,	Davis of Illinois,	Kellogg,	Saunders,
Bailey,	Ferry,	Kirkwood,	Slater,
Bayard,	Garland,	Logan,	Thurman,
Beck,	Groome,	McMillan,	Vance,
Blair,	Hampton,	McPherson,	Vest,
Burnside,	Harris,	Maxey,	Voorhees,
Call,	Hereford,	Morgan,	Whyte,
Cameron of Wis.,	Hill of Colorado,	Morrill,	Williams.
Carpenter,	Houston,	Pendleton,	
Chandler,	Jonas,	Rollins,	
Coke,	Jones of Florida,	Saulsbury,	

NAYS—4.

Conkling,	Eaton,	Kernan,	Platt.

ABSENT—31.

Anthony,	Dawes,	Ingalls,	Ransom,
Blaine,	Edmunds,	Johnston,	Sharon,
Booth,	Farley,	Jones of Nevada,	Teller,
Bruce,	Gordon,	Lamar,	Walker,
Butler,	Grover,	McDonald,	Wallace,
Cameron of Pa.,	Hamlin,	Paddock,	Windom.
Cockrell,	Hill of Georgia,	Plumb,	Withers,
Davis of W. Va.,	Hoar,	Randolph.	

So the amendment as amended was concurred in.

The PRESIDENT *pro tempore*. The only remaining amendment is to the title; so as to make it read:

An act relating to vessels not propelled by sail or internal motive power of their own, and for other purposes.

Mr. EATON. I do not make the motion, but I merely suggest "and to facilitate smuggling." [Laughter.]

The PRESIDENT *pro tempore*. The question is on concurring in the amendment of the House of Representatives to the title of the bill.

The amendment was concurred in.

REFRIGERATING-VESSEL FOR DISINFECTION.

Mr. HARRIS. I move that the Senate now proceed to the consideration of the joint resolution (S. R. No. 46) authorizing the Secretary of the Navy to construct at the Washington and Norfolk navy-yards the steam-vessel and refrigerating-machine recommended by the National Board of Health, and for other purposes.

The motion was not agreed to; there being on a division—ayes 19, noes 20.

FINAL ADJOURNMENT.

Mr. EATON. There is a House resolution relating to adjournment, which I am authorized by the Committee on Appropriations to report. I move to take up that resolution.

Mr. WINDOM. It is now twenty minutes past one o'clock. The marshals bill, I am informed, has been vetoed. If we fix the adjournment at four o'clock this afternoon, as this resolution does, it is a physical impossibility to pass that bill, and therefore——

Mr. EATON. It is a moral impossibility, anyhow.

Mr. WINDOM. That may be; but I wish to give our friends one night to sleep upon it, hoping that returning reason may induce them to pass the bill to-morrow. I therefore enter an objection under the rule to the consideration of this resolution to-day.

Mr. BECK. Before the Senator sits down I desire him to allow me to say one word. The question has been asked why the Committee on Appropriations did not bring in this resolution sooner. The reason is very plain. We could not report the marshals bill until Saturday morning. A single objection would have carried the marshals bill over until this morning. That objection was not interposed. We could not, while that bill was under discussion and before it had passed, know whether it could be passed on Saturday or would run through to to-day; and hence we could not report the resolution sooner. That is all I desire to say. It was because a single objection would have carried that bill over to to-day, that we did not report the resolution till after action on that bill.

Mr. WINDOM. I regret exceedingly to interpose this objection; but I do it upon this ground: The rules say that this resolution shall not be acted upon to-day, the day it is reported; it cannot be acted on to-day unless we upon this side waive that rule for the purpose of letting the Senate and House of Representatives go home without completing the business for which they came. For one I do not feel at liberty to waive that rule; and probably, as I said to the Senator from Connecticut, at least I hope, on cool deliberation and a sound night's sleep, our friends in the majority may conclude that it is their duty to pass the bill free of all political riders, as I trust they will do and can do before four o'clock to-morrow afternoon.

Several Senators addressed the Chair.

The PRESIDENT *pro tempore*. Objection being made, debate is not in order except by unanimous consent.

Mr. HEREFORD. I desire simply to say one word. I understand

the objection to come from the Senator from Minnesota, though he is a member of the Committee on Appropriations that had charge of this resolution fixing the day of adjournment, and though his own committee did not report it until to-day. It was in the power of the committee of which he is a member to have reported it at an earlier period, when one objection would not have taken it over. Now the Senator, taking advantage of the non-action of his committee, seeks to keep this Congress in session here still longer.

Mr. WINDOM. I want to say a word in reply to the Senator from West Virginia. I do not represent the majority nor the power of the committee, and I dislike as much as any one can to keep this Congress here one day longer; but as Congress, if it adjourns to-day, will adjourn without having transacted the business for which it came, and as I can by a single objection under the rule ask Congress to remain one day longer to reconsider this desperate resolution to run away without passing the necessary appropriations, I think that by this little taking advantage of what we have the right to under the rules we may induce my friend from West Virginia to reconsider his resolution to refuse to give the necessary supplies to carry on this branch of the Government.

Mr. HEREFORD. No reconsideration will induce me to change my course, and the Senator must know that if the resolution goes back to the House with an amendment there is no telling when we can get away. This course throws it back to the House.

Mr. WINDOM. There is no sort of difficulty in going to-morrow, if the majority insist on it.

Mr. HEREFORD. Then there may be no quorum in the House.

Mr. WINDOM. I know officially that there is a quorum in both Houses.

Mr. HEREFORD. There is no understanding that his side of the House will vote to-morrow, even to make a quorum.

The PRESIDENT *pro tempore*. This debate is by unanimous consent, and the Chair is not responsible for it.

Mr. CONKLING. Such a debate is not in order even by unanimous consent.

REMONETIZATION OF SILVER.

The PRESIDENT *pro tempore*. The regular business is the first bill on the Calendar.

Mr. BAILEY. I will state that while I was absent from the Senate Chamber this morning the vote was taken on the resolution of the Senator from Missouri [Mr. VEST] in regard to the remonetization of silver. I was unavoidably detained. I wish to announce, by permission, that, if I had been present, I should have voted in favor of the resolution and against the motion to refer it to the Committee on Finance.

Mr. HAMPTON. I wish to make the same announcement. I was detained unavoidably to-day. Had I been present, I should have voted against referring that resolution to the Committee on Finance.

Mr. GROOME. I simply wish to say that I was unavoidably detained from the Senate, having left my home and reached here a few moments after that resolution had been acted on by the body. Had I been here, I should have voted to refer the resolution to the Committee on Finance.

Mr. MCMILLAN. I was detained from the Senate this morning until twenty minutes after the hour of meeting, unavoidably. If I had been present, as I desired to be when the silver resolution was up, I should have voted for its reference to the Finance Committee.

ARRAIGNMENT OF THE DEMOCRATIC PARTY.

Mr. CHANDLER. Mr. President, whether the resolution to adjourn passed by the House is acted upon to-day or not is immaterial; we have now spent three months and a half in this Capitol, not without certain results. We have shown to the people of this nation just what the democratic party means. The people have been informed as to your objects, ends, and aims. By fraud and violence, by shotguns and tissue-ballots, you hold a present majority in both Houses of Congress, and you have taken an early opportunity to show what you intend to do with that majority thus obtained. You are within sight of the promised land, but like Moses of old we propose to send you up into the mountain to die politically.

Mr. President, we are approaching the end of this extra session, and its record will soon become history. The acts of the democratic party, as manifested in this Congress, justify me in arraigning it before the loyal people of the United States on the political issues which it has presented, as *the enemy of the nation* and as the author and abettor of rebellion.

First. I arraign the democratic party for having resorted to revolutionary measures to carry out its partisan projects, by attempting to coerce the Executive, by withholding supplies, and thus accomplishing by starvation the destruction of the Government which they had failed to overthrow by arms.

Second. I arraign them for having injured the business interests of the country by forcing the present extra session, after liberal compromises were tendered to them prior to the close of the last session.

Third. I arraign them for having attempted to throw away the results of the recent war by again elevating state over national sovereignty. We expended $5,000,000,000 and sacrificed more than three hundred thousand precious lives to put down this heresy and to perpetuate the *national life*. They surrendered this heresy at Appomattox, but now they attempt to renew this pretension.

Fourth. I arraign them for having attempted to damage the business interests of the country by forcing silver coin into circulation, of less value than it represents, thus swindling the laboring-man and the producer, by compelling him to accept eighty-five cents for a dollar, and thus enriching the bullion-owners at the expense of the laborer. Four million dollars a day is paid for labor alone, and by thus attempting to force an eighty-five-cent dollar on the laboring-man you swindle him daily out of $600,000. Twelve hundred million dollars are paid yearly for labor alone, and by thus attempting to force an eighty-five-cent dollar on the laboring-man you swindle him out of $180,000,000 a year. The amount which the producing class would lose is absolutely incalculable.

Fifth. I arraign them for having removed without cause experienced officers and employés of this body, some of whom served and were wounded in the Union Army, and with appointing men who had in the rebel army attempted to destoy this Government.

Sixth. I arraign them for having instituted a secret and illegitimate tribunal, the edicts of which have been made the supreme governing power of Congress in defiance of the fundamental principles of the Constitution. The decrees of this junta are known although its motives are hidden.

Seventh. I arraign them for having held up for public admiration that arch rebel, Jefferson Davis, declaring that he was inspired by motives as sacred and as noble as animated Washington; and as having rendered services in attempting to destroy the Union which will equal in history Grecian fame and Roman glory. [Laughter on the democratic side and in portions of the galleries.] You can laugh. The people of the North will make you laugh on the other side of your faces!

Eighth. I arraign them for having undertaken to blot from the statute-book of the nation wise laws, rendered necessary by the war and its results, and insuring "life, liberty, and the pursuit of happiness" to the emancipated freedmen who are now so bulldozed and kukluxed that they are seeking peace in exile, although urged to remain by shot-guns.

Ninth. I arraign them for having attempted to repeal the wise legislation which excludes those who served under the rebel flag from holding commissions in the Army and Navy of the United States.

Tenth. I arraign them for having introduced a large amount of legislation for the exclusive benefit of the States recently in rebellion, which, if enacted, would bankrupt the national Treasury.

Eleventh. I arraign them for having conspired to destroy all that the republican party has accomplished. Many of them breaking their oaths of allegiance to the United States, and pledging their lives, their fortunes, and their sacred honors to overthrow this Government, they failed, and thus lost all they pledged. *Call a halt.* The days of vaporing are over. The loyal North is aroused and their doom is sealed.

I accept the issue on these arraignments distinctly and specifically before the citizens of this great Republic. As a Senator of the United States and as a citizen of the United States, I appeal to the people. It is for those citizens to say who is right and who is wrong. I go before that tribunal confident that the republican party is right and that the democratic party is wrong.

They have made these issues; not we; and by them they must stand or fall. This is the platform which they have constructed, not only for 1879 but for 1880. They cannot change it for we will hold them to it. They have made their bed, and we will see to it that they lie thereon.

HEYL'S TARIFF COMPILATION.

Mr. BAYARD. I am instructed by the Committee on Finance to report back House joint resolution No. 79, and I ask for its present consideration.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution (H. R. No. 79) to supply Congress with "Heyl's United States Import Duties." It directs the Secretary of the Senate and Clerk of the House of Representatives to purchase for the use of Congress 500 copies of "Heyl's United States Duties on Imports," edition of 1879, to wit, one copy for each Senator, Representative, and Delegate, and the residue for the use of the committees of the Senate and House of Representatives; the price to be the same as was paid for a like number of copies purchased for the Forty-fourth Congress, namely, $2.50 per copy.

The joint resolution was reported to the Senate without amendment.

Mr. SAULSBURY. I should like before I am called upon to vote on this question to have some information as to whether there is any necessity for expending this money in purchasing the book. I do not know anything about it, or whether the proposition is meritorious. I should like to have some explanation of it.

Mr. BAYARD. I will state in reply to my colleague that the book for which this sum is proposed to be expended is the compilation of the tariff duties, the digest of the tariff laws. It is a hand book for the Departments, for members of Congress, and for merchants, for which there is so limited a demand outside of official circles that it can scarcely pay for the preparation and compilation of the book. Copies of this book have been purchased by the authority of Congress for a great many years past, and it is almost an essential book in the Departments, in the custom-houses, and in commercial circles, or rather circles where commercial questions are raised connected with the

tariff. This joint resolution has passed the House of Representatives. I hold in my hand a letter from the Secretary of the Treasury approving of the purchase of these copies. I will say also to my colleague that this proposition has met the approval of the Committee on Finance, and I think it is wise.

The joint resolution was ordered to a third reading, read the third time, and passed.

REFRIGERATING-VESSEL FOR DISINFECTION.

Mr. HARRIS. I ask to have a brief note read, and I propose to make a motion in reference to it.

The Secretary read as follows:

RIGGS HOUSE, WASHINGTON, D. C.,
June 30, 1879.

SIR: In a letter to you on the 27th instant I made a proposition to be submitted to the Congress of the United States. Of course it was understood that this offer was intended to avoid delays in the execution of the act approved April 18, 1879. If Congress will not see fit to accept it before adjournment it might seriously embarrass me to have the matter left open. In that contingency I must respectfully withdraw my proposition.

I am, sir, your obedient servant,

JOHN GAMGEE.

Hon. ISHAM G. HARRIS,
United States Senate.

Mr. HARRIS. The proposition being withdrawn, I move to indefinitely postpone the joint resolution (S. R. No. 46) authorizing the Secretary of the Navy to construct at the Washington and Norfolk navy-yards the steam-vessel and refrigerating-machine recommended by the National Board of Health, and for other purposes.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had agreed to the amendment of the Senate to the second amendment of the House of Representatives to the bill (S. No. 671) relating to vessels not propelled by sail or internal motive power of their own.

EXECUTIVE SESSION.

Mr. ALLISON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and fifty-five minutes spent in executive session, the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had concurred in the amendments of the Senate to the following bills:

A bill (H. R. No. 609) to prescribe the times for holding the circuit and district courts of the United States in the district of Kentucky; and

A bill (H. R. No. 2275) extending the provisions of an act entitled "An act for the relief of certain settlers on the public lands," approved March 3, 1877, until the 1st day of October, 1880.

The message further announced that the House had passed a joint resolution (H. R. No. 118) in relation to committee clerks, pages, and other employés of the Senate and House of Representatives; in which it requested the concurrence of the Senate.

The message also announced that the House had passed the bill (S. No. 243) to authorize the Secretary of War to release certain lands of the United States to the people of the State of New York.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the President *pro tempore:*

A bill (S. No. 671) relating to vessels not propelled by sail or internal motive power of their own, and for other purposes; and

A bill (H. R. No. 2337) to allow John Merryman and Frank Brown, of Maryland, to import and land cattle for breeding purposes.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had this day approved and signed the following acts:

An act (S. No. 498) changing the time of holding the November term of the United States district court in the district of Connecticut;

An act (S. No. 506) to change the name of the steam-propeller Nuhpa to Metropolitan;

An act (S. No. 696) for the relief of William Nephew King, jr.;

An act (S. No. 712) providing for filling vacancies in the Office of Chief of Engineers, United States Army; and

An act (S. No. 719) to change the name of the ferry-boat James Fisk, jr., to Passaic.

MESSAGE FROM THE PRESIDENT—MARSHALS' FEES.

The PRESIDENT *pro tempore* laid before the Senate a message from the President of the United States; which was read, as follows:

To the Senate and House of Representatives:

The bill making provision for the payment of the fees of United States marshals and their general deputies, which I have this day returned to the House of Representatives, in which it originated, with my objections, having upon its reconsideration by that body failed to become a law, I respectfully call your attention to the immediate necessity of making some adequate provision for the due and efficient execution by the marshals and deputy marshals of the United States of the constant and important duties enjoined upon them by the existing laws. All appropriations to provide for the performance of these indispensable duties expire to-day. Under the laws prohibiting public officers from involving the Government in contract liabilities beyond actual appropriations, it is apparent that the means at the disposal of the executive department for executing the laws through the regular ministerial officers will after to-day be left inadequate. The suspension of these necessary functions in the orderly administration of the first duties of Government for the shortest period is inconsistent with the public interests, and at any moment may prove inconsistent with the public safety.

It is impossible for me to look without grave concern upon a state of things which will leave the public service thus unprovided for and the public interests thus unprotected, and I earnestly urge upon your attention the necessity of making immediate appropriations for the maintenance of the service of the marshals and deputy marshals for the fiscal year which commences to-morrow.

RUTHERFORD B. HAYES.

EXECUTIVE MANSION, *June* 30, 1879.

Mr. WINDOM. I move the reference of the message to the Committee on Appropriations, and that it be printed.

The motion was agreed to.

FINAL ADJOURNMENT.

Mr. EATON. If I may venture, I would again ask the Senate to proceed to the consideration of the resolution for final adjournment that I had the honor to report this morning by instruction of the Committee on Appropriations. It was objected to early in the day, but I hope there will be no objection now. Therefore I ask for the consideration of that resolution.

The PRESIDENT *pro tempore.* The Senator from Connecticut asks unanimous consent that the Senate proceed to the consideration of the resolution reported by the Committee on Appropriations this morning in reference to final adjournment. Is there objection?

Mr. WINDOM. Mr. President, I dislike extremely to object; but a message from the President of the United States has just been read calling the attention of the Senate to the very great importance of passing some appropriation for the support of the marshals, which if we adjourn now it will be impossible to do. In view of that message and of the necessity of the public service to pass such a bill before we adjourn, I certainly do not feel at liberty to withdraw the objection now. There are many other reasons in connection with the subject; but what I have stated is enough for the present.

Mr. EATON. If my friend from Minnesota objects again, I am very well aware the resolution cannot be passed to-day.

Mr. WINDOM. The objection I made this morning is strengthened very much by the message of the President calling our attention to the necessity of such a measure and that the public service will suffer unless we do pass the bill.

Mr. EATON. I know that this debate is hardly in order, but I should like to ask my friend from Minnesota if he really supposes that our sitting here until to-morrow morning will make any difference in that respect.

Mr. WINDOM. I should be very unwilling to say that I thought it would not make a difference, because the President has shown us so conclusively that this appropriation ought to be made that if I should say I thought it would not be passed it would be imputing to the other side of the Chamber a disposition to leave without making the necessary appropriations. I am very unwilling to say anything of that sort.

Mr. EATON. He has heretofore very conclusively to my friend from Minnesota twice shown the same thing; but not conclusively to my mind at all.

APPROPRIATION FOR MARSHALS.

Mr. WINDOM. While I am on my feet I will ask the consent of the Senate, in response to the message of the President, to introduce a bill making an appropriation of $600,000 to pay marshals, and refer it to the Committee on Appropriations, in order that we may act upon it to-morrow; and it will require twenty-four hours longer in the business of the session.

Mr. EATON. All of us heard the message of the President. We gave it due weight and consideration. Suppose my friend puts the bill on its passage now?

Mr. ALLISON. That is right.

Mr. EATON. That would be quite as well as to refer it to the Committee on Appropriations.

Mr. WINDOM. Upon that suggestion I will offer the bill now.

Mr. EATON. Then we can have time to adjourn by four o'clock.

Mr. WINDOM. Upon the suggestion of the Senator from Connecticut I ask leave to introduce the following bill:

That the sum of $600,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the payment, during the fiscal year ending June 30, 1880, of the fees of United States marshals and their general deputies.

Striking out all that follows the words that I have read in the bill that was vetoed. If that can be passed I, for one, will agree to fix a time for adjourning to-morrow, or at six o'clock to-day.

The PRESIDENT *pro tempore*. This not being the time for which the introduction of bills is in order, in the opinion of the Chair it requires unanimous consent to introduce the bill.

Mr. CONKLING. It at any time requires unanimous consent to introduce a bill without notice.

The PRESIDENT *pro tempore*. Is there objection to the introduction of the bill?

Mr. SAULSBURY. What is the question?

The PRESIDENT *pro tempore*. The Senator from Minnesota asks unanimous consent to introduce a bill making appropriations to pay the fees of marshals.

Mr. SAULSBURY. I object to the consideration of any such bill.

Mr. WINDOM. Then I shall be compelled to insist upon my objection to the adjournment resolution.

Mr. CONKLING. I suggest that the Senator give notice under the rule that to-morrow morning he will introduce the bill.

Mr. WINDOM. I do give that notice.

Mr. HOUSTON. Mr. President, if the Senator desires to fasten the responsibility upon the Senators on this side of the Chamber, he can do so by withdrawing his objection to the resolution for adjournment. There is no trouble about it, for if the Senators on this side of the Chamber are willing to hold on and to vote an appropriation bill they can do so. If, however, they are determined not to vote an appropriation bill for the purpose indicated, the matter will be developed in the vote upon the resolution to adjourn; and it does not implicate that side of the Chamber at all, but leaves the responsibility here, in the event that we vote to concur with the House in its resolution. If the Senators on this side are determined to adjourn without an appropriation——

Mr. WINDOM. I cannot believe that, Mr. President.

Mr. HOUSTON. If they are determined to do that without an appropriation, they will show it by their vote to adjourn. I appeal to the gentleman to give the opportunity to develop that fact and let us settle the question as to an adjournment.

Mr. WINDOM. I should be very glad to accept the proposition of the Senator from Alabama, but the difficulty is this: I am confident the Senators on the other side will eventually make this appropriation. I would not assume for a moment that they would refuse to do it; I have too much confidence in my democratic brethren on the other side of the Chamber; but when you act upon this proposition and pass it, as of course you will, (because you do not propose to deny to this important branch of the Government the appropriations which the President has just so told us are indispensable,) and when you send it to the House, if we should agree to the adjournment resolution the House could not act on the bill in time. I am quite confident my friend from Alabama would vote for it and our other friends, but the House would not have time to do it now. That is the difficulty.

Mr. ALLISON. Mr. President——

The PRESIDENT *pro tempore*. The Chair will lay before the Senate a joint resolution from the House of Representatives for reference.

HOUSE BILL REFERRED.

The joint resolution (H. R. No. 118) in relation to committee clerks, pages, and other employés of the Senate and House of Representatives was read twice by its title, and, on motion of Mr. BECK, referred to the Committee on Appropriations.

Mr. LOGAN submitted an amendment intended to be proposed by him to the joint resolution (H. R. No. 118) in relation to committee clerks, pages, and other employés of the Senate and House of Representatives; which, with the accompanying paper, was referred to the Committee on Appropriations.

APPOINTMENT OF UNITED STATES MARSHALS.

Mr. CONKLING. What is the question before the Senate?

The PRESIDENT *pro tempore*. The business before the Senate is the consideration of bills on the Calendar, the one now regularly in order being the bill (S. No. 443) regulating the appointment of United States marshals, introduced by the Senator from Alabama, [Mr. MORGAN.]

Mr. MORGAN. I move the reference of the bill to the Committee on the Judiciary.

The motion was agreed to.

CENTRAL BRANCH UNION PACIFIC RAILROAD.

Mr. INGALLS. What was done with the first bill on the Calendar, the bill (S. No. 349) for the relief of the Central Branch Union Pacific Railroad Company?

The PRESIDENT *pro tempore*. That was postponed.

Mr. INGALLS. Indefinitely postponed?

The PRESIDENT *pro tempore*. Not indefinitely postponed, but it lost its place on the Calendar.

APPROPRIATIONS FOR MARSHALS.

Mr. DAVIS, of Illinois. I did not hear any objection to the reference of the bill that the Senator from Minnesota [Mr. WINDOM] proposed to introduce. There was objection to its being considered.

Mr. WINDOM. I understood the Senator from Delaware to object to it. I hope he did not, however.

Mr. DAVIS, of Illinois. He objected to considering it; he did not object to the reference of it.

Mr. HOUSTON. He withdraws it.

Mr. SAULSBURY. I withdraw my objection.

Mr. McMILLAN. There was objection made to the introduction of the bill, I understood.

Mr. WINDOM. I ask leave to introduce the bill presented a moment ago, for the purpose of its reference to the Committee on Appropriations.

The PRESIDENT *pro tempore*. Is there objection? The Chair hears none.

Mr. HOUSTON. Suppose we vote directly on the bill now, without a reference.

Mr. WINDOM. I should be most happy, and then we could fix an hour to adjourn, I think, without any difficulty.

Mr. HOUSTON. I am ready to vote upon the bill now.

The bill (S. No. 726) making appropriations to pay fees of United States marshals and their general deputies was read the first time at length.

The PRESIDENT *pro tempore*. If there is no objection the bill will be considered as read the second time. The bill having been read the second time, what disposition shall be made of it?

Mr. MAXEY. I move that all prior orders be set aside and that the bill be put upon its passage.

The PRESIDENT *pro tempore*. This being the same day on which the bill is introduced, it requires unanimous consent to proceed to its consideration.

Mr. MAXEY. I ask unanimous consent, of course.

Mr. DAVIS, of Illinois. I move that the bill be referred to the Committee on Appropriations.

Mr. ROLLINS. Let us vote on it.

The PRESIDENT *pro tempore*. Is there objection to proceeding with the consideration of the bill? The Chair hears none, and the bill is before the Senate as in Committee of the Whole.

Mr. CARPENTER. The Senator from Illinois has moved to refer the bill to the Committee on Appropriations.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Illinois that the bill be referred to the Committee on Appropriations.

Mr. EATON. I hope not.

Mr. MAXEY. My object in wanting to put the bill upon its passage is to let the vote be taken now and decide whether or not we will pass the bill. I am opposed to it now as much as at any other time, and am ready to vote upon it as it stands.

Mr. McMILLAN. I desire to have the bill read to know what it is.

The Chief Clerk read the bill, as follows:

Be it enacted, &c., That the sum of $600,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the payment during the fiscal year ending June 30, 1880, of the fees of United States marshals and their general deputies.

Mr. BECK. That is a Senate bill?

The PRESIDENT *pro tempore*. It is a Senate bill.

Mr. BECK. The House of Representatives has been allowed by general consent, if not by law, to introduce all such bills. Still I am willing to waive that question in the hope of voting it down.

The PRESIDENT *pro tempore*. The question is on the motion made by the Senator from Illinois to refer the bill to the Committee on Appropriations.

The motion was not agreed to.

Mr. EATON. Is the bill now in Committee of the Whole?

The PRESIDENT *pro tempore*. The bill is still in committee.

Mr. EATON. I move to amend the bill by adding to it what was stricken out of the House bill by the amendment of the Senator from Minnesota.

The PRESIDENT *pro tempore*. The amendment will be reported.

The CHIEF CLERK. It is proposed to add after the words "general deputies," at the end of the bill, the following:

And no part of the money hereby appropriated is appropriated to pay any compensation, fees, or expenses under any of the provisions of title 26 of the Revised Statutes of the United States authorizing the appointment, employment, or payment of general or special deputy marshals for services in connection with registration or elections on election day.

SEC. 2. That the sums appropriated in this act for the persons and public service embraced in its provisions are in full for such persons and public service for the fiscal year ending June 30, 1880; and no department or officer of the Government shall, during said fiscal year, make any contract or incur any liability for the future payment of money under any of the provisions of title 26 mentioned in section 1 of this act until an appropriation sufficient to meet such contract or pay such liability shall have first been made by law; and that any officer of the Government or any other person who shall violate any of the provisions of this section, or of sections 3678, 3679, 3680, 3681, 3682, 3683, and 3690 of the Revised Statutes of the United States, shall, on conviction, be punished by a fine of not exceeding $5,000, or by imprisonment for not exceeding five years, or by both such fine and imprisonment, in the discretion of the court.

Mr. WINDOM. It will be understood by the Senate that this is precisely the bill upon which the veto has been received to-day, and that if the Senate insists upon adding these political features to it it is the same thing precisely as refusing to pass the bill.

Mr. HOUSTON. That will be an expression of the sentiment of the Senate.

Mr. BECK. It will not hurt to veto it a second time.

The PRESIDENT *pro tempore*. The question is on the amendment offered by the Senator from Connecticut, [Mr. EATON.]

Mr. WINDOM called for the yeas and nays, and they were ordered.

The Secretary proceeded to call the roll.

Mr. ANTHONY, (when his name was called.) I am paired on political questions with the Senator from Georgia, [Mr. GORDON,] who is absent. I should vote "nay" if at liberty to do so.

Mr. BUTLER, (when his name was called.) I am paired with the Senator from Kansas [Mr. PLUMB] on all political questions. If he were present, I should vote "yea."

Mr. CAMERON, of Pennsylvania, (when his name was called.) On this question I am paired with my colleague, [Mr. WALLACE,] who is absent from the city. If he were here, I should vote "nay."

Mr. HILL, of Georgia, (when his name was called.) I am paired on political questions with the Senator from Massachusetts, [Mr. DAWES.] I suppose my friend from New Hampshire will regard this as political.

Mr. ROLLINS. It is slightly political, Mr. President.

Mr. INGALLS, (when his name was called.) I am paired with the Senator from Virginia, [Mr. WITHERS.] If he were here, I should vote "nay."

The PRESIDENT *pro tempore*, (when Mr. THURMAN'S name was called.) I am paired with the Senator from Vermont, [Mr. EDMUNDS.]

Mr. WHYTE, (when his name was called.) I am paired on political questions with the Senator from Maine, [Mr. BLAINE.] If he were present, he would vote "nay" and I should vote "yea."

Mr. WINDOM, (when his name was called.) I am paired with the Senator from West Virginia, [Mr. DAVIS.] If he were present, I should vote "nay."

The roll-call was concluded.

Mr. HEREFORD. My colleague [Mr. DAVIS, of West Virginia] is necessarily absent to-day, and is paired with the Senator from Minnesota, [Mr. WINDOM.] If present, my colleague would vote "yea."

Mr. WHYTE. Since my pair with the Senator from Maine [Mr. BLAINE] was made an arrangement has been made by which it has been transferred to the Senator from New Jersey, [Mr. RANDOLPH.] Consequently I am entitled to vote. I vote "yea."

Mr. ALLISON. The Senator from Maine [Mr. HAMLIN] is paired with the Senator from Oregon [Mr. GROVER] on political questions.

Mr. SAULSBURY. The Senator from Pennsylvania [Mr. WALLACE] is paired with his colleague, [Mr. CAMERON.]

The result was announced—yeas 27, nays 19; as follows:

YEAS—27.

Bailey,	Garland,	Kernan,	Vance,
Bayard,	Groome,	McPherson,	Vest,
Beck,	Hampton,	Maxey,	Voorhees,
Call,	Harris,	Morgan,	Walker,
Cockrell,	Hereford,	Pendleton,	Whyte,
Coke,	Houston,	Saulsbury,	Williams.
Eaton,	Jonas,	Slater,	

NAYS—19.

Allison,	Carpenter,	Kellogg,	Paddock,
Blair,	Chandler,	Kirkwood,	Platt,
Bruce,	Conkling,	Logan,	Rollins,
Burnside,	Ferry,	McMillan,	Saunders.
Cameron of Wis.,	Hill of Colorado,	Morrill,	

NOT VOTING—30.

Anthony,	Edmunds,	Johnston,	Sharon,
Blaine,	Farley,	Jones of Florida,	Teller,
Booth,	Gordon,	Jones of Nevada,	Thurman,
Butler,	Grover,	Lamar,	Wallace,
Cameron of Pa.,	Hamlin,	McDonald,	Windom,
Davis of Illinois,	Hill of Georgia,	Plumb,	Withers.
Davis of W. Va.,	Hoar,	Randolph,	
Dawes,	Ingalls,	Ransom,	

So the amendment was agreed to.

Mr. EATON. I offered this amendment so that my friend from Minnesota might sleep well to-night. He has spoken heretofore, and said something in regard to what a night's rest might bring to his friends on this side of the Chamber. Now, then, the Senator from Minnesota understands, the President of the United States understands, the country understands, the position that the democratic members of the Senate occupy upon this question. Further time, in my judgment, would be unnecessary, and therefore now I move the indefinite postponement of the subject under discussion—the indefinite postponement of this bill as amended.

The PRESIDENT *pro tempore*. The Senator from Connecticut moves the indefinite postponement of the bill.

Mr. CHANDLER and Mr. FERRY called for the yeas and nays, and they were ordered.

Mr. MCMILLAN. As I understand the position of this bill now, it embraces the amendment offered by the Senator from Connecticut, and is the same bill that was vetoed by the President, of the United States. Containing this amendment, I cannot vote for the bill. I would have been pleased to have voted for the bill as introduced by my colleague, but the amendment having been incorporated into the bill I shall be compelled to vote for its indefinite postponement.

Mr. WINDOM. I hardly know how to take the expressions of the honorable Senator from Connecticut; but I presume he means to say that under no circumstances will he and his party friends on the other side of the Chamber vote for any appropriation for the payment of the marshals and their deputies which does not contain this condition which the President has vetoed.

Several SENATORS. Exactly.

Mr. WINDOM. I understand that to be the unanimous expression of opinion on that side of the Chamber.

Mr. EATON. I hope so. I only speak for myself.

Mr. WINDOM. I shall vote, for one, against postponing this bill, notwithstanding I would not vote for it as now amended. I shall vote against postponing it, still hoping that our friends on the other side may yet find a moment for repentance, for "while the lamp holds out to burn," and so forth——

Mr. EATON. I know, for the republicans to return. [Laughter.]

Mr. WINDOM. And therefore I shall vote against the indefinite postponement, hoping we can amend the bill, but I should vote against the proposition direct.

Mr. MAXEY. I do not speak for anybody except myself; but I will state to the Senator from Minnesota that my mind is remarkably well made up on this point, at least to my satisfaction. My time is out on the 4th of March, 1881. The occupant of the White House may keep me here from now until that time, but I will vote against that bill ever being passed except it is with the amendment placed on it by the Senator from Connecticut. That is the view I take of it.

Mr. FERRY. That my vote may not be misunderstood, I desire to state that I shall vote against the indefinite postponement, not because the bill as amended commends itself to my judgment, but with my friend at my right from Minnesota [Mr. WINDOM] I hope that with a night's rest the Senator from Connecticut especially will to-morrow, when we meet here at twelve o'clock, make a proposition to reconsider this vote and pass the bill as originally introduced by the Senator from Minnesota. And as to the remarks of the Senator from Texas, I will say that from intimations the Senator will be compelled to leave the Capitol and be away, and as I have agreed to pair with him, his declaration will have no more effect than his statement now; his influence will not be here to-morrow to lead others to follow him, and therefore I hope better counsels will prevail among his fellows.

Mr. MAXEY. I might change my mind about leaving, I will say to the Senator from Michigan. [Laughter.]

The Secretary proceeded to call the roll.

Mr. CAMERON, of Pennsylvania, (when his name was called.) On this question I am paired with my colleague, [Mr. WALLACE,] who is absent.

Mr. INGALLS, (when his name was called.) I am paired with the Senator from Virginia, [Mr. WITHERS.]

The PRESIDENT *pro tempore*, (when Mr. THURMAN'S name was called.) I am paired with the Senator from Vermont, [Mr. EDMUNDS.]

Mr. WINDOM, (when his name was called.) I am paired with the Senator from West Virginia, [Mr. DAVIS.]

The roll-call was concluded.

Mr. MCMILLAN. As as negative vote will merely retain this bill before the Senate, I vote "nay."

Mr. BRUCE, (after having voted in the negative.) I had forgotten that I am paired with my colleague [Mr. LAMAR] on all political questions. I therefore desire to withdraw my vote. Were he here, he would vote "yea."

Mr. ANTHONY. I am paired with the Senator from Georgia, [Mr. GORDON.] If he were present, I should vote "nay."

Mr. BUTLER, (after having voted in the affirmative.) I voted forgetting at the moment that I was paired with the Senator from Kansas, [Mr. PLUMB.] I withdraw my vote. I should vote "yea," if he were present.

Mr. ALLISON, (after having voted in the negative.) I had forgotten for the moment that I paired to-day with the Senator from North Carolina, [Mr. RANSOM.] I withdraw my vote. If I voted on the amendment, I only regret that I did so inadvertently, not remembering that I was paired for to-day.

Mr. WHYTE. As the pair which I made with the Senator from Maine [Mr. BLAINE] has been transferred to the Senator from New Jersey, [Mr. RANDOLPH,] since the departure of the Senator from Maine, I desire to say that the Senator from Maine is paired with the Senator from New Jersey. The Senator from Maine would vote "nay," while the Senator from New Jersey would vote "yea," if they were present.

The result was announced—yeas 27, nays 16; as follows:

YEAS—27.

Bailey,	Garland,	Kernan,	Vance,
Bayard,	Groome,	McPherson,	Vest,
Beck,	Hampton,	Maxey,	Voorhees,
Call,	Harris,	Morgan,	Walker,
Cockrell,	Hereford,	Pendleton,	Whyte,
Coke,	Houston,	Saulsbury,	Williams.
Eaton,	Jonas,	Slater,	

NAYS—16.

Blair,	Chandler,	Kellogg,	Morrill,
Burnside,	Conkling,	Kirkwood,	Platt,
Cameron of Wis.,	Ferry,	Logan,	Rollins,
Carpenter,	Hill of Colorado,	McMillan,	Saunders.

ABSENT—33.

Allison,	Dawes,	Johnston,	Sharon,
Anthony,	Edmunds,	Jones of Florida,	Teller,
Blaine,	Farley,	Jones of Nevada,	Thurman,
Booth,	Gordon,	Lamar,	Wallace,
Bruce,	Grover,	McDonald,	Windom,
Butler,	Hamlin,	Paddock,	Withers
Cameron of Pa.,	Hill of Georgia,	Plumb,	
Davis of Illinois,	Hoar,	Randolph,	
Davis of W. Va.,	Ingalls,	Ransom,	

So the bill was indefinitely postponed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the bill (S. No. 716) to provide for the conveyance of the low grounds in the city of Washington under the provisions of the act of Congress, chapter 96, approved May 7, 1822.

PROPOSED ADJOURNMENT.

Mr. WHYTE. I move that the Senate do now adjourn.

Mr. COCKRELL. I hope not. I desire that we have a short executive session.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed a bill (H. R. No. 2406) to put salts of quinine and sulphate of quinine on the free list; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. No. 243) to authorize the Secretary of War to release certain lands of the United States to the people of the State of New York; and it was thereupon signed by the President *pro tempore*.

HOUSE BILL REFERRED.

The bill (H. R. No. 2406) to put salts of quinine and sulphate of quinine on the free list was read twice by its title, and referred to the Committee on Finance.

EXECUTIVE SESSION.

Mr. COCKRELL. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to—ayes 37, noes not counted; and the Senate proceeded to the consideration of executive business. After forty minutes spent in executive session the doors were reopened, and (at five o'clock p. m.) the Senate adjourned.

HOUSE OF REPRESENTATIVES.

MONDAY, *June* 30, 1879.

The House met at twelve o'clock m. Prayer was offered by the Chaplain, Rev. W. P. HARRISON, D. D., as follows:

We thank Thee, Almighty God, our Heavenly Father, that by Thy good providence we have been safely brought to the closing labors of this session. May Thy goodness and Thy mercy to us inspire within our hearts a spirit of true gratitude, and may we fear Thy name and reverence and keep Thy law.

Command Thy blessing upon these, Thy servants, the officers and members of this House. Grant unto all the measures that have been wisely and prudently adopted Thy blessing that they may secure the harmony, and peace, and prosperity of the country at large.

Almighty God, send Thou in their season the early and the latter rain that there may be seed to the sower and bread to the eater throughout all our borders, and may the blessing of God ever abide upon our country in all its sections and classes and interests. These and all Thy gifts we ask in the name of Jesus Christ our Redeemer. Amen.

MESSAGE FROM THE PRESIDENT.

A message in writing, from the President of the United States, was communicated to the House by Mr. PRUDEN, his Private Secretary, who also informed the House that the President had approved and signed a bill of the following title:

An act (H. R. No. 2381) making appropriations for certain judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes.

APPROVAL OF THE JOURNAL.

The Clerk commenced to read the Journal of Saturday.

Mr. MCKENZIE. I move that the reading of the Journal be dispensed with.

The SPEAKER. That can only be done by unanimous consent.

Mr. HORR. I object.

The Clerk resumed and concluded the reading of the Journal, which was then approved.

ORDER OF BUSINESS.

The SPEAKER. This being Monday the morning hour begins——

Mr. MILLS. Would it be in order to move to dispense with the morning hour?

The SPEAKER. Being probably the last day of the session the Chair is willing to entertain the motion to dispense with the morning hour by unanimous consent, although very unusual.

Mr. BURROWS. I object.

Mr. ACKLEN. I notice the following paragraph in the Digest:

Ever since the foregoing rule—

The rule in reference to the morning hour on Monday—

has been in its present form the Speaker has declined to entertain even a request for unanimous consent to transact any other business within the time prescribed for calls for bills on leave for reference.

The SPEAKER. What rule does that refer to?

Mr. ACKLEN. The rule in reference to the morning hour on Monday.

The SPEAKER. That has been the practice; but the Chair thought in view of the final adjournment, which is likely to occur to-day, an exception might be allowed by unanimous consent, but objection is made.

Mr. ACKLEN. I certainly shall offer no objection myself.

The SPEAKER. The gentleman from Michigan [Mr. BURROWS] objects.

Mr. MILLS. Would it be in order to move to suspend the rules so as to dispense with the morning hour?

The SPEAKER. The motion to suspend the rules cannot be entertained until after the morning hour.

Mr. MILLS. Cannot two-thirds of the House suspend the rules on Monday?

The SPEAKER. Two-thirds can suspend after the morning hour.

Mr. HUNTON. Unanimous consent can dispense with the morning hour.

The SPEAKER. Unanimous consent is not given.

Mr. BURROWS. I call for the regular order.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, informed the House that the Senate had passed, without amendment, the bill (H. R. No. 2337) to allow John Merryman and Frank Brown, of Maryland, to import and land cattle for breeding purposes.

The message also announced that the Senate disagreed to the amendments of the House to the joint resolution (S. R. No. 39) in relation to committee clerks, pages, and other employés of the Senate and House of Representatives, and for other purposes, asked a conference on the disagreeing votes of the two Houses thereon, and had appointed Mr. BECK, Mr. EATON, and Mr. ALLISON to be the conferees on the part of the Senate.

ORDER OF BUSINESS.

Mr. MILLS. I believe that on Monday two-thirds of the House can suspend any of its rules.

The SPEAKER. The Chair will cause Rule 145, which indicates the time on Monday when the rules can be suspended, to be read:

The Clerk read as follows:

No standing rule or order of the House shall be rescinded or changed without one day's notice being given of the motion therefor; nor shall any rule be suspended, except by a vote of at least two-thirds of the members present; nor shall the order of business, as established by the rules, be postponed or changed except by a vote of at least two-thirds of the members present; nor shall the Speaker entertain a motion to suspend the rules, except during the last six days of the session, and on Monday of every week at the expiration of one hour after the Journal is read, unless the call of States and Territories for bills on leave and resolutions has been earlier concluded, when the Speaker may entertain a motion to suspend the rules.

Mr. HUNTON. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HUNTON. Is it not in order now to ask unanimous consent to offer a resolution?

The SPEAKER. The Chair has never exercised the right, even by unanimous consent, to interfere with the business of the morning hour of Monday when once begun. The Chair will recognize the gentleman after the morning hour. The morning hour begins at twenty minutes past twelve o'clock. This being Monday, the first business in order is the call of States and Territories, commencing with the State of Maine, for the introduction of bills and joint resolutions for reference to appropriate committees, not to be brought back on a motion to reconsider. Under this call joint resolutions and memorials of State and territorial Legislatures are in order. Under this call, also, resolutions calling upon the Executive Departments for information will be in order for reference to appropriate committees.

STEAM-YACHT KATE SUTTON.

Mr. VAN VOORHIS introduced a bill (H. R. No. 2391) to change the name of the steam-yacht Kate Sutton, of Buffalo, to the name of Loraine, of Oak Orchard; which was read a first and second time, and referred to the Committee on Commerce.

AUGUSTUS R. EGBERT.

Mr. SMITH, of New Jersey, introduced a bill (H. R. No. 2392) for the relief of Augustus R. Egbert, first lieutenant, Second Infantry, United States Army; which was read a first and second time.

Mr. CONGER. Let that bill be read.

The bill was read at length, and referred to the Committee on Military Affairs.

COLUMBIA HISTORICAL SOCIETY.

Mr. CLYMER introduced a bill (H. R. No. 2393) to incorporate The Columbia Historical Society; which was read a first and second time, referred to the Joint Committee on the Library, and ordered to be printed.

SAMUEL H. BARNETT.

Mr. WISE introduced a bill (H. R. No. 2394) granting a pension to Samuel H. Barnett, a soldier in the late war; which was read a first and second time, and referred to the Committee on Invalid Pensions.

EXEMPTIONS FROM EXECUTION.

Mr. MCMILLIN introduced a bill (H. R. No. 2395) to regulate exemptions in the United States district and circuit courts; which was read a first and second time.

Mr. McMILLIN. I move that that bill be referred to the Committee on the Judiciary and ordered to be printed.

Mr. CONGER. Let that bill be read.

The bill was read at length.

Mr. CONGER. I think that bill ought to go to the Committee of Ways and Means; it proposes to relinquish taxes due the United States.

Mr. McMILLIN. I have no objection, except that I thought the other was the proper committee, but personally I have no choice. I think the Judiciary Committee is the proper committee, as this is a legal question.

Mr. CONGER. I move that it be referred to the Committee of Ways and Means.

The SPEAKER. If there be no objection, the bill will be referred to the Committee of Ways and Means.

Mr. McMILLIN. I will not object.

Mr. CONGER. The House may have some choice in the matter.

Mr. McMILLIN. Then I will insist upon my motion to refer it to the Committee on the Judiciary as the appropriate committee.

Mr. CLYMER. I call for the yeas and nays on that question.

The question was taken upon ordering the yeas and nays, and there were 35 in the affirmative.

The SPEAKER. The Chair thinks that is one-fifth of the members present.

Mr. CONGER. I think the Chair had better count the other side.

Those voting in the negative were counted, there being 8.

So (more than one-fifth voting in the affirmative) the yeas and nays were ordered.

The SPEAKER. The question is upon the motion of the gentleman from Michigan [Mr. CONGER] to refer this bill, being a bill to regulate exemptions in the United States district and circuit courts, to the Committee of Ways and Means.

The question was taken; and there were—yeas 18, nays 139, not voting 129; as follows:

YEAS—18.

Aldrich, William	Farr,	McGowan,	Warner,
Anderson,	Field,	Prescott,	Whitthorne,
Bayne,	Garfield,	Sherwin,	Willits.
Blake,	Godshalk,	Van Voorhis,	
Brewer,	Marsh,	Voorhis,	

NAYS—139.

Acklen,	Davis, Loundes H.	Hunton,	Richardson, J. S.
Aiken,	Deering,	Johnston,	Rothwell,
Armfield,	Dibrell,	Jones,	Russell, W. A.
Atherton,	Dickey,	Jorgensen,	Ryan, Thomas
Atkins,	Elam,	Joyce,	Ryon, John W.
Bachman,	Errett,	Keifer,	Sawyer,
Barber,	Evins,	Ketcham,	Scales,
Bicknell,	Felton,	Killinger,	Shallenberger,
Blackburn,	Finley,	King,	Shelley,
Bouck,	Ford,	Lapham,	Simonton,
Briggs,	Forney,	Le Fevre,	Slemons,
Bright,	Forsythe,	Lowe,	Smith, A. Herr
Browne,	Fort,	Manning,	Smith, Hezekiah B.
Burrows,	Gibson,	Martin, Edward L.	Smith, William E.
Butterworth,	Gillette,	Mason,	Steele,
Caldwell,	Goode,	McCoid,	Stevenson,
Cannon,	Gunter,	McLane,	Talbott,
Carpenter,	Hammond, John	McMillin,	Taylor,
Caswell,	Hammond, N. J.	Mills,	Thompson,
Chalmers,	Harris, Benj. W.	Mitchell,	Tillman,
Clardy,	Haskell,	Monroe,	Townsend, Amos
Clark, John B.	Hatch,	Morrison,	Townshend, R. W.
Clymer,	Hawk,	Muller,	Turner, Oscar
Cobb,	Hawley,	Murch,	Updegraff, J. T.
Coffroth,	Hazelton,	Myers,	Updegraff, Thomas
Conger,	Henderson,	Neal,	Valentine,
Converse,	Henkle,	New,	Van Aernam,
Cook,	Henry,	Nicholls,	Weaver,
Cowgill,	Herbert,	O'Connor,	Wellborn,
Cravens,	Herndon,	O'Neill,	Whiteaker,
Culberson,	Hill,	Persons,	Williams, Thomas
Daggett,	Horr,	Phelps,	Wise,
Davidson,	House,	Phister,	Yocum,
Davis, George R.	Hubbell,	Pound,	Young, Casey.
Davis, Joseph J.	Hull,	Reagan,	

NOT VOTING—129.

Aldrich, N. W.	Cox,	Humphrey,	Muldrow,
Bailey,	Crapo,	Hurd,	Newberry,
Baker,	Crowley,	James,	Norcross,
Ballou,	De La Matyr,	Kelley,	O'Brien,
Barlow,	Deuster,	Kenna,	O'Reilly,
Beale,	Dick,	Kimmel,	Orth,
Belford,	Dunn,	Kitchin,	Osmer,
Beltzhoover,	Dunnell,	Klotz,	Overton,
Bingham,	Dwight,	Knott,	Pierce,
Bland,	Einstein,	Ladd,	Poehler,
Bliss,	Ellis,	Lay,	Price,
Blount,	Ewing,	Lewis,	Reed,
Bowman,	Ferdon,	Lindsey,	Rice,
Boyd,	Fisher,	Loring,	Richardson, D. P.
Bragg,	Frost,	Lounsbery,	Richmond,
Brigham,	Frye,	Martin, Benj. F.	Robertson,
Buckner,	Geddes,	Martin, Joseph J.	Robeson,
Cabell,	Hall,	McCook,	Robinson,
Calkins,	Harmer,	McKenzie,	Ross,
Camp,	Harris, John T.	McKinley,	Russell, Daniel L.
Carlisle,	Hayes,	McMahon,	Samford,
Chittenden,	Heilman,	Miles,	Sapp,
Claflin,	Hiscock,	Miller,	Singleton, J. W.
Clark, Alvah A.	Hooker,	Money,	Singleton, O. R.
Colerick,	Hostetler,	Morse,	Sparks,
Covert	Houk,	Morton,	Speer,
Springer,	Tyler,	Washburn,	Wood, Fernando
Starin,	Upson,	Wells,	Wood, Walter A.
Stephens,	Urner,	White,	Wright,
Stone,	Vance,	Wilber,	Young, Thomas L.
Thomas,	Waddill,	Williams, C. G.	
Tucker,	Wait,	Willis,	
Turner, Thomas	Ward,	Wilson,	

So the motion to refer the bill to the Committee of Ways and Means was not agreed to.

During the roll-call the following announcements were made:

Mr. KENNA. I am paired with the gentleman from Ohio, Mr. YOUNG. My colleague, Mr. WILSON, who is absent on account of sickness in his family, is also paired.

Mr. SCALES. My colleague, Mr. VANCE, is absent by leave of the House, and is paired with Mr. MARTIN, of North Carolina.

Mr. WADDILL. I am paired with the gentleman from Wisconsin, Mr. POUND.

Mr. MANNING. My colleagues, Mr. MULDROW and Mr. MONEY, are absent by leave of the House, and are paired respectively with the gentleman from New York, Mr. DWIGHT, and the gentleman from Michigan, Mr. STONE. My colleague, Mr. SINGLETON, who is absent by reason of illness, is paired with the gentleman from Indiana, Mr. CALKINS.

Mr. CLARK, of Missouri. My colleague, Mr. BUCKNER, is paired with the gentleman from New York, Mr. CHITTENDEN, and the gentleman from Ohio, Mr. McMAHON, with the gentleman from Indiana, Mr. BAKER.

Mr. FORNEY. My colleague, Mr. LEWIS, is paired with the gentleman from Wisconsin, Mr. WILLIAMS.

Mr. DAVIS, of North Carolina. My colleague, Mr. KITCHIN, is paired with the gentleman from Massachusetts, Mr. RICE.

Mr. TOWNSHEND, of Illinois. My colleague, Mr. SINGLETON, is paired with the gentleman from Connecticut, Mr. MILES.

Mr. HUNTON. My colleague, Mr. TUCKER, is paired with the gentleman from New York, Mr. RICHARDSON; and my colleague, Mr. CABELL, with the gentleman from Illinois, Mr. BOYD. My colleague, Mr. RICHMOND, is detained from his seat by sickness.

Mr. DICKEY. My colleague, Mr. GEDDES, is paired with the gentleman from Vermont, Mr. BARLOW.

Mr. ELLIS. I am paired with the gentleman from Pennsylvania, Mr. HARMER.

Mr. McKENZIE. I am paired with the gentleman from Iowa, Mr. SAPP.

Mr. KNOTT. I am paired with the gentleman from Maine, Mr. FRYE.

Mr. McLANE. I am paired on all political questions with my colleague, Mr. URNER; but as I do not consider this such a question, I vote "no."

Mr. HOSTETLER. I am paired with the gentleman from New York, Mr. McCOOK.

Mr. JOHNSTON. My colleagues, Mr. BEALE and Mr. JORGENSEN, are paired. My colleague, Mr. HARRIS, of Virginia, is paired with the gentleman from New York, Mr. CROWLEY.

Mr. SAMFORD. I am paired with the gentleman from Connecticut, Mr. WAIT.

Mr. MULLER. My colleague, Mr. LOUNSBERY, is paired with my colleague, Mr. BAILEY.

Mr. VAN VOORHIS. My colleague, Mr. HISCOCK, is paired with the gentleman from Missouri, Mr. WELLS. I do not know how either gentleman would vote on this question.

Mr. BRIGGS. My colleague, Mr. HALL, is paired with the gentleman from Georgia, Mr. SPEER.

Mr. LAPHAM. My colleague, Mr. RICHARDSON, is paired with the gentleman from Virginia, Mr. TUCKER.

Mr. FIELD. My colleague, Mr. ROBINSON, is paired with the gentleman from Louisiana, Mr. ROBERTSON. My colleague, Mr. NORCROSS, is paired with the gentleman from North Carolina, Mr. STEELE, on all political questions; but this is not considered such a one.

Mr. HAZELTON. My colleague from Wisconsin, Mr. WILLIAMS, is paired with the gentleman from Alabama, Mr. LEWIS. I do not know how either gentleman would vote.

Mr. TOWNSEND, of Ohio. My colleague, Mr. McKINLEY, is paired with the gentleman from Illinois, Mr. SPARKS.

Mr. McGOWAN. My colleague, Mr. STONE, is paired with the gentleman from Mississippi, Mr. MONEY; and the gentleman from New York, Mr. STARIN, with the gentleman from New Jersey, Mr. CLARK.

Mr. BREWER. The gentleman from Michigan, Mr. NEWBERRY, is paired with the gentleman from Ohio, Mr. ATHERTON.

Mr. DEERING. My colleague, Mr. SAPP, who is absent by leave of the House, is paired with the gentleman from Kentucky, Mr. McKENZIE. My colleague, Mr. PRICE, is paired with the gentleman from Pennsylvania, Mr. WRIGHT.

Mr. ORTH. I am paired with the gentleman from Pennsylvania, Mr. KLOTZ.

Mr. BAYNE. My colleagues, Mr. BINGHAM and Mr. BELTZHOOVER, are paired.

Mr. ALDRICH, of Illinois. The gentleman from Rhode Island, Mr. ALDRICH, is paired with the gentleman from Ohio, Mr. EWING.

The result of the vote was announced as above stated.

The motion of Mr. McMILLIN to refer the bill to the Committee on the Judiciary was then agreed to.

HIRAM J. WOOD.

Mr. McMILLIN also introduced a bill (H. R. No. 2396) granting a pension to Hiram J. Wood; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ANNUAL MEETING OF CONGRESS.

Mr. MORRISON introduced a bill (H. R. No. 2397) to fix the time when Congress shall assemble; which was read a first and second time.

Mr. CONGER called for the reading of the bill; which was read at length, referred to the Committee on the Judiciary, and ordered to be printed.

MRS. MARGARET M'KERINAN.

Mr. FORSYTHE introduced a bill (H. R. No. 2398) granting a pension to Mrs. Margaret McKerinan, widow of Tobias McKerinan, late a private in Captain Cogswell's Battery Light Artillery Illinois Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

QUINCY M'NEIL.

Mr. HENDERSON introduced a bill (H. R. No. 2399) for the relief of Quincy McNeil, late major Thirty-ninth United States Colored Troops; which was read a first and second time, and referred to the Committee on Military Affairs.

JAMES B. WILDER.

Mr. HOSTETLER introduced a bill (H. R. No. 2400) directing the Secretary of the Interior to place the name of James B. Wilder on the pension-roll; which was read a first and second time, and referred to the Committee on Invalid Pensions.

PETER BEAVER.

Mr. CASWELL introduced a bill (H. R. No. 2401) granting a pension to Peter Beaver, Spring Green, Sauk County, Wisconsin; which was read a first and second time, and referred to the Committee on Invalid Pensions.

The SPEAKER. The States and Territories having been called through, the Chair will now recognize for the introduction of bills, &c., gentlemen who were not in their seats when their States were called.

MURVILLE C. SHAPLEY.

Mr. MASON introduced a bill (H. R. No. 2402) granting a pension to Murville C. Shapley, late a private in Company K, One hundred and eighty-fourth Regiment New York Volunteers; which was read a first and second time, and referred to the Committee on Invalid Pensions.

ELIZABETH D. ROBB.

Mr. BUTTERWORTH introduced a bill (H. R. No. 2403) for the relief of Elizabeth D. Robb, of Cincinnati, Ohio; which was read a first and second time, and referred to the Committee on Invalid Pensions.

WILLIAM BUSHBY.

Mr. JORGENSEN introduced a bill (H. R. No. 2404) for the relief of William Bushby; which was read a first and second time, and referred to the Committee on War Claims.

MAJOR JOSEPH B. COLLINS.

Mr. DIBRELL introduced a bill (H. R. No. 2405) repealing the act authorizing the restoration of the name of Major Joseph B. Collins to the United States Army and placing him on the retired list; which was read a first and second time, and referred to the Committee on Military Affairs.

ORDER OF BUSINESS.

The SPEAKER. The next branch of the order of business in the morning hour to-day is the call of States and Territories for resolutions.

Mr. ACKLEN. I think the unfinished business at this time is the resolution relating to the appointment of a committee to inquire into claims of citizens of the United States against the government of Nicaragua, which comes over from Monday, the 9th June.

The SPEAKER. The Chair will cause to be read the Journal entry when this question was last up.

Mr. ACKLEN. I desire to be heard on the point of order.

Mr. ATKINS. I suggest that the Chair has a message from the President to lay before the House. Let that be done now.

The SPEAKER. This is a point of order in the morning hour which has still fifteen minutes to run. After the expiration of the morning hour the Chair will comply with the request of the gentleman from Tennessee.

Mr. ACKLEN. The question in this case is a very simple one. This resolution came in under Rule 52. There are two ways in which resolutions can be introduced in the House, either under Rule 52 or under Rule 130; in the first instance, after the call of committees for reports; in the second, after the call of the States and Territories for bills on leave and joint resolutions. Now, this resolution came in under Rule 52, and the question was raised by the gentleman from Michigan [Mr. CONGER] whether coming in under Rule 52 it could be considered under Rule 130. I cannot see really that the fact that the resolution came in under a different rule should change by any means its position in the House so that it could not be considered when this stage of business is reached in any morning hour.

But I do not desire to insist upon a consideration of this resolution to-day. I doubt whether there is a quorum here or that I can reach a satisfactory vote. I ask, therefore, unanimous consent of the House that this resolution go to the Committee of the Whole, not to come up until next December. I think that is a reasonable request which will be acceded to by every one.

The SPEAKER. The Chair will cause to be read the Journal entry.

Mr. ACKLEN. If my request is acceded to it will be unnecessary to enter into any further discussion of this question. My request is that this may go to the Committee of the Whole, not to come up until next December.

Mr. HAZELTON. What is the status of the resolution now, Mr. Speaker?

Mr. CONGER. If the gentleman from Louisiana has no right to call the resolution up at all, he has no right to have it assigned for consideration on a future day.

Mr. ACKLEN. Will the gentleman from Michigan pardon me? I think I have the right to call up the resolution for consideration to-day.

Mr. CONGER. That is the question that is pending on the point of order. The gentleman must not assume he has the right until the Chair decides the point of order.

Mr. ACKLEN. That is very true; but by unanimous consent the question raised by the point of order can be waived, and this matter can go to the Committee of the Whole to be considered next December. I think that is what the House would prefer to have done.

The SPEAKER. The gentleman from Louisiana asks unanimous consent that the resolution be referred to the Committee of the Whole on the state of the Union.

Mr. CONGER. I would rather have the Chair give his views on the point of order.

The SPEAKER. The question of order is whether this is the unfinished business that properly would come into this hour.

Mr. CONGER. Unless the Chair has his mind made up on that point perhaps the Chair would like to hear gentlemen give their views on it.

The SPEAKER. The Chair has no objection to listen.

Mr. CONGER. I do not desire to say anything myself, but perhaps other gentlemen might wish to be heard on the point of order.

Mr. ACKLEN. I do not think, Mr. Speaker, that the gentleman from Michigan desires to do anything else than take up time on the point of order.

Mr. CONGER. I would like very well to hear the gentleman from Louisiana on the point of order. His remarks are never offensive to me.

Mr. ACKLEN. I thank the gentleman very kindly. I certainly try to make my remarks anything but offensive; and I certainly try to be as courteous to the gentleman from Michigan as I wish the gentleman from Michigan could ever be to this side of the House.

Mr. HAZELTON. You are two nice little Buttercups. [Laughter.]

The SPEAKER. The Chair will cause to be read from the Journal the exact status of the proposition which the gentleman from Louisiana claims to be the unfinished business coming up in the morning hour on Monday.

The Clerk read as follows:

MONDAY, *June* 9, 1879.

The call of States and Territories for bills on leave having been completed, the Speaker proceeded to call the States and Territories for resolutions, and announced as the first business in order under said call the following resolution submitted by Mr. ACKLEN on the 23d of April last on a call of the States and Territories for resolutions, and pending when the morning hour expired, namely:

* * * * * * *

Mr. CONGER made the point of order that the said resolution was not in order as unfinished business on the first call of States in the morning hour of Monday.

Pending which,

Mr. CONGER made the further point of order that the morning hour had expired, which latter point of order was sustained by the Speaker.

Mr. ACKLEN. Now, Mr. Speaker, I trust the Chair will submit my request for unanimous consent.

The SPEAKER. The gentleman from Louisiana asks unanimous consent that what he claims to be the unfinished business—the resolution in reference to claims against the government of Nicaragua—be allowed to go to the Committee of the Whole on the state of the Union.

Mr. ACKLEN. Not to come up during this session.

Mr. CONGER. I have always said that if the point of order which I made was well taken, then this resolution cannot be reached even for the purpose of referring it to the Committee of the Whole; if it does not belong here, it cannot be considered now for any purpose. I would like very much to hear the gentleman from Louisiana [Mr. ACKLEN] give his views on the point of order. [Laughter.]

Mr. ACKLEN. The gentleman from Michigan knows very well that we have only ten minutes of this morning hour remaining.

Mr. CONGER. When the point of order was made, I had hoped that we would have the benefit of the views of the gentleman from Louisiana, but the expiration of the morning hour cut that off.

Mr. ACKLEN. Will the gentleman insist upon consuming the remainder of the morning hour?

Mr. CONGER. Not at all; I am one of those who always insist upon the business of the House going on properly.

Mr. ACKLEN. Will the gentleman not permit the Chair to sub-

mit to the House my request that this matter be referred to the Committee of the Whole?

Mr. CONGER. I object now, because I desire the point of order discussed at least, if not decided.

Mr. ACKLEN. As it is the wish and desire of the gentleman from Michigan only to have the point of order decided by the Chair, and as I am certain that he has no intention to raise an objection to the reference of this matter to the Committee of the Whole on the state of the Union, I trust the Chair will decide the point of order, so that the gentleman may be satisfied.

Mr. CONGER. I think it should be discussed; it is a very important question.

Mr. GARFIELD. I think it is an important question, outside of and independent of the proposed resolution. I think it would be an entirely new ruling on the part of the Chair should he determine that the unfinished business of ordinary days may be brought into the morning hour of Monday under any circumstances. The morning hour of Monday is shut up against all ordinary business. It is first for the introduction of bills and joint resolutions on leave; and when the States have been called through for that purpose, then, as I understand the rule, the Speaker has to call the States for resolutions.

The SPEAKER. The Chair will cause to be read what occurred and what was said by the Chair at the time this question came up.

Mr. GARFIELD. I would like to hear that read.

The Clerk read as follows:

The SPEAKER. There seem to be two opportunities presented under two different rules for the introduction of resolutions: one is under Rule 52, which is after the exhausting of the call of the committees for reports during the usual morning hour, and the other is on Monday, under Rule 130, after the call of States for bills, &c., for reference has been complied with and completed.

The question arises naturally in the mind of the gentleman from Michigan [Mr. CONGER] whether these two rules merge in their operation after introduction of business under their provisions; whether, in fact, business reported under either call and unfinished would have a right to be considered as unfinished business not disposed of, where the operation of either rule for like business is reached on a subsequent day? It is a very nice point of order. This resolution was read and brought up on a Wednesday under Rule 52, and the same condition is now reached under Rule 130 for to-day.

The question is, whether the two rules are merged and the unfinished business of either can be considered as coming up under the operation of the opposite rule.

Mr. CONGER. I make the point of order that the morning hour has expired.

The SPEAKER. The gentleman from Michigan [Mr. CONGER] now makes the point of order that the morning hour has expired, and the Chair sustains the point of order and will reserve his decision on the first point of order until such time as the question may again occur in the order of business in the House.

The SPEAKER. The Chair is of opinion that a bill or proposition coming into the House under the operation of Rule 52, in the morning hour, (on a Wednesday as in this case,) should only secure a single status in the House, and that it has no right to the advantage of two positions at the same time in the House. Therefore it cannot be considered on a Monday in the morning hour when business comes up under apother rule. In other words, to make the matter plainer, a bill cannot be in two positions at the same time for consideration in the House.

Mr. ACKLEN. I now ask the Chair to submit to the House the request I have made, for unanimous consent to refer this whole subject to the Committee of the Whole on the state of the Union, not to come up until December next.

Mr. GARFIELD. And not to be brought back by a motion to reconsider.

The SPEAKER. Is there objection to the proposition?

No objection was made, and the resolution was accordingly referred to the Committee of the Whole on the state of the Union, not to be considered during the present session, and not to be brought back into the House by a motion to reconsider.

Mr. CONGER. Has the morning hour expired.

The SPEAKER. It has.

PERSONAL EXPLANATION.

Mr. KING. I rise to a personal explanation.

The SPEAKER. How long a time does the gentleman desire?

Mr. KING. Not more than a minute or two. In the Cincinnati Enquirer of the 27th instant there is published an article making charges that certain democrats in this House entered into an alliance, a conspiracy, with certain members of the republican party on this floor with a view to accomplish certain legislative ends recently effected by the passage of the Mississippi River commission bill and the law giving fair juries. On Saturday last my honorable colleague from Louisiana [Mr. GIBSON] denounced that charge most properly as untrue, and he was seconded in doing so by the gallant gentleman from Alabama, [Mr. HERBERT.]

This charge has been repeated, and involves the entire delegation of which I have the honor to be a member. I am astonished that a paper like the Cincinnati Enquirer, regarded as being a democratic organ, should publish charges or reputed information from the source whence these charges evidently emanated. I have to say that they are false. I cannot believe that any member of this House, a Representative from the State in which this paper is printed, has been so base as to have had any connection directly or indirectly with this calumny. If there be such a person I hope he will have the manliness to rise here and assume the proper responsibility in the premises.

Mr. ACKLEN. I think that article had better be read.

Mr. ELLIS. I rise to a question of personal privilege.

COMMERCIAL TREATY WITH MEXICO.

Mr. WHITTHORNE. Before my worthy friend from Louisiana [Mr. ELLIS] proceeds I trust he will yield to me for a moment.

Mr. ELLIS. I will do so.

Mr. WHITTHORNE. I was absent from the House on Saturday last in consequence of indisposition, under which I am still laboring to such an extent that I must get permission of the House to be absent to-day. Before doing so I desire to submit a request to the House to have my vote recorded upon a proposition which was acted upon by the House on Saturday last. When the joint resolution reported from the Committee on Foreign Affairs by the gentleman from West Virginia [Mr. WILSON] in relation to a commercial treaty with Mexico was pending before the House, the gentleman from Massachusetts [Mr. HARRIS] announced that he was paired with me and consequently would not vote, and that if I were present he would have voted for the joint resolution. I have to state that had I myself been present on that occasion I would have voted "ay." I desire now consent of the House that the votes of the gentleman from Massachusetts [Mr. HARRIS] and myself may be recorded in favor of that joint resolution.

In that connection I will state that I had the honor to introduce one among the first propositions upon that subject, and have been heartily in favor of the ideas and the principles of that joint resolution, and trust that it will become the policy of this country.

There being no objection, Mr. HARRIS, of Massachusetts, and Mr. WHITTHORNE recorded their votes in the affirmative upon the joint resolution (H. R. No. 117) providing for a treaty with the Republic of Mexico.

PERSONAL EXPLANATION.

Mr. ELLIS. I rise to a question of personal privilege.

The SPEAKER. How much time does the gentleman desire?

Mr. ELLIS. Only time enough to have read by the Clerk the article which I send to the desk, and to say that it is false.

Mr. GARFIELD. I think we had better have this thing out, now that it has been started. I hope the article will be read.

The Clerk read as follows:

THE CONGRESSIONAL MUDDLE—GOSSIP AT THE CAPITOL ABOUT AN ALLEGED BARGAIN.

It is rumored at the Capitol to-day, and generally believed, that if Congress adjourns at four o'clock on Monday without providing for the pay of United States marshals, the President will forthwith issue his proclamation for an extra session of Congress to assemble on Tuesday next. The President will veto the bill which was the product of the last democratic caucus. It is believed, and is common talk at the Capitol, that in view of some arrangement made with about fourteen southern democrats, the end will be that a bill for the pay of the marshals will be passed without any riders. Western democrats say boldly that General GARFIELD made a trade with certain southern Congressmen whereby in consideration of the republicans allowing the bill to provide for the Mississippi River commission to be passed, those Congressmen pledged their votes to help the passage of all of the appropriation bills before Congress finally adjourned. "Why," said a western democrat today, "the trade is as plain as the nose on a man's face. President Hayes knows that through sharp practices of General GARFIELD and other republican leaders the democrats are divided, and that if he keeps on providing Congress he can eventually dictate any terms he wants. He proposes, therefore, to take advantage of it, and hence will not permit Congress to go away until he gets all of the necessary supplies to carry on the Government, without restrictions of any kind." To-day there is a good deal of talk among the western men, who say that while they are certain that a few southern men have made a trade, and mean to sell their northern allies out, that it may be the goods cannot be delivered. They declare with all the vehemence of language that they will filibuster against the passage of any other bill for the support of the marshals than the one which will be sent to the President and which will be vetoed. MCMAHON, of Ohio, has even gone so far as to serve notice on certain southern leaders, that hereafter he will not vote for any bill looking to improvements in the South as a distinctive proposition. The votes which it is claimed the Administration has secured through General GARFIELD's diplomacy are all of the Louisiana delegation, three from South Carolina, three from Georgia, and two from Alabama.

Mr. ELLIS. Mr. Speaker, life is too short generally to stop to kick at every cur that barks about our heels. I usually take no notice of falsehoods published about me in the papers; and I would not do so on this occasion, but counseling with some friends, gentlemen of more age and experience than myself, they think that some notice should be taken of this article. I take no further notice of it than upon my own behalf and on behalf of my colleagues who are also assailed in the article, to pronounce it unqualifiedly, deliberately, willfully false in every particular.

Mr. EVINS. Mr. Speaker, it was not the intention of any member of the South Carolina delegation to take any notice of this article; but, inasmuch as it has been read, all we have to say is that it is unqualifiedly false; there is not a word of truth in it.

Mr. ACKLEN. I think it is in order for the gentleman from Ohio [Mr. GARFIELD] to rise to a personal explanation. [Laughter.]

Mr. GARFIELD. Mr. Speaker, I do not rise to a personal explanation, but to respond to the inquiry of the gentleman from Louisiana, [Mr. ACKLEN.] I happened to be re-reading the other day that interesting old history of Xenophon in which he describes the retreat of the ten thousand Greeks. A little incident recorded in that work will illustrate the subject which gentlemen are discussing. One night there suddenly sprang up in the Grecian camp without apparent cause what is known as an army panic.

The SPEAKER. Does the gentleman rise to a personal explanation? [Laughter.]

Mr. GARFIELD. Oh, no, sir; I am only answering a question. All at once the veteran Greeks appeared to be seized with consternation, and began to flee in all directions. Clearchus, an unscrupulous but adroit general, appreciating the danger of the situation, with ready

invention ordered his trumpeter to announce throughout the camp in a loud voice that Clearchus offered a thousand talents of silver as a reward to any one who should discover who it was that let the ass loose among the armor. [Laughter.] He invented this clever device to stay the panic. The lie was successful; and the fleeing Greeks returned with laughter to their tents. Now, I take it that some shrewd but unscrupulous democratic leader of the House, fearing that by a stroke of good sense some of his party, and especially some from the South, were going to be patriotic enough to put through the necessary appropriations for the support of the Government—fearing, in short, a panic in the party camp—got up this fiction of a trade, in order to bring back all his soldiers to their tents. Who represents Clearchus and who the ass in this new retreat, gentlemen must judge for themselves. But the whole story is an absurd fiction, which ought to disturb no one.

Mr. BRIGHT. Did the honorable gentleman from Ohio [Mr. GARFIELD] do any of the braying?

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced that the Senate had agreed to the amendments of the House numbered 1 and 3 to the bill (S. No. 671) relating to vessels not propelled wholly by sail or internal motive power of their own; and had agreed to the amendment numbered 2, with an amendment in which the concurrence of the House was requested.

COMMITTEE APPOINTMENTS.

The SPEAKER announced the appointment of Mr. HAZELTON as a member of the Committee for the District of Columbia, in place of Mr. BOUCK, declined; also the appointment of Mr. YOUNG, of Ohio, as a member of the Committee on Public Buildings and Grounds, to fill the vacancy occasioned by the death of Hon. Rush Clark.

PAY OF MARSHALS.

The SPEAKER laid before the House a message from the President of the United States; which was read, as follows:

To the House of Representatives:

I return to the House of Representatives, in which it originated, the bill entitled "An act making appropriations to pay fees of United States marshals and their general deputies," with the following objections to its becoming a law:

The bill appropriates the sum of $600,000 for the payment, during the fiscal year ending June 30, 1880, of United States marshals and their general deputies. The offices thus provided for are essential to the faithful execution of the laws. They were created and their powers and duties defined by Congress at its first session after the adoption of the Constitution in the judiciary act, which was approved September 24, 1789. Their general duties, as defined in the act which originally established them, were substantially the same as those prescribed in the statutes now in force.

The principal provision on the subject in the Revised Statutes is as follows:

SEC. 787. It shall be the duty of the marshal of each district to attend the district and circuit courts when sitting therein, and to execute, throughout the district, all lawful precepts directed to him, and issued under the authority of the United States; and he shall have power to command all necessary assistance in the execution of his duty.

The original act was amended February 28, 1795, and the amendment is now found in the Revised Statutes in the following form:

SEC. 788. The marshals and their deputies shall have, in each State, the same powers, in executing the laws of the United States, as the sheriffs and their deputies in such State may have, by law, in executing the laws thereof.

By subsequent statutes additional duties have been from time to time imposed upon the marshals and their deputies, the due and regular performance of which are required for the efficiency of almost every branch of the public service. Without these officers there would be no means of executing the warrants, decrees, or other process of the courts, and the judicial system of the country would be fatally defective. The criminal jurisdiction of the courts of the United States is very extensive. The crimes committed within the maritime jurisdiction of the United States are all cognizable only in the courts of the United States. Crimes against public justice; crimes against the operations of the Government, such as forging or counterfeiting the money or securities of the United States; crimes against the postal laws; offenses against the elective franchise, against the civil rights of citizens, against the existence of the Government; crimes against the internal-revenue laws, the customs laws, the neutrality laws; crimes against laws for the protection of Indians, and of the public lands—all of these crimes and many others can be punished only under United States laws, laws which, taken together, constitute a body of jurisprudence which is vital to the welfare of the whole country, and which can be enforced only by means of the marshals and deputy marshals of the United States. In the District of Columbia all of the process of the courts is executed by the officers in question. In short, the execution of the criminal laws of the United States, the service of all civil process in cases in which the United States is a party, and the execution of the revenue laws, the neutrality laws, and many other laws of large importance, depend on the maintenance of the marshals and their deputies. They are in effect the only police of the United States Government. Officers with corresponding powers and duties are found in every State of the Union and in every country which has a jurisprudence which is worthy of the name. To deprive the National Government of these officers would be as disastrous to society as to abolish the sheriffs, constables, and police officers in the several States. It would be a denial to the United States of the right to execute its laws—a denial of all authority which requires the use of civil force. The law entitles these officers to be paid. The funds needed for the purpose have been collected from the people, and are now in the Treasury. No objection is therefore made to that part of the bill before me which appropriates money for the support of the marshals and deputy marshals of the United States.

The bill contains, however, other provisions which are identical in tenor and effect with the second section of the bill entitled "An act making appropriations for certain judicial expenses," which, on the 23d of the present month, was returned to the House of Representatives with my objections to its approval. The provisions referred to are as follows:

SEC. 2. That the sums appropriated in this act for the persons and public service embraced in its provisions are in full for such persons and public service for the fiscal year ending June 30, 1880; and no Department or officer of the Government shall, during said fiscal year, make any contract or incur any liability for the future payment of money under any of the provisions of title 26 mentioned in section 1 of this act until an appropriation sufficient to meet such contract or pay such liability shall have first been made by law.

Upon a reconsideration in the House of Representatives of the bill which contained these provisions, it lacked a constitutional majority, and therefore failed to become a law. In order to secure its enactment, the same measure is again presented for my approval, coupled in the bill before me with appropriations for the support of marshals and their deputies during the next fiscal year. The object manifestly is to place before the Executive this alternative: either to allow necessary functions of the public service to be crippled or suspended for want of the appropriations required to keep them in operation or to approve legislation which in official communications to Congress he has declared would be a violation of his constitutional duty. Thus in this bill the principle is clearly embodied that, by virtue of the provision of the Constitution which requires that "all bills for raising revenue shall originate in the House of Representatives," a bare majority of the House of Representatives has the right to withhold appropriations for the support of the Government unless the Executive consents to approve any legislation which may be attached to appropriation bills. I respectfully refer to the communications on this subject which I have sent to Congress during its present session for a statement of the grounds of my conclusions, and desire here merely to repeat that, in my judgment, to establish the principle of this bill is to make a radical, dangerous, and unconstitutional change in the character of our institutions.

RUTHERFORD B. HAYES.

EXECUTIVE MANSION, *June* 30, 1879.

The SPEAKER. The question is, Will the House on reconsideration agree to pass this bill, notwithstanding the objections of the President?

Mr. COBB. On that I move the previous question.

Mr. SPRINGER. If the gentleman from Indiana [Mr. COBB] will yield a moment I wish to inquire whether gentlemen on the other side, in view of the importance of having marshals to aid in the enforcement of the laws, will not give us votes enough to pass this bill over the President's objections by the necessary two-thirds.

The previous question was seconded and the main question ordered.

Mr. COBB moved to reconsider the vote by which the main ques was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The SPEAKER. On the question whether this bill shall be repassed, the Constitution requires that the vote be taken by yeas and nays. The Clerk will call the roll.

The question was taken; and there were—yeas 85, nays 63, not voting 138; as follows:

YEAS—85.

Acklen,	Davis, Joseph J.	Johnston,	Shelley,
Aiken,	Davis, Lowndes H.	Kenna,	Simonton,
Armfield,	Dibrell,	King,	Slemons,
Atherton,	Dickey,	Le Fevre,	Smith, Hezekiah B.
Atkins,	Elam,	Manning,	Springer,
Bicknell,	Evins,	Martin, Benj. F.	Stephens,
Blackburn,	Felton,	Martin, Edward L.	Stevenson,
Bouck,	Finley,	McMillin,	Talbott,
Bright,	Forney,	Mills,	Taylor,
Caldwell,	Frost,	Morrison,	Thompson,
Chalmers,	Gibson,	Myers,	Tillman,
Clardy,	Gunter,	New,	Townshend, R. W.
Clark, John B.	Hammond, N. J.	Persons,	Turner, Oscar
Clymer,	Hatch,	Phelps,	Upson,
Cobb,	Henkle,	Phister,	Warner.
Coffroth,	Herbert,	Reagan,	Wellborn,
Converse,	Herndon,	Richardson, J. S.	Whiteaker,
Cook,	Hill,	Rothwell,	Williams, Thomas
Covert,	Hooker,	Ryon, John W.	Wise.
Cravens,	House,	Samford,	
Culberson,	Hull,	Sawyer,	
Davidson,	Hunton,	Scales,	

NAYS—63.

Aldrich, William	Bayne,	Brewer,	Burrows,
Anderson,	Blake,	Briggs,	Butterworth,
Barber,	Bowman,	Browne,	Cannon.

Carpenter,	Godshalk,	Marsh,	Smith, A. Herr
Caswell,	Hammond, John	Mason,	Thomas,
Conger,	Haskell,	McCoid,	Townsend, Amos
Cowgill,	Hawk,	McGowan,	Tyler,
Daggett,	Hawley,	Mitchell,	Updegraff, J. T.
Davis, George R.	Henderson,	Monroe,	Updegraff, Thomas
Deering,	Horr,	Neal,	Valentine,
Errett,	Hubbell,	O'Neill,	Van Aernam,
Farr,	Joyce,	Osmer,	Van Voorhis,
Field,	Keifer,	Russell, W. A.	Voorhis,
Ford,	Ketcham,	Ryan, Thomas	Ward,
Fort,	Killinger,	Shallenberger,	Willits.
Garfield,	Lapham,	Sherwin,	

NOT VOTING—138.

Aldrich, N. W.	Ellis,	Lounsbery,	Robinson,
Bachman,	Ewing,	Lowe,	Ross
Bailey,	Ferdon,	Martin, Joseph J.	Russell, Daniel L.
Baker,	Fisher,	McCook,	Sapp,
Ballou,	Forsythe,	McKenzie,	Singleton, J. W.
Barlow,	Frye,	McKinley,	Singleton, O. R.
Beale,	Geddes,	McLane,	Smith, William E.
Belford,	Gillette,	McMahon,	Sparks,
Beltzhoover,	Goode,	Miles,	Speer,
Bingham,	Hall,	Miller,	Starin,
Bland,	Harmer,	Money,	Steele,
Bliss,	Harris, Benj. W.	Morse,	Stone,
Blount,	Harris, John T.	Morton,	Tucker,
Boyd,	Hayes,	Muldrow,	Turner, Thomas
Bragg,	Hazelton,	Muller,	Urner,
Brigham,	Heilman,	Murch,	Vance,
Buckner,	Henry,	Newberry,	Waddill,
Cabell,	Hiscock,	Nicholls,	Wait,
Calkins,	Hostetler,	Norcross,	Washburn,
Camp,	Houk,	O'Brien,	Weaver,
Carlisle,	Humphrey,	O'Connor,	Wells,
Chittenden,	Hurd,	O'Reilly,	White,
Claflin,	James,	Orth,	Whitthorne,
Clark, Alvah A.	Jones,	Overton,	Wilber,
Colerick,	Jorgensen,	Pierce,	Williams, C. G.
Cox,	Kelley,	Poehler,	Willis,
Crapo,	Kimmel,	Pound,	Wilson,
Crowley,	Kitchin,	Prescott,	Wood, Fernando
De La Matyr,	Klotz,	Price,	Wood, Walter A.
Deuster,	Knott,	Reed,	Wright,
Dick,	Ladd,	Rice,	Yocum,
Dunn,	Lay,	Richardson, D. P.	Young, Casey
Dunnell,	Lewis,	Richmond,	Young, Thomas L.
Dwight,	Lindsey,	Robertson,	
Einstein,	Loring,	Robeson,	

So (two-thirds not voting in favor thereof) the bill was not passed.

During the call of the roll the following announcements were made:

Mr. ROSS. On this question I am paired with Mr. CRAPO, of Massachusetts.

Mr. YOUNG, of Tennessee. I am paired with Mr. LORING, of Massachusetts.

Mr. SCALES. My colleague, Mr. VANCE, is paired with his colleague, Mr. MARTIN, of North Carolina. If present, Mr. VANCE would vote "ay."

Mr. SMITH, of Georgia. I am paired with Mr. WILBER, of New York. If he were present, he would vote "no" and I should vote "ay."

Mr. STEVENSON. Mr. LADD, of Maine, is paired with his colleague, Mr. LINDSEY. If present, Mr. LADD would vote "ay."

Mr. CLARK, of Missouri. My colleague, Mr. BUCKNER, is paired with Mr. CHITTENDEN, of New York; and Mr. MCMAHON, of Ohio, is paired with Mr. BAKER, of Indiana. If present, Mr. BUCKNER and Mr. MCMAHON would vote "ay."

Mr. ROBERTSON. I am paired with Mr. ROBINSON, of Massachusetts. If he were present, I should vote "ay."

Mr. KENNA. My colleague, Mr. WILSON, is absent on account of sickness in his family, and is paired with Mr. YOUNG, of Ohio. If present, Mr. WILSON would vote "ay."

Mr. COVERT. My colleague, Mr. FERNANDO WOOD, is paired with Mr. ROBESON, of New Jersey.

Mr. STEELE. On all political questions I am paired with Mr. NORCROSS, of Massachusetts; otherwise I should vote "ay," but it would be against the grain.

Mr. WADDILL. I am paired with Mr. POUND, of Wisconsin; otherwise I should vote "ay."

Mr. MCLANE. I am paired with my colleague, Mr. URNER. If present, I suppose he would vote "no." I should vote "ay."

Mr. DAVIS, of North Carolina. My colleague, Mr. KITCHIN, is paired with Mr. RICE, of Massachusetts.

Mr. FORNEY. My colleague, Mr. LEWIS, is paired with Mr. WILLIAMS, of Wisconsin.

Mr. CALDWELL. My colleague, Mr. CARLISLE, is paired with Mr. MILLER, of New York; and my colleague, Mr. KNOTT, is paired with Mr. FRYE, of Maine.

Mr. HURD. I am paired with Mr. CLAFLIN, of Massachusetts. If he were present, I should vote "ay."

Mr. MCKENZIE. I am paired with Mr. SAPP, of Iowa.

Mr. DUNN. I am paired with Mr. HAYES, of Illinois.

Mr. DICKEY. My colleague, Mr. GEDDES, is paired with Mr. BARLOW, of Vermont.

Mr. HUNTON. My colleague, Mr. TUCKER, is paired with Mr. RICHARDSON, of New York; my colleague, Mr. CABELL, is paired with Mr. BOYD, of Illinois; and my colleague, Mr. RICHMOND, who is detained from the House by sickness, is paired with Mr. PRESCOTT, of New York.

Mr. MANNING. My colleague, Mr. MONEY, is paired with Mr. STONE, of Michigan; and my colleague, Mr. MULDROW, is paired with Mr. DWIGHT, of New York. If my colleagues were present, they would vote "ay."

Mr. ELLIS. I am paired with Mr. HARMER, of Pennsylvania. If he were present, he would vote "no" and I should vote "ay."

Mr. BACHMAN. I am paired with my colleague, Mr. OVERTON; otherwise I should vote "ay."

Mr. O'CONNOR. I am paired with Mr. WAIT, of Connecticut. If he were present, I should vote "ay."

Mr. POEHLER. I am paired with my colleague, Mr. WASHBURN; otherwise I should vote "ay."

Mr. BOUCK. My colleague, Mr. BRAGG, is paired with Mr. JAMES, of New York. If he were present, Mr. BRAGG would vote "ay."

Mr. SINGLETON, of Mississippi. I am paired with Mr. CALKINS, of Indiana. If he were here, I suppose he would vote "no;" I should vote "ay."

Mr. GOODE. I am paired with Mr. FISHER, of Pennsylvania. If he were present, I should vote "ay."

Mr. COBB. My colleague, Mr. HOSTETLER, is paired with Mr. MCCOOK, of New York; and my colleague, Mr. COLERICK, is paired with Mr. HUMPHREY, of Wisconsin. If my colleagues were present, they would both vote "ay."

Mr. JOHNSTON. My colleague, Mr. HARRIS, of Virginia, is paired with Mr. CROWLEY, of New York.

Mr. MULLER. I am paired with Mr. HEILMAN, of Indiana. If he were present, I should vote "ay." My colleague, Mr. LOUNSBERY, is paired with my colleague, Mr. BAILEY.

Mr. VAN VOORHIS. My colleague, Mr. HISCOCK, is paired with Mr. WELLS, of Missouri. If present, Mr. HISCOCK would vote "no."

Mr. LAPHAM. My colleague, Mr. RICHARDSON, of New York, is paired with Mr. TUCKER, of Virginia.

Mr. HARRIS, of Massachusetts. I am paired with Mr. WHITTHORNE, of Tennessee. If he were present, I should vote "no" and he would vote "ay." I desire also to announce that Mr. HAZELTON, of Wisconsin, is paired with Mr. BLOUNT, of Georgia. If they were present, Mr. BLOUNT would vote "ay" and Mr. HAZELTON "no."

Mr. JORGENSEN. I am paired with my colleague, Mr. BEALE.

Mr. PRESCOTT. I am paired with Mr. RICHMOND, of Virginia. If he were present, I should vote "no."

Mr. WARD. My colleague, Mr. KELLEY, is paired with Mr. MORSE, of Massachusetts.

Mr. HAWK. My colleague, Mr. HAYES, is absent by leave of the House and paired with Mr. DUNN, of Arkansas. If present, Mr. HAYES would vote "no."

Mr. MCGOWAN. My colleague, Mr. STONE, is paired with Mr. MONEY, of Mississippi. If present, Mr. STONE would vote "no." Mr. STARIN, of New York, is paired with Mr. CLARK, of New Jersey. If present, Mr. STARIN would vote "no."

Mr. CASWELL. My colleague, Mr. HUMPHREY, is paired with Mr. COLERICK, of Indiana. If present, Mr. HUMPHREY would vote "no."

Mr. TOWNSEND, of Ohio. My colleague, Mr. MCKINLEY, is paired with Mr. SPARKS, of Illinois. If here, Mr. MCKINLEY would vote "no."

Mr. COWGILL. My colleague, Mr. BAKER, is paired with Mr. MCMAHON, of Ohio. If present, Mr. BAKER would vote "no."

Mr. DEERING. My colleague, Mr. SAPP, is absent by leave of the House, and is paired with Mr. MCKENZIE, of Kentucky; my colleague, Mr. PRICE, is paired with Mr. WRIGHT, of Pennsylvania. If they were here, both my colleagues would vote "no."

Mr. ORTH. I am paired with Mr. KLOTZ, of Pennsylvania. If he were present, I should vote "no."

Mr. BREWER. My colleague, Mr. NEWBERRY, is paired with Mr. ATHERTON, of Ohio. If present Mr. NEWBERRY would vote "no."

Mr. HAMMOND, of New York. My colleague, Mr. DWIGHT, is paired with Mr. MONEY, of Mississippi. If here, Mr. DWIGHT would vote "no."

Mr. ALDRICH, of Illinois. Mr. ALDRICH, of Rhode Island, is paired with Mr. EWING, of Ohio. If present, Mr. EWING would vote "ay" and Mr. ALDRICH "no."

Mr. BINGHAM. I am paired with my colleague, Mr. BELTZHOOVER. If he were present, I presume he would vote "ay;" I should vote "no."

The result of the vote was then announced as above stated.

ATTENDANCE OF MEMBERS.

The SPEAKER. The Chair desires to request that all members who have the right to vote, not interfered with by pairs, will remain in the city until the final adjournment of Congress. The Chair does not submit that request in any partisan sense, but addresses it to members upon both sides of the House. Otherwise the House may find itself without a quorum on to-morrow, as we are likely to be continued in session until that day.

Mr. CONGER. I think it would be well to have that request apply even to those members who are paired, so that they can make arrangements to vote if needed.

The SPEAKER. Gentlemen who can disengage themselves from pairs had better do so, in compliance with the suggestion of the gentleman from Michigan.

EMPLOYÉS OF THE HOUSE.

Mr. BLACKBURN. By the direction of the Committee on Appropriations I reported back to the House last Saturday Senate joint res-

olution No. 39, making provision for the pay of the employés of the two Houses, and for other purposes. As I said at the time, the report of the Committee on Appropriations was practically a disagreement to the material features of the joint resolution. The Senate has notified the House that it disagrees to the amendments of the House to that joint resolution and asks for a committee of conference.

An examination of the RECORD will show that some time since the House passed a joint resolution upon the subject of the pay of employés, and sent it to the Senate. The substance of that joint resolution the Senate has partially incorporated into the one which I now hold in my hand. So far as the RECORD shows, the joint resolution from the Senate, upon which a committee of conference is asked, does not come to the House as an amendment to or a substitute for the House resolution. It is general in its scope and purpose; it is practically an attempt on the part of the Senate to originate an appropriation bill.

I therefore ask consent to call up at this time the Senate joint resolution in order that I may move to lay it on the table. And then I shall ask leave to report to the House from the Committee on Appropriations a joint resolution embracing the provisions of the one which I now send to the Clerk's desk, and which the Committee on Appropriations of this House have determined to submit for the approval of the House.

Mr. CASWELL. Are the committee unanimous?

Mr. BLACKBURN. They are.

The Clerk read the title of the Senate joint resolution, and the record of the action of the House thereon, as follows:

Joint resolution (S. R. No. 39) in relation to committee clerks, pages, and other employés of the Senate and House of Representatives, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES,
June 28, 1879.

Resolved, That this joint resolution pass with amendments.

Mr. BLACKBURN. Now I move to lay that joint resolution upon the table.

Mr. CONGER. I suggest to the gentleman from Kentucky that we had better leave it on the Speaker's table.

Mr. BLACKBURN. I will say to the gentleman from Michigan that this does not even purport to be a joint resolution originating in the House. The Committee on Appropriations have but one purpose in view, and that is, not to allow the prerogative of the House in the matter of the origination of the appropriation bills to pass from its control or to have any precedent established by which the Senate may hereafter claim to exercise that right.

Mr. CONGER. If it lies upon the Speaker's table there will be no action in regard to it, or we can take such action upon it as we choose hereafter. Is there not a possibility that by the action which the gentleman from Kentucky proposes to maintain the dignity of the House, which I think is very proper, the Senate might refuse to act upon the House resolution.

Mr. BLACKBURN. I will state to the gentleman from Michigan that I have been in conference with those Senators who were designated as the confetees on the part of the Senate, and it is understood that there will be no objection to the course proposed here. It was simply with a view of clearing it out of the way that I moved to lay it on the table, that I might submit for the adoption of the House a joint resolution which covers all embraced in the Senate resolution, which I believe the House is disposed to adopt.

Mr. CONGER. The resolution contains some provisions in behalf of employés of the House that ought to be acted on favorably by the House, and I supposed the action proposed by the gentleman might endanger the accomplishment of that result.

Mr. BLACKBURN. I do not think such will be the result, for when this resolution of the Senate is disposed of I will at once report a resolution covering those points.

Mr. CONGER. The Senate may not act on it.

Mr. BLACKBURN. I move that the joint resolution of the Senate, with the accompanying papers, be laid on the table.

The motion was agreed to.

Mr. BLACKBURN. I now report from the Committee on Appropriations (it is a unanimous report) the joint resolution which I send to the desk. I ask that it may be considered in the House as in Committee of the Whole.

The Clerk read as follows:

Joint resolution (H. R. No. 118) in relation to committee clerks, pages, and other employés of the Senate and House of Representatives.

Resolved, That the Secretary of the Senate and the Clerk of the House of Representatives are hereby authorized and directed to pay all committee clerks, pages, messengers, and other employés of the Senate and House of Representatives who do not receive annual salaries and who are in such employ at the passage of this resolution, the present rate of compensation respectively for fifteen days from the date of the adjournment of this session of Congress; and the money required to pay the same is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and shall be immediately available.

SEC. 2. That the following sums be, and the same are hereby, appropriated out of any money in the Treasury not otherwise appropriated, namely:

To enable the Clerk of the House of Representatives to pay John E. Kelley for services as messenger to the Committee of Ways and Means during the present session of Congress at the rate of $1,000 per annum.

To supply a deficiency in the appropriation for stationery and newspapers for the House of Representatives for the fiscal year 1879, $800.

To supply a deficiency in the appropriation for pay of folders for the Senate for the fiscal year 1879, $100

To enable the Clerk of the House to pay a sum equal to one month's pay from the date of their discharge from the disabled soldiers' roll of the House of Representatives respectively to William H. Prescott, John McSweeny, and Robert E Helian: *Provided*, That such pay has not already been provided for by law.

To pay one additional laborer in the engineer's department of the House of Representatives for the fiscal year 1880, $820.

To pay to H. D. Burrows for services as a special messenger of the Senate during the fiscal year ended June 30, 1879, the sum of $511.30, the same being the salary of a messenger less the amount already received by him on account of said service.

SEC. 3. That the Secretary of the Senate and the Clerk of the House of Representatives be, and they are hereby, authorized and directed, immediately after the adjournment of the present session, to issue to the officers and employés of the Senate and the House, borne on the annual rolls, their respective salaries for the month of July, 1879, which shall be in anticipation of their pay for the month of July.

SEC. 4. That so much of the act making appropriations for the payment of claims reported allowed by the commissioners of claims under the act of Congress of March 3, 1871, and acts amendatory thereof, approved March 3, 1879, as appropriates as follows: "To Robert Otis, administrator *de bonis non* of Roger A. Hiern, deceased, for the use and benefit of Emma Eliza Hiern, and Charles Hiern, $6,666," be, and the same is hereby, repealed.

The joint resolution was read a first and second time.

The SPEAKER. If there be no objection the joint resolution, as requested by the gentleman from Kentucky, [Mr. BLACKBURN,] will be considered in the House as in Committee of the Whole.

There was no objection.

Mr. FINLEY. I desire to offer an amendment, to which I hope the gentleman from Kentucky will assent.

Mr. BLACKBURN. I am willing to have it read for information.

Mr. FINLEY. It is designed to equalize the pay of the House employés——

Mr. BLACKBURN. I protest against the introduction of any amendment of that kind. The House Committee on Appropriations has done all that could be done to bring about an equalization of salaries between the employés of the two Houses. But the chairman of the Committee on Appropriations of the House has stated that he has had the assurance, as I have had also, from the chairman of the Senate Committee on Appropriations that a resolution is already pending in the Senate looking to the accomplishment of this purpose; and, in order to avoid the contest that would of necessity arise, the Committee on Appropriations of the House have agreed, and this House has agreed, to allow that matter to rest in abeyance until next December.

Mr. FINLEY. What is done by this joint resolution in reference to employés receiving annual salaries?

Mr. BLACKBURN. If the gentleman had listened to the reading of the joint resolution he would have discovered that everything that has been asked by the employés of this House receiving annual salaries has been granted in the shape of a provision that the Clerk of the House shall pay to every salaried employé of the House his salary in advance for the month of July. This is all that any one of them has ever asked, so far as I know.

Mr. FINLEY. It does not grant any increase of pay?

Mr. BLACKBURN. No, sir.

Mr. FINLEY. If the gentleman will allow my amendment to be read he will discover——

Mr. BLACKBURN. I was about to add, Mr. Speaker, that the resolution as it came from the Senate embraced provisions looking to thirty days' extra pay for certain employés in the other wing of the Capitol, and only fifteen days' extra pay to House employés.

The joint resolution now introduced imposes upon us identically the same duty, and gives to those employés of both the Senate and the House who have not annual salaries fifteen days' extra pay. It does not increase the pay of the annual salaried men at all; but it grants the only request they have ever made to the Committee on Appropriations, which is to make an advancement of their pay for the month of July.

Mr. HOOKER. Will the gentleman from Kentucky allow me to offer an amendment?

Mr. BLACKBURN. I feel we are drifting into so many questions of discussion that I must ask the previous question.

Mr. FINLEY. I hope it will be voted down.

Mr. ATKINS. I demand the regular order.

Mr. KEIFER. I rise to a question of order. Are we not considering this joint resolution as in Committee of the Whole? If so, can the gentleman prevent amendments from being offered?

The SPEAKER. The gentleman can demand the previous question.

Mr. ACKLEN. And we can vote that down.

Mr. FINLEY. I rise to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FINLEY. If the demand for the previous question is voted down, will the joint resolution not then be open to amendment?

The SPEAKER. The gentleman is aware that if the demand for the previous question is voted down the bill will be open to amendment.

The question being taken on seconding the demand for the previous question, there were—ayes 109, noes 9.

Mr. HOOKER. A quorum has not voted.

The SPEAKER. The Chair will suggest that the gentleman had better make that point on ordering the main question.

Mr. HOOKER. I will make it now, if the gentleman from Ken tucky will not admit my amendment.

The SPEAKER. The point being made that a quorum has not voted, the Chair will order tellers; and appoints the gentleman from

Kentucky, Mr. BLACKBURN, and the gentleman from Mississippi, Mr. HOOKER.

The House again divided; and the tellers reported—ayes 128, noes 15.

The SPEAKER. The Chair votes in the affirmative, making a quorum, and the previous question is seconded.

The main question was then ordered.

Mr. BLACKBURN moved to reconsider the vote by which the main question was ordered; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

The joint resolution was ordered to be engrossed and read a third time; and being engrossed, it was accordingly read the third time.

The SPEAKER. The question is on the passage of the joint resolution.

Mr. FINLEY. I call for a division.

The House divided; and there were ayes 112, noes none.

Mr. HOOKER. I make the point that a quorum has not voted.

The SPEAKER. The Chair appoints as tellers the gentleman from Mississippi, Mr. HOOKER, and the gentleman from Kentucky, Mr. BLACKBURN.

Mr. HOOKER. I desire to say my objection to this joint resolution arises from the last clause——

The SPEAKER. Debate is not in order. The House is dividing, and the gentleman from Mississippi [Mr. HOOKER] has been named as a teller.

Mr. FINLEY. I ask the gentleman from Kentucky to allow my amendment to be read. [Cries of "Regular order!"]

Mr. HOOKER. I will withdraw the point as to a quorum on the understanding with the gentleman from Kentucky that I am to be heard on this proposition when the committee of conference meets.

So (further count not being insisted on) the joint resolution was passed.

MESSAGE FROM THE PRESIDENT.

A message, in writing, from the President of the United States was communicated to the House by Mr. PRUDEN, his Secretary, who also informed the House that the President had approved and signed bills and joint resolutions of the following titles:

An act (H. R. No. 2274) concerning the Legislative Assemblies of the several Territories of the United States;

An act (H. R. No. 2002) making additional appropriations for the service of the Post-Office Department for the fiscal years ending June 30, 1879, and June 30, 1880, and for other purposes;

Joint resolution (H. R. No. 102) authorizing a survey of the Mississippi River near Lake Concordia, Louisiana, and Cowpen Bend, Mississippi;

Joint resolution (H. R. No. 114) donating granite blocks to Mower Post Grand Army of the Republic, of New Orleans, Louisiana;

An act (H. R. No. 2264) to amend section 1, page 234, volume 20 of the United States Statutes at Large, Forty-fifth Congress.

An act (H. R. No. 2386) to amend the act entitled "An act making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes," approved June 23, 1879, by correcting two clerical errors therein; and

An act (H. R. No. 1627) to authorize the construction of a railroad bridge across the Wabash River.

ORDER OF BUSINESS.

Mr. STEPHENS. I ask unanimous consent of the House to pass the joint resolution which I submitted on Saturday, and which I send to the Clerk to be read. It was objected to on Saturday by the gentleman from Pennsylvania, [Mr. WHITE.]

Mr. CONGER. I suggest that the gentleman wait till the message from the President is read.

Mr. STEPHENS. I have no objection to that. Let the message be read.

FEES OF MARSHALS.

The SPEAKER laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

The bill making provision for the payment of the fees of United States marshals and their general deputies, which I have this day returned to the House, in which it originated, with my objections, having upon its reconsideration by that body failed to become a law, I respectfully call your attention to the immediate necessity of making some adequate provision for the due and efficient execution by the marshals and deputy marshals of the United States of the constant and important duties enjoined upon them by the existing law. The appropriations to provide for the performance of these indispensable duties expire to-day. Under the laws prohibiting public officers from involving the Government in contract liabilities beyond actual appropriations, it is apparent that the means at the disposal of the Executive Department for executing the laws through the regular ministerial officers will after to-day be left inadequate. The suspension of these necessary functions in the orderly administration of the first duties of the Government for the shortest period is inconsistent with the public interests, and at any moment may prove inconsistent with the public safety.

It is impossible for me to look without grave concern upon a state of things which will leave the public service thus unprovided for, and the public interests thus unprotected. And I earnestly urge upon your attention the necessity of making immediate appropriations for the maintenance of the services of the marshals and deputy marshals for the fiscal year which commences to-morrow.

RUTHERFORD B. HAYES.

EXECUTIVE MANSION, *June* 30, 1879.

Mr. ATKINS. I move that the message be printed and referred to the Committee on Appropriations, and upon that motion I call the previous question.

Mr. GARFIELD. With leave to report at any time?

The SPEAKER. Under the rule the committee has a right to report at any time for commitment.

Mr. GARFIELD. Will it be in order to instruct them to report at once?

The previous question was then seconded and the main question ordered; and under the operation thereof the motion of Mr. ATKINS was agreed to.

Mr. ATKINS moved to reconsider the vote just taken; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

Mr. ATKINS. I now ask that a letter from the Attorney-General upon the same subject be printed in the RECORD and referred to the Committee on Appropriations.

Mr. CONGER. What is the date of that communication?

The SPEAKER. It is dated June 24, 1879.

There being no objection, the communication from the Attorney-General and the accompanying paper were ordered to be printed in the RECORD and referred to the Committee on Appropriations.

Mr. REAGAN. I desire to submit a report——

Mr. BREWER. I ask that the communication from the Attorney-General be read.

The SPEAKER. The subject has passed from the consideration of the House.

Mr. BREWER. I called for the reading of it before it was referred.

The SPEAKER. Does the gentleman state that he called for the reading of it in time?

Mr. BREWER. I certainly did. I am a great way from the Chair.

Mr. ATKINS. Does the gentleman state that he rose in time to call for the reading of the communication?

Mr. BREWER. I certainly did rise, and gentlemen around me here heard me call for the reading of it; but there were a great many down in front there who were talking at the same time.

Mr. SPRINGER. I make the point of order that no gentleman has the right to call for the reading of such a paper.

The SPEAKER. The gentleman certainly has a right to have a paper read before he can be called upon to vote upon it.

Mr. MILLS. I move to suspend the rule which gives the gentleman the right to call for the reading of the communication.

Mr. GARFIELD. The paper must be read to determine whether we will print it.

The SPEAKER. The paper will be read.

The communication and accompanying paper were as follows:

DEPARTMENT OF JUSTICE,
Washington, June 24, 1879.

SIR: In answer to the inquiries of the committee of yesterday, I have the honor to say:

1. "What number of general deputy marshals were employed during the fiscal year which ended June 30, 1878, and what number have been employed during the present fiscal year?"

There are no means at my command for answering this question. It is not made the duty of the marshals to report what number, or who they appoint as general deputies. Indirectly, where any of these deputies earn fees, they are reported through the marshal's accounts. These can be ascertained from the accounting officers, but would not include all the general deputies.

2. "What number of special deputy marshals were employed during the above stated period?"

I am not able to answer this inquiry. It is the right of the marshal to appoint a special deputy for the service of any individual writ, warrant, or other process; but the name is not reported here. If the intention of the committee is to inquire what number of special deputies were employed under the election laws, or general deputies to serve on the occasion of the election, I am enabled to furnish the information by a table prepared here in answer to the Senate committee. I inclose a copy of that table, as well as of the letter to the committee.

3. "What is the term of service of a general deputy marshal, in law as construed, and in fact?"

The term of service of a general deputy marshal is regulated by section 789, Revised Statutes. But for this law his term would terminate with the death or removal of the marshal; but, as will be observed, it is extended until the time when there is a new incumbent of the office of the marshal. Such new incumbency terminates the offices of previous deputies, although it will be observed that section 790 gives them certain powers after the termination of their offices. The marshal may at any time remove a deputy by simply withdrawing his deputation. It will be observed also that by section 780 the judges of the district and circuit courts have a right to remove deputy marshals.

4 and 5. "What is the highest number of general deputies in any district and for how long do they serve?" and "Please give the number of general deputies by districts."

For reasons heretofore stated, I am unable to give the highest number of general deputy marshals in any district or the number by districts. They are appointed and serve usually for the term of the marshal, although, as before stated, he may at any time withdraw their deputation.

Very respectfully, your obedient servant,

CHAS. DEVENS,
Attorney-General.

Hon. J. D. C. ATKINS,
Chairman Appropriations Committee, House of Representatives.

Table showing number of deputy United States marshals appointed on the occasion of the congressional elections, November 5, 1878, and the places where employed.

[Appointed under the election laws unless otherwise designated.]

	Number of deputies in district.
Alabama:	
Northern district	None
Middle district: (a)	
Robinson's × Roads	2
Kendall's Store	2
McGhee's Switch	3
Old Elam	5
Dooley's	3
Tucker's Store	3
Total	18
Southern district:	
Montgomery (a)	83
Mobile (b)	9
Total	92
Arkansas:	
Eastern district: (a)	
Arkansas County	21
Penington	1
Moro	1
Clay	1
River	1
Eagle	1
Palestine	8
Marion	3
Washington	1
Caddo	2
Amity	1
Alpine	1
Greenville	1
Terre Noir	1
Antoine	1
South Fork	1
Elkine	1
Missouri	1
Beech Creek	1
Anderson	1
Manchester	1
Welbone	1
Howard	1
Union	1
Lick Mountain	1
Griffin	1
Gregory	1
Point Kemore	1
Petit Jean	1
Higgins	1
Bentley	1
Powell	1
Bay Bridge	1
Mamella	1
Lester	1
Black Oak	1
Poplar Ridge	1
Jonesborough	1
Texas	1
Big Creek	1
Greenfield	1
Smith	1
Ninien	1
White Oak	1
Bammon	1
Miller	1
Jasper	1
Lee	1
Retand	1
Prairie	1
Ozan No. 1	2
Ozan No. 2	2
Bois d'Arc	3
Spring Hill	2
Garlandville	1
Garland, White Oak	1
Red Land	1
Saline, (Hempstead County)	1
De Roan	1
Wallaceburgh	1
Mine Creek	2
Fenter	1
Ouichita	1
Prairie	1
Derache	1
Valley	1
Big Creek	3
Clear Creek	1
Saline, (Hot Springs County)	1
Magnet Cove	1
———	1
Birch	1
Breckenridge	1
Union	1
Village	1
Jefferson	1
Vongine	2
Bargne	1
Bolivar	1
Bogy	1
Plum Bayou	1
Dunnington	1
Dudley Lake	1
Richland	1
Arkansas—continued.	
Eastern district: (a)	
Melton	1
Whiteville	1
Toladego	1
Spring	1
Washington	1
Victoria	1
Pastoria	1
Parker	1
Alabama	1
Missouri (Nevada County)	1
Boughton	1
Emett	1
Union	1
Fourche La Lepore	2
Perry	1
Union	1
Petit Jean	1
Casey	1
New Tennessee	1
Alpine	1
McCool	1
Manelli	1
Thompson	1
Missouri, (Pike County)	1
Wolf Creek	1
Clark	1
White	1
Muddy Fork	1
Bremer	1
Little Rock	6
Ashley	1
Bodgett	1
Bayo Meto	1
Campbell	1
Eagle	1
Fourche	1
Gray	1
Owen	1
Young	1
Ellis	1
Eastman	1
Mineral	1
Pyeatte	1
Union, (Pulaski County)	1
Big Rock	1
Roanoke	1
Spring River	1
Jane's Creek	1
Union, (Randolph County)	1
Eleven Points	1
Davidson	1
Columbia	1
Little Black	1
Currant River	1
Willey	1
Demm	1
Total number of deputies in district	175
Arkansas: western district	None
California	None
Connecticut	None
Colorado	None
Delaware	None
Florida:	
Northern district: (c)	
Duval County	60
Alachua County	10
Marion County	13
Columbia County	9
Hamilton County	11
Madison County	44
Leon County	19
Wakulla County	1
Jackson County	13
Escambia County	9
Total number of deputies in district	189
Southern district	None
Georgia: (c)	
Northern district: Rome	2
Southern district: Savannah	34
Illinois:	
Northern district: Chicago	215
Southern district	None
Indiana	None
Iowa	None
Kansas	None
Kentucky	None
Louisiana: New Orleans	241
Maine	None
Maryland: Baltimore	698
Massachusetts:	
Boston	211
Lowell	13
Total number of deputies in district	224
Michigan:	
Eastern district: Detroit	10
Western district	None
Minnesota	None
Mississippi:	
Northern district	None
Southern distrtict	None
Missouri:	
Eastern district	None
Western district	None

Nebraska	None
Nevada: (a)	
Virginia City	9
Carson	4
Reno	1
Winnemucca	1
Elko	1
Austin	1
Pioche	1
Eureka	1
Genoa	1
Total number of deputies in district	20
New Hampshire	None
New Jersey:	
Jersey City	126
Camden	47
Hoboken	19
Total number of deputies in district	192
New York:	
Northern district:	
Albany	71
Auburn	14
Buffalo	109
Elmira	14
Oswego	16
Rochester	54
Syracuse	30
Utica	24
Troy	26
Watervliet	18
Total number of deputies in district	376
Southern district:	
New York City	1,260
Poughkeepsie	13
Total number of deputies in district	1,273
Eastern district:	
Brooklyn	545
Long Island City	16
Total number of deputies in district	561
North Carolina:	
Eastern district	None
Western district	None
Oregon	None
Ohio:	
Northern district	None
Southern district: Cincinnati (d)	71
Pennsylvania:	
Eastern district: Philadelphia	773
Western district: Scranton	19
Rhode Island	None
South Carolina: Charleston	46
Tennessee:	
Eastern district	None
Middle district	None
Western district	None
Texas:	
Eastern district:	
Galveston	63
Houston	7
Hallthorn (e)	1
Willis (e)	1
Montgomery (e)	1
Total number of deputies in district	75
Texas:	
Western district: (f)	
Marshall	2
Elysian Fields	3
Calvert	1
Total number of deputies in district	6
Vermont	None
Virginia:	
Eastern district:	
Richmond	25
Petersburgh	55
Norfolk	17
Total number of deputies in district	97
Western district	None
West Virginia	None
Wisconsin:	
Eastern district	None
Western district	None
Territories.	
Arizona	None
Dakota	None
Idaho	(g)
Montana	(g)
New Mexico:	
Santa Fé (e)	5
Belen (e)	1
Los Lunas (e)	2
Sabinal (e)	1
Veratta (e)	1
Total number of deputies in New Mexico	10
Utah	None
Washington	None
Wyoming	None

SUMMARY.

Total number of special deputy United States marshals	5,001
Total number of deputy United States marshals appointed under general authority of the United States marshals	493
Grand Total	5,494

(a) Deputies in this district appointed under the general authority of the United States marshal.
(b) Appointed under section 2021.
(c) Deputies in this district appointed under the general authority of the marshal and not paid by the United States.
(d) Seventy-four appointed and three excused. Of those who served eight refused compensation,
(e) No per diem was charged by or paid to deputy marshals at these places.
(f) In this district only general deputies were employed; none were appointed under the election laws.
(g) Not heard from.

ENROLLED BILL SIGNED.

Mr. UPSON, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (H. R. No. 2337) to allow John Merryman and Frank Brown, of Maryland, to import and land cattle for breeding purposes.

ELECTION CONTEST—BISBEE VS. HULL.

The SPEAKER laid before the House additional testimony in the contested-election case of Horatio Bisbee, jr., *vs.* Noble A. Hull, second congressional district of the State of Florida.

Mr. SPRINGER. I move that that testimony be referred to the Committee of Elections.

The motion was agreed to.

SETTLEMENT WITH THE STATE OF GEORGIA.

Mr. MILLS. I move to suspend the rules and proceed to business on the Speaker's table.

Mr. STEPHENS. I believe I have the floor. I submitted a request to the House for unanimous consent, but gave way for the reading of a message from the President.

The SPEAKER. The subject to which the request of the gentleman from Georgia [Mr. STEPHENS] relates was brought before the House on Saturday last. In view of the fact that the gentleman from Georgia is not well and does not desire to remain in the Hall, the Chair has recognized him, but a single objection will prevent the consideration of his proposition.

Mr. STEPHENS. I ask consent to submit for consideration at this time a joint resolution to authorize the Secretary of War to adjust and settle the claims of the State of Georgia set forth in the act of March 5, 1877, at his discretion, looking to the rights and equities of both parties, full jurisdiction over the whole subject being hereby conferred upon it.

The SPEAKER. The joint resolution will be read, after which the Chair will ask for objection.

The Clerk read as follows:

Resolved by the Senate and House of Representatives, &c., That the Secretary of War, in concluding a settlement with the State of Georgia under the authority of the act of March 3, 1877, on account of purchases made for the Western and Atlantic Railroad, be authorized at his discretion, in view of the rights and equities of the parties, to allow said State credit for any services of transportation, the payment or credit of which was illegally withheld or contrary to the stipulations of the executive orders under which purchases were made for said railroad by the State; and that the time of adjustment of said account under the act of March 3, 1877, is extended for a period of sixty days from the passage of this resolution, during which the provisions of said act shall remain in force.

The SPEAKER. Is there objection to the consideration of the joint resolution which has just been read?

Mr. BREWER. I object.

ORDER OF BUSINESS.

Mr. REAGAN. Under instructions of the Committee on Commerce, I move to suspend the rules and pass the resolution which I send to the desk.

The SPEAKER. Does the gentleman from Texas [Mr. MILLS] withdraw the motion to go to the Speaker's table?

Mr. REAGAN. My motion is a motion to suspend the rules, made under instructions of a committee, and takes precedence of the motion of my colleague, [Mr. MILLS.]

Mr. MILLS. My motion was one to suspend the rules and go to the Speaker's table—a motion coming over from Saturday last as unfinished business.

The SPEAKER. The Chair would give the preference to the motion of the gentleman from Texas, [Mr. MILLS,] for the reason that it looks to the disposition of many bills which are now pending between the two Houses. It is a motion in the direction of expediting public legislation.

Mr. REAGAN. My motion will involve no debate.

Mr. MILLS. My motion is one of much more public importance.

Mr. REAGAN. Does not a motion to suspend the rules made this morning under direction of a committee take precedence of a motion made on Saturday and coming over?

The SPEAKER. The Chair thinks that a motion to suspend the rules and go to the Speaker's table should have preference over a motion to suspend the rules made at the instance of a committee for the passage of a particular bill or resolution. Perhaps the gentleman from Texas [Mr. MILLS] may be willing to withdraw his motion for a moment.

Mr. MILLS. No, sir; I withdrew it on Saturday last and almost lost the opportunity to renew it. I will not withdraw the motion. The House can vote it down, if it chooses.

Mr. REAGAN. I hope the House will vote it down.

The question being taken on the motion of Mr. MILLS to suspend the rules and proceed to business on the Speaker's table, it was agreed to; there being—ayes 75, noes 29; two-thirds voting in the affirmative.

AUTOMATIC FIRE-SIGNALS.

The first business on the Speaker's table was a supplement to the report of the commission appointed under the act of December 13, 1878, to examine such automatic telegraph systems as may be presented, for the purpose of ascertaining which of them is best adapted for the transmission by signal of the occurrence of fire; which was referred to the Committee on Public Buildings and Grounds.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced that the Senate had passed, without amendment, joint resolution (H. R. No. 79) to supply Congress with "Heyl's United States Import Duties."

ADMISSION TO THE FLOOR.

Mr. DEUSTER. I ask unanimous consent that Señor Ayon, a member of the Mexican Congress, be admitted to the floor of this House during to-day.

There being no objection, leave was granted.

CANAL-BOATS, ETC.

The next business on the Speaker's table was the amendment of the Senate to an amendment of the House to the bill (S. No. 671) relating to vessels not propelled by sail or internal motive power of their own.

Mr. RYON, of Pennsylvania. I move that the amendment of the Senate to the amendment of the House be concurred in.

The motion was agreed to.

Mr. KENNA moved to reconsider the vote by which the amendment was concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

UNITED STATES COURTS IN KENTUCKY.

The next business on the Speaker's table was the amendments of the Senate to the bill (H. R. No. 609) to prescribe the times for holding the circuit and district courts of the United States in the district of Kentucky.

The amendments were concurred in.

Mr. McKENZIE moved to reconsider the vote by which the amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

SETTLERS ON PUBLIC LANDS.

The next business on the Speaker's table was the amendments of the Senate to the bill (H. R. No. 2275) extending the provisions of an act entitled "An act for the relief of certain settlers on the public lands," approved March 3, 1877, until the 1st day of October, 1880.

Mr. VALENTINE. I move that the amendments be concurred in.

The motion was agreed to.

Mr. VALENTINE moved to reconsider the vote by which the amendments were concurred in; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

REVISION OF PUBLIC LAND LAWS.

The next business on the Speaker's table was the following concurrent resolution of the Senate:

Resolved by the Senate, (the House of Representatives concurring,) That the Committee on Public Lands of the Senate and the Committee on Public Lands of the House be each authorized to appoint a sub-committee, to consist of not exceeding three members of said committees, to act in aid of the commission authorized under the act of March 3, 1879, charged with the duty of codifying the laws relating to the survey and disposition of the public domain, and providing for the classification and sale of the public lands and other duties therewith connected, with power to sit in vacation. And any expenses incurred in the discharge of said duties shall be paid out of the contingent funds of the Senate and House, respectively, upon the certificate of the chairman of said committees.

Mr. McKENZIE. I move that the House concur in this resolution.

Mr. TOWNSHEND, of Illinois. I desire to enter my protest against the creation of any more committees of this character to sit during the recess.

Mr. FORT. Does the resolution authorize this joint committee to sit at Saratoga?

The SPEAKER. Saratoga is not mentioned.

The question was put on concurring in the Senate resolution; and there were—ayes 49, noes 20.

Mr. BOUCK. A quorum has not voted.

Mr. CONVERSE. I desire to have read a communication from the Commissioner of the General Land Office on this subject. It will take but a moment to read it.

There was no objection, and the Clerk read as follows:

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., June 23, 1879.

SIR: In the act passed at the third session of the Forty-fifth Congress, approved March 3, 1879, entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes," (pamphlet laws, chapter 182, page 377,) provision is made for a commission to consist of the Commissioner of the General Land Office, the Director of the United States Geological Survey, and three civilians to be appointed by the President. It is provided that "it shall be the duty of this commission to report to Congress within one year from the date of its organization, first, a codification of the present laws relating to the survey and disposition of the public domain; second, a system and standard of classification of public lands, as arable, irrigable, timber, pasturage, swamp, coal, mineral lands, and such other classes as may be deemed proper, having due regard to humidity of climate, supply of water for irrigation, and other physical characteristics; third, a system of land-parceling surveys adopted to the economic uses of the several classes of lands; and fourth, such recommendations as they may deem wise in relation to the best method of disposing of the public lands of the western portion of the United States to actual settlers."

The language above quoted from the act will, I think, warrant me in saying that the work of this commission is of great importance to the country, and may result in a radical change in the methods of surveying and disposing of the public lands, which amount to more than one thousand millions of acres, the value of which may with reason be variously estimated at from one thousand to many thousands of millions of dollars, depending upon the classification and the value given to each class; and the manner of disposal and any action having in view proper legislation in regard to the classification, valuation, and disposal of such an amount of property cannot fail to be a matter of great moment to the people of the United States, who own it.

Entertaining the views above expressed, I venture to suggest to you, and through you to Congress, that it would be very desirable for that body to appoint a sub-committee from the Committees on the Public Lands in the Senate and House of Representatives, to co-operate as far as may be practicable and consistent with their other duties with the commission.

If such committee were appointed and should visit the various portions of the country wherein the public lands are situated and investigate the subjects which it is made the duty of the commission to report upon, wise legislation and consequent good would result from their labor.

Hoping that the suggestions herein contained may meet with your approval, I have the honor to be, with great respect, your obedient servant,

J. A. WILLIAMSON,
Commissioner.

Hon. GEORGE L. CONVERSE,
Chairman Committee on the Public Lands.

A communication similar to this has been addressed to the Senate Committee on Public Lands.

Mr. MILLS. I do not think there can be any objection to this resolution.

The SPEAKER. The point has been made that a quorum has not voted. The Chair will order tellers, and appoints the gentleman from Kentucky, Mr. McKENZIE, and the gentleman from Illinois, Mr. TOWNSHEND.

The House again divided; and the tellers reported—ayes 55, noes 21.

Mr. BOUCK. A quorum has not voted.

Mr. MILLS. I hope the gentleman from Wisconsin will withdraw the point.

Mr. BOUCK. I will not.

The SPEAKER. Does the gentleman design his objection to apply only to this resolution, giving his consent to proceed with other business?

Mr. BOUCK. Yes, sir.

The SPEAKER. The Chair suggests that the concurrent resolution be passed over for the present.

There was no objection.

ORDER OF BUSINESS.

Mr. YOUNG, of Tennessee. I rise to a privileged motion. I desire to move to lay aside all the bills on the Calendar and take up the health bill.

The SPEAKER. That would change a rule, and could only be done under a suspension of the rules; but the House is now acting under a suspension of the rules. The gentleman's motion is not in order.

NARRATIVE OF POLARIS EXPEDITION.

The next business on the Speaker's table was the following concurrent resolution of the Senate:

Resolved by the Senate, (the House of Representatives concurring,) That whenever the Public Printer shall have received a sufficient number of orders for copies of the Narrative of the Polaris Expedition, accompanied by the cost price thereof with 10 per cent. additional, to warrant, in his opinion, the expense of putting the plates to press, he shall cause an edition thereof to be published: *Provided however*, That the number of copies thus at any time printed shall not exceed the number ordered and paid for in advance of said publication.

Mr. FINLEY. I move to refer that resolution to the Committee on Printing.

Mr. CONGER. I think there can be no objection to allow the printing of copies for those who are willing to pay for them.

The motion of Mr. FINLEY was agreed to, and the concurrent resolution was referred to the Committee on Printing.

DISPOSITION OF THE PUBLIC DOMAIN, ETC.

The next business on the Speaker's table was the following concurrent resolution of the Senate:

Resolved by the Senate, (the House of Representatives concurring,) That the Committee on Mines and Mining of the Senate and the Committee on Mines and Mining of the House be each authorized to appoint a sub-committee, to consist of not exceeding three members of said committee, to act in aid of the commission authorized under the act of March 3, 1879, charged with the duty of codifying the laws relating to the survey and disposition of the public domain, and provide for the classification and sale of the public lands, and other duties therewith connected. And any expenses incurred in the discharge of said duties shall be paid out of the contingent funds of the Senate and House respectively upon the certificate of the chairmen of said committees.

Mr. STEVENSON. I suggest that that resolution be passed over.

The resolution was passed over.

REPORTS ON FISH AND FISHERIES.

The next business on the Speaker's table was the following concurrent resolution of the Senate:

Resolved by the Senate, (the House of Representatives concurring.) That 2,000 additional copies of the reports of the United States Commission on Fish and Fisheries prior to 1877, embracing four volumes, be printed and bound for distribution under the direction of the Commissioner.

Mr. FINLEY. Does that concurrent resolution provide for a distribution of those documents?

The SPEAKER. It provides for their distribution by the Commissioner.

Mr. FINLEY. Not by the members of the House of Representatives and the Senate?

The SPEAKER. These volumes do not come into the custody of members at all. The Chair is advised that the resolution provides for the printing and binding of 2,000 copies of these reports to be distributed by the Commissioner. Is there objection to concurring in the resolution?

Mr. SAMFORD. I object.

The SPEAKER. Then the Chair will submit the question.

The question being put, the resolution was not concurred in.

RELEASE OF LANDS IN NEW YORK.

The next business on the Speaker's table was the bill (S. No. 243) to authorize the Secretary of War to release certain lands of the United States to the people of the State of New York; which was read a first and second time.

Mr. COVERT. I ask that the bill be put upon its passage.

The bill was read. It authorizes and empowers the Secretary of War, in his discretion, to release to the people of the State of New York, their successors and assigns, a right of way, not exceeding six rods in width, upon and across the land owned and possessed by the United States, in the town of Plattsburgh, Clinton County, New York, for railroad purposes, and also a lot or piece of land in the northeast corner of said land, owned by the United States, at said Plattsburgh, for depot and other railroad purposes, not to exceed, however, two acres, together with the right to occupy the shore of Lake Champlain opposite said premises for the purpose of discharging, receiving, and storing ore and other freights, subject to such restrictions as the Secretary of War may think necessary to protect the interests of the United States; the said right of way and premises to be used exclusively for the purpose of constructing and operating the railroad authorized to be built by an act of the Legislature of the State of New York, entitled "An act authorizing the construction and management of a railroad from Lake Champlain to Dannemora prison," passed April 19, 1878.

Section 2 authorizes and empowers the Secretary of War, in his discretion, to lay out and continue Hamilton street, in the said town of Plattsburgh, across the said lands of the United States to the lot or piece of land which the Secretary of War may release to the people of the State of New York by the first section of this act, and to dedicate the same to the public use as a public highway; and to grant, sell, and convey the small tract and parcel of said reservation situate north of said Hamilton street extended for such price and sum as may be fair and reasonable.

Mr. CONVERSE. I wish to inquire if this comes from a committee of the House?

The SPEAKER. It does not. It is a bill on the Speaker's table which has come from the Senate.

Mr. CONVERSE. I move that it be referred to the Committee on Railroads and Canals.

Mr. CONGER. I desire to say that accompanying the bill is the recommendation of the local officers of the military establishment and also the recommendation of the Secretary of War that this grant be made.

Mr. DIBRELL. I move that the bill be referred to the Committee on Military Affairs.

Mr. COVERT. I desire to say just one word in explanation of this bill. The railroad in question here is emphatically a State road created by special act of the Legislature of the State of New York, and mainly used for State purposes in the transfer of prisoners and supplies to one of the three State prisons of our State. This measure was introduced in the Forty-fifth Congress and was exhaustively considered by the Committee on Military Affairs of the House and by the Committee on Military Affairs of the Senate. Again at this session of this Congress the bill has been subjected to the crucial test of an examination by the Senate Committee on Military Affairs. As has already been remarked by the gentleman from Michigan, it has the concurrence of the Secretary of War as is shown by a communication appended to the report of the committee. It has also the concurrence of the military commander of the Department of the East.

Mr. FORT. Will the gentleman allow me to ask him a question?

Mr. COVERT. Certainly.

Mr. FORT. Does not the State of New York own this road?

Mr. COVERT. It does.

Mr. FORT. It is a public road and belongs to the State of New York.

Mr. COVERT. It does. One remark further. The land contemplated by this bill is a part of a Government reservation which is absolutely worthless. I pledge my reputation as a member of this House that if a commission were appointed to assess the value of this land for railroad purposes the valuation which that commission would establish would not pay for the expenses of the commission.

Mr. DIBRELL. I move that the bill be referred to the Committee on Military Affairs.

The motion was not agreed to, upon a division—ayes 18, noes 70; no further count being called for.

Mr. COVERT. I call the previous question on the bill.

The previous question was seconded and the main question ordered; and under the operation thereof the bill was ordered to a third reading, and read the third time.

The question was taken upon the passage of the bill; and upon a division there were—ayes 77, noes 19.

No further count being called for the bill was passed.

Mr. CONGER moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

NATIONAL BOARD OF HEALTH.

The next business on the Speaker's table was the bill (S. No. 675) to provide office rooms for the National Board of Health, and for the publication of its reports and papers, and for other purposes; which was taken from the Speaker's table, and read a first and second time.

Mr. McGOWAN. I ask that the bill be read, and then I propose to call the previous question upon it.

Mr. FINLEY. Is it in order to move to refer this bill?

The SPEAKER. That motion will be in order, unless cut off by seconding the demand for the previous question.

The bill was then read.

Mr. BOUCK. I make the point of order upon this bill that it must receive its first consideration in Committee of the Whole.

The SPEAKER. The Chair sustains the point of order.

Mr. YOUNG, of Tennessee. Is it in order to move to suspend the rules and pass the bill?

The SPEAKER. The bill is not before the House in such a shape that it can be passed by a suspension of the rules. The House is acting under an order to go to business on the Speaker's table under suspension, but all business reached is subject to the usual rules of the House.

Mr. McGOWAN. I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. McGOWAN. This bill having been taken from the Speaker's table, is it not in order for me now, under instructions of the committee, to move to suspend the rules and pass the bill?

The SPEAKER. The Chair could not recognize the gentleman for that purpose now, because there are other gentlemen on the floor seeking the recognition of the Chair to submit motions to suspend the rules.

Mr. McGOWAN. Where is the bill?

The SPEAKER. It has gone to the Committee of the Whole upon a point of order made by the gentleman from Wisconsin, Mr. BOUCK.

PROFESSOR PETER COLLIER.

The next business on the Speaker's table was the joint resolution (S. R. No. 38) to pay Professor Peter Collier for services as chemist in the prosecution of the evasions of duties on sugar; which was taken from the Speaker's table and read a first and second time.

The joint resolution directs the Secretary of the Treasury to settle and pay the account of Professor Peter Collier out of the appropriation to defray the expenses of collecting the revenue from customs, to an amount not exceeding $1,500, for services as a chemist in the prosecution by the Government of parties charged with the evasion of duties on sugar.

Mr. ATKINS. I make the point of order on that joint resolution that it should receive its first consideration in Committee of the Whole.

The SPEAKER. It might be referred to the Committee of Claims.

Mr. ATKINS. Then I will make that motion.

Mr. AIKEN. Will the gentleman allow me three minutes to explain the joint resolution?

Mr. ATKINS. I think it should go to the Committee of Ways and Means.

The SPEAKER. The Chair thinks it is a private claim.

Mr. GARFIELD. Will the gentleman withhold his point of order for a single moment until I can make a statement; after which, if he chooses, he can renew it?

Mr. ATKINS. I will hear the gentleman.

Mr. GARFIELD. In the great trial to test certain charges of fraud upon the customs it became necessary to have a very large number of expert chemical analyses made of sugar imported into this country in order to find out whether the revenue had been defrauded. The case was tried before the United States court in the city of Baltimore, and involved the whole question for the entire United States. Chemical experts were employed, three of them outsiders, who were paid ranging from $1,500 to $4,700.

Mr. AIKEN. Seventy-five hundred dollars.

Mr. GARFIELD. One of them was paid $7,500 for his services as an expert. This fourth expert was an employé in the Agricultural Department, but he did as much work as any of the other experts, except perhaps one. He made experiments which, if they had been

charged for at the usual rate that chemists charge and at the same rate that was paid to the three outsiders, would amount to about $5,000. But it was unlawful to pay him for these services, because he was already receiving a small salary for his services in the Agricultural Department. It seems unjust that he should not be paid for services the same as were paid the other three experts.

Mr. ATKINS. He gets a salary as chemist.

The SPEAKER. Does the gentleman from Tennessee insist upon his point of order?

Mr. ATKINS. I understand this man gets his salary as chemist for the Agricultural Department.

Mr. GARFIELD. He commenced his labor afterward. This bill appropriates $2,500 to pay him, making about one-half——

The SPEAKER. The bill appropriates $1,500.

Mr. GARFIELD. Then the amount has been cut down, making about one-third of what this man would be entitled to for these services if he had not been connected in any way with the Government.

Mr. ATKINS. I think the bill ought to go to a committee.

Mr. AIKEN. Allow me to make a few remarks in further explanation of this question. These duties were performed by this gentleman entirely outside of office hours, and with the permission of the Commissioner of Agriculture. The proposition is to pay him, not for extra work, but as an expert. More than that, he was employed to do this duty before he was called to a place in the Agricultural Department.

Mr. McGOWAN. And had performed part of the duty.

Mr. AIKEN. He had performed part of the duty, and he received assurances that he would be paid for these services.

Mr. FINLEY. Has he not drawn salary as chemist?

Mr. AIKEN. Yes, sir; he has drawn salary as an officer of the Department; but this resolution proposes to pay him as an expert for work done outside of office hours. A letter from the district attorney at Baltimore states that the testimony and the analyses of Professor Collier were very largely instrumental in securing the verdict which the jury gave in the sugar cases, which verdict, I am told, results in saving to the Government $7,000 daily, there having been millions of dollars involved in the controversy. This man made two hundred and seventy-five analyses from fourteen different cargoes of sugar for the detection of artificial coloring matter. Fifteen hundred dollars is a mere pittance for the services he performed.

I have in my possession also a letter from an officer in the Treasury Department stating that the money to pay for this work is already in his hands, and no further appropriation is necessary. If this gentleman were not in Government employ he would have been paid long ago.

Mr. ACKLEN. I have examined all the papers in this case, and it is a matter of great hardship that this man has not already been paid.

Mr. ATKINS. I withdraw the objection.

Mr. BURROWS. I renew it.

The SPEAKER. The Chair sustains the point of order.

THOMAS LANGTON.

The next business on the Speaker's table was the bill (S. No. 594) for the relief of Thomas Langton, of Dundee, Michigan; which was taken from the Speaker's table, and read a first and second time.

Mr. WILLITS. I hope this bill will be passed now.

Mr. SAMFORD. I make the point of order that the bill should go to the Committee of the Whole.

Mr. WILLITS. I concede that the bill is subject to a point of order; but I think the bill ought to be passed promptly.

The SPEAKER. The Chair has no volition in a matter of this kind. The rule provides explicitly that any measure parting with the property of the United States must receive its first consideration in Committee of the Whole. The Chair sustains the point.

LOW GROUNDS, WASHINGTON CITY.

The next business on the Speaker's table was the bill (S. No. 716) to provide for the conveyance of the low grounds in the city of Washington under the provisions of the act of Congress, chapter 96, approved May 7, 1822.

The bill was read. It provides that the powers and duties heretofore in and by the third section of the act of Congress approved May 7, 1822, devolved upon and vested in "the mayor of the city of Washington for the time being," be vested in and devolved upon the Secretary of the Interior, who shall execute the deeds thereby required, under his hand and official seal, when it shall appear to him that the persons applying for such deeds are duly entitled to have the same.

Mr. REAGAN. I think this bill ought to go to the Committee on the Judiciary.

The SPEAKER. The Chair suggests that the Committee for the District of Columbia would be the more appropriate committee.

Mr. REAGAN. Very well; I have no objection to that reference.

Mr. NEAL. Members of the Committee for the District of Columbia, so far as they are present, have examined this bill and unanimously agreed to report in favor of its passage. All that it proposes to do is to authorize the Secretary of the Interior to execute a deed for a small tract of land lying in the low grounds, a piece of land which was sold in 1832, for which a deed has never been executed. The present owners have been in possession over thirty years, as I am informed.

Mr. REAGAN. Does this refer to what is called "the flats?"

Mr. NEAL. It refers to only a small tract of land owned by a widow. As to all the residue of the land in question conveyances have been made.

The SPEAKER. What motion does the gentleman from Texas make?

Mr. REAGAN. I will not make any motion.

The bill was ordered to a third reading, read the third time, and passed.

Mr. NEAL moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILLS SIGNED.

Mr. KENNA, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (S. No. 671) relating to vessels not propelled wholly by sail or internal motive power of their own, and for other purposes.

JOSEPH B. COLLINS.

The next business on the Speaker's table was the bill (S. No. 706) to amend an act for the relief of Joseph B. Collins, approved March 3, 1879; which was read a first and second time, and, on motion of Mr. DIBRELL, referred to the Committee on Military Affairs.

COLLECTION OF THE REVENUE.

The next and last business on the Speaker's table was the joint reslution (S. No. 44) appointing a joint committee of the two Houses of Congress to take into consideration what changes, if any, ought to be made in the mode of guarding or collecting the revenue and appropriating the money so collected; which was read a first and second time.

The joint resolution was read, as follows:

Resolved, &c., That a joint committee, composed of three Senators and three Representatives, be appointed, in such manner as each House may determine, to examine and report at an early day of the next December session of this Congress what changes, if any, ought to be made in the mode of guarding or collecting the revenue, either from customs or internal taxation, or in the management of the various Departments and bureaus of the Government, with a view to efficiency in service and economy in appropriations of the public money. Said committee shall report whether changes from permanent to annual appropriations would be advantageous or otherwise, in whole or in part; it shall have power to sit during the recess, to examine witnesses, send for persons and papers, administer oaths, appoint subcommittees, and visit such places as will enable it to obtain such information as it may desire, and the sum of $6,000, or as much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be expended under the direction of the chairman of the said committee.

Mr. CONGER. That joint resolution should have its first consideration in Committee of the Whole. It makes an appropriation of $6,000. It takes away also the prerogatives of the Committee of Ways and Means. If any traveling is to be done, or any enjoyment of that kind is to be had, I think the Committee of Ways and Means should have it.

Mr. MILLS. If the point of order is insisted on, I ask that the joint resolution be passed over.

Mr. CONGER. Let it go to the Committee of the Whole. I want to discuss it there.

Mr. MILLS. This resolution contemplates the destruction of some sinecures which are simply in the interest of party and not of the Government of the United States.

Mr. CONGER. Is not the appointment of these traveling commissioners the creation of a sinecure?

Mr. MILLS. The object is not the appointment of traveling commissioners. It is that the committee may investigate abuses in the collection of the revenue of the Government and that efficiency and economy may be promoted.

Mr. BREWER. Is debate in order?

The SPEAKER. It is not.

Mr. CONGER. Has my point of order been sustained?

The SPEAKER. It has; and the joint resolution is referred to the Committee of the Whole on the state of the Union.

REMOVAL OF DUTY ON QUININE.

The SPEAKER. The gentleman from Texas [Mr. REAGAN] is recognized for a motion to suspend the rules, being instructed to make that motion by the Committee on Commerce.

Mr. REAGAN. I yield to the gentleman from New York, [Mr. COVERT.]

The SPEAKER. The gentleman from Texas yields to the gentleman from New York, [Mr. COVERT,] who is first on the individual list for motions to suspend the rules.

Mr. COVERT. I move that the rules be suspended, and that the bill which I send to the desk, known as the McKenzie quinine bill, be put upon its passage.

The Clerk read the bill, as follows:

A bill to put salts of quinine and sulphate of quinine on the free list.

Be it enacted, &c., That from and after the passage of this act the importation of salts of quinine and sulphate of quinine shall be exempt from customs duties, and all laws inconsistent herewith are hereby repealed.

Mr. COVERT. I make this motion at the request of the gentleman from Kentucky, [Mr. McKENZIE,] the author of the bill.

Mr. BINGHAM. It is a bill which ought not to pass.

Mr. CONGER. What was the statement of the gentleman from New York?

The SPEAKER. The gentleman from New York states that he moves to suspend the rules and pass this bill at the request of the gentleman from Kentucky, [Mr. McKENZIE,] the author of the bill.

Mr. CONGER. If the gentleman had not himself the right to make the motion, I object.

The SPEAKER. The statement made by the gentleman from New York [Mr. COVERT] is a matter of information of which the Chair takes no cognizance. The Chair merely repeated what the gentleman from New York had said for the information of the House, as the gentleman from Michigan [Mr. CONGER] seemed not to hear. The gentleman from New York [Mr. COVERT] makes this motion, being next on the individual list for motions to suspend the rules and having been yielded to by the gentleman from Texas.

Several members called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 125, nays 33, not voting 128; as follows:

YEAS—125.

Acklen,	Davis, Loundes H.	Jones,	Shelley,
Aiken,	Deuster,	Kenna,	Sherwin,
Aldrich, William	Dibrell,	King,	Simonton,
Anderson,	Dickey,	Le Fevre,	Singleton, O. R.
Armfield,	Dunn,	Lowe,	Slemons,
Atherton,	Elam,	Manning,	Smith, Hezekiah B.
Atkins,	Evins,	Marsh,	Smith, William E.
Bachman,	Felton,	Martin, Benj. F.	Springer,
Bicknell,	Finley,	Martin, Edward L.	Stephens,
Blackburn,	Ford,	McGowan,	Stevenson,
Bouck,	Forney,	McKenzie,	Talbott,
Brewer,	Fort,	McMillin,	Taylor,
Bright,	Gibson,	Mills,	Thomas,
Browne,	Gillette,	Morrison,	Thompson,
Caldwell,	Goode,	Muller,	Tillman,
Cannon,	Gunter,	Murch,	Townshend, R. W.
Caswell,	Hammond, N. J.	Myers,	Turner, Oscar
Chalmers,	Haskell,	New,	Updegraff, J. T.
Clardy,	Hatch,	Nicholls,	Updegraff, Thomas
Clark, John B.	Hazelton,	O'Connor,	Upson,
Clymer,	Henderson,	Orth,	Warner,
Cobb,	Henkle,	Persons,	Weaver,
Coffroth,	Henry,	Phister,	Wellborn,
Conger,	Herbert,	Prescott,	Whiteaker,
Converse,	Herndon,	Reagan,	Williams, Thomas
Cook,	Hill,	Richardson, John S.	Willis,
Covert,	Hooker,	Robertson,	Willits,
Cowgill,	Hostetler,	Rothwell,	Wise,
Cravens,	House,	Ryan, Thomas	Young, Casey.
Culberson,	Hull,	Ryon, John W.	
Davidson,	Hunton,	Samford,	
Davis, George R.	Johnston,	Sawyer,	

NAYS—33.

Barber,	Deering,	Joyce,	Smith, A. Herr
Bayne,	Ellis,	Keifer,	Townsend, Amos
Bingham,	Farr,	Killinger,	Valentine,
Blake,	Field,	Mason,	Van Aernam,
Bowman,	Garfield,	Neal,	Van Voorhis,
Briggs,	Godshalk,	O'Neill,	Ward.
Burrows,	Hammond, John	Phelps,	
Carpenter,	Hawk,	Russell, W. A.	
Daggett,	Hawley,	Shallenberger,	

NOT VOTING—128.

Aldrich, N. W.	Einstein,	Lewis	Robeson,
Bailey,	Errett,	Lindsey,	Robinson,
Baker,	Ewing,	Loring,	Ross,
Ballou,	Ferdon,	Lounsbery,	Russell, Daniel L.
Barlow,	Fisher,	Martin, Joseph J.	Sapp,
Beale,	Forsythe,	McCoid,	Scales,
Belford,	Frost,	McCook,	Singleton, James W.
Beltzhoover,	Frye,	McKinley,	Sparks,
Bland,	Geddes,	McLane,	Speer,
Bliss,	Hall,	McMahon,	Starin,
Blount,	Harmer,	Miles,	Steele,
Boyd,	Harris, Benj. W.	Miller,	Stone,
Bragg,	Harris, John T.	Mitchell,	Tucker,
Brigham,	Hayes,	Money,	Turner, Thomas
Buckner,	Heilman,	Monroe,	Tyler,
Butterworth,	Hiscock,	Morse,	Urner,
Cabell,	Horr,	Morton,	Vance,
Calkins,	Houk,	Muldrow,	Voorhis,
Camp,	Hubbell,	Newberry,	Waddill,
Carlisle,	Humphrey,	Norcross,	Wait,
Chittenden,	Hurd,	O'Brien,	Washburn,
Claflin,	James,	O'Reilly,	Wells,
Clark, Alvah A.	Jorgensen,	Osmer,	White,
Colerick,	Kelley,	Overton,	Whitthorne,
Cox,	Ketcham,	Pierce,	Wilber,
Crapo,	Kimmel,	Poehler,	Williams, C. G.
Crowley,	Kitchin,	Pound,	Wilson,
Davis, Joseph J.	Klotz,	Price,	Wood, Fernando
De La Matyr,	Knott,	Rice,	Wood, Walter A.
Dick	Ladd,	Reed,	Wright,
Dunnell,	Lapham,	Richardson, D. P.	Yocum,
Dwight,	Lay,	Richmond,	Young, Thomas L.

During the call of the roll the following announcements were made:

Mr. COVERT. My colleague Mr. FERNANDO WOOD, is paired with Mr. ROBESON, of New Jersey.

Mr. MANNING. My colleague, Mr. MONEY, is paired with Mr. STONE, of Michigan; and my colleague, Mr. MULDROW, is paired with Mr. DWIGHT, of New York. Both my colleagues, if present, would vote "ay."

Mr. TALBOTT. My colleague, Mr. McLANE, is paired with Mr. URNER. If present, Mr. McLANE would vote "ay."

Mr. HERBERT. My colleague, Mr. LEWIS, is paired with Mr. WILLIAMS, of Wisconsin. If present, Mr. LEWIS would vote "ay."

Mr. ARMFIELD. My colleague, Mr. SCALES, is paired with Mr. ERRETT, of Pennsylvania; my colleague, Mr. STEELE, is paired with Mr. NORCROSS, of Massachusetts; my colleague, Mr. KITCHIN, is paired with Mr. MARTIN, of North Carolina; and my colleague, Mr. DAVIS, is paired with Mr. ALDRICH, of Illinois. If my colleagues were present, they would all vote "ay."

Mr. HURD. I am paired with Mr. CLAFLIN, of Massachusetts. If he were present, I should vote "ay."

Mr. ATKINS. My colleague, Mr. WHITTHORNE, is paired with Mr. HARRIS, of Massachusetts. If present, Mr. WHITTHORNE would vote "ay."

Mr. WADDILL. I am paired with Mr. POUND, of Wisconsin.

Mr. KENNA. My colleague, Mr. WILSON, is paired with Mr. YOUNG, of Ohio.

Mr. McKENZIE. I am paired with Mr. SAPP, of Iowa. He informed me the other day that he would vote for this bill; I have therefore voted "ay."

Mr. SAMFORD. I am paired with Mr. WAIT, of Connecticut. As it seems necessary for me to vote in order to make a quorum, I will vote "ay."

Mr. COBB. My colleague, Mr. COLERICK, is paired with Mr. HUMPHREY, of Wisconsin. If present, Mr. COLERICK would vote "ay."

Mr. TOWNSHEND, of Illinois. My colleague, Mr. SINGLETON, is paired with Mr. MILES, of Connecticut.

Mr. THOMPSON. My colleague, Mr. KNOTT, is paired with Mr. FRYE, of Maine.

Mr. ERRETT. I am paired with Mr. DAVIS, of North Carolina. If he were present, I should vote "no."

Mr. ROSS. I am paired with Mr. CRAPO, of Massachusetts.

Mr. HOSTETLER. I am paired with Mr. McCOOK, of New York, on all political questions. As this cannot be considered a political question, I have voted "ay."

Mr. HARRIS, of Massachusetts. I am paired with Mr. WHITTHORNE, of Tennessee. If he were present, he would vote "ay" and I should vote "no."

Mr. BOUCK. My colleague, Mr. BRAGG, is paired with Mr. JAMES, of New York. If present, Mr. BRAGG would vote "ay."

Mr. WARD. My colleague, Mr. KELLEY, is paired with Mr. MORSE, of Massachusetts. If present, Mr. KELLEY would vote "no."

Mr. McGOWAN. My colleague, Mr. STONE, is paired with Mr. MONEY, of Mississippi, and Mr. STARIN, of New York, is paired with Mr. CLARK, of New Jersey.

Mr. BACHMAN. I am paired with my colleague, Mr. OVERTON.

Mr. DAVIS, of Illinois. I am paired with Mr. FROST, of Missouri.

Mr. ALDRICH, of Illinois. Mr. ALDRICH, of Rhode Island, is paired with Mr. EWING, of Ohio.

Mr. POEHLER. I am paired with my colleague, Mr. WASHBURN.

The SPEAKER. The result of the vote is—yeas 117, nays 23.

Mr. ALDRICH, of Illinois. I ask leave to withdraw my vote.

Mr. SPRINGER. I object.

Mr. SINGLETON, of Mississippi. I ask leave to withdraw my vote.

Mr. SPRINGER. I object.

Mr. SINGLETON, of Mississippi. I am paired with Mr. CALKINS, of Indiana.

Mr. CONGER. This is not a political question.

The SPEAKER. The gentleman from Mississippi states that he is under the obligation of a pair.

Mr. SPRINGER and others objected.

Mr. BINGHAM. I raise the point of order that no quorum has voted.

Mr. McKENZIE. I move that there be a call of the House.

Mr. BINGHAM. On that motion I call for the yeas and nays.

The yeas and nays were not ordered; there being 15 in the affirmative, not one-fifth of the last vote.

The motion of Mr. BLACKBURN was then agreed to.

Mr. BINGHAM. I move that the House now adjourn.

The question was taken; and upon a division there were—ayes 21, noes 88.

Before the result of this vote was announced,

Mr. BINGHAM called for the yeas and nays.

The yeas and nays were not ordered; there being 19 in the affirmative, not one-fifth of the last vote.

Mr. CONGER. I ask leave to vote on the motion to suspend the rules and pass the bill now pending.

Mr. BAYNE. I object.

Mr. CONGER. I have the right to vote.

The SPEAKER. The gentleman is already recorded as voting.

Mr. CONGER. I desire to change my vote.

The SPEAKER. The gentleman has that right.

Mr. CONGER. I change my vote to the affirmative.

The SPEAKER. The vote now stands yeas 118, nays 22.

Mr. HOOKER. I now call for the regular order.

Mr. ALDRICH, of Illinois. I ask leave to change my vote to the affirmative.

The SPEAKER. That makes the result of the vote—yeas 119 nays 21.

Mr. CASWELL. I ask leave to vote.

Mr. BINGHAM. I object.

The SPEAKER. Was the gentleman within the bar of the House when the last name on the roll was called?

Mr. CASWELL. I was.

The SPEAKER. The gentleman has the right to vote, then.

Mr. CASWELL. I vote "ay."

Mr. ELLIS. I am paired with the gentleman from Pennsylvania, Mr. HARMER. The understanding of the pair was that it should not be adhered to if it broke up a quorum. I now desire to vote. Understanding that the gentleman from Pennsylvania, Mr. HARMER, if present, would vote "no," I vote "no."

Mr. O'NEILL. The gentleman is voting upon the main proposition. His voting does not involve the question of a quorum.

Mr. ELLIS. I think it does.

Mr. O'NEILL. It involves a vote on the direct proposition.

Mr. ELLIS. It involves the question of a quorum.

Mr. O'NEILL. If there were a call of the House the gentleman's vote would be very proper.

Mr. ELLIS. It is stated that no quorum has voted.

The SPEAKER. A call of the House has been ordered.

Mr. DAVIS, of Illinois. I understand that the gentleman with whom I am paired would, if present, vote "ay." I therefore vote "ay."

Mr. McKENZIE. I withdraw the motion for a call of the House.

Mr. SPRINGER. I move to dispense with further proceedings under the call.

The motion was agreed to.

Mr. O'NEILL. Would it be in order to move to refer this bill to the Committee of Ways and Means?

The SPEAKER. The motion is to suspend the rules and pass the bill.

Mr. TOWNSEND, of Ohio. Mr. Speaker, I ask whether a quorum is present?

The SPEAKER. There is a quorum.

Mr. TOWNSEND, of Ohio. I vote "no."

Several members who had not voted when their names were called then voted.

The SPEAKER. On the motion of the gentleman from New York [Mr. COVERT] that the rules be suspended and the bill passed, there are yeas 125, noes 32. Two-thirds having voted in the affirmative, the rules are suspended and the bill (H. R. No. 2406) is passed. [Applause.]

ENROLLED BILL SIGNED.

Mr. KENNA, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

An act (S. No. 243) to authorize the Secretary of War to release certain lands of the United States to the people of the State of New York.

INTERSTATE AND FOREIGN COMMERCE.

Mr. REAGAN. By direction of the Committee on Commerce, I move to suspend the rules and adopt the resolution which I send to the desk.

The Clerk read as follows:

Resolved, That for the purpose of carrying out the objects of the resolution adopted by this House on June 4, 1879, directing the Committee on Commerce through sub-committees to inquire into all matters affecting interstate and foreign commerce and report to this House, they are hereby granted the usual power to employ a clerk, stenographer, and deputy sergeant-at-arms, send for persons and papers, administer oaths, and sit during the recess at such times and places as they may deem necessary, and that the expenses of said committee shall be paid by the Sergeant-at-Arms of the House out of the contingent fund on vouchers of the chairmen of said committees.

The motion to suspend the rules was not agreed to; there being ayes 40, noes not counted.

NATIONAL BOARD OF HEALTH.

Mr. McGOWAN. Under instructions of the Committee on Contagious Diseases, I move that the Committee of the Whole on the state of the Union be discharged from the further consideration of Senate bill No. 675 and that the same be now passed.

The bill was read, as follows:

An act (S. No. 675) to provide office rooms for the National Board of Health and for the publication of its reports and papers, and for other purposes.

Be it enacted, &c., That the National Board of Health is hereby authorized and empowered to procure suitable and sufficient offices in the city of Washington for the transaction of its business, at a rental not to exceed the sum of $1,800 per annum. And said board is also authorized to pay the sum of $225 for the rent of building No. 1405 G street, northwest, in the city of Washington, used by the National Board of Health for offices from the 3d day of April, 1879, to the 3d day of July, 1879.

SEC. 2. That the necessary printing of the National Board of Health be done at the Government Printing Office, upon the requisition of the secretary of the board, in the same manner and subject to the same provisions as other public printing for the several Departments of the Government: *Provided*, That the cost of said printing shall not exceed the sum of $10,000 per annum.

SEC. 3. That the National Board of Health is hereby authorized and empowered to have printed and bound 10,000 copies of the report of the board of medical experts created by former act of Congress, which report shall include the report of Drs. Berniss and Cochran and Engineer Hardee upon the yellow-fever epidemic of 1878; 6,000 copies of the same to be furnished to the House of Representatives, 2,000 copies to the Senate, and the residue to the National Board of Health: *Provided*, That the cost of publication and binding said report shall not exceed the sum of $7,500. And the said board is hereby authorized to pay Drs. Berniss and Cochran and Engineer Hardee $10 per day, for the preparation of their said report, for the period of two months: *Provided*, That the same shall be completed and submitted to the board within that time.

SEC. 4. That the National Board of Health is hereby authorized and directed to pay Frank J. Taylor, for services as stenographer to the board of medical experts in reporting evidence of medical men and others touching the causes, introduction, and spread of epidemic diseases within the United States, and for preparing the same for publication, the sum of $540, said sum being the amount allowed him by the Committee on Epidemic Diseases.

SEC. 5. The chief clerk of the National Board of Health shall act as disbursing agent for the board, and shall give bond, conformably to section 176 of the Revised Statutes, for the faithful performance of that duty, and for such services shall receive $300 per annum in addition to his salary as chief clerk; and the Board of Health may, with the approval of the Secretary of the Treasury, pay to its secretary such sum, in addition to his pay as a member of the board, as it may deem proper, not exceeding $100 per month.

SEC. 6. That section 3 of the act approved June 2, 1879, entitled "An act to prevent the introduction of contagious or infectious diseases within the United States," be amended as follows: At the end thereof insert: "And the Board of Health shall have power, when they may deem it necessary, with the consent and approval of the Secretary of the Treasury, as a means of preventing the importation of contagious or infectious diseases into the United States, or into one State from another, to erect temporary quarantine buildings and to acquire on behalf of the United States titles to real estate for that purpose, or to rent houses, if there be any suitable, at such points and places as are named in such section."

SEC. 7. That all the money hereinbefore authorized to be expended and all contracts made and liabilities incurred by the National Board of Health shall be paid out of the appropriation of $500,000 made in the act of Congress entitled "An act to prevent the introduction of contagious and infectious diseases into the United States," approved June 2, 1879.

Mr. CONGER. I ask my colleague [Mr. McGOWAN] to allow an amendment to this bill.

Mr. McGOWAN. I prefer not to yield for that purpose.

Mr. CONGER. Let it be read for information.

Mr. McGOWAN. Very well; I consent that it be read.

The Clerk read as follows:

Add to the sixth section the following:

And the said board shall also have power to receive from the President of the United States, or the Secretary of War, any tents, rations, or Army materials for the benefit of sufferers from the yellow fever, if the emergency shall again arise for their use. And if such supplies shall be furnished by the President or the Secretary of War, or either of them, they or either of them shall not be liable to any pains, penalties, or punishment imposed by law for making contracts or furnishing supplies without authority of law, nor shall they or either of them be liable to impeachment or prosecution therefor.

Mr. CONGER. I presume there is no objection to that.

Mr. McGOWAN. Personally I should have no objection; but the session is near its close; and as the amendment if adopted must go to the Senate for concurrence, I am unwilling to endanger the bill in that way.

Mr. CONGER. A contingency may arise again such as arose last year, when this may be almost an act of necessity.

Mr. YOUNG, of Tennessee. In reply to my friend from Michigan, I desire to say that if the proposition had been made originally, as a member of that committee I should have had no objection to its adoption. I do not object to it now, but I am quite sure if any amendment is attached to this bill, and it has to go back to the Senate, it will result in its loss. Moreover, when we had the epidemic last year the President and Secretary of War did precisely what is provided for in the gentleman's amendment, and no doubt if the emergency should again arise they will again do the same thing. The action of the President and Secretary of War was legalized by a unanimous vote of the two Houses. I hope the gentleman will withdraw his amendment. If it becomes necessary hereafter, it may be the subject of additional legislation.

Mr. CONGER. I have offered my amendment in good faith.

Mr. YOUNG, of Tennessee. I know that.

Mr. CONGER. Because I knew the Secretary of War had great hesitation about doing what was done last year.

Mr. MANNING. He will be encouraged to do the same thing if it should become necessary by the action of this House.

Mr. KING. Let the gentleman put it in a separate measure and pass it.

Mr. CONGER. I have no doubt the Senate will adopt it at once if it is presented to that body. [Cries of "Vote!" "Vote!"]

ENROLLED BILL.

Mr. WARD, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled an act (H. R. No. 2275) for the relief of settlers on the public lands in districts subject to grasshopper incursions; when the Speaker signed the same.

NATIONAL BOARD OF HEALTH.

The SPEAKER. The pending question is on suspending the rules and passing the bill (S. No. 675) to provide office rooms for the National Board of Health and for the publication of its reports and papers, and for other purposes.

The House divided; and there were—ayes 85, noes 2.

The SPEAKER. Two-thirds having voted in the affirmative, the rules are suspended and the bill is passed.

Mr. BOUCK. There is no quorum.

The SPEAKER. The gentleman from Wisconsin raises the question that there is no quorum, and the Chair sustains the point.

Mr. YOUNG, of Tennessee. Does not the point come too late?

Mr. BOUCK. I made the point in time.

The SPEAKER. The Chair thinks it is not too late.

Mr. YOUNG, of Tennessee. Did the gentleman rise from his seat?

Mr. BOUCK. I did not, but I made the point.

Mr. MANNING. If the gentleman did not rise in time, we shall ask that the most stringent rule shall be observed in reference to this matter.

Mr. YOUNG, of Tennessee. The gentleman says he did not rise.

Mr. MANNING. Those of us who are afraid of the yellow fever insist on the enforcement of the strictest rule.

The SPEAKER. The Chair has always taken the word of a gentleman.

Mr. YOUNG, of Tennessee. The gentleman does not state that he rose. I was looking at him, and he did not rise and object in time.

Mr. BOUCK. I did not say I rose out of my seat, but I did make the point in my seat.

The SPEAKER. The Chair recognizes the gentleman's point and will order tellers. There is a quorum here and gentlemen will vote on one side or the other.

Mr. McGOWAN and Mr. BOUCK were appointed tellers.

ENROLLED BILLS.

Mr. KENNA, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled an act (S. No. 716) to provide for the conveyance of the low grounds in the city of Washington, under the provisions of the act of Congress, chapter 96, approved May 7, 1822; when the Speaker signed the same.

Mr. WARD, from the same committee, reported that they had examined and found truly enrolled an act (H. R. No. 609) to prescribe the times for holding the circuit and district courts of the United States in the district of Kentucky; when the Speaker signed the same.

NATIONAL BOARD OF HEALTH.

The House again divided; and the tellers reported—ayes 114, noes 1.

Mr. BOUCK. There is no quorum voting.

Mr. YOUNG, of Tennessee. I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 139, nays 16, not voting 131; as follows:

YEAS—139.

Aiken,	Dunn,	Johnston,	Shallenberger,
Aldrich, William	Dunnell,	Keifer,	Shelley,
Anderson,	Elam,	Kenna,	Sherwin,
Atherton,	Errett,	King,	Simonton,
Atkins,	Evins,	Lapham,	Singleton, O. R.
Barber,	Farr,	Le Fevre,	Slemons,
Bayne,	Felton,	Lowe,	Smith, A. Herr
Blackburn,	Field,	Manning,	Smith, Hezekiah B.
Blake,	Finley,	Marsh,	Smith, William E.
Bliss,	Forney,	Martin, Edward L.	Springer,
Brewer,	Garfield,	Mason,	Stevenson,
Briggs,	Gibson,	McCold,	Talbott,
Bright,	Gillette,	McGowan,	Taylor,
Browne,	Godshalk,	McLane,	Thomas,
Burrows,	Goode,	McMillin,	Tillman,
Butterworth,	Gunter,	Mitchell,	Townsend, Amos
Caldwell,	Hammond, John	Monroe,	Townshend, R. W.
Cannon,	Hammond, N. J.	Morrison,	Tyler,
Carpenter,	Harris, Benj. W.	Murch,	Updegraff, J. T.
Caswell,	Hatch,	New,	Upson,
Chalmers,	Hawk,	Nicholls,	Valentine,
Clardy,	Hawley,	Orth,	Van Aernam,
Clark, John B.	Hazelton,	Osmer,	Van Voorhis,
Conger,	Henderson,	Persons,	Voorhis,
Converse,	Henkle,	Phelps,	Warner,
Cook,	Henry,	Phister,	Weaver,
Covert,	Herbert,	Richardson, J. S.	Wellborn,
Cowgill,	Herndon,	Robertson,	Whiteaker,
Cravens,	Hill,	Ross,	Williams, Thomas
Culberson,	Hooker,	Rothwell,	Willis,
Daggett,	Horr,	Russell, W. A.	Willits,
Davidson,	House,	Ryan, Thomas	Wise,
Davis, Loundes H.	Hubbell,	Ryon, John W.	Yocum,
Deering,	Hull,	Samford,	Young, Casey.
Dibrell,	Hunton,	Sawyer,	

NAYS—16.

Armfield,	Coffroth,	Myers,	Reagan,
Bouck,	Jones,	Neal,	Thompson,
Clymer,	Killinger,	O'Neill,	Turner, Oscar
Cobb,	Martin, Benj. F.	Prescott,	Ward.

NOT VOTING—131.

Acklen,	Deuster,	Klotz,	Richardson, D. P.
Aldrich, N. W.	Dick,	Knott,	Richmond,
Bachman,	Dickey,	Ladd,	Robeson,
Bailey,	Dwight,	Lay,	Robinson,
Baker,	Einstein,	Lewis,	Russell, Daniel L.
Ballou,	Ellis,	Lindsey,	Sapp,
Barlow,	Ewing,	Loring,	Scales,
Beale,	Ferdon,	Lounsbery,	Singleton, J. W.
Belford,	Fisher,	Martin, Joseph J.	Sparks,
Beltzhoover,	Ford,	McCook,	Speer,
Bicknell,	Forsythe,	McKenzie,	Starin,
Bingham,	Fort,	McKinley,	Steele,
Bland,	Frost,	McMahon,	Stephens,
Blount,	Frye,	Miles,	Stone,
Bowman,	Geddes,	Miller,	Tucker,
Boyd,	Hall,	Mills,	Turner, Thomas
Bragg,	Harmer,	Money,	Updegraff, Thomas
Brigham,	Harris, John T.	Morse,	Urner,
Buckner,	Haskell,	Morton,	Vance,
Cabell,	Hayes,	Muldrow,	Waddill,
Calkins,	Heilman,	Muller,	Wait,
Camp,	Hiscock,	Newberry,	Washburn,
Carlisle,	Hostetler,	Norcross,	Wells,
Chittenden,	Houk,	O'Brien,	White,
Claflin,	Humphrey,	O'Connor,	Whitthorne,
Clark, Alvah A.	Hurd,	O'Reilly,	Wilber,
Colerick,	James,	Overton,	Williams, C. G.
Cox,	Jorgensen,	Pierce,	Wilson,
Crapo,	Joyce,	Poehler,	Wood, Fernando
Crowley,	Kelley,	Pound,	Wood, Walter A.
Davis, George R.	Ketcham,	Price,	Wright,
Davis, Joseph J.	Kimmel,	Reed,	Young, Thomas L.
De La Matyr,	Kitchin,	Rice,	

So (two-thirds having voted in the affirmative) the rules were suspended and the bill was passed.

During the roll-call the following announcements were made:

Mr. COVERT. My colleague, Mr. FERNANDO WOOD, is paired with Mr. ROBESON.

Mr. SAWYER. My colleague, Mr. WADDILL, is paired with Mr. POUND, of Wisconsin.

Mr. ATKINS. My colleague, Mr. WHITTHORNE, who is absent on account of sickness, is paired with Mr. HARRIS, of Massachusetts. My colleague, if present, would vote in the affirmative.

Mr. McKENZIE. I am paired with Mr. SAPP, of Iowa.

Mr. SAMFORD. My colleague, Mr. LEWIS, is paired with Mr. WILLIAMS, of Wisconsin. I am paired with Mr. WAIT, of Connecticut; but in order to make a quorum, I vote in the affirmative.

Mr. MANNING. My colleague, Mr. MONEY, is paired with Mr. STONE, and my colleague, Mr. MULDROW, with Mr. DWIGHT. My colleagues, if present, would vote in the affirmative.

Mr. HARRIS, of Massachusetts. I am paired with Mr. WHITTHORNE, of Tennessee, who I understand would vote in the affirmative if present, and such being the case, I ask to have my vote recorded in the affirmative.

Mr. ALDRICH, of Illinois. Mr. ALDRICH, of Rhode Island, is paired with Mr. EWING, of Ohio.

Mr. KING. My colleague, Mr. ELLIS, is paired with Mr. HARMER, of Pennsylvania. If present, Mr. ELLIS would vote in the affirmative.

Mr. KENNA. My colleague, Mr. WILSON, is paired with Mr. YOUNG, of Ohio.

Mr. WARD. Mr. KELLEY is paired with Mr. MORSE.

Mr. DAVIS, of Illinois. I am paired with Mr. FROST, of Missouri.

Mr. HUNTON. Mr. TUCKER is paired with Mr. RICHARDSON, of New York, Mr. CABELL with Mr. BOYD, and Mr. RICHMOND is detained from the House by sickness.

Mr. ROSS. I am paired on all political questions with Mr. CRAPO, but not regarding this as one I vote in the affirmative to make a quorum.

On motion of Mr. KENNA, all further proceedings under the call were dispensed with.

The vote was then announced as above recorded.

ENROLLED JOINT RESOLUTION.

Mr. WARD, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution (H. R. No. 79) to supply Congress with "Heyl's United States Import Duties;" when the Speaker signed the same.

MARSHALS' FEES.

Mr. CANNON, of Illinois. I move to suspend the rules and pass the bill which I send up to the Clerk's desk.

Mr. HUNTON. I ask unanimous consent to offer a resolution to pay an employé of the House who has rendered service.

Mr. CLARK, of Missouri. I move the House adjourn.

Mr. HUNTON. I hope there will be no objection to allowing my resolution to come in and be acted on at this time.

Mr. CONGER. Wait until we get through with the motion to suspend the rules made by the gentleman from Illinois and then you can offer it.

Mr. CANNON, of Illinois. I move to suspend the rules to pass the bill I send to the Clerk's desk.

The Clerk read as follows:

A bill making appropriations to pay fees of United States marshals and their general deputies.

Be it enacted, &c., That the sum of $600,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the payment, during the fiscal year ending June 30, 1880, of the fees of United States marshals and their general deputies.

Mr. SPRINGER. I ask the gentleman from Illinois to yield to me for the purpose of offering an amendment. [Cries of "No! Vote!" on the republican side.]

Mr. CANNON, of Illinois. I do not yield for any amendment, but ask for a vote on my motion to suspend the rules.

Mr. SPRINGER. I hope the gentleman will allow my amendment to be read for information. [Cries of "Order!"]

The SPEAKER. Is there objection?

Mr. CONGER. Yes; I object. [Cries of "Regular order!" on the republican side.]

Mr. ATKINS demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the negative—yeas 62, nays 82, not voting 141; as follows:

YEAS—62.

Aldrich, William	Conger,	Hawk,	Mitchell,
Anderson,	Cowgill,	Hawley,	Monroe,
Barber,	Daggett,	Henderson,	Murch,
Bayne,	Deering,	Horr,	O'Neill,
Blake,	Dunnell,	Hubbell,	Osmer,
Bowman,	Farr,	Jones,	Russell, W. A.
Brewer,	Field,	Keifer,	Ryan, Thomas
Briggs,	Ford,	Killinger,	Shallenberger,
Burrows,	Forsythe,	Lowe,	Sherwin,
Butterworth,	Garfield,	Marsh,	Smith, A. Herr
Cannon,	Gillette,	Mason,	Stevenson,
Carpenter,	Godshalk,	McCoid,	Thomas,
Caswell,	Haskell,	McGowan,	Townsend, Amos

Tyler,	Van Aernam,	Ward,	Yocum.
Updegraff, J. T.	Van Voorhis,	Weaver,	
Valentine,	Voorhis,	Willits,	

NAYS—82.

Aiken,	Deuster,	Johnston,	Shelley,
Armfield,	Dibrell,	Kenna,	Simonton,
Atkins,	Dickey,	King,	Slemons,
Blackburn,	Elam,	Le Fevre,	Smith, Hezekiah B.
Bliss,	Evins,	Manning,	Springer,
Bouck,	Felton,	Martin, Benj. F.	Talbott,
Bright,	Finley,	Martin, Edward L.	Taylor,
Caldwell,	Forney,	McMillin,	Thompson,
Chalmers,	Gibson,	Morrison,	Tillman,
Clardy,	Gunter,	Muller,	Townshend, R. W.
Clark, John B.	Hammond, N. J.	Myers,	Turner, Oscar
Clymer,	Hatch,	New,	Upson,
Cobb,	Henkle,	Nicholls,	Warner,
Coffroth,	Henry,	Persons,	Wellborn,
Converse,	Herbert,	Phelps,	Whiteaker,
Cook,	Herndon,	Phister,	Williams, Thomas
Covert,	Hill,	Reagan,	Willis,
Cravens,	Hooker,	Richardson, J. S.	Wise.
Culberson,	House,	Robertson,	
Davidson,	Hull,	Rothwell,	
Davis, Lourdes H.	Hunton,	Sawyer,	

NOT VOTING—141.

Acklen,	Dwight,	Lay,	Robinson,
Aldrich, N. W.	Einstein,	Lewis,	Ross,
Atherton,	Ellis,	Lindsey,	Rusell, Daniel L.
Bachman,	Errett,	Loring,	Ryon, John W.
Bailey,	Ewing,	Lounsbery,	Samford,
Baker,	Ferdon,	Martin, Joseph J.	Sapp,
Ballou,	Fisher,	McCook,	Scales.
Barlow,	Fort,	McKenzie,	Singleton, J. W.
Beale,	Frost,	McKinley,	Singleton, O. R.
Belford,	Frye,	McLane,	Smith, William E.
Beltzhoover,	Geddes,	McMahon,	Sparks,
Bicknell,	Goode,	Miles,	Speer,
Bingham,	Hall,	Miller,	Starin,
Bland,	Hammond, John	Mills,	Steele,
Blount,	Harmer,	Money,	Stephens,
Boyd,	Harris, Benj. W.	Morse,	Stone,
Bragg,	Harris, John T.	Morton,	Tucker,
Brigham,	Hayes,	Muldrow,	Turner, Thomas
Browne,	Hazelton,	Neal,	Updegraff, Thomas
Buckner,	Heilman,	Newberry,	Urner,
Cabell,	Hiscock,	Norcross,	Vance,
Calkins,	Hostetler,	O'Brien,	Waddill,
Camp,	Houk,	O'Connor,	Wait,
Carlisle,	Humphrey,	O'Reilly,	Washburn,
Chittenden,	Hurd,	Orth,	Wells,
Claflin,	James,	Overton,	White,
Clark, Alvah A.	Jorgensen,	Pierce,	Whitthorne,
Colerick,	Joyce,	Poehler,	Wilber,
Cox,	Kelley,	Pound,	Williams, C. G.
Crapo,	Ketcham,	Prescott,	Wilson,
Crowley,	Kimmel,	Price,	Wood, Fernando
Davis, George R.	Kitchin,	Reed,	Wood, Walter A.
Davis, Joseph J.	Klotz,	Rice,	Wright,
De La Matyr,	Knott,	Richardson, D. P.	Young, Casey
Dick,	Ladd,	Richmond,	Young, Thomas L.
Dunn,	Lapham,	Robeson,	

The SPEAKER. The Chair votes in the negative to make a quorum. The yeas are 61, the nays are 82, and two-thirds not having voted in the affirmative the rules are not suspended and the bill is not passed.

During the roll-call the following announcements were made:

Mr. FORT. I am paired with the gentleman from Georgia, Mr. STEPHENS. If he were here, he would vote in the negative while I should vote in the affirmative.

Mr. SMITH, of Georgia. I am paired with Mr. WILBER, of New York. If he were present, I should vote "no" and he would vote in the affirmative.

Mr. TALBOTT. My colleague, Mr. MCLANE, is paired with Mr. URNER. If present, Mr. MCLANE would vote in the negative and Mr. URNER in the affirmative.

Mr. WADDILL. I am paired with Mr. POUND, of Wisconsin. If he were here, I should vote "no."

Mr. THOMPSON. My colleague, Mr. KNOTT, is paired with Mr. FRYE, of Maine. If present, my colleague would vote "no."

Mr. MANNING. My colleague, Mr. MONEY, is paired with Mr. STONE, and my colleague, Mr. MULDROW, with Mr. DWIGHT. If present, my colleagues, Mr. MONEY and Mr. MULDROW, would vote in the negative.

Mr. YOUNG, of Tennessee. I am paired with Dr. LORING, of Massachusetts. If he were present, I should vote in the negative.

Mr. FORNEY. My colleague, Mr. LEWIS, is paired with Mr. WILLIAMS, of Wisconsin. If present, Mr. LEWIS would vote in the negative.

Mr. BACHMAN. I am paired with my colleague, Mr. OVERTON. If he were present, I should vote "no."

Mr. GOODE. I am paired with Mr. FISHER, of Pennsylvania. If he were present, I should vote "no."

Mr. DICKEY. My colleague, Mr. GEDDES, is paired with Mr. BARLOW. If present, my colleague would vote in the negative.

Mr. TOWNSHEND, of Illinois. Mr. KLOTZ, of Pennsylvania, is paired with Mr. ORTH, of Indiana. If present, Mr. KLOTZ would vote in the negative. My colleague, Mr. SINGLETON, is paired with Mr. MILES, of Connecticut. If present, Mr. SINGLETON would vote in the negative.

Mr. TILLMAN. My colleague, Mr. O'CONNOR, is paired with Mr. KETCHAM, of New York. If present, my colleague would vote in the negative.

Mr. MCKENZIE. I am paired with Mr. SAPP, of Iowa. If he were present, I should vote in the negative.

Mr. WARD. My colleague, Mr. BINGHAM, is paired with Mr. BELTZHOOVER; and my colleague, Mr. KELLEY, with Mr. MORSE. If present, Mr. KELLEY and Mr. BINGHAM would vote in the affirmative.

Mr. HARRIS, of Massachusetts. I am paired with Mr. WHITTHORNE, of Tennessee. If he were present, he would vote "no" and I should vote "ay."

Mr. PRESCOTT. I am paired with Mr. RICHMOND, of Virginia. If he were present, I should vote in the affirmative.

Mr. COVERT. My colleague, Mr. FERNANDO WOOD, is paired with Mr. ROBESON.

Mr. DUNNELL. My colleague, Mr. WASHBURN, is paired with my other colleague, Mr. POEHLER.

Mr. KENNA. My colleague, Mr. WILSON, is paired with Mr. YOUNG, of Ohio. If present, Mr. WILSON would vote "no."

Mr. SINGLETON, of Mississippi. I am paired with Mr. COWGILL, of Indiana. If he were present, I should vote "no."

Mr. DAVIS, of Illinois. I am paired with Mr. FROST, of Missouri. If he were present, he would vote "no" and I should vote "ay."

Mr. TOWNSEND, of Ohio. My colleague, Mr. MCKINLEY, is paired with Mr. SPARKS. If present, my colleague would vote in the affirmative.

Mr. FIELD. My colleague, Mr. ROBINSON, is paired with Mr. ROBERTSON, of Louisiana, and my colleague, Mr. NORCROSS, with Mr. STEELE. If present, my colleagues would vote in the affirmative.

Mr. MCGOWAN. Mr. STARIN is paired with Mr. CLARK, of New Jersey, and my colleague, Mr. STONE, with Mr. MONEY. If present, Mr. STARIN and Mr. STONE would vote in the affirmative.

Mr. BREWER. My colleague, Mr. NEWBERRY, is paired with Mr. ATHERTON. If present, Mr. NEWBERRY would vote in the affirmative.

Mr. CASWELL. My colleague, Mr. HUMPHREY, is paired with Mr. COLERICK.

Mr. ERRETT. I am paired with Mr. SCALES, of North Carolina. If he were present, I should vote in the affirmative.

Mr. ALDRICH, of Illinois. Mr. ALDRICH, of Rhode Island, is paired with Mr. EWING, of Ohio. If present, Mr. ALDRICH would vote in the affirmative.

Mr. BAYNE. Mr. BINGHAM is paired with Mr. BELTZHOOVER. If present, Mr. BINGHAM would vote in the affirmative.

Mr. HAZELTON. I am paired with Mr. BLOUNT, of Georgia. If he were present, I should vote "ay." My colleague, Mr. WILLIAMS, is paired with Mr. LEWIS, of Alabama. If present, Mr. WILLIAMS would vote in the affirmative.

Mr. BOUCK. My colleague, Mr. BRAGG, is paired with Mr. JAMES, of New York. If present, Mr. BRAGG would vote "no."

Mr. DICKEY. My colleague, Mr. HURD, is paired with Mr. CLAFLIN, of Massachusetts.

Mr. CRAVENS. My colleague, Mr. DUNN, is paired with Mr. HAYES, of Illinois. If present, Mr. DUNN would vote in the negative.

Mr. ROSS. I am paired with Mr. CRAPO, of Massachusetts. If he were present, I should vote "no."

Mr. SPRINGER. My colleague, Mr. SPARKS, is paired with Mr. MCKINLEY. If present, Mr. SPARKS would vote "no."

Mr. VAN VOORHIS. Mr. HISCOCK is paired with Mr. WELLS, of Missouri. If present, Mr. HISCOCK would vote "ay."

Mr. HUNTON. My colleagues, Mr. TUCKER, Mr. CABELL, and Mr. RICHMOND are detained from the House by sickness, and paired respectively with Mr. RICHARDSON, of New York, with Mr. BOYD, of Illinois, and with Mr. PRESCOTT, of New York.

Mr. BARBER. Mr. HEILMAN is paired with Mr. MULLER.

The vote was then announced as above recorded.

ORDER OF BUSINESS.

Mr. CONGER. I now move the House adjourn to give time for consideration.

Mr. HUNTON. The gentleman promised to yield to me.

The SPEAKER. Does the gentleman from Michigan yield to the gentleman from Virginia?

Mr. TOWNSHEND, of Illinois. The gentleman agreed to do so after the vote on the marshal's fees bill.

Mr. CONGER. Very well, let us hear the resolution.

Mr. HUNTON. I move the adoption of the following resolution.

The Clerk read as follows:

Resolved, That the Clerk of the House be directed to pay to Isaac R. Hill, for services as messenger, at the rate of $100 per month for the present session, to be paid from the contingent fund of the House.

Mr. BREWER. I object to that.

MALIN, FOWLER & CO.

On motion of Mr. NEW, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in the case of Malin, Fowler & Co., no adverse report having been made thereon.

A. R. POTTS AND C. F. RAINEY.

Mr. HOOKER. I ask, Mr. Speaker, the adoption of the following resolution:

Resolved by the Senate and House of Representatives, &c., That the Clerk of the House be, and is hereby, authorized and directed to pay to A. R. Potts and C. F.

Rainey, for services in the office of the Sergeant-at-Arms of the House of Representatives, $5 per day for the first session of the Forty-sixth Congress, and the amount to pay the same is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. FARR. I object.

Mr. HOOKER. I hope the gentleman will withdraw his objection.

Mr. CONGER. He will, if the gentleman will tack on to it the marshals' salary bill.

BURGLAR-PROOF SAFE FOR SERGEANT-AT-ARMS.

Mr. ATKINS. I have two little matters of public business which I ask to present at this time.

The Clerk read as follows:

Resolved, That the Sergeant-at-Arms of the House of Representatives is hereby authorized to purchase a suitable burglar-proof safe for the use of his office, and the Clerk of the House of Representatives is directed to pay for the same out of the contingent fund of the House, upon the approval of the Committee of Accounts.

The resolution was adopted.

Mr. ATKINS moved to reconsider the vote by which the resolution was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

APPROPRIATIONS COMMITTEE PRINTING, ETC.

Mr. ATKINS. I now offer the following resolution:

The Clerk read as follows:

Besolved, That the Committee on Appropriations be authorized to have the necessary paper, printing, and binding in connection with the subject relating to appropriations being considered or to be considered by the said committee during the present Congress.

Mr. ATKINS. That is the usual resolution.

The resolution was adopted.

And then, on motion of Mr. HOOKER, (at five o'clock and thirty minutes p. m.,) the House adjourned.

PETITION.

The following petition was presented at the Clesk's desk, under the rule, and referred as stated:

By Mr. CONVERSE: The petition of 80 voters and 124 females, officers and members of the Woman's Christian Temperance Union, and others of Fayette County, Ohio, alleging that an effort will be made by importers, rectifiers, and wholesale liquor dealers to secure the repeal of the amended internal-revenue act, approved March 1, 1879, and asking that no change be made that will promote the interest of dealers in spirituous liquors—to the Committee on the Alcoholic Liquor Traffic.

IN SENATE.

TUESDAY, *July* 1, 1879.

The Chaplain, Rev. J. J. BULLOCK, D. D., offered the following

PRAYER:

Almighty and everlasting God, who dwellest in light inaccessible and full of glory, and who art clothed with majesty and with power, we bless and adore Thee as the Creator, the Preserver, and the Sovereign Ruler of the Universe, whose tender mercies are over all Thy works. We thank Thee, O God, for Thy manifold providential blessings to us, for Thou hast withheld no good thing from us. Thou hast crowned us with Thy loving kindness and Thy tender mercies. Especially do we thank Thee that Thou hast ordered our lot in a land of law, of liberty, and of rich abundance, where we are permitted to worship our God under our own vine and fig-tree, and there is none to make us afraid. Continue to us and to all coming generations the blessings of civil and religious liberty which we enjoy, bequeathed to us by our fathers. May we never forfeit our goodly heritage by our ingratitude and disobedience. May we manifest our gratitude to Thee by a sincere obedience to Thy laws.

We pray for Thy blessing to rest upon our beloved country. May unity, and peace, and prosperity everywhere abound. Bless our rulers, the President and Vice-President, the Senators and Representatives in Congress, and all others in authority. May they act with a single eye to Thy glory and to the best interest of our common country.

In view of the expected adjournment of this body, we invoke Thine especial blessing to rest upon the members of the Senate. Go with them wherever they may go. May they be under the guidance of Thine unerring wisdom and under the protection of Thine almighty power. Bless them in their persons, in their families, and in all the relations of life; and at the appointed time may they return to this scene of their labors invigorated in body and in mind to enter upon the discharge of the important duties intrusted to them as the guardians of this great country. Be with them in all the trials and changes of life. Prepare us all for the solemn hour of death, and finally receive us into Thy kingdom above. We ask for Christ our Redeemer's sake. Amen.

JOURNAL.

The Journal of yesterday's proceedings was read and approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the bill (S. No. 675) to provide office-rooms for the National Board of Health and for the publication of its reports and papers, and for other purposes.

The message also announced that the House had non-concurred in the concurrent resolution of the Senate providing for the printing and binding of 2,000 additional copies of the report of the United States Commission on Fish and Fisheries prior to 1877, embracing four volumes, under the direction of the Commissioner.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and joint resolution; and they were thereupon signed by the President *pro tempore*.

A bill (S. No. 716) to provide for the conveyance of the low grounds in the city of Washington, under the provisions of the act of Congress, chapter 96, approved May 7, 1822;

A bill (H. R. No. 609) to prescribe the times for holding the circuit and district courts of the United States in the district of Kentucky;

A bill (H. R. No. 2275) for the relief of settlers on the public lands in districts subject to grasshopper incursions; and

A joint resolution (H. R. No. 79) to supply Congress with "Heyl's United States Import Duties."

APPROPRIATIONS FOR VARIOUS PURPOSES.

Mr. ALLISON. The Committee on Appropriations instruct me to report with amendments the joint resolution (H. R. No. 118) in relation to committee clerks, pages, and other employés of the Senate and House of Representatives. I ask for its immediate consideration as it is an appropriation bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. ALLISON. I ask that the amendments may be considered as they are reached in the reading of the joint resolution.

The PRESIDENT *pro tempore*. The joint resolution has been read, and the amendments reported by the Committee on Appropriations will be read.

The first amendment of the Committee on Appropriations was, at the end of section 2, to insert:

To enable the Secretary of the Senate to pay Wilbur F. McDaniel, for services as messenger to Senate document-room, under resolution of the Senate of May 20, 1879, for the fiscal year 1879, $80, and for the fiscal year 1880, $720, in all, $800.

The amendment was agreed to.

The next amendment was to add to section 2:

For suitable and necessary rooms for the use and accommodation of the Court of Claims, which the Secretary of the Interior is hereby authorized and directed to procure, $5,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was to insert at the end of section 2:

For arranging and furnishing as committee-rooms for the use of the Senate the rooms in the Capitol now occupied by the Court of Claims, the sum of $2,000.

The amendment was agreed to.

The next amendment was to insert the following additional section:

SEC. —. That the Secretary of the Senate be, and he is hereby, directed to pay, out of the miscellaneous items of the contingent fund of the Senate, to the following officers and employés of the Senate whose services have ceased since the beginning of the present session, and who are not now in the employ of the Senate, and who were not embraced in the provisions of the "joint resolution fixing the date on which the pay of committee clerks, pages, and laborers of the House of Representatives who are paid during the session only shall begin for this session, and for other purposes," namely: the Chief Clerk, the executive clerk, the Chaplain, the assistant postmaster, the clerk to the Committee to Audit and Control the Contingent Expenses of the Senate, and the clerks to committees receiving annual salaries, a sum equal to one month's pay at the rate per annum they were paid respectively when their employment ceased.

The amendment was agreed to.

The next amendment was to add:

And to pay Ben. Perley Poore, the former clerk of printing records, one month's pay at the rate per annum received by him at the time he ceased to be such clerk.

The amendment was agreed to.

The next amendment was to insert:

That there be paid out of any moneys in the Treasury not otherwise appropriated one month's pay to each of the persons discharged from the Treasury Department by reason of the reduction of the force under the act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes."

The amendment was agreed to.

The next amendment was, in line 19 of section 4, to strike out the word "repealed" and insert "suspended until the further action of Congress."

The amendment was agreed to.

Mr. ALLISON. Section 3 of the joint resolution must be changed to section 5, and section 4 must be changed to section 6. We have added two new sections in the body of the joint resolution.

The PRESIDENT *pro tempore*. Those are clerical changes that will be made.

Mr. LOGAN. I submitted an amendment to the joint resolution, which was referred to the Committee on Appropriations. I presume

the committee have not acted upon it, from the fact that they have not reported it.

Mr. ALLISON. I will say to the Senator from Illinois that that amendment did not reach the committee.

Mr. LOGAN. Then I desire to move it as an amendment to the joint resolution. I ask that the Secretary read it.

The PRESIDENT *pro tempore*. The Chair is informed by the Chief Clerk that it was sent to the committee.

Mr. LOGAN. There was a history of the case sent with the amendment to the committee.

The PRESIDENT *pro tempore*. Here is the amendment in print.

Mr. LOGAN. I desire it to come in in the latter part of the clause in reference to the payment of employés who were discharged. This man Fletcher was on the roll and performed duty as one of the doorkeepers here, I am informed, and when it came to drawing the month's pay, he went home. It seems by some inadvertence, I know not what, (I have no explanation of it and know nothing about it,) the name of some other person was inserted in lieu of his, and he has not received his pay. The object is to give him the $60 to which he is entitled.

The PRESIDENT *pro tempore*. Does the Senator move the amendment?

Mr. LOGAN. I do.

The PRESIDENT *pro tempore*. The amendment will be reported.

The CHIEF CLERK. At the end of section 3, it is proposed to insert:

To pay John Fletcher for extra services as one of the attendants of one of the doors of the Senate Chamber, $60.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Illinois.

The amendment was agreed to.

Mr. BUTLER. I ask leave to offer an amendment. After the word "rolls" in line 5, section 3, I move to strike out the words "their respective salaries for the month of July, 1879, which shall be in anticipation of their pay for the month of July," and to insert "one month's extra pay;" so as to read:

That the Secretary of the Senate and the Clerk of the House of Representatives be, and they are hereby, authorized and directed, immediately after the adjournment of the present session, to issue to the officers and employés of the Senate and House borne on the annual rolls one month's extra pay.

Mr. ALLISON. The Senator from South Carolina proposes to amend what is now section 5. It is section 3 in the original resolution. I hope the Senator will explain that amendment.

Mr. BUTLER. This section refers to those who have annual salaries. I have moved that they shall receive one month's extra pay because of the additional expense and trouble to which these officers have been subjected by reason of the present extra session.

Mr. BECK. That will never do in the world.

Mr. ALLISON. That is a new feature about extra pay that I trust the Senator from South Carolina will not press. These people are on the annual roll, and they will run right along and secure their pay every month.

Mr. BUTLER. I am aware of that. This is to give them one month's additional pay.

Mr. ALLISON. If they should be discharged at any time, then the customary one month's pay would be given to them; but now it is proposed to lengthen out their twelve months into thirteen months.

Mr. BUTLER. Yes, that is the practical effect of it. I have moved the amendment on account of their being kept here during the extra session.

Mr. HEREFORD. And now they are going away to-morrow and will be gone six months, and it is proposed to give them one month's extra pay for doing nothing!

Mr. BUTLER. They have been here three months.

Mr. HEREFORD. They have been receiving their pay.

Mr. BUTLER. I am aware of that.

Mr. HEREFORD. Such a thing has never been done.

Mr. SAULSBURY. Is this to increase the pay for one month?

Mr. HEREFORD. Yes, it gives an additional month's pay.

Mr. SAULSBURY. It is to pay them thirteen months for twelve months' service?

Mr. HEREFORD. Yes.

Mr. SAULSBURY. This thing is wrong and I shall vote against it. We ought not to vote away the people's money for any such purpose, in my judgment. The whole thing is wrong and we ought to raise our voices against it, and vote it down.

Mr. HOUSTON. I would inquire if this amendment is in order?

The PRESIDENT *pro tempore*. This is not a general appropriation bill, and the amendment is in order.

Mr. BUTLER. It is entirely in order.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from South Carolina.

The amendment was rejected.

Mr. HOUSTON. I desire to know from some of the committee whether anything was done with the Heirn claim at the end of the resolution.

Mr. BECK. Yes, sir. I will answer the Senator from Alabama. What was section 4 of the House joint resolution, now section 6 in the amended resolution, was amended by the Committee on Appropriations and agreed to by the Senate striking out the word "repealed," the last word of the section, and inserting in lieu thereof "suspended until the further action of Congress thereon," and that will cover the case, because counsel of the parties produced affidavits and statements which evidently require consideration.

Mr. HOUSTON. I am satisfied with that statement.

Mr. BECK. The claim is now suspended, not repealed.

The joint resolution was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the joint resolution to be read a third time.

The joint resolution was read the third time, and passed.

On motion of Mr. ALLISON, the title was amended by adding the words "and for other purposes."

FINAL ADJOURNMENT.

Mr. HARRIS. Mr. President——

Mr. EATON. Will my friend from Tennessee give way one moment?

Mr. HARRIS. Yes; I yield for a moment to the Senator from Connecticut.

Mr. EATON. I move to take up the resolution that is upon the table in regard to final adjournment.

The motion was agreed to.

The PRESIDENT *pro tempore*. The resolution will be read.

The Chief Clerk read as follows:

Resolved by the House of Representatives, (the Senate concurring,) That the President of the Senate and the Speaker of the House of Representatives declare their respective Houses adjourned *sine die* at four o'clock p. m. on Monday, the 30th of June instant.

Mr. EATON. I move to amend the resolution by striking out "four o'clock p. m. on Monday, the 30th of June," and inserting "five o'clock p. m. on Tuesday, the 1st of July;" so as to read:

That the President of the Senate and the Speaker of the House of Representatives declare their respective Houses adjourned *sine die* at five o'clock p. m. on Tuesday, the 1st of July instant.

Mr. HILL, of Georgia, and others. Say two o'clock.

Mr. EATON. The Committee on Appropriations, after mature reflection, knowing they had in hand a bill that might be discussed somewhat in the other House, and that then there would be a committee of conference very likely, hardly dared to fix the time earlier than five o'clock. That was the opinion of the Committee on Appropriations. Therefore I make the motion in accordance with their instruction or request given unanimously.

Mr. HOUSTON. I desire to appeal to the gentleman who has moved the amendment to fix an earlier hour. Five o'clock would be a very inconvenient hour for a good many Members and Senators. Arrange it at an earlier hour; there is nothing special to do to-day.

Mr. EATON. I presume my friend from Alabama did not hear my remarks. I observed that the Committee on Appropriations had considered this matter thoroughly, and unanimously, all who were present, came to the conclusion that it would hardly be safe to make it an earlier hour than five. If the Senate think otherwise, they will order a different hour, but I cannot make any other motion than I have done.

Mr. BECK. I should like to say one word to the Senator from Alabama in regard to this amendment. Our amendments to the joint resolution we have just passed are now being engrossed to be sent to the House. A committee of conference will have to be had; then they are to act upon the amendments, and the resolution will have to be enrolled, and——

Mr. HOUSTON. I withdraw the suggestion.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Connecticut, [Mr. EATON.]

The amendment was agreed to.

The PRESIDENT *pro tempore*. The question is on agreeing to the resolution as amended.

Mr. CONKLING. Let us have the yeas and nays on that.

The yeas and nays were ordered.

Mr. WINDOM. Mr. President, I do not rise with any hope of delaying the passage of this resolution; nor shall I attempt to interpose any further obstacles to its passage. Yesterday when this proposition was called up, I objected to its consideration because I was not then wholly without hope that in some form these indispensable appropriations for a most important branch of the public service might be passed before the adjournment. And, as it required the unanimous consent of this side of the Chamber as well as the other to adjourn yesterday without performing the duty for which this session was called, I for one resolved that such consent should not be given. I would not be a party to the proposed desertion.

To-day it is in the power of the majority to act as they may deem expedient with reference to the public service. To-day you have the power to adjourn against our protest. In doing so, you will assume the entire responsibility of that act.

We on this side of the Chamber have now exhausted all our powers of persuasion and all legitimate and regular means at our command to induce the majority to make provision for the courts during the next fiscal year. We can do nothing more. The President has done his whole duty in trying to impress upon the majority the great injury that may result to the public service by the refusal to make these appropriations. He has twice called the attention of the Senate and of the House to this indispensable necessity. He has presented in the most urgent and forcible terms the nature of the service that will be crippled and embarrassed by your delinquency. He has stated reasons of the most cogent and conclusive character. He

has appealed to the patriotism of Congress and urged us to perform our duty to the country. He has shown you how crimes may go unpunished, and how the revenues of the Government may suffer from our neglect or refusal to supply the courts with the means of enforcing the laws.

His veto message states the case so strongly, and appeals with such force to the patriotism and the conscience of every member of Congress, that I will take the liberty to read an extract from it. It has not been read in the Senate. Speaking of the marshals, the President says:

Their general duties, as defined in the act which originally established them, were substantially the same as those prescribed in the statutes now in force.

The principal provision on the subject in the Revised Statutes is as follows:

"SEC. 787. It shall be the duty of the marshal of each district to attend the district and circuit courts when sitting therein, and to execute, throughout the district, all lawful precepts directed to him, and issued under the authority of the United States; and he shall have power to command all necessary assistance in the execution of his duty."

The original act was amended February 28, 1795, and the amendment is now found in the Revised Statutes in the following form:

"SEC. 788. The marshals and their deputies shall have, in each State, the same powers, in executing the laws of the United States, as the sheriffs and their deputies in such State may have, by law, in executing the laws thereof."

By subsequent statutes additional duties have been from time to time imposed upon the marshals and their deputies, the due and regular performance of which are required for the efficiency of almost every branch of the public service. Without these officers there would be no means of executing the warrants, decrees, or other process of the courts, and the judicial system of the country would be fatally defective. The criminal jurisdiction of the courts of the United States is very extensive. The crimes committed within the maritime jurisdiction of the United States are all cognizable only in the courts of the United States. Crimes against public justice; crimes against the operations of the Government, such as forging or counterfeiting the money or securities of the United States; crimes against the postal laws; offenses against the elective franchise, against the civil rights of citizens, against the existence of the Government; crimes against the internal-revenue laws, the customs laws, the neutrality laws; crimes against laws for the protection of Indians, and of the public lands—all of these crimes and many others can be punished only under United States laws, laws which, taken together, constitute a body of jurisprudence which is vital to the welfare of the whole country, and which can be enforced only by means of the marshals and deputy marshals of the United States. In the District of Columbia all of the process of the courts is executed by the officers in question. In short, the execution of the criminal laws of the United States, the service of all civil process in cases in which the United States is a party, and the execution of the revenue laws, the neutrality laws, and many other laws of large importance, depend on the maintenance of the marshals and their deputies. They are in effect the only police of the United States Government. Officers with corresponding powers and duties are found in every State of the Union and in every country which has a jurisprudence which is worthy of the name. To deprive the National Government of these officers would be as disastrous to society as to abolish the sheriffs, constables, and police officers in the several States. It would be a denial to the United States of the right to execute its laws—a denial of all authority which requires the use of civil force. The law entitles these officers to be paid. The funds needed for the purpose have been collected from the people, and are now in the Treasury.

Mr. President, this statement from the President of the United States, showing the absolute, the indispensable necessity of making these appropriations before Congress adjourns, demands our attention. The statutes of the United States declare that—

The marshals and their deputies shall have in each State the same powers in executing the laws of the United States as the sheriffs and their deputies in such State may have by law in executing the laws thereof.

What would you think of a State Legislature that should refuse to make provision for sheriffs to execute the laws of the State? What would be the condition of your State courts without sheriffs?

Mr. KERNAN. Allow me to ask if it is not true that the bill which the President vetoed appropriated $600,000 applicable to the execution of all the laws that are mentioned in his veto message—to prevent revenue frauds, to arrest counterfeiters, to punish all these crimes—simply prohibiting that money being used to pay special deputy marshals for attending elections? Now, if a State Legislature should provide money for all the ordinary expenses of the sheriffs enforcing all the laws of that character, would it be extraordinary if the Legislature saw fit to say, "We will not permit you to use this money to have special deputies to arrest men without process on one particular subject?"

Mr. WINDOM. No, Mr. President, that will not do.

Mr. KERNAN. I think it will.

Mr. WINDOM. Whatever the vetoed bill may have said on that subject, I beg to remind the Senator that I offered a proposition yesterday in the Senate which said not one word about "special deputies," but simply and only provided for the payment of marshals and their general deputies. Every democratic Senator voted to indefinitely postpone that bill.

Mr. KERNAN. Yes, sir, after they had voted that they would pass it if it could be done with a simple prohibition that the money should not be used for other purposes which the President does not specify.

Mr. WINDOM. Even after that amendment had been adopted every member of the majority voted to indefinitely postpone the bill.

Mr. KERNAN. Certainly.

Mr. WINDOM. But I make no point on that. The appropriation which I submitted yesterday said nothing about "special deputies." It merely provided for the payment of the marshals and their general deputies. This would have enabled the courts to enforce the criminal laws of the country to which the President has so properly and forcibly called our attention. But the majority had resolved to make no provision of any kind for this branch of the public service.

Mr. KERNAN. There was no harm in saying it should not be used for other purposes when we knew it had been in the past.

Mr. WINDOM. That will not do, either. There has never been an appropriation of the kind I proposed yesterday. The appropriations for the courts have hitherto been made in the aggregate, and not in detail. Let me call the attention of the Senate and particularly of my friend from New York, to a peculiarity in connection with this subject. For four years the democratic party have had control of the House of Representatives; and every year they have sent to us a bill appropriating in the lump from two to three million dollars and expressly providing that it should be applicable to the enforcement of "title 26," of the Revised Statutes. I want to read a clause from the bill of last year, carried into the act for the current year. It is a curiosity in view of the present position of the democratic party:

UNITED STATES COURTS.

Expenses of United States courts: For defraying the expenses of the Supreme Court and circuit and district courts of the United States, including the District of Columbia, and also for jurors and witnesses, and expenses of suits in which the United States are concerned, of prosecutions for offenses committed against the United States; for the safe-keeping of prisoners, and for defraying the expenses which may be incurred—

Now, I ask my friend's attention—

and for defraying the expenses which may be incurred in the enforcement of the act approved February 28, 1871, entitled "An act to amend an act approved May 30, 1870, entitled '*An act to enforce the rights of citizens of the United States to vote in the several States of the Union, and for other purposes,*'" *or any acts amendatory thereof or supplementary thereto*, $2,750,000.

The act here referred to, and the only one specially mentioned, is the dreadful "title 26" of the Revised Statutes. Last year you made the enforcement of that act the special and imperative duty of the Executive. You singled it out by name as embracing one of the most important duties to be performed under the law, and placed the entire appropriation at the discretion of the President for that purpose. This year you say that rather than enforce that same law you will break the right arm of the courts and cripple the entire judiciary system. Why this change of front? Why is it that a law which last year you especially required to be executed has this year become so extremely obnoxious that in order to compass its repeal or nullification you are willing to stop the operations of a most important branch of the Government?

Last year the only act your bill called special attention to, and said should be enforced, by name, was this "title 26." This year, for some peculiar reason best known to that secret conclave which has dictated all the legislation of this session, which has scarcely allowed an amendment to any appropriation bill—for some secret reason known only to that partisan conclave, that same law must be nullified or the courts must be closed, so far as the enforcement of the criminal laws are concerned.

Now, Mr. President, let me enumerate precisely what is to be the effect of the passage of this resolution, which is a declaration that we will not appropriate the necessary means for the support of the United States courts. The marshals are the right arm of those courts, by which they enforce the laws of the United States. Those laws punish,

First. Crimes committed against the maritime jurisdiction of the United States.

Second. Crimes against public justice.

Third. Crimes against the operations of the Government, such as forging and counterfeiting the money or securities of the United States.

Fourth. Crimes against the postal laws.

Fifth. Offenses against the elective franchise.

Sixth. Offenses against the civil rights of citizens.

Seventh. Offenses against the very existence of the Government.

Eighth. Crimes against the internal-revenue laws.

Ninth. Crimes against the customs laws.

Tenth. Crimes against the neutrality laws.

Eleventh. Crimes against laws for the protection of the Indians.

Twelfth. Crimes against laws for the protection of the public lands.

This enumeration of the duties of the marshals is substantially the same as mentioned by the President. These are the crimes under twelve different heads which this Senate proposes by the passage of this resolution to let go unpunished during the next four or five months of this year; nay, during the entire fiscal year ending June 30, 1880. By adjourning now you virtually say that forging, counterfeiting, robbing the post-office, depredating the mails of the United States, violating the elective franchise, trampling upon the rights of citizens guaranteed by the law and the Constitution, conspiracies affecting the very existence of the Government, no matter what their character or their enormity; crimes against your internal-revenue laws, crimes which affect the collection of customs, crimes even against the neutrality laws of the country, crimes against the red man upon the plains, crimes against the United States land laws, shall be provided with no adequate means of detection and punishment.

I ask, Mr. President, if you can afford to do that sort of thing? You came here at the beginning of this session declaring that you had the right and the power to demand a redress of what you are pleased to call grievances as a condition of granting supplies to support the Government. We denounced that position as unpatriotic and revolutionary. It has not been two weeks since upon the floor of the Senate the honorable Senator from Delaware, [Mr. BAYARD,] whom I do not see in his seat, sharply criticised those who had charged the democracy with that intent. On the same night the honorable Senator from

Ohio now in the chair [Mr. THURMAN] from his place in this Chamber denounced that charge against his party and himself as unfounded and false, and as I understood him repudiated any intention to coerce the Executive by withholding supplies as a means of securing his approval of political legislation. To-day both those Senators are as silent as the grave, while the entire democratic party in both Houses proceeds to carry into execution the very thing which it threatened to do when we convened three-and-a-half months ago, namely, to withhold supplies from the Government as the means of compelling the Executive to approve certain political conditions which they deem expedient and desirable.

Sir, the action of the majority to-day confirms every charge of revolutionary intent which has been made against it as fully as if the entire appropriations had been withheld as originally threatened at the beginning of the session. The principle is precisely the same, though the disastrous consequences to the country may not be so great. You stand before the world upon the principle that you will nullify laws which you have not the constitutional power to repeal. You declare to the country that you will disregard the constitutional methods of changing an obnoxious law, and that the evenly adjusted balances of political power ordained by the framers of our fundamental law shall be destroyed.

Mr. President, the country will not misinterpret this act. It will understand perfectly that rather than permit the presence of civil officers at national elections who are by law authorized to protect the polls from fraud and violence, you propose to say that the public revenues may be defrauded, that illicit distilling may go unpunished; that the courts shall be powerless to prevent forgery or counterfeiting of United States notes and securities, or to punish any of the numerous crimes against the United States to which I have referred. It will understand that you have asserted in the broadest possible terms the doctrine that the Government shall be powerless to enforce the national laws in any part of the United States. It will not fail to note the fact that in order to deny the right of the nation to protect its own existence at the polls you have denied to it the means of protecting itself, or of vindicating its laws anywhere.

It will not do to say that the executive officers of the courts will serve without pay. That does not relieve Congress from the duty of providing for them. If they should be patriotic enough to do their duty without compensation, it will be to their credit, not to yours. Nor can you plead that they are paid by fees, for the fact is that in criminal cases they receive their fees only from the Treasury under our appropriations. Unless they shall be more patriotic than Congress has been they will decline to perform their duty and the courts will be powerless.

Sir, if the majority can afford this, we can. I repeat that we have done everything in our power to secure these appropriations. By the amendment I proposed yesterday we waived the objectionable feature as to "special deputies" and asked that you should appropriate only for the ordinary service of the courts, omitting the special deputies to guard the purity of the ballot-box, but even this was refused.

Mr. President, the issue has been deliberately made. Failing to coerce the President you now propose to go home without providing the necessary means for enforcing the laws through the courts. We accept the issue, and await the verdict of the people with the utmost confidence.

Mr. HEREFORD. Mr. President, I must express my surprise at the speech made by the Senator from Minnesota, especially when I take into consideration the fact that he is himself a lawyer; and I express my surprise equally at the message sent to us yesterday by the President of the United States, when I take into consideration the fact that he is a lawyer, when the President and the Senator who has just taken his seat have attempted to impress upon the country the idea that as the result of the veto of the bill known as the marshals' bill the courts of the country are to be stopped. Certainly the President of the United States ought to have known better, and it ill became him, occupying the high position that he did, to thus create a false impression upon the country. I am surprised that the Senator from Minnesota should thus attempt to create a false impression and send it abroad to the country that by the action of the democratic party on yesterday, or at any other time, they have attempted or sought to close the courts. He must know as a lawyer that even if the fees of the marshals have not been provided for, that does not close the courts or tend to close them.

What have we done? We have passed a bill making provision for the salaries of all the judges. That has been signed, and it is a law. Again, in another bill we have provided appropriations to pay the district attorneys and their assistants $300,000; clerks, $160,000; fees of United States commissioners, $140,000; fees of jurors, $400,000; fees of witnesses, $550,000; for the support of United States prisoners, $193,000; for the rent of United States court-rooms, $67,000; and then we go further and provide for the expenses of bailiffs, criers, furniture, stationery, fuel, lights, watchmen, janitors, cleaners, sweepers, extra meals for grand jurors, transportation of prisoners, removing of records, salaried officers of the Government summoned as witnesses, &c., and so on, going down to the minutest detail. We have made all these provisions, and it is now a law, and yet we in addition passed a bill to pay the fees of the marshals and their general deputies.

The PRESIDENT *pro tempore*. The morning hour has expired.

Mr. EATON. I hope we shall go on with this resolution to adjourn. We ought to act on it.

The PRESIDENT *pro tempore*. Is there objection to finishing the consideration of this resolution. The Chair hears none. The Senator from West Virginia will proceed.

Mr. HARRIS. I desire to say that I was taken off the floor at the instance of the Senator from Connecticut. I had desired to submit a motion. I had no thought that this matter was going to lead to a general political discussion. Now, I must insist upon taking the floor at the earliest moment possible. If my friend from West Virginia says he will conclude in a few moments, I shall wait.

Mr. HEREFORD. I would have been nearly through in the time the Senator has occupied.

Mr. HARRIS. Very well.

Mr. HEREFORD. Mr. President, furthermore the United States marshals are paid by the fees which they receive; but the laws provide that they shall not extend beyond $6,000 in a year. That is the way they get their pay, by the fees they receive, not only in criminal cases, but in civil cases.

Mr. WINDOM. Where do they receive their fees from in criminal cases?

Mr. HEREFORD. Wait a moment; I did not interrupt the Senator. They receive their fees in all civil causes from the parties litigant, and the Senator, if he be a lawyer, knows the fact, and the President knew the fact when he sent that message here, that we were not depriving United States marshals of all their pay. All the marshal is deprived of is the simple fees he should receive for the arrest of criminals, and these fees do not go beyond $6,000 in a year, including those in civil cases,—in fact, the payment is only postponed;—if they do, the excess is turned into the Treasury. Then, if the bill we had up yesterday does not become a law, which it cannot now, no court is to be stopped, no court can be stopped. Full, ample provision has been made for each and every one of the courts of the United States. In addition to that, we passed a bill appropriating $600,000 for the fees of the marshals, but the President said to them, "You shall not have that money." He said to the marshals, "You shall not have that money, because Congress declared in the bill that no part of it should be used for the pay of political marshals in arresting people at the polls on election day." That is the issue; that is the only issue; that is the sole issue upon which we go to the people.

Mr. MCMILLAN. Will the Senator from West Virginia allow me to suggest to him that the marshals of the United States receive their fees in criminal cases from the Government of the United States?

Mr. HEREFORD. Not entirely. From distilleries, tobacco, &c., they receive their fees out of the property and retain it when it is sold.

Mr. MCMILLAN. And that the criminal laws involving the fees of marshals of the United States cannot be executed because the provision of the law prevents the contracting of any indebtedness on the part of the marshals or officers of the United States.

Mr. HEREFORD. All that any marshal has to do is to wait. He can certainly credit the General Government from now to the 1st of January, because he cannot make his settlement sooner anyhow. Under section 841 of the Revised Statutes he makes his semi-annual settlement; and what is the practical working of it? He makes an estimate and calls on the Attorney-General for what he wants for his court, and the Attorney-General sends it to him. He makes no report until the 1st day of January next; and in criminal cases a great many of the fees are made out of the parties. In cases of seizure of distilleries, the seizure of other property, the fees come out of the property; and in that way also the marshals are paid. I cannot comprehend where this $600,000 is to go anyway, because we only have forty-nine United States marshals, and the law says their salaries shall not be over $6,000, which would be less than $300,000. In the States, the sheriffs in criminal cases perform their duty without being paid in advance; they render their accounts, and, when approved, they are paid. That is all the marshals will have to do in this case. Let them perform their duties and all legitimate fees will be paid.

The simple, naked issue, then, is this: We have made provision, we have passed a bill, and it is a law, to pay the salaries of all the judges, district attorneys, the clerks, the jurors, the witness fees, rent, fuel, lights, everything of the kind is provided for, and that is to-day a law, having received the signature of the President. We appropriated $600,000 for the marshals, for their fees, and only coupled with it a restriction that that money thus appropriated by us should not be used by the Attorney-General, by the Administration, to pay political marshals on the day of election to arrest the freemen offering to vote. That is the simple issue. The President said it should be used for that. He said, "If you do not give me the money without that restriction you shall not give it at all." He vetoed the bill. That is the issue upon which we go before the people, and we go before them confident of being triumphantly sustained by all people in all countries who are in favor of liberty and free elections.

Mr. WINDOM. Only a word. I say in reply to the Senator from West Virginia, you have appropriated for the judges, the clerks, &c., as he has enumerated, but you have failed to appropriate for the executive, administrative officer of the court; you have furnished, in other words, the cannon, the shot, the shell, but you have refused the powder, and without that your arms are worth nothing for the enforcement of your laws. The Senator from West Virginia says that these officers receive fees. I say that so far as the criminal acts which I have referred to are concerned, in the enforcement of all these

criminal laws, the marshals receive their fees from the Treasury of the United States and not from the court or the parties; so that, in denying this appropriation you deny to them the fees which the law provides.

The Senator says this does not close the courts. It does not if the marshals of this country are more patriotic than this Congress. If they are patriotic enough to serve the country without pay, then the courts may not be closed; but if they have no more patriotism than those of us who refuse to supply them with the means of enforcing the orders of the courts, they will be closed.

Mr. EATON. Mr. President, my honorable friend from Minnesota talked yesterday about sleep, getting a night's sleep.

Tired nature's sweet restorer, balmy sleep,

did not come to the pillow of my honorable friend from Minnesota last night. He wakes up here to-day and satisfies us all beyond question that if he got any sleep last night it was a nightmare. [Laughter.]

Mr. WINDOM. Well, Mr. President, the vote of the honorable Senator and his party last evening did rather tend to create that.

Mr. EATON. I think so. [Laughter.] I only wish to say this: The present Attorney-General of the United States, the law officer of the Government, has given the opinion that under precisely such a law as the amendment offered yesterday by the Senator from Minnesota a marshal had an undoubted right to appoint an army of deputies anywhere, as many as he pleased, a thousand if he liked.

Mr. WINDOM. When was that law passed, may I ask?

Mr. EATON. I do not remember the date of the law; I remember simply the opinion of the Attorney-General.

Mr. WINDOM. Was the Senator here when I called attention to the law of last year?

Mr. EATON. I am not talking about the law, but the opinion of the law officer, whether it be good law or not.

Mr. WINDOM. But upon what law?

Mr. EATON. I am not now talking about the law. I am talking about the opinion of the Attorney-General of the United States.

Mr. WINDOM. An opinion upon what law?

Mr. EATON. He has said, upon precisely such a law as I understand the amendment of the Senator from Minnesota to be, the marshal had an unquestioned and undoubted right to appoint an army of deputies if he pleased. We do not intend that he shall appoint any such army of deputies. We gave the country to understand it yesterday, we gave my honorable friend from Minnesota to understand it yesterday; we are willing to go before the people upon this issue that we the representatives of the people have the right to say the money of the people shall not be used for the purpose of abusing or corrupting the people; and if the President of the United States declines to accept the money except under such contingencies as he may choose, we say the money shall not be appropriated by us.

My friend says—I think I use his own words—"you propose to say," was his language, "that hereafter there shall be counterfeiting in this country; that hereafter all these crimes shall go unpunished by reason of your action."

Mr. WINDOM. I think the Senator misunderstood me.

Mr. EATON. I wrote down the words. The RECORD will tell.

Mr. WINDOM. I meant——

Mr. EATON. What you meant I do not know; what you said I do know.

Mr. WINDOM. No; I will state what I said and what I meant, that you propose to say by the passage of this adjournment resolution at this time that there shall be no means of punishing. Now go on with your enumeration of the crimes.

Mr. EATON. That is not quite what my friend said; the RECORD will show. My friend said "you propose to say that these crimes shall go unpunished." Who proposes to say any such thing? Suppose I charge it upon the Senator from Minnesota, why did he not vote for the bill giving to the authorities of the United States all the money that was necessary to perform all these duties? I make no charges against him. Let him not make any charges against me or this side of the Chamber. We have offered all the money that was required, all that was necessary, coupled with certain restrictions that we believe are just and honest and right. We declined to pass any bill giving money for the support of the Army until we could prevent the appearance of that Army at the polls of the people. So long as the President of the United States claimed the right to take by the throat the people of this country, so long the majority said, "You shall have no money for your Army," and the restriction was placed there, properly placed there, honestly placed there, and I as one Senator would have been disgraced and dishonored if I had ever voted a dollar except upon the restriction. I speak for myself, and not for any other man or any other Senator.

Mr. CARPENTER. May I be allowed to ask a question on that point?

Mr. EATON. Certainly.

Mr. CARPENTER. Referring to the Army bill, I should like to know whether the Senator thinks that authorizes the use of troops at the polls to preserve the peace in any form whatever?

Mr. EATON. I do not think it authorizes the use of the Army at the polls at all, for any purpose. If it does, I have made a great mistake in voting for that bill.

Mr. CARPENTER. I entirely concur with the Senator.

Mr. EATON. I am very glad that the honorable Senator from Wisconsin concurs with me, for I have a high opinion of his legal ability and I hope that his opinion will govern the man at the other end of the Avenue.

Mr. President, I do not propose and did not rise intending to delay the action asked by my friend from Tennessee on the bill he desires action on.

The PRESIDENT *pro tempore*. The question is, shall the resolution pass as amended, on which the yeas and nays have been ordered?

The Secretary proceeded to call the roll.

Mr. BUTLER, (when his name was called.) I should like to inquire of the Senator from Kansas [Mr. INGALLS] if he regards this as a political question. The Senator is not in his seat. I withhold my vote for the present.

Mr. HEREFORD, (when the name of Mr. DAVIS, of West Virginia, was called.) My colleague [Mr. DAVIS] is paired with the Senator from Minnesota, [Mr. WINDOM.] My colleague, if he were here, would vote "yea."

Mr. HILL, of Georgia, (when his name was called.) I am paired with the Senator from Massachusetts [Mr. DAWES] on political questions. This seems to be a political question from the indications of the vote so far, and therefore I shall not vote. If he were here, I should vote "yea."

Mr. THURMAN, (when the name of Mr. PENDLETON was called.) My colleague [Mr. PENDLETON] is paired with the Senator from Connecticut, [Mr. PLATT,] with the understanding that that Senator may vote if it be necessary to make a quorum.

Mr. PLATT, (when his name was called.) I am paired with the Senator from Ohio [Mr. PENDLETON] on all political questions.

Mr. ALLISON, (when the name of Mr. RANDOLPH was called.) The Senator from New Jersey [Mr. RANDOLPH] is paired with the Senator from Maine, [Mr. BLAINE.]

The PRESIDENT *pro tempore*, (when the name of Mr. THURMAN was called.) I am paired with the Senator from Vermont, [Mr. EDMUNDS.]

Mr. SAULSBURY, (when the name of Mr. WALLACE was called.) The Senator from Pennsylvania [Mr. WALLACE] is paired with his colleague, [Mr. CAMERON.]

Mr. WINDOM, (when his name was called.) I am paired with the Senator from West Virginia, [Mr. DAVIS.] If he were present, I should vote "nay."

The roll-call was concluded.

Mr. INGALLS. I am paired with the Senator from Virginia [Mr. WITHERS] on all questions. If he were present, I should vote "nay."

Mr. CAMERON, of Pennsylvania. It was my intention to announce my pair; but the Senator from Delaware [Mr. SAULSBURY] has preceded me in it. Therefore I will simply thank him for it.

Mr. ANTHONY. I am paired on all political questions with the Senator from Georgia, [Mr. GORDON.] This vote seems to have taken a political turn, and therefore I withhold my vote.

Mr. BUTLER. I am paired on all political questions with the Senator from Kansas, [Mr. PLUMB.] As this has assumed a political aspect, I shall not vote. If he were present, I should vote "yea."

Mr. HILL, of Colorado. My colleague [Mr. TELLER] is paired with the Senator from Virginia, [Mr. JOHNSTON.] If my colleague were here, he would vote "nay."

The result was announced—yeas 27, nays 16; as follows:

YEAS—27.

Bailey,	Garland,	Kernan,	Vance,
Bayard,	Groome,	McPherson,	Vest,
Beck,	Hampton,	Maxey,	Voorhees,
Call,	Harris,	Morgan,	Walker,
Cockrell,	Hereford,	Ransom,	Whyte,
Coke,	Houston,	Saulsbury,	Williams.
Eaton,	Jonas,	Slater,	

NAYS—16.

Allison,	Carpenter,	Hill of Colorado,	Morrill,
Blair,	Chandler,	Kirkwood,	Paddock,
Burnside,	Conkling,	Logan,	Rollins,
Cameron of Wis.,	Ferry,	McMillan,	Saunders.

ABSENT—33.

Anthony,	Edmunds,	Jones of Florida,	Sharon,
Blaine,	Farley,	Jones of Nevada,	Teller,
Booth,	Gordon,	Kellogg,	Thurman,
Bruce,	Grover,	Lamar,	Wallace,
Butler,	Hamlin,	McDonald,	Windom,
Cameron of Pa.,	Hill of Georgia,	Pendleton,	Withers.
Davis of Illinois,	Hoar,	Platt,	
Davis of W. Va.,	Ingalls,	Plumb,	
Dawes,	Johnston,	Randolph,	

So the resolution, as amended, was concurred in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had non-concurred in the amendments of the Senate to the joint resolution (H. R. No. 118) in relation to committee clerks, pages, and other employés of the Senate and House of Representatives, asked a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. J. C. S. BLACKBURN of Kentucky, Mr. W. H. FORNEY of Alabama, and Mr. A. HERR SMITH of Pennsylvania, managers at the conference on the part of the House.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L.

PRUDEN, one of his secretaries, announced that the President had yesterday approved and signed the following acts:

An act (S. No. 243) to authorize the Secretary of War to release certain lands of the United States to the people of the State of New York; and

An act (S. No. 671) relating to vessels not propelled by sail or internal motive power of their own, and for other purposes.

The message also announced that the President had this day approved and signed the act (S. No. 716) to provide for the conveyance of the low grounds in the city of Washington, under the provisions of the act of Congress, chapter 96, approved May 7, 1822.

APPROPRIATIONS FOR VARIOUS PURPOSES.

The Senate proceeded to consider its amendments to the joint resolution (H. R. No. 118) in relation to committee clerks, pages, and other employés of the Senate and House of Representatives, disagreed to by the House of Representatives.

On motion of Mr. BECK, it was

Resolved, That the Senate insist upon its amendments to the said joint resolution disagreed to by the House of Representatives, and agree to the conference asked by the House of Representatives on the disagreeing votes of the two Houses thereon.

By unanimous consent, it was

Ordered, That the conferees on the part of the Senate be appointed by the President *pro tempore*.

The PRESIDENT *pro tempore* appointed Mr. EATON, Mr. BECK, and Mr. ALLISON.

FREE QUININE.

Mr. HARRIS. Yesterday the bill (H. R. No. 2406) to put salts of quinine and sulphate of quinine on the free list was read twice and referred to the Committee on Finance. I understand that the Committee on Finance is about ready to report. With the fullest measure of respect for that committee, I propose to move to reconsider the vote by which the bill was referred to the committee, and I do that for the reason, and for the reason only, that if the committee reports the bill back to-day a single objection will prevent consideration. I therefore move to reconsider the vote by which this bill was referred to the committee in order that I may move, so soon as that vote shall have been decided in the affirmative, that the Senate proceed to consider the bill at once. It is a bill of the greatest possible importance to a very large number of people because of the fact that the duty now imposed on quinine is almost if not quite prohibitory, and makes it so expensive that a very large proportion of people are actually unable to use it, prime necessity though it be.

I move to reconsider the vote by which this bill was referred to the Committee on Finance.

The PRESIDENT *pro tempore*. The Senator from Tennessee moves to reconsider the vote by which the bill he has indicated, commonly called the quinine bill, was referred to the Committee on Finance.

Mr. MORRILL. Mr. President, I rather hope that this motion to reconsider the vote by which that bill was referred to the Committee on Finance will not prevail. I do not urge now any argument against the final abolition of the duties upon quinine, but it is manifestly unjust and improper to do it at this time and in so sudden a manner, for we must understand that this is a very large trade with the South American republics. There are about five million pounds of the bark brought here annually. Of course this has to be shipped in advance of its use. The parties therefore will have it on hand and will be deprived of any power of profitably using it, for they will be compelled to stop the manufacture of quinine. And further, let me say that it would be manifestly proper if the bill is to be passed that we should allow the discriminating duty also to be repealed that now exists on bark brought from the Dutch colonies and from the English colonies in the East Indies. That bark is very much better than the bark brought from South America.

Mr. MAXEY. Allow me to ask the Senator a question.

Mr. MORRILL. Certainly.

Mr. MAXEY. I would ask the Senator if the duty on quinine is not now so prohibitory that there is collected in the way of customs only about $10,000, and that the prohibitory tariff has created an absolute monopoly in the hands of a very few quinine manufacturers in this country?

Mr. MORRILL. I will reach that branch of the subject directly. I merely desire to say now that there is a discriminating duty imposed on calisaya bark that comes from the Dutch East Indies of 10 per cent., because that bark being a monopoly of the Dutch government and is all brought to Amsterdam, and what is grown in the British colonies is brought to London; and because it is shipped in that roundabout way it is subject to a differential duty of 10 per cent., which confines the American manufacturer to the bark of South America, which is greatly inferior to the bark that comes from the East Indies. If the duty is to be repealed on quinine, the discriminating duty ought to be abolished at the same time, and then we ought also to allow as the British government allows their manufacturers to use alcohol without the payment of duties thereon. Under the internal-revenue laws our manufacturers are not able to obtain the alcohol or the fusel-oil that is used in the manufacture of quinine without paying very large additions, and more than they would have to pay provided they were placed on equal terms with the foreign manufacturers of the article.

Then, Mr. President, it is manifest that the parties concerned in this business have on hand or have already engaged a large amount of raw material. They will be closed at once although the duty is but 20 per cent. on the article; the sulphate of quinine is only subjected to a duty of 20 per cent. *ad valorem* and the real difficulty about the high price in this country does not arise from the increase of the manufacturers' price here above that abroad; it arises mainly in consequence of the extravagant price required by apothecaries when they come to retail it. The wholesale price of the foreign article is but $3 an ounce and that of the American article is but $3.40, which is but forty cents higher on an ounce costing $3 than it is on the foreign article. So my own judgment is that the repeal of this duty upon quinine will not result in giving the American consumer any lower-priced article for any length of time, and that in the end we shall have to pay even higher prices whenever we compel the American manufacturer to go out of the business.

I will state in reply to the Senator from Texas the amount of duty received as I understand it. In the six months which ended December 31, 1878, the amount of sulphate of quinine that was entered for consumption was $256,569 in value and the duty received by the Government was $51,313.80.

Mr. BECK. Will the Senator state when that was?

Mr. MORRILL. The six months ending December 31, 1878.

Mr. BECK. What was it for the fiscal year 1878?

Mr. MORRILL. I have not got the statement.

Mr. BECK. The Treasury Department's own statement shows it was $10,171.60 for the whole year and that there was no discriminating duty.

Mr. MORRILL. That is the statement for the year ending June 30, 1878.

Mr. BECK. For the whole twelve months, the whole fiscal year 1878?

Mr. MORRILL. That is for the year. The Senator from Kentucky ought to know, and I presume does know, that our accounts are all made up to the 30th of June in each year.

Mr. BECK. I do know that. Ten thousand one hundred and seventy-one dollars and sixty cents was received for the twelve months ending June 30, 1878, as officially stated, and I do not believe in the truth of the figures presented now unless they are official.

Mr. MORRILL. I have it from the Treasury Department dated July 1, 1879, and I presume it is correct.

Mr. MAXEY. If the Senator from Vermont will permit me to complete my statement, I was controlled in what I said by the reports of the Bureau of Statistics of the Treasury Department which put it at $10,000 a year, and that the effect of the prohibition was that there were but four quinine factories in the United States reaping a bonus of about $700,000 by reason of this enormous tax imposed upon the people of the country.

Mr. MORRILL. Twenty per cent. *ad valorem* is not an enormous tax. As I have already stated, the price of the foreign article is $3, while ours is $3.40. The great sums that we pay are paid to the retailers in the advance that is made upon the cost of the article manufactured and sold at wholesale prices.

But, Mr. President, it does seem to me that it would be eminently fair if this bill should pass that we abolish the discriminating duty on the bark from east of the Cape of Good Hope, and enable our own people to obtain the best quality of bark without duties, on the same level with foreign manufacturers, and also allow them to use alcohol under proper regulations of the Treasury Department without the payment of any large duties thereon.

Mr. BECK. I desire to say, in answer to the Senator from Vermont, who is usually better advised concerning these matters than anybody else, that the Treasury Department has made out a statement and laid it before us, showing all the duties paid on imported articles for the fiscal year ending June 30, 1878, and it shows this state of facts, that upon the barks of which he speaks there is no duty received into the Treasury, either discriminating nor otherwise, that we collected from the sulphate of quinine, upon which there is a duty of 20 per cent., the sum of $10,171.60. That is one of the articles sought by the bill before us to be made free hereafter. And on the salts of quinine, upon which there is a duty of 45 per cent. *ad valorem*, we have collected the sum of $195.63 during the last fiscal year. So that all the revenue we are now receiving on this article and all its component parts is less than $10,400 per annum, a sum much less than the salaries paid for its collection.

Mr. CONKLING. Does all the quinine that pays duties come in under the name of "sulphate of quinine" or "salts of quinine?"

Mr. BECK. Yes, sir; either as "salts of quinine" or "sulphate of quinine." All the barks of which quinine is made come in free. One of the most intelligent men in the country, who is well known to all of us, a gentleman who has for years written articles on the tariff which are very exhaustive and able, J. S. Moore, in the New York Evening Post of June 10, 1879, states the case very clearly and very well, in my opinion. He says in that article:

Quinine, a drug on which the fluttering lives of millions of the fever-sick hang, is the extract or sulphate of bitter bark. The latter is free of duty, but the quinine is charged with a duty of 20 per cent. The Government, in 1878, got a revenue of exactly $10,171.60 from foreign quinine. The importation of the raw material, bitter bark, amounted in 1878 to $1,279,946, which was free of duty, and the wretched sick of this country and the hospitals paid no less than $600,000 extra tax to a pair of very wealthy quinine manufacturers. It is needless to go into de-

tails about this sickening, disgraceful blood-tax. The facts are now too well known, and your committee will be held responsible if the tax is not repealed during this extra session.

The article of Mr. Moore was addressed to a leading committee of the House of Representatives, and my distinguished young colleague [Mr. McKENZIE] from the second Kentucky district had the courage to take it up, *demand its passage*, and put it through the House under a suspension of the rules. I honor him for his sense and pluck. It ought to be passed here immediately. It is, as Mr. Moore says, a blood-tax to enrich and make millionaires of two or three great big manufacturing establishments in this country at the expense of every human being in the land, white and black, rich and poor, who is compelled to use quinine in order to live, and the Government is receiving not one-tenth part of what it pays to the officials who profess to be collecting our revenues in order to get it in. It is perhaps the strongest illustration of the inequities and frauds of the present tariff, of which the Senator from Vermont is such a special champion, and a leading official who had so much to do with imposing it upon the country.

Mr. DAVIS, of Illinois. Mr. President, I shall vote in favor of the reconsideration asked for by the Senator from Tennessee. If this Congress does nothing else than repeal the duty on quinine, it will not have been in vain that it was called together. I agree with the Senator from Kentucky that it is a blood-tax, and how on earth quinine ever was taxed is to me a mystery. Why, sir, the great western country and the southern country use it constantly, and probably the northern country too. There is no medicine known whatever that has ever been discovered that has the effect of quinine in arresting disease, particularly in arresting the fevers that are common to the western and southern country—common to all miasmatic countries. The people have called for this for years, and I honor Mr. McKENZIE, the Representative of one of the districts of Kentucky, for getting this bill through the House yesterday under a suspension of the rules, and he could not have got it through on a suspension of the rules unless the House of Representatives were satisfied that the measure was called for by every dictate of humanity.

I do not care whether $10,000 or $100,000 has been raised a year by this tax. The article is one that ought to be free; it ought never to have been taxed. We cannot send this bill back to the House with any certainty that two-thirds can now be obtained or that even a quorum will be there when it is returned. I hope, in view of all the interests that call for the repeal of this tax, that this motion to reconsider will be adopted and that the bill will be passed without amendment.

Mr. MAXEY. I desire simply to add my testimony to that which has already been given to the importance of passing this bill. The State in which I live, in common with all the Southern States, necessarily uses an immense amount of quinine. It is the case in all new countries. The large price which is paid for quinine by reason of this exorbitant tariff makes it a monopoly in the hands of four establishments, which have laid down at their doors over a million and a quarter dollars' worth of bark, not the product of the United States, free of duty, for them to manufacture, and they get the benefit of all the profit, with the exception of a little over $10,000, which goes to the Treasury—their profit, over $600,000, according to the Senator from Kentucky—$700,000 as I stated, and mainly by reason of the tariff. That is not just to the people. The price of quinine has been so great that the poorer classes of the people all through the country have been compelled to use substitutes, and are to-day using substitutes, because in these hard times they have not got the money to pay for quinine to give to their little children when they are down with the chills and fever.

There has never been a bill which appealed to humanity more strongly than the bill now before the Senate, and I trust it will be passed without a dissenting voice.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Tennessee to reconsider the vote by which this bill was referred to the Committee on Finance.

The motion to reconsider was agreed to.

Mr. HARRIS. I now move that the Senate proceed to the consideration of House bill No. 2406, if that be the number of the quinine bill.

The PRESIDENT *pro tempore*. The Senator from Tennessee moves that the Senate proceed to the consideration of the bill (H. R. No. 2406) to put salts of quinine and sulphate of quinine on the free list, which will now be reported for information.

The bill was read.

The PRESIDENT *pro tempore*. Will the Senate proceed to the consideration of this bill? The question is on the motion to proceed to its consideration.

The motion was agreed to.

The PRESIDENT *pro tempore*. The bill is before the Senate as in Committee of the Whole and open to amendment.

Mr. MORRILL. I move to amend by adding:

Provided, That calisaya, Lima, and Peruvian barks, and all cinchona barks shall be exempt from all duties, differential or other.

Mr. BECK. They are all exempt now. An amendment will kill the bill.

Mr. HARRIS. I hope no amendment, however meritorious, will be adopted, because an amendment now will be positively fatal to the passage of the bill at this session of Congress, and it is too important to lose the bill on a question of time.

Mr. MORRILL. I am rather opposed to this railroad speed in touching upon a measure of changing the revenue laws. It appears to me manifestly proper that if we are to make the manufactured article free, the manufacturer at least ought to have the privilege of obtaining his raw material on the same terms that it is obtained by foreign manufacturers. All I ask now is that the differential duty which is imposed upon articles coming from east of the Cape of Good Hope and landed in Europe before they are brought here shall be repealed; that is, that the barks that are brought from east of the Cape of Good Hope and landed in Europe before they are brought here shall be made free of duty. Then I should ask also that the manufacturer be allowed the use of alcohol, under such regulations as the Secretary of the Treasury may prescribe, free of duty. Alcohol is now taxed $1.70 a gallon——

Mr. HILL, of Georgia. I ask the Senator from Vermont if all the articles that are mentioned in his amendment are not now on the free list.

Mr. MORRILL. They are on the free list, but there is a differential duty on barks brought from east of the Cape of Good Hope and landed at Amsterdam or London and then brought here.

Mr. HILL, of Georgia. Does not the honorable Senator see that the adoption of his amendment would defeat the bill at this stage of the session?

Mr. MORRILL. I do not think it would. I think the House would accept it in a moment. My own impression is that unless you do this, you will not get quinine at any less price than it has been heretofore. If you want to effect a reduction of the price of quinine you must not only have it manufactured here as well as abroad——

Mr. BECK. Allow me to make a suggestion to the Senator.

Mr. MORRILL. Certainly.

Mr. BECK. House Executive Document No. 32, part 2, third session, Forty-fifth Congress, a document from the Treasury Department, under the head of "Commodities free of duty," contains, "calisaya, Lima, Peruvian quilla, and all cinchona barks," which are all free, and the quantity received was 4,826,290 pounds, the value $1,423,502, and the total discriminating duty about which so much is said was $92.30.

Mr. MORRILL. The Senator from Kentucky has been a member of the Committee of Ways and Means of the House, and he ought to know that there is another provision of the tariff which provides a differential duty upon articles brought from east of the Cape of Good Hope, unless they are brought directly in our own vessels.

Mr. BECK. The Senator will allow me to say that according to the report from the Secretary of the Treasury, which I handed to the Reporter, there was hardly a dollar of discriminating duty collected upon all those barks. They now come in free, and the few dollars received inure to the benefit of the owners of foreign ships that do our carrying trade.

Mr. MORRILL. Because there were not any brought, and it is by reason of the discriminating duty that our manufacturers cannot obtain this best quality of bark. Repeal the discriminating duty, and they will be placed on an equality with the world.

Mr. BECK. And the freights are all carried in foreign ships. Is not that true?

Mr. CONKLING. I should like to know a very simple fact which must exist one way or the other. The Senator from Kentucky says that these barks are free now. He has presented the evidence to the Senator from Vermont. If I can have the attention of the Senator from Vermont for a moment, I wish to ask him, is it, or not, true, as shown by the report which the Senator from Kentucky produces, that these barks are free?

Mr. MORRILL. They are free when they are brought from South America, but not free when they are brought from the East Indies, whether from the British or the Dutch colonies, because they go from there to Amsterdam or to London, and when they take that circuitous route they are subjected to a differential duty of 10 per cent., as all goods are.

Mr. CONKLING. What does the Senator from Kentucky say to that?

Mr. BECK. I showed the amount of revenue from differential duties to be $92.30.

Mr. CONKLING. But the Senator from Vermont says, that the reason for that is that under existing regulations they do not come, they are practically excluded, and the smallness of the revenue grows out of the exclusion.

Mr. BECK. The quantity of these medicinal barks is 4,826,290 pounds, the value $1,423,502, and the discriminating duty $92.30. That fact answers all questions.

Mr. MORRILL. But that comes from South America.

Mr. CONKLING. That, the Senator from Vermont says, comes from South America. Does the Senator from Kentucky know how that is?

Mr. BECK. There is no bark, no raw bark, that pays any duty; and the only discriminating duty that is paid amounts to $92.30. That is the whole of it, and that is not in the interest of revenue, but of foreign ship-owners.

Mr. CONKLING. Now, the Senator from Vermont says that grows out of the practical exclusion of bark coming by what he calls this circuitous route, and he says that if we will put them equally on the

free list then we shall get quinine not only from South America but from all other sources as well.

Mr. BECK. The barks are practically free now, unless it is one of those barks of which there is a very small amount imported in a roundabout way. But the discriminating duty was intended to operate in favor of American ships, while all is now carried in foreign bottoms—that is, it is obtained here in that way, for we have no American vessels to bring them in.

Mr. CONKLING. Is this a House bill?

Mr. BECK. It is a House bill, and if amended now it is gone, as we will adjourn in a few hours. Therefore we must pass it as it is, or lose it for this session.

Mr. HOUSTON. The Senator from Vermont is evidently mistaken, and the facts presented now from the record I think conclusively show it. For instance, why is it that there is no larger amount of revenue received from the barks to which the Senator refers? Why is it that there is a discrimination made in our law in favor of the barks from one section of the world and against those from another? Does the law make that discrimination, and if it does, if any of the raw material brought from any country does pay a revenue, where is the revenue? What book shows it? What report from the Treasury Department shows it? The fact that we receive comparatively no revenue upon quinine, in itself is conclusive to my mind, and I think will be to that of every other Senator, that the manufacturer of quinine in this country has all the advantages to enable him not only to avail himself of the consequences of a small duty, (for I believe it is only 20 per cent., it is a duty that does not look in itself so inordinate,) but he has the benefit of the fact that that duty is aided and its power is magnified by the circumstance that the raw material used by him is free from duty. I do not think the Senator from Vermont is correct in his information. If he will turn to the law, (and the law overrules the departmental report,) we should be able to learn the exact facts.

The fact that there is no duty paid practically upon the raw material brought from abroad shows that the material that is used here by our manufacturers is used from the country in favor of which discrimination is made. Under any circumstances, under any phase of the matter, under any view that I am able to take of it, I think that quinine ought to be put upon the free list.

Mr. MORRILL. As the Senator from Alabama seems to deny that there is any such law as I have referred to, I desire to call his attention to section 2501 of the Revised Statutes, which reads:

> There shall be levied, collected, and paid on all goods, wares, and merchandise of the growth or produce of the countries east of the Cape of Good Hope, (except wool, raw cotton, and raw silk, as reeled from the cocoon, or not further advanced than tram, thrown, or organzine,) when imported from places west of the Cape of Good Hope, a duty of 10 per cent. *ad valorem* in addition to the duties imposed on any such article when imported directly from the place or places of their growth or production.

Mr. BECK. What is 10 per cent. in addition to nothing?

Mr. MORRILL. It is 10 per cent., of course.

The PRESIDENT *pro tempore*. The question is on agreeing to the amendment of the Senator from Vermont, [Mr. MORRILL.]

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, and read the third time.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass?

Mr. MORRILL. Of course I had no expectation of retarding the action of the Senate upon this bill. When you get up the cry of "mad dog," the dog is sure to die. I am very sure that the result desired will not follow, and that within two years from now, or one year from now, the price of quinine will be higher than it has been heretofore, unless the demand shall subside. It is very true that during the Turkish war there was a very great demand for quinine, and the price went up high. At the same time it happened that a demand existed for it here in our own country. But if Senators expect that there is any way of reducing the price of this article which differs from that in relation to other articles—that is to say, if there is any other way except increased competition in the manufacture of it—they will find themselves mistaken.

The PRESIDENT *pro tempore*. The question is, Shall the bill pass?

The bill was passed.

AUSTIN-TOPOLOVAMPO ROUTE.

The PRESIDENT *pro tempore* laid before the Senate a communication from the President of the United States, transmitting, in response to a resolution of the Senate of the 28th of June requesting a copy of any correspondence which may have passed between the Department of State and the Republic of Mexico in regard to the proposed Austin-Topolovampo survey across the northern states of that country, the report of the Secretary of State upon the subject; which, on motion of Mr. VEST, was ordered to lie on the table, and be printed.

CENTRAL BRANCH UNION PACIFIC RAILROAD.

The PRESIDENT *pro tempore*. The business in order is the first bill on the Calendar, which is the bill (S. No. 349) for the relief of the Central Branch Union Pacific Railroad Company.

Mr. INGALLS. Let that go over, Mr. President.

The PRESIDENT *pro tempore*. The Chair understands the Senator to ask that the bill be postponed.

Mr. INGALLS. Yes, sir; until the next session.

The PRESIDENT *pro tempore*. Not acting upon it is the same thing as postponing it.

TREASURY ACCOUNTS COMMITTEE.

Mr. ALLISON. I offered a resolution a few days ago which was laid aside, as the Senator from West Virginia [Mr. DAVIS] was compelled to be temporarily absent. I ask leave to call it up and have it passed.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Iowa. The resolution will be read for information.

The Chief Clerk read the following resolution, submitted by Mr. ALLISON June 27:

> *Resolved*, That all the testimony taken by the select committee investigating Treasury accounts be reported to the Senate and printed for the use of the Senate.

Mr. WHYTE. I hope that resolution will not be passed in the absence of the chairman of the committee, [Mr. DAVIS, of West Virginia.]

The PRESIDENT *pro tempore*. The question is on proceeding to its consideration.

Mr. WHYTE. Would one objection carry it over?

The PRESIDENT *pro tempore*. No, sir.

Mr. ALLISON. I only desire to test the sense of the Senate.

Mr. WHYTE. I will state to the Senate the reason why that testimony ought not to be printed at this time, or at least why it ought not to be published, because I believe it has been printed for the use of the members of the committee privately. Certainly up to a certain point it has been, for I have had in my hands and read a part, and was present at the taking of a part. I happen to be a junior member of that committee, having been only appointed upon it since the assemblage of the Senate in extra session. There are a vast number of schedules and statements of accounts, and I think it would be highly injurious to the condition of the Treasury books unless all the testimony is printed and published at one time.

The testimony has been taken quietly in one of the rooms of the Treasury Department. It has been taken very deliberately, very slowly, without inconvenience to anybody, and it is not in a condition if published now to give any accurate account of the Treasury books at all. In my judgment, it would be highly injurious to the condition of the Treasury books to publish that testimony as far as it has gone without the tables and without the explanations that are to follow hereafter. I was present at the taking of some of the testimony; there has been some taken since, during my absence upon one or two days; but from what I saw when I was present I think it would do manifest injustice to the Treasury Department if that testimony was published unexplained by a report of the committee; I hope the Senate will not pass any such resolution as has been presented by the Senator from Iowa.

The PRESIDENT *pro tempore*. The question is, Will the Senate proceed to the consideration of the resolution?

The motion was not agreed to.

TREATY NEGOTIATIONS WITH MEXICO.

Mr. MAXEY. If there is nothing else pressing, I wish to have House joint resolution No. 117, which passed the House at the present session of Congress and was referred the other day to the Committee on Foreign Relations, taken up for consideration; and in order to do that, I move that the order of reference to the Committee on Foreign Relations be reconsidered.

The PRESIDENT *pro tempore*. The question is on the motion of the Senator from Texas to discharge the Committee on Foreign Relations from the further consideration of the joint resolution (H. R. No. 117) providing for a treaty with the Republic of Mexico.

Mr. CONKLING. I wish to ask whether this motion is made upon the advice and knowledge of the chairman of the Committee on Foreign Relations, [Mr. EATON.]

Mr. MAXEY. I notified the chairman of the Committee on Foreign Relations that I should endeavor to get the joint resolution before the Senate.

Mr. CONKLING. But the chairman of the Committee on Foreign Relations is not here that I can discover. Doubtless, he will be here in a few moments; he was here a moment ago. I think it might be well for the Senator to let this matter lie until the Senator from Connecticut comes in. He will be back in a moment, no doubt.

Mr. MAXEY. I gave him notice that I would endeavor to get up the resolution. He was not aware that it had been referred to the Committee on Foreign Relations until I notified him of the fact. I sent to his committee and got the papers and I desired him to make the motion. He said he would not do that, but would make no objection to my doing so.

Mr. CONKLING. Has the Senator any objection to waiting a moment until he comes in?

Mr. MAXEY. Not at all.

Mr. CONKLING. I think we had better wait until he comes in. It is an extraordinary proceeding all around.

Mr. MAXEY. I desire the committee to understand that I do not throw any sort of blame on them, because they have not had time to consider the joint resolution; but I desire simply to get the matter before the Senate.

Mr. CONKLING. I do not understand the Senator has intended to reflect on the committee.

Mr. MAXEY. Not in the slightest degree.

Mr. CONKLING. It was not with such a suspicion that I rose, but I will state to the Senator very frankly why I rose. In the first place this resolution is a very unusual one. [Mr. EATON entered the Chamber.] Here comes the chairman of the committee now. Under the Constitution the President of the United States has full power to inaugurate negotiations with a view to a convention or a treaty. This is a proposition by the two Houses of Congress to take the initiative, to request the Executive to act, and to propose and authorize the appointment of commissioners. Therefore the proceeding is in itself unusual. I do not mean to say it is improper, but it is unusual. Then the resolution being one of considerable gravity, having been referred to a committee only on the 28th of June, two days afterward it is proposed to discharge the committee from its consideration. There may be reasons for that. But I rose to the end that the honorable chairman of the committee, who is now here, might be present to take cognizance of this proceeding. It is of course much more for him than for me, although I have the honor of being a member of the Committee on Foreign Relations.

Mr. MAXEY. Mr. President, I will state to the Senate very clearly, I think, the reasons which have induced me to make this motion, and I would be glad if members of the Committee on Foreign Relations would hear what I have to say in regard to it.

The Republic of Mexico lies contiguous to the State in which I live. For many years past it is known that a condition not by any means pleasant to the people living on the frontier has existed on that frontier to such an extent that the President of the United States has time and again called the attention not only of Congress to that fact, but by the minister to Mexico the attention of the Mexican government has been called to the fact. General Grant, when President, time and again called the attention of Congress to one of the very grievances or reasons for action set forth in this resolution.

The Zona Libre, as I once before explained in the Senate nearly two years ago, is a belt lying on the right bank of the Rio Grande, five or six leagues in width, I do not now remember precisely, beginning on the Gulf of Mexico and running parallel with the bend of the river a distance of about three hundred miles. Within that Free Zone, or as it is known there, the "Zona Libre," are a number of free towns, Monterey, Matamoras, Camargo, and some others.

Mr. EATON. All Mexican territory.

Mr. MAXEY. All Mexican towns, and in this belt of about eighteen miles wide, goods can be imported from foreign countries and sold to the people living within that Free Zone free of duty, the effect of which is that smuggling to an enormous extent has been carried on upon that border, and a class of people such as has never cursed any other frontier, I think, on this earth have assembled in that belt—smugglers, cattle-thieves, robbers of every kind, character, and description. The effect of this has been that the United States Government has been compelled to lay out a vast amount of money in the way of keeping troops on the frontier for the purpose of preserving the peace.

The attention of the Mexican government was called to the evil resulting to the United States from that Zona Libre by President Grant more than once. The attention of the Mexican government was also called by the Secretary of State time and again, as will be shown by the reports of the State Department, and still it is there; the law has not been repealed. Again, where crimes are committed by Mexicans, for instance, on our territory or by our people on their territory, under the last treaty, (which I will ask the Senator from Arkansas [Mr. GARLAND] to look up for me, I have not had time to examine it,) my recollection is that the prisoners had to be carried back to their own country to be tried by their own law; the effect of which is that practically those scoundrels who come over into our country and are caught by the civil authorities and are brought before a commission go unpunished.

There is a disposition under the Diaz government to have peace with this Government. My opinion is that President Diaz wants peace; and in point of fact for the last two years we have had a better condition on the frontier than we have had for twenty years previous. That has resulted, however, from the United States Government giving us better protection on the frontier than we have ever had before, coupled with what the State of Texas has aided in the way of furnishing troops of her own raising.

Now, we want peace with Mexico; we want the frontier protected. We believe that the whole Mexican problem can be solved in three words: protection, reciprocity, railroads. These three words will control the whole thing. Give us protection on our frontier, make mutual reciprocal treaties with Mexico whereby it will be to her interest to trade with us and our interest to trade with her; then have railroads penetrating from the United States into that country, and the entire Mexican question is solved, in my judgment, instantly.

It is true that the Mexican government, the present minister perhaps, has authority to make a treaty with the United States. Grant to him the authority to make a treaty, that may be so; but it so happens that he never has done it; and while it may not be usual legislation I submit to the Senator from New York it is not without precedent that the President should be authorized to appoint commissioners. I cannot now refer the Senator to the authority, but in the argument which took place on this joint resolution (and I hope for this purpose I may be permitted to refer to what took place in the House) it was mentioned over and over again that it was not unusual, and it was uncontradicted there on the passage of this joint resolution. I have not had time, I say, to look that point up; but whether that be true or not I can see nothing under our theory of government, under our Constitution, which prevents Congress from expressing an opinion and requesting the President to appoint commissioners, although the President is the treaty-making power in the first instance.

Therefore this would be a statement to the President in the most solemn form of the law-making power, of the representatives of the States and the people directly interested, that in our judgment it is his duty to make a treaty with Mexico covering the great points of difference between us, the question as to this Free Zone, the question as to the rendition of criminals, and the other great question of a reciprocal treaty of commerce with that country, whereby we can get a good market for our surplus productions, and get in exchange what that country raises and which we need.

These are the objects which I have in view; and believing it to be a matter very well understood, because it has been a subject of discussion for years through the State Department, I have hoped, the House having considered this joint resolution and passed it after debate, that the Senate would take it up and act upon it.

Mr. EATON. Mr. President, this joint resolution came to the Committee on Foreign Relations only yesterday—not the day before yesterday, but yesterday—and no opportunity whatever has been had by that committee to investigate certainly one of the most important matters that can be brought before the Congress of the United States.

Mr. MAXEY. If the Senator will permit me I will repeat what I said, I believe, before he reached the Chamber, that if it is not entirely agreeable to the Committee on Foreign Relations, if they think it better further to consider this matter, I shall not insist on my motion at all.

Mr. EATON. I should be false to myself if I did not say that as a single member of the committee I have known something with regard to this contemplated action for a month. I have taken occasion to have conversation, as other members of the committee have had, with certain officials of the Government; I will not name them, nor is it proper that I should name them. I think this is entirely objectionable; I do not think it is a proper resolution to pass. It involves very serious questions. I know very well how desirous my friend from Texas is to have good government upon the borders, and that there should be peace between his State, properly so speaking, and Mexico.

Mr. MAXEY. That is the whole point I have in view, and reciprocal trade with that country.

Mr. EATON. If we have a proper minister at the Mexican court, that minister is the proper individual to take cognizance of the matter, and if he is not the proper man it is the duty of the President to displace him and send a proper man there.

Now, I want to say one word in regard to this joint resolution, my attention having been called to it for the first time yesterday. It virtually proposes to legislate for the Republic of Mexico. We say what? We, the Legislature of the United States of the north, say to the legislature of the united states of the south:

> Whereas the territory known as the "Free Zone," on the Mexican border, has been the source from which violations of treaty stipulations, avoidance of tariff duties, and other irregularities have proceeded, and to maintain proper commercial and friendly relations between the two countries, this Free Zone or "Zona Libre" should be abolished.

There is a line of territory belonging to a neighboring people over which we have no more authority than we have over Canada itself, and without any examination into this question whatever, without the Committee on Foreign Relations having had an opportunity to examine this very grave and delicate question, it is proposed that the Federal Legislature of the United States shall gravely say to the Republic of Mexico that her legislature should take into consideration this thing and abolish this Free Zone. Really I do not believe that my friend from Texas would call that good legislation. The very fact that that "whereas" is found in this resolution is in itself sufficient to show that the whole resolution ought to receive the deliberate and careful attention of a committee of this body. I know that my friend is entirely willing that the committee of this body to whom it has been referred shall pass upon it, and I certainly should feel inclined to pass upon it as soon as possible.

I do not object if the Senate desires to pass it, without any more knowledge than I have, for except my two honorable friends from Texas, I hardly suppose there is a Senator on the floor who has any more knowledge of this matter than I have, and I very frankly say that I have none except what I may have gained by conversation with certain gentlemen in the past month. If they choose to take this matter up and act upon it without the intervention of one of the committees of this body, I certainly will not find any fault with the Senate for doing so. It seems to me that it would be doing a very great wrong, not to the committee at all, understand me, but to the United States itself. I trust my friend from Texas will look at it in that light, and let this matter lie over.

I could say very much, if I pleased. I have talked with very intelligent gentlemen, not belonging to our nationality. I apprehend that the passage of this resolution, instead of bringing peace between this country and Mexico, would be a fire-brand between this country and Mexico. That is my conviction from all that I have been able to learn of the Mexican question within the last two months. I knew

nothing of this resolution until yesterday, but from all that I have been able to learn on the Mexican question, I think it would be a firebrand to pass this resolution here to-day. My friend from Texas said (and I agree with him, for my information is such from the highest sources of the Government) that there has not been as peaceful a condition upon the border in twenty years as there is to-day between this country and Mexico. Then let this thing rest. I trust that nothing further will be done with it.

Mr. MAXEY. Mr. President, I do not intend to detain the Senate; I only desire to say that in the view taken by the Senator from Connecticut, that by this resolution the Congress proposes to legislate for the Republic of Mexico, I do not at all concur. It is an expression of opinion in a preamble that the Free Zone shall be abolished. That is all there is of it. If that be legislation, then the President of the United States has attempted to write a message to the Congress of the Republic of Mexico, for President Grant himself (and I believe it has been repeated by the present occupant of the White House) has done the same thing. You may strike the entire preamble from the joint resolution, and it would not alter the legislative part of the measure in the slightest degree. Therefore I think that is merely a verbal criticism, and not much more. I am not responsible for it; it is a House joint resolution which came here, and which I read as it came from the House.

In respect to peace on the frontier, what I said is true. I trust the Senator from Connecticut has connected with that the remark which I also made, that it is owing to the fact that the United States Government has given better protection to the frontier within the last two years than it has done for twenty years, and that the State of Texas out of her own pocket has aided the United States in using some of her own people on the frontier, called a frontier battalion, to assist in that protection, with the perfect understanding of the United States Government. It is the armed power of the United States Government which has brought about that protection, and that has been done at a heavy expense to the Government, and it will always be a heavy expense, in my judgment, until this Free Zone is abolished. Any one who will go on the Rio Grande frontier and look at the effect which that Free Zone has will at once appreciate the truth of what I have stated in that regard. I want protection on that frontier. We get that through the military power. I for one have been the persistent friend of the Army, when my friends here thought I was going a great ways too far, because I wanted the frontier of my State protected. We have done it. The General of the Army has treated us well in that regard. He has sent troops down there and increased the force we had on the frontier, and they have afforded protection in the last two years. The frontier of Texas has been extended from one hundred and forty to two hundred miles, as officially reported by the commander of that department, General Ord.

Give us that protection; give us a good reciprocity treaty with Mexico; give us railroads leading into that country, and you will make lasting friends of the Mexican people, and you will have no further use for spending this vast amount of money upon your frontier, because it will become their interest to be our friends. As I said before, I believe the President of Mexico wants peace with the United States. If I believed, as the Senator from Connecticut intimates, that this would bring about war, I would be the last man in the Senate to favor it, because it is the interest not only of the United States but the special interest of the State which I in part represent here to have peace on our frontier. Peace brings with it prosperity; war brings calamity; and we have had enough of the latter. Hence, if I believed what the Senator says would be the result I would be very much opposed to it; but I believe that commercial trade and intercourse is a handmaid and helpmate of peace. A good treaty will bring about commercial relations with Mexico; it will be one of the strongest cords binding that country into peaceful relations toward the United States. I believe that where crime is committed by the citizens of one country upon the citizens of the other we should have such a treaty as to enforce the punishment of the criminals strictly and speedily. All these points go in a treaty. Why it is I do not know, but we have not got a treaty. I can say more. I know perhaps more about the character of the Mexican government and of the Mexican people than the honorable Senator from Connecticut, not on account of any superior intelligence, I beg him to understand, but because my residence and contact have given me an opportunity which he has not had. I say if you send commissioners appointed by the President at the request of the Congress of the United States you will bring about a treaty which will be much more respected there than any treaty which could be made by a resident minister. That is the character of their people.

Then permit me to say another thing. There are not better diplomatists on this green earth to-day than the Mexicans. I say that it will take three of the clearest-headed and best men that we have got in this land to make a treaty with these Mexicans as it ought to be made. We have never yet had a treaty with Mexico where the rights of the United States were as well and as carefully protected by treaty as they should have been. Look at the Gadsden treaty; look at the one you made at Vera Cruz; look at the treaty of Guadalupe Hidalgo. You should send the ablest men you have got, such men as you would send to the court of St. James, to make a treaty with Mexico, in my judgment.

I desire to put all this on record, because the Senator from Connecticut, I have no doubt, will do what he has said, investigate this matter. I am not going to raise an issue here on the last day of the session with the Committee on Foreign Relations; it would be idle for me to attempt anything of that kind. As I said before the Senator came in, I do not make the motion to discharge the Committee on Foreign Relations with the slightest design to reflect in any possible manner upon that committee, but simply because this is the last day on which action can be taken at this session, as I explained to the Senator from New York before the Senator from Connecticut came in. This joint resolution passed the House at this session. It therefore does not die. I ask the Committee on Foreign Relations, and I do it in the name of the great State which I represent here, and which has such deep interest in this treaty as well as of the United States, but we especially, to take this matter up, investigate it carefully and to the bottom and give us a report at as early a day at the next session as they can do it, and I will be content. With that view I will withdraw the motion.

Mr. MORGAN. Before the Senator withdraws the motion, I wish to say to him and to the Senate that this subject has engaged the attention of Congress for some time past. As early as May 15, 1878, I had the honor to present certain resolutions to the Senate in reference to our relations with Mexico. Those resolutions have not been considered as yet. They have not been passed upon by the committee or by the Senate. The difficulty at this moment of time is simply that the committee are not assured that the joint resolution in the form in which it came from the House is proper to be adopted. The committee are apprehensive that the resolution may be obstructive to permanent reciprocal relations between this Government and Mexico rather than an assistance in that direction. The committee preferred to have further time on this subject. When I speak of the joint resolution I mean the resolution and the preamble. The committee desire to have further time on this subject, for the reason that this matter is one of the greatest possible consequence. I think there are members of the committee who are not satisfied that the language of the preamble to the resolution is proper to put into the form of a concurrent resolution to be adopted by the House and by the Senate.

There is no subject, I think, that addresses itself more to the attention of the American people, that excites a deeper interest, than our relations with Mexico; and there is certainly no subject in regard to which the people of the United States ought to be more careful than in arranging their relations with that government. There are, doubtless, difficulties of negotiation between this Government and Mexico which have to be removed, so far as we are concerned, by the exhibition on our part of a spirit of absolute frankness and a spirit of perfect justice.

We all understand very well the delicate situation of our Government toward the Mexican Republic that has existed for many years—the difficulty that the statesmen of that country have in countervailing a sudden current of public opinion which stands in the way of the establishment of proper commercial relations between this country and that. It certainly is not proper that we should come forward with a declaration on our part of a certain act that Mexico ought to perform, and have that act incorporated in the preamble of the resolution that we adopt appointing a commission to negotiate!

Mr. MAXEY. If the objection which the Senator makes is at all tenable, the entire preamble could be stricken out without difficulty, and that would cure that defect. The joint resolution is not in the slightest degree open to that objection without the preamble.

Mr. MORGAN. So far as I am personally concerned, I should have no objection to it if there were no preamble at all; but the preamble does contain, or at least may be construed to contain, a threat toward Mexico.

I will not detain the Senate by a discussion of the objectionable feature that was pointed out by the chairman of the Committee on Foreign Relations. There is another part of the preamble here which, while it appears very just upon its face, might be construed by a jealous government as being some intrusion upon them. I will read it:

> Whereas citizens of either government residing in the other should be exempted from forced loans and illegal and onerous taxation or exactions.

Mr. MAXEY. Will the Senator from Alabama permit me to interrupt him on that point?

Mr. MORGAN. Yes, sir.

Mr. MAXEY. The citizens of Germany and the citizens of Great Britain in Mexico somehow do get exempt from forced loans, while the citizens of the United States and of other countries do not.

Mr. MORGAN. I will state to the Senator my personal judgment on that subject. The difficulty lies in our representation at that court. The President has it entirely in his power to relieve the difficulty by giving us a minister to Mexico who is more acceptable than the present incumbent of that office, just as he has the power to appoint embassadors by and with the advice and consent of the Senate without reference to an enactment or a concurrent resolution between the two Houses of Congress.

I should not have perhaps expressed any opinion on this subject at all but for the suggestion made by the Senator from Texas. His suggestion makes it pertinent that I should say that I think too much of the obstruction and difficulty that exist between our Government and Mexico to-day is the want of a conviction on the part of our minister there that the Mexican people can be brought into harmonious com-

mercial relations with the people of the United States. I cannot go further than that; it would not be proper that I should go further than that, in the expression of an opinion on the floor of the Senate to-day. I should indeed be very much gratified if the President of the United States, in the exercise of his constitutional power, would appoint a commission of this kind. This resolution gives him no assistance at all in this direction, because it is only a concurrent resolution, not a joint resolution making an appropriation; there is no appropriation in the resolution——

Mr. MAXEY. I will say that the joint resolution appropriates $5,000 for the payment of the commissioners.

Mr. MORGAN. I may have fallen into an error in terming it a concurrent and not a joint resolution. I received my first information on this subject from the RECORD of the House proceedings, which shows that this was in the House a concurrent and not a joint resolution.

Mr. MAXEY. The Senator will notice that the joint resolution No. 28 in the House was superseded by the present joint resolution, No. 117. It was adopted as a substitute for the original resolution, and it is strictly a joint resolution.

Mr. MORGAN. I stand corrected on that point. While not a resolution of appropriation, it would be a resolution under which the Secretary of State might use this sum of money out of the contingent fund, I suppose. The only language of the resolution on the subject of money is this:

And the compensation of each of such commissioners so appointed shall not exceed $5,000, in addition to necessary expenses, to be allowed by the Secretary of State.

I do not understand that it is a joint resolution of appropriation, but it is a mere resolution authorizing the Secretary of State to take this money from the contingent fund which may be in his hands and over which there is no special control exercised by law for the purpose of applying it to the payment of these commissioners.

I would have no difficulty in voting for this resolution, and I believe that no member of the committee would have any—though I do not speak by authority at all, because the committee have had no meeting on the subject—if the preamble were left off. I understand that there are members of the Government who are anxious to have some authorization of this kind enacted by Congress. I am quite willing to give my consent, so far as I am personally concerned, that the Administration shall go on and hold these negotiations and appoint these embassadors, although I think it is altogether unnecessary for either House of Congress, except in the matter of the ratification of the embassadors when appointed, to give any sanction whatever to any such proceeding as this.

There is no subject that I have ever had under consideration since I have had the honor of a place in the Senate of the United States upon which I feel so deep an interest as I do in reference to the negotiations that are to be conducted between this Government and Mexico for the purpose of creating between these two governments more intimate commercial relations; and I shall give my hearty consent, so far as I am personally concerned, if the resolution could be so amended as to strike out the preamble, to put it on its passage.

The PRESIDENT *pro tempore*. The Chair understands the Senator from Texas to have withdrawn his motion to discharge the Committee on Foreign Relations from the consideration of the joint resolution?

Mr. MAXEY. Yes, sir.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the following joint resolutions; in which it requested the concurrence of the Senate:

A joint resolution (H. R. No. 119) to pay the employés of the House of Representatives borne on the annual roll one month's extra pay; and

A joint resolution (H. R. No. 120) to pay A. R. Potts and C. F. Rainey for services in the office of the Sergeant-at-Arms of the House of Representatives.

The message also announced that the House had concurred in the amendment of the Senate to the resolution of the House for the final adjournment of both Houses of Congress this day at five o'clock p. m.

The message further announced that the House had passed the bill (S. No. 681) for the relief of the estate of Henry Conard.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. No 2406) to put salts of quinine and sulphate of quinine on the free list; and it was thereupon signed by the President *pro tempore*.

A. R. POTTS AND C. F. RAINEY.

The PRESIDENT *pro tempore*. Understanding that there is nothing before the Senate, the Chair will lay before the Senate joint resolutions from the House of Representatives.

The joint resolution (H. R. No. 120) to pay A. R. Potts and C. F. Rainey for services in the office of the Sergeant-at-Arms of the House of Representatives was read twice by its title.

Mr. BECK. I believe I will move that that lie on the table. We have provided for that matter in the conference report on House joint resolution No. 118, to be acted on in the House in a few moments.

The PRESIDENT *pro tempore*. The Senator from Kentucky moves that the joint resolution lie on the table.

The motion was agreed to.

PAY OF HOUSE EMPLOYÉS.

The PRESIDENT *pro tempore*. The Chair will lay before the Senate the joint resolution (H. R. No. 119) to pay the employés of the House of Representatives borne on the annual roll one month's extra pay.

Mr. KERNAN. I ask that that be read the first time at length. I want to hear it.

The joint resolution was read the first time at length, as follows:

Resolved, &c., That the Clerk of the House be, and he is hereby, authorized and directed to pay to the employés of the House borne on the annual roll one month's extra pay, at the same compensation as now paid them by law; and an amount sufficient to pay the same is hereby appropriated out of any money in the Treasury not otherwise appropriated.

Mr. KERNAN. I yield to the Senator from Kentucky a moment.

Mr. BECK. Before the Senator from New York proceeds to make an objection, which of course he has a right to make, I desire to say that the House has passed this resolution relative to its own employés. We passed a resolution at an early day of the session looking to the equalization of pay between the employés of the two Houses. As it now stands the pay of the Senate employés is a good deal larger than the pay of employés of the House doing similar service. The chairman of the Committee on Appropriations has once or twice called attention to that fact, and at the next December session perhaps something can be done in that regard. The House has some feeling in regard to the matter that we are paying our employés more than theirs are paid. They have passed this resolution; whether it is right or wrong I doubt very much the propriety of the Senate disagreeing with it in the face of quite a difficult and complicated negotiation that will have to be had between the two Houses as to the equalization of the pay of employés hereafter. They have come before the Committee on Appropriations, (and I have not heretofore had an opportunity of saying that to the Senator from New York,) and they have urged as a means of bridging over the difficulties and differences between the two Houses that we allow them, as it pertains to their own employés, to do this for the time being, hoping that at the next session we shall be able to agree upon joint terms. They are very anxious to have the joint resolution passed, and after hearing their statement in full I felt very much like agreeing with them. Although it is the right of any Senator, of course, to have it lie over, I rather think it ought to pass.

Mr. BUTLER. May I ask what the resolution is?

Mr. BECK. The resolution is only to pay certain employés of the House one month's extra pay.

Mr. BUTLER. I am very glad my friend concurs in that suggestion, inasmuch as that is substantially the amendment which I offered to another joint resolution this morning.

Mr. BECK. No, the amendment of the Senator from South Carolina applied to the employés of both Houses; and it is because of the disparity between the payments made to the officers of the respective Houses that the House of Representatives thought this was a proper thing to do.

Mr. KERNAN. I am very reluctant to do what I think it is my duty to do. If the salaries of the annual clerks in the House are not enough, let a committee report and fix them at what they think is enough; but to have a proposition come over here in the last hours of the session to add another month's pay and give them thirteen months' pay for an annual salary is not just to the tax-payers, nor is it good legislation. Therefore I feel bound for the present at least to object to the joint resolution being read the second time.

Mr. BECK. I only desire to say that I called attention to the facts at the request of the gentlemen of the House who were present at the committee. We had no time to consider it. I, however, believe that we may have a serious controversy next December growing out of our refusal to allow them this extra pay at this time.

Mr. KERNAN. Let us settle it at the beginning of the session when there is time, and not in the closing hours when there is not time.

Mr. ALLISON. I hope the Senator from New York will withdraw his objection to this joint resolution, which has passed the House with great unanimity. It is at the last end of the session, it is true, but the House ought to have what we claim for ourselves here, the right to regulate the compensation of their own officers. This relates to their officers, and not to ours. I think the joint resolution ought to pass without objection.

Mr. KERNAN. Allow me to say that I reluctantly object to the joint resolution; but I have information from the House that fifty men there would have objected, but that they did not like to take the responsibility. I feel that I ought to take the responsibility on behalf of those who have to pay the money.

Mr. VOORHEES. It is very heroic on the part of the Senator from New York to take the responsibility which fifty men declined to take in the House, where this matter belonged and who ought to have done it.

Mr. KERNAN. I made that statement in response to the assertion that they were very unanimous, to show that very many of them did object to it. At any rate, I want to say that, in my judgment, although it is a disagreeable duty, it is one I feel bound to perform now.

Mr. VOORHEES. I will state what my sense of duty is. If fifty

members of the House declined to object, as the Senator from New York said they did, when they felt disposed to do so, I suppose, and yet did nothing of the kind, I do not think I am called upon here by any high sense of heroic duty to object. I think this is big conduct on small things. I have—I will not say no patience, but I have small patience with people who become heroic on trifling matters. Here is a matter which the House of Representatives has decided for itself. The House of Representatives, judging what their employés are fit for and are worth, have sent here their sense of that; and the Senator from New York tells us there are fifty men there that for some inconceivable cause were intimidated, bulldozed, struck dumb, when they ought to have objected and felt like objecting, and consequently he feels it his duty to object for those fifty men. I have heard of vicarious performances; I have heard of sacrificial atonement——

The PRESIDING OFFICER, (Mr. CARPENTER in the chair.) The Chair thinks that allusions to proceedings in the House are out of order.

Mr. VOORHEES. I am alluding to the proceedings in the Senate on the part of the Senator from New York. I am alluding to sacrificial atonement; I have alluded to vicarious atonement for fifty derelict people somewhere else, on the part of the Senator from New York. I hope that we shall not be detained here on a matter of this kind. There is nothing ever made in the world before any fair-minded, broad, liberal-thinking people by an objection on a question of this kind, and there never will be.

Mr. BAYARD. Mr. President, the reason why I hope my friend from New York will withdraw his objection to the present consideration of this resolution is founded very much upon the suggestion of the honorable Senator from Iowa, [Mr. ALLISON.] Each House has undertaken in its own sound discretion and upon its responsibility to affix the compensation of its employés. It is just and proper that that should be so, because we here know the character and the amount of service required of our officers, and in the other House they know the character required from their officers. Each, therefore, is the best judge upon its own responsibility of what should be paid for the services performed under its eye.

If as a member of a committee I reported to the Senate that a clerk, a stenographer, a sergeant-at-arms, or any other official had performed his services extraordinarily well and was entitled to a certain sum which my discretion had fixed and approved, I should think it hard if that was not accepted by my associates Just so do I feel in regard to the action of the House. I do not enter into a comparison for one moment of the services of the officers of the two bodies; all I can say is that there is a great body of fidelity, intelligence, and accuracy important to the people of the United States in the manner in which these services must be performed; and when the House of Representatives, by a resolution which comes to us in a unanimous form, (that is to say, there is no suggestion of difference of opinion on the subject,) says to us that men who have served the Government in the offices of the House faithfully and well are in the opinion of that House entitled to a certain compensation, I for one yield my judgment to its on that subject.

I think that is the proper ground. It is not a question of individual opinion, but it is a question in which individual opinion is guided by those who have the better opportunity to be informed on the subject. If I went to the House of Representatives recommending that gentlemen who sit here at the desk or who serve us in other capacities should be paid a certain sum, I should expect them to take my judgment as entitled to a great deal of weight, and unless they had strong reasons for differing from me that they would pass upon that which I recommended. It is in the same spirit that I accept the action of the House. And when they send us, as they have done, a recommendation that these gentlemen shall be paid a certain sum, I will accept their judgment. I do not think it is a case for conflict of opinion; I consider it a case for mutual information. I have been in the habit of accepting my information from quarters from which I thought it could best emanate. Therefore it is that I ask my friend from New York [Mr. KERNAN] not to substitute his power of objection in this case (which is perfectly legitimate) for the judgment of the House, whose opportunities of information are certainly better than those of the Senate upon this particular question.

I do not like the idea of the House or any other body controlling the judgment of the Senate in regard to matters which we should have full information about, and that same discretion that I claim for myself and associates I would accord to the proper co-ordinate branch. It is in that view that I ask my friend not to allow this question of difference between us in opinion to exist, but to yield his opinion to that of the House.

Mr. KERNAN. Mr. President, the sneering remarks of the Senator from Indiana [Mr. VOORHEES] will have no influence on me. Calling it "heroic" when a Senator asks attention to what he believes to be a wrong expenditure of the public money needs no answer. My judgment is that each House should fix the salaries of its officers, and I leave to each that control; but when they have fixed the salaries and when the end of the session has come, to attempt to vote those who have permanent annual salaries a thirteenth month's pay in the year is contrary to my sense of what is wise or right. If the House could pay it without our assent I should not interfere; they would be responsible, not we. But we are asked here to vote this money; I felt called upon to ask attention to it and to object to its being done in this hasty manner.

Now, the appeal of my friend from Delaware [Mr. BAYARD] is in a very different tone. He asks me, for the reasons that he has stated, to let the Senate vote on this resolution and not put in my arbitrary objection. That has weight with me. Under that appeal I will withdraw my objection; but it will be my duty to vote against the resolution, letting every other Senator do as he sees fit; and therefore under that view and the appeal of the Senator from Delaware I cheerfully reserve my own individual opinion, reserving my right to vote against the resolution.

Mr. THURMAN, (Mr. CARPENTER in the chair.) I wish to say that I shall vote for this resolution. I concur with Senators who have said that each House is the best judge both of the number of its employés and the compensation they should receive; and that is a principle for which the Senate has contended for ten years, ever since I have been in this body; and what we have contended for we ought to concede to the House. It is right in itself.

There is somewhat of a mistake in regard to the question of the inequality of compensation. The compensation of many of the Senate employés is higher than of those of the House, and it ought to be higher because the Senate almost every year has an extra executive session; once in two years it is almost certain to have it; once in four years it is absolutely certain to have it; and those extra sessions have sometimes lasted for a month or nearly two months at a time. There is therefore reason and propriety in the course the Senate has taken in insisting upon the payment which its employés have received over and above that which persons performing like service, but not so much service, in the House of Representatives have received.

As to this resolution, I hope it will be read a second time, which has not yet been done, and that then it will be proceeded with and passed. I shall vote for it with pleasure.

The PRESIDING OFFICER, (Mr. CARPENTER in the chair.) Is there objection to the second reading of the resolution?

Mr. CHANDLER. Mr. President, this is a pretty late hour of the day of final adjournment for one House to send a resolution to pay its employés an extra month's salary and not include those of the other. Had they desired to deal fairly by the employés of both Houses they would have added one month's extra pay to the employés of the Senate. I renew the objection to the second reading of the resolution.

Mr. BECK. Before that is done by the Senator from Michigan I hope he will allow me to say that we have already given thirty days' extra pay to every man who has been discharged or for any cause has left the Senate employ, and that has been agreed to by the House. I repeat that each man who was in the employment of the Senate on the 4th of March and is not now in the employ of the Senate has been allowed, from the Chief Clerk down, thirty days' extra pay, because there were changes made in the Senate more than were made in the House. The political complexion of the Senate changed, that of the House did not. Therefore we have made that provision for all the men in the Senate employ and did not make it for the men in the House employ; so that this is not quite as sweeping as the Senator from Michigan may at first blush seem to think it is.

As I said, each man not now in employ is to have thirty days' extra pay, and we have given all those who are not receiving annual pay fifteen days' extra pay. That, together with the fact that quite serious differences of opinion between the two Houses have grown up, makes it very important now to bridge the difficulty over if we can. I think the Senator from Michigan, on a moment's reflection, will not adhere to his objection. I feel very sure that he is not a Senator who objects upon very small matters. He will make a fuss about Jeff. Davis, I know, [laughter,] and things of that sort.

Mr. CHANDLER. Mr. President, the appeal of my honorable friend from Kentucky is so touching that I cannot resist it, and shall therefore withdraw the objection.

The PRESIDING OFFICER. The resolution will be read the second time.

Mr. HOUSTON. Mr. President, I took ground at the early part of this session against the compensation that was then and is now allowed to the employés of the Senate. I said then that there ought to be harmony on the part of the two Houses on that subject, and I think yet the committee whose duty it was to have brought up that subject should have produced harmony between the pay of the various officials of the two Houses. That, however, has failed. Now, for me to change my position and vote to bring the House employés up to the Senate employés, when I believe the House employés get enough and I believe the Senate employés get too much, is asking more than I am willing to concede.

Mr. BECK. Will the Senator from Alabama allow me a word?

Mr. HOUSTON. Yes, sir.

Mr. BECK. My only desire is out of respect to the House to ask that Senators will not object to the consideration of the resolution, but vote against it if they are so disposed, and perhaps we shall equalize it down to a point that is proper when we meet in December.

Mr. HOUSTON. The Senator's appeal to me is quite unnecessary.

Mr. BECK. I beg pardon.

Mr. HOUSTON. I entirely disagree with the Senator from Ohio [Mr. THURMAN] and the Senator from Delaware [Mr. BAYARD] as to

the right and power of the House or of the Senate, separate from one another, to determine the amount of compensation their respective employés shall receive. In my view, the doctrine advanced by the Senator from Ohio is wholly untenable. What right has the House of Representatives to say, any more than the Senate, what any employé of Congress or of the Government in any department shall receive? What right has the Senate to say that its employés shall receive any amount over and above what the judgment of the House believes they ought to receive? Why, sir, the notion is utterly and entirely in conflict with the principles of just and wise legislation.

The argument made by the Senator from Indiana, it seems to me, was not a very proper argument to be addressed to Senators here. If, because an amount is small, we do not look into the justice of the proposition, it seems to me as if we are violating one of the very principles upon which we are required to act. The amount involved is not the touchstone; the principle involved is the thing; and if what is proposed is not a correct appropriation of money, if it is not a correct expenditure of money, whether it be a large amount or a small amount, it is the duty of the Senate and of the House and of every member of either House to oppose the waste, whether in large quantities or in small quantities.

Now, I repeat, I distinctly state my opposition to the doctrine advocated by the Senator from Ohio, that the House of Representatives has a right to do these things and that the Senate must not question them. No such doctrine can be deduced from any established principle of fair and just and equal legislation in former times. If the employés of the House do not get enough, we ought to give them enough. But the worst principle in the world is to bring in these resolutions for extra pay at a time when there is no chance to investigate them. If the employés do not get enough it is the duty of the two Houses to propose and pass a law giving them a sufficient compensation. That is the way to do it; and the Senate have just as much say-so in fixing the compensation of the employés of the House as it has in fixing the compensation of its own employés. And so of the House; it will have just as much say in relation to what we shall give our employés as they have in relation to their own—precisely the same, and nothing different.

Now, having said what I did and taking the ground I did in the early part of the session, I have seen no reason in the world to change it. On the contrary, if I were to be influenced by what has occurred, by the great waste as I believe of the public money, I should incline more strongly to the doctrine that I then announced and that I now repeat. I believe that we scatter the public revenue here on some occasions and on some objects more undeserving and unworthy of the money—I regret to say it, but it is so—and the records in the making up of the accounts after we shall have passed away from this session will show that there is a large increase upon former expenditures, I fear. I hope it may not be so.

The PRESIDING OFFICER. The resolution will have its second reading, no objection being made.

The joint resolution was read the second time by its title and considered as in Committee of the Whole. It directs the Clerk of the House of Representatives to pay to the employés of the House borne on the annual roll one month's extra pay at the same compensation as now paid them by law, and appropriates an amount sufficient for that purpose.

The joint resolution was reported to the Senate without amendment and ordered to a third reading.

The joint resolution was read the third time.

Mr. KERNAN. I ask for the yeas and nays on the final passage of the joint resolution.

The yeas and nays were ordered, and taken.

Mr. HILL, of Georgia. I ask the Senator from New Hampshire if this is a political question? [Laughter.]

Mr. ROLLINS. I think the Senator from Georgia is entitled to vote. It is not a political question.

Mr. HILL, of Georgia. I vote "yea."

The result was announced—yeas 30, nays 13; as follows:

YEAS—30.

Allison,	Cameron of Pa.,	Jonas,	Saunders,
Anthony,	Carpenter,	Kellogg	Thurman,
Bailey,	Conkling,	Kirkwood,	Vance,
Bayard,	Davis of Illinois,	Maxey,	Voorhees,
Beck,	Garland,	Morgan,	Whyte,
Blair,	Groome,	Morrill,	Windom.
Burnside,	Hereford,	Paddock,	
Butler,	Hill of Georgia,	Ransom,	

NAYS—13.

Cameron of Wis.,	Harris,	Platt,	Vest.
Chandler,	Houston,	Rollins,	
Coke,	Kernan,	Saulsbury,	
Hampton,	McMillan,	Slater,	

ABSENT—33.

Blaine,	Farley,	Jones of Florida,	Sharon,
Booth,	Ferry,	Jones of Nevada,	Teller,
Bruce,	Gordon,	Lamar,	Walker,
Call,	Grover,	Logan,	Wallace,
Cockrell,	Hamlin,	McDonald,	Williams,
Davis of W. Va.,	Hill of Colorado,	McPherson,	Withers.
Dawes,	Hoar,	Pendleton,	
Eaton,	Ingalls,	Plumb,	
Edmunds,	Johnston,	Randolph,	

So the joint resolution was passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed a joint resolution (H. R. No. 98) to pay L. H. Fitzhugh for services during the Forty-fourth Congress; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. No. 675) to provide office-rooms for the National Board of Health and for the publication of its reports and papers, and for other purposes; and it was thereupon signed by the President *pro tempore*.

L. H. FITZHUGH.

The joint resolution (H. R. No. 98) to pay L. H. Fitzhugh for services during the Forty-fourth Congress was read the first time by its title.

Mr. MAXEY. I ask that that lie on the table for the present.

The PRESIDENT *pro tempore*. The resolution will lie on the table.

MESSAGE FROM THE HOUSE.

Mr. MAXEY. Mr. President——

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed a resolution providing for the appointment of a committee of three members to join a similar committee on the part of the Senate to wait upon the President of the United States and inform him that the two Houses of Congress are ready to adjourn if he has no further communication to make to them, and that Mr. J. D. C. ATKINS of Tennessee, Mr. G. A. BICKNELL of Indiana, and Mr. W. A. FIELD of Massachusetts had been appointed the committee on the part of the House.

The message also announced that the House had passed the joint resolution (S. R. No. 38) to pay Professor Peter Collier for services as chemist in the prosecution of the evasions of the duties on sugar.

APPROPRIATIONS FOR VARIOUS PURPOSES.

Mr. MAXEY. I ask unanimous consent that House joint resolution No. 98 be taken from the table and put on its passage.

Mr. ALLISON. I ask the Senator to give way while I submit a conference report.

Mr. MAXEY. Certainly.

Mr. ALLISON. I submit a report from a committee of conference.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the resolution H. R. No. 118, "joint resolution in relation to committee clerks, pages, and other employés of the Senate and House of Representatives," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments numbered 2, 6, 7, 8 and 9, and agree to the same.

That the House recede from its disagreement to the amendment numbered 1, and agree to the same with an amendment as follows: Add at the end of said amendment the following:

"And to pay H. R. Potts and C. F. Rainey for services in the office of the Sergeant-at-Arms, House of Representatives, $5 per day each for the first session of the Forty-sixth Congress a sufficient sum is hereby appropriated."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 3, and agree to the same with an amendment as follows: Insert after the word "Senate" in said amendment the following:

"And House, to be allotted equally as nearly as practicable."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 4, and agree to the same with an amendment as follows: Insert before the word "miscellaneous" in line 2 of said amendment the following:

"Appropriation for the."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 5, and agree to the same amended as follows: Add at the end of said amendment the following:

"But this payment shall not apply in any case where leave of absence for thirty days has been granted as preliminary to said discharge."

And the Senate agree to the same.

WM. W. EATON,
JAS. B. BECK,
W. B. ALLISON,
Managers on the part of the Senate.
J. C. S. BLACKBURN,
WM. H. FORNEY,
A. HERR SMITH,
Managers on the part of the House.

The report was concurred in.

NOTIFICATION TO PRESIDENT.

Mr. BAYARD. I move that the Senate proceed to consider the resolution that has come from the House respecting the appointment of a committee to wait on the President and inform him of the resolution of adjournment.

The motion was agreed to.

The resolution of the House of Representatives was read, as follows:

IN THE HOUSE OF REPRESENTATIVES,
July 1, 1879.

Resolved, That a committee of three members be appointed to join a similar committee on the part of the Senate to wait upon the President of the United States and inform him that the two Houses of Congress are ready to adjourn if he has no further communication to make to them.

Ordered, That Mr. ATKINS, Mr. BICKNELL, and Mr. FIELD be the said committee.

The resolution was concurred in.

Mr. BAYARD. I move that a committee of three be appointed by the Chair to carry out the resolution of the House.

The motion was agreed to; and Mr. BAYARD, Mr. WHYTE, and Mr. ANTHONY were appointed.

L. H. FITZHUGH.

Mr. MAXEY. I ask unanimous consent that the House joint resolution No. 98 for the relief of L. H. Fitzhugh be taken from the table and put on its passage. It provides for a balance due Mr. Fitzhugh as Doorkeeper of the House, a matter peculiarly within their knowledge. I have here the report of the committee, which I am informed was unanimous that the amount named in the joint resolution is just. The House has passed it, and I hope the Senate will concur.

Mr. CONKLING. How much is the amount?

Mr. MAXEY. Twelve hundred and fifty dollars. The exact amount is put down in this report, and the committee report that it is a just balance.

By unanimous consent, the joint resolution (H. R. No. 98) to pay L. H. Fitzhugh for services during the Forty-fourth Congress was read the second time, and considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THANKS TO THE PRESIDENT PRO TEMPORE.

Mr. ANTHONY. In this parting hour I take advantage of the absence of the President *pro tempore* from the chair to offer a resolution which I am sure will receive the unanimous consent of the Senate.

The PRESIDING OFFICER, (Mr. CARPENTER in the chair.) The Senator from Rhode Island offers a resolution, which will be read.

The Chief Clerk read as follows:

Resolved, That the thanks of the Senate are hereby tendered to Hon. ALLEN G. THURMAN for the ability, dignity, and impartiality with which he has discharged the duties of the chair.

The PRESIDING OFFICER. The Chair omits the useless form of asking whether there is objection to the present consideration of this resolution, and will submit the question to the Senate. Senators in favor of the resolution will say "ay;" those opposed "no." [Putting the question.] It is passed unanimously.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the House had passed the bill (S. No. 641) to grant additional rights to homestead settlers on public lands within railroad limits in the States of Missouri and Arkansas.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the joint resolution (H. R. No. 118) in relation to committee clerks, pages, and other employés of the Senate and House of Representatives.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled joint resolutions; and they were thereupon signed by the President *pro tempore:*

A joint resolution (H. R. No. 98) to pay L. H. Fitzhugh for services during the Forty-fourth Congress; and

A joint resolution (H. R. No. 119) to pay the employés of the House of Representatives borne on the annual roll one month's extra pay.

BILL INTRODUCED.

Mr. BLAIR asked, and by unanimous consent obtained, leave to introduce a bill (S. No. 727) to authorize and promote international inquiry and conference as to the practicability of extending the channels of the Bay of Fundy and of the Mississippi River to and through Hudson River and to and through Hudson's Bay; which was read twice by its title, and referred to the Committee on Transportation Routes to the Seaboard.

THANKS TO THE VICE-PRESIDENT.

Mr. KERNAN submitted the following resolution; which was agreed to unanimously:

Resolved, That the thanks of the Senate are due and hereby are tendered to Hon. WILLIAM A. WHEELER, Vice-President of the United States, for the ability, courtesy, and impartiality displayed by him while he presided over their deliberations during the present session of Congress.

ENROLLED BILLS SIGNED.

A message from the House of Representatives, by Mr. GEORGE M. ADAMS, its Clerk, announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the President *pro tempore:*

A bill (S. No. 681) for the relief of the estate of Henry Conard;

A bill (S. No. 641) to grant additional rights to homestead settlers on public lands within railroad limits in the States of Missouri and Arkansas;

A joint resolution (H. R. No. 38) to pay Professor Peter Collier for services as chemist in the prosecution of the evasions of the duties on sugar; and

A joint resolution (H. R. No. 118) in relation to committee clerks, pages, and other employés of the Senate and House of Representatives.

EXECUTIVE SESSION.

Mr. VOORHEES. There is a reason for the motion which I make. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After one hour and seventeen minutes spent in executive session the doors were reopened.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. O. L. PRUDEN, one of his secretaries, announced that the President had this day approved and signed the following acts and joint resolution:

An act (S. No. 641) to grant additional rights to homestead settlers on public lands within railroad limits in the States of Missouri and Arkansas;

An act (S. No. 675) to provide office-rooms for the National Board of Health, and for the publication of its reports and papers, and for other purposes;

An act (S. No. 681) for the relief of the estate of Henry Conard; and

A joint resolution (S. R. No. 38) to pay Professor Peter Collier for services as chemist in the prosecution of the evasions of the duties on sugar.

FINAL ADJOURNMENT.

Mr. BAYARD, from the committee appointed by the Senate to wait upon the President of the United States and to inform him that the Senate had concluded its business, and if he had no further communication was ready to adjourn, reported that they had performed the duty assigned them, and the President said he had nothing further to communicate.

The PRESIDENT *pro tempore*. Senators, thanking you sincerely for the respect and approbation expressed in your resolution adopted to-day, and for the kind aid you have uniformly given me while temporarily performing the duties of the Chair, and wishing you all a safe and pleasant return to your homes, I now, in obedience to the concurrent resolution of the two Houses, declare the Senate to be adjourned without day.

HOUSE OF REPRESENTATIVES.

TUESDAY, *July* 1, 1879.

The House met at twelve o'clock m. Prayer by the Chaplain, Rev. W. P. HARRISON, D. D.

The Journal of yesterday was read and approved.

PERSONAL EXPLANATION.

Mr. OSCAR TURNER. I rise, Mr. Speaker, for the purpose of making a personal explanation.

The SPEAKER. How much time does the gentleman desire?

Mr. OSCAR TURNER. But a very few minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. OSCAR TURNER. Mr. Speaker, I rise to a question of personal privilege. My attention was called yesterday to an editorial in the Daily Memphis Avalanche of June 28, in which, speaking of myself, it is stated that I recently found it necessary to assure the country that I had not been drunk for three whole days. [Laughter.] Every member upon this floor knows that that statement is entirely false and without foundation, and I denounce it as such. Further it is stated in the same article that I am "a conspicuous member of the House—conspicuous for inability to keep sober," and the same charge is repeated in different language several times. Now, it is a fact that I have not drank any spirituous or other intoxicating liquors during this entire session of Congress. [Cries of "Good!"] And my colleagues who are and have been in constant association with me on this floor and off of it, will bear me witness to this fact, and all the members who know me know that the said charge in said paper is wholly and grossly false, and I refer especially to the members from Tennessee, where this paper is published, and especially to Mr. ATKINS, with whom I have been acquainted for twenty years and whom I have met frequently socially as well as upon this floor during this session. I am at a loss to know why I should have been made the object of such falsehood and scurrility, for its falsity is so notorious here. I have not been absent from this Hall ten minutes during this session when this House has been in session and have voted upon every question, as the yeas and nays will show in the RECORD, not missing a single vote; and no member of any party would hesitate to attest the falsity of the charges made in the said article.

But the article alluding to my being mistaken by Hon. Mr. HUBBELL, of Michigan, for Mr. Robinson, chairman of the State republican committee of Ohio, in an interview in which under that mistake he asked me as a supposed republican to contribute to the National View, a greenback paper of this city, uses language to create the impression that no such circumstance occurred and that no such mistake could have been made, and that my statement which appeared in the Post was not true, Now, Mr. Speaker, the statement I made was published in a letter addressed by me to the Post, and was published June 24, and was seen by Mr. HUBBELL that day.

I will send it to the reporter and make it a part of my remarks. If, however, there is any desire to have it read now, that can be done.

Mr. CONGER. The gentleman assumes that my colleague [Mr. HUBBELL] is present.

Mr. HUBBELL. Yes, I am here.

Mr. OSCAR TURNER. The gentleman's colleague is present.

Mr. CONGER. I did not see him. [Laughter.]

The letter referred to is as follows:

HOUSE OF REPRESENTATIVES,
Washington, D. C., June 23, 1879.

To the Editor of the Post:

My attention was drawn to an article in the Post this morning, purporting to give an account of an interview between Hon. JAY A. HUBBELL, of Michigan, and myself last Saturday in the House of Representatives, and as it has been given to the public, (without authority from me,) I desire to correct some inaccuracies in the article. I was coming from the file-room, and as I was passing the republican side of the Hall to my desk, I was stopped by a gentleman who said he wanted to speak to me. Stepping back a few paces, he asked me if I knew the editor of the greenback paper on Pennsylvania avenue. I told him I did not remember him. He remarked that he was "rendering us great or valuable service in Ohio and Kentucky; that he had attended the convention in Ohio and was instrumental in preventing a fusion between the democrats and greenbackers, and that he was sending thousands of his papers into Kentucky and Ohio, and making inroads into the democratic party, and doing us much good." He said, "We are aiding him, and it requires a good deal of money, and I would like that you would aid him." I asked him what was the editor's name. He pulled a card out of his pocket and said, "Lee Crandall." I looked at him in surprise, and made no reply. He then asked me to take the matter under consideration and aid him if I could, and turned around and walked off. I had never seen the gentleman before, and had no idea who he was. Captain Knight was close by, and I asked him who the gentleman was who had just left me, pointing him out. He said it was Mr. HUBBELL. I asked him if he was a greenbacker, and he said no, he was a republican. I was much surprised, and could not account for his accosting me until this morning, when I was informed by several members of the House that he said he took me for Mr. Robinson, the chairman of the republican executive committee of Ohio, to whom he had been introduced a short time before. I understand that Mr. HUBBELL is the chairman of the republican congressional committee, and thus the mystery of his approaching me was explained. This is the conversation and the circumstances as they occurred. I did not invite it in any way. He did not tell me that Crandall was going to Toledo, nor has he or any of his friends visited me, or requested me to keep the mistake a secret, as stated in your article in the Post this morning, nor did he inform me how much money had been raised by the republican party or members to sustain the paper. I did not intend giving publicity to his mistake, which was apparent when I learned the facts, but as it has been made public without authority from me, I desire that the conversation and circumstances shall appear correctly.

Respectfully,

OSCAR TURNER, of Kentucky.

Mr. OSCAR TURNER. It will be perceived that the publication of the affair was not originated by me. But finding that it was published with some incorrect statements, I felt it due to Hon. Mr. HUBBELL as well as myself that a correct account should be given, and I published the letter which has been read, for that purpose. Its statements are sustained by the letters of Hon. JOHN E. KENNA, of West Virginia, and Hon. HIESTER CLYMER, of Pennsylvania, which I send to the Reporter and desire published with my remarks.

They are the following:

WASHINGTON, *June* 23, 1879.

To the Editor of the Post:

You wish me to state, if I can do so without violating any obligations of secrecy, what I know of the interview between Mr. HUBBELL, chairman of the republican congressional committee, and Mr. OSCAR TURNER, of Kentucky. I know nothing of the interview except what Mr. TURNER and Mr. HUBBELL told me, and what was published. After Mr. TURNER'S statement had appeared in the Post this morning I asked Mr. HUBBELL, in the presence of several gentlemen, among them Mr. CLYMER, of Pennsylvania, about the interview. Mr. HUBBELL stated that he was mistaken in the man; that he mistook Mr. TURNER for Mr. Robinson, chairman of the Ohio state executive republican committee; that he had been introduced to Mr. Robinson only the night before and that the two gentlemen looked very much alike. This conversation was general, and in the presence of other gentlemen. I regarded it in no sense private, and hence feel no hesitancy in repeating it.

Yours, truly,

JNO. E. KENNA.

WASHINGTON, *June* 25.

To the Editor of the Post:

In conversation with Hon. JAY A. HUBBELL, regarding the alleged interview between him and Hon. OSCAR TURNER, of Kentucky, which appeared here in the Post of this morning, he (HUBBELL) did not gainsay the substantial correctness of the account, and said that he had mistaken Mr. TURNER for Mr. J. S. Robinson, chairman of the State republican committee of Ohio, whom he knew very slightly, never having met him but upon one occasion. As my communication with Mr. HUBBELL was in no sense of a private nature, I do not hesitate to give the substance of it.

HIESTER CLYMER.

Mr. OSCAR TURNER. Further, Mr. HUBBELL acknowledged the mistake he had made to Hon. JOSEPH C. S. BLACKBURN, my colleague, and did not deny statements in my letter. And after the publication of my letter Mr. HUBBELL sought a formal introduction to me and explained how he committed the error of mistaking me for Mr. Robinson, chairman of the republican committee of Ohio, and had the conversation with me detailed in my letter to the Post.

Mr. HUBBELL, who is now in his seat, has never denied and will not deny that such interview occurred as detailed in my letter; and this statement is not made for the purpose of annoying him by further publicity of the matter, but to relieve myself from the gross falsehoods contained in the unjust article in the Avalanche. There are other matters of abuse in said article, the utterance of which is unworthy of any gentleman. Those who have witnessed my demeanor ever since this session commenced, of all political parties, will pronounce them unjust, and I will not dignify them by further notice.

A newspaper controversy is not desirable; but when such an article is published by an intermeddler who knows nothing of the matter, and not in the interest of truth and fairness but for mere purposes of defamation, and that, too, in the part of Tennessee which adjoins my district, it is due to myself and truth that it should be corrected and its falsity exposed.

Mr. ACKLEN. Mr. Speaker, this is evidently a case of mistaken identity. Somebody has mixed these children up. [Great laughter.]

The SPEAKER. Does the gentleman from Louisiana rise to a privileged question? [Renewed laughter.]

Mr. ACKLEN. No, Mr. Speaker, I merely suggest as the gentleman from Michigan [Mr. HUBBELL] is here, the House would like to hear from him in reference to this question of mistaken identity.

Mr. HUBBELL. Mr. Speaker, if I could be assured any gentleman present will not publish a card of what I am about to say under his own name in the public prints, I might be induced to make some little explanation in regard to the mistake which has so bothered the gentleman from Kentucky. [Laughter.] Or if the gentleman from Kentucky when I approached him under a mistake had had his usual self-possession about him and informed me I was mistaken and talking to the wrong man, perhaps he might not have been in the trouble he is now.

When the card was published, (and these things, Mr. Speaker, were all published without consulting me as to whether the statements made were true or not,) I sought the gentleman from Kentucky and told him that he had not stated the thing as it occurred; that he had not related the transaction as it had occurred, in one or two particulars. For instance——

Mr. OSCAR TURNER. I ask the gentleman to specify in what particulars.

Mr. HUBBELL. I am going on to specify. I told the gentleman he had made a mistake or he had misunderstood me, if he said the committee which I have the honor to represent had paid or was to pay any money to this greenback paper, this National View. I told him—I expressly said to him—"My committee cannot do anything, but you fellows who are interested insist, (supposing I was talking to the Ohio gentleman;) [great laughter] you fellows had better put your hands into your own pockets and help it personally. I will do what I can." I made a mistake. I thought I was talking to an Ohio gentleman. [Great laughter.]

Mr. OSCAR TURNER. And a republican.

Mr. HUBBELL. I thought it was safe to talk to any gentleman, and I never for a moment supposed, it being a mistake, the interview would be published in the public prints, and I was pained beyond expression to learn it. Certain gentlemen came to me in a laughing way, not getting the substance of the interview, but getting my acknowledgment of the "corn," for when a good joke is played on me I enjoy it as well as anybody, and we laughed at the joke; but when they thought it necessary to publish a card, that annoyed me. I care nothing about it personally; I have no ill-will toward the gentleman from Kentucky.

Mr. OSCAR TURNER. Nor have I any toward you.

Mr. HUBBELL. But I am sorry the gentleman's good sense did not come to him a little sooner and induce him to keep a little quiet about this whole thing, and then he would not be compelled to rise to a personal explanation in the House to prove that he never was drunk. [Laughter.] I do not think he ever was drunk. [Laughter.]

Mr. OSCAR TURNER. I ask the gentleman from Michigan, who has undertaken to give the interview at my seat, why he does not state to this House and to the country what did occur between him and myself. I have not made it public, but inasmuch as he does, I will state what did occur in his presence.

Mr. HUBBELL. But let me answer the question first. You ask why I did not explain. I thought it was so simple, so foolish a matter, and was of so little importance that I did not intend to allude to it at all in a public way, and never would have done so. [Laughter.]

Mr. OSCAR TURNER. It may be unfortunate for the gentleman now. [Applause on the democratic side.]

Mr. HUBBELL. I want to say one word more. It is so funny—I sometimes laugh when I am alone over it—that this great democracy should feel it an outrage to them that the republicans were trying to curry favor with the greenback party or attempting to gain any influence with them. It is an awfully bad, a terrible thing. [Laughter.] Just go back over the history of the greenback party and look at what the democratic party and the greenback party have been trying to do. They have been trying to "go to bed with Dinah" with each other ever since the greenback party was organized. In Michigan they have joined forces, and no sooner had we the representatives of what is called the greenback party in this House than the great democratic party hovered around them, made them all sorts of promises, and captured them, as they thought, completely. But it is a terrible thing if any republicans try to use them against the democrats; it is quite awful.

Mr. OSCAR TURNER. Mr. Speaker——

Mr. VAN VOORHIS. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. VAN VOORHIS. It is that we have had enough of this.

The SPEAKER. That is not a point of order.

Mr. OSCAR TURNER. Inasmuch as the gentleman from Michigan now refers to a private conversation which he had with me at

my desk after the publication of my letter, and which I did not make public at all, I desire to state what occurred, and do so in his presence. The gentleman sought an introduction to me the day after my letter was published, and he had seen it. He was introduced to me at my desk by General SPARKS. He sat down and told me he regretted the mistake. He said he had supposed I was Mr. Robinson, the chairman of the Ohio republican committee; that that gentleman resembled me very much; that he had never seen him but once, having been introduced to him the day before, and that that was the way he made the mistake. I asked him if he did not find my detailed statement correct. He said it was all correct except in one particular; that I stated he had subscribed, and that he had not said he had subscribed at all. I said, "Why, you certainly are mistaken, and I can prove that you are. Did you not want me to subscribe, supposing that I was a republican?" He said, "Yes, I did." "Then," said I, "it certainly would not have been at all generous on your part to want me as a supposed republican and other republicans to aid in circulating the paper when you were not willing to subscribe yourself; and you would not have placed yourself in such a ridiculous attitude." [Applause on the democratic side.]

That was what occurred between us. I then went to look at the article in the Post in accordance with the gentleman's request. On looking at it I found that I did not charge in the letter that the gentleman had subscribed, but that I had said his statement was that "we were raising money," which was the gentleman's language as nearly as I recollected it. I supposed the gentleman had subscribed, and that he was trying to prevail upon me to subscribe also, for the benefit of the paper. [Applause.]

Mr. VAN VOORHIS. I rise to a point of order.

The SPEAKER. The gentleman will state it.

Mr. VAN VOORHIS. My point of order is, that it seems as if this controversy was going to lead to bloodshed.

The SPEAKER. The Chair hopes not.

ORDER OF BUSINESS.

Mr. CONGER. I call for the regular order.

Mr. SPRINGER. I ask unanimous consent to offer the resolution which I send to the desk.

The SPEAKER. The gentleman from Michigan demands the regular order, which is equivalent to an objection.

Mr. MARTIN, of Delaware. I move that the morning hour be dispensed with.

Mr. HOOKER. I desire to offer a resolution.

The SPEAKER. The gentleman from Michigan has demanded the regular order, and the regular order is the motion of the gentleman from Delaware that the morning hour be dispensed with. It can only be dispensed with by a two-thirds vote.

The question being put on the motion to dispense with the morning hour, there were—ayes 39, noes 51.

So (two-thirds not voting in the affirmative) the motion to dispense with the morning hour was not agreed to.

PROHIBITION OF POLITICAL CONTRIBUTIONS.

Mr. HUNTON. I ask unanimous consent——

The SPEAKER. The regular order is demanded, and the Chair has no volition to recognize any gentleman to make a request for unanimous consent.

The morning hour begins at eighteen minutes to one o'clock. The unfinished business of the morning hour is the bill (H. R. No. 2266) to prohibit Federal officers, claimants, and contractors from making contributions for political purposes. The gentleman from Indiana [Mr. HOSTETLER] who reports the bill has moved that it be referred to the Committee of the Whole on the state of the Union, and the pending question is the demand for the previous question upon that motion.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced that the Senate had agreed to the joint resolution (H. R. No. 118) in relation to committee clerks, pages, and other employés of the Senate and House of Representatives, with amendments in which he was directed to ask the concurrence of the House of Representatives.

Mr. BLACKBURN. I move that the amendments of the Senate be non-concurred in, and that a committee of conference be appointed.

The motion was agreed to; and the Speaker appointed Mr. BLACKBURN, Mr. FORNEY, and Mr. SMITH of Pennsylvania, as managers of the conference on the part of the House of Representatives.

PROHIBITION OF POLITICAL CONTRIBUTIONS.

The question was put on seconding the demand for the previous question; and on a division there were 58 in the affirmative and none in the negative.

Mr. CONGER. I make the point of order that a quorum has not voted.

The SPEAKER. The Chair will order tellers.

Mr. BURROWS and Mr. HOSTETLER were appointed tellers.

The House again divided; and the tellers reported 66 in the affirmative and none in the negative.

Mr. CONGER. I make the point of order that a quorum has not voted.

The SPEAKER. If the gentleman makes that point, no motion is in order except a motion to adjourn or a motion for a call of the House.

Mr. GARFIELD. How much does the vote lack of a quorum?

The SPEAKER. The Chair has announced that there were 66 in the affirmative and none in the negative.

Mr. GARFIELD. That is not half a quorum.

The SPEAKER. What motion does the gentleman from Michigan [Mr. CONGER] make?

Mr. CONGER. I am too modest to interfere in the business or make any motion. I do not think it would be becoming in me to attempt to influence the majority or control their action.

Mr. FINLEY. Is it in order to move to dispense with the morning hour?

The SPEAKER. The morning hour has already been entered on.

Mr. FINLEY. Can we not by unanimous consent dispense with the morning hour? If we cannot get a quorum, we cannot proceed with other business.

The SPEAKER. There is not a quorum present; the Chair has caused the House to be counted and there is not a quorum here.

Mr. HOSTETLER. I move that there be a call of the House.

The question was put; and on a division there were 35 in the affirmative and none in the negative.

Mr. CONGER. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 113, nays 35, not voting 138; as follows:

YEAS—113.

Acklen,	Ford,	Martin, Benj. F.	Slemons,
Aiken,	Forney,	Martin, Edward L.	Smith, A. Herr
Armfield,	Forsythe,	Mason,	Smith, Hezekiah B.
Atherton,	Fort,	McGowan,	Smith, William E.
Atkins,	Frost,	McLane,	Springer,
Bicknell,	Gibson,	McMillin,	Stephens,
Blackburn,	Godshalk,	Mills,	Stevenson,
Bouck,	Goode,	Mitchell,	Talbott,
Brewer,	Gunter,	Morrison,	Taylor,
Bright,	Hammond, John	Muller,	Thompson,
Caldwell,	Hammond, N. J.	Murch,	Tillman,
Caswell,	Haskell,	Myers,	Townsend, Amos
Clardy,	Hatch,	New,	Townshend, R. W.
Clymer,	Hazelton,	O'Connor,	Turner, Oscar
Cobb,	Henderson,	Orth,	Tyler,
Conger,	Henry,	Phelps,	Updegraff, J. T.
Converse,	Herbert,	Phister,	Updegraff, Thomas
Cook,	Herndon,	Poehler,	Upson,
Covert,	Hill,	Prescott,	Van Aernam,
Cravens,	Hooker,	Reagan,	Voorhis,
Culberson,	House,	Richardson, J. S.	Whiteaker,
Davidson,	Hunton,	Rothwell,	Williams, Thomas
Davis, Loundes H.	Johnston,	Ryon, John W.	Willits,
Dibrell,	Ketcham,	Samford,	Wilson,
Dickey,	King,	Sawyer,	Yocum,
Elam,	Le Fevre,	Shallenberger,	Young, Casey.
Evins,	Lowe,	Shelley,	
Felton,	Manning,	Sherwin,	
Finley,	Marsh,	Simonton,	

NAYS—35.

Aldrich, William	Carpenter,	Harris, Benj. W.	Monroe,
Anderson,	Cowgill,	Hawk,	Neal,
Barber,	Daggett,	Hawley,	Nicholls,
Bayne,	Davis, George R.	Hubbell,	O'Neill,
Blake,	Deering,	Jones,	Osmer,
Briggs,	Dunnell,	Joyce,	Ryan, Thomas
Browne,	Farr,	Keifer,	Van Voorhis,
Burrows,	Field,	Lapham,	Ward.
Cannon,	Garfield,	McCoid,	

NOT VOTING—138.

Aldrich, N. W.	Deuster,	Ladd,	Russell, W. A.
Bachman,	Dick,	Lay,	Sapp,
Bailey,	Dunn,	Lewis,	Scales,
Baker,	Dwight,	Lindsey,	Singleton, J. W.
Ballou,	Einstein,	Loring,	Singleton, O. R.
Barlow,	Ellis,	Lounsbery,	Sparks,
Beale,	Errett,	Martin, Joseph J.	Speer,
Belford,	Ewing,	McCook,	Starin,
Beltzhoover,	Ferdon,	McKenzie,	Steele,
Bingham,	Fisher,	McKinley,	Stone,
Bland,	Frye,	McMahon,	Thomas,
Bliss,	Geddes,	Miles,	Tucker,
Blount,	Gillette,	Miller,	Turner, Thomas
Bowman,	Hall,	Money,	Urner,
Boyd,	Harmer,	Morse,	Valentine,
Bragg,	Harris, John T.	Morton,	Vance,
Brigham,	Hayes,	Muldrow,	Waddill,
Buckner,	Hellman,	Newberry,	Wait,
Butterworth,	Henkle,	Norcross,	Warner,
Cabell,	Hiscock,	O'Brien,	Washburn,
Calkins,	Horr,	O'Reilly,	Weaver,
Camp,	Hostetler,	Overton,	Wellborn,
Carlisle,	Houk,	Persons,	Wells,
Chalmers,	Hull,	Pierce,	White,
Chittenden,	Humphrey,	Pound,	Whitthorne,
Claflin,	Hurd,	Price,	Wilber,
Clark, Alvah A.	James,	Reed,	Williams, C. G.
Clark, John B.	Jorgensen,	Rice,	Willis,
Coffroth,	Kelley,	Richardson, D. P.	Wise,
Colerick,	Kenna,	Richmond,	Wood, Fernando
Cox,	Killinger,	Robertson,	Wood, Walter A.
Crapo,	Kimmel,	Robeson,	Wright,
Crowley,	Kitchin,	Robinson,	Young, Thomas L.
Davis, Joseph J.	Klotz,	Ross,	
De La Matyr,	Knott,	Russell, Daniel L.	

So it was ordered that there be a call of the House.

During the roll-call the following announcements were made:

Mr. ARMFIELD. My colleague, Mr. SCALES, is paired with Mr. ERRETT, of Pennsylvania; my colleague, Mr. STEELE, is paired with Mr. NORCROSS, of Massachusetts; my colleague, Mr. KITCHIN, is paired with Mr. MARTIN, of North Carolina; and my colleague, Mr. DAVIS, is paired with Mr. ALDRICH, of Rhode Island.

Mr. CALDWELL. My colleague, Mr. CARLISLE, is paired with Mr MILLER, of New York.

Mr. FIELD. My colleague, Mr. ROBINSON, is paired with Mr. ROBERTSON, of Louisiana, and my colleague, Mr. NORCROSS, with Mr. STEELE, of North Carolina.

Mr. YOUNG, of Tennessee. I am paired on all questions of a political character with the gentleman from Massachusetts, Mr. LORING. This not being a question of that character, I vote "ay."

Mr. TALBOTT. My colleague, Mr. HENKLE, is absent on account of sickness in his family, and is paired with Mr. WAIT, of Connecticut.

Mr. FORNEY. My colleague, Mr. LEWIS, is paired with Mr. WILLIAMS, of Wisconsin.

Mr. ELLIS. I am paired with Mr. HARMER, of Pennsylvania.

Mr. DICKEY. My colleague, Mr. GEDDES, is paired with Mr. BARLOW, of Vermont.

Mr. SAWYER. My colleague, Mr. WADDILL, is paired with Mr. POUND, of Wisconsin.

Mr. KNOTT. I am paired with the gentleman from Maine, Mr. FRYE.

Mr. ROSS. I am paired with Mr. CRAPO, of Massachusetts.

Mr. TOWNSHEND, of Illinois. My colleague, Mr. SINGLETON, is paired with Mr. MILES, of Connecticut.

Mr. HOSTETLER. I am paired with Mr. MCCOOK, of New York.

Mr. MANNING. My colleague, Mr. MULDROW, is paired with Mr. DWIGHT, of New York; and my colleague, Mr. MONEY, is paired with Mr. STONE, of Michigan.

Mr. VAN VOORHIS. My colleague, Mr. HISCOCK, is paired with Mr. WELLS, of Missouri.

Mr. WARD. My colleague, Mr. KELLEY, is paired with Mr. MORSE, of Massachusetts.

Mr. TOWNSEND, of Ohio. My colleague, Mr. MCKINLEY, is paired with Mr. SPARKS, of Illinois.

Mr. ERRETT. I am paired with the gentleman from North Carolina, Mr. SCALES.

Mr. HAZELTON. My colleague, Mr. WILLIAMS, is paired with Mr. LEWIS, of Alabama; and my colleague, Mr. POUND, is paired with Mr. WADDILL, of Missouri.

Mr. COVERT. My colleague, Mr. FERNANDO WOOD, is paired with Mr. ROBESON, of New Jersey.

Mr. DUNNELL. My colleague, Mr. WASHBURN, is paired upon all political questions with my other colleague, Mr. POEHLER.

Mr. BARBER. Mr. HEILMAN, of Indiana, is paired with Mr. MULLER, of New York.

Mr. MULLER. My colleague, Mr. LOUNSBERY, is paired with my other colleague, Mr. BAILEY.

Mr. GUNTER. My colleague, Mr. DUNN, is absent on account of sickness, and is paired with Mr. HAYES, of Illinois.

Mr. HUNTON. My colleagues, Mr. TUCKER, Mr. CABELL, and Mr. RICHMOND are detained from the House by sickness, and paired respectively with Mr. RICHARDSON of New York, with Mr. BOYD of Illinois, and with Mr. PRESCOTT of New York.

Mr. KENNA. Upon all political questions I am paired with Mr. YOUNG, of Ohio.

The result of the vote was then announced as above stated.

Mr. CONGER. I move to reconsider the vote by which a call of the House has been ordered; and on that motion I call for the yeas and nays.

The question was taken upon ordering the yeas and nays; and there were 30 in the affirmative.

So (the affirmative being more than one-fifth of the last vote) the yeas and nays were ordered.

The question was taken; and there were—yeas 50, nays 95, not voting 141; as follows:

YEAS—50.

Aldrich, William	Davis, George R.	Hooker,	Ryan, Thomas
Armfield,	Dunnell,	Horr,	Shallenberger,
Barber,	Elam,	House,	Sherwin,
Blake,	Farr,	Joyce,	Smith, A. Herr
Bowman,	Field,	Keifer,	Thomas,
Briggs,	Finley,	Ketcham,	Townsend, Amos
Browne,	Ford,	Lapham,	Tyler,
Cannon,	Fort,	Marsh,	Updegraff, J. T.
Carpenter,	Garfield,	Mason,	Updegraff, Thomas
Conger,	Hammond, John	McCoid,	Valentine,
Converse,	Harris, Benj. W.	Osmer,	Ward.
Cowgill,	Hazelton,	Rothwell,	
Daggett,	Henderson,	Russell, Daniel L.	

NAYS—95.

Acklen,	Burrows,	Culberson,	Gibson,
Aiken,	Caldwell,	Davidson,	Gillette,
Anderson,	Caswell,	Davis, Loundes H.	Goode,
Atherton,	Chalmers,	Dibrell,	Gunter,
Atkins,	Clardy,	Dickey,	Hammond, N. J.
Bayne,	Clark, John B.	Evins,	Haskell,
Bicknell,	Clymer,	Felton,	Hatch,
Blackburn,	Coffroth,	Forney,	Hawk,
Bouck,	Cook,	Forsythe,	Henry,
Bright,	Covert,	Frost,	Herbert,
Hill,	Morrison,	Ryon, John W.	Thompson,
Hull,	Murch,	Samford,	Tillman,
Johnston,	Myers,	Sawyer,	Townshend, R. W.
King,	New,	Shelley,	Turner, Oscar
Le Fevre,	Nicholls,	Simonton,	Upson,
Lowe,	O'Connor,	Singleton, O. R.	Van Aernam,
Manning,	Orth,	Slemons,	Weaver,
Martin, Benj. F.	Persons,	Smith, Hezekiah B.	Wellborn,
Martin, Edward L.	Phelps,	Smith, William E.	Whiteaker,
McLane,	Phister,	Springer,	Williams, Thomas
McMillin,	Poehler,	Stephens,	Willits,
Mills,	Prescott,	Stevenson,	Wilson,
Mitchell,	Reagan,	Talbott,	Wise.
Monroe,	Richardson, J. S.	Taylor,	

NOT VOTING—141.

Aldrich, N. W.	Dick,	Knott,	Robinson,
Bachman,	Dunn,	Ladd,	Ross,
Bailey,	Dwight,	Lay,	Russell, W. A.
Baker,	Einstein,	Lewis,	Sapp,
Ballou,	Ellis,	Lindsey,	Scales,
Barlow,	Errett,	Loring,	Singleton, J. W.
Beale,	Ewing,	Lounsbery,	Sparks,
Belford,	Ferdon,	Martin, Joseph J.	Speer,
Beltzhoover,	Fisher,	McCook,	Starin,
Bingham,	Frye,	McGowan,	Steele,
Bland,	Geddes,	McKenzie,	Stone,
Bliss,	Godshalk,	McKinley,	Tucker,
Blount,	Hall,	McMahon,	Turner, Thomas
Boyd,	Harmer,	Miles,	Urner,
Bragg,	Harris, John T.	Miller,	Vance,
Brewer,	Hawley,	Money,	Van Voorhis,
Brigham,	Hayes,	Morse,	Voorhis,
Buckner,	Heilman,	Morton,	Waddill,
Butterworth,	Henkle,	Muldrow,	Wait,
Cabell,	Herndon,	Muller,	Warner,
Calkins,	Hiscock,	Neal,	Washburn,
Camp,	Hostetler,	Newberry,	Wells,
Carlisle,	Houk,	Norcross,	White,
Chittenden,	Hubbell,	O'Brien,	Whitthorne,
Claflin,	Humphrey,	O'Neill,	Wilber,
Clark, Alvah A.	Hunton,	O'Reilly,	Williams, C. G.
Cobb,	Hurd,	Overton,	Willis,
Colerick,	James,	Pierce,	Wood, Fernando
Cox,	Jones,	Pound,	Wood, Walter A.
Crapo,	Jorgensen,	Price,	Wright,
Cravens,	Kelley,	Reed,	Yocum,
Crowley,	Kenna,	Rice,	Young, Casey
Davis, Joseph J.	Killinger,	Richardson, D. P.	Young, Thomas L.
Deering,	Kimmel,	Richmond,	
De La Matyr,	Kitchin,	Robertson,	
Deuster,	Klotz,	Robeson,	

So the House refused to reconsider the vote ordering a call of the House.

During the roll-call the following announcements were made:

Mr. BELTZHOOVER. I am paired with my colleague, Mr. BINGHAM.

Mr. SAWYER. My colleague, Mr. WADDILL, is paired with Mr. POUND, of Wisconsin.

Mr. KENNA. I am paired with Mr. YOUNG, of Ohio.

Mr. HERBERT. My colleague, Mr. LEWIS, is paired with Mr. WILLIAMS, of Wisconsin.

Mr. CALDWELL. My colleague, Mr. MCKENZIE, is paired with Mr. SAPP.

Mr. ELLIS. I am paired with Mr. HARMER, of Pennsylvania.

Mr. HOSTETLER. I am paired with Mr. MCCOOK, of New York.

Mr. DICKEY. My colleague, Mr. GEDDES, who is absent on account of sickness and by leave of the House, is paired with Mr. BARLOW, of Vermont.

Mr. ALDRICH, of Illinois. Mr. ALDRICH, of Rhode Island, is paired with Mr. DAVIS, of North Carolina.

Mr. JORGENSEN. I am paired with my colleague, Mr. BEALE.

Mr. HUNTON. My colleagues, Mr. TUCKER, Mr. CABELL, and Mr. RICHMOND are detained from the House by sickness, and paired respectively with Mr. RICHARDSON, of New York, with Mr. BOYD, of Illinois, and with Mr. PRESCOTT, of New York.

The vote was then announced as above recorded.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced the passage of the concurrent resolution of the House fixing the day of final adjournment, with amendments in which concurrence was requested.

It further announced that the Senate insisted on its amendments to joint resolution (H. R. No. 118) in relation to committee clerks, pages, and other employés of the Senate and House of Representatives, disagreed to by the House, and agreed to the conference asked by the House on the disagreeing votes of the two Houses, and had appointed Mr. EATON, Mr. BECK, and Mr. ALLISON as managers of said conference on its part.

CALL OF THE HOUSE.

The SPEAKER. The House on the yea-and-nay vote refused to reconsider the vote by which a call of the House was ordered. The call of the House will accordingly be proceeded with.

Mr. COFFROTH. I think we had better dispense with what remains of the morning hour.

Mr. SPRINGER. I move to dispense with all further proceedings under the call, and on that motion demand a division. That will take up what remains of the morning hour.

Mr. CONGER. I hope the gentleman from Illinois will not obstruct the business of the House.

Mr. SPRINGER. That will not obstruct the business of the House, but enables us to get on with the business we desire to reach. I demand a division on the motion that all further proceedings under the call be dispensed with.

The House divided; and there were—ayes 19, noes 21.

The SPEAKER. The House refuses to dispense with further proceedings under the call.

Mr. SPRINGER. I demand tellers on the motion.

Tellers were ordered; and Mr. SPRINGER and Mr. CONGER were appointed.

The House again divided; and the tellers reported—ayes 38, noes 9.

So all further proceedings under the call were dispensed with.

Mr. SPRINGER. I make the point, Mr. Speaker, that the morning hour has now expired.

The SPEAKER. The morning hour has expired.

PERMISSION TO RECORD HIS VOTE.

Mr. FORSYTHE. I ask unanimous consent, Mr. Speaker, to record my vote on the bill introduced by the gentleman from Illinois [Mr. CANNON] yesterday providing for the payment of deputy marshals.

The SPEAKER. The Chair hears no objection. How does the gentleman wish his vote recorded?

Mr. FORSYTHE. I wish to have my vote recorded in the affirmative on that bill.

The SPEAKER. It will be so recorded.

FINAL ADJOURNMENT.

Mr. MORRISON. I move to take from the Speaker's table a message from the Senate in reference to the concurrent resolution for final adjournment of this session.

The SPEAKER. The Chair lays before the House the following message from the Senate.

The Clerk read as follows:

Resolved by the House of Representatives, (the Senate concurring,) That the President of the Senate and the Speaker of the House of Representatives declare their respective Houses adjourned *sine die* at four o'clock p. m. on Monday, the 30th of June instant.

IN SENATE UNITED STATES,
July 1, 1879.

Resolved, That the Senate concur in the foregoing resolution of the House of Representatives, with the following amendments:

In line 4, strike out "four" and insert "five."

In line 5, strike out "Monday, the 30th of June" and insert "Tuesday, the 1st of July."

The SPEAKER. The resolution will be read by the Clerk as it will read if the amendments are adopted.

The Clerk read as follows:

Resolved by the House of Representatives, (the Senate concurring,) That the President of the Senate and the Speaker of the House of Representatives declare their respective Houses adjourned *sine die* at five o'clock p. m. on Tuesday, the 1st of July instant.

Mr. MORRISON. I move the House concur in the amendments of the Senate.

Mr. CONGER. On that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and it was decided in the affirmative—yeas 93, nays 66, not voting 127; as follows:

YEAS—93.

Acklen,	Elam,	Manning,	Slemons,
Aiken,	Evins,	Martin, Benj. F.	Smith, Hezekiah B.
Armfield,	Felton,	Martin, Edward L.	Smith, William E.
Atherton,	Finley,	McLane,	Springer,
Atkins,	Forney,	McMillin,	Stephens,
Bicknell,	Forsythe,	Mills,	Talbott,
Blackburn,	Frost,	Morrison,	Taylor,
Bouck,	Gibson,	Myers,	Thompson,
Bright,	Goode,	New,	Tillman,
Caldwell,	Gunter,	Nicholls,	Townshend, R. W.
Chalmers,	Hammond, N. J.	O'Connor,	Turner, Oscar
Clardy,	Hatch,	Persons,	Upson,
Clark, John B.	Henry,	Phelps,	Warner,
Clymer,	Herbert,	Phister,	Wellborn,
Coffroth,	Herndon,	Reagan,	Whiteaker,
Converse,	Hooker,	Richardson, J. S.	Whitthorne,
Cook,	House,	Robertson,	Williams, Thomas
Covert,	Hull,	Rothwell,	Willis,
Cravens,	Hunton,	Ryon, John W.	Wilson,
Culberson,	Johnston,	Samford,	Wise,
Davidson,	Jones,	Sawyer,	Young, Casey.
Davis, Loundes H.	King,	Shelley,	
Dibrell,	Le Fevre,	Simonton,	
Dickey,	Lowe,	Singleton, O. R.	

NAYS—66.

Aldrich, William	Dunnell,	Keifer,	Smith, A. Herr
Anderson,	Farr,	Ketcham,	Stevenson,
Barber,	Field,	Lapham,	Thomas,
Bayne,	Fort,	Marsh,	Tyler,
Blake,	Garfield,	Mason,	Updegraff, J. T.
Brewer,	Gillette,	McCoid,	Updegraff, Thomas
Briggs,	Godshalk,	McGowan,	Urner,
Browne,	Hammond, John	Mitchell,	Valentine,
Burrows,	Harris, Benj. W.	Monroe,	Van Aernam,
Cannon,	Haskell,	Murch,	Van Voorhis,
Carpenter,	Hawk,	Neal,	Voorhis,
Caswell,	Hawley,	O'Neill,	Ward,
Conger,	Henderson,	Osmer,	Weaver,
Cowgill,	Horr,	Prescott,	Willits,
Daggett,	Hubbell,	Ryan, Thomas	Yocum.
Davis, George R.	Jorgensen,	Shallenberger,	
Deering,	Joyce,	Sherwin,	

NOT VOTING—127.

Aldrich, N. W.	De La Matyr,	Kitchin,	Rice,
Bachman,	Deuster,	Klotz,	Richardson, D. P.
Bailey,	Dick,	Knott,	Richmond,
Baker,	Dunn,	Ladd,	Robeson,
Ballou,	Dwight,	Lay,	Robinson,
Barlow,	Einstein,	Lewis,	Ross,
Beale,	Ellis,	Lindsey,	Russell, Daniel L.
Belford,	Errett,	Loring,	Russell, W. A.
Beltzhoover,	Ewing,	Lounsbery,	Sapp,
Bingham,	Ferdon,	Martin, Joseph J.	Scales,
Bland,	Fisher,	McCook,	Singleton, J. W.
Bliss,	Ford,	McKenzie,	Sparks,
Blount,	Frye,	McKinley,	Speer,
Bowman,	Geddes,	McMahon,	Starin,
Boyd,	Hall,	Miles,	Steele,
Bragg,	Harmer,	Miller,	Stone,
Brigham,	Harris, John T.	Money,	Townsend, Amos
Buckner,	Hayes,	Morse,	Tucker,
Butterworth,	Hazelton,	Morton,	Turner, Thomas
Cabell,	Heilman,	Muldrow,	Vance,
Calkins,	Henkle,	Muller,	Waddill,
Camp,	Hill,	Newberry,	Wait,
Carlisle,	Hiscock,	Norcross,	Washburn,
Chittenden,	Hostetler,	O'Brien,	Wells,
Claflin,	Houk,	O'Reilly,	White,
Clark, Alvah A.	Humphrey,	Orth,	Wilber,
Cobb,	Hurd,	Overton,	Williams, C. G.
Colerick,	James,	Pierce,	Wood, Fernando
Cox,	Kelley,	Poehler,	Wood, Walter A.
Crapo,	Kenna,	Pound,	Wright,
Crowley,	Killinger,	Price,	Young, Thomas L.
Davis, Joseph J.	Kimmel,	Reed,	

So the amendments of the Senate were concurred in.

During the roll-call the following announcements were made:

Mr. HUNTON. My colleague from Virginia, Mr. CABELL, is paired with Mr. BOYD, of Illinois. My colleague, Mr. TUCKER, is paired with Mr. RICHARDSON, of New York. My colleague, Mr. RICHMOND, is absent sick. He is paired with Mr. PRESCOTT, of New York.

Mr. TALBOTT. My colleague from Maryland, Mr. KIMMEL, is prevented from attending the House by sickness. If present, he would vote "ay." My colleague, Mr. HENKLE, is paired with Mr. WAIT, of Connecticut. If present, Mr. HENKLE would vote "ay."

Mr. SLEMONS. My colleague from Arkansas, Mr. DUNN, is paired with Mr. HAYES, of Illinois. If he were present, he would vote "ay."

Mr. SAWYER. My colleague from Missouri, Mr. WADDILL, is paired with Mr. POUND, of Wisconsin.

Mr. KENNA. I am paired with Mr. YOUNG, of Ohio.

Mr. HERBERT. My colleague from Alabama, Mr. LEWIS, is paired with Mr. WILLIAMS, of Wisconsin.

Mr. COFFROTH. My colleague from Pennsylvania, Mr. KLOTZ, is paired with Mr. ORTH, of Indiana. If present, Mr. KLOTZ would vote "ay."

Mr. BELTZHOOVER. I am paired with my colleague from Pennsylvania, Mr. BINGHAM. If he were present, I should vote "ay."

Mr. BACHMAN. I am paired with my colleague from Pennsylvania, Mr. OVERTON. If he were present, I should vote "ay."

Mr. KNOTT. I am paired with Mr. FRYE, of Maine.

Mr. POEHLER. I am paired with my colleague from Minnesota, Mr. WASHBURN.

Mr. STEVENSON. Mr. LADD, of Maine, is paired with his colleague, Mr. LINDSEY.

Mr. HOSTETLER. I am paired with Mr. MCCOOK, of New York.

Mr. JOHNSTON. My colleague from Virginia, Mr. HARRIS, is paired with Mr. CROWLEY, of New York.

Mr. BRIGGS. My colleague from New Hampshire, Mr. HALL, is paired with Mr. SPEER, of Georgia.

Mr. WARD. My colleagues, Mr. BINGHAM and Mr. BELTZHOOVER, are paired. My colleague, Mr. KELLEY, is paired with Mr. MORSE, of Massachusetts.

Mr. COVERT. My colleague from New York, Mr. FERNANDO WOOD, is paired with Mr. ROBESON, of New Jersey.

Mr. SHALLENBERGER. My colleague from Pennsylvania, Mr. FISHER, is detained at home by sickness.

Mr. DEERING. My colleague from Iowa, Mr. SAPP, is absent by leave of the House, and is paired with Mr. MCKENZIE, of Kentucky. My colleague, Mr. PRICE, is paired with Mr. WRIGHT, of Pennsylvania.

Mr. ORTH. I am paired with Mr. KLOTZ, of Pennsylvania.

Mr. HAMMOND, of New York. My colleague, Mr. DWIGHT, is paired with Mr. MULDROW, of Mississippi. If present, my colleague would vote "no."

Mr. HAZELTON. I am paired with Mr. BLOUNT, of Georgia. If he were present, I should vote "no." My colleague, Mr. WILLIAMS, is paired with Mr. LEWIS, of Alabama. Mr. POUND, of Wisconsin, is paired with Mr. WADDILL, of Missouri.

Mr. ERRETT. I am paired with Mr. SCALES, of North Carolina. If he were present, he would vote "ay" and I should vote "no."

Mr. RUSSELL, of North Carolina. I am paired with Mr. BLAND, of Missouri. If he were present, I should vote "no."

Mr. MCGOWAN. My colleague from Michigan, Mr. STONE, is paired with Mr. MONEY, of Mississippi. Mr. STARIN, of New York, is paired with Mr. CLARK, of New Jersey.

Mr. ALDRICH, of Illinois. Mr. ALDRICH, of Rhode Island, is paired with Mr. DAVIS, of North Carolina.

Mr. LAPHAM. My colleague from New York, Mr. RICHARDSON, is paired with Mr. TUCKER, of Virginia.

Mr. McKENZIE. I am paired with Mr. SAPP, of Iowa.
Mr. CONVERSE. My colleague from Ohio, Mr. HURD, is paired with Mr. CLAFLIN, of Massachusetts.
Mr. HILL. I am paired with my colleague from Ohio, Mr. BUTTERWORTH. If he were present, I should vote "ay."
Mr. COWGILL. My colleague from Indiana, Mr. BAKER, is paired with Mr. McMAHON, of Ohio. My colleague, Mr. CALKINS, is paired with Mr. SINGLETON, of Mississippi.
Mr. MANNING. My colleague from Mississippi, Mr. MULDROW, is paired with Mr. DWIGHT, of New York. My colleague, Mr. MONEY, is paired with Mr. STONE, of Michigan. If present, both my colleagues would vote "ay."
Mr. ELLIS. I am paired with Mr. HARMER, of Pennsylvania. If he were present, I should vote "ay."
The result of the vote was then announced as above recorded.
Mr. MORRISON moved to reconsider the vote by which the amendments of the Senate were concurred in; and also moved that the motion to reconsider be laid on the table.
The latter motion was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, informed the House that the Senate had passed, without amendments, the bill (H. R. No. 2406) to put salts of quinine and sulphate of quinine on the free list.

ORDER OF BUSINESS.

The SPEAKER. The Chair desires to state that there are as many as fifteen gentlemen who desire recognition to make requests for unanimous consent on matters which the Chair thinks will occasion neither debate nor objection. He would be pleased if the House would permit him to make those recognitions.
There was no objection.

EXTRA PAY TO HOUSE EMPLOYÉS.

Mr. SINGLETON, of Mississippi. I ask unanimous consent to offer for present consideration a joint resolution to pay the employés of the House of Representatives borne on the annual roll one month's extra pay; and I wish to say just one word in explanation of it.
The SPEAKER. The joint resolution will be read.
The Clerk read as follows:

Resolved, &c., That the Clerk of the House be, and he is hereby, authorized and directed to pay to the employés of the House borne on the annual roll one month's extra pay at the same compensation as now paid them by law, and an amount sufficient to pay the same is hereby appropriated out of any money in the Treasury not otherwise appropriated.

The SPEAKER. Is there objection to the present consideration of the joint resolution?
Mr. SINGLETON, of Mississippi. I wish to say just one word in explanation.
Many MEMBERS. No objection; let it pass.
Mr. HAZELTON. I wish to ask the gentleman from Mississippi one question, whether this is in accordance with the custom in Congresses gone by?
Mr. SINGLETON, of Mississippi. I will state that it is a fact known to all the members of the House that the regular employés of the House are paid 25 per cent. less than the Senate employés, while they do more labor, and this will go a little way toward equalizing them with the Senate employés.
There was no objection, and the joint resolution (H. R. No. 119) was read three times, and passed.

ENROLLED BILL SIGNED.

Mr. KENNA, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:
A bill (S. No. 675) to provide office-rooms for the National Board of Health, and for the publication of its reports and papers, and for other purposes.

ISAAC R. HILL.

Mr. HUNTON. I ask unanimous consent to introduce and put on its passage a joint resolution providing for the payment of Isaac R. Hill as messenger during the present session of Congress.
The joint resolution was read. It authorizes and directs the Clerk of the House of Representatives to pay Isaac R. Hill for services as messenger during the present session of Congress at the rate of $100 per month.
Mr. DUNNELL. I desire to know whether this man has been employed in violation of law.
The SPEAKER. The Chair is unable to answer that question.
Mr. DUNNELL. Is there any existing law under which he has been employed? Mr. Polk was dismissed as Doorkeeper of the House because he employed men contrary to law.
Mr. HUNTON. This man was not employed by the Doorkeeper.
Mr. GARFIELD. He has been employed, I believe, whether with law or without; and it is not his fault if there was any technical defect in the term of his employment.
Mr. HUNTON. I can say that this man has rendered faithful service.
Mr. COWGILL. It is quite enough to pay men when there is a law authorizing their employment. I object to the resolution.

A. R. POTTS AND C. F. RAINEY.

Mr. HOOKER. I ask unanimous consent to introduce a joint resolution to pay A. R. Potts and C. F. Rainey for services in the office of the Sergeant-at-Arms of the House of Representatives.
The joint resolution was read. It authorizes and directs the Clerk of the House to pay A. R. Potts and C. F. Rainey, for services in the office of the Sergeant-at-Arms, House of Representatives, $5 per day for the first session of the Forty-sixth Congress.
Mr. SAMFORD. I object.
Mr. HOOKER. I hope the gentleman will withdraw his objection. These men have been employed during the entire session, and have rendered service, one in the Hall of the House and the other in the office of the Sergeant-at-Arms.
Mr. SAMFORD. I withdraw the objection.
There being no objection, the joint resolution (H. R. No. 120) was received, read three times, and passed.

PETER COLLIER.

Mr. AIKEN. Yesterday when the joint resolution (S. R. No. 38) to pay Professor Collier for services as chemist in the prosecution of the evasions of duties on sugar was before the House, objection was made to its passage, and it was referred to the Committee of the Whole on the Private Calendar. Gentlemen who made that objection have since examined the papers, and are willing to withdraw their objection. I therefore ask unanimous consent that the Committee of the Whole be discharged from the further consideration of the joint resolution, and that it be now put on its passage.
The Clerk read the title of the joint resolution, as follows:

Joint resolution (S. R. No. 38) to pay to Professor Peter Collier for services as chemist in the prosecution of the evasion of duties on sugar.

The SPEAKER. The joint resolution to which the gentleman from South Carolina refers has been sent to the Printer, and is not now here. The Chair will recognize the gentleman from South Carolina hereafter.

HENRY BOTELER.

Mr. SMITH, of New Jersey, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the reports of the Commissioner and examiner of patents in the case of Henry Boteler, for the extension of patents for making wood-paper pulp, be printed for the use of the House.

BOOKS OF THE COMMITTEE OF ELECTIONS.

Mr. SPRINGER, by unanimous consent, submitted the following resolution; which was read, considered, and agreed to:

Resolved, That the Clerk of the House be instructed to take from the Library of the House and place in the committee-room of the Committee of Elections one copy of the record and report in each contested-election case, and a set of the decisions of the Supreme Court of the United States, and the digest of election cases, and any other books in the House Library on the subject of elections of which there may be more than one copy in the Library.

BELINDA CURTIS.

Mr. McCOID, by unanimous consent, introduced a bill (H. R. No. 2407) granting a pension to Belinda Curtis, widow of Major-General Samuel A. R. Curtis; which was referred to the Committee on Invalid Pensions.

ESTATE OF HENRY CONARD.

Mr. HILL. I ask unanimous consent that the Committee of the Whole on the Private Calendar be discharged from the further consideration of the bill (S. No. 681) for the relief of the estate of Henry Conard; and in order that the House may know what the bill is I ask that it may be read. I will state that I am instructed by the committee to make the motion.
The Clerk read the bill.
Mr. BREWER. I object. Let that bill remain in the committee.

PAYMENT OF PENSIONS.

Mr. MYERS. I ask unanimous consent to submit the following preamble and resolution:

Whereas it has been alleged upon competent and reputable authority that gross negligence, irregularity, and incompetency prevail in the matter of the payment of pensions to the inmates of the various homes for disabled soldiers of the United States and to other persons entitled by law to pensions: Therefore,
Be it resolved by the House of Representatives of the United States of America, That a committee of five members of this House be appointed by the Speaker, whose duty it shall be to examine and inquire into the method and manner of the payment of pensions and arrearage of pensions to the inmates of the various homes for disabled soldiers in the United States and to ascertain whether any irregularities exist in the payment of the same; and that the said committee shall have further power to investigate any subject of complaint that may be lodged with them by any inmate or inmates of said homes for disabled soldiers concerning the management of the same. The said committee is also empowered to inquire into any allegations of irregularity or unnecessary delay in the allowance of pensions by the Pension Bureau or in the payment of pensions by any person charged with such duties; that the said committee shall have power to sit during the recess of Congress, to examine witnesses, to send for persons and papers, to employ a clerk, and to report the results of the said investigation to this House at its next regular session, with a view to the enactment of such additional legislation as may be deemed necessary to protect the pensioners of the Government in their rights.
And be it further resolved, That the expenses of the said committee shall be paid out of the contingent fund of the House upon vouchers signed by the chairman of the said committee.

Mr. BREWER. I object.

PAY OF JOSEPH BAUMER.

Mr. ANDERSON. I ask unanimous consent to submit the following resolution:

Resolved by the House of Representatives, (the Senate concurring,) That the Clerk of the House of Representatives pay to Joseph Baumer, out of any moneys in the Treasury not otherwise appropriated, the difference between the pay of a laborer, which the said Baumer has received, and the pay of a messenger, for the time the said Baumer has served as messenger for the Committees on Agriculture, Manufactures, and Militia during the Forty-fifth and Forty-sixth Congresses.

Mr. MARTIN, of Delaware. I object.

DISEASES OF SWINE, ETC.

Mr. WILSON. I ask unanimous consent to offer the following resolution:

Resolved, That the Public Printer be, and he is hereby, directed to prefix to the edition of the report of the Commissioner of Agriculture, No. 12, on the diseases of swine, &c., heretofore ordered to be printed, the report made to this House upon that subject by the Committee on Agriculture.

Mr. CONGER. The House has ordered some 20,000 copies of this report to be printed.

Mr. WILSON. Yes, but by an error of the clerk the report of the committee was not annexed to it.

The question was taken on Mr. WILSON'S resolution; and it was agreed to.

ENROLLED BILL SIGNED.

Mr. KENNA, from the Committee on Enrolled Bills, reported that the committee had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

A bill (H. R. No. 2406) to put salts of quinine and sulphate of quinine on the free list.

ESTATE OF HENRY CONARD.

Mr. BREWER. I desire to withdraw the objection I made awhile ago to Senate bill 681, for the relief of the estate of Henry Conard.

There was no objection; and the Committee of the Whole on the Private Calendar was discharged from the further consideration of Senate bill No. 681; and it was ordered to a third reading, read the third time, and passed.

Mr. HILL moved to reconsider the vote by which the bill was passed; and also moved to lay the motion to reconsider on the table.

The latter motion was agreed to.

COMMITTEE TO WAIT ON THE PRESIDENT.

Mr. ATKINS submitted the following resolution; which was read, considered, and adopted:

Resolved, That a committee of three members be appointed to join a similar committee on the part of the Senate to wait upon the President of the United States and inform him that the two Houses of Congress are ready to adjourn if he has no further communication to make to them.

The SPEAKER appointed Mr. ATKINS, Mr. BICKNELL, and Mr. FIELD, the committee on the part of the House.

PROFESSOR PETER COLLIER.

Mr. AIKEN. I now ask unanimous consent that the Committee of the Whole on the Private Calendar be discharged from the further consideration of Senate joint resolution No. 38, to pay Professor Peter Collier for services as chemist in the prosecution of the evasions of duties on sugar, and that the same be now put upon its passage.

The SPEAKER. The joint resolution will be read, after which the Chair will ask for objection.

The joint resolution directs the Secretary of the Treasury to settle and pay the account of Professor Peter Collier out of the appropriation to defray the expenses of collecting the revenue from customs, to an amount not exceeding $1,500, for services as a chemist in the prosecution by the Government of parties charged with the evasion of duties on sugar.

Mr. WILLIS objected, but subsequently withdrew his objection.

There being no further objection, the Committee of the Whole was discharged from the further consideration of the joint resolution, and the same was ordered to a third reading, read the third time, and passed.

Mr. AIKEN moved to reconsider the vote by which the joint resolution was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

M. M. HERR.

Mr. FINLEY. I ask unanimous consent to submit for consideration at this time the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Clerk be directed to pay out of the contingent fund to M. M. Herr, messenger to the Sergeant-at-Arms, employed on the floor of the House, the amount due him for services during the present session at $5 per day.

Mr. BREWER. I would like to inquire of the gentleman from Ohio [Mr. FINLEY] if this man was employed by any resolution or authority of the House?

Mr. FINLEY. This man has rendered services on the floor of the House, and the money is due him for services actually rendered.

Mr. BREWER. That is not an answer to my question. I understand that this man has been employed by the Sergeant-at-Arms of the House without any authority of the House. Yet he ought to be paid, and I will not object to this resolution. I wish, however, to say that if I am here during the next session of Congress I shall object to the payment of any one for services rendered the House who is not employed by authority of the House.

Mr. DUNNELL. By whom has this man been employed? By any officer of the House?

Mr. FINLEY. By the Sergeant-at-Arms of the House, and he has faithfully performed his duties.

Mr. DUNNELL. Has he been employed by authority of any existing law?

Mr. FINLEY. I cannot say; I do not know.

Mr. DUNNELL. There is quite a large number of persons who have been performing services here without any authority of law.

Mr. FINLEY. It is conceded by everybody that this man has rendered efficient services on the floor of the House. I hope the gentleman from Minnesota [Mr. DUNNELL] will not object.

Mr. OSMER. I object.

The SPEAKER. Objection is made, and the resolution is not before the House.

Mr. OSMER subsequently withdrew his objection, and the resolution was adopted.

L. H. FITZHUGH.

Mr. REAGAN. The Committee of Claims report unanimously House joint resolution No. 98, to pay L. H. Fitzhugh for services during the Forty-fifth Congress. I ask that it may be considered and passed at this time.

The joint resolution appropriates $1,250 to pay L. H. Fitzhugh for services after his removal from the position of Doorkeeper of the House for the Forty-fourth Congress.

There being no objection, the joint resolution was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

WHITEWOOD FLUME COMPANY.

Mr. ACKLEN, by unanimous consent, from the Committee on Mines and Mining, submitted a report on the bill (H. R. No. 1078) to incorporate the Whitewood Flume Company; which was ordered to be printed and recommitted, not to be brought back by a motion to reconsider.

CINCINNATI ELECTIONS.

The SPEAKER announced the appointment of Mr. HERNDON, of Alabama, in place of Mr. SAMFORD, of Alabama, declined to serve, on the select committee to investigate late congressional elections in Cincinnati.

MISSISSIPPI RIVER COMMISSION.

Mr. GIBSON. I am instructed by the Committee on the Levees and Improvements of the Mississippi River to report back, with a favorable recommendation, House bill No. 2383, to amend an act entitled "An act to provide for the appointment of a Mississippi River commission for the improvement of said river from the head of the passes near its mouth to its headwaters," approved June 26, 1879. I ask that that bill may be considered and passed at this time.

The bill provides for amending the second section of the act of June 26, 1879, by striking out the words "appointed from the Engineer Corps of the Army," after the word "commissioners" where it occurs the second time; so that the sentence will read, "and he (the President) shall designate one of the commissioners to be the president of the commission."

The SPEAKER. Is there objection?

Mr. BAYNE and Mr. BRIGGS objected.

Mr. GIBSON. Can I not move now to suspend the rules and put this bill on its passage? I am so instructed by the committee.

The SPEAKER. The Chair will recognize the gentleman after those on the list who have applied to be recognized to ask unanimous consent for some purpose.

PENSIONS FOR SOLDIERS OF MEXICAN WAR, ETC.

Mr. COFFROTH. I ask consent to report from the Committee on Invalid Pensions, for printing and recommittal, a bill granting pensions to certain soldiers and sailors of the Mexican war and others therein named, and for other purposes.

The SPEAKER. Is there objection?

Mr. JOYCE. I object.

RECESS.

Mr. NICHOLLS. I move that the House now take a recess until four o'clock.

Mr. ACKLEN. I move to amend that motion so that a recess be taken until half past four o'clock.

The amendment of Mr. ACKLEN was not agreed to.

The motion of Mr. NICHOLLS was then agreed to; and accordingly (at two o'clock and forty minutes p. m.) the House took a recess until four o'clock p. m.

The recess having expired, the House resumed its session.

ENROLLED BILL AND JOINT RESOLUTION.

Mr. KENNA, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill and joint resolution of the following titles; when the Speaker signed the same:

An act (S. No. 681) for the relief of the estate of Henry Conard; and

Joint resolution (S. R. No. 38) to pay Professor Peter Collier for

services as chemist in the prosecution of the evasion of the duties on sugar.

HOT SPRINGS RESERVATION.

On motion of Mr. YOUNG, of Tennessee, by unanimous consent, leave was granted for the withdrawal from the files of the House of the papers in reference to the Hot Springs reservation, no adverse report having been made.

ISAAC R. HILL.

Mr. HUNTON. I ask, Mr. Speaker, unanimous consent to introduce a resolution, understanding objection heretofore made to it has been withdrawn.

The SPEAKER. The resolution will be read, when the Chair will ask for objection.

The Clerk read as follows:

Joint resolution providing for the payment of Isaac R. Hill as messenger during the present session of Congress.

Resolved, That the Clerk of the House be directed to pay to Isaac R. Hill, for services as messenger, at the rate of $100 per month for the present session, to be paid from the contingent fund of the House.

The SPEAKER. Is there objection?

Mr. CARPENTER. I want to inquire whether that is the same resolution objected to once or twice before.

Mr. HUNTON. It is.

Mr. CARPENTER. Then I renew the objection to it.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. BURCH, its Secretary, announced that that body had passed a resolution for the appointment of a committee to join such committee as may be appointed on the part of the House to wait upon the President and inform him the two Houses were ready to adjourn, and to ask what further communication he had to make, and had appointed Mr. BAYARD, Mr. WHYTE, and Mr. ANTHONY as such committee on its part.

It further announced the adoption of the report of the committee of conference on the disagreeing votes of the two Houses on the joint resolution (H. R. No. 118) in relation to committee clerks, pages, and other employés of the Senate and House of Representatives.

It further announced that the Senate had passed, without amendment, joint resolution (H. R. No. 119) to pay the employés of the House of Representatives borne on the annual roll one month's extra pay.

It further announced the passage, without amendment, of a joint resolution (H. R. No. 98) to pay L. H. Fitzhugh for services during the Forty-fourth Congress.

EMPLOYÉS OF THE HOUSE.

Mr. BLACKBURN. I rise, Mr. Speaker, to submit the report of the committee of conference on the disagreeing votes of the two Houses on the joint resolution (H. R. No. 118) in relation to committee clerks, pages, and other employés of the House of Representatives, and to move its adoption, on which I demand the previous question.

The Clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the resolution of the House No. 118, in relation to committee clerks, pages, and other employés of the Senate and House of Representatives, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments numbered 2, 6, 7, 8, and 9, and agree to the same.

That the House recede from its disagreement to the amendment No. 1, and agree to the same with an amendment as follows: Add at the end of said amendment the following:

"And to pay A. R. Potts and C. F. Rainey for services in the office of the Sergeant-at-Arms of the House of Representatives $5 per day each for the first session of the Forty-sixth Congress a sufficient sum is hereby appropriated."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 3, and agree to the same with an amendment as follows: Insert after the word "Senate" in said amendment the following:

"And the House, to be allotted equally as nearly as practicable."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 4, and agree to the same with an amendment as follows: Insert before the word "miscellaneous" in line 2 of said amendment the following:

"Appropriations for the."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment numbered 5, and agree to the same amended as follows: Add at the end of said amendment the following:

"But this payment shall not apply in any case where leave of absence for thirty days has been granted as preliminary to said discharge."

And the Senate agree to the same.

J. C. S. BLACKBURN,
WILLIAM H. FORNEY,
A. HERR SMITH,
Managers on the part of the House.
WILLIAM W. EATON,
JAMES B. BECK,
WILLIAM B. ALLISON,
Managers on the part of the Senate.

The previous question was seconded and the main question ordered; and under the operation thereof the conference report was adopted.

Mr. BLACKBURN moved to reconsider the vote by which the report was adopted; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ISAAC R. HILL.

Mr. HUNTON. I understand objection has been withdrawn, and I again offer the following resolution:

Resolved by the Senate and House of Representatives, That the Clerk of the House of Representatives be, and is hereby, authorized and directed to pay Isaac R. Hill for services as messenger during the present session of Congress at the rate of $100 per month, and the amount necessary for that purpose is hereby appropriated.

Mr. FARR. I object.

HON. CHARLES BEARDSLEY.

Mr. McCOID. I ask by unanimous consent that the privilege of the floor for this day be granted to Hon. Charles Beardsley, a distinguished citizen of Iowa.

There was no objection, and it was ordered accordingly.

ENROLLED JOINT RESOLUTION.

Mr. KENNA, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled joint resolution (H. R. No. 119) to pay the employés of the House of Representatives borne on the annual roll one month's extra pay; when the Speaker signed the same.

HOMESTEAD SETTLERS IN MISSOURI AND ARKANSAS.

Mr. CONVERSE. I ask unanimous consent to take from the Speaker's table, for consideration at this time, the bill (S. No. 641) to grant additional rights to homestead settlers on public lands within railroad limits in the States of Missouri and Arkansas. I will state the bill has neither politics nor appropriations in it.

The bill was read. It provides that from and after its passage the odd sections within the limits of any grant of public lands to any railroad company in the States of Missouri and Arkansas, or to such States respectively in aid of any railroad, where the even sections have been granted to or received by any railroad company or by said States respectively in aid of any railroad, shall be open to settlers under the homestead laws to the extent of one hundred and sixty acres to each settler; and any person who has under existing laws taken a homestead on any section within the limits of any railroad grant in said States, and who by existing laws shall have been restricted to eighty acres, may enter under the homestead laws an additional eighty acres adjoining the land embraced in his original entry, if such additional land be subject to entry; or if such person so elect, he may surrender his entry to the United States for cancellation, and thereupon be entitled to enter lands under the homestead laws the same as if the surrendered entry had not been made. And any person so making additional entry of eighty acres, or new entry after the cancellation of his original entry, shall be permitted to do so without payment of fees or commissions; and the residence of such person upon and cultivation of the land embraced in his original entry shall be considered residence and cultivation for the same length of time upon and of the land embraced in his additional or new entry, and shall be deducted from the five years' residence and cultivation required by law; provided that in no case shall patent issue upon an additional or new homestead entry under this act until the person has actually, and in conformity with the homestead laws, occupied, resided upon, and cultivated the land embraced therein at least one year.

Mr. DUNNELL. I wish to ask the gentleman who has this bill in charge one or two questions.

Mr. CONGER. Before any discussion is entered upon I desire to reserve the right of objection.

Mr. DUNNELL. I desire to ask the gentleman from Ohio whether there was not passed in the last session a general law making provisions in the main such as are contained here?

Mr. CONVERSE. I will answer the gentleman's question. In all the States where railroad lands have been granted, except the States of Missouri and Arkansas, the odd sections were granted to the railroads. In the States of Arkansas and Missouri the even sections were granted. This bill does not change the general law, but it authorizes persons to claim their homesteads out of the odd sections in the States of Missouri and Arkansas just as they can do in the other States in the even sections. The bill does not change the general law at all, but simply authorizes the carrying out of the general law in the States of Arkansas and Missouri. That is all there is in the bill.

Mr. CONGER. But there is no law authorizing homesteads on this class of lands in any State.

Mr. CONVERSE. The gentleman is mistaken. The law does authorize them, and this does not change the law in the least particular, except as I have stated. And I will state to the gentleman that this bill is the unanimous report of the Committee on Public Lands.

Mr. DUNNELL. I thank the gentleman for the statement he has made, but I desire to ask him one other question. It seems that the bill gives greater privileges to the homesteader and the pre-emptor on these lands than is conferred by the law to which the gentleman has alluded.

Mr. CONVERSE. No, sir; this is precisely the same as the law to which I alluded, except that it provides that the homestead may be taken out of the odd sections as the case may require. That is all. There is not another thing in the bill except extending to these homesteaders in Arkansas and Missouri the provisions of the general law.

Mr. DUNNELL. Then if I understand the gentleman this bill is

made necessary from the fact that the even sections in those States were given to the railroads instead of the odd sections as in the other States.

Mr. CONVERSE. That is it exactly; that is all there is in it.

Mr. DUNNELL. If that is all there is in it I have no objection to the passage of the bill.

Mr. CONGER. As I understand, nobody but soldiers can take homesteads of one hundred and sixty acres on these lands.

Mr. DUNNELL. The gentleman from Michigan is in error. There was a law passed by the last Congress giving to every person the right to enter one hundred and sixty acres instead of eighty as heretofore.

There being no objection, the bill was taken from the Speaker's table, read three times, and passed.

Mr. CONVERSE moved to reconsider the vote by which the bill was passed; and also moved that the motion to reconsider be laid on the table.

The latter motion was agreed to.

ENROLLED BILL SIGNED.

Mr. KENNA, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the following title; when the Speaker signed the same:

Joint resolution (H. R. No. 98) to pay L. H. Fitzhugh for services during the Forty-fourth Congress.

ORDER OF BUSINESS.

Mr. GIBSON. I move to suspend the rules and pass the bill which I send to the desk.

The SPEAKER. The Chair is advised that the gentleman from Louisiana makes this motion under instructions from his committee.

Mr. TOWNSHEND, of Illinois. I desire to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TOWNSHEND, of Illinois. I believe I have priority of the gentleman from Louisiana for the purpose of moving to suspend the rules.

The SPEAKER. The gentleman from Illinois is next on the individual list; but the Chair states on the authority of the gentleman from Louisiana that he is instructed by his committee to move to suspend the rules on his proposition.

Mr. TOWNSHEND, of Illinois. Yesterday the rule giving priority to committees was not adhered to.

The SPEAKER. Yes, it was.

Mr. TOWNSHEND, of Illinois. Gentlemen on the individual list were recognized.

The SPEAKER. That was in consequence of the gentleman from Texas [Mr. REAGAN] yielding to the gentleman who stood first on the individual list; and then the Chair recognized another gentleman on the other side of the House, because he did not think it fair to recognize one gentleman on the individual list on one side and not recognize another on the other side.

COMMISSION FOR THE IMPROVEMENT OF THE MISSISSIPPI RIVER.

Mr. GIBSON. I move to suspend the rules and put upon its passage the bill (H. R. No. 2383) to amend an act entitled "An act to provide for the appointment of a Mississippi River commission, for the improvement of said river from the head of the passes near its mouth to its headwaters."

The bill amends the second section of the act of June 26, 1879, by striking out the words "appointed from the Engineer Corps of the Army" after the word "commissioners" where it occurs the second time in said section; so that it will read, "and he (the President) shall designate one of the commissioners to be president of the commission."

Mr. DUNNELL. I think there ought to be some explanation of this bill.

Mr. GIBSON. I will make the explanation, with the permission of the House.

The bill constituting the commission on the Mississippi River, while providing for the appointment of two civil engineers, one citizen, and three engineers from the Army, limits the choice of the President in the selection of the presidency of the commission to one of the members thereof from the Engineer Corps of the Army. This, in effect, imposes upon the other members of the commission the disability and disqualifies them, or any one of them, no matter what his merit, in the event of a vacancy, from ever becoming the head of this important commission.

This is regarded by the gentlemen thus excluded as an invidious distinction against them. It was the expectation of the friends of the original bill that this feature would be amended before it became a law; but circumstances transpired to prevent it. What justice is there in this disqualification? It is well known that the conditions of the Lower Mississippi River are novel and difficult, and that practical knowledge as well as experience are quite as much demanded as the engineering taught in our Military Academy.

Nay, more than this, eminent engineers, graduates of West Point, but who are no longer in the Army, might feel the exclusion put upon them by this restriction when called upon to serve under those who were once their juniors and subordinates. There is no justice or propriety in this disabling clause in the bill. Every member of this commission should feel and be made to feel that the way is clear for him, is open to him, by energy, by the exhibition of superior character and ability—it may be of genius—to rise to the first and highest place on the commission.

At all events, we should not impose an arbitrary barrier against any one of the members of the commission or upon the discretion of the Executive. It is not necessary or just or proper. I know this will be the sense of this House, nay of the Congress, when the issue is once made. I trust in the mean time the civil engineers of the country and the civilian who may be selected to be members of this commission may be willing for a short period to sacrifice *amour propre* and mere personal considerations to that profound sense of duty to the country that should animate every man in the public service. There is such a sentiment as genuine patriotism, lifting men above mere placemen and out of mere personal or professional pride. The people of the Mississippi Valley will appreciate and applaud the men who shall dedicate themselves unselfishly to the development of their great interests.

Mr. BAYNE. I would like to say one word on this subject. There is no invidious distinction, as I understand it, at all against any civilian by the law as it now stands. It simply requires that the President shall appoint one of the Engineer Corps of the Army as president of the commission. The Army officers who are upon this commission are not protected against entering upon contracts or making contracts that may cost enormous sums to the Government, but their sense of honor, their position in the Army, all point to the duty on their part of not entering into any contracts at all, while of the civilians named upon this commission one of them at least has made very large contracts with the Government of the United States, and there is nothing in the existing law at all to prevent this member of the commission from forming his surveys and directing the object of that commission toward placing the contract in his own hands, and thus acting in the double capacity of saying what work shall be done, and thereupon getting the contract from the Government for doing it.

Mr. GIBSON. This is not a commission to make contracts at all.

Mr. TOWNSHEND, of Illinois. I ask whether debate is in order?

The SPEAKER. A motion to suspend the rules is not debatable.

Mr. GIBSON. I desire to say that the commission is not authorized to make any contracts at all. It is authorized simply to make surveys, and I think that the insinuation of the gentleman that any member of the commission, any civilian appointed to the commission, or any engineer officer of the Army will make contracts is entirely unwarranted by the terms of the law.

The SPEAKER. The gentleman from Illinois [Mr. TOWNSHEND] has made the point of order that the motion is not debatable; the debate so far has been allowed only by unanimous consent.

Mr. TOWNSHEND, of Illinois. I am willing that the gentleman shall finish his explanation.

Mr. GIBSON. I had no desire to take the floor, and I will only add that the bill does not affect the constitution of the commission at all.

The question was taken upon suspending the rules and passing the bill; and on a division there were—ayes 69, noes 13.

Mr. BAYNE. No quorum has voted.

Mr. GIBSON. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 118, nays 21, not voting 147; as follows:

YEAS—118.

Acklen,	Dickey,	Hull,	Simonton,
Aiken,	Elam,	Hunton,	Singleton, O. R.
Anderson,	Ellis,	Jones,	Slemons,
Atherton,	Ewing,	Keifer,	Smith, Hezekiah B.
Atkins,	Farr,	King,	Smith, William E.
Blackburn,	Felton,	Le Fevre,	Springer,
Blake,	Finley,	Manning,	Stephens,
Bliss,	Ford,	Marsh,	Stevenson,
Brewer,	Forney,	Mason,	Talbott,
Bright,	Forsythe,	McCoid,	Taylor,
Burrows,	Fort,	McKenzie,	Thomas,
Caldwell,	Frost,	McLane,	Thompson,
Cannon,	Garfield,	McMillin,	Tillman,
Carpenter,	Gibson,	Mills,	Townsend, Amos
Caswell,	Gillette,	Monroe,	Townshend, R. W.
Clardy,	Goode,	Morrison,	Turner, Oscar
Clark, John B.	Gunter,	Muller,	Tyler,
Clymer,	Hammond, John	Murch,	Updegraff, J. T.
Cobb,	Hammond, N. J.	Myers,	Updegraff, Thomas.
Conger,	Harris, Benj. W.	New,	Valentine,
Converse,	Haskell,	Nicholls,	Weaver,
Cook,	Hatch,	O'Neill,	Wellborn,
Covert,	Hawk,	Phister,	Whiteaker,
Cravens,	Hawley,	Reagan,	Williams, Thomas.
Culberson,	Henry,	Robertson,	Willis,
Davidson,	Herbert,	Rothwell,	Willits,
Davis, George R.	Herndon,	Samford,	Wilson,
Deering,	Hooker,	Sawyer,	Wise.
Deuster,	Horr,	Shelley,	
Dibrell,	House,	Sherwin,	

NAYS—21.

Bicknell,	Dunnell,	Neal,	Warner,
Bowman,	Henderson,	Prescott,	Yocum,
Briggs,	Hubbell,	Smith, A. Herr	Young, Casey.
Chalmers,	Johnston,	Van Aernam,	
Coffroth,	Joyce,	Van Voorhis,	
Daggett,	Martin, Benj. F.	Voorhis,	

NOT VOTING—147.

Aldrich, N. W.	De La Matyr,	Lapham,	Richardson, J. S.
Aldrich, William	Dick,	Lay,	Richmond,
Armfield,	Dunn,	Lewis,	Robeson,
Bachman,	Dwight,	Lindsey,	Robinson,
Bailey,	Einstein,	Loring,	Ross,
Baker,	Errett,	Lounsbery,	Russell, Daniel L.
Ballou,	Evins,	Lowe,	Russell, W. A.
Barber,	Ferdon,	Martin, Edward L.	Ryan, Thomas
Barlow,	Field,	Martin, Joseph J.	Ryon, John W.
Bayne,	Fisher,	McCook,	Sapp,
Beale,	Frye,	McGowan,	Scales,
Belford,	Geddes,	McKinley,	Shallenberger,
Beltzhoover,	Godshalk,	McMahon,	Singleton, J. W.
Bingham,	Hall,	Miles,	Sparks,
Bland,	Harmer,	Miller,	Speer,
Blount,	Harris, John T.	Mitchell,	Starin,
Bouck,	Hayes,	Money,	Steele,
Boyd,	Hazelton,	Morse,	Stone,
Bragg,	Heilman,	Morton,	Tucker,
Brigham,	Henkle,	Muldrow,	Turner, Thomas
Browne,	Hill,	Newberry,	Upson,
Buckner,	Hiscock,	Norcross,	Urner,
Butterworth,	Hostetler,	O'Brien,	Vance,
Cabell,	Houk,	O'Connor,	Waddill,
Calkins,	Humphrey,	O'Reilly,	Wait,
Camp,	Hurd,	Orth,	Ward,
Carlisle,	James,	Osmer,	Washburn,
Chittenden,	Jorgensen,	Overton,	Wells,
Claflin,	Kelley,	Persons,	White,
Clark, Alvah A.	Kenna,	Phelps,	Whitthorne,
Colerick,	Ketcham,	Pierce,	Wilber,
Cowgill,	Killinger,	Poehler,	Williams, C. G.
Cox,	Kimmel,	Pound,	Wood, Fernando
Crapo,	Kitchin,	Price,	Wood, Walter A.
Crowley,	Klotz,	Reed,	Wright,
Davis, Joseph J.	Knott,	Rice,	Young, Thomas L.
Davis, Loundes H.	Ladd,	Richardson, D. P.	

During the call of the roll the following announcements were made:

Mr. KENNA. I am paired with Mr. YOUNG, of Ohio.

Mr. SAWYER. My colleague, Mr. WADDILL, is paired with Mr. POUND, of Wisconsin.

Mr. CONVERSE. My colleague, Mr. HURD, is paired with Mr. CLAFLIN, of Massachusetts; and my colleague, Mr. HILL, is paired with my other colleague, Mr. BUTTERWORTH.

Mr. McKENZIE. I am paired with Mr. SAPP, of Iowa.

Mr. STEVENSON. Mr. LADD, of Maine, is absent by leave of the House, and is paired with his colleague, Mr. LINDSEY.

Mr. MANNING. My colleague, Mr. MONEY, is paired with Mr. STONE, of Michigan; and my colleague, Mr. MULDROW, is paired with Mr. DWIGHT, of New York.

Mr. KNOTT. I am paired with Mr. FRYE, of Maine. If he were present, I should vote "ay."

Mr. HERBERT. My colleague, Mr. LEWIS, is paired with Mr. WILLIAMS, of Wisconsin.

Mr. BOUCK. My colleague, Mr. BRAGG, is paired with Mr. JAMES, of New York.

Mr. ELLIS. I am paired with Mr. HARMER, of Pennsylvania; but by an understanding with him I am at liberty to vote on this bill; and I therefore vote "ay."

Mr. JOHNSTON. My colleague, Mr. HARRIS, is paired with Mr. CROWLEY, of New York.

Mr. MULLER. My colleague, Mr. LOUNSBERY, is paired with my colleague, Mr. BAILEY.

Mr. ERRETT. I am paired with Mr. SCALES, of North Carolina.

Mr. WARD. My colleague, Mr. KELLEY, is paired with Mr. MORSE, of Massachusetts.

Mr. TOWNSEND, of Ohio. My colleague, Mr. McKINLEY, is paired with Mr. SPARKS, of Illinois.

Mr. COVERT. My colleague, Mr. FERNANDO WOOD, is paired with Mr. ROBESON, of New Jersey.

Mr. HOSTETLER. I am paired with Mr. McCOOK, of New York.

Mr. HUNTON. My colleague, Mr. TUCKER, is paired with Mr. RICHARDSON, of New York; my colleague, Mr. CABELL, is paired with Mr. BOYD, of Illinois; and my colleague, Mr. RICHMOND, is paired with Mr. PRESCOTT, of New York.

Mr. ALDRICH, of Illinois. I desire to announce that Mr. ALDRICH, of Rhode Island, is paired with Mr. DAVIS, of North Carolina.

The SPEAKER. Upon the motion to suspend the rules and pass the bill reported by the gentleman from Louisiana [Mr. GIBSON] the yeas are 118 and the nays are 21.

Mr. BAYNE. I make the point of order that no quorum has voted.

The SPEAKER. No quorum having voted, the rules are not suspended.

ENROLLED JOINT RESOLUTION.

Mr. KENNA, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a joint resolution of the following title; when the Speaker signed the same:

A joint resolution (H. R. No. 118) in relation to committee clerks, pages, and other employés of the Senate and House of Representatives, and for other purposes.

PERSONAL EXPLANATION.

Mr. DUNNELL. In some remarks which I made before the House took a recess this afternoon, on the passage of some resolution then pending, I said that certain parties had been attached to the offices of the Sergeant-at-Arms and Doorkeeper of the House. I desire to say that I intended no reflection at all upon the Doorkeeper of the House. I think all will agree that he has discharged his duties not only with ability but with great fairness and integrity.

RECESS.

Mr. COFFROTH. I move that the House now take a recess for ten minutes.

The motion was agreed to; and accordingly (at four o'clock and forty-six minutes p. m.) the House took a recess until four o'clock and fifty-six minutes p. m.

The recess having expired, the House resumed its session.

MESSENGERS IN HOUSE POST-OFFICE.

Mr. COFFROTH. I ask unanimous consent to submit for adoption at this time the resolution which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Clerk of the House of Representatives be, and he is hereby, authorized and directed to pay to each of the following persons, to wit: William T. Revels, Joseph F. Knipe, Richard Granger, John J. Tytherleigh, Harry C. Acton, Charles M. Henry, Walter H. Robertson, Perry S. Goodsell, the sum of $114.28, being in payment for services rendered by them as messengers in the House post-office from March 4, 1879, to April 4, 1879. And the Clerk of the House is hereby further directed to pay said amounts out of the moneys heretofore appropriated for session messengers in the House post-office for the first session of the Forty-sixth Congress.

Mr. HUBBELL. I object.

COMMITTEE TO WAIT UPON THE PRESIDENT.

Mr. ATKINS, from the committee appointed by the House to act in conjunction with a similar committee appointed by the Senate, to wait upon the President and to inform him that the two Houses are now ready to adjourn, if he had no further communication to make to them, reported that the committee had discharged that duty and were requested by the President to state that he had no further communication to make.

ISAAC R. HILL.

Mr. ATHERTON. I understand that the objection is withdrawn to the proposition to pay Isaac R. Hill for services.

The SPEAKER. Is there further objection?

Mr. ALDRICH, of Illinois. I object.

ENROLLED BILL SIGNED.

Mr. KENNA, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled a bill of the Senate of the following title; when the Speaker signed the same:

A bill (S. No. 641) to grant additional rights to homestead settlers on the public lands within railroad limits in the States of Missouri and Arkansas.

MESSAGE FROM THE PRESIDENT.

A message from the President, by Mr. PRUDEN, his Secretary, informed the House that the President had approved and signed bills and joint resolutions of the House of the following titles:

An act (H. R. No. 609) to prescribe the times for holding the circuit and district courts in the district of Kentucky;

An act (H. R. No. 2275) for the relief of settlers on the public lands in districts subject to grasshopper incursions;

An act (H. R. No. 2337) to allow John Merryman and Frank Brown, of Maryland, to import and land cattle for breeding purposes;

An act (H. R. No. 2406) to put salts of quinine on the free list;

A joint resolution (H. R. No. 79) to supply Congress with "Heyl's United States Import Duties;"

A joint resolution (H. R. No. 98) to pay L. H. Fitzhugh for services during the Forty-fifth Congress;

A joint resolution (H. R. No. 118) in relation to committee clerks, pages, and other employés of the Senate and House of Representatives, and for other purposes; and

A joint resolution (H. R. No. 119) to pay the employés of the House of Representatives borne on the annual roll one month's extra pay.

FINAL ADJOURNMENT.

The SPEAKER. Gentlemen of the House of Representatives, before we separate I desire to return my thanks as presiding officer, to the members of the House of every political division, and to say to them that I appreciate their uniform kindness and confidence. And now, in obedience to the terms of the concurrent resolution of the two Houses fixing the time for the final adjournment of the first session of the Forty-sixth Congress, I declare this House adjourned without day.

PETITIONS.

The following petitions were presented at the Clerk's desk, under the rule, and referred as stated:

By Mr. HOUSE: The petition of M. H. Clark and others, of Clarksville, Tennessee, that no change be made in the law relative to retail dealers in leaf-tobacco—to the Committee of Ways and Means.

By Mr. McCOID: The petition of Mrs. Belinda Curtis, widow of Major-General Samuel R. Curtis, deceased, for a pension at $50 per month—to the Committee on Invalid Pensions.

APPENDIX.

APPENDIX

TO THE

CONGRESSIONAL RECORD.

The Subordination of the Military to the Civil Power the only Satisfactory Guarantee for Free Elections.

SPEECH OF HON. JAMES PHELPS,

OF CONNECTICUT,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, April 3, 1879,

On the bill (H. R. No. 1) making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes.

Mr. PHELPS. Mr. Chairman, at the last session of Congress the House of Representatives passed the usual bill for the support of the Army for the fiscal year ending June 30, 1880, by which nearly $27,000,000 were appropriated. It attached to and incorporated in the bill the following:

SEC. 6. That section 2002 of the Revised Statutes be amended so as to read as follows:

"No military or naval officer, or other person engaged in the civil, military, or naval service of the United States, shall order, bring, keep, or have under his authority or control any troops or armed men at the place where any general or special election is held in any State, unless it be necessary to repel the armed enemies of the United States: *Provided*, That nothing contained in this section, as now amended, shall be held or deemed to abridge or affect the duty or power of the President of the United States, under section 5297 of the Revised Statutes, enacted under and to enable the United States to comply with section 4 of article 4 of the Constitution of the United States, on application of the Legislature or executive, as provided for in said section."

And that section 5528 of the Revised Statutes be amended so as to read as follows:

"Every officer of the Army or Navy, or other person in the civil, military, or naval service of the United States, who orders, brings, keeps, or has under his authority or control any troops or armed men at any place where a general or special election is held in any State, unless such force be necessary to repel armed enemies of the United States, shall be fined not more than $5,000, and suffer imprisonment at hard labor not less than three months nor more than five years."

The Senate amended the bill by striking from it this section, and passed it as amended. The House non-concurred, and committees of conference were asked for and appointed. The majority of each committee reported a disagreement in final conference to their respective Houses, which reports were accepted, and the Forty-fifth Congress expired by constitutional limitation without the final passage of the bill. The Forty-sixth Congress is now by order of the President convened in extraordinary session for the consideration of this and another of the regular appropriation bills, which for similar reasons failed to become law.

By section 6 of the bill the two sections of the Revised Statutes referred to are so amended as to strike from them the words "or to keep the peace at the polls," which occur in each section immediately following the words "armed enemies of the United States." In all other respects the sections are preserved intact. No change is made except what is necessary to prevent improper interference by the Army with the free and independent exercise of the right of suffrage by every citizen lawfully entitled to it.

That the freedom of the ballot is one of the most valuable privileges connected with American citizenship is universally admitted. Democrats and republicans alike professedly insist upon it. It is the corner-stone of free popular government. Without its enjoyment, undisturbed by military domination, we are no longer freemen, but wear the shackles of a military despotism. If we have not the courage to break those shackles when an opportunity arises by which it may be done by constitutional and proper methods, we do not deserve to be freemen.

The subordination of the military to the civil power is a fundamental principle of free government which cannot be surrendered without the surrender of liberty itself. One of the principal grievances of the American colonies for which the British government was justly and eloquently arraigned by the author of the Declaration of Independence was that it had "sought to render the military independent of and superior to the civil power;" and another that it had "quartered large bodies of armed troops among the people of the colonies."

Under the provisions of those sections of the Revised Statutes, military supremacy over civil authority is re-established, and a greater grievance created than that of quartering soldiers upon the people. The injury is the more intolerable because inflicted, not by a monarchical government upon the inhabitants of colonial dependencies who are the subjects of the Crown, but by a republic professing to be paternal in all its relations to the people who claim to be, and under the Constitution and laws are intended to be, and in fact and of right are, the sovereign power. It is all the more unjustifiable because by virtue of it arbitrary power is placed in the hands of the President, who is *ex officio* Commander-in-Chief of the Army, to use, if he pleases, in controlling what in a free country should always be the free elections of the people. Upon a question of such vital importance, it is not a sufficient answer to the complaint to say that the President would never attempt to use the Army in such a manner as to subvert the liberties of the people.

The exercise of political power has a singular fascination over the minds of men, and the opportunity for its improper exercise is a dangerous bauble with which to tempt the best of them, when the passions and prejudices of partisan excitement incident to a national canvass which involves the supremacy of a party and the control of the immense patronage of a great government are in full operation. History repeats itself, and we should not allow ourselves to forget what ambitious schemes against liberty have been perpetrated by the use of the Army, without the sanction of law, by Cæsar and Cromwell and Napoleon. We may have a usurper sufficiently ambitious and unscrupulous to make the attempt under the claim that he is warranted by the law, and therefore guilty of no usurpation.

Indeed we have had something of very much the same character in the recent history of our own Government. Under the authority of the very words now sought to be repealed, a President fresh from the command of a victorious army, with the apparent object of continuing his party in power in several States of the Union, stationed portions of the United States Army at places where the people were lawfully assembled to elect State and Federal officers, and thereby prevented free elections. He caused to be made and unmade Legislatures of sovereign States by the arbitrary exercise of military force. He stationed soldiers in the halls of courts of justice when they were in session. He deposed judges and arrested and imprisoned citizens under the suspension of the *habeas corpus*. He concentrated portions of the Army and Navy around this Capitol during the session of Congress while the electoral votes for President and Vice-President were being counted, and committed almost every species of political tyranny in the interest of his party by way of subordinating civil to military rule, in violation of the rights of the people and of the spirit and genius of republican institutions. If the right to use the Army to keep the peace at the polls can be constitutionally exercised under this law, which I do not believe, it may at any time, under the false pretext of apprehended disorder, be seized upon as a justification for its use for merely partisan purposes. With such fresh and flagrant examples of military usurpation before us, we should be satisfied that the only safety to the country is in the abolishment of the apparent authority and with it all claims that might be sought to be justified under that pretended authority.

It is objected to the sixth section that it introduces into the bill irrelevant provisions in the shape of substantive legislation which is not germane to it. This is solely a question for the House to determine upon a point of order under its rules. The point was made, discussed, and overruled; and, on appeal taken, the decision of the Chair was held to be the judgment of the committee. That action was a final disposition of the question whether the section was subject to the point of order. Candor, however, requires the admission that this section is independent of the appropriation of money, which is the real and only legitimate purpose of the bill. The insertion of it was the tacking as a rider to an appropriation bill what might have been proposed as separate and independent legislation. In my judgment it would on general principles have been more politic to have so introduced it, and as a member of the joint committee which prepared the bill I favored that course, and only yielded, with others of the same opinion, to the prevailing will of a majority of the committee. Without reference to the question of its being germane to the bill, my convictions of the impolicy of the course are so well settled that I have prepared and on the first opportunity shall introduce

in the House and ask its reference to the Judiciary Committee, a bill amending the Revised Statutes in substantial conformity with what is undertaken in the sixth section of this bill. I shall do it in vindication of my objection, under any ordinary circumstances, to this mode of legislation. Though this has been decided to be germane, and perhaps is not extraneous, it cannot be denied that it is strictly an independent provision, which I would much prefer to have had introduced and disposed of independently of this bill. I believe in its present situation its adoption is embarrassed and the passage and approval of the bill seriously endangered, while as separate measures both might have been secured.

I disapprove of this method of procedure under any circumstances unless it is absolutely necessary for the redress of grievances, or in connection with other important and needful legislation which cannot otherwise be obtained. Democratic doctrine and practice have been generally against it; and if the provisions sought to be enforced by this section had been placed upon their independent merits, I believe the President could have given no reasons that would have satisfied the country for withholding his approval. If he had withheld it, there would have been opportunity for then incorporating them in the appropriation bill, and a sufficient justification for standing by them to the last. It would have been an eminently proper case for demanding redress of the unjustifiable grievance of using the Army to control elections in the interest of the party of which he is the official head.

But aside from the question of expediency, there is no doubt of the competency of Congress to legislate in this manner. The claim that it is revolutionary is absurd in the extreme. It is neither revolutionary nor has it been uncommon. The congressional annals of the country are filled with conspicuous instances of it; among which are the Wilmot proviso in 1847, the revision of the tariff in 1855, the prohibition of the use of the Army in support of certain territorial legislation in Kansas in 1856, the enactment of these very provisions authorizing the employment of the Army to keep the peace at the polls in 1865, the unsavory salary grab in 1873, the *posse comitatus* clause in 1878, and hundreds of other instances of lesser note, all which were tacked as riders to the regular annual bills of appropriation.

To show the opinion of the most distinguished leaders of the republican party in the Thirty-sixth Congress, I cite from the Congressional Globe of that period extracts from their speeches in support of an amendment to the Army appropriation bill prohibiting the use of the Army to enforce territorial legislation in Kansas, upon a question precisely analogous to the present, which contradict in the most explicit language the declarations of the present leaders of that party, and show that the proposed method of legislation is not only constitutional but usual, and may be necessary and expedient, and that the House of Representatives, with whom all bills for supplies must originate, is entitled to judge of the methods of legislation by which supplies shall be granted, and of the necessity and propriety of making them conditional upon the redress of real or alleged grievances.

Mr. Seward said:

Since the House of Representatives has power to pass such a bill distinctly, it has the power also to place an equivalent prohibition in any bill which it has constitutional power to pass. And so it has a constitutional right to place the prohibition in the annual Army appropriation bill. It is a right one if necessary to effect the object desired, and if that object is one that is in itself just and eminently important to the peace and happiness of the country, or to the security of the liberties of the people. The House of Representatives, moreover, is entitled to judge and determine for itself whether the proceeding is thus necessary, or whether the object of it is thus important.

Mr. Wilson said:

The Senator from Virginia tells us that when one House undertakes to force its opinion upon the other, and that policy is adhered to, revolution follows. Now, sir, it appears to me that the Senate is raising this question with the House of Representatives; and that if in the result this bill shall fail the responsibility of that failure will rest upon the Senate and not upon the House. The country will condemn, it must condemn this action of the Senate, this arrogant attempt to force its opinions upon the House of Representatives.

Mr. Wade said with his customary emphasis:

I say the House of Representatives have done right. Here we are told it is revolutionary, and therefore we must not breathe the breath of life into their action, but must permit it to go back to the House with an appeal to the House to recede. Sir, I do not know but that you may succeed under the idea that this is revolution; but, so help me God, I hope that the man who proposes to recede a hair's breadth from the action of the House will never find his way back again. Has it come to this, that if the House of Representatives do not think proper to frame a bill for the support of the Army of the country, appropriating twelve millions, in a way to satisfy the majority in this body, revolution shall follow and the responsibility be upon the House? Pray, sir, how? Because they will not agree to do as the Senate tells them they shall do.

Mr. Fessenden said in reply to Mr. Hunter:

Does he not know well that in the English Parliament from the earliest times not only have appropriation and revenue bills gone together, but in cases without number it has been the habit of that Parliament to check the power of the Crown by *annexing conditions* to their appropriation of money? Does he not know that the only mode in which our ancestors of Massachusetts checked the powers of their royal governors *was by granting money only on conditions?* The power of supply and the power of annexing conditions to supply have always gone together in parliamentary history; and their joint exercise has never been denounced as a case of revolution, or calling for revolution, or tending to produce revolution in any shape or form whatever. It is a power essential to the preservation of our liberties.

Mr. Giddings said:

I now come to the point that when we make an appropriation we may limit its expenditures That principle has been held to be legitimate since the commencement of the Government.

I am only quoting precedents, and I call upon the Chair to examine that point that where we make an appropriation of money we, the Representatives of the people, may limit the expenditure in just such terms as we please.

Surely no gentlemen could be more distinctively the representative leaders of the republican party, then just organized, than those from whose able speeches I have quoted. They were indeed the distinguished fathers and founders of that great and successful party; and the course of its present leaders, whose intellectual stature, though very respectable, hardly equals theirs, shows how little reverence they have for the teachings of their predecessors and how difficult it always is for professional politicians to resist the temptation to yield to the partisan clamor of the hour.

It is logically premature to argue in advance of an executive veto against the proper exercise of that power with reference to a pending bill, but no opportunity for the discussion of that question may be afforded after the passage of the bill and its return to this House with the objections of the President, if it shall be so returned, which is earnestly desired and confidently expected by his friends.

The constitutional power of returning bills with his disapproval should only be exercised by the Executive with reference to the merits of the measures, and never with respect to the methods by which their passage is secured. I have shown by the highest republican authority that these are entirely within the discretion of Congress and wholly controlled by its parliamentary rules and practice. The fact, therefore, that the sixth section, which has been held by the House to be germane to the bill, is an independent provision does not make it the proper subject for the exercise of this power, and no precedent can be found for the veto of a bill for such a cause. It might subject a measure to criticism or protest, according to the temper of the President, but never to disapproval, unless there is something unconstitutional or improper in the independent provision itself.

Section 7 of article 1 of the Constitution provides that "every bill which shall have passed the House of Representatives and the Senate shall, before it becomes a law, be presented to the President of the United States; if he approve, he shall sign it, but if not, he shall return it with his objections to the House in which it shall have originated," &c. He must approve and sign, or disapprove and return, the *bill*. The *subject-matter*, and not the *manner* of its enactment, is alone to be considered.

It is a great power, wisely given, to be wisely executed; not in the interest of party or section, but of the whole country. Otherwise it would not be the authoritative expression of the dispassionate judgment of the President, and would be unworthy of him. While I do not question but entirely approve the propriety of the exercise of this power by way of objection to legislation that is unconstitutional or dangerous on its merits, I cannot agree to the declaration which we have repeatedly heard in this discussion from gentlemen on the other side of this House that the President is, under the Constitution, a part of the legislative power of the Government. He is invested with the power of disapproval to enable him to use it when in his judgment it is necessary as a check upon the Legislature to prevent unsafe, improper, or unconstitutional legislation. This, however, no more makes him a part of the legislative department of the Government than the power which the Supreme Court has to declare an act of Congress unconstitutional makes the judicial a part of the legislative department.

The several departments are wholly independent within their respective limits, and may by their independent action have a check upon each other, but are possessed of no original power and can exercise no original functions except within their respective limits as constitutionally defined. The wise framers of the Constitution in the first clause of that instrument carefully and jealously guarded the jurisdiction of the Legislature from improper invasion by providing in section 1 of article 1 that "all legislative power herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives." They could not have selected clearer language by which to prevent the usurpation of the legislative power by the executive and judicial departments of the Government. This brings me to inquire what there is in the sixth section of the bill which demands or can justify the disapproval of the President? Certainly nothing unless it be the denial to him of the power through the orders of the War Department to employ the Army of the United States to keep the peace at the polls. This is the only subject of controversy or difference in the bill. Upon a little sentence of eight monosyllables which had no existence in the law until 1865 hangs the whole issue involved in the entire bill, and the legislative history of that clause is briefly this:

The two sections, though now widely separated in the Revised Statutes, are parts of section 1 of chapter 52 of the act of February 25, 1865, entitled "An act to prevent officers of the Army and Navy and other persons engaged in the military and naval service of the United States from interfering in elections in the States," found on page 437 of volume 13 of the United States Statutes at Large. Prior to that recent period no authority of that doubtful and dangerous character over the free elections of the people had ever been given to or exercised by the President, and this had its origin in the heated passions that ruled the hour in the last year of the war of the rebellion, and could have been conceived at no other time. The act itself into which these words were interjected by way of amendment was in-

troduced in the Senate by Mr. Powell, of Kentucky, for the purpose of protecting the people of that and other border States which remained in the Union in the exercise of the right to participate in the election of their civil magistrates and other officers; a protection which became necessary in consequence of the arbitrary partisan manner in which republican election officials excluded Union democrats from the polls, and their ballots from the boxes, under cover of the orders of military officers enforced by the presence of soldiers at the polls.

The amendment was offered by Mr. Pomeroy, a republican Senator from the State of Kansas, and adopted against the votes of every democrat in the Senate. It is true they voted for the bill as thus amended to preserve the protection afforded by the other provisions in it, but never acquiesced in or accepted the odious principle contained in the amendment. It was a purely partisan measure, which I suppose accounts for the determination and unanimity with which the republicans now insist on retaining it in the law.

That the amendment is unconstitutional I do not entertain a doubt. The right to suppress disorder in the States belongs wholly to them through their civil authorities. It is not one of the powers delegated under the Constitution to the General Government, and is therefore reserved to the States. The only right of that character which the United States can constitutionally exercise is contained in section 4 of article 4, in these words:

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and on application of the Legislature, or of the executive, (when the Legislature cannot be convened,) against domestic violence.

By this provision no authority is conferred to prevent or punish breaches of the peace. The States have made ample provision for that, and it would seem to be a flagrant violation of the Constitution and a usurpation of the rights of the States for the General Government to attempt the exercise of such a power, unless the violence became so formidable that the States in which it prevailed were unable to repress it, and made requisition upon the United States for assistance in the mode prescribed in the Constitution. The present distinguished Secretary of State, on the 20th of August, 1868, when Attorney-General of the United States, in a letter of instructions to the United States marshal for the northern district of Florida, used the following clear and decisive language on this subject:

The authority to suppress disorder and preserve the peace belongs exclusively to the civil authorities of the State.

Nothing can be added to the force of that declaration, and if its author reasserts it in the ear of the Executive he will have at least one member of his Cabinet to protest against the veto of this bill.

The right to command the presence of armed troops at the polls is abhorrent to the instincts of a free people. It is indeed utterly subversive of the principles of free government and destructive of freedom itself. A free election is impossible when even the shadow of military power falls upon the ballot-box. The loaded musket and fixed bayonet, and the human machine in whose hands they are placed, should never be permitted to approach the place where citizens are engaged in the exercise of the highest political prerogative with which they are invested under the law.

This principle is so fundamental and so thoroughly rooted in the Anglo-Saxon mind that even in the monarchy of Great Britain it was formulated into an enactment with all the sanctions of a statute as early as the eighth year of the reign of George II, in the following words:

Anno octavo Georgii II, c. 30. [1735.]

CAP. XXX.

An act for regulating the quartering of soldiers during the time of the elections of members to serve in Parliament.

Whereas by the ancient common law of this land all elections ought to be free; and whereas by an act passed in the third year of the reign of King Edward the First, of famous memory, it is commanded, upon great forfeiture, that no man by force of arms, nor by malice, or menacing, shall disturb any to make free election; and forasmuch as the freedom of elections of members to serve in Parliament is of the utmost consequence to the preservation of the rights and liberties of this kingdom, and whereas it hath been the usage and practice to cause any regiment, troop, or company, or any number of soldiers which hath been quartered in any city, borough, town, or place where any election of members to serve in Parliament hath been appointed to be made to remove and continue out of the same during the time of such election, except in such particular cases as are hereinafter specified: To the end, therefore, that the said usage and practice may be settled and established for the future, be it enacted by the King's most excellent majesty, by and with the advice and consent of the Lords spiritual and temporal and Commons in Parliament assembled, and by the authority of the same, that when and as often as any election of any peer or peers to represent the peers of Scotland in Parliament, or of any member or members to serve in Parliament, shall be appointed to be made, the secretary at war for the time being, or in case there shall be no secretary at war, then such person who shall officiate in the place of the secretary at war, shall, and is hereby required, at some convenient time before the day appointed for such election, to issue and send forth proper orders in writing for the removal of every such regiment, troop, or company, or other number of soldiers as shall be quartered or billeted in any such city, borough, town, or place where such election shall be appointed to be made, out of every such city, borough, town, or place, one day at the least before the day appointed for such election, to the distance of two or more miles from such city, borough, town, or place, and not to make any nearer approach to such city, borough, town, or place, as aforesaid, until one day at the least after the poll to be taken at such election shall be ended and the poll-books closed.

The great English commentator, Judge Blackstone, in speaking of this statute, says:

And as it is essential to the very being of Parliament that elections should be absolutely free, therefore all undue influences upon the electors are illegal and strongly prohibited. Mr. Locke ranks it among those breaches of trust in the executive magistrate which, according to his notion, amount to a dissolution of the government if he employs the force, treasure, and offices of society to corrupt the representatives or openly to pre-engage the electors and prescribe what manner of persons shall be chosen.

"For thus to regulate the candidates of electors and new-model the ways of elections, what is it," says he, "but to cut up the government by the roots and poison every fountain of public security?"

As soon, therefore, as the time and place of election, either in counties or boroughs, are fixed, all soldiers quartered in the place are to remove one day before the election to the distance of two miles or more, and not to return until one day after the poll is ended.

Dr. Lieber, in his work on civil liberty and self-government, in speaking of elections, says:

It is especially necessary that the army be in abeyance, as it were, with reference to all subjects and movements appertaining to the question at issue. The English law requires the removal of the garrison from every place where a common election for Parliament is going on. Much more necessary is the total neutrality of the army in an election of the sort of which we now treat

The statute was re-enacted in the tenth and eleventh of Victoria, chapter 21, as follows:

That on every day appointed for the nomination or for the election, or for taking the poll for the election, of a member to serve in Parliament, no soldier within two miles of the city, borough, or place where the nomination or election is to be declared or poll taken, shall be allowed to go out of the barracks or quarters in which he is stationed, unless for the purpose of mounting or relieving guard or of giving his vote at such election; and that every soldier allowed to go out for any such purpose within the limits aforesaid shall return to his barracks or quarters with all convenient speed as soon as his guard shall have relieved or vote tendered.

The able and accomplished lawyer now at the head of the War Department, in his work on elections, section 418, says:

There can, however, be no doubt but that the law looks with great disfavor upon anything like an interference by the military with the freedom of an election. An armed force in the neighborhood of the polls is almost of necessity a menace to the voters and an interference with their freedom and independence; and if such armed force be in the hands of or under the control of the partisan friends of any particular candidate or set of candidates, the probability of improper influence becomes still stronger.

Entertaining those views, consistency requires that he should unite in Cabinet council with the Secretary of State in protesting against the disapproval of the bill by the Executive.

Judge Cooley, in his work on Constitutional Limitations, under the title of the "freedom of elections," on page 614 says:

And with a just sense of the danger of military interference, where a trust is to be exercised, the highest as well as the most delicate in the whole machinery of government, it has not been thought unwise to prohibit the militia being called out on election days, even though for no other purpose than for enrolling and organizing them.

The ordinary police is the peace force of the State, and its presence suggests order, individual safety, and public security; but when the militia appear upon the stage, even though composed of citizen militia, the circumstances must be assumed to be extraordinary, and there is always an appearance of threatening and dangerous compulsion which might easily interfere seriously with that calm and unimpassioned discharge of the elector's duty which the law so justly favors. The soldier in organized ranks can know no law but such as is given him by his commanding officer, and when he appears at the polls there is necessarily a suggestion of the presence of an enemy, against whom he may be compelled to exercise the most extreme and destructive force, and that enemy must generally be the party out of power, while the authority that commands the force directed against them will be the executive authority of the State for the time being wielded by their opponents.

General Grant, while General of the Army, in speaking of the use of the Army at the polls in the Southern States, said, in contradiction and condemnation of his subsequent conduct when President:

It is consequently of the highest importance that the presence of a military force at the polls be not suffered except in serious emergencies, when disorders exist or are threatened for the suppression or prevention of which the ordinary peace force is insufficient; and any statute which should provide for or permit such presence as an unusual occurrence or except in the last resort, though it might not be void, would nevertheless be a serious invasion of constitutional right and should not be submitted to in a free government without vigorous remonstrance.

Mr. Seward, in speaking on the subject in 1856, said:

Civil liberty and a standing army for the purposes of civil police have never yet stood together, and never can stand together. If I am to choose, sir, between upholding laws in any part of this Republic which cannot be maintained without a standing army, or relinquishing the laws themselves, I give up the laws at once, by whomsoever they are made and by whatever authority; for either our system of government is radically wrong or such laws are unjust, unequal, and pernicious.

And, lastly, the gentleman from Ohio, [Mr. GARFIELD,] in discussing this bill, including the sixth section, and referring to these election provisions, said at the close of the last session:

I am free to admit for one that these enactments were passed at a period so different from the present that probably we can without serious harm in any direction muster them out, as we mustered out of service the victorious armies when the war was done. For myself, I see no serious practical objection to letting these sections go, &c.

Many of the constitutions and bills of rights of the several United States contain, in the most distinct and emphatic language, a declaration against the presence of the military at elections, and in none of them is there any expression which can be construed into the recognition of that right.

Why should the free people of this country longer tolerate the existence of a statute which authorizes the presence of the Army of the United States at the polls under the assumed pretext of keeping the peace? The law was demanded only as a war measure; and if there was any excuse for it during the rebellion or the stormy period of military State governments and of reconstruction which immediately followed, the excuse has passed away with the disappearance of those conditions. The rebellious States have long since accepted all the conditions imposed upon them, have returned to their allegiance and

been fully restored to their former position in the Union; their citizens have been graciously and fully amnestied; their elections are regularly held and fairly conducted; there are no unusual frauds or breaches of the peace at the polls; no citizens entitled to vote are denied suffrage; no State executives or Legislatures are calling upon the General Government for assistance to repel invasion or suppress domestic violence, and peace prevails throughout all the land.

There are and always have been occasional frauds and disturbances at elections everywhere, at the North and West as well as at the South. This is the natural if not the necessary consequence of partisan rivalry and excitement where unlimited popular suffrage prevails. It is especially so in cities where the rougher element in society exists in greater numbers and proportion than in the rural districts of the country. It was so before the war as much as since, and will always continue. In such localities, however, perfect provision to keep the peace is made through the police and other civil officers, who, by virtue of State authority, have the fullest power of arrest and of commanding assistance. The *posse comitatus* can be freely invoked in all needful emergencies. If in any extraordinary contingency these should be likely to prove insufficient, the State militia may be ordered out *en masse* by the governor. If by any possibility all these provisions should prove inadequate, the Legislature or governor may, under section 4 of article 4 of the Constitution, which I have already cited, call upon the United States for assistance and protection against domestic violence. Thus the amplest provision is made for the extremest possible emergency.

Where, then, is the necessity or excuse for continuing a law authorizing the President in his discretion to station troops at the polls, in advance of any disturbance and when no breach of the peace is either imminent or threatened? There can possibly be but one pretext for it, and that the desire and determination, for partisan purposes, to control by the exercise of military power what should always be the free elections of the people. Will the President refuse to approve a bill sanctioned by both Houses of Congress, which contains no other objection than that it takes from him the power to exercise this improper and arbitrary and unconstitutional authority? Especially, will he do it in the face of the fact that the gentleman from Ohio, [Mr. GARFIELD,] the acknowledged and very able leader of the President's party on this floor, and other gentlemen on that side, have admitted in this debate that if the repeal of this authority was proposed as an independent measure they would not oppose it? Will he venture to suffer his party to go to the country upon this issue on the admission by his friends that upon the merits of the question this side of the House is in the right, and with two leading members of his Cabinet committed against the propriety of the clauses we seek to repeal?

This brings me back for a moment to the consideration of the propriety of attaching to supply bills for the maintenance of the Government conditions demanding the redress of grievances. In the judgment of Congress, a grievance of the most serious character exists, and it demands in this bill that it shall be redressed; in other words, that it will give no money to support the Army except on condition that the authority in the President to employ it to keep the peace at the polls shall be abolished. What are the precedents? After Magna Charta, and for a long time prior to 1707, whenever grievances were imposed upon the House of Commons by the Crown, it demanded and obtained redress by refusing or conditionally granting supplies asked for by the Crown. The Commons declared that "unless they were secure in their liberties they would not give;" that "by the ancient course of Parliament, grievances had been first considered before supplies," and "that the redress of grievances and granting of supplies went hand in hand." Nothing was more common during that unsettled period of English history than controversies between the Commons and the Crown upon the subject of grievances and supplies, and they uniformly terminated in favor of the Commons.

The last British veto was in 1707, since which time the exercise of the power has not been attempted, because by an established principle of the British constitution the Commons could always enforce submission by compelling the ministry to resign, and there has since that time been practically no occasion for either the exercise of the veto power by the Crown or the conditional granting of supplies by the Commons, and both have fallen into disuse; but so long as the necessity continued the Commons never abandoned the right to withhold supplies to the Crown except on such conditions with respect to the redress of grievances as they deemed it proper to exact.

It has been said, and is undoubtedly historically true, that the House of Commons has not for a very long period attached to supply bills substantive legislation of a general character, but has only refused to furnish money to the Crown when the grievance which in their judgment required redress, related to the improper use of the royal prerogatives, or the granting of oppressive monopolies, or the prosecution of foreign wars, or the payment of the King's debts, or other subjects of a similar character. The principle, however, of granting appropriations conditionally is not affected by the character of the grievance. The objection rests upon the principle of the coercion of one department of the government by another; and the independence of the department which it is claimed is sought to be coerced is as much invaded when the grievance relates to the unconstitutional use of the Army as when it relates to the improper use of a royal prerogative. Indeed the two cases are not in principle dissimilar.

In the pending bill, the amendments proposed to the Revised Statutes apply only to the restriction of the use of the Army in a particular manner, and for a certain purpose, and the amount which should be appropriated is necessarily to a greater or less extent properly dependent on the enforcement of the restriction.

By section 8 of article 1 of the Constitution, Congress "may make rules for the government and regulation of the land and naval forces." Under this authority it may direct that under a certain sum appropriated the Army shall only be used in a manner conformable to the amount and purposes of the appropriation, and may well provide that the sum given shall be conditional on such restriction.

In this country, as I have already endeavored to show, the instances in which general legislation has been attached to the regular appropriation bills have been very numerous and frequent. Some of them have trenched much more upon the independence of the Executive or of one branch of the Legislature than the bill now under consideration. In at least two instances before the present, extra sessions of Congress have been convened because the Army appropriation has for reasons similar to those which now exist failed to become law. The present condition of affairs is therefore not unprecedented in our parliamentary history. The amendment relating to the use of the Army in enforcing local and pretended territorial legislation in Kansas in the Thirty-fourth Congress, before alluded to, and that in the Forty-fourth Congress, prohibiting its use to uphold a usurped and fraudulent government in Louisiana, which the President himself afterward abandoned, were in all essential particulars substantially analogous to the present. The apparent crisis which each produced passed without serious consequences to the country. Those were differences between the Senate and the House of Representatives, and I believe the Senate yielded in both cases, and it is hoped a way out of the present difficulty will be found which will inflict no injury on the country or reflect any dishonor upon either the executive or the legislative department of the Government.

The proposed legislation is not hasty, or inconsiderate, or dangerous, or unwise; it subverts no provision or principle of the Constitution, but is offered in its defense; it improperly coerces no other department of the Government, nor the co-ordinate branch of this department; it usurps no unlawful prerogative; it violates no rule or practice of either House of Congress. It simply seeks to forever abolish from the statutes of the United States certain provisions clearly repugnant to the principles of free government under which it is in the power of the President, by the use of the Army for partisan purposes, to destroy the freedom of elections and with it the liberties of the people.

Why, then, should there be an executive disapproval of it? Aside from the well-established fact that the *method* of legislation with respect to all appropriation bills is entirely within the discretion of the House of Representatives under its rules, it seems impossible for the President, without an inconsistency which he will find it difficult upon any principle of sound statesmanship to reconcile, to disapprove and return the bill on the ground that it contains extraneous provisions, because the record shows that when he was a member of this House he voted for amendments to appropriation bills incorporating independent legislation. He also voted for articles of impeachment of Andrew Johnson because he was charged among other official irregularities with having improperly exercised the veto power.

If he places his disapproval on the ground that the sixth section of the bill is coercive, and therefore improper, the answer is that all extraneous legislation of a partisan character in appropriation bills, when the two Houses of Congress differ politically from each other, or when both differ from the Executive, is designed to be, and in its nature must from necessity in a certain sense be, coercive. But this section does not differ, except favorably, from other legislation of the same character, of which so many examples have been cited, not one of which was ever for that reason made the subject of a veto. If there shall be a veto in this case, under whatever pretext made, it must be without precedent, and can be susceptible of but one construction, and that will be that so far as rests in his power the President has determined that the republican party shall continue to use the Army of the United States to control the elections of the people.

The Counterpart of the Rebellion.

SPEECH OF HON. J. I. MITCHELL,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, April 17, 1879,

On the bill (H. R. No. 2) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes.

Mr. MITCHELL. Mr. Chairman, I should not at this stage of what I consider a great and high debate contribute one word to this discussion did I not feel it a duty to my constituents to do so. I am quite aware that I should be able, had I the fullest opportunity, to add but

little to the weight of argument upon my own side, or greatly to weaken an already waning faith upon the other. The argument has related principally to two questions—one of constitutional law, the other of legislative expediency and necessity.

I have listened to or read the arguments of most weight upon both sides, and am confirmed in my first opinion that the republican position is right, expedient, patriotic, and impregnable.

I shall therefore abide by it and rest in the confident belief that great benefit to our new Republic will flow from this conflict of purposes and opinions on the one side and the other, revealing as it does the real spirit and object of both parties.

There has latterly been too much of surface pretension that our late family quarrel was all happily arranged, and too much suppression of the deep-seated feelings which everybody knows lie at the bottom of our continued sectional differences. I would not welcome, and trust we may all reasonably refrain from, impulsive and acrimonious crimination and recrimination; but I think that at last some men on both sides speak out openly, earnestly, and, I hope, conscientiously, their inmost feelings and opinions.

Men of the North and of the South, sharers of the greatest and sublimest national destiny yet probable as the fruitage of civilization among men, if we but wisely and righteously strive together to garner and secure it for ourselves and our children, what answer shall we give to the vital and momentous questions of the hour? Shall we wisely and charitably discharge the great trust divinely committed to our hands pursuant to its eternal conditions precedent ordained by the Supreme Lawgiver, or meanly and unrighteously betray it for a mess of pottage? To this omnipotent voice we must give faithful answer, whether we will or no. It cannot be by confession and avoidance; it must be by repentance and a new birth, by honest profession of a righteous national creed, and by strict observance thereof in our national walk.

My purpose in presenting my views at this time, out of the ordinary current of this discussion, is to inquire into the abstract principles involved in the pending conflict of opinions and prejudices rather than to attempt to add to the already exhaustive argument upon the concrete questions pending before us. In attempting, however, to discover the spirit of these antagonistic political forces I shall endeavor to exemplify and, so to speak, to incarnate them by examples illustrating the formulated policies of opposing political parties. I have supreme and abiding confidence in the ultimate reign of truth and right. For a time unrighteous usurpation may suspend it, but such usurping forces in history have ever been temporary only, and legitimate authority has erewhile been fully recognized.

This world is a conflict, and civilization is its product. Law rules it, and the Lawgiver is before and above the law. The survival of the fittest is in the end the triumph of the best. Right sleeps, but never dies. True royalty is righteousness in man the individual, man the citizen, and among men the state. True manhood, therefore, is "the best fruit of the ages," and Christian civilization the best gift of time. But as no man by man begotten is without sin, no party or nation is above reproach. Man aspires more to conquer others than to rule himself, and self-aggrandizement is the law of nature, of nations, and of political associations. If many join together for a common object, each inclines to pursue his own when that is attained.

The world is divided politically into nations, parties, and factions, each striving for its own object or opposing that of another. Hence the radical, the conservative. Too often a wicked cabal sits behind the throne in each, secretly using a specious platform for private and selfish purposes. In the end, thank God, the mask falls off, and the hideous man, the wicked cabal, the selfish faction, the unrighteous party, the unchristian nation, appears in the open light of public opinion and comes to naught.

Trite as they may appear, I believe these truths have pertinence the present hour. Over and over again in history they have ruled an epoch, but their complete and overruling force has not yet borne full sway. John said "the kingdom of heaven is at hand," but the mandate of temporal authority imprisoned and beheaded him. Christ himself refused the office of temporal judgship, and counseled obedience to the reign of Cæsar, under which he was crucified. His own chosen few, supposing his kingdom to be of this world, began early to plot for office and ease and spoils. Pilot found no fault in Jesus, but delivered him to the cross when the multitude clamored that without this he was no friend of Cæsar, whose commission he held! He was emphatically opposed to losing his official or his natural head, and consented to betray his Eternal King for fear of his earthly sovereign. It is ever so, thus far in time. "What o'clock?" says the king. "Whatever time your majesty pleases," says the courtier. We are all, in some sense, I fear, the subjects or courtiers of some earthly sovereign, too often forgetful of our superior obligation to the King that never dies.

Thus, two laws have force, two kingdoms are extant, in this earth; the one material and temporal, the other spiritual and eternal; the one expedient as man declares, superior for its day; the other, right, as God ordains, supreme forever! Against the one men, for just cause, appealing to the other, may rebel and triumph; against the other, they must not contend, "lest haply they be found fighting against God, and come to naught!"

Intrenched never so strongly in human "constitutions" wrong must ever yield to this superior right and power which is before and above them all, and the fiat of the Almighty Lawgiver have its sway.

All constitutions grow, or simply declare a former growth, by symbols intended to be comprehensible to man. Great principles, fixed and rational belief, and righteous faith, for which men have contended, suffered, and died, or are henceforth willing to do so, are the only true and substantial foundations of organic law and human government. To formulate these principles, to symbolize this belief, and to incarnate this living faith for which men are willing to endure the cross, is the most gigantic temporal work required of the intellect and mind of man in any age and in every nation. Higher mission for these there is none on this earth, save that which enters within the veil in search of the hidden springs of eternal life! And between these two, finally, there is little difference.

Contending for such principles, struggling for the verification of such belief among men, and striving for the embodiment of such faith in a constitution of free government, our forefathers pronounced their creed in face of the divine right of kings, and for its fulfillment pledged and offered up their lives, their fortunes, and their sacred honor.

When, in the end, this creed became a living fact, they sought to embody it in a written Constitution. Of this their work William E. Gladstone, a subject of the government against which they rebelled and among the wisest of living statesmen, speaking of the British constitution and our own, has recently said:

> The two constitutions of the two countries express indeed rather the differences than the resemblances of the nations. The one is a thing grown, the other a thing made; the one a *praxis*, the other a *poiesis*; the one the offspring of tendency and indeterminate time, the other of choice and of an epoch. But as the British constitution is the most subtle organism which has proceeded from the womb and long gestation of history, so the American Constitution is, so far as I can see, the most wonderful work ever struck off at a given time by the brain and purpose of man. It has had a century of trial under the pressure of exigencies caused by an expansion unexampled in point of rapidity and range, and its exemption from formal changes, though not entire, has certainly proved the sagacity of the constructors and the stubborn strength of the fabric.

Nevertheless, its theory of equal rights and freedom of all men was marred in its letter from the beginning, and has never to this moment been wholly and faithfully exemplified by our practice under it. The word slave found no place in it, but slavery was expressly recognized, and, as the event has proven, almost irrevocably intrenched within it. The kidnaping of men, to be held slaves under it, was expressly sanctioned by it. Every northern man was at one time required by law enacted under it to be a slave-catcher, and denied the right to furnish a crust of bread to colored men fleeing for liberty from its bonds. For three quarters of a century husbands, wives, parents, and children, whom nature and nature's God had "joined together," were sold and separated at the auction-block under it without mercy or remedy. By this human outrage, by men named law, men were wickedly denied knowledge of the law divine, and the Sermon on the Mount was made for the slave a sealed book. Slaves were chased by bloodhounds, cruelly beaten, bruised, maimed, and murdered without punishment for their persecutors or murderers.

The liberty of speech and of the press was denied to prevent interference with the "peculiar institution." It was made a crime by democratic act of Congress to speak against slavery in territory of the Government which the fathers of the Constitution had forever set apart to freedom! Men who were conscientiously opposed to this crime against nature were, for such cause, prohibited from sitting on juries in the courts. Here was a test oath for you! Now it is considered offensive to permit the courts to say, in their discretion, that men who fought to destroy the Government and to perpetuate slavery shall not sit upon juries trying ex-slaves for offenses charged against them. And this is a "war measure" which is to be stricken from the statute-book as a "vestige" which "looked to the abridgment of the liberty of the citizen," and thus it is now proposed by the democracy "to celebrate her recovery of her long-lost heritage." Verily a fitting celebration for such inheritors!

All these things in this our beloved country, under a constitution founded upon the declaration "that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness." The civilized world looked on with horror. Three generations of men came and went while this living, fearful shame and crime polluted the fair land of their birth. Ministers of the living Jesus desecrated the pulpit in its defense. Statesmen bowed the knee before it, and courted political honors for such mean submission. When a philosopher petitioned on his knees before Dionysius, he excused the act by the righteousness of his object: "It is not my fault, but the fault of Dionysius, that his ears are in his feet." The American "doughface" was *particeps criminis*, and therefore could not excuse, much less justify, his pusilanimity. Yet it is to such men that the gentleman from Mississippi [Mr. CHALMERS] has paid this high tribute upon the floor of this House in this debate:

> In response to my gallant democratic friend from Ohio [Mr. EWING] who paid such a handsome compliment to the South I have a word to say. There was a time when I as a southern democrat believed that the position of northern democrats in the war was hateful. But, sir, I have learned to believe that the time will come when the historian will write it down that the northern democrats were the truest patriots in this country. They imitated the example of their old leader, Andrew Jackson. It will be remembered that when on the plains of Florida the militia, claiming that their enlistment had expired, attempted to return home, "Old Hickory," with the old flag in his hand, rallied the volunteers and drove the militia back to their places. When upon the next occasion the volunteers undertook to leave, he, with that same old flag in his hand, rallied the militia and drove the volunteers back to their places. So, sir, the historian will say that when the southern democrats undertook to leave the Union, the gallant democrat of the North,

with the old flag in his hand, rallied the republican party and drove them back into the Union.

When the war was closed and the republican party undertook to destroy the Constitution, history will say that the same gallant northern democracy, with the same flag in their hand, rallied the southern democrats and drove the republicans back to their duty. [Applause.] We, sir, in the South loved the Constitution more than the Union; the republican party loved the Union more than the Constitution; but it will be written in history that the gallant democracy of the North were the truest patriots of the land, and that they loved both the Union and the Constitution, one and indivisible. [Great applause.]

If he speaks of war democrats, such as the lamented Dix, whose patriotic order of 1861 speaks forth from his new-made grave to-day his living and dying faith, "If any man haul down the American flag shoot him on the spot," we say with all our hearts Amen; "they imitated the example of their old leader, Andrew Jackson." If, as I think, he speaks of the leaders of the peace democracy, who said, "There is no power under the Constitution to suppress the rebellion, and we will not vote a man or a dollar for this nigger war," let the applause come as it did in this case from the democratic majority upon this floor, ruled and ignominiously led as it is by the leaders of the late rebellion.

While for two generations the air of our mother country had been held too pure to be polluted by the breath of a slave, the atmosphere of this Republic grew foul, fetid, and putrid with this infectious disease, and was finally purified and disinfected, or attempted to be, by the heroic sacrifice of her best blood and uncounted millions of her treasure. This winnowing process is from above. Then again in history the sword of righteousness proved sharper than man's battle-ax of human authority. "Irrepressible Conflict" went on and "Higher Law" had its sway.

How far forth? Thus far: The organic law which had so long refused to formulate the Great Idea of 1776 was literally amended in consonance with the voice of God uttered for emancipation, and four million slaves were declared henceforth free men! This declaration, in harmony with that voice, is not fully realized. It must, and in God's way and time will, have full force and effect.

The Reformation landed at Plymouth Rock; it colonized free thought in New England and westward had its empire till every man and every State in the North was free; it set in motion the moral sentiment which alone made our late quarrel just, and brought victory for right, ordained by God, not expediency declared by man, at Appomattox.

We of the North fought for union and the right, not for union with the wrong which sought to destroy our very existence as a nation. The cause of the war which was lost became, how and by what means God knoweth, the object of the war which was gained.

Then reconstruction on this high basis. Again, what work for men! Men impassioned with the heat of that terrible strife; men crucified by the ordeal of that horrible wrong; men whose sons had fallen, whose daughters were widowed, whose wives grew gray with the awful weight of grief when the battle raged and fear of the last full measure of love's ordeal trembled in their souls, had charge of this great work; and yet Charity, the sublimest of all gifts and the wisest of all guides, in the endeavor, as Mr. Lincoln said, "to bind up the nation's wounds," ruled the hour and sought a place in the hearts of those who had been wrongfully led to fight against charity and in a wicked cause for the destruction of their country. In the hour of victory Horace Greeley uttered the sublime sentiment, "Magnanimity in triumph." The first answer came: Abraham Lincoln is assassinated. Still his cry was: "The greatest of all is charity." The manly sense of the men who fought for "the lost cause" condemned the wicked act of the assassin as the soul of honor at the South spurned at the close of the war the craven spirit of the copperhead; but at last it has allied itself with the only party at the North in which that spirit was enshrined.

In this process of reconstruction this divine guidance of charity was never disregarded. It found expression in law and policy which exacted no blood for the crime of rebellion, and which enforced no mean submission of the conquered. No higher exemplar of national magnanimity and liberality to the vanquished can be found in history. But it coupled divine justice to the oppressed with divine mercy to the erring, and demanded the observance of the one with the reign of the other. "Universal amnesty and impartial suffrage," wrote Horace Greeley, and the republican party enacted this theory into the laws of reconstruction. Amnesty is realized and no one questions its continuance; free suffrage is the law, but is not the fact; the theory, not the practice. The grant of amnesty and full representation for the freedmen at the South has been accepted, and has resulted in a large increase of power to that section in the National Government. Free suffrage, the inherent condition of this grant, has not been performed. It has been substantially abrogated and rendered void. I want no report of investigating committees to satisfy me of this fact. It is patent in the current history of the time.

Kuklux, white leagues, shot-gun policy, persecution and murder of colored men, election frauds, and a most effective and systematic "bulldozing" in many parts of the South all attest it. The colored exodus of thousands fleeing from such persecutions, a most portentous and significant sign of the times, confirms it. "Let my people go" is a command of the divine law not yet obsolete. That is one "war measure" which cannot be repealed. That any cause to invoke it exists is to be lamented. I would that none did exist. Every material interest, North and South, must suffer greatly if this movement shall continue, but the spiritual is above the material interest, and must be secure. Again, the "higher law" will rule in this conflict of "opposing and enduring forces." It is the same conflict of caste and tyranny under new forms against equal rights and liberty as of old.

When we declared freedom universal among us it did not exist. "Truth is the double of that which is," says Bacon. Therefore this declaration to be effective must go into act, must be realized in law, not simply made, but executed. The fact must become the complement and counterpart of its declaration. Were that the case our greatest difference would be at an end, and all would be the better for it.

"Sure I am that the Lord will avenge the poor and maintain the cause of the helpless.

"Except the Lord build the house their labor is but lost who build it.

"Every kingdom divided against itself is brought to desolation."

Are we as a people still "divided" against ourselves? Are we still in danger of being "brought to desolation?" It behooves us, if possible, to find a truthful answer to this question. Let us follow the development of the "irrepressible conflict" and see whether it be not still impending over us.

In 1866 ALEXANDER H. STEPHENS, vice-president of the late Confederate States, in a speech delivered before the Legislature of Georgia, made this declaration:

As for myself, I can affirm that no sentiment of disloyalty to those great principles of self-government recognized and embodied in the Constitution of the United States ever beat or throbbed in breast or heart of mine.

Whatever differences existed among us arose from differences as to the best means of securing the great end which was the object of all. It was with this view and for this purpose secession was tried. That has failed.

* * * * * * *

Our only alternative now is either to give up all hope of constitutional liberty or to retrace our steps and look for its vindication and maintenance in the forums of reason and justice instead of in the arena of arms—in the courts and halls of legislation instead of on the field of battle.

The "differences" to which he refers are those which gave rise to the conflict between freedom and slavery. In his speech at Savannah in 1861 he said:

The new constitution has put at rest forever all the agitating questions relating to our peculiar institution. African slavery as it exists among us is the proper status of the negro in our form of civilization. * * * The prevailing ideas entertained by Jefferson and most of the leading statesmen at the time of the formation of the old Constitution were that the enslavement of the African was in violation of the laws of nature; that it was wrong in principle, socially, morally, and politically. * * * Those ideas, however, were fundamentally wrong. They rested upon the assumption of the equality of the races. This was an error. It was a sandy foundation, and the government built upon it fell when the "storm came and the wind blew."

Our new goverment [of the late confederacy] is founded upon exactly the opposite idea, its foundations are laid, its corner-stone rests upon the great truth that the negro is not equal to the white man, that slavery—subordination to the superior race—is his natural and normal condition. This our new government is the first in the history of the world based upon this great physical, philosophical, and moral [?] truth. * * * If we are true to ourselves, true to our cause, true to our destiny, true to our high mission in presenting to the world the highest type of civilization [?] ever exhibited by man, there will be found in our lexicon no such word as fail.

I do not quote these words to stir up any bitterness, least of all to express any feeling of unkindness on my part toward the distinguished gentleman from Georgia, [Mr. STEPHENS,] to whose utterances in this House I always listen with reverence if not approval. I consider him a historic man of the age who never forgets the logic of the past, of which he is part, nor its connection with the living issues of the present, which he has done so much to define and keep alive. I quote them because I accept them as a clear and earnest expression of his sincere belief and as an exposition of the living faith of the ruling class at the South. I am not weak enough to admit that our countrymen of the South who endured the sacrifices of the late war so heroically did not or still do not earnestly and sincerely believe in the ruling idea, as stated by Mr. STEPHENS, for which they fought and still contend. They grew up under and into that belief. When they failed in their attempt to enact it into organic government they did not, by reason of that failure, cease to believe in it. Superior force even of conquering battalions cannot extinguish a spiritual belief. Carlyle says:

Every new opinion at its starting is precisely in a minority of one. In one man's head alone there it dwells as yet. One man alone of the whole world believes it. There is one man against all men. That he take a sword and try to propagate with that will do little for him. You must first get your sword. * * * I care little about the sword. I will allow a thing to struggle for itself in this world with any sword or tongue or implement it has or can lay hold of. * * * What is better than itself it cannot put away, but only what is worse. In this great duel nature herself is umpire and can do no wrong. The thing which is deepest-rooted in nature, what we call truth, that thing and not the other will be found growing at last.

Did the idea which caused secession die with the war, or does it now "look for its vindication and maintenance in the forum of reason and justice; in the courts and halls of legislation instead of on the field of battle?" Let us see.

In 1873 the Southern Historical Society was organized in Virginia. Jefferson Davis and many leading spirits in the late rebellion were present. Its object was stated by its general agent as follows:

It is not only for securing before it is too late the material for a true history of the war that "The Southern Historical Society" will in its legitimate operations become an instrumentality of incalculable benefit to the South. Having enrolled among its members the true exponents of southern honor and intelligence, it will necessarily possess a vitality and exert a moral influence through the whole South which will steadily and irresistibly expand into an antagonism powerful to repel the insidious advances of those vicious principles which are now so fearfully undermining the civilization of the North.

WADE HAMPTON, in a speech before this society, so late as October, 1873, said:

As it was the duty of every man to devote himself to the service of his country in the great struggle which has just ended so disastrously, not only to the South, but to the cause of constitutional government under republican institutions in the New World, so now, when that country is prostrate in the dust, weeping for her dead who died in vain to save her liberties, every patriotic impulse should urge her surviving children to vindicate the great principles for which she fought.

These are the imperative duties imposed upon us of the South, and the chief peril of the times is that, in our despair at the evil that has befallen us, we forget those obligations to the eternal principle for which we fought; to the martyred dead who gave up their lives for their principles, * * * and to our children who should be taught to cling to them with unswerving fidelity. If those who are to come after us, and to whose hands the destinies of our country are soon to be committed, are properly instructed in the theory and practice of republican institutions; if they are made to comprehend the origin, progress, and culmination of that great controversy between the antagonistic sections of this continent which began in the convention of 1789 and ended for the time being at Appomattox in 1865, they cannot fail to see that truth, right, justice, were on the side of their fathers, and they will surely strive to bring back to the Republic those cardinal principles on which it was founded and on which alone it can exist. * * * Maid, mother, wife gave freely to that country the most cherished objects of their affections. * * * It is theirs to teach our children that their fathers were neither traitors nor rebels; that we believed as firmly as in the eternal Word of God that we were in the right, and that we have a settled faith which no trials can shake that, in His own good time, the right will be made manifest.

I quote now from an annual address by General John S. Preston, of South Carolina, delivered before the alumni of the University of Virginia, on its fiftieth anniversary, July 1, 1875. Speaking of the Pilgrims who landed on Plymouth Rock, and the Cavaliers who landed at Jamestown, he said:

The Mayflower freight, under the laws of England, was heresy and crime. The Jamestown emigrant was an English freeman loyal to his country and his God, with England's honor in his heart and English piety in his soul, and carrying in his right hand the charters, usages, and the laws which were achieving the regeneration of England. * * * These two people spoke the same language, and nominally read the same Bible, but, like the offspring of the Syrian princess, they were two manner of people, and they could not coalesce or commune. Their feud began beyond the broad Atlantic, and has never ceased on its western shores. Not space or time, or the convenience of any human law, or the power of any human arm can reconcile institutions for the turbulent fanatic of Plymouth Rock and the God-fearing Christian of Jamestown. You may assign them to the closest territorial proximity, with all the forms, modes, and shows of civilization, but you can never cement them into the bonds of brotherhood. Great nature, in her supremest law, forbids it. Territorial localization drove them to a hollow and unnatural armistice in effecting their segregation from England—the one for the lucre of traffic, the other to obtain a more perfect law of liberty; the one to destroy foreign tea, the other to drive out foreign tyrants, the one to offer thanksgiving for the fruits of the earth, the other to celebrate the gift of grace in the birth of Christ.

How to overturn the civilization of the North, to undermine and bury Plymouth Rock and rear over its grave the goddess of the "lost cause," which is to be regained, he explains as follows:

It is only by true knowledge of the past that those who come after us can be made the patriots and the heroes whose high destiny it may be to conduct their country to deliverance and liberty. If, then, this function is truly performed our vocation is to unveil the foulest crime which stains the annals of human history by unfolding the causes and relating the facts and results of the recent war between New England and the Confederate States. Let your historians tell it to posterity, and your poets sing of it in funeral chant. But let them, with it, say we were not subdued when Lee surrendered his starvelings at Appomattox.

Thus this descendant of the cavaliers who, he says, fought the battles of the Revolution "to celebrate the gift of grace in the birth of Christ" sings the praises of the secession movement, the corner-stone of which was African slavery, "the highest type of civilization ever exhibited by man." John Wesley characterized slavery as "the sum of all villainies." Thomas Jefferson, speaking of it, said, "I tremble for my country when I reflect that God is just." The voice of God from the cannon's mouth spake it out of existence; yet it is coupled with "the gift of grace in the birth of Christ" as a memorial lesson in this "foremost school of letters, science, and philosophy in the New World," so late as the 1st of July, 1875!

At a reunion of the late rebel army of Tennessee in 1878, Jefferson Davis was present, and in the opening prayer by Rev. Dr. Witherspoon, of New Orleans, the following invocation was offered up:

We invoke Thy blessings upon him who stands as the head and representative of a lost cause in fact, but we trust not in our hearts lost, or in the hearts of thousands of those who are not bodily present to-day.

Mr. Davis delivered an address from which I make the following extracts:

Permit me to say of the controverted right of secession by a State from the Union, of which it was a member by compact voluntarily made, that my faith in that right as an inherent attribute of State sovereignty was adopted early in life, was confirmed by the study and observation of later years, and has passed unchanged and unshaken through the severe ordeal to which it has been subjected.

Without desire for a political future, only anxious for the supremacy of the truths on which the Union was founded, and which I believe to be essential to the prosperity and liberties of the people, it is little to assume that I shall die as I have lived, firm in the State-rights faith.

* * * * * * *

Suffice it to say the historical facts from which the right is deducible can only be overthrown by the demolition of the principles on which the Government of our fathers was ordained and established. The independence and sovereignty of the State carried with it the obligation of the allegiance of the citizen to his State. To refuse to defend it when invaded would be treason. To respond to its call and go forth with those who "hung the banner on the outer wall" was a legal duty to his home and all it held dear, alike binding on the father, the brother, the son, the citizen.

You struck for independence and were unsuccessful. You agreed to return to the Union and abide by the Constitution and the laws made in conformity with it. Thus far, no further, do I understand your promise to extend.

Here is a plain, defiant definition of the asserted right of secession by "the head and representative of the lost cause," in fact, made publicly, before men who fought for it full thirteen years after it was shot to pieces by the soldiers of the Union! Even now this arch traitor says that for a citizen of any State in this Union to "refuse to defend it" against the Army of the United States when "invaded" for defense of the Union "would be treason." This is the theory upon which the rebellion was waged, but we of the North had supposed that it was extinguished by the arbitrament of the sword. If the war meant anything, it means this; and yet we have heard the same doctrine announced by the gentleman from Mississippi, [Mr. SINGLETON,] the friend and coadjutor of Mr. Davis in the rebellion, on the floor of this House within the last two years. What, I ask, in this view, is to prevent a new rebellion for the same or for any other cause? Did the war utter no voice against it? Did the sword, dripping with the blood of men who fell fighting for the Constitution, write no legible hand for the Union?

In view of this survival of "the lost cause" and revival of this active and still living spirit of secession, I do not wonder the question is now mooted: "Wherefore the war?" The democratic party now rules both Houses of Congress. Nearly two to one of the democrats in each House come from the South; therefore the solid South rules the democratic party and southern supremacy stares us in the face in the nation. This is a momentous and portentous event which I trust northern people begin to understand.

In this connection I quote the following poem, which I believe expresses a widely-extended feeling at the North:

MY CHILD'S QUESTION.

"Papa, what made you go to war?"
Said Jennie, climbing from a chair
Upon my lap; "what did you for?"
And then she hugged me like a bear.
"'Cause if you hadn't gone you see
You'd have two legs to canter me."

"Why, child, I went because"—and then
I stopped to think. Of course I knew
I'd often told her brother Ben
When the recital thrilled me through.
And still she urged, "What did you for?
Papa, what made you go to war?"

I looked abroad. The blacks were free,
But voiceless, voteless, filled with woe
Slaves of their masters seemed to be
As much as twenty years ago.
She said "And what did Uncle Dorr
Get killed in front of Richmond for?"

A rifle club went wheeling by;
I saw the murdered Chisholm's ghost;
I heard the Hamburgh martyrs' cry—
The rebel yell—the vaunting boast;
I saw the wounds of patriot dead;
"What made you go?" my Jennie said.

"My dear," I said—but nothing more,
For, glancing through the Senate walls,
The rebel generals had the floor,
And ruled the nation's council halls!
"Papa," she urged, "Why did you go?"
"My child," I said, "I do not know."

All during the war every effective measure for the suppression of the rebellion was opposed by leading democrats at the North as unconstitutional. Democrats at the South opposed them in a more heroic manner. The one, however, was the ally and complement of the other. Hence I do not wonder that rebels and copperheads have united and striven together in time of peace to rule the nation which they could not together destroy in time of war.

In my own State the supreme court, having a majority of democratic judges at the time, decided the draft and legal-tender laws unconstitutional in the midst of the war. Without men and money the Union must have been destroyed. That decision was reversed by the election of a republican judge.

During the war the senate of Pennsylvania was at one time composed of seventeen republicans and sixteen democrats. General WHITE, now a member of this House, was one of the republicans, and HIESTER CLYMER, also of this House, one of the democrats. General WHITE was taken prisoner by the rebels before he took his seat, and for months those sixteen democrats held the senate in a dead-lock and prevented the organization of the Legislature at a time when its services were greatly needed in defense of the Union. The confederates and copperheads captured the senate of Pennsylvania that time and paralyzed the arm of that great State for a season just as they are now striving together to capture the nation. But those sixteen uncompromising republicans stood unflinchingly by the loyal people of the State, holding the rebel allies in check until the resignation of General WHITE was sent secretly through the rebel lines, the people elected another republican in his place, the Legislature was organized, and the loyal heart of that great Commonwealth again beat in unison with the pulse of the nation!

Again, in the darkest hour of the war, while thousands of republican voters were in the Union Army, the copperheads and peace democrats of Pennsylvania controlled the Legislature of that State and chose Charles R. Buckalew Senator of the United States. For six years the voice of that Commonwealth was paralyzed by his votes

upon all the important war and reconstruction measures of the Union Congress. The Legislature was terrorized by the presence of roughs and repeaters from Philadelphia in the interest of the peace-at-any-price democracy, lest a war democrat or a republican should be elected Senator. Subsequently the republicans favored the right of citizen soldiers to vote while in the Army, and the peace democracy of the State opposed it throughout. The war democrats stood by the Union, and from that day to this the Legislature of that State has never been controlled by the democracy. Thus, at every point the peace democracy, domineered and controlled by the spirit of secession under the lead of the copperheads, gave aid and encouragement to the rebellion by every means within its power.

While Grant was clutching the rebellion by the throat in its final struggle, and Sherman was cutting out its vitals on the march to the sea, this same democracy, led on by its highest and vitalizing hope of doughface supremacy, assembled in Chicago by the great lakes, and there, encouraged by the presence of leaders of the "Sons of Liberty" and the "Knights of the Golden Circle," and confirmed by the counsel of rebel emissaries in Canada who had been conspiring with northern rebels to set fire to northern cities, in the faces of their struggling countrymen of the North and before the civilized world in history, declared that the war for the Union was "a failure!" Thus they sought to justify and to confirm the success of the war for secession.

When the news of the "Chicago surrender" reached Daniel S. Dickinson, the great war democrat of New York, he put and answered the question which it suggested in the first line of a poem which expressed the indignation of every loyal man at the North, whether democrat or republican:

Am I for peace?
Yes! for the peace that speaks out from the cannon's mouth.

There was then an uprising against this new phase and counterpart of the rebellion throughout the whole of the mighty North such as had not been seen since the flag was first fired upon. The people rallied to the standard of Abraham Lincoln, the good, the true, the brave and unfaltering friend of man and of his country, and by his election again declared with Jackson, "The Union must and shall be preserved."

This was the answer of the loyal North to that shameless offer of opposition to further war for the Union. It substantially closed the war. And to-day there would be no doubt of the full, complete, and final security of all the fruits of that war but for a similar antipathy and opposition to them still existing at the North. And this it is that, added to its living cause at the South, still keeps the ship of state—of the new state of freedom, equal rights, and equal opportunity for all men—floundering in a deep and troubled sea.

The great heart and good sense of the North hold no animosity against the South. The most radical republicans among us are the most ardently and wisely conservative in this respect. They demand and would receive no mean submission from the South. They insist only upon full and absolute security for the Union under its new law of freedom. This they know, and all honest men must admit, is wanting. They will adhere to this creed, for they believe it to be founded in the supreme and eternal law of justice and right and sanctioned by Him who suffers no breach of any law to go unpunished either for those who commit or who fail to resist it.

How came about this alliance between the spirit of the late rebellion and its counterpart at the North? Simply by the natural attraction of kinship which I have in some manner defined and exemplified. I speak not now of war democrats who held their allegiance to the Union sacred. In this connection I am seeking only to measure the strength of that spiritual force among us which gives importance to the Calhoun idea. The war democracy is as much as ever against any supremacy of "the controverted right of secession," and any capture of the capital for the "lost cause." In the final struggle between the two spiritual forces I have tried to delineate that element will stand for the new Republic. It will stand there by force of a similar law to that which will unite honest-money democrats and honest-money republicans against all assaults upon the honor and good fame of the Republic. The truth is that the union between the northern and southern democrats upon the basis of the Calhoun idea of State sovereignty never ceased during the war. The cheers which answered back to Chicago from the rebel ranks expressed a hope on the part of the South for reconstruction on the basis of "the Constitution as it was." "The Constitution as it was" meant in their belief "a compact between sovereign and independent States, each having the right to secede from the Union," as Mr. Davis still holds, and as all the southern leaders still teach, "as an inherent attribute of State sovereignty." The Chicago declaration in 1864 for "a cessation of hostilities" contemplated a treaty of peace; and the moment such treaty should be entered upon that moment the idea of State sovereignty would be recognized, and once recognized it would never be surrendered. Failing in that, when the rebels laid down their arms and were permitted to go in peace, the republican or national theory that the Union is indissoluble and perpetual was pretended to be accepted as the next line of battle; and upon this theory old-line democrats, North and South, united at the close of the war, and stand united to-day.

They presented the case to us in this manner: You said no State has the right to secede and made war to coerce secession; you fought to preserve the Union and you succeeded; therefore no State went out of the Union, although several attempted to do so, and each is still intact, all are equal States in the Union, and so they must remain. Upon this theory Andrew Johnson, although he had at first said that "the rebels must take back seats in the work of reconstruction," finally stood impregnably with the democratic party and insisted that all the seceding States were in the Union at the close of the war and entitled to representation in Congress the same as the others. The democratic party of Pennsylvania so declared in State convention. Democratic orators and papers all over the North called the National Congress "The Rump" and disputed its authority to legislate upon the subject of reconstruction.

Congress did legislate, however, and succeeded in preventing the readmission of Senators and Representatives from the South except upon certain conditions prescribed by law after the war closed. Then the cry of coercion and "duress of sovereign States" was again raised. In this connection I will quote the words of the gentleman from Mississippi [Mr. CHALMERS] uttered in this House on the first day of the present month:

You sent grand armies after us. You hemmed us in by land and by sea. You not only threatened to shoot but you shot us to death. With the battle-cry upon your lips of the Constitution as it is and the Union as it was, you rallied the whole North without regard to party in defense of the old flag, and when the battle was won you tore off the veil that covered your hideous deformity; you dissolved the Union that you had saved; you changed the Constitution of our fathers for which you had pretended to fight; you changed State sovereignties into military provinces; you converted the constitutional Union by usurpation into almost a military despotism presided over by a successful military chieftain; you organized returning boards that stole State governments and ended in stealing the Presidency itself.

This would be a strong indictment if it were true. At all events it puts upon record again that gentleman's opinion, and shows quite clearly, I think, how natural and congenial the alliance between the copperheads and rebels was during the war, and illustrates that law of affinity by force of which they have been united ever since.

During the continuance of Andrew Johnson as President the republicans had force enough in both Houses to pass laws over his vetoes, which came thick and fast, and a vital fever possessed the reunited democracy to get possession of the Government. The large majority in the Senate could not be overcome for many years, even if that party should succeed in 1868 in the election of a President and a majority in the House. It was necessary in some way to turn out the Senators who had been chosen by the republicans (mostly colored people) from the South, and Major-General Francis P. Blair invented a short-cut to this end. It was laid out on the theory I have stated that the reconstruction acts were unauthorized by the Constitution, and therefore of no effect. These laws once out of the way, the white people who were entitled to vote under the old constitutions South would have control, and would drive out the reconstruction Senators, and put others in their places who adhered to the theory of State sovereignty.

I quote from the letter of Mr. Blair to Mr. Brodhead under date of June, 1868, as follows:

We cannot undo the radical plan of reconstruction by congressional action; the Senate will continue to bar its repeal. Must we submit to it? * * * If the President elected by the democracy enforces, or permits others to enforce, these reconstruction acts, the radicals, by the access of twenty spurious Senators and fifty Representatives, will control both branches of Congress, and his administration will be as powerless as the present one of Mr. Johnson. There is but one way to restore the Government and the Constitution, and that is for the President-elect to declare these acts null and void, compel the Army to undo its usurpations at the South, disperse the carpet-bag State governments, allow the white people to reorganize their own governments and elect Senators and Representatives. The House of Representatives will contain a majority of democrats from the North, and they will admit the Representatives elected by the white people of the South, and with the co-operation of the President it will not be difficult to compel the Senate to submit once more to the obligations of the Constitution.

Soon after this letter was witten the democratic national convention assembled in New York City, and nominated Mr. Seymour for President and Mr. Blair for Vice-President.

WADE HAMPTON, who was present at that convention, made a speech on his return to Charleston, South Carolina, in which he said that the leaders of the democracy "declared their readiness to give us (the southern wing) everything we could desire, but they begged us to remember that they had a great fight to make at the North." Hence it was necessary to keep the wolf's paws covered. This hiding of the "cloven-foot" policy has been skillfully managed until recently; latterly the wolf has grown restive, and for some time growls were heard from beneath the coverlets, afterward the covering began to show signs of animation, recently a paw was reached out to "compel the Senate to submit," and since the Senate was ravenously seized on the 4th of March last, a spring has been made in the direction of the White House. At last accounts some clamor and complaint have been heard from outside parties who will take charge of the menagerie in 1880, and the claws have been carefully drawn in preparatory to an early covering up for a short nap—long enough to get a good ready for another spring. The project of 1868 did not succeed. No more will that of 1879.

To show the interpretation placed upon the democratic platform of 1868, I quote the following from a speech of Robert Toombs, of Georgia, formerly a United States Senator, who is reported to have once said that the time would come when he would call the roll of his slaves in the shadow of Bunker Hill monument:

Is there any man going to accept terms that degrade him and his children for-

ever? What these people call "reconstruction measures" are null and void, and not laws. * * * We will resist to the death this measure of iniquity, this measure that compels you to admit the negro to perpetuity of suffrage with yourselves. If General Grant wants peace let him join the democratic party. I say, by God, that neither depotism, nor tyranny, nor injustice meets with peace in this world or the next. We want no peace in chains.

This is stalwart and to the point, as everything Mr. Toombs says or does is. I understand Mr. Toombs, like Mr. Davis, to be irreconcilable and unwilling to ask to be relieved from the disability imposed by the Constitution for his part in the rebellion.

I also quote the following passage from a speech of Hon. B. H. HILL, now a distinguished Senator from Georgia, which was received by his audience with "wild cheers:"

This shall be forever a Union of equal States or no Union at all. Men of pride, men of character, women—thank God—without a dissenting voice, and even children in their play-grounds, are proclaiming on hill-top and in the valley that those whom God made superior shall never be degraded.

These were the principles, this the spirit and policy of the democratic party three years after the close of the war. The object was to nullify all the measures and tendencies of the time which grew out of the war, looking to the ratification by civil processes of the emancipation of a race, and the obliteration of all claim thenceforth of the right of State sovereignty. True it is that the former of these, emancipation, has been written in the Constitution; but the latter, if, as the greatest men of the democratic party still claim, it ever existed, State sovereignty, has not been prohibited therein. The latter, then, still lies in dispute and remains mere matter of construction. I believe the Supreme Court has more than once sustained the constitutionality of reconstruction; but the court cannot make, it can only declare the law, and judicial precedents are not absolutely controlling.

With this "right" still in controversy, and with a great people like the South using every instrumentality to inculcate the principles which underlie it into the mind of coming generations, it will in my judgment, if not soon exterminated, at some future time take form as a national belief and find forcible expression again for organic existence. No man can foresee the differences which are likely to arise among a people scattered as we are over such a vast territory, with such variety of soil, of climate, of national productions, and of intellectual and moral temper and tendency. We are not by any means a homogeneous people. We are fast becoming heterogeneous in many things and in many directions which have lain at the foundation of human strife and wars. Hagel, the celebrated German philosopher, speaking of our political condition and prospects, says:

As to the political condition of North America, the general object of the existence of of this state is not yet fixed and determined, and the necessity for a firm combination does not yet exist; for a real state and a real government arise only after a distinction of classes has arisen, when wealth and property become extreme and when such a condition of things presents itself that a large portion of the people can no longer satisfy its necessities in the way in which it has been accustomed so to do.

But America is hitherto exempt from this pressure, for it has the outlet of colonization constantly and widely open, and multitudes are continually streaming into the plains of the Mississippi. Had the woods of Germany been in existence the French revolution would not have occurred. America, therefore, is the land of the future where, in the ages that lie before us, the burden of the world's history shall reveal itself, perhaps in a contest between North and South America.

To me the southern idea is objective. I look without and behold it from the time when it was "precisely in a minority of one" in its best-defined form in the mind of John C. Calhoun, thenceforth growing in the minds of many till it made its first assault upon the nation by nullification in South Carolina, and on to 1861 when it had drawn to itself a host and united the Confederate States in its last forcible attack upon my country. The northern idea is to me subjective. I look within and realize it in my own inmost being as the soul of the National Union, without the supremacy of which we shall cease at no very distant time to be a united nation.

What now is the spirit and substance of the issue in the pending discussion? Mr. BECK, representing the democratic conference committee of the Senate in the last Congress, presented this issue as follows:

They seemed further to agree, and I agreed with them, that if an extra session must be called, much as it is to be regretted, the very moment it is called the committees of both Houses would be organized and separate bills would be framed and passed as soon as possible asking the President of the United States to agree with the representatives of the States and people.

* * * * * * *

We insist that those matters pertain solely to the States and are part of their absolute right. * * * When these three laws are submitted to the President for his approval, as they will be, and are approved by him * * * the next Congress will in my opinion be ready to pass every appropriation bill. * * * If, however, the President of the United States, in the exercise of the power vested in him, should see fit to veto the bills thus presented to him, which I repeat will simply be to keep soldiers from the polls, to allow proper jurors to serve who will try cases honestly, and allow the States to control their own elections, then I have no doubt those same amendments will be again made part of the appropriation bills, and it will be for the President to determine whether he will block the wheels of government and refuse to accept necessary appropriations rather than allow the representatives of the people to repeal odious laws which they regard as subversive of their rights and privileges. * * * Whether that course is right or wrong, it will be adopted, and I have no doubt adhered to, no matter what happens with the appropriation bills.

Standing upon this platform the democrats in both Houses refused to pass appropriation bills making appropriations for the Army and the legislative, executive, and judiciary departments of the Government. Without these appropriations the Government must stop after the 30th of June next. Bills were offered by republicans in both Houses at the last Congress, providing for these appropriations with no new legislation in them, and the democrats indignantly refused to consider them. Mr. Foster, of Ohio, proposed the one in this House, and said that the republicans would agree to its passage at once in both Houses. The reply came quickly and imperiously from Mr. Southard, who had led the democratic side, "It will not pass." That bill simply provided for a continuance during the next fiscal year of the same appropriations that had been made by the democrats for the current fiscal year. It did not pass, for, as was more than once suggested by democrats, if it were not passed an extra session would be necessary, and at such session they would control the Senate as well as this House and would then "adhere" to the riders they had attached to these bills. Thus the threat was distinctly made to coerce the President in the exercise of his discretion as to his duty when the bills shall be presented to him for his approval or disapproval. The Constitution provides in relation to this subject as follows:

Every bill which shall have passed the House of Representatives and the Senate shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If after such reconsideration two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law.

"If he approve he shall sign it, but if not he shall return it with his objections." To withhold the appropriations till the President shall be compelled to consent to "a redress of grievances," even if any existed, which I deny, would be to force the President to sign a bill which, if he shall not approve, he is expressly required by the Constitution and his oath to "return with his objections." The Constitution says "if he approve he shall sign." This disorganic attempt to destroy the independence of the Executive would require him, in breach of his oath of office, to "sign" a bill which he does not "approve," if upon examination it should be objectionable in his mind. Such coercion of the President would be not only unconstitutional and revolutionary, but would, in my judgment, be a breach of the oath taken by every Senator and Member of Congress who should insist upon it and adhere to such action till the Government should be left without the means of support. The oath we take binds us to "support the Constitution," not to leave it without support. This latter would be abdication; and a faithless, treasonable Congress can no more destroy this Government by abdication than a faithless king could destroy the government of Great Britain by abandonment. When King James deserted his office the throne was declared vacant by the two houses of Parliament and a new sovereign was chosen in his place. Congress is not the Government; it is only the voice of the people in proposing laws for their approval, on second thought, through the President. The President represents the people in a high and important sense.

No doubt many men voted for President Hayes who did not vote for any member of this House. Many place great reliance, for instance, upon his well-known opinions on finance, and they know that he will express their will finally upon financial measures. They had the right to abstain from voting, relying upon him as their representative in the process of legislation. Therefore this Congress may not represent all the people who are represented as to their legislative will. This Congress does not alone represent any of the people as to that will. The President jointly and necessarily represents all *sub modo*, and many it may be absolutely, as their sole reliance.

There is in this country no "omnipotent power of parliament" in either branch of the Government. Ours is a government of prescribed, defined, and limited powers, rights, and duties vested in each department severally, and the independence of each branch within its defined sphere of action or non-action is absolute and unquestionable. Neither may say to another: Do this thing. When that shall be said by either to another and be obeyed, organic government that moment ceases.

This, Mr. Chairman, was and is the issue presented to us. The false pretense that the republican party is opposed to these measures as revolutionary because they are tacked to appropriation bills simply is too shallow and absurd to deceive anybody. That was understood in Congress at the first, and the issue cannot now be narrowed down before the people. It was and is well understood by us and by them that in this instance these riders were attached to the appropriation bills for the very purpose of forcing them into the law, whether the President shall approve them or not. If our democratic friends do not mean to insist upon and "adhere" to them for this purpose, why have they not accepted, why do they not accept, the republican proposition, often made, to consider each separately and let all depend upon their merits? If this is not the object, why all the travail and worry of caucus after caucus not only as to their substance, but as to the method of proceeding? If this is not the object, we could pass all these bills in a day by common consent, and they could be signed or disapproved and finally disposed of within a week, and we be out of this city and away to our homes, where the voice of the people unmistakably says we belong?

Why this extra session, with all its expense, its heated discussion, this worry and pestering of business, and, what is worse, the inevitable growth of sectional feeling which must flow from it?

Let one who speaks with authority, if not with highly becoming grace and modesty, answer these questions once more:

Mr. BLACKBURN. I am willing, and those with whom I stand are willing, to ac

cept this issue, and we go further, we tender it. We are the ones to make the issue and we are ready for you to accept it. Planting ourselves upon this broad ground, we welcome controversy. We seek no quarrel with you, but for the first time in eighteen years past the democracy are back in power in both branches of this Legislature, and she proposes to signalize her return to power; she proposes to celebrate her recovery of her long-lost heritage by tearing off these degrading badges of servitude and destroying the machinery of a corrupt and partisan legislation.

We do not intend to stop until we have stricken the last vestige of your war measures from the statute-book, which like these were born of the passions incident to civil strife and looked to the abridgment of the liberty of the citizen.

* * * * * * *

I do not mean to issue a threat. Unlike the gentleman from Ohio, I disclaim any authority to threaten. But I do mean to say that it is my deliberate conviction that there is not to be found in this majority a single man who will ever consent to abandon one jot or tittle of the faith that is in him. He cannot surrender if he would. I beg you to believe he will not be coerced by threats nor intimidated by parade of power. He must stand upon his conviction and there we will all stand. He who dallies is a dastard, and he who doubts is damned. [Great applause on the democratic side.]

This is no uncertain voice. I think the people understand it and that they will answer it as they answered that more heroic, if not more honorable, assault in which that gentleman was engaged and which made all these "war measures" necessary. I think that every indication of the spirit and purpose of the democracy, domineered and controlled as it now is by the same arrogant assumption of southern superiority as of old, warns that people who fought the battles of the Union that it is unwise and unsafe alike for all sections and all the people to permit a single one of those war measures to be repealed in the manner and temper now proposed and exhibited before us. For my part I should oppose this assault thus made in every instance, without regard to the substance of the laws, which a secret democratic conclave, made up of organic committees of each House, has said we shall repeal. It is wise and patriotic to meet at the threshold every attempted usurpation of legislative authority coming from such a source for the avowed purpose of attacking the independence of members of Congress not admitted to such conference, and intended, as is this, to destroy the independence of the Executive.

Senator THURMAN said in the last Congress that this warfare is to continue till this House, which has the sole power of originating money bills, shall be supreme for the "redress of grievances," and he prophesied that it will not cease till he and his colaborers of the Senate shall be in their graves. We who stand for organic government as founded by our fathers accept the gage of battle and will abide its issue. We do this not to destroy but to defend and preserve the Constitution of our country as we understand it. To do less in this emergency would be to deserve and receive the contempt and condemnation of the loyal and liberty-loving people of our whole country.

Sir, what are some of the "war measures" which have already been proposed to be "stricken from the statute-book" by this domineering southern aristocracy? The Army bill recently passed by this House contained a clause which prohibits promotions of Union officers now in the Army in certain cases. The operation of this amendment will be to reduce the official muster-roll of the Army, and looks to vacancies to be filled, if thought proper, hereafter. The gentleman from Virginia [Mr. TUCKER] has invented a way to fill them, and he proposed an amendment to that bill to strike this "war measure from the statute-book," namely:

SEC. 1218. No person who has served in any capacity in the military, naval, or civil service of the so-called Confederate States, or of either of the States in insurrection during the late rebellion, shall be appointed to any position in the Army of the United States.

Union officers must not be promoted: Confederate soldiers may be appointed.

The chairman of the Committee on Pensions in the Forty-fifth Congress reported a bill on the 13th of February, 1878, to repeal section 4716 of the Revised Statutes, which is as follows:

No money on account of pension shall be paid to any person, or to the widow, children, or heirs of any deceased person, who in any manner voluntarily engaged in, or aided or abetted, the late rebellion against the authority of the United States.

This law was passed to prevent payment of pensions to rebels in arms. The same bill also contained a new section, as follows:

SEC. 7. That the Secretary of the Interior be, and is hereby, authorized and required to restore to the pension-roll the names of all invalid pensioners now living who were stricken therefrom on account of disloyalty, and pay them pensions from the 25th day of December, 1868, at the rate which they would have been entitled to had they not have been dropped from the pension-roll.

Had these changes been made the late rebels, including Jeff Davis, would be again entitled to pensions for services in the Mexican war.

In the Senate at the close of last session a vote was taken upon the question of pensioning Jeff Davis and every democratic Senator who voted voted to pension him, every republican against it. The Senate was then republican, now it is democratic. What sane man on either side could have believed this possible fifteen years ago? I did not one year ago, yet so it is. For my part I think it will be time for us to pension rebels who fought against the Government after they shall have proven the strength of their patriotism by fighting for it if, unhappily, any of us shall be called upon to do so.

In the last Congress an attempt was made to repeal an old statute of the United States which provides for the trial of United States officers charged with offenses alleged to be committed by them in the discharge of their official duty, in the courts of the United States. That proposition was carried through this House by democratic votes. Thus an attempt was made to remit the officers of this Government who are employed in enforcing its laws to trial in the State courts. The purpose of this was to leave such officers without the protection of the Government they are required to serve, and to put them at the mercy of packed and prejudiced juries at the South. Again, State sovereignty was invoked by the democracy to practically nullify the laws of the United States. This was near the adjournment one year ago, and it was not many weeks before a case arose in South Carolina where revenue officers were resisted in the discharge of their duties and compelled to use arms in their defense. They were arrested and committed to prison under State laws, and held prisoners for some time in defiance of the laws of the United States. At first the State court refused to obey a writ of *habeas corpus* issued from the United States court, when the Attorney-General of the United States intervened, and finally the writ was obeyed under protest.

A section relating to the use of the Army as a *posse comitatus* was forced into a general appropriation bill by the democratic House in the Forty-fifth Congress, and, although it was strenuously opposed by the republicans, it became a law on the 18th of June, 1878, having been presented to the President only two days before final adjournment. That provision is as follows:

SEC. 15. From and after the passage of this act it shall not be lawful to employ any part of the Army of the United States as a *posse comitatus*, or otherwise, for the purpose of executing the laws, except in such cases and under such circumstances as such employment of said force may be expressly authorized by the Constitution or by act of Congress; and no money appropriated by this act shall be used to pay any of the expenses incurred in the employment of any troops in violation of this section, and any person willfully violating the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding $10,000, or imprisonment not exceeding two years, or by both such fine and imprisonment.

It is notorious that neither the Constitution nor any act of Congress upon the statute-book prior to 1861 "expressly" authorized the use of the Army to suppress the rebellion. James Buchanan and Attorney-General Black held that no power to use the Army for that purpose existed at that time. Had this penal statute existed in 1861 Abraham Lincoln would have been held by strict constructionists liable to impeachment for using the Army against the southern rebellion. The provision, as passed by the democratic House, did not contain the word "Constitution;" that was inserted by the Senate, then republican.

It was not my purpose to discuss the constitutionality of the laws proposed to be amended, nor to any considerable extent the merits of those amendments. Others have done this at great length and with consummate ability. I am content to stand upon the argument and reasons given by others against this assault upon the freedom and purity of the ballot-box. In the face of frauds perpetrated by democrats in the past in northern cities, and the force and fraud used by their allies at the South to nullify the right of colored republicans to vote, I shall not consent to the removal of any safeguards thrown around the ballot-box intended to prevent such frauds or force anywhere.

I favor no forcible or other interference with the right to vote, but advocate the employment of all the means and the exertion of all the power necessary to secure the free exercise of that right. It will be time to withdraw these when democratic frauds and confederate bulldozing shall cease. The necessity for national regulations of congressional elections is apparent from current history to all honest men. I believe that if there be one thing which the people of the North now mean to insist upon by all means within their power, it is that the freedmen of the South especially, and all citizens, shall have an open way to the polls and an equal, unintimidated voice in the ballot-box. This can injure no man; it will simply do justice to all, and secure the highest right of the citizen to many now denied it.

Legislative, etc., appropriation bill.

SPEECH OF HON. W A. FIELD,

OF MASSACHUSETTS,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, April 17, 1879,

On the bill (H. R. No. 2) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes.

Mr. FIELD. Mr. Chairman, the gentleman from Texas, [Mr. REAGAN,] in a speech made some days ago on the Army bill, said that "the true construction of section 4, article 1, of the Constitution manifestly is that in the event of the people of a State failing to make provisions on these subjects, Congress may, in the exercise of its discretion, make regulations on the subject," and that when the States make regulations Congress may alter them as to "the times, places, and manner of holding elections," that "the history of this provision shows that the object of inserting it in the Constitution was to enable the Federal Government to secure representation in Congress in case the States should neglect the performance of their duty in this respect."

The gentleman from Louisiana, [Mr. ELAM,] after reading from

Elliott's Debates, said that "the absolute control of this matter given to the States was limited by this qualifying clause only with the purpose of enabling the Congress, in the event of failure on the part of any of the States to provide for congressional elections in the manner contemplated by the Constitution, to interpose, and, with a view of preventing its own dissolution, provide for the holding of such elections;" "that it was a power which could be exercised only upon the failure of the States to act, and was conferred solely with the view of enabling the General Government to protect itself from dissolution." Many other gentlemen on the Army bill and on the legislative bill have taken the same position.

Gentlemen will agree with me, I think, that it is a very dangerous principle of construction to put substantial limitations upon the powers granted to Congress by the Constitution, on the ground that it was understood by one or more persons at the time the Constitution was adopted that these powers were not to be used except in certain cases not specified in the Constitution itself. But I think it is demonstrable that it was not understood by the people of the United States, or any of them, that Congress should exercise the power granted by this section only when the States refused, neglected, or were unable to prescribe the times, places, and manner of holding elections for members of Congress.

It appears that in the Federal convention the committee of five, in reporting a draught of the Constitution, reported the following:

ARTICLE VI.

SECTION 1. The times, places, and the manner of holding the elections of the members of each House shall be prescribed by the Legislature of each State, but their provisions concerning them may at any time be altered by the Legislature of the United States.

Mr. Pinkney and Mr. Rutledge moved in convention to strike out the last clause conferring the power of alteration on the Legislature of the United States. This was debated and the motion was lost. The clause was then amended so as to read:

But regulations in each of the foregoing cases may at any time be made or altered by the Legislature of the United States.

This change was made because it was said that if the power was confined to altering the regulations of the States the provision could be defeated by the States making no regulations at all. In this form it was agreed to without dissent and sent to the Committee of Revision. The Committee of Revision in reporting their draught reported the section as it now stands with the exception of the last clause, as to the place of choosing Senators; this exception was added in convention, and the section in its present form was adopted and submitted to the States for ratification and ratified.

The gentleman from Connecticut [Mr. HAWLEY] has referred the House to the three papers in the Federalist which discuss this section. Those papers, as has been said, defend the section on the plain proposition that every government ought to contain in itself the means of its own preservation; and the reasons why it should be left to the discretion of Congress to determine when and to what extent this power should be exercised by it are fully considered in those papers. This section met with very earnest opposition in the conventions of some of the States, particularly the States of Massachusetts, New Hampshire, Rhode Island, New York, Virginia, and South Carclina. The discussion in the conventions of those States turned in substance upon the question whether this power given to Congress should be unlimited, or should be exercised only when a State neglected or refused to make regulations on the subject or made regulations subversive of the rights of the people. In the convention of all those States the power granted was admitted to be unlimited, and it was defended and attacked on that ground. In adopting the Constitution certain of the States proposed that amendments should be made. One of the recommendations of Massachusetts was as follows:

That the Constitution be amended so that Congress do not exercise the powers vested in them by the fourth section of the first article but in cases when a State shall neglect or refuse to make the regulations therein mentioned, or shall make regulations subversive of the rights of the people to a free and equal representation in Congress agreeably to the Constitution.

The recommendations from the States were presented to the first Congress of the United States and referred to a committee. As the Senate then sat with closed doors there is no report of its proceedings; but the Annals of Congress show briefly the proceedings in this House. Upon motion of Mr. Madison certain specific amendments, together with the amendments proposed by the States, were referred to a committee consisting of a member from each State. I do not find the report in the Annals; but it is manifest from the proceedings that the committee did not recommend any modification of the section under debate, and accordingly Mr. Burke in the House moved to add to the articles of amendment reported the following:

Congress shall not alter, modify, or interfere in the times, places, or manner of holding election of Senators or Representatives except when any State shall refuse or neglect or be unable by invasion or rebellion to make such election.

This motion was debated and the debate is briefly reported. I shall not weary this committee with it except by quoting a single sentence from Mr. Madison:

Mr. Madison was willing to make every amendment that was required by the States which did not tend to destroy the principles and the efficacy of the Constitution. He conceived that the proposed amendment would have that tendency, and was therefore opposed to it.

The motion of Mr. Burke was lost—23 yeas, 28 nays.

Congress afterward at this session proposed twelve amendments to the States for ratification, of which ten were ratified by the States and are now the first ten amendments to the Constitution. No one of the amendments recommended by Congress contained any modification of this section.

It appears, then, that the question whether the power of Congress in making regulations prescribing the times, places, and manner of holding elections should be limited in the manner suggested was distinctly discussed before the people of the country and in the conventions of the States; that a minority of the State conventions thought the Constitution should be amended by providing that Congress should not exercise the power except the States refused or neglected or were unable to make regulations; that this proposition of the States was submitted to the First Congress, and also submitted as a distinct proposition by a member, was discussed and defeated, and was not included in the amendments proposed to the States. It cannot be said, then, that this power granted to Congress was understood by anybody to be subject to any such limitation. What, then, is the construction of the section? Section 4, article 1, plainly means what it says:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

It is to be noticed that the only power granted to the States to prescribe rules for holding elections for Senators and Representatives in Congress is in this section, and the power granted to Congress is as ample as the power conferred on the States. It might be that if the section had been omitted the States would have had the right to elect Representatives in Congress in their own way, subject to the single limitation that the qualification of electors should be those of the electors of the most numerous branch of the State Legislature. The Constitution has, however, undertaken expressly to confer the power upon the States. The construction of the section plainly is, that Congress may at any time, by law, make regulations prescribing the times, places, and manner of holding elections for Senators and Represenatives, or may alter any regulations which the States may make; and the regulations made by Congress are, by the Constitution, the supreme law of the land. If the regulations made by Congress cover the whole ground, then all State laws on the subject become void, and such elections would be held exclusively under the law of the United States. But Congress need not go so far, and can alter any part of the regulations prescribed by the States either by striking out of, inserting in, or adding to them such regulations as it may make, and such regulations are the supreme law in each State and repeal the State regulations so far as they change them, and the remainder of the State regulations stand. The language is, "the manner of holding elections;" and in a constitution which confers power by general words this phrase must be held to include the whole process of election, the registration of voters, the proceedings at the polls, the canvassing of the votes, the declaration of the result, and the issuing of the certificate of election. When all these have been done the election has been held, and not till then.

That this must be the construction appears from the contention that this power should be exercised only when a State neglects, refuses, or is unable to make any regulations on the subject. That this was one of the contingencies contemplated is certain. If the State make no regulations and the United States then make them, such regulations to be effectual must cover the whole ground of registration, casting of votes, canvassing of votes, and declaration of the result; otherwise it could not be determined whether any person has been elected, no election would have been held, and the power of Congress would be nugatory.

That this is the true construction appears also from the legislation of the United States. This has been referred to by the gentleman from Connecticut. By the apportionment act of June 25, 1842, Congress provided that Representatives shall be elected by districts composed of contiguous territory, no one district electing more than one Representative. Until this time some States elected Representatives on a general ticket; others by districts, some of the districts electing more than one Representative.

The gentleman from Kentucky [Mr. CARLISLE] has referred to a report made to this House in 1844 by Mr. Douglas from the Committee of Elections. A majority of that committee, in a case where four States had not changed their laws which provided for election on a general ticket, reached the conclusion that the members so elected were entitled to their seats on the ground that the law of Congress was defective; that it did not go far enough; that it did not provide in itself for districting the States, but merely commanded State governments to district them. It was conceded by the majority that Congress had full power over the subject, and that Congress might prescribe the manner or leave it to the States; but it was argued that the legislation of Congress must be complete, to the extent of executing itself without the intervention of the State Legislatures, and that this act of 1842 merely commanded the State Legislatures to district the States, and was therefore inoperative. The minority differed from these views, and held that the statute was operative in itself and was the supreme law. The report of the majority was accepted by the House. The law was, however, not repealed, so far as I can find. By the terms of the law it was confined to the appor-

tionment made under the law of 1842. This provision for election by districts was not contained in the apportionment law of 1850, but was again enacted in 1862 and again in 1872. That the right to district a State is included in the right to prescribe the manner of holding elections, is not at all necessary to my argument, although I think the right has now been acquiesced in by all the States.

That the power given to Congress has been thought to cover the whole ground appears from the legislation in regard to the election of Senators. Congress has provided that the Legislature which is chosen next preceding the expiration of the time for which any Senator was elected shall proceed to elect a Senator; that the election shall be by *viva voce* vote; shall be on the second Tuesday after the meeting and organization of the Legislature; that one person for Senator shall be voted for in each house the first day; that the person elected must receive a majority in each house, and if either house fail of such majority by twelve o'clock noon of the next day, the houses shall meet in joint assembly and a vote be taken; that the person elected must receive a majority of all the votes; that these proceedings shall continue each day during the session of the Legislature, and one vote at least be taken each day until a Senator shall be elected; that the proceedings shall be entered on the journal of each house; and that a certificate of election under the seal of the State shall be made by the executive of the State, countersigned by the secretary of state, and sent to the President of the Senate. These regulations, so far as I know, have been acquiesced in by all the States.

If, then, it be true that the regulations which Congress may make in its discretion may cover the whole manner of holding elections from the registration of voters to the declaration of the result and the issuing of the certificate, and that such regulations when made are the supreme law, I think it is clear that Congress has a right to prevent any violation of these regulations and to punish any person who violates them; to appoint its own officers to carry them into effect, and to prevent any interference with these officers in the performance of their duties. The gentleman from New Jersey [Mr. ROBESON] has ably presented this, but a few illustrations may not be out of place.

The Constitution expressly gives to Congress the power to make all laws which shall be necessary and proper for carrying into execution the powers granted to it. Nine-tenths of the criminal legislation of the United States rest upon the power to make laws to prevent infractions and to punish violations of the laws enacted to carry into effect the express powers granted to Congress in the Constitution. It is well known that there are no common-law crimes of the United States; that all offenses are statutory; that the only express powers in the Constitution conferred on Congress relating to crimes are to provide for the punishment of counterfeiting the securities and current coin of the United States, and to define and punish piracies and felonies committed on the high seas, and offenses against the law of nations. All other offenses and crimes rest on the implied powers of Congress, or on the power to make the necessary and proper laws to carry the express powers of Congress into effect. Congress has power to lay and collect taxes, duties, imposts, and excises; and as necessary to this power is found the power of Congress to enact all the punishments and penalties found in the revenue laws.

Congress by regulation prescribes in what manner goods shall be imported and entered; authorizes its officers to detect and to prevent the importation of goods in any other manner; punishes all persons who import goods in any other manner; provides for a seizure and forfeiture of the goods; punishes all persons who rescue or attempt to rescue any property taken by any officer or other person under the authority of any revenue law of the United States, and all persons who forcibly assault or interfere with any officer of the customs or his deputy or any person assisting him in the execution of his duties; it punishes any person who falsely represents himself to be a revenue officer; it punishes any person who knowingly effects or aids in effecting any entry of goods by means of false invoices or upon a false classification, and in many other ways punishes all persons who fraudulently evade the regulations established by law, and establishes armed revenue-cutters to enforce these regulations; all as incidental to the power given to Congress to lay and collect taxes, duties, imposts, and excises. The numerous penal provisions of the internal-revenue law rest on this clause of the Constitution.

Congress has power to regulate commerce, and from this power of regulation is derived the power to establish all the offenses made punishable by Congress for violation of the regulations it makes, and all the laws in force empowering officers to detect and prevent any violation of them.

Congress has the power to establish post-offices and post-roads, and as incidental to this power it punishes the forging of postal money orders, the counterfeiting of stamps, the injuring of mail matter, the embezzlement of letters, the fraudulent opening of valuable letters, the receiving of articles stolen from the mail, the robbery of the mail, the attempt to rob the mail, the desertion of the mail, the deposit of non-mailable matter for mailing, the knowingly receiving it from the mails, and the placing in any post-office any letter devised or intended to devise any scheme or artifice to defraud, and many other crimes; all as incidental to the power to establish post-offices and post-roads.

And on the same ground Congress, having the power to make regulations prescribing the manner of holding elections for Representatives in Congress, can, in its discretion, make laws that shall prevent or punish any violation of the regulations; may prohibit voting except in accordance with the regulations; may punish any interference with its officers appointed to hold the elections and any fraud upon the elections. But it is said that all this may be true in reference to protecting the officers empowered to hold elections, but it is not true in reference to fraudulent voting, because the qualifications of the voters are determined by the States. It is not contended, as I understand, that the United States cannot make regulations to prevent and punish the false or fraudulent stuffing of ballot-boxes, the false or fraudulent counting of votes, or the false or fraudulent issuing of certificates.

But the right to prevent any person not entitled to vote for Representative in Congress from voting is as clearly within the power of making regulations prescribing the manner of holding elections as the right to prevent smuggling or the deposit of non-mailable matter in the mails. It is of the very essence of such regulations that all persons entitled to vote shall be permitted to vote, and that such votes shall be counted; and that all persons not entitled to vote shall not be permitted to vote, and that their votes shall not be counted. All this is independent of the source of the right to vote. No matter whence the right is derived, any effective regulation of the manner of exercising it would involve the exclusion of all persons not entitled to exercise it.

But this power to prevent fraudulent voting and to punish the fraudulent voter may be put upon another ground, namely, that the right to vote for Representative in Congress is derived from the Constitution of the United States. The Constitution provides that "the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature."

It is said that therefore the right to vote for a member of Congress is wholly derived from the State, and is not a right which can be regulated or protected by a law of the United States. This question is independent of any question of fraud in the procuring or using of naturalization papers, as crimes of this class can be made punishable under another and distinct clause of the Constitution. The right to punish any person who knowingly uses a fraudulent certificate of citizenship for any purpose, whether as evidence of a right to vote or in any other respect, might well be placed under the power of Congress to establish a uniform rule of naturalization. The question I am arguing is the right to exclude persons from voting in elections for members of Congress who have no right to vote under the regulations in force in regard to voting, without regard to whether the pretense of the right to vote rests upon any other law of the United States or not. If the law of the United States prescribed that all electors in the State entitled to vote for a representative in the most numerous branch of the State Legislature should register, and that no person should vote whose name was not on the registry, could the supervisors of election refuse such a vote? Could they be protected by law in refusing it, and could such a voter be punished? Or if, in the absence of any such regulations, a person, knowing he was not entitled to vote for representative to the most numerous branch of the State Legislature, voted for a member of Congress, could he be punished by any law which Congress might make?

From what source does the elector derive his right to vote for Representative in Congress? Suppose a State by law prescribes the qualifications requisite for electors of the most numerous branch of the State Legislature, and by law also prescribes different qualifications requisite for electors of Representatives in Congress. The last law would be clearly void as being contrary to the Constitution of the United States.

Suppose the class covered by this law of the State be less numerous than the first class, and the State law prohibits, under penalty, any person from voting for a Representative in Congress not included in the law of the State on that subject; suppose an elector, duly qualified under the law of the State to vote for a representative to the most numerous branch of the State Legislature, and not included but prohibited by the law of the State from voting for Representative in Congress, offers his vote for a Representative in Congress, shall it be received and counted? Clearly it must be. From what source, then, is this right derived? Not in terms from the State, because the State forbids it; not from the State at all. The right is derived wholly from the Constitution of the United States.

The State for another purpose, namely, for the purpose of determining who shall be electors of its own officers, enacts a law. The Constitution of the United States makes those persons electors of a Representative in Congress, not by describing their qualifications, but by reference to them as described in the laws of the State prescribing their qualification for another purpose. The class may be changed by the Legislature of the State for its own elections, and, when changed, the Constitution of the United States operates directly upon the class, and confers upon it the additional right of voting for Representative in Congress.

This method of conferring power by a reference to the laws of the States is not anomalous. By the Constitution the judicial power of the United States is vested in one Supreme Court and in such inferior courts as Congress may from time to time establish. The jurisdiction of the inferior courts and their powers within the limits of the Constitution are created by Congress; and Congress has provided that the laws of the several States, with certain exceptions, shall be

regarded as rules of decision in trials at common law in the courts of the United States; that the practice, pleadings, forms, and modes of proceeding in civil causes in the circuit and district courts shall conform as near as may be to the practice, pleadings, forms, and modes of proceeding, existing at the time in like causes in the courts of record in the State; that in all other respects than those specified by the laws of Congress the laws of the State in which the court is held shall be the rules of decision as to the competency of witnesses in the courts of the United States, in trials at common law, in equity, and admiralty; and that jurors to serve in the courts of the United States in each State respectively shall have the same qualifications, subject to certain express provisions in the laws of Congress, and be entitled to the same exemptions as jurors of the highest court of law in such State may have at the time they are summoned.

Now, no State can confer any power or put any limitation upon a court of the United States; and the authority of these provisions rests wholly on the Constitution and laws of the United States, and the reference to the laws of the State is solely for the purpose of defining from time to time the powers, rights, and restrictions imposed by the Congress of the United States. The right to vote for Representative in Congress, derived as it is from the Constitution of the United States, can be protected by Congress and encroachments upon it punished.

In a general sense, one State is not interested in the manner in which the elections of another State for State or municipal officers are held. Such officers execute no laws which are necessarily binding upon the citizens of other States. Each State is interested in the election of Representatives in Congress in another State. I do not suppose that we have forgotten that we represent in Congress not only the district from which we are elected, but the whole United States; that the laws we pass affect the welfare of the whole people; that what those laws may be may be determined by the election of Representatives in Congress in some one State, and that the election of a President of the United States may be determined by the election of a single Representative in Congress.

Of what use is the power granted to Congress to make regulations prescribing the manner of holding elections if it has not the power to exclude from those elections those who have no right to vote? The right, of course, to keep order at any election of members of Congress is, even in the most technical sense, within the right to make regulations prescribing the manner of holding elections.

But it is said that even if Congress have all the power contended for, there is no reason why it should exercise it. The bill, however, does not quite admit this, for it provides for the appointment of supervisors. It does not make any provision for protecting them in the performance of their duties or of punishing persons who interfere with them in the performance of these duties, nor gives them any power in any manner to enforce the laws of the United States. They can be excluded from the polls altogether with impunity. In any case where there is any intention of having a dishonest election, in any case in which supervisors are really needed, they are absolutely powerless.

It is contended that they are not needed at all, and that no legislation by Congress is required; that this Government went on for a long time well enough without any such officers and without any regulations by Congress on the subject of national elections, and will continue to go on well enough if nothing is done. But times change. The vices of one generation are not the vices of the next; the dangers to government in one generation are not those of the next. The United States of to-day are not the United States of 1789. In the whole history of the perils of this Government during the first one or two generations, I do not remember that there was any complaint that elections were not honest and free. The violence and fraud which prevailed then did not in a very noticeable degree take the form of force or fraud in elections. The first instance that attracted the notice of the whole country, so far as I know, was the election in the parish of Plaquemines, in the State of Louisiana, in the year 1844; and the next was the conduct at elections in the large cities; in the city of Baltimore during the times of know-nothing politics; in the city of New York, in which the frauds seemed to have culminated in 1868, and in the other large cities of the country.

As cities grow they attract large numbers of disorderly, unprincipled, and lawless persons. The means adequate in the country or in small towns to prevent and punish crime are not adequate to control the population of large cities. The States have recognized this by many enactments, even in the matter of elections, providing with more or less efficiency for the security of the polls and the protection of the voter; and every man who is at all familiar with elections in large cities knows that the most careful and stringent provisions are absolutely required.

But this is not all. In the States of the South which were slave States, in which the inhabitants seceded, rebelled, and were conquered, many changes have taken place, the most marked of which is the emancipation of the slaves. These events have excited very strong passions and left very deep wounds. Many of the emancipated slaves are entitled by law to vote for Representatives in Congress. In some of the States they have for a time controlled the government of the State. It is not in human nature that this condition of affairs should not have excited very strong prejudices and aroused very deep-seated resentments in reference to the exercise of political rights by men who but recently were held as slaves. No man would expect that there could exist in the Southern States the same degree of freedom in elections for all persons now entitled to vote that existed before the war. No man could expect that there was no more need for the protection of national elections in those States now than then. The facts are notorious. The evidence of the most outrageous force and fraud in those States is in our libraries; and this state of things will in a measure continue until the people of that part of the country have become accustomed to and have acquiesced in the changed condition of their society.

The national elections are the most exciting of any, and the national offices the most eagerly sought. The growth of the country has in some respects inflamed the lust for office. The patronage of the President of the United States has become so enormous as to tempt dishonest men everywhere to cheat at elections if they can profit by it; and the election of President, as has been said, may depend upon the election of a single Representative in Congress.

Whatever may have been true of the country for the first or second generation after it was established in regard to the safeguards necessary for elections is not true now. One of the greatest existing dangers to republican government in the United States to-day is the manner in which our elections for national officers are held. We all know this perfectly well, and it is as useless to say that this danger did not exist fifty years ago as to contend that the liberties of the people of the United States are in as great danger of being subverted by a standing army as were the liberties of the people of England by the standing armies of James I and of the Stuarts.

I have said that the States have by their laws recognized the need of more stringent provisions regarding elections, particularly in cities, than those which existed early in our history. The recent Legislature of Massachusetts illustrates this. In 1863 that State adopted the most careful provisions for the preservation in cities of the ballots and check lists; and on a request of citizens for a re-examination and a recount by the board of aldermen the counts and returns of the ward officers, elected as they were by the voters in each ward, were found, when examined by committees of legislative bodies, to be so inaccurate as to require such a law in cities. A special board of registrars has been established for the city of Boston, who are appointed by the mayor and aldermen and are armed with power to ascertain facts and correct the registry, and for that purpose to summon persons before them and require them to answer. The wards in the city of Boston have been divided into precincts, and the precinct officers are, two elected by the voters of the precinct and two appointed by the mayor and aldermen, and the two appointed must be from different political parties. The powers of election officers have been exactly defined, and they have been protected by law in the discharge of their duties, and willful violations of the laws relating to elections have been made punishable. Many of these provisions of the election laws are confined to cities because they were found necessary only in cities; and there are special laws for the city of Boston, because in that large city of the Commonwealth the frauds were most frequent and alarming, and most difficult to prevent or to detect and punish.

It is in this city of Boston that the laws of the United States relating to elections of Representatives in Congress have been put in force. Supervisors appointed by the judge of the circuit court of the United States have attended at each national election since 1872. The chief supervisor from the beginning has been Mr. Henry L. Hallett, a son of the late Benjamin F. Hallett, who must be remembered here as a very distinguished member of the democratic party. The son, if I may be permitted to express any opinion upon his politics, is a democrat with independent tendencies, or an independent in politics with democratic tendencies. Whether I am right or wrong in this, he is recognized by all parties as a just and honorable man who has had large experience in the administration of the criminal laws of the United States. If there have been any complaints of bad conduct on the part of the chief supervisor, or of the supervisors, or of the marshal or his deputies, at elections, I have not heard of them. Until the election of 1878 the supervisors appointed had been supervisors of election only and not supervisors of registration. In 1878, for the first time, the applications were that the registration as well as the election should be guarded and scrutinized by supervisors under the laws of the United States.

I speak from information on this whole subject, but I believe my information to be accurate. This request was made by the democrats. Ten democrats from each of the forty-five precincts which compose the third congressional district, early in September, 1878, filed with the clerk of the circuit court their request for supervisors of registration as well as of election. This was before any request whatever had been made by the republicans. There was no circuit judge, Judge Shepley having deceased, and the clerk transmitted copies of some of these requests to Hon. Nathan Clifford, associate justice of the Supreme Court, assigned to the first circuit, and represented to him that these requests had been filed, that there was no circuit judge, and called his attention to section 2014 of the Revised Statutes of the United States; and Mr. Justice Clifford, on the 13th day of September, 1878, being himself unable to act, designated Hon. John Lowell, then district judge for Massachusetts, to act in the premises, and under this designation the appointments of supervisors were made. Subsequently, on the 3d day of October, two republicans asked for the

appointment of supervisors of registration and of election for the whole city. This statement of facts shows that the appointment of United States supervisors for guarding and scrutinizing the registration as well as the election in the city of Boston was desired by the democrats as well as by the republicans, and that the democrats led the way in requesting a supervision of registration. The event proved that there was need of it in spite of the stringent provisions of the State laws. As I am informed above a dozen arrests were made for refusing to answer, but on being brought before the commissioner most of them consented to answer, and were discharged. None were indicted. The United States supervisors found, after the final revision of the registry by the registrars, above one hundred and fifty persons in the whole city registered who were not entitled to register. Some of them, from twenty to thirty, were arrested, but on a hearing before the commissioner it appeared that the register was made up in such a manner that any man's name might get on it without his personal request, and the registrars had not distinguished between the names they had put on from their own investigation and the names put on by the request of the person himself. These persons were accordingly all discharged.

After election eleven persons were arrested for illegal voting and were indicted; of these, when I last heard, six had been tried and convicted and none acquitted. There has never been any conflict between the State and the United States officers. By the laws of Massachusetts any person whose name is on the registry, if challenged, can vote by writing his name and residence across the ballot or envelope containing the ballot for identification. No arrest was made without a warrant, and in every case of arrest on the day of election the person arrested was permitted to vote if his name was on the registry.

I have entered thus into detail that it may appear how satisfactory to all parties in Boston the law of the United States relating to elections is, where, too, their State election laws are the most careful and exact of any State laws known to me. In States where the election laws are less carefully drawn and less stringently enforced, the necessity of the United States law would be even more urgent. The existing laws of the United States do not alter the laws of the State. The elections are held strictly in accordance with State laws. The regulations of the United States are in addition to those made by the States. The laws of the United States are not called into operation except on request of the resident citizens; and when called into operation the officers of the United States do not supersede the officers of the State, but they scrutinize and verify what is done by the State officers under the State laws. The laws of the United States also punish frauds upon the election and all forcible interference with officers of the United States in the performance of their duties. If the United States are to do anything at all in preserving the purity of elections, it is difficult to see how much less could be effectual.

Now, Mr. Chairman, speaking for myself only, the regulations now existing on our statute-book in reference to national elections are not in every detail precisely such as I desire; and I should be willing at a proper time to sit down with gentlemen and consider any bill that might be introduced on that subject. Such a bill would certainly provide for enforcing the regulations which Congress might see fit to make for preventing and punishing violations of law, and would contain provisions preventing and punishing fraudulent voting.

Such a bill cannot be properly considered as a rider to an appropriation bill, and ought not to be considered at all under a sort of duress. I shall not enter into the details of such a bill now. It will hardly be pretended that if any such regulations are needed, the provisions of the pending bill are adequate or are any effectual regulations at all.

A good deal has been said here against the exercise by the Government of the United States of its powers, as if it were a government hostile to the liberties of the people, and different from the governments of the States which are called friendly to the liberties of the people. The Government of the United States has the same foundation as the government of the States. It was established by the people of the States acting through their State governments and is a government of the people and by them. As a matter of probability there is far less danger that a majority of the whole people of the United States, or a majority of the people in a majority of the States, should combine or conspire against the liberties of the whole people or a minority of them, than that a majority of the people in one State should combine or conspire to oppress the minority of the people of that State. In a small State a few powerful families might control it; a majority might continue indefinitely their power. Many of the States have had occasion to avail themselves of the guarantee by the Constitution of a republican form of government, and have called upon the United States to protect them against invasion and against domestic violence. The history of the country discloses no tendency of the Government of the United States toward oppression. Indeed the tendency has always been toward liberty. The greatest act in our history in favor of liberty has been the act of the United States. It, indeed, happens that the Government of the United States is sometimes held by one political party and the government of the State by another; but this in the long run, though it may create at the time temporary conflicts, is favorable to well-ordered liberty. It prevents the accumulation of power in the hands of any party.

Underlying many of the objections that are made to the exercise of its powers by the Government of the United States is a feeling of distrust of, or of hostility to, that Government; but it is a government which the people of the United States have learned to trust. It is not a government of yesterday; it is not now an experiment; it is no longer a question whether it has sufficient power to maintain its own existence, or to protect its citizens measurably well, after many failures perhaps, in the substantial enjoyment of their rights. It is not a government which any body of citizens, acting through State organizations, can dissolve at pleasure. The stability of the State governments rests largely on the stability of the Government of the United States, and every citizen feels more secure in his person and property from the knowledge he has that over the constitution and laws of his own State are the Constitution and laws of the United States.

Legislative, etc., appropriation bill.

SPEECH OF HON. MARK S. BREWER,

OF MICHIGAN,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, April 17, 1879,

On the bill (H. R. No. 2) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes.

Mr. BREWER. Mr. Chairman, it has been frequently said by those who have addressed the committee that no more important questions than those under consideration were ever discussed in this House. I fully concur in this, and yet, sir, I apprehend that the questions themselves which are now under consideration are not creating so much public attention as the circumstances or manner in which they are brought before the House at this time. During the closing hours of the Forty-fifth Congress, when the Army appropriation bill and the legislative, executive, and judicial appropriation bill were under consideration, it was sought by the majority of the House to ingraft upon them the repeal of a large portion of our statutes which the minority of the House deemed were essential to protect the ballot-box and insure free and fair election of members of Congress. We on this side of the House did not then claim, nor do we now claim, that Congress had not the constitutional power to ingraft upon the appropriation bills the proposed political legislation, but we only sought to combat, as we do now, the policy of such a course. We still insist that the proposed amendments are not germane to the bills and should be considered by themselves as independent measures. The Senate, agreeing with the minority of the House, struck out the proposed amendments to these appropriation bills, and then it was that the country was shocked by the threats of the democratic majority of the House and leading members of that party in the Senate that unless the Senate and the Executive yielded to the dictates of such majority of the House no further supply to carry on the Government should be voted. These threats were proclaimed by our democratic friends in caucus assembled as well as by leading members of that organization on the floor; and they carried out such threats and refused to pass these appropriation bills, and forced the Executive of the nation to call the Forty-sixth Congress together for the purpose of keeping the wheels of government in motion. I apprehend the business interests of the country and a great majority of the people regretted the necessity for such action. The Forty-sixth Congress assembled, and again we find ourselves confronted with these same threats from our democratic friends. They again proclaim through their secret caucus and upon this floor that unless these laws by which the General Government attempts to exercise its power to protect the ballot-box and insure a free and fair election of members of this House are wiped from the statute-books the Army must be disbanded, the Executive Departments of the Government closed, and justice go unadministered throughout the land. This is the feast that our country is invited to unless the behests of the democratic party are complied with. It is not the exercising of the constitutional right which Congress possesses to repeal these laws even by placing them upon appropriation bills, as proposed, that has been styled revolutionary by us, as claimed by our democratic friends, but it is the threatened attempt made by the democratic party that no supplies shall be voted to the Government unless the Executive of the nation shall yield his judgment and his constitutional power to the legislative and co-ordinate branch of the Government. This may justly be called an attempt to subvert the constitutional power of one branch of the Government, and is in itself revolutionary, disguise it as you may.

If these proposed amendments to the two appropriation bills shall be enacted, the inevitable effect must be to wipe from our statute-books all the power which the General Government has made effective, and attempts to exercise, to control and supervise the election of its own officers. Members upon the other side have attempted to overcome by sneers and sophistry the argument of the gentleman from Ohio [Mr. GARFIELD] by which he showed the revolutionary tendency of the proposed legislation, and in their efforts they have received the aid of the honorable gentleman from Pennsylvania, [Mr. KELLEY,] who seems to scorn the argument of the gentleman from Ohio

because he, as I apprehend, personally dislikes the man who made it. Sir, it is not the first time such legislation has been condemned as coercive and revolutionary. In 1855 the House attempted to ingraft an amendment, for the purpose of reducing the tariff, on an appropriation bill. The bill with such amendment passed the House, but as amended met with the condemnation of the ablest Senators of both political parties at that time. Mr. Seward, then a Senator from New York, declared the proposition revolutionary. Senator Clayton, of Delaware, said it was establishing a dangerous precedent, while his colleague, Mr. Bayard, the father of one of the present able Senators from that State, said:

Such legislation strikes at the fundamental basis on which deliberative assemblies in a free government must necessarily be constituted. Though I deem the measure valuable I would rather see it lost, and rely upon the sense of the country to return representatives afterward who would pass it, than to sacrifice a great principle which I think lies at the bottom of all legislative organizations in free countries, of not permitting coercive legislation.

Here was a man who spoke as a patriot, as one who cared far more for his country than he did for any mere party advantage. The amendment was stricken from the bill by the Senate, and the House was compelled to recede. This has been the result in every such contest, and must be the result in this case.

When political partisanship shall have somewhat subsided, the better judgment of the House, I trust, will prohibit by its rules all political legislation from being ingrafted upon simple appropriation bills.

For nearly two weeks the question has been discussed of amending the following section of the Revised Statutes by striking out the words "or to keep the peace at the polls:"

SEC. 2002. No military or naval officer, or other person engaged in the civil, military, or naval service of the United States, shall order, bring, keep, or have under his authority or control any troops or armed men at the place where any general or special election is held in any State, unless it be necessary to repel the armed enemies of the United States, or to keep the peace at the polls.

And such amendment prevailed in this House, and the section as thus amended was ingrafted upon the regular Army appropriation bill.

No one desires the Army to be used to coerce, intimidate, or interfere with electors in the performance of their duties as such, and all must regret the necessity for its use, in any case, at the polls of an election, but this amendment not only takes away the right to maintain peace at the polls by the military power, but prohibits the marshal or other civil authority from maintaining such peace by calling upon the *posse comitatus*, or any body of armed men, or citizens, to assist at maintaining peace at the polls. Can it be possible that Congress is to yield up the power which the General Government has to protect the elections whereby its own officers are to be chosen?

If the Army appropriation bill shall become a law as it passed the House, such result has been accomplished. That our democratic friends are not content to simply prohibit the use of the Army to maintain peace and order at the polls is clearly manifest by their present attempt to wipe out all sections of the statute which confer power upon the civil officers of the Government to keep the peace, maintain order, and see that a free and fair election of its own officers shall take place.

Sir, in order that the right and power of the civil officers of the Government might be preserved in such cases, I had the honor of offering the following as an amendment to section 6 of the Army appropriation bill, to come in at the end of said section as amended by the House:

But this act shall in no way limit the right or power of the civil officers of the Government to keep the peace at the polls at such time as is prescribed by law for the election of Representatives in Congress.

But what was the result? One hundred and thirty-six democrats voted against the amendment and none for it, while one hundred and seventeen republicans voted for it and not one against it. It has been asserted time and time again by our friends on the other side of the House that the General Government had no constitutional power to protect the ballot-box and keep the peace at the polls even when Representatives in Congress are being elected, and the House by its democratic majority has said so by its votes. It now proposes to complete what it has so successfully begun by repealing all laws which authorize the appointment of supervisors to supervise the election of our own members in this House, or, if not to entirely repeal these laws, to take from such supervisors all power to stop fraudulent voting or to arrest fraudulent voters, simply yielding them the right of other citizens, to sit by like dummies to see the repeater, the bulldozer, and ballot-box stuffer ply their calling. Better, sir, by far, repeal the law entire than to attempt to maintain its shadow, thinking thereby to blind the American people. Why do our democratic friends seek to destroy these election laws? They tell us they too want free and fair elections, but that these laws are not only unconstitutional, but that they do not tend to bring about the result for which they were enacted, and they cite us to the arrest and prosecution of fifteen or twenty voters in the city of New York and Philadelphia who it is claimed were entitled to the right of suffrage but were prevented from exercising that right by such officers. They forget to tell us that in these very cities thousands of men who had no right to vote were prohibited from voting by reason of these laws having been strictly enforced. There is no law on our statute-books the execution of which rests upon the judgment of men but what will at times in its enforcement work an injury to some of our citizens. We all know that our judges of election, even under our State laws, many times err as to the right of legal voters to exercise that right, and shall we say that all our State laws enacted to preserve the purity of elections shall be repealed because they may in their execution work in exceptional cases an injury to some qualified voter?

Would it not be more wise to perfect the law than to repeal it? But we are told the law is unconstitutional; that the Government has no power to surround the ballot-box with its own officers for the purpose of interfering in any manner with elections, even where Representatives in Congress are to be chosen thereat. This clause of the Constitution has been quoted by our friends on the other side, and an attempted construction put upon it which they seem to think would sustain their position. Section 4 of article 1 of the Constitution provides as follows:

The time, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

The section which I have quoted is plain and susceptible of but one literal construction. The first clause of the section makes it obligatory upon the State Legislature to provide the time, place, and manner of holding elections for Representatives in Congress, but our fathers wisely provided that Congress should have a superior power, and could make, alter, or change such regulations. When is that supervisory power to be enforced? Not, as claimed by some, only when some emergency has arisen or something has occurred to make it necessary, but that superior power is to be exercised whenever Congress sees fit to put it in force. It is true that Madison and Hamilton suggested it might not be exercised by Congress except in case of an emergency or when it became necessary to preserve or perpetuate the Government, but it never was claimed by these great men that Congress was not the sole judge as to when it should take into its own hands the supervisory control of the election of its own members. If the theory advanced by our friends is correct that Congress should not interfere in the election of Representatives until the States failed in some manner to carry out proper regulations, then, in such case, it might be entirely too late. The States might cease to elect members, and if the time for such election had not been fixed by Congress, how would the Government know whether the States were to carry out these regulations or not until it was too late for Congress to provide suitable regulations for the election of its successor? The Congress itself might have ceased to exist. The power of the Government to legislate for its own perpetuity should not remain in abeyance until some emergency has arisen which would make it necessary to enforce such power. If this were otherwise, the life of the nation would be altogether too unsafe and uncertain.

It was well said by Justice Story that this supervisory power "rests upon this plain proposition, that every government ought to contain in itself the means of its own preservation." But our friends would have us believe that this power should not be exercised or even legislation enacted which would give the Government the right to exercise it or enforce it until some great emergency had arisen. The time for the election of members of this House has already been fixed by Congress, and the manner of such election to a certain extent has been provided and regulated by Congress; and these regulations it is now sought to take from the statute-book.

Section 2 of article 1 of the Constitution provides who shall be electors for Representatives in Congress. It says:

The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

Here it will be seen the Constitution itself has fixed the standard, I might say, of the elector who can vote for Representatives in Congress. It is true that standard may be changed by the State, but when once fixed by the State the qualification is prescribed with as much certainty as if it was part and parcel of the Constitution itself. How, then, can it be said that the General Government has no supervisory power over the election of members of Congress? It is clearly the duty of the General Government to see to it that the elector who votes for such member possesses the requisite qualification, and for that purpose it has the right to supervise such elections and to appoint officers to see that none vote but those who possess the requisite qualifications, and that all shall be permitted to vote who do possess it; in other words, to see to it that a free and fair election takes place. The General Government not only has this right, but it has the power to appoint officers of its own to act as an election board when elections for members of Congress take place, and to appoint officers to arrest and punish the person who shall illegally vote at such election.

The case of The United States *vs.* Reese, in 2 Otto, has been cited here as sustaining the position assumed by our democratic friends, that the Government has no power to supervise such elections, but the case is not in point. What was that case? Certain persons in the city of Lexington, Kentucky, desired to vote at a municipal election in that city, but their votes were refused by the election board on the ground that they had not paid their poll tax, as required by the laws of Kentucky before they could become qualified voters.

The Supreme Court held that the State of Kentucky had the right to prescribe the qualifications of its electors, and that the fifteenth

amendment to the Constitution did not conflict with or take away that right.

The Chief-Justice delivered the opinion of the court, and very properly said:

The power of Congress to legislate at all upon the subject of voting at State elections rests upon this amendment, and can be exercised by providing a punishment only when the wrongful refusal to receive the vote of a qualified elector at such elections is because of his color, race, or previous condition of servitude.

Here the court is speaking of State elections as distinguished from elections for Representatives in Congress or other officers of the General Government. State elections, it may be properly said, are those which are held for the election of State officers, or such officers as are to fill offices created by the constitution or laws of the State, but are not elections for the choosing of officers provided for by the Constitution and laws of the United States.

When an election is held for a Representative in Congress alone, we would scarcely think of calling it a State election. The case in no manner sustains the position taken by our friends on the other side, but by implication is an authority against their arguments. We apprehend no one would deny the power of Congress to provide that the election of members of Congress should be by ballot instead of *viva voce*, as now seems to be the regulation in Kentucky. If Congress has that power, has it not also the power to protect the ballot and see that it is properly counted and legally cast by a legal voter?

Our democratic friends tell us that they desire to repeal these laws in the interest of free and fair elections, but if free and fair elections be their object, why should they not seek to perfect these laws instead of destroying every safeguard which seeks to protect the legal voter and prohibit the illegal from voting? Sir, the history of the democratic party would scarcely warrant us in believing that our friends were sincere in their pretended zeal for free and fair elections. Who ever heard of the democratic party having enacted a registration law or any other law, in any State, that would retard the work of the repeater or hinder the illegal voter from casting his vote? In many of the States registration and other laws to protect the ballot-box have been enacted by republican Legislatures; but when the power was returned to the democrats they have repealed and struck down such laws, as they seek to repeal and strike down this law relating to the power of supervisors and marshals. The democratic party has always profited too much by fraudulent votes and fraudulent voting to desire the ballot-box to be protected by the strong arm of the Government. The controlling of elections by reason of fraudulent voting seems to have first been brought prominently into use under the auspices of the Albany regency as early as 1838, and this manner of carrying elections has always been freely exercised by the great Tammany society, which has controlled the democratic party in the State of New York for years. There are many members on this floor who will remember the great frauds that were committed in some portions of the State of Louisiana in 1844 whereby Henry Clay was deprived of the electoral vote of that State. More votes were cast, it is said, in Plaquemines Parish at that election than there were men, women, and children living in the parish, or ever have lived within it at any one time from that day to this.

If it were true, as claimed by the democrats, that President Hayes was not entitled to the electoral vote of Louisiana in 1876, it is a thousand times more true that Mr. Polk was not entitled to it in 1844. Here is the distinction between the republicans and the democrats: The republicans are for maintaining the laws for the protection of the ballot-box, if we have them, and if we have them not, of creating and so perfecting them that fraudulent voting cannot take place, while the democrats are for repealing all laws which tend to obstruct illegal voting. Who does not remember the democratic frauds upon free elections in 1856 in Philadelphia, where thousands of illegal naturalization papers were issued and scattered over the State of Pennsylvania and used to aid in the election of Mr. Buchanan? It is said many of these fraudulent naturalization papers were sent out under the frank of a then democratic United States Senator from that State, and who in 1876 having retired to private life, and having no frank to use, turned his attention to the transmission of cipher dispatches from Florida to Gramercy Park in the interest of Samuel J. Tilden. It was said by the report of the congressional committee who investigated the election frauds of 1868 in the city of New York that "all frauds in our past history, appalling and startling as they have been, were surpassed by those perpetrated in the State and especially in the city of New York. They were the result of a systematic plan of gigantic proportions, with the direct sanction, aid, or approval of many prominent officials and citizens of New York."

It has been shown over and over again that at said election thousands and thousands of votes were cast in New York on fraudulent naturalization papers, and thousands more such papers were sent into other States, a blank being left in such papers to be filled by the name of the person who should vote upon the same, and many illegal votes were cast on these papers in Ohio, Connecticut, New Jersey, and other States.

Sir, it was openly and publicly charged by the late Horace Greeley that Samuel J. Tilden was then a promoter and aider of, and an abettor in, the fraudulent voting in New York in 1868. His letter condemning Mr. Tilden and his henchmen in those fraudulent transactions was read here the other day. The country understands full well that this raid on our election laws is made at the bidding of this same man who was so charged by Mr. Greeley, and in his interest as the probable democratic candidate in 1880. These laws are not to be repealed in the interests of free and fair elections, but that the ballot-box may be free to the plug-uglies of Baltimore, the repeaters of New York, the bulldozers of Louisiana and Mississippi, and the tissue-ballot box stuffers of South Carolina. As I said before, if these laws are not perfect, if they do not accomplish what was intended by their framers, perfect them by amendments in such a manner that every legal voter in this land shall have a chance to express his choice at the polls in accordance with his own free will by the casting of one vote, and only one vote. Perfect them further so that the man who is not lawfully entitled to vote shall not exercise that right, and then, sir, when this is done, I would make provision for the enforcement of that law in the election of the Government's own officers, if necessary, by all the power the Government can control. The people will not believe in these shallow pretenses for free and fair elections unless you make them free and fair by legislative enactment, and see that such enactment is enforced by the strong arm of the Government. The manner in which it is attempted to repeal these laws is unusual, to say the least. Both Houses of Congress and the Executive concurred in the wisdom of their enactment in 1871, and it is evident they cannot be repealed except by such concurrent action. Why not let these amendments rest upon their own merits instead of making the support of the Government dependent upon the repeal of such laws?

This system of legislation is vicious, and must in the end meet the condemnation of the people.

It is conceded that Congress has the power to tack this political legislation upon these appropriation bills, and it must be conceded that the President has the constitutional right to withhold his approval of the bills as thus amended. Should he in his judgment withhold such approval, Congress must yield or the functions of the Government must cease. An issue will thus be formed which can only be settled by that great arbitrator, the people, whose judgment cannot be invoked until November, 1880. Who is there bold enough to say that the functions of this great Government shall remain in abeyance until that time unless statutes of a political nature are repealed? Would it not be more reasonable, more wise, to pass our appropriation bills so that the duties of the Government shall be performed, and then settle the conflicting questions hereafter. There is no conflict as to the appropriation bills themselves, and in their passage and approval neither branch of the Government would be coerced into doing that which one or the other would deem unwise or wrong. Sir, it will not do to let the nation die for want of sustenance during this political contest that is threatened.

At times in 1861 to 1865 we saw the democratic party, as a political organization, seemingly willing that the Union forces should meet defeat while contending for a united country, believing such defeat would destroy the republican party and restore the democratic party again to power; so that political organization again seems willing to see the Army disbanded, the executive offices closed, and the judicial functions of the Government cease, in order that the executive department of the Government may pass into the control of the democrats in 1880.

Sir, the republican press and the Representatives of that party on this floor are charged with fighting over the battles of the rebellion and firing the northern heart with scenes enacted in that bloody conflict; but this is a mistake. Six months ago the people at the North seemingly felt willing to let the war and its carnage and blood drop from political or partisan discussion. They recognized the fact that as the Union had been restored, so should a union of sentiment exist among all the people. Public speakers of all parties at the North, in the last campaign, scarcely alluded to those who fought against the Government, while the desire to "let the dead past bury its dead" seemed to prevail among all classes of our people. But that sentiment, I am compelled to say, exists not to-day. It cannot be denied that there is a deep, anxious feeling in the minds of our people—and why is it? It is not simply because they see the democratic party, as such, in power in the legislative department of the Government, but they see a majority of the Senators and members of the House belonging to that organization are of those who sought to destroy the Government. They see that majority controlling the action of the democratic party. They read from the southern press the boast that the people who were against the Government but a few years ago are to control it in the near future; that they have secured, by intimidation and fraud, what they failed to secure by war. They see that the leaders of the democratic party were but recently the leaders of the rebellion, and they hear these men in the Senate Chamber, and in this House, as they in rounded periods and eloquent tones utter the dictates of their party caucuses that the laws to protect the ballot-box and insure free elections must be repealed; not only this, but that all laws which were enacted to save the nation in its hour of trouble, all laws to protect the unfortunate freedmen, all laws that tend to make distinction between loyalty and disloyalty, are to be repealed from our statute-books. As the people look at the democratic party thus in power and so controlled, as they read the threats of the southern press, as they listen to the announcement that our statutes are to be emasculated as I have stated, or the functions of the Government must cease, they feel lost in amazement to find the safety of the country, that they sacrificed so much to save, now in the con-

trol of those who sought to destroy it. They are alarmed, and the instinct of their nature compels them to discuss the lessons of the past.

But let me say the people of this country do not intend that the Army shall be disbanded or that the wheels of this Government shall stop, and they have commenced to express their views upon the subject at the polls. I shall not trespass upon the time of the House in referring to the atrocities committed in some of the Southern States upon unoffending citizens because they seek to exercise the right of suffrage in accordance with their own free will. The commission of these offenses cannot be appeased by excuses or controverted by sophistry. The offenders have gone unpunished, and justice has been defrauded thereby, and these facts rankle in the breasts of the good people all over this land. Stop these cruelties, and the war and its attending evils will pass away. Continue them, and the better judgment of the American people must be evoked in every political contest until the guilty are punished and justice shall prevail from ocean to ocean and from the lakes to the Gulf.

Legislative, etc., appropriation bill.

SPEECH OF HON. J. WHITEAKER,

OF OREGON,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, April 17, 1879,

On the bill (H. R. No. 2) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes.

Mr. WHITEAKER. Mr. Chairman, I do not know that I ought to say anything in regard to the passage of the bill now pending before this committee; so much has already been said and so well said that there is but little left unsaid worth the uttering, and repetition becomes tedious. I believe that my people would prefer more voting and less talking. Still, in order that I may not be misunderstood by those who sent me here I will avail myself of this opportunity, so kindly extended, to place myself on the record.

The arguments both for and against this bill are substantially the same as those offered when the Army appropriation bill was before this committee, which bill passed the House a few days ago, and they are still fresh in the minds of gentlemen upon this floor. Early in the discussion of that bill it was held by those opposed to its passage to be revolutionary to pass such a measure, and that those who favored it were actuated by the same motives and prompted by the same spirit that southern men were in 1861, the only difference being that then they tried to shoot the Government to death, but failing, they now propose to starve it to death.

Mr. Chairman, what is this Government that any American citizen should wish to starve it to death? If the process of starvation should be inaugurated where will the hunger and emaciation first become manifest? What part of the Government will first show signs of the distress incident to hunger and starvation?

For my part I have never been able to see just where the people stopped and the Government began, or where the Government halted and the people set in. I have always thought that this great Republic of ours was a government of the people, for the people, and by the people, and that any great calamity that might come upon this country would affect the people directly and to a much greater degree than it would the few who might happen to be their agents, for the time being, to administer the laws and their Government. But no one believes that any gentleman upon this floor wishes to starve himself or in any way impair the vigor of the governmental machine, and if the necessary means for carrying on all the different departments thereof are not supplied it will not be the fault of the advocates of this bill.

The ablest of those who opposed the Army bill on account of the repealing clause incorporated in it—and whose great abilities we all acknowledge—declared again and again to this House that they were ready to vote for that repealing clause if it were placed alone as a separate and distinct bill, thereby acknowledging and confessing that repeal was just and right, for it is not to be supposed that they would vote for a measure that they were not fully convinced was right. They have also told us that they would vote for all the clauses relative to the appropriations. Now, if they are ready and willing to pass in separate and distinct form, requiring two votes, what is grouped here in one bill, requiring but one vote, why, I ask, do they oppose it? If the bills fail to become a law and the necessary appropriations are not made, it will be due, not to the party that passed them and voted for them, not with the people must the fault rest, for they, as represented by a majority here upon this floor and in the other co-ordinate branch of this Congress, will have granted the necessary supplies to meet all the demands of the public service, and if they are not made available, then must the fault of the starvation, of the new revolution, of the overturning of the machinery of the Government, with which the minority have threatened us, be traced to their door, to those public agents who shall refuse to receive and administer those funds in accordance with the wishes of the people as expressed through a majority of their representatives both upon this floor and in the Senate.

I do not know whether either of these bills will pass the Senate; I have no right to know; but I may be permitted to say that I believe that they will; because I believe that they ought to; neither do I know what will be the action of the Executive should they be presented to him for his approval. I can only say that if these appropriation bills shall pass both Houses of Congress and yet fail to become law, and confusion shall follow, as it certainly will, those, and those only, who stand in the way and defeat the will of the majority of the people as expressed through their chosen Representatives in Congress must take the responsibility for the consequences of such rashness, the result of which no man can foresee. But I am not one of those who can bring themselves to believe that the Executive will refuse to approve measures so eminently just and necessary, and measures of which he stands on record, both by his letters and by his actions in the South, as favoring.

I shall not undertake to marshal precedents, tradition, or constitutional warrant for the propriety or right of legislating in the manner proposed by this bill. All these have been fully shown by those who have preceded me in this discussion, and I will not repeat them here. Sufficient to say that it has been the custom from the earliest days, and by no party more than that which now for the first time in many years is in the minority in both branches of Congress, and who, strange to say, in all their eighteen years of power, never discovered how wrong, unjust, and revolutionary it was. It does seem to me, Mr. Chairman, that their record of the past and their talk of to-day is too much at variance and too inconsistent to have any effect upon the honest, fair, and unbiased minds of the great mass of our people. It does seem to me, sir, that it must strike them as it does me, as the last desperate effort of the dying party to create a false issue, to arouse old sectional strife, to call into life all the hard and bitter feeling of a man's nature, in order to save to themselves for a little longer the patronage and power of the Government. Mr. Chairman, I cannot believe that the workers and toilers of our land, the voters, the tax-payers, will allow themselves to be made the dupes of designing political politicians, who see in the loss of power by their party their own death.

The drift of the republican party toward centralism is aptly illustrated by the election laws which are its handiwork, and which we, the democratic party, as the true champions of that perfect liberty and freedom from control by the Federal Government of local and State rights which were guaranteed us when this Union was founded; as the true exponents of that spirit of federalism as held by those who framed the Constitution, that instrument upon which our whole framework of government is based, are striving to repeal, and for the reason that although the clauses of the Constitution show that Congress has some power over the election of its members they do not show that it has a right to paralyze the action of the States. Any Federal legislation which hinders the States in protecting their own interests and expressing their own views through their representation in Congress and which gives to the political party in power at the national capital, or wielding the executive authority, the means of dragooning the States into involuntary subservience to its behests, is not in accordance with the spirit of these provisions of the Constitution nor with the spirit of a true federalism.

I know that the mind of the American people revolts at the idea of Federal interference with local elections; and yet are not all elections local, all being conducted under State laws, and although the laws relative to Federal interference at elections, which we propose to repeal, carry upon their face only the right to control the election of Congressmen and presidential electors, yet every voter must know that the right being granted to interfere at the elections of these officers practically grants the right to supervise and control the election of all State officers who are elected upon the same day, for it is in practice impossible to separate a State officer from a presidential elector or Congressman when they both stand upon the same ticket, and the act of the Federal Government that would restrain a man from voting for one would prevent him from voting for the other.

The right of States to regulate their internal affairs, including that of elections, is a right too dear to American freemen to be easily surrendered, and it must not be given up to those who, however honest the intention or pure the motive by which they profess to be actuated, have every incentive and temptation to abuse and prostitute the same to serve base and vile political ends.

Mr. Chairman, I have often asked myself the question which I now desire to ask of every gentleman upon this floor, of every citizen of every State in this land, and I await an answer feeling that truth and candor will compel one that will sustain my party and myself in our views. If we yield to this claim of the right of Federal control of the election of members of Congress and presidential electors, how long will it be before we will be called upon to yield the right of controlling the election of the members of our State Legislatures? Under the same clauses of the Constitution which our opponents are now quoting as showing the right and authority of Federal interference and control of elections of members of this House (the power over the election of Senators being the same) the party in power could claim the right to control the election of our State legislators, and if we grant the right in the case now under consideration and

leave these laws unrepealed we must admit the right in the other and thus little by little all local and State affairs would be virtually absorbed and controlled by the central government and the will of the people be made subservient to the will of scheming and designing politicians.

If it be right in principle for the General Government to supervise the election of members of this House then why not the election of United States Senators? Congress has as much right to look after the qualifications of the electors of Senators as of members, and foremost among these qualifications is the fact of having been elected in a proper manner. The principle, once recognized and become a part of our system, must lead to the subversion of good or free government. We ought not to allow our passions to control our judgment, nor should it be warped by party ties and affiliations. The General Government neither makes nor has voters as such; the States respectively prescribe the qualifications of all voters within their limits and they enact the laws under which all general elections are held, and they are, or ought to be, the only power known at the polls.

The character of the legislation upon the statute-books attempting to legalize Federal interference at the polls, all tends toward centralization of power and is not consistent with the true idea of the founders of this Union, and in addition to this, in the power which it confers upon Federal officials of making arbitrary arrests and depriving citizens of their lawful right to vote, is at variance with the principles of civil and political liberty. These Federal election laws are therefore largely unconstitutional, and should be shorn by the Federal Legislature of their obnoxious features at the earliest moment consistent with a due discharge of other duties, a due regard for the constitutional independence of all its branches, and a due compliance with the requirements of common honesty, and thus it is that we of the majority have incorporated these repealing and modifying clauses into the first bills brought before this Congress, and which we would have been ready and willing to vote upon and pass long ago had not the party in the minority seen fit to oppose and obstruct all business in the vain attempt to create campaign capital.

If the bill shall pass, it is the plain duty of the Executive to cooperate in the execution of our design. The plea that this legislation is needed for the suppression of fraud is a futile one. This, even if it were anything but a pretext, is no apology for usurpation. Hear what the Father of his Country says upon this important subject:

> Let there be no change by usurpation; for though this in one instance may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit which the use can at any time yield,

Centralism—the doctrine or feeling that the constitutional powers of States must yield to the occasions and tamely submit to the encroachments of the central government—is unfavorable to the interests of good government, tends to make popular self-government a name and pretense, turns local self-government into a mere indulgence instead of an indefeasible right.

That wrongs more or less grave are perpetrated almost everywhere on the day of an election, both North and South, is doubtless true; but they are wrongs inseparable from any system of popular elections and are common to all parties, and are far less grievous to be borne than the radical wrong of Federal interference.

Mr. Chairman, it is apparent to all that the friends of this bill and of the one lately passed by this House stand before the country, in a partisan sense, the antagonists of those who oppose it, and who in the matter of this legislation are said to be in strict harmony with the Administration. Sir, I recognize the fact that the democratic party will be held responsible for the repeal of these laws, if they are repealed, just as the republican party is responsible for their enactment, and I for one do not desire to shirk my part of the responsibility, humble as I know it to be, that may attach to those who vote for that repeal. Gentlemen who oppose this legislation and who have for the last twenty years been at war with those who favor it have all at once become suspiciously zealous for the prosperity of the democracy in the future, and appeal to us not to pass this bill if we have hope of success in the future. Of course we should feel grateful for such sincere, wise, and friendly advice, but we must be pardoned for looking upon such kindness with suspicion, and knowing these gentlemen as we do, their untiring and indeed unscrupulous efforts to maintain their political ascendency we trust they will forgive us if we do not follow their advice, and if the country will not sustain us, if the American people are ready to yield their political freedom, their right of free elections, if they are ready to yield the power of the ballot into the hands of a few men who happen to be in power and who have every temptation to use that power for their own aggrandizement and profit and to stifle the popular will when it is not in harmony with their own interests, then, indeed, it matters but little what party is in power or what laws are repealed or what remain upon the statute-books.

Now, Mr. Chairman, I do not wish to take any part in the criminations and recriminations that have been indulged in during this debate; to me it seems that the occasion is one which should cause us to rise to a higher level. My duty here is first to fully, fairly, honestly, and intelligently represent the people who honored me with a seat upon this floor. In this matter I believe I know their will, and I have tried to carry out their wishes. At the election in my State it was my good fortune to receive many republican votes, and I fully believe that they will sustain me in the votes I gave upon the Army bill and the vote which I expect to give upon the bill now under consideration. If I did not believe the legislation now sought to be had was in the interest of American freedom and will tend to perpetuate those free institutions which are the pride of every true citizen, I would not support it. Strong as are my party ties, no power can force me to support a measure which my judgment does not approve. I shall support this bill, and I trust and believe it will become a law. I am anxious to return to the Pacific coast to meet the people whose servant I am. As to their approbation, I have no fear, for I have honestly tried to do my duty, and in a way to best serve their interests.

Legislative, etc., appropriation bill.

SPEECH OF HON. D. L. RUSSELL,

OF NORTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, April 17, 1879,

On the bill (H. R. No. 2) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes.

Mr. RUSSELL, of North Carolina. Mr. Chairman, this extra session has been made necessary by the conduct of the Democratic party in refusing to grant supplies for the maintenance of the Government save upon condition that certain laws deemed by them dangerous to their own success in 1880 should be repealed. Some of these laws are *per se* wrong and ought to be repealed, others are right and essential to free and fair elections, and their repeal means only that the popular will may be reversed by repeaters, ballot-box stuffers, and false and fraudulent returning boards. The Democratic party has been in power in this House since the 4th of March, 1875, and never until this winter discovered that these laws ought to be repealed. The two that are obnoxious on principles of reason, justice, and sound statemanship—the jury test-oath and the clause allowing soldiers to keep the peace at the polls—can be repealed by a separate act for that purpose in twenty-four hours. This is known to all. It was well known to the Democratic caucus which controls this House; but that caucus directed that these measures which they advocate and pretend to believe to be of such vital concern to the county should not be brought forward in the form in which they would certainly pass. Why not? Because that would not give a chance for agitation.

The campaign of 1880 is approaching, and material for it must be found. The country is disposed to regard as settled the issues of the war on which both the old parties are still living and seek to live—living for no honest purpose, so far as reasonable men can see, unless it be to save funeral expenses. So regarding it, the people are anxious to turn their attention to questions of finance, of trade, of currency, and of political economy. Throughout the land there is distress, enforced idleness, fearful destitution, and hopeless poverty. For four or five years men have seen that honest toil has no rewards, that no business pays, that nothing is valuable except money and bonds. Despair is written on every heart except that of the money-eyed capitalist and bondholder. The people of my State are poorer than they were one year from the day the confederacy surrendered.

The men of enterprise who borrowed paper money, or, what is the same thing, got credit on a paper basis, have been annihilated by being compelled to pay gold with their products at gold prices. They have been beggared by the policy of the knaves and fools who talk about "good money." Yes! Good money! We have got it—money that is good, so good that nobody but the rich can get it—so good that three times the proper amount of labor and the products of labor are required to get a dollar of it—so good that the lordly owners of it can buy with a little of it whole counties, cities, and States. And yet this money thus put beyond the reach of the poor is a thing which your laws require them to have. They must pay taxes with it, and debts with it, and exchange commodities with it. For it there is no substitute. Any other article of human desire when pressed beyond the reach of toil may be dispensed with and another put in its place. If pork is too high, beef may be used. If wheat is too scarce, corn will answer. If cotton goes out of reach, men may wear wool, or flax, or furs. But money every man must have or go to jail. If he can not get it your law will sell his house, his horse, and the coat from his back, and then imprison him for a vagrant and tramp. By the organism of society there is for this one thing which we call money an unceasing, constantly increasing, and indispensable demand. To cut off the supply by reducing its volume, and thus enable the few who have it to horde it, to lock it up in interest-bearing bonds, and then to laugh at the struggling millions who are compelled to toil for it, is a crime against humanity.

And, sir, for this crime the democratic and republican parties are before God and man responsible. They have done it, and having done it, persist in perpetuating the iniquity. The republican party has long since ceased to cover its guilt, but openly and shamelessly boasts of its own wickedness. But the democratic party has until

recently sneaked in the dark and dodged from the view of an inquiring and despairing people. In the West and South its leaders have pretended to be the only sound greenbackers. By this false pretense and by means of the liberal use of swindling returning boards they have got the control of this house. How have they used it? Their first act was to elect a hard-money man to be its presiding officer. Every democrat from North Carolina voted for this hard-money Speaker. Gentlemen from my state, whose constituente are ruined by resumption, voted for a resumption man. In the Senate it has organized in the same interests and for the same purposes. Its whole purpose is to keep the money question out of the next campaign or leave it open, so that it can be for paper money in the South and West and metal money in the North and East. It is a hard-money party by tradition, past platforms, and present practices.

Ignoring the cries of an impoverished people, the democratic party is preparing to take the Government in 1880 on the cry of fraud by showing how it was cheated out of the Presidency in 1876. But let it be remembered that so far as is known it holds its majority on this floor by the very same returning-board villainies which it charges upon the republican party.

In the organization of this House, there being two hundred and eighty-seven seats, the nominee of the democratic party received 144 votes, his own vote would make 145, which was the full strength of the party in this House. It is well known that two democrats, one from Florida and the other from North Carolina, hold seats on this floor, not by the vote of the people, but by the fraudulent mandates of returning boards, some of whom, strange to say, are in the penitentiary. Take out these two votes, and add to the opposition the votes of the two men who have been defrauded of their seats, and you have an opposition vote of 144, being a clear majority of all the members of this House; so that but for the returning-board iniquities, the national party would have the balance of power in this House.

The government of "gentlemen and niggers" which the confederacy was to be—that is, the slaveholding class and its appendages, which was to be an order of nobility with hereditary privileges, called "gentlemen," the laboring whites, who were to be a disfranchised peasantry, on the middle ground between the "gentlemen" and the "niggers," and the negroes, who were to toil as slaves in the cotton and the cane—this government as an independent nationality went down before the vast armies which followed in the track of the little army of John Brown at Harper's Ferry. But its spirit, principles, and purposes still survive, not in all the white men of the South, but in the many who constitute the class aptly called Bourbons—a class which is yet powerful, and largely controls the democratic party of the South. These men pretend to be for the Union and the Constitution as it is, while in the same breath denouncing as tories, scalawags, and traitors the men who see in the failure of the confederacy the triumph of popular government and human rights. But there is just one question which they have never answered. It is this: If you believe, as you say you do, that secession was right and its failure a calamity; if you believe, as you say you do, that freedom shrieked when slavery fell; if you believe, as you say you do, that the purposes for which you went to war were just and right and noble, why will you not accomplish these purposes whenever you get the power? Principles do not change. If slavery and caste and aristocracy were right in 1860 they are right to-day; and if, believing they are right, you have the power, why not re-establish them? If constitutional prohibitions stand in your way, if you have the power, why not abrogate them? If you cannot abrogate them, why not enact into laws the nearest possible approach to these good and noble institutions?

The democratic party broke up the country in 1861, precipitated the war, set up an independent confederacy and drove the whole South into it, established a military despotism over the South as arbitrary and as devilish as the world ever saw, drenched the land in blood, and carried desolation and ruin to the people of half the continent.

If I believed now on all these subjects as I did believe when in the confederate army and a slaveholder, if my opinions had undergone no change, it would be with me simply a question of power. If I believed as the Bourbons do, that slavery was right, best for the master and best for the slave, and the true and rightful order of society, then, if I had the power, I would restore slavery. So with the principle of secession. So with the doctrine of State rights. So with all the questions which some say were "settled by the war." How did the war settle anything, except that the North had more men and material than the South? It did not change principles; it did not make right wrong nor wrong right. The weaker party succumbed; it gave way by sheer exhaustion. If that weaker party shall become the stronger one, shall have full power in all branches of the Government, still holding to its principles, believing in its doctrines, changed in none of its opinions, is it not its manifest duty to enforce those doctrines which were by the brute force of war cloven down on the field of battle? Is it answered that the South is under pledges? What sort of pledges? Certainly nothing more than the paroles which bound them to obey the laws. But the Bourbon South is now about to make the laws. Southern Bourbons, as the bloody experience of fourteen years of peace clearly shows, are not so good at obeying laws as at making them for other people to obey. Are they under any pledges as to what sort of laws they shall make? Do they not tell you constantly, never allowing you of the North to forget it for a moment, that they come back to these halls your peers? And they are your peers. They can be nothing else without destroying the whole framework of government.

This Bourbon democracy, representing on this floor the cotton States, its old home, and representing them, as every intelligent man in America knows, against the wishes and unheard voices of a large majority of their people—unable to suppress its revolutionary tendencies, even until after it has captured the Government, now declares that certain measures shall be adopted or the Government shall be broken up. Their cry is "not a dollar for the Government unless you comply with our demands." This menace has been made and executed by the British House of Commons in the past and on proper occasion would be again. It is the unwritten constitutional rights of the British Commons. It is the method recognized by the British constitution of appealing to the people against the Lords or the Crown. No such power resides in the American House of Representatives, because here the appeal to the people at short intervals is mandatory and fixed. The concurrence of Executive and Senate is required for all legislation. The absolute independence of each is guaranteed, and the remission of all to the people is established. The assumption by one House of all legislative power by a refusal to give supplies save on a compliance with its will is not only revolution but it is treason.

The ascendency of Bourbon democracy in the South is a menace to free institutions. It means retrogression and reaction. It means just what the restoration of its prototypes, the Stuarts and the Bourbons, meant in England and in France. It means the minimum of liberty to the many and the maximum of power to the few. It means the denial of education to the masses and the active propagation of ignorance among them. It means a return in some form to those manners and customs under which humble birth was a calamity which nothing but the grave could conquer, and honest toil a disgrace for which nothing but wealth could atone. It means the adoption of such a policy as shall encourage the aggregation and prevent the diffusion of estates, so that the rich shall become richer and the poor poorer as time rolls on. It means that liberality, moderation, progress, advanced thought, universal toleration shall be prostrate in chains, and intolerance, bigotry, insolence, and pride reign supreme.

Already there are signs indicating that the Bourbon slave power of the South is preparing to strike hands with the money power of the North for a common assault on the rights of labor. Does the appearance of Bourbon Senators with hard-money tenets from the cotton States mean nothing? There is a common instinct and a common interest between them. There is with both that same contempt for poverty as a lower order of society which is incident to all priviledged orders, the same disposition to defer to the manners and customs of aristocratic countries, the same sneer for the free and self-governing communities of the great Northwest. True, the Southern Bourbon is poor, but not in land. He and his kin are too lazy and too proud to work, but their "respectability" remains. "My father was a slaveholder" is a sufficient certificate of character.

The money king of the North has the same contempt for the Irishman who blacks his boots and drives his carriage as the Southern Bourbon for the negro who works in his sugar-field. The Irish bootblack and the negro field-hand are both poor. The more pauperism, the cheaper is labor. The more cheap labor, the greater the power of capital. "They are down; keep them down," is the motto of their respective masters. The greenback policy would disenthrall labor, make the rates of money cheap and the payment of debts easy, increase values, put money within the reach of men of small means, and thus lead to the division of the baronial estates of the South and the diminution of the power of the money and bonds of the millionaire of the North. And so we see the old slave power and the new money power preparing to coalesce to prevent it.

The white men of the South are not all Bourbons. Thousands of them—many of them slaveholders and the sons of slaveholders—have met the poverty and ruin entailed by war with a steady courage and heroic industry worthy of far better reward than they have received. In every county and town in my State I can show you some young men, reared in luxury and impoverished by war, who have met adversity with the same dauntless valor which they displayed on the battle-fields of Virginia; who are not ashamed to work for their living, and who feel that they can look up and be proud in the midst of their toil. These are the men to whom is committed the high duty of driving out the spirit of caste and building up their States.

Let them cultivate and constantly inculcate those ideas so essential to our prosperity—loyalty to the Union and the Constitution as it is, equal rights of all men before the law, the protection of the poor and the humble, unqualified obedience to law. Let the country see that this is done, and the time will come when the remembrance of the war, with all its bitterness, will have passed away; when the men who fought will be known only as soldiers of the country, alike entitled to its bounty. I am not afraid to say that I hope the time will come when the poor confederate soldier, hobbling on his crutches, will be pensioned by this Government. If any man wants to take that up on this floor I am ready to discuss it and to take the full responsibility of what I say. But before that time comes the other changes which I have indicated must transpire. There must be un-

qualified loyalty to the flag, universal obedience to and absolute equality before the law, complete toleration, entire freedom of speech, of thought, and of action. This cannot happen till the last vestige of Bourbonism is trampled out; until the white South shall cease to whine and weep over the lost cause, and shall frankly and sincerely confess that the God of battles was right and we were wrong.

Legislative, etc., appropriation bill.

SPEECH OF HON. G. A. BICKNELL,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, April 17, 1879,

On the bill (H. R. No. 2) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes.

Mr. BICKNELL. Mr. Chairman, the bill now under consideration makes an appropriation for the courts and juries of the United States, with provisions, first, diminishing the per diem pay of jurors; second, repealing so much of section 800 of the Revised Statutes as excepts Pennsylvania from the operation of the general law; third, repealing sections 801, 820, and 821 of the Revised Statutes; fourth, establishing the mode of selecting jurors and their term of service; fifth, repealing sections 2016, 2018, and from 2020 to 2027 of the Revised Statutes, both inclusive; sixth, amending section 2017 by striking out the words "and required;" seventh, amending section 2019 by striking out the words "for the purpose of engaging in the work of canvassing the ballots," and also the words "in respect to such canvass."

To this legislation two objections are made: it is alleged to be wrong in substance and also wrong in place. The same objections were made to section 6 of the Army appropriation bill, and they may all be considered together. There are two answers to the assertion that this legislation is not right in an appropriation bill: first, this legislation has its present place under a rule of this House established deliberately, after full consideration and upon conviction that its advantages largely overbalanced its disadvantages; such being the case and the rule remaining in force, it is no valid cause of complaint that we follow the rule. That is a sufficient reason, but there is another: this legislation has its place in accordance with the well-established usage of both Houses of Congress; in at least twenty instances in the last twelve years general legislation has been annexed to appropriation bills under the control of the republican party. These answers are together conclusive; the republicans are fairly estopped from any objection to the place of this legislation. But, Mr. Chairman, this legislation is not only right in place, it is also right in substance; its object is to secure free elections and impartial juries.

In 1865, when the republicans had a majority, it was found necessary to restrain the illegal interference of the United States with State elections—there had been too much of it. Many republicans who had not complained of it during the war were unwilling to tolerate it in view of returning peace, because it was an outrage which war only could palliate. Therefore the act of February 25, 1865, chapter 52, was passed by a republican Congress. It provided that no United States officer should have armed men at the polls at any State election "except to repel the armed enemies of the United States, or to keep the peace at the polls," and this was enforced by a penalty. These provisions are now in the Revised Statutes, the prohibition in section 2002, and the penalty in section 5528. This legislation was in the right direction, its tendency was to restrain abuses unknown before the war, which had grown up during the war, and remained to be cured among the restorations of peace. In the language of the gentleman from Ohio, [Mr. GARFIELD,] "it was time they were mustered out."

Perhaps this legislation of 1865 went as far as the republicans of that day could safely go; however that may be, we can surely go further in the same direction now; it is our duty after thirteen years of peace to complete the good work begun by republican legislation, but left imperfect; this is precisely what the sixth section of the Army appropriation bill proposes to do; it proposes by striking out the words "and to keep the peace at the polls" to confine Federal interference by soldiers at State elections to one case only, to wit, the repulsion of the armed enemies of the United States. The theory of our institutions is that the States are able and willing to keep the peace at their own polls; when this shall cease to be true, popular government will be a failure and imperialism a necessity. The right to keep the peace in its own dominions is an essential attribute of sovereignty.

The notion that one State can lawfully interfere by force of arms to keep the peace in another State; that any distinct body-politic can lawfully interfere by force of arms to keep the peace in another body-politic, is incompatible with the independence of the State interfered with; it is subversive of freedom; it violates that English liberty brought here by our ancestors and reinforced here by their descendants. The legislation of the sixth section of the Army appropriation bill is, therefore, right in substance, and it is no wonder that enlightened republicans on this floor have admitted it to be right in substance.

The disputed provisions of the legislative, executive, and judicial appropriation bill require some consideration of the statutes sought to be repealed, the circumstances under which they were enacted, and their consequences.

So far as sections 800 and 801 of the Revised Statutes establish a peculiar rule for Pennsylvania, operating nowhere else, no reason is apparent for any such discrimination. The law making such discrimination evidently ought to be repealed. No defense for it has been attempted, and none can be made. Sections 820 and 821 of the Revised Statutes were passed in 1862 in the heat of civil war, when families were divided, brother fighting against brother, father against son. These sections were the result of the astonishing animosities always produced by such a conflict. Section 820 made it a disqualification for a juryman not only that he had borne arms in the rebellion, but that he had given any assistance, even food or clothing to his own child who had joined, or intended to join, the confederates, or had advised anybody else to do so. Section 821 required jurors in the United States courts to swear that they had not joined the rebellion nor given it aid or comfort, nor given any assistance to any one that had joined or was about to join in the rebellion, nor had advised any one to join in the rebellion.

These sections were enacted for a state of war, they were never intended to be permanent or universal; when enacted they could not be applied to the States in rebellion, because they had no United States courts or juries; these statutes were designed solely as measures of defense for the Northern States while the war lasted; the purpose of the war was to bring the revolted States back to their allegiance; if these enactments were necessary as war measures in the Northern States during the war they are clearly no longer necessary now, when the objects of the war have been accomplished and all treasonable acts condoned. The enforcement of these statutes now involves the gross absurdity that men, North and South, competent to fill the highest public offices, are excluded from juries by reason of past constructive treason long ago pardoned; men fit to be judges of the courts, members of this body, and Cabinet officers of the Government are held unworthy to be jurymen. When the reason of a law ceases the law ought to cease.

Sections 2016 and 2018 of the Revised Statutes, and sections from 2020 to 2027, both inclusive, occupy a different position; they were enacted in 1871. At that time the republicans had the President, both Houses of Congress, and all the office-holders; but it had already become apparent to certain sagacious leaders that the reconstruction of the Southern States and the growing disgust of the Northern States with the crowd of adventurers who had been rioting in the high places of the Government would ultimately bring another party into power unless some counteracting scheme could be devised. If the republicans could control the elections their waning power might be re-established. The reckless leaders were ready for anything. Honest men among the republicans had been taught to believe that public safety demanded republican rule. They could readily think well of any measure adopted to secure that result. The Constitution gave Congress the right "to regulate the manner of holding" congressional elections when the States failed to do it or did it imperfectly. It was easy, by liberal construction, to extend the meaning of that language so that "the manner of holding elections" should embrace absolute control over the voter and his right to vote; and then, on pretense of "regulating the manner of holding elections," the General Government, by its paid officials, would exercise absolute power over the elections of the States and mold them at its will. It was enacted that the voting should be by ballot and the elections held on the same day in all the States; and, as the States generally elected their principal officers on the same day with their Congressmen, the paid officials of the party would not only control the election of Congressmen, but that of State officers also.

It was a crafty and well-considered scheme. The States had been controlling their own elections; the theory had been that the people ought to control their own elections; they had been deemed competent to do it; it had been considered a wise feature of our system that local affairs were to be transacted by the people themselves in their own neighborhoods; but the pretense was made that the States have become unable or unwilling to prevent fraud, that the people can no longer be trusted with their elections; but that the General Government is honest, and will give free and fair elections, and that only the exercise of its imperial power by its hired officials, paid by the party in possession of the Government, can secure such results. Accordingly, Federal supervisors of elections were appointed with unlimited powers.

Mr. Chairman, all such Federal interference with State voters and their votes is wrong. It is founded in falsehood. It is unnecessary. It is inconsistent with the nature of our institutions, and violates the first principles of American liberty. I therefore desired that every section relating to supervisors should be repealed; but the policy adopted is to let the supervisors remain and repeal their most offensive powers. I believe that is a mistake; by conceding the existence of the supervisors we admit the principle of Federal interference with State elections. I want no half-way work on such a question, but it cannot be helped just now.

The powers of the supervisors now sought to be repealed are most oppressive and inquisitorial. These Federal officers are required to attend all places of registration, to cause such names to be registered as they think proper, to make the list of registered persons, to count and canvass every ballot and make returns thereof to the chief supervisor, with such statements as to the truth and fairness of the registry and of the election as they may see fit to make; they are aided by deputy marshals who have power to arrest without warrant anybody who in any way hinders or interferes with or attempts to hinder or interfere with the supervisors, and the chief supervisor has like power. It is easy to see the monstrous abuses to which such powers inevitably lead in the hands of partisan officials. It did not require the doings of Mr. Davenport in New York to prove the villainies resulting from such powers; such outrages as he committed are the natural and necessary consequences of such laws.

This chief supervisor, upon the astonishing pretense that all the certificates of naturalization issued in the supreme and superior courts of New York in 1868 were illegal, made complaints against ten thousand voters; hundreds of them he had arrested and prevented from voting on the charge that they had registered as voters on fraudulent papers; none of them were ever brought to trial, but warrants were issued against three thousand of them, and by means of those warrants and arrests and by threats he frightened and deluded three thousand naturalized citizens, ignorant of law, until they gave up to him their naturalization papers and abandoned their right to vote. His pretended objection to the papers was that the entries made by the clerks of the courts were not technical records; there was no validity in the objection, but it accomplished the object. Mr. Davenport prevented thousands of men from voting, not of his politics, and thereby defeated in the city of New York three Congressmen and several assemblymen. His own testimony before the committee of Congress reveals his object:

Question. What was your object in issuing the warrants?
Answer. My intention was to arrest the party and prevent his voting. I did not intend that persons who held those certificates should vote; if that is intimidation I plead guilty.

I have now said enough to show that the legislation in sections 2016, 2018, and from 2020 to 2027, both inclusive, of the Revised Statutes, is false in principle and fatal in its consequences, and beyond all question ought to be repealed.

The amendments proposed to sections 2017 and 2019 are limitations upon the power of the supervisors; they take away from these Federal officials the duty of challenging at State elections, and deprive them of all right to take part in counting or canvassing State ballots. These powers are open to the same objections as those given by the statutes sought to be repealed; they are parts of the same general scheme to put Federal officers in control of the local domestic concerns of the States, and are liable to all the difficulties I have already stated. All of our proposed legislation is therefore right in substance, and in place also. We have heard a great deal in this debate; we have been told that the bayonet is the basis of civil liberty, that in order to have a free election soldiers must manage it; we have been told that it is revolution to follow the rules of the House and republican examples; that we are seeking to starve the Government! These hardy assertions have received more reply than they deserved; the passage of this appropriation bill will starve nobody, if starvation follow by reason of action, or failure to act elsewhere, this House will not be responsible for it.

Legislative, etc., appropriation bill.

SPEECH OF HON. C. M. SHELLEY,

OF ALABAMA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, April 17, 1879,

On the bill (H. R. No. 2) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes.

Mr. SHELLEY. Mr. Chairman, this question is one of great general interest, because it relates to the constitutional powers of Congress over the rights of the citizen and has a direct bearing upon the relations of the States to the Federal Government. The discussion of a question of such gravity, involving interests of such magnitude and so intimately connected with the fundamental principles of our Government, is calculated to excite the deepest solicitude throughout the entire country among all lovers of free institutions. In view, therefore, of its magnitude and gravity it should be considered not in a spirit of partisanship, nor in a sectional spirit, but from the standpoint of an American citizen who loves his whole country and who has an earnest desire to promote the cause of human liberty. Impelled I trust by these patriotic motives, I shall undertake to deal with it in presenting my views to this committee. The great question involved in these amendments is the constitutional

POWERS OF CONGRESS OVER FEDERAL ELECTIONS.

In examining the fourth section of the first article of the Constitution, upon which the Federal election laws are based, we find the duties of the States in reference to the election of Senators and Representatives set forth in clear and simple language. It makes it the duty of the Legislatures in the several States to prescribe the times, places, and manner of holding these elections.

We also find in this same section the discretionary powers of Congress defined with equal clearness and force:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof.

This, Mr. Chairman, is no uncertain language. The framers of the Constitution evidently intended to impose this duty upon the States. But there was a possibility that some one or all of the States might fail to perform it, or perform it in such manner as to practically defeat the purpose of the Constitution, which was to preserve intact the organization of the Government by giving the citizens of each State the right and opportunity of being represented in Congress.

To protect the Government against such possible failure on the part of any or all of the States to prescribe these regulations the second clause of this section was added, which reads as follows:

But the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

It seems clear, therefore, that it was intended to leave this power primarily with the States, and that it is only when the States refuse or fail to exercise it that Congress can take jurisdiction of the matter. If this view of the Constitution is correct, and I submit that it is not susceptible of any other construction, and Congress can only make or alter these regulations when the States have failed to make them or when they have made such regulations as would practically defeat the purpose of the Constitution, let us examine and see if any excuse or pretext has been given by any of the States for the assumption of this power by Congress.

The object of such regulations is to provide for and protect the citizen in the exercise of his free choice of Representatives in Congress.

STATE LAWS AMPLE.

All of the States have laws and regulations for holding elections by which they have made ample provision for the protection of the voter, the correct ascertainment of the result of such election, and for the punishment of persons who violate those regulations, as the following synopsis will show:

In Alabama the secrecy of the ballot is fully protected. The sheriff of each county is required to have deputies at the different precincts in the county to protect voters and preserve the peace. A fair count is secured by the appointment of inspectors of different political opinions. The canvass of the votes, when returned to the board of county canvassers, is publicly made, and by members of different political parties.

In Arkansas the duties of the sheriff are the same as in Alabama. The canvass of the votes by inspectors of districts and by the clerk is publicly made and the result publicly announced. In California great care has been taken to protect the voter in all his rights and to secure a fair count. In ordering any election the governor offers a reward of $100 for the arrest and conviction of any and every one violating the election laws; voters are privileged from arrest in going to and returning from the polls, except for a breach of the peace or for an indictable offense. (This same provision, however, is found in the statutes of nearly all the States.) The tickets are uniform and printed on the same kind of paper, furnished by the secretary of state. The registration list is kept at each voting place, and when an elector votes the word "voted" is written opposite his name on the list. Registration is required in nearly all the States, and the laws governing the manner of registration, if followed, are sufficient to prevent fraud in this respect. The board of elections appointed by the board of supervisors of the county canvass the votes publicly, as does the board of supervisors of the county when the returns are made. I ask your attention to the following statutes of this State relating to frauds upon elections and the improper influencing of voters.

Every person who by force, threats, menaces, bribery, or any corrupt means, either directly or indirectly attempts to influence any elector in giving his vote, or to deter him from giving the same, or attempts by any means whatever to awe, restrain, hinder, or disturb any elector in the free exercise of the right of suffrage; * * * or who, being inspector, judge, or clerk of any election, while acting as such induces or attempts to induce any elector, either by menace or reward, or promise thereof, to vote differently from what such elector intended or desired to vote, is guilty of a misdemeanor.

The punishment for voting without being qualified, voting twice, any interference with ballots after being polled or while being counted, with intent to change the result of an election, or carrying away, or destroying, or attempting to carry away or destroy, any poll list or ballot or ballot-box for the purpose of breaking up or invalidating any election returns, or in any manner so interfering with officers holding an election or conducting an election, or with the voters lawfully exercising their rights of voting at such election or canvass from being fairly held and lawfully conducted, is guilty of a felony.

Every person willfully violating any of the election laws of the State, unless different punishment is prescribed, is punishable with a fine not to exceed $1,000, and with imprisonment not to exceed five years.

In New York the inspectors of election, elected by the people, have full power to maintain order at the polls and to direct the arrest of turbulent persons. Any person refusing to obey the order of inspect-

ors it is made the duty of sheriffs and constables to arrest. The canvass of the votes is made as soon as the poll is closed and the result publicly announced. If there are more votes in the ballot-box than there are names on the poll list, unless it is apparent that two votes have been voted by one person, (in which case both votes are thrown out,) a sufficient number are drawn out by lot to equalize the number of ballots with the poll list. The canvass by the board of supervisors of the county is fair and the result of the election publicly announced.

In Pennsylvania the laws governing elections are so complete and the details are so well defined that it would seem impossible to prevent a fair election in that State. The inspectors of election in each ward or district (except in the city of Philadelphia where the choice of election officers has been taken from the people and given to the board of aldermen) are elected as in New York, by the people. The registration list is placed on the door or on the house where the election is to be held thirty days before the day of election. No inspector is allowed to receive a ticket from any person other than an elector in the township, ward, or district for which the inspector is appointed. The word "voted" is to be stamped on all naturalization papers when a naturalized citizen has voted. On the petition of five or more citizens of any county that they believe frauds will be practiced at any election about to be held in any district, the court of common pleas or judge thereof appoints two citizens of different political parties when the inspectors are of different parties, but if they are of the same party then of the opposite party, who are called "overseers of election," who have power to be present during the election and count of the votes, to challenge voters, &c. It is made the duty of mayors of towns, sheriffs, deputy sheriffs, aldermen, justices of the peace, constables and their deputies, when called upon by any officer of election or by three qualified voters, to clear the way to the polls and to preserve the peace. The judge of election of each precinct after the count is completed announces publicly the result.

The judges of the several precincts of the county meet at the courthouse on the third day after the election and canvass the returns, rejecting no return for informalities when the return can be understood. The manner of making returns and canvassing the vote for members of Congress is somewhat out of the usual way. After the judges of the precincts in each county have canvassed the vote of their county they select one of their number to meet the judges selected by the other counties in any congressional district to cast up the several county returns; which being done, one copy is filed with the prothonotary of the court of common pleas of the county where the meeting is held, one with the secretary of state, and one with the Representative-elect to Congress. In Wisconsin election officers have power to preserve order and to order constables to arrest disorderly persons. The manner of canvassing the vote is similar to the way it is done in Pennsylvania, except that the county clerk, county judge, register of deeds, members of the county board of supervisors, and justices of the peace form the board of county canvassers.

In South Carolina the governor appoints commissioners of election for each county, and they appoint supervisors or managers for the several precincts of a county. State constables are required to attend at all polls and preserve order, and see that the managers are not interfered with, and that voters are not intimidated or in any manner prevented from voting as they wish.

In Georgia the managers of election are sworn to make a just and true return of the election, and not permit any one to vote unless he is entitled to do so. They are authorized to employ a sufficient number of police, whose duty it is to guarantee all legal voters, irrespective of race or color, the free exercise of the right of franchise. The clerk of the superior court is required to deliver lists of the voters at any election to the grand jury at the next term of the court, and the grand jury is required to examine the lists, and if any voter is found thereon who is not entitled to vote, to present such illegal voter.

The punishment for making fraudulent returns or influencing electors improperly is severe. Electors are privileged from arrest for several days before and after an election, except for treason, felony, or breach of the peace. Without further citing in detail the provisions made by the several States, it is sufficient to say that the laws of every State make ample provision for the protection of the voter, for securing a fair count of the votes cast, and for the punishment of violations of the election laws, leaving no excuse for the interference of Congress.

Then, Mr. Chairman, unless such a state of things does or should exist as would, in this view of the question, authorize the interference of the Federal Government, the exercise of such power by Congress is, in my opinion,

A BALD USURPATION.

Its exercise in any event should be avoided if possible, for under any circumstances it is in the last degree dangerous to the liberties of the people, because it gives to the Administration which happens to be in power an undue if not a controlling influence upon elections, on the freedom of which rests the foundations of our republican institutions, while it tends greatly to magnify and increase the

POWER OF THE GOVERNMENT,

the effect of which is always to restrict and abridge the rights of the citizen.

Under these laws which we are seeking to repeal, the power of the Administration is felt in every voting precinct in the United States, and it is believed by many to be utterly impossible to have a free and fair election under such influence. Their enforcement is naturally committed to partisan officials who are always inspired by a patriotic desire to keep their party in power, and they never scruple to use their official positions to promote that end. It may be said that these same partisan influences will control officials appointed under the State laws. I answer that while that is true, their equilibrium is preserved in a national sense by the fact that while Maine is republican Alabama is democratic, and South Carolina may be democratic while California is republican. So that these partisan influences are neutralized by this wise distribution of power among the States. On the other hand, if Congress is to exercise these powers the same partisan influences will be felt in every State at the same time, and to some extent make its members the representatives of the Executive and not of the people.

With these views, Mr. Chairman, I am brought to the conclusion, first, that Congress has no authority under the Constitution to interfere primarily with matters of election; second, that if Congress has such power under the Constitution its exercise would be utterly destructive of free and fair elections.

I now come to another phase of this subject, which presents evils of equal if not greater magnitude than those already considered. These statutes not only operate to influence unduly the result of the election of Representatives in Congress, but they bring the whole power of the Administration to bear upon the

ELECTION OF STATE OFFICERS

when the election of those officers occurs at the same times and places, which is the case in most of the States, a power which Congress has no shadow of right to exercise. They go further and practically assume supervision of the election of electors of President and Vice-President, the control of which is left exclusively to the States by the Constitution.

Article 2, section 1, of the Constitution, which provides for the appointment of electors of President and Vice-President, is in the following words:

> Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress.
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> * * * * * * *
>
> The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

It will be seen that the "manner" of appointing electors is left entirely with the States, but Congress may determine the "time" of choosing them. Now, under this latter power Congress, by section 131 of the Revised Statutes, has determined that the time of appointment shall be on "the Tuesday next after the first Monday in November." By section 25 of the Revised Statutes Congress has established "the Tuesday next after the first Monday in November" as the day for the election of Representatives to Congress, so that the appointment of electors of President and Vice-President and the choosing of Representatives to Congress must take place in the several States upon the same day. The Legislatures of the States, without exception I believe, have directed that electors shall be appointed by the voters of the several States in the same manner that Representatives to Congress are chosen, so that the supervisors who "scrutinize, count, and canvass the ballots for Representatives in Congress" practically exercise the same power with respect to the ballots for electors.

It may be said, however, that this does not follow, as the States may by law provide separate ballot-boxes and require the voters for electors to vote separate tickets. That would not avoid the evil complained of, for the reason that while those Federal supervisors and United States marshals, clothed with the power which these statutes confer upon them, continue to parade themselves with their badges of authority at the voting places, their influence upon the voter will be felt, and will have its weight in bringing him to the support of the ticket of their party.

It is possible to escape this pernicious influence by having separate voting places and different officers of election provided by the several counties of the States, but this would entail upon the counties a large additional expense to which they should not be subjected. These immediate sections providing for supervisors, it is admitted, do not confer any authority for interfering with the election of electors of President and Vice-President, yet the purpose of Congress seems to have been, by providing that these elections should occur on the same day, to bring *this* election under their influence and thus accomplish indirectly that which they had no authority to do directly. This purpose is further shown by section 5520, which provides as follows:

> If two or more persons in any State or Territory conspire to prevent by force, intimidation, or threat any citizen who is lawfully entitled to vote from giving his support or advocacy in a legal manner toward or in favor of the election of any lawfully qualified person in an election for President and Vice-President or as a member of Congress of the United States, or to injure any citizen in person or property on account of such support or advocacy, each of such persons shall be punished by a fine of not less than five hundred nor more than five thousand dollars or by imprisonment with or without hard labor not less than six months nor more than six years, or by both fine and imprisonment.

This statute, Mr. Chairman, and others of like character are to be enforced and executed by the district courts of the country, from

whose judgments the defendants have no right of appeal. Congress, as if fearing to let the light of judicial interpretation fall upon them, took from the Supreme Court the right to issue writs of *habeas corpus*, which was the only mode by which the question of their constitutionality could be brought before that tribunal, and to-day the life, liberty, and property of forty millions of people are under the control of the Federal district judges under statutes—the constitutionality of which is gravely questioned by many of the ablest jurists of the land.

GOVERNMENTS ABSORB AND CONSOLIDATE POWER.

Mr. Chairman, history shows us that there is a tendency on the part of all governments to absorb and consolidate power, and it is this dangerous inclination which has led to many of the greatest conflicts between the people and their rulers. To repress this tendency a steady and determined attitude on the part of the people is required. The encroachments of power in a republican government are stealthy. One by one the people are robbed of their liberties until those who govern assume supreme control. They should, therefore, earnestly resist the least abridgment of their rights and guard with jealous care the smallest of their liberties, for when these are tamely surrendered the power which absorbs them will demand more, and growing bolder with each successful attempt finally usurp despotic authority. The power now exercised by Federal officials in elections is similar to that used by the tools of Napoleon III in

THE PLEBESCITE OF 1852,

which was but a mockery in so far as it gave an expression of the will of the people of France, but a stern reality in so far as it showed the power of a sovereign to control the ballot-box; and although the appeal was made by means of universal suffrage, the tendency of the proceeding was to despotism.

Cæsar began as a moderate ruler, and was at first content with reasonable authority, but having tasted the sweets of additional power, conferred upon him by a people dazzled by his victories and over whom he had thrown the glamour of his military genius, he stripped them by degrees of all authority, and was only prevented from reducing them to absolute subjection by the knife of the assassin.

Cromwell first appeared as the defender of the liberties of Britain, and in that exalted role swept the haughty Stuart from his throne, and overthrew one of the proudest monarchies of earth. In its place rose a crude government resting after a fashion on the popular will. But when Cromwell became its head, he struck down with a mailed hand the liberties of his countrymen, absorbed their rights and privileges, and gathered together in his cabinet all the elements of supreme power.

Bonaparte having tasted the meats on which great Cæsar fed, finally drove Frenchmen from the banquet board and claimed a monopoly of the feast.

James the Second ascended the throne of his ancestors and swayed the scepter over a people ever jealous of their liberties. His government, by slow but sure degrees, absorbed the rights of the estates of the realm, and it was not until the aggressions became so bold and menacing that the people, alarmed, arose by a common impulse and regained the power they had lost.

Our own country, Mr. Chairman, has furnished a few instances of the encroachments of power worthy of remembrance by a liberty-loving people; when the bayonets of Federal soldiers, moving at the command of the Executive, expelled the Legislatures of sovereign States from their halls, that part of our history could be interwoven with the history of European dynasties and pass for a link in the chain of great wrongs which arbitrary rulers have inflicted upon a submissive people.

THIS IS NO SECTIONAL QUESTION.

Its range is too broad and its effects too general to be confined to any section. It addresses itself to every lover of his country all over the land, and I have been surprised at the effort to give its discussion a sectional character. Some gentlemen have even gone through the history of the war, invoking its memories to divert attention from the real issue. While I have no sympathy with the motive which prompted these gentlemen to pursue that course, I desire to say that the sad experiences of that terrible war kept fresh in our memories should aid us in subduing our passions and restrain us from acting rashly or unwisely in the discussion of questions so directly affecting the rights and liberties of the people. The great lessons gathered from the thousand battle-fields of that great conflict should be ever present with us to keep our feet in the paths of peace and fraternal union. Both sides should cherish these memories, not in a spirit of bitterness, nor with animosity, but with that feeling of respect and esteem which should animate all men who are capable of sacrificing life in support of their convictions.

Mr. Chairman, one by one representative southern men have taken seats on this floor, until the voice of the entire South is heard in behalf of peace, Union, and prosperity. We have returned to our places in this great Union not as captors of Congress, as some would have you believe, nor with any such purpose, but as servants of the people, inspired by a manly purpose to co-operate with our countrymen from all sections in securing prosperity and peace to our people and in promoting the progress of this great country toward that high destiny which can only be reached through the genius and energy of the American people.

We are here, Mr. Chairman, not to ask favors or to demand anything but even-handed justice. We are not here to parade the many outrageous wrongs which have been perpetrated upon our people under the forms of law in days that are past, but to call to the attention of the country the great present evils of existing law when its execution is intrusted to corrupt and partisan courts.

This great Government belongs to us as much as to the people of any other section of country. We have as much interest in protecting and preserving its life as the gentlemen who fought on the other side. Its existence and prosperity is as necessary to our advancement and general welfare as to any other class of the American citizens; and the democratic party of the South is to-day ready, in the pride and manhood of American citizenship, to shoulder arms and march to the field under the Stars and Stripes in defense of the Constitution as it stands with all its amendments.

The people of the South are as law-abiding and liberty-loving as the people of the North. Every legislative act of our people, whether in the Federal Legislature or in their State Legislatures, has tended to promote universal freedom and the common welfare of man.

The Origin and Growth of the Tribunician or Veto Power.

SPEECH OF HON. J. B. BELFORD,

OF COLORADO,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, April 17, 1879,

On the bill (H. R. No. 2) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes.

Mr. BELFORD. Mr. Chairman, the year 259 of the Roman state was characterized by events whose influences have had a marked effect on the fortunes of the civilized world. Appius Claudius, a man thoroughly patrician in his tastes and haughty and overbearing in his demeanor, was consul, and had for his colleague Publius Servilius. The city was threatened with a war on the part of its ancient enemy, the Volscians, and the common people, who in times past had composed the conquering legions of Rome, were actuated by animosities against the patricians, who were proceeding to collect the debts due them from the commons by the application of the most rigorous methods.

Daily the spirit of discontent increased, and finally burst into a flame by reason of the extraordinary suffering of one who, having filled the office of centurion, showed himself in the forum. His appearance denoted distress; his garb was squalid, and his figure shocking, pale and emaciated to the last degree. To those who inquired the cause of his wretched condition, he replied that in the Sabine war he had been a valiant soldier; that he had bravely fought the battles of his country; and that, while he had been engaged in defending the public liberties, his land had been subjected to grievous taxation by the patricians and himself forced to incur debts; that these debts, aggravated by usury, had consumed, first, his farm, which he had inherited from his father, then the remainder of his substance, and lastly, like a pestilence, had reached his person; that he had been dragged by a creditor, not into servitude, but into a house of correction, or, rather, a place of execution. He then showed his back disfigured with stripes.

The tumult spread from the forum throughout the city. Those who were threatened with imprisonment and those who had been released assembled together and an insurrection took its start in the streets of the eternal city. Appius, prompted by his violent temper, advised that the riot should at once be quelled by an exertion of the consular authority; that the arrest of a few of the ringleaders and their subjection to immediate punishment would have the effect to stay, if not wholly subdue, the storm. Servilius, a better politician and a statesman of broader views, counseled compromise and conciliation. He felt that the only way to stop the public clamor was to redress the public wrongs. In the midst of this discussion a horseman arrived from the Sabine country conveying the intelligence that the Volscian army was on its way to attack the capital. The patricians were inspired with terror, the commons with joy.

In the face of the fears of the aristocrat and the exultations of the plebeian, the senate was almost paralyzed, but finally summoned courage enough to instruct Servilius to conciliate the regard of the people in order that he might find means to extricate the commonwealth from the apprehensions and dangers with which it was beset. From the senate chamber Servilius betook himself to the rostrum. He admonished the people that while the enemy were at the gates it would be impolitic for the senate to enter upon a great workof reform, and that it would be wrong for the commons to refuse to take up arms in defense of their country, unless on condition that their grievances should be first redressed; that at a more auspicious period their injuries should be considered. This speech had its effect, and that effect was enlarged by a decree, which provided that no person should hold any Roman citizen in bonds or confinement or make sale of the goods of a soldier while upon service. On the publication of this

edict the commons gave in their names to the consul, enrolled themselves in the army, marched out against the Volscians, and conquered them.

Rome, relieved from her perplexities and dangers and dominated by the senate and the aristocracy, concluded to ignore the promises of reform that had been made in the hour of her danger. Appius advocated that the debtors should again be imprisoned, that the will of the commons should be crushed, and that the senate and aristocracy should be strengthened in their privileges. Servilius tried to curry favor with both sides, and earned the contempt of all. The people having given up all hope of protection from the consuls and the senate, applied their own remedies. When they saw a debtor led to court they flew together from all quarters and raised such a tumult that the sentence of the consul could not be heard. Thus matters stood until Aulus Virginius and Titus Vestusius were elected consuls in the year 260. Then the people, bent on redress, held nightly meetings, some on the Esquiline and others on the Aventine Mount.

These meetings were brought to the attention of the senate, which led to a great tumult in that body, the senators seeking to escape responsibility by placing it on the shoulders of the consuls. I will not recount the battles fought and the victories gained by the common people pending their negotiations with the senate. It is sufficient to say that their grievances were unredressed; that the senate was obstinate, the aristocracy defiant, and that the commons were finally driven into revolt. The commons retired to the sacred mount beyond the river Anio, three miles from the city, where they fortified their camp with ramparts and trench. This movement on the part of the people filled the senate with the gravest apprehensions. What would happen if a foreign enemy should attack the sacred city while the legions were discontented and mutinous?

It was decreed that an ambassador should be sent to treat with those in revolt. Menenius Agrippa, a man of eloquence and acceptable to the commons, was intrusted with this mission because he had been originally one of their body. The world will never forget the speech he made. The result was that negotiations were opened, a reconciliation effected on the terms that the plebeians should have magistrates of their own, invested with inviolable privileges, who might have power to afford them protection, and that it should not be lawful for any of the patricians to hold that office.

This treaty declared that any person who violated the privileges or person of the plebeian tribune should be devoted to Ceres, and any one might put him to death with impunity. These tribunes at their institution had limited powers; they sat on a bench without the senate, into which they were not admitted except when the consuls required their presence to give their opinion on some measure affecting the interests of the common people. Their sole function was to protect the people against any and all grievances sought to be imposed on them by their superiors, and their power extended no farther than one mile around the city. Such in brief is the history of the origin of the tribunes, whose veto power exerted such an immense influence on the history of Roman legislation.

The tribunician order was thus the outgrowth of a bitter struggle waged for years between those who held the powers of state and desired to monopolize all its privileges, and the common people, who had borne the burdens of numerous wars, who had felt the load of increasing taxation, and who yet received no protection from those for whose benefit they had so nobly struggled. It was a concession wrung by fear from a senate wholly composed of patricians, and a concession, too, which was only preserved by great efforts put forth by those to whom it had been made; a concession which was destined to be questioned for years afterward by those who granted it.

For we are informed that in the year 262, when a famine prevailed in Rome and corn was brought in from Etruria and Sicily, it was debated in the senate at what price it should be given the commons, and in that debate it was asserted by many, notably by Marcius Coriolanus, that the time had come to humble the commons and to recover those rights which had been extorted from the patricians. Marcius Coriolanus declared:

> If they wish to have provisions at the usual price, let them return to the patricians their former rights.

Happily these counsels did not prevail; the provisions were granted, and Coriolanus went into exile. Like all human institutions intrusted with power, the tribunician order enlarged its scope. Although originally designed to protect the people against the governing class, their officers were invoked to arbitrate and settle difficulties which perplexed the tribes from which they sprang. They became public guardians, and everybody by night or day had access to their houses. Soaring above the influence of the consuls, they convoked the senate and presented subjects for its discussion. They demanded of the consuls that they request the senate to make a *senatus consultum* for the appointment of persons to form a new legislature, and were present when the senate discussed it. If a haughty patrician violated the rights of the humblest citizen, they brought him to trial before the commitia of the tribes. From one step they proceeded to another until they obtained the right of intercession against any action which a magistrate might perform, and were required to give no reason for their conduct. They could not only order the consul to convoke the senate but restrain him from convoking it, and also prevent the proposition of new laws and the holding of elections.

If a law were objectionable or hastily passed they could place their veto upon it and either compel the senate to submit the subject to fresh consideration or to raise the session. While the senate was thus subject to them it did not disdain the use of their influence on the consuls if the public exigencies required the appointment of a dictator. If the consuls exhibited indifference to the decrees of the senate the tribunes compelled them to comply. The tribune, originally the child of the commons and the master of the senate, finally became one of its members by virtue of his office. Not content with the power to arrest the proceedings of the magistrates, they enjoyed that of compelling them to act, and any default could be visited by penalties, including that of being hurled from the Tarpean rock. They could not only control magistrates but submit to the tribes questions concerning peace with foreign nations and compel the senate to execute the will of the people.

Sulla, in his reforms, trimmed down their rights, but Pompey restored them. From the year 491 B. C. until five hundred years after the advent of our era they existed, and no man can measure the extent of their influence in shaping the destiny of a people whom the world regarded as its conquerors. Our institutions, however, having been patterned in a great measure after those of England, I have deemed it sufficient to allude to the origin of the veto power in Rome, without furnishing any special instances of its application. For many centuries after the accession of William the Conqueror to the British throne the boundaries which determined the sovereign's privileges and the people's liberty or power were but poorly defined. During the reign of William and for many years afterward the supreme legislative power of England was lodged in the King and his great council, composed of barons, archbishops, bishops, and abbots. The common people had nothing to do with this council. It was sufficient for them to pay what taxes were levied and to fight in the wars that were waged.

Indeed, in those early times men regarded a participation in legislative assemblies as a burden to be escaped rather than a right or a privilege to be enjoyed. They felt that neither the profit nor honor to be gained was proportionate to the trouble and expense incurred. The only protection which they aspired to was against their fellow-citizens, and this protection they sought for in the courts of justice or at the hands of their feudal lords. The House of Commons sprung into existence as much from the conviction of the monarch that an independent people such as the English could not be governed without their consent as from the wish of the people to be secure against the exercise of arbitrary power. The monarch was master not only of the executive but also of the judicial power, for the appointment of all judicial officers was in his hands. If the monarch would observe the great charter the people were content; if he failed they enforced obedience by withholding supplies

During the reigns of the Plantagenets and Tudors the common people were an insignificant factor in the problem of government, and from the time of Henry the Third down to that of Elizabeth, and, indeed, throughout the great part of her reign, it was not necessary for the monarch to stay the enactment of any law, because he determined what laws should be introduced, and interfered at the very first stages of legislation and arrested it if disagreeable to him. Why exercise the veto if an intimation to the speaker would prevent the reading of a bill? Why veto a measure if Parliament could be prorogued while considering it? In the year 1539 Parliament made a complete surrender of its liberties to Henry the Eighth by declaring that the proclamations issued by him should have the effect of laws and be perpetual in their character.

True, in the reign of Edward VI, this law was repealed, but Somerset, the protector, governed by proclamations, and Edward employed his dispensing power in setting aside the statute of precedency enacted during a former reign. In Elizabeth's time, a period regarded as glorious, Parliament was simply a servile tool in the hand of the Queen. In the Parliament held in 1571, a member seeking to redress certain abuses before the granting of a subsidy was informed by the speaker of a message from the Queen "to spend little time on motions and make no long speeches." When the Puritans in Parliament desired to correct the abuses existing in the government of the church, and sent a messenger to the Queen informing her that a bill looking to that end had been introduced, the Queen restrained the messenger from returning and the bill was dropped.

In 1572, when the Commons were desirous of absolutely excluding Mary of Scots from inheriting the crown, and even taking away her life, Elizabeth through one of her ministers informed them that she would neither have the Queen of Scots enabled or disabled to succeed, and any bill on the subject must be framed by her council. So, also, she informed them through the speaker that no bills concerning religion should be received unless they should first be considered and approved by the clergy; and she demanded to see certain bills which had been introduced. The bills were accordingly ordered to be delivered, accompanied by an humble apology.

Again, in 1581 the chancellor on confirming a new speaker admonished him that the House of Commons should not intermeddle in anything touching Her Majesty's person, estate, or church government. In 1575 Wentworth was sent to the tower for protesting against the Queen's interference with legislation then pending in the Commons; and who has forgotten the fate of the five questions which he propounded to the Commons touching the right of a member to utter by bill or speech "any of the griefs of this commonwealth?" Numer-

ous other instances might be cited from the history of those times of queenly interference with both Lords and Commons. Those above given, however, will show the powers claimed and exercised by the Tudors over legislation.

The Stuarts mounted the English throne with the most unlimited notions of the royal prerogative. They asserted not only a right to control its legislation, but also to determine the character and qualifications of the members of the House of Commons. James was a firm believer in the divine rights of kings, and declared that the existence of Parliament was a matter of privilege and not a constitutional right. He hesitated not to deliver to the Commons lectures on the kind of legislation they should adopt, and he freely criticised the provisions of certain bills then pending. He claimed the right to declare war and conclude peace without the intervention of Parliament. He levied and collected taxes and imposts on the merchants and resented the interference of the Commons. Instead of vetoing laws he undertook to rule the country by proclamations. Some of these proclamations altered certain existing laws, while others announced new ones, the offshoots of the royal breast. Of course there were frequent protests on the part of Parliament, and some compromises dangerous to liberty made, but the monarch sped on in his lawless career. Wearied of Parliament, he dissolved it and sought to rule alone. Failing in this, he again resorted to Parliament in order to secure supplies, and the Commons refusing supplies unless their grievances were redressed, he again dissolved it.

If the Commons protested he sent for the journal and erased the protest with his own hand. The last two parliaments held during his reign were dissolved without passing a single act except a subsidy one. The acts of the first Stuart were repeated by his son, and when bills were rendered to him for that assent which it had been necessary for the last two centuries to secure to give validity to a law, if he signed it it was with the protest that his prerogative was supreme. In Hampden's case the truculent judges of Charles had declared that the right of the King to tax was so inherent in the royal office that no act of Parliament could take it away. The revolution of 1640 imposed vigorous restrictions on the royal prerogative and established the English constitution such nearly as it exists now. It readjusted the shifting balance of political power and made executive domination over Parliament impossible. In the remonstrance made by the Commons to Charles, in 1641, it was claimed that on a right construction of the old coronation oath the King was bound to assent to all bills which the two houses of Parliament should offer, and this claim in the remonstrance was sustained on a division by a vote of 103 to 61, but Mr. Hallam states that this claim was repugnant to the whole history of English laws, and incompatible with the subsistence of the monarchy in anything more than a nominal pre-eminence.

After the death of Charles the republican party in the Commons voted that the people, under God, are the origin of all just power; and that whatever was enacted by the Commons in Parliament hath the force of law, although the consent and concurrence of the King be not had thereto.

When Cromwell assumed the reins of government, with the title of protector, the sovereignty still resided in Parliament; he had no negative voice on their laws. In the first Parliament which assembled after his accession to supreme power the members undertook to discuss the extent of his authority, and he dissolved that body with strong marks of his disfavor. From the next one he excluded ninety members who had been duly returned by their constituents. The instrument known as the petition and advice presented by Parliament to Cromwell, in May, 1657, did not mention the veto power, but it was taken for granted that no act could be valid without his assent. In the first Parliament assembled by Richard Cromwell, the negative voice of the lord protector in passing bills was discussed, but no definite resolution seems to have been reached thereon.

In the second Parliament under Charles II it was declared that there was no legislative power in either or both houses without the King. In 1679, when the bill looking to the exclusion of the Duke of York from the throne was pending in Parliament, in addition to the offers made by Charles, and which contemplated a solution of the difficulties which embarrassed the houses, it was proposed that the duke, in case of accession, should have no negative voice on bills. In the declaration of rights presented to William III by Halifax, as speaker of the House of Lords and in the presence of both houses, it was declared that the pretended power of suspending laws and that the dispensing with laws by regal authority as it had been assumed and exercised by the Stuarts was illegal. During the reign of this prince Parliament, in 1693, passed a bill concerning the holding of triennial Parliaments. The King refused his assent. The Commons determined to disapprove of His Majesty's conduct. The House formed itself into a committee to take the state of the kingdom into consideration. They resolved that whoever advised the King to refuse the royal assent to that bill was an enemy to their majesties and to the kingdom. They likewise presented an address expressing their concern that he had not given his consent to the bill and beseeched His Majesty to hearken for the future to the advice of Parliament rather than to the council of particular persons who might have private interests of their own separate from those of His Majesty and his people. The King thanked them for their zeal, expressed his warm regard for the constitution, and assured them he would look upon all parties as enemies who should endeavor to lessen the confidence between the sovereign and the people. The members were not satisfied with the reply. A day was appointed to take it into consideration; a warm debate ensued; at length the question being put that an address should be made for a more explicit answer, it was passed in the negative by a large majority. We meet with but one other veto from that day to this in English history, and that in the reign of Anne. Since 1707 any interference on the part of the Crown with the legislation pending before Parliament has been resented in unmistakable terms. One of the most brilliant speeches ever delivered by that great orator, Charles James Fox, originated in an attempt of the King to influence legislation.

On the 18th of November, 1783, Mr. Fox introduced his East India bill. It passed the Commons by a vote of 217 to 103, but when it reached the House of Lords it encountered a powerful and unexpected opposition. Earl Temple, a near relative of Mr. Pitt, had an audience with the King, in which the monarch stated "that whoever voted for the India bill were not only not his friends but that he should consider them his enemies." The statement was quietly circulated among the peers, and produced a profound effect. Peers who had previously declared in favor of the measure now announced themselves against it. The Duke of Portland alluded to these rumors. Lord Temple admitted the interview, but would say nothing further.

The Lords rejected the bill by a vote of 95 to 76. While the bill was pending in the House of Lords, Mr. Baker moved the following resolution in the Commons:

That it is now necessary to declare that to report any opinion or pretended opinion of His Majesty upon any bill or other proceeding depending in either house of Parliament is a high crime and misdemeanor derogatory to the honor of the Crown, a breach of the fundamental privileges of Parliament, and subversive of the constitution of this country.

He proved from the journals that—

Any reference to the opinions of the King touching a bill before either house had always been judged a high breach of the privileges of Parliament.

The motion was seconded by Lord Maitland and strenuously opposed by Pitt; but was carried by a majority of 73.

Fox was most bitter in his denunciations. He declared that the conduct of the King robbed Parliament of its rights, and that the royal conduct was a menace of immediate destruction. "From this moment," he exclaimed, "farewell to every independent measure." Since the settlement made with William the Third there has been but little occasion for the exercise of the veto. This settlement established a cabinet responsible to the Commons. The ministry can be ousted whenever they are not in accord with the popular sentiment as expressed by a majority in the house. If they introduce any legislation obnoxious to the majority of the Commons and the people, a vote of want of confidence arrests them or forces them to appeal to the people. Before passing to a consideration of the veto power in this country it may not be amiss to refer briefly to its existence in other European countries.

In Norway the King has a veto, but if three successive strothings pass the same measure it becomes a law in spite of the veto. In Sweden and the Netherlands the King has an absolute veto.

The government of France prior to the revolution was little else than an absolute despotism. "The Kings of France," says Mr. Hallam, "forced their ordinances down the throats of the Parliament of Paris with all the violence of military usurpers. No law in France had ever received the consent of the people's representatives." When the revolution came, and Louis XVI refused to sign the decree against the emigrants which doomed to death every man, woman, and child who sought safety in flight, and also the decree which doomed to death the ministers of religion who could not take the oath prescribed by the Assembly, the canaille of Saint Antoine and Marceau saluted the King as Monsieur Veto, the queen as Madame Veto, and the dauphin as the Little Veto. Indeed, when Marie Antoinette was cowering for protection in the room of the National Assembly, the howling crowd outside sung the song whose horrible burden was:

Madame Veto avait promis
De faire égorger tout Paris.

At the beginning of the French revolution the National Assembly in forming the constitution allowed a conditional veto only, but it was made absolute after the Bourbons were restored.

By the constitution of the French Republic of 1795 the executive power was lodged in a directory consisting of five members, nominated by the legislative body. This directory was charged with the promulgation and execution of the laws but enjoyed no veto power. The constitution of 1799 confided the executive power to three consuls whose official tenure was limited to ten years. Bonaparte, as first consul, had exclusive power to promulgate the laws and to nominate all officers, whether military, executive, or judicial. No act of the government took effect until signed by a minister. It required that every act of the Legislative Assembly should be promulgated by the first consul on the tenth day after its passage except when referred to the senate by reason of its constitutionality being questioned. The senate consisted of twenty-four members and had the power to review all acts and maintain on annul the same.

With all the examples of history before them, our fathers dealt expressly with this veto power; and I invite the attention of the House to what they did and what they said, and also to the interpre-

tation and use of this power by the various Presidents from Washington down.

The Constitution of the United States provides that every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect shall be approved by him, or being disapproved by him shall be repassed by two-thirds of the Senate and House of Representatives according to the rules and limitations prescribed in case of a bill. Again:

Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections to that House in which it shall have originated, who shall enter the objections at large on their Journal, and proceed to reconsider it. If after such reconsideration two-thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be reconsidered, and if approved by two-thirds of that House, it shall become a law.

It will be observed that the Constitution thus refers to all bills, orders, and resolutions of every character, and declares that before they become effective they must be presented to the President for his approval. They cannot have effect without this approval except in one way, namely, by a two-thirds vote in the House and Senate. Thus applying to all bills that Congress may pass, how can it be said that the veto power only searches out the unconstitutionality of an order or a bill? Is not this a pretense born of partisan necessities? The original resolution out of which this section of the Constitution grew was in the following words:

Resolved, That the National Executive shall have a right to negative any legislative act, which shall not be afterward passed unless by two-third parts of each branch of the National Legislature.

In the draft of the Constitution reported to the convention August 6, 1787, the section read as follows:

Every bill which shall have passed the House of Representatives and the Senate shall before it becomes a law be presented to the President of the United States for his revision. If upon such revision he approve it, he shall signify his approbation by signing it; but if upon such revision it shall appear to him improper for being passed into a law, he shall return it together with his objections against it to that House in which it shall have originated, &c.

On the 15th of August, 1787, when this section came up for consideration, Mr. Madison offered an amendment providing—

That every bill before it become a law shall be presented to the President of the United States and to the judges of the Supreme Court for the revision of each.

But this amendment was voted down. Afterward, the section as reported by the committee was approved. Luther Martin, in his celebrated speech before the convention, used the following language in reference to this section of the Constitution:

There were also objections to that part of this section which relates to the negative of the President. There were some who thought no good reason could be assigned for giving the President a negative of any kind. Upon the principle of a check to the proceedings of the Legislature it was said to be unnecessary; that the two branches having a control over each other's proceedings, and the Senate being composed of members from the different State Legislatures, and being composed of members from the different States, there would always be a sufficient guard against measures being hastily or rashly adopted; that the President was not likely to have more wisdom or integrity than the Senators, or any of them, or to better know or consult the interests of the States than any member of the Senate, so as to be entitled to a negative on that principle. And it was further urged, even if he was allowed a negative, it ought not to be of great extent as that given by the system, since his single voice is to countervail the whole of either branch and any number less than two-thirds of the other. However, a majority of the convention was of a different opinion, and adopted it as it now makes a part of the system.

Mr. Iredell, in the convention in North Carolina, said:

After a bill is passed by both Houses it is to be shown to the President. Within a certain time he is to return it. If he disapproves of it, he is to state his objections in writing; and it depends on Congress afterward to say whether it shall be a law or not. Now, sir, I humbly apprehend that whether a law passes by a bare majority or by two-thirds, which are required to concur after he shall have stated his objections, what gives active operation to it is the will of Senators and Representatives. The President has no power of legislation. If he does not object, the law passes by a bare majority; and if he objects, it passes by two-thirds. His power extends only to cause it to be reconsidered, which secures a great probability of its being good.

Mr. Benton in 1832, when discussing the veto of the bank bill, said:

Under our Constitution its only effect is to refer a measure to the people for their consideration and to stay its execution until the people could pass upon it and adopt or reject it at an ensuing Congress. It was a power eminently just and proper in a representative government, and intended for the benefit of the whole people, and therefore placed in the hands of a magistrate elected by the whole.

Mr. Tyler, in his message vetoing the United States Bank, said:

The veto power is the great conservative principle of our government, without he exercise of which a mere majority might urge the government in its legislation beyond the limits fixed by its framers.

President Polk on three occasions during his administration, having occasion to exercise the veto power, took up the subject in his fourth annual message, and treated it at great length and with conspicuous ability. In this message he affirmed it to be the highest duty of the President to protect the country against hasty and inconsiderate legislation; that in deciding upon any bill presented to him he must exercise his best judgment; that the only effect of withholding approval of a bill passed by Congress is to suffer the existing laws to remain unchanged, and the delay occasioned is only that required to enable the States and the people to consider and act upon the subject in the election of public agents who will carry out their wishes and instructions. Said he:

Any attempt to coerce the President to yield his sanction to measures which he cannot approve would be a violation of the spirit of the Constitution, palpable and flagrant; and if successful would break down the independence of the executive department, and make the President, elected by the people and clothed with the power to defend their rights, the mere instrument of a majority of Congress. A surrender on his part of the powers with which the Constitution has invested his office, would effect a permanent alteration of that instrument, without resorting to the prescribed process of amendment.

He held that it was a power designed by the framers of the Constitution to protect the small States against the great ones. Again, he says:

One great object of the Constitution in conferring upon the President a qualified negative upon the legislation of Congress was to protect minorities from injustice and oppression by majorities. The equality of their representation in the Senate and the veto power of the President are the constitutional guarantees which the smaller States have that their rights will be respected. Without these guarantees all their interests would be at the mercy of majorities in Congress representing the larger States. To the smaller and weaker States, therefore, the preservation of this power and its exercise upon proper occasions demanding it is of vital importance. To charge that its exercise unduly controls the legislative will is to complain of the Constitution itself.

Again, he says:

A bill might be passed by Congress against the will of the whole people of a particular State and against the votes of its Senators and all its Representatives. If he surrender this power, or fail to exercise it in a case where he cannot approve, it would make his formal approval a mere mockery, and would be itself a violation of the Constitution, and the dissenting State would become bound by a law which had not been passed according to the sanction of the Constitution.

Again he says:

The objection to the exercise of the veto power is founded upon an idea respecting the popular will, which if carried out would annihilate State sovereignty and substitute for the present Federal Government a consolidation directed by a supposed numerical majority.

The occasion of this elaborate argument of Mr. Polk was the doubt expressed by many in 1848 as to the propriety of exercising this veto power. I especially commend this message to the gentlemen of today who are engaged in coercive legislation, and also that of Mr. Pierce vetoing the French spoliation bill in 1855. In 1834, when the Senate passed a resolution censuring General Jackson for his conduct in reference to the public revenue, that heroic democrat sent to the Senate a most formidable protest, fragrant with the very spirit of the Tudors and Stuarts. He declared in this protest that the passage of this resolution was wholly unauthorized by the Constitution and in derogation of its entire spirit.

This protest provoked a great discussion, in which Webster, Clay, Calhoun, Benton, and others participated. Mr. Poindexter denounced this protest as a breach of the privileges of the Senate and unfit to be received by that body; he thereupon moved that the protest be not received. The resolution of Mr. Poindexter, after undergoing certain modifications, was carried by a majority of twenty-seven. Thus the Senate declared such a paper as sent in by Jackson a breach of its privileges. That body claimed that it did not reach up to the dignity of an executive message, and that it was such a communication as the President had no power to send and that the Senate could not receive. Mr. Webster assailed this protest in a most elaborate speech and declared that "*it was a paper not called for by the exercise of any official duty;*" that it smacked of the very spirit of Louis XIV and Napoleon I when each declared "I am the State."

The resolution adopted by the Senate was afterward expunged, and no democrat ever questioned the right of Jackson to send the protest.

From the beginning of the Government to this time ninety-six vetoes have been sent to Congress, as will be seen from the subjoined table:

Vetoes.

Date.	Legislation.	Reasons assigned.	Result.
WASHINGTON.			
April 5, 1792	Apportionment of members.	Impracticable.	Not passed.
Feb. 28, 1797	Reduction of the Army..	Injudicious and unjust.	Not passed.
MADISON.			
Feb. 21, 1811	Incorporating church in Alexandria.	Violates Constitution.	Not passed.
Feb. 28, 1811	Incorporating church in Mississippi.	Violates Constitution.	Not passed,
April 3, 1812	District courts trials..	Bad precedent, vicious.	Not passed.
Nov. 6, 1812	Naturalization privileges.	Liable to abuse by aliens..	Pocket veto.
Jan. 30, 1815	Establishing United States Bank.	Does not meet public requirements.	Not passed.
Mar. 3, 1817	Internal improvements..	Unconstitutional.	Not passed.
MONROE.			
May 4, 1822	Cumberland road aid ...	Unconstitutional.	Not passed.
JACKSON.			
May 27, 1830	Maysville road.....	Unequal distribution of Government aid.	Not passed.
May 29, 1830	Washington turnpike...	Unequal grant of Government aid.	Not passed.
Dec. 7, 1830	Light-house appropriation.	Too liberal	Pocket veto.

Vetoes—Continued.

JACKSON—Continued.

Date.	Legislation.	Reasons assigned.	Result.
Dec. 7, 1830	Louisville and Portland Canal.	Private corporation	Pocket veto.
July 10, 1832	Bank of United States, modifying charter.	Discriminates and unwise.	Not passed.
Dec. 6, 1832	Interest to States	Improper precedent in allowance of interest.	Pocket veto.
Dec. 6, 1832	Harbor and river appropriation.	Government control of internal improvements.	Pocket veto.
Dec. 4, 1833	Clay's land bill.....	Unjust discrimination and distribution.	Pocket veto.
Dec. 2, 1834	Wabash River aid	Unjust distribution of Government funds.	Pocket veto.
June 9, 1836	Time of meeting and adjournment of Congress.	Conflicting with Constitution.	Not passed.
Mar. 3, 1837	Funds received for United States revenue.	Complex and uncertain...	Pocket veto.

TYLER.

Aug. 16, 1841	Fiscal Bank of United States.	Unconstitutional	Not passed.
Sept. 9, 1841	Fiscal Corporation of United States, second bill.	Unconstitutional and inexpedient.	Not passed.
June 29, 1842	First tariff bill.....	Suspends compromise tariff act.	Not passed.
Aug. 9, 1842	Second tariff bill.....	Provides distribution public lands.	Not passed.
Dec. 14, 1842	Repeal section 6 public land bill.	Provides distribution public lands.	Pocket veto.
Dec. 14, 1842	Regulating contested elections.	No time for consideration.	Pocket veto.
Dec. 18, 1843	Payment awards to Cherokee Indians.	Loose methods of payment.	Pocket veto.
June 11, 1844	Eastern harbor appropriation.	Too general.....	Not passed.
Feb. 20, 1845	Revenue-cutter bill	Interferes with existing contract.	Passed.

POLK.

Aug. 3, 1846	River and harbor appropriation.	Too general and liberal, there being no pressing necessity.	Not passed.
Aug. 8, 1846	French spoliation claims	Contemporaries did nothing.	Not passed.
Dec. 15, 1847	Internal improvement..	Interference with State rights.	Pocket veto.

PIERCE.

May 3, 1854	Aid to indigent insane..	Improvident and unconstitutional.	Not passed.
Aug. 4, 1854	River and harbor appropriation.	Too general in character..	Not passed.
Feb. 17, 1855	French spoliation claims	Amount, nature, and time transpired.	Not passed.
Mar. 3, 1855	Ocean mail appropriation.	Favors contractors against the United States.	Not passed.
May 19, 1856	Removing obstructions in Mississippi River.	Internal improvements by General Government.	Passed.
May 19, 1856	Channel over Saint Clair Flats.	Internal improvements by General Government.	Passed.
May 22, 1856	Channel over flats in Saint Mary's River.	Internal improvements by General Government.	Passed.
Aug. 11, 1856	Des Moines Rapids, in Mississippi River.	Internal improvements by General Government.	Passed.
Aug. 14, 1856	Patapsco River, port of Baltimore.	Internal improvements by General Government.	Not passed.

BUCHANAN.

Feb. 24, 1859	Aid to agricultural colleges.	Inexpedient and unconstitutional.	Not passed.
Jan. 7, 1859	Mail from Saint Joseph to Placerville.	Contractors would do for less.	Pocket veto.
Jan. 22, 1860	Homestead bill.....	Unequal, unjust, and inexpedient.	Not passed.
Jan. 25, 1861	Relief of Hockaday & Leggit.	Conflicts with rights of Postmaster-General.	Pocket veto.

LINCOLN.

Jan. 5, 1865	Joint resolution to correct clerical errors in revenue act.	In order that all errors may be included.	Not passed.

JOHNSON.

Mar. 27, 1866	Granting civil rights....	Unconstitutional and unwise.	Passed.
Feb. 19, 1866	Freedmen's Bureau.....	Not consistent with welfare of the country.	Passed.
May 15, 1866	Admission of Colorado..	Unconstitutional; no necessity.	Not passed.
June 15, 1866	New York and Montana Iron Mining and Manufacturing Company.	Benefit private corporation.	Not passed.

Vetoes—Continued.

JOHNSON—Continued.

Date.	Legislation.	Reasons assigned.	Result.
July 15, 1866	Montana surveying district.	Benefit of private corporations.	Passed.
July 16, 1866	Freedmen's Bureau continuing in force.	Not consistent with welfare of country.	Passed.
Jan. 5, 1867	Suffrage in District of Columbia.	Being unprepared; degrades the trust.	Passed.
Jan. 29, 1867	Admission of Nebraska.	Incompatible with public interests.	Passed.
Mar. 2, 1867	Government of the rebel States.	Establishes military rule; unconstitutional.	Passed.
Mar. 26, 1867	Regulating tenure of civil offices.	Unconstitutional.	Passed.
Mar. 23, 1867	Supplemental to reconstruction act.	Strengthens military rule.	Passed.
July 19, 1867	Supplemental to reconstruction act.	Strengthens military rule.	Passed.
July 19, 1867	To carry into effect reconstruction.	Gives military unlimited power.	Passed.
Mar. 25, 1868	Amending judiciary act	Unconstitutional.	Passed.
June 20, 1868	Admitting Arkansas....	Supersedes mode prescribed by Constitution.	Passed.
June 25, 1868	Admission of North Carolina, South Carolina, Louisiana, Georgia, Alabama, and Florida.	Supersedes mode prescribed by Constitution.	Passed.
July 20, 1868	Excluding electoral votes of rebel States.	Implied previous erroneous views.	Passed.
July 25, 1868	Freedmen's Bureau discontinued.	Interference with executive right.	Passed.
Feb. 13, 1869	Colored schools, Washington and Georgetown.	Contrary to wishes colored people.	Not passed.
Feb. 22, 1869	Copper tariff.....	Discriminates against other industries.	Passed.

GRANT.

Jan. 11, 1870	Relief of Rollin White..	Reasons by Chief of Ordnance.	Not passed.
Jan. 4, 1871	Relief of Charles Cooper and others.	Discriminates against Government.	Not passed.
Mar. 28, 1872	Relief of Dr. John F. Hanks.	Erroneous premises	Passed.
April 1, 1872	Relief of James T. Johnson.	Further consideration....	Not passed.
April 10, 1872	Relief of children of John M. Baker.	Passed on erroneous premises.	Not passed.
Jan. 6, 1873	Relief of Edmund Jussen.	Ineffective	Not passed.
Jan. 22, 1873	Reducing life of Court of Claims.	Justice can now be done..	Not passed.
Feb. 8, 1873	Relief of James A. McCullah.	Non-performance of duty.	Not passed.
April 10, 1874	Relief of William Denniston.	Reasons by Secretary of War.	Not passed.
April 22, 1874	Inflating the currency...	Inoperative.....	Not passed.
May 12, 1874	Relief of Joab Spencer and James R. Mead.	Insufficient amount.....	Not passed.
Jan. 30, 1875	Relief of Alexander Burtsh.	Reasons by Secretary of War.	Not passed.
Feb. 3, 1876	Indian trust funds	Reasons by Secretary of the Interior.	
May 26, 1876	Conveyancing in District of Columbia.	Reasons by Adjutant-General.	
July 11, 1876	Relief of Nelson Tiffany.	Reasons by Secretary of War.	Passed.
July 13, 1876	Relief of Eliza Jane Blumer.	Reasons by Secretary of the Interior.	
July 20, 1876	Amend sections 3496, 3951, and 3954, Revised Statutes.	Reasons by Postmaster-General—failure of object.	
Aug. 14, 1876	Restoring Captain Ed. S. Meyer to the Army.	Reasons by Secretary of War.	
Aug. 15, 1876	Repairing Pennsylvania avenue.	No date for fulfillment of contract.	
Jan. 15, 1876	Proof in homestead entries.	Reasons by Secretary of the Interior.	
Jan. 15, 1877	Supply blankets to Reform School.	No funds for purchase.	
Jan. 23, 1877	Police, District of Columbia.	Duties should devolve upon commissioners.	Not passed.
Jan. 26, 1877	Congratulations from Argentine Republic.	Infringes upon rights of Executive.	
Jan. 26, 1877	Congratulations from Republic of Pretoria.	Infringes upon rights of Executive.	
Feb. 14, 1877	Relief of Alfred Rowland.	Reasons by Secretary of War.	Not passed.
Feb. 14, 1877	Perfecting revision of Revised Statutes.	Neither fair nor useful..	Not passed.
Jan. 26, 1877	Relief of Daniel N. Kelley.	Reasons by Secretary of War.	Not passed.

HAYES.

Feb. 28, 1878	Standard silver dollar ...	Impairs public credit.....	Passed.
Mar. 6, 1878	Special term of circuit court in Mississippi.	Cannot be done in time...	Not passed.
Mar. 1, 1879	Restricting Chinese immigration.	Violates treaty obligations.	Not passed.

No man can examine these various vetoes and doubt for a moment that all our Presidents entertained the most liberal notions as exerextent of the power, and not one of them ever shrank from itsto the cise when in his judgment the public welfare required Congress to halt and reconsider its action. The President as truly holds in his hands the scales by which the merit of legislation is to be determined as the legendary goddess holds in her hands the scales by which justice is meted out to suitors. It was not designed by our fathers that Congress should become the master of the country. They knew and Jefferson declared that the tyranny that would ingulf the liberties of the people would grow out of the intemperate and lawless partisan zeal of the legislative branch of the Government, and he so informed Madison. I cannot close my speech in a better way than by citing the following words written by his pen:

All the powers of government, legislative, executive, and judicial, result to the legislative body. The concentrating these in the same hands is precisely the definition of despotic government. It will be no alleviation that these powers will be exercised by a plurality of hands and not a single one. One hundred and seventy-three despots would surely be as oppressive as one. Let those who doubt it turn their eyes on the republic of Venice. As little will it avail us that they are chosen by ourselves. An elective despotism was not the government we fought for, but one which should not only be founded on free principles, but in which the power of government should be so divided and balanced among several bodies of magistracy as that no one could transcend their legal limits without being effectually checked and restrained by others. For this reason that convention which passed the ordinance of government laid its foundation on this basis that the legislative, executive, and judicial departments should be separate and distinct, so that no person should exercise the powers of more than one of them at the same time.

Legislative, etc., appropriation bill.

SPEECH OF HON. T. M. GUNTER,

OF ARKANSAS,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, April 17, 1879,

On the bill (H. R. No. 2) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes.

Mr. GUNTER. Mr. Chairman, I feel compelled by a sense of duty to my constituents, to the men who have four times honored me with their confidence and intrusted to me the responsibilities that rest upon a Representative in the American Congress, to state my reasons why I shall vote for the pending bill and the particular amendments now under discussion. I would not have considered this duty so imperative had not some of the gentlemen on the other side of the House adopted the line of argument they have; but, sir, when I hear it said upon the floor of this House by honorable gentlemen representing—or as I firmly believe, in making such statements, misrepresenting—constituencies from other sections that the people of my section are such guilty wretches that a horde of partisan United States marshals must be present at an election where they exercise the highest privilege accorded to freemen, that of selecting the men who shall make laws for them, to prevent these freemen from depriving other equally free men from the free exercise of the same privilege; and that it is necessary to exclude by an odious test oath all the intelligence of the country from the jury-box, under the false, the infamously false assertion that partisan feeling will weigh more strongly with them than the sanctity of an oath to administer justice; then, sir, I can no longer remain silent; I must rise in my place, as the representative of a southern constituency, and repel the slander, for, Mr. Chairman, it is a slander so vile that parliamentary usages and a sense of what is due to the high position of an American Representative prevent me from using the only language that could properly characterize it.

One other thing that has been harped upon until the subject is worn threadbare, and the iteration has become as monotonous as the beating of a tom-tom, is the statement that we upon this side of the House—we who represent upon this floor a majority of the American people—are controlled by a party caucus, and that party caucus is controlled by "confederate brigadiers." Mr. Chairman, I suppose, as I served in the confederate or, as some of the members here choose to term it, "the rebel army," that I am one of those intended to be designated by the term "confederate brigadier." It is intended as a reproach, but I do not so consider it. When in the great conflict, which was forced upon the country by the predecessors in this body of the gentlemen who now roll the term "confederate brigadier" as a sweet morsel under their tongues, I did what every brave, honest man of sound body and the proper age all over the country did, I volunteered in a sectional war to fight for my section, and to the best of my ability discharged my duty as a soldier.

The struggle was Titanic, and when after four years of heroic warfare, four years of which when an impartial history is written it will be recorded that the people of the South displayed a constancy and courage unparalleled in the annals of time—when, I say, at the close of these four years we sank exhausted, "bleeding at every pore," before the superior numbers brought against us, I in common with the other soldiers of the South laid down my arms, never more to be resumed in that cause. I took the oath to observe and obey the Constitution of the United States, and I have and I intend to abide by that oath. No man on this floor, no man in this country, from where the bleak waves of the Atlantic break upon the sterile and rock-bound shores of Maine to where the balmy breezes of the Pacific ruffle the waters of the Golden Gate of California, from where the icy winds of the north chill the marrow of the denizens of Minnesota to where the zephyrs of the Gulf scatter the orange blossoms of Florida, has the future prosperity and growth of this great country, the country of your fathers and of mine, more at heart than the "confederate brigadier" who now addresses you.

And I believe that in saying this I express not alone my own sentiments, but that of every confederate soldier, not only on the floor of this House, but of every one who honorably discharged his duty as a soldier. In time of war I endeavored to discharge my duty as a soldier, how I did it I shall leave others to say; in time of peace I shall as earnestly endeavor to discharge my duty as a citizen, true to every obligation that the name implies. But, sir, enough of this; I am not here to rake up the memories of the past, but to speak of the living present. Gentlemen on the other side may act as the actual hyena or fabled ghoul and dig into the graves of the dead for materials to color their ensanguined banner; I will none of it. The flag under which I am ranged has inscribed on its pure folds, "Unity, peace, concord, prosperity, for all and every part of our common country," and I would not have said one word of the past but for the language of some of the gentlemen on the other side.

Mr. Chairman, I shall not attempt to give verbatim the laws that it is proposed to repeal by attaching them to the appropriation bills. I shall state their substance and then give the reasons why I have voted and intend to vote for the repeal. One of these laws provides that the President of the United States shall have the power to station troops at the polling places where freemen assemble to exercise the right of franchise. That we have repealed. Another denies to any one the right to sit upon a jury unless he can take an oath that he did not sympathize with the rebellion. Another provides than an unlimited number of deputy United States marshals may be directed to attend any polling place, and, in the language of the law, "preserve order;" and still another provides for supervisors who shall scrutinize every ballot cast. These last we intend to repeal and modify until they shall have been brought into accord with the organic law of the land. This briefly summarizes the questions that have been and are before us. Gentlemen in the minority attack the majority for having attached the repeal of these measures to the bills which provide the money to maintain the Government and denounce our action in so doing as "revolutionary." Some of the leaders of the minority have said that if we would present the repeal of these laws as a separate measure they would vote for it. This is a confession on the part of the minority that the laws are unjust and should be repealed, for which confession I return them my thanks, as it can be clearly shown by precedent and law that our action in attaching them to the appropriation bills is just and proper.

The framers of our written Constitution, the organic law by which we are all governed, were largely influenced by the precedents which, through centuries of growth, had established both the written and the unwritten law of England, the mother country from which most of those who formed our laws had descended. We may, then, safely appeal to these precedents as a rule to guide our action. In constructing this organic law its makers were exceedingly careful to define the powers granted to each of the co-ordinate branches of the Federal Government and those which pertained to the sovereign States, that in forming the confederacy were surrendering a portion of their sovereignty and retaining the remainder. Following the English precedent which gave to the House of Commons the right to grant or withhold supplies from the Crown, our Constitution gave to the Representatives of the people the power to provide the means of maintaining the Government. It is, then, pertinent to inquire why the English House of Commons, the prototype of this House, was empowered to grant or withhold supplies. The answer is easily given. It was to place in the hands of the Representatives of the people the means of forcing the Executive to grant such measures of relief as those Representatives might conceive to be needed for the good of the country and the welfare of the people.

This being so, have we not the reason why the framers of our Constitution made a similar provision? Was it not because these wise and far-seeing men who had created a country feared that the time might come when the Executive would attempt to usurp powers not conferred on him, or refuse to sanction measures that the Representatives of the people demanded, that they gave to these Representatives the power to enforce their wishes? You will observe, Mr. Chairman, that in using this language I am, for the sake of argument, admitting the charge made by gentlemen on the other side of the House, that "the confederate brigadiers propose to force the President to sign the bill repealing these laws, or they will 'starve' the Government to death." In fact I do not admit the charge, for I have too high an opinion of the gentleman who is the Chief Executive officer of this great nation to believe that he will place himself in opposition to the will of the people, as expressed by their Representatives, on questions so momentous as those now before us; nor do I believe that any one on the other side has any warrant for the assumption that the President will veto the appropriation bills passed by this Congress. But, sir, I say that the language of the Constitution warrants the con-

clusion that its framers had in view just such an emergency as has arisen when they gave the House of Representatives the sole power of originating appropriation bills, and denied to any executive officer the power to expend public money until it had been duly appropriated. That was the sword the House of Commons held to coerce the King of England, and it is the sword given to the American Representatives to coerce the Executive should the time ever arrive when such coercion is necessary.

I desire to revert to a few examples from English history. In the time of Charles I the majority of the House of Commons was composed of Protestants, while Charles was a Roman Catholic. In January, 1628, the king desired a bill passed granting him certain moneys to arise from "tunnage and poundage." The Commons refused to consider the bill, because they conceived some legislation was necessary. The king sent three messages to the house, insisting upon the passage of the "tunnage and poundage" bill before the other was considered. The house refused, and presented the king with an address to this effect:

That they had within these three days received his message for their present entering upon the consideration of a grant of tunnage and poundage, but the manner of possessing the house therewith being disagreeable to their orders and privileges they could not proceed therein. That they cannot but express their trouble to be inforced to spend that time in apologies, which might be spent in the service of his majesty and the commonwealth. That finding the extreme dangers wherewith our religion is threatened, they think they cannot, without impiety to God, disloyalty to his majesty, and unthankfulness to those who have trusted them, retard their proceedings until something be done to secure them in this main point.

And they concluded by respectfully asking the king to attend to their declaration before any other business. The king refused, and said:

That he must either want power or be very ill counseled if religion be in so much danger as they affirm, and he desires the bill of tunnage and poundage may be dispatched to put an end to the questions that have arisen between him and some of his subjects, and thinks it strange that this business of religion should only be a hinderer of his affairs.

Mr. Chairman, could there be a more perfect parallel than this is to the circumstances under which this Congress was convened in extraordinary session. A majority of the last House of Representatives believed that the rights and liberties of the people were in danger. The only method by which they could compass the desired relief was by refusing the appropriations until that relief was granted. They did so, and this Congress was convened, a message was sent by the Executive stating the necessity of certain appropriations being made to maintain the Government. So far the parallel is complete. Like our predecessors in the last Congress, we believe that the rights, privileges, and liberties of the citizens are in danger unless certain measures of relief are granted. We are ready to make the asked-for and needed appropriations, but we say that the relief must be granted at the same time. Is there anything "revolutionary" in that? Unlike the English House of Commons, we have no "apologies" to offer to the Executive for our course. We do not have to account to him for our action, but to the people who sent us here, and, like the "Commons," we cannot grant these supplies without "unthankfulness to those who trusted us," unless in granting them we guard the liberties and privileges of the people from danger.

Now, sir, I desire to show how the liberties of the people are endangered by the laws which were placed upon our statute-books at a time when partisan zeal led the Congress of the United States to disregard the Constitution. Our constitutional Republic is founded upon the theory that government is made for the governed. Our forefathers declared:

That all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness.

Upon this theory thus set forth our Constitution was framed. The sovereign power rests in the people, the whole people of the country. Not a part, but all of them. If they are not capable of self-government, then our system is a failure and our Republic must add one more to the long list of ineffectual efforts made by the people of almost every age and country to govern themselves. We must confess this, or concede that elections must be free. Can elections be free if the Executive head of the nation, the Commander-in-Chief of the Army and Navy, may at his pleasure order the officers, soldiers, and sailors under his command to guard the ballot-boxes? Guard them from what and for what? From the citizen who desires to deposit his ballot, who wishes to express his will. Is that the way to form a government "which derives its just powers from the consent of the governed?"

Sir, you may search the Constitution from beginning to end and you will find no line or sentence, no word or letter, that will justify any enactment that will uphold the Executive of this nation in ordering any officer, soldier, sailor, or marine to be present at any poll in any State or Territory of this Union. Were such line or sentence, word or letter, to be found, it would be in direct violation of and opposed to the whole tenor of the instrument, and would be void and of no effect. But, sir, nothing that can be fairly construed to contain such a grant can be found. The law on the statute-book which permits it is void, not voidable, but absolutely void as being contrary to the letter and spirit of our organic law. Hence its repeal is demanded, not only because of its unconstitutionality, but because of the danger that such a power could be made to the liberties of the people.

Our English forefathers understood this question well, and as far back as 1735, one hundred and forty-four years ago, the English Parliament passed a law making it a penal offense, which incapacitated the secretary at war from ever after holding any military or civil position, should he fail to issue an order directing the removal of any soldiers that might be stationed in any town or city at least two miles from said town or city on the day when an election was to be held. When we remember that at the time this law was passed soldiers were stationed in almost every city and town in England, we can see how important the English Parliament considered the removal of all appearance of executive interference with the freedom of elections. The distinguished Senator from Maine endeavored to ridicule the idea of executive interference because of the fact that but few soldiers could be used at the polls. It is not the few hundred soldiers scattered over this vast country that creates apprehension in the minds of the people. No, sir; that apprehension flows from a different cause; from the fact that a power is usurped that has never been confided to the Federal Government. "That way the danger lies." If we submit to one usurpation of power another may follow, and still another, until within a short space of time all the rights of the States may be swallowed up and a central despotism established at Washington. But enough of that. I shall pass on to consider other questions.

The right of trial by a jury of his peers is one of the most inestimable conferred by our Constitution; one that has descended to us by inheritance since the days when the Saxon Wittenagemote made laws for England. It is the safeguard of life, liberty, and prosperity; the brightest jewel in the diadem of liberty. Shortly after the close of the war of the rebellion, when the angry passions it aroused were still at a white heat, when most of the people of the South were looked upon with distrust, Congress enacted that any person should be disqualified for serving upon any jury in a United States court, for the following causes:

Without duress and coercion to have taken up arms or to have joined any insurrection or rebellion against the United States; to have adhered to any insurrection or rebellion, giving it aid and comfort; to have given, directly or indirectly, any assistance in money, arms, horses, clothes, or anything whatever, to or for the use or benefit of any person whom the giver of such assistance knew to have joined, or to be about to join, any insurrection or rebellion, or to have resisted, or to be about to resist, with force of arms the execution of the laws of the United States, or whom he had good ground to believe to have joined, or to be about to join, any insurrection or rebellion, or to have resisted, or to be about to resist, with force of arms, the execution of the laws of the United States; or to have counseled or advised any person to join any insurrection or rebellion, or to resist with force of arms the laws of the United States.

And it further enacted that the court or district attorney might exclude any one from a jury who would not take the following oath:

You do solemnly swear (or affirm) that you will support the Constitution of the United States of America; that you have not, without duress and constraint, taken up arms or joined any insurrection or rebellion against the United States; that you have not adhered to any insurrection or rebellion, giving it aid and comfort; that you have not, directly or indirectly, given any assistance in money or any other thing, to any person or persons whom you knew, or had good ground to believe, to have joined, or to be about to join, said insurrection or rebellion, or to have resisted, or to be about to resist, with force of arms, the execution of the laws of the United States; and that you have not counseled or advised any person to join any insurrection or rebellion against, or to resist with force of arms, the laws of the United States.

The effect of that law, when it is enforced in any of the States lately in rebellion, is to exclude nine-tenths of the white people of those States from the jury-box. In other words it excludes intelligence, for but a small minority of the white men of the South can take that oath. Is it "a jury of his peers" when an intelligent white man accused of crime is compelled to be tried by a jury of ignorant negroes? The gentlemen on the other side of the House will not answer affirmatively, for they know such an answer would be untrue.

The next law which it is proposed to repeal in this bill is that authorizing the appointment of deputy United States marshals to attend the polls in all cities of twenty thousand or more inhabitants. The alleged object of this law is that—

The marshal and his general deputies, and such special deputies, shall keep the peace, and support and protect the supervisors of election in the discharge of their duties, preserve order at such places of registration and at such polls, prevent fraudulent registration and fraudulent voting thereat, or fraudulent conduct on the part of any officer of election, and immediately, either at the place of registration or polling place, or elsewhere, and either before or after registering or voting, to arrest and take into custody, with or without process, any person who commits, or attempts or offers to commit, any of the acts or offenses prohibited herein, or who commits any offense against the laws of the United States.

This, I say, is the alleged object of the law, but not the true reason for its passage. That was to prevent and intimidate voters in sections where the United States Army could not be used for that purpose. The Army could be used to intimidate and drive voters from the polls in the democratic South, but not in democratic New York, and therefore "Johnny" Davenport was invented for that purpose, for this law at its inception simply meant "Johnny" Davenport. He, or some other like him, was to be intrusted with power to harass and destroy democrats, to drive them from the polls, and thus secure republican success. The testimony taken in New York and Philadelphia by the Senate committee presided over by Senator WALLACE, of Pennsylvania, shows what kind of men were selected as

special deputies and what kind of service was expected of them. Their business was to as far as practicable reduce the democratic vote, and the arrest of reputable citizens, seeking to exercise one of the privileges of citizenship, was intrusted to men many of whom, if they had received their deserts, would have been breaking stone inside the walls of some penitentiary. Another duty besides that of harassing democrats was confided to their "specials." They were to act as canvassers to hunt up republicans and bring them to the polls, and for this they were to be paid by the Government; and well paid, too, if we can judge of the total amounts by what we have been able to ascertain. In answer to a resolution of this House asking for the amount expended in 1878 for supervisors and deputy United States marshals, Mr. John Sherman, Secretary of the Treasury, submits the following as the amount already settled:

Supervisors and deputy marshals employed in 1878, *with compensation.*

States and districts.	Amount paid chief supervisors.	Number of supervisors.	Amount paid supervisors.	Number of deputy marshals.	Amount paid deputy marshals.	Total amount paid.
Alabama, southern	$1,551 71	.....	$1,000 00	.....	$1,000 00	$3,551 71
Georgia	.....	.....	.....	34	170 00	170 00
Illinois, northern	.....	224	4,480 00	224	2,240 00	6,720 00
Kentucky	116 00	.....	870 00	.....	870 00	1,856 00
Louisiana	1,313 00	206	3,600 00	120	4,000 00	8,913 00
Maryland	351 03	230	2,950 00	700	4,445 00	7,746 03
Michigan, eastern	.....	52	1,300 00	.....	2,935 00	1,435 00
Massachusetts	.....	282	8,460 00	.....	135 00	11,395 00
New Jersey	7,324 84	148	3,050 00	192	2,880 00	13,254 84
New York, southern (city)	.....	1,225	30,000 00	1,350	27,000 00	57,000 00
New York, eastern	15,972 33	354	10,620 00	584	6,500 00	33,092 33
New York, northern	7,558 80	374	11,000 00	374	7,000 00	25,558 80
Ohio, southern	740 45	.....	890 00	71	447 78	2,078 23
Pennsylvania, eastern	5,830 00	1,370	27,440 00	750	7,550 00	40,820 00
Pennsylvania, western	.....	312	3,121 00	.....	.....	3,121 00
South Carolina	579 35	34	680 00	.....	700 00	1,975 35
Virginia, eastern	585 00	70	620 00	102	570 00	1,775 00
Total	41,922 51	4,881	110,081 00	4,725	68,442 78	220,446 29
Amount paid United States commissioner for services under election laws in New York City	.....	.....	.....	.....	.....	2,267 95
Total expenditures reported for 1878	.....	.....	.....	.....	.....	222,714 24

How much more remains as yet unsettled is one of those things "no fellah can ever find out," but as only fourteen States have been heard from and the total expenditure in these was $222,714.22, we may reasonably expect a much larger grand total when the returns from the other twenty-four States come in. Every effort to secure information on this subject is met by the Federal officials with most obstinate resistance, with all the impediments that can be thrown in the way of the searcher after facts. In parts of twenty-two States, as is shown by the following table, there was expended in 1876 $285,921.27:

Supervisors and deputy marshals employed in 1876, *with compensation.*

States and districts.	Amount paid chief supervisors.	Number of supervisors.	Amount paid supervisors.	Number of deputy marshals.	Amount paid deputy marshals.	Total amount paid.
Alabama, northern	.....	.....	.....	150	.....	.....
Alabama, middle	.....	.....	.....	244	.....	.....
Alabama, southern	$2,208 38	19	$500 00	192	$2,530 00	$5,238 38
Arkansas, eastern	.....	.....	.....	785	.....	.....
Arkansas, western	.....	.....	.....	214	.....	.....
California	1,578 99	105	5,220 00	244	4,225 00	11,023 99
Delaware	.....	.....	.....	135	.....	.....
Florida, northern	.....	.....	.....	745	.....	.....
Georgia	567 50	.....	.....	207	1,410 00	1,977 50
Illinois, northern	.....	188	5,640 00	115	1,105 00	6,745 00
Louisiana	4,463 33	270	4,115 00	840	5,705 00	14,283 33
Maryland	977 55	574	2,950 00	1,222	8,085 00	12,012 55
Massachusetts	253 20	66	660 00	117	1,170 00	2,083 20
Mississippi, northern	50 50	.....	.....	239	.....	50 50
Mississippi, southern	.....	.....	.....	9	.....	.....
Missouri, eastern	187 40	152	1,380 00	1,032	16,385 00	17,902 40
Nevada	.....	.....	.....	9	.....	.....
New Jersey	3,771 19	85	3,420 00	249	5,085 00	12,276 19
New York, northern	7,723 70	339	9,975 00	342	7,925 00	25,623 70
New York, eastern	12,150 52	370	11,674 00	723	11,986 00	35,810 22
New York, southern	19,383 36	1,070	32,115 00	2,500	39,785 00	91,283 36
North Carolina, eastern	591 84	.....	.....	166	.....	591 84
Oregon	.....	.....	.....	13	.....	.....
Pennsylvania, eastern (Philadelpia)	3,449 40	1,368	27,360 00	347	3,500 00	34,309 40
Pennsylvania, western	.....	224	2,240 00	49	490 00	2,730 00
South Carolina	879 14	.....	.....	338	395 00	1,274 14
Tennessee, western	129 00	.....	.....	30	150 00	279 00
Texas, eastern	249 92	33	1,800 00	18	900 00	2,949 92
Virginia, eastern	551 05	.....	1,630 00	201	1,785 00	3,966 05
Virginia, western	206 00	.....	.....	.....	.....	206 00
West Virginia	.....	.....	.....	4	.....	.....
Idaho	.....	.....	.....	4	.....	.....
New Mexico	.....	.....	.....	78	.....	.....
Utah	.....	.....	.....	18	.....	.....
Total	59,371 67	4,863	110,629 00	11,610	112,616 00	282,616 67
Amount paid United States commissioners in New York City for service under election laws	.....	.....	.....	.....	.....	3,304 60
Total expenditures reported for 1876	.....	.....	.....	.....	.....	285,921 27

By glancing at that table it will be seen that the marshal of the eastern district of Arkansas reports seven hundred and eighty-five deputies employed, and that no statement is made of the money paid to these deputies, and that the same is true as to Florida. Now, sir, while I cannot answer personally and of my own knowledge as to the condition of affairs in the other States and districts where supervisors

and deputy marshals swarmed thick as, and much resembling, the lice of Egpyt, I can answer for Arkansas; and I assert here from my place on this floor, and on my honor as one of the Representatives of the people of Arkansas in the American Congress, that the employment of this horde of supervisors and deputy marshals in that State was totally unwarranted by any condition of facts existing there. To be more plain and emphatic, I assert that the assumption that it was necessary to employ these men to secure a fair election and preserve the peace in Arkansas is totally and unqualifiedly false. No such measures were requisite. The government of Arkansas secures to every citizen of that State, no matter what his politics and without reference to "color or previous condition of servitude," the full, free, and untrammeled right of suffrage. What is true of Arkansas I conceive to be true of the other States where these political lice were employed, and that, therefore, they were unnecessary at any point. In 1872 nearly $120,000 was expended in the city of New York alone by John Davenport for the purpose of preventing a free expression of the will of the people. These few facts as to the cost of supervisors, gleaned from the records, will show to the country the enormous amount of money expended for supervisors and marshals at elections, and the necessity for the repeal and modification of the laws which authorize their appointment.

But while the question of expense is important, there is another fact connected with this law that is of still greater moment to the people, and that is the fact that the entire machinery which we here propose to dispense with is but another form, differing from the Army in its composition, of interference by the Federal Executive in and intended to control elections. It is in fact an army of partisan soldiers collected at the ballot-box to overawe the voters, an army composed of the most unscrupulous and least responsible class, whose sole object is to force the election of such candidates as the Federal Executive may choose to favor. How long can a free government exist when such interference is tolerated?

Mr. Chairman, I have endeavored briefly as is possible to portray some of the dangers to a free government that arise from the laws which we propose to repeal by attaching them to appropriation bills—in other words, which we, the Representatives of the American people, say shall be stricken from the statute-books before we grant supplies. Our action simply says to the Executive, "Sir, we believe that the good of the nation demands certain changes in the existing law; we consider that to permit them to remain as they now exist endangers the liberties of the people, of which we are the special protectors; not knowing your views upon these questions, we say to you that on conceding this request of ours we will grant you the supplies demanded, and not otherwise." This was the course pursued by the English House of Commons in the case I have quoted, and I shall now give another instance where the same course was pursued.

In 1680, the King asked for a supply of money for Tangier. In the debate in the House of Commons on that subject, Hampden, a name which no American can hear spoken without emotion, said:

> I desire nothing but securing the Protestant religion, and establishing the King upon the throne of his ancestors. Let this be once well done and I am for giving money. But what will become of all, unless you make it in a plain way of bargain? There must be a trust somewhere, but not where the foundation of the difference has been laid. My motion, on the whole, is "that an address be made to the King, humbly to represent to him the condition of the kingdom, and that it is unseasonable to take the supply of Tangier into consideration."

I can say with Sir Thomas Player, who supported Hampden's motion:

> The last Parliament, I was the same man I am this, and so are the other gentlemen that serve for the city of London. * * * The city have chosen us again, in confirmation of their liking what we did. What I say is in the name of the greatest part of the commonalty of the city of London; they will give money, half they have, nay, all, upon securing their religion and liberties, and will trust God and set up again for another estate; but they will not give a penny for Tangier, nor anything else, till all be secured.

And so say I. Not a penny until "all be secured." Gentlemen on the other side may say this is a threat to the Executive. In fact, they will say so; but I deny it. It is a simple assertion of our rights as the Representatives of the people. Gentlemen over there who assume that the Executive will veto the appropriation bills because of the repealing clauses attached to them have taunted us on this side. They have said, "The President will veto the bills, and you will back down." I can answer for myself, sir. I want no better issue for me and my party to go before the people on than is the one contained in our present attitude. We can well afford as a political party to say to the country, "A republican Executive, backed by every republican member in Congress, refused to withdraw the troops from the polls and allow you free elections, and we, the democratic representatives, refused to make appropriations." Upon that issue we will obtain a verdict in our favor. But, sir, there is another tribunal besides the people to which every Representative here must answer—the tribunal of his conscience. Appealing to that, I can say that for myself I accept the issue, and I am prepared to refuse to vote one dollar of appropriations from now until the 4th day of March, 1881, unless the relief we ask for is granted.

Mr. Chairman, I have gone to English history for precedents, but, sir, I need only have gone across the Hall to where the republican members sit to have found abundant precedents for our action. The first republican House of Representatives that ever assembled in this Hall set the example of attaching legislation which they deemed vital to an appropriation bill. The Army bill in 1856 had the following proviso attached:

> *Provided, however, and it is hereby declared,* That no part of the military force of the United States, for the support of which appropriations are made by this act, shall be employed in aid of the enforcement of any enactment of the body claiming to be the territorial Legislature of Kansas until such enactment shall have been affirmed and approved by Congress. And this proviso shall not be so construed as to prevent the President from employing an adequate military force; but it shall be his duty to employ such force to prevent invasion of said Territory by armed bands of non-residents, or any other body of non-residents, acting, or claiming to act, as a *posse comitatus* of any officer in said Territory in the enforcement of any such enactment, and to protect the persons and property therein, and upon the national highways leading to said Territory, from all unlawful searches and seizures; and it shall be his further duty to take efficient measures to compel the return of and withhold all arms of the United States distributed in or to said Territory in pursuance of any law of the United States authorizing the distribution of arms to the States and Territories.

With that "Wilmot proviso" the Army appropriation bill went to a democratic Senate, and there the great founders and leaders of the republican party spoke in favor of it. Seward, Fessenden, Trumbull, Wilson, and men of that class declared it was right and proper that such legislation should be attached to the appropriation bills. Sir, when I read what these men said, and what their successors as leaders of the republican party say here to-day; when I think of the bold, brave men who built up that party, and of those who now control it, I instinctively remember the poet's description of the sphinx:

> For the sphinx with breast of woman
> And face so debonair
> Had the sleek false paws of a lion,
> That could furtively seize and tear.
> So far to the shoulders,—but if you took
> The beast in reverse you would find
> The ignoble form of a craven cur
> Was all that lay behind.
>
> She lived by giving to simple folk
> A silly riddle to read,
> And when they failed she drank their blood
> In cruel and ravenous greed.
> But at last came one who knew her word,
> And she perished in pain and shame.

So it is and has been with the republican party. It has lived for years by flaunting "the bloody shirt" and now perishes "in pain and shame;"

> For an Œdipus people is coming, fast
> With swelled feet limping on,

and they have discovered that only the "ignoble cur" remains. All that was ever grand or good in the republican party has perished and only the "ignoble" part remains to threaten the liberties of the people. But, sir, the example set by the first republican House of Representatives has been followed by every subsequent one. The distinguished gentleman from Texas [Mr. JOHN H. REAGAN] has prepared a tabulated statement, of which I avail myself, showing that from July 5, 1862, to March 3, 1875, republican Congresses attached three hundred and eighty-seven acts of general legislation to the regular appropriation bills:

New legislation on appropriation bills.

Department.	Date of acts.	Volume and page of laws.	Number of sections.	Number of items of such legislation.
Indian	July 5, 1862	Volume 12, page 529	2 to 6	6
Indian	Mar. 3, 1863	Volume 12, pages 792, 793	2 to 7	7
Post-Office	April 17, 1862	Volume 12, page 382	4 and 5	2
Post-Office	Feb. 9, 1863	Volume 12, page 647	3 to 5	3
Army	July 17, 1861	Volume 12, page 264	2 and 3	2
Army	July 5, 1862	Volume 12, pages 508, 509, 510	2 to 11	10
Army	Feb. 9, 1863	Volume 12, page 646	2	1
Legislative, executive, and judicial	Mar. 14, 1862	Volume 12, pages 368, 369	3 to 6	4
Legislative, executive, and judicial	Feb. 25, 1863	Volume 12, pages 694 to 696	2 and 3	2

New legislation on appropriation bills—Continued.

Department.	Date of acts.	Volume and page of laws.	Number of sections.	Number of items of such legislation.
Sundry civil	July 24, 1861	Volume 12, page 272	4	1
Sundry civil	Mar. 1, 1862	Volume 12, page 352	4	1
Sundry civil	July 11, 1862	Volume 12, page 534	2	1
Sundry civil	July 16, 1862	Volume 12, pages 582, 583	2 and 3, 5 and 6	4
Sundry civil	Mar. 3, 1863	Volume 12, pages 750 to 754	2 to 25	24
Army	June 15, 1864	Volume 13, pages 127, 129, 130	1, 2, 3, 4, 5	5
Army	Mar. 3, 1865	Volume 13, page 497	3, 4, 5, 6	4
Sundry civil	July 2, 1864	Volume 13, pages 347, 351, 352, 353	2, 3, *a*7, *a*8, *a*9	5
Consular and diplomatic	June 20, 1864	Volume 13, pages 139, 140	2, 3, 4	3
Deficiency	Mar. 14, 1864	Volume 13, pages 2, 5, 6, 7, 8	*b*1, 2, 3, 6, 7	5
Legislative, executive, &c	June 25, 1864	Volume 13, pages 160, 161	6, 7, 8	3
Legislative, executive, &c	Mar. 2, 1865	Volume 13, pages 160, 161	3, 6, 7	3
Indian	Mar. 2, 1865	Volume 13, page 180	2	1
Indian	Mar. 3, 1865	Volume 13, pages 562, 563	4, 5, 6, 7, 8, 9	6
Navy	May 21, 1864	Volume 13, page 85	2, 3, 4	3
Navy	May 2, 1865	Volume 13, page 467	6, 7	2
Military Academy	April 1, 1864	Volume 13, page 39	3, 4, 5	3
Army	July 13, 1866	Volume 14, pages 92, 93	4, *a*5, 6, 7, 8	5
Army	Mar. 2, 1867	Volume 14, pages 486, 487	2, *a*3, 5, 6	4
Sundry civil	July 28, 1866	Volume 14, page 321	*a*3, 6, 7, 8, 12, 13, 14, 15, 16, 17, 18	11
Sundry civil	Mar. 2, 1867	Volume 14, page 466	2, 7, 8, 10, *a*11	5
Indian	July 26, 1866	Volume 14, page 280	4	1
Indian	Mar. 2, 1867	Volume 14, page 515	4	1
Legislative, &c	July 23, 1866	Volume 14, pages 206, 207	2, 3, 4, 5, 6, 7, 8, 11	8
Legislative, &c	Mar. 2, 1867	Volume 14, page 457	1, 2, 3	3
Navy	April 17, 1866	Volume 14, pages 37, 38	2, *a*4, 5, 6, 7	5
Navy	Mar. 2, 1867	Volume 14, page 492	2, 3	2
Post-Office	May 18, 1866	Volume 14, pages 49, 50	3, 4, 5, 6	4
Post-Office	Feb. 18, 1867	Volume 14, page 394	1	1
Deficiency	Mar. 2, 1867	Volume 14, page 470	2, 3, 4, 5, 6, 7, 8, 9	8
Army deficiency	Feb. 12, 1868	Volume 15, page 36	2	1
Army	Mar. 3, 1869	Volume 15, page 318	2, 3, 4, 5, 6, 7	6
Sundry civil	July 20, 1868	Volume 15, page 110	1, 7, 8, 9	4
Consular and diplomatic	Mar. 30, 1868	Volume 15, page 58	2, 3, 4	3
Consular and diplomatic	Mar. 3, 1869	Volume 15, pages 321, 322	2, 3, 4, 5, 6	5
Indian	July 27, 1868	Volume 15, page 223	2, 3, 6	3
Legislative, &c	July 20, 1868	Volume 15, page 110	2, 3, 4, 6	4
Navy	June 17, 1868	Volume 15, page 72	2	1
Navy	Mar. 1, 1869	Volume 15, page 280	2, 3, 4	3
Deficiency	Mar. 29, 1867	Volume 15, page 9	6	1
Deficiency	July 25, 1868	Volume 15, page 177	2, 3	2
Army *c*	July 15, 1870	Volume 16, pages 317, 318	2 to 25	24
Sundry civil	July 15, 1870	Volume 16, page 310	2, 3, 4, 5, 6, 7, 10, 11, *d*12, *d*13, 14	11
Sundry civil	Mar. 3, 1871	Volume 16, page 314	4, 8, *e*9	3
Consular and diplomatic	July 11, 1870	Volume 16, page 221	*f*2	1
Indian	Apr. 18, 1869	Volume 16, pages 39, 40	2, 3	2
Indian	Apr. 18, 1869	Volume 16, page 360	2 to 13	12
Indian	Mar. 3, 1871	Volume 16, pages 570, 571	3	1
Legislative	July 12, 1870	Volume 16, pages 250, 251	2 to 9	8
Legislative	Mar. 3, 1871	Volume 16, pages 494, 495	2, 3, 4	3
Navy	July 15, 1870	Volume 16, pages 330, 335	2, 4 to 19	17
Navy	Mar. 3, 1871	Volume 16, pages 534, 538	2 to 13	12
Post-Office	Mar. 3, 1871	Volume 16, pages 572, 573	3, 4, 5	3
Army	June 6, 1872	Volume 17, page 261	1, 2	2
Army	Mar. 3, 1873	Volume 17, page 545	1	1
Sundry civil	Mar. 3, 1873	Volume 17, page 530	*g*1	1
Consular and diplomatic	May 22, 1872	Volume 17, page 143	1	1
Consular and diplomatic	Feb. 22, 1873	Volume 17, page 474	2, 3	2
Indian	May 29, 1872	Volume 17, pages 189, 190	2, 4, 5, 7, 8	5
Indian	Feb. 14, 1873	Volume 17, page 462	2, 4, 5, 6, 7	5
Legislative, executive, and judicial	May 8, 1872	Volume 17, pages 82, 83, 84, 85	2 to 13	12
Legislative, executive, and judicial	Mar. 3, 1873	Volume 17, pages 508, 509	2, 4	2
Navy	Mar. 23, 1872	Volume 17, page 154	*h*2	1
Navy	Mar. 3, 1873	Volume 17, page 556	1, 2, 3	3
Post-Office	June 1, 1872	Volume 17, page 202	1 to 6	6
Post-Office	Mar. 3, 1873	Volume 17, page 559	1	1
Army	June 16, 1874	Volume 18, page 75	2	1
Army	Mar. 3, 1875	Volume 18, page 455	*i*2, 3	2
Sundry civil	June 23, 1874	Volume 18, page 230	4, 6	2
Sundry civil	Mar. 3, 1875	Volume 18, pages 399, 400, 401	4, 5, 6, 7, 8, 9, *j*11, 12	8
Indian	June 22, 1874	Volume 18, pages 176, 177, 178	3, 4, 6, 7, 9, 10, 12	7
Ilia	Mar. 3, 1875	Volume 18, pages 449, 450, 451	3, 4, 5, 6, 7, 8, 9, 10, 12	9
Legislative, executive, and judicial	June 20, 1874	Volume 18, pages 109, 110, 111	2, 3, 4, 5	4
Post-Office	June 23, 1874	Volume 18, pages 232, 233, 234	4, 5, 6, 7, 9, 11, 12, 13	8
Post-Office	Mar. 3, 1875	Volume 18, pages 342, 343	2, 4, 5, 6, 7	5
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a Repeal of acts.
b Several clauses.
c Reorganizing Army.
d Appropriation for pier and railroad privilege.
e Civil-service reform.
f Parson Newman's mission.
g Giving jurisdiction over Alaska.
h Authorizing Secretary to sell vessels and materials.
i Tariff clause.
j Secretary of the Treasury authorized to buy bonds.

I do not quote this action upon the part of the republicans to justify any similar proceeding upon our part, but simply to answer the cry of "revolution" raised upon the other side of the House. If they were wrong it would be no justification of our acts to quote theirs, as two wrongs do not make a right. I only show their inconsistency. I need no justification for my conduct. I enter no plea in avoidance of my acts, but here in the presence of the American Congress and on my accountability to the people who sent me here, with a clear conscience I assert that we only exercise the high prerogative conferred on us by the Constitution of the country when we attach such legislation as we deem vital to the interests and liberties of the people to the appropriation bills and say without the one you cannot have the other. Like the Indian chieftain who led his people in their migration until he found a country beautiful beyond comparison, and striking his spear into the ground said, "A-la-bam-a," "Here we rest," so say I for myself and I believe for my party, "here we rest." Let the people- the sovereign people from whom all power comes—decide whether we have done well or evil. We abide their verdict at the ballot-box, and declare that the ballot-box shall be free when they make it.

Legislative, etc., appropriation bill.

SPEECH OF HON. L. B. CASWELL,

OF WISCONSIN,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, April 17, 1879,

On the bill (H. R. No. 2) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes.

Mr. CASWELL. Mr. Chairman, on yesterday I occupied the floor a few minutes in expressing my views upon the riders to this bill. I called attention to Mr. Tilden's letter, showing that the policy of tacking upon appropriation bills general legislation, was condemned by him. By its exclusion alone, says Mr. Tilden, "can the revisory power of each of the two Houses and of the Executive be preserved."

Having this view of the independence of the Executive, if he were President would he approve the bill which has just passed the House, containing, as it does, a complete revision of the Army, as a rider to the ordinary appropriation bill? and would he approve the bill pending in this House and now under discussion, which proposes in addition to the necessary appropriations for the Government a complete change in the election laws? or would he add his veto and remind Congress and his party of the pledges made to the people when expecting their suffrages? Says the Constitution:

If he approve he shall sign it, but if not he shall return it.

The cry of unconstitutionality, is not a new one. We have heard that so often from the same source since the war began in 1861 that we are not terrified by it. The first gun fired from Sumter was said to be an unconstitutional shot. By it we were menacing South Carolina. The first call for seventy-five thousand troops by Abraham Lincoln was said to be unconstitutional, because Congress had not time to convene and order it. The draft which followed was equally unconstitutional. So was the emancipation proclamation, as well as every other step taken to suppress the rebellion, including the issue of Treasury notes and the legal-tender act. It is said upon the other side of this Chamber that the passage of the law in 1865, a modification of which is attempted by this bill, was one of the measures which abridged the rights of the citizen and permitted the military to be present at the polls, thereby intimidating the voter from a free exercise of his choice.

At that time the republican party had a large majority in either branch of Congress and was responsible for the laws which were passed. So tender were they of the rights of the citizen; so careful to prevent any interference on the part of the Army with the citizen, that it passed this law to restrain, under heavy penalties, the least interference by the military with the civil authority in any of the States except to "repel armed enemies of the United States or to keep the peace at the polls." Prior to this enactment, during a long succession of democratic administrations from Jackson down to and including the administration of Mr. Buchanan, the military force had no restrictions whatever except those found in the Constitution.

The act of 1865 went further than the law of any other country in abridging the powers of the Commander-in-Chief and of the armies. It was an olive branch extended to those who had arrayed themselves against the Government in the rebellion. Before that time and during the reign of the democratic party, the Army had been brought into requisition throughout all the States and Territories when necessary to enforce the laws of the United States. Why, then, do we hear this charge from almost every member who addresses the House in support of this amendment; certainly these gentlemen should not complain that in 1865 we placed restrictions upon the Army. We have repeatedly offered to consent to a repeal of the entire act, leaving the Army without restrictions as it always had been prior to the passage of this law. In fact, at this very session we have all voted in favor of such repeal, while those upon the other side voted solid against such repeal.

The amendment to the bill making appropriations for the support of the Army that has passed this House and is now pending in the Senate, attempts to strike out of the law of 1865 the exception that I have referred to, "to keep the peace at the polls." This would so modify the law of 1865 as to extend its prohibitory clause to keeping the peace at the polls, leaving no instance in which the Army, or any portion of it, or any armed force, under civil or military officers of the United States, could be made useful except "to repel the armed enemies of the United States." How, then, can it be said that the act of 1865 is either oppressive or subversive of the rights of the citizen or unconstitutional? It cannot be subversive of the rights of the citizen, for it is a restraint upon the coercive power of which they complain, and not unconstitutional unless it is an unauthorized restraint upon the Executive. That, however, is a question which would more properly originate upon this than upon the other side of the House.

Military oppression has been echoed and re-echoed throughout the land ever since the war began. It has been promulgated from the democratic stump in every campaign for the last eighteen years, and we hear it upon this floor in the succeeding efforts to reduce the Army to a nominal guard for the protection of guns and arsenals merely. The country is told that we have a large and unnecessary Army maintained at great expense by taxes forced from the people, and that the principal use made of that Army is the intimidation of democratic voters. An examination of the facts will show how groundless is the charge.

Mr. Chairman, let us compare the Army of the United States with that of other countries. Scarcely a power exists having business or commercial relations with us that has not a larger army than we have. Ours cannot exceed 25,000 men for thirty-eight great States and eight Territories; with our extensive boundary and hostile Indians we have not one soldier to a county. France, with a population less than ours, has a regular army of 470,000; Russia has an army of 788,000; Germany, 400,000; Italy, 200,000; Spain, 330,000; Great Britain, 133,000; while little Denmark, with a population of 2,000,000, has an army of 36,000, and Portugal 36,000. Four of the great powers have over 400,000 each; six have over 300,000, seven over 200,000, eleven over 100,000, thirteen over 50,000; twenty have an army greater than the United States.

It costs France to maintain her army $2.70 per head of her population; Germany, $2.16 per head; Great Britain, $1.90; Russia, $1.99; Spain, $2.97; while it costs the United States only ninety-five cents. In view of these facts I ask what becomes of the complaint that our Army is large, expensive, and oppressive? The lesson taught us at the breaking out of the late war, and the sad experience which followed, will admonish us and be remembered while our maimed soldiers are with us and our great debt unpaid, that an army at our command sufficient to suppress insurrection and enforce obedience to the laws may shield us from a similar calamity.

Mr. Chairman, no other country on earth could survive with an army so small in proportion to its population. This fact is chiefly attributable to the intelligence of our people and the benevolence of our institutions and laws. No other form of government offers such inducements. No other country is so tender of the rights of its citizens. And this is due to the reign of the republican party in the last twenty years.

I venture to say here upon this floor, that with the small Army which we now have, if in power, having the Executive and both branches of Congress, armed rebellion in the United States could not exist a moment, for, with our view of the authority of the General Government to enforce obedience to its laws in the States, armed treason could and would be suppressed at once. Prior to 1861 we had been living under democratic administrations. The doctrine of State rights obtained and was enforced. Scarcely any aid could be had from the scattered and enfeebled Army then at our command; no force was made effectual until the spirit of republicanism brought to the aid of Mr. Lincoln volunteer forces, with new officers and patriotic hearts.

Mr. Chairman, passing from the military force to the bill now under discussion before the House, wherein it is sought to repeal the laws which authorize the courts to appoint a certain number of supervisors to be present and aid in the conduct of congressional elections in large cities, we find the same complaint made upon the other side of the Chamber, that the law which they seek to repeal is an unwarranted interference with State authority and of the elective franchise. The question of the right and authority of the General Government to enforce its laws is here again presented. That Congress possesses the power to enact the laws, little doubt can be entertained. Those who favor these amendments are certainly estopped from denying the validity of the law, for they only seek to amend it instead of striking the whole of it from the statute, as they should do if it were unconstitutional.

They leave upon the statute the right to appoint supervisors and marshals, and admit they can attend at elections. But they take away by this amendment the right to interfere, or in any manner object to fraud or violence, however much it may be exercised in their presence. They are to stand by and witness, without power to prevent, fraud, coercion, or intimidation, for the reason that the Federal Government has no executive authority even to enforce its own laws, except through the slow process of the courts. If the officers who conduct elections, keep the peace, and maintain order were obliged to submit every question which might arise to the courts before voting could be continued or order restored, there would be an end at once to all elections, and officers would be of no account whatever. Laws which cannot be enforced are useless; officers are equally so unless they can act.

The laws of Congress are for the whole people who reside in the States, Territories, and upon the high seas. Each State enacts laws for its own domestic wants, such as affect the citizens of the particular State. For such purpose the authority is quite exclusive, but there is another class of legislation reserved to Congress. It is that which concerns more than one State or the citizens of several States jointly. We have interstate commerce, and we grant franchises and privileges extending through several States, which may be exercised in either, also upon rivers and lakes, passing through and bordering upon several States. We have postal service extending everywhere, and Congress has power to make and enforce all needful laws and regulations for a successful operation of these rights and for their protection. Congress will pass quarantine laws. Legislation of this character is sought at the present session by those who oppose these election laws as a protection against the yellow fever. It will impose

penalties for ill-treatment to animals, while being shipped from one State to another in cars. The States, as a whole, have an interest in Congress. Every member who is elected in any State has an interest in his own and every other State. Congress is the mother of States. It creates them and guarantees to them a republican form of government as well as protection. Every State is interested in a free and fair congressional election in every other State, for the members, when elected, make laws for all the States. Hence it is not only proper but it becomes the duty of Congress, acting for all the States together and in the protection of their respective rights, to not only enact but enforce laws which will secure to the people free and fair elections. For that purpose the law which is to be repealed by the riders upon this appropriation bill, provides for the appointment of supervisors, one from each party, to be present at voting places when required in large cities, to protect those voting for members of Congress in the exercise of that right. They are appointed by the courts upon the petition of private citizens. They can inspect the registry and act as the agents of the General Government in securing the election of members who are the choice of, and who will represent the people in making laws for them.

The enactment of this law was preceded by unparalleled frauds committed in the city of New York in 1868 when, it will be remembered, thirty thousand illegal votes were cast in that city alone. In some precincts more votes were polled than there were living souls—men, women, and children—residing in the precinct, as appears from the census which soon followed. State authority was ineffectual, if willing, to prevent such frauds. The naturalization of citizens was obtained in the United States courts; State officers, or the police force of the city, could not invade or inspect the records of these courts, and in many places the local authorities were either indifferent to the frauds thus perpetrated or gave a tacit consent. This law, which placed on duty Federal supervisors, was a great blow to democratic success, not only in New York but in many other localities, and unless it can be repealed and the rogues and repeaters who huddle in large cities about the polls on election day let loose, the State of New York will be counted upon the republican side in 1880.

Hence it must be struck down; even at an extra session of Congress, finding its passage as a rider upon an appropriation bill, under a moral, if not physical, duress upon the Executive, as indicated by Mr. Tilden. It is idle to claim that the enforcement of the election laws is an unauthorized assumption of power. If we submit and allow the elections in which we are interested to become corrupted, and Congress made up of men who are not the choice of a free people, how long will it be before our liberties and our institutions will be overthrown? Scarcely a session of Congress exists without the appointment of committees to go into the States and investigate these elections. We overturn the certificates of State officials, recanvass and determine the elections of our own members. May we not, then, send agents to be present at the polls and aid in securing a free election and a fair count in the first instance? We expend large sums of money in these investigations made after the election is held. We summon witnesses, pay for serving subpœnas, printing evidence and reports, and in overturning fraud after it is committed; and may we not expend something in preventing the fraud while the vote is being cast?

This attack upon Federal authority is the same in a different form which ripened into open hostility and brought on the war. Those who urge it on are the same. They claim to be for the union of the States, but it is very apparent the Union which they would have and the Federal Government they would acknowledge would scarcely be worth having. It would be a confederacy of States, leaving to the General Government little else than a name. They would strike down the revenue laws as well as the duties on imports, leaving no source from which means for the support of the Government could be obtained except by direct taxation of real estate. The great income to the Treasury which is now being gathered from the consumers of tobacco and whisky, and from the people of wealth who wear the fabrics of other countries, would be cut off, and the soil alone, from which we draw the necessaries of life, would be burdened with the expense of maintaining the Government.

This is democracy. This is the doctrine of State rights which the party now in power in Congress will dish out to the people. We would soon lose our commerce, our internal improvements, our Army, and our Navy. We would lose our standing as a great power among the nations, and the glory of a great republic would fade away.

Mr. Chairman, the nation, the Government itself, has met with one continued success since the republican party came into power. Its achievements have never been excelled in the same length of time by any country in the world. When that party took charge of the Government, open rebellion existed in eleven of the States, while in several others it was fast organizing. Nothing but courage and a patriotism unequaled among men could have overcome it and restored peace to the country. The first work of that party in the interests of humanity was to strike off the shackles from four millions of human beings and make them citizens, with the elective franchise extended to them, and such other rights as are made common to all the people of this country. We pardoned the hand that had been raised against the life of the nation.

Instead of punishing, we forgave and accepted upon an equal footing the men who had sought to destroy us; we removed the disabilities which attach to treason, and extended a fostering care, until they have actually taken our place in Congress and to-day control the Congress of the United States. They are in the situation and have the power to consummate in a peaceable manner that which they could not do by the sword. We shall soon find ourselves governed by the men who organized and attempted to maintain the confederacy. This could not have been, had a free and fair election been had in all the States; and instead of striking down such safeguards as we now have, we should add more to them. Instead of keeping armed authority from the polls, we should provide it, in every place necessary, until the real will of the people may be exercised.

Why is it, if Federal authority has intimidated democratic voters and kept them from the polls, that we find here in this House solid democratic delegations from republican States? Why is it that the democratic vote is polled to its full capacity at the elections in the States of Mississippi, Louisiana, South Carolina, and Florida, while not one-half of the republican voters go to the polls? The cause is too apparent. The colored people of the South first sought their rights through the ballot-box in the way provided by the Constitution and the laws. But, if allowed to vote at all, they are in many instances defrauded in the canvass, pursued even to the floor of this House, where they are sure to meet with defeat under democratic rule. Another method is now being sought by them: following the example of the first settlers of this country, they are fleeing from the land which persecutes them.

But this race alone is not to feel the oppression of the democratic party. People of all classes must now submit to their reign; caucus legislation is to rule Congress and the country; all questions of a political nature are thus to be settled. In that caucus will be found a majority from the States which composed the late confederacy. Those who were in the confederate service outnumber those who were not, and they will control the caucus, which will control the legislation. Were it not for the Executive the whole Government, as well as the Army and the Navy, would as effectually pass into the hands of those who so recently sought the destruction of the Union as though they had not only succeeded in establishing their own independence but also in conquering the States of the North. If they are to elect the next President and continue in power beyond the present administration, how long before they will add their soldiers to the pension-roll and their debt to ours?

The haste of the democratic party in Congress to join the greenback element is only a step preparatory to this.

Dilute the currency, furnish money by the process of printing, and the way to assumption will be much easier than that of redemption. We are now under their control. The nation must pass through an ordeal of democratic triumph; their power must be felt before it can be rejected.

The twenty-seven States which adhered to the Union, and which during the last fiscal year paid $221,000,000 taxes into the United States Treasury for the support of the Government, are to be controlled and governed by the representatives in Congress from the eleven States which went out of and made war upon the Union, and which during the year paid into the Treasury only $13,600,000.

In the House there are sixty-five members, in the Senate twenty Senators who were officers in the confederate army, and three other Senators who held civil positions. In the Senate twenty-three cast their fortunes with the South in her effort to secede from the States. They are a majority of the party now in power in that body. The sixty-five members of the House who were in the confederate service are sufficient to carry any caucus of the dominant party in this House, and thus it will be seen that the legislation of both Houses of Congress is completely under the control of the late confederate army.

But, Mr. Chairman, the Republic will survive. I have great confidence in the patriotism of the people. They have only to see the danger which threatens us. They will not permit the Federal Government to be destroyed. They will rally again, not as they did in 1861, in the battle-field, but they will speak through the elective franchise and place the party in power again which has already served the country so well.

"Take away the sword;
States can be saved without it."

SPEECH OF HON. J. D. C. ATKINS,

OF TENNESSEE,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, April 17, 1879,

On the bill (H. R. No. 2) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes.

Mr. ATKINS. Mr. Chairman, I shall speak in advocacy of the great English and American doctrine of the non-interference by the military with the freedom of elections and upon the nature and extent of the veto power under the Constitution. This Government is founded

upon the will of the people, and that will when constitutionally and deliberately expressed should not be repressed by the arbitrary dictum of one man. If the President vetoes the Army bill it will be the third veto which he will have interposed to the will of Congress since his advent to power. The first was to arrest the remonetization of the old silver money of the people and its restoration as a legal tender. The general, almost universal, demand of a defrauded people that this great crime against honest industry should be rebuked and the injury as far as possible remedied was promptly acceded to by Congress by large majorities in each House. In the teeth of that popular will so manifest and outspoken, the President had the temerity to undertake to thrust his veto; but the constitutional majority in each House as promptly and with but little ceremony proceeded to set it aside, rebuke him, and thus vindicate the people.

Again, when Congress would protect the free institutions and honest labor of this country from the poisonous contamination and the insidious undermining of our social fabric by preventing a horde of semi-civilized Mongolians from overspreading the country like the locusts of Egypt, the President, not the least weakened by his former failure, rushes to the rescue of the interests of these unchristianized foreigners against our own people, and this time overrides the will of Congress. If we are called to consider his third veto, it will not be on an ordinary bill, but one of the great appropriation bills for the maintenance and support of the Army. Surely his reasons would be overwhelming for such an extraordinary exercise of arbitrary power, as it is the first instance that an appropriation bill will have been vetoed. To state the case fairly, Congress in that bill simply declared that the Army should not be used to keep the peace at the polls. Never in the history of the country had it been the custom to employ the military arm of the Government to interfere in any way with the free and untrammeled right of the people to vote as they please until during and since the late war. Feeling that the war was over, and that such statutes as the one proposed to be repealed was a relic of military despotism which in times of revolution are apt to prevail, but ought now to be dispensed with, the majority determined upon its repeal, and so passed the bill during the Forty-fifth Congress through the House, but it failed to secure the concurrence of a republican Senate, and, therefore, failed. Convening upon the proclamation of the Executive in extra session, both Houses concurring in political sentiment, the appropriation bill for the support of the Army is again passed with the same repealing clause forbidding the use of troops at the polls; and to this patriotic action will the President say "No?" If he does, in effect he says, "I cannot consent to feed and clothe the Army unless I can be allowed to employ the troops either as soldiers or as armed policemen to keep the peace at the polls;" in other words, to manipulate and control the elections in the interests of the republican party, for that is the true purpose. The issue is broad and distinct. Shift it as you will, cloud it with whatever fine-spun theories sophistry may refine, torture it into whatever seeming plausibility partisan ingenuity may invent, the plain fact is here presented, that republicans in Congress are unwilling to feed and clothe the Army unless that Army can be used to control elections.

The change in position of the republican leaders in reference to the use of troops at the polls, since the last session of Congress, is noticeable. Mr. Foster, one of the members of the conference committee on the Army appropriation bill, said:

With this feeling I offered what I thought was a fair basis of compromise, or settlement if you please, which included the question which is now before the House. That basis was something like this: that the republican side of the House would agree to the proposition that is embraced in this Army bill, and would agree further to what is known as the jury clause in the legislative bill; and that the democrats should recede from what is known as the supervisors and marshals clause in the legislative bill.

General GARFIELD, the Nestor of the party in the House, said in his opening speech:

The question, Mr. Chairman, may be asked, why make any special resistance to the clauses of legislation in this bill which a good many gentlemen on this side declared at the last session they cared but little about, and regarded as of very little practical importance, because for years there had been no actual use for any part of these laws, and they had no expectation there would be any? It may be asked, why make any controversy on either side? So far as we are concerned, Mr. Chairman, I desire to say this: we recognize the other side as accomplished parliamentarians and strategists, who have adopted with skill and adroitness their plan of assault. You have placed in the front one of the least objectionable of your measures; but your whole programme has been announced, and we reply to your whole order of battle. The logic of your position compels us to meet you as promptly on the skirmish line as afterward when our intrenchments are assailed; and therefore, at the outset, we plant our case upon the general ground upon which we have chosen to defend it.

The programme now is to stand by all of the odious laws which trammel the freedom of elections and to use all the agents of intimidation and physical force which is best represented by armed soldiers under military commanders to alarm the weak and ignorant voters and drive them in dismay from the ballot-box. To effect these purposes will Mr. Hayes, in the last resort, in the face of the majority in both Houses of Congress legally elected and fresh from the bosom of the people, pervert the use of the veto from its legitimate functions and make it the instrument of the destruction of free elections? Shall the bullet be substituted for the ballot in the election of Representatives to this House? Shall it be said to the civilized world that the people of the United States are incapable of self-government; that their free elections are a simple fraud and mockery, and that a standing army in time of peace is the only safe custodian of the public liberties? It is to this complexion that it has come at last.

The well-known and oft-repeated statute of George II, which crowned the privileges of the English people on the day of election with all of the attributes of sovereignty in a manner with which the practices of this Government since the war, in several of the Southern States especially, would contrast most unfavorably, reads thus:

Be it enacted by the King's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal and Commons in Parliament assembled, and by the authority of the same, That when and as often as any election of any peer or peers to represent the peers of Scotland in Parliament, or any member or members to serve in Parliament, shall be appointed to be made, the secretary at war for the time being, or in case there shall be no secretary at war, then such person who shall officiate in the place of the secretary at war, shall, and is hereby required, at some convenient time before the day appointed for such election, to issue and send forth proper orders, in writing, for the removal of every such regiment, troop, or company, or other number of soldiers as shall be quartered or billeted in any such city, borough, town, or place where such election shall be appointed to be made, out of every such city, borough, town, or place, one day at the least before the day appointed for such election, to the distance of two or more miles from such city, borough, town, or place, as aforesaid, until one day at the least after the poll to be taken at such election shall be ended and the poll-books closed.—*Statute George II.*

Although in the British realm suffrage was then and still is restricted, yet those who are clothed with the inestimable boon of the elective franchise exercise it untrammeled and unawed by British bayonets. Strange that here where suffrage is universal and the widest range of liberty is by the theory of our institutions granted to the citizen, he is compelled to vote beneath the arch of glistening bayonets, if the Executive so decrees. The idea of bayonets at the polls is un-American and inconsistent with the genius of free institutions. Scarcely a State in the Union that does not provide in its organic law against the use of troops at the polls and positively restricts them from being nearer than two miles. In no country where the English language is spoken are troops allowed to be near the polls. Everywhere English people and their descendants repudiate this badge of despotism.

It has been urged upon this floor that we are coercing the Chief Magistrate; but is not this complaint of coercion by Congress of his prerogatives a most lame and impotent conclusion? How is he coerced? None of his rights are trenched upon. He is not stripped of a single prerogative, either as a civil magistrate or as Commander-in-Chief of the Army; for in neither capacity can he sign a warrant or give a command except in strict accordance with the law of the land. He is neither a dictator nor a military despot. He is entitled under the Constitution to command the Army, but he must command it according to law. He is as much amenable to law as the humblest citizen or soldier is. Congress has the right to raise and equip armies and to support them. It may raise a large army or a small one, or it may, in the exercise of its constitutional powers, decline to raise any Army. Congress has the right, under article 1, section 8, clause 14, of the Constitution, to make regulations for the control of the Army, and the President can only command that Army in accordance with these regulations. The Army is forbidden by the Constitution from being quartered in time of peace upon the people. Governor Palmer's ringing, manly, and patriotic protest a few years since against the sending of troops into Illinois is still fresh in the minds of the people. The order was in plain violation of that section of the Constitution to which I have just referred. Only under certain conditions plainly prescribed is the President authorized by the Constitution and the laws made in pursuance thereof to send troops into a State.

Article 4, section 4, of the Constitution reads as follows:

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and on application of the Legislature, or of the executive, (when the Legislature cannot be convened,) against domestic violence.

Drawing no fine distinction upon this language it is clear that the words "United States" means the law-making power and not the mere Executive; and that therefore it is within the power of the Government of the United States to interfere in a State by sending Federal troops to protect such State from invasion; or in case of domestic violence, on the application of the Legislature, if not in session or cannot be convened, then on the application of the governor. Congress passed an act in accordance with that grant of power authorizing the President whenever so called upon by a State to render the required aid. Any order of troops into a State for any other purpose is directly and palpably in conflict with the provision just quoted. Did Congress coerce the President in passing the Army bill?

But it is contended that it is the duty of the Government of the United States through the Executive to take charge of and control the elections of members to Congress.

Although it is proper that neither the Executive nor Congress should attempt to coerce each other, each having its own constitutional functions and prerogatives clearly defined in the organic law, still it is impossible to reach the bed-rock of this issue in a logical point of view without considering the respective powers of the Executive along with those of the legislative department and the State governments.

Article 1, section 4, of the Constitution provides that "the times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regula-

tions, except as to the places of choosing Senators." This is the only clause in the Constitution which affords the least semblance of authority in the General Government to supervise or otherwise control the elections of Senators and Representatives in Congress.

The electors of Representatives are citizens of the States, and derive their right of suffrage from the State government. The Constitution, it is true, requires the qualifications of the electors to be the same as the qualifications for the electors of the most numerous branch of the State Legislatures. But the State first prescribes those qualifications, and the General Government secondarily adopts them. Citizenship of the United States does not entitle any man to suffrage in a State for any purpose. The States may and have in some instances conferred suffrage upon persons not naturalized. It was done in the State of Minnesota. But the fifteenth amendment has placed upon the States an inhibition depriving the States from restricting suffrage to any person on account of race, color, or previous condition of servitude. Under the fifteenth amendment suffrage is not conferred upon the colored or freed man; but it is provided that suffrage shall not be denied to any person on account of his color, his race, or his previous condition. But the State could restrict suffrage to the colored man as well as to the white man by requiring other qualifications; so that at last the question of suffrage is one belonging to the State exclusively. Suffrage is a State privilege; if, then, the right of suffrage is violated, it is a State privilege or right that is violated. Now, whose duty is it to protect the privileges and rights conferred upon citizens by the States, the General Government, or is it the duty of each State to protect its citizens in the enjoyment of the rights which the State confers upon its citizens.

But should the States fail or refuse to protect its citizens in the exercise of the elective franchise, as it is its primary duty to do, then the Federal power inures. But the ultimate and secondary power of the United States to make or alter the times places, and manner of holding elections cannot be tortured into the power to prevent the citizen of a State from voting. Suffrage is derived from the State, and any interference on the part of the General Government that deprives the citizen of his privilege to vote would be clearly unconstitutional. It would be the same as giving original control to the General Government over the right of suffrage. It would be subjecting the substantive right of suffrage, which is universally admitted to be conferred by the State upon its citizen, to the contingent power of Congress to regulate the mere way or method or manner of exercising the elective franchise. Now if the original power to regulate the manner of holding elections belongs antecedently in Congress, it is the duty of Congress to pass laws protecting the citizen at the polls and otherwise regulating the elections, which it has done.

If the States possess this power, however, primarily, and the General Government possesses it secondarily, then such laws are unconstitutional, because no State has failed to prescribe the times, places, and manner of holding elections for Senators and Representatives. Analyze the language. The power is first lodged with the State and then it is enjoined as a duty; it is made mandatory: "shall be prescribed in each State by the Legislature thereof." If the State fails to comply with the injunctions laid upon it, then the Constitution remedies the defect or omission by saying "but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators." If the framers of the Constitution had designed to vest this power in the first instance in Congress, why did it not say that the times, places, and manner of holding elections for Senators and Representatives shall be prescribed by Congress? But instead of that, this duty is devolved upon the State Legislatures. It is fair to conclude that this is not a dual power to be exercised by both the General Government and by the States at the same time, for that would result in confusion. One, then, or the other must have precedence in prescribing the times, places, and manner of holding elections. The language is that the States *shall* perform this function or duty, and it is imperative. Then follows as a part of the same sentence "but the Congress *may* at any time make or alter such regulations," &c., being in the potential mood and therefore merely admissory or advisory.

Alexander Hamilton, who always leaned toward the aggrandizement of central power, said in the fifty-ninth number of the Federalist, speaking upon this clause of the Constitution:

> It will not be alleged that an election law could have been framed and inserted in the Constitution which would have been applicable to every probable change in the situation of the country, and it will therefore not be denied that a discretionary power over elections ought to exist somewhere. It will, I presume, be as readily conceded that there were only three ways in which this power could have been reasonably organized; that it must either have been lodged wholly in the National Legislature or wholly in the State Legislatures, or primarily in the latter and ultimately in the former. The last mode has with reason been preferred by the convention. They have submitted the regulation of elections for the Federal Government in the first instance to the local administrations.

Judge Paschal says:

> The manner of conducting elections as mentioned in the Constitution means by ballot or *viva voce*. Manner relates to the method or form, and is never applied to vital or substantial matter, no more than the manner of speaking is to the subject-matter and essence of the speech; the method or form of voting may be by ballot or orally; but the vital part of suffrage, the person voted for and the free and untrammeled right to exercise that franchise as a citizen of a State, cannot be controverted, subject of course to the law of necessity, when the contingency may arise for its exercise.

If Congress has any control over the Federal elections as an original proposition or primarily, then it has all control. It cannot have a part and the States a part, for they might not agree, and there would be a conflict which was not designed of course.

From the foregoing it is clear that the President has no duty to perform in reference to keeping the peace at the polls. That duty is a State duty, and should be performed by State officers. Least of all can it be done by soldiers unless upon the application of the Legislature of a State or by the governor. It is the duty of the President to execute the laws of the United States, not of the States. Now, in what respect does the Army bill infringe upon his rights, trench upon his prerogatives, or coerce him or deprive him of his rightful powers?

Has Congress in simply imposing a condition upon the use of the money it collects from the people for the support of the Army, in requiring that the Army, which Congress can create or abolish at will, shall not be employed to keep the peace at the polls—that is shall not interfere with the people while they are voting—by that means coerced the President, violated any of his prerogatives, or exceeded any of its own constitutional powers? I propose to investigate that proposition fairly; and if Congress has done either, I am ready to concede the fault and to promptly make the *amende*. Let us consult the Constitution itself and see what its teachings and injunctions are. We are all sworn to support it. I trust it is not an idle ceremony. It divides the powers of the Government into three heads, the legislative, executive, and judicial. Article 1, section 1, declares that—

> All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

This is a government of checks and balances. The Congress makes laws, the President executes them, and the judiciary expounds them. Now, has the President a right to make laws? Is he a co-ordinate branch of the legislative department of the Government?

The Massachusetts constitution contains the following:

> The legislative department shall never exercise the executive and judicial powers, or either of them; the executive shall never exercise the legislative and judicial powers, or either of them; the judicial shall never exercise the legislative and executive powers, or either of them.

The beauty and symmetry of our whole theory of government stands upon this broad and well-defined division of powers. It is the corner stone of free government. Every State constitution conforms to this theory.

But in the old Commonwealth of Massachusetts, where stand many of the immortal monuments of the great struggle for freedom in 1776, this distinction between the legislative, executive, and judicial departments of that State government is more strongly and clearly drawn than in many others of the State constitutions. Perhaps it was the tyranny of George III, who had quartered troops among her people, that suggested this restraint upon the executive power and authority.

It is the duty of Congress to make laws; it is the duty of the President to execute them. Congress is the law-making power of the Government. Congress cannot execute laws; nor can the President make laws. It is his duty to give Congress information as to the state of the Union from time to time in writing, and to recommend measures for the welfare of the people, but no further. It was never contemplated by the framers of the Constitution that the President should endeavor to interfere with legislation further than to arrest hasty and unconstitutional measures and return them with his objections, so that if his objections are valid and convincing Congress may have the benefit of them and retrace its action, otherwise to pass the measure over the veto by the required constitutional majority. It was never intended that Congress should legislate under the menace of the veto to repress its freedom of action. If the President has the right to veto at will any bill which may pass both Houses of Congress without reference to its unconstitutionality or want of due consideration, thus setting at defiance the law-making power of Congress, then is the Executive not merely a part, but a controlling part of the law-making power. If that be the true theory, then Congress is but a mere adjunct of the Executive, and it can have no free and independent action of its own unswayed by the apprehension of a presidential veto. In other words, under such a theory of government the President becomes a dictator, and the country is controlled by the one-man power. Congress then being exclusively under the grants of the Constitution the law-making power, has of its own volition the right to require any constitutional conditions it chooses in the disbursements of the public moneys. There is no coercion of the President whatever.

The veto is a tribunician power which has been transmitted from the Roman republic. It was designed for the protection of the people, not to oppress them or to overawe them with the Army or to drive defenseless unarmed citizens from the polls.

Let us see what the Constitution says of it. I read article 1, section 7:

> Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections to that House in which it shall have originated, who shall enter the objections at large on their Journal, and proceed to reconsider it.

Here is at best but a negative power. It should not be so used as by its use to give it affirmative power. It should not be used to coerce Congress, the law-making power, into the enactment of laws in matter and form which it does not of its own volition prefer. To ascer-

tain what the design and extent of this power is, it must be considered in the light of contemporaneous history and in connection with the other parts of the Constitution.

Mr. Madison said in the convention of 1787:

Instead, therefore, contenting ourselves with laying down the theory in the Constitution that each department ought to be separate and distinct, it was proposed to add a defensive power to each which should maintain the theory in practice. In so doing we did not blend the departments together.

Mr. Mason said in the convention:

We are introducing a new principle into our system, and not necessary, as in the British government, where the executive has greater rights to defend.

Mr. Gerry said in the convention:

The object he conceived of the revisionary power was merely to secure the executive department against legislative encroachment.

From these extracts of the views of leading members of the convention of 1787 it is clear that the veto power was not given to the President to enable him to control legislation, or indeed influence it, but simply as a means of protecting his office in the rightful possession and use of the prerogatives specifically granted in the letter of the Constitution.

Mr. Hamilton thought that the President would rarely use the power. He said "that the King of Great Britain had not exerted his negative since the Revolution."

Mr. Wilson "thought there was no danger of the power being too much exercised." He believed, as others did, "that this power would seldom be used."

Mr. Hamilton said in the seventy-third number of the Federalist:

The primary inducement to conferring the power in question upon the Executive is to enable him to defend himself.

* * * * * * *

If a magistrate so powerful and so well fortified as a British monarch would have scruples about the exercise of the power under consideration, how much greater caution may be reasonably expected in a President of the United States, clothed for the short period of four years with the executive authority of a government wholly and purely republican. It is evident that there would be greater danger of his not using his power when necessary than of his using it too often or too much.

The frequent use made of the veto in these times is very inconsistent with the anticipations of the sages who made the Constitution.

President Harrison in his inaugural address in March, 1841, said the veto was "to be used only, first, to protect the Constitution from violation; secondly, the people from the effects of hasty legislation where their will has probably been disregarded or not well understood; and, thirdly, to prevent the effects of combination violative of the rights of minorities."

Can any conscientious man aver that under either one of these heads there is the slightest ground upon which to rest a veto? The Constitution is not violated by the Army bill; it has been maturely considered and elaborately and ably discussed on both sides. There is no combination to oppress a minority; on the contrary, it removes oppression from the necks of the people, the majority and the minority as well.

These were the opinions of some of the framers of the Constitution. They considered that the Executive was only a ministerial officer, without any affirmative powers other than those purely executive, and that it was necessary to arm him with a weapon of self-defense against the growing tendencies of legislative encroachments. It was given him to protect the Constitution, to protect his own constitutional prerogatives and those of the judiciary, and to prevent for the time being hasty and inconsiderate legislation. There was no thought in the convention of 1787 of bestowing upon the Executive any legislative or judicial powers. Now, if he has the unqualified right to veto any bill without reference to the Constitution, then is he a co-ordinate part of the legislative power; for with such immense power as that in his hands he can block the wheels of Government and destroy its organization, or force the Legislature to enact his imperial decrees. Was such dictatorial power as that given to him?

The Constitution must be consistent with itself; it must not be self-contradictory or provide for its own destruction. It has, then, made it the duty of Congress to perform quite a number of duties which it has and can do in the form of bills and joint resolutions, any or all of which the President can veto, although by so doing the Government would die. Would not the exercise of the veto under such circumstances be a manifest and unpardonable abuse of power? For instance, it is made the duty of Congress, article 1, section 8, to lay and collect taxes, duties, imports, and excises; to pay the debts and provide for the common defense and general welfare of the United States; to borrow money on the credit of the United States; to coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures; to establish post-offices and post-roads; to declare war, raise and support armies and navies; and many other absolute mandatory powers are conferred upon Congress. Will it be contended that the President has the constitutional power to veto any of these constitutional mandates which Congress in the discharge of its sworn duty enacts?

Can the President prevent Congress by a legitimate and constitutional use of the veto from passing a bill to lay and collect taxes, provided they are uniform, with which to "pay the debts and provide for the common defense and general welfare?" Can he use it constitutionally to prevent the establishment of a uniform rule of naturalization, to coin money, regulate the value thereof, and fix the standard of weights and measures, to establish post-offices and post-roads, declare war, raise and support armies, &c.? If he can constitutionally use his veto to defeat any of these powers of Congress, truly he is a co-ordinate branch of the legislative department and the Constitution is a bundle of incongruities and self-contradictions, a mere nullity.

If the veto is thus unqualified, with one man in either House over one-third of that House, the President and that one-third and one member may combine and overthrow the Government. Truly they may starve it to death, just as the President and the minority in either House of Congress may now defeat the appropriation bills which will be passed by democratic votes for the support of the Army. Who is to judge of what the Army needs, the majority or the minority?

It is plain that, as the Constitution does not provide for its own destruction, this veto power must, in the light of the Constitution itself, be intended simply to enable the Executive to protect his plain written prerogatives and to interpose for the time, until reason shall have time to act, against any hasty or inconsiderate action. To invest it with greater power is to make the President a mere autocrat and Congress a simple clerical corps to register his imperial decrees. For if nothing is to be a law until his whims or wishes are consulted, then of course Congress, in its humiliation and self-abnegation, must ascertain his will and enact it, else the Government stops. Have we come to this? What discretion has Congress if this is the construction of the extent and design of the veto power?

Why was the legislative department declared to be a separate and distinct department and having its duties assigned to it? Suppose a weak or a treacherous man should be elected President of the United States, and suppose that he is seconded in the Senate by twenty-seven Senators, one more than one-third of that body, shall I be told that the theory of our Government justifies as a constitutional act one that blocks the wheels of the Government through the obstinacy of those twenty-seven Senators in conjunction and in conspiracy with the President in sustaining his veto, even though that veto starves the Government to death? The President only vetoes and the twenty-seven Senators sustain his veto, all fair on its face, all in conformity to the outward forms of the Constitution; and yet this action contains the seeds of death—the Government must die under it and by it! Shall I be told that our fathers ever intended such a use of the veto as that, and that the President who would use it thus would be blameless; nay, that his authority to so use it must not be questioned? Congress could pass an act, regular in every respect, ceding every foot of the Territories to a foreign power, but it would be a shameless breach of our trusts. Is not the President responsible for the use of the veto contrary to the spirit of the Constitution itself as shown by the testimony of the fathers?

When Congress complies with its duty in providing supplies for the Army, and couples with it the declaration that the troops shall not be used at the polls, it is no violation of the prerogatives of the President either as to the matter of the legislation, as already stated, nor is it as to the form, for each House has the right to determine its own rules of proceeding. Rule 120 is one of the rules of the House. Under that rule this legislation will be perfected, presented, and passed. Upon what ground can it be claimed that our action has not been constitutional?

Would any one be so bold as to claim that a veto would be justified under the Constitution upon the plea of uniting the legislation with an appropriation bill, when the rules of the House sustains such a course? To contend that the President has the right to use the veto under such circumstances is to deny the very terms of the Constitution itself. It is clear that he can only exercise the veto in defense of his own prerogatives and of the Constitution, and to arrest temporarily inconsiderate legislation.

But let us examine for a moment whether there is any ground as to the method of passing the bill to justify a veto. Will the President veto on account of the method of the bill—that is, because this restriction upon the use of the Army is embodied in an appropriation bill? The clause is germane to the bill, and is not a rider; but if it was the latter the House had the right to put it there. Under the Constitution, article 1, section 5, each House may determine the rules of its own proceedings. Now, the House of Representatives has adopted Rule 120, which authorizes the ingrafting upon the appropriation bill the legislation proposed. This, then, is the method or manner of proceeding—the rule, if you please, which the House chooses in the exercise of its constitutional right to adopt. The President, then, with proper respect for the constitutional rights of the House of Representatives, has no right to object to signing the bill simply because of the form in which it may be presented to him. It may be a bad rule, it may be injudicious and perplexing; but it is constitutional. The House had the right to make the rule, and did so, and the President nor any other power has the right to question the manner of proceeding.

The usage of the House in tacking additional or extraneous matter to appropriation bills has been long practiced and is now well established, having been done and acquiesced in by all political parties for half a century. Some of the very measures which we shall seek to repeal through the legislative appropriation bill were enacted upon appropriation bills, and supported by some of the distinguished names now opposing their repeal because it is sought to be done by ingraftment upon an appropriation bill. One notable instance is the name of Rutherford B. Hayes. The catalogue of important measures that

have found their way into the statute-books through the avenues of appropriation bills is a long and interesting one. It is not necessary to refer in detail to it, as the country well understands that fact, and no one is mendacious enough to deny it.

Shall Mr. Hayes undertake to reform the practices of Congress with which he has no constitutional right to interfere? What has he to do with the rules of either House of Congress? And if he has, as I trust he will show, a proper respect for the example of his own party and for his own personal consistency he would not seek such a high-handed act of executive usurpation to rebuke Congress. Mr. Hayes voted to attach a proviso to an appropriation bill, while he was a member of the House, to rob President Johnson of his constitutional prerogatives. He stands by this vote to-day. I trust the recollection of that vote will not fade from his memory when he comes to consider either bill. During the pendency of the Army appropriation bill in this House in the Thirty-fourth Congress, Mr. Sherman, now a member of Mr. Hayes's Cabinet, offered the following amendment to that bill:

Provided nevertheless, That no part of the military force of the United States herein provided for shall be employed in aid of the enforcement of the enactments of the alleged Legislative Assembly of the Territory of Kansas, recently assembled at Shawnee Mission, until Congress shall have enacted either that it was or was not a valid Legislative Assembly, chosen in conformity with the organic law by the people of said Territory: *And provided*, That until Congress shall have passed on the validity of the said Legislative Assembly of Kansas it shall be the duty of the President to use the military force in said Territory to preserve the peace, suppress insurrection, repel invasion, and protect persons and property therein, and upon the national highways in the State of Missouri, from unlawful seizures and searches: *And be it further provided*, That the President is required to disarm the present organization of the Territory of Kansas, and recall all the United States arms therein distributed, and to prevent armed men from going into said Territory to disturb the public peace or aid in the enforcement or resistance of real or pretended laws.

This amendment to the Army appropriation bill was supported by the entire republican party in the House of Representatives at that time. Can it be possible that that Cabinet officer would now advise so grave a step by the President as to veto a supply bill for the support of the Army because it contains the condition or restriction that the Army shall not be allowed to intimidate voters and control elections? Has the pride of consistency and fair dealing fled to brutish beasts and have men lost their reason? Had this bill as amended in the House have passed the Senate and been vetoed by President Pierce, the indignation of the republican party would have known no bounds.

Charles I yielded to the Commons the right of the Commons to tack to money bills any great muniment of liberty demanded by them. William III in 1692 vetoed the triennial bill. Parliament tacked it to a supply bill and it became a law.

The veto power is a negative power simply, and any use of it which subverts the affirmative powers of the Senate and House as the law-making power is an unconstitutional use of it, because it renders nugatory and practically null and void the plain provision of the Constitution which vests the Senate and House alone with all legislative powers. The Executive can therefore have no legislative function, and can only use the veto to protect the Constitution and those prerogatives which are affirmatively conferred in the Constitution, and to prevent a want of deliberation. Hence the President has no right to exercise a prerogative which prevents rightful and constitutional legislation, for if he does he assumes legislative powers. It is audacious to say that he is coerced because Congress chooses deliberately to pass laws in conformity with the Constitution and in the manner justified by the rules of each House. It is worse than audacious; it is dangerous and destructive of liberty.

There is nothing in the powers of the council of the Empire of Russia that is more dependent upon the *ipse dixit* of the emperor, who appoints the councilmen for life, than in the practice which this theory of the President being clothed with legislative power will establish; for he and his twenty-seven Senators block up and clog every wheel of Government until the majority in both Houses shall succumb to his imperial policy. Even if every Representative of the people had voted for the Army bill, the President, together with one more than one-third of the Senate, could dictate any terms, demand any conditions, or write the fatal words "I forbid," and supplies to the Army must cease unless the whole House and two-thirds but one of the Senate will bend their suppliant knees to his majesty and his twenty-seven Senators.

In England the King, Lords, and Commons compose the Parliament; with us the Senate and House of Representatives compose the Congress. Shall the constitutional functions of Congress be arrested and destroyed by the indiscreet and unjustifiable use of another constitutional function? That must follow if the veto power is as unlimited and unqualified as I have shown it to be in the case I have already put of the collusion of the Executive with twenty-seven Senators. Such a theory is the national suicide of the Republic and the installation of autocratic power with a partisan council of twenty-seven whose interests and inclinations alike might lead them to betray the people and aggrandize themselves. With power invested in the President to control the polls by troops or by a horde of supervisors and deputy marshals, such a *régime* might be indefinitely perpetuated and every vestige of national and individual power and liberty usurped and overthrown. Such a conclusion legitimately follows this unwarranted assumption of an unqualified veto, which clothes the President with quasi or negative legislative power, except in the plain defense of his own prerogatives and of the other grants of the Constitution, should Congress rashly venture upon an encroachment of any of them.

Suppose Congress, in order to provide for the public defense and general welfare, should pass a bill to collect revenue by an *ad valorem* rate of duty and the President should prefer to collect by direct capitation tax, and should veto the revenue bill and intimate to Congress that the public defense and general welfare of the nation could not be provided for unless his method of a direct tax is resorted to? Will any one say that such a use of the veto is not contrary to the genius, spirit, and plain teachings of the Constitution and of the convention which made it? And yet he might just as well say that his prerogatives are trenched upon and that the Constitution is violated in that instance, and that he is therefore authorized to veto the same as he would be in the case of the Army bill. The repeal of this authority to keep troops at the polls affects no Executive right and in no manner violates any grant of the Constitution, but it is in conformity with the attainment of the true principles of American institutions that the civil should be superior to the military power, and that elections be free and unintimidated by military interference. No matter if the Constitution does invest the House of Representatives with the sole power of originating revenue bills, and Congress, in pursuance of that power, passes a revenue act, the theory that the President is independent of the numerous and salutary restraints laid down in the Constitution would authorize him to veto the measure. If so, what becomes of the rights of the legislative department and its powers? All centralizes in the one-man power.

The Constitution, article 1, section 7, vests the House of Representatives with the sole power of originating revenue bills, and the practice derived by analogy from this power is universal for the House to originate appropriation bills. In other words, the people's Representatives lay the taxes and hold the purse-strings. Who, then, shall say that Congress may not place any constitutional restriction it chooses, or impose any condition it wishes upon the use of the money it collects from the pockets of the people and hands over to the Executive? If, then, the Congress votes appropriations and couples those appropriations with certain conditions that protect the ballot-box from the interference of soldiers on election days and otherwise secures the citizen in the exercise of a free ballot, and the President on account of those safeguards to the rights of the people vetoes the bill and refuses and cuts off the means of supporting the Government, who, I ask, is responsible? Who bars the doors of the Treasury against the needs of the Government?

It is no argument to say that this veto power is classed among the legislative powers in the Constitution, and that therefore it is invested with legislative power. Other powers are included among the same class which are not legislative at all. For instance among this group of powers is found the power vested solely in the Senate to try impeachments, having nothing whatever to do with legislation. There are other exceptional powers therein enumerated which are not legislative at all. As, for instance, the House has the sole power of impeachment. Suppose the democratic majority in the Senate should exercise their constitutional power to defeat instead of confirm the executive appointments of the civil officers of this Government, would not the arbitrary use of that power, although perhaps in conformity with the forms of the Constitution, be directly opposed to its spirit and genius, and would it not be a treasonable mode of blocking the official machinery of the Government? Could such a course be a legitimate and proper use of a constitutional function? Although each Senator must answer for himself, and has the right to vote to confirm or reject all nominations, a right secured in the Constitution, yet will any one say that it is admissible to exercise that right in such a manner as to defeat the exercise of the affirmative rights of the President to make his own nominations to fill the various civil offices of the Government, and therefore by using their power in their own way they may succeed in negativing or vetoing the will of the President guaranteed by express grant in the Constitution, and thus force him to make nominations that do not suit him, but which have to be made to suit those partisan Senators.

Would not the veto of the Army bill by the President be just such a flagrant outrage upon Congress as that recalcitrant course of the Senators would be upon the President? There is no difference in principle. The only difference is in the quality of the affront. The majesty of the people represented by Congress is not inferior to the majesty of a man who fell over one million white votes below a majority in the last presidential election and who obtained his seat through returning boards and electoral commissions by a vote of 8 to 7. I do not impeach his tenure, it was made lawful by the act of Congress, but many an act conceived in fraud and brought forth in iniquity has stood the test of opposition and been held legal and binding; so is this legal and binding. Peace, order, and law demand it! But for the devotion of the democratic party to these noble ends, but for its self-sacrifice and patriotic patience under wrong and fraud, where would the peace of this country be to-day?

When General Grant was first nominated for President, although the terror of his name had shaken the continent and his fame had traversed the confines of civilization, yet when he came to consider the majesty of the people and that he was about to become their Chief Magistrate he properly said that he had no policy of his own to interpose against the will of the people.

Do our friends on the other side prefer the destruction of the Army,

if they cannot be allowed to have bayonets at the polls? That is the issue. The law of 1795, section 788, reads thus:

The marshals and their deputies shall have, in each State, the same powers, in executing the laws of the United States, as the sheriffs and their deputies in such State may have, by law, in executing the laws thereof.

Here the marshals have all power to execute the laws of the United States. That law is not repealed. The laws of the United States can be enforced anywhere and at any time, on the day of elections at the polls or at any other time or place. The plea that the bill paralyzes the civil arm of the Government will not stand.

The Supreme Court in the case of the United States *vs.* Cruikshank *et al.* (2 Otto, 542) uses this language:

The duty of protecting all its citizens in the enjoyment of equality of rights was originally assumed by the States, and it still remains there. The only obligation resting upon the United States is to see that the States do not deny the right. The power of the National Government is limited to the enforcement of this guarantee.

If New York or any other State fails to protect the citizen under this decision of the Supreme Court, the United States could interfere with its marshals, and not otherwise. But gentlemen not only want the marshals to interfere in the protection of the peace of the State, but want the Army to help them.

Nor is that the special trouble, although it is made a pretext. The whole truth is that the people must not be allowed to vote for whom they please unless they please to vote for republicans. The republicans must be kept in power; that is the grand *finale* of the whole business. This law and others which the legislative bill seeks to repeal constitute the legal armor behind which it is hoped and intended, as I believe, to again defraud the people of their election for President in 1880. A *plebiscit* after the manner of Napoleon instead of an old-fashioned free election is what the republican leaders want. Will Mr. Hayes lend the power of his great office to effectuate such tyrannical results by preventing the repeal of such obnoxious laws?

The laws of the United States, prior to the act of 1861, forbade the use of troops, under heavy penalties, at the polls. The act of 1861 repealed those laws and authorized the employment of the Army in the performance of police duty on the day of election and at the voting precincts. The law of 1865 repealed the act of 1861, with two solitary features excepted.

Section 2002 of the Revised Statutes reads as follows:

SEC. 2002. No military or naval officer, or other person engaged in the civil, military, or naval service of the United States, shall order, bring, keep, or have under his authority or control, any troops or armed men at the place where any general or special election is held in any State, unless it be necessary to repel the armed enemies of the United States, or to keep the peace at the polls.

That section of the Revised Statutes makes the following two exceptions, which were not repealed of the law of 1861, to wit: "Unless it be necessary to repel the armed enemies of the United States, or to keep the peace at the polls." The Army bill repeals one of these exceptions by striking out these words, "or to keep the peace at the polls."

All that has been done in the bill was to repeal the act of 1865, which authorized the employment of the Army to keep the peace at the polls. How does the striking out of these words from the statutes in any manner affect the civil authorities from exercising all of the powers they possess now? The arm of the civil authorities would be as potent with these words repealed as it is now.

Do gentlemen demand that marshals shall prevent breaches of the peace at the polls? Do they demand that they shall prevent the violation of a law passed by a State? Is it the duty of the United States or of the State to preserve the peace in a State, whether at an election precinct or elsewhere? Do gentlemen demand that the United States marshals shall prevent the violation of a law Congress has no power to pass? The State of New York and other States do not allow process to be served on the day of election. That day is observed as a holiday. Process is not allowed to be served on Sundays, and most States exempt the days of election, because that day should be consecrated to free government, and every citizen should be allowed without fear to voice his influence and authority in molding the laws under which he is to live.

This is a momentous issue. If it is vetoed it will be the first veto in this country of a bill repealing a law! And such a law! A law that is unconstitutional and un-American! A law that is abhorrent to all ideas of free government! And yet the bill that sets the people free at the polls to vote unintimidated and unawed by bayonets in the hands of mailed soldiers is threatened on this floor with the fate of the executive frown and to die by the hand of one single man, and with it must fall the means of supporting the Army.

Had the framers of the Constitution anticipated, could they have been able to foresee the immense patronage and power which has gathered around the executive office in the space of less than one hundred years, they would not have felt that he needed the veto power even for his own defense. It is true that Benjamin Franklin and one or two others thought then that he ought not to be clothed with any such authority, but they were overruled by the almost unanimous judgment of the convention purely and solely upon the ground that his office, as just stated, was only ministerial, and was in far greater danger of being overturned by the advancing popularity of the legislative department, which would swell in proportion as population increased and as new States were carved out and added to the sisterhood. But the sagacious mind of Franklin doubtless saw the immense army of office-holders and dependents hanging like so many barnacles to the ship of state in one sense, and yet in another by their energy and official management and intrigue capable of producing great results in concentrating power in the hands of the Executive, and at the same time disbursing annually hundreds of millions of dollars, all tending to build up the executive office into colossal proportions of power and influence. Under these circumstances, and panoplied with all these elements of popular control, I do not wonder that the liberty-loving old Quaker philosopher, seeing all these things in the mind's eye as they are now transpiring, should have opposed any aggrandizement of the executive office by investing it with the veto power.

The power to coin money is one of the specifically named grants of power in the Constitution that is conferred upon Congress. But when Congress discharges that constitutional behest as it did a year ago in restoring the silver dollar as before alluded to, being purely an economic question, and the President saw fit to hurl his autocratic fiat in the teeth of the laboring, industrial, and business interests of the country, it is, I submit, time for the people whose Government this is to inquire if it would not be prudent to look around and see if they had not better throw some more restraints upon this one-man power before an emergency shall arise when it will be too late to rescue the sacred interests of the people from imminent jeopardy?

Sir, the soil of American politics is not suited to such an exotic as the one-man power. It will do where kings and emperors reign, but in free America the people are sovereign. But I should except the British government from this remark as no veto has occured I believe since William III vetoed the triennial bill in 1692. No instance for nearly two hundred years of a veto has occurred in England, from which country we borrowed this feature of our Constitution. And no instance of a veto of a bill restoring the people to their lost rights has ever occurred in England. Should it occur it will be the first in this country, and may it in Heaven's name and in the name of constitutional freedom, and in the name of the American Republic, be the last!

Starting out with brave words of conciliation upon his lips, and with still braver deeds to signalize the first pages of his administration's history, calling upon his head the fierce and vindictive fire of his unsuccessful and revengeful foes in his own political household, I must confess that I would be amazed to see the President leap at a bound into the partisan arena,

Waving the torch of the furies.

I have no objection to urge against any one for belonging to a party; but the President having played the roll of pacificator I submit there is no justifiable cause for a somersault into the arms of the extreme men of his party, and I trust he will pause before he takes the leap. Complain of coercion! Here will be an illustration of the most positive coercion. Should he obey the behests of his party the President will have been literally driven by the extreme men of his party into an abandonment of his former position of reconciliation and justice toward the Southern States as foreshadowed in his inaugural and subsequently followed in the course of the administration toward the States of South Carolina, Florida, and Louisiana, to take shelter in the camp of the stalwarts of his party. In such an inglorious surrender he will have dragged along his patriotic inaugural and with it the Constitution of this country to the feet of party subserviency. What would a veto mean? It would mean that the President and the republicans demand that a minority in both branches of Congress shall determine the rules of proceedings of Congress, and shall also determine what measures shall be adopted; it would mean that they prefer to have no Army unless they can use that Army with fixed bayonets to terrorize and drive peaceable and unarmed citizens from the polls.

Who are the revolutionists—the men who vote for supplies or the men who vote against supplies? Ah! Who are they? The unpatriotic attempt to deceive the northern people by false and malicious misrepresentations of the sentiments and position of the southern people in reference to their obligations to the Government of the United States should be exposed. Where is the evidence of southern disloyalty? Since the South "dropped from her nerveless grasp the shattered spear" of battle, history does not furnish an instance of a conquered people who have proved more loyal or honorable in the discharge of obligations. Secession is dead. Slavery is dead. The thirteenth, fourteenth, and fifteenth amendments to the Constitution are admitted freely and supported without complaint. The horrors of reconstruction were borne without complaint. Bankruptcy entailed by the war and by carpet-bag rule has been patiently endured for long and weary years. The domination of the military over the civil authorities has been submitted to and only resisted under forms of law and in accordance with constitutional processes.

Let the record for economy and retrenchment in this House and the prudent and conservative course of southern members generally stand up for us before our accusers. I deny the unjust charge that this proceeding is revolutionary. Revolution means a political revolt—the overturning of a government. What democrat has uttered a word against the authority of the Government? Who intimates any doubt or dissent to the legal authority of the present incumbent of the executive chair, although the world knows that he was not elected by the people, and that another man was elected President of the United States? I trust that it will not be regarded as revolutionary to oppose the republican party and its unjust policies and laws. The Government of the United States is one thing and the republican party is quite another. It is the maladministration by the republican

party of the Government against which the democratic majorities in Congress, representing a million majority of the white voters in this country, are warring.

Europe takes our 4 per cent. loan with avidity, and laughs at the cry of revolution by the hypocritical alarmists, who are only trying to deceive the people and draw their attention away from their own bad record and worse principles by hurling in their faces a false issue.

There is one kind of revolution—it is the great popular will that has been for years and is still revolving the republican party out of power and revolving the democratic party into power, not through the agencies of bayonets at elections, or by a horde of supervisors and deputy marshals armed with the power to arrest without due process of law any persons they please and to imprison them without trial. Oh, no! not by cartridge-boxes, but by free and honest ballot-boxes. A revolution that will bring peace, equality, and prosperity to the doors of the masses of the people. We are for law, order, and the Constitution. We are for peace, the freest toleration of opinion, and equal rights for all. The Southern States invite emigration into their borders, and have no sectional, political, or religious test to offer. The southern people are asking no special favors. We have no interests that are not common with the balance of the Union. Let us not quarrel over false issues. Let us take hold of living ones. Let us reform the currency and taxation laws, that thrift may follow labor and prosperity crown the people.

The most discouraging political event of the times is the concerted and persistent effort of the republican party to doubt, disparage, falsify, and accuse the patriotism of the southern people. It seems that nothing that we can do or say will satisfy them of our sincerity and of our devotion to the welfare and prosperity of this Union. As all governments, unless pinned together by bayonets by the order of a military despot, must rest upon the affections and consent of the people, what would a foreigner think of the hold that this Union has upon the people of one-third of these States if they were compelled to judge of it through the representations contained in the speeches of our republican friends. Strangers, of course, would feel and believe that the southern people were as sullen and as hostile to the Union as Ireland is to England or Hungary to Austria or Poland to Russia. But to the members of this Congress, to their intelligent constituents, how supremely ridiculous this slanderous charge appears!

There is not a man of my acquaintance in any Southern State—and I am personally acquainted with thousands in those States—who carries in his bosom any lingering hostility to this Union. Why, then, stir up bad blood between the South and the North? Really there is now no political South. We have no peculiar interest that the North has not got in common. What is to be the effect of this ceaseless abuse and constant detraction? I fear that it will end in dispiriting our people and that material decay will follow. A people less brave, energetic, and determined would become dispirited with this ceaseless war made upon them and would naturally fall into general decadence. Physical decay would inevitably follow any successful effort which shall cause the laboring classes to become dissatisfied with their condition and to seek other and distant homes. The soil and climate of the Southern States possess natural advantages unparalleled by any country beneath the sun. Let us glance at the products of these States, possessing a population of about fourteen millions of people.

Alabama: crops of 1877, (corn, wheat, rye, oats, barley, buckwheat, potatoes, and hay,) $18,846,000.

Arkansas: crop of 1877, as above, value, $12,538,800.

Delaware: crop of 1877, as above, value, $4,262,875.

Florida: crop of 1877, as above, value, $2,298,500.

Georgia: crop of 1877, as above, value, $24,193,800.

Kentucky: crop of 1877, as above, value, $33,725,200.

Louisiana: crop of 1877, as above, value, $7,395,000. (Not all reported.)

Mississippi: crop of 1877, as above, value, $14,803,250.

Maryland: crop of 1877, as above, value, $21,646,550.

Missouri: crop of 1877, as above, value, $63,596,600.

North Carolina: crop of 1877, as above, value, $20,064,110.

South Carolina: crop of 1877, as above, value, $11,745,060.

Tennessee: crop of 1877, as above, value, $36,942,660.

Texas: crop of 1877, as above, value, $30,212,250.

Virginia: crop of 1877, as above, value, $26,641,800.

West Virginia: crop of 1877, as above, value, $13,647,850.

Value of cotton crop of 1878, as estimated by the Department of Agriculture, (say 5,200,000 bales,) for all the Southern States, $220,000,000.

Value of tobacco crop of 1870, (no full statistics given of a later date,) 262,735,241 pounds, (say four cents,) $10,509,409.

Value of cotton manufactures of Southern States in 1875, (estimated, 67,733,140 pounds)—no value given.

Value of farm animals not given in any census.

These statistics show the vast interests at stake in dealing with the labor problem. It is true that the larger part of these products are the fruits of white labor, but the colored labor constitutes an important feature in the grand aggregate. Strike down at one blow one-half of the value of the cotton crop, and the exchanges of this country would be seriously against us. It would affect our commerce and our financial relations with foreign countries to an almost ruinous extent.

Destroy if you please the energy and wealth and civilization of these people, no matter by what agency, and see what injury has been done to the Northern and Eastern States. The South is to the North and East one of their best markets for their manufactures. Drive away or entice away our labor, cripple our productions in whatever way, and of course our capacity for consumption is proportionately diminished and the sales and profits of the manufacturer are in like manner decreased. This, too, will at once produce stagnation in business in the manufacturing centers of the Union, and labor there must go unrewarded or unemployed, perhaps. These are questions of political economy which the people of the North would do well to consider when they listen to political harangues against the solid South and endeavor to break down their productions by deranging their labor system. Sectionalism is a crime against honest labor; it is a crime against the Government which we all ought to revere and love; it is a crime against liberty and civilization.

Can we not all quit talking about the war, its results, the political South, and address ourselves to material and living issues in which all the people are interested? The people are thinking about their material condition. Poverty stares millions of them in the face. Our system of financial and revenue laws have been and are yet greatly at fault, their tendency is to aggrandize the wealth of those already rich and who live by profits and per cents. Let us go about reforming them now before this session closes. The producer and the artisan are made the victims of usurious commissions and monopolistic impositions which consume the products of their labor and leave them a bare support for themselves and their dependent families. Added to these drawbacks they are compelled to yield of their scanty earnings a forced tribute to the support of the Government altogether out of proportion to the advantages and protection which some of its unjust and unequal laws afford to the more fortunate citizens who bask in the favor of class legislation, and who are protected thereby in the enjoyment of the prosperity and advantages of unblushing and gigantic monopolies which openly defy public opinion and laugh at the complaints of an overburdened and tax-ridden people.

And now when the people by overwhelming majorities proclaim in favor of a different system of revenue laws and a change in our financial policy, are they still to be subjected as American voters to the surveillance of armed soldiers or janizaries to prevent the free expression of their views upon these great issues and thereby perpetuate the republican party in power? And will it be done through the unwarranted and unconstitutional use of a presidential veto? Patriotism forbid it!

Legislative, etc., appropriation bill.

SPEECH OF HON. J. A. McKENZIE,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, April 19, 1879.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. No. 2) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes—

Mr. McKENZIE said:

Mr. CHAIRMAN: I should not have attempted to participate in this discussion, worn threadbare as it is, but from the fact that upon a question so important, one involving the dearest rights of citizenship, and one which is occupying the attention of the great body of the people from one extremity of the Union to the other, I felt unwilling to simply cast my vote without giving my reasons why I should support the pending bill. This is a bill making the ordinary appropriations for the support of the legislative, executive, and judicial branches of the Government for the year ending June 30, 1880, with provisions which propose the repeal of certain sections of the Revised Statutes known as the jurors' test oath and the Federal election laws.

The laws which we propose to repeal relating to supervisors of elections and deputy marshals, have been so well summarized by the gentleman from Ohio, [Mr. DICKEY,] that I beg leave to read from the speech of that gentleman, made April 18, 1879. He said:

Let me briefly summarize these laws.

First. That two citizens may be appointed by the judge of the circuit court of the United States, to be known as supervisors of elections.

Second. These supervisors are required to attend at all times and places fixed for the registration of voters who would be entitled to vote for a Representative or Delegate in Congress; and to challenge any person offering to register, and to personally inspect and scrutinize such registry.

Third. These supervisors are also required to attend at all times and places for the holding elections of Representatives or Delegates in Congress; and to remain and personally inspect and scrutinize, on the day of election, the manner in which the voting is done, and the way and method in which the poll-books, tallies, &c., are kept.

Fourth. They are required to personally scrutinize, count, and canvass each ballot cast in their election district or voting precinct.

Fifth. They are directed, on the day of election, to take, occupy, and remain in such position, whether before or behind the ballot-boxes, as will best enable them to see each person offering to vote or register; and at the closing of the polls they are required to place themselves in such position, in relation to the ballot-boxes,

for the purpose of canvassing the ballots, and there remain until the work is complete.

Sixth. Whenever an election, at which Representatives or Delegates in Congress are to be chosen, is held in any city of twenty thousand inhabitants or upward, the marshal for the district shall, on application of two citizens, appoint any number of special deputy marshals to assist the supervisors.

Seventh. The marshal, his general deputies and special deputies, are empowered to arrest and take into custody any person without process, and carry the person so arrested before a commissioner, judge, or court of the United States for examination according to law in case of crimes against the United States.

Eighth. In addition, there is the necessary machinery, powers, fees, per diem, &c., for carrying into effect those provisions.

These laws originated in the dire necessities of the republican party at a time when it was evident that the intelligent and patriotic people of the country had become weary of its long domination, its oppressions, and its misrule, and had determined, unless prevented by the exercise of arbitrary power, to effect a thorough change in the administration of their public affairs. The fact is, they were devised by a local republican organization, the Union League Club of the city of New York, and were carried through the committees of Congress mainly if not entirely through the efforts of that organization and its hired agents and attorneys.

The testimony taken before the Committee of Expenditures in the Department of Justice, found in Report No. 800, first session, Forty-fourth Congress, shows clearly that the Union League Club for the purpose of promoting the success of the republican party, appointed a committee, employed counsel, and expended large sums of money in collecting such facts as would induce a republican Congress to pass these laws. In proof of this let me read the following extracts from the testimony of Samuel J. Glassey, one of the attorneys employed by that club, and the testimony of John I. Davenport, who was immediately after the passage of the laws appointed chief supervisor of New York, and who yet holds that position—holding at the same time two other lucrative Federal positions.

Davenport states in his testimony, page 130, part 2, as follows:

By the CHAIRMAN:

Question. In the first part of your statement you spoke of certain laws that you aided in getting through Congress?

Answer. Yes, sir.

Q. Be kind enough to state again, succinctly and specifically, what laws they were.

A. They were the act of May 3, 1870, entitled "An act to enforce the rights of citizens to vote in the several States of this Union, and for other purposes," chapter 114 of the Statutes at Large, volume 16. The other act is chapter 254, approved July 14, 1870, being "An act to amend the naturalization laws, and to punish crimes against the same, and for other purposes." The other act is the act of February 28, 1871, chapter 99, being "An act to amend an act approved May 31, 1870, 'An act to enforce the rights of citizens of the United States to vote in the several States of this Union, and for other purposes.'" And this brings up another matter that cost me about $80 for telegraphing. I had the whole law telegraphed me from Washington to New York. They were getting it all mixed up in the conference committee, and I just sat down in the telegraph office and tried to get it straightened out.

Q. Sat down in the telegraph office in New York?

A. Yes, sir; there was no time for me to come on here.

Q. Who was it telegraphed to you?

A. They telegraphed the law. I telegraphed to the Times correspondent to telegraph the law to me. There was no time to get back, and I saw by the papers they were getting it into a shape that would defeat the intent, and that they didn't see where it would land. It was in one of the appropriation bills. Chapter 139, in volume 17 of the Statutes at Large, is a short act amending again the act of May 30, 1870.

Q. Is that the one they telegraphed you about?

A. No, sir. Then you will find in chapter 415 of the seventeenth volume of the statutes, in the bill making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1873, and for other purposes, under the head of judiciary, that the act of February 28, 1871, is amended.

Q. Was that done through your influence?

A. Yes, sir; they telegraphed all of this.

Q. That is under the head of judiciary?

A. Yes, sir; all that is under the head of judiciary that relates to this matter, amendatory of that act of February 28, 1871. I could give you the history of that whole thing through the conference committees. I think there were three conference committees on that.

Q. On that particular amendment?

A. Yes, sir; there was a long fight.

Q. And then somebody telegraphed to you?

A. No, sir; I telegraphed. I saw in the morning papers that the thing was not right, and I telegraphed to telegraph me the bill so that I might know whether the papers were correct, or whether the bill was right and the papers were wrong. Then I got it; I saw the difficulty, and I sat down and telegraphed to the different members of the conference committees.

In regard to the passage of these laws, Mr. Samuel J. Glassy swears, page 185, part 2:

By Mr. COCHRANE:

Question. State what you know, without going too much into detail.

Answer. Two acts of Congress, passed during the session of 1870, one in May and the other in July, were the result of a comparison of some eight or ten bills which the different members of the two different Houses had prepared and introduced on their own motion with the bills drafted to accomplish the same object. Mr. Davenport, in this same employment, acting under the directions of the club committee, and especially of myself and General Foster, was sent to Washington, his expenses being paid and he receiving compensation for his services, to attend to the urging of these bills. In the winter of 1870 and 1871 the club resolved that some further legislation was necessary on the subject, and in December of 1870 or January of 1871 Mr. Davenport went to Washington again, and while he was there this act of February 28, 1871, was passed. The concoction of that bill I had very little to do with. Some part of it was drafted by Mr. Davenport. I very distinctly remember reading over the section relating to fees. The two previous acts of Congress, those passed in May, 1870, and July, 1870, I knew all about.

Q. What did he say to you about that section in reference to fees?

A. That if he could get that clause in it would enable him to make $15,000 or $20,000 at the time of every general election. It is proper to say that these first two bills that were passed in 1870 were very carefully considered, not only by General Foster and myself, but by several prominent lawyers who were members of the club, and several members of Congress and other persons of eminence. At the very outset of our consideration of these remedial measures, which we deemed necessary, the question how far Congress had any power under the Constitution to interfere with elections was very carefully considered; and all the lawyers I remember as having anything to do or say about it were of the opinion that congressional interference must be confined strictly to the election of the members of the House of Representatives, and beyond that we could not go.

So much in brief for the origin of these laws we propose to repeal. As to the intolerable and unjust manner in which they have been executed, the history of the elections of 1874, 1876, and 1878, if it could be fully recited, would show that the power conferred by them upon the subordinate officers of the Government has been most outrageously perverted and abused for the worst partisan purposes. I have no time to go fully into that matter, nor is it necessary to do so, as the records of this body contain abundant evidence in the form of committee reports and otherwise of the truth of my assertion. When eight thousand legally qualified voters can be disfranchised in a single city at a single election as was done in the city of New York at the last congressional election and no man punished or even prosecuted for the outrage, it is time for the representatives of the people to resort to every constitutional and legal means to abolish this partisan machinery.

My colleague [Mr. CARLISLE] has gone so fully into this matter and has presented it to the House so forcibly that I will be pardoned for reading the following extract from his speech of April 17. He said:

In May, 1878, the chief supervisor of elections in that city caused one of his clerks or assistants to swear to a single complaint against ninety-three hundred persons of foreign birth who held certificates of naturalization issued from the supreme and superior courts in 1868, and on which they had regularly registered and voted at every election since that time. On this complaint the same supervisor of elections, as clerk of the United States court, issued five thousand and four warrants, returnable before himself as commissioner of the United States court! Afterward it seems to have been discovered by this officer that these warrants were illegal by reason of the fact that the complaint contained more than one name, and thereupon they were withdrawn; but immediately afterward he caused twenty-eight hundred more complaints to be made and issued warrants upon them in the same way. Many persons were arrested under this process, and about thirty-four hundred naturalized citizens, in order to escape from this partisan persecution, actually surrendered their papers. Just a few days before the election in November he caused the same clerk or assistant to swear to thirty-two hundred more complaints. They were sworn to in packages, many of them on the Sunday preceding the election, and during the night preceding the election warrants were made out against the persons named in the complaints and placed in the hands of the supervisors of election at the various voting places, to be delivered to the deputy marshals the next morning, in order that they might be executed when the persons named in them should appear for the purpose of voting. Among the instructions given by the chief supervisor to his subordinates was the following:

"In the case of persons who present themselves to vote, where a warrant has been previously issued, you will see that such persons are arrested upon the warrant upon so presenting themselves and before voting."

This instruction was faithfully obeyed, and on the day of election hundreds of naturalized citizens who possessed all the qualifications required by the constitution and laws of the State of New York were arrested at the polls, dragged away by these deputy marshals, and deprived of the right of suffrage. The pretense upon which these outrages were committed was that the records of naturalization kept by the superior court of New York in the year 1868 were defective and that therefore the certificates were void. The truth was that precisely the same kind of record, and no other, had been kept in that court for a period of fifteen years, under the administrations of nineteen different judges of both political parties, the Hon. Edwards Pierrepont, late minister to the court of St. James, being one of them; that between fifty and sixty thousand persons had during that time been naturalized in precisely the same manner as these persecuted men, and many of them had been voting and exercising all the other rights of citizenship without question for twenty years; and that before these arrests were made a State judge, in an able and elaborate opinion, had expressly decided that the record was sufficient and the naturalizations valid. Notwithstanding these facts, about which there can be no dispute, these nine or ten thousand persons who had in good faith procured their papers in 1868 were selected to be the victims of as vile a political persecution as was ever set on foot in the history of any country. Certainly no such crusade against the political rights of any class of citizens was ever before inaugurated in this country, and none ever had less excuse or justification. In some instances the papers of the citizen were seized by these Federal officers when he came to register and were retained until the election was over.

I might refer to the elections in the same city during other years, and to the elections in the city of Philadelphia last year, to show other gross abuses of these statutes by the ignorant and corrupt partisan officers appointed to execute them, but the single illustration already given is sufficient to show that we are justifiable in resorting to any method allowable by the Constitution of the country and the rules of this House to secure their immediate and unconditional repeal.

No such menace to republican liberty and the free exercise of the right of suffrage should be permitted to stand for a day upon the statute-book of the country.

I desire in this connection to say a word as to the cost of this system of supervisors and deputy marshals. I desire the tax-payers of this country to know what they are paying for the luxury of perpetuating the ascendency of the republican party by corrupting the ballot-box and destroying the liberty of the citizen. I find that in 1876 there were 4,863 supervisors and 11,610 deputy marshals, at a cost to the tax-payers of $275,296.70. In 1878 the number was slightly decreased, but the cost still amounted to the sum of $202,291.69. And this enormous outlay of the people's money was made for the purpose of preventing rather than securing an honest vote, for the purpose of perpetuating party ascendency rather than securing a full, free, fair expression of the people's will.

But we are met by the cry from the republican side of this Chamber that it is "revolutionary" to attempt the repeal of these laws by attaching them to a supply bill. And in the face of this cry of revolution from republican leaders in this House, a syndicate of Boston

bankers subscribed for one hundred and fifty millions of the new 4 per cent. Government loan in a single day.

Does this look as though the apprehension of revolution was shared by the money-lenders of the East? Does it look as though the people of New England was in sympathy with the politicians who seek to keep alive the fires of sectional hate by raising the cry that the southern element in Congress was proposing schemes of legislation destructive of public order and popular confidence? No, Mr. Chairman, the democratic party does not mean revolution; it does mean, however, that this infamous, oppressive, partisan legislation shall no longer have a place on our statute-book. Let us see with what grace the cry of revolution comes from the republican party, because, forsooth, the democrats propose to attach extraneous legislation to an appropriation bill. I find by an examination of the tabulated statement prepared by the gentleman from Texas, [Mr. REAGAN,] that from 1862 to 1875, during the whole of which time the republican party controlled both branches of Congress, there were passed three hundred and eighty-four items of legislation upon eighty-four general appropriation bills. Says Mr. REAGAN:

By the deficiency act of March 2, 1867, (section 3, page 470, volume 14 of the laws,) a tax was levied upon gaugeable goods.

By the Army appropriation bill of March 3, 1869, (Statutes at Large, volume 15, page 318,) in the sections from 3 to 7 inclusive, the Army organization is changed or modified.

In the sundry civil appropriation bill of July 15, 1870, section 12 appropriates $225,000 to build a pier in Delaware Bay, and section 13 authorizes the extension of a railroad over it and the free use of it.

In the sundry civil appropriation bill of March 3, 1871, (section 9, volume 16, page 514 of the laws,) provision is made for civil-service reform.

In the consular and diplomatic bill of July 11, 1870, (section 2, volume 16, page 221,) provision was made for Parson Newman's voyage around the globe at public expense, at a salary of $5,000 per year; a pleasure trip for him, but useless to the public.

In the sundry civil appropriation act of March 3, 1873, (volume 17, page 530,) provision is made for extending the laws of the United States to Alaska. In the naval appropriation act of May 23, 1873, (volume 17, page 154,) authority was given to the Secretary of the Navy to sell naval vessels, and in the sundry civil appropriation act of March 3, 1875, (volume 18, page 401,) section 11 authorizes the Secretary of the Treasury to give notice that he will redeem 6 per cent. bonds in coin at par for the sinking fund.

These Federal election laws, Mr. Chairman, belong to the same anti-republican system of coercive measures as the law authorizing the use of the Army at the polls on the pretense of keeping the peace. It has been said upon the floor of this House by the gentleman from Ohio [Mr. GARFIELD] that no qualified voter had been deprived of the right of suffrage by the use of the Army at the polls. But I can show the gentleman many instances in which citizens of my own State, having all the qualifications required by its constitution and laws, were illegally and forcibly robbed of the elective franchise by the armed soldiers of the United States.

Under this very law of 1865, at an important election for local State officers and members of this House all over the State of Kentucky, many of the very best citizens, who had no connection with the confederate army or confederate cause, were, under the military orders of the general commanding the department, driven from the polls by armed soldiers of the United States and denied the right to vote, for no other reason than the fact that their names were on a "proscribed list," proscribed at the dictation of violent republican partisans by the military authorities in violation of law.

In this connection I desire to say that the gentleman from Ohio asserted in a speech made March 29 that the law authorizing the use of the Army at the polls to keep the peace was introduced in the Senate of the United States and its passage advocated by a distinguished gentleman from my own State, the late Hon. L. W. Powell. Here is the exact language used by the gentleman from Ohio on that occasion.

Who made this law which is denounced as so great an offense as to justify the destruction of the Government rather than let it remain on the statute-book? Its first draught was introduced into the Senate by a prominent democrat from the State of Kentucky, Mr. Powell, who made an able speech in its favor. It was reported against by a republican committee of that body, whose printed report I hold in my hand. It encountered weeks of debate, was amended and passed, and then came into the House. Every democrat present in the Senate voted for it on its final passage. Every Senator who voted against it was a republican. No democrat voted against it. Who were the democrats that voted for it? Let me read some of the names: Hendricks of Indiana, Davis of Kentucky, Johnson of Maryland, McDougall of California, Powell of Kentucky, Richardson of Illinois, Saulsbury of Delaware.

When this statement was made I was startled by it, because I was unable to believe that a man so distinguished for his life-long and consistent devotion to the Constitution of his country, to its free institutions and to the liberty of its people, and one who had signalized his fidelity to principle in times of the severest trial, could ever have introduced and advocated a measure so inconsistent with his well-known convictions as to the powers and limitations of the Federal Constitution. I could not believe that Lazarus W. Powell, the friend of free suffrage and the defender of individual liberty everywhere, could have so far forgotten his own teachings and his own record as to become the advocate of a measure authorizing the Executive and his subordinate officers to overawe by military power the citizen in the exercise of the sacred right of suffrage.

But, Mr. Chairman, when I examined the record I found that Mr. Powell's action upon this subject was consistent with his whole previous public life. I found that he had neither introduced nor advocated, either directly or indirectly, that part of the statute which authorized the use of troops to keep the peace at the polls, which was the only part of the statute we proposed to repeal in the Army bill, and the only part under discussion when the gentleman from Ohio [Mr. GARFIELD] made his speech. On the contrary, the bill as introduced and advocated by Mr. Powell contained no such provision, and the able and elaborate speech made by him on that occasion (one of the greatest ever delivered in the Senate of the United States) was in direct opposition to the use of the Army for any such purpose. I regret that it is impossible for me to read the whole of that great speech, but a single extract will suffice to show its character. Among other things worthy to be remembered by every friend of free government and every advocate of the subordination of the military to the civil authorities at all times and places, he said:

Sir, we have seen the right of suffrage exercised at the point of the sword. There never war a time, it does not exist now, and has not existed since this unfortunate civil war commenced, in which it was necessary for the President to overthrow the Constitution and elevate the military above the civil power. There is power enough in the Constitution to furnish the President every dollar and every man needed for this war. Congress can give him the sword and the purse. What more can you confer? Nothing. Where, then, the necessity and the excuse for these wanton violations of the Constitution, this reckless overthrow of the liberties of the people, this setting at naught the laws and constitutions of the States, this regulating of elections by the sword? None! None! The genius of our Government is founded upon the principle that the military shall be kept in strict subordination to the civil power. But the friends of the President claim it as a matter of necessity to save the life of the nation, when they must see that the President is trampling under his feet the Constitution, and crushing out the liberties of the people, and destroying every vital principle that gives value to free government.

Mr. Chairman, permit me to say in conclusion that we are laboring in this great contest to secure to the citizens of this country non-interference of the military at the polls, fair juries, and a free ballot. We propose to repeal only those parts of what are known as the Federal election laws which authorize the supervisors and deputy marshals to attend the places of registration and voting, to guard, scrutinize, and count the votes, and to arrest the citizen or State officer of election, with or without warrant, and to subject all the State authorities to their control. We do not propose in this bill to repeal any part of the voluminous criminal and penal statutes now in force for the punishment of illegal voting or bribery, intimidation, or fraud of any kind; but it is our fixed and unalterable purpose to remove from the statute-book all that oppressive partisan machinery provided by the republican party for the perpetuation of its own power and party ascendency.

If the republican party really possesses the confidence of a majority of the people it can succeed at all elections without the use of supervisors and deputy marshals; if not, certainly no man will be bold enough to contend that it ought to be authorized by law to employ such partisan machinery for the purpose of overcoming the majority and perpetuating a minority rule by such agencies.

But, Mr. Chairman, bad as these measures relating to supervisors and deputy marshals are, they are not more pronounced in their infamy than the jury law which this bill proposes to repeal. I feel it due to myself and the people I represent here to protest that a provision of law which was repealed by a republican Congress and afterward surreptitiously inserted in the Revised Statutes shall no longer remain a part of the law of this land; a law born of hate, instigated by malice, and which keeps out of the jury-box every man who cannot subscribe to the following oath:

You do solemnly swear (or affirm) that you will support the Constitution of the United States of America; that you have not, without duress and constraint, taken up arms or joined any insurrection or rebellion against the United States; that you have not adhered to any insurrection or rebellion, giving it aid and comfort; that you have not, directly or indirectly, given any assistance in money or any other thing, to any person or persons whom you knew, or had good ground to believe, to have joined, or to be about to join, said insurrection or rebellion, or to have resisted, or to be about to resist, with force of arms, the execution of the laws of the United States; and that you have not counseled or advised any person to join any insurrection or rebellion against, or to resist with force of arms, the laws of the United States.

Under this law the great mass of the citizens of intelligence and moral worth in the South are excluded from the jury-box The Postmaster-General of the United States, and more than fifty members of Congress, together with every man in the Southern States who gave his son a cup of cold water while he was serving in the army of the confederacy, is deprived of the right to sit on a Federal jury, where the life, liberty, or property of any citizen is involved.

Such a law is a disgrace to the civilization of the age, and its repeal is demanded alike by considerations of justice, humanity, and public policy.

If it be true, as some gentlemen on the other side seem to suppose, that the President of the United States attaches so much importance to his power under these laws to interfere with the people's elections that rather than surrender it he will withhold his assent from this bill and thus "starve" the Government to death, upon him rests the responsibility, and not upon us. Whatever may happen, one thing is assured by this debate, these laws are doomed. The attention of the American people once called, as it has been, to these assaults upon their most cherished rights and privileges, they will demand their repeal, and the men who maintain them will be condemned as unworthy of the confidence of the people, who are determined to maintain liberty regulated by law. This great issue is now distinctly made up. There is no escape from it. It may not be settled by this House; if not, there is but one other tribunal before which it can go, the great body of the American people; to its final judgment the majority of this House will confidently submit these great questions and will cheerfully abide its decision.

The Army and the Legislative, Executive, and Judicial Appropriation Bills.

SPEECH OF HON. JEPTHA D. NEW,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Monday, April 21, 1879.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. No. 2) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes—

Mr. NEW said:

Mr. CHAIRMAN: A special session of Congress has been called by the President for reasons and under circumstances unusual in the history of this country. The Constitution provides that all bills for raising revenue shall originate in the House of Representatives. In the last session of the last Congress the House was democratic and the Senate republican. The Army and the legislative, executive, and judicial appropriation bills as they passed the House were not concurred in by the Senate; the conference committees failed to agree, and the disagreement was so near the close of the session that further conference upon, or consideration of, these bills was impracticable. Therefore they are now pending. There has been and is now no substantial difference of opinion as to the sum of the several appropriations. The conflict at the last session and now is with reference to what has been styled the political parts or clauses in these bills.

Points of order, as they are termed, have been made by our republican friends, to the so-called political clauses or riders, upon the ground that they were not germane and did not tend to retrench expenditures. These objections have been overruled by the chairman, and his decision is conclusive. The only issue left is whether the bills in their present form should become law. And inasmuch as there is no contest over the amount of money to be appropriated, the matter in dispute is whether the laws and parts of laws proposed to be amended or repealed ought longer to remain in force. Mr. Chairman, the action had upon these measures in the last Congress is not a matter fairly or properly involved in the present consideration. It is of no consequence whatever to a correct decision at this time, what party is most in fault or most largely responsible for the calling of this session, although this is a question I would not hesitate to discuss if necessary. Nor, sir, is there any question of cowardice, bravery, or back-bone to be passed upon. The President will not, I assume, stop to inquire of the politicians or the press of either political party, which side has or may make out of this struggle the most capital for the next presidential campaign.

And I suppose, sir, that I may assert with emphasis and with absolute confidence that the Chief Magistrate of this united and great Republic will not so far forget that he is the President of the whole people, as to ask or care to know, who first laid down the gage of battle or who was brave enough to first take it up. I assume, also, that the President will not express or feign surprise that these bills contain something more than mere appropriations of money. He is too well informed upon the history of similar legislation in the past to be startled or shocked in this regard. He will only ask, are these bills in their essential features right, and are they within the constitutional power and prerogative of the legislative branch of the Government?

But, sir, it is sought to avoid the effect of the fact that both Houses of Congress continuously since 1861, while largely republican, placed affirmative legislation on appropriation bills, by telling the country that the majority in Congress and the President were then agreed politically, while now it is otherwise. What are we to understand from this? Are we to believe that those Presidents who since 1860 were in accord with the republican majority in both Houses, were expected to be in any degree influenced by that fact when considering whether acts of Congress should be approved or disapproved? If so, is it not a fair inference and conclusion, that the republican majority of the House and Senate, in the past, was less careful and thoughtful as to the necessity, character, and constitutionality of its work than it should and would have been, if the Executive had not been in harmony with that majority politically?

Doubtless this has been the fact in some degree, and it might be true of legislators of any political party so long in power. Mr. Chairman, if there is any force or palliation in the fact that when our republican friends have been in the ascendency in the Senate and House, the Executive was in harmony with them politically, I am not at all certain that this gives them any advantage in the argument. Thus far the conduct of the present Executive has not been unfriendly, apparently, to the ends sought to be attained by the repeal of these statutes and the policy with which their repeal would be in harmony. So conspicuous has this fact become, and so much to his credit has it been, and so earnest and heartfelt have been the expressions of gratitude for his generous Southern policy, that there is to-day great fear and trepidation in certain quarters lest his sympathies should shape to some extent his convictions on these questions. And I cannot at this point forego the opportunity and pleasure of adverting to the fact that the southern policy of the President has received an unselfish and honest support from the democratic party.

For one, sir, I do not hesitate to say, now, here, everywhere, that history will applaud him for having the head, heart, and courage to reach out his hand in an open, manly way to the South and say, Hold up your heads; stand up like men; you are my brothers; we are one people now as before the war; vote for and elect persons of your own choice even if they be not of the republican household. Mr. Chairman, I know that in argument persons and parties often answer that which is said against them by reminding the accuser that he did the same thing. I am not partial to this line or method of disputation; but, sir, when as now our effort to annul certain statutes, for the most part admitted by our opponents to be unnecessary; statutes utterly in conflict, as I think, with the best interests and greatest good of the whole country, and enacted, as now admitted, because of what was supposed by the republican party to be justified by the war; when, I say, in our effort to remove these anti-republican provisions from the laws of the United States, our motives and the method by which we seek to accomplish a result so just are characterized as unpatriotic, and that therefore the democratic party is to be distrusted by the people and driven from the field, it is legitimate, it is pertinent, it is argumentative, to show that the party which has controlled the legislation of the country and all its departments without check or hinderance almost continuously since the close of the war, did the same and much more.

For, sir, when this is made to appear, it is a fair presumption, one which we have a right to insist upon, that the party which now, with such examples fresh and recent before it, seeks good and beneficent ends by similar methods does not do so defiantly, recklessly, or arrogantly, nor in disregard of the rights and prerogatives of any other department of the Government, much less with a disposition to coerce the same. And, sir, inasmuch as a partisan press is seeking to alarm the people with the cry of revolution and parades before the country as evidence of a wicked and revolutionary design on the part of democratic members of Congress the fact that independent legislation is attempted on appropriation bills, I will read briefly from remarks made during this session by two gentlemen of high character, justly distinguished for ability, and who have taken high rank in the republican party. On the 5th instant the gentleman from Ohio [Mr. GARFIELD] said:

I never claimed that it was either revolutionary or unconstitutional for this House to put a rider on an appropriation bill. No man on this side of the House has claimed that. The most that has been said was that it is a bad practice, and both parties have said that repeatedly.

On the 19th instant the gentleman from Pennsylvania, [Mr. KELLEY,] in an elaborate and able argument upon the pending bill, said:

On this question of riders on appropriation bills I wish to be explicit. I do not charge that putting extraneous and irrelevant provisions on appropriation bills is revolutionary. It is not; and such an assertion is preposterous. It is not unconstitutional, nor does it contravene any rule of either House of Congress.

The same gentleman, in the same connection, also says that it has been the practice of all parties to so legislate from soon after the formation of the Government, although he thinks the precedent a bad one.

Mr. Chairman, an examination of the sections of the Revised Statutes relating to the Army discloses the fact that over one-half of them have been enacted on appropriation bills, and some of the laws we now propose to repeal were passed in the same way.

Seventeen States are represented upon this floor by virtue of an election held under a provision enacted upon the sundry civil bill at the second session of the Forty-third Congress. The provision to which I refer is as follows:

SEC. 6. That section 25 of the Revised Statutes, prescribing the time for holding elections for Representatives to Congress, is hereby modified so as not to apply to any State that has not yet changed its day of election of State officers in said State.

Our republican friends here and throughout the country will not soon forget that at one time Andrew Johnson was the President of the United States. Let us go back for a moment to the time when the impeachment of this sturdy and fearless patriot was impending, a patriot President so pure, so steadfast and devoted, under the most trying circumstances, to the Constitution and flag of his country, that men of all parties, leaders as well as laymen, bowed their heads in sorrow when he passed from earth. All America to-day admits that his cause was just, and that the effort to depose him as President was a cruel partisan wrong, a foul stain and blot that will not out upon the annals of the country.

On the 7th of March, 1866, in the House, a resolution was introduced and referred to the Judiciary Committee directing an inquiry into the official conduct of Mr. Johnson as President of the United States, and requiring the committee to report whether in their opinion he had "been guilty of acts which were designed or calculated to overthrow or corrupt the Government of the United States, or any department or officer thereof; and whether the said Andrew Johnson has been guilty of any act, or has conspired with others to do acts, which, in contemplation of the Constitution, are high crimes and misdemeanors, requiring the interposition of the constitutional powers of this House."

Pending this inquiry by the Judiciary Committee, the whole country

was at a white heat upon the subject of the then threatened impeachment of the President of the United States. The leaders and a large majority of the rank and file of the republican party were clamorous for his impeachment. The republican press, with hardly an exception, joined in the demand for his arraignment, and the republican party had a large majority in the House and the two-thirds in the Senate requisite for conviction. The war was over and the public welfare would have been best promoted by "peace and rest," but on the 19th of February, 1867, at the second session of the Thirty-ninth Congress, before the report of the Judiciary Committee was made, the Army appropriation bill was taken up, the following section as independent and affirmative legislation having been attached thereto:

SEC. 2. *And be it further enacted*, That the headquarters of the General of the Army of the United States shall be in the city of Washington, and all orders and instructions relating to military operations issued by the President or Secretary of War shall be issued through the General of the Army, and in case of his inability by the next in rank. The General of the Army shall not be removed, suspended, or relieved from command or assigned to duty elsewhere than at said headquarters without previous approval of the Senate; and any orders of instruction relating to military operations issued contrary to the requirements of this section shall be null and void; and any officer who shall issue orders or instructions contrary to the provisions of this section shall be deemed guilty of a misdemeanor in office; and any officer of the Army who shall transmit, convey, or obey any orders or instructions so issued contrary to the provisions of this section, knowing that such orders were so issued, shall be liable to imprisonment for not less than two nor more than twenty years, upon conviction thereof in any court of competent jurisdiction.

We all know why this was done. Nothing of the kind had ever been heard of in the history of this Government. No distrust of the patriotism of the President as the Commander-in-Chief of the Army and Navy had ever before been expressed by Congress. No insulting, flagrant, and coercive assault was ever before in this country made by one branch of the Federal Government upon another.

On the 20th of February Mr. Le Blond, of Ohio, moved to strike out this section, and his motion was voted down by a solid republican vote. The present Executive was a member of the House at that time. The bill went to the Senate, and there a motion to strike out the same section was voted down. All of the negative votes were by republicans, and I find among them ANTHONY, CHANDLER, EDMUNDS, KIRKWOOD, Sherman, Sumner, and Wade.

Mr. Chairman, what did President Johnson do? Did he veto that appropriation bill? Did he determine to "starve the Government to death" rather than submit to this "revolutionary" attack upon the Executive? No, sir; notwithstanding his known independence of character and high courage he signed the bill. Here are his manly words:

To the House of Representatives:

The act entitled "An act making appropriations for the support of the Army for the year ending June 30, 1868, and for other purposes," contains provisions to which I must call attention. Those provisions are contained in the second section, which in certain cases virtually deprives the President of his constitutional functions as Commander-in-Chief of the Army, and in the sixth section, which denies to ten States of this Union their constitutional right to protect themselves in any emergency by means of their own militia. Those provisions are out of place in an appropriation act. I am compelled to defeat these necessary appropriations if I withhold my signature to the act. Pressed by these considerations I feel constrained to return the bill with my signature, but to accompany it with my protest against the sections which I have indicated.

ANDREW JOHNSON.

MARCH 2, 1867.

What legislation could be more distasteful or coercive than this? Mr. Johnson says, "*pressed* by these considerations I feel *constrained* to return the bill with my signature." It was well known by Congress when the section I have read was made part of an appropriation bill, that nothing could be more offensive in every sense to the Executive than such a measure. Will gentlemen on the other side tell us, or say to each other, or to the country, that he was afraid to withhold his signature because his impeachment was then impending? Did republican Senators and Representatives take advantage of such a fear or apprehension, if it existed, to compel him to sign the bill? It could not become law at that session without his signature, and they were determined that he should give it his approval. It passed the Senate February 26, and inasmuch as ten days would not intervene after the bill was presented to the President before the allotted term of that Congress would expire, the bill could not become operative without the President's signature.

At the second session of the last Congress, when the Senate was republican, a provision relating to the use of the Army as a *posse comitatus* was added as a rider to the Army appropriation bill. This was a democratic measure, championed by Mr. Hewitt, of New York. It passed both Houses, was approved by the President, and is in line and harmony with the legislation which we now favor. It is in the following words:

From and after the passage of this act it shall not be lawful to employ any part of the Army of the United States as a *posse comitatus* or otherwise for the purpose of executing the laws, except in such cases and under such circumstances as such employment of such force may be expressly authorized by the Constitution or by act of Congress; and no money appropriated by this act shall be used to pay any of the expenses incurred in the employment of any troops in violation of this section; and any person willfully violating the provisions of this section shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by fine not exceeding $10,000 or imprisonment not exceeding two years, or by both such fine and imprisonment.

The section as adopted was agreed upon in a conference committee of the two Houses, the Senate and House having failed to agree up to that time. I deem it important to produce at this point the remarks made by Mr. Hewitt when he reported the action of the conference committee. He said:

The Senate had already conceded what they called and what we might accept as the principle; but they had stricken out the penalty and had stricken out the word "expressly," so that the Army might be used in all cases where implied authority might be inferred. The House committee planted themselves firmly upon the doctrine that, rather than yield this fundamental principle, for which for three years this House had struggled, they would allow the bill to fail, notwithstanding the reforms we had secured, regarding these reforms as of little consequence alongside the great principle that the Army of the United States, in time of peace, should be under the control of Congress and obedient to its laws. After a long and protracted negotiation, the Senate committee have conceded that principle in all its length and breadth, including the penalty which the Senate had stricken out.

Mr. Chairman, how strange that there should have been any objection, or hesitation, upon a question so vital to the liberties of the citizen! How startling the fact that the representatives of any political party in this country, fourteen years after the war was over, with all the States fully represented in Congress, should object to the reassertion and enforcement of one of the dearest and most sacred doctrines of the fathers—a principle sacred, canonized, and crystallized in England's unwritten constitution, and so well understood and universally conceded by our ancestors in the beginning of our national life under the Constitution, that its formal announcement in terms in that instrument was deemed unnecessary.

Sir, the hesitation of which I have just spoken was begotten of familiarity with war precedents, ideas, and measures. It was the insidious, stealthy growth of eighteen years. Those who were possessed of it, and were influenced by it, had forgotten or failed to recall the fact, that before the war there was no difference of opinion among people or parties in this country, as to the absolute and unchallenged supremacy and superiority of the civil over the military power.

During the war of the rebellion, amid pressing dangers, civil jurisdiction and constitutional forms and rights were at times suspended and abandoned. Civil and military ideas became so mixed and merged, that the appropriate offices and boundaries of both were lost sight of in some degree, if not obscured. This was probably, in some measure, unavoidable in a civil war of such magnitude. Hallam, the great English historian says:

We find in the history of all usurping governments time changes anomaly into system and injury into right. Examples beget custom and custom ripens into law, and the doubtful precedents of one generation become the fundamental maxims of another.

He also tells us in his Constitutional History, that it is of the supremest importance that a free people should watch with extreme jealousy the disposition toward which most governments are prone to introduce too soon, extend too far, and retain too long, remedies, methods, and maxims adopted under the exigencies of war, but hurtful and destructive of civil liberty in time of peace.

SOLDIERS AT THE POLLS.

In the Army bill it is proposed to amend sections 2002 and 5528 of the Revised Statutes by striking out the words *or to keep the peace at the polls*.

The sections, without the amendment, read as follows:

SEC. 2002. No military or naval officer, or other person engaged in the civil, military, or naval service of the United States, shall order, bring, keep, or have under his authority or control, any troops or armed men at the place where any general or special election is held in any State, unless it be necessary to repel the armed enemies of the United States, *or to keep the peace at the polls*.

SEC. 5528. Every officer of the Army or Navy, or other person in the civil, military, or naval service of the United States, who orders, brings, keeps, or has under his authority or control, any troops or armed men at any place where a general or special election is held in any State, unless such force be necessary to repel armed enemies of the United States, *or to keep the peace at the polls*, shall be fined not more than $5,000, and suffer imprisonment at hard labor not less than three months nor more than five years.

Section 2002 with the words "or to keep the peace at the polls" stricken out, and with a further amendment by way of a proviso, which I had the honor to offer and which has been adopted by this House, will, if it should pass the Senate in that form and be approved by the President, read as follows:

No military or naval officer, or other person engaged in the civil, military, or naval service of the United States, shall order, bring, keep, or have under his authority or control any troops or armed men at the place where any general or special election is held in any State, unless it be necessary to repel the armed enemies of the United States: *Provided*, That nothing contained in this section, as now amended, shall be held or deemed to abridge or affect the duty or power of the President of the United States, under section 5297 of the Revised Statutes, enacted under and to enable the United States to comply with section 4 of article 4 of the Constitution of the United States, on application of the Legislature or executive, as provided for in said section.

We say that troops or armed men should not be placed at election polls to keep the peace. Mr. Chairman, this subject asserts its own importance.

The distinguished gentleman from Ohio [Mr. GARFIELD] in his first remarks on the Army bill used the following language, speaking of these sections:

Do gentlemen know its history? Do they know whereof they affirm? Who made this law which is denounced as so great an offense as to justify the destruction of the Government rather than let it remain on the statute-book? Its first draught was introduced into the Senate by a prominent democrat from the State of Kentucky, Mr. Powell, who made an able speech in its favor. It was reported against by a republican committee of that body, whose printed report I hold in my hand. It encountered weeks of debate, was amended and passed, and then came into the House. Every democrat present in the Senate voted for it on its final passage. Every Senator who voted against it was a republican. No democrat voted against

it. Who were the democrats that voted for it? Let me read some of the names: Hendricks of Indiana, Davis of Kentucky, Johnson of Maryland, McDougall of California, Powell of Kentucky, Richardson of Illinois, and Saulsbury of Delaware.

Of republican Senators thirteen voted against it; only ten voted for it.

The bill then came to the House of Representatives and was put upon its passage here. How did the vote stand in this body? Every democrat present at the time in the House of Representatives of the Thirty-eighth Congress voted for it. The total vote in its favor in the House was 113; and of these 58 were democrats. And who were they? The magnates of the party. The distinguished Speaker of this House, Mr. SAMUEL J. RANDALL, voted for it. The distinguished chairman of the Committee of Ways and Means of the last House, Mr. FERNANDO WOOD, voted for it. The distinguished member from my own State, who now holds a seat in the other end of the Capitol, Mr. GEORGE H. PENDLETON, voted for it. Messrs. COX and COFFROTH, KERNAN and MORRISON, who are still in Congress, voted for it. Every democrat of conspicuous name and fame in that House voted for the bill, and not one against it.

Inasmuch as these remarks of the gentleman from Ohio have gone to the country, and are widely circulated and read, as all his utterances on this floor are—for he always speaks well—I deem it proper to state what I understand the facts to be as to the support received by this law from democratic Senators and Representatives at the time of its passage in February, 1865.

Senator Powell, of Kentucky, early in 1864, introduced a bill in the Senate containing substantially the provisions found in the two sections which we are trying to amend, except the words "or to keep the peace at the polls." Over his vigorous protest and against the votes of every democratic Senator the bill was referred to the Committee on Military Affairs, and by it an adverse report was made. Senator Powell, however, pressed the measure, and on the 22d of June, 1864, Mr. Pomeroy moved to amend by adding the words "or to keep the peace at the polls."

I now read from the Congressional Globe, volume 53, pages 3159 and 3160:

Mr. POMEROY. I wish to amend that amendment by adding to it "or to keep the peace at the polls."

Mr. POWELL. I object to that. It would destroy the effect of the bill. The State authorities can keep the peace at the polls.

Mr. SAULSBURY. That is the very pretext on which the outrages were committed in my State, and it is the very pretext that will be put forward again.

The submission and vote on the amendment is as follows:

The PRESIDENT *pro tempore*. The question is on the amendment of the Senator from Kansas [Mr. Pomeroy] to the amendment made as in Committee of the Whole.

Mr. Lane, of Kansas, called for the yeas and nays, which were ordered; and being taken, resulted—yeas 16, nays 15; as follows:

YEAS—Messrs. Anthony, Chandler, Clark, Collamer, Foot, Grimes, Harlan, Harris, Howard, Lane of Kansas, Morgan, Morrill, Pomeroy, Ten Eyck, Trumbull, and Wade—16.

NAYS—Messrs. Buckalew, Carlile, Davis, Foster, Hale, Hendricks, Hicks, Johnson, McDougall, Powell, Richardson, Riddle, Saulsbury, Willey, and Wilson—15.

The bill then, as amended, passed the Senate, the democratic Senators voting for it as the only and best thing they could do. For the same reason it was voted for by the democrats in the House.

It will be observed that Foster, Hale, and Willey, republicans, voted with the democrats against inserting the words which we now say should be stricken out.

The gentleman from Ohio [Mr. GARFIELD] in the same speech said:

The question, Mr. Chairman, may be asked why make any special resistance to the clauses of legislation in this bill, which a good many gentlemen on this side declared at the last session they cared but little about, and regarded as of very little practical importance, because for years there had been no actual use for any part of these laws, and they had no expectation there would be any? It may be asked, why make any controversy on either side? So far as we are concerned, Mr. Chairman, I desire to say this: We recognize the other side as accomplished parliamentarians and strategists, who have adopted with skill and adroitness their plan of assault. You have placed in the front one of the least objectionable of your measures; but your whole programme has been announced, and we reply to your whole order of battle. The logic of your position compels us to meet you as promptly on the skirmish line as afterward, when our intrenchments are assailed, and therefore, at the outset, we plant our case upon the general ground upon which we have chosen to defend it.

It will be seen, therefore, that the gentleman has little to say and cares little about the changes we propose so far as the merits are concerned. But he does not like our programme and "order of battle." Of all this I have already spoken, and have shown that our method is not unusual or revolutionary, but is in accord with the practice of this House almost from the foundation of the Government.

Mr. Chairman, two questions arise in the consideration of the issue here presented:

First. Is that part of section 2002 which permits soldiers and armed men to be placed by military, naval, or civil officers of the Federal Government at election polls in the States, to keep the peace of the States, constitutional?

Second. If constitutional, is it wise and for the best interest of the country that a law giving such unusual authority, and so liable to abuse, should be continued in force?

If either one of these questions ought to be answered in the negative there should be no further controversy. Or if such a provision of law is of doubtful constitutionality it should be repealed. I do not believe it to be constitutional. I know of no express or implied warrant in the Constitution for such power. The amendment which we propose has been talked of here, and commented upon by the republican press, as though the words to be stricken out were inserted with a view to the especial protection of the colored voters of the South, under section 2 of article 15 of the Constitution. I do not say that this has been said in so many words, but the subject has been so discussed by some of our republican friends, and so commented upon by the republican press, as to make that impression on the minds of many persons. That this cannot be true, is of course obvious, when it is remembered that section 2002 was approved in 1865, while article 15 of the Constitution did not become a part of the Constitution until 1870.

It cannot be defended as a constitutional measure under the first clause of section 4 of article 1 of the Constitution, for it is not addressed to nor does it purport to affect the subject of the "*manner* of *holding* elections" in the States for Representatives to Congress. It is clear that if it had been intended to make section 2002 or any part of it operative under or by virtue of any power conferred upon Congress by section 4 of article 1, the section would have contained words indicating that intention, for it would have been the first act of Congress of the kind.

Mr. Chairman, there are many persons who labor under the delusion that the right of suffrage is conferred by section 1 of the fifteenth amendment, which declares that the right of the citizen of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude; and they try to vindicate the presence of troops at the polls to the end that this right may be enforced or protected.

Article 15 of the Constitution does not confer the right of suffrage upon any one. Section 2 of article 1 says:

The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

It will be seen, therefore, that the qualifications of the voter are fixed by the State and not by the United States. And it matters not what qualifications the State may impose provided the right to vote is not denied or abridged on account of race, color, or previous condition of servitude. The right with which the colored citizen is invested by the fifteenth amendment is not the right to vote, but the right of exemption from discrimination in the exercise of the elective franchise on account of race, color, or previous condition of servitude.

In the case of the United States *vs.* Reese *et al.*, recently decided in the Supreme Court of the United States, the court says:

The fifteenth amendment does not confer the right of suffrage on any one. It prevents the States or the United States, however, from giving preference, in this particular, to one citizen of the United States over another on account of race, color, or previous condition of servitude. Before its adoption this could be done. It was as much within the power of a State to exclude citizens of the United States from voting on account of race, &c., as it was on account of age, property, or education. Now it is not. If citizens of one race having certain qualifications are permitted by law to vote, those of any other having the same qualifications must be. Previous to this amendment there was no constitutional guarantee against the discrimination; now there is.

It is here held that the Constitution has not conferred the right of suffrage upon any person, white or black. In other words it is decided that the United States has no voters of its own creation in the States. In another case, in same volume, page 555, the Supreme Court says:

The right to vote in the States comes from the States; but the right of exemption from the prohibited discrimination comes from the United States. The first has not been granted or secured by the Constitution of the United States, but the last has been.

Congress may, under the second section of the fifteenth amendment, enforce the first by appropriate legislation. But what kind of law would be appropriate, the object being to prevent a "State" from discriminating against a citizen thereof in the matter of the elective franchise on account of race, color, or previous condition of servitude? Could a "State" within the meaning of the fifteenth amendment deny or abridge the right to vote on account of race, &c., otherwise than by law? Certainly not. Does it not follow, then, that Congress could not *appropriately* legislate at all by way of enforcement of the first section, unless the State had by law, first made the discrimination on account of race, color, &c.?

To my mind this view seems very clear. Legislation upon the subject of keeping the peace at the polls is not legislation upon the subject embraced in the fifteenth amendment. If the State does not make the discrimination, against which and to prevent which, Congress is empowered by the Constitution to legislate, what has Congress to stand upon, what foothold can Congress have within constitutional limits to take any steps in that direction? This view would admit of much further elaboration and illustration, but I cannot devote more time to it now.

Mr. Chairman, during the debate on the military bill it has been claimed that in some way or somehow the President, or somebody subject to his orders, would be prevented or interfered with, in the discharge of some duty devolved on the President by the Constitution if section 2002 should be amended as proposed.

As President, or as Commander-in-Chief of the Army and Navy, everybody knows that he has no power except as conferred by the Constitution, and that those powers are to be exercised or applied as directed by law. The Constitution is not self-executing. It was not the design of the convention that it should be. This is very plain, for the last clause of section 8 of article 1, which concludes the enumeration of the grants of power to Congress, says:

To make all laws which shall be necessary and proper for *carrying into execution* the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

But it is said that the amendment we suggest would interfere with authority which might be lawfully exercised by United States mar-

shals as civil officers in the service of the United States. Marshals are not peace officers at common law, and no statute can be found which declares them to be peace officers.

By the *posse comitatus* act already quoted no part of the Army can be "employed," no matter by whom, as a *posse comitatus* unless the "employment of such force may be *expressly* authorized by the Constitution or by act of Congress." Will it be said that section 2002, or any other statute or law, *expressly* confers authority on the marshal or any one else to employ soldiers or armed men to keep the peace at the polls? If not, what right or authority are we taking away from them by the amendment? Does not the striking out of the words "or to keep the peace at the polls" simply leave these sections consistent with the *posse comitatus* act which I have heretofore read?

Mr. Chairman, I again call attention to the fact that the *posse comitatus* act prohibits any and all persons from using troops for the purpose of executing the laws, except when expressly authorized by the Constitution, or by act of Congress. The right to so use the Army is thereby denied to all officers and persons, whether military, naval, or civil.

Sir, it is very questionable in my mind whether the words we seek to strike out are now in force at all, the *posse comitatus* act being last enacted, for those words do not relate back to any power in the Constitution or act of Congress expressly authorizing the use of troops or armed men to keep the peace at the polls. But to save all question or controversy on this point those words ought to be expunged. So much of the section as will remain will be in harmony with the *posse comitatus* act.

It has been asked with great flourish why we would deny this power to a civil officer even if we are not willing to trust an Army or Navy officer with its exercise. For one, sir, I answer this question squarely and without evasion. I would rather trust an officer of the regular Army to keep the peace at the polls than any Federal civil officer. Officers of the Army would be less inclined to partisan bias and unfairness than United States marshals, who are always active and often unscrupulous politicians. I would rather trust soldiers of the regular Army at the polls to keep the peace than "armed men" taken out of the civil walks of life, for the latter would, like deputy marshals under the supervisors law, be selected from but one political party, and therefore would be partial to the party from which they were taken.

The following section in the Revised Statutes has been quoted with great emphasis for the purpose of showing that United States marshals may act as peace officers in the States:

SEC. 788. The marshals and their deputies shall have in each State the same powers in executing the laws of the United States as the sheriffs and their deputies in such State may have, by law, in executing the laws thereof.

That is to say, a United States marshal in executing the process or precepts of the Federal courts directed to him shall, like a sheriff, have the right, in the exercise of sound discretion, to command all necessary assistance in the execution of his duty.

The following opinion and statement of the powers of United States marshals will be good authority, I doubt not, with our friends on the other side of this Chamber, as also with the Executive in whose Cabinet Mr. Evarts is a distinguished member:

ATTORNEY-GENERAL'S OFFICE,
August 20, 1868.

SIR: Your letter of the 12th instant reached me yesterday, and has received an attentive consideration. Colonel Sprague's information to you must have been based upon his own construction of General Meade's order lately issued, and not upon any special instructions from the President to Colonel Sprague through General Meade or otherwise, as no such special instructions have been issued by the President. You add: "Under some circumstances I should be glad to have the aid of the military, and, if practicable, would be pleased to have instructions given to the military to aid me when necessary. I ask this as Colonel Sprague informs me under his instructions he cannot do so."

This desire and request for the aid of the military under certain circumstances I understand to refer to the occasional necessity which may arise that the marshal should have the means of obtaining the aid and assistance of a more considerable force than his regular deputies supply for execution of legal process in his district.

The twenty-seventh section of the judiciary act of 1789 establishes the office of marshal, and names among his duties and powers the following: "And to execute throughout the district all lawful precepts directed to him and issued under the authority of the United States, and he shall have power to command all necessary assistance in the execution of his duty, and to appoint, as there may be occasion, one or more deputies." (1, par. 87.)

You will observe from this that the only measure of the assistance which you have power to command is its necessity for the execution of your duty, and upon your discreet judgment, under your official responsibility, the law reposes the determination of what force each particular necessity requires. This power of the marshal is equivalent to that of a sheriff, and with either embraces, as a resort in necessity, the whole power of the precinct (county or district) over which the officer's authority extends. In defining this power Attorney-General Cushing—and, as I understand the subject, correctly—says it "comprises every person in the district or country above the age of fifteen years, whether civilians or not, and including the military of all denominations—militia, soldiers, marines—all of whom are alike bound to obey the commands of a sheriff or marshal."

While, however, the law gives you this "power to command all necessary assistance," and the military within your district are not exempt from obligation to obey, in common with all the citizens, your summons, in case of necessity, you will be particular to observe that this high and responsible authority is given to the marshal only in aid of his duty "to execute throughout the district all lawful precepts directed to him and issued under the authority of the United States," and only in case of necessity for this extraordinary aid. The military persons obeying this summons of the marshal will act in subordination and obedience to the civil officer, the marshal, in whose aid in the execution of process they are called, and only to the effect of securing its execution.

The special duty and authority in the execution of process issued to you must not be confounded with the duty and authority of suppressing disorder and preserving the peace, which under our Government belongs to the civil authorities of the States, and not to the civil authorities of the United States. Nor are this special duty and authority of the marshal in executing process issued to him to be confounded with the authority and duty of the President of the United States in the specific cases of the Constitution and under the statutes to protect the States against domestic violence, or with his authority and duty under special statutes to employ military force in subduing combinations in resistance to the laws of the United States; for neither of these duties or authorities is shared by the subordinate officers of the Government, except when and as the same may be specifically communicated to them by the President.

I have thus called your attention to the general considerations bearing upon the subject to which your letter refers for the purpose of securing a due observance of the limits of your duty and authority in connection therewith. Nothing can be less in accordance with the nature of our Government or the disposition of our people than a frequent or ready resort to military aid in the execution of the duties confided to civil officers. Courage, vigor, and intrepidity are appropriate qualities for the civil service which the marshals of the United States are expected to perform, and a re-enforcement of their power by extraordinary means is permitted by the law only in extraordinary emergencies.

If it shall be thought that any occasion at any time exists for instructions to the military authorities of the United States within any of the States in connection with the execution of process of the courts of the United States, these instructions will be in accordance with the exigency then appearing.

I am, sir, very respectfully, your obedient servant.

WM. M. EVARTS,
Attorney-General.

ALEXANDER MAGRUDER, Esq.,
United States Marshal Northern District of Florida, Saint Augustine, Florida.

Judge Story, while upon the supreme bench, said:

To guard, however, against any possible misconstruction of our views, it is proper to state that we are by no means to be understood in any manner whatever to doubt or to interfere with the police power belonging to the States in virtue of their general sovereignty. That police power extends over all subjects within the territorial limits of the States, and has never been conceded to the United States.

Mr. Chairman, it is folly to suppose that it was intended by section 788 to clothe United States marshals with police powers within the territorial limits of the States. That statute was enacted in 1795. With the indifferent facilities for travel at that time, and the large territories constituting the several bailiwicks of the marshals, for a period long after the passage of that section, it would have been impossible for them to be at all efficient as peace officers. But we are asked, what if it should become necessary to command the peace when the marshal is executing process placed in his hands? This is easily answered. Another section of the Revised Statutes gives him "power to command all necessary assistance in the execution of his duty." What matters it to him or the General Government if others disturb the peace of the State in opposing the execution of Federal process placed in his hands? If the peace of the State is disturbed, it is a violation of the law of the State, and the proper peace officer of the county will command and enforce the peace.

The marshal is in the State to execute the process of the United States, not to prevent or look after the violation of some law of the State, that may result from wrongful and unlawful resistance of the execution by him of the duty with which he is charged.

Of course the disturber of the peace might by the very act which would break the peace of the State, also violate a criminal statute of the United States, and thus be liable to punishment twice for the same act, but not for the same offense.

Rights and immunities created by or dependent upon the Constitution can be protected and enforced; but they must be enforced by law. The form or manner of protection or enforcement must be such as Congress shall by law provide. That the Constitution does not invest the President with the extraordinary power claimed for him, and that it was not intended that any such power should be implied or inferred, is illustrated all through the Constitution. As a fair and conclusive illustration, Mr. Chairman, I will read section 4 of article 4 of that instrument:

The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and on application of the Legislature, or of the executive, (when the Legislature cannot be convened,) against domestic violence.

It will be observed that the President is not named. How, that is, through what department of the Government as an instrumentality, this guarantee is to be made effective, has been fixed by Congress by laws enacted under the last clause of section 8 of article 1 of the Constitution. Let me read a statute enacted as "necessary and proper" under this article. I read section 5297 of the Revised Statutes, under the title "Insurrection:"

In case of an insurrection in any State, against the government thereof, it shall be lawful for the President, on application of the Legislature of such State, or of the executive, when the Legislature cannot be convened, to call forth such number of the militia of any other State or States, which may be applied for, as he deems sufficient to suppress such insurrection; or, on like application, to employ, for the same purposes, such part of the land or naval forces of the United States as he deems necessary.

This section was enacted in 1795 and 1807. All above that portion providing for the use of the land and naval forces of the United States was passed in 1795. Langdon, Gilman, Morris, Martin, and other members of the convention which framed the Constitution were members of the Congress which passed that part of section 5297. Madison and Monroe were in the same Congress. It will be admitted, I presume, if anything will be admitted by the other side in this debate, that these gentlemen were well informed as to the powers intended to be vested in the Executive by those who framed the Constitution.

It would seem that if there could be any case where it might be important to leave out the restraints or delays of statutory enactments so that the Executive could act at once, it would be in the event of

the invasion of a State, or domestic violence so formidable as to defy the power of the State. And yet we see that the framers of the Constitution did not take this view. They acted wisely. They wanted to hold in check and control what might be the usurping nature or purpose of an ambitious Executive, who by the same Constitution was also made Commander-in-Chief of the Army and Navy, and militia of the States when called into the actual service of the United States; and who might, therefore, if his duties and powers were not well defined, claim a plausible construction of the Constitution in his own favor and thus become a law unto himself and his political supporters, and a tyrant to all who did not willingly yield to his arrogated authority.

Mr. Chairman, while it is true that the Constitution and the laws of the United States made in pursuance thereof are the supreme law of the land, it is just as true that articles 9 and 10 of the Constitution are not empty and idle declarations. There are rights and powers which have been retained and reserved by the people and the States. This as a distinct subject I shall not go into. But we should never lose sight of the fact that in constitutional construction, the extent of a grant of power or powers to either of the co-ordinate branches of the Government, can be safely measured, only by the words used and the purpose to be subserved by the grant.

We hear it said, will you allow all the other departments of the Government to exercise a discretion and not the President? Mr. Chairman, this kind of talk, be it ever so loud and dramatic in its utterance, will not so confuse or deceive anybody as to prevent a ready answer. It is so absurd as to scarcely merit notice. We all know that the President must at times exercise his own judgment, or discretion, if that is a better word, independent of any other branch of the Government. Under section 4 of article 4 of the Constitution, already quoted, and under section 5297 of the Revised Statutes, the President must judge for himself whether the "application" is from the true executive of the State; or, if from the Legislature, whether it be the true Legislature. He must also determine for himself whether the facts thus communicated to him bring the case within the Constitution and the law. The President is the exclusive and final judge under section 5297, whether the exigency has arisen. But, sir, having made up his mind on these points, the power with which he is invested must be applied in the manner provided by law. He cannot be impeached and deposed for error of judgment, and it follows, therefore, that if Congress cannot control the manner of the exercise of his constitutional powers, he can at will become a despot, and there would be no remedy save revolution.

Mr. Chairman, the debates in the constitutional convention show plainly that the purpose to define the powers of the Executive was strong and resolutely maintained throughout. The debates also show that it was the design to place no more power in his hands than was believed to be strictly necessary. The evidence of this is overwhelming. The British King had the power to declare war, raise, and regulate armies and navies. Under our Constitution these powers are given to Congress alone. The King also had, and has ever had, the sole and supreme command of the militia throughout the realm and dominions. With us the President is the Commander-in-Chief of the militia only when they are "called into the actual service of the United States." It was proposed by some of the delegates that he be given the absolute command of the State militia, but it was refused. There was marked opposition even to his having the command in person of the Army in the field, in time of actual war, unless Congress should desire it. The State of New York proposed an amendment to the Constitution to that effect.

Mr. Chairman, the fear of the people at the time of the ratification by them of the Constitution, that the Army might be used for purposes and in ways subversive of civil liberty, is shown, by the fact that one of the strongest objections urged against the Constitution in the State conventions called to ratify it, was, that it did not contain a provision against the existence of a standing Army in time of peace. When the State of New York ratified the Constitution the following declaration was made:

> Standing armies in time of peace are dangerous to liberty and ought not to be kept up except in cases of necessity; and that at all times the military should be under strict subordination to the civil power.

When New Hampshire ratified the Constitution the convention recommended an amendment as follows:

> That no standing army shall be kept in time of peace, unless with the consent of three-fourths of the members of each branch of Congress.

Rhode Island and other States proposed like amendments.

Our friends on the other side of the Chamber will doubtless think it strange that there should have been such jealousy and fear of military power in that early day, the people having just emerged from the war of the Revolution, and the Army having been their salvation. Sir, the people at that time well understood that with nations constitutions and laws should be made with reference to their average results. They well understood that in time of peace plausible pretexts might be found to use the military as a professed maintenance of the civil power, and that in the end the former would become superior to the latter. They knew the fondness of mankind for military display, and the danger to free institutions whenever the people should be brought to believe that the Army was the chief stay and support of their liberties.

Mr. Seward in 1856 said in the Senate of the United States:

> Civil liberty and a standing army for the purposes of a civil police have never yet stood together, and never can stand together. If I am to choose, sir, between upholding laws in any part of this Republic which cannot be maintained without a standing army or relinquishing the laws themselves, I give up the laws at once, by whomsoever they are made and by whatever authority; for either our system of government is radically wrong, or such laws are unjust, unequal, and pernicious.

And in this same speech he said:

> The time was, and that not long ago, when a proposition to employ the standing Army of the United States as a domestic police would have been universally denounced as a premature revelation of a plot, darkly contrived in the chambers of conspiracy, to subvert the liberties of the people and to overthrow the Republic itself.

Mr. Chairman, is there a man of intelligence and ordinary fairness of decision in all this broad, free land, of any political party, who believes that the convention which framed the Constitution could have been induced to insert a clause in that instrument allowing troops or armed men to be stationed at the polls to keep the peace, at elections in the States where Representatives to Congress were to be chosen? Would it not have been at once denounced as a monstrous proposition? Would it not have been branded as a device by which the party in power could continue itself in power? If the ocean cable should to-morrow bring to us intelligence that the French Chamber of Deputies had by law empowered the President of the French Republic, in his discretion, to station soldiers and armed men at the election polls to keep the peace when members of that body were to be voted for, there would be but one voice in this House and throughout the country as to the design in granting such authority.

But sir, let us come nearer home. What would be thought of a State Legislature, both branches and the governor being agreed politically, that would empower the governor at his discretion to place armed men at the polls to keep the peace? What act by the General Assembly of a State would meet with more indignant and violent opposition? Would not the party in the minority in such State justly denounce it as an outrage upon the elective franchise? Would not such a statute, even if not enforced, be a constant menace to free elections? If the executive of one of the States shall not have this despotic power, shall the Executive of all the States be invested with it? Mr. Chairman, I cannot understand how there can be more than one opinion and one voice upon this subject.

The Constitution, in article 4, section 4, provides:

> The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and on application of the Legislature, or of the executive, (when the Legislature cannot be convened,) against domestic violence.

Mr. Chairman, it is so manifest that this provision does not give to the President or Congress the power to place soldiers or armed men at election polls to keep the peace, and cannot be so construed, that I will not enter upon an argument to demonstrate that it does not. Its terms are explicit, and as I have already shown, Congress at a very early day passed an act empowering the Executive to make effective this guarantee. In that act Congress was very careful to use language which pointed to the exact subject, and none other, referred to in this section of the Constitution. In this connection I wish to read from Story on the Constitution, volume 2, section 1825:

> It may not be amiss further to observe that every pretext for intermeddling with the domestic concerns of any State, under color of protecting it against domestic violence, is taken away by that part of the provision which renders an application from the legislative or executive authority of the State endangered necessary to be made to the General Government before its interference can be at all proper.

Judge Cooley, a distinguished jurist of our own country, and a member of the republican party, in his great work on Constitutional Limitations, under the title of "Freedom of Elections," says:

> The ordinary police is the peace force of the State, and its presence suggests order, individual safety, and public security; but when the militia appear upon the stage, even though composed of citizen militia, the circumstances must be assumed to be extraordinary, and there is always an appearance of threatening and dangerous compulsion which might easily interfere seriously with that calm and unimpassioned discharge of the elector's duty which the law so justly favors. The soldier in organized ranks can know no law but such as is given him by his commanding officer, and when he appears at the polls there is necessarily a suggestion of the presence of an enemy, against whom he may be compelled to exercise the most extreme and destructive force, and that enemy must generally be the party out of power, while the authority that commands the force directed against them will be the executive authority of the State, for the time being wielded by their opponents.

The Hon. George W. McCrary, now Secretary of War, in his valuable and standard work on elections, written since the close of the war, and which is the leading authority in all contested-election cases which come before this House, says:

> There can, however, be no doubt but that the law looks with great disfavor upon anything like an interference by the military with the freedom of an election. An armed force in the neighborhood of the polls is almost of necessity a menace to the voters, and an interference with their freedom and independence, and if such armed force be in the hands of or under the control of the partisan friends of any particular candidate or set of candidates, the probability of improper influence becomes still stronger.

Mr. Chairman, the English Parliament has set the American Congress some ancient and memorable examples of legislation upon the subject of the presence of soldiers at elections. Early in the reign of George the Second a statute was enacted from which I read as follows:

> SEC. 2. *And be it enacted*, That on every day appointed for the nomination or for

the election or for taking the poll for the election of a member or members to serve in the Commons House of Parliament no soldier within two miles of any city, borough, town, or place where such nomination or election shall be declared or poll taken shall be allowed to go out of the barrack or quarters in which he is stationed, unless for the purpose of mounting or relieving guard, or for giving his vote at such election; and that every soldier allowed to go out for any such purpose within the limits aforesaid shall return to his barrack or quarters with all convenient speed as soon as his guard shall have been relieved or vote tendered.

SEC. 3. *And be it enacted*, That when and so often as any election of any member or members to serve in the Commons House of Parliament shall be appointed to be made, the clerk of the Crown in chancery or other officer making out any new writ for such elections shall, with all convenient speed, after making out the same writ, give notice thereof to the secretary at war, or, in case there shall be no secretary at war, to the person officiating in his stead, who shall, at some convenient time before the day appointed for such election, give notice thereof in writing to the general officer commanding in each district of Great Britain, who shall thereupon give the necessary orders for enforcing the execution of this act in all places under his command.

Blackstone in his Commentaries, in speaking of the election of members of Parliament, page 170, Tucker's edition, says:

As soon, therefore, as the time and place of election, either in counties or boroughs, are fixed, all soldiers quartered in the place are to remove, at least one day before the election, to the distance of two miles or more, and not to return till one day after the poll is ended. Riots, likewise, have been frequently determined to make an election void.

In the History of Parliament the following interesting passage is found:

The military having been called in to quell an alleged riot at Westminster election in 1741, it was resolved, December 22d, "that the presence of a regular body of armed soldiers at an election of members to serve in Parliament is a high infringement of the liberties of the subject, a manifest violation of the freedom of elections, and an open defiance of the laws and constitution of this kingdom." The persons concerned in this having been ordered to attend the house, received on their knees a very severe reprimand from the speaker.—*Parliament History*, IX, 326.

Some of the States of this Union have statutes upon this subject. Here are a few of them which I will read:

110. No body of troops in the Army of the United States or of this Commonwealth shall be present, either armed or unarmed, at any place of election within this Commonwealth, during the time of such election: *Provided*, That nothing herein contained shall be so construed as to prevent any officer or soldier from exercising the right of suffrage in the election district to which he may belong if otherwise qualified according to law.—*Purdon's Digest; Brightley*, 1700-1861, *Laws of Pennsylvania*, page 383.

SEC. 5. If any officer or other person shall call out or order any of the militia of this State to appear and exercise on any day during any election to be held by virtue of this chapter, or within five days previous thereto, except in cases of invasion or insurrection, he shall forfeit the sum of $500 for every such offense.—*Revised Statutes of New York, Banks & Brothers*, fifth edition, volume 1, title 7, chapter 6, page 448.

SEC. 33. No such election shall be appointed to be held on any day on which the militia of this State shall be required to do military duty, nor shall the militia of this State be required to do military duty on any day on which any such election shall be appointed to be held.—*Nixon's Digest, Laws of New Jersey*, 1709-1855, page 220.

SEC. 1. No meeting for the election of national, State, district, county, city, or town officers shall be held on a day upon which the militia of the Commonwealth are by law required to do military duty.—*General Statutes of Massachusetts*, 1860, chapter 7, page 58.

SEC. 62. If any officer of the militia parades his men, or exercises any military command on a day of election of a public officer, as described in section 63 of chapter 10, and not thereby excepted, or except in time of war or public danger, he shall for each offense forfeit not less than ten nor more than three hundred dollars.—*Revised Statutes of Maine*, 1857, chapter 4, page 84.

Mr. Chairman, I will now pass to another subject.

TEST JURY OATHS.

In the pending bill we propose to repeal sections 820 and 821 of the Revised Statutes, which I will now read:

SEC. 820. The following shall be causes of disqualification and challenge of grand and petit jurors in the courts of the United States, in addition to the causes existing by virtue of section 812, namely: Without duress and coercion to have taken up arms or to have joined any insurrection or rebellion against the United States; to have adhered to any insurrection or rebellion, giving it aid and comfort; to have given, directly or indirectly, any assistance in money, arms, horses, clothes, or anything whatever, to or for the use or benefit of any person whom the giver of such assistance knew to have joined, or to be about to join, any insurrection or rebellion, or to have resisted, or to be about to resist, with force of arms, the execution of the laws of the United States, or whom he had good ground to believe to have joined, or to be about to join, any insurrection or rebellion, or to have resisted, or to be about to resist, with force of arms, the execution of the laws of the United States; or to have counseled or advised any person to join any insurrection or rebellion, or to resist with force of arms the laws of the United States.

SEC. 821. At every term of any court of the United States the district attorney, or other person acting on behalf of the United States in said court, may move, and the court, in their discretion, may require the clerk to tender to every person summoned to serve as a grand or petit juror, or venireman or talesman, in said court, the following oath or affirmation, namely: "You do solemnly swear (or affirm) that you will support the Constitution of the United States of America; that you have not, without duress and constraint, taken up arms or joined any insurrection or rebellion against the United States; that you have not adhered to any insurrection or rebellion, giving it aid and comfort; that you have not, directly or indirectly, given any assistance in money, or any other thing, to any person or persons whom you knew, or had good ground to believe, to have joined, or to be about to join, said insurrection or rebellion, or to have resisted, or to be about to resist, with force of arms, the execution of the laws of the United States; and that you have not counseled or advised any person to join any insurrection or rebellion against, or to resist with force of arms, the laws of the United States." Any person declining to take said oath shall be discharged by the court from serving on the grand or petit jury, or venire, to which he may have been summoned.

I know, Mr. Chairman, that in the heat of partisan strife and under the pressure of party discipline, the fairest of men may at times do that which they would rather not after cooling time be called upon to defend or to justify. But, sir, it is a matter of surprise to me that there should be serious opposition, after so much time for reflection and at this late day, from any quarter or on any pretext, to the repeal of sections 820 and 821 of the Revised Statutes, relating to Federal jurors. One of these sections, 820, on which the other seems to be predicated, was, if I mistake not, repealed in 1870 by the Forty-second Congress, without much if any objection, although both Houses were largely republican at that time.

It somehow happened, however, not by design I am willing to believe, that it was afterward treated in the revision of the statutes as being in force, and there we find it to-day. The Federal judges have so well understood it to be in the revision by error that in some of the districts where it might be enforced it has been treated as a dead letter, as also section 821. In other places, however, it has been and still is to be, it would seem, recognized as in force and as an indispensable test of the qualification of Federal jurors. What has transpired since 1870, what change of condition of persons, parties, or races, that should furnish cause for opposition here and now to the repeal of these sections? Gentlemen on the other side of the House need hardly be reminded that as late as December last the Senate, then republican, without division repealed section 820. Thus we find that it was repealed once by both Houses, and by the Senate, recently, the second time.

It must be the judgment of all persons who fairly and calmly consider this subject that section 820 should be repealed. And if *it* should be taken out of the Revised Statutes, both because it is an obstruction to fair trials and intelligent verdicts as also because it is in force by mistake or accident, why should not section 821 go also. I know that the application or enforcement of the latter section is in the discretion of the court, but this fact as the section reads is an argument against it, for it will be observed that the section does not say, nor is it implied, that a party accused of crime or misdemeanor and about to be tried therefor, shall on his own motion, or on motion of his counsel, have the right to have this test oath applied to petit jurors. It is only on motion of the district attorney, or other person acting on behalf of the United States, that is, on behalf of the prosecution or upon the court's own motion, that this section or the other can be called into use either as to the petit or grand jury.

If section 820 is repealed the causes for challenge named therein will cease to exist as such, no matter whether the case be civil or criminal, and without regard to whether the United States is a party or not. Wherefore, then, sir, as to section 821, as between the citizen and Government—wherefore, I say, shall the latter "in the discretion of the court" or at the option of the district attorney, have an unfair advantage or preference? As to the propriety of keeping these sections in force longer, it is a fair test to ask whether, if they were not now in the statutes, there could be found any considerable number of members of either House who would favor their enactment? The voice of both bodies in that event would in my judgment be found, almost, and perhaps quite unanimous, in the negative.

What is the object of trial by jury? Is it not that the matter in issue or dispute may be passed upon by twelve persons, peers of the litigants and possessed of sufficient intelligence and manhood to return a verdict in conformity with the law and testimony? How can the trial be impartial as guaranteed by the Constitution if the triers are below, and perhaps very much below, a fair average of intelligence and independence? Will it be said that ignorance and prejudice are more likely, under the instructions of the court, to give fair and impartial trials, than intelligence, even if there be with the latter some prejudice? Is it not the experience of every lawyer that in proportion as the juror is capable of comprehending the effect of the facts testified to, and the law as charged by the court, in the same proportion or degree his verdict will be found on the side of law and right? He may not be entirely free from bias, but, sir, as a rule, if intelligent and of character in his community, his manhood will assert itself and his desire not to discredit his own reputation for intellectual capability will make him return a just verdict.

Mr. Chairman, if sympathy for or service in the confederate cause might create or tend to the creation of a disposition to deal unfairly with one whose lot had been cast with the cause of the Union, would not the rule work both ways? How absurd such a statute! No good reason can be given why either of these sections should longer remain in the statutes. And, sir, I ask if at this late day, fourteen years after the war has closed, it was sought to put into operation some sort of Federal machinery that would create and continue bad feeling and discord in the South between parties, neighbors, and races, what method at all plausible on its face, could be invented or suggested better adapted to that end than such statutes?

It is no part of my purpose to speak of the importance and antiquity of trial by jury, especially the importance of trial by jury in criminal cases. The stereotyped language of the books, that the right of trial by jury is the great bulwark of the civil liberties of the people, is not more trite than true and cannot be too often repeated. And, sir, the first and the greatest object of trial by jury is "to guard against a spirit of oppression and tyranny on the part of the rulers."

Nothing tends more certainly to beget dislike and disregard for law and the restraints of government than the belief, and perhaps knowledge, that the law is not impartially administered. Indeed, a statute like section 821 is to my mind clearly unconstitutional, showing upon its face that it cannot or may not be impartially executed. By its very terms there is a discrimination against the accused. In this respect it is akin to the ancient practice of which Blackstone speaks, of not allowing the party criminally charged the privilege of selecting his own witnesses and having them sworn as his witnesses to

testify in his behalf; a practice also which denied to the accused the benefit of counsel in the examination of witnesses, and which did not permit his defense by counsel before the jury. A practice, sir, which was justified on the ground that the judge, like the king, could do no wrong; that he was so pure, just, and impartial that he would see to it that no wrong was done to the prisoner. Sections 820 and 821—they should be treated as one—seem to have been conceived and constructed on the same theory, except that the district attorney, always impartial and disinterested of course, may co-operate with the court in the application of these statutes. I hope, Mr. Chairman, that these irritating and unconstitutional test-oath sections will be repealed.

ELECTION SUPERVISORS AND MARSHALS.

The first clause of section 4 of article 1 of the Constitution reads as follows:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

And here I wish to say that the word "regulations" has no broader or different meaning and relates alone to the times, places, and manner of holding elections, &c. This is evident from the use of the word "*such*."

Something has been said on both sides in the progress of this debate, as to the nature and extent of the power of Congress under this clause. There was some opposition in the convention, and strong objection in several of the State conventions called to ratify the Constitution, to the power thus granted to Congress. It was said that it would be dangerous to the liberties of the people; that it would interfere with a just exercise of their privileges in elections.

Mr. Hamilton, in No. 49 of the Federalist, answering this objection, says:

I am greatly mistaken if there be any article in the whole plan more completely defensible than this. Its propriety rests upon the evidence of this plain proposition, that every government ought to contain in itself the means of its own preservation.

Again, he says:

Nothing can be more evident than that the exclusive power of regulating elections for the National Government in the hands of the State Legislatures would leave the existence of the Union entirely at their mercy. They could at any moment annihilate it by neglecting to provide for the choice of persons to administer its affairs. It is to little purpose to say that a neglect or omission of this kind would not be likely to take place. The constitutional possibility of the thing, without an equivalent for the risk, is an unanswerable objection.

It is not very clear from the debates in the constitutional convention, and other contemporaneous sources of information upon the subject of the formation of the Constitution, whether it was intended by this clause that Congress should exercise the power thus granted only in the event that the Legislature of the State should fail to prescribe time, place, manner, &c., or whether it was intended to confer upon Congress the right to exercise this power whenever in the discretion of that body it should be deemed best to do so. I am inclined to the latter view, because I can see no uncertainty or ambiguity in the words used. I know that Mr. Hamilton in one place speaks of this power of Congress as an "ultimate" power, but it will be remembered that he was then trying to allay fears that had been excited by Mr. Henry and others, that the power of Congress might be used unnecessarily and unwisely. Mr. Madison, in remarks made in the constitutional convention in support of this clause, speaks of the grant to Congress thereunder as "a controlling power," and Mr. Story calls it a "superintending power."

Some of the States at the time of the adoption of the Constitution proposed that it be so amended that Congress should not legislate on this subject, except when the Legislature of States should refuse or neglect to do so. In the Massachusetts convention a like amendment was proposed but voted down. Several of the States, without asking any change, did however in a very formal manner ask and express confidence, that Congress would refrain from such legislation save as to States omitting it. None of the States, however, proposed to take away from Congress this power. At the first session of Congress under the Constitution, Congress proposed to the several Legislatures certain amendments, but took good care not to suggest any alteration in this particular; although it cannot be denied that it was confidently expected by the framers of the Constitution that Congress would forbear to use this power so long as the States made proper provision by law for the election of Senators and Representatives.

Whatever the power of Congress may be in the matter of prescribing time, place, and manner of holding elections for Representatives, that body has not yet attempted to legislate fully upon that subject. The act of February 2, 1872, requires Representatives to be elected by districts composed of contiguous territory, and containing as nearly as practicable an equal number of inhabitants, and equal in number to the number of Representatives to which such State may be entitled in Congress, no one district electing more than one Representative. The same act also establishes Tuesday after the first Monday in November as the day in each of the States and Territories for the election of Representatives and Delegates to Congress, beginning in 1876. The act of February 28, 1871, provides that all votes for Representatives to Congress shall be by written or printed ballots, and that all votes received or recorded contrary to that act shall be of no effect. It cannot be said that these provisions taken together constitute a "*manner* of *holding* elections" for Representatives.

By the act of July 25, 1866, it is provided that the Legislature of each State which is chosen next preceding the expiration of the time for which any Senator was elected to represent such State in Congress, shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress, and that "such election shall be conducted in the following manner," &c. The act then proceeds to prescribe the manner of holding elections for Senators. It cannot be doubted that if Congress had intended to prescribe a manner of holding elections for Representatives to Congress it would have been done, as in the case of Senators, by an act addressed to the subject of the manner, and purporting at least to be full and complete. In almost every State the vote was by ballot, written or printed, prior to the act of February 28, 1871, and therefore in all such States the voting by ballot is a manner of voting prescribed by the States as well as by act of Congress.

The law creating election supervisors and empowering them and United States marshals to attend elections in the States and exercise certain powers, is nothing more nor less than a supervision and intermeddling by Federal power with the manner of holding elections as prescribed by the State Legislatures. As such it cannot be justified, for whatever may be the naked power of Congress under the Constitution, an enlightened public sentiment will not hesitate to say, that if Congress undertakes to control the subject of the manner of holding elections for Representatives to Congress, it should be by an act covering the whole subject of the manner, and not by patchwork and in a way that may lead to disagreement and conflict between officers of election appointed by the State under State law and United States supervisors, marshals, and deputy marshals, who stand by clothed with Federal authority of a character which permits them to interfere with and in effect control a manner of holding the election which the State, and not the General Government, has in all essential particulars prescribed.

Mr. Chairman, the fact is, the States have thus far omitted no important and material duty in this matter, and the laws which we now seek to abrogate are anti-republican, unnecessary, and wholly without justification.

Sections 2011 and 2012 of the Revised Statutes, constituting a part of the Federal election laws, are as follows:

SEC. 2011. Whenever, in any city or town having upward of twenty-thousand inhabitants, there are two citizens thereof, or whenever, in any county or parish, in any congressional district, there are ten citizens thereof, of good standing, who, prior to any registration of voters for an election for Representative or Delegate in the Congress of the United States or prior to any election at which a Representative or Delegate in Congress is to be voted for, may make known, in writing, to the judge of the circuit court of the United States for the circuit wherein such city or town, county or parish, is situated, their desire to have such registration, or such election, or both, guarded and scrutinized, the judge, within not less than ten days prior to the registration, if one there be, or, if no registration be required, within not less than ten days prior to the election, shall open the circuit court at the most convenient point in the circuit.

SEC. 2012. The court, when so opened by the judge, shall proceed to appoint and commission, from day to day and from time to time, and under the hand of the judge, and under the seal of the court, for each election district or voting precinct in such city or town, or for such election district or voting precinct in the congressional district, as may have applied in the manner hereinbefore prescribed, and to revoke, change, or renew such appointment from time to time, two citizens, residents of the city or town, or of the election district or voting precinct in the county or parish, who shall be of different political parties, and able to read and write the English language, and who shall be known and designated as supervisors of election.

These sections are not disturbed, although they are very objectionable in some respects. The court should not be permitted to act upon the petition of only two persons, or of ten persons. Either number is too small. The court ought not in any event be required to appoint supervisors, unless it should be made clearly to appear that fairness and freedom of election would be promoted thereby. The court should not name the supervisors; this should be done by the political parties of the locality where the supervisors are expected to serve. No other manner of selecting supervisors or challengers can inspire confidence or give satisfaction. The judges of the Federal courts are not elected by the people; they are appointed by the President and are not without political opinions and partisan bias. An upright judge would be glad to be relieved of such a duty. It is wholly out of the line of his usual labors, tends directly to prostitute and tarnish his high office, and withdraw that public respect and confidence which the courts must have to accomplish the purpose of their creation. Especially are these remarks just, when it is considered, that the two sections which follow those cited, require the same court to be kept open until after the election for the "transaction of business" of the same character.

The supervisors thus appointed are authorized and required to attend at all times and places fixed for the registration of voters, and to challenge any person offering to register. They may "mark" for challenge such names as they choose on the registered list. They are required to personally scrutinize, count, and canvass each ballot, and are authorized to attach to the registry list and election returns any statement about the accuracy of the registry, or fairness of the election, or truthfulness of the return made by the election board that they or either of them may desire.

Mr. Chairman, what power can be more arbitrary, dangerous, exasperating to the citizen and autocratic than this? If the party in power wishes to maintain its supremacy in the legislative branch of the Government without regard to right or fairness of election, what machinery could be invented better adapted to that end than this? In close congressional districts, the statement made by the supervisor

and attached to the election return could be adopted as the truth, and in a contest the seat be given to the candidate of the party in power.

It will not do to say that this could not be, because of the fact that the two supervisors are required to be of different political parties. It is well known how, in politics, these things can be managed. The court appoints the supervisors, and can select such material as will be most acceptable to the party managers with whom it is in sympathy. A corrupt judge would need no advice upon this point. He would see to it that the supervisors were men who could be controlled in the interest of party, and thus he would keep the secret of his corrupt motive locked up in his own breast.

Whenever an election, at which Representatives or Delegates in Congress are to be chosen, is held in any city or town of twenty thousand inhabitants or upward, the United States marshal for that district is required, upon the application in writing of two citizens, to appoint special deputy marshals to aid and assist the supervisors of election in the discharge of duties with which they are charged. They are required to be present at the polls in such city or town.

These deputy marshals may be appointed without limit as to number, and must be appointed, although not more than two citizens may ask it. They are not required to be taken from both political parties, and the testimony taken upon this subject by committees of Congress establishes the fact that they are selected from the republican party, except when democrats are appointed with the understanding that they are to vote the republican ticket. These deputy marshals are paid $5 per day so long as they are on duty, not exceeding ten days. Mr. Chairman, a few figures at this point in my remarks will be of interest and instructive.

In the years 1876 and 1878, there were appointed 9,744 supervisors and 16,335 deputy marshals, and for this taste of ballot-box despotism the people have paid, including compensation of chief supervisors and United States commissioners for services under election laws in New York City, the sum of $508,635.51. This amount does not include the southern district of New York for 1878. The city of New York is in that district. The Secretary of the Treasury has informed the Senate that the account from the chief supervisor from that district has been received, but has not been adjusted. This will of course add very largely to the figures which I have just given.

Mr. Chairman, testimony which has been taken shows that a large percentage of the deputy marshals are taken from the lowest strata of society, and this fact can only be accounted for upon the theory that rough and desperate men were wanted to intimidate and deter the weak and timid.

The marshal and his deputies are authorized to prevent fraudulent registration, fraudulent voting, and fraudulent conduct on the part of any officer of election. They are empowered in their own discretion to arrest without process, either before or after voting, persons who in their presence, register or vote or attempt to register or vote unlawfully. They are the sole judges whether the law is violated or not. They may then arrest the voter, although the election board may have decided that he was a legal voter, and they may at once arrest the judges, inspectors, and clerks of the board if in their opinion these officers in their presence have been guilty of fraudulent conduct in receiving or refusing to receive a vote, or in doing, or in omitting to do anything pertaining to the election. The persons thus arrested are forthwith taken before a commissioner, judge, or court of the United States, there to be proceeded against as "in case of crimes against the United States." Thus the State courts are not permitted to interfere at that time, although if there be a violation of law at all, it is of a State law.

But the crowning infamy of this legislation is that there is no penalty or punishment provided for those who abuse or wrongfully and oppressively make use of this authority with which they are invested. It would seem, sir, that this omission was intended as an intimation to these Federal overseers of a free and proud-spirited people, that the elections must be carried at all hazards in favor of the political party from which their employment came.

Mr. Chairman, there is another objection to these statutes which to my mind is of the very first magnitude. It will be borne in mind that they are justified and claimed to be within the constitutional power of Congress, because they relate to the elections held for Representatives to Congress. But, sir, is it not true that wherever State officers and Representatives to Congress are voted for on the same day and on the same ticket, these laws of necessity affect the election of the former in the same degree as the latter? In most of the States members of the Legislature and other State and county officers are voted for on the same day and on the same ballot with candidates for Congress. Not only is this the fact, but Congress has by legislation encouraged this arrangement, and it will not be long until this will probably be the rule in all the States.

To illustrate how these laws may be diverted in their operation from their professed purpose, take for example a congressional district in which one of the political parties has a majority so large that there can be no doubt about the result. In the same district, however, there may be, and always are, members of the State Legislature, State and county offices to be elected. The result as to the candidates for these places could be greatly influenced by a few score of well-paid supervisors and marshals actively at work over the district arresting, "marking," and imprisoning citizens *before* they voted.

Ought these thousands of supervisors and marshals, appointed and working in the interest of the party in power, be added to the one hundred thousand Federal office-holders, who at every general election well understand what is expected of them, and therefore while under pay from the people at large, devote every energy of body and mind to maintain the supremacy of the party that commands their services? Will the people say that the party in power, of whatever political faith, should have additional and more effective facilities for carrying the elections?

Mr. Chairman, after some of these laws are amended, and others repealed, as we propose, the United States statutes will still contain over forty sections, enacted especially to protect voters and prevent fraud at elections. These statutes are of the most stringent, searching, and penal character; human ingenuity could not devise methods and punishments more satisfactory to the greatest extremists upon the subject of elections.

As a fair sample of the sections which will be left I read as follows:

SEC. 5511. If, at any election for Representative or Delegate in Congress, any person knowingly personates and votes, or attempts to vote, in the name of any other person, whether living, dead, or fictitious; or votes more than once at the same election for any candidate for the same office; or votes at a place where he may not be lawfully entitled to vote; or votes without having a lawful right to vote; or does any unlawful act to secure an opportunity to vote for himself, or any other person; or by force, threat, intimidation, bribery, reward, or offer thereof, unlawfully prevents any qualified voter of any State, or of any Territory, from freely exercising the right of suffrage, or by any such means induces any voter to refuse to exercise such right, or compels, or induces, by any such means, any officer of an election in any such State or Territory to receive a vote from a person not legally qualified or entitled to vote; or interferes in any manner with any officer of such election in the discharge of his duties; or by any such means, or other unlawful means, induces any officer of an election or officer whose duty it is to ascertain, announce, or declare the result of any such election, or give or make any certificate, document, or evidence in relation thereto, to violate or refuse to comply with his duty or any law regulating the same; or knowingly receives the vote of any person not entitled to vote, or refuses to receive the vote of any person entitled to vote, or aids, counsels, procures, or advises any such voter, person, or officer to do any act hereby made a crime, or omit to do any duty the omission of which is hereby made a crime, or attempt to do so, he shall be punished by a fine of not more than $500, or by imprisonment not more than three years, or by both, and shall pay the costs of the prosecution.

Certainly these remaining statutes, and the great body of State laws relating to the elective franchise, furnish all that is needed. The laws of the States alone were relied on and found to be ample, until the colored man became a voter, and the republican leaders resolved that his color was a mark by which he should be known as the property of the republican party, and that if he did not vote the ticket of that party, his vote should not be counted at all.

Mr. Chairman, I cannot occupy further time. These laws cannot be defended; they are unjust, tyrannical, and in irreconcilable antagonism with the spirit and genius of republican government.

The Separation of the Bayonet from the Ballot—Impartial Trials by Unpacked Juries, and Free and Pure Elections.

SPEECH OF HON. W. G. COLERICK,

OF INDIANA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, April 24, 1879.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. No. 2) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes—

Mr. COLERICK said:

Mr. CHAIRMAN: It is not my purpose or desire to discuss questions involving the constitutionality of the laws that the bill now under consideration seeks to repeal or modify, as those questions have been ably and elaborately presented and discussed in all their features by the distinguished gentleman from Kentucky, [Mr. CARLISLE,] and other gentlemen on this side of the Chamber, and have not been fairly met or answered by gentlemen on the other side. I desire to devote my time to a discussion of those sections of the election law that authorize the appointment of deputy marshals and define their powers.

We must not forget that this law is the creature of the republican party and sprang into life when that party dictated and controlled the legislation of the country, and that it was ingeniously contrived and designedly created by the cunning and shrewd managers of that party to prolong and perpetuate its power. They well knew that their party by its maladministration of the Government and the corruption of its leaders had justly forfeited the confidence of the people, and that the time for its forced and unwilling surrender of power was surely and rapidly approaching. Their intense love of power and insatiable greed for the spoils of office inspired and prompted them to devise some plan by which they could "hold the fort," and governed by this unworthy motive and impelled by this selfish desire they rashly determined, regardless alike of common honesty and constitutional liberty, to stifle the voice of the people at the ballot-box by the use of the glittering bayonet in the South and venal and corrupt supervisors and deputy marshals in the North; and the plan so conceived was consummated by the enactment of this infamous

law, which, coupled with that law that authorizes the presence of soldiers at the polls under the pretense of preserving the peace, enables that party, as intended and designed by its leaders, to carry elections whenever necessary by force and fraud.

The powers conferred by these laws on supervisors, marshals, and armed soldiers are incompatible with the theory and form of our Government and the spirit and letter of our Constitution. They are in their nature subversive of the liberties of the people, who, in their innate love and zealous devotion for constitutional liberty earnestly desire and peremptorily demand the repeal of these laws, and we, as the Representatives of the people, will be unfaithful to them, untrue to ourselves, and recreant to the sacred trust confided in us, if we, through fear or favor, refuse or fail, now and here, to exert our power in obliterating them from the statute-book. Sir, the people do not need or desire such laws as these, which so long as they exist will constitute perpetual menaces to their liberties. They want no more soldiers at the polls. They want no more supervisors, marshals, returning boards, electoral commissions, or other like political monstrosities that have been created by the republican party within the last few years to maintain its supremacy in defiance of the will of the people. They desire to revive and restore again the forms and modes of election that existed in the better and purer days of the Republic, and place them under the sole supervision of the States, where the power to control and regulate elections constitutionally belongs, and from which no departure ever occurred from the time of the formation of the Government until these modern innovations, under the auspices of the republican party, for base partisan purposes, transpired.

If the republican party believe that it is essential to its success to employ in its service spies and informers to discharge the duties now performed by deputy marshals under this law, it has the right to employ them, and will involve merely a matter of taste, but it must pay them out of its own treasury, that overflows with the money realized by its political assessments and forced contributions from its army of Federal office-holders, now numbering over one hundred thousand, and not out of the public Treasury with the people's money. Justice to the people, now groaning under the weight of heavy taxation and debt, forbids our placing upon the pay-roll of the country the ward workers, electioneerers, and ticket peddlers of the republican party in the disguise of deputy marshals, although we have been solemnly warned that if we destroy this "political machine" invented by the republican party for partisan purposes it will result "in starving the Government to death," from which I infer that the republican party considers itself "the Government," as the only starvation that can possibly occur by the repeal of this law will merely affect that grand army of republicans called deputy marshals, who are in some measure dependent upon the Government, through the favor of the republican party, for their support.

Mr. Chairman, this Government will never perish by starvation if we can avert such a calamity. We propose to furnish all the money needed for its support. The appropriations made by this bill are conceded to be ample and liberal, and if they are rejected by the President because we will not debase and humiliate ourselves by suffering to remain on the statute-book certain political legislation placed there by the republican party as partisan measures to perpetuate by force and fraud its power, when we know that those laws are unconstitutional and subversive of the liberties of the people, and that it is our right and duty and within our power to repeal them, then let the responsibility rest upon the President and his party, and upon that issue, which will involve the separation of the bayonet from the ballot, impartial trials by unpacked juries, and free and pure elections, we can with confidence appeal to the people.

Sir, no President has ever vetoed an appropriation bill because it contained general legislation, and we have no right to assume or believe that this bill will not receive the approval of the President. Why should we permit ourselves to indulge for a moment in the supposition that he will veto it. It violates no provision of the Constitution, but, on the contrary, more firmly and securely guards and protects the rights guaranteed by the Constitution to the citizen. It reduces public expenditures and will save millions of dollars to the people now burdened with taxation and debt. Its provisions are so just and commendable, and so free from constitutional objection, that I cannot believe that it is possible that the President will assume the grave responsibility of defeating the bill by his veto.

Some of the leaders of the republican party manifest great solicitude for the Constitution and express grave apprehensions that we may, by our legislation, violate its sacred provisions. Their respect for the Constitution is of very recent origin. A few years ago they treated it with contempt and derision and trampled it under their feet, and all appeals by the citizen to the Constitution for the protection of the rights guaranteed to him by its provisions were denied, and all references to the Constitution provoked their anger or excited their mirth. Gentlemen, your pretended fears are unfounded and will never be realized. You can safely commit the Constitution to our care. As we defended it in the past against your assaults, so will we protect and defend it in the future, in peace and in war, against all assaults. It has always been and is now our political bible. We know no "higher law" than the Constitution, and our devotion and veneration for it is boundless and immeasurable.

Mr. Chairman, our republican friends say that it is wrong, revolutionary, and subversive of the Government to legislate in the manner proposed, by attaching to an appropriation bill a provision changing an existing law. Is this true? Rule 120 of this House, which was adopted many years ago, provides:

> No appropriation shall be reported in such general appropriation bill or be in order as an amendment thereto for any expenditure not previously authorized by law, unless in continuation of appropriations for such public works and objects as are already in progress. Nor shall any provision in any such bill or amendment thereto changing existing law be in order, except such as, being germane to the subject-matter of the bill, shall retrench public expenditures.

Now, if those provisions inserted in this bill which seek to repeal or modify the law creating supervisors, marshals, and deputy marshals at elections are germane to the subject-matter of the bill and retrench public expenditures, then our power and right under this rule to change that law in the manner proposed cannot be successfully denied and ought not to be questioned. That these provisions are germane to the subject-matter of the bill has not been seriously disputed, nor can it be, because the purpose of the bill in part is to appropriate money to defray the expenses of United States courts and marshals, and it has heretofore been customary and required in bills like this to include as a part of such expenses an amount sufficient to pay the supervisors, marshals, and deputy marshals who under this law are appointed by the United States courts and marshals. This brings us to the other question, will these provisions, if adopted, retrench public expenditures. The official records show that hundreds of thousands of dollars have been paid out of the public Treasury to pay these officials. The statement which I hold in my hand and ask to have printed as a part of my remarks, shows the number of those officials in 1876 and 1878, and the amounts paid to them, as far as the same has been made known to the public. It shows that for the years 1876 and 1878 the sum of $513,635.51 was paid out of the public Treasury to these officials, numbering over twenty-six thousand, for the services rendered by them.

Sir, unless this law is changed, as proposed by this bill, like or greater sums will be paid in the future to these officials by the Government, and it is for the purpose of retrenching these expenditures, and saving to the people the enormous sums that are uselessly paid to these officials that the provisions in this bill to which objection has been made by the republican party have been inserted. But independent of the rule of this House to which I have referred, and which clearly justifies our action, I submit that the republican party is estopped from denying the right or propriety of attaching such legislation to appropriation bills. The records show that from July 5, 1862, to March 3, 1875, during all of which time that party controlled both branches of Congress, three hundred and eighty-seven acts of general legislation of every conceivable character were attached to appropriation bills passed by Congress. By one of these acts attached to the Army appropriation bill which was passed March 2, 1867, Andrew Johnson, then President of the United States, who had incurred the displeasure and hostility of the republican party because he was true and faithful to the Constitution and the people, was deprived of his powers as Commander-in-Chief of the Army. The provision inserted in that appropriation bill provided, "that any orders or instructions relating to military operations," issued by him "shall be null and void," and "any officer of the Army who shall transmit, convey, or obey any orders or instructions so issued * * * shall be liable to imprisonment for not less than two nor more than twenty years, upon conviction thereof in any court of competent jurisdiction."

Although the provisions so incorporated in that bill were intended by the republican party to degrade and humiliate him and divest him of constitutional power, he approved the bill, and by his approval it became a law, and yet in the face of this record the republican party denounce us, and declare that we are attempting to compel the President to approve legislation that is distasteful to him by embodying it into an appropriation bill, and that such legislation is revolutionary. It was not revolutionary for them in 1867 to require Andrew Johnson to approve a bill containing an affirmative act of legislation that affected him personally by depriving him of the right to exercise powers granted to him by the Constitution; but it is revolutionary for us in 1879 to require Rutherford B. Hayes to approve a bill that merely repeals a statute in which he has no personal interest, as it neither affects nor involves any of his rights, privileges, duties, or powers. Can the republican party honestly or consistently declare that it is revolutionary for us to adopt and follow the same course pursued by that party as long as it controlled Congress in attaching general legislation to appropriation bills? If it is revolutionary to do so now, it was equally so when that party controlled the legislation of the country.

Why, sir, in 1856 the republican party had a majority in this House, and it became its duty to prepare and pass the necessary appropriation bills. In preparing the Army appropriation bill they inserted a provision that the Army should not be used for certain purposes therein named, which provision they knew was objectionable to the President, and if presented to him as an independent measure would be vetoed; but the bill containing that provision was passed and sent in that form to the Senate for its concurrence, where objection was made to the provision that had been so ingrafted into the bill, and the Senate refused to concur in its passage unless that provision was stricken out. The objection that was made to the bill in the

Senate presented the same question that confronts us to-day—whether the House of Representatives, in which all appropriations must originate, possesses the power and right to make appropriations upon condition. What did the fathers of the republican party then and there declare upon this subject? The record will tell us. It shows that Henry Wilson, of Massachusetts, afterward Vice-President of the United States, and who deservedly enjoyed the full confidence of the republican party, said:

It seems to me that the provision now proposed to be stricken out by the Committee on Finance is a legitimate proposition, and one which the House of Representatives had an undoubted right to incorporate into the bill. * * * Must the people's House of Representatives sit with their arms folded, and although the Constitution of the United States confers emphatically upon them the power to originate all revenue bills (which comprises the power to place these grants of money on such condition as they see fit,) must they refrain from exercising their authority in an emergency like this? Is this the liberty of the American citizen that the people's House, where there really is a representation of the people, where the wisdom of the fathers placed the taxing power, are leading to revolution by annexing a condition to the appropriation of the people's money? * * * I say that the House of Representatives have done right. * * * Here we are told that it is revolutionary, and therefore we must not breathe the breath of life into their action, but must permit it to go back to the House with an appeal to the House to recede. Sir, I do not know but that you may succeed under the idea that this is revolution, but, so help me God, I hope that the man who proposes to recede a hair's breadth from the action of the House will never find his way back again, and I do not believe he will.

William P. Fessenden, afterward Secretary of the Treasury and a member of President Lincoln's cabinet, and one of the ablest and most conservative men in the republican party, then declared, in responding to Mr. Hunter, of Virginia:

Does he not know well that in the English Parliament from the earliest times not only have appropriation and revenue bills gone together, but in cases without number it has been the habit of that Parliament to check the power of the Crown by annexing conditions to their appropriations of money? It is not only not a new thing, but a very common thing, in the history of all parliaments. Does he not know that the only mode in which our ancestors of Massachusetts checked the powers of their royal governors was by granting money only on conditions? The power of supply and the power of annexing conditions to supply have always gone together in parliamentary history; and their joint exercise has never been denounced as a case of revolution, or calling for revolution, or tending to produce revolution in any shape or form whatever.

Sir, it is a power essential to the preservation of our liberties.

Mr. President, I have been surprised at the positions taken by honorable Senators on the other side. I know that no man is more learned in the history of parliaments, especially with regard to money grants and money powers, than the honorable Senator from Virginia, [Mr. Hunter,] and yet he gravely argues that the House of Representatives—the power exclusively invested by the Constitution with the prerogative of raising money—not exclusively of expending it, I grant, but still from the very nature of its existence, as deriving its powers more immediately from the people, and from the short term of office which it holds, and its frequent return to the people, necessarily more trusted by the people, with reference to the expenditure of money, than we are—and a House elected with reference to this particular measure has not the power, without committing a revolutionary act, to say that the funds which it grants, and is willing to grant, must be restrained to effect what it believes to be constitutional and legal and proper objects in their application. When I hear him say this I am astonished, because he goes counter to all the history of money grants by free parliaments from the creation of the world down to the present time.

It is the only protection we have, unless we choose to do in fact what the gentleman from Virginia says we must necessarily be considered as doing when we affix any condition of this kind to a grant of money—initiate a revolution.

We do not wish to dissolve this Government; but unless we would destroy it we must point out the mode in which the money we grant is to be used, or else submit to any use of it that the Commander-in-Chief may choose to select. It is the peculiar prerogative and right of Congress to control the Commander-in-Chief of the Army and to control the Army which they raise. Do gentlemen argue here that our only business is to make the appropriations for the support of the Army and not question the use that is to be made of them? that we cannot annex any conditions to our grants of money—a power that has always been claimed as essential to freedom from the beginning of English liberty, which we inherit, and from the beginning of legislation in this country? Sir, the idea that we cannot annex conditions of that kind restraining the power of our military officers is a notion that if admitted would reduce us to worse than colonial bondage.

William H. Seward, afterward Secretary of State and a member of President Lincoln's Cabinet and one of the most distinguished statesmen of this country, said:

Since the House of Representatives has power to pass such a bill distinctly, it has power also to place an equivalent prohibition in any bill which it has constitutional power to pass. And so it has a constitutional right to place the prohibition in the annual Army appropriation bill.

I grant that this mode of reaching the object proposed is in some respects an unusual one, and in some respects an inconvenient one. It is not therefore, however, an unconstitutional one or even necessarily a wrong one.

It is a right one if it is necessary to effect the object desired, and if that object is one that is in itself just and eminently important to the peace and happiness of the country or to the security of the liberties of the people.

* * * * * * *

The House of Representatives, moreover, is entitled to judge and determine for itself whether the proceeding is thus necessary, or whether the object of it is thus important.

Sir, in view of the constant practice of the republican party when these legislative Halls were under its control in ingrafting into appropriation bills provisions changing existing laws, and basing its right to do so upon the grounds so clearly stated and zealously contended for by the founders and recognized leaders of that party in the Senate in 1856, we may well express our surprise at the course now pursued by that party, and doubt its sincerity in denouncing us for exercising the same right and power.

Mr. Chairman, let us examine those sections of the election law that authorize the appointment of deputy marshals and define their powers. I desire to show the unjust and arbitrary powers that are conferred upon these officers and the manner in which they have abused those powers. The sections that I refer to are numbered 2021 and 2022, and read as follows:

SEC. 2021. Whenever an election at which Representatives or Delegates in Congress are to be chosen is held in any city or town of twenty thousand inhabitants or upward, the marshal for the district in which the city or town is situated shall, on the application, in writing, of at least two citizens residing in such city or town, appoint special deputy marshals, whose duty it shall be, when required thereto, to aid and assist the supervisors of election in the verification of any list of persons who may have registered or voted; to attend in each election district or voting precinct at the times and places fixed for the registration of voters, and at all times and places when and where the registration may by law be scrutinized, and the names of registered voters be marked for challenge; and also to attend, at all times for holding elections, the polls in such district or precinct.

SEC. 2022. The marshal and his general deputies, and such special deputies, shall keep the peace, and support and protect the supervisors of election in the discharge of their duties, preserve order at such places of registration and at such polls, prevent fraudulent registration and fraudulent voting thereat, or fraudulent conduct on the part of any officer of election, and immediately, either at the place of registration or polling place, or elsewhere, and either before or after registering or voting, to arrest and take into custody, with or without process, any person who commits, or attempts or offers to commit, any of the acts or offenses prohibited herein, or who commits any offense against the laws of the United States; but no person shall be arrested without process for any offense not committed in the presence of the marshal or his general or special deputies, or either of them, or of the supervisors of election, or either of them, and, for the purposes of arrest or the preservation of the peace, the supervisors of election shall, in the absence of the marshal's deputies, or if required to assist such deputies, have the same duties and powers as deputy marshals; nor shall any person, on the day of such election, be arrested without process for any offense committed on the day of registration.

It will be observed that the number of deputy marshals that may be appointed is not limited, and is in practice controlled by the exigencies and desires of that political party in whose interest they have always been appointed. These deputy marshals have full power to arrest and take into custody, either at the place of registration or election or elsewhere, and either before or after registration or voting, with or without warrant, any person who, in their biased and partisan judgments, has fraudulently registered or voted or has attempted or offered to do so. These officers are usually if not always selected from the lowest and most degraded elements of society, and although morally and financially irresponsible, they are not even required to take an oath to faithfully and impartially discharge their duties, nor is any bond exacted from them, which oath and bond if required and exacted might possibly tend to render them more cautious in interfering with the liberty of the citizen and operate as restraints upon the improper exercise of their powers. They may, and in fact do, with perfect impunity and without fear of prosecution civil or criminal, perpetrate the grossest abuses and wrongs upon citizens for the redress of which the law affords no remedy. These men are liberally paid out of the public Treasury with the people's money for the services that they render for and in the interest of the republican party, which give to them their positions, and to which party they belong and owe their political allegiance, and in their unbounded gratitude to that party for the honors and emoluments conferred upon them they act in the performance of their official duties as bitter partisans. Can we expect these men, who on election day are mustered into the service of the republican party and placed upon the pay-roll as "deputy marshals," to discharge impartially their duties? Do they arrest republicans for fraudulent registration or voting? If any such arrest ever occurred it has not been reported. No; they are not appointed for that purpose; they keep the way to the ballot-box free and unobstructed to those who vote the republican ticket, and in their devotion to the republican party they seem to be impressed with the idea that their sole mission is to arrest and imprison only those voters that they suspect intend to vote the democratic ticket; and when they arrest such voters they detain them just long enough to prevent them from voting, and having thereby accomplished the purpose for which they were appointed they liberate them, and the persons so arrested and deprived of their liberty and prevented from exercising the highest and most precious right conferred upon the American citizen are afforded no redress for the great and grievous wrongs perpetrated upon them by these officials under the sanction and authority of law. I have not misstated the character of the men who are appointed to execute this law. Why, sir, at the present session of this Congress a committee was appointed by the Senate to investigate this subject, and for that purpose they visited the city of Philadelphia, and in the investigation that occurred there a great number of witnesses were examined as to the character of the men who had been appointed to execute this law in that city, and from the evidence so rendered the following statement, which contains the names, occupations, and character of the men who were appointed for that purpose, and the manner in which they performed their duties, has been compiled.

Charles Oliphant, marshal second division, Twentieth ward, drunk on election day and insulting voters; seized Mr. Hackenberg without cause.

Charles Herr, marshal second division, Twenty-ninth ward, character and reputation bad; had been arrested for crime. On election day he arrested a voter, who was released by Judge Hare and voted. Herr wore a badge, and solicited votes as a republican.

Arthur Vance, marshal eighth division, Fifth ward, arrested Hutchinson, a voter without cause. Vance was a notorious republican worker.

John Homeyard, marshal sixth division, Sixth ward, drunk, and arrested voters without cause; drew a club on a democrat for challenging a negro repeater. The police blocked up the poll, acted in concert with Homeyard, and brought voters to polls. Homeyard vouched for republican voters and distributed republican tickets. Shriver, a United States revenue officer, kept republican window-book.

J. R. Desano, marshal first division, Fifth ward, drunk all day; too drunk to ar-

rest any one. There were five policemen at these polls. Desano never voted in that division before that day.

James Brown, marshal fourteenth division, Fourth ward, record of his conviction in 1872 for voting illegally, produced. Proof was made that he voted twice on the same day.

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Joseph Hilferty, marshal twenty-first division, Second ward, held the republican window-book all day and electioneered; threatened to arrest the democratic United States supervisor for procuring bail for a legal voter who had been arrested.

William McGowan, marshal twenty-third division, Second ward. A policeman blocked up the voting-window, and a democratic United States supervisor ordered him away, when McGowan and the policeman seized him and locked him up in the station-house on a charge of interfering with officers. The case was never tried. McGowan is employed in the gas office and paid by the city.

Philip Madden, marshal Fourth ward, one of the most dangerous men in the city; has been in prison twice, once for highway robbery and the second time for shooting a colored boy.

Francis McNamee, marshal Eighth ward, had been arrested for five different robberies.

Andrew Lenoir, marshal First ward, a warrant has been issued for him for larceny.

Daniel Reading, marshal First ward, a bad and dangerous man; had been tried for murder.

Henry Pitts, marshal Seventh ward, a colored man who keeps a gambling-house and been arrested twice; distributed republican tickets and vouched for voters.

R. S. Stringfield, marshal Fifteenth ward, had been tried for shooting a man; character very bad.

Michael Slavin, marshal Fifth ward, a thief and notorious repeater: had been arrested for subornation of perjury but never tried.

Enoch Baker, marshal second division, Third ward, arrested John Carroll, a legal voter, without cause, and locked him up; Carroll was discharged after a hearing.

J. Roberts, marshal sixteenth division, Third ward, arrested John Johnson, a legal voter, and locked him up all night; case never tried. Roberts electioneered for the republican ticket; was a clerk in the gas office and paid by the city; there were also twelve to fourteen policemen at that poll all day, and they blocked up the poll.

Andrew Jackson, marshal twenty-second division, Thirtieth ward, employed in the gas works under the city. Ackerman, republican judge of elections, acted as United States supervisor and judge, and refused to vacate the place of judge after written orders by Marshal Kerns and Judge Elcook. Jackson arrested Feeny, who had been legally appointed judge, and took him away from the polls. Did not return to get possession until 2 p. m.

James Calligan, marshal eighth division, Sixth ward, so drunk in the afternoon he could not walk; seized a qualified voter by the collar and staggered with him against the wall; policeman brought a repeater to the polls, who was arrested, as was the policeman.

Henry Scott, marshal second division, Seventh ward, a man of bad repute; colored; keeps a low drinking-house; electioneered and gave out tickets and tax receipts; was inside at the counting of the vote, and took tickets out of the box; only 5 votes came out for the democratic candidate for Congress; democratic overseer contested this, and Scott allowed 17 to be counted for him.

Thomas Donlan, marshal seventh division, Sixth ward, an habitual drunkard, and a graduate of house of correction for this; was drunk all day.

William D. Barth, marshal, same place, blocked up the voting window and would not allow legal voters to come to it; there were two United States marshals and six policemen at this poll.

John Archer, marshal twenty-seventh division, Nineteenth ward, acted as United States supervisor; was on both lists and paid as both officers; when a marshal wanted during the day to arrest a republican repeater he did not make known that he was a deputy marshal; had no badge; heavy republican division; no policemen there.

William Springfield, marshal thirty-second division, Twenty-fourth ward, arrested a legal voter and took him to the magistrate's, where he was discharged; Springfield was discharged from employment the day before election for stealing.

Charles Male, marshal seventh division, Eleventh ward, keeps a house of prostitution.

Abraham Hoffman, marshal Eleventh ward, a repeater, and had kept a house of prostitution within a year; a thief.

William Eckenbrim, marshal Eleventh ward, arrested for larceny; bill ignored.

David Beckman, marshal thirty-second division, Nineteenth ward, held the republican window-book and electioneered; threatened to put the democratic United States supervisor out of the room for challenging a voter; the vote was rejected, and the voter did not return.

—— Fleming, marshal sixth division, Eighteenth ward, distributed republican tickets and challenged voters; a legal vote was rejected on his challenge; intimidated many democratic voters.

William Boehm, marshal eighteenth division, Twenty-ninth ward, plug inspector, and paid by the city; electioneered and distributed republican tickets.

Charles Prenderville, marshal seventeenth division, Fifth ward, arrested a legal voter; case never tried; electioneered for republicans all day.

This was the record of a two days' investigation at Philadelphia.

These individuals represent the class of men that have been appointed supervisors and deputy marshals by virtue of this law to maintain peace and order at the polls, guard the sanctity of the ballot-boxes, prevent frauds, preserve the purity of the ballot, and honestly supervise the counting of the votes. In view of the character of these men, and the nature of the offenses committed by them, which embrace nearly every crime known to the law, no person need hereafter entertain or express any surprise at the fact that the republican party, in whose interest these men were appointed and acted, maintains its supremacy in that city. The infamy of these men peculiarly qualified them to execute this infamous law. Oh, how the hearts of the managers of the republican party in that city yearn for pure, fair, and honest elections, and an untrammeled and uncontaminated ballot! But their pretended reverence for the purity and sacredness of the elective franchise is exposed by the fact that when they secured the supervision of the election there they committed the ballots cast by American freeman, that should be guarded as zealously as priceless jewels, to the control of convicted felons and men of the most vile, corrupt, and degraded character, whose presence alone was sufficient to generate corruption, and whose vicious lives, blackened by the infamy of their crimes, excited the just and grave apprehensions of honest men that they were placed there to tamper with the ballots. Why were such men selected to perform such responsible and sacred duties, the honest performance of which required men of the highest personal character and undoubted integrity? And why such sad and heartrending lamentations by the leaders of the republican party over the proposed repeal or modification of this law? It is safe to assume that the same kind of men have been appointed elsewhere under this law to perform like duties. This law, by reason of the manner in which it has been executed, if for no other reason, should be repealed.

Sir, look at the manner in which it has been executed in the city of New York. We all know that the State of New York is, and has been for many years past, a democratic State. The republican party knowing this determined in 1878, through the aid of this law, to regain by unfair means its lost power in that State, and to produce that result they secured the appointment of one John I. Davenport, a bitter and unscrupulous partisan, as chief supervisor of the elections in that city, and by and under his management, aided by thirteen hundred and fifty deputy marshals, they accomplished their purpose. How was it done? Why Davenport just on the eve of the election filed nearly ten thousand complaints against legal voters of that city, wherein he charged them with fradulently registering their names as voters, and upon which complaints he caused twenty-eight hundred warrants to be issued for the arrest of these citizens and thereby he frightened and deterred thousands of legal voters from voting.

The persons against whom these complaints were filed and warrants issued were all of foreign birth—Germans, Irishmen, Frenchmen, and other citizens who had been naturalized ten years before that time—men who had felt the oppressive yoke of tyranny in their native countries, and had come to America, "the home of the free and the land of the brave," to enjoy the blessings of civil and religious liberty, and many of whom had by their industry, thrift, and enterprise, and the fruits of their genius and labor, contributed greatly to the wealth, beauty, and grandeur of that great metropolis; and although guiltless of any crime they were pursued and hunted down like criminals, and stripped of their naturalization papers that constituted the evidence of their citizenship, by Davenport and his army of paid spies and informers, who had enlisted for that purpose into the service of the republican party. These papers were taken from these citizens to prevent them from voting, and those who had the nerve, courage, and manhood to resist the unlawful demands and assert their rights by refusing to surrender to this tyrant and his minions the papers that entitled them to exercise the rights of American freemen, were arrested and imprisoned and denied an opportunity to vote unless they agreed to vote the republican ticket, and by agreeing to do this their papers were held to be valid and entitled them to vote, otherwise illegal and void. There were forty thousand persons in that city who had been legally naturalized by the courts in 1868, and held certificates showing that fact, and which constituted them citizens. As a matter of course nearly all of them were democrats and intended to vote the democratic ticket, which Davenport considered a heinous offense, and for the purpose of preventing the commission of such crimes he made a sweeping and indiscriminate seizure of the certificates of naturalization held by these persons. He then well knew that these certificates were valid, and had been so adjudged by the courts; but what did he care for the law or the judgment of courts when the success of the republican party, in whose interest he was acting, would be imperiled by permitting these "foreigners" to vote. He knew that each certificate that he could capture or secure from the legal holder was equal to one vote for the republican party. He knew that each voter that he could deter from voting by threats of prosecution would count a vote for that party. He knew that the arrest and imprisonment of a democrat holding one of these certificates would result in preventing him from voting against the republican party. Knowing all this, and fully appreciating the fact that under this law he possessed ample power to arrest, with or without warrant, any person and all persons that he desired, and that the Federal Administration, which he had been taught to believe by the teachings of the republican party was the Government, would protect and defend him, and that there was no power in the State to punish him, he assumed and exercised on that day, in that great city, the powers of an autocrat. He caused at his pleasure hundreds of good citizens to be arrested without warrant and without cause, and to be dragged like criminals to his august tribunal, where they were detained and held as prisoners until it suited his convenience to discharge them, which usually took place after the close of the polls. He fixed and determined the qualifications of voters, and decided who should and who should not vote. By such outrages as these upon liberty and justice, and disfranchising thousands of legal democratic voters, he won for the republican party an inglorious triumph in that State. The scenes that occurred at the headquarters of John Davenport on that day mar and soil the pages of American history, and their recital should cause all good citizens and lovers of liberty to bow their heads in shame and humiliation. Those scenes are thus described by an eye-witness:

Such a scene as the rooms of this court presented on that election day has never before been witnessed in this city or in this country, and it is to be hoped never will again. From early morning until after the polls were closed these rooms were packed and jammed with a mass of prisoners and marshals. Not only were they crowded beyond their capacity, but the halls and corridors were thronged with those who were unable to obtain admission, so that the counsel representing the prisoners and the bondsmen who were offered to secure their release had the greatest difficulty, and were frequently unsuccessful in obtaining entrance. In addition to all this was that delectable iron "pen" on the upper floor, in which men were crowded until it resembled the black hole of Calcutta, and where they were kept for hours hungry, thirsty, suffering in every way, until their cases could be reached. With scarcely an exception these men had gone to the polls expecting to be absent but a short time. Many of them were thinly clad; numbers had sick wives or relatives; some were sick themselves. There were carmen who had left their horses

standing in the public streets; men whose situations depended on their speedy return; men who wished to leave the city on certain trains. Every imaginable vexation, inconvenience, injury, and wrong which the mind can conceive existed in their cases, so that it was painful for the counsel who were endeavoring to secure their release to approach sufficiently near the railing to hear their piteous appeals and witness the distress which they had no power to alleviate. And over all this pushing, struggling, complaining crowd Mr. Commissioner John I. Davenport sat supreme, with a sort of oriental magnificence, calmly indifferent to everything but the single fact that no man who was arrested was allowed to vote.

A committee was appointed by this House to investigate this matter, and when Davenport appeared before that committee he attempted to justify the outrages that he had committed upon American citizens, and used as a shield for his protection this infamous law. He boastingly declared to the committee, in referring to the naturalization papers that he had seized, that "by the most persistent and continued attacks upon such papers, the arrest of hundreds of those who held them, the seizure of their papers, and other means, I have succeeded in reducing the number in circulation in this county from about forty thousand to ten thousand." Although he caused the arrest of hundreds of persons who held these certificates, yet he never brought one of those men before the courts for trial. Hear what he says as to this:

Question. Have all the warrants that have been issued in this city for a violation of the election laws on those naturalization papers been issued under your direction?

Answer. I believe they have since 1868.

Q. How many cases have been tried on those 1868 papers?

A. I do not know of any.

Sir, if these men were guilty of any fraudulent act in voting or attempting to vote, why were they not tried and punished? Because Davenport knew that their certificates were valid and constituted the persons in whose favor they were issued legal voters, and that the arrests had been made merely for the purpose of preventing those persons from voting. The objection that he pretended to urge against the legality of the certificates was purely and extremely technical, and based upon the omission of the clerks of the courts that had granted them to make records of them in exact compliance with the requirements of the statutes, and although the holders of these certificates had committed no fraud in procuring them and were legally entitled to naturalization, and had held these certificates for ten years, and during all that time had voted at every election by virtue of them, believing that the certificates constituted them citizens; yet Davenport declared them to be void in the face of the decision of Judge Freedman, of that city, to whom the question of their validity, based upon the objection urged by Davenport, had been presented, and who decided "that the point in question was a technical error which no court would listen to with patience." On the very day that this decision was rendered Davenport telegraphed the supervisors and marshals in each district to pay no attention to it, and it was utterly disregarded by them. Afterward the same question was presented to Judge Blatchford, of the United States district court, and he, in an able and elaborate opinion, held the certificates to be valid.

One of the persons who was arrested by Davenport on the charge of attempting to vote by virtue of one of these certificates was Mr. Denning, who testified before the committee that he then was and had been for ten years past the superintendent of the store of A. T. Stewart & Co. of that city, and had under his control as such superintendent from five hundred to one thousand clerks; that he had come to America in 1860, and had been naturalized in that city in 1868, and after that time had regularly voted at elections until 1878, when he was prevented from voting by Davenport, upon which subject he testified as follows:

Question. After you were naturalized, did you vote?

Answer. Yes, sir; right straight along.

Q. Until 1878?

A. Yes, sir; until that time.

Q. Tell the committee what happened when you went to register.

A. I registered in the same house that I always did, in Fourth avenue near Tenth; I had been registered there all along. I have lived in No. 84 East Ninth street between six and seven years. The last week of October, I think about the 25th, I went to this same place that I had always been registered and offered my name and address, &c., which was taken. As I was on the point of leaving the gentleman there said he would like to see my papers, and I gave them to him and waited for him to return them. He said he would not give them back. I told him at once, says I, "That is a little bit singular; won't you give me some receipt for it?" "No," says he, "I do not want to do anything whatever."

Q. On that occasion were you informed that your papers were illegal in any way?

A. No. I tried to find out as to that, but I did not get any positive information.

Q. What steps did you take after that to find out if there was anything the matter with the papers?

A. I referred the matter to the lawyer of the house of A. T. Stewart & Co., Mr. H. H. Rice. I requested him to get me a duplicate, telling him that if there was anything wrong about it I would like to know it; and I believe he wrote to Mr. O'Brien, the chief clerk of elections in the city of New York, in regard to it. Mr. Rice received an answer from him, stating that he had no doubt it would be all right, and at the same time I received the duplicate of my papers.

Q. On election day you went to vote?

A. I went to vote. I walked out of the store without any overcoat on, the polling-place being right next door. I went in and offered my vote. The gentleman there called to another person, who came up and told me that I was arrested.

Q. Did you have an opportunity to vote?

A. Oh, no. They would not let me vote. I had my ballot all ready, and presented it, but they would not allow it.

Q. Were you taken away?

A. Yes, sir; right off.

Q. Where?

A. First of all down to Clinton Place.

Q. From there where were you taken?

A. Down to the city hall.

Q. You mean the post-office building, do you not?

A. Yes, sir; the United States court-house and post-office building.

Q. Please state what took place when you came down here.

A. The place was all in confusion. There was an immense number of men around. There was no getting at anything or anybody. I was runnning around from one room to another, first one way and then another; up-stairs to the third floor, down to the second floor, up to the fourth floor, and in three or four places.

Q. Mr. Rice was present?

A. Yes, sir; he was present, and offered to bail me.

Q. You were taken before Commissioner Davenport?

A. Yes. Finally I was taken to one of the gentlemen.

Q. Which of the commissioners?

A. I think it was Commissioner Deuel.

Q. What took place before him?

A. He wanted me to give bond for my appearance, which I rather demurred to.

Q. Did Commissioner Deuel say anything to you as to whether you had voted or not?

A. He asked me whether I had voted.

Q. Was there anything said as to whether you would or would not vote?

A. That was afterward. Commissioner Davenport allowed me to go, with the understanding that I would not vote.

By the CHAIRMAN:

Q. Did you promise Mr. Davenport that you would not vote?

A. Yes, sir; that was the only way in which I was allowed to go.

The recital by Mr. Denning of the wrongs and outrages committed upon him for daring to exercise his highest privilege and dearest right as a citizen could be repeated from the mouths of hundreds of men, equally respectable, who on that day for the same cause suffered like indignities from Davenport.

Why proscribe and disfranchise men of foreign birth for their political convictions? Why this fierce and relentless war upon them? Is the spirit of the old know-nothing party, that sleeps in a dishonored grave, to be invoked, and the cruel and merciless persecutions that signalized its career and destroyed its existence to be revived?

Sir, it is by reason of the manner in which this law has been and will be enforced in New York, Philadelphia, and elsewhere; the character of the men that have been and will be appointed to execute it; the partisan purposes for which it has been and will be used, and the gross wrongs that have been and will be inflicted upon citizens by its enforcement, that the democratic party demands its repeal or modification, and for doing so we are denounced as revolutionists.

Mr. Chairman, the gentlemen on the other side of this Chamber who participated in this debate have carefully and adroitly avoided discussing the merits of this bill and consumed their time in bitter and vehement abuse of the democratic party, and especially those members of the party who reside in the Southern States, and whose Representatives upon this floor have displayed such marvelous patience and commendable judgment in refraining to respond to the many insulting and offensive expressions that have been used to annoy and irritate them. Why these assaults upon the southern democracy? The demand for the repeal of this law does not emanate from the South; for it the sword and the bayonet are held in reserve; it comes from the North, whose cities have been infested by the presence of these deputy marshals, who have insulted, abused, arrested, and imprisoned citizens without cause and without process for daring to exercise their rights as legal voters. There are sixty-nine cities in the United States containing a population of upward of twenty thousand inhabitants, in which cities only can deputy marshals be appointed. Fifty-five of these cities are in Northern States and fourteen in Southern States, so that it is the North and not the South that is mainly affected by this law.

Sir, this law cannot be defended; nor can the people be longer deceived as to its partisan and dangerous character by the false issues that our republican friends seek to raise. The notes of alarm that are sounded from the bugle of the republican party have become familiar to the people, who realize the fact that those doleful wails do not mean that the country is in danger, but do indicate that the success of the republican party is imperiled. They are the agonizing cries of an expiring party. The war ended nearly fifteen years ago. Then the roar of the cannon ceased, the sword was returned to its scabbard, and the din of contending arms was silenced; the battle-flags were furled, the armies disbanded, and the soldiers that filled their ranks dispersed and returned to their homes to enjoy the society of their loved ones and resume the peaceful avocations of life. Since then profound peace and tranquillity has existed all over this broad land, and the passions engendered and excited by war have subsided. The South has accepted in good faith the results of the war and the issues that were determined by the war. It has renounced the doctrine of secession, repudiated its war debt, and recognized the validity of the amendments to the Constitution. It has resumed its place in the Union, and every State is represented in both branches of Congress by distinguished gentlemen, who, by the purity of their lives and intellectual attainments, command the respect of the country, and they, speaking the voice of the South, have given the most acceptable and conclusive proof of sincere loyalty to the Government and devotion to the Constitution. They united with the democratic Representatives from the North in driving from this Chamber the professional lobbyists who flourished here during the reign of the republican party and successfully plied their occupation in corrupting legislation by debauching legislators. Since the "confederate brigadiers," as they are called by the republican party, appeared upon this floor, no subsidies have been granted, no jobs tolerated, or questionable measures advocated. They have voted bounties and pensions to the soldiers of the Union, and spurn with just indignation the false charge that they seek or desire compensation for losses incurred by the South during the war; and as proof of their sincerity they voted in favor of an amendment to this bill, to

divest Congress of all power to allow any claims growing out of or in any manner connected with the war, and to vest that power solely in the Court of Claims, which is presided over by republican judges only, and who hold their positions during life, thereby destroying all hope, if any ever existed, of the allowance of such claims, which amendment was opposed by the representatives of the republican party upon this floor, who solidly voted against it, knowing that its adoption would put an end to the campaign cry that the country is to be bankrupted by the payment of these claims; they knew that it would silence that cry and dampen the political ammunition that constituted their "stock in trade" during the last political campaign, and which was thundered forth from every political rostrum of that party in the country, and which they desire to bring into requisition again. "O Consistency, thou art a jewel!"

These "confederate brigadiers" have reduced public expenditures, and earnestly favor the reduction of taxation, and have zealously united with the northern democrats in favor of the free and unlimited coinage of silver, the withdrawal of national-bank notes, and the substitution of Treasury notes or greenbacks in lieu of them, an increase of the currency of the country, and other measures for the relief of the people. These are their offenses, and not that they participated in the rebellion, for that offense has been condoned by the republican party, as shown by the fact that "confederate brigadiers" enjoy the confidence of that party and hold responsible positions under the present Administration, one of whom is now a member of President Hayes's Cabinet. The standard by which loyalty is tested by them is fidelity to the republican party, and not devotion to the country.

Sir, the so-called revolutionary struggle in which the democratic party is engaged commenced in 1874, when we swept the country by the advocacy of the doctrines that we now seek to formulate into legislation. Those doctrines then met, as they will again meet whenever an issue is tendered, with the approval and indorsement of the people who then gave us the control of this House, and which we have ever since retained, and will continue to retain as long as we remain, as we have in the past, true and faithful to the welfare and interests of the people whose confidence we enjoy. Since 1874, so well satisfied have the people been with our administration that they have placed the Senate under our control, so that we now have the control of the entire legislative department of the Government. In 1876 we elected our candidates for President and Vice-President of the United States by a majority of more than a quarter of a million of votes, and yet by the action of corrupt returning boards and partisan judges they were deprived of the exalted positions conferred upon them by the American people. It has been truthfully asserted that revolutions never go backward, and the so-called revolution in which the democratic party is engaged will not prove an exception, as it involves the dearest hopes and most vital interests of the people for whose benefit it is prosecuted. The democratic party is the party of and for the people; it is a liberty-loving party, the inveterate foe of corruption and tyranny, and the ardent hater of military despotism. The importance of its success cannot be overestimated. It means that the bitter sectional animosities that once so sadly existed, and which, happily for the peace and prosperity of the country, have terminated, shall never again be lashed into fury by radical politicians to secure or perpetuate political power, but that this Union of States shall be more firmly and harmoniously cemented and bound together by indissoluble bonds of mutual interest and love. It means that the system of abuses and usurpations of power, extravagance, and frauds that brought disgrace and odium upon the country shall never be repeated. It means that public expenditures shall be reduced and the frightful taxation that now rests upon and oppresses the people shall be lessened, and the financial distress now prevailing, which, like a dark cloud, hangs over the people, filling their minds and hearts with gloom and despair, shall be dispelled. It means that in this great country of ours, that God has so lavishly blessed with all that is calculated to make the people prosperous, happy, and contented, there shall be no starvation, want, or distress. The success of the democratic party means all this, and its fruits will ripen and be gathered after the final battle of the "revolution" has been fought at the polls in 1880.

Supervisors and deputy marshals employed in 1876, *with compensation.*

States and districts.	Amount paid chief supervisors.	Number of supervisors.	Amount paid supervisors.	Number of deputy marshals.	Amount paid deputy marshals.	Total amount paid.
Alabama, northern				150		
Alabama, middle				244		
Alabama, southern	$2,208 38	19	$500 00	192	$2,530 00	$5,238 38
Arkansas, eastern				785		
Arkansas, western				214		
California	1,578 99	105	5,220 00	244	4,225 00	11,023 99
Delaware				135		
Florida, northern				745		
Georgia	567 50			207	1,410 00	1,977 50
Illinois, northern		188	5,640 00	115	1,105 00	6,745 00
Louisiana	4,463 33	270	4,115 00	840	5,705 00	14,283 33
Maryland	977 55	574	2,950 00	1,222	8,085 00	12,012 55
Massachusetts	253 20	66	660 00	117	1,170 00	2,083 20
Mississippi, northern	50 50			239		50 50
Mississippi, southern				9		
Missouri, eastern	187 40	152	1,330 00	1,032	16,385 00	17,902 40
Nevada				9		
New Jersey	3,771 19	85	3,420 00	249	5,085 00	12,276 19
New York, northern	7,723 70	339	9,975 00	342	7,925 00	25,623 70
New York, eastern	12,150 52	370	11,674 00	723	11,986 00	35,810 22
New York, southern	19,383 36	1,070	32,115 00	2,500	39,785 00	91,283 36
North Carolina, eastern	591 84			166		591 84
Oregon				13		
Pennsylvania, eastern, (Philadelphia)	3,449 40	1,368	27,360 00	347	3,500 00	34,309 40
Pennsylvania, western		224	2,240 00	49	490 00	2,730 00
South Carolina	879 14			338	395 00	1,274 14
Tennessee, western	129 00			30	150 00	279 00
Texas, eastern	249 92	33	1,800 00	18	900 00	2,949 92
Virginia, eastern	551 05		1,630 00	201	1,785 00	3,966 05
Virginia, western	206 00					206 00
West Virginia				4		
Idaho				4		
New Mexico				78		
Utah				18		
Total	59,371 67	4,863	110,629 00	11,610	112,616 00	282,616 67
Amount paid United States commissioners in New York City for services under election laws						3,304 60
Total expenditures reported for 1876						285,921 27

Supervisors and deputy marshals employed in 1878, *with compensation.*

Alabama, southern	$1,551 71		$1,000 00		$1,000 00	$3,551 71
Georgia				34	170 00	170 00
Illinois, northern		224	4,480 00	224	2,240 00	6,720 00
Kentucky	116 00		870 00		870 00	1,856 00
Louisiana	1,313 00	206	3,600 00	120	4,000 00	8,913 00
Maryland	351 03	230	2,950 00	700	4,445 00	7,746 03
Michigan, eastern		52	1,300 00		2,935 00	1,435 00
Massachusetts		282	8,460 00		135 00	11,395 00
New Jersey	7,324 84	148	3,050 00	192	2,880 00	13,254 84
New York, southern, (city)		1,225	30,009 00	1,350	27,000 00	57,000 00
New York, eastern	15,972 33	354	10,620 00	584	6,500 00	33,092 33

Supervisors and deputy marshals employed in 1878, *with compensation*—Continued.

States and districts.	Amount paid chief supervisors.	Number of supervisors.	Amount paid supervisors.	Number of deputy marshals.	Amount paid deputy marshals.	Total amount paid.
New York, northern	$7,558 80	374	$11,000 00	374	$7,000 00	$25,558 80
Ohio, southern	740 45	.....	890 00	71	447 78	2,078 23
Pennsylvania, eastern	5,830 00	1,370	27,440 00	750	7,550 00	40,820 00
Pennsylvania, western	.....	312	3,121 00	.....	.....	3,121 00
South Carolina	579 35	34	680 00	.....	700 00	1,975 35
Virginia, eastern	585 00	70	620 00	102	570 00	1,775 00
Total	41,922 51	4,881	110,081 00	4,725	68,442 78	220,446 29
Amount paid United States commissioner for services under election laws in New York city	.....	.....	.....	.....	.....	2,267 95
Total expenditures reported for 1878	.....	.....	.....	.....	.....	222,714 24

The Washington Post, in commenting upon these expenditures, says:

There is nothing on record throwing any light upon expenditures of this character prior to 1876, except the report of the Caulfield committee of the Forty-fourth Congress. That committee compiled a statement of expenditures from John I. Davenport, chief supervisor in New York, for the election of November 5, 1872, in that city. It was shown that the amount expended in New York City alone under the Federal election laws for that election was nearly $120,000, and this, very probably, is a fair illustration of the manner in which the public money was used all over the country to defeat Greeley and elect a republican Congress. A summary of the expenditures was as follows:

Amount paid deputy marshals on district rolls	$50,590 00
Amount paid deputy marshals on supplementary rolls	7,155 00
Amount paid supervisors of election on district rolls	23,885 00
Amount paid deputy marshals on headquarters roll	3,925 00
Total	85,555 00
To extraordinary expenses incurred in enforcing the acts of Congress in relation to elections at the election held in the city of New York on the 5th of November, 1872	33,434 36

This makes a total of $118,989.36 that was expended in that city at the one election, and the report contains the accounts, which show that the marshals of each assembly district expended a large proportion of the money for "carriage hire."

The "close" congressional districts were not only industriously worked for the republicans by deputy marshals, but Mr. George C. Gorham, as his testimony has shown, had a watchful eye upon them. He, as executive officer of the republican congressional committee, collected $106,000, of which $93,000 was squeezed out of the Department clerks in Washington. The United States marshals were in communication with Mr. Gorham, and during the canvass some of them came all the way to Washington to get directions as to how they should use their power for the "good of the party."

Mr. Gorham's testimony, and that of his assistants, before the Wallace committee, shows that the assessment plan was vigorously applied in every one of the Departments, and no person who drew money from the Government was overlooked. Solicitors were sent through each Department several times, and those employés who failed to pony up to them were subsequently reminded by circulars of the "debt of honor" they were expected to pay. The money was raised to be used i carrying the House for the republicans. This was openly announced.

Legislative, etc., appropriation bill.

SPEECH OF HON. D. M. HENRY.

OF MARYLAND,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, April 24, 1879.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. No. 2) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes—

Mr. HENRY said:

Mr. CHAIRMAN: At an earlier stage of our proceedings I should have been glad to have addressed myself at some length to the discussion of those constitutional and legal questions which have been evolved in the progress of this debate. Such questions are in accord with my taste, but they have been already argued with such ability and power by those who are allied with me in political sentiment, that I am perfectly content to let the decision rest, both here and in the country, upon the arguments which they have made. I could not add to their force by anything that I might say, nor could I do justice to myself without a repetition which I prefer to avoid.

From the beginning I have not entertained a doubt that Congress has the constitutional right to repeal those portions of the law which it is proposed to repeal, and to repeal them in the mode contemplated in the pending bill. But before proceeding upon the line which I have marked out for myself, I shall briefly notice some things which have been said upon the other side.

The eloquent gentleman from New Jersey, [Mr. ROBESON,] who yesterday addressed the committee, entered upon a learned disquisition upon the powers of the Government in an effort to show that the laws which it is sought to repeal are constitutional. While I could but admire the ability and eloquence which he displayed, I confess that I could not discover in the point which he would establish more than a remote pertinency to the issues in controversy. If, for the sake of the argument, the correctness of his position were conceded, could it for one moment be contended that Congress has not the right to repeal a constitutional law? The unconstitutionality of any law is one of the strongest reasons for its repeal; but that it is constitutional is no argument at all against the right to repeal. The real question is whether the pending bill is constitutional with the repealing clauses in it. In regard to this there seems to be now little or no controversy, and it is generally admitted that Congress has an undoubted right to pass it. All legislative powers are, by the Constitution, expressly vested in Congress, and each House is expressly authorized to determine the rules of its proceedings. This House having by virtue of this power established its rules, must necessarily have the exclusive right to interpret and administer them; and when in conformity with these rules, as construed by the House itself, it proceeds to pass any law, no other department of the Government has the right to object to, or question the correctness of its decision. Its independence rests upon the maintenance of its right under the Constitution to regulate its methods of legislation, and the free exercise of this right in any particular case cannot of itself afford any reason, or even pretext for the exercise by the Executive of the veto power.

As a general practice, it is undoubtedly inexpedient to tack on to appropriation bills a variety of amendments, or legislation not in substantial harmony with the nature of such bills. But, after all, human government must be administered by human agents, and the theory of ours is that the people and their representatives are to be trusted. Reliance must be placed in their wisdom and their patriotism, that they will not resort to improper modes in exercising their constitutional powers. There need be no serious apprehension of indiscreet or unwise legislation if the people be vigilant in the choice of their representatives. But there are emergencies when it is not only expedient, but it is right and a bounden duty, that we should resort to that method which will be most speedy and effectual in accomplishing what is required by the interests of the country and the very principles which form the foundation of our Government.

But I do not propose, just yet, to enter upon the discussion of the merits of this bill. Before I do so, I must say a few words more in reference to certain matters which have been introduced by gentlemen on the other side.

I had hoped, Mr. Chairman, that there were memories of past differences which might never again be awakened, and that the promise and the hope of many years ago, that when emancipation came the subject of negro slavery would be banished from these Halls, would be literally fulfilled. These aspirations have been doomed to disappointment. For partisan purposes, the agitation of that subject has been kept up and seems now animated with renewed vigor and likely to go on to the injury of all races and of every interest until an indignant people demand that it shall cease.

The distinguished gentleman from Maine, [Mr. FRYE,] by way of episode in this debate, endeavored to rouse our feelings by a dramatic recital of the old threadbare story of the adventures of Anthony Burns, and led us upon a free excursion through the dreary regions of modern philanthropy. And after him, the no less distinguished gentleman from Connecticut thought it worth while to entertain us with a narrative in which he appeared as an actor, and wherein he recounted how he had once been the purchaser of the title to a Doctor of Divinity.

I listened with the expectation of hearing that he was justly entitled to credit for some noble deed of charity, and was not a little surprised when I learned the fact that the freedom of this historic divine was after all the gift of his owner for the nominal consideration of "one dollar and, above all, of the indefeasible right of all men to be free;" and I was disappointed when this House was left to determine only by conjecture who paid the expenses of the negotiation. As an offset to this I may be excused for stating that I knew, in my own town, a colored man who did not study effects and who was not a Doctor of Divinity, but who preached the Gospel in an hum-

ble way, to the best of his ability and in all sincerity. He was a slave, yet scarcely more than nominally so, for his indulgent owner allowed him to do much as he pleased; but, in the course of time, some thirty years ago, he thought that he would like to be free, and he also thought that it would only be necessary to apply to the liberality of his abolition friends, in order to obtain without difficulty the moderate sum for which his freedom could be secured. Accordingly he wended his way to the "land of steady habits;" but, instead of money, they gave him advice. They advised him to run away and gain his freedom without cost. This he did not do; preferring an honest, straightforward course, he returned home a poorer and a wiser man.

It is time that this raking up of incidents in the history of an extinct institution, for purposes of reproach and crimination, should cease. It is not the part of prudence to assume an air of sinlessness and commence the throwing of stones. If we can go back twenty or thirty years to find this pabulum for moral railing, why may we not extend our retrospect to a century or more? Why may we not ask who brought, or helped to bring, the African to these shores through all the horrors of the middle passage, and delivered him as a slave from the auction-block for gold? And why might we not call attention to those memorable words of the Great Redeemer of the world when he stood before Pilate's judgment-seat, "He that delivered me unto thee hath the greater sin?"

Mr. Chairman, let us dismiss the dead past. We have to deal with the present and the future of the negro race in its new relations to the white population of this country. On the other side, the burden of the argument has been that the continuance of the laws which we seek to repeal is necessary to the welfare and security of the freedmen. I propose to consider the force of this argument, for I regard the destiny of that race (and I speak as their friend) as one of the most profound and difficult problems ever submitted to the judgment and solution of a Christian people; and in connection with it, we shall have need of all the patience, the forbearance, and the statesmanship we can command. Having for many years had personal knowledge of the relations which subsist between the races in the State in which I live, I may be permitted, indeed it may be my duty, to express my views upon the subject, as far as I can, in the brief time allowed me. It is said upon the other side that it is the duty of the National Government to protect all its citizens at home and abroad, and it has been especially insisted that these laws are absolutely necessary for the protection of our colored citizens in their rights. At the same time it is contended that the maintenance and enforcement of these laws at home is due to such citizens, inasmuch as the whole power of the Government is used for the protection of our white citizens abroad. I shall endeavor, in the first place, to show that not only are these laws unnecessary for the protection of the freedman, but that they militate against his interests; and in the second place to show, that of late years, on account of the incessant interference with the affairs of the States, which are fully competent to attend to them themselves, the attention and resources of the National Government have been so absorbed that its bounden duty to protect its citizens abroad has been almost totally neglected.

Mr. Chairman, I represent a district in which there are over nine thousand colored voters, and I know what the relations between the two races are there. I know that in this district for some years past there has been no Federal interference; and I speak from my personal knowledge when I state, that in the very precinct in which I vote, where there are over a thousand voters, about three-sevenths of those voters are colored freedmen. There has been no Federal interference there for a number of years. Frequently present at the polls, and on one or too occasions myself a candidate, I have had ample opportunity to witness what occurred there. On more occasions than one I have seen venerable and respected white citizens of our community stand and wait for half an hour or more in order that the ranks of colored voters, usually first at the polls, might go up and deposit their ballots in the same box in which the white men deposited theirs. I myself have waited patiently in the same way; and in all these years not only have I never seen an assault committed upon a colored man, but I have not heard an angry or unkind word pass between the two races. Not only have I seen no effort to intimidate the colored voter, but everything has been done good-humoredly; although the result in my own county and in my own town depended in a great measure on the votes of the colored man, there was never any impediment or obstruction in his way to the polls. He has gone up with the same liberty as the white citizen. Indeed, he has practically had the preference, because he is fond of exercising his new privilege of voting; and the momentum with which he started on his career of citizenship seems still to hurry him irresistibly to the polls. They always turn out; they never fail to appear on election day; and there never has been any attempt to intimidate them, much less has there been any violence practiced upon them. What I say of my own knowledge with regard to the precinct in which I vote is true, I believe, of the whole district which I represent.

I have never heard, from one extremity of it to the other, of any assaults anywhere having been committed upon colored voters. They have had no difficulty in voting, although it is a democratic district and some of the counties are extremely close, some of them indeed occasionally going republican. There never has been to my knowledge, and if there had been I should almost certainly have heard of it, a single instance in which a colored man was ever deprived of his vote or the right of registration by fraud or violence—never a single instance in which he did not march up to the polls in the full enjoyment of all his rights and deposit his ballot. Such are the results of the non-interference of the Federal Government in our elections. I am proud of the constituency whom I represent, and know them to be law-abiding and intelligent, but I should not be justified in asserting, or insinuating that other members upon this floor have not constituents of whom, for the same qualities, they may be justly proud; and when I look around upon the cultured and kind-hearted gentlemen who represent those States in which slavery once existed and freedmen are now most numerous, I feel perfectly confident that they, if let alone, would mete out to the colored man the same privileges and the same rights which are so freely and ungrudgingly accorded to him in my own State.

I am disposed always to doubt these stories of outrages which are given to us as rumor, or as so-called history. What is rumor but falsehood? What are these reports based upon? Upon mendacity and perjury in a great measure. And when I see one like the gentleman from Louisiana who sits before me [Mr. ROBERTSON] rise here and make such statements as he made a few moments ago, and when I hear other gentlemen upon this floor make similar statements, I willingly accept them as the real truth. Why, if one-tenth part of all these alleged enormities have occurred, cannot some gentleman be found to stand up and say of his own knowledge that he knows of their occurrence? Why is there not some one who can show that these States are unwilling to accord to the colored citizen his equal rights, instead of referring to this so-called history which has little or no truth in its statements. The gentleman from East Tennessee, [Mr. HOUK,] who spoke the other day and who, I thought, might have some revelations to make upon this subject, as he comes from a district in which they are very likely to occur, not only could not tell us, of his own knowledge, of any wrongs inflicted upon the negroes, or of any interference with their rights of suffrage, but expressly stated that there was no need whatever of Federal interference in the affairs of his district. "Not a bit of it." Everybody there could vote as he pleased. And yet this gentleman, after the fashion of the hour, quickly repeated the stereotyped charges contained in the partisan chronicles of the times; but, as is almost invariably the case, located the scene of his tragedies of horror in another State, some hundreds of miles away.

If you should ask gentlemen upon this floor whether they desire these United States officers, or the military at their polls, they would say, probably without exception, that in their districts they have no use for them. I have no doubt that these alleged enormities have been grossly, and for political effect intentionally exaggerated, and that if they were sifted to the bottom they would be found to have little basis in truth. It is always easy to find a pretext for pragmatic intervention in the Southern States, but when begun, it never fails to take direction in favor of a particular class, and in the interest of the republican party. It is this intermeddling by the Federal authority with the internal affairs of the States that has provoked disturbances and in a great degree destroyed the business of the country. We hear much talk of overproduction; but this needless and incessant interference is one of the principal causes of the present long-protracted depression. It has ruined the market of the South, more important in the days of its prosperity, to the North, than that of all her colonies to Great Britain. How is it possible for the States referred to to regain their prosperity, when having passed through great tribulations, the bereavements and the desolation of a gigantic war, their property-holders and men of intelligence are living in constant apprehension of being driven from the control of their own State governments? And with their spirits depressed, themselves impoverished and overwhelmed with anxieties, how can it be expected that they will submit cheerfully and uncomplainingly to every attempted invasion of their remaining rights? Under such circumstances those whose all depends upon good government will, as they are human, at times inevitably become irritated, and it is excusable, it is justifiable, that they should at least resort to all lawful means to maintain their ascendency and vindicate their rights; nor is it to be wondered at, if they should have been provoked occasionally to go beyond the methods of the law when they believed their property to be in danger of confiscation by reckless taxation, and that the most ignorant, irresponsible elements were about to get complete control of the governments of their States only that they might despoil them, under the forms of law, for the purpose of enriching themselves and their corrupt and plundering drivers.

Now, Mr. Chairman, in my own State, as I have said, not only do the most kindly relations prevail between the two races wherever there has been no recent Federal interference; not only does the colored race enjoy all the rights of franchise without abatement or obstruction, but throughout the State ample provision has been made for the education of the freedmen at the public expense. This provision was made, too, by a democratic Legislature. It was my fortune to be a member of one branch of it at the time, and I most cheerfully voted for the appropriations made for the purpose of establishing schools for them. These schools are still maintained by State and county taxation, and increase in efficiency from day to day, so that the education and elevation of this race now depend entirely upon themselves.

What has come to pass in my own State, I confidently believe will

follow in all other States as soon as circumstances will permit, if they are let alone and allowed to control their own destinies. But there can be no doubt that as long as the freedmen labor under the delusion with which most of them have been possessed, that they are, at some time not very remote, to become prosperous and wealthy and wise through the direct assistance and bounty of this Government, or by the special interposition of Divine Providence, as the reward of their imagined merits and trials, they will not be disposed to do much for themselves. The sooner they understand and realize that they are not to be the perpetual wards of the nation, the sooner will they begin to be men. It is time now, in their interest and for their good, and for the good of all, to put them upon their manhood.

And, after all, what extraordinary sufferings beyond those of other races have they endured, that there should be upon them no obligation to be up and doing? No race of any color that ever trod the earth—certainly not the race to which most of us belong—ever attained so great privileges as they have attained, after so short a tuition and so mild a discipline. We may go back to the remotest time, and we will find no people that have ever played any part in history, no people that have ever borne forward the banner of civilization or accomplished anything for the glory and honor of mankind, who were not compelled to submit to longer and severer trials than they. Even the chosen people of God endured hard slavery four hundred and fifty years in the land of the Pharaohs. They then traveled forty years in the wilderness until all the males of the generation which started for the promised land, with two exceptions, were laid in their graves; and when they reached that land, they were obliged to drive out and exterminate the ferocious, warlike tribes who inhabited it before they could enter upon its possession. It has been much the same with every other race. Look at the Anglo-Saxons. Did they inherit as a Heaven-bestowed gift the freedom which they enjoy? No; but through toil and hunger and thirst, through bloodshed and battle, they have gradually worked themselves up in the course of the centuries to the grand position they now occupy at the head of the civilized world.

It is a mistake—nay, it is inhumanity—to longer persuade these people that they have been the greatest sufferers throughout the ages. Look back at their ancestors in Africa. Look at their kindred there now. The most brutal and degraded savages on earth—a people that never have appeared in history during the thousands of years of their residence in one of the most inviting quarters of the globe. Their descendants in this country, after their training of some two hundred years, have received as a free gift the grandest civil privileges ever conferred upon mortal men—the full and complete rights of American citizenship. They are at least equal to the white man in the eye of the law; and it is for them to elevate themselves, if they can, to the stature of his noble manhood. They have no reason for repining or regret for the past. They should rather take courage and feel a pride in the remembrance of their achievements. No laboring people in the world by their daily toil have contributed more to the comfort and happiness of mankind than they, during the years of their bondage. The successful and abundant production of cotton, sugar, rice, coffee, and tobacco has caused a great and beneficent change in the dress, diet, health, and even manners and customs of the human race, and added immensely to the wealth of the world. And they themselves have been taught habits of industry, the arts, and duties of civilized life, so essential to success; some of them have obtained, to a greater or less degree, that education which is derived from books, and all have been brought to the knowledge and worship of the living God, which all the missionaries of Christendom have been unable to teach their kindred in their native land.

Mr. Chairman, to my mind it is clear that the hour has arrived when every consideration of justice and expediency requires that this useless, irritating, and injurious meddling should cease. Wherever it has been discontinued quiet and harmony prevail, all rights are enjoyed, and the signs of returning prosperity are beginning to appear. When the business of the country has been prostrate and languishing for years, and now demands all our attention and our best efforts to revive and re-energize it, it becomes an imperative duty that we should earnestly try to devise some means whereby we may regain our lost prosperity—whereby something of good may be accomplished for our own race—for the benefit of all our citizens.

Toward the colored race I have the most friendly feelings. From my childhood I have lived among them. I know their good qualities, which are many, and I know as well their weaknesses. No effort shall be wanting on my part to elevate and enlighten them, to bring them up to whatever plane their capabilities will enable them to reach. I will never willingly put any obstruction in their way; on the contrary, whatever I can do in my limited sphere to help them on I will most cheerfully do. There is unquestionably a strong and growing opinion throughout the country that they should not wait longer for the beneficence of the Government to crown them with wealth and honor, that they should no longer expect so much from the providence of God. Standing before the law upon the same platform as the white man, clothed in all the panoply of American citizenship, they should be told in all candor, with all honesty, and in the spirit of benevolence that they have fair play in an open field, and must now take care of their own destinies, as others before them have done.

If through the past we regard the habits, the manners, and the inborn spirit of the Anglo-Saxon race, we may be sure that in the future they intend to continue marching on. For some years they have been pressed to the earth and overwhelmed by calamities of which the administration of this Government has been a principal source; but they have about reached the conclusion that they have halted long enough, and when they start again with firm tread on their grand advance, we may feel assured that while they will bid the laggard come on, while they will lend him a helping hand and invite him to go with them, they certainly will not halt again and open ranks, that the freedmen may pass through and take the lead. They allow not the obstacles of nature to change their purpose or obstruct their course, and any race which stands athwart their path will inevitably be trodden down and left in the dust of desolation behind.

The life of the individual man, so far as this world is concerned, is the beginning and the end of him, unless he be one of the immortals who "were not born to die." Human law cannot make him greater than himself. Not so with races; they have the ages before them. All they can ask is opportunity, and that rarely comes of itself. If the colored man can command the patience, as I trust he can, of the powerful and mighty, he will have accorded to him a greater boon than ever fell to the lot of any branch of the great Caucasian race. What his future and his fate are to be in this country God knows, I do not. I shall hope and labor for the best in spite of misgivings and doubts. The question is one which this generation cannot settle, but which must be left to posterity, with better lights before them, to decide. Exceptions and exotics afford no basis for sound judgment; in his present contact and surroundings, with the privileges which he enjoys, we have no facts to which we can rationally apply the principles of induction. The mysterious migration now going on in due time will shed some light, which may enable all to see clearly the path of duty, which at present is unfortunately involved in obscurity and darkness.

But, Mr. Chairman, time will not permit me to dwell longer upon this important and unexhausted subject. I must proceed to my second point and controvert the assertion so frequently made upon the other side, that this Government protects its citizens abroad. And I shall endeavor to show that, under republican rule, the constant absorption of the attention and powers of the Government in tinkering upon those domestic affairs which fall more properly under the jurisdiction and control of the States, has resulted in an almost total neglect of its duties in this direction. No people on the face of the globe have done so much to establish the freedom of the seas as the people of this land. When we were but a feeble nation, not one-tenth part as great as now, we sent our Preble, our Bainbridge, our Decatur, and our Eaton to the Mediterranean and its border, in order that we might liberate white men who were held in torturing slavery by the Barbary powers, and rid that European sea from the ravages of their corsairs. With the assistance of some of the European powers, we succeeded in making that a safe and open sea, besides raising to a lofty height the fame of our enterprise and valor. In later days, when our neutral rights were invaded and American sailors were impressed, we went to war, being still comparatively weak, with the greatest of the maritime powers, and by our achievements we added to the common law of nations those liberal principles which no nation since that time has ever dared to controvert. So that the American flag, wherever it floats, is a sure protection to any man who stands beneath its folds upon an American ship. We have been subjected to no impressment since.

In passing, I may recall the belief, or superstition if you please, of ancient times, that the words of dying heroes were prophetic, or pregnant with mysterious wisdom; and when I think over the past and the present, when I look upon the ocean which the valor of our sailors made free, and see that now we have scarcely a ship afloat upon it, that our great commercial rivals are monopolizing our trade and carrying our own products, I think of the words of the dying Lawrence, and as I think of them I instinctively give to them their broadest scope, their deepest significance as pointing to our duty now. "Don't give up the ship!" Alas, we have given it up! We have not time to think of reviving our shipping interests; we have not time to think of restoring our foreign commerce; our resources and our energies have been absorbed in ignoble and partisan interference in the domestic affairs of the States, in causing perturbation and excitement there instead of having them devoted to the restoration and maintenance of those great agencies of wealth and power.

Mr. WHITE. May I ask the gentleman a question?

Mr. HENRY. Certainly.

Mr. WHITE. The gentleman is indicting somebody for not paying attention to our material interests in legislation. Now, may I ask, who brought about this extra session? Who brought about this great debate on questions relating to the States? Certainly it——

Mr. HENRY. I should yield with a great deal of pleasure if the gentleman's question were relevant. I will, however, extemporize an answer to so much of it as I heard. I would say that the United States Senate was responsible for it. [Laughter and applause.]

But I will proceed. If we follow on a little further we shall be reminded how, not very long ago, under a democratic administration, almost in the sight of Europe, the gallant commander of an American ship, the citizen of a State which of late years has been the victim of great afflictions, was willing to go down with his ship, sooner than permit even an inchoate citizen of the United States

to have a hair of his head injured by a foreign power; and how a Secretary of State who was every inch a man, whose mind was equipped with ready learning, and whose heart was aglow with genuine patriotism, pushed the law to its utmost verge to vindicate before the world the right of Martin Kozta to the protection of this Government.

But things have changed. The American citizen does not receive such protection now. We have little or no shipping engaged in foreign commerce. We permit our merchants and our manufacturers to travel over the globe more like commercial mendicants, or lonely peddlers, than as citizens of a mighty Republic able and ready to defend them. I have heard described, and I can well realize, the feeling which the traveler has, far away from his native land, when he sees the flag of his country floating at the mast-head of a ship-of-war, and looks upon her broad-mouthed guns and noble crew—how though a stranger, "amid the hum, the crowd, the shock of men," he feels that he is safe—that he is at home. But this feeling has been rarely enjoyed in recent times. Supervisors of elections, marshals, deputy marshals, and military to watch and harass the voter in the exercise of his sovereign right at the polls, have been and still are the order of the day. The means have been expended in paying them, which might have been used in building cruisers to give us consideration and influence abroad and enable our merchants to compete successfully with their commercial rivals in the markets of the world. The historic facts to which I have referred are sufficient to show the policy and the practice of the Government under a different *régime*. The contrast since has become very striking, as reference to a few recent occurrences will illustrate. Only a short time ago, almost within sight of our own shores, in the affair of the Virginius, American citizens, by the score, were butchered in cold blood, and so near us that we could almost hear the rattle of the deadly musketry and the dying groans of the victims. Our flag was not there to protect them; it remained for a gallant Englishman, with no orders but the instincts of humanity, to fly to the rescue and save the remnant of our doomed citizens. When too late to save them, our Government intervened with the pen and ink of modern diplomacy, and with accurate calculation set the price upon the blood of our butchered countrymen, and made the government of their murderers pay us a commutation in money. Thus was civilization carried back a thousand years, to the time when a man might commit any crime if he was only prepared to pay the sum for which it could be commuted.

Again, it has hardly been a month, it was but a few weeks ago, that we heard an agonizing cry from our own forlorn and hyperborean Territory of Alaska, where some of our people, engaged upon our own soil in a lawful and commendable business enterprise, were hourly expecting extermination by the yelling savages who surrounded them; but we had no military or naval force within reach for their protection, and appeal was made to Her Britannic Majesty's ship Osprey, to come and save them from their impending doom.

Even within the last year, when the subject was agitated of enlarging our commercial relations with the neighboring Republic of Mexico, our minister to that country, in a carefully prepared and well-considered letter, discouraged such attempt, although the field appeared so inviting, among other reasons, upon the ground that our citizens who have been residing and engaged in business there have been plundered, robbed, and murdered, time and again, and that there was no security for their property or persons in that country, and no punishment for those who wronged or injured them. I refer not to those border troubles which might perhaps be regarded as incident to the situation, but to well-authenticated instances of outrage in the interior of that ill-governed land which have scarcely, if at all, attracted the attention of our Government.

These incidents which I have recalled from our recent history, and which might be multiplied, are sufficient to show, to our humiliation, how this Government, as lately administered, has neglected its traditional and imperative duty to protect its citizens when away from home, and to suggest the pressing necessity in this respect for a different policy.

I know it was the teaching, in our infancy, of the Father of his Country that we should avoid entangling alliances with other nations. That advice was sensible then, and the practice thus indicated is sensible now. But we are old enough, and wealthy enough, and strong enough, to adopt an independent foreign policy, peaceful in its nature, not for war or conquest. Regard for the public welfare demands that we should no longer occlude ourselves within our own limits and waste our energies in ruinous contention over questions of local and internal polity which the people who are directly interested could soon settle wisely and well. We might draw encouragement from the fact that not a great while ago we equipped a little fleet and succeeded in unbarring the gates of the populous empire of Japan, which had been closed for centuries against outside nations; although by bad management since, and in spite of our proximity, we have permitted our great rivals to engross its trade in great measure, and reap the advantage of this promising achievement.

But, Mr. Chairman, I cannot pursue this subject further now; on some more suitable occasion I may revert to it. I must say something in regard to the laws which are to be affected by the repealing clauses of the pending bills.

And first, I call attention to the test oath prescribed for jurors by section 821 of the Revised Statutes. That section is as follows:

At every term of any court of the United States the district attorney, or other person acting on behalf of the United States in said court, may move, and the court, in their discretion, may require the clerk to tender to every person summoned to serve as a grand or petit juror, or venireman or talesman, in said court, the following oath or affirmation, viz: "You do solemnly swear (or affirm) that you will support the Constitution of the United States of America; that you have not, without duress and constraint, taken up arms or joined any insurrection or rebellion against the United States; that you have not adhered to any insurrection or rebellion, giving it aid and comfort; that you have not, directly or indirectly, given any assistance in money, or any other thing, to any person or persons whom you knew, or had good ground to believe, to have joined, or to be about to join, said insurrection or rebellion, or to have resisted, or to be about to resist, with force of arms, the execution of the laws of the United States; and that you have not counseled or advised any person to join any insurrection or rebellion against, or to resist with force of arms, the laws of the United States." Any person declining to take said oath shall be discharged by the court from serving on the grand or petit jury, or venire, to which he may have been summoned.

That section was adopted in June, 1862, after a large majority of the white population in some of the States, and nearly the whole of that population in others, had committed acts which would make it impossible for men of character to take the oath which it prescribes. Whatever might have been said in its justification as a war measure, it cannot possibly be defended now after years of peace, upon any ground, consistently with a proper respect for the impartial administration of justice, or the fundamental right of every man to trial by a jury of his *peers*. In trials, most especially for alleged political offenses, there could be little hope of fairness in the face of such an oath. Besides, it is *ex post facto* in its nature, in punishing whenever the occasion occurs, those who cannot take it, with deprivation of the privilege of sitting on juries, for acts which were committed before the law was passed which prescribes it, and it practically makes an odious discrimination in favor of the colored man and against the white. Its repeal is demanded by every principle of justice and expediency.

I come next to the consideration of the law relating "to the elective franchise." This law consists of thirty sections, and of these but fourteen are repealed or in any way modified or affected by the bill under consideration. Then follows the law relating to "crimes against the elective franchise and civil rights of citizens," consisting of twenty-seven sections, of which but one is repealed entirely and one modified in part by the bills referred to. Then comes the law under the title "insurrection," of which one section relates to this subject, and this is not embraced in the repealing clauses of said bills. So that we have forty-two sections of the law, as embodied in the Revised Statutes, to be left in full force for the protection of every right connected with the elective franchise which any citizen could justly claim.

There can be no doubt that Congress has the constitutional right to pass laws regulating the times, places, and manner of holding elections for Senators and Representatives. The extent to which it may go has not yet been exactly defined, nor shall I now engage in any presumptuous effort to that end. But in time of profound peace, when no motive or emergency exists of greater moment than mere considerations of party ascendency, it is inexcusable that we should depart from the policy and practice of non-interference in elections so scrupulously adhered to in ante-bellum times. The sections of the law which there is no attempt or disposition to interfere with or repeal are ample under all probable circumstances to guard in perfect safety the rights of franchise in every State, and heavy is the responsibility of invoking them in the interests of party, when no extraordinary emergency exists and the States and the people are willing and ready to protect the freedom of elections if left to their control. The acumen and ingenuity of the ablest lawyers seem to have been exhausted in devising the provisions of these sections. There is no conceivable offense against, or interference with the elective franchise, whether by the individual, by combinations of individuals, or by officers of the law under color of law, which is not made punishable through the courts. And in cases of insurrection and the like, section 5299 provides the ultimate remedy of Federal intervention. What more could be asked by any citizen, white or black?

I have already stated that before the law the colored man is at least the equal of the white man. It is by no means certain, that in some respects, the former has not been made superior.

Section 5507 of the Revised Statutes is in the following words:

Every person who prevents, hinders, controls, or intimidates another from exercising, or in exercising the right of suffrage, to whom that right is guaranteed by the fifteenth amendment to the Constitution of the United States, by means of bribery or threats of depriving such person of employment or occupation, or of ejecting such person from a rented house, lands, or other property, or by threats of refusing to renew leases or contracts for labor, or by threats of violence to himself or family, shall be punished as provided in the preceding section.

This section, taken in connection with the fifteenth amendment, would seem to be intended for the exclusive benefit of the colored voter. At all events it admits of a construction which gives it the effect of which I have spoken.

It is now proposed in a legitimate way, by modification and repeal of certain portions of the law, to limit the powers of the supervisors of elections, to dispense with the presence of United States marshals and deputy marshals around the ballot-box, and to prevent the interference of the military with the freedom of elections. The necessity for such legislation is demonstrated by experience and manifested by popular complaint and discontent. I cannot enter into details as to the practical operation of these laws, and I need not, for gentlemen who have preceded me have already said enough on that subject. But I may discuss briefly their tendency, and the danger which is incident to their longer continuance.

Every one who has been connected with public affairs, or an atten-

tive observer of the phenomena of party contests, knows that in the progress of every political campaign, no matter how dry and uninteresting the issues, men, especially young men and candidates, become excited, until they believe or pretend to believe that a terrible crisis is at hand and the safety of the country depends upon the success of their party or themselves. In such a situation, whenever it may occur, we will behold a base and whimpering crowd rushing to this capital from localities near and remote, and with pitiful tales and malignant falsehood invoking from a sympathizing Executive the aid of the Federal power to enable them to thwart the popular sentiment against them. And it will happen, that just upon the eve of the election the supervisor, the marshal, the deputy marshal, and the soldier will appear, and by ingenious and alarming orders and proclamations, probably without the slightest resort to actual violence or force, will so coerce the citizen that some through disgust, some through the fear of arrest or other harm, will keep away from the polls, and others more ignorant will break their party allegiance, influenced by the impressive display of Federal power. Thus will political victory, organized by the intelligence and virtue of those most interested in the result and achieved by lawful and honorable means, be ruthlessly changed to disappointment and defeat. Of such proceedings ill-feeling, bitterness, enmities, and disorder are the inevitable result.

It is the theory of some, that the people of the States, of others, that the people of the United States, but of all, that the people are the sovereigns of this land. Those who administer its government from time to time are not their masters, but their servants, and responsible to them. They have the unquestioned right to change those servants after longer or shorter terms, however high, or however humble the positions which they hold. But if a President is to have the means of controlling the local elections throughout the States, why can he not use them to perpetuate his own power and make himself a king or emperor?

The States will be able in the future, as they have been in the past, to regulate their own elections and to see that they are peaceably and fairly conducted. But if riot or disorder should now and then occur, better that than arbitrary power. Not only is it their interest as well as duty to require peace and fairness at the polls, but if any member of either House of Congress should be elected by fraud, or violence, or other unlawful means, the decision is not final, each House having authority to judge of the election and qualifications of its members. It is much safer for the country to leave rare and widely separated instances of unfairness, or even of violence, possible, than to keep the result in all cases under the absolute control of a single man. Such control in its every aspect is undemocratic, unrepublican, (I speak not in a party sense;) it is un-English and un-American.

Mr. Chairman, a thousand years ago the great Alfred, wiser than Lycurgus, wiser than Solon, wiser than all the lawgivers who had lived before him, in a dark and lawless age recognized and placed upon a firm foundation that system of local self-government which has survived the fall of dynasties and empires and come down through the centuries as the best inheritance of the Anglo-Saxon race and the surest guaranty of the fundamental rights of personal security, personal liberty, and private property. Beginning with the county or shire, he regulated and organized its subdivisions in hundreds and tithings, and made those little communities responsible for the maintenance of peace and order in their midst, and of that law of which it has been said "her voice is the harmony of the world, her seat is the bosom of God." The seed thus planted has produced the noblest type of the human race, and has grown into that mighty organism of constitutional freedom which attracts the gaze, and exacts the respect and admiration of mankind. The duty to uphold it was never more pressingly incumbent upon the freeman than at this hour. The issues are made up. Are the people, standing now near the close of the nineteenth century, in the blaze of all its light and civilization, so insensible or indifferent to the dangers which beset it, that they are prepared for its overthrow?

I trust to the patriotism of my countrymen, and have an abiding confidence that they are ready for its defense; that whatever man or whatever party may attempt to thwart their purpose, or to deprive them of their sovereignty by Federal interference with their elections, they are determined and unchangingly resolved to order the soldier away from the polls, and to say to the supervisor and the marshal, "hands off!" Our liberties and institutions will be rescued by their irresistible power, and handed down unimpaired, and in perfect vitality, for the full development of all that is free and glorious in government, and all that is good, and noble, and great, in man.

The South Solid only in its Support of the Constitution.

SPEECH OF HON. J. S. RICHARDSON,

OF SOUTH CAROLINA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, April 24, 1879.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. No. 2) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes—

Mr. RICHARDSON, of South Carolina, said:

Mr. CHAIRMAN: In all the discussion which has occupied the attention of this House since we have been convened in extra session nothing has given the people whom I in part have the honor to represent so much gratification as to know that the effort to repeal these unconstitutional provisions in our statute laws originated with the North, and has been principally urged and supported by northern members. These provisions are fully as objectionable, if not more odious and oppressive, to the North than they are to the South, and the charge sought to be foisted upon the country that they are southern measures, originated and urged in the interest of the South, is utterly untrue and without any foundation in fact.

The South has had but little to do with them, and beyond defending itself against the unjust, unkind, and in many instances untrue as well as irrelevant, accusations cast upon our people and their Representatives by those whom we would gladly believe were "our brethren," has, in the main, remained a silent listener to all the wild and inflammatory declamation with which the leaders of the republican party have sought to arouse and inflame the passions and prejudices of the people. And I venture to say, when the excitement of the hour and the heat of debate has passed away, nothing in connection with these debates will cause the country deeper humiliation or more anxiety than the fact that honorable and grave legislators, commissioned by the people with the highest and most responsible trusts ever committed into the hands of man, so far forgot the duty they owed to the country and to posterity as to ignore the great questions presented for their consideration, and by all the means within their power, however questionable they might be, directed all their efforts toward maintaining party ascendency.

Who that has witnessed the scenes enacted in this Hall and listened to the debates day after day can help being impressed with the fact that the question sought to be solved by nine-tenths of our republican friends who have participated in this discussion has been, not whether the statute laws sought to be repealed are in conflict with the spirit of the Constitution or in themselves wrong and inexpedient, but whether their continuance on the statute-books can by any means be procured, because it is thought by them that their continuance will enable the republican party to perpetuate or extend its lease of office? This with them has been the prime consideration, this the great question, which has absorbed their eloquence, their learning, and their patriotism.

Our republican friends will of course deny this; but if the charge is not true, if it were not so, why and for what reason, after fourteen years of peace and reconciliation, are the dead embers of that long and sad and bloody war again gathered up by them and rekindled with the fires of hate, of passion, and of prejudice? Why is every unguarded word that is dropped in debate caught up, and with a pertinacity that knows no yielding and admits no explanations tortured into the worst possible construction? Why are the scribblings of any and every visionary and insignificant newspaper writer or editor carefully culled and brought to this Hall and spread before the country as the sentiments of the people of the South? Repudiate these sentiments as we may, denounce and disown them as we do, still they are declared by our republican friends to be the sentiments of nine-tenths of the southern people. And why the exaggerations and misrepresentations that are resorted to in this discussion? Why all this, if with those who use them the all-absorbing question is not how they can best excite and keep alive the passions of hate and prejudice, with the view of securing mere party advantage and working up a solid North against what they call "a solid South?"

Now, in the name of reason and common sense let me ask what has all this to do with the real merit of the questions presented by the proposition to repeal these statutes? The guise is too thin to conceal the real purpose. The country must and will see it, and the people will hold that party responsible who forgetting the great interests of the country, its quiet, its peace, its reconciliation, and its prosperity, seeks by such means to lay bare again the festering sores of a period of blood, of strife, and of civil war.

Speaking for the people of my State, we protest against the spirit and the animus of this discussion. We take no part in any effort which seeks to array one section of our country against another. We claim that the war is over, that the sad past is gone beyond recall; and we would not if we could recall it. We accept in good faith all the issues decided by the war; and turning from the past we claim that the present stares us in the face and its living and momentous issues demand our utmost attention. We cannot think that one of these living issues is to obtain a solid North against a solid South or a solid South against a solid North. What the South wants and what she needs most is permanent and real peace and quiet—peace throughout our whole country, the restoration of confidence and fraternal feeling between all parts and sections of our common country, and just and equal laws in full accord with the spirit of the Constitution. In these and these only do we see any prosperity or hope for our impoverished and devastated people.

Our republican friends talk about a "solid South." In the first place, the South is not solid in its representation; but it is solid in its acceptance of all the issues decided by the war, in its adherence to the Constitution and all the amendments to the Constitution, in its devotion to economy and civil reform, and in its determination to stand by and be true to the peace, the quiet, and the best interest of the whole country. In this spirit would we discuss the questions involved in the proposed repeal of the laws which we have been considering for the last two or three weeks. In the last Congress it was

proposed to repeal the law authorizing the appointment of United States supervisors to be present at and supervise the election and the count, but the repeal sought in this bill does not propose to interfere with the law in this respect in the slightest degree. They are to continue to have and exercise all the powers they ever had, which enabled them to see and report whether the election and count are fair or not, and the only alteration sought to be made in this law is to make it equal in its operations everywhere. As it now stands on the statute-book it is one thing for the country, and an entirely different thing for the city; one thing for democratic New York City, and an entirely different thing for the republican rural districts of New York State. The only power to be taken away from the supervisors by this bill is the power to arrest—in other words, the power to intimidate or interfere in the elections. Everything that looks toward securing a fair election and a fair count is retained, but everything that looks toward interference in the election or intimidation of the voter is proposed to be repealed, whether it be by United States troops, United States marshals, or United States supervisors. The whole argument, therefore, of our republican friends drawn from the necessity for a fair election and a fair count has and can have no weight, because we are not interfering with, and do not propose to interfere with, any of the laws they passed which look to ascertaining whether the election and count have been fair. Without indorsing the constitutionality of these laws we leave them all just as we found them. We say, we want fair elections and fair counts, and only fair elections and fair counts, and we leave all your laws bearing on that point just where we found them. The only laws we propose to repeal in connection with the election are such as enable the political party which happens to be in power, through its head, to interfere in the election, and by its troops and marshals intimidate or influence the voters.

Believing that the questions before us are to be decided calmly and upon their own merit and not upon considerations of party policy or with a view to securing party ascendency, we ask what are these questions?

As we understand them they are:

First. Is it consistent with the spirit and genius of the American Constitution that United States troops should be stationed at the polls, and that United States marshals shall be authorized and permitted to make arrests at the polls upon suspicion and without warrant?

Second. Whether it is wise, safe, and proper to continue in the hands of the President such unusual and extraordinary powers, coupled as they almost always are and must necessarily be with the most dangerous and powerful temptation to their abuse, arising from the natural desire for party ascendency and success.

Third. Is it right and just and fair that it shall continue to be in the power of any one, whether judge or attorney, to limit and confine the jurors who shall sit upon the liberty and property of citizens to those who are true to the interest and behests of one of the great political parties of the country? For to this result the juror's test oath naturally leads, and to this has it practically come in the administration of Federal laws, so far as the South is concerned. A law so unjust, unequal, and partial, and so plainly unconstitutional that so far it has found no advocates on this floor, needs no argument to condemn it.

These are the questions, and the only ones, before us for our decision. A concerted effort has been made, and systematically made, to obscure the real questions at issue by thrusting into the discussion outside considerations which have nothing more to do with the decisions of these questions than the apostolic succession has to do with it. We are told that it will be construed as an attempt to coerce the President, and that it is useless to pass it, for he will veto it. I ask, with all due respect to the President, what have we to do, at this stage of our duties, with the President's veto? How are we to know in this case, any more than in the case of every other law we may decide to make, whether he will veto it or not? He may approve the will of the majority; we cannot tell; and if we could we ought to do what is in our judgment right and best for the country, and leave to him to discharge his duties under the responsibilities that rest upon him. Where is the coercion in our repealing laws that we believe are unwise and against the peace of the country and the spirit of the Constitution? What! Refrain from doing what we believe to be right and for the peace and good of the whole country because there is a suspicion that the President may differ with us in his opinion as to the wisdom of the repeal of these laws? Coercion! Why it really seems that the attempt is being made by the republican leaders to coerce the majority of this House into refraining from the expression of their judgment upon these measures by threatening us with the President's veto. What are we here for—to vote according to our best judgment, or in reference to whether the President will or will not veto the measures and laws we shall send to him? We have been charged with the purpose to starve the Government, when in fact we propose to vote all the money the Government or the Army need, and I trust every democrat will be found voting, when the time comes, to grant all the supplies needed by the Government or by the Army, and that it shall be left alone to our Republican friends to vote against granting them.

By such considerations as these has it been sought to divert the mind from the plain duty and the simple questions which present themselves to the legislator in the issues before us. These questions are so simple and plain when considered in themselves and without the introduction of these outside considerations that one can hardly see the necessity to discuss them. To state them fairly to any just and candid mind is to decide them rightly. They need no arguments to lead the mind to a correct conclusion on them. Left to itself, the mind that has been nurtured and developed in this free land, unwarped by prejudice and passion and uninfluenced by selfish and party motives, would go unbid to a just, true, and correct conclusion on each of the propositions I have presented. I shall not, therefore, consume the time and attention of the committee in advancing any extended argument to sustain the proposition that it is inconsistent with the spirit of the American Constitution that United States troops should be stationed at the polls and that United States marshals be authorized and permitted at the polls to make arrests on mere suspicion and without a warrant. I have coupled these two propositions together because they rest upon the same foundation, were born in the same era, and are part and parcel of the same election machinery. They are unknown to the Constitution, and were utterly unknown to our statute laws until called into being and exercise by the extraordinary condition of civil strife. They were framed to meet the exigencies of a time of war, and until now were never justified upon any other consideration. The time and the circumstances for which they were framed have passed away, and with them should pass away these laws.

He has read the Constitution and statute laws of our country to little purpose who has not learned the lesson that it is one of the cardinal and fundamental principles of our Government, absolutely necessary to its continuance and perpetuity, that our elections should be absolutely free and untrammeled; that the mind (not the person merely) of the electors must be free and unintimidated. To fail in this is to change the very essence of our Government and to make it something else than a free, republican form of government. It being admitted that the mind of the electors must be free and untrammeled, can it be possible that any one can seriously contend that that election is free and untrammeled where United States troops, subject to the orders and control of the man who is recognized as the head and front of a political party, are by his orders stationed where they surround and block the way to the polls, and where, together with the troops, United States marshals, commissioned also by his orders, stand authorized and ready to arrest the electors without warrant and on suspicion? To ask any sane mind to believe such an election free and untrammeled is to ask the mind to believe an impossibility. The Army represents the power, the force, and the majesty of the Government.

It does this alike and as effectually whether fifty, a hundred, or a thousand troops be present. It is at all times awe-inspiring and intimidating to any and all who may be engaged in opposing the will of its Commander-in-Chief. Especially is this so with the unlearned and unlettered mind, and above all is this the case with that large class of voters who believe that it was the blows struck by United States troops which crushed and prostrated their former masters and liberated them and their children from the chains of slavery. To send troops to the polls where these electors are to vote is nothing short of issuing two orders by a republican President—one for the troops to be at the polls and the other for the colored electors to vote the republican ticket. This is well known and fully appreciated by our republican friends on the other side of this House, and hence their great anxiety to retain the use of the Army at the polls. It is anything but a free and unbiased election that they desire. They want an election that shall be conducted under this the greatest possible controlling and intimidating influence that can be brought to bear on the colored voter; an influence equivalent to compelling him to vote the republican ticket. This is the law they want to carry elections with in the South, while in the North they want United States marshals to arrest without warrant and on suspicion. No one can doubt this who witnessed the elections conducted under bayonet rule in the South in 1876, when the soldier, with drawn sword in hand, directed who should vote. Lest this astounding statement should be doubted, I quote from the uncontradicted testimony taken in the contested-election case of Tillman *vs.* Smalls. At page 576 Mr. T. I. Adams, testifying as to the voting in South Carolina in 1876 at box No. 2, known as the school-house box, makes the following sworn statement:

Question. State, Mr. Adams, what you saw while standing in the school-house waiting to vote.

Answer. I saw Lieutenant Hoyt jump in the window; from three to five soldiers followed him; he went up very near the box and drew his saber and had the soldiers fix their bayonets.

Q. When he drew his sword was his attitude a threatening one?

A. It was; it would have frightened a timid man, to say the least of it.

Q. What did the soldiers do after they fixed their bayonets?

A. They remained in that attitude until I left. I was there about thirty minutes There was a company outside of the house in plain view of the building.

Mr. Abraham Jones, an aged and most respectable citizen, testifies, at page 595, as follows:

Question. Have you not been a member of the Legislature, and have you not filled other offices in the county?

Answer. I was elected to the Legislature six times, and have held other offices ever since from the time I was twenty-one.

Q. Did you vote; and, if you did, where did you vote?

A. At Morrison's school-house that day.

Q. How long did you remain there that day?

A. I was there from two o'clock until nearly dark.

Q. While you were there did you see any intimidation by the whites?

A. No; I did not. I saw men with red shirts riding about the streets hallooing, but did not see any intimidation attempted by them.

Q. Did you notice anything peculiar about the way the election was conducted? If so, state it fully.

A. I saw the United States soldiers as a guard around the door outside and a crowd of voters outside pressing this guard, who kept them back with their guns, and an officer in command, with his sword drawn; and he would select with his sword by touching those who were to go in next to vote. As the colored man at the door would call out, "Send in ten men," the officer would again select by touching with his sword those to go, not taking them as they came, but selecting them from the crowd, sometimes reaching over to touch one behind another, and sometimes skipping two or three. I was selected from the crowd with another white man at the same time, and none dared go in but those who were so touched by this officer. When they had voted, they were let out of a window.

It will be remembered that these United States soldiers were sent into the State without the State Legislature having been convened or attempted to be convened, as is required by the State constitution to be done before the governor is authorized or empowered to ask the President to send them; that they were sent at a time when General Ruger, a United States officer, then in South Carolina, in command of a few troops stationed there, had telegraphed the President, "If I need more troops I will send you a dispatch telling you I need them;" and when every judge in South Carolina, all republicans except one, had certified that the State was in peace and quiet and in ready obedience to the civil process of the law.

Here is what Governor HAMPTON and the judges said on this subject:

SUMTER, *October* 7, 1876.

DEAR SIR: In view of the grave charges made by Governor Chamberlain against the democratic party and their mode of conducting the present canvass in this State to Colonel Haskell, charges declaring that the State is an armed camp, and that our meetings are attended by organized armed bodies, may I ask you as a republican and as the chief-justice of the State to say if in your observation these charges are borne out by the facts of the case? You saw to-day one of the largest meetings we have held, and you can therefore speak from experience and personal observation. I have been through seventeen of the counties of the State, and I have addressed, I am sure, at least one hundred thousand people, and I can say with perfect truth that I have not seen one single armed body of men nor has one disturbance occurred at any of these vast meetings. My solicitude for the good name of our State will, I trust, be a sufficient excuse for my calling your attention to this matter. Requesting an early answer,

I am, very respectfully, your obedient servant,

WADE HAMPTON.

To His Honor F. J. MOSES, *Chief-Justice.*

THE REPLY.

SUMTER, S. C., *October* 7, 1876.

MY DEAR SIR: I am just in receipt of your note, and at once reply to the same. For the last three or four months I have not been in any of the counties but those of Sumter and Richland. Within that period I have been present at only two political meetings, one held by the republican party and the other, to-day at this place, by the democrats. Although I was at the latter but a short time, I was for the greater part of the day in the streets, with every opportunity of observing the behavior and demeanor of the large concourse which the occasion had brought together. The collection consisted of citizens on foot and horseback; I saw in no instance any exhibition of arms or any behavior inconsistent with the strictest propriety. At the republican meeting to which I have above referred there was no attempt at interruption. I shall require very strong evidence to satisfy me that South Carolina is an armed camp. I know of nothing which would lead me so to conclude. For myself I do not know of anything which would make me doubtful in any part of the State of enjoying the same security which I feel attaches to me under my own roof. I trust the day is far distant when violations of the peace in our own borders will require the interference of any arm more potent than that of the law.

Very respectfully, yours,

F. J. MOSES.

To General WADE HAMPTON.

VIEWS OF JUSTICE WILLARD.

In reply to letters from Colonel A. C. Haskell, chairman of the democratic executive committee, Associate-Justice Willard, (republican,) of the supreme court, writes:

COLUMBIA, S. C., *October* 7, 1876.

DEAR SIR: Your note of this date is before me, asking an expression of my views as to the existence of rancor and manifestations of violence in the character of the democratic canvass of this State. I am unable to throw much light on this subject for two reasons. In the first place, I have been absent from the State for the last three months, and only a week has passed since my return to this city. In the second place, my ideas of the character and responsibilities of the judicial office have led me at all times to abstain from participating in political action, and accordingly I have little information except that derived from public rumor and the newspapers of what has transpired at political gatherings. I can only say that I have witnessed nothing beyond the circumstances generally characteristic of an excited political canvass. I have seen no violence; on the contrary, as far as I have had intercourse with gentlemen of your party, I have observed less disposition to excited statement and personal bitterness than during any of the previous political campaigns of this State. I sincerely hope that the fears of many, that the lawless portion of the community will be permitted to disturb the peace and injure the good name of the State, are groundless. I am satisfied that it is the intention of the leading members of your party to prevent such a state of things, and I believe they have the ability to do so.

Very respectfully, your obedient servant,

A. J. WILLARD.

To COLONEL A. C. HASKELL.

JUDGE MACKEY'S PROTEST.

Circuit Judge T. J. Mackey (republican) telegraphs as follows:

CHESTER, S. C., *October* 7.

To A. C. HASKELL,
Chairman State Democratic Committee, Columbia, S. C.:

In reply to your inquiry of this date, I would state that peace and order prevail throughout the limits of the sixth judicial circuit, embracing the four counties of York, Chester, Fairfield, and Lancaster. In this circuit no armed organizations obstruct judicial proceedings, and no resistance has been offered to the due execution of legal process. * * * I have traversed many counties in the State canvassing for Hayes and Wheeler and in favor of Chamberlain for governor during the past sixty days, and I have nowhere seen an attempt on the part of any portion of the population to suppress the right of free speech by armed violence.

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T. J. MACKEY, *Judge.*

THE OPINION OF JUDGE COOKE.

Judge T. H. Cooke (republican) writes:

COLUMBIA, *October* 7.

To Col. A. C. HASKELL,
Chairman of the Executive Committee of the Democratic Party.

DEAR SIR: I have just read the proclamation of Governor Chamberlain as to a reign of terror in this State, and his inability to enforce the laws through the ordinary channel, and I must say that the causes alleged for issuing the same do not apply to the eighth circuit, over which I preside, nor do I believe they have any existence as to any other portion of the State.

I am, very respectfully,

THOMPSON H. COOKE,
Judge of the Eighth Circuit, State of South Carolina.

THE LAW SUPREME IN JUDGE SHAW'S CIRCUIT.

In response to an inquiry of Colonel Haskell, Judge Shaw, of the third circuit, telegraphs as follows:

SUMTER, *October* 9, 1876.

I know of no lawlessness or violence which the law cannot remedy in this circuit. The law is maintained and administered without difficulty.

A. J. SHAW,
Judge Third Circuit.

To Colonel A. C. HASKELL.

NO RESISTANCE TO LAW IN THE SEVENTH CIRCUIT.

The following telegram was received this afternoon in response to one from the chairman of the democratic executive committee:

NEWBERRY, *October* 9, 1876.

In reply to your inquiry I have to say that I am in no wise prepared to express any just opinion upon the peace of the State except so far as concerns the circuit over which I have the honor to preside. Since my appointment to the bench I have been engrossed by my judicial duties, which have been and are onerous. They have left me without time or inclination to become advised of particular matters outside of my circuit. I am not aware of any resistance to the process of the court in this county, where I have been holding court for a week. Unusual quiet prevails. There seems to be a public apprehension that the times are out of joint, and a general anxiety that public order should be preserved. Speaking for this circuit, I can only say that, while the public mind is of course inflamed by the ardor of the campaign, I have not yet been confronted by any organized or individual resistance to the authority of the courts. The good sense of the people will continue to preserve the public peace.

L. C. NORTHROP,
Judge Seventh Circuit.

COLUMBIA, SOUTH CAROLINA, *October* 10.

DEAR SIR: I have the honor to acknowledge the receipt of your letter of this date, propounding certain questions in reference to the condition of the judicial circuits of the State and certain military organizations. After a month's absence from home I returned about a week ago, and since that time I have been exclusively occupied with official affairs, holding the regular term of the circuit courts for this county. As to the alleged lawlessness and violence in other portions of the State, I know nothing. I have seen statements in the newspapers giving different and entirely contradictory accounts of the transactions referred to in the proclamation of Governor Chamberlain, but have not examined the testimony or been in either of the localities. Since my return home I have been treated by my acquaintances of both political parties with the usual kindness and respect, and I have seen no exhibition of violence and lawlessness. No resistance to judicial process or authority has been attempted in this circuit, to my knowledge, since I have had the honor to be its presiding judge. I am not acquainted with any other than the Richland rifle and the Richland volunteer rifle clubs. I do not know of my own knowledge, nor has any complaint been made to me, of any acts of violence, open or secret, having been committed by these companies. My acquaintance with the members of those organizations is quite general, and, from my knowledge of the personal character of the gentlemen composing them, I should think no danger to the peace and good order of society could be rationally apprehended from that source. Withdrawn from partisan politics, as a citizen I feel a deep interest in the welfare of the State, and I hope those of both parties having charge of the canvass will exercise such prudence, justice, and fairness as will insure a free, fair, and full expression of the popular will.

I have the honor to be, respectfully, your obedient servant,

R. B. CARPENTER.

Colonel A. C. HASKELL,
Chairman State Democratic Executive Committee.

THE STATE OF SOUTH CAROLINA:

Personally appeared before me, C. P. Townsend, who, after being duly sworn, says that he is judge of the fourth judicial circuit of the State of South Carolina, and has been since August, 1872; that during the last political campaign in South Carolina, extending from July to November 7, 1876, there was no obstruction to the execution of the process of the courts throughout his circuit, so far as his knowledge extended, and the law was administered and enforced by the ordinary method provided by the General Assembly in accordance with the State constitution; and that there was no lawlessness or violence, at any time during the campaign, which could not have been checked and remedied by the process of the courts.

C. P. TOWNSEND.

Sworn to and subscribed before me this 2d March, 1877.

[SEAL.] THOS. W. BEATY, *C. C. P.*

Not only was the State in peace and quiet and the civil process of the law unobstructed, but the democratic party had adopted a platform indorsing all the amendments to the Constitution and professing principles so broad and liberal that all the citizens of the State could stand upon it. They were engaged in carrying out these principles, and all the people, colored as well as white, were fast aligning themselves on this platform. Here is the platform unanimously adopted by the democracy of the State:

THE PLATFORM.

The democratic party of South Carolina, in convention assembled, announces the following as its platform of principles:

We declare our acceptance, in perfect good faith, of the thirteenth, fourteenth, and fifteenth amendments to the Federal Constitution. Accepting and standing upon them, we turn from the settled and final past to the great living and momentous issues of the present and the future.

We adopt the platform of principles announced by the national democratic party, recently assembled at Saint Louis, and pledge ourselves to a full and hearty cooperation in securing the election of its distinguished nominees, Samuel J. Tilden,

of New York, and Thomas A. Hendricks, of Indiana, and believe that under the wise and just administration of its distinguished reform leader, assisted by the eminently patriotic and able counselors by whom he will be surrounded, peace and prosperity will again bless our country, and the dissensions, confusion, and maladministration of the past eight years will give place to concord, good government, and a thorough restoration of the Union.

In accordance with the declarations of that platform, and the utterances and acts of our distinguished leader, we demand a genuine and thorough reform in the State of South Carolina, and call upon all of its citizens, irrespective of race, color, or previous condition, to rally with us to its redemption, for it is evident that substantial and lasting reform is impossible within the ranks of the republican party of this State.

We charge that party with arraying race against race, creating disturbances, and fomenting difficulties; with prostituting the elective franchise, tampering with the ballot-box, and holding unfair and fraudulent elections; with having accumulated an enormous debt, mismanaged the finances, and injured the credit of the State; with levying exorbitant taxes and squandering them when collected, thus wringing from the toil and livelihood of the honest poor man of the State a large percentum of his hard earnings without giving in return any compensation therefor, and has hopelessly involved in debt a majority of the counties of the State.

Its management of our penal and charitable institutions is a shame and a disgrace.

We charge its legislation as demoralizing, partisan, and disgraceful; and the venality and corruption which have characterized every branch of the government, executive, legislative, and judicial, have no parallel in the history of nations.

It has created a multiplicity of unnecessary and useless officers complicated in their system and unnecessarily expensive, and to crown its disgraceful rule it has attempted to elevate to the bench two most corrupt and degraded men.

It can never purify itself, give good and impartial government, or by its moral force and character exercise, in its full sovereignty, the law of the land.

We do not charge this condition of things, which every patriot must deeply deplore, upon the masses of the party, but upon their leaders who have made such fatal use of their confidence and trust, for it is our firm conviction that all the good people of the State, of both races, desire peace and prosperity.

We therefore will call upon all of our fellow-citizens, irrespective of race or past party affiliation, to join with us in restoring the good name of their State, and to again elevate it to a place of dignity and character among the Commonwealths of this great country.

We discountenance all disturbance of the peace of the State, and denounce all instigators and promoters thereof, and earnestly call upon all of our own fellow-citizens, irrespective of party lines, to exercise forbearance and cultivate good-will. And if the government of the State is committed to our control, we pledge ourselves to protect the persons, rights, and property of all its people and to speedily bring to summary justice any who dare violate them.

We desire a fair, peaceable election, appealing to the reason and not the passion of the people, and demand of the republican party a fair showing in the appointment of commissioners of election.

We demand a fair election and a fair count.

We call upon all of the patriot sons of Carolina to join us.

We ask but a trial of committing the State to our keeping, and if good government, security, protection, and prosperity, do not dawn on an overtaxed, despoiled, and disheartened people, then drive us from power with scorn and indignation.

Our object is reform, retrenchment, and relief; that by honesty and economy we may reduce the taxes and lighten the burdens of the people, giving, at the same time, absolute security to the rights and property of all.

Upon this paramount issue we cordially invite the co-operation of every democrat and republican who is earnest and willing in this crisis of our State to unite with us in this great work.

That the democratic party in the State were true to the principles contained in this platform and were engaged in carrying them into practice is abundantly proven by scores of witnesses, both white and colored, republican and democratic. I shall not cumber my speech with quotations from their testimony which fills hundreds of pages in the testimony taken on the "recent elections in South Carolina" in 1876, and also in the election case of Richardson against Rainey. I will simply refer this committee to the testimony of Governor HAMPTON on this subject. It is found on page 248 of the testimony last referred to:

WADE HAMPTON, governor of South Carolina, being called and duly sworn, deposes and says:

Question. State what was the spirit of the campaign in 1876, as conducted by the democrats and republicans.

Answer. On the part of the democrats the effort was to make the campaign thoroughly conservative and conciliatory. I was in all the counties of the State, and saw no intimidation by democratic whites or negroes against the republicans, white or colored. The only evidence of disorder I saw was in the first congressional district, where the colored republican voters endeavored to intimidate those of their own color who wanted to vote for the democrats; this was notably the case in Georgetown, where they used every effort to drive the colored voters from joining the democrats, and I heard threats of violence used by them. I was satisfied but for that pressure a greater number of the colored people would vote with the democrats. I believe that this spirit of race proscription was exercised all over the State, and exercised a very powerful and detrimental influence against the democratic party. All the addresses of the democratic speakers in the first congressional district were conciliatory. Mr. Richardson accompanied me and took the extreme course of conciliation.

Q. Did there exist any necessity for the proclamations of President Grant and Governor Chamberlain disbanding the rifle clubs?

A. In my judgment there was no necessity. The judges all stated that there was no resistance to legal process; in my canvass I saw no evidence of interference with or resistance to law. The whole effort that I made during the canvass was to assure the people of the absolute necessity of preserving peace and abstinence from violence. As soon as the proclamation appeared I advised all the clubs to disband, and at no single meeting attended by me in the State was there an armed organization of men.

Under such circumstances, in 1876 fifteen hundred and twenty-six United States troops, according to the "official statement" of Adjutant-General E. D. Townsend, were sent into South Carolina and stationed at sixty-seven different election precincts in that State, and at such points as would best subserve the interest of the republican party in the election. Can it be doubted after this that in 1876 the United States troops were used in South Carolina as a political influence to secure the election for the republican party? If this was not the case why the partisan disposition of the troops? Governor HAMPTON in his evidence already referred to states that after the United States troops were brought into the State, requests were made that they be sent to certain localities "where the republicans were in the majority, to protect colored democrats," and it is in proof that they "were not sent." Here is his testimony:

Question. What was the effect of these proclamations and of the introduction of United States troops upon the colored voters and upon the election?

Answer. I think that the presence of the troops produced a great change among the colored voters, from the fact that they were told that the troops were placed here for the purpose of making them vote the republican ticket. That the troops not being placed where they could have given protection to the colored democrats exercised an influence injurious to the democratic cause. I had applications from several places asking that troops should be placed to protect colored democrats. I did apply to General Ruger; troops were not sent, on the ground that he had not troops enough to send to the particular places. Troops were sent generally in larger numbers in the upper counties where the whites were in majority. In the low country where the republicans were in majority fewer troops were sent. Application was made for troops in Georgetown, to protect democratic colored voters. I do not think they were sent until the day of election, if then.

In addition to this, colored citizens in Georgetown County, where the republicans very largely predominated, sent a petition to General Ruger, and asked that United States troops be sent there to protect them against the violence of colored republicans, and the request was denied.

Mr. Henry Smith, of Georgetown County, South Carolina, on page 128 of the testimony in the contested-election case last quoted, says:

In consequence of the mode in which the republicans conducted the canvass, he thought there was danger to himself and other colored democrats. Deponent went to Columbia, South Carolina, to see General Ruger. He represented to him the danger to the colored democrats, and the necessity they were in for the United States troops for their protection. He carried with him a petition for troops, representing the danger in which the colored people who wanted to vote with the democrats were placed by the violent behavior and threats of the republicans and their leaders. This was about twenty days before the election, or about the 29th day of October. Deponent states that the troops were promised, but they never came. They had plenty of time to reach here before election day.

It may be said by the republican leaders, and doubtless will be said by them, that the troops were sent into the State "to keep the peace at the polls." But if this were the case, why the partisan disposition of them? Why remove them from the counties as soon as the election was over, and before the result was declared, at a time when it is known there was more excitement than at the election or at any time during the campaign—at a time when there were two rival State governments struggling for supremacy in the State, each with its own set of officials and supporters in every county, the large majority of the blacks warmly asserting the election and the right of one and the whites of the other—at a time when the negroes, under the lead or advice of the routed "robber band," were burning the buildings of the whites, stealing their property, and assembling as "militia" or mobs to assail the whites and terrorize communities, and when the whites, maddened by these atrocities, were held back from retaliation only by the word of Hampton? Why at that juncture are the troops withdrawn from the counties and the peace of the country all at once lost sight of and left to take care of itself, while troops are massed at Columbia, the capital of the State, and quartered in the halls of our Legislature? Why this, I ask, if the troops were there to keep the peace, and not as a political influence in the interest of the republican party?

I know, Mr. Chairman, that it has been said in the other end of the Capitol and on this floor that in South Carolina in 1876 colored electors were intimidated and deterred from casting their ballots for the candidate of their choice by the democrats. That this is all idle talk, and a mere pretext on which to justify the illegal use of troops in the election, is conclusively and indisputably shown by the following facts, taken from the mouths of republican witnesses. By the State census of South Carolina taken in 1875, by a republican and by authority of the republican administration of the State, the total number of voters in the entire State was 184,930, and the number of votes actually polled in the election of 1876, according to the republican returning board, was 183,388.

Vote for governor, election of 1874.

D. H. Chamberlain	80,403
John T. Green	68,818

Vote for governor, election of 1876.

Wade Hampton	92,261
D. H. Chamberlain	91,127

OFFICE SECRETARY OF STATE.

I, H. E. Hayne, secretary of state, do hereby certify that the foregoing is a true and correct statement of the vote for governor at the general elections of 1874 and 1876, as appears by the commissioners' returns now on file in this office.

Given under my hand and the seal of the State, at Columbia, this 9th day of December, 1876, and in the one hundred and first year of American Independence.

[SEAL.] H. E. HAYNE,
Secretary of State.

It appears, then, that every single elector in a total of 184,930 actually voted excepting 1,542. It can scarce be maintained in the face of these figures that there was intimidation on the part of democrats in South Carolina in 1876, and it can be said with still less grace and truth that there was any in 1878. In fact the charge of intimidation in 1878 started against the State has utterly failed and has been abandoned. The republican investigating committee, known as the Teller committee, after patient search has failed to find anything to sustain or support such a charge, and the republican party has been driven from their issue of the bloody-shirt in South Carolina, and has taken refuge under the cheap charge, so often made by them and applied to any and every State where they can find nothing better to charge, of fraud in the election. This charge of fraud in elections is

not one, as I have already shown, raised by any of the provisions of the bill under discussion or of the Army appropriation bill. It has been lugged into this discussion by those who can find nothing better to talk about, and has no place here. I shall not, therefore, enter into any discussion of this charge further than to refute a gratuitous and utterly unfounded and unsupported charge made against a portion of the constituency I have the honor to represent.

The honorable member from Wisconsin, [Mr. WILLIAMS,] in his speech on the bill to make appropriations for the support of the Army, speaking of the election at Kingstree, in South Carolina, uses this language:

I tell you that right then and there the United States was made to eat the leek and to taste garlic, and from that time and on to the wee small hours of the morning onion-skin ballots went in unchallenged, but not uncounted.

Now, Mr. Chairman, that was a wholly unwarranted and unsupported assertion, which has its foundation for truth only in the imagination of the honorable member. There is not one word in all the evidence taken by the Teller committee, not a word in the testimony of the supervisor of election referred to, or in that of any of the rabid partisan republican negroes who were examined in reference to the election at Kingstree or in the entire county of Williamsburgh, which justifies the statement of the honorable member. None of them assert that a single "onion-skin" or tissue ballot was cast or counted at Kingstree or in the entire county of Williamsburgh, and the fact is that not one was cast or counted there or in that entire county. This only shows out of what whole cloth such statements are made and paraded before the public for political purposes by our republican friends on the other side of this House. The country can judge by this instance of how much credit is to be attached to the many sensational statements paraded before it by the party who wave the "bloody shirt" and cry "fraud" at every election.

But, Mr. Chairman, I have digressed to refute this unjust and unfounded charge. I claim that I have shown by the facts that I have brought to the attention of this committee that the power to send United States troops to the polls is a most dangerous power to be vested in any President; that the temptation to its abuse is stronger than the firmest President can resist in times of high party excitement, and that in the past the power has been abused and the troops have been used as a political influence with which to secure and carry elections. Is it safe to continue such power in the hands of any President? Would our republican friends be willing to leave such power in the hands of a democratic President? As an humble member of the democratic party I am unwilling it should be vested in a democratic President, and certainly not more willing to leave it in the hands of a republican President.

An invasion in our system of government, dangerous in its tendencies and destructive of a "free ballot" in practice, the use or presence of troops in elections is abhorrent to all just ideas of a "free ballot" or a "free government." From time immemorial our English ancestors have regarded the presence of troops in elections as an interference with the election. Blackstone, speaking of troops at elections in England, uses this language:

And as it is essential to the very being of Parliament that elections should be absolutely free, therefore all undue influences upon the electors are illegal and strongly prohibited. For Mr. Locke ranks it among those breaches of trust in the executive magistrate which, according to his notions, amount to a dissolution of the government "if he employs the force, treasure, and offices of the society to corrupt the representatives or openly to pre-engage the electors and prescribe what manner of persons shall be chosen. For thus to regulate candidates and electors and new-model the ways of elections, what is it," says he, "but to cut up the government by the roots and poison the very fountain of public security." As soon, therefore, as the time and place of election, either in counties or boroughs, are fixed, all soldiers quartered in the place are to remove, at least one day before the election, to the distance of two miles or more, and not to return till one day after the poll is ended.—*Blackstone's Commentaries*, volume 1, page 177.

Our English ancestors show with what abhorrence they regarded the presence of troops at elections and with what care they guarded the freedom of the ballot in the law they enacted in reference to elections in Scotland. This law is found in "the act for regulating the quartering of soldiers during the time of the elections of members to serve in Parliament," and is in these words:

Be it enacted by the King's most excellent majesty, by and with the advice and consent of the Lords spiritual and temporal and Commons in Parliament assembled, and by the authority of the same, That when and as often as any election of any peer or peers to represent the peers of Scotland in Parliament, or any member or members to serve in Parliament, shall be appointed to be made, the secretary at war for the time being, or in case there shall be no secretary at war then such person who shall officiate in the place of the secretary at war, shall, and is hereby, required, at some convenient time before the day appointed for such election, to issue and send forth proper orders, in writing, for the removal of every such regiment, troop, or company, or other number of soldiers as shall be quartered or billeted in any such city, borough, town, or place where such elections shall be appointed to be made, out of every such city, borough, town, or place one day at least before the day appointed for such election, to the distance of two or more miles from such city, borough, town, or place, as aforesaid, until one day at least after the poll to be taken at such election shall be ended and the poll-books closed.

For centuries the English people have had no wish or cause to change this wise provision of their laws. Shall the Englishman guard the purity and freedom of the ballot-box with any more jealous care than we are willing to do? Is his liberty more dear to him than ours is to the American people? And shall we profit nothing from the wisdom and experience of centuries or from the blood-bought and hard-earned safeguards of our English ancestry?

Protection, Justice, and Peace.

SPEECH OF HON. C. G. WILLIAMS,

OF WISCONSIN,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, April 24, 1879.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. No. 2) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes—

CONSTITUTIONAL ARGUMENT USELESS.

Mr. WILLIAMS, of Wisconsin, said:

Mr. CHAIRMAN: Early in this debate I attempted to point out the sources whence the right and power to enact these laws were derived. The outlines so faintly sketched then have since been drawn deeper and broader in the course of the debate, and so filled out that discussion has merged itself in demonstration. Yet ably and triumphantly as this has been done, I doubt either its necessity or utility. If fifty years of argument and four years of horrid war could not settle the question of State rights on this continent forever, I doubt whether anything that can be said here will do it. It would seem as though the opposition had very adroitly invited discussion to this branch of the subject with a view of drawing the attention away from the facts involved in the late elections and the consequent necessity of retaining these laws upon the statute-book.

Be this as it may, the constitutional power of Congress to enact them has been clearly traced and is fully understood. The Constitution, conferring first upon the State Legislatures and last and ultimately upon Congress the power to regulate the time, place, and manner of holding elections for Senators and Representatives, except as to the place of choosing Senators; the fact that the existence of this power has been maintained by all the ablest writers upon the subject, including Madison, Hamilton, Story, and others; and the further fact that the State possessed no such power prior to the adoption of the Constitution, but that it was born of that instrument and conferred at the same instant of time both upon the State Legislatures and upon Congress—on the one conditionally and on the other finally and absolutely, the same identical words defining the nature and extent of the grant in both; and the further fact that Congress has regulated unquestioned and unchallenged the time and manner of choosing United States Senators; and the fact also that these election laws have been in force over thirteen years, and have been bitterly opposed, resisted, and denounced during all that time, repeated attempts having been made to repeal them, yet no attempt whatever to test their constitutionality in the courts, but, on the contrary, in scores of prosecutions, their validity having been upheld and maintained, I take it that no one now, and especially no lawyer, seriously questions their constitutionality.

FULL POWER TO ENFORCE CONSTITUTIONAL LAWS.

Being valid and constitutional laws of the United States the power to enforce them follows as logically as the law of self-defense. The constitutional injunction upon the President to "take care that the laws be faithfully executed" and other auxiliary constitutional powers conferred upon him, which have been abundantly elucidated in this debate, together with the statutes of 1792, 1795, 1807, 1861, 1865, 1870, and 1871, and the common-law maxims applicable to the enforcement of law, render not only his powers full and complete, but make his duties and responsibilities as plain as the sun at noonday.

Sir, I repeat that so long as we will consent to discuss abstract propositions pertaining to the Constitution and the laws our opponents will meet us on every field, matching statement with statement, speculation with speculation, theory with theory, construction with construction, stretching out even to the crack of doom; for if there is anything which delights the heart of the southern statesman and thrills him with new life it is the discussion of these constitutional conundrums. "Though native and to the manner born" the custom is seldom "honored in the breach." It is a peculiarity of southern peoples, and especially of the Latin races. They revel in speculation and theory, whether found in the realm of diplomacy or the forum of debate, and, sir, so long as the universal Yankee nation will consent to "swap" words for words, theory for theory, sentiment for sentiment, and accept fine writing and fine talking for fact and performance, it will find itself outgeneraled and beaten in every field, from the line of the Potomac down even to the southern borders of Mexico. It is therefore gratifying to see this debate in both Houses of Congress coming back to the solid facts which underlie it, and which show that these laws should not only be retained upon the statute-book, but should be enforced with even more rigor than ever before. There seems to have been a disposition on the part of politicians, journalists, and statesmen alike to want to shun, or at least not to dwell upon, these horrid and sickening details, but instead to deal with general principles and results involved in them. The consequence is, that upon no subject under heaven are the American people more ignorant as to the terrible realities and details of these very events spreading over the last six years of American history, which have been gathered upon sworn testimony by congressional committees, and seem to be

entombed as effectually in the fourteen volumes of congressional reports standing on yonder library shelves as though they were buried in the catacombs of Egypt.

CANNOT BARTER ANY RIGHTS OF THE WEAK.

Why is this so, Mr. Chairman? Because, sir, this is the second attempt on the part of the American people to buy the peace and prosperity of the strong by bartering away the rights, the liberties, and even the lives of the weak. But, thank God, a just Providence will deal upon no such terms. For almost eighty years we sailed along, flaunting the breeze with the motto of "equal rights," while we carried slavery under the hatches, and fancied that no storm could overtake us, but it came at last and we know the result. For the last six years we have outraged justice, violated every principle of right, and defied the vengeance of Heaven. We have deserted the citizen and mocked at his calamities. We have turned a deaf ear to his cries, his entreaties, his prayers, his tears. We have turned him over to the rapacity of the mob; seen him hounded like a hare or shot like a dog. We have seen his dwelling surrounded by night riders, his wife and children filled with terror, and himself murdered in cold blood. We have seen this, not in one instance, but in hundreds if not thousands. And we have responded with a doubt or a sneer. In short, we have sought to crush down every rising sentiment of humanity, and install in its place the stony-eyed monster of commercial greed. We have fancied that we could do all this and rest in security.

But to-day, while we fain would sleep, the rumbling of the earthquake is heard under the very walls of this Capitol! We have been put to flight by an epithet. More men have quailed before the taunt of "bloody shirt" and "bayonet rule" than ever faltered at the cannon's mouth. If our opponents have been consistent, so also have they been persevering and vigorous.

SPIRIT OF DEMOCRACY THE SAME.

The spirit of the opposition from the very beginning has been the same. I make all proper exceptions as to factions and individuals. Hundreds and thousands of the latter have attested their patriotism and their valor on battle-fields in a way which no man can question. Hundreds and thousands of others are men of high personal character and worth. I speak not of these, I speak not of individuals at all, but I speak of that which passes under the name of modern democracy as a living, active force in American politics and statesmanship, and I say that its spirit is everywhere the same. It is bounded by no geographical lines. It is homogeneous throughout the country. It has held on the even tenor of its way, and I maintain, sir, that it has been consistent. No act done, no offense committed, no policy pursued, whether it be denominated treason, rebellion, cruelty, or oppression, that has not had its heartfelt sympathy, if not its open and active support. Through all these years of outrage and wrong it has not had one word for human freedom; on the contrary, with a pertinacity worthy of a better cause, it has gone steadily in the opposite direction. By its consent not one offender has been arrested, not one wrong been righted, not one outrage denounced; but for cruelties and atrocities which shock humanity and shame all the annals of barbarism, it has had nothing but scoffing, jeers, and laughter!

In all this, sir—I regret to say it, but it is true—northern Bourbonism has differed in nothing from southern treason save in the qualities of manhood and courage. In all things else it has been logical and consistent, as it has been to every principle of national unity and national honor false and treacherous. Democracy, though divided in council, was one in spirit. Opposed to the suppression of the rebellion by force, it was opposed to every agency invoked for its suppression. When the flag was fired upon it opposed coercion. When treason trained its guns upon this Capitol it cried out against the invasion of a sovereign State. When troops were levied it declared that the rebellion could never be put down by force of arms. When funds were required it insisted that the obligations of the Government were not worth the paper on which they were printed. When colored troops were enlisted it said they could never be made to fight, and when they had fought valiantly for a year or more, in this very Chamber it sought to put an amendment upon the Army appropriation bill declaring that not one dollar thus appropriated should be paid to a colored soldier, and men are here to-day who voted for that measure. When a constitutional amendment was brought forward to liberate the wives and children of colored men fighting for the country, democracy opposed it by every means in its power, as it afterward opposed emancipation, citizenship, and enfranchisement.

In its estimation every battle fought was a violation of the Constitution and every shot fired should first have been ordered by the judgment of a court. Military arrests were the acts of a tyrant; and brave men who bore the grand old banner through the sulphurous storm of war were denominated hirelings and butchers! Let no man say to-day that these were not the sentiments which democracy in the darkest hour of the nation's life lauded and cheered to the echo.

If this was its spirit north of the line how was it south? I tear open no "bleeding wounds;" I "fan no smoldering embers;" I bring here no ghastly skeletons from battle-field or prison-pen. Let the groans of the dying and the wails of the living die out with the roar of the conflict which proclaimed that at last the great civil war was over.

SOUTHERN DEMOCRACY.

But when we come to Appomattox, what has been the spirit of southern democracy since, always sympathized with and upheld by its northern allies? Forced to surrender, it was allowed to march out with its side-arms and personal effects. Paroled upon its honor, its votaries were allowed to depart in peace. Many of its leaders, apparently conscious of the enormity of their crime, fled to foreign shores for protection, while the greatest leader of all sought safety in ignoble disguise. Suddenly discovering that nobody had been hung, as somebody undoubtedly ought to have been, the reign of pretension commenced, and has been successfully brought down to this very hour. Seeing that the penalties which it so confidently expected were not to be imposed, it at once assumed an attitude of demand and insisted that having accepted the situation and finally consented not to demolish the Army which captured it, it should resume all its rights of person and property, and be permitted to take part in the affairs of the Government precisely as though it had made no attempt to destroy it. It admitted that all was lost but its honor, but insisted then, as it insists now, that that remained untainted and untouched!

It was trusted in 1868, and the "black laws" of South Carolina and Mississippi were the result, reducing the colored man to a condition worse than slavery. It piled upon him all the burdens of the slave and took away all the responsibilities of the master. In 1870, 1871, 1872, and 1873 "general amnesty and universal suffrage" was the motto on every banner. General amnesty was granted and kukluxism was the response. Its existence was denied of course, as the existence of all wrongs is denied to-day. New State constitutions and a republican form of government in fact being insisted upon and inaugurated in the South, white democracy was invited, yea, implored, by black and white alike to take part in public affairs and guide the freedman in his new-found rights. This proffer was met by lordly contempt and the proclamation put forth that this was a white man's government. Then came the reign of the Knights of the White Camelia, white-liners, white-leaguers, night riders, regulators, rifle clubs, red-shirts, and ruffians generally, and they have written across this country one broad chapter of blood!

BOGUS FREEDOM WORSE THAN SLAVERY.

Sir, go down into all the horrors and hell of slavery, bring up from its profoundest depths all its modes of torture, the whip, the thumbscrew, the shackle, the hound, the fire, and the faggot, unearth and bring to light all that is monstrous and damning about it, and I stand here to declare that in no twenty-five years of its history have such cruelties been inflicted upon the black man as he has suffered during the last ten years under this curse of pretended freedom; more lives have been sacrificed, more murders committed, more people terrified, maltreated, defrauded, maimed, and killed than the darkest hour of slavery ever dreamed of. How grandly we republicans boast that "we liberated the slave;" yes, we did, indeed, liberate him as a slave, and we clothed him with citizenship, but then we abandon him as an outlaw. Why, sir, the pasteboard crown which the bespangled harlequin of the ring wears, carries with it more significance, than the tiara of American citizenship when placed upon the head of a man, whom the meanest may spit upon and the vilest may slay!

DEMOCRATIC DEMAND AND APPEAL.

Yet when the United States Government, in the most natural and ordinary manner, sought to place force enough in the South to protect the citizen and preserve the peace, southern democracy assumed an attitude at once of defiance and appeal. On the one hand it declared that the Anglo-Saxon, the refined, the rich, and the intelligent, must and would rule. Put into plain English this meant, that while it professed to "accept the situation" it did not intend to do any such thing, but that, Constitution or no Constitution, law or no law, Government or no Government, the ruling white classes of the South would have their own way in the future as they had done in the past, though it should require tumult and bloodshed to accomplish it. Where the negro's vote would not change the result he would be allowed to cast it; where it would, he would either not be permitted to vote at all or his vote would not be counted! This was the high and law-abiding attitude of democracy in the South, acquiesced in, of course, by its allies in the North.

On the other hand, it assumed an attitude of abject and piteous appeal. While at bugle call it could summon to the field an unauthorized body of at least twenty thousand men, armed, drilled, officered, and equipped, yet its morning and evening plaint was that the heel of the tyrant was upon its breast and the bayonet of the usurper at its throat! All classic literature and the days of knight-errantry have been ransacked for heroic similes to portray the majestic fortitude with which it has borne its wrongs. Why, Mr. Chairman, this dread, this horror of the Federal soldier? I will tell you why. Though there was but one man wearing the Federal blue in a township, he represented the authority, the dignity, the power of the United States. Whoever laid hand upon him touched the mustered-out legions of all the North. Hence men claiming to be brave and even chivalric could go armed and disguised in companies of twenty-five and fifty, and surround the cabin of a defenseless negro in the night-time, drag him from his bed amid the shrieks of his terrified wife and children, and hang him to the nearest tree. But the same men did not choose to molest a Federal soldier. And hence, again, the democratic cry for the reduction of the Army and the withdrawal of the troops, a cry which was never abandoned until legitimate authority surrendered to the menaces of an armed mob!

REPUBLICAN RESPONSIBILITY.

I speak now, sir, of no faction, individual, or administration. A large share of the republican party must bear the responsibility. All who disturbed its unity or impaired its strength must accept their share of the blame. Nor do I speak in any spirit of repining or complaint. It might be, and under God I believe it was, the only method of opening the eyes of the American people to the actual facts of the situation. Men are convinced to-day who would not be convinced before. Conciliation has been tried, tried thoroughly, and in the utmost good faith. The response is before us. Taunt, menace, bitterness, and vituperation are the net result. While these things should not move us they should admonish us that in dealing with the South as well as with the North a firm, steady hand, with authority carefully and justly applied, and when once attempted maintained at all hazards, is best for all parts of the country, and will soonest bring peace to the nation. Sir, we have been reminded, I know not how many times in the course of this debate, that the war closed fourteen years ago; and we have been feelingly appealed to to know why we will persist in reopening these old issues. Who has reopened them, Mr. Chairman? Who brought these issues here? Who is it that will persist in bringing this race and sectional issue to the front on all possible occasions? These laws have stood upon the statute-books for fourteen years. The challenge has been made again and again in both these Houses for our southern friends to show where a Federal soldier has ever interfered with a voter at any poll, and no man has been able to show it. Yet at their demand the Federal troops have been withdrawn; and now comes the proposition that the last barrier for the protection of the ballot-box at Federal elections by United States authority, shall be broken down and cast aside; and if we deign to speak of the facts which have characterized these elections during even the last few years, the cry is raised "Oh! you are reopening the issues of the war! Why do that in this era of good feeling and good-will?" Do gentlemen imagine that the course of affairs in the South has been so gentle, so mild, so child-like that our mouths must be closed forever? Can crime be perpetrated with impunity, and is the ban of condemnation reserved for those only who dare to mention it?

THE DEAD!

Do not gentlemen know that, going back only to the year 1876, the pathway that led to the ballot-boxes in the South is ridged to-day with new-made graves. The green sod has scarcely formed over them. And there the victims sleep; on the banks of the Wichita, among the canebrakes of the Felicianas, and in the ground at Ellenton. The dead cannot complain; the living dare not. Why, sir, the white marble that to-day stands in the spring sunlight over the graves of poor Chisholm, his tender boy and lovely girl, is but a mile-stone on this great highway of crime. And yet, while none of these offenders have been brought to justice, I am not aware that anybody on the other side of this Chamber has ever risen in his place and seriously denounced them. On the contrary, I am aware that the bare mention of some of these things has been received here with hollow laughter.

TROOPS AT THE POLLS.

Sir, I was struck in the early part of this debate with the horror manifested by the distinguished gentleman of South Carolina, [Mr. AIKEN,] at seeing in the year 1868, three Federal soldiers at the polls. We must remember, Mr. Chairman, that the waves of the great war had hardly ceased to roll then, and that readjustment and reconstruction were yet in the future. That I may do the gentleman no injustice let me quote his own words. He said:

In 1868 at the presidential election, for the first time after the war, I was permitted to vote. I went to the polls designing to vote. The house in which the polling took place was a private residence in my own village, about fifty feet from the street. The gate, which opened from the street, was thrown wide open early in the morning, and there paced a sentinel with loaded rifle. When I entered the yard I met another sentinel walking back and forth from the gate to the window, inside of which was the ballot-box, with a loaded rifle on his shoulder. I went to the poll, and the managers from courtesy to me, and friendship, for I knew them well, asked me to come inside the room. I went in; and secreted between the ballot-box and the window sat a United States officer in full uniform. I remained but a moment, and retired. The managers asked me, "Don't you intend to vote?" I said: "No; no freeman will ever cast a ballot under duress; and for that reason I refuse to vote." There was no intimidation about it.

How our friend discovered that those two rifles were loaded, I will not stop to inquire, but whether loaded or not it seems he passed the sentinels who bore them, in safety and without the slightest molestation. He pressed forward to the ballot-box apparently with his intention to vote unchanged; but there he saw a "United States officer in full uniform." This, Mr. Chairman, must have been the last "feather that broke the camel's back," and the gentleman declined to vote. Why? Because the presence of these men was offensive, and he would not vote. This was his right, and I do not refer to the incident for any purpose of criticism, but simply to compare it with certain other election scenes of more recent date in South Carolina, scenes which were enacted after—as we have so often been reminded here—"the passions engendered by the war had cooled."

ARMED MEN AT THE POLLS.

Before the committee of the Senate authorized to investigate the election of 1876 in South Carolina, of which Mr. CAMERON, of my own State, was chairman, the following condition of affairs was disclosed by sworn and reliable testimony. I can cite but a few brief extracts. To give one-tenth of the actual occurrences would fill a volume instead of a speech. As to the election in Edgefield County, Mr. J. A. Beattie, a deputy United States marshal, was sworn and examined as a witness, and after stating that he was at Edgefield court-house on the 7th of November, the day of election, that after the polls were open he visited box No. 1 at the court-house and saw a crowd of white men on the portico and steps, and asked Dr. Jennings and General BUTLER why no more colored men were allowed to vote, and was told by them that the white men had got the start of the negroes and would not yield until they had finished voting, and after being assured by General Brannon that Generals BUTLER and Gary had assured him that the whites would be through voting by ten o'clock, and that then the colored people would have an opportunity to vote he, the witness, visited box No. 2, at Macedonia church, in company with the United States commissioner, and says:

When we neared there I noticed some three hundred or four hundred mounted men.

Question. Armed men?

Answer. Yes, sir; they were in front of the entrance to the church—that is where voters had to pass in—and also around the window where they had to pass out. The commissioner and myself made our way through the crowd and passed in after some difficulty. When we got into the room I noticed several white parties voting; after they had voted and passed out there were several other whites entered. That occurred, I think, two or three times. They entered and voted without any trouble whatever. They were then running short of white men to vote, and some colored men attempted to enter the church, but they were jammed up against the church.

Q. By whom?

A. By these white men. Some were struck over the head by bludgeons or some such things as that in the hands of the whites. I called upon Mr. Sheppard, the supervisor, whom I saw out there, to use his influence and try to have the parties back their horses out so that the colored men could vote.

By Mr. CHRISTIANCY:

Q. He was the democratic supervisor?

A. Yes, sir; he made three or four opportunities to have them take their horses back and get them to back out of the way. They had the heads of them run together so that no parties could get in. There were several colored men got in by forcing their way through the best they could between the horses; some of them run under the horses, but whenever they could they kept them back.

By Mr. CAMERON:

Q. Were those mounted white men armed?

A. They had from one to four pistols buckled around them. Several men got in in that way, by forcing themselves through and being struck over the head. I then announced that unless there were some steps taken to get them in I would be certain to call upon the military and get a sufficient number of men to open the way.

* * * * * * *

At about fifteen minutes to ten the troops arrived. I immediately waited upon Major Kellogg and stated the condition of things to him, and he sent a squad of men, under the command of Lieutenant Hoyt, to the poll. He had to make his entrance into the building through the window where the voters were passing out. As soon as he saw the true condition of things he prepared his men and placed them at the entrance and opened the way to the poll after some little difficulty. There were then ten colored men allowed to pass through at a time between the soldiers and vote.

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They voted very slowly. Very many useless questions were asked, such as whether they had repeated that day, and whether they had not been convicted of crimes, &c.

* * * * * * *

I think at twelve o'clock I received a message from Senator Cain, saying that the court-house was blockaded so that the colored people could not vote. I received that message from Mr. Cain in person.

The witness says he addressed a note to General Brannon, and then says:

I heard no more of that until, I think, half past four o'clock in the afternoon, when I received another message from Cain that the way to the court-house was blockaded and no colored men were voting. I immediately left the church and proceeded to the court-house. Upon arriving there, I found the same crowd that I had seen in the morning. The bottom of the stone steps to the portico were crowded in the same way that I had seen in the morning.

Q. Crowded with whom?

A. The same white parties that I saw in the morning. It was crowded so that no one hardly could get up.

By Mr. CHRISTIANCY:

Q. Were there armed men on horseback there?

A. All the men, I suppose, were not on horseback; of course a great many were armed and a great many were on foot, at least in front of the court-house.

* * * * * * *

I immediately went to Senator Cain and got six colored men, and started back and came around the street, and when they saw me coming they commenced hollering, "There comes the United States marshal, let him through." I passed through with six men into the court-house.

I had some difficulty in passing up. There was just sufficient room for me to pass up, and they followed me right behind. There were some three men followed me up afterward, and one came up into the court-house. There was no one voting in the court-house. I found Major Kline in there. Those six men voted after some trouble. It was then about time that the box should be closed.

* * * * * * *

Q. What was the condition of the town on the day and evening of the election as to quiet or disorder?

A. Well, sir, the town as a general thing was always in some kind of confusion. There were parties riding through, yelling, shouting, &c.

The witness, on being asked how it was the day after the election, said:

Well, sir, there was a large crowd of armed parties, dressed in red shirts, mounted, who rode around the streets, yelling and screaming, and, as a general thing, knocking in the windows of republicans. Senator Cain's house, I believe, was pretty badly smashed.

Jacob Kline, captain of the United States Army, (major by brevet,) being sworn, describes the rifle clubs, as follows:

The next time was at a democratic meeting, and I saw the rifle clubs, or, at least, clubs mounted, who moved by command, and had their chief officer in command.

By Mr. CHRISTIANCY:

Question. He gave orders like military orders?

Answer. Yes, sir; and have paraded in regular military organization by clubs, and were armed with pistols.

Q. Were they on horseback?

A. On horseback; yes, sir.

Q. About how many did you see that time?

A. I did not count them myself. One of my officers counted them, and he counted seven hundred in the procession. The next time was at a meeting on the 14th October. When the republicans held their meetings there, the rifle clubs paraded. At that time there were six hundred and seventy-five mounted men in the procession. The next time after that was the 18th October, I believe, at the democratic meeting. On these occasions the rifle clubs were mounted and armed, and moved by command.

He thus describes the scene at Macedonia church:

I was directed by the commanding officer, General Brannan, about 6.30 a. m., to proceed to poll-box No. 2, at Macedonia church, Edgefield Court House. I went there, and found probably forty or fifty mounted men.

Q. Were they armed?

A. Yes, sir.

Q. What time in the morning was that?

A. About 6.30 I think it was when I left the hotel. It took me probably twenty minutes to walk out there. My official report would show that.

Q. Describe the course of things there.

A. I found these men had formed a circle, the right of the circle resting at the door opening into the school-house or church where the poll-box was kept, and the left of the circle resting at the opening where the voters came out after having voted.

Q. Was it a window?

A. A sort of a window, yes, sir. As I approached this circle one of the horsemen called out to another horseman to back out there and let Major Kline pass in through the opening. I went up the steps, rapped against the door. A door-keeper was there, and I asked for admission; and he opened the door and I went in.

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I was not called upon by the commanding officer again until three or half past three o'clock that afternoon, when I was directed to proceed to poll-box No. 1, which was at the court-house. The poll-box was in the court-room, access to which was gained by fifteen or twenty steps. I found eight or ten horsemen with their horses' tails backed up against it, facing outward, and the steps were filled with men.

Dick Luney, a colored witness, thus describes the treatment of colored voters at Edgefield Court House:

On the morning of the election, sir, we went around to Colonel Cain's and he gave us a ticket, and we went back up in the court-house to them steps, and we were attacked by the white people, and told that we should not vote there. Some of them had double-barreled guns and some had sixteen-shooters, and we didn't know what to do then. We all went on back and stood about there in the streets awhile, and about ten o'clock in the day we went up to the school-house, about half a mile from the court-house, and we could not get a chance to vote there until nearly night. Some of them voted, but the most majority of them didn't vote at all, and Mr. Swearingen was among them with sticks and things beating them over the head, and they had to run off and could not vote.

It should be noted here that by the laws of South Carolina voters have the right to vote at either of these polls. Tom Brown, another colored witness, thus describes his experience:

Question. Where do you live?

Answer. In Edgefield.

Q. It was when they had an election there last fall, on the 7th of November?

A. Yes, sir.

Q. Did you go to the polls there, or either poll, and try to vote?

A. Yes, sir; I went to try to vote, but I never did vote.

Q. State what was the reason and what happened when you tried to vote?

A. Well, if you want the truth I tries to tell the truth. When we come up to go to the polls the horses were standing on each side of the school-house at the door, and when we come down the road they hollers and spurs up their horses and runs across the road, and there was a lane between us and the school-house, and the horses was on one side of the school-house and they had to go down the lane to get to the school-house; and the other men was with their horses, and ran across the road to get on each side so we could not pass to go to the ballot-box; and they hollered, "Close up and charge." And when they hollered that, they inclined to run over us, and I turned to get out of the way of their horses, but as I turned they struck me over the head.

Q. With what?

A. With a stick, a big four-edged stick, and cut my head, and here is the marks now to show for itself. [Exhibiting his head.] My shirt was full of blood and it pains me in my neck now.

Q. What did you do then?

A. I just turned and went off and held my head down.

Q. The blood was running then?

A. The blood was running then, yes, sir; and one of the officers took me off and said it was a shame, and carried me and showed me to the rest of them and said it was a shame, and the blood was on my collar and I could reach my hand round and catch it so. [Clasping his fingers together as if to grasp a handful of blood.]

Q. What was their talk at that time?

A. They said, "Oh, God damn it, we works this thing; we carries this thing on; you all been having these things into your hands all this time, but, God damn it; we carries this thing on now." That is what they said to me; I heard them say it.

Q. Were there any others driven away besides yourself?

A. Well, there was, I reckon, as near as I can come at it, about two hundred of us in the crowd at that time.

Q. What did your crowd do?

A. Some of them ran and some of them stood and some fell over the fence, and Mr. Cain told them to go up to the court-house and see if they couldn't vote there. He told us that three times, and we went three times, and we came back and couldn't vote.

This, sir, is the fair, full, and free elections which the democratic heart yearns for to-day. For this, the Army should be disbanded, the courts starved, the wheels of Government blocked. These are the grievances which must be removed, or no supplies can be voted. For this the President's prerogative must be wrenched from him or revolution shall be inaugurated. Grant these things, or as one distinguished democrat has said, we will remain here until these walls crumble into dust! "Oh, dinna ye hear the slogan?"

FREE ELECTIONS UNDER "HOME RULE."

But, Mr. Chairman, perhaps I have forgotten that these things occurred in the days of bayonet rule, before the troops had been withdrawn, before reconciliation had been fairly tried, and before South Carolina and her sister Southern States had been put upon their high and sacred honor! Let us then close the volume of 1876 and open that of 1878. Now local self-government and home rule reign supreme! Another committee of the United States Senate, of which Mr. TELLER was chairman, have been authorized to tell the story. The sketch I make from their report must be very brief, but let us select and weigh the testimony as we would in a court of justice. First, let us take the sworn testimony of Hon. James B. Campbell, a distinguished democratic lawyer of Charleston, whose veracity no one pretends to doubt, and whose high-standing and character all vouch for; a life-long democrat, but too honorable to be a party to a bald-faced fraud. He was a democratic State senator in 1877 in South Carolina and thus describes the preparation there made for what was to follow in 1878. He says, speaking of the democrats in the Legislature:

They reduced the number of precincts so that the voters (most of them poor and having to walk) would, in many instances, have to go twenty or forty miles to get to the polls. In my own county there was a very flagrant instance of that near Charleston, in one of the divisions of the county formerly known as Saint Andrew's Parish, which consisted of mainland and James Island, that is opposite Charleston. There were six precincts in the parish; they reduced them to one. They left one voting precinct on James Island, at Dill's Bluff, where there had been less votes taken than at any other of the precincts, showing that it was not populated very much and could not be easily approached. Well, I denounced this in the senate when I discovered it—I discovered it accidentally—and they immediately restored every one of the precincts on my motion without any opposition; nobody said a word. A day or two afterward the bill came back from the house with these amendments rejected, and then it appeared that it was a part of the machinery. General Gary, representing the democratic committee at Charleston, appeared before the senate and announced that they desired to have the bill passed, whereupon they did pass it. I said I would go before the community and denounce the fraud, and I did that. General Gary said he did it at the instance of the chairman of the democratic committee of Charleston, a member of the house of representatives.

Q. Was that Mr. Buist?

A. Yes, sir.

Q. Did you hear any discussion in the house on the bill?

A. No, sir.

Q. Do you know what reasons were given there for its support?

A. I knew what reasons were given in the senate, and Mr. Buist stated them to me in person, saying that if they would pass that bill and Governor HAMPTON would appoint men as commissioners that they would name, that they would carry Charleston County. That was the reason.

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Q. How is Dill's Bluff with reference to the approaches?

A. It is cut off by Wappoo Cut, a navigable stream, and I think there is no ferry or bridge over it.

Hon. E. W. Mackey, testifying on the same subject, says:

I have a map of Charleston County, which will show the location of the polls in that county. We will take, for instance, what is known as Christ church parish. Under the act of 1875 there was a polling place at Mount Pleasant; then there was another at the Four-mile church, which was four miles from Mount Pleasant. Farther up, on the same road, there was a polling place also, at Wappetaw church, which is fifteen miles from Mount Pleasant, or eleven miles from the Four-mile church. Then, continuing up the same road, there was a polling place at the Thirty-second-mile House, in Saint James Santee, which is seventeen miles from the Wappetaw poll. About eight miles farther on there was another polling place called Board church. When the democrats got into power by the act of 1878 they abolished all the voting precincts between Mount Pleasant and the Thirty second-mile House, and left that whole stretch of country, a distance of thirty-two miles, without a single polling place. They abolished the two intermediate polling places. Then they established at Moultrieville, less than a mile, another voting place, where there is a large democratic majority. This new poll was sure to give a democratic majority, while the other polling places abolished used to give large republican majorities. Again, after leaving the city of Charleston, as you go out of the city on the State road which runs through Saint James Goose Creek parish, there was a polling place four miles from the city of Charleston; and another at Whaley's church, about twelve miles from Charleston; then another at Summerville, twenty-two miles from Charleston. Now, the act of 1878 abolished all these polling places, and established a precinct twenty-two miles from Charleston. There was also a poll at Mount Holly, and that was abolished. They abolished in the parish of Saint James Goose Creek all the polls between the city of Charleston and the Twenty-second-mile House.

Q. How many is that?

A. That is four. All of those were large republican polls. In the upper part of Saint James Goose Creek they allowed the two polling places to remain—Hickory Bend and Cross-Roads, because there was a large democratic vote in that section, and in addition to those two established another within a few miles.

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At Rushland, which is near the city of Charleston, and around which a large majority of the colored people on the island live, the poll was abolished. About six hundred colored voters live at that end of the island. Campbell's church poll, which is in the center of the island, was abolished also. The poll at Andell's store, which is at the extreme end of the island, and at which a very small vote is cast—not more than one-sixth of the vote of the island—was the only poll left on that island, so that the large number of people at Rushland had to make a round journey of forty miles to vote.

Now, sir, can anybody seriously deny that such an arrangement as that deliberately entered into is not such a denial of the right of suffrage by a State as would reduce its basis of representation as contemplated in the fourteenth amendment of the Constitution?

Mr. Mackey also testifies as to tissue ballots as follows:

At the Palmetto engine I examined that poll-list; Mr. Eaton examined it also. Mr. Eaton has testified that the number of persons voting at that poll was 3,569, while in 1876 it was only 738, total number. The total number in 1875 was only 515. Now it is true that another poll in that ward has been recently abolished.

Question. What was the vote at that other poll?

Answer. In 1876 it was 563; add that to the 738 that was voted at the Palmetto engine-house in 1876, and the result will be 1,301. In 1875 the vote was 375 at the poll that was abolished, and 515 at the Palmetto engine-house; added together the result would be 894. Now, the whole vote of the city of Charleston at this election, including the 865 votes that were cast at the Washington engine-house, where the ballot-box was destroyed and was not counted, was 15,542.

Q. What has it been heretofore?

A. In 1876 it was 12,333. In 1875, at the municipal election, the vote was 10,236, the total of the city. In 1874 the total was 10,531; in 1873 the total vote was 12,097; in 1871 it was 10,395. So that the vote of 1878 exceeded that of 1875 by 5,147; it

exceeded that of 1873 by 3,445; it exceeded that of 1874 by 5,011; it exceeded that of 1876 by 3,209. Now at the only two polls in the city where the tissue ballots were not used, the republicans carried; at all other polls where the tissue ballots were used, the democrats carried.

Mr. R. M. Wallace, United States supervisor, thus testifies:

Question. Had you any conversation with any parties, democrats, during the day about the use of these tissue ballots?

Answer. I had not.

Q. Did you have any conversation with any parties, democrats, afterward in reference to their being used?

A. I had frequent conversations in relation to the matter after the election. They regarded it generally as a huge joke which they had perpetrated on the republicans. They did not pretend to deny the fraud.

He further says:

During the day, after dinner—after twelve o'clock—a man came to me whom I knew to be an active and prominent democrat. He said to me then that he was a democrat, but that he was a friend of Mr. Campbell. I had long known him to be a democrat of the most straight-out sect. He had been very active, and had done all he could to break down the republican party, but he was in favor of honesty and fair dealing. He was also, as I have said, a friend of Mr. Campbell's, and desired his election. "And now," said he to me, indignantly, "they are stuffing the ballot-boxes all over town." * * * He told me also that a plan had been agreed upon to seize and destroy the poll list at the Washington engine-house. The reason of that was because it had been too closely scrutinized by the officers who went there to allow any of those tissue tickets to be put in. The result was that there would no doubt be a large republican majority at that poll, and therefore the democrats had determined to destroy it.

Q. Was the box destroyed?

A. It was destroyed.

The committee's report thus describes the manner in which the count was conducted and this box destroyed:

At Washington engine-house precinct, in ward 6, Charleston City, the voting proceeded quietly all day. Walter Elfe was the republican supervisor and R. M. Wilson the democratic. At this polling place there is every reason to believe that there was a large republican majority. The count was commenced, there being in the room three republicans and from thirty to forty democrats. After a short time the gas went out. Candles were obtained and the count continued a short time longer, when the candles were put out. In the darkness that followed the ballot-box was broken up and the ballots destroyed. The number of votes cast was 865. No return was ever made from this box.

I have not time to quote the evidence showing the violence and tumult at the Palmetto engine poll and other places, or that when colored voters who found it impossible to reach certain polling places by water came to Charleston to vote, as they had a right to, were rejected at one poll and sent to another, and then when they had passed the first were charged with repeating because they had been at the other poll; and when told to go before a justice of the peace or trial justice to make affidavit of the fact or of their residences, found the offices of these magistrates locked, the incumbents all happening to belong to the democratic party!

Such, Mr. Chairman, are the outlines of a fair and free election in the city of Charleston, when there are no two United States soldiers with loaded rifles and no United States officer in uniform to molest or make afraid! But this was in a large city, where some irregularities might be expected. Let us now go down into Sumter County and see how campaigns are conducted in the peaceful rural districts:

JAMES B. WITHERSPOON sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?

Answer. At Sumter.

Q. How long have you resided there?

A. For fifty-one years.

Q. What is your business?

A. I am a practicing physician.

Q. What are your politics?

A. I am a democrat.

Q. Were you there in Sumter County during the last campaign?

A. Yes, sir; all the time.

Q. Did you take any part in the campaign?

A. No, sir; except simply to vote.

Q. Did you attend any democratic meetings?

A. I went to one, sir. They proposed to consider me a member of the club, but I retired.

Q. Why did you retire?

A. I thought they would go to extremes, sir.

Q. State what was said and done.

A. They said they were determined to carry the election at all hazards. I could not indorse that, and retired. I withdrew from the democratic club because they proposed to enter upon a course of intimidation and violence, of which I could not approve.

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Q. That was a feature of democracy that you did not believe in?

A. No, sir; I did not believe in it at all, sir.

Q. Did you see any demonstration made in pursuance of this plan?

A. When the republicans had appointed a meeting to be held there I heard the firing of cannon from twelve o'clock midnight until nearly daylight from the academy grounds; then, in the morning, the firing continued until they began to assemble. Then a large parade of infantry and cavalry came into the town well armed. A procession of colored people on their way to their place of meeting was headed off by the democratic cavalry, and for a long time they could not get to the place where their meeting was appointed. When the meeting was in progress they seized Mr. Coghlan and took him onto the platform of the court-house and threatened him a great deal. I didn't see him struck, but I did see him struck at and tortured a good deal and jerked from side to side while they were trying to put a red shirt on him. There were a great many of us who would have been glad to rush up to his rescue but from the fact that there was a semicircle of cavalrymen, well armed, surrounding him so that we could not get up there at all.

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Q. Did you see any cannon there that day?

A. Yes, sir.

Q. Was it loaded?

A. I don't know; it was charged with gunpowder, and I heard say it was also charged with nails.

Q. When was it said to have been charged with nails?

A. They said it was charged with nails before it was brought up to the rear of the colored people at the court-house.

Now let a republican speak:

Samuel Lee (colored) sworn and examined.

By the CHAIRMAN:

Question. Where do you reside?

Answer. In Sumter County.

Q. How long have you resided there?

A. All my life.

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In the opening of the campaign quite an effort was made on the part of the leaders of the democratic party to prevent any organization whatever of the republican party.

Q. What were those efforts?

A. The first effort that I discovered in that direction was from a street conversation between a prominent democrat, the adjutant inspector of the State, E. W. Moise, and the editor of the Sumter Watchman, Mr. Dargan. I was passing along the street when my attention was attracted to a conversation between these two men; quite a heated conversation, in which both were very much excited. Mr. Dargan took the position that the republican party should be entirely crushed out in the county, and if any one of the leaders of the party moved he should be put out of the way. Mr. Moise took the position that this was very unwise; that the republican party should be recognized; that a committee should be appointed from the democratic party to wait upon the leaders of the republican party, and propose to them to have one ticket in the county; and that the republican party should be represented upon that ticket. He said he believed that only in that way could they have a fair and peaceable election. Dargan excitedly charged Moise with being a republican in disguise, and said that he and the rest of the democrats would see that Moise's schemes should not be carried out. Moise took offense at that, and they had some very heated words. Dargan told Moise that he and the white people intended to carry that county for the democracy at any cost whatever.

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On the 31st of August we called a meeting at Rafting Creek to reorganize the republican party of the county. Stewart and others were to address the meeting, and Coghlan and myself went over from Sumter to speak. When we got a little piece from town we were informed that quite a number of armed white men—democrats—had gone ahead of us. We had heard that there would be a meeting at Providence, between Raftin Creek and Sumter, and I said I supposed they were going to hold a meeting. We went to Raftin Creek, and met at a colored church called "Good Hope." We had to turn a bend, and as we were turning the bend we came to the church. As we came around the bend we were greeted with yells and groans by the white men assembled; and the first that we knew, we were surrounded immediately by a large number of men, some two hundred. We looked to see if there were any colored men there, and we saw a few over in one portion of the crowd. We drove up where they were to unhitch our horses, and while we were doing so I noticed Mr. Earle and Mr. Dargan, who were "aids" on Governor HAMPTON'S staff, which surprised me, as the governor had promised to help us put down any disturbance.

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I told them that as soon as the republicans got there we proposed to hold a meeting, but that we did not see enough republicans there at present to hold a meeting. They said we had called a meeting and we should not back out. Those were Mr. Earle's words. He said if the meeting was not called to order in one hour's time, he would take me and Coghlan prisoners and carry us back to Sumter. I said, "What is your object in doing that?" He said, "No matter what is the object, we will do it; and the less you say here the better it will be for you." By that time a crowd gathered there and said, "Shoot him now," and I heard all kinds of threats. I refused to call a meeting to order, and he took out his watch and said, "If you don't call it to order in one hour's time, you will be taken prisoner." Well, the hour passed, and I did not call it to order. Earle called the democrats and said to them that the hour had passed, and Lee had failed to call the meeting to order; and he wanted to know if his determination should be carried out, and the crowd yelled, "Yes, yes, carry him out!" He came to me and said I would have to go to Sumter. I told him I would not go unless they carried me, and they said they would carry me. Just then a democrat who was under the influence of whisky jumped up in the wagon and said, "I call the meeting to order." He made some remarks in which he said a day had come in which radicalism had died in Sumter County and that was the funeral, and he did not want Mr. Lee to leave there until the entire ceremony had been finished.

He then relates that other democrats addressed the meeting, among them, Dargin, and says:

As soon as he commenced I tried to get off the wagon quietly, but he saw me, and demanded that I should stay there. I said, "No; not while you are pointing your finger in my face." Then he knocked me down, and others ran in and helped to choke me. They took me off bodily and carried me off. They took me to a dark, thick piece of woods, and several times while going through the woods they stopped and held consultations as to what should be done with me; and they came to me and asked me if I was ready to decide never to call another republican meeting in that county. I said, "No, I am not ready." They asked me if I was ready to sacrifice my life for the republican party, if life was so sweet to me as that; and they told me to choose.

* * * * * * *

They said they would take me to the court-house steps and give me these instructions publicly; that I should quietly ride in that buggy up to the court-house steps; and that if I opened my mouth I should be shot immediately.

* * * * * * *

When we got within one square of the court-house we were within one square of my house. Then I jumped out of the buggy and ran toward my house. They turned their horses and ran them over me, and tripped me down, and jumped off their horses with their drawn pistols and took hold of me. Then I resisted, and said they had no right to take me, and I would not go to the court-house. I said that I had no business there, and would not go. There was quite a disturbance. I recognized the chief of police near us, and appealed to him to protect me as a citizen of the town, saying that these men had unlawfully taken me prisoner, and I called upon him to protect me. As he came in the crowd he was knocked back by Mr. Earle, who said that it was not a police matter.

* * * * * * *

In the mean time my wife and sister ran there and commenced screaming, and quite a number of colored men ran in to protect me. * * * The men attacked all the colored men that were in the crowd who had attempted to rescue me.

He says they finally took him to the court-house steps. Dargan and Earle made speeches saying that they had captured him out at a meeting, and had brought him in alive, but would not do so if they caught him out again. And then—

ALLOWED HIM TO GO HOME!

Judge Lee thus describes the republican meeting held at Sumter, October 12, already alluded to by the witness Witherspoon:

From two o'clock that night the town commenced to be crowded with mounted men—democrats—and every available stable, field, and lot in town were crowded.

The next morning could be seen armed men of all descriptions, and the red-shirts. Two brass pieces were brought from Columbia, with the men belonging to them, that is, the artillerymen.

The democrats had also called their meeting. I think we had intended to call our meeting on the academy green, and the democrats supposed it would be called there, and therefore they had published to hold their meeting there. But when we decided to go to the colored church instead of holding our meeting on the academy green, they followed the republicans down with their brass band and field-pieces and went down to the depot. They stopped there. The republicans continued on and went to their stand and organized their meeting; and these democrats commenced shooting right over in that direction, elevating their guns, and firing over from there, and they kept it up. They held a meeting there, and it was not satisfactory. We expected Congressman Rainey and other distinguished speakers. They failed to come; on account of the intimidation that was shown, they decided to go back to town. The procession was reformed and they went back to town. When they got back to where these democrats were at the depot, a detachment got in front of them and said they must go to the democratic meeting and hear the democratic speakers. They refused to do it, and there was quite an excitement right there, and the question was whether the republicans should be allowed to go down town or whether they should be compelled to go to the democratic meeting. They finally allowed them to go down town. Immediately on getting straight, the democratic horsemen galloped across the streets where the procession would have to pass. The republicans attempted to force their way through, and that was the signal for another disturbance there. Mr. Coghlan and Spears went to the court-house steps and called for the republicans there, and immediately the democrats ordered Coghlan down, and commenced threatening him. He persisted in speaking, and the town bell was rung as an alarm. I have found out since that it was a prearranged matter that the town bell should be struck as an alarm for the democrats to fly to arms. The town bell was struck, and immediately the brass pieces were rushed down to Main street, loaded with ten-penny nails, and were so arranged as to sweep the street in the direction in which the republicans were.

* * * * * *

We held a meeting on the Saturday previous to the day of election. The election was held on Tuesday, and that meeting was not disturbed Mr. Dargan said in my presence that they did not intend to disturb the meeting any more, and that they had agreed upon another plan, and if we only knew what their plan was it would be useless for us to hold any meeting. Well, the night of election we learned it was their purpose to use tissue ballots, as they did not succeed in intimidating the colored people as much as they thought they could; and they found out that instead of intimidating them they only united them the more.

CAPABILITIES OF THE NEGRO.

Mr. Chairman, reflect upon this narrative for a moment. This is the language off-hand of a colored man taken down by a phonographic reporter just as it was uttered. What does it import? How sagely we at the North can converse about the capabilities of the black man and wonder if it was wise to admit so much crude material to all the benefits of the elective franchise at once. Why, sir, where this side of Plymouth Rock has more intelligence, bravery, fortitude, or fidelity to principle been shown or better judgment exercised than by these same poor hunted, hounded, persecuted people of the South?

OTHER OUTRAGES.

I have no time to trace the same things through the county of Williamsburgh and other counties of South Carolina, where prominent republicans like Mr. Swails, now a refugee in this city, were arrested by armed mobs on the public highways and forced at the muzzle of revolvers to leave their homes, property, wives, and children, and flee for their lives; where United States officers were arrested upon false charges and dragged to prison; where bands of armed men appeared at the polling places and carried matters with a high hand; where guns were fired and graves were dug on the night of election, and men inquired for at their houses with the avowed purpose of having a funeral! Let it not be said that the wild and the ruffianly only were engaged in these things. The testimony shows that members of the local democratic executive committees and prominent lawyers and doctors and editors were directly engaged in them. True, in isolated cases, prominent democrats were disgusted, like Mr. Moise, of Sumter, who, when Mr. Butler Spear came to him and said, "Mr. Moise, is this the way to get democratic votes?" answered and said:

No, sir; that is not the way to get democratic votes. I was very indignant; I didn't approve of that sort of thing.

But while men have arisen here to disown these things, what man on that side of the Chamber has risen to denounce them? Sir, after this recital, after this perfect saturnalia of fraud, violence, and tumult, I know of no finer bit of irony than that contained in the following extract from a speech delivered by Governor WADE HAMPTON at Barnwell, July 4, and published in the Charleston News and Courier July 8, 1878. He said:

If it is thought that we can be successful in this election by fraud—and I have heard some rumors floating through the State occasionally intimating that we have the machinery of elections in our own hands, and that we could count in anybody we pleased—I tell you, people of Barnwell, and people of South Carolina, that if you once countenance fraud, before many years pass over your heads you will not be worth saving, and will not be worthy of the State you live in. Fraud cannot be successful, because the chosen sons of South Carolina form the returning board now. The men placed there as representing the truth and honor of South Carolina would die before they would perjure themselves by placing men wrongfully in office.

But let not all the blame be cast on the Palmetto State. Louisiana and others, if they had less tissue ballots, had more violence and bloodshed. I have no time to trace these, nor is it necessary. The committee in one paragraph of its report has summed up all as to Louisiana as follows:

SUMMARY OF MURDERS AND VIOLENCE.

The examination of the committee, it will be seen, was confined to but seven of the fifty-two parishes of Louisiana. In these seven parishes the evidence shows there were murdered "for political purposes" during the campaign of 1878, John Williams, (page 45;) Robert Williams, (44, 57, 186, 192, 236, 347, 470;) Luke Wiggins, (44, 48;) Lot Clarke, (46, 58, 62;) Billy White, (46, 47, 62;) Greene Abrams, (49;) Josiah Thomas, (58;) Charles Bethel, (192, 236, 337, 347, 561;) William Singleton, (178, 191, 348;) Monday Hill, (186, 192, 236, 347, 469;) Louis Posthelwaite, (186, 347;) Richard Miller, (192, 236, 347;) James Starver, (192, 347, 473;) Commodore Smallwood, (236, 348, 355;) Charlie Carroll, (236, 355;) John Higgins, (278, 348;) "Doc." Smith, (347, 355, 359;) William Hunter, (348;) Hyams Wilson, (348, 355;) Wash Ellis, (348;) Asbury Epps, (244, 348;) John Robinson, (355;) Rufus Mills, (416.) Besides these there were fully as many others murdered whose names the committee were unable to ascertain, whose corpses were seen, by witnesses who testified before the committee, hanging on trees or lying dead in the streets or fields. Dozens more were wounded from shots fired at them with murderous intent, some of whom were present as witnesses before the committee exhibiting their scars; others were whipped or beaten and mutilated; wives were tied up by the thumbs and whipped for refusing to tell where their husbands were secreted; scores of leaders in politics among the colored men were driven from their homes, leaving their crops in the fields and their families unprovided for. In brief, a literal "reign of terror" existed, and in fact still exists, over a considerable portion of Louisiana, as the result of the policy adopted by the democracy for perpetuating its rule in that State.

NEGRO EXODUS.

Mr. Chairman, if any man doubts the truth of the above let the grim and silent procession now moving from the banks of the Mississippi toward the North be his answer. It is as though the judgment of God had fallen upon the South at last. War, pestilence, or famine could hardly affect so deeply the currents of her prosperity as this exodus of sturdy laborers, if not speedily checked by the granting of ordinary rights and at least so much protection to life and limb as is accorded to the beasts of the field. Sir, for one I have but little to say on this new phase of the question. Addressing the colored people at my own home in the summer of 1877, I chanced to say then what I can only repeat now, but what I should not stop to repeat but for the fact that it seems about to be verified by actual experiment. It is this:

I am aware we are told that peace now reigns throughout our southern borders such as a quarter of a century has not seen before; and that in the States of Louisiana and South Carolina contentment and thrift are everywhere.

But I cannot forget that following this announcement comes the further fact that the negro, who is so naturally attached to locality and soil that neither whips, nor scourges, nor even slavery itself could drive him away, now for the first time under this benign reign, in the single State of South Carolina to the number of forty thousand, lift their hands to heaven and avow their readiness to take to the open sea and sail away from their native shores forever; and that four thousand have actually put their pens to paper binding themselves to carry out this determination.

* * * * * * *

You have the sympathy and pity of the people. But you need something more than pity. You need that strength which never fails to command respect. How are you to obtain it? The answer lies in a nutshell. Let the colored man stand upon his own acres, let him become the owner of ships and mills and factories, and the prejudice of race and color which impedes his progress will pass away. I sometimes think that the man without a home, however humble, stands next to the "man without a country."

What better qualification for a good citizen than to feel that he has an interest in the community and that he is a part of it? That he stands on his own soil, however limited the area, the air above him reaching up to heaven, the earth beneath him running down to China, and he holding the title deeds to the whole thing? Why, I sometimes think that land is as necessary to the healthy growth of a man as to the life of a tree.

So I would say to your race, instead of taking to ships and sailing away from your native land just when a better manhood is dawning upon you, go out upon its free prairies, or into its beautiful woodlands and become rooted to the soil. I would if I could, revive and thunder in your ears the memorable words of that greatest of black men who ever lived, Toussaint L'Ouverture, he who in the darkest days of San Domingo rose upon the tempest and controlled the storm. He told his countrymen that their only hope was to diligently devote themselves to agriculture and become owners of the soil.

So let forty thousand of your race to-day go out from South Carolina, or from any other Southern State, and under competent leaders and with proper preparation, and settle upon the free lands of the Government, not as an isolated colony, but interspersed where your rights will be respected and your liberties preserved, and my word for it, from that hour, the protection of your fellows and their families in the South is settled without the firing of a gun. Have you not the spirit to do this? Do you not owe it to yourselves and to your posterity? Has not this country poured out its treasures, and shed its blood like water to give you a better manhood? Can it fight your battles forever? Are you content to crawl at the foot that kicks you and forever lick the hand that smites you? If you are, even Anglo-Saxon grit and sympathy must abandon you at last, and you are doomed to die as you were born—slaves! But I draw no such dark picture of your future.

Mr. Chairman, I can but rejoice that the prospect so faintly outlined is now, in strong and able hands, moving onward to success. Ah, sir, I can but believe that in addition to all that eminent men, statesmen, and philanthropists are doing, the hand of God Himself is in it, and that it means a higher and better manhood, a juster distribution of human rights, and, last and best of all, a final and peaceful solution of this southern question which has so long rent and torn our country.

AN APPEAL FOR PEACE.

Gentlemen of the South, you think us moved by a spirit of hate; you think us actuated by selfish motives; you imagine that we seek to keep open these sectional issues for political purposes. You were never more mistaken in your lives. If there is anything the people of the North long for, yearn for, pray for, it is political peace and commercial prosperity. Without fact to stand upon a sectional issue could not live an hour in the North; the people are tired of sectional issues; they want peace, but they love justice. They realize that you suffered in the war as well as they; that your homes were stricken, your fields laid waste, your cities made desolate; they know that in defeat your pride was wounded, and that in all you do you have to contend with the education, the associations, and the surroundings of a life-time; they appreciate your genial ways in social life, and we of the West realize how many interests we hold in common with you. Let this reign of barbarism cease; let social ostracism for political opinion be no more; let the example of your brave Longstreet and your General Key be followed. In short, let all the people of the North see you come one step in dead earnest and they will go ten to meet you, though they tread over a hundred battlefields and a thou-

sand graves, filled with their loved and lost ones! You cannot contend forever; the edicts of nature, the laws of God, the immutable principles of right are stronger than you. A truce to sectional strife: let the rights of all be respected; let the citizen rest in security; let the bow of peace span the heavens, filling the firmament with its radiance and lighting up every home with the joy of its smile. Then, indeed, will our country have needed repose, and—

> No more shall trenching war channel her fields,
> Nor bruise her flowerets with the armed hoofs of hostile forces!

Legislative, etc., appropriation bill.

SPEECH OF HON. THOMAS EWING,

OF OHIO,

IN THE HOUSE OF REPRESENTATIVES,

Friday and Saturday, April 25 and 26, 1879.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. No. 2) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes—

Mr. EWING said:

Mr. CHAIRMAN: Ought we to repeal the laws which the democratic party in Congress propose to repeal? Has Congress the power, and is it expedient to place the provisions of repeal on appropriation bills? These, and these only, are the legitimate questions for discussion here and now. But instead of confining themselves to a discussion of these questions, the gentlemen on the other side have seized upon these propositions for repeal as a pretext for inaugurating a presidential campaign upon the issues of sectional hate and distrust, hoping thereby to escape trial and condemnation at the bar of public opinion for the vicious legislation for which they so richly deserve to be wholly expelled from power.

These provisions of law we propose to repeal are no part of the war settlement. The clause permitting troops at the polls, and the jurors' test oath clauses are belated remnants of war legislation, but no part of the war settlement; while the supervisors and marshals' code was invented six years after the end of the war by the republican party to protract its hold on power against the will of the people.

Sir, I yield to no man in determination to preserve and perpetuate all the just settlements and results of the war; I would not yield one jot or tittle of them at the demand of any party or section. But as a Union soldier, proud of my service, and unwilling that anything we won should be surrendered, I denounce this legislation as a plague spot upon the body-politic, and I denounce the clamor raised against its repeal as calculated to cheat the people of the North of the great object of their sufferings and sacrifices—a restored, harmonious, and prosperous Union. If I know the feeling and purpose of those with whom I bore arms under the Union flag—of that million of men who, like my colleague, General WARNER, and myself, went from the republican party into the Army, or that other million who, like my colleagues Captain FINLEY and General LE FEVRE, went from the democratic party into it, they did not fight that the North might first subdue and then rule over the South, but only to preserve the Union, "with all the dignity, equality, and rights of the several States unimpaired." [Applause.] Nor did they fight that the party which conducted the war might have an unlimited lease of power either by perpetuating its passions, or by trespassing one inch upon the inherited liberties of the people. [Applause.]

Two short months ago my distinguished colleague from Ohio [Mr. GARFIELD] thrilled this House and the country by the noble declaration that it was time for sectional strife to cease, and that no man could gain position in intelligent public opinion by further protracting it. At the very close of last session he declared his willingness to vote for the clauses prohibiting the use of troops at the polls and repealing the jurors' test oath, as they are now on these very appropriation bills.

Mr. GARFIELD. No, sir.

Mr. EWING. Yes, sir.

Mr. GARFIELD. I do not want to be misunderstood and my colleague I am sure does not want to misrepresent me. I have said repeatedly, and have so said in the course of this debate, that I was willing to repeal the whole law of 1865 that gentlemen on the other side found fault with. But I have never said that I was willing to pass this modification of the law which would make the condition of matters infinitely worse than it was originally.

Mr. EWING. I will quote the gentleman's language. He said:

> I am free to admit for one that these enactments were passed at a period so different from the present that probably we can, without serious harm, muster them out now as we mustered out of service the victorious armies when the war was done. For myself I see no practical serious objection to letting these sections go.

Mr. GARFIELD. The sections of the law of 1865.

Mr. EWING. That meant just what we are proposing to repeal.

Mr. GARFIELD. And if the gentleman will allow me, let me remind him that we introduced on this side at this session a resolution to repeal the two sections of that law, and every republican voted for it and every democrat voted against it.

Mr. EWING. We were differing about three things. The first was the clause that we inserted on the Army appropriation bill. Second, the jurors' test oath. Third, the supervisors and marshals law. Those provisions as to the use of the Army at the polls and as to the test oath were in the appropriation bills of last session in the very words in which they are now in these appropriation bills. And the gentleman from Ohio said:

> I for one am willing to abandon the first of these two differences, to give up the clause in relation to the use of the Army and to give up the jurors' test oath if the other side will abandon the attempt to repeal the election laws.

Mr. GARFIELD. I wish to ask my colleague will he agree to that himself now? If we will give up the first two points, will you give up the other? [Applause on the republican side.]

Mr. EWING. We are not talking about what I will agree to. That is utterly idle. We then differed on three provisions, and you agreed to give up two of them just as we had agreed upon them and put them on the appropriation bills.

Mr. GARFIELD. Are you willing to give up the other?

Mr. EWING. I will talk to you about that at another time. *Then* he was willing to put these clauses on the two appropriation bills. They were all right. But in less than a month a proposition to do the same thing exactly was met by him by the thundering declaration that it was practically a renewal of the civil war by southern democrats, who, having failed to shoot the Government to death, were now resolved to starve it to death.

What is there to justify this renewed and protracted clamor against the South? Nothing, absolutely nothing. The great question about which the North and the South went to war is settled forever, the question of the right of secession. Our forefathers differed about it; they failed to settle it in the Constitution. The southern people believed the right to exist after the Constitution was adopted; the northern people believed it did not exist. Both were sincere; both had eminent authority for their interpretation—Hamilton and Washington on one side, Jefferson and Madison on the other. The first gun fired on Fort Sumter swept the question from the forum to the battle-field, the highest of human arbitraments. There it was irrevocably settled. The South now, without conceding that they were originally wrong or unfaithful to their honest interpretation of the Constitution—which is a concession we have no right to expect or ask—do concede at all times and everywhere, and with almost absolute unanimity, that the question is decided against them, and that from that decision there is and can be no appeal.

The amendments of the Constitution to secure liberty, equal rights of person and property, and franchise to the emancipated slaves; to guarantee the public debt and pensions and bounties to Union soldiers; to prohibit payment for slaves, or for debts or losses incurred in aiding the rebellion, are all accepted and acquiesced in throughout the South. Every security asked by the victors has been yielded honestly by the vanquished. Ten years have passed since the last of the conditions of settlement prescribed by the republican party were fixed in the fundamental law. In that ten years no more constitutional guarantee has been demanded, and no man can say that in this country now, from one end to the other, there is an intelligent being who thinks for one moment of questioning the absolute finality of the settlement. [Applause on the democratic side of the House.]

I do not deny that here and there in the South outrages on the rights of colored men occur. But these wrongs are almost in every instance the inevitable result of the systematic attempt of the republican party to keep up the color line; to array the blacks in hostility to the whites under the lead of white adventurers supported by Federal power, and by a partisan enforcement of this harsh, exasperating, and vicious legislation which we now propose to repeal.

You know, gentlemen of the republican party, that it is idle to expect that the white race of the South or the white race of the North anywhere in any State, county, or city, will submit to negro domination. You know that there is not a city or county in a Northern State in which if the negroes had the numerical majority they could take and hold political power without as much riot, resistance, and political disturbance as have occurred in the most disturbed portions of the South. [Applause on the democratic side of the House.]

Mr. OSCAR TURNER. Yes; and more too.

Mr. EWING. Yes; because there is not that kind feeling toward the blacks in the North that there is in the South. Race antagonism is fiercer and stronger with us, far stronger. You built up your negro and carpet-bag party in the South and propped it with bayonets and marshals, and supervisors and packed juries, knowing perfectly well it must tumble down, and intending to breed discord between whites and blacks and thus keep alive throughout the North the fires of sectional hate and distrust in order that your party could continue to hold that control of the North which you could not maintain on the real living issues of the day. [Great applause from the democratic and greenback members.]

But we are told, Mr. Chairman, that this Federal intervention in the South was necessary to protect the rights of the negroes. I deny it, sir. The whole history of reconstruction since 1869 disproves it.

Federal intervention has been the cause, the one great, lasting cause, of race disturbance there. From the States from which the Federal power was early withdrawn—Virginia, Texas, Georgia, North Carolina—there has come up hardly a complaint of race disturbance from the end of the war until now. The outcry has come from the

States where you kept the Federal arm longest; where you organized most thoroughly your machinery of supervisors and marshals; where you most persistently forced that impracticable and monstrous organization of parties on the color line; where you constantly held over the white race the threat of black rule, under carpet-bag direction, which has always proved a rule of ignorance, profligacy, and vice. [Applause on the democratic side.]

When you take into consideration the natural dominating spirit of our race, no stronger in the South than in the North; when you take further into consideration the fact that the whites in the South own nearly all the property, and that negro and carpet-bag supremacy has always resulted in taxation of property up to the very verge of confiscation, you have conditions that make black domination in any Southern State utterly incompatible with civil order. [Renewed applause.]

Must negro suffrage therefore be abolished? Not at all. But the color line must be abolished. If we want peace we must not have race organization in the South or anywhere. Withdraw from the southern whites this threat of black domination, and they will divide into political parties on local and State and national issues just as do the whites of the North. The colored people will divide also, and be courted for their votes by both parties. The angry antagonisms of the past will not again be revived by struggles for a race supremacy as hurtful to them as it is intolerable to the whites. Their usefulness as the chief prop of the industrial organization of the South and their natural kindness and docility so strikingly displayed throughout the war—and even during the passionate struggles in which they have been the tools of the carpet-baggers and the northern republican party—generally protected them against personal wrongs. Stop that vain and mischievous struggle; leave them and the whites free to form parties on other issues than race supremacy, and the ballot will become to them a badge of dignity and a title to respect which will promote instead of impairing their elevation and happiness.

Why, then, can we not have peace and concord and fraternal union? Simply because the republican party wants to profit still further by the hates and fears engendered by the war. These have been their political capital from the end of the rebellion till now. Aided by them they have carried through without successful question their infamous series of finance measures which have blighted the hopes and fortunes of the masses, white and black, North and South, and have built up a powerful and arrogant money aristocracy to rob the people and rule the Republic.

Mr. Chairman, but for this eagerness of the republican party to inflame again the passions of the war and to use these statutes to defeat the will of the people, there would be no voice raised against their repeal. None of them can be defended as proper to remain permanently in our code. Let us examine them one by one.

TROOPS AT THE POLLS.

The amendment we recently put on the Army appropriation bill was to strike out the words "or to keep the peace at the polls" in the following section of the Revised Statutes:

SEC. 2002. No military or naval officer, or other person engaged in the civil, military, or naval service of the United States, shall order, bring, keep, or have under his authority or control, any troops or armed men at the place where any general or special election is held in any State, unless it be necessary to repel the armed enemies of the United States, or to keep the peace at the polls.

To which was added the following amendment on motion of the gentleman from Indiana, [Mr. NEW:]

Provided, That nothing contained in this section as now amended shall be held or deemed to abridge or affect the duty or power of the President of the United States, under section 5297 of the Revised Statutes, to enable the United States to comply with section 4 of article 4 of the Constitution of the United States on application of the Legislature or executive, as provided for in said section.

The reason we insist on forbidding the use of troops to "keep the peace at the polls" is twofold:

First. Because such employment of the Federal Army is not warranted by the Constitution. All publicists agree that the General Government has no power on its own motion to use the Army of the United States within any State as a general constabulary force, to keep the peace either at the polls or elsewhere. My colleague [Mr. GARFIELD] says that by striking out the words "or to keep the peace at the polls" we prohibit the use of the troops there, even to suppress resistance to civil officers. That is so, and I grant that if the General Government has the power to send civil officers to the polls in the States to perform duties there it should have the power to employ the Army to suppress resistance to their authority. But I will show in discussing the election law that it has no power under the laws now in force to send a civil officer to the polls in the States to perform any function respecting elections, and therefore it has and should have no power to send its troops to the polls for any purpose.

Second. Such use of the troops is not only unconstitutional, but hostile to the traditions of our people and the safety of republican government. A ballot-box surrounded by bayonets is an abomination and a mockery. It has never before been tolerated by a free people. Prohibited in England for centuries, it was resorted to here, following the example of the bogus republic of Napoleon, as part of the machinery of reconstruction. It belongs to that disgraceful era which the American people will never suffer to return, when the Army was put to the base use of packing and dispersing Legislatures for the benefit of the republican party.

I fear, Mr. Chairman, that the change which seems to have come over the republican leaders, since last session, respecting this provision of repeal is due to the fact that on reflection they have concluded that their party may need the power to use the troops at the polls in the fierce contest of 1880. It may be made very serviceable, not only at the South, but wherever in the North the interest of the republican party may demand it. A great and dangerous power is sure to spread. The supervisors and marshals were at first employed in the South alone—then, in 1876 and 1878, were used over the North. If the people acquiesce in these Federal appliances to control elections, the party in power which first greatly needs their use will not be slow to employ them as widely and generally as its interests may dictate. This unconstitutional and dangerous power ought to be expunged from our statute-books—not to strengthen the democratic, not to weaken the republican party, but to obey the Constitution and vindicate the right of the American people everywhere to a free and unawed ballot.

THE TEST OATH.

Section 820 of the Revised Statutes provides that to have engaged in the war of the rebellion or to have given aid or comfort in any manner to those who were in it shall be ground of disqualification for grand or petit jurors; and section 821 provides that a test oath may, in the discretion of the court, be administered to persons summoned to serve as such jurors, or as veniremen, or talesmen, and any person refusing to take such oath shall be discharged from such service. These provisions were originally enacted in 1862, in the midst of the rebellion, and were repealed by a republican Congress by the act of April 20, 1871, but were through inadvertence re-enacted in the Revised Statutes on the 22d of June, 1874. But as they are well known to have been inserted and enacted in the Revised Statutes by mistake, and as their execution is left to the discretion of the court, they should never be enforced by an upright judge. Yet they are in many districts of the South rigorously applied to exclude almost all the whites from the jury-box of the Federal courts—especially in the numerous political prosecutions now going on under the election law.

Without criticising the expediency of this test oath when enacted in the midst of the struggle for the preservation of the Union, I speak only the sentiment of every fair-minded man, republican and democrat, when I denounce it as being now utterly cruel, unjust, and indefensible. It is merely an instrument of oppression of the white people in the hands of a few miscreants who disgrace the Federal judiciary in some of the Southern States. Its repeal is demanded by a sense of justice and fair play, which the most violent partisanship cannot disregard.

SUPERVISORS AND MARSHALS.

The last of the amendments insisted on by the democratic party is the repeal of the most objectionable features of the election laws of February 28, 1871, and June 10, 1872, now embodied in the Revised Statutes under the title "Elective Franchise." As these laws now stand, they authorize the appointment by the Federal courts of two supervisors of elections at any or all election precincts in the United States, with power to take control, in effect, of every registration and of every election where a member of Congress is to be voted for—to personally scrutinize, count, and canvass every ballot, and, in the absence of the United States marshal, or his general or special deputies, to exercise the power conferred on marshals and their deputies. These laws further authorize the appointment by any United States marshal in any city of twenty thousand inhabitants or upward of any number he sees fit of deputy marshals, to hold not over ten days for each registration and election, at a compensation of $5 a day; and the same pay is allowed the supervisors in such cities. These marshals, and supervisors acting as marshals, have power to arrest and imprison, with or without process, any citizens whom they believe or pretend to believe to be interfering or to have interfered in any manner with their duties, or to have in any way violated the election or registration laws.

The democracy insist on the repeal of all of this partisan scheme, except that part which authorizes the employment of supervisors; and it proposes to take from *them* all power except to be present at and inspect as witnesses the election proceedings, including the reception of ballots, the count, and the return.

These provisions of the election laws now sought to be repealed, whether constitutional or not, are in violation of immemorial usage, insulting to the people, and dangerous to popular liberty. Article 1, section 3, of the Constitution provides that—

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators.

It appears by the history of the debate on the Federal Constitution that, until near the final adoption of the Constitution, that clause gave Congress only the power to alter State regulations; and that power was resisted strongly and was conceded only on the ground that the States might fix bad times for the choice of Representatives; so that by choosing Representatives after the time when one Congress had expired they might be unrepresented in a called session of the next Congress, as is the case now with California. For that, and for other kindred reasons, Congress was given power to *alter* State regulations.

Then, almost at the close of the labors of the convention, the words

"make or" were inserted—to "make or alter such regulations." Mr. Madison says, as to the addition of the word "*make:*"

This was meant to give the National Legislature the power not only to alter the provisions of the State but to *make* regulations in case the State should fail or refuse altogether.

So jealous were the people of Federal interference in the election of Congressmen that from 1789 to 1841 Congress never touched the subject. It then passed a law providing that Representatives should be elected by single districts instead of *in solido* by the States. That law was so unpopular that several States refused altogether to obey it, and the next Congress admitted Representatives elected on a general ticket, disregarding the law altogether and refusing to admit the men who were elected strictly under it. The power was thenceforth left unexercised until 1871 and 1872.

Now, I cannot quite concur with the most of my colleagues in respect of the true interpretation of this constitutional provision. I think it gives Congress the power, if it chooses to exercise it, not only to alter State regulations, but to take this whole subject of the manner of conducting elections of Representatives under its exclusive control—making such regulations as it sees fit and executing them through officers appointed by and responsible to the Federal Government alone.

But a distinction must be kept in view between *making* and *executing* the laws governing the process of congressional elections. The State has the constitutional power to make such laws, and Congress the power to intervene and alter or supplant them by a code of its own. But in executing such laws, whether they be all made by the State or all by the General Government, or part by one government and part by the other, there can, in the very nature of things, be no divided empire. One or the other government must have absolute and exclusive control of all the instrumentalities of these elections. We have here two sovereigns: the General Government with powers limited by a grant; the State government with all powers not granted to the General Government or reserved by its own people. Both are equally sovereign within their respective spheres. Both cannot occupy the same spot and control or supervise the same officers in the performance of the same duties. And when one appoints officers to do acts which it has a right to have done, the other, *ex necesitate rei*, is an intruder if it attempt to inspect or direct the acts of that sovereign or of its officers.

The vice of this legislation which we propose to repeal is that it leaves all the State registration and election officers to execute the whole code of regulations for conducting the elections, and yet sets over them Federal supervisors to inspect and direct them in performing their duties. I say this exercise of power is utterly unconstitutional. If the Federal supervisor can lawfully be sent to perform duties respecting such elections, then it follows that he is entitled to the support of the civil and, if need be, the military power of the United States, should he be interfered with or resisted in the execution of his duties. You would have then this situation: United States supervisors go to the polls to inspect, direct, and control State officers; the State officers are entitled to State peace officers and *posses* to resist any unlawful interference with them; the Federal officers are entitled to marshals and *posses* to resist any unlawful interference with their duties. Thus you have points and causes of collision between the two governments at every polling place in the United States. This is monstrous. I believe it perfectly clear that while the General Government leaves the State to appoint officers to conduct congressional elections, it has no more power to send men to inspect or direct them in the discharge of their duties than to send men to inspect or direct the governor of a State in the performance of his official duties—no more power than a State has to send men to inspect or direct a United States marshal in the lawful discharge of his duties.

Hence I assert that this whole system of Federal interference with State officers in the conduct of elections to Congress is utterly and flagrantly unconstitutional. It becomes more intolerably offensive from the fact that, for reasons of economy and convenience, the great body of State and local officers are chosen on the same ticket and at the same poll with Congressmen. So that the Federal supervision and control catches in its grasp our whole system of local politics. This law is revolution; to repeal it is to vindicate the Constitution and the traditions of local self-government, which are the fortresses of American liberty.

Gentlemen sneer at the apprehension of danger from these bad laws, and challenge us to instance abuses. Sir, it is enough that they are unnecessary and open to gross abuse to justify the demand for their repeal. They tell us the Army is too small to be used with effect in intimidating voters. But it must be recollected that throughout the South to-day a single soldier in uniform at any election precinct would be *posse* enough for any marshal to effect all the arrests he chose to make. One scattered regiment, to back up the marshals and supervisors and negro juries, would be ample in terrorizing any Southern State, and securing an election to the administration party. We need only recall the instance of Colonel Ruger invading the state-house in South Carolina in 1876 and packing the Legislature for the republican party, or of De Trobriand dispersing the Legislature at New Orleans, to be convinced that the regular Army, though small, can be most effectively used as a party machine.

HOW THIS PARTY MACHINERY IS WORKED.

In response to the demand to cite instances of the bad use of marshals and supervisors in controlling elections I take one case—the election for Congressmen in Saint Louis in 1876. I hold in my hand the uncontradicted testimony taken in the contested-election case last Congress of Frost *vs.* Metcalfe. It appears from it that E. T. Allen was appointed by the circuit court chief supervisor for the city of Saint Louis. He testifies that there was no occasion for the appointment of deputy marshals at that election, as the elections in Saint Louis had been theretofore peaceful and fair. Leffingwell, the United States marshal for that district, was of the same opinion, and refused to appoint any special deputies. Thereupon one D. W. D. Barnard, *a national-bank examiner*, who was an old acquaintance of General Grant and who had got Leffingwell his appointment as marshal, went to Leffingwell and said, (I quote from Barnard's own deposition:)

"You have got instructions from the Attorney-General to enforce the laws of the United States." "Yes, sir." "If you don't execute your orders I will see that you are not marshal much longer. The man that makes can unmake." Then said he to me, "What am I to do?" I said to him, "I can relieve you of that dilemma. Give me control of those marshals," and he says, "I will do it."

Question. Well did he do it?

Answer. I think so, sir.

Q. Was there any more necessity for the appointment of marshals for that election than for any previous election?

A. Oh, well, you gentlemen know very well that *in a political struggle for party ascendency it is necessary for the co-ordinate branches of the Government to be in accord;* and there was an effort on the part, so I interpreted it, of the party which I acted with to gain control of the House of Representatives.

One thousand and twenty-eight deputy marshals were thus appointed in Saint Louis to work for the election of the three republican candidates for Congress. A large part of them were democrats. They were selected through a Mr. John Codding and other reliable republican partisans. Democrats were preferred as deputies, provided they pledged themselves to vote for the republican candidates for Congress. Thomas Barrett, J. F. Ryan, N. W. Devoy, Michael Carroll, Matthew Horan, and Michael Welch testified that they were appointed deputy marshals on the distinct condition that they would vote for the republican candidate, and that others were appointed on the same pledge. Carroll testified that, after some talk about his politics, Codding said:

"I tell you I don't care a d——n what you are; I want you to do one thing, and I will get you the commission." Says I, "what is that one thing?" Says he, "if you will vote for Metcalfe I will get you a commission. That's all I want you to do. I don't care what you do for the rest of the party. I want you to vote for Metcalfe." He asked if I would promise to do that, and I told him yes; and then he went and got my commission, and brought it and handed it to me.

Thomas McNamara, a deputy marshal, testified that he was appointed eight days before the election, and was instructed "to move around the ward" and do all he could to help Metcalfe, the republican candidate for Congress. The deputy marshals were given lists of the voters, prepared by the republican central committee, and went from house to house inquiring whether the voters would be at home on election day. Whenever the answer was not positive, if the voter inquired about was a democrat, his name was marked for challenge or arrest. Witness said he took the oath as deputy marshal, and prepared to do the duty he was put there for.

Question. Now what duty were you put there for?

Answer. I had understood I was put there for Mr. Metcalfe's interest.

The marshals were divided into companies under captains, and Michael Welch testifies that his company were instructed on election day by their captain, O'Connor, "to bring in (that is, arrest) all the democrats they could, and keep them from voting, damn them."

By the expenditure of $20,000 in hiring these one thousand and twenty-eight bummers, and by marking five thousand seven hundred names of registered democratic voters for intimidation by challenge or arrest, the city of Saint Louis, which returned three democratic Congressmen at a fair and peaceful election in 1874, was made to return three republican Congressmen in 1876.

Bank Examiner Barnard was not disposed to hide his light under a bushel, but came to Washington to report to the Grant administration the manner of his success in electing three republican Congressmen from three democratic districts. In his testimony he reports an interview with Attorney-General Taft. He says:

Mr. Taft asked Mr. Mudd how many marshals he had. Mr. Mudd referred him to me, and said I had charge of the marshals; and he turned to me, and I said, "One thousand and twenty-eight." The old gentleman wheels round in his chair and says, "Were there no others out in Missouri you could have made marshals?" Says I, "Mr. Taft, we went in to win," * * * and he said, "*You bring a good deal of sugar in your spade.*"

Recollect, gentlemen, that this entire statement as to the execution of the Federal election laws in Saint Louis by the Grant administration is taken from the testimony given in a contested-election case in due form of law two years ago, where both parties were represented by counsel; and that its truth has never been questioned. Disgraceful as it is to the officials implicated, it is only what may be expected on a grand scale if the people shall consent to leave in the hands of the President the dictatorship over elections which these vicious laws confer upon him.

[Here the hammer fell, the hour for closing the general debate having arrived.]

Saturday, April 27, 1879.

The House having the same bill under consideration, under the five-minute rule,

Mr. EWING, in continuation of his remarks of yesterday, said:

OUGHT THE REPEALING CLAUSES TO BE PUT IN APPROPRIATION BILLS?

Mr. Chairman, the next question I wish to discuss briefly is whether we have the right, and if so, whether it be expedient, to put these provisions of repeal on appropriation bills. That we have the right

is unquestioned. The Constitution gives this House the exclusive power to originate revenue bills, and it is well settled that an appropriation is a revenue bill within the meaning of the term as used in the Constitution. It also gives to each House the exclusive power to "determine the rules of its proceedings;" and the rules of the House permit this legislation on appropriation bills, as it is "germane to the subject-matter and retrenches expenditures."

But we are told that for us to exercise this right is a threat and an insult to the President. I deny it. He has no reason to concern himself respecting the manner of our legislation transacted according to the forms of the Constitution. It is a threat and insult to Congress, and an impertinence to the President for party wranglers here to drag into this debate a discussion of his preferences respecting the method of our legislation. He should have, and doubtless has, no preferences to express on the subject—for it is none of his business.

But my colleague [Mr. GARFIELD] says that this legislation is insulting, because dictated by a caucus, which resolved to starve the Government to death if the President did not sign these bills. I beg pardon of the gentleman. The democratic caucus, if I may be permitted to refer to its action, did nothing at all, except to determine whether we would put these repealing clauses through as separate bills, or put them on the appropriation bills; not going one step further than that. And prior to that conference the caucus of the republican party determined that there should be no legislation done at this session of Congress except to pass the appropriation bills. As they have members enough to carry out their threat, we were thus presented the alternative of repealing this bad legislation through the appropriation bills, or letting it stand unrepealed.

Insulting to the President to put these measures on appropriation bills! Why, sir, does my colleague forget that in 1867, when he and the present President of the United States were in this House, they put on an appropriation bill a clause plainly violating the constitutional power of the President of the United States as Commander-in-Chief of the Army—requiring him to send his orders to the Army in a particular method prescribed by his political enemies? Surely Congressman Hayes would not have been guilty of the gross impropriety of insulting the Chief Magistrate of the Republic! Surely my colleague [Mr. GARFIELD] would not have been guilty of attempting to inaugurate a revolution! A few years ago my colleague had charge of an appropriation bill on which the "salary grab" was put, but though he was opposed to the clause he did not object to it as revolutionary, or as insulting to President Grant, though it doubled his salary for the term to which he had just been elected, in violation of the spirit of the Constitution. We all know that half the appropriation bills enacted since 1861 have had riders repealing or modifying or adding to existing laws. In fact the body of this very election law rode into our statutes on an appropriation bill; and it is eminently fit that it now ride out on one.

It is not the democrats who are insulting the President of the United States. It is the stalwarts of the republican party, who have denounced and vilified him for two years past because, like a patriot and a man of sense, he sought to put an end to their sectional agitation and restore peace to the country. It is they who are now holding the lash over him and threatening him with party expulsion if he dares to be governed by his own judgment and sense of duty instead of by the necessities of the party for a sectional political issue. My friend and colleague [Mr. GARFIELD] who was not a stalwart last session, but is a sword-and-buckler stalwart now, has recently very broadly intimated on the floor of this House that if the President signs these bills he will be acting "contrary to his conscience, contrary to his sense of duty." The gentleman from Maine [Mr. FRYE] assumes in debate here to pledge the President of the United States to veto these bills. The very pledge is but a sugar-coated threat. Another distinguished gentleman from Maine, the leader of the stalwarts, in a speech recently made not the length of this Capitol from here, said that the President ought to send back these bills without approval and say to us with all the scorn befitting his high station, "Is thy servant a dog that he should do this thing?" This is a delicate intimation that if he dare to sign these bills the whole leash of stalwarts will be turned loose on him. Another radical leader, equal in renown, says that "If the President be firm, the democracy must back down." That is, party advantage and not public good should control the President, and if he sign these bills he lacks backbone. O patriot statesmen! O watchful guardians of the President's dignity and honor!

[Here the hammer fell.]

Mr. MULDROW. If I am recognized I will yield my time to the gentleman from Ohio, [Mr. EWING.]

Mr. EWING. I am much obliged to my friend.

Mr. CONGER. I think I must object.

Mr. REAGAN. The time has been extended for several gentlemen. I ask unanimous consent that the gentleman from Ohio have ten or fifteen minutes.

Mr. CONGER. I withdraw the objection. But there are only two hours allowed for the discussion of all the amendments. If the gentleman's time is extended, there certainly ought to be an opportunity of reply.

CLAMOR ABOUT THE SOUTH.

Mr. EWING. Mr. Chairman, I see even the highest leaders of the republican party get down to the small business, to use no harsher word, of publishing lists of confederate brigadiers and soldiers of less rank who sit here in Congress. I am amazed that they are not ashamed of it. Why are the confederate soldiers here? Because the whole South, all the sweep of manhood from the cradle to the grave, had to enter the confederate army to meet our overwhelming numbers. The southern people have scarcely any other men of experience to choose from to whom they are attached by the sympathy of common struggles, common calamities, and common submission to the result. [Applause.]

I remind the gentlemen on the other side that since the confederate brigadiers have been in this House there have been no more great jobs passed through Congress; that by their action and their votes the destruction of our war money was stopped, and silver was at least partially remonetized, and the broken soldiers of the Union Army given their hard-earned arrears of pension. And I challenge contradiction of the fact that, from the beginning of the Government until now, Congress never has been purer and never guided by more patriotic purposes. [Applause.]

Gentlemen of the republican party, as you now sit and look in the faces of these ex-confederates—men of character, education, purity of personal life, with hands unsmutched with public plunder—you know that they are your peers in intelligence and ability and in devotion to our common country and its laws. [Applause.] You do injustice to your own hearts if you say otherwise. You know there is not a latent purpose of disloyalty either in them or in the great masses of the southern people they represent. And you know that if the honor of this country were assailed now, anywhere or in any way, they would fly to its support with an ardor as strong as ever burned in your own breasts. [Applause on the democratic side.]

Southern claims will be prated about on every stump at the North, I suppose, in the coming campaign. Southern claims!—when you paid over $100,000,000 of the people's money on them, and when, since the South has had true representation here, the whole southern-claims business has been in effect finally squelched. You republicans only ten days ago came up with absolute unanimity and voted against the bill of the gentleman from Wisconsin [Mr. BRAGG] to repeal the law establishing the southern claims commission, while the southern Representatives voted to repeal it.

[Here the hammer fell.]

Mr. MCMILLIN. I move to strike out the last word, and will yield my time to the gentleman from Ohio, [Mr. EWING.]

Mr. CANNON, of Illinois. If the same courtesy is extended to this side.

Mr. CONGER. With the understanding that unanimous consent will be given to this side for the same purpose.

Several MEMBERS. Of course.

The CHAIRMAN. That will be the understanding.

Mr. EWING. You are crying out for peace at the South and protection for the negroes when you are inaugurating a policy which you know necessarily makes peace impossible and endangers the happiness and prosperity of the blacks.

You know, too, that this whole country pants for peace. You know that every great interest is suffering because it is covered with the cloud of dust you raise in every campaign to obscure the issues that the people ought to be thinking and voting about. And you know, moreover, that you would meet those real issues now, if you were not aware that the moment they become the controlling questions the republican party will be driven from power.

Possibly you may again win power by renewing this sectional agitation; but you omit from your calculation one important fact. Within two years past a half million of men in the North have left the republican party and joined the nationals. Will you call them back by blowing the old bugle? Will you thrill them again with sheet-iron thunder about the South? Will they shed tears again over your Eliza Pinkston stories? [Laughter.] No, gentlemen. Two or three years ago they were troubled about the negroes; they are distressed about their own wives and children now.

We are denounced as inaugurating partisan legislation. Not so. What we ask is that there shall be no partisan legislation, but obedience to the Constitution and respect for the traditions of local self-government in which you and ourselves, your fathers and our fathers were reared. If you fear the democratic city of New York, we fear the republican city of Philadelphia, where we suffer as much by illegal voting as you do in New York. I utterly reject the proposition to change our constitutional forms and usages to meet local exigencies in a few great cities. Let them and the States in which they lie meet their local troubles as best they may. Moreover, the chief cities of the North are about evenly poised between the two great political parties. Either party can come forward now and ask for the repeal of these laws without just accusation of seeking undue advantage. We ask their repeal solely for the purpose of bringing this Government back to "the old paths, where is the good way"—to the theory that the people are the pure fountain of government, and that every step you carry power from them is a step toward making the Government more corrupt and irresponsible.

If it be true that the people of this country cannot be trusted to hold congressional elections conducted by State officers under State laws, without the intervention of the Federal civil and military power, without troops and marshals and spies to watch and command their officers and drag them for disobedience to remote courts for trial and

punishment—if the people have become so corrupt that good government requires that they be subjected to this despotic and hateful espionage—then our Republic is already rotten and its foundation built on stubble.

But it is not true. Outside of the cities the purest governments of this country are those that come nearest the people: first, the town and township governments; next, those of the counties; next, those of the States; and last of all, the Federal Government. Any abuse in our State and local administrations is almost always promptly punished, because the power is in the hands of those who know the wrong and demand enforcement of the penalty. But the Federal Government, remote from the people, is held to a far less strict responsibility. It may organize election outrages under this system, with a corruption fund drawn from the Treasury and from a host of officials, and it need but strike at a few critical points to accomplish its purposes; while the localities injured will have no power of redress, and communities elsewhere no distinct appreciation of the wrong. Leave the tremendous enginery of these test oaths, troops, supervisors, and marshals in the hands of the President, and, though the power may not just now be used at all, the day will come when it will be exerted to the utmost. It were a blind fatuity to let this legislation stand on the go-easy theory that the power it gives the President to control congressional elections will never be put forth. Sweep it from our statute-books, and then it cannot be used. Let it stand, and it may soon be wielded by a bold and bad Executive to subvert the Republic. [Great applause on the democratic side.]

Federal Meddling with Elections.

SPEECH OF HON. S. S. COX,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, April 17, 1879,

On the bill (H. R. No. 2) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes.

"What is representative government good for?" Our reply is, It is good, especially good, good above all others, for doing the thing a government should do. It is bad, especially bad, bad above all others, for doing the thing which a government should not do.—*Herbert Spencer's Essays*, page 207.

Mr. COX. Mr. Speaker, extraordinary emergencies demand extraordinary methods. Wherever possible, unity should be given to all bills, both as to style and matter, which are here proposed. Good legislation is best had by compressing one subject into one bill, so that each proposition of an appropriation or other bill should stand or fall on its intrinsic merit or demerit, either for legislative or executive action.

UNITY IN LEGISLATIVE BILLS.

There is a unity in all things. There is a unity in nature, there are unities in art, in the drama, in chemistry, astronomy, and in fact in all the sciences. All nature is bound up in one bundle, while in its variety of mind and matter there is unity of design and operation. In the government of God this unity is most apparent; yet where is there such variety in unity? Why should human government be left out of this general law? Why should it not rule in the framing of laws for human society? Is it not wise, judicious, convenient, and honest that one statute should comprehend one subject? Why not discard all others? The wisest men, men of large experience and philosophic forecast, have inserted in our constitutions and ingrafted upon our progressive social philosophy the idea that every law should contain but one subject, and as if to insure the salutary operation of this rule should succinctly state that object in its title.

I dwell upon this practice of legislation because it meets us here at every step in legislation. In my absence, the gentleman from Massachusetts, [Mr. ROBINSON,] whom it is my pleasure to honor, in remarking upon Rule 120, which I introduced from the Committee on Rules in the Forty-fourth Congress, quoted from my statement that the rule should not have "so loose an interpretation as had been given to it." I did say that I never dreamed it would be carried so far as that you might tack on legislation that would extend to every department of the Government. I repeat it. That rule was primarily intended for retrenchment, and not for general legislation. It served its purpose well under the economic labors of Judge Holman and our distinguished Speaker. While I did disfavor its application to whole codes like Indian bills or post-route bills or subsidy bills as riders, I was anxious to use it to redeem the time by economy. The good sense of the rule is apparent, and the House has acted on it, in making a separate bill as to the Army at the polls.

I may be pardoned for giving more at length my reasons for this rule, as we expect to pursue it, if a veto is had upon the legislative, executive, and judicial bill.

Where two purposes are included in one law, by the nature of things, the agency employed must fulfill both imperfectly. The illustrations are familiar, and are drawn from the Edinburgh Review. A blade which is designed both to shave and to carve will certainly not shave so well as a razor or carve so well as a carving-knife. An academy of painting which should also be a bank would in all probability exhibit very bad pictures and discount very bad bills. A gas company which should also be an infant school society would light the streets illy and teach the children illy. There is no rule for good legislation so valuable as that which would overcome the "hinderance which results from multiplicity of parts." Dissensions are multiplied by it, and confusion is a consequence; but the worst feature of such legislation is, that bad legislation may get through on the merits of the good.

REPUBLICAN INCONSISTENCY.

What a loving devotion was shown by our friends on the other side, toward a good principle and practice, when our appropriation bills came into the House with riders tacked upon them! They forgot all consistency, all previous multifarious legislation of their own, to praise this beautiful and useful rule; but when we present our legislation in conformity with this rule, why have we no more peans sung in its praise? Why do the opposition here, with unbroken front, vote against and threaten a veto of an independent measure, which they promised to approve on the condition that it was engrossed in one single bill?

Inasmuch, however, as so much of this legislation which should be repealed was enacted by riders, it would not be very much amiss to repeal them by the same mode. To repeal a mischievous law, or any law, is by no means *in similicasu* with the enactment. When the repealing is done thoroughly, let us act on a lesson from the gentleman from Ohio [Mr. GARFIELD] at the beginning of this session as to contested elections: "Let us," he seemed to say, "now, at the beginning of this virginal and immaculate Congress, begin to be good and just. We have all been wrong before; let us now turn over to a clean white leaf and write our laws with the pen of the recording angel!"

While I have been strenuous both upon the Committee on Rules and in the House for this practice, as adopted by more than half the States; while amused at the pretenses of gentlemen as to "riders," the virtue of which they never knew till they were stoned with them, yet I do believe that the objections to the Army bill, in all other respects acceptable to the other side, except in the sixth military election section, are thin and untenable. They are unworthy of discussion, except as they deal, with this vicious parliamentary practice. Aside from that, there is not a scintilla to support the pseudo-statesmanship of refusing to sign a measure which repeals what is alleged to be already dead and disused, and because it is only the repeal and negation of a statute which allows force at elections under the pretext of keeping the peace.

What can be the objection to the independent bill as to the Army at elections? Does it exclude the civil posse from its operation, though armed? Does it not leave the President and his civil subordinates free to summon a force? Does it not give him every right to employ the Army and Navy even at the polls, whenever the fourth section of the fourth article of the Constitution and the laws passed to carry it out, require?

Who denies to the Federal Government a police force to execute its laws? Cannot the marshal, like a sheriff, call his posse? But we do deny to the Army, be it great or small, which is governed by articles of war, and not by the laws of the land, any police quality on election days. A soldier who obeys orders and kills a citizen cannot be tried for murder. He is amenable to no law; his business is to kill on demand. He has no place, therefore, in civil functions or franchises.

No part of the bill to repeal these election clauses threatens to domineer over the power of the Federal Government. It can still protect a republican form of government in the States and put down any domestic violence therein, when properly called upon. Nor does it interfere with the other constitutional call as to foreign invasion. Whether on election day or any other day, this same power remains. It will remain notwithstanding this bill. It remains, so that the Army and Navy can be used for the prescribed proper purpose.

Do you say such a repeal was not demanded? Have you forgotten 1870 in New York City? Do we fail to remember the State-house at New Orleans surrounded by General Grant's myrmidons? Do you forget Attorney-General Taft's prescript in 1876, and how the State-house in Columbia was guarded? In 1877 I passed into that State-house between Federal soldiers, with arms stacked in its corridors. It was high time in 1877 that Congress should demand a halt upon this despotic march. That we did; and the Army bill of that year fell. In 1878 we passed the *posse comitatus* clause. This the President approved. Then it was found that a section of the law (Revised Statutes, 2002) allowed the Army to "keep the peace at the polls." Then we struck at this fetter on free elections. It will also fall; fall it must, though the very veto may be answered by a new enactment which may also be vetoed. These separate bills are the Ithuriel spear to bring out the innate diabolism of the party of force. Is it any reason for opposing the repealing statute that the repeal is already done? Suppose it be true, as is said, that the laws already in force prevent military interference at elections. Suppose the new statute is surplusage; must the President therefore defy the majority of both Houses? But it is said that the bills are accompanied with a threat of starvation! Why, if the law had been already repealed, and if it were a good and necessary law—why does not the President ask for its re-enactment? He should, to be consistent; for if it were only

a repeal of that already dead, why beg to be "starved" when provisions are plentifully granted in the bill?

CABINET COUNSELS—THE VETO.

It is said that the President consults the Cabinet before he vetoes. If so, what will be the influence of Mr. Schurz, who held that the deed done on the 4th of January, 1874, by "United States soldiers, with fixed bayonets," in the State-house of Louisiana, was a gross and manifest violation of the Constitution and laws of this Republic? What will be the counsel of Mr. Evarts, who declared in Cooper Institute that no soldiers should interfere when men vote. "What use is it," exclaimed this gifted lawyer, "to give the purse and sword to the House of Commons or Congress, if the King or the President by military power can determine what shall be the constitution of the Commons or of Congress?" Or is the veto to be simply used petulantly, to show Congress that the President cannot be coerced into doing right? If so, where is the reason or pretext for the veto of separate bills such as we send him?

Is it said that the veto is given to the President to defend his office from the encroachment of Congress? Who proposes thus to encroach, by these repealing acts? Where does the President get the power to encroach on the States, by troops or supervisors at elections? All power of that kind, if it be constitutional, has been conferred by Congress; and is it not repealable by Congress? All who understand the object of the veto, must know that it is intended to check hasty and inconsiderate legislation, and not to be often used. It should be kept, like the diamond shield of Prince Arthur—which was under a veil, and which to "wight he never wont disclosed," except to fight monsters.

REPRESENTATIVE GOVERNMENT ENDANGERED.

Beneath these superficies of politics there lies a meaning that does not meet the eye. It concerns the very structure and spirit of our frame-work of freedom.

An English writer, James Mill, in speaking of Plato's republic and his politics, says that the ancients were ignorant of the divine principle of representation. To produce good government and happiness for states Plato had recourse to extraordinary methods; and though he failed as a ruler at Syracuse, he made the world of intellect radiant with his ideal commonwealth. More than a thousand years after Plato had speculated, men like Simon de Montefort made the practical and grand discovery which illustrates modern civilization. It is the representative nature of government. Since then, it has been roughly handled, but it has survived the revolutions of England, France, Spain, and Germany. Even after the barons failed to hold the King in check, no King of England was found great enough to overturn this system except for a time. The Stuarts went out from the roster of English royalty, because of their assaults upon the supreme power represented in the Commons. The chief features of our constitutions and bills of rights were drawn from these conflicts between prerogative and privilege. Those who contend for the privilege in America to-day are the democracy. They have the magic ring, on which the genii of Liberty wait.

PRIVILEGE AND SUPPLIES.

We assert the right of withholding supplies until grievances are remedied. The consummate flower of this historic struggle in England bloomed on the 3d of July, 1676, about one hundred years before our Declaration of Independence. It deserves to be written with a diamond pen. It was adopted by the Commons, and is not unwritten law. It is as follows:

All aid and supplies and aids to Her Majesty in Parliament are the sole gift of the Commons; all bills for the granting of such aids and supplies ought to begin with the Commons; it is the undoubted and sole right of the Commons to direct and limit and point the end, purpose, conditions, considerations, limitations, and qualifications of such grants, which ought not to be changed or altered by the House of Lords.

The Irish Parliament maintained this right. No better statement of it has been made than that of Mr. Curran on the 16th of December, 1783, on moving that it was the exclusive privilege of the Commons of Ireland to originate money bills. He said:

And if the right be once given up or wrested from the Commons they cease to be the patrons and representatives of the people; another assembly will assume that power and the people will learn to look for that encouragement and support from the aristocratic which they now receive from the democratic branch of the state, and this house will become a very cipher, and its members, instead of possessing the power of encouraging arts, rewarding merit, or, in a word, of serving the country, will become the humble solicitors of another assembly. (Irish Eloquence, p. 46.)

It is the rule of our own Constitution as the debates in our constitutional convention show. But this I have fully discussed in a former "dead-lock."

However obnoxious, in a philosophic sense, riders upon appropriation bills may be, they are justified when great representative principles are in peril. Do gentlemen believe that such riders are invalid in the light of our history? To be sure they never became common, for every variety of legislation from a subsidy to a back-pay job, until republicans obtained power. Was not the Wilmot proviso, in 1846, placed on the Army bill of three millions for carrying on the war with Mexico, a rider? It was intended to stop the extension of slavery into any newly acquired territory. It was held by the House—ayes 92, noes 32—to be in order. The rider on the Army appropriation bill offered by John Sherman in the summer of 1856 is a case in point. It led to an extra session. In it was involved the use of the Army in Kansas. Did not the leading republicans, like Fessenden, Hale, Wade, and Seward, insist that it was based on the principle of the British constitution, ever jealous of standing armies and ever inclined toward civil supremacy?

It is not a new question, but it is a plain one. It has had its answer on both sides of the Atlantic. The colonists fought about it. The King of Great Britain was indicted in the great Declaration because he kept in time of peace standing armies without the consent of the colonial legislatures and because he would make the military independent of and superior to the civil power. How often are we to fight over again the same question? Or is it the fate of republics like our own to be ever vigilant for liberty?

USE OF RIDERS IN EMERGENCIES.

Gentlemen dwell upon coercion and constraint by the House upon the Senate and upon the President. Is he not as free to act as we are? There are cases involving organic principles of public conduct, where the coercion taught us by the British constitution by withholding supplies, may be drawn into valuable analogy. It is not only justifiable but dutiful. Can there be anything more important to the people of this country than the trial by jury, or, as Blackstone calls it, "the trial by the country?" If the importance and fairness of fair jury trials could be enhanced, is it not when associated with free elections and when voters are freed, when arrested by partisan spite and hate?

IMPORTANCE OF THE BALLOT—COMMON-LAW RIGHT.

On the Army appropriation bill, I remarked that to deprive a man of his vote gave the debarred voter a common-law right of action. I then referred to a famous decision of Judge Holt. Since that time I have looked up that decision. It is the case of Ashley *vs.* White *et alios*, reported by Lord Raymond, 938. One of the dissenting judges in that case held, that the action was not maintainable, because it was *primæ impressionis*. Never, they said, was a like action brought before! Another of the dissenting judges held that it was a little thing to lose a vote, and the law did not care for such small affairs. Other reasons were given, but the case grew so great as to draw the historic pen of Hallam. It was finally decided in the House of Lords—50 to 16—against the "enervation of the privilege of voting." The old common-law equitable action on the case was held to lie against any one who contrived to damnify the voter, by hindering and disappointing him of his privilege. This may have been the first step in the path of vindicating this important right of voting without hinderance. It was vindicated, and in the courts, but long anterior to the right, were the statutes and customs of England against using force at the polling places.

In England, as in this country, this right was founded upon statutes. In England it was even a part of their feudal system connected with boroughs, with tenures annexed to the various conditions and privileges in the English realm. The eminent judge who gave the opinion in favor of the freedom of the elector could not have added more emphasis to that opinion even had he looked into the future and comprehended the enormous abuses practiced in our own country. Holding that every man who had to give his vote to the election of members to serve in Parliament had a several and particular right in his capacity as a private citizen or burgess, he exclaims with an eloquence unusual to the bench—

Surely it cannot be said that this is so inconsiderable a right as to apply that maxim to it, *de minimis non curat lex*—a right that a man has to give his vote at the election of a person to represent him in Parliament, there to concur to the making of all laws which are to bind his liberty and property. It is a most transcendent thing and of an high nature, and the law takes notice of it as such in divers statutes.

After reciting those statutes, and after showing that the damage might not be merely pecuniary, (though any injury imports a damage when a man is hindered of his right,) and after an ironical sneer at the suggestion that it does not belong to the law, but belonged to the omnipotence of Parliament as a thing of which the courts should be very tender, he boldly strikes through all the meshes which had been thrown around the case, overcomes all the impediments which the Commons, the dissenting judges, the tories, and even the queen herself had placed in the way of judicial duty, and lifting aloft the scales of English justice equipoised, exclaims: "Let all people come in and vote fairly. It is to support one or the other party to deny any man's vote. By my consent, if such an action comes to be tried before me I will direct the jury to make him pay well for it. It is denying him his English right, and if this action be not allowed, a man may be forever deprived of it. It is a great privilege to choose such persons as are to bind a man's life and property by the laws they make." If on this point the Lords of England could defy even the Commons and side with the courts; if they so defied them, as to sue out *habeas corpus* to release those from Newgate who had brought suits in the courts for their right to vote; if this case has given the law to two continents in favor of that transcendent right, why should we hesitate, in this unfeudal land of franchise and freedom, to give adequate protection not only by fair jury trials and local statutes, but by keeping far and aloof the military who may be used to keep the peace at the polls and the supervisors and deputy marshals who are present for espionage, intimidation, and hinderance? Why should not every man who is prevented by supervisors or other officers have his remedy in the courts against the Federal officers? If the franchise be a sort of property, is not its taking away, robbery? Why

should our statute-book be still encumbered with laws which lead to litigation and which were made under pretense of war powers and born of the passionate zealotry of civil conflict? To rid the country of all such obnoxious statutes extraordinary methods may be justified on the plea of highest duty.

COERCION.

A good deal, Mr. Speaker, has been said in this debate about coercion. If it be anything, it is in exercising the right of the House, whence all money bills originate, to pass an appropriation bill and present it to the Senate with such conditions as they may choose to affix. Since the Senate is now in accord with the House in their policy, this species of coercion no longer exists as an urgency upon the Senate. As to coercion upon the Executive, if there be any, it consists in our choosing our own practice. We make our own rules under the constitutional authority for that purpose, and it belongs to nobody but ourselves to say what those rules shall be. But is not this coercive feature obviated by the form in which the army-election bill is now presented, independent of the appropriation bill? Where is the coercion now? If it be said we have a rear thought and an ulterior design, and intend, if the present bill against the use of the Army at the polls be vetoed, to withhold the Army appropriation, may it not be said in reply, that we are the judges of the order as well as method of our own procedure? If two bills are before the Executive for his approval, has he not the same right to determine the order of their consideration without compromising or influencing us? Where, then, does the question of coercion appear? First, we offer to the executive department the supplies for an army of twenty-five thousand men. We have coupled it with a condition that that army should not be used for forceful purposes at elections. The Executive rejects that tender of the money of the people, which it is our duty to grant, in our own fashion, because we do not allow him to compel by arms the choice of the people in choosing us. If there be any coercion in the matter, it is in the compulsory process from the Executive. It takes this form: "I, the President, choose to starve the Army, to disband it, and to allow no protection of the frontier or against the red enemy, unless I have the right also to move that Army at pleasure, upon the polling places of the people."

But even this pretense of starving the Army by the withholding of the appropriations, on conditions which we have a right to fix, is groundless; for do we not know that this same Executive, when the Army bill failed before, kept the Army alive, after it was legally disbanded by the failure of the appropriations? How was it done? By make-shifts and illegal processes, and by drawing on the future forbearance of Congress. There was no arraignment of the President for that. The Army was thoroughly supplied until an extra session of Congress was called. To be sure, it was unconstitutional and illegal; and if we had had a tithe of the spirit of the Long Parliament and the old Puritans, impeachment would have been instituted, and even consummated, for such truculent and audacious disregard of law. So that when men talk about starving the Army it is well to consider what has been done. Who doubts but that the capitalists of the country will readily cash the drafts of our Treasury, for members of the other side, in case the legislative bill should fail? Already it is understood that the Pacific bonanza kings will pour out their wealth, to line with silver, the clouds which may darken their hopes of salary.

STANDING ARMIES.

What then? Where is the great loss? There is not even the barren apology of avarice, to justify the cry of coercion and revolution. But suppose for a time there is no standing army, or one of the size contemplated, with its cost, is it to be regretted so poignantly? The Committee on Appropriations did more than their duty, in my judgment, in giving us an Army of twenty-five thousand men. Better allow our pioneers, who understand Indian fighting, to do this work upon our border and in the Indian country, than to keep alive this Army, if it is to be used to destroy the free choice of the people. The people of this country are not so much attached to an army of this kind as gentlemen suppose.

SMALL ARMY IN EARLY DAYS.

It was not the earlier practice of the Government to have much of a standing army. When this Government began—after our peace with England, when we numbered about three millions—on the 2d day of June, 1784, Congress directed all the troops to be mustered out except twenty-five privates to guard the stores at Fort Pitt and fifty-five to guard the stores at West Point. They were to have an appropriate number of officers; no officer, however, to be above the rank of captain. On the 3d of June, 1784, a peace establishment was fixed by resolution of Congress. It provided for seven hundred men only—one regiment—eight companies of infantry and two of artillery, for securing and protecting the western frontiers of the United States. Then we had a turbulent border, but no more need elsewhere for a standing Army than now.

ACT OF 1861-1865.

Under the act of July 29, 1861, the Army was first used at elections; it was so used down to 1865 in the border States. When in 1865 the bill was passed to "keep the peace at the polls," it was not with democratic help, though so alleged here. Many republicans refused to vote for it and democrats voted against it. It gave a pretense to General Grant to interfere. The democrats could not in 1865 get all they wanted; but they got all they could, to relieve the polls of the bayonet. It is not uncommon in political affairs, when they are wisely conducted, for statesmen to practice on the half loaf or no bread principle. During the debates in the English Parliament for the amelioration of Ireland, in 1844, it was said, "Why did not the Catholics, who in 1757 and 1792 were seeking the removal of penalties, complain of the Established Church?" It was well answered, because it was not the ordinary progress of opinion; and that all grievances could not, at once, be remedied. Did we begin here in America to abolish slavery altogether? No; the slave trade was the initiative. So in the relief of the voters from the Army; we did not get what Governor Powell wanted, but we got what we could at that time.

PARTISAN ELECTION LAWS.

The obnoxious statutes as to elections which we seek to repeal were placed upon the statute-book for partisan purposes. They were intended to perpetuate party power. They were intended to fetter the white race in the South and reduce democratic majorities North. There was no demand for them, from the cities affected, or from the people; nor have any class outside of the cities affected asked for them. They were intended as a party whip and fund. Their repeal is demanded because they are capable of perversion and because they are a cloak for fraud and a provocation to violence. They deface the statute as they discredit and distrust the will of the people. They were bad in their begetting, and bad things go on invariably to worse. Their repeal is complained of as if it were intended to foster fraud or perpetuate force. Who complains? Is it the party who, in spite of all professions and in defiance of existing laws, levies an installment on Government officers at every election to bribe voters in doubtful States? Is it the party which sends its thousands of clerks from Washington to their homes to distribute and vote their tickets? Is it the party which has used hundreds of thousands of dollars out of the public Treasury to hire its riff-raff marshals and supervisors to suppress and control the franchise? Whence come these complaints? Does not the burden of them come from six New England States, with their population of three million five hundred thousand and their twelve Senators in Congress, which would enact such laws for New York, with its population of four million five hundred thousand and only two Senators? Is it from little Rhode Island, where poor white men are disfranchised by the thousand, because they do not belong to the property-holding class? Is it the party which now clings to a system of forced ballots and test-oath juries, when they see their power is departing?

Is it said "that the democracy has not suffered by the existence of these so-called paternal Federal safeguards at the polls, and that we are solid at the South and strong in the cities North?" It is often so said; and then it is added, "How could you succeed if such clamps and shackles were on your limbs?" Ah! we succeeded in spite of them. Your party is in a minority here, in the Senate, and in the country. It was made so, notwithstanding such infamous laws of force and cunning which we seek to destroy. Two persons once disputed as to the laws under which Charles I was executed. It was settled by the reply: "By all the laws he left them." So it may be said of the republican party; they were beheaded by the very laws they themselves left, after their long riot and plunder of the prostrate South and their attempts at forceful control in northern cities.

NEW YORK ELECTIONS.

When this appropriation bill and its rider were before the House last session, the gentleman from Maine [Mr. FRYE] sustained the character of Mr. Davenport and his public conduct with regard to New York elections. He quoted from the report which I made as chairman of the committee to investigate alleged election frauds in the cities of New York, Brooklyn, and Philadelphia, submitted to the House in 1877. I was not present when his remarks were made, else I should have answered him promptly. This session my colleague, [Mr. MCCOOK,] with others, has given out the same erroneous impression as that made by the gentleman from Maine. So, too, a Senator from New York and Senators from other States have drawn on this report to sustain the legislation we would repeal. That impression was, that I commended the law under which Mr. Davenport acted, or at least commended his official conduct under it. To correct that impression pertinent extracts from that report, not garbled or partial, are necessary.

But first, as to the history of this legislation as it affects New York. When this law appeared in this House in 1870, and its supplement appeared in 1871, I opposed them by vote and speech, and in the report of 1876, I took good care to give credit for its execution that year as approximating as near to perfection as possible. There were no fights, no bayonets, no disturbances, no conflicts of authority, none of the concomitants which accompany fraud and endanger free institutions. It was as unlike the elections of 1870 and 1872, 1874 and 1878 in New York City as the elections in Philadelphia are unlike those of New York. Compared with other elections in Philadelphia and elsewhere, it was distinguished by its fairness. In that report I said:

Whatever may be said about the United States law as to elections or their supervision by United States authority; whatever may be said as to the right of a State to regulate in all ways such elections, this must be said, that the administration of the law by Commissioners Davenport, Muirhead, and Allen, the United States functionaries, and their subordinates, was eminently just and wise and conducive to a fair public expression in a presidential year of unusual excitement and great temptation.

The report attributes the success in 1876 to the virtue, intelligence, and citizenship of those cities and its various organizations of both parties, and not to the law, nor wholly to the execution of the law.

What was the origin of that investigation? It was a challenge from a (then) republican member from New York, General MacDougall. He disputed the regularity and honesty of that election. I accepted the challenge; and the committee was raised. New York that year gave over fifty-two thousand democratic majority. This the investigation showed, while it proved that the charge of repeating and fraud so glibly and falsely made against New York City that year was as base as it was baseless. This the gentlemen accept now as true, by quoting my report as correct. They confess to a slander upon the democracy of 1876 by agreeing to my conclusions. Both republicans and democrats agreed, what Mr. Davenport and the district attorney, Mr. Bliss, concurred in, that the election was the fairest and best ever had in that city. But to whom was the credit due for it? Out of the one hundred and eighty-three thousand registered, about three hundred men were arrested and only thirty of them were held. Mr. Davenport himself swore that in many cases of arrest the fault was with the inspector and supervisor, and not with the voter himself. But even then it was considered a sort of relief that only three hundred were arrested; as there were fifteen hundred for whom warrants were issued, and out of them only three hundred came to the polls. Ninety per cent. of those arrested were allowed to vote as legal voters after trial. This was our best election, under a special agreement all round that it should be fair. Why was this election so exceptionally gratifying? Why did Davenport testify to its regularity and fairness? If so, why did he in 1878, after that testimony, begin to arrest men who voted in 1876, under alleged fraudulent naturalization papers? Either he was untrue in his story of the election of 1876 or he should not in 1878 have arrested men for voting wrongfully in 1876. Perhaps I can solve these questions, without imputing to Mr. Davenport anything sinister or corrupt, as did the New York Times. The State of New York and the city of New York were prepared with their civil force and their militia to repel unjust interference in the election by Federal force or otherwise. A conflict was impending in 1876, as in 1870. The better class of citizens of both parties agreed upon a plan of action. The Federal law being unrepealed and about to be executed, under fierce excitements, an understanding, after much parley, was had between the Federal and State officers and the city police, so that every precaution against fraud and force, illegal registration, voting, and arrest was taken. Let the report speak on this point:

> The United States commissioner, along with the mayor of the city and the president of the board of police, General Smith, had a meeting to allay any excitement occasioned by rumors which always precede an election. The United States marshal, district attorney, and the counsel of the corporation of New York were called in. They were men of various politics. They came to an agreement, which was signed, so as to execute the law without straining it, and so as to adjudicate without irritation or impediment the questions which might arise during the day of election. Throughout the whole length of New York—sixteen and a quarter miles—arrangements were made to prevent bringing men any distance from their homes or the polling place. The commissioners were distributed over the city, and from early morning until after the polls closed cases were taken before them, and information given by them as to voting. Four lawyers were selected—General Barlow, Mr. Alderman Billings, Mr. Marbury, and Mr. Olney. They, too, were equally divided as to politics, and the rule was adopted that whenever they found a reasonable and well-founded doubt as to a person being a legal voter, the voter should get the benefit of the doubt, so that he could take an oath under challenge, and have applied to him by the inspectors the test of the law. It was intended to provide not only against fraudulent votes, but that no person really entitled to a vote should be refused. The political organizations concurred with Mr. Davenport in this arrangement. It proved a decided success, and the result was, what all who have any knowledge of this New York election have concurred in confirming, that there was comparatively no fraud, and the attempts made to repress it were welcomed by both parties and carried out in good faith.
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> So that, as a compendious statement resulting from these prudential measures, it may be said that out of 183,000 registered voters, only fifteen hundred warrants were required against those suspected of fraud; and out of those fifteen hundred for whom warrants were issued, only three hundred came to the polls. Those three hundred were arrested, but they were generally of a class which has a right to vote.
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> The committee does not mean to justify the publication of the names of those who are thus advised that they will be arrested, for there may be many honest men in the list, who, apprehending arrest, may lose their honest votes. But, in spite of these harsh measures, which may deprive some of the franchise, the committee are decided in the opinion that the result is an astounding one, where out of 183,000 registered only about three hundred men were arrested, and only thirty of them were held.
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> Whether this work, which is unexampled, should be accounted a republican work, through their Federal election law, or the work of the local authorities and organisms, inspired by a desire for an honest vote among the people, who were especially jealous of it on account of what was occurring elsewhere, one thing the committee must report, that it approximated as near to perfection as it was possible to do.

There is no justification in this report of this law, nor of its previous execution. As my name has been invoked in Senate and House as one worthy to be quoted by republican gentlemen, I add the statement that subsequent elections have shown the comparative fairness of the election of 1876 either to be the result of exceptional goodness that year on the part of Mr. Davenport and his allies, or, as the New York Times charged, the result of some occult perfidy on his part to the republican party, that seemed to demand of him every year the atrocious abuse of his powers.

This official whose friends boast that in this one year, 1876, he acted fair and told the truth, reminds me of the culprit who was about to be hung. When the clergyman asked him if he could not recollect at some time or other doing one good action, after much hesitation and regret, he replied: "Ah, yes; once—that was to let a fellow go whom I ought to have dispatched." Like Davenport, he was regretful and troubled for doing one good thing.

Arrangements, as thus appears, were made by which those arrested should be tried at once and relieved if not guilty. All excitement occasioned by rumors of conflict which preceded the election were thus allayed. The United States authorities and corporation counsel of New York, the president of the board of police—men of various politics—came to a written agreement, unofficially, that the law as it stood, for good or evil, and as about to be carried out, should be executed without straining it. They consented, for the peace and safety of the city, to adjudicate promptly all matters in dispute at the polls. Throughout the whole length of the city, the compact thus made to prevent bringing men from their distant homes to the polling places was honestly adhered to. Commissioners were distributed over the city for that purpose. The four lawyers selected from both parties attended to this voluntary business. In all cases of doubt the voter got the benefit of the doubt, so that his vote was given.

The Federal officers were not exactly coerced into this arrangement; but they faithfully concurred in it. This the report frankly commends.

What peculiar and hidden reasons there were which led to this amicable and just arrangement, and deference to local authority, I do not now state. Some attribute it to schemes and bargains to keep certain men in local offices. However, it is true that many New York republicans bitterly denounced Mr. Davenport for his honesty that year. They charged that he lacked fealty to his party in giving the democracy a fair election! It was more than hinted that he had been purchased by the democratic leaders. I do not accept this explanation. It is not necessary to account for his exceptionally good conduct at this election on such grounds. Every one knew that New York was thoroughly democratic then, as it is to-day. There was no hope of carrying it for the republicans then, any more than there is now, unless by a corrupt combination of democratic factions with the debauched opposition. This was accomplished in 1878; and a part of the plan was the arrest of naturalized persons, which led to great abuses, and complaints on the part of the regular democracy of manifold outrages. These complaints led to another investigation by Judge Lynde's committee, hereafter referred to.

Was I not right, therefore, in vindicating, even by Mr. Davenport's evidence, which he tendered voluntarily, an election which was so thoroughly fair and democratic; especially when taunted with its bad character by our enemies in that Congress?

How unlike that election was the last one, when no such friendly arrangement was possible, though it was again attempted by the democracy. That such an attempt was made last year is evidenced by the statement from Colonel Wingate in the New York Sun of April 16, 1879, wherein he says:

> In May, 1878, in pursuance of a request from Commissioner Davenport asking for a committee of lawyers to confer with him in relation to the naturalizations of 1868, Tammany Hall had appointed Judge Quin, Mr. Cozzens, and Mr. Purroy. Upon consulting with Mr. Davenport, it was found that he was inflexible upon the point that all the 1868 certificates were void on account of the defect in the record kept by the clerk. The committee denied this proposition (taking the position assumed by Judge Blatchford) and therefore found it impossible to act with him. They thereupon established a bureau of information, and gave public notice requesting all persons having doubts about the validity of their naturalization certificates, or who had been imposed upon in relation to them, to call there and have their cases investigated, and published the United States law as to what certificates were invalid. A large number of persons called at this office, whose papers were examined, and, if found defective on account of any actual fraud or improper act, steps were taken to renaturalize those holding them.

No such arrangement being possible, the democracy did all in their power to correct any irregularities and frauds of 1868, and to avert the subsequent arrests and arbitrary conduct of the chief supervisor. The sequel will show how vain was their attempt.

COMPARISON OF PHILADELPHIA WITH NEW YORK.

How unlike the Philadelphia election of that same year, (1876,) when and where there was an excessive registration of from twenty-five to thirty thousand,—was the New York election of that year. There no amicable arrangement that year was made with the local authorities for fairness, for the local authorities were republican, and it was one-sided. What a commentary is the comparison between New York and Philadelphia! The latter city, with a population of about eight hundred thousand, had a registration of one hundred and eighty-six thousand; while in New York, with the population nearly 50 per cent. greater, the registration was but one hundred and eighty-three thousand! What a commentary is it, that over twenty thousand names registered were successfully attacked and the names stricken out by the courts! Nine-tenths of those were attacked by democratic petitions. Over eight thousand of those on the Philadelphia list were myths, "stiffs," men of the grave-yard, whose names were used by repeaters and personators. Was not the committee justified in its assertion, that Philadelphia, not only for 1876 but for many years, was a monstrous exception, inasmuch as there was a "system there fixed and crystallized for bad franchise," and that the Federal supervisors themselves aided these frauds?

NEW YORK STATE LAWS AS TO ELECTIONS.

Do gentlemen know what safeguards the New York State laws throw around the polls? Do they know what a careful code New

York has, or how a New York election is conducted? Or will they take the slanders upon that city uttered in the press and repeated recently by the Secretary of the Treasury at his Ohio home? Misrepresentation can only recoil on him who makes it. It does not stifle the truth. He who gives a false statement and deduces conclusions from it, only answers himself.

Why, sir, the Sabbath day is not more quiet than election day in New York. It is the holy day of our sovereignty. The State laws require inspection from both parties, police supervision, registration, and every precaution against militia or military presence or control. They forbid, under penalties, the calling out of her troops on election day, or within five days prior to election day. Courts are not held on that day. The cases of insurrection or invasion are an exception. All saloons are closed; the tickets are distributed from booths aloof from the polling place; the polling place is guarded by police from intrusion or rowdyism; glass boxes are used for the various tickets, sometimes six or eight in number, according to the various offices. The registry, previously taken on four separate days under great precautions, is examined for every man who appears; and when he votes his name is checked; he sees his ticket dropped through the glass, and he knows at least that it is in the box. No complaints of late years have been made of fraud in connection with the counting, at least since I have lived in New York. Rarely have we contested elections, even in local politics. Fights, rows, drunkenness, and violence are hardly known on election day. Slanders, such as have been uttered about that city, of its rum-shops, slums, and lazar-houses, pouring forth their reeking influence, spring from the baldest ignorance. And yet it would appear, as was charged here when this supervisor bill first came in, in 1870 and 1871, that it was directed solely against New York, because of the ineradicable corruption by which the city always voted democratic.

NEW YORK—THE SHINING TARGET.

That democratic city seemed to be a shining target for the aim of radicalism. There was malevolence enough in Congress, during the first few years after the war, against that island city to have sunk it in its harbor; but such malevolence is limited, though not always impotent. It was not enough to discriminate by legislation against its commercial and other interests, but you must send there Army and Navy and a cohort of spies and paid canvassers. Never was there such a collection of lazzaroni under the pay of King Bomba in the worst days of Naples, in 1850-'51, as Davenport gathered for the execution of your Federal laws. When in 1871 I referred to them I only produced facts patent to all when I said:

After all this preparation of force the object failed. The democracy carried city and State, and the State outside the city. Why? Because of the corrupt practices and unjust conduct of the Federal officers in the city. True, many voters were intimidated and failed to register; but their places were taken by the hitherto indifferent but then indignant citizens. The mayor, ever prompt for the honor and fame of the city of his birth and choice, and desirous of a fair election above all things, made a list of officials, to be presented to Judge Woodruff. They were men representing the democratic party under one provision of the law. The list was made up of men of business and respectability. Every one of the list had his address in the directory and affixed to his name in the list. They were scrutinized and indorsed by two eminent attorneys—one a republican, Mr. Stoughton, (since minister to Russia,) and the other, George Ticknor Curtis. This list was handed to the judge. The mayor in person urged their selection. Instead, however, of selecting from each party an equal number and taking this list as the democratic portion, what did he do? He rallied the bad houses and slums; he selected, as Governor Hoffman demonstrates, the thieves, bullies, vagabonds, blackguards, and cut-throats, men without business or character. He skimmed from the boiling caldron of venal politics and crime the very scum of New York City as Federal agents of registration and election. This was done to make a pure, fragrant election—Lord Holt's "transcendent thing!" He had selected those who were morally afflicted with that wholly incurable disease, vermin-gendered, called *trichinosis*.

Lists of this crew of Federal appointees appeared in the papers. The correctness of their description was unchallenged. The police reports previously and up to and after the election furnish the various qualities for an official under this judicial execution of this injudicious law. Wife-whippers, penitentiary-birds, and street vagabonds, beastly bloats, and convicted felons thronged Chambers street, three thousand and more, for some days, fighting and swearing for precedence to get their Federal commission and their fees under this sort of legislation. I saw this "rakehelly rout of ragged rascals," more detestable than

"The race obscene
Spawned in the muddy beds of Nile."

They polluted the very gutters in front of the Federal officers. They drove the marshal wild with dismay and excitement. "These, these," he might have been heard to say and sing, "these are the champions of republican ideas; these are to purify the ballot; these, in Whittier's words, in his song "On the Eve of Election," are the powers that stand guard about empire's primal springs, the uncrowned American kings:

"The mold of fate that shape the state,
And make or mar the common weal."

But with all the spiteful and disgraceful exercise of unconstitutional and proscriptive power, you could not and you cannot drive or cajole the voters of that city. Its merchant princes and skilled mechanics, its masses are democratic on principle, and no threat can change their politics. Your laws have been framed to do by chicane, stealth, force, and threat what you could not do by reason and persuasion. They have been aimed at both adopted citizens and the native-born, but especially the former; but your endeavor has failed. Although you may cut down our vote a few thousands, other thousands will spring to take their places. You may thunder your philippics against the vice-breeding city. Your thunder is *brutum fulmen;* it has no stroke, no lightning.

There are some men so constituted that they cannot see anything good, even though it be under their eyes. The radical purist, when he visits New York, judging by his distorted and prurient pictures, has been inspired by the paramount desire to look after that which is not proper. He forgets that what he does see is not normal to the condition of that charitable, intelligent, and wealthy metropolis. He sees the ulcers, the spots on the skin, but not the good heart, elegant tastes, and splendid enterprises which make it the peer of any city of the world. Its register of crime shows the worst kind of crimes, rape, murder, burglary, and larceny, to be those committed by emigrants from other regions, like New England, where people are more cold and crafty; while many recent cases show that the venial offenses, assaults, mayhems, &c., crimes that grow out of passion, are more frequent with those who are either native to the city or alien. If gentlemen who visit New York will forget that is the entrepôt of our commerce, that nearly one half of our exports go from thence to all the world; if they must go to the pestiferous and foul dens of that misjudged city, they will find the class of people who are used by the Davenports and others under this law which we now seek to repeal. They will then learn to discriminate between that licentiousness which belongs to the Federal gang and the honesty of the democratic voter whom that gang are hired to harass, threaten, arrest, and cage.

When this law was before Congress for discussion in 1870, I prophesied then—even then when the republicans had the police of the city and all the power to control and arrest all whom they alleged to be the repetitious and fraudulent voters—that we would add further to the democratic strength. All the spies, informers, supervisors, and marshals have not been able and never will be able with all the penalties and *posses* of the supervisor law to change our democracy. The prophecy was fulfilled. Whether the law be honestly or dishonestly executed, it is only a matter of majority. Not all the money spent recklessly and fraudulently from the Federal Treasury, amounting, as we will see, to its hundred thousands, given out without voucher and spent without accounting to defeat democratic Congressmen, accomplished no result until an infamous coalition for local spoils, already dissolving by its own putrescence, was effected. There is a purity, courage, and integrity in the vote of that city not to be slandered without rebuke. Ah! if gentlemen knew the inner, daily beauty of its generous humanities, and the benefactions of its noble institutions to the widowed, orphaned, blind, deaf, insane, houseless, and unfortunate, which has won for New York the proud name of "city of charities," even partisan hate would forget its malice to admire and bless! The more you exert your Federal power to provoke collision, the brighter its fame grows. The greater the abrasion the more it is burnished. When you make Spartans out of the black race South, then you may, by your Federal laws, make Helots out of the white race of New York.

It has been my pride and pleasure, Mr. Speaker, to have represented three districts in different parts of that city,—not only the rich avenues, but the homes of the toiling men; not only the great merchants who trade outland and inland and who deal in commodities and products by the million, but the small merchants and skilled laborers have given me their trust. It is my special pleasure, as it is my loving duty to that city, which has been so confiding and hospitable, to represent to this House that the slanders which have been uttered against it have been exaggerated beyond human credulity. I do not pretend that New York is free from all taint. Corruption is incident to all large communities. Even gold has its alloy. But New York is not the city which one of our Senators depicts. To him who looks for the best, it is the city of goodness. No other city is comparable with it, for unselfish devotion and generous deeds, in war or peace, whether toward a flooded town of Hungary, a burnt city of the West, or a fever-stricken community South.

NEW YORK ELECTIONS, 1868, 1870, ETC

Much undeserved reproach has been cast upon the elections in New York in 1868 and 1870 and other years. To neutralize the source of this falsehood about these elections, let it be known here, once and forever, that the machinery of these elections then, in the city of New York, was in the hands of police commissioners, each of them appointed under a republican Legislature. All election officials were named by them. No fraud was possible except by their connivance. Tweed himself had no power to control New York City, except by subsidizing and using the republicans of the New York Legislature; and this he did.

In 1870, at an important juncture, when Grantism was on trial, application was made to the President for troops; not by the city of New York, nor by anybody in authority, but by irresponsible men of whom Supervisor Davenport is a sample. One of their objects was, doubtless, as Sir John Romilly said about an English statute, "a technical system for the creation of costs;" for they called for legislation to aid their avarice. Another object was to frighten the voters of New York by a show of Federal power. For this purpose the Secretary of War, Belknap, sent a communication to General Sherman on October 27, 1870, instructing General McDowell to hold troops in readiness for service during the election week. This was done ostensibly to sustain the officers of the United States, in enforcing the laws and to answer any call of the marshals for such purposes, and at such points and in such numbers as the marshals might signify. Then and there he gathered his troops; he even had his gunboats in the East and North Rivers bearing on the city. There was no law, organic or otherwise, for this movement. It was not under a

call, constitutional or otherwise. The Federal troops had no right to invade that State under the circumstances. It was a provocation to a breach of the peace. The peace of the polls had not been threatened; not until these armed men appeared. The governor of New York protested; he gave notice that such things should not go on. Our splendid "National Guard" was ordered to their armories.

The Federal authorities began, after this sharp experience, to find that there were two parties who could practice upon military principles. A collision with the troops openly was avoided; but the marshals appeared armed with our United States Navy revolvers. They undertook to do superserviceable work for the republican party. The rowdies of the city, two thousand of them, discharged convicts, felons, the worst men of the metropolis, were armed with this tyrannical power. Had the Federal troops, without being asked, appeared on the streets of New York, as was threatened on the 8th of November, 1870, election day, there was the National Guard with one hundred thousand ball-cartridges and four hundred rounds of canister shot, with cartridges for the artillery, ready to receive them. They were prepared then, as they will be hereafter, to protect the freedom and peace of the Empire State at the polls. This detail as to arms and cartridges is from the report of Adjutant-General Franklin Townsend to Governor Hoffman. We all prayed that wisdom and good sense would avert the necessity of their use. By some instinct or good counsel even the General-President Grant and his advisers became discreet. No Federal troops publicly appeared. They hid in halls and breweries and worse places. But there remained the brood of supervisors and deputy marshals, such as I depicted in my speech in 1871, and with them the infamous law which begat them and their masters.

The republican governor of Pennsylvania echoed the words of Governor Hoffman, of New York, when, in his message of 1871, he denounced the employment of troops in this manner in his own State; and yet we are told by gentlemen of the other party that these Federal methods in elections are to be desired to prevent fraud and keep the peace!

By section 2002 (Rev. Stats.) the number of marshals is indefinite. In 1876 a number equal to one-half of the regular Army was appointed and paid. They are both judges and constables. They decide as to "order" at the polls and as to "fraud" in registration and voting. They supervise State officers, and arrest, with or without process, at their pleasure. Could the subversion of the rules of right and the guarantees of law go further? Where is the right which lifts these supple tools of a Federal Administration above the States and the people? Not a word of this enslaving and degrading statutory system should remain.

Are we forever to be obliged to secure fair elections at the risk of armed collision between Federal and State troops? Must the States always coax the President and his subordinates to make extra-legal arrangements, so as to execute mildly the supervisor law and so as to give an honest election? What credit is due to the Federal Administration when we have to compel freedom by the display of the State forces? Must we rely on the forbearance of Federal officials and the good sense of the citizens of both parties, to compel acquiescence in decent methods in holding elections?

STRETCHING THE POWER TO STATE ELECTIONS.

This extraordinary Federal power is used intentionally to affect elections for State and local officers. Congress named a day for the election of Federal officers, Congressmen and electors, which was the same as that for State officers. Why? To use the Federal power over all. What would affect or terrify the voter for Congressman or elector would do the same for local officers. Sometimes it happened—as when I was a candidate to fill the vacancy caused by the death of Hon. James Brooks, in 1873—that only one Federal officer at one election is to be chosen in a great city of a million, as New York; then, forthwith, the whole machinery of the United States supervisors and deputy marshals is brought into play.

The money accounts of John I. Davenport pertaining to this election are interesting. They are taken from the Caulfield report of 1876, (No. 100, Forty-fourth Congress, first session.) In this one district, where a coalition of republicans and democrats united upon a democrat to defeat me the chief supervisor swore in four hundred and sixteen subordinates in one batch. He filed three hundred returns of the canvass where there were about one hundred voting precincts. He actually charged $4,299.90 for indexing 28,666 folio index records for this one election. This account was sent here to an honest Comptroller; but it was more than he could stand. He reduced the "error" of folio indexes from 28,666 to 5,980; cutting down the amount at one dash to $1,409.75, instead of $4,812.65. The Comptroller afterwards wrote to this extravagant chief supervisor, under date of February 27, 1874, that he had only charged $11,999.15 for indexing the records of all the city; and yet in this account for that odd year, more than one-third of this sum was charged for one congressional district!

Considering that a lawsuit has developed the fact that my opponent paid large sums, amounting to thousands, to one of his best backers to be spent to defeat me; that my majority was nearly 7,000, and that I was somewhat new to the district, the race was indeed a success; for it was made against the United States Treasury, a street-railroad president, and a piebald coalition. But in spite of these and other unpropitious circumstances, the people confided their interests to my keeping.

EXPENSE.

When so much is at stake, it is almost childish to discuss the expensiveness of the law and its execution. But this must be said, that nearly all that is spent is lost, or used as a party fund, and much that has been spent and paid to Davenport is wholly unaccounted for. We have paid lavishly, from the hard-earned earnings of the needy and the savings of the poor—who are most taxed and least able to bear the burden—hundreds of thousands, and for what? To subsidize, at $5 a day for ten days, the creatures of this atrocious system, and to keep in disgusting prominence a life-officer, whose only function seems to be to glut his greed and give discontent to the people.

IS IT SECTIONAL IN ITS OPERATION?

Is it said that this law was made only for the South. The figures contradict the assertion, for in the North in 1876, $220,515.64 was paid to these marshals, while in the South but $54,770.96. In 1878 $24,636.74 was paid in the South, while $177,654.35 was paid in the North, and more bills of thousands more are to come.

ORIGIN OF THE SUPERVISOR LAW.

When the gentleman from Colorado, [Mr. BELFORD,] on the 2d of April, said that the pivotal point we were aiming at in the repeal of these election laws was New York City, he was partially right; but when he said that the barriers against fraud and violence were thus to be swept away to carry that city and State, he greatly missed his mark.

Sir, the city which I represent in part, has been the special victim of this law as carried out by the chief supervisor. It becomes almost a duty, in the absence of any speeches by my colleagues from the city, that I should analyze the law and give a true statement of the action of Federal officials under it.

When the first law of 1870 was passed I denounced it, as I have said, with all the vigor I could command. On February 15, 1871, when this law was sought to be supplemented by an act "to enforce the right of citizens to vote in the several States, and for other purposes," I presented the question anew in the light of its execution the year before. I based my argument upon the rock upon which the Federal arch itself reposed, holding that the Federal power does not and cannot have or create the elector. Believing that he was the creation of the State, and only recognized by the Federal Constitution as a State elector, I maintained that he was only a State agency to carry out the granted power given to the Federal system. This argument is founded on the opinion of Judge Story as to the unconstitutionality and inexpediency of any Federal law interfering with State suffrage. Hence not only the original law but its proposed amendment in 1871 were sheer usurpations. Its execution was the pernicious abuse of usurped authority.

Since that time, Chief-Justice Waite (21 Wallace) has declared that the United States had no voters, and that the elective officers of the United States are all elected by State voters. Where, then, is the Federal power which confers the elective franchise? Whence the authority for all these devices to strangle the public will?

COLORED VOTER—A PRETEXT.

One pretense for the law at that time was that New York would forbid the newly enfranchised colored vote. The truth was, that New York had already followed the Federal Constitution and had enfranchised the negroes by her own statute. They voted without hinderance.

The facts pertaining to this election of 1870 will be found in my speech in the appendix to the Congressional Globe, Forty-first Congress, third session, page 127.

NEW YORK FEDERAL OFFICIALS.

Governor Hoffman well said in his message of that year, that "a large number of United States deputy marshals and supervisors were appointed, many of whom were men of well-known disreputable character, and some of whom had been convicted criminals, a class of dangerous men, never before chosen by any ruling authority in any community as conservators of the peace."

Yet these were the men who undertook to arrest at the polls citizens who had the right to vote and who had voted for years. These were the men who sought to arrest State inspectors who were charged by law with the custody of the ballot-boxes. These arrests were to be made without that process of law issued upon formal complaint, required by the Constitution. The election of 1864, when Governor Seymour interdicted Federal troops, like that of 1876, which I have described, was due to the firmness of the State authorities and the compliance of the Federal Government. But we cannot be sure that any year will give us this relief. Since that time, the State of New York has been standing, with its hand upon sword—the sword of its own chief magistrate.

When, therefore, my colleague [Mr. MCCOOK] and the gentleman from Maine [Mr. FRYE] quote my report as approving of the practical operation of that law in 1876, and infer from that year a general approval, they confuse themselves, and mislead the public. With such an interpretation of that report, the many compliments which have been given to me for my honesty in making it are meaningless, if not hollow. While I thank the gentlemen for their good opinion, I will put it to the test further. In that report I stated that whatever may have been the opinion about the conduct of elections in these cities, or however they may be conducted in the future, that election of 1876

will stand as a monument of what good faith, honest endeavor, legal forms, and just authority may do for the protection of the elective franchise. This was an indication of what had been done before under that supervisors law. It was a premonition of what might be done in the future. I have shown what had been done before 1876. The committee appointed to examine into the election of 1878 have shown you what was done since 1876.

NATURALIZED CITIZENS PROSECUTED, AND WHY.

It will be observed that most of the proceedings in 1878, taken against the electors in New York by Davenport, were aimed at the naturalized citizens. According to the census of 1875, the number of males over twenty-one in New York City were as follows: Naturalized citizens, 141,179; native-born citizens, 90,173; aliens, 48,305; total, 279,657. It is well known that the large majority of these naturalized citizens were democrats. How were they to be stopped from voting? What mode of arrest or intimidation could be used to produce this result? That was the problem which Davenport undertook to solve.

I dwell upon it because it concerns every part of the country. The second section of the Constitution of the United States, in fixing the qualification of electors in each State, requires only that they shall be electors of the most numerous branch of the State Legislature. In the various States of this country, there are various provisions as to suffrage of naturalized citizens. Let it be remembered that there are no Federal elections. They are all State elections, and it is an anomaly for a United States supervisor or marshal to carry out State election laws. When these laws, therefore, in our States allow simply a declaration of intention on the part of the alien to make him a voter, as in Colorado, Georgia, Kansas, and Nebraska; or a residence of six months, as in Alabama, Arkansas, Missouri, Florida, Indiana, Oregon, Texas, and Wisconsin; or a residence of twelve months, as in other States, to qualify the foreigner who is a citizen, is it not unjust to give to a Federal officer the power to discriminate against the naturalized citizen, under some supposed power in the Federal Constitution? All such laws, therefore, as interfere with elections or with the elector and his qualifications or his certificate of naturalization are unconstitutional. When, therefore, Davenport conceived the idea of disfranchising New York, he struck at the certificates and upon the ground that fraud had been perpetrated in 1868 in granting naturalization. He made it a pretext for a general raid on all naturalization from 1858 to 1873. The boldness and extent of this *coup* is understood, when I say that, under the law and by the method of naturalization in the courts of New York City, forty thousand citizens, including over one thousand women, had been naturalized between these years.

The inconsistency and iniquity of this attempt to render null the naturalization of so many thousands is so well stated by Judge Freedman, in his decision on the application for an order *nunc pro tunc* to perfect the record, that I quote from it:

> That sovereignty has a right to command his person, his time, his property, and to establish the condition of his domestic relations and the rule of succession for him and those dear to him, is a vital question for every man. What civil and political rights he possesses, and to what sovereignty he must look for protection, depends upon his status as a citizen. If these forty thousand persons did not legally become citizens of the United States, and by virtue thereof citizens of their respective States, the title to real estate of the value of many millions of dollars may hereafter be drawn in question. On the other hand, certainty of citizenship is of equal importance to the Government. If these forty thousand persons did not legally become citizens none of them can be held subject to military or jury duty by the Federal or any State Government.

The decisions of all courts favor proceedings to admit aliens against technical and snap objections, (7 Cranch., 420; 13 Wend., 534.) This is in the interest of that immigration which George III tried to hinder, which has given to our country so much of its courage, prosperity, and glory.

CERTIFICATES OF 1868 AND THE RECORD.

If these certificates were not correct their holders were aliens. Their right to hold property and vote was thus put in peril, if not entirely nullified. The pretense was, that there was no record of such naturalization at that time in the supreme and superior courts of New York; but only a memorandum in an index book. The papers were on file, depositions were taken, and the law complied with in so far as the alien could do it. Every duty devolved on the applicant was complied with. The record was made according to the very language of Judge Daly, in the article on naturalization in Appleton's Encyclopedia. The papers of these cases were a sufficient record.

But this matter not only had a judicial interpretation by Judge Freedman, but by a Federal judge, Blatchford. Both held that the applicant for citizenship was not responsible for any non-compliance, in making up the record; and that though some of these naturalizations were irregular, none of them were void. The same practice had obtained to some extent in United States courts; but no notice was taken of that by Davenport in his preparations for arrest.

Never before 1878 had any legal proceeding been attempted to test the validity of the naturalizations of 1868. No person was ever arrested or tried for having the certificate of that year. This commissioner unblushingly testifies that he had stricken from the registry as many voters having 1868 certificates as to reduce the number from 40,068 to 10,056!

ILLEGAL PROCEEDINGS, 1878.

In 1878, he began proceedings against all who held these certificates, because they had voted on them illegally in 1876. He had not thought of testing the validity of these certificates in 1876, and he had sworn, before the committee of which I was chairman, that the election of New York was the best ever held in that city! He began his attack upon these holders of 1868 certificates in May, 1878, through one of his clerks, who made the affidavit. He began it with an omnibus complaint covering over five thousand persons, and issued his warrants. But he forgot, in his zeal, that it was illegal to unite in one complaint so many charges, and they were withdrawn. In June, 1878, his creature, one Mosher, swore to twenty-eight hundred separate complaints against persons who were registered in 1876. He disregarded the authority of the district attorney and the advice of the Attorney-General. On June 15, 1878, he was told that he could not prosecute in order to destroy the certificates or to prevent voting; nevertheless the warrants were issued. His object was to frighten the voters into giving up their certificates. This he boasted of having accomplished. Not content with this, he published in the newspapers notices, which had the effect of a threat against the voters, and by all sorts of devices and frauds obtained the surrender of three thousand certificates. Many who held them have made affidavit that they were obtained under false pretenses, namely, that new ones would be furnished or that it was merely an examination as to their validity.

He went so far in the case of Albert Pohls as to take from him his framed certificate because it was obtained in 1868. Pohls had served four years in the Army, and on his discharge was properly naturalized. He had voted ten years on this certificate. This conduct was harmless compared to the arrests I have referred to. Some of these tyrannical acts are without example in the history of government. Davenport did not put any one to death, but I assert, on the best authority, that the outrageous incarceration of a large number of weak and delicate men resulted subsequently in their death.

The democratic party in New York undertook to countervail the action of this officer. They took the position of Judges Freedman and Blatchford. Finding it impossible to be reconciled with Davenport, as in 1876, they gave public notice to all persons having doubts about the validity of their certificates, or who had been imposed upon, to call and have their cases investigated, and to take steps to be renaturalized. I will not rehearse the various instructions and schemes by which some thousands of certificates were taken from persons who made application to register. Some of these were men who had fought in the Army and who had been properly naturalized, and yet by intimidation, fraud, and force this superserviceable, subordinate Federal officer seized the certificates in spite of the decisions of the courts, and thus deprived our people of their most transcendent right. For this deprivation, by the common law, he is liable to each of them in a civil action. It was nothing less than perjury for Mosher, the creature of Davenport, to have made the affidavits on which to issue the warrants against these naturalized citizens.

Efforts have been made to procure the names of the fourteen hundred men who were hired, last year, by our money, to intimidate and imprison the voters of New York City; but in vain. Were they any better than the irresponsible tatterdemalions selected in 1870? Where do they live? Are they jail-birds, thieves, shoulder-hitters? What are their antecedents? We ought to know the instruments created by this law.

The court laid down the idea, which is expressed in the law itself, that these holders of certificates must have guilty knowledge that they were invalid or fraudulent. No crime could be committed in connection with them except upon the *scienter*. Yet this tyrannical conduct was based upon the loose proposition that all the naturalizations of 1868 were fraudulently made and had no record; and this, too, although the court decided that there was a sufficient record, and although the United States district attorney himself, testified that many cases of arrest were men who were imposed upon and had no guilty knowledge. Still the raid went on, until just before the election, when, without notice to the district attorney or any one in his office, thirty-two hundred complaints were made by Mosher on the 3d and 4th of November. On the Sunday and Monday preceding election, these thirty-two hundred warrants for the arrest of those having a certificate of 1868, were issued.

These certificates were not, as I say, illegal, because of the record. This Judge Blatchford pointedly decided in the Coleman case. Notwithstanding that it had been the custom for fifteen years, in the highest courts of New York, presided over by eminent and honest judges of both parties; notwithstanding there was no guilty knowledge on the part of the naturalized citizens; notwithstanding many men had been soldiers, who had been naturalized in all proper ways,—many thousands of these men were intimidated by the general seizure, and never appeared to vote. Many, when they appeared, were at once dragged to the post-office building, and imprisoned as I have stated. Many were brought before the United States commissioner or the republican headquarters and released on a promise not to vote; and thus this forced, cruel, and vindictive execution of a Federal law went on. Of the three thousand two hundred persons of this registry for whom warrants were issued, only one thousand two hundred and forty voted; and it is claimed that only six hundred and sixty were arrested. But it is also claimed, with more semblance of truth, that

thousands were prevented from voting by these unexampled proceedings.

It is not necessary to describe the mode by which men were prevented from voting by their arrest. Even when ample bail was offered the commissioner took twenty-four hours to consider. His object was to prevent voting.

The iron cage, Mr. Speaker, is no myth, though republicans make light of it. It was the place for the detention of criminals who are tried in the United States courts. It generally contained, during that time, some thirty persons, including filthy, drunken, and boisterous prisoners. It was crowded beyond its utmost capacity on election day; and among the arrested were not only mechanics and merchants,—men of the highest respectability, but men who had fought for the country throughout the whole war.

It may be that this law might be so executed as to give some satisfaction, as was the case in 1876; but it was done then simply because of the fear of bloodshed between the militia and Federal troops, and a general agreement such as I have heretofore described. But on the same principle the rack, the red-hot plow-share, and other kinds of ordeal and torture can be justified. It is only a difference in degree and practice, not in principle. On the same principle the fact that a jury which gives a verdict under fear, can be justified. On the same principle, a despotism tempered by moderation at times may be more dangerous than a despotism which has no element of goodness in it. The one rudely dethrones the people and the other insidiously relaxes and enervates their votes and their energies.

To hear gentlemen talk one would suppose that they held it to be the primary duty of Government to protect the people by such schemes of cunning and force, against themselves, and that, too, when exercising the highest privilege.

CONSTITUTIONAL AND LEGAL DIFFICULTIES—ARREST ON SIGHT.

There is more danger in this system, which may be summed up in section 5522 of our Revised Statutes, than in all the uses of the sword. Observe this section, for it may be the turning point of the veto of this legislative appropriation bill:

SEC. 5522. Every person, whether with or without any authority, power, or process, or pretended authority, power, or process, of any State, Territory, or municipality, who obstructs, hinders, assaults, or by bribery, solicitation, or otherwise, interferes with or prevents the supervisors of election, or either of them, or the marshal or his general or special deputies, or either of them, in the performance of any duty required of them, or either of them, or which he or they, or either of them, may be authorized to perform by any law of the United States, in the execution of process or otherwise, or who by any of the means before mentioned hinders or prevents the free attendance and presence at such places of registration or at such polls of election, or full and free access and egress to and from any such place of registration or poll of election, or in going to and from any such place of registration or poll of election, or to and from any room where any such registration or election or canvass of votes, or of making any returns or certificates thereof, may be had, or who molests, interferes with, removes, or rejects from any such place of registration or poll of election, or of canvassing votes cast thereat, or of making returns or certificates thereof, any supervisor of election, the marshal, or his general or special deputies, or either of them; or who threatens, or attempts, or offers so to do, or refuses or neglects to aid and assist any supervisor of election, or the marshal or his general or special deputies, or either of them, in the performance of his or their duties, when required by him or them, or either of them, to give such aid and assistance, shall be liable to instant arrest without process, and shall be punished by imprisonment not more than two years, or by a fine of not more than $3,000, or by both such fine and imprisonment, and shall pay the costs of the prosecution.

Observe the enormity of this section! All who obstruct, hinder, assault, bribe, solicit, interfere or prevent the execution of the law, in the various ways enumerated, or who threaten, attempt, or offer so to do, or refuse or neglect to aid and assist in the execution of this odious law, are liable to instant arrest without process, and punishment without trial! Not alone is this a violation of our fundamental law, but of every local and State law to protect the freedom of elections and to keep the peace. Where is the limit to the ferment, turbulence, violence, bloodshed which such instant arrest, on sight, without warrant, brings upon the community? No worse tyranny was ever enacted for the perpetuation of power and the wreck of suffrage.

DIVIDING LINE BETWEEN STATES AND FEDERAL GOVERNMENT.

The Constitution is violated in this way in every degree. The States themselves, *pro hac vice*, are destroyed. Let us make no concession to wrong, even the least. One wrong draws to itself another. The least wrong establishes the precedent.

Is this interference by Federal legislation in elections, justified by the first section of the fifth article of the Constitution, whose terms are "The times, manner, and places of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof, but Congress may by law make or alter such regulations, except as to the place of choosing Senators?" I will not add to the elaborate discussion growing out of this clause, but shall simply state some considerations pertinent to and illustrative of it, by the conduct of the Federal officials in the city of New York:

First. This clause was intended to empower and command the State Legislatures to provide by law for choosing Federal Representatives; the system of the Government being founded upon the idea that the Senators would represent the States as organized political bodies, and the Representatives the people of the States as individuals. The two Houses thus became representative of the State.

Second. The States were required to enact that authority as to the time, place, and manner of holding elections. The time and place were requisite in order to render uniform the action of the States. The word "manner" was used to comprehend the method of voting as by ballot or otherwise, and so that the local returns could be verified, and hence,

Third. The propriety of placing this power to effect this representation in the State to be represented. The admitted power of the States to prescribe the qualifications of voters carries with it the right to prescribe the election machinery and the officers to hold elections, free from Federal interference, civil or military.

Fourth. Congress could only exercise this authority when the States failed and the necessity arose.

Fifth. Only where the States were guilty of neglect or where there was unfair legislation might Congress make "regulations," and then the congressional power was always subordinate to that of a State.

Sixth. There is no State in the Union that has not made the provisions required by the Constitution. Every State has its own election laws, so as to perpetuate representation in Congress. Therefore, the whole subject is exhausted, and Congress has no right to interfere.

Seventh. Congress cannot intervene to create offenses, to be punished by the Federal courts by additional penalties, when the States have already attended to that matter; nor can Congress make laws to keep the peace of the State, or protect voters, without the constitutional request of State authorities.

Eighth. If Congress has any control over the manner of holding the elections, its power should be exerted to keep all troops and civil officers, who arrest without warrant, away from the polls, under that constitutional authority. This power, in connection with congressional control over the Army itself, may be exercised as to Federal soldiers and other creatures of the Federal Government. Chief-Justice Marshall, in 1800, when a member of Congress, proposed to do this very thing as to troops, in a bill which then passed this House.

Lastly. This supervisor law virtually repeals the fourth and fifth articles of the amendments of the Constitution. These provide that no process to arrest shall be issued without probable cause, supported by oath, nor shall any person be deprived of liberty without process. Yet passion, prejudice, or caprice are allowed by this law ample verge for their gratification. Arrest may be made on suspicion only. When arrested, the officer may whisk the suspected person far from fireside, family, and neighborhood, and thus attain a double object; first, by getting big fees, and, second, by depriving the arrested man of his vote. This enforcement law, moreover, gives to these judicial constables a power the more alarming because masked under the forms of law. There is no remedy from the State authorities, and no compensation for the outrage to the aggrieved. But at the same time the Federal officer, even if a murderer or a burglar, by the same law, is protected from arrest, although indicted by State authorities.

THE LAW NOT EXPEDIENT.

If the power to enact such a law exists under the Constitution, it is not expedient that it should be enacted; first, because the officers under it are not responsible to or elected by the people; second, because it is a burden of expense unnecessary and wasteful; third, because it foments dangerous collisions between Federal and State authorities; fourth, because it is an invasion of domestic and local interests and authority; fifth, because it is the use of simple force, which is unintelligent, to stifle the informed will of the citizen; and, lastly, because for the first eighty years of our Government it was never exercised or believed to be right and constitutional.

AUTHORITIES.

These are not mere assumptions; they are founded on the best authority. Judge Story, in his Commentaries, acquiesces in the doctrine of Madison and Hamilton in Nos. 52 and 59 of the Federalist, when he says: "What would be said of a clause introduced into the National Constitution to regulate State elections of members of the State Legislature? It would be deemed a most unwarrantable assumption of power, indicating a premeditated design to destroy the State government. It would be deemed so flagrant a violation of principle as to require no comment."

The wildest and widest construction of the Constitution, even by such a stickler for Federal power as Hamilton, is that no man would hesitate to condemn an article of the Constitution empowering the United States to regulate the elections for Representatives in States. He called such a supposed article an unwarrantable transposition of power and a premeditated engine for the destruction of the State government. Madison believed that it was not possible for the convention to have made a standard of electoral qualifications, uniform or different from that already established or which might be established by the State itself.

OUR DUTY.

What was our duty when such attempts to stab State rights, and to repeal by Congress the Constitution itself, were made? Plainly to resist such legislation here, by all methods known to our rules. This the small minority of 1870 and 1871, led by Mr. Speaker Kerr, did. What was the duty of the States when such laws were forced on their unwilling people? Rebellion against Federal authority? No. Judicial interpretation? That was tried; but in the South, where the stir of a leaf was monstered into a Ku Klux Klan, even such civil modes of relief were of no avail. But in the Empire State, with her democratic governor and her well-trained National Guard, notice was served that this usurping Federal statute, if exe-

cuted at all, must not be used as an instrument of intimidation and oppression. Thus was the Federal power bridled, but it has not yet been destroyed. This is reserved as one of the trophies of the democracy!

I have stated the propositions and authorities which justify a thorough overhauling of the Federal system which would interfere in the elections of a State, either by laws like those of the supervising statutes or by the use of the Army.

FRENCH PREFECTS AND FEDERAL SUPERVISORS.

The very practice which is contended for by gentlemen is that which demoralized the third Napoleon. It was the practice of the French government to send out its favorite candidates to the prefectures, and under government auspices, and from the central power at Paris direct and control the elections of the people in different localities. Since then, the Republic of France has been organized, and during the administration of McMahon, the French Chamber has boldly unseated many deputies, because the government sought to override the popular will by its central agencies. That abuse of central power led to the downfall of the McMahon ministry. Let gentlemen on the other side be warned by the example!

ABUSE OF JUDICIAL FUNCTIONS WORSE THAN FORCE.

But, Mr. Speaker, the supervisor system is more odious because more insidious than the military, to affect elections. It is especially so in this country, where the standing army is small compared with the mass of voters. Among a people like our own, so scattered and so deferential to law, and with such simplicity of manners, the judicial power, in any of its phases, seems of greater importance than the military or the legislative. Servitude or freedom depends more on the administration of justice, in a country like ours, than upon the bad use of force or the mischievous acts of the Legislature. It was not so much by the aid of mercenary soldiers in Great Britain as by the aid of lawyers and judges, that tyranny was temporarily intrenched there.

THOROUGH REPEAL DEMANDED.

Mr. Speaker, I was not able to have any share in the debate which has occurred during this extra session upon this subject. Hence, an apology is needed for so long and late an exposition. Besides, I had already opposed many of these obnoxious measures when they were proposed here and the theme was somewhat threadbare. But, sir, in reaching my conclusion, let me ask: where is the justification of these laws against a free ballot, including the jurors' test oath? How is it that they are intended to guard against fraud on the franchise? Admitting that there were and are frauds on the franchise, admitting that both parties have been now and then inculpated in them, yet how inconsiderable are the wrongs connected with such frauds in comparison with the mutilation of the franchise itself, by usurping civil officers and the hand of force or the destruction of the jury system by an odious test oath?

For myself, and speaking for my constituents, who have been outraged, I would leave no vestige of that legislation, not one scintilla, not even the supervising observers, with their *ex parte* examinations and power to arrest. Let us cut them all up—the whole of the system, by the roots—every fiber of it! Until it is thus eradicated, let us obey the traditions and laws of legislative freedom, and withhold supplies till our land is free from these tyrannies. We temporize only when we leave a remnant of this monstrous system. We detract from the rights of the States over this subject when we allow even hired Federal witnesses, selected by Federal courts or supervisors, to stand around with their badges of Federal authority at polling places. If peace is to be kept at the polls, as gentlemen seem to desire, let peace be kept. But by whom? Let the States keep the peace. It is theirs to do it. Federal legislation, in whole or in part, as to elections is utterly subversive of local autonomy. It should be utterly destroyed, and forever!

THE CIVIL ABOVE THE MILITARY.

Mr. Speaker, let me say that I do not attack the motives of any one who defends such a system of usurpation, violence, and wrong. But may I not copy the sentiment, if not the words, of a great orator in a crisis like this, when I say, that it would be puerile, nay, it would be hypocritical, for us to go on misgoverning and to pretend to hope that the results of good government will follow and to assume that those whom we treat as aliens, like our naturalized or southern friends, ought to feel toward us as brothers. Gentlemen opposite seem to oppose agitation and yet multiply the grievances by which agitation is alone supported and by which it was originated. They raise the cry of fraud, coercion, and revolution when we only call for a repeal of these odious war measures, test oaths, and supervisor statutes, and at the very time when they are taking steps for an election by unrepublican modes and coercive methods, in 1880, to annul all our dearest rights and privileges, without which our Union and Constitution are but an empty name.

Let us heed the farewell words of the Father of our Country, who warned us against the supremacy of the military above the civil power, and whose highest eulogy by the great Irish orator, Curran, was that when Liberty unsheathed her sword, which necessity had stained, Victory returned it to the scabbard; so that Washington became more than soldier—the splendid exemplification of all the civic virtues!

The Republic will Survive the Horrors of Starvation.

SPEECH OF HON. J. W. CALDWELL,

OF KENTUCKY,

IN THE HOUSE OF REPRESENTATIVES,

Saturday, April 26, 1879,

On the bill (H. R. No. 2) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes.

Mr. CALDWELL. Mr. Chairman, when the bills making appropriations for the support of the Army and to defray the expenses of the legislative, executive, and judicial departments of the Government for the fiscal year ending June, 1880, were being considered in the Committee of the Whole of this body, I did not engage in the long, able, and exhaustive discussions on their political features which then occurred, preferring to give place to gentlemen of larger legislative experience, who by length of service here had the ear and the confidence of the country, and stand aside that such as desired to do so of the new members, who had not witnessed or participated in the lock of the two Houses in the Forty-fifth Congress, might have an opportunity to take part in the debate, and for the additional reason that I had but recently (during my last canvass) discussed two of the questions at issue, and knew that my sentiments and convictions were so thoroughly known to my constituents that my silence would not be misinterpreted or my vote on either bill remain for a moment a question of doubt.

The changed circumstances now surrounding these questions, growing out of the unwise, unpatriotic, and unconstitutional course of the Executive, justify me in trespassing for a short time upon the patience of the House and asking its courteous indulgence while I place upon record for the benefit of my constituents, and not with the hope of influencing the action of any member of this honorable body, the reasons which controlled my course in the past and will guide my future action upon these grave and important public questions.

For the past ninety days the able, adroit, and distinguished leaders of the opposition have made a combined, vigorous, persistent, and determined effort to startle, disturb, and arouse the country with the wild, reckless, and inflammatory cry of revolution, a word at all times and under all circumstances, when used by semi-official authority, full of dangerous significance; with which not only the careful student of political science but the most casual observer of public affairs and the most indifferent of historians necessarily associates sudden and dangerous changes in governmental policy, the overthrow of the state and the paralysis of civil power, attended by great popular upheavals and the clamorous cry and destroying march of the hydra-headed mob; a word fitly chosen in this connection by the artful and scheming political strategists, who would even mar the peace and retard the progress of the country to secure a party advantage, to awaken the apprehensions of the more conservative classes of society, stimulate the dormant passions of a past sectional strife, and cram the public mind with a feeling of eager expectation and anxious solicitude.

This party shibboleth of honorable gentlemen on the other side of this Chamber is the manifest result of caucus action, to divert public attention from the great questions at issue in this extra session of Congress, to conceal from the scrutinizing gaze of the people the putrid wounds and bruises of the body-politic, to arrest if possible the decay of republican supremacy, and with the vain hope of winning back the forfeited confidence of an honest, virtuous, and intelligent public opinion, and perchance obtain for the republican party a new lease of power, under which to renew its insidious attacks on State autonomy, continue its efforts at consolidation, and ultimately change the whole organic structure of the Government in its distinguishing features of State and Federal institutions, with the purpose of building upon the ruins of our dual system of polity, which is the grandest fabric ever erected by the genius of man, a great consolidated nationality, under the dark and baneful shadows of which State institutions would wither and die and their supreme authority to preserve the peace of society and protect their citizens in the highest act of sovereignty, the exercise of the elective franchise, be entirely overthrown and their functions in these respects be usurped by the appointees of this autocratic consolidation, clothed with plenary authority to arrest the citizen at will and call at pleasure to aid this monstrous usurpation, the subservient mailed hand of military power.

Wherever the telegraph has carried the daily news of congressional proceedings, there this mad delusive charge of revolution, conceived in political trepidation and born of partisan ingenuity, has been heard. And since it was first uttered here it has been daily and hourly revamped by the heated editorials of a powerful and almost omnipotent partisan press. Everything has been resorted to which would give color and currency to the charge, or aid in any way in carrying conviction of its truth to the public mind. Notwithstanding the fact that most of the repeals placed upon the Army and the legislative, executive, and judicial appropriation bills were first demanded by northern Representatives whose loyalty and devotion to the Government have never been doubted, still the action of the majority has been denounced with an assumed patriotic fervor as a

rebel conspiracy to break up the Government. Notwithstanding the fact that all these repeals have been ably advocated and powerfully urged, in arguments cogent with reason and full of the spirit of loyalty to the Government, by Federal soldiers sitting upon this side of this Chamber, who in the hour of the Government's peril from disunion were among the first, the truest, and bravest of those who marshaled its armies and followed its flag to battle, still the course of the majority has been represented as an attempt to effect by starvation what it failed to accomplish by war.

Not an unguarded expression has fallen here, in the heat and excitement of debate, that has not been seized upon with avidity as legitimate and conclusive evidence of hostility to the Government, and a prurient partisan ambition has perverted its meaning and magnified it an hundred fold for the base purpose of manufacturing party capital. Garbled extracts from speeches delivered here in the open light of day, which, taken in their connection, were not only inoffensive to the most delicate sense of loyalty, but full of patriotic devotion to the liberties of the people, and such as every manly and faithful representative ought to utter, have been commented upon with a total want of fairness, an absolute disregard of candor, and an illy disguised sophistry, for the purpose of inflaming the Northern mind and impressing it with the belief that it was the open and avowed intention of southern representatives in the future legislation of the country to reverse the established and logical results of the war, which none of them have ever questioned or denied, and which all alike feel bound in honor and good faith, as well as by oath, to observe and defend. To impress the public with the truth of the charge of revolution and bolster up the tottering fortunes of the republican party, all the stalwarts of that once great and powerful organization have been summoned to the front. Personal feuds of long standing and rivalries for public honors involving the suffrages of the nation have been temporarily suspended. Bickerings and internal strife growing out of the bestowal and distribution of Government patronage, which of right, by the overwhelming verdict of the people, belonged to the democratic party, have been suddenly hushed and quieted.

With a perfect avalanche of words, a magnetism rarely equaled, a stage action never surpassed, and after the manner of the sorceress of Endor, or the vain Welchman who boasted to the incredulous Hotspur that he could "call spirits from the vasty deep," even the ghostly arm of a martyred President has been invoked to arise from the tomb and wither and blast forever the guilty souls who dared to contemplate the repeal of a law which in a time of war received his signature and sanction. In this hour of party emergency each sulking Achilles has been called forth from his tent to herald with the imperious manner of a goddess born the return of the iron hand of military rule, pronounce an Iliad of woes upon his country as the result of democratic supremacy, flaunt in the face of a long-disgusted public the stale charge of treason, and, with a knightly valor and heroism worthy to live in song and romance, impale upon his parliamentary spear the trembling and affrighted ghost of a rebellion which has been dead and buried for fourteen long years.

Yes, sir, there has been a union of hands and a uniting of forces, from the priestly politician down to the dirtiest scullion that has fattened upon the corruption of government, to sound and spread abroad this false alarm. As the result of all this fustian and rant, declamation and sophistry, the dominant party in the legislative department of the Government stands charged at the bar of public opinion throughout the country with the crime of revolution, with the determination to coerce the Executive, or failing in that to starve the Government to death. And the President, throwing himself body and soul into the hands of the scheming politicians, who seek to overthrow our form of government, has attempted by his inconsiderate, arrogant, and dictatorial messages to this House to color, propagate, and strengthen these false charges. Fortunately for the peace, well-being, and tranquillity of the country, *pari passu* with these grave charges against the majority here, there went to the public its just, able, and powerful defense, founded upon the solid marble of constitutional guarantees, bristling with precedents running through a long series of years, and adorned with the grand traditions and certified acts of the free, liberty loving, and historic race, from which we are descended, whose institutions and laws we partially borrowed and have greatly perfected by our own statesmanship; and the gratifying consequences are that the confidence of the people in the wisdom and patriotism of the democratic party is unshaken and the tranquillity of the country has remained undisturbed.

In opening the debate on the Army bill one of the leaders of the opposition said:

> We recognize the other side as accomplished parliamentarians and strategists, who have adopted with skill and adroitness their plan of assault.

It did not require all the mental activity and keen political sagacity of the distinguished gentleman from Ohio, [Mr. GARFIELD,] who I believe to be the ablest parliamentary leader in his party, to make the discovery I have quoted.

The merest tyro in Anglo-Saxon history, the shallowest student in sound governmental polity, and he who knew least of the temper of the times, of the hopes and fears, of the intelligence and patriotism of the people of this great country, who know the value of the safeguards of liberty, would have developed the fact as easily as that gentleman seems to have done, that this line of legislative battle was pitched by the majority on carefully selected ground.

Sir, if we cannot trust the people to sustain us in demanding for every citizen a fair and an impartial trial by an unpacked jury of his peers, upon what issue can we appeal to their justice, intelligence, and patriotism? If we cannot look to the country for a complete vindication for demanding for all the people of the Republic a free ballot, unawed by the clank of the saber and the gleam of the bayonet, where shall we look for an issue that will merit its support and approval? If we cannot demand for all the States of this vast Union the supreme right to interpret and enforce through their own judicial and police officers their own organic and statutory laws, prescribing the necessary qualifications for, and regulating the peaceful exercise of, the right of suffrage by their own citizens, what, I ask, is left of the reserved rights of the States and the people?

Sir, when the country rebukes us for making and insisting on these wise, just, and necessary demands, which form the very shield of personal liberty, constitute the barrier to the invasion of State autonomy, and partially mark the dividing line so wisely drawn by the founders of the Government between State and Federal jurisdiction, we had as well furl forever the old democratic flag which has been flying for three-quarters of a century, expunge from the pages of American history all the noble and heroic acts of that old and honored organization that formed the basis for the progress and development of this western world and which built by its defense of public rights "a government of the people, by the people, and for the people," and go in spirit to the grave of its great apostle (Mr. Jefferson) and with shamed faces, craven hearts, and bated breath say to the restless and perturbed soul of the immortal dead that republican government is a failure, that the people are not capable of self-government, and that the prophecy of Macaulay in criticising the work of his statesmanship will be speedily realized, and that the day is not distant when the sweating and toiling millions of America will become the willing bondsmen of a bloated aristocracy, with wealth plundered from the people who will exercise the governing power of the country, not by reason of superior virtue, honesty, and intelligence, but through the iron sinews and pitiless soul of military domination. It was asserted in the course of debate on the legislative, executive, and judicial appropriation bill that the questions sprung by these repeals were the very questions in part settled by the war. This is not true. If it was, I would be the last man on this floor who would willingly disturb them. Let the war, with its dark chapter of errors and crimes, bloodshed and devastation, sacrifices and aggrandizements, criminations and recriminations, be forgotten in our legislative councils; or, if we are forced to deal with it in any way, let moderation, dignity, and respect for the brave men of both sections who staked their honors, fortunes, and lives in defense of their convictions mark the bearing and language of the American legislator. He who would reanimate the sectional passions and prejudices of that period of our history, whether he be from the North or the South, is the slave of sectional feeling, an enemy to his country's progress, and a traitor to the rights of posterity. I have long believed that

> He whose hands the lightnings form,
> Who heaves old ocean and wings the storm,

settled that great and terrible conflict for purposes of his own, as yet partially hidden in the womb of time, adversely to the South. Speaking for myself, and, as I believe, for the people of that section, I here declare that there is not one of the results of the war that we would willingly see disturbed, and the same zeal, courage, and fidelity that signalized our support of the confederate cause and its flag we freely, willingly, and cheerfully tender to the Government of our country and its flag which floats above this Capitol. The war was waged to preserve the Union, to overthrow the doctrine of secession or the asserted right of a State to defeat the execution of the supreme law of the Federal Government by dissolving its connection with the Union. As a logical result of the war, the black man was enfranchised and elevated to citizenship, and the political sequence that his right to vote should not be "denied or abridged on account of race, color, or previous condition of servitude" necessarily followed from his changed relations to the State, and from the very genius of our institutions. These were the only questions settled by the war, except that in case of such a conflict the primary allegiance of the citizen was due to the Federal and not to the State government. And here I wish to remark that, believing that allegiance and protection are reciprocal, and that where allegiance had been observed, to disregard the constitutional provision "Nor shall private property be taken for public uses without just compensation" rendered that solemn guarantee utterly nugatory and worthless, explains the action of many southern representatives on the much-vexed question of war claims, for which they have been so hypocritically censured and basely maligned by the republican press of the country. The honorable gentlemen from Ohio, [Mr. GARFIELD,] who was chosen to lead the vanguard of his party in sounding the charge of revolution, &c., said:

> Our theory of law is free consent. That is the granite foundation of our whole superstructure. Nothing in the Republic can be law without the free consent of the House, the free consent of the Senate, the free consent of the Executive, or, if he refuse it, the free consent of two-thirds of these bodies.

Having laid his proposition broadly and boldly, he then asked, "Will any man deny that?" In theory the proposition is correct, but in practice it is almost entirely reversed; for all our laws, at least to

a great extent, are the result of a compromise of conflicting views between the House, the Senate, and the Executive. Upon the theoretical proposition I have quoted, as to the consent necessary to make a law, the cry of revolution against the majority here has been predicated. Under the belief that it will insist in the disagreement between the two Houses of Congress and the Executive in the matter of these appropriation bills; that the Executive shall give way to the demand of the people, as expressed through two of the three powers whose consent is necessary to make a law, rather than that one of the three, and that one without legislative power and only vested with a qualified authority to obstruct legislation, shall control the matter in dispute between the three, I submit that the position taken that the course of the majority is revolutionary is not tenable, that it is a quagmire of sophistry without a "granite foundation," and when tested in the crucible of reason, in the light of the powers conferred by the Constitution both on Congress and the Executive, reverses the conclusion the minority have drawn from the premises, and fastens upon the Executive and his abettors, if anywhere, the crime of revolution.

That the unconstitutional laws which the Executive and his party insist shall remain on the statute-book are dangerous to liberty and subversive of the Constitution I do not honestly for one moment doubt. In letter and spirit they are at war with all our past legislation, and neither the necessity for them nor the authority to pass them was ever claimed in the history of the country for three-quarters of a century. The determined effort made by the President and his party friends to retain these laws as a part of our code manifests a settled purpose on the part of the leaders of the republican party to war on the Constitution and crush out our present form of government. And to me, sir, this is an aggravated case of revolution under the guise of keeping the peace at the polls, and sending Federal officials into a State to construe its organic and statutory laws, when its citizens go to the ballot-box to determine who their Executive and law-makers shall be.

I would not make this charge against the honorable gentlemen who sit on the other side of this Chamber, and the Executive of the nation, who by reason of the elevated position he holds is entitled to my respect, if not to my confidence, unless I believed it had at least the semblance of truth. To me, sir, this is a dangerous crisis in our history, and solemn and weighty are the responsibilities resting upon us all. The issues at stake are not less in my judgment than the independence of the legislative department, the perpetuity of our form of government, and the liberties of the people. For the first time in our history an Executive has vetoed an appropriation bill, and in all the mutations and changes of our laws, during the growth and progress of a century, for the first time the repeal of a law has met with the obstruction of the veto power. These facts of themselves almost have the semblance of revolution, but when taken in connection with the outrage on popular rights in 1876 by the President's party, manifest to my mind a determination to repeat the crime of that year by again using the Army to overthrow the will of the people and subvert the Constitution of the country. The logical declaration of the President and the minority is, that Congress must consent to retain on the statute-book laws which it believes to be unconstitutional, which are a continual menace to liberty, and a palpable invasion of the supreme right of the States to keep the peace within their borders, or the Army shall disband or be supported without an appropriation, and the legislative, executive, and judicial departments of the Government shall die of starvation. I know not what others may do, and I shall not attempt to criticise in any way any gentleman's course in this hour of responsibility, but, sir, I feel that when I yield to this demand of the Executive and the minority and sacrifice my convictions of duty to my constituents and to my country that I ought to be lashed naked through the district I represent by the people whose rights I have deserted and whose confidence I have betrayed.

It is claimed that it is an act of revolution to ingraft general legislation on an appropriation bill and to insist that this legislation with the appropriation shall become a law. To me this position is wholly without foundation. It would be revolutionary no doubt to insist in this way upon the passage of unconstitutional laws; but no one has claimed that any of these repeals are a violation of the organic law or invade in any way the constitutional rights of the Executive. While it is the duty of Congress to make the necessary appropriations to carry on the Government, it occurs to me that it is the duty of the President to accept them, unless there is coupled with them legislation which invades either a constitutional right of the Executive or is unconstitutional in some other respect. I deny the constitutional power of the Executive to veto an appropriation bill for any other reasons than those named. Where would the opposite doctrine lead? Most assuredly to the destruction of the independence of the legislative department of the Government. Suppose the President when an appropriation bill is sent to him for approval, either for the support of the Army or for any other purpose, should return it to Congress with his objections to its becoming a law because it was inadequate in his opinion for the purposes for which it was intended to be applied, and it could not be passed over his veto by a two-thirds vote, will any gentleman claim that it would be an act of revolution to refuse to increase the amount at executive dictation. If it would, then a little over one-third of both Houses and the Executive may make the expenses of the Government just what they please, and the will of not only the majority but almost two-thirds of the people and the States, as evidenced by representation in both branches of Congress, would be utterly powerless to resist it. This idea is utterly subversive of the independence of the legislative department of the Government, and not tenable under any conception that I have of a constitutional exercise of the veto power.

It is claimed by the President and the minority that he constitutes a part of the legislative power of the Government. This claim is wholly without foundation; for article 1, section 1, of the Constitution confers all legislative power on the two Houses of Congress in the following words:

> All the legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

This language does not admit of a division of the legislative power between Congress and any other department of the Government. It is broad, comprehensive, and easily interpreted. The fathers of the Republic who framed our grand governmental chart did not understand the force of the language employed unless they intended to do what the section plainly declares, confer all legislative power upon the two Houses of Congress. If all legislative power is conferred upon the two Houses of Congress, it is difficult to comprehend how a residuum could be left to be exercised by any other department of the Government. This claim of legislative power for the Executive grows out of a misunderstanding of the nature of the veto power with which he is clothed by the Constitution, but which is not in any sense legislative in its character. It is simply an obstructive power, placed in the hands of the Executive to obstruct what he may conceive to be the enactment of unwise or vicious laws, unless the obstruction can be overcome by two-thirds of both Houses of Congress. To claim legislative power under the grant of the veto appears as absurd to me as it would be to claim for one who had a qualified right to object to the construction of or the removal of a building already erected the architectural skill and ability necessary to construction or removal by reason of this qualified negative. The early critics on our Constitution called this veto power the negative, and expressed the opinion that it would be rarely, if ever, employed by the Executive, and cite in support of this conclusion, even in their day, the disuse of an absolute veto power by the British Crown, and reason from this fact with great force that an Executive elected every four years by the people would be chary in using this power.

They overlooked the fact that their descendants have had the sorrow and shame to realize, that it was possible under all the safeguards of the Constitution for this negative power to be exercised by an Executive not elected by the people, and who would not be controlled in his employment of it by a sense of respect for and a feeling of accountability to this sovereign power, which they presumed would be a sufficient restraint to prevent its abuse. Could they have looked along the plain of American history to our day, their opinion that it would be seldom employed would doubtless have undergone a great modification, for they would have seen it repeatedly used and seldom for the purposes for which it was chiefly designed—"that of an immediate attack upon the constitutional rights of the Executive, or in a case in which the public good was evidently and palpably sacrificed"—but frequently, as in the instance of these bills, with the intent to thwart the will of the people, to perpetuate the power of a party, to overthrow the freedom of the ballot-box, to strike down the trial by jury, and ultimately to enslave the country. Our fathers believed that under our popular form of government this veto power would be used with calmness, deliberation, and a proper respect for public opinion. But the head of this administration has wielded it with almost as much freedom as a child handles his rattle, and shakes it over the heads of the Representatives of the people whenever his party requires it in a political emergency, or capital demands it to degrade and cheapen American labor or to protect the sanctity of its bonds from just and righteous legislation.

We have seen that all legislative power is conferred absolutely on the two Houses of Congress and that the veto power is not in its nature legislative. Now, by reference to section 5, article 1 of the Constitution we find that Congress is authorized to determine its own mode of legislation in the following grant of power:

> Each House may determine the rules of its proceedings.

The advice of the President to Congress as to its manner of legislation is therefore clearly gratuitous and trenches upon its authority to judge in its own wisdom and discretion as to the mode of its legislation. Forced into the position he holds against the solemn protest of the people by a party which, during its entire control of the legislative department of the Government, made a common practice of ingrafting general legislation on appropriation bills which was not in any sense germane to the subject-matter thereof, and numerous instances of which have been referred to here in the course of debate on these appropriation bills, (among others the creation of a court, the southern claims commission, to pass upon the constitutional rights of citizens by an amendment to an Army bill,) we respectfully submit that the lecture of the President to a democratic majority of Congress as to its manner of legislation not only trenched upon their exclusive right to judge on that subject, but was in exceedingly bad taste under all the circumstances.

The President declares that but for the repealing clauses put into these appropriation bills they would have received his sanction. The

objections, therefore, which prevented them from becoming laws did not arise from the want of sufficient sums to support the Army and to defray the legislative, executive, and judicial expenses of the Government, or from the manner of legislation pursued by Congress, but because of the repeal of certain obnoxious statutes made a part of those bills; or, in other words, because the use of the Army was restricted to the patriotic and constitutional purposes for which it was created, and has been maintained by a heavy taxation of the people for nearly a century, namely, the defense of the flag, to repel the armed enemies of the United States, to guard the public property, to protect the frontier of the country, and to suppress domestic violence within a State upon the application of the governor when the Legislature thereof cannot be assembled; and in case of the legislative, executive, and judicial bill, for the reason that Congress repealed the Federal election laws and denied to the President the authority to send his officials into a State to keep the peace at the polls, to arrest its citizens on election day at pleasure with or without process, and to usurp the functions of the State officials, so far as the construction and enforcement of their own organic and statutory laws are concerned. The plain issues between Congress and the Executive are, shall the people be taxed to support an Army to keep the peace at the polls, and shall the Federal Government by its civil officers usurp the functions of the judicial and police officials of the States, and violate with impunity the letter and spirit of the sixth amendment to the Constitution, which reads as follows:

The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures shall not be violated, and no warrant shall issue but upon probable cause, supported by oath or affirmation and particularly describing the place to be searched and the persons or things to be seized.

Here is a solemn constitutional guarantee to protect the persons, &c., of the citizens of all the States, the execution of which is confided solely to the States; yet it is trampled under foot by these unconstitutional election laws which strike down the right of the States to enforce and protect this guarantee of person and property and confer plenary authority on the supervisors, marshals, deputies, &c., to arrest the citizen at pleasure and call all the powers of the Federal and State governments to aid in the usurpation.

These issues have been sharply drawn by the action of the majority and the vetoes of the President. Let the great sovereign power of the Republic—the people, who are the intelligent masters of both Congress and the Executive—determine which is right.

It is to be hoped that Congress, in the interest of free constitutional government, personal liberty, and home rule, will maintain with becoming moderation, dignity, and firmness its impregnable position on these questions. Should it do so, history will have been written in vain, the warning voice issuing out of the tomb of the past will have been unheeded by the country, and the melancholy fate of the nations of earth who lost their liberties by military domination will have been without influence on the public mind unless it is sustained in its wise and patriotic course by an overwhelming verdict of the people. Let these issues be clearly understood by the country. Congress has performed its constitutional duty, and appropriated $——— for the support of the Army, and $——— to defray the expenses of the legislative, executive, and judicial departments of the Government. The Executive has answered that the statute must retain "or to keep the peace at the polls," and the Federal election laws must remain in force or he will reject the proffered millions of the people's money, and the Army shall disband, the legislative, executive, and judicial departments of the Government shall die, or all be supported without the consent and authority of Congress.

Congress demands the repeal of these laws because they are unconstitutional, are an invasion of the supreme right of the States to keep the peace at the polls, and are dangerous to the freedom of elections. The President insists that the laws are constitutional, and objects to the repeal on the Army bill because it will interfere with the civil officers of the United States "in keeping the peace at the polls, and preventing frauds, &c., in congressional elections." The civil officers referred to by the President are the supervisors, marshals, and deputies named in the Federal election laws. Congress denies that either the military or civil officers of the United States can be constitutionally used to keep the peace at the polls or to superintend, with a view of preventing frauds, either a congressional election or any other election, and insists that all these duties devolve upon, and must be performed by, the judicial and constabulary officers of the States. The President and the minority rest the authority to use the Army at the polls, and the constitutionality of the Federal election laws, on section 4 of article 1 of the Constitution, "The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators," and on the grant of power claimed under the fifteenth amendment:

SECTION. 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

It will therefore be admitted, if these sections will not sustain the constitutionality of these laws, that they are unconstitutional and ought to be repealed. The second section of article 2 of the Constitution describes the electors for members of the House of Representatives as follows:

The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

It will be seen from this constitutional declaration that the whole subject of the qualification of electors belongs to the States, with the simple prohibition of the fifteenth amendment, that no discrimination shall exist in their laws against any citizen of the United States "on account of race, color, or previous condition of servitude." Outside of this restriction the States may prescribe whatever qualification they please, either in way of education, possession of property, discharge of tax obligations, or denying suffrage by reason of unfitness from moral turpitude.

I have been taught to believe that in the construction of the organic or statutory laws of a State, the constructions given to them by the State judiciary were always accepted as binding precedents by the Federal courts, and *vice versa* as to the construction of the organic and statutory laws of the Federal Government. But this principle of comity between the Federal and State governments, each supreme in its separate jurisdiction, is trampled down by these election laws; for while the qualifications of the electors are set forth in the organic and statutory laws of the State and materially differ in the several States of the Union, these federal marshals, supervisors, &c., are empowered to set aside the judgment of the State officials as to qualification of the electors offering to vote, and to arrest them with or without warrant and call all the civil and military powers of the Federal and State goverments to their aid. The third section of the Constitution provides that—

The Senate of the United States shall be composed of two Senators from each State chosen by the Legislature thereof, &c.

It was evidently intended that this Legislature should be legal in every respect; legally organized and composed of members elected by legal and qualified voters. If section 4 of article 1 can be construed as a grant of power to Congress to authorize either the civil or military officers of the Federal Government to enter the State to preserve the peace at the polls, take charge of or exercise supervision over the ballot-box, construe the organic and statutory laws of the State, and prevent frauds in the elections of members of Congress, it necessarily follows, as the same section confers the same power over the election of Senators, (with one exception, the place of election,) that Congress may authorize the Federal officials, civil and military, to inquire into the legality of the organization of a State Legislature, examine and pass upon the credentials of persons claiming seats in such a body, and go back to the polls even to see that none but qualified electors voted in their election. Such a construction of this section traced to its logical result would authorize the sending of Federal marshals and supervisors not only into an organized legislative body in the State, but to the polls, to supervise and oversee the election of members of the State Legislature, with a view of preventing frauds in the election of United States Senators. The absurdity of this construction was ably and forcibly demonstrated by the finished and conclusive argument of my colleague, Mr. CARLISLE.

That Congress has the power to prescribe "the time, places, and manner" of holding elections for Representatives is not denied. But the remedy for a violation of its constitutional enactments in these respects we earnestly protest does not consist in sending marshals and supervisors, backed by military power, into the States, to arrest at will, on election day, with or without process, citizens offering to vote, and prevent discriminations against citizens "on account of race, color, or previous condition of servitude," but in the authority of Congress to "judge of the elections, returns, and qualifications of its members," and in its power to reduce under the fourteenth amendment the representation from any State for unconstitutional discriminations by law against any of its citizens in the matter of suffrage, and in its probable authority under the fifteenth amendment to visit penalties by indictment and prosecution in its own courts on election officers who discriminate against citizens "on account of race, color, or previous condition of servitude." The President admits that there has been military interference with the freedom of elections in the past, but denies that any such interference has occurred since the passage of the *posse comitatus* act in 1878 or can occur under the laws now in force. We submit that this is an evasion of the issue. It makes no difference to the people whether the military is at the polls on the motion of its own officers or there under the direction and control of marshals and supervisors. They insist that it shall not be there at all for the purposes contemplated in the statutes which the majority seek to repeal.

Mr. Chairman, when I heard the distinguished gentleman from Ohio, in his peculiarly bold, vigorous, and energetic manner, charge the majority with the crime of starving the Government to death, my patriotism was not only horribly shocked and thoroughly aroused, but I was most profoundly impressed with the novelty and originality of the idea. I knew that in many countries, when the earth had refused to yield a generous response to the labors of man, entire villages, cities, and nations had been swept away by the fearful ravages of hunger and starvation; and history had taught me that the whole earth was strewn with the monumental wrecks of governments that had fallen by military usurpation, by the conquering armies of some more powerful nation, which had been overthrown in internecine strife or in great political upheavals when the people had been maddened by the

corruption and crime of their rulers; but I had never read or heard of a government that had died of pure and simple inanition, and it had never occurred to me that it was possible for this great Republic—the light and glory of the world—to meet with such a melancholy fate until I heard the remarkable speech to which I have alluded.

But, sir, I now understand that notwithstanding it has a vast territory stretching from ocean to ocean, unmatched by any on the globe in all the resources necessary to sustain physical and political life, a population of forty-five millions of brave, loyal, and generous people, willing to contribute by taxation to the maintenance of its power and glory, with the money already gathered into its Treasury and appropriated for all its legitimate and constitutional wants, that still it may die, as a common beggar, of starvation, without a hostile arm being raised for its overthrow, by the simple refusal of its executive head to perform his constitutional duty and apply its resources to its sustenance and support. But history neither furnishes a parallel for such a death nor the prototype of a monster capable of the perpetration of such a crime. The death of a government from any cause disturbs commerce, awakens the sympathy of mankind, and the echoes of its fall reverberate throughout the bounds of civilization. What tongue can describe, what pen delineate, or what brush portray all the horrors of the death of this great Government from starvation?

When I heard this charge of the minority I looked with a sad heart and an inquiring mind upon the melancholy picture of its realization as partially drawn by the masterly hand of the gentleman from Ohio. I wandered in imagination to the White House, the goal of so many scheming and vaulting ambitions, the place of so many plots and conspiracies for the overthrow of the liberties and for an increase of the burden of the people. Around the mighty mansion solitude reigned supreme. The music of the Marine Band was hushed; the murmuring fountains had ceased to play; the green grass had withered upon the presidential lawn; the graveled walks no longer reverberated with the hurried tramp and the rolling wheels of the crowd of parasites and sycophants hastening to pay court to the source of Government patronage and power; the corps of ushers and lackeys who once thronged its entrance with servility and obsequiousness for the rich and the proud, and haughtiness and moroseness for the poor and the humble, had all disappeared. Within the executive palace, adorned with more than oriental magnificence and exceeding in beauty the poetic vision of the castle by Lake Como, all was darkness and desolation; its beautifully frescoed, spacious rooms and corridors no longer echoed with the cat-like tread of the diplomate, the louder tramp of the place-hunter, or the deceitful greetings of the politician and the statesman; its gorgeous carpets of brilliant dyes and softer than the velvet-coverings over which the imprisoned and sighing beauties of the harem glide were full of the dust and *debris* of decay; its costly mirrors, each exceeding in value the broad acres upon which the average agriculturist toils from the rising to the setting of the sun to support a precarious existence and meet the incessant demands of the tax-gatherer, were dismantled and broken.

The dazzling mass of artificial light shed by its brilliant chandeliers to illuminate its richly adorned parlors and halls for the entertainment of the gay crowd of wassailers, made up of youth and beauty, age and shame, all "prankt forth in the pride of ornament," who were accustomed to assemble there, had been eclipsed by the darkness of desolation. The oiled back doors through which the stalwarts had stealthily and noiselessly crept to whisper evil counsels into the ear of the Executive of doubtful title, now, all unguarded, gratingly swung to and fro on their rusty hangings. The festal board, with its costly and imperial service, which was wont to be ladened with delicate and delicious viands that would tempt the palate of the gods and had been the scene of so much wit and mirth, so many diplomatic intrigues and official gallantries, was now even more barren of good cheer than the beggarly feast to which the Athenian Timon invited his false and treacherous guests. By the phosphoric light of decay, seen on every hand, I groped my way to the President's office. Scattered over the floor were the moldering, neglected, and long-forgotten petitions of widows, orphans, and prisoners, praying for executive clemency. The waste-basket was crammed with written memorandums, made by the Executive to delude and deceive the applicants for place and official recognition. Before me was seated the august creature of "*eight to seven*," transfixed to his chair by the debility of hunger, alone in his agony and remorse, and as stiff and rigid in appearance as the living dead "man with the broken ear," whose history was chronicled by E. About. Before him lay an unsigned check for Tilden's salary. But the hand that had steadily drawn the money justly and righteously the property of another was no longer able to perform its accustomed functions. His *couleur de rose* had faded and had been succeeded by the pinched and livid look of famine. Though dying of hunger, he slowly muttered, "the stiffness of my spinal column but illy comports with the emptiness of my stomach." And from his parched lips there followed, like a cloud of winged snakes, curses on the stalwarts who had tempted him to starvation through a breach of his oath to observe the Constitution of his country. Moved with compassion for suffering humanity, and stung with a feeling of patriotic grief, I cried aloud, "Oh, for a cold capon and a flagon of ale to reanimate this famishing and dying executive hero!" But no one heeded my call, and in sorrow and remorse I turned away from the presidential palace to look upon the desolation that reigned in the War Department. Its clerks, employés, haughty officials, and lounging officers on leave had all fled at the approach of starvation. The hot air of famine rushed through its lonely, deserted rooms and passages, ruthlessly scattering here and there the able reports and brilliant records that chronicle the heroic and historic deeds of our mighty men of war. The fearful solitude was broken by a voice in soliloquy, and I lifted up my eyes and beheld the successor of the immaculate and immortal Belknap. His sleekness and rotundity had disappeared. A gnawing stomach had drawn the hard lines of pain and anguish on his handsome countenance as he totteringly strode, *a la* Napoleon, through his office. He said: "Now would I gladly exchange the baton of a war chief for the paler glory of the woolsack. It would have been better, far better, to have 'let this cup pass from our lips.'" The gallant Army is dead. It melted like snow in the scorching glance of famine.

> Now its tents are all silent, its banners alone,
> Its bayonets unlifted, its bugles unblown.

No more will its handsome, highly educated, and blue-blooded officers, with practiced muscles and scientific minds, dance the german with the fashionable belles of society, and in banqueting rooms apply the rules of engineering to the measurement of the curvilinear lines and ricochetting angles of the bounding corks of Mumm's Extra Dry. Now the heathen red man "will rage and imagine a vain thing," that the scalps of the pale-faces shall dangle from the belts of the "Young Man Afraid of his Horses," Red Cloud, Sitting Bull, Spotted Tail, and Crazy Horse. Oh, that some spirit would breathe upon the dry bones of the Army and reanimate them as the angel did those in the valley of Jehoshaphat. I wept in sympathy with this mourning soliloquy and would gladly have aided in the resuscitation of our men of valor, for I am proud of the military prowess and glory of my country; but the genius of Columbia, out of the thick murkiness which enveloped the building, answering said: "Millions for the defense, but not a cent for the overthrow of the altars of freedom." Hard by, in the Department of Justice, I heard the sound of agony and wailing. Impelled by patriotic instincts, and with a profound respect for the supremacy of the law, I rushed frantically forward to contribute my aid. As I entered the portals of the ancient temple I read this inscription: "Justice hath departed these bounds, and whoso trusteth to constitutional guarantees doeth a foolish thing." The worthy successor of Father Taft was in the very extremity of hunger. He held in his withered hand the skeleton of a codfish caught by a New Englander at an expense of five and a half millions of the people's money. His patriotic heart was shriveled with grief, and his eyes were red with the internal flames of famine. Grasping in one hand the odious election laws, and with the other applying the fleshless bones of the skeleton cod to his parched lips, he exclaimed: "My marshals are gone, my corps of supervisors have fallen; the iron cages in which were imprisoned on election day thousands of the sovereign people of the country are now empty; the despotic Genius of Liberty protects her votaries, but rewards my patriotic services with starvation and wretchedness!" In the darkness over his head I heard the rustling wings of the great spirits who had administered at the altars of justice in the purer and better days of the Republic, and in voice they answered his loud complaint.

Would you usurp the patriot's dear-bought praise?

> To just contempt, you vain pretender fall,
> The people's scourge, and the scorn of all.
> Straight the black cloud sent forth a horrid sound,
> Loud laughs broke forth, and bitter scoffs flew round.
> Whispers were heard, with taunts reviling loud,
> And scornful hisses ran through all the crowd.

With a feeling of painful solicitude, and tender regard for its venerable chief, I wended my way to the Navy Department. Its flag was at half-mast and no longer kissed the breezes with its bright folds; its rosy tars, gallant middies, and numberless officers on full pay and indefinite leave had snuffed afar the scorching winds of famine, and aboard our noble Navy, second to none on the globe save that of the Sandwich Islands, had floated far away over the deep blue sea. The huge army of contractors, who had grown fat on fraudulent contracts and swindled the tax-payers of the Republic out of untold millions of money, had fled in dismay from its empty exchequer. The grand old sea-king of the Wabash was alone in his glory. Talk about the gallantry of Nelson at Trafalgar; the heroism of Perry on Lake Erie, or Lawrence dying with the flag of his country nailed to the mast! Before me was a scene that defied comparison, for which the heroism of the race furnished no parallel; the genial, warm-hearted Thompson was dying at his post. Though greatly emaciated by hunger, the ruling characteristic of his soul—Christian benevolence—was still depicted upon his face. With a heart fired by patriotic fervor, he had risen superior to the aching void of an empty stomach, and, with the melody of a dying swan, was pouring forth the words of that grand aphorism of the Pinafore:

> Stick to your desk and never go to sea,
> And you may be the ruler of the Queen's navee.

Oh, for a cat-o'-nine-tail, to scourge the guilty conspirators who reduced to starvation the gallant rover of the ocean! I dropped a sad tear to the memory of the dying son of Neptune, and, sighing for a drink of old Bourbon with which to retune his musical pipes, took my departure for the State Department. This unfinished colossal pile, of faulty taste and skill, neither Gothic, Ionic, Doric, Tuscan, nor Corinthian, but an inharmonious blending of every style, ancient and modern, known and

unknown to art and architectural science, in the construction of which thousands have been criminally wasted and recklessly squandered, loftily towered amid "the dun, electric clouds" which enveloped its huge area and gigantic proportions. Entering its unguarded portals, I felt as lonely as a tourist immured in the heart of a pyramid. Not a sound broke its horrid silence. The very papers and records which told the shameful story of bribery, corruption, dark intrigues, diplomatic scandals, and fruitless negotiations, looked seared and withered. Threading its "long, sounding corridors," I found myself in the office of its Secretary.

It had long been suspected that this Department of the Republic was dying of the dry-rot, as evidenced by the insults to our flag, by the imprisonment of our citizens in Mexican dungeons, the raids, bloodshed, and devastation on the Texas frontier, and the treatment of our naturalized Germans in the land of Bismarck; but I was wholly unprepared for the scene before me: The courteous and cultured ruler of our diplomatic corps, the mighty *aliunde* counselor of the great electoral swindle, without the physical ability to withstand the penetrating pangs of inanition, had shriveled up and died, and looked for all the world like one of the mummied kings that ruled in Egypt four thousand years ago. His puny arm pointed eastward, and his glaring eyes were set toward the west, and seemed to have been looking far away over the sea. He had evidently "shaken off this mortal coil" while contemplating with conscious pride and satisfaction profound the juicy steals of Shanghai and the still more corrupt canvassing-board infamies of Paris. Terror-stricken by the ghostly scene I rushed onward to the Treasury Department.

It would require the descriptive pen of Taylor, under the inspiration of hasheesh, or the sorrowing poetic genius of Poe, when recovering from the effects of a debauch, to describe this vast building "with horrors haunted." The stealthy steps of the plotting and avaricious members of the syndicate were no longer heard. The horde of thieves, who through the corruption of its officials had preyed upon the vitals of the nation for eighteen years, had departed. Its unnumbered, handsome, dashing widows and beautiful, hoidenish maidens were all gone. But its brave assistants, chiefs of divisions, male clerks, and employés, lingering in the hope of a continuance of fat salaries, had been transformed in their rooms and at their desks by starvation into a great multitude of grinning and hideous skeletons. Each one held in his fleshless fingers a patriotic resolution, denouncing in indignant terms a visiting company of Virginia boys. And as the mourning winds, ladened with the sighs of murdered virginity, roguery, fraud, and rascality, rushed through the grand pile of masonry, the skeletons shook and their dry bones rattled like the peltings of the hail-storm. Scattered in every direction were shining heaps of gold, "dollars of the daddies," ten-forties, five-twenties, seven-thirties, new fives, and four and a halfs, while the simpler greenbacks were strewn thicker than the leaves of Vallombrosa. Picking my way through all this glittering wealth and mass of starved humanity, I entered the inner sanctuary of the great autocrat of American finance. He was a perfect picture of the horrors of starvation and was gnawing on a golden ingot, and as he bit and munched he said in ghostly and incoherent whispers: "I have gathered together the wealth of the nation, have bankrupted merchants, have broken manufacturers, have reduced agriculturists to poverty, have despoiled labor of its just reward, have filled the land with tramps, have sent starvation and misery to the widow and the orphan, and have turned the burdened tax-payers of the country over to the remorseless and insatiable greed of the bondholders; but now I would give the gold of a thousand mines and the wealth of the world for a fat muttonchop and a stoup of liquor. Oh, for my valiant corps of retainers, Eliza Pinkston, Frank Webber, 'John Anderson, my jo, John,' and 'Captain Jenks and the Horse Marines,' to make one last, final charge on the devouring monster of famine!" In pity and disgust I turned away from Sherman's swiftly approaching dissolution to see whether national life still throbbed in the Post-Office Department. As I approached I discovered that my worst fears were more than realized. The mail-wagons gathered in the court-yard were all broken and shattered, the draught-horses were all dead, and the drivers had all flown. As I penetrated the interior of the handsome building, rank with the odors of fraudulent mail contracts and straw bids, I heard a voice in the depths of its solitude saying: "The postal railway commission with its unsettled accounts, the thirty-thousand-dollar steal in the remodeling of this building, the air-duct mended for fifty dollars and charged at three hundred, and the windows cut down for $100 and billed to the Government at six times that amount, will outlive the horrors of starvation and perpetuate forever the economy and frugality of this Department."

Heeding none of these things, I pushed forward through the deserted halls to the abode of the Postmaster-General. My heart was moved with contrition, and my eyes were wet with grief as I looked upon the scene. Before me was "the rose and expectancy of the State" of Tennessee, the noble and soldierly Key. But his obesity was all gone, and there was a look of supreme agony and hunger upon his face. On his right hand was the cadaverous Tyner, holding aloft a placard with this inscription: "Indian agencies, $5,000 apiece, and money applied to the purchase of greenback party of Indiana," while on the left, knelt the once robust but now emaciated Brady, and on his breast was written "Cipher dispatches manufactured to order or purloined on short notice from the committee-rooms of Congress." The entire group were locked in the fast-tightening coil of starvation. They were a living realization of the statues of the fabulous priest of Apollo and his sons in the fatal embrace of the serpents of Pallas. The gaze of the patriotic Key was fixed on a receding mess of pottage, and as it disappeared from his longing eyes he cried in a loud voice of entreaty, "Was I not a confederate, am I not a democrat?" Out of the gathering gloom an unknown voice in derision answered, "The voice is the voice of Jacob, but the hand is the hand of Esau." Impelled by a feeling of devotion for a knight of the "conquered banner" and with the hope of finding beer and Bologna sausages, Limburger and Schweitzerkase to relieve him from the wasting constriction of starvation, I made a forced march for the Interior Department.

Within that mammoth structure of architectural grandeur and solidity not a living human foot-fall or voice was to be heard, but all its long halls and rooms were filled with the most infernal din and clatter that ever cursed the ears of mortal man. The machines in the model-rooms were all in motion. The disembodied spirits of inventors who had been cheated and defrauded out of their rights those who had spent years of fruitless toil in perfecting useless inventions, with thousands of others who had been crazed by the idea of perpetual motion, had returned to earth, set their machines going, and with the loquacity of the vendors of patent rights were in dreadful whispers explaining in detail to each other the wonders of their marvelous inventions. Ghostly visitors from the happy hunting-grounds had returned to dance in spirit the war-dance and brandish the tomahawk and scalping-knife in the desolate building whose records tell the woful and shameful story of so many frauds, cruel wrongs, and outrages inflicted upon the heathen red man by the Christian pale-face. With nerves braced by a sense of patriotic duty, and hair standing out like the quills of the fretful porcupine, in terror of this pandemonium of horrid and unearthly sounds, I continued my course amid the gathering shadows, trusting that happily I might find alive the ardent German reformer. I pushed open the door and entered his room. Oh, shameful desertion! Oh, piteous spectacle! The noble Schurz, the Lord Halifax of this age, the great trimmer in American politics, who had never been able to determine whether he loved Cæsarism less or Rome more, was fighting the fearful battle with grim famine unaided and alone. His scholarly mind was in ruins, and in the fierce conflict the griping monster had dragged him to the floor. He was raving in the delirium of inanition. With one breath he cried for Bretzels and Schweitzerkase and sung snatches from the sweet songs of the Fatherland, and in another, as his mind recalled the purity of our public service, he said, "Behold the glory of *civil-service reform!* Not a thief, cut-purse, mountebank, canvassing-board juggler, corrupt political trickster, or returning-board scoundrel, who has plundered and wronged the people and outraged public decency, but has received the reward of his patriotic services by a place on the judicial bench, an appointment in the consular and diplomatic service, or in some other department of the Government." Proud of the gratitude of the Republic in this respect I beat a hasty retreat, crying as I went the watchword of reformation, "*Civil-service reform!*"

As I broke through the door on Seventh street I encountered a vast army of attorney-generals, auditors, commissioners, agents, and Department clerks. Their glossy tiles were battered, their mammoth shirt-collars and spotless cravats were hanging and dangling loosely about their shriveled necks, their costly wardrobes were all in tatters, their capacious stomachs, in which had sweetly reposed myriads of oysters and soft-shelled crabs, submerged in ale, beer, old rye, and champagne, were now hollow and empty, and their sunken eyes were fairly blazing with patriotic wrath and furious cannibalism. When they espied me their griping stomachs had fresh and ravenous contractions, and they cried with one voice, "Behold a democratic conspirator; let us slay and eat." Panting for life, and with the instinct of liberty, which always finds its last sanctuary in the legislative halls of a nation, I fled for refuge to the Capitol of my country and crossed its sheltering portals in safety. This mighty structure, which bears a close resemblance to Pope's temple of fame, exhibited none of the evidences of decay and desolation seen elsewhere. Here peace and quiet reigned throughout all the splendid chambers, halls, and corridors. Some unknown hand had crowned its statues and wreathed its paintings with evergreens and flowers, but I was surprised to find "the fog-bank" empty and "the cave of the winds" silent, until I recalled the fact that its legislators, pinched by want, without the necessary funds to pay room-rent, board-bills, and patronize the shrines of Bacchus, had tramped their lonely way homeward to meet the great sovereign people.

Walking out upon the esplanade to take a farewell view of the great city which bears the immortal name of Washington, I saw a great company of stalwarts approaching. And the big stalwarts from Ohio, New York, and Maine cried out "revolution, treason, rebel conspiracy, and starvation of the Government." And all the little stalwarts clapped their hands with joy; and then I heard a rumbling sound and the mighty structure shook with internal throes, and I raised my eyes and beheld the genius of Columbia materialized and hovering over the Capitol. Her colossal figure was gracefully draped in the Stars and Stripes, which, floating back, kissed the blue clouds that canopied the scene. In her right hand she waved the olive branch of peace, and in her left she held the open Constitution of our country, and in a voice like the thunders of Olympus she said, "You see with

jaundiced eyes; the Government is not dead; this contest has but laid more deeply and broadly the foundations of civil liberty. The military must be subject to the civil power and the autonomy of the States shall be preserved." Gnashing their teeth in rage and disappointment the stalwarts fled from before the face of the goddess, and I bowed my head with thanks that the Republic had survived the horrors of starvation, still lived in all its power and glory and that the devil-fish of corruption and centralization was dead and damned forever.

Legislative, etc., Appropriation Bill.

SPEECH OF HON. A. G. THURMAN,

OF OHIO,

IN THE SENATE OF THE UNITED STATES,

Thursday, May 15, 1879.

The Senate having under consideration the bill (H. R. No. 2) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes—

Mr. THURMAN said:

Mr. PRESIDENT: Before I proceed to make the remarks which I wish to submit on the pending bill I am moved to make an observation in regard to the discussion which was going on when I entered the Senate, some twenty minutes ago, between the Senator from New York [Mr. CONKLING] and the Senator from Kentucky, [Mr. BECK,] and to express my surprise that the Senator from Kentucky, generally so acute, should have so totally misunderstood the Senator from New York. The Senator from New York had stated a proposition which amounted to this, that the people of the place where the taxes are collected are the people who pay the taxes, and the Senator from Kentucky has gone to work in real, dead seriousness to refute that proposition. If he had remembered an incident in the life of Cicero he would have understood the Senator from New York. When Cicero made his celebrated speech against Piso, and Piso, who was a member of the Roman senate, rose and reproached him with his inconsistency, calling attention to the fact that on a previous occasion Cicero had covered him all over with eulogy, Cicero arose and said that Piso was certainly the only senator who did not know that the eulogy to which he had referred was simply a rhetorical exercise to see what he could make out of so bad a subject. And so, Mr. President, the speech of the Senator from New York and the speech of the Senator from Minnesota [Mr. WINDOM] to prove that the people at whose places of residence the taxes are collected are the people who pay the taxes were simply rhetorical exercises of our American Ciceros to show what can be said in favor of an utterly absurd proposition.

If the doctrine of the Senator from New York be true, he has no right to count a single man outside of the city of New York as a payer of customs duties collected at that port, not one. He can no more include the people of the State of New York outside of the city of New York than he can include the people in every other State of the Union who consume goods that are imported into New York. The same rule that includes one must include all. Nay, sir, he cannot cross the East River and say that the people of Brooklyn, separated by only three-quarters of a mile or so from the custom-house in New York, pay any part of the taxes that are levied at that custom-house; for his doctrine is that where the taxes are collected, there they are paid by the people. Mr. President, that is simply a rhetorical exercise to show what can be made out of an utterly absurd proposition. That is all there is of it. It may deceive somebody in the swamps of New York, if there are any swamps there. It may deceive somebody in the swamps of Minnesota, and there are swamps there to my certain knowledge. It may deceive some ignorant people everywhere all over this country; but to an honest intellect it is an unmitigated absurdity and an imposition. That is all there is of that, Mr. President.

I have a task to perform to-day, sir, which I shall perform with difficulty; first, because there is so much ground to be covered, and, secondly, because I am unwell. I must therefore ask the indulgence of my brethren not to increase that task by interrupting me. If I shall say anything that leads to inquiry, I shall be happy, after I am through, to answer any questions they may put to me; for I am sure they will put none that will not be pertinent.

Mr. President, we have before us an appropriation bill for the support of the legislative, executive, and judicial departments of the Government. That it is amply sufficient for that purpose for the fiscal year to which it relates, no man can deny. No man assails it on the ground that it is too extravagant or that it is too niggardly. To the bill itself, so far as it makes appropriations, there is no serious objection that I have heard. But there are in the bill certain provisions relating to two great subjects: the first relating to trial by jury; the second relating to elections; and to these provisions objection is made, an objection so strenuous that rather than agree to these provisions, the minority on this floor say that the appropriations for the Government shall stop, or at least that a bill making those appropriations shall be defeated if they can defeat it either here or elsewhere.

There is one thing, I will not say very remarkable, perhaps it is human nature, and therefore to be expected; but still there is one thing that must have struck those who have sat here for a month and more and listened to the debates, and that is, that scarcely one word has been said by the opponents of these provisions upon the merits of the provisions themselves. They have been assailed because it is said they have no place in an appropriation bill. I think I will show that there is no reason in that objection. They have been assailed for a reason far less tenable, because it is said they are dictated by the South. They have been assailed because gentlemen in their imaginations have seen fit to suppose a huge conspiracy of a majority of the people of the United States to produce anarchy in the United States, as if that majority, as if the democratic people of the United States had not quite as much interest in the preservation of order, in the preservation of peace, in the prosperity of the country, in the perpetuity of the Government, as any man that belongs to the republican party or to any other party in the whole Republic. All these things have been said, and this session has been made the occasion of what? Of calm, deliberate senatorial debate on these questions by the minority? No, sir; but of the most inflammatory and unfounded and unjustifiable attempts to array one portion of the people of the United States against the other, and to make sectionalism in this country as permanent and enduring as the continent itself. That, sir, has been the character of the debate on this bill and on others by those who have opposed them, ever since they were taken up in this body. Ah, Mr. President, if these measures ought not to pass, if these provisions in the bill which are simply repeals of existing statutes and the substitution, so far as juries are concerned, of a perfectly honest and fair proposition, if these measures cannot stand on their own merits, why have not Senators pointed out their defects? Why have not Senators condemned them upon their defects? Will it do to skirmish around the edge and talk about their being affixed to an appropriation bill, when one entire third of your general statutes were passed upon appropriation bills? Will that do when a part of these very election laws that we seek to repeal was ingrafted on an appropriation bill? Will that satisfy the American people? Will they say to these gentlemen "these measures were all right; we ought to have fair juries; we ought to repeal laws that are not in the interest of fair elections, but are mere instrumentalities of fraud and corruption; but we will justify you in defeating an appropriation bill for the support of the Government, and we will justify the Chief Executive of the country in vetoing the bill, because these measures were placed upon a bill of supplies?" What a broad foundation that is upon which to go to the country! No, Mr. President, that will not do. These gentlemen must argue the merits of these laws which are proposed to be repealed. They must satisfy the public that these laws ought to stand, or the people of this country, if they are as intelligent as they ought to be, and as we all profess to believe that they are, will never sanction the course of opposition that has been taken here; and much less will they sanction the seizing of this opportunity to arouse and perpetuate sectional feeling in the country.

This is southern domination, we are told. Why, sir, there is not a line in the provisions of this bill that is objected to which is not as much in the interest of every northern man as it is of every southern man. There is not a line in them that was dictated by a southern man or written by a southern pen, not one. Why, sir, look at it! As I said before, the provisions relate to juries and relate to elections. Is it not as much the interest of the northern man to have fair and impartial juries as it is to the interest of the man in the South? Is there any sectionalism, is there any southern domination, is there any southern dictation in asking the Congress of the United States to provide that juries in the Federal courts shall be fair and impartial instead of being packed and villainous? Is that sectional? I fancy not. Is it sectional to ask that laws which, instead of purifying the elections, are mere instrumentalities of force and fraud and corruption shall be expunged from your statute-book? Is that a matter that concerns the South more than it does the North? Presently I will show you where these election laws originated, and I will show you upon whom they operate; and those who hear me and have not looked into it may be astonished to find that of all the portions of this Republic, from Maine to California, the people of the South are the least interested in this subject of the election laws. They were not made for the South. I know that it was pretended that they were made for the South. I know that it was pretended that they were to protect the freedman against the kuklux; but I know that it was not to protect them that they were made or have been executed, but that it was to oppress voters at the North, and especially to disfranchise, nay, worse than disfranchise, to imprison and persecute the naturalized citizens of the North that these laws were passed and have been executed.

Mr. President, the Almighty Father made me with nerves and a heart, for which I am truly grateful, but they sometimes excite a feeling of indignation that makes me forget that I am weak, and that I ought not to give way to my feelings. I was speaking about these election laws, and a picture of the operations under them in the city of New York, a picture of a cage full of men sweltering and suffering under the arbitrary and dictatorial mandates of a contemptible and corrupt commissioner of elections arose before my imagination, and

I could not avoid the thought that a transaction had taken place in this country that could not have taken place in any other civilized country on the globe without blood being shed. Sir, of all civilized people on the face of this earth the American people are the most law-abiding. That thing never could have taken place in the city of London, or the city of Liverpool, or the city of Paris, or in Vienna, or in Berlin, without raising such a commotion as would have made the government tremble. But I will try to get down to a lawyer-like temper of mind, for I propose to-day to speak, very dryly, I dare say; and I rather hope that I shall speak dryly, because then I shall make a better argument—I propose to speak upon the Constitution, if that instrument may be mentioned here without shocking the feelings of any one and without being a violation of parliamentary rules, and I propose to speak of the law.

Now, Mr. President, first let us look at the jury provisions in this bill. It is certainly unnecessary for me to detain the Senate long by speaking of the importance of impartial juries. It is not necessary for me to tell the scholars of the Senate—and all Senators are supposed to be scholars—that the English-speaking people have ever cherished with an unyielding tenacity their attachment to trial by jury. But it may be that there is some one here who does not fully comprehend why it is that the English-speaking people have always been so much attached to trial by jury, so much so that we find it secured by Magna Charta itself; and Sir Edward Coke said that its insertion in Magna Charta was but an affirmation of the undoubted and imprescriptible right of Englishmen. But what is the reason why they have had so much attachment for it? Was it because twelve men were the best tribunal to decide a question of *meum* and *tuum* between A and B? Was that the reason why our ancestors were so much attached to trial by jury? Could not every lawyer tell them that in a vast multitude, in perhaps the larger proportion, of cases of mere *meum* and *tuum* between private individuals the civil law followed a better and safer mode of ascertaining the truth than the trial by jury? That while in certain cases of private right, such as cases of defamation, cases of assault and battery, and wounding, and the like, trial by jury was better than trial by a judge; yet that in cases of mere dollars and cents, in cases of account, in cases of title to real estate and the like, the civil law afforded a much more accurate mode of trying the case than the twelve men, who must be unanimous in order to render a verdict? Why, then, was it that the trial by jury was so dear to our ancestors and has been so dear to us, so dear to them that they asserted it from Magna Charta to the Act of Settlement, and that it found its place in the declaration of our independence and in the constitution of every one of the thirteen original States, in the constitution of every State since, in the Federal Constitution, and in our laws? Why is it that there is this love for the trial by jury? It is because English history teaches that the trial by jury has been a great shield of the people against oppression by the Government; that it has been a great and a necessary instrument for the defense of liberty. That is the reason why in England and in this country it is so dear to the people, and will ever be dear to them so long as they prize their liberties and have the courage to defend them.

But, sir, to be such a shield the jury must be honest and impartial. If it is not honest, if it is not impartial, if it be suborned or packed by the Government itself, then an instrument which was intended for the protection of the citizen becomes his worst enemy. Is there any history to warrant this assertion? Have there been no judicial murders? Have juries never been packed to convict, organized to convict? I need not say here that in the country from which so many of us derive our ancestry, and from which we derive our laws, such instances have too often occurred. On this subject let me call your attention to the language of the philosophic author of the constitutional history of England. I read from the first volume of Hallam, page 230:

> Civil liberty, in this kingdom, has two direct guarantees; the open administration of justice according to known laws truly interpreted, and fair construction of evidence; and the right of Parliament, without let or interruption, to inquire into, and obtain the redress of, public grievances.

Those are the two great guarantees of English liberty, says this philosophical author, and which does he place first? Which does he say is the more important? Hear him:

> Of these the first is by far the most indispensable; nor can the subjects of any State be reckoned to enjoy a real freedom where this condition is not found both in its judicial institutions and in their constant exercise.

And now, sir, speaking of juries, which are a part of the known administration of justice, he tells us on page 231:

> I have found it impossible not to anticipate in more places than one some of those glaring transgressions of natural as well as positive law that rendered our courts of justice in cases of treason little better than the caverns of murderers. Whoever was arraigned at their bar was almost certain to meet a virulent prosecutor, a judge hardly distinguishable from the prosecutor except by his ermine, and a passive, pusillanimous jury.

And then, speaking further, he says on page 233:

> There is no room for wonder at any verdict that could be returned by a jury when we consider what means the government possessed of securing it. The sheriff returned a panel, either according to express directions, of which we have proofs, or to what he judged himself of the Crown's intention and interest.

I must stop reading for a moment to say that that is a perfect description of the law and the practice in too many places in the United States at this day, for it is the marshal now that makes the jury according to his opinion of what is for the interests of the republican party and what will best tend to its success:

> If a verdict had gone against the prosecution in a matter of moment, the jurors must have laid their account with appearing before the star chamber; lucky if they should escape, on humble retraction, with sharp words, instead of enormous fines and indefinite imprisonment. The control of this arbitrary tribunal bound down and rendered impotent all the minor jurisdictions. That primeval institution, those inquests by twelve true men, the unadulterated voice of the people, responsible alone to God and their conscience, which should have been heard in the sanctuaries of justice, as fountains springing fresh from the lap of earth, became, like waters constrained in their course by art, stagnant and impure. Until this weight that hung upon the Constitution should be taken off, there was literally no prospect of enjoying with security those civil privileges which it held forth.

Ah, Mr. President, are we coming to that? I will show presently that though no Jeffreys may ever hold the bloody assizes in this country in all human probability, yet in a minor degree, if not to the full extent of those enormities, to the full extent of those judicial murders, to the full extent which made Hallam declare that the courts of so-called justice became mere caverns of murderers, to that same extent, or in a less degree, the people of this country are exposed, if we shut our eyes to the glaring defects of our jury laws and permit them to remain on the statute-book the mere instrumentalities of partisan interest and party or personal hatred or predilection.

Now, Mr. President, what are our jury laws? I cannot take up time to read them. I should be exhausted if I did so. I believe I can state them briefly, but sufficiently full for our present purpose. The principal jury laws are contained in sections 800, 820, and 821 of the Revised Statutes. It is only necessary to say of section 800 that it provides that juries in the Federal courts shall be selected, as near as practicable, according to the mode of selecting juries in the highest courts of the States. That is an old statute. It was a well-meant statute, and for many years it operated well; but let us see for a moment how it is carried into effect.

The Federal court is to select its juries, as nearly as practicable, according to the mode of selecting juries in the State courts. I will take my own State as an example to show how near the Federal court thought it could go to the State mode of selecting juries.

The State of Ohio is divided into counties, and each county is divided into townships, and each township has a little board of administration of three persons called township trustees. Every spring the trustees of each township send to the clerk of the court at the county-seat the names of so many men, as prescribed by a certain rule fixed by statute, from that township to serve as jurors for the coming year. The number is so fixed that there are always more names in the box than it is necessary to draw. Then the names of the jurors are drawn out of that box, which necessarily contains the names of persons of all political shades of opinion, for there is probably no county in the State, or but very few, in which all the townships are of the same political complexion. In that box are found the names of the most reputable citizens of the township. There are thirteen hundred and odd townships in the State of Ohio from which these men are selected.

How could the Federal court adopt the system of selecting juries in that way from the townships? It could not do it. It could not send out a mandate and compel the township trustees to return to the clerk of the Federal court the names of so many men, because the Federal court has no power over the township trustees. It could not go into the State boxes at the county seat and draw men out of them. That would be a violation of the State law, and the officers who should permit it would be liable to punishment.

What, then, could the Federal court in Ohio do? All it thought it could do and, in general, all that the Federal judges throughout the United States thought they could do, was to provide for a jury-box, to provide for putting names into that box and obtaining juries by drawing names out of it; and that they thought was as far as it was possible for them to make the drawing of juries in the Federal courts conform to the jury system in the State courts. But who was to put the names in the box? It was a matter of very little moment who drew them out, provided they were openly drawn out; but it was a matter of the utmost moment who should put them in, because you can draw no names out but such as are put in; and if all the names put in are red names or black names or white names there will be none but red names or black names or white names come out. But in the days of integrity and honesty, and when nobody thought of packing juries for political purposes, it was supposed to be safe to repose this power in the marshal and the clerk of the court, and it was so provided by an order of the court. Some judges directed that the marshal and the clerk alternately should put a name into the jury-box until the number to be put in was completed, and that a sufficient number to constitute the juries should be drawn out, when a term approached, by the same officers. Other courts provided that the names should be put in by the marshal alone and should be drawn out by the clerk. By one or the other of these modes in almost every State in the Union juries for the Federal courts are drawn, so that where the marshal has the whole right to put the names in the box or where the marshal and the clerk together have that right, he or they have it in their power to say who shall constitute the juries. I have a letter in my possession from one of the most eminent lawyers in a northern State saying that in his district no man's name ever goes into a jury-box in the Federal court unless that man is a republican.

Mr. CONKLING. When did the Senator say that practice began?

Mr. THURMAN. Oh, long ago, if the Senator refers to the orders of court prescribing the mode.

Mr. CONKLING. I thought the Senator gave the date.

Mr. THURMAN. Oh, no; I did not give the date. There are some things that nobody can recollect.

Mr. CONKLING. That was in 1802. I can recollect that.

Mr. THURMAN. It was a great while ago, before I was born, and I did not undertake to give the date. [Laughter.] I found it in force when I came into the practice of the law.

Now, Mr. President, this is not a thing that affects the southern people alone. I could give instances, but I do not want to do it because I do not want to descend to particulars—but I could give instances that perhaps would shock the moral sense of every man within the sound of my voice.

Sir, you may repeal section 820 which prescribes the test oath as a cause of principal challenge, and may repeal section 821 which authorizes the judge in his discretion, against the will of the parties to the suit, at the instance of a third person, a person representing the Government, and the Government having no more interest in the case than it has in who shall be Queen of Great Britain, and not half as much—you may repeal both of these statutes and you will not have reached the root of the evil at all. There still remains the power of the marshal and the clerk to fill the jury-box with partisans and mere partisans alone; partisans of one political party, and but one. That is what the law is, and that is what has been done; and shame it is that it has been done.

Now, what does the provision in this bill propose? First, that sections 820 and 821 shall be repealed outright. Ought they not to be repealed? We did repeal section 820, but it passed into the Revised Statutes without a man here knowing that it was brought back into the statute-book. It was one of those mysterious transactions that occurred in making up that book, such as the striking out of the word "white" from the naturalization laws after Congress had expressly refused to strike it out, like the demonetization of silver which Congress had not demonetized. It was one of the marvelous things of that revision of 1874 which I saw lie on that desk tied up as it came from the printing office and passed by this Senate without the cords that bound the wrapper ever being untied or cut, read by its title alone, because there was no time to read more and because no Senator supposed it was necessary to read more as it professed to make no change in existing law. And so this section 820 stole back into the statute law of this land. What is it? It reads:

SEC. 820. The following shall be causes of disqualification and challenge of grand and petit jurors in the courts of the United States, in addition to the causes existing by virtue of section 812, namely:

Without duress and coercion to have taken up arms or to have joined any insurrection or rebellion against the United States; to have adhered to any insurrection or rebellion, giving it aid and comfort; to have given, directly or indirectly, any assistance in money, arms, horses, clothes, or anything whatever, to or for the use or benefit of any person whom the giver of such assistance knew to have joined, or to be about to join, any insurrection or rebellion, or to have resisted, or to be about to resist, with force of arms, the execution of the laws of the United States, or whom he had good ground to believe to have joined, or to be about to join, any insurrection or rebellion, or to have resisted, or to be about to resist, with force of arms, the execution of the laws of the United States; or to have counseled or advised any person to join any insurrection or rebellion, or to resist with force of arms the laws of the United States.

Now, sir, mark it. The suit may be between a boy ten years of age and another boy of the same age, both born long after the rebellion; it may relate to their estate with which the rebellion had nothing whatever to do; they and their guardians who prosecute or defend for them may be perfectly satisfied with the jury; the lawyers on one side may be perfectly satisfied; but some lawyer on the other side may get up and say to a juror, "You, sir, gave a cup of cold water to a weary confederate soldier on a hot summer day, and thus you gave aid to the rebellion, and you cannot sit to try this question as to the property of these boys who were not then born." That is your statute; and that any man can stand up for one moment at this day, fourteen years after the close of the rebellion, to defend such a provision as that makes me wonder at the extent of human audacity.

But what is section 821? Section 821 is even worse than 820 in some respects. Section 820 only gives a right to one of the parties to challenge a juror. It makes aiding or comforting the rebellion a principal cause of challenge, and that principal cause of challenge can only be insisted on by one of the parties to the suit; but section 821 introduces a new figure on the scene. Suppose again these two boys with their guardians trying a suit, the title to a piece of land in the State of Ohio, and a jury is called and the boys are satisfied that the jurors are good men and true, and their friends and their lawyers are satisfied that they are good men and true, and they all, lawyers, friends, and parties, want them to try the case, then, just as they are to be sworn, in steps the district attorney of the United States, or any other person acting on behalf of the United States, and says: "May it please your honor, there are men on that jury who gave aid and comfort to the rebellion; they gave a pair of shoes to a poor confederate famishing soldier when his feet were bleeding in the frost and the snow; they were so vile as to believe that the parable of the good Samaritan was told for our edification and example, and they assuaged the dying agony of a poor confederate with a cup of cold water; they are men who aided the rebellion, and I demand that your honor shall direct that every man in that jury shall take the iron-clad oath or be compelled to leave the jury-box." And if the judge is a fool or a knave, or if he is under the influence of passion or prejudice or fear of consequences, he may make the order and may enforce it. Let no man say that this is an impossible supposition. Such an order has been made and enforced since we assembled in this Chamber; not in Ohio, it is true, but in another State.

Mr. President, ought that to be the law? Ought that to be the law in a country that has the least pretense to call itself civilized, I will not say free? I say it would disgrace the kingdom of Dahomey, much more the United States of America. I do not speak now of whether there was a necessity for that law at the time it was enacted—although it may well be questioned whether it would not have been far better to have suffered the evils that might result from an occasional case of a rebel sitting on a jury than to set the example of passing such a law—but if it were justifiable then, the moment that peace was restored, the moment that we once more looked upon a united, harmonious, and a fraternal people, that law ought to have been swept from the statute-book. It was due to the national character, it was due to justice, it was due to civilization that that law should cease to exist. The only wonder is that it did not cease to exist long ago. We propose now that it shall cease to exist. Pray, is it not time? Pray, is this demand for an honest, impartial jury; pray, is this demand that we go back to the old and well-trodden paths of justice and legal decision; a matter that should fire the northern mind and set all the demagogues in the whole land north of Mason and Dixon's line to declaiming against this side of the Chamber?

So much for the law as it exists. What is the remedy? It is not easy to provide a remedy; but one thing is certain, experience has proved that when you frame a jury system under which there may be many political questions or political trials, or danger of political bias or prejudice, it is essential that you shall provide in some way that the juries shall not consist of men of one political party *alone*. That experience proves. Is there anything strange in our taking notice of the existence of political parties? Why, sir, do we not take notice of it in one way or another, directly or indirectly, in many of the States of the Union, and in the laws of the United States themselves? Do we not provide directly or indirectly in divers States of the United States that judges of election shall be of different political parties? Do we not in our own election laws provide that the supervisors of election shall be of different political parties? We are, as practical men, compelled to recognize the fact that there are in this country great political parties, as there have been in every free country that ever existed. To ignore that is to ignore as plain a fact as exists on the face of the earth, and therefore the proposition in the pending bill that the names of the jurors shall be placed in a box by the clerk of the court and by a jury commissioner, to be appointed by the judge, who shall be of the principal political party opposed to that to which the clerk belongs, and that they shall put in names alternately until the proper number is placed in the box, is not obnoxious to criticism because it recognizes the fact of the existence of political parties.

Will some one say to me what difference does it make about the political character of the jurors when they try a suit on a promissory note between me and the Senator from Vermont if he should happen to have the misfortune to hold mine? If he should hold it and sue me on it and I thought I had a defense, I would not want the jury packed all with stalwart republicans; I would wish something like a fair show; and I am very sure he would not want the jury to be entirely composed of real, dyed-in-the-wool democrats.

Mr. EDMUNDS rose.

Mr. THURMAN. I beg the Senator not to interrupt me. I am really very tired.

But it is not a suit on a promissory note between the Senator from Vermont and me, should such a thing ever happen, which is calculated to cause alarm. Why, sir, does not everybody know that in the Federal courts especially there is a class of cases which are political? There are very few in the State courts. The criminal jurisprudence of the State courts shows very few cases that are political; but a very large proportion of suits in the Federal courts are political. Nay, sir, a great many of them are more. It would be more proper to characterize them as partisan, and that they are prosecuted for partisan purposes.

Do you want to indict a man upon one of these political statutes, take him before some partisan judge, and then to aggravate the matter try him by a partisan jury of his political opponents, organized to convict? Do you call that justice? Sir, we have heard of military commissions organized to convict. They are not the only things that have been organized to convict. Courts have been organized to convict; juries have been organized to convict, and I affirm this day that the most disgraceful pages in all England's history are the pages which record the verdicts of juries organized to convict and of judges selected to sentence to death.

We propose to change that, and forthwith here arises nearly one-half of the Senate and cry out, "see how the confederate brigadiers are marching to the war; they have the audacity to demand impartial juries. Good God! for what was the war fought, for what did we put down the rebellion, if these confederate brigadiers are allowed to have impartial trials in the courts!"

But enough upon this theme. It is time for me to pass to another, and I now take up the subject of elections.

The bill before us proposes to repeal certain election laws enacted

by Congress. On one side, the side opposed to the repeal, it is said that this is an assault upon the purity of elections. It is also said that this is an attempt by these confederate brigadiers to shield them in their enormities, by which they suppress the vote of the truly loyal American citizens of African descent. I think that I shall be able to show that these laws were never originated for the protection of the American citizen of African descent; that they were not enacted for his protection; that they were made for quite a different latitude and for quite a different class of human beings. I think that I shall also be able to show, if I do not deceive myself, that instead of being in the interest of pure and honest elections, they are almost unmitigated instrumentalities of corruption and fraud, and that if our right to pass them under the Constitution were as clear as the sun at noonday in a cloudless sky, it would be yet the duty of every honest man to say, "let them be wiped from the statute-book."

But, before I proceed to consider their character in that respect, I hope I may be permitted to speak a little about the Constitution of the United States. I know that when a Senator rises here and says that a thing is unconstitutional, there are certain Senators who have no answer to his remark but a sneer. I think my friend from Minnesota [Mr. WINDOM] in a speech which I glanced over this morning said that we objected as usual to the constitutionality of something. That is to say, if a given measure is proposed here and we say it is unconstitutional, that is "as usual;" that it is our common answer to say that a thing is unconstitutional.

Mr. President, it will be a sad day for this country when an objection to a measure that it is unconstitutional can be put down by a sneer of that kind. I should suppose that men who before they can occupy a seat in this body have to take a solemn oath to support the Constitution of the United States would think it a matter of some little moment to know what that Constitution means, and having found what it means, to obey it. I should think that a constitutional objection made by a man who has a right to a seat upon this floor and is therefore, *prima facie* at least, a respectable and a responsible man ought to be met by something else than a sneer.

I say, and I say it in all good faith, after having made these laws which we propose to repeal a subject of much study, that, in my judgment, they are unconstitutional, and whether it is usual to say so or whether it is not usual to say so, I beg leave to say it now; and I beg leave to try and prove it. Turning to the election laws enacted by Congress, what do we find? Section 2004 reads as follows:

> All citizens of the United States who are otherwise qualified by law to vote at any election by the people in any State, Territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous condition of servitude; any constitution, law, custom, usage, or regulation of any State or Territory, or by or under its authority, to the contrary notwithstanding.

Of this section it is only necessary to say that it is a mere repetition of the substance of the fifteenth article of amendment of the Constitution; that, adding nothing to the force of that amendment, it does neither good nor harm and its repeal is not proposed. But now comes section 2005:

> When, under the authority of the constitution or laws of any State, or the laws of any Territory, any act is required to be done as a prerequisite or qualification for voting, and by such constitution or laws persons or officers are charged with the duty of furnishing to citizens an opportunity to perform such prerequisite, or to become qualified to vote, every such person and officer shall give to all citizens of the United States the same and equal opportunity to perform such prerequisite, and to become qualified to vote.

Then, by section 2006, a refusal to do so on the part of the officer subjects him to a heavy penalty. Then, section 2007 provides that:

> Whenever under the authority of the constitution or laws of any State, or the laws of any Territory, any act is required to be done by a citizen as a prerequisite to qualify or entitle him to vote, the offer of such citizen to perform the act required to be done shall, if it fail to be carried into execution by reason of the wrongful act or omission of the person or officer charged with the duty of receiving or permitting such performance or offer to perform, or acting thereon, be deemed and held as a performance in law of such act; and the person so offering and failing to vote, and being otherwise qualified, shall be entitled to vote in the same manner and to the same extent as if he had in fact performed such act.

Then section 2008 visits the judges of elections with penalties if they refuse to receive the vote. These sections 2005, 2006, and 2007 apply to all citizens of the United States. They are not in execution of the fifteenth amendment, but they are so comprehensive that they include all the citizens, the white as well as the black; the men who are born free and have always been free as well as those who have been in a condition of servitude. And they apply to all elections, not simply to elections in which the electors of President and Vice-President are chosen, or in which members of Congress are chosen, but to every election, every State election, every county election, every city, town, township, and school-district election in the whole length and breadth of the United States. They undertake to interfere directly with the conduct of State elections and regulate the reception of votes and the punishment of judges of election and registrars and tax-collectors and the like, who do not perform their duties; punish them by Federal instead of State law, and in Federal instead of State courts.

I have mentioned these sections, although they are not within the repealing clauses contained in this bill, to show what these election laws are, and to which the provisions that are sought to be repealed are subordinate. Then come the sections after them at some little distance which this bill proposes to repeal, and which provide for Federal supervisors of elections and for the interference of a host of deputy United States marshals in order to supervise and regulate the elections where members of Congress or Delegates are to be chosen.

Mr. President, having stated thus briefly what these statutes are, let us inquire where is the constitutional warrant for their enactment? But two provisions of the Constitution have been cited as warranting their enactment. These two provisions are cited in that very remarkable document, Veto No. 1, that we lately had the honor to receive from His Excellency the President of the United States, and his interpretation of the Constitution in this veto message is about as unfortunate, I must say, without meaning to be disrespectful, as his interpretation of constitutional and statute law in Veto No. 2; the one about as inaccurate as the other.

He cites, as I have said, two provisions of the Constitution in support of these election laws. First, article 1, section 4. That is in the original Constitution. Then the fifteenth amendment. What I have said already shows to every lawyer here that the fifteenth amendment does not support these laws. There is one section in the law which I read—that no man otherwise qualified shall be denied the right to vote on account of race, color, or previous condition of servitude; but, as I have observed, that might be stricken out of the statute without either good or harm being done, for it adds no force at all to the fifteenth amendment. But then the statute immediately goes on and undertakes to regulate the right of every other citizen of the United States to vote, no matter what his race, no matter what his color, no matter though he were born free and never was a slave in his life. The statute goes on to regulate his right to vote and to punish the election officers if they refuse to give effect to it. We are not left to argument about that. The Supreme Court has decided that those provisions were unconstitutional; that the fifteenth amendment confers no right upon any man to vote; that all it contains is a guarantee on the part of the United States that no man otherwise qualified shall be deprived of his vote on account of race, color, or previous condition of servitude. (U. S. *vs.* Reese *et al.*, 92 U. S. R., 214. U. S. *vs.* Cruikshank *et al.*, *id.*, 542.)

To that extent and no further may Congress go to give effect to that guarantee, that no discrimination shall be made against a man otherwise qualified to vote on account of race, color, or previous condition of servitude. But, sir, these statutes are not statutes in execution of that amendment. They are not leveled at discriminations on account of race, color, or previous condition of servitude. Let the citizen be deprived of his right to vote for *any cause*, these statutes in their terms embrace the case. For instance, in the State represented by my honored friend on my left [Mr. BAYARD] it is a law that every man must pay a certain tax before he is entitled to vote. That law applies to everybody. It applies to Senators on this floor as well as to the humblest colored man in the State. We have no such law in Ohio; but I recollect perfectly well that when I was the happy guest of my friend [Mr. BAYARD] who sits next to me, on an election day, I was much amused to see him rummage all over his house to find his tax receipt and suffer no small concern for fear that he had lost it and thereby lost his vote. That is the law in Delaware, but now these statutes come and apply to his case, and if he, born in Delaware and the son, grandson, and great grandson of freemen born in that glorious Commonwealth, should offer to pay his tax and the tax-collector should refuse to receive it, this statute takes hold of the case, although the only right to pass the statute was to protect men against discrimination on account of race, color, or previous condition of servitude.

Plainly and obviously on the face of it that law is not warranted by the fifteenth amendment, and the Supreme Court have said so again and again. In at least two cases if not in three they have so declared, and, therefore, I need not argue that question further. But suffer me to briefly repeat. There is not one word in this statute, except section 2004, which I have read, that is in execution of the guarantee contained in the fifteenth amendment that no discrimination shall me made on account of race, color, or previous condition of servitude. That guarantee is a guarantee of a right to vote, but almost every section of this statute, after you have passed those which I have read to the Senate, is for the purpose, not of guaranteeing a man's right to vote, *but of preventing a man from voting*. There is not in all the sections which we propose to repeal by this bill one single sentence that guarantees the right of any man to vote or that tends to guarantee his right to vote, be he white or black, or yellow or red. There is nothing of the kind, but there is abundant provision for preventing voters from exercising the right to vote. There is the power of a blackguard deputy marshal drawn from the lowest purlieus of New York or Philadelphia, ex-convicts of a penitentiary as some of them have been, to arrest without warrant the most decent and reputable citizen who offers to vote and hurry him off before a United States commissioner to await a hearing and thereby to lose his vote.

Mr. BAYARD. All the State officers of election.

Mr. THURMAN. All the State officers of election. They can tear the State judges of election from the seats they occupy, where they are executing the State law, and thereby put a stop to the election. No, sir, it is not a law to secure to men the right to vote, it is a law to prevent men from voting. It is not a law to enable men to exercise the elective franchise, it is a law to suppress the elective franchise. It finds no warrant within the fifteenth amendment.

Does it find any warrant in the original Constitution? The only

pretense of it is article 1, section 4. What is that? It is very short, and I ask my colleague to read it.

Mr. PENDLETON. Article 1, section 4, provides that:

The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations except as to the places of choosing Senators.

Mr. THURMAN. In the first place, it is to be observed that this provision in the Constitution relates simply to the election of Senators and Representatives in Congress. In the second place, the power given to Congress is the power to make regulations in respect to the times, places, and manner of holding elections, or to alter the regulations when made by a State, with the limitation that they shall not change the places fixed by the State authorities for choosing Senators. It is obvious that the laws now under consideration and which we propose to repeal are not exertions of the power to prescribe the time or place of holding elections because they do no such thing. If, therefore, they are authorized by this section of the Constitution it must be in virtue of the word "manner." That is the only word that is left.

The question then is: Are these statutes an exercise of the power of Congress to regulate the *manner* of electing members of the House of Representatives?

The first thing that will attract the attention of any one who will study this subject is that the principal object of this provision in the Constitution is to enable the Federal Government to preserve its existence. That is the principal object. Indeed that is the only object stated in the fifty-eighth number of the Federalist, (Dawson's ed.,) which treats of this provision. It is true that in the fifty-ninth number some other considerations are suggested, but they are only suggested. The great ground upon which the propriety of this provision is placed is stated in the fifty-eighth number, and it is that the provision is necessary to enable the Federal Government to preserve its own existence. That being the case it may be argued with no little plausibility that this power can only be exercised by Congress in order to provide for a case or cases in which a State shall fail to provide for such elections. But I do not press this point. It is not at this time necessary to decide it, and in general it is not wise to attempt to decide constitutional questions before they arise. But to show that I am right I beg leave to refer to the Federalist for a moment in order that you may see what was the opinion of the fathers of the Constitution upon that subject. I read from number fifty-eight, Dawson's edition:

The natural order of the subject leads us to consider, in this place, that provision of the Constitution which authorizes the National Legislature to regulate, in the last resort, the election of its own members.

After quoting the Constitution and referring to what had been said against that provision, it then proceeds to defend it in these words:

Its propriety rests upon the evidence of this plain proposition, that *every government ought to contain in itself the means of its own preservation.*

That is the proposition on which it rests according to the Federalist. Further down it says:

It will, I presume, be as readily conceded, that there were only three ways in which this power could have been reasonably modified and disposed; that it must either have been lodged wholly in the National Legislature, or wholly in the State Legislatures, or primarily in the latter, and ultimately in the former. The last mode has, with reason, been preferred by the convention. They have submitted the regulation of elections for the Federal Government, in the first instance, to the local administrations, which, in ordinary cases, and when no improper views prevail, may be both more convenient and more satisfactory; but they have reserved to the national authority a right to interpose, whenever *extraordinary* circumstances might render that interposition necessary—

To what?

to its safety.

That is the ground upon which it was placed. Now, I do not say, because I do not wish to anticipate a question that it is not now necessary to decide, that the power of Congress in this respect is limited to the case in which a State shall have failed to provide for elections. "Sufficient unto the day is the evil thereof."

I go to another proposition which I hold is capable of demonstration, and that is, that whether the right of Congress to regulate the manner of congressional elections when there is no default on the part of the State exists or does not exist, the laws which this bill proposes to repeal are not a constitutional exercise of the power, *for it is fundamental that Congress cannot under article 1, section 4, interfere in any manner with the election of State officers.* It can no more do it, under the pretense of regulating congressional elections, than it can when no Congressmen are to be elected. It follows that any regulation of congressional elections enacted by Congress must be so framed as not to interfere with the election of State officers. If it do so interfere, it is unconstitutional. Upon that I stand with a consciousness of being in the right that I hope is not presumptuous. To me no legal proposition ever appeared clearer. There are two classes of elections in this country. There is an election for Federal officers, Representatives and Senators in the Congress, and electors of President and Vice-President; if the latter can properly be called Federal officers. There is another class of elections for the officers of a State and her subdivisions. With the elections of this latter class, Congress under this clause of the Constitution has no more right to interfere than it has to interfere with the elections in France. So far as it can interfere at all, it is under the fifteenth amendment, and that is simply to guarantee the right of men otherwise qualified against a discrimination on account of race, color, or previous condition of servitude. But that guarantee, I have shown, has nothing to do here. Here the question is not about objections of race, color, or previous condition of servitude, but it is whether Congress under the pretense of regulating congressional elections can in effect regulate the elections of State officers too, and that in direct violation of the laws and the rights of the States.

Sir, did our fathers ever think for a moment when they were placing that provision in the Constitution authorizing Congress to make regulations in respect of the times, places, and manner of electing members of the House of Representatives or Senators in Congress that they were giving Congress plenary power over the election of State officers? Was that their opinion? That it was not their opinion we may easily see by the forcible language in this same fifty-eighth number of the Federalist. I will thank my friend from West Virginia to read it. He has a good, clear voice, and I ask him to read it, and with emphasis, too.

Mr. HEREFORD. It is as follows:

Suppose an article had been introduced into the Constitution empowering the United States to regulate the elections for the particular States, would any man have hesitated to condemn it both as an unwarrantable transposition of power and as a premeditated engine for the destruction of the State governments? The violation of principle in this case would have required no comment, and to an unbiased observer it will not be less apparent in the project of subjecting the existence of the National Government in a similar respect to the pleasure of the State governments. An impartial view of the matter cannot fail to result in a conviction that each as far as possible ought to depend on itself for its own preservation.

Mr. THURMAN. If our forefathers in the convention should have put a clause in the Constitution that would warrant what these laws attempt, they knew that the whole instrument would be rejected, and rejected with scorn and indignation. Sir, I ask what do these laws effect? Do they not interfere with the election of State officers? How is it that when thousands, I believe that I am not going too far in saying thousands, of men who claimed the right to vote, and who so far as we know had the right to vote, at the last election in the city of New York, were arrested by Federal officers, dragged from the polls before Mr. Commissioner Davenport, put in a cage, as many as the cage would hold, kept there until the election was over, and others only admitted to bail on the condition that they would promise not to vote, others again only on condition that they would surrender their naturalization papers—papers that he had no more right to take from them than he had to take their goods and chattles—when that was done, was that not interference with the election of the officers of the State? Was that simply a regulation of the manner of electing members of Congress? Was that not an interference with the election of the members of the Legislature of the State who were to be chosen at that election? Was it not an interference with the election of one of the judges of the highest judicial tribunal of that State then to be chosen? Was it not an interference with the election of every State officer who was voted for at that election? Who can deny it? Nobody can. And, sir, will you tell me that Congress, under the power to regulate the manner of elections in the choice of members of Congress, can frame a law in such wise as really to authorize a deputy marshal of the United States to tear the State judges of election from their seats and confine them in prison and stop the election, and that all that is not interfering with the rights of the States to hold their elections for State officers according to their own laws? Will you tell me that that is the exercise of the power to regulate the manner of electing members of Congress? No sir, it will not stand one moment's examination. There are some things so clear that argument upon them only serves to obscure them, and this is one of them. A man would be absurd who should argue that two and two do not make four; but he would be scarcely more absurd than he who should argue that laws which permit the interference of which I have spoken can be sustained under the provision of the Constitution authorizing Congress to regulate the manner of electing members of Congress.

What follows, Mr. President, from this? Congress has the power to make regulations respecting the manner of electing members of the House of Representatives. Undoubtedly it has. Whether that power is limited, as I first suggested it might possibly be, or whether it is much broader than that and applies to a State which has provided such regulations or not, there is one thing, I repeat, that is fundamental, to wit: that Congress in the exercise of that power shall so legislate as not to interfere with the right of the State in the choice of her own officers. Congress has, it will be admitted, authority to do that; for, mark it, this provision of the Constitution does not stop with saying that Congress shall have the power to regulate the manner of such elections; it authorizes it, in respect to the election of members of the House of Representatives, to prescribe not only the manner but also the time and the place of election, so that it is perfectly easy to avoid all conflict with State authority and all interference in State elections.

Mr. BAYARD. The State cannot avoid it.

Mr. THURMAN. No, the State cannot avoid it, as my friend suggests. Some one has said that the State might avoid it because it might provide that its election should be held upon a certain day different from that provided by the act of Congress for the election of members of the House of Representatives; but a Congress bent on extending its power, bent on usurping power over the State elections,

might immediately change the times of holding the congressional elections and fix them on the very days of holding the State elections. But if Congress will take the matter in hand, if it will disgrace the State, if it will write a brand of infamy on the brow of every State officer engaged in conducting elections and say he is not to be trusted, if it will ignore our history for three-fourths of a century, if it will say that every State officer is a felon, for God's sake let it keep within its own powers and do it in a way about which there can be no mistake. Let it provide that the election of members of Congress shall be so many days before or so many days after the State election, and then let it provide its own agencies for carrying on that congressional election, or let it permit the State to provide for it as it may see fit. My friend from California [Mr. FARLEY] suggests to me that in his own State every State officer, from the highest to the lowest, is elected on the same day that Congressmen are elected. But under the pretense of the power to regulate the manner of choosing members of the House of Representatives, this Government thrusts its arm in and with its money, (which it has spent heretofore in that State with no stinted hand to control elections,) and with its hundreds, ay, more than a thousand, deputy marshals and supervisors which it has employed there in the past and which it may employ again next fall if the laws remain unchanged, it interferes directly with the choice of every State officer. When a Senator shows up so flagrant a usurpation as this, my friend from Minnesota says his objection is simply "as usual" that the law is unconstitutional. God forbid that such objections should not be usual with me. When such an objection ceases to be usual with me it will be when I myself shall have ceased to have the power to make it.

I might show more instances in which these statutes interfere with the right of a State to regulate her own elections. I have already mentioned two of them. Here is a State which requires a registration before any man can vote for a State officer, and which provides officers who are to judge of the right of a man to register. They act under oath, they render a solemn and an honest judgment as to the right of the man to vote; but then steps in this Federal statute and says that if the man will swear that he was qualified and offered to register and was rejected the judges of election must disregard the State law and permit him to vote, although in their opinion as well as in that of the registrar he is not a qualified elector. They must give effect to his false affidavit.

I referred awhile ago to the fact that there is a State law in certain States requiring a man to pay a tax before he shall be entitled to vote. Suppose a man presents himself at an election for State or municipal officers in one of those States and offers to vote. The judges of election say to him: "Have you paid your tax?" He answers, "No; but I offered to pay it, and the collector of taxes refused to receive it." The collector and perhaps half a dozen others, who were present at the alleged time and place of offer of payment, step up and make oath that no such offer was made. The testimony is conclusive and indubitable that the man's affidavit is false. What must the judges do? Under the State law they are bound to reject the vote, and they have sworn to obey that law. But here steps in this law, enacted by Congress, and says to them: "You shall receive it; and if you refuse to do so, you shall pay this false swearer and would-be-fraudulent voter $500 and costs and may be counsel fees, if he see fit to sue you."

But if these laws were constitutional they ought nevertheless to be repealed, for instead of being in the interest of pure and honest elections the wit of man never yet devised a better instrumentality to promote fraud, corruption, and oppression than are these laws; and for that reason they ought to be repealed.

Mr. President, I recollect something about the passage of these laws. I am sorry to say that they passed under my eyes. I did what an humble man could do to prevent their passage. There were about half a dozen democrats here at that time, perhaps eight or more, and we sat away around yonder in the northwest corner, a very small squad, while the seats in all the rest of the Chamber were filled by our opponents.

Mr. CONKLING. What does the Senator say, that there were but half a dozen?

Mr. THURMAN. I said half a dozen democratic Senators, more or less. There were eight or nine of us, to be more accurate.

Mr. CONKLING. Only eight democratic Senators?

Mr. THURMAN. I will make it a dozen, if necessary.

Mr. CONKLING. If eight made all the noise that was made on that occasion it must have been an extraordinary eight.

Mr. THURMAN. I will tell you that those eight men were inspired on that occasion. They were inspired, and they stood up for the Constitution, they stood up for honest elections. They made, as the Senator says, much noise, but it was something besides noise. It was not *vox et præterea nihil;* it was argument, and an argument that has told, an argument that has filled these seats from the seven we occupied when I first came into the Senate until we have crossed the Jordan, [pointing to the middle aisle,] and got into the promised land. We did make a great deal of noise about these laws.

Now, let us see how these laws purify elections. I said that I was here when they passed. I recollect the debate very well. It lasted a long time. What was the principal reason urged, that which seemed to have most weight for passing them? It was said that it was necessary to pass them in order to protect the poor freedmen down South from the kuklux and the white-leaguers and the Lord knows what. I did not believe it then, and history has demonstrated that my incredulity was well founded. Let us see whether or not these laws have been used to protect the poor freedmen down South, or whether they have been used to oppress the freemen of the North.

First, let me show where the laws originated. Did they originate in the South among the poor freedmen? Did they originate in the fertile brains of that historical class of people called "carpet-baggers" who took upon themselves the peculiar guardianship of the poor freedmen? Not a bit of it. They did not originate anywhere near that. They originated in the city of New York, and they originated in the Union League Club of the city of New York—a partisan political club. I speak from the book. If my memory is not at fault, and it is a pretty good memory for an old man, I think I can show that it was admitted in the debate on this floor that they were concocted in the Union League clubs. I do not, however, stand on any such admission as that, but I will offer a little proof of it, and that will be found in the report made by Mr. Caulfield from the Committee on Expenditures in the Department of Justice to the House of Representatives on the 5th of August, 1876, Forty-fourth Congress, first session, Report No. 800. I will begin on page 173 to read the testimony of Samuel J. Glassey. Who was Samuel J. Glassey? I never saw him; I have no knowledge of him except what he states about himself; but I should suppose that our friends on the other side of the Chamber will give credence to him as a respectable man, for he appears to have been the chief counsel employed by the Union League Club of the city of New York to get up these very laws. Therefore the presumption is that he is a respectable man; at least that ought to be the presumption on that side of the Chamber. But he took to his assistance a man who is not so respectable and who has become quite notorious, one John I. Davenport, and that duality of law and partisanship went to work. Mr. Glassey says in his sworn testimony:

> The Union League Club, on the evening of Thursday, the 5th of November, 1868, appointed a special committee to take measures to have an investigation made into the frauds alleged to have been committed at the election held on the Tuesday of that week, two days before. That committee was composed of five or six prominent members of the club, all gentlemen well known in the community; and at the instance of that committee I was retained one or two days afterward to act as counsel for the Union League Club to conduct that investigation. General John A. Foster, a well-known lawyer of this city, was about the same time retained as my associate. He and I had a consultation together on the day after we were respectively informed that we had been selected to do that work, and arrived at an understanding between ourselves as to the manner in which it should be done, the objects to be sought, the methods to be pursued, and immediately put ourselves in communication with the committee.

That introduces the *dramatis personæ*, at least so far as the chief men are concerned. Well, how did they go to work? I ought first to say, however, that the animus with which they went to work is shown in the testimony of the same witness in this report on page 177:

> All those concerned in pressing the investigation were active republicans, and we looked for democratic frauds, although we invited by public advertisement information as to frauds perpetrated by both parties.

That is, they invited information but they did not look up any but democratic frauds. He then goes on to state how he employed Mr. Davenport. He and Mr. Davenport entered into a law partnership, and the reason of it will be apparent to anybody who reads this testimony. A large portion of the profits of that law partnership came out of the United States by means of these election laws. But finally they quarreled. It is said "When thieves fall out honest men get their dues." These fellows did fall out, and Glassey sued Davenport for his share, but the honest men, the people of the United States, never did get their dues and never will. As to how these laws originated, Mr. Glassey says:

> All the business growing out of that employment—

That was the investigation—

> was terminated in the spring of 1869.

One would suppose then that there was an end to that committee. Not a bit of it—

> In the early summer of 1870 application was made, at the instance of the Union League Club mainly, to Congress for the passage of laws intended—
>
> Question. Omit so far as possible these party references?
>
> Answer. Bills were introduced in both Houses of Congress, relating to the regulation by United States authorities of elections for members of Congress, and the amendments of the law regulating naturalization, and two bills were passed, one in May and another in July. In November, 1869, I took Mr. Davenport into partnership in my law business.

Another question:

> Q. Was he not appointed supervisor in 1871?
>
> A. Yes, sir; I think so, but my business relations with him closed within a very few days after that, and I don't think that I was aware that he had actually received the appointment when I dissolved the partnership. Down to the 1st of May, 1871, there had not been opportunity or occasion for any action, officially or otherwise, on his part, in relation to elections, after the election held in the fall of 1870. He held no office that warranted any action on his part in regard to elections in any way, shape, or manner. The act passed on the 28th of February, 1871, was in great part of his designing—

That is the act of Congress—

> he prepared it, and at the instance of the Union League Club he went to Washington and attended to its passage. Some time during the spring of 1871, whether before or after the 1st of May I can't now distinctly recollect, I heard that he was obtaining information from the census marshals for use at elections.

That shows where this law came from, and those who were here at the time will not forget that it was a much bigger law when it came

in. It contained, I do not know how many sections. There were nearly as many sections that do not appear in the law now as were retained. And why were they not retained? Because they were sections that in effect would have disfranchised almost every naturalized citizen in the United States by the use of the instrumentalities they authorized. And they would have made it almost impossible for anybody to be naturalized, and would have given a man no security for his right to vote after he had become naturalized. I called the attention of the Senator from Indiana, now deceased, the late Mr. Morton, to those sections, and said to him, because I knew his sagacity, "Morton, you cannot support these sections." Said he, "I never saw them; let me read them." He read them, and he said to me, "I cannot support them." We democrats had the day to speak against the bill. He asked me to let him in. Said I, "Certainly, you may come in; we will be glad of it." He did come in, and he made one of the best speeches he ever made in his life; and in that speech he characterized those provisions in regard to naturalization as provisions to make a law-suit of the right of every naturalized citizen to vote. Well, we got those provisions out, but the rest remained.

Here is the way these laws originated, not at all in the interest of the freedmen of the South, as has been so often contended, but solely for the purpose, or mainly for the purpose, of controlling the elections of the city of New York, and by that means of the great State of New York.

Now, how have they been executed? Their execution proves just what I say. Let me give you some few figures upon that subject taken from the official reports of the Attorney-General and from the reports of investigating committees. In 1876 under these laws there were 4,863 supervisors of election appointed, and of those 1,779 were appointed in the State of New York, nearly one-half of them in that single State. Again, there were 11,610 marshals appointed and more than one-fourth of them were appointed in the State of New York. But now look where the money was spent, for that is the main point. There was expended under those acts in that year the sum of $285,921.27. How much of it was expended to protect the poor freedmen at the South? In the Southern States, to wit, Alabama, Georgia, Louisiana, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Texas, and Virginia, $48,719.86 were spent, while in the other States $237,202.21. That is to say, one-sixth of the money was spent in the South and five-sixths of it was spent in the North. That is the way they protected the poor freedman. They had given him the right to vote, they had compelled the South in self-defense to give him the right to vote. They guaranteed him against any discrimination on account of race, color, or previous condition of servitude; but when it came to using the money of the United States, for $1 that they gave to protect him, to guarantee him, they spent $5 to corrupt elections at the North and to deprive men of their right to vote at the North.

Yet the proposition to repeal these laws, which were thus brought to bear upon the people of the North, to oppress them and to tread under the iron heel of despotism the naturalized citizens of this country, is all a device, we are told, of "the confederate brigadiers!" I wonder that they have the face to show themselves in this Chamber when they have such a diabolical intent! They are bad men, for they say that you ought not to spend two hundred and odd thousand dollars to deprive northern freemen of the right to vote, to steal the naturalization papers of naturalized citizens or take them from them by main force, as Davenport has done, and incarcerate them in cages! We say you ought not to treat freemen of the North in that way. We protest against it. We protest against it in the name of liberty and fair play; yet when we do this it is a southern conspiracy, forsooth, to dissolve the Union!

But, Mr. President, let us go on. How much of those $285,921 do you suppose was spent in New York? We have seen that the bills originated there. As to how much was spent for the benefit of the poor freedmen, I have already spoken. How much of it was to regulate and control elections in New York? How much was used to bribe voters in the way of giving fees to deputy marshals who could be employed for ten days as the law then stood? How much of it was used for the purpose of bribing men in that way? The Senator from New York [Mr. CONKLING] spoke the other day, if I heard him aright; his vocabulary is so rich that I cannot follow him, but I believe there was something about thugs, shoulder-hitters, and gutter-snipes, and a great variety of chaste epithets that he applied to some of the people of the State that he has the honor in part to represent. Of course he does not represent these fellows at all. But if New York were dragged through, to use the Senator's own expression, from Harlem River to the Battery, there could not be found in it a worse set of men than a great number of the deputy marshals who were selected in 1876 and again in 1878 to execute these laws. How much of this money was paid in order to fix up the elections in New York City? I have shown you that the total expenditure was $285,921. Of that $156,000, being more than half the whole amount, was spent in the State of New York. That is the way the right of the freedmen to vote without objection on account of race, color, or previous condition, was enforced. New York City was devoted to the enforcement of the right of the freedmen, though they had been voting there ever since the constitution of 1821. I may be mistaken as to the date, but if my memory is correct, colored men voted there long before I had a right to vote in my own State. But it was so important to shield them under this guarantee in the Constitution that they had to take of the money of the people of the United States nearly $156,000 in order to execute this guarantee in the city of New York. Then, coming a little way down, they spent $37,000 in Pennsylvania. Why did they not spend more in that State? Because in the city of Philadelphia they had the whole police in their hands, they had the whole machinery in their hands, and those fellows laughed to scorn the idea of having the United States interfere in their nice way of managing elections. They were fully competent to do that themselves. They never failed to manage the elections in Philadelphia. When the emergency came no man ever knew them to fail. It is only necessary to send word to them how much republican majority they must have in Philadelphia to carry the State, and it is just as certain to be returned (I will not say voted or cast, but it is just as certain that there will be a returning board that will return so many votes) as it is that the sun will rise over that peaceful State.

So they did not need any money there, but still the fellows who like to fatten upon political employment, the fellows who want their share of any good thing that is going around, those kind of fellows described by the Senator from New York, and who are not all confined to the city of New York, and some of whom can be found between the Schuylkill and the Delaware, in the ancient city of Philadelphia, insisted that they should have their share. They were not going to let the bummers in New York get all this money; not they. They insisted on having a share, and therefore there was vouchsafed to them the sum of $37,000, one-fifth of what was given to New York. Then the managers thought they would cross over the North River and give my friend from New Jersey [Mr. RANDOLPH] a small tilt, because there is Jersey City, that lies right opposite to New York—and it is a pretty large city—and there is Newark, and there are many other towns round about there; but those fellows in Jersey City and Newark, only a few miles from New York, could not bear to see these bummers and thugs and shoulder-hitters flourishing in the State of New York, as deputy marshals, receiving a large sum per diem and employed ever so long, and they get nothing; and so the little sum of $12,000 was given to New Jersey. It was not much, but still it was something, and helped to pacify the brethren. Then they came down into your State, Mr. President, [Mr. WHYTE in the chair,] for the Baltimore people are pretty smart people, especially in the matter of elections. They have been uncommonly smart and very pointed sometimes in times that have gone by. So, to satisfy the republicans of Baltimore, of the class described by the Senator from New York, they gave to Maryland $12,000. Thus these four States, New York, Pennsylvania, New Jersey, and Maryland, absorbed $217,000 of the $285,000, leaving to the other thirty-four States the sum of $68,571.25. And this is the law for the preservation of the purity of elections; this is the law that it is monstrous that we should touch!

Mr. President, when my friend from New York [Mr. KERNAN] was speaking yesterday and saying that these laws ought to be blotted out, I saw in the classic face of my friend from Massachusetts, [Mr. HOAR,] recollecting his Harvard education, that he was exclaiming to himself:

Procul, O! procul este profani.

He was shocked that the Senator from New York should want to lay his sacrilegious hands upon those most holy and great institutions of American freedom and purity.

But let us pass on; and I must pass on or I shall never get through. Let us come to 1878, and we shall find another specimen of the same thing. The supervisors appointed in 1878 were 4,881. Of these, 1,953, nearly one-half, were appointed in New York, and 1,682 were appointed in Pennsylvania. That made 3,635 in those two States alone, leaving only 1,246 for all the other States in the Union. That is the way they took care of the poor freedmen at the South. Of the deputy marshals 4,725 were appointed, and of these about one-half, 2,308 were appointed in New York, and in all the other States of the Union only 2,417 were appointed. That made of supervisors and marshals 9,606. The expenditures were $222,714.22, for I want to be precise; and in the Southern States from which returns were made, to wit, Alabama, Georgia, Kentucky, Louisiana, South Carolina, and Virginia, what portion do you suppose was expended of this $222,000? Of course you would suppose that as the kuklux raged down there, as the white-leaguers raged down there, as there was no such thing as free elections down there, as the poor negroes were massacred in order that the whites might carry the elections, you would suppose, as all that took place, according to radical authority, that that was the place where the most of the deputy marshals of the United States were appointed and where most of the money was spent. But singularly enough, of this $222,714.22 expended in 1878, the amount used in the South was just $18,241.06; that is to say, about one-twelfth of the whole expenditure, while eleven-twelfths of it was expended in the North. Why was it expended in the North? Let the gains of the republican party in New York, in New Jersey, and in Pennsylvania answer the question why it was expended there. The gains in the House of Representatives will answer it better than anything else can answer it. At one single election there was a gain of more than fourteen members of the House of Representatives, and singularly enough the greater the expenditure of money the greater was the gain of republican members of Congress.

Mr. RANDOLPH. Will the Senator from Ohio allow me to emphasize his statement?

Mr. THURMAN. With the greatest pleasure in the world.

Mr. RANDOLPH. I will take only a moment. The congressional district in which Jersey City is situated has a democratic majority of from five to seven thousand usually, and a democratic member of the House of Representatives has been returned for many Congresses. There is now a republican member from the Jersey City district, the district in which much of the $18,000 heretofore alluded to by the Senator from Ohio as having been expended in New Jersey——

Mr. HOAR. Were there not two democratic candidates running, allow me to inquire?

Mr. RANDOLPH. No, sir; I do not understand that to be the case. There was but one recognized democratic nominee.

Mr. HOAR. But one regular nominee.

Mr. RANDOLPH. A moment. The split was partly brought about by the very——

Mr. THURMAN. I fear that the dialogue between my two friends will take too much time.

Mr. CONKLING. Let us hear about the other democratic candidate who was irregular.

The PRESIDING OFFICER. The Senator from Ohio declines to yield further.

Mr. CONKLING. I hope the Senator from New Jersey will not stop before we hear about the other democratic nominee who was irregular.

Mr. RANDOLPH. Mr. President, I notice the language of the Senator from Massachusetts; I notice the manner of the Senator from Massachusetts upon this floor; and I notice that his was not a fair question under the circumstances. If I am permitted, I shall take occasion if it be necessary before this debate closes, when I am not interrupting the Senator from Ohio, to make a statement more forcible than I have made upon this subject. I state again that the moneys expended in the district where Jersey City lies were of such moment, had such force, such potency, that they had largely to do with taking away the Representative from the democratic party in a district that has given a majority of from four to five thousand for that party for a long number of years; and I have no doubt the same fact is true in regard to New York at several elections.

Mr. CONKLING. Oh, yes; wherever we get an honest vote.

Mr. THURMAN. Mr. President, although it is not the most important part of the history of these laws, it is still an important part to show whether they are made the instrumentalities of money-making and corruption by those who use this money. I had occasion when I spoke a few words on the subject of these laws at the last session to call attention to the testimony taken in a case from Saint Louis, the case of Frost *vs.* Metcalfe, I believe it was, in which the way this money was used and this power of appointing deputy marshals was used is very truly and clearly stated. The way was to send to a man that they thought was purchasable and ask him if he was a democrat and whether if he were appointed a deputy marshal he would agree to work for and vote for the republican candidate. If he said yes, he was appointed; if he said no, he was dismissed. So that went on; and I think they appointed over a thousand in the city of Saint Louis, and the effect on the election was very easily to be perceived.

That is one way in which this money of the people is used. I could show you in this document the testimony of a man bearing on this point, although I do not attach much importance to it, because he belongs to the detective service, and I have learned to distrust almost everything that one of these fellows says; but here he tells a story that looks like a very plain one as to how he and others changed in the Italian part of the city of New York fifteen hundred democratic voters into good republican voters by manipulation and the means furnished by the secret-service fund.

Sir, the truth is, and it cannot be successfully denied, that these laws simply furnish an electioneering and a corruption fund out of the public Treasury for the benefit of the party that is in power and for the benefit so far of the republican party. If the democrats were to get into power on the 4th of March, 1881, if there was such a blessing to the country as a democratic President, these brethren on the right-hand side, unless they had confidence in his honesty because they knew he was a democrat, would clamor more loudly for the repeal of these laws than ever they have clamored against their repeal, although their voices have been loud in the land. To be sure they would. They would not for one single moment trust a democratic administration with the power over the public purse, the power over the officials of the land that these laws give, and they would wipe them out if they could in a moment. There would be another ox that was gored then, and they would claim that there should be an end of these laws.

Mr. President, that is one way; but that is not all. How have these men thrived who have engaged in this occupation? First let me call your attention to the kind of people, according to the testimony of this same Mr. Glassey, who are employed in this business:

Question. What do you say of the necessity of Federal interference in elections here in this city and the considerable expenditure of public money in that respect at the present time?

Answer. Keeping in view the laws of the State now in force——

By Mr. COCHRANE:

Q. And which have been in force how long?

A. Since 1873. I regard any action on the part of the United States as wholly unnecessary.

By Mr. MEADE:

Q. And expenditure therefore unnecessary?

A. A dead waste of public money, and also objectionable as affording an opportunity to the person who happens to hold the office of chief supervisor to distribute a great deal of patronage among the most dangerous and worthless class in the community, the lower breed of politicians.

There is another place in which he speaks of that, and gives a very graphic description of what kind of people they are. Here it is, I believe:

Question. Applications?

Answer. Applications for appointment as supervisor. For receiving those papers and putting them on file he gets ten cents apiece.

By Mr. MEADE:

Q. In 1872?

A. Yes, sir.

Q. Two thousand one hundred and forty-one applications for appointment. Then the next item is for administering over two thousand oaths to deputy marshals at ten cents apiece?

They are talking about John I. Davenport himself now.

A. There is a fee allowed by law for administering the oaths of office to supervisors and deputy marshals. That oath, of course, should only be administered to supervisors who are actually accepted for the service. As to the deputy marshals, their appointment is in the discretion of the marshal, and, in my judgment, there has been no earthly necessity for the appointment of any deputy marshal, especially for the elections since 1870, and appointing them is simply using public money for the benefit of the lower class of politicians for rendering merely nominal services.

Q. Right there, won't you illustrate the practical operation of it in local politics of employing these marshals?

A. In a city like this there are always hundreds of men who have hardly any regular employment, who are chronic seekers of small offices, hangers-on to the politicians of all grades and stripes. About the time of election they make a little money by doing miscellaneous work for the candidates. It is from that class of men that these supervisors and marshals, especially the marshals, are most likely to be selected. Their pay is a per diem fixed by law, and for as many days, not exceeding ten, as the marshal and the chief supervisor may choose to certify.

Q. Might not such a power vested in the marshal be used, in the hands of an improper man, for purposes of corruption?

A. Unquestionably. The duties of a deputy marshal are purely nominal. They have no authority except to keep the peace and see that the supervisors are not interfered with in the discharge of their duties. Except under such exceptional circumstances as existed in 1870, there has not been the slightest danger of the breach of the peace; and, besides that, the municipal police, which is a regularly organized and well-disciplined force, is there for that special purpose, and, under ordinary circumstances, there is no reason to doubt the fairness and efficiency of their action. If there should be a contest between the State and national authorities, ten policemen would be worth fifty marshals. In other words, I regard the marshals, selected as they are and as they must be, as purely useless.

Now, sir, that is the testimony of the chief counsel for the Union League Club of New York. If I had time to go into the way in which the man Davenport has acted in feathering his own nest, I think it would surprise Senators to find how the public money has gone. I have no time to speak of his extortion; I have no time to speak of his enterprise; I have no time to speak of the fact proved in this testimony that in 1876 he had eight thousand affidavits made against persons, or prepared to be sworn to, months before the election, in his office, for which, or a portion of which, he charged the Government; against men he had never seen, charging them with registering long before the registry was opened in order that he might terrify naturalized citizens from voting by causing them to be arrested. And he would have issued the whole of them but this attorney called his attention to the fact that he dare not issue them before the men registered. He called his attention to the fact of the scrape he would get into, or the man who swore to them would get into, if he issued them without the men having been registered. Yet he did go on and issued about eight hundred, and three hundred arrests were made and the men taken before United States commissioners, and every single man of them but ten was discharged, and of the ten men who were detained but three, or at most five, were convicted.

What kind of a man is this? He performed the same thing lately. More than two thousand affidavits were sworn to by one of his clerks at the very last election—a man who by no possibility could know the truth of a single affidavit on which the arrests were made.

But, sir, I want to speak of some of his own personal corruption, because it is right that this man should be held up and held up to eternal infamy. I have spoken of the amount of money expended in the execution of these laws; but there is one sum of which I have not spoken, one sum to which I have not called your attention. There is a thing called "the secret-service fund" in the Treasury Department, and there have been from time to time appropriations made for the secret service of the Department of Justice, and there has been a bureau of detectives in the Treasury Department, employed sometimes by the Department of Justice, employed ostensibly to ferret out crimes against the United States. There was an appropriation of $50,000 for the secret-service fund of the Department of Justice. What do you suppose became of that money? I will tell you what became of $34,000 of it. Mr. Davenport required that he should have that sum. Mr. Williams, who was then Attorney-General, said no, there is no law for me to give you a dollar of this money; but after a while Williams consented that Whitely, the chief of this detective service, might draw the $34,000, and then he might do with it as he pleased; if he saw fit to let Davenport have it, well and good. Williams, in his testimony, if I remember correctly, says by way of excuse for his action that the President told him to let Davenport have it that way. Be that as it may, in direct violation of the law, without one single word on the statute-book to authorize it, $34,000 of that secret-service fund went into the pockets of John I. Davenport, chief supervisor. This report shows that not one dollar of it

was ever accounted for, at least not one dollar of it could the investigating committee, to whose report I have referred, find by the most searching examination was ever accounted for to the United States. Did Davenport ever render any account of what he did with the money? No, sir, not so far as the committee could discover. Williams, the Attorney-General, who had the supervision of all the expenses of his Department, secret-service fund and all, was asked did Whitely or Davenport ever make any return to you of what was done with that money, and he answered no. The committee examined the books of the Department from beginning to end for those years, and never could find one single word or one single letter or one single figure to show what became of those $34,000 that went to John Davenport. So far as I know or have heard, it has never been accounted for since. There is nothing to show what became of that money, or at least not up to the date of this report, and if there has been anything since it has escaped all the search I have been able to make.

That being the case will you wonder at a little piece of history that I will read to you. I hate to deal with such a fellow as this Davenport, but I tell you he is the most potential man in this country, made so by these laws. I say that this man, with his control of the elections of the city of New York, and through them of the elections of the great State of New York, which may determine the elections of the whole Republic, wields a power such as no human being in this land or any other land of free elections ever yet wielded, and therefore he cannot be said to be so small that we can say of him *de minimis non curat lex*. I cannot put up my senatorial nose in the air and say, I cannot take notice of this little pismire under my feet. [Laughter.] He is an elephant, sir. [Laughter.] Let us see how he has flourished. I read from the testimony of this same Mr. Glassey, on page 186:

Question. You have stated that, in 1871, Mr. Davenport's pecuniary condition was very bad?
Answer. Yes; it was.
Q. He had no funds—no means?
A. He had no means whatever.
Q. Was a borrower of you for a large amount from time to time?
A. He had overdrawn his account in our office by personal solicitation to me to meet daily expenses.
Q. I believe you further stated that he, from time to time, pleaded poverty as an excuse for not paying this sum of money?
A. He was indebted over $2,000 the 1st of May, 1871.
Q. What is his pecuniary condition now?
A. I only know by report.

This was in 1876.

Q. As to his style of living at this time?
A. From information volunteered, he lives extravagantly and is always in debt.
Q. How in reference to a horse and carriage?
A. I have been told that he keeps two carriages, but I don't know whether it is true or not.
Q. Where does he reside?
A. In Thirty-seventh street, between Lexington and Third avenues.
Q. What is the character of that portion of the city?
A. It is a very nice situation. He has a brown-stone house. It is a part of the Murray Hill district.
Q. He resides in a brown-stone house?
A. His rent is $2,250. I happen to know that, because his landlord is a client of mine.
Q. It is a rather stylish neighborhood?
A. It is a very nice neighborhood. I would like to occupy a house there myself if I could afford it.

When this bill passed which he got through Congress he went back in high spirits to the city of New York and he felt good, for he foresaw what was coming, and therefore he told his law partner what a good thing it was and that he could make money out of it, from $20,000 to $25,000 a year, and I think he has been as good as his word; I think his expectations have been fully realized, if I may judge from the testimony.

Mr. President, that is the way in which this law has been executed. If you were to go into the items of this man's accounts, what are they? Think of nineteen hundred and ninety-odd dollars for the hire of carriages. The testimony is that there was no earthly use for such expense at all. Eleven thousand dollars for indexing, and the testimony is that there was no earthly use for the indexing; it was a mere job that did not cost probably a fourth of that sum. Is it any wonder that he has prospered? But here is another nice piece of testimony: it discloses that out of the public money he paid seven hundred odd dollars of the expenses of a republican committee, but then he took care to get more back, for it is proved that he got $10,000.

Mr. President, there is another matter upon which I desired to speak but I must postpone it to another occasion. I intended when I rose to say something about the Army bill and the presidential vetoes; and yet it is rather against my will, because I prefer to stick to the text and the text is this legislative, executive, and judicial appropriation bill, which has nothing about the Army in it.

I like to stick close to my text for another reason, because it is the best way; but as I may never again address the Senate on the subject, I wish to say now that in my judgment there never was so inexcusable an exercise of the veto power since the Constitution was formed as its exercise by the President in his vetoes which he has sent to us at this session. I wish to say in respect of the first veto that it is the first time in the history of this country, so far as I know or have ever heard, that a President has vetoed a general appropriation bill. In the second place, it is the first time, if I am not mistaken, in the history of this country that a President has vetoed a bill simply because that bill repealed some existing statute. It was supposed by our fathers, when they placed the veto power in the Constitution, that its chief object would be to enable the executive department to defend itself against encroachments by the Legislature, to prevent the passage of unconstitutional measures, and in extreme cases of hasty legislation to ask a reconsideration of it by Congress; but to veto a bill making general appropriations which contained no unconstitutional provisions whatsoever, which simply repealed existing statutes, as the first bill did, and therefore could contain no unconstitutional provision, for, certainly, it was not unconstitutional in us to repeal an existing law—to veto such a bill as that, a bill not hastily adopted, a bill that had been considered at two sessions of Congress—to do that is the most unjustifiable exercise of the veto power that ever took place in this country, and that never for one moment was contemplated by those who framed the Constitution.

There is a minor matter, perhaps it is a matter simply of good taste, that also distinguishes that first veto. If I am not mistaken, it is the first time that the President of the United States in a message to Congress has seen fit to quote remarks made by Senators and Representatives in their places in Congress in order to impute to them and to the majority of Congress unworthy motives. I do not know but that I ought to thank him, for I am one of the persons whom he has seen fit to distinguish in this way. I perhaps ought to thank him that he did not send such a message to the Senate as James I sent to the House of Commons when the House of Commons presented their humble petition to know why one of their members, Sir Edwin Sandys, was imprisoned in the tower by the King's command and to know whether it was for words spoken by him in debate in the House; and the King replied that it was not for words spoken by him in debate. But passing that, his majesty said that although Sir Edwin was not detained on account of words that were spoken by him in debate, it must not be understood that he would allow members of the House of Commons to deal with matters above their comprehension and which were detrimental to his royal prerogative, and that he would retain the right to take charge of them if they did. I suppose I ought to thank my good stars that I do not live under any James I and that I do under Rutherford, and that he cannot send me to the old Capitol prison or anywhere else because I have undertaken to deal with things above my comprehension and which interfere with his most royal prerogative. I hope that this example which he has set will never be followed.

There are some other things about these messages which are very peculiar. I think everybody that read the first message understood the President as saying that under existing law troops could not be used at elections, but now in the second message he tells us in effect that the Constitution will be overthrown, for the post-office in Fremont, Ohio, and the post-offices at all the other cross-roads villages may be taken by a mob if he is not allowed to employ the military there on election days. It is necessary that the power to use the military at elections shall be preserved in order that he may defend the public property. Sir, was there ever so transparent a sham—I will not say contemptible; I want to speak respectfully of the Executive; but was there ever such transparent sophistry, if it can be dignified with that name, as this pretense that it is necessary that there shall be in the statute-book a power to use the troops to preserve the peace at elections, for that is the point, and that you shall not abolish that power for fear the President cannot defend the post-offices or custom-houses with the troops if a mob should assail them? So help me Heaven, I cannot get down quite to the level of that argument.

Sir, I did intend to say something upon the character of the debate that has taken place here. I have already alluded to it, and I do not know that it is necessary that I should say any more about it. I must, however, say, and I say it most sincerely, that I never have been more pained in all my life than I have been by the course of the debate in opposition to the bills we have passed before at this session and in opposition to this. It does seem as if there is nothing the democratic party can do, there is nothing that they can propose, which is not to be met with denunciation; nothing done or proposed that is not to be made the occasion to excite sectional hatred on the part of the people of the North toward those of the South. I appeal to every candid man in this whole land if there has been any justification for this course. I appeal to every candid man if there has been anything in the action of the democratic party in either House of Congress, and especially in the action of the southern members, which could give the slightest justification for the assaults that have been made upon the southern people and for reviving the embers of the late civil strife and seeking to perpetuate sectional animosities.

Why, Mr. President, the South is in the Union or it is not. They are equal States in the Union or they are not in the Union at all. Their citizens are equally citizens with all of us or they are not citizens at all; and if they are citizens have they not the same right to their opinions, to their feelings, and to their convictions that every other portion of the people of the United States have? Have not their States the same right to send here persons who represent their interests that the citizens of other portions of the country have? And if, judging correctly or incorrectly of the effect of your laws, of the effect of the course that you have pursued toward them, they find themselves of one opinion, and are, therefore, for the time being what is called "a solid South" because they see things in that light, is that any justification for preaching a crusade against them and making northern men hate them now and forever?

Mr. President, if such appeals can have the effect to make a solid North to rule forever one section of the country, then I for one shall despair of there ever being a real Union in this country, and I warn the men who are engaged in fomenting sectionalism that sectionalism may be marked by other lines in the future than Mason and Dixon's. Sectionalism may take other shapes, and men who are now most fervent in denouncing the solid South and seeking to solidify the North may live to see another solidarity whose rule it may be difficult, if not impossible, to resist. [Applause in the galleries.]

It is the right and duty of the National Government to have its Constitution and laws interpreted and applied by its own judicial tribunals—The Government must not abandon its officers.

SPEECH OF HON. HARRY WHITE,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Thursday, June 5, 1879.

The House having under consideration the bill (H. R. No. 1715) to repeal certain sections of the Revised Statutes and to amend certain sections of the Revised Statutes and of the Statutes at Large relating to the removal of causes from State courts—

Mr. WHITE said:

Mr. SPEAKER: On entering the Chamber a few moments since, I did not design to address the House on the pending bill. I am obliged, however, to my friend from Illinois, [Mr. THOMAS,] a member of the committee reporting the bill, for an opportunity to discuss this most important measure. An act so rudely invading the well-established jurisprudence of the nation should be most patiently considered; and, sir, with all respect to the Committee on the Revision of the Laws reporting it, I submit it should first have been considered by the Judiciary Committee of the House. I said this was an important measure. Nothing, sir, has been before this Congress more likely, if it passes, to immediately gravely affect the practical details of our whole revenue system.

STATE RIGHTS.

We have latterly heard much of the political heresy termed "State rights." If that is a dangerous dogma in our peculiar political system, the passage of this bill will be a most signal triumph for its advocates, and little less dangerous to a robust national authority than the firing of the first defiant gun at Sumter.

On the Plains of Abraham, near Quebec, there was erected, just after his death, a monument on the spot where Wolfe died in the very moment of his victory. Visiting this spot a few years since, I observed the rude hand of the curiosity-seeker had chipped away little by little this structure until only a vestige of the historical landmark remained. Standing at this point of observation in political events, the attentive public man can discover, as he looks at the pending and proposed measures, that "little by little" the devoted adherents of the pernicious "State-rights" theory are gaining control and enfeebling the hand of national authority.

Sir, we have discussed for weeks and have heard defiantly denied the constitutionality of the claim of the General Government to legislate for the protection of the voter at elections where United States officers were to be elected. This bill presents, indeed, but another feature of the controversy. In this we have practically announced the doctrine, that the State courts shall not have jurisdiction of complaints made by State magistrates or courts against United States officers for acts done by them under color of their offices or by authority or appointment of the United States.

THE ISSUE.

Pause with me a moment and hear the precise issue the bill presents. It is entitled "A bill to repeal certain sections of the Revised Statutes and to amend certain sections of the Revised Statutes and of the Statutes at Large relating to the removal of causes from State courts." Follow me as I inform you, briefly, what it proposes to do. I shall not discourse upon every detail of the bill, but only examine its most prominent and objectionable features.

Its first section provides for the repeal of existing laws, as recited in sections 639 and 647 of the Revised Statutes of the United States. These sections supply the method of removal into the United States circuit court for the district where such suit is pending from the State court in which it has been brought, as follows:

First. When the suit is against an alien or is by a citizen of the State wherein it is brought and against a citizen of another State, it may be removed on petition of such defendant filed in the State court at the time of his appearance.

Second. When the suit is against an alien and a citizen of the State wherein it is brought, or is by a citizen of such State against a citizen of the same and a citizen of another State, it may be removed as against said alien citizen or citizen of another State on petition of such alien or citizen of another State filed at any time before trial; such removal not to prejudice the right to proceed against the other defendants in the State court.

Third. When a suit is between a citizen of the State in which it is brought and a citizen of another State, it may be removed on the petition of the latter, whether he be plaintiff or defendant, filed any time before trial if before or at time of filing said petition he makes and files an affidavit that he has reason to believe, from prejudice or local influence, he will not be able to obtain justice in such State court.

Fourth. For the removal of suits where the title to real estate is involved and the parties to the action claim the land under grant from different States and the amount in controversy exceeds the sum of $500.

In each of these sections, which I have substantially epitomized, careful provision is made in detail to secure all parties in their proper rights.

Most of these provisions were enacted in the original judiciary act of September 24, 1789. They have grown hoary with years, sanctioned by the wisdom of judicial approval. Many rights have vested under them. But I have no time now to tarry and discuss in detail this feature of the bill.

The more prominent and objectionable features, however, of this measure are those which seek to change and modify sections 641, 642, and 643 of the United States Revised Statutes, being the existing law.

PROSECUTIONS AGAINST UNITED STATES OFFICERS.

By the proposed modification the right now, secured by Congress, to a certain class of persons and United States officers, when prosecuted in State courts, for acts done in executing the duties of their offices, to have their cases removed to and disposed of in the courts of the United States, will be taken away and the prosecuted left to the tender mercies of the courts and juries in the localities where arrested, there to be tried, where prejudices against the persons and the duties of the officers prosecuted and the General Government they represent, are more potent than the instincts of humanity or the voice of justice.

Sir, it is to this latter feature of the pending bill I will more particularly speak. Sections 641 and 642, which are to be repealed so far as relates to removal of prosecutions, are portions of what is known as the civil-rights bill of 1870. These sections authorized, upon careful terms, the removal from the State courts to the Federal courts prosecutions against persons "who are denied or cannot enforce in the judicial tribunals of the State, or in the part of the State where the proceeding is pending, any right secured to him by any law providing for the equal rights of citizens of the United States, or against any officer, civil or military, or other person, for any arrest or imprisonment or other trespasses or wrongs made or committed by virtue of or under color of authority derived from any law providing for such equal rights." The propriety of allowing the removal of prosecutions in such cases from the State to the United States courts cannot, I fancy, be seriously questioned. That feature of the bill which changes section 643 of existing law is most dangerous to every officer of the Government engaged in collecting the revenues, and may be a fatal blow to the proper enforcement of our internal-revenue system in the southern portion of the country.

SECTION 643.

Pardon me while I state distinctly how practical and serious a question this is. Now, sir, the existing section 643 of the United States statutes provides, "When any civil suit or criminal prosecution is commenced in any court of a State against any officer appointed under or acting by authority of any revenue law of the United States now or hereafter enacted, or against any person acting under or by authority of any such officer, on account of any act done under color of his office or of any such law, or on account of any right, title, or authority claimed by such officer or other person under any such law; or is commenced against any person holding property or estate by title derived from any such officer, and affects the validity of any such revenue law; or is commenced against any officer of the United States or other persons on account of any act done under the provisions of title 24, 'the elective franchise,' or on account of any right, title, or authority claimed by such officer or other person under any of the said provisions, the said suit or prosecution may" be removed from such State courts, in which it has been instituted, into the circuit court of the United States for the proper district, upon the terms carefully provided in the section.

OR PROSECUTION.

You will observe the pending bill seeks to change the law just referred to by striking out the words "or prosecution" wherever they occur in the section, so that hereafter when the United States customs officer or the United States collector of internal revenue, or any of his officers, may be, in the discharge of their official duties, required to use proper force or do some other act unpleasant to the illicit distiller, the moonshiner, or other delinquent and defiant United States tax-payer, such officer may be arrested under process from a State court in a locality where the whole community is hostile to the United States revenue system, where illicit whisky stilling and tobacco smuggling are popular and encouraged, thrown into prison and no relief assured except, possibly, through the slow processes of the unfriendly State court. To such a condition would the advocates of this bill bring United States officials who are honestly and vigorously collecting the revenues necessary for the life of your Government.

WIPING OUT WAR MEASURES.

Sir, we have heard much lately about wiping from the statute-book the legislation the war against rebellion suggested. While true it is the great debt this war placed upon the nation made it necessary to look up the safest, most acceptable, and convenient sources of revenue, yet the law you seek to repeal was not the offspring of what some are pleased to term "radical war legislation." These were not "the last vestiges of your war measures * * * born of the passions incident to civil strife, and looked alone to the abridgement of the liberty of the citizen," quoting the language of the gentleman from Kentucky, [Mr. BLACKBURN,] when proclaiming a short time since on this floor the intention of his party toward the legislation enacted to save to the country the results of the war. Sir, in sustaining the laws indicated, which the pending bill proposes "to wipe out" and destroy, we stand in the "ancient ways of the Republic with all her original altar fires about her."

EARLY STATESMEN MADE THESE LAWS.

While recent events have illustrated their wisdom, yet the policy of the existing statutes was inaugurated in the early days of our history, and, indeed, then actually enacted into law by lawyers and statesmen who have made the American Congress conspicuous above all parliamentary assemblages.

I repeat, sir, you are not now here seeking to destroy or "wipe out" what gentlemen of the opposition choose to denominate "radical legislation," but to change, to repeal law, which had the sanction of the judgment and voice of Madison, of Webster, of Clayton, of Clay, of Jackson, and at one time in his life of John C. Calhoun, the Ajax Telamon of the "State-rights" doctrine.

I will not vex the ear of the House with dull recitals, but bear with me while I refer briefly to the history of this legislation. The right of an officer of the United States, when prosecuted or sued in a State court on account of any act done under color of his office, to have the same taken before and tried in the United States court was first asserted in this country by Congress in 1815, then received, as well as since, special consideration, and was practically re-enacted some seven times from 1815 to 1873. In the years 1816, 1817, 1833, 1864, 1866, 1871, and 1873 there were congressional enactments recognizing the wisdom and propriety of these provisions. It may then be considered as part of the established jurisprudence of the Government.

At one time or another it has received the deliberate approval of many of the most distinguished citizens of the United States, among whom I have already indicated Mr. Calhoun, President Madison, Mr. Webster, and conspicuously President Jackson in 1833. I say, then, this is no new question.

ALL POLITICAL SCHOOLS APPROVED.

All schools of politicians in this country have supported this policy. They who opposed the extreme doctrine of States rights, and those also who advocated it, as typified in the Virginia and Kentucky resolutions of 1798 and 1799, and in Mr. Calhoun's famous manifesto published in the Pendleton Messenger of July 26, 1831, which is the most concise epitome of the abominable heresy that I have ever seen in any public document.

ACT OF 1815.

Now, as to its history. The act of 1815, approved by President Madison February 4, 1815, was entitled "An act to prohibit intercourse with the enemy, and for other purposes," and in its eighth section enacted—

That if any suit or prosecution be commenced in any State court against any collectors, &c., or any other person aiding or assisting agreeable to the provisions of this act, or under color thereof, for any act done or omitted to be done, as an officer, &c., and the defendant shall at the time of entering his appearance in such court file a petition for the removal of the cause for trial at the next circuit court of the United States, &c., it shall then be the duty of the State court to accept the surety and proceed no further in the case, and the bail that shall have originally been given shall be discharged; and such copies being entered as aforesaid in such court of the United States, the cause shall there proceed in the same manner as if it had been brought there by original process.

This was the original statute.

Mr. McMILLIN. Will the gentleman allow me to ask him one question?

Mr. WHITE. I will.

Mr. McMILLIN. I desire to inquire if it is not the fact that the statute of 1815 applied only to civil causes and not to criminal causes, and only during the war that brought it into existence?

Mr. WHITE. It did not, I answer the gentleman. I will be glad to be informed in that respect.

Mr. TOWNSHEND, of Illinois, rose.

Mr. WHITE. One moment; let me extend my statement. I say that it did not relate exclusively to civil causes. There is an exception, which I admit the technical lawyer may stand upon, about criminal cases—a proviso which withdraws the provisions of the statute from that class of cases where the punishment for the alleged offense was corporal. I admit this may be subject to some criticism of that kind. My opinion is, when prosecutions where corporal punishment resulted from conviction were excluded, homicides when punished capitally were alone thought of.

Mr. TOWNSHEND, of Illinois. Now let me ask the gentleman a question.

Mr. WHITE. Certainly.

Mr. TOWNSHEND, of Illinois. Do you deny that the act of 1815 was a war measure which expired by its own limitation?

Mr. WHITE. Of course I do not. I was going to complete my statement. The original act on this subject, passed February 4, 1815, was to continue, mark you, only during the war. When peace was declared the law was exhausted. Another statute, similar in most respects to the one referred to, was enacted March 3, 1815, which was entitled "An act further to provide for the collection of duties on imports and tonnage." You will find this 3d Statutes, chapter 94, page 233; and what I have quoted as section 8 of act of February 4, 1815, is here re-enacted as section 6. This act was to continue but one year. April 27, 1816, it was again continued till March 3, 1817. On the latter day it was extended until March 3, 1822.

Mr. TOWNSHEND, of Illinois. My friend admits that the act of 1815 was kept in force only six years. The present act has been kept in force for more than six years.

Mr. WHITE. One moment. The gentleman should not, if he will pardon me, criticise an argument until he hears it through. With all respect to my friend I will, in a few moments, explain how that was. While proceeding to give the right of removal from State to United States courts this provision was introduced in the act of 1815:

That this act shall not be construed to apply to any prosecution for an offense involving corporal punishment.

Sir, I have here Bouvier's Law Dictionary. Lawyers recognize this authority. He defines:

Punishments are either corporal or not corporal. The former are—death, which is usually denominated capital punishment; imprisonment, which is either with or without labor; whipping in some States; banishment. Punishments which are not corporal are—fines, forfeitures, suspension or deprivation of some political or civil right; deprivation of office, and being rendered incapable to hold office.

How many offenses were there then upon the statute-books of the different States the punishment of which, upon conviction, was only fine, not accompanied by whipping or corporal violence, which existed in some of the States? Could we discover exactly the intent of the proviso I have just quoted we would doubtless learn that it was intended to exclude homicides alone from the operation of this law. Yet prosecutions for some offenses were within the purview of its provisions. It is an error, then, to say this act did not apply to criminal cases.

EMBARGO LAWS.

If you will refer to the Annals of Congress (third volume, page 1033) it will be discovered that during the war with Great Britain of 1812 Massachusetts and New England States complained of the foreign policy of the Government as destructive to their commercial interests, and the acts restrictive of their commercial relations were often violated and opposed. To effect a remedy the act I have cited, of February 4, 1815, was passed. You will observe, sir, it was not deemed wise then to abandon the customs and revenue officers of the General Government to be prosecuted and tried, for acts done by virtue of their offices, in the State courts of Massachusetts and New England, where the prejudices were so bitter against the restrictive revenue or embargo laws. Hence the first enactment for removal of such cases into United States courts.

When peace came, the original act was changed to suit the condition of the country and practically re-enacted as "an act, further to provide for the collection of duties upon imports and tonnage;" the removal feature being carefully preserved.

To sustain this position I will cite you again to Congressional Annals, volume 3, pages 1061, 1064, 1181, and 1258.

MADISON APPROVES.

A careful reading of these Annals will develop the fact that this legislation was supported as an administration measure during President Madison's term, and received the active support of Mr. Calhoun himself, who was then a Representative in this House from South Carolina.

NULLIFICATION.

In 1822 this law expired by its own limitation. Eleven years thereafter, while Mr. Jackson was President, the great crisis occurred in the execution of our revenue system. In 1833 the famous nullification controversy arose. South Carolina resisted the Government in the collection of its customs duties and passed the most defiant ordinance for resistance to the revenue laws—indeed, nullifying their operation. When the controversy was at its climax, Mr. Calhoun leading his State, President Jackson, January 16, 1833, sent a special message to Congress reciting the condition of the conflict and making recommendation for legislation. In this message he advised the passage of laws, which would authorize the United States officers to possess vessels and cargoes, seized by them for non-payment of duties, by employing the land and naval forces and the militia. Then, specially referring to these removal laws, he says:

JACKSON.

This provision, however, would not shield the officers and citizens of the United States acting under the laws, from suits and prosecutions in the tribunals of the State, &c.

* * * * * * *

It may therefore be desirable to revive, with some modifications better adapted to the occasion, the sixth section of the act of the 3d of March, 1815, * * * and to provide that in any case where suit shall be brought against any individual in the courts of the State for any act done under the laws of the United States he should be authorized to remove the said cause by petition into the circuit court of the United States without any copy of the record, and that the court shall proceed to hear and determine the same as if it had been originally instituted therein, and

that in all cases of injuries to the persons or property of individuals for disobedience to the ordinance and laws of South Carolina in pursuance thereof redress may be sought in the courts of the United States.

This is the language of "Old Hickory," claimed to be the father of modern democracy, in his message to Congress recommending the enactment of that statute which gentlemen on the other side are to-day seeking to repeal. After this message, a bill was introduced and referred to the Judiciary Committee of the Senate. As I look at the names composing that committee my respect for their action is natural. William Wilkins, of Pennsylvania, well known to my colleague, [Mr. CLYMER,] sitting before me, who represents the "so-called" Jacksonian democracy of Berks County, and indeed to the whole country. He was a most eminent lawyer, estimable gentleman, and patriotic citizen. He was always a leading democrat of our State. The other members were Daniel Webster of Massachusetts, Theodore Frelinghuysen of New Jersey, Felix Grundy of Tennessee, and Willie P. Mangum of North Carolina. The latter gentleman, an old-line whig, whose memory I respect very much, dissented, I am sorry to say, from the report of the majority of the committee on that occasion.

SENATE JUDICIARY REPORT.

The enactment now in question was reported from such a Judiciary Committee. It was at its introduction framed to protect all persons acting under color of any law of the United States, but was afterward amended so as to apply only to the troubles then existing, that is, the obstruction of the revenue laws. The third section contained the removal feature before us, the same as section 8 of act of February 4, 1815, and section 6 of act of March 3, 1815. As introduced and enacted it conspicuously omitted the proviso in the act of 1815 which excepted offenses involving corporal punishment. In this act, as in that, there is no assignment of punishment. Substantially, for all matters now in question, the two acts seem to be identical. A part of the act was temporary, but the provision under consideration was permanent and has ever since been law.

THE DEBATE.

Let me now call attention to some remarks made by Mr. Wilkins, chairman of Judiciary, when section 3, giving the right to removal of prosecutions, was under consideration. He said:

It gives the right to remove at any time before trial, but not after judgment has been given; and thus affects in no way the dignity of the State tribunals. Whether in criminal or civil cases it gives this right of removal. Has Congress power in criminal cases? He would answer the question in the affirmative. Congress had the power to give the right in criminal as well as in civil cases, because the second section of the third article of the Constitution speaks of all cases in law and equity; and these comprehensive terms cover all. * * * It was more necessary that this jurisdiction should be extended over criminal than over civil cases.—*Congressional Debates*, volume 9, part 2, 260.

Continuing, he says:

It will appear from what I have read that if it were not admitted that the Federal judiciary had jurisdiction over criminal cases, then was nullification ratified and sealed forever. A State then has nothing more to do than to declare an act a felony or a misdemeanor in order to nullify all the laws of the Union. There were numerous prejudices, prejudices peculiar to particular States, which under any other view would throw all jurisdiction into State tribunals.

But, Mr. Speaker, it is well known the Senate debate on that bill, known, in the language of the day, as the "Force bill," called out on either side splendid displays of ability by gentlemen, then in the maturity of their power of reasoning on public questions. This third section now under consideration was not so elaborately argued as might have been expected, for the reason that Mr. Calhoun had been a party to its first introduction among the statutes of the United States. At one point, however, Mr. Forsythe, of Georgia, who supported the bill in the main, moved to strike out this third section, which related to removals, on the ground of expediency, saying at the time "it would be better, he thought, for the officer to carry the cause first to the highest court of the State, and then to take an appeal to the Federal court if justice should not be obtained."

DANIEL WEBSTER.

To this the great constitutional expounder, Daniel Webster, replied, that he "thought this the most important provision of the whole bill as respects the protection of the Federal officer." Continuing further, he said, "We give a chance to the officer to defend himself where the authority of the law was recognized. There was a stronger reason now in favor of this provision than there was for the law which was created during the existence of the non-intercourse and embargo acts." Mr. Webster emphasized the importance of this legislation which you are now seeking summarily to wipe from the statute-book. The motion which Mr. Forsythe made in reference to that third section was negatived, and, mark you, by a vote of 28 to 5.

THOMAS EWING.

And at page 518 it appears that much of the machinery, now affecting the removal, was created by an amendment offered by Hon. Thomas Ewing, then a member of the Senate from Ohio. His amendment was substantially as follows. After referring to the removal forms it provided:

And thereupon it shall be the duty of the State court to stay all further proceedings, &c. * * * And any further proceedings, trial, or judgment therein in the State court shall be wholly null and void.

After supporting this proposition with a brief speech, Mr. Webster accepted it as part of the original text. It is now part of the law.

I would commend the position of Senator Ewing on that bill to his distinguished descendant upon this floor. It would further appear, that the section, as introduced for the removal purposes, was in one respect modified into the shape finally adopted by reason of the criticism of Mr. Clayton, of Delaware. The vote on the final passage of this measure, which we are now asked to repeal, was in the Senate 32 in its favor and 1 in the negative. John Tyler, of Virginia, was the only vote in the negative, although Mr. Bibb of Kentucky, Calhoun and Miller of South Carolina, King and Moore of Alabama, Troup of Georgia, and Mangum of North Carolina—eight in all—would probably have voted against it had they been present, while in the affirmative were Webster, Dallas, Wilkins, Clayton, Ewing, Silas Wright, Rives, and men of similiar character. The vote in the House was 126 to 34, and in its favor were two members from South Carolina, Messrs. Blair and Mitchell.

Now, sir, this will be discovered to be an accurate statement about the enactment of this law.

NATIONAL ABOVE STATE AUTHORITY.

The right of a State to vindicate and preserve its peace should always be subject to the greater right of the United States to preserve and vindicate its power, collect its revenues, and enforce its laws. One of such powers should be to pronounce by its own Legislature and its own judiciary what those powers are. Deny the General Government such prerogative, and the most serious consequences may follow. In his great speech in reply to Hayne on the rights of the Federal and State governments, Webster said, "that in all questions of political power between the Federal and State governments the former is the ultimate judge of the extent of its powers." There is no difference in principle, then, between the act of 1815 advocated by Mr. Calhoun and approved by Mr. Madison, and the act of 1833 advocated by Mr. Webster and approved by Mr. Jackson. These acts provided for the removal of both civil and criminal causes. Causes arising under them have been brought before some of the most eminent judges of the country, and there is no decision of any United States judge denying the constitutionality of this legislation.

SIXTY YEARS' SANCTION.

It would seem, therefore, that all the Departments, the legislative, the executive, and the judicial, of the Government, irrespective of politics, have for about sixty-four years concurred in the propriety of these laws. The legislation now proposed, is an invasion of the high powers and prerogatives the American Congress should always secure to the General Government for the protection of its own officers in the execution of United States revenue laws. This legislation is now practical in its consequences. It may not be known to all members of this House, that within the last few years the Bureau of Internal Revenue has been vexed and annoyed, time and again, by local authorities interfering with revenue officers in the execution of the laws. By this interference the efficiency of your revenue system has been crippled and impaired. In referring, sir, to an official communication from the Commissioner of Internal Revenue of May 1, 1879, not yet printed, sent to this Congress by the Secretary of the Treasury in reply to a resolution of inquiry, I find this direct information:

Two important facts remain to be stated:

1. A very serious embarrassment to the enforcement of the laws of the United States has resulted from the institution of numerous unjust criminal prosecutions in the State courts against the officers of the United States by violators of the internal-revenue laws and their friends. Especially has this been the case in North Carolina, South Carolina, and Tennessee, where in some instances the State officers and even judges on the bench have lent the weight of their influence to weaken the authority of the officers and laws of the United States.

2. The State officers and State courts, while often invoked to arrest and punish United States officers for alleged offenses, have rarely ever taken any steps to arrest or indict persons guilty of assaulting or murdering officers of the United States.

The practice of defrauding the Government and resisting its officers has become so firmly fixed that it is impossible to enforce the laws against such offenders without the presence of a force of armed men sufficiently strong to deter resistance, and, if necessary, overcome it.

OFFICERS MURDERED.

As further evidence, sir, of the practical necessity of protecting United States officers by the removal of prosecutions against them, I find in the communication referred to "that the number of illicit stills seized since January 1, 1877, in the Southern States, is 2,485; number of illicit stills seized in other States, 153; number of persons arrested in Southern States for illicit distilling, 5,281; number of persons arrested in all other States for illicit distilling, 141; number of persons killed in suppressing illicit distilling since 1877, 19; number wounded, 35." And, sir, a few days since I received the following, from an authentic source, and quote it as evidence of the facility with which revenue officers are murdered in some States:

The people of Gainesville, Georgia, are excited by the discovery of a murder which was committed two years ago, but has just come to light. Two years ago a revenue officer named Cotton disappeared mysteriously. He had just caused the arrest of a man named Dunegan for illicit distilling. James Bryant, a brother-in-law of Dunegan, openly threatened that he would kill Cotton. One day Bryant, while drunk, told a man that he had killed Cotton and hidden his body. As Bryant was a great braggart his story was not believed. The disappearance of Cotton had almost been forgotten, when, day before yesterday, Bryant, on his death-bed, confessed the deed fully and prayed for forgiveness. He said he tried to poison Cotton and failed. Exasperated at this, he found him in the woods one day and struck him a blow on the head with a stick, breaking the skull. He buried Cotton's body near his distillery. Yesterday persons searched the place Bryant had indicated and found human remains, with a skull terribly crushed. Near by was found a bottle of poison and a pistol. A coroner's inquest was held but failed to implicate any one but Bryant. Cotton was one of the most efficient men in the revenue service.—May 17, 1879.

ONE HUNDRED AND NINE OFFICERS PROSECUTED.

To be further informed of the extent of State prosecutions against United States revenue officers, I called on the Commissioner recently for information, and produce here his letter and attach it to the end of my remarks. Since July, 1876, one hundred and nine officers and employés of the Government in that service have been proceeded against in State courts by criminal prosecution for acts performed by them in the discharge of their duties under the revenue laws; these in a few districts alone of the States of North Carolina, South Carolina, Georgia, Arkansas, and Tennessee. These are but a few of the cases.

I said the policy of allowing the removal of prosecutions against United States officers to United States courts has been specially recognized in recent years. By the act of July 13, 1866, the act of 1833 was re-enacted so as to embrace the removal of "any case civil or criminal" against a person acting under the internal-revenue laws. February 28, 1871, Congress extended the same privileges to "suits or prosecutions, civil or criminal," resulting from the laws regulating the "elective franchise." All these have been digested and consolidated into what is section 643 of our Revised Statutes, which is now sought to be practically repealed.

CHARGED AS UNCONSTITUTIONAL.

But, sir, notwithstanding the high sanction these removal statutes, now to be repealed, have received from the support of Madison, of Webster, of Jackson, and such illustrious statesmen, in this debate and in some of the local courts of the Southern States, their constitutionality has been assailed. It is contended they are unconstitutional and an invasion of the right of the States to try offenders against their criminal law, and that Congress cannot deprive the State courts of exclusive jurisdiction. We might dismiss these utterances and refer such criticisms to the messages of Madison in 1815, of Jackson in 1833, and the congressional debates. But, sir, the courts—the courts of highest resort in the country have passed upon these specific questions.

WHAT THE COURTS SAY.

As early as 1816 the question arose in the case of Martin *vs.* Hunter in the Supreme Court. (1 Wheat., 335.) The precise point here was, whether a civil suit involving "a Federal ingredient" could be removed from the State to the United States court. The decision was that it could, Justice Story saying, among other things, "the judicial power of the United States extends to all cases in law and equity arising under the Constitution, the laws, and the treaties of the United States, and by cases in this clause we are to understand criminal as well as civil."

Then, again, Chief-Justice Marshall, in Cohen *vs.* Virginia, 6 Wheat., 264, delivering the opinion, decided, that criminal prosecutions by a State, where "a Federal ingredient" was involved, could constitutionally be removed from a State to a Federal court under this law, and saying:

> If State courts should deny the constitutionality of the authority to remove suits from their congnizance, in what manner could they be compelled to relinquish the jurisdiction? In respect to criminal cases there would at once be an end of all control, and the State decision would be paramount to the Constitution.

To the same effect I refer you to Osborn *vs.* United States Bank, 9 Wheat., 824.

But, sir, the criticism may be made these cases reached the United States Supreme Court only after trial and judgment in the State court, while the statutes to be repealed allow the removal before trial. I will not delay the House with any theoretical argument on this point, but remind you this exact feature of the question is *res adjudicata*, has been settled by a recent case in the United States Supreme Court. The case of Mayor *vs.* Cooper, 6 Wall., 247, not only settles this point, but is a recent approval by the present Supreme Court of the existing laws. The defendants in this case were sued in the State court of Tennessee for trespass on property. They defended on the ground the property was taken under military orders during the rebellion. The acts of Congress of 1863-'66 allowed removal to the United States circuit court for trial of any suit or prosecution "begun in the State court against any officer, civil or military, or other person, for acts done during the rebellion under color of authority from the President or under any act of Congress," the proceedings for removal in such cases being the same as provided in section 643. Petition for removal was filed in the circuit court, and the State court sent it there. After argument in the circuit court to dismiss the case and send it back to the State court, it was sent back for trial, the circuit court holding the acts of Congress allowing such removal were unconstitutional and void. This ruling was *immediately* taken to the United States Supreme Court, where, after argument, the ruling of the circuit court was reversed, and, mark you, the Supreme Court saying:

> An order will be remitted that the cause be reinstated and that the court proceed in it according to law.

MAYOR VS. COOPER.

In the opinion of the court, read in 1868, these emphatic utterances, among others, are given:

> Every variety and form of appellate jurisdiction within the sphere of the power, extending as well to the courts of the States as to those of the nation, is permitted. There is no distinction in this respect between the civil and the criminal cases.
>
> * * * * * * *
>
> It is the right and duty of the National Government to have its Constitution and laws interpreted and applied by its own judicial tribunals. * * * This is essential to the peace of the nation and to the vigor and efficiency of the Government. The courts of the several States might determine the same question in different ways—there would be no uniformity of decision. For every act of an officer, civil or military, of the United States, including alike the highest and the lowest, done under his authority, he would be liable to harassing litigation in the State courts. However regular his conduct, neither the laws nor the Constitution of the United States could avail him if the views of those tribunals and of the juries which sit in them should be adverse. The authority which he had served and obeyed would be impotent to protect him. Such a government would be one of pitiable weakness and wholly fail to meet the ends which the powers of the Constitution had in view.
>
> * * * * * * *
>
> We entertain no doubt of the constitutionality of the jurisdiction given by the acts under which this case has arisen.

To this distinguished and high authority I could add the judgment of the supreme court of North Carolina in case of the State *vs.* Hoskins, in June, 1877, where but one justice dissented from the judgment, which I find in the syllabus of the case:

> The act of Congress (United States Revised Statutes, §643) authorizing the removal of civil suits and criminal prosecutions from a State court to a circuit court of the United States is constitutional; therefore, where a defendant in an indictment for an assault and battery made affidavit that he was a revenue officer of the United States, and that the alleged offense was committed under color of his office, held, that the judge in the court below committed no error in ordering further proceedings in said court to be staid.

Had I time I should be glad to reproduce here the clear sentiments of the majority of the court in that case.

To these conclusive authorities I might add the very satisfactory exposition of the law given by Judge Ballard, of the United States circuit court of the Kentucky district, in the case of United States *ex rel.* Roberts *vs.* The Jailer, 2 Abbott, 265, wherein he says:

> By a long course of judicial decision it may now be considered as settled that this act gives relief to one in State custody, not only when he is held under a law of the State which seeks expressly to punish him for executing a law or process of the United States, but also when he is in custody under a general law of the State, which applies to all persons equally, when it appears he is justified for the act done because it was "done in pursuance of a law of the United States or of a process of a court or judge of the same."

PRECEDENTS INCREASE.

In our English legal lore somewhere it is said "the veriest dolt with a case in point is more effective than the eloquence of Demosthenes." He who wants more authority than these cited to support the constitutionality as well as the policy of these laws "would not believe were one to rise from the dead." But it has become a trite saying that history often repeats itself. It is a striking coincidence, then, that they who now oppose the repeal of these removal laws, so that our National Government, now having abolished and forbidden human slavery, may be supported and maintained in its dignity and power, can find abundant legislative and judicial precedent in the enactments, processes, and adjudications made but a few years since for the protection of the slaveholder in the recapture of his bondsmen fleeing to the generous atmosphere of freedom in the Northern States.

DR. MITCHELL'S CASE.

When I was near the threshold of manhood, in 1853, in my native town, where I yet live, I heard the mutterings of indignation everywhere among the good people there because a citizen of the community, Dr. Robert Mitchell, had been sued off at Pittsburgh in the United States court by one Van Metre, of Virginia, for the penalty given by the act of 1793 against a person who harbored a fugitive from labor. This old gentleman, his useful life long since closed, was "the pioneer abolitionist," now an honorable distinction, of western Pennsylvania. Because he extended a sheltering roof to the negro "Jared" and a companion, fleeing from bondage to liberty, this devoted philanthropist was tried in the United States court and paid the penalty of $500 and costs of many hundreds for his humanity. The United States statute was careful to take such cases from the State and confine them to the United States courts, that the uniformity and sanctity of the laws in the interest of human slavery should be maintained. Justice Grier tried this case, and it is reported in 2 Wallace, page 311.

But, sir, more direct in this connection are the cases to be found in 5 McLean, 659, *Ex parte* Marshall, and 6 McLean, 366, *Ex parte* Robinson.

EX PARTE JENKINS.

Conspicuously pertinent in this direction is the case *Ex parte* Jenkins, 2 Wall., 534. Thomas, a negro boy, was claimed in Luzerne County, Pennsylvania, as a fugitive from labor. Jenkins, the United States marshal, in arresting him, it was alleged had with others committed a riot and assault and battery with intent to kill. Information was made before the State magistrate, and they were arrested for indictment. Petition for removal was presented under the act of March, 1833, the same as section 643. Justice Grier, in deciding the application for removal, declared the certificate of the United States commissioner was "conclusive evidence of the right of the person in whose favor it is granted to remove the fugitive from labor claimed and forbids all molestation of such person by any process issued by any court judge or other person." The removal of the prosecution was ordered, and in the further course of the decision his honor declared the State courts had no right to issue in such cases a *habeas corpus* at the instance of the captured fugitive, and when prosecutions were instituted in the State courts against the marshals and United States officers for capturing the slave, although done with violence, the United States courts on the application for discharge of the officers and removal of the cases would go outside the indictment and

face of the record and hear affidavits to learn whether the capture was made under color of United States authority. And Judge Kane, sitting with Justice Grier in the same case, speaking of these removal statutes, passed in 1833, says:

> There were statesmen then who imagined it possible that a statute of the United States might be so obnoxious in a particular region, or to a particular State, or that the local functionaries would refuse to obey it and would interfere with the officers who were charged to give it force even by arresting and imprisoning them.

I will not trespass by multiplying authorities in this behalf.

UNITED STATES COURTS TRY UNDER STATE LAW.

But, Mr. Speaker, as further argument in favor of the repeal by the pending bill, it is gravely advanced the removal of the cases against the United States officers from the State to the Federal courts is a practical destruction of the suits or a full discharge, *ipso facto*, to the defendants, who have been arrested by State process for murder or other crimes, and that the United States courts have no jurisdiction to try the prosecutions for offenses against State laws. This is in a measure true, but not so in prosecutions against United States officers for offenses alleged to have been committed while doing acts under color of their duty as such officers. If there is a defect in the law, if there is a *casus omissus* here, let us—let the American Congress here supply it by proper enactment, giving the United States courts full and specific jurisdiction to try, according to State law, prosecutions and indictments for murder and for all offenses preferred under State authority against United States officers for acts done under color of their official duty.

REMOVAL DOES NOT DESTROY.

But, sir, under the existing laws I find authority for the United States courts to proceed and try civil suits or prosecutions removed there. It may be argued, sir, that the United States circuit courts have no jurisdiction to try a prosecution for murder, since jurisdiction in criminal cases is only conferred by the act of Congress creating the crime and affixing the punishment. This is the general rule in United States criminal jurisprudence. But, mark you, when the application for removal is made to the circuit court, the inquiry, if in a criminal case, is not "Is the defendant guilty?" but, in the language of Judge Ballard in the case cited, 2 Abbott, "Is he *justified* for the act done because it was done in pursuance of a law of the United States?" There is no authority, in deciding the application for removal, to pass upon the guilt or innocence of the defendant of the charges laid in the information or indictment. The query, I repeat, is, "Was the person arrested in the performance of the duties of his office when the alleged crime was committed?" If so, the case is removed and awaits trial, if the State whence it is removed or a prosecutor follows it into the United States court. Sir, the jurisdiction of the United States court is regulated, *ex vi termini*, by the law under which the suit is removed, instead of by the statutes conferring jurisdiction of actions originally instituted therein. Says the removal statute, when removed "the cause shall thereupon be entered on the docket of the circuit court, and shall proceed as a cause originally commenced in that court."

A recent and pertinent authority is instructive here. The case of Gaines *vs.* Fuentes, 2 Otto, 10, which, by the way, is a somewhat famous case, was originally brought in a parish court of Louisiana. Application for removal to the United States court was denied by the supreme court of Louisiana. It was taken thence to the United States Supreme Court. Justice Field, delivering the opinion, said:

> In authorizing and requiring the transfer of cases involving particular controversies from a State to a Federal court, the statute thereby clothed the latter court with all the authority essential to the complete adjudication of the controversy, even though it should be admitted that that court could not have taken original cognizance of the case.

Thus, sir, when your indictment against the United States officer is preferred in the State court and it is removed to the United States court, the statute giving the removal thereby clothed the latter court with all necessary authority for complete adjudication. Pardon another reference in this connection, specific and direct.

STATE VS. O'GRADY.

I find there was tried in Georgia, in the summer of 1876, the case of The State *vs.* O'Grady, in the circuit court of the United States. This was an indictment for murder, found in a State court of one of the counties of Georgia. It was against three soldiers, who composed part of the posse of the United States revenue officer, who was in search of an illicit distillery. The distillery was seized and the owner was shot, whether purposely or otherwise is not material here, by O'Grady while standing sentinel. The case was removed to the United States circuit court under section 643. Judge Wood, presiding, tried the case. The State pressed the prosecution and was represented by her attorney-general. Said the judge, in charging the jury:

> Though this case is tried in the United States court it is to be determined by the law of Georgia, and you are to decide whether, under the law, O'Grady is guilty or not of the crime of murder charged in the indictment.

The defendant was acquitted. To the same effect is the case of Mayor *vs.* Cooper, 6 Wall., 254, cited before, sent by the Supreme Court back to the United States circuit court "to be proceeded in according to law." What law? The law of the State creating the offense charged. Such principle is also recognized in the case of North Carolina *vs.* Hoskins, and also in the case cited *Ex parte* Jenkins, 2 Wall., 542 *et seq.*

Mr. Speaker, after this reference to the strong current of authority, legislative and judicial, in support of these removal laws, which the pending bill would suddenly repeal, I have done. I look upon this measure with serious alarm. This legislation would seem to be pressed, at this time, to encourage resistance to the payment of the public revenues or to paralyze national authority.

SOUTH CAROLINA CASE.

Only last summer a conspicuous case occurred in the State of South Carolina, where a Federal officer in the execution of his duty in the revenue service happened to kill a citizen by the name of Ladd. There was no invasion of State law other than every United States officer invades State law by the execution of the United States revenue laws. This officer was arrested, and when the petition for removal was presented to Judge Kershaw, the South Carolina judge, he refused to allow the removal of the case to the Federal court, claiming the right to try the defendant first in the State court. The consequence was, if I have correctly read the history of the case, the defendants were obliged to apply to the United States court for removal, together with a *habeas corpus* to relieve them from State custody. This was a prosecution coming clearly within the terms of this section 643. Yet the State judge refused to recognize the validity of the United States statute for the purpose.

A POLITICAL ISSUE.

Here is a proposed practical renewal of the State-rights controversy first inaugurated in 1833 by Mr. Calhoun against the original enactment of the law gentlemen across the way propose to repeal.

In his works, volume 1, page 330, Mr. Calhoun denied the constitutionality of the right of appeal from State courts to United States courts, and, of course, the right of removal of any civil or criminal cases against United States officers. He had changed ground from 1815, and resisted the passage in 1833 of the law now assailed. He epitomized his opposition in formal resolutions, declaring—

> That the political system under which we live is a compact, to which the people of the several States, as separate and sovereign communities, are parties.
>
> That these sovereign parties have a right to judge, each for itself, of any alleged violation of the Constitution by Congress; and, in case of such violation, to choose each for itself its own mode and measure of redress.

This pernicious political doctrine had dangerous approval in the opinion of a learned supreme judge of my State, who, in delivering a judicial decision, said:

> The Constitution of the United States is Federal. It is a league or treaty made by the individual States as one party, and all the States as another party. When two nations differ about the meaning of a clause, sentence, or word in a treaty neither has the exclusive right to decide. But if it cannot be thus accomplished each has a right to retain its own interpretation until a reference be had to the mediation of other nations, an arbitration, or the fate of war.

Such utterances culminated in the fatal message of President Buchanan to Congress, in December, 1860. While the guilty hand of rebellion was already striking at the life of the Republic, he said:

> Has the Constitution delegated to Congress the power to coerce a State into submission which is attempting to withdraw from the confederacy? If answered in the affirmative, it must be on the principle that the power has been given to Congress to declare and make war upon a State. After much reflection we have come to the conclusion no such power was delegated to Congress or to any other Department of the Federal Government.

Had such political dogmas obtained when Mr. Lincoln succeeded to the Presidency, Mr. Davis's request, while at the head of the southern confederacy, "to be let alone" would have been realized.

Against such deliverances, so enervating to the robustness and perpetuity of our peculiar, yet complete and indissoluble American Union, I array the safe and stately conclusions of Mr. Webster, when, in 1833, advocating the passage of the very law now designated for repeal, he said:

> The Constitution is not a league, confederacy, or compact, between the people of the several States in their sovereign capacities; but a government proper, founded on the adoption of the people, creating direct relations between itself and individuals.
>
> 2. No State authority has power to dissolve these relations; that nothing can dissolve them but revolution; and that, consequently, there can be no such thing as secession without revolution.
>
> 3. That there is a supreme law, consisting of the Constitution of the United States and acts of Congress passed in pursuance thereof, and treaties; and that in cases not capable of assuming the character of a suit in law or equity, Congress must judge of, and finally interpret this supreme law, so often as it has occasion to pass acts of legislation; and in cases capable of assuming, and actually assuming, the character of a suit, the Supreme Court is the final interpreter.

These oracular declarations of the Marshfield Statesman have crystallized into the convictions and purposes of that historical political organization with which I rejoice to co-operate, and whose policy saved the Republic. They received a sacred baptism with the blood of patriots. They were the motto to as earnest devotion as "faith in the Cross."

Bearing to triumph their banners symbolizing such and kindred sentiments, five hundred thousand loyal American soldiers recently bit the dust. Pass the pending bill, and it will be a substantial surrender by a rescued nationality to that "State-rights" political heresy the world thought was destroyed in that heroic conflict.

Mr. RICHARDSON, of South Carolina. Before the gentleman from Pennsylvania takes his seat I desire to ask him a question. Does he know the fact that the prisoners taken out of the hands of Judge Kershaw have been turned loose and have never yet been tried; and further, that there are two other cases in South Carolina in which persons who had committed homicide, and as it is believed, murder, have been taken from the custody of the State authorities of South Caro-

lina, who were about to try them, and they have in each case been turned loose and are yet untried, walking free over the country, and one of them not only turned loose but appointed to Federal office?

Mr. WHITE. I suppose he was a good man and suitable for the appointment, or he would not have received it. My only reply is, I believe and have just defended the proposition, as a lawyer, that where a murder or crime has been committed by a Federal officer in the execution of his official duties, and the case removed to the United States court, the power exists in such court to try the accused, and if convicted, to punish him for that offense. It is in the power of the gentleman's State to follow up the prosecution in the United States courts and press the guilty to trial and punishment. If these United States officials are malefactors, the failure to punish is with the State prosecutors and not the law. I am not sure, however, the gentleman's State is always so prompt in prosecuting and trying those offenders against their laws who are not United States officers.

Letter from the Commissioner of Internal Revenue.

TREASURY DEPARTMENT,
OFFICE OF INTERNAL REVENUE,
Washington, June 3, 1879.

SIR: Replying to your verbal request I have the honor to state, that the records of this office show that since July 1, 1876, one hundred and nine officers and employés of the Government have been proceeded against in State courts for acts performed by them in the discharge of their duties under laws relating to internal revenue as follows:

Fifth district of North Carolina	13
Sixth district of North Carolina	21
District of South Carolina	14
Second district of Georgia	24
Third district of Georgia	6
District of Arkansas	6
Second district of Tennessee	14
Fifth district of Tennessee	11
Total	109

Reports of such proceedings instituted in State courts against officers and employés of the Government have not been rendered by all collectors. In several districts in the Southern States, in which such proceedings have been instituted, the collectors have furnished no reports on this subject, and I am informed by some of the collectors of the above-mentioned districts that their records of such cases are incomplete and that an examination of the records of the State courts would show a much larger number than is stated above.

Very respectfully,

H. C. ROGERS,
Acting Commissioner.

General HARRY WHITE,
House of Representatives.

Army Appropriation Bill.

SPEECH OF HON. WILLIAM WARD,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, June 11, 1879,

On the bill (H. R. No. 2175) making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes.

THE ISSUE FAIRLY MADE UP.

Mr. WARD. Mr. Chairman, now, for the first time in the course of this protracted discussion the issue is fairly made up. The Army appropriation bill and the legislative, executive, and judicial appropriation bill have both been vetoed by the President. They have come back to us in the House, and the constitutional requisite of two-thirds of the members has failed to respond and enact them into laws the President's objections notwithstanding. They were disapproved by the Executive, not because he objected to any of the money items of appropriation therein contained, but because, as his messages inform us, there were ingrafted upon them as "riders" certain political measures that he could not sanction. These political measures are in no way essentials of the appropriation bills. Their most zealous and partisan advocates have not ventured to contend that the necessary appropriations of the Government could not be fully and effectually voted and administered in their absence. They are not money measures, but purely factional political legislation, and democratic majorities in the Senate and House tie them to the appropriation bills, sensible of the fact that in no other way could they ever become laws, and in the hope that the President when receiving them in this form will be forced to silence his objections in order to save the supplies necessary for governmental existence. The attempt has failed, and the President has expressed his disapproval.

The crisis has arrived, and what is now to be done? At first we heard dark threats from the other side of this Chamber that if the Executive dared to express his conscientious convictions in this manner, the democratic majority in Congress would punish him by refusing appropriations, and that the wheels of government in the departments covered by these two bills, should stop during the next fiscal year. It was even asserted and argued with appearance of sincerity and with great loudness of tone, that the Constitution and abundant precedents sustained this revolutionary course.

Let us briefly discuss the subject in this aspect.

THE CONSTITUTIONAL PROVISION.

Section 7 of article 1 of the Constitution of the United States provides:

Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law, be presented to the President of the United States; if he approve he shall sign it, but if not he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their Journal, and proceed to reconsider it.

Thus, it is clear that the Executive approval is an essential of the law-making power. The Constitution gives him an equal voice with the House and Senate in the enactment. It intends that his conscience, his intelligence, his sense of right, justice, and care for the public welfare shall all be brought into requisition and appealed to before any proposed act of legislation can be consummated. In his sphere he is absolute—equal in his functions to either or both branches of the National Legislature. Where, then, can our democratic opponents find constitutional warrant to justify them in threatening or coercing the Executive in the exercise of a function which the Constitution itself clothes him with in the fullest and freest discretion. To state the proposition is to show its absurdity. But the long line of precedents accords with this view, and deprecates any attempt by the legislative branches to resort to extreme measures to force the will of the Executive.

ALEXANDER HAMILTON'S UTTERANCES.

In volume No. 13 of the Federalist, in the seventy-third article, Alexander Hamilton thus writes:

The propensity of the legislative department to intrude upon the rights and to absorb the powers of the other departments has been already more than once suggested; the insufficiency of a mere parchment delineation of the boundaries of each has also been remarked upon; and the necessity of furnishing each with constitutional arms for its own defense has been inferred and proved. From these clear and indubitable principles results the propriety of a negative, either absolute or qualified, in the Executive, upon the acts of the legislative branches. Without the one or the other the former would be absolutely unable to defend himself against the depredations of the latter. He might gradually be stripped of his authorities or annihilated by a single vote. And in the one mode or the other the legislative and executive powers might speedily come to be blended in the same hands.

DOCTRINE OF BLACKSTONE'S COMMENTARIES.

Blackstone, in his Commentaries, volume 1, page 154, indorses the power of negativing legislative enactments vested in the king as "a most important, and, indeed, indispensable part of the royal prerogative to guard against the usurpations of legislative authority."

CHIEF-JUSTICE STORY'S VIEWS.

That eminent jurist, Chief-Justice Story, in his Commentaries on the Constitution, volume 1, page 614, collects and comments upon the views of other writers on the subject, and expresses his own, as follows:

In the next place, the power (the executive negative) is important as an additional security against the enactment of rash, immature, and improper laws. It establishes a salutary check upon the legislative body, calculated to preserve the community against the effects of faction, precipitancy, unconstitutional legislation, and temporary excitements, as well as political hostility.

These words were written by Judge Story in 1833, forty-six years ago. But they seem to bear the imprint of prophecy for the present, and revive with living emphasis the counsels of the good and wise, to guide and, let us hope, preserve in the crisis of to-day, when "faction, precipitancy, temporary excitements, and political hostility" rule the hour, and run riot over the peace and best interests of the country, as well as threaten the purity and freedom of our most cherished institutions.

CHANCELLOR KENT'S EXPRESSIONS.

Chancellor Kent, the ablest commentator on constitutional law America has produced, follows the same line of thought in this language:

This qualified negative of the President upon the formation of laws is, theoretically at least, some additional security against the passage of improper laws, through prejudice or want of due reflection; but it was principally intended to give to the President a constitutional weapon to defend the executive department, as well as the just balance of the Constitution against the usurpation of the legislative power.

To enact laws is a transcendent power; and if the body that possesses it be a full and equal representation of the people, there is danger of its pressing with destructive weight upon all the other parts of the machinery of the Government.

It has therefore been thought necessary by the most skillful and most experienced artists in the science of civil polity that strong barriers should be erected for the protection and security of the other necessary powers of the Government. Nothing has been deemed more fit and expedient for the purpose than the provision that the head of the executive department should be so constituted as to secure a requisite share of independence, and that he should have a negative upon the passing of laws; and that the judiciary power, resting on a still more permanent basis, should have the right of determining upon the validity of laws by the standard of the Constitution.—1 *Kent's Com.*, 240.

THE DEMOCRATIC THREAT.

Thus, by constitutional provision and uncontroverted precedent, the Executive stands intrenched. His refusal to concur is not an absolute defeat of the legislation, as was the *veto* of the English King in olden times, and of the Roman and French sovereigns. It is a qualified negative, and can be overcome by the vote of two-thirds of the legislative members, if after considering his objections they are so disposed. In the appropriation bills that form this contention the two-thirds cannot be obtained.

And, Mr. Chairman, what is the recourse proposed by the democratic majority? To say both to the President and to the non-concurring members of the Senate and House, "We will circumvent the

powers reposed in both of you by the Constitution and the precedents. Unless you surrender your convictions of right and duty, we will cripple the Government through all its channels of operation, and refuse the necessary supplies, unless they are coupled with political legislation which are foreign to the purposes of appropriation and obnoxious to the sentiments of the Executive and of the minority." This was the plain threat accompanying the first Army and legislative, executive, and judicial bills returned by the President without his approval; and those last introduced, one of which is now under discussion, are framed in the same spirit and designed to coerce by the same means.

THE DEMOCRATS FORCING THE REPEAL OF WISE LAWS.

Mr. Chairman, let us briefly consider the nature of the statutes that the democratic party are endeavoring to have repealed by threats and coercion against the will of the Executive and minority. Are they good or bad laws? The test oath for jurors is out of the question. A republican Senate in the last Congress removed this test and the bill laid on the Speaker's table of the House for weeks, in the control of the democratic majority at any moment they elected to call it up for action. Surely they are estopped on that branch of the contention. The democratic party is attempting to force the repeal—

First. Of all those portions of sections 2002 and 5528 of the Revised Statutes, which permit the use of the civil, military, and naval power of the United States, when necessity demands it, "to keep the peace at the polls."

The effect is palpable, to utterly destroy the right of the United States Government to use military force to keep the peace at the elections for members of Congress; and the right of the Government, by civil authority, to protect these elections from violence and fraud.

If the civil officer—be he United States marshal or supervisor, State governor or municipal sheriff, constable or police officer—finds his authority contemned and his process set at naught, the superior power that could command peace and order, and enforce them cannot be invoked, because clothed in the garb of a United States soldier or marine. But the polls must be turned over to the control of, and the rights of the honest voter trampled under foot by, mob violence. The power of the Government, ample for the protection of all its citizens in all their rights upon every other day of the year, must become paralytic in all its functions during the hours between the opening and the closing of the polls. This is the democratic panacea for insuring "free and fair elections." Have these statutes ever been executed to the extent of abuse? The President answers the question in his message returning the Army bill, and his assertions remain unchallenged to this hour. After tracing the course of legislation, he says:

> From this brief review of the subject it sufficiently appears that, under existing laws, there can be no military interference with the elections. No case of such interference has, in fact, occurred since the passage of the act last referred to. No soldier of the United States has appeared under orders at any place of election in any State. No complaint even of the presence of United States troops has been made in any quarter. It may therefore be confidently stated that there is no necessity for the enactment of section 6 of the bill before me to prevent military interference with the elections. The laws already in force are all that is required for that end.
>
> But that part of section 6 of this bill which is significant and vitally important is the clause which, if adopted, will deprive the civil authorities of the United States of all powers to keep the peace at the congressional elections. The congressional elections in every district, in a very important sense, are justly a matter of political interest and concern throughout the whole country. Each State, every political party, is entitled to the share of power which is conferred by the legal and constitutional suffrage. It is the right of every citizen possessing the qualifications prescribed by law to cast one unintimidated ballot, and to have his ballot honestly counted. So long as the exercise of this power and the enjoyment of this right are common and equal, practically as well as formally, submission to the results of the suffrage will be accorded loyally and cheerfully, and all the departments of Government will feel the true vigor of the popular will thus expressed.

THE SUPERVISORS AND MARSHALS.

In the legislative, executive, and judicial bill the provisions for insuring honest voting and a fair count at elections are repealed, and therein lies the contention between the democratic majority in Congress and the President and republican minority. Has this system been beneficial in its operation? A complete answer is found in democratic testimony, and I proceed no further than quote from the report of the distinguished leader of the democracy, at present a member of this House, [Hon. S. S. Cox, of New York.] That gentleman, in making the report from the select committee on alleged fraudulent registration and voting in New York, Philadelphia, Brooklyn, and Jersey City, (see Committee Reports No. 318, second session Forty-fourth Congress, page 4,) expresses his admiration of the system of Federal supervision of elections, in the following glowing words:

> The committee would commend to other portions of the country and to other cities this remarkable system, developed through the agency of both local and Federal authorities acting in harmony for an honest purpose. In no portion of the world, and in no era of time, where there has been an expression of the popular will through the forms of law, has there been a more complete and thorough illustration of republican institutions. Whatever may have been the previous habit or conduct of elections in those cities, or howsoever they may conduct themselves in the future, this election of 1876 will stand as a monument of what good faith, honest endeavor, legal forms, and just authority may do for the protection of the electoral franchise.

The insincerity of the present attitude of the democracy is thus thoroughly exposed.

HASTENING TO THEIR POLITICAL SODOM AND GOMORRAH.

No, Mr. Chairman, these laws were enacted to protect right and prevent fraud. No honest voter fears the "Boys in Blue." His devotion in the past saved the Union, and his uniform to-day is a guarantee to the law-abiding citizen for peace and the protection of his rights. Repeal these laws, and the "murderers" of New York, the "plug-uglies" of Baltimore, and the "repeaters" of Philadelphia and Cincinnati will hold high carnival on election day. There "will be none to make them afraid," for they will laugh to scorn the puerile civil authority from which a democratic Congress has withdrawn the strong arm, and left it powerless to enforce its decrees. Fraud will stalk unchallenged in the large cities, and thence spread—a veritable eruption of crime—into the towns and villages, until all elections throughout the land become tainted and enveloped in these corrupting influences. Answer! You are striving in this House to thrust these repeals through by means so violent! Do you believe that the pure and honest sentiment of the country will rest under such a condition? I warn you "beware of the day" that you hasten the crisis, for in the certain failure of your machinations you will find your political Sodom and Gomorrah.

SOUTHERN MEN INSENSIBLE TO THEIR BEST INTERESTS.

What has the South to gain by joining in this crusade? I have heard the rumor in apparently reliable quarters, that with the test oath expunged southern men had no substantial interest left in the controversy; that they had no fear of the exercise of Federal authority, either in the form of keeping peace at the polls or through marshals and supervisors, but that in the struggle they followed the lead of their northern democratic allies, who insisted on the repeal of these laws also, and the extra session was precipitated in consequence. Why? Only that wholesome restraints against fraud and violence may be removed and that the large cities of the North—notably New York—should be in condition to return manufactured fraudulent majorities, of any required number, in 1880. If it be so that the democrats of the North are responsible for the present state of affairs, every candid man must admit that no party can survive on such an issue. American sentiment is overwhelmingly in favor of pure elections and fair play. Do not mistake! The mutterings that are heard on all sides, condemning the revolutionary action that provoked this extra session, with its enormous expense and its opened door for raids on the Treasury, agitations of finance, and disturbance and distrust in all business channels, are not the tocsin for the gathering of partisan clans. They are the warning tones of an outraged people, composed of all parties, betokening the gathering storm that will speedily overwhelm all who are engaged in this unholy scheme.

Men of the South, I ask you where will your northern democratic allies be when the storm breaks? Whatever may have been your inducement, you hold the controlling power in Congress and will be held responsible. You tried northern democrats once and they were found wanting. It will be so again. The loudest among them, who fanned your passions and lured you into rebellion against the Union, deserted you on the verge of your ruin, and those who remained true to your "lost cause" were swept by the tornado of loyal indignation into utter helplessness. "History will repeat itself" in disaster more dire in the second example than the first.

WHAT THE SOUTH OWES TO THE REPUBLICAN PARTY.

Mr. Chairman, it must be conceded that in the North there exists a sincere and well-grounded belief that fair, free, and pure elections can only be guaranteed by Federal supervision, especially in populous cities. Concede, if you please, that fair elections mean republican success. Should the South make issue with the republican party on the ground of honesty and purity? Shall it be forgotten that the republican party, in the zenith of its power, raised the South from the dust of defeat and rehabilitated its members into sovereign States; gave her the opportunity to obtain, as she has, control on this floor, from which her Representatives might have been excluded for years to come unnumbered.

Let it not be forgotten that the republican party, with liberal hand, assents to supplies for the preservation of health and the protection of commercial and other material interests of that section, that contributes a comparatively insignificant return to the national revenues. The mouth of the Mississippi absorbs millions from the Federal Treasury through the Eads jetties. In every river and harbor bill, the rivers and streams of the South command attention and receive lavish aid. With ample quarantine establishments in all the large cities of the North, maintained by the respective States, only a few weeks since a national quarantine bill was passed, with some hundreds of thousands of dollars to execute it, from which the South will derive almost exclusive benefit. A National Board of Health is erected by Congress, with liberal appropriation, to consider and, we hope, control the yellow fever—an epidemic almost peculiar to that section; and a bill is now pending before the Committee on Commerce to establish a marine hospital at Memphis. The rivers and coasts of the South are lighted and her postal service brought to the highest degree of efficiency out of the National Treasury, although the postal receipts from that section are far in deficiency. The republican party in the past has never put one obstacle in the way of the Southern States in regaining their equal position in the Union; and in the present has never denied, but cheerfully acceded every appropriation that would

ameliorate their condition, or enable them to cover their own inability to supply their wants.

There is not a southern man to day, who would not trust the republican party with the protection of his rights and property, and with the task of improving his State and spreading education and prosperity throughout its borders; and, if sincere, he will confess that the trusts would be faithfully and successfully executed. Surely, decent regard for the sentiments and honest belief of a section and a party that have evinced such magnanimity and liberality, should be the return. Can the South afford to enter into an alliance to outrage them?

THE POSITION AND MISSION OF THE REPUBLICAN PARTY.

Mr. Chairman, in this crisis the republican party presents a grand spectacle. True to its first utterances, there it stands "firm as the surge-repelling rock;" not a single article of faith departed from; not a jewel in the diadem of its consistency obscured; united and strong; all former divisions cemented; the President and party in happy accord; the people casting aside old allegiances and flocking to that standard under which alone they can trust for wise statesmanship and lasting progress, prosperity, and peace. That party found its highest position when, in the day of youth and weakness, the armor was buckled on for freedom and union; and through fire and blood the victory was won. But the second epoch opens with the promise of more glorious fruits, if such there can be; for now, in the struggle against factional agitation and unwise and revolutionary legislation, the republican party enters the contest; and, unfurling the banner of the Constitution and the law, battles for equal rights, an honest ballot, public faith fulfilled to all classes, and honesty between man and man.

This is the mission of the republican party; and the sky is already illuminated with the bow of promise of the second victory, for its principles are as immutable as God himself and as enduring as eternity.

Army Appropriation Bill.

SPEECH OF HON. THOS. M. BAYNE,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, June 11, 1879,

On the bill (H. R. No. 2175) making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes.

Mr. BAYNE. Mr. Speaker, it is with much reluctance that I feel it to be my duty to differ with so many of my party friends as to the propriety of voting for the bill making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes. How nobly, how patriotically my republican colleagues have stood as one man against the threatened destruction of the national authority I know, and I regard it as the most admirable feature of the epoch in our history which will mark the triumph of national unity or national ruin in the impending struggle so ruthlessly precipitated by the democratic majority.

Three similar epochs, with the same cause of contention running through them, have preceded the present one. The first of these began with the formation of the Constitution and continued until December 1791, when the first ten amendments to the Constitution were ratified by the requisite number of States. The struggle then was, on the part of the federalists and a considerable number of democrats of great ability, to implant in the Constitution all the authority and powers essential to the sovereignty and self-preservation of the National Government. The opposing party resisted, predicting the destruction of the liberties and rights of the people as it is doing to-day, and insisted upon the lodgment of governmental sovereignty and the principles of self-preservation in the States. The friends of national supremacy were victorious, and our great Republic is the monument of their profound wisdom and sublime faith.

The second epoch covers that period of President Jackson's administration when South Carolina attempted to nullify the laws of the United States and to justify herself by the resurrection of the theory of State sovereignty. Her champion advocate, John C. Calhoun, claimed that the Constitution was not a Constitution at all, but a constitutional compact, and that any State having "grievances to redress," as it is put now, could withdraw from the Union, and the National Government was powerless to prevent it. Jackson, however, was a national democrat like Madison, and he crushed out nullification and coerced South Carolina and her people into obedience to the Constitution and laws of the United States. And thus national sovereignty had its second triumph.

The third epoch had its beginning in the halls of Congress, where for a series of years prior to 1861, the Representatives and Senators from the slave States sedulously inculcated the doctrine that "to redress grievances"—the grievance then being their inability to extend human slavery into the Territories—their States had the right to secede from the Union. So in 1861, with South Carolina in the lead, most of the slave States seceded, and James Buchanan, who was as unlike Jackson as the democrats of to-day are unlike Madison and Jefferson, had given them hope of immunity from interference by affirming that the National Government had no authority to coerce them into subjection to the Constitution and laws.

President Lincoln and the republican party differed from Buchanan and the large majority of the democratic party who thought as he did, and after four years of war, and the expenditure of much precious blood and vast sums of money, the theory of national sovereignty again won the victory. Then it was we hoped and believed that this vexed question of State rights was completely and forever out of the pale of political controversy. How grievously we erred in that judgment is manifest now. For the very outgrowths of this epoch, the fruits of the nation's victory, which were incorporated into amendments to the Constitution and into laws, are "grievances to be redressed," and the democratic party "does not intend to stop until it has stricken the last vestige of these war measures from the statute-book."

Thus the fourth epoch has begun. Each of its predecessors had its crisis. The crisis of the present one is to come. I will only say that if the tide of events should turn in the direction in which the democratic party seeks to divert it the Union will soon be held together by but a rope of sand. Thirty-eight sovereign States, with their diversity of climate, variety of temperament, and differences of civilization, under the domination of a party whose chief characteristic is to undo what the progressive part of the people has done, cannot in the nature of things long hold together.

One of the reasons why I vote against this bill is because the sixth section of it embraces decided tendencies toward the destruction of the national supremacy. It is right in line, though not so overt a manifestation of the purpose, with the nullification of the laws of the United States by South Carolina in 1832 and the secession movement of 1861. The section reads:

SEC. 6. That no money appropriated in this act is appropriated or shall be paid for the subsistence, equipment, transportation, or compensation of any portion of the Army of the United States to be used as a police force to keep the peace at the polls at any election held within any State.

This section, in my opinion, is obnoxious to at least three objections of great pith and moment:

First. It undertakes to fetter in an insidious, indirect manner the constitutional power of the President as Commander-in-Chief of the Army.

Second. It attempts by indirection to nullify all the laws of the United States which look to the effectual suppression of lawlessness at the national elections unless the United States authorities, without the aid of military force, are equal to the emergency.

Third. It involves the implication that the United States has a "peace" which it may not employ the military, in any event, to keep at the national elections.

Postulating, as the objections do, the right of the National Government to regulate and protect its elections, which I undertook to show in a speech delivered the 22d of April last, on the legislative, executive, and judicial appropriation bill, I will go at once to the points bearing upon the present inquiry.

That portion of the first paragraph of section 2, article 2, of the Constitution, which reads "The President shall be Commander-in-Chief of the Army and Navy of the United States, and of the militia of the several States, when called into the actual service of the United States," confers upon the President the command of the Army and Navy, and is a provision of the Constitution which executes itself, if any provision of that instrument does. No act of Congress, I think, can impair this power.

By paragraph 15 of section 8, article 1, Congress has power—

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

And by paragraph 18 of the same section—

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

It was provided by the act of Congress of March 3, 1807—

That in all cases of insurrection or obstruction to the laws, either of the United States or of any individual State or Territory, where it is lawful for the President of the United States to call forth the militia for the purpose of suppressing such insurrection, or of causing the laws to be duly executed, it shall be lawful for him to employ, for the same purposes, such part of the land or naval force of the United States as shall be judged necessary, having first observed all the prerequisites of the law in that respect.

This early and unquestioned interpretation of paragraph 15, section 8, article 1 of the Constitution removes the technical objection that might have been made against employing the land and naval forces of the United States for the same purposes and to the same ends that the militia could be employed, and it is therefore clear that it is competent for Congress to empower the President to use the land and naval forces of the United States "to execute the laws of the Union."

In section 3, article 2, which prescribes the powers and duties of the President, it is provided "he shall take care that the laws be faithfully executed." And by the last paragraph of section 1, article 2, he is required to take the following oath or affirmation before entering on the execution of his office:

I do solemnly swear (or affirm) that I will faithfully execute the office of Presi-

dent of the United States, and will to the best of my ability preserve, protect, and defend the Constitution of the United States.

Now, is it not clear that if there are laws of the United States which require that the peace be kept at the polls, and that in employing a portion of the Army to do such service it is used as a police force, section 6 fetters the power of the President as Commander-in-Chief of the Army in his civil capacity to use any portion of the Army for that purpose? Is it not obvious that he cannot, if there be such laws and their enforcement be such service—the consideration of which questions I will come to presently—that he cannot take care that they be faithfully executed in the event of the emergency requiring the use of a portion of the Army?

Is it not self-evident, too, coming to the second objection I have stated, that this section, if it becomes a law, will nullify all the laws of the United States which look to the effectual suppression of lawlessness, or, in other words, keeping the peace, at the national elections, unless the United States authorities without the aid of military force are equal to the emergency? To ask these questions in the presence of the provisions of the Constitution and the laws is to answer them. It will not do to say that this section 6 only denies an appropriation for the subsistence, equipment, transportation, and compensation of such portion of the Army as may be used as a police force to keep the peace at the polls, and that nevertheless, if it becomes necessary, a portion of the Army may be so used. If the President approves that section, as a part of the law-making power he consents in good faith to its spirit as well as its letter, and his conscience and his dignity would alike revolt at any evasions of it. Mincing words or providing loopholes of escape will not wrest this section from its logical environment.

If there be laws of the United States which empower the President or his subordinate magistrates to keep the peace at the polls, and if using a portion of the Army to do that service be police duty, section 6 of this bill will, and is intended to, fetter the President in the performance of his duties in that regard, and will and is intended to nullify, *pro re nata*, the laws which declare such duties.

This section of the bill admits that the United States has a "peace," though numerous gentlemen belonging to the majority have argued that the United States has no "peace," meaning thereby the word in its technical sense, I suppose.

The preamble to the Constitution of the United States declares that—

> We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

To insure domestic tranquillity among the people of the United States is manifestly a fundamental object of the Constitution. Every provision of the Constitution points to the consummation of the objects enumerated in the preamble as certainly as the needle points to the poles; and Congress has power to make all laws which are necessary and proper to effect all these objects.

Bouvier's Law Dictionary defines the word "peace" as follows:

> PEACE. The tranquillity enjoyed by a political society, internally, by the good order which reigns among its members, and externally, by the good understanding it has with all other nations. Applied to the internal regulations of a nation, peace imports, in a technical sense, not merely a state of repose and security as opposed to one of violence or warfare, but likewise a state of public order and decorum.

Now, I call attention to the same authority, Bouvier's Law Dictionary, for a definition of the term "police:"

> POLICE. That species of superintendence by magistrates which has principally for its object the maintenance of public tranquillity among the citizens. The officers who are appointed for this purpose are also called the police.
> 2. The word police has three significations, namely:
> 1. The first relates to the measures which are adopted to keep order, the laws and ordinances on cleanliness, health, the markets, &c. 2. The second has for its object to procure to the authorities the means of detecting even the smallest attempts to commit crime, in order that the guilty may be arrested before their plans are carried into execution, and delivered over to the justice of the country. 3. The third comprehends the laws, ordinances, and other measures which require the citizens to exercise their rights in a particular form.
> 3. Police has also been divided into administrative police, which has for its object to maintain constantly public order in every part of the general administration; and into judiciary police, which is intended principally to prevent crimes by punishing the criminals. Its object is to punish crimes which the administrative police has not been able to prevent.

Now the adaptation of the generic definition of police—that of maintaining public tranquillity by the superintendence of magistrates—to that fundamental object of the Constitution stated in the preamble—that of insuring domestic tranquillity—is perfect. Add the definition of peace, which is the most comprehensive word in the vocabulary applicable to the science of government, either in its legal sense generically or technically, and no room is left, either within or without the circle of governmental duties and objects thus brought together, to doubt that the United States has a "peace," and that the employment of force by it to preserve that peace is employing such force as a police. I care not whether it be a marshal and his deputies, a marshal and a *posse*, or a marshal and a portion of the land or naval forces of the United States, unless a State of war exists, it is a police force. It is under the command and subordinated to the purposes of the civil authorities. A portion of the Army thus employed is not operating under martial law, but under the civil law. It is but an instrument of the civil law, like the *posse comitatus* or like the police force of a city, to accomplish the identical ends for which they may be used, and the co-operation of all those forces in the performance of but one duty, would be not only a most natural, but also a most likely and regular transaction.

In this connection the first clause of the third definition of police, as given by Bouvier, significantly points to the conclusion I have come to. The numerous provisions of law relating to the conduct of elections are intended to prevent the perpetration of frauds on the ballot-box and the operations of combinations of armed men at the polls. The function of the marshal in such cases falls within the definition of administrative police so manifestly that it will be difficult, it seems to me, especially in the absence of all legal definitions which fit at all, excepting those growing out of the comprehensive words police and peace, to explain away the force and effect of these words in the sixth section of this bill. A wave of the hand will not do it. Rhetoric may obscure it, but the logical sequence will out.

I will only follow this line of inquiry one step further. I call the attention of the gentlemen who think the United States has no "peace" to the provisions of an act of Congress approved the 14th of July, 1798. The first section reads as follows:

> *Be it enacted, &c.*, That if any person or persons shall unlawfully combine or conspire together with intent to oppose any measure or measures of the Government of the United States which are or shall be directed by proper authority, or to impede the operation of any law of the United States, or to intimidate or prevent any person holding a place or office in or under the Government of the United States from undertaking, performing, or executing his trust or duty; and if any person or persons with intent as aforesaid shall counsel, advise, or attempt to procure any insurrection, riot, unlawful assembly, or combination whether such conspiracy, threatening, counsel, advice, or attempt shall have the proposed effect or not, he or they shall be deemed guilty of a high misdemeanor and on conviction before any court of the United States having jurisdiction thereof shall be punished by a fine not exceeding $5,000 and by imprisonment during a term not less than six months nor exceeding five years; and further at the discretion of the court may be holden to find sureties for his good behavior in such sum and for such time as the said court may direct.

The second section of this act defines the offense of libeling the Government of the United States, either House of Congress, or the President, for the purpose of exciting against them or either of them the hatred of the good people of the United States, or to stir up sedition or to excite unlawful combinations to resist the laws of the United States or any act of the President done in pursuance of such laws, and prescribes fine and imprisonment.

The fourth section permits the truth to be given in evidence on the trial of such libel, and the fifth and last section limits the continuance of the statute to the 3d day of March, 1801.

This old act, valuable only now as a criterion of the interpretation of constitutional powers by the fathers, emphasizes the propositions I have been contending for. It adopted the common-law classification of offenses against the public peace, and it gave to the judges of the United States courts authority to hold under bonds those whose behavior threatened public disturbances.

I ought not to have said that this old act was only valuable as an interpreter of constitutional powers. It admonishes us that the fathers thought that the public peace was imperiled by libeling the Government, the Houses of Congress, or the President; that such conduct excited the hatred of the people of their Government and its officers, stirred up sedition, and encouraged unlawful combinations to resist the laws of the United States. History is full of prophecy, because it is full of repetitions. How well that old act describes the situation to-day! All sorts of opprobrious epithets are applied to the President. Even in the halls of Congress allusions to him pass unchallenged which would meet with quick resentment in the ordinary relations of society. In the halls of Congress, too, such laws of the United States as are distasteful in certain quarters are denounced as unconstitutional; and what can be expected but sedition and want of all confidence in the Government, and where such laws stand in the way of men who so regard them, what is to be looked for but combinations to thwart them? Let the bands of white-leaguers, white-liners, and other combinations, which render fair and free elections in most of the Southern States impossible, answer.

I have argued thus at length that the United States has a "peace," and that the keeping of it involves necessarily the employment of a police, not because I have any doubt whatever on these subjects, but because I want to show, if I can, that the Government of the United States has firmly fixed in it these great elements of nationality, these essential faculties of a nation. It was not necessary at all in order to show that the United States has a "peace," for as long ago as February 28, 1795, when the Constitution was fresh from the hands of its framers, and when some of them were members of Congress, an act was passed, which is still the law of the land, which takes the proposition entirely out of the category of disputable questions.

The section of the act which is explicit and to the point is numbered 788 in the Revised Statutes, and is as follows:

> That the marshals of the several districts, and their deputies, shall have the same powers in executing the laws of the United States as sheriffs and their deputies in the several States have by law in executing the laws of the respective States.

How thoroughly this act confers upon United States marshals the power to preserve the peace, as well as the multifarious kinds of offenses that are regarded by the law as a breach of it, are alike shown by the duties of the sheriff as defined by Bouvier, and which doubtless

pertain substantially to that officer in all the States of the Union. I take the second definition from Bouvier's Law Dictionary:

The general duties of the sheriff are to keep the peace within the county; he may apprehend and commit to prison all persons who break the peace, or attempt to break it, and bind any one in a recognizance to keep the peace. He is required, *ex officio*, to pursue and take all traitors, murderers, felons, and rioters. He has the keeping of the county jail, and he is bound to defend it against all attacks. He may command the *posse comitatus*.

I cannot add to the force of the conclusion which comes from the juxtaposition of the act of Congress of 1795 with the description of the duties of a sheriff, except to say that the military are as much bound to heed his summons when he invokes the power of the country as are civilians. It will strike every man whose head is not turned by a wicked clamor against the laws of the United States that on election day above all days the citizen should feel secure against violence. Yet the purpose of the political section of this bill is to disarm the national authorities on that day, though they should be armed on all others. It is not surprising, however, that that party which denounces these laws as unconstitutional should invite their violation and seek to cripple the power to execute them. But what will be thought of the good faith, the sincerity, the honesty of men who insist that these laws are unconstitutional and at the same time have never once taken them into a court for a decision? Many cases have been tried under them and no lack of opportunity can be pleaded. When portions of the Army were used under an act of Congress to aid the United States marshals to arrest and return to their chains poor fugitive slaves who were seeking their liberty it was all right to use a portion of the Army. Brave and good men, however, who thought that an unconstitutional use of the Army, took cases to the Supreme Court without delay; and when that tribunal affirmed the constitutionality of the act they acquiesced in the decision.

Let no man say or think that the republican party is simply in favor of troops at the polls. I do not know and I have never heard of a republican who wants troops at the polls. The republican party, while in a large majority in Congress, passed most stringent and sweeping measures against interference by any military, naval, or civil officer with elections. The following sections of the Revised Statutes clearly indicate the attitude of the republican party on this question:

SEC. 5528. Every officer of the Army or Navy, or other person in the civil, military, or naval service of the United States, who orders, brings, keeps, or has under his authority or control, any troops or armed men at any place where a general or special election is held in any State, unless such force be necessary to repel armed enemies of the United States or to keep the peace at the polls, shall be fined not more than $5,000, and suffer imprisonment at hard labor not less than three months nor more than five years.

SEC. 5529. Every officer or other person in the military or naval service who, by force, threat, intimidation, order, advice, or otherwise, prevents, or attempts to prevent, any qualified voter of any State from freely exercising the right of suffrage at any general or special election in such State, shall be fined not more than $5,000, and imprisoned at hard labor not more than five years.

SEC. 5531. Every officer or other person in the military or naval service who, by force, threat, intimidation, order, or otherwise, compels, or attempts to compel, any officer holding an election in any State to receive a vote from a person not legally qualified to vote, or who imposes, or attempts to impose, any regulation for conducting any general or special election in a State different from those prescribed by law, or who interferes in any manner with any officer of an election in the discharge of his duty, shall be punished as provided in section 5529.

Section 5532 disqualifies any person convicted under the foregoing section from holding any office of honor, profit, or trust under the United States.

There are various other sections of similar import, and there is not a phase of improper interference by any civil, military, or naval officer or other person in the service of the United States with the right of any legal voter which is not covered by these laws. Does any one suppose that if there had been any case of interference at all the officer—civil, military, or naval, or other person in the service of the United States—would have escaped prosecution? With ku-klux, white-liners, repeaters, ballot-box stuffers, all of the democratic faith and all at the polls on election day, and ardent democrats of more respectability, but all anxious for a case in order if possible to make these laws odious, how eagerly the unfortunate officer or other person would have been brought to the bar of justice and public opinion! No single case has arisen. It shows the arrant hypocrisy, the downright deceit of the democratic leaders when they charge that the laws of the United States regulating elections interfere with the rights and liberties of the people. It is wholly the other way. These laws protect and assure the rights and liberties of the people, and that really is where the shoe pinches the democratic foot.

The National Government has direct relations with the citizens of the United States. The primary allegiance of the citizens is due to it. It is bound to protect them in the enjoyment of their rights. It was intended to secure the blessings of liberty to all the people. It was intended to establish justice, to insure domestic tranquillity, to promote the general welfare, and to provide for the common defense. The skeleton of a government stripped of powers and bereft of the confidence and love of the people cannot perform duties so varied and important, nor can it endure. The constant drop of water wears away the rock. State jealousy of national power must die out. The supremacy of the Constitution of the United States and of the laws made in pursuance of it must be cordially recognized. A recognition of such supremacy extorted by special pleading or dictated by selfish hopes is contemptible. The Government of the United States must be placed and kept in the hands of those who are its friends, who take pride in its power and stability, and who will vigilantly guard and preserve all its attributes.

What is the outlook from the present stand-point? This extra session of Congress was made necessary because the democratic majority in the last Congress refused to make appropriations for the legislative, executive, and judicial departments of the Government unless twelve sections of the law regulating national elections were repealed, and three others so amended as to destroy their efficacy. Then a rider was tacked to the Army appropriation bill which took away the power of the civil as well as the military authority to enforce these laws in just such emergencies as they were intended to provide against.

At this extra session the contest was renewed, and for three months the country has been kept in a state of perturbation and alarm, not knowing what a day might bring forth.

Experiencing the restraints and occasionally the penalties which the United States courts enforced for violation of the revenue laws and the laws regulating elections, the democratic majority proposes and does its best to pass a bill which repeals and impairs together a large part of the judiciary act of 1789 and its supplements, which give to the courts of the United States jurisdiction and enable them to protect the officers of the Government in the performance of their duties, and to save them from the malevolence of the criminals and their friends by having such cases as were brought against them from that motive transferred from the State to the United States courts. This old law was a menace to the rights and liberties of the citizens, according to the democratic saying. It does enable the United States courts to curb the liberty to manufacture whisky without paying the Government tax, and it does enable the United States courts to curb the liberty, to a very limited extent however, of repeaters and ballot-box stuffers and rifle clubs to carry on their enterprises with absolute impunity.

Another old law of the United States provided that jurors for the United States courts should be selected according to the regulations for selecting jurors which obtained in the States. No complaint had ever been made against this law until it was found that violators of the revenue laws and offenders against the laws regulating national elections were sometimes—sometimes I say—convicted. Then all at once it was discovered that the United States juries were packed, and a bill was introduced and has passed both Houses of Congress within a few days, which substantially provides that two persons shall select United States jurors, one of whom shall be a republican and the other a democrat. It will convert juries which have hitherto been free from partisan manipulation into political machines. And it is not at all likely that any one will be convicted under the national election laws when one-half the jury believes them to be unconstitutional and an interference with the rights and liberties of the people.

If the democratic majority keeps on in the course it is pursuing, the people will have such liberty as they never enjoyed before. It will be natural liberty, as the law-books call it, unrestrained by any laws excepting those of nature. It will not be desirable for the weak, but excellent for the strong.

The rights and liberties of the people under laws which they themselves make; the rights and liberties of the people protected and guaranteed by laws, which our system of government enables the people, who are the supreme authority, to abolish or modify at their pleasure—these are the propositions which the republican minority insists upon. The republican minority has resisted as best it could all these schemes of the democratic majority, whose ultimate result, if permitted by the people to run their course, will be to denationalize the United States and leave in its stead a lot of little nations, as jealous of one another as many of them now are of the great nation of which they are but parts.

Army Appropriation Bill.

SPEECH OF HON. HIESTER CLYMER,

OF PENNSYLVANIA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, June 11, 1879,

On the bill (H. R. No. 2175) making appropriations for the support of the Army for the fiscal year ending June 30, 1880, and for other purposes.

Mr. CLYMER. Mr. Chairman, it is a source of gratification to me, and doubtless to every member of the committee, that the controversy which has chiefly occupied our attention and that of the country since we met in extra session is drawing to a close. The bill which has occasioned it was introduced from motives of highest patriotism and deepest regard for the liberties of the people and the perpetuity of our republican form of Government.

The existence of the right or the claim of right on the part of the Executive to have troops or armed men at any place where any general or special election is held in any State, under the pretense of

keeping the peace at the polls, is a menace to the liberties of the people, a perpetual threat to the freedom of the ballot—that freedom upon which depends the stability of our institutions. It is a subversion of the civil by the military power, so gravely reprobated and vigorously denounced by those who founded the Government. It is a revival in its worst and most odious form of the old federal doctrine of a strong consolidated government. It is a resurrection of the ideas upon which the alien and sedition laws were enacted and enforced, of ideas which greatly flourished under the elder Adams, causing his administration to be a failure and its memory to be held in condemnation.

Entertaining these views, the majority of this committee would have been derelict to duty, recreant to the wishes of the great majority of the people of this land, whose immediate representatives they are, had they not attempted by every lawful means to wipe this provision of the law of 1865 from off the statute-book; and in so doing they are not to be charged with prejudice against or being opposed to the existence of the Army because they attached the repealing clause to the Army appropriation bill. It is true that, as a party, we are opposed to a large standing army; with our fathers we believe that a well-regulated militia is necessary to the security of a free State, that the Army proper should not be larger than is necessary to form a nucleus around which the militia, in time of need in the future, may gather and bring us victory, as it has never failed to do in all our past wars.

But thus believing, we are not unmindful of its services and glories, of its devotion and valor. The names of its heroes and leaders are imperishably engraved on our hearts, and so interwoven with the most brilliant events in our history that we may never forget the services it has rendered or the gratitude which is its due; and if, sir, a thought of complaint or dislike against it has ever entered the mind or heart of any American, it is because against its will, at the bidding of political necessity and party exigency, it has been used to intimidate the citizen, to uproot the foundations of States, to subvert the law, to ignore the voice of the majority of the people, and to be a very terror and scourge in the hands of the unscrupulous possessor of power.

It is from this distasteful and unworthy duty we would rescue it. We would not have it either the servant of the party in power to do its bidding, or as our master to fasten on our limbs fetters forged by partisan ingenuity for partisan perpetuity. We would, and will when we come to our own, so legislate that it shall be restored to the respect, love, and consideration in which it was always held until sectionalism and hate became potent factors in this Government. We will strip it of degrading duties which properly belong to the roundsman and constable, to the State and not to the Federal Government. We will use it to repel armed enemies, to protect the States against invasion and domestic violence, to vindicate the power and uphold the honor of the Government on the battle-fields of the Republic; not, sir, as a police force at the polls, not as an instrument of intimidation, not as a shield for the cowardly designs of politicians, not as a *posse comitatus* to execute unconstitutional and illegal mandates of chief supervisors and marshals. Oh, no, sir; we will use it for the higher, nobler, and constitutional purposes I have named, and then and not until then will it be restored to the full confidence and support of all the people and again become as of old their pride and glory.

It is a subject full of interest to trace the legislative steps by which the Army has been subjected to the base uses which now degrade it and by which the people have been intimidated and their wills subverted. Early in our history—in 1792, Washington being President—the first act relating to the subject was passed. Within three years thereafter that act was repealed by the act of February 28, 1795, which substantially re-enacted its provisions, which are as follows:

Be it enacted, &c., That whenever the United States shall be invaded, or be in imminent danger of invasion from any foreign nation or Indian tribe, it shall be lawful for the President of the United States to call forth such number of the militia of the State or States most convenient to the place of danger or scene of action as he may judge necessary to repel such invasion, and to issue his orders for that purpose to such officer or officers of the militia as he shall think proper. And in case of an insurrection in any State against the Government thereof it shall be lawful for the President of the United States, on application of the Legislature of such State or of the executive, (when the Legislature cannot be convened,) to call forth such number of the militia of any other State or States as may be applied for and as he may judge sufficient to suppress such insurrection.

SEC. 2. *And be it further enacted*, That whenever the laws of the United States shall be opposed, or the execution thereof obstructed in any State, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals by this act, it shall be lawful for the President of the United States to call forth the militia of such State, or of any other State or States, as may be necessary to suppress such combinations, and to cause the laws to be duly executed; and the use of militia so to be called forth may be continued, if necessary, until the expiration of thirty days after the commencement of the then next session of Congress.

SEC. 9. *And be it further enacted*, That the marshals of the several districts and their deputies shall have the same powers in executing the laws of the United as sheriffs and their deputies in the several States have, by law, in executing the laws of the respective States.

By the first section of the act it will be observed that the power of the President to call forth the militia was limited to two contingencies: first, invasion or immediate danger of invasion from any foreign nation or Indian tribe; second, in case of an insurrection in a State *against the government thereof*, on the call of the Legislature thereof, or the executive when the Legislature cannot be convened.

By the second section, whenever the laws of the United States shall be obstructed in any State by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by power vested in the marshals by the act, the President might call forth the militia of such State or of any other State as may be necessary to suppress such combination, and cause the laws to be duly executed—*but mark!* "the use of militia so to be called forth may be continued, if necessary, until the expiration of thirty days after the commencement of the then next session of Congress," *and not longer.*

By the ninth section the marshals of the several districts and their deputies shall have the same power in executing the laws of the United States as sheriffs and their deputies of the several States have by law in executing the laws of their respective States.

Observe, sir, how in this earliest enactment the use of the militia by the Executive is restricted and guarded; how evidently jealous the legislative power was of the executive.

Only in case of insurrection against the government of a State, and then only on application of its Legislature, or its executive when the Legislature cannot be convened.

Only in case of combination to obstruct the laws of the United States too powerful to be suppressed by the ordinary course of judicial proceedings or the marshals of the United States.

And again, observe the watchful vigilance which enacts that the use of the militia may only be continued for thirty days after the next meeting of Congress.

Those who fought the revolutionary war and framed the Constitution were largely represented in the Congress which enacted this fundamental law as to the use of the militia (army) by the Executive; they restricted it to certain defined, specific exigencies, and then only on terms and conditions, chief among which was that he could only use it for thirty days after they next met, thereby clearly asserting their right and intention to resume the control and direction of all military movements and affairs. They would trust the sword to no President, or other hand, save for a brief and limited period. They clearly understood their high constitutional prerogative, and in their earliest enactments they fulfilled to the letter their constitutional obligation "to provide for calling forth the militia to execute the laws of the Union, suppress insurrection, and repel invasion." Beyond these objects they well knew they had no power themselves, nor could they confer it on any one else.

In 1807 the following act was passed:

That in all cases of insurrection or obstruction to the laws, either of the United States or of any individual State or Territory, where it is lawful for the President of the United States to call forth the militia for the purpose of suppressing such insurrection, or of causing the laws to be duly executed, it shall be lawful for him to employ, for the same purposes, such part of the land or naval force of the United States as shall be judged necessary, having first observed all the prerequisites of the law in that respect.

The act simply authorizes the President to use the land and naval forces in all cases where by the act of 1795 he might use the militia.

The law thus remained for more than fifty years, during the administrations of Madison, Monroe, John Quincy Adams, Jackson, Van Buren, Harrison, Taylor, Fillmore, Pierce, and Buchanan; and yet during all these years, under these statesmen and heroes, who has heard that an attempt was ever made to use the land and naval forces of the Government "to keep the peace at the polls," or, in other words, to use the Army to control elections in the interest of any man or party? Parties were formed and parties died; great leaders appeared and disappeared; there were wars external and internal; there were great political and financial convulsions; our boundaries were extended to the Gulf and to the Pacific, and there was wonderful national growth and material development in these fifty years; but in no one of them, at no time, at no place was it ever attempted to tamper with the freedom of the ballot by the use or presence of the Army at elections. Under all changes, in peace and war, under different leaders, and under the ascendency of different parties, there was one thing untouched, unchanged, and sacred, so held by all men of all parties—the freedom of the ballot, the very corner-stone of our edifice. He who would have attempted to disturb it would have been denounced as "*hostis humani generis.*"

In 1860-'61 we fell upon evil times. The country was convulsed by civil war; giants were gathering in their strength to battle for nationality and political existence; the very foundations of society were broken up; men on each side the line went to their tents instead of their homes; the signs and sounds of the approaching storm were seen and heard everywhere, and it was the duty of those in power to prepare for it. It was under these circumstances the following law was passed in July, 1861:

SEC. 5298. Whenever, by reason of unlawful obstructions, combinations, or assemblages of persons, or rebellion against the authority of the Government of the United States, it shall become impracticable, in the judgment of the President, to enforce, by the ordinary course of judicial proceedings, the laws of the United States within any State or Territory, it shall be lawful for the President to call forth the militia of any or all the States, and to employ such parts of the land and naval forces of the United States as he may deem necessary to enforce the faithful execution of the laws of the United States, or to suppress such rebellion, in whatever State or Territory thereof the laws of the United States may be forcibly opposed, or the execution thereof forcibly obstructed.

However justifiable, in view of all the facts, it may have been to have passed this law, yet in its execution it was the pretext and shield for wrong, outrage, and oppression. Under it, and the suspension of the *habeas corpus* act, men and women were seized and cast into prison without information or trial. Under it State Legislatures were disbanded and the members incarcerated in the fortresses

of the United States. Under it, in many if not all the States not in rebellion, elections became a farce and the will of the people was ignored. Under it the laws were set aside and the ministers thereof held in contempt and derision. Under it the "Government," so called, in other terms the Administration, for the purpose of self preservation and perpetuation, decided, by the presence and active interference of troops, the election of governors, Legislatures, and members of Congress. The voice of the people everywhere was stifled, and at the dictation of military satraps men were placed in the highest executive and representative positions against their will.

The whole North was one vast camp, in which the laws were silent and where the will of the Commander-in-Chief was omnipotent. It is true that the forms of representative government were left to us, but the will of the people was so bowed down and crushed by the overshadowing presence of military power that scarcely anywhere in all the land could there be, or was there, any full, fair, free, unfettered, and unbiased expression of opinion at the polls. Others from my own State on this floor will not fail to remember with me the condition of affairs existing there at the gubernatorial election in 1863 and the presidential election the year following. Soldiers were used to influence, intimidate, and overawe, not only by their presence at the polls, but also at the primary assemblages of the people held under highest constitutional right to peaceably assemble.

A species of terrorism prevailed in nearly every community. Under the secret suggestions of cowardly partisans the purest and best, in many instances, were subjected to indignities for which there could be no reparation, to suspicions unfounded, and to wrongs without remedy. By the use of soldiers for the purpose of oppression and intimidation at the hustings and at the polls, elections became a farce, the ballot-box a cheat, and the result a crime. As in my State, so in most others of the North during the existence of the civil war. The mailed hand of the Administration grasped the throat of the people everywhere at the polls; the soldiers were used at all places and at all times to keep the people in subjection and to maintain the political supremacy of the Administration.

Of the condition of affairs in my own State from 1861 until 1865 I can speak from personal knowledge. To show the condition of affairs in other States, I might quote at length from speeches made by gentlemen representing them in this body and in the Senate.

It is quite true that the interference of troops at the polls during the period of the war was not pretended to be claimed as anything save a belligerent right growing out of the necessity of the times, yet it was exercised generally and so outrageously that the whole subject was carefully examined by a republican Congress in 1865; and on the 12th of February in that year Mr. Senator Howard, of Michigan, made an elaborate report thereon, (Report No. 14, Thirty-eighth Congress, first session,) in which it is said:

> That elections should be free from all violence and intimidation, is an axiom of free government accepted by all, and so evident that it need not be discussed. Violence and threats of violence, and all disturbance, actual or threatened, calculated to keep the legal voter from the polls or to constrain his free will and choice in exercising his right, are plainly incompatible with the principles on which our governments, whether State or Federal, rest.

But the report defends the right and duty to interfere at elections during a state of war, saying:

> This right is in the primary class of belligerent rights, pertaining to every independent nation. * * * It is plainly in its essence a military power—a belligerent right; as plainly such as the right of capture by sea, which has recently received the solemn sanction of the Supreme Court, in a judgment eminent for the power and clearness of its analysis, the profoundness of its learning, and the unanswerable character of its logic.
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> It is the inalienable duty of self-defense.
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> That this inherent right of war may be abused, as it possibly may have been occasionally during the present struggle, is certainly no reason for denying its existence, or, if it exist, for stripping our commanders of it by legislation.

The report sets forth at length the operations of the military at the polls in Missouri, Kentucky, Maryland, and Delaware during the years 1861, 1862, and 1863. In these States, which had never been out of the Union, the military authorities claimed not only the power to fix the qualifications of electors at State and congressional elections, but also the qualifications of the candidates for office, and in at least one instance the military commander enunciated the platform upon which the electors and candidates should stand.

During this same period, in 1864, seven thousand United States troops taken from the field were gathered in the harbor of New York, under General Butler, of Massachusetts, to control the elections in that city; and it was due alone to the firmness and prudence of Governor Seymour that the threatened outrage was not consummated.

Orders were issued by the commander of the Department of the Susquehanna to all military officials "to guard well the integrity of the ballot-box;" and the commander of the northern department, with headquarters at Cincinnati, issued similar orders. Thus it was, as I have heretofore said, the whole North was one vast camp, and that at the presidential election in 1864 the military were everywhere present at the polls, by general order, to control and intimidate the electors and influence the great result.

It is useless to discuss at this day whether this condition of affairs was to be justified even under the assumed "war power of the Government;" it is not claimed nor could it be justified under any other pretext.

The Supreme Court has solemnly decided in the Milligan case:

> The Constitution of the United States is a law for rulers and people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times and under all circumstances. No doctrine involving more pernicious consequences was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government. Such a doctrine leads directly to anarchy or despotism, but the theory of necessity on which it is based is false; for the Government, within the Constitution, has all the powers granted to it which are necessary to preserve its existence, as has been happily proved by the result of the great effort to throw off its just authority.

It was this claim of right on the part of the Government and the mode of its exercise, as I have heretofore shown, which induced Congress on the 25th of February, 1865, to pass the following restraining and prohibitory act:

> *Be it enacted, &c.*, That it shall not be lawful for any military or naval officer of the United States, or other person engaged in the civil, military, or naval service of the United States, to order, bring, keep, or have under his authority or control, any troops or armed men at the place where any general or special election is held in any State of the United States of America, unless it shall be necessary to repel the armed enemies of the United States or to keep the peace at the polls. And that it shall not be lawful for any officer of the Army or Navy of the United States to prescribe or fix, or attempt to prescribe or fix, by proclamation, order, or otherwise, the qualifications of voters in any State of the United States of America, or in any manner to interfere with the freedom of any election in any State, or with the free right of suffrage in any State of the United States. Any officer of the Army or Navy of the United States, or other person engaged in the civil, military, or naval service of the United States, who violates this section of this act shall, for every such offense, be liable to indictment as for a misdemeanor, in any court of the United States having jurisdiction to hear, try, and determine cases of misdemeanor, and on conviction thereof shall pay a fine not exceeding $5,000, and suffer imprisonment in the penitentiary not less than three months nor more than five years, at the discretion of the court trying the same; and any person convicted as aforesaid shall, moreover, be disqualified from holding any office of profit or trust under the Government of the United States: *Provided*, That nothing herein contained shall be so construed as to prevent any officer, soldier, sailor, or marine from exercising the right of suffrage in any election district to which he may belong, if otherwise qualified according to the laws of the State in which he shall offer to vote.
>
> SEC. 2. *And be it further enacted*, That any officer or person in the military or naval service of the United States, who shall order or advise, or who shall directly or indirectly, by force, threat, menace, intimidation, or otherwise, prevent, or attempt to prevent, any qualified voter of any State of the United States of America from freely exercising the right of suffrage at any general or special election in any State of the United States, or who shall in like manner compel, or attempt to compel, any officer of election in any such State to receive a vote from a person not legally qualified to vote, or who shall impose or attempt to impose any rules or regulations for conducting such election different from those prescribed by law, or interfere in any manner with any officer of said election in the discharge of his duties, shall for any such offense be liable to indictment as for a misdemeanor in any court of the United States having jurisdiction to hear, try, and determine cases of misdemeanor, and on conviction thereof shall pay a fine of not exceeding $5,000 and suffer imprisonment in the penitentiary not exceeding five years, at the discretion of the court trying the same, and any person convicted as aforesaid shall moreover be disqualified from holding any office of honor, profit, or trust under the Government of the United States.

The act itself sets forth fully the abuses and practices it was designed to remedy. Theretofore, since 1861 up to the date of the passage of the act of 1865, there had been no limit to the claim of right to use the land and naval forces, to fix the qualifications of voters, to interfere with the freedom of elections in the States and the right of suffrage by force, threat, menace, and intimidation, and to impose rules and regulations for conducting elections different from those prescribed by the laws of the several States. The act of 1865 was a restraining act, limiting the use of the land and naval forces of the United States on election days to two purposes: First, "to repel the armed enemies of the United States;" second, "to keep the peace at the polls."

It was not the desire or intention of those who introduced the bill to permit them to be used to keep the peace at the polls. They denied the right of the Federal power to have troops at the polls for any purpose, maintaining that there were no national voters, and that therefore there could be no national elections; that the State and State law alone fixed the qualifications of electors and controlled the elections; that if the peace thereat was broken it was the duty of the State to protect it. This position is undoubted, as was shown then and has been determined during the discussion this session in this House and in the Senate, notably by the honorable Senator from my own State, Mr. WALLACE, in his exhaustive speech of the 29th of May last. Yet in order to obtain relief from and security against the oppressions and wrongs to which I have referred, the democrats then in Congress submitted to the insertion of the clause "to keep the peace at the polls," and voted with great unanimity for the law of 1865.

A great victory was thus achieved by the legislative department over the lawless usages and practices of the military commanders and subalterns who, in their partisan zeal, had defied the Constitution and the law.

The period from 1865 to 1869 was that of reconstruction, during which Andrew Johnson was President, and in which the republican party had a two-thirds majority in both branches of Congress. There were irreconcilable differences between the executive and legislative departments of the Government, and I need not specify the acts of Congress depriving the Executive of his powers as Commander-in-Chief of the Army, and of the acts which curtailed and abridged his authority as the Executive of the nation. But during this period there was no interference by the Army with elections in the States, save those in the process of reconstruction.

In March, 1869, General Grant became President, and under the act of May 31, 1870, to enforce the right of the citizens of the United States to vote in the several States of this Union—designed specially

to secure the rights and privileges of the lately enfranchised population—a series of outrages were inaugurated against the ancient and constitutional rights of the citizens and voters of the States, native and adopted, which subverted law and dethroned their constitutions. In my own State at the State election in 1869 a body of marines took possession of a voting precinct in Philadelphia, kept the polls closed for an hour, and only allowed those to vote whom they pleased; and at the election of 1870 troops were used in Philadelphia, a flagrant outrage which was rebuked and denounced by the then republican governor of the State, General Geary, in his next annual message, in the following terms:

The employment of United States troops at elections, without the consent of the local and State governments, has recently received considerable attention and reprehension. It is regarded as an interference with the sovereign rights of the States which was not contemplated by the founders of the General Government, and if persisted in must lead to results disastrous to peace and harmony. The practice is one so serious in its character and so injurious in its tendencies as to merit prompt consideration and decisive action, not only by the General Assembly but by Congress. One of the complaints of the colonists against the British King was the oppression growing out of the assumption of this power. They said, "He has kept among us in times of peace standing armies without the consent of our legislature;" and what is especially pertinent to the case in point, "He has affected to render the military independent of and superior to the civil power." The alleged authority for the use of troops at our State elections is derived from the tenth section of an act of Congress, approved May 31, 1870, entitled "An act to enforce the right of citizens of the United States to vote in the several States of the Union, and for other purposes," which authorizes United States marshals to call to their assistance "such portion of the land and naval forces of the United States or of the militia as may be necessary to the performance of the duty with which they are charged, and to insure a faithful observance of the fifteenth amendment to the Constitution of the United States." But it must be a forced construction of this law that will justify the presence of armed national forces at our places of election when no necessity exists therefor, and where their presence is calculated to provoke collision. With a good President the exercise of the power referred to might have no injurious results, but in the hands of a bad man governed by personal ambition it might prove exceedingly calamitous. Unconsciously a good President might be induced to employ it wrongfully; a bad would be almost certain to use it for his own advancement. Under any circumstances, in my opinion, it is unsafe and antagonistic to the principles that should govern our republican institutions. At the last October election United States troops were stationed in Philadelphia for the avowed purpose of enforcing the election laws. This was done without the consent or even the knowledge of the civil authorities of either the city or the State, and without any expressed desire on the part of the citizens and as far as can be ascertained without existing necessity. From a conscientious conviction of its importance I have called your attention to this subject. A neglect to have done so might have been construed as an indorsement of a measure that meets my unqualified disapproval. The civil authorities of Pennsylvania have always been and are still competent to protect its citizens in the exercise of their elective franchise, and the proper and only time for the United States military forces to intervene would be when the power of the Commonwealth is exhausted and their aid is lawfully required.

Late in October, and early in November of the same year, by the order of the Secretary of War, General Belknap, large bodies of troops—ten companies of infantry, eleven of artillery, and two hundred of the Engineer Corps—were stationed at different points in the city of New York to control the election, while at the same time, by order of the Secretary of the Navy, George M. Robeson, two frigates held the city under their guns, one being in the North, the other in the East River.

During the same year troops were stationed in West Virginia—a loyal State, ushered into existence during the throes of rebellion—and used at the polls to intimidate voters.

Not deeming the act of May 31, 1870, sufficient to secure the absolute, unlimited, and perpetual control of the elections, it was amended by the act of February 20, 1871, at the bidding of the Union League Club of New York, by which the establishment of the partisan machinery of supervisors and marshals was secured in cities of over twenty thousand inhabitants, of which there are sixty-four in the North, with a population of more than seven millions and a half, and only ten cities in the South, with a population of five hundred and thirty-nine thousand. It was designed specially for the great cities of New York, Philadelphia, Cincinnati, and Saint Louis, democratic or doubtful cities, which under ordinary circumstances would determine the political complexion of the House of Representatives.

The machinery being still imperfect, the act of 1870 was still further amended on the 10th day of June, 1872, for the purposes of the congressional and presidential elections to be held that year, by a rider on the legislative, executive, and judicial bill, whereby the provisions of the amendment of 1871 were extended to every congressional district in the United States.

By these several enactments, all passed under the pretense of protecting the rights of the lately enfranchised race, means were provided whereby, with the aid of the marshals and by the unconstitutional use of the Army, the will of the majority of the people could be stifled and the existence of the party in power could be prolonged indefinitely.

That this was the design of the act of 1870 and the amendments thereto may not be questioned; but should it be, it will only be necessary to recount the notorious practices under it in the States of South Carolina, Louisiana, and Florida, and also upon one occasion in Virginia, to fully substantiate my assertion so far as it relates to the use of troops.

In corroboration of what I have said and to show that I have not exaggerated the outrages and wrongs perpetrated under the act of 1865 by the use of the military at the polls, I beg leave to present the views of George Ticknor Curtis upon the subject, and also those of the present Secretary of State, Hon. William M. Evarts.

George Ticknor Curtis, referring to the power and duty of the Federal Government to interfere in elections in the States, says:

Upon these theories a practice has grown up of stationing Federal troops at the polls—a practice, the anticipation of which, if it could have been foreseen when the Constitution was framed, we may be sure would not only have prevented the introduction of the clause above quoted, but would have rendered the establishment of any national constitution an impossibility. I know not whence the advocates and partisans of this practice derive the power so to use the Army of the United States. If they seek for it in the clause relating to Federal elections, they seek it in a place where every sound constitutional lawyer will tell them it is not to be found. They ought to know that no people have long tolerated such a practice and preserved their liberties. It is the very practice by which the French Republic in our own times was converted into an empire, and it cannot go on in this Republic without sooner or later leading to the same kind of result. It matters not in whose hands the executive power may be. If one party can wield such a weapon, another party can adopt it in turn; and between them, in their struggles for supremacy, our liberties will be overthrown.

In his great speech delivered in New York, Mr. Evarts said:

I must confess that the news that came from Louisiana a few days ago has profoundly alarmed me. A thing has happened which has never happened in this country before, and which nobody, I trust, ever thought possible.

When the Legislature convened—and I repeat, it convened according to law, at the time and in the place fixed by law, called to order by the very officer designated by law—those persons were claimants for seats on the ground of the votes they had; some of them presenting claims so strong on the ground of majorities so large that even such a returning board as Louisiana had did not dare to decide against them; and when they had been seated in the Legislature organized as I have described, United States soldiers with fixed bayonets decided the case against them and took them out of the legislative hall by force. When that had been done the conservative members left that hall in a body with a solemn protest. The United States soldiery kept possession of it; and then, under their protection, the republicans organized the Legislature to suit themselves.

There is another thing which especially the American people hold sacred as the life element of their republican freedom. It is the right to govern and administer their local affairs independently, through the exercise of that self-government which lives and has its being in the organism of the States; and, therefore, we find in the Constitution of the Republic the power of the National Government to interfere in State affairs most scrupulously limited to certain well-defined cases and the observance of certain strictly prescribed forms; and if these limitations be arbitrarily disregarded by the national authority, and if such violation be permitted by the Congress of the United States, we shall surely have reason to say that our system of republican government is in danger.

I cannot, therefore, escape from the deliberate conviction, a conviction *conscientiously* formed, that the deed done on the 4th of January in the state-house of the State of Louisiana by the military forces of the United States constitutes a gross and manifest violation of the Constitution and the laws of this Republic. We have an act before us indicating a spirit in our Government which either ignores the Constitution and the laws or so interprets them that they cease to be the safeguard of the independence of legislation and of the rights and liberties of our people. And that spirit shows itself in a shape more alarming still in the instrument the Executive has chosen to execute his behests.

On all sides you can hear the question asked, "If this can be done in Louisiana, and if such things be sustained by Congress, how long will it be before it can be done in Massachusetts and Ohio? How long before the constitutional rights of all the States and the self-government of all the people may be trampled under foot? How long before a general of the Army may sit in the chair you occupy, sir, to decide contested-election cases for the purpose of manufacturing a majority in the Senate? How long before a soldier may stalk into the national House of Representatives, and, pointing to the Speaker's mace, say, "Take away that bauble?"

* * * * * * *

The Federal office-holders in the South became the center of partisan intrigue and trickery. The Caseys and Packards carried off State senators in United States revenue-cutters and held republican conventions in United States custom-houses, guarded by United States soldiers to prevent other republican factions from interfering. Nay, more than that, Mr. Packard, during the last election campaign in Louisiana, being at the same time United States marshal and chairman of KELLOGG's campaign committee, managing not only the campaign, but also the movements of the United States dragoons, to enforce the laws and to keep his political opponents from "intimidating" his political friends. More than that, in one State after another in the South we saw enterprising politicians start rival Legislatures and rival governments, much in the way of Mexican pronunciamientos, calculating on the aid to be obtained from the National Government—the Attorney-General of the United States called upon to make or unmake governors of States by the mere wave of his hand, and the Department of Justice almost appearing like the central bureau for the regulation of State elections. And still more than that, we saw a Federal judge in Louisiana, by a midnight order, universally recognized as a gross and most unjustifiable usurpation, virtually making a State government and Legislature, and the National Executive with the Army sustaining that usurpation and Congress permitting it to be done.

And now the culminating glory to-day—I do not know whether it will be the culminating glory to-morrow: Federal soldiers, with fixed bayonets, marching into the legislative hall of a State, and invading the Legislature assembled in the place, and at the time fixed by law, dragging out of the body, by force, men universally recognized as claimants for membership, and having been seated; soldiers deciding contested-election cases and organizing a legislative body; the Lieutenant-General suggesting to the President to outlaw by proclamation a numerous class of people by the wholesale that he may try them by drumhead court-martial, and then the Secretary of War informing the Lieutenant-General by telegraph that "all of us," the whole Government, have full confidence in his judgment and wisdom. And, after all this, the whites of the South, gradually driven to look upon the National Government as their implacable and unscrupulous enemy, and the people of the whole country full of alarm and anxiety about the safety of republican institutions and the rights of every man in the land.

He who in a place like ours fails to stop or even justifies a blow at the fundamental laws of the land makes himself the accomplice of those who strike at the life of the Republic and at the liberties of the people.

* * * * * * *

If you really think that the peace and order of society in this country can no longer be maintained through the self-government of the people under the Constitution and the impartial enforcement of constitutional laws; if you really think that this old machinery of free government can no longer be trusted with its most important functions, and that such transgressions on the part of those in power as now pass before us are right and necessary for the public welfare, then, gentlemen, admit that the Government of the people, for the people, and by the people is a miscarriage. Admit that the hundredth anniversary of this Republic must be the confession of its failure, and make up your minds to change the form as well as the nature of our institutions; for to play at republic longer would then be a cruel mockery. But I entreat you do not delude yourselves and others with the thought that by following the fatal road upon which we are now marching you can still preserve those institutions; for I tell you, and the history of struggling man-

kind bears me out, where the forms of constitutional government can be violated with impunity, there the spirit of constitutional government will soon be dead.

* * * * * * *

But still more, the people have begun to understand, and it is indeed high time they should understand, that the means professedly used to prevent and suppress outrages are producing far worse fruit than the outrages themselves; that—and hear what I say—the lawlessness of power is becoming far more dangerous to all than the lawlessness of the mob.

The marshals were used in all the great cities of the North and in nearly every closely contested congressional district, at an expense of more than $285,000 in 1876 and of $225,000 in 1878.

In view of these evils and outrages upon the right of suffrage, the democratic party, being in a majority in both branches of the National Legislature, resolved to exercise every constitutional power to remedy them; therefore, early in this session, we passed the Army appropriation bill, which contained the following provisions:

SEC. 6. That section 2002 of the Revised Statutes—

Which is the codified act of February 25, 1865, I have before read—

be amended so as to read as follows:

No military or naval officer, or other person engaged in the civil, military, or naval service of the United States, shall order, bring, keep, or have under his authority or control any troops or armed men at the place where any general or special election is held in any State, unless it be necessary to repel the armed enemies of the United States: *Provided*, That nothing contained in this section, as now amended, shall be held or deemed to abridge or affect the duty or power of the President of the United States, under section 5297 of the Revised Statutes, enacted under and to enable the United States to comply with section 4 of article 4 of the Constitution of the United States, on application of the Legislature or executive, as provided for in said section.

Every officer of the Army or Navy, or other person in the civil, military, or naval service of the United States, who orders, brings, keeps, or has under his authority or control any troops or armed men at any place where a general or special election is held in any State, unless such force be necessary to repel armed enemies of the United States, shall be fined not more than $5,000, and suffer imprisonment at hard labor not less than three months nor more than five years.

It will be observed that the section is a re-enactment of the codified act of 1865, save that it strikes therefrom the right to use troops or armed men "to keep the peace at the polls."

Under the law as it then stood, and still exists, the two purposes for which alone any troops or armed men can be used at any place where any general or special election is held in any State are, first, to repel the armed enemies of the United States, and, second, to keep the peace at the polls, which means to prevent violence, disturbance, or disorder, and, as has been well said by the gentleman from Kentucky, [Mr. CARLISLE,] "every violation of the law is not necessarily a breach of the peace, and therefore it is not every violation of law that can be suppressed or prevented by the use of the troops or armed men at the polls under the act of 1865."

It has been shown how flagrant have been the wrongs inflicted upon the rights and liberties of the people under the pretense of keeping the peace at the polls. The issue raised then and undetermined today is whether there shall be a free and unfettered ballot, or whether we shall be ruled, dominated, and enslaved by enthroned power, guarded and shielded by the bayonet.

Our position on such an issue might not be misunderstood; and we engaged in its determination with faith born of conviction, with determination based upon its absolute right and justice. We did not doubt then, I believe now, that the presence of the military at the polls, or their interference at elections in any manner, for any purpose whatever, is abhorrent to the minds and feelings of a vast majority of the American people. I might say to all, unless, indeed, there be those who desire a "strong government" of centralized and despotic power, and their number, I trust, is so small as to render them unworthy of consideration. To insure legislative success and a speedy determination of the issue we placed the repealing clause upon the Army appropriation bill. The honorable gentleman from Ohio [Mr. GARFIELD] first entered the lists against it, declining to discuss its merits, but inveighing against our proposed method of legislation. He declared it to be against the Constitution, revolutionary to the core, destructive of the fundamental elements of American liberty—the free consent of all the powers that unite to make laws!

To show how unfounded is the objection of the gentleman to the method—placing the repeal upon an appropriation bill—and how insane is his charge of revolution, I beg to remind him and the country that the republican party, in the period from 1861 to 1865, during which it had a majority in both Houses, (according to a carefully prepared statement made by the honorable gentleman from Texas, [Mr. REAGAN,] and presented in his speech delivered on the 3d of April last,) passed eighty-three general appropriation bills upon which there was legislation of a new and general character. And from another statement I have before me it is shown that since the foundation of the Government two hundred and seventeen appropriation bills have been passed upon which there was new and general legislation, and that upon thirty of them it related to the Army.

Again, in 1856, the republicans having a majority in this House, the following proviso or rider was placed on the Army appropriation bill:

Provided, however, and it is hereby declared, That no part of the military forces of the United States, for the support of which appropirations are made by this act, shall be employed in the enforcement of any enactment of the body claiming to be the territorial Legislature of Kansas until such enactment shall have been affirmed and approved by Congress. And this proviso shall not be so construed as to prevent the President from employing an adequate military force, but it shall be his duty to employ such force to prevent invasion of said Territory by armed bands of non-residents or any other body of non-residents acting or claiming to act as a *posse comitatus* of any officer of said Territory in the enforcement of any such enactment, and to protect the persons and property therein, and upon the national highways leading to said Territory, from all unlawful searches and seizures; and it shall be his further duty to take efficient measures to compel the return of and withhold all arms of the United States distributed in or to said Territory in pursuance of any law of the United States authorizing the distribution of arms to the States and Territories.

This proviso directs the purposes for which the money appropriated by the bill shall *not* be used; it next directs the purposes for which the Army *shall* be used, and, finally, it directs the President to refrain from doing that which by law of the United States he was authorized and directed to do, thereby changing existing law by a proviso on an appropriation bill.

The bill, with the proviso attached, passed the House and was sent to the Senate, where the proviso was stricken out—the democrats having a majority in that body. It was sent to a conference, which failed to agree, and Congress adjourned. The appropriation for the Army failed because the republicans refused to relinquish their right to place the proviso on the bill.

It is thus shown that by the usual and unbroken practice of the republican party when in power in both branches of the National Legislature, and when they had a majority in only one, new legislation, of not only affirmative and negative, but also of a repealing character, was placed upon appropriation bills; and in 1856 they carried their claim of right to the extreme extent "that the Government should starve"—if failing to appropriate for the Army be to starve the Government, as is stoutly asserted by the gentleman from Ohio, [Mr. GARFIELD,]—rather than yield their right to direct how the appropriations made for its support should be employed by the President.

Again, in 1872, the honorable gentleman from Ohio, [Mr. GARFIELD,] being at that time chairman of the Appropriations Committee, claimed the right to put general legislation upon an appropriation bill in the most "stalwart" terms. He desired to put an amendment to the enforcement act of February 28, 1871, upon the sundry civil appropriation bill. The democrats resisted it. He denounced their conduct as "factious and revolutionary;" declared it must be voted up or voted down, or that the right of parliamentary government in this country would be abandoned, and a serious, if not fatal wound, would be inflicted upon the freedom and efficiency of the National Legislature. I quote the substance of his remarks. They will be found in full on page 4440 of the RECORD of the Forty-second Congress.

And, sir, the country will not fail to remember that in 1867, Andrew Johnson being President, the republican party, being in a majority in both Houses, ingrafted legislation upon the Army appropriation bill which virtually deprived him of his constitutional functions as Commander-in-Chief of the Army, and denied to ten States of the Union their constitutional right to protect themselves in any emergency by means of their own militia. They coerced the Executive to sign the unconstitutional provision. His message accompanying his approval of the bill is brief, and so full of suggestion as to the character of the legislation that I will reproduce it:

To the House of Representatives:

The act entitled "An act making appropriations for the support of the Army for the year ending June 30, 1868, and for other purposes," contains provisions to which I must call attention. Those provisions are contained in the second section, which in certain cases virtually deprives the President of his constitutional functions as Commander-in-Chief of the Army, and in the sixth section, which denies to ten States of this Union their constitutional right to protect themselves in any emergency by means of their own militia. These provisions are out of place in an appropriation act. I am compelled to defeat these necessary appropriations if I withhold my signature to the act. Pressed by these considerations, I feel constrained to return the bill with my signature, but to accompany it with my protest against the sections which I have indicated.

ANDREW JOHNSON.

MARCH 2, 1867.

Thus, sir, I have established, fully and satisfactorily, I doubt not, to the mind of every candid person that we have abundant authority in the practice of, and the precedents set by, the republican party, first, to attach general legislation to appropriation bills; second, to permit an appropriation bill to fail rather than surrender any proviso we deem necessary regulating the use of the Army or defining the purposes for which it shall not be used; and, thirdly, to coerce the President to sign an appropriation bill containing provisions clearly unconstitutional should party exigency make it necessary. To each and every of the propositions the republican party is committed by its action in the past.

I grant you, sir, that if we followed all the precedents thus established by republican legislation and legislators we would be justly chargeable with the crime of "revolution;" but until we do, let the gentleman from Ohio [Mr. GARFIELD] hold his peace. He is skilled in revolution—judged by his own test of what constitutes it—since he voted for the act of March 2, 1867, which President Johnson was coerced to sign by a radical Congress for the reason that it was an appropriation bill. He should perfectly understand what constitutes revolution; and according to his own definition he has been clearly guilty of it; but he is not justified in confounding our legitimate, regular, and constitutional method with that adopted by himself and his fellow-republicans in their action upon the Army appropriation bill of 1867.

Time will not permit me to reply to the arguments of those on the other side who discussed the merits of the section. They were chiefly based upon the wrong and unconstitutional assumption that the Fed-

eral Government has power to supervise, control, and direct elections. There cannot be an election without electors, the Constitution of the United States has not conferred the right of suffrage on any one, the United States have no voters of their own creation in the States, and if they have no voters, and therefore no elections, by what reasoning can it be held that the Army may be used to keep the peace at the polls?

My reasoning upon the proposition is fully sustained by the Supreme Court in the case of Minor *vs.* Happersett, (21 Wallace, 270,) in which it is said:

The Constitution does not define the privileges and immunities of citizens. For that definition we must look elsewhere. In this case we need not determine what they are, but only whether suffrage is necessarily one of them.

It certainly is nowhere made so in express terms. The United States has no voters in the States of its own creation. The elective officers of the United States are all elected directly or indirectly by State voters The members of the House of Representatives are to be chosen by the people of the States, and the electors in each State must have the qualifications requisite for electors of the most numerous branch of the State Legislature. Senators are to be chosen by the Legislatures of the States, and necessarily the members of the Legislature required to make the choice are elected by the voters of the State. Each State must appoint in such manner as the Legislature thereof may direct the electors to elect the President and Vice-President. The times, places, and manner of holding elections for Senators and Representatives are to be prescribed in each State by the Legislature thereof; but Congress may at any time, by law, make or alter such regulations, except as to the place of choosing Senators. It is not necessary to inquire whether this power of supervision thus given to Congress is sufficient to authorize any interference with the State laws prescribing the qualifications of voters, for no such interference has ever been attempted. The power of the State in this particular is certainly supreme until Congress acts.

The amendment did not add to the privileges and immunities of a citizen. It simply furnished an additional guarantee for the protection of such as he already had. No new voters were necessarily made by it. Indirectly it may have had that effect, because it may have increased the number of citizens entitled to suffrage under the constitution and laws of the States, but it operates for this purpose, if at all, through the States and the State laws, and not directly upon the citizen.

In The United States *vs.* Cruikshank, 2 Otto, 555, the Supreme Court reaffirm the doctrine in these words:

In Minor *vs.* Happersett, 21 Wall., 178, we decided that the Constitution of the United States has not conferred the right of suffrage upon any one, and that the United States have no voters of their own creation in the States. In The United States *vs.* Reese *et al.*, *supra*, page 214, we hold that the fifteenth amendment has invested the citizens of the United States with a new constitutional right, which is, exemption from discrimination in the exercise of the elective franchise on account of race, color, or previous condition of servitude. From this it appears that the right of suffrage is not a necessary attribute of national citizenship; but that exemption from discrimination in the exercise of that right on account of race, &c., is. The right to vote in the States comes from the States; but the right of exemption from the prohibited discrimination comes from the United States. The first has not been granted or secured by the Constitution of the United States, but the last has been.

The same authority declares the line of distinction between the Federal and State governments in these words:

The Government of the United States is one of delegated powers alone. Its authority is defined and limited by the Constitution. All powers not granted to it by that instrument are reserved to the States or the people. No rights can be acquired under the Constitution or laws of the United States except such as the Government of the United States has the authority to grant or secure. All that cannot be so granted or secured are left under the protection of the States.

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The first amendment to the Constitution prohibits Congress from abridging "the right of the people to assemble and to petition the Government for a redress of grievances." This, like the other amendments proposed and adopted at the same time, was not intended to limit the powers of the State governments in respect to their own citizens, but to operate upon the National Government alone. Barron *vs.* The City of Baltimore, 7 Pet., 250; Lessee of Livingston *vs.* Moore, id., 551; Fox *vs.* Ohio, 5 How., 434; Smith *vs.* Maryland, 18 id., 76; Withers *vs.* Buckley, 20 id., 90; Pervear *vs.* The Commonwealth, 5 Wall., 479; Twitchell *vs.* The Commonwealth, 7 id., 321; Edwards *vs.* Elliott, 21 id., 557. It is now too late to question the correctness of this construction. As was said by the late Chief-Justice, in Twitchell *vs.* The Commonwealth, 7 Wall., 325, "the scope and application of these amendments are no longer subjects of discussion here." They left the authority of the States just where they found it, and added nothing to the already existing powers of the United States.

The particular amendment now under consideration assumes the existence of the right of the people to assemble for lawful purposes, and protects it against encroachment by Congress. The right is not created by the amendment; neither was its continuance guaranteed, except as against congressional interference. For their protection in its enjoyment, therefore, the people must look to the States. The power for that purpose was originally placed there, and it has never been surrendered to the United States.

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The rights of life and personal liberty are natural rights of man. "To secure these rights," says the Declaration of Independence, "governments are instituted among men, deriving their just powers from the consent of the governed." The very highest duty of the States, when they entered into the Union under the Constitution, was to protect all persons within their boundaries in the enjoyment of these "inalienable rights with which they were endowed by their Creator." Sovereignty, for this purpose, rests alone with the States. It is no more the duty or within the power of the United States to punish for a conspiracy to falsely imprison or murder within a State than it would be to punish for false imprisonment or murder itself.

The fourteenth amendment prohibits a State from depriving any person of life liberty, or property without due process of law; but this adds nothing to the rights of one citizen as against another. It simply furnishes an additional guarantee against any encroachment by the States upon the fundamental rights which belong to every citizen as a member of society. As was said by Mr. Justice Johnson, in Bank of Columbia *vs.* Okely, 4 Wheat., 244, it secures "the individual from the arbitrary exercise of the powers of government, unrestrained by the established principles of private rights and distributed justice." These counts in the indictment do not call for the exercise of any of the powers conferred by this provision in the amendment.

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The fourteenth amendment prohibits a State from denying to any person within its jurisdiction the equal protection of the laws; but this provision does not, any more than the one which precedes it, and which we have just considered, add anything to the rights which one citizen has under the Constitution against another. The equality of the rights of citizens is a principle of republicanism. Every republican government is in duty bound to protect all its citizens in the enjoyment of this principle, if within its power. That duty was originally assumed by the States; and it still remains there. The only obligation resting upon the United States is to see that the States do not deny the right. This the amendment guarantees, but no more. The power of the National Government is limited to the enforcement of this guarantee.

By the foregoing it is solemnly determined that under our system the only voters are those determined to be such by the constitutions and laws of the several States, by which alone the right is given, and by which alone it can be controlled. There is but one constitutional limitation upon that power, which is that contained in article 15, section 1, of the amendments to the Constitution of the United States, as follows:

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

This is the solitary prohibition upon the power of the States, and as they alone can create voters no other power may constitutionally attempt to control elections held by them, and all arguments to the contrary are against the theory of the Federal system, unwarranted by the Constitution, and unsupported by every construction of its meaning given by the court of last resort. The opinions I have cited clearly demonstrate this, and I may not longer dwell upon this branch of the case.

After a prolonged and exhaustive debate in this body and in the Senate the bill was passed, sent to the President, and returned with his objections on the 12th of April last. If I understand them, they are, first, because the repeal of the clause in the act of 1865 "to keep the peace at the polls" would deprive the civil authorities of the United States of all power to keep the peace at congressional elections; and, second, because it was presented to him as a rider or proviso upon an appropriation bill and not as a separate and independent measure. He expressly declares that under existing law there can be no military interference with elections.

If there be constitutional authority (which I utterly deny under the authorities I have cited) for the civil power of the United States to keep the peace at congressional elections, we did not intend to interfere with that or with the exercise by the civil power at any time or place of any rightful authority conferred upon it by the Constitution and laws of the United States. Nor were we unwilling to adopt the suggestion of the President as to the form of legislation; therefore a separate act was at once framed and passed promptly by both Houses of Congress, and is as follows:

Be it enacted, &c., That it shall not be lawful to bring to, or employ at, any place where a general or special election is being held in a State, any part of the Army or Navy of the United States, unless such force be necessary to repel the armed enemies of the United States, or to enforce section 4, article 4 of the Constitution of the United States, and the laws made in pursuance thereof, on application of the Legislature or executive of the State where such force is to be used; and so much of all laws as is inconsistent herewith is hereby repealed.

This bill was returned with his objections on the 29th of April. It was honestly intended by those who framed and passed it to meet every objection urged by the President in his veto of the first bill. There was no desire or design on the part of the majority in Congress to abridge his authority in his use of the Army, save for the purpose of keeping the peace at the polls, and this bill did not prevent the civil power from using any other force thereat for any purpose which is authorized by the Constitution and law. By the act of 1865 the Army could not be used at any place where any general or special election was being held save, as I have before stated, to repel the armed enemies of the United States or to keep the peace at the polls. At such times and places it could not be used to enforce the extradition laws or prevent crimes against election laws, or to enforce quarantine regulations, or neutrality laws, or those relating to Indian reservations, or the civil rights of citizens. All these things and every other thing, save to repel armed enemies and to keep the peace at the polls, was positively prohibited by the act of 1865. Indeed, so sweeping is the prohibition as to its use that it cannot be used to protect a State against invasion or against domestic violence where any general or special election is being held; and in these regards the bill last vetoed by the President was an enlarging statute, giving him greater powers than he now possesses, since it makes it lawful to employ the Army and Navy to enforce section 4, article 4 of the Constitution of the United States, and the laws made in pursuance thereof, on application of the Legislature or the executive of the State where such force is to be used, and yet the President withheld his signature because, as he alleges, it deprives him of the power to use the Army for purposes some of which I have enumerated, although, as I have shown, he does not now possess it, having been shorn of it by the act of 1865.

By what logic the President arrives at the conclusion that the bill deprives him of a power which clearly he does not possess is beyond my comprehension. To me it is painfully evident that the President, although he vigorously declares "that any military interference whatever is contrary to the spirit of our institutions and would destroy the freedom of elections," and "that under existing law there can be no military interference with elections," yet he would willingly let the "Army starve" rather than yield his right to use it to keep the peace at the polls. Doubtless he has a deep and abiding love for this provision of law. It is the foundation-stone in his title to the Presidency; under it his predecessor during the presidential election in 1876 sent troops to South Carolina, Florida, and Louisiana, but I may not

stop to recount the outrages, villainies, and wrong committed in those States in that year under the specious pretext of "keeping the peace at the polls." Suffice it to say that by general consent, without that presence of the military, the greatest political crime which blackens our history would have been impossible. Had the people of those States been left to express their views at the polls unawed by military power, had the thieves and villains composing their returning boards been unsupported and unprotected by Federal troops in their crimes against the ballot, who dare question what would have been the result? And yet to-day he who above all other men has personally profited by the interference of troops at the polls and at the Capitol of the nation during the electoral count, loudly and solemnly proclaims that under existing laws there can be no military interference with elections.

The same laws exist to-day which existed in 1876. I grant you, sir, that under a just man, one mindful of his oath, there can and would be no interference. And yet, under a weak one, controlled by those who are ambitious, designing, and unscrupulous, there will be a repetition of past crimes and villainies. The power to keep the peace at the polls will be used to perpetuate existing administration or to place in supreme executive authority some stronger and more daring person in defiance of the popular will. I do not deliberately charge that this is the cause of the persistent refusal of the Executive to conform to the will of the people on this subject, as expressed by a majority of both branches of the legislative department of the Government; and yet, sir, there must be some strong and controlling reason. It is the first time in our history that a repealing statute has been vetoed, and it has rarely happened that the great power has been exercised on a mere question of policy. The power was conferred upon the President, according to Mr. Hamilton in the Federalist, primarily to enable the Executive to defend himself; and, secondarily, to increase the chances in favor of the community against the passing of bad laws through haste, inadvertence, or design.

By the repeal of the clause in the act of 1865 permitting the use of troops at the polls to keep the peace, there is no assault made upon the President or any of his constitutional prerogatives, nor is it the enactment of a bad law, leaving as it does the use of the Army for precisely the same purposes as it had existed from the days of Washington to those of Lincoln. Nor has it been passed "through haste, inadvertence, or design." As to haste, no subject has ever been more calmly, fully, and deliberately considered by the National Legislature—not only once, but twice. Nor was it passed through inadvertence, because the purpose was not only well understood but proclaimed and avowed by every one who voted for the repeal. And finally, it was not passed by "design;" that is, with the intention of achieving an improper or unconstitutional end, unless indeed it may be charged that it is an improper design to free the ballot, to wrench the grip of the military power from the throat of the body-politic and restore to the people their ancient and inestimable privilege of free elections, uninfluenced and unawed by the presence of soldiers at the polls. These, sir, are the designs of every democrat on this floor; let him who charges them as being unworthy or improper say the word!

It thus appears that the Executive has exercised the veto upon no one of the grounds or for no one of the purposes for which Mr. Hamilton, the most ardent advocate of executive power, says it was conferred.

The views of the Great Commoner, Henry Clay, upon the veto power are so pertinent to this issue that I will be pardoned for quoting them. Mr. Clay, in his speech in the Senate on the veto of the bank bill, in 1832, said:

> The veto is an extraordinary power, which, though tolerated by the Constitution, was not expected by the convention to be used in ordinary cases. It was designed for instances of precipitate legislation, in unguarded moments. * * * The veto is hardly reconcilable with the genius of representative government. It is totally irreconcilable with it, if it is to be frequently employed in respect to the expediency of measures, as well as their constitutionality. It is a feature of our Government borrowed from a prerogative of the British King. And it is remarkable that in England it has grown obsolete, not having been used for upward of a century. * * * As a co-ordinate branch of the Government, the Chief Magistrate has great weight. If, after a respectful consideration of his objections urged against a bill, a majority of all the members elected to the Legislature shall still pass it, notwithstanding his official influence and the force of his reasons, ought it not to become a law? Ought the opinion of one man to overrule that of a legislative body twice deliberately expressed?

Again, in 1819, Mr. Clay being Speaker of the House, an Army bill was under consideration in Committee of the Whole. Mr. Trimble moved an amendment allowing troops to be used to make roads and appropriating money for that purpose. This involved the question of internal improvements. Mr. Clay said:

> He thought Congress had been wanting in its duties in delaying so long to legislate upon this subject. It was proper to pass this bill and present it to the President, and if he refused to sanction it, then Mr. Clay declared he had no hesitation in avowing that he should be ready to proceed to hostilities with the President on this point, and withhold every appropriation until he conceded the point.

These views of one of the foremost men of his generation furnish food for reflection under the circumstances which surround us. The opinion of one man has overruled that of the Legislature twice deliberately expressed, and there is little consolation in the reflection that that one man in no sense represents the views of a majority of the American people. On the contrary, they decided against him in the election of 1876, by a majority of a quarter of a million of the popular vote and he holds his place to-day in defiance of them, under the forms of law, it is true, yet as clearly in defiance of them as if he himself had seized the Presidency by violence. Perjury, forgery, and fraud, sanctified by an electoral commission, are the muniments of his title under which he now defies the will of the people, defeats their wishes, and frustrates their hopes. A more flagrant abuse of the purposes of the veto power, as defined by Hamilton and Clay, has never occurred in our history, whether we consider the justice of the proposed legislation or the title to his office of the person interposing the objections. If Mr. Clay was ready to proceed to hostilities with the patriot President, Monroe, in 1819, by withholding appropriations until he would consent to sign an Army appropriation bill which contained a clause for certain internal improvements, how much greater cause have we at this time to proceed to hostilities with the President, whose title is tainted, for refusing to sign an Army appropriation bill which contains a section securing the freedom of the ballot!

In my deliberate judgment there never was an occasion in our history when the legislative branch of the Government would have been more justified in proceeding to hostilities, and that we do not do it is because we are unwilling by any act of ours to give the slightest pretext for the base and unfounded charge that our object is to "starve the Government" or to "stop its wheels."

The President has deliberately informed us that in no event will a bill repealing his right to use the Army at the polls receive his approval, saying in effect that the Army may starve, that the wheels of government may be stopped rather than he will relinquish the right to use the Army as an instrument to maintain the political ascendency of the organization to which he belongs. That it has constantly been so used in the past is undenied and undeniable. If the power remains and the means are furnished to execute it, who doubts it will be so used in the future? To this the majority in Congress, for themselves and the great body of the people whom they represent, have objected, do now object, and will always object, solemnly and determinedly; and although under the Constitution it may not be in our power to repeal the law, under cover of which these enormities have been perpetrated in the past, yet it is in our power to prevent them, and we intend to exercise it by refusing to appropriate one dollar to be used for the subsistence, equipment, transportation, or compensation of any portion of the Army to be used for such purpose. It is our right to withhold appropriations, or if we vote appropriations, to say for what purposes they shall or shall not be used.

In the bill under consideration which I have had the honor to report we have inserted a section (number 6) declaring our purposes as to the application of the moneys therein appropriated. It is as follows:

> SEC. 6. That no money appropriated in this act is appropriated or shall be paid for the subsistence, equipment, transportation, or compensation of any portion of the Army of the United States to be used as a police force to keep the peace at the polls at any election held within any State.

The language is similar to that in the third clause of the bill, which is as follows:

> No money appropriated by this act shall be paid for recruiting the Army beyond the number of twenty-five thousand enlisted men, including Indian scouts and hospital stewards.

In each case no money is appropriated for a particular purpose. These restrictive provisions must be construed in connection with section 3678 of the Revised Statutes of the United States, which is as follows:

> SEC. 3678. All sums appropriated for the various branches of expenditures in the public service shall be applied solely to the objects for which they are respectively made, and for no others.

No money having been appropriated to an army to be used as a police force to keep the peace at the polls, it is manifest that, under the prohibition contained in the sixth section of the bill, the Army, or any portion thereof, cannot be used for such purpose during the fiscal year commencing on the 1st day of July next, and it would be clearly illegal to use it for that purpose.

If this bill should pass both branches of Congress and be signed by the President we will have secured for one year the ballot from the control of the bayonet. When we make appropriations for the year next following we can and will again place similar restrictions upon the Army bill.

The question is thus left an open one, to be discussed by the people at the polls in 1880. If they desire to prevent the use of the Army at the polls by permanent and fixed legislation they will elect a democratic Congress and a democratic President in that year.

With the passage of this bill the contest, begun last March, will be ended for the present. We will not have obtained all we desired or first attempted to secure—permanent legislation prohibiting the use of the Army to keep the peace at the polls. But by withholding appropriations we have made it illegal to use it for any such purpose during the coming year, and can do the same for the following year.

It may be objected that the President will continue to use the Army at the polls under authority of the act of 1865, notwithstanding our explicit refusal to appropriate a dollar for its subsistence, equipment, transportation, or compensation while so used. Should he do so, he will be guilty of a flagrantly illegal act, under the terms of section 3678 of the Revised Statutes I have heretofore cited. I am unwilling to believe that he will be so regardless of his duty and of his oath; or that, with the express legislative probibition contained in this bill, he will, in defiance of law, use the Army for the political advantage

of his party under the pretense of keeping the peace at the polls. I cannot, will not believe it! Should he do so, we have in our power the constitutional remedy of impeachment. My hope is that we may never have even the most shadowy grounds for its application.

I may not fail to congratulate the whole people upon the effects of this prolonged discussion. It has served to refresh their recollection of the outrages which have been committed upon the rights of voters in many of the States under color of the authority given by the act of 1865, to use the Army to keep the peace at the polls—outrages which have exerted baleful influence in the governments, State and national—outrages which have imposed rulers upon each against the deliberately expressed will of the people, and more than once have forced sovereign States to be represented in the National Legislature by strangers and adventurers. It has served to fully inform and arouse them to the dangers which imperil and constantly menace the freedom of the ballot. Our duty in the premises has been fully and faithfully performed. If in the future they fail to take measures to remedy and absolutely prohibit a recurrence of these outrages, theirs will be the blame, not ours. And if I may congratulate them on the effects of the discussion I may not fail also to congratulate them upon its immediate results, for by the passage of this bill, when it shall be approved, we will for the present have secured for them immunity from military presence and interference at the polls to keep the peace, or, in other words, to maintain the supremacy of the party in power.

When this contest was first entered on, the gentleman from Ohio [Mr. GARFIELD] and others here, who but re-echoed his sentiments and charges, denounced our intentions as revolutionary to the core; that the Constitution was assailed by revolution; that we were attempting to coerce the President, and, that desiring to destroy the Government, and being too cowardly to attempt it openly and boldly, we resorted to indirect means by withholding supplies from the Army, thereby starving it to death.

Loudly and defiantly these charges were made here and reiterated elsewhere. Under them, as rallying cries, it was attempted to revive the passions and prejudices born of the civil war, and amid the unholy and accursed din to raise and unfurl once more that bloody flag upon which no other legend is inscribed than that of Hate, under which the gentleman from Ohio has won and assisted to win so many political victories in the past. With a facility and alacrity of a politician, but wanting the foresight and wisdom of a statesman, the gentleman has attempted to revive issues which during our last session he declared to be dead and buried.

How vain and fruitless have been his efforts to disturb or alarm the people by his stalwart cries is grandly manifest. In all our borders are the signs and sounds of reviving and returning industry. Mines, mills, forges, furnaces, and factories of all descriptions, which for years have been idle, give evidence of quickening life and activity. The people everywhere are intent upon commercial, agricultural, mechanical, manufacturing, and mining pursuits and interests. They have ceased to tolerate, much less to receive with approval, appeals to their passions and prejudices. They well understand, having learned it to their bitter cost, how vain it is to expect that one section of the country may be prosperous and happy while the other is in poverty and political bondage. They do not fail to remember that our country is a great unit of many vast and varied interests mutually dependent one on the other, all upon each; and that man who for the sake of personal ambition, or that party which for political ends attempts to disrupt the fraternal relations between the people of all sections which under the healing processes of time, the kindly influences of our regenerated civilization, and the absolute necessities of our geographical and political structure are daily and yearly becoming stronger and more indissolubly united, will meet with prompt rebuke and sure condemnation.

No man or party ever thrived or continued to thrive on hate. The wisest and best in all the past have left their warnings against it. Their teachings are in favor of peace and good-will among men and nations. To engender or encourage hate is against the precepts of religion. Love your enemies, do good to them who despitefully use you, are the teachings of the Master. These blessed words are deeply engraven on the hearts of men wherever they have heard of the divine utterances of the Nazarene.

It is most gratifying, sir, that the premeditated and labored efforts of the gentleman from Ohio and his cohorts have failed to rekindle the dying embers of sectional hate and animosity, for the reasons I have just recounted, and because the doctrines they advocate are abhorrent to the genius of our Government, to the spirit of our institutions and to the instincts of our people. In a monarchy, under the rule of an emperor, the bullet may be used to control the ballot, but among a free people, never!

Upon this issue, so broadly and defiantly made, we are more than willing to take an appeal to the people. We court and desire it, and as we have been victorious on this legislative field, so will we be, I do not question, upon that wider and decisive one where our masters will be judges and jurors, and we the disputants. They shall not decide without knowing the consequences of their decision and the full measure of its deep significance. If in our favor, then will the form and symmetry of our political structure be restored, and, better still, its ancient spirit and practice.

Never again will trained bands of armed soldiers enforce the will of their master at the polls, either to elect Congressmen, Senators, Governors, or Presidents. The people will determine who their rulers shall be without military presence, influence, intimidation, or control. But if for any reason, either by the successful avoidance and concealment of the issue or by the introduction of others which may distract and deceive them, their verdict should be adverse to us, it will be forging anew the fetters which bind us; it will place a weapon, brightened and sharpened, in the hands of the Executive, to be used, as I fear, for their political bondage and death. Our forms of government might indeed remain, but if its chief place should be filled by one regardless of all the traditions of the past, of all constitutional limitations, and of all legal restraints, who will deny that the spirit and essence will have departed and that under the right to use the Federal Army at the polls, and having at his command another and more potent host of marshals, deputy marshals, and supervisors, a consolidated government would be established upon the ruins of the Federal system, republican in form but kingly in reality?

The Third Napoleon was as truly monarch of France when he bore the simple title of "president" as when he afterward assumed the purple. History is philosophy teaching by example; we are neither too old nor too wise as a people to profit by it.

Mr. Chairman, I have the honor in part to represent on this floor that proud and ancient Commonwealth whose glory it is that she was founded by "deeds of peace." She has been always jealous of military presence or interference at the polls, and has guarded by every means in her power the free and unfettered exercise of the right of suffrage. It is ordained by her constitution that:

Elections shall be free and equal; and no power, civil or military, shall at any time interfere to prevent the free exercise of the right of suffrage.

No standing army shall, in time of peace, be kept up without the consent of the Legislature, and the military shall in all cases and at all times be in strict subordination to the civil power.

Electors shall in all cases, except treason, felony, and breach of surety of the peace, be privileged from arrest during their attendance on elections, and in going to and returning thereform.

And in her statutes it was written more than three-quarters of a century ago, and it is her law to-day, that—

No body of troops in the Army of the United States, or of this Commonwealth shall be present, either armed or unarmed, at any place of election within this Commonwealth during the time of such election: *Provided*, That nothing herein contained shall be so construed as to prevent any officer or soldier from exercising the right of suffrage in the election district to which he may belong, if otherwise qualified according to law.—*Brightly's Purdon's Digest*, 1872; Pensylvania; section 124, page 562.

These constitutional and legal provisions embody and set forth the views of her people upon the great question at issue. I commend them to the special consideration of all her representatives in this body. How under them any one can vote to permit the use of the Federal Army "to keep the peace at the polls" I do not understand. For myself, sir, I would consider it a clear violation of a Constitution which I have sworn to support and of laws which I am bound to obey. Therefore, sir, in obedience to the spirit, teachings, and direct commands of the organic and statute laws of my State, which, in my opinion, are in strict accord with the Constitution of the United States, I shall vote to withhold all supplies "to be paid for the subsistence, equipment, transportation, or compensation of any portion of the Army of the United States to be used as a police force to keep the peace at the polls at any election held within any State." To the great body of the people of Pennsylvania I shall confidently appeal for my justification and support, as in so doing I will have been obedient to her constitution and law.

Judicial Appropriations.

SPEECH OF HON. MOSES A. McCOID,

OF IOWA,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, June 25, 1879,

On the subject of extending the judicial appropriations.

Mr. McCOID. Mr. Speaker, we have a history of one hundred years. That history presents one irreconcilable conflict of ideas about our Government. We were divided; we were discordant. Were we the servants of two masters or the servants of one? Upon this we quarreled. Some have said they had two masters, and in vain they tried to serve them. It is written higher than constitutions—

No man can serve two masters; either he will hate the one and love the other, or else will hold to the one and despise the other.

Patriots saw the great conflict and trembled. They prayed, they compromised, they postponed, but it was in vain. The country could not exist without eliminating from the public mind forever one of these conflicting ideas. One of them had to die. It was a struggle for life, a struggle for sovereignty.

In the triumph of one idea was the dividing of States, a part from the whole, then from each other, until the continent should be patched with petty nations. This idea was that of State sovereignty; a union at will of sovereign States. The other was the idea of nationality;

the sovereignty of the nation over the States, the doctrine that the States were but the means of the exercise of that nationality in republican form; but instruments of the nation; but counties of the Republic.

This idea demanded the perpetuity of the Union and its indestructibility. It proclaimed its power to live, to defend itself, to coerce submission not only of citizens, but of States themselves.

In vain men tried to serve both; they gravitated irresistibly to one or the other. But right there hung the life of this great nation, and so long as that issue was unsettled the Government was but an experiment; constitutional liberty was in danger; and more, to settle it war was inevitable. If it is not settled now, but remains a question whether the United States is alone the sovereign, then farewell to our peace. For that conflict is irreconcilable. Two sovereigns cannot at the same time claim obedience. You cannot be half a Georgian and half an American. You cannot have a divided allegiance. If the war for sovereignty did not decide the United States to be the supreme object of our allegiance and protector of our rights, then nothing but another war will. The only appeal from the last war is to another and more terrible one. Does any one deny that this was the subject of controversy in the last war? You must do one of two things: either deny that the issue of the war was State rights, with all that includes as an assertion of State sovereignty, or you must admit that by that war the sovereignty of the nation was determined with its right to assert and defend its existence and the rights of its citizens everywhere. Suppose you deny that such was the issue of war. Then what was? I wish men would speak more accurately. Slavery was not an issue of war.

That there have been tendencies in our midst which, in their silent sweep, almost wrecked the Republic no one will deny; and it is equally plain that these tendencies culminated in the principles or theory of constitutional interpretation for which the confederate armies of the rebellion fought. Let us, then, dispassionately, and in the exercise of common sense and the most careful regard for personal feelings, determine the issue of the war.

First. It is too narrow a view to say it was a contest of 1861-'65. Its source lies far back in the nation's history. It was the logical sequence of doctrines upon which the American people joined issue over the unpublished manuscript of the Constitution of the United States.

Second. It is a frequent error to confound things which were mere accidents or incidents of the war with its true issue. For instance, the grievances, real or imagined, did not become the issue of the conflict. They were the instigating causes to the assertion of the doctrines for which men fought, but they were not the claims asserted by war. Slavery was not an issue, no matter what the result as to it was, either in the war or in the Constitution. The agitation of anti-slavery was not an issue, nor were any of the settled principles of the constitutional amendments, although they were the outgrowth of its continuance.

The right to secede was but a secondary and incidental issue. Its attempt was an act of the war along with the battles of its progress—Gettysburgh, Donaldson, Antietam, Shiloh, Corinth, or Vicksburgh. It was closely allied to the great issue, and the direct assertion of it in practical form; but it was not the point of contest, and it is not an acceptance of the result, it is not an acquiescence in the decision of arms, merely to agree that a State cannot forcibly secede. None of these, however potent their influence upon the action of men, were war issues. The war was inaugurated and carried on to its close upon the assertion of a principle of constitutional construction. Its prosecutors on both sides claimed to be within the intent of the Constitution. All the acts of the great rebellion were by its adherents justified, and are to-day justified, upon theories of right, as for sacred principles, and a fidelity to a certain school of political faith. It is in this spirit that General Preston, in his oration at the unveiling of a confederate monument a few days ago, said, amid the wild cheers of his auditors:

> The children's children of these women will come in reverent adoration of the cause it commemorates, and in pious gratitude to the men who illustrated that cause and to the women who consecrated this memorial, and in their prayers here, kneeling to an immutable God, will beseech Him, by the mightiness of His arm and the overshadowing of His spirit, to give them those great and excellent things for which their fathers died—truth, right, and liberty.

That principle was State rights or State sovereignty, in antagonism to the alleged limited powers committed to the Union by these States. The different schools of constitutional construction began, as I just said, over the Constitution at its adoption. It was intended to be settled by some of the wordings of that instrument in saying, "We, the people," instead of "We, the delegates or deputies of the sovereign and independent States;" and in its ratification, not by the Legislatures of the States, but by the people in convention.

Its first formal and dangerous assertion was in the Virginia and Kentucky resolutions of 1798. At the beginning of the second generation it was again asserted by Calhoun in still more dangerous form, and in the third generation, under the leadership of the disciple of Calhoun, Jefferson Davis, it culminated in its final struggle for life—the rebellion. In the whole history of this treasonable doctrine there is a progressiveness, a logical sequence to secession and rebellion, or some other fatal antagonism of the States to the nation; and prime issue of the war as it was, its significant and appropriate leader was fittingly Jefferson Davis. He, above all others, was the impersonation of the doctrine of primal State allegiance or State sovereignty. It was his cardinal political principle; it is yet. In the language of his biographer, "it constituted the controlling inspiration of a long career of eminent public service." And again he says of Davis: "Unreservedly committing himself then, (his first public political speech,) he has steadfastly held to the State-rights creed as the basis of his political faith and the guide of his public conduct." That disunion, secession, treason, and rebellion were at first contemplated; that they were believed to be involved in this fatal creed, is not asserted. That it was not vainly supposed that the doctrine, in some undefinable sense, was consistent with the perpetuity of the nation is not denied. Nor is it claimed that all who now are being drawn after its delusive light desire or fear the same fearful yet unavoidable consequences of its acceptance; but that it precipitated Jefferson and the Legislatures of Virginia and Kentucky into the antagonistic resolutions of 1798, Calhoun and South Carolina into a treasonable nullification, Davis, the South, the democratic party into the overt, armed attack upon and attempted destruction of the Republic, at once the most atrocious and world-abhorred rebellion, is history.

That war so much deplored, so lamented, so thrilling in its horrors, so exasperating in its review, was the assertion of State independence as against the national supremacy. The perpetuation of slavery was a motive. The defense against dreaded abolition was a motive. The ambitious desire to ingraft family aristocracies upon society, of lineal ranks, as against the spirit of plebeian equality was a motive. But this was the principle, the doctrine. To prove this beyond dispute, take the extreme friends of the doctrine and defenders of rebellion, whose testimony is against interest. The author of the life of Jefferson Davis, (Alfriend,) in stating the democratic views, says, page 26:

> The advocates of States' rights regard the Union as a compact between the States—something more than a mere league formed for purposes of national safety. But still a strictly voluntary association of sovereignties, in which certain general powers were specifically delegated to the Union, and all others not so delegated were reserved by the States in their separate character.

The same biographer states the national view as follows:

> A majority of the northern people embrace the idea of a perpetual union, whose authority was supreme over all the States and regulated by the will of a numerical majority, which majority, it should be observed, they had already secured, and were yearly increasing in an enormous ratio. The South, in the course of years, with even more unanimity, cling to the idea of State sovereignty and the interpretation of the Government as one of limited powers as its shield and bulwark against the northern majority in the collision which it was foreseen the aggressive spirit of the latter would eventually occasion.

These quotations present the conflict of ideas and doctrines at least not unfairly to the other side. This issue was very clearly defined in the preambles of the Constitution of the United States and the one framed by the rebellion. It is but natural that here they should lay down the great thought of that rebellion in language different from that to which they took exception. The Constitution of the United States reads emphatically and unmistakably:

> We, the people of the United States, in order to form a more perfect union, &c.

The constitution of the "provisional government of the Confederate States of America," made February 8, 1861, reads:

> We, the deputies of the sovereign and independent States, * * * in behalf of these States, &c.

And the constitution of the "Confederate States of America" reads:

> We, the people of the Confederate States, each State acting in its sovereign and independent character, in order to form a permanent federal government, &c.

It is plain that as an opposition to the Constitution of the United States or else as an alleged constitutional interpretation of the Constitution of the United States the claim set up and fought for by the armies of rebellion was that this Union is a compact of sovereign States voluntarily continuing in association, each reserving to herself the control, protection, and primal allegiance of her citizens; while the nation resisted upon the great principle that this is a nation supreme over all its people in every State; a consolidated Union in the peace and dignity of which every citizen is securely to be protected and to which he owes his first allegiance.

There is a convincing force in the words of the constitution of the Confederate States quoted. Its obvious change from the old Constitution of our fathers is a solemn confession of a want of confidence in that instrument as sustaining these opposers of it. This is confirmed by the claim made that it was but an interpretation of that Constitution. The declaration there solemnly made in the fundamental instrument written and adopted as the makers of it went forth to the awful guilt of rebellion against free government is the herald of that for which in all its fratricidal fury, from Sumter to Appomattox, against the floating emblem of the old Constitution, they fought.

The biographer of Davis, already quoted from, on page 236 says of this change:

> This, it was claimed, was not an alteration of the old Constitution, but merely a formal interpretation of its obvious purpose.

It was a theory of interpretation of the Constitution as to the relation of the States to the Union and the supremacy of the nation over all the land. This was the subject of controversy. Suppose the armies of the rebellion had triumphed, would not this theory have been adopted? Their success was the success of this idea.

In his inaugural, Jefferson Davis said:

> With a constitution differing only from that of our fathers in so far as it is explanatory of their well-known intent, * * * it is not unreasonable to expect

that States from which we have recently parted may seek to unite their fortunes with ours under the government which we have instituted.

All that was necessary to the ingrafting of this interpretation upon the old Constitution was the success of the rebellion and uniting of the other States with the confederacy under their constitution. Imagine the independence of the confederacy acknowledged and the States left in the Union one by one and seeking admission under that constitution until all were again united to it, then the doctrine of State rights would have become the supreme law of the land.

This was success of the rebellion; what, then, was its defeat?

The effect of national success is well stated by the southern historian. Summing up the result of the informal conference between STEPHENS, Hunter, and Campbell, and Lincoln and Seward, at Hampton Roads—

The result—

Says he—

was simply the assertion, in a more arrogant form, of the Federal *ultimatum*—the unconditional submission of the South, its acquiescence in all the unconstitutional legislation of the Federal Congress respecting slavery, including emancipation and the *right to legislate upon the subject of the relations* between the white and black *populations of each State.*

Or, as Jefferson Davis stated in his letter to Governor VANCE, of North Carolina, in 1864:

"If we will break up our government, dissolve the confederacy, disband our armies, emancipate our slaves, take an oath of allegiance binding ourselves to obedience to him (Lincoln) *and of disloyalty to our States*, he proposes to pardon us, &c.

Who, in the face of these historical facts, will deny that the war was a collision between the assertion of the independent sovereignty of the State and its exclusive jurisdiction over the citizen and right to his first allegiance and its correlative, his first protection, and the counter assertion of the supremacy of the nation over all the national domain to enforce its laws, execute its processes, maintain its army and navy, keep its peace and protect its people.

By the terms of its successful close, the conditions precedent to the extended pardon, the parole, and amnesty, were the unconditional acceptance of the national theory of constitutional interpretation as against the State-rights theory, the so-called "disloyalty to States," the right to legislate as to the relations of the people of each State, the supremacy of the nation as the object of the allegiance of the people and the protector of their republican liberties. The constitution of the confederacy went down. The false, State-rights interpretation of the old Constitution, upon which alone it was based, went down with it. That decision ought to be final.

It was the part of patriots of all sections, parties, and opinions to let our differences of opinion be forever settled by the judgment of war. Whoever would rekindle the strife is to his country's peace a foe. That which was borne on patriotic hands through the storms of shot and shell to the great trial of arms, that decision obtained at the inestimable cost of blood, should stand, be respected, and accepted infinitely above the opinions of the Supreme Court of the nation. To renew the issue, reopen the conflict, is a breach of faith, a violation of honor, a sacrifice of patriotism unworthy of man. The crime of rebellion, deep, dark, damnable as it is, pales to an excusable offense before the arch-felony of this. The success of the Union arms carries with it the opposite of all that would have been attained by the success of rebel arms. It was an unconditional success. There was no compromise.

The question of the relation of States to the Union is now settled by the same decision as has secured our separation from Great Britain. To open that issue and disturb our peace with it is as unpatriotic as it would be to reopen the issue of the revolutionary war and claim the colonial relation of this country to England. The relation of the colonies to the mother country was forever settled by the one; the relation of the States, in constitutional construction, to the Government of the United States, was forever settled by the other. It was not only a settlement of fact, but also of principle. Both are finalities in the history of this country.

The error of State rights originated in the theory of the existence of sovereign States prior to the Union. However true in fact, such a theory is utterly false. All the States are equal, and stand on an equal footing. Three-fourths of these States have been territory of the United States, and were granted the State government under the Constitution, by act of the nation. And in the eye of the Constitution every State did the same. There are no such things in law, in constitutional interpretation, as original States. That stand-point is erroneous, false, and deceptive, and leads to fallacies. In theory, the people of the United States first, in convention, formed the Constitution of the United States, then ratified it in conventions of the people. Then, under that National Government, organized themselves into States, formed constitutions, applied for admission as States under and as a part of the Union, out of territory absolutely possessed by the United States, and under constitutional grants of the people to the nation, were, with the approval of the national Congress, made States for local, municipal, domestic government, subordinate ever to sovereignty of the United States in the exercise of all the national powers granted to it. As citizens of the nation, inhabiting its territory, we had the right, under constitutional conditions, to organize States and set in motion such local and subordinate governments, and become thereupon citizens also of a State. But we were citizens first of the United States, and secondly of the State. And we created the State under the powers which we held as citizens of the United States, under the Constitution of our making for that National Government.

The overlapping supremacy of the senior creature of the citizen—the Union—in the exercise of all its supreme powers, in the eyes of which no State, county, nor municipal lines exist, except for convenient designation in terms of laws, finds no antagonism in the system. This is the theory of Government determined by the war. When gentlemen demand a decision of the Supreme Court sustaining these powers and relations, the answer is found in the judgment of the war. In the undisturbed settlement of that issue there is permanent peace, the broadest amnesty, and the fullest conciliation. Had this submission been manifest from the close of the conflict, this would have been a happy, fraternal, and prosperous people to-day. The sunny South and snowy North would with clasped hands watched over the new era of national prosperity; and their commingling, coworking and contented people, forgetting the regretful past in the abundant anticipations of the future, would not be disturbed in the peaceful present by the returning spirit of revolution. But what a contrary spirit has been manifested! To the sin of rebellion, in the very hour of forgiveness, has been added the sin of a renewal of the war issue of State rights.

The distinguished gentleman from New York [Mr. COX] the other day, in his speech on oaths, in referring to the herald of the Olympic games announcing the clemency of Rome to the conquered, who had been subjected to long privations by the conqueror—which reference was doubtless for our instruction—quotes from the historian that the Greeks, "when the herald announced such unexpected deliverance, wept for joy at the grace which had been bestowed." In the light of such gratitude what would we expect of those who had forfeited all and held life even as a gift of grace? From the stacked arms of war rank and file rode home. Pardon, amnesty, enfranchisement hastened to embrace them. The terms—the abandonment of State rights to the defeat it has sustained. In the enjoyment of pardon, who is willing to invoke the infamy of casting down again the gage of State sovereignty?

In violation of all the sacred claims of the verdict of war, of gratitude, and of patriotic considerations of the evils once by it entailed upon the land, the democratic party has, from the moment of assured safety from the guilt of rebellion, renewed the conflict, fanned the flames of hate, and endangered our peace by the constant and systematic agitation of the war issue of State rights.

While the nation was settling into a dream of peace the seed was sown, the plot laid, and the fearful, calamitous, and distracting execution begun, which now hisses into the ears of the people, the same lost issue of State supremacy—a doctrine which is responsible for the blood of our soldiers; responsible for the incalculable destruction of the strength and vitality of the Republic; responsible for the sacrifice of property, the devastation and suffering; responsible for the national debt; responsible for the acts recited of wrong and suffering from 1861 up to this very hour. And yet men rise in their seats to inveigh against the evils and in the same breath invoke again the cause.

That awful rebellion, upheaving our institutions, could not spring up in a season nor die out in a day. The intense and bitter strife closing at Appomattox, the provisional military governments, the slow return to republican form of government, the first restoration of those States to self-constituted civil government, of which they had deprived themselves in rebellion—the period termed offensively carpetbag government—all were but phases of war, of insurrection. They were the inevitable succession of rebellion, the necessary effect of the action of the people of those States. The evils of these stages, and they were legion, the abuses, and they were many, were not the crimes of the Government or of the party administering it, but the consequences of the acts of the insurrectionary States. They were not enactments of law, but the accidents of states of society. They bore the same relation to the wise and necessary acts of reconstruction on the part of the Government of the United States that railway accidents bear to the wise and careful system of railway operation and commerce.

And up to this hour, Mr. Speaker, the tramp of lawless organizations, the carrying of concealed weapons, the repeated outrages, fleeing and famished black men, are to the intelligent mind but the dying signs, the subdued sounds, the mournful marks of the madness and folly of the war for State rights.

Sir, in proof of the designs of the democratic party, this day made manifest to all, I first cite the testimony of the distinguished gentleman from Georgia [Mr. STEPHENS] who was vice-president of the organized rebellion, and who is to-day the Richelieu of democracy. Page 159, report of Joint Committee on Reconstruction, first session Thirty-ninth Congress:

Question. What are their present views concerning the justice of the rebellion? Do they at present believe that it was a reasonable and proper undertaking or otherwise?

Answer. My opinion of the sentiment of the people of Georgia upon that subject is that the exercise of the right of secession was resorted to by them from a desire to render their liberties and institutions more secure, and a belief on their part that this was absolutely necessary for that object. They were divided upon the question of the policy of their measure. There was, however, but very little division among them upon the question of the right of it. It is more their belief, in my opinion—and I give it merely as an opinion—that the surest, if not only hope for their liberties is the restoration of the Constitution of the United States and of the Government of the United States under the Constitution.

Q. Has there been any change of opinion as to the right of secession as a right in the people or in the States?

A. I think there has been a very decided change of opinion as to the policy by those who favored it. I think the people generally are satisfied sufficiently with the experiment never to make a resort to that measure of redress again by force, whatever may be their own abstract ideas upon that subject. They have given up all idea of the maintenance of these opinions by a resort to force. They have come to the conclusion that it is better to appeal to the forum of reason and justice, to the halls of legislation and the courts, for the preservation of the principles of constitutional liberty, than to the arena of arms. It is my settled conviction that there is not any idea cherished at all in the public mind of Georgia of ever resorting again to secession or to the exercise of secession by force. That whole policy of the maintenance of their right, in my opinion, is at this time totally abandoned.

These words demand a careful study, analysis, and a lasting remembrance. Three things are, in my opinion, clear from them:

First. The right of secession is reserved, and the intention to exercise that right *by force* is alone disclaimed.

Second. The resort to force being disclaimed, the "better appeal to the halls of legislation" is essential.

Third. The appeal is to be made for a *restoration* of the Constitution of the United States and for the same "liberties" for which a resort was made to the arena of arms.

The words are given, and their true interpretation in the light of these succeeding years of history and up to this Congress I leave to their readers.

Again the same distinguished leader of the democracy, in an address to his comrades at the close of the war, said:

Comrades, we staked our all on the gage of battle and we lost. Now our only plan must be to regain in the halls of legislation what we lost on our tented fields.

In the light of subsequent history, in which that sagacious and experienced gentleman has led the advance in the halls of legislation, and in the light of the "gage of battle" cast at the feet of the people of the country by the gentleman from Mississippi [Mr. CHALMERS] and the gentleman from Kentucky, [Mr. BLACKBURN,] how prophetic of conflict are these authoritative words!

The first step in this conflict between these States and the Government was a demand for places in legislative halls. A joint committee of Congress was appointed in 1865 to inquire into the condition of affairs in the States in rebellion, which committee reported in 1866. I quote from that report, page 16:

Hardly is the war closed before the people of these insurrectionary States come forward and haughtily claim as a right the privilege of participating at once in that Government which they had for four years been fighting to overthrow. Allured and encouraged by the Executive to organize State governments, they at once place in power leading rebels, unrepentant and unpardoned, excluding with contempt those who had manifested an attachment to the Union, and preferring in many instances those who had rendered themselves the most obnoxious. In the face of the law requiring an oath which would necessarily exclude all such men from Federal offices, they elect, with very few exceptions, as Senators and Representatives in Congress, men who had actively participated in the rebellion, insultingly denouncing the law as unconstitutional. It is only necessary to instance the election to the Senate of the vice-president of the confederacy, a man who, against his own declared convictions, had lent all the weight of his acknowledged ability and of his influence as a prominent public man to the cause of the rebellion, and who, unpardoned rebel as he is, with that oath staring him in the face, had the assurance to lay his credentials on the table of the Senate. Other rebels of scarcely less note or notoriety were selected from other quarters. Professing no repentance, glorying apparently in the crime they had committed, avowing still, as the uncontradicted testimony of Mr. STEPHENS and many others proves, an adherence to the pernicious doctrine of secession; and declaring they yielded only to necessity, they insist with unanimous voice upon their rights as States, and proclaim that they will submit to no conditions whatever as preliminary to their resumption of power under that Constitution which they still claim the right to repudiate.

And again I quote from the report, page 19:

First. The seats of the Senators and Representatives from the so-called Confederate States became vacant in the year 1861, during the second session of the Thirty-sixth Congress, by the voluntary withdrawal of their incumbents with the sanction and by the direction of the legislature or conventions of their respective States. This was done as a hostile act against the Constitution and Government of the United States, with a declared intent to overthrow the same by forming a southern confederation. This act of decided hostility was speedily followed by an organization of the same States into a confederacy, which levied and waged war by sea and land against the United States. This war continued more than four years, within which period the rebel armies besieged the national capital, invaded the loyal States, burned their towns and cities, robbed their citizens, destroyed more than two hundred and fifty thousand loyal soldiers, and imposed an increased national burden of not less than $3,500,000,000, of which seven or eight hundred millions have already been met and paid. From the time these Confederate States thus withdrew their representation in Congress and levied war against the United States, the great mass of their people became and were insurgents, rebels, traitors, and all of them assumed and occupied the political, legal, and practical relation of enemies of the United States. This position is established by acts of Congress and judicial decisions, and is recognized repeatedly by the President in public proclamations, documents, and speeches.

Second. The States thus confederated prosecuted their war against the United States to final arbitrament, and did not cease until their armies were captured, their military power destroyed, their civil officers, State and confederate, taken prisoners or put to flight, every vestige of State and confederate government obliterated, their territory overrun and occupied by the Federal armies, and their people reduced to the condition of enemies conquered in war, entitled only by public law to such rights, privileges, and conditions as might be vouchsafed by the conqueror. This position is also established by judicial decisions and is recognized by the Presidents in public proclamations, documents, and speeches.

Third. Having voluntarily deprived themselves, by the act of levying war, to the condition of public enemies, they have no right to complain of temporary exclusion from Congress; but, on the contrary, having voluntarily renounced the right of representation and disqualified themselves by crime from participating in the Government, the burden now rests upon them, before claiming to be reinstated in their former condition, to show that they are qualified to resume Federal relations. In order to do this, they must prove that they have established, with the consent of the people, republican forms of government in harmony with the Constitution and laws of the United States, that all hostile purposes have ceased, and should give adequate guarantees against future treason and rebellion—guarantees which shall prove satisfactory to the Government against which they rebelled and by whose arms they were subdued.

Fourth. Having by this treasonable withdrawal from Congress and by flagrant rebellion and war forfeited all civil and political rights and privileges under the Federal Constitution, they can only be restored thereto by the permission and authority of that constitutional power against which they rebelled and by which they were subdued.

Fifth. These rebellious enemies were conquered by the people of the United States, acting through the co-ordinate branches of the Government, and not by the executive department alone. The powers of the conquerors are not so vested in the President that he can fix and regulate the terms of settlement, and confer congressional representation on conquered rebels and traitors. Nor can he, in any way, qualify enemies of the Government to exercise its law-making power. The authority to restore rebels to political power in the Federal Government can be exercised only with the concurrence of all the departments in which political power is vested; and hence the several proclamations of the President to the people of the Confederate States cannot be considered as extending beyond the purposes declared, and can only be regarded as provisional permission by the Commander-in-Chief of the Army to do certain acts, the effect and validity whereof is to be determined by the constitutional government, and not solely by the executive power.

Sixth. The question before Congress is, then, whether conquered enemies have the right, and shall be permitted at their own pleasure and in their own terms, to participate in making laws for their conquerors; *whether conquered rebels may change their theater of operations from the battle-field, where they were defeated and overthrown, to the Halls of Congress, and through their Representatives seize upon the Government which they fought to destroy;* whether the National Treasury, the Army of the nation, its Navy, its forts and arsenals, its whole civil administration, its credit, its pensioners, its widows and orphans of those who perished in the war, the public honor, peace, and safety shall all be turned over to the keeping of its recent enemies without delay and without imposing such conditions as, in the opinion of Congress, the security of the country and its institutions may demand.

Seventh. The history of mankind exhibits no example of such madness and folly. The instinct of self-preservation protests against it. The surrender by Grant to Lee and by Sherman to Johnston would have been disasters of less magnitude, for new armies could have been raised, new battles fought, and the Government saved. The anti-coercive policy which, under pretext of avoiding bloodshed, allowed the rebellion to take form and gather force, would be surpassed in infamy by the matchless wickedness that would now surrender the Halls of Congress to those so recently in rebellion until proper precautions shall have been taken to secure the national faith and the national safety.

Mr. Speaker, that matchless wickedness, in spite of the precautions taken, has been accomplished, and these sacred subjects of legislative control have been seized by the resting forces of the secession army; but it was under protestations of loyalty and under conditions which were in good faith supposed to deny and guard against the issue of war.

Major-General George H. Thomas before that committee testified, from intelligence received from reliable sources as commander of forces in the military districts of Tennessee, Kentucky, Georgia, Alabama, and Mississippi, that "he did not think the rebels would attempt an outbreak on their own account again, but there was a disposition to embarrass the Government in its administration and gain as many advantages for themselves as possible; that they had not given up their desire for a separate government." (Page 111.)

Judge John C. Underwood then testified, page 8, (Virginia:)

I believe their present design is to attempt to accomplish their purpose through the ballot-box. * * * I think it is their expectation that there will be some split in the Union party, which will enable them, in concert with the democratic party of the North, to succeed by voting better than by fighting.

Lewis McKensie testified before that committee, page 14, (Virginia:)

They expect to take possession of the Government of the United States. They are constantly influenced by the hope that their disloyal members will get into Congress, and they expect to form a coalition with the northern democrats and copperheads. They have no love for the Government of the United States. They will give the Government trouble some of these days.

George S. Smith testified, page 14, (Virginia:)

Question. What are the schemes which that class (representative men) of the southern people now have in view?

Answer. To overthrow the General Government and to repudiate the national debt.

Q. * * * What are the means by which they propose to accomplish it?

A. By political combinations. I talked with a great many of the leading politicians, and they say they want to try to accomplish by strategem what they failed to accomplish by war.

J. J. Henshaw sworn, said, page 36, (Virginia:)

I do not think that they consider that their State rights or anything of that sort have been impugned. They have been overpowered, but they were right nevertheless. What they claimed and what they struck for they were entitled to, and are entitled to yet.

Rev. Dr. Robert McMurdy testified, page 95:

Their struggle now is to preserve as much of the respectability of secession as they can, and they will do it in every way they can without bringing themselves into conflict with the Government.

They do not profess conversion to the principles and cause of the Federal Government. They do not profess to be sorry for their course in the war. They regret that they did not succeed. They submit to the laws as far as is necessary, and mean to have these laws as palatable as possible to them.

All they can effect politically, socially, and ecclesiastically they will. They have no more use for bullets. They henceforth use the social, the ecclesiastical, and the political ballot.

It is useless to multiply quotations of sworn testimony of men who testify thus against interest and influence. It is enough to cite the large preponderance of such evidence found in the Report of the Joint Committee on Reconstruction of 1866, a volume of six hundred pages, full of the unwelcome truth.

In 1868 the volume from which I have quoted already—The Life of Jefferson Davis, by Frank H. Alfriend, late editor of the Southern Literary Messenger—was published. Being a later and quasi-authoritative enunciation of southern sentiment, I quote again from page 210:

He (Davis) was always purposed to follow the principles of States' rights to their

logical consequences, and yet was consistent in his attachment to the Union. Thus he was a firm believer in the absolute sovereignty of the States, and of the enjoyment, by the States, of all the attributes of sovereignty, including, necessarily, the right of secession.

Page 327 (speech of Davis on withdrawing from the United States Senate, January 21, 1861) he says:

The laws are to be executed over the United States, and upon the people of the United States * * * but there are no laws of the United States to be executed within the limits of a seceded State.

How strikingly similar, and yet how much better, is that expression, bad as it is, to the one uttered upon this floor in these debates, that the United States has no peace to keep, or citizens to protect, or ballot to defend within a sovereign State!

And in these Halls what is the subject of controversy pushed upon the people except the single one of State rights. Every sacred duty of legislation is prostituted to be an engine of the war upon the nation. When the people's money lies in the Treasury to be appropriated, every act is made the highwayman's weapon to coerce a grant to the success of the old war issue. The Army is halted in its march with the challenge, "Your allegiance to the confederate cause or your life!" The President and legislative branches are stopped with the same brigand boast. Even the judiciary, ever to be independent, is challenged on the bench, and asked, as the price of life, to bow to the mandate of this ghost of the lost cause. And now, at last, foiled and backing out, with shaking fists and threats of future return, the war is to be closed by refusing to the marshals of the United States, the executive officers of the Government, the hand of the judges to enforce laws, hold courts, execute judgments and decrees, the pay provided by law unless the lost cause of State supremacy be acknowledged.

All this expense of an extra session and all this public uneasiness, all this ignoring of the decisions of war is deliberately incurred for the sake of recovering in legislative halls that which was lost upon the tented field. Lincoln placed the call of seventy-five thousand troops upon the ground of a *posse comitatus* to suppress combinations, and the lost cause, in its return to power, directed the fury of its attack to that, and disarmed the Government of the power to use the Army as a *comitatus*. Emboldened by that success, they dash on to greater victories.

In summing up it appears—

First. That the State-rights interpretation of the Constitution was the issue of war.

Second. That, unless that war was in vain, that doctrine was by it forever disposed of as untenable.

Third. That the democratic party has outraged every just consideration and dragged forth again the bitterness of war by renewing the fight for this principle of the "lost cause."

Fourth. That its success is attempted through every violent and unconstitutional means except open war.

The great overwhelming danger to the country lies kerneled in it for all our future, and calls upon all men of all parties now to destroy it and rebuke the unpatriotic violators of peace and honor who have thrust it upon the people.

Immediately after the war, in 1867 or 1868, the cause of the confederacy was revived by the organization of the "Ku Klux Klan," including "The White Brotherhood," "The Constitutional Union Guards," and "The Invisible Empire." The spirit of these secret organizations was support of the rebellion and opposition to all who were true to the United States. They were largely soldiers of the rebel army, opposed to all "holding radical views or opinions." The organization, action, crimes, and inhumanities of these societies, recorded in the reports of committees in 1871 and 1872, need no rehearsal now. It constitutes the dark age between the close of rebellion and the accession of its participants to power in these States. And then began the more gigantic effort to capture the field of future struggles to regain that which had been lost—the halls of national legislation.

The last sentence in the Life of Davis, just quoted from, is this:

Time will show, however, the amount of truth in the prophecy of Jefferson Davis made in reply to the remark that the cause of the confederacy was lost: "*It appears so.* But the principle for which we contended is bound to reassert itself, though it may be at another time and in another form."

The time has come. The form is little changed. The judgment of war is defied. The truce of pardon is scorned. The fatal doctrine is announced. Defiance is shouted, and the people of the nation again summoned to her defense, at the ballot-box and in these halls.

No people are more strongly opposed to this than the northern people. In the quiet of the long winter they learn to love repose and peace about the endeared fireside; and it is an offense to them to force the agitation of vexing evils upon their serene content. They believe in statutes of repose; in a settlement of matters in dispute; in an end of controversy. This sentiment fills the bosom of that people, and wells up in their hearts in sighs of anticipation. And often the wish is expressed that the issue of the war of rebellion, with all the passions, prejudices, sectionalisms, dissensions, and hates which cluster around it may be settled; covered up, and forever—

In the deep bosom of the ocean buried,

no more in the great future to haunt our peace. That for which we fought should be settled by the result. Claims were made the subject of war, principles were contended for. Let them be established or defeated by the surrender. The supporters of that rebellion took their claims to the court of last resort, the supreme tribunal of civil war, and judgment was rendered against them. That ends it; and whatever the subject of that contest was, the dictates of honor and chivalry, of every principle of right, and of every instinct of true manhood, and of decency, self-respect, and patriotism, demands a ready, cheerful, and final acceptance of the verdict.

And this is the sentiment of the rank and file of the contending armies. The baseness of a reassertion of the doctrines contended for and lost will be execrated by all noble men. The party which attempts it will stand accursed. The cause which surrendered at Appomattox, and was paroled never to again arise, must not return with the defiance of Catiline:

I go, but I return. * * *
This day's the birth of sorrow! This hour's work
Will breed proscription! Look to your hearths, my lords,
For there henceforth shall sit for household gods
Shapes hot from Tartarus! All shames and crimes;
Wan Treachery, with his thirsty dagger drawn;
Suspicion, poisoning his brother's cup;
Naked Rebellion, with the torch and ax,
Making his wild sport of your blazing thrones,
Till Anarchy comes down on you like night,
And Massacre seals Rome's eternal grave!

Shall the future witness the same conflicts with renewed force, returning each generation, scattering discord and threatening the existence of these sacred institutions? They have cost us too much for that. They have shown upon the distant lands the invigorating longings for liberty too long for that. They enshrine too many of the holy oracles of freedom, which we all want to transmit to our children, for that.

Shall we bequeath to our flesh and blood a legacy of conflict and sorrow?

Standing here in the presence of Washington, under the flag, in sight of the battle-fields of the Potomac and the dead on Arlington, amid the monuments of that greatest human struggle for national life; with the memories of those dark years pouring in upon my soul, with its unspeakable human griefs, struggling within me for utterance, I answer for the people of all sections, Never! It shall never be. In our might we will rise and put the party which renews it down.

Legislative, etc., Appropriation Bill.

SPEECH OF HON. C. G. WILLIAMS,

OF WISCONSIN,

IN THE HOUSE OF REPRESENTATIVES,

Monday, June 23, 1879,

On the bill (H. R. No. 2) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes.

Mr. WILLIAMS, of Wisconsin. Mr. Speaker, after my remarks on the legislative, executive, and judicial appropriation bill, delivered on April 24, appeared in the RECORD, the honorable gentleman from South Carolina [Mr. RICHARDSON] announced in the House that he should take the first fitting opportunity to review some portion of them. Not being present at the time, and at that time not being aware that the honorable gentleman had referred to me in his speech, also delivered April 24, I withheld any reference to the matter until such time as the honorable gentleman should review my remarks, as announced. Some weeks elapsed, I think, when happening to meet him he very kindly informed me that what he referred to was some jumbling up of the testimony by which the evidence of democrats and republicans had been interchanged. And on being informed that that occurred at the Public Printing Office, and had been corrected the next morning for the permanent RECORD, he intimated that he should probably not allude to the matter in the House. This being so, I take the present method of referring to one clause in the honorable gentleman's speech which I feel should not go unnoticed. And I do it not with any view to controversy, but to get myself, and perhaps others on this side the Chamber aright, and which would have been done before but for the delay occasioned, as I have stated.

I find the following in the honorable gentleman's speech of April 24:

The honorable member from Wisconsin, [Mr. WILLIAMS,] in his speech on the bill to make appropriations for the support of the Army, speaking of the election at Kingstree, in South Carolina, uses this language:

"I tell you that right then and there the United States was made to eat the leek and to taste garlic, and from that time on and to the wee small hours of the morning onion-skin ballots went in unchallenged, but not uncounted."

Now, Mr. Chairman, that was a wholly unwarranted and unsupported assertion, which has its foundation for truth only in the imagination of the honorable member. There is not one word in all the evidence taken by the Teller committee, not a word in the testimony of the supervisor of election referred to, or in that of any of the rabid partisan republican negroes who were examined in reference to the election at Kingstree or in the entire county of Williamsburgh, which justifies the statement of the honorable member. None of them assert that a single "onion-skin" or tissue ballot was cast or counted at Kingstree or in the entire county of Williamsburgh, and the fact is that not one was cast or counted there or in that entire county. This only shows out of what whole cloth such statements are made and

paraded before the public for political purposes by our republican friends on the other side of this House.

Now, Mr. Speaker, while that statement is a grave one, and, if true, ought to subject myself and other gentlemen on this side the Chamber to severe censure, because if we make statements and send them out to the country utterly destitute of truth we are certainly demonstrating one thing, and that is our utter unworthiness to occupy seats on this floor. But it is always better to meet such charges as these with facts rather than with any ebullition of passion. And let us see if we can. The charge is that there is "not one word in the testimony," not even of the solid republican negroes, to justify the above statement. I did not hear the speech of the honorable gentleman at the time of its delivery, and did not know for days afterward that this passage was in it. In fact I believe the whole speech was not delivered in the House, and I do not know whether this portion of it was or not.

Now, if my friend takes position behind the literal term "onion skin" or "tissue ballots," I do not know whether they were used in Williamsburgh County or not. In fact I do not know just what the onion crop of South Carolina was in 1878, or whether there would have been enough to have gone around; but the term "onion skin" or "tissue ballots" has obtained a generic and well-defined meaning synonymous with the "stuffing" of ballot-boxes. In the sense I used it there was not only evidence to base it upon but to demonstrate its absolute truth.

Rev. John H. Pendergast was a witness before the Teller committee and as to the election at Kingstree, and testifies as follows, (page 417:)

Late in the afternoon they kept saying what they were going to do, what would become of us, and that we would "catch it" before sundown. I told them I would discharge my duty to the best of my ability, and about six o'clock, as near as I can remember, in the evening, as the train came up, then we heard great hollering and shouting at the depot, and I came down the court-house steps and went down on the street, and saw a great crowd coming from the depot and there was a crowd standing on the bridge.

Question. Were they white men?

Answer. Yes, sir; and I saw Dr. Byrd. Some colored men were playing music on the bridge, and when these men came up they said, "Now, stop; not another damned word of it here; you have been ruling Kingstree long enough, and we rule it now." Some of the men stopped and got scared. Then they marched down and came by the court-house and hollered, "File left," and they filed left. I was in front of them. They marched up the steps, and as they got up there Mr. Hanna was sitting on a box, and they said, "Get away from here, God damn you; what business you got here?" And this man who spoke to Hanna looked to me and said, "You one of the United States marshals, eh?" I said, "Yes, sir; I was." He said, "God damn you, your time is out here," and I was told to get down. Dr. Byrd said, "Damn you, get down," and brought out his pistol, but I still would not move. Then another young man knocked me and struck me, and as I turned round a cooper struck me and knocked me down the steps. They had knocked Hanna down the steps bodily, and by that time they had jumped up on the box that Hanna had and commenced taking out the tickets. They run over the box and took out numbers of tickets, and said, "God damn it, now men vote; we put Graham's Cross-Roads through, and now we will put Kingstree through." I am certain that some of the men had two or three tickets and voted them at once. They just went right on voting and hollering.

Q. How many of those men were there?

A. I think there was about forty-five or fifty, more or less.

Q. Did Byrd vote for them?

A. Each man came in and he gave them out tickets, and said they had put Graham's Cross-Roads through, now we will put Kingstree through; and they commenced voting and voting, and after they got through a man run down and said to us, "You must get down or these men will hurt you."

S. S. Hanna, United States supervisor, testifies as follows:

As I was going to say, about half an hour before the polls were about to close that evening, about forty democrats came up to the polls and asked me what business I had there; I said I was United States supervisor, and my business is to supervise the election; they told me I had no business there; several pistols were drawn on me and I was driven away; Dr. Byrd, who was captain of the company, told me to leave the place; I came away, and after I came away and they had voted they came down, and there came very near being a collision there near the polls. I was not allowed to go back there any more. When the voting had got through, the managers sent word for me to come back up and help them canvas the votes; I asked if those men had taken the proper oath; I asked that because, before I left, they had commenced voting without any oath being administered; they had voted regardless of the oath or anything else. I went back up and helped canvas the votes. I asked the democratic managers—they were all democrats—what was the number of votes on the poll-list. I could not keep a list. I had asked the men as they came up to vote, or after they had voted, what their names were, so that I could put them down on the list, and come as near making a full list as I could; the colored men generally gave me their names; I think all of them did; the white men generally would not give me their names at all; they told me I had no business there, and had no right to keep any poll-list, therefore I had to do the best I could under this disadvantage. I saw before I was driven away that they had commenced stuffing the box.

Question. What did you see?

Answer. I saw men rushing right up and voting without taking any oath; nor was it required. I staid on the steps as long as I could see what was going on. They said they intended to carry that precinct no matter how folks voted.

Now, as a matter of good faith, allow me to refer to one other passage of the gentleman's speech, and see if all the absolute fairness and truth exist on that side the Chamber. He says:

No one can doubt this who witnessed the elections conducted under bayonet rule in the South in 1876, when the soldier, with drawn sword in hand, directed who should vote. Lest this astounding statement should be doubted, I quote from the uncontradicted testimony taken in the contested-election case of Tillman *vs.* Smalls. At page 576 Mr. T. I. Adams, testifying as to the voting in South Carolina in 1876 at box No. 2, known as the school-house box, makes the following sworn statement:

"Question. State, Mr. Adams, what you saw while standing in the school-house waiting to vote.

"Answer. I saw Lieutenant Hoyt jump in the window; from three to five soldiers followed him; he went up very near the box and drew his saber and had the soldiers fix their bayonets.

"Q. When he drew his sword was his attitude a threatening one?

"A. It was; it would have frightened a timid man, to say the least of it.

"Q. What did the soldiers do after they fixed their bayonets?

"A. They remained in that attitude until I left. I was there about thirty minutes. There was a company outside of the house in plain view of the building."

Mr. Abraham Jones, an aged and most respectable citizen, testifies, at page 595, as follows:

"Question. Have you not been a member of the Legislature, and have you not filled other offices in the county?

Answer. I was elected to the Legislature six times, and have held other offices ever since from the time I was twenty-one.

"Q. Did you vote; and, if you did, where did you vote?

"A. At Morrison's school-house that day.

"Q. How long did you remain there that day?

"A. I was there from two o'clock until nearly dark.

"Q. While you were there did you see any intimidation by the whites?

"A. No; I did not. I saw men with red shirts riding about the streets hallooing, but did not see any intimidation attempted by them.

"Q. Did you notice anything peculiar about the way the election was conducted? If so, state it fully.

"A. I saw the United States soldiers as a guard around the door outside and a crowd of voters outside pressing this guard, who kept them back with their guns, and an officer in command, with his sword drawn; and he would select with his sword by touching those who were to go in next to vote. As the colored man at the door would call out, 'Send in ten men,' the officer would again select by touching with his sword those to go, not taking them as they came, but selecting them from the crowd, sometimes reaching over to touch one behind another, and sometimes skipping two or three. I was selected from the crowd with another white man at the same time, and none dared go in but those who were so touched by this officer. When they had voted they were let out of a window."

It seems as though the gentleman should at least have given a portion of the cross-examination of his own witnesses. Let me supply it. Mr. Adams says, on cross-examination:

Question. You say Lieutenant Hoyt drew his sword in a threatening attitude. Did he make an effort to strike any one, or did he threaten any one?

Answer. He made no threats or any effort to strike; the threat was in the act of drawing his sword.

* * * * * * *

Q. You say that the drawing of his sword had the tendency to frighten a timid man. Do you know of your own knowledge that any man did become alarmed and leave the polls without voting?

A. I do not.

Q. When you reached box No. 2 were not the grounds in front of the entrance of the school-house, and both sides, densely crowded; and were there not a great many horsemen in the crowd?

A. There was a crowd in front of the house; not many on the sides. I think there was twenty or thirty horsemen in front of the house.

Q. Were not these men on horses standing as near the door as they could get?

A. I think so; they were, I think, struggling to get in to vote.

That is, they were backing their horses into the ballot-box, tail foremost!

Q. Did you not see during the day a great many white men riding up and down the streets that day, and was not their demeanor a very threatening one?

A. I saw quite a number of horsemen. I did not see anything threatening; they were boisterous and happy.

Mr. Jones, on cross-examination, testifies as follows:

Q. You say that the officer in pointing out ten men would sometimes skip some and take others. Did they skip white as well as black?

A. There were more black than white men, a great many more, but sometimes one and sometimes two white men would go in to make ten.

Q. In your opinion did this officer have any regard for either political party in his selecting the ten?

A. *I think not;* he seemed to skip those who seemed more anxious to go and select those who were more quiet.

Now let Lieutenant Hoyt tell the story—Senate report, page 354.

LIEUTENANT HOYT'S REPORT—WHITES ALL ARMED.

Lieutenant Hoyt says:

I was directed to take four men and go down to the polling-place to assist Deputy Marshal Beattie in forcing his way through the people who were crowded together there so that the voters could not gain admittance to the house to vote. I found, I should say, from thirty to fifty mounted men, all armed with revolvers in their hands, and some with clubs, drawn up in front of the entrance as closely as they could be, apparently to prevent the colored people from getting in to vote. By direction of the marshal, I took my men up to open the way so that they could go in to vote. I went inside the building through a window, used as an exit for the voters, and then out at the door, and opened the way from the door through these horsemen, so as to give the people a chance to come through. I had four men with me, and as we marched out I ordered the horsemen to give back, and they crowded their horses back so as to give way for the men to come out. I then posted sentinels to keep the way open. * * * At the time I went down to the house there were some men, who had voted, coming out. The way it was managed was to take ten in at a time and swear them, and then they would vote and come out to make room for more. They opened the door to admit some more, and the negroes in front tried to get up to the door through the white men, but they would not allow the negroes to do so; two or three did, however, get through between their horses, in some way, and came up on the platform. One of them was struck over the head by a club in the hands of a democrat, and knocked off from the platform. I then spoke to the marshal about the condition of affairs there, and asked him if there was not an officer of the polls who could make these people go back, so that the negroes could come in and vote, and Mr. Sheppard, who, I think, was supervisor of the polls, stepped out and told these mounted men to get back away from the door, so that the people could come up and vote. They paid no attention to what he said, and I heard the remarks made that they would not do so; that the damned niggers should not vote. Mr. Sheppard came back and said that he could do nothing with them. Then the deputy marshal asked me to clear the way through them. As regards arms among the white men that I saw around there in the immediate vicinity of the poll, they were armed with revolvers without an exception that I noticed; I noticed no exception.

At the time the way was opened some of their revolvers were in their belts and some were in their hands, apparently ready for use.

Lieutenant Hoyt remained at the polls until noon. In the mean time Major Kellogg went down to see the condition of affairs. He thus reports it. (Read Major Kellogg's statement, page 365. Mr. Beattie explains why voting was slow, page 357.)

When they got inside they would keep the men there for two hours. I just pulled my watch out, and they were interrogating a man for a half hour, and they

would keep them there for three-quarters of an hour, asking them all kinds of questions. They would ask, "Look here, have you ever stole a pig?" And the man said, "No;" and he would say, "I don't believe you; I believe you are a God damned thief." And they would ask them all such questions as that; and when he would go to vote he would say, "Wait; don't put it in there; wait till we are through with you." That was the supervisor; and the white men and democrats would come up and say, "Don't let that damned nigger vote; I don't think he is old enough. Open your mouth and let me see your teeth," and all such things as that; "Well, he looks as though he was old enough by his teeth; they are all broke out. I reckon he is old enough. Let him vote." They would consume the time that way.

GENERAL BUTLER PUBLICLY THANKS THE TROOPS FOR THEIR "COURTESY AND IMPARTIALITY!"

Major Kellogg says:

After the election was over, just after the polls closed, General M. C. BUTLER came around and requested permission from me to make a speech to my company. I told him I had no objection, although I had; yet I could not very well say so; so I said I had no objection, provided he would not say anything about politics; and he said certainly, that he wished simply to thank us; and I then called the company to attention, and he made us a little speech, in which he thanked us for the courtesy and the impartial manner in which we had performed our duty during the day.

Mr. Speaker, I have purposely cited the testimony of soldiers who were complimented by General BUTLER for their soldierly bearing and the impartial manner in which they had discharged their duties—soldiers whose honor and integrity are proverbial. Thus stands the record, and thus I leave it to vindicate or condemn whom it may.

Executive proceedings of the United States Senate from which the injunction of secrecy has been removed.

THE NORTH AMERICAN FISHERIES

ARRANGEMENTS WITH GREAT BRITAIN.

IN EXECUTIVE SESSION, SENATE OF THE UNITED STATES,
March 27, 1879.

Resolved, That the injunction of secrecy be removed from the resolution of the Senate of the 4th December last concerning a proposed termination of the customs and fisheries arrangements between the United States and Great Britain, together with the memoranda in relation to statistics of the fisheries of North America, prepared for Senator EDMUNDS in response to his request of December 31, 1878, with the remarks of Senator EDMUNDS thereon, and that the same be published in the CONGRESSIONAL RECORD.

[The remarks of Senator EDMUNDS have not been furnished for publication.]

IN THE SENATE OF THE UNITED STATES,
December 4, 1878.

Mr. EDMUNDS submitted the following resolution:

Resolved, That, in the judgment of the Senate, steps ought to be taken to provide for as early a termination of the fisheries and customs arrangements between the United States and Great Britain as possible, by negotiations with that government to that end.

Resolved, That a copy of the foregoing resolution be laid before the President of the United States.

Ordered to lie on the table and be printed in confidence for the use of the Senate.

January 27, 1879.

Ordered, That the above resolutions be referred to the Committee on Foreign Relations.

February 4, 1879.

Reported favorably.

February 27, 1879.

Considered, and agreed to unanimously.

Memoranda in relation to statistics of the fisheries of North America, prepared for Senator Edmunds, in response to his request of December 31, 1878.

First question.—"About what amount of duties would have been realized on Canadian importations of fish and oil since the fishery clause of the Washington treaty went into effect, had they paid duties under existing laws?"

1. A statement of the amount of mackerel imported from British North America, their value, and the amount of duty saved on them is first presented. The statement for each year ends with June 30, and this table begins with the first operations of the treaty of Washington, July 1, 1873.

Year.	Barrels.	Value.	Duty saved.
1874	89,376.75	$793,764 00	$178,753 50
1875	78,091.25	586,825 00	156,182 50
1876	76,582.85	695,847 00	153,165 70
1877	44,169.51	373,792 38	88,339 00
1878	101,995.00	907,013 00	203,990 00
Total	390,215.36	3,357,241 38	780,430 70

2. The total value and amount of the fish and oil imported from British North America, and the amount of duty saved, will now be shown, first in detail for each kind of article, and finally in summary table.

The rates of duty upon which the estimates are based are those which were in use at the time of the establishment of the treaty, and are as follows:

Mackerel, per barrel	$2 00
Salmon, per barrel	3 00
Herring, per barrel	1 00
Other pickled fish, per barrel	1 50
Dried and smoked fish, per pound	½ cent.
Fish oil, ad valorem	20 per cent.

The detailed table for mackerel has already been presented.

The imports of salmon, pickled, in barrels, are as follows:

Year.	Barrels.	Value.	Duty saved.
1874	3,674.75	$50,073 00	$11,024 25
1875	4,730.25	61,583 00	14,190 75
1876	4,197.00	49,938 00	12,391 00
1877	5,437.00	61,724 00	16,311 00
1878	8,423.00	107,399 00	25,269 00
	26,462.00	330,717 00	79,386 00

The imports of herring, pickled, in barrels, are as follows:

Year.	Barrels.	Value.	Duty saved.
1874	53,501.25	$191,492 23	$53,501 25
1875	77,917.75	300,406 03	77,917 75
1876	89,042.00	306,947 38	89,042 00
1877	61,791.50	207,090 55	61,791 50
1878	79,701.50	250,920 45	79,701 50
	361,954.00	1,256,856 64	361,954 00

The imports of other fish, pickled, in barrels, are as follows:

Year.	Barrels.	Value.	Duty saved.
1874	8,719,00	$47,466 25	$13,078 50
1875	8,694.50	56,172 00	13,041 75
1876	8,243.00	50,374 00	12,364 50
1877	16,004.25	90,796 00	24,006 38
1878	4,974.62	38,520 00	7,461 93
	46,635.37	283,328 25	69,953 06

The imports of salmon, dried or smoked, in pounds, are as follows:

Year.	Pounds.	Value.	Duty saved.
1874	*(31,928.03)	$4,703 00	*($159 64)
1875	58,096.50	8,560 00	290 48
1876	9,240.00	970 00	46 20
1877	37,069.00	3,704 00	185 34
1878	9,354.00	1,082 00	46 77
	145,687.53	19,019 00	728 43

The imports of dried and smoked herring, packed in boxes, are as follows, the contents of each box being estimated at seven pounds:

Year.	Boxes.	Value.	Duty saved.
1874	205,819.00	$34,669 54	$7,203 66
1875	309,549.00	63,223 45	10,834 22
1876	307,190.00	57,560 40	10,751 65
1877	316,570.50	39,459 42	11,079 96
1878	421,834.00	52,715 16	14,764 19
	1,560,962.50	247,628 02	54,633 68

The imports of other fish, smoked and dried, in pounds, are as follows:

Year.	Pounds.	Value.	Duty saved.
1874	6,104,890	$152,577 94	$30,524 45
1875	7,747,452	241,055 00	38,737 26
1876	6,360,736	210,130 94	31,803 68
1877	5,661,597	229,730 00	28,307 98
1878	10,294,061	305,007 25	51,470 31
	36,168,736	1,138,501 13	180,853 68

The imports of whale and other fish oil, in gallons, are as follows:

Year.	Gallons.	Value.	Duty saved.
1874	165,448	$91,944 00	$19,388 80
1875	250,625	147,485 00	29,497 00
1876	103,184	62,438 00	12,487 60
1877	138,708	84,088 00	16,817 60
1878	310,854	176,384 00	35,276 80
	968,819	562,339 00	112,467 80

*The number of pounds not being given in the report of the Bureau of Statistics, an estimate has been made from the statement of value on the basis of the returns for the following year.

The total amount of duties saved for a period of five years, beginning July 1, 1873, and ending June 30, 1878, is given in the following table:

Article.	Value.	Duty saved.
Mackerel, pickled	$3,357,241 38	$780,430 70
Herring, pickled	1,256,856 64	361,954 00
Salmon, pickled	330,717 00	79,386 00
Other fish, pickled	283,328 25	69,953 06
Dried and smoked salmon	19,019 00	728 43
Dried and smoked herring	247,628 02	78,048 12
Other fish, smoked and dried	1,138,501 13	180,853 68
Whale and other fish oil	562,339 00	112,467 80
	7,195,630 42	1,663,821 78

Question Second.—"What number of barrels, &c., of fish have been taken, as nearly as can be ascertained, within the three-mile limit, under the treaty, excluding the Magdalen Islands, the Labrador Coast, and that part of Newfoundland which we were entitled to fish before the treaty?"

The total catch of mackerel by United States vessels in the Gulf of Saint Lawrence is as follows, the statement for each year ending December 20:

Year.	Barrels.
1873	72,911
1874	56,770
1875	19,864
1876	10,000+
1877	8,400+
1878	61,923
	229,868

(Note.—The statement for the first three years is taken from the Canadian official reports; that for 1876 and 1877 from the testimony of experts before the Halifax commission; that for 1878 from the estimate of the Boston Fish Bureau.)

The quantity taken within three miles of the shores opened up by the treaty was estimated by the Canadian witnesses at Halifax to be at least one-half, while by the skippers of the American vessels directly engaged in this fishery it was considered to fall below one-eighth. Compromising between these two estimates, we will consider it to be one-fourth, and that this far exceeds the real amount is shown by the figures for 1878; in this case one-fourth of the total catch amounts to 15,480 barrels, while the real amount as indicated by the affidavits of the skippers of the United States fleet cannot be greater than 10,000 barrels.

Proceeding on the supposition that one-fourth of the total catch is procured within the three-mile limit, the following result is obtained:

Year.	Barrels.
1873	19,803
1874	14,148
1875	4,966
1876	2,500
1877	2,100
1878	15,480
	58,997

In estimating the value of this catch two sets of results are obtained: one by assuming the price to be $3.75 per barrel, which is the amount for which, according to Canadian experts, mackerel are sold, salted and packed, on the shores of the Gulf of Saint Lawrence; another, by taking the value to be $10, the average wholesale price in Boston market, assumed by the Halifax commission.

Year.	Value at $3.75.	Value at $10.
1873	$74,261 25	$198,030 00
1874	53,055 00	141,480 00
1875	18,622 50	49,660 00
1876	9,375 00	25,000 00
1877	7,875 00	21,000 00
1878	58,050 00	154,800 00
	221,238 75	589,970 00

Question third.—"What is the market value, gross, of all the fish so taken?"

The answer to this will be found in the summation of the last column of figures in the answer to the preceding question.

It should be stated, however, that the amount there mentioned—$589,970—far exceeds the actual value of the fish, including (as well the cost of the barrels) salt, and packing. The summation of the first column, that is, $221,238, represents more nearly the real value of the fish.

The price of mackerel is so variable with season and with the quality of the fish that it is difficult to fix upon any standard.

The quotations of the Gloucester fish market for the week ending January 9, 1879, are as follows:

No. 1 from "bay"	$11 to $14
No. 1 from "shore"	15 to 20
No. 2	5 to 7
No. 3	3 to 4

The reports of inspectors for 1878 showing the quantity of each quality inspected have not yet been received, and it is necessary to deduce the average price from the returns of the preceding year; this has been done with reference to the scale of prices just referred to, and the result shows that the market value of the fish caught that year, packed in barrels and branded, did not exceed $6; from this it is certainly allowable to subtract $2 per barrel, the inspection fee for packing and branding. There now remains a price of $4, the value of the fish delivered at the wharf, no account being taken of the cost of catching, cleaning, salting, and transportation.

Question Fourth.—"What is the cost of fishing, curing, and transporting the same to market, showing thereby the net gain or loss in the transaction? This last item, no doubt, should be taken in connection with the catch of fish exterior to the line, instead of charging the whole outfit, risk, &c., to one part of the fishing business alone."

In reply, I quote from a letter received from Captain F. J. Babson, collector of customs, for Gloucester, Massachusetts:

"The past year has been an extremely favorable one for the in-shore mackerel fishery in the Gulf of Saint Lawrence. I forward to the honorable Secretary of the Treasury to-day one hundred and twenty affidavits of the masters of vessels which were in the Gulf of Saint Lawrence this year from Gloucester. From these it appears that the entire catch in those waters of 120 vessels, averaging 65 tons each, manned by 1,625 men, and absent, on average, three months each, was 30,448 barrels of mackerel of all kinds, worth, exclusive of salt, barrels, packing, and inspection, $137,016; of the 30,448 barrels, 8,750 barrels were taken within three miles of the shores of the Dominion. Their value, as sworn to by the masters, is $37,146. The cost to the American owners and operative fishermen to produce these mackerel is as follows for each vessel:

"Owners' or fitters' expenses:	
Charter or use of vessel, three months	$300
Provisions for twelve men, three months	400
Fifty barrels of slivered menhaden for bait	200
Insurance, three months	50
"Fishermen's wages:	
Twelve men, three months each, at $20	720
	1,670

"Recapitulation:	
One hundred and twenty vessels, at $1,670 each	$200,400
Thirty thousand four hundred and forty-eight barrels of mackerel, average value $4.50	137,016
Actual loss on Gulf of Saint Lawrence mackereling	63,384

"Of the American vessels usually in the Gulf of Saint Lawrence for mackerel, three-fourths are from Gloucester. I am decidedly of the opinion that 10,000 barrels will cover all that has been taken by American vessels within the three-mile limit this season. If the mackerel fishery were our only dependence it would ruin all engaged in it."

Another example of the lack of success in the mackerel fisheries of the past season may be found in the advertising columns of the Massachusetts papers, which announce for sale, January 22, eighteen fishing-schooners belonging to the port of Provincetown, with their entire outfit of mackerel-seines and seine-boats. These make up more than one-fourth of the entire Provincetown mackerel fleet; Provincetown being second to Gloucester in extent of its mackerel fleet.

Question fifth.—"What is the amount and value of fish taken in American waters within the three-mile line, during the same period, north of latitude 39, and whether British fishermen have availed themselves to any, and, if so, to what extent of this American fishery?"

1. The estimated amount of mackerel taken in American waters is shown in the following table:

Year.	Barrels.	Value.
1873	137,428	$1,374,280
1874	238,128	2,381,280
1875	123,613	1,236,130
1876	247,296	2,472,960
1877	175,685	1,756,850
1878	134,545	1,345,450
	1,056,697	10,566,970

2. There is no evidence to show that any Canadian fishermen have availed themselves to any considerable extent of the privilege to fish on the coast of the United States.

DATE OF THE TREATY OF WASHINGTON.

Proclamation of the ratification of the treaty of Washington was made by President Grant July 4, 1871. (U. S. Statutes at Large, volume XVII, 1871-'73, pages 863-877.)

In the circular dated April 1, 1873, collectors of customs were informed that the treaty of Washington would go into operation July 1, 1873, and it is with reference to that date that the entire proceedings of the Halifax commission were conducted.

COMPARISON OF THE VALUES OF THE MARINE FISHERIES OF THE DOMINION OF CANADA AND OF THE ATLANTIC STATES, NORTH OF THE THIRTY-NINTH PARALLEL.

Sea fisheries of the Dominion in 1876—reduced from the report of the commissioner of marine fisheries.

Kinds of fish.	Quantities.	Value.
Codfish	257,052,756	$4,128,100 25
Herrings, pickled	83,715,900	1,652,019 00
Herrings, smoked	4,118,625	137,287 50
Mackerel	25,078,060	997,687 00
Haddock	45,335,892	906,121 00
Ling	386,064	500,745 00
Pollock	14,401,800	168,021 00
Hake	21,969,600	256,312 00
Halibut	3,153,300	61,968 00
Alewives	5,500,000	96,250 00
Sardines	366,100	9,152 50
	461,078,697	8,418,663 25

Length of Dominion coast-line, in miles	2,865
Yield to mile of coast-line, in pounds	160,934
Yield to mile of coast-line, in dollars	$2,938 10

Total value of Dominion fisheries for 1876:

Sea fisheries	$8,418,663 25
River fisheries	1,290,271 52
Miscellaneous fisheries	1,384,715 37
	11,093,650 14

(Note.—The weights of the fish are reduced to quantities in pounds as fresh fish.)

Sea fisheries of the North Atlantic States in 1876—statistics prepared for the Halifax commission, and which it is believed will fall far below those of 1878, when the returns for this year, which are much more complete, shall be collated.

Kinds of fish.	Quantities.	Values.
Flounders and flat-fish	1, 827, 000	$106, 620
Halibut	22, 025, 000	1, 546, 240
Cod	214, 321, 700	4, 825, 540
Tom-cod	100, 000	5, 500
Cunner	250, 000	10, 000
Tautog	615, 550	70, 788
Mackerel	41, 728, 900	2, 375, 262
Spanish mackerel	105, 000	28, 785
Bonito	2, 200, 000	143, 000
Pompano	5, 000	4, 000
Butter-fish and white perch	50, 000	3, 000
Sea-robbins	90, 000	2, 250
Squeteague	1, 727, 600	138, 208
King-fish	10, 000	2, 000
Spot and croaker	75, 000	5, 625
Sheepshead	75, 000	13, 125
Scup	7, 760, 000	504, 400
Sea-bass	598, 500	74, 812
Striped bass	123, 200	21, 560
Blue fish	7, 068, 000	424.080
Smelt	400, 000	50, 000
Menhaden	703, 746, 500	1, 657, 790
Eels	(250,000) 75, 000	(37,500) 5, 625
Sturgeon	3, 770, 200	235, 637
Sea-shad	40, 100	8, 020
Salmon	7, 385, 000	55, 387
Herring	27, 933, 500	507, 977
	1, 045, 855, 750	10, 030, 821

Length of coast-line, in miles	1, 112
Yield to mile of coast-line, in pounds	940, 510
Yield to mile of coast-line, in dollars	$11, 718
Estimated value of all fisheries of the United States	$75, 278, 829

Legislative, etc., Appropriation Bill.

The Constitution in its words is plain and intelligible, and is meant for the home-bred, unsophisticated understandings of our fellow-citizens.—*Dallas, in defense of the Constitution.*

The Constitution of the United States is a written instrument; a recorded fundamental law; it is a bond, and the only bond of the Union of these States; it is all that gives us a national character.—*Daniel Webster.*

SPEECH OF HON. E. G. LAPHAM,

OF NEW YORK,

IN THE HOUSE OF REPRESENTATIVES,

Wednesday, April 23, 1879.

The House being in Committee of the Whole on the state of the Union, and having under consideration the bill (H. R. No. 2) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1880, and for other purposes—

Mr. LAPHAM said:

Mr. CHAIRMAN: You were a competitor in the democratic caucus for the high honor of being selected as the presiding officer of this House. You received a generous support. On the occasion of a serenade an evening or two afterward you took occasion to say, in substance, that you coveted the honor, as the representative of a section, with a view of showing to the American people with what fairness and fidelity the people of that section were disposed to conduct the affairs of the Government in the future. You sought it, in other words, as a means of dispelling the prejudices supposed to exist in the minds of the people of the North against the people of your section.

Subsequently to this, before any bill was introduced in the House, and on the 26th of March last, only eight days after each of us had taken an oath to discharge the duties of the office on which he was about to enter according to the best of his ability, a joint democratic caucus was held, at which it was unanimously agreed that the Army bill should be reported as it passed the House at the last session, and that the legislative, executive, and judicial appropriation bill should be framed in accordance with the bill now under consideration. I quote from the Washington Post, the organ of the party, the following:

THE WORK MAPPED OUT—SATISFACTORY RESULT OF THE CAUCUS YESTERDAY. HARMONY AND DETERMINATION IN THE DEMOCRATIC RANKS—THE APPROPRIATION BILLS TO BE INTRODUCED AND PASSED AS BEFORE—NO MORE ILLEGAL FEDERAL INTERFERENCE IN ELECTIONS.

The joint democratic caucus yesterday was attended by nearly every Senator and Representative of that party, and the harmony was such as to almost render the proceedings monotonous.

* * * * * * *

In the shape adopted by the caucus, the democrats will stand by the repeal until the last, and if Hayes vetoes, then the appropriation bills will fail again. The repeal will sweep out all power to appoint chief supervisors and marshals, and in order to make the act cover all possible laws, it is provided that all laws and parts of laws, and all sections and parts of sections, authorizing the appointment of any supervisors or marshals, beyond the two described above, are repealed.

On the next day (March 27) the gentleman from Illinois [Mr. SPARKS] introduced the Army appropriation bill, of which three hundred copies had been printed without the order of the House and in precise conformity to the determination of the caucus.

In the course of the discussion upon that bill, you, Mr. Chairman, in an elaborate speech, defined more distinctly not only the views of your section but the purposes of the democracy upon their advent to power in both Houses of Congress. I quote from the speech as reported in the RECORD:

I am willing, and those with whom I stand are willing, to accept this issue, and we go further, we tender it. We are the ones to make the issue and we are ready for you to accept it. Planting ourselves upon this broad ground, we welcome controversy. We seek no quarrel with you, but for the first time in eighteen years past the democracy are back in power in both branches of this Legislature, and she proposes to signalize her return to power; she proposes to celebrate her recovery of her long-lost heritage by tearing off these degrading badges of servitude and destroying the machinery of a corrupt and partisan legislation.

We do not intend to stop until we have stricken the last vestige of your war measures from the statute-book, which, like these, were born of the passions incident to civil strife and looked to the abridgement of the liberty of the citizen.

We demand an untrammeled election; no supervising of the ballot by the Army. Free, absolutely free right to the citizen in the deposit of his ballot as a condition-precedent to the passage of your bills.

* * * * * * *

Now, sir, the issue is laid down, the gage of battle is delivered. Lift it when you please; we are willing to appeal to that sovereign arbiter that the gentleman so handsomely lauded, the American people, to decide between us.

Standing upon such grounds, we intend to deny to the President of this Republic the right to exercise such unconstitutional power. We do not mean to pitch this contest upon the ground of objection to him who happens, if not by the grace of God yet by the run of luck, to be administering that office.

* * * * * * *

I do not mean to issue a threat. Unlike the gentleman from Ohio, I disclaim any authority to threaten. But I do mean to say that it is my deliberate conviction that there is not to be found in this majority a single man who will ever consent to abandon one jot or tittle of the faith that is in him. He cannot surrender if he would. I beg you to believe he will not be coerced by threats nor intimidated by parade of power. He must stand upon his conviction, and there we will all stand. He who dallies is a dastard, and he who doubts is damned.

Mr. Chairman, this is bold language. One would suppose from reading or hearing it that the democratic party had been driven from power by an act or acts of tyranny, and that its expulsion from power by such means had been followed by like tyrannous acts, which upon its reascendancy must be obliterated to bring back the administration of affairs to a wholesome and endurable standard.

Why, Mr. Chairman, did you stop midway? Why not demand the obliteration of all the changes incident to the war? Why not declare, as your party did in substance in 1868, that the constitutional amendments and reconstruction acts deserve to be trampled under foot and disregarded as so many nullities? Such are the sentiments of your section, such the attitude of your party.

Your people say that the proclamation of emancipation was in violation of the Constitution, and that the amendment to the Constitution forever abolishing slavery was forced upon them while they were unrepresented in Congress, and in violation of the Constitution of the United States.

Mr. Chairman, in order to appreciate the force and effect of the demands thus made it will not be out of place to recur briefly to the exit of the democratic party from power and to the history of the times during which the "degrading badges of servitude" now to be obliterated were registered in the Constitution and placed upon the statute-book of the nation.

The democratic party South openly declared, prior to the presidential election in 1860, that the election of a sectional President was just cause for a dissolution of the Union. By a sectional President they meant one residing in Illinois instead of Virginia or Kentucky. They refused to take counsel of their reason. It was in vain that the honorable gentleman from Georgia [Mr. STEPHENS] warned them against the dangerous heresy of making the constitutional election of a President the pretext for the withdrawal of the States about to secede. It is true they received encouragement from democrats of the North. Mr. Tilden, as early as October, 1860, addressed his remarkable letter to Judge Kent, in which, for the comfort of those who then threatened the destruction of the Union and are now clamoring for his candidacy in 1880, he said:

The single, slender, conventional tie which holds the States in confederation has no strength compared with the compacted, intertwining fabrics which bind the atoms of human society into one formation of national growth.

The masters of political science who constructed our system preserved the State governments as bulwarks for the freedom of individuals and localities against oppression from centralized power. They recognized no right of constitutional secession, but they left revolution organized when it should be demanded by the public opinion of a State; left it with power to snap the tie of confederation as a nation might break a treaty, and to repel coercion as a nation might repel invasion.

This bold and revolutionary avowal received the indorsement of the Attorney-General of the United States, who was a democrat of the ultra type. It was embodied by President Buchanan in his last annual message to the Congress in December, 1860. Rebellion, secession, and treason, thus indorsed by the sanction of the highest authority, invited to the contest by the honeyed phrase that the "Government had no power to coerce a State," were emboldened to the conflict, and in less than six weeks after the inauguration of President Lincoln actual war was levied against the Government of the United States by firing upon the flag at Fort Sumter. Such was the exit of the democracy from power.

The republican party encountered all this careful and well-matured

preparation for a contest with national authority in the morning of its entering upon that career of imperishable glory and success which is now stigmatized by so many degrading epithets by those who are about to "signalize their return to power." The democracy left it the inheritance of an empty Treasury, a debased credit, an impending gigantic civil war. These were followed by the early recognition of the belligerency of the confederates by the government of Great Britain and the suspension of specie payments by the State banks, the only agencies for a paper circulation then existing. Grappling with all these obstacles the republican party has been able, nevertheless, to prosecute the war to a successful termination. It has so maintained the credit of the nation that instead of selling our bonds bearing a rate of interest at 6 per cent. at the ruinous rate of seventy-eight cents on the dollar, in time of peace, without a large debt upon our hands, as was done in 1860, we have in the last two weeks disposed of two hundred millions of bonds bearing only 4 per cent. interest at a premium, and they are now in demand in the money markets of the world.

During the last seventeen years, notwithstanding all the wastes of the war, our products are largely increased; our exports have multiplied almost beyond comparison; the facilities by railroad and telegraph are unexampled; our material progress has been without a parallel. Let me select the city in which we are now assembled as an example. The sand-banks and mole-hills found here in 1861 have given way to well-graded streets, to parks adorned with modern ornamentation and improvement, to palatial residences, and all the comforts and enjoyments of social and cosmopolitan life. This is but a type of what has been going on all over the country. I challenge history for an example which will compare with the financial achievements of the last seventeen years.

These are not the fruits of misgovernment and bad administration. On the contrary, they are the legitimate results of a wise and well developed policy, and they point from the past to a future of unexampled greatness and prosperity for the nation. It is true there has been stagnation in business and a want of confidence in commercial enterprises since the collapse of 1873. These results were the unavoidable consequences of the large issue of paper money as one of the necessities of the war; an issue not demanded or required for commercial or business purposes, but largely in excess of any such demand, and only to be justified and upheld upon the plea of necessity to maintain the existence of the nation. The reaction which came in 1873 was inevitable. It was foretold, as if by the pen of prophecy, in the language of the last democratic President of the United States. He said:

> The evils of a redundant paper circulation are now manifest to every eye. It alternately raises and sinks the value of every man's property. It makes a beggar of the man to-morrow who is indulging in dreams of wealth to-day. It converts the business of society into a mere lottery, while those who distribute the prizes are wholly irresponsible to the people. When collapse comes, as it must, it casts laborers out of employment, crushes manufactures and merchants, and ruins thousands of honest and industrious citizens.

As a fruit of the unrest thus created the so-called democracy has for a time obtained control of this House and the Senate by a small majority in each, and is "signalizing its return to power" not only by demanding that the fruits and lessons of the war shall be cast aside, but that the executive branch of the Government shall be coerced into submission to the decree of a party caucus, as carried out in the action of the two Houses.

Mr. Chairman, the threat which is contained in the quotation I have made from your party organ and from your speech on the Army bill can admit of no other interpretation. The executive must be compelled to yield to the legislative branch of the Government in all cases where they may differ, or there shall be no appropriations for ordinary and necessary expenses of conducting its affairs.

It was stated by an able and prominent member of the present majority near the close of the last session that we were probably entering upon a contest which, like that between the commons and Crown in Great Britain, might last for two centuries. Gentlemen advancing such sentiments seem to have forgotten that the people, in the modes provided by the Constitution, decide every four years upon the measures they desire to be carried out in the administration of the Government. They seem to forget, too, that it is not to this House or the Senate or both that the people look for their ultimate security against unwise, reckless, or partisan legislation, but to the executive branch of the Government, the incumbent of which is the representative of all the people, while you and I, Mr. Chairman, are the representatives of an inconsiderable portion of the people. It is the threatened invasion of the prerogatives and duty of the Executive which constitutes the most alarming feature of the caucus policy of the party now exulting in its return to its "long-lost heritage." This revolutionary policy it was early foreseen might be attempted in the madness of party strife, and we are not without warnings which should not go unheeded. I will read for the information of the House that contained in the Farewell Address of President Washington. Upon this subject he said:

> It is important, likewise, that the habits of thinking, in a free country, should inspire caution in those intrusted with its administration to confine themselves within their respective constitutional spheres, avoiding in the increase of the powers of one department to encroach upon another. The spirit of encroachment tends to consolidate the powers of all the departments in one, and thus to create, whatever the form of the government, a real despotism.
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> The necessity of reciprocal checks in the exercise of political power, by dividing and distributing into different depositaries and constituting each the guardian of the public weal against invasions by the others, has been evinced by experiments, ancient and modern; some of them in our own country and under our own eyes. To preserve them must be as necessary as to institute them. If, in the opinion of the people, the distribution or modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance, in permanennt evil, any partial or transient benefit which the use can at any time yield.

Mr. Chairman, I quote also an extract from the protest of President Jackson against the alleged unconstitutional action of the Senate of the United States in adopting the resolution of censure upon him for having assumed power not granted by the Constitution but subversive of the same. He said:

> The resolution of the Senate as originally framed and as passed if it refers to these acts presupposes a right in that body to interfere with the exercise of executive power. If the principle be once admitted, it is not difficult to perceive where it may end. If, by a mere denunciation like this resolution, the President should ever be induced to act in a matter of official duty, contrary to the honest convictions of his own mind, in compliance with the wishes of the Senate, the constitutional independence of the executive department would be as effectually destroyed and its power as effectually transferred to the Senate as if that end had been accomplished by an amendment of the Constitution. But if the Senate have a right to interfere with the executive powers, they have also the right to make that interference effective; and if the assertion of the power implied in the resolution be silently acquiesced in we may reasonably apprehend that it will be followed at some future day by an attempt at actual enforcement. The Senate may refuse, except on the condition that he will surrender his opinions to theirs and obey their will, to perform their own constitutional functions, to pass the necessary laws, to sanction appropriations proposed by the House of Representatives, and to confirm proper nominations made by the President.

I beg to remind the House also that this question was fully and deliberately considered by the Supreme Court of the United States in the case of Luther *vs.* Borden, growing out of the Dorr rebellion in Rhode Island, and it was then decided that when Congress is called upon to determine whether a State has a republican form of government it is the sole judge upon that question.

So when the President is called on by the Legislature of a State, or by the Governor when the Legislature is not in session, for aid to suppress insurrection, he, the President, must decide who is Governor and which the Legislature of the State. In all such cases the decision is not open to review by either of the other departments of the Government, not even by the judiciary department. Mr. Chairman, there is but one mode in which the views of the Executive can be rendered of no avail or thwarted by the action of Congress, and that is by a vote of two-thirds of the members of both Houses, as provided in the Constitution.

Every effort to accomplish the object short of the needed constitutional majority is revolutionary in its character and subversive of the Government. To repeat the warning of General Washington, already quoted, "*It is the customary weapon by which free governments are destroyed.*"

But, Mr. Chairman, the sections of the Revised Statutes which this bill proposes to repeal were in no sense a part of the war measures of the Government. They were not aimed at the States in rebellion. On the contrary, they are provisions of law relating to elections for members of the House of Representatives, enacted in 1871 and 1872, and which were suggested by a committee of the House appointed in December, 1868, to investigate the alarming frauds upon the elective franchise practised in that year in the city of New York. The committee was charged with the investigation of the "irregularities and frauds alleged to have occurred in the city and State of New York, affecting the recent election for Representatives in Congress," &c. The elaborate report and supplemental report of the committee contain a full discussion of the subject of congressional elections. I quote from the reports the following:

> As Congress is thus clothed with the high prerogative of supervising the election of Representatives, it is not only eminently proper, but it is an imperative duty, that this body should by all proper means ascertain when irregularities or fraud exist in the election of its members, so that the people, apprised of evils, may avert them in future by personal vigilance by making and enforcing proper legislative provisions in the States, and, above all, *so that Congress shall apply remedies by adequate law efficiently enforced.* If these investigations show that State laws in their structure and mode of enforcement are wholly inadequate and cannot be relied on, then the duty of *prescribing congressional safeguards to preserve the purity of the ballot for national officers is manifest.* And the investigations of the committee show that existing State laws and the mode of enforcing them are wholly inadequate to prevent these frauds, but that Congress has the power to enact laws which, if faithfully executed, will, to some extent, furnish remedies hereafter.
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> By the Constitution Congress has ample power to make regulations prescribing the "times, places, and manner of holding elections for Senators and Representatives in Congress." The evidence is submitted to the House with the deductions drawn from it all, with the measures suggested to prevent frauds in the election of Representatives in Congress, &c.

These laws having been thus enacted, it is important to learn what has been their practical operation. They were fully tried and their impracticability or efficiency subjected to a severe test in the canvass of 1876. It was one of the most exciting in all our history. Efforts to control the electoral count of States and to purchase the votes of electors for President and Vice-President are no longer secrets.

This House sent a committee to New York to inquire into the result of the election in that city. The report of the majority of the committee among other things says:

> Whatever may be said as to the right of a State to regulate in all ways such

elections, this must be said: that the administration of the laws by Commissioners Davenport, Muirhead, and Allen, the United States functionaries, and their subordinates, was eminently just and wise and conducive to a fair public expression in a presidential year of unusual excitement and great temptation.

* * * * * * *

The committee would commend to other portions of the country and to other cities this remarkable system, developed through the agency of both local and Federal authorities acting in harmony for an honest purpose. In no portion of the world, and in no era of time, where there has been an expression of the popular will through the forms of law, has there ever been a more complete and thorough illustration of republican institutions. Whatever may have been the previous habit or conduct of elections in those cities, or howsoever they may conduct themselves in the future, this election of 1876 will stand as a monument of what good faith, honest endeavor, legal forms, and just authority may do for the protection of the electoral franchise.

From the moment the supervisors are appointed, from the moment that the lists are purged, from the moment that the applications are examined to the very last return of the popular expression, this election shows the calm mastery of prudence.

* * * * * * *

This happy result (a free, fair, and honest election) was the consequence of co-operation between the official advisers of the city and *United States officers*. The party organizations, by their regulations and orders, made the city police one in action along with *United States marshals*.

Whether this work, which is unexampled, *should be accounted a republican work, through their Federal election law*, or the work of the local authorities and organisms, inspired by a desire for an honest vote among the people, who were especially jealous of it on account of what was occurring elsewhere, *one thing the committee must report, that it approximated as near to perfection as it was possible to do. There were no riots, no fights, no bayonets, no disturbance, no conflicts of authority, and none of the concomitants which accompany fraud and endanger free institutions.*

The people of the country owe a tribute of respect to the police of a city of more than a million, and to the *United States officers who numbered thousands, for the harmony of action between the various officers*, so as to illustrate to all the world how the imperial island city can conduct herself under great excitement in view of startling events.

Such, Mr. Chairman, is the history of the enactment of the laws now proposed to be repealed by the bill under consideration and of their successful and happy operation in a most exciting contest. A statute which has been found the agent or even a factor in working out such benign results as these should not be dispensed with. This extra session opened with the bold avowal that its repeal should be forced upon the Executive and the country as a condition of granting supplies. Such was the dictate of a caucus to its partisans; such the bold avowal of your party organ from which I have quoted, and in your speech also to which I have referred.

Mr. Chairman, these threats come from a party which eleven years ago placed itself upon record in regard to all the changes incident to the war and the emancipation of the slave by declaring, as Mr. Blair did in his Broadhead letter, dated June 30, 1868—

There is but one way to restore the Government, and that is for the President-elect to declare these acts null and void. We must have a President who will execute the will of the people by trampling in the dust the usurpations of Congress known as the reconstruction acts.

As a reward for having advanced this revolutionary doctrine on the 4th July following the democracy in national convention selected him as its candidate for Vice-President. One of the resolutions adopted by that convention reads as follows:

And we regard the reconstruction acts of Congress, as such, as usurpations, and unconstitutional, revolutionary, and void.

These are not forgotten theories. They underlie the propositions now made to coerce the executive branch of the Government to adopt and carry out the decree of a party caucus or else to refuse to make the usual appropriation for the ordinary expenses of the Government, and although, as I have shown, the sections now sought to be repealed are in no sense any part of the legislation incident to the war, their repeal is included in the demand, upon the pretext they stand in the way of a free and fair exercise of the elective franchise. What is meant by this?

Is it the freedom exercised in New York in 1868 which, as I have shown, gave birth to these enactments? In addition to the fifty or sixty thousand fraudulent votes cast in that contest upon false naturalization papers and by repeating there was false counting in the end to such an extent as to give the democracy a majority in the State. The famous secret circular in the name of Mr. Tilden, which I need not repeat, but which in substance asked a telegraph of the estimated result in each election district at the minute of closing the polls, and added—

There is, of course, an important object to be attained by a simultaneous transmission at the hour of closing the polls, but no longer waiting—

was the instrumentality by which the result was accomplished. Had the laws now proposed to be repealed been in existence then no such contrivance to cheat the honest electors of the State could have been successful, and the monstrous crimes of Tweed and his confederates, which make history blush, would have been rendered impossible of accomplishment.

Mr. Chairman, it is because these statutes stand in the way of the freedom then exercised that their repeal is now demanded in the revolutionary manner proposed. All this cry about free and fair elections and no military interference at the polls has and can have no other meaning. These statutes did secure a free and fair election in 1876, as I have shown by the testimony of a democratic committee of this House. It is another kind of freedom which is now demanded—freedom to cast as many fraudulent votes as is *possible* during election day, and to have as much fraudulent counting in the canvass as is *necessary* to secure whatever result may be desired. For this kind of freedom of the ballot a great party in the name of democracy is now clamoring. It threatens to coerce the Executive and to subvert the Government if the demand is refused.

Mr. Chairman, I rejoice with you that the issue is made. I am glad that on your advent to power in these halls you have thus "thrown down the gage of battle." I am glad the issue is thus made up. I await without anxiety and with an abiding confidence the verdict of the American people upon the issue. I know it will be such as to show they are neither "dastards" nor liable to be damned.